The

Journal of the Assembly

OF THE

SEVENTY-NINTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2017

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

VOLUME 1

THE FIRST DAY—THE SEVENTY-FIFTH DAY

SEE VOLUME 6 FOR INDEX

ARRANGEMENT AND CONTENTS OF VOLUME 1

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ASSEMBLY LEGISLATIVE CALENDAR

(The Assembly actually met for a total of 77 days, though the session lasted through 120 calendar days; the table below is numbered by calendar days.)

Calendar Day	*Date*	*Page Number*
1	February 6, 2017	1
2	February 7, 2017	106
4	February 9, 2017	112
5	February 10, 2017	118
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9	February 14, 2017	149
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11	February 16, 2017	155
15	February 20, 2017	158
16	February 21, 2017	162
17	February 22, 2017	167
18	February 23, 2017	173
19	February 24, 2017	176
22	February 27, 2017	182
23	February 28, 2017	185
24	March 1, 2017	190
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26	March 3, 2017	203
30	March 7, 2017	214
31	March 8, 2017	220
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33	March 10, 2017	270
36	March 13, 2017	274
37	March 14, 2017	286
38	March 15, 2017	293
39	March 16, 2017	304
40	March 17, 2017	308
43	March 20, 2017	319
44	March 21, 2017	352
45	March 22, 2017	354
46	March 23, 2017	389
47	March 24, 2017	393
50	March 27, 2017	396
52	March 29, 2017	420
53	March 30, 2017	425
57	April 3, 2017	429
58	April 4, 2017	433
59	April 5, 2017	453
64	April 10, 2017	491
65	April 11, 2017	607
66	April 12, 2017	687
67	April 13, 2017	772
68	April 14, 2017	793
71	April 17, 2017	852
72	April 18, 2017	884
73	April 19, 2017	939

Calendar Day	*Date*	*Page Number*
74	April 20, 2017	1141
75	April 21, 2017	1546
78	April 24, 2017	1657
79	April 25, 2017	3753
80	April 26, 2017	3887
81	April 27, 2017	3895
82	April 28, 2017	3900
86	May 2, 2017	3907
89	May 5, 2017	3913
92	May 8, 2017	3923
93	May 9, 2017	3930
95	May 11, 2017	3945
96	May 12, 2017	3954
99	May 15, 2017	3955
100	May 16, 2017	3980
101	May 17, 2017	4050
102	May 18, 2017	4100
103	May 19, 2017	4190
106	May 22, 2017	4272
107	May 23, 2017	4496
108	May 24, 2017	4704
109	May 25, 2017	5325
110	May 26, 2017	6009
113	May 29, 2017	6330
114	May 30, 2017	6623
115	May 31, 2017	6881
116	June 1, 2017	6937
117	June 2, 2017	7061
118	June 3, 2017	7363
119	June 4, 2017	7997
120	June 5, 2017	8349

LISTING OF ASSEMBLY BILLS AND ACTIONS THEREON

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

No. *Summary, Introducer and Page Reference*

1 ....Requires the payment of certain undergraduate fees and expenses of the dependent child of a public employee who is killed in the performance of his or her duties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Carlton, 72, 429, 435, 471, 472*, 3913, 3943.

2 ....Revises provisions governing the Patriot Relief Account. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 73, 176, 183, 185*, 186, 420, 430.

3 ....Makes various changes relating to the administration of workers' compensation claims. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 73.

4 ....Repeals provisions relating to reciprocal enforcement of support orders with foreign countries or political subdivisions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 73, 190, 200, 205*, 3956, 4097.

5 ....Provides for the creation of certain local improvement districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 73, 2578, 2579, 3236, 3801, 3802*, 4705, 5637, 5646, 6326.

6 ....Revises provisions governing exemptions from the requirement to obtain a state business registration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 73, 118, 274, 290, 296, 297*, 3956, 4097.

7 ....Revises provisions related to education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 74, 150, 2578, 2579, 3245, 3754, 6010, 6013, 6281*, 6979, 7462.

8 ....Revises provisions governing the collection of delinquent municipal utility charges. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 74, 607, 688, 792, 851, 862*, 4051, 4180.

9 ....Authorizes the Secretary of State to appoint a Deputy of Securities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 74, 176, 183, 186*, 389, 404.

10 ....Revises provisions relating to state purchasing. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 74, 215, 429, 437, 450.

11 ....Revises provisions governing the operation of unmanned aerial vehicles. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Transportation, 75, 354, 390, 394*, 3956, 4097.

12 ....Makes various changes relating to insurance adjusters. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 75, 1657, 1660, 1805, 3802*, 3981, 4180.

13 ....Revises provisions governing the annual fee for conducting business in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 75, 176, 183, 186*, 389, 404.

14 ....Requires the submission of a complete set of fingerprints with certain petitions and court orders relating to a legal name change and citations for domestic violence. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 75, 433, 455, 494, 681, 765, 786, 787*, 3956, 4097.

15 ....Revises provisions governing the penalties for insurance fraud. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 76.

16 ....Revises provisions relating to cooperative extension programs. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Natural Resources, Agriculture, and Mining, 76, 150, 1547, 1692, 3621.

17 ....Revises provisions governing the duties of a driver when approaching certain authorized vehicles of the Department of Transportation. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Transportation, 76, 293, 306, 315*, 3946, 3978.

18 ....Ratifies the Nurse Licensure Compact. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 76.

No. *Summary, Introducer and Page Reference*

19 ....Revises the reporting requirements for certain information relating to veterans. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Government Affairs, 76, 176, 183, 186, 187*, 3753, 3905.

20 ....Revises provisions relating to services to assist persons with disabilities in obtaining employment. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 77, 453, 494, 681, 765, 786, 788*, 4051, 4180.

21 ....Makes various changes relating to elections. Fiscal Note: Effect on Local Government: May Have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 77, 2578, 2579, 3341, 3802, 3803*, 4192, 6884, 8407, 8427.

22 ....Revises certain provisions relating to veterans. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Government Affairs, 77, 492, 608, 765, 786, 789*, 4051, 4180.

23 ....Authorizes the Division of Parole and Probation of the Department of Public Safety to establish and operate independent reporting facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Corrections, Parole, and Probation, 78, 150, 286, 296, 6010, 6192*, 7998, 8351.

24 ....Revises provisions governing the tuition charges assessed against certain students within the Nevada System of Higher Education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education, 78, 162, 163, 191, 192, 201*, 275, 298.

25 ....Revises provisions relating to certain allowable deductions from the period of probation or sentence of a person. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Corrections, Parole, and Probation, 78, 214, 223, 262, 263*, 6011, 7497, 7501, 8024, 8053, 8885, 8891, 8995.

26 ....Revises provisions governing the dissemination of certain records of criminal history to certain persons by the Central Repository for Nevada Records of Criminal History. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Corrections, Parole, and Probation, 78, 884, 945, 1143, 1644, 1655, 3752, 3878*, 4496, 5322.

27 ....Transfers certain duties from the Executive Secretary of the State Board of Parole Commissioners to the Department of Corrections. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Corrections, Parole, and Probation, 79, 214, 223, 263*, 3956, 4097.

28 ....Revises provisions relating to the Commission on Judicial Discipline. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 79, 433, 457, 494, 681, 765, 792, 851, 863*, 3956, 4097.

29 ....Revises provisions governing off-highway vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation, 79, 430, 1547, 1700, 3621, 3923, 3933, 3934*, 7998, 8179, 8192, 8193, 8205, 8347.

30 ....Establishes a committee to review the current tax structure in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Taxation, 79, 150.

31 ....Revises provisions relating to the Specialist for the Rights of Elderly Persons and the Community Advocate for Elder Rights. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 80, 214, 224, 263*, 4051, 4180.

32 ....Revises provisions governing pest control. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Natural Resources, Agriculture, and Mining, 80, 1659, 1660, 1817, 3803*, 3956, 4097.

33 ....Abolishes certain boards, commissions and councils relating to agricultural products. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture, and Mining, 80, 453, 509, 681, 765, 792, 851, 863*, 3956, 4097.

34 ....Revises provisions relating to government land. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture, and Mining, 80, 2578, 2579, 3362, 3756, 3831, 3835, 3884, 3885*, 4101, 4639.

35 ....Makes various changes relating to insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 81, 884, 947, 1537, 1647*, 3907, 3921.

36 ....Revises the Charter of the City of Reno. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Legislative Operations and Elections, 81, 203, 218, 246, 247*, 6011, 6629, 6640, 7283, 8053.

37 ....Revises provisions relating to justice courts and municipal courts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 81, 190, 200, 205*, 206, 3956, 4097.

38 ....Revises provisions relating to bail. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 82, 492, 615, 765, 792, 851, 863, 864*, 3956, 4097.

No. *Summary, Introducer and Page Reference*

39 ....Revises provisions governing the appointment of representatives to a governing board for regional planning in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 82.

40 ....Makes an appropriation to assist with the construction of a new courthouse in White Pine County. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means, 82, 150.

41 ....Makes changes relating to the qualifications for and classifications of various positions in State Government. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 82, 434, 1658, 1660, 1833, 3621, 3946, 3972, 4036, 4037*, 4705, 6326.

42 ....Revises various provisions relating to public records. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs, 83.

43 ....Revises provisions governing the partial abatement of taxes levied on residential and other property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Taxation, 83, 352.

44 ....Requires the waiver of certain fees for certain veteran-owned businesses. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 83, 118, 430.

45 ....Revises provisions relating to public office. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Legislative Operations and Elections, 83, 2578, 2579, 3376, 3803*, 6011, 6339, 6391, 6938, 7462, 8876, 8995.

46 ....Revises provisions governing services provided to persons with mental illness and other disabilities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Executive Budget. Committee on Health and Human Services, 84, 492, 619, 765, 786, 792, 851, 864*, 4705, 5674, 5683, 6326.

47 ....Requires the Department of Taxation to develop and operate a system for matching data for the collection of delinquent taxes and fees administered by the Department. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Taxation, 84.

48 ....Makes various changes relating to local government. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs, 84.

49 ....Makes various changes relating to charter schools. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Education, 85, 1658, 1660, 1839, 3621, 3754, 3946, 3977*, 8024, 8227, 8272.

50 ....Revises provisions relating to the imposition of certain fees, civil penalties and administrative fines by the State Environmental Commission. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, Agriculture, and Mining, 85, 434, 461, 494, 681, 765, 792, 845, 3828, 3829*, 3956, 4097.

51 ....Revises provisions regarding the collection of debts owed to state agencies. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 85, 150.

52 ....Establishes provisions relating to dissolved mineral resources. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Government Affairs, 86, 1659, 1660, 1880, 2579, 3756, 4396, 4397, 4497, 4639, 5322, 5326, 5330, 6187*, 6188, 8995.

53 ....Revises provisions relating to the investigation and prosecution of certain crimes relating to the Medicaid program. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 86.

54 ....Revises provisions relating to reports of certain accidents or motor vehicle crashes by employers. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 86, 881, 890, 1134, 1537, 1647, 1648*, 3907, 3921.

55 ....Revises provisions relating to evidence collected from and the reimbursement of payment for forensic medical examinations of victims of sexual assault. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 86, 150.

56 ....Authorizes justice courts and municipal courts to establish programs for the treatment of certain offenders who are veterans or members of the military. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 87.

57 ....Revises provisions relating to coroners. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs, 87, 433, 465, 494, 681, 765, 786, 792, 851, 864*, 4101, 4181, 4182, 4639.

58 ....Revises provisions governing the penalty for repeat violations of certain orders for protection against domestic violence. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 87.

59 ....Revises provisions governing lifetime supervision of sex offenders. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Corrections, Parole, and Probation, 87.

No. *Summary, Introducer and Page Reference*

60 ....Revises provisions governing the initial issuance and reinstatement of certain licenses relating to vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 88, 493, 628, 765, 786, 792, 851, 864, 865*, 4101, 4639.

61 ....Revises provisions governing trust companies. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 88, 884, 966, 1537, 1648*, 4191, 4639.

62 ....Revises provisions relating to the supervision of manufacturers and wholesale dealers of tobacco products. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Taxation, 88, 1659, 1660, 1886, 3804*, 4191, 4639.

63 ....Revises provisions relating to court interpreters. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 89, 190, 200, 206*, 3956, 4097.

64 ....Revises requirements for receipt of a high school diploma for pupils with disabilities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 89, 939, 1143, 1648*, 3956, 4097.

65 ....Revises provisions relating to medical care for indigent persons. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 89, 433, 466, 494, 681, 765, 786, 792, 851, 865*, 4101, 4639.

66 ....Revises provisions relating to parental rights. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 89.

67 ....Establishes a program to provide emergency loans to certain persons in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 89, 215.

68 ....Revises provisions relating to public safety. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation, 90, 1659, 1660, 1904, 3804*, 4705, 5957, 5972, 6326.

69 ....Revises provisions relating to autonomous vehicles. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Transportation, 90, 773, 7062, 7086, 7258, 7259*, 8024, 8206, 8227.

70 ....Revises provisions concerning the use of certain revenues in a redevelopment area. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 91, 939, 1152, 1648, 1649*, 4101, 4639.

71 ....Revises provisions governing public employees' retirement. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs, 91, 215.

72 ....Revises provisions relating to the Uniform Plumbing Code. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Health and Human Services, 91.

73 ....Revises provisions relating to crimes against children and human trafficking. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 91.

74 ....Revises provisions relating to the testing of offenders for exposure to human immunodeficiency virus. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Corrections, Parole, and Probation, 91, 433, 468, 494, 681, 765, 786, 792, 851, 865*, 3956, 4097.

75 ....Revises provisions governing the licensing and control of gaming. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Judiciary, 92, 429, 439, 472*, 3956, 4097.

76 ....Revises provisions relating to the Central Repository for Nevada Records of Criminal History. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Corrections, Parole, and Probation, 92, 453, 524, 681, 765, 786, 792, 851, 871*, 4705, 7501, 7523, 8053.

77 ....Revises provisions related to teachers and other educational personnel. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 92, 1658, 1660, 1925, 3804*, 6006, 6552, 6586, 6629.

78 ....Revises provisions relating to the establishment of charter schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 93, 352, 852, 892, 925.

79 ....Revises provisions relating to economic development. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs, 93, 433, 454, 853, 860, 926*, 4051, 4180.

80 ....Revises provisions governing redevelopment in certain cities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs, 93, 2578, 2579, 3419, 3805*, 6006, 8272, 8280.

81 ....Revises provisions governing the acceptance of gifts and grants by state agencies. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 94.

No. *Summary, Introducer and Page Reference*

82 ....Revises provisions governing the responsibility for reporting the amount and payment of taxes on mineral royalties to the Department of Taxation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Taxation, 94.

83 ....Makes various changes relating to insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 94, 1657, 1660, 1661, 3130, 3419, 3621, 3805*, 5041, 5794, 5896, 6625, 7058.

84 ....Establishes procedures relating to the payment of certain paychecks of state officers and state employees that are unclaimed by their owners. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 95, 688.

85 ....Requires instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator in certain schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 95, 274, 290, 297*, 3913, 3943.

86 ....Lowers the minimum age at which a person is authorized to gamble and engage in certain other related activities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Wheeler, 95.

87 ....Revises provisions relating to permits to carry concealed firearms issued by certain other states. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblywoman Titus, 95.

88 ....Provides additional protection against certain crimes for a peace officer, firefighter or emergency medical provider or the spouse or child of such a person. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Ellison, 95.

89 ....Revises provisions relating to surgical centers for ambulatory patients. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 96, 1141, 1411, 1649*, 4101, 4639.

90 ....Revises provisions governing the penalty imposed for the murder of a peace officer in certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Wheeler, 96.

91 ....Revises provisions governing the administration of welfare and supportive services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Wheeler, 96, 215.

92 ....Revises provisions governing the mistreatment of a police animal. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Wheeler, 96.

93 ....Revises provisions governing end-of-life care. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Health and Human Services, 96.

94 ....Repeals the prospective expiration of the NV Grow Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblywoman Neal, 97, 352, 1659, 1660, 1957, 3621, 6938, 6940, 6974, 6975*, 8350.

95 ....Revises provisions governing child support. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Benitez-Thompson, 97, 940, 1160, 1649*, 4051, 4180.

96 ....Revises provisions governing motor carriers. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Araujo, 97, 429, 448, 472, 473*, 4051, 4180.

97 ....Revises provisions relating to evidence collected from and the reimbursement of payment for forensic medical examinations of victims of sexual assault. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Benitez-Thompson, Yeager and Senator Ford, 97, 794, 1547, 1712, 3621, 6979, 6984, 6985*, 8350, 8351, 8360.

98 ....Revises provisions governing the Office of Grant Procurement, Coordination and Management of the Department of Administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Bustamante Adams and Paul Anderson, 98, 203, 215, 219, 940, 1142, 1392, 1649, 1650*, 4051, 4180.

99 ....Revises provisions relating to services for children. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Araujo, Bilbray-Axelrod, Daly, Diaz, Monroe-Moreno, Neal, Sprinkle, Thompson, Yeager; Senators Cancela, Spearman and Woodhouse, 98, 214, 224, 264, 265*, 454, 473, 488, 603.

100 ....Revises provisions governing contractors. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Swank, 98, 215, 1658, 1660, 1963, 3805, 3806*, 3816.

101 ....Revises provisions governing the management of wildlife. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Sprinkle, 98, 434, 454, 1143, 1385, 1644, 1655, 3752, 3878*, 3879, 4191, 4253, 4259, 4639, 6231, 6232.

No. *Summary, Introducer and Page Reference*

102 ....Revises certain provisions relating to the proper venue in civil actions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Pickard and Cohen, 99, 1547, 1719, 3806*, 3956, 4097.

103 ....Eliminates the Achievement School District. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Neal, 108.

104 ....Makes various changes relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Spiegel, 108, 1660, 2578, 2579, 3422, 3621.

105 ....Revises continuing education requirements relating to suicide prevention and awareness for certain providers of health care. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Thompson, 108, 1657, 1660, 1966, 3806*, 4191, 4238, 4250, 4639.

106 ....Revises provisions governing state governmental procurement. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Spiegel, 109, 215, 1658, 1660, 1978, 3621, 4625, 4639, 5305, 6624, 6629.

107 ....Provides for the sealing of records relating to eviction under certain circumstances. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Bilbray-Axelrod, 109, 932, 979, 1537, 1650*, 3956, 4097.

108 ....Provides for the periodic review of Medicaid reimbursement rates. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Oscarson, 109, 214, 215, 245, 246, 773, 851, 871, 872*, 4051, 4180.

109 ....Revises provisions relating to public utilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Ellison and Senator Goicoechea, 109, 493, 1657, 1660, 1997, 3621.

110 ....Revises provisions governing education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 110, 215, 1141, 1411, 1416, 1537, 3981, 4087, 4167, 4168*, 6006, 7663, 7669, 8351.

111 ....Authorizes the Division of Welfare and Supportive Services of the Department of Health and Human Services to use money in the Fund for Energy Assistance and Conservation to assist certain low-income households in paying for Internet service. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Thompson, Araujo, Carrillo, Daly, Fumo, Miller, Neal; Senators Cancela and Segerblom, 110, 793, 794, 854, 862.

112 ....Requires the Legislative Auditor to conduct an audit of certain fees paid by applicants for game tags for predatory wildlife programs and activities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Ellison, 110.

113 ....Requires certain employers to make certain accommodations for a nursing mother. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblywoman Spiegel, 110, 1658, 1660, 1999, 3806, 3807*, 5322, 6326.

114 ....Revises provisions governing irrigation districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Titus, 113, 793, 857, 926, 3756, 3880, 3881*, 4101, 4639.

115 ....Authorizes a physician assistant or advanced practice registered nurse to perform certain services. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Titus, 113, 177.

116 ....Authorizes advanced practice registered nurses to perform certain acts required to be performed by a physician or certain other providers of health care. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblywoman Titus, 113, 396.

117 ....Requires certain educational personnel to take certain actions to review the academic plan of certain pupils in grades 9, 10, 11 and 12 in public high schools to ensure that the pupils are college and career ready. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblyman Flores, 113, 884, 982, 1537, 1650, 1651*, 4496, 5322.

118 ....Revises provisions governing the issuance of permits to carry concealed firearms. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Daly, 114, 492, 660, 765, 792, 851, 872*, 3956, 4097.

119 ....Revises provisions governing garnishment as it relates to spousal and child support. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Marchant, 114, 932, 984, 1143, 3756, 3881*.

120 ....Revises provisions relating to school construction. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblyman Daly, 114, 1410, 1549, 3752, 3756, 3880*.

121 ....Makes various changes relating to collective bargaining between local government employers and employee organizations. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblyman Yeager, 114.

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122 ....Revises provisions related to the manner in which the State Board of Examiners awards compensation to certain victims of crime. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Benitez-Thompson, 115, 215, 1659, 1660, 2007, 3621, 6010, 6193*, 7998, 8351.

123 ....Revises provisions governing business organizations. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Ellison, 115, 1659, 1660, 2010, 3807*, 6011, 7529, 7561, 8053.

124 ....Requires the Commission on Professional Standards in Education to establish the Nevada Model Code of Educator Ethics governing interpersonal interactions and certain communications by teachers, administrators and other employees with pupils. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywomen Diaz and Tolles, 115, 932, 985, 1134, 1135, 6010, 6193*, 6979, 7462.

125 ....Revises provisions relating to court interpreters. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Diaz, 115, 1142, 1411, 1424, 1651*, 4496, 5322.

126 ....Abolishes certain committees. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 115, 203, 219, 247*, 4705, 5646, 5652, 6326.

127 ....Revises provisions relating to emergencies in schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Benitez-Thompson, 116, 396, 491, 663, 680, 6330, 6334*, 7283, 7669, 7680, 8351.

128 ....Exempts certain unpaid individuals from the requirement to obtain licensure as a process server. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Spiegel, 116, 1134, 1162, 1651*, 4101, 4639.

129 ....Revises provisions relating to the practice of optometry and the issuance of a prescription for an ophthalmic lens. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Tolles, 116.

130 ....Revises various provisions relating to guardianships. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Sprinkle, 118, 352, 1659, 1660, 2017, 3621, 6624, 6727, 6871*, 8024, 8082, 8115.

131 ....Designates English as the official language of the State of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman McArthur and Senator Gustavson, 119.

132 ....Provides for enhanced penalties for committing assault or battery against certain civilian employees and volunteers of certain governmental entities. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblyman Elliot Anderson, 119, 1547, 1721, 3807*, 3808, 3956, 4097.

133 ....Revises provisions governing landlords and tenants. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblyman Elliot Anderson, 119, 940, 1163, 1651, 1652*, 3956, 4097.

134 ....Revises provisions governing exemptions of certain special districts from certain requirements of the Local Government Budget and Finance Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Hansen, 119, 607, 692, 792, 851, 872*, 4051, 4180.

135 ....Revises provisions relating to prohibited acts concerning the use of marijuana and the operation of a vehicle or vessel. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 120, 1135, 1170, 1652*, 3956, 4097.

136 ....Revises provisions governing bail in certain criminal cases. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Neal, 120, 1659, 1660, 2079, 3808*, 4101, 4639, 6332.

137 ....Revises provisions relating to the insurance premium tax. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Carlton, 120, 430, 687, 773, 851, 873*.

138 ....Authorizes the de minimus collection of precipitation under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Carlton, 120, 492, 674, 765, 792, 851, 873*, 5326, 5715, 5717, 6326.

139 ....Provides for the voluntary establishment of a program of dual language immersion in certain public elementary schools. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education, 120, 352, 389, 393, 394.

140 ....Revises the boundary line between Carson City and Washoe County. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblyman Kramer, 121.

141 ....Revises the organizational structure and purposes of the Office of Minority Health. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Thompson, Araujo, Carrillo, Neal, Monroe-Moreno, Benitez-Thompson, Brooks, Bustamante Adams, Diaz, Jauregui, Joiner, McCurdy II, Ohrenschall, Sprinkle; Senators Cancela, Ford, Spearman and Woodhouse, 121, 215, 274, 290, 292, 1660, 4191, 4415*, 6624, 6629.

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142 ....Establishes provisions concerning children seeking federal status as special immigrant juveniles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Flores, 123, 270, 277, 290, 291*, 4496, 4643, 4649, 5322.

143 ....Creates a Legislative Committee on Tax Expenditures and Incentives for Economic Development. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Bustamante Adams, 123, 492, 676, 680.

144 ....Creates the Nevada Advisory Commission on Mentoring. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Thompson, Neal, Joiner, Flores, Brooks, Fumo, McCurdy II, Monroe-Moreno, Ohrenschall; Senators Cancela, Ford and Denis, 123, 352, 932, 992, 1134, 6624, 6760, 6872*, 7998, 8351.

145 ....Extends the statute of limitations for certain civil actions for damages for injuries incurred as a child as a result of sexual abuse or pornography. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Krasner, Bustamante Adams, Bilbray-Axelrod, Carrillo, Joiner, Kramer, Titus, Tolles, Watkins, Wheeler, Woodbury; Senators Denis, Cannizzaro, Gansert, Gustavson, Harris and Kieckhefer, 123, 492, 680, 694, 792, 851, 873, 874*, 4191, 4237, 4238, 4639.

146 ....Enacts the Uniform Recognition and Enforcement of Canadian Domestic-Violence Protection Orders Act. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Watkins and Ohrenschall, 124, 270, 277, 291*, 4191, 4259, 4267, 4639.

147 ....Revises provisions governing the disposal of property in the custody of certain governmental agencies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Bustamante Adams, 124, 453, 546, 681, 765, 792, 851, 874*, 3956, 4097.

148 ....Increases the penalties for certain willful violations of provisions relating to notaries public and document preparation services. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblyman Flores, 124, 293, 306, 315, 316*, 4705, 5721, 5725, 6326.

149 ....Revises provisions relating to noncompete provisions in employment contracts. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblyman Carrillo, 124.

150 ....Revises provisions governing private professional guardians. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Sprinkle, 125, 884, 997, 1537, 1653*, 6011, 6406, 6422, 6629.

151 ....Provides for the voluntary training of law enforcement dispatchers. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Carlton, 125, 607, 695, 786, 787, 788*, 4051, 4180.

152 ....Revises various provisions governing the investment of public money. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Kramer, 125.

153 ....Requires counties to pay impact fees to certain local governments for certain costs incurred as a result of projects of intercounty significance. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Daly, Sprinkle, Benitez-Thompson, Joiner and Senator Ratti, 125.

154 ....Revises provisions relating to prevailing wages. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Brooks, Spiegel, Sprinkle, Joiner, Daly, Elliot Anderson, Bilbray-Axelrod, Bustamante Adams, Cohen, Frierson, Fumo, Jauregui, Miller, Monroe-Moreno, Neal, Swank, Thompson and Senator Atkinson, 126, 607, 699, 786, 787*, 4191, 4250, 4253, 4640, 6232.

155 ....Creates the Task Force on the Economics of the Middle Class in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywomen Spiegel, Joiner, Bilbray-Axelrod and Senator Parks, 126, 492, 680, 699, 792, 851, 853, 1411.

156 ....Authorizes public and private schools to obtain and use an albuterol inhaler in certain circumstances. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Yeager and Oscarson, 126, 1135, 1142, 1198, 1390.

157 ....Requires a provider of health care or health facility to provide a patient with certain information relating to insurance coverage. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Spiegel, 126.

158 ....Requires the State Board of Cosmetology to allow the use of fish for pedicures. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Marchant, 127.

159 ....Prohibits hydraulic fracturing in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Watkins, Swank, Brooks and Senator Ratti, 127, 352, 1659, 1660, 2082, 3621, 6010, 6193, 6194*.

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160 ....Revises provisions relating to energy efficiency in certain state buildings. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Swank, 127, 453, 550, 681, 765, 792, 851, 874, 875*, 5041, 5652, 5655, 6326.

161 ....Revises provisions relating to certain rental agreements. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Flores, 127, 1657, 1660, 2085, 3808*, 6006, 6423, 6426, 6629.

162 ....Requires a business that accepts a driver's license as proof of identity to also accept a permanent resident card for that purpose. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Flores, 127, 274, 290, 297*, 3907, 3921.

163 ....Revises provisions governing certain short-term loans. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Flores, 127, 1657, 1660, 2089, 3808, 3857, 3858, 3885, 3886*, 5041, 5896, 5904, 6326.

164 ....Requires proof of identity for voting in person. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Krasner, 128, 352.

165 ....Provides for the licensure of health services executives. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Hambrick, 128, 1657, 1660, 2096, 3808, 3809*, 4101, 4640.

166 ....Revises provisions governing education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Edwards, 128, 493.

167 ....Revises provisions relating to domestic relations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Pickard, 128.

168 ....Makes various changes relating to the Nevada Transportation Authority. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Wheeler, 129.

169 ....Revises provisions governing certain fees collected by county recorders. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Jauregui, Brooks and Carrillo, 129, 885, 1013, 1537, 1653*, 4274, 4450, 4455, 5322.

170 ....Revises the requirement for the Office of Economic Development to submit quarterly reports relating to certain economic development incentives. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Hansen, 129, 687, 780, 851, 875*, 4051, 4180.

171 ....Removes the prohibition against carrying certain concealed weapons. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblyman Marchant, 129.

172 ....Revises provisions governing business entities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Hansen, 130, 390.

173 ....Revises provisions governing the process for a change of name. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Krasner, Jauregui, Tolles and Yeager, 130, 932, 1017, 1537, 1653*, 1654, 4101, 4640.

174 ....Urges the Reno City Council to take steps to protect the Grand Army of the Republic Cemetery. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Krasner, 130.

175 ....Prescribes certain requirements for health benefits for the purpose of determining the minimum wage paid to employees in private employment in this State. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen McCurdy II, Flores, Carrillo, Brooks, Diaz, Joiner and Monroe-Moreno, 130, 773, 1657, 1660, 2105, 3756, 4497, 4626, 5305, 5306*, 7364, 7609, 7610, 8351.

176 ....Establishes certain requirements for the operation of seasonal or temporary recreation programs. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Frierson, Cohen, Diaz, Flores, Jauregui and Yeager, 131, 492, 680, 701, 786*, 4274, 4448, 4450, 5322.

177 ....Revises provisions relating to domestic violence. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblyman Sprinkle, 131, 492, 680, 703, 792, 851, 875*, 4496, 5322.

178 ....Revises provisions concerning employment discrimination. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Jauregui, Araujo, McCurdy II and Brooks, 131, 390.

179 ....Revises provisions governing massage therapy. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblywoman Carlton, 132, 1657, 1660, 2107, 3809*, 5322, 5904, 5945, 6326.

180 ....Enacts the Juvenile Justice Bill of Rights. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Monroe-Moreno, Bilbray-Axelrod, Brooks, Cohen, Frierson, McCurdy II, Miller, Ohrenschall, Thompson and Yeager, 133, 390, 932, 1019, 1537, 1654*, 4101, 4640.

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181 ....Revises provisions governing the restoration of civil rights for certain ex-felons. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Frierson, Ohrenschall, Yeager, Araujo, Benitez-Thompson and McCurdy II, 133, 1546, 1726, 3756, 4102, 4158, 4232, 4233*, 6938, 7462.

182 ....Revises provisions governing the education of pupils with disabilities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Oscarson, 133.

183 ....Revises provisions governing the collection of a hospital bill. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblyman Ohrenschall, 134, 794, 4051, 4103, 4233, 4234*, 8024, 8115, 8122.

184 ....Revises provisions concerning the withdrawal of certain pleas. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Ohrenschall, 134, 190, 200, 206*, 3956, 4097.

185 ....Revises provisions regarding juvenile justice. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Ohrenschall, 134, 390.

186 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Diaz, 134, 853, 1658, 1660, 2149, 3621.

187 ....Revises provisions governing the membership of the Board of Wildlife Commissioners. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Cohen, 135, 608.

188 ....Revises provisions governing the eligibility requirements for grants awarded under the Silver State Opportunity Grant Program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Diaz, 135, 1658, 1660, 2158, 3809, 3810*, 4705, 6326, 7058, 7059.

189 ....Revises the number of legislative measures that may be requested by certain persons and entities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman McArthur, 135, 853.

190 ....Requires certain health and safety training for entertainment industry workers and supervisors. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Diaz, 135, 884, 1024, 1537, 1654*, 4101, 4640.

191 ....Revises provisions governing parentage. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Cohen and Pickard, 135, 270, 277, 291*, 292, 3956, 4097.

192 ....Revises provisions governing the temporary limited appointment of persons with disabilities by state agencies. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Sprinkle, Benitez-Thompson and Frierson, 136, 492, 680, 707, 792, 851, 876*, 4274, 5322.

193 ....Requires the fluoridation of water in certain circumstances. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Joiner and Sprinkle, 136.

194 ....Provides for the certification of behavioral healthcare peer recovery support specialists. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Monroe-Moreno, Joiner, Miller and Sprinkle, 136, 2577, 2579, 3512, 3810, 3811*.

195 ....Revises provisions governing cosmetology. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Bustamante Adams and Kramer, 136, 772, 795, 876*, 4101, 4640.

196 ....Provides for an endorsement that a teacher, administrator or other educational personnel may obtain in cultural competency. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen McCurdy II, Diaz, Thompson, Flores, Brooks, Jauregui, Joiner, Miller; Senators Ratti and Segerblom, 137, 939, 1210, 1655*, 4496, 5322.

197 ....Enacts the Uniform Trust Decanting Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Miller, Cohen, Ohrenschall and Yeager, 137.

198 ....Revises provisions concerning domestic relations. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Edwards, 137.

199 ....Revises provisions relating to end-of-life care. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblywomen Woodbury, Titus and Senator Hardy, 137, 1657, 1660, 2161, 3811*, 4101, 4640.

200 ....Requires notice of exemptions from certain immunization requirements to be provided to parents or guardians of children under certain circumstances. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Woodbury and Senator Hardy, 138.

201 ....Creates the Office of the Inspector General in the Office of Finance in the Office of the Governor. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblyman Edwards, 138, 493.

202 ....Requires an interim study concerning the cost and affordability of higher education in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Joiner, Cohen, Swank, Thompson; Senators Cancela and Ratti, 138, 884, 1031, 1143, 1411, 3828*, 4191, 4640.

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203 ....Revises provisions governing cemeteries. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblywoman Joiner and Senator Ratti, 139, 1658, 1660, 2174, 3811*, 3956, 4097.

204 ....Provides that marriage licenses and certificates of marriage may include the name to be used by each spouse after the marriage. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Tolles, Bilbray-Axelrod, Bustamante Adams, Edwards, Frierson, Jauregui, Joiner, Krasner, Miller, Monroe-Moreno, Ohrenschall, Oscarson, Pickard, Spiegel, Titus, Wheeler, Yeager; Senators Gansert, Cannizzaro, Ford, Hardy, Parks and Segerblom, 139, 492, 680, 709, 786, 788*, 4705, 6326.

205 ....Revises provisions relating to cremation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Araujo, 139, 492, 680, 720, 792, 851, 877*, 6006, 7709, 7714, 8351.

206 ....Revises provisions relating to renewable energy and the renewable portfolio standard. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Brooks, Frierson, Yeager, McCurdy II, Watkins, Fumo; Senators Cancela, Parks and Spearman, 139, 215, 773, 4624, 4639, 4707, 4821, 4835, 4836, 8350, 8428, 8445, 8459.

207 ....Revises provisions governing juries. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Fumo, Miller, Ohrenschall, Thompson, McCurdy II, Monroe-Moreno and Yeager, 140, 493, 1142, 1411, 1431, 1537, 6881, 6884, 6911*, 8347, 8360, 8366.

208 ....Prohibits certain vehicles from being operated in the extreme left lane of certain controlled-access highways. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblyman Oscarson, 140.

209 ....Revises provisions governing the forfeiture of water rights. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Oscarson, 140, 1659, 1660, 2178, 3812*, 4191, 4640.

210 ....Authorizes the creation of community education advisory boards. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Oscarson, 140.

211 ....Revises provisions governing compensation and wages. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Jauregui, Fumo and McCurdy II, 141, 2577, 2579, 3538, 3756, 3831, 3885*.

212 ....Prohibits the use of pupil achievement data to evaluate employees of a school district. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Fumo, Brooks; Senators Woodhouse, Segerblom and Manendo, 141.

213 ....Revises provisions relating to dental care. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Ohrenschall, 141.

214 ....Establishes a program to increase participation by certain demographic groups in clinical trials. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Neal, 141, 492, 493, 680, 725, 786, 788, 789*, 4101, 4182, 4184, 4640.

215 ....Requires the reporting of certain information relating to prescription drugs. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Joiner, Spiegel, Bilbray-Axelrod, Carrillo, Daly, Diaz, Flores, Fumo, Miller, Monroe-Moreno, Thompson; Senators Cancela and Parks, 145, 215, 271, 773.

216 ....Makes various changes relating to the prosecution of certain persons. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Hambrick, 145.

217 ....Provides for the revocation of the business license of a place of transient lodging where repeated acts of prostitution have regularly occurred. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblyman Hambrick, 145.

218 ....Revises provisions concerning certain juvenile offenders. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Hambrick, 145, 1142, 1411, 1437, 1655*, 4496, 5322.

219 ....Revises provisions relating to gaming. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Swank, 146, 190, 200, 207*, 4705, 5725, 5728, 6326.

220 ....Revises provisions governing the transportation of pupils to and from certain activities and programs. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Edwards, 146, 430.

221 ....Revises provisions governing the model plan developed for the management of a crisis or an emergency that involves a public school to include a procedure for the evacuation of a charter school. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblywoman Bilbray-Axelrod, 146, 491, 680, 727, 792, 851, 877*, 3956, 4097.

222 ....Revises provisions governing payday loans, title loans and installment loans. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Swank, 147, 794.

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223 ....Revises provisions relating to energy efficiency programs. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen McCurdy II, Brooks, Jauregui, Monroe-Moreno, Tolles, Watkins, Yeager; Senators Cannizzaro and Segerblom, 147, 1134, 1142, 1661, 3126, 3812*, 4274, 4427, 4432, 5322.

224 ....Revises provisions relating to persons with disabilities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Carrillo, 147, 430, 1135, 1214, 1390, 6624, 6765, 6872*, 7364, 8053.

225 ....Revises provisions governing the time for the commencement of a school day for public high schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Carrillo, 147, 430.

226 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Hansen, Ohrenschall, Daly and Diaz, 148, 1659, 1660, 2181, 3756, 3828, 3879.

227 ....Makes changes relating to domestic partnerships. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Carrillo, 148, 492, 680, 730, 786, 789*, 3956, 4097.

228 ....Revises provisions relating to the termination of parental rights. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Pickard, Cohen, Tolles; Senators Denis, Gansert, Goicoechea, Hammond, Hardy, Harris, Parks and Roberson, 159, 932, 1034, 1537, 1655, 3752, 3812, 3813*, 4101, 4640.

229 ....Revises provisions governing domestic relations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Spiegel, Araujo, Carrillo, Brooks, Cohen, Flores, Frierson, Fumo, Joiner; Senators Parks, Manendo, Atkinson, Spearman and Segerblom, 163, 453, 552, 681, 765, 792, 851, 877, 878*, 4101, 4640.

230 ....Authorizes the use of supplemental stop lamps on motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Woodbury and Senator Hardy, 167.

231 ....Revises provisions relating to economic development. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Bustamante Adams, 167, 1142, 1411, 1439, 1655, 3752, 3813*, 4101, 4640.

232 ....Establishes provisions governing changing the name of a minor. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Bilbray-Axelrod, Spiegel, Daly, Fumo, Joiner, Monroe-Moreno; Senators Parks, Manendo and Segerblom, 168, 885, 1042, 1537, 1655, 3752, 3813*, 4101, 4640.

233 ....Authorizes a lessor of a motortruck to impose certain additional charges. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblyman Paul Anderson, 173, 688, 785, 851, 878*, 4274, 5322.

234 ....Revises provisions governing motor carriers. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Fumo, Watkins, Frierson, Carrillo, Yeager, Araujo, Brooks, Cohen, Daly, Flores, Hambrick, Jauregui, Joiner, McCurdy II, Miller, Monroe-Moreno, Ohrenschall, Pickard, Spiegel, Sprinkle, Thompson; Senators Ford and Woodhouse, 177, 608, 730, 792, 845, 878*, 6011, 6607, 6612, 6629.

235 ....Enacts the Uniform Commercial Real Estate Receivership Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Monroe-Moreno, Cohen, Ohrenschall, Watkins, Carrillo, Jauregui, Yeager and Senator Segerblom, 177, 885, 1045, 1537, 1655, 3752, 3814*, 4496, 5322.

236 ....Authorizes an agency which provides child welfare services to obtain the education records of certain pupils. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Health and Human Services, 178, 608, 735, 786, 789, 790*, 4051, 4180.

237 ....Abolishes capital punishment. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Ohrenschall and Senator Segerblom, 178.

238 ....Enacts provisions relating to the importation, possession, sale, transfer and breeding of dangerous wild animals. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblymen Cohen, Edwards, Fumo, Hambrick and Kramer, 178.

239 ....Enacts the Revised Uniform Fiduciary Access to Digital Assets Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 178, 293, 306, 316*, 3956, 4097.

240 ....Makes various changes relating to transportation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Tolles, Wheeler, Edwards, Ellison, Hambrick, Kramer,

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Marchant, Oscarson, Pickard, Titus; Senators Hammond, Gustavson, Parks, Farley, Gansert, Hardy, Roberson and Settelmeyer, 179.

241 ....Requires baby changing tables be included in certain buildings and facilities used by the public. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Frierson, Watkins, Araujo and Bilbray-Axelrod, 179, 939, 1247, 1655, 3752, 3814*, 4705, 5656, 5658, 6326.

242 ....Revises provisions relating to certain loans secured by a lien on real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Frierson, Jauregui and Bilbray-Axelrod, 179, 354, 390, 1143, 1390, 1644, 1655, 3752, 3828, 3879.

243 ....Revises provisions relating to criminal convictions of victims of sex trafficking and involuntary servitude. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 182, 1659, 1660, 2188, 3814, 3815*, 4705, 5728, 5736, 6326.

244 ....Revises provisions relating to certain insurance gratuities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 183, 884, 1062, 1537, 1655, 3752, 3815*, 5322, 6326.

245 ....Enacts provisions governing the dispensing of biological products and interchangeable biological products. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblywoman Benitez-Thompson; Senators Kieckhefer and Parks, 183, 1657, 1660, 2196, 3815*, 4101, 4640, 5956.

246 ....Revises provisions relating to the creation of a local improvement district and tax increment area. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Kramer, Benitez-Thompson, Daly, Hansen and Titus, 191, 885, 1066, 1537, 1655, 3752, 3815, 3816*, 4705, 6326.

247 ....Provides for the early termination of certain rental agreements by victims of harassment, sexual assault or stalking. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Yeager, Ohrenschall, Watkins, Carrillo, Monroe-Moreno, Araujo, Bilbray-Axelrod, Brooks, Daly, Frierson, Fumo, Jauregui, Joiner, McCurdy II, Miller, Neal, Sprinkle, Thompson and Tolles, 191, 491, 680, 741, 792, 851, 878, 879*, 3981, 4180.

248 ....Revises provisions governing unfair acts or practices relating to vehicle dealers. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Ellison, Oscarson, Wheeler and Titus, 192.

249 ....Requires the State Plan for Medicaid and all health insurance plans to provide certain benefits relating to contraception. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Frierson, Bilbray-Axelrod, Sprinkle, Benitez-Thompson, Yeager, Elliot Anderson, Araujo, Brooks, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Flores, Fumo, Jauregui, Joiner, McCurdy II, Miller, Monroe-Moreno, Neal, Ohrenschall, Spiegel, Swank, Thompson and Watkins, 192, 430, 1658, 1660, 2207, 3816*, 6011, 6641, 6682, 6722, 7283, 7462, 8289, 8328, 8558.

250 ....Revises provisions governing bail. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Wheeler, Marchant, Titus, Hambrick, Ellison, Kramer and Oscarson, 200.

251 ....Authorizes the State Board of Pardons Commissioners to commute certain sentences of juvenile offenders. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hambrick, Cohen, Edwards, Fumo, Tolles and Senator Parks, 200, 772, 844, 879*, 4705, 6326.

252 ....Authorizes a peace officer or retired peace officer to request the display of an alternate address on his or her driver's license or identification card. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Titus, Wheeler, Oscarson, Ellison, Edwards, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Pickard, Tolles and Woodbury, 204, 794, 857, 926, 927*, 3956, 4097.

253 ....Revises provisions relating to adjudications of mental health. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 204, 1142, 1411, 1446, 1644, 1655, 3752, 3879*, 4705, 5736, 5743, 6326.

254 ....Revises provisions governing guardianships. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Yeager and Sprinkle, 204, 772, 844, 879, 880*, 4496, 4649, 4654, 5322.

255 ....Provides that provisions governing certain short-term loans and installment loans do not apply to certain extensions of credit. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Hambrick and Senator Cannizzaro, 205, 1141, 1411, 1453, 1655, 3752, 3816, 3817*, 4101, 4185, 4187, 4640.

256 ....Revises provisions relating to the enrollment of pupils in charter schools. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Titus, Edwards, Hambrick, Elliot Anderson, Bilbray-Axelrod, Kramer, Oscarson, Pickard, Wheeler, Woodbury; Senators Hammond and Settelmeyer, 215.

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257 ....Makes various changes relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 215, 430.

258 ....Revises provisions governing the Nevada Commission for Women. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Frierson, Carlton, Monroe-Moreno, Benitez-Thompson, Carrillo, Araujo, Bilbray-Axelrod, Brooks, Bustamante Adams, Cohen, Daly, Diaz, Flores, Fumo, Jauregui, Joiner, Miller, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Watkins and Yeager, 216, 1547, 1735, 3817*, 4051, 4180.

259 ....Revises provisions relating to certain criminal convictions and sentences. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen McCurdy II, Monroe-Moreno, Thompson, Ohrenschall, Bilbray-Axelrod, Brooks, Fumo, Miller; Senators Parks, Cancela, Segerblom and Ratti, 216, 1657, 1660, 2241, 3817, 3818*, 4705, 8876, 8885.

260 ....Revises provisions relating to the crime of prostitution. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Tolles, Oscarson, Benitez-Thompson, Hambrick, Krasner, Miller, Pickard, Wheeler, Woodbury, Yeager; Senators Gansert, Cannizzaro, Harris and Hardy, 216, 430, 1659, 1660, 2251, 3818*, 4705, 6326.

261 ....Revises provisions governing motorcycle drivers' licenses and instruction permits. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 217, 608, 747, 786, 790*, 4274, 5322.

262 ....Revises provisions relating to contracts for the sale of vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Carrillo, 217, 1657, 1660, 2264, 3819*, 4191, 4640.

263 ....Repeals the Commerce Tax. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Hansen, 217, 430.

264 ....Revises provisions governing equipment used by the State to reduce the use of paper. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Swank, Elliot Anderson, Bilbray-Axelrod, Brooks, Carrillo, Cohen, Joiner; Senators Ratti, Manendo and Parks, 217.

265 ....Revises provisions relating to nursing. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Health and Human Services, 218.

266 ....Provides for a deduction from certain taxes for certain wages paid by an employer under a qualifying paid family medical leave policy. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Taxation, 218, 430, 773, 1659, 1660, 2276, 3621.

267 ....Revises provisions governing industrial insurance. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Araujo, Carlton, Frierson, Daly, Fumo, Jauregui, Monroe-Moreno, Spiegel; Senators Segerblom, Cancela, Manendo, Parks and Cannizzaro, 218, 1657, 1660, 2285, 3819*, 4274, 6914, 7610, 7618, 7626, 8351.

268 ....Revises provisions relating to a postconviction petition for a genetic marker analysis. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Watkins, Fumo, Ohrenschall, Jauregui, Bilbray-Axelrod, Brooks, Edwards, Frierson, Kramer, Monroe-Moreno, Neal, Tolles, Yeager and Senator Hardy, 222, 1659, 1660, 2292, 3819, 3820*, 6011, 7561, 7569, 8053.

269 ....Provides for the regulation and taxation of vapor products. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblywoman Bustamante Adams, 222, 430, 793, 857, 862.

270 ....Revises provisions governing net metering. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Watkins, Brooks, Yeager, Fumo, McCurdy II and Miller, 223, 493.

271 ....Revises provisions governing collective bargaining by local government employers. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblyman Carrillo, 223, 687, 785, 851, 880, 881*, 4101, 4640, 6232, 6233.

272 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Frierson, Benitez-Thompson, Diaz, Carlton, Flores, Araujo, Bilbray-Axelrod, Brooks, Bustamante Adams, Carrillo, Cohen, Daly, Fumo, Joiner, McCurdy II, Miller, Monroe-Moreno, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson, Watkins and Yeager, 223, 430, 1659, 1660, 1665, 3724, 3820*, 4274, 4466, 4493, 5322, 6332, 6333, 6334.

273 ....Requires certain school districts to collect and report the height and weight of certain pupils. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 262, 430.

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274 ....Enacts the Agreement Among the States to Elect the President by National Popular Vote. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Araujo, Joiner, Yeager, Diaz, Frierson, Bilbray-Axelrod, Carrillo, Fumo, Jauregui, McCurdy II, Miller, Monroe-Moreno, Ohrenschall; Senators Atkinson, Spearman and Manendo, 271.

275 ....Requires the establishment of a statewide framework for providing integrated student supports for certain pupils and their families. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywomen Spiegel, Diaz; Senators Parks and Manendo, 271, 1658, 1660, 2298, 3820, 3821*, 4496, 5322.

276 ....Revises provisions relating to employment practices. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Spiegel, Joiner, Diaz, Bilbray-Axelrod, Carlton, Cohen, Miller, Swank, Thompson, Yeager; Senators Parks, Manendo and Segerblom, 272, 1547, 1735, 3756, 4227, 4415*, 6011, 6622.

277 ....Revises provisions governing land use planning. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Yeager, Frierson, Ohrenschall, Watkins, Oscarson, Araujo, Benitez-Thompson, Bilbray-Axelrod, Brooks, Carlton, Carrillo, Cohen, Daly, Diaz, Flores, Fumo, Jauregui, Joiner, McCurdy II, Miller, Monroe-Moreno, Neal, Sprinkle, Swank, Thompson; Senators Segerblom, Parks, Cancela, Harris, Cannizzaro, Farley, Hammond and Manendo, 272, 1658, 1660, 2301, 3821*, 4705, 5658, 5674, 6326, 7059, 7060.

278 ....Revises provisions relating to the support of children. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Pickard, Hambrick, Cohen, Elliot Anderson, Paul Anderson, Ellison, Tolles, Wheeler and Senator Harris, 275, 430, 1659, 1660, 2321, 3621, 4051, 4168*, 6938, 7462.

279 ....Revises provisions governing banks and other financial institutions regulated by the Commissioner of Financial Institutions. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 276, 1547, 1738, 3821, 3822*, 3981, 4180.

280 ....Revises provisions relating to preferences in bidding for certain contracts for businesses based in this State. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Frierson, Carrillo, Monroe-Moreno, Sprinkle, Neal, Araujo, Benitez-Thompson, Bilbray-Axelrod, Carlton, Cohen, Daly, Fumo, Jauregui, Joiner, McCurdy II, Miller, Ohrenschall, Spiegel, Thompson, Tolles, Watkins, Yeager; Senators Ford and Cannizzaro, 276, 430, 773, 4050, 4110, 4158, 6010, 6194, 6195*, 7283, 8460, 8467.

281 ....Revises provisions governing the filing of a commerce tax return. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Kramer, Titus, Ellison, Marchant; Senators Gustavson, Roberson and Harris, 276, 430, 1142, 1411, 1457, 1537.

282 ....Revises provisions governing benefits and protections for service members and the spouses of service members. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Elliot Anderson, 276, 1657, 1660, 2338, 3822*, 3956, 4097.

283 ....Revises provisions governing business entities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Krasner and Kramer, 277.

284 ....Revises provisions relating to physician assistants. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywomen Woodbury, Titus and Senator Hardy, 287.

285 ....Revises provisions relating to the repair of certain roads. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Kramer, Wheeler and Senator Settelmeyer, 287, 430.

286 ....Revises provisions relating to court programs for the treatment of veterans and members of the military. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Elliot Anderson, 287, 884, 1068, 1142, 1394, 1655, 3752, 3822*, 6010, 7462, 7478, 7493, 8053.

287 ....Revises provisions governing the issuance of gift certificates. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Frierson and McCurdy II, 288, 772, 794, 844, 845.

288 ....Revises provisions relating to the protection of older persons and vulnerable persons. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Joiner, Frierson, Benitez-Thompson, Carrillo, Diaz, Araujo, Carlton, Fumo, Jauregui, Monroe-Moreno, Spiegel, Swank and Senator Cannizzaro, 288, 772, 844, 881*, 6011, 7569, 7577, 7584, 8053.

289 ....Enacts provisions to provide partial abatements and expedited permits for the development of facilities for smelting, processing or refining ores or metal in this State. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Wheeler, Ellison, Kramer, Oscarson, Hambrick, Edwards, Marchant, Tolles; Senators Spearman and Settelmeyer, 288, 434.

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290 ....Makes certain changes relating to collective bargaining. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen Wheeler, Kramer, Hambrick and Ellison, 288, 352, 794, 6883, 6890, 6911, 6912*, 7998, 8351, 8988, 8989.

291 ....Revises provisions relating to reports of presentence investigations and general investigations. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Ohrenschall, 289, 939, 1142, 1249, 1390, 6330, 6335*, 7998, 8351.

292 ....Revises provisions relating to bullying and cyber-bullying in public schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Carrillo, Fumo, Ohrenschall, Joiner, Swank and Senator Manendo, 289, 1658, 1660, 2342, 3822, 3823*, 4705, 5978, 5982, 6326.

293 ....Providing for presidential preference primary elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Araujo, Yeager, Flores, Diaz, Spiegel, Cohen, Fumo, Jauregui, Joiner, Miller, Swank; Senators Segerblom and Manendo, 289.

294 ....Requires an accommodations facilitator to collect and remit room taxes under certain circumstances. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblywoman Bustamante Adams, 294, 1659, 1660, 2346, 3823*.

295 ....Establishes certain safety standards for construction workers. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Kramer, 294, 434.

296 ....Revises provisions governing the drafting of legislative measures. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Elliot Anderson, 294, 853, 6009, 6109, 6282*, 6979, 7462.

297 ....Requires certain local governments to designate sites for persons to meet in order to complete the sale of personal property that was initiated on the Internet. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Jauregui and Ohrenschall, 295, 607, 755, 792, 851, 881, 926, 1143, 1390, 1655, 3752, 3823*, 3956, 4097.

298 ....Revises provisions relating to water. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Natural Resources, Agriculture, and Mining, 295, 1142, 1411, 1461, 1644, 1655, 3752, 3756, 3879, 3880*.

299 ....Requires the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs to conduct a study concerning training standards for unlicensed persons providing care at certain facilities or homes or through certain agencies or providers. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Cohen, Jauregui, Ohrenschall and Swank, 295, 434, 1410, 1555, 3752, 3824*, 4705, 5684, 5685, 6326.

300 ....Revises provisions governing vocational rehabilitation. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Cohen, 295, 493.

301 ....Provides for the confidentiality of certain communications between parties during a peer support counseling session. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Sprinkle, 296, 1547, 1751, 3824*, 4274, 5322.

302 ....Transfers the Division of Parole and Probation from the Department of Public Safety to the Department of Corrections. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 296, 352, 939, 1254, 1390.

303 ....Requires that core correctional services be provided only by the State or a local government with certain exceptions. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Monroe-Moreno, Ohrenschall, Carrillo, Diaz, Yeager, Araujo, Bilbray-Axelrod, Cohen, Daly, Frierson, Fumo, McCurdy II, Miller, Neal, Thompson; Senators Segerblom, Spearman, Ford and Cancela, 305, 434, 1657, 1660, 2348, 3621, 4625, 4639, 5306*, 6979, 7462.

304 ....Revises provisions relating to autism. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 305, 885, 1083, 1537, 1655, 3752, 3824*, 4706, 5686, 5702, 6326.

305 ....Requires each public school and private school to post a toll-free telephone number for a child abuse or neglect hotline. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 305, 608, 758, 786, 790*, 4051, 4180.

306 ....Revises provisions governing the use of money collected from surcharges for the rental of a room in certain hotels. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 306.

307 ....Revises provisions governing emergency medical services at special events. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Oscarson and Sprinkle, 306, 1658, 1660, 2353, 3825*.

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308 ....Revises provisions relating to legislative measures. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Frierson, Araujo, Thompson, Diaz, Bustamante Adams, Carlton, Carrillo, Cohen, Jauregui, Joiner, McCurdy II, Miller, Monroe-Moreno, Ohrenschall, Swank and Yeager, 309.

309 ....Revises provisions relating to the employment of veterans and certain widows and widowers by the State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Cohen, Miller, Yeager, Watkins, Frierson, Benitez-Thompson, Fumo, Jauregui, Monroe-Moreno, Sprinkle, Swank; Senators Spearman and Parks, 309, 1658, 1660, 2359, 3621, 3923, 3934*, 6884, 8281, 8288.

310 ....Revises provisions governing public administrators. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblywoman Titus, 309, 885, 1084, 1537, 1655, 3752, 3825*, 4101, 4640.

311 ....Revises provisions governing allocation and distribution of proceeds of certain taxes to local governments. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Titus and Senator Settelmeyer, 309.

312 ....Requires the State Board of Education to develop recommendations for pupil-teacher ratios in certain public schools. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Miller, Spiegel, Ohrenschall, Carrillo, Araujo, Brooks, Daly, Diaz, Jauregui, Monroe-Moreno, Neal, Thompson and Senator Segerblom, 309, 1658, 1660, 2366, 3825, 3826*, 4496, 5322.

313 ....Enacts provisions governing geolocation information. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Wheeler, Oscarson, Hambrick, Ellison, Kramer, Marchant and Pickard, 310.

314 ....Revises various provisions relating to estates. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 310, 1659, 1660, 2371, 3826*, 4496, 4654, 4701, 4702, 5744, 5791, 6326.

315 ....Temporarily authorizes the use of mobile units for the practice of barbering. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Thompson, Carrillo, Frierson, McCurdy II and Neal, 311.

316 ....Revises provisions relating to offenders. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Thompson, Yeager, Ohrenschall, Araujo, Carrillo, Fumo, McCurdy II, Miller, Monroe-Moreno, Pickard; Senators Segerblom and Harris, 311, 884, 1085, 1537, 1655, 3752, 3826*, 4101, 4640.

317 ....Revises provisions governing limitations on conducting business using certain fictitious names. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblywoman Spiegel, 311, 1141, 1411, 1479, 1655, 3752, 3827*, 4101, 4640.

318 ....Revises provisions relating to state purchasing. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Tolles, 311, 688.

319 ....Revises provisions governing the guardianship of minors. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblyman Sprinkle and Senator Harris, 311, 1659, 1660, 2418, 3827*, 4191, 4640, 5212, 5238, 5240, 8114.

320 ....Revises provisions relating to the statewide performance evaluation system. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Frierson and Fumo, 312, 1658, 1660, 2532, 3829, 3830*, 6011, 6586, 6600, 6629.

321 ....Authorizes a county or city to require a hosting platform and certain users of hosting platforms to provide certain reports and information to a county or city. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Swank, Araujo, Bustamante Adams, Carlton, Carrillo, Daly, Fumo, Jauregui, Watkins and Yeager, 324, 1410, 1557, 3752, 3830*, 6011, 6485, 6489, 6629.

322 ....Revises provisions governing driver authorization cards. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Flores, Diaz, Brooks, Bustamante Adams, Jauregui and McCurdy II, 324, 493, 794, 857, 862, 3923, 3934*, 6938, 7494, 7497, 8053.

323 ....Provides for the exemption of veterans' benefits from the income requirements of certain public assistance programs. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 324.

324 ....Revises provisions relating to document preparation services. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblyman Flores, 324, 1135, 1293, 1655, 3752, 3830*, 3831, 4051, 4180.

325 ....Creates the Task Force on the Modernization of State Government. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Cohen, 325, 793, 853, 857, 862.

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326 ....Revises provisions relating to reports of presentence investigations and general investigations. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen McCurdy II, Yeager, Fumo and Senator Segerblom, 325, 884, 1087, 1134, 1135, 6330, 6335*, 8024, 8330, 8333.

327 ....Revises provisions relating to records of criminal history. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen McCurdy II, Fumo, Yeager, Frierson, Carrillo and Senator Segerblom, 325, 493, 939, 1299, 1390, 4625, 4639, 5306, 5307*, 6979, 7462.

328 ....Revises provisions relating to professional licensing boards. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Pickard, Bustamante Adams, Bilbray-Axelrod, Edwards, Kramer, Marchant, Sprinkle and Titus, 325, 493, 1546, 1661, 2579, 3756, 3827, 6330, 6336*, 7364, 7626, 7639, 7651, 8351.

329 ....Prohibits a driver from operating a motor vehicle in the extreme left-hand lane of a highway under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Edwards, 326.

330 ....Revises provisions governing taxidermists. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Hansen, 326.

331 ....Creates the Nevada System of Community Colleges. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Hansen, 326, 493.

332 ....Creates the Licensing Review Panel. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Hansen, 327.

333 ....Revises provisions governing the crime of burglary. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Ellison, 327, 493.

334 ....Prohibits a driver from operating a motor vehicle in the extreme left lane of a controlled-access highway under certain circumstances. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Ellison and Edwards, 327, 1547, 1756, 3848*, 4274, 5322.

335 ....Revises provisions governing motor vehicles and off-highway vehicles. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Edwards and Carrillo, 327, 1547, 1758, 3848*, 4101, 4640.

336 ....Establishes provisions governing certain offenders who are veterans. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Edwards, 328, 493, 852, 903, 926.

337 ....Revises provisions governing termination of the employment of members of the National Guard. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Elliot Anderson, 328, 607, 760, 792, 851, 881, 927*, 4051, 4180.

338 ....Revises provisions governing the admission into evidence in a civil action of certain violations of the requirement to wear a safety belt. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Wheeler, 328.

339 ....Revises provisions relating to health care. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Woodbury and Senator Hardy, 328, 1657, 1660, 2544, 3848, 3849*, 4706, 7651, 7659, 8351.

340 ....Requires the Department of Health and Human Services to take certain actions to improve access to diapers and diapering supplies for recipients of public assistance. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Diaz, 329, 1135, 1313, 1655, 3752, 3849*, 4051, 4180.

341 ....Revises provisions governing juvenile justice. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Ohrenschall, 329, 493, 1410, 1560, 3752, 3849, 3850*, 4191, 4268, 4269, 4640.

342 ....Revises provisions relating to renewable energy. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Ohrenschall, 329.

343 ....Requiring the Legislative Committee on Health Care to study certain issues concerning the group homes contracted with Southern Nevada Adult Mental Health Services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Ohrenschall, 330, 434, 4273, 4497, 5307*, 6979, 7462.

344 ....Establishes provisions relating to the use of certain plastic bags. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Jauregui, Swank, Araujo; Senators Segerblom and Ratti, 330, 493.

345 ....Provides for the vacating of certain judgments of conviction relating to marijuana. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblywoman Miller, 330.

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346 ....Enacts requirements relating to certain providers of child care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Joiner, 330, 1142, 1411, 1481, 1655, 3752, 3756, 3770, 3884*, 5326, 5702, 5711, 6326.

347 ....Establishes certain requirements relating to surgical technologists. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Joiner, 330, 885, 1090, 1537, 1655, 3752, 3850*, 4051, 4180.

348 ....Revises provisions governing a course or unit of a course of instruction concerning acquired immune deficiency syndrome, the human reproductive system, related communicable diseases and sexual responsibility. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Joiner, 331, 493, 1658, 1660, 2557, 3621, 6624, 6829, 6872, 6874*, 8350.

349 ....Requires the Legislative Auditor to conduct a performance and compliance audit of the Incline Village General Improvement District. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Krasner, 331.

350 ....Revises provisions relating to state employment. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblyman Fumo, 331, 1141, 1411, 1492, 1655, 3752, 3850, 3851*, 4496, 4640, 4642, 5322, 6877, 6878.

351 ....Establishes program of grants to be used by teachers to make payments on educational loans. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Fumo, 332, 794, 1141, 1411, 1499, 1537.

352 ....Provides for continued coverage for health care for certain chronic health conditions. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Pickard, 332, 493.

353 ....Revises provisions governing professional licensing. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman McArthur, 332, 493.

354 ....Revises provisions relating to employment practices. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Neal, 332, 1657, 1660, 2566, 3621, 5326, 5348, 6188*, 6979, 7462.

355 ....Revises provisions relating to the adequacy of health care services offered by a network plan. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Neal, 333, 493.

356 ....Revises provisions relating to criminal procedure. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblywoman Neal, 333, 1142, 1411, 1505, 1655, 3752, 3851*, 4706, 5791, 5794, 6326.

357 ....Restricts certain state and local governmental agencies from performing certain actions relating to immigration enforcement. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Brooks, Araujo, McCurdy II, Ohrenschall, Flores, Carlton, Carrillo, Diaz, Fumo, Neal, Swank; Senators Cancela, Ratti, Denis, Manendo and Spearman, 333.

358 ....Revises provisions relating to child support. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Neal, 333.

359 ....Exempts certain entities that enter into contracts or agreements with the State of Nevada or a political corporation or subdivision of the State from certain provisions relating to contractors. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Thompson, 334, 1657, 1660, 2573, 3851*, 6011, 7660, 7663, 8347.

360 ....Revises provisions governing transportation. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblyman Marchant, 334, 396, 1135, 1142, 1661, 2579.

361 ....Revises provisions governing business practices. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblyman Carrillo, 334, 1657, 1660, 2593, 3851, 3852*, 4706, 5946, 5954, 6326.

362 ....Revises provisions relating to educational personnel. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Tolles, Watkins, Benitez-Thompson, Diaz, Krasner, Monroe-Moreno, Oscarson, Pickard, Wheeler, Woodbury, Yeager; Senators Denis, Ford, Gansert, Gustavson, Hammond, Harris, Segerblom, Spearman and Woodhouse, 334, 1659, 1660, 2578, 2604, 3621, 6010, 6195*, 7998, 8123, 8142, 8167.

363 ....Revises provisions governing off-highway vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Titus, 335, 493.

364 ....Directs the Department of Transportation, in cooperation with Clark County, the City of Las Vegas, the City of Henderson and the Regional Transportation Commission of Southern Nevada to conduct an interim study concerning roadway traffic and safety. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Ohrenschall, Carrillo, Carlton, Thompson; Senators Manendo and Parks, 335, 608, 760, 792, 851, 853, 3828, 3829*, 4274, 5322, 6233, 6234.

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365 ....Revises provisions relating to marriage. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblywomen Cohen and Swank, 335, 1659, 1660, 2622, 3852*, 4191, 4432, 4448, 5322.

366 ....Creates four behavioral health regions in this State and a regional behavioral health policy board for each region. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Araujo, Bustamante Adams, Frierson, Thompson, Yeager, Paul Anderson, Benitez-Thompson, Carlton, Joiner, Monroe-Moreno, Oscarson, Sprinkle; Senators Woodhouse, Ford, Ratti, Gansert, Kieckhefer, Cancela, Hardy, Harris and Manendo, 336, 493, 885, 1090, 1134, 4625, 4639, 5307, 5308*, 7364, 8053.

367 ....Enacts the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Oscarson, 336.

368 ....Revises provisions governing total loss vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Paul Anderson, 336, 1135, 1142.

369 ....Revises provisions relating to juvenile courts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Monroe-Moreno, McCurdy II, Ohrenschall, Bilbray-Axelrod and Senator Segerblom, 336.

370 ....Provides for transferable tax credits for the rehabilitation of historic buildings. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywomen Swank and Cohen, 337, 493, 1410, 1564, 1644.

371 ....Authorizes the State Land Registrar to facilitate the restoration and preservation of certain historic buildings by entering into a public-private partnership. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen Swank and Elliot Anderson, 337, 390, 6938, 6946, 6975*, 7998, 8351.

372 ....Enacts the Revised Uniform Athlete Agents Act. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Bilbray-Axelrod, Ohrenschall, Cohen and Senator Segerblom, 337, 884, 1096, 1537, 1655, 2579, 3752, 3756, 3779, 3884*, 4706, 5982, 6004, 6326.

373 ....Revises provisions relating to certain boards and commissions of the Executive Department of the State Government. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywomen Swank and Cohen, 337.

374 ....Requires the Department of Health and Human Services, if authorized by federal law, to establish a health care plan within Medicaid for purchase by persons who are not otherwise eligible for Medicaid. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Sprinkle, Frierson, Araujo, Carlton, Cohen, Elliot Anderson, Benitez-Thompson, Bilbray-Axelrod, Brooks, Bustamante Adams, Carrillo, Daly, Diaz, Flores, Fumo, Jauregui, Joiner, McCurdy II, Miller, Neal, Ohrenschall, Spiegel, Swank, Thompson, Watkins and Yeager, 338, 773, 4101, 4192, 4227, 6624, 6838*, 7364, 8053.

375 ....Allows the imposition of certain taxes, fees, rates, charges, levies or assessments in a county to fund approved flood management projects of a flood management authority based on the recommendations of a flood control project needs committee. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Sprinkle, Benitez-Thompson, Joiner and Daly, 338, 1659, 1660, 2638, 3852*, 3853, 6011, 8336, 8344.

376 ....Revises provisions relating to criminal procedure. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Ohrenschall, 339, 1142, 1411, 1513, 1655, 3752, 3853*, 6011, 7585, 7586, 8053.

377 ....Revises provisions relating to the competency of a defendant in a criminal case. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Ohrenschall, 339, 1659, 1660, 2645, 3853*, 6006, 7587, 7593, 8053.

378 ....Revises provisions governing certain contracts of school districts and annual budget reports of school districts and charter schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblyman Edwards, 340.

379 ....Authorizes certain local governments to create a parks, trails and open space district. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Joiner, 340, 2578, 2579, 3542, 3854*, 6006, 6489, 6523, 6629.

380 ....Revises provisions relating to real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Yeager; Senators Cannizzaro, Denis, Ford, Gustavson, Harris, Roberson and Segerblom, 340, 1547, 1764, 3854*, 6006, 7593, 7597, 8053.

381 ....Revises provisions governing prescription drugs covered by certain policies of health insurance. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Spiegel, 340, 493, 1657, 1660, 2648, 3854*, 3855, 4706, 5954, 5957, 6326.

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382 ....Establishes provisions governing payment for the provision of emergency services and care to patients. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Carlton, Frierson, Araujo, Spiegel, Benitez-Thompson, Sprinkle; Senators Ford, Parks and Cancela, 341, 688, 1547, 1768, 3621, 6914, 6916, 6935*, 8350.

383 ....Requires peace officers to be trained in the constitutional and lawful use of force. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Ohrenschall, 341, 493, 885, 1119, 1134.

384 ....Revises provisions governing the consideration of the criminal history of an applicant for employment by the State or a county, city or unincorporated town. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Thompson, McCurdy II, Flores, Araujo, Carrillo, Bilbray-Axelrod, Brooks, Bustamante Adams, Carlton, Daly, Frierson, Fumo, Miller, Monroe-Moreno, Neal, Ohrenschall, Sprinkle, Yeager; Senators Ford, Atkinson, Spearman, Cancela, Parks, Denis, Segerblom and Woodhouse, 341, 2578, 2579, 3569, 3855*, 6011, 6523, 6535, 6629.

385 ....Provides for the issuance of free annual permits to fifth graders to enter state parks and recreational areas. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Yeager, Araujo, McCurdy II, Watkins, Diaz, Benitez-Thompson, Flores, Jauregui, Joiner; Senators Cannizzaro and Cancela, 342, 492, 680, 762, 786, 790, 791*, 3913, 3943.

386 ....Revises provisions governing access to public lands. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Watkins, 342.

387 ....Revises provisions relating to social workers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Benitez-Thompson, 342, 491, 680, 765, 786, 791*, 3907, 3921.

388 ....Making an appropriation for the Women's Health Connection Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblywoman Benitez-Thompson, 342, 390, 6883, 6902, 6912*, 8350.

389 ....Revises provisions governing elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Marchant, 343.

390 ....Makes various changes to state governmental administration. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Elliot Anderson and Senator Woodhouse, 343, 493, 2578, 2579, 3581, 3855*, 3856.

391 ....Creates the crime of bestiality. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Carrillo, Swank, Ohrenschall, Ellison, Monroe-Moreno and Sprinkle, 344, 390, 1547, 1784, 3856*, 3956, 4097.

392 ....Revises provisions concerning certain communications relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Oscarson, Ellison and Wheeler, 344, 1547, 1661, 3233, 3856, 3857*, 4101, 4640.

393 ....Sets forth legislative findings and declarations concerning certain changes in zoning and development standards. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Ohrenschall, Carlton, Carrillo, Edwards, Bilbray-Axelrod and Senator Manendo, 344, 1134, 1316, 1655, 3752, 3857*, 4101, 4640.

394 ....Revises provisions governing the use of sick leave by employees in certain private employment. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblywoman Bilbray-Axelrod, 344.

395 ....Revises provisions governing juvenile justice. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen Frierson, Ohrenschall and Benitez-Thompson, 345, 396, 852, 903, 926, 6881, 6910, 6911*, 7998, 8351.

396 ....Revises certain provisions relating to public officers and candidates for public office. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Daly, 345, 793, 857, 927*, 928, 4101.

397 ....Makes an appropriation for grants to local governmental entities and nonprofit organizations for certain family planning services. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen Frierson, Carlton and Carrillo, 345, 390, 6938, 6953, 6975*, 6976, 8350.

398 ....Temporarily exempts retail sales of electric vehicles from certain sales and use taxes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Fumo, 345, 493.

399 ....Establishes the Nevada State Infrastructure Bank and revises provisions relating to certain public works. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman

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Bustamante Adams; Senators Hammond and Manendo, 345, 493, 2578, 2579, 3587, 3621, 6938, 6955, 6976*, 8558, 8737, 8757, 8779.

400 ....Revises provisions relating to instructional materials. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Neal, 346, 1658, 1660, 2652, 3865, 3866*.

401 ....Requires the payment of an additional fee for registering or renewing the registration of a clean fuel vehicle or a hybrid fuel vehicle. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Bustamante Adams and Carrillo, 346.

402 ....Proposes to exempt sales of feminine hygiene products and diapers from sales and use taxes and analogous taxes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywomen Jauregui and Krasner, 346, 493, 1659, 1660, 2655, 3621, 4625, 4639, 5308*.

403 ....Revises various provisions relating to governmental administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Daly, Frierson, Diaz, Benitez-Thompson, Araujo, Brooks, Carrillo, McCurdy II and Monroe-Moreno, 347, 1659, 1660, 2660, 3866*, 6012, 7283, 8366, 8387, 8407.

404 ....Creates the Nevada Office of the Inspector General. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Miller, McCurdy II, Benitez-Thompson, Brooks, Edwards and Fumo, 347, 493, 1658, 1660, 2677, 3621.

405 ....Establishes certain protections for and ensures the rights of a person who uses renewable energy in this State and revises provisions governing net metering. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Brooks, Watkins, Frierson, Yeager, McCurdy II, Araujo, Bilbray-Axelrod, Carrillo, Cohen, Diaz, Fumo, Jauregui, Joiner, Miller, Monroe-Moreno, Neal, Swank, Thompson; Senators Atkinson, Ford, Manendo, Segerblom and Spearman, 347, 773, 4190, 4275, 4627, 4628*, 8024, 8026, 8031, 8035, 8053, 8082.

406 ....Revises provisions relating to certain construction. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Daly, Benitez-Thompson, Brooks, Carrillo, Bilbray-Axelrod, Frierson, Joiner, McCurdy II and Monroe-Moreno, 348, 688, 773, 1658, 1660, 2695, 3621.

407 ....Designates the state land grant institutions in this State and requires a legislative audit of cooperative extension programs. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Diaz, 348, 493, 1658, 1660, 2746, 3621, 7062, 7125, 7259*, 8350.

408 ....Revises provisions relating to Medicaid and health insurance. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Joiner, Spiegel, Bilbray-Axelrod, Fumo, Sprinkle, Araujo, Benitez-Thompson, Brooks, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Flores, Frierson, McCurdy II, Monroe-Moreno, Neal, Ohrenschall, Swank and Thompson, 348, 1410, 1569, 3752, 3866*, 6011, 7714, 7849, 7972, 8351.

409 ....Revises provisions relating to the subject area of reading. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 393, 493, 1658, 1660, 2752, 3621.

410 ....Authorizes a new vehicle dealer to file a claim for compensation with a manufacturer of motor vehicles under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Bustamante Adams, 396, 1142, 1411, 1522, 1655, 3752, 3867*, 4706, 5972, 5978, 6326.

411 ....Revises provisions governing employment with a department of juvenile justice services. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 397, 1547, 1787, 3867*, 4496, 5322.

412 ....Revises provisions relating to the jurisdiction of courts over certain criminal charges. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 397, 1142, 1411, 1529, 1655, 3752, 3867*, 3868, 4496, 5322.

413 ....Makes various changes relating to electronic documents and electronic signatures. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 397, 493, 1659, 1660, 2773, 3621, 7062, 7131, 7259, 7260*, 8558, 8780, 8808, 8837.

414 ....Requires the electronic recording of interrogations under certain circumstances. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 397, 493, 1659, 2798, 3621, 3946, 3971, 6331, 6338*.

415 ....Provides for the acceptance of a tribal identification card in certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 398, 1547, 1792, 3868*, 6011, 6536, 6550, 6629.

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416 ....Requires the Division of Environmental Protection of the State Department of Conservation and Natural Resources to establish a program to use certain settlement money received from the Volkswagen Corporation and its subsidiaries. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Swank, 398, 1547, 1660, 1792, 3621.

417 ....Creates the Nevada Main Street Program within the Office of Economic Development in the Office of the Governor. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblywoman Swank, 398, 434, 1134, 1317, 1390, 6624, 6838, 6874, 6875*, 7998, 8351.

418 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 398, 1659, 1660, 2801, 3868*, 5326, 6391, 6395, 6400, 6629.

419 ....Creates provisions governing casualty insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Bilbray-Axelrod, 398, 688, 785, 845.

420 ....Revises provisions governing the use of electronic devices by offenders. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Ohrenschall, 399, 1658, 1660, 2805, 3868, 3870, 3871*, 6006, 7524, 7529, 8350.

421 ....Revises provisions relating to corrections. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Ohrenschall, 399, 493, 2578, 2579, 3607, 3621, 4625, 4639, 5303, 5326, 5334, 6188, 6189*, 8024, 8333, 8336.

422 ....Revises provisions relating to the use of marijuana. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Araujo, 399, 493, 1658, 1660, 2811, 3621, 7062, 7166, 7260*, 8558, 8619, 8681.

423 ....Requires the Secretary of State to collect and report information related to gender equality in the workplace. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywomen Miller, Carlton; Senators Cannizzaro, Farley, Ford, Harris, Ratti, Segerblom and Woodhouse, 400, 688, 1547, 1795, 3621, 7062, 7222, 7260, 7261*, 8682, 8730, 8734, 8737.

424 ....Revises provisions governing the determination of death. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Sprinkle, 400, 940, 1320, 1655, 3752, 3871*, 4706, 5711, 5713, 6326.

425 ....Revises provisions governing alcohol, drug and problem gambling counselors. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblyman Sprinkle, 400, 1657, 1660, 2863, 3871*, 4191, 4640.

426 ....Authorizes justice courts and municipal courts to establish programs for the treatment of certain offenders who are veterans or members of the military. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen McCurdy II, Fumo, Frierson, Watkins, Yeager, Araujo, Monroe-Moreno, Ohrenschall, Thompson; Senators Ford, Woodhouse, Parks and Spearman, 400.

427 ....Revises provisions governing eligibility of certain convicted persons for public assistance. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 401, 885, 1119, 1537, 1655, 3752, 3871, 3872*, 5041, 5714, 5715, 6326, 6878.

428 ....Revises provisions governing the acquisition and use of opioid antagonists. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 401, 493, 1410, 1637, 1644, 4625, 4639, 5308*, 7364, 8053.

429 ....Enacts provisions governing the interstate practice of psychology. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 401, 688, 1658, 1660, 2868, 3872*, 4191, 4640.

430 ....Creates the interim Nevada Task Force on Retirement Security. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Bustamante Adams, 401, 434, 4625, 4639, 4706.

431 ....Revises provisions governing alcoholic beverages. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Bustamante Adams and Senator Settelmeyer, 401, 1657, 1660, 2926, 3872, 3873*, 6011, 6427, 6436, 6629.

432 ....Delays the implementation of the Achievement School District. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Thompson, 402.

433 ....Revises provisions relating to public works. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Brooks, 402.

434 ....Makes appropriations for incentives for employing teachers at Title I and underperforming schools. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen Frierson, Araujo and Benitez-Thompson, 402, 1546, 1660, 1797, 3621, 7283, 7355*, 8995.

No. *Summary, Introducer and Page Reference*

435 ....Designates October 16 as Sarah Winnemucca Day in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 402, 607, 765, 786, 791*, 4101, 4640.

436 ....Revises provisions governing business. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Monroe-Moreno, Neal, Spiegel, Bustamante Adams, Carrillo and Frierson, 402, 493, 1659, 1660, 2935, 3621, 6624, 6841, 6875*, 7998, 8351.

437 ....Establishes a statewide information system for reporting nonemergency situations. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 403, 885, 940, 1119, 1134.

438 ....Revises provisions relating to offenses involving controlled substances. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblyman Flores, 403, 405, 1659, 1660, 2944, 3873*, 4101, 4640, 6234, 6235.

439 ....Revises provisions governing taxation of the sale, storage, use or other consumption of certain property by a licensed veterinarian. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Araujo, Brooks, Diaz, Bustamante Adams, Oscarson; Senators Kieckhefer, Cannizzaro, Parks, Manendo, Atkinson, Ford, Hammond and Woodhouse, 403, 1659, 1660, 2962, 3873*, 4191, 4640.

440 ....Revises provisions governing involuntary commitment proceedings. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Yeager, 405, 493, 1658, 1660, 2963, 3621, 6010, 6195, 6196*, 7364, 8053.

441 ....Revises provisions relating to taxes. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Taxation, 405, 688, 794, 857, 862.

442 ....Revises provisions governing the redesign of certain special license plates. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 406, 688, 794, 857, 862.

443 ....Prohibits the Board of Wildlife Commissioners from adopting regulations which authorize a person to hunt black bears with a dog. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblywoman Swank, 406.

444 ....Sets forth certain requirements relating to the search and seizure of the property of an attorney. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Ohrenschall, 406, 852, 903, 1134, 1537, 1655, 3752, 3874*, 4496, 5322.

445 ....Revises provisions governing transportation network companies. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblyman Watkins, 406, 493, 1135, 1323, 1655, 3752, 3874*, 4101, 4640, 6235, 6236.

446 ....Creates the Committee to Evaluate Higher Education Programs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblywoman Cohen, 407, 434.

447 ....Revises provisions relating to Victory schools. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education, 407, 493, 1546, 1798, 3621, 4051, 4168*, 4169, 6006, 6600, 6607, 6629.

448 ....Revises provisions relating to the carrying of a loaded rifle or shotgun and the discharge of a firearm on certain highways and roads. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Natural Resources, Agriculture, and Mining, 407.

449 ....Establishes Public Lands Day in the State of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 407, 493, 1659, 1660, 2971, 3621, 3923, 3935*, 5041, 5717, 5720, 6326.

450 ....Imposes certain requirements concerning vapor products and alternative nicotine products. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Judiciary, 408.

451 ....Requires a member of the board of trustees of a school district to complete certain training for professional development. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Frierson and Benitez-Thompson, 408, 793, 858, 928*, 3913, 3943.

452 ....Directs the Legislative Committee on Energy to conduct an interim study concerning energy choice. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 408, 607, 765, 786, 792, 851, 881, 926, 3828*, 3981, 4180.

453 ....Establishes conditional plea agreements in criminal cases. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Yeager, 408, 1659, 1660, 2974, 3874, 3875*, 4496, 5322.

No. *Summary, Introducer and Page Reference*

454 ....Makes various changes to provisions relating to professions. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Commerce and Labor, 408, 430, 1657, 1660, 2981, 3875*, 4496, 6455, 6485, 6625, 8053, 8837, 8876, 8995.

455 ....Authorizes the electronic delivery of certain notices and documents relating to policies of insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 409, 1135, 1333, 1655, 3752, 3875*, 4191, 4640.

456 ....Revises provisions governing the practice of chiropractic. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 409.

457 ....Revises provisions relating to certain professional licensing boards. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 409, 1657, 1660, 3004, 3875, 3876*, 5041, 6436, 6455, 6629.

458 ....Revises provisions governing industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 410, 493, 1657, 1660, 3023, 3621, 3923, 3935*, 4496, 5322.

459 ....Authorizes a court to order certain blood and genetic testing concerning a child in need of protection. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Frierson, 410, 932, 1119, 1537, 1655, 3752, 3876*, 4101, 4640.

460 ....Prohibits insurers from using consumer credit information for certain purposes. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Jauregui, 410.

461 ....Designates “Peace Week” in the State of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Thompson, 410, 772, 844, 881, 928*, 6011, 6550, 6552, 6629.

462 ....Revises provisions relating to constructional defects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Carlton, 411.

463 ....Revises provisions relating to the taxation of marijuana. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Araujo, 411, 493, 794, 859, 862.

464 ....Revises provisions governing certain reports required to be submitted by or to certain governmental entities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs, 411, 772, 844, 881, 928, 929*, 4191, 4455, 4466, 5322.

465 ....Revises provisions relating to the Advisory Committee on Participatory Democracy. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 411, 772, 844, 881, 929*, 4101, 4640.

466 ....Revises the provisions governing contracts for services between a state agency and a former employee of a state agency. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 412, 772, 844, 881, 929*, 4101, 4640.

467 ....Revises provisions governing the Personnel Commission in the Division of Human Resource Management of the Department of Administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 412, 493, 772, 844, 845, 6624, 6852, 6875*, 6979, 7462.

468 ....Revises provisions relating to mortgage brokers, mortgage agents and mortgage bankers. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Jauregui, 412, 794, 881, 903, 926, 3924, 3928, 5325, 5355, 5447, 6330, 6336*, 7283, 7659, 8351.

469 ....Provides for the reorganization of large school districts in this State. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Frierson, Paul Anderson; Senators Ford and Roberson, 412, 493, 607, 765, 785, 845, 850, 851*, 3887, 3910.

470 ....Authorizes the creation of a preprosecution diversion program for defendants charged with certain misdemeanor offenses. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Yeager, 413, 1659, 1660, 3037, 3876, 3877*, 6011, 7597, 7607, 8053.

471 ....Creates the Nevada Office of Cyber Defense Coordination. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Judiciary, 413, 430, 932, 1121, 1134, 4051, 4102, 4396, 4402, 4628*, 6011, 6622.

472 ....Establishes policies for reducing recidivism rates and improving other outcomes for youth in the juvenile justice system. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 413, 430, 940, 1338, 1390, 4626, 4639, 4851, 5322, 5542*, 7364, 7680, 7709, 8351.

473 ....Temporarily provides for the continued inclusion of certain drugs on the list of preferred prescription drugs to be used for the Medicaid program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 414, 430, 1141, 1411, 1531, 1537, 4051, 4169*, 6624, 6629.

No. *Summary, Introducer and Page Reference*

474 ....Makes various changes relating to drug overdoses and prescribing and using drugs. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 414, 430, 1658, 1660, 3048, 3621, 3946, 3977, 3978*, 7364, 8053.

475 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 414, 430, 773, 6883, 6903, 6912*, 8350, 8467, 8478.

476 ....Revises provisions relating to notaries public. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 415, 772, 844, 881, 929, 930*, 3907, 3921, 7134, 7159, 7161, 7162, 7163, 7164, 8782, 8806, 8807, 8810, 8835.

477 ....Authorizes appointment of a General Counsel of the Purchasing Division of the Department of Administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Government Affairs, 415, 493, 885, 1134, 3923, 3935*, 4705, 6326.

478 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 415, 1659, 1660, 3094, 3877*, 4051, 4180.

479 ....Revises provisions governing the retention of records by a local government. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 415, 430.

480 ....Authorizes the assessment of an administrative fee on certain public purchases. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 415, 430, 687, 785, 786, 4191, 4416*, 6624, 6629.

481 ....Revises provisions governing the Division of Internal Audits of the Office of Finance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 416, 430, 687, 785, 786, 3923, 3936*, 4705, 6326.

482 ....Revises provisions relating to programs of career and technical education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education, 416, 430, 607, 765, 785, 851, 881, 930*, 3956, 4097.

483 ....Revises provisions governing the Program to Encourage and Facilitate Purchases by Agencies of Commodities and Services From Organizations. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Government Affairs, 416, 430, 772, 844, 845, 4051, 4169*, 4705, 6326.

484 ....Revises provisions relating to the Commission on Postsecondary Education. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Executive Budget. Committee on Education, 416, 430, 852, 903, 925, 7062, 7224, 7261*, 8350.

485 ....Makes various changes relating to school vehicles. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Transportation, 417, 688, 1142, 1411, 1532, 1644, 1655, 3752, 3877*, 6010, 6613, 6621, 6629.

486 ....Revises provisions governing the distribution of the governmental services tax. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation, 417, 430, 1659, 3108, 3621, 4191, 4416*, 8995.

487 ....Revises provisions relating to vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 417, 688, 1135, 1366, 1390, 6979, 7063, 7069, 7258, 7282, 7286, 7339, 7357*, 8350.

488 ....Revises provisions relating to the system modernization project of the Department of Motor Vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 418, 773, 845, 881, 930, 931*.

489 ....Revises provisions relating to the Revolving Account for Land Management. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means, 418, 422, 430, 793, 859, 862, 1660, 7062, 7247, 7265*, 8350.

490 ....Revises provisions governing the expenditure of money from the Account for Maintenance of State Park Facilities and Grounds. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 418, 430, 772, 845, 881, 931*, 3913, 3943.

491 ....Revises provisions relating to the education of children in foster care. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 421, 493, 1658, 1660, 3111, 3621, 6624, 6858, 6875, 6876, 7998, 8351.

492 ....Revises provisions relating to transferable tax credits to attract film and other productions to Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 853, 4625, 4639, 5308, 5309*, 6625, 7058.

No. *Summary, Introducer and Page Reference*

493 ....Makes a supplemental appropriation to the Department of Corrections for a projected shortfall related to outside medical expenditures, contract temporary professional services and personnel expenditures. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3908, 7062, 7249, 7265*, 8350.

494 ....Makes a supplemental appropriation to the Division of Health Care Financing and Policy of the Department of Health and Human Services for a projected shortfall resulting from an increase in the Medicaid caseload over the amount legislatively approved for Fiscal Years 2015-2016 and 2016-2017. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3908, 4101, 4198, 4416, 4417*, 6979, 7462.

495 ....Makes a supplemental appropriation to the Division of Emergency Management of the Department of Public Safety for a projected shortfall for activities related to reimbursements for the 2017 floods. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means, 3908, 3946, 3957, 4037*, 6010, 6622.

496 ....Makes a supplemental appropriation to the Office of the Secretary of State for a projected shortfall related to credit card processing fees. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means, 3908, 3946, 3957, 4036, 4037*, 6010, 6622.

497 ....Makes a supplemental appropriation to the Division of Administrative Services of the Department of Motor Vehicles for a projected shortfall related to credit card processing fees. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means, 3908, 7062, 7250, 7266*, 8350.

498 ....Makes an appropriation to the Division of Emergency Management of the Department of Public Safety for a joint field office to work with the Federal Emergency Management Agency on certain flood reimbursements. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means, 3913, 4051, 4133, 4234*, 8024, 8329.

499 ....Makes appropriations to restore the balances in the Stale Claims Account, Reserve for Statutory Contingency Account and Contingency Account. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3914, 7062, 7251, 7266*, 8995.

500 ....Makes an appropriation to the Account for the Governor's Portrait for the preparation and framing of a portrait of Governor Brian Sandoval. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3914, 4051, 4133, 4234*, 8024, 8329, 8330.

501 ....Makes an appropriation to the Legislative Fund for dues and registration costs for national organizations and computer hardware and radio replacements. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3914, 6883, 6908, 6912, 6913*, 8350.

502 ....Makes an appropriation to the Account for Pensions for Silicosis, Diseases Related to Asbestos and Other Disabilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3914, 6938, 6974, 6976*, 8350.

503 ....Makes an appropriation to the Office of the Secretary of State for the second phase of the replacement of the Electronic Secretary of State System (ESOS) software and hardware. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3914, 6883, 6909, 6913*, 8350.

504 ....Makes appropriations to the Office of Finance and the Interim Finance Committee to replace the existing financial and human resource management information technology system. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3915, 7062, 7251, 7266, 7267*, 8350.

505 ....Makes appropriations to the Department of Corrections for a new telephone system and certain information systems projects. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3915, 4191, 4299, 4497, 6626, 6723, 6870*, 7998, 8351.

506 ....Makes appropriations to the Nevada Gaming Control Board for certain costs relating to the Alpha Migration Project. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3915, 4191, 4299, 4497, 6626, 6724, 6870*, 7998, 8351.

No. *Summary, Introducer and Page Reference*

507 ....Makes appropriations to the Department of Public Safety for the replacement of vehicles, pickup trucks and motorcycles for the Nevada Highway Patrol. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3915, 4191, 4299, 4497, 6626, 6725, 6870, 6871*, 7998, 8351.

508 ....Makes an appropriation to the Department of Public Safety for the replacement of dispatch center consoles and portable hand-held radios. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3915, 6624, 6868, 6876*, 7998, 8351.

509 ....Makes an appropriation to the Department of Business and Industry for implementation of an electronic management system for public works and prevailing wage surveys in the Office of the Labor Commissioner. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3916, 4191, 4299, 4497, 6626, 6726, 6871*, 7998, 8351.

510 ....Makes appropriations to the Bureau of Services to Persons Who Are Blind or Visually Impaired of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation and the Bureau of Vocational Rehabilitation of the Rehabilitation Division of the Department for enhancement of client information systems. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3916, 6624, 6868, 6876*, 6877, 7998, 8351.

511 ....Makes an appropriation to the Millennium Scholarship Trust Fund. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3916, 6883, 6910, 6913*, 8350.

512 ....Temporarily extends fee for the provision of specialty court programs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 3956, 6010, 6196*, 8350.

513 ....Revises provisions governing legal counsel for certain state agencies that regulate gaming. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 3957.

514 ....Authorizes the Division of Parole and Probation of the Department of Public Safety to provide money for transitional housing for indigent prisoners released on parole under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 4706, 6010, 6196*, 7998, 8351.

515 ....Revises provisions governing deferred deposit loans, title loans and high-interest loans. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Frierson and Swank, 5326, 7061, 7253, 7267*.

516 ....Revises provisions governing the reorganization of large school districts in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Frierson and Senator Ford, 6331.

517 ....Provides for compensation of state employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means, 6626, 6881, 6882*, 7998, 8351, 8977, 8978, 8980.

518 ....Makes various changes regarding state financial administration and makes appropriations for the support of the civil government of the State. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 6627, 6881, 6976, 6977, 6978*, 7998, 8351.

519 ....Makes an appropriation to the Secretary of State to provide grants of money to the counties in this State for the purchase of voting machines. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means, 6939, 7062, 7258*, 8350.

520 ....Makes an appropriation to the Nevada State Museum, Las Vegas for the construction of a new playground at the Las Vegas Springs Preserve. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means, 6979, 7283, 7356*, 8350.

521 ....Revises provisions governing veterans services. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen Paul Anderson, Krasner, Tolles, Edwards, Wheeler, Ellison, Hambrick, Hansen, Kramer, Marchant, McArthur, Oscarson, Pickard, Titus, Woodbury and Senator Hammond, 7063, 7283, 7356*, 8350.

522 ....Makes an appropriation to the NevadaTeach Program at the University of Nevada, Reno. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen Frierson and Benitez-Thompson, 7284, 7285, 7286*, 8350.

No. *Summary, Introducer and Page Reference*

VETOED ASSEMBLY BILLS OF THE 78TH SESSION

No. *Summary, Introducer and Page Reference*

326 ....Revises provisions governing motor vehicle registration. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Carrillo, 43, 99, 100.

472 ....Revises provisions governing the use of money in the Patriot Relief Account. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Ways and Means, 43, 100.

INITIATIVE PETITIONS

No. *Summary and Page Reference*

1 ....Revises provisions relating to voter registration. 30, 158, 163, 168, 169*, 286, 307, 356, 385.

LISTING OF ASSEMBLY RESOLUTIONS AND ACTIONS THEREON

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

ASSEMBLY JOINT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1 ....Proposes to amend the Nevada Constitution to limit certain changes to the commerce tax unless the change is approved by a majority of the voters voting on the question. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Ellison, 70.

2 ....Proposes to amend the Nevada Constitution to require the recognition of all marriages regardless of gender. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Araujo, Elliot Anderson, Bilbray-Axelrod, Brooks, Carrillo, Diaz, Joiner, Monroe-Moreno, Ohrenschall, Sprinkle, Swank, Thompson, Yeager; Senators Parks, Cancela, Ford, Manendo, Ratti, Segerblom and Woodhouse, 72, 214, 245, 265, 267*, 3907, 3909, 3910, 3921.

3 ....Recognizes the strategic partnership and bond of friendship with, and expressing the Nevada Legislature's support for, the State of Israel. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Ellison and Krasner, 122.

4 ....Requests the National Research Council of the National Academy of Sciences to conduct an independent scientific and economic analysis of the current management practices of the Colorado River, the impact of these practices on water security, flood protection and biodiversity recovery, and alternative management options, including draining Lake Powell and decommissioning and destroying the Glen Canyon Dam. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Swank and Senator Segerblom, 122, 793, 860, 932, 1134, 1537, 1655, 3752, 3881*.

5 ....Proposes to amend the Nevada Constitution to remove the constitutional provisions governing the election and duties of the Board of Regents of the State University and to authorize the Legislature to provide by statute for the governance, control and management of the State University and for the reasonable protection of individual academic freedom. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Elliot Anderson and Senator Woodhouse, 132, 1659, 1660, 3121, 3881, 3882*, 6006, 6400, 6406, 6629.

6 ....Proposes to amend the Nevada Constitution to abolish the Office of State Controller and the Office of State Treasurer. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Elliot Anderson, 142.

7 ....Expresses the opposition of the Nevada Legislature to certain proposed changes to the federal Medicare and Social Security programs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Frierson, Elliot Anderson, Benitez-Thompson, Carrillo, Araujo, Bilbray-Axelrod, Brooks, Carlton, Cohen, Daly, Diaz, Flores, Fumo, Jauregui, Joiner, Miller, Monroe-Moreno, Neal, Spiegel, Sprinkle, Swank, Thompson, Watkins, Yeager; Senators Cancela, Cannizzaro, Ford, Manendo, Parks and Woodhouse, 153, 293, 307, 316, 317*, 4101, 4640.

8 ....Urges the United States Senate to protect a woman's reproductive rights as it undergoes the process of vetting a nominee for the United States Supreme Court. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Watkins, Fumo, Yeager, Jauregui, Brooks, Joiner, McCurdy II and Miller, 215, 354, 391, 394.

9 ....Urges Congress not to repeal the Patient Protection and Affordable Care Act or its most important provisions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Joiner, Frierson, Carrillo, Sprinkle, McCurdy II, Araujo, Benitez-Thompson, Bilbray-Axelrod, Brooks, Bustamante Adams, Carlton, Cohen, Daly, Diaz, Flores, Fumo, Jauregui, Miller, Monroe-Moreno, Neal, Ohrenschall, Spiegel, Swank, Thompson, Watkins and Yeager, 286, 885, 1134, 1537, 1655, 3752, 3882*, 4101, 4640.

10 ....Expresses opposition to the development of a repository for spent nuclear fuel and high-level radioactive waste at Yucca Mountain in the State of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Brooks, Frierson, Yeager, Watkins, Benitez-Thompson, Paul Anderson, Araujo, Bilbray-Axelrod, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Flores, Fumo, Jauregui, Joiner, McCurdy II, Miller, Monroe-Moreno, Neal, Ohrenschall, Spiegel, Thompson; Senators Segerblom, Ford, Cancela, Spearman, Cannizzaro, Manendo, Ratti, Roberson and Woodhouse, 294, 607, 765, 785, 851, 882, 932, 1134, 1537, 1644, 1645, 1647*, 4101, 4640.

No. *Summary, Introducer and Page Reference*

11 ....Urges Congress to ensure that the Intermountain West Corridor does not bypass Mineral County. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hansen, Ellison, McArthur and Senator Gustavson, 319, 687, 785, 851, 882, 932, 1134, 1537, 1655, 3752, 3883*, 4706, 6005, 6006, 6326.

12 ....Urges Congress to abolish the Gold Butte National Monument. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Edwards, 339, 390.

13 ....Expresses the support of the Nevada Legislature for the enactment and use of the Antiquities Act and the designation of the Basin and Range National Monument and the Gold Butte Monument in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Swank, 389, 793, 860, 932, 1134, 1537, 1655, 3752, 3883, 3884*, 4101, 4640.

14 ....Proposes to amend the Nevada Constitution to ensure access to affordable emergency medical care at reasonable rates to all persons in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 4052, 6979, 6980, 6983, 6984*, 8350.

ASSEMBLY JOINT RESOLUTIONS OF THE 78TH SESSION

No. *Summary, Introducer and Page Reference*

8 ....Proposes to amend the Nevada Constitution to require approval of certain initiative measures by a two-thirds vote. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Dickman, Wheeler, Armstrong, Jones, Fiore, Paul Anderson, Edwards, Ellison, Gardner, O'Neill, Oscarson, Seaman, Shelton, Silberkraus, Titus, Trowbridge; Senators Gustavson and Goicoechea, 43, 65.

10 ....Proposes to amend the Nevada Constitution to revise provisions relating to the compensation of certain elected officers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Dooling, Gardner, Seaman, Shelton, Stewart and Trowbridge, 43, 67, 793, 860, 932, 1134, 1537, 1655, 3752, 3879.

ASSEMBLY CONCURRENT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1 ....Adopts the Joint Standing Rules of the Senate and Assembly for the 79th Session of the Legislature. Committee on Legislative Operations and Elections, 8, 106, 117.

2 ....Provides for the compensation of the clergy for the 79th Session of the Nevada Legislature. Committee on Legislative Operations and Elections, 20, 112, 150.

3 ....Memorializes fallen North Las Vegas Police Detective Chad Parque. Assemblymen Monroe-Moreno, Elliot Anderson, Paul Anderson, Araujo, Benitez-Thompson, Bilbray-Axelrod, Brooks, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Edwards, Ellison, Flores, Frierson, Fumo, Hambrick, Hansen, Jauregui, Joiner, Kramer, Krasner, Marchant, McArthur, McCurdy II, Miller, Neal, Ohrenschall, Oscarson, Pickard, Spiegel, Sprinkle, Swank, Thompson, Titus, Tolles, Watkins, Wheeler, Woodbury, Yeager; Senators Denis, Atkinson, Cancela, Cannizzaro, Farley, Ford, Gansert, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Manendo, Parks, Ratti, Roberson, Segerblom, Settelmeyer, Spearman and Woodhouse, 106, 112, 150.

4 ....Celebrates the life of former Assemblyman Bernie Anderson. Assemblymen Frierson, Elliot Anderson, Paul Anderson, Araujo, Benitez-Thompson, Bilbray-Axelrod, Brooks, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Edwards, Ellison, Flores, Fumo, Hambrick, Hansen, Jauregui, Joiner, Kramer, Krasner, Marchant, McArthur, McCurdy II, Miller, Monroe-Moreno, Neal, Ohrenschall, Oscarson, Pickard, Spiegel, Sprinkle, Swank, Thompson, Titus, Tolles, Watkins, Wheeler, Woodbury, Yeager; Senators Parks, Atkinson, Cancela, Cannizzaro, Denis, Farley, Ford, Gansert, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Manendo, Ratti, Roberson, Segerblom, Settelmeyer, Spearman and Woodhouse, 195, 204, 219.

5 ....Directs the Legislative Commission to conduct an interim study concerning the requirements and costs of operating a business in this State. Assemblyman Edwards, 319.

6 ....Directs the Legislative Commission to conduct an interim study concerning increases in salary and benefits of state employees. Assemblymen Ellison and Oscarson, 339.

7 ....Directs the Legislative Commission to conduct an interim study concerning property taxes. Assemblywoman Neal, 404, 4273, 4496.

8 ....Directs the Legislative Commission to create an interim study concerning reports relating to public education. Committee on Legislative Operations and Elections, 404, 687, 773.

No. *Summary, Introducer and Page Reference*

9 ....Directs the Legislative Commission to conduct an interim study concerning treating certain traffic and related violations as civil infractions. Assemblyman Yeager, 405, 1659, 1660, 1661, 3753, 6938, 7462.

10 ....Honors the contributions of former members of the Nevada Legislature. Assemblymen Frierson, Paul Anderson, Elliot Anderson, Araujo, Benitez-Thompson, Bilbray-Axelrod, Brooks, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Edwards, Ellison, Flores, Fumo, Hambrick, Hansen, Jauregui, Joiner, Kramer, Krasner, Marchant, McArthur, McCurdy II, Miller, Monroe-Moreno, Neal, Ohrenschall, Oscarson, Pickard, Spiegel, Sprinkle, Swank, Thompson, Titus, Tolles, Watkins, Wheeler, Woodbury, Yeager; Senators Ford, Roberson, Atkinson, Cancela, Cannizzaro, Denis, Farley, Gansert, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Manendo, Parks, Ratti, Segerblom, Settelmeyer, Spearman and Woodhouse, 3896, 3900, 3910.

11 ....Celebrates the life of former Assemblyman John C. Carpenter Jr. Assemblymen Ellison, Elliot Anderson, Paul Anderson, Araujo, Benitez-Thompson, Bilbray-Axelrod, Brooks, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Edwards, Flores, Frierson, Fumo, Hambrick, Hansen, Jauregui, Joiner, Kramer, Krasner, Marchant, McArthur, McCurdy II, Miller, Monroe-Moreno, Neal, Ohrenschall, Oscarson, Pickard, Spiegel, Sprinkle, Swank, Thompson, Titus, Tolles, Watkins, Wheeler, Woodbury, Yeager; Senators Goicoechea, Atkinson, Cancela, Cannizzaro, Denis, Farley, Ford, Gansert, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Manendo, Parks, Ratti, Roberson, Segerblom, Settelmeyer, Spearman and Woodhouse, 3901, 3907, 3921.

12 ....Amends the Joint Standing Rules of the Senate and Assembly for the 79th Session of the Legislature. Assemblyman Frierson and Senator Ford, 8989.

ASSEMBLY RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1 ....Adopts the Assembly Standing Rules for the 79th Session of the Legislature. Committee on Legislative Operations and Elections, 44, 117.

2 ....Provides for the appointment of Assembly attaches. Committee on Legislative Operations and Elections, 63, 117.

3 ....Provides allowances to the members of the Assembly for periodicals, stamps, stationery and communications. Committee on Legislative Operations and Elections, 64, 117.

4 ....Provides for the appointment of additional attaches for the Assembly. Committee on Legislative Operations and Elections, 199, 219.

5 ....Adds former Assemblyman John E. (Jack) Jeffrey to the Assembly Wall of Distinction. Assemblymen Frierson, Benitez-Thompson and Paul Anderson, 3924, 3925, 3953.

6 ....Adds former Assemblyman Lynn Hettrick to the Assembly Wall of Distinction. Assemblymen Frierson, Benitez-Thompson and Paul Anderson, 3926, 3953.

7 ....Designates certain members of the Assembly as regular and alternate members of the Legislative Commission for the 2017-2019 biennium. Committee on Legislative Operations and Elections, 4048, 4180.

LISTING OF SENATE BILLS AND ACTIONS THEREON

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

No. *Summary, Introducer and Page Reference*

1 ....Makes an appropriation to the Legislative Fund for the costs of the 79th Legislative Session. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Senators Ford and Roberson, 100, 101*, 117, 861, 862.

2 ....Revises provisions relating to the surrender of a newborn child to a provider of emergency services. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Manendo, 885, 886, 3931, 3948, 3978, 4047, 4097, 4169, 4170*, 4640.

3 ....Revises provisions governing the Breakfast After the Bell Program that provides breakfast to certain pupils at public schools. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 118, 3956, 3957, 5326, 5637, 6189*, 6629.

5 ....Revises provisions relating to the issuance of certain private activity bonds. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs, 113.

7 ....Revises provisions of the Nevada Code of Military Justice. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 153, 154, 3923, 3932, 3949*, 4097.

8 ....Revises provisions relating to presentence and general investigations and reports. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 113.

9 ....Revises provisions relating to presentence and general investigations and reports. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 113.

10 ....Revises provisions governing the publication of information concerning unclaimed and abandoned property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 1547, 1548, 4625, 4639, 4879, 5542*, 5543, 6625, 6629.

11 ....Revises provisions governing the procedure for filing certain postconviction petitions for a writ of habeas corpus. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 113.

12 ....Repeals certain provisions relating to governmental administrative tasks. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Revenue and Economic Development, 885, 886, 4625, 4639, 4883, 5543*, 6011, 6622.

13 ....Abolishes the Advisory Board on Motorcycle Safety. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation, 434, 435, 3946, 3957, 4036, 4037, 4038*, 4181.

14 ....Revises the duties of the Investigative Division of the Department of Public Safety. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Transportation, 113.

15 ....Revises provisions governing vehicle registration and license plates. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation, 434, 435, 3946, 3957, 4036, 4038*, 4181.

16 ....Changes the name of the General Services Division of the Department of Public Safety. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 177, 3923, 3932, 3950*, 4097.

17 ....Revises provisions governing payday lending. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce, Labor and Energy, 113.

18 ....Makes various changes relating to bail bonds. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Commerce, Labor and Energy, 113, 3887, 3888.

19 ....Revises provisions relating to dual credit courses. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 159, 885, 886, 3946, 3957, 4036, 4038, 4039*, 4181.

20 ....Revises provisions relating to educational personnel. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education, 1547, 1548, 3931, 3948, 3978, 4036, 4039*, 4181.

21 ....Abolishes the Nye County Water District. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 420, 421.

No. *Summary, Introducer and Page Reference*

22 ....Revises provisions relating to governmental administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 195, 200, 3923, 3932, 3950*, 4097.

23 ....Clarifies requirements relating to a petition for judicial review of a final administrative decision in a contested case. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 173, 174.

25 ....Revises provisions governing the organization and functions of the Office of the Attorney General relating to domestic violence and the fictitious address program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 113, 4051, 4053, 6009, 6196, 6197*, 6629.

26 ....Makes certain changes concerning governmental entities that contract with or invest in companies that boycott Israel. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs, 885, 886, 4273, 4499, 5041, 5043, 6326.

27 ....Revises the definition of the term "mental illness" for purposes of provisions relating to criminal procedure, mental health and intellectual disabilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 885, 886, 3931, 3948, 3978, 4036, 4039, 4040*, 4181.

28 ....Requires an annual review of certain rates paid by Medicaid in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 113.

29 ....Provides for the transfer of a criminal case from one justice court or municipal court to another such court or a district court in certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 1547, 1548, 3946, 3957, 4036, 4040*, 4181.

31 ....Revises provisions governing the registration and regulation of commercial motor vehicles. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Executive Budget. Committee on Transportation, 113, 885, 886, 3956, 3981, 4087, 4093*, 4094, 4496, 5322.

32 ....Makes various changes to provisions governing securities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 1547, 1548, 3931, 3948, 3978, 4036, 4040*, 4181.

33 ....Prohibits the foreclosure of real property or a lien against a unit in a common-interest community owned by certain military personnel or their dependents in certain circumstances. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Judiciary, 940, 941, 3980, 4054, 4170*, 4496, 5322.

34 ....Makes various changes relating to the support of children. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Judiciary, 113.

35 ....Creates the Subcommittee on Criminal Justice Information Sharing of the Advisory Commission on the Administration of Justice. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 261, 262, 3931, 3948, 3978, 4036, 4040, 4041*, 4181.

37 ....Makes various changes relating to the issuance and renewal of license plates which commemorate the 150th anniversary of Nevada's admission into the Union. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 113, 3913, 3916, 4191, 4299, 4629*, 5637.

38 ....Revises provisions governing the State's Central Mailing Room. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education, 113, 3913, 3916, 4100, 4198, 4417*, 5322.

39 ....Revises provisions relating to state purchasing. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 885, 886.

40 ....Revises provisions relating to the registration of child custody determinations from outside Nevada. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 885, 886, 3931, 3948, 3978, 4036, 4041*, 4181.

41 ....Revises various provisions relating to business entities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 885, 886, 4273, 4499, 5309, 5322, 5637, 6321*, 6629.

42 ....Revises provisions related to justices of the peace. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 261, 262, 3931, 3948, 3978, 4036, 4041*, 4181.

43 ....Revises the membership of the Nevada State Board on Geographic Names. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, 261, 262, 3946, 3958, 4047, 4087, 4094*, 4269.

No. *Summary, Introducer and Page Reference*

44 ....Authorizes the State Public Works Division to issue certain permits. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 173, 174, 3923, 3933, 3950, 3951*, 4097.

45 ....Revises provisions relating to the State Public Works Division of the Department of Administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 173, 174, 3923, 3933, 3951*, 4097.

46 ....Revises provisions governing background checks of operators, employees and certain adult residents of a child care facility. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 940, 941, 4051, 4133, 4234, 4235*, 4706, 5322.

47 ....Makes various changes relating to the appropriation of water. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, 3887, 3888, 4273, 4499, 5309*, 6011, 7972, 8347, 8682, 8914.

49 ....Revises provisions relating to funding for pupils with disabilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance, 118, 7998, 7999, 8726, 8729, 8730*, 8982.

50 ....Provides for advance directives governing the provision of psychiatric care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 940, 941, 3980, 4067, 4170*, 4496, 5322.

51 ....Makes various changes relating to the adjudication of vested water rights. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, 885, 887, 3956, 4001, 4097, 4170, 4171*, 4640.

52 ....Revises provisions relating to unemployment compensation. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Commerce, Labor and Energy, 1135.

53 ....Revises provisions relating to the installation, operation and maintenance of telecommunications facilities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Transportation, 885, 887, 3955, 4001, 4087, 4094*, 4269.

54 ....Revises provisions governing the use of the proceeds of a tax for infrastructure by certain smaller counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Revenue and Economic Development, 940, 941, 4051, 4137, 4235*, 5322.

55 ....Authorizes certain regulatory bodies to invalidate an occupational or professional license, certificate, registration or permit that is issued in error. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce, Labor and Energy, 885, 887.

56 ....Provides a charter for the City of Mesquite. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs, 195, 200, 4625, 4639, 4887, 5621*, 6011, 6622.

57 ....Revises provisions relating to the Nevada Commission for the Reconstruction of the V & T Railway. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 940, 941, 3923, 3933, 3951*, 4097.

58 ....Revises various provisions relating to veterans. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Government Affairs, 153, 154, 270, 277, 278*, 298.

59 ....Revises provisions relating to the program to monitor prescriptions for certain controlled substances. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 3887, 3888, 4101, 4198, 4417*, 4418, 4706, 5322.

60 ....Revises provisions governing Medicaid payments for ground emergency medical transportation services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 885, 887, 5040, 5076, 5621, 5622*, 6625, 6629.

62 ....Revises provisions governing the penalty for battery which constitutes domestic violence. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 159.

64 ....Revises provisions relating to the distribution of the proceeds of taxes on aviation fuel and fuel for jet or turbine-powered aircraft. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Revenue and Economic Development, 420, 421, 4051, 4137, 4235*, 5322.

65 ....Revises provisions related to the filing by certain electric utilities of an integrated resource plan. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce, Labor and Energy, 3887, 3888, 4624, 4639, 4922, 4928, 5327, 5348, 6236, 6284*, 6625, 6936.

66 ....Revises provisions relating to work-based learning programs. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 1142, 6010, 6012, 6623, 6877, 6913, 7058, 7362, 7364*, 8053.

No. *Summary, Introducer and Page Reference*

68 ....Revises provisions governing crimes related to certain financial transactions. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 159.

69 ....Revises provisions relating to state government. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce, Labor and Energy, 159, 4706, 4707, 7061, 7267, 7281, 7282*, 7998, 8053, 8558, 8892, 8893, 8904.

70 ....Revises provisions governing the management of certain abandoned or unclaimed property by the Department of Veterans Services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 153, 154, 270, 277, 278*, 298.

71 ....Revises provisions relating to medical facilities, facilities for the dependent and certain other facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 270, 272, 4625, 4639, 4928, 5622*, 6011, 6622.

72 ....Revises provisions governing the Merit Award Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Legislative Operations and Elections, 191, 3913, 3916, 6937, 7058, 7362, 7995, 8348, 8551*.

74 ....Revises provisions relating to water. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, 159, 6011, 6012, 6623, 6877, 6913, 7058, 7362, 7995, 8023, 8049, 8050*.

75 ....Makes various changes relating to the Department of Wildlife. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, 885, 887, 3956, 4001, 4097, 4171*, 4640.

76 ....Revises provisions governing the investment of money held by the State or certain political subdivisions of the State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education, 885, 887.

78 ....Revises provisions relating to local government financial administration. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs, 1660, 1662, 4050, 4137, 4236*, 5322.

79 ....Revises provisions concerning the confidentiality of certain personal information of certain persons and entities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs, 159, 3887, 3888, 4625, 4639, 4950, 4951, 6326.

80 ....Makes various changes relating to the Public Employees' Benefits Program and the Deferred Compensation Program. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs, 159.

81 ....Provides for the conversion of state-chartered savings and loan associations to savings banks. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce, Labor and Energy, 1135, 1136, 4190, 4299, 4629*, 6011, 6622.

83 ....Revises various provisions relating to the Nevada Indian Commission. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 1660, 1663.

84 ....Makes various changes relating to ethics in government. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Legislative Operations and Elections, 3887, 3888, 5326, 5447, 6189*, 6625, 6936.

85 ....Exempts certain property from taxation. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Kieckhefer, 294, 296.

86 ....Authorizes the provision of instruction in cursive handwriting to pupils enrolled in elementary school. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Gustavson, 1135, 1136.

88 ....Revises provisions relating to the Contingency Account in the State General Fund. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance, 159, 6625, 6627.

89 ....Creates the K-12 Public Education Stabilization Account. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senators Woodhouse, Ford, Atkinson, Denis, Parks, Manendo and Ratti, 158.

90 ....Makes various changes relating to student loans. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Ford, 159.

91 ....Revises provisions relating to drug donation programs. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Hardy, 940, 941, 3946, 3958, 4047, 4097, 4171, 4172*, 4496, 5322.

92 ....Revises provisions relating to the Task Force on Alzheimer's Disease. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Hardy, 191, 192, 319, 352, 355*, 404.

94 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Ford, 159.

No. *Summary, Introducer and Page Reference*

95 ....Requires an analysis of the adequacy of Medicaid reimbursement rates for personal care services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 159.

96 ....Requires a comparative analysis of the rates of reimbursement paid by Medicaid for certain services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 159.

97 ....Expands the authority of the Office of the State Long-Term Care Ombudsman. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 159.

101 ....Restricts the authority to inject neuromodulators derived from Clostridium botulinum and dermal and soft tissue fillers to certain medical professionals. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Senator Hardy, 3887, 3888, 4051, 4137, 4237, 4418*, 4706.

105 ....Authorizes and requests the Governor to proclaim "Indigenous Peoples Day." Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Segerblom and Parks, 1660, 1663, 3923, 3933, 3952*, 4097.

106 ....Revises provisions governing the minimum wage required to be paid to employees in private employment in this State. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Commerce, Labor and Energy, 794, 4101, 4102, 6623, 6877, 6913, 6990, 7362, 7995, 8348, 8551*, 8983.

107 ....Authorizes ethnic and diversity studies in public high schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Segerblom, 191, 3887, 3889, 3980, 4078, 4172*, 4640.

108 ....Requires a study to determine the manner in which to include certain instruction relating to criminal law in the social studies curriculum for public high schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 191, 1660, 1663, 3955, 4001, 4087, 4094, 4095*, 4274, 4640.

109 ....Prohibits any person from requiring another person to undergo implantation of a microchip or other permanent identification marker. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Harris, 191.

110 ....Revises provisions governing the process for a change of name. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Parks, Woodhouse, Ford, Atkinson, Ratti, Denis, Manendo, Segerblom, Spearman; Assemblymen Carlton, Araujo, Frierson, Carrillo, Spiegel, Sprinkle and Swank, 261, 262, 3931, 3948, 3978, 4036, 4042*, 4181.

111 ....Revises provisions relating to the auditing of agencies of the Executive Department of the State Government. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 173, 174.

112 ....Requires a course of study in health provided to pupils in certain grade levels in public schools to include certain information on organ and tissue donation. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Ratti and Kieckhefer, 191, 425, 3946, 3963, 4036, 4042*, 4181.

114 ....Revises provisions relating to common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Woodhouse, 191.

115 ....Revises provisions concerning the prohibition against carrying or possessing certain weapons while on certain property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Denis and Assemblywoman Bilbray-Axelrod, 355.

116 ....Revises provisions governing warnings against trespassing. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Senators Settelmeyer and Goicoechea, 940, 941, 3956, 4003, 4097, 4102, 4180, 4237, 4427, 4639, 5322, 5637, 6012.

117 ....Revises provisions relating to election accessibility. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Settelmeyer, Roberson, Kieckhefer, Harris, Gansert, Atkinson, Cannizzaro, Denis, Ford, Goicoechea, Gustavson, Hammond, Hardy, Manendo, Parks, Ratti, Spearman and Woodhouse, 454, 3956, 4005, 4097, 4172*, 4640.

118 ....Creates the interim Nevada Task Force on Financial Security. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Ford and Assemblywoman Bustamante Adams, 885, 887, 4051, 4157, 4237, 4418*, 5322.

119 ....Provides immunity from civil liability to certain volunteers who serve on an organizational team established by the principal of a public school as part of the reorganization of the school district. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Ford, 885, 887.

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120 ....Revises provisions relating to problem gambling. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Cancela and Segerblom, 191, 6938, 6939, 7062, 7362, 7995, 8348, 8552*.

121 ....Directs the Legislative Commission to appoint a committee to conduct an interim study concerning issues regarding the behavioral and cognitive care needs of older persons. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Woodhouse, Parks, Ford, Denis, Farley, Atkinson, Cancela, Cannizzaro, Manendo, Ratti, Segerblom and Spearman, 434, 8347, 8348, 8702, 8725*.

122 ....Establishes a program to provide grants for family planning services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Cancela, Ratti, Cannizzaro, Parks, Woodhouse; Assemblymen Spiegel and Sprinkle, 3887, 3889, 3956, 4005, 4087, 4095*, 4274, 4640.

123 ....Revises provisions relating to the State Long-Term Care Ombudsman. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Ratti, 191, 192, 3956, 4011, 4087, 4095*, 4274, 4640.

124 ....Revises provisions concerning the ownership, possession and control of firearms by certain persons. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Spearman, Ratti, Ford, Woodhouse, Atkinson, Cancela, Cannizzaro, Manendo, Parks, Segerblom and Assemblyman Sprinkle, 308, 4706, 4707, 7283, 7362, 7364, 7608, 7973*, 8350, 8351.

125 ....Revises provisions governing the sealing of criminal records. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Ford and Assemblyman Frierson, 885, 887, 4272, 4515, 5310*, 6010, 6326.

126 ....Establishes a program to provide loans to small business enterprises, minority-owned business enterprises, women-owned business enterprises and disadvantaged business enterprises. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Ford, 191, 6625, 6627, 7283, 7357, 7360*, 8053.

127 ....Revises provisions relating to the election of members of certain local governing bodies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Goicoechea, 885, 887, 4050, 4157, 4237, 4397.

128 ....Revises provisions relating to the requirements to levy taxes to support districts for county fire departments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Goicoechea, 885, 888.

130 ....Revises provisions relating to brew pubs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Settelmeyer, 885, 888.

131 ....Requires certain pharmacies to, upon request, provide a prescription reader or advice on obtaining a prescription reader. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Denis, 3753, 3754, 3946, 3963, 4036, 4042*, 4043, 4181.

132 ....Revises provisions relating to public high schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Harris, 493, 6010, 6013, 6623, 6877, 6913, 7058, 7362, 7995, 8267, 8269, 8271, 8272, 8348, 8552*, 8553.

133 ....Revises the Uniform Deployed Parents Custody and Visitation Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Harris, 261, 262, 3946, 3963, 4047, 4097, 4172, 4173*, 4640.

135 ....Requires that an applicant for certain insurance-related licenses have the option to take an examination in Spanish. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Hardy, 191.

136 ....Makes various changes concerning health care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Woodhouse, Ford, Atkinson, Parks, Manendo, Cancela, Cannizzaro, Denis, Farley, Hardy, Ratti, Segerblom and Spearman, 191, 4051, 4053, 4625, 4639, 5310*, 6326.

137 ....Revises provisions governing certain plans, programs and reports relating to veterans. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Woodhouse, Spearman, Parks, Hardy, Ford, Atkinson, Cancela, Cannizzaro, Denis, Farley, Manendo, Ratti and Segerblom, 191, 6006, 6007, 6330, 6336, 6337*, 6629.

138 ....Authorizes the creation of a local improvement district for a waterfront maintenance project. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hardy, 885, 888, 4190, 4355, 4497, 4639, 5322, 5637, 6324*, 6325, 6629.

139 ....Makes various changes to provisions relating to patient-centered medical homes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Hardy, 191.

140 ....Authorizes the residential confinement or other appropriate supervision of certain older offenders. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hardy, 940, 941, 3930, 3948, 3978, 4047, 4097, 4173*, 4640.

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141 ....Revises provisions relating to special license plates for veterans with a qualifying service-connected disability. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Hardy and Gustavson, 885, 888, 3956, 4018, 4097, 4173*, 4640.

143 ....Requires each public school in a school district to establish and maintain a school library. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Harris, 261.

144 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Spearman, 3887, 3889, 4625, 4639, 4951, 5319, 5637, 6324*, 6626, 7462, 8350, 8892, 8914, 8972.

145 ....Revises provisions relating to energy. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Spearman, 390, 1660, 1663, 4050, 4157, 4237, 4418, 4419*, 5323.

146 ....Revises provisions governing the filing of an integrated resources plan with the Public Utilities Commission of Nevada. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Spearman, 3887, 3889, 4050, 4157, 4158, 4192, 7608, 7972, 7973*, 8351.

147 ....Authorizes tax credits for employers who assist employees in finding and paying for day care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Spearman, 191.

148 ....Revises provisions relating to veterans. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Spearman, 305, 306, 3923, 3933, 3952*, 4097.

149 ....Revises provisions governing regional transportation commissions. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senators Manendo and Hammond, 885, 888, 4273, 4530, 4706, 6236, 6258, 6319*, 6320, 6625, 6936.

150 ....Revises provisions related to energy efficiency programs. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Spearman, 3887, 3889, 4100, 4192, 4208, 4227, 6624, 6877, 6913, 7058, 7357, 7358*, 8053.

151 ....Authorizes the establishment of a public health laboratory in certain counties. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator Manendo, 1135, 1136, 4273, 4541, 5309, 5322, 5637, 6012.

154 ....Creates the Program to Develop Leadership Skills for Public School Pupils. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senator Hammond, 191.

155 ....Makes an appropriation for educational leadership training programs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senator Farley, 191, 7364, 7460, 8024, 8345*.

156 ....Revises provisions relating to the transportation of children in motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Woodhouse, 3887, 3889, 4051, 4157, 4237, 4397, 4427, 4639, 5322, 5637, 6321.

157 ....Revises provisions governing the payment of compensation for overtime and the requirement for a 30-minute meal period. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Farley, 215.

159 ....Provides for the regulation of the sale of dextromethorphan. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Farley, 885, 888, 4051, 4157, 4237, 4419*, 5323.

160 ....Revises provisions relating to administrative regulations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Gansert, 885, 888, 3923, 3933, 3952, 3978, 4047, 4087, 4096*, 4269, 8386, 8406.

162 ....Revises provisions relating to psychological assistants, psychological interns and psychological trainees. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Gansert, 1135, 1136, 4100, 4208, 4397, 4427, 4639, 5322, 5637, 6325*, 6625, 6936.

163 ....Revises provisions relating to professional entities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Farley and Assemblyman Araujo, 885, 888, 4101, 4215, 4419, 4420*, 5322, 5637.

164 ....Authorizes a school district to lease school buses or vehicles belonging to the school district in certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Farley, 1135, 1136, 4272, 4541, 4706, 5327, 5637*, 6011, 6622.

165 ....Makes various changes concerning the prevention and treatment of obesity. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Denis and Assemblyman Oscarson, 885, 888, 4190, 4356, 4630*, 5322, 5637.

166 ....Establishes a pilot program to survey pupils enrolled in public schools concerning the use and abuse of tobacco, alcohol, prescription drugs and controlled substances. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Farley, Woodhouse and Spearman, 308.

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167 ....Makes an appropriation for the creation and maintenance of school gardens. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Farley, Cannizzaro, Cancela, Woodhouse, Harris and Assemblywoman Bustamante Adams, 191, 7998, 7999, 8682, 8723*, 8724.

169 ....Revises provisions relating to sexual offenses. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Harris and Assemblyman Yeager, 308, 3753, 3754, 4625, 4639, 4706, 5041, 5044, 5622, 5623*, 6625, 6629.

170 ....Revises provisions governing public records. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Segerblom, 434, 454.

171 ....Requires certain pharmacies to post or provide written instructions for the safe disposal of unused drugs. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Gansert, Cancela, Ford, Harris, Manendo, Parks, Segerblom and Assemblywoman Tolles, 885, 888, 4190, 4364, 4630*, 6011, 6622.

173 ....Revises provisions relating to facilities for achievement charter schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Cancela, 389, 390, 3946, 3963, 4047, 4097, 4173, 4227, 4232, 4236, 4237*, 4496, 5323.

174 ....Renames McCarran International Airport as Harry Reid International Airport. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senators Segerblom, Cancela, Manendo, Atkinson, Cannizzaro; Assemblymen Brooks, Frierson, Yeager, Jauregui and Thompson, 794.

175 ....Designates May 18 as Asian Culture Day in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Hammond, Atkinson, Cancela, Cannizzaro, Ford, Gansert, Hardy, Harris, Manendo, Parks, Roberson, Segerblom; Assemblymen Paul Anderson, Bilbray-Axelrod, Brooks, Bustamante Adams, Carrillo, Cohen, Frierson, Fumo, Hambrick, Jauregui, Joiner, Kramer, Krasner, Marchant, McCurdy II, Miller, Monroe-Moreno, Neal, Ohrenschall, Oscarson, Pickard, Spiegel, Thompson, Tolles, Watkins, Wheeler and Yeager, 3887, 3889, 3923, 3933, 3952, 3971, 3972*, 4181.

176 ....Revises provisions relating to public safety. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Ford, Atkinson, Spearman, Cancela, Manendo, Parks, Ratti; Assemblymen Frierson, Neal, Thompson, Carrillo, Flores, Fumo, Jauregui, Joiner, McCurdy II, Miller, Monroe-Moreno, Ohrenschall, Spiegel and Yeager, 885, 889, 3955, 4018, 4097, 4177*, 4640.

177 ....Revises provisions governing the assignment of certain defendants to a program for treatment of mental illness. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Parks, Manendo; Assemblymen Carrillo and Neal, 940, 941, 3945, 3963, 4036, 4043*, 4181.

178 ....Revises provisions relating to the funding formula for K-12 public education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Denis, Woodhouse; Assemblymen Diaz and Thompson, 261, 7283, 7284, 7608, 7995, 8348, 8553*.

179 ....Expands the eligibility for tax abatements for certain businesses related to airplanes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Denis, 191.

180 ....Revises provisions relating to the State Supplemental School Support Account. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Segerblom, 191.

181 ....Revises provisions governing certain alcohol and drug abuse programs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senator Segerblom, 191.

182 ....Revises provisions governing sheriffs, constables and deputy constables. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Parks, 3753, 3754, 3946, 3963, 4047, 4097, 4178*, 4640.

183 ....Revises provisions relating to housing authorities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Parks, Manendo, Segerblom; Assemblymen Bustamante Adams, Carrillo, Neal and Ohrenschall, 1660, 1663, 4705, 4707, 5623*, 6011, 6622.

184 ....Revises provisions relating to aggregated sentences and eligibility for parole. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Parks, Cancela, Manendo, Segerblom; Assemblymen Brooks, Neal and Yeager, 493.

185 ....Makes various changes relating to trade regulations. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Parks, Manendo, Segerblom; Assemblymen Cohen, Neal, Spiegel and Yeager, 1135, 1136, 4272, 4545, 5310, 5311*, 6010, 6326.

186 ....Revises provisions relating to the provision of information and assistance to immigrants. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Denis, 261.

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187 ....Makes an appropriation for the establishment of a fine arts museum in Las Vegas, Nevada, and the expansion of the Nevada Museum of Art in Reno, Nevada. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Segerblom, Cancela, Kieckhefer, Harris, Cannizzaro, Denis, Farley, Gansert, Hammond, Manendo, Parks, Ratti and Woodhouse, 215, 7283, 7284, 7608, 7995, 8348, 8553*.

188 ....Revises provisions prohibiting certain discriminatory acts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Parks, Cannizzaro and Ford, 940, 942, 3955, 4018, 4097, 4178*, 4640.

189 ....Revises provisions relating to child care facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Woodhouse, 308, 4706, 4707, 6883, 6913, 7058, 7357, 7359*, 8053.

190 ....Extends and revises the Zoom schools program for the 2017-2019 biennium. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Cannizzaro, 191.

191 ....Establishes a standard for evidence of eligibility for any benefit, program or assistance provided to a veteran with a military service-connected disability. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Cannizzaro, Cancela, Segerblom, Parks, Spearman, Manendo, Woodhouse; Assemblymen Joiner, Spiegel and Yeager, 940, 942, 4050, 4157, 4237, 4420*, 5323, 8283.

192 ....Establishes required hours of operation for certain mobile mental health units. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Cannizzaro, Cancela, Segerblom, Parks, Spearman, Ford, Manendo, Woodhouse; Assemblymen Spiegel, Thompson and Yeager, 215, 7283, 7284, 7608, 7995, 8348, 8553, 8554*.

194 ....Prohibits the sale of products derived from or containing certain animal species under certain circumstances. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Denis, Parks, Cancela, Atkinson, Manendo, Ford, Ratti, Segerblom; Assemblymen Swank, Edwards, Frierson, Carrillo, Bilbray-Axelrod, Daly, Jauregui and Joiner, 191, 1660, 1663, 4625, 4639, 5023, 5623, 5624*, 6625, 6629.

195 ....Revises provisions relating to common-interest communities and time shares. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Harris, 940, 942, 3980, 4078, 4178, 4179*, 4640.

196 ....Requires certain employers in private employment to provide paid sick leave to full-time employees under certain circumstances. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Ford, Woodhouse, Spearman, Ratti, Farley, Atkinson, Cancela, Cannizzaro, Denis, Manendo, Parks, Segerblom; Assemblymen Frierson, Benitez-Thompson, Yeager, Carrillo, Elliot Anderson, Araujo, Bilbray-Axelrod, Cohen, Daly, Diaz, Flores, Fumo, Jauregui, Joiner, Neal, Spiegel, Sprinkle, Swank and Thompson, 940, 942, 5040, 5083, 5624*, 6010, 6326.

197 ....Extends the deadline for issuing certain bonds for certain environmental improvement projects in the Lake Tahoe Basin. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 305, 306, 429, 450, 454, 3949*, 4097.

198 ....Extends the deadline for issuing certain bonds relating to the property and natural resources of Nevada approved by the voters in 2002. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs, 305, 306, 429, 450, 454, 3949, 3950*, 4097.

199 ....Revises provisions relating to alcoholic beverages. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Settelmeyer, 1660, 1663, 4272, 4548, 5309, 5322, 5637, 6325*, 6625, 6936.

200 ....Revises provisions relating to instruction in computer education and technology. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Woodhouse, Denis, Ford, Spearman, Cancela, Atkinson, Cannizzaro, Gansert, Manendo, Parks, Ratti, Segerblom; Assemblymen Carlton, Frierson and Fumo, 215, 7283, 7284, 7608, 7995, 8348, 8551, 8552*.

201 ....Enacts provisions relating to conversion therapies. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Parks, Ratti, Ford, Atkinson, Spearman, Cancela, Cannizzaro, Denis, Farley, Manendo, Segerblom, Woodhouse; Assemblymen Araujo, Carrillo, Carlton, Neal, Cohen, Brooks, Flores, Krasner, Ohrenschall, Swank, Thompson and Yeager, 454, 455, 3900, 3909, 3917, 3924, 3936, 3941, 3943*, 3953.

202 ....Revises various provisions of the Charter of the City of Sparks. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Ratti and Assemblyman Sprinkle, 389, 390, 3923, 3933, 3952, 3978, 4036, 4043, 4044*, 4181.

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203 ....Revises provisions relating to domestic corporations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 794, 4274, 4275, 7363, 7995, 8348, 8554*.

204 ....Requires the Public Utilities Commission of Nevada to investigate and establish biennial targets for certain electric utilities to procure energy storage systems under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Atkinson, Spearman, Cancela, Goicoechea, Manendo and Segerblom, 3753, 3754, 4050, 4157, 4237, 4420*, 4421, 5323.

205 ....Revises provisions governing the payment of certain expenses of Legislators during a regular legislative session. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Atkinson, Segerblom, Cancela, Denis, Farley, Parks, Ratti, Spearman and Woodhouse, 688.

206 ....Revises provisions relating to barbering. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Atkinson, Spearman, Cancela, Cannizzaro, Farley, Goicoechea, Manendo, Segerblom and Settelmeyer, 885, 889, 3945, 3963, 4047, 4087, 4096*, 4269.

209 ....Revises provisions relating to insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce, Labor and Energy, 3753, 3754, 4272, 4555, 5311*, 6626, 8428, 8682, 8779, 8780, 8892, 8904, 8914.

210 ....Provides for the licensure and regulation of anesthesiologist assistants. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Kieckhefer, Ford and Gansert, 1547, 1548.

211 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 261.

212 ....Revises provisions governing the welfare of pupils. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Gansert, Ratti, Woodhouse, Hammond, Parks, Atkinson, Cancela, Denis, Farley, Ford, Goicoechea, Hardy, Harris, Kieckhefer, Manendo, Roberson, Segerblom, Settelmeyer; Assemblywomen Benitez-Thompson, Joiner and Tolles, 3754, 3956, 3957, 6623, 6877, 6913, 6990, 6992, 7362, 7995, 8348, 8554*, 8983.

213 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Gansert, Roberson, Kieckhefer, Atkinson, Denis, Farley, Goicoechea, Hammond, Hardy, Harris, Manendo, Settelmeyer, Woodhouse; Assemblymen Benitez-Thompson, Oscarson and Tolles, 390, 4274, 4275, 6623, 6877, 6913, 7058, 7362, 7995, 8348, 8555*.

215 ....Revises the circumstances under which the holder of a driver's license or identification card must report a name change to the Department of Motor Vehicles. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Woodhouse, Manendo, Parks, Spearman, Cancela, Cannizzaro, Denis, Ford, Ratti and Segerblom, 1660, 1663, 4051, 4157, 4237, 4421*, 5323.

219 ....Revises provisions relating to radiation. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Woodhouse and Denis, 261.

221 ....Revises provisions governing wildlife. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Denis, Hammond and Assemblyman Watkins, 191, 4706, 4707.

223 ....Restricts certain state and local governmental agencies from performing certain actions relating to immigration enforcement. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Cancela, Segerblom, Ford, Ratti, Denis, Atkinson, Manendo, Parks, Spearman, Woodhouse; Assemblymen Bilbray-Axelrod, Brooks, Jauregui and Monroe-Moreno, 434, 454.

224 ....Requires cameras to be installed in certain classrooms within a public school which are used for special education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Harris, 493.

225 ....Revises provisions relating to bullying and cyber-bullying. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Parks, Woodhouse, Cancela, Spearman, Farley; Assemblymen Spiegel, Bilbray-Axelrod, Ohrenschall, Araujo, Brooks, Carlton, Cohen, Swank and Thompson, 261, 6625, 6627, 6882, 6913, 7058, 7362, 7608, 7973, 7974*, 8351.

226 ....Revises provisions relating to transportation network companies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce, Labor and Energy, 1660, 1663, 4273, 4574, 4707, 6236, 6249, 6327, 6331.

227 ....Revises provisions relating to nurses. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Woodhouse, Manendo, Parks, Ford, Spearman, Cancela, Denis, Ratti, Segerblom; Assemblymen Carlton, Oscarson and Titus, 1135, 4052, 4053, 4272, 4574, 5311, 5312*, 6326.

229 ....Revises provisions relating to guardianships. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Harris, 308, 6010, 6013, 6623, 6877, 6913, 7058, 7362, 7995, 8348, 8555*.

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230 ....Makes various changes relating to judgments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 940, 942, 3946, 3963, 4047, 4097, 4102, 4180, 4237, 4427, 4639, 5322, 5326, 5329, 5330*, 6622.

232 ....Enacts the Domestic Workers' Bill of Rights. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Segerblom, Manendo, Cancela, Parks, Woodhouse; Assemblymen Neal, Araujo, Daly and Joiner, 1135, 1136, 4624, 4639, 5025, 5327, 6198, 6283*, 6884, 7058.

233 ....Requires the State Plan for Medicaid and certain health insurance plans to provide certain benefits. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Ratti, Cancela, Spearman, Cannizzaro, Woodhouse, Atkinson, Denis, Ford, Manendo, Parks, Segerblom; Assemblymen Benitez-Thompson and Frierson, 308, 4191, 4192, 4705, 4712, 5322, 5543, 5614, 5615*, 6011, 6622.

234 ....Authorizes the possession and storage of certain unmanned aerial vehicles by law enforcement and certain other persons. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Hammond, 261.

235 ....Provides for the regulation of ticket sales to an athletic contest or live entertainment event in certain circumstances. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Woodhouse, Parks, Cancela, Spearman, Atkinson, Cannizzaro, Denis, Farley, Manendo and Segerblom, 1660, 6914, 8349, 8536, 8550, 8703, 8705, 8719*, 8720, 8982.

236 ....Requires a license or permit issued by a local government to operate certain businesses in which the use of marijuana is allowed or to allow the use of marijuana at certain events. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Segerblom, 3887, 3889, 4050, 4102.

237 ....Revises provisions relating to the protection of children. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Harris and Gansert, 885, 889, 3946, 3963, 4047, 4097, 4179*, 4640.

239 ....Revises provisions relating to common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Harris, 1547, 1548, 4273, 4574, 5312*, 6010, 6326.

240 ....Revises provisions relating to gaming. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Harris, 940, 942, 3946, 3964, 4047, 4097, 4179*, 4640.

241 ....Provides for the establishment of the State Seal of STEM Program and the State Seal of STEAM Program. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Woodhouse, Ratti, Cannizzaro, Cancela, Parks, Atkinson, Denis, Farley, Ford, Manendo, Segerblom, Spearman; Assemblymen Carrillo, Monroe-Moreno, Diaz, Neal and Fumo, 1135, 1136, 3931, 3948, 3978, 4036, 4044*, 4181.

242 ....Revises provisions governing college savings plans. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Harris, 885, 889.

244 ....Revises provisions relating to historic preservation. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Ratti, Cannizzaro, Ford, Goicoechea and Assemblywoman Swank, 434, 454, 6914, 6915, 6937, 6976, 7283, 7357, 7360*, 8053.

245 ....Revises provisions governing county treasurers. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Parks, Ratti and Assemblyman Kramer, 1660, 1663, 4050, 4157, 4237, 4421*, 5323.

246 ....Revises provisions relating to public works. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Manendo, Hardy, Parks, Settelmeyer, Hammond, Atkinson, Denis and Farley, 1411, 3981, 8892, 8989*.

247 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education, 1135, 1136, 3946, 3964, 4047, 4097, 4179, 4180*, 4640.

248 ....Revises provisions relating to pupils with disabilities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 390.

249 ....Requires instruction in financial literacy and economics in public schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Woodhouse, Ratti, Cannizzaro, Cancela, Parks, Atkinson, Denis, Farley, Ford, Manendo, Segerblom, Spearman; Assemblymen Monroe-Moreno, Cohen, Diaz, Neal, Flores, Fumo and Joiner, 434, 454, 7284, 7608, 7995, 8348, 8556*.

250 ....Revises the certification requirements for constables in certain townships. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Denis, 3753, 3754, 4625, 4639, 5034, 5624, 5625*, 6011.

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251 ....Requires the Board to Review Claims to adopt regulations for the administration of certain programs to assist operators of petroleum storage tanks. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Goicoechea and Settelmeyer, 885, 889, 4273, 4579, 4706, 6236, 6284*, 6625.

252 ....Revises provisions governing interscholastic activities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Goicoechea, Hammond, Harris, Gustavson, Hardy, Settelmeyer; Assemblymen Ellison, Oscarson, Hansen and Wheeler, 3753, 3755, 3931, 3948, 3978, 4047, 4097, 4180*, 4640.

253 ....Establishes the Nevada Pregnant Workers' Fairness Act to provide protections to female employees and applicants for employment who are affected by a condition of the employee or applicant relating to pregnancy, childbirth or a related medical condition. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Cannizzaro, Ratti, Woodhouse, Cancela, Ford, Denis, Farley, Hardy, Manendo, Parks, Segerblom and Spearman, 3887, 3889, 4625, 4639, 4706, 5041, 5055, 5066, 5067, 6010, 6326.

255 ....Revises provisions relating to common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Denis, 940, 942, 3956, 4018, 4097, 4180, 4237, 4421, 4422*, 5322, 5637.

256 ....Revises provisions relating to the Board of Dental Examiners of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce, Labor and Energy, 940, 942, 3945, 3964, 4036, 4044*, 4045, 4274, 4640.

257 ....Revises provisions relating to the welfare of children. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Farley, Cannizzaro, Spearman, Ratti, Ford, Atkinson, Denis, Manendo, Parks, Segerblom and Woodhouse, 390, 8347, 8348, 8682, 8724*.

258 ....Revises provisions relating to property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Gustavson, Hardy, Gansert, Hammond, Manendo, Parks, Settelmeyer, Woodhouse; Assemblymen Kramer and Krasner, 885, 889, 4101, 4218, 4422*, 5322, 6723, 7284, 8167, 8171, 8347.

259 ....Revises provisions relating to driving under the influence of alcohol or a controlled substance. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Manendo, Parks, Cannizzaro, Segerblom, Gustavson, Atkinson, Cancela, Denis, Farley, Ford, Gansert, Hammond, Hardy, Ratti, Spearman, Woodhouse and Assemblyman Carrillo, 434, 454, 1660, 1664, 6009, 6125, 6282*, 6626, 7709, 8350, 8995.

260 ....Establishes requirements for engaging in the collaborative practice of pharmacy. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce, Labor and Energy, 1660, 1664, 4624, 4639, 5039, 5041, 5067, 5625*, 6625, 6629.

261 ....Revises provisions governing prescribing, dispensing and administering controlled substances designed to end the life of a patient. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Parks, Kieckhefer, Segerblom, Farley, Cancela, Denis, Ratti, Spearman, Woodhouse; Assemblymen Yeager, Brooks, Carlton, Bilbray-Axelrod, Cohen, Fumo and Swank, 794, 4706, 4707.

262 ....Revises provisions concerning payments for treatment relating to mental illness or the abuse of alcohol or drugs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Farley, 3887, 3889, 5040, 5088, 5625, 5626*, 6625, 6629.

265 ....Revises provisions relating to prescription drugs. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Cancela, Segerblom, Atkinson, Parks, Cannizzaro, Denis, Farley, Ford, Manendo and Woodhouse, 434, 454, 794, 4274, 4275, 5325, 5327, 5328*, 6326.

266 ....Makes various changes relating to providers of certain health care services in the home. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 390.

267 ....Revises provisions governing real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Ford and Harris, 940, 942, 3946, 3968, 4036, 4045*, 4191, 4269.

268 ....Revises various provisions relating to corrections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 940, 942, 3955, 4026, 4097, 4102, 4180, 4237, 4427, 4639, 5322, 5637, 6325*, 6331, 6625, 6936.

270 ....Revises provisions relating to water. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, 940, 943, 4273, 4582, 5309, 5322, 5637, 6325*, 6331, 6625, 6936.

273 ....Revises provisions relating to the dismissal of a probationary employee of a school district. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Goicoechea and Assemblyman Ellison, 3887, 3890, 3980, 4078, 4180, 4237, 4422*, 4423, 5323.

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274 ....Revises provisions relating to sibling visitation in child welfare cases. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Ratti, Farley, Segerblom, Cancela, Parks, Cannizzaro, Denis, Manendo, Spearman and Woodhouse, 3753, 3755, 4625, 4639, 5094, 5626*, 6011, 6622.

277 ....Revises provisions relating to criminal justice information. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 1547, 1548, 3946, 3971, 4036, 4045*, 4181.

278 ....Revises provisions relating to certain crimes committed against an older person or a vulnerable person. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Harris, 390.

279 ....Authorizes certain mayors to perform marriages. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Senators Settelmeyer and Roberson, 885, 889, 3946, 3971, 4047, 4097, 4180, 4237, 4423*, 5323.

280 ....Makes changes relating to programs for the treatment of veterans and members of the military. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 688.

281 ....Revises provisions relating to real property. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Manendo, 3887, 3890, 4705, 4784, 5626, 5627*, 6011, 6622.

282 ....Revises provisions relating to peace officers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Segerblom, 3887, 3890, 4625, 4639, 4706.

283 ....Provides for the issuance of special license plates indicating support for the Vegas Golden Knights hockey team. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Atkinson, Manendo, Cancela, Cannizzaro, Denis, Farley, Goicoechea, Kieckhefer, Parks, Ratti, Segerblom, Settelmeyer, Spearman and Woodhouse, 885, 889, 6010, 6139, 6282*, 6625, 6936.

285 ....Revises provisions relating to real estate licenses. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Denis, 434, 454.

286 ....Revises provisions governing the regulation of applied behavior analysis. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Gansert, Ford, Parks, Cancela, Cannizzaro, Goicoechea, Hammond, Hardy, Ratti and Roberson, 688, 4496, 4497, 8349, 8351, 8481, 8550*, 8551, 8983.

287 ....Revises provisions relating to the protection of children. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Gansert, Roberson, Cannizzaro, Parks, Atkinson, Cancela, Denis, Farley, Ford, Goicoechea, Gustavson, Hammond, Hardy, Harris, Manendo, Ratti, Settelmeyer, Spearman, Woodhouse; Assemblymen Benitez-Thompson, Tolles and Yeager, 434, 454, 3887, 3890, 4625, 4639, 5102, 5627*, 6011, 6622.

289 ....Requires certain policies of health insurance to cover services provided by an out-of-network physician. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Hardy, 434, 454.

290 ....Prohibits certain persons from representing themselves as licensed or certified genetic counselors. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Senator Hardy, 940, 943.

291 ....Revises provisions relating to health records. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Hardy, Harris, Atkinson, Gansert, Parks and Settelmeyer, 1135, 1136, 4625, 4639, 5147, 5327, 5637, 6218, 6283*, 6284, 6625, 6936.

292 ....Exempts certain professionals who are licensed in another jurisdiction from provisions governing the practice of those professions for certain purposes relating to athletics. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hardy, 420, 421, 4190, 4366, 4497, 4639, 5322, 5637, 6012.

295 ....Revises provisions governing endowment care funds for cemeteries. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Roberson, Atkinson and Ford, 940, 943, 3946, 3971, 4047, 4097, 4180, 4237, 4423*, 5323.

297 ....Revises provisions governing public employees' retirement. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Roberson, Settelmeyer, Goicoechea, Gustavson, Hardy and Harris, 493.

298 ....Revises provisions governing public assistance. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Roberson, Gustavson, Settelmeyer, Goicoechea, Hammond, Hardy, Harris and Assemblyman Ellison, 493.

299 ....Consolidates the Taxicab Authority and the Nevada Transportation Authority. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Roberson, Settelmeyer, Gustavson and Hammond, 390.

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300 ....Makes an appropriation to the Department of Education for a program of peer assistance and review of teachers. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Education, 7364, 7460, 8682, 8683, 8724*, 8982.

301 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education, 940, 943, 3946, 3971, 4036, 4046*, 4181.

302 ....Provides an early start for recreational marijuana sales. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Segerblom, Farley, Spearman, Cancela; Assemblymen Yeager and Brooks, 434, 454, 794.

303 ....Requires an audit of certain performance assessments conducted in public schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Woodhouse, Ford, Manendo, Denis, Parks, Cancela, Harris, Ratti, Segerblom, Spearman; Assemblymen Carlton and Fumo, 434, 454, 7284, 7285, 7608, 7995, 8348, 8556*.

305 ....Revises provisions regarding certain proceedings concerning children. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Ratti, Ford, Segerblom, Manendo, Parks, Atkinson, Cancela, Spearman and Woodhouse, 3753, 3755, 3980, 4078, 4180, 4237, 4423, 4424*, 5323.

306 ....Revises provisions relating to offenders. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Ford, Parks, Cancela, Atkinson, Farley, Denis, Manendo, Ratti, Segerblom, Spearman and Woodhouse, 390, 6914, 6915, 7061, 7063, 7608, 7995, 8348, 8556, 8558*.

308 ....Revises provisions relating to motor vehicle insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Harris, Ford, Cancela, Settelmeyer, Roberson, Cannizzaro, Denis, Farley, Gansert, Goicoechea, Hardy, Kieckhefer, Manendo, Parks, Ratti, Segerblom, Spearman, Woodhouse; Assemblymen Watkins, Pickard, Frierson, Yeager, Araujo, Bilbray-Axelrod, Brooks, Bustamante Adams, Carlton, Cohen, Daly, Diaz, Edwards, Flores, Fumo, Hambrick, Jauregui, Joiner, Kramer, McCurdy II, Monroe-Moreno, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson and Tolles, 1547, 1548, 4191, 4376, 4630, 4631*, 5637.

310 ....Revises provisions governing the credit-hour requirement for eligibility under the Silver State Opportunity Grant Program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Kieckhefer, 940, 943.

311 ....Makes permanent the repeal of certain provisions relating to sellers of travel. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Settelmeyer, 425, 426, 3945, 3971, 4047, 4097, 4102, 4497, 4639*, 5637.

312 ....Revises provisions relating to driving under certain conditions. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Manendo, 885, 889, 4051, 4157, 4237, 4424*, 5323.

313 ....Revises provisions relating to local public libraries. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Denis, 885, 889, 3946, 3971, 4036, 4046*, 4181.

314 ....Revises provisions related to the installation of certain systems for obtaining wind energy. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce, Labor and Energy, 3887, 3890, 4050, 4157, 4237, 4424*, 5323.

315 ....Revises provisions relating to waste disposal. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Farley, Denis, Parks, Woodhouse, Spearman, Cancela and Assemblyman Flores, 434, 454, 6938, 6939.

317 ....Revises provisions relating to preferences in bidding for certain contracts for businesses based in this State. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Cannizzaro, Ford, Segerblom, Parks, Manendo, Atkinson, Cancela, Denis, Farley, Ratti, Spearman, Woodhouse and Assemblyman Brooks, 434, 454, 6914, 6915.

318 ....Revises provisions relating to the payment of wages to certain employees. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 885, 890, 3946, 3971, 4047, 4097, 4180, 4237, 4425*, 5323.

320 ....Sets forth certain conditions relating to the towing or immobilizing of a motor vehicle. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Denis, 1660, 1664, 6010, 6150, 6282*, 6625, 6936.

322 ....Revises provisions governing the requirement for an examination in civics as a condition for graduation from high school. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Denis, 3887, 3890, 3980, 4078, 4102, 4227, 4237, 4427, 4639, 5322, 5628, 5629*, 6622.

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323 ....Revises provisions governing the Supplemental Nutrition Assistance Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Cancela, Segerblom, Spearman, Woodhouse, Parks, Cannizzaro, Denis and Farley, 434, 454, 4051, 4053, 5040, 5322, 5630*, 6622.

324 ....Authorizes employees of certain facilities and organizations to check vital signs and provide related services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 1135, 1137, 3931, 3948, 3978, 4047, 4097, 4102, 5319, 5322, 5637, 6325, 6326*, 6331, 6629.

325 ....Revises provisions governing medical assistance to certain children. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Cancela, Segerblom, Woodhouse, Spearman, Parks, Cannizzaro, Denis and Farley, 434, 454, 6625, 6627, 7608, 7995, 8348, 8700, 8701*.

326 ....Requires a child care facility to grant priority in admission to children of a parent serving or who has served in the Armed Forces of the United States. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 885, 890, 3931, 3948, 3978, 4036, 4046, 4047*, 4181.

327 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Ford and Assemblyman Araujo, 434, 454.

328 ....Enacts the Uniform Collateral Consequences of Conviction Act. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Ford and Assemblyman Edwards, 493.

329 ....Revises various provisions relating to marijuana concerning health and regulation. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Segerblom, 773.

330 ....Enacts the Right to Earn a Living Act. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Roberson, 493.

332 ....Revises provisions governing the calculation of governmental services taxes due annually for used vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Roberson, 434, 454.

334 ....Revises provisions related to unprofessional conduct by dentists. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Roberson and Hardy, 425, 426.

336 ....Imposes a tax on wholesale sales of electricity generated from renewable energy. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Hardy, 434, 454.

337 ....Authorizes registered pharmacists to collect specimens and perform certain laboratory tests. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Settelmeyer, 940, 943, 4624, 4639, 5159, 5630*, 6625, 6629.

338 ....Revises provisions relating to contractors. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Settelmeyer, 3753, 3755, 3946, 3971, 4047, 4097, 4180, 4237, 4425*, 5323.

339 ....Revises provisions relating to the issuance of vintage license plates. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Settelmeyer, 434, 454, 3753, 3755, 4051, 4158, 4237, 4425, 4426*, 5323.

340 ....Revises provisions relating to certain State property. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Settelmeyer, Ratti and Gustavson, 390.

341 ....Revises provisions relating to medical marijuana establishments. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Farley and Segerblom, 2578.

342 ....Revises provisions relating to the collection of certain taxes on passenger carriers. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Farley, 434, 454.

343 ....Requires the Secretary of State to collect and report information related to gender equality in the workplace. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Farley and Harris, 434, 454, 7283, 7285.

344 ....Revises various provisions relating to the labeling, packaging and advertising of marijuana. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Farley and Segerblom, 3887, 3890, 4192, 7283, 7362, 7364, 7376, 7608, 7974, 7994, 7995*, 8350.

345 ....Revises provisions relating to economic development. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Farley, 434, 454.

346 ....Clarifies provisions governing the prescribing, dispensing and administering of drugs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hardy, 1135, 1137.

347 ....Imposes penalties on electric utilities that fail to comply with provisions governing surplus assets. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Hardy, 434, 454.

348 ....Establishes the Health Care Funding and Pricing Task Force. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Cancela, 434, 454.

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349 ....Revises provisions relating to economic development. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Kieckhefer, 434, 454.

350 ....Revises provisions governing the installation and use of certain technology devices in a motor vehicle. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Atkinson, 3887, 3890, 6010, 6156, 6282*, 6625, 6936.

352 ....Revises provisions governing the taxation of property rebuilt after an event proclaimed an emergency or disaster by the Governor. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Kieckhefer; Assemblymen Benitez-Thompson, Kramer, Krasner, Neal, Pickard and Spiegel, 3887, 3890, 6010, 6164, 6283*, 6625, 6936.

354 ....Authorizes the issuance of a license by endorsement to practice certain professions in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Kieckhefer, 1135, 1137.

355 ....Increases the fee for a certificate of death to fund grief support services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Segerblom, Cannizzaro, Harris, Manendo, Farley, Goicoechea, Hammond and Hardy, 688, 6625, 6627, 6883, 6913, 7058, 7362, 7608, 7992*, 8351.

356 ....Revises provisions relating to collective bargaining. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senators Atkinson, Segerblom, Denis, Spearman, Parks, Cancela, Ford, Manendo and Woodhouse, 1660, 1664, 4190, 4376, 4497, 5628*, 5629, 6622.

357 ....Revises provisions governing apprentices. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Atkinson, Segerblom, Spearman, Denis, Parks, Cancela, Cannizzaro, Ford, Manendo and Woodhouse, 3887, 3890, 4705, 4789, 5327, 6198, 6203, 6283*, 6625, 6936.

358 ....Revises provisions governing the forfeiture of property. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Gustavson, Parks, Kieckhefer, Segerblom, Ford, Harris; Assemblymen Hambrick, Hansen, Titus and Wheeler, 434, 454, 2305, 5662.

359 ....Revises provisions relating to education savings accounts and education funding. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Senators Hammond, Gustavson, Roberson, Kieckhefer, Hardy, Gansert, Goicoechea, Harris, Settelmeyer; Assemblymen Paul Anderson, Wheeler, Oscarson, Ellison, Hambrick, Edwards, Hansen, Kramer, Krasner, Marchant, Pickard, Titus, Tolles and Woodbury, 434, 454.

360 ....Revises provisions relating to the protection of older persons, vulnerable persons and persons in need of a guardian. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Cannizzaro, Ford, Spearman, Woodhouse, Ratti, Atkinson, Cancela, Denis, Farley, Manendo, Parks, Segerblom; Assemblymen Joiner, Frierson, Benitez-Thompson, Carrillo, Diaz, Araujo, Carlton, Fumo, Jauregui, Monroe-Moreno, Swank and Yeager, 3887, 3891, 4705, 4810, 5630, 5631*, 6625, 6629, 7578, 7584.

361 ....Revises provisions related to domestic violence. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Cannizzaro, Segerblom, Manendo, Ratti, Farley, Atkinson, Cancela, Denis, Ford, Parks, Spearman and Woodhouse, 794, 4496, 4497, 7062, 7362, 7364, 7395, 7608, 7992*, 8347, 8351.

362 ....Revises provisions relating to racketeering. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Cannizzaro, Manendo, Ratti, Spearman, Ford, Atkinson, Cancela, Farley, Parks, Segerblom and Woodhouse, 940, 943, 3931, 3948, 3978, 4036, 4047*, 4181.

363 ....Makes various changes relating to regional commercial air service in this State. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Goicoechea, Settelmeyer, Gansert, Gustavson, Hardy, Kieckhefer; Assemblymen Ellison and Kramer, 434, 454.

364 ....Revises provisions governing the trapping of certain animals. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Parks, Segerblom, Manendo, Spearman, Ratti and Woodhouse, 3887, 3891, 4273, 4588, 5312, 5631*, 6011, 6622.

366 ....Makes various changes relating to Medicaid. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Cancela, 1660, 1664, 3980, 4078, 4180, 4237, 4426*, 4706, 5323.

368 ....Provides for compensation of state employees. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Ford, Atkinson, Spearman, Cancela, Denis; Assemblymen Neal, Frierson, Thompson, Monroe-Moreno, Miller and McCurdy II, 794, 4496, 4497, 6937, 6990, 7012, 7063, 8976, 8982*, 8995.

369 ....Revises provisions relating to public schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Ford, Woodhouse, Spearman, Denis, Segerblom, Atkinson, Cancela, Cannizzaro, Manendo, Parks and Ratti, 3887, 3891, 3980, 4081, 4102, 4180, 4237, 4427, 4639, 5322, 5637, 6326*, 6331, 6629.

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370 ....Revises provisions governing the transportation of game, hunters and hunting equipment. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Senator Goicoechea, 420, 422, 4273, 4597, 5318*, 6010, 6326.

371 ....Establishes provisions governing the care of an animal which has been impounded. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Goicoechea, 1547, 1549, 4273, 4599, 5318*, 6010, 6326.

373 ....Requires the appointment of a Minority Affairs Management Analyst in the Office of the Director of the Department of Business and Industry. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Ford, 434, 454, 6625, 6628, 7283, 7362, 7608, 7993*, 8351.

374 ....Revises provisions relating to the use of marijuana or industrial hemp. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Senators Segerblom and Spearman, 3887, 3891, 3980, 4081, 4180, 4237, 4426, 4427*, 5322, 5637.

375 ....Authorizes agreements between the Governor and Indian tribes in this State relating to the regulation of the use of marijuana. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Segerblom, 3887, 3891, 4100, 4222, 4227, 4396, 4414, 4415*, 5323.

376 ....Revises provisions relating to gaming. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 940, 943, 3956, 4035, 4097, 4180, 4237, 4427, 4631*, 6011, 6723, 7284, 8983, 8987.

377 ....Revises provisions relating to indigent defense. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 1548, 7998, 7999, 8024, 8348, 8701*.

378 ....Revises provisions relating to controlled substances. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 434, 454.

379 ....Revises provisions relating to alcohol and drug abuse and behavioral health programs. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Ratti, 940, 943.

382 ....Revises provisions relating to parental notification for certain abortions. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Roberson, Hardy, Gustavson, Gansert, Goicoechea, Hammond, Harris, Settelmeyer and Assemblyman Hansen, 493.

383 ....Revises provisions governing financial planners. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Ford, 940, 943, 4272, 4600, 5319*, 6010, 6326.

384 ....Provides for the confidentiality of certain information in the records and files of public employee retirement systems. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Ratti, 1660, 1664, 3955, 4036, 4097, 4102, 5543, 5615, 5628, 5629*, 6011, 6622.

386 ....Revises provisions relating to progressive discipline and on-site review of disciplinary decisions. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Woodhouse, Denis, Segerblom, Ford, Spearman, Atkinson and Cancela, 3887, 3891, 3980, 4087, 4102, 4180, 4237, 4427, 4639, 5322, 5326, 5329*, 6622.

387 ....Provides for the issuance of certain orders for protection. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Ratti, Ford, Manendo, Spearman, Farley, Atkinson, Cancela, Cannizzaro, Denis, Parks, Segerblom and Woodhouse, 3887, 3891.

388 ....Revises provisions relating to persons who provide personal care in the home. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Gansert, Hardy, Gustavson, Harris, Cancela, Cannizzaro, Goicoechea, Kieckhefer, Ratti, Segerblom, Settelmeyer, Spearman, Woodhouse; Assemblymen Edwards, Ellison, Krasner, Spiegel, Sprinkle, Swank, Tolles and Wheeler, 885, 890, 4273, 4603, 5319, 5320*, 6326.

390 ....Extending and revising the Zoom schools program for the 2017-2019 biennium. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Denis, Woodhouse; Assemblymen Diaz and Thompson, 434, 454, 6914, 6915, 7363, 7995, 8023, 8050*.

391 ....Provides for awards of scholarships by community colleges in the Nevada System of Higher Education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Denis, Cancela, Woodhouse, Segerblom, Ford, Harris, Ratti; Assemblymen Thompson, Diaz and McCurdy II, 434, 454, 7460, 8682, 8684, 8724, 8725*, 8982.

392 ....Revises provisions relating to energy. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Denis, Spearman and Woodhouse, 794, 6914, 6915, 7997, 8025, 8348, 8701*, 8982.

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393 ....Revises provisions relating to the Department of Corrections. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Parks, Spearman, Segerblom, Cancela, Atkinson, Denis, Goicoechea, Manendo, Ratti, Woodhouse; Assemblymen Ohrenschall and Oscarson, 1660, 1664, 4100, 4222, 4427, 4497.

394 ....Revises provisions relating to health insurance. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Spearman, Segerblom, Denis, Manendo, Parks, Cancela, Cannizzaro, Ford, Woodhouse; Assemblymen Neal, Araujo, Diaz and Thompson, 2579, 6010, 6013, 6937, 6985, 6990*, 7284, 7462.

395 ....Makes various changes relating to the cybersecurity of critical infrastructure. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Spearman, Cannizzaro, Denis, Manendo, Parks, Cancela, Ford, Ratti, Segerblom, Woodhouse; Assemblymen Araujo, Frierson and Thompson, 493.

396 ....Revises provisions relating to industrial hemp. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Spearman, Segerblom, Parks, Atkinson, Cancela, Denis, Farley, Ford, Ratti, Woodhouse; Assemblymen Brooks and Carrillo, 3887, 3891, 4191, 4376, 4631, 4632*, 5637.

397 ....Revises provisions relating to employment. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Spearman, Segerblom, Ford, Parks, Cancela, Cannizzaro, Denis, Manendo, Ratti, Woodhouse; Assemblymen Diaz, Araujo, Swank and Thompson, 1660, 1664, 4625, 4639, 5161, 5631, 5632*, 6011, 6622.

398 ....Establishes various provisions relating to the use of blockchain technology. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Kieckhefer, 3887, 3891, 5325, 5494, 6190*, 6625, 6936.

399 ....Provides for the acceptance of a tribal identification card in certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Settelmeyer, Ford, Roberson, Atkinson, Cancela, Cannizzaro, Farley, Gansert, Goicoechea, Hammond, Harris, Kieckhefer, Manendo, Parks, Segerblom and Assemblyman Hansen, 1547, 1549, 5325, 5501, 6190*, 6625, 6936.

400 ....Authorizes the Director of the Department of Health and Human Services to enter into success contracts. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Spearman, Segerblom, Parks, Woodhouse, Cannizzaro, Cancela, Denis, Ford, Gansert, Manendo, Ratti and Assemblywoman Diaz, 940, 944, 4100, 4226, 4397, 4427, 4639, 5322, 5637, 6012, 6236, 6321, 6326*, 6331, 6625, 6936.

401 ....Revises provisions relating to the Nevada Transportation Authority and the Taxicab Authority. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Parks, Segerblom, Farley, Gansert, Kieckhefer, Settelmeyer; Assemblymen Carlton, Oscarson and Wheeler, 434, 454.

402 ....Restricts the use of certain disciplinary action on persons in confinement. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Spearman, Segerblom, Manendo, Cancela, Denis, Ratti, Woodhouse; Assemblymen Neal, Araujo, Frierson and Thompson, 434, 454, 6625, 6628, 7061, 7362, 7608, 7993*, 8351.

405 ....Requires the establishment and use of an animal abuser registry website. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Manendo, Parks; Assemblywomen Swank, Cohen and Spiegel, 434, 454, 6625, 6628, 8972.

406 ....Revises provisions relating to court reporters and court reporting firms. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hammond, 1660, 1664, 4624, 4639, 5171, 5632*, 6625, 6629.

407 ....Creates the Nevada Clean Energy Fund. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Spearman, Segerblom, Manendo, Cancela, Parks, Atkinson, Cannizzaro, Denis, Farley, Ford, Ratti and Woodhouse, 493, 3887, 3891, 4625, 4639, 5189, 5632, 5633*, 6625, 6629.

408 ....Establishes conditions for the performance of certain surgical procedures. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Parks, Spearman, Segerblom, Cancela, Atkinson, Cannizzaro, Ford, Ratti, Woodhouse; Assemblymen Araujo and Joiner, 3753, 3755.

409 ....Revises provisions relating to animals. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Manendo, Cannizzaro, Parks, Atkinson, Cancela, Denis, Ratti, Segerblom, Spearman and Woodhouse, 3887, 3892, 4625, 4639, 5195, 5633*, 6625, 6629.

410 ....Revises provisions relating to reckless driving. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Manendo and Parks, 688, 3753, 3755, 6883, 6913, 6990, 7015, 7063.

411 ....Revises provisions governing cruelty to animals. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Manendo, 3753, 3755, 3956, 4036, 4097, 4180, 4237, 4427, 4497, 4639, 5041, 5043, 5044, 6326.

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412 ....Revises provisions related to lifeline service. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Atkinson, 885, 890, 3923, 3933, 3952, 3978, 4036, 4047*, 4181.

413 ....Establishes "Public Lands Day" in the State of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Cannizzaro, Segerblom, Ratti, Ford, Cancela, Atkinson, Denis, Farley, Manendo, Parks, Spearman, Woodhouse; Assemblymen Yeager and Benitez-Thompson, 3753, 3755, 3895, 4273, 4603, 4706, 5040, 6011, 6326.

414 ....Revises provisions governing the taxation of certain property owned by nonresidents. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Hammond, Manendo, Farley, Cancela and Ford, 688, 5322, 6624, 6877, 6913, 7058, 7357, 7358, 7359*, 8053.

415 ....Proposes to exempt sales of feminine hygiene products from sales and use taxes and analogous taxes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Cancela, Woodhouse; Assemblywomen Jauregui, Monroe-Moreno and Spiegel, 434, 454, 4051, 4053, 5326, 5515, 6190*, 6191, 6625, 6936.

416 ....Authorizes the formation of apprenticeship programs for medical marijuana establishment agents. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Spearman, Segerblom and Farley, 3753, 3755, 4051, 4158, 4237, 4427, 4632*, 5637.

417 ....Provides for the establishment of programs to encourage tenants of housing projects to save money for certain purposes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Spearman, Segerblom and Farley, 794.

418 ....Revises provisions relating to air pollution. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Spearman, 434, 454, 7998, 7999.

419 ....Exempts sales of certain durable medical equipment, oxygen delivery equipment and mobility enhancing equipment from sales and use taxes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Hardy, 434, 454.

420 ....Revises provisions governing pupil publications in public schools and student publications in the Nevada System of Higher Education. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Cannizzaro, 3887, 3892, 4272, 4606, 5320*, 6011, 6326.

422 ....Revises provisions governing regional planning coalitions in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Manendo, 885, 890, 3955, 4036, 4097, 4180, 4237, 4427, 4632, 4633*, 5637.

424 ....Makes various changes related to elections. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Roberson, 434, 454.

425 ....Revises provisions governing the partial abatement of taxes levied on certain property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Revenue and Economic Development, 794.

426 ....Requires drivers and passengers of mopeds and trimobiles to wear protective headgear. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Transportation, 940, 944.

427 ....Revises provisions governing the crew of certain freight trains. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Transportation, 434, 454, 4706, 4707, 6624, 6877, 6913, 7058, 7362, 7608, 7994*, 8351.

428 ....Provides for the issuance of certain special license plates. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 1660, 6625, 6628, 6938, 6990, 7026, 7362, 7995, 8348, 8701*, 8702, 8982.

429 ....Establishes provisions relating to urban agriculture. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Natural Resources, 1660, 1664, 4050, 4158, 4237, 4427, 4633*, 5637.

430 ....Revises provisions relating to the Achievement School District and makes various other changes relating to public schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 688, 8024.

432 ....Revises provisions governing proceedings for the termination of parental rights. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 1135, 1137, 4625, 4639, 5201, 5633*, 5634, 6011, 6723, 7284, 8172, 8179, 8347.

433 ....Revises provisions relating to guardianships. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 3887, 3892, 4625, 4639, 5207, 5634*, 6625, 6629, 8114.

434 ....Requires certain city attorneys to be appointed rather than elected. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 940, 944, 4100, 4226, 4427, 4633*, 5637.

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436 ....Prohibits certain discriminatory designs for prescription drug benefits in health benefit plans. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Commerce, Labor and Energy, 688.

437 ....Revises provisions relating to physical therapy. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Commerce, Labor and Energy, 3887, 3892, 4190, 4376, 4634*, 6011, 6326.

438 ....Revises provisions relating to time shares. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Farley, 434, 454, 6625, 6628, 7997, 7998.

439 ....Authorizes certain local governments to increase diesel taxes under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Revenue and Economic Development, 6012, 6938, 6939, 7283, 7362, 7608.

440 ....Extends to all counties the requirement for certain employees of establishments where alcoholic beverages are sold to complete certain training. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Revenue and Economic Development, 1411.

441 ....Revises provisions relating to workforce development. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Revenue and Economic Development, 434, 454.

442 ....Revises provisions relating to economic development. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Revenue and Economic Development, 3887, 3892, 4051, 4052, 4102, 7286, 7356, 7357*, 7998, 8344.

443 ....Requires the Aging and Disability Services Division of the Department of Health and Human Services to employ sign language interpreters. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance, 434, 454, 7364, 7460, 7997, 7998, 8022*.

444 ....Makes an appropriation to the Department of Veterans Services to provide assistance and support for the Adopt a Vet Dental Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance, 434, 454, 7364, 7460, 8024, 8047, 8345*, 8682.

445 ....Makes an appropriation to the Eighth Judicial District Court for a Veterans Court Coordinator. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance, 434, 454, 7364, 7461, 8024, 8345*.

446 ....Makes an appropriation to provide financial assistance and other support for the Meals on Wheels program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance, 434, 454.

447 ....Revises provisions relating to absentee voting. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 3887, 3892, 3956, 4036, 4097, 4180, 4237, 4427, 4634*, 5637.

448 ....Revises provisions relating to public works. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Transportation, 1660, 1665, 3895, 4273, 4609, 4706, 6236, 6284, 6320, 6331, 7043, 7357, 7359*, 7998, 8053.

449 ....Revises provisions relating to court programs for the treatment of veterans and members of the military. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 773, 3887, 3892.

451 ....Makes various changes relating to criminal justice. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 688, 7283, 7285, 7997, 8025, 8036, 8348, 8702*, 8982.

452 ....Revises provisions governing certificates of title for vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 1660, 1665, 6010, 6176, 6236, 6249, 6320*, 6625, 6936.

453 ....Revises provisions relating to criminal procedure. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 688.

454 ....Enacts the Uniform Powers of Appointment Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 940, 944, 3931, 3948, 3978, 4047, 4097, 4180, 4237, 4427, 4635*, 5637.

455 ....Authorizes tax credits for employers who assist employees in paying for child care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Farley, Cannizzaro, Spearman, Woodhouse, Parks, Cancela, Manendo and Segerblom, 434, 454.

456 ....Requires the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs to conduct a study concerning property tax assistance for senior citizens. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Woodhouse, 434.

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457 ....Provides for the award of college credit for military education, training and occupational experience. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Parks, Spearman, Hardy, Denis, Ford, Woodhouse; Assemblymen Edwards, Kramer, Wheeler, McArthur and Pickard, 434, 454, 5041, 6623, 6877, 6913, 7058, 7362, 7995, 8348, 8702*.

458 ....Revises provisions relating to the development and operation of the statewide longitudinal data system. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Finance, 1411, 6010, 6013, 6883, 6913, 7058, 7362, 7995, 8348, 8720*.

459 ....Revises provisions relating to the class-size reduction program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance, 688.

460 ....Revises provisions governing the membership of the Local Government Employee-Management Relations Board. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 493, 940, 944, 5325, 5520, 6191*, 6625, 6936.

462 ....Authorizes a board of county commissioners to create a committee to review general improvement districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 3887, 3892, 4190, 4396, 4635*, 5637.

464 ....Authorizes the Las Vegas Convention and Visitors Authority to require bidders, contractors or subcontractors to enter into agreements with labor organizations concerning employees who perform work on the renovation or expansion of the Las Vegas Convention Center. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs, 3753, 3756, 3946, 3971, 4047, 4097, 4180, 4237, 4397, 6012, 8550, 8558*.

465 ....Authorizes the submission of certain grievances of state employees to an arbitrator. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 885.

466 ....Makes various changes relating to the State Board of Oriental Medicine. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce, Labor and Energy, 940, 944, 3923, 3933, 3952, 3978, 4047, 4097, 4180, 4237, 4427, 4635, 4636*, 5637.

467 ....Revises provisions relating to technology in public schools. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education, 2578, 7283, 7285, 7608, 7995, 8023, 8050*.

468 ....Makes changes relating to overtime and the calculation of hours worked for certain domestic service employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce, Labor and Energy, 1135, 1137, 4624, 4639, 5240, 5327, 6236, 6284*, 6625, 6936.

469 ....Revises provisions governing collective bargaining by local government employers. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs, 1660, 1665, 4050, 4158, 4237, 4427, 4636*, 5637.

470 ....Revises provisions governing the release of information relating to children. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Judiciary, 940, 944, 4273, 4624, 4706, 4707, 4836, 5634*, 6625.

471 ....Revises provisions related to improvement districts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs, 3887, 3892, 4625, 4639, 5244, 5635*, 6011, 6622.

472 ....Revises provisions governing registration and community notification of juveniles adjudicated delinquent for committing certain sexual offenses. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 3887, 3892, 4273, 4624, 4706, 4707, 4838, 5635*, 6625.

473 ....Excludes juveniles from increased penalties for certain sexual offenses. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 940, 944, 3980, 4087, 4180, 4237, 4427, 4636*, 5637.

474 ....Repeals provisions governing sex offenders which were originally enacted for purposes of the federal Adam Walsh Act. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 493, 794.

476 ....Makes changes relating to the Commission for Common-Interest Communities and Condominium Hotels. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 940, 944, 3980, 4087, 4180, 4237, 4427, 4637*, 5637.

477 ....Enacts provisions relating to residential establishments for persons with disabilities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs, 3753, 3756, 4625, 4639, 5287, 5636*, 6011, 6622.

478 ....Revises provisions relating to certain disciplinary action against state employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 688, 6914, 6915, 7363, 7364, 7457, 7995, 7998, 8021, 8022*, 8682.

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479 ....Revises provisions relating to the regulation of transportation network companies. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce, Labor and Energy, 688.

480 ....Revises provisions relating to the protection of children. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 1660, 1665, 4101, 4226, 4427, 4637*, 5637.

481 ....Creates the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 493, 1660, 1665, 4625, 4639, 5296, 5303, 7283, 7357, 7358*, 7364, 7998, 8053.

482 ....Revises provisions relating to health care facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 493, 7364, 7461, 8024, 8345, 8346*.

483 ....Creates a procedure for the establishment of paternity in proceedings concerning a child in need of protection. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 1135, 1137, 3946, 3971, 4047, 4097, 4180, 4237, 4397.

484 ....Revises provisions relating to the licensing of foster homes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 3887, 3893.

486 ....Provides for collective bargaining by state employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 493, 794.

487 ....Revises provisions relating to sales of marijuana and related products. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Revenue and Economic Development, 688, 794, 8347, 8348, 8349, 8351, 8479, 8480*.

488 ....Revises provisions relating to certain crimes. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Spearman, Cancela, Woodhouse, Parks, Denis, Farley, Ford; Assemblymen Miller, Joiner, Diaz, Neal, Spiegel and Thompson, 853, 4274, 4275, 7062, 7362, 7364, 7407, 7995, 8348, 8720*, 8982.

489 ....Directs the Legislative Commission to appoint a committee to conduct an interim study concerning property taxes. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Revenue and Economic Development, 434.

490 ....Revises provisions relating to the foreclosure of real property. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 493, 6010, 6013, 7283, 7364, 7414, 7995, 8348, 8351, 8536*, 8983.

491 ....Makes various changes relating to mechanical voting systems and mechanical recording devices. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Legislative Operations and Elections, 3887, 3893, 3956, 4036, 4087, 4096, 4097*, 4269.

492 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Legislative Operations and Elections, 3753, 3756, 4273, 4624, 4706, 6331, 7998, 7999, 8021*, 8682.

493 ....Revises provisions concerning the participation of certain school administrators in collective bargaining. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Parks, Ford, Segerblom and Woodhouse, 940, 944, 3955, 4036, 4097, 4180, 4237, 4427, 4637*, 5637.

496 ....Revises provisions governing the issuance of revenue bonds and other securities by the Nevada System of Higher Education. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Woodhouse, 493, 5041, 6330, 6337*, 6629.

497 ....Creates the Advisory Task Force on School Leader Management. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 434, 454, 6006, 6007, 8024, 8348, 8720, 8721*.

498 ....Revises provisions relating to mortgage brokers, mortgage agents and mortgage bankers. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce, Labor and Energy, 688, 6625, 6628, 7282, 7362, 7995, 8348, 8721*.

499 ....Revises provisions relating to forestry. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, 3887, 3893, 4191, 4396, 4638*, 5637.

500 ....Revises provisions relating to the Housing Division of the Department of Business and Industry. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 434, 454, 6625, 6628, 7283, 7362, 7995, 8023, 8050*.

501 ....Extends the prospective expiration of the Consumer Affairs Unit of the Department of Business and Industry. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 434, 454, 3981, 6009, 6197*, 6629.

No. *Summary, Introducer and Page Reference*

502 ....Makes various changes relating to the Public Employees' Benefits Program and the Public Employees' Deferred Compensation Program. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs, 434, 454, 4051, 4054, 4705, 5322, 5327, 5636*, 5637, 6622.

503 ....Makes an appropriation to the Account for the Channel Clearance, Maintenance, Restoration, Surveying and Monumenting Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance, 434, 454, 4191, 4192, 7283, 7362, 7995, 8023, 8050*.

504 ....Extends and revises the Zoom schools program for the 2017-2019 biennium. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Finance, 434, 454.

505 ....Revises provisions relating to Victory schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Finance, 434, 454.

506 ....Revises provisions relating to education savings accounts and education funding. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Education, 434, 454.

507 ....Revises the interim committee structure of the Legislature. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 434.

508 ....Imposes an excise tax on sales of marijuana and related products by a retail marijuana store. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Revenue and Economic Development, 434, 454.

509 ....Authorizes the imposition of an assessment on the operators of certain agencies and facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 3887, 3893, 4273, 4624, 5320*, 5321, 6326.

510 ....Revises provision governing the eligibility of a child for assistance from the Kinship Guardianship Assistance Program. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 434, 454, 3956, 3957, 4051, 4158, 4237, 4427, 4638*, 5637.

511 ....Revises provisions governing boating and wildlife. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Natural Resources, 434, 454, 6625, 6628, 6883, 6913, 7058, 7362, 7995, 8023, 8051*.

512 ....Revises provisions relating to fees for the use of certain state lands. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, 434, 454, 4496, 4497, 6009, 6197*, 6198, 6629.

513 ....Increases the limit on the assessment for water distribution expenses. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, 940, 945, 3956, 4036, 4097, 4180, 4237, 4427, 4638*, 5637.

514 ....Revises provisions governing the Division of Water Resources of the State Department of Conservation and Natural Resources. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, 434, 454, 4052, 4054, 6009, 6198, 7283, 7362, 7995, 8023, 8051*.

515 ....Revises provisions relating to the financial administration of the Securities Division of the Office of the Secretary of State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 434, 454, 940, 945, 3931, 3948, 3978, 4047, 4097, 4180, 4237, 4427, 4639*, 5637.

516 ....Revises provisions governing workforce innovation and apprenticeships. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce, Labor and Energy, 434, 454, 2567, 2571, 2573, 4101, 4102, 5325, 5349, 5353, 5354, 5522, 6191*, 6626, 6936, 7269, 7270, 7279, 7281, 8894, 8901, 8904.

517 ....Establishes the Nevada State Infrastructure Bank. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 885, 6010, 6013.

518 ....Revises provisions relating to certain accounts used for the education of pupils enrolled in public schools. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education, 434, 454, 4706, 4707, 6330, 6337*, 6338, 6629.

519 ....Makes supplemental appropriations to the Division of Child and Family Services of the Department of Health and Human Services for a projected shortfall for adoption subsidies. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4101, 4102, 4625, 4639, 5321*, 6326.

No. *Summary, Introducer and Page Reference*

522 ....Makes a supplemental appropriation to the State Distributive School Account for an unanticipated shortfall in local school support tax revenues and an increase in K-12 enrollment for the 2015-2016 and 2016-2017 school years. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 6625, 6628, 7283, 7362, 7995, 8023, 8051*.

524 ....Makes supplemental appropriations to the Division of Forestry of the State Department of Conservation and Natural Resources for a projected shortfall for certain activities. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance, 5041, 6330, 6338*, 6629.

525 ....Makes a supplemental appropriation to the Nevada Highway Patrol Division of the Department of Public Safety for a projected shortfall related to higher than anticipated costs for providing protective services for dignitaries visiting the State of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance, 4101, 4103, 4625, 4639, 5321*, 6326.

526 ....Makes supplemental appropriations to the Division of Child and Family Services of the Department of Health and Human Services for projected shortfalls related to child and adolescent services. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance, 4101, 4103, 4625, 4639, 5321, 5322*, 6326.

527 ....Makes a supplemental appropriation to the Nevada Supreme Court for a projected shortfall related to judicial selection processes. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance, 6625, 6628, 7283, 7362, 7995, 8023, 8051*.

528 ....Makes an appropriation to the Fund for Aviation for the enlargement, improvement or maintenance of rural airports, landing areas or air navigation facilities in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance, 6938, 6939, 7283, 7362, 7995, 8023, 8051*.

529 ....Makes an appropriation to the Division of Emergency Management of the Department of Public Safety for the costs associated with emergency responses to flood events that occurred in 2017. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance, 6938, 6939, 7283, 7362, 7995, 8023, 8051, 8052*.

530 ....Makes an appropriation to the Division of Health Care Financing and Policy of the Department of Health and Human Services for the completion of the Medicaid Management Information System modernization project and authorizes the expenditure of certain money for such a purpose. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 6938, 6939, 7283, 7362, 7995, 8023, 8052*.

531 ....Makes appropriations to the Aging and Disability Services Division of the Department of Health and Human Services for deferred maintenance projects at the Desert Regional Center and for changing the information system platform for early intervention services. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 6938, 6939, 7283, 7362, 7995, 8023, 8052*.

532 ....Makes appropriations to the Division of Public and Behavioral Health of the Department of Health and Human Services for a laboratory information system and integrated medication management system. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 6938, 6940, 7283, 7362, 7995, 8023, 8052*.

533 ....Makes appropriations to the Division of Welfare and Supportive Services of the Department of Health and Human Services for certain information system projects and authorizes the expenditure of certain money for such purposes. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 6938, 6940, 7283, 7357, 7361*, 8053.

534 ....Makes appropriations to the Division of Child and Family Services of the Department of Health and Human Services for deferred maintenance projects essential for the security and operation of certain facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 6938, 6940, 7283, 7357, 7361*, 8053.

536 ....Makes appropriations to the Division of State Parks of the State Department of Conservation and Natural Resources for projects at certain parks and recreation areas. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 6938, 6940, 7283, 7362, 7995, 8023, 8052*.

537 ....Makes appropriations to the Division of Forestry of the State Department of Conservation and Natural Resources for certain equipment, a vehicle and certain deferred maintenance projects. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 6938, 6940, 7283, 7362, 7995, 8023, 8052*, 8053.

No. *Summary, Introducer and Page Reference*

538 ....Adopts provisions to protect Internet privacy. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Ford and Assemblyman Frierson, 6625, 6629, 6937, 7058, 7362, 7995, 8348, 8721*.

539 ....Revises provisions relating to prescription drugs. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Roberson, Gansert, Atkinson, Cancela, Cannizzaro, Denis, Farley, Ford, Goicoechea, Harris, Manendo, Parks, Ratti, Segerblom, Settelmeyer, Spearman and Woodhouse, 8350, 8682, 8700*.

540 ....Directs the Legislative Commission to authorize the construction or installation of a memorial to Nevada firefighters on the Capitol Complex. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Ford, Denis, Parks, Spearman, Atkinson, Cancela, Cannizzaro, Farley, Manendo, Ratti, Segerblom, Woodhouse and Assemblyman Frierson, 6625, 6629, 8024, 8348, 8721, 8722*.

541 ....Enhances the criminal penalty for certain crimes committed against first responders. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Ford, Denis, Parks, Spearman, Atkinson, Cancela, Cannizzaro, Farley, Manendo, Ratti, Segerblom, Woodhouse; Assemblymen Frierson and Ellison, 6011, 6013, 6881, 6913, 6990, 7040, 7362, 7995, 8348, 8722*, 8983.

543 ....Makes an appropriation to the Lou Ruvo Center for Brain Health. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance, 7283, 7285, 7608, 7995, 8348, 8722*.

544 ....Ensures sufficient funding for K-12 public education for the 2017-2019 biennium. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 2305, 5661, 6938, 6940, 7063, 7064, 7069*, 7462.

545 ....Authorizes expenditures by agencies of the State Government for the 2017-2019 biennium. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Finance, 6938, 6940, 6979, 7261, 7265*, 7462, 8478.

546 ....Authorizes and provides funding for certain projects of capital improvement. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 8347, 8348, 8350, 8351, 8480, 8481*.

547 ....Requires certain large school districts to establish, through negotiations with an employee organization, a salary incentive program for professional growth. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator Ford, 7364, 7461.

548 ....Provides for the establishment of the Nevada Institute on Teaching and Educator Preparation. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance, 7364, 7461, 8024, 8047, 8345, 8346*, 8682.

549 ....Makes an appropriation to the Division of State Library, Archives and Public Records of the Department of Administration for certain projects, services and technology. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance, 7364, 7461, 8024, 8345, 8346*.

550 ....Makes an appropriation to a disbursement account for costs relating to a human resource management information system for the Clark County School District and an appropriation to the Washoe County School District for certain other expenses and an appropriation to the Nevada Alliance of Boys and Girls Clubs, Inc. for certain grants. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance, 7998, 7999, 8972, 8973, 8976*, 8995.

551 ....Establishes for the 2017-2019 biennium the subsidies to be paid to the Public Employees' Benefits Program for insurance for certain active and retired public officers and employees. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Executive Budget. Committee on Finance, 7364, 7461, 7997, 7998, 8022, 8023*.

552 ....Revises provisions governing the cost of certain coverage under the Public Employees' Benefits Program. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Finance, 7364, 7461, 7997, 7998, 8023*.

553 ....Authorizes and provides funding for the advance planning of the College of Engineering, Academic and Research Building and to complete planning and begin construction of a new building for the Medical School at the University of Nevada, Las Vegas. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance, 7364, 7461, 8703, 8725*, 8726, 8983.

554 ....Revises provisions relating to transportation network companies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Atkinson, 8024, 8025, 8975, 8983*.

No. *Summary, Introducer and Page Reference*

555 ....Authorizes the issuance of an additional amount of credits against the modified business tax for taxpayers who donate money to a scholarship organization. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Ford, Roberson; Assemblymen Frierson and Paul Anderson, 8347, 8348, 8349, 8351, 8478, 8479*.

LISTING OF SENATE RESOLUTIONS AND ACTIONS THEREON

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

SENATE JOINT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1 ....Proposes to amend the Nevada Constitution to expressly provide for the State Board of Pardons Commissioners and revise the duties of the State Board of Pardons Commissioners. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Parks, Segerblom, Manendo and Assemblyman Ohrenschall, 261, 271, 4624, 4639, 5303, 5637, 6191, 6192*, 6626, 6936.

2 ....Ratifies the Equal Rights Amendment to the Constitution of the United States. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Spearman, Cancela, Cannizzaro, Ratti, Woodhouse, Atkinson, Denis, Farley, Ford, Manendo, Parks, Segerblom; Assemblymen Araujo, Bilbray-Axelrod, Brooks, Bustamante Adams, Carlton, Carrillo, Cohen, Diaz, Frierson, Jauregui, Joiner, Miller, Monroe-Moreno, Ohrenschall, Spiegel, Sprinkle and Yeager, 195, 199, 304, 312, 320, 323*, 389, 391.

3 ....Proposes to amend the Nevada Constitution to provide certain rights to voters. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Spearman, Ford, Ratti, Cannizzaro, Woodhouse, Cancela, Manendo, Parks, Segerblom; Assemblymen Frierson, Daly, Joiner and Miller, 3887, 5326, 5540, 6192*, 6626, 6936.

4 ....Urges Congress to propose an amendment to the United States Constitution to allow the reasonable regulation of political contributions and expenditures by corporations, unions and individuals to protect the integrity of elections and the equal right of all Americans to effective representation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Cannizzaro, 3887, 3888, 4051, 4158, 4237, 4427, 4639, 5322, 5326, 5328, 5329*, 6622.

5 ....Urges Congress to enact the Marketplace Fairness Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Woodhouse, 420, 421, 3956, 4036, 4097, 4180, 4237, 4427, 4639, 5322, 5326, 5329*, 6622.

6 ....Proposes to amend the Nevada Constitution to provide for certain increases in the minimum wage. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Commerce, Labor and Energy, 794, 6914, 8024, 8348, 8723*.

8 ....Urges Congress not to repeal the Patient Protection and Affordable Care Act or its most important provisions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 434, 3956, 4036, 4097, 4180, 4237, 4427, 4639, 5322, 5637, 6320*, 6629.

10 ....Rescinds all previous resolutions of the Nevada Legislature which requested Congress to convene a convention to propose amendments to the United States Constitution. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Segerblom, 454, 3913, 3928, 3943*, 3978.

11 ....Proposes to amend the Nevada Constitution to revise provisions relating to the State Legislature. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Woodhouse, Segerblom, Ford, Farley, Parks, Denis and Spearman, 434, 4101, 4102.

12 ....Rescinds Senate Joint Resolution No. 1 of the 78th Session of the Nevada Legislature. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, 3887, 3888, 4191, 4396, 4639, 5322, 5637, 6320*, 6629.

13 ....Expresses the support of the Nevada Legislature for certain recommendations relating to the conservation of wildlife in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, 940, 3946, 3971, 4047, 4097, 4180, 4237, 4427, 4639, 5322, 5637, 6321*, 6629.

14 ....Proposes to amend the Nevada Constitution to revise certain provisions relating to property taxes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Revenue and Economic Development, 794, 4101, 4102, 6624, 6877, 6913, 7058, 7362, 7995, 8348, 8723*.

No. *Summary, Introducer and Page Reference*

SENATE JOINT RESOLUTIONS OF THE 78TH SESSION

No. *Summary, Introducer and Page Reference*

17 ....Proposes to amend the Nevada Constitution to expand the rights guaranteed to victims of crime. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Roberson, Harris, Farley, Hardy and Settelmeyer, 885, 6009, 6183, 6283*, 6914, 7493, 7494, 8350, 8983, 8988.

SENATE CONCURRENT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1 ....Directs the Legislative Commission to appoint a committee to conduct an interim study relating to affordable housing within the State of Nevada. Senator Ratti, 940, 4191, 4274, 6626, 7058.

2 ....Memorializes William Patterson (Pat) Cashill. Senators Segerblom, Atkinson, Cancela, Cannizzaro, Denis, Farley, Ford, Gansert, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Manendo, Parks, Ratti, Roberson, Settelmeyer, Spearman, Woodhouse; Assemblymen Ohrenschall, Elliot Anderson, Paul Anderson, Araujo, Benitez-Thompson, Bilbray-Axelrod, Brooks, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Edwards, Ellison, Flores, Frierson, Fumo, Hambrick, Hansen, Jauregui, Joiner, Kramer, Krasner, Marchant, McArthur, McCurdy II, Miller, Monroe-Moreno, Neal, Oscarson, Pickard, Spiegel, Sprinkle, Swank, Thompson, Titus, Tolles, Watkins, Wheeler, Woodbury and Yeager, 220, 221, 272.

4 ....Directs the Legislative Committee on Energy to conduct an interim study concerning the development of renewable energy resources in this State. Senator Spearman, 4274.

6 ....Directs the Legislative Commission to conduct an interim study concerning salaries for certain positions in the unclassified and nonclassified service of the State. Committee on Finance, 6625, 6626, 7363, 7995, 7999, 8550, 8989.

7 ....Celebrates the sister-state relationship between the State of Nevada and Taiwan. Senators Hammond, Atkinson, Cancela, Cannizzaro, Denis, Farley, Ford, Gansert, Goicoechea, Gustavson, Hardy, Harris, Kieckhefer, Manendo, Parks, Ratti, Roberson, Segerblom, Settelmeyer, Spearman, Woodhouse; Assemblymen Paul Anderson, Elliot Anderson, Araujo, Benitez-Thompson, Bilbray-Axelrod, Brooks, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Edwards, Ellison, Flores, Frierson, Fumo, Hambrick, Hansen, Jauregui, Joiner, Kramer, Krasner, Marchant, McArthur, McCurdy II, Miller, Monroe-Moreno, Neal, Ohrenschall, Oscarson, Pickard, Spiegel, Sprinkle, Swank, Thompson, Titus, Tolles, Watkins, Wheeler, Woodbury and Yeager, 3927, 3953.

8 ....Memorializes Gary Gray. Senators Segerblom, Atkinson, Cancela, Cannizzaro, Denis, Farley, Ford, Gansert, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Manendo, Parks, Ratti, Roberson, Settelmeyer, Spearman, Woodhouse; Assemblymen Carlton, Elliot Anderson, Paul Anderson, Araujo, Benitez-Thompson, Bilbray-Axelrod, Brooks, Bustamante Adams, Carrillo, Cohen, Daly, Diaz, Edwards, Ellison, Flores, Frierson, Fumo, Hambrick, Hansen, Jauregui, Joiner, Kramer, Krasner, Marchant, McArthur, McCurdy II, Miller, Monroe-Moreno, Neal, Ohrenschall, Oscarson, Pickard, Spiegel, Sprinkle, Swank, Thompson, Titus, Tolles, Watkins, Wheeler, Woodbury and Yeager, 3931, 3932, 3978.

9 ....Celebrates the life of former Boulder City Mayor Robert Stanley Ferraro. Senators Segerblom, Atkinson, Cancela, Cannizzaro, Denis, Farley, Ford, Gansert, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Manendo, Parks, Ratti, Roberson, Settelmeyer, Spearman, Woodhouse; Assemblymen Frierson, Elliot Anderson, Paul Anderson, Araujo, Benitez-Thompson, Bilbray-Axelrod, Brooks, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Edwards, Ellison, Flores, Fumo, Hambrick, Hansen, Jauregui, Joiner, Kramer, Krasner, Marchant, McArthur, McCurdy II, Miller, Monroe-Moreno, Neal, Ohrenschall, Oscarson, Pickard, Spiegel, Sprinkle, Swank, Thompson, Titus, Tolles, Watkins, Wheeler, Woodbury and Yeager, 3947.

11 ....Urges the Legislative Commission to take certain actions to provide additional services in the Legislative Building for persons who are blind, deaf, hard of hearing or speech impaired. Committee on Legislative Operations and Elections, 8347.

ELECTED OFFICERS OF THE NEVADA STATE ASSEMBLY

Seventy-Ninth Session, 2017

Title	*Name*	*Mailing Address*
Speaker	Jason Frierson	7925 West Russell Road, Unit 400187, Las Vegas 89140-8009
Speaker pro Tempore	Irene Bustamante Adams	3800 Reflection Way, Las Vegas 89147-4442
Chief Clerk	Susan Furlong	401 South Carson Street, Carson City 89701-4747

PERSONNEL OF THE NEVADA STATE ASSEMBLY

Seventy-Ninth Session, 2017

Name and Party	*District*	*Mailing Address*
Anderson, Elliot T. (D)	Clark (Part), No. 15	3135 South Mojave Road, Unit 227, Las Vegas 89121-8315
Anderson, Paul (R)	Clark (Part), No. 13	7322 South Rainbow Boulevard, No. 51, Las Vegas 89139-0400
Araujo, Nelson (D)	Clark (Part), No. 3	P.O. Box 295, Las Vegas 89125-0295
Benitez-Thompson, Teresa (D)	Washoe (Part), No. 27	P.O. Box 5730, Reno 89515-5730
Bilbray-Axelrod, Shannon (D)	Clark (Part), No. 34	7500 West Lake Mead Boulevard, Suite 9-486, Las Vegas 89128-0298
Brooks, Chris (D)	Clark (Part), No. 10	3540 West Sahara, No. 188, Las Vegas 89102-5816
Bustamante Adams, Irene (D)	Clark (Part), No. 42	3800 Reflection Way, Las Vegas 89147-4442
Carlton, Maggie (D)	Clark (Part), No. 14	5540 East Cartwright Avenue, Las Vegas 89110-3802
Carrillo, Richard (D)	Clark (Part), No. 18	4819 Diza Court, Las Vegas 89122-7574
Cohen, Lesley E. (D)	Clark (Part), No. 29	2657 Windmill Parkway, No. 415, Henderson 89074-3384
Daly, Richard "Skip" (D)	Washoe (Part), No. 31	2180 4th Street, Sparks 89431-2201
Diaz, Olivia (D)	Clark (Part), No. 11	P.O. Box 365072, North Las Vegas 89036-9072
Edwards, Chris (R)	Clark (Part), No. 19	6088 Riflecrest Avenue, Las Vegas 89156-4778
Ellison, John C. (R)	Elko, Eureka, Lincoln (Part), White Pine, No. 33	P.O. Box 683, Elko 89803-0683
Flores, Edgar (D)	Clark (Part), No. 28	P.O. Box 42302, Las Vegas 89116-0302
Frierson, Jason (D)	Clark (Part), No. 8	7925 West Russell Road, Unit 400187, Las Vegas 89140-8009
Fumo, Ozzie (D)	Clark (Part), No. 21	601 Las Vegas Boulevard South, Las Vegas 89101-6623
Hambrick, John (R)	Clark (Part), No. 2	1930 Village Center Circle, Suite 3-419, Las Vegas 89134-6245
Hansen, Ira (R)	Esmeralda, Humboldt, Lander, Mineral, Nye (Part), Pershing, Washoe (Part), No. 32	68 Amigo Court, Sparks 89441-6213
Jauregui, Sandra (D)	Clark (Part), No. 41	7582 Las Vegas Boulevard South, No. 118 Las Vegas 89123-1009

Joiner, Amber (D)	Washoe (Part), No. 24	P.O. Box 9810, Reno 89507-0810
Kramer, Al (R)	Carson City, Washoe (Part), No. 40	401 South Carson Street, Carson City 89701-4747
Krasner, Lisa (R)	Washoe (Part), No. 26	59 Damonte Ranch Parkway, No. B-460, Reno 89521-1907
Marchant, Jim (R)	Clark (Part), No. 37	848 North Rainbow Boulevard, No. 464, Las Vegas 89107-1103
McArthur, Richard (R)	Clark (Part), No. 4	4640 Panoramic Court, Las Vegas 89129-1617
McCurdy, William II (D)	Clark (Part), No. 6	1117 Hart Avenue, Las Vegas 89106-2401
Miller, Brittney (D)	Clark (Part), No. 5	9030 West Sahara Avenue, No. 364, Las Vegas 89117-5744
Monroe-Moreno, Daniele (D)	Clark (Part), No. 1	5575 Simmons Street, No. 154, North Las Vegas 89031-9009
Neal, Dina (D)	Clark (Part), No. 7	3217 Brautigan Court, North Las Vegas 89032-6030
Ohrenschall, James (D)	Clark (Part), No. 12	P.O. Box 97741, Las Vegas 89193-7741
Oscarson, James. (R)	Clark (Part), Lincoln (Part), Nye (Part), No. 36	P.O. Box 1600, Pahrump 89048-1600
Pickard, Keith (R)	Clark (Part), No. 22	10120 South Eastern Avenue, Suite 140 Henderson 89052-3953
Spiegel, Ellen B. (D)	Clark (Part), No. 20	2764 North Green Valley Parkway, No. 327, Henderson 89014-2120
Sprinkle, Michael C. (D)	Washoe (Part), No. 30	P.O. Box 51202, Sparks 89435-1202
Swank, Heidi (D)	Clark (Part), No. 16	546 Barbara Way, Las Vegas 89104-2858
Thompson, Tyrone (D)	Clark (Part), No. 17	117 Fox Crossing Avenue, North Las Vegas 89084-5207
Titus, Robin L. (R)	Churchill, Lyon (Part), No. 38	P.O. Box 377, Wellington 89444-0377
Tolles, Jill (R)	Washoe (Part), No. 25	4790 Caughlin Parkway, No. 180, Reno 89519-0907
Watkins, Justin (D)	Clark (Part), No. 35	10789 West Twain Avenue Suite 100 Las Vegas 89135-3029
Wheeler, Jim (R)	Douglas, Lyon (Part), Storey, No. 39	P.O. Box 2135, Minden 89423-2135
Woodbury, Melissa L. (R)	Clark (Part), No. 23	7322 South Rainbow Boulevard, No. 51, Las Vegas 89139-0400
Yeager, Steve (D)	Clark (Part), No. 9	10120 West Flamingo Road Suite 4162 Las Vegas 89147-8392

ATTACHÉS OF THE NEVADA STATE ASSEMBLY
Seventy-Ninth Session, 2017

Name	Title
Carol Aiello-Sala	Assistant Chief Clerk
Lucinda Benjamin	History Clerk
Jason P. Hataway	Journal Clerk
Christie Peters	Document Clerk
Michele Burke	Media Clerk
Susan Hoffman	Recording Clerk
Sylvia Brown	Executive Assistant to Chief Clerk
Robin L. Bates	Sergeant at Arms
Mary A. Matheus	Deputy Sergeant at Arms
Michael Chapman	Assistant Sergeant at Arms
Judy Doherty	Assistant Sergeant at Arms
Robert Guernsey	Assistant Sergeant at Arms
Vickie Kieffer	Assistant Sergeant at Arms
Nicole Madden	Assistant Sergeant at Arms
Jennifer D. Osheroff	Assistant Sergeant at Arms
Marge Griffin	Administrative Services Manager
Patricia A. Manning	Executive Assistant to Administrative Services Manager
Jasmine Shackley	Committee Services Manager
Sally Stoner	Executive Assistant to Committee Services Manager
Martin Fitzgerald	Chief of Staff to Speaker
Ellen DeChristopher	Executive Assistant to Assemblyman Jason Frierson, Speaker
Nate Helton	Leadership Policy Analyst
Teresa Lajara	Leadership Policy Advisor
Jenny Polek	Leadership Receptionist
Sonia Mendez	Personal Secretary to Assemblywoman Irene Bustamante Adams, Speaker Pro Tempore and Chair, Commerce and Labor
Linda Corbett	Executive Assistant to Assemblywoman Teresa Benitez-Thompson, Majority Floor Leader
Paul Catha	Personal Secretary to Assemblyman Nelson Araujo, Assistant Majority Floor Leader
Sara Wainwright	Personal Secretary and Committee Manager to Assemblyman Michael Sprinkle, Majority Whip and Chair, Health and Human Services
Divya Narala	Personal Secretary and Committee Manager to Assemblyman Tyrone Thompson, Chief Deputy Majority Whip and Chair, Education
Vickie Roberts	Personal Secretary to Assemblywoman Ellen Spiegel, Assistant Majority Whip
Davita Curtis	Personal Secretary and Committee Manager to Assemblywoman Heidi Swank, Assistant Majority Whip and Chair, Natural Resources, Agriculture, and Mining
Celssie Hardy	Executive Assistant to Assemblyman Paul Anderson, Minority Floor Leader
Barbara Eiche	Personal Secretary to Assemblyman Jim Wheeler, Deputy Minority Floor Leader
Deborah Paul	Personal Secretary to Assemblyman James Oscarson, Deputy Minority Floor Leader
Omar De La Rosa	Minority Leadership Policy Analyst
Ross Hemminger	Minority Leadership Policy Analyst
Christina Salerno	Personal Secretary to Assemblywoman Melissa Woodbury, Minority Whip
Betty Jo Vonderheide	Personal Secretary to Assemblyman John C. Ellison, Minority Whip Rural
Judith Bishop	Committee Manager, Commerce and Labor
Tracy Davis	Personal Secretary and Committee Manager to Assemblywoman Dina Neal, Chair, Taxation

Patricia Demsky ..... Personal Secretary and Committee Manager to Assemblyman Richard Carrillo, Chair, Transportation
Sylvia Dominguez-Curry ..... Personal Secretary and Committee Manager to Assemblywoman Olivia Diaz, Chair, Legislative Operations and Elections
Bonnie Borda Hoffecker ..... Committee Manager, Judiciary and Corrections, Parole, and Probation
Barbara Taylor ..... Committee Manager, Government Affairs
Patricia Adams ..... Committee Manager, Ways and Means
Sherie Silva ..... Lead Committee Secretary, Ways and Means
Anne Bowen ..... Committee Secretary, Ways and Means
Michelle Hamilton ..... Committee Secretary, Ways and Means
Carmen Neveau ..... Committee Secretary, Ways and Means
Carol J. Thomsen ..... Committee Secretary, Ways and Means
Keaton Westergard ..... Committee Secretary, Ways and Means
Janice Wright ..... Committee Secretary, Ways and Means
Lisa McAlister ..... Committee Assistant, Ways and Means
Ted Zuend ..... Proofreader, Ways and Means
Gary Brady-Herndon ..... Proofreader
Diane Hudson ..... Proofreader
Theresa Koch ..... Proofreader
Janet Lazarus ..... Proofreader
Kirsten Mashinter ..... Proofreader
William O'Driscoll ..... Proofreader
Marcia Peterson ..... Proofreader
Elizabeth Saenz ..... Proofreader
Nancy Samon ..... Proofreader
Nancy Davis ..... Committee Secretary, Natural Resources, Agriculture, and Mining
Gina Hall ..... Committee Secretary, Taxation
Terry Horgan ..... Committee Secretary, Health and Human Services
Devon Isbell ..... Committee Secretary, Judiciary
Janet Jones ..... Committee Secretary, Judiciary
Kathryn Keever ..... Committee Secretary, Commerce and Labor
Julianne King ..... Committee Secretary, Legislative Operations and Elections
Sharon McCallen ..... Committee Secretary, Education
Lori McCleary ..... Committee Secretary, Government Affairs
Erin McHam ..... Committee Secretary, Judiciary
Earlene Miller ..... Committee Secretary, Commerce and Labor
Carol Myers ..... Committee Secretary, Government Affairs
Kailey Taylor ..... Committee Secretary, Health and Human Services
Joan Waldock ..... Committee Secretary, Transportation
Karyn Werner ..... Committee Secretary, Judiciary
Linda Whimple ..... Committee Secretary, Judiciary
Isabel Youngs ..... Committee Secretary, Government Affairs
Nita Barnes ..... Personal Secretary to Assemblywoman Amber Joiner
Mary Bean ..... Personal Secretary to Assemblyman Ira Hansen
Marissa Crook ..... Personal Secretary to Assemblywoman Jill Tolles
Jeff Dixon III ..... Personal Secretary to Assemblyman Steve Yeager, Chair, Judiciary
Briana Escamilla ..... Personal Secretary to Assemblyman Chris Brooks
Linda Fitzgerald ..... Personal Secretary to Assemblywoman Lisa Krasner
Laureen Garcia ..... Personal Secretary to Assemblyman Skip Daly
Ashley Garza ..... Personal Secretary to Assemblywoman Sandra Jauregui
Cyndy Hernandez ..... Personal Secretary to Assemblywoman Daniele Monroe-Moreno
Dakota Hoskins ..... Personal Secretary to Assemblyman Justin Watkins
Patricia Hutson ..... Personal Secretary to Assemblyman James Ohrenschall, Chair, Corrections, Parole, and Probation
Latoya Kent ..... Personal Secretary to Assemblyman Ozzie Fumo
April LaLone ..... Personal Secretary to Assemblywoman Shannon Bilbray-Axelrod
Jennifer Lanahan ..... Personal Secretary to Assemblyman Elliot T. Anderson
Linda Law ..... Personal Secretary to Assemblyman Chris Edwards

Mary Lee ..... Personal Secretary to Assemblywoman Maggie Carlton, Chair, Ways and Means
Sallie Lincoln ..... Personal Secretary to Assemblyman Al Kramer
Gil Lopez ..... Personal Secretary to Assemblyman William McCurdy II
Sara Menke ..... Personal Secretary to Assemblyman Keith Pickard
Judy Molnar ..... Personal Secretary to Assemblywoman Brittney Miller
Leisa Moseley ..... Personal Secretary to Assemblywoman Lesley Cohen
Kelly Osborne ..... Personal Secretary to Assemblyman Jim Marchant
Frank Perez ..... Personal Secretary to Assemblyman Edgar Flores, Chair, Government Affairs
Sheree Rosevear ..... Personal Secretary to Assemblyman John Hambrick
Linda Waters ..... Personal Secretary to Assemblyman Richard McArthur
Stephen Wood ..... Personal Secretary to Assemblywoman Robin Titus
Olivia M. Lloyd ..... Committee Assistant
Melissa Loomis ..... Committee Assistant
Trinity L.A. Thom ..... Committee Assistant
Cheryl Williams ..... Committee Assistant
Cindie Kusko ..... Lead Committee Assistant, Las Vegas Office
Kassidy Whetstone ..... Committee Assistant, Las Vegas Office
Elise Sala ..... Technical Services Manager
Deana Keirstead ..... Data Information Specialist
Roberto Lusanta Jr. ..... Data Information Specialist

EXPLANATION OF AMENDMENT LANGUAGE

Seventy-Ninth Session, 2017

EXPANATION: Matter in (1) bold italics is new language in the original bill; (2) variations of bold underlining is language proposed to be added in the amendments; (3) strikethrough is deleted language from the original bill; (4) double strikethrough is language proposed to be deleted in a particular amendment; (5) double underlining is deleted language in the original bill that is proposed to be retained in a particular amendment.

Journal

OF THE

ASSEMBLY OF THE STATE OF NEVADA

SEVENTY-NINTH SESSION

THE FIRST DAY

CARSON CITY (Monday), February 6, 2017

Pursuant to the provisions of the Constitution and Statutes, the Assembly was called to order by Secretary of State Barbara Cegavske at 11:15 a.m.

Prayer by Dr. Robert Fowler, Senior Pastor of the Victory Missionary Baptist Church, Las Vegas, Nevada.

Eternal God and heavenly Father, today as all days we give praise to You, and to who You are. We thank You for the beautiful state that we live in and the colorful way you have arrayed its land and people.

We are blessed by You to have the privilege of dwelling in a state with members of government who appreciate the high responsibility that You have allowed to be assigned to their hands.

The responsibilities are as diverse as the people of this great state. Bringing about both peace and prosperity in our state of varied people and issues is a task that requires that our leaders listen to the people and listen carefully to You.

Today I pray that You would grant them the strategies needed that would cause us to excel among our state and categorize us as a people blessed among the nations we are surrounded by.

I pray that You would grant them the strength to withstand the enemies of governing for peace and prosperity for all people. Shore them up as warriors who have been trained for the battle and are willing to make the right sacrifices for the battles of the people of this state.

After You have given strategies and strength, grant them stamina for both the short and the long battles that will be fought on Your behalf and the behalf of the people of Nevada.

Give special blessings to their families who they leave for state responsibility. Give them peace, and cover them with protection from on high.

May every vote this Assembly makes be a brick in heaven that builds a great state for Nevada.

Amen.

Presentation of the colors by the Reno Firefighters Association's Honor Guard.

Pledge of allegiance to the Flag.

Singing of the National Anthem by Dr. Albert Lee, Assistant Professor of Voice and Opera, University of Nevada, Reno.

Madam Secretary of State requested Ms. Susan Furlong to serve as temporary Chief Clerk of the Assembly.

Madam Secretary of State requested that the temporary Chief Clerk call the roll of the 42 Assemblymen-elect.

Roll called.

Present: Assemblymen Elliot Anderson, Paul Anderson, Araujo, Benitez-Thompson, Bilbray-Axelrod, Brooks, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Edwards, Ellison, Flores, Frierson, Fumo, Hambrick, Hansen, Jauregui, Joiner, Kramer, Krasner, Marchant, McArthur, McCurdy, Miller, Monroe-Moreno, Neal, Ohrenschall, Oscarson, Pickard, Spiegel, Sprinkle, Swank, Thompson, Titus, Tolles, Watkins, Wheeler, Woodbury, and Yeager.

Madam Secretary of State appointed Assemblymen Diaz, Araujo, Elliot Anderson, Bilbray-Axelrod, Daly, Monroe-Moreno, Ohrenschall, Hambrick, Hansen, McArthur, and Oscarson as a temporary Committee on Credentials.

Assembly in recess at 11:24 a.m.

ASSEMBLY IN SESSION

At 11:29 a.m.
Madam Secretary of State presiding.
Quorum present.

REPORTS OF COMMITTEES

Madam Secretary of State:

Your temporary Committee on Credentials has had the credentials of the respective Assembly Members-elect under consideration and begs leave to report that the following persons have been and are duly elected members of the Assembly of the 79th Session of the Legislature of the State of Nevada: Assembly Members Elliot Anderson, Paul Anderson, Araujo, Benitez-Thompson, Bilbray-Axelrod, Brooks, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Edwards, Ellison, Flores, Frierson, Fumo, Hambrick, Hansen, Jauregui, Joiner, Kramer, Krasner, Marchant, McArthur, McCurdy, Miller, Monroe-Moreno, Neal, Ohrenschall, Oscarson, Pickard, Spiegel, Sprinkle, Swank, Thompson, Titus, Tolles, Watkins, Wheeler, Woodbury, and Yeager.

OLIVIA DIAZ, *Chair*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Diaz moved the adoption of the report.

Motion carried unanimously.

Madam Secretary of State appointed Assemblymen Ohrenschall and Pickard as a committee to escort Chief Justice Michael Cherry of the

Supreme Court of the State of Nevada to the rostrum to administer the oaths of office to the Assemblymen.

Chief Justice Cherry administered the oaths of office to the Assemblymen.

Madam Secretary of State requested the temporary Chief Clerk call the roll of those Assemblymen for whom Certificates of Election had been issued.

Roll called.

Present: Assemblymen Elliot Anderson, Paul Anderson, Araujo, Benitez-Thompson, Bilbray-Axelrod, Brooks, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Edwards, Ellison, Flores, Frierson, Fumo, Hambrick, Hansen, Jauregui, Joiner, Kramer, Krasner, Marchant, McArthur, McCurdy, Miller, Monroe-Moreno, Neal, Ohrenschall, Oscarson, Pickard, Spiegel, Sprinkle, Swank, Thompson, Titus, Tolles, Watkins, Wheeler, Woodbury, and Yeager.

Assemblywoman Cohen moved that Chief Justice Cherry be given a unanimous vote of thanks for administering the oaths.

Motion carried unanimously.

The appointed committee escorted the Chief Justice of the Supreme Court to the bar of the Assembly.

Madam Secretary of State announced that there would be no temporary organization of the Assembly and that all nominations were in order for permanent appointment.

Madam Secretary of State declared that nominations were in order for Speaker.

Assemblywoman Benitez-Thompson nominated Assemblyman Jason Frierson for Speaker.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Thank you, Madam Secretary of State. I rise with the purpose and distinct honor of nominating Assemblyman Jason Frierson to be Speaker of the Nevada State Assembly. This nomination is more than just a procedural motion. Today it marks a historic event. The Declaration of Independence said that we are endowed by our Creator with certain unalienable rights, and that government's purpose is to secure those rights. For many communities and many persons in Nevada, representative democracy has felt, at times, distant and at arms-length. I believe with this nomination we, as a government, move one step closer to the pursuit of a perfect, more inclusive union. I nominate Assemblyman Jason Frierson as Speaker.

Assemblyman Paul Anderson seconded the motion.

Assemblyman Araujo moved that nominations be closed.

Motion carried unanimously.

Madam Secretary of State declared Assemblyman Frierson to be Speaker of the Assembly.

Madam Secretary of State appointed Assemblymen Benitez-Thompson, Hambrick, and Thompson as a committee to escort the Speaker to the rostrum.

Mr. Speaker presiding.

Assemblywoman Swank moved that Secretary of State Cegavske be given a unanimous vote of thanks for her services to the Assembly.

Assemblyman Ellison seconded the motion.

Motion carried unanimously.

Mr. Speaker appointed Assemblywoman Neal and Assemblyman Oscarson as a committee to escort the Secretary of State to the Bar of the Assembly.

The appointed committee escorted Secretary of State Cegavske to the Bar of the Assembly.

Remarks by Assemblymen Benitez-Thompson, Paul Anderson, and Mr. Speaker.

Assemblywoman Benitez-Thompson requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

It is an honor to formally address this body the first time that we are here, setting the session in motion. We assemble today having been elected by the good people of Nevada. We are a body steeped in tradition and in ceremony. It is no secret that with the public policy process, oftentimes come boisterous, loud, sometimes even messy interactions. It is no secret that, in fact, our Constitution may have been forged with heated conversation, heated discourse that left many of our founding fathers at odds with each other until their dying days.

As we set out on this 79th Legislative Session, we have a choice to make—a choice about which path we are going to walk and how we, as a body, will be remembered. I ask all members to hold in their heads the words of Nelson Mandela who said, "What counts in life is not the mere fact that we have lived. It is what difference we have made in the lives of others that will determine the significance of the life we lead." I resolve that we be remembered for our significance, that we be remembered for creating good public policy for all the people of Nevada in the decorum and fashion that this institution deserves.

ASSEMBLYMAN PAUL ANDERSON:

I was reviewing my remarks last night during the great football game that was on. I thought maybe I could poke some fun today and call out some of those that were rooting for some team or another. But I thought that might start this session in a little bit of a controversial, divisive way. So I will stick to partisan politics.

Mr. Speaker, it is my great honor to stand here with you today having been returned to this body by the voters of Assembly District 13. I am also honored by my colleagues to once again serve as the Assembly leader for my party.

I want to acknowledge my good friend, Jason Frierson, and congratulate you on this election today. I particularly want to acknowledge the special significance your election has for the African-American community as well as for the diversity of Nevada that makes us so strong. Congratulations to the Nevada Assembly as a whole on this historic occasion. Mr. Speaker, I appreciate your friendship and look forward to the next few months working together.

For my family—my wife April; our four children; my parents who are joining me here today; my sister and brother-in-law, who surprised me and joined us here today from Utah—they have been gracious enough to put up with this unusual job and the absences that public service

sometimes requires. They have blessed me beyond any measure of which I am worthy; I thank them for being here today and supporting us all.

As many of you might remember, two years ago my family was on their way to Carson City and was involved in a potentially tragic car accident just outside of Dayton. We flew the family up this year, just to be safe. I want to take this opportunity again to thank Nevada's first responders who work so hard every day to keep us safe. We owe them all a debt of gratitude.

I would be remiss if I did not mention the incredibly talented and hard-working people who work here in the Assembly building: our Chief Clerk Susan Furlong, her staff, our caucus staff upstairs, our attachés, and all of the support staff that work in the building who keep the Assembly running, keep us on track, and ensure that the people's work gets done. The Assembly is a team effort, and I certainly speak for all of our caucus when I say that we could not do it without you.

To our new members—welcome to the Assembly. The voters who sent you here did so with certain expectations. Regardless of your party affiliation, and after sometimes bruising campaigns, we are now required to put aside our partisan differences and do what is best for all Nevadans. The decision-making authority your constituents have placed in you dictates that you are no longer accountable to just your family and friends or those who voted for you. You are now accountable to all of your constituents and all of Nevada, irrespective of party affiliation. I urge you, when you cast your vote in this Chamber, to recognize that and to remember that the eyes of the state are upon you. I urge you to consider the weight of that decision-making authority. Your votes here will oftentimes be difficult to make. To do the right thing might mean letting someone else down. Giving to one group often means taking from another.

The great statesman and orator Edmund Burke once said, "When the leaders choose to make themselves bidders at an auction of popularity, their talents, in the construction of the state, will be of no service. They will become flatterers instead of legislators; the instruments, not the guides of the people."

While it is my belief that we set a foundational precedent of policy in the 2015 Session, it is my fervent hope that during this session, we will raise the bar for good policy and prove a model for future sessions and future legislators. Let this Chamber, this year, provide a road map for our future through our actions.

Finally, to my friends and colleagues in this Assembly Chamber, while we may disagree, I believe that all of us elected here come because of a love of community. We have that in common. There will be times where we disagree, perhaps more than most. My door will always be open. I do not assume to have all the answers; I do not assume that my path to success is the only path. May we maintain the courage to defy the consensus, and may we choose the harder right rather than the easier wrong.

Mr. Speaker, again, thank you and congratulations. May God watch over us and bless us in our endeavors this session, and may God bless the great state of Nevada.

MR. SPEAKER:

Thank you for such a warm and kind introduction on this historic day. Words do not do my feelings justice in expressing how honored I am to join all of you on this journey, and I am truly humbled by your confidence in me to lead you into and through this 79th Session of the Nevada Legislature.

While we all ended up here on different journeys with unique experiences, we are united by our common desire to serve the people of Nevada. My story began in Compton, California, in a 900-square-foot home. My parents worked hard to provide me with a good education and a sense of security, even if there were gunshots and violence outside our doors. In order for me to be standing before you today, I was fortunate to have family and others in my life committed to helping provide me with a fighting chance. Under Order of Business 15, I will be able to fully introduce some of them who are here today, including my wife and children, my mother, brother, best friend, and family.

We have much to be proud of in Nevada. We stand in this body today as the most diverse legislative body in the entire country. I stand on the legacy of many to get to lead such a body. Ten years ago yesterday, the Nevada Assembly selected Nevada's first woman Speaker, Speaker Barbara Buckley. In 2007, there were 13 female members of the Nevada Assembly and we, as a

state, were richer because of their leadership and contributions. Speaker Buckley, from the bottom of my heart, thank you for your leadership throughout the years, for your support and encouragement, and for being my friend. I learned so much from your example, including at the very least, your commitment to the often overlooked skill of listening—listening to our colleagues, listening to our loved ones who know us so well, and even listening to those with whom we disagree. You have and continue to leave your mark on this state, and your legacy will live on through the many you have mentored. Today, we can see the fruit of that labor. Today, we have 17 women serving in the Nevada Assembly, and I am confident that this number will continue to grow as we continue to embrace the rich contributions that women bring in all facets of leadership. Not only have we added record numbers of women to our ranks, today we also have seven Latino members of the Assembly and six African-American members of the Assembly. Never has the Nevada Legislature been more representative of the wonderful diversity of our Silver State.

I would be remiss if I did not thank a handful of leaders who helped me grow along the way. To Speaker Marilyn Kirkpatrick, thank you for the opportunity to serve as Assistant Majority Leader. Speaker John Oceguera and Majority Leader Marcus Conklin, thank you for encouraging me to take on more on responsibility for the team. Majority Leader William Horne, you have, at every step of the way, been my friend and supporter. You provided me with what every leader needs: consistent, steady, honest, and tough love. It will never be lost upon me that your becoming Nevada's first African-American Majority Leader paved the way for me to be here today.

I would also like to thank my current colleagues: Assemblywoman Maggie Carlton, for the institutional knowledge you so generously share with me as I grow; Assemblywoman Irene Bustamante Adams, for your steady prayers throughout the years; and Assemblywoman Teresa Benitez-Thompson, for your unwavering friendship. Minority Leader Paul Anderson, thank you for your statesmanship and the love that we share for this great state. I am looking forward to working with you to leave this institution better off than when we found it.

Let me also congratulate our 14 new members of the Nevada Assembly and welcome them along with a few who, like me, took a little bit of time off in between serving. I am excited to join you in this cause of moving Nevada forward together. We are truly one Nevada, and together, we can accomplish great things. I believe that through collaboration, open minds, and respect for the legislative institution, we can find the common ground.

It is with this foundation that I am blessed to become the first African-American Speaker of the Nevada State Assembly. I embrace this opportunity and responsibility with the recognition that, by breaking this ceiling, there is one less "first" still to be achieved in Nevada's history. I do not take this role in Nevada's history lightly; I fully recognize that in selecting me as Speaker, our contribution to the richness of Nevada's history means we send a message that Nevada embraces all who are committed to serving. This is about a journey to today rather than about me personally. Booker T. Washington once said, "Success is to be measured not so much by the position that one has reached in life as by the obstacles which he has had to overcome while trying to succeed." This milestone reflects the obstacles that have been overcome, but it also reflects the preparation for those obstacles we still have ahead of us.

I think we can all agree that there is simply no state like Nevada. I arrived here almost 30 years ago from that small house in Compton, with a scholarship in my hands to play football and ambition to use the opportunities my mom and dad worked so hard to give me. I came to Nevada, like many of you, in search of a fighting chance. I am fortunate to have spent significant time throughout our entire state and have enjoyed the richness that Nevada offers. From Reno to Ely, from Elko to North Las Vegas, I have developed an appreciation for Nevada's people and Nevada's precious landscape. From the mining towns of Elko to the Red Rock Canyon landscapes of southern Nevada and the crystal blue of Lake Tahoe, I love Nevada.

Nevada has a diverse culture and lifestyle, with our gaming industry as well as the opportunity for small businesses to flourish. We have the excitement and promise of the urban spirit, but we also have the feel of the new frontier. This, my friends, is the richness of Nevada. It is this broad range of experiences that we all bring to this building in service of the state we love and the citizens we represent.

We are fortunate that we are picking up where leaders left off in 2015, when we took steps to diversify our tax structure so that, above all else, we could restore funding for our children in public schools. Despite that significant bipartisan effort, our work is not done. We still have kids falling behind, test scores that need improving, and accountability in the classroom that must be part of the solution. We still have underpaid and overworked teachers dipping into their pockets to provide supplies and resources for the classroom. We still struggle to recruit and retain the best teachers and struggle to provide adequate incentives for teachers to take on the most challenging at-risk schools. We, as Nevadans, have to make it a priority to pay our teachers competitively so that the best are attracted to Nevada. We must invest in an educational system that provides broad opportunities for all of Nevada's children, not just a select few. It is the right thing to do for our children, and it is the right thing to do for Nevada. We may not always agree on how to get there, but I believe we agree on where we would like to be, and that is a promising future for all of Nevada's children.

Yet, providing students and teachers with the tools they need to be successful is only a part of the equation. If there is not economic security for Nevada families, this effort will be for naught. We have to create that economic security for families by addressing the need for a living wage, paid family leave, and a continuation of the efforts to diversify our economic opportunities with new high tech and clean energy jobs.

We still have to work to create a workplace environment that embraces equal pay and is free from discrimination against minorities, women, and members of the LGBTQ community.

I am passionate about our commitment to removing barriers to good paying jobs by reforming our criminal justice system. We can protect our community from the most violent offenders and still allow for those who are not a danger to society to reenter the workforce and become full contributors to society. I know we can do that.

We also have a tremendous opportunity—no, an obligation—to be an example not only for Nevadans, but for the nation, when it comes to restoring faith and confidence in our government. We need to make government work for Nevadans, improving efficiency, accountability, and inclusiveness in government. This means looking at the expansion of early voting, restoring the voting rights of those who have paid their debt to society, and improving transparency in government.

All of this and more I know we can accomplish, united in one cause, moving our state forward. At a time when political rhetoric and hyper-partisanship have defined politics in D.C., we have an opportunity to show the country what a citizen legislature and bipartisan government is capable of accomplishing, setting aside our differences for the good of the state in a way Nevadans can be proud of.

Nevada is my home all these years later, and I am here standing in front of you because I did not give up, and neither should we, on making sure our kids and families have the tools they need to succeed. I am here because I see the promise and opportunity in the faces of Nevada's children, and I see that in my own childhood, but we need to fight for it. Now more than ever, we need to fight for our kids and for Nevada's future. Just like those who were committed to giving me a fighting chance, I want to help Nevadans rise to the occasion. I invite you all to join me in this endeavor. Join me and let us show our citizens and the country why we love Nevada. Again, thank you so very much and may God bless you.

Assemblywoman Diaz nominated Assemblywoman Bustamante Adams for Speaker pro Tempore.

Assemblywoman Woodbury moved that nominations be closed.

Motion carried unanimously.

Mr. Speaker declared Assemblywoman Bustamante Adams to be Speaker pro Tempore of the Assembly.

Mr. Speaker declared that nominations were in order for Chief Clerk of the Assembly.

Assemblywoman Spiegel nominated Ms. Susan Furlong for Chief Clerk.

Assemblywoman Woodbury moved that nominations be closed.

Motion carried unanimously.

Mr. Speaker declared Ms. Susan Furlong to be Chief Clerk of the Assembly.

Mr. Speaker appointed Assemblymen Sprinkle, Thompson, and Wheeler as a committee to inform the Senate that the Assembly is organized and ready for business.

Mr. Speaker appointed Assemblymen Bustamante Adams, Carlton, and Paul Anderson as a committee to inform the Governor that the Assembly is organized and ready for business.

Assemblywoman Bustamante Adams reported that her committee had informed the Governor that the Assembly was organized and ready for business.

A committee from the Senate composed of Senators Atkinson, Gansert, and Settelmeyer appeared before the bar of the Assembly and announced that the Senate was organized and ready for business.

Assemblyman Sprinkle reported that his committee had informed the Senate that the Assembly was organized and ready for business.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:11 p.m.

ASSEMBLY IN SESSION

At 3:07 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Operations and Elections:

Assembly Concurrent Resolution No. 1—Adopting the Joint Standing Rules of the Senate and Assembly for the 79th Session of the Legislature.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Joint Rules of the Senate and Assembly for the 79th Session of the Legislature are hereby adopted as follows:

CONFERENCE COMMITTEES

Rule No. 1. Procedure Concerning.

1. In every case of an amendment of a bill, or joint or concurrent resolution, agreed to in one House, dissented from in the other, and not receded from by the one making the amendment, each House may appoint a committee to confer with a like committee to be appointed by the other; and, if appointed, the committee shall meet publicly at a convenient hour to be agreed upon by their respective chairs and announced publicly, and shall confer upon the differences between the two Houses as indicated by the amendments made in one

and rejected in the other and report as early as convenient the result of their conference to their respective Houses.

2. The report shall be made available to all members of both Houses. The whole subject matter embraced in the bill or resolution shall be considered by the committee, and it may recommend recession by either House, new amendments, a new bill or resolution, or other changes as it sees fit. A new bill or resolution so reported shall be treated as amendments unless the bill or resolution is composed entirely of original matter, in which case it shall receive the treatment required in the respective Houses for original bills, or resolutions, as the case may be. A conference committee shall not recommend any action which would cause the creation of more than one reprint or more than one bill or resolution.

3. The report of a conference committee may be adopted by acclamation. The report is not subject to amendment.

4. There shall be but one conference committee on any bill or resolution. A majority of the members of a conference committee from each House must be members who voted for the passage of the bill or resolution.

MESSAGES

Rule No. 2. Biennial Message of the Governor.

Upon motion, the biennial message of the Governor must be received and read and entered in full in the Journal of proceedings.

Rule No. 2.2. Other Messages From the Governor.

Whenever a message from the Governor is received, it shall be read and entered in full in the Journal of proceedings.

Rule No. 2.4. Proclamation by the Governor Convening Special Session.

Proclamations by the Governor convening the Legislature in special session must, by direction of the presiding officer of each House, be read immediately after the convening of the special session, and must be filed and entered in the Journal of proceedings.

Rule No. 2.6. Messages Between Houses.

Messages from the Senate to the Assembly shall be delivered by the Secretary or a person designated by the Secretary and messages from the Assembly to the Senate shall be delivered by the Chief Clerk or a person designated by the Chief Clerk.

NOTICE OF FINAL ACTION

Rule No. 3. Communications.

Each House shall communicate its final action on any bill or resolution, or matter in which the other may be interested, by written notice. Each such notice sent by the Senate must be signed by the Secretary of the Senate, or a person designated by the Secretary. Each such notice sent by the Assembly must be signed by the Chief Clerk of the Assembly, or a person designated by the Chief Clerk.

BILLS AND JOINT RESOLUTIONS

Rule No. 4. Signature.

Each enrolled bill or joint resolution shall be presented to the presiding officers of both Houses for signature. They shall, after an announcement of their intention to do so is made in open session, sign the bill or joint resolution and their signatures shall be followed by those of the Secretary of the Senate and Chief Clerk of the Assembly.

Rule No. 5. Joint Sponsorship.

1. A bill or resolution introduced by a standing committee of the Senate or Assembly may, at the direction of the chair of the committee, set forth the name of a standing committee of the other House as a joint sponsor, if a majority of all members appointed to the committee of the other House votes in favor of becoming a joint sponsor of the bill or resolution. The name

of the committee joint sponsor must be set forth on the face of the bill or resolution immediately below the date on which the bill or resolution is introduced.

2. A bill or resolution introduced by one or more Legislators elected to one House may, at the direction of the Legislator who brings the bill or resolution forward for introduction, set forth the names of one or more Legislators who are members elected to the other House and who wish to be primary joint sponsors or non-primary joint sponsors of the bill or resolution. Not more than five Legislators from each House may be set forth on the face of a bill or resolution as primary joint sponsors. The names of each primary joint sponsor and non-primary joint sponsor must be set forth on the face of the bill or resolution in the following order immediately below the date on which the bill or resolution is introduced:

(a) The name of each primary joint sponsor, in the order indicated on the colored back of the introductory copy of the bill or resolution; and

(b) The name of each non-primary joint sponsor, in alphabetical order.

3. The Legislative Counsel shall not cause to be printed the name of a standing committee as a joint sponsor on the face of a bill or resolution unless the chair of the committee has signed his or her name next to the name of the committee on the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5. The Legislative Counsel shall not cause to be printed the name of a Legislator as a primary joint sponsor or non-primary joint sponsor on the face of a bill or resolution unless the Legislator has signed the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5.

4. Upon introduction, any bill or resolution that sets forth the names of primary joint sponsors or non-primary joint sponsors, or both, must be numbered in the same numerical sequence as other bills and resolutions of the same House of origin are numbered.

5. Once a bill or resolution has been introduced, a primary joint sponsor or non-primary joint sponsor may only be added or removed by amendment of the bill or resolution. An amendment which proposes to add or remove a primary joint sponsor or non-primary joint sponsor must not be considered by the House of origin of the amendment unless a statement requesting the addition or removal is attached to the copy of the amendment submitted to the front desk of the House of origin of the amendment. If the amendment proposes to add or remove a Legislator as a primary joint sponsor or non-primary joint sponsor, the statement must be signed by that Legislator. If the amendment proposes to add or remove a standing committee as a joint sponsor, the statement must be signed by the chair of the committee. A copy of the statement must be transmitted to the Legislative Counsel if the amendment is adopted.

6. An amendment that proposes to add or remove a primary joint sponsor or non-primary joint sponsor may include additional proposals to change the substantive provisions of the bill or resolution or may be limited only to the proposal to add or remove a primary joint sponsor or non-primary joint sponsor.

PUBLICATIONS

Rule No. 6. Ordering and Distribution.

1. The bills, resolutions, journals and histories will be provided electronically to the officers and members of the Senate and Assembly, staff of the Legislative Counsel Bureau, the press and the general public on the Nevada Legislature's Internet website.

2. Each House may order the printing of bills introduced, reports of its own committees, and other matter pertaining to that House only; but no other printing may be ordered except by a concurrent resolution passed by both Houses. Each Senator is entitled to the free distribution of four copies of each bill introduced in each House, and each Assemblyman and Assemblywoman to such a distribution of two copies. Additional copies of such bills may be distributed at a charge to the person to whom they are addressed. The amount charged for distribution of the additional copies must be determined by the Director of the Legislative Counsel Bureau to approximate the cost of handling and postage for the entire session.

RESOLUTIONS

Rule No. 7. Types, Usage and Approval.

1. A joint resolution must be used to:

(a) Propose an amendment to the Nevada Constitution.

(b) Ratify a proposed amendment to the United States Constitution.

(c) Address the President of the United States, Congress, either House or any committee or member of Congress, any department or agency of the Federal Government, or any other state of the Union.

2. A concurrent resolution must be used to:

(a) Amend these Joint Standing Rules, which requires a majority vote of each House for adoption.

(b) Request the return from the Governor of an enrolled bill for further consideration.

(c) Request the return from the Secretary of State of an enrolled joint or concurrent resolution for further consideration.

(d) Resolve that the return of a bill from one House to the other House is necessary and appropriate.

(e) Express facts, principles, opinion and purposes of the Senate and Assembly.

(f) Establish a joint committee of the two Houses.

(g) Direct the Legislative Commission to conduct an interim study.

3. A concurrent resolution or a resolution of one House may be used to memorialize a former member of the Legislature or other notable or distinguished person upon his or her death.

4. A resolution of one House may be used to request the return from the Secretary of State of an enrolled resolution of the same House for further consideration.

5. A resolution of one House may be used for any additional purpose determined appropriate by the Majority Leader of the Senate or the Speaker of the Assembly, respectively.

6. A concurrent resolution used for the purposes expressed in paragraph (e) of subsection 2 may only be requested by a statutory, interim or standing committee.

Rule No. 8. Reserved.

ADJOURNMENT

Rule No. 9. Limitations and Calculation of Duration.

1. In calculating the permissible duration of an adjournment for 3 days or less, Sunday must not be counted.

2. The Legislature may adjourn for more than 3 days by motion based on mutual consent of the Houses or by concurrent resolution. One or more such adjournments, for a total of not more than 20 days during any regular session, may be taken to permit standing committees, select committees or the Legislative Counsel Bureau to prepare the matters respectively entrusted to them for the consideration of the Legislature as a whole.

Rule No. 9.5. Adjournment Sine Die.

1. The Legislature shall not take any action on a bill or resolution after midnight Pacific time at the end of the 120th consecutive calendar day of session, inclusive of the day on which the session commences. Any legislative action taken after midnight Pacific time at the end of the 120th consecutive calendar day of session is void, unless the legislative action is conducted during a special session.

2. A Legislator shall not take any action to impede the progress of the Legislature in completing its business by the time specified in subsection 1.

3. The Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores the measure of time specified in subsection 1 for the purpose of extending the duration of the session.

4. Any action taken in violation of subsection 2 or 3 shall be deemed out of order.

5. As used in this Rule, "midnight Pacific time" must be determined based on the actual measure of time that, on the final calendar day of the session, is being used and observed by

the general population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the seat of government of this State as designated by Section 1 of Article 15 of the Nevada Constitution.

EXPENDITURES FROM THE LEGISLATIVE FUND

Rule No. 10. Manner of Authorization.

Except for routine salary, travel, equipment and operating expenses, no expenditures shall be made from the Legislative Fund without the authority of a concurrent resolution regularly adopted by the Senate and Assembly.

LEGISLATIVE COMMISSION

Rule No. 11. Membership and Organization.

1. When members of the minority party in the Senate or in the Assembly comprise one-third or less of the total number elected to that House, minority party membership for that House on the Legislative Commission must be:

(a) One, if such membership is less than one-fifth of the total number elected to that House.

(b) Two, if such membership is at least one-fifth but not more than one-third of the total number elected to that House.

➥ If the members of the minority party in the Senate or in the Assembly comprise more than one-third of the total number elected to that House, minority party membership for that House on the Commission must be three, being equal to the membership of the majority party.

2. Each House shall select one or more alternate members for each member from that House, designating them according to party or according to the individual member whom the alternate would replace.

3. A vacancy in the regular Senate or Assembly membership created by death or by resignation or by the Legislator's ceasing to be a member of the Legislature shall be filled by the proper alternate member as designated by that House. If there is no proper alternate member, the Legislative Commission shall fill the vacancy by appointing a Senator or Assemblyman or Assemblywoman of the same party.

4. If for any reason a member is or will be absent from a meeting and there are no alternates available, the Chair of the Commission may appoint a member of the same House and political party to attend the meeting as an alternate.

5. The members shall serve until their successors are appointed by resolution as provided in NRS 218E.150, except that the membership of any member who does not become a candidate for reelection or who is defeated for reelection shall terminate on the day next after the election and the vacancy shall be filled as provided in this Rule.

6. The Chair shall be selected at the first meeting of the newly formed Legislative Commission and shall serve until his or her successor is appointed following the formation of the next Legislative Commission.

RECORDS OF COMMITTEE PROCEEDINGS

Rule No. 12. Duties of Secretary of Committee and Director.

1. Each standing committee of the Legislature shall cause a record to be made of the proceedings of its meetings.

2. The secretary of a standing committee shall:

(a) Label each record with the date, time and place of the meeting and also indicate on the label the numerical sequence in which the record was made;

(b) Keep the records in chronological order; and

(c) Deposit the records upon completion with the Director of the Legislative Counsel Bureau.

3. The Director of the Legislative Counsel Bureau shall:

(a) Make the records available for accessing by any person during office hours under such reasonable conditions as the Director may deem necessary; and

(b) Retain the records for two bienniums and at the end of that period keep some form or copy of the record in any manner the Director deems reasonable to ensure access to the record in the foreseeable future.

REAPPORTIONMENT AND REDISTRICTING

Rule No. 13. Responsibility for Measures.

The Majority Leader of the Senate and the Speaker of the Assembly may appoint a Select Committee on Redistricting for their respective Houses, which are respectively responsible for measures which primarily affect the designation of the districts from which members are elected to the Legislature. These committees are hereby designated as the "redistricting committees" for the purposes of this Rule and Joint Standing Rules Nos. 13.3, 13.4, 13.6 and 14.6.

Rule No. 13.1. Reserved.

Rule No. 13.2. Reserved.

Rule No. 13.3. Bill Draft Requests; Exemptions.

1. Except for emergency requests submitted pursuant to Joint Standing Rule No. 14.4, bill draft requests, including bills in skeletal form, setting forth specific boundaries of districts and amendments thereto may only be requested by the chairs of the redistricting committees.

2. All bill drafts and measures requested by a redistricting committee pursuant to subsection 1 are exempt pursuant to subsection 4 of Joint Standing Rule No. 14.6.

Rule No. 13.4. Compliance with the Voting Rights Act.

1. A redistricting committee will not consider a plan that the redistricting committee determines is a violation of section 2 of the Voting Rights Act, 52 U.S.C. § 10301, which prohibits any state from imposing any voting qualification, standard, practice or procedure that results in the denial or abridgment of any United States citizen's right to vote on account of race, color or status as a member of a language minority group.

2. A redistricting committee will not consider a plan that the redistricting committee determines is racially packing or cracking.

3. Racial packing exists when:

(a) Race is the dominant and controlling rationale in drawing district lines; and

(b) The district lines are drawn to concentrate members of a group into a single district, thereby diminishing their impact as individual voters.

4. Racial cracking exists when:

(a) Race is the dominant and controlling rationale in drawing district lines; and

(b) District lines are drawn to split members of a group among multiple districts, so as to dilute their impact and to prevent them from constituting a majority.

5. For the purpose of analyzing the 2010 census data, the redistricting committees shall adopt the method set forth in the Office of Management and Budget (OMB) Bulletin No. 00-02 for aggregating and allocating the 63 categories of race data that was reported to Nevada in 2011 by the United States Census Bureau as part of the federal decennial census.

Rule No. 13.6. Public Participation.

1. The redistricting committees shall seek and encourage:

(a) Public participation in all aspects of the reapportionment and redistricting activities; and

(b) The widest range of public input into the deliberations relating to those activities.

2. Notices of all meetings of the redistricting committees must be transmitted to any member of the public who so requests, without charge.

3. All interested persons are encouraged to appear before the redistricting committees and to provide their input regarding the reapportionment and redistricting activities. The redistricting committees shall afford a reasonable opportunity to any interested persons to present plans for redistricting, or amendments to plans for redistricting, unless such plans

demonstrably fail to meet the minimally acceptable criteria set forth in this Rule and Joint Standing Rules Nos. 13, 13.3 and 13.4.

4. Each of the redistricting committees shall fully utilize available videoconferencing capabilities and shall, either jointly or separately, hold at least one hearing in the southern portion of the State and at least one hearing in a rural portion of the State to allow residents throughout the State an opportunity to participate in the deliberations relating to the reapportionment and redistricting activities.

5. The Legislative Counsel Bureau shall make available to the public copies of the validated 2010 census database for the cost of reproducing the database.

6. The redistricting committees shall make available for review by the public, copies of all maps prepared at the direction of the committees.

LIMITATIONS ON INTRODUCTION AND REQUESTS FOR DRAFTING OF LEGISLATIVE MEASURES

Rule No. 14. Limitations on Drafting and Requirements for Introduction; Indication of Requester on Committee Introductions.

1. Except as otherwise provided in subsection 3 and Joint Standing Rules Nos. 14.4, 14.5 and 14.6, after a regular legislative session has convened, the Legislative Counsel shall honor, if submitted before 5 p.m. on the 15th calendar day of the legislative session, not more than 60 requests, in total, from each House for the drafting of a bill or joint resolution. The Majority Leader of the Senate and the Speaker of the Assembly shall, not later than the 8th calendar day of the legislative session, allocate all, some or none of the 60 requests and provide the Legislative Counsel with a written list of the number of requests for the drafting of a bill that may be submitted by each member and standing committee of their respective Houses, and as Majority Leader or Speaker, as applicable, within the limit provided by this subsection. The lists may be revised any time before the 15th calendar day of the legislative session to reallocate any unused requests or requests which were withdrawn before drafting began on the request.

2. A request for the drafting of a bill or resolution that is submitted by a standing committee pursuant to this section must be approved by a majority of all of the members appointed to the committee before the request is submitted to the Legislative Counsel.

3. A standing committee may only request the drafting of a bill or resolution or introduce a bill or resolution that is within the jurisdiction of the standing committee.

4. A measure introduced by a standing committee at the request of a Legislator or organization must indicate the Legislator or organization at whose request the measure was drafted.

5. The following measures must be introduced by a standing committee:

(a) Measures drafted at the request of agencies and officers of the Executive Branch of State Government, local governments, the courts and other authorized nonlegislative requesters.

(b) Measures requested by statutory committees and interim legislative studies.

(c) Bills requested by a standing committee, or by persons designated to request measures on behalf of a standing committee during the interim. Bills requested by or on behalf of a standing committee must be introduced by that committee.

6. Resolutions requested by or on behalf of a standing committee may be introduced by an individual member.

7. A Legislator may not change the subject matter of a request for a legislative measure after it has been submitted for drafting.

Rule No. 14.1. Secondary Deadline for Submission of Details to the Legislative Counsel.

1. If a request for the drafting of a bill or resolution is submitted to the Legislative Counsel by a Senator or member of the Assembly, a standing committee of the Assembly or Senate or the Majority Leader of the Senate or the Speaker of the Assembly on or before the 15th calendar day of the legislative session pursuant to subsection 1 of Joint Standing Rule No. 14, the member, chair of the standing committee or his or her designee, and the Majority Leader and Speaker, as applicable, shall, by the 22nd calendar day of the legislative session,

provide the Legislative Counsel with information to draft the request which is sufficient in detail to allow for complete drafting of the request.

2. The Legislative Counsel shall give priority to the drafting of bills and resolutions for which sufficient detail to allow complete drafting of the request was submitted within the period required by this Rule.

3. The provisions of this Rule apply to a request submitted by a Legislator who is not returning to the Legislature for the legislative session if the request was claimed by another Legislator who is or will be serving during the legislative session.

4. The provisions of this Rule do not apply to:

(a) Emergency requests submitted pursuant to Joint Standing Rule No. 14.4.

(b) Requests for which a waiver is granted pursuant to Joint Standing Rule No. 14.5.

Rule No. 14.2. Limitations on Time for Introduction of Legislation.

1. Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

(a) Unless the provisions of paragraph (b) or (c) are applicable, a bill or joint resolution may only be introduced on or before:

(1) The 10th calendar day following delivery of the introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (e),

➥ whichever is earlier.

(b) If a bill or joint resolution requires revision after the introductory copy has been delivered, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 10th calendar day following delivery of the introductory copy of the bill or joint resolution. The revised bill or joint resolution may only be introduced on or before:

(1) The 15th calendar day following delivery of the original introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (e),

➥ whichever is earlier.

(c) If the bill or joint resolution requires a second or subsequent revision, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 15th calendar day following delivery of the original introductory copy of the bill or joint resolution. A bill or joint resolution revised pursuant to this paragraph may only be introduced on or before:

(1) The 20th calendar day following delivery of the original introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (e),

➥ whichever is earlier.

(d) A request that was designated for prefiling pursuant to NRS 218D.150 must be introduced on or before the 8th calendar day of the legislative session.

(e) Except as otherwise provided in subsection 3, the last day for introduction of a bill or joint resolution that was requested by:

(1) Except as otherwise provided in subparagraph (2), a Legislator is the 43rd calendar day of the legislative session.

(2) A Legislator, pursuant to subsection 1 of Joint Standing Rule No. 14, a standing or interim committee or other requester is the 50th calendar day of the legislative session.

2. The Legislative Counsel shall indicate on the face of the introductory copy of each bill or joint resolution the final date on which the bill or joint resolution may be introduced.

3. If the final date on which the bill or joint resolution may be introduced falls upon a day on which the House in which the bill or joint resolution is to be introduced is not in session, the bill or joint resolution may be introduced on the next day that the House is in session.

SCHEDULE FOR ENACTMENT OF BILLS

Rule No. 14.3. Final Dates for Action by Standing Committees and Houses.

Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

1. The final standing committee to which a bill or joint resolution is referred in its House of origin may only take action on the bill or joint resolution on or before the 68th calendar day of the legislative session. A bill may be re-referred after that date only to the Senate Committee on Finance or the Assembly Committee on Ways and Means and only if the bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6.

2. Final action on a bill or joint resolution may only be taken by the House of origin on or before the 79th calendar day of the legislative session.

3. The final standing committee to which a bill or joint resolution is referred in the second House may only take action on the bill or joint resolution on or before the 103rd calendar day of the legislative session. A bill may be re-referred after that date only to the Senate Committee on Finance or the Assembly Committee on Ways and Means and only if the bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6.

4. Final action on a bill or joint resolution may only be taken by the second House on or before the 110th calendar day of the legislative session.

Rule No. 14.4. Emergency Requests.

1. After a legislative session has convened:

(a) The Majority Leader of the Senate and the Speaker of the Assembly may each submit to the Legislative Counsel, on his or her own behalf or on the behalf of another Legislator or a standing committee of the Senate or Assembly, not more than ten requests for the drafting of a bill or resolution.

(b) The Minority Leader of the Senate and the Minority Leader of the Assembly may each submit to the Legislative Counsel, on his or her own behalf or on the behalf of another Legislator or a standing committee of the Senate or Assembly, not more than three requests for the drafting of a bill or resolution.

2. A request submitted pursuant to subsection 1:

(a) May be submitted at any time during the legislative session and is not subject to any of the provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3.

(b) Is in addition to, and not in lieu of, any other requests for the drafting of a bill or resolution that are authorized to be submitted to the Legislative Counsel by the Majority Leader of the Senate, Speaker of the Assembly, Minority Leader of the Senate or Minority Leader of the Assembly.

3. The list of requests for the preparation of legislative measures prepared pursuant to NRS 218D.130 must include the phrase "EMERGENCY REQUEST OF" and state the title of the person who requested each bill or resolution pursuant to this Rule. If the request was made on behalf of another Legislator or a standing committee, the list must also include the name of the Legislator or standing committee on whose behalf the bill or resolution was requested.

4. The Legislative Counsel shall cause to be printed on the face of the introductory copy and all reprints of each bill or resolution requested pursuant to this Rule the phrase "EMERGENCY REQUEST OF" and state the title of the person who requested the bill or resolution.

Rule No. 14.5. Waivers.

1. At the request of a Legislator or a standing or select committee of the Senate or Assembly, subsection 1 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 or any of the provisions of Joint Standing Rules Nos. 14.1 and 14.3, or any combination thereof, may be waived by the Majority Leader of the Senate and the Speaker of the Assembly, acting jointly, at any time during a legislative session. A request for a waiver submitted by a committee must be approved by a majority of all members appointed to the committee before the request is submitted to the Majority Leader and the Speaker.

2. A waiver granted pursuant to subsection 1:

(a) Must be in writing, executed on a form provided by the Legislative Counsel, and signed by the Majority Leader and the Speaker.

(b) Must indicate the date on which the waiver is granted.

(c) Must indicate the Legislator or committee on whose behalf the waiver is being granted.

(d) Must include the bill number for which the waiver is granted or indicate that the Legislative Counsel is authorized to accept and honor a request for a new bill or resolution.

(e) Must indicate the provisions to which the waiver applies.

(f) May include the conditions under which the bill for which the waiver is being granted must be introduced and processed.

3. The Legislative Counsel shall not honor a request for the drafting of a new bill or resolution for which a waiver is granted pursuant to this Rule unless information which is sufficient in detail to allow for complete drafting of the bill or resolution is submitted to the Legislative Counsel within 2 calendar days after the date on which the waiver is granted.

4. Upon the receipt of a written waiver granted pursuant to this Rule, the Legislative Counsel shall transmit a copy of the waiver to the Secretary of the Senate and the Chief Clerk of the Assembly. The notice that a waiver has been granted for an existing bill must be read on the floor and entered in the Journal, and a notation that the waiver was granted must be included as a part of the history of the bill on the next practicable legislative day. A notation that a waiver was granted authorizing a new bill or resolution must be included as a part of the history of the bill or resolution after introduction.

5. The Legislative Counsel shall secure the original copy of the waiver to the official cover of the bill or resolution.

Rule No. 14.6. Exemptions.

1. Upon request of the draft by or referral to the Senate Committee on Finance or the Assembly Committee on Ways and Means, a bill which:

(a) Contains an appropriation; or

(b) Has been determined by the Fiscal Analysis Division to:

(1) Authorize the expenditure by a state agency of sums not appropriated from the State General Fund or the State Highway Fund;

(2) Create or increase any significant fiscal liability of the State;

(3) Implement a budget decision; or

(4) Significantly decrease any revenue of the State,

➥ is exempt from the provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3. The Fiscal Analysis Division shall give notice to the Legislative Counsel to cause to be printed on the face of the bill the term "exempt" for any bills requested by the Senate Committee on Finance or Assembly Committee on Ways and Means that have been determined to be exempt and shall give written notice to the Legislative Counsel, Secretary of the Senate and Chief Clerk of the Assembly of any bill which is determined to be exempt or eligible for exemption after it is printed. When a bill is determined to be exempt or eligible for an exemption after the bill was printed, a notation must be included as a part of the history of the bill on the next practicable legislative day. The term "exempt" must be printed on the face of all reprints of the bill after the bill becomes exempt.

2. Unless exempt pursuant to paragraph (a) of subsection 1, all of the provisions of Joint Standing Rules Nos. 14, 14.1, 14.2 and 14.3 apply to a bill until the bill becomes exempt pursuant to subsection 1. A bill that has become exempt does not lose the exemption regardless of subsequent actions taken by the Legislature.

3. A cumulative list of all bills determined by the Fiscal Analysis Division pursuant to subsection 1 to be exempt or eligible for exemption after being printed must be maintained and printed in the back of the list of requests for the preparation of legislative measures prepared pursuant to NRS 218D.130.

4. The provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3 do not apply to:

(a) A measure that primarily relates to carrying out the business of the Legislature.

(b) A bill returned from enrollment for a technical correction.

(c) A bill that was previously enrolled but, upon request of the Legislature, has been returned from the Governor for further consideration.

(d) A bill draft or measure requested pursuant to subsection 1 of Joint Standing Rule No. 13.3.

Rule No. 14.7. Amendments.

1. The Legislative Counsel shall not honor a request for the drafting of an amendment to a bill or resolution if the subject matter of the amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of the bill or resolution.

2. For the purposes of this Rule, an amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of a bill or resolution if the amendment relates only to the general, single subject that is expressed in that title and not to the specific whole subject matter embraced in the bill or resolution.

3. This Rule must be narrowly construed to carry out the purposes for which it was adopted, which is to ensure the effectiveness of the limitations set forth in Joint Standing Rules Nos. 14, 14.1, 14.2 and 14.3.

Rule No. 15. Reserved.

Rule No. 16. Reserved.

DATE OF FIRST JOINT BUDGET HEARING

Rule No. 17. Requirement.

The first joint meeting of the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means to consider the budgets of the agencies of the State must be held on or before the 92nd calendar day of the regular session.

CRITERIA FOR REVIEWING BILLS THAT REQUIRE POLICIES OF HEALTH INSURANCE TO PROVIDE COVERAGE FOR CERTAIN TREATMENT OR SERVICES

Rule No. 18. Topics of Consideration.

Any standing committee of the Senate or Assembly to which a bill is referred requiring a policy of health insurance delivered or issued for delivery in this State to provide coverage for any treatment or service shall review the bill giving consideration to:

1. The level of public demand for the treatment or service for which coverage is required and the extent to which such coverage is needed in this State;

2. The extent to which coverage for the treatment or service is currently available;

3. The extent to which the required coverage may increase or decrease the cost of the treatment or service;

4. The effect the required coverage will have on the cost of obtaining policies of health insurance in this State;

5. The effect the required coverage will have on the cost of health care provided in this State; and

6. Such other considerations as are necessary to determine the fiscal and social impact of requiring coverage for the treatment or service.

INTERIM LEGISLATIVE COMMITTEES

Rule No. 19. Approval for Meeting During Session and Date for Reporting.

1. A legislative committee that meets during the interim shall not schedule or otherwise hold a meeting during a regular session of the Legislature or during an adjournment pursuant to Joint Standing Rule No. 9 without the prior approval of the Majority Leader of the Senate and the Speaker of the Assembly.

2. Each legislative committee that adopted any findings or recommendations during the interim since the last regular session of the Legislature shall, not later than the 14th calendar day of the regular session, inform interested members of the Senate and Assembly of those findings and recommendations.

ANTI-HARASSMENT POLICY

Rule No. 20. Maintenance of Working Environment; Procedure for Filing, Investigating and Taking Remedial Action on Complaints.

1. The Legislature hereby declares that it is the policy of the Legislature to prohibit any conduct, whether intentional or unintentional, which results in sexual harassment or other unlawful harassment based upon any other protected category. The Legislature intends to maintain a working environment which is free from sexual harassment and other unlawful harassment. Each Legislator is responsible to conduct himself or herself in a manner which will ensure that others are able to work in such an environment.

2. In accordance with Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., for the purposes of this Rule, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment;

(b) Submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person; or

(c) Such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.

3. Each Legislator must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment. The following noninclusive list provides illustrations of conduct that the Legislature deems to be inappropriate:

(a) Verbal conduct such as epithets, derogatory comments, slurs or unwanted sexual advances, invitations or comments;

(b) Visual conduct such as derogatory posters, photography, cartoons, drawings or gestures;

(c) Physical conduct such as unwanted touching, blocking normal movement or interfering with the work directed at a person because of his or her sex; and

(d) Threats and demands to submit to sexual requests to keep a person's job or avoid some other loss, and offers of employment benefits in return for sexual favors.

4. Retaliation against a person for engaging in protected activity is prohibited. Retaliation occurs when an adverse action is taken against a person which is reasonably likely to deter the person from engaging in the protected activity. Protected activity includes, without limitation:

(a) Opposing conduct that the person reasonably believes constitutes sexual harassment or other unlawful harassment;

(b) Filing a complaint about the conduct; or

(c) Testifying, assisting or participating in any manner in an investigation or other proceeding related to a complaint of sexual harassment or other unlawful harassment.

5. A Legislator who encounters conduct that the Legislator believes is sexual harassment, other unlawful harassment, retaliation or otherwise inconsistent with this policy may file a written complaint with:

(a) The Speaker of the Assembly;

(b) The Majority Leader of the Senate; or

(c) The Director of the Legislative Counsel Bureau, if the complaint involves the conduct of the Speaker of the Assembly or the Majority Leader of the Senate.

➥ The complaint must include the details of the incident or incidents, the names of the persons involved and the names of any witnesses.

6. The Speaker of the Assembly, the Majority Leader of the Senate or the Director of the Legislative Counsel Bureau, as appropriate, shall cause a discreet and impartial investigation to be conducted and may, when deemed necessary and appropriate, assign the complaint to a committee consisting of Legislators of the appropriate House.

7. If the investigation reveals that sexual harassment, other unlawful harassment, retaliation or other conduct in violation of this policy has occurred, appropriate disciplinary or remedial action, or both, will be taken. The appropriate persons will be informed when any such action is taken. The Legislature will also take any action necessary to deter any future harassment.

8. The Legislature encourages a Legislator to report any incident of sexual harassment, other unlawful harassment, retaliation or other conduct inconsistent with this policy immediately so that the complaint can be quickly and fairly resolved.

9. All Legislators are responsible for adhering to the provisions of this policy. The prohibitions against engaging in sexual harassment and other unlawful harassment which are set forth in this Rule apply to employees, Legislators, lobbyists, vendors, contractors, customers and any other visitors to the Legislature.

10. This policy does not create any enforceable legal rights in any person.

VOTE ON GENERAL APPROPRIATION BILL

Rule No. 21. Waiting Period Between Introduction and Final Passage.

A period of at least 24 hours must elapse between the introduction of the general appropriation bill and a vote on its final passage by its House of origin.

USE OF LOCK BOXES BY STATE AGENCIES

Rule No. 22. Duties of Senate Standing Committee on Finance and Assembly Standing Committee on Ways and Means.

To expedite the deposit of state revenue, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means shall, when reviewing the proposed budget of a state agency which collects state revenue, require, if practicable, the agency to deposit revenue that it has received within 24 hours after receipt. The Committees shall allow such agencies to deposit the revenue directly or contract with a service to deposit the revenue within the specified period.

Assemblywoman Benitez-Thompson moved the adoption of the resolution.

Remarks by Assemblywoman Benitez-Thompson.

Resolution adopted and ordered transmitted to the Senate.

By the Committee on Legislative Operations and Elections:

Assembly Concurrent Resolution No. 2—Providing for the compensation of the clergy and the coordinator of the clergy for services rendered to the Assembly and Senate during the 79th Session of the Nevada Legislature.

WHEREAS, The members of the 79th Session of the Nevada Legislature sincerely appreciate the daily religious services that will be rendered by members of the clergy representing various denominations; and

WHEREAS, The invocations offered by the clergy provide inspiration and guidance for the members of the Nevada Legislature as they face the challenges and demands of a legislative session; and

WHEREAS, The assistance provided by the coordinator of the clergy will facilitate the daily services; and

WHEREAS, A reasonable compensation should be provided for the clergy who perform such services and for the coordinator of the clergy; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the State Controller is authorized and directed to pay the sum of $40 per service out of the Legislative Fund to the members of the clergy who perform religious services for the Assembly and the Senate during the 79th Session of the Nevada Legislature; and be it further

RESOLVED, That the State Controller is authorized and directed to pay the sum of $2,500 to the coordinator of the clergy who facilitates the services for the Assembly and the Senate during the 79th Session of the Nevada Legislature.

Assemblywoman Benitez-Thompson moved the adoption of the resolution.
Remarks by Assemblywoman Benitez-Thompson.
Resolution adopted and ordered transmitted to the Senate.

Mr. Speaker, announced the following standing committees, the first-named member of each committee being the chair, the second-named being the vice chair:

COMMERCE AND LABOR—

Bustamante Adams, Carlton, Araujo, Brooks, Daly, Frierson, Jauregui, Neal, Ohrenschall, Paul Anderson, Hansen, Kramer, Marchant, Tolles.

CORRECTIONS, PAROLE, AND PROBATION—

Ohrenschall, Yeager, Elliot Anderson, Cohen, Fumo, Jauregui, Miller, Thompson, Watkins, Hansen, Krasner, Pickard, Tolles, Wheeler.

EDUCATION—

Thompson, Joiner, Elliot Anderson, Diaz, Flores, Fumo, McCurdy, Miller, Swank, Edwards, Krasner, Pickard, Tolles, Woodbury.

GOVERNMENT AFFAIRS—

Flores, Neal, Bilbray-Axelrod, Brooks, Carrillo, Daly, Joiner, McCurdy, Monroe-Moreno, Ellison, Kramer, Marchant, McArthur, Woodbury.

HEALTH AND HUMAN SERVICES—

Sprinkle, Joiner, Benitez-Thompson, Carrillo, McCurdy, Miller, Thompson, Yeager, Edwards, Hambrick, Oscarson, Titus.

JUDICIARY—

Yeager, Ohrenschall, Elliot Anderson, Cohen, Fumo, Jauregui, Miller, Thompson, Watkins, Hansen, Krasner, Pickard, Tolles, Wheeler.

LEGISLATIVE OPERATIONS AND ELECTIONS—

Diaz, Araujo, Elliot Anderson, Bilbray-Axelrod, Daly, Monroe-Moreno, Ohrenschall, Hambrick, Hansen, McArthur, Oscarson.

NATURAL RESOURCES, AGRICULTURE, AND MINING—

Swank, Cohen, Brooks, Carlton, Jauregui, Watkins, Yeager, Ellison, Krasner, Titus, Wheeler.

TAXATION—

Neal, Bustamante Adams, Benitez-Thompson, Cohen, Flores, Frierson, Spiegel, Paul Anderson, Kramer, Marchant, Pickard.

TRANSPORTATION—

Carrillo, Spiegel, Bilbray-Axelrod, Fumo, Monroe-Moreno, Sprinkle, Watkins, Ellison, McArthur, Wheeler, Woodbury.

WAYS AND MEANS—

Carlton, Frierson, Araujo, Benitez-Thompson, Bustamante Adams, Diaz, Spiegel, Sprinkle, Swank, Paul Anderson, Edwards, Hambrick, Oscarson, Titus.

MAJORITY FLOOR LEADER—
Teresa Benitez-Thompson
ASSISTANT MAJORITY FLOOR LEADER—
Nelson Araujo
MAJORITY WHIP—
Michael Sprinkle
CHIEF DEPUTY MAJORITY WHIP—
Tyrone Thompson
ASSISTANT MAJORITY WHIP—
Ellen Spiegel
ASSISTANT MAJORITY WHIP—
Heidi Swank
MINORITY FLOOR LEADER—
Paul Anderson
DEPUTY MINORITY FLOOR LEADER—
James Oscarson

DEPUTY MINORITY FLOOR LEADER —
Jim Wheeler
MINORITY WHIP—
Melissa Woodbury
MINORITY WHIP RURAL —
John Ellison

COMMUNICATIONS

MESSAGES FROM THE GOVERNOR

OFFICE OF THE GOVERNOR

February 1, 2017

THE HONORABLE AARON FORD, MAJORITY LEADER, NEVADA STATE SENATE, THE HONORABLE JASON FRIERSON, SPEAKER, NEVADA STATE ASSEMBLY, 401 S. Carson Street, Carson City, NV 89701

DEAR MAJORITY LEADER FORD AND SPEAKER FRIERSON:

Please find enclosed the text of my State of the State message to the 79th Session of the Nevada Legislature. As you know, I delivered this message on Tuesday, January 17, 2017, to a joint gathering of the Legislature, including your colleagues, constitutional officers, and invited guests, in the Assembly Chambers in Carson City. This message outlines what I believe to be important proposals supporting a stronger future for our great state, and I thank you in advance for your careful consideration and deliberation over the coming months. I and my staff look forward to working with you once again during the Legislative Session as we continue to seek solutions that will enhance the quality of life for those whom we are privileged to serve.

Sincere regards,
BRIAN SANDOVAL
Governor

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson requested that the Governor's State of the State Address as presented to the Legislative Commission's Special Committee to Receive the Governor's State of the State Address of January 17, 2017, be entered in the Journal.

GOVERNOR BRIAN SANDOVAL:

Mr. Speaker, Mr. President, distinguished members of the Legislature, honorable Justices of the Supreme Court, constitutional officers, honored guests, my fellow Nevadans:

This occasion marks my fourth and final State of the State Address, and I stand before you with a deep, deep sense of humility and pride. In all sincerity, I'm just as overwhelmed by this responsibility as I was six years ago, when, for the first time as Governor, I addressed a joint session of the Nevada Legislature.

Please allow me to take a moment to recognize Nevada's First Lady, Kathleen Sandoval; my children Maddy, Marisa, and James; my parents Ron and Teri Sandoval; my sister Lauri; and my brother Ron.

Kathleen has been my wife of 26 years, an amazing mother, my best friend, and my partner through it all. And, as First Lady, she has been as fierce an advocate for children as this state has ever seen.

For my children, I know it hasn't always been easy for you, but you've always been there for me, and I thank you for that. I am the proudest father you can ever imagine.

Twenty-two years ago, I was a freshman assemblyman seated right over there, listening with anticipation to Governor Miller's message. Tonight, we welcome 17 incoming freshmen legislators, and I wonder 20 years from now, which one of you freshmen might be standing here. It could happen, and I hope it does.

I also want to welcome back the five legislators who have served in previous sessions. Would the freshmen and returning legislators please stand and be recognized?

I would like to draw your attention to a first in our state's extraordinary history. I am honored to recognize the first African-American Speaker of the Nevada State Assembly, Jason Frierson. Words cannot express how full of pride I am for Jason, his family, his colleagues, and for our state. I consider myself blessed to witness this historic moment. Speaker Frierson, I salute you.

In another noteworthy Nevada first, Senator Aaron Ford and Speaker Frierson will be the first African Americans to concurrently lead both majorities in both houses. I congratulate you and I look forward to working with you.

Likewise, I look forward to my continued relationship with Assemblyman Paul Anderson and Senator Michael Roberson and trust that the four caucus leaders will work together, and with me, in the spirit of bipartisanship to make the right choices for our state.

Sadly, since we last gathered, six former legislators have departed, including the recent loss of my friend and colleague John Carpenter, a champion of rural Nevada. I want to also take a moment to invoke the memory of our good friend Senator Debbie Smith. Her example of dedication to the people of Nevada is all around us. We should all aspire to be as honest and hard working as she was.

And, I would like to recognize the absence of two special Nevadans. We will miss the warmth and the humanity of former First Lady Bonnie Bryan as well as the sage guidance of former Congressman, State Senator, and Supreme Court Justice Cliff Young. Please join me in a moment of silence in all of their honor.

One of the great privileges of being Governor is serving as Commander-in-Chief of our Nevada National Guard. Having attended every deployment and demobilization ceremony since taking office, I have personally witnessed hundreds of brave Nevadans leave their homes, families, and jobs to protect and defend our great country. Their courage is an inspiration, and I try to live up to their example every day. Last month, I visited our Nevada troops serving on the frontlines in Kuwait, Afghanistan, and the United Arab Emirates. Tonight, Mr. Speaker, in honor of the heroes who have answered the call to duty, I'm proud to present you with this gift from the 485th Military Police Company stationed in Kuwait, affectionately known as the Law Dawgs. During Operation Spartan Shield, these Nevada guardsmen and women flew this flag over five Middle Eastern countries in honor of all Nevadans. I offer it to your House as a steady reminder of the more than 600 members of the Guard currently serving in harm's way. It's my hope that it inspires this Legislature with the same pride and optimism I found in the hearts and minds of our warriors abroad.

In January of 1963, the year I was born, President John F. Kennedy said in his State of the Union speech, " I congratulate you on your selected role in history. For you and I are privileged to serve [the Republic] in what could be the most decisive decade in its long history. The choices we make, for good or ill, will shape future generations."

My fellow Nevadans, the spirit of President Kennedy's foretelling words still echo today. We know the sixties were, as he correctly predicted, a decisive decade.

Now, you and I are the ones he spoke of as "privileged to serve" in what I'm confident historians will proclaim as the most transformational decade in Nevada history. The choices JFK spoke of then are our choices now. We must realize, here in front of us, are anchored the hopes, dreams, and the fundamental trust of the people of Nevada. We must not fail them. We cannot fail them.

As a cornerstone of this evening's message, I stand before you, beneath a portrait of Abraham Lincoln, a man who resisted the calls for a house divided, and ask you, Republicans and Democrats, members of the Senate and the Assembly, to join me in rejecting the counterproductive divisiveness of partisan politics, and instead to embrace the tradition of bridging our differences in honorable Nevada fashion, so we can make the wise choices and deliver the sound decisions needed to secure a more prosperous Nevada for generations to come. The choices we make this session, "for good or ill," are ours alone. President Lincoln said, "we cannot escape history." Indeed, we cannot. What we can do, however, is accept that this is our time to write it.

Ladies and gentlemen, I am proud to report that the state of our state has dramatically improved, and we are growing stronger every day. Six years ago, many will recall, the situation

was quite different. The unemployment rate was a staggering 14 percent, and a record number of Nevadans were out of work. Fortunately, Nevadans dared to hope, and most of the bad news was swept away by extreme sacrifice combined with the sheer force of our tenacity.

By December of 2016, Nevada's economy experienced an unprecedented rebound. The unemployment rate has fallen to 5.1 percent, with Nevada's economy adding more than 198,000 jobs between 2011 and 2016. We have closed the books on six straight years of job growth. We have seen job growth every single month since January of 2011, bringing the total to an all-time high of 1.31 million jobs. Wages are up, home values have risen, and more people have health insurance than ever before.

Nevada is enjoying record visitor volume, higher hotel occupancy rates, and casinos across the state reported a combined positive net income for the first time since 2008. Our diverse economy has helped us add jobs across the board, with many industries either exceeding or nearing prerecession levels. Advanced manufacturing facilities and technology companies have been catalysts for new growth in higher-wage industries. However, without a skilled workforce, which I will discuss in a moment, new companies will struggle to find qualified workers.

I am submitting to you a biennial budget of $8.1 billion that does not call for any new revenue other than an excise tax I will discuss later. This two-year budget is 10 percent larger than the last budget, due primarily to needed investment in workforce development, education, infrastructure, and Medicaid caseload growth, but is considerably below the statutory spending cap formula established in 1979.

At the beginning of 2008, Nevada had $267 million in our Rainy Day Fund. During the Great Recession, we made difficult choices to balance the budget. By the end of 2015, we had withdrawn money six different times and drained every single penny from the fund. Tonight, I am pleased to report that my budget will return $200 million to the Rainy Day Fund. We owe it to the people of Nevada to make sure that we have substantial savings for the next rainy day.

Similarly, six years ago we owed the federal government $900 million for money borrowed to pay unemployment benefits. Today, we have a positive balance of $700 million in the fund, and by the end of the year, the loan will be repaid in full.

From 2010 through 2015, state employees endured furloughs, pay cuts, benefit reductions, and loss of merit and longevity pay. For some, these reductions have been the equivalent of a 30 percent loss of wages and benefits. Tonight, I want to recognize the enormous contributions our state employees have made to help get the state back on track and acknowledge the dedicated work they have performed for the people of Nevada during this demanding economic period. Last session we were able to eliminate furloughs, restore merit pay, and provide a modest cost-of-living adjustment. This session, my budget includes a 4 percent cost-of-living adjustment and increased funding for health benefits to recognize the shared sacrifice and dedication of our state employees.

While our economy is unquestionably growing stronger, we must focus our attention on making certain all Nevadans have access to high-quality employment. The bottom line is that an unprepared workforce inhibits our economic growth and prevents too many of our citizens from obtaining the jobs they deserve. By 2025, roughly 60 percent of all jobs in Nevada will require some form of post-secondary degree or other credential. Today, only 30 percent of Nevadans between the ages of 25 and 34 have completed some level of post-secondary education.

My vision for our state is to put all Nevadans, regardless of age or circumstance, on a career pathway toward success. We can make that vision a reality by investing in higher education, closing the college attainment gap, expanding dual enrollment, and growing career opportunities. While many of these programs have been available for some, they are not yet accessible to all due to financial barriers or other factors. My workforce agenda proposes removing those barriers, so that every student in every classroom has every opportunity to succeed.

Our effort to prepare a modern workforce begins with our post-secondary institutions. First, I will continue our commitment to Nevada's students by keeping the promise of the Millennium Scholarship with a contribution of $20 million to this legacy program. My budget includes an increase of $115 million in new investments for higher education. Academic programs offered by our higher education institutions, particularly our community colleges, must be closely aligned with our economic development strategy. This is why my budget includes $21 million to enhance career and technical education programs at our four community colleges. My budget

adds $10 million in new funding for capacity-building initiatives at each of Nevada's seven post-secondary institutions and the Desert Research Institute. This investment focuses on preparing students for careers in advanced manufacturing, nursing, autonomous systems, teaching, and others.

Our universities continue to experience accelerated growth. To accommodate these new students, my budget includes $58 million for new student enrollment at UNR and UNLV. Last session, you will recall, we approved $27 million for a new medical school at UNLV. This fall, the inaugural class of 80 future medical professionals will begin instruction, and my budget includes $53 million to sustain this important addition to our higher education system. By 2019, we will have invested $80 million to establish UNLV's medical school.

Nevada has emerged as an international center for innovation in technology, transportation, and autonomous systems and has attracted cutting-edge industries making incredible strides in science and engineering. To build on these successes, I'm proposing the construction of a new college of engineering at UNR, an $83 million project, half of which will be paid for by the state. This school will develop the best and the brightest in the engineering sciences and help to achieve Nevada's objective to be a global leader in innovation.

My budget also includes permanent funding for the Office of Workforce Innovation. This commitment represents yet another important step in our effort to adapt workforce training programs to the specific needs and realities of the new Nevada economy. My workforce development agenda incorporates proven strategies and targeted investments. When implemented, we will meet or exceed the goal that 60 percent of Nevadans between the ages of 25 and 34 will have earned some form of post-secondary degree or credential by 2025. It's ambitious, yes, but we've never shied away from making the bold choices.

When it comes to public education, my commitment is to always put Nevada's children first. Last session, we made historic investments in public education and enacted sweeping reforms that changed our top-down approach to education and laid the foundation for improved learning with financial accountability. In 2015, we doubled our investment in Zoom schools and devoted $100 million to support our growing English language learner population. We invested $50 million in Victory schools to serve our students living in the most impoverished areas of our state. And, we created the Teach Nevada Scholarship Program for students who agree to teach in our state upon graduation.

Our work also ensures children are reading at grade level by the third grade, places technology in our students' hands, and provides full day kindergarten for every child in Nevada. We have a nationally recognized charter school system which now serves nearly 10 percent of our student population. We also redesigned the way we approach funding our schools, from an outdated system to a "student-first" model. We must acknowledge that students come from diverse backgrounds and have different needs, whether they are at-risk or gifted and talented. No two students are alike, and no two children learn the same way. That's why tonight I am announcing my plan to continue to invest in a weighted student funding formula that works for every child.

My budget includes $107 million in additional funds to reach this goal, including: $42 million to expand successful Zoom school programs; $30 million to increase Victory school resources for students living in poverty; $30 million more in per-pupil funding for special education students; and $5 million for gifted and talented programs.

I also understand that technology is a critical component of learning; accordingly, we must act to ensure our students have access to broadband at school. That's why I'm announcing the Nevada Connect Kids Initiative, an investment of $2 million in matching funds to ensure our schools have access to high speed broadband, particularly in our rural areas.

And, as promised, my budget includes $60 million to fund Nevada Education Savings Accounts. I'm asking you to work with Senator Scott Hammond and me to modernize our education system with the implementation of ESAs. We've heard from thousands of Nevada families about how crucial it is that we give them freedom of choice in the education of their children. I look forward to building a bipartisan solution to get this done. It's time to give Nevada families more choice.

From an economic development perspective, Nevada enters 2017 with momentum. Allow me to quickly recap our economic development successes. Since 2011, we have recruited

204 companies that have made $14.5 billion in capital investment and accounted for 15,000 initial jobs, growing to 38,000 jobs within five years. We have added renewable energy projects worth $6.5 billion across the state, creating 4,500 new jobs. We have added names like Apple, Tesla, eBay, and Hyperloop One to our roster of businesses, and others like Switch and Amazon have undergone significant expansions.

Ladies and gentlemen, the evidence is undeniable. We're on the right track, because we've made the right decisions. In addition to companies expanding and relocating to Nevada, we've increased investment in our school buildings, roads, highways, and bridges, positioning Nevada for a vibrant economy for years to come. We have also taken an international leadership role in the development of unmanned aerial systems, autonomous vehicles, and water technology through our economic development efforts.

Tonight, I have more good economic news. I'd like to introduce J. B. Straubel, Chief Technology Officer of Tesla Motors, who is with us this evening. As you all know, Tesla's Gigafactory project has impressively contributed to our economic growth story. Currently, Tesla has more than 1,000 full-time employees and 2,000 construction workers on site, and 5 million square feet of the Gigafactory is already built. They asked me to remind everybody that when it is completed, it will be the largest building on planet Earth.

It's a project that has hit its marks and continues to build speed. In 2014, when announcing Nevada as the location of the factory, Elon Musk called Nevada the "get it done" state. Production of Tesla's next car, the Model 3, has filled the company's California facility. Tonight, I am pleased to announce that Tesla will expand its investment in Nevada by producing the electric motors and gearboxes for the Model 3 at the Gigafactory. This project will yield more than $350 million in additional investment and add 550 skilled jobs to Nevada's new economy. I want to thank J. B. and Tesla for the decision to double down on the "get it done" state.

As our economy continues to grow and transform in new and unprecedented ways, it is imperative that we guard against new and unprecedented threats. In our country, there are now five battlefields in our never-ending fight for safety and security: land, sea, air, space, and cyberspace. I have allocated $3.5 million for the creation of Nevada's first Cyber Defense Center run by Nevada's first Cyber Defense Coordinator. The Cyber Defense Center will help Nevada detect, prevent, and respond to cyberattacks and stand ready to partner with local governments and the private sector to minimize cyber risks. We must remain vigilant and stay ahead of those who seek to steal our private information and endanger our resources.

With the dedicated leadership of the First Lady and former Supreme Court Justice Nancy Saitta, and after being the only state to receive a grant from the Council of State Governments, a group of legislators, judges, and policymakers studied our juvenile justice system and concluded it is in need of reform. They found that state and county agencies spent $95 million on the supervision of justice-involved youth, yet across our state there is no standardized method to track outcomes or ensure that evidence-based practices are being utilized. We know that some youth have multiple encounters with the courts, often leading to long-term supervision and incarceration. We can do better.

That's why I'm introducing the Juvenile Justice System Reform Act, which streamlines and standardizes criteria to match youth with the most effective services. To that end, my budget includes $1.5 million to implement a statewide risk assessment program. These changes should result in reduced recidivism rates and improved outcomes for youth involved in the juvenile justice system.

While there are many forms of public service, tonight I want to pay special attention to the servicemen and women who have devoted their strength, talent, and lives to defending our freedom. Nevada is home to 300,000 veterans, and we are a state where their service is honored. With us tonight is Staff Sergeant Phyllis Bendure, a 97-year-old veteran of World War II. I thank all veterans and Mrs. Bendure for their service to our country. I am determined, like all of you, to make Nevada the most veteran- and military-friendly state in the nation. So, included in my budget is $43 million to build and open a veterans home in northern Nevada. It's time to stop talking and get this done in tribute to our nation's heroes.

For Gold Star families in the United States, I have submitted legislation which permanently removes the out-of-state tuition fees that a Gold Star student is required to pay to attend a

Nevada university or community college. And, for servicemen and women who answer the call to serve, I am requesting legislation that provides foreclosure protection while they are deployed and for a period of time after they return. Our servicemen and women have given us their all, and we will do nothing less for them.

An important piece of Nevada that holds a special place in our state's and nation's history is the Stewart Indian School in Carson City. The campus, only a few miles away, was opened in 1890 and closed in 1980. It was home and school to thousands of Native Americans from throughout the American Southwest and is a reminder of a different era. The Nevada Indian Commission has applied to the National Park Service for the school to be designated a National Historic Landmark. If designated, it will be one of only two Indian schools in America on the landmark list. My budget includes $4.5 million to restore two buildings on the campus which will be used as welcome and cultural centers. We will also invest $1.2 million to begin restoration of the old gym, preserving it for cultural events. Time has taken its toll on this historic campus, and we must, we must protect it for the sake of our tribes and the history of the American West. With us tonight is Darlene Imus, a 1968 graduate of Stewart Indian School and member of the Pyramid Lake Paiute Tribe.

Tragically, we lose one Nevadan every day to opioid overdose—a mother, father, son, daughter, grandparent, or close friend. This has been a growing problem for over a decade and has now reached levels of epidemic proportion. One of the major achievements of the last legislative session was the passage of the Good Samaritan Overdose Act. This legislation increased enrollment in the prescription drug monitoring program from 16 percent to 81 percent, and has expanded access to lifesaving overdose-reversal medication. While we have made progress, prescription drug abuse is tearing at the fabric of our families and communities. For this reason, last summer I convened a statewide Prescription Drug Summit with participation from over 500 stakeholders that included legislators, health care professionals, law enforcement, judges, and victims. Based on recommendations from the Summit, I will introduce the Controlled Substance Abuse Prevention Act, which provides more training and reporting and heightened protocols for medical professionals. Working with Assemblyman Michael Sprinkle, I look forward to ridding the state of the scourge of opioid abuse.

With the overwhelming passage of Question 3 last year, it is likely Nevadans will have energy choice in the future. Therefore, I will create by executive order the Governor's Committee on Energy Choice. This committee will help prepare us for the complicated changes that lay ahead if Nevadans approve energy choice. This committee will include members of the Legislature, major customers, organized labor, renewable energy experts, senior citizen representatives, and others. I will ask that they prepare a transition plan enabling us to enter the new markets by 2023.

Speaking of seniors, I want to say a few words about what we're doing to aid our most valuable, and sometimes our most vulnerable, citizens. My budget includes $11.5 million in new funding to expand the Nevada Home and Community Based Waiver for the Frail Elderly, which helps seniors stay in their homes with quality care. Also in my budget is $1.5 million in new funding for the successful Meals on Wheels program. Helping our senior citizens lead independent, meaningful, and dignified lives needs to be a priority for all of us.

Last November, voters also approved Question 2, which legalized recreational use of marijuana. While I did not support it, I respect the will of the voters who did. As I mentioned earlier, my budget includes one new source of revenue, a 10 percent excise tax on all retail sales of recreational marijuana. The proceeds of this tax will be invested exclusively in education. This new tax is in addition to the existing 15 percent excise tax on wholesale marijuana transactions. I will also create by executive order the Task Force on the Implementation of Question 2. It will include stakeholders committed to fulfilling the requirements of Question 2 without compromising Nevada's commitment to public safety. Additionally, I will ask regulators to limit the sale of marijuana products and packaging that appeal to children or may be mistaken for candy. Let's work together to make sure Nevada's market for legal marijuana is restricted, responsible, and respected.

During the past year, I set out on a personal journey to visit every state park in Nevada. I discovered pristine mountains, lakes, and trails that moved me to share what I saw with the world. There is nothing quite like watching a child catch her first fish, hiking an aspen-filled

grove, or taking in the solitude of Nevada's vast plateaus. That's why I am bringing forward the Explore Your Nevada Initiative to enhance our outdoor experiences in Nevada.

The centerpiece of the initiative is the addition to the state park system of three historic ranch properties located along the East Walker River in Lyon County. Last year a nonprofit organization approached us with a once-in-a-generation opportunity to transfer these ranches, valued at $8 million, to the state for free. This land, to be known as the Walker River Recreation Area, unlocks an unprecedented 12,000 acres of ranch land and opens access to 28 miles of the East Walker River to all of us. In my budget, there is funding to provide for the first phase of facilities at the park for camping, fishing, rafting, hiking, and cabin rentals.

My desire to see improvements in the park system doesn't end there. I am also proposing the creation of the new Tule Springs State Park, located adjacent to the Tule Springs Fossil Beds National Monument in North Las Vegas. Our State Parks team has worked closely with UNLV to document mammoth and other Ice Age fossils. Together we can develop Tule Springs State Park into a special destination for all ages to learn about Nevada's unique prehistoric habitat.

Lake Tahoe also deserves our attention. We must continue the effort to preserve what Mark Twain called "surely . . . the fairest picture the whole earth affords." My budget includes funding to fight aquatic invasive species, reduce the threat of wildfire, and improve storm water drainage. I don't have to remind anyone about the duty we have to protect this awesome natural treasure and its world-famous clarity.

Regarding nuclear waste, let me make my position clear. For the remainder of my term, I will vigorously fight the storage of high-level nuclear waste in Nevada. Any attempt to resurrect the ill-conceived Yucca Mountain Project will be met with relentless opposition and maximum resources. Let's face it. Continuing down a path that seeks to force this unsafe and unwanted project on Nevada is a waste of time and money and only gets the country farther away from solving its nuclear waste problem.

All of us understand and appreciate that the strength of Nevada is tied to the health of our tourism economy and a strong mining industry. With gaming legalized around the globe, we can never relinquish our position as the gaming and entertainment capital of the world. Competition is tough, so we must always be open to new ideas and new opportunities. Since last session, the state embarked upon a number of changes to gaming regulations, including the development of skill-based games. The landscape of gaming is shifting, and a new generation is growing up in a rapidly changing technology environment. As technology evolves, so must we. Recently, the Gaming Policy Committee met and among other items visited the issue of eSports. Through the efforts of the Policy Committee and gaming regulators, I am proud to report that Nevada is the first and only state to allow wagers on eSports. We must ensure that the gaming industry is free to innovate and compete, while closely adhering to two ironclad rules: player protection and safeguarding Nevada's reputation as the gold standard in gaming regulation.

If Nevada were a country, it would be the fourth largest gold producer in the world. In addition to gold-mining activity, there has been much attention on another mineral found in Nevada—lithium. We are home to the only lithium mine in the United States, and the second largest lithium deposit in North America is located in Humboldt County. We all know the significance of lithium to our emerging sectors in advanced manufacturing and renewable energy, and we know that mining is critical to the future of the new Nevada economy. The key to growing our mining industry is the continued opposition to restrictive federal rules related to public lands. Join me in urging the Trump Administration and Congress to allow Nevada to capitalize on our wealth of mineral deposits that are central to the success of our rural and state economies.

With Nevada's rapid growth comes infrastructure needs. We have begun construction of the first phase of Interstate 11, the Boulder City Bypass, expected to be completed by 2018. But it can't stop there. We are completing preliminary work that will continue the Interstate 11 project from Las Vegas to Reno, and we must work with our federal delegation to pursue the funding necessary to complete this important infrastructure project.

In Washoe County, the spaghetti bowl is another interchange that is beyond capacity, resulting in too many accidents and extended commuter delays. We are working with local and regional agencies to finalize a traffic study by the end of this year, and once finalized, we will

commence plans to build an interchange that allows residents and visitors to move more efficiently through the Truckee Meadows.

Most of you know that one of my top infrastructure priorities has been Project Neon in Las Vegas, the largest public works venture in Nevada history. It expands the state's busiest stretch of highway, and once completed, Project Neon will improve the daily commute for our residents and enhance the travel experience for the millions of visitors who come to Las Vegas. We've made great progress on this project, and I look forward to working with our legislative and local leaders to complete it by 2019, on time and on budget.

My fellow Nevadans, in my first State of the State message, I said "If Nevada were a stock, I'd buy it now." I'm even more confident now than I was then. There's no disguising it—Nevada is once again on the move. Our commitment to the new Nevada economy is fueled by the pioneering spirit of the men and women who established the Silver State in 1864.

One hundred fifty-three years ago, our state constitution began with the following words: "We the people of the State of Nevada Grateful to Almighty God for our freedom in order to secure its blessings, insure domestic tranquility, and form a more perfect Government, do establish this Constitution,"

Our founders' words instill in us the fortitude to command our destiny and the courage to accept that it is our time to write our history. With high hopes for the future, I am dedicated to the proposition that, together, we will not fail.

In my final appearance before you, I would like to express to all of you, to the state of Nevada, that this job has been the honor of my life and that every day I am profoundly humbled to serve as your Governor.

As I close this address, I ask for your indulgence. On a personal level I'd like to recite a few lines of a hymn summarizing how grateful my family and I are feeling tonight.

Whenever the sun at the close of day,
Colors all the western sky,
Oh my heart returns to the desert grey
And the mountains tow'ring high.
There is the land that I love the best,
Fairer than all I can see.
Right in the heart of the golden west
Home means Nevada to me.

Thank you. God bless.

COMMUNICATIONS

MESSAGES FROM THE SECRETARY OF STATE

STATE OF NEVADA
OFFICE OF THE SECRETARY OF STATE

February 2, 2017

SUSAN FURLONG
Chief Clerk of the Assembly
401 South Carson Street
Carson City, NV 89701-4747

RE: *The Automatic Voter Registration Initiative*

DEAR MS. FURLONG:

Pursuant to the Nevada Constitution, Article 19, Section 2 (3), the Secretary of State's office is required to transmit to the Nevada Legislature any initiative petition proposing a constitutional amendment or statewide measure, which is filed with this office and deemed sufficient, as soon as the Nevada Legislature convenes and organizes. In compliance with the Nevada Constitution, enclosed please find the "The Automatic Voter Registration Initiative" petition.

Per your request, please find a second certified copy.

Respectfully,
BARBARA K. CEGAVSKE
Secretary of State

BY: KATIE SIEMON-MARTIN
Program Officer, Elections Division

PRESENTATION OF PETITIONS

Initiative Petition No. 1—AN ACT relating to elections; establishing procedures by which the Department of Motor Vehicles must, under certain circumstances, transmit certain information to register a person to vote or update a person's voter registration information; and providing other matters properly relating thereto.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ***1. The Secretary of State, the Department of Motor Vehicles and each county clerk shall cooperatively establish a system by which voter registration information that is collected pursuant to section 4 of this act by the Department from a person who submits an application for the issuance or renewal of or change of address for any type of driver's license or identification card issued by the Department must be transmitted electronically to the Secretary of State and the county clerks for the purpose of registering the person to vote or updating the voter registration information of the person for the purpose of correcting the statewide voter registration list pursuant to NRS 293.530.***

2. The system established pursuant to subsection 1 must:

(a) Ensure the secure electronic storage of information collected pursuant to section 4 of this act, the secure transmission of such information to the Secretary of State and county clerks and the secure electronic storage of such information by the Secretary of State and county clerks;

(b) Provide for the destruction of records by the Department as required by subsection 2 of section 5 of this act; and

(c) Enable the county clerks to receive, view and collate the information into individual electronic documents pursuant to paragraph (c) of subsection 1 of section 6 of this act.

Sec. 3. ***1. The Department of Motor Vehicles shall follow the procedures described in this section and sections 4 and 5 of this act if a person applies to the Department for the issuance or renewal of or change of address for any type of driver's license or identification card issued by the Department.***

2. Before concluding the person's transaction with the Department, the Department shall notify each person described in subsection 1:

(a) Of the qualifications to vote in this State, as provided by NRS 293.485;

(b) That, unless the person affirmatively declines in writing to apply to register to vote or have his or her voter registration information updated, as applicable:

(1) The person is deemed to have consented to the transmission of information to the Secretary of State and the county clerks for the purpose of registering the person to vote or updating the voter registration information of the person for the purpose of correcting the statewide voter registration list pursuant to NRS 293.530; and

(2) The Department will transmit to the county clerk of the county in which the person resides all information required to register the person to vote pursuant to this chapter or to update the voter registration information of the person for the purpose of correcting the statewide voter registration list pursuant to NRS 293.530;

(c) That:

(1) Indicating a political party affiliation or indicating that the person is not affiliated with a political party is voluntary;

(2) The person may indicate a political party affiliation on a paper or electronic form provided by the Department; and

(3) The person will not be able to vote at a primary election or primary city election for candidates for partisan offices of a major political party unless the person updates his or her voter registration information to indicate a major political party affiliation; and

(d) Of the provisions of subsections 2 and 3 of section 7 of this act.

3. The failure or refusal of the person to acknowledge that he or she has received the notice required by subsection 2:

(a) Is not a declination by the person to apply to register to vote or have his or her voter registration information updated; and

(b) Shall not be deemed to affect any duty of the Department, the Secretary of State or any county clerk:

(1) Relating to the application of the person to register to vote; or

(2) To update the voter registration information of the person.

4. The Department:

(a) Shall prescribe by regulation the form of the notice required by subsection 2 and the procedure for providing it; and

(b) Shall not require the person to acknowledge that he or she has received the notice required by subsection 2.

Sec. 4. *1. Unless the person affirmatively declines in writing to apply to register to vote or have his or her voter registration information updated, as applicable, if a person applies to the Department of Motor Vehicles for the issuance or renewal of or change of address for a driver's license or identification card issued by the Department, the Department shall collect from the person:*

(a) A paper or electronic affirmation signed under penalty of perjury that the person is eligible to vote;

(b) An electronic facsimile of the signature of the person, if the Department is capable of recording, storing and transmitting to the county clerk an electronic facsimile of the signature of the person;

(c) Any personal information which the person has not already provided to the Department and which is required for the person to register to vote or to update the voter registration information of the person, including:

(1) The first or given name and the surname of the person;

(2) The address at which the voter actually resides as set forth in NRS 293.486 and, if different, the address at which the person may receive mail, including, without limitation, a post office box or general delivery;

(3) The date of birth of the person;

(4) Except as otherwise provided in subsection 2, one of the following:

(I) The number indicated on the person's current and valid driver's license or identification card issued by the Department, if the person has such a driver's license or identification card; or

(II) The last four digits of the person's social security number, if the person does not have a driver's license or identification card issued by the Department and has a social security number; and

(5) The political party affiliation, if any, indicated by the person; and

(d) The paper or electronic form, if any, completed by the person and indicating his or her political party affiliation.

2. If the person does not have the identification described in subparagraph (4) of paragraph (c) of subsection 1, the person must sign an affidavit stating that he or she does not have a current and valid driver's license or identification card issued by the Department or a social security number. Upon receipt of the affidavit, the county clerk shall issue an identification number to the person which must be the same number as the unique identifier assigned to the person for the purpose of the statewide voter registration list.

Sec. 5. ***1. Except as otherwise provided in this subsection, the Department of Motor Vehicles shall electronically transmit to the Secretary of State and the appropriate county clerk the information and any electronic documents collected from a person pursuant to section 4 of this act:***

(a) Except as otherwise provided in paragraph (b), not later than 5 working days after collecting the information; and

(b) During the 2 weeks immediately preceding the fifth Sunday preceding an election, not later than 1 working day after collecting the information.

2. The Department shall destroy any record containing information collected pursuant to section 4 of this act that is not otherwise collected by the Department in the normal course of business immediately after transmitting the information to the Secretary of State and county clerk pursuant to subsection 1.

3. The Department shall forward the following paper documents on a weekly basis to the appropriate county clerk, or daily during the 2 weeks immediately preceding the fifth Sunday preceding an election:

(a) Each signed affirmation collected pursuant to paragraph (a) of subsection 1 of section 4 of this act;

(b) Any completed form indicating a political party affiliation collected pursuant to paragraph (d) of subsection 1 of section 4 of this act; and

(c) Any affidavit signed pursuant to subsection 2 of section 4 of this act.

Sec. 6. ***1. Unless the person affirmatively declines in writing to apply to register to vote or have his or her voter registration information updated, as applicable, if a person applies to the Department of Motor Vehicles for the issuance or renewal of or change of address for any type of driver's license or identification card issued by the Department:***

(a) The person shall be deemed an applicant to register to vote.

(b) Any action taken by the person pursuant to section 4 of this act shall be deemed an act of applying to register to vote.

(c) Upon receipt of the information collected from the person and transmitted to a county clerk by the Department of Motor Vehicles, the county clerk shall collate the information into an individual electronic document, which shall be deemed an application to register to vote.

(d) Unless the applicant is already registered to vote, the date on which the person applies to register to vote pursuant to section 4 of this act shall be deemed the date on which the applicant registered to vote.

2. If the county clerk determines that the application is complete and that the applicant is eligible to vote pursuant to NRS 293.485, the name of the applicant must appear on the statewide voter registration list and the appropriate roster, and the person must be provided all sample ballots and any other voter information provided to registered voters. If the county clerk determines that the application is not complete, he or she shall notify the applicant that additional information is required in accordance with the provisions of NRS 293.524.

3. For each applicant who applies to register to vote pursuant to section 4 of this act:

(a) The electronic facsimile of the signature of the applicant shall be deemed to be the facsimile of the signature on the person's application to register to vote to be used for the comparison purposes of NRS 293.277 if:

(1) An electronic facsimile of the signature has been collected and transmitted to the county clerk of the county in which the applicant resides pursuant to sections 4 and 5 of this act, respectively; and

(2) The county clerk is capable of receiving, storing and using the facsimile of the signature for that purpose; or

(b) If the conditions described in paragraph (a) are not met, the signature of the applicant on the affirmation signed pursuant to paragraph (a) of subsection 1 of section 4 of this act shall be deemed to be the signature on the person's application to register to vote for the purpose of making a facsimile thereof to be used for the comparison purposes of NRS 293.277.

4. If an applicant is already registered to vote, the county clerk shall use the voter registration information of the applicant transmitted by the Department of Motor Vehicles to correct the statewide voter registration list pursuant to NRS 293.530, if necessary.

Sec. 7. ***1. A person who affirmatively declines in writing to apply to register to vote or have his or her voter registration information updated, as applicable, pursuant to section 4 of this act may apply to register to vote at the Department of Motor Vehicles pursuant to NRS 293.524.***

2. Whether a person applies to register to vote or have his or her voter registration information updated, as applicable, pursuant to section 4 of this act must not affect the provision of services or assistance to the person by the Department, and the fact of a person applying to register to vote or have his or her voter registration information updated, as applicable, pursuant to section 4 of this act or declining to do so must not be disclosed to the public.

3. Any information collected pursuant to sections 2 to7, inclusive, of this act must not be used for any purpose other than voter registration.

4. Except as otherwise provided in this subsection, the Secretary of State shall adopt regulations necessary to carry out the provisions of sections 2 to7, inclusive, of this act. The Secretary of State shall not require a person to provide any documentation in order to apply to register to vote or have his or her voter registration information updated, as applicable, pursuant to section 4 of this act that is not required by section 4 of this act or federal law, including, without limitation, documentation to prove the person's identity, citizenship or residence.

Sec. 8. NRS 293.12757 is hereby amended to read as follows:

293.12757 A person may sign a petition required under the election laws of this State on or after the date the person is deemed to be registered to vote pursuant to NRS 293.517 **,** ~~[or]~~ subsection 7 of NRS 293.5235 ~~[.]~~ ***or section 6 of this act.***

Sec. 9. NRS 293.1277 is hereby amended to read as follows:

293.1277 1. If the Secretary of State finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, the Secretary of State shall immediately so notify the county clerks. After the notification, each of the county clerks shall determine the number of registered voters who have signed the documents submitted in the county clerk's county and, in the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, shall tally the number of signatures for each petition district contained or fully contained within the county clerk's county. This determination must be completed within 9 days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 293.128, 295.056, 298.109, 306.035 or 306.110, and within 3 days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 293.172 or 293.200. For the purpose of verification pursuant to this section, the county clerk shall not include in his or her tally of total signatures any signature included in the incorrect petition district.

2. Except as otherwise provided in subsection 3, if more than 500 names have been signed on the documents submitted to a county clerk, the county clerk shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerk is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures, whichever is greater. If documents were submitted to the county clerk for more than one petition district wholly contained within that county, a separate random sample must be performed for each petition district.

3. If a petition district comprises more than one county and the petition is for an initiative or referendum proposing a constitutional amendment or a statewide measure, and if more than 500 names have been signed on the documents submitted for that petition district, the appropriate county clerks shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerks within the petition district is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures presented in the petition district,

whichever is greater. The Secretary of State shall determine the number of signatures that must be verified by each county clerk within the petition district.

4. In determining from the records of registration the number of registered voters who signed the documents, the county clerk may use the signatures contained in the file of applications to register to vote. If the county clerk uses that file, the county clerk shall ensure that every application in the file is examined, including any application in his or her possession which may not yet be entered into the county clerk's records. Except as otherwise provided in subsection 5, the county clerk shall rely only on the appearance of the signature and the address and date included with each signature in making his or her determination.

5. If:

(a) Pursuant to NRS 293.506, a county clerk establishes a system to allow persons to register to vote by computer; ~~[or]~~ ;

(b) A person registers to vote pursuant to NRS 293D.230 and signs his or her application to register to vote using a digital signature or an electronic signature ~~[.]~~ ***; or***

(c) A person registers to vote pursuant to section 4 of this act,

the county clerk may rely on such other indicia as prescribed by the Secretary of State in making his or her determination.

6. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, when the county clerk is determining the number of registered voters who signed the documents from each petition district contained fully or partially within the county clerk's county, he or she must use the statewide voter registration list available pursuant to NRS 293.675.

7. Except as otherwise provided in subsection 9, upon completing the examination, the county clerk shall immediately attach to the documents a certificate properly dated, showing the result of the examination, including the tally of signatures by petition district, if required, and transmit the documents with the certificate to the Secretary of State. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, if a petition district comprises more than one county, the appropriate county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section to complete the certificate. A copy of this certificate must be filed in the clerk's office. When the county clerk transmits the certificate to the Secretary of State, the county clerk shall notify the Secretary of State of the number of requests to remove a name received by the county clerk pursuant to NRS 295.055 or 306.015.

8. A person who submits a petition to the county clerk which is required to be verified pursuant to NRS 293.128, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be allowed to witness the verification of the signatures. A public officer who is the subject of a recall petition must also be allowed to witness the verification of the signatures on the petition.

9. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not transmit to the Secretary of State the documents containing the signatures of the registered voters.

10. The Secretary of State shall by regulation establish further procedures for carrying out the provisions of this section.

Sec. 10. NRS 293.2725 is hereby amended to read as follows:

293.2725 1. Except as otherwise provided in subsection 2, in NRS 293.3081 and 293.3083 and in federal law, a person who registers by mail or computer ~~[to vote]~~ in this State ***or registers to vote pursuant to section 4 of this act*** and who has not previously voted in an election for federal office in this State:

(a) May vote at a polling place only if the person presents to the election board officer at the polling place:

(1) A current and valid photo identification of the person, which shows his or her physical address; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517; and

(b) May vote by mail only if the person provides to the county or city clerk:

(1) A copy of a current and valid photo identification of the person, which shows his or her physical address; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517.

If there is a question as to the physical address of the person, the election board officer or clerk may request additional information.

2. The provisions of subsection 1 do not apply to a person who:

(a) Registers to vote by mail and submits with an application to register to vote:

(1) A copy of a current and valid photo identification; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517;

(b) Except as otherwise provided in subsection 3, registers to vote by mail or computer and submits with an application to register to vote a driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(c) ***Registers to vote pursuant to section 4 of this act and at that time presents to the Department of Motor Vehicles:***

(1) A copy of a current and valid photo identification;

(2) A copy of a current utility bill, bank statement, paycheck or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517; or

(3) A driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(d) Is entitled to vote an absent ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq.;

~~[(d)]~~ ***(e)*** Is provided the right to vote otherwise than in person under the Voting Accessibility for the Elderly and Handicapped Act, 52 U.S.C. §§ 20101 et seq.; or

~~[(e)]~~ ***(f)*** Is entitled to vote otherwise than in person under any other federal law.

3. The provisions of subsection 1 apply to a person described in paragraph (b) of subsection 2 if the voter registration card issued to the person pursuant to subsection 6 of NRS 293.517 is mailed by the county clerk to the person and returned to the county clerk by the United States Postal Service.

Sec. 11. NRS 293.504 is hereby amended to read as follows:

293.504 1. The following offices shall serve as voter registration agencies:

(a) Such offices that provide public assistance as are designated by the Secretary of State;

(b) Each office that receives money from the State of Nevada to provide services to persons with disabilities in this State;

(c) The offices of the Department of Motor Vehicles;

(d) The offices of the city and county clerks;

(e) Such other county and municipal facilities as a county clerk or city clerk may designate pursuant to NRS 293.5035 or 293C.520, as applicable;

(f) Recruitment offices of the United States Armed Forces; and

(g) Such other offices as the Secretary of State deems appropriate.

2. Each voter registration agency shall:

(a) Post in a conspicuous place, in at least 12-point type, instructions for registering to vote;

(b) Except as otherwise provided in subsection 3 ~~[,]~~ ***and sections 2 to7, inclusive, of this act,*** distribute applications to register to vote which may be returned by mail with any application for services or assistance from the agency or submitted for any other purpose and with each application for recertification, renewal or change of address submitted to the agency that relates to such services, assistance or other purpose;

(c) Provide the same amount of assistance to an applicant in completing an application to register to vote as the agency provides to a person completing any other forms for the agency; and

(d) Accept completed applications to register to vote.

3. A voter registration agency is not required to provide an application to register to vote pursuant to paragraph (b) of subsection 2 to a person who applies for or receives services or assistance from the agency or submits an application for any other purpose if the person declines to register to vote and submits to the agency a written form that meets the requirements of ~~[~~42~~]~~ ***52*** U.S.C. § ~~[~~1973gg-5(a)(6). No information~~]~~ ***20506(a)(6). Information*** related to the declination to register to vote may ***not*** be used for any purpose other than voter registration.

4. Except as otherwise provided in this subsection ***,*** ~~[~~and~~]~~ NRS 293.524 ~~[~~,~~]~~ ***and section 5 of this act,*** any application to register to vote accepted by a voter registration agency must be transmitted to the county clerk not later than 10 days after the application is accepted. The applications must be forwarded daily during the 2 weeks immediately preceding the fifth Sunday preceding an election. The county clerk shall accept any application to register to vote which is obtained from a voter registration agency pursuant to this section and completed by the fifth Sunday preceding an election if the county clerk receives the application not later than 5 days after that date.

5. The Secretary of State shall cooperate with the Secretary of Defense to develop and carry out procedures to enable persons in this State to apply to register to vote at recruitment offices of the United States Armed Forces.

Sec. 12. NRS 293.510 is hereby amended to read as follows:

293.510 1. ~~[~~In~~]~~ ***Except as otherwise provided in subsection 3, in*** counties where computers are not used to register voters, the county clerk shall:

(a) Segregate original applications to register to vote according to the precinct in which the registered voters reside and arrange the applications in each precinct or district in alphabetical order. The applications for each precinct or district must be kept separately for each precinct or district. These applications must be used to prepare the rosters.

(b) Arrange the duplicate applications of registration in alphabetical order for the entire county and keep them in binders or a suitable file which constitutes the registrar of voters' register.

2. ~~[~~In~~]~~ ***Except as otherwise provided in subsection 3, in*** any county where a computer is used to register voters, the county clerk shall:

(a) Arrange the original applications to register to vote for the entire county in a manner in which an original application may be quickly located. These original applications constitute the registrar of voters' register.

(b) Segregate the applications to register to vote in a computer file according to the precinct or district in which the registered voters reside, and for each precinct or district have printed a computer listing which contains the applications to register to vote in alphabetical order. These listings of applications to register to vote must be used to prepare the rosters.

3. From the applications to register to vote received by each county clerk, the county clerk shall:

(a) Segregate the applications electronically transmitted by the Department of Motor Vehicles pursuant to subsection 1 of section 5 of this act in a computer file according to the precinct or district in which the registered voters reside; and

(b) Arrange the applications in each precinct or district in alphabetical order.

Sec. 13. NRS 293.517 is hereby amended to read as follows:

293.517 1. Any elector residing within the county may register to vote:

(a) Except as otherwise provided in NRS 293.560 and 293C.527, by appearing before the county clerk, a field registrar or a voter registration agency, completing the application to register to vote, giving true and satisfactory answers to all questions relevant to his or her identity and right to vote, and providing proof of residence and identity;

(b) By completing and mailing or personally delivering to the county clerk an application to register to vote pursuant to the provisions of NRS 293.5235;

(c) Pursuant to the provisions of NRS 293.524 or chapter 293D of NRS ~~[~~,~~]~~ ***or section 4 of this act;***

(d) At his or her residence with the assistance of a field registrar pursuant to NRS 293.5237; or

(e) By submitting an application to register to vote by computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.

The county clerk shall require a person to submit official identification as proof of residence and identity, such as a driver's license or other official document, before registering the person. If the applicant registers to vote pursuant to this subsection and fails to provide proof of residence and identity, the applicant must provide proof of residence and identity before casting a ballot in person or by mail or after casting a provisional ballot pursuant to NRS 293.3081 or 293.3083. For the purposes of this subsection, a voter registration card issued pursuant to subsection 6 does not provide proof of the residence or identity of a person.

2. ~~[The]~~ ***Except as otherwise provided in sections 2 to 7, inclusive, of this act, the*** application to register to vote must be signed and verified under penalty of perjury by the elector registering.

3. Each elector who is or has been married must be registered under his or her own given or first name, and not under the given or first name or initials of his or her spouse.

4. An elector who is registered and changes his or her name must complete a new application to register to vote. The elector may obtain a new application:

(a) At the office of the county clerk or field registrar;

(b) By submitting an application to register to vote pursuant to the provisions of NRS 293.5235;

(c) By submitting a written statement to the county clerk requesting the county clerk to mail an application to register to vote;

(d) At any voter registration agency; or

(e) By submitting an application to register to vote by computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.

If the elector fails to register under his or her new name, the elector may be challenged pursuant to the provisions of NRS 293.303 or 293C.292 and may be required to furnish proof of identity and subsequent change of name.

5. Except as otherwise provided in subsection 7 1 ~~[,]~~ ***and sections 4 to 7, inclusive, of this act,*** an elector who registers to vote pursuant to paragraph (a) of subsection 1 shall be deemed to be registered upon the completion of an application to register to vote.

6. After the county clerk determines that the application to register to vote of a person is complete and that, except as otherwise provided in NRS 293D.210, the person is eligible to vote pursuant to NRS 293.485, the county clerk shall issue a voter registration card to the voter which contains:

(a) The name, address, political affiliation and precinct number of the voter;

(b) The date of issuance; and

(c) The signature of the county clerk.

7. If an elector submits an application to register to vote or an affidavit described in paragraph (c) of subsection 1 of NRS 293.507 that contains any handwritten additions, erasures or interlineations, the county clerk may object to the application to register to vote if the county clerk believes that because of such handwritten additions, erasures or interlineations, the application to register to vote of the elector is incomplete or that, except as otherwise provided in NRS 293D.210, the elector is not eligible to vote pursuant to NRS 293.485. If the county clerk objects pursuant to this subsection, he or she shall immediately notify the elector and the district attorney of the county. Not later than 5 business days after the district attorney receives such notification, the district attorney shall advise the county clerk as to whether:

(a) The application to register to vote of the elector is complete and, except as otherwise provided in NRS 293D.210, the elector is eligible to vote pursuant to NRS 293.485; and

(b) The county clerk should proceed to process the application to register to vote.

If the District Attorney advises the county clerk to process the application to register to vote, the county clerk shall immediately issue a voter registration card to the applicant pursuant to subsection 6.

Sec. 14. NRS 293.518 is hereby amended to read as follows:

293.518 1. ~~[At]~~ ***Except as otherwise provided in sections 3 and 4 of this act, at*** the time an elector registers to vote the elector must indicate:

(a) A political party affiliation; or

(b) That he or she is not affiliated with a political party.

An elector who indicates that he or she is "independent" shall be deemed not affiliated with a political party.

2. If an elector indicates that he or she is not affiliated with a political party, or is independent, the county clerk or field registrar of voters shall list the elector's political party as nonpartisan.

3. If an elector indicates an affiliation with a major political party or a minor political party that has filed a certificate of existence with the Secretary of State, the county clerk or field registrar of voters shall list the elector's political party as indicated by the elector.

4. If an elector indicates an affiliation with a minor political party that has not filed a certificate of existence with the Secretary of State, the county clerk or field registrar of voters shall:

(a) List the elector's political party as the party indicated in the application to register to vote.

(b) When compiling data related to voter registration for the county, report the elector's political party as "other party."

5. If an elector does not make any of the indications described in subsection 1, the county clerk or field registrar of voters shall:

(a) List the elector's political party as nonpartisan; and

(b) Mail to the elector a notice setting forth that the elector has been registered to vote as a nonpartisan because the elector did not make any of the indications described in subsection 1.

Sec. 15. NRS 293.524 is hereby amended to read as follows:

293.524 1. ~~[The]~~ ***Except as otherwise provided in this section, the*** Department of Motor Vehicles shall provide ~~[an]~~ ***a paper*** application to register to vote to each person who ~~[applies]~~ ***:***

(a) Applies for the issuance or renewal of any type of driver's license or identification card issued by the Department ~~[.]~~ ***; and***

(b) Does not apply to register to vote pursuant to section 4 of this act.

2. The county clerk shall use the ***paper*** applications to register to vote which are signed and completed pursuant to subsection 1 to register applicants to vote or to correct information in the registrar of voters' register. ~~[An]~~ ***A paper*** application that is not signed must not be used to register or correct the registration of the applicant.

3. For the purposes of this section, each employee specifically authorized to do so by the Director of the Department may oversee the completion of ~~[an]~~ ***a paper*** application. The authorized employee shall check the ***paper*** application for completeness and verify the information required by the ***paper*** application. Each ***paper*** application must include a duplicate copy or receipt to be retained by the applicant upon completion of the form. The Department shall, except as otherwise provided in this subsection, forward each ***paper*** application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. The ***paper*** applications must be forwarded daily during the 2 weeks immediately preceding the fifth Sunday preceding an election.

4. ***The Department is not required to provide a paper application to register to vote pursuant to subsection 1 to a person who declines to apply to register to vote pursuant to this section and submits to the Department a written form that meets the requirements of 52 U.S.C. § 20506(a)(6). Information related to the declination to apply to register to vote must not be used for any purpose other than voter registration.***

5. The county clerk shall accept any ***paper*** application to register to vote which is obtained from the Department of Motor Vehicles pursuant to this section and completed by the fifth Sunday preceding an election if the county clerk receives the ***paper*** application not later than 5 days after that date. Upon receipt of ~~[an]~~ ***a paper*** application, the county clerk or field registrar of voters shall determine whether the ***paper*** application is complete. If the county clerk or field registrar of voters determines that the ***paper*** application is complete, he or she shall notify the applicant and the applicant shall be deemed to be registered as of the date of the submission of the ***paper*** application. If the county clerk or field registrar of voters determines that the ***paper*** application is not complete, he or she shall notify the applicant of the additional information

required. The applicant shall be deemed to be registered as of the date of the initial submission of the ***paper*** application if the additional information is provided within 15 days after the notice for the additional information is mailed. If the applicant has not provided the additional information within 15 days after the notice for the additional information is mailed, the incomplete ***paper*** application is void. Any notification required by this subsection must be given by mail at the mailing address on the ***paper*** application not more than 7 working days after the determination is made concerning whether the ***paper*** application is complete.

~~[5.]~~ ***6.*** The county clerk shall use any form submitted to the Department to correct information on a driver's license or identification card to correct information in the registrar of voters' register, unless the person indicates on the form that the correction is not to be used for the purposes of voter registration. The Department shall forward each such form to the county clerk or, if applicable, to the registrar of voters of the county in which the person resides in the same manner provided by subsection 3 for ***paper*** applications to register to vote.

~~[6.]~~ ***7.*** Upon receipt of a form to correct information, the county clerk shall compare the information to that contained in the registrar of voters' register. If the person is a registered voter, the county clerk shall correct the information to reflect any changes indicated on the form. After making any changes, the county clerk shall notify the person by mail that the records have been corrected.

~~[7.]~~ ***8.*** The Secretary of State shall, with the approval of the Director, adopt regulations to:

(a) Establish any procedure necessary to provide an elector who applies to register to vote pursuant to this section the opportunity to do so;

(b) Prescribe the contents of any forms or ***paper*** applications which the Department is required to distribute pursuant to this section; and

(c) Provide for the transfer of the completed ***paper*** applications of registration from the Department to the appropriate county clerk for inclusion in the rosters and registrar of voters' register.

Sec. 16. NRS 293.530 is hereby amended to read as follows:

293.530 Except as otherwise provided in NRS 293.541:

1. County clerks may use any reliable and reasonable means available to correct the portions of the statewide voter registration list which are relevant to the county clerks and to determine whether a registered voter's current residence is other than that indicated on the voter's application to register to vote.

2. A county clerk may, with the consent of the board of county commissioners, make investigations of registration in the county by census, by house-to-house canvass or by any other method.

3. A county clerk shall cancel the registration of a voter pursuant to this section if:

(a) The county clerk mails a written notice to the voter which the United States Postal Service is required to forward;

(b) The county clerk mails a return postcard with the notice which has a place for the voter to write his or her new address, is addressed to the county clerk and has postage guaranteed;

(c) The voter does not respond; and

(d) The voter does not appear to vote in an election before the polls have closed in the second general election following the date of the notice.

4. For the purposes of this section, the date of the notice is deemed to be 3 days after it is mailed.

5. The county clerk shall maintain records of:

(a) Any notice mailed pursuant to subsection 3;

(b) Any response to such notice; and

(c) Whether a person to whom a notice is mailed appears to vote in an election,

for not less than 2 years after creation.

6. The county clerk shall use any postcards which are returned to correct the portions of the statewide voter registration list which are relevant to the county clerk.

7. If a voter fails to return the postcard mailed pursuant to subsection 3 within 30 days, the county clerk shall designate the voter as inactive on the voter's application to register to vote.

8. The Secretary of State shall adopt regulations to prescribe the method for maintaining a list of voters who have been designated as inactive pursuant to subsection 7.

9. If:

(a) The name of a voter is added to the statewide voter registration list pursuant to section 6 of this act; or

(b) The voter registration information of a voter whose name is on the statewide voter registration list is updated pursuant to section 6 of this act,

the county clerk shall provide written notice of the addition or change to the voter not later than 5 working days after the addition or change is made. Except as otherwise provided in this subsection, the notice must be mailed to the current residence of the voter. The county clerk may send the notice by electronic mail if the voter confirms the validity of the electronic mail address to which the notice will be sent by responding to a confirmation inquiry sent to that electronic mail address. Such a confirmation inquiry must be sent for each notice sent pursuant to this subsection.

Sec. 17. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260,

681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 7 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

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

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

Sec. 18. NRS 483.290 is hereby amended to read as follows:

483.290 1. An application for an instruction permit or for a driver's license must:

(a) Be made upon a form furnished by the Department.

(b) Be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.

(c) Be accompanied by the required fee.

(d) State the full legal name, date of birth, sex, address of principal residence and mailing address, if different from the address of principal residence, of the applicant and briefly describe the applicant.

(e) State whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal.

(f) Include such other information as the Department may require to determine the competency and eligibility of the applicant.

2. Every applicant must furnish proof of his or her full legal name and age by displaying:

(a) An original or certified copy of the required documents as prescribed by regulation; or

(b) A photo identification card issued by the Department of Corrections pursuant to NRS 209.511.

3. The Department shall adopt regulations prescribing the documents an applicant may use to furnish proof of his or her full legal name and age to the Department pursuant to paragraph (a) of subsection 2.

4. At the time of applying for a driver's license, an applicant may, if eligible, register to vote pursuant to NRS 293.524 ~~[.]~~ ***or section 4 of this act.***

5. Every applicant who has been assigned a social security number must furnish proof of his or her social security number by displaying:

(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or

(b) Other proof acceptable to the Department, including, without limitation, records of employment or federal income tax returns.

6. The Department may refuse to accept a driver's license issued by another state, the District of Columbia or any territory of the United States if the Department determines that the other state, the District of Columbia or the territory of the United States has less stringent standards than the State of Nevada for the issuance of a driver's license.

7. With respect to any document presented by a person who was born outside of the United States to prove his or her full legal name and age, the Department:

(a) May, if the document has expired, refuse to accept the document or refuse to issue a driver's license to the person presenting the document, or both; and

(b) Shall issue to the person presenting the document a driver's license that is valid only during the time the applicant is authorized to stay in the United States, or if there is no definite end to the time the applicant is authorized to stay, the driver's license is valid for 1 year beginning on the date of issuance.

8. The Administrator shall adopt regulations setting forth criteria pursuant to which the Department will issue or refuse to issue a driver's license in accordance with this section to a person who is a citizen of any state, the District of Columbia, any territory of the United States or a foreign country. The criteria pursuant to which the Department shall issue or refuse to issue a driver's license to a citizen of a foreign country must be based upon the purpose for which that person is present within the United States.

9. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an instruction permit or for a driver's license. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.

Sec. 19. NRS 483.850 is hereby amended to read as follows:

483.850 1. Every application for an identification card must be made upon a form provided by the Department and include, without limitation:

(a) The applicant's:

(1) Full legal name.

(2) Date of birth.

(3) State of legal residence.

(4) Current address of principal residence and mailing address, if different from his or her address of principal residence, in this State, unless the applicant is on active duty in the military service of the United States.

(b) A statement from:

(1) A resident stating that he or she does not hold a valid driver's license or identification card from any state or jurisdiction; or

(2) A seasonal resident stating that he or she does not hold a valid Nevada driver's license.

2. When the form is completed, the applicant must sign the form and verify the contents before a person authorized to administer oaths.

3. An applicant who has been issued a social security number must provide to the Department for inspection:

(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or

(b) Other proof acceptable to the Department bearing the social security number of the applicant, including, without limitation, records of employment or federal income tax returns.

4. At the time of applying for an identification card, an applicant may, if eligible, register to vote pursuant to NRS 293.524 ~~[.]~~ ***or section 4 of this act.***

5. A person who possesses a driver's license or identification card issued by another state or jurisdiction who wishes to apply for an identification card pursuant to this section shall surrender to the Department the driver's license or identification card issued by the other state or jurisdiction at the time the person applies for an identification card pursuant to this section.

Sec. 20. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 21. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and
2. On January 1, 2018, for all other purposes.

Assemblywoman Benitez-Thompson moved that Initiative Petition No. 1 be referred to the Committee on Legislative Operations and Elections.

Motion carried.

COMMUNICATIONS

MESSAGES FROM THE SECRETARY OF STATE

STATE OF NEVADA
OFFICE OF THE SECRETARY OF STATE

January 27, 2017

SUSAN FURLONG,
Chief Clerk of the Assembly
401 S. Carson Street, Ste. 1206
Carson City, Nevada 89701-4747

DEAR MS. FURLONG:

This letter is in acknowledgment of the transfer of Assembly Bill Nos. 326 and 472 (of the 78th Legislative Session), which were vetoed by the Governor after the end of the 78th Legislative Session. The enclosed, engrossed and enrolled versions of Assembly Bill Nos. 326 and 472 (all of the 78th Session) are being transferred to the 79th Legislative Session pursuant to the Nevada Constitution Article 4, Section 35, from the Secretary of State's Office to your office as of the above date.

If you have any questions in this regard, please do not hesitate to contact the Elections division at (775) 684-5705.

Respectfully,
BARBARA K. CEGAVSKE
Secretary of State

BY: KATHRYN SIEMON-MARTIN
Program Officer for Elections

STATE OF NEVADA
OFFICE OF THE SECRETARY OF STATE

January 31, 2017

SUSAN FURLONG,
Chief Clerk of the Assembly
401 S. Carson Street, Ste. 1206
Carson City, Nevada 89701-4747

DEAR MS. FURLONG:

This letter is in acknowledgment of the transfer of Assembly Joint Resolution Nos. 8 and 10 (of the 78th Legislative Session). The enclosed, engrossed and enrolled versions of Assembly Joint Resolution Nos. 8 and 10 are being transferred to the 79th Legislative Session, pursuant to your request from the Secretary of State's Office to your office as of the above date.

If you have any questions in this regard, please do not hesitate to contact the Elections division at (775) 684-5705.

Respectfully,
BARBARA K. CEGAVSKE
Secretary of State

BY: KATHRYN SIEMON-MARTIN
Program Officer for Elections

CARSON CITY, NEVADA
CONSOLIDATED MUNICIPALITY AND STATE CAPITAL

TO THE HONORABLE MEMBERS OF THE NEVADA STATE SENATE AND ASSEMBLY:

On behalf of Carson City I extend to you our warmest welcome. Carson City takes pride in being the capital of our great State and it is our desire to share that pride with each of you, your families and staff during the 79th Session of Nevada Legislature. We understand that the press of legislative business may leave little personal time, but we wish to make what time you have in our community as enjoyable as possible.

I am sure you have seen and perhaps experienced the new streetscape on Carson Street as well as McFadden Plaza across from the legislative mall both of which are designed to improve the look and feel of Carson City as the capital of our great state. We are also proud to have earned the prestigious designations as both a runner and bicycle friendly community and as such we invite you to experience any of the many urban and rural walking, hiking, jogging and biking trails developed in the over 6000 acres of open space in and around Carson City and its foothills. Additionally we invite you to attend one of the many cultural and charitable events that will occur during your stay as well as partake of the food of our many fine dining establishments that are sure to please the palate of even the most discriminating connoisseur.

Please do not hesitate to call on us if you need any assistance in our City.

In closing, please accept our sincere appreciation for your work on behalf of our state.

Sincerely,
ROBERT L. CROWELL
Mayor

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 1—Adopting the Standing Rules of the Assembly for the 79th Session of the Legislature.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the Assembly Standing Rules are hereby adopted for the 79th Session of the Legislature as follows:

I. OFFICERS AND EMPLOYEES

DUTIES OF OFFICERS

Rule No. 1. Speaker of the Assembly.

1. All officers of the Assembly are subordinate to the Speaker in all that relates to the prompt, efficient and correct discharge of their official duties under the Speaker's supervision.

2. Possessing the powers and performing the duties described in this Rule, the Speaker shall:

(a) Take the chair at the hour to which the Assembly stands adjourned, call the members to order, and upon the appearance of a quorum, proceed to business.

(b) In the event an emergency occurs during a regular or special session of the Legislature which requires a meeting of the Assembly, call the members back to order before the hour to which the Assembly had adjourned.

(c) Preserve order and decorum and have general direction of the Chamber of the Assembly and the approaches thereto. In the event of any disturbance or disorderly conduct therein, order the same to be cleared.

(d) Decide all questions of order, subject to a member's right to appeal to the Assembly. On appeal from such decisions, the Speaker has the right, in the Speaker's place, to assign the reason for the decision.

(e) Have the right to name any member to perform the duties of the Chair, but such substitution must not extend beyond one legislative day.

(f) Have the power to accredit the persons who act as representatives of the news media and assign them seats.

(g) Sign all bills and resolutions passed by the Legislature as provided by law.

(h) Sign all subpoenas issued by the Assembly.

(i) Receive all messages and communications from other departments of the government and announce them to the Assembly.

(j) Represent the Assembly, declare its will and in all things obey its commands.

(k) Vote on final passage of a bill or resolution, but the Speaker shall not be required to vote in ordinary legislative proceedings except where the Speaker's vote would be decisive. In all yea and nay votes, the Speaker's name must be called last.

(l) Appoint committees during the interim between regular sessions of the Legislature for any proper purpose, including, without limitation, taking testimony, compelling the attendance of witnesses, punishing persons or entities for contempt and reporting findings to the next session of the Legislature.

3. If a vacancy occurs in the office of Speaker, through death, resignation or disability of the Speaker, the Speaker Pro Tempore shall temporarily and for the period of vacancy or disability conduct the necessary business of the Assembly.

4. If a permanent vacancy occurs in the office of Speaker, the Assembly shall select a new Speaker.

5. This Rule shall remain in full force and effect throughout the interim between regular sessions of the Legislature and until new Standing Rules of the Assembly are adopted as part of the organization of a newly-constituted Assembly at the commencement of a session.

Rule No. 2. Continuation of Leadership and Standing Rules of the Assembly During the Interim Between Regular Sessions.

1. Except as otherwise provided in subsections 2, 3 and 4, the tenure of the Speaker, Speaker Pro Tempore, Majority Leader and Minority Leader of the Assembly extends during the interim between regular sessions of the Legislature.

2. The Assemblymen or Assemblywomen designated to be the Speaker, Speaker Pro Tempore, Majority Leader and Minority Leader for the next succeeding regular session shall perform any duty required of that officer by the Standing Rules of the Assembly and the Nevada Revised Statutes in the period between the time of their designation after the general election and the organization of the next succeeding regular session.

3. The Assemblyman or Assemblywoman designated to be the Speaker and the Assemblyman or Assemblywoman designated to be the Minority Leader for the next succeeding regular session shall appoint the regular and alternate members to the Select Committee on Ethics as set forth in Assembly Standing Rule No. 23.

4. The Assemblyman or Assemblywoman designated to be the Speaker for the next succeeding regular session shall:

(a) Determine the start time of the Assembly's organizational session.

(b) Have the right to name any person to call the Assembly to order and preside over the Assembly's organizational session until a presiding officer is elected.

(c) Refer prefiled bills and resolutions to committee, subject to ratification by a majority vote of the members of the Assembly once the Assembly is organized and ready for business.

5. The Assembly Standing Rules set forth herein shall remain in full force and effect throughout the interim between regular sessions of the Legislature and until new Standing Rules of the Assembly are adopted as part of the organization of a newly-constituted Assembly at the commencement of a session, unless a conflict exists with a rule adopted by the Assembly for a special session occurring between regular sessions.

Rule No. 3. Chief Clerk.

1. The Chief Clerk is elected by the Assembly and is responsible to the Speaker.

2. The Chief Clerk shall recruit, select, train and supervise all attaches employed to assist with the work of the Assembly.

3. The Chief Clerk shall administer the daily business of the Assembly.

4. The Chief Clerk shall adopt such administrative policies as the Chief Clerk deems necessary to carry out the business of the Assembly.

5. The Speaker and the Chief Clerk are authorized to make any necessary corrections and additions to the final journal, history and committee minutes of the Assembly.

6. At the direction of the Speaker or Speaker Designate, the Chief Clerk shall attest and affix the seal of the Assembly to all writs, warrants, subpoenas and formal documents issued by the Assembly.

Rule No. 4. Reserved.

Rule No. 5. Reserved.

Rule No. 6. Reserved.

The next rule is 10.

II. SESSIONS AND MEETINGS

Rule No. 10. Time of Meeting.

The Assembly shall meet each day at 11:30 a.m., unless the Assembly adjourns to some other hour.

Rule No. 11. Open Meetings.

All meetings of the Assembly and its committees must be open to the public.

Rule No. 12. Convening of the Assembly between Legislative Sessions.

1. The Assembly may be convened at any time between sessions of the Legislature upon a petition signed by a majority of the members elected to the Assembly to consider and take action on any matter that is solely and exclusively within the constitutional or inherent powers of the Assembly, including, without limitation, any matter that may be considered and acted on by the Assembly pursuant to its plenary and exclusive constitutional powers under Article 4, Section 6 of the Nevada Constitution or pursuant to its inherent powers of institutional self-protection and self-preservation to govern, control and regulate its membership and its internal organization, affairs and management.

2. A petition convening the Assembly pursuant to this Rule must specify the matter that will be considered or acted on by the Assembly, indicate a date for the Assembly to convene and be transmitted to the Chief Clerk of the Assembly. Upon receipt of one or more substantially similar petitions signed, in the aggregate, by a majority of the members elected to the Assembly, the Chief Clerk shall notify all members of the Assembly that the Assembly will be convened pursuant to this Rule and the date on which the Assembly will be convened.

3. The Assembly hereby finds and declares that:

(a) The Nevada Constitution invests each House of the Legislature with certain plenary and exclusive constitutional powers which may be exercised only by that House and which cannot be usurped, infringed or impaired by the other House or by any other branch of Nevada's State Government. (Heller v. Legislature, 120 Nev. 456 (2004); Commission on Ethics v. Hardy, 125 Nev. 285 (2009); Mason's Manual of Legislative Procedure §§ 2-3 & 560-564 (2010) (Mason's Manual))

(b) Article 4, Section 6 of the Nevada Constitution invests each House with plenary and exclusive constitutional powers to govern, control and regulate its membership and its internal organization, affairs and management, expressly providing that: "Each House shall judge of the qualifications, elections and returns of its own members, choose its own officers (except the President of the Senate), determine the rules of its proceedings and may punish its

members for disorderly conduct, and with the concurrence of two thirds of all the members elected, expel a member."

(c) In addition to its plenary and exclusive constitutional powers, each House possesses certain inherent powers of institutional self-protection and self-preservation to govern, control and regulate its membership and its internal organization, affairs and management. (In re Chapman, 166 U.S. 661, 668 (1897); Mason's Manual § 2; Luther S. Cushing, Elements of the Law & Practice of Legislative Assemblies § 533 (1856) (Cushing's Legislative Assemblies))

(d) The inherent powers of each House are considered "so essential to the authority of a legislative assembly, that it cannot well exist without them; and they are consequently entitled to be regarded as belonging to every such assembly as a necessary incident." (Cushing's Legislative Assemblies § 533)

(e) The inherent powers of each House authorize it to take all necessary and proper institutional actions that are "recognized by the common parliamentary law." (Cushing's Legislative Assemblies § 684)

(f) Thus, it is well established that each House is "vested with all the powers and privileges which are necessary and incidental to a free and unobstructed exercise of its appropriate functions. These powers and privileges are derived not from the Constitution; on the contrary, they arise from the very creation of a legislative body, and are founded upon the principle of self-preservation." (Ex parte McCarthy, 29 Cal. 395, 403 (1866))

The next rule is 20.

III. DECORUM AND DEBATE

Rule No. 20. Points of Order.

If any member, in speaking or otherwise, transgresses the rules of the Assembly, the Speaker shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the presiding officer, the member shall not be allowed to proceed; but if it be not sustained, then the member shall be permitted to go on. Every such decision from the presiding officer shall be subject to an appeal to the House; but no discussion of the question of order shall be allowed unless an appeal be taken from the decision of the presiding officer.

Rule No. 21. Portable Electronic Communication Devices.

1. A person who is within the Assembly Chambers shall not engage in a telephone conversation via the use of a portable telephone.

2. Before entering the Assembly Chambers, any person who possesses a portable electronic communication device, such as a pager or telephone, that emits an audible alert, such as a ringing or beeping sound, to signal an incoming message or call, shall turn the audible alert off. A device that contains a nonaudible alert, such as a silent vibration, may be operated in a nonaudible manner within the Assembly Chambers.

Rule No. 22. Reserved.

Rule No. 23. Select Committee on Ethics; Legislative Ethics.

1. The Select Committee on Ethics consists of:

(a) Two members of the Assembly appointed by the Speaker from the majority political party;

(b) One member of the Assembly appointed by the Minority Leader from the minority political party; and

(c) Three qualified electors of the State, two of whom are appointed by the Speaker and one who is appointed by the Minority Leader, and none of whom is a present member of the Legislature or employed by the State of Nevada.

2. The Speaker shall appoint the Chair and Vice Chair of the Committee. The Vice Chair shall serve as the acting Chair if the Chair is unable to serve for any reason during the consideration of a specific question.

3. The Speaker shall appoint an alternate member with the qualifications set forth in paragraph (a) of subsection 1 and an alternate member with the qualifications set forth in paragraph (c) of subsection 1. The Minority Leader shall appoint an alternate member with the qualifications set forth in paragraph (b) of subsection 1 and an alternate member with the qualifications set forth in paragraph (c) of subsection 1. If a member of the Committee is unable to serve for any reason during the consideration of a specific question, the alternate appointed with the qualifications from the same paragraph in subsection 1 shall serve as a member of the Committee during the consideration of the specific question.

4. A member of the Committee is disqualified to serve during the consideration of a specific question if:

(a) The member is the requester of advice concerning the question of ethics or conflict of interest, or the member is the subject of the complaint concerning the specific question; or

(b) A reasonable person in the member's situation could not exercise independent judgment on the matter in question.

5. The members of the Committee shall perform any duty required in the period between the time of their appointment after the general election and the organization of the next succeeding regular session, or until the Speaker or the Speaker Designate or the Minority Leader or Minority Leader Designate appoint new members to the Committee, whichever occurs first.

6. The tenure of the members of the Committee shall extend during the interim between regular sessions of the Legislature.

7. The Committee:

(a) May hear requests brought by members of the Assembly for advice on specific questions of potential breaches of ethics and conflicts of interest; and

(b) Shall hear complaints brought by members of the Assembly and others on specific questions of alleged breaches of ethics and conflicts of interest.

8. All proceedings held to consider the character, alleged misconduct, professional competence or physical or mental health of any person by the Committee on matters of ethics or conflicts of interest are confidential unless a Legislator:

(a) Against whom a complaint is brought requests a public hearing;

(b) Discloses the content of an opinion of the Committee at any time after his or her hearing; or

(c) Discloses the content of an advisory opinion issued to him or her by the Committee.

9. A complaint which alleges a breach of ethics or a conflict of interest must be:

(a) Made in writing on a form provided by the Chief Clerk of the Assembly;

(b) Signed and verified under penalty of perjury by the person making the allegation; and

(c) Filed with the Chair of the Committee or, if the Chair is the subject of the complaint, with the Vice Chair. The Chair or Vice Chair, as appropriate, shall send a copy of the complaint, within 24 hours after receiving it, to the Legislator against whom the complaint is brought.

10. In determining whether a Legislator has a conflict of interest, the Legislator should consider whether the independence of judgment of a reasonable person in his or her situation upon the matter in question would be materially affected by the Legislator's:

(a) Acceptance of a gift or loan;

(b) Private economic interest; or

(c) Commitment to a member of his or her household or immediate family.

➥ In interpreting and applying the provisions of this subsection, it must be presumed that the independence of judgment of a reasonable person in the Legislator's situation would not be materially affected by the Legislator's private economic interest or the Legislator's commitment to a member of his or her household or immediate family where the resulting benefit or detriment accruing to the Legislator, or if the Legislator has a commitment to a member of his or her household or immediate family, accruing to those other persons, is not

greater than that accruing to any other member of the general business, profession, occupation or group that is affected by the matter.

11. Except as otherwise provided in subsection 12, if a Legislator knows he or she has a conflict of interest pursuant to subsection 10, the Legislator shall make a general disclosure of the conflict of interest on the record in a meeting of a committee or on the floor of the Assembly, as applicable. Such a disclosure must be entered:

(a) If the Legislator makes the disclosure in a meeting of a committee, in the minutes for that meeting.

(b) If the Legislator makes the disclosure on the floor of the Assembly, in the Journal.

12. If, on one or more prior occasions during the current session of the Legislature, a Legislator has made a general disclosure of a conflict of interest on the record in a meeting of a committee or on the floor of the Assembly, the Legislator is not required to make that general disclosure at length again regarding the same conflict of interest if, when the matter in question arises on subsequent occasions, the Legislator makes a reference on the record to the previous disclosure.

13. In determining whether to abstain from voting upon, advocating or opposing a matter concerning which a Legislator has a conflict of interest pursuant to subsection 10, the Legislator should consider whether:

(a) The conflict impedes his or her independence of judgment; and

(b) His or her interest is greater than the interests of an entire class of persons similarly situated.

14. The provisions of this Rule do not under any circumstances and regardless of any conflict of interest:

(a) Prohibit a Legislator from requesting or introducing a legislative measure; or

(b) Require a Legislator to take any particular action before or while requesting or introducing a legislative measure.

15. If a Legislator who is a member of a committee declares on the record when a vote is to be taken by the committee that he or she will abstain from voting because of the requirements of this Rule, the necessary quorum to act upon and the number of votes necessary to act upon the matter is reduced as though the Legislator abstaining were not a member of the committee.

16. The standards and procedures set forth in this Rule which govern whether and to what extent a member of the Assembly has a conflict of interest, should disclose a conflict of interest or should abstain from voting upon, advocating or opposing a matter concerning which the member has a conflict of interest pursuant to subsection 10:

(a) Are exclusive and are the only standards and procedures that apply to members of the Assembly with regard to such matters; and

(b) Supersede and preempt all other standards and procedures with regard to such matters.

17. For purposes of this Rule, "immediate family" means a person who is related to the Legislator by blood, adoption or marriage within the first degree of consanguinity or affinity.

The next rule is 30.

IV. QUORUM, VOTING, ELECTIONS

Rule No. 30. Manner of Voting.

1. The presiding officer shall declare all votes, but the yeas and nays must be taken when called for by three members present, and the names of those calling for the yeas and nays must be entered in the Journal by the Chief Clerk.

2. The presiding officer shall call for yeas and nays by a division or by a roll call, either electronic or oral.

3. When taking the yeas and nays on any question, the electronic roll call system may be used, and when so used shall have the force and effect of any roll call under these rules.

4. When taking the yeas and nays by oral roll call, the Chief Clerk shall take the names of members alphabetically, except that the Speaker's name must be called last.

5. The electronic roll call system may be used to determine the presence of a quorum.

6. The yeas and nays must not be taken with the electronic roll call system until all members present are at their desks. The presiding officer may vote at the rostrum.

7. Only a member who:

(a) Has been certified by the Committee on Legislative Operations and Elections or a special committee of the Assembly; and

(b) Is physically present within the Assembly Chambers,

➥ may cast a vote in the Assembly.

8. A member shall not vote for another member on any roll call, either electronic or oral. Any member who votes for another member may be punished in any manner deemed appropriate by the Assembly.

Rule No. 31. Requirement of Voting.

1. A member shall vote on all questions that come before the body unless the member:

(a) Is excused; or

(b) Makes a full and complete disclosure of a conflict pursuant to Assembly Standing Rule No. 23.

2. A member found guilty by the House of a breach of this Rule shall not vote or speak on the floor, except to explain and apologize for the breach, until the member has made satisfaction to the House for the breach.

Rule No. 32. Announcement of the Vote.

1. A member may change his or her vote at any time before the announcement of the vote if the voting is by voice, or at any time before the votes are electronically recorded if the voting is conducted electronically.

2. The announcement of the result of any vote shall not be postponed.

Rule No. 33. Voting by Division.

Upon a division and count of the Assembly on any question, no person without the bar shall be counted.

The next rule is 40.

V. LEGISLATIVE BODIES

A. COMMITTEES

Rule No. 40. Standing Committees.

The standing committees of the Assembly for the regular session, and for Legislative Operations and Elections for both the regular session pursuant to this Rule and for a special session pursuant to Assembly Standing Rule No. 142, are as follows:

1. Ways and Means.
2. Judiciary.
3. Corrections, Parole, and Probation.
4. Taxation.
5. Education.
6. Legislative Operations and Elections.
7. Natural Resources, Agriculture, and Mining.
8. Transportation.
9. Commerce and Labor.
10. Health and Human Services.
11. Government Affairs.

Rule No. 41. Appointment of Committees.

1. Except as otherwise provided in Assembly Standing Rule No. 23, all committees must be appointed by the Speaker, unless otherwise directed by the Assembly. The Speaker shall designate the chair and vice chair of each committee.

2. To facilitate the full participation of the members during an adjournment called pursuant to Joint Standing Rule No. 9 of the Senate and Assembly, the Speaker may temporarily appoint a member to a committee that is scheduled to meet during the adjournment if none of the committees to which the member is regularly assigned will be meeting during the adjournment.

3. Except as otherwise provided in Assembly Standing Rule No. 45, all committees will operate under the rules set forth herein and other uniform committee rules as determined by the Speaker and published on the Nevada Legislature's Internet website. Each committee may adopt and file with the Chief Clerk's Office policies consistent with these rules.

Rule No. 41.5. Appointment of Alternates.

If the chair or any member of a committee is temporarily unable to perform his or her duties, the Speaker shall appoint an alternate of the same political party to serve in the chair's or the member's place for such time as is determined by the Speaker.

Rule No. 42. Subcommittees.

1. Subcommittees made up of committee members may be appointed by the chair to consider and report back on specific subjects or bills.

2. Subcommittee meetings will be scheduled by the subcommittee chair after consulting with the committee chair.

3. Members of a subcommittee are required to attend meetings of the subcommittee.

4. Subcommittees of standing committees shall follow the same rules as standing committees.

Rule No. 43. Concurrent Referrals.

When a bill or resolution is referred to two committees, the bill or resolution must go to the first committee named. If the first committee votes to amend the bill or resolution, it must be reprinted with amendments and then returned to the first committee or sent immediately to the next committee. If there is no amendment proposed by the first committee, or if the first committee acts upon the bill or resolution after amendment, the bill or resolution must be sent with the committee recommendation to the Chief Clerk for transmittal to the second committee.

Rule No. 44. Committee on Legislative Operations and Elections.

The Committee on Legislative Operations and Elections has jurisdiction over matters relating to personnel. It shall recommend by resolution the appointment of all attaches and employees of the Assembly not otherwise provided for by law.

Rule No. 45. Committee of the Whole.

If a Committee of the Whole is convened:

1. The Speaker shall preside as Chair of the Committee or name a Chair to preside.

2. A member of the Committee may speak not more than twice during the consideration of any one question, on the same day, and at the same stage of proceedings, without leave. Members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

3. The Chair may require any vote of the Committee to be recorded in the manner designated by the Chair.

4. All amendments proposed by the Committee:

(a) Must first be approved by the Committee.

(b) Must be reported by the Chair to the Assembly.

5. Insofar as they are applicable and not in conflict with this Rule, a Committee of the Whole will observe the committee rules set forth in Section V(A) of the Assembly Standing

Rules and such other uniform committee rules as determined by the Speaker and published on the Nevada Legislature's Internet website.

6. A quorum of the Committee of the Whole is the same as a quorum of the House, and in case a quorum is not present or other defect is observed, the Committee can take no other action than to rise.

7. It is permissible on motion to limit debate to a certain length of time, to close at a time certain, to limit the length of speeches, or to otherwise limit debate.

8. When a fixed duration is established for a Committee of the Whole, the time may be extended with consent of a majority of the members.

9. A motion for the previous question is not in order.

10. A Committee of the Whole cannot:

(a) Entertain any question of priority.

(b) Entertain any matter of privilege.

(c) Lay a question on the desk.

(d) Postpone consideration of any question.

(e) Reconsider a vote on a proposal no longer in possession of the Committee.

(f) Appoint a subcommittee.

(g) Punish members for disorderly conduct, but must report any misconduct to the body for its action.

11. Seconds to motions are required.

12. The minutes of the meetings of the Committee of the Whole must be entered in the Assembly's final journal.

B. ELECTION CONTESTS

Rule No. 46. Procedure for Election Contests.

1. Upon receipt of a statement of contest from the Secretary of State pursuant to NRS 293.427, the Speaker shall, as soon as practicable, appoint a special committee to hear the contest or refer the contest to the Committee on Legislative Operations and Elections. The committee shall conduct a hearing to consider the contest. The committee shall keep written minutes of the hearing. The contestant has the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby.

2. The contest must be submitted so far as may be possible upon depositions or by written or oral arguments as the Assembly may order. Any party to a contest may take the deposition of any witness at any time after the statement of contest is filed with the Secretary of State and before the contest is finally decided. At least 3 days' notice must be given to the prospective deponent and to the other party. If oral statements are made at any hearing before the Assembly or a committee thereof which purport to establish matters of fact, they must be made under oath. Strict rules of evidence do not apply.

3. The committee shall, not later than 5 calendar days after the contest was referred to the committee, report to the Assembly its findings on whether the contestant has met the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby. The committee shall then report to the Assembly its recommendation on which person should be declared elected or report that it has no recommendation. The Assembly shall, as soon as practicable thereafter but not later than 7 calendar days after the Speaker received the statement of contest, vote whether to accept or reject the committee's recommendation without amendment, if a recommendation is made. If the recommendation is accepted, the Speaker shall declare the recommended person elected. If the recommendation is rejected or the committee did not make a recommendation, the Assembly shall consider immediately which person should be declared elected. The Speaker shall not adjourn the Assembly until it has declared a person to be elected.

4. If a person other than the person initially seated as a member of the Assembly pursuant to subsection 2 of NRS 293.427 is declared to be elected by the Assembly as a result of the contest, the Speaker shall inform the Governor of the identity of the person declared to be elected by the Assembly.

C. DUTIES OF COMMITTEE OFFICERS, COMMITTEE MEMBERS AND COMMITTEE STAFF

Rule No. 47. Committee Chairs.

1. The chair has all authority necessary to ensure an efficient operation of the committee or subcommittee.

2. The chair shall have general direction of the committee room or other meeting place of the committee, and in case of any disturbance or disorderly conduct therein, or if the peace, good order, and proper conduct of the legislative business is hindered by any person or persons, the chair shall have power to exclude from the session any individual or individuals so hindering the legislative business.

3. Possessing the powers and performing the duties described in this Rule, each committee chair shall:

(a) Preside over committee meetings and put all questions before the committee;

(b) Preserve order and decorum and decide all questions of order;

(c) Determine the order of bills for hearing;

(d) Prepare and distribute the committee's agenda;

(e) Prepare and distribute a work session document that contains a list of all measures on which the committee is ready to consider final action;

(f) Call recesses of the committee as deemed necessary;

(g) Request amendments to resolve conflicts;

(h) Determine when final action is to be taken on measures, committee reports and other business of the committee;

(i) Sign and submit bill draft requests on behalf of the committee;

(j) Appoint subcommittees, as necessary;

(k) Provide direction to committee support staff;

(l) Prepare and submit committee reports;

(m) Review and approve minutes of the committee;

(n) Handle unfinished business for measures heard in the committee;

(o) Inform the Speaker of committee activity; and

(p) Maintain custody of all papers referred to the committee until they are turned over to the Chief Clerk.

4. In the absence of the chair, or upon the request of the chair, the vice chair of the committee shall assume the duties of the chair.

5. The chair may name any member of the committee to perform the duties of the chair if such substitution shall not extend beyond such meeting.

Rule No. 48. Attendance.

1. Members shall notify the chair of any absence. Excused absences will be so recorded at the direction of the chair.

2. A member shall advise the chair if he or she must leave a meeting for an extended period of time.

3. Members not in attendance when a final action is taken on a measure will be marked absent for the vote.

Rule No. 49. Committee Staff.

Duties of committee attaches shall be prescribed by the Chief Clerk and include, but are not limited to, the following:

1. The committee secretary shall call roll of the members at each meeting, with the chair being called last. The committee secretary shall record in the minutes the members present and the members not present.

2. The committee secretary shall record the meeting and draft committee minutes for the chair's approval.

3. On behalf of the chair, the committee secretary shall maintain all minutes and exhibits of the committee's meetings until released to the custody of the Chief Clerk.

4. The committee manager assigned to each committee shall be responsible to the chair of the committee for the proper and accurate preparation of all reports of the committee.

Rule No. 50. Committee Operations.

1. Each committee of the House shall be provided a committee manager who shall maintain a current record of all bills, resolutions, petitions, memorials or other matters filed in committee. A record of committee actions shall be filed with the Chief Clerk. The committee manager shall post, on a bulletin board and electronically, all meeting agendas.

2. The standing committees of the Assembly may coordinate with the standing committees of the Senate to meet jointly whenever agreed to by said committees for the purpose of holding public hearings or considering any proposed or pending legislation. Upon conclusion of the joint meeting of said committees, each standing committee of the Assembly may take such action as it determines appropriate. Whenever the committees of the Assembly and Senate hold joint hearings or meetings, the chair of the Assembly committee shall coordinate with the chair of the Senate committee to determine which of them shall preside at the joint meeting.

3. When a joint meeting is chaired by a Senator, the practices of the Senate that are inconsistent with those of the Assembly do not create a precedent for the same practice in the Assembly.

Rule No. 51. Committee Records.

1. The chair of each committee shall have custody of all bills, papers and other documents referred to the committee and shall make reports authorized by the committee and submit the same to the Chief Clerk.

2. The chair of each committee shall keep, or cause to be kept, a complete record of the committee proceedings in which there must be entered:

(a) The time and place of each meeting;

(b) The attendance and absence of members;

(c) The names of all persons appearing before the committee, with the names of persons, firms, corporations or associations in whose behalf such appearance is made; and

(d) The subjects or measures considered and action taken.

3. A person may obtain a recording of a meeting by paying a fee determined by the Director of the Legislative Counsel Bureau to cover the cost of the recording but, except as otherwise provided in this subsection, the official record of the committee is the minutes of the committee meeting approved by the chair pursuant to paragraph (m) of subsection 3 of Assembly Standing Rule No. 47. Minutes of joint meetings prepared by non-Assembly staff are not official records of the Assembly.

4. The Speaker and the Chief Clerk are authorized to make any necessary corrections and additions to the minutes of committee meetings.

Rule No. 52. Final Disposition of Committee Minutes and Exhibits.

Upon their completion, the Chief Clerk shall turn over all original minutes and exhibits to the Research Library of the Legislative Counsel Bureau.

Rule No. 52.5. Notices of Bills, Topics and Public Hearings.

1. Except as otherwise provided in subsection 3, all committees shall provide adequate notice of public hearings on bills, resolutions or other topics which are to come before the committees. The notice must include the date, time, place and agenda to be covered. The notice must be posted conspicuously in the Legislative Building and be posted on the Nevada Legislature's Internet website.

2. The noticing requirements of this Rule may be suspended for emergency situations but only after approval by a majority vote of a committee.

3. Subsection 1 does not apply to:

(a) Committee meetings held behind the bar on the floor of the Assembly during a recess;

(b) Conference committee meetings; or

(c) Meetings of the Committee of the Whole.

D. COMMITTEE HEARINGS

Rule No. 53. Communications.

1. Out of respect for the privacy of committee members and staff, members are requested to hold conversations with lobbyists and members of the public at a location other than at the dais.

2. At the direction of the Chair, lobbyists, the press, and members of the public are not allowed at the dais.

3. All directions, assignments, or requests on behalf of the committee must be communicated to its staff and to the personnel of the Legislative Counsel Bureau by the chair of the committee. A member of the committee must submit such requests to the chair for transmittal to the staff of the committee or to the personnel of the Legislative Counsel Bureau.

4. The chair may report instances of misconduct or indecorum by any committee member or other person to the Assembly for its consideration and action.

Rule No. 54. Testimony, Witnesses and Exhibits.

1. All persons wishing to offer testimony to a committee shall be given a reasonable opportunity to do so as determined by the chair.

2. In addressing the committee, a person must state for the record whether he or she supports, opposes or is neutral to the bill or resolution before the committee. For purposes of legislative intent:

(a) "Support" of a bill or resolution shall be construed as:

(1) Approval of the measure as written; or

(2) Approval of the measure as written along with proposed amendments that have been approved by the sponsor of the measure.

(b) "Opposition" to a bill or resolution shall be construed as:

(1) Not supporting the measure as written; or

(2) Opposing the measure as revised by an amendment that has not been approved by the sponsor of the measure.

(c) A "neutral" position on a bill or resolution is one in which the person offers particular insight on the measure but expresses no position on the measure.

3. Persons addressing the committee shall keep their remarks to the point and avoid repetition and are subject to call to order by the chair for failure to do so.

4. A person shall not be excluded from a meeting or public hearing of a committee or subcommittee except in case of any disturbance or disorderly conduct, or if the peace, good order, and proper conduct of the legislative business is hindered by the person or persons.

5. Questions from the committee will be restricted to relevant subject areas.

6. When the chair deems necessary, witnesses will be sworn in pursuant to NRS 218E.040 before providing testimony.

7. Unless waived or revised by the chair, handouts for hearings, including proposed amendments:

(a) Must be submitted to the committee's manager not later than 5 p.m. on the business day before the meeting unless an earlier submission date or time is set by the chair, and included on the agenda;

(b) Must include the name and contact information of the person providing the handouts;

(c) For proposed amendments, must include a brief statement of intent; and

(d) Must be submitted by electronic mail or other electronic means.

Rule No. 55. Hearings.

1. The presence of a quorum of the committee is desirable but not required to conduct a public hearing. At the discretion of the chair, members of the committee may attend, participate in and, if applicable, vote during the hearing via simultaneous telephone or video conference.

2. Public hearings are opened by the chair who announces the subject under consideration and provides an opportunity for persons wishing to address the committee to be heard. These persons shall rise in an order determined by the chair, address the chair and furnish their names, addresses and firms or other organizations represented.

3. Committee members may address the chair for permission to question the witness.

4. A committee meeting shall adjourn not later than 10 minutes preceding the hour of its next regularly scheduled meeting.

5. At the discretion of the chair, a meeting may be held outside the regularly scheduled day(s) and time.

6. Meetings of the committee may be scheduled outside the Legislative Building in Carson City with prior written approval of the Speaker. Subcommittees must have the prior written approval of the chair of the committee and the Speaker in to order to conduct a meeting outside Carson City.

E. VOTING AND COMMITTEE ACTION

Rule No. 56. Manner of Voting.

1. The chair shall declare all votes and shall cause same to be entered on the records of the committee.

2. A member shall not vote for another member on any roll call. Any member who votes for another member may be punished in any manner deemed appropriate by the Assembly.

Rule No. 57. Committee Action.

1. The committee shall have regular meetings scheduled by the Assembly leadership. A quorum of the committee is a majority of its members and may transact business except as limited by this Rule.

2. Except as limited by this Rule, a simple majority of those present may move, second and pass a motion by voice vote.

3. All motions require a second. If no second is received, that motion shall be declared invalid.

4. Absent approval by the Speaker or unanimous consent to waive the waiting period, a committee may not take final action on a bill or resolution until at least 24 hours after the close of the hearing on the bill or resolution.

5. Definite action on a bill or resolution will require a majority of the entire committee. A member shall vote on all questions that come before the committee unless the member:

(a) Is excused; or

(b) Makes a full and complete disclosure of a conflict pursuant to Assembly Standing Rule No. 23.

6. A majority of the entire committee is required to reconsider action on a bill or resolution.

7. Committee introduction of legislative measures which are not prefiled requires concurrence of a majority of the entire committee and does not imply commitment to support final passage.

8. Absent the consent of the chair and the approval of the Speaker, the chair must be present when the committee votes to take any final action regarding bills or resolutions.

9. No member of the committee may vote by proxy under any circumstances.

10. A committee shall not take a vote on the question of whether to exercise its statutory authority to issue a legislative subpoena unless the chair or other person approved by the Speaker has informed the Speaker of the intention of the committee to consider such a question.

11. Every committee vote on a matter pertaining to a bill or resolution must be recorded. The vote may be taken by roll call at the discretion of the chair.

12. A member may change his or her vote at any time before the announcement of the vote if the voting is by voice. The announcement of the result of any vote shall not be postponed.

13. Unless a committee member advises the chair otherwise, it will be presumed that the member will vote on an amendment or on a measure, during a floor session, consistent with his or her vote in the committee.

14. A bill, resolution, or amendment in a committee having been rejected twice may not be brought up again during the same legislative session.

15. The minority of a committee may not make a report or present to the House an alternative report.

F. PARLIAMENTARY AUTHORITY

Rule No. 58. Precedence of Parliamentary Authority for Committees.

The precedence of parliamentary authority for the purpose of actions in a committee is set forth in Assembly Standing Rule No. 100.

G. DECORUM AND DEBATE IN COMMITTEES

Rule No. 59. Portable Electronic Communication Devices.

1. A person who is within an Assembly committee room shall not engage in a telephone conversation via the use of a portable telephone.

2. No person shall engage in any conduct during a committee meeting which undermines the decorum of the meeting. Before entering an Assembly committee room, any person who possesses a portable electronic communication device, such as a pager or telephone, that emits an audible alert, such as a ringing or beeping sound, to signal an incoming message or call, shall turn the audible alert off. A device that contains a nonaudible alert, such as a silent vibration, may be operated in a nonaudible manner within an Assembly committee room. Failure to follow a warning issued by the chair may result in the device(s) being confiscated upon direction of the chair for the remainder of the meeting.

Rule No. 60. Reserved.

Rule No. 61. Privilege of Closing Debate.

The author of a bill, a resolution or a main question shall have the privilege of closing the debate, unless the previous question has been sustained.

Rule No. 62. Points of Order.

If any member, in speaking or otherwise, transgresses the rules of the Assembly, the chair shall, or any member may, call to order, in which case the member so called to order shall immediately yield to the floor, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the presiding officer, the member shall not be allowed to proceed; but if it be not sustained, then the member shall be permitted to go on. Every such decision from the presiding officer shall be subject to an appeal to the committee; but no discussion of the question of order shall be allowed unless an appeal be taken from the decision of the presiding officer.

Rule No. 63. Reserved.

VI. RULES GOVERNING MOTIONS

Rule No. 64. Entertaining.

No motion may be debated until it is distinctly announced by the presiding officer. The presiding officer, upon his or her own motion or at the request of a member, may direct that the motion be reduced to writing and be read by the Chief Clerk before the motion is debated. A motion may be withdrawn by the maker at any time before amendment or before the motion is put to vote.

PARTICULAR MOTIONS

Rule No. 65. Indefinite Postponement.

When a question is postponed indefinitely, the same question must not be considered again during the session and the question is not subject to a motion for reconsideration.

Rule No. 66. To Strike Enacting Clause.

A motion to strike out the enacting clause of a bill or resolution does not take precedence over any other subsidiary motion. If the motion is carried, it shall be considered equivalent to the rejection of such bill or resolution.

Rule No. 67. Division of Question.

Any member may call for a division of the question, which shall be divided, if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Assembly. A motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert. A motion to strike out and insert shall be deemed indivisible.

Rule No. 68. Reserved.

The next rule is 80.

VII. DEBATE

Rule No. 80. Speaking on Question.

1. No member shall speak more than twice during the consideration of any one question, on the same day, and at the same stage of proceedings, without leave. Members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

2. When a member speaks under Order of Business 11, 12, 13 or 14 of Assembly Standing Rule No. 120, the member must limit his or her remarks to an explanation of the issue or an explanation of the bill, resolution or amendment. If the member desires to speak on the importance of such issue, bill, resolution or amendment, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

Rule No. 81. Previous Question.

The previous question shall be put only when demanded by three members. The previous question shall not be moved by the member last speaking on the question.

Rule No. 82. Privilege of Closing Debate.

The author of a bill, a resolution or a main question shall have the privilege of closing the debate, unless the previous question has been sustained.

The next rule is 91.

VIII. CONDUCT OF BUSINESS

A. RULES AND PROCEDURE

Rule No. 91. Rescission, Change or Suspension of Rule.

No standing rule or order of the Assembly shall be rescinded or changed without a vote of a majority of the members elected; but a rule or order may be suspended temporarily by a vote of a majority of the members present.

Rule No. 92. Reserved.

Rule No. 93. Reserved.

Rule No. 94. Privilege of the Floor and Lobbying.

1. Except as otherwise provided in subsection 2, no person, except former Assemblymen and Assemblywomen not currently serving in the Senate, and state officers, may be admitted at the bar of the Assembly, except by special invitation on the part of some member; but a majority may authorize the Speaker to have the Assembly cleared of all such persons. No person may do any lobbying upon the floor of the Assembly at any time, and it is the duty of the Sergeant at Arms to remove any person violating any of the provisions of this Rule.

2. A former Senator or former Assemblyman or Assemblywoman who is expelled from service in the Senate or the Assembly shall have the privilege of the floor only with permission of the Speaker.

Rule No. 95. Material Placed on Legislators' Desks.

All papers, letters, notes, pamphlets and other written material placed upon the desk of a member of the Assembly shall contain the signature of the Legislator requesting the placement of such material on the desk or shall contain a designation of the origin of such material. This Rule does not apply to Legislative Counsel Bureau material.

Rule No. 96. Peddling, Begging and Soliciting.

1. Peddling, begging and soliciting are strictly forbidden in the Assembly Chambers, and in the lobby, gallery and halls adjacent thereto.

2. No part of the Assembly Chambers may be used for, or occupied by, signs or other devices for any kind of advertising.

3. No part of the hallways adjacent to the Assembly Chambers may be used for, or occupied by, signs or other devices for any kind of advertising for commercial or personal gain. Notices for nonprofit, nonpartisan, civic or special legislative events may be posted in a designated area of the hallways adjacent to the Assembly Chambers with the approval of the Chief Clerk.

Rule No. 97. Petitions and Other Papers.

Petitions and other papers addressed to the Assembly shall be presented by the Speaker, or by a member in the Speaker's place. A brief statement of the contents thereof shall be read for information. They shall not be debated on the day of their being presented, but shall be on the table, or be referred, as the Assembly shall determine.

Rule No. 98. Request of Purpose.

A member may request the purpose of a bill or joint resolution upon its introduction.

Rule No. 99. Remarks.

The remarks of all members on final passage of bills or joint resolutions and on adoption of Assembly or concurrent resolutions shall be included in the day's journal. In addition, it shall be in order for members to make remarks under other orders of business and, subject to the approval of the majority of the members present, request that such remarks be entered in the Journal.

Rule No. 100. Precedence of Parliamentary Authority.

The precedence of parliamentary authority in the Assembly is:

1. The Constitution of the State of Nevada and judicial decisions thereon.

2. The Standing Rules of the Assembly and the Joint Standing Rules of the Senate and Assembly.

3. Custom, usage and precedence.

4. The Statutes of the State of Nevada.

5. Mason's Manual of Legislative Procedure.

Rule No. 101. Reserved.

Rule No. 102. Privileged Questions.

Privileged questions have precedence over all others in the following order:

1. ***Motions to fix the time to which the Assembly shall adjourn.***
2. ***Motions to adjourn.***
3. ***Questions relating to the rights and privileges of the Assembly or any of its members.***
4. ***A call of the House.***
5. ***Motions for special orders.***

Rule No. 103. Reserved.

B. BILLS

Rule No. 104. Reserved.

Rule No. 105. Reserved.

Rule No. 106. Skeleton Bills.

The introduction of skeleton bills is authorized when, in the opinion of the sponsor and the Legislative Counsel, the full drafting of the bill would entail extensive research or be of considerable length. A skeleton bill will be provided for purposes of introduction and committee referral. Such a bill will be a presentation of ideas or statements of purpose, sufficient in style and expression to enable the Legislature and the committee to which the bill may be referred to consider the substantive merits of the legislation proposed.

Rule No. 107. Reserved.

Rule No. 108. Reserved.

Rule No. 109. Reading of Bills.

The first reading of a bill or joint resolution shall be for information. If there is objection, the question shall be, "Shall the bill be rejected?" If the question to reject fails to receive a majority vote by the members present, or if there is no objection, the bill shall take the proper course. If the question to reject receives a majority vote of the members present, the bill or joint resolution shall be rejected. The same question must not be considered again during the session, and the question is not subject to a motion for reconsideration. No bill shall be referred to a committee until after the first reading, nor amended until after the second reading.

Rule No. 110. Second Reading and Amendment of Bills.

1. All bills must be read the second time on the first legislative day after which they are reported by committee, unless a different day is designated by motion. Upon second reading, Assembly bills reported without amendments shall be placed on the General File and Senate bills reported without amendments shall be placed on the General File. Committee amendments reported with bills shall be considered upon their second reading or third reading, as appropriate, and such amendments may be adopted by a majority vote of the members present. Any amendment which is numbered and made available to all members must be moved and voted upon by number. Assembly bills so amended must be reprinted, then engrossed or reengrossed, as applicable, and placed on the General File. Senate bills so amended must be reprinted, then engrossed or reengrossed, as applicable, and placed on the General File.

2. Any member may move to amend a bill during its second or third reading, and such a motion to amend may be adopted by a majority vote of the members present. Bills so amended on second reading must be treated the same as bills with committee amendments. Any bill so amended upon the General File must be reprinted and then engrossed or reengrossed, as applicable. A member who moves to amend a bill during its second reading must limit his or

her remarks to an explanation of the amendment. If the member desires to speak on the importance of the amendment, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

3. The reprinting of amended bills may be dispensed with upon a majority vote of the members present.

4. It shall not be in order to consider an amendment that removes all sponsors of a bill or resolution.

Rule No. 111. Consent Calendar.

1. A standing committee may by unanimous vote of the members present report a bill with the recommendation that it be placed on the Consent Calendar. The question of recommending a bill for the Consent Calendar may be voted upon in committee only after the bill has been recommended for passage and only if no amendment is recommended.

2. The Chief Clerk shall maintain a list of bills recommended for the Consent Calendar. The list must be printed in the Daily History and must include the summary of each bill, and the date the bill is scheduled for consideration on final passage.

3. At any time before the presiding officer calls for a vote on the passage of the Consent Calendar, a member may give written notice to the Chief Clerk or state orally from the floor of the Assembly in session that he or she requests the removal of a particular bill from the Consent Calendar. If a member so requests, the Chief Clerk shall remove the bill from the Consent Calendar and transfer it to the Second Reading File. A bill removed from the Consent Calendar may not be restored to that Calendar.

4. During floor consideration of the Consent Calendar, members may ask questions and offer explanations relating to the respective bills.

5. When the Consent Calendar is brought to a vote, the bills remaining on the Consent Calendar must be read by number and summary and the vote must be taken on their final passage as a group.

Rule No. 112. Reserved.

Rule No. 113. General File.

1. All bills and joint resolutions reported to the Assembly, by the Committee of the Whole, a standing committee, a conference committee or a special committee, after receiving their second readings must be placed upon the General File, to be kept by the Chief Clerk. The Chief Clerk shall post a daily statement of the bills on the General File. The Chief Clerk shall likewise post notices of special orders as made.

2. A member who moves to amend a bill or joint resolution during its third reading must limit his or her remarks to an explanation of the amendment. If the member desires to speak on the importance of the amendment, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

3. A member who speaks on third reading regarding the final passage of a bill, joint resolution or initiative petition must limit his or her remarks to an explanation of the bill, joint resolution or initiative petition. If the member desires to speak on the importance of the bill, joint resolution or initiative petition, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

Rule No. 114. Reserved.

Rule No. 115. Reconsideration of Vote on Bill.

1. A motion to reconsider a final vote on a bill or resolution shall be in order only on the day on which the final vote is taken, and the vote on such a motion to reconsider must be taken on the same day. The motion to reconsider can be made only by a member who voted with the prevailing side.

2. A motion to reconsider a vote on an amendment to a pending question must be made at once and can be made only by a member who voted with the prevailing side.

3. A motion to reconsider shall have precedence over every other motion, including a motion to adjourn, if the motion is to reconsider a final vote on a bill or resolution. If the motion to reconsider is for any other action, the motion has precedence over every other motion, except a motion to adjourn or to fix the time to adjourn; and when the Assembly adjourns while a motion to reconsider is pending, the right to move a reconsideration shall continue to the next day of sitting.

Rule No. 116. Vetoed Bills.

1. Bills that have passed both Houses of the Legislature and are transmitted to the Assembly accompanied by a message or statement of the Governor's disapproval or veto of the same must:

(a) Be taken up and considered immediately upon the coming in of the message transmitting the same; or

(b) Become the subject of a special order.

2. When the message is received, or if made a special order, when the special order is called, the said message or statement must be read together with the bill or bills so disapproved or vetoed. The message and bill must be read by the Chief Clerk without interruption, consecutively, one following the other, and not upon separate occasions. No such bill or message may be referred to any committee, or otherwise acted upon save as provided by law and custom. It shall not be in order, at any time, to vote upon such a vetoed bill unless the same shall first have been read, from the first word of its title to and including the last word of its final section. The message or statement containing the objections of the Governor to the bill must be entered in the Journal of the Assembly.

Rule No. 117. Reserved.

C. RESOLUTIONS

Rule No. 118. Treated as Bills—Joint Resolutions.

The procedure of enacting joint resolutions must be identical to that of enacting bills, except that:

1. Joint resolutions, upon enrollment, must be delivered to the Secretary of State; and

2. Joint resolutions proposing amendments to the Constitution must be entered in the Journal in their entirety.

Rule No. 119. Return from the Secretary of State.

An Assembly resolution may be used to request the return from the Secretary of State of an enrolled Assembly resolution for further consideration.

D. ORDER OF BUSINESS

Rule No. 120. Order of Business.

The Order of Business must be as follows:

1. Call to Order.
2. Reading and Approval of Journal.
3. Presentation of Petitions.
4. Reports of Standing Committees.
5. Reports of Select Committees.
6. Communications.
7. Messages from the Senate.
8. Motions, Resolutions and Notices.
9. Introduction, First Reading and Reference.
10. Consent Calendar.
11. Second Reading and Amendment.
12. General File and Third Reading.
13. Unfinished Business of Preceding Day.

14. Vetoed Bills and Special Orders of the Day.
15. Remarks from the Floor, limited to 10 minutes.

Rule No. 121. Reserved.

Rule No. 122. Reserved.

Rule No. 123. Reserved.

Rule No. 124. Reserved.

Rule No. 125. Reserved.

Rule No. 126. Reserved.

Rule No. 127. Reserved.

Rule No. 128. Reserved.

The next rule is 140.

IX. LEGISLATIVE INVESTIGATIONS AND MISCELLANEOUS

Rule No. 140. Compensation of Witnesses.
Witnesses summoned to appear before the Assembly or any of its committees must be compensated as provided by law for witnesses required to attend in the courts of the State of Nevada.

Rule No. 141. Use of the Assembly Chamber.
The Assembly Chamber shall not be used for any public or private business other than legislative, except by permission of the Assembly.

X. SPECIAL SESSIONS

Rule No. 142. Request for Drafting of Bills, Resolutions or Amendments.
1. Except as otherwise provided in subsections 2 and 3, the Legislative Counsel shall not honor a request for the drafting of a bill or resolution to be introduced in the Assembly during a special session, or an amendment to a bill or resolution, unless it is submitted by the Speaker, the Committee of the Whole, such other committees as the Speaker may appoint for a special session, or a conference committee.
2. The standing Committee on Legislative Operations and Elections may request the drafting of three Assembly resolutions and one Assembly concurrent resolution necessary to establish the rules, staffing, operation and organization of the Assembly and the Legislature for a special session.
3. The Speaker may request the drafting of five bills for a special session without seeking the approval of the Assembly.

Assemblywoman Benitez-Thompson moved the adoption of the resolution.

Remarks by Assemblymen Benitez-Thompson, Wheeler, Hansen, Paul Anderson, and Mr. Speaker.

Resolution adopted.

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 2—Providing for the appointment of Assembly attaches.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the following persons are elected as attaches of the Assembly for the 79th Session of the Legislature of the State of Nevada: Carol Aiello-Sala, Lucinda Benjamin, Jason P. Hataway, Christie Peters, Michele Burke, Susan Hoffman, Robin L. Bates, Mary A. Matheus, Michael Chapman, Judy Doherty, Robert Guernsey, Vickie Kieffer, Nicole Madden, Jennifer D. Osheroff, Marge Griffin, Patricia A. Manning, Jasmine Shackley, Sally Stoner, Martin Fitzgerald, Ellen DeChristopher, Nate Helton, Teresa Lajara, Sonia Mendez, Linda Corbett, Paul Catha, Sara Wainwright, Divya Narala, Vickie Roberts, Davita Curtis, Andrea Rooney, Sylvia Brown, Celssie Hardy, Barbara Eiche, Deborah Paul, Omar De La Rosa, Tracy Davis, Patricia Demsky, Jeff Dixon III, Sylvia Dominguez-Curry, Patricia Hutson, Mary Lee, Frank Perez, Judith Bishop, Bonnie Borda Hoffecker, Barbara Taylor, Sherie Silva, Patricia Adams, Anne Bowen, Michelle Hamilton, Carmen Neveau, Carol J. Thomsen, Keaton Westergard, Janice Wright, Lisa McAlister, Ted Zuend, Pamela Carter, Nancy Davis, Gina Hall, Terry Horgan, Devon Isbell, Janet Jones, Kathryn Keever, Patricia Keyes, Julianne King, Sharon McCallen, Lori McCleary, Erin McHam, Earlene Miller, Carol Myers, Kailey Taylor, Joan Waldock, Karyn Werner, Linda Whimple, Isabel Youngs, Nita Barnes, Mary Bean, Marissa Crook, Briana Escamilla, Laureen Garcia, Ashley Garza, Cyndy Hernandez, Dakota Hoskins, Latoya Kent, April LaLone, Jennifer Lanahan, Linda Law, Sallie Lincoln, Gil Lopez, Sara Menke, Judy Molnar, Leisa Moseley, Leslie Olson, Kelly Osborne, Sheree Rosevear, Christine Salerno, Betty Jo Vonderheide, Linda Waters, Stephen Wood, Elise Sala, Deana Keirstead, Roberto Lusanto Jr., Cindie Kusko, Olivia M. Lloyd, Melissa Loomis, Trinity L.A.Thom, Cheryl Williams, Gary Brady-Herndon, Diane Hudson, Theresa Koch, Janet Lazarus, Kirsten Mashinter, William O'Driscoll, Marcia Peterson, Elizabeth Saenz, Nancy Samon, Ross Hemminger, Amy Carver and Linda Fitzgerald.

Assemblywoman Benitez-Thompson moved the adoption of the resolution.

Remarks by Assemblywoman Benitez-Thompson.

Resolution adopted.

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 3—Providing allowances to the leadership and other members of the Assembly for periodicals, stamps, stationery and communications.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the sum be allowed, as provided by law, for each member of the Assembly for periodicals, stamps and stationery is $60 and for the use of telephones is $2,800, and the sum to be allowed, as provided by law, for the Speaker and Speaker Pro Tempore, Majority Floor Leader, Minority Floor Leader and chair of each standing committee of the Assembly for postage, telephone tolls and other communication charges is $900; and be it further

RESOLVED, That these amounts be certified by the Speaker and Chief Clerk to the State Controller, who is authorized to draw warrants therefor on the Legislative Fund, and the State Treasurer is thereafter authorized to pay these warrants.

Assemblywoman Benitez-Thompson moved the adoption of the resolution.

Remarks by Assemblywoman Benitez-Thompson.

Resolution adopted.

Assemblywoman Benitez-Thompson moved that persons as set forth on the Nevada Legislature's Press Accreditation List of February 6, 2017, be accepted as accredited press representatives, assigned space at the press table in the Assembly Chamber, allowed use of appropriate broadcasting facilities, and that the list be included in this day's Journal:

ASSOCIATED PRESS: Alison Noon, Scott Sonner; CANNABIS PUBLIC MEDIA: Brian Bahouth; KLAS-TV: Mark Mutchler, Patrick Walker; KOLO-TV: Michael Cooper, Rebecca

Kitchen, Colin Lygren, Gurajpal Sangha, Denise Wong; KRNV-TV: Weston Battashese, Madison Corney, Jeff Deitsch, Nick DuPlessis, John Linn, Benjamin Margiott, Steven Neils; KTVN-TV: Eric Scott Brown, Luis O. Jatino, Amanda Ketchledge, Steve Sonnenburg, Gene Vance; LAS VEGAS REVIEW-JOURNAL: Ben Botkin, Sandra Chereb, Ed Graney, Steve Sebelius, Chase Stevens, Sean Whaley, Elaine Wilson; LAS VEGAS SUN: Cy Ryan; NEVADA APPEAL: Brad Cockman, Geoff Dornan, Jim Grant, Anne Knowles, Molly Moser; NEVADA BROADCASTERS ASSOCIATION: MaryBeth Sewald; NEVADA INDEPENDENT, THE: David Calvert, Gray Luz, Megan Messerly, Michelle Rindels, Riley Snyder; RAN NEWSLETTER: Andrea (Ande) Engleman; RENO GAZETTE-JOURNAL: Seth A. Richardson; RENO MEDIA GROUP: Chip Evans; RENO PUBLIC RADIO: Paul Boger; TASMAN PACIFIC MEDIA GROUP: Donna Andres, Peter Hutchinson; WETHERTOP MEDIA SERVICES – ADRIENNE ABBOTT: Adrienne Abbott Gutierrez.

Motion carried.

By Assemblymen Dickman, Wheeler, Armstrong, Jones, Fiore, Paul Anderson, Edwards, Ellison, Gardner, O'Neill, Oscarson, Seaman, Shelton, Silberkraus, Titus and Trowbridge; Senators Gustavson and Goicoechea:

Assembly Joint Resolution No. 8 of the 78th Session—Proposing to amend the Nevada Constitution to require that an initiative petition which creates, generates or increases any public revenue be approved by the affirmative vote of not less than two-thirds of the voters voting on the question.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 18 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 18. 1. Every bill, except a bill placed on a consent calendar adopted as provided in subsection 4, must be read by sections on three several days, in each House, unless in case of emergency, two thirds of the House where such bill is pending shall deem it expedient to dispense with this rule. The reading of a bill by sections, on its final passage, shall in no case be dispensed with, and the vote on the final passage of every bill or joint resolution shall be taken by yeas and nays to be entered on the journals of each House. Except as otherwise provided in subsection 2, a majority of all the members elected to each House is necessary to pass every bill or joint resolution, and all bills or joint resolutions so passed, shall be signed by the presiding officers of the respective Houses and by the Secretary of the Senate and Clerk of the Assembly.

2. Except as otherwise provided in subsection 3, an affirmative vote of not fewer than two-thirds of the members elected to each House is necessary to pass a bill or joint resolution which creates, generates, or increases any public revenue in any form, including but not limited to taxes, fees, assessments and rates, or changes in the computation bases for taxes, fees, assessments and rates.

3. A majority of all of the members elected to each House may refer any measure which creates, generates, or increases any revenue in any form to the people of the State at the next general election ~~[.]~~ and ***, except as otherwise provided in Section 7 of Article 19, the measure*** shall become effective and enforced only if it has been approved by a majority of the votes cast on the measure at such election.

4. Each House may provide by rule for the creation of a consent calendar and establish the procedure for the passage of uncontested bills.

And be it further

RESOLVED, That a new section, designated Section 7, be added to Article 19 of the Nevada Constitution to read as follows:

Sec. 7. Notwithstanding any other provision of this Constitution, if an initiative petition proposes a statute, an amendment to a statute, the repeal of a statute or an amendment to the Constitution and the initiative, if approved, would create, generate or increase any public revenue in any form, including but not limited to taxes, fees, assessments and rates, or changes in the computation bases for taxes, fees, assessments and rates, an affirmative vote of not less than two-thirds of the voters voting on the

question is necessary to approve the petition at each election required for the petition. If more than one-third of the voters voting on the question at any such election votes disapproval of the petition, no further action may be taken on the petition.

And be it further

RESOLVED, That Section 2 of Article 19 of the Nevada Constitution be amended to read as follows:

Sec. 2. 1. Notwithstanding the provisions of Section 1 of Article 4 of this Constitution, but subject to the limitations of ~~[Section]~~ ***Sections*** 6 ***and 7*** of this Article, the people reserve to themselves the power to propose, by initiative petition, statutes and amendments to statutes and amendments to this Constitution, and to enact or reject them at the polls.

2. An initiative petition shall be in the form required by Section 3 of this Article and shall be proposed by a number of registered voters equal to 10 percent or more of the number of voters who voted at the last preceding general election in not less than 75 percent of the counties in the State, but the total number of registered voters signing the initiative petition shall be equal to 10 percent or more of the voters who voted in the entire State at the last preceding general election.

3. If the initiative petition proposes a statute or an amendment to a statute, the person who intends to circulate it shall file a copy with the Secretary of State before beginning circulation and not earlier than January 1 of the year preceding the year in which a regular session of the Legislature is held. After its circulation, it shall be filed with the Secretary of State not less than 30 days prior to any regular session of the Legislature. The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The Secretary of State shall transmit such petition to the Legislature as soon as the Legislature convenes and organizes. The petition shall take precedence over all other measures except appropriation bills, and the statute or amendment to a statute proposed thereby shall be enacted or rejected by the Legislature without change or amendment within 40 days. ***The petition shall be subject to the provisions of Section 18 of Article 4 if the petition creates, generates or increases any public revenue in any form, including but not limited to taxes, fees, assessments and rates, or changes in the computation bases for taxes, fees, assessments and rates.*** If the proposed statute or amendment to a statute is enacted by the Legislature and approved by the Governor in the same manner as other statutes are enacted, such statute or amendment to a statute shall become law, but shall be subject to referendum petition as provided in Section 1 of this Article. If the statute or amendment to a statute is rejected by the Legislature, or if no action is taken thereon within 40 days, the Secretary of State shall submit the question of approval or disapproval of such statute or amendment to a statute to a vote of the voters at the next succeeding general election. ~~[If]~~ ***Except as otherwise provided in Section 7 of this Article, if*** a majority of the voters voting on such question at such election votes approval of such statute or amendment to a statute, it shall become law and take effect upon completion of the canvass of votes by the Supreme Court. An initiative measure so approved by the voters shall not be amended, annulled, repealed, set aside or suspended by the Legislature within 3 years from the date it takes effect. If a majority of such voters votes disapproval of such statute or amendment to a statute, no further action shall be taken on such petition. If the Legislature rejects such proposed statute or amendment, the Governor may recommend to the Legislature and the Legislature may propose a different measure on the same subject, in which event, after such different measure has been approved by the Governor, the question of approval or disapproval of each measure shall be submitted by the Secretary of State to a vote of the voters at the next succeeding general election. ~~[If]~~ ***Except as otherwise provided in Section 7 of this Article, if*** the conflicting provisions submitted to the voters are both approved by a majority of the voters voting on such measures, the measure which receives the largest number of affirmative votes shall thereupon become law. If at the session of the Legislature to which an initiative petition proposing an amendment to a statute is presented which the Legislature rejects or upon which it takes no action, the Legislature amends the statute which the petition proposes to amend in a respect which does not conflict in substance

with the proposed amendment, the Secretary of State in submitting the statute to the voters for approval or disapproval of the proposed amendment shall include the amendment made by the Legislature.

4. If the initiative petition proposes an amendment to the Constitution, the person who intends to circulate it shall file a copy with the Secretary of State before beginning circulation and not earlier than September 1 of the year before the year in which the election is to be held. After its circulation it shall be filed with the Secretary of State not less than 90 days before any regular general election at which the question of approval or disapproval of such amendment may be voted upon by the voters of the entire State. The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The Secretary of State shall cause to be published in a newspaper of general circulation, on three separate occasions, in each county in the State, together with any explanatory matter which shall be placed upon the ballot, the entire text of the proposed amendment. If a majority of the voters voting on such question at such election votes disapproval of such amendment, no further action shall be taken on the petition. ~~[~~If~~]~~ ***Except as otherwise provided in Section 7 of this Article, if*** a majority of such voters votes approval of such amendment, the Secretary of State shall publish and resubmit the question of approval or disapproval to a vote of the voters at the next succeeding general election in the same manner as such question was originally submitted. If a majority of such voters votes disapproval of such amendment, no further action shall be taken on such petition. ~~[~~If~~]~~ ***Except as otherwise provided in Section 7 of this Article, if*** a majority of such voters votes approval of such amendment, it shall, unless precluded by subsection 5 or 6, become a part of this Constitution upon completion of the canvass of votes by the Supreme Court.

5. If two or more measures which affect the same section of a statute or of the Constitution are finally approved pursuant to this Section ~~[~~,~~]~~ ***and Section 7 of this Article,*** or an amendment to the Constitution is finally so approved and an amendment proposed by the Legislature is ratified which affect the same section, by the voters at the same election:

(a) If all can be given effect without contradiction in substance, each shall be given effect.

(b) If one or more contradict in substance the other or others, the measure which received the largest favorable vote, and any other approved measure compatible with it, shall be given effect. If the one or more measures that contradict in substance the other or others receive the same number of favorable votes, none of the measures that contradict another shall be given effect.

6. If, at the same election as the first approval of a constitutional amendment pursuant to this Section, another amendment is finally approved pursuant to this Section, or an amendment proposed by the Legislature is ratified, which affects the same section of the Constitution but is compatible with the amendment given first approval, the Secretary of State shall publish and resubmit at the next general election the amendment given first approval as a further amendment to the section as amended by the amendment given final approval or ratified. If the amendment finally approved or ratified contradicts in substance the amendment given first approval, the Secretary of State shall not submit the amendment given first approval to the voters again.

Assemblywoman Benitez-Thompson moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Dooling, Gardner, Seaman, Shelton, Stewart and Trowbridge:

Assembly Joint Resolution No. 10 of the 78th Session—Proposing to amend the Nevada Constitution to provide a citizens' commission to establish the compensation of certain elected officers.

WHEREAS, The Nevada Legislature established the Commission to Review the Compensation of Constitutional Officers, Legislators, Supreme Court Justices, Judges of the Court of Appeals, District Judges and Elected County Officers in 1993; and

WHEREAS, While the Commission is empowered by law to review compensation, hold public hearings and make recommendations for revisions to compensation for the various offices within its purview, it serves a purely advisory function and its recommendations have no effect unless enacted by the Legislature; and

WHEREAS, A constitutional amendment is required to fully empower such a commission to engage in a comprehensive review of the compensation given to various officers within this State and put into effect its findings; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 33A, be added to Article 4 of the Nevada Constitution to read as follows:

Sec. 33A. 1. The Legislature shall provide by law for a Citizens' Commission on Compensation for Certain Elected Officers.

2. The Commission must consist of seven members appointed by the Governor who have diverse personal and professional interests and reside in various geographical areas of this State of which:

(a) One member has expertise in public compensation and is recommended by the Public Employees' Retirement Board or its successor organization;

(b) One member represents a nonprofit public interest organization;

(c) One member represents the general public;

(d) One member has experience with the operation of independent businesses in this State and is recommended by an organization which represents the interests of independent businesses in this State;

(e) One member has experience with the operation of a retailer in this State and is recommended by an organization which represents the interests of retailers in this State; and

(f) Two members have experience as officers or members of a labor organization in this State and are recommended by a labor organization in this State.

3. Each member of the Commission must be a resident of this State and must not be a state officer, public employee or lobbyist, or a parent, spouse, sibling, child or dependent relative of a state officer, public employee or lobbyist.

4. Except as otherwise provided in this subsection, the term of office of each member of the Commission is 4 years. The Governor shall appoint three of the members first appointed by him or her for initial terms of 2 years. If a vacancy occurs, the Governor shall fill the vacancy for the unexpired term in the same manner as the original appointment, within 30 days after the vacancy occurs. A member of the Commission may not serve more than two terms.

5. The Governor may remove a member of the Commission only for cause of incapacity, incompetence, neglect of duty, malfeasance in office or failure to meet a qualification set forth in subsection 3.

6. The Commission shall elect a Chair from among its members. Except as otherwise provided in this section, the Commission shall adopt rules of procedure for the conduct of its hearings and any other procedural rules it deems necessary to carry out its duties. The affirmative vote of a majority of all the members appointed to the Commission is required to take action.

7. Members of the Commission are entitled to:

(a) The compensation provided by law for members of the Commission on Judicial Discipline who are not judicial officers; and

(b) The per diem allowance and travel expenses provided by law for state officers and employees generally.

8. The Commission shall:

(a) Study the relationship of salaries and benefits to the duties of the members of the Legislature, the Governor, Lieutenant Governor, Secretary of State, State Treasurer,

State Controller, Attorney General, justices of the Supreme Court, judges of the Court of Appeals and judges of the District Courts;

(b) Study the relationship of salaries to the duties of county commissioners, district attorneys, sheriffs, county clerks, county assessors, county recorders, county treasurers and public administrators;

(c) Compare the salaries and benefits of the elected officers set forth in paragraph (a) to the salaries and benefits of persons who are employed by a public or private employer and who have similar qualifications as those elected officers and compare the salaries of the elected officers set forth in paragraph (b) to the salaries of persons who are employed by a public or private employer and who have similar qualifications as those elected officers;

(d) Fix the salaries and benefits of the elected officers set forth in paragraph (a) and fix the salaries of the elected officers set forth in paragraph (b); and

(e) Carry out any duties provided by the Legislature.

9. The Commission may increase, but not diminish, the salary and benefits of an elected officer set forth in paragraph (a) of subsection 8 during his or her term of office. Except for the initial schedule of salaries and benefits for elected officers filed pursuant to subsection 10, the Commission may not increase or decrease the salary of any elected officer by more than 15 percent of the salary of that elected officer provided in the immediately preceding schedule of salaries for elected officers. The Commission may exercise any powers conferred by the Legislature.

10. The Commission shall file its initial schedule of salaries and benefits for elected officers with the Secretary of State not later than January 1, 2019, and shall file a schedule of salaries and benefits not later than January 1 of each odd-numbered year thereafter. Each schedule of salaries and benefits is effective:

(a) For members of the Legislature, for the period from the first Monday of February immediately following the January 1 that the schedule is due through the day before the first Monday of February of the next odd-numbered year; and

(b) For all other elected officers set forth in paragraph (a) or (b) of subsection 8, for the period from July 1 immediately following the January 1 that the schedule is due through June 30 of the next odd-numbered year. The Legislature shall provide by law for setting apart from each year's revenues a sufficient amount of money to pay such salaries and benefits.

11. Before the Commission may file a schedule of salaries and benefits with the Secretary of State, the Commission shall hold at least four meetings to receive public testimony on the schedule. At the last public hearing before the schedule is filed with the Secretary of State, the Commission shall adopt the schedule as originally proposed or as amended. All meetings of the Commission are subject to the provisions of any open meeting laws made applicable generally to other public bodies.

12. The Legislative Counsel Bureau shall include in the Nevada Revised Statutes a copy of the most recent schedule of salaries and benefits established by the Commission and filed with the Secretary of State.

And be it further

RESOLVED, That Section 32 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 32. The Legislature shall have power to increase, diminish, consolidate or abolish the following county officers: County Clerks, County Recorders, Auditors, Sheriffs, District Attorneys and Public Administrators. The Legislature shall provide for their election by the people, and fix by law their duties and ***, unless fixed by the Citizens' Commission on Compensation for Certain Elected Officers pursuant to Section 33A of this Article, fix their*** compensation. County Clerks shall be ex-officio Clerks of the Courts of Record and of the Boards of County Commissioners in and for their respective counties.

And be it further

RESOLVED, That Section 33 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 33. The members of the Legislature shall receive for their services a compensation to be fixed by ~~[law]~~ ***the Citizens' Commission on Compensation for Certain Elected Officers pursuant to Section 33A of this Article*** and paid out of the public treasury, for ~~[not to exceed 60 days]~~ ***each calendar day of service*** during any regular session of the Legislature and ~~[not to exceed 20 days]~~ during any special session ***.*** ~~[; but no increase of such compensation shall take effect during the term for which the members of either house shall have been elected; Provided, that an]~~ ***The Citizens' Commission on Compensation for Certain Elected Officers may provide for the compensation of members of the Legislature for the performance of duties as a member of the Legislature outside of a regular or special session. An*** appropriation may be made for the payment of such actual expenses as members of the Legislature may incur for postage, express charges, newspapers and stationery not exceeding the sum of Sixty dollars for any general or special session to each member; and Furthermore Provided, that the Speaker of the Assembly, and Lieutenant Governor, as President of the Senate, shall each, during the time of their actual attendance as such presiding officers receive an additional allowance of two dollars per diem.

And be it further

RESOLVED, That Section 15 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 15. The justices of the Supreme Court, the judges of the court of appeals and the district judges are each entitled to receive for their services a compensation to be fixed by ~~[law]~~ ***the Citizens' Commission on Compensation for Certain Elected Officers pursuant to Section 33A of Article 4*** and paid in the manner provided by law ***.*** ~~[, which must not be increased or diminished during the term for which they have been elected, unless]~~ ***If*** a vacancy occurs, ~~[in which case]~~ the successor of the former incumbent is entitled to receive ~~[only such salary as may be]~~ ***the salary and benefits*** provided ***for that office*** by ~~[law]~~ ***the Citizens' Commission on Compensation for Certain Elected Officers pursuant to Section 33A of Article 4*** at the time of his ***or her*** election or appointment. ~~[A provision must be made by law for setting apart from each year's revenue a sufficient amount of money to pay such compensation.]~~

And be it further

RESOLVED, That Section 9 of Article 15 of the Nevada Constitution be repealed.

TEXT OF REPEALED SECTION

Sec: 9. Increase or decrease of compensation of officers whose compensation fixed by constitution. The Legislature may, at any time, provide by law for increasing or diminishing the salaries or compensation of any of the Officers, whose salaries or compensation is fixed in this Constitution; Provided, no such change of Salary or compensation shall apply to any Officer during the term for which he may have been elected.

Assemblywoman Benitez-Thompson moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblyman Ellison:

Assembly Joint Resolution No. 1—Proposing to amend the Nevada Constitution to prohibit the Legislature from decreasing the amount of Nevada gross revenue exempted from the commerce tax unless the decrease is approved by an affirmative vote of a majority of the voters voting on the question.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 18 of Article 4 of the Nevada Constitution be amended as follows:

Sec. 18. 1. Every bill, except a bill placed on a consent calendar adopted as provided in subsection 4, must be read by sections on three several days, in each House, unless in case of emergency, two thirds of the House where such bill is pending shall deem it expedient to dispense with this rule. The reading of a bill by sections, on its final passage, shall in no case be dispensed with, and the vote on the final passage of every bill or joint resolution shall be taken by yeas and nays to be entered on the journals of each House. Except as otherwise provided in subsection 2, a majority of all the members elected to each House is necessary to pass every bill or joint resolution, and all bills or joint resolutions so passed, shall be signed by the presiding officers of the respective Houses and by the Secretary of the Senate and Clerk of the Assembly.

2. Except as otherwise provided in subsection 3 ~~[,]~~ ***and Section 8 of Article 10,*** an affirmative vote of not fewer than two-thirds of the members elected to each House is necessary to pass a bill or joint resolution which creates, generates, or increases any public revenue in any form, including but not limited to taxes, fees, assessments and rates, or changes in the computation bases for taxes, fees, assessments and rates.

3. A majority of all of the members elected to each House may refer any measure which creates, generates, or increases any revenue in any form to the people of the State at the next general election, and shall become effective and enforced only if it has been approved by a majority of the votes cast on the measure at such election.

4. Each House may provide by rule for the creation of a consent calendar and establish the procedure for the passage of uncontested bills.

And be it further

RESOLVED, That a new section, designated Section 8, be added to Article 10 of the Nevada Constitution to read as follows:

Sec. 8. 1. If the Legislature levies a commerce tax, the Legislature shall by law provide for an exemption from the tax for a business whose Nevada gross revenue, as defined by the Legislature, is not more than $4,000,000.

2. Notwithstanding any other provision of this Constitution, a majority of all the members of each House may refer any measure that decreases the amount of the exemption required by subsection 1 to the people of the State at a special election or the next general election, and the measure shall become effective and enforced only if it has been approved by a majority of the voters voting on the question.

3. As used in this section, "commerce tax" means the tax levied by the Legislature pursuant to chapter 487, Statutes of Nevada 2015, at page 2876, or a substantially similar tax levied on each business entity engaging in business in this State.

And be it further

RESOLVED, That Section 1 of Article 10 of the Nevada Constitution be amended to read as follows:

Section 1. 1. The Legislature shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory, except mines and mining claims, which shall be assessed and taxed only as provided in Section 5 of this Article.

2. Shares of stock, bonds, mortgages, notes, bank deposits, book accounts and credits, and securities and choses in action of like character are deemed to represent interest in property already assessed and taxed, either in Nevada or elsewhere, and shall be exempt.

3. The Legislature may constitute agricultural and open space real property having a greater value for another use than that for which it is being used, as a separate class for taxation purposes and may provide a separate uniform plan for appraisal and valuation of such property for assessment purposes. If such plan is provided, the Legislature shall also provide for retroactive assessment for a period of not less than 7 years when agricultural and open-space real property is converted to a higher use conforming to the use for which other nearby property is used.

4. Personal property which is moving in interstate commerce through or over the territory of the State of Nevada, or which was consigned to a warehouse, public or private, within the State of Nevada from outside the State of Nevada for storage in transit to a final

destination outside the State of Nevada, whether specified when transportation begins or afterward, shall be deemed to have acquired no situs in Nevada for purposes of taxation and shall be exempt from taxation. Such property shall not be deprived of such exemption because while in the warehouse the property is assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged.

5. The Legislature may exempt motor vehicles from the provisions of the tax required by this Section, and in lieu thereof, if such exemption is granted, shall provide for a uniform and equal rate of assessment and taxation of motor vehicles, which rate shall not exceed five cents on one dollar of assessed valuation.

6. The Legislature shall provide by law for a progressive reduction in the tax upon business inventories by 20 percent in each year following the adoption of this provision, and after the expiration of the 4th year such inventories are exempt from taxation. The Legislature may exempt any other personal property, including livestock.

7. No inheritance tax shall ever be levied.

8. The Legislature may exempt by law property used for municipal, educational, literary, scientific or other charitable purposes, or to encourage the conservation of energy or the substitution of other sources for fossil sources of energy.

9. No income tax shall be levied upon the wages or personal income of natural persons. Notwithstanding the foregoing provision, and except as otherwise provided in subsection 1 of this Section ~~[,]~~ ***and Section 8 of Article 10,*** taxes may be levied upon the income or revenue of any business in whatever form it may be conducted for profit in the State.

10. The Legislature may provide by law for an abatement of the tax upon or an exemption of part of the assessed value of a single-family residence occupied by the owner to the extent necessary to avoid severe economic hardship to the owner of the residence.

Assemblywoman Benitez-Thompson moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Araujo, Bilbray-Axelrod, Brooks, Carrillo, Joiner, Sprinkle, Swank, Thompson and Yeager; Senators Parks, Cancela, Ford, Manendo, Ratti, Segerblom and Woodhouse:

Assembly Joint Resolution No. 2—Proposing to amend the Nevada Constitution to require the recognition of all marriages regardless of gender.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 21 of article 1 of the Nevada Constitution be amended to read as follows:

~~[~~Sec.:~~]~~ ***Sec.*** 21. ~~[~~Limitation on recognition~~]~~ ***Recognition*** of marriage. ~~[~~Only a marriage between a male and female person shall be recognized and given effect in this state.~~]~~

1. The State of Nevada and its political subdivisions shall recognize marriages and issue marriage licenses to couples regardless of gender.

2. All legally valid marriages must be treated equally under the law.

Assemblywoman Benitez-Thompson moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywoman Carlton:

Assembly Bill No. 1—AN ACT relating to education; requiring the Board of Regents of the University of Nevada to pay undergraduate fees and expenses of a dependent child of a public employee killed in the performance of his or her duties; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 2—AN ACT relating to the state militia; revising certain provisions relating to the Patriot Relief Account; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 3—AN ACT relating to industrial insurance; revising the requirement for certain notices to claimants concerning the closure of workers' compensation claims; revising requirements for nurses who act on behalf of certain persons in the administration of workers' compensation claims; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 4—AN ACT relating to support; repealing provisions relating to the reciprocal enforcement of support orders with foreign countries or political subdivisions; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 5—AN ACT relating to local improvements; providing for the creation of certain local improvement districts that include an energy efficiency improvement project or a renewable energy project; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 6—AN ACT relating to business; removing an exemption from the requirement to obtain a state business registration for businesses whose primary purpose is to create or produce motion pictures; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Education:

Assembly Bill No. 7—AN ACT relating to education; revising certain references and terms in conformance with revisions to federal law; revising requirements for a plan to improve the achievement of pupils enrolled in a public school; repealing provisions requiring certain schools to carry out a process for peer review of a plan to improve the achievement of pupils enrolled in a school in accordance with federal law; requiring the State Board of Education to establish criteria for assessments that may be used to determine pupil achievement; providing for the selection by the State Board of more than one college and career readiness assessment; revising provisions governing the annual reports of accountability prepared by the State Board and each school district; revising provisions governing evaluations of the overall performance of teachers and paraprofessionals; requiring probationary teachers and administrators to receive certain notice regarding observations; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 8—AN ACT relating to municipal utilities; expanding the utility services for which delinquent charges may be collected with general taxes of the county; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 9—AN ACT relating to the Office of the Secretary of State; revising the position of the Administrator of the Securities Division of the Office of the Secretary of State; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 10—AN ACT relating to state purchasing; providing for the disposition of rebates for purchases made with procurement cards; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 11—AN ACT relating to unmanned aerial vehicles; revising provisions relating to restrictions on the operation of unmanned aerial vehicles near critical facilities to include within the term "critical facility" any transmission line that is owned, operated, inspected, maintained or repaired in whole or in part by the Colorado River Commission of Nevada; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 12—AN ACT relating to adjusters; requiring independent adjusters to complete certain continuing education; establishing standards of conduct for independent adjusters; providing for the licensing of nonresident independent adjusters; revising provisions relating to the licensing of adjusters; authorizing the issuance of temporary emergency licenses for independent adjusters in a catastrophe; exempting certain persons from the requirement to pass an examination before issuance of a license as an adjuster; authorizing the Commissioner of Insurance to enter into certain contracts; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 13—AN ACT relating to business; changing the name of the document issued upon payment of the annual fee for conducting business in Nevada from "state business registration" to "state business license"; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 14—AN ACT relating to information concerning persons; requiring a complete set of fingerprints to accompany certain court orders relating to a change of name of a person who has a criminal record; requiring a peace officer to obtain and forward to the Central Repository for Nevada Records of Criminal History a complete set of fingerprints of a

person who is detained and cited for domestic violence; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 15—AN ACT relating to insurance fraud; increasing the penalty for committing insurance fraud perpetrated by means of a staged motor vehicle crash; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 16—AN ACT relating to agricultural extension programs; requiring the Treasurer of the Nevada System of Higher Education, in consultation with the President of the University of Nevada, Reno, to submit to the Legislature an annual report regarding cooperative agricultural extension work; revising provisions related to the State's cooperative share of the cost of agricultural extension work; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 17—AN ACT relating to rules of the road; revising provisions relating to the duties of a driver when approaching an authorized vehicle of the Department of Transportation which is stopped and making use of certain flashing and other lights; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 18—AN ACT relating to nursing; ratifying the Nurse Licensure Compact; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 19—AN ACT relating to veterans; revising provisions governing the reporting of certain information relating to veterans by certain public bodies; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 20—AN ACT relating to persons with disabilities; revising provisions concerning the duties and employees of the Bureau of Services to Persons Who Are Blind or Visually Impaired and the Bureau of Vocational Rehabilitation of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation; prohibiting, under certain circumstances, the solicitation, disclosure, receipt or use of information concerning persons receiving services from the Division; authorizing the Division to adopt, amend and repeal certain policies; authorizing the denial of services to persons who are blind under certain circumstances; removing the designation of the Division as the designated state unit for the purpose of certain federal regulations governing vocational rehabilitation; prescribing the purposes for which certain money may be used; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 21—AN ACT relating to elections; providing certain remedies and penalties in a preelection challenge to the qualifications of a candidate; revising the forms for declarations of candidacy, acceptances of candidacy and declarations of residency; requiring certain proofs of identity and residency when filing for candidacy; clarifying the deadlines for filing written challenges of the qualifications of candidates and determining if probable cause exists to support such challenges; requiring, under certain circumstances, that a candidate, committee for political action, committee sponsored by a political party and committee for the recall of a public officer open and maintain a separate account in a financial institution located in this State; making changes to the definition of "actual residence" for purposes of candidacy; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 22—AN ACT relating to veterans; revising provisions relating to the position of deputy director of the Department of Veterans Services; requiring the Director of the Department to create and maintain a statewide database of information relating to veterans and a registry of certain entities that provide services and resources to veterans; requiring the

Director to ensure that each generation of veterans is recognized annually; removing provisions relating to the provision of guardianship services by the Director; removing the requirement that certain offices of the Department be located in certain cities; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Corrections, Parole, and Probation:

Assembly Bill No. 23—AN ACT relating to the Division of Parole and Probation of the Department of Public Safety; authorizing the Division to establish and operate independent reporting facilities for the purpose of providing services to certain parolees and probationers; authorizing the Division to adopt regulations relating to the establishment and operation of independent reporting facilities; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Corrections, Parole, and Probation.

Motion carried.

By the Committee on Education:

Assembly Bill No. 24—AN ACT relating to the Nevada System of Higher Education; exempting certain students within the System from the assessment of tuition charges; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Corrections, Parole, and Probation:

Assembly Bill No. 25—AN ACT relating to criminal offenders; revising provisions relating to certain allowable deductions from the period of probation or sentence of a person; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Corrections, Parole, and Probation.

Motion carried.

By the Committee on Corrections, Parole, and Probation:

Assembly Bill No. 26—AN ACT relating to criminal records; expanding the persons and governmental entities that may access records of criminal history from the Central Repository for Nevada Records of Criminal History pursuant to name-based searches conducted by a service within the Central Repository; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Corrections, Parole, and Probation.

Motion carried.

By the Committee on Corrections, Parole, and Probation:

Assembly Bill No. 27—AN ACT relating to correctional institutions; transferring certain duties from the Executive Secretary of the State Board of Parole Commissioners to the Department of Corrections; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Corrections, Parole, and Probation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 28—AN ACT relating to the Commission on Judicial Discipline; authorizing the Commission to order a justice of the peace or municipal judge to forfeit his or her office for failure to attend certain required instruction; establishing procedures for the Commission to order such a forfeiture of office; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 29—AN ACT relating to off-highway vehicles; creating the Off-Highway Vehicles Program in the State Department of Conservation and Natural Resources; placing the Commission on Off-Highway Vehicles within the Department; revising provisions regarding the membership and duties of the Commission; reducing the late fee imposed for failure to register an off-highway vehicle; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 30—AN ACT relating to taxes; creating the Tax Advisory Committee; prescribing the membership of the Committee; requiring the Committee to submit requests to the Department of Taxation relating to the information the Department collects; requiring the Department to modify certain forms used to collect certain taxes in this State under certain circumstances; requiring the Committee to submit a report relating to implementing the most effective tax structure for this State; providing for the prospective expiration of the Committee; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 31—AN ACT relating to public welfare; revising provisions relating to the Specialist for the Rights of Elderly Persons and the Community Advocate for Elder Rights; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 32—AN ACT relating to pest control; requiring certain persons who engage in pest control, including governmental agencies and their employees, to obtain a license from the Director of the State Department of Agriculture; establishing procedures relating to such licensure; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 33—AN ACT relating to governmental administration; abolishing the Mining Oversight and Accountability Commission, the Garlic and Onion Growers' Advisory Board, the State Dairy Commission, the Alfalfa Seed Advisory Board and the Advisory Council for Organic Agricultural Products; transferring the powers and duties of the State Dairy Commission to the Director of the State Department of Agriculture; revising provisions governing the special assessment levied upon all garlic and onions grown and harvested in this State for commercial use and all alfalfa seed grown in this State; clarifying the authority of the State Department of Agriculture to test products to ensure appropriate food safety; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 34—AN ACT relating to state lands; reducing the number of independent appraisals of state land required before such land may be offered for sale or lease; revising provisions relating to the use of money in the Revolving Account for Land Management; removing an exemption from procedural requirements for the sale or lease of state land for a lease of

residential property with a term of 1 year or less; revising the requirement that the Administrator of the Division of State Lands develop and make certain information useful to land use planning available to cities and counties; revising provisions relating to the lease of state land for less than fair market value to certain persons who intend to locate or expand a business in this State; repealing obsolete provisions regarding the Lincoln County Pilot Land Development and Disposal Law; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 35—AN ACT relating to insurance; revising provisions governing examinations of insurers; requiring the annual submission of a corporate governance annual disclosure by certain insurers and insurance groups; making confidential certain information contained in and relating to a corporate governance annual disclosure; authorizing the sharing of items relating to a corporate governance annual disclosure in certain circumstances; authorizing the Commissioner of Insurance to retain third-party consultants and enter into certain agreements; providing for the group-wide supervision of internationally active insurance groups; revising provisions governing captive insurers; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 36—AN ACT relating to the City of Reno; revising provisions relating to appointive officers and employees; creating a sixth ward for the City; requiring that a candidate for Council Member be voted upon in a special or general election only by the registered voters of the ward that the candidate seeks to represent; revising provisions relating to interactions between the City Council and employees; eliminating the office of the Council Member who represents the City at large; requiring the City Council to adopt an ordinance requiring the Mayor and Council Members to submit reports of campaign contributions in certain years; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 37—AN ACT relating to courts; revising provisions governing a motion to disqualify a justice of the peace or municipal judge;

creating the position of chief justice of the peace for certain justice courts; creating the position of chief municipal judge for certain municipal courts; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 38—AN ACT relating to bail; authorizing the electronic transmission of certain notices relating to bail; requiring certain persons who are engaged in certain businesses relating to bail to receive electronic transmissions relating to bail; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 39—AN ACT relating to regional planning; revising provisions governing the appointment of representatives to a governing board for regional planning in certain counties; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 40—AN ACT making an appropriation to assist with the construction of a new courthouse in White Pine County; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 41—AN ACT relating to State Government; revising qualifications for certain members of the State Public Works Board; revising qualifications for administrators of various divisions of State Government; providing that the State Library, Archives and Public Records Administrator is in the unclassified service of the State; authorizing the Chief Medical Officer to maintain a clinical practice; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 42—AN ACT relating to public records; categorizing the exemptions to the disclosure of public books and public records; authorizing governmental entities to request the inspection and copying of the public books and public records of other governmental entities; authorizing a person to apply for and the Committee to Approve Schedules for the Retention and Disposition of Official State Records to issue nonbinding advisory opinions regarding the denial of certain requests for public books and public records; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 43—AN ACT relating to taxation; revising provisions governing the calculation of the amount of certain partial abatements of property taxes; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 44—AN ACT relating to business; waiving the annual fee for a state business registration for certain veteran-owned businesses; waiving the minimum fee for filing original articles of incorporation and initial and annual lists for certain veteran-owned corporations; waiving the fee for filing original articles of organization and initial and annual lists for certain veteran-owned limited-liability companies; authorizing the Secretary of State to adopt regulations; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 45—AN ACT relating to public office; defining the term "voter registration drive"; establishing the deadline for a major political party to file a certificate of nomination for the offices of President and Vice President of the United States; requiring a nongovernmental entity that sends a notice relating to voter registration to include certain information in the notice; authorizing the Secretary of State to adopt by regulation qualifications to assist in a voter registration drive; amending the deadline for a minor political party to file a certificate of nomination for the offices of President and Vice President of the United States; updating citations in Nevada Revised Statutes to certain provisions of federal law; setting forth the duties

of persons who participate in a voter registration drive; revising the campaign finance reporting requirements for certain candidates, persons, committees and parties relating to a special election to recall a public officer; authorizing the Secretary of State to adopt by regulation qualifications for a person to circulate a petition for initiative or referendum; setting forth the requirements to withdraw a petition for initiative or referendum; requiring a person who intends to circulate a petition for initiative or referendum to submit certain information to the Secretary of State; extending, under certain circumstances, the deadline for submitting for verification certain petitions for initiative; clarifying that a copy of a petition of candidacy of an independent candidate for the office of President of the United States must be filed with the Secretary of State before the petition is circulated for signatures; authorizing the Secretary of State to investigate and impose civil penalties for certain violations of law relating to financial disclosure statements; requiring a financial disclosure statement to be signed under an oath to God or penalty of perjury; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 46—AN ACT relating to mental health; providing for the certification and regulation of providers of community-based living arrangement services; clarifying that providers of community-based living arrangement services, supported living arrangement services and temporary respite services are not subject to certain licensing and regulatory requirements; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 47—AN ACT relating to taxation; requiring the Department of Taxation to enter into agreements with certain financial institutions doing business in this State to develop and operate a system for matching data to collect delinquent taxes and fees administered by the Department; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 48—AN ACT relating to cities; prohibiting certain municipal utilities from denying or restricting service to certain property; providing that certain municipal ordinances or regulations are null and void;

prohibiting cities in certain counties from annexing real property under certain circumstances; authorizing and setting forth the procedures for certain boards of county commissioners to detach real property from a city under certain circumstances; requiring cities in certain counties to notify the board of county commissioners of certain proposed changes to zoning districts and designations; delaying, under certain circumstances, the effective date of changes in zoning districts and designations; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Education:

Assembly Bill No. 49—AN ACT relating to education; revising the requirements for a charter school to be eligible to be rated using the alternative performance framework; prohibiting certain actions relating to written charters and charter contracts; creating a process for filing complaints regarding charter schools; establishing a process for a charter school to have an expedited review to become a qualified provider of an alternative route to licensure; prohibiting a member of the State Public Charter School Authority from engaging in certain acts; revising provisions relating to the appointment and powers of the Executive Director of the Authority; exempting the Authority from the requirements of the Nevada Administrative Procedure Act in certain circumstances; revising various other provisions relating to charter schools; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 50—AN ACT relating to water; authorizing the State Environmental Commission to establish fees for certain services relating to public and community water systems; increasing the maximum civil penalties and administrative fines imposed on water suppliers for certain violations relating to public water systems; authorizing the State Environmental Commission to adopt regulations and establish fees for the review of certain water issues relating to land development plans; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 51—AN ACT relating to collection of debts; transferring the authority and duties for the collection of debts owed to state agencies from the State Controller to the Director of the Office of Finance in

the Office of the Governor; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 52—AN ACT relating to water; defining the term "dissolved mineral resource"; setting forth certain provisions relating to drilling and operation of a dissolved mineral well and the operation of a dissolved mineral resource project; requiring the Commission on Mineral Resources to impose a fee for the issuance of a permit to drill or operate a dissolved mineral well; requiring the Commission and the Division of Water Resources of the State Department of Conservation and Natural Resources to adopt certain regulations; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 53—AN ACT relating to Medicaid; increasing the penalty for certain crimes relating to the Medicaid program; revising provisions concerning the statute of limitations for the commencement of civil and criminal actions relating to the Medicaid program; authorizing the Attorney General to use certain documents, records or materials obtained by a subpoena in certain actions relating to the Medicaid program; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 54—AN ACT relating to occupational safety; revising provisions relating to reports of certain accidents or motor vehicle crashes by employers; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 55—AN ACT relating to crimes; requiring a law enforcement agency to submit certain sexual assault forensic evidence kits to a forensic laboratory within a certain period after receipt thereof; requiring a forensic laboratory to test sexual assault forensic evidence kits within a certain period after receipt thereof and report certain information concerning

the sexual assault forensic evidence kits on an annual basis; authorizing a county to be reimbursed from the Fund for the Compensation of Victims of Crime for the payment of costs associated with forensic medical examinations of victims of sexual assault; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 56—AN ACT relating to criminal procedure; authorizing justice courts and municipal courts to establish programs for the treatment of certain offenders who are veterans or members of the military; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 57—AN ACT relating to coroners; requiring coroners, with limited exception, to notify the next of kin who is authorized to order the burial or cremation of a decedent of the decedent's death; authorizing a coroner to notify a decedent's parents or guardians of the death of the decedent; authorizing a coroner to provide a coroner's report to the parents or guardians of a decedent; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 58—AN ACT relating to orders for protection; increasing the penalty for intentionally violating a temporary or extended order for protection against domestic violence; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Corrections, Parole, and Probation:

Assembly Bill No. 59—AN ACT relating to sex offenders; revising provisions governing sex offenders who are under a program of lifetime supervision; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Corrections, Parole, and Probation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 60—AN ACT relating to vehicles; requiring the payment of a fee and the submission of certain information for the reinstatement of certain licenses relating to vehicles which are not timely renewed; revising provisions relating to fingerprint requirements for certain initial licenses relating to vehicles; repealing provisions requiring the payment of a fee for the issuance of certain temporary placards; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 61—AN ACT relating to trust companies; authorizing certain foreign trust companies that are not subject to certain federal regulation to engage in the solicitation of trust company business or open a trust representative office in this State under certain circumstances without licensure upon the approval of the Commissioner of Financial Institutions; authorizing certain foreign trust companies that are subject to certain federal regulation to act as a fiduciary or solicit trust company business in Nevada under certain circumstances without licensure by the Commissioner; authorizing certain foreign trust companies that are subject to certain federal regulation to establish and maintain certain offices and engage in the business of a trust company in Nevada under certain circumstances without licensure upon the approval of the Commissioner; revising the qualifications for serving as a trustee of a spendthrift trust; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 62—AN ACT relating to tobacco products; revising provisions governing the reporting and disclosure of certain information relating to sales of cigarettes in and into this State; requiring the submission of certain monthly reports relating to the sale, transfer, shipment or delivery in or into this State of cigarettes; providing that an importer is jointly and severally liable for such monthly reports; providing that certain information reported to the Department of Taxation or the Attorney General relating to sales of cigarettes is confidential; requiring a nonparticipating manufacturer to post a bond approved by the Attorney General and revising the amount of such a bond; revising provisions governing the circumstances under which a nonparticipating manufacturer and its brand families may be denied listing in or removed from the directory of manufacturers and brand families created and maintained by the Department; revising provisions relating to the

assignment to the State of the interest of a manufacturer in money in a qualified escrow fund; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 63—AN ACT relating to interpreters; requiring an applicant for the issuance of a certificate as a court interpreter or appointment as an alternate court interpreter to submit his or her fingerprints and written permission to obtain certain records of criminal history; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Education:

Assembly Bill No. 64—AN ACT relating to education; prescribing the criteria for receipt of a standard high school diploma for a pupil with a disability; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 65—AN ACT relating to health care; expanding the purposes for which the money in a county fund for medical assistance to indigent persons may be used; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 66—AN ACT relating to parental rights; revising provisions governing the jurisdiction of the district courts in proceedings relating to parental rights; requiring the agency which provides child welfare services or the probation officer to file a petition for the termination of parental rights in a county where the acts complained of occurred; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 67—AN ACT relating to public financial administration; establishing a program to provide access to emergency loans

to certain persons in this State; authorizing the State Treasurer to invest money from the State Permanent School Fund to provide funding for the program; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 68—AN ACT relating to transportation; revising provisions relating to the confidentiality of certain information in the possession of the Department of Motor Vehicles; revising provisions relating to autonomous vehicles and other vehicles using certain advanced technologies; revising provisions regarding the information required to obtain a driver authorization card; revising provisions relating to the photograph on a driver's license; revising provisions governing the licensure and operation of schools for training drivers; revising provisions relating to the fees paid by a person 65 years of age or older for an identification card; revising provisions relating to the issuance of a commercial driver's license to a person who is not a resident of this State; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 69—AN ACT relating to transportation; requiring the approval of the Department of Motor Vehicles before an autonomous vehicle or autonomous technology may be used in this State; authorizing the use of an autonomous vehicle or autonomous technology to provide transportation services in certain circumstances by persons licensed by the Nevada Transportation Authority or Taxicab Authority; revising provisions relating to the testing of an autonomous vehicle and autonomous technology; revising requirements relating to the operation of autonomous vehicles on the highways within this State; establishing provisions relating to the use of an autonomous vehicle or autonomous technology by a common motor carrier, contract motor carrier, holder of a certificate of public convenience and necessity for the operation of a taxicab business or transportation network company; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 70—AN ACT relating to redevelopment; expanding the purposes for which the proceeds of certain taxes levied in a redevelopment area may be used; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 71—AN ACT relating to public employees' retirement; requiring the establishment of a hybrid retirement program for certain public employees; requiring the program to include a defined benefit plan and a defined contribution plan; setting forth the required provisions of each plan; requiring certain public employers under certain circumstances to make additional contributions to the Public Employees' Retirement System to reduce the unfunded liability of the System; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 72—AN ACT relating to sanitation; revising provisions relating to the Uniform Plumbing Code; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 73—AN ACT relating to crimes; making the solicitation of certain children for prostitution punishable as sex trafficking; establishing the privilege of confidential communication between persons who are victims of human trafficking and certain advocates for those victims; increasing penalties for certain crimes; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Corrections, Parole, and Probation:

Assembly Bill No. 74—AN ACT relating to offenders; revising provisions governing the disclosure of the name of an offender who tests positive for exposure to human immunodeficiency virus; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Corrections, Parole, and Probation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 75—AN ACT relating to gaming; revising certain definitions relating to gaming; exempting manufacturers, distributors and independent contractors associated with gaming from certain licensing requirements; revising provisions governing the regulation of trustees of an employee stock ownership plan by the Nevada Gaming Commission; making various other changes related to the regulation of gaming; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Corrections, Parole, and Probation:

Assembly Bill No. 76—AN ACT relating to records of criminal history; revising provisions governing requirements for the submission of information to the Central Repository for Nevada Records of Criminal History; reducing the period in which the Central Repository may not charge a fee for providing certain information relating to an applicant for professional licensure; revising provisions relating to the Revolving Account to Investigate the Background of Volunteers Who Work With Children; revising the information which must be included within the record of the Repository for Information Concerning Crimes Against Older Persons; revising and repealing certain provisions regarding the dissemination of certain information from the Central Repository; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Corrections, Parole, and Probation.

Motion carried.

By the Committee on Education:

Assembly Bill No. 77—AN ACT relating to education; revising provisions concerning reporting and monitoring of criminal cases and actions taken pursuant to criminal convictions of certain charter school employees and applicants for employment; revising provisions relating to the suspension of a license to teach; requiring the Department of Education to maintain an employment record of each licensed employee employed by a school district or charter school; revising provisions concerning employment of licensed teachers who do not hold an endorsement to teach in certain subject areas; revising provisions relating to reciprocal licensure; providing that teachers and other educational personnel may obtain a license to teach pupils in a program of early childhood education; revising provisions governing the assignment of certain teachers and administrators; revising provisions

governing the Commission on Professional Standards in Education; requiring that any cost associated with employing a substitute teacher while a teacher who is a member of certain councils or commissions attends meetings must be paid the school district or charter school that employs the member; authorizing the Department to charge and collect certain fees for the monitoring of certain criminal cases; authorizing the Department to charge and collect a fee to review certain information submitted by a prospective applicant for licensure; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 78—AN ACT relating to charter schools; establishing requirements for certain contracts of the State Public Charter School Authority; requiring the sponsor of a proposed charter school to consult with the school district in which the charter school will be located and consider certain factors relating to the location of the charter school; requiring the inclusion of certain additional information in an application to form a charter school; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 79—AN ACT relating to economic development; amending the Las Vegas Valley Water District Act to remove the designation of the District and the Southern Nevada Water Authority as the exclusive providers of water service for the Garnet Valley Ground Water Basin in Clark County, Nevada; repealing a provision requiring the Legislature to review such designation and the implementation of certain economic development financing proposals; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 80—AN ACT relating to redevelopment; allowing certain cities to extend the date for termination of certain redevelopment plans under certain circumstances; requiring such cities to set aside a portion of the revenues from taxes imposed on property in certain redevelopment areas to be used to improve and preserve existing public educational facilities; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 81—AN ACT relating to state financial administration; revising provisions governing the acceptance of gifts and grants by state agencies; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 82—AN ACT relating to taxation; requiring the person extracting the mineral to report to the Department of Taxation the amount of royalties paid to each recipient of a royalty in the preceding calendar year; transferring the responsibility to pay the taxes due on the amount of royalties paid in the preceding calendar year to the person extracting the mineral; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 83—AN ACT relating to insurance; providing for administrative supervision of insurers and other entities by the Commissioner of Insurance; providing for the regulation of network plans; revising provisions relating to medical malpractice insurance, the general regulation of insurers, reinsurance, motor vehicle insurance, industrial insurance, health insurance in general, health benefit plans in general, funeral and burial services, individual health insurance, group and blanket health insurance, health insurance for small employers, service contracts, credit personal property insurance, nonprofit corporations for hospital, medical and dental service, health maintenance organizations, plans for dental care, prepaid limited health service organizations and managed care organizations; exempting the Commissioner from the Nevada Administrative Procedure Act for certain purposes; revising provisions relating to the confidentiality of certain documents and other information; revising various references to insurance agents and brokers; repealing various provisions governing summaries of coverage, loss prevention, disclosures of certain information, continuation of coverage and insurance requirements for prepaid limited health service organizations; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 84—AN ACT relating to state financial administration; establishing procedures for the payment of certain paychecks of state officers and state employees that are unclaimed by their owners; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 85—AN ACT relating to education; making mandatory instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator provided by certain public schools and private schools; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Wheeler:

Assembly Bill No. 86—AN ACT relating to gaming; lowering the minimum age at which a person is authorized to gamble and engage in certain other related activities; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Titus:

Assembly Bill No. 87—AN ACT relating to weapons; authorizing persons who possess permits to carry concealed firearms that were issued by certain other states to continue to carry concealed firearms in this State pursuant to those permits after becoming residents of this State; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Ellison:

Assembly Bill No. 88—AN ACT relating to crimes; imposing an additional penalty for the commission of certain crimes against a peace officer, firefighter or emergency medical provider or the spouse or child of such a person under certain circumstances; revising provisions relating to aggravating factors for murder in the first degree; creating civil liability for the commission of certain crimes; revising provisions concerning the reporting of certain crimes; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 89—AN ACT relating to surgical centers for ambulatory patients; requiring the Department of Health and Human Services to impose a civil penalty against a surgical center for ambulatory patients for certain violations; limiting the authority of the Department to suspend the collection or dissemination of certain information; prohibiting a surgical center for ambulatory patients from performing certain types of surgery; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Wheeler:

Assembly Bill No. 90—AN ACT relating to crimes; revising provisions governing the penalty imposed for the murder of a peace officer in certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Wheeler:

Assembly Bill No. 91—AN ACT relating to public welfare; prohibiting the Department of Health and Human Services from seeking a waiver or granting exemptions for certain federal requirements relating to the Supplemental Nutrition Assistance Program; requiring the Department to adopt regulations creating a workfare program; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Wheeler:

Assembly Bill No. 92—AN ACT relating to animals; increasing the penalties for mistreatment of a police animal; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 93—AN ACT relating to health care; authorizing an advanced practice registered nurse to take certain actions relating to a declaration or written consent governing the withholding or withdrawal of

life-sustaining treatment; revising provisions governing the execution and revocation of a Physician Order for Life-Sustaining Treatment; revising provisions governing the provision of life-sustaining treatment and life-resuscitating treatment under a valid Physician Order for Life-Sustaining Treatment; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman Neal:

Assembly Bill No. 94—AN ACT relating to economic development; repealing the prospective expiration of the NV Grow Program that provides certain assistance to existing small businesses; making an appropriation to support the NV Grow Program; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblywoman Benitez-Thompson:

Assembly Bill No. 95—AN ACT relating to child support; prohibiting debts for support of a child from being incurred by a parent or other person receiving public assistance for the benefit of a dependent child under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Araujo:

Assembly Bill No. 96—AN ACT relating to motor carriers; expanding the circumstances under which an owner or operator of a motor vehicle that is used for the transportation of passengers or property is not subject to certain provisions governing fully regulated carriers; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblywoman Benitez-Thompson and Senator Ford:

Assembly Bill No. 97—AN ACT relating to crimes; requiring a law enforcement agency to submit sexual assault forensic evidence kits to a forensic laboratory within a certain period of time after receipt thereof; requiring a forensic laboratory, upon request of a victim, to test sexual assault forensic evidence kits within a certain period after receipt thereof and to report certain information concerning sexual assault forensic evidence kits on

an annual basis; making various changes to the Subcommittee to Review Arrestee DNA of the Advisory Commission on the Administration of Justice; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Bustamante Adams and Paul Anderson:

Assembly Bill No. 98—AN ACT relating to financial administration; revising provisions governing the employees of the Office of Grant Procurement, Coordination and Management of the Department of Administration; eliminating the requirement that priority be given by the Office to certain grants; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Araujo:

Assembly Bill No. 99—AN ACT relating to children; requiring certain institutions and agencies to treat a child as having the gender with which the child identifies; requiring certain persons to receive training on working with lesbian, gay, bisexual, transgender and questioning children; prescribing the rights of children in certain placements; requiring the Division of Child and Family Services of the Department of Health and Human Services to establish a process for filing and resolving certain grievances; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman Swank:

Assembly Bill No. 100—AN ACT relating to contractors; revising the requirement that certain types of provisions are void and unenforceable in certain agreements with contractors; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Sprinkle:

Assembly Bill No. 101—AN ACT relating to wildlife; requiring the Board of Wildlife Commissioners to establish policies for the conservation of certain wildlife; revising the authorized uses of the fees for the processing of an application for a game tag; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Pickard and Cohen:

Assembly Bill No. 102—AN ACT relating to civil actions; revising certain provisions relating to the proper venue in civil actions; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

VETOED BILLS AND SPECIAL ORDERS OF THE DAY

Vetoed Assembly Bill No. 326 of the 78th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

June 11, 2015

THE HONORABLE BARBARA CEGAVSKE, NEVADA SECRETARY OF STATE, 101 South Carson Street, Carson City, NV 89701

RE: Assembly Bill 326 of the 78th Legislative Session

DEAR SECRETARY OF STATE CEGAVSKE:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 326, which is entitled:

> AN ACT relating to motor vehicle registration; revising provisions relating to the requirements for certain special license plates; prohibiting the Department of Motor Vehicles from issuing certain special license plates for a certain period; and providing other matters properly relating thereto.

Assembly Bill 326 revises requirements for the issuance of special license plates inscribed with the words "Old Timer," "Street Rod," "Classic Rod," or "Classic Vehicle," and further prohibits the issuance of those same plates from July 1, 2015, until July 1, 2017.

Although the bill has merit in that it attempts to curb the abuse of these special plates by individuals purely seeking to avoid emissions testing and fees, issuing a two-year moratorium on these plates unnecessarily penalizes true Nevada car enthusiasts who might seek one of these plates for proper reasons. This heavy-handed approach is opposed by the Specialty Equipment Market Association, known for its annual trade show in Las Vegas, as well as Hot August Nights, whose members and affiliates would be unfairly punished by this measure.

Assembly Bill 146, passed by the Nevada Legislature this Session and signed into law on June 8, 2015, allows for the State Environmental Commission to review alleged abuses of these special license plates, study and make recommendations regarding Nevada's emissions testing program. This approach is appropriate and commensurate with the problem at hand; the approach of Assembly Bill 326 is not. Therefore, I veto this bill and return it without my signature or approval.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 326 of the 78th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 472 of the 78th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

June 8, 2015

THE HONORABLE BARBARA CEGAVSKE, NEVADA SECRETARY OF STATE, 401 South Carson Street, Carson City, NV 89701

RE: Assembly Bill 472 of the 78th Legislative Session

DEAR SECRETARY OF STATE CEGAVSKE:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 472, which is entitled:

> AN ACT relating to the Nevada National Guard; revising provisions governing the use of money in the Patriot Relief Account; and providing other matters properly relating thereto.

Under existing law, active members of the Nevada National Guard are able to seek reimbursement from the Patriot Relief Account for service members' group life insurance premiums. Assembly Bill 472 sought to eliminate this important benefit, which would place a greater financial hardship on members of the Nevada National Guard. At a time when our military members are still being deployed in support of global military operations, it is critical that we ensure that that their families have access to this coverage in the event of a tragedy. Therefore, I veto this bill and return it without my signature or approval.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 472 of the 78th Session be placed on the Chief Clerk's desk.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 6, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 1.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 1

Assemblywoman Benitez-Thompson moved that all rules be suspended, reading so far had considered first reading, rules further suspended, Senate Bill No. 1 be declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblywoman Benitez-Thompson.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 1.

Bill read third time.

Roll call on Senate Bill No. 1:

YEAS—42

NAYS—None.

Senate Bill No. 1 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Elliot Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Suzanne Bierman, Austin T. Hitchcock, and Jennifer R. Lanahan.

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Dennis Anderson, Marsha Anderson, April Anderson, Jacob Anderson, Jordan Anderson, Joseph Anderson, Danny Ashworth, and Denise Ashworth.

On request of Assemblyman Araujo, the privilege of the floor of the Assembly Chamber for this day was extended to Roberta Lange, James Steele Haney, Monica Abrego, Victoria Marone, and Francesco Mancia.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Jeff Thompson, Danny Kane, Lily Thompson, Eli Thompson, Sandy Thompson, and Truckee Thompson.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Danny Axelrod, Molly Bilbray-Axelrod, James H. Bilbray, Michaelene Bilbray, Bridget Phillips, Steve Phillips, Matthew Phillips, Michaelene Phillips, Chelsea Nork-VanZanten, and Sawyer VanZanten.

On request of Assemblyman Brooks, the privilege of the floor of the Assembly Chamber for this day was extended to Alan Brooks, Cindi Brooks, Michelle White, Connie Munk, Richard Munk, Donna West, and Marco Henry.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to James Bradley Adams, Olivia Brown, Alaina Brown, Kelton Sorenson, Sonia Mendez, Irma Fernandez, Pamela Carter, Kathryn Keever, Judith Bishop, Olivia Lloyd, and Earlene Miller.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Merritt Carlton.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Charlene Frost.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Carol Cohen, Aileen Cohen, Min Jaroslow, and Michael Needleman.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Daly, Sara Daly, Brian Daly, and Duane Waters.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Francisco Alejandre, Xavier Carson Alejandre, Julianne King, Chris Miller, Denise Davis, and John Warwick.

On request of Assemblyman Edwards, the privilege of the floor of the Assembly Chamber for this day was extended to Lindsey Dalley, Dave McKeon, and Tom Spencer.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Cindy Ellison, Josalynne Mosley, Michael Mosley, Henrik Beshea, Allison Ulibarri, Anthony Mosley, Michelle Mosley, and Nicole Beshea.

On request of Assemblyman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Victor Flores, Griselda Flores, Eduardo Flores, Gloria Villanueva, Eduardo Villanueva, Rodolfo Gonzalez, Blanca Ruiz, Javier Ruiz, Karen Montiel, Steve Jimenez, and Joana Peraza.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Nathalia Frierson, Abbie Frierson, Matthew Frierson, Laila Frierson, Damian Frierson, Sage Frierson, Darron Jones, Kathryn Wieand, Candace Clay, Yasmin Ball, Barbara Buckley, and Ebone Ball.

On request of Assemblyman Fumo, the privilege of the floor of the Assembly Chamber for this day was extended to Ellen O'Hara Fumo.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Hambrick, Laura Sullivan, Mark Sullivan, Roseanne Keller, and Ted Weiss.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Alexis Hansen, Sharon Hansen, and Larissa Hansen.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Raul Jauregui, Cecilia Jauregui, Wendy Jauregui Jackins, Adam Jackins, and Truman Fleming.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Kyle Justin Davis, Eleanor Joiner Davis, Stewart Joiner Davis, Nita Barnes, and Jacqueline Low.

On request of Assemblyman Kramer, the privilege of the floor of the Assembly Chamber for this day was extended to Candice Kramer, Judy Cox, Dona Tuttle, and Patrick Cox.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to Charles Krasner, M.D., Henry Krasner, Harry Krasner, Carolyn Campobasso, and Tom Stamos.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to Trish McArthur and Michele Morris.

On request of Assemblyman McCurdy, the privilege of the floor of the Assembly Chamber for this day was extended to William McCurdy, Billie McCurdy, William McCurdy III, Gene Alesevich, and Sue Alesevich.

On request of Assemblywoman Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Leardi, Joseph Leardi, Alex Goff, and M.E. Kelly.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Celena N. Monroe-Moreno, Cassandra N. Monroe-Moreno, Candace N. Monroe-Speed, Sophia Rae Davis-Harris, Koa King Harris, Gary L. Fisher, Jeunesse Monroe-Speed, Jorge Valdez, Aaron Fisher, Chris Miller, Judy Kline, and Barbara Aupperle.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Devin Brooks and Marla Turner.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Rianna Durrett, Ren Ohrenschall, Luka Ohrenschall, Katie Ross, Genie Ohrenschall Daykin, Frank Daykin, and Peggy Lear Bowen.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Rebecca Oscarson and Dina Erdag.

On request of Assemblyman Pickard, the privilege of the floor of the Assembly Chamber for this day was extended to Margaret Pickard, Kathleen Bartschi, Mark Pickard, and Julene Pickard.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Spiegel, Ronnie Barre, and Vickie Roberts.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Kristi Sprinkle, Michael Sprinkle Jr., and Ardynne Sprinkle.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Jasmine Shackley, Nancy Davis, and Ernylla England.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Andrea Sharp, Sonja Barnum-Mason, Brenda Williams, Eric Dixon, and Divya Narala.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Allen Veil, Jennifer Mortensen, Cole Mortensen, Sophia Mortensen, Riley Mortensen; the following students and chaperones from Churchill County High School: Shaye McMillan, John Solomon, December Trott, Indica Simpson, Larry Jackson, Coby Schemmer, John Solomon Sr.; and the following students from Oasis Academy Charter School: Kathryn Jones, Hannah Jones, Brooke Shyne, Ashley Youles, Abbey Pike, Ellie Williams, Mariah Snooks, Doug Drost, Hunter Drost, Keith Mason, Emily Richards, Jordan Moon, Iliana Hockenberry-Grimes, and Jazmine Perez.

On request of Assemblywoman Tolles, the privilege of the floor of the Assembly Chamber for this day was extended to Par Tolles, Riley Tolles, Mia Tolles, Jack Hillis, Polly Hillis, Derrick Metzger, Melissa Holland, Jen Robinson, and Lindsay Bridges.

On request of Assemblyman Watkins, the privilege of the floor of the Assembly Chamber for this day was extended to John Watkins, Adyson Watkins, and Sydney Watkins.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Eileen Thomas, Jennifer Baker, Nathan Tea, and Mikayla Tea.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Celssie Hardy and Missy Hardy.

On request of Assemblyman Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to Bita Yeager, Sally Yeager, Charles Yeager, Brian Yeager, Sam Lieberman, James Zygadlo, and Brad Yosaitis.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Tuesday, February 7, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 4:19 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SECOND DAY

CARSON CITY (Tuesday), February 7, 2017

Assembly called to order at 11:51 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Bruce Henderson.

Good morning! Welcome to day two of the 79th Session of the Nevada State Legislature. I see some new faces, and some of us have very old faces. In the days ahead, they'll get even older! So, let us pray.

Father, I thank You for these people and their willingness to serve. When it comes to beliefs and opinions, these are very trying times. I ask, Lord, for wisdom, focus, patience, and cooperation in the days ahead. Please help us! In Your very Name I pray.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 6, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 1.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Monroe-Moreno, Elliot Anderson, Paul Anderson, Araujo, Benitez-Thompson, Bilbray-Axelrod, Brooks, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Edwards, Ellison, Flores, Frierson, Fumo, Hambrick, Hansen, Jauregui, Joiner, Kramer, Krasner, Marchant, McArthur, McCurdy, Miller, Neal, Ohrenschall, Oscarson, Pickard, Spiegel, Sprinkle, Swank, Thompson, Titus, Tolles, Watkins, Wheeler, Woodbury and Yeager; Senators Denis, Atkinson, Cancela, Cannizzaro, Farley, Ford, Gansert, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Manendo, Parks, Ratti, Roberson, Segerblom, Settelmeyer, Spearman and Woodhouse:

Assembly Concurrent Resolution No. 3—Memorializing fallen North Las Vegas Police Detective Chad Parque.

WHEREAS, With great sorrow, we note that on January 7, 2017, the State of Nevada lost Police Detective Chad Parque, a man who dedicated his life to serving and protecting his state

and community and who, as a veteran Police Officer and Police Detective, was on the front lines in the unremitting battle for the preservation of law and order; and

WHEREAS, Chad was born on March 7, 1984, in Merced, California, and was raised and lived the rest of his life in Las Vegas, Nevada; and

WHEREAS, Chad attended Cheyenne High School where he lettered in baseball and football and graduated in less than 4 years in 2002; and

WHEREAS, While in high school, Chad met the love of his life Jessica, and on February 2, 2001, Chad summoned the courage to ask her out on a date which she accepted, and 12 days later on Valentine's Day, Jessica gave Chad a necklace with a key pendant symbolizing that he had the key to her heart and, without knowing about her gift, Chad gave Jessica a necklace with a heart pendant; and

WHEREAS, To further his childhood dream of becoming a police officer, Chad enrolled in the Las Vegas Metropolitan Police Department's Law Enforcement Explorer Program, receiving early training on police practices and procedures and being handpicked by the program managers to serve as a squad leader based on his consistent demonstration of maturity, discipline and intelligence; and

WHEREAS, Soon after completing the Explorer Program, Chad accepted a civilian position with the North Las Vegas Police Department at the Northwest Area Command, helping members of the public complete police reports; and

WHEREAS, Chad's dedication and tenacity paid off when, in 2006, he was hired by the City of North Las Vegas, completed the Police Academy and the Police Department's Field Training Program and, finally, served as a Police Officer, patrolling the streets of his community, helping those in need and combating crime; and

WHEREAS, Chad married his high school sweetheart Jessica on March 28, 2009, who 4 years later gave birth to the second love of Chad's life, their beautiful daughter Riley; and

WHEREAS, Chad's hard work in the Patrol Division was recognized by the Command Staff of the North Las Vegas Police Department and, in 2013, he was assigned to an elite team known as the Problem Solving Unit, where Chad specialized in investigating, confronting, apprehending and neutralizing gang activity in North Las Vegas; and

WHEREAS, Chad was promoted to Police Detective on July 23, 2016, and assigned to the Property Crimes Division, where he quickly gained a reputation for having a strong work ethic and for being a team player, volunteering to accept additional cases above and beyond his regular rotation in order to lessen the burden on his fellow Detectives; and

WHEREAS, On the afternoon of January 6, 2017, while leaving the North Las Vegas Justice Court in connection with his regular work duties, Chad was involved in a car crash in which he sustained critical injuries that, notwithstanding Chad's tenacious spirit and the monumental effort of nearly a dozen trauma surgeons at the University Medical Center, ultimately claimed Chad's life far too soon; and

WHEREAS, These are tumultuous times in which the law enforcement profession is under great scrutiny and subject to extensive debate as to the scope and timing of force that ought to be employed in the apprehension of criminal misconduct, yet peace officers like Chad are needed now as much as ever; and

WHEREAS, Chad was a consummate professional, a guardian of the community, a zealous enforcer of laws and a protector of the weak whose conduct was above reproach and whose actions were righteous and based on sound judgment and a pure heart; and

WHEREAS, Chad leaves behind the two great loves of his life, his wife Jessica and his daughter Riley, as well as his mother Mary, his father Kevin and his sister Nicole, and a legion of brothers and sisters in blue in the North Las Vegas Police Department and the law enforcement community everywhere; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 79th Session of the Nevada Legislature hereby extend their deepest condolences to Chad's beloved family, to all of his friends and to all of those whose lives were touched by Chad and whose hearts are made heavy by his passing; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the family of Detective Chad Parque.

Assemblywoman Monroe-Moreno moved the adoption of the resolution.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

In my twenty-seven-and-a-half-year career, I had the distinct honor of being assigned as a background investigator with the North Las Vegas Police Department. Of the many men and women who wanted to embark on a career with the North Las Vegas Police, I had the honor of assisting with the background check of Chad Parque. He was an officer, a man, a brother that you would all want to work with. I urge this Assembly to recognize not the day that we lost him, but instead to recognize his service in our community. I urge you to support and adopt this resolution.

Resolution adopted and ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywoman Neal:

Assembly Bill No. 103—AN ACT relating to education; removing or repealing all the provisions relating to the Achievement School District; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywoman Spiegel:

Assembly Bill No. 104—AN ACT relating to elections; establishing procedures by which a voter registration agency must, under certain circumstances, transmit information to preregister or register a person to vote or update a person's voter registration information; requiring the Secretary of State to establish a system to allow a person, by computer, to preregister or register to vote, update preregistration or registration information, cancel his or her preregistration or registration and obtain certain information about polling places; providing for voter preregistration by certain persons who are at least 16 years of age but less than 18 years of age; authorizing an elector to register to vote during the period for early voting and on the day of certain elections and setting forth the requirements for such registration; requiring a provisional ballot to include all offices, candidates and measures upon which the person casting the provisional ballot is entitled to vote; requiring that provisional ballots be included in the unofficial election results that are reported on election night; making various other changes to provisions relating to provisional ballots; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblyman Thompson:

Assembly Bill No. 105—AN ACT relating to public health; revising continuing education requirements relating to suicide prevention and

awareness for certain providers of health care; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Spiegel:

Assembly Bill No. 106—AN ACT relating to government contracting; requiring certain employers to establish their compliance with certain antidiscrimination provisions of state and federal law as a condition of entry into a governmental contract; requiring the inclusion of certain terms and conditions in such a contract; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Bilbray-Axelrod:

Assembly Bill No. 107—AN ACT relating to unlawful detainer; providing for the sealing of court records relating to eviction under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Oscarson:

Assembly Bill No. 108—AN ACT relating to Medicaid; requiring the Division of Health Care Financing and Policy of the Department of Health and Human Services periodically to review Medicaid reimbursement rates; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Ellison and Senator Goicoechea:

Assembly Bill No. 109—AN ACT relating to public utilities; requiring the Public Utilities Commission of Nevada to conduct a general consumer session in certain counties serviced by certain public utilities that furnish water; requiring the Consumer's Advocate of the Bureau of Consumer Protection in the Office of the Attorney General to intervene in certain proceedings concerning certain public utilities that furnish water; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Education:

Assembly Bill No. 110—AN ACT relating to education; revising provisions governing the requirements for a pupil to receive credit for a course of study without attending the classes for the course; creating the Competency-Based Education Task Force; requiring the Department of Education to conduct a public awareness campaign regarding competency-based education; authorizing the Department to distribute certain money through a competitive grants program to carry out one or more programs of competency-based education; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Thompson:

Assembly Bill No. 111—AN ACT relating to energy assistance; authorizing the Division of Welfare and Supportive Services of the Department of Health and Human Services to use money in the Fund for Energy Assistance and Conservation to assist certain low-income households in paying for Internet service; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Ellison:

Assembly Bill No. 112—AN ACT relating to wildlife; requiring the Legislative Auditor to conduct an audit of the use of the revenue generated by certain fees paid by applicants for game tags for programs, activities and research relating to the management and control of predatory wildlife, and the protection of nonpredatory game animals and sensitive wildlife species; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblywoman Spiegel:

Assembly Bill No. 113—AN ACT relating to public health; requiring certain employers to provide a reasonable time and place for an employee who is a nursing mother to express breast milk; prohibiting an employer from retaliating against an employee for certain actions relating to this requirement; authorizing a public employee who is aggrieved by an employer's failure to comply with this requirement or for retaliation by the employer to file a complaint; exempting certain small employers from this requirement based on an undue hardship; authorizing a local board of health to establish a voluntary mediation program to mediate disputes concerning a

violation of this requirement; authorizing the Labor Commissioner to enforce the requirement against a private employer; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Elliot Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Suzanne Bierman.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to James H. Biblray and Michaelene Bilbray.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Felicia Ortiz.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Captain Justin Roberts.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Thursday, February 9, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:11 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FOURTH DAY

CARSON CITY (Thursday), February 9, 2017

Assembly called to order at 11:45 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Monroe-Moreno, who was excused.

Prayer by the Chaplain, Pastor Bruce Henderson.

Our Father in Heaven, I ask that You bless these men and women as they serve the people of Nevada. In just a moment, we will pledge allegiance to our flag and to "one nation under God." O' Lord, may we always place ourselves under You, Your love, and Your authority. Please forgive us when we go our own way. Turn us around and keep us focused. And, thank You, Lord. Thank You for everything!

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 7, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 2, 3.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that persons as set forth on the Nevada Legislature's Press Accreditation List of February 9, 2017, be accepted as accredited press representatives, assigned space at the press table in the Assembly Chamber, allowed use of appropriate broadcasting facilities, and that the list be included in this day's Journal:

KNPR NEVADA PUBLIC RADIO: Marcus Lavergne; KOLO-TV: Ray Kinney, Sydnee Scofield, Stanton Tang; KRNV-TV: Alexandria Cannito, Kausik Bhakta, Ryan Kern, Gary Stone; KSNV-TV: Jeff Gillan; KTVN-TV: Arianna Bennett, Mark Cronan, Bryan Hofmann, Meaghan Mackey, Zac Mooney, Gabriela Tafolla; LAS VEGAS REVIEW-JOURNAL: Benjamin Hager; LAS VEGAS SUN: Thomas Moore; NEVADA APPEAL: Taylor Pettaway, Adam Trumble; NEVADA INDEPENDENT, THE: Jon Ralston; NEVADA PUBLIC RADIO: Casey Morrell, Jacob Solis; NOTICIERO MOVIL: Louis Carrillo, Jennifer Gallagher, Rachel Spacek; RENO GAZETTE-JOURNAL: Jennifer Kane.

Motion carried.

NOTICE OF EXEMPTION

February 9, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 5, 8, 9, 11, 14, 17, 18, 25, 28, 31, 34, 37 and 38.

MARK KRMPOTIC
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywoman Titus:

Assembly Bill No. 114—AN ACT relating to irrigation districts; increasing the maximum amount of indebtedness that the board of directors of an irrigation district may incur and the amount of certain annual assessments that may be levied on lands in the district; requiring an annual adjustment of those amounts; and providing other matters properly relating thereto.

Assemblywoman Titus moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblywoman Titus:

Assembly Bill No. 115—AN ACT relating to providers of health care; authorizing a physician assistant or advanced practice registered nurse to perform certain services; and providing other matters properly relating thereto.

Assemblywoman Titus moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman Titus:

Assembly Bill No. 116—AN ACT relating to nursing; authorizing a qualified advanced practice registered nurse to sign, certify, stamp, verify or endorse certain documents requiring the signature, certification, stamp, verification or endorsement of a physician; authorizing an advanced practice registered nurse to make certain certifications, diagnoses and determinations required to be made by a physician or other provider of health care; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Titus moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Flores:

Assembly Bill No. 117—AN ACT relating to education; requiring certain educational personnel to offer to meet with each pupil enrolled in grade 11 to review the academic plan of the pupil and review the pupil's academic strengths and weaknesses; requiring the academic plan of a pupil to be revised under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Flores moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Daly:

Assembly Bill No. 118—AN ACT relating to concealed firearms; authorizing certain persons who are at least 18 years of age but less than 21 years of age to be eligible for a permit to carry a concealed firearm; and providing other matters properly relating thereto.

Assemblyman Daly moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Marchant:

Assembly Bill No. 119—AN ACT relating to garnishment; prioritizing claims for spousal and child support in satisfying multiple writs of garnishment; and providing other matters properly relating thereto.

Assemblyman Marchant moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Daly:

Assembly Bill No. 120—AN ACT relating to school construction; revising provisions governing the imposition of a residential construction tax; revising provisions relating to the purchase of certain property for school construction; and providing other matters properly relating thereto.

Assemblyman Daly moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Yeager:

Assembly Bill No. 121—AN ACT relating to collective bargaining; prohibiting a local government employer from unilaterally implementing certain changes in terms and conditions of employment for a specified period after the end of the term or expiration of a collective bargaining agreement; requiring the employer, during that period, to continue to pay compensation and monetary benefits as provided in the agreement; generally providing that any increase in compensation and monetary benefits provided for in a successor agreement is effective retroactively to the end of the most recent term or expiration date of the last agreement; making mandatory the provision of certain leave to employees; and providing other matters properly relating thereto.

Assemblyman Yeager moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Benitez-Thompson:

Assembly Bill No. 122—AN ACT relating to victims of crime; removing the prohibition on awarding compensation to certain victims of crime who do not meet certain citizenship or residency requirements; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Ellison:

Assembly Bill No. 123—AN ACT relating to business organizations; revising provisions governing the powers of a limited-liability company that has created a series of members' interests with separate rights, powers or duties; and providing other matters properly relating thereto.

Assemblyman Ellison moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Diaz:

Assembly Bill No. 124—AN ACT relating to education; requiring the Department of Education to establish a code of conduct governing interpersonal interactions and certain communications by teachers, administrators and other employees with pupils; and providing other matters properly relating thereto.

Assemblywoman Diaz moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywoman Diaz:

Assembly Bill No. 125—AN ACT relating to interpreters; replacing the term "person with a language barrier" with "person with limited English proficiency"; removing provisions relating to alternate court interpreters; making various other changes to provisions relating to court interpreters; and providing other matters properly relating thereto.

Assemblywoman Diaz moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 126—AN ACT relating to governmental administration; abolishing the Commission to Review the Compensation of Constitutional Officers, Legislators, Supreme Court Justices, Judges of the Court of Appeals, District Judges and Elected County Officers; abolishing the Advisory Committee on Housing; abolishing the Subcommittee on Personal Assistance for Persons with Severe Functional Disabilities of the

Nevada Commission on Services for Persons with Disabilities; and providing other matters properly relating thereto.

Assemblyman Sprinkle moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Benitez-Thompson:

Assembly Bill No. 127—AN ACT relating to education; requiring school districts in certain counties to appoint an emergency manager; requiring boards of trustees of school districts and governing bodies of charter schools to consult with certain persons and entities before constructing, expanding or remodeling buildings for schools or related facilities or acquiring sites for those purposes; requiring the Department of Education to conduct an annual conference regarding safety in public schools; requiring the Department, to the extent that money is available, to make block grants to provide certain mental health workers in public schools; revising provisions governing the development and contents of a plan to respond to a crisis or an emergency in a school; revising provisions governing emergency drills in schools; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywoman Spiegel:

Assembly Bill No. 128—AN ACT relating to service of process; exempting certain unpaid individuals from the requirement to obtain licensure as a process server; and providing other matters properly relating thereto.

Assemblywoman Spiegel moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Tolles:

Assembly Bill No. 129—AN ACT relating to health care; revising provisions concerning the prescribing and fitting of ophthalmic lenses or contact lenses; providing that the use of certain automated testing devices constitutes the practice of optometry; and providing other matters properly relating thereto.

Assemblywoman Tolles moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 1; Assembly Resolutions Nos. 1, 2, 3; Senate Bill No. 1.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Friday, February 10, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:01 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FIFTH DAY

CARSON CITY (Friday), February 10, 2017

Assembly called to order at 11:56 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Hambrick and Monroe-Moreno, who were excused.

Prayer by the Chaplain, Pastor Bruce Henderson.

We've always been told to thank God it's Friday. It's Friday. Thank You, God. But thank You, too, for these men and women and the staff who are dedicating their lives to the people of this state. Thank You for our families and friends and supporters. Thank You for the moisture that we have needed so desperately. I especially thank You, Lord, for You and Your love. We are a hopeless people without that. I pray in the Name of my Lord.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

February 8, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bills Nos. 3 and 49.

MARK KRMPOTIC
Fiscal Analysis Division

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 6 and 44 be withdrawn from the Committee on Judiciary.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 6 be rereferred to the Committee on Commerce and Labor.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 44 be rereferred to the Committee on Taxation.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Sprinkle:

Assembly Bill No. 130—AN ACT relating to guardianships; authorizing a court to require a proposed guardian to file a proposed preliminary care plan

and budget; establishing the process by which an attorney may obtain the approval of the court to receive compensation from the assets of a ward for certain services; establishing the Office of the State Public Guardian; replacing the term "incompetent" with the term "incapacitated" for purposes of guardianships and revising the definition thereof; revising various provisions relating to notice given to certain persons; revising provisions concerning the sale of real and personal property of a ward; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman McArthur and Senator Gustavson:

Assembly Bill No. 131—AN ACT relating to governmental administration; designating English as the official language of the State of Nevada; requiring certain governmental documents, transactions, proceedings, meetings and publications to be in English; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Elliot Anderson:

Assembly Bill No. 132—AN ACT relating to crimes; revising the definition of "officer" to include certain civilian employees and volunteers of law enforcement agencies for the purpose of enhancing the penalties for assault and battery against such a person; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Elliot Anderson:

Assembly Bill No. 133—AN ACT relating to real property rights; prohibiting adverse action against certain persons for requesting emergency assistance on a rental property in certain cases; specifying that a request for emergency assistance on a rental property does not constitute a nuisance in certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Hansen:

Assembly Bill No. 134—AN ACT relating to local government finance; increasing the limit on the amount of annual total expenditures for a special district to be eligible to petition for an exemption from certain requirements

of the Local Government Budget and Finance Act; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 135—AN ACT relating to public safety; revising provisions relating to prohibited acts concerning the use of marijuana and the operation of a vehicle or vessel; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Neal:

Assembly Bill No. 136—AN ACT relating to criminal procedure; providing that certain defendants must be admitted to bail on an unsecured bond; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Carlton:

Assembly Bill No. 137—AN ACT relating to taxation; revising provisions governing the total amount of transferable tax credits that may be approved by the Office of Economic Development pursuant to applications submitted to the Office by a producer that produces a film, television or other visual media production in this State; eliminating provisions that cap and repeal the tax credits that an insurer may take against the general tax on insurance premiums; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblywoman Carlton (by request):

Assembly Bill No. 138—AN ACT relating to water; authorizing the de minimus collection of precipitation for domestic use and to provide water to wildlife; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Education:

Assembly Bill No. 139—AN ACT relating to education; requiring the State Board of Education to prescribe guidelines for the voluntary implementation of a program of dual language immersion in a public

elementary school; requiring a competitive grant program to be created to provide grants of money to public elementary schools for establishing programs of dual language immersion; making appropriations; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Kramer (by request):

Assembly Bill No. 140—AN ACT relating to counties; revising the boundary line between Carson City and Washoe County; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Thompson, Araujo, Carrillo, Neal, Monroe-Moreno, Benitez-Thompson, Brooks, Bustamante Adams, Diaz, Jauregui, Joiner, McCurdy, Ohrenschall and Sprinkle; Senators Cancela, Ford, Spearman and Woodhouse:

Assembly Bill No. 141—AN ACT relating to state departments; revising provisions relating to the organizational structure and purposes of the Office of Minority Health; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Monday, February 13, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:08 p.m.

Approved:

JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE EIGHTH DAY

CARSON CITY (Monday), February 13, 2017

Assembly called to order at 12:01 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Ellison, who was excused.

Prayer by the Chaplain, Pastor Fred Kingman.

Heavenly Father, as we gather today to serve the men and women of this great state, let us remember Your creation. You're the author of the mountains that captivate our hearts, the planner of the rivers and lakes that provide us water and enjoyment, the sustainer of the land that gives us sustenance, and the artist of this beautiful desert we call home.

But more than this, you're the Creator of those in our charge, the people of Nevada who've entrusted us with the power to lead and care for them. As we set out, give us a high view of our constituents who are made in Your image as well as a high view of fellow Assembly Members who share that same honor. Help us serve the creation entrusted to us, knowing we, too, are among that creation.

Would You gather our thoughts, our words, our emotions and helps us to be present in the Assembly today. Help us to entrust our families and work back home to You, and give us grace to lead Nevada from the highest level during the session. Grant us confidence knowing You've made each of us with the gifts to legislate and govern, and we pray these gifts would be used and relied upon today. In the name of Jesus we pray.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Ellison and Krasner:

Assembly Joint Resolution No. 3—Recognizing the strategic partnership and bond of friendship with, and expressing the Nevada Legislature's support for, the State of Israel.

Assemblywoman Benitez-Thompson moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblywoman Swank and Senator Segerblom:

Assembly Joint Resolution No. 4—Requesting the National Research Council of the National Academy of Sciences to conduct an independent scientific and economic analysis of the current management practices of the Colorado River, the impact of these practices on water security, flood protection and biodiversity recovery, and alternative management options,

including draining Lake Powell and decommissioning and destroying the Glen Canyon Dam.

Assemblywoman Benitez-Thompson moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Flores:

Assembly Bill No. 142—AN ACT relating to children; requiring a court to enter an order setting forth certain findings that enable a child to apply for status as a special immigrant juvenile with the United States Citizenship and Immigration Services of the Department of Homeland Security upon a determination that evidence exists to support such findings; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Bustamante Adams:

Assembly Bill No. 143—AN ACT relating to legislative affairs; creating the Legislative Committee on Tax Expenditures and Incentives for Economic Development; setting forth the composition and administration of the Committee; prescribing the powers and duties of the Committee; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Thompson, Neal, Joiner, Flores, Brooks, Fumo, McCurdy, Monroe-Moreno and Ohrenschall; Senators Cancela, Ford and Denis:

Assembly Bill No. 144—AN ACT relating to education; creating the Nevada Advisory Commission on Mentoring; providing for the membership, powers and duties of the Commission; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywomen Krasner and Bustamante Adams:

Assembly Bill No. 145—AN ACT relating to civil actions; extending the statute of limitations for certain civil actions for damages to a person for injuries incurred as a child as a result of sexual abuse or pornography; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Watkins and Ohrenschall:

Assembly Bill No. 146—AN ACT relating to domestic violence; enacting the Uniform Recognition and Enforcement of Canadian Domestic-Violence Protection Orders Act; requiring the Central Repository for Nevada Records of Criminal History to include Canadian domestic-violence protection orders registered in this State in the Repository for Information Concerning Orders for Protection Against Domestic Violence; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Bustamante Adams:

Assembly Bill No. 147—AN ACT relating to property; revising procedures governing the disposal of certain property in the custody of certain governmental agencies; authorizing a board of county commissioners or its authorized representative to donate property pursuant to a district court order to certain organizations or entities for certain purposes; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Flores:

Assembly Bill No. 148—AN ACT relating to public affairs; increasing the penalty for notaries public and document preparation services that fraudulently provide legal services or advice; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Carrillo:

Assembly Bill No. 149—AN ACT relating to labor; providing that certain noncompete provisions in employment contracts are against public policy, void and unenforceable; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Sprinkle:

Assembly Bill No. 150—AN ACT relating to private professional guardians; revising provisions governing the qualifications necessary to serve as a private professional guardian; requiring certain persons to submit fingerprints to the Division of Financial Institutions of the Department of Business and Industry not less than once every 5 years for the purpose of obtaining a report from the Federal Bureau of Investigation; requiring the Division to maintain a copy of all such reports; requiring the Commissioner of Financial Institutions to adopt regulations establishing any fee required to obtain such reports; replacing references to the term "case manager"; removing the provision that exempts private professional guardians from the provisions of law concerning summary administration granted by a court; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Carlton (by request):

Assembly Bill No. 151—AN ACT relating to law enforcement; requiring the Peace Officers' Standards and Training Commission to adopt regulations governing the certification and training of law enforcement dispatchers; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Kramer (by request):

Assembly Bill No. 152—AN ACT relating to public financial administration; revising provisions governing the investment of money held by the State or certain political subdivisions of the State; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Daly, Sprinkle, Benitez-Thompson and Joiner; Senator Ratti:

Assembly Bill No. 153—AN ACT relating to local government; requiring counties to determine whether projects are projects of intercounty significance; requiring counties to pay impact fees to certain local governments for certain costs incurred as a result of projects of intercounty significance; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Brooks, Spiegel, Sprinkle, Joiner, Daly, Elliot Anderson, Bilbray-Axelrod, Bustamante Adams, Cohen, Frierson, Fumo, Jauregui, Miller, Monroe-Moreno, Neal, Swank and Thompson; Senator Atkinson:

Assembly Bill No. 154—AN ACT relating to prevailing wages; revising provisions governing the payment of prevailing wages; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywomen Spiegel, Joiner and Bilbray-Axelrod; Senator Parks:

Assembly Bill No. 155—AN ACT relating to the middle class; creating the Task Force on the Economics of the Middle Class in Nevada to conduct a study during the 2017-2018 interim on the economics and economic mobility of middle-class Nevadans; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblyman Yeager:

Assembly Bill No. 156—AN ACT relating to public health; authorizing public and private schools to obtain and maintain an albuterol inhaler and certain other devices under certain conditions; requiring certain training relating to the storage and use of an albuterol inhaler; requiring public and private schools, to the extent feasible, to develop a comprehensive action plan relating to symptoms of respiratory distress; authorizing certain providers of health care to issue an order for an albuterol inhaler and certain other devices to a public or private school; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman Spiegel:

Assembly Bill No. 157—AN ACT relating to health care; requiring a provider of health care or health facility, under certain circumstances, to notify a patient whether the provider or facility is an in-network provider or facility; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Marchant:

Assembly Bill No. 158—AN ACT relating to cosmetology; requiring the State Board of Cosmetology to allow the use of fish for pedicures; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Watkins, Swank and Brooks; Senator Ratti:

Assembly Bill No. 159—AN ACT relating to natural resources; prohibiting hydraulic fracturing in this State; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblywoman Swank:

Assembly Bill No. 160—AN ACT relating to energy; requiring the State Public Works Board of the State Public Works Division of the Department of Administration to conduct an evaluation on installing alternatives to window replacement before replacing windows in public buildings under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Flores:

Assembly Bill No. 161—AN ACT relating to real property; requiring certain rental agreements to be notarized; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Flores:

Assembly Bill No. 162—AN ACT relating to trade practices; requiring a business that accepts a driver's license for the purpose of identification to also accept a permanent resident card for that purpose; including permanent resident cards as proof of identity for various purposes; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Flores:

Assembly Bill No. 163—AN ACT relating to financial services; requiring a person who is licensed to operate certain loan services to verify a

customer's ability to repay the loan before making certain short-term loans to the customer; revising provisions governing defaults and grace periods relating to certain short-term loans; requiring certain notices to be posted by a person who is licensed to operate certain loan services; revising the requirements for making a title loan; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Krasner:

Assembly Bill No. 164—AN ACT relating to elections; requiring, with limited exceptions, proof of identity for voting in person; requiring the Department of Motor Vehicles, under certain circumstances, to issue voter identification cards at no cost; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblyman Hambrick:

Assembly Bill No. 165—AN ACT relating to long-term care; providing for the licensure of certain persons as health services executives; authorizing the holder of such a license to perform the functions of an administrator of a residential facility for groups and a nursing facility administrator; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Edwards:

Assembly Bill No. 166—AN ACT relating to education; requiring a school district to set the time for the commencement of a school day; requiring public schools in the Breakfast After the Bell Program to increase instructional time; requiring the boards of trustees of school districts to adopt a policy for kindergarten and grades 1 to 5 within the school district to provide a certain amount of time each school day for recess; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Pickard:

Assembly Bill No. 167—AN ACT relating to domestic relations; creating summary procedures for the resolution of certain matters relating to permanent support and maintenance, divorce and child custody; adding

certain factors for determining child custody; revising provisions governing the relocation of a parent with his or her child; making certain terms consistent in provisions relating to child custody; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Wheeler:

Assembly Bill No. 168—AN ACT relating to motor carriers; revising the declaration of legislative purpose and policy governing the regulation of certain motor carriers; revising the criteria for granting or modifying certificates of public convenience and necessity for certain motor carriers; revising provisions governing participation as an intervener in a hearing on an application for such a certificate; revising provisions governing the filing of an application for a certificate of public convenience and necessity by a person whose previous application has been denied; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Jauregui, Brooks and Carrillo:

Assembly Bill No. 169—AN ACT relating to county recorders; providing that a county recorder has discretion to accept and record a document that does not meet certain formatting requirements; revising certain fees collected by a county recorder; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Hansen:

Assembly Bill No. 170—AN ACT relating to economic development; extending the requirement for the Office of Economic Development to submit quarterly reports relating to certain economic development incentives; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblyman Marchant:

Assembly Bill No. 171—AN ACT relating to concealed weapons; removing the prohibition against carrying certain concealed weapons; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Hansen:

Assembly Bill No. 172—AN ACT relating to business; revising the amount of the annual fee for a state business registration; requiring a business to include with its application for renewal of a state business registration certain information concerning the applicability of the commerce tax imposed on the Nevada gross revenue of certain business entities; revising provisions governing the initial and annual lists filed with the Secretary of State by business entities; providing for the formation of low profit limited-liability companies; removing the requirement for certain business entities to file a commerce tax return with the Department of Taxation; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Krasner:

Assembly Bill No. 173—AN ACT relating to civil actions; requiring an applicant for a name change to submit a statement signed under penalty of perjury; revising the requirement for publication of notice; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Krasner:

Assembly Bill No. 174—AN ACT relating to cemeteries; urging the Reno City Council to take steps to protect the Grand Army of the Republic Cemetery; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen McCurdy, Flores, Carrillo, Brooks, Diaz, Joiner and Monroe-Moreno:

Assembly Bill No. 175—AN ACT relating to employment; requiring certain increases in the minimum wage paid to employees in private employment in this State; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Frierson, Cohen, Diaz, Flores, Jauregui and Yeager:

Assembly Bill No. 176—AN ACT relating to care of children; establishing certain requirements for the operation of a seasonal or temporary recreation program; providing a civil penalty; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Sprinkle:

Assembly Bill No. 177—AN ACT relating to domestic violence; authorizing a court to grant an extension of time for certain orders; providing for service by publication under certain circumstances; authorizing the court to grant extended orders for protection under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Jauregui, Araujo, McCurdy and Brooks:

Assembly Bill No. 178—AN ACT relating to employment; enlarging the time within which a person may seek relief from the Nevada Equal Rights Commission or a district court for an unlawful employment practice; revising the remedies that the Commission or a district court may grant upon finding that an employer has engaged in an unlawful employment practice; requiring an employer to maintain certain records; making it an unlawful employment practice for an employer, employment agency or labor organization to discriminate against a person for inquiring about, discussing or disclosing information about wages in certain circumstances; requiring certain defenses to a claim of employment discrimination to be demonstrated affirmatively; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assemblywoman Benitez-Thompson moved that the Assembly recess until 6 p.m.

Motion carried.

Assembly in recess at 12:24 p.m.

ASSEMBLY IN SESSION

At 7:15 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblyman Elliot Anderson and Senator Woodhouse:

Assembly Joint Resolution No. 5—Proposing to amend the Nevada Constitution to remove the provisions relating to the election and duties of the Board of Regents.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 4 of Article 11 of the Nevada Constitution be amended to read as follows:

[~~Sec:~~**]** ***Sec.*** 4. The Legislature shall provide for the establishment of a State University which shall embrace departments for Agriculture, Mechanic Arts, and Mining **. [**~~to be controlled by a Board of Regents whose duties shall be prescribed by Law.~~**]**

And be it further

RESOLVED, That Section 8 of Article 11 of the Nevada Constitution be amended to read as follows:

[~~Sec:~~**]** ***Sec.*** 8. The **[**~~Board of Regents shall, from the interest accruing from the first funds which come under their control, immediately organize and maintain the said Mining department in such manner as to make it most effective and useful, Provided, that all the~~**]** proceeds of the public lands donated by Act of Congress approved July second AD. Eighteen hundred and sixty Two, for a college for the benefit of Agriculture[,] the Mechanics Arts, and including Military tactics shall be invested by the **[**~~said Board of Regents~~**]** ***State Treasurer*** in a separate fund to be appropriated exclusively for the benefit of the first named departments to the University as set forth in Section Four above; And the Legislature shall provide that if through neglect or any other contingency, any portion of the fund so set apart, shall be lost or misappropriated, the State of Nevada shall replace said amount so lost or misappropriated in said fund so that the principal of said fund shall remain forever undiminished[.]

And be it further

RESOLVED, That Section 7 of Article 11 of the Nevada Constitution be repealed.

TEXT OF REPEALED SECTION

Sec: 7. **Board of Regents: Election and duties.** The Governor, Secretary of State, and Superintendent of Public Instruction, shall for the first four years and until their successors are elected and qualified constitute a Board of Regents to control and manage the affairs of the University and the funds of the same under such regulations as may be provided by law. But the Legislature shall at its regular session next preceding the expiration of the term of office of said Board of Regents provide for the election of a new Board of Regents and define their duties.

Assemblyman Araujo moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywoman Carlton:

Assembly Bill No. 179—AN ACT relating to massage therapy; changing the name of the Board of Massage Therapists to the Board of Massage Therapy; authorizing the Board to issue a license and a temporary license to practice reflexology and structural integration; requiring the Board to adopt regulations concerning the certification of a massage, reflexology and structural integration establishment; authorizing a local government to regulate a massage, reflexology and structural integration establishment; requiring that the Board consist of nine members; requiring the Board to

adopt certain additional regulations; providing that a license is valid for 2 years; increasing the fee amount for the renewal of a license; creating a fee for the issuance and renewal of the certification of a massage, reflexology and structural integration establishment; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Monroe-Moreno, Bilbray-Axelrod, Brooks, Cohen, McCurdy, Miller and Yeager:

Assembly Bill No. 180—AN ACT relating to juvenile justice; enacting the Juvenile Justice Bill of Rights; providing certain rights to children who are detained in a detention facility; requiring notice of those rights to be provided to children who are detained and to certain other persons, and that such notice be posted in certain locations; establishing a procedure for children to report alleged violations of those rights; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Frierson, Ohrenschall, Yeager, Araujo, Benitez-Thompson and McCurdy:

Assembly Bill No. 181—AN ACT relating to civil rights; revising provisions governing the restoration of civil rights to certain persons who have been convicted of felonies; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Corrections, Parole, and Probation.

Motion carried.

By Assemblyman Oscarson:

Assembly Bill No. 182—AN ACT relating to education; authorizing the Superintendent of Public Instruction to carry out an on-site inspection of a provider of special education in certain circumstances; authorizing the Superintendent of Public Instruction to take certain measures to ensure compliance with the laws governing the education of pupils with disabilities in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Ohrenschall:

Assembly Bill No. 183—AN ACT relating to hospitals; restricting the enforcement by a hospital of certain statutory liens; limiting the amount that a hospital may collect or attempt to collect from a patient or other responsible party under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Ohrenschall:

Assembly Bill No. 184—AN ACT relating to criminal procedure; revising provisions concerning the withdrawal of certain pleas after sentence is imposed or imposition of sentence is suspended; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Ohrenschall:

Assembly Bill No. 185—AN ACT relating to juvenile justice; requiring a child who is charged with a crime as an adult and who is confined or detained during the pendency of the proceeding to be placed in a facility for the detention of children unless good cause is otherwise shown; requiring, under certain circumstances, a person who is less than 18 years of age and who is sentenced to a term of imprisonment in the state prison to serve the term in a state facility for the detention of children until he or she reaches the age of 18 years; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Diaz:

Assembly Bill No. 186—AN ACT relating to education; requiring the board of trustees of each school district to establish, equip and maintain a prekindergarten education program and a kindergarten in each elementary school or school attendance area in the district; revising provisions governing the age at which a child is required to be enrolled in and attend school; authorizing a child who is 4 years of age on or before September 30 of a school year to be admitted to a prekindergarten education program; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywoman Cohen:

Assembly Bill No. 187—AN ACT relating to wildlife; revising the qualifications of certain members of the Board of Wildlife Commissioners to include representatives of the ecotourism industry; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblywoman Diaz:

Assembly Bill No. 188—AN ACT relating to education; reducing the minimum number of credit hours required per semester for eligibility for a grant awarded under the Silver State Opportunity Grant Program; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman McArthur:

Assembly Bill No. 189—AN ACT relating to the Legislature; revising the number of legislative measures that may be requested by certain persons and entities; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblywoman Diaz:

Assembly Bill No. 190—AN ACT relating to occupational safety; requiring employees on certain sites related to the entertainment industry to receive certain health and safety training; providing civil penalties; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Cohen and Pickard:

Assembly Bill No. 191—AN ACT relating to parentage; revising requirements for consent by a person who intends to be a parent of a child born by assisted reproduction; revising the requirements for obtaining a court order designating the contents of the birth certificate of a child who is the result of a gestational carrier arrangement; prohibiting the adoption of certain children from this State except upon a district court order; eliminating certain residence requirements relating to petitioners for the adoption of a child; establishing certain requirements for the development and distribution of a declaration for the voluntary acknowledgment of parentage; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Sprinkle, Benitez-Thompson and Frierson:

Assembly Bill No. 192—AN ACT relating to the state personnel system; revising provisions governing the temporary limited appointment of persons with disabilities by state agencies; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Joiner and Sprinkle:

Assembly Bill No. 193—AN ACT relating to water; requiring the fluoridation of water provided by public water systems and water authorities in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Monroe-Moreno, Joiner, Miller and Sprinkle:

Assembly Bill No. 194—AN ACT relating to professions; providing for the certification of behavioral healthcare peer recovery support specialists by the Board of Examiners for Alcohol, Drug and Gambling Counselors; providing penalties; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Bustamante Adams:

Assembly Bill No. 195—AN ACT relating to cosmetology; revising provisions governing the State Board of Cosmetology; revising provisions governing instructors of various cosmetology professionals; revising provisions relating to the licensure or registration of various cosmetology professionals, cosmetological establishments and schools of cosmetology; imposing a fee upon certain applicants who request an examination be translated into a language other than English or Spanish; revising provisions relating to disciplinary action and certain prohibited acts; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen McCurdy, Diaz, Thompson, Flores, Brooks, Jauregui, Joiner and Miller; Senators Ratti and Segerblom:

Assembly Bill No. 196—AN ACT relating to educational personnel; providing for an endorsement that a teacher, administrator or other educational personnel may obtain in culturally responsive educational leadership; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Miller, Cohen, Ohrenschall and Yeager:

Assembly Bill No. 197—AN ACT relating to trusts; enacting the Uniform Trust Decanting Act; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Edwards:

Assembly Bill No. 198—AN ACT relating to domestic relations; providing various penalties for persons who knowingly make false statements or present false documentary evidence in domestic relations proceedings; requiring the establishment of an independent review panel to observe domestic relations proceedings; requiring the establishment of an advocate group to provide assistance to veterans in domestic relations proceedings; requiring the establishment of a program for the supervised exchange of a child between certain persons; establishing the consequences resulting from a person who participates in such a program intentionally failing to appear with the child at the designated time and place for the supervised exchange of the child; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Woodbury and Senator Hardy:

Assembly Bill No. 199—AN ACT relating to health care; authorizing a physician assistant or advanced practice registered nurse to take certain actions relating to a Physician Order for Life-Sustaining Treatment; revising provisions governing the execution and revocation of a Physician Order for Life-Sustaining Treatment form; requiring the Registry of Advance Directives for Health Care to include a form for electronically completing and registering a Physician Order for Life-Sustaining Treatment; providing penalties; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Woodbury and Senator Hardy:

Assembly Bill No. 200—AN ACT relating to children; requiring an accommodation facility or child care facility to notify the parent or guardian of a child of whether another child admitted to the facility is exempt from immunization requirements under certain circumstances; requiring a public or private school to notify the parent or guardian of a pupil of whether another pupil enrolled in the school is exempt from immunization requirements under certain circumstances; requiring an accommodation facility, child care facility, public school or private school to notify a parent or guardian of the ability to request such notice; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Edwards:

Assembly Bill No. 201—AN ACT relating to governmental administration; creating the Office of the Inspector General in the Office of Finance in the Office of the Governor; setting forth the powers and duties of the Inspector General; requiring a state agency or local government to cooperate with and provide assistance to the Inspector General in carrying out those duties; transferring the Division of Internal Audits of the Office of Finance to the Office of the Inspector General; abolishing the Executive Branch Audit Committee; requiring certain investigators and inspectors employed by the Nevada Transportation Authority or the Taxicab Authority to be transferred to the Office of the Inspector General; requiring the Nevada Transportation Authority and the Taxicab Authority to transfer certain amounts to the Office of the Inspector General to pay the salaries and benefits of such investigators and inspectors; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Joiner, Swank and Thompson; Senators Cancela and Ratti:

Assembly Bill No. 202—AN ACT relating to education; providing for the award of grants under the Silver State Opportunity Grant Program to qualified students enrolled in universities within the Nevada System of Higher Education; providing that money received from a grant awarded under the Program may be used to pay for the cost of education at more than one community college, state college or university within the System; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywoman Joiner and Senator Ratti:

Assembly Bill No. 203—AN ACT relating to cemeteries; clarifying that a cemetery authority is not authorized to order the disinterment and removal of human remains from certain burial plots; requiring a governmental authority to make certain determinations before a cemetery authority may order the disinterment and removal of human remains; requiring a cemetery authority to prescribe a time for the removal and reinterment of human remains under certain circumstances; providing when a receptacle for reinterment will be deemed suitable; authorizing certain persons to maintain an action to require a cemetery owner to keep the cemetery in an orderly condition; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Tolles, Bilbray-Axelrod, Bustamante Adams, Edwards, Frierson, Jauregui, Joiner, Miller, Monroe-Moreno, Ohrenschall, Oscarson, Pickard, Spiegel, Titus and Wheeler; Senators Gansert, Cannizzaro, Ford, Hardy, Parks and Segerblom:

Assembly Bill No. 204—AN ACT relating to marriage; requiring a marriage license and a certificate of marriage to include the name to be used by each spouse after the marriage; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Araujo:

Assembly Bill No. 205—AN ACT relating to cremation; authorizing the use of alkaline hydrolysis for cremation; exempting a crematory that uses only alkaline hydrolysis from certain limitations on the location of a crematory; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Brooks, Frierson, Yeager, McCurdy, Watkins and Fumo; Senators Cancela, Parks and Spearman:

Assembly Bill No. 206—AN ACT relating to renewable energy; declaring the policy of this State concerning renewable energy; requiring an assessment of technically feasible and economically viable pathways for achieving the goals in the policy to be included in the comprehensive state energy plan; requiring the comprehensive state energy plan to be updated at least once every 2 years; revising the portfolio standard for providers of electric service in this State; requiring the Public Utilities Commission of Nevada to revise any existing portfolio standard applicable to a provider of new electric

resources to comply with the portfolio standard established by this act; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Fumo:

Assembly Bill No. 207—AN ACT relating to juries; revising the provisions governing the selection of jurors; requiring the jury commissioner to report certain information about trial jurors to the Office of the Attorney General; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Oscarson:

Assembly Bill No. 208—AN ACT relating to highways; prohibiting a driver of a vehicle over a certain declared gross weight from operating the vehicle in the extreme left general purpose lane of certain controlled-access highways; providing exceptions; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Oscarson:

Assembly Bill No. 209—AN ACT relating to water; requiring, under certain circumstances, the State Engineer to extend the time necessary to work a forfeiture of certain water rights; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblyman Oscarson:

Assembly Bill No. 210—AN ACT relating to education; authorizing the creation of a community education advisory board by certain local governmental entities to provide input, advice and assistance to the board of trustees of a school district on issues relating to public education; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Jauregui, Fumo and McCurdy:

Assembly Bill No. 211—AN ACT relating to labor; authorizing a court to award treble damages in an action to recover unpaid wages; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Fumo and Brooks; Senators Woodhouse, Segerblom and Manendo:

Assembly Bill No. 212—AN ACT relating to educational personnel; prohibiting the use of pupil achievement data to evaluate employees of a school district; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Ohrenschall:

Assembly Bill No. 213—AN ACT relating to dental care; revising provisions governing certain policies of health insurance and health care plans that provide coverage for dental services; requiring a dentist to post certain notices relating to fees for services; repealing provisions which limit the amount that may be charged by dentists in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Neal:

Assembly Bill No. 214—AN ACT relating to clinical trials; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to establish a program to encourage participation in clinical trials of drugs and medical devices by certain groups; requiring certain state and local governmental entities to adopt a policy concerning the identification and recruitment of members of those groups to participate in such trials; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 7:30 p.m.

ASSEMBLY IN SESSION

At 10:06 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblyman Elliot Anderson:

Assembly Joint Resolution No. 6—Proposing to amend the Nevada Constitution to abolish the Office of State Controller and the Office of State Treasurer and transfer their duties to the Executive Branch of State Government.

WHEREAS, The State Controller and State Treasurer in this State manage many of the accounts, investments, payments and fiscal administration of the State of Nevada; and

WHEREAS, These duties are essential to the stewardship of taxpayer resources and the general welfare of this State; and

WHEREAS, The duties of the State Controller and State Treasurer are ministerial and technical in nature, generally lacking the discretionary responsibilities customarily exercised by elected officials; and

WHEREAS, The functions performed by the State Controller and State Treasurer are similar to those currently performed by the Department of Administration and the Office of Finance in the Office of the Governor; and

WHEREAS, Abolishing the Office of State Controller and the Office of State Treasurer and allowing the duties of those positions to be carried out by others within the Executive Branch of State Government will improve the efficiency of the fiscal management of the State, reduce costs to taxpayers and reduce the overall size of State Government; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 33A of Article 4 of the Nevada Constitution, if that section is agreed to and passed by the 2017 Legislature and approved and ratified by the voters at the 2018 General Election, be amended to read as follows:

Sec. 33A. 1. The Legislature shall provide by law for a Citizens' Commission on Compensation for Certain Elected Officers.

2. The Commission must consist of seven members appointed by the Governor who have diverse personal and professional interests and reside in various geographical areas of this State of which:

(a) One member has expertise in public compensation and is recommended by the Public Employees' Retirement Board or its successor organization;

(b) One member represents a nonprofit public interest organization;

(c) One member represents the general public;

(d) One member has experience with the operation of independent businesses in this State and is recommended by an organization which represents the interests of independent businesses in this State;

(e) One member has experience with the operation of a retailer in this State and is recommended by an organization which represents the interests of retailers in this State; and

(f) Two members have experience as officers or members of a labor organization in this State and are recommended by a labor organization in this State.

3. Each member of the Commission must be a resident of this State and must not be a state officer, public employee or lobbyist, or a parent, spouse, sibling, child or dependent relative of a state officer, public employee or lobbyist.

4. Except as otherwise provided in this subsection, the term of office of each member of the Commission is 4 years. The Governor shall appoint three of the members first appointed by him or her for initial terms of 2 years. If a vacancy occurs, the Governor shall fill the vacancy for the unexpired term in the same manner as the original appointment,

within 30 days after the vacancy occurs. A member of the Commission may not serve more than two terms.

5. The Governor may remove a member of the Commission only for cause of incapacity, incompetence, neglect of duty, malfeasance in office or failure to meet a qualification set forth in subsection 3.

6. The Commission shall elect a Chair from among its members. Except as otherwise provided in this section, the Commission shall adopt rules of procedure for the conduct of its hearings and any other procedural rules it deems necessary to carry out its duties. The affirmative vote of a majority of all the members appointed to the Commission is required to take action.

7. Members of the Commission are entitled to:

(a) The compensation provided by law for members of the Commission on Judicial Discipline who are not judicial officers; and

(b) The per diem allowance and travel expenses provided by law for state officers and employees generally.

8. The Commission shall:

(a) Study the relationship of salaries and benefits to the duties of the members of the Legislature, the Governor, Lieutenant Governor, Secretary of State, ~~[State Treasurer, State Controller,]~~ Attorney General, justices of the Supreme Court, judges of the Court of Appeals and judges of the District Courts;

(b) Study the relationship of salaries to the duties of county commissioners, district attorneys, sheriffs, county clerks, county assessors, county recorders, county treasurers and public administrators;

(c) Compare the salaries and benefits of the elected officers set forth in paragraph (a) to the salaries and benefits of persons who are employed by a public or private employer and who have similar qualifications as those elected officers and compare the salaries of the elected officers set forth in paragraph (b) to the salaries of persons who are employed by a public or private employer and who have similar qualifications as those elected officers;

(d) Fix the salaries and benefits of the elected officers set forth in paragraph (a) and fix the salaries of the elected officers set forth in paragraph (b); and

(e) Carry out any duties provided by the Legislature.

9. The Commission may increase, but not diminish, the salary and benefits of an elected officer set forth in paragraph (a) of subsection 8 during his or her term of office. Except for the initial schedule of salaries and benefits for elected officers filed pursuant to subsection 10, the Commission may not increase or decrease the salary of any elected officer by more than 15 percent of the salary of that elected officer provided in the immediately preceding schedule of salaries for elected officers. The Commission may exercise any powers conferred by the Legislature.

10. The Commission shall file its initial schedule of salaries and benefits for elected officers with the Secretary of State not later than January 1, 2019, and shall file a schedule of salaries and benefits not later than January 1 of each odd-numbered year thereafter. Each schedule of salaries and benefits is effective:

(a) For members of the Legislature, for the period from the first Monday of February immediately following the January 1 that the schedule is due through the day before the first Monday of February of the next odd-numbered year; and

(b) For all other elected officers set forth in paragraph (a) or (b) of subsection 8, for the period from July 1 immediately following the January 1 that the schedule is due through June 30 of the next odd-numbered year. The Legislature shall provide by law for setting apart from each year's revenues a sufficient amount of money to pay such salaries and benefits.

11. Before the Commission may file a schedule of salaries and benefits with the Secretary of State, the Commission shall hold at least four meetings to receive public testimony on the schedule. At the last public hearing before the schedule is filed with the Secretary of State, the Commission shall adopt the schedule as originally proposed or as amended. All meetings of the Commission are subject to the provisions of any open meeting laws made applicable generally to other public bodies.

12. The Legislative Counsel Bureau shall include in the Nevada Revised Statutes a copy of the most recent schedule of salaries and benefits established by the Commission and filed with the Secretary of State.

And be it further

RESOLVED, That Section 19 of Article 5 of the Nevada Constitution be amended to read as follows:

Sec. 19. 1. ~~[A]~~ ***Except as otherwise provided in subsection 3, a*** Secretary of State, a Treasurer, a Controller, and an Attorney General, shall be elected at the same time and places, and in the same manner as the Governor. The term of office of each shall be the same as is prescribed for the Governor.

2. Any elector shall be eligible to any of these offices, but no person may be elected to any of them more than twice, or more than once if he has previously held the office by election or appointment.

3. The Treasurer and the Controller must no longer be elected when the Legislature provides by law for the transfer of the duties of those offices to the Executive Branch of State Government. Until such a transfer of duties occurs, the Treasurer and Controller shall continue to carry out the duties of their respective offices, and once the duties are so transferred, the Treasurer and Controller must continue to carry out their terms of office but may not be reelected.

And be it further

RESOLVED, That Section 3 of Article 9 of the Nevada Constitution be amended to read as follows:

Sec. 3. The State may contract public debts; but such debts shall never, in the aggregate, exclusive of interest, exceed the sum of two per cent of the assessed valuation of the State, as shown by the reports of the county assessors to the State Controller ~~[,]~~ ***or to the person who assumes the duties of the Office of the State Controller pursuant to section 19 of Article 5,*** except for the purpose of defraying extraordinary expenses, as hereinafter mentioned. Every such debt shall be authorized by law for some purpose or purposes, to be distinctly specified therein; and every such law shall provide for levying an annual tax sufficient to pay the interest semiannually, and the principal within twenty years from the passage of such law, and shall specially appropriate the proceeds of said taxes to the payment of said principal and interest; and such appropriation shall not be repealed nor the taxes postponed or diminished until the principal and interest of said debts shall have been wholly paid. Every contract of indebtedness entered into or assumed by or on behalf of the State, when all its debts and liabilities amount to said sum before mentioned, shall be void and of no effect, except in cases of money borrowed to repel invasion, suppress insurrection, defend the State in time of war, or, if hostilities be threatened, provide for the public defense.

The State, notwithstanding the foregoing limitations, may, pursuant to authority of the Legislature, make and enter into any and all contracts necessary, expedient or advisable for the protection and preservation of any of its property or natural resources, or for the purposes of obtaining the benefits thereof, however arising and whether arising by or through any undertaking or project of the United States or by or through any treaty or compact between the states, or otherwise. The Legislature may from time to time make such appropriations as may be necessary to carry out the obligations of the State under such contracts, and shall levy such tax as may be necessary to pay the same or carry them into effect.

And be it further

RESOLVED, That Section 12 of Article 15 of the Nevada Constitution be amended to read as follows:

~~[Sec:]~~ ***Sec.*** 12. ~~[The]~~ ***Except as otherwise provided in section 19 of Article 5, the*** Governor, Secretary of State ~~[, State Treasurer, State Controller,]~~ and Clerk of the Supreme Court, shall keep their respective offices at the seat of Government.

Assemblyman Araujo moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Joiner, Spiegel, Bilbray-Axelrod, Carrillo, Daly, Diaz, Flores, Fumo, Miller, Monroe-Moreno and Thompson; Senators Cancela and Parks:

Assembly Bill No. 215—AN ACT relating to prescription drugs; requiring the manufacturer of certain prescription drugs to submit a report to the Division of Insurance of the Department of Business and Industry containing information about the costs of the drug; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Hambrick:

Assembly Bill No. 216—AN ACT relating to criminal procedure; establishing a presumption that a child acts in self-defense if he or she commits an act deemed not to be a delinquent act against a person who has physically or sexually abused or trafficked the child; providing that such a child is subject to the jurisdiction of the juvenile court in certain circumstances; establishing provisions relating to the admissibility of evidence of intimate partner battering or traumatic bonding and expert testimony concerning the nature and effects thereof in criminal proceedings; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Hambrick:

Assembly Bill No. 217—AN ACT relating to prostitution; requiring counties and cities to revoke the business license of any place of transient lodging where repeated acts of prostitution have regularly occurred on the premises; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Hambrick:

Assembly Bill No. 218—AN ACT relating to criminal procedure; authorizing a court in certain circumstances to depart from any mandatory sentencing enhancements to be imposed upon a person who is convicted as an adult for an offense committed when he or she was less than 18 years of age and reduce any mandatory minimum period of incarceration that such a

person is required to serve; establishing provisions relating to the eligibility for parole of such a person who is convicted of certain subsequent offenses committed when he or she was 18 years of age or older but less than 24 years of age; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Swank:

Assembly Bill No. 219—AN ACT relating to gaming; revising the boundaries of the Las Vegas Boulevard gaming corridor; providing for the expiration of the designation of certain locations as a gaming enterprise district; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Edwards:

Assembly Bill No. 220—AN ACT relating to schools; requiring the board of trustees of a school district to permit school buses or vehicles belonging to the school district to be used to transport students of the school district to and from certain programs and activities, including the transportation of members of a Junior Reserve Officers' Training Corps unit located in the school district; requiring the Adjutant General to reimburse a certain amount of money quarterly to each school district in which a Junior Reserve Officers' Training Corps unit is located; authorizing the Adjutant General to apply for and accept any gifts, grants, donations, bequests or devises to support the Junior Reserve Officers' Training Corps; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywoman Bilbray-Axelrod:

Assembly Bill No. 221—AN ACT relating to schools; requiring each public school in a school district to allow pupils and employees of a charter school to evacuate to the public school if necessary during a crisis or emergency; requiring the model plan for the management of a crisis or emergency that involves a public school to include procedures for such an evacuation; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywoman Swank:

Assembly Bill No. 222—AN ACT relating to financial services; prohibiting a person who is licensed to operate certain loan services from making certain short-term loans to a customer under certain circumstances; requiring a person who is licensed to operate certain loan services to verify a customer's ability to repay the loan before making certain short-term loans to the customer; prohibiting a person who is licensed to operate certain loan services from making certain short-term loans to a customer with an annual percentage rate greater than 36 percent; requiring the Commissioner of Financial Institutions to develop, implement and maintain a database storing certain information relating to short-term loans made to customers in this State; providing that information in such a database is confidential; revising requirements for the contents of written loan agreements between licensees and customers; revising various provisions governing short-term loans; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen McCurdy, Brooks, Jauregui, Monroe-Moreno, Watkins and Yeager; Senators Cannizzaro and Segerblom:

Assembly Bill No. 223—AN ACT relating to energy efficiency programs; requiring an electric utility to submit to the Public Utilities Commission of Nevada an energy efficiency plan designed to be cost effective; prescribing the contents of such a plan; requiring the Commission to measure the cost effectiveness of an energy efficiency plan through application of the utility cost test; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Carrillo:

Assembly Bill No. 224—AN ACT relating to disabilities; replacing the terms "intellectual disability" and "related conditions" with the term "developmental disability" for certain purposes; prohibiting a provider of jobs and day training services from entering into certain contracts or arrangements; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Carrillo:

Assembly Bill No. 225—AN ACT relating to education; requiring a school district to set the time for the commencement of a school day for a public high school; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Hansen:

Assembly Bill No. 226—AN ACT relating to elections; revising deadlines by which certain signature petitions of minor political parties and independent candidates must be filed; revising the circumstances under which candidates of major political parties appear on or are omitted from the ballot at a primary election; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblyman Carrillo:

Assembly Bill No. 227—AN ACT relating to domestic relations; revising provisions governing the recognition of domestic partnerships from other jurisdictions; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Scott Coffee.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Dorothey Hallenbeck, Moira Harris, Noah Harrison, Paisley Hetherton-Lalone, and Kate Jacot.

Assemblyman Araujo moved that the Assembly adjourn until Tuesday, February 14, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 10:14 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE NINTH DAY

CARSON CITY (Tuesday), February 14, 2017

Assembly called to order at 12:07 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Ellison, who was excused.

Prayer by Tribal Elder Reynelda James.

Thank you for inviting me to say this prayer and blessings for you today. The prayer is for thanksgiving for all that surrounds us, from the rising of the sun to the setting of sun, to the south and to the north. We give thanks for many things. Accept, oh Lord, our thanks and praise for all that You have done for us. We thank You for the splendor of the whole creation, for the beauty of this world, for the wonder of life, and for the mystery of love.

We thank You for blessings to family and friends, and for the loving care which surrounds us on every side. We thank You for setting us at tasks which demand our best efforts and for leading us to the accomplishments which satisfy and delight us. We thank You for all those disappointments and failures that lead us to acknowledge our dependence on You alone.

Above all, we thank You for Your Son Jesus Christ; for the truth of the Word and the example of its life. Grant us the gift of Your spirit, that we may know Him and make Him known.

We give thanks for this place, for this Assembly. Oh God, the Fountain of Wisdom, whose will is good and gracious, and whose law is truth. We beseech Thee, so to guide and bless our Senators and Representatives in this Assembly, in the Legislature of this state, that they may enact such laws as shall please Thee to the glory of Thy name and the welfare of the people.

We ask blessings upon this house, where leaders meet and speak, and for their dedication to serve our people, to serve others, day by day.

We give thanks for our Nevada Indian Commission, and Sherry Rupert, who leads us, and for our Governor Sandoval, who is doing great things for us. We give thanks for allowing us to come and speak our language.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

COMMUNICATIONS

SUPREME COURT OF NEVADA
MICHAEL A. CHERRY, CHIEF JUSTICE
201 SOUTH CARSON STREET
CARSON CITY, NEVADA 89701-4702
(775) 684-1543

February 14, 2017

SENATOR AARON FORD
SPEAKER JASON FRIERSON
NEVADA LEGISLATURE
401 S. Carson Street
Carson City, NV 89701-4747

RE: State of the Judiciary Address—2017 Legislative Session

DEAR SENATOR FORD AND SPEAKER FRIERSON:

Pursuant to past protocol, I would like to request permission, as Chief Justice of the Nevada Supreme Court in 2017, to address a joint session of the Legislature on the State of the Judiciary on March 8, at 5:00 p.m. The court is hosting a reception for legislators at 6:00 p.m. that evening.

Your joint consideration of this request would be much appreciated.

Sincerely,
MICHAEL A. CHERRY
Chief Justice

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

February 13, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 40.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 7, 16, 23, 30, 51 and 55.

CINDY JONES
Fiscal Analysis Division

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolutions Nos. 2 and 3.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to John Hawk.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Heather Lacovara and Jacy Urain.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Christian Lamas.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Devon Sansone.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Wanda Shumar, Katie Ryan, and Natasha Franzen.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Aviva Gordon.

On request of Assemblyman Edwards, the privilege of the floor of the Assembly Chamber for this day was extended to Yukiko Yagi and Destany Pete.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Kaylie Machutta.

On request of Assemblyman Fumo, the privilege of the floor of the Assembly Chamber for this day was extended to Kacie Bell.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Amber Inman.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Vinton Hawley, Alan Mandell, Calista Cruz, and E'Sha Hoferer.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Scott Muelrath.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Krystena Davis.

On request of Assemblyman Kramer, the privilege of the floor of the Assembly Chamber for this day was extended to Belen Silva and Hunter Duncan.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to Don Kaplan, Ken Koeppe, and Alex Christopher.

On request of Assemblyman Marchant, the privilege of the floor of the Assembly Chamber for this day was extended to Matt Perkins.

On request of Assemblyman McCurdy, the privilege of the floor of the Assembly Chamber for this day was extended to Rob Buckel.

On request of Assemblywoman Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Tim Brooks.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Anderson.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Whitney Wickersham.

On request of Assemblyman Pickard, the privilege of the floor of the Assembly Chamber for this day was extended to Amber Stidham.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Rachel Cook.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Layne Zeiszler and Emily Leavitt.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Liberty Johnson, Geri Schroder, and Mikey Kelly.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Garret Bunyard.

On request of Assemblyman Watkins, the privilege of the floor of the Assembly Chamber for this day was extended to Hunter Drost.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Lorin Oberman.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Lizzie Clark and Stephan Reese.

On request of Assemblyman Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to Salwa Naim and Amanda Villa.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Wednesday, February 15, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:22 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE TENTH DAY

CARSON CITY (Wednesday), February 15, 2017

Assembly called to order at 11:51 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Ellison and Ohrenschall, who were excused.

Prayer by the Chaplain, Pastor Fred Kingman.

Heavenly Father, as we set or minds on the work before us, help us remember Your wisdom. You've planned the end from the beginning and have given us insight into what's most true about the world. And it's this wisdom we seek today as we serve the men and women of our districts, knowing what's true and best is not always evident.

In this time, would You give us grace to be receptive and not reactive. Help us overcome what will hinder community in this Assembly and move us towards greater unity and affection for one another. Through this, let us serve the people of Nevada best as those who function in wisdom and trust, seeing what is true and working together to make it real.

Be with our families as they support us, giving them patience and understanding. Free our minds to serve those in our care with creativity and intuition and diligence. And give us the influence we need to accomplish our work today. In Jesus' name we pray.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 14, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 7, 58, 70.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Frierson, Elliot Anderson, Benitez-Thompson, Carrillo, Araujo, Bilbray-Axelrod, Brooks, Carlton, Cohen, Daly, Diaz, Flores, Fumo, Jauregui, Joiner, Miller, Monroe-Moreno, Neal, Spiegel, Sprinkle, Swank, Thompson, Watkins and Yeager; Senators Cancela, Cannizzaro, Ford, Manendo, Parks and Woodhouse:

Assembly Joint Resolution No. 7—Expressing the opposition of the Nevada Legislature to certain proposed changes to the federal laws relating

to Medicare and the Old-Age and Survivors Insurance provisions of the Social Security Act.

Assemblywoman Benitez-Thompson moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 7.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 58.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 70.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Derek Armstrong.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Theresa Lupori.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Thursday, February 16, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12 noon.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ELEVENTH DAY

CARSON CITY (Thursday), February 16, 2017

Assembly called to order at 11:40 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Ellison, who was excused.

Prayer by the Chaplain, Pastor Fred Kingman.

Loving Father, we come before You full of gratitude for all you've done. You've given to us everything, holding nothing back, and we're humbled by this generosity. As we prepare for the day's work, we ask that you remind us of these gifts and help us understand the true meaning of stewardship, that what we have and what we build ultimately is not ours but yours.

We thank You for families that support our work and are ready to forgive when necessary. We thank You for the people of this great state who have either supported or challenged us, people who are now under our leadership. We thank You for the grace of the created world around us and the pleasures it provides. And we thank You for the love You've shown in Christ.

Today, would You empower this redeeming work before us as we seek to fix and recreate what is broken in our cities and state. Would you give us a vision of a better world where the principals we value would be part of the lives of our people. Would you bless this work You've made us for. In Jesus' redeeming name we pray.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REMARKS FROM THE FLOOR

Assemblywoman Carlton requested that the following remarks be entered in the Journal.

ASSEMBLYMAN FUMO:

Mr. Speaker, today I rise to bring attention to the protests happening across this great country against Trump's divisive and hateful rhetoric toward our country's immigrants. Today is A Day Without Immigrants. Our country was founded and built by immigrants. As the son of two immigrants—my father born in Naples, Italy, and my mother born in London, England—I stand in solidarity with the protests occurring throughout our great country today.

Additionally, I am proud to have my attaché, Latoya Kent, an immigrant from Australia, join me on the floor today. Please make her feel welcome.

ASSEMBLYMAN ARAUJO:

Mr. Speaker and my colleagues here today, over 30 years ago, a beautiful woman fled her native country of El Salvador amidst a civil war, in search of a better life. She came to this land and built a family. For more than 30 years, that beautiful woman who sacrificed everything that she loved, everything she aspired to be—for more than 30 years she has been cleaning hotel rooms in the same hotel, working long days to make sure that her family had every possible opportunity to succeed in this great country, to fulfill that promise that we could be anything that

we wanted to be so long as we had love, support, and the audacity to believe that we could be better. That woman was an immigrant. That woman was my mother. She still has those fears for families to come. Her story is a story of many that we hear in the state of Nevada and across the country, of folks crying, right now, eager to hear from someone who is actually going to fight for them, who is actually going to stand up and preserve the values that our country was founded upon.

So today is A Day Without Immigrants, and I personally would not be here if it were not for that immigrant. I am very grateful for that immigrant, and I am here to tell everyone, and to urge everyone, to turn to those who are currently living in fear, to the Dreamers, to the families, to the children who are really looking for answers, and let them know that we have their back. They are one of ours and we are not going to let them down. This is our moment to really take a stand for something that is right. I know that, personally, I refuse to let up on that fight.

ASSEMBLYMAN SPRINKLE:

I rise today to speak in regard for our children that are immigrants to this country. Several years ago, my sister, my amazing sister, and my brother-in-law went to Ethiopia and they adopted two children. These children were very young and had severe medical issues and my sister brought them back to this country. She and her husband have raised them as their own. My niece and nephew are my niece and nephew, and they have the promise ahead of them of what this country has to offer. And now, all of a sudden, they have to live in fear that that might come to an end. We are all immigrants, and it is wrong for us to even think that that is not what we are. That is not something I want to ever have to tell my niece and nephew—and certainly my sister. So I rise today in support of the protests that are going on and to remind everybody that our future lies in our past and our future really is our children. Our future is my amazing niece and nephew.

ASSEMBLYMAN EDWARDS:

I had no idea we were going to be talking about immigration today, but I am absolutely compelled to correct something that was said regarding President Trump's executive order. It is not a ban. It is about national security. It is absolutely about national security. There is no banning of people; it is a temporary halt. I think there has been a lot of misinformation, a lot of fearmongering going on, and it is wrong. The ban that people talk about simply says that for a 90-day window, we are going to vet people from countries that are simply dangerous to us. I have been to some of those countries; we better be careful. Even President Obama could see that these specific countries were dangerous to the United States and we should see that too.

I think it is also important to realize that this month there will be about 100,000 immigrants allowed to come to the United States. Next month another 100,000 will come, and the month after that another 100,000. This is still a nation of immigrants. They are still coming and they will continue to come. That is great. But for the sake of the national security—and that means your security and mine, as well as that of your constituents, our families, and friends—the executive order makes a lot of sense.

ASSEMBLYWOMAN DIAZ:

I, too, rise in support of A Day Without Immigrants. I do want to say to my colleague who just spoke that there are unintended consequences in these types of measures. What you are doing is incrementally increasing the level of intolerance instead of teaching our future generations of Americans to embrace one another and to love diversity. We are strong when we embrace diverse people from different backgrounds.

I say again, for some of the members here, that there are unintended consequences of this executive order. There are people who are legally residing in our state that are going to be harassed because they look like they could be a person who fits this executive order, and that is not fair. That already happened here in Washoe Valley; someone got questioned by immigration authorities. That is probably going to happen in my home of Las Vegas, and that is completely unacceptable. Because my skin complexion is different from others, you are going to question whether I am a citizen, or a resident, or undocumented. It is absolutely unfounded. We all look different. We all come with different strengths and abilities, and we bring different and

wonderful gifts to make America greater. I think that is what we need to be concentrating on and embracing to move our country forward.

ASSEMBLYMAN ANDERSON:

I, like my colleagues, rise in support of A Day Without Immigrants. Many of the points that I would have liked to cover have already been covered, so for the sake of brevity, I will just respond to my colleague from District 19. This is about even more than immigrants; it is also about our state. We are a state that thrives on visitation, on international travel, and when we look to the world as though we are unwelcoming, people do not apply for visas. They do not apply to come and spend money in our state and power our economy. It has already been reported that there has been a 17 percent drop in international searches for travel into Nevada. Being that this state runs on gaming and this Legislature cares about jobs, we ought to also consider how this image we portray looks to the world. I would ask everyone to also keep that in mind: it is not simply about ideological battles; it is about dollars and cents. Considering that gaming funds approximately 52 percent of our General Fund, as someone who used to work for tips on the Strip, you should be cognizant of how our actions portray us to the world and how it affects even people who are U.S. citizens.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Fumo, the privilege of the floor of the Assembly Chamber for this day was extended to Latoya Kent.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Monday, February 20, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 11:56 a.m.

Approved:

JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FIFTEENTH DAY

CARSON CITY (Monday), February 20, 2017

Assembly called to order at 11:40 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Diaz, who was excused.

Prayer by the Chaplain, Dr. Ken Haskins.

Our heavenly Father, we are assembled here on President's Day, and we remember many of our nation's great leaders, presidents who sought your guidance and wisdom. You blessed them and our great nation.

Father, I pray that You provide for these legislators, also, that same guidance and wisdom necessary to make good decisions, decisions that will bring blessings upon this great State of Nevada. In Jesus' name I pray.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Initiative Petition No. 1, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

OLIVIA DIAZ, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that persons as set forth on the Nevada Legislature's Press Accreditation List of February 20, 2017, be accepted as accredited press representatives, assigned space at the press table in the Assembly Chamber, allowed use of appropriate broadcasting facilities, and that the list be included in this day's Journal:

CHARTER COMMUNICATIONS: Bert Carreon, Karmine Carreon, Jenay Duckett, Anthony Lamonea, Gerardo Lopez, Brad Pomerance, Nick Wagoner; KNPR NEVADA PUBLIC RADIO: Carrie Kaufman; RENO GAZETTE-JOURNAL: Anjeanette Damon.

Motion carried.

NOTICE OF EXEMPTION

February 20, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 89.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 19, 62, 68, 69, 74, 79, 80, 88, 90, 94, 95, 96 and 97.

MARK KRMPOTIC
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Pickard, Cohen and Tolles:

Assembly Bill No. 228—AN ACT relating to parental rights; revising provisions governing the required service regarding a proceeding for the termination of parental rights; revising the time for a hearing to terminate parental rights; making certain hearings, files and records of the court relating to a proceeding for the termination of parental rights confidential in certain circumstances; authorizing the termination of parental rights in certain circumstances involving a sexual assault; and providing other matters properly relating thereto.

Assemblyman Pickard moved that the bill be referred to the Committee on Judiciary.

Motion carried.

REMARKS FROM THE FLOOR

Assemblyman Marchant requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MARCHANT:

I stand before you today with a heavy heart. Recently, a dear friend and a legend in Nevada passed. On January 12, Casey Folks passed away.

In 1968 Casey founded the Motorcycle Racing Association of Nevada, and in 1984 he founded Best in the Desert Racing Association, the largest race sanctioning body for off-road competition in America. Through Best in the Desert, Casey promoted off-road races in Nevada. Many of you have probably heard of some of these famous races: the Mint 400; Las Vegas 400; Silver State 300; and the granddaddy of them all, Vegas to Reno, the longest off-road race in America. I have actually raced that race three times myself. In 2000, to celebrate the turn of the century, he held the Nevada 2000, a seven-day, 2000-mile, off-road race here in Nevada. It was one of his crowning achievements. These races are world famous and they attract the top off-road racers from all over the world that come to Nevada to race their off-road vehicles. Casey has enabled grown men like myself to continue playing in the dirt like we did when we were little boys.

Because of Casey, hundreds of millions of dollars have been realized in the economy of Nevada, $25 million for just Vegas to Reno alone. It has also positively affected rural communities like Alamo, Caliente, Ely, Tonopah, Hawthorne, Elko, Beatty, and Goldfield. Casey's positive impact on Nevada cannot be overstated.

Just this past Sunday, we celebrated Casey's life at the Orleans Arena in Las Vegas and approximately 2,000 friends showed up there while another 1,500 viewed the celebration online.

In 2005, I moved to Las Vegas and did not know one person here. I had heard of Casey, and being an avid off-road racer myself, I figured he could introduce me to other off-road racers, and I could begin to meet some people out here in the West. I am from Florida originally. Not only did he introduce me to other off-road racers, he welcomed me into his family with open arms, and for that I am eternally grateful.

Mr. Speaker, thank you for allowing me to pay tribute to my dear friend and one of Nevada's greatest citizens.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Araujo, the privilege of the floor of the Assembly Chamber for this day was extended to James Steele Haney.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Brandon Salyers and Carlos Hernandez.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Cassidy Watson and Molly Bilbray-Axelrod.

On request of Assemblyman Brooks, the privilege of the floor of the Assembly Chamber for this day was extended to Alan Brooks, Calvin Brooks, and Ahmid Dixon.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Stufflebeam, Kathy Butler, and Lyndsey Burlison.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Janie Davis and Michael Davis.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Naomi Duerr.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Elizabeth Zbindin.

On request of Assemblyman Kramer, the privilege of the floor of the Assembly Chamber for this day was extended to Thomas Callicrate and Susie Mason.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to John Reid, Ph.D. and Pete Todoroff.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to David Shaddrick and Aaron Leifheit.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Keith Wingate.

On request of Assemblywoman Tolles, the privilege of the floor of the Assembly Chamber for this day was extended to Riley Tolles, Mia Tolles, and Hannah Jackson.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. James Guzy, John Guzy, Jennifer Baker, and Nathan Tea.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Tuesday, February 21, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12 noon.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SIXTEENTH DAY

CARSON CITY (Tuesday), February 21, 2017

Assembly called to order at 11:52 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Josh Teis.

Father, we thank You for the moment before us. We thank You for this legislative session. We praise You, for You are the Sovereign Lord who has given us this beautiful state of Nevada and placed us in this grand union. You are a good God, merciful, and full of grace. We are unworthy of Your love for we, each of us, are sinners. Our pride has divided us. Our lust has consumed us. Our anger has enslaved us. Our greed has endangered us. You saw us in our sin and had compassion upon our plight. You sent Your only Son to teach us the truth, reveal Your nature, and die upon the cross. Your Son's death was a payment for our sins, an atonement for our transgressions. But You did not leave Him in the grave. You brought Him from the tomb, out of the clutches of death, and raised Him back to life. This miracle of the resurrection was Your sign that Jesus truly was the Savior of the World. And now You offer salvation and forgiveness to all of us who would simply repent of our sin and believe in Your Son–Jesus Christ.

Now I pray for a blessing upon these Assemblymen and Assemblywomen. They are, each of them, Your ministers. You have given them passions, passions that are unique to their specific calling, passion for life and the protection of the weak, a passion for conservation and caring for this world, a passion for business and the advancement of our society, a passion for equality and fairness under the law. Each of these men and women are uniquely gifted by You so that they, together, can advance our society and glorify the God of Heaven. Therefore, I pray that You would bless them with wisdom, patience, empathy, boldness, and above all, divine guidance.

Enlarge Nevada and bless this state, our economy, industry, and population. Let Your hand of protection be upon us. Keep us safe from war and terrorism. Keep evil from our land and from our hearts. And we ask that everything that we accomplish in this session would bring honor and glory to You. In the name of Jesus we pray.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 24, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TYRONE THOMPSON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 24 be rereferred to the Committee on Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Spiegel, Araujo, Carrillo, Cohen, Flores, Frierson, Fumo and Joiner; Senators Parks, Manendo, Atkinson, Spearman and Segerblom:

Assembly Bill No. 229—AN ACT relating to domestic relations; authorizing the marriage of two persons of any gender under certain circumstances; revising provisions relating to the division of community property and liabilities in certain domestic relations actions; revising certain provisions governing domestic relations; and providing other matters properly relating thereto.

Assemblywoman Spiegel moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Initiative Petition No. 1.

Petition read second time and ordered to third reading.

REMARKS FROM THE FLOOR

Assemblywoman Carlton requested that the following remarks be entered in the Journal.

ASSEMBLYMAN SPRINKLE:

I want to bring to the attention of this body that a year ago today, former Assemblywoman and Senator Debbie Smith passed away. I thank you for allowing me to take this time to think about, first and foremost, my friend. I represent the district that she represented as an assemblywoman. I could go on and on about how she made me a better legislator or how not a day goes by that I do not have a question for her. But instead, I think back to a New Year's Eve with her and her husband and my wife and I sitting around playing Pictionary as we rang in the new year. I think about the person that truly was my friend and how much I miss her every day.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

I rise to make comments regarding our former Speaker pro Tempore, member of this body for ten years, and a former Chairwoman of Ways and Means. I will affectionately refer to her by the title that we last knew her by, which was Speaker pro Tem, Assemblywoman Debbie Smith.

She was a native Nevadan to the core—you did not go very long before she made sure that you knew she was from Battle Mountain, Nevada, and that great things can come from such a little place in such a big state. I will always remember her legislative accomplishments, including her being a champion for education and her guidance in helping me to establish the Office of Parental Involvement and Family Engagement. At her core, she was an advocate for families being involved in education—coming straight out of her background of having served with the Nevada P.T.A. [Parent Teacher Association] for so long. I will remember her in the same way that my colleague from the north does, as a friend and a source of constant support and guidance.

I remember as a freshman, every day is tenuous. You feel like you could make a mistake in this body, you feel like there is a lot of decorum to follow and a lot of eyes watching. She

always provided a warm, safe place for me in my first year; to have a confidant, to have a friend, to know that ultimately if you run for office and you put yourself out there, in so many ways you are serving the public, regardless of the success or lack of success of your legislation. I am so grateful that we are able to acknowledge her and remember her on this day.

ASSEMBLYMAN DALY:

I rise today to remember a friend. I had a long relationship with Debbie Smith—on campaigns, surrounding activities in this building, at the Legislature. It is hard to believe it has been a year; I miss her. I think we should all try to remember the times when she helped probably everyone in this building.

I first started working with Debbie when she first ran for office when Jan Evans, her predecessor in Assembly District 30, passed away from cancer. We worked on a lot of campaigns. I suffered through her 32-vote loss the second time she ran and worked with her when she ran again and was reelected. We were so successful in that campaign that she was unopposed the next term, and the rest is history. She transitioned to the Senate. When I was a freshman, she was assigned to be my mentor and to make sure I did not get in trouble. I do not know if she was successful. I thank everybody for taking a minute to remember Debbie and the things she did.

ASSEMBLYWOMAN CARLTON:

I rise to recognize the work of our former colleague on a national level. Debbie Smith worked her way up through NCSL, the National Conference of State Legislatures, and was president of that body when she was ill. She still did her job, still worked very hard. Not only did she help other legislators in this body and in this state, but she set an example to all legislators across the country. Her passion was the legislative process and making sure that we all knew it, understood it, and lived it.

During my first session with Debbie, I sat in front of her in Ways and Means as a 12-year freshman. When you sit in front of Debbie in Ways and Means, you have to be prepared for a lot of things that could possibly happen to you. Between her and the testimony table, there were a lot of things going on. So I learned a lot sitting there and experiencing how she managed that committee, and I work very hard every day to carry that tradition on, making sure that that committee gets its job done for the state. I just wanted to share all of that with you and recognize how important she was, not just to us but to the whole country.

ASSEMBLYWOMAN TOLLES:

In October of 2010, I was invited to a Stand Up for Education event. I had never been to an event like that before, but a neighbor and a friend asked me to come along. There at the Sparks Nugget was our then-Washoe County School District Superintendent Heath Morrison and Assemblywoman Debbie Smith. She gave such a compelling story about being involved with the P.T.A., being a mom and a grandma, and how that led her to advocate at the state level for all of our kids and our education system. It was a big tent moment for me as I heard her speak because I thought, She is just like me; she is just like our friends here at this event, parents who care about the future of our state and our kids. It was because of that night that I joined a bipartisan organization to advocate for education in which she was very much involved as a mentor. With that organization, in 2011 I came to this building for the first time as a parent to advocate. It was her inspiration that led to that first step, that led to many other steps, that led to me standing here today. It is in her honor that I want to recognize the impact that she has had on many in this state.

ASSEMBLYWOMAN DIAZ:

I rise to honor this wonderful woman who I was able to call my colleague. As a freshman, I came to this body pregnant and could not have met a more kind, genuine person. She embraced her family first—her husband was her amazing best friend, her daughters, and all her grandchildren. She held them dearly and did this work so passionately because she cared about her family. She always put everyone else's needs before hers, and that is why she was such a staunch advocate in the arenas of education and economic development for our state. It seems

surreal that last session we were sending her strength, and I hope she continues to channel strength to all of us so that we can continue this work for Nevadans.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I will take a point of privilege at this point to also acknowledge Assemblywoman Debbie Smith. I want to acknowledge that she was a family woman and she loved her family. She loved this institution, but the lesson that many of us learned from her was to always put our families first. She loved this institution. She was there for anybody who needed it. She was not afraid to tell you like it is, but it was with love and support. She loved to have fun. I also want to point out that Assemblywoman Debbie Smith would be proud today. I miss her; we all miss her, but she would be proud.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

I want to let the freshmen know that when I was a freshman, term limits had been enacted so we were the largest group of freshmen that had ever entered this body. Debbie Smith was one of the individuals who was responsible for recruiting us and helping us get elected. It was a good thing and a bad thing because we were a rowdy bunch. You guys think you are rowdy? We came in thinking that we knew everything and that they were in the way. She gently reminded us who we were and how to act within this body as freshman. I appreciated that because she opened the door for so many of us. I was talking about Shelley Berkley, who did the same thing. Debbie Smith pulled us aside, gave us guidance, and reminded us of the power that we had as state legislators. She did that on a national level, like my colleague from the south mentioned. She not only had a local, but a national presence and made sure that Nevada, as small as we are, was known throughout the United States. I appreciate her and want to say never forget who opens the door for you and do not take your health for granted.

ASSEMBLYMAN OHRENSCHALL:

I rise to remember my good friend, former Assemblywoman, former State Senator Debbie Smith. As a freshman, I cannot tell the body how much she welcomed me, even though I was from southern Nevada, a different part of the state. I could tell she cared about what was good for the entire state, whether it was Washoe County, Clark County, or any of the other counties. A couple of stories come to mind.

Debbie gave me my first chance to chair a committee. It was during one of the interims and she was chairing the Legislative Commission. I was appointed to a committee that I later found out alternates the chairmanship during the interim between the Senate member and the Assembly member. The first meeting I did not know that. The Senate member, who shall not be named and was from my own party, told me that he chaired the committee last interim and he may as well chair it this time around. I got a text from Debbie that said Tell him you are chairing this committee this interim. I got to chair. I had my first chance to learn how to run a committee, and later I found out that we alternate between the Senate and the Assembly.

I have a wonderful memory of a very controversial bill I carried regarding breast cancer screening and Debbie was the key vote in the Senate Health and Human Services Committee. She was getting a lot of pressure from a lot of groups who did not want to see this go through. In the end, she helped me, like she always did. I miss her and I know she would be very proud of this body today.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Taylor Brockelsby and Robin Brockelsby.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Shelley Berkley.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Tricia Catalino and Shannon Martin.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Ashlie Bloom and Stacy Fisher.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Mason Stanley and Andrew Priest.

On request of Assemblyman McCurdy, the privilege of the floor of the Assembly Chamber for this day was extended to Tonya E. Walls.

On request of Assemblywoman Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Aashist Daulat and Dulce Santacroce.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Nick Pfaff.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Ralph Taguba and Philip Tompkins.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Kellie Hawthorne, Tava McGinty-Jimenez, and John Dougherty.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Pamela Strand and Philip Tobin.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Wednesday, February 22, 2017, at 11:30 a.m., and that it do so in memory of former Assemblywoman and Speaker pro Tempore Debbie Smith.

Motion carried.

Assembly adjourned at 12:17 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SEVENTEENTH DAY

CARSON CITY (Wednesday), February 22, 2017

Assembly called to order at 12:30 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Dr. Ken Haskins.

Our heavenly Father, You are light. Your word is a lamp unto our feet and a light unto our path. Shed Your light of truth, knowledge, understanding, and wisdom upon this legislative body. May the decisions of this body improve the quality of life for all Nevadans. I pray in the Name of the One who is the light of the world.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywoman Woodbury and Senator Hardy:

Assembly Bill No. 230—AN ACT relating to stop lamps; authorizing the use of supplemental stop lamps on motor vehicles; and providing other matters properly relating thereto.

Assemblywoman Woodbury moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblywoman Bustamante Adams:

Assembly Bill No. 231—AN ACT relating to economic development; revising the requirements for the State Plan for Economic Development; revising provisions governing the establishment by the Executive Director of the Office of Economic Development of nonprofit corporations for certain economic development purposes; revising provisions governing the confidentiality of certain records, documents and communications; revising the deadline for the submission of certain reports concerning local emerging small businesses by the Office; repealing provisions requiring the Office to take certain actions concerning the development of inland ports; and providing other matters properly relating thereto.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Bilbray-Axelrod, Spiegel, Daly, Fumo, Joiner and Monroe-Moreno; Senators Parks, Manendo and Segerblom:

Assembly Bill No. 232—AN ACT relating to civil actions; establishing the procedure for changing the name of a minor; and providing other matters properly relating thereto.

Assemblywoman Bilbray-Axelrod moved that the bill be referred to the Committee on Judiciary.

Motion carried.

GENERAL FILE AND THIRD READING

Initiative Petition No. 1.

Bill read third time.

Remarks by Assemblymen Ohrenschall, Paul Anderson, and Diaz.

ASSEMBLYMAN OHRENSCHALL:

Initiative Petition 1 requires the Department of Motor Vehicles [DMV], the Secretary of State, and the county election officials to establish cooperatively a system that enables a person who is obtaining or updating a driver's license or Nevada identification card to register to vote or to revise his or her existing voter registration information at that time.

A person has the option to opt out in writing from automatic voter registration or from updating his or her existing voter registration information. If the person does not opt out, certain personal information will be transmitted to the appropriate county election official, who will determine if the application to vote is complete. The county election official must notify the person whose application is incomplete that additional information is required. The voter registration information also will be transmitted to the Secretary of State for inclusion on the statewide rolls. A person who does not indicate a political party affiliation will be listed as nonpartisan on the rolls and may revise that affiliation at any time.

The DMV must inform the person that the decision of whether to participate in or opt out of automatic voter registration will not affect the person's transactions with the DMV or the DMV's services, the person's decision cannot legally be disclosed to any member of the public, and any information collected by the DMV for automatic voter registration cannot legally be used for any purpose other than voter registration.

The Secretary of State must adopt regulations to carry out the program. However, the Secretary of State cannot require additional documentation that is not otherwise required by this petition or federal law.

This measure is effective upon passage and approval for the purpose of adopting regulations and performing other preparatory administrative tasks. It is effective on January 1, 2018, for all other purposes.

ASSEMBLYMAN PAUL ANDERSON:

I stand in opposition to Initiative Petition 1. We all support expanding opportunities and removing barriers to voter registration and voting. However, the opt-out mechanism of I.P.1 forces people into a system they might not want to participate in and opens individuals to serious privacy concerns. There are a number of reasons why a person might not want to register to vote. Some just lack the interest in politics; others do not want their personal information to become public to candidates, political parties, or even individual citizens.

I believe that I.P.1 risks the integrity of our election process by shifting the responsibility of registration from individuals to the government. It is for that reason and others that I have mentioned that I oppose I.P. 1 and would encourage my colleagues to do the same.

ASSEMBLYWOMAN DIAZ:

I rise in support of Initiative Petition 1. Nevadans agree that we should have a voting system that protects the fundamental right of every eligible voter—Democrat, Republican, nonpartisan, or others—to have their vote counted. This Initiative Petition on automatic voter registration is a

common-sense modernization to our state's voter registration process that will help replace our outdated paper-based system, thereby reducing costs; increasing security; protecting the integrity of our elections; reducing clerical errors; and ensuring every eligible voter has an opportunity to have their voice heard through voting. This modernized system will automatically register eligible voters and update voter registration information when eligible voters apply for or renew their driver's licenses due to a name change from marriage or divorce or update their address in the most transient state in the nation. This seamless process is more convenient for eligible voters and will make it simpler to register and vote.

Automatic voter registration will protect the fundamental right of Nevada citizens, like those in the military who are asked to move jurisdictions frequently and are penalized by an antiquated system. By modernizing an outdated system, automatic voter registration will make sure that election officials maintain accurate lists and will make it easier to ensure that only eligible citizens are able to cast ballots. I urge this body to pass this important and necessary measure.

Assemblymen Carlton, Araujo, and Benitez-Thompson moved the previous question.

The question being the passage of Initiative Petition No. 1.

Roll call on Initiative Petition No. 1:

YEAS—27.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.

Initiative Petition No. 1 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblyman Edwards requested that the following remarks be entered in the Journal.

ASSEMBLYMAN EDWARDS:

There is an old saying that everyone is expendable. I propose that we have an exception to that rule, and today we celebrate his 285th birthday. That indispensable man was none other than George Washington. So much can be said about this amazing guy, but I know I have less than ten minutes to do it.

The story of George Washington actually began in Virginia on Feb 11, 1732. You might say February 11, why not the twenty-second? The fact of the matter is, when he was born Virginia used the Julian calendar. But in 1752 they changed to the Gregorian and by doing that changed his birthday to February 22.

Most people do not know that he had five siblings, his father died when he was 11, and his beloved older brother Lawrence inherited everything and had to raise George. The two of them actually had a fantastic relationship, but around 1750, Lawrence became ill. The doctors thought he might recover if he went to a different climate like the Caribbean. So off they went. This was the only time that George Washington ever left the United States, to escort his brother down to Barbados. Unfortunately George returned alone.

During the French and Indian War, George Washington was a colonial colonel. While patrolling the frontier with the British, they were ambushed, the British general was fatally wounded, and Washington had to take charge. He quickly built a fort that he dubbed Fort Necessary and literally saved the remnants of the patrol. He emerged from the war a bit of a heroic figure.

He was introduced to the widow Martha Custis and, as you know, they courted, married, and had a lifetime together. The two of them truly loved one another and most people miss this. Most historians do not do their relationship justice. They genuinely enjoyed each other's company their entire lives. It is a story that is overlooked, probably because of all the other things that George Washington did. Martha did not seek the limelight. She was very dedicated

and dutiful throughout her life. I guess the other part is that Martha burned all his love letters to her when he died, so WikiLeaks could not get them.

George Washington was not just a farmer. He was a land surveyor in the wilderness, an amateur scientist, a very successful businessman, community leader, justice of the peace, and one of the best equestrians in all of the colonies.

As we know, the British imposed a lot of taxes on us, we got into a revolutionary mode and when the Congress decided that they needed a general to lead the Continental Army, there was George Washington standing in front of them, six-foot-three, in uniform. So they commissioned him the General of the Continental Army, and he had to forge it from nothing. At first, he really was not a very good general; but he was always a spectacular leader. The army faced multiple defeats throughout 1776, but General Washington never blamed anyone else for the losses. He always took responsibility for that. But he also learned from his mistakes and did become a great general. By ingenuity, he developed the attacks on Trenton and Princeton around Christmas, which save the army because they were about to disband.

An interesting tidbit that I learned about the Continental Army during the Revolutionary War is that it practiced a rather unique form of environmentalism. At Fort Miller there were 450 soldiers who were tasked with stopping the advance of British ships up the river. The problem was that they had no cannonballs. So, what they did was wait for the British to fire on them, and then they chased all the cannonballs, put them back in their own cannons and shot them back at the British. It seemed to work pretty well and this may be the army's earliest recycling effort and superfund cleanup.

After five years of fighting, the world superpower under Lord Cornwallis finally admitted that they were defeated. The Congress had made many promises to the army and they did not live up to them, many times because they simply could not. It caused great consternation in the ranks. Many do not know that George Washington personally stopped two attempted coups, including one that offered to make him king. But he had fought for liberty. The bottom line is that without George Washington we would never have won the Revolutionary War.

After the Treaty of Paris was signed, the nation was independent, General Washington surrendered to Congress his sword, which was the symbolic tool of his power and his authority. This was never done in those days. To hand over power to the civilian authority and just go away to retirement was an amazing feat.

General Washington returned to Mt. Vernon to retire, but he saw that the nation was floundering under the Articles of Confederation. When called upon to serve as the President of the Constitutional Convention, he of course said yes. A lot of people do not realize that in the Constitutional Convention he used his influence thoroughly in order to keep the discussions on track, and to come up with the compromises that made the Constitution possible. I guess we can say that without George Washington, we also would not have such a great constitution.

After the Constitutional Convention, he returned to Mt. Vernon again hoping to retire. But shortly thereafter, he got the call to serve as President. He did not want to serve as president, he wanted to stay retired. George Washington was elected and left Mt. Vernon, went up to New York City for the inauguration. One of the things he was very happy about was that his mother Mary Ball Washington was still alive to see her son become President.

Though he never earned a college degree, George Washington spent his life constantly learning. He established many of the most important, wisest, and enduring presidential precedents. Some of them are: humbly using the simple title of Mr. President; creating the cabinet system that we still use today; being the first president to lead troops as the Commander in Chief; and serving only two terms. Frankly, he wanted to only serve one term, because, as you remember, the press was rather vicious toward him and he endured a lot of criticism. I guess some things never change. He established the Farewell Address tradition, and the other thing that most people do not realize is that George Washington traveled around the entire country when Congress was not in session. He felt it his obligation to bring the national government all the way down to the ordinary person, and he did that from Georgia all the way up to Maine. The bottom line is that we would never have had such a great model of presidential leadership without George Washington.

After his presidency, George Washington retired to Mt. Vernon again and for the last time. After inspecting the grounds of Mt. Vernon in a rainstorm, Washington caught a cold and within

a fortnight he died. Rarely in human history has any nation enjoyed the selfless public service of such a great leader. Rarely has a leader accomplished so much for so many. Today we remember George Washington and the lesson of his life; public servants can achieve greatness just by doing their duties faithfully and courageously.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Ann Meyer.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Susie Lee.

On request of Assemblyman Edwards, the privilege of the floor of the Assembly Chamber for this day was extended to Sheryl Giordano.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Christa E. Secord and Carl Battorf.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Tiffany Tyler and Ricky D. Gourrier Sr.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Susan VanBeuge.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Sharon Hansen and Melissa Washabaugh.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Deborah Pontius.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to Meghan Stice.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Amanda Conner.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Donna Miller and Diane McGinnis.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Patricia Fries.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Kuan and Linda Paulic.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Carrie Hintz.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Thursday, February 23, 2017, at 11:30 a.m., in honor of George Washington who taught us how to say goodbye.

Motion carried.

Assembly adjourned at 12:54 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE EIGHTEENTH DAY

CARSON CITY (Thursday), February 23, 2017

Assembly called to order at 11:56 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Dr. Ken Haskins.

Our heavenly Father, You have reserved the highest honor for those who serve. The greatest in Your kingdom are not those who seek out for themselves the seats of honor. Neither are they the ones who lord it over others, rather the greatest simply serve.

Bless these servants of Yours who listen to the people, represent the people, promote the best interests of the people, and humbly serve the people.

May their efforts richly bless all the people of this great state of Nevada. I pray in Jesus' Name.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 22, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 23, 44, 45, 111.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Paul Anderson:

Assembly Bill No. 233—AN ACT relating to lessors of motortrucks; authorizing a lessor of a motortruck to impose certain additional charges; requiring a lessor of a motortruck who wishes to impose an additional charge to disclose the amount of the additional charge in a price quote or estimate provided by the lessor; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 23.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 44.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 45.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 111.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Donna Clontz and Max Rossi.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Chaaron Pearson.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Donna Quante, Francine Healy, and Gayle Calhoun.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Spencer Lang.

On request of Assemblyman Fumo, the privilege of the floor of the Assembly Chamber for this day was extended to Briana Hidalgo.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Augustin Jorquez.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Jo Barrett and Catherine Johnson.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to Sheriff Chuck Allen.

On request of Assemblywoman Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Maya Gupta and Emily Carter.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Andrew Jolly.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Blakey Anderson, Suly Cortez, Ashley Brinton, Michelle Phan, and Wyatt Daane.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Sepulveda Elementary School: Opal Campbell, Anabelle Channey, Kaylyn Cognian, Ella Craig, Charlyce Evans, Gabriel Franco, Tina Garcia, Noah Gonsalves, Isaiah Harper, Elizabeth Hernandez Reyes, Carson Howard, Nicole Lin, Felipe Medina Palacios, Gabriella Mendez Carpio, Rosa Moreno Carias, Lyrick Ombuya, Kye Patrick, Clarence Robinson, Dominic Saavedra Izquierdo, Jessica Sierra-Portugal, Rachel Tang, Anthany Taylor, Dhay Hamid, Destiney Alcala-Aguirre, Jannia Alelis, Diego Arteaga, Chase Batiz, Dylan Berge, Joshua Coley, Keira Cummings, Miranda Francl, Christian Gomez, Sophia Gonzalez, Addison Guinan, Skarlet Gutierrez, Julian Guzman, Alexander Henderson, Loella Macall-Ridge, Robert Medina, Cassidy Rittgers Spackman, Miguel Rivera Hagler, Daisy Ruiz Herrera, Khailei Smith, Thomas Stokes, Zane White, Elijah Wickland, Bessie Caan, and Donna Havelke.

On request of Assemblywoman Tolles, the privilege of the floor of the Assembly Chamber for this day was extended to Allan Ward.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Friday, February 24, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:08 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE NINETEENTH DAY

CARSON CITY (Friday), February 24, 2017

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

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Paul Anderson, Araujo, Bustamante Adams, Carlton, and Ohrenschall, who were excused.

Prayer by the Chaplain, Very Reverend Robert E. Stoeckig.

We give thanks to You, O God, that we have awakened to see another day. May our every breath be one of gratitude.

We give thanks to You, O God, for Your creation in which we live in this great state of Nevada. May we live our lives in gratitude to You for Your loving generosity.

We give thanks to You, O God, for the sights and sounds You have given us each day. May our service inspire us to see and to hear those who are the most vulnerable among us.

Send Your Spirit of wisdom and understanding upon us this day and every day. May those who are our elected representatives be inspired to work together for the common good.

Where there is disagreement and debate, inspire them with Your charity to recognize each other as women and men made in Your image.

Where there is challenge for time and for resources, enlighten them to see beyond scarcity, division, and discord to seek genuine understanding and creative thinking to overcome obstacles.

Occupy our calendars in the common pursuit of making Nevada an even better place to live. Help us to recognize our opportunities and to celebrate the unique gift of each person, that we may all live toward the vision of Your dream for us to live in mutual respect and honor the differences in the great tapestry Your people form.

Continue to send Your blessings upon us and help us to recognize and treasure them. And as we live and work together this day, send each of us, as Your blessing, that we may live lives worthy of Your blessings and may help all our sisters and brothers to strengthen our communities and deepen the peace between us.

We make our prayer in Your Holy Name.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 2, 9, 13, 19, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

EDGAR FLORES, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 23, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 16.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that persons as set forth on the Nevada Legislature's Press Accreditation List of February 24, 2017, be accepted as accredited press representatives, assigned space at the press table in the Assembly Chamber, allowed use of appropriate broadcasting facilities, and that the list be included in this day's Journal:

ENVISION VIDEO/CITY OF SPARKS: Eric Darensburg; REYNOLDS SCHOOL OF JOURNALISM: Daniel Estopinal; SUN PRODUCTION: Shayne Del Cohen; TIM DUNN PHOTOGRAPHY: Tim Dunn; WELLS PROGRESS, THE: Noah Jennings.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 115 be withdrawn from the Committee on Health and Human Services.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 115 be rereferred to the Committee on Commerce and Labor.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Fumo, Watkins, Frierson, Carrillo, Yeager, Araujo, Brooks, Cohen, Daly, Flores, Hambrick, Jauregui, Joiner, McCurdy II, Miller, Monroe-Moreno, Ohrenschall, Pickard, Spiegel, Sprinkle and Thompson; Senators Ford and Woodhouse:

Assembly Bill No. 234—AN ACT relating to motor carriers; requiring certain motor carriers of passengers which transport certain persons with disabilities to ensure that each vehicle used for the transport is equipped with first-aid equipment and each driver of the vehicle receives training in first-aid and cardiopulmonary resuscitation; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Fumo moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Monroe-Moreno, Cohen, Ohrenschall, Watkins, Carrillo, Jauregui and Yeager; Senator Segerblom:

Assembly Bill No. 235—AN ACT relating to receiverships; enacting the Uniform Commercial Real Estate Receivership Act; and providing other matters properly relating thereto.

Assemblywoman Monroe-Moreno moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 236—AN ACT relating to child welfare; authorizing certain employees of an agency which provides child welfare services to request the education records of a pupil who is in the custody of the agency; requiring a public or private school or school district to comply with such a request; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Sprinkle moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Ohrenschall and Senator Segerblom:

Assembly Bill No. 237—AN ACT relating to crimes; abolishing the imposition of a sentence of death; amending or repealing related statutes pertaining to the existence, imposition and execution of a sentence of death; reducing the sentence of any person sentenced to death to a sentence of imprisonment for life without the possibility of parole; and providing other matters properly relating thereto.

Assemblyman Yeager moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Cohen, Edwards, Fumo, Hambrick and Kramer:

Assembly Bill No. 238—AN ACT relating to animals; enacting provisions relating to the importation, possession, sale, transfer and breeding of dangerous wild animals; authorizing counties to enact certain ordinances regulating such animals; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Cohen moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 239—AN ACT relating to digital assets; enacting the Revised Uniform Fiduciary Access to Digital Assets Act; and providing other matters properly relating thereto.

Assemblyman Yeager moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Tolles, Wheeler, Edwards, Ellison, Hambrick, Kramer, Marchant, Oscarson, Pickard and Titus; Senators Hammond, Gustavson, Parks, Farley, Gansert, Hardy, Roberson and Settelmeyer:

Assembly Bill No. 240—AN ACT relating to transportation; revising the declaration of legislative purpose and policy governing the regulation of certain motor carriers; removing the requirement for certain motor carriers of passengers to file with the Nevada Transportation Authority certain schedules, tariffs, rates, fares and charges; removing restrictions on the provision of free or reduced rates by certain motor carriers of passengers; revising the criteria for granting or modifying certificates of public convenience and necessity for certain motor carriers; revising provisions governing the holding of, and participation as an intervenor in, a hearing on an application for such a certificate; revising provisions governing the filing of an application for a certificate of public convenience and necessity by a person whose previous application has been denied; and providing other matters properly relating thereto.

Assemblywoman Tolles moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Frierson, Watkins, Araujo and Bilbray-Axelrod:

Assembly Bill No. 241—AN ACT relating to public accommodations; providing that counties and cities must include in building codes or adopt by ordinance a requirement that public restrooms in certain buildings be equipped with baby changing facilities; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Frierson, Jauregui and Bilbray-Axelrod:

Assembly Bill No. 242—AN ACT relating to real property; revising provisions governing loans secured by a lien on real property in which investors hold the beneficial interests; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 16.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Brian Passalacqua, M.D., Aaron Dieringer, M.D., and Nolan Mischel.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Kristen Nork.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Jaren Blake, M.D., Amanda Magrini, M.D., and Spencer Johnson.

On request of Assemblyman Fumo, the privilege of the floor of the Assembly Chamber for this day was extended to Ashley Tarchione.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Jeffrey Ng, Yuna Kim, and Ashley Newell.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Walton, Daniel Spogen, M.D., F.A.A., and Laura Stroup, M.D.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Helena Russell, M.D., Catherine McCarthy, M.D., F.A.A., Chrystal Phares, and Amy Jenkins.

On request of Assemblyman Kramer, the privilege of the floor of the Assembly Chamber for this day was extended to Anna Torres, M.D., Travis Walker, M.D., Colleen Lyons, M.D., and Timothy Grunert.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to Andrew Pasternak, M.D. and Molly Torvinen, M.D.

On request of Assemblyman McCurdy, the privilege of the floor of the Assembly Chamber for this day was extended to Jack St. Martin, Deacon Tom Roberts, and Bishop Joseph Pepe.

On request of Assemblywoman Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Joanne Leovy, M.D., F.A.A., Crystal Fares, and Ryan Huang, D.O.

On request of Assemblyman Pickard, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Pierce, M.D. and Charles Jose, M.S.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Cathy Endo, M.D., Sarah Maples M.D., Jacob Sheridan, and Lily Nelson.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Donald Farrimond M.D., Alexandra Watson, and Diane Thomas M.D.

On request of Assemblywoman Tolles, the privilege of the floor of the Assembly Chamber for this day was extended to Jason Crawford, M.D., M.P.H., Taylor Orton, and Karissa Wasiak.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Monday, February 27, at 11:30 p.m.

Motion carried.

Assembly adjourned at 12:10 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE TWENTY-SECOND DAY

CARSON CITY (Monday), February 27, 2017

Assembly called to order at 11:47 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Wheeler, who was excused.

Prayer by the Chaplain, Father Chuck Durante.

Today is the birth of John Steinbeck, born in Salinas in 1902. So I thought it appropriate to center ourselves for prayer with this lovely quote from his novel, *Tortilla Flat:*

> It is a time of quiet joy, the sunny morning. When the glittery dew is on the mallow weeds, each leaf holds a jewel which is beautiful if not valuable. This is no time for hurry or for bustle. Thoughts are slow and deep and golden in the morning.

Let us pray.

O God of sunny mornings and of cold, snowy days, we thank You for the simple, profound gift of another day. As we begin a new week, and as this Assembly begins its fourth week, slow us all down so that we can hear those who speak to us and speak to those who want to hear us. Slow us all down so that our thoughts are deep and golden. Remove the darkness of fear or confusion or self-centeredness, that all conversations had and discussions shared may be productive for the good of all.

Bless the members of the Nevada Assembly, thanking them for their willingness to serve others. Send Your Spirit of Wisdom to guide and monitor all they do, keeping the common good for all at the forefront of their words, actions, deliberations, and decisions.

We make this prayer as Your humble and grateful people.

AMEN.

Pledge of allegiance to the Flag, led by Jody Yap, Opportunity Village, Las Vegas.

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

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 243—AN ACT relating to criminal procedure; providing that the district court has exclusive jurisdiction for a motion to vacate a judgment of conviction of a victim of sex trafficking or involuntary servitude under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Yeager moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 244—AN ACT relating to insurance; authorizing certain types of insurance and insurers to give certain items and gifts not to exceed $100 in aggregate value per policyholder or insured or prospective policyholder or insured in any 1 calendar year; and providing other matters properly relating thereto.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Benitez-Thompson; Senators Kieckhefer and Parks:

Assembly Bill No. 245—AN ACT relating to pharmacy; requiring a pharmacist or his or her designee to make certain entries any time a biological product is dispensed under certain circumstances; requiring the dispensing of an interchangeable biological product in substitution for a prescribed biological product under certain circumstances; requiring the State Board of Pharmacy to maintain lists of approved interchangeable biological products on its Internet website; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 2.

Bill read second time and ordered to third reading.

Assembly Bill No. 9.

Bill read second time and ordered to third reading.

Assembly Bill No. 13.

Bill read second time and ordered to third reading.

Assembly Bill No. 19.

Bill read second time and ordered to third reading.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Jody Yap.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Sean Fitzgibbons.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Pappas.

On request of Assemblyman Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to Brad Yosaitis and Robert Yosaitis.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Tuesday, February 28, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:04 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE TWENTY-THIRD DAY

CARSON CITY (Tuesday), February 28, 2017

Assembly called to order at 11:58 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Wheeler, who was excused.

Prayer by the Chaplain, Father Chuck Durante.

Happy Mardi Gras! Today many people of all faiths join in this celebration on the Christian calendar, Fat Tuesday before Ash Wednesday.

In that awareness and Spirit, let us pray:

O God of Abundance, we thank You for the gift of another day and for the many joys and pleasures of all You have created in this life.

As many in our land and in our world celebrate abundance today, help all of us to be aware of the call to share the abundance, more than we need, with those who exist in constant need, that the fat of abundance may lighten the load of those who live in the despair of ashes.

Send Your Spirit to guide us in sharing Your abundant love in our words and actions without care for race or creed or gender or language. Help us to reach out especially to those with whom we struggle, to mend fences, to work together, and to bring about lasting goodness in our homes, our neighborhoods, our cities, and our state.

Bless and guide the good work of the Nevada Legislature today in all things.

We make this prayer as a people of thanksgiving.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 2.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 2 expands benefit eligibility provided by the Patriot Relief Account to all members of the Nevada National Guard who experience economic hardship, by removing the requirement that monetary relief may only be paid to active service members. The bill also limits the payment of benefits from the Patriot Relief Account to the extent money is available in the Account.

Roll call on Assembly Bill No. 2:

YEAS—41.

NAYS—None.

EXCUSED—Wheeler.

Assembly Bill No. 2 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 9.

Bill read third time.

Remarks by Assemblyman Kramer.

ASSEMBLYMAN KRAMER:

Assembly Bill 9 seeks to revise the position of the Administrator of Securities to Deputy of Securities. This bill does not change the scope of the position but merely amends the title and gives the person holding this position the authority to work in the stead of the Secretary of State. Assembly Bill 9 would allow the Las Vegas office to have additional deputy coverage to help serve southern Nevada. I would like to add that this is not a new position. It is a net zero position by making the Securities Administrator a Deputy of Securities. This act becomes effective on July 1, 2017.

Roll call on Assembly Bill No. 9:

YEAS—41.

NAYS—None.

EXCUSED—Wheeler.

Assembly Bill No. 9 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 13.

Bill read third time.

Remarks by Assemblywoman Bilbray-Axelrod.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Assembly Bill 13 changes the name "state business registration" to "state business license."

Roll call on Assembly Bill No. 13:

YEAS—41.

NAYS—None.

EXCUSED—Wheeler.

Assembly Bill No. 13 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 19.

Bill read third time.

Remarks by Assemblyman McCurdy.

ASSEMBLYMAN MCCURDY:

Assembly Bill 19 requires the Department of Veterans Services to submit to the Interagency Council on Veterans Affairs certain statistical information concerning veterans' services and requires that certain regulatory bodies collect and report to the Interagency Council statistical information concerning the number of veterans and service members who have applied for, have been issued, or have been denied a license. The measure reduces from annually to biennially the frequency with which the Interagency Council must submit to the Governor and the Legislative Commission a report of its activities, including the statistical information required to be provided by various state agencies and regulatory bodies.

Finally, the bill changes from annually to biennially the frequency with which certain reports of activities must be submitted by the Nevada Veterans Services Commission and the Women Veterans Advisory Committee; provides that both reports must be submitted to the Governor, the Interagency Council, and the Legislative Commission; and changes the deadline by which the Nevada Veterans Services Commission must submit its report to coincide with the reporting deadline for the Interagency Council and the Advisory Committee. This bill is effective on July 1, 2017.

Roll call on Assembly Bill No. 19:

YEAS—41.

NAYS—None.

EXCUSED—Wheeler.

Assembly Bill No. 19 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblywoman Carlton requested that the following remarks be entered in the Journal.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

Today is the last day of Black History Month, and I personally am acutely aware of the enormous meaning of that for this 79th Legislative Session. When I got here six years ago, there were just a handful of African-American legislators working hard just to be heard. Today Nevada enjoys a rich, diverse legislature: black, white, Latino, male, female, gay, and lesbian. Today I am serving as Nevada's first African-American Speaker alongside Majority Leader Aaron Ford in the Senate.

Today the Majority Leader and I work not just to be heard, but to represent all of Nevada so that everyone we serve can be heard. This year there are also four African-American chairpersons of committees and a more diverse group of advocates appearing before those committees. We have a burgeoning Nevada Black Legislative Caucus striving to bring a valuable perspective to the legislative process. With all of that progress, I cannot forget that we have this opportunity and the obligation to handle it responsibly, not just for our own sakes, but for the sake of breaking down barriers for tomorrow. Today I could not be more proud, yet I could not be more humble.

ASSEMBLYMAN MCCURDY:

Assemblyman Woodrow Wilson was the first African American elected to the Nevada State Legislature in 1966. He served as director of the Las Vegas Chapter of the NAACP [National Association for the Advancement of Colored People] from 1955 to 1956. Later he served on the Clark County Commission and remained an active figure in the black community until his passing in 1999.

ASSEMBLYWOMAN MONROE-MORENO:

I am excited to share the firsts of African-American women in our body. Our very own Assemblywoman Dina Neal was the first African-American woman elected to the Nevada State Assembly in 2010. This is her fourth full session with the Nevada Legislature, and she is currently the chairwoman of the Assembly Committee on Taxation. She is the daughter of former state Senator Joe Neal from North Las Vegas. She is a native Nevadan and proud to be a product of our Clark County School District. She earned her bachelor's degree in political science from Southern University and her juris doctorate from Southern University Law Center. I am very proud to serve with her.

ASSEMBLYWOMAN MILLER:

I am honored to acknowledge another first for women in the Nevada State Legislature. Senator Bernice Mathews was the first African-American woman elected to the Nevada State Senate in 1994. She served six regular sessions and five special sessions. She was a registered nurse, a former Reno City Councilwoman, a member of numerous associations in the community, and a recipient of several prestigious awards, including Business Woman of the Year.

ASSEMBLYMAN THOMPSON:

I am honored to share with our body African-American firsts in leadership. Steven Horsford was elected by his peers to serve as the first African-American Majority Leader in 2008. He then went on to be the first African-American Congressman in Nevada, representing the 4th Congressional District.

I also want to mention Senator Aaron Ford, our second Majority Leader who is in his second term as a state Senator. He received his undergraduate degree from Texas A&M University in 1990 and then earned a master's degree from George Washington University. He went on to earn a master's as well as his law degree and Ph.D. from The Ohio State University. Ford is a member of the Kappa Alpha Psi Fraternity.

Assemblyman Jason Frierson is the first African American elected as Speaker of the Nevada State Assembly. He was the student body president at UNR, where he also played football. He was a member of the charter class and first graduating class of the UNLV Boyd School of Law, where he also served as the student body president. He has served as a Deputy Attorney General and as a Deputy Public Defender, helping the most vulnerable in our community.

ASSEMBLYWOMAN NEAL:

I am honored to serve as the Chairwoman of the Nevada Black Legislative Caucus. We have nine members, which is awesome, and we have a very unique bond. We formed our official status last year; we launched our website on January 18. If you want to write this down it is www.nvblc.org. Check us out.

It has been an interesting journey to be in this building and to be a part of Black History Month because of my dad. I have had the privilege of being in this service while my dad is still alive. He was the first African American elected to the Senate in 1972, the year I was born. To have the benefit of having him still in my presence at age 83 has been significant. This building is like déjà vu. I want to give a shout out to him because he watches us every day. Literally, I get a call every day.

In closing, we have much to be proud of in this state and especially to be in such a diverse state legislature. We thank you for your indulgence as we have shared some of the highlights of black history in the Nevada State Legislature.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to David Bobzein and Naomi Duerr.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Cathy McAdoo.

On request of Assemblyman McCurdy, the privilege of the floor of the Assembly Chamber for this day was extended to Kanani Espinoza.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Lindsay Beaver.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Hannah Straub.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Tammie Hefty and Sabrina Spurlock.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to John J. Lee.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Ken Tedford.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Wednesday, March 1, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:26 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE TWENTY-FOURTH DAY

CARSON CITY (Wednesday), March 1, 2017

Assembly called to order at 11:57 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Father Chuck Durante.

Let us pray.

God of grace and mercy, we are aware of Your constant love. You demonstrate that love by entrusting us with this great and beautiful world. You equip us with all that we need to care for all that You have created and to care for one another.

Grant us the time and insight to reflect upon Your desire for true and lasting justice, that all people may be lifted up by a new hope that each can become what You created her or him to be. Help all Your people to grow in the discipline that moves beyond self-centeredness and makes room for the needs and rights of all, especially the weakest and most vulnerable among us.

Bless this body of the Nevada Assembly today in their work. May they know the gratitude of the people of Nevada for their service and be always guided by what is good for all the people and lands of this great state.

We make this prayer in humility and trust.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 4, 37, 63, 184, 219, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

STEVE YEAGER, *Chair*

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-2802

March 1, 2017

THE HONORABLE JASON FRIERSON, Nevada Legislature, 401 Carson Street, Carson City, NV 89701-4747

DEAR SPEAKER FRIERSON:

Pursuant to past protocol, I would like to request permission as a Representative in the United States Congress of the Second District of Nevada, to address a joint session of the Nevada Legislature on Monday, March 13, 2017, at 5 p.m.

Please contact Rachel Provost at 202.225.6155 to coordinate the details of my visit, or if you have any further questions.

Your consideration of this request is greatly appreciated.

Sincerely,
MARK E. AMODEI
Congressman (NV-02)
United States House of Representatives

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 28, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 92, 123.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

February 28, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bills Nos. 72, 155, 167, 180 and 190.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 107, 108, 109, 112, 114, 120, 126, 135, 136, 137, 139, 147, 154, 179, 181, 194 and 221.

MARK KRMPOTIC
Fiscal Analysis Division

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 24 be withdrawn from the Committee on Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Kramer, Benitez-Thompson, Daly, Hansen and Titus (by request):

Assembly Bill No. 246—AN ACT relating to regional development; revising provisions relating to the creation of a local improvement district; authorizing the governing bodies of two or more municipalities to jointly create a tax increment area under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Kramer moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Yeager, Ohrenschall, Watkins, Carrillo, Monroe-Moreno, Araujo, Bilbray-Axelrod, Brooks, Daly, Frierson, Fumo, Jauregui, Joiner, McCurdy, Miller, Neal, Sprinkle and Thompson:

Assembly Bill No. 247—AN ACT relating to residential leasing; providing for the early termination of certain rental agreements by victims of harassment, sexual assault or stalking under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Yeager moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Ellison, Oscarson, Wheeler and Titus:

Assembly Bill No. 248—AN ACT relating to unfair practices; expanding the circumstances under which a manufacturer, distributor or factory branch of a manufacturer commits an unfair act or practice against a vehicle dealer; and providing other matters properly relating thereto.

Assemblyman Ellison moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Frierson, Bilbray-Axelrod, Sprinkle, Benitez-Thompson, Yeager, Elliot Anderson, Araujo, Brooks, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Flores, Fumo, Jauregui, Joiner, McCurdy, Miller, Monroe-Moreno, Neal, Ohrenschall, Spiegel, Swank, Thompson and Watkins:

Assembly Bill No. 249—AN ACT relating to health care; requiring the State Plan for Medicaid to provide certain benefits relating to contraception at no additional cost to the enrollee; requiring a pharmacist to dispense up to a 12-month supply of contraceptives in certain circumstances; requiring all health insurance plans to provide certain benefits relating to contraception at no additional cost to the insured; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 92.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 123.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 24.

Bill read second time and ordered to third reading.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Cody Hughes, Jodi Tyson, and Deb Gallo.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Celeste Tinajero.

On request of Assemblyman Brooks, the privilege of the floor of the Assembly Chamber for this day was extended to John Silvaroli.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Amber Martin-Jahn, Vincent D'Ascoli, and Adam Welmerink.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Matthew Thacker and David White.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Sean Fitzgibbons.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Jason Doucette.

On request of Assemblyman Kramer, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Lingard.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to Patrick Silvaroli.

On request of Assemblyman McCurdy, the privilege of the floor of the Assembly Chamber for this day was extended to Jessica Preston.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Cedric Williams.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Talley.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Loken.

On request of Assemblyman Pickard, the privilege of the floor of the Assembly Chamber for this day was extended to Greg Pisani.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Anna Severens.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Randy Robison.

On request of Assemblywoman Tolles, the privilege of the floor of the Assembly Chamber for this day was extended to Rick Thiriot, Amy Gavin, and Mary Herzik.

On request of Assemblyman Watkins, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Funke.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Haas.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Thursday, March 2, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:23 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE TWENTY-FIFTH DAY

CARSON CITY (Thursday), March 2, 2017

Assembly called to order at 11:37 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Deacon Gil Coleman.

Good and gracious God, we thank You for the blessing of our state and of our nation. Help all of us who have the privilege to live here to understand and accept the responsibility to care for our home and those with whom we share it.

Bless these good people who have offered to sacrifice time with their families and in their careers to come to Carson City to serve us all in state government and in whom we citizens have placed our trust and confidence. We ask you to give them a spirit of camaraderie in their work and a gift of wisdom in their deliberations.

We make this prayer as a people of trust and faith.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 1, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 22, 56; Senate Joint Resolution No. 2.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Frierson, Elliot Anderson, Paul Anderson, Araujo, Benitez-Thompson, Bilbray-Axelrod, Brooks, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Edwards, Ellison, Flores, Fumo, Hambrick, Hansen, Jauregui, Joiner, Kramer, Krasner, Marchant, McArthur, McCurdy, Miller, Monroe-Moreno, Neal, Ohrenschall, Oscarson, Pickard, Spiegel, Sprinkle, Swank, Thompson, Titus, Tolles, Watkins, Wheeler, Woodbury and Yeager; Senators Parks, Atkinson, Cancela, Cannizzaro, Denis, Farley, Ford, Gansert, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Manendo, Ratti, Roberson, Segerblom, Settelmeyer, Spearman and Woodhouse:

Assembly Concurrent Resolution No. 4—Celebrating the life of former Assemblyman Bernie Anderson.

WHEREAS, The members of the Nevada Legislature on this day remember and celebrate the life of an esteemed colleague and dedicated public servant, former State Assemblyman Bernie Anderson; and

WHEREAS, Bernard J. Anderson Jr. was born on May 15, 1942, to proud Irish Catholics Bernard and Beatrice Anderson, of Sparks, Nevada; and

WHEREAS, After graduating from Bishop Manogue Catholic High School and the University of Nevada, Bernie Anderson began teaching government and history in the Reno/Sparks area, a career to which he dedicated more than 30 years of his life; and

WHEREAS, Teaching was not just a job, it was a passion for Bernie Anderson and he devoted great effort to ensure his students understood the importance of democracy and to share with them his love for this country; and

WHEREAS, In 1990, Bernie Anderson began his political career, being elected to serve in the Nevada State Assembly, thereafter representing the people of the City of Sparks, Nevada, in Assembly District No. 31 for more than 20 years in the Nevada Legislature, most notably as Chairman of the Assembly Judiciary Committee and serving honorably in various other leadership positions, including Majority Whip and Speaker Pro Tempore; and

WHEREAS, Although as Chairman of the Assembly Judiciary Committee, Bernie Anderson was a stickler for decorum and known for the efficiency with which he led his committee, as it routinely considered and processed more bills than any other legislative committee he always ensured that the voices of all Nevadans were heard; and

WHEREAS, The "Woodshed" located in the offices of Chairman Anderson became infamous to those working with the Judiciary Committee as a place where they would be called upon to answer for their actions or to participate in the mediation of difficult issues, an effective tool which others continue to try to emulate today; and

WHEREAS, Bernie Anderson's knowledge of the legislative process was unparalleled and he took great delight in teaching and mentoring other Legislators; and

WHEREAS, Bernie Anderson's concerted effort to wear a tie each day to match the subjects or occasions being considered at the Legislature was more than a fashion statement, it was subtle notice that he was aware of the legislative agenda for the day and was willing to meet those challenges; and

WHEREAS, Even though Bernie Anderson's first loyalty was to his constituents in the City of Sparks, he believed that as a public servant he was responsible to work toward the good of all Nevadans and always considered the impact of legislation as a whole; and

WHEREAS, Of the many issues Bernie worked on as a Legislator, he was proudest of his work in creating Nevada's first Drug Courts and combating domestic violence; and

WHEREAS, This longtime educator brought life to his curriculum by such actions as dressing up as historic characters to interact with his high school students, and peppering his legislative floor speeches with examples of courage shown by the Founding Fathers during the Revolutionary War; and

WHEREAS, Bernie Anderson had an incomparable ability to combine humor with public policy, as illustrated most notably when he would wear the hat from Cat in the Hat around the halls of the Legislature on March 2nd, the birthdate of Dr. Seuss, and read excerpts of the books on the floor of the Assembly to honor the author and emphasize the importance and joy of reading; and

WHEREAS, In addition to serving the citizens of Nevada as an educator and Legislator, Bernie was also a Staff Sergeant E-6 in the Nevada Army National Guard from 1960 to 1967, and in 2007 was honored with the Charles Dick Medal of Merit in recognition of his service to the National Guard; and

WHEREAS, Even above his love of teaching, legislative service, trains and the City of Sparks, was his love for and respect of his wife Clyda and their two daughters, Cairn and Natha Clyde—the mere mention of their names would light up his face; and

WHEREAS, Bernard J. Anderson Jr. will long be remembered as a devoted husband, father and grandfather, an outstanding public servant and one of the greatest advocates for Sparks and Washoe County; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 79th Session of the Nevada Legislature remember and celebrate the life of Bernard J. Anderson Jr. on this day and extend their deepest condolences to Bernie's cherished wife Clyda, and daughters Cairn and Natha; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit copies of this resolution to Assemblyman Anderson's beloved wife and daughters.

Assemblyman Thompson moved the adoption of the resolution.

Remarks by Assemblymen Thompson, Elliot Anderson, Hambrick, Daly, Ohrenschall, Diaz, and Mr. Speaker.

ASSEMBLYMAN THOMPSON:

I am truly honored to be able to share some words about a man I never met. To read his story, for us to have heard his story today, makes me want to be a better legislator. I hope everyone in this body felt that. I hope you felt a part of that when you heard Ms. Furlong speak that into the record.

I also want to share one thing that is in his bio in the alumni book offered to all of us. Bernie Anderson was a true public servant. Those words mean a lot; they were not just written there. He was a true public servant who lived and breathed it every day. For eight of his ten sessions in the Assembly, Mr. Anderson was a non-lawyer who served as the Chairman of the Judiciary Committee. I heard he made things happen. As a resident of the "Railroad City" of Sparks, Mr. Anderson created legislation to make railroads safer. His admirable record of legislative achievement illustrates his passions in life. He fought for laws concerning education, adoption, welfare reform, gaming, domestic violence, drug courts, and public employees. Bernie Anderson took seriously the responsibilities and ideals of a Nevada legislator. What a great man.

ASSEMBLYMAN ELLIOT ANDERSON:

I also wanted to talk about the ultimate senior Anderson's practical sense of humor. He was a fun-loving person; I will never forget in the 2009 Session when he took a Brian Urlacher bobblehead doll from the committee manager for the Commerce and Labor Committee and hid it. He created a session-long controversy about who stole the doll. It was the funniest thing ever because then someone else decided to get another Brian Urlacher doll that was identical and started breaking it up and shipping in pieces to the committee manager of Commerce and Labor. Meanwhile, this person created a "Where is your doll@yahoo.com" and started emailing everyone in the Legislature, and it was all because Assemblyman Anderson decided to take that doll one day as a practical joke. He played right into it and it was amazing; it made everybody's life a lot more fun that session. I thought that as we talk about all the important things that he did for the process and for Sparks, he should also get credit for never being afraid to make a good joke and to have a little fun.

ASSEMBLYMAN HAMBRICK:

My freshman session was in 2009 and my colleague from Assembly District 4 and I were both assigned to Judiciary. Mr. Anderson and Mr. Carpenter sat next to each other and ruled that committee with iron fists. We had a committee party down at the spa south of town. My colleague from District 4 and I made a phone call to the Douglas County Sheriff and whispered in his ear. He and his deputy showed up at the committee party with a warrant for Mr. Anderson's arrest. He thought it was for real. He was speechless until my colleague from District 4 and I started laughing. He never let us forget. He, I believe, is the one who coined the phrase This is the People's House. I am not sure how he referred to the body at the other end of the building, but it was never very kind. He was a formidable individual with strength of character, and he loved this body immensely.

ASSEMBLYMAN DALY:

I did not get a chance to serve with Assemblyman Anderson, but I did know him very well. We were good friends. In fact I was lucky enough to succeed him—or follow him because no one could replace him—in Assembly District 31. Unlike some of the other stories, I always got

along fine with Assemblyman Anderson. There were never any issues. I just remembered one thing: You always follow the rules. I always followed the rules, and you always had to remember who was making the rules. Bernie was making the rules. You follow his rules—I do not know what you are talking about, I always got along with him just fine and I never had any issues—so the rest of you were doing it wrong and not following the rules.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

Anybody who appeared before the Judiciary Committee knew the glare from the Chairman; I experienced that glare for two sessions. I remember feeling like Chairman Anderson was the gatekeeper for the Legislature. Most of us lobbyists had to appear before Judiciary at some point in time, and most of us had to go to the Woodshed at some time. I remember seeing him at the end of the hall as we were walking toward each other. For whatever reason, it felt like there was no one else in the hall; I was probably just petrified of Chairman Anderson. But we were walking toward each other and we got to the middle and I said "Mr. Chairman." He growled and turned around and walked away, and I knew I had arrived. That was a term of endearment from Chairman Anderson. He could have written me up; I messed up plenty of times those first couple of sessions. That was his way of welcoming me into the fold. He had that way about him where he did not have to say words to get his point across. It was almost always either a sense of humor or an embrace in an effort to try and help and mentor a new legislator or advocate in this building. He is sorely missed, but his spirit certainly lives on in this body.

ASSEMBLYMAN OHRENSCHALL:

I had the privilege of meeting Assemblyman Anderson back in 1995 when this house was evenly divided. During that session Assemblyman Anderson was co-chairing the Judiciary Committee. The way it worked was he would chair one day and his Republican counterpart would chair the other day. I think he really got to learn a lot about the give and take that session.

I did not spend a ton of time with him after that. I got to visit him during that session when my mom came up and served as a freshman. When I was elected in 2006 and came up in 2007, I was very excited, bright-eyed and bushy-tailed to come and to serve on the Judiciary Committee with Chairman Anderson. I had not realized that Chairman Anderson had decided that I was going to be his project. That meant that I was going to learn some special things. At the time I thought Why is he being so hard on me? Why is he being so mean to me?

There was a particularly controversial bill that I had that was not supported by all my colleagues on my side of the aisle and probably not supported by any on the Republican side. I thought I had enough votes to get it passed so I asked Chairman Anderson if he would please call the bill for a vote. He asked if I was sure I had enough votes to get it to pass in Judiciary Committee. I said Chairman, I am sure. So he called the vote. Lo and behold, a good friend and colleague of mine from Las Vegas, a Democrat, had decided to vote against the bill and it failed. I did the unthinkable. I asked the Chairman if I could work on it some and try to get the votes. He said Sure, absolutely, I will definitely have a second vote on that, but this time you have to make sure you have at least one Republican vote. I sat down there, where I think my colleague from Nye County sits, and my neighbor was a Republican legislator from Las Vegas. We had become pretty good friends. We both served on the Judiciary Committee together, and I begged her to please vote for this bill. The chairman will call it for a vote if I can get one Republican vote. She said she really did not like the bill but would vote for it in committee. She would not promise what she would do on the floor. We called the vote, she voted for it in committee, and I had a passing bill. I was thrilled. I proved to Chairman Anderson that I could do it. I had a majority; the Democrat who had voted against it voted for the bill, and I had one Republican. Lo and behold, my Republican friend let the chairman know that she had voted for it in committee but she was not sure she was going to vote for it on the floor. Chairman Anderson was not happy about that, not happy at all. That is when I learned that just like there are 50 ways to leave your lover, there are 50 ways to kill a bill. I learned that a chairman never has to report a bill out to the floor. At the time I was pretty devastated. Now I can laugh. It was a good way to learn about the process. The world is not a particularly worse place because that bill did not pass, but it gave me a lot of affection for Bernie.

The next session we had a lot of talks, and he let me know that he thought he had been too hard on me that session. He actually wished he could have handled it differently. He became such a mentor to me. I called him the night I got my bar exam results. I let him know I had passed, and he cried on the phone. He was so happy for me. In 2013 when I first chaired a standing committee when your predecessor, Speaker Kirkpatrick, had me chair the Legislative Operations and Elections Committee, he gave me some of his old committee manuals. During that session, he was here lobbying for retired teachers. It was great getting to serve with him.

In terms of his legislative accomplishments, some of the things that were not mentioned—I remember the bills that were sponsored on equality, LGBTQ community. He was a very strong advocate in that area. He was a strong advocate on environmental issues; drug court and domestic violence were already mentioned. He was very devoted to education and the union movement and trying to make sure that workers would have the right to organize. He really respected Nevada history; he respected the history of the courts. As anyone knows who worked with Bernie, in the Woodshed he had pictures of all the 17 county seats and their courthouses. He was one-of-a-kind and someone that if you got to serve with him, you were very lucky. I always tell my colleague here from Assembly District 9, Bernie would have done it like this. I still like how you did this, but Bernie would have done that. Do not worry; you are still doing a great job. He was someone that I think continues to shape our process, and he cared about making good policy. He was a truly wonderful human being, and I am honored to support this resolution.

ASSEMBLYWOMAN DIAZ:

I am so excited to continue a tradition in this body that former Assemblyman Bernie Anderson started. Every session on Dr. Seuss's birthday, Bernie would read a Dr. Seuss book, whether it was *The Cat in the Hat* or *Hop on Pop*. Today I have chosen *The Sneetches* which Dr. Seuss wrote in 1961 to teach children about diversity and inclusion. He wrote the book to address how different groups of people did not like each other during World War II. A number of the Dr. Seuss books do teach children to be fair and to treat people equally. The family of Theodor Geisel, also known as Dr. Seuss, were German immigrants and were often targets for insults about their heritage. I thought this would be a timely book to read. [Assemblywoman Diaz read aloud *The Sneetches* by Dr. Seuss.]

Resolution adopted.

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 4—Providing for the appointment of additional attaches for the Assembly.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Linda Fitzgerald, Jenny Polek and Kassidy Whetstone are elected as additional attaches of the Assembly for the 79th Session of the Nevada Legislature.

Assemblywoman Benitez-Thompson moved the adoption of the resolution.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

This provides for the hiring of additional staff for the Assembly.

Resolution adopted.

Senate Joint Resolution No. 2.

Assemblywoman Benitez-Thompson moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Wheeler, Marchant, Titus, Hambrick, Ellison, Kramer and Oscarson:

Assembly Bill No. 250—AN ACT relating to criminal procedure; revising provisions governing release with or without bail; and providing other matters properly relating thereto.

Assemblyman Wheeler moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Hambrick, Cohen, Edwards, Fumo and Tolles; Senator Parks:

Assembly Bill No. 251—AN ACT relating to juvenile offenders; authorizing the State Board of Pardons Commissioners to commute the sentence of a person convicted of any crime that the person committed when he or she was less than 18 years of age; and providing other matters properly relating thereto.

Assemblyman Hambrick moved that the bill be referred to the Committee on Corrections, Parole, and Probation.

Motion carried.

Senate Bill No. 22.

Assemblyman Flores moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 56.

Assemblyman Flores moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 4.

Bill read second time and ordered to third reading.

Assembly Bill No. 37.

Bill read second time and ordered to third reading.

Assembly Bill No. 63.

Bill read second time and ordered to third reading.

Assembly Bill No. 184.

Bill read second time and ordered to third reading.

Assembly Bill No. 219.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 24.

Bill read third time.

Remarks by Assemblyman Fumo.

ASSEMBLYMAN FUMO:

Assembly Bill 24 prohibits the Board of Regents from charging out-of-state tuition for certain veterans, members of the military, and their families who attend Nevada System of Higher Education institutions. This bill is effective on July 1, 2017.

Roll call on Assembly Bill No. 24:

YEAS—42.

NAYS—None.

Assembly Bill No. 24 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to April Mastroluca.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Jeff Detrick.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Cairn A. Lindloff, Kelly Gardner, Natha C. Anderson, and Ed Anderson.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Jimenez and Denise Davis.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Peggy Lear Bowen.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Victor Rivera and Samantha Bivins.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Kristi Sprinkle.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Clyda H. Anderson, Danny Fierro, Billy Bell, Jim Cirillo, Ward Fitch, Rick McGuire, K. Plaskon, Riley Horn, Daisha Arango, Alexandra Sun, Tyler Bacigalupi, Alexande Mejia Hernandez, Stephanie Padilla, Kailey Walter, Patty Ruiz, Jennifer Dietsch, Isabel Fuentes, Shanaya Zeman, Monce Naranjo, Daria Tezanos, Emmalee Going, Dominique Finley, Faith Lee, Chelsea Clevenger,

Natalia Vargas, Kristen VanCitters, Trevor Freitas, Sharon Weir, Kendra Maine, Olga Garcia, Sierra Knigge, Alyssa Griep, Adilio Nouera, Jordy Saldana, Brianna Gamboa, Joselyn Jarquin, Fatima Soto, Noe Lopez, Guadalupe Sanchez, Dallin Singer, Johana Gutierrez Chavez, Lorena Sarabia, Daniel Nelson, Jason Ogle, Desiree Garcia, Akira Lawson, Justice Jackson-Haley, Paola Piedra, Victor Montoya, Jamie Maderios, Robin Griffith, Lysette Perez, Charles Manes, Jake Merrill, Joyce Sindar-House, Bobby Hunter, Terry Boyden, Nancy Silver, Steve Voss, Rene Cantu, Maurice Senters, Shannon Lawson, Josh Arredondo, Secilia Garcia-Simon, Jenny Guardado, Alissa Ramos, Logan Stokes, Ethan Slater, Davis Ely, Asia Bell, Vickie Bautista, Maureen O'Sullivan, Alexa Thangaratnam, Bruno Moya, Randy Dexter, and Leslie Lingo.

On request of Assemblywoman Tolles, the privilege of the floor of the Assembly Chamber for this day was extended to Marissa Crook, Katheryn Yetter, William Brunson, and Joseph Sawyer.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Friday, March 3, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:25 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE TWENTY-SIXTH DAY

CARSON CITY (Friday), March 3, 2017

Assembly called to order at 11:41 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Ellison and McCurdy, who were excused.

Prayer by the Chaplain, Father Chuck Durante.

God of all goodness, as we pray today we lift up all women, especially those marginalized, abused, or living in abject poverty. You call all of us to be people of justice and love. May all people respect the equal dignity of women. Guide all leaders throughout the world, whether of homes, corporations, or countries, to make changes that respect and uphold that dignity, so to bring true and lasting change for all women.

And as we move toward the close of this week, look with favor on our Nevada Assembly and their good staff. Mercifully pour out upon them the spirit of you wisdom, that they may decide everything for the well-being and peace of all and may never turn aside from your will.

We make this prayer as your holy and humble people.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 36, 98, 126, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

EDGAR FLORES, *Chair*

COMMUNICATIONS

UNITED STATES SENATE

March 2, 2017

THE HONORABLE JASON FRIERSON, *Speaker of the Nevada Assembly* and
THE HONORABLE AARON FORD, *Majority Leader of the Nevada State Senate*
401 South Carson Street,
Carson City, Nevada 89701

DEAR SPEAKER FRIERSON AND LEADER FORD:

I am writing to request the opportunity to speak before the distinguished members of the Nevada State Legislature on Thursday, April 20, 2017. I look forward to speaking about the pressing issues before the United States Congress in the upcoming months and how they will affect the great state of Nevada.

I thank you in advance for your kind consideration. I look forward to seeing you soon.

Sincerely,
CATHERINE CORTEZ MASTO
United States Senator

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 2, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 4.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Titus, Wheeler, Oscarson, Ellison, Edwards, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Pickard, Tolles and Woodbury:

Assembly Bill No. 252—AN ACT relating to peace officers; authorizing a peace officer or retired peace officer to request the display of an alternate address on his or her driver's license, identification card, commercial driver's license or commercial learner's permit; and providing other matters properly relating thereto.

Assemblywoman Titus moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 253—AN ACT relating to mental health; revising provisions governing the examination and evaluation by a physician or licensed psychologist of a person alleged to be a person with mental illness; requiring a court to transmit an order for involuntary admission to a law enforcement agency under certain circumstances; establishing a procedure for certain hospitals and mental health facilities to request a copy of a court order for involuntary admission; and providing other matters properly relating thereto.

Assemblyman Yeager moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Yeager and Sprinkle:

Assembly Bill No. 254—AN ACT relating to guardianships; authorizing the assumption of jurisdiction of a trust of which a ward is currently an income beneficiary by the court having jurisdiction of the guardianship of the ward in certain circumstances; revising provisions relating to the filing of a verified inventory by a general or special guardian of the estate; and providing other matters properly relating thereto.

Assemblyman Yeager moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Hambrick:

Assembly Bill No. 255—AN ACT relating to financial services; providing that provisions governing the licensing and regulation of certain short-term loans apply only to loans made primarily for personal, family or household purposes; and providing other matters properly relating thereto.

Assemblyman Hambrick moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 4.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Assembly Bill 4 repeals provisions governing the declaration of a foreign country or political subdivision as a state for the purposes of enforcing certain support orders.

Roll call on Assembly Bill No. 4:

YEAS—40.

NAYS—None.

EXCUSED—Ellison, McCurdy.

Assembly Bill No. 4 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 37.

Bill read third time.

Remarks by Assemblywoman Miller.

ASSEMBLYWOMAN MILLER:

Assembly Bill 37 establishes a procedure for arranging the transfer of a case to another justice of the peace or municipal judge, as appropriate, if an affidavit alleging bias or prejudice is filed against the presiding justice or judge. Similarly, the bill establishes a procedure for appointing a justice of the peace or municipal judge, as appropriate, to hear and make a determination concerning the justice or judge against whom an affidavit alleging bias or prejudice has been filed.

This measure also requires the selection of a chief justice of the peace in townships with more than one justice of the peace, and a chief municipal judge in cities with more than one municipal judge, who will serve as the presiding justice or judge, respectively, and have duties similar to a chief judge of a judicial district.

Roll call on Assembly Bill No. 37:

YEAS—39.

NAYS—McArthur.

EXCUSED—Ellison, McCurdy.

Assembly Bill No. 37 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 63.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 63 requires an applicant for a certificate as a court interpreter or appointment as an alternate court interpreter to submit to the Court Administrator with his or her application a complete set of his or her fingerprints and written permission authorizing the Court Administrator to forward the fingerprints to the Central Repository for Nevada Records of Criminal History.

Roll call on Assembly Bill No. 63:

YEAS—40.

NAYS—None.

EXCUSED—Ellison, McCurdy.

Assembly Bill No. 63 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 184.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 184 provides that a motion to withdraw a plea of guilty, guilty but mentally ill, or nolo contendere that is made after sentence is imposed or imposition of sentence is suspended is a remedy that is incident to the proceedings in the trial court. The bill applies to such pleas pending on or after June 12, 2014.

Assembly Bill 184 seeks to clarify that the motion to withdraw a guilty plea to correct a manifest injustice is still a remedy that will be available to persons who were not adequately represented when they took a plea. Many of these people have moved on in their lives and have finished whatever orders the court had given them, but at the time they took a plea, either they might not have had an attorney appointed or the attorney who was appointed for them did not give them the proper advice. They have suffered collateral consequences such as losing a potential career in law enforcement or the right to own a firearm, that shock the conscience and are considered a manifest injustice.

There was no opposition in your Judiciary Committee, Mr. Speaker, and this came out unanimously. This is an extraordinary remedy meant to correct the limited number of situations where someone really was done wrong by the justice system and, unfortunately, probably by their attorney.

Roll call on Assembly Bill No. 184:

YEAS—39.

NAYS—McArthur.

EXCUSED—Ellison, McCurdy.

Assembly Bill No. 184 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 219.

Bill read third time.

Remarks by Assemblymen Fumo and Swank.

Potential conflict of interest declared by Assemblywoman Swank.

ASSEMBLYMAN FUMO:

Assembly Bill 219 revises the boundaries of a gaming enterprise district known as the Las Vegas Boulevard gaming corridor to remove the area commonly known as the Beverly Green residential neighborhood. The designation of this area as a gaming enterprise district expires on October 1, 2017.

ASSEMBLYWOMAN SWANK:

Many of you know that I am passionate about historic preservation. I have sponsored Assembly Bill 219 as a result of the historic preservation plan that was in place when I moved into my current neighborhood. I spoke with the Legislative Counsel concerning whether there was any conflict of interest in my sponsoring this legislation and participating in the debate over its passage. I was assured that I would not have a conflict of interest under Assembly Standing Rule No. 23 if I would not be affected differently than other owners of homes in the affected area. However, for the sake of transparency, I would like to inform this body that I own a home in the area that is being removed from the boundaries of the Las Vegas Boulevard gaming corridor by Assembly Bill 219. My husband and I also own two other properties in the Beverly Green neighborhood, but the provisions of the bill do not include those properties.

This bill will not affect me any differently than the other owners of homes in the area being removed from the corridor. Therefore, the independence of judgment of a reasonable person in my position would not be materially affected by my interest. Thus, I am not required under Rule No. 23 to make a disclosure and will be voting on this bill.

Roll call on Assembly Bill No. 219:

YEAS—40.

NAYS—None.

EXCUSED—Ellison, McCurdy.

Assembly Bill No. 219 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblywoman Carlton requested that the following remarks be entered in the Journal.

ASSEMBLYMAN SPRINKLE:

Defeating cancer is as much a matter of public policy as scientific discovery. Lawmakers play a critical role in determining how much progress we make as a country in defeating cancer. The American Cancer Society Cancer Action Network [ASC CAN] gives a voice to those impacted by cancer as they encourage lawmakers at all levels of government to join the fight to make cancer a national priority. By raising issues of importance, raising funds, educating voters, and rallying others to the fight against cancer, the American Cancer Society Cancer Action Network unites and empowers you to make a difference and help save lives.

The American Cancer Society Cancer Action Network is the advocacy affiliate of the American Cancer Society [ACS]. Together, the ACS CAN and ACS work to save lives and diminish the suffering cancer causes.

Today is Cancer Awareness Day at the capital, and volunteer cancer advocates from around the state are meeting with their lawmakers to ask for their support on critical cancer and public health policies.

ASSEMBLYMAN WATKINS:

Today is National Colon Cancer Awareness Day, and on each of your desks you will find a blue pin, which is the color for colon cancer awareness. I hope that you will join me in wearing that pin today to help raise awareness for colorectal cancer. As part of that awareness, I would like to share a couple of things with you. First, there is a troubling study from the American Cancer Society that was published on Monday which found that colorectal cancer in no longer an illness that plagues only the elderly. In fact, they found that three in ten cases now occur among people aged 55 and younger. I know there are some members of the body that are pleased to hear that 55 and younger is young, and I was too. This study further found that people born around 1990 have double the risk of colon cancer and quadruple the risk of rectal cancer compared to people born in 1950. Screening is the key. If you have any family history of colorectal cancer, you should be screened by age 40; if not, no later than 50.

I think this is a good time to talk about the other pin I wear every day. This is our Battle Born pin, and I wear it in honor of my best friend, my business partner, and my personal hero, Troy Atkinson. Troy was born on August 1, 1977, in Las Vegas. He was a 1995 graduate of Western High School, a 2001 graduate of UNLV, and a 2004 graduate of University of San Diego School of Law. He was licensed to practice law that same year.

Troy was a brilliant practitioner and a brilliant man. I was fortunate to be partnered with him as we formed our firm in 2010. We named it Battle Born because we were both born in this state and we love it; our firm was our family. I would be remiss if I failed to mention that people tolerated working for me so they would get the chance to work with him. He was simply a joy to be around. In a rarity for a lawyer, Troy did not judge or criticize. He celebrated everyone for who they were, and he was universally beloved by his friends, family, colleagues, and his opponents.

On May 3, 2010, Troy was diagnosed with colon cancer, an illness he fought with such grit, determination, and bravery that he inspired everyone else around him. Troy passed away on December 28 of this past year. He was 39. Troy would be pleased if today's story inspired anyone in this room or anyone listening at home to get screened. If you previously thought that this was an illness for somebody older than 40, think again. Please go get screened.

I am very proud to be able to talk about my friend today and I appreciate everyone's indulgence in letting me do so. I am also pleased to remember that for part of election night, I was able to sit in the hospital room with Troy as the results came in and he saw me get elected to this body. He was quite excited for me, and that is part of the reason I wear this pin every day. I certainly would not be here without his love and support over all these years. That is why today, I donated my legislative salary to Stand Up to Cancer. Stand Up to Cancer is an organization that contributes money toward research and finding solutions to all the very different cancers that plague us. I am sure everyone in this room has been touched by some story of cancer.

I would like to close with a quote that Troy found particularly inspiring as he sat in his chair getting his chemotherapy. It is from Stuart Scott, an ESPN commentator who also passed away from cancer. "When you die, it does not mean that you lose to cancer. You beat cancer by how you live, why you live, and the manner in which you live."

ASSEMBLYWOMAN COHEN:

I rise today to honor Cancer Awareness Day at the Legislature and to honor my sister Aileen Cohen. During the 2013 Session, my sister was diagnosed with breast cancer and underwent a bilateral mastectomy and chemotherapy. My sister was fortunate enough to have quality health insurance under the current health care system at the time of her diagnosis and treatment. She was able to fight off the cancer, and I am happy to say she has been disease-free for the past four years.

I would also like to say that without our current health insurance system, my sister and our mother and our first cousin and our second cousin, because this runs in our family, could have been dropped from their health insurance. They would have had to live without treatment, and my sister in particular would not be sitting here today and could have been saddled with mounds of debt.

With the uncertainty in the federal level at this time, especially regarding insurance, I am urging our congressional representatives to do everything they can do to stop the repeal of our health insurance system. I am also urging my colleagues in the Assembly, for the sake of our families here in Nevada, to consider supporting legislation that will ensure that Nevadans can continue to get the affordable, quality health care we need, regardless of what the federal government does.

Assemblywoman Joiner requested that the following proclamation be entered in the Journal.

PROCLAMATION

WHEREAS, Speech and debate education helps students develop important 21st century skills in communication, critical thinking, creativity, and collaboration through the practice of public speaking; and

WHEREAS, Across the country, countless educators devote time during school, after school, and on weekends to support students in speech and debate practices and competitions, and the example of hard work and dedication they set has a lasting and positive impact on their pupils; and

WHEREAS, The skills learned through speech and debate serve students well throughout their lives, and we welcome the opportunity to recognize such instruction as an essential component of a well-rounded curriculum; and

WHEREAS, Participants in Speech and Debate Tournaments learn not only to analyze and express complex ideas effectively but also to listen, concur, inquire, and dissent with reason and compassion; and

WHEREAS, Public and private school teachers and students from across Nevada test their speech and debate skills by traveling to various locations such as Fallon, Henderson, Las Vegas, and Reno to represent their schools in tournaments; and

WHEREAS, The National Speech and Debate Tournament has been held in many states and Las Vegas, Nevada, was the host in 2008, which drew coaches, participants, parents, supporters, and teachers from across the United States to attend the educational event; and

WHEREAS, The first national tournament hosted by the National Forensic League was held in 1931 with 49 schools from 17 states participating, and in 2014, the League became known as the National Speech and Debate Association with more than a million members; and

WHEREAS, In conjunction with national and local partners, the National Speech and Debate Association established the national tournament which serves to promote better instruction in speech and debate across all grade levels and highlights the pivotal roles these abilities play in personal advocacy, social movements, and public policy making; now, therefore, be it

PROCLAIMED, That March 3, 2017, is recognized as National Speech and Debate Education Day in Nevada.

DATED this 3rd day of March, 2017.

YVANNA CANCELA
Nevada State Senator

NICOLE CANNIZZARO
Nevada State Senator

ASSEMBLYWOMAN JOINER:

Some of you may have seen on your calendar that today is Speech and Debate Day at the Legislature. In honor of that, I have two Senators with me, Senator Cancela and Senator Cannizzaro. The Senate was not in session today, so with their help I would like to read a proclamation that we have both on the Assembly side and what would have also been on the Senate side.

In honor of this proclamation, we have a lot of guests here in the audience. First of all we have Dr. Jacob Thompson, who is the UNLV Speech and Debate coach, and we have some of his students here from UNLV. We also invited the UNR team but they are out at a debate

tournament. They are out doing the good work that we are celebrating here today. We also have a lot of high school students, high school coaches, some middle schoolers perhaps.

One of the reasons we are celebrating this today is because many of us as legislators have been speech and debate participants. I was and it was a really formative part of my life, and I know the Senators were also and that is why they are here today.

Assemblywoman Benitez-Thompson requested that the following proclamation be entered in the Journal.

PROCLAMATION

WHEREAS, Sue Vaughn was born in Riverton, Wyoming, and lived throughout the country during her childhood as her family followed her father's business career; and

WHEREAS, Sue received an undergraduate degree in English and speech education from the University of North Carolina at Chapel Hill in 1978 and, a year later, graduated from Pennsylvania State University with a Master of Arts degree in speech communications; and

WHEREAS, After moving to Reno to teach Speech Communications at the University of Nevada, Reno for five years, Sue began her decades-long career with the Washoe County School District (WCSD) in 1987 as a teacher at Robert McQueen High School; and

WHEREAS, Sue, a two-diamond coach with the National Speech & Debate Association, taught numerous high school classes including English, Career English, advanced placement classes, Sociology, We the People, Public Speaking, and Speech and Debate; and

WHEREAS, Offering a list of "Books you'll like even if you don't like to read," Sue encouraged students to read by developing the curriculum for and teaching the Reading for Pleasure class at McQueen High School; and

WHEREAS, Touching the lives of approximately 15,000 students over the course of her career, Sue led many district, State, and national champions as the speech and debate coach, including Assemblywoman Teresa Benitez-Thompson, Assemblywoman Amber Joiner, and Devon Reese, former student and current speech and debate co-coach; and

WHEREAS, Serving as the Fine Arts Department chair for 10 years, Sue was instrumental in raising hundreds of thousands of dollars for student scholarships; and

WHEREAS, Sue is a devoted family woman, who, along with her husband Rick of over 30 years, has raised two children, Alex and Tenney, and is now the proud grandmother of Audrey, born last year; and

WHEREAS, After working for WCSD for 30 years, Sue is now retiring for some well-earned rest and relaxation; now, therefore, be it

PROCLAIMED, That Sue Vaughn is honored for her distinguished career as an educator, opening the minds and hearts of so many students, and touching many lives; and be it further

PROCLAIMED, That Sue Vaughn is entitled to our esteem, our congratulations, and our best wishes for a long, healthy, and prosperous retirement.

DATED this 3rd day of March, 2017.

TERESA BENITEZ-THOMPSON
Majority Floor Leader
Nevada State Assemblywoman

AMBER JOINER
Nevada State Assemblywoman

ASSEMBLYWOMAN BENITEZ-THOMPSON:

As part of Speech and Debate Day, I have a guest with me here. This is Mrs. Sue Vaughn. I refer to her as Mrs. Vaughn because she was my debate coach through high school at McQueen; I was a Lancer as was my colleague from Assembly District 24. Mrs. Vaughn was so much more than a coach. She was one of those teachers who came into my life and absolutely set me on a different trajectory and path. But for this woman standing next to me, I do not know that I really would have made it out of high school. I do not know that I would have made it to college. I certainly know that I would never have believed I was capable of very much. For kids

coming from backgrounds like mine where things may have been a little disorganized at home, it really mattered to have a teacher who was paying attention to what you were doing and to have a person that really believed in you. She is going to be retiring soon so I have a proclamation honoring her.

ASSEMBLYMAN YEAGER:

I would like to introduce two student doctors, Graham Lambert and Charles Cullison. They are medical students at Touro University, Nevada in Henderson and are both members of the United States military. They flew up here last night to present research they did on Assembly Bill 135, which we heard this morning in the Judiciary Committee. I think I can speak for the other members of the committee when I say they did a fantastic job. They were very prepared. So as Nevada residents, members of the military, and future doctors, we can certainly be proud.

ASSEMBLYWOMAN TOLLES:

I am very excited to introduce my colleagues at the National Judicial College [NJC]. To my right is Katheryn Yetter, the Academic Director at the National Judicial College, where she oversees the core tuition-based curriculum for judges. She has been with the NJC since 2012.

William Brunson is the Director of Special Projects, where he oversees the custom courses in international programming. He has been with the NJC since 1992.

I am very pleased to introduce my teaching partner, Joseph Sawyer. We teach collaborative decision making to Supreme Court Justices and to appellate court judges. He is the Director of Technology and Distance Learning and when he oversees the web-based programs for judges, he also teaches classes on implicit bias. He has been with the NJC since 1982.

These three individuals share over 75 years of combined experience in the field of judicial education and contribute to NJC's educational outreach to more than 7,000 judges each year. The National Judicial College is the only institution of its kind in the country and brings judges from all around the world to the great state of Nevada for top tier judicial education programs.

ASSEMBLYWOMAN SWANK:

I want to introduce everyone to my fabulous intern. This is Lynn Sartre. She is a double major in prelaw and biochemistry. That in and of itself is pretty impressive. She will be graduating from UNR this spring, and this fall she will be starting at the William and Mary Law School. She hopes to be a very successful lawyer and maybe come back here and run for office. She is in my office every Friday, so feel free to come by any time and say hi.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Sue Vaughn, Devon Reese, Ragya Kaul, Cade Rombardo, Aryan Shukla, John Sloyan, Jada Stinnett, Jerrell Berrios, Ember Smith, Jeffrey Horn, Kyndale Pease, Stephanie Le'ne Parker, Winifred Dee Crow, Tai Ta, Marianna Delgado, Hernan Perez, Arianna Gabriel, Ana Ohnersorgen, Ross MacNeil, Ayden Crosby, Sunny Dhindsa, Noelle Kim, Jackson Stoever, Kelsey Jiang, Tiger Chen, Katherine Thornton, Griffin Taitel, Logan Strand, Eric Spitzer, Isaac Sorensen, Anthony Ritter, Rylee Rawson, Taylor Pittman, Gabriel Munoz, Kathy Morse, Adam Kamka, Emma Jerz, Kyndale Duelks Pease, LaRena Elise Fry, William Matthew Parker, Dillon Vorderbruggen, Emma Adelaide Crow, Eirianwyn Astrid Crow, Solomon Pease, Solomon Douglas Pease, Rebekah Mileo, Christy Briggs, Hannah Williams, Amanda Williams, Rami Itani, Lucas Humes, Sophie Hertz, Jeremy Guevin, Brett Grimm, Heather Foster, Cendrina Duhamel, Samantha Clements, Allan Briggs, Asa Bizar, Cameron Albright, Charlotte Wertz, Shayla Wagner, Ian Sturtz,

Abigail Shipp, Sayge Walsh, Isabella Selby, Azara Rosenow, Lauren Pavilionis, Kamryn Oman, John Nunley, Amanda Mackenzie, Eric Logan, Rui Lin, Nafis Kausar, Watson Jia, Dan Huynhvo, Autumn Johnson, Robin Harmening, M. Alex Hampton, Austin Grush, Laura De la Cruz, Carson Case, Ralph Boscacci, Davis Berry, Mashrur Ahmed, Ethan Fulkerson, Rebecca Ramsey, Karen Gabriel, Jennifer Roman Negrete, Huly Orozco, Anabelle Escandon, Venetia Washington, Adolfo Ayala Alcantar, Ethan Robison, Andrew Quispe, Monique Magee, Jennifer Merlos, Imelda Gonzalez, Gwendolyn Roberts, Shealyn Kelley, Araceli Salazar, Jamileth Moreno, Luz Acuna, Lauren Rachal, Janna Moyer, Ben McDermott, Tina Chaffin, Amanda Guffey, Kate Reese, Madeline Reese, and Tenney Vaughn.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Clara Bates, Abdus Najmi, and Malcolm Gordon.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Aileen Cohen.

On request of Assemblyman Fumo, the privilege of the floor of the Assembly Chamber for this day was extended to Ellen Fumo.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Truman Fleming.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Senator Yvanna Cancela, Senator Nicole Cannizzaro, and Dr. Jacob Thompson.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Riana Durrett.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Lynn Sartre, Jeffrey Horn, and Ember Smith.

On request of Assemblywoman Tolles, the privilege of the floor of the Assembly Chamber for this day was extended to Katheryn Yetter, William Brunson, and Joseph Sawyer.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Faith Christian Academy: Ashley Anderson, Lucas Esquivel, Alana Jens, Ella Jongsma, Salivin Kirk, Shaila Moe, McKenzie Raper, Danessa Wilhelm, Adelynn Berger, Andrew Kalb, and Annalynn Mueller.

On request of Assemblyman Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to Graham Lambert, Charles Cullison, Jerrell Berrios, and Jada Stinnett.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Tuesday, March 7, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:17 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE THIRTIETH DAY

CARSON CITY (Tuesday), March 7, 2017

Assembly called to order at 12:01 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywomen Jauregui and Monroe-Moreno, who were excused.

Prayer by the Chaplain, Reverend Jedidiah Maschke.

Almighty God, our Help in ages past, our Hope for years to come, all rule and authority in this world comes from You. We pray today for our government. We are grateful for the good government You have ordained to rule in our land, and for blessing our country, our state, and our people. Bless all who are in authority in our land, and especially those who are gathered together in this assembly today, with wisdom and understanding and with love for righteousness and peace, that under their leadership our state and country may continue to enjoy Your grace and favor.

By Your Spirit, help me and all citizens to give our government those things which belong to the government and not to forget that we must give to You, O God, what belongs to You. For Jesus' sake.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Corrections, Parole, and Probation, to which were referred Assembly Bills Nos. 25, 27, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES OHRENSCHALL, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 31, 108, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 99, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL C. SPRINKLE, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Joint Resolution No. 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

OLIVIA DIAZ, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 100 be withdrawn from the Committee on Commerce and Labor.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 100 be rereferred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Watkins, Fumo, Yeager, Jauregui, Brooks, Joiner, McCurdy and Miller:

Assembly Joint Resolution No. 8—Urging the United States Senate to protect a woman's reproductive rights as it undergoes the process of vetting a nominee for the United States Supreme Court.

Assemblyman Watkins moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

NOTICE OF EXEMPTION

March 7, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 10, 67, 71, 91, 98, 106, 108, 110, 122, 141, 206 and 215.

CINDY JONES
Fiscal Analysis Division

March 5, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 157, 187, 192 and 200.

MARK KRMPOTIC
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Titus, Edwards, Hambrick, Elliot Anderson, Bilbray-Axelrod, Kramer, Oscarson, Pickard, Wheeler and Woodbury; Senators Hammond and Settelmeyer:

Assembly Bill No. 256—AN ACT relating to education; revising provisions governing a lottery held to determine which applicants may enroll in a charter school; and providing other matters properly relating thereto.

Assemblywoman Titus moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 257—AN ACT relating to elections; requiring each county and city clerk to establish polling places where any registered voter of the county or city, respectively, may vote in person on the day of certain elections; authorizing an elector to register to vote during the period for early

voting and on the day of certain elections; setting forth the requirements for such registration; and providing other matters properly relating thereto.

Assemblywoman Diaz moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Frierson, Carlton, Monroe-Moreno, Benitez-Thompson, Carrillo, Araujo, Bilbray-Axelrod, Brooks, Bustamante Adams, Cohen, Daly, Diaz, Flores, Fumo, Jauregui, Joiner, Miller, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Watkins and Yeager:

Assembly Bill No. 258—AN ACT relating to the Nevada Commission for Women; revising provisions governing the members, officers and powers of the Commission; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen McCurdy, Monroe-Moreno, Thompson, Ohrenschall, Bilbray-Axelrod, Brooks, Fumo and Miller; Senators Parks, Cancela, Segerblom and Ratti:

Assembly Bill No. 259—AN ACT relating to criminal procedure; providing for the vacating of certain judgments of conviction relating to marijuana; authorizing a court to depart from prescribed minimum terms of imprisonment for the possession of controlled substances in certain circumstances; and providing other matters properly relating thereto.

Assemblyman McCurdy moved that the bill be referred to the Committee on Corrections, Parole, and Probation.

Motion carried.

By Assemblymen Tolles, Oscarson, Hambrick, Krasner, Miller, Pickard and Wheeler; Senators Gansert, Cannizzaro, Harris and Hardy:

Assembly Bill No. 260—AN ACT relating to crimes; requiring the appointment of a Committee on Prostitution and Human Trafficking; requiring the Committee to adopt regulations for the evaluation, certification and monitoring of programs for the treatment of certain persons convicted of solicitation for prostitution; enacting various provisions governing the certification of such programs; authorizing justice courts and municipal courts to suspend the sentence of certain persons convicted of solicitation for prostitution; revising provisions and penalties for certain acts relating to prostitution; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Tolles moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 261—AN ACT relating to motorcycles; requiring the holder of an instruction permit to operate a motorcycle who is of a certain age and who applies for a driver's license to operate a motorcycle to comply with certain requirements for the issuance of the license; setting forth the requirements for the issuance and renewal of an instruction permit to operate a motorcycle; setting forth the requirements for a holder of an instruction permit to operate a motorcycle to apply for a motorcycle driver's license; requiring a person who has been issued a driver's license without an endorsement to drive a motorcycle to pass a certain test or course of instruction before driving a motorcycle; and providing other matters properly relating thereto.

Assemblyman Carrillo moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Carrillo:

Assembly Bill No. 262—AN ACT relating to contracts for the sale of vehicles; expanding the circumstances under which certain actions taken by a seller against a buyer of a vehicle are deceptive trade practices; defining the term "knowingly" for the purposes of provisions governing deceptive trade practices; revising provisions relating to sureties who issue bonds to brokers, dealers, special dealers, rebuilders, distributors and manufacturers of vehicles and dealers, lessors and manufacturers of off-highway vehicles; and providing other matters properly relating thereto.

Assemblyman Carrillo moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Hansen:

Assembly Bill No. 263—AN ACT relating to taxation; repealing the Commerce Tax; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Swank, Elliot Anderson, Bilbray-Axelrod, Brooks, Carrillo, Cohen and Joiner; Senators Ratti, Manendo and Parks:

Assembly Bill No. 264—AN ACT relating to governmental administration; requiring state agencies, courts, the Legislative Counsel Bureau, school districts and the Nevada System of Higher Education to change the default setting of any printer or other device that prints on paper so that such a printer or device prints double-sided, unless another option is selected; requiring that when those entities replace an existing printer or device, the replacement device must be capable of printing double-sided; and providing other matters properly relating thereto.

Assemblywoman Swank moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 265—AN ACT relating to nursing; authorizing an advanced practice registered nurse to sign a certificate of death or certificate of stillbirth; authorizing an advanced practice registered nurse to determine whether a person applying for a special license plate, a special parking placard or a special parking sticker issued by the Department of Motor Vehicles has a disability; authorizing an advanced practice registered nurse to issue certain health certificates to prospective drivers of taxicabs; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Sprinkle moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 266—AN ACT relating to taxation; authorizing credits against the payroll tax or commerce tax imposed on a business for certain amounts paid by the business for paid family medical leave for employees; and providing other matters properly relating thereto.

Assemblywoman Neal moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Araujo, Carlton, Frierson, Daly, Fumo, Jauregui, Monroe-Moreno and Spiegel; Senators Segerblom, Cancela, Manendo, Parks and Cannizzaro:

Assembly Bill No. 267—AN ACT relating to industrial insurance; revising provisions governing prohibitions on the payment of compensation for disability caused by certain occupational diseases under certain circumstances; restricting the dissemination and use of the results of certain physical examinations required of certain firefighters, arson investigators and police officers for insurance coverage of cancer, lung disease and heart disease; providing for the payment of a claimant's attorney's fees and other associated costs under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 36.

Bill read second time and ordered to third reading.

Assembly Bill No. 98.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that Assembly Bill No. 98 be rereferred to the Committee on Ways and Means.
Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 126.
Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 4; Assembly Resolution No. 4.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from St. Albert Catholic School: Ronin Akurosawa, Julia Anthony, Nicole Bechdolt, Frances Cardenas, Logan Colby, Mia Cova, Luke Samuel Crow, Matthew Day, Miguel Dela Rosa, Columbia Effiong, Brynn Gallagher, Gavin Glass, Olivia Kay Hines, Kaitlyn Hong, Perry W. Jacobs, Ayla Christine Janiga, Jeffrey Langley, Nicholas Langley, Megan Madole, Braden Xavier Martinez, Claire McQuone, Gabrielle Neely, Colin O'Brien, Christian Olsen, Aidan Pflieger, David Smith, Taylor Tennant, Cesiah Tiran, Sophia Trimble, Colin Thomas Unruh, Demetrius Vaille, Melissa Venzon, Sebastian Villacorta, Samantha Zaniel, and Aaron Ziolkowski.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Jocelyn Durkay.

On request of Assemblywoman Tolles, the privilege of the floor of the Assembly Chamber for this day was extended to Jody Walker, Shirley Folkins-Roberts, Mike Shohet, and Steve Neiger.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Wednesday, March 8, 2017, at 11:30 a.m.
Motion carried.

Assembly adjourned at 12:21 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE THIRTY-FIRST DAY

CARSON CITY (Wednesday), March 8, 2017

Assembly called to order at 11:56 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Jedidiah Mashke.

O Lord, Almighty God, we thank You for the precious blessings of liberty, that with Your help, were won for us by our ancestors. Give us a new appreciation of the life, liberty, and pursuit of happiness we enjoy in this land of the free, and a greater readiness to serve our state and nation with our talents. Teach us to treasure the precious freedom of conscience and worship, without which other liberties would not long survive. May we never contribute to the loss of those dearly won blessings by our own selfishness, ambition, or indifference.

Teach us furthermore, O Lord, that the enjoyment of freedom brings with it the responsibility to serve. To that end, make us willing to respect the laws of our country and state, to serve our fellow citizens well in any office of trust in which we serve, to exercise faithfully our privilege to vote, and to give our loyal support to all public institutions.

Bless all those in authority, especially those serving in our assembly today. Give wisdom and faithfulness to those in positions of leadership, especially our Assemblywomen and men. Preserve them from becoming the prey of those who would seek only their own good, and set their eyes and hearts on serving the interests of the public.

Grant enduring peace to our country and its institutions, so all people may know the freedom won by the blood of our precious Redeemer, in whose name and for whose sake we ask this.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 8, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 2.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Senators Segerblom, Atkinson, Cancela, Cannizzaro, Denis, Farley, Ford, Gansert, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Manendo, Parks, Ratti, Roberson, Settelmeyer, Spearman, Woodhouse; Assemblymen Ohrenschall, Elliot Anderson, Paul Anderson, Araujo, Benitez-Thompson, Bilbray-Axelrod, Brooks, Bustamante Adams,

Carlton, Carrillo, Cohen, Daly, Diaz, Edwards, Ellison, Flores, Frierson, Fumo, Hambrick, Hansen, Jauregui, Joiner, Kramer, Krasner, Marchant, McArthur, McCurdy, Miller, Monroe-Moreno, Neal, Oscarson, Pickard, Spiegel, Sprinkle, Swank, Thompson, Titus, Tolles, Watkins, Wheeler, Woodbury, Yeager.

Senate Concurrent Resolution No. 2—Memorializing William Patterson (Pat) Cashill.

WHEREAS, The members of the 79th Session of the Nevada Legislature note with profound sorrow the passing, on August 27, 2016, of Pat Cashill, a proud native Nevadan who was a tireless advocate on behalf of those injured by others and whose efforts helped protect Nevada's entire legal system; and

WHEREAS, William Patterson Cashill was born in Reno, Nevada, on August 22, 1944, beginning a life that was filled with adventure, travel and family; and

WHEREAS, After graduating from the University of Notre Dame and the University of Colorado Law School, Pat Cashill returned to Nevada, where he worked as an Assistant United States Attorney, was the first Nevadan appointed to serve as a special attorney in the Organized Crime and Racketeering Section of the United States Department of Justice and also served as a Special Attorney for Water Rights on behalf of the Department; and

WHEREAS, Pat Cashill was admitted to practice law in Nevada, California and Colorado; and

WHEREAS, Pat Cashill was active in numerous legal organizations, serving on the Board of the Nevada Justice Association for 20 years, as its president from 1986 to 1987, on its Political Action Committee, Citizens for Justice, for 30 years, and serving as a volunteer lobbyist on behalf of the Nevada Justice Association protecting the rights of all Nevadans for 40 years as well as serving on the American Association for Justice; and

WHEREAS, In addition to his successful career and steadfast work on behalf of the legal community, Pat Cashill became a certified Fraud Examiner at the age of 70 years; and

WHEREAS, Above all else, Pat Cashill loved his family, being a devoted husband to his wife Johnna and father to their children John and Kate, all of whom enjoyed exploring the world together, climbing, diving, snorkeling and trekking; and

WHEREAS, Their adventures took Pat Cashill and his family to such places as Egypt, Spain, Russia, Switzerland, Tanzania, Australia, Indonesia, Micronesia, Ecuador, Belize and Brazil, to name a few; and

WHEREAS, Pat Cashill was also an avid fisherman, fly fishing in rivers and lakes in Nevada as well as in other states and even other countries; and

WHEREAS, Pat Cashill was an avid skier, swimmer, former marathon runner, former rugby player, hunter and lifetime member of the Northern Nevada Handball Association; and

WHEREAS, Pat Cashill lived life to the fullest, never allowing anything to get in the way of pursuing his dreams and goals; and

WHEREAS, Pat Cashill leaves behind his loving wife Johnna, sister Terry Juhola, daughter Kate and her husband Ryan Blewett, son John and his wife Charlotte, and grandchildren Mackenzie and Aiden; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 79th Session of the Nevada Legislature hereby extend their deepest condolences to the beloved family and countless friends of Pat Cashill; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Johnna Cashill, the loving wife of Pat Cashill.

Assemblyman Ohrenschall moved the adoption of the resolution.

Remarks by Assemblyman Ohrenschall

ASSEMBLYMAN OHRENSCHALL:

Like many in this Chamber, about six months ago when I read of Pat Cashill's passing, I was very saddened. I come from a different background than most, in that both of my parents are practicing attorneys in Nevada. Both were admitted back in the late sixties and early seventies.

Growing up in a family of attorneys, you hear a lot about attorneys that are well respected, that are legends, the kind of attorneys that your parents aspire to be and that maybe you aspire to be if you end up practicing law. Some of those names I would hear about include Richard "Racehorse" Haynes from Texas and Alan Dershowitz—great attorneys, the kind of attorneys who turn the practice of law into an art.

As I got older, I started to hear about some Nevada attorneys who fit that bill and were the kind of legendary attorneys who could turn the practice of law into an art. Pat Cashill's name was a name I heard about quite a bit growing up. I did not get to meet him until the 1990s when my mother decided to run for the State Legislature. He was of great assistance to her, both in her pursuit of the Legislature and also in pursuit of legislation. He would come to the Legislature and testify about the experiences he had representing injured victims and trying to make sure they had access to justice, through his own practice of law and through his involvement with the Nevada Justice Association. Back then it was called Nevada Trial Lawyers Association.

I had the pleasure of getting to work with Pat during my service in the Assembly. As recently as last session, he was a familiar face in my office, working the halls, testifying on bills, and being an advocate for justice. It is hard in Nevada when we lose someone like that, but his contributions will stay with us. They have helped injured victims throughout our state, and they will continue to help them through the case law he has helped craft in his practice, the statutes that he has his fingerprints on, and this organization that has done so much to fight for justice.

Mr. Speaker, I have with me today Pat's widow, Johnna Cashill; Bill Bradley, who worked very closely with Pat at the Nevada Justice Association and the Nevada Trial Lawyers Association; and Jason Mills, who also got to work with Pat at the Nevada Justice Association. I know there are many other trial lawyers here in the Chamber today who knew Pat and got to work with him. I hope the body will pass this resolution and extend our condolences to Johnna and to everyone else who got to work with him.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Watkins, Fumo, Ohrenschall, Jauregui, Bilbray-Axelrod, Brooks, Edwards, Frierson, Kramer, Monroe-Moreno, Neal, Tolles and Yeager; Senator Hardy:

Assembly Bill No. 268—AN ACT relating to criminal procedure; authorizing certain persons to file a postconviction petition to pay the cost of a genetic marker analysis; requiring a court to order a genetic marker analysis upon the filing of such a petition; requiring a petitioner to pay the cost of such a genetic marker analysis before the analysis is performed; and providing other matters properly relating thereto.

Assemblyman Watkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Bustamante Adams:

Assembly Bill No. 269—AN ACT relating to taxation; including vapor products within the definition of "other tobacco products" for the purposes of licensing and regulation of such products by the Department of Taxation; imposing a tax on the purchase or possession of vapor products in this State based on the milliliters of consumable product; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Watkins, Brooks, Yeager, Fumo, McCurdy and Miller:

Assembly Bill No. 270—AN ACT relating to energy; revising provisions governing the eligibility of certain customers of electric utilities in this State to participate in net metering; revising provisions governing the billing of customers of electric utilities in this State who participate in net metering; and providing other matters properly relating thereto.

Assemblyman Watkins moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Carrillo:

Assembly Bill No. 271—AN ACT relating to local governments; revising provisions relating to collective bargaining between local government employers and employee organizations; and providing other matters properly relating thereto.

Assemblyman Carrillo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Frierson, Benitez-Thompson, Diaz, Carlton, Flores, Araujo, Bilbray-Axelrod, Brooks, Bustamante Adams, Carrillo, Cohen, Daly, Fumo, Joiner, McCurdy, Miller, Monroe-Moreno, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson, Watkins and Yeager:

Assembly Bill No. 272—AN ACT relating to elections; requiring each county and city clerk to establish polling places where any registered voter of the county or city, respectively, may vote in person on the day of certain elections; requiring county and city clerks to establish polling places within the boundaries of Indian reservations and colonies; requiring the preparation and use of electronic rosters; extending the hours for voting on election day; requiring voting materials to be provided in Mandarin and Cantonese; extending the period for early voting; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 25.

Bill read second time and ordered to third reading.

Assembly Bill No. 27.

Bill read second time and ordered to third reading.

Assembly Bill No. 31.

Bill read second time and ordered to third reading.

Assembly Bill No. 99.

Bill read second time.

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

Amendment No. 26.

~~[ASSEMBLYMAN]~~ **ASSEMBLYMEN** ARAUJO**; BILBRAY-AXELROD, DALY, DIAZ, MONROE-MORENO, NEAL, SPRINKLE, THOMPSON AND YEAGER**

JOINT SPONSORS: SENATORS CANCELA AND WOODHOUSE

AN ACT relating to children; requiring certain institutions and agencies to treat a child as having the gender with which the child identifies; requiring certain persons to receive training on working with lesbian, gay, bisexual, transgender and questioning children; ~~[prescribing the rights of children in certain placements;]~~ requiring the Division of Child and Family Services of the Department of Health and Human Services to establish **protocols to follow or factors to consider before placing a child in certain placements; requiring the Division to establish** a process for filing and resolving certain grievances; **revising the manner in which a foster child is notified of his or her rights;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a court to place a child in a public or private institution or agency authorized to care for children. (NRS 62E.110) Such institutions include juvenile detention facilities, foster homes, child care facilities and mental health facilities. (NRS 62B.200, 63.400, 432A.1757, 432B.550, 433B.310) Existing law also provides for the licensure and regulation of foster care agencies, which are business entities that recruit and enter into contracts with foster homes to assist an agency which provides child welfare services and juvenile courts in the placement of children in foster homes. (NRS 424.0135, 424.093-424.270) Additionally, existing law designates as the agency which provides child welfare services: (1) in a county whose population is less than 100,000, the Division of Child and Family Services of the Department of Health and Human Services; and (2) in a county whose population is 100,000 or more, the agency of the county which provides or arranges for necessary child welfare services. (NRS 432B.030)

Sections 3, 4, 23, 28, 29, 37, 41 and 46 of this bill require each of those institutions and agencies to treat a child for whom the institution or agency is responsible ~~[as having]~~ **in accordance with** the **child's** ~~[gender with which the child identifies, regardless of the biological sex of the child.]~~ **gender identity or expression.**

Existing law requires an employee of such an institution or agency to receive certain training. (NRS 62B.250, 63.190, 424.0365, 424.135, 432A.177, 432B.195, 433B.175) Sections 4, 6, 10, 24, 29, 31, 38, 43 and 47

of this bill require ~~[each employee of such an institution or agency who comes into direct contact with children to receive, within 30 days after being hired, at least 2 hours of]~~ **that** training **to: (1) be approved by the licensing authority or the Division; and (2) include instruction** on working with lesbian, gay, bisexual, transgender and questioning children.

~~[Existing law: (1) establishes certain rights for foster children; (2) requires a provider of foster care to take certain measures to notify a foster child of those rights; and (3) authorizes a provider of foster care to impose reasonable restrictions on the time, place and manner in which a foster child may exercise those rights. (NRS 432.525-432.540) Sections 17-21 of this bill make these provisions applicable to all children who are in the custody of an agency which provides child welfare services, other than children placed in a mental health facility. Sections 33, 36, 40 and 45 of this bill provide certain rights to children who are committed by a court to a public or private institution or agency, including a youth detention facility operated by the State and a treatment facility or other facility operated by the Division to provide mental health care and treatment. Sections 20, 33, 36, 40 and 45 also: (1) require such an institution or agency to take certain measures to notify a child of those rights; and (2) authorize such an institution or agency to impose reasonable restrictions on the time, place and manner in which a child may exercise those rights.]~~ **Sections 23, 37, 41 and 46 require the Division to prescribe regulations that a court must consider before placing a child in a child care facility, a facility for the detention of children or a mental health or treatment facility. Section 28 of this bill requires the Division to adopt protocols that an agency which provides child welfare services must follow when placing a child in an out-of-home placement.**

Section 14 of this bill requires the Division to establish a procedure for filing and resolving a grievance concerning a placement, a foster care agency, an agency which provides child welfare services or an agency or institution to which a child is committed by a court.

Existing law requires a provider of foster care to provide a foster child with a written copy of his or her rights. (NRS 432.540) Section 20 of this bill requires a provider of foster care to provide a foster child with a written summary of those rights.

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

Section 1. Chapter 424 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, **2.5,** 3 and 4 of this act.

Sec. 2. ~~***[“Biological sex” means the biological condition of being male or female, as determined at birth.]***~~ **(Deleted by amendment.)**

Sec. 2.5. ***“Gender identity or expression” means a gender-related identity, appearance, expression or behavior of a person, regardless of the person’s assigned sex at birth.***

Sec. 3. ~~***[Regardless of the biological sex of a foster child, a]***~~ ***A provider of foster care shall ensure that each foster child who is placed in the foster home is treated in all respects*** ~~***[as having the gender with which the foster child identifies unless doing so could be harmful to the physical health of the foster child.]***~~ ***in accordance with the child's gender identity or expression.***

Sec. 4. ***1. The holder of a license to operate a foster care agency shall ensure that each member of the staff of the foster care agency who comes into direct contact with a child placed by the foster care agency receives, within*** ~~***[30]***~~ ***90 days after employment*** ~~***[, at least 2 hours of]***~~ ***and annually thereafter, training that has been approved by the licensing authority concerning working with lesbian, gay, bisexual, transgender and questioning children.***

2. ~~***[Regardless of the biological sex of a child, a]***~~ ***A foster care agency shall ensure that each child placed by the foster care agency is treated in all respects*** ~~***[as having the gender with which the child identifies unless doing so could be harmful to the physical health of the child.]***~~ ***in accordance with the child's gender identity or expression.***

Sec. 5. NRS 424.010 is hereby amended to read as follows:

424.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 424.011 to 424.018, inclusive, ***and section*** ~~***[2]***~~ ***2.5 of this act*** have the meanings ascribed to them in those sections.

Sec. 6. NRS 424.0365 is hereby amended to read as follows:

424.0365 1. A licensee that operates a family foster home, a specialized foster home, an independent living foster home or a group foster home shall ensure that each employee who comes into direct contact with children in the home receives training within ~~[30]~~ ***90*** days after employment and annually thereafter. Such training must ***be approved by the licensing authority and*** include, without limitation, instruction concerning:

(a) Controlling the behavior of children;

(b) Policies and procedures concerning the use of force and restraint on children;

(c) The rights of children in the home;

(d) Suicide awareness and prevention;

(e) The administration of medication to children;

(f) Applicable state and federal constitutional and statutory rights of children in the home;

(g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the home; ~~[and]~~

(h) ***Working with lesbian, gay, bisexual, transgender and questioning children; and***

(i) Such other matters as required by the licensing authority or pursuant to regulations of the Division.

2. ~~*[In addition to the training required by subsection 1, a licensee that operates a family foster home, a specialized foster home, an independent living foster home or a group foster home shall ensure that each employee who comes into direct contact with children in the home receives, within 30 days after employment, at least 2 hours of training that has been approved by the licensing authority concerning working with lesbian, gay, bisexual, transgender and questioning children.*~~

~~*— 3.]*~~ The Division shall adopt regulations necessary to carry out the provisions of this section.

Sec. 7. NRS 424.090 is hereby amended to read as follows:

424.090 ***1.*** The provisions of NRS 424.020 to 424.090, inclusive, ***and section 3 of this act*** do not apply to homes in which:

~~*[1.]*~~ ***(a)*** Care is provided only for a neighbor's or friend's child on an irregular or occasional basis for a brief period, not to exceed 90 days.

~~*[2.]*~~ ***(b)*** Care is provided by the legal guardian.

~~*[3.]*~~ ***(c)*** Care is provided for an exchange student.

~~*[4.]*~~ ***(d)*** Care is provided to enable a child to take advantage of educational facilities that are not available in his or her home community.

~~*[5.]*~~ ***(e)*** Any child or children are received, cared for and maintained pending completion of proceedings for adoption of such child or children, except as otherwise provided in regulations adopted by the Division.

~~*[6.]*~~ ***(f)*** Except as otherwise provided in regulations adopted by the Division, care is voluntarily provided to a minor child who is related to the caregiver by blood, adoption or marriage.

~~*[7.]*~~ ***(g)*** Care is provided to a minor child who is in the custody of an agency which provides child welfare services pursuant to chapter 432B of NRS or a juvenile court pursuant to title 5 of NRS if:

~~*[(a)]*~~ ***(1)*** The caregiver is related to the child within the fifth degree of consanguinity ~~*[;]*~~ ***or a fictive kin;*** and

~~*[(b)]*~~ ***(2)*** The caregiver is not licensed pursuant to the provisions of NRS 424.020 to 424.090, inclusive ~~*[.]*~~ ***, and section 3 of this act.***

2. As used in this section, "fictive kin" means a person who is not related by blood to a child but has a significant emotional and positive relationship with the child.

Sec. 8. NRS 424.095 is hereby amended to read as follows:

424.095 1. An application for a license to operate a foster care agency must be in a form prescribed by the Division and submitted to the appropriate licensing authority. Such a license is effective for 2 years after the date of its issuance and may be renewed upon expiration.

2. An applicant must provide reasonable and satisfactory assurance to the licensing authority that the applicant will conform to the provisions of NRS 424.093 to 424.270, inclusive, ***and section 4 of this act,*** and the regulations adopted by the Division pursuant thereto.

3. Upon application for renewal, the licensing authority may renew a license if the licensing authority determines that the licensee conforms to the

provisions of NRS 424.093 to 424.270, inclusive, ***and section 4 of this act,*** and the regulations adopted by the Division pursuant thereto.

Sec. 9. NRS 424.096 is hereby amended to read as follows:

424.096 1. After notice and hearing, a licensing authority may:

(a) Deny an application for a license to operate a foster care agency if the licensing authority determines that the applicant does not comply with the provisions of NRS 424.093 to 424.270, inclusive, ***and section 4 of this act,*** and the regulations adopted by the Division pursuant thereto.

(b) Upon a finding of deficiency, require a foster care agency to prepare a plan of corrective action and, within 90 days or a shorter period prescribed by the licensing authority require the foster care agency to complete the plan of corrective action.

(c) Refuse to renew a license or may revoke a license if the licensing authority finds that the foster care agency has refused or failed to meet any of the established standards or has violated any of the regulations adopted by the Division pursuant to NRS 424.093.

2. A notice of the time and place of the hearing must be mailed to the last known address of the applicant or licensee at least 15 days before the date fixed for the hearing.

3. When an order of a licensing authority is appealed to the district court, the trial may be de novo.

Sec. 10. NRS 424.135 is hereby amended to read as follows:

424.135 1. The foster care agency shall develop and carry out a written plan for the orientation, training, supervision and evaluation of members of the staff.

2. The orientation must include, without limitation, information on the policies and procedures of the foster care agency, goals for the programs and services of the foster care agency, the responsibilities of members of the staff and the provisions of this chapter and the regulations adopted pursuant thereto that relate to licensing. The training must include, without limitation, any training required by the licensing authority ~~[.]~~ ***and the training required by section 4 of this act.*** Each member of the staff must be evaluated at least once each year.

3. The foster care agency shall maintain comprehensive written policies and procedures for the personnel, services and programs of the foster care agency and make the policies and procedures readily available to the members of the staff and to the licensing authority.

4. The foster care agency shall maintain comprehensive records for personnel that, upon request, must be made available to the licensing authority.

Sec. 11. Chapter 432 of NRS is hereby amended by adding thereto the provisions set forth as sections 12, 13 and 14 of this act.

Sec. 12. ~~***[“Child care facility” has the meaning ascribed to it in NRS 432A.024.]***~~ **(Deleted by amendment.)**

Sec. 13. ~~[*"Out-of-home placement" means a foster home or child care facility which has physical custody of a child pursuant to the order of a court.*]~~ **(Deleted by amendment.)**

Sec. 14. ***1. The Division shall prescribe by regulation:***

(a) A procedure by which a child or, if applicable, the parent or guardian of a child , may file a grievance concerning a foster care agency, an agency which provides child welfare services, an out-of-home placement, a psychiatric hospital or facility in which a child who is in the custody of an agency which provides child welfare services is placed, a division facility or any public or private institution or agency to which a child is committed by a court; and

(b) A process for resolving those grievances, which must provide for persons who are not directly responsible for the care of the child who filed or is the subject of the grievance to evaluate the grievance and, if such a person determines that the grievance is not frivolous, investigate the grievance and impose remedies. Such remedies must include, without limitation, requiring the agency or placement, facility or institution to make changes to address the grievance, or notifying a regulatory or law enforcement agency with jurisdiction over the agency, placement, facility or institution.

2. An out-of-home placement with which a child in the custody of the agency which provides child welfare services is placed shall:

(a) Inform the child of the process for filing a grievance pursuant to subsection 1;

(b) Provide the child with a summary of that process; and

(c) Provide an additional written copy of the summary upon request.

3. As used in this section:

(a) "Division facility" has the meaning ascribed to it in NRS 433B.070.

(b) "Foster care agency" has the meaning ascribed to it in NRS 424.0135.

(c) "Out-of-home placement" means a foster home or child care facility, as defined in NRS 432A.024, which has physical custody of a child pursuant to the order of a court.

Sec. 15. NRS 432.0125 is hereby amended to read as follows:

432.0125 1. The Administrator shall appoint, with the approval of the Director, a chief of each of the bureaus in the Division. The chiefs are designated respectively as:

(a) The Superintendent of the Nevada Youth Training Center;

(b) The Superintendent of the Caliente Youth Center; and

(c) The Chief of the Youth Parole Bureau.

2. The Administrator is responsible for the administration, through the Division, of the provisions of chapters 63 and 424 of NRS, NRS 127.220 to 127.310, inclusive, 432.010 to 432.085, inclusive, and 433B.010 to 433B.340, inclusive, ***and sections 45 and 46 of this act,*** and all other provisions of law relating to the functions of the Division, but is not

responsible for the professional activities of the components of the Division except as specifically provided by law.

Sec. 16. NRS 432.500 is hereby amended to read as follows:

432.500 As used in NRS 432.500 to 432.550, inclusive, ***and sections 12, 13 and 14 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 432.505, 432.510 and 432.515 ***and sections 12 and 13 of this act*** have the meanings ascribed to them in those sections.

Sec. 17. ~~**[**NRS 432.525 is hereby amended to read as follows:~~

~~432.525 A child **[**placed in a foster home by**]** ***in the custody of*** an agency which provides child welfare services ***, other than a child placed in a facility as defined in NRS 432B.6072,*** has the right:~~

~~1. To receive information concerning his or her rights set forth in this section and NRS 432.530 and 432.535.~~

~~2. To be treated with dignity and respect.~~

~~3. To fair and equal access to services, placement, care, treatment and benefits.~~

~~4. To receive adequate, healthy, appropriate and accessible food.~~

~~5. To receive adequate, appropriate and accessible clothing and shelter.~~

~~6. To receive appropriate medical care, including, without limitation:~~

~~(a) Dental, vision and mental health services;~~

~~(b) Medical and psychological screening, assessment and testing; and~~

~~(c) Referral to and receipt of medical, emotional, psychological or psychiatric evaluation and treatment as soon as practicable after the need for such services has been identified.~~

~~7. To be free from:~~

~~(a) Abuse or neglect, as defined in NRS 432B.020;~~

~~(b) Corporal punishment, as defined in NRS 388.478;~~

~~(c) Unreasonable searches of his or her personal belongings or other unreasonable invasions of privacy;~~

~~(d) The administration of psychotropic medication unless the administration is consistent with NRS 432B.197 and the policies established pursuant thereto; and~~

~~(e) Discrimination or harassment on the basis of his or her actual or perceived race, ethnicity, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability or exposure to the human immunodeficiency virus.~~

~~8. To attend religious services of his or her choice or to refuse to attend religious services.~~

~~9. Except for placement in a facility, as defined in NRS 432B.6072, not to be locked in any room, building or premise or to be subject to other physical restraint or isolation.~~

~~10. Except as otherwise prohibited by the agency which provides child welfare services:~~

~~— (a) To send and receive unopened mail; and~~

~~— (b) To maintain a bank account and manage personal income, consistent with the age and developmental level of the child.~~

~~— 11. To complete an identification kit, including, without limitation, photographing, and include the identification kit and his or her photograph in a file maintained by the agency which provides child welfare services and any employee thereof who provides child welfare services to the child.~~

~~— 12. To communicate with other persons, including, without limitation, the right:~~

~~— (a) To communicate regularly, but not less often than once each month, with an employee of the agency which provides child welfare services who provides child welfare services to the child;~~

~~— (b) To communicate confidentially with the agency which provides child welfare services to the child concerning his or her care;~~

~~— (c) To report any alleged violation of his or her rights pursuant to NRS 432.550 without being threatened or punished;~~

~~— (d) Except as otherwise prohibited by a court order, to contact a family member, social worker, attorney, advocate for children receiving foster care services or guardian ad litem appointed by a court or probation officer; and~~

~~— (e) Except as otherwise prohibited by a court order and to the extent practicable, to contact and visit his or her siblings, including siblings who have not been placed in foster homes and to have such contact arranged on a regular basis and on holidays, birthdays and other significant life events, unless such contact is contrary to the safety of the child or his or her siblings.~~

~~— 13. Not to have contact or visitation with a sibling withheld as a form of punishment.~~**] (Deleted by amendment.)**

Sec. 18. ~~[NRS 432.530 is hereby amended to read as follows:~~

~~— 432.530 With respect to the placement of a child in [a foster home by]~~ ***the custody of*** an agency which provides child welfare services, ***other than a child placed in a facility as defined in NRS 432B.6072,*** ~~the child has the right:~~

~~— 1. To live in a safe, healthy, stable and comfortable environment, including, without limitation, the right:~~

~~— (a) If safe and appropriate, to remain in his or her home, be placed in the home of a relative or be placed in a home within his or her community;~~

~~— (b) To be placed in an appropriate foster home best suited to meet the unique needs of the child, including, without limitation, any disability of the child;~~

~~— (c) To be placed in a foster home where the licensee, employees and residents of the foster home who are 18 years of age or older have submitted to an investigation of their background and personal history in compliance with NRS 424.031; and~~

~~— (d) To be placed with his or her siblings, whenever possible, and as required by law, if his or her siblings are also placed outside the home.~~

~~2. To receive and review information concerning his or her placement, including, without limitation, the right:~~

~~(a) To receive information concerning any plan for his or her permanent placement adopted pursuant to NRS 432B.553;~~

~~(b) To receive information concerning any changes made to his or her plan for permanent placement; and~~

~~(c) If the child is 12 years of age or older, to review the plan for his or her permanent placement.~~

~~3. To attend and participate in a court hearing which affects the child, to the extent authorized by law and appropriate given the age and experience of the child.~~

~~4. Consistent with the age and developmental experience of the child, except as otherwise prohibited by court order or unless the sibling objects, to be informed of any plan to change, or change in, the placement of a sibling, including, without limitation:~~

~~(a) A plan adopted pursuant to NRS 432B.553 for the permanent placement of the sibling; and~~

~~(b) Any plan to change the placement of, or a change in the placement of, a sibling resulting from adoption, reaching the age of 18 years or otherwise leaving a foster home.~~**] (Deleted by amendment.)**

Sec. 19. **[**~~NRS 432.535 is hereby amended to read as follows:~~

~~432.535 With respect to the education and vocational training of a child~~ **[**~~placed in a foster home by~~**]** ***in the custody of*** ~~an agency which provides child welfare services,~~ ***other than a child placed in a facility as defined in NRS 432B.6072,*** ~~the child has the right:~~

~~1. To receive fair and equal access to an education, including, without limitation, the right:~~

~~(a) To receive an education as required by law;~~

~~(b) To have stability in and minimal disruption to his or her education when the child is placed in~~ **[**~~a foster home;~~**]** ***an out-of-home placement;***

~~(c) To attend the school and remain in the scholastic activities that he or she was enrolled in before placement in~~ **[**~~a foster home,~~**]** ***an out-of-home placement,*** ~~to the extent practicable and if in the best interests of the child;~~

~~(d) To have educational records transferred in a timely manner from the school that he or she was enrolled in before placement in~~ **[**~~a foster home~~**]** ***an out-of-home placement*** ~~to a new school, if any;~~

~~(e) Not to be identified as a~~ **[**~~foster~~**]** ~~child~~ ***who has been placed in an out-of-home placement*** ~~to other students at his or her school by an employee of a school district, including, without limitation, a school administrator, teacher or instructional aide;~~

~~(f) To receive any educational screening, assessment or testing required by law;~~

~~(g) To be referred to and receive educational evaluation and services as soon as practicable after the need for such services has been identified, including, without limitation, access to special education and special services~~

~~to meet the unique needs of a child with educational or behavioral disabilities or impairments that adversely affect the child's educational performance;~~

~~(h) To have access to information regarding relevant educational opportunities, including, without limitation, course work for vocational and postsecondary educational programs and financial aid for postsecondary education, once the child is 16 years of age or older; and~~

~~(i) To attend a class or program concerning independent living for which he or she is qualified that is offered by the agency which provides child welfare services or another agency or contractor of the State.~~

~~2. To participate in extracurricular, cultural and personal enrichment activities which are consistent with the age and developmental level of the child.~~

~~3. To work and to receive vocational training, to the extent permitted by statute and consistent with the age and developmental level of the child.~~

~~4. To have access to transportation, if practicable, to allow the child to participate in extracurricular, cultural, personal and work activities.~~**] (Deleted by amendment.)**

Sec. 20. NRS 432.540 is hereby amended to read as follows:

432.540 1. A provider of foster care that places a child in a foster home ***[An out-of-home placement with which a child in the custody of an agency which provides child welfare services is placed]*** shall:

(a) Inform the child of his or her rights set forth in NRS 432.525, 432.530 and 432.535 ; ***[and the process for filing a grievance prescribed pursuant to section 14 of this act;]***

(b) Provide the child with a written **[**~~copy~~**]** ***summary*** of those rights ; ***[and the process for filing a grievance;]*** and

(c) Provide an additional written copy of **[**~~those rights~~**]** ***the summary*** to the child upon request.

2. A group foster home ***[and a child care facility which has physical custody of a child pursuant to the order of a court]*** shall post a written copy of the **[**~~rights set forth in NRS 432.525, 432.530 and 432.535~~**]** ***summary described in subsection 1 and the summary of the process for filing a grievance described in section 14 of this act*** in a conspicuous place inside the group foster home.

Sec. 21. **[**~~NRS 432.545 is hereby amended to read as follows:~~

~~432.545 **[**A provider of foster care**]** *An out-of-home placement with which a child in the custody of an agency which provides child welfare services is placed* may impose reasonable restrictions on the time, place and manner in which a child may exercise his or her rights set forth in NRS 432.525, 432.530 and 432.535 if the **[**provider of foster care**]** *out-of-home placement* determines that such restrictions are necessary to preserve the order, discipline or safety of the **[**foster home.**]** *out-of-home placement.]*~~ **(Deleted by amendment.)**

Sec. 22. NRS 432.550 is hereby amended to read as follows:

432.550 If a child believes that his or her rights set forth in NRS 432.525, 432.530 and 432.535 have been violated, the child may raise and redress a grievance with, without limitation:

1. A provider of foster care;
2. An employee of a foster home;
3. An agency which provides child welfare services to the child, and any employee thereof;
4. A juvenile court with jurisdiction over the child;
5. A guardian ad litem for the child; ~~[or]~~
6. An attorney for the child ~~[.]~~ ***; or***
7. ***The Division, using the process established pursuant to section 14 of this act.***

Sec. 23. Chapter 432A of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Regardless of the biological sex of a child, a]~~ A child care facility which occasionally or regularly has physical custody of children pursuant to the order of a court, including, without limitation, an emergency shelter, shall treat each child who is placed in the facility in all respects ~~[as having the gender with which the child identifies unless doing so could be harmful to the physical health of the child.]~~ in accordance with the child's gender identity or expression.

2. The Division of Child and Family Services of the Department shall adopt regulations establishing factors for a court to consider before placing a child in the custody of a child care facility that ensure that each child who is so placed is placed in a manner that is appropriate for the gender identity or expression of the child. Such regulations must be adopted in consultation with:

(a) Lesbian, gay, bisexual, transgender and questioning children who are currently residing in foster homes, facilities for the detention of children, child care facilities and mental health facilities or who have resided in such settings;

(b) Representatives of each agency which provides child welfare services in this State;

(c) Representatives of state and local facilities for the detention of children;

(d) Representatives of lesbian, gay, bisexual, transgender and questioning persons;

(e) Attorneys, including, without limitation, attorneys who regularly represent children in child welfare or criminal proceedings;

(f) Representatives of juvenile courts and family courts;

(g) Advocates of children; and

(h) Any other person deemed appropriate by the Division of Child and Family Services of the Department.

3. A court shall consider the factors prescribed in the regulations adopted pursuant to subsection 2 before placing a child in a child care facility.

4. As used in this section ~~[, "biological sex"]~~ :

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

(b) "Foster home" has the meaning ascribed to it in NRS 424.014.

(c) "Gender identity or expression" has the meaning ascribed to it in section ~~[2]~~ 2.5 of this act.

Sec. 24. NRS 432A.177 is hereby amended to read as follows:

432A.177 1. A licensee that operates a child care facility which occasionally or regularly has physical custody of children pursuant to the order of a court, including, without limitation, an emergency shelter, shall ensure that each employee who comes into direct contact with children in the facility receives training within ~~[30]~~ ***90*** days after employment and annually thereafter. Such training must ***be approved by the licensing authority and*** include, without limitation, instruction concerning:

(a) Controlling the behavior of children;

(b) Policies and procedures concerning the use of force and restraint on children;

(c) The rights of children in the facility;

(d) Suicide awareness and prevention;

(e) The administration of medication to children;

(f) Applicable state and federal constitutional and statutory rights of children in the facility;

(g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the facility; ~~[and]~~

(h) ***Working with lesbian, gay, bisexual, transgender and questioning children; and***

(i) Such other matters as required by the Board.

2. ***~~[In addition to the training required by subsection 1, a licensee that operates a child care facility which occasionally or regularly has physical custody of children pursuant to the order of a court, including, without limitation, an emergency shelter, shall ensure that each employee who comes into direct contact with children in the facility receives, within 30 days after employment, at least 2 hours of training that has been approved by the licensing authority concerning working with lesbian, gay, bisexual, transgender and questioning children.~~***

~~3.]~~ The Board shall adopt regulations necessary to carry out the provisions of this section.

Sec. 25. NRS 432A.220 is hereby amended to read as follows:

432A.220 Any person who operates a child care facility without a license issued pursuant to NRS 432A.131 to 432A.220, inclusive, ***and section 23 of this act*** is guilty of a misdemeanor.

Sec. 26. Chapter 432B of NRS is hereby amended by adding thereto the provisions set forth as sections 27, 28 and 29 of this act.

Sec. 27. ~~*[“Biological sex”]*~~ *“Gender identity or expression” has the meaning ascribed to it in section* ~~*[2]*~~ *2.5 of this act.*

Sec. 28. ~~*[Regardless of the biological sex of a child, an]*~~

1. An agency which provides child welfare services shall treat each child to whom the agency provides services in all respects ~~*[as having the gender with which the child identifies unless doing so could be harmful to the physical health of the child.]*~~ *in accordance with the child’s gender identity or expression.*

2. The Division of Child and Family Services shall adopt regulations establishing protocols to ensure that each child in the custody of an agency which provides child welfare services is placed in a manner that is appropriate for the gender identity or expression of the child. Such regulations must be adopted in consultation with:

(a) Lesbian, gay, bisexual, transgender and questioning children who are currently residing in foster homes, facilities for the detention of children, child care facilities, mental health facilities or who have resided in such settings;

(b) Representatives of each agency which provides child welfare services in this State;

(c) Representatives of state and local facilities for the detention of children;

(d) Representatives of lesbian, gay, bisexual, transgender and questioning persons;

(e) Attorneys, including, without limitation, attorneys who regularly represent children in child welfare or criminal proceedings;

(f) Representatives of juvenile courts and family courts;

(g) Advocates of children; and

(h) Any other person deemed appropriate by the Division of Child and Family Services.

3. An agency which provides child welfare services shall follow the protocols prescribed in the regulations adopted pursuant to subsection 2 before placing a child in an out-of-home placement.

4. As used in this section:

(a) “Child care facility” has the meaning ascribed to it in NRS 432A.024.

(b) “Foster home” has the meaning ascribed to it in NRS 424.014.

(c) “Out-of-home placement” has the meaning ascribed to it in section 14 of this act.

Sec. 29. *A facility which provides care, treatment or training to a child who is in the custody of an agency which provides child welfare services and who is admitted to the facility pursuant to NRS 432B.6076 shall:*

1. Ensure that each employee of the facility who comes into direct contact with children at the facility receives, within ~~*[30]*~~ *90 days after*

employment ~~[, at least 2 hours of]~~ and annually thereafter, training that has been approved by the Division of Child and Family Services concerning working with lesbian, gay, bisexual, transgender and questioning children; and

2. ~~[Regardless of the biological sex of a child, ensure]~~ Ensure that each child who is placed in the facility is treated in all respects ~~[as having the gender with which the child identifies unless doing so could be harmful to the physical health of the child.]~~ in accordance with the child's gender identity or expression.

Sec. 30. NRS 432B.010 is hereby amended to read as follows:

432B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 432B.020 to 432B.110, inclusive, ***and section 27 of this act*** have the meanings ascribed to them in those sections.

Sec. 31. NRS 432B.195 is hereby amended to read as follows:

432B.195 1. An agency which provides child welfare services shall provide training to each person who is employed by the agency and who provides child welfare services. Such training must include, without limitation, instruction concerning the applicable state and federal constitutional and statutory rights of a person who is responsible for a child's welfare and who is:

(a) The subject of an investigation of alleged abuse or neglect of a child; or

(b) A party to a proceeding concerning the alleged abuse or neglect of a child pursuant to NRS 432B.410 to 432B.590, inclusive.

2. ***In addition to the training provided pursuant to subsection 1, an agency which provides child welfare services shall ensure that each employee of the agency who comes into direct contact with children receives, within ~~[30]~~ 90 days after employment ~~[, at least 2 hours of]~~ and annually thereafter, training concerning working with lesbian, gay, bisexual, transgender and questioning children.***

3. Nothing in this section shall be construed as requiring or authorizing a person who is employed by an agency which provides child welfare services to offer legal advice, legal assistance or legal interpretation of state or federal statutes or laws.

Sec. 32. NRS 432B.607 is hereby amended to read as follows:

432B.607 As used in NRS 432B.607 to 432B.6085, inclusive, ***and section 29 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 432B.6071 to 432B.6074, inclusive, have the meanings ascribed to them in those sections.

Sec. 33. ~~[NRS 432B.6082 is hereby amended to read as follows:~~

~~432B.6082 *1.* In addition to the personal rights set forth in NRS 432B.607 to 432B.6085, inclusive, *and section 29 of this act,* 433.456 to 433.543, inclusive, and 433.545 to 433.551, inclusive, and chapters 433A and 433B of NRS, and NRS 435.530 to 435.635, inclusive, a child who is in the custody of an agency which provides child welfare services and who is*

~~admitted to a facility has [the following personal rights, a list of which must be prominently posted in all facilities providing evaluation, treatment or training services to such children and must be otherwise brought to the attention of the child by such additional means as prescribed by regulation:]~~

~~1. To receive an education as required by law;] :~~

~~*(a) The rights accorded to other children in the custody of an agency which provides child welfare services by subsections 1 to 6, inclusive, paragraphs (a), (b) and (c) of subsection 7 and subsections 8, 11 and 12 of NRS 432.525, subsections 2, 3 and 4 of NRS 432.530 and paragraphs (a), (b) and (c) to (i), inclusive, of subsection 1 of NRS 432.535;* and~~

~~[2. To]~~

~~*(b) The right to* receive an allowance from the agency which provides child welfare services in an amount equivalent to any allowance required to be provided to children who reside in foster homes.~~

~~*2. A facility to which a child who is in the custody of an agency which provides child welfare services is admitted shall:*~~

~~*(a) Inform the child of his or her rights set forth in subsection 1 and the process for filing a grievance prescribed pursuant to section 14 of this act;*~~

~~*(b) Provide the child with a written summary of those rights and the process for filing a grievance;*~~

~~*(c) Provide an additional written copy of the summary to the child upon request; and*~~

~~*(d) Post the summary in a conspicuous place inside the facility.*~~

~~*3. A facility to which a child who is in the custody of an agency which provides child welfare services is admitted may impose reasonable restrictions on the time, place and manner in which a child may exercise his or her rights set forth in subsection 1 if the facility determines that such restrictions are necessary to preserve the order, discipline or safety of the facility.]*~~ **(Deleted by amendment.)**

Sec. 34. NRS 432B.6085 is hereby amended to read as follows:

432B.6085 1. Nothing in this chapter purports to deprive any person of any legal rights without due process of law.

2. Unless the context clearly indicates otherwise, the provisions of NRS 432B.607 to 432B.6085, inclusive, ***and section 29 of this act,*** 433.456 to 433.543, inclusive, and 433.545 to 433.551, inclusive, and chapters 433A and 433B of NRS and NRS 435.530 to 435.635, inclusive, apply to all children who are in the custody of an agency which provides child welfare services.

Sec. 35. Chapter 62B of NRS is hereby amended by adding thereto the provisions set forth as sections 36 and 37 of this act.

Sec. 36. ~~*[1. In addition to any other personal rights provided by law, a child who has been committed to a public or private institution or agency by a juvenile court has the rights accorded to a child in the custody of an agency which provides child welfare services by subsections 1 to 6, inclusive, paragraphs (a), (b) and (c) of subsection 7, subsections 8 and 11*~~

~~*and paragraphs (c), (d) and (e) of subsection 12 of NRS 432.525, subsections 3 and 4 of NRS 432.530 and paragraphs (a), (b) and (c) to (i), inclusive, of subsection 1 of NRS 432.535.*~~

~~*2. A public or private institution or agency to which a child has been committed by a juvenile court shall:*~~

~~*(a) Inform the child of his or her rights set forth in subsection 1 and the process for filing a grievance prescribed pursuant to section 14 of this act;*~~

~~*(b) Provide the child with a written summary of those rights and the process for filing a grievance;*~~

~~*(c) Provide an additional written copy of the summary to the child upon request; and*~~

~~*(d) Post the summary in a conspicuous place inside the institution or agency.*~~

~~*3. A public or private institution or agency to which a child has been committed by a juvenile court may impose reasonable restrictions on the time, place and manner in which a child may exercise his or her rights set forth in subsection 1 if the institution or agency determines that such restrictions are necessary to preserve the order, discipline or safety of the institution or agency.]~~* **(Deleted by amendment.)**

Sec. 37. *1. ~~[Regardless of the biological sex of a child, a]~~* *A public or private institution or agency to which a juvenile court commits a child, including, without limitation, a facility for the detention of children, shall treat each child that a juvenile court commits to the institution or agency in all respects ~~[as having the gender with which the child identifies unless doing so could be harmful to the physical health of the child.]~~ in accordance with the child's gender identity or expression and the regulations adopted by the Division of Child and Family Services pursuant to subsection 2.*

2. The Division of Child and Family Services shall adopt regulations establishing factors for a juvenile court to consider before committing a child to a facility for the detention of children that ensure that each child who is so committed is placed in a manner that is appropriate for the gender identity or expression of the child. Such regulations must be adopted in consultation with:

(a) Lesbian, gay, bisexual, transgender and questioning children who are currently residing in foster homes, facilities for the detention of children, child care facilities and mental health facilities or who have resided in such settings;

(b) Representatives of each agency which provides child welfare services in this State;

(c) Representatives of state and local facilities for the detention of children;

(d) Representatives of lesbian, gay, bisexual, transgender and questioning persons;

(e) Attorneys, including, without limitation, attorneys who regularly represent children in child welfare or criminal proceedings;

(f) Representatives of juvenile courts and family courts;

(g) Advocates of children; and

(h) Any other person deemed appropriate by the Division of Child and Family Services.

3. A juvenile court shall consider the factors prescribed in the regulations adopted pursuant to subsection 2 before committing a child to a facility for the detention of children.

4. As used in this section ~~[, "biological sex"]~~ :

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

(b) "Child care facility" has the meaning ascribed to it in NRS 432A.024.

(c) "Foster home" has the meaning ascribed to it in NRS 424.014.

(d) "Gender identity or expression" has the meaning ascribed to it in section ~~[2]~~ 2.5 of this act.

Sec. 38. NRS 62B.250 is hereby amended to read as follows:

62B.250 1. A public or private institution or agency to which a juvenile court commits a child, including, without limitation, a facility for the detention of children, shall ensure that each employee who comes into direct contact with children who are in custody receives training within ~~[30]~~ ***90*** days after employment and annually thereafter. Such training must ***be approved by the Division of Child and Family Services and*** include, without limitation, instruction concerning:

(a) Controlling the behavior of children;

(b) Policies and procedures concerning the use of force and restraint on children;

(c) The rights of children in the institution or agency;

(d) Suicide awareness and prevention;

(e) The administration of medication to children;

(f) Applicable state and federal constitutional and statutory rights of children in the institution or agency;

(g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the institution or agency; ~~[and]~~

(h) ***Working with gay, lesbian, bisexual, transgender and questioning children; and***

(i) Such other matters as required by the Division of Child and Family Services.

2. ***~~[In addition to the training provided pursuant to subsection 1, a public or private institution or agency to which a juvenile court commits a child shall ensure that each employee who comes into direct contact with children who are in custody receives, within 30 days after employment, at least 2 hours of training that has been approved by the Division of Child~~***

~~*and Family Services concerning working with lesbian, gay, bisexual, transgender and questioning children.*~~

~~*3.]*~~ The Division of Child and Family Services shall adopt regulations necessary to carry out the provisions of this section.

Sec. 39. Chapter 63 of NRS is hereby amended by adding thereto the provisions set forth as sections 40 and 41 of this act.

Sec. 40. ~~*[1. In addition to any other personal rights provided by law, a child in a facility has the rights accorded to a child in the custody of an agency which provides child welfare services by subsections 1 to 6, inclusive, paragraphs (a), (b) and (c) of subsection 7, subsections 8 and 11 and paragraphs (c), (d) and (e) of subsection 12 of NRS 432.525, subsections 3 and 4 of NRS 432.530 and paragraphs (a), (b) and (c) to (i), inclusive, of subsection 1 of NRS 432.535.*~~

~~*2. A facility shall:*~~

~~*(a) Inform each child in the facility of his or her rights set forth in subsection 1 and the process for filing a grievance prescribed pursuant to section 14 of this act;*~~

~~*(b) Provide the child with a written summary of those rights and the process for filing a grievance;*~~

~~*(c) Provide an additional written copy of the summary to the child upon request; and*~~

~~*(d) Post the summary in a conspicuous place inside the facility.*~~

~~*3. A facility may impose reasonable restrictions on the time, place and manner in which a child may exercise his or her rights set forth in subsection 1 if the facility determines that such restrictions are necessary to preserve the order, discipline or safety of the facility.]*~~ **(Deleted by amendment.)**

Sec. 41. *1.* ~~*[Regardless of the biological sex of a child, a]*~~ ***A*** *facility shall treat each child in the facility in all respects* ~~*[as having the gender with which the child identifies unless doing so could be harmful to the physical health of the child.]*~~ ***in accordance with the child's gender identity or expression and the regulations adopted by the Division of Child and Family Services pursuant to subsection 2.***

2. ***The Division of Child and Family Services shall adopt regulations establishing factors for a juvenile court to consider before committing a child to a facility that ensure that each child who is so committed is placed in a manner that is appropriate for the gender identity or expression of the child. Such regulations must be adopted in consultation with:***

(a) Lesbian, gay, bisexual, transgender and questioning children who are currently residing in foster homes, facilities for the detention of children, child care facilities and mental health facilities or who have resided in such settings;

(b) Representatives of each agency which provides child welfare services in this State;

(c) Representatives of state and local facilities for the detention of children;

(d) Representatives of lesbian, gay, bisexual, transgender and questioning persons;

(e) Attorneys, including, without limitation, attorneys who regularly represent children in child welfare or criminal proceedings;

(f) Representatives of juvenile courts and family courts;

(g) Advocates of children; and

(h) Any other person deemed appropriate by the Division of Child and Family Services.

3. A juvenile court shall consider the factors prescribed in the regulations adopted pursuant to subsection 2 before committing a child to a facility.

4. As used in this section ~~[, "biological sex"]~~ :

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

(b) "Child care facility" has the meaning ascribed to it in NRS 432A.024.

(c) "Foster home" has the meaning ascribed to it in NRS 424.014.

(d) "Gender identity or expression" has the meaning ascribed to it in section ~~[2]~~ 2.5 of this act.

Sec. 42. NRS 63.100 is hereby amended to read as follows:

63.100 1. For each facility, the position of superintendent of the facility is hereby created.

2. The superintendent of a facility shall administer the provisions of NRS 63.010 to 63.620, inclusive, ***and sections 40 and 41 of this act,*** 63.720, 63.770 and 63.790 subject to administrative supervision by the Administrator of the Division of Child and Family Services.

Sec. 43. NRS 63.190 is hereby amended to read as follows:

63.190 1. The superintendent of a facility shall ensure that each employee who comes into direct contact with children in the facility receives training within ***~~[30]~~ 90*** days after employment and annually thereafter. Such training must ***be approved by the Division of Child and Family Services and*** include, without limitation, instruction concerning:

(a) Controlling the behavior of children;

(b) Policies and procedures concerning the use of force and restraint on children;

(c) The rights of children in the facility;

(d) Suicide awareness and prevention;

(e) The administration of medication to children;

(f) Applicable state and federal constitutional and statutory rights of children in the home;

(g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the facility; and

(h) ***Working with gay, lesbian, bisexual, transgender and questioning children; and***

(i) Such other matters as required by the Administrator of the Division of Child and Family Services.

2. ***[In addition to the training required by subsection 1, the superintendent of a facility shall ensure that each employee of a facility who comes into direct contact with children in the facility receives, within 30 days after employment, at least 2 hours of training that has been approved by the Division of Child and Family Services concerning working with lesbian, gay, bisexual, transgender and questioning children.***

3.] The Administrator of the Division of Child and Family Services shall provide direction to the superintendent of each facility concerning the manner in which to carry out the provisions of this section.

Sec. 44. Chapter 433B of NRS is hereby amended by adding thereto the provisions set forth as sections 45 and 46 of this act.

Sec. 45. ***[1. In addition to any other personal rights provided by law, a child who has been committed to a treatment facility or other division facility by a court order has the rights accorded to a child in the custody of an agency which provides child welfare services by subsections 1 to 6, inclusive, paragraphs (a), (b) and (c) of subsection 7, subsections 8 and 11 and paragraphs (c), (d) and (e) of subsection 12 of NRS 432.525, subsections 3 and 4 of NRS 432.530 and paragraphs (a), (b) and (c) to (i), inclusive, of subsection 1 of NRS 432.535.***

2. A treatment facility or other division facility to which a child has been committed by a court order shall:

(a) Inform the child of his or her rights set forth in subsection 1 and the process for filing a grievance prescribed pursuant to section 14 of this act;

(b) Provide the child with a written summary of those rights and the process for filing a grievance;

(c) Provide an additional written copy of the summary to the child upon request; and

(d) Post the summary in a conspicuous place inside the facility.

3. A treatment facility or other division facility may impose reasonable restrictions on the time, place and manner in which a child may exercise his or her rights set forth in subsection 1 if the institution or agency determines that such restrictions are necessary to preserve the order, discipline or safety of the institution or agency.] **(Deleted by amendment.)**

Sec. 46. ***1. [Regardless of the biological sex of a child, a] A treatment facility and any other division facility into which a child may be committed by a court order shall treat each child committed to the facility by a court order in all respects [as having the gender with which the child identifies unless doing so could be harmful to the physical health of the child.] in accordance with the child's gender identity or expression and the regulations adopted by the Division of Child and Family Services pursuant to subsection 2.***

2. The Division of Child and Family Services of the Department shall adopt regulations establishing factors for a court to consider before committing a child to a treatment facility or other division facility to ensure that each child who is so committed is placed in a manner that is appropriate for the gender identity or expression of the child. Such regulations must be adopted in consultation with:

(a) Lesbian, gay, bisexual, transgender and questioning children who are currently residing in foster homes, facilities for the detention of children, child care facilities and mental health facilities or who have resided in such settings;

(b) Representatives of each agency which provides child welfare services in this State;

(c) Representatives of state and local facilities for the detention of children;

(d) Representatives of lesbian, gay, bisexual, transgender and questioning persons;

(e) Attorneys, including, without limitation, attorneys who regularly represent children in child welfare or criminal proceedings;

(f) Representatives of juvenile courts and family courts;

(g) Advocates of children; and

(h) Any other person deemed appropriate by the Division.

3. A court shall consider the factors prescribed in the regulations adopted pursuant to subsection 2 before committing a child to a treatment facility or other division facility.

4. As used in this section ~~[, "biological sex"]~~ :

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

(b) "Child care facility" has the meaning ascribed to it in NRS 432A.024.

(c) "Foster home" has the meaning ascribed to it in NRS 424.014.

(d) "Gender identity or expression" has the meaning ascribed to it in section ~~[2]~~ 2.5 of this act.

Sec. 47. NRS 433B.175 is hereby amended to read as follows:

433B.175 1. The Administrator shall ensure that each employee who comes into direct contact with children at any treatment facility and any other division facility into which a child may be committed by a court order receives training within ~~[30]~~ ***90*** days after employment and annually thereafter. Such training must ***be approved by the Division and*** include, without limitation, instruction concerning:

(a) Controlling the behavior of children;

(b) Policies and procedures concerning the use of force and restraint on children;

(c) The rights of children in the facility;

(d) Suicide awareness and prevention;

(e) The administration of medication to children;

(f) Applicable state and federal constitutional and statutory rights of children in the facility;

(g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the facility; ~~[and]~~

(h) ***Working with gay, lesbian, bisexual, transgender and questioning children; and***

(i) Such other matters as required by the Board.

2. ~~***[In addition to the training required by subsection 1, the Administrator shall ensure that each employee who comes into direct contact with children at any treatment facility and any other division facility into which a child may be committed by a court order receives, within 30 days after employment, at least 2 hours of training that has been approved by the Division concerning working with lesbian, gay, bisexual, transgender and questioning children.***~~

~~***3.]***~~ The Division shall adopt regulations necessary to carry out the provisions of this section.

Sec. 48. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On October 1, 2017, for all other purposes.

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 108.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 2.

Resolution read second time.

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

Amendment No. 23.

ASSEMBLYMEN ARAUJO; **ELLIOT ANDERSON,** BILBRAY-AXELROD, BROOKS, CARRILLO, **DIAZ,** JOINER, **MONROE-MORENO, OHRENSCHALL,** SWANK, THOMPSON, SPRINKLE AND YEAGER.

SENATORS PARKS; CANCELA, FORD, MANENDO, RATTI, SEGERBLOM, WOODHOUSE.

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to require the recognition of all marriages regardless of gender.

Legislative Counsel's Digest:

Section 21 of Article 1 of the Nevada Constitution provides that only a marriage between a male and a female person may be recognized and given effect in this State. The United States Supreme Court, however, held in 2015

that the right to marry is guaranteed by the Fourteenth Amendment to the United States Constitution and that same-sex couples may not be deprived of that right. *See Obergefell v. Hodges*, 135 S. Ct. 2584 (2015). Under the Supremacy Clause of the United States Constitution, federal constitutional law supersedes state constitutional law in most cases. (U.S. Const. Art. VI, cl. 2) As a result, Section 21 of Article 1 of the Nevada Constitution is not enforceable.

This resolution amends Section 21 of Article 1 of the Nevada Constitution to require the State of Nevada and its political subdivisions to recognize all marriages regardless of gender. This resolution further provides that all legally valid marriages must be treated equally under the law.

Resolved by the Assembly and Senate of the State of Nevada, Jointly, That Section 21 of Article 1 of the Nevada Constitution be amended to read as follows:

~~[~~Sec:~~]~~ ***Sec.*** 21. ~~[~~Limitation on recognition~~]~~ ***Recognition*** of marriage. ~~[~~Only a marriage between a male and female person shall be recognized and given effect in this state.~~]~~

1. The State of Nevada and its political subdivisions shall recognize marriages and issue marriage licenses to couples regardless of gender.

2. All legally valid marriages must be treated equally under the law.

Assemblywoman Diaz moved the adoption of the amendment.

Remarks by Assemblywoman Diaz.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that Assembly Bill No. 108 be rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 36.

Bill read third time.

Remarks by Assemblywoman Joiner.

ASSEMBLYWOMAN JOINER:

Assembly Bill 36 amends the Charter of the City of Reno. The bill increases the number of wards in the city from five to six and replaces the single existing at-large Council member with a Council member to represent the newly created sixth ward. The City Council must establish boundaries for the newly created ward and alter the boundaries of the existing five wards accordingly.

The bill also provides that all candidates for City Council representing a particular ward must be elected in a general election only by the registered voters of that ward. If a special election is held to fill the vacancy of a Council member who represents a ward, only registered voters of

that ward may vote at the special election. In addition to existing reports required of candidates for public office, the Reno City Council must adopt an ordinance requiring the Mayor and each Council member to report the campaign contributions received during every year other than the year in which the general election for that office is held.

Finally, the bill prohibits the City Council or its members from dictating the appointment, suspension, or removal of any employee unless specifically authorized in the Charter, and requires the City Council to deal directly with the City Manager and not give any order to any subordinate of the City Manager.

Roll call on Assembly Bill No. 36:

YEAS—42.

NAYS—None.

Assembly Bill No. 36 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 126.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 126 abolishes three entities: the Commission to Review the Compensation of Constitutional Officers, Legislators, Supreme Court Justices, Judges of the Court of Appeals, District Judges and Elected County Officers; the Advisory Committee on Housing; and the Subcommittee on Personal Assistance for Persons with Severe Functional Disabilities of the Nevada Commission on Services for Persons with Disabilities. This bill is effective on July 1, 2017. I urge your support.

Roll call on Assembly Bill No. 126:

YEAS—42.

NAYS—None.

Assembly Bill No. 126 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblywoman Carlton requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

I want to read today, in honor of national A Day Without a Woman, from *The Woman's Manual of Parliamentary Law*. In legislative bodies there was a time when there were many days without women elected to office and serving in state legislatures. This was written in 1896, and in its preface it gives comments for women to consider should they decide to engage in public discourse.

> There are at present a great many women, perfectly well fitted, so far as intelligence and interest go, to share in the deliberations of any assembly, but who, through lack of knowing the technique of parliamentary law, are kept from taking active part in the many meetings that they constantly attend. Eager as listeners, wishing they dared to speak, reproaching themselves afterward for not speaking, they need only the confidence which comes from "knowing how," in order to become active, vital forces. They want to know when to rise and when to sit, how to begin to speak and how to close, how to frame a motion or a remark, how to open and close a

> meeting, how to meet an adverse motion,—all the minute details of presiding, of debating, of making motions, of conducting meetings.
>
> Unlike the men, who almost from childhood have practised these little details till they have become as second nature, the majority of women spring full-grown into the arena of public debate, and must offset the lack of an early and natural training by the more laborious, but by no means impracticable, effort of middle life or even of old age. The honorable exceptions of women who do know how, as well as or better than most men, only prove the rule. This book, therefore, is written for women; for use in their clubs, unions, societies,—any organizations where it is important to know how to conduct a formal meeting.

I know that the author Harriette R. Shattuck would be proud of the fact that it has very practical implications in the modern day.

ASSEMBLYWOMAN NEAL:

Today is International Women's Day. On this day, we celebrate the achievement of women around the globe, and we stand in support for equality for all women.

Women have persisted despite the many barriers they have faced over the centuries. Women have held public office, led global organizations, pioneered medical advances, and served in our military. They have been innovators in technology, excelled in sports, and have soared into space, soared in the world and in industries dominated by men.

Today is also A Day Without a Woman, a day when some women have elected to take off from work or wear red to stand in solidarity and demonstrate the impact women have in this world. That is why I wear red today and why so many of my other colleagues are wearing red as well. Look around you. This legislature would not be functioning without the work of our women: legislators, clerks, sergeants at arms, legislative police, and support staff.

So here's to strong women; may we know them, may we be them, may we raise them.

Assemblywoman Benitez-Thompson moved that the Assembly recess until 4:45 p.m.

Motion carried.

Assembly in recess at 12:33 p.m.

ASSEMBLY IN SESSION

At 5:03 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblywomen Neal and Titus as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by Nevada Supreme Court Chief Justice Michael Cherry.

The members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:09 p.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present except Senators Cancela, Kieckhefer, and Roberson, who were excused.

The Chief Clerk of the Assembly called the Assembly roll.
All present.

The President of the Senate appointed a Committee on Escort consisting of Senator Segerblom and Assemblyman Yeager to wait upon the Honorable Chief Justice Michael Cherry and escort him to the Assembly Chamber.

The Committee on Escort in company with The Honorable Nevada Supreme Court Chief Justice Michael Cherry appeared before the bar of the Assembly.

The Committee on Escort escorted the Chief Justice to the rostrum.

Mr. Speaker welcomed Chief Justice Cherry and invited him to deliver his message.

Chief Justice Cherry delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-NINTH SESSION, 2017

Governor Sandoval, Lieutenant Governor Hutchison, constitutional officers, Leader Ford, Speaker Frierson, Senator Roberson, Assemblyman Anderson, distinguished members of the Senate and Assembly, honored guests, ladies and gentlemen, my son David, dear Cheryl, here we go. The state of the Nevada Judiciary is strong, professional, and independent.

It is a great honor for this transplant from Missouri, the "Show-Me" state, to stand before you as Chief Justice of the Nevada Supreme Court to deliver this State of the Judiciary address. It is always a privilege for the Nevada Judiciary to join with the leadership of our Executive and Legislative Branches at the Nevada statehouse. The justices and judges of Nevada renew our pledge as the Judicial Branch to work together for the benefit of every Nevadan.

When I came to Nevada from St. Louis 47 years ago, right out of Washington University Law School, there were 18 district court judges, a 5-member Supreme Court, and no Court of Appeals in our state. Today I am very proud to say that the Nevada Judiciary is composed of a 7-member Supreme Court, a 3-member Court of Appeals, 82 district court judges, some 26 senior judges and justices, and 97 limited jurisdiction judges, which include our justices of the peace and our municipal court judges. I want to tell everybody in this assembly, we could not have grown into this outstanding Judiciary without the backing of the members, past and present, of the Nevada State Legislature. For this vote of confidence, all my colleagues in our Judiciary thank each and every one of you. Furthermore, there exists a mutual respect between the three branches of our state government: the Executive, the Legislative, and the Judiciary. This fantastic working relationship is the envy of our sister states.

Let me now acknowledge and introduce my colleagues who serve with me on the Nevada Supreme Court and the Court of Appeals. First of all, we have Michael Douglas, who will be Chief Justice of the Supreme Court in 2018. He is very active in the Access to Justice [Commission] and also was, of course, the first African-American Chief Justice. James Hardesty, who has done everything; you have seen him time and time again, and you are going to see him some more: the Guardianship Commission [Commission to Study the Administration of Guardianships in Nevada's Courts]; the pretrial release program; and many other functions, some of which I will cover in my address. Ron Parraguirre, my Basque cowboy poet, is my go-to guy whenever I need something. He assists me with the Supreme Court's Settlement Program so that we can resolve some cases without litigation and further appellate work. Unfortunately, Mark Gibbons is not here today. He is in Las Vegas as is Jerry Tao, who is in the

Court of Appeals. I am going to skip you, Kris, and I am going to skip you, Lidia and Abbi; I am going to come back to you. And also we have Michael Gibbons, brother of Mark Gibbons. In his own right, he was the Chief Judge of the Court of Appeals, the inaugural Court of Appeals. He served Douglas County as the district attorney, was a district judge for a number of years, and now is a member of the Court of Appeals.

Today, March 8, is International Women's Day. I need not tell this assembly about Women's Day. This is a global day celebrating the social, economic, cultural, and political achievements of women. This day also marks a call to action for accelerating gender parity. And boy, do we have gender parity in the Supreme Court and the Court of Appeals. My good friend Kris Pickering, a fantastic trial lawyer, with her husband Steve Morris, an expert in civil litigation—and everybody knows my love of the criminal law—a fast learner of criminal law; what a great job she does each and every day for the citizens of Nevada. Lidia Stiglich, the newest member of our Supreme Court, is a former public defender, private practitioner, district court judge in Washoe County, and a tremendous guide for work in the Supreme Court. My good friend Abbi Silver, listen to this resume: district attorney, headed up the SVU. As if that was not enough, she was a municipal court judge, justice of the peace, district court judge, and has now been appointed by me for a four-year term as Chief Judge of the Court of Appeals. I just want to say this about my counterparts here: what an example to the females, young students, female students, and the whole state of Nevada. What a splendid example of brilliant judges and tremendous achievements by these three jurists. To all the young ladies of our state, I am so proud to call these three my colleagues. They are certainly the dynamic trio of the state of Nevada. Will you three stand and let's give them a round of applause please.

I also wish to take this opportunity to thank and acknowledge Elizabeth Brown, the Clerk of the Supreme Court; Harriet Cummings, the Deputy Clerk of the Supreme Court; Tom Harris, the Clerk of the Court of Appeals; Robin Sweet, the State Court Administrator, and her two magnificent Court Administrators, Assistant Court Administrators John McCormick, who is a champion of the rural Nevada, and Rick Stefani, who is the only one who can understand what Senator Mo Denis is saying about IT; Phaedra Kalicki, who is the Supervisor of our Supreme Court Legal Staff; Brandee Mooneyhan, the Reporter of Decisions; and last but not least my judicial assistant, my chamber assistant Jan Luevano, who has been with me for over ten years. But never last and least are the hardworking and loyal employees of the appellate courts and Administrative Office of the Courts. Could you stand as a group and we can acknowledge you.

I worked for the county, I was an alternate municipal judge for over 20 years for the city, and I was in private practice for over 20 years. I had lots of employees over those years that I either supervised or worked with. But I have never seen such a group of dedicated, hardworking, and loyal employees as the folks who work with us in the appellate courts. You guys are great. Thank you so much for everything you do.

I also wish to acknowledge and thank Betsy Gonzales, Chief Judge of the Eighth Judicial District, and Patrick Flanagan, Chief Judge of the Second Judicial District for their commitment and excellence in leadership of the two urban judicial districts. You talk about herding cats. The Eighth has 52 judges and the Second has 15 judges. I would also like to ask any of the members of the Nevada Judiciary in the audience to rise and be acknowledged. Your work for all Nevadans is outstanding.

I also wish to report to you on our appellate court. In total, Nevada, with a population of nearly 3 million people, has seven Supreme Court Justices and three Court of Appeals judges. I want to compare this to two states similar in population, Mississippi and Iowa. Both of these states use the push-down method. The push-down method means that all the cases come to the Supreme Court and then we push down certain cases to the Court of Appeals. Now again, remember what I said: We have three Court of Appeals judges. Mississippi has nine Supreme Court justices and ten judges on its Court of Appeals. Likewise, the state of Iowa, with a similar population as Nevada and the same push-down model that we have, has a seven-member Supreme Court, nine Court of Appeals judges, and four senior Court of Appeals judges. Now, Nevada still has roughly 1,600 pending cases before our appellate courts. Mississippi has approximately 100, and that is because of the number of Court of Appeals judges that they have assisting the Supreme Court. We're not going to be here this year asking, but I know that

Jim Hardesty is going to be around in ’19 or ’21 to be saying that we need a northern panel of the Court of Appeals, so I just put that in your hat, and keep it.

We are thankful that the Court of Appeals was approved by the Nevadans because it has assisted us in reducing our caseload. Combined, Nevada’s appellate courts were able to decrease the pending appellate caseload by 12 percent in 2016, an overall 18 percent decrease from two years ago. But compared to Mississippi, you can see how many more cases could be disposed of if we had additional Court of Appeals judges.

I can tell you we take our responsibility to provide justice very seriously, and we work hard to be innovative. I am proud to say we listen to those who use our services, and we look for ways to provide enhanced access to justice.

Last year I had the privilege of meeting Supreme Court Justice Elena Kagan. She said something that epitomizes what we have been doing as the third branch of government: listening and then leading. She said, “[W]hat I’ve learned most is that no one has a monopoly on truth or wisdom. I’ve learned that we make progress by listening to each other, across every apparent political or ideological divide.”

Listening to concerns and suggestions has led to many improvements in the Judiciary statewide. We have to listen and lead. Nevada’s courts see all of society’s ills and problems. Not only do we provide resolution to criminal, civil, family, and juvenile matters, we also aid people with substance abuse, mental health issues, housing foreclosures, and family crises. The Nevada Judiciary is on the front lines directly serving Nevadans.

Nevada’s Judiciary has a long history of providing exceptional service to the citizens of our state. In fact, following statehood in 1864 when we had three Supreme Court Justices, they traveled the state hearing cases, providing the access to justice and considering the needs of our citizens. The traditions established by those Justices 153 years ago continue today as Nevada’s Judiciary continues to protect the rights and liberties of individuals, impartially interpreting our laws and disposing of cases in a timely manner.

The fiscal realities of the past few years have required the Supreme Court to utilize new ways to sustain Nevada’s third branch of government. Reduced resources have led the Judiciary to discover alternative ways to deliver justice and maintain existing services. I am proud of our careful fiscal stewardship of the people’s money.

The complexity of the issues reaching the Supreme Court continues to increase as the Nevada matures into a mixture of metropolitan cities, urban counties, and rural regions. Throughout its history, the Supreme Court has always met the challenge of providing timely resolution of cases to all Nevadans.

The *Nevada Constitution* grants authority to the Chief Justice, as the administrative head of the Nevada court system, to “Recall to active service any retired justice or judge of the court system who consents to such recall and who has not been removed or retired for cause or defeated for retention in office, and may assign him [or her] to appropriate temporary duty within the court system.”

Our Senior Justice and Judge Program has proven to be a cost effective way to ensure that court cases can be heard in a timely fashion, even if the assigned judge is unavailable. Nevada is fortunate to have a number of senior justices and judges available whose experience is unmatched and who can step in, no matter what type of case is involved and where the need arises. I am looking forward to the addition of the district judges who are retiring in the future to become senior judges. These men and women will be a great asset to the Judiciary and in state of Nevada.

The Administrative Office of the Courts assigns senior justices and judges. Requests for assignment direct a specific senior justice or judge to a particular court for several reasons. They may be assigned for a durational amount of time; whenever a judicial vacancy occurs, such as when Stiglich left the bench in Washoe County; or if there is illness, any type of vacancy, mandatory judicial education, or retirement. Senior justices and judges may also hear specific cases due to recusal or disqualification or if a sitting judge has an unusually heavy caseload or congested docket.

The senior justices and judges hear civil and medical malpractice settlement conferences on a regular basis. On average, they hear between three and eight settlement conferences per week. Currently, settlement conferences are heard in the urban Second and Eighth Judicial Districts.

Thanks to Jim Hardesty, settlement conferences have been expanded to the rural jurisdictions. Additionally, senior justices and judges hear short trials and settlement conferences every two weeks in the Eighth Judicial District Family Court.

Senior justices and judges also conduct specialty court programs in the district courts in the Second, Third, Fifth, Ninth, Tenth, and Eleventh [Judicial] Districts. Senior judges and justices conduct the drug and mental health courts in these rural areas. These programs succeed in providing alternatives to jail time for certain offenders and in assisting these offenders to become productive members of society. There are senior justices or judges actively serving the district courts. Their combined efforts provided assistance almost equivalent to six full-time judges for Nevada.

When I ran for the Supreme Court in 2006 when Justice Rose decided to retire, I ran unopposed except for a tough race against None of the Above. When I was elected, my mentor, Justice Mark Gibbons, suggested that our northern panel, which I was the presiding justice of, hold court in the rurals as well as Las Vegas and Reno so that I would get to know and love the entire state. We decided to hold court in various high schools and other venues. We heard actual cases, usually in front of high school government or social studies classes. Needless to say, the lawyers who participated in these cases loved the idea, since most lawyers are frustrated actors, and they liked the idea of displaying their talents to students. The presiding justice would allow the lawyers to let the audience know the facts of the case before arguments commenced, so that meant that the lawyers could use their entire argument time of 30 minutes arguing the law. When the court appeared at high schools, we would have in attendance not only students, but also local public officials and other dignitaries. After argument concluded, the panel or full court—sometimes the en banc court would go to high schools or other venues—they would have a Q and A, question and answer session, that included the participating lawyers. When I was the presiding justice, I made them stay. You have to stay and answer questions. The audience would love this portion of the session, although we could not discuss the case that was just argued. We have done these road shows all over the state, including but not limited to Ely, Elko, Panaca, Tonopah, Douglas County, Yerington, Winnemucca, Pahrump, Fallon, Sparks, West Wendover, The National Judicial College, Boyd Law School, and numerous high schools in Las Vegas and Reno. It sounds like a Johnny Cash song. Needless to say, the publicity and good will gained during these road shows was overwhelming and was able to illustrate to the public the dynamics of our Judiciary.

The Access to Justice Commission—Justice Douglas and Justice Hardesty—assists us in providing legal services to everyone in the state. The Commission took on a task last year to develop a consistent set of legal forms for all rural counties. I would like to thank Judge Tod Young of Minden for heading up this effort. With the help of other members of that committee, Judge Young has completed a set of forms that self-represented litigants may use throughout the state. This fits into one of our goals: to support people who cannot afford an attorney so they can still access our courts. Access to Justice is comprised of 22 members from various legal and nonlegal backgrounds. It is one of our largest standing commissions. The goal is to promote equal justice for all Nevadans, regardless of their economic standing. The Commission encourages pro bono services by attorneys. I am pleased to report that 2,177 attorneys provided over 100,000 hours of no-fee, direct legal services to low-income clients. This is an excellent reflection on the high caliber of Nevada's attorneys. We are lucky to be surrounded by professionals who labor to build up our communities. Every December, we have a pro bono luncheon in Las Vegas, and we have lunch with 800 of our best friends. These are the attorneys who supply pro bono services, and we help give out the awards, and it is just a great thing. It is heartwarming to see the attorneys who do this. We are lucky to have the State Bar that we have.

Nevada has a long history of helping its residents get their day in court. This is incredible but in 1879, Nevada became the first state in the nation to authorize the appointment of attorneys in all criminal matters, including misdemeanors, and also provide payment for the attorneys' services. Thanks to the Nevada Legislature and the Nevada Supreme Court, we have a good history on our side. However, we still have work to do.

In our urban counties, a defendant can count on a public defender to provide prompt representation or a contract attorney. However, in the rural parts of our state, indigent

defendants may sit in jail for an extended period of time waiting to speak to an attorney while witnesses' memories fade and investigative leads go cold. Even after that defendant is appointed an attorney, he or she may be one of several hundred clients, all vying at the same time for the attention of that single attorney. Nevada's rural attorneys simply cannot shoulder the state's obligations under the Sixth Amendment of the *United States Constitution* any longer. The financial burden increases as the U.S. Supreme Court continually clarifies and expands the obligations an attorney owes the indigent accused. We must do better at providing representation to rural defendants. Rural persons are just as deserving of representation as their urban neighbors. I encourage you to provide equal justice to rural individuals too. I head up the Indigent Defense Commission in the Supreme Court. Chief Justice Maupin had appointed me in 2007. We established professional standards, and we're looking at caseload standards throughout the state. But now the time has come, ladies and gentlemen of this Legislature, for an independent indigent defense commission. We will be presenting a bill to you to try and establish an independent indigent defense commission.

As I said, Nevada's courts see much of society's ills from the front lines and specialty courts are one area where we have met social needs head on. We are grateful for the Legislature's support in expanding these courts with a special appropriation of $3 million in new funding, and we hope to get it again. The legislative money from the last session created four new DUI courts in Elko, Las Vegas, Winnemucca, and for those individuals living in Fallon, Yerington, and northern Mineral County. In addition, new drug, habitual offender, and veterans' courts were established in Boulder City, Carson City, East Fork, Henderson, Laughlin, Las Vegas, Mesquite, North Las Vegas, Reno, Sparks, and Winnemucca. This means more people have the chance at breaking the revolving door cycle of addiction and recidivism. Success of specialty courts means one thing—more funds for education. The overreaching goal of a specialty court is to support participants to achieve total abstinence from drugs or alcohol. These courts promote responsibility and accountability and teach people how to become productive law-abiding citizens. This, in return, reduces criminal recidivism and provides for better, healthier communities. So, we are addressing a real need, and we appreciate your funding to expand those programs. Expanding specialty courts serves Nevadans, and I encourage you to continue providing support for these programs. We can keep people out of jails, give them a second chance, and improve our communities. Again, success in this area means more funds available for education.

Many of our courts are reaching out to our youth to provide them with support and inspiration. This is a heartwarming story. Just last month, the Las Vegas Youthful Offender Program celebrated its fortieth graduate. It is called the YO Program. This is a problem-solving court for participants between the ages of 18 and 24 who suffer with substance abuse dependency. It is the only court in the nation that requires family members to participate with their adult children in order for the addict to be accepted into the program. The court focuses on making the whole family healthy, not just the addicts who found their way into the criminal justice system. The participants learn how to maintain their sobriety. They are given tools to help them. To graduate, the participants must have a high school diploma or GED, and they must have successfully completed appropriate counseling; be employed; have established healthy, independent living; and have a savings account. Family members, as mandatory participants, learn about enabling and codependency and are armed with knowledge that "No" can be a complete sentence. Addiction is a family disease, and YO Court's focus is on treating the family. With opioid deaths surpassing automobile accidents for the first time last year, there could be no time more crucial than now for courts like YO Court. I am so proud to say that present today, we have Chief Judge Cedric Kerns of the Las Vegas Municipal Court and his fortieth graduate of the YO Program, Nicholas C.

Last year, at-risk fifth graders in North Las Vegas joined Judge Natalie Tyrrell in celebrating the 15th anniversary of the Kids in the Court program. Judge Tyrell created the program in 2002 to educate students about the judicial system, law-related careers, and the importance of staying in school. The court had partnered with C. P. Squires, an at-risk school in North Las Vegas, to help students set new goals for themselves. With programs like this one, the Judiciary is doing much to lend a hand in civics education across the state. You know, not everybody can be successful in drug court or AA or any 12-step program, and thanks to the Governor and his

program for opioid abuse and Justice Stiglich, who made a presentation there, judges across the state are now accepting medication-assisted treatment programs such as methadone. I am so proud today to have with us two people who have done so much in the Las Vegas community for those who are using methadone on a regular basis. I have been to some of their programs, and these people stand up and say I couldn't make it in drug court, couldn't make it on probation, but now I have made it on methadone. I have my family together, I have employment, and I haven't been arrested or committed any type of crime. And with me today is the founder of the Adelson methadone clinic, Dr. Miriam Adelson, and the director of that clinic, Dr. Shirley Linzy. Miriam and Shirley, will you please stand, and let's say hello to them. That's some happy news. Now I have a little bit of sad news for you.

While we have been listening to those who use the Judiciary, we heard the frustrations of many Nevadans. For instance, the Commission to Study the Administration of Guardianships in Nevada's Courts spent 16 months listening to the concerns of persons subject to guardianship, experts on reform, guardians, and judges. Some of the testimony was alarming and some of it heartbreaking. Thanks go out to Justice James Hardesty, Judge David Barker, and Judge David Hardy for bringing this matter to our attention. And thanks to many individuals in the Administrative Office of the Courts who assisted in this effort, particularly Stephanie Heying, who assembled the final report. The result of this Commission is a 236-page report with dozens of recommendations for changes in guardianship law, policy, and court rules. This list of recommendations now goes before this assembly, including a bill of rights for individuals subject to guardianship and other protections aimed at reform. To put the focus where it should be, on the protection of the individual, 16 state law and 14 judicial rule changes are proposed. We provide these as suggestions based on our listening to those involved. These recommendations will go a long way to improve Nevada's guardianship system, and we encourage you to support these changes.

Another area where we have listened is the question of how do judges handle pretrial release. Frankly, our judges have been setting bail or releasing individuals in the blind. Let me explain. An individual comes to the court on a charge. Bail is set, and too often the person sits in jail waiting for their court date. Our judges do not know if the person is a risk to the community, and too many people have lost their jobs or their homes because they've had to wait in jail. In short, for the poor, bail means jail. Since the middle of 2015, we have been listening to people in the system to examine alternatives and improvements to Nevada's pretrial release system. I am pleased to say that a pilot program has been underway for nearly seven months in Clark, Washoe, and White Pine Counties. Judges are evaluating pretrial release based on evidence-based practices and risk assessment tools, and they are no longer in the dark. The pilot program has shown that risk assessment identifies the higher and lower risk defendants. This is a major reform that eventually may be expanded to all of Nevada. Again, I would like to thank staff from the Administrative Office of the Courts, particularly Jamie Gradick, and Justice Hardesty for chairing the study group. I think they deserve a round of applause.

On a happier note—finally, we took an active role in assisting persons in Clark County using the child welfare system. In conjunction with a mandate from the Supreme Court's Blue Ribbon for Kids Commission, the Eighth and Second Judicial [District] Courts implemented a one judge/one family case assignment model in the abuse and neglect case type. The Commission, chaired by my good friend who has left me—but at least we got Lidia in exchange—Nancy Saitta, who chairs this committee and showcases another example of the Judiciary listening to the concerns of people who work and participate in the child welfare system. This woman is the queen of adoptions and everything that has to do with foster care. And Nancy, what a job you've done. I know even though you retired and you are one of my senior judges and justices, you're still doing kids' work, and I know the Governor has appointed you and his own wife to handle some of these matters. Nancy, stand up and take a bow.

We are one of the few remaining western states to have judges ride a circuit. My good friend Judge Jim Shirley is the type of judge, covering the Eleventh Judicial District Court and traveling between Battle Mountain, Hawthorne, and Lovelock. In fact, he may be one of those people sprinting across our basins and ranges, and hopefully one who does not get tickets.

For long-term vacancies, we use senior judges to provide uninterrupted access to justice. However, sometimes an emergency takes place, keeping a judge from the bench too quickly for

a senior judge appointment. So what has Judge Shirley done? He has been talking to Judge Tom Stockard of Fallon, and this will allow each judge to cover for each other in an emergency. It is another example of how our judges work together and find ways to provide services to their communities.

Judge Shirley also has been working—and this is incredible. This guy was a tough DA [district attorney], and I thought, Oh boy, let's see how he does as a district court judge. Listen to this. Judge Shirley also has been working with the prison system on developing resources to allow prisoners to type their pleadings, in lieu of the handwritten pleadings, and then efile them. That should help tremendously. The efiling system should help in the appeals process, similar to the helpful changes in the appellate cases from Washoe and Clark Counties as a result of their efiling systems. Jim, you are a beautiful person. Thank you for what you do.

This number shows our workload continues to grow. This is our Court, the Supreme Court. In 2016, 2,452 cases were filed in the Supreme Court, almost 2,500 cases. It goes on and on, and I have a feeling we are going to get an influx of people from California who can't take it anymore, and they are going to come to northern Nevada and southern Nevada, and we're going to have a lot more people. We will be well over 3 million pretty soon. In 2016, we had 2,500 cases that were filed in the Supreme Court. With the addition of the Nevada Court of Appeals, we were able to assign 637 cases to the Court of Appeals. Now, I am the Chief Justice and the Court has been in effect since 2015, and they had '16 to do a bunch of cases. They did almost 700 cases in '16. And now I am assigning cases. And Abbi Silver, Chief Judge Abbi Silver, that former DA, that former municipal court judge, justice of the peace, district court judge—has promised me that if I give Mike and Abbi and Jerry a thousand cases, that they will be able to reduce our backlog so that justice will be swift in the state of Nevada. Good luck, Abbi. And Michael, I know you can do it.

Our trial courts also have been working hard to assure access to justice. Criminal filings increased by nearly 7 percent last year, with the primary cause a 13 percent increase in justice court criminal filings. Recent improvements in capturing data on civil matters have given the Judiciary a clearer picture of the types of civil cases impacting our courts. In particular, the district courts have improved the accuracy of assigning civil cases. This has led to speedier justice.

All of these developments are the result of efforts by the employees of the Nevada Judiciary who have worked hard to keep the judicial system up to date and accessible to Nevadans, and our success has been recognized by others. The Conference of State Court Administrators and the National Center for State Courts awarded the Administrative Office of the Courts with the Court Statistics Project Reporting Excellence Award in 2016. The award recognizes the Nevada Judiciary's work to improve caseload data reported to the National Center for State Courts. The Nevada statewide data model resulted in providing 92 percent publishable court statistics for the state's courts. This placed Nevada sixth in the nation for providing caseload statistics to the National Center for State Courts' national database. Publishable data is used for analysis by the Judiciary in learning how we can do a better job of providing access to justice.

The Nevada Association of Court Executives awarded the Administrative Office of the Courts with its 2015 Court of the Year Award. The award recognized the Judiciary for creating the Nevada Court of Appeals in less than two months and allowing the court to hear cases in January 2015. The Nevada Court of Appeals signified the start of a new era in Nevada justice, and one person really helped to usher this through in 2011 and 2013 so that the voters in 2014, after many tries and failures, were able to get a Court of Appeals. And of course, I am talking about no one other than the cookie man, Ben Graham. Now, in two short months, the staff of the Supreme Court implemented a brand new court, including but not limited to, setting up offices, computers, a case management system, budgets, court rules, filing procedures, and the investitures of the new judges. The completion of these tasks and many more enabled the Court of Appeals to commence operations on time and within budget. And again, the Nevada Supreme Court assigns cases to the Court of Appeals in a deflective model. This was invented by Justice Hardesty and Justice Gibbons and then followed by Justice Parraguirre, and it is also being followed by me. And I tell my colleagues Gee, I thought maybe I could do something different. Jim, maybe it wasn't the best thing. Ron, maybe it wasn't the best thing. But what they've come up with, the way we were able to assign cases, is a magnificent thought and just works

perfectly, as far as I'm concerned, and will reduce the caseload substantially over the next few years. The goal of the Court is to reduce the sizeable backlog in appellate cases and eventually shortening the time for resolution of all appeals in Nevada. I want to say something else about my good friend Ben. He got everything through in 2011 so that then it could come to 2013—it was Michael in 2011 that ushered it through, Kris Pickering in 2013. But the person who was most responsible in 2013, of course, was Ben Graham. How many Republicans voted for the Court of Appeals? All of you. How many Democrats voted for the Court of Appeals? All of you. In other words, there was no gridlock when it came to the Court of Appeals to go to the voters. One hundred percent of those in the Senate and the Assembly voted for the Court of Appeals, and we thank you, thank you, thank you.

Now, two weeks ago, the Nevada Supreme Court and the Nevada Court of Appeals moved to a new courthouse in Las Vegas. We just couldn't take going to the seventeenth floor in elevators that didn't work or that would fall down. The building looks like a courthouse, from the statue of Lady Justice on the copper dome to the courtroom modeled after the first U.S. Supreme Courtroom. The new courthouse also features modern heating and cooling technology good enough for a Leadership in Energy and Environmental Design gold certification. The move from the Regional Justice Center will also save, Governor, you will like hearing this—approximately $500,000 over the coming years in lease costs. Overall, the new courthouse will provide additional space in a modern building. It is an impressive courthouse, and we invite you to visit. Jim Hardesty worked day and night to make sure that everything got taken care of with the Governor, with the county, with the Court, with the RJC, to make sure we could leave, and we did a couple of weeks ago. He did a magnificent job. This is a magnificent courthouse, and we are having a grand opening on March 27 at 1 o'clock in the afternoon—that's a Monday—and we're hoping the Speaker can be there and Leader can be there, and all of the assistants and everybody else to come and see this beautiful edifice. And we've got a landlord, and he's more than a landlord. Well, we've got a developer, and he's more than a developer—the guy who made sure that we have this courthouse—and he and his right hand are here today. I want to present to you an artist, Yohan Lowie, and his right hand, Brett Harrison.

The Nevada Judiciary is blessed with many extraordinary people who work diligently with honor and integrity. The people and programs we have highlighted this evening showcase just a fraction of the many accomplishments and efforts of the Judiciary to improve access to justice. Without these dedicated members of the Legislative and Executive Branches, the Judiciary would be unable to meet our responsibility to Nevada. As the Chief Justice and the representative of the Judiciary, I thank you for your assistance in supporting our vision for providing fair and effective justice to all Nevadans. This is a wonderful state. I have been here 47 years and never regretted moving from Missouri and being in Las Vegas until 2006 and then living here in Carson since 2007. There are many opportunities and great people here in southern Nevada and northern Nevada. And when I talk about the road show, I encourage all of my friends in the Assembly and the Senate from southern Nevada to take a ride in rural Nevada. It is fantastic. It is gorgeous. It is God's gift to our state. I was so happy that Mark Gibbons encouraged me to go from place to place. And whenever we wanted to rest, we never went to a gas station; we always went to a courthouse. We'd go and meet everybody in the courthouse in rural Nevada, and it was just a wonderful experience. Nevada's Judiciary is a reflection of what you want it to be. This is your Judiciary and your system of justice. Many of you have taken the time to visit the courthouses in your communities. You have seen firsthand how the Judiciary works to improve the lives of Nevadans. We invite you to continue visiting and helping us to improve the services so important to our state. We also invite you to a reception at the Court, the Supreme Court rotunda, after this address.

In conclusion, I again wish to thank the Legislature for the privilege and honor of delivering this State of the Judiciary address. This thank you comes from all my colleagues in our Judiciary, who deeply appreciate your dedication and service to our state. I know what a sacrifice it is to leave your family for the 120 days, and hopefully maybe not a special session, and we certainly appreciate the work you do. As members of this Battle Born State government, I want to end it by recalling the words of Senator Edward Kennedy. People ask when you look at your duties and responsibilities, How do you feel? And this is what I want to leave you with,

what Kennedy said: "[The] work goes on, the cause endures, the hope still lives, and the dream shall never die." God bless all of you.

Now I always have to do something different. My mother, may she rest in peace, always called me a rebel. I am honored at this time to introduce Christina Bourne to you. Christina is a 15-year veteran educator and currently teaches music and band at Mark Twain Elementary School. She is also a former Miss Nevada, and at my request, Christina will perform "God Bless America." Christina.

Singing of "God Bless America" by Christina Bourne.

Senator Harris moved that the Senate and Assembly in Joint Session extend a vote of thanks to Chief Justice Cherry for his timely, able, and constructive message.

Seconded by Assemblywoman Jauregui.

Motion carried unanimously.

The Committee on Escort escorted Chief Justice Hardesty to the bar of the Assembly.

Assemblyman Carrillo moved that the Joint Session be dissolved.

Seconded by Senator Farley.

Motion carried.

Joint session dissolved at 6:02 p.m.

ASSEMBLY IN SESSION

At 6:04 p.m.

Mr. Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Nate Jacobs.

On request of Assemblyman Araujo, the privilege of the floor of the Assembly Chamber for this day was extended to Norberto Cisneros.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Christina Bourne, Todd Westergard, and Brooks Westergard.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Troy Isaacson.

On request of Assemblyman Brooks, the privilege of the floor of the Assembly Chamber for this day was extended to Christian Augustin, Alison Brasier, and John Shook.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Ann Barnett and Louis Travano.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Krinn McCoy, Lois Nannini, and Mike Nannini.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Brent Conrad.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Shelbi Keyes and Katherine Higgins.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Dan O'Shea and Paul Malikowski.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Joshua Dowling.

On request of Assemblyman Edwards, the privilege of the floor of the Assembly Chamber for this day was extended to Jill Hardy, Steven Grierson, Doug Waite, Jim Whited, and John Jenson.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Kurt Anderson, Robert Wilcox, Ron Miller, and Edward Lawson.

On request of Assemblyman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Dudzinski.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Boyd Martin and Mike Montero.

On request of Assemblyman Fumo, the privilege of the floor of the Assembly Chamber for this day was extended to Rob Patterson and Kimberly Surratt.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Leon Mead, Paul Cullen, and Chris Koenig.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Bruce Widmer, Jonathan Dahl, and David Hansen.

On request of Assemblyman Kramer, the privilege of the floor of the Assembly Chamber for this day was extended to Nate Cartwright and Kathleen Sigurdson.

On request of Assemblyman Marchant, the privilege of the floor of the Assembly Chamber for this day was extended to Cory Santos, Sr., Will Sykes, and Maggie Colucci.

On request of Assemblyman McCurdy, the privilege of the floor of the Assembly Chamber for this day was extended to Justin Kittrell and Ben Cloward.

On request of Assemblywoman Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Matthew Granda.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Gallagher.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Mariya Poling.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Gloria Sturman, Christina Kleist, Johnna Cashill, Riana Durrett, Jason Mills, Jeanette Dean, and Bill Bradley.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Judy Metz, Mary Kerner, and Jake Nelson.

On request of Assemblyman Pickard, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Wellman and Kyle Hess.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Bradley Combs.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Colleen Wapole, Mark Maffey, and David Frommer.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Tim Bennett, Jennifer Tenby, Marta Poling Schmitt, Tom Roberts, Charles Redmon, Barbara Paulsen, Patti McGuire, Nolan Jones, Dennis Hutson, Paul Hansen, Michael Harris, Art Gafke, Jeanine Emma, Frank Emma, Rabbi Malcolm Cohen, Gary Bauman, and Linda Bell.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Thomas Stockard and Stephen Wood.

On request of Assemblywoman Tolles, the privilege of the floor of the Assembly Chamber for this day was extended to Chad Schmucker, Derrick Williams, and Eva Segerblom.

On request of Assemblyman Watkins, the privilege of the floor of the Assembly Chamber for this day was extended to Erik Fox, Matthew Hoffmann, and Sabrina Wibicki.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Christian Morris, Eileen Herrington, and Jennifer Baker.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Celssie Hardy, Lindsay Howard, and David Boehrer.

On request of Assemblyman Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Mason, Dina Romaya-Ladah, and Melissa Exline.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Thursday, March 9, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 6:04 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE THIRTY-SECOND DAY

CARSON CITY (Thursday), March 9, 2017

Assembly called to order at 11:58 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Brooks, who was excused.

Prayer by the Chaplain, Reverend Jedidiah Maschke.

Almighty God, Ruler of the nations, regard with favor Your servants, these Assemblymen and women of the State of Nevada. Give them health of body and mind and make them strong to bear the burdens of their office. Give them wisdom and understanding, that under their leadership our state may be directed in the ways of righteousness and peace.

Remind us that all rule and authority come from You, and those in leadership serve as Your ministers in the administration of their office. Keep me and all the citizens of this state mindful of our obligation to support them with fervent prayer and ready obedience to the laws of our country.

Bless our Assemblywomen and men, I pray You, and make them a blessing to the people of our state, to the glory of Your holy name. For Jesus' sake.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 8, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 35, 42, 43, 110, 133; Senate Joint Resolution No. 1.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 1.

Assemblyman Yeager moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

NOTICE OF EXEMPTION

March 9, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 143, 178, 186, 211, 219, 225 and 234.

MARK KRMPOTIC
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Education:

Assembly Bill No. 273—AN ACT relating to education; requiring school districts in certain larger counties to collect and report data concerning the height and weight of certain pupils; and providing other matters properly relating thereto.

Assemblywoman Diaz moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 35.

Assemblyman Yeager moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 42.

Assemblyman Yeager moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 43.

Assemblywoman Swank moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 110.

Assemblyman Yeager moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 133.

Assemblyman Yeager moved that the bill be referred to the Committee on Judiciary.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 25.

Bill read third time.

Remarks by Assemblyman Fumo.

ASSEMBLYMAN FUMO:

Assembly Bill 25 provides that for the purpose of determining whether a probationer or a parolee is allowed a deduction from his or her period of probation or sentence, respectively, the person is deemed to be current with any fee to defray the costs of his or her supervision and any payment of restitution for any given month if, during that month, that person makes at least the minimum monthly payment established by the court, the Division of Parole and Probation of the Department of Public Safety, or the State Board of Parole Commissioners, as applicable.

Roll call on Assembly Bill No. 25:
YEAS—41.
NAYS—None.
EXCUSED—Brooks.
Assembly Bill No. 25 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 27.
Bill read third time.
Remarks by Assemblywoman Tolles.

ASSEMBLYWOMAN TOLLES:
Assembly Bill 27 transfers from the Executive Secretary of the State Board of Parole Commissioners to the Department of Corrections the responsibility of preparing a list of offenders eligible for parole. The Department of Corrections must provide the list to the Executive Secretary at least 40 days before any scheduled action by the Board. This bill is effective July 1, 2017.

Roll call on Assembly Bill No. 27:
YEAS—41.
NAYS—None.
EXCUSED—Brooks.
Assembly Bill No. 27 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 31.
Bill read third time.
Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:
Assembly Bill 31 changes the name of the Specialist for the Rights of Elderly Persons to the Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition. The measure expands the scope of the powers and duties of the Attorney to include services to older persons, persons with a physical disability, persons with an intellectual disability, and persons with a related condition, and to acting as the state legal assistance developer for the purposes of satisfying certain requirements of federal law.

The measure further expands the authority of the Community Advocate for Elder Rights within the Aging and Disability Services Division of the Department of Health and Human Services by authorizing the Community Advocate to provide assistance to persons who are less than 60 years of age and do not reside in facilities for long-term care. The bill is effective upon passage and approval.

Roll call on Assembly Bill No. 31:
YEAS—41.
NAYS—None.
EXCUSED—Brooks.
Assembly Bill No. 31 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 99.
Bill read third time.
Remarks by Assemblymen Araujo and Sprinkle.

ASSEMBLYMAN ARAUJO:

Assembly Bill 99 requires a private or public institution or agency authorized to care for children to treat a child consistent with his or her gender identity or expression. Employees of such facilities, including foster homes, foster care agencies, child care facilities, mental health facilities, juvenile justice detention centers, and emergency shelters, must receive training on working with lesbian, gay, bisexual, transgender, and questioning—otherwise known as LGBTQ—children within 90 days of employment and annually thereafter. Such training must be approved by the licensing agency of the facility or the Division of Child and Family Services in the Department of Health and Human Services.

The Division must adopt regulations that a court, including a juvenile court, must consider before placing a child in a child care or detention facility or in a mental health or treatment facility. The bill also requires the Division to adopt regulations for establishing protocols to ensure that children in the custody of child welfare agencies are placed appropriately given their gender identity or expression. These regulations shall be developed in consultation with LGBTQ children in the custody of child welfare agencies or the courts; representatives of child welfare agencies; and facilities, courts, and LGBTQ organizations, in addition to advocates for children and other persons deemed appropriate by the Division.

Finally, the bill revises the way in which foster children are notified of their rights and requires the Division to establish a process for resolving grievances filed by children in the custody of child welfare agencies. This bill is effective upon passage and approval for the purpose of adopting regulations and performing preparatory administrative tasks and on October 1, 2017, for all other purposes.

According to the "National Coming Out Day Youth Report," 7 percent of lesbian, gay, bisexual, transgender, and questioning, also referred to as LGBTQ, youth who are out to their families indicated that their families are "not at all accepting" of their sexual identify. For some of these young people, the lack of acceptance they face results in abuse and/or neglect from their parents, resulting in LGBTQ young people being overrepresented in foster care. The lack of acceptance also places these youth at an increased risk of homelessness.

Even though LGBTQ youth are overrepresented in foster care, only 14 states have foster care laws inclusive of sexual orientation and gender identity. While Nevada does have comprehensive antidiscrimination policies and laws, they do not specifically address child welfare. Without these types of laws, policies, and trainings in place, Nevada's LGBTQ youth face the prospect of neglect, discrimination, and abuse within the very institutions charged to protect them. Inappropriate placements and a lack of understanding of the needs of LGBTQ youth also endanger their health and safety as they are at increased risk of physical violence, homelessness, and unfortunately, suicide.

Assembly Bill 99 is a critical piece of legislation that will ensure we are taking the right steps forward towards protecting our most vulnerable youth. I urge this body to please support Assembly Bill 99.

ASSEMBLYMAN SPRINKLE:

I rise in support of Assembly Bill 99. I think what is most important here is that we think about whom it is this bill is addressing. We are talking about kids; we are talking about scared and vulnerable kids who have had their lives turned upside-down. They have been taken from their families, from their homes, and they have been placed in institutions or homes or other places that are unfamiliar to them. While they are struggling with the day-to-day life, we need to assure that the people that are now charged with looking after them and taking care of them fully understand where these kids are coming from.

I think it is also important to point out that with this bill, there was good discussion in my committee. I believe the sponsor heard the concerns and the comments that were raised during the committee hearing, and he has been unbelievably open and willing to talk to anybody, which is how a rather lengthy amendment came off of this floor yesterday. I think that it is really

valuable and important to point that out—that while this bill moves forward, there has been a lot of effort to appease those people who had concerns with it.

So for that reason and for many others, I would just say ultimately this bill is about acceptance and a level of understanding of our kids who are very fearful and at a time in their lives where things have been completely turned upside down. For all of those reasons, I hope this body will support Assembly Bill 99.

Roll call on Assembly Bill No. 99:

YEAS—26.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.

EXCUSED—Brooks.

Assembly Bill No. 99 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 2.

Resolution read third time.

Remarks by Assemblymen Araujo, Jauregui, Paul Anderson, Edwards, Elliot Anderson, Hambrick, and Krasner.

ASSEMBLYMAN ARAUJO:

Assembly Joint Resolution 2 proposes to amend the *Nevada Constitution* to provide that the state of Nevada and its political subdivisions shall recognize marriages of and issue licenses to couples, regardless of gender. All legally valid marriages shall be treated equally under the law. The resolution also proposes to repeal existing provisions that only a marriage between a male person and female person may be recognized and given effect in Nevada.

A few years ago, our United States Supreme Court ruled that marriage equality was the law of the land. Since then, more than 10,000 same-sex couples in Nevada have formed a legal union, a union embedded in love. Yet, Nevada's *Constitution* still defines marriage as a union between a man and a woman.

During our committee hearing, we heard from Karen Vibe and Karen Goody, the first same-sex couple married in Washoe County. During their testimony, Karen Vibe said the following: "Nothing pleases me more than to be able to introduce Karen as my wife." "Our wedding day was one of the happiest days of our lives, and it would be horrifying to think that our marriage could be considered invalid or illegal. . . . We feel that marriage serves a higher purpose. . . . [N]o matter what you believe or who you are . . . we were all created equal."

We also heard from children of same-sex couples like Pam and Gretchen's son, Zachary Roberts, who is 18 years old. He said the following: "I am so proud to be a Nevada resident. I take so much pride in it, and it is all I talk about. . . . I just hope . . . our state keeps progressing and we keep doing the right thing in bringing these bills to the table. It makes me so happy to see our state . . . moving forward. If our state passes this bill . . . in 2020 . . . [and] the Supreme Court's decision were overturned, nothing would make me more proud than to be a part of a state that still recognizes my parents' marriage."

Mr. Speaker, it is time for Nevada's *Constitution* to recognize all marriages, regardless of gender. We, as a state, must do everything we can to protect love.

ASSEMBLYWOMAN JAUREGUI:

It is time for Nevada's *Constitution* to reflect what the majority of Nevadans already recognize—that no matter who you love, you are welcomed, loved, and valued here in our state. I cannot think of any better way to honor Nevada's culture of freedom and personal liberty than by protecting Nevadans of all backgrounds from discrimination. This is Nevada's heritage, one of equality.

ASSEMBLYMAN PAUL ANDERSON:

I first want to thank my friend and bill sponsor for bringing this bill forward and leading the discussion. This is a difficult vote for me, as it was in 2013 when this body brought a very similar resolution. I did not run for the Assembly to deny anyone rights. I do not believe in any type of discrimination, nor do I believe that LGBT couples are any less entitled than I am. This body has previously spoken on the issue, as has the Supreme Court.

I understand the arguments on both sides of the issue. I know the arguments of my religion, of my political party, of those who feel passionately on both sides. I respect both sides of this argument and congratulate those who have fought so long and hard for equality. That being said, I also think it is important to acknowledge those that worked so hard to pass a traditional marriage amendment into the *Constitution* in 2000 and 2002. They put a lot of time, talent, and treasure in that fight, and they won it fairly and by an overwhelming majority. Whether you disagree or agree, the people brought this amendment to the *Constitution*, and I think it should be the people who bring an amendment to overturn that.

I will be voting no on A.J.R. 2, because this already settled law. There is only so long that we can vote on the same issue and continually take this up. I do want to take a moment, though, to thank my family members and friends that are in the LGBTQ community and are in my life. I love and support them. This vote is not an effort to say anything other than I believe it is time to move on from the issue and that if there is a grassroots movement of people that feel passionate about taking this out of the *Constitution*, I think it should be removed the same way it was put in.

ASSEMBLYMAN EDWARDS:

I know this is kind of a sensitive issue for a lot of people and it is kind of a hard decision in many cases. I think we do need to look to the people of our state and realize that not so long ago, they really decided this issue. They decided where they stood. They were so firm about it; they actually put it in the *Constitution*. I think that demands our respect and a whole lot of credibility.

Now, I understand that the U.S. Supreme Court decision of a couple of years ago changes that. But the decision was five to four, and quite honestly, I find the legal reasoning of the four to be more credible. I think it is more consistent with our *Constitution*; I think it is more consistent with our federal system of government. I stand with the four.

I find that the question should have been left to the state level as well. Too many things get sent up to the Supreme Court that should have been left to the state. This is one of them. The Supreme Court decision does not require the Congress or the state legislatures to rewrite their constitutions or to rewrite their laws. That is one of the great things about our federal system and the separation of powers. When the judiciary rules on something, the legislative branch, at every level, does not have to rewrite and revisit everything that they look at. Otherwise, ladies and gentlemen, we would spend 120 days every other year just changing the laws in accordance with the judicial decisions that have happened since *sine die*.

If this issue does go back to the Supreme Court, frankly the arguments of the four may become the arguments of the five. Then are we to revisit this again and spend our time changing the laws when we do not need to? Because our form of government does not require it. My constituents have written to me overwhelmingly that they oppose this. Their voices are in the *Constitution*, and they want me to protect their voices. I agree with them and I will protect their voice.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in support of A.J.R. 2. I want to respond briefly to a few points because we have been here before and we have heard the arguments of letting the people choose. I think it is important to note that the people will get to choose. This gets to go to the ballot. I do not need to tell anyone here that a lot has changed since 2000 and 2002. We have seen polling on this issue go dramatically the other way. There is nothing to be afraid of by asking the people what they think.

While it is true that the decision does not require us to rewrite our *Constitution*, it is not enforceable the way that it is. We should make it clear to the people who visit Las Vegas from all over the world that they are welcome here. This is one of those things that makes us look

inhospitable and is something that we might regret if we leave it in too long into the future. We do not want to come back here in 50 years and say, Why did we ever have this in here. Opinions have changed, and I urge this body to support this and give the people a chance to change their minds as well.

ASSEMBLYMAN HAMBRICK:

I want to echo the words of the Minority Leader. I do not believe in any kind of discrimination. However, I am a person of deep faith and truly believe that marriage is a religious sacrament between one man and one woman. I will be respectfully voting no on A.J.R. 2.

ASSEMBLYWOMAN KRASNER:

I understand that this is a difficult issue for many and that this conversation can be hard for some. I am a straight woman and I am married to a man. I am also a law school graduate and a college instructor who teaches courses on the *United States Constitution*. So when these tough issues are brought up here in the Assembly, I look for the logical answer and I look to the *U.S. Constitution.*

The United States Supreme Court has spoken on this issue. In *Obergefell v. Hodges* in 2015, the United States Supreme Court held that the fundamental right to marry is guaranteed to same-sex couples by both the due process clause and the equal protection clause of the Fourteenth Amendment to the *United States Constitution,* which I will read. Section 1 of the Fourteenth Amendment to the *United States Constitution*:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

You see, the *United States Constitution* applies to all U.S. citizens: male or female, black or white, rich or poor, gay or straight. Mr. Speaker, I will be voting yes on A.J.R. 2.

Roll call on Assembly Joint Resolution No. 2:

YEAS—27.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—14.

EXCUSED—Brooks.

Assembly Joint Resolution No. 2 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Elliot Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to John Ferdinand and Eli Morse.

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Tennille Pereira.

On request of Assemblyman Araujo, the privilege of the floor of the Assembly Chamber for this day was extended to Scott Gardner and Jeremy Wilson.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Sharenbrock and Patrick Wilson.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Jesse Hall Elementary School: Ryan Bailey, Tristen Bartch, Warren Christy Jr., Anna Dimas Whitt, Stewart Dugas, McKenzie Gray, Graysen Hackworth, Kenna Halverson, Breanna James, Ridgedon Johnson, Kaylin Lane, Ethan Lewallen, Darren Mauwee, Tai'Sean Metoyer, Noel Mier, Trinity Minor, Justin Moody, Ashley Naranjo Moreno, Mia Rogers, Jada Sam, Maaliyah Shaw, Shawna Sobolik, Hannah Vandiver, Jonathan Vazquez, Katy Zboinski, Allieghfaye Abbie, Billy Bayliss, Kolby Benge, Jessie Bowling, Danielle Davis, Rachel Forbush, Olivia Gill, William Gilmore, Brisa Guzman, Christina Hendricks, Makena Kapahee, James Larsen, Sonny Lewis-Calvin, Aiden Lopez, Charlie Lubin, Janelle Martinez, Kate Merlino, Ryan Munoz, Katie Nelson, Lyllac Ortero, Mia Piazza-Vulliety, Parker Roukey, Brooke Scurry, Anthony Thomas, Daniel White, Esteban Zomoza, Shalaya Barraza, Karson Bates, Brooke Baxter, Samantha Bingham, Harmonie Cooper, Miah Cummins, Macy Flores, Wesley Fontes, Natalia Hernandez-Lopez, Jayde Hurst, Jaydon Jones, Abdouleye Keita, Lucas Lappin, Francine Lopez, Angelica Martinez-Ponsock, Quinn McDonald, Angel Melendez, Ben Mullins, Jasie Myres, Todd Oltman, Riley Rock, Irene Skenandore, Chloe Spreen, Zoe Swanson, Natasha Tenk, McKenna Timmons, Isabella Wallmuth, Kyla Appleton, Grace Baker, Makenna Bradshaw, Silas Cervantes, Makena Charlebois, Ethan Clack, Brady Cunningham, Kaiya Denny, Teagan Early, Sequoia Harjo, Faith Harrell, Sydney Heinricy, Justin Jayme, Louanne Jim, Benjamin Kimball, Gweny LaFrance, Cadence Lambdin, Jacob Latham, Kaden Lotito, Vanessa Macias, Emily Moss, Ashlyn Mueller, Oscar Ordonez, Sammy Osborne, Aron Quartz, Colin Spencer, and Miles Young.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Asa Gilmore and Jordan Smith.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Brown, Jack Prien, and Fred Scruggs.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Lynne E. Keller, J. Chrissi Barnett, and Amy Nelson.

On request of Assemblyman Kramer, the privilege of the floor of the Assembly Chamber for this day was extended to Max Macedo, Jodi Mason, and Amin Aminian.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Barsell, Lisa-Marie Lightfoot, and Ta-Tiana Anderson-Hall.

On request of Assemblyman Marchant, the privilege of the floor of the Assembly Chamber for this day was extended to Maggie Colucci.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Jerry Robish.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Mazzone, Chris Short, and Jay Robinson.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Colleen Wapole.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Brandon Wilding and Beau Valory.

On request of Assemblywoman Tolles, the privilege of the floor of the Assembly Chamber for this day was extended to Cindy Baines, Sharon Zadra, Stacey Wittek, and Lynda Hascheff.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Michael-Ann Lazzarino, Farah Rashdan, and Shannon Nichole Parsons.

On request of Assemblyman Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to Abbi Silver and Margaret Colucci.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Friday, March 10, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:45 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE THIRTY-THIRD DAY

CARSON CITY (Friday), March 10, 2017

Assembly called to order at 11:56 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Jedidiah Maschke.

Heavenly Father, Ruler of nations, I thank You for the countless undeserved blessings that You have showered on our state. Endow the leaders of our state with wisdom from on high. Cause them to govern according to Your will, that we may lead quiet and peaceable lives in all godliness and honesty and that our state and its people may prosper both spiritually and temporally.

Hold Your protecting hand over our state and nation and over all Your children. Preserve our priceless religious liberty. Give us faith instead of unbelief, courage instead of fear, love instead of hate, peace instead of quarrels and war, and righteousness instead of sin. In Your great mercy be gracious to us, bless us, and hear our prayer for Jesus's sake.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 58, 70, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 142, 146, 191, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

STEVE YEAGER, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 9, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 71.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that persons as set forth on the Nevada Legislature's Press Accreditation List of March 10, 2017, be accepted as accredited press representatives, assigned space at the press table in the Assembly Chamber, allowed use of appropriate broadcasting facilities, and that the list be included in this day's Journal:

AMERICA MATTERS MEDIA: Paul Malikowski; BRAD HORN PHOTOGRAPHY: Brad Horn; KKOH–CUMULUS MEDIA: Samantha Stone; KLAS-TV: Mark Mutchler; KRNV-TV: Trevor Benson; KTVN-TV: Ryan Canaday; LAS VEGAS SUN: Ric Anderson; LISA J. PHOTOGRAPHY: Lisa Tolda; NEVADA FORWARD: Andrew Davey; RENO GAZETTE-JOURNAL: Benjamin Spillman; THERENOGAYPAGE: Paco Poli; WASHOE COUNTY SCHOOL DISTRICT (FOR PHOTOGRAPHY): Jeff Foss.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 215 be withdrawn from the Committee on Commerce and Labor.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 215 be rereferred to the Committee on Health and Human Services.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Joint Resolution No. 1 be withdrawn from the Committee on Judiciary.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Joint Resolution No. 1 be rereferred to the Committee on Corrections, Parole, and Probation.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Araujo, Joiner, Yeager, Diaz, Frierson, Bilbray-Axelrod, Carrillo, Fumo, Jauregui, McCurdy, Miller, Monroe-Moreno and Ohrenschall; Senators Atkinson, Spearman and Manendo:

Assembly Bill No. 274—AN ACT relating to elections; enacting the Agreement Among the States to Elect the President by National Popular Vote; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblywomen Spiegel and Diaz; Senators Parks and Manendo:

Assembly Bill No. 275—AN ACT relating to education; requiring the Department of Education to establish a protocol for providing integrated student supports for pupils enrolled in public schools and the families of such pupils; requiring the board of trustees of each school district and the governing body of each charter school to take certain action to provide academic and nonacademic supports for pupils enrolled in the school district

or charter school and the families of such pupils; and providing other matters properly relating thereto.

Assemblywoman Spiegel moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Spiegel, Joiner, Diaz, Bilbray-Axelrod, Carlton, Cohen, Miller, Swank and Thompson; Senators Parks and Manendo:

Assembly Bill No. 276—AN ACT relating to employment; prohibiting an employer, employment agency or labor organization from discriminating against certain persons for inquiring about, discussing or disclosing information about wages under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Spiegel moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Yeager, Frierson, Ohrenschall, Watkins, Oscarson, Araujo, Benitez-Thompson, Bilbray-Axelrod, Brooks, Carlton, Carrillo, Cohen, Daly, Diaz, Flores, Fumo, Jauregui, McCurdy, Miller, Monroe-Moreno, Neal, Sprinkle, Swank and Thompson; Senators Segerblom, Parks, Cancela, Harris, Cannizzaro, Farley and Manendo:

Assembly Bill No. 277—AN ACT relating to land use planning; restricting certain powers of local governments with regard to planning, subdivision regulation and zoning of lands located in national conservation areas, national recreation areas and adjacent lands; and providing other matters properly relating thereto.

Assemblyman Yeager moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 71.

Assemblyman Sprinkle moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No. 2.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Terry Andrews and Angela Fuss.

On request of Assemblyman Fumo, the privilege of the floor of the Assembly Chamber for this day was extended to Timothy Shaw.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Lott and Starla Espinoza.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Monday, March 13, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:08 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE THIRTY-SIXTH DAY

CARSON CITY (Monday), March 13, 2017

Assembly called to order at 12 noon.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Neal, who was excused.

Prayer by the Chaplain, Pastor Tony Brandon.

Almighty God, King of Creation, as this Assembly begins their work for the people of this great state, we ask You to send down Your spirit upon the men and women of this Assembly.

Give them wisdom, so that they may lead the people of our state into peace and prosperity. Grant them an open spirit to listen to each other and to work with each other.

Give them courage, give them fortitude, and give them, above all else, the knowledge that they have served their state and her citizens well.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 162, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was rereferred Assembly Bill No. 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

IRENE BUSTAMANTE ADAMS, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 85, 141, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MICHAEL C. SPRINKLE, *Chair*

COMMUNICATIONS

UNITED STATES SENATE
WASHINGTON, D.C. 20510

March 8, 2017

THE HONORABLE JASON FRIERSON
Speaker
Nevada Assembly
401 S. Carson Street
Carson City, NV 89701

DEAR SPEAKER FRIERSON:

This letter serves as my formal request to address a joint session of the Nevada Legislature on Monday, April 17, 2017 at 5:00 p.m. It is my understanding that this date is available.

I thank you in advance for this opportunity and look forward to seeing you on April 17. Should you have any further questions, please call Ashley Jonkey in my Reno office at 775.686.5770.

Sincerely,
DEAN HELLER
United States Senator

UNITED STATES SENATE

March 10, 2017

THE HONORABLE JASON FRIERSON, *Speaker of the Nevada Assembly* and
THE HONORABLE AARON FORD, *Majority Leader of the Nevada State Senate*
401 South Carson Street,
Carson City, Nevada 89701

DEAR SPEAKER FRIERSON AND LEADER FORD:

I am writing to request the opportunity to speak before the distinguished members of the Nevada State Legislature on Thursday, April 20, 2017 at 6:30 pm. I look forward to speaking about the pressing issues before the United States Congress in the upcoming months and how they will affect the great state of Nevada.

I thank you in advance for your kind consideration. I look forward to seeing you soon.

Sincerely,
CATHERINE CORTEZ MASTO
United States Senator

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 13, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 24.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Pickard, Hambrick, Cohen, Paul Anderson, Ellison, Tolles and Wheeler; Senator Harris:

Assembly Bill No. 278—AN ACT relating to the support of children; creating the Committee to Review Child Support Guidelines; requiring the Committee to review quadrennially the support guidelines established in this State and submit any recommendations for revision to the Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services; requiring the Administrator to adopt regulations establishing support guidelines; repealing provisions relating to the calculation of support upon the adoption of such regulations; and providing other matters properly relating thereto.

Assemblyman Pickard moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 279—AN ACT relating to financial institutions; changing the method by which the Commissioner of Financial Institutions charges and collects fees for providing supervision, audits, examinations, investigations or hearings; requiring the Commissioner to adjust the rate at which such a fee is to be paid by banks and other financial institutions for supervision and examinations in certain circumstances; requiring the Commissioner to publish each year the amount of the fee that is to be paid by banks and other financial institutions for the following year; and providing other matters properly relating thereto.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Frierson, Carrillo, Monroe-Moreno, Sprinkle, Neal, Araujo, Benitez-Thompson, Bilbray-Axelrod, Carlton, Cohen, Daly, Fumo, Jauregui, Joiner, McCurdy, Miller, Ohrenschall, Spiegel, Thompson, Watkins and Yeager; Senators Ford and Cannizzaro:

Assembly Bill No. 280—AN ACT relating to procurement; establishing provisions relating to preferences in bidding for certain contracts with Nevada-based businesses for state purchasing; revising provisions relating to preferences in bidding for contracts for certain public works projects; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Kramer, Titus, Ellison and Marchant; Senators Gustavson, Roberson and Harris:

Assembly Bill No. 281—AN ACT relating to taxation; removing the requirement for certain business entities to file a commerce tax return with the Department of Taxation; requiring a person to include with an application for the renewal of a state business registration certain information concerning the applicability of the commerce tax imposed on the Nevada gross revenue of certain business entities; and providing other matters properly relating thereto.

Assemblyman Kramer moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblyman Elliot Anderson:

Assembly Bill No. 282—AN ACT relating to trade practices; authorizing certain service members who receive certain military orders to relocate or deploy to terminate or suspend a contract for certain services; authorizing such a service member to reinstate such a contract under certain circumstances; prohibiting the imposition of certain penalties, fees or other

charges on a service member who terminates a contract for certain services after receiving certain military orders to relocate or deploy; authorizing a service member or the Attorney General to bring an action against a person who violates certain provisions; providing penalties; and providing other matters properly relating thereto.

Assemblyman Elliot Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Krasner and Kramer:

Assembly Bill No. 283—AN ACT relating to business; revising provisions governing the initial and annual lists filed with the Secretary of State by business entities; and providing other matters properly relating thereto.

Assemblywoman Krasner moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 142.

Bill read second time and ordered to third reading.

Assembly Bill No. 146.

Bill read second time and ordered to third reading.

Assembly Bill No. 191.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Standing Rules Nos. 110 and 113 be suspended, reading so far had considered second reading, and that Senate Bills Nos. 58 and 70 be declared emergency measures under the Constitution and placed on General File for final passage.

Remarks by Assemblywoman Benitez-Thompson.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 58.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Senate Bill 58 revises provisions governing certain state veterans organizations. It adds the Administrator, Division of Human Resource Management, Department of Administration, as a member of the Interagency Council on Veterans Affairs. It requires the Director and Deputy Director of the Department of Veterans Services to aid, assist, encourage, and cooperate with certain state veterans service organizations. It increases the number of members of the Nevada Veterans Services Commission from 9 to 11 by adding a member who is a member of the Women Veterans Advisory Committee and a member who is enrolled as a student at an institution of higher education in this state in a program for a baccalaureate or higher degree and

who possesses an honorable discharge from some branch of the military and naval service of the United States. This becomes effective, if passed, on July 1, 2017.

Roll call on Senate Bill No. 58:

YEAS—41.

NAYS—None.

EXCUSED—Neal.

Senate Bill No. 58 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 70.

Bill read third time.

Remarks by Assemblywoman Bilbray-Axelrod.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Senate Bill 70 expands the entities to which the Director of the Department of Veterans Services is authorized to transfer abandoned or unclaimed property to include the Nevada State Museum, the Nevada Historical Society, and other governmental agencies or nonprofit entities, including without limitation, a veterans' organization and the United States Department of Veterans Affairs. This measure authorizes the Director to destroy or otherwise dispose of such property that is not transferred. The Director must establish and post on the Department's website an internal policy regarding the transfer, destruction, or other disposal of such abandoned or unclaimed property. This bill is effective upon passage and approval.

Roll call on Senate Bill No. 70:

YEAS—41.

NAYS—None.

EXCUSED—Neal.

Senate Bill No. 70 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblywoman Benitez-Thompson moved that the Assembly recess until 4:45 p.m.

Motion carried.

Assembly in recess at 12:33 p.m.

ASSEMBLY IN SESSION

At 5:06 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Thompson and Tolles as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative Mark Amodei.

The President pro Tempore of the Senate and members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President pro Tempore of the Senate to the Speaker's rostrum.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:12 p.m.
President pro Tempore of the Senate presiding.

The Secretary of the Senate called the Senate roll.
All present except Senator Segerblom, who was excused.

The Chief Clerk of the Assembly called the Assembly roll.
All present except Assemblywoman Neal, who was excused.

The President pro Tempore of the Senate appointed a Committee on Escort consisting of Senator Ford and Assemblyman Araujo to wait upon Representative Amodei and escort him to the Assembly Chamber.

The Committee on Escort, in company with The Honorable Mark Amodei, United States Representative from Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Representative to the rostrum.

The Speaker of the Assembly welcomed Representative Amodei and invited him to deliver his message.

Representative Amodei delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-NINTH SESSION, 2017

Mr. Speaker, Mr. President pro Tem, Governor, cabinet officials, Mr. Chief Justice and your colleagues, members of the Nevada Legislature, thank you very much for the opportunity to come kick off the federal address season. You may know that back in the day, I was not a big fan of this particular thing when I was a member. I used to sit over in that part of the room, and when whoever it was—and I was very bipartisan about it—would come in this door, I would exit through the back door there. To let you know that I have not completely forgotten about that, I intend to be, as were some of the judges that I practiced in front of in my earlier days, crisp and not take up much of your beautiful spring evening. So hang on, here we go.

I want to talk about just two things and then the third part involves this bag, but I will be crisp nonetheless. The first one is a pretty complex topic: What are you going to do? The second one is a tribute to Harry Reid. What are your questions?

What are you going to do? As the person given the responsibility of representing Nevada's original congressional district, I can tell you there is not much going on in D.C. right now. Everybody loves everybody, there are no issues which are contentious, the Executive Branch is getting along well with the Legislative Branch, and of course the Supreme Court is having a great time with things looking like four-four and somebody is set to do whatever. Nonetheless, when you say What are you going to do, let us talk about the most smooth topic of What are you going to do, especially in view of today, and that is the subject of health care.

Do not worry; nobody's eyes need to roll back in their head. As a person who has spent almost 20 years, his entire political life, in the Legislative Branch, I can tell you that I am a process guy. It does not mean that you always get things the way you want it. It does not mean people always testify at those meetings in accordance with what you may think your thoughts are. I am an absolute true, complete believer in the legislative process, as I originally learned it in this building, and the damnedest things happen when you have a hearing with witnesses. And so as we march down this health care road—no disrespect to anybody on either side of the aisle or my colleagues back in the swamp—I will tell you that when there are references to regular order which talk about a markup, I think that is an opportunity for everybody to practice their partisan floor speeches. The problem is, there are not any witnesses—you know, folks who are sometimes considered shareholders, people who have views, whether they are with yours or against yours. As some of you may already know, it is incredibly frustrating, as one of the folks with one of those 435 votes on the south end of the building. Interestingly enough, the south end of the building is the House of Representatives in D.C., and here we are at the south end of the building in the Assembly where I started my go-around. I will try to avoid those references to the north end of the building here that I often refer to back there because sometimes they are less than flattering, but they are, in fact, bipartisan since we still have a bipartisan delegation there.

Let me just say this: We will continue, during this health care debate, to study the issues, to do things like say How will it affect Nevada. I understand how the budget is affected by Medicaid. So one of the basic questions we have for all of those people back there practicing those floor speeches is how much Nevada gets for Medicaid now and how much it would get under your proposal. That is a good place to start because, quite frankly, we do not have the luxury—or the curse, depending on what your view is—of not having a balanced budget in this state. So when you talk about how that works, when you talk about the effect on Nevada when you have an access problem—we have access problems in southern Nevada, much less the Truckee Meadows and rural Nevada—you need to know those sorts of facts.

Therefore, when you ask What is this going to do to improve access, remember this started out seven years ago, as we need reform. Another question that comes up is, How is this going to reduce costs. Because if it is not, what about pharma? What about insurance company regulations? What about all those things? Not all of them can be done in reconciliation. The challenge, as you folks well know, is you have to keep your head on a swivel and you have to look at that stuff. So it is very much a jury that is out, if you will, in terms of what is going on. Ultimately, my vote will be based on the impact on Nevada. What does our budget do with this? Is it the right thing to do?

I will end the health care discussion with this: I remember seven years ago, Nancy Pelosi came under some criticism for passing the Affordable Care Act at two o'clock in the morning. Bad things were said. Just as an observer, here is a casual observation. If that was a real bad thing to do seven years ago, you probably should not have run the committee all night long and voted at o-dark-thirty in the morning, past two o'clock this time. Quite frankly, right now it looks as if Nancy Pelosi was more efficient—maybe not right, but much more efficient with her people's time. Not a great start.

Let me go to topic number two. It may come as a surprise to some people in this room that Amodei wants to say thank you to Senator Harry Reid. I do. Do you know why? Lately there have been some people that have got some minor concerns—some of them might even be within a hundred or two hundred feet of where I stand now—about public lands. I think it is worth having a little lesson about our history in public lands for a minute, before we get to the best part. Once again, let us take a look at the facts and see what makes sense. Here is some food for thought: The single most successful piece of public lands legislation in the history of the nation is the Southern Nevada Public Lands Management Act, a piece of legislation that was bipartisan and is about 20 years old. It has done what for the folks in Clark County—not just Clark County, though? It has given people in places like the Clark County Commission, the Las Vegas City Council, the North Las Vegas City Council, the Henderson City Council, and the Boulder City Council the ability to have local control over if, when, and how they grow, by a process which is completely transparent and sells at public auction federal land surrounding the most vibrant commercial area in our state, directly to developers. What do we do with those proceeds? You folks know the list. There is an education component, there is a natural

resources component, and some of it goes back to the federal government. Quite frankly, it was a visionary piece of legislation that is still working well. It even dealt with endangered species issues on the desert tortoise. So there it is.

In the five and a half years that I have had the responsibility of representing the state, and specifically this part of the state, we have passed a couple of more bills. I want to make it real clear: They would not have passed without Harry Reid's support. The Nevada Native Nations Land Act transferred 60,000 to 70,000 acres, and the McDermitt tribe up in northern Nevada that had checkerboard throughout its Indian reservation received about 19,000 of those acres. As those in the judicial business know, if you are chasing a suspect and you are on tribal land, then you are on federal land, then you are on tribal land, it makes jurisdictional issues kind of tough.

I have to tell you about the speed at which public lands legislation moves. When I went up to meet with them originally, they said We need a little help on this lands thing. We have this checkerboard and we would like to get that. I said We do not keep the gate. If you have a county commission resolution or something from your tribal council or whatever, we will introduce it and we will see how it goes. They said We had a bill. Really? Have you got a copy of it? Yes, we do. So somebody went back into the tribal offices and came back out with a Senate bill that was introduced in 1972 by Alan Bible and Howard Cannon on behalf of the McDermitt tribe. They get the patience award. Nonetheless, finally we got that done.

The other one is the Northern Nevada Land Conservation and Economic Development Act, a bill that created 75,000 acres of wilderness. It never would have happened without United States Senator Harry Reid. We had some problems. It was a Lyon County-centric thing. For five years, there were some folks up in Humboldt County fighting for the Pine Forest Range Wilderness. They did everything from the bottom up—landowners, conservation groups, the whole nine yards. They came together and said Here is what we want. They had been working on it for five years, and it had not gone anywhere. So this bill started to move and they say We are going to do this new wilderness—50,000 acres, Wavoka. Here you go. But those folks up in Winnemucca had been doing the right thing for five years. I am not going back up to Winnemucca and saying Guess what, the newest wilderness area in the state is one that, quite frankly, started real fast and finished in front of you folks. So we added that in, but we came down to a final snag on an issue. There were some folks who said We do not want you to be able to put mechanized equipment in a wilderness area to fight wildland fires. Well, we have had it in bills before. Would you rather see it burn up? We do not want that. It was Harry Reid who said It is going. We put, under those circumstances, mechanized equipment in wilderness areas to try to fight the fires. So I want to say this because it is a controversial time in terms of public land bills in some minds. Let me just give you a federal report before we move on.

As we speak, 25 percent of the counties in Nevada have either requested, through their county commissions, public lands bills to be introduced or are starting to draft some. Those four counties represent, with their combined population through their county commissioners, about 90 percent of the population of the state. You can guess who two of the four are, and so I say this: As long as I am given the responsibility of representing this state—and by the way, that has changed a little bit after the election, as the only guy in the elephant pasture in the house—you are riding for the brand of the state, at least I think you should. When we talk about public lands bills, regardless of where they are in the state, and when looking at that history where over eight out of every ten acres in the state is federal, that is part of existence, we will continue to listen to people. I have gotten a lot of feedback on House Resolution 1484. The bill will change. I think, quite frankly, if somebody went to the Governor and said We are going to give you 10 million acres and you get to manage it, those of you who sit on the budget committees, as well as the Governor, would probably say Do not call me, I will call you. We have heard that. The issue here, right where I started with public lands, is local control—local control that gave local officials, elected officials in Clark County, some key power to decide how they wanted to grow. We are going to continue to look for ways to increase local control in the 115th Congress, and if it is not through ownership, then that is fine. There are other ways. When the bill comes out, you will see it. We will take more input. Remember, I am a process guy. We will see where that ends up. I am looking forward to continuing that discussion and moving along down that road.

That is probably enough. I see the light is starting to fade outside, so I want to get to the most important part of the evening and what will hopefully set the standard for other people. I was in Elko about three years ago. I notice that Judge Parraguirre is missing, so he cannot represent the sheepherder nation, but Pete Goicoechea was nice enough to stay so he can represent part of it, and I know there are other folks of Basque heritage in here. I was up in Elko going over the schedule for the next day, talking to my rural representative up there. I said I have this meeting with the coffee klatch in the morning. She said No, it is the P.I.C.O.N. club. I said, "Oh, okay, the drink; I get it." I am not masculine enough to drink them without going into vapor lock but most of you are. I see Mr. Ellison over there smiling. I know he has never had one, but bear with me. She said, "No, P.I.C.O.N.—P.I.C.O.N., People in Charge of Nevada. That is what they call themselves."

Now, most of you know I am not a very clever guy, but I thought that was very clever. Let's do a logo and have chapters all over the state, in different cities and towns so everyone can have their own chapter of People in Charge of Nevada. It has been going on for a couple of years, and I must apologize. We have a D.C. chapter; we have Las Vegas, Mesquite, Ely, and Winnemucca chapters. Elko got to be chapter number one—sorry, they thought of it. So we have all these chapters. I thought about this being scheduled for tonight, and I thought, We do not have a state P.I.C.O.N chapter. I apologize for that. I am here tonight to remedy that situation. I have had state chapter P.I.C.O.N Club hats made for each member of the Assembly and the Senate so that you can all be People in Charge of Nevada. The Sergeant at Arms will distribute those to members. Knowing that there were other people here, I would also like to distribute, for the state chapter, the first hat to you, Governor Sandoval, with your name on the back. Secretary Cegavske, since you are in charge of paperwork and filing and stuff like that, your hat is in here. Would you please see that these are distributed to the Controller, the Attorney General, and the other officials whose names are on the back? I would very much appreciate it.

Even though I am an inactive member of the State Bar, forgetting the Supreme Court is never a good idea, active or inactive. Mr. Chief Justice, I have seven hats here for the members of the Supreme Court. Welcome to the state chapter of People in Charge of Nevada.

And with that, Mr. President pro Tem, Mr. Speaker, thank you for your kindness and indulgence. Those conclude my remarks, and good luck in the rest of your session.

Assemblyman Wheeler moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Amodei for his timely, able, and constructive message.

Seconded by Senator Hardy.

Motion carried.

The Committee on Escort escorted Representative Amodei to the bar of the Assembly.

Senator Roberson moved that the Joint Session be dissolved.

Seconded by Assemblywoman Miller.

Motion carried.

Joint Session dissolved at 5:36 p.m.

ASSEMBLY IN SESSION

At 5:36 p.m.

Mr. Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Nakia Jackson-Hale and Lillian Hale.

On request of Assemblyman Araujo, the privilege of the floor of the Assembly Chamber for this day was extended to Tristan Torres and Currey Cook.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Gastonguay and Barbara Gastonguay.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Justin Hunter, Jana Hunter, and Tennyson Hunter.

On request of Assemblyman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Joana Peraza.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Emily Warren and Bria Warren.

On request of Assemblyman Kramer, the privilege of the floor of the Assembly Chamber for this day was extended to Lindy McDonald and to the following students, teachers, and chaperones from Mark Twain Elementary School: Alejandro Castillo, Blade Benjamins, Kelly Carter, David Wright, Ciena Hart, Edgar Fausto Hernandez, Estreya Cisneros-Baumgardner, Emma Painter, Hanah Martin, Isabella Reyes, Jamie Mendoza Montalvo Jr., Jennifer Lopez Castaneda, Jairo Davalos, Jordan Tabaracci, Jose Hernandez Velazquez, Justin Deusenberry, Kate Lucas, Kellsee McDonald, Kirsten Allen, Leia Humphrey, Luis Hernandez-Flores, Mia Quintanilla Villarreal, Nathan Dominici, Nina Sapien, Pablo Sandoval Aguirre, Sara Clark, Serina Munoz Ayala, Trevor Wright, Viviana Teutli Arellano, Viviana Castro, Zadee Gitthens, Pierce Adams, Emely Aguirre Rodriguez, Jace Barao, Javier Campos Gutierrez, Isabel Coffman, Victoria Dao, Alexa Davalos, Kilah Ezekiel, Angela Fausto Hernandez, Crystal Gonzalez, Alejandro Hernandez Jr., Toby Krehbiel, Magaly Morales Davila, Trey Neal, Jimmy Newton, Erich Parker, Zachary Parker, Colton Poor, Dominick Price, Vanessa Quezada Lara, Fabian Rivera Cordova, Janet Rodriguez Mendoza, Perlita Rojas Ortiz, Miguel Servin, Sylis Tese Chandler, Ava Trotter, Aiden Wahlmeier, Jazzlynn Waldman, Hayley Williams, Sabrina Wise, Sebastian Wright, Christopher Bedoy, Samuel Brady, Essie Garret, Jesus Gonzalez-Figueroa, Lucas Grasso, Shianne Harmon-Barragan, Emily Jeffries, Jessie Kirkendoll, Braedyn Kleinfieldt, Angel Lara, Allison Link, Jackie Madera-Ledezma, Robert Meinen, Elizabeth Mejorado-Ruiz, Laisha Ortiz, Joelle

Owens, Alice Reaver, Sam Richetta, Anna Roylance, Leah Roylance, Manuel Ruiz-Camacho, Aaliyah Salazar, Kevin Santos-Contreras, Isabella Stagliano, Ximena Villegas-Martinez, Jeanette Arce-Garcia, Jasmyne A. Campbell, Eduardo Fonseca-Loyola, Jasmine E. Fox, Christian J Galvez Hernandez, Jaydyn R. Gongaware, Caleb E. Gonzalez Maqueda, Samuel Guerra, Emma J. Halling, Talia Itzen, Destiny N. Jacquez, Pahola P. Jacquez Gonzales, Alexis N. Lennon, Daniel Limas-Majano, Savannah K. Lopez, Jason L. Mckinney Jr., Jason Neumann, Ricky Orozco, Tessa Payan, Paul R. Perez, Alesan E. Ponce-Hernandez, Odin Riley, Diego Rosales-Corona, Robert Ruiz Jr., Joseph F. Salmeri Marks, Lexi Santos, Parker M. Schmid, Zareen Syeda, Leila A.Uhlmeyer, Lucas J. Wold, and Jared Zambrano Ibarra.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to Cindy Johnson, J.D. John, Janissa Macon, Shani Macon, and Isaiah Macon.

On request of Assemblyman McCurdy, the privilege of the floor of the Assembly Chamber for this day was extended to Tyshann Mingo and Massiah Mingo.

On request of Assemblywoman Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Lindsay Miller Yousif and Kelly Miller.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Anna Vaillancourt and Erica Tyler.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to John Shea, Audrey Shea, and Margot Shea.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Yolanda Covington, Nashaya Brown, and Jamari Brown.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Ross Hatley.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Eileen Thomas, Nathan Tea, and Mikayla Tea.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Celssie Hardy.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Tuesday, March 14, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 5:36 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE THIRTY-SEVENTH DAY

CARSON CITY (Tuesday), March 14, 2017

Assembly called to order at 11:46 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Tony Brandon.

Creator of Heaven and earth, today I ask that You establish this Assembly full of Your knowledge, wisdom, understanding, and love.

I ask that You extend Your hand of protection over each servant here and their families. Give this Assembly strength as they lead. May each one have a special sense of Your guidance today as issues are discussed.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Corrections, Parole, and Probation, to which was referred Assembly Bill No. 23, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES OHRENSCHALL, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 13, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Initiative Petition No. 1.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Joiner, Frierson, Carrillo, Sprinkle, McCurdy, Araujo, Benitez-Thompson, Bilbray-Axelrod, Brooks, Bustamante Adams, Carlton, Cohen, Daly, Diaz, Flores, Fumo, Jauregui, Miller, Monroe-Moreno, Neal, Ohrenschall, Spiegel, Swank, Thompson, Watkins and Yeager:

Assembly Joint Resolution No. 9—Urging Congress not to repeal the Patient Protection and Affordable Care Act or its most important provisions.

Assemblywoman Joiner moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywomen Woodbury and Titus; Senator Hardy:

Assembly Bill No. 284—AN ACT relating to professions; providing for the licensure and regulation of physician assistants by the Board of Medical Examiners rather than by the Board of Medical Examiners and the State Board of Osteopathic Medicine; authorizing a physician assistant who is licensed in this State or in another state or territory of the United States to provide voluntary health care service in this State in association with a sponsoring organization without the supervision of a supervising physician; creating the Committee on Physician Assistants appointed by the Board of Medical Examiners; requiring the Committee to review and provide recommendations to the Board of Medical Examiners on each application for licensure as a physician assistant; authorizing a physician assistant to render medical care without the supervision of a supervising physician when responding to an emergency or disaster; revising provisions relating to the licensure of physician assistants by the Board of Medical Examiners; designating physician assistants as primary care providers under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Woodbury moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Kramer and Wheeler; Senator Settelmeyer (by request):

Assembly Bill No. 285—AN ACT relating to roads; revising provisions governing the disposition of money from the sale of certain parcels of land by the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources; requiring the Department of Transportation to use money from that sale to repair and improve certain roads; and providing other matters properly relating thereto.

Assemblyman Kramer moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Elliot Anderson:

Assembly Bill No. 286—AN ACT relating to criminal procedure; revising provisions concerning the eligibility of a defendant for assignment to a program for the treatment of veterans and members of the military; authorizing a district court, justice court or municipal court to establish such a program; and providing other matters properly relating thereto.

Assemblyman Elliot Anderson moved that the bill be referred to the Committee on Corrections, Parole, and Probation.

Motion carried.

By Assemblymen Frierson and McCurdy:

Assembly Bill No. 287—AN ACT relating to deceptive trade practices; prohibiting the issuance of a gift certificate that expires on a certain date; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Joiner, Frierson, Benitez-Thompson, Carrillo, Diaz, Araujo, Carlton, Fumo, Jauregui, Monroe-Moreno and Swank:

Assembly Bill No. 288—AN ACT relating to the protection of certain persons; revising provisions relating to immunity from civil or criminal liability for certain acts; increasing the maximum term of imprisonment for a person who commits certain acts against an older person or a vulnerable person that result in substantial bodily or mental harm to or the death of the person; revising the penalties for committing certain acts against an older person or a vulnerable person or conspiring to commit certain acts against an older person or a vulnerable person; establishing provisions relating to certain arbitration clauses included in contracts used by facilities for long-term care; and providing other matters properly relating thereto.

Assemblywoman Joiner moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Wheeler, Ellison, Kramer, Oscarson, Hambrick, Edwards, Marchant and Tolles; Senators Spearman and Settelmeyer:

Assembly Bill No. 289—AN ACT relating to mining; authorizing a person who intends to locate or expand a facility for smelting, processing or refining ores or metal to apply to the Office of Economic Development for a partial abatement of certain property or sales and use taxes; establishing criteria by which such a facility may qualify for such a partial abatement; establishing the maximum duration and percentage of such partial abatements; requiring the State Environmental Commission to adopt regulations providing for the reimbursement of certain permit fees and establishing an expedited process for the issuance of certain permits by the State Department of Conservation and Natural Resources and the Division of Environmental Protection of the Department; and providing other matters properly relating thereto.

Assemblyman Wheeler moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Wheeler, Kramer, Hambrick and Ellison:

Assembly Bill No. 290—AN ACT relating to local governments; authorizing the Local Government Employee-Management Relations Board to appoint a Deputy Commissioner; revising the period during which a new, extended or modified collective bargaining agreement or similar agreement

must be posted and made available before a public hearing; requiring the chief executive officer of a local government to report to the governing body of the local government whether a proposed collective bargaining agreement or similar agreement is financially sustainable; revising the process of fact-finding and arbitration after an impasse in bargaining; revising provisions relating to the budgeted ending fund balance of the general fund of a local government; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Wheeler moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Ohrenschall:

Assembly Bill No. 291—AN ACT relating to criminal procedure; revising provisions relating to presentence investigations and reports; requiring certain information to be included in a presentence report; revising the limitation of time for disclosure of the factual content of reports of presentence investigations by the Division of Parole and Probation of the Department of Public Safety; and providing other matters properly relating thereto.

Assemblyman Ohrenschall moved that the bill be referred to the Committee on Corrections, Parole, and Probation.

Motion carried.

By Assemblymen Carrillo, Fumo, Ohrenschall, Joiner and Swank; Senator Manendo:

Assembly Bill No. 292—AN ACT relating to education; requiring the principal of a public school who receives a report of bullying or cyber-bullying to report the matter to the board of trustees of the school district in which the school is located; requiring the principal to notify the parents or guardians of certain pupils before interviewing such a pupil about the matter; and providing other matters properly relating thereto.

Assemblyman Carrillo moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Araujo, Yeager, Flores, Diaz, Spiegel, Cohen, Fumo, Jauregui, Joiner, Miller and Swank; Senators Segerblom and Manendo:

Assembly Bill No. 293—AN ACT relating to elections; providing in certain circumstances for presidential preference primary elections; setting forth requirements and procedures for any presidential preference primary election; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 6.
Bill read second time and ordered to third reading.

Assembly Bill No. 85.
Bill read second time and ordered to third reading.

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

Assembly Bill No. 162.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 142.
Bill read third time.
Remarks by Assemblymen Ohrenschall, Pickard, Flores, and Edwards.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 142 authorizes the district court to make the factual findings necessary to enable a child to apply for federal status as a special immigrant juvenile. The findings may be made by the district court at any time during a proceeding held in the district court or a division of the district court having jurisdiction to make judicial determinations regarding the custody and care of juveniles. A person may file a petition with the court requesting that the court make these findings to enable a child to apply for status as a special immigrant juvenile. If the court determines there is evidence to support these findings, the court is required to issue an order setting forth the findings. This measure also provides that any records containing information concerning the immigration status of such a child that are not otherwise confidential must be sealed and made available for inspection only by certain persons. Lastly, the Supreme Court is required to adopt any rules and procedures necessary to implement the provisions of this bill.

ASSEMBLYMAN PICKARD:

I rise in support of this bill. I think it is important to understand that this is intended to protect the most vulnerable among us, however they may have arrived in our country. We have a duty to protect them, and this is a small step in ensuring that they achieve the protections that they need.

ASSEMBLYMAN FLORES:

I rise in support. I just want to let my colleagues know that this entire conversation that wraps around this bill is about federalism. The idea is very simple. Federal law dictates what the definition is and what the law is under special immigrant juvenile, procedurally how that works. Federal law dictates that it is up to the state to grant this guardianship and/or custody because federal law recognizes that every single state has different laws pertaining to guardianship and custody. The differences that we have in the states mandate that we give the flexibility to each individual jurisdiction to say how that is going to work. But it is federal law mandating, telling us that we have to do it. The reason we had to bring this bill forward is that there is no parity right now between federal law and state law. Federal law is mandating that we do this and the state law has no guidance. All this bill does is take the federal language, we put it in the NRS [*Nevada Revised Statutes*], and we create guidance so that the courts know what they are supposed to do per federal mandate, and then it goes through the vetting process at the Department of Homeland Security level. We are not giving any more authority than federal law mandates that we give. I urge all of my colleagues to vote in support of this measure.

ASSEMBLYMAN EDWARDS:

This bill has been a little bit back and forth in my mind as far as the federalism issues, the judicial issues, and so on. I can understand the comments of my colleague from the south. I think it clarified a couple of things for me, and I would say this: As we move forward with this kind of legislation, we need to be very mindful of just what a contentious issue this could be. I want to make sure that we make sure the state does what the state is supposed to do, and the feds do what they are supposed to do, and we never intermingle the two. I will be supporting the measure, but I do so while issuing some caution that we do it right.

Roll call on Assembly Bill No. 142:

YEAS—38.

NAYS—Krasner, Marchant, McArthur, Wheeler—4.

Assembly Bill No. 142 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 146.

Bill read third time.

Remarks by Assemblyman Watkins.

ASSEMBLYMAN WATKINS:

Assembly Bill 146 enacts the Uniform Recognition and Enforcement of Canadian Domestic-Violence Protection Orders Act. The measure provides for the enforcement and registration of domestic violence protection orders issued by Canadian courts. The state, its agencies and political subdivisions, and certain persons who enforce a Canadian domestic violence protection order based upon a reasonable belief that the order is valid, or refuse to enforce such an order based upon a reasonable belief that the order is not valid, are provided immunity from civil or criminal liability.

Roll call on Assembly Bill No. 146:

YEAS—42.

NAYS—None.

Assembly Bill No. 146 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 191.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Assembly Bill 191 requires the State Board of Health to develop and distribute to hospitals and obstetric centers a declaration for the voluntary acknowledgment of parentage. This declaration is deemed to have the same effect as a judgment or order of a court determining the existence of the relationship of parent and child if the declaration is signed in this or any other state by the parents of the child. A signed declaration is required to show consent by a person who intends to be a parent of a child born by assisted reproduction. Additionally, the measure prohibits the adoption of certain children of whom Nevada is or was the home state except upon an order of a district court. The bill removes the requirement that a petitioner must have resided in Nevada for a period of six months before the granting of the petition for adoption of a child.

Roll call on Assembly Bill No. 191:

YEAS—42.

NAYS—None.

Assembly Bill No. 191 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that Assembly Bill No. 141 be rereferred to the Committee on Ways and Means.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Brooks, the privilege of the floor of the Assembly Chamber for this day was extended to Yale Yeandel.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to John Petkus, Kristopher Sanchez, Renata Szczech, Anna Maria Anders, Mariusz M. Brymora, Beata Drzazga, and Erica Adler.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Katelyn Green.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to Karin Hilgersom, Matthew Helmick, Kyle Dalpe, and Elena Bubnova.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Wednesday, March 15, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:20 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE THIRTY-EIGHTH DAY

CARSON CITY (Wednesday), March 15, 2017

Assembly called to order at 11:30 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Neal, who was excused.

Prayer by the Chaplain, Reverend Carlton Fogg Jr.

Almighty Father, thank You for gathering us all here today for Veterans and Military Day at the Legislature. I ask that You guide our elected officials during their deliberations and decisions for the betterment of the great state. May You keep their minds and thoughts clear and understanding so their choices will be for the good of the people of Nevada.

Father, I ask that we never forget those that cannot be here with us today, due to illness, or those serving at home, at sea, and on foreign shores. Let us not forget our POWs and MIAs who will someday be located and returned to this great country. I ask You to bless our Governor and this Assembly, our military and its veterans. And may God bless the state of Nevada and the United States of America.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 148, 239, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Joint Resolution No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

OLIVIA DIAZ, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 17, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RICHARD CARRILLO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 14, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 85.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Brooks, Frierson, Yeager, Watkins, Benitez-Thompson, Paul Anderson, Araujo, Bilbray-Axelrod, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Flores, Fumo, Jauregui, Joiner, McCurdy, Miller, Monroe-Moreno, Neal, Ohrenschall, Spiegel and Thompson; Senators Segerblom, Ford, Cancela, Spearman, Cannizzaro, Manendo, Ratti, Roberson and Woodhouse:

Assembly Joint Resolution No. 10—Expressing opposition to the development of a repository for spent nuclear fuel and high-level radioactive waste at Yucca Mountain in the State of Nevada.

Assemblyman Brooks moved that the resolution be referred to the Committee on Commerce and Labor.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywoman Bustamante Adams:

Assembly Bill No. 294—AN ACT relating to taxation; requiring certain hosting platforms to collect and remit taxes on the rental of transient lodging under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblyman Kramer (by request):

Assembly Bill No. 295—AN ACT relating to occupational safety; establishing safety standards for fall protection relating to residential construction; and providing other matters properly relating thereto.

Assemblyman Kramer moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Elliot Anderson:

Assembly Bill No. 296—AN ACT relating to legislative measures; eliminating certain statutory limits and deadlines regarding requests for legislative measures by Legislators and legislative committees; and providing other matters properly relating thereto.

Assemblyman Elliot Anderson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Jauregui and Ohrenschall:

Assembly Bill No. 297—AN ACT relating to local government; requiring each governing body of a county, city or town to designate one or more fire stations or police stations as a site for the completion of the sale of personal property initiated on the Internet; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 298—AN ACT relating to water; defining "perennial yield"; authorizing, under certain circumstances, the State Engineer to consider the approval of a monitoring, management and mitigation plan; setting forth certain requirements for a monitoring, management and mitigation plan; requiring the State Engineer to provide notice of a proposed monitoring, management and mitigation plan; authorizing the State Engineer to approve an amendment to a monitoring, management and mitigation plan; defining "environmentally sound" and "unappropriated water" for certain purposes; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Swank moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Cohen, Jauregui, Ohrenschall and Swank:

Assembly Bill No. 299—AN ACT relating to health care; requiring a person who provides care to persons in certain facilities for compensation to receive training concerning the provision of care; and providing other matters properly relating thereto.

Assemblywoman Cohen moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman Cohen:

Assembly Bill No. 300—AN ACT relating to industrial insurance; increasing the time limits that apply to a plan for a program of vocational rehabilitation for an injured employee who does not have existing marketable skills; increasing the time limits that apply to any extension of such a plan; and providing other matters properly relating thereto.

Assemblywoman Cohen moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Sprinkle:

Assembly Bill No. 301—AN ACT relating to public employees; providing that certain communications between parties during a peer support counseling session for law enforcement or public safety personnel are confidential and not admissible in certain proceedings; conferring upon certain law enforcement and public safety personnel a privilege to refuse to disclose those communications; and providing other matters properly relating thereto.

Assemblyman Sprinkle moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 302—AN ACT relating to governmental administration; transferring the Division of Parole and Probation from the Department of Public Safety to the Department of Corrections; and providing other matters properly relating thereto.

Assemblyman Yeager moved that the bill be referred to the Committee on Corrections, Parole, and Probation.

Motion carried.

Senate Bill No. 85.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Taxation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 23.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that Assembly Bill No. 23 be taken from General File and rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 6.

Bill read third time.

Remarks by Assemblyman Marchant.

ASSEMBLYMAN MARCHANT:

Assembly Bill 6 requires a business whose primary purpose is to create or produce motion pictures to obtain a state business registration with the Secretary of State.

Roll call on Assembly Bill No. 6:

YEAS—41.

NAYS—None.

EXCUSED—Neal.

Assembly Bill No. 6 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 85.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 85 removes a condition that requires instruction in cardiopulmonary resuscitation techniques and the use of an automated external defibrillator be provided as part of a course of study in health taught to pupils in public and private secondary schools only to the extent money is available for that purpose, thereby making such instruction mandatory. This bill is effective on July 1, 2017.

This is a bill that was brought to ensure that our younger students in school are able to have just the basic understanding of the things that I mentioned in the summary. This personally affected me when I was in high school because I was able to assist in resuscitating my own mom when I was in high school. I know how important this would be to help our younger students that may come across this. We had testimony to that effect, somebody that saved their father. I would really ask the body to pass this bill.

Roll call on Assembly Bill No. 85:

YEAS—41.

NAYS—None.

EXCUSED—Neal.

Assembly Bill No. 85 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 162.

Bill read third time.

Remarks by Assemblyman Brooks.

ASSEMBLYMAN BROOKS:

Assembly Bill 162 authorizes state and local government entities to accept a permanent resident card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security for the purpose of identifying a person. The bill also prohibits a business that accepts a driver's license or identification card issued by Nevada's Department of Motor Vehicles from refusing to accept a permanent resident card for the same purpose.

Roll call on Assembly Bill No. 162:

YEAS—41.

NAYS—None.

EXCUSED—Neal.

Assembly Bill No. 162 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 24; Senate Bills Nos. 58 and 70.

REMARKS FROM THE FLOOR

Assemblyman Wheeler requested that the following remarks be entered in the Journal.

ASSEMBLYMAN EDWARDS:

America was born in revolution. Through the amazing patriotism of the colonial soldier and sailor, these United States were created. For 240 years, patriots of every generation have heeded the call for military service in defense of our republic—240 years of dedication, sacrifice, and unswerving commitment to the ideals of this great nation. In times of war and of peace, those we call veterans rose to face dangers known and unknown, protected our citizens, and preserved our way of life.

Only 10 percent of Americans today can claim the title of veteran. Since the horrific terrorist attacks of September 11, only 1 percent of our population has worn the country's uniform. Currently, less than 1 percent of our citizens are defending us in the Global War on Terrorism. To paraphrase Winston Churchill, never have so many owed so much to so few.

It is perhaps very fitting that today, as we celebrate Veterans and Military Day at the Nevada Legislature, we remember our state nickname, Battle Born. For like America, the Silver State was born in war, indeed the bloodiest and most horrific in our history. Our veterans have lived up to the state motto All for Our Country ever since, serving around the world in every conflict. Indeed, 894 have made the ultimate sacrifice for our country, their families, this state, and for us.

What we rarely hear about are the sacrifices made by the families of military service members and veterans. While those on active duty carry out their responsibilities during their deployments, families must soldier on during holidays, anniversaries, school plays, and all those invaluable moments, absent their loved ones. Most will tell you that their families are their heroes. As we honor our veterans and military service members today, let us take a moment to say thank you to those loved ones who are so left behind.

While we express our appreciation for the service and sacrifices freely given by our soldiers, sailors, airmen, marines, and veterans, let us make sure that this Legislature provides them the means to take care of themselves and their loved ones. Let us dedicate our time here in the legislative session to doing the right things for those who have done so much right for us. We owe that to Nevada's 300,000 service members and veterans.

Please join me in thanking the military service members and veterans here today, those around the Battle Born State, and especially those stationed or deployed on foreign shores for their service, sacrifice, dedication, and love of country.

ASSEMBLYMAN OSCARSON:

It is my distinct honor and privilege to have with me today Mr. Gil Hernandez, Mr. Frank Reynolds, and Brigadier General William Burks. Mr. Reynolds and Mr. Hernandez are both Purple Heart recipients.

With your permission, Mr. Speaker, I would like to give some brief remarks. This Proclamation of the Nevada Legislature designates the state of Nevada as a Purple Heart State. It strongly encourages Nevadans to honor Purple Heart recipients and honors the service and sacrifice of the nation's men and women in uniform wounded or killed by the enemy while serving to protect our freedoms.

The Purple Heart is awarded to members of the armed forces who are wounded or killed in action as a result of enemy activity. The Purple Heart is the oldest known military decoration in the United States that continues to be used and was created as the badge of Military Merit by General George Washington. To honor combat-wounded veterans for their service and sacrifice,

several states have designated their states as Purple Heart States. Today we honor Purple Heart veterans by designating Nevada as a Purple Heart State.

Gentlemen, it is one of my most distinct honors and privileges to present this to you.

ASSEMBLYMAN KRAMER:

I am a veteran of the United States Army. I volunteered at a time when many were leaving the country to avoid being drafted. While I was trained for and expected to serve in Vietnam, I served in the United States and Korea. I believe that the United States military is by far the most prejudice-free, merit-based organization on earth. It used to be that the Army would take someone who was given the choice of jail or military service—not any more. Today you have to be a high school graduate and actually have references. The Army wants trainable recruits who can learn to work a high-tech job. The Army is also a place where an economically disadvantaged person can go to learn a skill and, perhaps more important, save money for college. I am proud of my service and will encourage my grandchildren to serve. Please join me in giving thanks to our veterans and I ask you to remember that all gave some, but some gave all.

Assemblyman Wheeler requested that the following proclamation be entered in the Journal.

PROCLAMATION

WHEREAS, The residents of the State of Nevada have great admiration and the utmost gratitude for the men and women who have served our country and this State in the Armed Forces of the United States, selflessly making personal sacrifices to defend our freedom, leaving their families and homes, and placing themselves in harm's way for the good of all; and

WHEREAS, The courage of these men and women who have served in the Armed Forces has been fundamental to maintaining the freedom and quality of life enjoyed by our citizens; and

WHEREAS, The Purple Heart is the oldest known military decoration in the United States that continues to be used and was created as the Badge of Military Merit by General George Washington on August 7, 1782; and

WHEREAS, The Purple Heart is specifically a combat decoration, awarded to members of the Armed Forces of the United States who are wounded by an instrument in the hands of the enemy, and posthumously to the family members of those who were killed in action, who died of wounds received in action or who died as prisoners of war while in captivity; and

WHEREAS, Since 1864, there have been 894 residents of this State awarded the Purple Heart for giving their lives in armed combat, and many more who have been awarded the Purple Heart for wounds received in combat; now, therefore, be it

PROCLAIMED, That the members of the 79th Session of the Nevada State Legislature do hereby designate the State of Nevada to be a Purple Heart State; and be it further

PROCLAIMED, That the members of the 79th Session of the Nevada Legislature hereby acknowledge with gratitude the service of and sacrifices made by the men and women in uniform who have been wounded or killed by the enemy while serving to protect our freedom; and be it further

PROCLAIMED, That the members of the 79th Session of the Nevada Legislature strongly encourage all Nevadans to remember and honor the recipients of the Purple Heart.

DATED this 15th day of March, 2017.

JASON FRIERSON
Speaker of Nevada Assembly
Nevada State Assembly

AARON D. FORD
Majority Floor Leader
Nevada State Senate

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Elliot Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Larson and Rick Russell.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Justine Beal and Darrol Brown.

On request of Assemblyman Brooks, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Beckett, Ryan Gerchman, and David Sousa.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Al Camp and Barry L. Combs.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Musgrove.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Katherine Baran, Ed Crawford, and Timothy Curran.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Zac Chellini, Dori Chellini, Richard Vlach, and the following students, teachers, and chaperones from Sierra Nevada Academy Charter School: Khale Artie, Liam Burke, Shayla Cary, Colton Churchill, Aaliyah Davis, Tristan De Leon, Isabella Delarosa, Aria Dougy, Asazia Dougy, Chance Drotar, Jose Flores Emery, Zaidee Gagliano, Mishael Ganyon, Kylie Halstead, Jacob Holt, Richard Angelo Ignacio, Kendall Ilten, Makani Johnson, Syaza Johnson, Sheldon Kay, Colton Lanfair, Annalita Muller, Jaime Munoz-Rios, Isabella Parra-Ibarra, Sienna Pedro, Jocobi Regan-Schoenfeldt, Aaliyah Reyes Padilla, Aiden Russel, Christopher Sears, Daniel Senteney, Vanessa Sherwood, Charisma Shipley, Annaleise Sluis-Moreno, Shane Sullivan, Haylee Thomsen-Garcia, Aidan Tokarz, Jennifer Villanueva, Ayden Warren, Kaylee Washburn, Kean Matheu Altura, Jeremy Ball, Jared Contreras, Autumn Hart Contreras, Austin Green, Leslie Guerrero, Lydia Haggard, Alexander Hamilton, Tabitha Helmers, Trinity Hranac, Riddik Huber, Brendan Ilten, Kayla Jacobo, Kaleb Joiner, Tristin La Fever, Juan Carlos Lopez, Sarai Meza Muro, Maria Nunez Martinez, Ashley Pearch, Leighana Penland-Dowdy, Emma Pierce, Lara Pippin, Andre Preciado, Collin Rice, Jacob Rogers, Alicia Tachiera, Nikka Janine Tirona, Noah Jade Tirona, Cassaundra Boettcher, Eric Cipriani, Morgan Contreras, Christian Cordez, Sophia Cortez, Hailie Eisemann, Anthony Flores-Emery, Alexis Gagliano, Andrew Gonzales, Ryan Grauert, Scarlette Hines, Nathan Holt, Jacob Joiner, Ashley Lamas, Bethany Mills, Jayden Milton, Gabriella Novak, Aedyn Orduno, Adrik Owen, Trevor Palmer, Taylor Sneyd, Jordan Stock, Giselle Tellez Garcia, Kayden Thrailkill, Benjamin Urena, Caleb Washburn, Makayla Agnew, Kylie Andrews, Rhiannon Burkett, Emma Burkett, Justyce Campbell, Joseph Contreras, Tyler Cordez, Cyless Cuthbertson, Gideon Fry, Lila Gettman,

Kobe Gonzalez, Tyler Grauert, Nicholas Greene, Brandon Guerrero, Caleb Hyde, Giovanni Johnson, Thomas Johnson, Chayton Johnson, Payton Lusica, Paola Madera Ugalde, Claudia McCoy, Emily Moss, Miriam Pippin, Nickolas Provencio, Ladawn Sears, Jaylynne Setser, Natalja Sommerfeld, Angela Villa, Evan Wagoner, Keyonni Washington, Kendra Andrews, Grace Buttacavoli, Jacob Davis, Zachary Davis, Daisy Guillen Harvey, Shayla Hatch, Zandria Hines, Tavik Huber, Mateo Inocence Robles, Savannah Johnson, Trinity Lorenzo, Jonathan Norwood, Claudia Ortiz-Meza, Rebecca Parmenter, Ananya Phonchana, Emma Rash, Kaiden Regan, Iris Rodriguez Ramirez, Tooba Sajid, Anthony Senteney, Brian Sosa, Jerrika Wilson, Aliana Aguilera, Gretchen Andrews, Blake Antisdel, Samantha Conrad, Jazmine Cuenca, Wyatt Dugger, Bladen Fischer, Asahni Graffenread, Jasmine Guillen-Harvey, Timothy Haggard, Shaylee Hall, William Hines, Dylan Hines, Rosabella Lazzari, Mason Madsen, Wyatt McDevitt, Claire McGaffick, Lucas Meyer, Jeramiah Miller, Zayvian Mitchel, Isabella Muller, Citlali Padilla, Chelsea Pandaan, Katie Pearch, Cylus Piper-Turner, Karma Ragsdill, Owen Reynoso, Hunter Roth, Ahlias Shoemake, Shayleigh Sidener, Odin Subia, Jessie Sweet, and Hania Thomas.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Robert White, Lauren Szendre, and Chris Berggren.

On request of Assemblyman Edwards, the privilege of the floor of the Assembly Chamber for this day was extended to Isabelle Dullanty, Alexis Paradas, Michael Piliant, Gabriel Pope, Luis Rowell, Elizabeth Vogel, Joey Lopresti, Anna Cuadras, Nicole Brown, Adam Daniels, Constance Chan, Alyssa Sanders, Cameron Zenor, Andrea M. Fogg, Carlton Fogg Jr., Tom Bush, Bill Baumann, Jose Velasco, Sean Cummings, All Kerstetter, Josh Ketchum, Ernie Neill, Paul Lunsford, Vaughn Moncrieff, Barry Jones, Ted Inness, Chris Galloway, and Tesha Seawell.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Ron Gutzman, Jeannette Rae-Evans, and Dan Meyer.

On request of Assemblyman Fumo, the privilege of the floor of the Assembly Chamber for this day was extended to Alan Bergstrom and Klye Vaughn.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Higgins and Verne Horton.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Phil Jacka.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Kevin Burns.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Danny Rhodes, Desiree Zepeda, Jemi Picazo, Victor Arriaga, Mary Angeline Asis, Jairo Bonilla, Estefania Caldera, Miesha Colli, Alexandra Diaz, Leialoha Epui, Lesieli Epui, Stephanie Fregoso, Jasmin Gaines, Logan Lustig-Stone, Denyse Marquez, Karen Miranda, Brian Padilla, Jeimi Picazo, Danny Rhodes, Vasilia Rodriguez, Araceli Salazar, Desiree Zepeda, and Destiny Zepeda.

On request of Assemblyman Kramer, the privilege of the floor of the Assembly Chamber for this day was extended to Syndney Larsen and Kacey Larsen.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to William Moore, Grace Moore, and Nathan Johnston.

On request of Assemblyman Marchant, the privilege of the floor of the Assembly Chamber for this day was extended to Timothy Letts, Shawn Salazar, and Clinton Sisk.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to John Warden and Gary Windisch.

On request of Assemblywoman Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Kelly, Jim Jackson, and Norbert Monahan.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Fred Wagar and Jerry Franco.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Dolan, Gil Hernandez, Frank Reynolds, and Brigadier General William Burks.

On request of Assemblyman Pickard, the privilege of the floor of the Assembly Chamber for this day was extended to Ryan Rogers and Dick French.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Frank Zuniga and Anthony Lonigro.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Caleb Harris, Jack Delaney, and Erin Glaser.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Jonathon Williams and the following students, teachers, and chaperones from Churchill County High School: Makaela Wheeler, Dylan Baker, Justin Cathey, Alexis Duenas, Jolene Dyer, Hannah Evans, Emily Evett, Melinda Fagundes, Megan Lanski, Marie Lawson, Kristen Marsh, Mahal Moon, Amelia Sanchez, Gracie Sanchez, Karen Sanchez, Whitney Skabelund, Ashby Trotter, A.J. Wassmuth, Cassie Webb, and Trevor Wuth.

On request of Assemblyman Watkins, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Acheson, Dave Evans, and Ed Tuper.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Spencer, Brandi King Spencer, and Joe Matisohm.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Whiston and Jon Yuspa.

On request of Assemblyman Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Wolfe and Larry Knack.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Thursday, March 16, 2017, at 12 noon.

Motion carried.

Assembly adjourned at 12:04 p.m.

Approved:

JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE THIRTY-NINTH DAY

CARSON CITY (Thursday), March 16, 2017

Assembly called to order at 12:26 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Tony Brandon.

King of Heaven and Earth, thank You for this magnificent state we are privileged to live in. I am grateful for every man and woman holding governmental positions of authority.

Cause them to be men and women of integrity, concerned first and foremost with the common good. Grant them the deepest of insight to solve our most daunting challenges.

I pray that each member would exercise the humility to discern how to best co-labor with those that might see issues differently than they.

Make their hearts and ears alert to good counsel. Honor each one for the investment they make participating in this, our representative government. I pray a blessing over their families, acknowledging that they, too, sacrifice for the sake of our state.

May our proceedings be held in a spirit of mutual respect and civility.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Senate Joint Resolution No. 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

OLIVIA DIAZ, *Chair*

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-2803

March 15, 2017

THE HONORABLE JASON FRIERSON, *Speaker of the Nevada Assembly*
THE HONORABLE AARON FORD, *Majority Leader of the Nevada State Senate*
401 South Carson Street
Carson City, Nevada 89701

DEAR SPEAKER FRIERSON AND LEADER FORD:

I respectfully request the opportunity to address the distinguished members of the Nevada Legislature on Wednesday, April 12, 2017. I look forward to sharing with you and your colleagues information regarding the important issues the United States Congress will be facing

in the upcoming months and how they will affect the state of Nevada. I thank you in advance for your consideration of my request, and I look forward to seeing you soon.

Should you have any questions or concerns, please contact my Scheduler, Nicole Echeto, at 202-225-3252.

Sincerely,
JACKY ROSEN
Member of Congress
(NV-03)

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 15, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 148, 197, 198.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Monroe-Moreno, Ohrenschall, Carrillo, Diaz, Yeager, Araujo, Bilbray-Axelrod, Cohen, Daly, Frierson, Fumo, McCurdy, Miller, Neal and Thompson; Senators Segerblom, Spearman, Ford and Cancela:

Assembly Bill No. 303—AN ACT relating to corrections; requiring core correctional services to be provided only by the State or a local government; repealing provisions relating to the operation of private facilities and institutions that house prisoners; and providing other matters properly relating thereto.

Assemblywoman Monroe-Moreno moved that the bill be referred to the Committee on Corrections, Parole, and Probation.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 304—AN ACT relating to autism; revising certain provisions relating to eligibility for services provided or coordinated by the Autism Treatment Assistance Program within the Division of Public and Behavioral Health of the Department of Health and Human Services; redefining the term "autism spectrum disorder" for certain purposes; and providing other matters properly relating thereto.

Assemblyman Sprinkle moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 305—AN ACT relating to education; requiring each public school to display a poster featuring the toll-free telephone number for a child abuse or neglect hotline; requiring the Division of Child and Family Services of the Department of Health and Human Services to design and distribute the poster to the boards of trustees of school districts and the governing bodies of charter schools for posting at the public schools; and providing other matters properly relating thereto.

Assemblyman Sprinkle moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 306—AN ACT relating to taxing districts; requiring a percentage of the money collected from certain surcharges on the per night charge for the rental of a room in a hotel in certain taxing districts to be used to solicit and promote tourism in the districts; and providing other matters properly relating thereto.

Assemblyman Flores moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Oscarson and Sprinkle:

Assembly Bill No. 307—AN ACT relating to emergency medical services; requiring certain host organizations for special events to obtain from the applicable local government an approval concerning the reserve transport services that are to be provided by the host organization at a special event; and providing other matters properly relating thereto.

Assemblyman Oscarson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 148.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 197.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 198.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 17.

Bill read second time and ordered to third reading.

Assembly Bill No. 148.

Bill read second time and ordered to third reading.

Assembly Bill No. 239.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 7.

Resolution read second time and ordered to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Initiative Petition No. 1.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Kim Rudd, Richard Perkins, James Villeneuve, and Brian Haswell.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Gavin Nardocchio-Jones, Patricia Elliott, Beril Unver, and Mackenzie Radan.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Arrianna Holwell and Grant Foss.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Lily Haack and Forrest Hansen.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Russ Jernee, Mike Weyand, and Todd Chafee.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Jessica Lamb and Kaia Bartling.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Rennae Daneshvary.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Friday, March 17, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:43 p.m.

Approved:

JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FORTIETH DAY

CARSON CITY (Friday), March 17, 2017

Assembly called to order at 11:43 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Cohen and Oscarson, who were excused.

Prayer by the Chaplain, Pastor Tony Brandon.

Lord, as these gifted men and women serve the people of the state of Nevada, and as they make decisions that influence the entire state, I pray that You will fill them with supernatural insight, compassionate sensitivity, convictional kindness, and abounding wisdom.

The needs are many, and the tasks are overwhelming. They need You, and they need each other, in order to provide hope for the people of this great state. So work through them today to bring about good and prosperity for all.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

March 17, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 124, 166, 169, 189, 229 and 233.

MARK KRMPOTIC
Fiscal Analysis Division

Assemblywoman Benitez-Thompson moved that persons as set forth on the Nevada Legislature's Press Accreditation List of March 17, 2017, be accepted as accredited press representatives, assigned space at the press table in the Assembly Chamber, allowed use of appropriate broadcasting facilities, and that the list be included in this day's Journal:

EL TIEMPO (HISPANIC PUBLICATION/LAS VEGAS REVIEW-JOURNAL): Anthony Avellaneda; KOLO-TV: Wade Barnett, Ed Pearce; LAS VEGAS REVIEW-JOURNAL: Victor Joecks; LAS VEGAS SUN: Chris Kudialis; LOTUS BROADCASTING: Chuck N. Baker; UNIVISION/ENTRAVISION: Anya Arechiga.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Frierson, Araujo, Thompson, Diaz, Bustamante Adams, Carlton, Carrillo, Cohen, Jauregui, Joiner, McCurdy, Miller, Monroe-Moreno, Ohrenschall, Swank and Yeager:

Assembly Bill No. 308—AN ACT relating to legislative measures; authorizing a Legislator to request a disparate impact statement estimating the effect of a bill or joint resolution on certain persons; setting forth the procedures, form and content for such statements; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Cohen, Miller, Yeager, Watkins, Frierson, Benitez-Thompson, Fumo, Jauregui, Monroe-Moreno, Sprinkle and Swank; Senators Spearman and Parks:

Assembly Bill No. 309—AN ACT relating to state employment; requiring the appointment of a Veteran Personnel Coordinator and establishing the duties of that position; imposing additional duties on the Administrator of the Division of Human Resource Management of the Department of Administration relating to veterans and certain widows and widowers; revising provisions governing the preference provided to veterans and certain other persons on examinations for the classified service; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Titus:

Assembly Bill No. 310—AN ACT relating to public administrators; revising provisions governing the payment of compensation for certain public administrators; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Titus and Senator Settelmeyer (by request):

Assembly Bill No. 311—AN ACT relating to taxation; revising the provisions governing a request by a local government or special district for an allocation of money from the Local Government Tax Distribution Account; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Miller, Spiegel, Ohrenschall, Carrillo, Araujo, Brooks, Daly, Diaz, Jauregui, Monroe-Moreno, Neal and Thompson; Senator Segerblom:

Assembly Bill No. 312—AN ACT relating to educational personnel; requiring that the statewide performance evaluation system recommended by

the Teachers and Leaders Council of Nevada ensure that certain teachers receive the highest score possible in specified areas of evaluation; requiring the State Board of Education to prescribe for such purposes the maximum pupil-teacher ratio in certain grades; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Wheeler, Oscarson, Hambrick, Ellison, Kramer, Marchant and Pickard:

Assembly Bill No. 313—AN ACT relating to privacy; prohibiting a person from collecting, using, storing or disclosing geolocation information from a location-based application on an electronic communication device unless certain conditions are met; authorizing a private right of action; providing that such collection, use, storage or disclosure constitutes a deceptive trade practice; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 314—AN ACT relating to estates; revising provisions relating to property exempt from a writ of execution; revising provisions relating to nonprobate transfers of property; establishing provisions relating to community property transferred into an irrevocable trust; revising certain definitions applicable to the administration of an estate; revising provisions relating to the revival of a will and the proving of a will as lost or destroyed; revising provisions concerning contests of wills; authorizing the extension of the period during which an agreement between an heir finder and apparent heir is void and unenforceable; revising provisions concerning special administrators and personal representatives; revising provisions relating to the filing of an inventory and appraisement or record of value of the assets of a decedent; revising provisions governing the presentation of claims against and the sale of real property of an estate; revising provisions relating to the period within which certain actions are performed; authorizing notice to be served by certified mail; revising provisions concerning fiduciaries; revising various provisions governing trusts and trustees; authorizing a person to provide for the burial or cremation of his or her remains in a will or durable power of attorney; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Thompson, Carrillo, Frierson, McCurdy and Neal:

Assembly Bill No. 315—AN ACT relating to barbering; temporarily authorizing a person to apply to the State Barbers' Health and Sanitation Board for a license to operate a mobile unit for the practice of barbering; requiring the Board to issue such a license under certain circumstances; imposing fees for the inspection and licensure of mobile units; providing for the regulation of mobile units; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Thompson, Yeager, Ohrenschall, Araujo, Carrillo, Fumo, McCurdy, Miller and Monroe-Moreno; Senators Segerblom and Harris:

Assembly Bill No. 316—AN ACT relating to offenders; revising provisions governing the services provided to an offender before the offender's release; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Corrections, Parole, and Probation.

Motion carried.

By Assemblywoman Spiegel:

Assembly Bill No. 317—AN ACT relating to business practices; prohibiting a person from adopting certain fictitious names; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Tolles:

Assembly Bill No. 318—AN ACT relating to state governmental procurement; requiring the connection between the bidder and the State of Nevada to be considered as a factor with respect to the award of certain state purchasing contracts; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Sprinkle and Senator Harris:

Assembly Bill No. 319—AN ACT relating to guardianships; revising provisions governing the guardianship of minors; authorizing the appointment of an advocate for the best interests of a proposed protected minor in guardianship proceedings; revising the required contents of a citation in guardianship proceedings for a protected minor; revising the procedures for requesting the appointment of a temporary guardian for

certain minors; requiring the assignment of child support payments to a guardian for the support of a protected minor; authorizing the award of visitation rights between a protected minor and certain relatives; revising the factors for consideration in guardianship determinations regarding a protected minor; revising provisions for changing the residence of a protected minor to a location outside of this State; revising provisions governing obligations due to or for a protected minor; establishing certain requirements for the filing of a verified account upon the emancipation of a protected minor; providing for the extension or establishment of a guardianship of a minor after the age of majority; establishing certain required showings for certain terminations of guardianships; making various other changes pertaining to guardianships; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Frierson and Fumo:

Assembly Bill No. 320—AN ACT relating to education; revising provisions relating to pupil achievement data as a component of the statewide performance evaluation system for employees; revising provisions relating to the number of evaluations that certain employees are required to receive; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

SECOND READING AND AMENDMENT

Senate Joint Resolution No. 2.

Resolution read second time.

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

Amendment No. 50.

SENATORS SPEARMAN, CANCELA, CANNIZZARO, RATTI, WOODHOUSE; ATKINSON, DENIS, FARLEY, FORD, MANENDO, PARKS AND SEGERBLOM

ASSEMBLYMEN **ARAUJO, BILBRAY-AXELROD, BROOKS, BUSTAMANTE ADAMS, CARLTON, CARRILLO, COHEN, DIAZ, FRIERSON, JAUREGUI,** JOINER, MILLER ~~[AND]~~ **, MONROE-MORENO, OHRENSCHALL, SPIEGEL,** SPRINKLE **AND YEAGER**

SENATE JOINT RESOLUTION—Ratifying the proposed amendment to the Constitution of the United States providing that equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

Legislative Counsel's Digest:

Under Article V of the United States Constitution, Congress has the power to propose an amendment to the federal Constitution and to determine the mode of ratification. (U.S. Const. Art. V) In 1972, Congress passed the Equal Rights Amendment and sent it to the states for ratification, imposing a 7-year time limit for ratification in the resolving clause of the Amendment, but later extended this time limit to June 30, 1982. The Equal Rights Amendment was ratified by 35 states before the deadline. Under *Coleman v. Miller*, 307 U.S. 433, 450, 456 (1939), the United States Supreme Court held that, as a political question, Congress may determine whether an amendment is valid because ratifications of the amendment are made within a reasonable period of time, even after the deadline. This resolution ratifies the Equal Rights Amendment, which provides for equality of rights under the law regardless of sex.

WHEREAS, Both houses of the 92nd Congress of the United States of America, by a constitutional majority of two-thirds, adopted the following resolution proposing to amend the United States Constitution:

RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED (TWO-THIRDS OF EACH HOUSE CONCURRING THEREIN), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

ARTICLE.....

Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Section 3. This amendment shall take effect two years after the date of ratification; and

WHEREAS, The 95th Congress of the United States amended the resolution of the 92nd Congress to extend the time for ratification to June 30, 1982, thereby indicating its continued support of the amendment; and

WHEREAS, The Congress of the United States adopted the 27th Amendment to the Constitution of the United States, which was proposed in 1789 by our First Congress but not ratified by three-fourths of the States until May 7, 1992, and, on May 18, 1992, certified as the 27th Amendment; and

WHEREAS, The restricting time limit for ratification of the Equal Rights Amendment is in the resolving clause and is not part of the amendment which was proposed by Congress and which has already been ratified by 35 states; and

WHEREAS, Having passed a time extension for the Equal Rights Amendment on October 20, 1978, Congress demonstrated that a time limit in a resolving clause may be disregarded if it is not part of the proposed amendment; and

WHEREAS, The United States Supreme Court in *Coleman v. Miller*, 307 U.S. 433 (1939), recognized that Congress is in a unique position to judge the tenor of the nation, to be aware of the political, social and economic factors affecting the nation and to be aware of the importance to the nation of the proposed amendment; and

WHEREAS, If an amendment to the Constitution of the United States has been proposed by two-thirds of both houses of Congress and ratified by three-fourths of the state legislatures, it is for Congress, under the principles of *Coleman v. Miller*, to determine the validity of the state ratifications occurring after a time limit in the resolving clause, but not in the amendment itself; and

WHEREAS, The Legislature of the State of Nevada finds that the proposed amendment is meaningful and needed as part of the Constitution of the United States and that the present political, social and economic conditions demonstrate that constitutional equality for women and men continues to be a timely issue in the United States; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the proposed amendment to the Constitution of the United States of America is hereby ratified by the Legislature of the State of Nevada; and be it further

RESOLVED, That the Secretary of the Senate **shall** prepare and transmit a copy of this resolution to the Secretary of State ~~[for her certification and transmittal]~~ **who shall keep it as a true record of the official acts of the Legislative Department of the State Government pursuant to Section 20 of Article 5 of the Nevada Constitution; and be it further**

RESOLVED, That the Secretary of the Senate shall prepare and transmit a certified copy of this resolution, duly authenticated, to the Archivist of the United States **at the National Archives and Records Administration** pursuant to 1 U.S.C. §§ 106b and 112 **~~[.]~~ , which shall serve as official notice that the proposed amendment to the Constitution of the United States of America is hereby ratified by the Legislature of the State of Nevada;** and be it further

RESOLVED, That the Secretary of the Senate **shall** prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblywoman Diaz moved the adoption of the amendment.

Remarks by Assemblywoman Diaz.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 17.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 17 requires the driver of a vehicle who approaches an authorized vehicle of the Department of Transportation that is stopped and is displaying a flashing amber light or a blue light that is located at the rear of the vehicle to take the same precautions that currently apply when approaching an emergency vehicle or a tow truck that is stopped and is displaying flashing lights. The effective date is July 1, 2017.

Existing law requires a driver who is approaching an emergency vehicle or a tow truck that is stopped and is displaying flashing lights to decrease his or her speed, proceed with caution, be prepared to stop, and if possible, drive in a lane that is not adjacent to the lane in which the vehicle or tow car is stopped. Existing law also provides that a violation of these requirements is a misdemeanor.

On March 30, 2015, Ron Raiche, Jr., a highway maintenance worker for Nevada's Department of Transportation [NDOT] was working on crucial repairs to Interstate 80 just west of Battle Mountain. Around 9:30 that morning, the driver of a commercial truck drifted onto the right shoulder and struck Ron, who was pronounced dead at the scene. Ron, who was from Battle Mountain, was just 47 years old when he passed away. He had worked just over one year at NDOT. He is missed by all those who had the opportunity to know and work with him.

Since 1948, 24 NDOT employees have tragically lost their lives in the line of service. In 2015, there were 12 fatal vehicle crashes in work zones on Nevada roads. Nationwide, work zone crashes claim three lives every day. It is crucial that we protect the men and women that build and maintain roads that we will all use every day. Assembly Bill 17 will go a long way to ensure that they receive that protection. For their own safety and for the safety of everyone working on our roads, it is critical for motorists to drive safely, slow down, and pay special attention to roadwork zones. Therefore, I urge the body to pass A.B. 17.

Roll call on Assembly Bill No. 17:

YEAS—40.

NAYS—None.

EXCUSED—Cohen, Oscarson—2.

Assembly Bill No. 17 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 148.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 148 increases the criminal penalty for a notary public who violates the restrictions on advertising his or her services or violates the prohibition against using certain terms on an advertisement if he or she is not a licensed attorney, from a gross misdemeanor to a category D felony for a second or subsequent offense that causes irreparable harm.

A person who willfully violates the provisions governing document preparation services is guilty of a gross misdemeanor unless the offense results in irreparable harm to a client, in which case the person is guilty of a category D felony.

Roll call on Assembly Bill No. 148:

YEAS—40.

NAYS—None.

EXCUSED—Cohen, Oscarson—2.

Assembly Bill No. 148 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 239.

Bill read third time.

Remarks by Assemblymen Yeager and Ohrenschall.

ASSEMBLYMAN YEAGER:

Assembly Bill 239 enacts the Revised Uniform Fiduciary Access to Digital Assets Act to establish provisions to give certain fiduciaries and other designated persons the legal authority to manage the digital assets and electronic communications of deceased or incapacitated persons. The measure also gives custodians of digital assets and electronic communications the legal authority to deal with a fiduciary or designated recipient of a person holding an account with the custodian.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of Assembly Bill 239. A lot of us do not like to talk about what will happen when we leave this mortal realm, but Assembly Bill 239 actually helps people deal with that in our modern technological era. Many of us, most of us, have email; a lot of us are on social media, Facebook, Instagram, and all those other accounts. A lot of us have not made plans as to what will happen to that account after we pass. Assembly Bill 239, the Revised Uniform Fiduciary Access to Digital Assets Act, will bring Nevada law into conformance with 23 other jurisdictions that have passed it, and it allows us to basically make a choice on that social media account, for Facebook and for Google Gmail, and decide whether you want someone to have that authority and have your account. Maybe there are family pictures; there are mementos, things you want your relatives to have. Maybe you want the account deleted upon your death; that is an option too.

If this passes, Nevada will become the 24th jurisdiction in the country to pass this. It will allow your testamentary wishes to be applicable, basically, online. It will not have to be part of the will or trust if you do not want it to be. This will really help our constituents. It is being considered in 17 other state legislatures right now. There was no opposition this year from any of the social media companies. It unanimously passed your Judiciary Committee. I urge its support.

Roll call on Assembly Bill No. 239:

YEAS—40.

NAYS—None.

EXCUSED—Cohen, Oscarson—2.

Assembly Bill No. 239 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 7.

Resolution read third time.

Remarks by Assemblymen Diaz and Hansen.

ASSEMBLYWOMAN DIAZ:

Assembly Joint Resolution 7 expresses the opposition of the Nevada Legislature to certain proposed changes to Medicare and the Old-Age and Survivors Insurance provisions of the Social

Security Act of 1935. The resolution urges Congress to work toward a bipartisan solution to preserve fully these benefits and to avoid privatization of the provisions.

Your committee on Legislative Operations and Elections heard your resolution to ensure that Americans receive those benefits that they were promised way early in their work careers. As elected representatives, we need to strive and work in a bipartisan manner to ensure that these promises are upheld and that we are going to continue to ensure that the program to take care of folks is there and augmented versus scaled back significantly. We are just trying to make a statement that what was promised to people is what we continue to provide for people.

ASSEMBLYMAN HANSEN:

I rise in opposition to Assembly Joint Resolution 7. In our hearing in Legislative Operations, I presented my great-grandfather's Social Security Card from 1936, so I want to make it very clear, I am not against Social Security or against Medicare. However, there are some important points I think we need to resolve in this thing. First, we have included the so-called Affordable Care Act, which has been anything but affordable. In fact, anybody that has anything to do with it in the state of Nevada knows the premiums are going through the roof at the same time the deductibles are also rising. I think we are down to one insurance company in the state that is willing to cover anybody under it. So I object to that in the bill, first of all. That should not have been included in it.

The other thing that I think it is important to note from a historical perspective is that the federal government, starting in the Lyndon Baines Johnson Administration in the 1960s, began to take all of the money that was sent into the so-called Social Security Trust Fund and diverted it into the federal government's general fund and replaced it with IOUs that they called bonds. If that had been done by a private company, it would have been the crimes of embezzlement and defalcation. One of the number one reasons that we are having problems today with Social Security, when it is compared in an actuarial table, is because the government for many, many years has essentially been robbing the cash that we are all putting into it, which we think is going into accounts for us, and spending it in the general fund.

Those are some reasons that I think we need to keep in mind here. Another thing this bill does is demonize anybody that suggests any solutions to the potential problem. Anybody who actually studies the issue knows that we have a big problem coming with these things because we, frankly, do not have the money set aside to pay off all the people in it. Yet the bill actually demonizes anybody who has any suggestions other than maintaining the status quo. So I urge my colleagues to vote no on this. I am certainly in favor of Social Security and Medicare, but I think the idea that we are going to pass a resolution demanding that we keep the status quo, including the Affordable Care Act, is a huge mistake.

Roll call on Assembly Joint Resolution No. 7:

YEAS—26.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Pickard, Titus, Tolles, Wheeler, Woodbury—14.

EXCUSED—Cohen, Oscarson—2.

Assembly Joint Resolution No. 7 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Erica Mosca.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Lee Hoffman, Lynne Hoffman, Jim Cooney, Jerry Cooney, and Michael Katsonis.

On request of Assemblyman Marchant, the privilege of the floor of the Assembly Chamber for this day was extended to William Wasserburger, Mary Fatzinger, and Robert Soucy.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Riggins.

On request of Assemblywoman Tolles, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Amanda Haboush-Deloye.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Michael McDonald and Brad Esposito.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Monday, March 20, 2017, at 11:30 a.m., and that it do so in memory of Naomi Millisor.

Motion carried.

Assembly adjourned at 12:24 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FORTY-THIRD DAY

CARSON CITY (Monday), March 20, 2017

Assembly called to order at 12:08 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Captain Mark Cyr.

Our God in Heaven, Father we thank You for this great state of Nevada. We thank You for these leaders of our state that have gathered here to determine the future and direction of our state. Bless them and their families for the sacrifice they make to lead. Lord, I ask that You give each of them wisdom and understanding to always seek the best for our state and its people. Lord, speak to their hearts and minds and direct them. Father, we pray these things in the precious name of Jesus.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 92, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MICHAEL C. SPRINKLE, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Hansen, Ellison, and McArthur:

Assembly Joint Resolution No. 11—Urging Congress to ensure that the Intermountain West Corridor does not bypass Mineral County.

Assemblywoman Benitez-Thompson moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblyman Edwards:

Assembly Concurrent Resolution No. 5—Directing the Legislative Commission to conduct an interim study concerning the requirements and costs of operating a business in this State.

Assemblywoman Benitez-Thompson moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Amendment No. 60 to Senate Joint Resolution No. 2 be placed on the Chief Clerk's desk.

Assemblymen Hansen, Wheeler, and Edwards requested a roll call vote.

Roll call on motion.

YEAS—27.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 2.

Resolution read third time.

Remarks by Assemblymen Ohrenschall, Diaz, Titus, Hansen, Tolles, and Carlton.

ASSEMBLYMAN OHRENSCHALL:

Senate Joint Resolution 2 ratifies the Equal Rights Amendment [ERA] to the *United States Constitution*. This resolution provides that the Secretary of the Senate must prepare and transmit a copy of S.J.R. 2 to the Secretary of State, who shall keep it as a record of acts of the Legislature. The Secretary of the Senate shall also transmit a certified copy to the Archivist of the United States and a copy of S.J.R. 2 to the Vice President of the United States, the Speaker of the House of Representatives, and each member of Nevada's Congressional Delegation.

I think what we are doing today is one of our most awesome responsibilities. We are proposing to amend the *U.S. Constitution*. This is something that spans more than 40 years, and it is a historic moment for us. When I was trying to decide what to say today under Order of Business 15, I really thought that we have to ask ourselves one question: When is a woman equal to a man? Many of us here were raised by single moms—I grew up knowing when the rent was due. The landlord does not care if it is a woman or a man who has to pay the family's rent. The landlord believes the woman is equal to a man. When the light bill is due, the light company believes a woman is equal to a man when they want that payment. When groceries need to be bought for the family, the supermarket does not care if it is a man or a woman. They are every bit as equal as long as they can buy those groceries. The Equal Rights Amendment will enshrine in our *Constitution* that there is no question that women are equal to men and able to enjoy the same rights that all of us enjoy. I urge this body to pass Senate Joint Resolution 2.

ASSEMBLYWOMAN DIAZ:

I rise today in strong support of Senate Joint Resolution 2, a resolution that ratifies Nevada's support for the Equal Rights Amendment. Opponents of this resolution argue that the time for ratification has passed and that the protections that this ratification would provide are already covered in the *Constitution*. If these are the only two arguments against the resolution, then I do not see how it does not pass out of this body 42 to 0. As we have discussed in our Legislative Operations and Elections Committee and as others have mentioned before, it is up to Congress to decide whether or not the ratification deadline has effectively ended the chance of ERA passage nationwide. If the protections are already piecemeal in the *Constitution*, then why not enshrine them there to ensure all of these equality measures are in place and we are all truly covered?

Mr. Speaker and colleagues, 97 years after women gained the right to vote, we still do not have equality in our state or in our country. We still do not have equal representation in government, and women earn less on the dollar than men. This is why we need the passage of this resolution. There are forces out there that want to stand in the way of progress and stand in the way of equality instead of simply doing the right thing—voting for passage of this resolution and showing the nation and citizens of our state that we stand for equality.

We need passage of this resolution for every constituent of ours who currently earns less than a male counterpart in her office, 79 cents on each dollar. We need passage of this bill for

women of color. We live in a nation that somehow still sees Hispanic or Latina women make 54 cents on the dollar compared to a white man, and black women make 64 cents on the dollar compared to a white man.

This resolution is symbolic and not in a bad way. It is not being used purely for symbolism. This resolution is a symbol to our constituents and state that enshrines in our *Constitution*, with so many other inalienable rights, that being a woman is not less than or more than a man, but is equal to a man. And beyond symbolism, Mr. Speaker, if this resolution spurs the adoption of the ERA nationwide, we will see some very practical implications. The ERA would provide a judicial standard when it comes to cases of sex discrimination, and it would strengthen the 14th Amendment to allow us to see that amendment grant equal rights on the basis of sex. Lastly, the ERA would provide attorneys a stronger legal defense against the attempted rollback of women's rights that we are seeing in other states in our nation and ensure that does not happen here in Nevada.

Mr. Speaker, for every woman, and more so for every Nevadan, I rise in full support of S.J.R. 2 and hope to see my colleagues support it wholeheartedly as well. This vote is for the former Honorable Jean Ford, Sue Wagner, and the men and women who have been fighting for equal rights for what seems like forever.

ASSEMBLYWOMAN TITUS:

I rise today deeply disturbed by the political theatrics that this body is seemingly always engaged in. Hardly a week goes by that this Assembly is not casting some symbolic vote or a vote on some piece of long-settled social legislation. As for myself, I abhor any kind of discrimination, be it gender, skin color, or sexual orientation. I believe that most Nevadans feel the same way I do.

After an election cycle where we saw a female for the first time with the nomination of a major party for President and then saw a record number of women elected to this body, let there be no doubt that the role of women in America is settled in 2017. It is settled as law; it is settled in the values we hold dear as Nevadans.

I will be voting no, not because I do not believe that the ERA should have been passed 30 years ago, but because I do not believe that my constituents sent me here to cast symbolic votes with no promise of success. They sent me here to create an environment that fosters high-quality and high-paying jobs, safer streets, better education, and a government accountable to the people. For those reasons and many more, I urge my fellow members to vote no.

ASSEMBLYMAN HANSEN:

I rise in opposition to Senate Joint Resolution 2. I would like to give the body an explanation of what my amendment was actually about, because as most of you already know, this is a pretty old issue. In 1978, this exact question was on the Nevada ballot and the citizens of our state voted overwhelmingly, 2-to-1, against passage of the Equal Rights Amendment. What my amendment, which was just voted down on a party-line vote, did was to, once again, take this proposed amendment and place it before the voters of the state of Nevada to see if, in fact, as the proponents of this have suggested, Nevada has changed so much. Why exactly we would want to not allow the citizens of our state an opportunity to vote on such a critical issue, I do not quite understand.

Just a little, quick background on the actual historical facts behind this—in 1982, June 30, 1982, the deadline for the ERA passed. It did not pass at that time. The National Organization for Women sued the state of Idaho over this, and the United State Supreme Court ruled that the Equal Rights Amendment was dead. It was moot at that point in time. So if we want to, in fact, resurrect the Equal Rights Amendment, what we are doing here is purely symbolic because the courts have already ruled that this amendment is dead. The process to have an amendment has to start in the United States Congress, or we as a body have to call for a state convention to actually propose an amendment to the *Constitution*. So I think we need to understand that. The proponents will say What about the fact that some people claim there is a legal doctrine that would allow it to be resurrected. That is found in *Coleman v. Miller*, a 1939 Supreme Court case. In that court case, the United States Supreme Court did, in fact, say that when there is an amendment proposed to the *Constitution*, there is no cap on the time-frame unless Congress had

specified that there was. In this case, Congress clearly did. The original deadline of the Equal Rights Amendment was 1979, and they extended it to 1982 and it still failed.

So while I appreciate the symbolism, the reality is this: The Equal Rights Amendment is a tremendous transfer of power from the states to the United States federal government—the last thing we need in Nevada. Virtually every single issue that has been addressed as far as inequality and sexual discrimination is now found in statute in the state of Nevada. All of the issues that have been addressed in front of the Legislative Operations and Elections Committee and so forth are already in statute. If you are being discriminated against in your pay and you are a female and your employer is deliberately paying a male more than you with the same amounts of seniority and so forth, you have a fantastic legal case under Nevada's existing law.

Mr. Speaker, thank you for indulging me. I would urge all my colleagues who really love the process and believe that an amendment to the *United States Constitution* is something extremely serious, and that we should follow the procedures that our Founding Fathers laid out in the Constitution—I would urge all of those folks to vote no on Senate Joint Resolution 2.

ASSEMBLYWOMAN TOLLES:

Thank you Mr. Speaker. I rise in support of Senate Joint Resolution 2. In November of 1916, 100 years before every legislator in this body was elected for this term of office, Republican Jeannette Rankin was elected as the first female to Congress. Just three years later in 1920 women around the United States won the right to vote. There were two primary arguments behind the movement for women's suffrage. One group claimed that there were no differences between men and women and they should be treated exactly alike. Another group advocated that although men and women were similar in many ways, there were inherent differences and that what was missing in American politics was the female voice to help the country focus on issues that would otherwise be ignored. These were two vastly different perspectives and approaches. You might say that one was liberal and one was conservative, but they were both able to come together around the common goal of fighting for a woman's right to use her voice and her vote.

Fast forward to the 1970s and a new conversation began about whether or not women were of equal worth in the workplace. In the 1970s my mom was a single mom working hard during the day for my brother and I. She worked hard at night studying for her Series 7, and eventually she became one of the first female stockbrokers in the male-dominated industry in a large national firm. A few years ago when the popular TV show Mad Men came out, people would ask her if she watched it and she said, "I don't have to. I lived it."

We have come a long way since then. In fact, Nevada was at the forefront of the fight for women's rights in many regards, passing over two dozen antidiscrimination laws, essentially fulfilling the goals of the Equal Rights Amendment at the statutory level. But as of today, in 2017, there is a still a gap. Nevada is one of only nine, yes nine, states that has not voted for an equal rights amendment either on the federal or state level. Over the past 45 years, 35 states voted for the ERA to be ratified into the *U.S. Constitution* and 24 states went further to pass a version of their own into their state constitutions.

I will confess to you that I hesitated on this vote today. I am conservative; I am cautious about overly cumbersome burdens on business, and most importantly, I am committed to fighting for the rights of unborn future women and men. I know there are strong convictions and feelings about these topics, and I hope we can continue to have those debates in respectful and factual ways. But as I surveyed the past 45 years after 41 states have voted for some form of ERA, I am convinced that many of the fearful consequences that have been presented over these past few weeks by and large have not nor will they occur. In fact, there have been over 300 pro-life laws passed in the last eight years alone, most in states that voted for the ERA.

The second reason I hesitated was because the deadline for the ERA passed over 35 years ago, as has been pointed out, and according to a 1982 *U.S. Supreme Court* order, it has been deemed moot. So why vote for something that some would argue is purely symbolic? I would argue this Chamber is full of symbolism. On my left hand I wear a ring that symbolizes my promise to love, respect, and stay faithful to one man for the rest of my life. We stand underneath a seal that reminds us we are a Battle Born State and that Home Means Nevada, and

we pledge allegiance to a flag every single day to celebrate the freedom that was so hard fought for.

Forty-four years ago my predecessor, Sue Wagner, who is here with us today—served in Assembly District 25, then Senate District 15, and then went on to be the first female Lieutenant Governor in Nevada—fought hard for the Equal Rights Amendment. Out of gratitude and respect for her and the countless others who have fought for women to have an equal voice and equal value, and for my daughters and the generations to come, I stand in support of the declaration that the state of Nevada values both men and women equally. Thank you.

ASSEMBLYWOMAN CARLTON:

I rise today in support of Senate Joint Resolution 2. I started my political career on the Equal Rights Amendment. Back in the early '70s I was in high school—you know you do not worry about telling people your age once you get elected to office because it becomes part of history, so you do not even bother to try and hide it anymore. Mr. Speaker, I came from a mixed family at home. My mother was a Democrat, my father was a Republican. We were Irish-German so the dinner table was always a very lively place to be, and my friends would always want to come and listen to the debate we had. I remember wearing my ERA button to the dinner table one night. It was not a real smart move on my part. So we had a real long conversation about that, and I remember my mother wrapping up the conversation after everybody had had their say. She told the story and reminded my father about how she had to take her wedding ring off to go to work because married women could not keep their jobs. She had a very good job in south St. Louis working for a very well-known company, but once you got married, you were asked to leave because you were probably going to have a baby. They did not want married women. At that time, my mother made more than my father, so they made the decision, and every day on the streetcar when she went to work, she took her wedding ring off, she put it in a tissue, and she put it in her coin purse. That ring of symbolism she had to remove in order to keep her job because she wanted a house for her children, and that is how they were going to get a house.

Time went by and eventually my mother became pregnant with me. I am the oldest of five. It was time to tell her employer that she had to go. Her employer felt bad about it, did not want it to happen. It did not stop them from firing her though. There is no reason why someone who is perfectly capable of doing a job, very good at it, very dedicated, should be asked to leave their employment and should not be allowed to wear that symbol every day to show the love that she and my father had.

I vote for this today in honor of my mother, my grandmother, and my two daughters. I got elected to this body so that this will not happen any longer. Symbolism or not, it is time to send the message.

Roll call on Senate Joint Resolution No. 2:

YEAS—28.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Wheeler, Woodbury—14.

Senate Joint Resolution No. 2 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:36 p.m.

ASSEMBLY IN SESSION

At 12:47 p.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Swank, Araujo, Bustamante Adams, Carlton, Carrillo, Daly, Fumo, Jauregui, Watkins, and Yeager:

Assembly Bill No. 321—AN ACT relating to local government; requiring the board of county commissioners of a county and the city council or governing body of an incorporated city to adopt an ordinance requiring certain hosting platforms to submit quarterly reports to the county or city; prescribing the contents of such a report; authorizing the issuance of a subpoena to a hosting platform for the production of certain documents, records or materials; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Flores, Diaz, Brooks, Bustamante Adams, Jauregui, and McCurdy:

Assembly Bill No. 322—AN ACT relating to driver authorization cards; revising provisions governing the administration of driver authorization cards; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 323—AN ACT relating to public welfare; requiring veterans' benefits to be excluded from the income requirements to qualify for the Temporary Assistance for Needy Families program; requiring the Director of the Department of Business and Industry to seek a waiver to exclude veterans' benefits from income requirements relating to housing assistance; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Flores:

Assembly Bill No. 324—AN ACT relating to document preparation services; revising the definition of a "document preparation service"; prohibiting a person providing a document preparation service from advertising or representing himself or herself as a paralegal or legal assistant; requiring certain fees to register or renew registration as a document preparation service; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Cohen:

Assembly Bill No. 325—AN ACT relating to State Government; creating the Task Force on the Modernization of State Government; establishing the powers and duties of the Task Force; providing, under certain circumstances, for the dissolution of the Task Force; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen McCurdy, Yeager, and Fumo; Senator Segerblom:

Assembly Bill No. 326—AN ACT relating to criminal procedure; revising provisions relating to certain information included in reports of presentence investigations; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Corrections, Parole, and Probation.

Motion carried.

By Assemblymen McCurdy, Fumo, Yeager, Frierson, and Carrillo; Senator Segerblom:

Assembly Bill No. 327—AN ACT relating to criminal procedure; authorizing a person who was dishonorably discharged from probation to apply to a court for the sealing of records of criminal history relating to the conviction; revising various provisions relating to the filing of petitions for the sealing of records of criminal history; requiring an agency of criminal justice to remove certain records from a record of criminal history before dissemination of the record in certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Corrections, Parole, and Probation.

Motion carried.

By Assemblymen Pickard, Bustamante Adams, Bilbray-Axelrod, Edwards, Kramer, Marchant, Sprinkle, and Titus:

Assembly Bill No. 328—AN ACT relating to professions; establishing limitations on the employment or retention of attorneys by certain regulatory bodies; requiring attorneys who contract with certain regulatory bodies to act as legal counsel for the regulatory body to carry professional liability insurance that satisfies certain criteria; requiring the Department of Administration to adopt regulations relating to the financial operation and administration of certain regulatory bodies; revising the qualifications for the executive director or executive secretary of certain regulatory bodies; revising the disciplinary process for certain regulatory bodies which administer occupational licensing; providing certain immunity for independent contractors who act as legal counsel for certain regulatory bodies; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Edwards:

Assembly Bill No. 329—AN ACT relating to highways; prohibiting a driver from operating a motor vehicle in the extreme left-hand lane of a highway under certain circumstances; providing exceptions; requiring the Department of Transportation to take certain actions to notify and advise the members of the public of the prohibition; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Hansen:

Assembly Bill No. 330—AN ACT relating to taxidermy; requiring a licensed taxidermist to maintain certain written or computerized records and to perform certain other activities relating to taxidermy; limiting the circumstances under which a person is guilty of a misdemeanor for refusing to exhibit certain licenses or permits, wildlife or other items or for failing to have certain licenses or permits in his or her possession; revising provisions governing the inspection of the facilities of a licensed taxidermist; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblyman Hansen:

Assembly Bill No. 331—AN ACT relating to education; creating the Nevada System of Community Colleges; creating the State Board for Community Colleges to administer the community colleges within the System and supervise and control the System separate from the Nevada System of Higher Education; providing for the appointment by the Governor of the membership of the Board; establishing the powers, duties and responsibilities of the Board; authorizing the Board to employ an Executive Director and delegate to the Executive Director any of the powers and duties of the Board; providing for the creation of and the appointment by the Governor of the membership of a board of trustees for each community college within the Nevada System of Community Colleges; establishing the powers, duties and responsibilities of the boards of trustees of the community colleges; providing for the selection of a president for each community college; establishing the Articulation and Transfer Board; transferring to the Board and to the boards of trustees of the community colleges, as applicable, the powers and duties of the Board of Regents of the University of Nevada

relating to the supervision and control of community colleges; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Hansen:

Assembly Bill No. 332—AN ACT relating to wildlife; creating the Licensing Review Panel; providing for the membership of the Panel; setting forth the powers and duties of the Panel; requiring the Panel to conduct hearings and issue decisions concerning certain actions of the Department of Wildlife relating to licensing disputes; requiring a person who wishes to appeal a decision of the Department relating to a licensing dispute to submit a notice to the Panel; requiring the Panel to take certain actions concerning the licensing dispute; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblyman Ellison:

Assembly Bill No. 333—AN ACT relating to crimes; revising provisions relating to previous convictions of burglary or another crime involving the forcible entry or invasion of a dwelling; providing an enhanced penalty for a person who has previously been twice convicted of burglary or another crime involving the forcible entry or invasion of a dwelling in this State or any other state; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Corrections, Parole, and Probation.

Motion carried.

By Assemblyman Ellison:

Assembly Bill No. 334—AN ACT relating to highways; prohibiting a driver from operating a motor vehicle in the extreme left lane of a highway under certain circumstances; providing exceptions; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Edwards:

Assembly Bill No. 335—AN ACT relating to vehicles; authorizing the operation of an unregistered vehicle in certain circumstances; prohibiting the driver of a motor vehicle from intentionally interfering with a person lawfully riding a moped; requiring a person driving a moped to drive to the right side of the roadway in certain circumstances; removing the requirement for a person operating an off-highway vehicle on a highway in this State to

wear a helmet; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Edwards:

Assembly Bill No. 336—AN ACT relating to corrections; requiring wardens of certain prisons and the Director of the Department of Corrections to provide certain programs of educational development and workforce development for offenders who are veterans; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Corrections, Parole, and Probation.

Motion carried.

By Assemblyman Elliot Anderson:

Assembly Bill No. 337—AN ACT relating to the National Guard; conferring certain protections upon the members of the National Guard of another state concerning the unlawful termination of employment of those members in this State; authorizing a member of the Nevada National Guard or a member of the National Guard of another state to bring a civil action concerning his or her unlawful termination under certain circumstances; revising the remedies available to a member of the Nevada National Guard or a member of the National Guard of another state whose employment is unlawfully terminated; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Wheeler:

Assembly Bill No. 338—AN ACT relating to civil actions; providing that certain violations of the requirement to wear a safety belt are not admissible in evidence in any civil action; authorizing the introduction of those violations in a civil action as a mitigating factor in the assessment of damages under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Woodbury and Senator Hardy:

Assembly Bill No. 339—AN ACT relating to health care; authorizing the Board of Medical Examiners to take possession of the health care records of a licensee’s patients under certain circumstances; authorizing the Executive

Director of the Board to post information on the Internet website of the Board without obtaining prior approval by the Board; revising the information required to be posted on the Internet website of the Board; revising provisions relating to the requirement for certain persons to maintain a permanent mailing address with the Board; revising the information required to be included with an application for the issuance of a license to practice medicine and the biennial registration of a physician; repealing provisions requiring certain information be reported to the Board; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Diaz:

Assembly Bill No. 340—AN ACT relating to public welfare; requiring the Director of the Department of Health and Human Services to take certain actions to improve access to diapers and diapering supplies for recipients of public assistance; requiring the Director to work with diaper banks and similar organizations for certain related purposes; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Ohrenschall:

Assembly Bill No. 341—AN ACT relating to juvenile justice; authorizing an attorney who represents a child in juvenile proceedings to consult with and seek appointment of certain persons; requiring a peace officer or probation officer who interviews or interrogates a child during juvenile proceedings to make a recording of the interview or interrogation; requiring a child to be represented by an attorney during certain interviews or interrogations; requiring a juvenile court to presume a child is indigent for the purpose of appointing an attorney to represent the child; urging the Nevada Supreme Court to adopt certain court rules relating to juvenile justice; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Ohrenschall:

Assembly Bill No. 342—AN ACT relating to renewable energy; excluding from the definitions of "public utility" and "utility" a person who operates or facilitates the operation of one or more systems that use renewable energy to generate electricity which serves as the primary or secondary source of electricity for not more than 540 persons or premises; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Ohrenschall:

Assembly Bill No. 343—AN ACT relating to group homes; requiring the Legislative Committee on Health Care to conduct an interim study concerning the rates charged by group homes in this State; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Jauregui, Swank, and Araujo; Senators Segerblom and Ratti:

Assembly Bill No. 344—AN ACT relating to retail practices; temporarily imposing a fee on the use of certain plastic bags; banning the use of certain plastic bags; authorizing certain inspections by health authorities; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman Miller:

Assembly Bill No. 345—AN ACT relating to criminal procedure; providing for the vacating of certain judgments of conviction relating to marijuana; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Corrections, Parole, and Probation.

Motion carried.

By Assemblywoman Joiner:

Assembly Bill No. 346—AN ACT relating to child care; requiring certain persons who are employed at or otherwise present at a small child care establishment to undergo a criminal background check; requiring the licensee of a child care facility to ensure that each child at the child care facility wears a helmet while using certain devices; providing for the inspection of such an establishment; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman Joiner:

Assembly Bill No. 347—AN ACT relating to surgical technologists; prohibiting a hospital, independent center for emergency care, psychiatric hospital or surgical center for ambulatory patients from employing a surgical

technologist who does not possess certain qualifications; requiring such a facility to ensure that each surgical technologist at the facility receives certain continuing education; authorizing the State Board of Health and the Division of Public and Behavioral Health of the Department of Health and Human Services to enforce those requirements; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman Joiner:

Assembly Bill No. 348—AN ACT relating to education; requiring the board of trustees of each school district to establish an evidence-based, age-appropriate and medically accurate course of instruction in sex education; requiring the Council to Establish Academic Standards for Public Schools to establish standards of content and performance for a course of instruction in sex education as part of a course of study in health; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywoman Krasner:

Assembly Bill No. 349—AN ACT relating to general improvement districts; requiring the Legislative Auditor to conduct a performance and compliance audit of the Incline Village General Improvement District; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Fumo:

Assembly Bill No. 350—AN ACT relating to local governments; requiring a local government employer to provide an employee orientation to new employees, to allow certain employee organizations to participate in such an orientation or meet with a new employee under certain circumstances and to provide such an employee organization with certain information concerning new employees; requiring a local government employer to allow certain employee organizations to meet with local government employees at certain locations on the employer's premises; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Fumo:

Assembly Bill No. 351—AN ACT relating to teachers; requiring the Department of Education to designate the counties, kinds of licenses and fields of endorsement for which a shortage of teachers exists in this State; requiring the Superintendent of Public Instruction to award grants to certain teachers who teach in such counties or possess such licenses or endorsements; authorizing the Superintendent to take certain actions if an application for such a grant contains false or misleading information; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Pickard:

Assembly Bill No. 352—AN ACT relating to coverage for health care; requiring an insurer under a policy of health insurance to continue coverage for a procedure, device, medication or other treatment for a chronic condition of an insured under certain circumstances; authorizing the imposition of a civil penalty for certain insurers which violate the requirement for continued coverage; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman McArthur:

Assembly Bill No. 353—AN ACT relating to professional licensing; setting forth the state policy concerning occupational regulations; establishing a procedure to review the criminal history of potential applicants for certain certification or licensure; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Neal:

Assembly Bill No. 354—AN ACT relating to employment; requiring the Employment Security Division of the Department of Employment, Training and Rehabilitation to request a person filing for unemployment compensation to provide certain demographic information to the Division; requiring the Administrator of the Division to gather and report certain data to the Office of Economic Development and to the Director of the Legislative Counsel Bureau; requiring the Administrator to make such data available to persons who provide certain workforce recruitment, assessment and training programs; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Neal:

Assembly Bill No. 355—AN ACT relating to health insurance; requiring a network plan to include access to certain facilities; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman Neal:

Assembly Bill No. 356—AN ACT relating to criminal procedure; requiring a prosecuting attorney, defense attorney and lead investigating law enforcement officer to meet and exchange discoverable materials before trial in a criminal case; revising provisions governing a request for the disclosure of certain information in a criminal proceeding; revising provisions governing the disclosure of evidence by a prosecuting attorney; revising provisions governing sanctions for the destruction, loss or failure to collect evidence or violating certain provisions governing the discovery of evidence in a criminal proceeding; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Brooks, Araujo, McCurdy, Ohrenschall, Flores, Carlton, Carrillo, Diaz, Fumo, Neal, and Swank; Senators Cancela, Ratti, Denis, Manendo, and Spearman:

Assembly Bill No. 357—AN ACT relating to criminal procedure; restricting certain state and local governmental agencies from performing certain actions relating to immigration enforcement; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Neal:

Assembly Bill No. 358—AN ACT relating to child support; revising provisions relating to the suspension or revocation of the driver’s license or motorcycle driver’s license of a person who is in arrears in the payment for the support of one or more children or has failed to comply with certain subpoenas or warrants related to the payment of such support; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Thompson:

Assembly Bill No. 359—AN ACT relating to contractors; exempting certain persons who enter into contracts or agreements with the State or a political corporation or subdivision of this State from certain provisions relating to contractors; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Marchant:

Assembly Bill No. 360—AN ACT relating to transportation; revising provisions concerning the authority to approve certain requests relating to transportation facilities; authorizing the Department of Transportation to solicit a person to enter into an agreement with the Department to develop, construct, improve, maintain or operate a transportation facility under certain circumstances; requiring the Department to enter into a contract to conduct a feasibility study of establishing a high-speed rail system between Las Vegas and Reno, Nevada; making an appropriation; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Carrillo:

Assembly Bill No. 361—AN ACT relating to business practices; making the charging of certain fees a deceptive trade practice; revising provisions governing deceptive trade practices relating to gift certificates; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Tolles and Watkins; Senators Gansert and Spearman:

Assembly Bill No. 362—AN ACT relating to education; prohibiting certain persons from assisting certain employees, contractors or agents who work at a public school to obtain new employment; prohibiting a local educational agency or public school from entering into certain agreements; requiring an applicant for employment who may have direct contact with pupils to provide certain information and written authorizations; requiring the board of trustees of a school district, governing body of a charter school, governing body of a university school for profoundly gifted pupils and certain independent contractors to take certain action regarding persons who

may have direct contact with children; requiring certain employers to provide certain information regarding an applicant for employment who may have direct contact with children; authorizing the Department of Education to impose an administrative penalty; providing that a teacher or administrator may be subject to disciplinary action for certain violations; requiring the Superintendent of Public Instruction to provide certain notice when an application for a license is denied; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Titus:

Assembly Bill No. 363—AN ACT relating to off-highway vehicles; requiring the Department of Motor Vehicles to allow for the registration and renewal of registration of certain off-highway vehicles through the Internet website of the Department with limited exceptions; increasing the registration period for an off-highway vehicle from 1 year to 2 years; reducing the late fee imposed on a person who fails to renew the registration of an off-highway vehicle before expiration of the registration; providing for a waiver of the late fee in certain circumstances; revising provisions requiring the Department to expend certain money to administer the requirements for the titling and registration of off-highway vehicles; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Ohrenschall, Carrillo, Carlton, and Thompson; Senators Manendo and Parks:

Assembly Bill No. 364—AN ACT relating to public highways; directing the Department of Transportation, in cooperation with Clark County, the City of Las Vegas and the City of Henderson, to conduct an interim study concerning roadway traffic and safety in the urban eastern part of Clark County; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblywomen Cohen and Swank:

Assembly Bill No. 365—AN ACT relating to marriage; providing for the issuance of a certificate of vow renewal; authorizing certain persons to perform a marriage; authorizing a county clerk to establish a course for certain persons authorized to perform a marriage; revising various provisions governing the performance of marriages; increasing the penalty for certain crimes related to performing marriages; revising provisions related to certain

fees for the issuance of a marriage license; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Araujo, Bustamante Adams, Frierson, Thompson, Yeager, Paul Anderson, Benitez-Thompson, Carlton, Joiner, Monroe-Moreno, Oscarson, and Sprinkle; Senators Woodhouse, Ford, Ratti, Gansert, Kieckhefer, Cancela, Harris, and Manendo:

Assembly Bill No. 366—AN ACT relating to mental health; creating four behavioral health regions in this State; creating a regional behavioral health policy board for each region to advise the Division of Public and Behavioral Health and the Commission on Behavioral Health of the Department of Health and Human Services regarding certain behavioral health issues; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Oscarson:

Assembly Bill No. 367—AN ACT relating to emergency medical services; ratifying the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Paul Anderson:

Assembly Bill No. 368—AN ACT relating to motor vehicles; revising the circumstances under which a damaged motor vehicle is considered a total loss vehicle; revising provisions governing the calculations of certain costs in considering whether a damaged motor vehicle is a total loss vehicle; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Monroe-Moreno, McCurdy, Ohrenschall, and Bilbray-Axelrod; Senator Segerblom:

Assembly Bill No. 369—AN ACT relating to juvenile justice; eliminating the exclusion of certain offenses from the jurisdiction of the juvenile court; revising the provisions relating to the certification of a child for criminal proceedings as an adult; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywomen Swank and Cohen:

Assembly Bill No. 370—AN ACT relating to taxation; authorizing the Office of Historic Preservation of the State Department of Conservation and Natural Resources to approve and issue a certificate of transferable tax credits to a person who rehabilitates a historical building in this State under certain circumstances; providing for the calculation of the transferrable tax credits; requiring the Office to provide notice of certain hearings; requiring a person who rehabilitates a historical building to return any portion of transferable tax credits to which he or she is not entitled; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Swank and Elliot Anderson:

Assembly Bill No. 371—AN ACT making an appropriation to the Division of State Lands of the State Department of Conservation and Natural Resources for the purchase of the Huntridge Theater in Las Vegas, Nevada; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Bilbray-Axelrod, Ohrenschall, and Cohen; Senator Segerblom:

Assembly Bill No. 372—AN ACT relating to intercollegiate athletics; enacting the Revised Uniform Athlete Agents Act (2015); repealing the Uniform Athletes' Agents Act; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywomen Swank and Cohen:

Assembly Bill No. 373—AN ACT relating to State Government; revising provisions governing the membership of certain boards and commissions of the Executive Department of the State Government; authorizing the State Board of Education to conduct meetings via teleconference; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Sprinkle, Frierson, Araujo, Carlton, Cohen, Elliot Anderson, Benitez-Thompson, Bilbray-Axelrod, Brooks, Bustamante Adams, Carrillo, Daly, Diaz, Flores, Fumo, Jauregui, Joiner, McCurdy, Miller, Neal, Ohrenschall, Spiegel, Swank, Thompson, Watkins, and Yeager:

Assembly Bill No. 374—AN ACT relating to health care; requiring the Department of Health and Human Services to make coverage through the Medicaid managed care program available for purchase; requiring the Director of the Department to seek any necessary waivers from the Federal Government to provide such coverage and to provide certain incentives to persons who purchase such coverage; authorizing the Department to make such coverage available on the Silver State Health Insurance Exchange in certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Sprinkle, Benitez-Thompson, Joiner, and Daly:

Assembly Bill No. 375—AN ACT relating to taxation; authorizing the governing body of a flood management authority under specified circumstances to adopt a resolution establishing a flood control project needs committee to recommend the imposition of certain taxes to fund the flood management projects of the flood management authority; providing that if such a committee is established and submits its recommendations to the board of county commissioners within the time prescribed, the board of county commissioners is required to submit a question to the voters at the 2018 General Election asking whether the recommended taxes should be imposed in the county; requiring the board of county commissioners to adopt an ordinance imposing any such taxes that are approved by the voters; providing for the use of the proceeds of such taxes for certain flood management projects; providing that if a flood control project needs committee is established, the committee is required to obtain information and submit a report concerning certain flooding issues in the county; providing for the prospective expiration of the authority of a governing body to establish such a committee; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Taxation.

Motion carried.

Assemblywoman Benitez-Thompson moved that the Assembly recess until 6 p.m.

Motion carried.

Assembly in recess at 1:12 p.m.

ASSEMBLY IN SESSION

At 9:21 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblyman Edwards:

Assembly Joint Resolution No. 12—Urging Congress to abolish the Gold Butte National Monument.

Assemblywoman Benitez-Thompson moved that Assembly Joint Resolution No. 12 be placed on the Chief Clerk's desk.

Motion carried.

By Assemblymen Ellison and Oscarson:

Assembly Concurrent Resolution No. 6—Directing the Legislative Commission to appoint a committee to conduct an interim study concerning increases in the salary and benefits of state employees.

Assemblywoman Benitez-Thompson moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Ohrenschall:

Assembly Bill No. 376—AN ACT relating to criminal procedure; revising provisions governing the filing of a complaint after an arrest without a warrant; revising provisions governing the conduct of discovery in criminal actions; requiring the prosecuting attorney, the attorney for the defendant and the lead investigating law enforcement officer to participate in a pretrial discovery conference; revising provisions governing evidentiary sanctions for failure to comply with discovery requirements; authorizing the issuance of subpoenas for witnesses in Nevada to appear for certain hearings and proceedings; requiring the court to give requested jury instructions under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Ohrenschall:

Assembly Bill No. 377—AN ACT relating to criminal procedure; prohibiting a prosecuting attorney from seeking an indictment while competency proceedings are pending; prohibiting a prosecuting attorney from refiling charges against a defendant who has been found incompetent unless the prosecuting attorney has a good faith belief, based on articulable facts, that the defendant has attained competency; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Edwards:

Assembly Bill No. 378—AN ACT relating to education; revising provisions governing contracts for goods and services and contracts of employment entered into by the board of trustees of a school district; revising provisions governing the annual reports of budgets required of boards of trustees of school districts and governing bodies of charter schools; providing for the proportional deduction of salaries of certain employees of a school district or charter school, as applicable, for the submission of late annual reports of budgets; revising the mandatory subjects of collective bargaining relating to the duration of agreements; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywoman Joiner:

Assembly Bill No. 379—AN ACT relating to general improvement districts; revising provisions relating to the formation of a general improvement district that is organized to furnish recreational facilities; expanding the authority of the board of trustees of a general improvement district that is organized to furnish recreational facilities; providing that watersheds, trails, open spaces, lakes, ponds and rivers are recreational facilities; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Elliot Anderson:

Assembly Bill No. 380—AN ACT relating to real property; authorizing the recording of certain documents relating to real property; limiting an action constituting an easement by prescription under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Spiegel:

Assembly Bill No. 381—AN ACT relating to health insurance; prohibiting an insurer from taking certain actions concerning prescription drugs covered by a policy of health insurance; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Carlton, Frierson, Araujo, Spiegel, Benitez-Thompson and Sprinkle; Senators Ford, Parks, and Cancela:

Assembly Bill No. 382—AN ACT relating to health care; requiring certain hospitals, independent centers for emergency medical care and physicians to accept certain rates as payment in full for the provision of emergency services and care to certain patients; providing an exception under certain circumstances; requiring the submission of certain reports relating to policies of health insurance and similar contractual agreements by certain third parties who issue those policies and agreements; requiring certain hospitals and independent centers for emergency medical care to submit reports to the Department of Health and Human Services concerning patient debt and rate increases; requiring the Governor's Consumer Health Advocate to adopt certain regulations; requiring the Commissioner of Insurance to consider certain information when determining the adequacy of a network plan; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Ohrenschall:

Assembly Bill No. 383—AN ACT relating to peace officers; requiring peace officers to be trained in the constitutional and lawful use of force; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Thompson, McCurdy, Flores, Araujo, Carrillo, Bilbray-Axelrod, Brooks, Bustamante Adams, Carlton, Daly, Frierson, Fumo, Miller, Monroe-Moreno, Neal, Ohrenschall, Sprinkle and Yeager; Senators Ford, Atkinson, Spearman, Cancela, Parks, Denis, Segerblom, and Woodhouse:

Assembly Bill No. 384—AN ACT relating to public employment; providing generally that the criminal history of an applicant or other qualified person under consideration for a position in the unclassified or classified service of the State may be considered only after the applicant has been certified by the Administrator of the Division of Human Resource Management of the Department of Administration or after a conditional offer of employment has been made to the applicant; prohibiting the Administrator, when examining an applicant for a position in the classified service of the State, from considering the criminal history of the applicant; providing that, except in certain circumstances, the criminal history of a person may serve as the basis for the Administrator to refuse to certify an

applicant or for rescission of a conditional offer of employment in the unclassified or classified service of the State only after consideration of certain factors relating to the criminal history of the person; providing for written notice to a person if the criminal history of the person is the basis for the Administrator's refusal to certify the person or for the rescission of a conditional offer of employment; establishing similar provisions relating to the consideration by the governing body of a county or incorporated city of the criminal history of an applicant for employment by a county or incorporated city; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Yeager, Araujo, McCurdy, Watkins, Diaz, Benitez-Thompson, Flores, Jauregui, and Joiner; Senators Cannizzaro and Cancela:

Assembly Bill No. 385—AN ACT relating to state lands; requiring the Division of State Parks of the State Department of Conservation and Natural Resources to issue, without charge, an annual pass for state parks and recreational areas to each pupil enrolled in the fifth grade in this State and to each member of his or her immediate family under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblyman Watkins:

Assembly Bill No. 386—AN ACT relating to public lands; authorizing a person to enter private land at the geographic point that represents the corner of the parcel in order to lawfully enter public land under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblywoman Benitez-Thompson:

Assembly Bill No. 387—AN ACT relating to social work; revising provisions requiring licensed social workers to receive certain suicide prevention and awareness training in order to renew a license; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Benitez-Thompson:

Assembly Bill No. 388—AN ACT making an appropriation to the Division of Public and Behavioral Health of the Department of Health and

Human Services for the cost of the Women's Health Connection Program; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Marchant:

Assembly Bill No. 389—AN ACT relating to elections; prohibiting the name of an ineligible candidate from appearing on the ballot unless the period for changing the ballot has elapsed; providing certain remedies and penalties in preelection challenges to the qualifications of a candidate; prohibiting the filling of a vacancy in a nomination for office under certain circumstances; providing that certain persons who take part in a voter registration drive must be citizens of the United States; prohibiting persons who have been convicted of certain crimes from having access to certain election materials; authorizing certain officials to conduct investigations after elections under certain circumstances; amending certain residency requirements for candidates; revising provisions governing the filing of a declaration or acceptance of candidacy; prescribing the penalty for a candidate who files certain documents containing a false statement; requiring certain proofs of identity and residency when filing for candidacy; clarifying the deadline for an elector to file certain preelection challenges to the qualifications of a candidate; providing that a vote cast for an ineligible candidate is a nullity and void for the purposes of determining the outcome of an election; requiring that voting systems meet or exceed certain standards for the security of information; prohibiting an ineligible candidate from demanding a recount, filing a contest of election or receiving a certificate of election; making conforming changes to the definition of "actual residence" for purposes of candidacy; specifying that a person who is not a citizen of the United States is not authorized to vote or register to vote in this State; making various other changes relating to elections; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblyman Elliot Anderson and Senator Woodhouse:

Assembly Bill No. 390—AN ACT relating to state governmental administration; authorizing a state officer or state employee to communicate with the Legislature or a Legislator; prohibiting a state agency from taking certain actions against a state officer or state employee on account of such communication; revising provisions relating to disclosures of improper governmental action; revising the salary to which a member of the Board of Regents of the University of Nevada is entitled; creating the Spending and Government Efficiency Commission for the Nevada System of Higher

Education; prescribing the membership and duties of the Commission; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Carrillo, Swank, Ohrenschall, Ellison, Monroe-Moreno, and Sprinkle (by request):

Assembly Bill No. 391—AN ACT relating to crimes; creating the crime of bestiality; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Oscarson, Ellison, and Wheeler:

Assembly Bill No. 392—AN ACT relating to elections; prohibiting a public officer or employee from using official stationery for certain purposes relating to elections; requiring a disclosure on certain elections-related communications; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Ohrenschall, Carlton, Carrillo, and Edwards; Senator Manendo:

Assembly Bill No. 393—AN ACT relating to land use planning; setting forth legislative findings and declarations concerning certain changes in zoning and development standards; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Bilbray-Axelrod:

Assembly Bill No. 394—AN ACT relating to employment; requiring private employers that provide paid sick leave benefits to employees to allow an employee to use such leave for an illness, injury, medical appointment or other authorized medical need of a member of the employee's immediate family; providing an exception for certain employees and employers; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Frierson, Ohrenschall, and Benitez-Thompson:

Assembly Bill No. 395—AN ACT relating to crimes; revising provisions governing registration and community notification of juveniles adjudicated delinquent for committing certain sexual offenses; revising provisions concerning the release of certain information relating to a child subject to the jurisdiction of the juvenile court; revising provisions concerning the penalty for acts of open or gross lewdness or open and indecent or obscene exposure committed in the presence of a child or a vulnerable person; providing a penalty; making appropriations; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Daly:

Assembly Bill No. 396—AN ACT relating to public office; revising provisions governing the lobbying of State Legislators; revising provisions governing financial disclosure statements filed by candidates and public officers; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Frierson, Carlton, and Carrillo:

Assembly Bill No. 397—AN ACT making an appropriation to the Division of Public and Behavioral Health of the Department of Health and Human Services to provide grants of money to local governmental entities and nonprofit organizations for family planning services; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Fumo:

Assembly Bill No. 398—AN ACT relating to taxes on retail sales; providing a temporary exemption from the Local School Support Tax and certain analogous taxes on retail sales of electric vehicles; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblywoman Bustamante Adams:

Assembly Bill No. 399—AN ACT relating to public works; establishing the Nevada State Infrastructure Bank; providing for the governance of the Bank by a Board of Directors; establishing the powers and duties of the

Board of Directors; providing for the administration of the Bank by an Executive Director; establishing the powers and duties of the Executive Director; establishing the Nevada State Infrastructure Bank Fund; authorizing the Bank to perform certain acts in connection with the financing of certain transportation facilities and utility infrastructure projects; providing civil immunity for certain persons for certain official actions; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Neal (by request):

Assembly Bill No. 400—AN ACT relating to education; requiring the board of trustees of a school district or governing body of a charter school to transfer the copyright for certain instructional materials or tools to an employee of the school district or charter school; requiring the Department of Education to establish a database of instructional materials and tools created by employees of school districts and charter schools in this State; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Bustamante Adams and Carrillo:

Assembly Bill No. 401—AN ACT relating to registration of vehicles; requiring a person registering or renewing the registration of a clean fuel vehicle or a hybrid fuel vehicle with the Department of Motor Vehicles to pay an additional fee; providing exceptions; providing for the distribution by the Department of the money collected for the additional fees; providing for a credit on the unused portion of the additional fees upon the cancellation or transfer of the vehicle under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblywoman Jauregui:

Assembly Bill No. 402—AN ACT relating to taxes on retail sales; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to provide an exemption from the tax for feminine hygiene products and diapers; providing for the exemptions from certain analogous taxes if the voters approve this amendment to the Sales and Use Tax Act of 1955; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Daly, Frierson, Diaz, Benitez-Thompson, Araujo, Brooks, Carrillo, McCurdy, and Monroe-Moreno:

Assembly Bill No. 403—AN ACT relating to governmental administration; creating the Governmental Oversight and Accountability Subcommittee of the Legislative Commission; prescribing the powers and duties of the Subcommittee; authorizing the Legislative Commission to suspend or nullify certain regulations; abolishing the Subcommittee to Review Regulations of the Legislative Commission; revising provisions relating to administrative regulations; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Miller, McCurdy, Benitez-Thompson, Brooks, and Fumo:

Assembly Bill No. 404—AN ACT relating to governmental administration; creating the Nevada Office of the Inspector General; setting forth the powers and duties of the Inspector General and employees of the Office of the Inspector General; requiring a state agency or local government to cooperate with and provide assistance to the Inspector General in carrying out those duties; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Brooks:

Assembly Bill No. 405—AN ACT relating to renewable energy; creating the contractual requirements for an agreement for the lease or purchase of a distributed generation system and a power purchase agreement; describing utility rates; establishing the minimum warranty requirements for an agreement concerning a distributed generation system; providing certain immunity for solar installation companies; creating the Renewable Energy Bill of Rights; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Daly, Benitez-Thompson, Brooks, Carrillo, Bilbray-Axelrod, Frierson, Joiner, McCurdy, and Monroe-Moreno:

Assembly Bill No. 406—AN ACT relating to construction; revising provisions relating to the payment of prevailing wages; revising provisions governing the construction of a public work by a construction manager at risk; revising provisions relating to agreements with labor organizations concerning contracts with a public body for a public work or with an awardee of certain grants, tax abatements, tax credits or tax exemptions from a public body; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Diaz:

Assembly Bill No. 407—AN ACT relating to cooperative extension programs; establishing geographical regions of the State for the purposes of such programs; placing the operation of the programs in the respective regions under the control of the Presidents of the University of Nevada, Reno, and the University of Nevada, Las Vegas, or their designees; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Joiner, Spiegel, Bilbray-Axelrod, Fumo, Sprinkle, Araujo, Benitez-Thompson, Brooks, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Flores, Frierson, McCurdy, Monroe-Moreno, Neal, Ohrenschall, Swank and Thompson:

Assembly Bill No. 408—AN ACT relating to health care; requiring the State Plan for Medicaid to cover certain preventive health care services and maternity and newborn care; requiring insurers to offer health insurance coverage regardless of the health status of a person; requiring insurers to allow the covered adult child of an insured to remain covered by the health insurance of the insured until 26 years of age; requiring insurers to provide coverage for certain preventive health care services for women, adults and children at no cost; requiring insurers to provide coverage for maternity and newborn care; prohibiting providers of health care, insurers and the Silver State Health Insurance Exchange from discriminating against a person on certain grounds; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Araujo, the privilege of the floor of the Assembly Chamber for this day was extended to Pam Roberts.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Deitsch and Marla Turner.

On request of Assemblyman Brooks, the privilege of the floor of the Assembly Chamber for this day was extended to Alison Brasier and Nancy Ayala.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Ana Navarro, Patricia Calzada, Jill Hetherton, and Verna Mandez.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Donna West, Frances Stine, and Marty McGarry.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Stufflebeam, Kathy Butler, Lisa Perryman, and Courtney Kravitz.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Stewart and Pat Fling.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Constance Hanson and Connie Barrett.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Sue Wagner, Christine Smith, Alysa Grimes, Elise Conlin, and Laura Brown.

On request of Assemblyman Fumo, the privilege of the floor of the Assembly Chamber for this day was extended to Electra Skrzydlewski and Molly Rose Lewis.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Terri White Elk.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Teresa Twitchell and Sarah Mahler.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Brianna Martinez, Krystina Viernes, and Brittni Griffith.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Amy O'Brien, Karen Stout-Gardner, and Sheila Peuchaud.

On request of Assemblyman Kramer, the privilege of the floor of the Assembly Chamber for this day was extended to Catherine Byrne, JoAnn Carpenter, and Barbara Wall.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to Grace Nichols, Carol Gleason, Gayle Brandeis, Mimi Swearngin, Ivan Swearngin, Alex Mayer, and Connor Riche.

On request of Assemblyman Marchant, the privilege of the floor of the Assembly Chamber for this day was extended to Danielle Schiller, Monica Durban, and Linda Borla.

On request of Assemblyman McCurdy, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Cadot, Bonnie Barber, and Peggy Lear Bowen.

On request of Assemblywoman Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Dan Kruger, Ginni Kruger, Durette Candito, and Elizabeth Castillo.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Lois DiVietro and Patrina McKinney.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Jocelyn Pereira, Theresa Hill, Edwina Knight, Riana Durett, Jeanette Dean, and Raquel Cruz.

On request of Assemblyman Pickard, the privilege of the floor of the Assembly Chamber for this day was extended to Mackenzie Matheny.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Stuart, Ann Louhela, and Asbury Edens.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Carolyn Miller, Paula Scholer, and Joan Morris.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Manuel Ayala, Kiyana Asemanfar, and Matt Kimball.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Louella Novak, Kasina Douglass-Boone, and Sherida Devine.

On request of Assemblywoman Tolles, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Lentz, Mary DeLaMare, and Jane Bantz.

On request of Assemblyman Watkins, the privilege of the floor of the Assembly Chamber for this day was extended to Annette Magnus, Mike Willoughby, Lynette Hull, Michelle Gorelow, Hailey Gorelow, and Aaron Gorelow.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Stiles and Beth Mancl.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Valerie McNay.

On request of Assemblyman Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to Helene de Boissiere-Swanson and Natalie Hernandez.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Tuesday, March 21, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 9:38 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FORTY-FOURTH DAY

CARSON CITY (Tuesday), March 21, 2017

Assembly called to order at 11:55 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Captain Mark Cyr.

Father, we come to You in humble obedience, asking Your presence and guidance. We ask for Your Holy Spirit to comfort, empower, encourage, and strengthen our leaders to be faithful to their state and its citizens. We ask for You to bless them and their families as each of them have sacrificed to serve their communities. Guide them, protect them, be with them, and unite them with the one goal to better the future of Nevada. Comfort and energize the staff that serves our leaders as well. Bless them for their sacrifice as well. Father we pray these things in the precious name of Jesus.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

March 21, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 43, 78, 130, 139, 144 and 159.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 94, 164, 290 and 302.

CINDY JONES
Fiscal Analysis Division

SECOND READING AND AMENDMENT

Senate Bill No. 92.

Bill read second time and ordered to third reading.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Araujo, the privilege of the floor of the Assembly Chamber for this day was extended to Kanani Espinoza.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Rader and George Combs.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Eleanor Davis, Megan Velazquez, Araceli Cruz, Asha Azhikakath Gilbert, Kaitlyn Probst, Lindsey Wolterbeek, Danielle Iljana, Rylie Pilkington, Mya Ubhoff, Makayla Sanders, Ashlee Tang, Sophia Patch, Jordan Sanderson, Talya Kryder, and Arianna Bourn.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Kim Nehls and Kim Metcalf.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Wednesday, March 22, 2017, at 11:30 a.m., where it would reconvene in the old Assembly Chamber in the historic Capitol Building.

Motion carried.

Assembly adjourned at 12:07 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FORTY-FIFTH DAY

CARSON CITY (Wednesday), March 22, 2017

Assembly called to order at 11:46 a.m. in the old Assembly Chamber in the historic Capitol Building.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Paul Anderson, who was excused.

Prayer by the Chaplain, Captain Mark Cyr.

My Heavenly Father, I ask for You to come into our presence and fill us with Your love, joy, and patience. Unite us together for the common good of Nevada and its people. Help our leaders clearly see the needs and proper direction You would have them take us. Guide and direct them. Empower them to speak and act faithfully and in Your truth. Bless this great state of Nevada and its leaders. Father we pray these things in the precious name of Jesus.

AMEN.

Pledge of allegiance to the Flag led by Leila Moassessi.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 242, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

IRENE BUSTAMANTE ADAMS, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Joint Resolution No. 8, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

OLIVIA DIAZ, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RICHARD CARRILLO, *Chair*

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C.

THE HONORABLE JASON FRIERSON
Speaker of the Nevada Assembly
401 South Carson Street
Carson City, NV 89701

March 21, 2017

DEAR SPEAKER:

I respectfully request the opportunity to address the distinguished members of the Nevada Legislature on Tuesday, April 18, 2017. I look forward to sharing with you and your colleagues information regarding the important issues the United States Congress will be addressing during the 115th Session.

I thank you in advance for your consideration of my request and I look forward to seeing you soon.

Sincerely,
DINA TITUS
Member of Congress

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 21, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 115.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 115.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 92.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 92 makes permanent the Task Force on Alzheimer's disease, which was set to expire by limitation on June 20, 2017.

Roll call on Senate Bill No. 92:

YEAS—41.

NAYS—None.

EXCUSED—Paul Anderson.

Senate Bill No. 92 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

VETOED BILLS AND SPECIAL ORDERS OF THE DAY

Vetoed Initiative Petition No. 1 of the 79th Session.
Governor's message stating his objections read.
Petition read.

OFFICE OF THE GOVERNOR

March 21, 2017

THE HONORABLE JASON FRIERSON, SPEAKER OF THE NEVADA STATE ASSEMBLY, The Nevada Legislature, 401 South Carson Street, Carson City, NV 89701

RE: Initiative Petition No. 1 of the 79th Legislative Session

DEAR SPEAKER FRIERSON:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Initiative Petition No. 1, which is entitled:

> AN ACT relating to elections; establishing procedures by which the Department of Motor Vehicles must, under certain circumstances, transmit certain information to register a person to vote or update a person's voter registration information; and providing other matters properly relating thereto.

INTRODUCTION

Initiative Petition No. 1 ("IP1"), The Automatic Voter Registration Initiative, proposes "an amendment to the Nevada Code to provide for *automatic voter registration* of citizens qualified to vote when they obtain services from the Department of Motor Vehicles ("DMV"), such as applying for a driver's license." *(See* Attachment "A", pp. 1, 21) (emphasis added). IP1 also states "[t]hose who do not want the DMV to facilitate their voter registration may affirmatively decline this assistance." *Id.*

IP1 advances a worthy goal by encouraging more eligible Nevadans to register to vote. However, such a result must partner with sound policy. IP1 fails this test because it extinguishes a fundamental, individual choice—the right of eligible voters to decide for themselves whether they desire to apply to register to vote—forfeiting this basic decision to state government.

Supporters of IP1 argue that the government's provision of an "opt-out" from the automatic application process substitutes for the decision by the individual to apply to register to vote. However, the core freedom of deciding whether one wishes to initiate voter registration belongs to the individual, not the government.

Moreover, if IP1 became law, it would create an unnecessary risk that people who are not qualified voters may unintentionally apply to vote, subjecting them to possible criminal prosecution, fines, and other legal action.

DISCUSSION

IP1 transforms Nevada's current registration system from an "opt-in" to an "opt-out" system, thereby compelling automatic application for voter registration for many (if not most) visitors to the Department of Motor Vehicles ("DMV"). Every DMV customer who applies for any type of driving privilege or identification card will automatically have an application for voter registration transmitted to a voter registrar or clerk, *unless* he or she affirmatively declines in writing.

Today, when customers request DMV forms to obtain a driver's license, instructional permit, driver authorization card, or identification card (Real ID or standard), they also receive a Nevada voter registration application. This is required pursuant to Nevada's "motor voter" law.

The application warns applicants in bold, all-caps language that providing false information is a felony that carries a civil penalty of up to $20,000. It then seeks answers to questions regarding the applicant's citizenship, age, reason for the application, and party affiliation (if any). Finally, applicants must swear or affirm under penalty of perjury that they are eligible to vote. *(See* Attachment "B", at 3.)

Nevada's existing "motor voter" process works; it is a good system that will improve through the recent (March 2017) adoption of a Memorandum of Understanding between the DMV and voting rights groups that makes it even easier for DMV customers to apply to register to vote—if they choose or are eligible to do so. Allowing DMV customers to *voluntarily* apply to register to vote while applying for driving privileges and identification cards has helped countless Nevadans. IP1 will not enhance this process.

IP1 fails to account for substantial differences between the qualifications to vote and the qualifications to obtain driving privileges or identification cards. For instance, one must be 18 years old to be eligible to vote, but one can be 16 years old to drive (and even younger to drive with an instructional permit). Non-citizens, some ex-felons and others may obtain driving privileges and identification cards, even though they cannot apply to register to vote.

To be candid, the proposed law does require the DMV to notify persons "of the qualifications to vote in this state." However, a person is "deemed to have consented" to the transmission of information *unless* the person "affirmatively declines in writing to apply to register to vote." Such a scenario does not protect against inadvertent application for registration and potential violation of law.

It is important to note that under Nevada law, the DMV does not determine an individual's eligibility to vote. Indeed, Nevada law *prohibits* DMV employees from making "any statement or [taking] any action to discourage an applicant from registering to vote." NRS 293.5045(1)(c). These same prohibitions may apply if IP1 becomes law, thus preventing DMV staff from discouraging likely ineligible individuals from applying for voter registration. Customers may, as a result, be subject to criminal prosecution simply through their inattention, misunderstanding, or ignorance of the process.

CONCLUSION

The current DMV voter registration process provides the necessary balance for voluntary and informed voter registration. IP1 upsets that balance, removing the element of allowing an individual to initiate the voter registration process, and increasing the possibility of improper registration.

Nevadans have many other opportunities to apply to register to vote outside of the DMV. Eligible voters can register by mail, online or in person at various public offices. It is also common, especially during election years, for various groups to offer voter registration at multiple locations. With all of these registration options, Nevadans have a multitude of voluntary voter registration opportunities.

Finally, I am mindful that my veto does not foreclose the debate on IP1. During the 2018 general election, Nevada voters will have the final say on compulsory application for voter registration at the Nevada DMV. The Nevada Constitution makes the people of Nevada the final arbiters of petitions, and they can, if they so choose, effectively overturn this veto at the ballot box. The decision to mandate compulsory application for voter registration by the government is better left with the public, who will be subject to its requirements.

For these reasons, I veto Initiative Petition 1.

Sincere regards,
BRIAN SANDOVAL
Governor

ATTACHMENT

"A"

Initiative Petition – Statewide Statutory Measure *State of Nevada*

THE AUTOMATIC VOTER REGISTRATION INITIATIVE

Explanation -- Matter in ***bolded italics*** is new; matter between brackets [~~omitted material~~] is material to be omitted.

The People of the State of Nevada do enact as follows:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ***1. The Secretary of State, the Department of Motor Vehicles and each county clerk shall cooperatively establish a system by which voter registration information that is collected pursuant to section 4 of this act by the Department from a person who submits an application for the issuance or renewal of or change of address for any type of driver's license or identification card issued by the Department must be transmitted electronically to the Secretary of State and the county clerks for the purpose of registering the person to vote or updating the voter registration information of the person for the purpose of correcting the statewide voter registration list pursuant to NRS 293.530.***

2. The system established pursuant to subsection 1 must:

(a) Ensure the secure electronic storage of information collected pursuant to section 4 of this act, the secure transmission of such information to the Secretary of State and county clerks and the secure electronic storage of such information by the Secretary of State and county clerks;

(b) Provide for the destruction of records by the Department as required by subsection 2 of section 5 of this act; and

(c) Enable the county clerks to receive, view and collate the information into individual electronic documents pursuant to paragraph (c) of subsection 1 of section 6 of this act.

Sec. 3. ***1. The Department of Motor Vehicles shall follow the procedures described in this section and sections 4 and 5 of this act if a person applies to the Department for the issuance or renewal of or change of address for any type of driver's license or identification card issued by the Department.***

2. Before concluding the person's transaction with the Department, the Department shall notify each person described in subsection 1:

(a) Of the qualifications to vote in this State, as provided by NRS 293.485;

(b) That, unless the person affirmatively declines in writing to apply to register to vote or have his or her voter registration information updated, as applicable:

(1) The person is deemed to have consented to the transmission of information to the Secretary of State and the county clerks for the purpose of registering the person to vote or updating the voter registration information of the person for the purpose of correcting the statewide voter registration list pursuant to NRS 293.530; and

(2) The Department will transmit to the county clerk of the county in which the person resides all information required to register the person to vote pursuant to this chapter or to update the voter registration information of the person for the purpose of correcting the statewide voter registration list pursuant to NRS 293.530;

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SECRETARY OF STATE

(c) That:

(1) Indicating a political party affiliation or indicating that the person is not affiliated with a political party is voluntary;

(2) The person may indicate a political party affiliation on a paper or electronic form provided by the Department; and

(3) The person will not be able to vote at a primary election or primary city election for candidates for partisan offices of a major political party unless the person updates his or her voter registration information to indicate a major political party affiliation; and

(d) Of the provisions of subsections 2 and 3 of section 7 of this act.

3. The failure or refusal of the person to acknowledge that he or she has received the notice required by subsection 2:

(a) Is not a declination by the person to apply to register to vote or have his or her voter registration information updated; and

(b) Shall not be deemed to affect any duty of the Department, the Secretary of State or any county clerk:

(1) Relating to the application of the person to register to vote; or

(2) To update the voter registration information of the person.

4. The Department:

(a) Shall prescribe by regulation the form of the notice required by subsection 2 and the procedure for providing it; and

(b) Shall not require the person to acknowledge that he or she has received the notice required by subsection 2.

Sec. 4. *1. Unless the person affirmatively declines in writing to apply to register to vote or have his or her voter registration information updated, as applicable, if a person applies to the Department of Motor Vehicles for the issuance or renewal of or change of address for a driver's license or identification card issued by the Department, the Department shall collect from the person:*

(a) A paper or electronic affirmation signed under penalty of perjury that the person is eligible to vote;

(b) An electronic facsimile of the signature of the person, if the Department is capable of recording, storing and transmitting to the county clerk an electronic facsimile of the signature of the person;

(c) Any personal information which the person has not already provided to the Department and which is required for the person to register to vote or to update the voter registration information of the person, including:

(1) The first or given name and the surname of the person;

(2) The address at which the voter actually resides as set forth in NRS 293.486 and, if different, the address at which the person may receive mail, including, without limitation, a post office box or general delivery;

(3) The date of birth of the person;

(4) Except as otherwise provided in subsection 2, one of the following:

(I) The number indicated on the person's current and valid driver's license or identification card issued by the Department, if the person has such a driver's license or identification card; or

(II) The last four digits of the person's social security number, if the person does not have a driver's license or identification card issued by the Department and has a social security number; and

(5) The political party affiliation, if any, indicated by the person; and

(d) The paper or electronic form, if any, completed by the person and indicating his or her political party affiliation.

2. If the person does not have the identification described in subparagraph (4) of paragraph (c) of subsection 1, the person must sign an affidavit stating that he or she does not have a current and valid driver's license or identification card issued by the Department or a social security number. Upon receipt of the affidavit, the county clerk shall issue an identification number to the person which must be the same number as the unique identifier assigned to the person for the purpose of the statewide voter registration list.

Sec. 5. *1. Except as otherwise provided in this subsection, the Department of Motor Vehicles shall electronically transmit to the Secretary of State and the appropriate county clerk the information and any electronic documents collected from a person pursuant to section 4 of this act:*

(a) Except as otherwise provided in paragraph (b), not later than 5 working days after collecting the information; and

(b) During the 2 weeks immediately preceding the fifth Sunday preceding an election, not later than 1 working day after collecting the information.

2. The Department shall destroy any record containing information collected pursuant to section 4 of this act that is not otherwise collected by the Department in the normal course of business immediately after transmitting the information to the Secretary of State and county clerk pursuant to subsection 1.

3. The Department shall forward the following paper documents on a weekly basis to the appropriate county clerk, or daily during the 2 weeks immediately preceding the fifth Sunday preceding an election:

(a) Each signed affirmation collected pursuant to paragraph (a) of subsection 1 of section 4 of this act;

(b) Any completed form indicating a political party affiliation collected pursuant to paragraph (d) of subsection 1 of section 4 of this act; and

(c) Any affidavit signed pursuant to subsection 2 of section 4 of this act.

Sec. 6. *1. Unless the person affirmatively declines in writing to apply to register to vote or have his or her voter registration information updated, as applicable, if a person applies to the Department of Motor Vehicles for the issuance or renewal of or change of address for any type of driver's license or identification card issued by the Department:*

(a) The person shall be deemed an applicant to register to vote.

(b) Any action taken by the person pursuant to section 4 of this act shall be deemed an act of applying to register to vote.

(c) Upon receipt of the information collected from the person and transmitted to a county clerk by the Department of Motor Vehicles, the county clerk shall collate the information into an individual electronic document, which shall be deemed an application to register to vote.

(d) Unless the applicant is already registered to vote, the date on which the person applies to register to vote pursuant to section 4 of this act shall be deemed the date on which the applicant registered to vote.

2. If the county clerk determines that the application is complete and that the applicant is eligible to vote pursuant to NRS 293.485, the name of the applicant must appear on the statewide voter registration list and the appropriate roster, and the person must be provided all sample ballots and any other voter information provided to registered voters. If the county clerk determines that the application is not complete, he or she shall notify the applicant that additional information is required in accordance with the provisions of NRS 293.524.

3. For each applicant who applies to register to vote pursuant to section 4 of this act:

(a) The electronic facsimile of the signature of the applicant shall be deemed to be the facsimile of the signature on the person's application to register to vote to be used for the comparison purposes of NRS 293.277 if:

(1) An electronic facsimile of the signature has been collected and transmitted to the county clerk of the county in which the applicant resides pursuant to sections 4 and 5 of this act, respectively; and

(2) The county clerk is capable of receiving, storing and using the facsimile of the signature for that purpose; or

(b) If the conditions described in paragraph (a) are not met, the signature of the applicant on the affirmation signed pursuant to paragraph (a) of subsection 1 of section 4 of this act shall be deemed to be the signature on the person's application to register to vote for the purpose of making a facsimile thereof to be used for the comparison purposes of NRS 293.277.

4. If an applicant is already registered to vote, the county clerk shall use the voter registration information of the applicant transmitted by the Department of Motor Vehicles to correct the statewide voter registration list pursuant to NRS 293.530, if necessary.

Sec. 7. *1. A person who affirmatively declines in writing to apply to register to vote or have his or her voter registration information updated, as applicable, pursuant to section 4 of this act may apply to register to vote at the Department of Motor Vehicles pursuant to NRS 293.524.*

2. Whether a person applies to register to vote or have his or her voter registration information updated, as applicable, pursuant to section 4 of this act must not affect the provision of services or assistance to the person by the Department, and the fact of a person applying to register to vote or have his or her voter registration information updated, as applicable, pursuant to section 4 of this act or declining to do so must not be disclosed to the public.

3. Any information collected pursuant to sections 2 to 7, inclusive, of this act must not be used for any purpose other than voter registration.

4. Except as otherwise provided in this subsection, the Secretary of State shall adopt regulations necessary to carry out the provisions of sections 2 to 7, inclusive, of this act. The Secretary of State shall not require a person to provide any documentation in order to apply to register to vote or have his or her voter registration information updated, as applicable, pursuant to section 4 of this act that is not required by section 4 of this act or federal law, including, without limitation, documentation to prove the person's identity, citizenship or residence.

Sec. 8. NRS 293.12757 is hereby amended to read as follows:

293.12757 A person may sign a petition required under the election laws of this State on or after the date the person is deemed to be registered to vote pursuant to NRS 293.517 , ~~[or]~~ subsection 7 of NRS 293.5235 ~~[.]~~ ***or section 6 of this act.***

Sec. 9. NRS 293.1277 is hereby amended to read as follows:

293.1277 1. If the Secretary of State finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, the Secretary of State shall immediately so notify the county clerks. After the notification, each of the county clerks shall determine the number of registered voters who have signed the documents submitted in the county clerk's county and, in the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, shall tally the number of signatures for each petition district contained or fully contained within the county clerk's county. This determination must be completed within 9 days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 293.128, 295.056, 298.109, 306.035 or 306.110, and within 3 days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 293.172 or 293.200. For the purpose of verification pursuant to this section, the county clerk shall not include in his or her tally of total signatures any signature included in the incorrect petition district.

2. Except as otherwise provided in subsection 3, if more than 500 names have been signed on the documents submitted to a county clerk, the county clerk shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerk is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures, whichever is greater. If documents were submitted to the county clerk for more than one petition district wholly contained within that county, a separate random sample must be performed for each petition district.

3. If a petition district comprises more than one county and the petition is for an initiative or referendum proposing a constitutional amendment or a statewide measure, and if more than 500 names have been signed on the documents submitted for that petition district, the appropriate county clerks shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a

manner that every signature which has been submitted to the county clerks within the petition district is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures presented in the petition district, whichever is greater. The Secretary of State shall determine the number of signatures that must be verified by each county clerk within the petition district.

4. In determining from the records of registration the number of registered voters who signed the documents, the county clerk may use the signatures contained in the file of applications to register to vote. If the county clerk uses that file, the county clerk shall ensure that every application in the file is examined, including any application in his or her possession which may not yet be entered into the county clerk's records. Except as otherwise provided in subsection 5, the county clerk shall rely only on the appearance of the signature and the address and date included with each signature in making his or her determination.

5. If:

(a) Pursuant to NRS 293.506, a county clerk establishes a system to allow persons to register to vote by computer; ~~[or]~~;

(b) A person registers to vote pursuant to NRS 293D.230 and signs his or her application to register to vote using a digital signature or an electronic signature ~~[.]~~ **; or**

(c) A person registers to vote pursuant to section 4 of this act, the county clerk may rely on such other indicia as prescribed by the Secretary of State in making his or her determination.

6. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, when the county clerk is determining the number of registered voters who signed the documents from each petition district contained fully or partially within the county clerk's county, he or she must use the statewide voter registration list available pursuant to NRS 293.675.

7. Except as otherwise provided in subsection 9, upon completing the examination, the county clerk shall immediately attach to the documents a certificate properly dated, showing the result of the examination, including the tally of signatures by petition district, if required, and transmit the documents with the certificate to the Secretary of State. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, if a petition district comprises more than one county, the appropriate county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section to complete the certificate. A copy of this certificate must be filed in the clerk's office. When the county clerk transmits the certificate to the Secretary of State, the county clerk shall notify the Secretary of State of the number of requests to remove a name received by the county clerk pursuant to NRS 295.055 or 306.015.

8. A person who submits a petition to the county clerk which is required to be verified pursuant to NRS 293.128, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be allowed to witness the verification of the signatures. A public officer who is the subject of a recall petition must also be allowed to witness the verification of the signatures on the petition.

9. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not transmit to the Secretary of State the documents containing the signatures of the registered voters.

10. The Secretary of State shall by regulation establish further procedures for carrying out the provisions of this section.

Sec. 10. NRS 293.2725 is hereby amended to read as follows:

293.2725 1. Except as otherwise provided in subsection 2, in NRS 293.3081 and 293.3083 and in federal law, a person who registers by mail or computer ~~[to vote]~~ in this State ***or registers to vote pursuant to section 4 of this act*** and who has not previously voted in an election for federal office in this State:

(a) May vote at a polling place only if the person presents to the election board officer at the polling place:

(1) A current and valid photo identification of the person, which shows his or her physical address; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517; and

(b) May vote by mail only if the person provides to the county or city clerk:

(1) A copy of a current and valid photo identification of the person, which shows his or her physical address; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517.

If there is a question as to the physical address of the person, the election board officer or clerk may request additional information.

2. The provisions of subsection 1 do not apply to a person who:

(a) Registers to vote by mail and submits with an application to register to vote:

(1) A copy of a current and valid photo identification; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517;

(b) Except as otherwise provided in subsection 3, registers to vote by mail or computer and submits with an application to register to vote a driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(c) ***Registers to vote pursuant to section 4 of this act and at that time presents to the Department of Motor Vehicles:***

(1) A copy of a current and valid photo identification;

(2) A copy of a current utility bill, bank statement, paycheck or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517; or

(3) A driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(d) Is entitled to vote an absent ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq.;

~~[(d)]~~ *(e)* Is provided the right to vote otherwise than in person under the Voting Accessibility for the Elderly and Handicapped Act, 52 U.S.C. §§ 20101 et seq.; or

~~[(e)]~~ *(f)* Is entitled to vote otherwise than in person under any other federal law.

3. The provisions of subsection 1 apply to a person described in paragraph (b) of subsection 2 if the voter registration card issued to the person pursuant to subsection 6 of NRS 293.517 is mailed by the county clerk to the person and returned to the county clerk by the United States Postal Service.

Sec. 11. NRS 293.504 is hereby amended to read as follows:

293.504 1. The following offices shall serve as voter registration agencies:

(a) Such offices that provide public assistance as are designated by the Secretary of State;

(b) Each office that receives money from the State of Nevada to provide services to persons with disabilities in this State;

(c) The offices of the Department of Motor Vehicles;

(d) The offices of the city and county clerks;

(e) Such other county and municipal facilities as a county clerk or city clerk may designate pursuant to NRS 293.5035 or 293C.520, as applicable;

(f) Recruitment offices of the United States Armed Forces; and

(g) Such other offices as the Secretary of State deems appropriate.

2. Each voter registration agency shall:

(a) Post in a conspicuous place, in at least 12-point type, instructions for registering to vote;

(b) Except as otherwise provided in subsection 3 ~~[,]~~ ***and sections 2 to 7, inclusive, of this act,*** distribute applications to register to vote which may be returned by mail with any application for services or assistance from the agency or submitted for any other purpose and with each application for recertification, renewal or change of address submitted to the agency that relates to such services, assistance or other purpose;

(c) Provide the same amount of assistance to an applicant in completing an application to register to vote as the agency provides to a person completing any other forms for the agency; and

(d) Accept completed applications to register to vote.

3. A voter registration agency is not required to provide an application to register to vote pursuant to paragraph (b) of subsection 2 to a person who applies for or receives services or assistance from the agency or submits an application for any other purpose if the person declines to register to vote and submits to the agency a written form that meets the requirements of ~~[42]~~ *52* U.S.C. § ~~[1973gg-5(a)(6). No information]~~ ***20506(a)(6). Information*** related to the declination to register to vote may *not* be used for any purpose other than voter registration.

4. Except as otherwise provided in this subsection , ~~[and]~~ NRS 293.524 ~~[.]~~ ***and section 5 of this act***, any application to register to vote accepted by a voter registration agency must be transmitted to the county clerk not later than 10 days after the application is accepted. The applications must be forwarded daily during the 2 weeks immediately preceding the fifth Sunday preceding an election. The county clerk shall accept any application to register to vote which is obtained from a voter registration agency pursuant to this section and completed by the fifth Sunday preceding an election if the county clerk receives the application not later than 5 days after that date.

5. The Secretary of State shall cooperate with the Secretary of Defense to develop and carry out procedures to enable persons in this State to apply to register to vote at recruitment offices of the United States Armed Forces.

Sec. 12. NRS 293.510 is hereby amended to read as follows:

293.510 1. ~~[In]~~ ***Except as otherwise provided in subsection 3, in*** counties where computers are not used to register voters, the county clerk shall:

(a) Segregate original applications to register to vote according to the precinct in which the registered voters reside and arrange the applications in each precinct or district in alphabetical order. The applications for each precinct or district must be kept separately for each precinct or district. These applications must be used to prepare the rosters.

(b) Arrange the duplicate applications of registration in alphabetical order for the entire county and keep them in binders or a suitable file which constitutes the registrar of voters' register.

2. ~~[In]~~ ***Except as otherwise provided in subsection 3, in*** any county where a computer is used to register voters, the county clerk shall:

(a) Arrange the original applications to register to vote for the entire county in a manner in which an original application may be quickly located. These original applications constitute the registrar of voters' register.

(b) Segregate the applications to register to vote in a computer file according to the precinct or district in which the registered voters reside, and for each precinct or district have printed a computer listing which contains the applications to register to vote in alphabetical order. These listings of applications to register to vote must be used to prepare the rosters.

3. From the applications to register to vote received by each county clerk, the county clerk shall:

(a) Segregate the applications electronically transmitted by the Department of Motor Vehicles pursuant to subsection 1 of section 5 of this act in a computer file according to the precinct or district in which the registered voters reside; and

(b) Arrange the applications in each precinct or district in alphabetical order.

Sec. 13. NRS 293.517 is hereby amended to read as follows:

293.517 1. Any elector residing within the county may register to vote:

(a) Except as otherwise provided in NRS 293.560 and 293C.527, by appearing before the county clerk, a field registrar or a voter registration agency, completing the application to register to vote, giving true and satisfactory answers to all questions relevant to his or her identity and right to vote, and providing proof of residence and identity;

(b) By completing and mailing or personally delivering to the county clerk an application to register to vote pursuant to the provisions of NRS 293.5235;

(c) Pursuant to the provisions of NRS 293.524 or chapter 293D of NRS ~~[.]~~ ***or section 4 of this act;***

(d) At his or her residence with the assistance of a field registrar pursuant to NRS 293.5237; or

(e) By submitting an application to register to vote by computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.

The county clerk shall require a person to submit official identification as proof of residence and identity, such as a driver's license or other official document, before registering the person. If the applicant registers to vote pursuant to this subsection and fails to provide proof of residence and identity, the applicant must provide proof of residence and identity before casting a ballot in person or by mail or after casting a provisional ballot pursuant to NRS 293.3081 or 293.3083. For the purposes of this subsection, a voter registration card issued pursuant to subsection 6 does not provide proof of the residence or identity of a person.

2. ~~[The]~~ ***Except as otherwise provided in sections 2 to 7, inclusive, of this act, the*** application to register to vote must be signed and verified under penalty of perjury by the elector registering.

3. Each elector who is or has been married must be registered under his or her own given or first name, and not under the given or first name or initials of his or her spouse.

4. An elector who is registered and changes his or her name must complete a new application to register to vote. The elector may obtain a new application:

(a) At the office of the county clerk or field registrar;

(b) By submitting an application to register to vote pursuant to the provisions of NRS 293.5235;

(c) By submitting a written statement to the county clerk requesting the county clerk to mail an application to register to vote;

(d) At any voter registration agency; or

(e) By submitting an application to register to vote by computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.

If the elector fails to register under his or her new name, the elector may be challenged pursuant to the provisions of NRS 293.303 or 293C.292 and may be required to furnish proof of identity and subsequent change of name.

5. Except as otherwise provided in subsection 7 1~~[.]~~ ***and sections 4 to 7, inclusive, of this act,*** an elector who registers to vote pursuant to paragraph (a) of subsection 1 shall be deemed to be registered upon the completion of an application to register to vote.

6. After the county clerk determines that the application to register to vote of a person is complete and that, except as otherwise provided in NRS 293D.210, the person is eligible to vote pursuant to NRS 293.485, the county clerk shall issue a voter registration card to the voter which contains:

(a) The name, address, political affiliation and precinct number of the voter;

(b) The date of issuance; and

(c) The signature of the county clerk.

7. If an elector submits an application to register to vote or an affidavit described in paragraph (c) of subsection 1 of NRS 293.507 that contains any handwritten additions, erasures or interlineations, the county clerk may object to the application to register to vote if the county clerk believes that because of such handwritten additions, erasures or interlineations, the application to register to vote of the elector is incomplete or that, except as otherwise provided in NRS 293D.210, the elector is not eligible to vote pursuant to NRS 293.485. If the county clerk objects pursuant to this subsection, he or she shall immediately notify the elector and the district attorney of the county. Not later than 5 business days after the district attorney receives such notification, the district attorney shall advise the county clerk as to whether:

(a) The application to register to vote of the elector is complete and, except as otherwise provided in NRS 293D.210, the elector is eligible to vote pursuant to NRS 293.485; and

(b) The county clerk should proceed to process the application to register to vote.

If the District Attorney advises the county clerk to process the application to register to vote, the county clerk shall immediately issue a voter registration card to the applicant pursuant to subsection 6.

Sec. 14. NRS 293.518 is hereby amended to read as follows:

293.518 1. ~~[At]~~ ***Except as otherwise provided in sections 3 and 4 of this act, at*** the time an elector registers to vote the elector must indicate:

(a) A political party affiliation; or

(b) That he or she is not affiliated with a political party.

An elector who indicates that he or she is "independent" shall be deemed not affiliated with a political party.

2. If an elector indicates that he or she is not affiliated with a political party, or is independent, the county clerk or field registrar of voters shall list the elector's political party as nonpartisan.

3. If an elector indicates an affiliation with a major political party or a minor political party that has filed a certificate of existence with the Secretary of State, the county clerk or field registrar of voters shall list the elector's political party as indicated by the elector.

4. If an elector indicates an affiliation with a minor political party that has not filed a certificate of existence with the Secretary of State, the county clerk or field registrar of voters shall:

(a) List the elector's political party as the party indicated in the application to register to vote.

(b) When compiling data related to voter registration for the county, report the elector's political party as "other party."

5. If an elector does not make any of the indications described in subsection 1, the county clerk or field registrar of voters shall:

(a) List the elector's political party as nonpartisan; and

(b) Mail to the elector a notice setting forth that the elector has been registered to vote as a nonpartisan because the elector did not make any of the indications described in subsection 1.

Sec. 15. NRS 293.524 is hereby amended to read as follows:

293.524 1. ~~[The]~~ ***Except as otherwise provided in this section, the*** Department of Motor Vehicles shall provide ~~[an]~~ ***a paper*** application to register to vote to each person who ~~[applies]~~:

(a) Applies for the issuance or renewal of any type of driver's license or identification card issued by the Department ~~[.]~~ ***; and***

(b) Does not apply to register to vote pursuant to section 4 of this act.

2. The county clerk shall use the **paper** applications to register to vote which are signed and completed pursuant to subsection 1 to register applicants to vote or to correct information in the registrar of voters' register. ~~[An]~~ **A paper** application that is not signed must not be used to register or correct the registration of the applicant.

3. For the purposes of this section, each employee specifically authorized to do so by the Director of the Department may oversee the completion of ~~[an]~~ ***a paper*** application. The authorized employee shall check the ***paper*** application for completeness and verify the information required by the ***paper*** application. Each ***paper*** application must include a duplicate copy or receipt to be retained by the applicant upon completion of the form. The Department shall, except as otherwise provided in this subsection, forward each ***paper*** application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. The ***paper*** applications must be forwarded daily during the 2 weeks immediately preceding the fifth Sunday preceding an election.

4. The Department is not required to provide a paper application to register to vote pursuant to subsection 1 to a person who declines to apply to register to vote pursuant to this section and submits to the Department a written form that meets the requirements of 52 U.S.C. § 20506(a)(6). Information related to the declination to apply to register to vote must not be used for any purpose other than voter registration.

5. The county clerk shall accept any ***paper*** application to register to vote which is obtained from the Department of Motor Vehicles pursuant to this section and completed by the fifth Sunday preceding an election if the county clerk receives the ***paper*** application not later than 5 days after that date. Upon receipt of ~~[an]~~ ***a paper*** application, the county clerk or field registrar of voters shall determine whether the ***paper*** application is complete. If the county clerk or field registrar of voters determines that the ***paper*** application is complete, he or she shall notify the applicant and the applicant shall be deemed to be registered as of the date of the submission of the ***paper*** application. If the county clerk or field registrar of voters determines that the ***paper*** application is not complete, he or she shall notify the applicant of the additional information required. The applicant shall be deemed to be registered as of the date of the initial submission of the ***paper*** application if the additional information is provided within 15 days after the notice for the additional information is mailed. If the applicant has not provided the additional information within 15 days after the notice for the additional information is mailed, the incomplete ***paper*** application is void. Any notification required by this subsection must be given by mail at the mailing address on the ***paper*** application not more than 7 working days after the determination is made concerning whether the ***paper*** application is complete.

~~[5.]~~ ***6.*** The county clerk shall use any form submitted to the Department to correct information on a driver's license or identification card to correct information in the registrar of voters' register, unless the person indicates on the form that the correction is not to be used for the purposes of voter registration. The Department shall

forward each such form to the county clerk or, if applicable, to the registrar of voters of the county in which the person resides in the same manner provided by subsection 3 for ***paper*** applications to register to vote.

~~[6.]~~ *7.* Upon receipt of a form to correct information, the county clerk shall compare the information to that contained in the registrar of voters' register. If the person is a registered voter, the county clerk shall correct the information to reflect any changes indicated on the form. After making any changes, the county clerk shall notify the person by mail that the records have been corrected.

~~[7.]~~ *8.* The Secretary of State shall, with the approval of the Director, adopt regulations to:

(a) Establish any procedure necessary to provide an elector who applies to register to vote pursuant to this section the opportunity to do so;

(b) Prescribe the contents of any forms or ***paper*** applications which the Department is required to distribute pursuant to this section; and

(c) Provide for the transfer of the completed ***paper*** applications of registration from the Department to the appropriate county clerk for inclusion in the rosters and registrar of voters' register.

Sec. 16. NRS 293.530 is hereby amended to read as follows:

293.530 Except as otherwise provided in NRS 293.541:

1. County clerks may use any reliable and reasonable means available to correct the portions of the statewide voter registration list which are relevant to the county clerks and to determine whether a registered voter's current residence is other than that indicated on the voter's application to register to vote.

2. A county clerk may, with the consent of the board of county commissioners, make investigations of registration in the county by census, by house-to-house canvass or by any other method.

3. A county clerk shall cancel the registration of a voter pursuant to this section if:

(a) The county clerk mails a written notice to the voter which the United States Postal Service is required to forward;

(b) The county clerk mails a return postcard with the notice which has a place for the voter to write his or her new address, is addressed to the county clerk and has postage guaranteed;

(c) The voter does not respond; and

(d) The voter does not appear to vote in an election before the polls have closed in the second general election following the date of the notice.

4. For the purposes of this section, the date of the notice is deemed to be 3 days after it is mailed.

5. The county clerk shall maintain records of:

(a) Any notice mailed pursuant to subsection 3;

(b) Any response to such notice; and

(c) Whether a person to whom a notice is mailed appears to vote in an election,

458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 7 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

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

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

Sec. 18. NRS 483.290 is hereby amended to read as follows:

483.290 1. An application for an instruction permit or for a driver's license must:

(a) Be made upon a form furnished by the Department.

(b) Be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.

(c) Be accompanied by the required fee.

(d) State the full legal name, date of birth, sex, address of principal residence and mailing address, if different from the address of principal residence, of the applicant and briefly describe the applicant.

(e) State whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal.

(f) Include such other information as the Department may require to determine the competency and eligibility of the applicant.

2. Every applicant must furnish proof of his or her full legal name and age by displaying:

(a) An original or certified copy of the required documents as prescribed by regulation; or

(b) A photo identification card issued by the Department of Corrections pursuant to NRS 209.511.

3. The Department shall adopt regulations prescribing the documents an applicant may use to furnish proof of his or her full legal name and age to the Department pursuant to paragraph (a) of subsection 2.

4. At the time of applying for a driver's license, an applicant may, if eligible, register to vote pursuant to NRS 293.524 ~~[.]~~ ***or section 4 of this act.***

5. Every applicant who has been assigned a social security number must furnish proof of his or her social security number by displaying:

(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or

(b) Other proof acceptable to the Department, including, without limitation, records of employment or federal income tax returns.

6. The Department may refuse to accept a driver's license issued by another state, the District of Columbia or any territory of the United States if the Department determines that the other state, the District of Columbia or the territory of the United States has less stringent standards than the State of Nevada for the issuance of a driver's license.

7. With respect to any document presented by a person who was born outside of the United States to prove his or her full legal name and age, the Department:

(a) May, if the document has expired, refuse to accept the document or refuse to issue a driver's license to the person presenting the document, or both; and

(b) Shall issue to the person presenting the document a driver's license that is valid only during the time the applicant is authorized to stay in the United States, or if there is no definite end to the time the applicant is authorized to stay, the driver's license is valid for 1 year beginning on the date of issuance.

8. The Administrator shall adopt regulations setting forth criteria pursuant to which the Department will issue or refuse to issue a driver's license in accordance with this section to a person who is a citizen of any state, the District of Columbia, any territory of the United States or a foreign country. The criteria pursuant to which the Department shall issue or refuse to issue a driver's license to a citizen of a foreign country must be based upon the purpose for which that person is present within the United States.

9. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an instruction permit or for a driver's license. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.

Sec. 19. NRS 483.850 is hereby amended to read as follows:

483.850 1. Every application for an identification card must be made upon a form provided by the Department and include, without limitation:

(a) The applicant's:

(1) Full legal name.

(2) Date of birth.

(3) State of legal residence.

(4) Current address of principal residence and mailing address, if different from his or her address of principal residence, in this State, unless the applicant is on active duty in the military service of the United States.

(b) A statement from:

(1) A resident stating that he or she does not hold a valid driver's license or identification card from any state or jurisdiction; or

(2) A seasonal resident stating that he or she does not hold a valid Nevada driver's license.

2. When the form is completed, the applicant must sign the form and verify the contents before a person authorized to administer oaths.

3. An applicant who has been issued a social security number must provide to the Department for inspection:

(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or

(b) Other proof acceptable to the Department bearing the social security number of the applicant, including, without limitation, records of employment or federal income tax returns.

4. At the time of applying for an identification card, an applicant may, if eligible, register to vote pursuant to NRS 293.524 ~~[.]~~ ***or section 4 of this act.***

5. A person who possesses a driver's license or identification card issued by another state or jurisdiction who wishes to apply for an identification card pursuant to this section shall surrender to the Department the driver's license or identification card issued by the other state or jurisdiction at the time the person applies for an identification card pursuant to this section.

Sec. 20. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 21. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2018, for all other purposes.

Initiative Petition – Statewide Statutory Measure *State of Nevada*

DESCRIPTION OF EFFECT

This initiative proposes an amendment to the Nevada Code to provide for automatic voter registration of citizens qualified to vote when they obtain services from the Department of Motor Vehicles ("DMV"), such as applying for a driver's license. The amendment will make it more convenient for qualified citizens to register and update their registration information by requiring the DMV to transmit qualified citizens' information to the Secretary of State ("Secretary") to register them to vote or update their registration information. It is designed to increase the accuracy of registration rolls by ensuring that qualified citizens who move within Nevada and update their contact information at the DMV will have their voter registration information automatically updated. The amendment directs the DMV to securely handle voter information. It also directs the Secretary and DMV to use electronic forms where possible to reduce costs and waste, and prohibits the use of information provided to the DMV to assist it in voter registration services for purposes other than for voter registration. The amendment will not change voter eligibility requirements or the services provided by the DMV. Those who do not want the DMV to facilitate their voter registration may affirmatively decline this assistance.

County of _____ **(Only registered voters of this county may sign below)**
Petition District: _____ **(Only registered voters of this petition district may sign below)**

This Space For Office Use Only

1	PRINT YOUR NAME (first name, initial, last name)		RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE	DATE / /	CITY	COUNTY	
2	PRINT YOUR NAME (first name, initial, last name)		RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE	DATE / /	CITY	COUNTY	
3	PRINT YOUR NAME (first name, initial, last name)		RESIDENCE ADDRESS ONLY		
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6	PRINT YOUR NAME (first name, initial, last name)		RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE	DATE / /	CITY	COUNTY	

Page ____ of _____

Initiative Petition – Statewide Statutory Measure *State of Nevada*

DESCRIPTION OF EFFECT

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County of _____ **(Only registered voters of this county may sign below)**
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				This Space For Office Use Only
7	PRINT YOUR NAME (first name, initial, last name)		RESIDENCE ADDRESS ONLY	
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	YOUR SIGNATURE	DATE / /	CITY COUNTY	
12	PRINT YOUR NAME (first name, initial, last name)		RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE	DATE / /	CITY COUNTY	

Page ____ of ____

Initiative Petition – Statewide Statutory Measure *State of Nevada*

DESCRIPTION OF EFFECT

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County of _____ **(Only registered voters of this county may sign below)**
Petition District:_____ **(Only registered voters of this petition district may sign below)**

				This Space For Office Use Only
13	PRINT YOUR NAME (first name, initial, last name)		RESIDENCE ADDRESS ONLY	
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14	PRINT YOUR NAME (first name, initial, last name)		RESIDENCE ADDRESS ONLY	
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17	PRINT YOUR NAME (first name, initial, last name)		RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE	DATE / /	CITY COUNTY	
18	PRINT YOUR NAME (first name, initial, last name)		RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE	DATE / /	CITY COUNTY	

Page ____ of ____

Initiative Petition – Statewide Statutory Measure *State of Nevada*

DESCRIPTION OF EFFECT

This initiative proposes an amendment to the Nevada Code to provide for automatic voter registration of citizens qualified to vote when they obtain services from the Department of Motor Vehicles ("DMV"), such as applying for a driver's license. The amendment will make it more convenient for qualified citizens to register and update their registration information by requiring the DMV to transmit qualified citizens' information to the Secretary of State ("Secretary") to register them to vote or update their registration information. It is designed to increase the accuracy of registration rolls by ensuring that qualified citizens who move within Nevada and update their contact information at the DMV will have their voter registration information automatically updated. The amendment directs the DMV to securely handle voter information. It also directs the Secretary and DMV to use electronic forms where possible to reduce costs and waste, and prohibits the use of information provided to the DMV to assist it in voter registration services for purposes other than for voter registration. The amendment will not change voter eligibility requirements or the services provided by the DMV. Those who do not want the DMV to facilitate their voter registration may affirmatively decline this assistance.

County of _____ **(Only registered voters of this county may sign below)**
Petition District: _____ **(Only registered voters of this petition district may sign below)**

				This Space For Office Use Only
19	PRINT YOUR NAME (first name, initial, last name)		RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE	DATE / /	CITY COUNTY	
20	PRINT YOUR NAME (first name, initial, last name)		RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE	DATE / /	CITY COUNTY	
21	PRINT YOUR NAME (first name, initial, last name)		RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE	DATE / /	CITY COUNTY	
22	PRINT YOUR NAME (first name, initial, last name)		RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE	DATE / /	CITY COUNTY	
23	PRINT YOUR NAME (first name, initial, last name)		RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE	DATE / /	CITY COUNTY	
24	PRINT YOUR NAME (first name, initial, last name)		RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE	DATE / /	CITY COUNTY	

Page ____ of _____

Initiative Petition – Statewide Statutory Measure *State of Nevada*

THE FOLLOWING AFFIDAVIT MUST BE COMPLETED AND SIGNED:

AFFIDAVIT OF CIRCULATOR
(TO BE SIGNED BY CIRCULATOR)

STATE OF NEVADA)
)
County of _____)

I, _____, (print name), being first duly sworn under penalty of perjury, depose and say: (1) that I reside at _____(print street, city and state); (2) that I am 18 years of age or older; (3) that I personally circulated this document; (4) that all signatures were affixed in my presence; (5) that the number of signatures affixed thereon is _____; and (6) that each person who signed had an opportunity before signing to read the full text of the act or resolution on which the initiative or referendum is demanded.

_____
Signature of Circulator

Subscribed and sworn to or affirmed before me this

_____day of _____ ,_____ , by _____.

_____
Notary Public or person authorized to administer oath

Page_____ of _____

ATTACHMENT

"B"

DMV APPLICATION FOR DRIVING PRIVILEGES OR ID CARD

dmvnv.com

☐ ORIGINAL ☐ RENEWAL ☐ DUPLICATE ☐ INSTRUCTION PERMIT

Information in boxes MUST be completed prior to visiting a DMV representative. Please PRINT in black or blue ink only.

LICENSE OR PERMIT	CLASSIFICATION	ENDORSEMENTS	IDENTIFICATION CARD
☐ Real ID ☐ Standard ☐ Driver Authorization Card	☐ Class C ☐ Class A ☐ Class M ☐ Class B	☐ J ☐ G ☐ F	☐ Real ID ☐ Standard ☐ Seasonal Resident

CHANGE TO INFORMATION ON CARD: ☐ NAME ☐ ADDRESS ☐ DATE OF BIRTH ☐ SOCIAL SECURITY NUMBER ☐ SEX

LAST NAME (PRINT)	FIRST NAME	MIDDLE NAME	SUFFIX	NEVADA DL/DAC/ID NUMBER

SOCIAL SECURITY NUMBER (not required for DAC)	DATE OF BIRTH	FULL LEGAL NAME ON BIRTH CERTIFICATE	BIRTHPLACE (CITY & STATE OR COUNTRY)
	☐ DO NOT SCAN MY BIRTH CERTIFICATE		

SEX (CIRCLE)	HEIGHT	WEIGHT	HAIR COLOR	EYE COLOR	MOTHER'S MAIDEN NAME
M F	FT. IN.	LBS.			

PRIMARY PHYSICAL ADDRESS	MAILING ADDRESS (IF DIFFERENT FROM PHYSICAL ADDRESS)
CITY, STATE, ZIP CODE	CITY, STATE, ZIP CODE
DAYTIME PHONE NUMBER (OPTIONAL) ( )	EMAIL ADDRESS (OPTIONAL)

VOTER REGISTRATION OR ADDRESS CHANGE	Pursuant to federal law, you may register to vote through the DMV. If you have not previously registered to vote in Nevada or if you would like to make an update to a current Nevada voter registration, you may do so by completing the additional information on page 3 of this application, including the signature box.
	Subject to the explanation provided below regarding a move to a different county, any change to address information will be sent to the County Clerk/Registrar's Office for voter registration purposes unless you check this box: ☐ **I do not** want my address change updated for voter registration purposes.
	Did you move to a different county? ☐ Yes ☐ No If "yes," all sections on page 3 of this application must be completed for the new county to process your updated voter registration.
VETERAN	I declare myself an honorably discharged U.S. Armed Forces veteran and authorize the DMV to send my personal information to the Department of Veterans Services to provide benefits information to me. ☐ YES ☐ NO
	I have a U.S. Armed Forces honorable discharge and wish to have a veteran designation placed/retained on my license. *If your card does not already have a veteran designation, present proof of honorable discharge.* ☐ YES ☐ NO
SELECTIVE SERVICE	If you are a male at least 18-26 yrs. old and do not check the box below, you will be registering for Selective Service. You will remain eligible for federal student loans, grants, benefits relating to job training, most federal jobs and, if applicable, citizenship in the United States. ☐ I **do not** want to register for the Selective Service.
ORGAN DONOR	Would you like to be an organ donor and have that indicated on your license or identification card? ☐ Yes, I wish to be an organ donor or ☐ No, I do not wish to be an organ donor at this time. If you are at least 16 and less than 18 years old, a parent or guardian may sign the affidavit to ensure your wishes are followed.
	Would you like to donate $1 or more to the anatomical gift account? If so, how much? $_____

Have you ever had a driver's license or identification card in another ***name***? ☐ YES ☐ NO — UNDER WHAT NAME WAS IT ISSUED?

Have you ever had a driver's license or identification card in another ***state***? ☐ YES ☐ NO What state(s)? _____

Is the card in your possession? ☐ YES ☐ NO License No. _____ Class/Type _____ Expiration Date _____

Has your driving privilege ever been revoked, suspended, canceled or denied? ☐ YES ☐ NO

If yes, State _____ Date _____ Reason _____

Do you have any disability, illness, missing extremity, or take any medication that could affect your driving ability? ☐ YES ☐ NO

If yes, please explain _____

If you wish, some medical conditions may be indicated on your DL/DAC/ID. Form DLD7 must be completed by your physician.

Vision Acuity: Left Both Right **Office Use Only** Ind. ID # _____

With OR Without Correction: 20/___ 20/___ 20/___ ☐ Written Reinstatement Info _____

PDPS/CDLIS: ☐ Clear ☐ Hit W/D:_____ Cites:_____ ☐ 2nd Hit ☐ Drive Restrictions _____

State:_____ DLN:_____ Score(s) _____

Docs / Notes:_____

DMV 002 (Revised 6-1-2016) 1

Affidavits and Signatures Must be Witnessed by an Authorized DMV Representative

AFFIDAVIT	INITIAL
CONSENT FOR MINOR'S LICENSE I, the undersigned, do hereby consent to the issuance of an instruction permit/license to_____, whose relationship to me is _____. I understand that I can be held responsible for any liability caused by his/her negligence or willful misconduct in the operation of a motor vehicle (NRS 483.300 and/or NRS 486.101). I understand that I may have the permit/license cancelled and be released from liability by signing a cancellation request at a DMV Field Services Office. I also understand that before a license is issued, the minor may need to present a DMV-301 Certification of Attendance, a Certificate of Completion from a Nevada DMV-approved Driver Education Course, and a DLD-130 Beginning Driver Experience Log to the DMV attesting he/she has completed at least 50 hours of behind-the-wheel driving experience.	
INSTRUCTION PERMIT I, the undersigned, do hereby certify that I understand my instruction permit is valid for up to one (1) year from date of issuance and I must carry it with me when I am driving. I understand the restrictions on my permit and agree to follow them.	
MINOR ORGAN DONOR I, parent/guardian of minor applicant, understand that unless the anatomical gift is amended or revoked by the donor before his/her death, I may not amend or revoke the anatomical gift. _____ Signature	
NON-USE OF NEVADA DRIVING PRIVILEGE I, the undersigned, do hereby certify that I have not operated any motor vehicle since _____ Date.	
NO SOCIAL SECURITY NUMBER I, the undersigned, do hereby certify that I have never been assigned a Social Security Number under the provisions of the Social Security Act of the United States.	

DISCLOSURE STATEMENTS

The Privacy Act of 1974 is a federal law that authorizes use of your Social Security Number to verify identity. You are required to submit your Social Security Number so the state may administer laws related to licensing drivers (NRS 483.290).

- The driver's license or identification card application you are submitting will cause any driving record from your previous state to be transferred to Nevada. Due to your change of residency, the license or identification card in your previous state will show as surrendered.
- NRS 482.385 requires you to register each vehicle you own and operate now or within 30 days of becoming a resident.

I hereby certify, under penalty of perjury, that all statements in this application are true and correct. I understand that any and all other driver's licenses or identification cards issued by any other jurisdiction will be surrendered upon issuance of a Nevada license or identification card. I agree and understand that any misstatement of material facts may cause cancellation and/or denial of my license or identification card under NRS 483.420 and NRS 483.530, respectively. I further understand that any misstatement of facts may be a misdemeanor or felony under NRS 483.530 and may be punishable pursuant to NRS 193.130. I acknowledge that if I sign the voter registration portion on page 3 of this application, such shall constitute, pursuant to NRS 481.063 (2), a written request and release for the DMV to send personal information here recorded to the County Clerk/Registrar for voter registration purposes. Applying to register or declining to register to vote will not affect the amount of assistance I will be provided by this agency.

Applicant Signature_____ Date _____

Parent/Guardian Signature if Applicant is Under 18_____ DL/DAC/ID No._____

Sworn Before Me This _____ Day of _____, 20_____

Authorized DMV Representative _____ Tech ID _____

Signatures must be originals. Photocopies are not acceptable. Changes may not be made to this form once signed.

Application No.

SECRETARY OF STATE
STATE OF NEVADA
VOTER REGISTRATION APPLICATION

If you decline to register to vote, that fact will remain confidential and will be used only for voter registration purposes. If you choose to register to vote, the office at which you submitted a voter registration application will remain confidential and will be used only for voter registration purposes.

BOXES 1, 2 AND 7 MUST BE COMPLETED TO REGISTER TO VOTE. This signature box is only for voter registration purposes.

BOX 3 - DO NOT WRITE IN THIS BOX. The DMV will electronically print your address and other required information that you entered on page 1 of this application.

BOX 6 - PARTY REGISTRATION. Mark your choice of a qualified party, "Nonpartisan" or "Other." If you mark "Other," you may print the name of an unlisted political party. If you register with a minor political party or as a nonpartisan, you will receive a nonpartisan ballot for the Primary Election.

BOX 9 - ASSISTING IN THE COMPLETION OF THIS FORM. If you are assisting a person to register to vote, you must complete Box 9. **FAILURE TO DO SO IS A FELONY.**

☐ CHECK THIS BOX TO RECEIVE A SAMPLE BALLOT IN LARGER TYPE

WARNING: GIVING FALSE INFORMATION IS A FELONY AND INCLUDES A CIVIL PENALTY OF UP TO $20,000
USE BLACK INK — PLEASE PRINT CLEARLY

1	Are you a citizen of the United States of America? ☐ Yes ☐ No Will you be 18 years of age or over on or before Election Day? ☐ Yes ☐ No If you checked "no" in response to either of these questions, do not complete this form.	2	Check boxes that apply and complete items 4-9 ☐ New Registration ☐ Party Affiliation Change ☐ Name Change ☐ Address Change
3	DO NOT WRITE IN THIS BOX		
4	Telephone No. (Optional)	5	E-mail Address (Optional)
6	Party Registration—Check Only One Box ☐ Democratic Party ☐ Independent American Party ☐ Libertarian Party ☐ Nonpartisan (no party affiliation) ☐ Republican Party ☐ Other – Write In Below _____	7	"I swear or affirm • I am a U.S. citizen • I will be at least 18 years old by the date of the next election • I will have continuously resided in Nevada at least 30 days in my county and at least 10 days in my precinct before the next election • The present address listed herein is my sole legal place of residence and I claim no other place as my legal residence • I am not laboring under any felony conviction or other loss of civil rights that would make it unlawful for me to vote. I declare under penalty of perjury that the foregoing is true and correct." SIGNATURE OF APPLICANT (REQUIRED) DATE (REQUIRED) This signature box is only for Voter Registration Purposes __/__/__ (MM/DD/YYYY)
8	Your name and residence address where you were last registered to vote (Name Used, Street, Apt. #, City, State & Zip Code of Former Residence)		
9	Important! If you are assisting a person to register to vote and you are not a field registrar appointed by a County Clerk/Registrar or an employee of a voter registration agency, you MUST complete the following. Your signature is required. Failure to do so is a felony. Name Mailing Address City/State/Zip Code Signature		

VALIDATING AGENCY USE ONLY. DO NOT WRITE IN THE SHADED AREA BELOW.

DATE STAMP	☐ AGENCY ☐ FIELD REGISTRAR ☐ MAIL ☐ OTHER	CANCELLED INACTIVE PRECINCT	APPLICATION NO. RECEIVED BY:

3

Assemblywoman Benitez-Thompson moved that Initiative Petition No. 1 be placed on the Chief Clerk's Desk.

Motion carried.

REMARKS FROM THE FLOOR

At the direction of Mr. Speaker, the following remarks were entered in the Journal:

ASSEMBLY MEDIA CLERK MICHELE BURKE:

I would like to thank the Speaker and the Chief Clerk for inviting me to talk to the members this morning. Today would have been my father's 93rd birthday. Since he is the one who taught me to love history, it is especially appropriate that I share my research on this day.

Before this building was completed in 1871, the State Legislature met on the second floor of the first Ormsby County Courthouse, which was formerly Abe Curry's Great Basin Hotel at the southwest corner of Musser and Carson Streets. The picture of that building can be found on the front cover of today's bill books. I would like to share with you about one of the members who met there.

When you enter the Nevada Legislative Building, on the wall lining the right side of the foyer are the photos of those who have held the position of Speaker of the Nevada Assembly dating back to our first State Legislature in 1864. The one exception is James A. Banks, who was the Speaker of the Assembly in 1866, our Second Legislative Session. He is represented by a framed silhouette. As soon as I noticed this, I began researching, trying to find a picture to fill that frame. I quickly found a picture of his father, as well as one of his brother. The more I searched for his picture, the more I became caught up in his remarkable achievements.

James Andrew Banks was born in Fermanagh Township, Juniata County, Pennsylvania, on January 17, 1828. He was the oldest son of David and Jane McAllister Banks, who were affluent estate owners. His maternal grandfather went from camp to camp to help George Washington rally the disheartened troops in the Revolutionary War. Two of his brothers became doctors, one a lawyer, and the youngest remained to help his father run the estate. With a desire to make his own way in the world, Mr. Banks left home at the age of 21, and after living for short periods in various places teaching school or working at carpentering, he caught gold fever and headed for California. An early California newspaper reported:

> The excitement which followed the discovery of gold in California found him among the early immigrants to these shores. Upon landing here he engaged in business at his trade which he followed for several years until he won the confidence not only of his fellow mechanics but of his fellow citizens.

From 1848 to 1849, the San Francisco population went from 1,000 to 25,000 and continued to grow rapidly throughout the 1850s. Recognizing a need among his fellow tradesmen, in 1854 Mr. Banks helped to found the Mechanics Institute of San Francisco to serve the educational and social needs of mechanics, artisans, craftsmen, and inventors and their families. While not still solely dedicated to mechanical arts, this institute is still in existence today. For this achievement: no pictures of our Mr. Banks.

While in San Francisco, he continued membership in the Presbyterian Church and was elected president of the Young Men's Christian Association [YMCA] in 1858. Accounts of the time report that during his tenure he did much to bring the society to notice and put the group on firm financial ground. None of the accounts have a picture of Mr. Banks.

> Mr. Banks was elected a member of the [California] State Legislature … in which he distinguished himself by a strict adherence to the interest of his constituents and the honest discharge of his duty.

While in the California Legislature he was known as a strong advocate of education and helped draft legislation establishing a California university. A great story of his dedication to his job can be found in the legislative report from *The Sacramento Daily Union*, April 27, 1861.

After a particularly heated debate during a floor session over an appropriation for the Reform School,

". . . some expressions were used in consequence of which a member was ordered under arrest by the chair."

Some witness accounts say that Mr. Banks had stopped at the Chief Clerk's desk at the end of the floor session and was intently studying something when Mr. Hahn came from behind and struck him severely over the head with his cane. This account was countered with the argument that the bruising on Mr. Banks' forehead clearly demonstrated the blow was leveled from the front when he was in deep concentration and did not see it coming. While Mr. Banks' supporters called for Mr. Hahn's expulsion from the Assembly, they were overridden, citing precedence of a similar occurrence in the United States Congress which resulted in all charges dropped.

After serving four sessions in the California Assembly and one in the California Senate, still no picture of Mr. Banks.

Shortly after this incident Mr. Banks left California, joining friends' mining ventures in Paradise Valley, Humboldt County, Nevada.

He was elected to be a delegate for Nevada's Second Constitutional Convention in 1864. Delegates ranged in age from 26 to 64. Three were foreign born, 11 were lawyers, 33 had come to Nevada from California, and all but one were registered as Unionists. The president of the convention was J. Neely Johnson, a former Governor of California and future justice of the Nevada Supreme Court. The 1863 *Constitution* which was turned down by voters provided for taxation of mines and mining claims, whether producing or not. Mr. Banks, who was a mine superintendent in Humboldt County, helped write the change in the 1864 document which specified that only the proceeds of mines and claims could be taxed. With the modifications, the proposed constitution passed, was sent by telegraph to Washington D.C., and President Lincoln declared Nevada a state on October 31.

Mr. Banks returned to his mining career in Humboldt County and was highly regarded in his field. He was known as a young man of irreproachable character, great industry and full of enthusiasm. There was a large influx of settlers into the region, and the Native American population who at first had been tolerant of the newcomers was beginning to fight against the widespread takeover of their lands. Mr. Banks wrote letters to the Governor highly critical of how the military was handling the situation. He felt they were escalating the situation rather than calming it down. His constant advocacy on behalf of the citizens of Humboldt County gained him the reputation as a leader, and he was elected to represent them in the Second Session of the Nevada Legislature, where he was elected Speaker.

The June 1866 edition of the *Harrisburg Telegraph*, a newspaper from his home state, reported that Mr. Banks was going to run against James Nye for the United States Senate. This was a dream that never was given a chance.

In August of 1867, Mr. Banks met some friends who were staying at Camp Winfield Scott, the camp of whose commander he had been so critical in letters to the Governor. The *Marysville Daily Appeal* reported:

> Banks and two others were fishing about one mile from Camp Winfield Scott. Banks started up the creek and as he did not return search was made for him. He was found about three hundred yards above the fishing grounds, with a bullet hole through his breast and his bowels cut out.

His body was taken back to camp and buried in the cemetery there.

Marysville Daily Appeal September 1867:

> The *Sacramento Union* of August 31 contains a series of resolutions adopted by the citizens of Unionville, Humboldt County, Nevada calling upon the civil and military authorities . . . to avenge the death of James A. Banks who it is said was shot by an Indian . . . There is the possibility that James A. Banks was not shot by an Indian, as it is quite common for robberies and murders to be committed by white savages dressed as Indians for which Indians have been butchered wholesale . . .

Who actually killed Mr. Banks was never determined or further investigated. In 1869 the Young Men's Christian Association took his body back to San Francisco, buried him in the Masonic Cemetery, where they erected a monument to honor him. At his funeral his dear friend, Judge Sawyer said, "In the workshop he was a gentleman, in the parlor a companion and in the legislative halls he was more than a politician."

The story of Mr. Banks was not quite over. In 1901, the growing city of San Francisco needed more land. The City passed an ordinance outlawing cemeteries inside city limits, and the bodies from the Masonic Cemetery were moved to cemeteries in Colma, California. The tombstones and monuments were ground up and used as fill on the approaches of the Golden Gate Bridge.

James Andrew Banks was 39 years old when he died. For all of his accomplishments, we have yet to locate a portrait of him, but I hope from my story today you will have a better picture of who he was.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from St. Albert the Great Catholic School: Michael Busboom, Lily Cardenas, Lilian Carey, Nicholas Cote, Nathan Day, Isabella Dye, Chris Effiong, Connor Gallagher, Aaron Giller, Miriam Grafton, Alexander Hancock, Lily Houston, Alyssa Janiga, Hank Kennedy, Carlos Lujan, Brianna Mariluch, Keelin McEwen, Bracciano Olsen, Isabella Pflieger, Jae Ann Ramiro, Henry Rossiter, Faith Soto, Ausin Stringer, Byrdie Swindells, Isabella Villacorta, Scarlett Zaniel, and Liliana Zuchowski.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Harry J. Schiffman.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Jason Hanski.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Leila Moassessi and Caroline Moassessi.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Debra Berko.

On request of Assemblyman Marchant, the privilege of the floor of the Assembly Chamber for this day was extended to Jacob Reynolds.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Sue Bird.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Sonja Whitten.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Thursday, March 23, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:16 p.m.

Approved:

JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FORTY-SIXTH DAY

CARSON CITY (Thursday), March 23, 2017

Assembly called to order at 11:52 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Woodbury, who was excused.

Prayer by the Chaplain, Captain Mark Cyr.

Father, we come to You today seeking Your guidance. We ask for Your Holy Spirit to be present in our State Assembly and throughout this Legislative Building today. Unite, comfort, empower, encourage, and strengthen our leaders to be faithful to their state and its people. We ask for You to bless them, their families, and homes as well. Protect them, be with them, and give them a clear vision for the future of our state. Lord, let Your light shine in their lives and the work they do here today. Encourage their staff and energize them. Father, we pray these things in the precious name of Jesus.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 139, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TYRONE THOMPSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 22, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 9, 13; Senate Bills Nos. 173, 202.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 50 to Senate Joint Resolution No. 2.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblywoman Swank:

Assembly Joint Resolution No. 13—Expressing the support of the Nevada Legislature for the enactment and use of the Antiquities Act and the designation of the Basin and Range National Monument and the Gold Butte National Monument in this State.

Assemblywoman Swank moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

NOTICE OF EXEMPTION

March 23, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 371, 388 and 397.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 172, 178, 180 and 185.

CINDY JONES
Fiscal Analysis Division

March 23, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 145, 213, 248, 257, 266, 278, 299, 306 and 340.

MARK KRMPOTIC
Fiscal Analysis Division

Assemblywoman Benitez-Thompson moved that Assembly Joint Resolution No. 12 be taken from the Chief Clerk's desk and referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 242 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 391 be withdrawn from the Committee on Judiciary.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 391 be rereferred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 173.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 202.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 11.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 8.

Resolution read second time and ordered to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Joint Resolution No. 2.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Fumo, the privilege of the floor of the Assembly Chamber for this day was extended to Timothy Shaw.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Sydney McKenzie.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to Patricia Cafferata and Elisa Cafferata.

On request of Assemblyman Marchant, the privilege of the floor of the Assembly Chamber for this day was extended to Christine Bauman and Maria Sykora.

On request of Assemblyman McCurdy, the privilege of the floor of the Assembly Chamber for this day was extended to Reuben D'Silva.

On request of Assemblywoman Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Diana Segura and Alex Goff.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Jan Taylor.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Christine Openshaw.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Darius Toston.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Sierra Lutheran High School: Sydney Alpers, Chris Alford, Trent Almeida, Jee Benton, Grace Bonafede, Claire Cochran, Cole Contreas, Jake Cummings, Macey Creek, Claire Davison, Kimberly Eckert, Steven Flannagan, Nathanial Iannacchione, Celine Jackson, Sydney Johnson, Caleb Klubben, Tyrale Luken, Elaina Marchegger, Molly McKee, Ricky McNeely, Maddy Midkiff, Blake Ranalla, Jacob Rodriquez, Sara Rutherford, Ryan Salerno, Tyler Waite, Savannah Watterson, Alex Westre, Zachery Wiles, and Marin Woomer.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Friday, March 24, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:10 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FORTY-SEVENTH DAY

CARSON CITY (Friday), March 24, 2017

Assembly called to order at 12:04 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Ellison and Woodbury, who were excused.

Prayer by the Chaplain, Captain Mark Cyr.

My Heavenly Father, we come to You with thankfulness for the blessings You give us. Give our Assemblymen and Assemblywomen common thoughts and a united vision. Let this great state of Nevada and its leaders stand out as an example of unity. Break down the barriers that come between us and bond us together. Help each of our leaders see your plans for our state and move forward in that path. Bless this great state of ours and bless this Assembly. Give them courage, vision, wisdom, and truth. Father, we pray these things in the precious name of Jesus.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Education:

Assembly Bill No. 409—AN ACT relating to education; removing the requirement that certain pupils enrolled in grade 3 must be retained in grade 3; revising provisions relating to plans to improve the literacy of pupils; revising provisions relating to teachers who teach kindergarten or grades 1 to 5, inclusive; revising provisions relating to reports concerning pupil performance in the subject area of reading; revising provisions relating to notices concerning pupils who exhibit a deficiency in the subject area of reading; requiring certain interventions and services for pupils who exhibit a deficiency in the subject area of reading and the parent or legal guardian of such a pupil; and providing other matters properly relating thereto.

Assemblyman Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 139.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Joint Resolution No. 8 be taken from General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Carlton moved that Assembly Bill No. 139 be taken from General File and rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 11.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Assembly Bill 11 expands the current prohibition concerning the operation of an unmanned aerial vehicle within certain distances of a transmission line to include any transmission line that is owned, operated, inspected, maintained, or repaired in whole or in part by the Colorado River Commission of Nevada.

Under existing law the prohibition concerning the operation of an unmanned aerial vehicle near a transmission line applies only to a transmission line that is owned in whole or in part by an electric utility.

Roll call on Assembly Bill No. 11:

YEAS—40.

NAYS—None.

EXCUSED—Ellison, Woodbury—2.

Assembly Bill No. 11 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Charles Duarte, Danica Pierce, and Tori Skocdopole.

On request of Assemblyman McCurdy, the privilege of the floor of the Assembly Chamber for this day was extended to Julie Clyde.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Ava Tomlinson, Neal Tomlinson, and Nicole Tomlinson.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Tina Alicea.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Elise Sala, Helen Fernholz, and Divya Narala.

On request of Assemblywoman Tolles, the privilege of the floor of the Assembly Chamber for this day was extended to Afton Neufeld.

On request of Assemblyman Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to John Fudenberg and Anna R. Fudenberg.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Monday, March 27, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:18 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FIFTIETH DAY

CARSON CITY (Monday), March 27, 2017

Assembly called to order at 12:24 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Ellison, who was excused.

Prayer by the Chaplain, Dr. William Stomsky.

Gracious God and Creator of all things, You are the source of all life and wisdom. You made us in Your image that we may be a living presence and a manifestation of the love and care You have for all people, creatures, and nature.

As we offer thanksgiving for this new day and for the opportunities before us to be an extension of Your loving will, help us to discover goodness and growth in all things, as we seek Your light to enlighten our hearts and our minds. May our decisions and the business we are to resolve this day be done with compassion and care as we seek the common good.

God, enable these individuals—these men and women—to be conduits of Your love as hearts and minds are opened to wrestle with justice and equity. May each individual that is called and gifted and voted upon as a public servant be just that—a servant, humble and eager to promote and support that which will serve the common good.

Keep our government safe, our leaders strong, and may we strive to be a blessing to our children and those who come after us that this world may be a better place because of what we did today and each day during our earthly pilgrimage. In God's most Holy Name we pray.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

March 27, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 116, 127, 360 and 395.

CINDY JONES
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywoman Bustamante Adams:

Assembly Bill No. 410—AN ACT relating to new vehicle dealers; authorizing a new vehicle dealer to file, under certain circumstances, a claim for compensation with a manufacturer of motor vehicles relating to a used vehicle held by the new vehicle dealer which is subject to a stop-sale or do-not-drive notification; requiring a manufacturer of motor vehicles to provide compensation to a new vehicle dealer for the used vehicle under certain

circumstances; establishing a rate for that compensation; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 411—AN ACT relating to juvenile justice; revising provisions governing employment with a department of juvenile justice services; authorizing a department of juvenile justice services to terminate the employment of certain persons based upon a showing of just cause; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 412—AN ACT relating to procedure in criminal cases; requiring the joinder of certain misdemeanors with certain felonies or gross misdemeanors; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 413—AN ACT relating to electronic documents; establishing provisions relating to electronic wills and trusts; revising provisions governing electronic notaries public; authorizing electronic notaries public to perform authorized electronic notarial acts remotely using audio-video communication; increasing the amount of the fees authorized to be charged by an electronic notary public for the performance of certain electronic notarial acts and authorizing the collection of a fee to recover certain costs; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 414—AN ACT relating to criminal procedure; requiring the electronic recording of interrogations of persons in custody under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 415—AN ACT relating to the identification of persons; authorizing the use of a tribal identification card for various purposes; requiring a business that accepts a driver's license for the purpose of identification to also accept a tribal identification card for that purpose; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Swank:

Assembly Bill No. 416—AN ACT relating to environmental protection; requiring the Division of Environmental Protection of the State Department of Conservation and Natural Resources to establish a program to use certain settlement money received from the Volkswagen Corporation and its subsidiaries; requiring the program to include priorities and other provisions for administering the program; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblywoman Swank:

Assembly Bill No. 417—AN ACT relating to tourism; creating the Nevada Main Street Program within the Department of Tourism and Cultural Affairs; setting forth the requirements for the operation of the Program; making an appropriation; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 418—AN ACT relating to elections; providing that a voter may not be compelled to reveal under oath how he or she voted at any election; providing for the inspection during a contested election of certain records printed on paper of ballots voted by using a mechanical recording device; revising the method of counting ballots during a recount of an election; amending provisions specifying grounds upon which any election may be contested; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblywoman Bilbray-Axelrod:

Assembly Bill No. 419—AN ACT relating to casualty insurance; requiring the provision of certain medical reports, records and bills to a party against

whom a claim is asserted for personal injury under a policy of motor vehicle insurance under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Ohrenschall:

Assembly Bill No. 420—AN ACT relating to corrections; authorizing the Director of the Department of Corrections to establish by regulation a charge on the use of videoconference equipment by offenders to conduct certain visits; revising provisions governing the use of electronic devices by offenders for certain purposes; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Corrections, Parole, and Probation.

Motion carried.

By Assemblyman Ohrenschall:

Assembly Bill No. 421—AN ACT relating to corrections; authorizing the residential confinement of certain offenders who have been granted parole but are not yet eligible for release on parole; requiring the provision of psychiatric care or other mental health care for a prisoner in the custody of a sheriff, chief of police or town marshal in certain counties; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Corrections, Parole, and Probation.

Motion carried.

By Assemblyman Araujo:

Assembly Bill No. 422—AN ACT relating to marijuana; revising various provisions relating to the medical use of marijuana; transferring the program for the medical use of marijuana from the Division of Public and Behavioral Health of the Department of Health and Human Services to the Department of Taxation; revising provisions relating to the registry of persons who are authorized to engage in or assist in the medical use of marijuana; revising provisions relating to the authorization of nonresidents to engage in the medical use of marijuana; prohibiting the Department of Taxation from requiring a medical marijuana dispensary to determine whether a person has exceeded the legal limits for possession of marijuana for medical use; revising provisions relating to medical marijuana establishment agents; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman Miller:

Assembly Bill No. 423—AN ACT relating to gender equality; requiring the Nevada Commission for Women to conduct an annual survey of certain employers to collect data and information related to issues of gender equality in the workplace; requiring the Commission on an annual basis to create and maintain a gender equality index and submit a report to the Governor and the Director of the Legislative Counsel Bureau; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Sprinkle:

Assembly Bill No. 424—AN ACT relating to the determination of death; revising provisions relating to the determination of brain death; revising provisions relating to the use of life-sustaining treatment on a person determined to be brain dead under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Sprinkle:

Assembly Bill No. 425—AN ACT relating to counselors; authorizing certain holders of licenses and certificates issued by the Board of Examiners for Alcohol, Drug and Gambling Counselors to place those licenses and certificates on inactive status; authorizing the Board to impose administrative sanctions against a person who engages in certain activity without a license or certificate; authorizing certain certified alcohol and drug abuse counselors to supervise a certified alcohol and drug abuse counselor intern; authorizing the Board to impose disciplinary action in certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen McCurdy, Fumo, Frierson, Watkins, Yeager, Araujo, Monroe-Moreno, Ohrenschall and Thompson; Senators Ford, Woodhouse, Parks and Spearman:

Assembly Bill No. 426—AN ACT relating to criminal procedure; authorizing justice courts and municipal courts to establish programs for the treatment of certain offenders who are veterans or members of the military; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Corrections, Parole, and Probation.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 427—AN ACT relating to public assistance; revising provisions relating to eligibility of certain convicted persons for public assistance; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 428—AN ACT relating to controlled substances; authorizing certain health care professionals to issue an order for an opioid antagonist to a public or private school; authorizing a pharmacist to furnish an opioid antagonist without a prescription under certain circumstances; providing for public and private schools to obtain and maintain opioid antagonists under certain conditions; providing immunity to certain persons for acts or omissions relating to the acquisition, possession or administration of opioid antagonists in certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 429—AN ACT relating to health care; ratifying, enacting and entering into the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact and the Psychology Interjurisdictional Compact; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman Bustamante Adams:

Assembly Bill No. 430—AN ACT relating to retirement security; creating the Nevada Task Force on Retirement Security to conduct a comprehensive examination during the 2017-2018 legislative interim of the retirement security of residents of Nevada; prescribing the powers and duties of the Task Force; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblywoman Bustamante Adams:

Assembly Bill No. 431—AN ACT relating to alcoholic beverages; revising provisions governing brew pubs; revising provisions governing a supplier of alcoholic beverages; revising provisions prohibiting a wholesaler dealer of

alcoholic beverages from investing money in a retail liquor store; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Thompson:

Assembly Bill No. 432—AN ACT relating to education; delaying the implementation of the provisions relating to the Achievement School District; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Brooks:

Assembly Bill No. 433—AN ACT relating to public works; revising the procedures governing the award of certain contracts for a public work; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Frierson, Araujo and Benitez-Thompson:

Assembly Bill No. 434—AN ACT making appropriations to the Department of Education for incentives for hiring new teachers and incentives for teachers employed at Title I schools and schools designated as underperforming; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 435—AN ACT relating to days of observance; requiring the Governor annually to proclaim October 16 to be "Sarah Winnemucca Day" in Nevada; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Monroe-Moreno, Neal, Spiegel, Bustamante Adams, Carrillo and Frierson:

Assembly Bill No. 436—AN ACT relating to economic development; requiring the Office of Economic Development to provide businesses certified as a local emerging small business with information concerning public and private programs to obtain financing for small businesses; revising provisions governing an application for the issuance or renewal of a state

business registration; requiring the Secretary of State to provide to certain businesses information concerning public and private programs to obtain financing for small businesses and the process for obtaining certification as a disadvantaged business enterprise; requiring the Regional Business Development Advisory Council for Clark County to provide to certain businesses information concerning public and private programs to obtain financing for small businesses; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 437—AN ACT relating to information technology; requiring the establishment of a statewide information system to provide information to and accept reports from the general public regarding nonemergency situations in this State; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Flores:

Assembly Bill No. 438—AN ACT relating to controlled substances; establishing the crimes of low-level drug possession, mid-level drug possession and high-level drug possession; revising the penalties imposed for the possession of and trafficking in certain controlled substances; establishing additional circumstances in which a court is authorized to reduce or suspend the sentence of a person convicted of trafficking in a controlled substance; repealing provisions relating to the prohibition against being under the influence of a controlled substance; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Araujo, Brooks, Diaz, Bustamante Adams and Oscarson; Senators Kieckhefer, Cannizzaro, Parks, Manendo, Atkinson, Ford, Hammond and Woodhouse:

Assembly Bill No. 439—AN ACT relating to taxes on retail sales; revising provisions governing taxation of the sale, storage, use or other consumption of tangible personal property by a licensed veterinarian; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Taxation.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 9, 13; Senate Bill No. 92.

Assemblywoman Benitez-Thompson moved that the Assembly recess until 6 p.m.

Motion carried.

Assembly in recess at 12:47 p.m.

ASSEMBLY IN SESSION

At 10:14 p.m.

Mr. Speaker presiding.

Quorum present.

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-2804

THE HONORABLE JASON FRIERSON
Speaker, State of Nevada Assembly
401 South Carson St.
Carson City, NV 89701-4747

DEAR SPEAKER FRIERSON:

I am writing to request the honor of speaking before both houses of the Nevada State Legislature at 5 p.m. on Tuesday, April 11, 2017.

My North Las Vegas office will be coordinating the details of my visit. Please call 702-963-9360 if you have any questions. Thank you for your kind consideration.

Wish all the best wishes,
RUBEN J. KIHUEN
Member of Congress

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblywoman Neal:

Assembly Concurrent Resolution No. 7—Directing the Legislative Commission to appoint a committee to conduct an interim study concerning property taxes.

Assemblywoman Benitez-Thompson moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Concurrent Resolution No. 8—Directing the Legislative Commission to appoint a committee to conduct an interim study concerning reports relating to public education.

Assemblywoman Benitez-Thompson moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblyman Yeager:

Assembly Concurrent Resolution No. 9—Directing the Legislative Commission to appoint a committee to conduct an interim study concerning the advisability and feasibility of treating certain traffic and related violations as civil infractions.

Assemblywoman Benitez-Thompson moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assemblywoman Benitez-Thompson moved that the Assembly reconsider the action whereby Assembly Bill No. 438 was referred to the Committee on Health and Human Services.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 438 be referred to the Committee on Judiciary.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Yeager:

Assembly Bill No. 440—AN ACT relating to mental health; authorizing a proceeding for the involuntary court-ordered admission of a criminal defendant to a program of community-based or outpatient services to be commenced by the district court or by motion of the defendant or the district attorney; requiring certain judges to hear proceedings for involuntary court-ordered admission; requiring a district court under certain circumstances to request an evaluation of a person alleged to be a person with mental illness by an evaluation team; providing that the district court and family court have concurrent jurisdiction over a proceeding for involuntary court-ordered admission under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 441—AN ACT relating to taxation; requiring forms and instructions governing the computation of any tax payable to the Department of Taxation to be adopted by regulation; revising provisions governing the imposition and calculation of the tax on live entertainment; revising provisions governing the exemptions and exclusions from the tax on live entertainment; revising provisions governing the filing of reports and

payment of the tax on live entertainment; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 442—AN ACT relating to special license plates; authorizing certain organizations for which a special license plate has been issued to apply to the Department of Motor Vehicles to redesign the special license plate; requiring the Commission on Special License Plates to recommend to the Department approval or disapproval of such an application; requiring the holder of a special license plate who wishes to obtain such a redesigned special license plate to pay a replacement fee; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblywoman Swank:

Assembly Bill No. 443—AN ACT relating to wildlife; prohibiting the Board of Wildlife Commissioners from adopting regulations which authorize a person to hunt black bears with a dog of any breed; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblyman Ohrenschall:

Assembly Bill No. 444—AN ACT relating to search warrants; setting forth certain requirements relating to the search of the property of an attorney; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Watkins:

Assembly Bill No. 445—AN ACT relating to transportation network companies; prohibiting an insurer from increasing the rates of or denying a claim for motor vehicle insurance because the insured is a driver for a transportation network company; requiring transportation network company insurance to provide medical payments coverage; requiring a driver for a transportation network company to obtain a state business registration; prohibiting a driver for a transportation network company from refusing to complete transportation services after accepting a passenger for

transportation; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblywoman Cohen:

Assembly Bill No. 446—AN ACT relating to higher education; creating the Committee to Evaluate Higher Education Programs; providing for the organization, powers and duties of the Committee; making an appropriation; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Education:

Assembly Bill No. 447—AN ACT relating to education; extending the duration of the Victory schools program; requiring a Victory school to use for certain services at least a specified percentage of the money distributed to the school; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 448—AN ACT relating to wildlife; authorizing a person, under certain circumstances, to carry a loaded rifle or loaded shotgun in or on a vehicle which is standing on or along, or is being driven on or along, a county road or a state highway or state route for the purpose of hunting certain species of wildlife; authorizing the discharge of a firearm upon, over or across a county road or a state highway or route for the purpose of hunting those species of wildlife under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 449—AN ACT relating to public lands; establishing the third Saturday in May of each year as "Public Lands Day" in the State of Nevada; requiring the Governor to issue annually a proclamation encouraging the observance of Public Lands Day; requiring the Division of State Parks of the State Department of Conservation and Natural Resources to allow each resident of this State to enter, camp and boat in all state parks and recreational areas in this State without the payment of any fees during Public Lands Day; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 450—AN ACT relating to crimes; prohibiting the use of vapor products in certain locations; imposing requirements for the packaging and labeling of certain vapor products and alternative nicotine products; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Frierson and Benitez-Thompson:

Assembly Bill No. 451—AN ACT relating to education; requiring a member of the board of trustees of a school district to complete certain training for professional development; requiring the clerk of the board of trustees of a school district to take certain actions relating to the required training; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 452—AN ACT relating to energy; directing the Legislative Committee on Energy to conduct an interim study on energy choice; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Yeager:

Assembly Bill No. 453—AN ACT relating to criminal procedure; establishing certain requirements and rights relating to written plea agreements in criminal cases; revising the contents of the suggested form of a written plea agreement; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 454—AN ACT relating to accountants; revising provisions relating to the qualifications and appointment of members of the Nevada State Board of Accountancy; revising provisions relating to the adoption or amendment of rules of professional conduct by the Board; revising the qualifications for a certificate of certified public accountant;

revising certain educational and work experience requirements for a certificate of certified public accountant; authorizing the issuance of a cease and desist order to a person believed to be engaged in the unlawful practice of accounting; repealing provisions relating to the registration of public accountants and business entities formed by public accountants; increasing a penalty; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 455—AN ACT relating to insurance; authorizing the delivery by electronic means of notices or other documents relating to a policy of insurance in certain circumstances; authorizing the posting of certain standard policies of insurance or endorsements on an Internet website in certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 456—AN ACT relating to chiropractic; revising the definition of chiropractic adjustment; revising provisions relating to membership of the Chiropractic Physicians' Board of Nevada; revising provisions governing the application for a license to practice chiropractic; revising provisions governing disciplinary action by the Board; repealing the definition of gross malpractice; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 457—AN ACT relating to professional licensing; requiring the Board of Psychological Examiners, the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, the Board of Examiners for Social Workers and the Board of Examiners for Alcohol, Drug and Gambling Counselors to report certain information to the Commission on Behavioral Health; requiring new members of those boards to complete an orientation; requiring those boards to adopt certain policies and regulations and enter into certain agreements; authorizing a person aggrieved by certain actions of those boards to appeal to the Commission; requiring the Commission to review all regulations adopted by those boards; prohibiting certain persons from serving on the Commission; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 458—AN ACT relating to industrial insurance; providing that certain phrases relating to a claim for compensation may be used interchangeably; authorizing an injured employee to obtain an independent medical examination under certain circumstances; setting forth the manner in which a vocational rehabilitation counselor is to be appointed; revising provisions relating to permanent partial disability; revising provisions concerning the payment in lump sum for a permanent partial disability; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Frierson:

Assembly Bill No. 459—AN ACT relating to children; creating a procedure for the establishment of paternity in proceedings concerning a child in need of protection; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Jauregui:

Assembly Bill No. 460—AN ACT relating to insurance; prohibiting an insurer from using the consumer credit information of a person for certain purposes relating to insurance policies; repealing provisions authorizing an insurer to use consumer credit information as a basis for making certain determinations and taking certain actions regarding insurance policies; providing administrative penalties; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Thompson:

Assembly Bill No. 461—AN ACT relating to days of observance; designating the third week in January as “Peace Week” in the State of Nevada; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Carlton:

Assembly Bill No. 462—AN ACT relating to constructional defects; revising provisions authorizing claimants to give notice of common constructional defects in residences or appurtenances; revising certain definitions related to constructional defects; revising provisions governing the information required to be provided in a notice of constructional defect; removing provisions requiring a claimant to pursue a claim under a homeowner's warranty under certain circumstances; revising provisions governing damages recovered by a claimant; revising the statutes of repose regarding actions for damages resulting from certain deficiencies in construction; removing the provision prohibiting a homeowner's association from pursuing an action for a construction defect unless the action pertains exclusively to the common elements of the association; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Araujo:

Assembly Bill No. 463—AN ACT relating to marijuana; revising provisions relating to the taxation of marijuana sold by cultivation facilities to other medical marijuana establishments; establishing a limit on a business license tax imposed by a local government on marijuana establishments and medical marijuana establishments; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 464—AN ACT relating to reports; eliminating requirements to submit certain reports by or to certain governmental entities; requiring certain information be posted on the Internet websites of the Public Employee's Retirement System and the Housing Division of the Department of Business and Industry; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 465—AN ACT relating to the Advisory Committee on Participatory Democracy; reducing the required membership of the Advisory Committee; reducing the length of the terms of the members of the Advisory Committee; revising provisions relating to the operation and governance of

the Advisory Committee; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 466—AN ACT relating to public employment; revising the provisions governing a contract for services between an agency of this State and a former employee of an agency of this State; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 467—AN ACT relating to state employees; requiring the Governor to appoint alternate members to the Personnel Commission in the Division of Human Resource Management of the Department of Administration; revising the requirements for establishing a quorum of the Commission; revising provisions governing the Merit Award Program; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Jauregui:

Assembly Bill No. 468—AN ACT relating to mortgage lending; revising provisions which apply to mortgage brokers to also apply to mortgage bankers; repealing provisions relating to mortgage bankers; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Frierson and Paul Anderson; Senators Ford and Roberson:

Assembly Bill No. 469—AN ACT relating to education; reorganizing large school districts; requiring large school districts to deem each school in the district to be a local school precinct; transferring the authority to carry out certain responsibilities from the central administrative staff of large school districts to such local school precincts; requiring large school districts to allocate money to local school precincts to carry out the responsibilities transferred to the local school precincts; providing for the reorganization of the central administrative staff of large school districts; requiring a plan of operation to be developed for each local school precinct; requiring annual

surveys to be administered to persons involved with local school precincts and to the central administrative staff of large school districts; providing for the continuation of an advisory committee to oversee the implementation of the reorganization of large school districts; repealing provisions requiring the reorganization of the Clark County School District; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Yeager:

Assembly Bill No. 470—AN ACT relating to criminal procedure; creating a preprosecution diversion program; establishing qualifications for participation in the program; requiring discharge of the defendant and dismissal of the original charge upon the successful completion of the program; requiring a defendant who fails to complete the program to enter a plea on the original charge; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 471—AN ACT relating to cybersecurity; creating the Nevada Office of Cyber Defense Coordination within the Department of Public Safety; providing for the powers and duties of the Office; requiring the Nevada Commission on Homeland Security to consider a certain report of the Office when performing certain duties; providing for the confidentiality of certain information regarding cybersecurity; requiring certain state agencies to comply with the provisions of certain regulations adopted by the Office; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 472—AN ACT relating to juvenile justice; creating the Juvenile Justice Oversight Commission; prescribing the powers and duties of the Commission; imposing requirements related to juvenile justice on the Division of Child and Family Services of the Department of Health and Human Services and local departments of juvenile services; providing for the establishment of an evidence-based program resource center; requiring the juvenile court to conduct a risk assessment and a mental health screening before the disposition of a case involving a child who is adjudicated delinquent; revising provisions relating to mental health screenings of children referred to the system of juvenile justice; revising provisions

concerning the release of certain information relating to a child subject to the jurisdiction of the juvenile court; requiring the Youth Parole Bureau to adopt policies and procedures relating to responses to a child's violation of his or her terms and conditions of parole; revising provisions relating to revocation of a child's parole; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 473—AN ACT relating to health care; removing the prospective expiration of certain provisions governing the list of preferred prescription drugs to be used for the Medicaid program; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 474—AN ACT relating to drugs; requiring certain persons to make a report of a drug overdose or suspected drug overdose; revising provisions concerning the computerized program to track each prescription for a controlled substance; revising provisions relating to penalties for selling, manufacturing, delivering, bringing into this State or possessing certain controlled substances; revising provisions governing the accessibility of health care records in certain investigations; requiring an occupational licensing board that licenses a practitioner who is authorized to prescribe controlled substances to review and evaluate information and impose disciplinary action in certain circumstances; authorizing such an occupational licensing board to suspend the authority of a practitioner to prescribe, administer or dispense a controlled substance in certain circumstances; imposing certain requirements concerning the prescription of a controlled substance; revising the required contents of certain written prescriptions; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 475—AN ACT relating to education; requiring the Board of Trustees of the College Savings Plans of Nevada to establish the Nevada College Kick Start Program; requiring the transfer of money in accounts created under the Program to the Endowment Account in the State General Fund under certain circumstances; revising provisions governing the

expenditures authorized from the Endowment Account; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 476—AN ACT relating to notaries public; making various changes to the provisions governing electronic notaries public; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 477—AN ACT relating to state purchasing; authorizing the Administrator of the Purchasing Division of the Department of Administration to appoint a General Counsel; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 478—AN ACT relating to elections; changing the deadline by which a person may register to vote for a primary, primary city, general city or general election; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 479—AN ACT relating to public records; revising provisions governing the retention of records by a local government; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 480—AN ACT relating to purchasing; authorizing the assessment of an administrative fee on vendors of supplies, materials, equipment and services procured by the Purchasing Division of the Department of Administration under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 481—AN ACT relating to internal audits; eliminating the requirement for the appointment of a Manager of Internal Controls to the Division of Internal Audits of the Office of Finance; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Education:

Assembly Bill No. 482—AN ACT relating to education; revising provisions relating to the use of state money for programs of career and technical education; requiring representatives of industry sector councils to make recommendations on the awarding of certain grants; revising provisions relating to the proportion of the total amount of state money a school district or charter school may receive for programs of career and technical education; requiring the Executive Officer of the State Board for Career and Technical Education to designate certain program professionals; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 483—AN ACT relating to state purchasing; transferring the administration of the Program to Encourage and Facilitate Purchases by Agencies of Commodities and Services From Organizations from the Rehabilitation Division of the Department of Employment, Training and Rehabilitation to the Purchasing Division of the Department of Administration; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Education:

Assembly Bill No. 484—AN ACT relating to education; eliminating the position of Administrator of the Commission on Postsecondary Education and providing for the assumption of the powers and duties of the Administrator by the Deputy Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation; revising the composition of the Commission; authorizing the Director of the Department to accept certain federal money for use in workforce

development and adult education programs; relocating the Commission within the Division; providing for the appointment and authority of the Deputy Administrator; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 485—AN ACT relating to school buses; revising the definition of a school bus for certain purposes; revising provisions relating to the inspection of school buses; requiring new school buses purchased on or after a certain date be equipped with safety belts; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 486—AN ACT relating to taxation; revising provisions relating to the allocation of a certain portion of the proceeds of the basic governmental services tax; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 487—AN ACT relating to vehicles; revising provisions relating to taxicabs in certain counties of this State; authorizing the Taxicab Authority and the Nevada Transportation Authority to enter into a memorandum of understanding regarding concurrent enforcement jurisdiction over transportation network companies and affiliated drivers; authorizing the use of money obtained from the imposition of a technology fee for certain purposes; revising provisions governing the exterior appearance of certain taxicabs; revising the amount of time a vehicle used as a taxicab may remain in service as a taxicab; requiring the inspection of a taxicab at least once each year; revising provisions governing the authority of certain certificate holders to lease a taxicab to an independent contractor; authorizing an independent contractor who leases a taxicab to use the taxicab in accordance with an agreement with a transportation network company; revising provisions relating to the collection of the excise tax imposed on the use of certain methods of connecting a passenger to a person who provides transportation services; imposing an excise tax on the connection between a contract motor carrier and a person or operator willing to transport a

passenger; repealing provisions relating to vehicles equipped with a dynamic display; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 488—AN ACT relating to the Department of Motor Vehicles; authorizing the carrying forward to Fiscal Year 2017-2018 and Fiscal Year 2018-2019 of certain money appropriated for the system modernization project of the Department of Motor Vehicles; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Government Affairs:

Assembly Bill No. 489—AN ACT relating to state land; revising provisions governing the Revolving Account for Land Management; making an appropriation; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 490—AN ACT relating to state parks; authorizing certain expenditures of money from the principal of the Account for Maintenance of State Park Facilities and Grounds; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Araujo, the privilege of the floor of the Assembly Chamber for this day was extended to Eric Hilton and Terri Janison.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Brian Lewis.

On request of Assemblyman Brooks, the privilege of the floor of the Assembly Chamber for this day was extended to Jean Dunbar.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Morgan.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to Spencer Schmitt, Bryan Robbins, Mathew Salas, Ian Clement, Maximilian Schmitt, Gary Benedict, Nathaniel Victors, and Lauren Victors.

On request of Assemblyman McCurdy, the privilege of the floor of the Assembly Chamber for this day was extended to Jose Rivera and Alicia Blevins.

On request of Assemblywoman Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Monique Rodriguez and Tacy Geesaman.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Amilya Segura, Conner Segura, Shaun Duhon, Brandi Planet, and John Copoulos.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Wednesday, March 29, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 10:39 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FIFTY-SECOND DAY

CARSON CITY (Wednesday), March 29, 2017

Assembly called to order at 12:21 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Diaz, who was excused.

Prayer by the Chaplain, Dr. William Stomsky.

As we approach this new day and the agenda before us, awaken us, O Lord, from the distractions that may inhibit our focus and our decision making; from the chaos of our previous day's work.

Help us to put aside the worries that we may bear because of family, constituents, personal relationships, or challenging life situations. May Your wisdom enable us to be good listeners, to have compassionate hearts, and to make decisions that advance kindness and goodness for all.

We offer thanksgiving for this new day, despite our weariness and mixed feelings and frustrations. May You take them from our plate and give us the gifts and abilities to perform our work this day. May we seek Your light to enlighten our hearts and our minds. May our work be done to raise the quality of life for those we represent and for those we are called to protect with the laws of this land.

Keep our government safe, our leaders strong, and may we continue to strive to make this a better world now and for future generations. In God's most Holy Name we pray.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 27, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 2; Senate Bills Nos. 21, 292.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, March 28, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 64, 370; Senate Joint Resolution No. 5.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 5.

Assemblywoman Benitez-Thompson moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

WAIVER OF JOINT STANDING RULES

A Waiver requested by: Assemblyman Thompson.
For: BDR 34-718:
To Waive:

Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees)

Has been granted effective: March 28, 2017.

SENATOR AARON D. FORD
Senate Majority Leader

ASSEMBLYMAN JASON FRIERSON
Speaker of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Education:

Assembly Bill No. 491—AN ACT relating to education; requiring, with limited exception, that a child in foster care remain enrolled in his or her school of origin; providing that the relevant agency which provides child welfare services and local education agency are jointly liable for the costs of transportation for the child in foster care to attend his or her school of origin; requiring the Department of Education and each agency which provides child welfare services and local education agency to develop certain policies and procedures relating to children in foster care; eliminating the Program of School Choice for Children in Foster Care; and providing other matters properly relating thereto.

Assemblyman Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 21.

Assemblywoman Swank moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 64.

Assemblywoman Neal moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 292.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 370.

Assemblywoman Swank moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that the Assembly rescind the action whereby Assembly Bill No. 489 was referred to the Committee on Government Affairs.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 489 be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Sherri Sullivan.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Esther Langston and Kelley Jones.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Lyons and Grace Butler.

On request of Assemblyman Fumo, the privilege of the floor of the Assembly Chamber for this day was extended to Jacki Brown and Neal Waters.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Cindy Samuels, Bruce Beauchamp, and Scott Shick.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Blow.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Larry Hardy.

On request of Assemblyman Kramer, the privilege of the floor of the Assembly Chamber for this day was extended to Julie Ann Evans and Lester Fitzhenry.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to Joy Gardner and Mark Garratt.

On request of Assemblyman Marchant, the privilege of the floor of the Assembly Chamber for this day was extended to Kirstine Sorenson.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to Patrick Casale, Brian McEvilly, and Ehraeda Rucker.

On request of Assemblyman McCurdy, the privilege of the floor of the Assembly Chamber for this day was extended to Dwanna Wedlow.

On request of Assemblywoman Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Gregory Moore and Jeremy Shugarman.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Heidi Sterner and Sandra Douglass Morgan.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Ellen Brown and Sheryl McDonald.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Dzidra Junior.

On request of Assemblyman Pickard, the privilege of the floor of the Assembly Chamber for this day was extended to Patty A. Gore, Susan Bauman, and Viva Wells.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Carothers.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Georgie Rucker.

On request of Assemblywoman Tolles, the privilege of the floor of the Assembly Chamber for this day was extended to Gene Furr and Pamela Davidson.

On request of Assemblyman Watkins, the privilege of the floor of the Assembly Chamber for this day was extended to Fernando Guevera.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Dannette Mitchell.

On request of Assemblyman Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to Greg Clemensen.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Thursday, March 30, 2017, at 12 noon, and that it do so in memory of Anna Francis Ellison.

Motion carried.

Assembly adjourned at 12:37 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FIFTY-THIRD DAY

CARSON CITY (Thursday), March 30, 2017

Assembly called to order at 12:07 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Ellison, who was excused.

Prayer by the Chaplain, Dr. William Stomsky.

Gracious Lord and Creator of all, we approach this new day knowing there is a lot of work to be done. Awaken us from our slumber to be attentive to what must be done. Enable us to have patience, listening ears, open and wise hearts and minds.

We anticipate this to be a final day of hard work. As we begin to see a light at the end of the tunnel, may it not be an oncoming train catching us unaware of issues not addressed, but rather a light acknowledging work that has been hard, well done, and near completion. May we be encouraged today by our corporate efforts, infused with the goal of serving the common good and blessed by Your gracious and divine will.

We offer thanksgiving for this new day, despite our weariness and mixed feelings and frustrations. Enliven us with Your spirit to have servant hearts as we continue to strive for a common good.

Keep our government safe, our leaders strong, and may we continue to strive to make this a better world now and for future generations. In God's most Holy Name we pray.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 29, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 112, 311, 334.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 112.

Assemblyman Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 311.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 334.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Justice Thomas.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Lillian Thompson and Elijah Thompson.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Nikko Christian.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Treena Smith and Brianna Torres.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Wayne Wedlow.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Pamela Baxter.

On request of Assemblyman Edwards, the privilege of the floor of the Assembly Chamber for this day was extended to Debra Brewster.

On request of Assemblyman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Anika Jones.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Makayla Furlong.

On request of Assemblyman Fumo, the privilege of the floor of the Assembly Chamber for this day was extended to Averill Kelley.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Joan Avila Rodriguez, Mynor Carias, Miranda Cuellar, Maria Flores, Yasmin Gallegos-Reyes, Iris Gonzalez, Sabrina Gonzalez Avila, Leslie Gudino, Stephanie Hernandez, Raeanna Kang, Valeria Lopez Gurrero, Oscar Lopez-Armenta, Jose Lopez-Rios, Benjamin Mancia Moreno, Xavier Mandujano, Christian Martinez, Jaquelin Medina, Shantel Murillo, Eddie Perez, Mark Perez-Ramirez, Lesly

Ramos-Rodriguez, Sheyla Sanchez, Yamilly Segura Cruz, Aaliyah Taylor, Stacy Tello, Imelda Ojeda, Maria Flores, Mynor Carias, and Christian Martinez.

On request of Assemblyman Marchant, the privilege of the floor of the Assembly Chamber for this day was extended to Sydney Starks.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to Michala Eskridge.

On request of Assemblyman McCurdy, the privilege of the floor of the Assembly Chamber for this day was extended to Malakai Prudent, Kenya Finley, and A'Tymn Hall.

On request of Assemblywoman Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Nalani Shaw, Anquionetta Springer-Eagles, and Yvette Williams.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Christopher Hilton and Jakima Harris.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Alassane Fofana and Ananda Grove.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, chaperones, and teachers from American Heritage Academy: Troy Alvarez, Abi Bautista, Alana Behrens, Justin Bezanski, Nicholas Bley, Jessica Boardman, Lindsey Burke, Peyton Cropper, Milana Day, Lily Dixon, Sophia Ertini, Brooke Forbush, Alexa Halling, Jesse Haughton, Rylee Hjorth, Katelyn Jeffers, Daniel Jin, Jeffrey Johns, Paige Kamide, Salem Leavitt, Zorawar Mander, Lacey Pendleton, Luke Pendleton, August Shoopman, Hannah Sorenson, Anna Stewart, Jackson Stewart, McKenzie Stockwell, Eli Uhler, Tanner Woodbury, and Marissa Wright.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Paula Anderson, Shanya Espy, Hattie Thorns, and Omari Ware.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Kenneth Reed.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Monday, April 3, 2017, at 12 noon.

Motion carried.

Assembly adjourned at 12:18 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FIFTY-SEVENTH DAY

CARSON CITY (Monday), April 3, 2017

Assembly called to order at 12:42 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Diaz, who was excused.

Prayer by the Chaplain, Reverend Richard Snyder.

Creator God, we give You thanks for this new day and for the opportunities that it brings. Help us to embrace the opportunities while we do the work You have given us to do. Refresh us and guide us with Your spirit.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

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

TYRONE THOMPSON, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 75, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 96, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD CARRILLO, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 197, 198, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAGGIE CARLTON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 3, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 29, 44, 137, 220, 224, 225, 249, 257, 260, 263, 266, 269, 272, 273, 278, 280, 281, 285, 471, 472, 473, 474, 475, 479, 480, 481, 482, 483, 484, 486, 489 and 490.

CINDY JONES
Fiscal Analysis Division

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 454 be withdrawn from the Committee on Judiciary.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 454 be rereferred to the Committee on Commerce and Labor.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 2.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Araujo, the privilege of the floor of the Assembly Chamber for this day was extended to Edith Fernandez and Victoria Ruiz.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Florian and Isaac Florian.

On request of Assemblyman Brooks, the privilege of the floor of the Assembly Chamber for this day was extended to Rosa Emilia Quevedo and Teresa Ramirez.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Brent Buffone and Rebeca Guardado.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Cory Hernandez.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Loya.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Mario DelaRosa.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Leo Murrieta.

On request of Assemblyman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Geovana Quezada-Leon and Alejandra Serna-Osuna.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Armida Abrica and Manuel Ayala.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Hambrick and Madelyn Webster.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Jorge Cuevas.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to Jenny Martinez.

On request of Assemblyman McCurdy, the privilege of the floor of the Assembly Chamber for this day was extended to Fernando Romero.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Jair Guigui.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Nathali Quiroz.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Victor Garcia.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Andrea Saavedra and Jackeline Duron.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Barrera and Emily Ross.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Teresa Reynaga, Guadalupe Reynaga, and Ofelia Olague Orosco.

On request of Assemblyman Watkins, the privilege of the floor of the Assembly Chamber for this day was extended to Lillian Babcock.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to David Mindell, Ari J. Scharg, and Jennifer Baker.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Andres Ingram Estanes, Ivana Hernandez, Joselyn Jarquin, and Taylor Robinson.

On request of Assemblyman Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to Derrick Jones.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Tuesday, April 4, 2017, at 12 noon.

Motion carried.

Assembly adjourned at 12:51 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FIFTY-EIGHTH DAY

CARSON CITY (Tuesday), April 4, 2017

Assembly called to order at 12:34 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Diaz, who was excused.

Prayer by the Chaplain, Reverend Richard Snyder.

Loving God, we give You thanks for the world that You have created. We ask Your blessing on the People's House of the Nevada Legislature–on all who serve in it and all who work for it. May they all be sustained, renewed, and guided by Your spirit.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Corrections, Parole, and Probation, to which was referred Assembly Bill No. 74, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OHRENSCHALL, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 57, 79, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 65, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL C. SPRINKLE, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 14, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 28, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bills Nos. 50, 101, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HEIDI SWANK, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 3, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 13, 15; Senate Joint Resolution No. 8.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 8.

Assemblywoman Benitez-Thompson moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

NOTICE OF EXEMPTION

April 4, 2017

Pursuant to paragraph (a) of subsection 4 of Joint Standing Rule No. 14.6, the following measures are not subject to the provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3: Assembly Bills Nos. 343, 430 and 446.

Also, pursuant to paragraph (a) of subsection 4 of Joint Standing Rule No. 14.6, the following measures are not subject to the provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3: Senate Bills Nos. 121, 456, 489 and 507 and Senate Joint Resolution No. 11.

RICHARD S. COMBS
Director

April 4, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 41, 289, 295, 299, 303 and 417.

CINDY JONES
Fiscal Analysis Division

April 4, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bills Nos. 443, 444, 445, 446, 457 and 515.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 170, 223, 244, 249, 259, 265, 285, 287, 289, 302, 303, 315, 317, 323, 325, 327, 332, 336, 339, 342, 343, 345, 347, 348, 349, 358, 359, 363, 373, 378, 390, 391, 401, 402, 405, 415, 418, 419, 424, 427, 438, 441, 455, 497, 500, 501, 502, 503, 504, 505, 506, 508, 510, 511, 512, 514, 516 and 518.

MARK KRMPOTIC
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 13.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 15.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried

SECOND READING AND AMENDMENT

Assembly Bill No. 1.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 3.

AN ACT relating to education; requiring the Board of Regents of the University of Nevada to pay undergraduate fees and expenses of a dependent child of a public employee killed in the performance of his or her duties; **authorizing the reimbursement of such fees and expenses for the dependent child of a public employee killed in the performance of his or her duties on or after a certain date;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Regents of the University of Nevada, to the extent money is available, to pay certain fees and expenses associated with undergraduate classes taken at a school within the Nevada System of Higher Education by the dependent child of a public safety officer who was killed in the line of duty. (NRS 396.545) **[**~~This~~**]** **Section 1 of this** bill expands the applicability of this provision to include the payment of such fees and expenses for a dependent child of any other public employee who was killed in the performance of his or her duties. **Section 1.5 of this bill provides that if a public employee was killed in the performance of his or her duties on or after October 1, 2013, his or her dependent child is eligible to receive reimbursement for any such fees or expenses.**

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

Section 1. NRS 396.545 is hereby amended to read as follows:

396.545 1. To the extent of money available for this purpose, the Board of Regents shall pay all registration fees, laboratory fees and expenses for required textbooks and course materials assessed against or incurred by a dependent child of a public safety officer who was killed in the line of duty **[**~~.~~**]** ***or any other public employee who was killed in the performance of his***

or her duties, for classes taken towards satisfying the requirements of an undergraduate degree at a school within
the System. No such payment may be made for any fee assessed after the child reaches the age of 23 years.

2. There is hereby created in the State General Fund a Trust Account for the Education of Dependent Children. The Board of Regents shall administer the Account. The Board of Regents may accept gifts and grants for deposit in the Account. All money held by the State Treasurer or received by the Board of Regents for that purpose must be deposited in the Account. The money in the Account must be invested as the money in other state accounts is invested. After deducting all applicable charges, all interest and income earned on the money in the Account must be credited to the Account. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

3. For each fiscal year, the Board of Regents shall estimate:

(a) The amount of money in the Trust Account that is available to make payments pursuant to subsection 1 for that fiscal year; and

(b) The anticipated amount of such payments for that fiscal year.

➥ If the anticipated amount of payments estimated for the fiscal year exceeds the estimated amount of money available in the Account in the fiscal year for such payments, the Board of Regents may request an allocation from the Contingency Account created in the State General Fund pursuant to NRS 353.266 to cover the projected shortfall.

4. As used in this section:

(a) "Firefighter" means a person who is a salaried employee or volunteer member of a:

(1) Fire prevention or suppression unit organized by a local government and whose principal duty is to control and extinguish fires; or

(2) Fire-fighting agency.

(b) "Fire-fighting agency" has the meaning ascribed to it in NRS 450B.072.

(c) "Local government" means a county, city, unincorporated town or metropolitan police department.

(d) "Member of a rescue or emergency medical services crew" means:

(1) A member of a search and rescue organization in this State under the direct supervision of any county sheriff;

(2) A person licensed as an attendant pursuant to chapter 450B of NRS if the person is a salaried employee of a public agency and is not retained under contract to perform services for the public agency;

(3) A person certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS if the person is a salaried employee or volunteer of a public agency and is not retained under contract to perform services for the public agency; or

(4) A volunteer attendant as that term is defined in NRS 450B.110.

(e) "Peace officer" means a category I peace officer, category II peace officer or category III peace officer as those terms are defined in NRS 289.460, 289.470 and 289.480, respectively.

(f) "Public agency" means an agency, bureau, commission, department or division of the State of Nevada or a political subdivision of the State of Nevada that provides police, firefighting, rescue or emergency medical services.

(g) ***"Public employee" means any person who performs public duties for compensation paid by or through the State, a county, city, local government or other political subdivision of the State or an agency thereof.***

(h) "Public employee who was killed in the performance of his or her duties" includes, without limitation, a public employee who dies as a result of injuries sustained in the performance of his or her duties.

(i) "Public safety officer" means a person serving a public agency in an official capacity, with or without compensation, as a peace officer, a firefighter or a member of a rescue or emergency medical services crew.

(j) "Public safety officer who was killed in the line of duty" includes, without limitation, a public safety officer who dies as a result of injuries sustained in the line of duty.

Sec. 1.5. **If, during the period beginning on October 1, 2013, and ending on June 30, 2017, a public employee, as defined in section 1 of this act, was killed in the performance of his or her duties, the dependent child of the public employee is eligible to receive reimbursement for any registration fees, laboratory fees or expenses for required textbooks and course materials assessed against or incurred by the dependent child. As soon as practicable on or after July 1, 2017, and to the extent of money available for this purpose, the Board of Regents of the University of Nevada shall reimburse such dependent children for any such fees or expenses.**

Sec. 2. This act becomes effective on July 1, 2017.

Assemblyman Thompson moved the adoption of the amendment.

Remarks by Assemblyman Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 10.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 20.

AN ACT relating to state purchasing; providing for the disposition of rebates for purchases made with procurement cards; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill provides for the disposition of money received by the State in the form of rebates for purchases made by using charge cards issued to state agencies or their authorized representatives, commonly known as "procurement ~~[cards."]~~ **cards," where the disposition is not otherwise prohibited by law or any other restriction on the use or disposition of the money used for such a purchase.** Under the provisions of this bill, after deducting administrative costs: (1) 50 percent of any such rebate is deposited into the Account to Stabilize the Operation of the State Government, also known as the Rainy Day Fund; and (2) the other 50 percent is given to the state agency that made the purchase. Such money deposited into the Rainy Day Fund must not be used to replace or supplant funding from other sources. Also, such money received by a state agency: (1) must not be used to replace or supplant funding available from other sources; and (2) may be used at the discretion of the head of the agency.

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

Section 1. Chapter 333 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Any]~~ Except as otherwise prohibited by law or any other applicable restriction on the use or disposition of the money used for the purchase, any money provided to the State in the form of a rebate for a purchase made with a procurement card must, after deducting administrative costs, be distributed as follows:

(a) Fifty percent must be deposited into the Account to Stabilize the Operation of the State Government created pursuant to NRS 353.288; and

(b) Fifty percent must be given to the using agency that made the purchase.

2. The money:

(a) Deposited into the Account to Stabilize the Operation of the State Government pursuant to subsection 1 must not be used to replace or supplant funding available from other sources.

(b) Received by a using agency pursuant to subsection 1:

(1) Must not be used to replace or supplant funding available from other sources; and

(2) May be used at the discretion of the head of the using agency.

3. As used in this section, "procurement card" means a charge card issued to a using agency or its authorized representative for the purchase of goods and services pursuant to the provisions of this chapter.

Sec. 2. This act becomes effective on July 1, 2017.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 75.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 2.

AN ACT relating to gaming; revising certain definitions relating to gaming; exempting manufacturers, distributors and independent contractors associated with gaming from certain licensing requirements; revising provisions governing the regulation of trustees of an employee stock ownership plan by the Nevada Gaming Commission; **authorizing the Commission to reject an application for a license, registration, finding of suitability or approval;** making various other changes related to the regulation of gaming; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Nevada Gaming Commission and the Nevada Gaming Control Board to administer state gaming licenses and manufacturers', sellers' and distributors' licenses, and to perform various acts relating to the regulation and control of gaming. (NRS 463.140) **Section 1** of this bill revises the definition of "manufacture" for the purposes of the statutory provisions governing the licensing and control of gaming to include the act of assuming responsibility for certain actions.

Existing law makes it unlawful to deliver or furnish any equipment, services or property in exchange for any interest or revenue derived from a gambling game without procuring and maintaining the required state gaming license. (NRS 463.162) **Section 2** of this bill exempts persons who are already licensed as a manufacturer or distributor of certain gaming devices or systems from this licensing requirement.

Existing law authorizes the Commission to exempt a bank acting as a fiduciary from certain requirements for licensing and regulation related to gaming. (NRS 463.175) **Section 3** of this bill similarly authorizes the Commission to exempt a trustee of an employee stock ownership plan from such requirements.

Existing law provides that after a final order of the Board recommending denial of an application for a license, registration, finding of suitability or approval, the Commission may: (1) deny the application; (2) remand the matter to the Board for further investigation and reconsideration; or (3) by unanimous vote of the members present, grant the application. (NRS 463.220) Section 3.5 of this act: (1) authorizes the Commission to reject the application; and (2) provides that a rejection of the application does not constitute a determination of the suitability of the applicant or a denial of the application.

Existing law: (1) establishes the Nevada Gaming Control Board Revolving Account in order to facilitate the confidential investigation of certain

violations relating to gaming; and (2) provides that expenditures from the Revolving Account may not exceed the amount authorized by the Legislature in any fiscal year. (NRS 463.330) **Section 4** of this bill provides that such expenditures may only exceed the amount authorized by the Legislature if the expenses are incurred by the Board for confidential investigations concerning the enforcement of existing law governing gaming and the money for payment of the expenses is ~~[not]~~ derived from ~~[the State General Fund.]~~ **state or federal forfeiture funds.**

Existing law makes it unlawful to manufacture, sell or distribute any gaming device, cashless wagering system, mobile gaming system or interactive gaming system for use or play in Nevada without first procuring and maintaining the required licensure. (NRS 463.650) **Section 5** of this bill exempts certain persons from the required licensure if a person who is already licensed as a manufacturer assumes responsibility for the underlying actions.

Existing law requires the Commission, with the advice and assistance of the Board, to adopt regulations relating to the approval of associated equipment by the Board. (NRS 463.665) **Section 6** of this bill transfers certain duties required to be included in those regulations from the Commission to the Board.

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

Section 1. NRS 463.01715 is hereby amended to read as follows:

463.01715 1. "Manufacture" means:

(a) To manufacture, produce, program, design, control the design of or make modifications to a gaming device, associated equipment, cashless wagering system, mobile gaming system or interactive gaming system for use or play in Nevada;

(b) To direct ~~[,]~~ ***or*** control ~~[or assume responsibility for]~~ the methods and processes used to design, develop, program, assemble, produce, fabricate, compose and combine the components and other tangible objects of any gaming device, associated equipment, cashless wagering system, mobile gaming system or interactive gaming system for use or play in Nevada; ~~[or]~~

(c) To assemble, or control the assembly of, a gaming device, associated equipment, cashless wagering system, mobile gaming system or interactive gaming system for use or play in Nevada ~~[.]~~ ***; or***

(d) To assume responsibility for any action described in paragraph (a), (b) or (c).

2. As used in this section:

(a) "Assume responsibility" means to:

(1) Acquire complete control over, or ownership of, the applicable gaming device, associated equipment, cashless wagering system, mobile gaming system or interactive gaming system; and

(2) Accept continuing legal responsibility for the gaming device, associated equipment, cashless wagering system, mobile gaming system or interactive gaming system, including, without limitation, any form of manufacture performed by an affiliate or independent contractor.

(b) "Independent contractor" means, with respect to a manufacturer, any person who:

(1) Is not an employee of the manufacturer; and

(2) Pursuant to an agreement with the manufacturer, designs, develops, programs, produces or composes a control program used in the manufacture of a gaming device. As used in this subparagraph, "control program" has the meaning ascribed to it in NRS 463.0155.

Sec. 1.5. **NRS 463.0173 is hereby amended to read as follows:**

463.0173 "Manufacturer's, seller's or distributor's license" means a license issued pursuant to NRS 463.650**.** ~~[and 463.660.]~~

Sec. 2. NRS 463.162 is hereby amended to read as follows:

463.162 1. Except as otherwise provided in subsections 2 and 3, it is unlawful for any person to:

(a) Lend, let, lease or otherwise deliver or furnish any equipment of any gambling game, including any slot machine, for any interest, percentage or share of the money or property played, under guise of any agreement whatever, without having first procured a state gaming license.

(b) Lend, let, lease or otherwise deliver or furnish, except by a bona fide sale or capital lease, any slot machine under guise of any agreement whereby any consideration is paid or is payable for the right to possess or use that slot machine, whether the consideration is measured by a percentage of the revenue derived from the machine or by a fixed fee or otherwise, without having first procured a state gaming license for the slot machine.

(c) Furnish services or property, real or personal, on the basis of a contract, lease or license, pursuant to which that person receives payments based on earnings or profits from any gambling game, including any slot machine, without having first procured a state gaming license.

2. The provisions of subsection 1 do not apply to any person:

(a) Whose payments are a fixed sum determined in advance on a bona fide basis for the furnishing of services or property other than a slot machine.

(b) Who furnishes services or property under a bona fide rental agreement or security agreement for gaming equipment.

(c) That is a wholly owned subsidiary of:

(1) A corporation, limited partnership or limited-liability company holding a state gaming license; or

(2) A holding company or intermediary company, or publicly traded corporation, that has registered pursuant to NRS 463.585 or 463.635 and which has fully complied with the laws applicable to it.

(d) Who is licensed as a ***manufacturer or*** distributor ~~[and who rents or leases any equipment of any gambling game, including any slot machine, under a bona fide agreement where the payments are a fixed sum determined~~

~~in advance and not determined as a percentage of the revenue derived from the equipment or slot machine.~~] ***pursuant to NRS 463.650 . [and 463.660.]***

(e) Who is found suitable by the Commission to act as an independent agent.

➥ Receipts or rentals or charges for real property, personal property or services do not lose their character as payments of a fixed sum or as bona fide because of provisions in a contract, lease or license for adjustments in charges, rentals or fees on account of changes in taxes or assessments, escalations in the cost-of-living index, expansions or improvement of facilities, or changes in services supplied. Receipts of rentals or charges based on percentage between a corporate licensee or a licensee who is a limited partnership or limited-liability company and the entities enumerated in paragraph (c) are permitted under this subsection.

3. The Commission may, upon the issuance of its approval or a finding of suitability, exempt a holding company from the licensing requirements of subsection 1.

4. The Board may require any person exempted by the provisions of subsection 2 or paragraph (b) of subsection 1 to provide such information as it may require to perform its investigative duties.

5. The Board and the Commission may require a finding of suitability or the licensing of any person who:

(a) Owns any interest in the premises of a licensed establishment or owns any interest in real property used by a licensed establishment whether the person leases the property directly to the licensee or through an intermediary.

(b) Repairs, rebuilds or modifies any gaming device.

(c) Manufactures or distributes chips or gaming tokens for use in this state.

(d) Operates a call center within this State as an agent of a licensed race book or sports pool in this State in accordance with the regulations adopted by the Commission.

(e) Has invented, has developed or owns the intellectual property rights to a game for which approval by the Commission is being sought or has been received in accordance with the regulations adopted by the Commission.

6. If the Commission finds a person described in subsection 5 unsuitable, a licensee shall not enter into any contract or agreement with that person without the prior approval of the Commission. Any other agreement between the licensee and that person must be terminated upon receipt of notice of the action by the Commission. Any agreement between a licensee and a person described in subsection 5 shall be deemed to include a provision for its termination without liability on the part of the licensee upon a finding by the Commission that the person is unsuitable. Failure expressly to include that condition in the agreement is not a defense in any action brought pursuant to this section to terminate the agreement. If the application is not presented to the Board within 30 days after demand, the Commission may pursue any remedy or combination of remedies provided in this chapter.

Sec. 3. NRS 463.175 is hereby amended to read as follows:

463.175 1. As used in this section:

(a) "Bank" means a national banking association that is authorized to do business in this State, a banking corporation formed or regulated under the laws of this State or a trust company formed or regulated under the laws of this State.

(b) ***"Employee stock ownership plan" means a type of profit-sharing plan that invests primarily in the employer's stock.***

(c) "Fiduciary" means an executor, an administrator, a special administrator, a trustee of an inter vivos trust, a trustee of a testamentary trust, ***a trustee of an employee stock ownership plan,*** an escrow agent, a depositary or any combination thereof.

2. The Commission may, selectively or by general regulation, at any time and from time to time, exempt a bank ***or trustee of an employee stock ownership plan*** acting as a fiduciary from all or any portion of the requirements of NRS 463.160, 463.162, 463.167, 463.170, and 463.490 to 463.645, inclusive, and from the regulations adopted thereunder.

3. The Commission may, upon the recommendation of the Board or upon its own undertaking, grant, deny, limit, condition, restrict, revoke or suspend any exemption or application for exemption pursuant to subsection 2 for any reasonable cause.

4. An exemption granted pursuant to subsection 2 is a revocable privilege, and no person may acquire any vested rights therein or thereunder.

Sec. 3.5. **NRS 463.220 is hereby amended to read as follows:**

463.220 1. The Board shall present its final order upon an application to the Commission at the next meeting of the Commission.

2. The Commission may, after considering the recommendation of the Board, issue to the applicant named, as a natural person, and to the licensed gaming establishment, as a business entity, under the name or style therein designated, a state gaming license, or deny the same. The Commission may limit the license or place such conditions thereon as it may deem necessary in the public interest. The Commission may, if it considers necessary, issue a probationary license. No state gaming license may be assigned either in whole or in part.

3. The Commission may limit or place such conditions as it may deem necessary in the public interest upon any registration, finding of suitability or approval for which application has been made.

4. After final order of the Board recommending denial of an application, the Commission, after considering the recommendation of the Board, may:

(a) Deny the application;

(b) ***Reject the application;***

(c) Remand the matter to the Board for such further investigation and reconsideration as the Commission may order; or

~~[(c)]~~ ***(d)*** By unanimous vote of the members present, grant the application for a license, registration, finding of suitability or approval.

➥ For the purposes of this section, a tie vote of the Board upon an application does not constitute a recommendation of denial of the application. ***A rejection of the application does not constitute a determination of the suitability of the applicant or a denial of the application of the applicant.***

5. If the Commission is not satisfied that an applicant approved by the Board is qualified to be licensed under this chapter, the Commission may cause to be made such investigation into and conduct such hearings concerning the qualifications of the applicant in accordance with its regulations as it may deem necessary.

6. If the Commission desires further investigation be made or to conduct any hearings, it shall, within 30 days after presentation of the recommendation of the Board so notify the applicant and set a date for hearing, if a hearing is requested by the applicant. Final action by the Commission must be taken within 120 days after the recommendation of the Board has been presented to the Commission. Failure of the Commission to take action within 120 days shall be deemed to constitute approval of the applicant by the Commission, and a license must be issued forthwith upon compliance by the applicant with the provisions of NRS 463.225.

7. The Commission has full and absolute power and authority to deny any application for any cause it deems reasonable. If an application is denied, the Commission shall prepare and file its written decision upon which its order denying the application is based.

Sec. 4. NRS 463.330 is hereby amended to read as follows:

463.330 1. Costs of administration of this chapter incurred by the Commission and the Nevada Gaming Control Board must be paid from the State General Fund on claims presented by the Commission and the Board, respectively, and approved and paid as other claims against the State are paid. The Commission and the Board shall comply with the provisions of the State Budget Act in order that legislative authorization for budgeted expenditures may be provided.

2. In order to facilitate the confidential investigation of violations of this chapter and the regulations adopted by the Commission pursuant to this chapter, there is hereby created the Nevada Gaming Control Board Revolving Account. Upon the written request of the Chair of the Board, the State Controller shall draw a warrant in favor of the Chair in the amount of $10,000, and upon presentation of the warrant to the State Treasurer, the State Treasurer shall pay it. When the warrant is paid, the Chair shall deposit the $10,000 in a bank or credit union of reputable standing which shall secure the deposit with a depository bond satisfactory to the State Board of Examiners.

3. The Chair of the Board may use the Revolving Account to pay the reasonable expenses of agents and employees of the Board engaged in confidential investigations concerning the enforcement of this chapter, including the prepayment of expenses where necessary, whether such

expenses are incurred for investigation of known or suspected violations. In allowing such expenses, the Chair is not limited or bound by the provisions of NRS 281.160.

4. Expenditures from the Revolving Account may ~~[not]~~ exceed the amount authorized by the Legislature in any fiscal year ~~[.]~~ ***only if the Revolving Account is used to pass through expenses incurred by the Board while engaged in confidential investigations concerning the enforcement of this chapter, and the money for payment of the expenses is derived from*** ~~*[sources other than the State General Fund]*~~ ***state or federal forfeiture funds as approved by the Chair.***

Sec. 5. NRS 463.650 is hereby amended to read as follows:

463.650 1. Except as otherwise provided in subsections 2 to ~~[5,]~~ ***7,*** inclusive, it is unlawful for any person, either as owner, lessee or employee, whether for hire or not, to operate, carry on, conduct or maintain any form of manufacture, selling or distribution of any gaming device, cashless wagering system, mobile gaming system or interactive gaming system for use or play in Nevada without first procuring and maintaining all required federal, state, county and municipal licenses.

2. A lessor who specifically acquires equipment for a capital lease is not required to be licensed under this section. ~~[or NRS 463.660.]~~

3. The holder of a state gaming license or the holding company of a corporation, partnership, limited partnership, limited-liability company or other business organization holding a license may, within 2 years after cessation of business or upon specific approval by the Board, dispose of by sale in a manner approved by the Board, any or all of its gaming devices, including slot machines, mobile gaming systems and cashless wagering systems, without a distributor's license. In cases of bankruptcy of a state gaming licensee or foreclosure of a lien by a bank or other person holding a security interest for which gaming devices are security in whole or in part for the lien, the Board may authorize the disposition of the gaming devices without requiring a distributor's license.

4. The Commission may, by regulation, authorize a person who owns:

(a) Gaming devices for home use in accordance with NRS 463.160; or

(b) Antique gaming devices,

➥ to sell such devices without procuring a license therefor to residents of jurisdictions wherein ownership of such devices is legal.

5. Upon approval by the Board, a gaming device owned by:

(a) A law enforcement agency;

(b) A court of law; or

(c) A gaming device repair school licensed by the Commission on Postsecondary Education,

➥ may be disposed of by sale, in a manner approved by the Board, without a distributor's license. An application for approval must be submitted to the Board in the manner prescribed by the Chair.

6. ***A manufacturer who performs any action described in paragraph (a), (b) or (c) of subsection 1 of NRS 463.01715 is not required to be licensed under the provisions of this section with respect to the performance of that action if another manufacturer who is licensed under the provisions of this section assumes responsibility for the performance of that action.***

7. An independent contractor who designs, develops, programs, produces or composes a control program for use in the manufacture of a gaming device that is for use or play in this State is not required to be licensed under the provisions of this section with respect to the design, development, programming, production or composition of a control program if a manufacturer who is licensed under the provisions of this section assumes responsibility for the design, development, programming, production or composition of the control program.

8. Any person who the Commission determines is a suitable person to receive a license under the provisions of this section ~~[and NRS 463.660]~~ may be issued a manufacturer's or distributor's license. The burden of proving his or her qualification to receive or hold a license under this section ~~[and NRS 463.660]~~ is at all times on the applicant or licensee.

~~[7.]~~ ***9.*** Every person who must be licensed pursuant to this section is subject to the provisions of NRS 463.482 to 463.645, inclusive, unless exempted from those provisions by the Commission.

~~[8.]~~ ***10.*** The Commission may exempt, for any purpose, a manufacturer, seller or distributor from the provisions of NRS 463.482 to 463.645, inclusive, if the Commission determines that the exemption is consistent with the purposes of this chapter.

~~[9.]~~ ***11.*** Any person conducting business in Nevada who is not required to be licensed as a manufacturer, seller or distributor pursuant to subsection 1, but who otherwise must register with the Attorney General of the United States pursuant to Title 15 of U.S.C., must submit to the Board a copy of such registration within 10 days after submission to the Attorney General of the United States.

~~[10.]~~ ***12.*** It is unlawful for any person, either as owner, lessee or employee, whether for hire or not, to knowingly distribute any gaming device, cashless wagering system, mobile gaming system, interactive gaming system or associated equipment from Nevada to any jurisdiction where the possession, ownership or use of any such device, system or equipment is illegal.

~~[11.]~~ ***13.*** As used in this section:

(a) "Antique gaming device" means a gaming device that was manufactured before 1961.

(b) ***"Assume responsibility" has the meaning ascribed to it in NRS 463.01715.***

(c) "Control program" has the meaning ascribed to it in NRS 463.0155.

(d) "Holding company" has the meaning ascribed to it in NRS 463.485.

(e) "Independent contractor" has the meaning ascribed to it in NRS 463.01715.

Sec. 6. NRS 463.665 is hereby amended to read as follows:

463.665 1. The Commission shall, with the advice and assistance of the Board, adopt regulations prescribing:

(a) The manner and method for the approval of associated equipment by the Board; and

(b) The method and form of any application required by paragraph (a).

2. Except as otherwise provided in subsection 4, the regulations adopted pursuant to subsection 1 must:

(a) Require persons who manufacture or distribute associated equipment for use in this State to be registered ~~[by]~~ ***with*** the ~~[Commission]~~ ***Board*** if such associated equipment:

(1) Is directly used in gaming;

(2) Has the ability to add or subtract cash, cash equivalents or wagering credits to a game, gaming device or cashless wagering system;

(3) Interfaces with and affects the operation of a game, gaming device, cashless wagering system or other associated equipment;

(4) Is used directly or indirectly in the reporting of gross revenue;

(5) Records sales for use in an area subject to the tax imposed by NRS 368A.200; or

(6) Is otherwise determined by the ~~[Commission]~~ ***Board*** to create a risk to the integrity of gaming and protection of the public if not regulated;

(b) Establish the degree of review an applicant for registration pursuant to this section must undergo, which level may be different for different forms of associated equipment; and

(c) Establish fees for the application, issuance and renewal of the registration required pursuant to this section, which must not exceed $1,000 per application, issuance or renewal of such registration.

3. This section does not apply to:

(a) A licensee; or

(b) An affiliate of a licensee or an independent contractor as defined by NRS 463.01715.

4. In addition to requiring a manufacturer or distributor of associated equipment to be registered as set forth in subsections 2 and 3, a manufacturer or distributor of associated equipment who sells, transfers or offers the associated equipment for use or play in Nevada may be required by the ~~[Commission, upon recommendation of the]~~ Board ~~[,]~~ to file an application for a finding of suitability to be a manufacturer or distributor of associated equipment.

5. In addition to requiring a manufacturer or distributor of associated equipment to be registered as set forth in subsections 2 and 3, any person who directly or indirectly involves himself or herself in the sale, transfer or offering for use or play in Nevada of such associated equipment who is not otherwise required to be licensed as a manufacturer or distributor may be

required by the ~~[~~Commission, upon recommendation of the~~]~~ Board ~~[~~,~~]~~ to file an application for a finding of suitability to be a manufacturer or distributor of associated equipment.

6. If an application for a finding of suitability is not submitted to the Board within 30 days after demand by the ~~[~~Commission,~~]~~ ***Board,*** it may pursue any remedy or combination of remedies provided in this chapter.

7. Any person who manufactures or distributes associated equipment who has complied with all applicable regulations adopted by the Commission before October 1, 2015, shall be deemed to be registered pursuant to this section.

Sec. 7. This act becomes effective on July 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 96.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 5.

AN ACT relating to motor carriers; expanding the circumstances under which an owner or operator of a motor vehicle that is used for the transportation of passengers or property is not subject to certain provisions governing fully regulated carriers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, certain common carriers or contract carriers of passengers or household goods are subject to supervision and regulation as fully regulated carriers by the Nevada Transportation Authority. (NRS 706.072, 706.166) An exemption from that supervision and regulation is provided for an owner or operator of a motor vehicle used for the transportation of passengers or property if the owner or operator: (1) holds a nonrestricted license and is a resort hotel; (2) is not in the business of and does not charge a fee for transporting passengers or property; (3) provides transportation only to its customers, guests, casino hosts, key employees, officers and directors; (4) marks the vehicle with the owner's or operator's name or logo; and (5) uses the motor vehicle only in relation to the business of the resort hotel for which the nonrestricted license was issued. The owner or operator is required to inspect the motor vehicle regularly, maintain a record of the inspections for at least 3 years and make the records available for inspection or audit by the Authority or its designee. (NRS 706.741)

This bill expands that exemption to include an owner or operator of a motor vehicle that is used for the transportation of passengers or property if ~~[~~any person who directly or indirectly controls, is controlled by or is under

~~common control with]~~ **an affiliate of** the owner or operator of the motor vehicle complies with the provisions of existing law governing the exemption. **An affiliate is defined as a person who, directly or indirectly through one or more intermediaries, controls, is controlled by or is under common control with the owner or operator.** This bill also requires such ~~[a person]~~ **an affiliate** to comply with the requirements of existing law relating to inspections of the motor vehicle and the maintenance of records of those inspections.

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

Section 1. NRS 706.741 is hereby amended to read as follows:

706.741 1. An owner or operator of a motor vehicle that is used for the transportation of passengers or property is not subject to the provisions of this chapter governing fully regulated carriers if:

(a) The owner or operator ***, or*** ***~~[any person who directly or indirectly controls, is controlled by or is under common control with]~~*** ***an affiliate of the owner or operator,*** of the motor vehicle:

(1) Holds a nonrestricted license and is a resort hotel;

(2) Is not in the business of transporting passengers or property;

(3) Does not charge a fee for transporting passengers or property;

(4) Provides transportation only to its customers, guests, casino hosts, key employees, officers and directors; and

(5) Marks the vehicle with the ~~[~~owner's or operator's~~]~~ name or logo ~~[,]~~ ***of the owner or operator, or*** ***~~[any person who controls, is controlled by or is under common control with]~~*** ***an affiliate of the owner or operator,*** which must be at least 2 inches in height and be visible from a distance of at least 50 feet; and

(b) The use of the motor vehicle is related to the business of the resort hotel for which the nonrestricted license ***of the owner or operator, or*** ***~~[any person who controls, is controlled by or is under common control with]~~*** ***an affiliate of the owner or operator,*** was issued.

2. ~~[An]~~ ***The*** owner or operator ***, or*** ***~~[any person who directly or indirectly controls, is controlled by or is under common control with]~~*** ***an affiliate of the owner or operator,*** of a motor vehicle specified in subsection 1 shall regularly inspect the motor vehicle and maintain a record of the inspection for at least 3 years after the date of the inspection. Each record maintained pursuant to this subsection must be made available for inspection or audit by the Authority or its designee at any time during regular business hours.

3. As used in this section:

(a) ***~~["Control" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of an owner or operator of a motor vehicle specified in subsection 1 or the power to veto any major policy decision of the owner or operator, whether through the~~***

~~*ownership of voting securities, by agreement or otherwise.]*~~ ***"Affiliate" has the meaning ascribed to it in NRS 463.0133;***

(b) "Nonrestricted license" has the meaning ascribed to it in NRS 463.0177; and

~~[(b)]~~ ***(c)*** "Resort hotel" has the meaning ascribed to it in NRS 463.01865.

Sec. 2. This act becomes effective on July 1, 2017.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 197.

Bill read second time and ordered to third reading.

Senate Bill No. 198.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer, Assembly Bill No. 10 be rereferred to the Committee on Ways and Means.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Ed Williams.

On request of Assemblyman Araujo, the privilege of the floor of the Assembly Chamber for this day was extended to Kimi Cole and Steve Amend.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Erik Lovaas.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Elvira Diaz, Fred Love, and Joseph Kopec.

On request of Assemblyman Edwards, the privilege of the floor of the Assembly Chamber for this day was extended to Brent Pettit and Gregg Hamilton.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Darrick Ward.

On request of Assemblyman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Maribel Mendez Gomez.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Hambrick and Madelyn Paige Webster.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Paco Poli and Ken MacAleese.

On request of Assemblyman Kramer, the privilege of the floor of the Assembly Chamber for this day was extended to Autumn Zemke, Graham Zemke, and Janine Comoletti.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Pleasant Valley Elementary School: Katelynne Anderson, John Bennett, Eli Bjur, Wayde Cole, Kaden Constantino, Kylie Cullen, Kevin Danen, Brad Dodd-Bailor, Brady Dunn, Edith Espinoza, Matthew Evans, Sophia Frost, Cassidy Ghiggeri, Cydnie Hanks, Jayden Hernandez, Pamela Jonovic, Coleman Lewis, Olivia Mares, Selah Peery, Tyler Peterson, Tyler Stevens, Alex Strom, Shelby Tullis, Luke Watson, Lucas Webb, Loghan Zegers, Brody Blanco, Hayden Cantrell, Paul Carnahan, Addison Cordell, Ryan Danen, Erik Davis, Reese Derryman, John Dunlap, Haley Evans, Erika Frazier, Samuel Hamann, Andrew Harris, Abigail Jackson, Lukas Jackson, Kailee Johnstone, Zaara Kamal, Lauren Kaplan, Kaitlyn Keeney, Olivia Keller, Morgan Lyman, Jayce Martucci, Lydia McMasters, Jax Navaee, Dalton Pingree, Ainsley Shaw, Greyson Will, and Sophia Williams.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to Rose Marie Jones-Wade, Stephanie Hill and J.C. Hill.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Mario Gaspar De Alba.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to A.J. Holly Huth.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Julie Ostrovsky.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Korri Ward.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Kimberly Diskin.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Yolonda Covington, Jamari Brown, and Larry Smith.

On request of Assemblywoman Tolles, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Vibe.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Sarah Sandell, Erik Harsh, Stephanie Cliburn, Kyle Mcsweeney, Dominic Goodner, Aadra Reed, Mia Dao, Ariana Pitkin, Tyler Murray, Rachel Dunfee, Linnea Sutton, Jeffrey Dunfee, Julie Evans, Paola Duenas, Dylan Kubeny, Kiley Woolsey, Erik Harsah, Samantha Rollins, Sidney Thompson, Sarah Thomas, Destiny Peake, Sarah Sandell, Hannah Sizelove, Ashley Long, Lacee Griboski, Amrit Kaur, Daniella Martinez, Thomas Rao, Sophia DeLeon, Casey Yingling, Delanie Hinchey, Alexa Coleman, McKinna Jackson, Isabel Goss, Hannah Denhoff, Carly Howe, Mackenzie Brixey, Monique Perez, Amyia Hill, Antoinette Leal, Katherine Lopez, Monica Merriam, Joana Rodriguez, Tehera Walker, Lupita Zamora, Brooklyn Maw, Stephanie Cliburn, Kyle McSweeney, Dominic Goodner, Aadra Reed, Mia Dao, Tammy Sutton, Ariana Pitkin, Tyler Murray, Rachel Dunfee, Linnea Sutton, Jeffrey Dunfee, Julie Evans, Katie Zeller, Paola Duenas, Dylan Kubeny, Kiley Woolsey, Spencer Flanders, Stacey Harrell, Ashley Goering, Samantha Rollins, Sidney Thompson, Sarah Thomas, Destiny Peake, Hannah Sizelove, Ashley Long, Lacee Griboski, Amrit Kaur, Daniella Martinez, Thomas Rao, Sophia DeLeon, Casey Yingling, Delanie Hinchey, Alexa Coleman, McKinna Jackson, Isabel Goss, Hannah Denhoff, Carly Howe, and Mackenzie Brixey.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Wednesday, April 5, 2017, at 12 noon.

Motion carried.

Assembly adjourned at 1:03 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FIFTY-NINTH DAY

CARSON CITY (Wednesday), April 5, 2017

Assembly called to order at 12:29 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Diaz, who was excused.

Prayer by the Chaplain, Reverend Richard Snyder.

Loving God, we often find ourselves in a state of hurriedness. We hurry to meetings, hurry to events, hurry through life. Help us to find the time and the place to be still and know that You are God.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Corrections, Parole, and Probation, to which was referred Assembly Bill No. 76, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OHRENSCHALL, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 160, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 20, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL C. SPRINKLE, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 147, 229, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 33, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HEIDI SWANK, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 4, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 99, Amendment No. 86, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 117; Senate Joint Resolution No. 10.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 201.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 10.

Assemblywoman Benitez-Thompson moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

REVISED NOTICE OF EXEMPTION

April 4, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bills Nos. 443, 444, 445, 446, 457, 503 and 515.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 170, 223, 244, 249, 259, 265, 285, 287, 289, 302, 303, 315, 317, 323, 325, 327, 332, 336, 339, 342, 343, 345, 347, 348, 349, 358, 359, 363, 373, 378, 390, 391, 401, 402, 405, 415, 418, 419, 424, 427, 438, 441, 455, 497, 500, 501, 502, 504, 505, 506, 508, 510, 511, 512, 514, 516 and 518.

MARK KRMPOTIC
Fiscal Analysis Division

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 79 and 101 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 197 and 198 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Benitez-Thompson moved that the Assembly suspend Assembly Standing Rule 52.5 and subsection 4 of Assembly Standing Rule 57 beginning Monday, April 10, 2017, through Friday, April 14, 2017.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 117.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 201.

Assemblyman Sprinkle moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 14.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 18.

SUMMARY—Requires the submission of a complete set of fingerprints ~~[to the Central Repository for Nevada Records of Criminal History for]~~ **with certain petitions and** court orders relating to a legal name change and citations for domestic violence. (BDR 3-172)

AN ACT relating to information concerning persons; **requiring a petition for a change of name of a person who has a criminal record to be accompanied by a complete set of fingerprints;** requiring a complete set of fingerprints to accompany certain court orders relating to a change of name of a person who has a criminal record; requiring a peace officer to obtain and forward to the Central Repository for Nevada Records of Criminal History a complete set of fingerprints of a person who is detained and cited for domestic violence; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the requirements for a petition by which a natural person may request a change of name. (NRS 41.270) Section 1 of this bill requires such a petition to be accompanied by a complete set of the person's fingerprints if the person has a criminal record.

Existing law requires a court which grants a change of name to a person who has a criminal record or which rescinds its order granting a change of name of a person who falsely denied having been convicted of a felony to transmit a copy of the applicable order to the Central Repository for Nevada Records of Criminal History for inclusion in that person's record of criminal history. (NRS 41.290) **Section ~~[1]~~ 1.5** of this bill requires the applicable order to be accompanied by a complete set of the person's fingerprints.

Existing law requires a peace officer who detains and cites a person for a violation of an ordinance or state law that is punishable as a misdemeanor and constitutes domestic violence to obtain not less than one fingerprint from the person and forward any fingerprint taken to the Central Repository for Nevada Records of Criminal History. (NRS 171.1229) **Section 2** of this bill requires that a complete set of the person's fingerprints be sent to the Central Repository.

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

Section 1. **NRS 41.270 is hereby amended to read as follows:**

41.270 Any natural person desiring to have his or her name changed may file a verified petition with the clerk of the district court of the district in which the person resides. The petition ~~[shall]~~ ***must*** be addressed to the court and ~~[shall]~~ ***must*** state the applicant's present name, the name which the applicant desires to bear in the future, the reason for desiring the change and whether the applicant has been convicted of a felony. ***If the applicant has a criminal record, the petition must be accompanied by a complete set of the applicant's fingerprints taken in the manner prescribed by the Director of the Department of Public Safety.***

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 41.290 is hereby amended to read as follows:

41.290 1. If, within 10 days after the last publication of the notice, no written objection is filed with the clerk, upon proof of the filing of the petition and publication of notice as required in NRS 41.280, and upon being satisfied by the statements in the petition, or by other evidence, that good reason exists therefor, the court shall make an order changing the name of the applicant as prayed for in the petition. If, within the period an objection is filed, the court shall appoint a day for hearing the proofs, respectively, of the applicant and the objection, upon reasonable notice. Upon that day, the court shall hear the proofs, and grant or refuse the prayer of the petitioner, according to whether the proofs show satisfactory reasons for making the change. Before issuing its order, the court shall specifically take into consideration the applicant's criminal record, if any, which is stated in the petition.

2. Upon the making of an order either granting or denying the prayer of the applicant, the order must be recorded as a judgment of the court. If the petition is granted, the name of the applicant must thereupon be as stated in the order and the clerk shall transmit a certified copy of the order to the State Registrar of Vital Statistics.

3. If an order grants a change of name to a person who has a criminal record, the clerk shall transmit a certified copy of the order to the Central Repository for Nevada Records of Criminal History for inclusion in that person's record of criminal history. ***The order must be accompanied by a complete set of the person's fingerprints taken in the manner prescribed by the Director of the Department of Public Safety.***

4. Upon receiving uncontrovertible proof that an applicant in the petition falsely denied having been convicted of a felony, the court shall rescind its order granting the change of name and the clerk shall transmit a certified copy of the order rescinding the previous order to:

(a) The State Registrar of Vital Statistics for inclusion in the State Registrar's records.

(b) The Central Repository for Nevada Records of Criminal History ***, accompanied by a complete set of the applicant's fingerprints taken in the manner prescribed by the Director of the Department of Public Safety,*** for inclusion in the applicant's record of criminal history.

Sec. 2. NRS 171.1229 is hereby amended to read as follows:

171.1229 If a peace officer:

1. Detains a person for violating a county, city or town ordinance or state law that:

(a) Is punishable as a misdemeanor; and

(b) Constitutes domestic violence pursuant to NRS 33.018; and

2. Issues the person a citation in lieu of taking the person before a magistrate,

➥ the peace officer shall ***, in the manner prescribed by the Director of the Department of Public Safety,*** obtain ~~[not less than one fingerprint]~~ ***a complete set of fingerprints*** of the person and ~~[shall]~~ forward ~~[any fingerprint taken]~~ ***those fingerprints*** and the report that the peace officer is required to prepare pursuant to NRS 171.1227 to the Central Repository for Nevada Records of Criminal History.

Sec. 3. This act becomes effective on July 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 28.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 17.

AN ACT relating to the Commission on Judicial Discipline; authorizing the Commission to order a justice of the peace or municipal judge to forfeit his or her office for failure to attend certain required instruction; establishing procedures for the Commission to order such a forfeiture of office; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Commission on Judicial Discipline to discipline a judge under certain circumstances. (NRS 1.4653) Existing law also requires a newly elected or appointed justice of the peace or municipal judge to attend certain mandatory instruction unless he or she secures a written order excusing his or her attendance from a judge of the district court of the county where the justice or the judge serves and files this order with the Court Administrator. If a newly elected or appointed justice of the peace or municipal judge fails to attend the required instruction or fails to secure and properly file a written order excusing his or her attendance, he or she is required to forfeit his or her office. (NRS 4.036, 5.026)

Section 4 of this bill authorizes the Commission to order a justice of the peace or municipal judge to forfeit his or her office if he or she fails to attend the required instruction ~~[.]~~ **without a reasonable excuse. Section 1** of this bill requires the Commission to give a justice of the peace or a municipal judge ~~[7]~~ **30** days' notice and an opportunity to respond and to hold a public

hearing before the Commission orders the justice of the peace or municipal judge to forfeit his or her office.

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

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

1. If the Commission reasonably believes that a justice of the peace or municipal judge failed to attend the instruction required pursuant to NRS 4.036

or 5.026, as applicable, without a reasonable excuse, the Commission shall give the justice of the peace or the municipal judge:

(a) ~~[Seven]~~ Thirty days' notice of its intention to order the justice of the peace or municipal judge to forfeit his or her office pursuant to this section; and

(b) An opportunity to respond.

2. The Commission shall hold a public hearing before ordering the justice of the peace or municipal judge to forfeit his or her office, unless the justice of the peace or municipal judge waives the right to the hearing. The decision of the Commission must be made public.

3. A justice of the peace or municipal judge ordered to forfeit his or her office pursuant to this section may appeal the order to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution. If a justice of the peace or a municipal judge appeals such an order to forfeit his or her office:

(a) The standard of review for such an appeal is an abuse of discretion standard; and

(b) The proceedings held at the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court concerning the order to forfeit office must be open to the public.

Sec. 2. NRS 1.425 is hereby amended to read as follows:

1.425 As used in NRS 1.425 to 1.4695, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 1.4253 to 1.4296, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 1.465 is hereby amended to read as follows:

1.465 1. The following persons are absolutely immune from suit for all conduct at any time in the course of their official duties:

(a) Any member who serves on the Commission;

(b) Any person employed by the Commission;

(c) Any independent contractor of the Commission; and

(d) Any person who performs services pursuant to NRS 1.450 or 1.460 for the Commission.

2. Except as otherwise provided in NRS 1.4683, the following persons are absolutely immune from suit unless convicted of committing perjury before the Commission pursuant to NRS 199.120 to 199.200, inclusive:

(a) A person who files a complaint with the Commission pursuant to NRS 1.4655;

(b) A person who gives testimony at a hearing held by the Commission pursuant to NRS 1.4673 or 1.4675 ~~[,]~~ ***or section 1 of this act;*** and

(c) A person who gives a statement to an investigator of the Commission during an authorized investigation.

Sec. 4. NRS 1.4653 is hereby amended to read as follows:

1.4653 1. The Commission may remove a judge, publicly censure a judge or impose other forms of discipline on a judge if the Commission determines that the judge:

(a) Has committed willful misconduct;

(b) Has willfully or persistently failed to perform the duties of office; or

(c) Is habitually intemperate.

2. The Commission may publicly censure a judge or impose other forms of discipline on a judge if the Commission determines that the judge has violated one or more of the provisions of the Nevada Code of Judicial Conduct in a manner that is not knowing or deliberate.

3. The Commission may retire a judge if the Commission determines that:

(a) The advanced age of the judge interferes with the proper performance of judicial duties; or

(b) The judge suffers from a mental or physical disability that prevents the proper performance of judicial duties and is likely to be permanent in nature.

4. ***The Commission may order a justice of the peace or a municipal judge to forfeit his or her office if he or she fails to attend the instruction required pursuant to NRS 4.036 or 5.026, as applicable*** ~~[.]~~ ***, unless the Commission finds that there was a reasonable excuse for the failure to attend the instruction.***

5. As used in this section:

(a) "Habitually intemperate" means the chronic, excessive use of alcohol or another substance that affects mental processes, awareness or judgment.

(b) "Willful misconduct" includes:

(1) Conviction of any crime involving moral turpitude;

(2) A knowing or deliberate violation of one or more of the provisions of the Nevada Code of Judicial Conduct; and

(3) A knowing or deliberate act or omission in the performance of judicial or administrative duties that:

(I) Involves fraud or bad faith or amounts to a public offense; and

(II) Tends to corrupt or impair the administration of justice in a judicial proceeding.

➥ The term does not include claims of error or abuse of discretion in findings of fact, legal decisions or procedural rulings unless supported by

evidence of abuse of authority, a disregard for fundamental rights, an intentional disregard of the law, a pattern of legal error or an action taken for a purpose other than the faithful discharge of judicial duty.

Sec. 5. NRS 1.4656 is hereby amended to read as follows:

1.4656 Except as otherwise expressly provided in NRS 1.425 to 1.4695, inclusive, ***and section 1 of this act*** or any other applicable provision of law, a determination or finding by the Commission must be recorded in the minutes of the proceedings of the Commission if the determination or finding is made before:

1. The filing of a formal statement of charges against a judge pursuant to NRS 1.467; ~~[or]~~

2. The Commission suspends a judge pursuant to NRS 1.4675 ~~[.]~~ ***; or***

3. The Commission orders a justice of the peace or municipal judge to forfeit his or her office pursuant to section 1 of this act.

Sec. 6. NRS 1.4687 is hereby amended to read as follows:

1.4687 1. Except as otherwise provided in subsection 2:

(a) Upon the filing of a formal statement of charges with the Commission by the special counsel, the statement and other documents later formally filed with the Commission must be made accessible to the public, and hearings must be open.

(b) If a formal statement of charges has not been filed with the Commission and the Commission holds a hearing to suspend a judge pursuant to NRS 1.4675, any transcript of the hearing and any documents offered as evidence at the hearing must be made accessible to the public.

(c) If the Commission holds a hearing to order a justice of the peace or municipal judge to forfeit his or her office pursuant to section 1 of this act, any transcript of the hearing and any documents offered as evidence at the hearing must be made accessible to the public.

2. Regardless of whether any formal statement of charges has been filed with the Commission, medical records and any other documents or exhibits offered as evidence which are privileged pursuant to chapter 49 of NRS must not be made accessible to the public.

3. The Commission's deliberative sessions must remain private and any minutes of such sessions must remain confidential.

4. The filing of a formal statement of charges does not justify the Commission, its counsel, staff or independent contractors retained by the Commission in making public any correspondence, notes, work papers, interview reports or other evidentiary matter, except at the formal hearing or with explicit consent of the judge named in the complaint.

Sec. 6.3. **NRS 4.036 is hereby amended to read as follows:**

4.036 1. Each justice of the peace who is first elected or appointed to office after July 1, 1971, shall attend the instruction provided pursuant to NRS 4.035, on the first occasion when such instruction is offered after the election or appointment of the justice of the peace, unless excused by written

order of a judge of the district court in and for his or her county, which shall be filed with the Court Administrator. Such order is final for all purposes.

2. If a justice of the peace fails to attend such instruction without securing a written order pursuant to subsection 1, the justice of the peace forfeits his or her office ~~[.]~~ ***unless the Commission on Judicial Discipline finds pursuant to section 1 of this act that there was a reasonable excuse for the failure to attend such instruction.***

Sec. 6.7. **NRS 5.026 is hereby amended to read as follows:**

5.026 1. Each municipal judge who is first elected or appointed to office after July 1, 1971, shall attend the instruction provided pursuant to NRS 5.025, on the first occasion when such instruction is offered after the election or appointment of the municipal judge, unless excused by written order of a judge of the district court in and for the county where the city is situated, which must be filed with the Court Administrator. Such an order is final for all purposes.

2. If a municipal judge fails to attend such instruction without securing a written order pursuant to subsection 1, the municipal judge forfeits his or her office ~~[.]~~ ***unless the Commission on Judicial Discipline finds pursuant to section 1 of this act that there was a reasonable excuse for the failure to attend such instruction.***

Sec. 7. This act becomes effective upon passage and approval.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 50.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 37.

AN ACT relating to water; authorizing the State Environmental Commission to establish fees for certain services relating to public and community water systems; increasing the maximum civil penalties and administrative fines imposed on water suppliers for certain violations relating to public water systems; authorizing the State Environmental Commission to adopt regulations and establish fees for the review of certain water issues relating to land development plans; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Environmental Commission regulates community and public water systems. (NRS 445A.800-445A.955) **Section 3** of this bill authorizes the Commission to establish fees for any services of the Commission necessary to carry out these provisions relating to community and public water systems.

Under existing law, a person who owns, controls or operates a public water system is liable for a civil penalty and may be subject to an administrative fine per day for certain violations. (NRS 445A.950) **Section 4** of this bill increases the maximum civil penalty from $5,000 to $25,000 for each day of the violation and increases the maximum administrative fine from $2,500 to $5,000 which may be imposed upon such a person by the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

Existing law requires a person who proposes to subdivide land for development to submit a tentative and a final map to the Division of Environmental Protection for review concerning sewage disposal, water pollution, water quality and water supply facilities. (NRS 278.335, 278.377) **Section 5** of this bill authorizes the State Environmental Commission to adopt regulations and establish fees relating to its review of subdivisions. **Sections 6 and 7** of this bill make conforming changes.

Section 1 of this bill requires the deposit of the fees authorized in this bill in a separate account in the State General Fund.

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

Section 1. Chapter 445A of NRS is hereby amended by adding thereto a new section to read as follows:

1. All fees collected pursuant to subsection 6 of NRS 445A.860 and section 5 of this act must be deposited in a separate account created in the State General Fund. The ~~[Commission]~~ State Department of Conservation and Natural Resources shall administer the account.

2. The money in the account must be expended only to pay for the costs to carry out the provisions of NRS 278.335, 278.377 and 445A.800 to 445A.955, inclusive, and sections 1 and 5 of this act or for any other purpose authorized by the Legislature.

3. The interest and income earned on the money in the account, after deducting any applicable charges, must be credited to the account.

Sec. 2. NRS 445A.805 is hereby amended to read as follows:

445A.805 As used in NRS 445A.800 to 445A.955, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 445A.807 to 445A.850, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 445A.860 is hereby amended to read as follows:

445A.860 In addition to the regulations required to be adopted pursuant to NRS 445A.880, the Commission:

1. Shall adopt regulations establishing procedures for a system of permits to operate water systems which are constructed on or after July 1, 1991.

2. May adopt such other regulations as may be necessary to govern the construction, operation and maintenance of public water systems if those

activities affect the quality of water, but the regulations do not supersede any regulation of the Public Utilities Commission of Nevada.

3. May establish by regulation a system for the issuance of operating permits for suppliers of water and set a reasonable date after which a person shall not operate a public water system constructed before July 1, 1991, without possessing a permit issued by the Division or the appropriate district board of health.

4. May adopt such other regulations as may be necessary to ensure that a community water system or nontransient water system that commences operation on or after October 1, 1999, demonstrates the technical capability, managerial capability and financial capability to comply with 40 C.F.R. Part 141, but the regulations do not supersede any regulation of the Public Utilities Commission of Nevada or the authority of the Public Utilities Commission of Nevada or other state agencies or local governing bodies to issue permits or certificates of authority for suppliers of water.

5. May adopt such other regulations as may be necessary to evaluate the technical capability, managerial capability and financial capability of a community water system or nontransient water system that commenced operation before October 1, 1999, to comply with 40 C.F.R. Part 141, but the regulations do not supersede any regulation of the Public Utilities Commission of Nevada or the
authority of the Public Utilities Commission of Nevada or other state agencies or local governing bodies to issue permits or certificates of authority for suppliers of water.

6. ***May establish by regulation reasonable fees as may be necessary to carry out the provisions of NRS 445A.800 to 445A.955, inclusive, and section 1 of this act. All fees collected pursuant to this subsection must be deposited in the account created pursuant to section 1 of this act.***

7. May adopt such other regulations as may be necessary to carry out the provisions of NRS 445A.800 to 445A.955, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 4. NRS 445A.950 is hereby amended to read as follows:

445A.950 1. Any supplier of water who:

(a) Violates any standard established pursuant to NRS 445A.855;

(b) Violates or fails to comply with an order issued pursuant to NRS 445A.930 or subsection 1 or 2 of NRS 445A.943;

(c) Violates any condition imposed by the Commission upon granting a variance or exemption under NRS 445A.935;

(d) Violates a regulation adopted by the Commission pursuant to NRS 445A.860 or 445A.880; or

(e) Fails to give a notice as required by NRS 445A.940,

➥ is liable for a civil penalty, to be recovered by the Attorney General in the name of the Division, of not more than ~~[$5,000]~~ ***$25,000*** for each day of the violation.

2. In addition to the civil penalty prescribed in subsection 1, the Division may impose an administrative fine against a supplier of water who commits any violation enumerated in subsection 1. The administrative fine imposed may not be more than ~~[$2,500]~~ ***$5,000*** per day for each such violation.

3. The civil penalty and administrative fine prescribed in this section may be imposed in addition to any other penalties or relief prescribed in NRS 445A.800 to 445A.955, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 5. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

The State Environmental Commission may adopt such regulations as may be necessary for the Division of Environmental Protection of the State Department of Conservation and Natural Resources to carry out its duties under the provisions of this section and NRS 278.335 and 278.377, including, without limitation, establishing reasonable fees for services provided by the Division. All fees collected pursuant to this section must be deposited in the account created pursuant to section 1 of this act.

Sec. 6. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, ***and section 5 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 7. NRS 278.4925 is hereby amended to read as follows:

278.4925 1. An owner or governing body that owns two or more contiguous parcels may merge and resubdivide the land into new parcels or lots without reverting the preexisting parcels to acreage pursuant to NRS 278.490.

2. Parcels merged without reversion to acreage pursuant to this section must be resubdivided and recorded on a final map, parcel map or map of division into large parcels, as appropriate, in accordance with NRS 278.320 to 278.4725, inclusive, ***and section 5 of this act*** and any applicable local ordinances. The recording of the resubdivided parcels or lots on a final map, parcel map or map of division into large parcels, as appropriate, constitutes the merging of the preexisting parcels into a single parcel and the simultaneous resubdivision of that single parcel into parcels or lots of a size and description set forth in the final map, parcel map or map of division into large parcels, as appropriate.

3. With respect to a merger and resubdivision of parcels pursuant to this section, the owner or governing body conducting the merger and resubdivision shall ensure that streets, easements and utility easements, whether public or private, that will remain in effect after the merger and resubdivision, are delineated clearly on the final map, parcel map or map of division into large parcels, as appropriate, on which the merger and resubdivision is recorded.

4. If a governing body required an owner or governing body to post security to secure the completion of improvements to two or more contiguous

parcels and those improvements will not be completed because of a merger and resubdivision conducted pursuant to this section, the governing body shall credit on a pro rata basis the security posted by the owner or governing body toward the same purposes with respect to the parcels as merged and resubdivided.

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

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblywoman Swank.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 57.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 69.

AN ACT relating to coroners; requiring coroners **[**~~, with limited exception,~~**]** to **make a reasonable effort to** notify the next of kin who is authorized to order the burial or cremation of a decedent of the decedent's death; authorizing a coroner to notify **[**~~a decedent's parents or guardians~~**]** **certain other persons** of the death of the decedent; authorizing a coroner to provide a coroner's report to **[**~~the parents or guardians of a decedent;~~**]** **such persons;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a coroner to notify the next of kin of a decedent of the decedent's death. (NRS 259.045) Existing law also establishes the order of priority of persons authorized to order the burial or cremation of the human remains of a deceased person. (NRS 451.024) **Section 3** of this bill requires a coroner to **make a reasonable effort to** notify the next of kin who is authorized to order the burial or cremation of the human remains of a decedent of the death of the decedent. **Section 3** also authorizes a coroner to notify the parents **,** **[**~~or~~**]** guardians **, adult children or custodians** of the decedent of the decedent's death and provide a copy of the report of the coroner to the parents **,** **[**~~or~~**]** guardians, **adult children or custodians,** as applicable. **Sections 1 and 2** of this bill make conforming changes.

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

Section 1. NRS 244.163 is hereby amended to read as follows:

244.163 1. The boards of county commissioners in their respective counties may create by ordinance the office of the county coroner, prescribe the qualifications and duties of the county coroner and make appointments to the office.

2. Any coroner so appointed is governed by the ordinances pertaining to such office which may be enacted by the board of county commissioners, and the provisions of NRS 259.025 ***, 259.045*** and 259.150 to 259.180, inclusive.

3. The boards of county commissioners shall require that the county coroner ***make a reasonable effort to*** notify a decedent's next of kin ***who is authorized to order the burial or cremation of the human remains of the decedent pursuant to NRS 451.024 of the fact of the decedent's death*** without unreasonable delay.

4. For any offense relating to the violation or willful disregard of such duties or trusts of office as may be specified by the respective boards of county commissioners, all coroners holding office by appointment pursuant to this section are subject to such fines and criminal penalties, including misdemeanor penalties and removal from office by indictment, accusation or otherwise, as the ordinance prescribes. This subsection applies to all deputies, agents, employees and other persons employed by or exercising the powers and functions of the coroner.

Sec. 2. NRS 259.010 is hereby amended to read as follows:

259.010 1. Every county in this State constitutes a coroner's district, except a county where a coroner is appointed pursuant to the provisions of NRS 244.163.

2. The provisions of this chapter, except NRS 259.025 ***, 259.045*** and 259.150 to 259.180, inclusive, do not apply to any county where a coroner is appointed pursuant to the provisions of NRS 244.163.

Sec. 3. NRS 259.045 is hereby amended to read as follows:

259.045 ***1.*** The coroner shall ***make a reasonable effort to*** notify a decedent's next of kin ***who is authorized to order the burial or cremation of the human remains of the decedent pursuant to NRS 451.024*** of the fact of ***the*** decedent's death without unreasonable delay.

2. The coroner may notify the parents , ~~[or]~~ guardians , adult children or custodians of a decedent of the fact of the decedent's death and provide a copy of the report of the coroner to the parents , ~~[or]~~ guardians , adult children or custodians regardless of whether ~~[the parents or guardians]~~ they are the next of kin authorized to order the burial or cremation of the human remains of the decedent pursuant to NRS 451.024.

3. As used in this section, "custodian" has the meaning ascribed to it in NRS 432B.060.

Sec. 4. This act becomes effective on July 1, 2017.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 65.

Bill read second time.

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

Amendment No. 72.

AN ACT relating to health care; expanding the purposes for which the money in a county fund for medical assistance to indigent persons may be used; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of county commissioners of each county to create in the county treasury a fund for medical assistance to indigent persons. (NRS 428.275) Existing law also prescribes the manner in which money in the fund must be used. (NRS 428.295) This bill authorizes the board of county commissioners to use money from the fund: (1) in any county whose population is 100,000 or more (currently Clark and Washoe Counties), to provide supplemental payments to certain public hospitals in the county; and (2) in any county whose population is 700,000 or more (currently Clark County), to make grants to any public hospital in the county for the construction or acquisition of capital assets and the renovation of facilities.

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

Section 1. NRS 428.295 is hereby amended to read as follows:

428.295 1. For each fiscal year the board of county commissioners shall, in the preparation of its final budget, allocate money for assistance to indigents pursuant to this chapter.

2. In a county whose population is less than 700,000, the amount allocated must be calculated by multiplying the amount allocated for that purpose for the previous fiscal year by 104.5 percent.

3. In a county whose population is 100,000 or more, the board of county commissioners may allocate money from its fund for medical assistance to indigent persons to make an intergovernmental transfer of money to the Division of Health Care Financing and Policy of the Department of Health and Human Services ~~[in]~~ ***:***

(a) In accordance with the regulations adopted pursuant to NRS 422.390 ~~[.]~~ ***; and***

(b) If an upper payment limit program is established in the State Plan for Medicaid, to provide supplemental payments to any public hospital located in the county that is eligible for supplemental payments under the program.

4. When, during any fiscal year, the amount of money expended by the county for any program of medical assistance for those persons eligible pursuant to this chapter exceeds the amount allocated for that purpose in its budget, the board of county commissioners shall, to the extent that money is available in the fund, pay claims against the county from the fund for that purpose.

5. In a county whose population is 700,000 or more, the board of county commissioners may by resolution allocate money from the fund ~~[,]~~ ***in any fiscal year, in an amount not to exceed the equivalent of the amount collected from 2 cents on each $100 of assessed valuation of all taxable property in the county, to make grants to any public hospital located in the county. Such a grant may be used by a hospital only to:***

(a) Construct or acquire capital assets, including, without limitation, land, improvements to land and major items of equipment; and

(b) Renovate existing facilities of the hospital. Money granted for the renovation of facilities must not be used for the normal, recurring maintenance of the facilities.

6. As used in this section, "upper payment limit program" means a program providing for supplemental payments, not to exceed a limit calculated in the manner prescribed in the State Plan for Medicaid, to hospitals owned or operated by a governmental entity other than this State or an agency of the State.

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

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 74.

Bill read second time.

The following amendment was proposed by the Committee on Corrections, Parole, and Probation:

Amendment No. 33.

AN ACT relating to offenders; revising provisions governing the disclosure of the name of an offender who tests positive for exposure to human immunodeficiency virus; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires offenders committed to the Department of Corrections for imprisonment to submit to certain initial and supplemental tests to detect exposure to the human immunodeficiency virus. If the results of a supplemental test are positive for exposure to the human immunodeficiency virus, the name of the offender is required to be disclosed to certain persons within the Department. (NRS 209.385) ~~[This]~~ **Section 5 of this** bill authorizes, rather than requires, the disclosure of the name of the offender when the results of a supplemental test are positive.

The remaining sections of this bill make conforming changes.

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

Section 1. **Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:**

"Medical Director" means the designated administrative officer of the Department who is responsible for the medical treatment of offenders.

Sec. 2. **NRS 209.011 is hereby amended to read as follows:**

209.011 As used in this chapter, unless the context otherwise requires, the terms defined in NRS 209.021 to 209.085, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. **NRS 209.3515 is hereby amended to read as follows:**

209.3515 1. The Director, through the ~~[designated medical director,]~~ ***Medical Director,*** may request from the Division of Public and Behavioral Health of the Department of Health and Human Services access to any records in its possession which contain information that may assist in evaluating, caring for and providing treatment to an offender who previously was committed to the custody of or ordered to report to the Administrator or the Administrator's designee pursuant to NRS 178.425 or 178.460.

2. Unless otherwise ordered by a court, upon a request for access to records of an offender pursuant to subsection 1, the Division of Public and Behavioral Health of the Department of Health and Human Services shall provide access to any such records, including, without limitation, relevant medical and mental health records, for the limited purpose of allowing the Director or the ~~[designated medical director]~~ ***Medical Director*** to evaluate, care for and provide treatment to the offender.

3. The Director, through the ~~[designated medical director,]~~ ***Medical Director,*** may provide to the Division of Public and Behavioral Health of the Department of Health and Human Services or to other community medical or mental health care providers, relevant medical and mental health records of an offender serving a term of imprisonment under the custody of the Department of Corrections, for the purposes of planning the discharge of the offender and assuring the continuity of evaluation, care and treatment of the offender in the community after release from incarceration.

4. No oral or written consent of the offender is required to obtain access to records from the Division of Public and Behavioral Health of the Department of Health and Human Services or the Department of Corrections pursuant to this section.

~~[5. As used in this section, "designated medical director" means the designated administrative officer of the Department who is responsible for the medical treatment of offenders.]~~

Sec. 4. **NRS 209.3815 is hereby amended to read as follows:**

209.3815 The Director, in consultation with the ~~[designated medical director]~~ ***Medical Director*** and the Inspector General of the Department, shall request the coroner, or any other person so authorized, to conduct an

autopsy of any offender who dies while in the custody of the Department, if the next of kin:

1. Consents to the autopsy; or

2. Does not notify the Director of any objection to the autopsy within 72 hours after the death.

~~[Section 1.]~~ ***Sec. 5.*** NRS 209.385 is hereby amended to read as follows:

209.385 1. Each offender committed to the custody of the Department for imprisonment shall submit to such initial tests as the Director determines appropriate to detect exposure to the human immunodeficiency virus. Each such test must be approved by regulation of the State Board of Health. At the time the offender is committed to custody and after an incident involving the offender:

(a) The appropriate approved tests must be administered; and

(b) The offender must receive counseling regarding the virus.

2. If the results of an initial test are positive, the offender shall submit to such supplemental tests as the ***Medical*** Director ~~***[Chief Medical Officer]***~~ determines appropriate. Each such test must be approved for the purpose by regulation of the State Board of Health.

3. If the results of a supplemental test are positive, the name of the offender ~~[must]~~ ***may*** be disclosed to:

(a) The Director;

(b) The administrative officers of the Department who are responsible for the classification and medical treatment of offenders;

(c) The manager or warden of the facility or institution at which the offender is confined; and

(d) ~~[Each]~~ ***Any*** other employee of the Department whose normal duties involve the employee with the offender or require the employee to come into contact with the blood or bodily fluids of the offender.

4. The offender must be segregated from every other offender whose test results are negative if:

(a) The results of a supplemental test are positive; and

(b) The offender engages in behavior that increases the risk of transmitting the virus ~~[, such as battery, sexual activity or illegal intravenous injection of a controlled substance or a dangerous drug as defined in chapter 454 of NRS.]~~ ***as determined by regulation of the Department.***

5. The Director, with the approval of the Board:

(a) Shall establish for inmates and employees of the Department an educational program regarding the virus whose curriculum is provided by the Division of Public and Behavioral Health of the Department of Health and Human Services. A person who provides instruction for this program must be certified to do so by the Division.

(b) May adopt such regulations as are necessary to carry out the provisions of this section.

6. As used in this section, "incident" means an occurrence, of a kind specified by regulation of the State Board of Health ~~[,]~~ ***or the Department,*** that entails a significant risk of exposure to the human immunodeficiency virus.

Sec. 6. **NRS 178.453 is hereby amended to read as follows:**

178.453 1. The Administrator or the Administrator's designee may request from the Department of Corrections access to any records in its possession which contain information that may assist in evaluating and treating a defendant who previously has served a term of imprisonment under the supervision of the Department of Corrections and who is committed to the custody of or ordered to report to the Administrator or the Administrator's designee pursuant to NRS 178.425, 178.460, 178.461 or 178.464.

2. Unless otherwise ordered by a court, upon request of the Administrator or the Administrator's designee for access to records of a defendant pursuant to subsection 1, the Department of Corrections, through the ~~[designated medical director,]~~ ***Medical Director,*** shall provide access to any such records, including, without limitation, relevant medical and mental health records, for the limited purpose of allowing the Administrator or the Administrator's designee to evaluate and treat the defendant.

3. No oral or written consent of the defendant is required for the Administrator or the Administrator's designee to obtain access to records from the Department of Corrections pursuant to this section.

4. As used in this section, ~~["designated medical director" means the designated administrative officer of the Department of Corrections who is responsible for the medical treatment of offenders.]~~ ***"Medical Director" has the meaning ascribed to it in section 1 of this act.***

~~[Sec. 2.]~~ ***Sec. 7.*** This act becomes effective upon passage and approval.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 1.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 1 requires the Board of Regents, to the extent money is available, to pay certain fees and expenses associated with undergraduate coursework at a Nevada System of Higher Education institution for a dependent child of a public employee who was killed in the performance of his or her duties.

The bill further specifies that if a public employee was killed in the performance of his or her duties on or after October 1, 2013, his or her dependent child is eligible to receive reimbursement for such fees and expenses. I would be happy to stand for any questions, Mr. Speaker.

Roll call on Assembly Bill No. 1:

YEAS—41.

NAYS—None.

EXCUSED—Diaz.

Assembly Bill No. 1 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 75.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Assembly Bill 75 makes various changes related to the regulation of gaming. First, the bill revises the definition of the term "manufacture" to include assuming responsibility for certain actions concerning the design, development, manufacture, and assembly of gaming devices, equipment, or systems either through acquisition or acceptance of legal responsibility for the performance of another manufacturer or independent contractor.

Second, the measure exempts persons who are already licensed as a manufacturer or distributor of gaming devices or systems from certain licensing requirements.

Third, the Nevada Gaming Commission is allowed to reject a gaming application in certain circumstances and provides that such a rejection does not constitute a finding of suitability or a denial of the application.

Fourth, the measure authorizes the Commission to exempt a trustee of an employee stock ownership plan from certain requirements for gaming licensing and regulation.

Fifth, the bill allows for the expenditures from the Nevada Gaming Control Board Revolving Account to exceed the authorized amount only if the Account is used to pass through expenses incurred by the Nevada Gaming Control Board for confidential investigations and the money for payment of the expenses is derived from state or federal forfeiture funds.

Lastly, the bill transfers certain duties from the Commission to the Board.

Roll call on Assembly Bill No. 75:

YEAS—41.

NAYS—None.

EXCUSED—Diaz.

Assembly Bill No. 75 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 96.

Bill read third time.

Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

Assembly Bill 96 expands the exemption from full regulation by the Nevada Transportation Authority currently available to an owner or operator of a motor vehicle that is used by certain resort hotels to transport passengers or property to include an affiliate of the owner or operator. The bill also requires any such affiliate of the owner or operator to inspect the motor vehicle

regularly, maintain a record of the inspections for at least three years, and make the records available for inspection or audit by the Nevada Transportation Authority.

Roll call on Assembly Bill No. 96:

YEAS—41.

NAYS—None.

EXCUSED—Diaz.

Assembly Bill No. 96 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 99.

The following Senate amendment was read:

Amendment No. 86.

ASSEMBLYMEN ARAUJO; BILBRAY-AXELROD, DALY, DIAZ, MONROE-MORENO, NEAL, SPRINKLE, THOMPSON AND YEAGER.

JOINT SPONSORS; SENATORS CANCELA **, SPEARMAN** AND WOODHOUSE

AN ACT relating to children; requiring certain institutions and agencies to treat a child as having the gender with which the child identifies; requiring certain persons to receive training on working with lesbian, gay, bisexual, transgender and questioning children; requiring the Division of Child and Family Services of the Department of Health and Human Services to establish protocols to follow or factors to consider before placing a child in certain placements; requiring the Division to establish a process for filing and resolving certain grievances; revising the manner in which a foster child is notified of his or her rights; **requiring certain facilities to which a juvenile court commits a child to comply with certain federal law;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a court to place a child in a public or private institution or agency authorized to care for children. (NRS 62E.110) Such institutions include juvenile detention facilities, foster homes, child care facilities and mental health facilities. (NRS 62B.200, 63.400, 432A.1757, 432B.550, 433B.310) Existing law also provides for the licensure and regulation of foster care agencies, which are business entities that recruit and enter into contracts with foster homes to assist an agency which provides child welfare services and juvenile courts in the placement of children in foster homes. (NRS 424.0135, 424.093-424.270) Additionally, existing law designates as the agency which provides child welfare services: (1) in a county whose population is less than 100,000, the Division of Child and Family Services of the Department of Health and Human Services; and (2) in a county whose population is 100,000 or more, the agency of the county which provides or arranges for necessary child welfare services. (NRS 432B.030)

Sections 3, 4, 23, 28, 29, 37, 41 and 46 of this bill require each of those institutions and agencies to treat a child for whom the institution or agency is responsible in accordance with the child's gender identity or expression.

Existing law requires an employee of such an institution or agency to receive certain training. (NRS 62B.250, 63.190, 424.0365, 424.135, 432A.177, 432B.195, 433B.175) **Sections 4, 6, 10, 24, 29, 31, 38, 43 and 47** of this bill require that training to: (1) be approved by the licensing authority or the Division; and (2) include instruction on working with lesbian, gay, bisexual, transgender and questioning children.

Sections 23, 37, 41 and 46 require the Division to prescribe regulations that a court must consider before placing a child in a child care facility, a facility for the detention of children or a mental health or treatment facility **[.] and protocols that such a facility must follow when placing a child within the facility. Section 28** of this bill requires the Division to adopt protocols ~~[that]~~ **to ensure that each child in the custody of an agency which provides child welfare services is placed in a manner that is appropriate for the gender identity or expression of the child. Section 28 also requires** an agency which provides child welfare services ~~[must]~~ **to: (1)** follow **such protocols** when placing a child in an out-of-home placement **[.] ; and (2) ensure that an out-of-home placement follows such protocols when placing a child within the placement. Sections 3, 4 and 29 require a foster home, foster care agency or facility into which a child alleged to be a child with emotional disturbance who is in the custody of an agency which provides child welfare services is committed to follow such protocols.**

Section 14 of this bill requires the Division to establish a procedure for filing and resolving a grievance concerning a placement, a foster care agency, an agency which provides child welfare services or an agency or institution to which a child is committed by a court.

Existing law requires a provider of foster care to provide a foster child with a written copy of his or her rights. (NRS 432.540) **Section 20** of this bill requires a provider of foster care to provide a foster child with a written summary of those rights.

The Prison Rape Elimination Act provides for the collection of data, the award of grants and the adoption of standards to prevent rape in correctional institutions. (42 U.S.C. §§ 15601 et seq.) Sections 37 and 41 require certain facilities to which a juvenile court commits a child to adhere to the Prison Rape Elimination Act and any standards adopted pursuant to that federal law.

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

Section 1. Chapter 424 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 2.5, 3 and 4 of this act.

Sec. 2. (Deleted by amendment.)

Sec. 2.5. ***"Gender identity or expression" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.***

Sec. 3. ***A provider of foster care shall ~~[ensure]~~ :***

1. Ensure that each foster child who is placed in the foster home is treated in all respects in accordance with the child's gender identity or expression ~~[.]~~ ; and

2. Follow the protocols prescribed in the regulations adopted pursuant to section 28 of this act when placing a foster child within the foster home.

Sec. 4. ***1. The holder of a license to operate a foster care agency shall ensure that each member of the staff of the foster care agency who comes into direct contact with a child placed by the foster care agency receives, within 90 days after employment and annually thereafter, training that has been approved by the licensing authority concerning working with lesbian, gay, bisexual, transgender and questioning children.***

2. A foster care agency shall ~~[ensure]~~ :

(a) Ensure that each child placed by the foster care agency is treated in all respects in accordance with the child's gender identity or expression ~~[.]~~ ; and

(b) Follow the protocols prescribed in the regulations adopted pursuant to section 28 of this act when assisting an agency which provides child welfare services or a juvenile court in placing a child in foster care.

Sec. 5. NRS 424.010 is hereby amended to read as follows:

424.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 424.011 to 424.018, inclusive, ***and section 2.5 of this act*** have the meanings ascribed to them in those sections.

Sec. 6. NRS 424.0365 is hereby amended to read as follows:

424.0365 1. A licensee that operates a family foster home, a specialized foster home, an independent living foster home or a group foster home shall ensure that each employee who comes into direct contact with children in the home receives training within ~~[30]~~ ***90*** days after employment and annually thereafter. Such training must ***be approved by the licensing authority and*** include, without limitation, instruction concerning:

(a) Controlling the behavior of children;

(b) Policies and procedures concerning the use of force and restraint on children;

(c) The rights of children in the home;

(d) Suicide awareness and prevention;

(e) The administration of medication to children;

(f) Applicable state and federal constitutional and statutory rights of children in the home;

(g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the home; ~~[and]~~

(h) ***Working with lesbian, gay, bisexual, transgender and questioning children; and***

(i) Such other matters as required by the licensing authority or pursuant to regulations of the Division.

2. The Division shall adopt regulations necessary to carry out the provisions of this section.

Sec. 7. NRS 424.090 is hereby amended to read as follows:

424.090 ***1.*** The provisions of NRS 424.020 to 424.090, inclusive, ***and section 3 of this act*** do not apply to homes in which:

~~[1.]~~ ***(a)*** Care is provided only for a neighbor's or friend's child on an irregular or occasional basis for a brief period, not to exceed 90 days.

~~[2.]~~ ***(b)*** Care is provided by the legal guardian.

~~[3.]~~ ***(c)*** Care is provided for an exchange student.

~~[4.]~~ ***(d)*** Care is provided to enable a child to take advantage of educational facilities that are not available in his or her home community.

~~[5.]~~ ***(e)*** Any child or children are received, cared for and maintained pending completion of proceedings for adoption of such child or children, except as otherwise provided in regulations adopted by the Division.

~~[6.]~~ ***(f)*** Except as otherwise provided in regulations adopted by the Division, care is voluntarily provided to a minor child who is related to the caregiver by blood, adoption or marriage.

~~[7.]~~ ***(g)*** Care is provided to a minor child who is in the custody of an agency which provides child welfare services pursuant to chapter 432B of NRS or a juvenile court pursuant to title 5 of NRS if:

~~[(a)]~~ ***(1)*** The caregiver is related to the child within the fifth degree of consanguinity ~~[;]~~ ***or a fictive kin;*** and

~~[(b)]~~ ***(2)*** The caregiver is not licensed pursuant to the provisions of NRS 424.020 to 424.090, inclusive ~~[.]~~ ***, and section 3 of this act.***

2. As used in this section, "fictive kin" means a person who is not related by blood to a child but has a significant emotional and positive relationship with the child.

Sec. 8. NRS 424.095 is hereby amended to read as follows:

424.095 1. An application for a license to operate a foster care agency must be in a form prescribed by the Division and submitted to the appropriate licensing authority. Such a license is effective for 2 years after the date of its issuance and may be renewed upon expiration.

2. An applicant must provide reasonable and satisfactory assurance to the licensing authority that the applicant will conform to the provisions of NRS 424.093 to 424.270, inclusive, ***and section 4 of this act,*** and the regulations adopted by the Division pursuant thereto.

3. Upon application for renewal, the licensing authority may renew a license if the licensing authority determines that the licensee conforms to the provisions of NRS 424.093 to 424.270, inclusive, ***and section 4 of this act,*** and the regulations adopted by the Division pursuant thereto.

Sec. 9. NRS 424.096 is hereby amended to read as follows:

424.096 1. After notice and hearing, a licensing authority may:

(a) Deny an application for a license to operate a foster care agency if the licensing authority determines that the applicant does not comply with the provisions of NRS 424.093 to 424.270, inclusive, ***and section 4 of this act,*** and the regulations adopted by the Division pursuant thereto.

(b) Upon a finding of deficiency, require a foster care agency to prepare a plan of corrective action and, within 90 days or a shorter period prescribed by the licensing authority require the foster care agency to complete the plan of corrective action.

(c) Refuse to renew a license or may revoke a license if the licensing authority finds that the foster care agency has refused or failed to meet any of the established standards or has violated any of the regulations adopted by the Division pursuant to NRS 424.093.

2. A notice of the time and place of the hearing must be mailed to the last known address of the applicant or licensee at least 15 days before the date fixed for the hearing.

3. When an order of a licensing authority is appealed to the district court, the trial may be de novo.

Sec. 10. NRS 424.135 is hereby amended to read as follows:

424.135 1. The foster care agency shall develop and carry out a written plan for the orientation, training, supervision and evaluation of members of the staff.

2. The orientation must include, without limitation, information on the policies and procedures of the foster care agency, goals for the programs and services of the foster care agency, the responsibilities of members of the staff and the provisions of this chapter and the regulations adopted pursuant thereto that relate to licensing. The training must include, without limitation, any training required by the licensing authority ~~[.]~~ ***and the training required by section 4 of this act.*** Each member of the staff must be evaluated at least once each year.

3. The foster care agency shall maintain comprehensive written policies and procedures for the personnel, services and programs of the foster care agency and make the policies and procedures readily available to the members of the staff and to the licensing authority.

4. The foster care agency shall maintain comprehensive records for personnel that, upon request, must be made available to the licensing authority.

Sec. 11. Chapter 432 of NRS is hereby amended by adding thereto the provisions set forth as sections 12, 13 and 14 of this act.

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. ***1. The Division shall prescribe by regulation:***

(a) A procedure by which a child or, if applicable, the parent or guardian of a child, may file a grievance concerning a foster care agency, an agency which provides child welfare services, an out-of-home placement, a psychiatric hospital or facility in which a child who is in the

custody of an agency which provides child welfare services is placed, a division facility or any public or private institution or agency to which a child is committed by a court; and

(b) A process for resolving those grievances, which must provide for persons who are not directly responsible for the care of the child who filed or is the subject of the grievance to evaluate the grievance and, if such a person determines that the grievance is not frivolous, investigate the grievance and impose remedies. Such remedies must include, without limitation, requiring the agency or placement, facility or institution to make changes to address the grievance, or notifying a regulatory or law enforcement agency with jurisdiction over the agency, placement, facility or institution.

2. An out-of-home placement with which a child in the custody of the agency which provides child welfare services is placed shall:

(a) Inform the child of the process for filing a grievance pursuant to subsection 1;

(b) Provide the child with a summary of that process; and

(c) Provide an additional written copy of the summary upon request.

3. As used in this section:

(a) "Division facility" has the meaning ascribed to it in NRS 433B.070.

(b) "Foster care agency" has the meaning ascribed to it in NRS 424.0135.

(c) "Out-of-home placement" means a foster home or child care facility, as defined in NRS 432A.024, which has physical custody of a child pursuant to the order of a court.

Sec. 15. NRS 432.0125 is hereby amended to read as follows:

432.0125 1. The Administrator shall appoint, with the approval of the Director, a chief of each of the bureaus in the Division. The chiefs are designated respectively as:

(a) The Superintendent of the Nevada Youth Training Center;

(b) The Superintendent of the Caliente Youth Center; and

(c) The Chief of the Youth Parole Bureau.

2. The Administrator is responsible for the administration, through the Division, of the provisions of chapters 63 and 424 of NRS, NRS 127.220 to 127.310, inclusive, 432.010 to 432.085, inclusive, and 433B.010 to 433B.340, inclusive, ***and ~~[sections 45 and]~~ section 46 of this act,*** and all other provisions of law relating to the functions of the Division, but is not responsible for the professional activities of the components of the Division except as specifically provided by law.

Sec. 16. NRS 432.500 is hereby amended to read as follows:

432.500 As used in NRS 432.500 to 432.550, inclusive, ***and ~~[sections 12, 13 and]~~ section 14 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 432.505, 432.510 and 432.515 ***~~[and sections 12 and 13 of this act]~~*** have the meanings ascribed to them in those sections.

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. NRS 432.540 is hereby amended to read as follows:

432.540 1. A provider of foster care that places a child in a foster home shall:

(a) Inform the child of his or her rights set forth in NRS 432.525, 432.530 and 432.535;

(b) Provide the child with a written ~~[copy]~~ ***summary*** of those rights; and

(c) Provide an additional written copy of ~~[those rights]~~ ***the summary*** to the child upon request.

2. A group foster home shall post a written copy of the ~~[rights set forth in NRS 432.525, 432.530 and 432.535]~~ ***summary described in subsection 1 and the summary of the process for filing a grievance described in section 14 of this act*** in a conspicuous place inside the group foster home.

Sec. 21. (Deleted by amendment.)

Sec. 22. NRS 432.550 is hereby amended to read as follows:

432.550 If a child believes that his or her rights set forth in NRS 432.525, 432.530 and 432.535 have been violated, the child may raise and redress a grievance with, without limitation:

1. A provider of foster care;
2. An employee of a foster home;
3. An agency which provides child welfare services to the child, and any employee thereof;
4. A juvenile court with jurisdiction over the child;
5. A guardian ad litem for the child; ~~[or]~~
6. An attorney for the child ~~[.]~~ ***; or***
7. ***The Division, using the process established pursuant to section 14 of this act.***

Sec. 23. Chapter 432A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A child care facility which occasionally or regularly has physical custody of children pursuant to the order of a court, including, without limitation, an emergency shelter, shall treat each child who is placed in the facility in all respects in accordance with the child's gender identity or expression.

2. The Division of Child and Family Services of the Department shall adopt regulations establishing factors for a court to consider before placing a child in the custody of a child care facility and protocols for a child care facility to follow when placing a child within the facility that ensure that each child who is so placed is placed in a manner that is appropriate for the gender identity or expression of the child. Such regulations must be adopted in consultation with:

(a) Lesbian, gay, bisexual, transgender and questioning children who are currently residing in foster homes, facilities for the detention of

children, child care facilities and mental health facilities or who have resided in such settings;

(b) Representatives of each agency which provides child welfare services in this State;

(c) Representatives of state and local facilities for the detention of children;

(d) Representatives of lesbian, gay, bisexual, transgender and questioning persons;

(e) Attorneys, including, without limitation, attorneys who regularly represent children in child welfare or criminal proceedings;

(f) Representatives of juvenile courts and family courts;

(g) Advocates of children; and

(h) Any other person deemed appropriate by the Division of Child and Family Services of the Department.

3. A court shall consider the factors prescribed in the regulations adopted pursuant to subsection 2 before placing a child in a child care facility.

4. A child care facility, including, without limitation, an emergency shelter, which has physical custody of a child pursuant to the order of a court shall follow the protocols prescribed in the regulations adopted pursuant to subsection 2 when placing the child within the facility.

5. As used in this section:

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

(b) "Foster home" has the meaning ascribed to it in NRS 424.014.

(c) "Gender identity or expression" has the meaning ascribed to it in section 2.5 of this act.

Sec. 24. NRS 432A.177 is hereby amended to read as follows:

432A.177 1. A licensee that operates a child care facility which occasionally or regularly has physical custody of children pursuant to the order of a court, including, without limitation, an emergency shelter, shall ensure that each employee who comes into direct contact with children in the facility receives training within ~~[30]~~ ***90*** days after employment and annually thereafter. Such training must ***be approved by the licensing authority and*** include, without limitation, instruction concerning:

(a) Controlling the behavior of children;

(b) Policies and procedures concerning the use of force and restraint on children;

(c) The rights of children in the facility;

(d) Suicide awareness and prevention;

(e) The administration of medication to children;

(f) Applicable state and federal constitutional and statutory rights of children in the facility;

(g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the facility; ~~[and]~~

(h) ***Working with lesbian, gay, bisexual, transgender and questioning children; and***

(i) Such other matters as required by the Board.

2. The Board shall adopt regulations necessary to carry out the provisions of this section.

Sec. 25. NRS 432A.220 is hereby amended to read as follows:

432A.220 Any person who operates a child care facility without a license issued pursuant to NRS 432A.131 to 432A.220, inclusive, ***and section 23 of this act*** is guilty of a misdemeanor.

Sec. 26. Chapter 432B of NRS is hereby amended by adding thereto the provisions set forth as sections 27, 28 and 29 of this act.

Sec. 27. ***"Gender identity or expression" has the meaning ascribed to it in section 2.5 of this act.***

Sec. 28. ***1. An agency which provides child welfare services shall treat each child to whom the agency provides services in all respects in accordance with the child's gender identity or expression.***

2. The Division of Child and Family Services shall adopt regulations establishing protocols to ensure that each child in the custody of an agency which provides child welfare services is placed in a manner that is appropriate for the gender identity or expression of the child. Such regulations must be adopted in consultation with:

(a) Lesbian, gay, bisexual, transgender and questioning children who are currently residing in foster homes, facilities for the detention of children, child care facilities, mental health facilities or who have resided in such settings;

(b) Representatives of each agency which provides child welfare services in this State;

(c) Representatives of state and local facilities for the detention of children;

(d) Representatives of lesbian, gay, bisexual, transgender and questioning persons;

(e) Attorneys, including, without limitation, attorneys who regularly represent children in child welfare or criminal proceedings;

(f) Representatives of juvenile courts and family courts;

(g) Advocates of children; and

(h) Any other person deemed appropriate by the Division of Child and Family Services.

3. An agency which provides child welfare services shall ~~***[follow]***~~ ***:***

(a) Follow ***the protocols prescribed in the regulations adopted pursuant to subsection 2 before placing a child in an out-of-home placement*** ~~***[.]***~~ ***; and***

(b) Ensure that an out-of-home placement into which a child is placed follows the protocols prescribed in the regulations adopted pursuant to subsection 2 when placing the child within the facility.

4. As used in this section:

(a) "Child care facility" has the meaning ascribed to it in NRS 432A.024.

(b) "Foster home" has the meaning ascribed to it in NRS 424.014.

(c) "Out-of-home placement" has the meaning ascribed to it in section 14 of this act.

Sec. 29. ***A facility which provides care, treatment or training to a child who is in the custody of an agency which provides child welfare services and who is admitted to the facility pursuant to NRS 432B.6076 shall:***

1. Ensure that each employee of the facility who comes into direct contact with children at the facility receives, within 90 days after employment and annually thereafter, training that has been approved by the Division of Child and Family Services concerning working with lesbian, gay, bisexual, transgender and questioning children; ~~***[and]***~~

2. Ensure that each child who is placed in the facility is treated in all respects in accordance with the child's gender identity or expression ~~***[.]***~~ ***; and***

3. Follow the protocols prescribed in the regulations adopted pursuant to section 28 of this act when placing the child within the facility.

Sec. 30. NRS 432B.010 is hereby amended to read as follows:

432B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 432B.020 to 432B.110, inclusive, ***and section 27 of this act*** have the meanings ascribed to them in those sections.

Sec. 31. NRS 432B.195 is hereby amended to read as follows:

432B.195 1. An agency which provides child welfare services shall provide training to each person who is employed by the agency and who provides child welfare services. Such training must include, without limitation, instruction concerning the applicable state and federal constitutional and statutory rights of a person who is responsible for a child's welfare and who is:

(a) The subject of an investigation of alleged abuse or neglect of a child; or

(b) A party to a proceeding concerning the alleged abuse or neglect of a child pursuant to NRS 432B.410 to 432B.590, inclusive.

2. ***In addition to the training provided pursuant to subsection 1, an agency which provides child welfare services shall ensure that each employee of the agency who comes into direct contact with children receives, within 90 days after employment and annually thereafter, training concerning working with lesbian, gay, bisexual, transgender and questioning children.***

3. Nothing in this section shall be construed as requiring or authorizing a person who is employed by an agency which provides child welfare services to offer legal advice, legal assistance or legal interpretation of state or federal statutes or laws.

Sec. 32. NRS 432B.607 is hereby amended to read as follows:

432B.607 As used in NRS 432B.607 to 432B.6085, inclusive, ***and section 29 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 432B.6071 to 432B.6074, inclusive, have the meanings ascribed to them in those sections.

Sec. 33. (Deleted by amendment.)

Sec. 34. NRS 432B.6085 is hereby amended to read as follows:

432B.6085 1. Nothing in this chapter purports to deprive any person of any legal rights without due process of law.

2. Unless the context clearly indicates otherwise, the provisions of NRS 432B.607 to 432B.6085, inclusive, ***and section 29 of this act,*** 433.456 to 433.543, inclusive, and 433.545 to 433.551, inclusive, and chapters 433A and 433B of NRS and NRS 435.530 to 435.635, inclusive, apply to all children who are in the custody of an agency which provides child welfare services.

Sec. 35. Chapter 62B of NRS is hereby amended by adding thereto the provisions set forth as sections 36 and 37 of this act.

Sec. 36. (Deleted by amendment.)

Sec. 37. ***1. A public or private institution or agency to which a juvenile court commits a child, including, without limitation, a facility for the detention of children, shall*** ~~***[treat]***~~ ***:***

(a) Treat ***each child that a juvenile court commits to the institution or agency in all respects in accordance with the child's gender identity or expression and the regulations adopted by the Division of Child and Family Services pursuant to subsection 2*** ~~***[.]***~~ ***; and***

(b) To the extent applicable, comply with the Prison Rape Elimination Act, 42 U.S.C. §§ 15605 et seq., and all standards adopted pursuant thereto.

2. The Division of Child and Family Services shall adopt regulations establishing factors for a juvenile court to consider before committing a child to a public or private institution or agency, including, without limitation, a facility for the detention of children , and protocols for such an institution or agency to follow when placing a child within the institution or agency that ensure that each child who is so committed is placed in a manner that is appropriate for the gender identity or expression of the child. Such regulations must be adopted in consultation with:

(a) Lesbian, gay, bisexual, transgender and questioning children who are currently residing in foster homes, facilities for the detention of children, child care facilities and mental health facilities or who have resided in such settings;

(b) Representatives of each agency which provides child welfare services in this State;

(c) Representatives of state and local facilities for the detention of children;

(d) Representatives of lesbian, gay, bisexual, transgender and questioning persons;

(e) Attorneys, including, without limitation, attorneys who regularly represent children in child welfare or criminal proceedings;

(f) Representatives of juvenile courts and family courts;

(g) Advocates of children; and

(h) Any other person deemed appropriate by the Division of Child and Family Services.

3. A juvenile court shall consider the factors prescribed in the regulations adopted pursuant to subsection 2 before committing a child to a public or private institution or agency, including, without limitation, a facility for the detention of children.

4. A public or private institution or agency to which a juvenile court commits a child, including, without limitation, a facility for the detention of children, shall follow the protocols prescribed in the regulations adopted pursuant to subsection 2 when placing a child within the facility.

5. As used in this section:

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

(b) "Child care facility" has the meaning ascribed to it in NRS 432A.024.

(c) "Foster home" has the meaning ascribed to it in NRS 424.014.

(d) "Gender identity or expression" has the meaning ascribed to it in section 2.5 of this act.

Sec. 38. NRS 62B.250 is hereby amended to read as follows:

62B.250 1. A public or private institution or agency to which a juvenile court commits a child, including, without limitation, a facility for the detention of children, shall ensure that each employee who comes into direct contact with children who are in custody receives training within ~~[30]~~ ***90*** days after employment and annually thereafter. Such training must ***be approved by the Division of Child and Family Services and*** include, without limitation, instruction concerning:

(a) Controlling the behavior of children;

(b) Policies and procedures concerning the use of force and restraint on children;

(c) The rights of children in the institution or agency;

(d) Suicide awareness and prevention;

(e) The administration of medication to children;

(f) Applicable state and federal constitutional and statutory rights of children in the institution or agency;

(g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the institution or agency; ~~[and]~~

(h) ***Working with gay, lesbian, bisexual, transgender and questioning children; and***

(i) Such other matters as required by the Division of Child and Family Services.

2. The Division of Child and Family Services shall adopt regulations necessary to carry out the provisions of this section.

Sec. 39. Chapter 63 of NRS is hereby amended by adding thereto the provisions set forth as sections 40 and 41 of this act.

Sec. 40. (Deleted by amendment.)

Sec. 41. ***1. A facility shall ~~[treat]~~ :***

(a) Treat each child in the facility in all respects in accordance with the child's gender identity or expression and the regulations adopted by the Division of Child and Family Services pursuant to subsection 2 ~~[.]~~ ; and

(b) Comply with the Prison Rape Elimination Act, 42 U.S.C. §§ 15605 et seq., and all standards adopted pursuant thereto.

2. The Division of Child and Family Services shall adopt regulations establishing factors for a juvenile court to consider before committing a child to a facility and protocols for a facility to follow when placing a child within the facility that ensure that each child who is so committed is placed in a manner that is appropriate for the gender identity or expression of the child. Such regulations must be adopted in consultation with:

(a) Lesbian, gay, bisexual, transgender and questioning children who are currently residing in foster homes, facilities for the detention of children, child care facilities and mental health facilities or who have resided in such settings;

(b) Representatives of each agency which provides child welfare services in this State;

(c) Representatives of state and local facilities for the detention of children;

(d) Representatives of lesbian, gay, bisexual, transgender and questioning persons;

(e) Attorneys, including, without limitation, attorneys who regularly represent children in child welfare or criminal proceedings;

(f) Representatives of juvenile courts and family courts;

(g) Advocates of children; and

(h) Any other person deemed appropriate by the Division of Child and Family Services.

3. A juvenile court shall consider the factors prescribed in the regulations adopted pursuant to subsection 2 before committing a child to a facility.

4. A facility shall follow the protocols prescribed in the regulations adopted pursuant to subsection 2 when placing a child within the facility.

5. As used in this section:

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

(b) "Child care facility" has the meaning ascribed to it in NRS 432A.024.

(c) "Foster home" has the meaning ascribed to it in NRS 424.014.

(d) "Gender identity or expression" has the meaning ascribed to it in section 2.5 of this act.

Sec. 42. NRS 63.100 is hereby amended to read as follows:

63.100 1. For each facility, the position of superintendent of the facility is hereby created.

2. The superintendent of a facility shall administer the provisions of NRS 63.010 to 63.620, inclusive, ***and ~~[sections 40 and]~~ section 41 of this act,*** 63.720, 63.770 and 63.790 subject to administrative supervision by the Administrator of the Division of Child and Family Services.

Sec. 43. NRS 63.190 is hereby amended to read as follows:

63.190 1. The superintendent of a facility shall ensure that each employee who comes into direct contact with children in the facility receives training within ~~[~~30~]~~ ***90*** days after employment and annually thereafter. Such training must ***be approved by the Division of Child and Family Services and*** include, without limitation, instruction concerning:

(a) Controlling the behavior of children;

(b) Policies and procedures concerning the use of force and restraint on children;

(c) The rights of children in the facility;

(d) Suicide awareness and prevention;

(e) The administration of medication to children;

(f) Applicable state and federal constitutional and statutory rights of children in the home;

(g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the facility; ~~[~~and~]~~

(h) ***Working with gay, lesbian, bisexual, transgender and questioning children; and***

(i) Such other matters as required by the Administrator of the Division of Child and Family Services.

2. The Administrator of the Division of Child and Family Services shall provide direction to the superintendent of each facility concerning the manner in which to carry out the provisions of this section.

Sec. 44. Chapter 433B of NRS is hereby amended by adding thereto the provisions set forth as sections 45 and 46 of this act.

Sec. 45. (Deleted by amendment.)

Sec. 46. ***1. A treatment facility and any other division facility into which a child may be committed by a court order shall treat each child committed to the facility by a court order in all respects in accordance with the child's gender identity or expression and the regulations adopted by the Division of Child and Family Services pursuant to subsection 2.***

2. The Division of Child and Family Services of the Department shall adopt regulations establishing factors for a court to consider before committing a child to a treatment facility or other division facility and protocols for such a facility to follow when placing a child within the facility to ensure that each child who is so committed is placed in a manner

that is appropriate for the gender identity or expression of the child. Such regulations must be adopted in consultation with:

(a) Lesbian, gay, bisexual, transgender and questioning children who are currently residing in foster homes, facilities for the detention of children, child care facilities and mental health facilities or who have resided in such settings;

(b) Representatives of each agency which provides child welfare services in this State;

(c) Representatives of state and local facilities for the detention of children;

(d) Representatives of lesbian, gay, bisexual, transgender and questioning persons;

(e) Attorneys, including, without limitation, attorneys who regularly represent children in child welfare or criminal proceedings;

(f) Representatives of juvenile courts and family courts;

(g) Advocates of children; and

(h) Any other person deemed appropriate by the Division.

3. A court shall consider the factors prescribed in the regulations adopted pursuant to subsection 2 before committing a child to a treatment facility or other division facility.

4. A treatment facility or other division facility to which a child is committed by a court order shall follow the protocols prescribed in the regulations adopted pursuant to subsection 2 when placing the child within the facility.

5. As used in this section:

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

(b) "Child care facility" has the meaning ascribed to it in NRS 432A.024.

(c) "Foster home" has the meaning ascribed to it in NRS 424.014.

(d) "Gender identity or expression" has the meaning ascribed to it in section 2.5 of this act.

Sec. 47. NRS 433B.175 is hereby amended to read as follows:

433B.175 1. The Administrator shall ensure that each employee who comes into direct contact with children at any treatment facility and any other division facility into which a child may be committed by a court order receives training within ~~[~~30~]~~ ***90*** days after employment and annually thereafter. Such training must ***be approved by the Division and*** include, without limitation, instruction concerning:

(a) Controlling the behavior of children;

(b) Policies and procedures concerning the use of force and restraint on children;

(c) The rights of children in the facility;

(d) Suicide awareness and prevention;

(e) The administration of medication to children;

(f) Applicable state and federal constitutional and statutory rights of children in the facility;

(g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the facility; ~~[and]~~

(h) ***Working with gay, lesbian, bisexual, transgender and questioning children; and***

(i) Such other matters as required by the Board.

2. The Division shall adopt regulations necessary to carry out the provisions of this section.

Sec. 48. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On October 1, 2017, for all other purposes.

Assemblyman Sprinkle moved that the Assembly concur in Senate amendment No. 86 to Assembly Bill No. 99.

Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

I wanted to take a few seconds to clarify for the body that the recent amendment that you saw come through the house makes reference to PREA [Prison Rape Elimination Act]. I just want to make sure that we have it on the record that this is specifically intended to pertain to juvenile justice.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Susi Brumett.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Anthony Class and Connie Humphrey.

On request of Assemblyman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Tessa Richards, Hector Rios, Ignacio Rangel, and Brian Allan Selvester Jr.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to John Melvin, Keith Wingate, Audry Batiste, and Renee Boyce.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Libby C. Booth Elementary School: David Alvarez, Antonio Avalos, Christian Banuelos, Alexis Barahas, Jonathan Carrrillo, Geovanni Rance, Daniel Gallegos Mendez, Edgar Gonzalez,

Jasmine Hartshorn, Jose Hernandez, Peyton Hilderbran, Leonardo Lemos, Gilberto Lopez, Issela Luna, Jaden Merrfield, Yarissa Monroy, Esteban Noguera, Brian Payne, Tucheh Perez, Isaak Rivera, Christofer Rodriguez, King Surrell, Bethany Sanchez, Malia Scott-Leyva, Taimane Talamoni, Aaron Tovar, Carmine Volker, Wesley Anderson, Getsemani Doninguez, Irene Fierros, Diego Garcia, Keely Garcia, Angel Garcia, Kody Goins, Alejandro Hernandez, Amalina Lopez, Jefferson Lopez, Diego Luarca, Daniel Maldonado, Alexander Marbella, Samantha Mckee, Ricardo Nila, Austin Pardini, Jovel Powell, Hailey Robertson, Jose Rodriguez, Devon Saldana, Semaj Stevenson, Aidan Torres, Gabrielle Damarlane, and Jeremiah Zubiate.

On request of Assemblyman Kramer, the privilege of the floor of the Assembly Chamber for this day was extended to Drew Simmons.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to Dorothy McDonald.

On request of Assemblyman McCurdy, the privilege of the floor of the Assembly Chamber for this day was extended to Joe Jones.

On request of Assemblywoman Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Darryl Mickens and Charles Whitby.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Jarron Gray, Willie Pettaway, and Ken Williams.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Leroy Wordlaw.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Christy Craig.

On request of Assemblyman Pickard, the privilege of the floor of the Assembly Chamber for this day was extended to Deanna Santana.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Gini Cunningham.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Shawn T. Smith, Antonio Fargas, and Paul Tick.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Cindy Siljestrom, Cathy Olmo, and Virginia Reese.

On request of Assemblywoman Tolles, the privilege of the floor of the Assembly Chamber for this day was extended to Cathy Maupin.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Kathy Pantner and the following students, teachers, and chaperones from Jacks Valley Elementary School: Sage Adie, Ava Aimon, Tyler Croxall, Mariana Del Real, Sophie Diaz, Josh Foster, Bella Gabriel, Noah Garrison, JanCarlo Hernandez, Valerie Hernandez, Daniel Hotaling, Danika Hurwitz, David Jimenez, Serenadee Jim, Rolf Larson, Jett Lehmann, Shasta Lumsdem, Tobias Morgan, Zack O'Neil, Jazmin Ponce, Emily Romero, Philip Ruffo, Giovanni Santiago, Alvin Serratos, Grace Tinnes, Aitiana Vargas, Mike Villa, Olivia West, Sierra Adie, Cynthia Arnold, Angelo Aten, Monse Betancourth, Jarold Boado, Rome Castro-Polvorosa, John Cooney, Marina Crockett, Mason Dey, Loghan Flanders, Jesse Gomez, Simon Haley, Zach Hernandez, Tristan Kawchack, Sierra Larsen, Grace McGuffin, Brock Meservey, Jenna O'Connor, Addy Shaw, Anthony Smokey, Jullian Sterling, Jasmine Thomann, Reese Torres, Logan Voelker, Reed Ward, Savannah West, and Michael White.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Monday, April 10, 2017, at 12 noon.

Motion carried.

Assembly adjourned at 1:01 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SIXTY-FOURTH DAY

CARSON CITY (Monday), April 10, 2017

Assembly called to order at 12:23 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Nick Emery.

We thank You for this week that is before us. We ask for Your favor to be poured out upon our state leadership this day and this week. Give Your leaders Your wisdom, strength, and unity as they conduct the business of our great state, Nevada.

Father God, be with each conversation and each meeting Your leaders have throughout this day. Give them clarity of mind and help them to be courageous in speech and action. Let them be people who seek truth in all their pursuits and enable them to be people of peace, representing hope in all they say and do. Allow them to sense Your presence in special and unique ways this week—guiding them, protecting them, and keeping their families safe while they are away attending to the work of our state.

Now, may the Lord richly bless this gathering of servant leaders, and may God bless Nevada. It is in His Name that we pray.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 387, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 247, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRENE BUSTAMANTE ADAMS, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 127, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Assembly Bill No. 221, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TYRONE THOMPSON, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 22, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 192, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 46, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 176, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 205, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 214, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL C. SPRINKLE, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 227, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 38, 118, 204, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 145, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 177, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 143, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 155, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

OLIVIA DIAZ, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bills Nos. 138, 385, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HEIDI SWANK, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 60, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD CARRILLO, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

WAIVER OF JOINT STANDING RULES

A Waiver requested by Assemblyman Watkins.
For: Assembly Bill No. 270.
To Waive:

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

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

Has been granted effective: April 06, 2017.

SENATOR AARON D. FORD
Senate Majority Leader

ASSEMBLYMAN JASON FRIERSON
Speaker of the Assembly

NOTICE OF EXEMPTION

April 7, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 132, 184, 224, 297, 298, 328, 330, 382, 395, 407, 460, 474, 481, 482, 490 and 496.

MARK KRMPOTIC
Fiscal Analysis Division

April 10, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 109.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 166, 201, 207, 214, 300, 322, 327, 328, 331, 333, 336, 341, 344, 348, 352, 353, 355, 363, 366, 370, 381, 383, 390, 398, 399, 402, 404, 407, 409, 413, 414, 421, 422, 428, 436, 440, 445, 447, 449, 458, 463, 467, 469, 477 and 491.

CINDY JONES
Fiscal Analysis Division

April 10, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 486.

MARK KRMPOTIC
Fiscal Analysis Division

Assemblywoman Benitez-Thompson moved that persons as set forth on the Nevada Legislature's Press Accreditation List of April 10, 2017, be accepted as accredited press representatives, assigned space at the press table in the Assembly Chamber, allowed use of appropriate broadcasting facilities, and that the list be included in this day's Journal:

GREENSPUN MEDIA GROUP–LAS VEGAS SUN: Yvonne Gonzalez; KOLO-TV: Terri Russell; NEVADA FORWARD: Michael Willoughby; RENO GAZETTE-JOURNAL: Jason Bean, Marcella Corona, Michael Higdon; VEGAS VOICE, THE: Dan Roberts.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 14, 28, 50, 57, 65, and 74 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 20.

Bill read second time.

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

Amendment No. 27.

AN ACT relating to persons with disabilities; revising provisions concerning the duties and employees of the Bureau of Services to Persons Who Are Blind or Visually Impaired and the Bureau of Vocational Rehabilitation of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation; prohibiting, under certain circumstances, the solicitation, disclosure, receipt or use of information concerning persons receiving services from the Division; authorizing the Division to adopt, amend and repeal certain policies; authorizing the denial of services to persons who are blind under certain circumstances; removing the designation of the Division as the designated state unit for the purpose of certain federal regulations governing vocational rehabilitation; prescribing the purposes for which certain money may be used; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes programs under which: (1) the Bureau of Services to Persons Who Are Blind or Visually Impaired of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation provides services to assist persons who are blind in obtaining employment; and (2) the Bureau of Vocational Rehabilitation of the Division provides similar services to individuals with disabilities. (NRS 426.518-426.610, chapter 615 of NRS) **Sections 2 and 24** of this bill revise the purposes of those programs.

Existing federal law defines the term "competitive integrated employment" to mean full-time or part-time work, including self-employment: (1) for which a person receives certain minimum compensation; (2) that allows the employee to interact with persons who are not disabled; and (3) that provides opportunities for advancement similar to those provided to employees who are not disabled. (29 U.S.C. § 705) **Sections 3 and 21** of this bill define that term to have the same meaning in state law. **Sections 5 , ~~[and]~~ 29 and 41** of this bill define the term "vocational rehabilitation services" to mean any goods and services necessary to prepare a person who is blind or an individual with a disability, as appropriate, to engage in competitive integrated employment or to determine the rehabilitation potential of such a person. **Sections 8 and 26-28** of this bill amend the definitions of certain

related terms. **Sections 9 and 33-35** of this bill revise which entities perform certain duties relating to vocational rehabilitation services.

Federal regulations require the state unit responsible for administering vocational rehabilitation services to develop and maintain written policies covering the nature and scope of each such service and the criteria under which each service is provided. (34 C.F.R. § 361.50) **Sections 6 and 22** of this bill authorize the Division to adopt, amend and repeal such policies at a public meeting. **Section 17** of this bill provides that the adoption, amendment and repeal of such policies is not subject to the standard rulemaking process.

Section 10 of this bill requires the Bureau of Services to Persons Who Are Blind or Visually Impaired to provide vocational rehabilitation services to any person who is blind, including any such person who is eligible to receive such services under an agreement with the Federal Government, another state, certain territories or an Indian tribe. **Sections 30-32** of this bill make similar revisions concerning the duties of the Bureau of Vocational Rehabilitation.

Existing law requires the Division to direct the Bureau of Services to Persons Who Are Blind or Visually Impaired to adopt administrative regulations to enforce provisions of law concerning the provision of services for persons who are blind. (NRS 426.560) **Section 11** of this bill makes slight revisions concerning those regulations.

Sections 12 and 23 of this bill require the Bureau of Services to Persons Who Are Blind or Visually Impaired and the Bureau of Vocational Rehabilitation to employ persons skilled in the vocational rehabilitation of persons who are blind or individuals with disabilities, as appropriate, to allow such persons or individuals to engage in competitive integrated employment.

Sections 13 and 40 of this bill: (1) expressly provide that the unauthorized receipt, use or disclosure of information concerning persons who apply for or receive services for persons who are blind or individuals with disabilities is a misdemeanor; and (2) revise the circumstances under which the receipt, use or disclosure of such information is authorized.

Section 14 of this bill allows the denial of services for persons who are blind to persons who are ineligible to receive those services under federal law or for which the person is required by federal regulations to use comparable services and benefits paid for by another public or private entity. **Sections 15 and 39** of this bill make nonsubstantive revisions concerning appeals of actions, determinations or omissions made by the Bureau of Services to Persons Who Are Blind or Visually Impaired and the Bureau of Vocational Rehabilitation. **Section 16** of this bill removes the designation of the Division as the state unit for carrying out certain programs for independent living prescribed in federal law.

Sections 19, 32, 36, 37, 42 and 43 of this bill remove the authority of the Bureau of Vocational Rehabilitation to: (1) establish or construct rehabilitation facilities and workshops; and (2) provide for the establishment, supervision, management and control of small business enterprises to be

operated by persons with severe disabilities. **Section 38** of this bill expands the purposes for which money in the Rehabilitation Gift Account in the Department of Employment, Training and Rehabilitation's Gift Fund may be used.

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

Section 1. Chapter 426 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***The purposes of NRS 426.518 to 426.610, inclusive, and sections 2 to 6, inclusive, of this act are to:***

1. Provide vocational rehabilitation services to persons who are blind so that they may prepare for and engage in competitive integrated employment;

2. Promote vocational rehabilitation services and related activities which will assist persons who are blind to reach their fullest potential; and

3. Encourage and develop facilities and other resources needed by persons who are blind to engage in competitive integrated employment.

Sec. 3. ***"Competitive integrated employment" has the meaning ascribed to it in 29 U.S.C. § 705.***

Sec. 4. ***"Substantial impediment to employment" means that a loss or impairment of eyesight, in light of attendant medical, psychological, vocational, cultural, social or environmental factors, hampers a person's occupational performance by preventing the person from obtaining, retaining or preparing for competitive integrated employment consistent with the capabilities and abilities of the person.***

Sec. 5. ***"Vocational rehabilitation services" means any goods and services necessary to prepare a person who is blind to engage in competitive integrated employment or to determine the rehabilitation potential of the person.***

Sec. 6. ***1. To the extent required by 34 C.F.R. § 361.50, the Division may adopt, amend and repeal policies concerning the nature and scope of vocational rehabilitation services provided to persons who are blind.***

2. Any adoption, amendment or repeal of a policy pursuant to subsection 1 must occur at a public meeting held in compliance with the provisions set forth in chapter 241 of NRS concerning open meetings.

Sec. 7. NRS 426.518 is hereby amended to read as follows:

426.518 As used in NRS 426.518 to 426.610, inclusive, ***and sections 2 to 6, inclusive, of this act,*** the words and terms defined in NRS 426.519 and 426.520 ***and sections 3, 4, and 5 of this act*** have the meanings ascribed to them in those sections.

Sec. 8. NRS 426.520 is hereby amended to read as follows:

426.520 "Person who is blind" means a person ***who:***

1. ***Is*** described in NRS 426.082 ~~[and any person who by reason of]~~ ***; and***

2. ***Has a*** loss or impairment of eyesight ~~[is unable to provide himself or herself with the necessities of life, and who has not sufficient income of his or her own to maintain himself or herself.]~~ ***which constitutes a substantial impediment to employment for which vocational rehabilitation services:***

(a) May reasonably be expected to prepare the person to engage in competitive integrated employment which is consistent with the abilities of the person; or

(b) Are necessary to determine the rehabilitation potential of the person.

Sec. 9. NRS 426.531 is hereby amended to read as follows:

426.531 The Department ***, through the Director,*** shall administer the provisions of NRS 426.518 to 426.610, inclusive, ***and sections 2 to 6, inclusive, of this act*** as the sole agency in the State for such purpose.

Sec. 10. NRS 426.550 is hereby amended to read as follows:

426.550 1. The Bureau must be headed by the Administrator.

2. The Bureau shall:

(a) Assist persons who are blind in achieving physical and psychological orientation ~~[,]~~ ***and*** inform persons who are blind of available services ~~[, stimulate and]~~ ***to*** assist persons who are blind in achieving ~~[social and economic independence, and do all things which will ameliorate the condition of persons who are blind.]~~ ***their vocational goals.***

(b) Provide intensive programs of ~~[case finding,]~~ education, training, job ~~[findings and placement,]~~ ***development,*** physical restoration ~~[,]~~ and such other services and equipment as may ~~[assist in rendering]~~ ***prepare*** persons who are blind ~~[more self supporting and socially independent.]~~ ***to engage in competitive integrated employment.***

(c) Provide vocational rehabilitation services directly or through other governmental entities or persons to any person who is blind, including any person who is blind who is eligible under the terms of an agreement or arrangement with the Federal Government, another state or an Indian tribe.

3. The Bureau may:

(a) Provide for treatment or operations to prevent blindness or restore vision to ~~[applicants for or]~~ recipients of services to persons who are blind who request ***and are eligible for such services under federal law*** and make written application for such treatment or ~~[operation;]~~ ***operations;*** and

(b) Pay for ~~[all]~~ necessary expenses incurred in connection with the diagnosis and treatment provided under paragraph (a). ~~[Necessary expenses must include the costs of guide service, maintenance while the patient is away from his or her home, transportation to the eye physician or hospital and return to his or her home, and the cost of nursing home care when such care is necessary.]~~

4. As used in this section, "state" includes, without limitation, the District of Columbia, Puerto Rico, the United States Virgin Islands and Guam.

Sec. 11. NRS 426.560 is hereby amended to read as follows:

426.560 1. Subject to the approval of the Department, the Division shall direct the Bureau to ~~[make]~~ ***adopt*** administrative regulations to enforce the provisions of this chapter related to services for persons who are blind, which regulations must not conflict with the provisions of this chapter.

2. The regulations must recognize that the ***vocational*** needs and problems of persons who are blind are ~~[special]~~ ***unique*** to them and may differ materially from the ***vocational*** needs and problems of other persons.

Sec. 12. NRS 426.570 is hereby amended to read as follows:

426.570 1. All employees of the Bureau are directly responsible to the Administrator.

2. Such employees must consist of persons skilled in ~~[assisting]~~ ***the vocational rehabilitation of*** persons who are blind to ~~[achieve social and economic independence.]~~ ***allow such persons to engage in competitive integrated employment.***

Sec. 13. NRS 426.573 is hereby amended to read as follows:

426.573 ***1. Except as otherwise provided in subsection 2, a person shall not solicit, disclose, receive or make use of, or authorize, knowingly permit, participate in or acquiesce in the use of any list of, or names of, or any information concerning persons who are blind applying for or receiving any services directly or indirectly derived from the records, papers, files or communications of the Bureau, or acquired in the course of the performance of its official duties.***

2. Information with respect to any individual applying for or receiving services for persons who are blind ~~[shall not]~~ ***may*** be ***received, used or*** disclosed by the Bureau or any of its employees to any person, association or body ~~[unless]~~ ***:***

(a) If such ***receipt, use or*** disclosure is related directly to carrying out the provisions of NRS 426.518 to 426.610, inclusive, ***and sections 2 to 6, inclusive, of this act;***

(b) As required by statute, regulation or court order;

(c) To protect an applicant, recipient or other person if the applicant or recipient poses a threat to his or her own safety or the safety of others; or ~~[upon]~~

(d) Upon written permission of the applicant or recipient.

3. A person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 14. NRS 426.600 is hereby amended to read as follows:

426.600 ~~[No]~~

1. Unless comparable services and benefits must be used pursuant to 34 C.F.R. § 361.53, no person who is blind who may benefit from services authorized under NRS 426.518 to 426.610, inclusive, ***and sections 2 to 6, inclusive, of this act and is eligible to receive such services under federal law*** may be denied such services except the services for which a determination of economic need is required ~~[pursuant to the State Plan for~~

~~Services to Persons Who Are Blind.~~] ***by the policies adopted pursuant to section 6 of this act.***

2. As used in this section, "comparable services and benefits" has the meaning ascribed to it in 34 C.F.R. § 361.5.

Sec. 15. NRS 426.610 is hereby amended to read as follows:

426.610 1. [~~An applicant for or recipient of~~] ***A person who is blind applying for or receiving*** services [~~for persons who are blind~~] ***from the Bureau*** who is aggrieved by an act, determination or omission of the Bureau is entitled, in accordance with regulations, to a fair hearing before a hearing officer.

2. A person ***who is blind who is*** aggrieved by the decision of a hearing officer is entitled to judicial review of the decision in the manner provided by chapter 233B of NRS.

Sec. 16. NRS 232.945 is hereby amended to read as follows:

232.945 [~~1.~~] The Director shall appoint an Administrator of the Rehabilitation Division of the Department. The Administrator:

[~~(a)~~] ***1.*** Is in the unclassified service of the State unless federal law or regulation requires otherwise, and serves at the pleasure of the Director.

[~~(b)~~] ***2.*** Shall administer the provisions of law set forth in [~~paragraph (d),~~] ***subsection 4,*** subject to the administrative supervision of the Director.

[~~(c)~~] ***3.*** Except as otherwise provided in NRS 284.143, shall devote his or her entire time and attention to the business of his or her office and shall not pursue any other business or occupation or hold any other office of profit.

[~~(d)~~] ***4.*** Is responsible for the administration, through the bureaus of the Rehabilitation Division, of the provisions of this section, NRS 232.940, 426.518 to 426.610, inclusive, ***and sections 2 to 6, inclusive, of this act*** and chapter 615 of NRS, and all other provisions of law relating to the functions of the Rehabilitation Division.

[~~(e)~~] ***5.*** Is responsible for the preparation of a consolidated state plan for the Bureau of Services to Persons Who Are Blind or Visually Impaired, the Bureau of Vocational Rehabilitation and any other program administered by the Rehabilitation Division that the Administrator considers appropriate to incorporate into the consolidated state plan before submission to the Federal Government. This subsection does not apply if any federal regulation exists that prohibits a consolidated plan.

[~~(f)~~] ***6.*** In developing and revising state plans pursuant to [~~paragraph (e),~~] ***subsection 5,*** shall consider, without limitation:

[~~(1)~~] ***(a)*** The amount of money available from the Federal Government for the programs of the Rehabilitation Division;

[~~(2)~~] ***(b)*** The conditions attached to the acceptance of that money; and

[~~(3)~~] ***(c)*** The limitations of legislative appropriations for the programs.

[~~(g)~~] ***7.*** May make such expenditures and investigations, require such reports and take such other actions as the Administrator deems necessary or suitable to carry out the functions of the Rehabilitation Division.

~~[(h)]~~ ***8.*** May employ, within the limits of legislative appropriations, such staff as is necessary to the performance of the duties of the Rehabilitation Division.

~~[(i)]~~ ***9.*** Shall determine the organization and methods of procedure for the Rehabilitation Division in accordance with the provisions of this section, NRS 232.940, 426.518 to 426.610, inclusive, ***and sections 2 to 6, inclusive, of this act*** and chapter 615 of NRS, and all other provisions of law relating to the functions of the Rehabilitation Division.

~~[(j)]~~ ***10.*** May adopt, amend or rescind such rules and regulations as the Administrator deems necessary or suitable to carry out the provisions of this section, NRS 232.940, 426.518 to 426.610, inclusive, ***and sections 2 to 6, inclusive, of this act*** and chapter 615 of NRS, and all other provisions of law relating to the functions of the Rehabilitation Division.

~~[2. The Rehabilitation Division shall serve as the designated state unit with respect to state programs for independent living established pursuant to 29 U.S.C. §§ 796 et seq. As used in this subsection, "designated state unit" has the meaning ascribed to it in 34 C.F.R. § 364.4.]~~

Sec. 17. NRS 233B.039 is hereby amended to read as follows:

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

(a) The Governor.

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

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The Nevada Gaming Control Board.

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

(g) The Division of Welfare and Supportive Services of the Department of Health and Human Services.

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

(i) The State Board of Examiners acting pursuant to chapter 217 of NRS.

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

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

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

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

(n) The Silver State Health Insurance Exchange.

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

3. The special provisions of:

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

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

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

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

➥ prevail over the general provisions of this chapter.

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

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

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

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

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

(d) The judicial review of decisions of the Public Utilities Commission of Nevada ~~[.]~~ ***; or***

(e) The adoption, amendment or repeal of policies by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation pursuant to section 6 or 22 of this act.

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

Sec. 18. NRS 483.800 is hereby amended to read as follows:

483.800 1. The following sources shall submit, within 30 days after learning such information, to the Department the name, address, birth date, social security number, visual acuity and any other information which may be required by regulation of the Department, of persons who are blind or

night-blind or whose vision is severely impaired and shall designate whether the person is blind, night-blind or has severely impaired vision:

(a) Hospitals, medical clinics and similar institutions which treat persons who are blind, night-blind or whose vision is severely impaired; and

(b) Agencies of the State and political subdivisions which provide special tax consideration for blindness.

2. When any source described in subsection 1 learns that vision has been restored to any person whose name appears in the registry established pursuant to subsection 3, the fact of restoration of vision must be reported to the registry within 30 days after learning of that fact.

3. The Department may establish a registry for the purposes of this section and adopt regulations governing reports to and operation of the registry.

4. The Department shall maintain a file of the names, addresses, birth dates and social security numbers of persons who are blind or night-blind or whose vision is severely impaired.

5. Except as otherwise provided in NRS 239.0115, all information learned by the Department pursuant to this section is confidential and any person who, without the consent of the person concerned, reveals that information for purposes other than those specified in this section, or other than for administration of the Program for Supplemental Security Income, including State Supplementary Assistance pursuant to chapter 422 or 422A of NRS, or services to persons who are blind pursuant to NRS 426.518 to 426.610, inclusive, ***and sections 2 to 6, inclusive, of this act,*** is guilty of a misdemeanor.

Sec. 19. NRS 608.255 is hereby amended to read as follows:

608.255 For the purposes of this chapter and any other statutory or constitutional provision governing the minimum wage paid to an employee, the following relationships do not constitute employment relationships and are therefore not subject to those provisions:

1. ~~[The relationship between a rehabilitation facility or workshop established by the Department of Employment, Training and Rehabilitation pursuant to chapter 615 of NRS and an individual with a disability who is participating in a training or rehabilitative program of such a facility or workshop.~~

~~2.]~~ The relationship between a provider of jobs and day training services which is recognized as exempt pursuant to the provisions of 26 U.S.C. § 501(c)(3) and which has been issued a certificate by the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to NRS 435.130 to 435.310, inclusive, and a person with an intellectual disability or a person with a related condition participating in a jobs and day training services program.

~~[3.]~~ ***2.*** The relationship between a principal and an independent contractor.

Sec. 20. Chapter 615 of NRS is hereby amended by adding thereto the provisions set forth as sections 21, 22 and 23, of this act.

Sec. 21. ***"Competitive integrated employment" has the meaning ascribed to it in 29 U.S.C. § 705.***

Sec. 22. ***1. To the extent required by 34 C.F.R. § 361.50, the Division may adopt, amend and repeal policies concerning the nature and scope of vocational rehabilitation services provided to individuals with disabilities.***

2. Any adoption, amendment or repeal of a policy pursuant to subsection 1 must occur at a public meeting held in compliance with the provisions set forth in chapter 241 of NRS concerning open meetings.

Sec. 23. ***1. All employees of the Bureau are directly responsible to the Administrator.***

2. Such employees must consist of persons skilled in the vocational rehabilitation of individuals with disabilities to allow such individuals to engage in competitive integrated employment.

Sec. 24. NRS 615.010 is hereby amended to read as follows:

615.010 1. The purposes of this chapter are to:

(a) ~~[~~Rehabilitate~~]~~ ***Provide vocational rehabilitation services to*** individuals with disabilities so that they may prepare for and engage in ~~[~~gainful occupations;~~]~~ ***competitive integrated employment;***

(b) ~~[~~Provide individuals with physical and mental disabilities with a program of services which will result in greater opportunities for them to enter more fully into the life of the community;

~~(c)]~~ Promote ***vocational rehabilitation services and related*** activities which will assist individuals with disabilities to reach their fullest potential; and

~~[(d)]~~ ***(c)*** Encourage and develop facilities and other resources needed by individuals with disabilities ~~[.]~~ ***to engage in competitive integrated employment.***

2. The provisions of this chapter shall be liberally construed to effect its stated purposes.

Sec. 25. NRS 615.020 is hereby amended to read as follows:

615.020 As used in this chapter the words and terms defined in NRS 615.023 to 615.140, inclusive, ***and section 21 of this act,*** unless the context otherwise requires, have the meanings ascribed to them in those sections.

Sec. 26. NRS 615.110 is hereby amended to read as follows:

615.110 "Individual with a disability" means:

1. Any individual who has a physical or mental disability which constitutes a substantial ~~[~~handicap~~]~~ ***impediment*** to employment ~~[~~but which is of such a nature that~~]~~ ***for which*** vocational rehabilitation services may reasonably be expected to ~~[~~render~~]~~ ***prepare*** the individual ~~[~~fit~~]~~ to engage in ~~[~~a gainful occupation, including a gainful occupation~~]~~ ***competitive integrated employment*** which is ~~[~~more~~]~~ consistent with the capacities and abilities of the individual.

2. Any individual who has a physical or mental disability which constitutes a substantial ~~[handicap]~~ ***impediment*** to employment for ~~[whom]~~ ***which*** vocational rehabilitation services are necessary ~~[for the purposes of the determination of]~~ ***to determine the*** rehabilitation potential ~~[.]~~ ***of the individual.***

Sec. 27. NRS 615.120 is hereby amended to read as follows:

615.120 "Physical or mental disability" means ~~[a]~~ ***an ongoing*** physical or mental condition which materially limits, contributes to limiting or, if not corrected, will probably result in limiting an individual's ~~[activities]~~ ***physical*** or ***mental*** functioning. ~~[It includes behavioral disorders characterized by deviant social behavior or impaired ability to carry out normal relationships with family and community which may result from vocational, educational, cultural, social, environmental or other factors.]~~

Sec. 28. NRS 615.130 is hereby amended to read as follows:

615.130 "Substantial ~~[handicap]~~ ***impediment*** to employment" means that a physical or mental disability (in the light of attendant medical, psychological, vocational, cultural, social or environmental factors) ~~[impedes]~~ ***hampers*** an individual's occupational performance, by preventing the individual's obtaining, retaining or preparing for ~~[a gainful occupation]~~ ***competitive integrated employment*** consistent with the capacities and abilities of the individual.

Sec. 29. NRS 615.140 is hereby amended to read as follows:

615.140 "Vocational rehabilitation services" means any goods and services necessary to ~~[render]~~ ***prepare*** an individual with a disability ~~[fit]~~ to engage in ~~[a gainful occupation,]~~ ***competitive integrated employment*** or to determine the rehabilitation potential of the individual.

Sec. 30. NRS 615.170 is hereby amended to read as follows:

615.170 ***1.*** Vocational rehabilitation services shall be provided directly or through public or private resources to any individual with a disability, including any individual with a disability who is eligible under the terms of an agreement or an arrangement with another state ***,*** ~~[or with]~~ the Federal Government ~~[.]~~ ***or an Indian tribe.***

2. As used in this section, "state" includes, without limitation, the District of Columbia, Puerto Rico, the United States Virgin Islands and Guam.

Sec. 31. NRS 615.190 is hereby amended to read as follows:

615.190 The Bureau shall:

1. Take action necessary or appropriate to carry out the purposes of this chapter; ~~[and]~~

2. Cooperate with other departments, agencies and institutions, both public and private, in providing for the vocational rehabilitation of individuals with disabilities, in studying the problems involved therein, and in planning, establishing, developing and providing such programs, facilities and services as may be necessary or desirable ~~[.]~~ ***; and***

3. Provide intensive programs of education, training, job development, physical restoration and such other services and equipment as may prepare individuals with disabilities to engage in competitive integrated employment.

Sec. 32. NRS 615.200 is hereby amended to read as follows:

615.200 The Bureau may:

1. Enter into reciprocal agreements with other states, which, for this purpose, may include the District of Columbia, Puerto Rico, the United States Virgin Islands and Guam, ***or Indian tribes*** to provide for the vocational rehabilitation of individuals within the states ***or who are members of the Indian tribes*** concerned;

2. ~~[Establish or construct rehabilitation facilities and workshops and make grants to, or contracts or other arrangements with, public and other nonprofit organizations for the establishment of workshops and rehabilitation facilities;~~

~~3.]~~ Operate facilities for carrying out the purposes of this chapter;

~~[4.]~~ ***and***

3. In matters relating to vocational rehabilitation:

(a) Conduct research, studies, investigations and demonstrations and make reports;

(b) Provide training and instruction, including, without limitation, the establishment and maintenance of such research fellowships and traineeships with such stipends and allowances as may be deemed necessary;

(c) Disseminate information; and

(d) Render technical assistance**.** ~~[; and~~

~~5. Provide for the establishment, supervision, management and control of small business enterprises to be operated by persons with severe disabilities where their operation will be improved through the management and supervision of the Bureau.]~~

Sec. 33. NRS 615.205 is hereby amended to read as follows:

615.205 1. The ~~[Department]~~ ***Division*** shall report annually to the Aging and Disability Services Division of the Department of Health and Human Services information relating to persons with autism spectrum disorders who receive vocational rehabilitation services. The information must:

(a) Be submitted in the form required by the Aging and Disability Services Division;

(b) Include the information required by the Aging and Disability Services Division pursuant to NRS 427A.872;

(c) Include the total number of persons with autism spectrum disorders who are receiving vocational rehabilitation services from the Division;

(d) Include information concerning the types of vocational rehabilitation services provided to persons with autism spectrum disorders, the effectiveness of those services and the reasons for the ineffectiveness of those services, if applicable; and

(e) Include information concerning the technical assistance and training provided to personnel of the Division who work with persons with autism spectrum disorders to improve the effectiveness of vocational rehabilitation services.

2. A person with autism spectrum disorder who is designated as a person with more than one physical or mental impairment or disability must be included as a person with autism spectrum disorder for the purposes of reporting information pursuant to this section.

Sec. 34. NRS 615.220 is hereby amended to read as follows:

615.220 1. To facilitate the making of disability determinations in this state, the Department through the Division, on behalf of the State of Nevada, may enter into an agreement or agreements with the United States Government, by and through the Secretary of ~~[Health and Human Services,]~~ ***Education,*** or any other federal agency, for the making of disability determinations, receiving and expending federal money for the making of such determinations, and performing other acts and functions necessary to effectuate the provisions of any Act of Congress, and all applicable federal regulations adopted pursuant thereto.

2. The Department, by and through the Division, shall make the disability determinations required by the provisions of any Act of Congress, and the State Treasurer shall disburse the money required for the making of such determinations upon claims by the Director in the same manner as other claims against the State are paid.

Sec. 35. NRS 615.230 is hereby amended to read as follows:

615.230 1. The Department through the ~~[Bureau]~~ ***Division*** may make agreements, arrangements or plans to:

(a) Cooperate with the Federal Government in carrying out the purposes of this chapter or of any federal statutes pertaining to vocational rehabilitation and to this end may adopt such methods of administration as are found by the Federal Government to be necessary for the proper and efficient operation of such agreements, arrangements or plans for vocational rehabilitation; and

(b) Comply with such conditions as may be necessary to secure benefits under those federal statutes.

2. Upon designation by the Governor, in addition to those provided in subsection 1, the Department through the ~~[Bureau]~~ ***Division*** may perform functions and services for the Federal Government relating to persons under a physical or mental disability.

Sec. 36. NRS 615.250 is hereby amended to read as follows:

615.250 1. The State Treasurer is designated as custodian of all money received from the Federal Government for carrying out the purposes of this chapter or any agreements, arrangements or plans authorized thereby.

2. The State Treasurer shall make disbursements from that money and from all state money available for the purposes of this chapter upon certification by the designated official of the Bureau.

~~[3. All money earned by the rehabilitation facilities of the Bureau from contracts to provide work to train persons with disabilities must be deposited in the Account for Rehabilitation Facilities in the State General Fund.~~

~~4. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.]~~

Sec. 37. NRS 615.255 is hereby amended to read as follows:

615.255 1. There is hereby created the Rehabilitation Division Revolving Account in an amount not to exceed $90,000. The money in the Revolving Account may be used for the payment of claims of:

(a) Applicants for or recipients of services from:

(1) The Bureau of Vocational Rehabilitation ***;*** ~~[, including, without limitation, the rehabilitation facilities described in subsection 2 of NRS 615.200;]~~ and

(2) The Bureau of Services to Persons Who Are Blind or Visually Impaired, including, without limitation, the Vending Stand Program for Persons Who Are Blind authorized by NRS 426.630 to 426.720, inclusive.

(b) Vendors providing services to those applicants or recipients under procedures established by the Division.

2. The money in the Revolving Account must be deposited in a bank or credit union qualified to receive deposits of public money. The bank or credit union shall secure the deposit with a depository bond satisfactory to the State Board of Examiners, unless it is otherwise secured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund or a private insurer approved pursuant to NRS 678.755.

3. After expenditure of money from the Revolving Account, the Administrator shall present a claim to the State Board of Examiners. When approved by the State Board of Examiners, the State Controller shall draw his or her warrant in the amount of the claim in favor of the Rehabilitation Division Revolving Account, to be paid to the order of the Administrator, and the State Treasurer shall pay it.

4. Money in the Rehabilitation Division Revolving Account does not revert to the State General Fund at the end of the fiscal year, but remains in the Revolving Account.

5. Purchases paid for from the Rehabilitation Division Revolving Account for the purposes authorized by subsection 1 may be exempt from the provisions of the State Purchasing Act at the discretion of the Administrator of the Purchasing Division of the Department of Administration or the designated representative of the Administrator.

Sec. 38. NRS 615.260 is hereby amended to read as follows:

615.260 1. All gifts of money which the Bureau is authorized to accept must be deposited in the State Treasury for credit to the Rehabilitation Gift Account in the Department of Employment, Training and Rehabilitation's Gift Fund. The money may be invested and reinvested and must be used in accordance with the conditions of the gift ~~[.]~~ ***or to carry out the provisions of this chapter and other programs or laws administered by the Bureau.***

2. All claims must be approved by the Administrator before they are paid.

Sec. 39. NRS 615.280 is hereby amended to read as follows:

615.280 1. ~~[~~Any person~~]~~ ***An individual with a disability*** applying for or receiving vocational rehabilitation ***services from the Bureau*** who is aggrieved by any ~~[~~action or inaction~~]~~ ***act, determination or omission*** of the Bureau ~~[~~or the Administrator with respect to the person~~]~~ is entitled, in accordance with regulations, to a fair hearing before a hearing officer.

2. ~~[~~A person~~]~~ ***An individual with a disability who is*** aggrieved by the decision of a hearing officer is entitled to judicial review of the decision in the manner provided by chapter 233B of NRS.

Sec. 40. NRS 615.290 is hereby amended to read as follows:

615.290 ~~[~~It is unlawful, except for purposes directly connected with the administration of the vocational rehabilitation program or any other arrangements, agreements or plans pursuant to this chapter, and in accordance with regulations of the Bureau, for any~~]~~

1. Except as otherwise provided in subsection 2, a person ~~[~~to~~]~~ ***shall not*** solicit, disclose, receive or make use of, or authorize, knowingly permit, participate in or acquiesce in the use of any list of, or names of, or any information concerning, persons applying for or receiving any services under this chapter, directly or indirectly derived from the records, papers, files or communications of the Bureau, or acquired in the course of the performance of its official duties.

2. Information with respect to any individual applying for or receiving services under this chapter may be received, used or disclosed by the Bureau or any of its employees to any person, association or body:

(a) If such receipt, use or disclosure is related directly to carrying out the provisions of this chapter;

(b) As required by statute, regulation or court order;

(c) To protect an applicant, recipient or other person if the applicant or recipient poses a threat to his or her own safety or the safety of others; or

(d) Upon written permission of the applicant or recipient.

3. A person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 41. NRS 616A.360 is hereby amended to read as follows:

616A.360 "Vocational rehabilitation services" ~~[~~has the meaning ascribed to it in NRS 615.140.~~]~~ ***means any goods or services necessary to ~~[render]~~ prepare an individual with a disability ~~[fit]~~ to engage in ~~[a gainful occupation]~~ competitive integrated employment, as defined in 29 U.S.C. § 705, or to determine the rehabilitation potential of the individual.***

Sec. 42. NRS 616B.621 is hereby amended to read as follows:

616B.621 1. In case of injury, coverage by industrial insurance must be provided for trainees while enrolled in a rehabilitation facility ~~[~~operated~~]~~ by the Rehabilitation Division of the Department of Employment, Training and

Rehabilitation, related to evaluation, treatment, training, surgical apparatuses or medications.

2. The Director of the Department of Employment, Training and Rehabilitation shall make payments to the insurer on all trainees ***who are*** enrolled in a rehabilitation facility ~~[operated]~~ by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation in this State at the rate approved by the Commissioner and based on a wage of $200 per month per trainee.

~~[3. Payments must be made from the Account for Rehabilitation Facilities of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation.]~~

Sec. 43. NRS 615.040, 615.080, 615.090, 615.100, 615.175 and 616A.200 are hereby repealed.

Sec. 44. This act becomes effective on July 1, 2017.

LEADLINES OF REPEALED SECTIONS

615.040 "Construct" defined.

615.080 "Establishment of a rehabilitation facility" defined.

615.090 "Establishment of a workshop" defined.

615.100 "Gainful occupation" defined.

615.175 Organizations that operate certain rehabilitation facilities or workshops: Requirements; audits; submission of tax information.

616A.200 "Employee": Trainees in facility operated by Rehabilitation Division of Department of Employment, Training and Rehabilitation.

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 33.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 38.

SUMMARY—Abolishes certain boards, commissions and councils relating to ~~[natural resources.]~~ **agricultural products.** (BDR ~~[46-312)]~~ **40-312)**

AN ACT relating to governmental administration; abolishing the ~~[Mining Oversight and Accountability Commission, the]~~ Garlic and Onion Growers' Advisory Board, the State Dairy Commission, the Alfalfa Seed Advisory Board and the Advisory Council for Organic Agricultural Products; transferring the powers and duties of the State Dairy Commission to the Director of the State Department of Agriculture; revising provisions

governing the special assessment levied upon all garlic and onions grown and harvested in this State for commercial use and all alfalfa seed grown in this State; clarifying the authority of the State Department of Agriculture to test products to ensure appropriate food safety; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law creates the Mining Oversight and Accountability Commission and provides for the membership of the Commission. (NRS 514A.040) The Commission is required to provide oversight of compliance with Nevada law relating to the activities of each state agency, board, bureau, commission, department or division with respect to taxation, operation, safety and environmental regulation of mines and mining in this State. (NRS 514A.060)]~~ Existing law ~~[also]~~ creates the Garlic and Onion Growers' Advisory Board, the Alfalfa Seed Advisory Board and the Advisory Council for Organic Agricultural Products and sets forth the powers and duties of those boards and that council. (NRS 556.020, 556.040, 587.135, 587.145, 587.810) **Section 43** of this bill abolishes the ~~[Mining Oversight and Accountability Commission, the]~~ Garlic and Onion Grower's Advisory Board, the Alfalfa Seed Advisory Board and the Advisory Council for Organic Agricultural Products. **Sections ~~[1-4,]~~ 7-10, 14, 15 and 32-35** of this bill make conforming changes.

Existing law requires the State Department of Agriculture, on or before August 1 of each year, to fix an annual special assessment not to exceed $10 per acre to be levied upon all garlic and onions grown and harvested in this State for commercial use and not to exceed 50 cents per hundred weight of alfalfa seed to be levied upon all alfalfa seed grown in this State. (NRS 556.070, 587.155) **Sections 11 and 36** of this bill authorize, rather than require, the Department to fix the annual special assessment. **Sections 12-15, 37 and 38** of this bill make conforming changes.

Existing law creates the State Dairy Commission consisting of three members within the State Department of Agriculture. (NRS 584.031) Existing law sets forth the powers and duties of the Commission which include, without limitation: (1) the authority to enter into contracts with any person to assist the Commission in carrying out the duties of the Commission; (2) the duty to maintain a separate record of the classes and sources of income credited to the Dairy Commission Fund and of the disbursements from the Fund; (3) the authority to adopt regulations to carry out the provisions governing dairy products and the duty to enforce those provisions; (4) the authority to issue licenses to distributors and to require the registration of producers; and (5) the authority to formulate a stabilization and marketing plan for certain purposes relating to the production, distribution and sale of fluid milk, fluid cream and other dairy products. (NRS 584.047, 584.057, 584.067, 584.077, 584.089, 584.547) **Sections 5, 6 and 16-31** of this bill transfer the powers and duties of the State Dairy Commission to the Director of the State Department of Agriculture. **Section**

6 also clarifies that the provisions of law governing the administration of public health do not modify or alter the authority of the State Department of Agriculture to test products to ensure appropriate food safety.

Sections 39-42 of this bill set forth transitory provisions concerning the abolishment of the boards, ~~[commissions]~~ **commission** and council specified in this bill and the transfer of the powers and duties of the State Dairy Commission to the Director of the State Department of Agriculture, including the transfer and adoption of regulations, the effect of name changes on any existing contracts, revisions that may be necessary to other provisions of existing law and regulations to the changes made in this bill and other necessary direction to carry out the intent of this bill.

If this bill is enacted, the Legislative Counsel and the Legal Division of the Legislative Counsel Bureau will be required by **section 40** and NRS 220.120 to conform all sections of law not included in this bill to the provisions and reorganization of this bill.

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

Section 1. ~~[NRS 512.140 is hereby amended to read as follows:~~

~~512.140 The Administrator shall submit annually to the Governor, [and to the Mining Oversight and Accountability Commission created by NRS 514A.040,] as soon as practicable after the beginning of each calendar year, a full report of the administration of the Administrator's functions under this chapter during the preceding calendar year. The report must include, either in summary or detailed form, the information obtained by the Administrator under this chapter together with such findings and comments thereon and such recommendations as the Administrator may deem proper.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 513.063 is hereby amended to read as follows:~~

~~513.063 The Commission shall:~~

~~1. Keep itself informed of and interested in the entire field of legislation and administration charged to the Division.~~

~~2. Report to the Governor [, the Mining Oversight and Accountability Commission created by NRS 514A.040] and the Legislature on all matters which it may deem pertinent to the Division, and concerning any specific matters previously requested by the Governor . [or the Mining Oversight and Accountability Commission.]~~

~~3. Advise and make recommendations to the Governor [, the Mining Oversight and Accountability Commission] and the Legislature concerning the policy of this State relating to minerals.~~

~~4. Formulate the administrative policies of the Division.~~

~~5. Adopt regulations necessary for carrying out the duties of the Commission and the Division.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 513.093 is hereby amended to read as follows:~~

~~513.093 The Administrator:~~

~~1. Shall coordinate the activities of the Division.~~

~~2. Shall report to the Commission upon all matters pertaining to the administration of the Division.~~

~~[3. Shall attend each regular meeting of the Mining Oversight and Accountability Commission created by NRS 514A.040 and each special meeting if requested by the Chair of that Commission and:~~

~~(a) Report to the Mining Oversight and Accountability Commission on the activities of the Division undertaken since the Division's previous report, including, without limitation, an accounting of any fees or fines imposed or collected;~~

~~(b) The current condition of mining and of exploration for and production of oil, gas and geothermal energy in the State; and~~

~~(c) Provide any technical information required by the Mining Oversight and Accountability Commission during the course of the meeting.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 362.120 is hereby amended to read as follows:~~

~~362.120 1. The Department shall, from the statement filed pursuant to NRS 362.110 and from all obtainable data, evidence and reports, compute in dollars and cents the gross yield and net proceeds of the calendar year immediately preceding the year in which the statement is filed.~~

~~2. The gross yield must include the value of any mineral extracted which was:~~

~~(a) Sold;~~

~~(b) Exchanged for any thing or service;~~

~~(c) Removed from the State in a form ready for use or sale; or~~

~~(d) Used in a manufacturing process or in providing a service,~~

~~" during that period.~~

~~3. The net proceeds are ascertained and determined by subtracting from the gross yield the following deductions for costs incurred during that period, and none other:~~

~~(a) The actual cost of extracting the mineral, which is limited to direct costs for activities performed in the State of Nevada.~~

~~(b) The actual cost of transporting the mineral to the place or places of reduction, refining and sale.~~

~~(c) The actual cost of reduction, refining and sale.~~

~~(d) The actual cost of delivering the mineral.~~

~~(e) The actual cost of maintenance and repairs of:~~

~~(1) All machinery, equipment, apparatus and facilities used in the mine.~~

~~(2) All milling, refining, smelting and reduction works, plants and facilities.~~

~~(3) All facilities and equipment for transportation except those that are under the jurisdiction of the Public Utilities Commission of Nevada or the Nevada Transportation Authority.~~

~~(f) Depreciation of the original capitalized cost of the machinery, equipment, apparatus, works, plants and facilities mentioned in paragraph~~

~~(e). The annual depreciation charge consists of amortization of the original cost in a manner prescribed by regulation of the Nevada Tax Commission. The probable life of the property represented by the original cost must be considered in computing the depreciation charge.~~

~~(g) All money expended for premiums for industrial insurance, and the actual cost of hospital and medical attention and accident benefits and group insurance for employees actually engaged in mining operations within the State of Nevada.~~

~~(h) All money paid as contributions or payments under the unemployment compensation law of the State of Nevada, as contained in chapter 612 of NRS, all money paid as contributions under the Social Security Act of the Federal Government, and all money paid to either the State of Nevada or the Federal Government under any amendment to either or both of the statutes mentioned in this paragraph.~~

~~(i) The costs of employee travel which occurs within the State of Nevada and which is directly related to mining operations within the State of Nevada.~~

~~(j) The costs of Nevada-based corporate services relating to paragraphs (e) to (i), inclusive.~~

~~(k) The actual cost of developmental work in or about the mine or upon a group of mines when operated as a unit, which is limited to work that is necessary to the operation of the mine or group of mines.~~

~~(l) The costs of reclamation work in the years the reclamation work occurred, including, without limitation, costs associated with the remediation of a site.~~

~~(m) All money paid as royalties by a lessee or sublessee of a mine or well, or by both, in determining the net proceeds of the lessee or sublessee, or both.~~

~~4. Royalties deducted by a lessee or sublessee constitute part of the net proceeds of the minerals extracted, upon which a tax must be levied against the person to whom the royalty has been paid.~~

~~5. Every person acquiring property in the State of Nevada to engage in the extraction of minerals and who incurs any of the expenses mentioned in subsection 3 shall report those expenses and the recipient of any royalty to the Department on forms provided by the Department.~~ **[**~~The Department shall report annually to the Mining Oversight and Accountability Commission the expenses and deductions of each mining operation in the State of Nevada.~~**]**

~~6. The several deductions mentioned in subsection 3 do not include any expenditures for salaries, or any portion of salaries, of any person not actually engaged in:~~

~~(a) The working of the mine;~~

~~(b) The operating of the mill, smelter or reduction works;~~

~~(c) The operating of the facilities or equipment for transportation;~~

~~(d) Superintending the management of any of those operations;~~

~~(e) The State of Nevada, in office, clerical or engineering work necessary or proper in connection with any of those operations; or~~

~~(f) Nevada-based corporate services.~~

~~7. The following expenses are specifically excluded from any deductions from the gross yield:~~

~~(a) The costs of employee housing.~~

~~(b) Except as otherwise provided in paragraph (i) of subsection 3, the costs of employee travel.~~

~~(c) The costs of severing the employment of any employees.~~

~~(d) Any dues paid to a third-party organization or trade association to promote or advertise a product.~~

~~(e) Expenses relating to governmental relations or to compensate a natural person or entity to influence legislative decisions.~~

~~(f) The costs of mineral exploration.~~

~~(g) Any federal, state or local taxes.~~

~~8. As used in this section, "Nevada-based corporate services" means corporate services which are performed in the State of Nevada from an office located in this State and which directly support mining operations in this State, including, without limitation, accounting functions relating to mining operations at a mine site in this State such as payroll, accounts payable, production reporting, cost reporting, state and local tax reporting and recordkeeping concerning property.~~**]** **(Deleted by amendment.)**

Sec. 5. NRS 439.240 is hereby amended to read as follows:

439.240 1. The University of Nevada School of Medicine shall maintain the State Public Health Laboratory, and may designate, establish or maintain such branch laboratories as may be necessary.

2. The purpose of the State Public Health Laboratory is:

(a) To make available, at such charges as may be established, to health officials, the ***Director of the*** State **[**~~Dairy Commission~~**]** ***Department of Agriculture*** and licensed physicians of the State, proper laboratory facilities for the prompt diagnosis of communicable diseases.

(b) To make necessary examinations and analyses of water, natural ice, sewage, milk, food and clinical material.

(c) To conduct research into the nature, cause, diagnosis and control of diseases.

(d) To undertake such other technical and laboratory duties as are in the interest of the health of the general public.

3. The person in charge of the State Public Health Laboratory, or the person's designee, must be a skilled bacteriologist.

4. The person in charge of the State Public Health Laboratory may have such technical assistants as that person, in cooperation with the University of Nevada School of Medicine, considers necessary.

5. Reports of investigations conducted at the State Public Health Laboratory may be published from time to time in bulletins and circulars.

6. If the University of Nevada School of Medicine designates a branch laboratory pursuant to subsection 1 that is operated or controlled by a public agency other than the University of Nevada School of Medicine, the public

agency and the University of Nevada School of Medicine shall enter into a cooperative agreement pursuant to NRS 277.080 to 277.180, inclusive, concerning the branch laboratory. The cooperative agreement must include, without limitation, provisions setting forth the powers and duties of each party to the cooperative agreement.

Sec. 6. NRS 439.540 is hereby amended to read as follows:

439.540 Nothing contained in this chapter may be construed as modifying or altering the powers conferred by law upon the Commissioner of Food and Drugs with respect to the adulteration, mislabeling or misbranding of foods, drugs, medicines and liquors, or the powers conferred by law upon the ***Director of the*** State ~~[Dairy Commission]~~ ***Department of Agriculture*** with respect to the weighing and testing of ~~[dairy]~~ products to prevent fraud ~~[.]~~ ***and to ensure appropriate food safety.***

Sec. 7. NRS 556.010 is hereby amended to read as follows:

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

1. ~~[“Advisory Board” means the Garlic and Onion Growers’ Advisory Board.~~

~~2.]~~ “Department” means the State Department of Agriculture.

~~[3.]~~ ***2.*** “Grower” means any landowner personally engaged in growing garlic or onions, or a landowner and the landowner’s tenant jointly, and includes a natural person, partnership, association, corporation, cooperative organization, trust, sharecropper and all other business units, devises or arrangements that grow garlic or onions.

Sec. 8. NRS 556.040 is hereby amended to read as follows:

556.040 ~~[The Advisory Board may:~~

~~1. Elect a Chair and such other officers from its members as it deems advisable.~~

~~2. Prepare a budget covering anticipated income and expenses for utilization of the money deposited to the Garlic and Onion Research and Promotion Account.~~

~~3. Adopt procedures for filing with the Advisory Board any proposed garlic or onion research project or market promotion project.~~

~~4. Prepare]~~ ***Any grower or employee of the Department may prepare*** and present to the State Board of Agriculture a program for research in the production, harvesting, processing, distribution and market promotion of garlic and onions. The program must contain a recommendation of a natural person or agency to conduct or manage each project, the time period for each project and the budget allocation for the project.

~~[5. Adopt regulations establishing the conditions, if any, under which a member of the Advisory Board is entitled to claim a per diem allowance.]~~

Sec. 9. NRS 556.050 is hereby amended to read as follows:

556.050 All gifts or grants of money ~~[which the Advisory Board is authorized to accept]~~ ***received pursuant to this chapter*** must be deposited with the State Treasurer for credit to the Garlic and Onion Research and Promotion Account.

Sec. 10. NRS 556.060 is hereby amended to read as follows:

556.060 1. The State Board of Agriculture may:

(a) ~~[Appoint the members of the Advisory Board, fix their terms of office and fill all vacancies.~~

~~(b) Establish procedures for the Nevada garlic and onion industry to recommend persons for appointment to the Advisory Board.~~

~~(c)]~~ Administer, enforce and control the collection of assessments levied for the Garlic and Onion Research and Promotion Account.

~~[(d)]~~ ***(b)*** Authorize payments from the Garlic and Onion Research and Promotion Account ***.*** ~~[upon the recommendation of the Advisory Board.~~

~~(e)]~~ ***(c)*** Contract with natural persons or agencies for the conduct or management of research projects and market-promotion projects.

~~[(f)]~~ ***(d)*** Adopt regulations to carry out the provisions of this chapter.

2. Money from the State General Fund may not be utilized by the State Board of Agriculture in carrying out the provisions of this chapter. Expenditures for those purposes may be made only from the Garlic and Onion Research and Promotion Account created by NRS 561.423, and are subject to the limitations stated in that section.

Sec. 11. NRS 556.070 is hereby amended to read as follows:

556.070 The Department ~~[shall,]~~ ***may,*** on or before August 1 of each year, fix an annual special assessment not to exceed $10 per acre to be levied upon all garlic and onions grown and harvested in this State for commercial use. ~~[The]~~ ***If the Department levies the assessment, the*** Department shall collect the assessment and transmit the proceeds to the State Treasurer for credit to the Garlic and Onion Research and Promotion Account.

Sec. 12. NRS 556.080 is hereby amended to read as follows:

556.080 ~~[All]~~ ***If any*** assessments ***are*** levied pursuant to the provisions of NRS 556.070 ***, the assessments*** must be:

1. Paid to the Department by the grower of garlic or onions; and

2. Paid by December 1 of each year for the garlic or onions harvested within the 12 months immediately preceding that date.

Sec. 13. NRS 556.090 is hereby amended to read as follows:

556.090 ~~[Any]~~ ***If an assessment is levied pursuant to NRS 556.070, any*** grower who fails to pay ~~[any]~~ ***the*** assessment ~~[pursuant to NRS 556.070]~~ by December 1 of each year as required by NRS 556.080 forfeits to the Department a penalty of 5 percent of the amount of the assessment due and 1 percent of the assessment due for each month of delay or fraction thereof after December 31 of the year that the assessment became due. The Department, if satisfied the delay was excusable, may remit any part of the penalty. The penalty must be paid to the Department and deposited for credit to the Garlic and Onion Research and Promotion Account.

Sec. 14. NRS 561.409 is hereby amended to read as follows:

561.409 1. The Alfalfa Seed Research and Promotion Account is hereby created in the State General Fund. The proceeds of the special assessment levied pursuant to NRS 587.155 ***, if any,*** must be credited to the

Alfalfa Seed Research and Promotion Account and all refunds made pursuant to NRS 587.155 must be paid from the Alfalfa Seed Research and Promotion Account.

2. Expenditures from the Alfalfa Seed Research and Promotion Account may be made only for:

(a) Alfalfa seed research and marketing promotion programs; ***and***

(b) ~~[~~Administrative, per diem and travel expenses of the Alfalfa Seed Advisory Board; and

~~(c)~~**]** Reimbursement to the Department for administrative expenses of the Department, not to exceed 5 percent of the assessments collected.

Sec. 15. NRS 561.423 is hereby amended to read as follows:

561.423 1. The Garlic and Onion Research and Promotion Account is hereby created in the State General Fund. The proceeds of the special assessment levied pursuant to NRS 556.070 ***, if any,*** must be credited to the Account.

2. Expenditures from the Account may be made only for:

(a) Garlic and onion research programs and marketing-promotion programs; ***and***

(b) ~~[~~Administrative, per diem and travel expenses of the Garlic and Onion Growers' Advisory Board; and

~~(c)~~**]** Reimbursement to the Department for administrative expenses of the Department, not to exceed 5 percent of the assessments collected.

Sec. 16. NRS 581.320 is hereby amended to read as follows:

581.320 1. All fluid dairy products must be packaged for retail sale in:

(a) Units of 1 gill or less, one-half liquid pint, 10 fluid ounces, 1 liquid pint, 1 liquid quart, one-half gallon, 3 liquid quarts, 1 gallon, 1 1/2 gallons, 2 gallons, 2 1/2 gallons or multiples of 1 gallon; or

(b) Such other amounts as are approved ~~[~~, jointly,~~]~~ by the ~~[~~State Dairy Commission and the~~]~~ State Sealer of Consumer Equitability.

2. Each container used for the sale of such products must:

(a) Be marked with its capacity;

(b) Be marked with the name, initial or trademark of the manufacturer;

(c) Be marked with such other information as required by the ~~[~~State Dairy Commission and the~~]~~ State Sealer of Consumer Equitability; and

(d) If the fluid dairy product is packaged for retail sale in an amount other than a unit of measure listed in paragraph (a) of subsection 1, be marked with its capacity in fluid ounces and a comparison of that quantity with the unit of measure that is closest in volume in sufficient size and prominence to inform the public of the difference in volume.

3. This section does not apply to eating establishments serving milk in glasses with meals.

Sec. 17. Chapter 584 of NRS is hereby amended by adding thereto the provisions set forth as sections 18 and 19 of this act.

Sec. 18. ***"Department" means the State Department of Agriculture.***

Sec. 19. ***"Director" means the Director of the Department.***

Sec. 20. NRS 584.001 is hereby amended to read as follows:

584.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~[584.005,]~~ 584.007 and 584.009 ***and sections 18 and 19 of this act*** have the meanings ascribed to them in those sections.

Sec. 21. NRS 584.047 is hereby amended to read as follows:

584.047 1. The ~~[Commission]~~ ***Director*** may enter into contracts with any person to assist ~~[it]~~ ***the Director*** in carrying out ~~[the]~~ ***his or her*** duties ~~[of the Commission by performing any duty imposed on the Commission]~~ pursuant to this chapter.

2. As used in this section, "person" includes a government, a governmental agency and a political subdivision of a government.

Sec. 22. NRS 584.049 is hereby amended to read as follows:

584.049 The ~~[State]~~ Department ~~[of Agriculture, including the Commission,]~~ is hereby declared to be the instrumentality of this state for the purpose of administering and enforcing the provisions of this chapter and to execute the legislative intent expressed in this chapter, and is hereby vested with the administrative authority described in this chapter.

Sec. 23. NRS 584.053 is hereby amended to read as follows:

584.053 1. There is hereby created in the State Treasury a special revenue fund designated as the Dairy ~~[Commission]~~ Fund. Except as otherwise required in NRS 584.670, all money received ~~[by the Commission]~~ pursuant to the provisions of this chapter must be paid into the Fund and must be expended for the administration and enforcement of the provisions of this chapter or for any other purpose authorized by the Legislature.

2. The interest and income earned on the money in the Dairy ~~[Commission]~~ Fund, after deducting any applicable charges, must be credited to the Fund.

Sec. 24. NRS 584.063 is hereby amended to read as follows:

584.063 A full and accurate record of business or acts performed or of testimony taken by the ~~[Commission]~~ ***Director*** in pursuance of the provisions of this chapter must be kept and placed on file ~~[in the Office of the Commission.]~~ ***by the Director.***

Sec. 25. NRS 584.071 is hereby amended to read as follows:

584.071 A copy of every regulation adopted by the ~~[Commission]~~ ***Director*** must be published immediately after adoption and ~~[issued in pamphlet form for distribution to local health officers and, upon application therefor, to licensed or other dairies, creameries and other persons interested in them.]~~ ***posted on the Internet website maintained by the Department.***

Sec. 26. NRS 584.089 is hereby amended to read as follows:

584.089 The ~~[Commission]~~ ***Director*** shall enforce the provisions of this chapter and any stabilization and marketing plan initiated pursuant to the provisions of NRS 584.325 to 584.670, inclusive.

Sec. 27. NRS 584.091 is hereby amended to read as follows:

584.091 ~~[Constables, police officers and sheriffs may, upon request,]~~ ***Each field agent or inspector of the Department who has the powers of a peace officer pursuant to NRS 289.290 shall*** render assistance to the ~~[Commission, any member of the Commission or any authorized representative of the Commission,]~~ ***Director*** in the enforcement of the provisions of this chapter.

Sec. 28. NRS 584.107 is hereby amended to read as follows:

584.107 Any person who violates any provision of the regulations adopted pursuant to NRS 584.103, or refuses or neglects to obey any lawful order of the ~~[Commission,]~~ ***Director,*** is guilty of a misdemeanor.

Sec. 29. NRS 584.225 is hereby amended to read as follows:

584.225 1. The ~~[Commission]~~ ***Director*** may, by regulation, establish a fee of not more than $10 for issuing and renewing a milk tester's license.

2. All licenses required under NRS 584.215 to 584.285, inclusive, expire at the end of each calendar year.

Sec. 30. NRS 584.547 is hereby amended to read as follows:

584.547 The ~~[Commission]~~ ***Director*** may formulate any stabilization and marketing plan as prescribed in NRS 584.325 to 584.670, inclusive, and declare the same effective after public hearing and reasonable notice by mail or otherwise to all producers and distributors of record with the ~~[Commission]~~ ***Director*** affected by such plan.

Sec. 31. NRS 584.670 is hereby amended to read as follows:

584.670 1. The violation of any provision of NRS 584.325 to 584.670, inclusive, or of any stabilization and marketing plan, including any price requirements of such a plan, or of any of the unfair practice provisions set forth in those sections, is a misdemeanor, and also is ground for revocation or suspension of a license in the manner set forth in NRS 584.325 to 584.670, inclusive.

2. Every distributor shall pay for fluid milk or fluid cream delivered to the distributor at the time and in the manner specified in the contract with the producer. Failure to make such a payment is ground for refusal, suspension or revocation of a license in the manner set forth in NRS 584.325 to 584.670, inclusive.

3. In addition to any other penalty provided by NRS 584.325 to 584.670, inclusive, the ~~[Commission]~~ ***Director*** may impose a penalty of not more than $1,000 for each violation, to be recovered by the ~~[Commission]~~ ***Director*** in a civil action in a court of competent jurisdiction. All sums recovered under this subsection must be deposited with the State Treasurer for credit to the State General Fund.

Sec. 32. NRS 587.131 is hereby amended to read as follows:

587.131 As used in NRS 587.131 to 587.181, inclusive, unless the context requires otherwise:

1. ~~[“Advisory Board” means the Alfalfa Seed Advisory Board.~~

~~2.]~~ “Alfalfa seed” means the seed that is harvested from any variety of alfalfa plant.

~~[3.]~~ ***2.*** “Dealer” means any person, partnership, association, corporation, cooperative or other business unit or device that first handles, packs, ships, buys and sells alfalfa seed.

~~[4.]~~ ***3.*** “Grower” means any landowner personally engaged in growing alfalfa seed, or both the owner and tenant jointly, and includes a person, partnership, association, corporation, cooperative organization, trust, sharecropper or any and all other business units, devices or arrangements that grow alfalfa seed.

Sec. 33. NRS 587.145 is hereby amended to read as follows:

587.145 ~~[The Advisory Board has:~~

~~1. Only such powers and duties as are authorized by law; and~~

~~2. The following powers and duties:~~

~~(a) To elect a chair and such other officers as it deems advisable.~~

~~(b) To prepare a budget covering anticipated income and expenses for utilization of the money deposited to the Alfalfa Seed Research and Promotion Account.~~

~~(c) To adopt procedures for filing with the Advisory Board any proposed alfalfa seed research projects or market promotion projects.~~

~~(d) To]~~ ***A grower or an employee of the Department may*** prepare and present to the State Board of Agriculture a program for research in the production, harvesting, processing, distribution and market promotion of alfalfa seed. The program must contain a recommendation of a natural person or agency to conduct or manage each project, the time period for each project and the budget allocation for the project.

Sec. 34. NRS 587.151 is hereby amended to read as follows:

587.151 1. The State Board of Agriculture has the following powers and duties:

(a) To ~~[appoint the members of the Advisory Board, to fix their term of office and to fill all vacancies.~~

~~(b) To establish procedures for the Nevada alfalfa seed industry to recommend persons for appointment to the Advisory Board.~~

~~(c) To]~~ administer, enforce and control the collection of assessments levied for the Alfalfa Seed Research and Promotion Account.

~~[(d)]~~ ***(b)*** To authorize payments from the Alfalfa Seed Research and Promotion Account ***.*** ~~[upon the recommendation of the Advisory Board.~~

~~(e)]~~ ***(c)*** To contract with natural persons or agencies for the conduct or management of research and market promotion projects.

~~[(f)]~~ ***(d)*** To adopt regulations to carry out the provisions of NRS 587.131 to 587.181, inclusive.

2. Money from the State General Fund may not be utilized by the State Board of Agriculture in carrying out the provisions of NRS 587.131 to 587.181, inclusive. Expenditures for those purposes must be made only from

the Alfalfa Seed Research and Promotion Account created by NRS 561.409, and are subject to the limitations stated in that section.

Sec. 35. NRS 587.153 is hereby amended to read as follows:

587.153 All gifts or grants of money ~~[which the Board is authorized to accept]~~ ***received pursuant to this chapter*** must be deposited with the State Treasurer for credit to the Alfalfa Seed Research and Promotion Account.

Sec. 36. NRS 587.155 is hereby amended to read as follows:

587.155 1. The Department ~~[shall,]~~ ***may,*** on or before August 1 of each year, fix an annual special assessment not to exceed 50 cents per hundred weight of alfalfa seed to be levied upon all alfalfa seed grown in this state. ~~[The]~~ ***If the Department levies the assessment, the*** Department shall collect the assessment and transmit the proceeds to the State Treasurer for credit to the Alfalfa Seed Research and Promotion Account.

2. On or before June 30 of each year, any person who has paid the special assessment levied pursuant to this section may file a claim for a refund with the Department accompanied by a receipt showing payment. Upon verification of the correctness of the claim, the Department shall transmit the claim to the State Controller for payment from the Alfalfa Seed Research and Promotion Account.

Sec. 37. NRS 587.161 is hereby amended to read as follows:

587.161 ~~[All]~~ ***If any*** assessments ***are*** levied pursuant to the provisions of NRS 587.155 ***, the assessments*** must be paid to the Department by the person, either grower or dealer, by whom the alfalfa seed was first handled in the primary channels of the trade and must be paid within 60 days after the date on which the grower received payment for the alfalfa seed. If the person first handling the alfalfa seed in the primary channels of trade is a person other than the grower, the person may charge against or recover from the grower the full amount of any assessment paid under NRS 587.155.

Sec. 38. NRS 587.165 is hereby amended to read as follows:

587.165 Any grower or dealer who fails to file a return or ~~[to pay]~~ ***, if*** any assessment ***is levied*** pursuant to NRS 587.155 ***, fails to pay the assessment*** within the period required forfeits to the Department a penalty of 5 percent of the amount of the assessment due and 1 percent of the assessment due for each month of delay or fraction thereof after the end of the month in which the return was required to be filed or in which the assessment became due. The Department, if satisfied the delay was excusable, may remit all or any part of the penalty. The penalty must be paid to the Department and deposited for credit to the Alfalfa Seed Research and Promotion Account.

Sec. 39. 1. Any administrative regulations adopted by an officer or entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act remain in force until amended by the officer or entity to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act are binding upon the officer or entity to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or entity to which the responsibility for the enforcement of the provisions of the contract or other agreements has been transferred.

3. Any action taken by an officer or entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act remains in effect as if taken by the officer or entity to which the responsibility for the enforcement of such actions has been transferred.

Sec. 40. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately the name of any agency or officer of the State whose name is changed or whose responsibilities have been transferred by this act for the name which the agency or officer previously used; and

2. In preparing supplements to the Nevada Administrative Code, substitute appropriately the name of any agency or officer of the State whose name is changed or whose responsibilities have been transferred by this act for the name which the agency or officer previously used.

Sec. 41. 1. Notwithstanding any other provision of law to the contrary, the Director of the State Department of Agriculture shall be deemed to be the successor of the State Dairy Commission, created by NRS 584.031.

2. The current term of membership of any person who, on June 30, 2017, is a member or chair of ~~[the Mining Oversight and Accountability Commission,]~~ the Garlic and Onion Growers' Advisory Board, the State Dairy Commission, the Alfalfa Seed Advisory Board or the Advisory Council for Organic Agricultural Products expires on July 1, 2017.

3. The provisions of any stabilization and marketing plan formulated by the State Dairy Commission pursuant to NRS 584.547, as amended by section 30 of this act, shall be deemed to be the plan of the Director of the State Department of Agriculture formulated pursuant to NRS 584.547, as amended by section 30 of this act.

Sec. 42. 1. If the name of a fund or account is changed pursuant to the provisions of this act, the State Controller shall change the designation of the name of the fund or account without making any transfer of the money in the fund or account. The assets and liabilities of the fund or account are unaffected by the change of the name.

2. The assets and liabilities of any fund or account transferred from the State Dairy Commission to the Director of the State Department of Agriculture are unaffected by the transfer.

Sec. 43. NRS ~~[514.035, 514A.010, 514A.020, 514A.030, 514A.040, 514A.050, 514A.060, 514A.070, 514A.080, 514A.090, 514A.100,~~

~~514A.110,~~ 556.020, 556.030, 584.005, 584.031, 584.033, 584.037, 584.039, 584.041, 584.043, 584.051, 584.057, 584.059, 587.135, 587.141, 587.810 and 587.820 are hereby repealed.

Sec. 44. This act becomes effective on July 1, 2017.

LEADLINES OF REPEALED SECTIONS

~~[514.035 Duties of Director.~~
~~514A.010 Definitions.~~
~~514A.020 "Chair" defined.~~
~~514A.030 "Commission" defined.~~
~~514A.040 Creation; membership; terms; vacancies.~~
~~514A.050 Officers; meetings; quorum; compensation; assignment of staff by Department of Taxation.~~
~~514A.060 Duties.~~
~~514A.070 Submission of certain reports and other information to Commission.~~
~~514A.080 Administration of oaths; deposition of witnesses; issuance and enforcement of subpoenas.~~
~~514A.090 Compensation of witnesses.~~
~~514A.100 Requests by Commission for special audits and investigations.~~
~~514A.110 Review of certain regulations required before becoming effective; reports of findings and recommendations.]~~

556.020 Garlic and Onion Growers' Advisory Board: Creation; membership.

556.030 Garlic and Onion Growers' Advisory Board: Service of members without pay.

584.005 "Commission" defined.

584.031 Creation; number of members.

584.033 Members: Appointment; qualifications; Chair; connection with dairy industry prohibited; removal.

584.037 Additional grounds for removal of member.

584.039 Meetings; hearings; quorum; employment of attorney.

584.041 Compensation of members and employees; acceptance and expenditure of money; contracts to promote dairy industry.

584.043 Manager of Operations of Commission.

584.051 Seal.

584.057 Dairy Commission Fund: Commission to keep separate record of credits and disbursements.

584.059 Biennial report.

587.135 Alfalfa Seed Advisory Board: Creation; number and qualifications of members.

587.141 Alfalfa Seed Advisory Board: Members not paid.

587.810 Advisory Council for Organic Agricultural Products: Creation; members; powers.

587.820 Advisory Council for Organic Agricultural Products: Terms of members; vacancy; election of officers; meetings; compensation of members.

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblywoman Swank.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 76.

Bill read second time.

The following amendment was proposed by the Committee on Corrections, Parole, and Probation:

Amendment No. 34.

AN ACT relating to records of criminal history; revising provisions governing requirements for the submission of information to the Central Repository for Nevada Records of Criminal History; reducing the period in which the Central Repository may not charge a fee for providing certain information relating to an applicant for professional licensure; revising provisions relating to the Revolving Account to Investigate the Background of Volunteers Who Work With Children; revising the information which must be included within the record of the Repository for Information Concerning Crimes Against Older Persons; revising and repealing certain provisions regarding the dissemination of certain information from the Central Repository; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Central Repository for Nevada Records of Criminal History for the collection and maintenance of certain information relating to records of criminal history. Under existing law, the General Services Division of the Department of Public Safety is authorized to request of and receive from the Federal Bureau of Investigation the background and personal history of a person by submitting to the Federal Bureau of Investigation a complete set of fingerprints of the person which was received by the Central Repository. (NRS 179A.075) **Section 4** of this bill revises the definition of the term "record of criminal history" to include "biometric identifiers," which is defined in **section 2** of this bill as a fingerprint, palm print, scar, bodily mark, tattoo, voiceprint, facial image, retina image or iris image of a person.

Existing law requires each agency of criminal justice and any other agency dealing with crime or delinquency of children to collect, maintain and submit certain information to the Central Repository. (NRS 179A.075) **Section 5** of this bill eliminates those duties as they pertain to agencies dealing with delinquency of children and establishes certain reporting requirements for compliance with the policies, procedures and definitions prescribed by the Federal Bureau of Investigation for the submission of information to the

Uniform Crime Reporting Program**.** ~~[and information relating to the use of force by law enforcement.]~~

Existing law sets forth a list of persons and governmental entities to whom records of criminal history must be disseminated by an agency of criminal justice upon request. (NRS 179A.100) **Section 8** of this bill ~~[removes certain persons and governmental entities from that list, as provisions governing dissemination of records to those persons and entities are included in other state and federal laws and regulations.]~~ **adds to that list a county coroner or medical examiner, as needed to conduct an investigation of the death of a person.**

Existing law prohibits the Central Repository from charging a fee for information relating to records of criminal history relating to a person regarding whom the Central Repository provided a similar report within the immediately preceding 6 months in conjunction with an application by the person for professional licensure. (NRS 179A.140) **Section 10** of this bill reduces the period in which the fee may not be charged to 90 days.

Existing law establishes the Revolving Account to Investigate the Background of Volunteers Who Work With Children. Money in the Account is to be used to pay the costs to process requests from nonprofit agencies to determine whether a volunteer or prospective volunteer of such an agency who works, or will work, directly with children has committed certain offenses. (NRS 179A.310) **Section 12** of this bill: (1) clarifies that the Central Repository processes requests from the agencies for information on the background of such volunteers; and (2) changes the name of the Account to the Revolving Account to Process Requests for Information on the Background of Volunteers Who Work With Children.

Existing law establishes the Repository for Information Concerning Crimes Against Older Persons within the Central Repository. (NRS 179A.450) **Section 14** of this bill revises the information which must be included within the record of the Repository for Information Concerning Crimes Against Older Persons.

Existing law governs the dissemination of information relating to certain offenses as that information relates to persons who work with children. (NRS 179A.180-179A.240) **Section 21** of this bill repeals those provisions, as provisions governing dissemination of that information are included in federal laws and regulations.

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

Section 1. NRS 179.301 is hereby amended to read as follows:

179.301 1. The Nevada Gaming Control Board and the Nevada Gaming Commission and their employees, agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, if the event or conviction was related to gaming, to determine the suitability or qualifications of any person to hold a state gaming license,

manufacturer's, seller's or distributor's license or registration as a gaming employee pursuant to chapter 463 of NRS. Events and convictions, if any, which are the subject of an order sealing records:

(a) May form the basis for recommendation, denial or revocation of those licenses.

(b) Must not form the basis for denial or rejection of a gaming work permit unless the event or conviction relates to the applicant's suitability or qualifications to hold the work permit.

2. The Division of Insurance of the Department of Business and Industry and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, if the event or conviction was related to insurance, to determine the suitability or qualifications of any person to hold a license, certification or authorization issued in accordance with title 57 of NRS. Events and convictions, if any, which are the subject of an order sealing records may form the basis for recommendation, denial or revocation of those licenses, certifications and authorizations.

3. A prosecuting attorney may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 if:

(a) The records relate to a violation or alleged violation of NRS 202.575; and

(b) The person who is the subject of the records has been arrested or issued a citation for violating NRS 202.575.

4. The Central Repository for Nevada Records of Criminal History and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 that constitute information relating to sexual offenses, and may notify employers of the information in accordance with ~~[NRS 179A.180 to 179A.240, inclusive.]~~ ***federal laws and regulations.***

5. Records which have been sealed pursuant to NRS 179.245 or 179.255 and which are retained in the statewide registry established pursuant to NRS 179B.200 may be inspected pursuant to chapter 179B of NRS by an officer or employee of the Central Repository for Nevada Records of Criminal History or a law enforcement officer in the regular course of his or her duties.

6. The State Board of Pardons Commissioners and its agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 if the person who is the subject of the records has applied for a pardon from the Board.

7. As used in this section:

(a) "Information relating to sexual offenses" means information contained in or concerning a record relating in any way to a sexual offense.

(b) "Sexual offense" has the meaning ascribed to it in NRS 179A.073.

Sec. 2. Chapter 179A of NRS is hereby amended by adding thereto a new section to read as follows:

"Biometric identifier" means a fingerprint, palm print, scar, bodily mark, tattoo, voiceprint, facial image, retina image or iris image of a person.

Sec. 3. NRS 179A.010 is hereby amended to read as follows:

179A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 179A.020 to 179A.073, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 4. NRS 179A.070 is hereby amended to read as follows:

179A.070 1. "Record of criminal history" means information contained in records collected and maintained by agencies of criminal justice, the subject of which is a natural person, consisting of descriptions which identify the subject and notations of summons in a criminal action, warrants, arrests, citations for misdemeanors issued pursuant to NRS 171.1773, citations issued for violations of NRS 484C.110, 484C.120, 484C.130 and 484C.430, detentions, decisions of a district attorney or the Attorney General not to prosecute the subject, indictments, informations or other formal criminal charges and dispositions of charges, including, without limitation, dismissals, acquittals, convictions, sentences, information set forth in NRS 209.353 concerning an offender in prison, any postconviction relief, correctional supervision occurring in Nevada, information concerning the status of an offender on parole or probation, and information concerning a convicted person who has registered as such pursuant to chapter 179C of NRS. The term includes only information contained in a record, maintained in written or electronic form, of a formal transaction between a person and an agency of criminal justice in this State, including, without limitation, the fingerprints ***and other biometric identifiers*** of a person who is arrested and taken into custody and of a person who is placed on parole or probation and supervised by the Division of Parole and Probation of the Department.

2. "Record of criminal history" does not include:

(a) Investigative or intelligence information, reports of crime or other information concerning specific persons collected in the course of the enforcement of criminal laws;

(b) Information concerning juveniles;

(c) Posters, announcements or lists intended to identify fugitives or wanted persons and aid in their apprehension;

(d) Original records of entry maintained by agencies of criminal justice if the records are chronological and not cross-indexed;

(e) Records of application for and issuance, suspension, revocation or renewal of occupational licenses, including, without limitation, permits to work in the gaming industry;

(f) Except as otherwise provided in subsection 1, court indexes and records of public judicial proceedings, court decisions and opinions, and information disclosed during public judicial proceedings;

(g) Except as otherwise provided in subsection 1, records of traffic violations constituting misdemeanors;

(h) Records of traffic offenses maintained by the Department to regulate the issuance, suspension, revocation or renewal of drivers' or other operators' licenses;

(i) Announcements of actions by the State Board of Pardons Commissioners and the State Board of Parole Commissioners, except information concerning the status of an offender on parole or probation; or

(j) Records which originated in an agency other than an agency of criminal justice in this State.

Sec. 5. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the General Services Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime ~~[or delinquency of children]~~ shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository ~~[in]~~ ***:***

(1) In the manner approved by the Director of the Department ~~[.]~~ ***; and***

(2) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates, issues or collects, and any information in its possession relating to the DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department,

➥ within 60 days after the date of the disposition of the case. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. ***Each state and local law enforcement agency ~~[and correctional institution]~~ shall submit Uniform Crime Reports to the Central Repository:***

(a) In the manner prescribed by the Director of the Department;

(b) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation; and

(c) Within the time prescribed by the Director of the Department.

5. ~~[Each state and local law enforcement agency and correctional institution shall:~~

~~(a) Collect information relating to the use of force by law enforcement, including, without limitation, force that results in death; and~~

~~(b) Submit the information collected to the Central Repository:~~

~~(1) In the manner prescribed by the Director of the Department; and~~

~~*(2) In accordance with the policies, procedures and definitions prescribed by the Federal Bureau of Investigation.*~~

~~*6.*~~ The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.

(c) Upon request, provide the information that is contained in the Central Repository to the State Disaster Identification Team of the Division of Emergency Management of the Department.

(d) Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to a multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored by the Attorney General pursuant to NRS 228.495.

~~[~~5.~~*7.]*~~ *6.* The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints or other biometric identifier the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required or authorized to be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

~~[6. 8.]~~ ***7.*** To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to subsection ~~[5, 7,]~~ ***6,*** the Central Repository must receive:

(a) The person's complete set of fingerprints for the purposes of:

(1) Booking the person into a city or county jail or detention facility;

(2) Employment;

(3) Contractual services; or

(4) Services related to occupational licensing;

(b) One or more of the person's fingerprints for the purposes of mobile identification by an agency of criminal justice; or

(c) Any other biometric identifier of the person as it may require for the purposes of:

(1) Arrest; or

(2) Criminal investigation,

➥ from the agency of criminal justice or agency of the State of Nevada or any political subdivision thereof and submit the received data to the Federal Bureau of Investigation for its report.

~~[7. 9.]~~ ***8.*** The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;

(2) Has applied to a county school district, charter school or private school for employment; or

(3) Is employed by a county school district, charter school or private school,

➥ and notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

➥ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits one or more fingerprints or other biometric identifier or has such data submitted pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or 449.4329.

(g) On or before July 1 of each year, prepare and post on the Central Repository's Internet website an annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be posted to the Central Repository's Internet website throughout the year regarding specific areas of crime if they are approved by the Director of the Department.

(h) On or before July 1 of each year, prepare and post on the Central Repository's Internet website a report containing statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice ~~[and the delinquency of children]~~ by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

(j) Adopt regulations governing biometric identifiers and the information and data derived from biometric identifiers, including, without limitation:

(1) Their collection, use, safeguarding, handling, retention, storage, dissemination and destruction; and

(2) The methods by which a person may request the removal of his or her biometric identifiers from the Central Repository and any other agency where his or her biometric identifiers have been stored.

~~[8. *10.]~~ ***9.*** The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime **.** ~~[or the delinquency of children.]~~

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime ~~[or the delinquency of children]~~ which is

required to submit information pursuant to subsection 2 or the State Disaster Identification Team of the Division of Emergency Management of the Department. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

~~[9. 11.]~~ ***10.*** As used in this section:

(a) ~~["Biometric identifier" means a fingerprint, palm print, scar, bodily mark, tattoo, voiceprint, facial image, retina image or iris image of a person.~~

~~(b)]~~ "Mobile identification" means the collection, storage, transmission, reception, search, access or processing of a biometric identifier using a handheld device.

~~[(c)]~~ ***(b)*** "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) A biometric identifier of a person.

~~[(d)]~~ ***(c)*** "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 6. NRS 179A.078 is hereby amended to read as follows:

179A.078 The Director of the Department shall establish within the Central Repository a Uniform Program for Reporting Crimes that is designed to collect statistical data relating to crime ~~[or delinquency of children]~~ and to facilitate the collection and analysis of statistical data relating to crime at a central location.

Sec. 7. NRS 179A.080 is hereby amended to read as follows:

179A.080 The Director of the Department is responsible for administering this chapter and may adopt regulations for that purpose. The Director shall:

1. Adopt regulations for the security of the Central Repository so that it is adequately protected from fire, theft, loss, destruction, other hazards and unauthorized access.

2. Adopt regulations and standards for personnel employed by agencies of criminal justice in positions of responsibility for maintenance and dissemination of information relating to records of criminal history and information disseminated pursuant to ~~[NRS 179A.180 to 179A.240, inclusive.]~~ ***federal laws and regulations.***

3. Provide for audits of informational systems by qualified public or private agencies, organizations or persons.

Sec. 8. NRS 179A.100 is hereby amended to read as follows:

179A.100 1. The following records of criminal history may be disseminated by an agency of criminal justice without any restriction pursuant to this chapter:

(a) Any which reflect records of conviction only; and

(b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.

2. Without any restriction pursuant to this chapter, a record of criminal history or the absence of such a record may be:

(a) Disclosed among agencies which maintain a system for the mutual exchange of criminal records.

(b) Furnished by one agency to another to administer the system of criminal justice, including the furnishing of information by a police department to a district attorney.

(c) Reported to the Central Repository.

3. An agency of criminal justice shall disseminate to a prospective employer, upon request, records of criminal history concerning a prospective employee or volunteer which are the result of a name-based inquiry and which:

(a) Reflect convictions only; or

(b) Pertain to an incident for which the prospective employee or volunteer is currently within the system of criminal justice, including parole or probation.

4. ~~[In addition to any other information to which an employer is entitled or authorized to receive from a name based inquiry, the Central Repository shall disseminate to a prospective or current employer, or a person or entity designated to receive the information on behalf of such an employer, the information contained in a record of registration concerning an employee, prospective employee, volunteer or prospective volunteer who is a sex offender or an offender convicted of a crime against a child, regardless of whether the employee, prospective employee, volunteer or prospective volunteer gives written consent to the release of that information. The Central Repository shall disseminate such information in a manner that does not reveal the name of an individual victim of an offense or the information described in subsection 7 of NRS 179B.250. A request for information pursuant to this subsection must conform to the requirements of the Central Repository and must include:~~

~~(a) The name and address of the employer, and the name and signature of the person or entity requesting the information on behalf of the employer;~~

~~(b) The name and address of the employer's facility in which the employee, prospective employee, volunteer or prospective volunteer is employed or volunteers or is seeking to become employed or volunteer; and~~

~~(c) The name and other identifying information of the employee, prospective employee, volunteer or prospective volunteer.~~

~~5. In addition to any other information to which an employer is entitled or authorized to receive, the Central Repository shall disseminate to a prospective or current employer, or a person or entity designated to receive the information on behalf of such an employer, the information described in subsection 4 of NRS 179A.190 concerning an employee, prospective employee, volunteer or prospective volunteer who gives written consent to the release of that information if the employer submits a request in the manner set forth in NRS 179A.200 for obtaining a notice of information. The Central Repository shall search for and disseminate such information in the manner set forth in NRS 179A.210 for the dissemination of a notice of information.~~

~~6. Except as otherwise provided in subsection 5, the provisions of NRS 179A.180 to 179A.240, inclusive, do not apply to an employer who requests information and to whom such information is disseminated pursuant to subsections 4 and 5.~~

~~7.~~ Records of criminal history must be disseminated by an agency of criminal justice, upon request, to the following persons or governmental entities:

(a) The person who is the subject of the record of criminal history for the purposes of NRS 179A.150.

(b) The person who is the subject of the record of criminal history when the subject is a party in a judicial, administrative, licensing, disciplinary or other proceeding to which the information is relevant.

(c) The Nevada Gaming Control Board.

(d) The State Board of Nursing.

(e) The Private Investigator's Licensing Board to investigate an applicant for a license.

(f) A public administrator to carry out the duties as prescribed in chapter 253 of NRS.

(g) ~~[(d)]~~ A public guardian to investigate a ward or proposed ward or persons who may have knowledge of assets belonging to a ward or proposed ward.

(h) ~~[(e)]~~ Any agency of criminal justice of the United States or of another state or the District of Columbia.

(i) ~~[(f)]~~ Any public utility subject to the jurisdiction of the Public Utilities Commission of Nevada when the information is necessary to conduct a security investigation of an employee or prospective employee or to protect the public health, safety or welfare.

(j) ~~[(g)]~~ Persons and agencies authorized by statute, ordinance, executive order, court rule, court decision or court order as construed by appropriate state or local officers or agencies.

(k) Any person or governmental entity which has entered into a contract to provide services to an agency of criminal justice relating to the administration of criminal justice, if authorized by the contract, and if the contract also specifies that the information will be used only for stated

purposes and that it will be otherwise confidential in accordance with state and federal law and regulation.

(l) ~~*[(h)]*~~ Any reporter for the electronic or printed media in a professional capacity for communication to the public.

(m) Prospective employers if the person who is the subject of the information has given written consent to the release of that information by the agency which maintains it.

(n) ~~*[(i)]*~~ For the express purpose of research, evaluative or statistical programs pursuant to an agreement with an agency of criminal justice.

(o) ~~*[(j)]*~~ An agency which provides child welfare services, as defined in NRS 432B.030.

(p) ~~*[(k)]*~~ The Division of Welfare and Supportive Services of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.

(q) ~~*[(l)]*~~ The Aging and Disability Services Division of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.

(r) ~~*[(m)]*~~ An agency of this or any other state or the Federal Government that is conducting activities pursuant to Part D of Subchapter IV of Chapter 7 of Title 42 of the Social Security Act, 42 U.S.C. §§ 651 et seq.

(s) ~~*[(n)]*~~ The State Disaster Identification Team of the Division of Emergency Management of the Department.

(t) The Commissioner of Insurance.

(u) The Board of Medical Examiners.

(v) The State Board of Osteopathic Medicine.

(w) The Board of Massage Therapists and its Executive Director.

(x) The Board of Examiners for Social Workers.

(y) ~~*[(o)]*~~ A multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored by the Attorney General pursuant to NRS 228.495.

(z) A county coroner or medical examiner, as needed to conduct an investigation of the death of a person.

~~[8.]~~ ***5.*** Agencies of criminal justice in this State which receive information from sources outside this State concerning transactions involving criminal justice which occur outside Nevada shall treat the information as confidentially as is required by the provisions of this chapter.

Sec. 9. NRS 179A.110 is hereby amended to read as follows:

179A.110 A record of criminal history or any records of criminal history of the United States or another state obtained pursuant to this chapter must be used solely for the purpose for which the record was requested. No person who receives information relating to records of criminal history pursuant to this chapter or who receives information pursuant to ~~[NRS 179A.180 to 179A.240, inclusive,]~~ ***federal laws or regulations*** may disseminate the information further without express authority of law or in accordance with a court order. This section does not prohibit the dissemination of material by

an employee of the electronic or printed media in a professional capacity for communication to the public.

Sec. 10. NRS 179A.140 is hereby amended to read as follows:

179A.140 1. Except as otherwise provided in this section, an agency of criminal justice may charge a reasonable fee for information relating to records of criminal history provided to any person or governmental entity.

2. An agency of criminal justice shall not charge a fee for providing such information to another agency of criminal justice if the information is provided for purposes of the administration of criminal justice, or for providing such information to the State Disaster Identification Team of the Division of Emergency Management of the Department.

3. The Central Repository shall not charge such a fee:

(a) For information relating to a person regarding whom the Central Repository provided a similar report within the immediately preceding ~~[6 months]~~ ***90 days*** in conjunction with the application by that person for professional licensure; or

(b) For information provided to any organization that meets the criteria established by regulation pursuant to paragraph (b) of subsection 5 of NRS 179A.310.

4. The Director may request an allocation from the Contingency Account pursuant to NRS 353.266, 353.268 and 353.269 to cover the costs incurred by the Department to carry out the provisions of paragraph (b) of subsection 3.

5. All money received or collected by the Department pursuant to this section must be used to defray the cost of operating the Central Repository.

Sec. 11. NRS 179A.150 is hereby amended to read as follows:

179A.150 1. The Central Repository and each state, municipal, county or metropolitan police agency shall permit a person, who is or believes he or she may be the subject of information relating to records of criminal history maintained by that agency, to appear in person during normal business hours of the agency and inspect any recorded information held by that agency pertaining to that person. This right of access does not extend to data contained in intelligence, investigative or other related files, and does not include any information other than information contained in a record of criminal history.

2. Each such agency shall adopt regulations and make available necessary forms to permit inspection and review of information relating to other records of criminal history by those persons who are the subjects thereof. The regulations must specify:

(a) The reasonable periods during which the records are available for inspection;

(b) The requirements for proper identification of the persons seeking access to the records; and

(c) The reasonable charges or fees, if any, for inspecting records.

3. Each such agency shall procure for and furnish to any person who requests it and pays a reasonable fee therefor, all of the information contained in the Central Repository which pertains to the person making the request.

4. The Director of the Department shall adopt regulations governing:

(a) All challenges to the accuracy or sufficiency of information relating to records of criminal history by the person who is the subject of the allegedly inaccurate or insufficient record;

(b) The correction of any information relating to records of criminal history found by the Director to be inaccurate, insufficient or incomplete in any material respect;

(c) The dissemination of corrected information to those persons or agencies which have previously received inaccurate or incomplete information; and

(d) A time limit of not more than 90 days within which inaccurate or insufficient information relating to records of criminal history must be corrected and the corrected information disseminated. The corrected information must be sent to each person who requested the information in the 12 months preceding the date on which the correction was made, and notice of the correction must be sent to each person entitled thereto pursuant to ~~[~~NRS 179A.210,~~]~~ ***federal laws or regulations,*** to the address given by each person who requested the information when the request was made.

Sec. 12. NRS 179A.310 is hereby amended to read as follows:

179A.310 1. The Revolving Account to ~~[~~Investigate~~]~~ ***Process Requests for Information on*** the Background of Volunteers Who Work With Children is hereby created in the State General Fund.

2. The Director of the Department shall administer the Account **.** ~~[~~to Investigate the Background of Volunteers Who Work With Children.~~]~~ The money in the Account must be expended only to pay the costs of the Central Repository to process requests from nonprofit agencies ~~[~~to determine whether~~]~~ ***for information on the background of*** a volunteer of a nonprofit agency who works directly with children or a prospective volunteer of the nonprofit agency who will work directly with children **.** ~~[~~has committed an offense listed in subsection 4 of NRS 179A.190.~~]~~ The existence of the Account ~~[~~to Investigate the Background of Volunteers Who Work With Children~~]~~ does not create a right in any person to receive money from the Account.

3. The Director of the Department may apply for and accept any gift, donation, bequest, grant or other source of money. Any money so received must be deposited in the Account **.** ~~[~~to Investigate the Background of Volunteers Who Work With Children.~~]~~

4. The interest and income earned on money in the Account from any gift, donation or bequest, after deducting any applicable charges, must be credited to the Account. Money from any gift, donation or bequest that remains in the Account at the end of the fiscal year does not revert to the

State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

5. The Director of the Department shall adopt regulations to carry out the provisions of this section. The regulations must include, without limitation:

(a) The procedure by which a person may apply for a grant of money from the Account ***;*** ~~[to Investigate the Background of Volunteers Who Work With Children;]~~

(b) The criteria that the Department will consider in determining whether to award such a grant of money from the Account; and

(c) Procedures to distribute the money in the Account in a fair and equitable manner.

6. The following facts must not be considered as evidence of negligence or causation in any civil action brought against a nonprofit agency:

(a) The fact that the nonprofit agency did not apply for a grant of money from the Account.

(b) The fact that the nonprofit agency did not request that the Central Repository, through the use of the Account, ~~[determine whether]~~ ***provide information on the background of*** a volunteer or prospective volunteer of the nonprofit agency ***.*** ~~[has committed an offense listed in subsection 4 of NRS 179A.190.]~~

Sec. 13. NRS 179A.315 is hereby amended to read as follows:

179A.315 A state or local governmental agency:

1. May establish forms and procedures for a person to donate money to the Account to ~~[Investigate]~~ ***Process Requests for Information on*** the Background of Volunteers Who Work With Children while the person is transacting business with the State or local governmental agency; and

2. Shall deposit any money received for the Account ~~[to Investigate the Background of Volunteers Who Work With Children]~~ with the State Treasurer for credit to the Account.

Sec. 14. NRS 179A.450 is hereby amended to read as follows:

179A.450 1. The Repository for Information Concerning Crimes Against Older Persons is hereby created within the Central Repository.

2. The Repository for Information Concerning Crimes Against Older Persons must contain a complete and systematic record of all reports of the abuse, neglect, exploitation, isolation or abandonment of older persons in this State. The record must be prepared in a manner approved by the Director of the Department and must include, without limitation, the following information:

(a) All incidents that are reported to ~~[any entity.]~~ ***state and local law enforcement agencies and the Aging and Disability Services Division of the Department of Health and Human Services.***

(b) All cases that ~~[are currently under investigation]~~ ***were investigated*** and the type of such cases.

~~[(c) All cases that are referred for prosecution and the type of such cases.~~

~~(d) All cases in which prosecution is declined or dismissed and any reason for such action.~~

~~(e) All cases that are prosecuted and the final disposition of such cases.~~

~~(f) All cases that are resolved by agencies which provide protective services and the type of such cases.~~**]**

3. ~~**[**The Director of the Department shall compile and analyze the data collected pursuant to this section to assess the incidence of the abuse, neglect, exploitation, isolation or abandonment of older persons.~~

~~4.~~**]** On or before July 1 of each year, the Director of the Department shall prepare and submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature that sets forth statistical data on the abuse, neglect, exploitation, isolation or abandonment of older persons.

~~**[**5. The data acquired pursuant to this section is confidential and must be used only for the purpose of research.~~**]**

4. The data and findings generated pursuant to this section must not contain information that may reveal the identity of an individual victim or a person accused of the abuse, neglect, exploitation, isolation or abandonment of older persons.

~~**[**6.~~**]** ***5.*** As used in this section:

(a) "Abandonment" has the meaning ascribed to it in NRS 200.5092.

(b) "Abuse" has the meaning ascribed to it in NRS 200.5092.

(c) "Exploitation" has the meaning ascribed to it in NRS 200.5092.

(d) "Isolation" has the meaning ascribed to it in NRS 200.5092.

(e) "Neglect" has the meaning ascribed to it in NRS 200.5092.

(f) "Older person" means a person who is 60 years of age or older.

Sec. 15. NRS 179B.250 is hereby amended to read as follows:

179B.250 1. The Department shall establish and maintain within the Central Repository a community notification website to provide the public with access to certain information contained in the statewide registry in accordance with the procedures set forth in this section.

2. The community notification website is the source of record for information available to the public concerning offenders listed in the statewide registry, and must:

(a) Be maintained in a manner that will allow the public to obtain relevant information for each offender by a single query for any given zip code or geographical radius set by the user;

(b) Include in its design all the search field capabilities needed for full participation in the Dru Sjodin National Sex Offender Public Website maintained by the Attorney General of the United States pursuant to 42 U.S.C. § 16920;

(c) Include, to the extent practicable, links to sex offender safety and education resources;

(d) Include instructions on how to seek correction of information that a person contends is erroneous; and

(e) Include a warning that the information on the website should not be used to unlawfully injure, harass or commit a crime against any person named in the registry or residing or working at any reported address and a notice that any such action could result in civil or criminal penalties.

3. For each inquiry to the community notification website, the requester may provide:

(a) The name of the subject of the search;

(b) Any alias of the subject of the search;

(c) The zip code of the residence, place of work or school of the subject of the search; or

(d) Any other information concerning the identity or location of the subject of the search that is deemed sufficient in the discretion of the Department.

4. For each inquiry to the community notification website made by the requester, the Central Repository shall:

(a) Explain the levels of registration and community notification that are assigned to sex offenders pursuant to NRS 179D.010 to 179D.550, inclusive; and

(b) Explain that the Central Repository is prohibited by law from disclosing certain information concerning certain offenders, even if those offenders are listed in the statewide registry.

5. If an offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search, the Central Repository shall disclose to the requester information in the statewide registry concerning the offender as provided pursuant to subsection 6.

6. After each inquiry to the community notification website made by the requester, the Central Repository shall inform the requester that:

(a) No offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search;

(b) The search of the statewide registry has not produced information that is available to the public through the statewide registry; or

(c) An offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search. Except as otherwise provided in subsection 7, if a search of the statewide registry results in a match pursuant to this paragraph, the Central Repository shall provide the requester with the following information:

(1) The name of the offender and all aliases that the offender has used or under which the offender has been known.

(2) A complete physical description of the offender.

(3) A current photograph of the offender.

(4) The year of birth of the offender.

(5) The complete address of any residence at which the offender resides or will reside.

(6) The address of any location where the offender is or will be:

(I) A student, as defined in NRS 179D.110; or

(II) A worker, as defined in NRS 179D.120.

(7) The license plate number and a description of any motor vehicle owned or operated by the offender.

(8) The following information for each offense for which the offender has been convicted:

(I) The offense that was committed, including a citation to and the text of the specific statute that the offender violated.

(II) The court in which the offender was convicted.

(III) The name under which the offender was convicted.

(IV) The name and location of each penal institution, school, hospital, mental facility or other institution to which the offender was committed for the offense.

(V) The city, township or county where the offense was committed.

(9) The tier level of registration and community notification assigned to the offender pursuant to NRS 179D.010 to 179D.550, inclusive.

(10) Any other information required by federal law.

7. If a search of the statewide registry results in a match pursuant to paragraph (c) of subsection 6, the Central Repository shall not provide the requester with:

(a) The identity of any victim of a sexual offense or crime against a child;

(b) Any information relating to a Tier I offender unless the offender has been convicted of a sexual offense against a child or a crime against a child;

(c) The social security number of the offender;

(d) The name of any location where the offender is or will be:

(1) A student, as defined in NRS 179D.110; or

(2) A worker, as defined in NRS 179D.120;

(e) Any reference to arrests of the offender that did not result in conviction;

(f) Any other information that is included in the record of registration for the offender other than the information required pursuant to paragraph (c) of subsection 6; or

(g) Any other information exempted from disclosure by the Attorney General of the United States pursuant to federal law.

8. ~~[A person may not use information obtained through the community notification website as a substitute for information relating to the offenses listed in subsection 4 of NRS 179A.190 that must be provided by the Central Repository pursuant to NRS 179A.180 to 179A.240, inclusive, or another provision of law.~~

~~9.]~~ The provisions of this section do not prevent law enforcement officers, the Central Repository and its officers and employees, or any other person from:

(a) Accessing information in the statewide registry pursuant to NRS 179B.200;

(b) Carrying out any duty pursuant to chapter 179D of NRS; or

(c) Carrying out any duty pursuant to another provision of law.

~~[10.]~~ ***9.*** As used in this section, "Tier I offender" has the meaning ascribed to it in NRS 179D.113.

Sec. 16. NRS 41.100 is hereby amended to read as follows:

41.100 1. Except as otherwise provided in this section ***,*** ~~[and NRS 179A.230,]~~ no cause of action is lost by reason of the death of any person, but may be maintained by or against the person's executor or administrator.

2. In an action against an executor or administrator, any damages may be awarded which would have been recovered against the decedent if the decedent had lived, except damages awardable under NRS 42.005 or 42.010 or other damages imposed primarily for the sake of example or to punish the defendant.

3. Except as otherwise provided in this subsection, when a person who has a cause of action dies before judgment, the damages recoverable by the decedent's executor or administrator include all losses or damages which the decedent incurred or sustained before the decedent's death, including any penalties or punitive and exemplary damages which the decedent would have recovered if the decedent had lived, and damages for pain, suffering or disfigurement and loss of probable support, companionship, society, comfort and consortium. This subsection does not apply to the cause of action of a decedent brought by the decedent's personal representatives for the decedent's wrongful death.

4. The executor or administrator of the estate of a person insured under a policy of life insurance may recover on behalf of the estate any loss, including, without limitation, consequential damages and attorney's fees, arising out of the commission of an act that constitutes an unfair practice pursuant to subsection 1 of NRS 686A.310.

5. This section does not prevent subrogation suits under the terms and conditions of an uninsured motorists' provision of an insurance policy.

Sec. 17. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, ~~[179A.450,]~~ 179D.160, 200.3771, 200.3772, 200.5095,

200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190,

692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

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

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

Sec. 18. NRS 391.033 is hereby amended to read as follows:

391.033 1. All licenses for teachers and other educational personnel are granted by the Superintendent of Public Instruction pursuant to regulations adopted by the Commission and as otherwise provided by law.

2. An application for the issuance of a license must include the social security number of the applicant.

3. Every applicant for a license must submit with his or her application a complete set of his or her fingerprints and written permission authorizing the Superintendent to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its initial report on the criminal history of the applicant and for reports thereafter upon renewal of the license pursuant to subsection ~~[7 9]~~ ***8*** of NRS 179A.075, and for submission to the

Federal Bureau of Investigation for its report on the criminal history of the applicant.

4. The Superintendent may issue a provisional license pending receipt of the reports of the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History if the Superintendent determines that the applicant is otherwise qualified.

5. A license must be issued to, or renewed for, as applicable, an applicant if:

(a) The Superintendent determines that the applicant is qualified;

(b) The reports on the criminal history of the applicant from the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History:

(1) Do not indicate that the applicant has been convicted of a felony or any offense involving moral turpitude; or

(2) Indicate that the applicant has been convicted of a felony or an offense involving moral turpitude but the Superintendent determines that the conviction is unrelated to the position within the county school district or charter school for which the applicant applied or for which he or she is currently employed, as applicable; and

(c) For initial licensure, the applicant submits the statement required pursuant to NRS 391.034.

Sec. 19. NRS 391.035 is hereby amended to read as follows:

391.035 1. Except as otherwise provided in NRS 239.0115, an application to the Superintendent of Public Instruction for a license as a teacher or to perform other educational functions and all documents in the Department's file relating to the application, including:

(a) The applicant's health records;

(b) The applicant's fingerprints and any report from the Federal Bureau of Investigation or the Central Repository for Nevada Records of Criminal History;

(c) Transcripts of the applicant's records at colleges or other educational institutions;

(d) The applicant's scores on the examinations administered pursuant to the regulations adopted by the Commission;

(e) Any correspondence concerning the application; and

(f) Any other personal information,

➥ are confidential.

2. It is unlawful to disclose or release the information in an application or any related document except pursuant to paragraph (d) of subsection ~~[7 9]~~ ***8*** of NRS 179A.075 or the applicant's written authorization.

3. The Department shall, upon request, make available the applicant's file for inspection by the applicant during regular business hours.

Sec. 20. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 21. NRS 179A.105, 179A.180, 179A.190, 179A.200, 179A.210, 179A.220, 179A.230 and 179A.240 are hereby repealed.

Sec. 22. This act becomes effective on January 1, 2018.

LEADLINES OF REPEALED SECTIONS

179A.105 Immunity of employer who fails to request certain information concerning volunteer.

179A.180 Definitions.

179A.190 Notice of information may be disseminated to employers; use by employer; employer not liable for discrimination; other dissemination or release; offenses for which notice may be disseminated.

179A.200 Employer may request notice of information; requirements for making request.

179A.210 Request by employer for notice of information; search by Central Repository; dissemination of notice; written report required; correction of information; receipt of new information.

179A.220 Hearings.

179A.230 When person who is subject of notice of information may bring action for damages; when child who is victim of offense committed by employee may bring action for damages against employer; statute of limitations.

179A.240 Unlawful acts.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 147.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 24.

AN ACT relating to property; revising procedures governing the disposal of certain property in the custody of certain governmental agencies; authorizing a board of county commissioners or its authorized representative to donate property pursuant to a district court order to certain organizations or entities for certain purposes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain procedures governing the disposition of stolen or embezzled property which is in the custody of certain governmental agencies. (NRS 179.165) **Section 1** of this bill: (1) expands the scope of these provisions to include property other than that which is stolen or embezzled; (2) authorizes a sheriff of a metropolitan police department to dispose of the property without the requirement of delivering the property to

the county treasurer to petition the district court for an order authorizing the disposal or destruction; **(3) provides that before disposing of the property, a metropolitan police department must file a sworn affidavit with the district court;** and ~~[(3)]~~ **(4)** requires the metropolitan police department to perform an annual audit of the disposition of property and present a report of that audit to the metropolitan police committee on fiscal affairs.

Existing law authorizes a board of county commissioners or its authorized representative to, pursuant to a district court order, donate stolen or embezzled property to a nonprofit organization created for religious, charitable or educational purposes or to another governmental entity to provide a substantial benefit to county inhabitants. (NRS 244.1505) **Section 2** of this bill authorizes a board of county commissioners or its authorized representative to donate any property previously in the custody of a law enforcement agency to such organizations or entities to provide a substantial benefit to county inhabitants.

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

Section 1. NRS 179.165 is hereby amended to read as follows:

179.165 ~~***[Except as otherwise provided by specific statute:]***~~

1. Except ***as otherwise provided by specific statute:***

(a) And except as otherwise provided in ~~[~~subsections ~~*subsection*~~ 2 ~~,~~ and ~~3,]~~ ***paragraph (b),*** a law enforcement agency which has custody of property ~~[~~that has been stolen or embezzled ~~*is owned by another person or that another person is entitled to possess]*~~ shall, if the agency knows or can reasonably discover the name and address of the owner or the person entitled to possession of the property, notify the owner or the person entitled to possession of the property by letter of the location of the property and the method by which the owner or the person entitled to possession of the property may claim it.

~~[2. If the property that has been stolen or embezzled is a firearm, the law enforcement agency shall notify only the owner of the firearm of the location of the property and the method by which the owner may claim it.~~

~~3.]~~ ***(b)*** If the property ~~[~~that has been stolen or embezzled~~]~~ was obtained from a pawnbroker pursuant to NRS 646.047, the law enforcement agency shall, in addition to notifying the persons described in ~~[~~subsection 1 ~~,~~ or 2, as appropriate,~~]~~ ***paragraph (a),*** notify the pawnbroker from whom it was obtained.

~~[~~4. The

~~3.]~~ ***(c) With respect to stolen or embezzled property, the*** notice must be mailed by certified or registered mail:

~~[(a)]~~ ***(1)*** Upon the conviction of the person who committed the offense;

~~[(b)]~~ ***(2)*** Upon the decision of the police or district attorney not to pursue or prosecute the case; or

~~[(c)]~~ ***(3)*** When the case is otherwise terminated.

~~[~~5. ***4.***~~]~~ ***(d)*** If the property ~~[~~stolen or embezzled~~]~~ is not claimed by the owner or the person entitled to possession of the property before the expiration of 6 months after the date the notice is mailed or, if no notice is required, after the date notice would have been sent if it were required, the magistrate or other officer having it in custody shall, except as otherwise provided in this ~~[~~subsection,~~]~~ ***paragraph,*** on payment of the necessary expenses incurred for its preservation, deliver it to the county treasurer, who shall dispose of the property as provided in ~~[~~subsection 6.***5.]*** ***paragraph (e).*** If a metropolitan police department which is organized pursuant to chapter 280 of NRS has custody of the property, the sheriff of the department may ***take any of the actions set forth in ~~[subsection 6]~~ paragraph (f) or*** deliver ~~[~~it~~]~~ ***the property*** to the county treasurer and accept the net proceeds, if any, from the disposition of the property pursuant to ~~[~~subsection 6.***5]*** ***paragraph (e)*** in lieu of the payment of expenses incurred for the property's preservation.

~~[~~6.***5.]*** ***(e)*** Upon receiving ~~[~~stolen or embezzled~~]~~ property pursuant to ~~[~~this section, ***subsection 4,]*** ***paragraph (d),*** the county treasurer shall petition the district court for an order authorizing the county treasurer to:

~~[~~(a)~~]~~ ***(1)*** Conduct an auction for the disposal of salable property;

~~[~~(b)~~]~~ ***(2)*** Dispose of property not deemed salable by donations to charitable organizations or by destruction;

~~[~~(c)~~]~~ ***(3)*** Destroy property the possession of which is deemed illegal or dangerous; or

~~[~~(d)~~]~~ ***(4)*** Dispose of property not purchased at an auction by donations to charitable organizations or by destruction.

~~[~~6.~~]~~ ***(f) A sheriff of a metropolitan police department may:***

~~[(a)]~~ (1) Conduct an auction for the disposal of salable property;

~~[(b)]~~ (2) Dispose of property not deemed salable by donations to charitable organizations or by destruction;

~~[(c)]~~ (3) Destroy property the possession of which is deemed illegal or dangerous; or

~~[(d)]~~ (4) Dispose of property not purchased at an auction by donations to charitable organizations or by destruction.

~~[~~7.~~]~~ ***(g) Before disposing of any property pursuant to paragraph (f), a metropolitan police department shall file a sworn affidavit with the district court attesting that the metropolitan police department:***

(1) Knows or has made a reasonable effort to discover the name and address of the owner or the person entitled to possession of the property;

(2) Has made a reasonable effort to notify the owner or the person entitled to possession of the property of the location of the property and the method by which the owner or the person entitled to possession of the property may claim the property; and

(3) Has complied with all requirements of this section pertaining to disposal of the property.

(h) Records of the property disposed of by sale, destruction or donation and an accounting of the cash received by the county treasurer from the sales must be filed with the county clerk.

~~[8.]~~ (i) A metropolitan police department which disposes of property pursuant to ~~[subsection 6]~~ paragraph (f) shall:

~~[(a)]~~ (1) Perform an annual audit of the disposition of that property; and

~~[(b)]~~ (2) Present a report of that audit to the metropolitan police committee on fiscal affairs created pursuant to NRS 280.130.

2. As used in this section, "property" means any property that is owned by another person or that another person is entitled to possess which:

(a) Is in the custody of a law enforcement agency;

(b) Has been stolen, embezzled, lost, found, abandoned or unclaimed; and

(c) Is otherwise unrelated to an active criminal case.

Sec. 2. NRS 244.1505 is hereby amended to read as follows:

244.1505 1. A board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county. Except as otherwise provided in subsection 4, the board may grant all or part of the money to a nonprofit organization created for religious, charitable or educational purposes to be expended for the selected purpose.

2. A board of county commissioners or its authorized representative may donate:

(a) Commodities, supplies, materials and equipment that the board determines to have reached the end of their useful lives; and

(b) ~~[~~Stolen or embezzled property~~]~~ ***Property*** for which the county treasurer has obtained an order authorizing the county treasurer to donate the property pursuant to ***paragraph (e) of*** subsection ~~[6 5]~~ ***1*** of NRS 179.165,

➥ to a nonprofit organization created for religious, charitable or educational purposes or to another governmental entity, to be used for any purpose which will provide a substantial benefit to the inhabitants of the county.

3. A grant or donation to a nonprofit organization created for religious, charitable or educational purposes and a donation to a governmental entity pursuant to this section must be made by resolution. The resolution must specify:

(a) The purpose of the grant or donation;

(b) If applicable, the maximum amount to be expended from the grant; and

(c) Any conditions or other limitations upon the expenditure of the grant or the use of the donated property.

4. The provisions of this section do not limit the ability of a board of county commissioners or its authorized representative to disburse money pursuant to NRS 321.5956 or any other specific statutory authority.

5. As used in this section:

(a) "Authorized representative" has the meaning ascribed to it in NRS 332.025.

(b) "Nonprofit organization created for religious, charitable or educational purposes" means an organization that meets the requirements set forth in NRS 372.3261.

Sec. 3. This act becomes effective on July 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 160.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 21.

AN ACT relating to energy; requiring the ~~[State Public Works Board of the]~~ State Public Works Division of the Department of Administration to conduct an evaluation on installing alternatives to window replacement before replacing windows in **certain** public buildings **;** ~~[under certain circumstances;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires the ~~[State Public Works Board of the]~~ State Public Works Division of the Department of Administration to conduct an evaluation on the feasibility of using alternatives to window replacement before the ~~[Board]~~ **Division** replaces windows in ~~[a]~~ **certain** public ~~[building.]~~ **buildings.** This bill further requires the ~~[Board]~~ **Division** to use an alternative to window replacement if the potential savings from use of the alternative exceed the costs of the alternative. This bill exempts the ~~[Board]~~ **Division** from performing such an evaluation before replacing windows in a state prison facility or institution ~~[.]~~ **or windows that are broken.** This bill also requires the ~~[Board]~~ **Division** to obtain the approval of the Office of Historic Preservation of the State Department of Conservation and Natural Resources before **replacing the windows or** using an alternative to window replacement in a public building that is at least 50 years old.

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

Section 1. Chapter 701B of NRS is hereby amended by adding thereto a new section to read as follows:

1. When considering window replacement in public buildings, the ~~[State Public Works Board of the]~~ State Public Works Division of the Department of Administration shall, except as otherwise provided in

subsection 3, evaluate alternatives to window replacement, including, without limitation:

(a) Weather stripping;

(b) Interior window surface film;

(c) Insulating cellular shades;

(d) Exterior storm windows;

(e) Interior window panels; or

(f) Any combination of alternatives listed in paragraphs (a) to (e), inclusive.

2. An evaluation conducted pursuant to subsection 1 must include the cost of such alternatives to window replacements and potential savings from each alternative, including, without limitation, energy savings. If the ~~[State Public Works Board]~~ Division determines that the potential savings from the use of an alternative to window replacement exceed the costs of the alternative, the ~~[Board]~~ Division must use the alternative in lieu of window replacement.

3. The ~~[State Public Works Board]~~ Division is not required to conduct an evaluation pursuant to subsection 1 before replacing ~~[the]~~ :

(a) The windows in a state prison facility or institution ~~[.]~~ ; or

(b) A broken window.

4. A determination to replace the windows or use an alternative to window replacement pursuant to subsection 2 in a public building that is at least 50 years old must be approved by the Office of Historic Preservation of the State Department of Conservation and Natural Resources before the ~~[Board]~~ Division may use the alternative.

5. As used in this section, "public building" means any building to which the provisions of NRS 341.1405 to 341.148, inclusive, apply.

Sec. 2. NRS 383.021 is hereby amended to read as follows:

383.021 1. The Office of Historic Preservation is hereby created.

2. The Office shall:

(a) Encourage, plan and coordinate historic preservation and archeological activities within the State, including programs to survey, record, study and preserve or salvage cultural resources.

(b) Compile and maintain an inventory of cultural resources in Nevada deemed significant by the Administrator.

(c) Designate repositories for the materials that comprise the inventory.

(d) Provide staff assistance to the Commission.

(e) Consider requests from the ~~[State Public Works Board of the]~~ State Public Works Division of the Department of Administration pursuant to section 1 of this act and approve the request if the Office determines the request promotes historic preservation.

3. The Comstock Historic District Commission is within the Office.

Sec. 3. This act becomes effective on July 1, 2017.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 229.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 53.

ASSEMBLYMEN SPIEGEL, ARAUJO, CARRILLO; **BROOKS,** COHEN, FLORES, FRIERSON, FUMO AND JOINER.

JOINT SPONSORS; SENATORS PARKS, MANENDO, ATKINSON, SPEARMAN; AND SEGERBLOM.

AN ACT relating to domestic relations; authorizing the marriage of two persons of any gender under certain circumstances; revising provisions relating to the division of community property and liabilities in certain domestic relations actions; revising certain provisions governing domestic relations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under the Nevada Constitution, only marriage between one man and one woman is recognized. (Nev. Const. Art. 1, § 21) Existing law currently provides that one man and one woman may be joined in marriage. (NRS 122.020) On June 26, 2015, the Supreme Court of the United States held that under the Fourteenth Amendment of the United States Constitution: (1) same-sex couples may exercise the fundamental right to marry; (2) state laws that exclude same-sex couples from civil marriage on the same terms and conditions as opposite-sex couples are invalid; and (3) states may not refuse to recognize a same-sex marriage that was lawfully licensed and performed in another state. *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015) **Section 1** of this bill authorizes two persons, regardless of gender, to be joined in marriage. **Sections 2-90** of this bill make conforming changes related to same-sex couples and parents.

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

Section 1. NRS 122.020 is hereby amended to read as follows:

122.020 1. Except as otherwise provided in this section, ~~[~~a male and a female person,~~]~~ ***two persons, regardless of gender,*** at least 18 years of age, not nearer of kin than second cousins or cousins of the half blood, and not having a ~~[~~husband or wife~~]~~ ***spouse*** living, may be joined in marriage.

2. ~~[~~A male and a female person~~]~~ ***Two persons, regardless of gender,*** who are ~~[~~the husband and wife of~~]~~ ***married to*** each other may be rejoined in marriage if the record of their marriage has been lost or destroyed or is otherwise unobtainable.

3. A person at least 16 years of age but less than 18 years of age may marry only if the person has the consent of:

(a) Either parent; or

(b) Such person's legal guardian.

Sec. 2. NRS 122.050 is hereby amended to read as follows:

122.050 The marriage license must contain the name of each applicant as shown in the documents presented pursuant to subsection 2 of NRS 122.040 and must be substantially in the following form:

MARRIAGE LICENSE
(EXPIRES 1 YEAR AFTER ISSUANCE)

State of Nevada }
}ss.
County of..... }

These presents are to authorize any minister, other church or religious official authorized to solemnize a marriage or notary public who has obtained a certificate of permission to perform marriages, any Supreme Court justice, judge of the Court of Appeals or district judge within this State, or justice of the peace within a township wherein the justice of the peace is permitted to solemnize marriages or if authorized pursuant to subsection 3 of NRS 122.080, or a municipal judge if authorized pursuant to subsection 4 of NRS 122.080 or any commissioner of civil marriages or his or her deputy within a commissioner township wherein they are permitted to solemnize marriages, to join in marriage ..... of (City, town or location) ....., State of ..... State of birth (If not in U.S.A., name of country) .....; Date of birth ..... ~~[Father's name]~~ ***Name of Parent No. 1*** ..... ~~[Father's state]~~ ***State*** of birth ***of Parent No.1*** (If not in U.S.A., name of country) ..... ~~[Mother's maiden ***Maiden*** name]~~ ***Name of Parent No. 2*** ..... ~~[Mother's state]~~ ***State*** of birth ***of Parent No. 2*** (If not in U.S.A., name of country) ..... Number of this marriage (1st, 2nd, etc.) ..... ~~[Wife deceased]~~ ***Former Spouse: Deceased*** ..... Divorced ..... Annulled ..... When ..... Where ..... And ..... of (City, town or location) ....., State of ..... State of birth (If not in U.S.A., name of country) .....; Date of birth ..... ~~[Father's name]~~ ***Name of Parent No. 1*** ..... ~~[Father's state]~~ ***State*** of birth ***of Parent No. 1*** (If not in U.S.A., name of country) ..... ~~[Mother's maiden ***Maiden*** name]~~ ***Name of Parent No. 2*** ..... ~~[Mother's state]~~ ***State*** of birth ***of Parent No. 2*** (If not in U.S.A., name of country) ..... Number of this marriage (1st, 2nd, etc.) ..... ~~[Husband deceased]~~ ***Former Spouse: Deceased*** ..... Divorced ..... Annulled ..... When ..... Where .....; and to certify the marriage according to law.

Witness my hand and the seal of the county, this ..... day of the month of ……. of the year .....

.....
(Seal) Clerk

.....
Deputy clerk

Sec. 3. NRS 122.062 is hereby amended to read as follows:

122.062 1. Any licensed, ordained or appointed minister or other church or religious official authorized to solemnize a marriage in good standing within his or her church or religious organization, or either of them, incorporated, organized or established in this State, or a notary public appointed by the Secretary of State pursuant to chapter 240 of NRS and in good standing with the Secretary of State, may join together ~~[as husband and wife]~~ ***in marriage*** persons who present a marriage license obtained from any county clerk of the State, if the minister, other church or religious official authorized to solemnize a marriage or notary public first obtains a certificate of permission to perform marriages as provided in NRS 122.062 to 122.073, inclusive. The fact that a minister or other church or religious official authorized to solemnize a marriage is retired does not disqualify him or her from obtaining a certificate of permission to perform marriages if, before retirement, the minister or other church or religious official authorized to solemnize a marriage had active charge of a church or religious organization for a period of at least 3 years.

2. A temporary replacement for a licensed, ordained or appointed minister or other church or religious official authorized to solemnize a marriage certified pursuant to NRS 122.062 to 122.073, inclusive, may solemnize marriages pursuant to subsection 1 for a period not to exceed 90 days, if the requirements of this subsection are satisfied. The minister or other church or religious official authorized to solemnize a marriage whom he or she temporarily replaces shall provide him or her with a written authorization which states the period during which it is effective, and the temporary replacement shall obtain from the county clerk in the county in which he or she is a temporary replacement a written authorization to solemnize marriage and submit to the county clerk an application fee of $25.

3. Any chaplain who is assigned to duty in this State by the Armed Forces of the United States may solemnize marriages if the chaplain obtains a certificate of permission to perform marriages from the county clerk of the county in which his or her duty station is located. The county clerk shall issue such a certificate to a chaplain upon proof of his or her military status as a chaplain and of his or her assignment.

4. A licensed, ordained or appointed minister, other church or religious official authorized to solemnize a marriage, active or retired, or a notary public may submit to the county clerk in the county in which a marriage is to

be performed an application to perform a specific marriage in the county. The application must:

(a) Include the full names and addresses of the persons to be married;

(b) Include the date and location of the marriage ceremony;

(c) Include the information and documents required pursuant to subsection 1 of NRS 122.064; and

(d) Be accompanied by an application fee of $25.

5. A county clerk may grant authorization to perform a specific marriage to a person who submitted an application pursuant to subsection 4 if the county clerk is satisfied that the minister or other church or religious official authorized to solemnize a marriage, whether he or she is active or retired, is in good standing with his or her church or religious organization or, in the case of a notary public, if the notary public is in good standing with the Secretary of State. The authorization must be in writing and need not be filed with any other public officer. A separate authorization is required for each marriage performed. A person may not obtain more than five authorizations to perform a specific marriage pursuant to this section in any calendar year and must acknowledge that he or she is subject to the jurisdiction of the county clerk with respect to the provisions of this chapter governing the conduct of ministers, other church or religious officials authorized to solemnize a marriage or notaries public to the same extent as if he or she had obtained a certificate of permission to perform marriages.

Sec. 4. NRS 122.080 is hereby amended to read as follows:

122.080 1. After receipt of the marriage license previously issued to persons wishing to be married as provided in NRS 122.040 and 122.050, it is lawful for any justice of the Supreme Court, any judge of the Court of Appeals, any judge of the district court, any justice of the peace in his or her township if it is not a commissioner township, any justice of the peace in a commissioner township if authorized pursuant to subsection 3, any municipal judge if authorized pursuant to subsection 4, any commissioner of civil marriages within his or her county and within a commissioner township therein, or any deputy commissioner of civil marriages within the county of his or her appointment and within a commissioner township therein, to join together ~~[as husband and wife]~~ ***in marriage*** all persons not prohibited by this chapter.

2. This section does not prohibit:

(a) A justice of the peace of one township, while acting in the place and stead of the justice of the peace of any other township, from performing marriage ceremonies within the other township, if such other township is not a commissioner township.

(b) A justice of the peace of one township performing marriages in another township of the same county where there is no duly qualified and acting justice of the peace, if such other township is not a commissioner township or if he or she is authorized to perform the marriage pursuant to subsection 3.

3. In any calendar year, a justice of the peace may perform not more than 20 marriage ceremonies in commissioner townships if he or she does not accept any fee, gratuity, gift, honorarium or anything of value for or in connection with solemnizing the marriage other than a nonmonetary gift that is of nominal value.

4. In any calendar year, a municipal judge may perform not more than 20 marriage ceremonies in this State if he or she does not accept any fee, gratuity, gift, honorarium or anything of value for or in connection with solemnizing the marriage other than a nonmonetary gift that is of nominal value.

5. Any justice of the peace who performs a marriage ceremony in a commissioner township or any municipal judge who performs a marriage ceremony in this State and who, in violation of this section, accepts any fee, gratuity, gift, honorarium or anything of value for or in connection with solemnizing the marriage is guilty of a misdemeanor.

Sec. 5. NRS 122.110 is hereby amended to read as follows:

122.110 1. In the solemnization of marriage, no particular form is required except that the parties shall declare, in the presence of the justice, judge, minister or other church or religious official authorized to solemnize a marriage, notary public to whom a certificate of permission to perform marriages has been issued, justice of the peace, commissioner of civil marriages or deputy commissioner of civil marriages, and the attending witness, that they take each other as ~~[husband and wife.]~~ ***spouses.***

2. In every case, there shall be at least one witness present besides the person performing the ceremony.

Sec. 6. NRS 122.120 is hereby amended to read as follows:

122.120 1. After a marriage is solemnized, the person solemnizing the marriage shall give to each couple being married a certificate of marriage.

2. The certificate of marriage must contain the date of birth of each applicant as contained in the form of marriage license pursuant to NRS 122.050. If ~~[a male and female person]~~ ***two persons, regardless of gender,*** who are ~~[the husband and wife]~~ ***spouses*** of each other are being rejoined in marriage pursuant to subsection 2 of NRS 122.020, the certificate of marriage must state that the ~~[male and female person]~~ ***persons*** were rejoined in marriage and that the certificate is replacing a record of marriage which was lost or destroyed or is otherwise unobtainable. The certificate of marriage must be in substantially the following form:

STATE OF NEVADA
MARRIAGE CERTIFICATE

State of Nevada }
}ss.
County of..... }

This is to certify that the undersigned, ... (a minister or other church or religious official authorized to solemnize a marriage,

notary public, judge, justice of the peace of ..... County, commissioner of civil marriages or deputy commissioner of civil marriages, as the case may be), did on the ..... day of the month of ……. of the year ....., at ..... (address or church), ... (city), Nevada, join or rejoin, as the case may be, in lawful wedlock ..... (name), of ..... (city), State of ....., date of birth ....., and ..... (name), of .....(city), State of ....., date of birth ....., with their mutual consent, in the presence of ..... and ..... (witnesses). (If ~~[a male and female person]~~ ***two persons, regardless of gender,*** who are the ~~[husband and wife]~~ ***spouses*** of each other are being rejoined in marriage pursuant to subsection 2 of NRS 122.020, this certificate replaces the record of the marriage of the ~~[male and female person]~~ ***persons*** who are being rejoined in marriage.)

.....
Signature of person performing
(Seal of County Clerk) the marriage

.....
Name under signature typewritten
or printed in black ink

.....
County Clerk

.....
Official title of person
performing the marriage

.....

.....
Couple's mailing address

3. All information contained in the certificate of marriage must be typewritten or legibly printed in black ink, except the signatures. The signature of the person performing the marriage must be an original signature.

Sec. 7. NRS 122.220 is hereby amended to read as follows:

122.220 1. It is unlawful for any Supreme Court justice, judge of the Court of Appeals, judge of a district court, justice of the peace, municipal judge, minister or other church or religious official authorized to solemnize a marriage, notary public, commissioner of civil marriages or deputy commissioner of civil marriages to join together as ~~[husband and wife]~~ ***spouses*** persons allowed by law to be joined in marriage, until the persons proposing such marriage exhibit to him or her a license from the county clerk as provided by law.

2. Any Supreme Court justice, judge of the Court of Appeals, judge of a district court, justice of the peace, municipal judge, minister or other church or religious official authorized to solemnize a marriage, notary public, commissioner of civil marriages or deputy commissioner of civil marriages who violates the provisions of subsection 1 is guilty of a misdemeanor.

Sec. 8. NRS 123.010 is hereby amended to read as follows:

123.010 1. The property rights of ~~[husband and wife]~~ ***a married couple*** are governed by this chapter, unless there is:

(a) A premarital agreement which is enforceable pursuant to chapter 123A of NRS; or

(b) A marriage contract or settlement,

➥ containing stipulations contrary thereto.

2. Chapter 76, Statutes of Nevada 1865, is repealed, but no rights vested or proceedings taken before March 10, 1873, shall be affected by anything contained in this chapter of NRS.

Sec. 9. NRS 123.020 is hereby amended to read as follows:

123.020 No estate is allowed ~~[the husband]~~ ***one spouse*** as tenant by curtesy upon the death of his ~~[wife,]~~ ***or her spouse,*** nor is any estate in dower allotted to the ~~[wife]~~ ***other spouse*** upon the death of ***his or*** her ~~[husband.]~~ ***spouse.***

Sec. 10. NRS 123.030 is hereby amended to read as follows:

123.030 A ~~[husband and wife]~~ ***married couple*** may hold real or personal property as joint tenants, tenants in common, or as community property.

Sec. 11. NRS 123.060 is hereby amended to read as follows:

123.060 Except as mentioned in NRS 123.070, neither ~~[husband nor wife]~~ ***spouse*** has any interest in the property of the other ~~[.]~~ ***spouse.***

Sec. 12. NRS 123.070 is hereby amended to read as follows:

123.070 Either ~~[husband or wife]~~ ***spouse*** may enter into any contract, engagement or transaction with the other ~~[,]~~ ***spouse,*** or with any other person respecting property, which either might enter into if unmarried, subject in any contract, engagement or transaction between themselves, to the general rules which control the actions of persons occupying relations of confidence and trust toward each other.

Sec. 13. NRS 123.080 is hereby amended to read as follows:

123.080 1. A ~~[husband and wife]~~ ***married couple*** cannot by any contract with each other alter their legal relations except as to property, and except that they may agree to an immediate separation and may make provision for the support of either of them and of their children during such separation.

2. The mutual consent of the parties is a sufficient consideration for such an agreement as is mentioned in subsection 1.

3. In the event that a suit for divorce is pending or immediately contemplated by one of the spouses against the other, the validity of such agreement shall not be affected by a provision therein that the agreement is made for the purpose of removing the subject matter thereof from the field of

litigation, and that in the event of a divorce being granted to either party, the agreement shall become effective and not otherwise.

4. If a contract executed by a ~~[husband and wife,]~~ ***married couple,*** or a copy thereof, be introduced in evidence as an exhibit in any divorce action, and the court shall by decree or judgment ratify or adopt or approve the contract by reference thereto, the decree or judgment shall have the same force and effect and legal consequences as though the contract were copied into the decree, or attached thereto.

Sec. 14. NRS 123.090 is hereby amended to read as follows:

123.090 If ~~[the husband]~~ ***a spouse*** neglects to make adequate provision for the support of his ~~[wife,]~~ ***or her spouse,*** any other person may in good faith supply ~~[her]~~ ***the neglected spouse*** with articles necessary for ***his or*** her support, and recover the reasonable value thereof from the ~~[husband.]~~ ***neglecting spouse.*** The separate property of the ~~[husband]~~ ***neglecting spouse*** is liable for the cost of such necessities if the community property of the spouses is not sufficient to satisfy such debt.

Sec. 15. NRS 123.100 is hereby amended to read as follows:

123.100 A ~~[husband or wife]~~ ***spouse*** abandoned by his or her spouse is not liable for the support of the abandoning spouse until such spouse offers to return unless the misconduct of the ~~[husband or wife]~~ ***abandoned spouse*** justified the abandonment.

Sec. 16. NRS 123.110 is hereby amended to read as follows:

123.110 ~~[The wife]~~ ***A spouse*** must support ~~[the husband]~~ ***his or her spouse*** out of ***his or*** her separate property when ~~[he]~~ ***the spouse*** has no separate property and they have no community property and ~~[he,]~~ ***the spouse,*** from infirmity, is not able or competent to support himself ~~[.]~~ ***or herself.***

Sec. 17. NRS 123.121 is hereby amended to read as follows:

123.121 When ~~[a husband and wife]~~ ***spouses*** sue jointly, any damages awarded shall be segregated as follows:

1. If the action is for personal injuries, damages assessed for:

(a) Personal injuries and pain and suffering, to the injured spouse as his or her separate property.

(b) Loss of comfort and society, to the spouse who suffers such loss.

(c) Loss of services and hospital and medical expenses, to the spouses as community property.

2. If the action is for injury to property, damages shall be awarded according to the character of the injured property. Damages to separate property shall be awarded to the spouse owning such property, and damages to community property shall be awarded to the spouses as community property.

Sec. 18. NRS 123.130 is hereby amended to read as follows:

123.130 ~~[1.]~~ All property of ~~[the wife]~~ ***a spouse*** owned by ***him or*** her before marriage, and that was acquired by ***him or*** her afterwards by gift, bequest, devise, descent or by an award for personal injury damages, with the rents, issues and profits thereof, is ***his or*** her separate property.

~~[2. All property of the husband owned by him before marriage, and that acquired by him afterwards by gift, bequest, devise, descent or by an award for personal injury damages, with the rents, issues and profits thereof, is his separate property.]~~

Sec. 19. NRS 123.180 is hereby amended to read as follows:

123.180 1. Any property acquired by a child by gift, bequest, devise or descent, with the rents, issues and profits thereof, is the child's own property, and neither parent is entitled to any interest therein.

2. The earnings and accumulations of earnings of a minor child are the community property of his or her parents unless relinquished to the child. Such relinquishment may be shown by written instrument, proof of a specific oral gift, or proof of a course of conduct.

3. When a ~~[husband and wife are]~~ ***married couple is*** living separate and apart the earnings and accumulations of earnings of their minor children, unless relinquished, are the separate property of the spouse who has their custody or, if no custody award has been made, then the separate property of the spouse with whom such children are living.

Sec. 20. NRS 123.190 is hereby amended to read as follows:

123.190 ~~[1.]~~ When ~~[the husband]~~ ***a spouse*** has given written authority to ~~[the wife]~~ ***his or her spouse*** to appropriate to ***his or*** her own use ~~[her]~~ ***the spouse's*** earnings, the same, with the issues and profits thereof, is deemed a gift from ~~[him to her,]~~ ***one spouse to the other,*** and is, with such issues and profits, ~~[her]~~ ***the latter spouse's*** separate property.

~~[2. When the wife has given written authority to the husband to appropriate to his own use his earnings, the same, with the issues and profits thereof, is deemed a gift from her to him, and is, with such issues and profits, his separate property.]~~

Sec. 21. NRS 123.220 is hereby amended to read as follows:

123.220 All property, other than that stated in NRS 123.130, acquired after marriage by either ~~[husband or wife,]~~ ***spouse*** or both ~~[,]~~ ***spouses,*** is community property unless otherwise provided by:

1. An agreement in writing between the spouses.

2. A decree of separate maintenance issued by a court of competent jurisdiction.

3. NRS 123.190.

4. A decree issued or agreement in writing entered pursuant to NRS 123.259.

Sec. 22. NRS 123.225 is hereby amended to read as follows:

123.225 1. The respective interests of ~~[the husband and wife]~~ ***each spouse*** in community property during continuance of the marriage relation are present, existing and equal interests, subject to the provisions of NRS 123.230.

2. The provisions of this section apply to all community property, whether the community property was acquired before, on or after March 26, 1959.

Sec. 23. NRS 123.250 is hereby amended to read as follows:

123.250 1. Except as otherwise provided in subsection 2, upon the death of either ~~[husband or wife:]~~ ***spouse:***

(a) An undivided one-half interest in the community property is the property of the surviving spouse and his or her sole separate property.

(b) The remaining interest:

(1) Is subject to the testamentary disposition of the decedent or, in the absence of such a testamentary disposition, goes to the surviving spouse; and

(2) Is the only portion subject to administration under the provisions of title 12 of NRS.

2. The provisions of this section:

(a) Do not apply to the extent that they are inconsistent with the provisions of chapter 41B of NRS.

(b) Do not apply to community property with right of survivorship.

(c) Apply to all other community property, whether the community property was acquired before, on or after July 1, 1975.

3. As used in this section, "community property with right of survivorship" means community property in which a right of survivorship exists pursuant to NRS 111.064 or 115.060 or any other provision of law.

Sec. 24. NRS 123.259 is hereby amended to read as follows:

123.259 1. Except as otherwise provided in subsection 2, a court of competent jurisdiction may, upon a proper petition filed by a spouse or the guardian of a spouse, enter a decree dividing the income and resources of a ~~[husband and wife]~~ ***married couple*** pursuant to this section if one spouse is an institutionalized spouse and the other spouse is a community spouse.

2. The court shall not enter such a decree if the division is contrary to a premarital agreement between the spouses which is enforceable pursuant to chapter 123A of NRS.

3. Unless modified pursuant to subsection 4 or 5, the court may divide the income and resources:

(a) Equally between the spouses; or

(b) By protecting income for the community spouse through application of the maximum federal minimum monthly maintenance needs allowance set forth in 42 U.S.C. § 1396r-5(d)(3)(C) and by permitting a transfer of resources to the community spouse an amount which does not exceed the amount set forth in 42 U.S.C. § 1396r-5(f)(2)(A)(ii).

4. If either spouse establishes that the community spouse needs income greater than that otherwise provided under paragraph (b) of subsection 3, upon finding exceptional circumstances resulting in significant financial duress and setting forth in writing the reasons for that finding, the court may enter an order for support against the institutionalized spouse for the support of the community spouse in an amount adequate to provide such additional income as is necessary.

5. If either spouse establishes that a transfer of resources to the community spouse pursuant to paragraph (b) of subsection 3, in relation to

the amount of income generated by such a transfer, is inadequate to raise the income of the community spouse to the amount allowed under paragraph (b) of subsection 3 or an order for support issued pursuant to subsection 4, the court may substitute an amount of resources adequate to provide income to fund the amount so allowed or to fund the order for support.

6. A copy of a petition for relief under subsection 4 or 5 and any court order issued pursuant to such a petition must be served on the Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services when any application for medical assistance is made by or on behalf of an institutionalized spouse. The Administrator may intervene no later than 45 days after receipt by the Division of Welfare and Supportive Services of the Department of Health and Human Services of an application for medical assistance and a copy of the petition and any order entered pursuant to subsection 4 or 5, and may move to modify the order.

7. A person may enter into a written agreement with his or her spouse dividing their community income, assets and obligations into equal shares of separate income, assets and obligations of the spouses. Such an agreement is effective only if one spouse is an institutionalized spouse and the other spouse is a community spouse or a division of the income or resources would allow one spouse to qualify for services under NRS 427A.250 to 427A.280, inclusive.

8. An agreement entered into or decree entered pursuant to this section may not be binding on the Division of Welfare and Supportive Services of the Department of Health and Human Services in making determinations under the State Plan for Medicaid.

9. As used in this section, "community spouse" and "institutionalized spouse" have the meanings respectively ascribed to them in 42 U.S.C. § 1396r-5(h).

Sec. 25. NRS 125.010 is hereby amended to read as follows:

125.010 Divorce from the bonds of matrimony may be obtained for any of the following causes:

1. Insanity existing for 2 years prior to the commencement of the action. Upon this cause of action the court, before granting a divorce, shall require corroborative evidence of the insanity of the defendant at that time, and a decree granted on this ground shall not relieve the successful party from contributing to the support and maintenance of the defendant, and the court may require the plaintiff in such action to give bond therefor in an amount to be fixed by the court.

2. When the ~~[husband and wife]~~ ***spouses*** have lived separate and apart for 1 year without cohabitation the court may, in its discretion, grant an absolute decree of divorce at the suit of either party.

3. Incompatibility.

Sec. 26. NRS 125.130 is hereby amended to read as follows:

125.130 1. A judgment or decree of divorce granted pursuant to the provisions of this chapter is a final decree.

2. Whenever a decree of divorce from the bonds of matrimony is granted in this State by a court of competent authority, the decree fully and completely dissolves the marriage contract as to both parties.

3. A court that grants a decree of divorce pursuant to the provisions of this section shall ensure that the social security numbers of both parties are placed in the records relating to the matter and, except as otherwise required to carry out a specific statute, maintained in a confidential manner.

4. In all suits for divorce, if a divorce is granted, the court may, for just and reasonable cause and by an appropriate order embodied in its decree, change the name of ~~[~~the wife~~]~~ ***either party*** to any former name which ***he or*** she has legally borne.

Sec. 27. NRS 125.150 is hereby amended to read as follows:

125.150 Except as otherwise provided in NRS 125.155 and 125.165, and unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS:

1. In granting a divorce, the court:

(a) May award such alimony to ~~[~~the wife or to the husband,~~]~~ ***either spouse,*** in a specified principal sum or as specified periodic payments, as appears just and equitable; and

(b) Shall, to the extent practicable, make an equal disposition of the community property of the parties, except that the court may make an unequal disposition of the community property in such proportions as it deems just if the court finds a compelling reason to do so and sets forth in writing the reasons for making the unequal disposition.

2. Except as otherwise provided in this subsection, in granting a divorce, the court shall dispose of any property held in joint tenancy in the manner set forth in subsection 1 for the disposition of community property. If a party has made a contribution of separate property to the acquisition or improvement of property held in joint tenancy, the court may provide for the reimbursement of that party for his or her contribution. The amount of reimbursement must not exceed the amount of the contribution of separate property that can be traced to the acquisition or improvement of property held in joint tenancy, without interest or any adjustment because of an increase in the value of the property held in joint tenancy. The amount of reimbursement must not exceed the value, at the time of the disposition, of the property held in joint tenancy for which the contribution of separate property was made. In determining whether to provide for the reimbursement, in whole or in part, of a party who has contributed separate property, the court shall consider:

(a) The intention of the parties in placing the property in joint tenancy;

(b) The length of the marriage; and

(c) Any other factor which the court deems relevant in making a just and equitable disposition of that property.

➥ As used in this subsection, "contribution" includes, without limitation, a down payment, a payment for the acquisition or improvement of property,

and a payment reducing the principal of a loan used to finance the purchase or improvement of property. The term does not include a payment of interest on a loan used to finance the purchase or improvement of property, or a payment made for maintenance, insurance or taxes on property.

3. A party may file a postjudgment motion in any action for divorce, annulment or separate maintenance to obtain adjudication of any community property or liability omitted from the decree or judgment as the result of fraud or mistake. A motion pursuant to this subsection must be filed within 3 years after the discovery by the aggrieved party of the facts constituting the fraud or mistake. The court has continuing jurisdiction to hear such a motion and shall equally divide the omitted community property or liability between the parties unless the court finds that:

(a) The community property or liability was included in a prior equal disposition of the community property of the parties or in an unequal disposition of the community property of the parties which was made pursuant to written findings of a compelling reason for making that unequal disposition; or

(b) The court determines a compelling reason in the interests of justice to make an unequal disposition of the community property or liability and sets forth in writing the reasons for making the unequal disposition.

➥ If a motion pursuant to this subsection results in a judgment dividing a defined benefit pension plan, the judgment may not be enforced against an installment payment made by the plan more than 6 years after the installment payment.

4. Except as otherwise provided in NRS 125.141, whether or not application for suit money has been made under the provisions of NRS 125.040, the court may award a reasonable attorney's fee to either party to an action for divorce.

5. In granting a divorce, the court may also set apart such portion of the ~~[~~husband's~~]~~ separate property ***of either spouse*** for the ~~[~~wife's~~]~~ ***other spouse's*** support ~~[~~, the wife's separate property for the husband's support~~]~~ or the separate property of either spouse for the support of their children as is deemed just and equitable.

6. In the event of the death of either party or the subsequent remarriage of the spouse to whom specified periodic payments were to be made, all the payments required by the decree must cease, unless it was otherwise ordered by the court.

7. If the court adjudicates the property rights of the parties, or an agreement by the parties settling their property rights has been approved by the court, whether or not the court has retained jurisdiction to modify them, the adjudication of property rights, and the agreements settling property rights, may nevertheless at any time thereafter be modified by the court upon written stipulation signed and acknowledged by the parties to the action, and in accordance with the terms thereof.

8. If a decree of divorce, or an agreement between the parties which was ratified, adopted or approved in a decree of divorce, provides for specified periodic payments of alimony, the decree or agreement is not subject to modification by the court as to accrued payments. Payments pursuant to a decree entered on or after July 1, 1975, which have not accrued at the time a motion for modification is filed may be modified upon a showing of changed circumstances, whether or not the court has expressly retained jurisdiction for the modification. In addition to any other factors the court considers relevant in determining whether to modify the order, the court shall consider whether the income of the spouse who is ordered to pay alimony, as indicated on the spouse's federal income tax return for the preceding calendar year, has been reduced to such a level that the spouse is financially unable to pay the amount of alimony the spouse has been ordered to pay.

9. In addition to any other factors the court considers relevant in determining whether to award alimony and the amount of such an award, the court shall consider:

(a) The financial condition of each spouse;

(b) The nature and value of the respective property of each spouse;

(c) The contribution of each spouse to any property held by the spouses pursuant to NRS 123.030;

(d) The duration of the marriage;

(e) The income, earning capacity, age and health of each spouse;

(f) The standard of living during the marriage;

(g) The career before the marriage of the spouse who would receive the alimony;

(h) The existence of specialized education or training or the level of marketable skills attained by each spouse during the marriage;

(i) The contribution of either spouse as homemaker;

(j) The award of property granted by the court in the divorce, other than child support and alimony, to the spouse who would receive the alimony; and

(k) The physical and mental condition of each party as it relates to the financial condition, health and ability to work of that spouse.

10. In granting a divorce, the court shall consider the need to grant alimony to a spouse for the purpose of obtaining training or education relating to a job, career or profession. In addition to any other factors the court considers relevant in determining whether such alimony should be granted, the court shall consider:

(a) Whether the spouse who would pay such alimony has obtained greater job skills or education during the marriage; and

(b) Whether the spouse who would receive such alimony provided financial support while the other spouse obtained job skills or education.

11. If the court determines that alimony should be awarded pursuant to the provisions of subsection 10:

(a) The court, in its order, shall provide for the time within which the spouse who is the recipient of the alimony must commence the training or education relating to a job, career or profession.

(b) The spouse who is ordered to pay the alimony may, upon changed circumstances, file a motion to modify the order.

(c) The spouse who is the recipient of the alimony may be granted, in addition to any other alimony granted by the court, money to provide for:

(1) Testing of the recipient's skills relating to a job, career or profession;

(2) Evaluation of the recipient's abilities and goals relating to a job, career or profession;

(3) Guidance for the recipient in establishing a specific plan for training or education relating to a job, career or profession;

(4) Subsidization of an employer's costs incurred in training the recipient;

(5) Assisting the recipient to search for a job; or

(6) Payment of the costs of tuition, books and fees for:

(I) The equivalent of a high school diploma;

(II) College courses which are directly applicable to the recipient's goals for his or her career; or

(III) Courses of training in skills desirable for employment.

12. For the purposes of this section, a change of 20 percent or more in the gross monthly income of a spouse who is ordered to pay alimony shall be deemed to constitute changed circumstances requiring a review for modification of the payments of alimony. As used in this subsection, "gross monthly income" has the meaning ascribed to it in NRS 125B.070.

Sec. 28. NRS 125.181 is hereby amended to read as follows:

125.181 A marriage may be dissolved by the summary procedure for divorce set forth in NRS 125.181 to 125.184, inclusive, when all of the following conditions exist at the time the proceeding is commenced:

1. Either party has met the jurisdictional requirements of NRS 125.020.

2. The **[**~~husband and wife~~**]** ***spouses*** have lived separate and apart for 1 year without cohabitation or they are incompatible.

3. There are no minor children of the relationship of the parties born before or during the marriage or adopted by the parties during the marriage and **[**~~the~~**]** ***a*** wife, to her knowledge, is not pregnant, or the parties have executed an agreement as to the custody of any children and setting forth the amount and manner of their support.

4. There is no community or joint property or the parties have executed an agreement setting forth the division of community property and the assumption of liabilities of the community, if any, and have executed any deeds, certificates of title, bills of sale or other evidence of transfer necessary to effectuate the agreement.

5. The parties waive any rights to spousal support or the parties have executed an agreement setting forth the amount and manner of spousal support.

6. The parties waive their respective rights to written notice of entry of the decree of divorce, to appeal, to request findings of fact and conclusions of law and to move for a new trial.

7. The parties desire that the court enter a decree of divorce.

Sec. 29. NRS 125.182 is hereby amended to read as follows:

125.182 1. A summary proceeding for divorce may be commenced by filing in any district court a joint petition, signed under oath by both ~~[the husband and the wife,]~~ ***spouses,*** stating that as of the date of filing, every condition set forth in NRS 125.181 has been met and specifying the:

(a) Facts which support the jurisdictional requirements of NRS 125.020; and

(b) Grounds for the divorce.

2. The petition must also state:

(a) The date and the place of the marriage.

(b) The mailing address of both ~~[the husband and the wife.]~~ ***spouses.***

(c) Whether there are minor children of the relationship of the parties born before or during the marriage or adopted by the parties during the marriage, or ~~[the]~~ ***a*** wife, to her knowledge, is pregnant.

(d) Whether ~~[the wife]~~ ***either spouse*** elects to have ***his or*** her ~~[maiden or]~~ former name restored and, if so, the name to be restored.

3. An affidavit of corroboration of residency which complies with the provisions of subsections 1, 2 and 4 of NRS 125.123 must accompany the petition. If there is a marital settlement agreement which the parties wish the court to approve or make a part of the decree, it must be identified and attached to the petition as an exhibit.

Sec. 30. NRS 125.210 is hereby amended to read as follows:

125.210 1. Except as otherwise provided in subsection 2, in any action brought pursuant to NRS 125.190, the court may:

(a) Assign and decree to either spouse the possession of any real or personal property of the other spouse;

(b) Order or decree the payment of a fixed sum of money for the support of the other spouse and their children;

(c) Provide that the payment of that money be secured upon real estate or other security, or make any other suitable provision; and

(d) Determine the time and manner in which the payments must be made.

2. The court may not:

(a) Assign and decree to either spouse the possession of any real or personal property of the other spouse; or

(b) Order or decree the payment of a fixed sum of money for the support of the other spouse,

➥ if it is contrary to a premarital agreement between the spouses which is enforceable pursuant to chapter 123A of NRS.

3. Unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS, in determining whether to award money for the support of a spouse or the amount of any award of money for the support of a spouse, the court shall not attach, levy or seize by or under any legal or equitable process, either before or after receipt by a veteran, any federal disability benefits awarded to a veteran for a service-connected disability pursuant to 38 U.S.C. §§ 1101 to 1151, inclusive.

4. Except as otherwise provided in chapter 130 of NRS, the court may change, modify or revoke its orders and decrees from time to time.

5. No order or decree is effective beyond the joint lives of the ~~[husband and wife.]~~ ***spouses.***

Sec. 31. NRS 125.290 is hereby amended to read as follows:

125.290 All marriages which are prohibited by law because of:

1. Consanguinity between the parties; or

2. Either of the parties having a former ~~[husband or wife]~~ ***spouse*** then living, if solemnized within this State,

➥ are void without any decree of divorce or annulment or other legal proceedings. A marriage void under this section shall not bar prosecution for the crime of bigamy pursuant to NRS 201.160.

Sec. 32. NRS 125.320 is hereby amended to read as follows:

125.320 1. When the consent of ~~[the father, mother,]~~ ***a parent,*** guardian or district court, as required by NRS 122.020 or 122.025, has not been obtained, the marriage is void from the time its nullity is declared by a court of competent jurisdiction.

2. If the consent required by NRS 122.020 or 122.025 is not first obtained, the marriage contracted without the consent of ~~[the father, mother,]~~ ***a parent,*** guardian or district court may be annulled upon application by or on behalf of the person who fails to obtain such consent, unless such person after reaching the age of 18 years freely cohabits for any time with the other party to the marriage as ~~[husband and wife.]~~ ***a married couple.*** Any such annulment proceedings must be brought within 1 year after such person reaches the age of 18 years.

Sec. 33. NRS 125.330 is hereby amended to read as follows:

125.330 1. When either of the parties to a marriage for want of understanding shall be incapable of assenting thereto, the marriage shall be void from the time its nullity shall be declared by a court of competent authority.

2. The marriage of any insane person shall not be adjudged void, after his or her restoration to reason, if it shall appear that the parties freely cohabited together as ~~[husband and wife]~~ ***a married couple*** after such insane person was restored to a sound mind.

Sec. 34. NRS 125.340 is hereby amended to read as follows:

125.340 1. If the consent of either party was obtained by fraud and fraud has been proved, the marriage shall be void from the time its nullity shall be declared by a court of competent authority.

2. No marriage may be annulled for fraud if the parties to the marriage voluntarily cohabit as ~~[husband and wife]~~ ***a married couple*** having received knowledge of such fraud.

Sec. 35. NRS 125A.515 is hereby amended to read as follows:

125A.515 1. Unless the court issues a temporary emergency order pursuant to NRS 125A.335, upon a finding that a petitioner is entitled to immediate physical custody of the child, the court shall order that the petitioner may take immediate physical custody of the child unless the respondent establishes that:

(a) The child custody determination has not been registered and confirmed pursuant to NRS 125A.465 and that:

(1) The issuing court did not have jurisdiction pursuant to NRS 125A.305 to 125A.395, inclusive;

(2) The child custody determination for which enforcement is sought has been vacated, stayed or modified by a court of a state having jurisdiction to do so pursuant to NRS 125A.305 to 125A.395, inclusive; or

(3) The respondent was entitled to notice, but notice was not given in accordance with the standards of NRS 125A.255, in the proceedings before the court that issued the order for which enforcement is sought; or

(b) The child custody determination for which enforcement is sought was registered and confirmed pursuant to NRS 125A.465, but has been vacated, stayed or modified by a court of a state having jurisdiction to do so pursuant to NRS 125A.305 to 125A.395, inclusive.

2. The court shall award the fees, costs and expenses authorized pursuant to NRS 125A.535 and may grant additional relief, including a request for the assistance of law enforcement officers, and set a further hearing to determine whether additional relief is appropriate.

3. If a party called to testify refuses to answer on the ground that the testimony may be self-incriminating, the court may draw an adverse inference from the refusal.

4. A privilege against disclosure of communications between spouses and a defense of immunity based on the relationship of ~~[husband and wife]~~ ***a married couple*** or parent and child may not be invoked in a proceeding conducted pursuant to NRS 125A.405 to 125A.585, inclusive.

Sec. 36. NRS 128.060 is hereby amended to read as follows:

128.060 1. After a petition has been filed, unless the party or parties to be served voluntarily appear and consent to the hearing, the court shall direct the clerk to issue a notice, reciting briefly the substance of the petition and stating the date set for the hearing thereof, and requiring the person served therewith to appear before the court at the time and place if that person desires to oppose the petition.

2. The following persons must be personally served with the notice:

(a) ~~[~~The father or mother~~]~~ ***Either parent*** of the minor person, if residing within this State, and if his or her place of residence is known to the petitioner, or, if there is no parent so residing, or if the place of residence of ~~[~~the father or mother~~]~~ ***either parent*** is not known to the petitioner, then the nearest known relative of that person, if there is any residing within the State, and if his or her residence and relationship are known to the petitioner; and

(b) The minor's legal custodian or guardian, if residing within this State and if his or her place of residence is known to the petitioner.

3. If the petitioner or the child is receiving public assistance, the petitioner shall mail a copy of the notice of hearing and a copy of the petition to the Chief of the Child Support Enforcement Program of the Division of Welfare and Supportive Services of the Department of Health and Human Services by registered or certified mail return receipt requested at least 45 days before the hearing.

Sec. 37. NRS 128.070 is hereby amended to read as follows:

128.070 1. When ~~[~~the father or mother~~]~~ ***either parent*** of a minor child or the child's legal custodian or guardian resides out of the State, has departed from the State, or cannot, after due diligence, be found within the State, or conceals himself or herself to avoid the service of the notice of hearing, and the fact appears, by affidavit, to the satisfaction of the court thereof, and it appears, either by affidavit or by a verified petition on file, that the named ~~[~~father or mother~~]~~ ***parent*** or custodian or guardian is a necessary or proper party to the proceedings, the court may grant an order that the service be made by the publication of the notice of hearing. When the affidavit is based on the fact that the ~~[~~father or mother~~]~~ ***parent*** or custodian or guardian resides out of the State, and his or her present address is unknown, it is a sufficient showing of that fact if the affiant states generally in the affidavit that:

(a) At a previous time the person resided out of this State in a certain place (naming the place and stating the latest date known to the affiant when the person so resided there);

(b) That place is the last place in which the person resided to the knowledge of the affiant;

(c) The person no longer resides at that place;

(d) The affiant does not know the present place of residence of the person or where the person can be found; and

(e) The affiant does not know and has never been informed and has no reason to believe that the person now resides in this State.

➥ In such case, it shall be presumed that the person still resides and remains out of the State, and the affidavit shall be deemed to be a sufficient showing of due diligence to find ~~[~~the father or mother~~]~~ ***either parent*** or ***the*** custodian or guardian.

2. The order must direct the publication to be made in a newspaper, to be designated by the court, for a period of 4 weeks, and at least once a week

during that time. In case of publication, where the residence of a nonresident or absent ~~[father or mother]~~ ***parent*** or custodian or guardian is known, the court shall also direct a copy of the notice of hearing and petition to be deposited in the post office, directed to the person to be served at his or her place of residence. When publication is ordered, personal service of a copy of the notice of hearing and petition, out of the State, is equivalent to completed service by publication and deposit in the post office, and the person so served has 20 days after the service to appear and answer or otherwise plead. The service of the notice of hearing shall be deemed complete in cases of publication at the expiration of 4 weeks from the first publication, and in cases when a deposit of a copy of the notice of hearing and petition in the post office is also required, at the expiration of 4 weeks from the deposit.

3. Personal service outside the State upon a ~~[father or mother]~~ ***parent*** over the age of 18 years or upon the minor's legal custodian or guardian may be made in any action where the person served is a resident of this State. When the facts appear, by affidavit, to the satisfaction of the court, and it appears, either by affidavit or by a verified petition on file, that the person in respect to whom the service is to be made is a necessary or proper party to the proceedings, the court may grant an order that the service be made by personal service outside the State. The service must be made by delivering a copy of the notice of hearing together with a copy of the petition in person to the person served. The methods of service are cumulative, and may be utilized with, after or independently of other methods of service.

4. Whenever personal service cannot be made, the court may require, before ordering service by publication or by publication and mailing, such further and additional search to determine the whereabouts of the person to be served as may be warranted by the facts stated in the affidavit of the petitioner to the end that actual notice be given whenever possible.

5. If one or both of the parents of the minor is unknown, or if the name of either or both of the parents of the minor is uncertain, then those facts must be set forth in the affidavit and the court shall order the notice to be directed and addressed to either ~~[the father or the mother]~~ ***parent*** of the person, and to all persons claiming to be the ~~[father or mother]~~ ***parent*** of the person. The notice, after the caption, must be addressed substantially as follows: "To the ~~[father and mother]~~ ***parents*** of the above-named person, and to all persons claiming to be the ~~[father or mother]~~ ***parent*** of that person."

Sec. 38. NRS 128.080 is hereby amended to read as follows:

128.080 The notice must be in substantially the following form:

In the ..... Judicial District Court of the State of Nevada,
in and for the County of .....

In the matter of parental rights
as to ....., a minor.

Notice

To ....., ~~[the father or ....., the mother]~~ ***parent No. 1 or ....., parent No. 2*** of the above-named person; or, to the ~~[father and mother]~~ ***parents*** of the above-named person, and to all persons claiming to be ~~[the father or mother]~~ ***either parent*** of this person; or, to ....., related to the above-named minor as .....; and, to ....., the legal custodian or guardian of the above-named minor:

You are hereby notified that there has been filed in the above-entitled court a petition praying for the termination of parental rights over the above-named minor person, and that the petition has been set for hearing before this court, at the courtroom thereof, at ....., in the County of ....., on the ..... day of the month of ……. of the year ..... at..... o'clock .....m., at which time and place you are required to be present if you desire to oppose the petition.

Dated ..... (month) ..... (day) ..... (year)

.....
Clerk of Court

(SEAL)

By .....
Deputy

Sec. 39. NRS 129.100 is hereby amended to read as follows:

129.100 1. After a petition has been filed, unless the person to be served voluntarily appears and consents to the hearing, the court shall direct the clerk to issue a notice, reciting briefly the substance of the petition, stating the time and date set for the hearing of the petition, and requiring the person served with the notice to appear before the court at the hearing if the person desires to oppose the petition.

2. The notice issued pursuant to subsection 1 must be in substantially the following form:

In the ..... Judicial District Court of the State of Nevada,
in and for the County of .....

In the matter of the emancipation
of ....., a minor.

Notice

To ....., ~~[the father or ....., the mother]~~ ***parent No. 1 or ....., parent No. 2*** of the above-named minor; or, to the ~~[father and mother]~~ ***parents*** of the above-named minor; or, to ....., the legal guardian of the above-named minor; or, to ....., related to the above-named minor as .....:

You are hereby notified that there has been filed in the above-entitled court a petition praying for the emancipation of the above-named minor person, and that the petition has been set for hearing before this court, at the courtroom thereof, at ....., in the County of ....., on the ..... day of the month of ……. of the year ..... at ..... o'clock ...m., at which time and place you are required to be present if you desire to oppose the petition.

Dated ..... (month) ……. (day) …… (year)

.....
Clerk of Court

(SEAL)

By .....
Deputy

Sec. 40. NRS 130.316 is hereby amended to read as follows:

130.316 1. The physical presence of a nonresident party who is a natural person in a tribunal of this State is not required for the establishment, enforcement or modification of a support order or the rendition of a judgment determining parentage of a child.

2. An affidavit, a document substantially complying with federally mandated forms or a document incorporated by reference in any of them, which would not be excluded under the hearsay rule in NRS 51.065 if given in person, is admissible in evidence if given under penalty of perjury by a party or witness residing outside this State.

3. A copy of the record of child-support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted therein and is admissible to show whether payments were made.

4. Copies of bills for testing for parentage of a child, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least 20 days before trial are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary and customary.

5. Documentary evidence transmitted from outside this State to a tribunal of this State by telephone, telecopier or other electronic means that do not provide an original record may not be excluded from evidence on an objection based on the means of transmission.

6. In a proceeding under this chapter, a tribunal of this State shall permit a party or witness residing outside this State to be deposed or to testify under penalty of perjury by telephone, audiovisual means or other electronic means at a designated tribunal or other location. A tribunal of this State shall cooperate with other tribunals in designating an appropriate location for the deposition or testimony.

7. In a civil proceeding under this chapter, if a party called to testify refuses to answer a question on the ground that the testimony may be self-

incriminating, the trier of fact may draw an adverse inference from the refusal.

8. A privilege against the disclosure of communications between ~~[husband and wife]~~ ***a married couple*** does not apply in a proceeding under this chapter.

9. The defense of immunity based on the relationship of ~~[husband and wife]~~ ***a married couple*** or parent and child does not apply in a proceeding under this chapter.

10. A voluntary acknowledgment of paternity, certified as a true copy, is admissible to establish parentage of the child.

Sec. 41. NRS 12.020 is hereby amended to read as follows:

12.020 A ~~[husband and wife]~~ ***married couple*** may sue jointly on all causes of action belonging to either or both of them, except:

1. When the action is for personal injuries, the spouse having sustained personal injuries is a necessary party; and

2. When the action is for compensation for services rendered, the spouse having rendered the services is a necessary party.

Sec. 42. NRS 12.030 is hereby amended to read as follows:

12.030 If ~~[husband and wife are]~~ ***a married couple is*** sued together, either or both may defend, and if either neglects to defend, the other may defend for both.

Sec. 43. NRS 12.040 is hereby amended to read as follows:

12.040 When a ~~[husband]~~ ***spouse*** has deserted his ***or her*** family, the ~~[wife]~~ ***other spouse*** may prosecute or defend in his ***or her*** name any action which he ***or she*** might have prosecuted or defended, and shall have the same powers and rights therein as he ***or she*** might have ***.*** ~~[, and, under like circumstances, the husband shall have the same right.]~~

Sec. 44. NRS 12.080 is hereby amended to read as follows:

12.080 The ~~[father and mother]~~ ***parents*** jointly, or ~~[the father or the mother,]~~ ***either parent,*** without preference to either, may maintain an action for the injury of a minor child who has not been emancipated, if the injury is caused by the wrongful act or neglect of another. A guardian may maintain an action for the injury of his or her unemancipated ward, if the injury is caused by the wrongful act or neglect of another, the action by the guardian to be prosecuted for the benefit of the ward. Any such action may be maintained against the person causing the injury, or, if the person is employed by another person who is responsible for his or her conduct, also against that other person.

Sec. 45. NRS 41.200 is hereby amended to read as follows:

41.200 1. If an unemancipated minor has a disputed claim for money against a third person, either parent, or if the parents of the minor are living separate and apart, then the custodial parent, or if no custody award has been made, the parent with whom the minor is living, or if a general guardian or guardian of the estate of the minor has been appointed, then that guardian, has the right to compromise the claim. Such a compromise is not effective

until it is approved by the district court of the county where the minor resides, or if the minor is not a resident of the State of Nevada, then by the district court of the county where the claim was incurred, upon a verified petition in writing, regularly filed with the court.

2. The petition must set forth:

(a) The name, age and residence of the minor;

(b) The facts which bring the minor within the purview of this section, including:

(1) The circumstances which make it a disputed claim for money;

(2) The name of the third person against whom the claim is made; and

(3) If the claim is the result of an accident or motor vehicle crash, the date, place and facts of the accident or motor vehicle crash;

(c) The names and residence of the parents or the legal guardian of the minor;

(d) The name and residence of the person or persons having physical custody or control of the minor;

(e) The name and residence of the petitioner and the relationship of the petitioner to the minor;

(f) The total amount of the proceeds of the proposed compromise and the apportionment of those proceeds, including the amount to be used for:

(1) Attorney's fees and whether the attorney's fees are fixed or contingent fees, and if the attorney's fees are contingent fees the percentage of the proceeds to be paid as attorney's fees;

(2) Medical expenses; and

(3) Other expenses,

➥ and whether these fees and expenses are to be deducted before or after the calculation of any contingency fee;

(g) Whether the petitioner believes the acceptance of this compromise is in the best interest of the minor; and

(h) That the petitioner has been advised and understands that acceptance of the compromise will bar the minor from seeking further relief from the third person offering the compromise.

3. If the claim involves a personal injury suffered by the minor, the petitioner must submit all relevant medical and health care records to the court at the compromise hearing. The records must include documentation of:

(a) The injury, prognosis, treatment and progress of recovery of the minor; and

(b) The amount of medical expenses incurred to date, the nature and amount of medical expenses which have been paid and by whom, any amount owing for medical expenses and an estimate of the amount of medical expenses which may be incurred in the future.

4. If the court approves the compromise of the claim of the minor, the court must direct the money to be paid to ~~[the father, mother]~~ ***a parent*** or guardian of the minor, with or without the filing of any bond, or it must

require a general guardian or guardian ad litem to be appointed and the money to be paid to the guardian or guardian ad litem, with or without a bond, as the court, in its discretion, deems to be in the best interests of the minor.

5. Upon receiving the proceeds of the compromise, the parent or guardian to whom the proceeds of the compromise are ordered to be paid, shall establish a blocked financial investment for the benefit of the minor with the proceeds of the compromise. Money may be obtained from the blocked financial investment only pursuant to subsection 6. Within 30 days after receiving the proceeds of the compromise, the parent or guardian shall file with the court proof that the blocked financial investment has been established. If the balance of the investment is more than $10,000, the parent, guardian or person in charge of managing the investment shall annually file with the court a verified report detailing the activities of the investment during the previous 12 months. If the balance of the investment is $10,000 or less, the court may order the parent, guardian or person in charge of managing the investment to file such periodic verified reports as the court deems appropriate. The court may hold a hearing on a verified report only if it deems a hearing necessary to receive an explanation of the activities of the investment.

6. The beneficiary of a block financial investment may obtain control of or money from the investment:

(a) By an order of the court which held the compromise hearing; or

(b) By certification of the court which held the compromise hearing that the beneficiary has reached the age of 18 years, at which time control of the investment must be transferred to the beneficiary or the investment must be closed and the money distributed to the beneficiary.

7. The clerk of the district court shall not charge any fee for filing a petition for leave to compromise or for placing the petition upon the calendar to be heard by the court.

8. As used in this section, the term "blocked financial investment" means a savings account established in a depository institution in this state, a certificate of deposit, a United States savings bond, a fixed or variable annuity contract, or another reliable investment that is approved by the court.

Sec. 46. NRS 41.440 is hereby amended to read as follows:

41.440 Any liability imposed upon a ~~[~~wife, husband,~~]~~ ***spouse,*** son, daughter, ~~[~~father, mother,~~]~~ ***parent,*** brother, sister or other immediate member of a family arising out of his or her driving and operating a motor vehicle with the permission, express or implied, of such owner is hereby imposed upon the owner of the motor vehicle, and such owner shall be jointly and severally liable with his or her ~~[~~wife, husband,~~]~~ ***spouse,*** son, daughter, ~~[~~father, mother,~~]~~ ***parent,*** brother, sister or other immediate member of a family for any damages proximately resulting from such negligence or willful misconduct, and such negligent or willful misconduct shall be imputed to the owner of the motor vehicle for all purposes of civil damages.

Sec. 47. NRS 49.295 is hereby amended to read as follows:

49.295 1. Except as otherwise provided in subsections 2 and 3 and NRS 49.305:

(a) A ~~[husband]~~ ***married person*** cannot be examined as a witness for or against his ***or her*** ~~[wife]~~ ***spouse*** without his ***or her*** consent ***.*** ~~[, nor a wife for or against her husband without her consent.]~~

(b) ~~[Neither a husband nor a wife]~~ ***No spouse*** can be examined, during the marriage or afterwards, without the consent of the other ~~[,]~~ ***spouse,*** as to any communication made by one to the other during marriage.

2. The provisions of subsection 1 do not apply to a:

(a) Civil proceeding brought by or on behalf of one spouse against the other spouse;

(b) Proceeding to commit or otherwise place a spouse, the property of the spouse or both the spouse and the property of the spouse under the control of another because of the alleged mental or physical condition of the spouse;

(c) Proceeding brought by or on behalf of a spouse to establish his or her competence;

(d) Proceeding in the juvenile court or family court pursuant to title 5 of NRS or NRS 432B.410 to 432B.590, inclusive; or

(e) Criminal proceeding in which one spouse is charged with:

(1) A crime against the person or the property of the other spouse or of a child of either, or of a child in the custody or control of either, whether the crime was committed before or during marriage.

(2) Bigamy or incest.

(3) A crime related to abandonment of a child or nonsupport of the other spouse or child.

3. The provisions of subsection 1 do not apply in any criminal proceeding to events which took place before the ~~[husband and wife]~~ ***spouses*** were married.

Sec. 48. NRS 49.305 is hereby amended to read as follows:

49.305 When a ~~[husband or wife]~~ ***married person*** is insane, and has been so declared by a court of competent jurisdiction, the other ***spouse*** shall be a competent witness to testify as to any fact which transpired before or during such insanity, but the privilege of so testifying shall cease when the party declared insane has been found by a court of competent jurisdiction to be of sound mind, and the ~~[husband and wife]~~ ***spouses*** shall then have the testimonial limitations and privileges provided in NRS 49.295.

Sec. 49. NRS 111.063 is hereby amended to read as follows:

111.063 Tenancy in common in real or personal property may be created by a single conveyance from a ~~[husband and wife]~~ ***married couple*** holding title as joint tenants to themselves, or to themselves and others, or to one of them and others, when such conveyance expressly declares that the grantees thereunder are tenants in common.

Sec. 50. NRS 111.064 is hereby amended to read as follows:

111.064 1. Estates as tenants in common or estates in community property may be created by conveyance from ~~[husband and wife]~~ ***a married couple*** to themselves or to themselves and others or from a sole owner to himself or herself and others in the same manner as a joint tenancy may be created.

2. A right of survivorship does not arise when an estate in community property is created in a ~~[husband and wife,]~~ ***married couple,*** as such, unless the instrument creating the estate expressly declares that the ~~[husband and wife]~~ ***married couple*** take the property as community property with a right of survivorship. This right of survivorship is extinguished whenever either spouse, during the marriage, transfers the spouse's interest in the community property.

Sec. 51. NRS 111.065 is hereby amended to read as follows:

111.065 1. Joint tenancy in real property may be created by a single will or transfer when expressly declared in the will or transfer to be a joint tenancy, or by transfer from a sole owner to himself or herself and others, or from tenants in common to themselves, or to themselves and others, or to one of them and others, or from a ~~[husband and wife]~~ ***married couple*** when holding title as community property or otherwise to themselves, or to themselves and others, or to one of them and others, when expressly declared in the transfer to be a joint tenancy, or when granted or devised to executors or trustees as joint tenants.

2. A joint tenancy in personal property may be created by a written transfer, agreement or instrument.

Sec. 52. NRS 111.673 is hereby amended to read as follows:

111.673 The owner of an interest in property who creates a deed upon death may designate in the deed:

1. Multiple beneficiaries who will take title to the property upon his or her death as joint tenants with right of survivorship, tenants in common, ~~[husband and wife]~~ ***a married couple*** as community property, community property with right of survivorship or any other tenancy that is recognized in this State.

2. The beneficiary or beneficiaries who will take title to the property upon his or her death as the sole and separate property of the beneficiary or beneficiaries without the necessity of the filing of a quitclaim deed or disclaimer by the spouse of any beneficiary.

Sec. 53. NRS 111.781 is hereby amended to read as follows:

111.781 1. Except as otherwise provided by the express terms of a governing instrument, a court order or a contract relating to the division of the marital estate made between the divorced persons before or after the marriage, divorce or annulment, the divorce or annulment of a marriage:

(a) Revokes any revocable:

(1) Disposition or appointment of property made by a divorced person to his or her former spouse in a governing instrument and any disposition or

appointment created by law or in a governing instrument to a relative of the divorced person's former spouse;

(2) Provision in a governing instrument conferring a general or nongeneral power of appointment on the divorced person's former spouse or on a relative of the divorced person's former spouse; and

(3) Nomination in a governing instrument that nominates a divorced person's former spouse or a relative of the divorced person's former spouse to serve in any fiduciary or representative capacity, including a personal representative capacity, including a personal representative, executor, trustee, conservator, agent or guardian; and

(b) Severs the interest of the former spouses in property held by them at the time of the divorce or annulment as joint tenants with the right of survivorship or as community property with a right of survivorship and transforms the interests of the former spouses into equal tenancies in common.

2. A severance under paragraph (b) of subsection 1 does not affect any third-party interest in property acquired for value and in good faith reliance on an apparent title by survivorship in the survivor of the former spouses unless a writing declaring the severance has been noted, registered, filed or recorded in records appropriate to the kind and location of the property which records are relied upon, in the ordinary course of transactions involving such property, as evidence of ownership.

3. The provisions of a governing instrument are given effect as if the former spouse and relatives of the former spouse disclaimed all provisions revoked by this section or, in the case of a revoked nomination in a fiduciary or representative capacity, as if the former spouse and relatives of the former spouse died immediately before the divorce or annulment.

4. Any provisions revoked solely by this section are revived by the divorced person's remarriage to the former spouse or by a nullification of the divorce or annulment.

5. Unless a court in an action commenced pursuant to chapter 125 of NRS specifically orders otherwise, a restraining order entered pursuant to NRS 125.050 does not preclude a party to such an action from making or changing beneficiary designations that specify who will receive the party's assets upon the party's death.

6. A payor or other third party is not liable for having made a payment or transferred an item of property or any other benefit to a beneficiary designated in a governing instrument affected by the provisions of this section or for having taken any other action in good faith reliance on the validity of the governing instrument before the payor or other third party received written or actual notice of any event affecting a beneficiary designation. A payor or other third party is liable for a payment made or other action taken after the payor or other third party received written or actual notice of a claimed forfeiture or revocation under this section.

7. Written notice of the divorce, annulment or remarriage or written notice of a complaint or petition for divorce or annulment must be mailed to the payor's or other third party's main office or home by registered or certified mail, return receipt requested, or served upon the payor or other third party in the same manner as a summons in a civil action. Upon receipt of written notice of the divorce, annulment or remarriage, a payor or other third party may pay any amount owed or transfer or deposit any item of property held by it to or with the court having jurisdiction of the probate proceedings relating to the decedent's estate or, if no proceedings have been commenced, to or with the court having jurisdiction of probate proceedings relating to decedents' estates located in the county of the decedent's residence. The court shall hold the funds or item of property and, upon its determination under this section, shall order disbursement or transfer in accordance with the determination. Payments, transfers or deposits made to or with the court discharge the payor or other third party from all claims for the value of amounts paid to or items of property transferred to or deposited with the court.

8. A person who purchases property from a former spouse, relative of a former spouse or any other person for value and without notice, or who receives from a former spouse, relative of a former spouse or any other person a payment or other item of property in partial or full satisfaction of a legally enforceable obligation, is neither obligated under this section to return the payment, item of property or benefit nor is liable under this section for the amount of the payment or the value of the item of property or benefit. A former spouse, relative of a former spouse or other person who, not for value, received a payment, item of property or any other benefit to which that person is not entitled under this section is obligated to return the payment, item of property or benefit or is personally liable for the amount of the payment or the value of the item of property or benefit to the person who is entitled to it under this section.

9. If this section or any part of this section is preempted by federal law with respect to a payment, an item of property or any other benefit covered by this section, a former spouse, relative of the former spouse or any other person who, not for value, received a payment, item of property or any other benefit to which that person is not entitled under this section is obligated to return that payment, item of property or benefit or is personally liable for the amount of the payment or the value of the item of property or benefit to the person who would have been entitled to it were this section or part of this section not preempted.

10. This section applies only to nonprobate transfers which become effective because of the death of a person on or after October 1, 2011, regardless of when the divorce or annulment occurred.

11. As used in this section:

(a) "Disposition or appointment of property" includes a transfer of an item of property or any other benefit to a beneficiary designated in a governing instrument.

(b) "Divorce or annulment" means any divorce or annulment or any dissolution or declaration of invalidity of a marriage. A decree of separation that does not terminate the status of ~~[husband and wife]~~ ***a married couple*** is not a divorce for purposes of this section.

(c) "Divorced person" includes a person whose marriage has been annulled.

(d) "Governing instrument" means a governing instrument executed by a divorced person before the divorce or annulment of the person's marriage to the person's former spouse.

(e) "Relative of the divorced person's former spouse" means a person who is related to the divorced person's former spouse by blood, adoption or affinity and who, after the divorce or annulment, is not related to the divorced person by blood, adoption or affinity.

(f) "Revocable," with respect to a disposition, appointment, provision or nomination, means one under which the divorced person, at the time of the divorce or annulment, was alone empowered, by law or under the governing instrument, to cancel the designation in favor of the person's former spouse or former spouse's relative, whether or not the divorced person was then empowered to designate himself or herself in place of his or her former spouse or in place of his or her former spouse's relative and whether or not the divorced person then had the capacity to exercise the power.

Sec. 54. NRS 115.005 is hereby amended to read as follows:

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

1. "Equity" means the amount that is determined by subtracting from the fair market value of the property the value of any liens excepted from the homestead exemption pursuant to subsection 3 of NRS 115.010 or NRS 115.090.

2. "Homestead" means the property consisting of:

(a) A quantity of land, together with the dwelling house thereon and its appurtenances;

(b) A mobile home whether or not the underlying land is owned by the claimant; or

(c) A unit, whether real or personal property, existing pursuant to chapter 116 or 117 of NRS, with any appurtenant limited common elements and its interest in the common elements of the common-interest community,

➥ to be selected by ~~[the husband and wife,]~~ ***both spouses,*** or either of them, or a single person claiming the homestead.

Sec. 55. NRS 115.010 is hereby amended to read as follows:

115.010 1. The homestead is not subject to forced sale on execution or any final process from any court, except as otherwise provided by subsections 2, 3 and 5, and NRS 115.090 and except as otherwise required by federal law.

2. The exemption provided in subsection 1 extends only to that amount of equity in the property held by the claimant which does not exceed $550,000 in value, unless allodial title has been established and not relinquished, in which case the exemption provided in subsection 1 extends to all equity in the dwelling, its appurtenances and the land on which it is located.

3. Except as otherwise provided in subsection 4, the exemption provided in subsection 1 does not extend to process to enforce the payment of obligations contracted for the purchase of the property, or for improvements made thereon, including any mechanic's lien lawfully obtained, or for legal taxes, or for:

(a) Any mortgage or deed of trust thereon executed and given, including, without limitation, any second or subsequent mortgage, mortgage obtained through refinancing, line of credit taken against the property and a home equity loan; or

(b) Any lien to which prior consent has been given through the acceptance of property subject to any recorded declaration of restrictions, deed restriction, restrictive covenant or equitable servitude, specifically including any lien in favor of an association pursuant to NRS 116.3116 or 117.070,

➥ by both ~~[husband and wife,]~~ ***spouses,*** when that relation exists.

4. If allodial title has been established and not relinquished, the exemption provided in subsection 1 extends to process to enforce the payment of obligations contracted for the purchase of the property, and for improvements made thereon, including any mechanic's lien lawfully obtained, and for legal taxes levied by a state or local government, and for:

(a) Any mortgage or deed of trust thereon; and

(b) Any lien even if prior consent has been given through the acceptance of property subject to any recorded declaration of restrictions, deed restriction, restrictive covenant or equitable servitude, specifically including any lien in favor of an association pursuant to NRS 116.3116 or 117.070,

➥ unless a waiver for the specific obligation to which the judgment relates has been executed by all allodial titleholders of the property.

5. Establishment of allodial title does not exempt the property from forfeiture pursuant to NRS 179.1156 to 179.121, inclusive, 179.1211 to 179.1235, inclusive, or 207.350 to 207.520, inclusive.

6. Any declaration of homestead which has been filed before July 1, 2007, shall be deemed to have been amended on that date by extending the homestead exemption commensurate with any increase in the amount of equity held by the claimant in the property selected and claimed for the exemption up to the amount permitted by law on that date, but the increase does not impair the right of any creditor to execute upon the property when that right existed before July 1, 2007.

Sec. 56. NRS 115.020 is hereby amended to read as follows:

115.020 1. The selection must be made by either ~~[the husband or wife,]~~ ***spouse,*** or both of them, or the single person, declaring an intention in

writing to claim the property as a homestead. The selection may be made on the form prescribed by the Real Estate Division of the Department of Business and Industry pursuant to NRS 115.025.

2. The declaration must state:

(a) When made by a married person or persons, that they or either of them are married, or if not married, that he or she is a householder.

(b) When made by a married person or persons, that they or either of them, as the case may be, are, at the time of making the declaration, residing with their family, or with the person or persons under their care and maintenance, on the premises, particularly describing the premises.

(c) When made by any claimant under this section, that it is their or his or her intention to use and claim the property as a homestead.

3. The declaration must be signed by the person or persons making it and acknowledged and recorded as conveyances affecting real property are required to be acknowledged and recorded. If the property declared upon as a homestead is the separate property of either spouse, both must join in the execution and acknowledgment of the declaration.

4. If a person solicits another person to allow the soliciting person to file a declaration of homestead on behalf of the other person and charges or accepts a fee or other valuable consideration for recording the declaration of homestead for the other person, the soliciting person shall, before the declaration is recorded or before the fee or other valuable consideration is charged to or accepted from the other person, provide that person with a notice written in bold type which states that:

(a) Except for the fee which may be charged by the county recorder for recording a declaration of homestead, a declaration of homestead may be recorded in the county in which the property is located without the payment of a fee; and

(b) The person may record the declaration of homestead on his or her own behalf.

➥ The notice must clearly indicate the amount of the fee which may be charged by the county recorder for recording a declaration of homestead.

5. The rights acquired by declaring a homestead are not extinguished by the conveyance of the underlying property in trust for the benefit of the person or persons who declared it. A trustee may by similar declaration claim property, held by the trustee, as a homestead for the settlor or for one or more beneficiaries of the trust, or both, if the person or persons for whom the claim is made reside on or in the property.

6. A person who violates the provisions of subsection 4 is guilty of a misdemeanor.

Sec. 57. NRS 115.040 is hereby amended to read as follows:

115.040 1. A mortgage or alienation of any kind, made for the purpose of securing a loan or indebtedness upon the homestead property, is not valid for any purpose, unless the signature of ~~[the husband and wife,]~~ ***both***

spouses, when that relationship exists, is obtained to the mortgage or alienation and their signatures are properly acknowledged.

2. The homestead property shall not be deemed to be abandoned without a declaration thereof in writing, signed and acknowledged by both ~~[husband and wife,]~~ ***spouses,*** or the single person claiming the homestead, and recorded in the same office and in the same manner as the declaration of claim to the homestead is required to be recorded.

3. If either spouse is not a resident of this State, the signature of the spouse and the acknowledgment thereof is not necessary to the validity of any mortgage or alienation of the homestead before it becomes the homestead of the debtor.

Sec. 58. NRS 115.050 is hereby amended to read as follows:

115.050 1. Whenever execution has been issued against the property of a party claiming the property as a homestead, and the creditor in the judgment makes an oath before the judge of the district court of the county in which the property is situated that the amount of equity held by the claimant in the property exceeds, to the best of the creditor's information and belief, the sum of $550,000, the judge shall, upon notice to the debtor, appoint three disinterested and competent persons as appraisers to estimate and report as to the amount of equity held by the claimant in the property and, if the amount of equity exceeds the sum of $550,000, determine whether the property can be divided so as to leave the property subject to the homestead exemption without material injury.

2. If it appears, upon the report, to the satisfaction of the judge that the property can be thus divided, the judge shall order the excess to be sold under execution. If it appears that the property cannot be thus divided, and the amount of equity held by the claimant in the property exceeds the exemption allowed by this chapter, the judge shall order the entire property to be sold, and out of the proceeds the sum of $550,000 to be paid to the defendant in execution, and the excess to be applied to the satisfaction on the execution. No bid under $550,000 may be received by the officer making the sale.

3. When the execution is against a ~~[husband or wife,]~~ ***spouse,*** the judge may direct the $550,000 to be deposited in court, to be paid out only upon the joint receipt of ~~[the husband and wife,]~~ ***both spouses,*** and the deposit possesses all the protection against legal process and voluntary disposition by either spouse as did the original homestead.

Sec. 59. NRS 115.060 is hereby amended to read as follows:

115.060 Except as otherwise provided in a premarital agreement between ~~[the husband and wife]~~ ***a married couple*** which is enforceable pursuant to chapter 123A of NRS:

1. If the property declared upon as a homestead is community property, the ~~[husband and wife]~~ ***married couple*** shall be deemed to hold the homestead as community property with a right of survivorship. Upon the death of either spouse:

(a) The exemption of the homestead from execution continues, without further filing, as to any debt or liability existing against the spouses, or either of them, until the death of the survivor and thereafter as to any debt or liability existing against the survivor at the time of the survivor's death.

(b) The property vests absolutely in the survivor.

2. If the property declared upon as a homestead is the separate property of either spouse, the ~~[husband and wife]~~ ***married couple*** shall be deemed to hold the right to exemption of the homestead from execution jointly while both spouses are living. If the property retains its character as separate property until the death of one or the other of the spouses:

(a) If it is the separate property of the survivor, the exemption of the homestead continues.

(b) If it was the separate property of the decedent, the exemption of the homestead from execution continues as to any debt or liability existing against the spouses, or either of them, at the time of death of the decedent but ceases as to any subsequent debt or liability of the survivor.

(c) The property belongs to the person, or his or her heirs, to whom it belonged when filed upon as a homestead.

3. If the property declared upon as a homestead is the property of a single person, upon the death of the single person:

(a) The exemption of the homestead from execution continues, without further filing, as to any debt or liability existing against the person at the time of his or her death and as to any subsequent debt or liability against a person who was living in his or her house at the time of his or her death, if that person continues to reside on the homestead property and is related to him or her by consanguinity or affinity, even if the person through whom the relation by affinity was created predeceased the declarant.

(b) The right of enjoyment of the property belongs to each person described in paragraph (a) until that person no longer qualifies under that paragraph.

4. If two or more persons who are not related by consanguinity or affinity have claimed as a homestead their respective undivided interests in a single parcel of land or a mobile home, upon the death of one the exemption of the entire property from execution continues as to any debt or liability of the decedent and the other declarants until the death of the last declarant to die, but only for the benefit of a declarant who continues to reside on or in the property.

Sec. 60. NRS 134.050 is hereby amended to read as follows:

134.050 1. If the decedent leaves no issue, the estate goes one-half to the surviving spouse, one-fourth to ~~[the father]~~ ***one parent*** of the decedent and one-fourth to the ~~[mother]~~ ***other parent*** of the decedent, if both are living. If both parents are not living, one-half to ~~[either]~~ the ~~[father or the mother]~~ ***parent*** then living.

2. If the decedent leaves no issue ~~[,]~~ or ~~[father or mother,]~~ ***parent,*** one-half of the separate property of the decedent goes to the surviving spouse and

the other one-half goes in equal shares to the brothers and sisters of the decedent.

3. If the decedent leaves no issue or surviving spouse, the estate goes one-half to ~~[the father]~~ ***one parent*** of the decedent and one-half to the ~~[mother]~~ ***other parent*** of the decedent, if both are living. If both parents are not living, the whole estate goes to ~~[either]~~ the ~~[father or the mother]~~ ***parent*** then living.

4. If the decedent leaves no issue, ~~[father, mother,]~~ ***parent,*** brother or sister, or children of any issue, all of the separate property of the decedent goes to the surviving spouse.

Sec. 61. NRS 134.060 is hereby amended to read as follows:

134.060 If there is no issue, surviving spouse ~~[,]~~ or ~~[father or mother,]~~ ***parent,*** then the estate goes in equal shares to the brothers and sisters of the decedent and to the lawful issue of any deceased brother or sister by right of representation as follows:

1. To the brothers and sisters, each a share; and

2. To the lawful issue of each deceased brother and sister, by right of representation, the same share that the parent would have received if the parent had been living at the time of the death of the decedent.

Sec. 62. NRS 134.070 is hereby amended to read as follows:

134.070 If the decedent leaves no issue, surviving spouse, ~~[or father or mother,]~~ ***parent,*** ~~[and no]~~ brother or sister living at the time of death, the estate goes to the next of kin in equal degree, except that if there are two or more collateral kindred in equal degree, but claiming through different ancestors, those who claim through the nearest ancestors are preferred to those who claim through ancestors more remote.

Sec. 63. NRS 139.040 is hereby amended to read as follows:

139.040 1. Administration of the intestate estate of a decedent must be granted to one or more of the persons mentioned in this section, and they are respectively entitled to priority for appointment in the following order:

(a) The surviving spouse.

(b) The children.

(c) ~~[The father or the mother.]~~ ***A parent.***

(d) The brother or the sister.

(e) The grandchildren.

(f) Any other of the kindred entitled to share in the distribution of the estate.

(g) The public administrator.

(h) Creditors who have become such during the lifetime of the decedent.

(i) Any of the kindred not above enumerated, within the fourth degree of consanguinity.

(j) Any person or persons legally qualified.

2. A person in each of the foregoing classes is entitled:

(a) To appointment, if the person is:

(1) A resident of the State of Nevada or the person:

(I) Associates as coadministrator a resident of the State of Nevada or a banking corporation authorized to do business in this State; or

(II) Is named as personal representative in the will if the will is the subject of a pending petition for probate, and the court in its discretion believes it would be appropriate to make such an appointment; or

(2) A banking corporation which is authorized to do business in this State or which:

(I) Associates as coadministrator a resident of the State of Nevada or a banking corporation authorized to do business in this State; or

(II) Is named as personal representative in the will if the will is the subject of a pending petition for probate, and the court in its discretion believes it would be appropriate to make such an appointment.

(b) To nominate a resident of the State of Nevada or a qualified banking corporation for appointment, whether or not the nominator is a resident of the State of Nevada or a qualified banking corporation. The nominee has the same priority as the nominator. That priority is independent of the residence or corporate qualification of the nominator.

3. If any heir who is otherwise entitled to appointment is a minor or an incompetent person for whom a guardian has been appointed, the court may appoint the guardian of the minor or incompetent person as administrator.

Sec. 64. NRS 139.140 is hereby amended to read as follows:

139.140 When letters of administration have been granted to any person other than the surviving spouse or the spouse's nominee, or the child, **[**~~father, mother,~~**]** ***parent,*** brother or sister of the decedent, any one of them, if otherwise qualified, may obtain the revocation of the letters by presenting to the court a petition requesting the revocation, and that letters of administration be issued to the petitioner.

Sec. 65. NRS 159.057 is hereby amended to read as follows:

159.057 1. Where the appointment of a guardian is sought for two or more proposed wards who are children of a common parent, parent and child or **[**~~husband and wife,~~**]** ***married couple,*** it is not necessary that separate petitions, bonds and other papers be filed with respect to each proposed ward or wards.

2. If a guardian is appointed for such wards, the guardian:

(a) Shall keep separate accounts of the estate of each ward;

(b) May make investments for each ward;

(c) May compromise and settle claims against one or more wards; and

(d) May sell, lease, mortgage or otherwise manage the property of one or more wards.

3. The guardianship may be terminated with respect to less than all the wards in the same manner as provided by law with respect to a guardianship of a single ward.

Sec. 66. NRS 166A.220 is hereby amended to read as follows:

166A.220 1. Beneficial interests in a custodial trust created for multiple beneficiaries are deemed to be separate custodial trusts of equal undivided

interests for each beneficiary. Except in a transfer or declaration for use and benefit of ~~[husband and wife,]~~ ***a married couple,*** for whom survivorship is presumed, a right of survivorship does not exist unless the instrument creating the custodial trust specifically provides for survivorship or survivorship is required as to community or marital property.

2. Custodial trust property held under this chapter by the same custodial trustee for the use and benefit of the same beneficiary may be administered as a single custodial trust.

3. A custodial trustee of custodial trust property held for more than one beneficiary shall separately account to each beneficiary pursuant to NRS 166A.230 and 166A.310 for the administration of the custodial trust.

Sec. 67. NRS 199.360 is hereby amended to read as follows:

199.360 A person who fraudulently or falsely pretends that any infant child was born of a parent whose child is or would be entitled to inherit real property or to receive any personal property, or who falsely represents himself or herself or another to be a person entitled to an interest or share in the estate of a deceased person as executor, administrator, ~~[husband, wife,]~~ ***spouse,*** heir, heiress, legatee, devisee, next of kin or relative of the deceased person, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 68. NRS 200.160 is hereby amended to read as follows:

200.160 Homicide is also justifiable when committed:

1. In the lawful defense of the slayer, or his or her ~~[husband, wife,]~~ ***spouse,*** parent, child, brother or sister, or of any other person in his or her presence or company, when there is reasonable ground to apprehend a design on the part of the person slain to commit a felony or to do some great personal injury to the slayer or to any such person, and there is imminent danger of such design being accomplished; or

2. In the actual resistance of an attempt to commit a felony upon the slayer, in his or her presence, or upon or in a dwelling, or other place of abode in which the slayer is.

Sec. 69. NRS 201.070 is hereby amended to read as follows:

201.070 1. No other or greater evidence is required to prove the marriage of the ~~[husband and wife,]~~ ***spouses,*** or that the defendant is the ~~[father or mother]~~ ***parent*** of the child or children, than is required to prove such facts in a civil action.

2. In no prosecution under NRS 201.015 to 201.080, inclusive, does any existing statute or rule of law prohibiting the disclosure of confidential communications between ~~[husband and wife]~~ ***spouses*** apply, and both ~~[husband and wife]~~ ***spouses*** are competent witnesses to testify against each other to any and all relevant matters, including the fact of the marriage and the parentage of any child or children, but neither may be compelled to give evidence incriminating himself or herself.

3. Proof of the failure of the defendant to provide for the support of the spouse, child or children, is prima facie evidence that such failure was knowing.

Sec. 70. NRS 201.160 is hereby amended to read as follows:

201.160 1. Bigamy consists in the having of two ~~[wives or two husbands]~~ ***spouses*** at one time, knowing that the former ~~[husband or wife]~~ ***spouse*** is still alive.

2. If a married person marries any other person while the former ~~[husband or wife]~~ ***spouse*** is alive, the person so offending is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. It is not necessary to prove either of the marriages by the register and certificate thereof, or other record evidence, but those marriages may be proved by such evidence as is admissible to prove a marriage in other cases, and when the second marriage has taken place without this State, cohabitation in this State after the second marriage constitutes the commission of the crime of bigamy.

4. This section does not extend:

(a) To a person whose ~~[husband or wife]~~ ***spouse*** has been continually absent from that person for the space of 5 years before the second marriage, if he or she did not know the ~~[husband or wife]~~ ***spouse*** to be living within that time.

(b) To a person who is, at the time of the second marriage, divorced by lawful authority from the bonds of the former marriage, or to a person where the former marriage has been by lawful authority declared void.

Sec. 71. NRS 201.170 is hereby amended to read as follows:

201.170 If a person, being unmarried, knowingly marries the ~~[husband or wife]~~ ***spouse*** of another, that person is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 72. NRS 268.594 is hereby amended to read as follows:

268.594 1. Whenever it is necessary for the purposes of NRS 268.570 to 268.608, inclusive, to determine the number or identity of the record owners of real property in a territory proposed to be annexed, a list of such owners, certified by the county assessor on any date between the institution of the proceedings, as provided in NRS 268.584, and the public hearing, as provided in NRS 268.590, both dates inclusive, shall be prima facie evidence that only those persons named thereon are such owners.

2. A petition or protest is sufficient for the purposes of NRS 268.570 to 268.608, inclusive, as to any lot or parcel of real property which is owned:

(a) As community property, if it is signed by ~~[the husband.]~~ ***one spouse.***

(b) By two persons, either natural or artificial, other than as community property, if signed by both such owners.

(c) By more than two persons, either natural or artificial, if signed by a majority of such owners.

(d) Either wholly or in part, by an artificial person, if it is signed by an authorized agent and accompanied by a copy of such authorization.

Sec. 73. NRS 325.050 is hereby amended to read as follows:

325.050 1. Within 6 months after the first publication of the notice provided for in NRS 325.040, each person, company, corporation or association claiming to be an occupant or occupants, or to have, possess or be entitled to the right of occupancy or possession of such lands, or any block, lot, share or parcel thereof, shall, in person or by the duly authorized attorney of the person, company, corporation or association, sign a written statement containing a correct description of the particular parcel or parts in which the person, company, corporation or association claims to be entitled to receive, and deliver the same to, or into the office of, the corporate authorities or the judge of the district court.

2. All applications for conveyances under this chapter for the benefit of minors and insane persons shall be made by the guardian or trustee of such minor or insane person. All applications for such conveyances for the benefit of married ~~[women]~~ ***persons*** may be made by their ~~[husbands,]~~ ***spouses,*** if in this state, but in case of the absence of the ~~[husband]~~ ***spouse*** from this state or his ***or her*** refusal to make such application, then a married ~~[woman]~~ ***person*** may apply in ***his or*** her own name.

3. Except as provided in subsection 4 and in NRS 325.130, all persons, companies, corporations or associations or their heirs, successors or assigns failing to sign and deliver such statement within the time specified in subsection 1 shall be forever debarred the right of claiming or recovering such lands or any interest or entail therein, or in any part, parcel or share thereof, in any court of law or equity.

4. The bar to the right of claiming or recovering such lands or any interest or entail therein as provided in subsection 3 shall not apply to minors or insane persons.

Sec. 74. NRS 417.090 is hereby amended to read as follows:

417.090 The Director and the Deputy Director shall:

1. Assist veterans, and those presently serving in the military and naval forces of the United States who are residents of the State of Nevada, their ~~[wives,]~~ ***spouses,*** widows, widowers, ~~[husbands,]~~ children, dependents, administrators, executors and personal representatives, in preparing, submitting and presenting any claim against the United States, or any state, for adjusted compensation, hospitalization, insurance, pension, disability compensation, vocational training, education or rehabilitation and assist them in obtaining any aid or benefit to which they may, from time to time, be entitled under the laws of the United States or of any of the states.

2. Aid, assist, encourage and cooperate with every nationally recognized service organization insofar as the activities of such organizations are for the benefit of veterans, servicemen and servicewomen.

3. Give aid, assistance and counsel to each and every problem, question and situation, individual as well as collective, affecting any veteran, serviceman or servicewoman, or their dependents, or any group of veterans,

servicemen and servicewomen, when in their opinion such comes within the scope of this chapter.

4. Coordinate activities of veterans' organizations.

5. Serve as a clearinghouse and disseminate information relating to veterans' benefits.

6. Conduct any studies which will assist veterans to obtain compensation, hospitalization, insurance, pension, disability compensation, vocational training, education, rehabilitation or any other benefit to which veterans may be entitled under the laws of the United States or of any state.

7. Aid, assist and cooperate with the office of coordinator of services for veterans created in a county pursuant to NRS 244.401.

8. Pay to each county that creates the office of coordinator of services for veterans, from state money available to him or her, a portion of the cost of operating the office in an amount determined by the Director.

9. Take possession of any abandoned or unclaimed artifacts or other property that has military value for safekeeping. The Director or Deputy Director may transfer such property to a veterans' or military museum.

Sec. 75. NRS 425.3832 is hereby amended to read as follows:

425.3832 1. Except as otherwise provided in this chapter, a hearing conducted pursuant to NRS 425.382 to 425.3852, inclusive, must be conducted in accordance with the provisions of this section by a qualified master appointed pursuant to NRS 425.381.

2. Subpoenas may be issued by:

(a) The master.

(b) The attorney of record for the office.

➥ Obedience to the subpoena may be compelled in the same manner as provided in chapter 22 of NRS. A witness appearing pursuant to a subpoena, other than a party or an officer or employee of the Chief, is entitled to receive the fees and payment for mileage prescribed for a witness in a civil action.

3. Except as otherwise provided in this section, the master need not observe strict rules of evidence but shall apply those rules of evidence prescribed in NRS 233B.123.

4. The affidavit of any party who resides outside of the judicial district is admissible as evidence regarding the duty of support, any arrearages and the establishment of paternity. The master may continue the hearing to allow procedures for discovery regarding any matter set forth in the affidavit.

5. The physical presence of a person seeking the establishment, enforcement, modification or adjustment of an order for the support of a dependent child or the establishment of paternity is not required.

6. A verified petition, an affidavit, a document substantially complying with federally mandated forms and a document incorporated by reference in any of them, not excluded under NRS 51.065 if given in person, is admissible in evidence if given under oath by a party or witness residing outside of the judicial district.

7. A copy of the record of payments for the support of a dependent child, certified as a true copy of the original by the custodian of the record, may be forwarded to the master. The copy is evidence of facts asserted therein and is admissible to show whether payments were made.

8. Copies of bills for testing for paternity, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least 20 days before the hearing, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary and customary.

9. Documentary evidence transmitted from outside of the judicial district by telephone, telecopier or other means that do not provide an original writing may not be excluded from evidence on an objection based on the means of transmission.

10. The master may:

(a) Conduct a hearing by telephone, audiovisual means or other electronic means outside of the judicial district in which the master is appointed.

(b) Permit a party or witness residing outside of the judicial district to be deposed or to testify by telephone, audiovisual means or other electronic means before a designated court or at another location outside of the judicial district.

➥ The master shall cooperate with courts outside of the judicial district in designating an appropriate location for the hearing, deposition or testimony.

11. If a party called to testify at a hearing refuses to answer a question on the ground that the testimony may be self-incriminating, the master may draw an adverse inference from the refusal.

12. A privilege against the disclosure of communications between ~~[husband and wife]~~ ***a married couple*** does not apply.

13. The defense of immunity based on the relationship of ~~[husband and wife]~~ ***a married couple*** or parent and child does not apply.

Sec. 76. NRS 433A.610 is hereby amended to read as follows:

433A.610 1. When a person is admitted to a division facility or hospital under one of the various forms of admission prescribed by law, the parent or legal guardian of a person with mental illness who is a minor or the ~~[husband or wife]~~ ***spouse*** of a person with mental illness, if of sufficient ability, and the estate of the person with mental illness, if the estate is sufficient for the purpose, shall pay the cost of the maintenance for the person with mental illness, including treatment and surgical operations, in any hospital in which the person is hospitalized under the provisions of this chapter:

(a) To the administrative officer if the person is admitted to a division facility; or

(b) In all other cases, to the hospital rendering the service.

2. If a person or an estate liable for the care, maintenance and support of a committed person neglects or refuses to pay the administrative officer or the hospital rendering the service, the State is entitled to recover, by appropriate legal action, all money owed to a division facility or which the

State has paid to a hospital for the care of a committed person, plus interest at the rate established pursuant to NRS 99.040.

Sec. 77. NRS 435.655 is hereby amended to read as follows:

435.655 1. When a person is admitted to a division facility or hospital under one of the various forms of admission prescribed by law, the parent or legal guardian of a person with an intellectual disability or person with a related condition who is a minor or the ~~[husband or wife]~~ ***spouse*** of a person with an intellectual disability or person with a related condition, if of sufficient ability, and the estate of the person with an intellectual disability or person with a related condition, if the estate is sufficient for the purpose, shall pay the cost of the maintenance for the person with an intellectual disability or person with a related condition, including treatment and surgical operations, in any hospital in which the person is hospitalized under the provisions of this chapter:

(a) To the administrative officer if the person is admitted to a division facility; or

(b) In all other cases, to the hospital rendering the service.

2. If a person or an estate liable for the care, maintenance and support of a committed person neglects or refuses to pay the administrative officer or the hospital rendering the service, the State is entitled to recover, by appropriate legal action, all money owed to a division facility or which the State has paid to a hospital for the care of a committed person, plus interest at the rate established pursuant to NRS 99.040.

Sec. 78. NRS 440.280 is hereby amended to read as follows:

440.280 1. If a birth occurs in a hospital or the mother and child are immediately transported to a hospital, the person in charge of the hospital or his or her designated representative shall obtain the necessary information, prepare a birth certificate, secure the signatures required by the certificate and file it within 10 days with the health officer of the registration district where the birth occurred. The physician in attendance shall provide the medical information required by the certificate and certify to the fact of birth within 72 hours after the birth. If the physician does not certify to the fact of birth within the required 72 hours, the person in charge of the hospital or the designated representative shall complete and sign the certification.

2. If a birth occurs outside a hospital and the mother and child are not immediately transported to a hospital, the birth certificate must be prepared and filed by one of the following persons in the following order of priority:

(a) The physician in attendance at or immediately after the birth.

(b) Any other person in attendance at or immediately after the birth.

(c) The father, mother or, if the father is absent and the mother is incapacitated, the person in charge of the premises where the birth occurred.

3. If a birth occurs in a moving conveyance, the place of birth is the place where the child is removed from the conveyance.

4. In cities, the certificate of birth must be filed sooner than 10 days after the birth if so required by municipal ordinance or regulation.

5. If the mother was:

(a) Married at the time of birth, the name of her ~~[husband]~~ ***spouse*** must be entered on the certificate as the ~~[father]~~ ***other parent*** of the child unless:

(1) A court has issued an order establishing that a person other than the mother's ~~[husband]~~ ***spouse*** is the ~~[father]~~ ***other parent*** of the child; or

(2) The mother and a person other than the mother's ~~[husband]~~ ***spouse*** have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283.

(b) Widowed at the time of birth but married at the time of conception, the name of her ~~[husband]~~ ***spouse*** at the time of conception must be entered on the certificate as the ~~[father]~~ ***other parent*** of the child unless:

(1) A court has issued an order establishing that a person other than the mother's ~~[husband]~~ ***spouse*** at the time of conception is the ~~[father]~~ ***other parent*** of the child; or

(2) The mother and a person other than the mother's ~~[husband]~~ ***spouse*** at the time of conception have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283.

6. If the mother was unmarried at the time of birth, the name of the ~~[father]~~ ***other parent*** may be entered on the original certificate of birth only if:

(a) The provisions of paragraph (b) of subsection 5 are applicable;

(b) A court has issued an order establishing that the person is the ~~[father]~~ ***other parent*** of the child; or

(c) The ~~[mother and father]~~ ***parents*** of the child have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283. If both ~~[the father and mother]~~ ***parents*** execute a declaration consenting to the use of the surname of ~~[the father]~~ ***one parent*** as the surname of the child, the name of ~~[the father]~~ ***that parent*** must be entered on the original certificate of birth and the surname of ~~[the father]~~ ***that parent*** must be entered thereon as the surname of the child.

7. An order entered or a declaration executed pursuant to subsection 6 must be submitted to the local health officer, the local health officer's authorized representative, or the attending physician or midwife before a proper certificate of birth is forwarded to the State Registrar. The order or declaration must then be delivered to the State Registrar for filing. The State Registrar's file of orders and declarations must be sealed and the contents of the file may be examined only upon order of a court of competent jurisdiction or at the request of ~~[the father or mother]~~ ***either parent*** or the Division of Welfare and Supportive Services of the Department of Health and Human Services as necessary to carry out the provisions of 42 U.S.C. § 654a. The local health officer shall complete the original certificate of birth in accordance with subsection 6 and other provisions of this chapter.

8. As used in this section, "court" has the meaning ascribed to it in NRS 125B.004.

Sec. 79. NRS 445B.805 is hereby amended to read as follows:

445B.805 The provisions of NRS 445B.800 do not apply to:

1. Transfer of registration or ownership between:

(a) ~~[Husband and wife;]~~ ***Spouses;*** or

(b) Companies whose principal business is leasing of vehicles, if there is no change in the lessee or operator of the vehicle.

2. Motor vehicles which are subject to prorated registration pursuant to the provisions of NRS 706.801 to 706.861, inclusive, and which are not based in this State.

3. Transfer of registration if evidence of compliance was issued within 90 days before the transfer.

4. A consignee who is conducting a consignment auction which meets the requirements set forth in NRS 445B.807 if the consignee:

(a) Informs the buyer, using a form, including, without limitation, an electronic form, if applicable, as approved by the Department of Motor Vehicles, that the consignee is not required to obtain an inspection or testing of the motor vehicle pursuant to the regulations adopted by the Commission under NRS 445B.770 and that any such inspection or testing that is required must be obtained by the buyer before the buyer registers the motor vehicle;

(b) Posts a notice in a conspicuous location at the site of the consignment auction or, if applicable, on the Internet website on which the consignment auction is conducted, and includes a notice in any document published by the consignee that lists the vehicles available for the consignment auction or solicits persons to bid at the consignment auction, stating that the consignee is exempt from any requirement to obtain an inspection or testing of a motor vehicle pursuant to the regulations adopted by the Commission under NRS 445B.770 if the motor vehicle is sold at the consignment auction; and

(c) Makes the vehicle available for inspection before the consignment auction:

(1) In the case of a live auction with an auctioneer verbally calling for and accepting bids, at the location of the consignment auction; or

(2) In the case of an auction that is conducted on an auction website on the Internet by a consignee who is certified pursuant to subsection 2 of NRS 445B.807, at the primary place of business of the consignee conducting the consignment auction.

Sec. 80. NRS 449.246 is hereby amended to read as follows:

449.246 1. Before discharging an unmarried woman who has borne a child, a hospital or obstetric center shall provide to the child's ~~[mother and father:]~~ ***parents:***

(a) The opportunity to sign, in the hospital, a declaration for the voluntary acknowledgment of paternity developed pursuant to NRS 440.283;

(b) Written materials about establishing paternity;

(c) The forms necessary to acknowledge paternity voluntarily;

(d) A written description of the rights and responsibilities of acknowledging paternity; and

(e) The opportunity to speak by telephone with personnel of the program for enforcement of child support who are trained to clarify information and answer questions about the establishment of paternity.

2. The Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services shall adopt the regulations necessary to ensure that the services provided by a hospital or obstetric center pursuant to this section are in compliance with the regulations adopted by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 666(a)(5)(C).

Sec. 81. NRS 451.010 is hereby amended to read as follows:

451.010 1. The right to dissect the dead body of a human being is limited to cases:

(a) Specially provided by statute or by the direction or will of the deceased.

(b) Where a coroner is authorized under NRS 259.050 or an ordinance enacted pursuant to NRS 244.163 to hold an inquest upon the body, and then only as the coroner may authorize dissection.

(c) Where the ~~[husband, wife]~~ ***spouse*** or next of kin charged by law with the duty of burial authorize dissection for the purpose of ascertaining the cause of death, and then only to the extent so authorized.

(d) Where authorized by the provisions of NRS 451.350 to 451.470, inclusive.

(e) Where authorized by the provisions of NRS 451.500 to 451.598, inclusive.

2. Every person who makes, causes or procures to be made any dissection of the body of a human being, except as provided in subsection 1, is guilty of a gross misdemeanor.

Sec. 82. NRS 451.023 is hereby amended to read as follows:

451.023 The ~~[husband or wife]~~ ***spouse*** of a minor child or the parent of an unmarried or otherwise unemancipated minor child shall be primarily responsible for the decent burial or cremation of his or her spouse or such child within a reasonable time after death.

Sec. 83. NRS 451.025 is hereby amended to read as follows:

451.025 If the governing body of any county, city or town within the State of Nevada must arrange for and order the decent burial of any person dying within such county, city or town, leaving a ~~[husband or wife]~~ ***spouse*** or parent in whose custody such person remained at the time he or she died, which ~~[husband or wife]~~ ***spouse*** or parent is not indigent and not otherwise eligible for assistance as a poor person and expenses for a decent burial have been paid out of public funds pursuant to such an order, the county, city or town must be reimbursed for its expenses of burial of the dead body of such person by the ~~[husband, wife]~~ ***spouse*** or parent charged by law with the duty of burial.

Sec. 84. NRS 486.101 is hereby amended to read as follows:

486.101 1. The application of any person under the age of 18 years for a motorcycle driver's license must be signed and verified, before a person authorized to administer oaths, by either or both ~~[the father or mother]~~ ***parents*** of the applicant, if either or both are living and have custody of the applicant, or if neither parent is living, then by the guardian having custody, or by an employer of the minor, or if there is no guardian or employer, then by any responsible person who is willing to assume the obligation imposed pursuant to NRS 486.011 to 486.381, inclusive, upon a person signing the application of a minor.

2. Any negligence or willful misconduct of a minor under the age of 18 years when driving a motorcycle upon a highway is imputed to the person who signed the application of the minor for a license. That person is jointly and severally liable with the minor for any damages caused by negligence or willful misconduct.

Sec. 85. NRS 598B.110 is hereby amended to read as follows:

598B.110 1. A creditor shall consider the combined income of both ~~[husband and wife]~~ ***spouses*** for the purpose of extending credit to a married couple and shall not exclude the income of either without just cause. The creditor shall determine the creditworthiness of the ***married*** couple upon a reasonable evaluation of the past, present and foreseeable economic circumstances of both spouses.

2. A request for the signatures of both parties to a marriage for the purpose of creating a valid lien or passing clear title, waiving inchoate rights to property or assigning earnings, does not constitute credit discrimination.

3. An inquiry of marital status does not constitute discrimination for the purposes of this chapter if such inquiry is for the purpose of ascertaining the creditor's rights and remedies applicable to the particular extension of credit, and not to discriminate in a determination of creditworthiness.

4. Consideration or application of state property laws directly or indirectly affecting creditworthiness does not constitute discrimination for the purposes of this chapter.

Sec. 86. NRS 612.105 is hereby amended to read as follows:

612.105 "Employment" does not include service performed by an individual in the employ of the individual's son, daughter or spouse, and service performed by a child under the age of 18 years in the employ of the child's ~~[father or mother.]~~ ***parent.***

Sec. 87. NRS 616C.505 is hereby amended to read as follows:

616C.505 If an injury by accident arising out of and in the course of employment causes the death of an employee in the employ of an employer, within the provisions of chapters 616A to 616D, inclusive, of NRS, the compensation is known as a death benefit and is payable as follows:

1. In addition to any other compensation payable pursuant to chapters 616A to 616D, inclusive, of NRS, burial expenses are payable in an amount not to exceed $10,000, plus the cost of transporting the remains of the

deceased employee. When the remains of the deceased employee and the person accompanying the remains are to be transported to a mortuary or mortuaries, the charge of transportation must be borne by the insurer.

2. Except as otherwise provided in subsection 3, to the surviving spouse of the deceased employee, 66 2/3 percent of the average monthly wage is payable until the death of the surviving spouse.

3. If there is a surviving spouse and any surviving children of the deceased employee who are not the children of the surviving spouse, the compensation otherwise payable pursuant to subsection 2 must be paid as follows until the entitlement of all children of the deceased employee to receive compensation pursuant to this subsection ceases:

(a) To the surviving spouse, 50 percent of the death benefit is payable until the death of the surviving spouse; and

(b) To each child of the deceased employee, regardless of whether the child is the child of the surviving spouse, the child's proportionate share of 50 percent of the death benefit and, except as otherwise provided in subsection 11, if the child has a guardian, the compensation the child is entitled to receive may be paid to the guardian.

4. In the event of the subsequent death of the surviving spouse:

(a) Each surviving child of the deceased employee, in addition to any amount the child may be entitled to pursuant to subsection 3, must share equally the compensation theretofore paid to the surviving spouse but not in excess thereof, and it is payable until the youngest child reaches the age of 18 years.

(b) Except as otherwise provided in subsection 11, if the children have a guardian, the compensation they are entitled to receive may be paid to the guardian.

5. If there are any surviving children of the deceased employee under the age of 18 years, but no surviving spouse, then each such child is entitled to his or her proportionate share of 66 2/3 percent of the average monthly wage for the support of the child.

6. Except as otherwise provided in subsection 7, if there is no surviving spouse or child under the age of 18 years, there must be paid:

(a) To a parent, if wholly dependent for support upon the deceased employee at the time of the injury causing the death of the deceased employee, 33 1/3 percent of the average monthly wage.

(b) To both parents, if wholly dependent for support upon the deceased employee at the time of the injury causing the death of the deceased employee, 66 2/3 percent of the average monthly wage.

(c) To each brother or sister until he or she reaches the age of 18 years, if wholly dependent for support upon the deceased employee at the time of the injury causing the death of the deceased employee, his or her proportionate share of 66 2/3 percent of the average monthly wage.

7. The aggregate compensation payable pursuant to subsection 6 must not exceed 66 2/3 percent of the average monthly wage.

8. In all other cases involving a question of total or partial dependency:

(a) The extent of the dependency must be determined in accordance with the facts existing at the time of the injury.

(b) If the deceased employee leaves dependents only partially dependent upon the earnings of the deceased employee for support at the time of the injury causing his or her death, the monthly compensation to be paid must be equal to the same proportion of the monthly payments for the benefit of persons totally dependent as the amount contributed by the deceased employee to the partial dependents bears to the average monthly wage of the deceased employee at the time of the injury resulting in his or her death.

(c) The duration of compensation to partial dependents must be fixed in accordance with the facts shown, but may not exceed compensation for 100 months.

9. Compensation payable to a surviving spouse is for the use and benefit of the surviving spouse and the dependent children, and the insurer may, from time to time, apportion such compensation between them in such a way as it deems best for the interest of all dependents.

10. In the event of the death of any dependent specified in this section before the expiration of the time during which compensation is payable to the dependent, funeral expenses are payable in an amount not to exceed $10,000.

11. If a dependent is entitled to receive a death benefit pursuant to this section and is less than 18 years of age or incompetent, the legal representative of the dependent shall petition for a guardian to be appointed for that dependent pursuant to NRS 159.044. An insurer shall not pay any compensation in excess of $3,000, other than burial expenses, to the dependent until a guardian is appointed and legally qualified. Upon receipt of a certified letter of guardianship, the insurer shall make all payments required by this section to the guardian of the dependent until the dependent is emancipated, the guardianship terminates or the dependent reaches the age of 18 years, whichever occurs first, unless paragraph (a) of subsection 12 is applicable. The fees and costs related to the guardianship must be paid from the estate of the dependent. A guardianship established pursuant to this subsection must be administered in accordance with chapter 159 of NRS, except that after the first annual review required pursuant to NRS 159.176, a court may elect not to review the guardianship annually. The court shall review the guardianship at least once every 3 years. As used in this subsection, "incompetent" has the meaning ascribed to it in NRS 159.019.

12. Except as otherwise provided in paragraphs (a) and (b), the entitlement of any child to receive his or her proportionate share of compensation pursuant to this section ceases when the child dies, marries or reaches the age of 18 years. A child is entitled to continue to receive compensation pursuant to this section if the child is:

(a) Over 18 years of age and incapable of supporting himself or herself, until such time as the child becomes capable of supporting himself or herself; or

(b) Over 18 years of age and enrolled as a full-time student in an accredited vocational or educational institution, until the child reaches the age of 22 years.

13. As used in this section, "surviving spouse" means a surviving ~~[husband or wife]~~ ***person*** who was married to the employee at the time of the employee's death.

Sec. 88. NRS 645B.015 is hereby amended to read as follows:

645B.015 Except as otherwise provided in NRS 645B.016, the Secure and Fair Enforcement for Mortgage Licensing Act of 2008, 12 U.S.C. §§ 5101 et seq., and any regulations adopted pursuant thereto and other applicable law, the provisions of this chapter do not apply to:

1. Any person doing business under the laws of this State, any other state or the United States relating to banks, savings banks, trust companies, savings and loan associations, industrial loan companies, credit unions, thrift companies or insurance companies, including, without limitation, a subsidiary or a holding company of such a bank, company, association or union.

2. A real estate investment trust, as defined in 26 U.S.C. § 856, unless the business conducted in this State is not subject to supervision by the regulatory authority of the other jurisdiction, in which case licensing pursuant to this chapter is required.

3. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

4. An attorney at law rendering services in the performance of his or her duties as an attorney at law.

5. A real estate broker rendering services in the performance of his or her duties as a real estate broker.

6. Any person doing any act under an order of any court.

7. Any one natural person, or ~~[husband and wife,]~~ ***married couple,*** who provides money for investment in commercial loans secured by a lien on real property, on his or her own account, unless such a person makes a loan secured by a lien on real property using his or her own money and assigns all or a part of his or her interest in the loan to another person, other than his or her spouse or child, within 3 years after the date on which the loan is made or the deed of trust is recorded, whichever occurs later.

8. A natural person who only offers or negotiates terms of a residential mortgage loan:

(a) With or on behalf of an immediate family member of the person;

(b) Secured by a dwelling that served as the person's residence; or

(c) If:

(1) The residential mortgage loan is for a manufactured home, as defined in NRS 118B.015;

(2) The residential mortgage loan is financed by the seller; and

(3) The seller has not engaged in more than five such loans in this State during the immediately preceding 12 consecutive months.

9. Agencies of the United States and of this State and its political subdivisions, including the Public Employees' Retirement System.

10. A seller of real property who offers credit secured by a mortgage of the property sold.

11. A nonprofit agency or organization:

(a) Which provides self-help housing for a borrower who has provided part of the labor to construct the dwelling securing the borrower's loan;

(b) Which does not charge or collect origination fees in connection with the origination of residential mortgage loans;

(c) Which only makes residential mortgage loans at an interest rate of 0 percent per annum;

(d) Whose volunteers, if any, do not receive compensation for their services in the construction of a dwelling;

(e) Which does not profit from the sale of a dwelling to a borrower; and

(f) Which maintains tax-exempt status under section 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. § 501(c)(3).

12. A housing counseling agency approved by the United States Department of Housing and Urban Development.

Sec. 89. NRS 645E.150 is hereby amended to read as follows:

645E.150 Except as otherwise provided in NRS 645E.160, the Secure and Fair Enforcement for Mortgage Licensing Act of 2008, 12 U.S.C. §§ 5101 et seq., and any regulations adopted pursuant thereto or other applicable law, the provisions of this chapter do not apply to:

1. Any person doing business under the laws of this State, any other state or the United States relating to banks, savings banks, trust companies, savings and loan associations, industrial loan companies, credit unions, thrift companies or insurance companies, including, without limitation, a subsidiary or a holding company of such a bank, company, association or union.

2. A real estate investment trust, as defined in 26 U.S.C. § 856, unless the business conducted in this State is not subject to supervision by the regulatory authority of the other jurisdiction, in which case licensing pursuant to this chapter is required.

3. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

4. An attorney at law rendering services in the performance of his or her duties as an attorney at law.

5. A real estate broker rendering services in the performance of his or her duties as a real estate broker.

6. Any person doing any act under an order of any court.

7. Any one natural person, or ~~[husband and wife,]~~ ***married couple,*** who provides money for investment in commercial loans secured by a lien on real property, on his or her own account, unless such a person makes a loan secured by a lien on real property using his or her own money and assigns all or a part of his or her interest in the loan to another person, other than his or

her spouse or child, within 3 years after the date on which the loan is made or the deed of trust is recorded, whichever occurs later.

8. A natural person who only offers or negotiates terms of a residential mortgage loan:

(a) With or on behalf of an immediate family member of the person; or

(b) Secured by a dwelling that served as the person's residence.

9. Agencies of the United States and of this State and its political subdivisions, including the Public Employees' Retirement System.

10. A seller of real property who offers credit secured by a mortgage of the property sold.

11. A nonprofit agency or organization:

(a) Which provides self-help housing for a borrower who has provided part of the labor to construct the dwelling securing the borrower's loan;

(b) Which does not charge or collect origination fees in connection with the origination of residential mortgage loans;

(c) Which only makes residential mortgage loans at an interest rate of 0 percent per annum;

(d) Whose volunteers, if any, do not receive compensation for their services in the construction of a dwelling; and

(e) Which does not profit from the sale of a dwelling to a borrower.

12. A housing counseling agency approved by the United States Department of Housing and Urban Development.

Sec. 90. NRS 687B.080 is hereby amended to read as follows:

687B.080 1. Except as otherwise provided in subsection 2, no life or health insurance contract upon a person, except a contract of group life insurance or of group or blanket health insurance, may be made or effectuated unless at the time of the making of the contract the person insured, being of competent legal capacity to contract, applies therefor or has consented thereto in writing.

2. The following persons may enter into a contract for life or health insurance upon another person without the insured's written consent:

(a) A spouse may effectuate such insurance upon the other spouse.

(b) Any person having an insurable interest in the life of a minor, or any person upon whom a minor is dependent for support and maintenance, may effectuate insurance upon the life of or pertaining to the minor.

(c) Family policies may be issued insuring any two or more members of a family on an application signed by either parent, a stepparent, a guardian, or by a ~~[husband or wife.]~~ ***spouse.***

3. An insurer who receives:

(a) An application in accordance with subsection 2 for a contract for insurance upon the life of another; or

(b) A request to increase the existing coverage upon the life of an insured by a person other than the insured,

➥ shall, unless the application or request relates to a contract of group life insurance or of group or blanket health insurance, cause notice of the

application or request to be mailed to the insured at the home or business of the insured within 48 hours after receiving the application or request.

Sec. 91. This act becomes effective on July 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 99.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Elliot Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Carolyn Jimenez and Jennifer Petrie.

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Colleen Cook, Tamara Luz, and Nicky Watts.

On request of Assemblyman Araujo, the privilege of the floor of the Assembly Chamber for this day was extended to Jetzain Gutierrez, Maria Guadalupe Cano, and David Ramirez.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Kelly Wolthers, Paul Kleemann, and Anna Cool-Macrae.

On request of Assemblyman Brooks, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Herbert, Anthony Ruiseco, and Tiffany Ann Leonard.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Monica Bryant.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Lecelia Shipp-Oakes and Tasha Thompson.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Pauline Mills.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Chalese Holland and Thomas Mullins.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Steph Grimes, Gregory Winiewicz, and Kevin Sigl.

On request of Assemblyman Edwards, the privilege of the floor of the Assembly Chamber for this day was extended to Donna Crowley and Danny Price.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Camille Parker and Grace Angel.

On request of Assemblyman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Chantae Ready and Stephanie Swain.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Theo Small, Daniel Barber, and Carmella Gadsen.

On request of Assemblyman Fumo, the privilege of the floor of the Assembly Chamber for this day was extended to Mateo Sciscento, Spence Rhodes, and Anthony Flanagan.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Hollowood.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Elysa Arroyo and Carrie Phillips.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Kim Palmer, Mary Dungan, and Susan Slykerman.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Averill Kelley and Mario Wolthers, Jr.

On request of Assemblyman Kramer, the privilege of the floor of the Assembly Chamber for this day was extended to Darla Rose, Lisa Cady, Erica Minaberry, and Elizabeth Castillo.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to Matthew Nighswonger and Lisa Snow.

On request of Assemblyman Marchant, the privilege of the floor of the Assembly Chamber for this day was extended to Ian Conradrey, Michael Jahn, Scott Glimp, and Meggan Glimp.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to Casandra Workman.

On request of Assemblyman McCurdy, the privilege of the floor of the Assembly Chamber for this day was extended to Nichole Bratsouleas-Urias.

On request of Assemblywoman Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Kelly Gonzalez, Sarah Sunnasy, and Carmen Andrews.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Rachel Siota.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Soel Thompson, Danielle Tarmu, and Kermit Waters.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Kathleen Schaeffer.

On request of Assemblyman Pickard, the privilege of the floor of the Assembly Chamber for this day was extended to Elizabeth Strehl.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Kenneth Belknap, Jana Pleggenkuhle, and Angela Bosco.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Tracy Wilking.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Hester Shoats, Juanita Ortiz-Robinson, and Natalie Manka.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Paige Myers, Gregory Neisess, and Louis Markouzis.

On request of Assemblywoman Tolles, the privilege of the floor of the Assembly Chamber for this day was extended to Pamela Salazar, Kelli Walters, and Mariana Lopez.

On request of Assemblyman Watkins, the privilege of the floor of the Assembly Chamber for this day was extended to James Frazee and Billy Miller.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Monica Bryant and Cortez NaPue.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Wendi Lytle.

On request of Assemblyman Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to James Zygadlo and Eileen Eady.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Tuesday, April 11, 2017, at 4 p.m.

Motion carried.

Assembly adjourned at 12:50 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SIXTY-FIFTH DAY

CARSON CITY (Tuesday), April 11, 2017

Assembly called to order at 4:40 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Patrick Propster.

The impact of words is knowing what to say. There are 1,322 words in the Declaration of Independence; the Gettysburg Address has 286 words; the Lord's Prayer has 66, which are:

Our Father, Who art in Heaven,

Hallowed be Thy Name.

Thy Kingdom come. Thy will be done on earth as it is in heaven.

Give us this day our daily bread.

And forgive us our debts, as we forgive our debtors.

And lead us not into temptation, but deliver us from evil. For thine is the kingdom, and the power, and the glory, forever. Amen.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bill No. 452; Assembly Joint Resolution No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

IRENE BUSTAMANTE ADAMS, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 469, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which was referred Assembly Bill No. 482, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TYRONE THOMPSON, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 154, 337, 435, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Assembly Bills Nos. 8, 134, 151, 297, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 236, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 305, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL C. SPRINKLE, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 234, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which were referred Assembly Bills Nos. 261, 364, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD CARRILLO, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 11, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 187.

CINDY JONES
Fiscal Analysis Division

SECOND READING AND AMENDMENT

Assembly Bill No. 22.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 68.

AN ACT relating to veterans; revising provisions relating to the position of deputy director of the Department of Veterans Services; requiring the Director of the Department to create and maintain a statewide database of information relating to veterans and a registry of certain entities that provide services and resources to veterans; requiring the Director to ensure that each generation of veterans is recognized annually; removing provisions relating to the provision of guardianship services by the Director; removing the requirement that certain offices of the Department be located in certain cities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Veterans Services to appoint one Deputy Director of the Department, who must be a resident of Nevada, possess an honorable discharge from some branch of the military or naval service and have at least 4 years of management or administration experience. (NRS 417.030) **Section 2** of this bill: (1) authorizes the Director to appoint additional deputy directors as needed to assist the Director in performing his or her duties ~~[.]~~ **, including a Deputy Director for Programs and Services and a Deputy Director for Health and Wellness;** and (2)

~~[removes the requirement that a deputy director be a resident of Nevada, possess an honorable discharge and have at least 4 years of management or administration experience.]~~ **prescribes the qualifications of the Deputy Director for Programs and Services and the Deputy Director for Health and Wellness.** **Sections 1, 3 and 5** of this bill make conforming changes to account for the appointment of additional deputy directors. **Sections 4, 6, 7 and 11** of this bill eliminate references in existing law to certain powers and duties of the Deputy Director, thereby leaving the Director with the discretion to assign those powers and duties to a deputy director.

Section 4 of this bill requires the Director to: (1) create and maintain a database containing information on veterans residing in Nevada; (2) ensure that each generation of veterans receives recognition annually; and (3) create and maintain a registry of organizations that provide services and resources to veterans, service members and their families and publish the registry on the Department's Internet website.

In 2011, the Legislature eliminated the provision of guardianship services by the Office of Veterans Services, which is now known as the Department of Veterans Services. (Section 29 of chapter 372, Statutes of Nevada 2011, p. 2194) **Sections 9, 10 and 12** of this bill remove provisions inadvertently remaining in existing law related to the previous role of the Director as guardian of the estates of certain veterans and their dependents.

Section 12 of this bill removes the requirement in existing law that the office of the Deputy Director be maintained in Las Vegas and the office of the Director be maintained in the same city as the state regional office of the United States Department of Veterans Affairs. (NRS 417.070)

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

Section 1. NRS 417.013 is hereby amended to read as follows:

417.013 "Deputy ~~[Director"]~~ ***director"*** means ~~[the Deputy Director]~~ ***a deputy director*** of the Department ~~[.]~~ ***appointed pursuant to NRS 417.030.***

Sec. 2. NRS 417.030 is hereby amended to read as follows:

417.030 1. The office of Director of the Department of Veterans Services is hereby created.

2. The Director must be appointed by and serves at the pleasure of the Governor.

3. The Director shall appoint ~~[one Deputy Director of the Department, who shall]~~ ***such deputy directors as are necessary to*** assist the Director in performing the duties prescribed in this chapter ~~[.]~~ ***, including, without limitation, a Deputy Director for Programs and Services and a Deputy Director for Health and Wellness.***

4. Any person to be eligible for appointment as the Director or the Deputy Director ***for Programs and Services*** must:

(a) Be an actual and bona fide resident of the State of Nevada;

(b) Possess an honorable discharge from some branch of the military and naval service of the United States; and

(c) Have at least 4 years of experience in management or administration.

5. Except as otherwise provided in this subsection, any person to be eligible for appointment as the Deputy Director for Health and Wellness must:

(a) Be an actual and bona fide resident of the State of Nevada;

(b) Possess an honorable discharge from some branch of the military and naval service of the United States; and

(c) Have at least 4 years of experience in health care management or administration.

➥ If no person is available for appointment who possesses all the qualifications required by this subsection, the Director may waive the qualification set forth in paragraph (b) for a person who is otherwise qualified for appointment pursuant to paragraphs (a) and (c).

Sec. 3. NRS 417.060 is hereby amended to read as follows:

417.060 The Director and ~~[the Deputy Director]~~ ***each deputy director*** are in the unclassified service of the State. Except as otherwise provided in NRS 284.143, ***the Director and*** each ***deputy director*** shall devote his or her entire time and attention to the business of his or her office and shall not pursue any other business or occupation or hold any other office of profit.

Sec. 4. NRS 417.090 is hereby amended to read as follows:

417.090 The Director ~~[and the Deputy Director]~~ shall:

1. Assist veterans, and those presently serving in the military and naval forces of the United States who are residents of the State of Nevada, their wives, widows, widowers, husbands, children, dependents, administrators, executors and personal representatives, in preparing, submitting and presenting any claim against the United States, or any state, for adjusted compensation, hospitalization, insurance, pension, disability compensation, vocational training, education or rehabilitation and assist them in obtaining any aid or benefit to which they may, from time to time, be entitled under the laws of the United States or of any of the states.

2. Aid, assist, encourage and cooperate with every nationally recognized service organization insofar as the activities of such organizations are for the benefit of veterans, servicemen and servicewomen.

3. Give aid, assistance and counsel to each and every problem, question and situation, individual as well as collective, affecting any veteran, serviceman or servicewoman, or their dependents, or any group of veterans, servicemen and servicewomen, when in their opinion such comes within the scope of this chapter.

4. Coordinate activities of veterans' organizations.

5. Serve as a clearinghouse and disseminate information relating to veterans' benefits.

6. Conduct any studies which will assist veterans to obtain compensation, hospitalization, insurance, pension, disability compensation, vocational training, education, rehabilitation or any other benefit to which veterans may be entitled under the laws of the United States or of any state.

7. Aid, assist and cooperate with the office of coordinator of services for veterans created in a county pursuant to NRS 244.401.

8. Pay to each county that creates the office of coordinator of services for veterans, from state money available to him or her, a portion of the cost of operating the office in an amount determined by the Director.

9. Take possession of any abandoned or unclaimed artifacts or other property that has military value for safekeeping. The Director ~~[or Deputy Director]~~ may transfer such property to a veterans' or military museum.

10. Create and maintain a statewide database of information relating to veterans to assist the Department in identifying and communicating with veterans and connecting veterans with benefits and opportunities for which they are eligible.

11. Create and maintain a registry of governmental agencies and private entities that provide services and resources to veterans, service members and their families and publish a digital copy of the registry on the Internet website maintained by the Department.

12. Ensure that each generation of veterans is recognized annually through a ceremony, information campaign or other form of public acknowledgment.

Sec. 5. NRS 417.100 is hereby amended to read as follows:

417.100 The Director and ~~[the Deputy Director]~~ ***each deputy director*** may:

1. Administer oaths to any person whose acknowledgment may become necessary in the prosecution of any claim for compensation, hospitalization, insurance or other aid or benefits.

2. Certify to the correctness of any document or documents which may be submitted in connection with any such application.

Sec. 6. NRS 417.190 is hereby amended to read as follows:

417.190 The Nevada Veterans Services Commission shall:

1. Advise the Director **.** ~~[and Deputy Director.]~~

2. Prepare and submit a report, on or before November 1 of each year, to the Interagency Council on Veterans Affairs. The report must, without limitation:

(a) Summarize the activities of the Commission during the preceding fiscal year.

(b) Make recommendations to the Governor, the Legislature ~~[,]~~ ***and*** the Director ~~[and the Deputy Director]~~ regarding issues relating to veterans.

3. Make recommendations to the Governor pursuant to NRS 417.400.

Sec. 7. NRS 417.220 is hereby amended to read as follows:

417.220 1. The Account for Veterans Affairs is hereby created in the State General Fund.

2. Money received by the Director ~~[or the Deputy Director]~~ from:

(a) Fees charged pursuant to NRS 417.210;

(b) Allowances for burial from the United States Department of Veterans Affairs or other money provided by the Federal Government for the support of veterans' cemeteries;

(c) Receipts from the sale of gifts and general merchandise;

(d) Grants obtained by the Director ~~[or the Deputy Director]~~ for the support of veterans' cemeteries; and

(e) Except as otherwise provided in subsection 6 and NRS 417.115, 417.145, 417.147 and 417.410, gifts of money and proceeds derived from the sale of gifts of personal property that he or she is authorized to accept, if the use of such gifts has not been restricted by the donor,

➥ must be deposited with the State Treasurer for credit to the Account for Veterans Affairs and must be accounted for separately for a veterans' cemetery in northern Nevada or a veterans' cemetery in southern Nevada, whichever is appropriate.

3. The interest and income earned on the money deposited pursuant to subsection 2, after deducting any applicable charges, must be accounted for separately. Interest and income must not be computed on money appropriated from the State General Fund to the Account for Veterans Affairs.

4. The money deposited pursuant to subsection 2 may only be used for the operation and maintenance of the cemetery for which the money was collected. In addition to personnel he or she is authorized to employ pursuant to NRS 417.200, the Director may use money deposited pursuant to subsection 2 to employ such additional employees as are necessary for the operation and maintenance of the cemeteries, except that the number of such additional full-time employees that the Director may employ at each cemetery must not exceed 60 percent of the number of full-time employees for national veterans' cemeteries that is established by the National Cemetery Administration of the United States Department of Veterans Affairs.

5. Except as otherwise provided in subsection 7, gifts of personal property which the Director ~~[or the Deputy Director]~~ is authorized to receive but which are not appropriate for conversion to money may be used in kind.

6. The Gift Account for Veterans Cemeteries is hereby created in the State General Fund. Gifts of money that the Director ~~[or the Deputy Director]~~ is authorized to accept and which the donor has restricted to one or more uses at a veterans' cemetery must be accounted for separately in the Gift Account for Veterans Cemeteries. The interest and income earned on the money deposited pursuant to this subsection must, after deducting any applicable charges, be accounted for separately for a veterans' cemetery in northern Nevada or a veterans' cemetery in southern Nevada, as applicable. Any money remaining in the Gift Account for Veterans Cemeteries at the end of each fiscal year does not revert to the State General Fund, but must be carried over into the next fiscal year.

7. The Director ~~[or the Deputy Director]~~ shall use gifts of money or personal property that he or she is authorized to accept and for which the donor has restricted to one or more uses at a veterans' cemetery in the manner designated by the donor, except that if the original purpose of the gift has been fulfilled or the original purpose cannot be fulfilled for good cause, any money or personal property remaining in the gift may be used for other purposes at the veterans' cemetery in northern Nevada or the veterans' cemetery in southern Nevada, as appropriate.

Sec. 8. NRS 417.410 is hereby amended to read as follows:

417.410 1. The Nevada Will Always Remember Veterans Gift Account is hereby created in the State General Fund.

2. The Director ~~[and the Deputy Director]~~ may accept donations, gifts and grants of money from any source for deposit in the Account.

3. The money deposited in the Account pursuant to subsection 2 must only be used to pay for the design, procurement and installation of markers, plaques, statues or signs bearing the names of deceased members of the Armed Forces of the United States pursuant to the provisions of NRS 331.125, 407.066 and 408.119.

4. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

5. Any money remaining in the Account at the end of each fiscal year does not revert to the State General Fund, but must be carried forward to the next fiscal year.

Sec. 9. NRS 160.040 is hereby amended to read as follows:

160.040 1. Except as otherwise provided in this section, it is unlawful for any person to accept appointment as guardian of any ward if the proposed guardian is at that time acting as guardian for five wards. In any case, upon presentation of a petition by an attorney of the Department of Veterans Affairs pursuant to this section alleging that a guardian is acting in a fiduciary capacity for more than five wards and requesting his or her discharge for that reason, the court, upon proof substantiating the petition, shall require a final accounting from the guardian and shall discharge the guardian in the case.

2. The limitations of this section do not apply where the guardian is a bank or trust company acting for the wards' estates only.

3. An individual may be guardian of more than five wards if they are all members of the same family.

4. The limitations of this section do not apply to ~~[the Director of the Department of Veterans Services or to]~~ a public guardian.

Sec. 10. NRS 160.090 is hereby amended to read as follows:

160.090 1. Before making an appointment under the provisions of this chapter, the court shall establish to its satisfaction that the person whose appointment as guardian is sought is a fit and proper person to be appointed.

2. Upon the appointment being made, the guardian shall, except as otherwise provided in this section, execute and file a bond to be approved by

the court in an amount not less than the value of the personal property of the estate plus the anticipated annual income. Thereafter, the amount of the bond must be equal to the total value of the personal estate plus the annual income. The bond must be in the form and be conditioned as required of guardians appointed pursuant to the provisions of chapter 159 of NRS. The premiums on all such bonds must be paid from the estate.

3. If a banking corporation as defined in NRS 657.016, or a trust company, as defined by NRS 669.070, doing business in this state is appointed guardian of the estate of a ward, no bond is required of the guardian unless the court by specific order requires a bond. ~~[If the Director of the Department of Veterans Services is appointed guardian, no bond is required.]~~

4. If the court orders that the estate and income, or a part thereof, be deposited in a banking corporation, as defined in NRS 657.016, or trust company, as defined by NRS 669.070, doing business in this state and that such estate and income, or any part thereof, must not be withdrawn without authorization of the court, then the amount of the guardian's bond must be reduced in an amount equal to the amount of the estate and income on deposit with the banking corporation, and the surety on the bonds must be exonerated from any loss to the estate in connection with the deposit.

5. Where a bond is tendered by a guardian with personal sureties, the sureties shall file with the court a certificate under oath which describes the property owned, both real and personal, and contains a statement that they are each worth the sum named in the bond as the penalty thereof over and above all their debts and liabilities and exclusive of property exempt from execution.

Sec. 11. NRS 244.401 is hereby amended to read as follows:

244.401 1. The board of county commissioners of any county may create by ordinance the office of coordinator of services for veterans. If such an office is created, the board shall appoint a qualified veteran to hold the office and the board shall establish the coordinator's compensation.

2. The coordinator of services for veterans shall:

(a) Assist a veteran or the veteran's spouse or dependent, if the person requesting assistance is a resident of the county, in preparing, submitting and pursuing any claim that the person has against the United States, or any state, to establish the person's right to any privilege, preference, care or compensation to which he or she believes that he or she is entitled;

(b) Aid, assist and cooperate with the Director ~~[and Deputy Director]~~ of the Department of Veterans Services and with the Nevada Veterans Services Commission;

(c) Disseminate information relating to veterans' benefits in cooperation with the Director ~~[and Deputy Director]~~ of the Department of Veterans Services; and

(d) Perform such other services related to assisting a veteran, or the veteran's spouse or dependent, as requested by the board of county commissioners.

3. Two or more counties jointly may create one office of coordinator of services for veterans to serve those counties.

Sec. 11.5. **Notwithstanding the provisions of NRS 417.030, as amended by section 2 of this act, any person who, on July 1, 2017, is serving as the Deputy Director for Health and Wellness of the Department of Veterans Services may continue to serve in that position until the Director of the Department appoints a different person to that position pursuant to NRS 417.030, as amended by section 2 of this act.**

Sec. 12. NRS 417.035 and 417.070 are hereby repealed.

Sec. 13. This act becomes effective on July 1, 2017.

TEXT OF REPEALED SECTIONS

417.035 Director: Official bond. The Director shall execute and deliver to the Secretary of State his or her official bond in the penal sum of $500,000 with a corporate surety licensed to do business in this State, conditioned to ensure his or her faithful discharge of responsibilities as guardian of the estates of those veterans and dependents for whom he or she acts. A separate bond for each estate is not required.

417.070 Location of offices.

1. The office of the Director must be located in the same city where the state regional office of the United States Department of Veterans Affairs maintains its state administrative bureau, and if that office is discontinued in the State of Nevada, then at such place as the Governor may designate.

2. The office of the Deputy Director must be maintained at Las Vegas, Nevada.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 38.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 39.

AN ACT relating to bail; authorizing the electronic transmission of certain notices relating to bail; requiring certain persons who are engaged in certain businesses relating to bail to receive electronic transmissions relating to bail; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that, under certain circumstances, a bail bond posted for an original offense charged must be transferred to the clerk of the court in

which a related public offense is later charged and notice of the transfer must be mailed to the surety on the bond and the bail agent who executed the bond. (NRS 178.502) **Section 2** of this bill authorizes the electronic transmission of the notice of such a transfer.

Existing law provides that, under certain circumstances, if a defendant fails to make a required appearance in court, the court shall **: (1) not later than 45 days after the date on which the defendant failed to appear, order the issuance of a warrant for the arrest of the defendant; and (2)** direct that each surety and the local agent of each surety or depositor, as applicable, be given notice by certified mail that the defendant failed to appear. (NRS 178.508) **Section 3** of this bill **: (1) requires the court to issue a warrant for the arrest of the defendant not later than 14 days after the defendant's failure to appear; and (2)** authorizes the electronic transmission of the notice of the defendant's failure to appear. **Section 3** also provides that, in the case of electronic transmission, ~~[notice shall be deemed to have been given when the electronic transmission of the notice is successfully initiated.]~~ **a receipt of delivery must be requested.**

Existing law requires notice of a motion to enforce liability for a bond to be mailed to the obligor. (NRS 178.514) **Section 4** of this bill authorizes the electronic transmission of the notice of such a motion. ~~[Section 4 also provides that, in the case of electronic transmission, notice shall be deemed to have been given when the electronic transmission of the notice is successfully initiated.]~~

Section 5 of this bill requires **, with certain exceptions,** every bail agent ~~[, bail enforcement agent, bail solicitor,]~~ **and** insurer authorized to write surety in this State and every subsidiary corporation of any such insurer to maintain a means of receiving electronic transmissions and to receive electronic transmissions pursuant to **sections 2-4** of this bill.

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

Section 1. Chapter 178 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in NRS 178.484 to 178.548, inclusive, and this section, unless the context otherwise requires, "electronic transmission," "electronically transmit" or "electronically transmitted" means any form or process of communication not directly involving the physical transfer of paper or another tangible medium which:

1. Is suitable for the retention, retrieval and reproduction of information by the recipient; and

2. Is retrievable and reproducible in paper form by the recipient through an automated process used in conventional commercial practice.

Sec. 2. NRS 178.502 is hereby amended to read as follows:

178.502 1. A person required or permitted to give bail shall execute a bond for the person's appearance. The magistrate or court or judge or justice,

having regard to the considerations set forth in NRS 178.498, may require one or more sureties or may authorize the acceptance of cash or bonds or notes of the United States in an amount equal to or less than the face amount of the bond.

2. Any bond or undertaking for bail must provide that the bond or undertaking:

(a) Extends to any action or proceeding in a Justice Court, municipal court or district court:

(1) Arising from the charge on which bail was first given in any of these courts; and

(2) Arising from a later charge, filed before the expiration of the periods provided in subsection 4, which is substantially similar to the charge upon which bail was first given and is based upon the same act or omission as that charge; and

(b) Remains in effect until exonerated by the court.

➥ This subsection does not require that any bond or undertaking extend to proceedings on appeal.

3. If an action or proceeding against a defendant who has been admitted to bail is transferred to another trial court, the bond or undertaking must be transferred to the clerk of the court to which the action or proceeding has been transferred.

4. If the action or proceeding against a defendant who has been admitted to bail is dismissed, the bail must not be exonerated until a period of 30 days has elapsed from the entry of the order of dismissal unless the defendant requests that bail be exonerated before the expiration of the 30-day period. If no formal action or proceeding is instituted against a defendant who has been admitted to bail, the bail must not be exonerated until a period of 30 days has elapsed from the day the bond or undertaking is posted unless the defendant requests that bail be exonerated before the expiration of the 30-day period.

5. If, within the periods provided in subsection 4, the defendant is charged with a public offense arising out of the same act or omission supporting the charge upon which bail was first given, the prosecuting attorney shall forthwith notify the clerk of the court where the bond was posted, the bail must be applied to the public offense later charged, and the bond or undertaking must be transferred to the clerk of the appropriate court. Within 10 days after its receipt, the clerk of the court to whom the bail is transferred shall mail ***or electronically transmit*** notice of the transfer to the surety on the bond and the bail agent who executed the bond. ***~~[In the case of electronic transmission, notice shall be deemed to have been given when the electronic transmission of such notice is successfully initiated.]~~***

6. Bail given originally on appeal must be deposited with the magistrate or the clerk of the court from which the appeal is taken.

Sec. 3. NRS 178.508 is hereby amended to read as follows:

178.508 1. If the defendant fails to appear when the defendant's presence in court is lawfully required for the commission of a misdemeanor

and the failure to appear is not excused or is lawfully required for the commission of a gross misdemeanor or felony, the court shall:

(a) Enter upon its minutes that the defendant failed to appear;

(b) Not later than ~~[45]~~ ***14 judicial*** days after the date on which the defendant failed to appear, order the issuance of a warrant for the arrest of the defendant; and

(c) If the undertaking exceeds $50 or money deposited instead of bail bond exceeds $500, direct that each surety and the local agent of each surety, or the depositor if the depositor is not the defendant, be given notice that the defendant has failed to appear, by certified mail ***or electronic transmission , receipt of delivery requested,*** within 20 days after the date on which the defendant failed to appear. The court shall execute an affidavit of such mailing ***or electronic transmission*** to be kept as an official public record of the court and shall direct that a copy of the notice be transmitted to the prosecuting attorney at the same time that notice is given to each surety or the depositor. ~~***[In the case of electronic transmission, notice shall be deemed to have been given when the electronic transmission of such notice is successfully initiated.]***~~

2. Except as otherwise provided in subsection 3 and NRS 178.509, an order of forfeiture of any undertaking or money deposited instead of bail bond must be prepared by the clerk of the court and signed by the court. An order of forfeiture must include the date on which the forfeiture becomes effective. The undertaking or money deposited instead of bail bond is forfeited 180 days after the date on which the notice is mailed ***or electronically transmitted*** pursuant to subsection 1.

3. The court may extend the date of the forfeiture for any reasonable period set by the court if the surety or depositor submits to the court:

(a) An application for an extension and the court determines that the surety or the depositor is making reasonable and ongoing efforts to bring the defendant before the court.

(b) An application for an extension on the ground that the defendant is temporarily prevented from appearing before the court because the defendant:

(1) Is ill;

(2) Is insane; or

(3) Is being detained by civil or military authorities,

➥ and the court, upon hearing the matter, determines that one or more of the grounds described in this paragraph exist and that the surety or depositor did not in any way cause or aid the absence of the defendant.

Sec. 4. NRS 178.514 is hereby amended to read as follows:

178.514 1. When a forfeiture has not been set aside, the court shall on motion enter a judgment of default and execution may issue thereon.

2. If an order setting aside a forfeiture has not been entered within 180 days after the issuance of the order of forfeiture, the court shall enter judgment by default and commence execution proceedings therein.

3. By entering into a bond the obligors submit to the jurisdiction of the court and irrevocably appoint the clerk of the court as their agent upon whom any papers affecting their liability may be served. Their liability may be enforced on motion and such notice of the motion as the court prescribes may be served on the clerk of the court, who shall forthwith mail ***or electronically transmit*** copies to the obligors to their last known addresses ~~[.]~~ ***or by means that have been designated by the obligors for the purpose of receiving electronic transmissions.*** ~~***[In the case of electronic transmission, notice shall be deemed to have been given when the electronic transmission of such notice is successfully initiated.]***~~

Sec. 5. Chapter 697 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Every]~~ Except as otherwise provided in subsections 2 and 3, every bail agent ~~[, bail enforcement agent, bail solicitor,]~~ and insurer authorized to write surety in this State and every subsidiary corporation of such an insurer shall maintain a means of receiving electronic transmissions and shall receive electronic transmissions made pursuant to NRS 178.502, 178.508 and 178.514.

2. Before April 1, 2018, a bail agent or insurer authorized to write surety in this State and every subsidiary corporation of such an insurer may elect to receive a notice pursuant to NRS 178.502, 178.508 or 178.514 by mail by providing a written request to the court.

3. On and after April 1, 2018, a bail agent or insurer authorized to write surety in this State and every subsidiary corporation of such an insurer may receive a notice pursuant to NRS 178.502, 178.508 or 178.514 by mail only pursuant to a court order issued upon request by the bail agent or insurer for good cause shown.

4. As used in this section, "electronic transmission" has the meaning ascribed to it in section 1 of this act.

Sec. 6. ~~[This act becomes effective on July 1, 2017.]~~ **(Deleted by amendment.)**

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 46.

Bill read second time.

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

Amendment No. 171.

AN ACT relating to mental health; providing for the certification and regulation of providers of community-based living arrangement services; clarifying that providers of community-based living arrangement services, supported living arrangement services and temporary respite services are not

subject to certain licensing and regulatory requirements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) imposes certain requirements relating to supported living arrangement services provided to persons with intellectual disabilities and related conditions; and (2) authorizes the Aging and Disability Services Division of the Department of Health and Human Services to take certain actions to regulate the provision of such services. (NRS 435.3305-435.339) **Sections 2-12** of this bill enact similar provisions that apply to community-based living arrangement services. **Section 4** defines "community-based living arrangement services" to mean flexible, individualized services provided in the home to persons with mental illness or persons with related conditions that are designed to help such persons maximize their independence.

Section 5 requires a person or entity to be certified by the Division of Public and Behavioral Health of the Department or be a natural person who is employed by the holder of a certificate before providing community-based living arrangement services. **Section 6**: (1) requires the State Board of Health to adopt regulations governing community-based living arrangement services; and (2) authorizes the Board to impose a fee for the issuance or renewal of a certificate. **Section 7**: (1) requires an applicant for renewal of a certificate who has a state business registration to provide his or her business identification number in the application; and (2) prohibits the renewal of a certificate if the applicant fails to provide such information or is delinquent on a debt to a state agency.

Section 8 authorizes the Division to investigate an applicant for the issuance or renewal of a certificate or a provider of community-based living arrangement services against whom a complaint has been filed. **Section 8** also authorizes the Division to employ such persons and enter into such agreements as are necessary to carry out provisions of law governing community-based living arrangement services. **Section 9** authorizes the Division to bring an action to enjoin any person or entity who provides community-based living arrangement services without a certificate or after a certificate has been revoked or suspended.

Existing federal law requires each state to adopt procedures to ensure that applicants for certain licenses and certificates comply with child support obligations. (42 U.S.C. § 666) **Sections 10-12** enact such procedures applicable to applicants for certificates in order to comply with federal law.

Certain providers of nursing services are subject to regulation under existing law as medical facilities. (NRS 449.0015, 449.0151, 449.0153) **Sections 16 and 19** of this bill exempt providers of community-based living arrangement services from those provisions. Existing law defines "supported living arrangement services" to mean flexible, individualized services provided in the home, for compensation, to a person with an intellectual disability or a person with a related condition that are designed and

coordinated to assist the person in maximizing the person's independence. (NRS 435.3315) **Sections 18 and 20** of this bill clarify that a home in which community-based living arrangement services or supported living arrangement services are provided does not constitute a residential facility for groups or a home for individual residential care subject to regulation under chapter 449 of NRS. **Section 17** of this bill provides that an agency that contracts with the Aging and Disability Services Division of the Department to provide temporary respite services, which are services provided to a natural person periodically to provide a respite to the person's regular caregiver, is not an agency to provide personal care services in the home subject to regulation under chapter 449 of NRS.

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

Section 1. Chapter 433 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Certificate" means a certificate that authorizes a natural person or entity to provide services that is issued by the Division pursuant to sections 2 to 12, inclusive, of this act and the regulations adopted pursuant thereto.***

Sec. 4. ***"Community-based living arrangement services" or "services" means flexible, individualized services, including, without limitation, training and habilitation services, that are:***

1. Provided in the home, for compensation, to persons with mental illness or persons with related conditions who are served by the Division ~~***[;]***~~ ***or any other entity; and***

2. Designed and coordinated to assist such persons in maximizing their independence.

Sec. 5. ***1. Except as otherwise provided in subsection 2, a person, government or governmental agency shall not provide services without first obtaining a certificate from the Division.***

2. A natural person who has not been issued a certificate but is employed by the holder of a certificate may provide services within the scope of his or her employment by the holder.

Sec. 6. ***1. The State Board of Health shall adopt regulations governing services, including, without limitation, regulations that set forth:***

(a) Standards for the provision of quality care by a provider of services;

(b) Requirements for the issuance and renewal of a certificate; and

(c) The rights of consumers of services, in addition to those prescribed in this chapter, including, without limitation, the right of a consumer to file a complaint against a provider of services and the procedure for filing such a complaint.

2. The State Board of Health may, by regulation, prescribe a fee for:

(a) The issuance of a certificate; and

(b) The renewal of a certificate.

3. Any fee prescribed pursuant to subsection 2 must be calculated to produce the revenue estimated to cover the costs related to the issuance and renewal of certificates, but in no case may the fee for the issuance or renewal of a certificate exceed the actual cost to the Division of issuing or renewing the certificate, as applicable.

Sec. 7. *1. In addition to any other requirements set forth in this chapter and the regulations adopted pursuant to section 6 of this act, an applicant for the renewal of a certificate must indicate in the application submitted to the Division whether the applicant has a state business registration. If the applicant has a state business registration, the applicant must include in the application the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS.*

2. A certificate may not be renewed if:

(a) The applicant fails to submit the information required by subsection 1; or

(b) The State Controller has informed the Division pursuant to subsection 5 of NRS 353C.1965 that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

(2) Entered into an agreement for the payment of the debt pursuant to NRS 353C.130; or

(3) Demonstrated that the debt is not valid.

3. As used in this section:

(a) "Agency" has the meaning ascribed to it in NRS 353C.020.

(b) "Debt" has the meaning ascribed to it in NRS 353C.040.

Sec. 8. *The Division may:*

1. Upon receipt of an application for a certificate, conduct an investigation into the qualifications of the personnel, methods of operation, policies and purposes of the applicant;

2. Upon receipt of a complaint against a provider of services, except for a complaint concerning the cost of services, conduct an investigation into the qualifications of the personnel, methods of operation, policies, procedures and records of the provider of services;

3. Employ such professional, technical and clerical assistance as it deems necessary to carry out the provisions of sections 2 to 12, inclusive, of this act; and

4. Enter into such agreements with public and private agencies as it deems necessary for the provision of services.

Sec. 9. *1. The Division may bring an action in the name of the State of Nevada to enjoin any person, government or governmental agency from providing services:*

(a) Without first obtaining a certificate from the Division; or

(b) After the certificate has been revoked or suspended by the Division.

2. It is sufficient in such an action to allege that the defendant did, on a certain date and in a certain place, provide services without a certificate.

Sec. 10. *1. A natural person who applies for the issuance or renewal of a certificate must submit to the Division the statement prescribed by the Division of Welfare and Supportive Services of the Department pursuant to NRS 425.520. The statement must be completed and signed by the applicant.*

2. The Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certificate; or

(b) A separate form prescribed by the Division.

3. A certificate may not be issued or renewed by the Division if the applicant is a natural person who:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 11. *The application of a natural person who applies for the issuance of a certificate must include the social security number of the applicant.*

Sec. 12. *1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a natural person who is the holder of a certificate, the Division shall deem the certificate issued to that person to be suspended at the end of the 30th day after the date the court order was issued unless the Division receives a letter issued to the holder of the certificate by the district attorney or other public agency pursuant to NRS 425.550 stating*

that the holder of the certificate has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Division shall reinstate a certificate that has been suspended by a district court pursuant to NRS 425.540 if the Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certificate was suspended stating that the person whose certificate was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 13. NRS 439B.225 is hereby amended to read as follows:

439B.225 1. As used in this section, "licensing board" means any division or board empowered to adopt standards for the issuance or renewal of licenses, permits or certificates of registration pursuant to NRS 435.3305 to 435.339, inclusive, chapter 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640D, 641, 641A, 641B, 641C, 652 or 654 of NRS ~~[.]~~ ***or sections 2 to 12, inclusive, of this act.***

2. The Committee shall review each regulation that a licensing board proposes or adopts that relates to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the board, giving consideration to:

(a) Any oral or written comment made or submitted to it by members of the public or by persons or facilities affected by the regulation;

(b) The effect of the regulation on the cost of health care in this State;

(c) The effect of the regulation on the number of licensed, permitted or registered persons and facilities available to provide services in this State; and

(d) Any other related factor the Committee deems appropriate.

3. After reviewing a proposed regulation, the Committee shall notify the agency of the opinion of the Committee regarding the advisability of adopting or revising the proposed regulation.

4. The Committee shall recommend to the Legislature as a result of its review of regulations pursuant to this section any appropriate legislation.

Sec. 14. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

"Community-based living arrangement services" has the meaning ascribed to it in section 4 of this act.

Sec. 15. NRS 449.001 is hereby amended to read as follows:

449.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 449.0015 to 449.0195, inclusive, ***and section 14 of this act*** have the meanings ascribed to them in those sections.

Sec. 16. NRS 449.0015 is hereby amended to read as follows:

449.0015 ***1.*** "Agency to provide nursing in the home" means any person or governmental organization which provides in the home, through its employees or by contractual arrangement with other persons, skilled nursing and assistance and training in health and housekeeping skills.

2. The term does not include ~~[a]~~ ***:***

(a) A provider of community-based living arrangement services during any period in which the provider of community-based living arrangement services is engaged in providing community-based living arrangement services; or

(b) A provider of supported living arrangement services during any period in which the provider of supported living arrangement services is engaged in providing supported living arrangement services.

Sec. 17. NRS 449.0021 is hereby amended to read as follows:

449.0021 1. "Agency to provide personal care services in the home" means any person, other than a natural person, which provides in the home the services authorized pursuant to NRS 449.1935 to elderly persons or persons with disabilities.

2. The term does not include:

(a) An independent contractor who provides nonmedical services specified in NRS 449.1935 without the assistance of employees;

(b) An organized group of persons composed of the family or friends of a person needing personal care services that employs or contracts with persons to provide nonmedical services specified in NRS 449.1935 for the person if:

(1) The organization of the group of persons is set forth in a written document that is made available for review by the Division upon request; and

(2) The personal care services are provided to only one person or one family who resides in the same residence; ~~[or]~~

(c) An intermediary service organization ~~[.]~~ ***; or***

(d) A person or agency that contracts with the Aging and Disability Services Division of the Department of Health and Human Services to provide temporary respite services.

3. As used in this section ~~[, "intermediary]~~ ***:***

(a) "Intermediary service organization" has the meaning ascribed to it in NRS 449.4304.

(b) "Temporary respite services" means services provided through a contract with the Aging and Disability Services Division of the Department of Health and Human Services to a natural person on a periodic basis to provide a respite for a regular provider of services.

Sec. 18. NRS 449.0105 is hereby amended to read as follows:

449.0105 "Home for individual residential care" means a home in which a natural person furnishes food, shelter, assistance and limited supervision, for compensation, to not more than two persons with intellectual disabilities or with physical disabilities or who are aged or infirm, unless the persons receiving those services are related within the third degree of consanguinity or affinity to the person providing those services. The term does not include:

1. A halfway house for recovering alcohol and drug abusers; or

2. A home in which ***community-based living arrangement services or*** supported living arrangement services are provided by a provider of ~~[supported living arrangement]~~ ***such*** services during any period in which the

provider ~~[of supported living arrangement services]~~ is engaged in providing ~~[supported living arrangement]~~ ***the*** services.

Sec. 19. NRS 449.0153 is hereby amended to read as follows:

449.0153 ***1.*** "Nursing pool" means a person or agency which provides for compensation, through its employees or by contractual arrangement with other persons, nursing services to any natural person, medical facility or facility for the dependent.

2. The term does not include:

~~[1.]~~ ***(a)*** An independent contractor who provides such services without the assistance of employees;

~~[2.]~~ ***(b)*** A nursing pool based in a medical facility or facility for the dependent; ~~[or~~

~~3.]~~ ***(c) A provider of community-based living arrangement services during any period in which the provider of community-based living arrangement services is engaged in providing community-based living arrangement services; or***

(d) A provider of supported living arrangement services during any period in which the provider of supported living arrangement services is engaged in providing supported living arrangement services.

Sec. 20. NRS 449.017 is hereby amended to read as follows:

449.017 1. Except as otherwise provided in subsection 2, "residential facility for groups" means an establishment that furnishes food, shelter, assistance and limited supervision to a person with an intellectual disability or with a physical disability or a person who is aged or infirm. The term includes, without limitation, an assisted living facility.

2. The term does not include:

(a) An establishment which provides care only during the day;

(b) A natural person who provides care for no more than two persons in his or her own home;

(c) A natural person who provides care for one or more persons related to him or her within the third degree of consanguinity or affinity;

(d) A halfway house for recovering alcohol and drug abusers; or

(e) A ~~[facility funded by a division or program of the Department of Health and Human Services.]~~ ***home in which community-based living arrangement services or supported living arrangement services are provided by a provider of such services during any period in which the provider is providing the services.***

Sec. 21. NRS 632.316 is hereby amended to read as follows:

632.316 The provisions of NRS 632.315 do not prohibit:

1. Gratuitous nursing by friends or by members of the family of a patient.

2. The incidental care of the sick by domestic servants or persons primarily employed as housekeepers as long as they do not practice nursing within the meaning of this chapter.

3. Nursing assistance in the case of an emergency.

4. The practice of nursing by students enrolled in accredited schools of nursing or by graduates of those schools or courses pending the results of the first licensing examination scheduled by the Board following graduation. A student or graduate may not work as a nursing assistant unless the student or graduate is certified to practice as a nursing assistant pursuant to the provisions of this chapter.

5. The practice of nursing in this State by any legally qualified nurse or nursing assistant of another state whose engagement requires the nurse or nursing assistant to accompany and care for a patient temporarily residing in this State during the period of one such engagement, not to exceed 6 months, if the person does not represent or hold himself or herself out as a nurse licensed to practice in this State or as a nursing assistant who holds a certificate to practice in this State.

6. The practice of any legally qualified nurse of another state who is employed by the United States Government, or any bureau, division or agency thereof, while in the discharge of his or her official duties in this State, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

7. Nonmedical nursing for the care of the sick, with or without compensation, if done by the adherents of, or in connection with, the practice of the religious tenets of any well-recognized church or religious denomination, if that nursing does not amount to the practice of practical or professional nursing as defined in NRS 632.017 and 632.018, respectively.

8. A personal assistant from performing services for a person with a disability pursuant to NRS 629.091.

9. ***A natural person from providing community-based living arrangement services if:***

(a) That person has been issued a certificate pursuant to sections 2 to 12, inclusive, of this act, and the regulations adopted pursuant to section 6 of this act; or

(b) That person is employed or retained as an independent contractor by a partnership, firm, corporation or association, state or local government or agency thereof that has been issued a certificate pursuant to sections 2 to 12, inclusive, of this act, and the regulations adopted pursuant to section 6 of this act.

➥ As used in this subsection, "community-based living arrangement services" has the meaning ascribed to it in section 4 of this act.

10. A natural person from providing supported living arrangement services if:

(a) That person has been issued a certificate pursuant to NRS 435.3305 to 435.339, inclusive, and the regulations adopted pursuant to NRS 435.3305 to 435.339, inclusive; or

(b) That person is employed or retained as an independent contractor by a partnership, firm, corporation or association, state or local government or agency thereof that has been issued a certificate pursuant to NRS 435.3305 to

435.339, inclusive, and the regulations adopted pursuant to NRS 435.3305 to 435.339, inclusive.

➥ As used in this subsection, "supported living arrangement services" has the meaning ascribed to it in NRS 435.3315.

Sec. 22. Notwithstanding the provisions of section 5 of this act, a person, government or governmental agency is not required to possess a certificate issued by the Division of Public and Behavioral Health of the Department of Health and Human Services to provide community-based living arrangement services in this State before October 1, 2017, unless the Division establishes, by regulation, an earlier date for compliance with section 5 of this act.

Sec. 23. 1. This act becomes effective on July 1, 2017.

2. Sections 10, 11 and 12 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with the subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 60.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 35.

AN ACT relating to vehicles; requiring the payment of a fee and the submission of certain information for the reinstatement of certain licenses relating to vehicles which are not timely renewed; revising provisions relating to fingerprint requirements for certain initial licenses relating to vehicles; repealing provisions requiring the payment of a fee for the issuance of certain temporary placards; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a license issued by the Department of Motor Vehicles is required for a person who wishes to operate as a: (1) vehicle transporter; (2) motor vehicle manufacturer; (3) motor vehicle distributor; (4) new and used vehicle dealer; (5) vehicle rebuilder; (6) broker of vehicles; (7) automobile wrecker; (8) salvage pool; or (9) body shop. (NRS 482.3161,

482.322, 482.333, 487.050, 487.410, 487.610) Registration with the Department is required under existing law for a person who wishes to operate a garage. (NRS 487.560) Existing law also provides for the renewal of all such licenses and registration. (NRS 482.3163, 482.325, 482.333, 487.070, 487.430, 487.565, 487.630) **Sections 1, 4, 5, 8 and 10-12** of this bill establish a late fee of $25 for the reinstatement of such licenses and registration if the license or registration, as applicable, is allowed to expire before renewal. **Section 2** of this bill establishes certain requirements for a vehicle transporter who electronically submits the statement required for licensure regarding child support to retain the original version of such a statement for 3 years after submission. (NRS 482.31632)

Under existing law, the Department requires a person applying for initial licensure to operate as a vehicle transporter, a motor vehicle manufacturer, distributor, dealer or rebuilder, a broker of vehicles or a salesperson of vehicles, trailers or semitrailers to submit a complete set of fingerprints for submission to the Federal Bureau of Investigation for its report. (NRS 482.3163, 482.325, 482.333, 482.362) The Department also requires a person applying for initial licensure to operate as a vehicle transporter, a motor vehicle manufacturer, distributor, dealer or rebuilder, to pay a processing fee established by the Department in regulation for the fingerprints. (NRS 482.3163, 482.325) **Sections 5 and 6** of this bill require a person applying for initial licensure to operate as a broker of vehicles or a salesperson of vehicles, trailers or semitrailers to pay a fee established by the Department by regulation for processing the fingerprints. **Section 13** of this bill makes a conforming change. (NRS 490.210) **Sections 7, 9 and 12** of this bill require a person applying for initial licensure to operate as an automobile wrecker, a salvage pool or a body shop to submit a complete set of fingerprints for submission to the Federal Bureau of Investigation for its report and to pay a fee established by the Department by regulation for processing the fingerprints. (NRS 487.050, 487.410, 487.630) **Sections 7, 9 and 12 also require an application form for such licensure to designate the persons whose names must appear on the form.**

Existing law requires a seller or long-term lessor of a vehicle to attach to a vehicle he or she has sold or leases a temporary placard which authorizes the operation of such a vehicle on the highways of this State for a period not to exceed 30 days. (NRS 482.423-482.4245) The temporary placard must be removed when the vehicle is registered and license plates are affixed. Existing law requires the Department to collect a fee for each such temporary placard issued to a seller or long-term lessor of vehicles. (NRS 482.4247) **Section 14** of this bill repeals the requirement for the collection of such a fee. **Section 3** of this bill makes a conforming change. (NRS 482.31776)

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

Section 1. NRS 482.3163 is hereby amended to read as follows:

482.3163 1. An application for a license as a vehicle transporter must be accompanied by a fee of $100, be submitted on forms supplied by the Department and include the social security number of the applicant. The forms must designate the persons whose names are required to appear on the forms. An additional fee for the processing of fingerprints must be submitted for each applicant for initial licensure. The Department shall establish by regulation the fee for processing fingerprints. The fee must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

2. The application for a license as a vehicle transporter must contain:

(a) The applicant's name and address; and

(b) Such other information as the Department requires.

3. Each applicant for initial licensure shall submit with the application:

(a) A complete set of his or her fingerprints and written permission authorizing the Department to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(b) If the applicant is a natural person, the statement required pursuant to NRS 482.31632.

4. Upon receipt of the application and when satisfied that the applicant is entitled thereto, the Department shall issue to the applicant a license as a vehicle transporter.

5. A license issued pursuant to this section expires on December 31 of each year. Before December 31 of each year, a licensee must submit to the Department, on forms supplied by the Department and in the manner specified by the Department, an application for renewal accompanied by an annual fee for renewal of $50. If the applicant is a natural person, the application also must be
accompanied by the statement required pursuant to NRS 482.31632.

6. A license that expires for failure to renew before December 31 may be reinstated upon submission to the Department of:

(a) The application for renewal and the annual fee for renewal as required in subsection 5;

(b) If the applicant is a natural person, the statement required pursuant to NRS 482.31632; and

(c) A late fee of $25.

Sec. 2. NRS 482.31632 is hereby amended to read as follows:

482.31632 1. ~~[An]~~ ***Except as otherwise provided in subsection 5, an*** applicant for the issuance or renewal of a license as a vehicle transporter shall submit to the Department the statement prescribed by the Division of

Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Department shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Department.

3. A license as a vehicle transporter may not be issued or renewed by the Department if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Department shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

5. If a licensee renews an existing license electronically, the licensee shall keep the original of the statement required pursuant to subsection 1 at his or her place of business for not less than 3 years after submitting the electronic renewal. The statement must be available during business hours for inspection by any authorized agent of the Director or the State of Nevada.

Sec. 3. NRS 482.31776 is hereby amended to read as follows:

482.31776 1. A consignee of a vehicle shall, upon entering into a consignment contract or other form of agreement to sell a vehicle owned by another person:

(a) Open and maintain a separate trust account in a federally insured bank or savings and loan association that is located in this State, into which the consignee shall deposit all money received from a prospective buyer as a deposit, or as partial or full payment of the purchase price agreed upon, toward the purchase or transfer of interest in the vehicle. A consignee of a vehicle shall not:

(1) Commingle the money in the trust account with any other money that is not on deposit or otherwise maintained toward the purchase of the vehicle subject to the consignment contract or agreement; or

(2) Use any money in the trust account to pay his or her operational expenses for any purpose that is not related to the consignment contract or agreement.

(b) Obtain from the consignor, before receiving delivery of the vehicle, a signed and dated disclosure statement that is included in the consignment contract and provides in at least 10-point bold type or font:

IMPORTANT NOTICE TO VEHICLE OWNERS

State law (NRS 482.31776) requires that the operator of this business file a Uniform Commercial Code 1 (UCC1) form with the Office of the Secretary of State on your behalf to protect your interest in your vehicle. The form is required to protect your vehicle from forfeiture in the event that the operator of this business fails to meet his or her financial obligations to a third party holding a security interest in his or her inventory. The form must be filed by the operator of this business before the operator may take possession of your vehicle. If the form is not filed as required, YOU MAY LOSE YOUR VEHICLE THROUGH NO FAULT OF YOUR OWN. For a copy of the UCC1 form filed on your behalf or for more information, please contact:

The Office of the Secretary of State of Nevada
Uniform Commercial Code Division
[~~(775) 684-5708~~**]** ***(775) 684-7100***

I understand and acknowledge the above disclosure.

....
Consignee Signature Date

(c) Assist the consignor in completing, with respect to the consignor's purchase-money security interest in the vehicle, a financing statement of the type described in subsection 5 of NRS 104.9317 and shall file the financing statement with the Secretary of State on behalf of the consignor. If a consignee has previously granted to a third party a security interest with an after-acquired property clause in the consignee's inventory, the consignee additionally shall assist the consignor in sending an authenticated notification, as described in paragraph (b) of subsection 1 of NRS 104.9324, to each holder of a conflicting security interest. The consignee must not receive delivery of the vehicle until the consignee has:

(1) Filed the financing statement with the Secretary of State; and

(2) If applicable, assisted the consignor in sending an authenticated notification to each holder of a conflicting security interest.

2. Upon the sale or transfer of interest in the vehicle, the consignee shall forthwith:

(a) Satisfy or cause to be satisfied all outstanding security interests in the vehicle; and

(b) Satisfy the financial obligations due the consignor pursuant to the consignment contract.

3. Upon the receipt of money by delivery of cash, bank check or draft, or any other form of legal monetary exchange, or after any form of transfer of interest in a vehicle, the consignee shall notify the consignor that the money has been received or that a transfer of interest in the vehicle has occurred. Notification by the consignee to the consignor must be given in person or, in the absence of the consignor, by registered or certified mail addressed to the last address or residence of the consignor known to the consignee. The notification must be made within 3 business days after the date on which the money is received or the transfer of interest in the vehicle is made.

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

(a) An executor;

(b) An administrator;

(c) A sheriff;

(d) A salvage pool subject to the provisions of NRS 487.400 to 487.510, inclusive; or

(e) Any other person who sells a vehicle pursuant to the powers or duties granted to or imposed on him or her by specific statute.

5. Notwithstanding any provision of NRS 482.423 to **[**~~482.4247,~~**]** ***482.4245,*** inclusive, to the contrary, a vehicle subject to a consignment contract may not be operated by the consignee, an employee or agent of the consignee, or a prospective buyer in accordance with NRS 482.423 to **[**~~482.4247,~~**]** ***482.4245,*** inclusive, by displaying a temporary placard to operate the vehicle unless the operation of the vehicle is authorized by the express written consent of the consignor.

6. A vehicle subject to a consignment contract may not be operated by the consignee, an employee or agent of the consignee, or a prospective buyer in accordance with NRS 482.320 by displaying a special plate unless the operation of the vehicle is authorized by the express written consent of the consignor.

7. A consignee shall maintain a written log for each vehicle for which he or she has entered into a consignment contract. The written log must include:

(a) The name and address, or place of residence, of the consignor;

(b) A description of the vehicle consigned, including the year, make, model and serial or identification number of the vehicle;

(c) The date on which the consignment contract is entered into;

(d) The period that the vehicle is to be consigned;

(e) The minimum agreed upon sales price for the vehicle;

(f) The approximate amount of money due any lienholder or other person known to have an interest in the vehicle;

(g) If the vehicle is sold, the date on which the vehicle is sold;

(h) The date that the money due the consignor and the lienholder was paid;

(i) The name and address of the federally insured bank or savings and loan association in which the consignee opened the trust account required pursuant to subsection 1; and

(j) The signature of the consignor acknowledging that the terms of the consignment contract were fulfilled or terminated, as appropriate.

8. A person who:

(a) Appropriates, diverts or otherwise converts to his or her own use money in a trust account opened pursuant to paragraph (a) of subsection 1 or otherwise subject to a consignment contract or agreement is guilty of embezzlement and shall be punished in accordance with NRS 205.300. The court shall, in addition to any other penalty, order the person to pay restitution.

(b) Violates paragraph (b) or (c) of subsection 1 is guilty of a misdemeanor. The court shall, in addition to any other penalty, order the person to pay restitution.

(c) Violates any other provision of this section is guilty of a misdemeanor.

Sec. 4. NRS 482.325 is hereby amended to read as follows:

482.325 1. An application for a manufacturer's, distributor's, dealer's or rebuilder's license must be filed upon forms supplied by the Department and include the social security number of the applicant. The forms must designate the persons whose names are required to appear thereon. The applicant shall furnish:

(a) Such proof as the Department may deem necessary that the applicant is a manufacturer, distributor, dealer or rebuilder.

(b) A fee of $125.

(c) A fee for the processing of fingerprints. The Department shall establish by regulation the fee for processing fingerprints. The fee must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

(d) For initial licensure, a complete set of fingerprints and written permission authorizing the Department to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(e) If the applicant is a natural person, the statement required pursuant to NRS 482.319.

(f) A certificate of insurance for automobile liability.

2. Upon receipt of the application and when satisfied that the applicant is entitled thereto, the Department shall issue to the applicant a dealer's, manufacturer's, distributor's or rebuilder's license containing the name of the licensee and the address of the licensee's established place of business or the address of the main office of a manufacturer without an established place of business in this State.

3. Licenses issued pursuant to this section expire on December 31 of each year. Before December 31 of each year, a licensee must furnish the

Department with an application for renewal of the license accompanied by an annual fee of $50. If the applicant is a natural person, the application for renewal also must be accompanied by the statement required pursuant to NRS 482.319. The additional fee for the processing of fingerprints, established by regulation pursuant to paragraph (c) of subsection 1, must be submitted for each applicant whose name does not appear on the original application for the license. The renewal application must be provided by the Department and contain information required by the Department.

4. A license that expires for failure to renew before December 31 may be reinstated upon submission to the Department of:

(a) The application for renewal and the annual fee for renewal required in subsection 3;

(b) If the applicant is a natural person, the statement required pursuant to NRS 482.319;

(c) The additional fee for processing fingerprints required in subsection 3, if applicable; and

(d) A late fee of $25.

Sec. 5. NRS 482.333 is hereby amended to read as follows:

482.333 1. A person shall not engage in the activity of a broker of vehicles in this State without first having received a license from the Department. Before issuing a license to a broker, the Department shall require:

(a) An application, signed and verified by the applicant, stating that the applicant desires to be licensed as a broker, his or her residential address, his or her social security number and the address of his or her principal place of business **.** ~~[.]~~

(b) A statement as to whether any previous application of the applicant for a license as a vehicle dealer or broker has been denied or whether such a license has been suspended or revoked **.** ~~[.]~~

(c) Payment of a nonrefundable license fee of $125 **.** ~~[.]~~

(d) ***A fee for the processing of fingerprints. The Department shall establish by regulation the fee for processing fingerprints. The fee must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.***

(e) For initial licensure, the submission of a complete set of the applicant's fingerprints and written permission authorizing the Department to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report **.** ~~[; and~~

~~(e)]~~ ***(f)*** Any other information the Department deems necessary.

➥ A license issued pursuant to this section expires on December 31 of the year in which it was issued and may be renewed annually upon the payment of a fee of $50. ***If a licensee fails to renew his or her license before it***

expires on December 31, the license may be reinstated upon the payment to the Department of the annual renewal fee of $50 and a late fee of $25.

2. The Department may deny the issuance of, suspend or revoke a license to engage in the activities of a broker of vehicles upon any of the following grounds:

(a) Failure of the applicant to have an established place of business in this State.

(b) Conviction of a felony in this State or any other state, territory or nation.

(c) Material misstatement in the application.

(d) Evidence of unfitness of the applicant or licensee.

(e) Failure or refusal to provide to the Department an authorization for the disclosure of financial records for the business as required pursuant to subsection 6.

(f) Willful failure to comply with a provision of the motor vehicle laws of this State or a directive of the Director. For the purpose of this paragraph, failure to comply with a directive of the Director advising the licensee of noncompliance with a provision of the motor vehicle laws of this State or a regulation of the Department, within 10 days after the receipt of the directive, is prima facie evidence of willful failure to comply with the directive.

(g) Failure or refusal to furnish and keep in force any bond.

(h) Failure on the part of the licensee to maintain a fixed place of business in this State.

(i) Failure or refusal by the licensee to pay or otherwise discharge a final judgment against the licensee rendered and entered against the licensee, arising out of the misrepresentation of a vehicle, trailer or semitrailer, or out of a fraud committed in connection with the brokering of a vehicle, trailer or semitrailer.

(j) Failure of the licensee to maintain any other license or bond required by a political subdivision of this State.

(k) Any other reason determined by the Director to be in the best interests of the public.

➥ The Director may deny the issuance of a license to an applicant or revoke a license already issued if the Department is satisfied that the applicant or licensee is not entitled thereto.

3. If an application for a broker's license has been denied, the applicant may not reapply sooner than 6 months after the denial.

4. A broker's license must be posted in a conspicuous place on the premises of the broker's principal place of business.

5. If any information submitted in the application for a broker's license changes, the broker shall submit a written notice of the change to the Department within 10 days after the change occurs.

6. Upon the receipt of any report or complaint alleging that an applicant or a licensee has engaged in financial misconduct or has failed to satisfy financial obligations related to the activity of a broker of vehicles, the

Department may require the applicant or licensee to submit to the Department an authorization for the disclosure of financial records for the business as provided in NRS 239A.090. The Department may use any information obtained pursuant to such an authorization only to determine the suitability of the applicant or licensee for initial or continued licensure. Information obtained pursuant to such an authorization may be disclosed only to those employees of the Department who are authorized to issue a license to an applicant pursuant to NRS 482.333 to 482.334, inclusive, or to determine the suitability of an applicant or a licensee for such licensure.

7. Except as otherwise provided in NRS 482.555, any person who fails to comply with the provisions of this section is guilty of a misdemeanor.

Sec. 6. NRS 482.362 is hereby amended to read as follows:

482.362 1. A person shall not engage in the activity of a salesperson of vehicles, trailers or semitrailers, or act in the capacity of a salesperson as defined by this chapter, in the State of Nevada without first having received a license or temporary permit from the Department. Before issuing a license or temporary permit to engage in the activity of a salesperson, the Department shall require:

(a) An application, signed and verified by the applicant, stating that the applicant is to engage in the activity of a salesperson, his or her residence address, and the name and address of the applicant's employer.

(b) Proof of the employment of the applicant by a licensed and bonded vehicle dealer, trailer or semitrailer dealer, lessor or rebuilder at the time the application is filed.

(c) A statement as to whether any previous application of the applicant has been denied or license revoked.

(d) Payment of a nonrefundable license fee of $75. The license expires on December 31 of each calendar year and may be renewed annually upon the payment of a fee of $40.

(e) ***A fee for the processing of fingerprints. The Department shall establish by regulation the fee for processing fingerprints. The fee must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.***

(f) For initial licensure, the applicant to submit a complete set of fingerprints and written permission authorizing the Department to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

~~[(f)]~~ ***(g)*** Any other information the Department deems necessary.

2. The Department may issue a 60-day temporary permit to an applicant who has submitted an application and paid the required ~~[fee.]~~ ***fees.***

3. A license to act as a salesperson of vehicles, trailers or semitrailers, or to act in the capacity of a salesperson as defined in this chapter, issued pursuant to this chapter does not permit a person to engage in the business of selling mobile homes.

4. An application for a salesperson's license may be denied and a salesperson's license may be suspended or revoked upon the following grounds:

(a) Failure of the applicant to establish by proof satisfactory to the Department that the applicant is employed by a licensed and bonded vehicle dealer, trailer dealer or semitrailer dealer, lessor or rebuilder.

(b) Conviction of a felony.

(c) Conviction of a gross misdemeanor.

(d) Conviction of a misdemeanor for violation of any of the provisions of this chapter.

(e) Falsification of the application.

(f) Evidence of unfitness as described in NRS 482.3255.

(g) Failure of the applicant to provide any information deemed necessary by the Department to process the application.

(h) Any reason determined by the Director to be in the best interests of the public.

5. Except where a dealer, lessor or rebuilder has multiple branches licensed under NRS 482.326, a salesperson of vehicles shall not engage in any sales activity, or act in any other capacity as a salesperson as defined in this chapter, other than for the account of or for and in behalf of a single employer, at a specified place of business of that employer, who must be a licensed dealer, lessor or rebuilder.

6. If an application for a salesperson's license has been denied, the applicant may reapply not less than 6 months after the denial.

7. A salesperson's license must be posted in a conspicuous place on the premises of the dealer, lessor or rebuilder for whom the salesperson is licensed to sell vehicles.

8. If a licensed salesperson ceases to be employed by a licensed and bonded dealer, lessor or rebuilder, the license to act as a salesperson is automatically suspended and the right to act as a salesperson thereupon immediately ceases, and the person shall not engage in the activity of a salesperson until he or she has paid the Department a transfer fee of $20 and submitted a certificate of employment indicating he or she has been reemployed by a licensed and bonded dealer, lessor or rebuilder, and has thereafter presented a current temporary permit or a new salesperson's license to the employer.

9. If a licensed salesperson changes his or her residential address, the salesperson shall submit a written notice of the change to the Department within 10 days.

10. If a person who holds a temporary permit to act as a salesperson ceases to be employed by a licensed and bonded dealer, lessor or rebuilder, the permit to act as a salesperson is automatically suspended, the right to act as a salesperson thereupon immediately ceases and the person shall not engage in the activity of a salesperson until he or she has paid the Department a transfer fee of $20 and submitted a certificate of employment

indicating he or she has been reemployed by a licensed and bonded dealer, lessor or rebuilder, and has thereafter presented a current temporary permit or a new salesperson's license to the employer.

11. A licensed dealer, lessor or rebuilder who employs a licensed salesperson shall notify the Department of the termination of his or her employment within 10 days following the date of termination by forwarding the salesperson's license to the Department.

12. Any person who fails to comply with the provisions of this section is guilty of a misdemeanor except as otherwise provided in NRS 482.555.

Sec. 7. NRS 487.050 is hereby amended to read as follows:

487.050 1. It is unlawful for any person to dismantle, scrap, process or wreck any vehicle without first applying for and obtaining a license for that operation from the Department.

2. An application for a license must be made on a form provided by the Department ***. [,] The forms must designate the persons whose names are required to appear thereon. The application must*** include the social security number of the applicant and be accompanied by ~~[such]~~ ***:***

(a) Such proof as the Department may require that the applicant:

~~[(a)]~~ ***(1)*** Is a bona fide automobile wrecker; and

~~[(b)]~~ ***(2)*** Owns or leases a place of business which meets the requirements of NRS 487.073.

(b) A fee for the processing of fingerprints. The Department shall establish by regulation the fee for processing fingerprints. The fee must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

(c) For initial licensure, a complete set of fingerprints and written permission authorizing the Department to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(d) The fee for issuance of a license provided in NRS 487.080.

Sec. 8. NRS 487.070 is hereby amended to read as follows:

487.070 1. The Department may approve or reject the application. If the Department receives the statement required pursuant to NRS 487.003 and approves the application, it shall issue to the applicant:

(a) A license containing the applicant's name and address, the name under which the business is to be conducted, the business address, and a distinguishing number assigned to the applicant.

(b) A card which:

(1) Contains the information specified in paragraph (a);

(2) Includes a picture of the licensee; and

(3) Clearly identifies the holder of the card as a licensed automobile wrecker.

2. A licensee may obtain one or two cards for his or her business. The Department shall charge a fee of $50 for each card issued. ~~[Fees collected by~~

~~the Department pursuant to this subsection must be deposited with the State Treasurer for credit to the Motor Vehicle Fund.~~**]**

3. A licensee shall post the license in a conspicuous place clearly visible to the general public at the business address set forth on the license.

4. A license expires on April 30 of each year.

5. **[**~~A~~**]** ***Except as otherwise provided in subsection 6, a*** licensee may renew the license by submitting to the Department:

(a) A completed application for renewal upon a form supplied by the Department;

(b) The statement required pursuant to NRS 487.003; and

(c) The fee for renewal of a license provided in NRS 487.080.

6. A license that expires for failure to renew before April 30 may be reinstated upon submission to the Department of:

(a) The application for renewal and statement specified in paragraphs (a) and (b) of subsection 5;

(b) The fee for renewal of a license provided in NRS 487.080; and

(c) A late fee of $25.

7. Fees collected by the Department pursuant to this section must be deposited with the State Treasurer for credit to the Motor Vehicle Fund.

Sec. 9. NRS 487.410 is hereby amended to read as follows:

487.410 1. No person may operate a salvage pool without first applying for and obtaining a license for that business from the Department.

2. An application for a license must be made on a form provided by the Department**.** **[**~~,~~**]** ***The forms must designate the persons whose names are required to appear thereon. The application must*** include the social security number of the applicant and be accompanied by **[**~~such~~**]** ***:***

(a) Such proof as the Department requires that the applicant meets the statutory requirements to be an operator of a salvage pool.

(b) A fee for the processing of fingerprints. The Department shall establish by regulation the fee for processing fingerprints. The fee must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

(c) For initial licensure, a complete set of fingerprints and written permission authorizing the Department to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(d) The fee for issuance of a license provided in NRS 487.450.

Sec. 10. NRS 487.430 is hereby amended to read as follows:

487.430 1. The Department may approve or reject the application for a license to operate a salvage pool. If the Department receives the statement required pursuant to NRS 487.003 and approves the application, it shall issue to the applicant a license containing the applicant's name and address, the name under which the business is to be conducted, the business address, and a distinguishing number assigned to the applicant.

2. A licensee shall post the license in a conspicuous place clearly visible to the general public at the business address set forth on the license.

3. A license expires on April 30 of each year.

4. ~~[A]~~ ***Except as otherwise provided in subsection 5, a*** licensee may renew his or her license by submitting to the Department:

(a) A completed application for renewal upon a form supplied by the Department;

(b) The statement required pursuant to NRS 487.003; and

(c) The fee for renewal of a license provided in NRS 487.450.

5. A license that expires for failure to renew before April 30 may be reinstated upon submission to the Department of:

(a) The application for renewal and statement specified in paragraphs (a) and (b) of subsection 4;

(b) The fee for renewal of a license provided in NRS 487.450; and

(c) A late fee of $25. Any fee collected by the Department pursuant to this paragraph must be deposited with the State Treasurer for credit to the Motor Vehicle Fund.

Sec. 11. NRS 487.565 is hereby amended to read as follows:

487.565 1. If the Department receives an application for registration that contains the information required by NRS 487.560, it shall issue to the applicant a certificate of registration for each garage operated by the applicant. The certificate must contain the name of the applicant, the name under which the applicant's business will be conducted, the address of the business and the registration number for the garage.

2. A certificate of registration is valid for 1 year after the date of issuance. A garage operator may renew his or her ***unexpired*** registration by submitting to the Department:

(a) An application for renewal on a form provided by the Department; and

(b) Except as otherwise provided in NRS 487.560, the fee for renewal set forth in that section.

3. A garage operator seeking to renew a certificate of registration more than 1 year after the date of issuance may reinstate his or her registration by submitting to the Department:

(a) An application for renewal on a form provided by the Department;

(b) Except as otherwise provided in NRS 487.560, the fee for renewal set forth in that section; and

(c) A late fee of $25. Any fee collected by the Department pursuant to this paragraph must be deposited with the State Treasurer for credit to the Motor Vehicle Fund.

Sec. 12. NRS 487.630 is hereby amended to read as follows:

487.630 1. An application for a license to operate a body shop must be filed with the Department upon forms supplied by the Department. ***The forms must designate the persons whose names are required to appear thereon.*** The application must include the social security number of the applicant and must be accompanied by ~~[such]~~ ***:***

(a) Such proof as the Department requires to demonstrate that the applicant meets the statutory requirements to operate a body shop.

(b) A fee for the processing of fingerprints. The Department shall establish by regulation the fee for processing fingerprints. The fee must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

(c) For initial licensure, a complete set of fingerprints and written permission authorizing the Department to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(d) The fee for issuance of a license required by subsection 2.

2. The Department shall charge a fee of $300 for the issuance or renewal of a license to operate a body shop. ~~[Fees collected by the Department pursuant to this subsection must be deposited with the State Treasurer for credit to the Motor Vehicle Fund.]~~

3. Upon receipt of the application and the statement required pursuant to NRS 487.003 and when satisfied that the applicant is entitled thereto, the Department shall issue to the applicant a license to operate a body shop. The license must contain the name and the address of the body shop and the name of the operator.

4. Upon receipt of the license, the operator shall post the license in a conspicuous place clearly visible to the general public in the body shop and include the license number on all estimates and invoices for repairs.

5. A license expires on April 30 of each year.

6. ~~[A]~~ ***Except as otherwise provided in subsection 7, a*** licensee may renew his or her license by submitting to the Department:

(a) A completed application for renewal upon a form supplied by the Department;

(b) The statement required pursuant to NRS 487.003;

(c) Evidence satisfactory to the Department that the licensee has completed and electronically submitted, within 60 days immediately preceding the date of the submission of the application for renewal, the survey required pursuant to NRS 487.685; and

(d) The fee for renewal of a license provided in subsection 2.

7. A license that expires for failure to renew before April 30 may be reinstated upon submission to the Department of:

(a) The application, statement and evidence specified in paragraphs (a), (b) and (c) of subsection 6;

(b) The fee for renewal of a license provided in subsection 2; and

(c) A late fee of $25.

8. Fees collected by the Department pursuant to this section must be deposited with the State Treasurer for credit to the Motor Vehicle Fund.

Sec. 13. NRS 490.210 is hereby amended to read as follows:

490.210 1. An application for a license for an off-highway vehicle dealer, long-term or short-term lessor or manufacturer must be filed upon forms supplied by the Department and include the social security number of the applicant. The forms must designate the persons whose names are required to appear thereon. The applicant must furnish:

(a) Such proof as the Department may deem necessary that the applicant is an off-highway vehicle dealer, long-term or short-term lessor or manufacturer.

(b) A fee of $125.

(c) Unless the applicant has previously met the requirements of subsection 3 of NRS 482.3163, paragraphs (c) and (d) of subsection 1 of NRS 482.325, ~~[~~paragraph~~]~~ ***paragraphs*** (d) ***and (e)*** of subsection 1 of NRS 482.333 or ~~[~~paragraph~~]~~ ***paragraphs*** (e) ***and (f)*** of subsection 1 of NRS 482.362:

(1) A fee for the processing of fingerprints. The Department shall establish by regulation the fee for processing fingerprints. The fee must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

(2) For initial licensure, a complete set of the applicant's fingerprints and written permission authorizing the Department to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(d) If the applicant is a natural person, the statement required pursuant to NRS 490.330.

(e) A certificate of insurance for liability.

2. Upon receipt of the application and when satisfied that the applicant is entitled thereto, the Department shall issue to the applicant a license for an off-highway vehicle dealer, long-term or short-term lessor or manufacturer containing the name of the licensee and the address of his or her established place of business or the address of the main office of a manufacturer without an established place of business in this State.

3. Licenses issued pursuant to this section expire on December 31 of each year. Before December 31 of each year, a licensee must furnish the Department with an application for renewal of his or her license accompanied by an annual fee of $50. If the applicant is a natural person, the application for renewal also must be accompanied by the statement required pursuant to NRS 490.330. The additional fee for the processing of fingerprints, established by regulation pursuant to paragraph (c) of subsection 1, must be submitted for each applicant whose name does not appear on the original application for the license. The renewal application must be provided by the Department and contain information required by the Department.

Sec. 14. NRS 482.4247 is hereby repealed.

Sec. 15. This act becomes effective on January 1, 2018.

TEXT OF REPEALED SECTION

482.4247 Temporary placards issued by Department; fee; disposition of proceeds.

1. The Department shall collect a fee for each temporary placard issued by the Department to a seller or long-term lessor pursuant to NRS 482.423 to 482.4245, inclusive. The fee may not exceed the cost to the Department of producing the temporary placard.

2. The fees collected pursuant to subsection 1 must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to pay for the cost of producing the temporary placards.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

The following amendment was proposed by Assemblywoman Swank:

Amendment No. 207.

AN ACT relating to vehicles; requiring the payment of a fee and the submission of certain information for the reinstatement of certain licenses relating to vehicles which are not timely renewed; revising provisions relating to fingerprint requirements for certain initial licenses relating to vehicles; **revising the types of criminal convictions for which the Department of Motor Vehicles may deny an application for or suspend or revoke a salesperson's license;** repealing provisions requiring the payment of a fee for the issuance of certain temporary placards; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a license issued by the Department of Motor Vehicles is required for a person who wishes to operate as a: (1) vehicle transporter; (2) motor vehicle manufacturer; (3) motor vehicle distributor; (4) new and used vehicle dealer; (5) vehicle rebuilder; (6) broker of vehicles; (7) automobile wrecker; (8) salvage pool; or (9) body shop. (NRS 482.3161, 482.322, 482.333, 487.050, 487.410, 487.610) Registration with the Department is required under existing law for a person who wishes to operate a garage. (NRS 487.560) Existing law also provides for the renewal of all such licenses and registration. (NRS 482.3163, 482.325, 482.333, 487.070, 487.430, 487.565, 487.630) **Sections 1, 4, 5, 8 and 10-12** of this bill establish a late fee of $25 for the reinstatement of such licenses and registration if the license or registration, as applicable, is allowed to expire before renewal. **Section 2** of this bill establishes certain requirements for a vehicle transporter who electronically submits the statement required for licensure regarding child support to retain the original version of such a statement for 3 years after submission. (NRS 482.31632)

Under existing law, the Department requires a person applying for initial licensure to operate as a vehicle transporter, a motor vehicle manufacturer,

distributor, dealer or rebuilder, a broker of vehicles or a salesperson of vehicles, trailers or semitrailers to submit a complete set of fingerprints for submission to the Federal Bureau of Investigation for its report. (NRS 482.3163, 482.325, 482.333, 482.362) The Department also requires a person applying for initial licensure to operate as a vehicle transporter, a motor vehicle manufacturer, distributor, dealer or rebuilder, to pay a processing fee established by the Department in regulation for the fingerprints. (NRS 482.3163, 482.325) **Sections 5 and 6** of this bill require a person applying for initial licensure to operate as a broker of vehicles or a salesperson of vehicles, trailers or semitrailers to pay a fee established by the Department by regulation for processing the fingerprints. **Section 13** of this bill makes a conforming change. (NRS 490.210) **Sections 7, 9 and 12** of this bill require a person applying for initial licensure to operate as an automobile wrecker, a salvage pool or a body shop to submit a complete set of fingerprints for submission to the Federal Bureau of Investigation for its report and to pay a fee established by the Department by regulation for processing the fingerprints. (NRS 487.050, 487.410, 487.630)

Under existing law, an application for a license as a salesperson of vehicles, trailers or semitrailers may be denied, or such a license may be suspended or revoked, if the applicant or licensee has been convicted of: (1) a felony; (2) a gross misdemeanor; or (3) a misdemeanor for a violation of the provisions of existing law relating to those salespersons. (NRS 482.362) Section 6 amends existing law by providing that those convictions are only relevant to the applicant if they occurred: (1) for a class C, D or E felony or a gross misdemeanor, within the immediately preceding 10 years; and (2) for a misdemeanor for a violation of the provisions of existing law relating to such salespersons, within the immediately preceding 20 years.

Existing law requires a seller or long-term lessor of a vehicle to attach to a vehicle he or she has sold or leases a temporary placard which authorizes the operation of such a vehicle on the highways of this State for a period not to exceed 30 days. (NRS 482.423-482.4245) The temporary placard must be removed when the vehicle is registered and license plates are affixed. Existing law requires the Department to collect a fee for each such temporary placard issued to a seller or long-term lessor of vehicles. (NRS 482.4247) **Section 14** of this bill repeals the requirement for the collection of such a fee. **Section 3** of this bill makes a conforming change. (NRS 482.31776)

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

Section 1. NRS 482.3163 is hereby amended to read as follows:

482.3163 1. An application for a license as a vehicle transporter must be accompanied by a fee of $100, be submitted on forms supplied by the Department and include the social security number of the applicant. The forms must designate the persons whose names are required to appear on the

forms. An additional fee for the processing of fingerprints must be submitted for each applicant for initial licensure. The Department shall establish by regulation the fee for processing fingerprints. The fee must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

2. The application for a license as a vehicle transporter must contain:

(a) The applicant's name and address; and

(b) Such other information as the Department requires.

3. Each applicant for initial licensure shall submit with the application:

(a) A complete set of his or her fingerprints and written permission authorizing the Department to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(b) If the applicant is a natural person, the statement required pursuant to NRS 482.31632.

4. Upon receipt of the application and when satisfied that the applicant is entitled thereto, the Department shall issue to the applicant a license as a vehicle transporter.

5. A license issued pursuant to this section expires on December 31 of each year. Before December 31 of each year, a licensee must submit to the Department, on forms supplied by the Department and in the manner specified by the Department, an application for renewal accompanied by an annual fee for renewal of $50. If the applicant is a natural person, the application also must be accompanied by the statement required pursuant to NRS 482.31632.

6. A license that expires for failure to renew before December 31 may be reinstated upon submission to the Department of:

(a) The application for renewal and the annual fee for renewal as required in subsection 5;

(b) If the applicant is a natural person, the statement required pursuant to NRS 482.31632; and

(c) A late fee of $25.

Sec. 2. NRS 482.31632 is hereby amended to read as follows:

482.31632 1. ~~[An]~~ ***Except as otherwise provided in subsection 5, an*** applicant for the issuance or renewal of a license as a vehicle transporter shall submit to the Department the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Department shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Department.

3. A license as a vehicle transporter may not be issued or renewed by the Department if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Department shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

5. If a licensee renews an existing license electronically, the licensee shall keep the original of the statement required pursuant to subsection 1 at his or her place of business for not less than 3 years after submitting the electronic renewal. The statement must be available during business hours for inspection by any authorized agent of the Director or the State of Nevada.

Sec. 3. NRS 482.31776 is hereby amended to read as follows:

482.31776 1. A consignee of a vehicle shall, upon entering into a consignment contract or other form of agreement to sell a vehicle owned by another person:

(a) Open and maintain a separate trust account in a federally insured bank or savings and loan association that is located in this State, into which the consignee shall deposit all money received from a prospective buyer as a deposit, or as partial or full payment of the purchase price agreed upon, toward the purchase or transfer of interest in the vehicle. A consignee of a vehicle shall not:

(1) Commingle the money in the trust account with any other money that is not on deposit or otherwise maintained toward the purchase of the vehicle subject to the consignment contract or agreement; or

(2) Use any money in the trust account to pay his or her operational expenses for any purpose that is not related to the consignment contract or agreement.

(b) Obtain from the consignor, before receiving delivery of the vehicle, a signed and dated disclosure statement that is included in the consignment contract and provides in at least 10-point bold type or font:

IMPORTANT NOTICE TO VEHICLE OWNERS

State law (NRS 482.31776) requires that the operator of this business file a Uniform Commercial Code 1 (UCC1) form with the Office of the

Secretary of State on your behalf to protect your interest in your vehicle. The form is required to protect your vehicle from forfeiture in the event that the operator of this business fails to meet his or her financial obligations to a third party holding a security interest in his or her inventory. The form must be filed by the operator of this business before the operator may take possession of your vehicle. If the form is not filed as required, YOU MAY LOSE YOUR VEHICLE THROUGH NO FAULT OF YOUR OWN. For a copy of the UCC1 form filed on your behalf or for more information, please contact:

The Office of the Secretary of State of Nevada
Uniform Commercial Code Division
~~[~~(775) 684-5708~~]~~ ***(775) 684-7100***

I understand and acknowledge the above disclosure.

....
Consignee Signature Date

(c) Assist the consignor in completing, with respect to the consignor's purchase-money security interest in the vehicle, a financing statement of the type described in subsection 5 of NRS 104.9317 and shall file the financing statement with the Secretary of State on behalf of the consignor. If a consignee has previously granted to a third party a security interest with an after-acquired property clause in the consignee's inventory, the consignee additionally shall assist the consignor in sending an authenticated notification, as described in paragraph (b) of subsection 1 of NRS 104.9324, to each holder of a conflicting security interest. The consignee must not receive delivery of the vehicle until the consignee has:

(1) Filed the financing statement with the Secretary of State; and

(2) If applicable, assisted the consignor in sending an authenticated notification to each holder of a conflicting security interest.

2. Upon the sale or transfer of interest in the vehicle, the consignee shall forthwith:

(a) Satisfy or cause to be satisfied all outstanding security interests in the vehicle; and

(b) Satisfy the financial obligations due the consignor pursuant to the consignment contract.

3. Upon the receipt of money by delivery of cash, bank check or draft, or any other form of legal monetary exchange, or after any form of transfer of interest in a vehicle, the consignee shall notify the consignor that the money has been received or that a transfer of interest in the vehicle has occurred. Notification by the consignee to the consignor must be given in person or, in the absence of the consignor, by registered or certified mail addressed to the last address or residence of the consignor known to the consignee. The

notification must be made within 3 business days after the date on which the money is received or the transfer of interest in the vehicle is made.

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

(a) An executor;

(b) An administrator;

(c) A sheriff;

(d) A salvage pool subject to the provisions of NRS 487.400 to 487.510, inclusive; or

(e) Any other person who sells a vehicle pursuant to the powers or duties granted to or imposed on him or her by specific statute.

5. Notwithstanding any provision of NRS 482.423 to ~~[482.4247,]~~ ***482.4245,*** inclusive, to the contrary, a vehicle subject to a consignment contract may not be operated by the consignee, an employee or agent of the consignee, or a prospective buyer in accordance with NRS 482.423 to ~~[482.4247,]~~ ***482.4245,*** inclusive, by displaying a temporary placard to operate the vehicle unless the operation of the vehicle is authorized by the express written consent of the consignor.

6. A vehicle subject to a consignment contract may not be operated by the consignee, an employee or agent of the consignee, or a prospective buyer in accordance with NRS 482.320 by displaying a special plate unless the operation of the vehicle is authorized by the express written consent of the consignor.

7. A consignee shall maintain a written log for each vehicle for which he or she has entered into a consignment contract. The written log must include:

(a) The name and address, or place of residence, of the consignor;

(b) A description of the vehicle consigned, including the year, make, model and serial or identification number of the vehicle;

(c) The date on which the consignment contract is entered into;

(d) The period that the vehicle is to be consigned;

(e) The minimum agreed upon sales price for the vehicle;

(f) The approximate amount of money due any lienholder or other person known to have an interest in the vehicle;

(g) If the vehicle is sold, the date on which the vehicle is sold;

(h) The date that the money due the consignor and the lienholder was paid;

(i) The name and address of the federally insured bank or savings and loan association in which the consignee opened the trust account required pursuant to subsection 1; and

(j) The signature of the consignor acknowledging that the terms of the consignment contract were fulfilled or terminated, as appropriate.

8. A person who:

(a) Appropriates, diverts or otherwise converts to his or her own use money in a trust account opened pursuant to paragraph (a) of subsection 1 or otherwise subject to a consignment contract or agreement is guilty of embezzlement and shall be punished in accordance with NRS 205.300. The

court shall, in addition to any other penalty, order the person to pay restitution.

(b) Violates paragraph (b) or (c) of subsection 1 is guilty of a misdemeanor. The court shall, in addition to any other penalty, order the person to pay restitution.

(c) Violates any other provision of this section is guilty of a misdemeanor.

Sec. 4. NRS 482.325 is hereby amended to read as follows:

482.325 1. An application for a manufacturer's, distributor's, dealer's or rebuilder's license must be filed upon forms supplied by the Department and include the social security number of the applicant. The forms must designate the persons whose names are required to appear thereon. The applicant shall furnish:

(a) Such proof as the Department may deem necessary that the applicant is a manufacturer, distributor, dealer or rebuilder.

(b) A fee of $125.

(c) A fee for the processing of fingerprints. The Department shall establish by regulation the fee for processing fingerprints. The fee must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

(d) For initial licensure, a complete set of fingerprints and written permission authorizing the Department to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(e) If the applicant is a natural person, the statement required pursuant to NRS 482.319.

(f) A certificate of insurance for automobile liability.

2. Upon receipt of the application and when satisfied that the applicant is entitled thereto, the Department shall issue to the applicant a dealer's, manufacturer's, distributor's or rebuilder's license containing the name of the licensee and the address of the licensee's established place of business or the address of the main office of a manufacturer without an established place of business in this State.

3. Licenses issued pursuant to this section expire on December 31 of each year. Before December 31 of each year, a licensee must furnish the Department with an application for renewal of the license accompanied by an annual fee of $50. If the applicant is a natural person, the application for renewal also must be accompanied by the statement required pursuant to NRS 482.319. The additional fee for the processing of fingerprints, established by regulation pursuant to paragraph (c) of subsection 1, must be submitted for each applicant whose name does not appear on the original application for the license. The renewal application must be provided by the Department and contain information required by the Department.

4. A license that expires for failure to renew before December 31 may be reinstated upon submission to the Department of:

(a) The application for renewal and the annual fee for renewal required in subsection 3;

(b) If the applicant is a natural person, the statement required pursuant to NRS 482.319;

(c) The additional fee for processing fingerprints required in subsection 3, if applicable; and

(d) A late fee of $25.

Sec. 5. NRS 482.333 is hereby amended to read as follows:

482.333 1. A person shall not engage in the activity of a broker of vehicles in this State without first having received a license from the Department. Before issuing a license to a broker, the Department shall require:

(a) An application, signed and verified by the applicant, stating that the applicant desires to be licensed as a broker, his or her residential address, his or her social security number and the address of his or her principal place of business **.** ~~[:]~~

(b) A statement as to whether any previous application of the applicant for a license as a vehicle dealer or broker has been denied or whether such a license has been suspended or revoked **.** ~~[;]~~

(c) Payment of a nonrefundable license fee of $125 **.** ~~[;]~~

(d) ***A fee for the processing of fingerprints. The Department shall establish by regulation the fee for processing fingerprints. The fee must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.***

(e) For initial licensure, the submission of a complete set of the applicant's fingerprints and written permission authorizing the Department to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report **.** ~~[; and~~

~~(e)]~~ ***(f)*** Any other information the Department deems necessary.

➥ A license issued pursuant to this section expires on December 31 of the year in which it was issued and may be renewed annually upon the payment of a fee of $50. ***If a licensee fails to renew his or her license before it expires on December 31, the license may be reinstated upon the payment to the Department of the annual renewal fee of $50 and a late fee of $25.***

2. The Department may deny the issuance of, suspend or revoke a license to engage in the activities of a broker of vehicles upon any of the following grounds:

(a) Failure of the applicant to have an established place of business in this State.

(b) Conviction of a felony in this State or any other state, territory or nation.

(c) Material misstatement in the application.

(d) Evidence of unfitness of the applicant or licensee.

(e) Failure or refusal to provide to the Department an authorization for the disclosure of financial records for the business as required pursuant to subsection 6.

(f) Willful failure to comply with a provision of the motor vehicle laws of this State or a directive of the Director. For the purpose of this paragraph, failure to comply with a directive of the Director advising the licensee of noncompliance with a provision of the motor vehicle laws of this State or a regulation of the Department, within 10 days after the receipt of the directive, is prima facie evidence of willful failure to comply with the directive.

(g) Failure or refusal to furnish and keep in force any bond.

(h) Failure on the part of the licensee to maintain a fixed place of business in this State.

(i) Failure or refusal by the licensee to pay or otherwise discharge a final judgment against the licensee rendered and entered against the licensee, arising out of the misrepresentation of a vehicle, trailer or semitrailer, or out of a fraud committed in connection with the brokering of a vehicle, trailer or semitrailer.

(j) Failure of the licensee to maintain any other license or bond required by a political subdivision of this State.

(k) Any other reason determined by the Director to be in the best interests of the public.

➥ The Director may deny the issuance of a license to an applicant or revoke a license already issued if the Department is satisfied that the applicant or licensee is not entitled thereto.

3. If an application for a broker's license has been denied, the applicant may not reapply sooner than 6 months after the denial.

4. A broker's license must be posted in a conspicuous place on the premises of the broker's principal place of business.

5. If any information submitted in the application for a broker's license changes, the broker shall submit a written notice of the change to the Department within 10 days after the change occurs.

6. Upon the receipt of any report or complaint alleging that an applicant or a licensee has engaged in financial misconduct or has failed to satisfy financial obligations related to the activity of a broker of vehicles, the Department may require the applicant or licensee to submit to the Department an authorization for the disclosure of financial records for the business as provided in NRS 239A.090. The Department may use any information obtained pursuant to such an authorization only to determine the suitability of the applicant or licensee for initial or continued licensure. Information obtained pursuant to such an authorization may be disclosed only to those employees of the Department who are authorized to issue a license to an applicant pursuant to NRS 482.333 to 482.334, inclusive, or to determine the suitability of an applicant or a licensee for such licensure.

7. Except as otherwise provided in NRS 482.555, any person who fails to comply with the provisions of this section is guilty of a misdemeanor.

Sec. 6. NRS 482.362 is hereby amended to read as follows:

482.362 1. A person shall not engage in the activity of a salesperson of vehicles, trailers or semitrailers, or act in the capacity of a salesperson as defined by this chapter, in the State of Nevada without first having received a license or temporary permit from the Department. Before issuing a license or temporary permit to engage in the activity of a salesperson, the Department shall require:

(a) An application, signed and verified by the applicant, stating that the applicant is to engage in the activity of a salesperson, his or her residence address, and the name and address of the applicant's employer.

(b) Proof of the employment of the applicant by a licensed and bonded vehicle dealer, trailer or semitrailer dealer, lessor or rebuilder at the time the application is filed.

(c) A statement as to whether any previous application of the applicant has been denied or license revoked.

(d) Payment of a nonrefundable license fee of $75. The license expires on December 31 of each calendar year and may be renewed annually upon the payment of a fee of $40.

(e) ***A fee for the processing of fingerprints. The Department shall establish by regulation the fee for processing fingerprints. The fee must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.***

(f) For initial licensure, the applicant to submit a complete set of fingerprints and written permission authorizing the Department to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

~~[(f)]~~ ***(g)*** Any other information the Department deems necessary.

2. The Department may issue a 60-day temporary permit to an applicant who has submitted an application and paid the required ~~[fee.]~~ ***fees.***

3. A license to act as a salesperson of vehicles, trailers or semitrailers, or to act in the capacity of a salesperson as defined in this chapter, issued pursuant to this chapter does not permit a person to engage in the business of selling mobile homes.

4. An application for a salesperson's license may be denied and a salesperson's license may be suspended or revoked upon the following grounds:

(a) Failure of the applicant to establish by proof satisfactory to the Department that the applicant is employed by a licensed and bonded vehicle dealer, trailer dealer or semitrailer dealer, lessor or rebuilder.

(b) Conviction of a ***class A or B*** felony.

(c) Conviction of a ***class C, D or E felony within the immediately preceding 10 years.***

(d) Conviction of a gross misdemeanor ~~[.~~
~~(d)]~~ ***within the immediately preceding 10 years.***

(e) Conviction of a misdemeanor ***within the immediately preceding 20 years*** for violation of any of the provisions of this chapter.

~~[(e)]~~ ***(f)*** Falsification of the application.

~~[(f)]~~ ***(g)*** Evidence of unfitness as described in NRS 482.3255.

~~[(g)]~~ ***(h)*** Failure of the applicant to provide any information deemed necessary by the Department to process the application.

~~[(h)]~~ ***(i)*** Any reason determined by the Director to be in the best interests of the public.

5. Except where a dealer, lessor or rebuilder has multiple branches licensed under NRS 482.326, a salesperson of vehicles shall not engage in any sales activity, or act in any other capacity as a salesperson as defined in this chapter, other than for the account of or for and in behalf of a single employer, at a specified place of business of that employer, who must be a licensed dealer, lessor or rebuilder.

6. If an application for a salesperson's license has been denied, the applicant may reapply not less than 6 months after the denial.

7. A salesperson's license must be posted in a conspicuous place on the premises of the dealer, lessor or rebuilder for whom the salesperson is licensed to sell vehicles.

8. If a licensed salesperson ceases to be employed by a licensed and bonded dealer, lessor or rebuilder, the license to act as a salesperson is automatically suspended and the right to act as a salesperson thereupon immediately ceases, and the person shall not engage in the activity of a salesperson until he or she has paid the Department a transfer fee of $20 and submitted a certificate of employment indicating he or she has been reemployed by a licensed and bonded dealer, lessor or rebuilder, and has thereafter presented a current temporary permit or a new salesperson's license to the employer.

9. If a licensed salesperson changes his or her residential address, the salesperson shall submit a written notice of the change to the Department within 10 days.

10. If a person who holds a temporary permit to act as a salesperson ceases to be employed by a licensed and bonded dealer, lessor or rebuilder, the permit to act as a salesperson is automatically suspended, the right to act as a salesperson thereupon immediately ceases and the person shall not engage in the activity of a salesperson until he or she has paid the Department a transfer fee of $20 and submitted a certificate of employment indicating he or she has been reemployed by a licensed and bonded dealer, lessor or rebuilder, and has thereafter presented a current temporary permit or a new salesperson's license to the employer.

11. A licensed dealer, lessor or rebuilder who employs a licensed salesperson shall notify the Department of the termination of his or her employment within 10 days following the date of termination by forwarding the salesperson's license to the Department.

12. Any person who fails to comply with the provisions of this section is guilty of a misdemeanor except as otherwise provided in NRS 482.555.

Sec. 7. NRS 487.050 is hereby amended to read as follows:

487.050 1. It is unlawful for any person to dismantle, scrap, process or wreck any vehicle without first applying for and obtaining a license for that operation from the Department.

2. An application for a license must be made on a form provided by the Department, include the social security number of the applicant and be accompanied by ~~[such]~~ ***:***

(a) Such proof as the Department may require that the applicant:

~~[(a)]~~ ***(1)*** Is a bona fide automobile wrecker; and

~~[(b)]~~ ***(2)*** Owns or leases a place of business which meets the requirements of NRS 487.073.

(b) A fee for the processing of fingerprints. The Department shall establish by regulation the fee for processing fingerprints. The fee must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

(c) For initial licensure, a complete set of fingerprints and written permission authorizing the Department to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(d) The fee for issuance of a license provided in NRS 487.080.

Sec. 8. NRS 487.070 is hereby amended to read as follows:

487.070 1. The Department may approve or reject the application. If the Department receives the statement required pursuant to NRS 487.003 and approves the application, it shall issue to the applicant:

(a) A license containing the applicant's name and address, the name under which the business is to be conducted, the business address, and a distinguishing number assigned to the applicant.

(b) A card which:

(1) Contains the information specified in paragraph (a);

(2) Includes a picture of the licensee; and

(3) Clearly identifies the holder of the card as a licensed automobile wrecker.

2. A licensee may obtain one or two cards for his or her business. The Department shall charge a fee of $50 for each card issued. ~~[Fees collected by the Department pursuant to this subsection must be deposited with the State Treasurer for credit to the Motor Vehicle Fund.]~~

3. A licensee shall post the license in a conspicuous place clearly visible to the general public at the business address set forth on the license.

4. A license expires on April 30 of each year.

5. ~~[A]~~ ***Except as otherwise provided in subsection 6, a*** licensee may renew the license by submitting to the Department:

(a) A completed application for renewal upon a form supplied by the Department;

(b) The statement required pursuant to NRS 487.003; and

(c) The fee for renewal of a license provided in NRS 487.080.

6. A license that expires for failure to renew before April 30 may be reinstated upon submission to the Department of:

(a) The application for renewal and statement specified in paragraphs (a) and (b) of subsection 5;

(b) The fee for renewal of a license provided in NRS 487.080; and

(c) A late fee of $25.

7. Fees collected by the Department pursuant to this section must be deposited with the State Treasurer for credit to the Motor Vehicle Fund.

Sec. 9. NRS 487.410 is hereby amended to read as follows:

487.410 1. No person may operate a salvage pool without first applying for and obtaining a license for that business from the Department.

2. An application for a license must be made on a form provided by the Department, include the social security number of the applicant and be accompanied by ~~[such]~~ ***:***

(a) Such proof as the Department requires that the applicant meets the statutory requirements to be an operator of a salvage pool.

(b) A fee for the processing of fingerprints. The Department shall establish by regulation the fee for processing fingerprints. The fee must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

(c) For initial licensure, a complete set of fingerprints and written permission authorizing the Department to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(d) The fee for issuance of a license provided in NRS 487.450.

Sec. 10. NRS 487.430 is hereby amended to read as follows:

487.430 1. The Department may approve or reject the application for a license to operate a salvage pool. If the Department receives the statement required pursuant to NRS 487.003 and approves the application, it shall issue to the applicant a license containing the applicant's name and address, the name under which the business is to be conducted, the business address, and a distinguishing number assigned to the applicant.

2. A licensee shall post the license in a conspicuous place clearly visible to the general public at the business address set forth on the license.

3. A license expires on April 30 of each year.

4. ~~[A]~~ ***Except as otherwise provided in subsection 5, a*** licensee may renew his or her license by submitting to the Department:

(a) A completed application for renewal upon a form supplied by the Department;

(b) The statement required pursuant to NRS 487.003; and

(c) The fee for renewal of a license provided in NRS 487.450.

5. A license that expires for failure to renew before April 30 may be reinstated upon submission to the Department of:

(a) The application for renewal and statement specified in paragraphs (a) and (b) of subsection 4;

(b) The fee for renewal of a license provided in NRS 487.450; and

(c) A late fee of $25. Any fee collected by the Department pursuant to this paragraph must be deposited with the State Treasurer for credit to the Motor Vehicle Fund.

Sec. 11. NRS 487.565 is hereby amended to read as follows:

487.565 1. If the Department receives an application for registration that contains the information required by NRS 487.560, it shall issue to the applicant a certificate of registration for each garage operated by the applicant. The certificate must contain the name of the applicant, the name under which the applicant's business will be conducted, the address of the business and the registration number for the garage.

2. A certificate of registration is valid for 1 year after the date of issuance. A garage operator may renew his or her ***unexpired*** registration by submitting to the Department:

(a) An application for renewal on a form provided by the Department; and

(b) Except as otherwise provided in NRS 487.560, the fee for renewal set forth in that section.

3. A garage operator seeking to renew a certificate of registration more than 1 year after the date of issuance may reinstate his or her registration by submitting to the Department:

(a) An application for renewal on a form provided by the Department;

(b) Except as otherwise provided in NRS 487.560, the fee for renewal set forth in that section; and

(c) A late fee of $25. Any fee collected by the Department pursuant to this paragraph must be deposited with the State Treasurer for credit to the Motor Vehicle Fund.

Sec. 12. NRS 487.630 is hereby amended to read as follows:

487.630 1. An application for a license to operate a body shop must be filed with the Department upon forms supplied by the Department. The application must include the social security number of the applicant and must be accompanied by ~~[such]~~ ***:***

(a) Such proof as the Department requires to demonstrate that the applicant meets the statutory requirements to operate a body shop.

(b) A fee for the processing of fingerprints. The Department shall establish by regulation the fee for processing fingerprints. The fee must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

(c) For initial licensure, a complete set of fingerprints and written permission authorizing the Department to forward those fingerprints to the

Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(d) The fee for issuance of a license required by subsection 2.

2. The Department shall charge a fee of $300 for the issuance or renewal of a license to operate a body shop. ~~[Fees collected by the Department pursuant to this subsection must be deposited with the State Treasurer for credit to the Motor Vehicle Fund.]~~

3. Upon receipt of the application and the statement required pursuant to NRS 487.003 and when satisfied that the applicant is entitled thereto, the Department shall issue to the applicant a license to operate a body shop. The license must contain the name and the address of the body shop and the name of the operator.

4. Upon receipt of the license, the operator shall post the license in a conspicuous place clearly visible to the general public in the body shop and include the license number on all estimates and invoices for repairs.

5. A license expires on April 30 of each year.

6. ~~[A]~~ ***Except as otherwise provided in subsection 7, a*** licensee may renew his or her license by submitting to the Department:

(a) A completed application for renewal upon a form supplied by the Department;

(b) The statement required pursuant to NRS 487.003;

(c) Evidence satisfactory to the Department that the licensee has completed and electronically submitted, within 60 days immediately preceding the date of the submission of the application for renewal, the survey required pursuant to NRS 487.685; and

(d) The fee for renewal of a license provided in subsection 2.

7. A license that expires for failure to renew before April 30 may be reinstated upon submission to the Department of:

(a) The application, statement and evidence specified in paragraphs (a), (b) and (c) of subsection 6;

(b) The fee for renewal of a license provided in subsection 2; and

(c) A late fee of $25.

8. Fees collected by the Department pursuant to this section must be deposited with the State Treasurer for credit to the Motor Vehicle Fund.

Sec. 13. NRS 490.210 is hereby amended to read as follows:

490.210 1. An application for a license for an off-highway vehicle dealer, long-term or short-term lessor or manufacturer must be filed upon forms supplied by the Department and include the social security number of the applicant. The forms must designate the persons whose names are required to appear thereon. The applicant must furnish:

(a) Such proof as the Department may deem necessary that the applicant is an off-highway vehicle dealer, long-term or short-term lessor or manufacturer.

(b) A fee of $125.

(c) Unless the applicant has previously met the requirements of subsection 3 of NRS 482.3163, paragraphs (c) and (d) of subsection 1 of NRS 482.325, ~~[paragraph]~~ ***paragraphs*** (d) ***and (e)*** of subsection 1 of NRS 482.333 or ~~[paragraph]~~ ***paragraphs*** (e) ***and (f)*** of subsection 1 of NRS 482.362:

(1) A fee for the processing of fingerprints. The Department shall establish by regulation the fee for processing fingerprints. The fee must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

(2) For initial licensure, a complete set of the applicant's fingerprints and written permission authorizing the Department to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(d) If the applicant is a natural person, the statement required pursuant to NRS 490.330.

(e) A certificate of insurance for liability.

2. Upon receipt of the application and when satisfied that the applicant is entitled thereto, the Department shall issue to the applicant a license for an off-highway vehicle dealer, long-term or short-term lessor or manufacturer containing the name of the licensee and the address of his or her established place of business or the address of the main office of a manufacturer without an established place of business in this State.

3. Licenses issued pursuant to this section expire on December 31 of each year. Before December 31 of each year, a licensee must furnish the Department with an application for renewal of his or her license accompanied by an annual fee of $50. If the applicant is a natural person, the application for renewal also must be accompanied by the statement required pursuant to NRS 490.330. The additional fee for the processing of fingerprints, established by regulation pursuant to paragraph (c) of subsection 1, must be submitted for each applicant whose name does not appear on the original application for the license. The renewal application must be provided by the Department and contain information required by the Department.

Sec. 14. NRS 482.4247 is hereby repealed.

Sec. 15. This act becomes effective on January 1, 2018.

TEXT OF REPEALED SECTION

482.4247 Temporary placards issued by Department; fee; disposition of proceeds.

1. The Department shall collect a fee for each temporary placard issued by the Department to a seller or long-term lessor pursuant to NRS 482.423 to 482.4245, inclusive. The fee may not exceed the cost to the Department of producing the temporary placard.

2. The fees collected pursuant to subsection 1 must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to pay for the cost of producing the temporary placards.

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblywoman Swank.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 118.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 188.

AN ACT relating to concealed firearms; authorizing certain persons who are at least 18 years of age but less than 21 years of age to be eligible for a permit to carry a concealed firearm; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that a person who is a resident of this State must be at least 21 years of age to be eligible for a permit to carry a concealed firearm. (NRS 202.3657) This bill authorizes a person who is at least 18 years of age but less than 21 years of age to be eligible for a permit to carry a concealed firearm if the person provides **certain** proof that he or she: (1) is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard; or (2) was discharged or released from service therein under honorable conditions. This bill also requires a sheriff to deny an application for a permit or revoke an existing permit if the sheriff determines that the applicant or permittee has been discharged or released from service in the Armed Forces of the United States, a reserve component thereof or the National Guard under conditions other than honorable conditions and is less than 21 years of age.

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

Section 1. NRS 202.3657 is hereby amended to read as follows:

202.3657 1. Any person who is a resident of this State may apply to the sheriff of the county in which he or she resides for a permit on a form prescribed by regulation of the Department. Any person who is not a resident of this State may apply to the sheriff of any county in this State for a permit on a form prescribed by regulation of the Department. Application forms for permits must be furnished by the sheriff of each county upon request.

2. A person applying for a permit may submit one application and obtain one permit to carry all handguns owned by the person. The person must not be required to list and identify on the application each handgun owned by the person. A permit
is valid for any handgun which is owned or thereafter obtained by the person to whom the permit is issued.

3. Except as otherwise provided in this section, the sheriff shall issue a permit to any person who is qualified to possess a handgun under state and

federal law, who submits an application in accordance with the provisions of this section and who:

(a) Is ~~[~~21~~]~~ ***:***

(1) Twenty-one years of age or older; ***or***

(2) At least 18 years of age but less than 21 years of age if the person:

(I) Is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard; or

(II) Was discharged or released from service in the Armed Forces of the United States, a reserve component thereof or the National Guard under honorable conditions;

(b) Is not prohibited from possessing a firearm pursuant to NRS 202.360; and

(c) Demonstrates competence with handguns by presenting a certificate or other documentation to the sheriff which shows that the applicant:

(1) Successfully completed a course in firearm safety approved by a sheriff in this State; or

(2) Successfully completed a course in firearm safety offered by a federal, state or local law enforcement agency, community college, university or national organization that certifies instructors in firearm safety.

➥ Such a course must include instruction in the use of handguns and in the laws of this State relating to the use of a firearm. A sheriff may not approve a course in firearm safety pursuant to subparagraph (1) unless the sheriff determines that the course meets any standards that are established by the Nevada Sheriffs' and Chiefs' Association or, if the Nevada Sheriffs' and Chiefs' Association ceases to exist, its legal successor.

4. The sheriff shall deny an application or revoke a permit if the sheriff determines that the applicant or permittee:

(a) Has an outstanding warrant for his or her arrest.

(b) Has been judicially declared incompetent or insane.

(c) Has been voluntarily or involuntarily admitted to a mental health facility during the immediately preceding 5 years.

(d) Has habitually used intoxicating liquor or a controlled substance to the extent that his or her normal faculties are impaired. For the purposes of this paragraph, it is presumed that a person has so used intoxicating liquor or a controlled substance if, during the immediately preceding 5 years, the person has been:

(1) Convicted of violating the provisions of NRS 484C.110; or

(2) Committed for treatment pursuant to NRS 458.290 to 458.350, inclusive.

(e) Has been convicted of a crime involving the use or threatened use of force or violence punishable as a misdemeanor under the laws of this or any other state, or a territory or possession of the United States at any time during the immediately preceding 3 years.

(f) Has been convicted of a felony in this State or under the laws of any state, territory or possession of the United States.

(g) Has been convicted of a crime involving domestic violence or stalking, or is currently subject to a restraining order, injunction or other order for protection against domestic violence.

(h) Is currently on parole or probation from a conviction obtained in this State or in any other state or territory or possession of the United States.

(i) Has, within the immediately preceding 5 years, been subject to any requirements imposed by a court of this State or of any other state or territory or possession of the United States, as a condition to the court's:

(1) Withholding of the entry of judgment for a conviction of a felony; or

(2) Suspension of sentence for the conviction of a felony.

(j) Has made a false statement on any application for a permit or for the renewal of a permit.

(k) Has been discharged or released from service in the Armed Forces of the United States, a reserve component thereof or the National Guard under conditions other than honorable conditions and is less than 21 years of age.

5. The sheriff may deny an application or revoke a permit if the sheriff receives a sworn affidavit stating articulable facts based upon personal knowledge from any natural person who is 18 years of age or older that the applicant or permittee has or may have committed an offense or engaged in any other activity specified in subsection 4 which would preclude the issuance of a permit to the applicant or require the revocation of a permit pursuant to this section.

6. If the sheriff receives notification submitted by a court or law enforcement agency of this or any other state, the United States or a territory or possession of the United States that a permittee or an applicant for a permit has been charged with a crime involving the use or threatened use of force or violence, the conviction for which would require the revocation of a permit or preclude the issuance of a permit to the applicant pursuant to this section, the sheriff shall suspend the person's permit or the processing of the person's application until the final disposition of the charges against the person. If a permittee is acquitted of the charges, or if the charges are dropped, the sheriff shall restore his or her permit without imposing a fee.

7. An application submitted pursuant to this section must be completed and signed under oath by the applicant. The applicant's signature must be witnessed by an employee of the sheriff or notarized by a notary public. The application must include:

(a) The name, address, place and date of birth, social security number, occupation and employer of the applicant and any other names used by the applicant;

(b) A complete set of the applicant's fingerprints taken by the sheriff or his or her agent;

(c) A front-view colored photograph of the applicant taken by the sheriff or his or her agent;

(d) If the applicant is a resident of this State, the driver's license number or identification card number of the applicant issued by the Department of Motor Vehicles;

(e) If the applicant is not a resident of this State, the driver's license number or identification card number of the applicant issued by another state or jurisdiction;

(f) ***If the applicant is a person described in subparagraph (2) of paragraph (a) of subsection 3, proof that the applicant*** ~~***[is]***~~ ***:***

(1) Is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard , as evidenced by his or her current military identification card; or ~~***[was]***~~

(2) Was discharged or released from service ~~***[therein]***~~ ***in the Armed Forces of the United States, a reserve component thereof or the National Guard under honorable conditions*** ~~***[.]***~~ ***, as evidenced by his or her DD Form 214, "Certificate of Release or Discharge from Active Duty," or other document of honorable separation issued by the United States Department of Defense;***

(g) A nonrefundable fee equal to the nonvolunteer rate charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation to obtain the reports required pursuant to subsection 1 of NRS 202.366; and

~~[(g)]~~ ***(h)*** A nonrefundable fee set by the sheriff not to exceed $60.

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

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 127.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 151.

AN ACT relating to education; requiring school districts in certain counties to appoint an emergency manager; requiring boards of trustees of school districts and governing bodies of charter schools to consult with certain persons and entities before constructing, expanding or remodeling buildings for schools or related facilities or acquiring sites for those purposes; requiring the Department of Education to conduct an annual conference regarding safety in public schools; requiring the Department, to the extent that money is available, to make block grants to provide certain mental health workers in public schools; revising provisions governing the development and contents of a plan to respond to a crisis or an emergency in a school; revising provisions governing emergency drills in schools; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for crisis and emergency response in public schools. (NRS 388.229-388.261) **Section 4** of this bill requires each school district in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to designate an employee to serve as an emergency manager, whose duties are defined in that section. **Section 5** of this bill requires the board of trustees of each school district and the governing body of each charter school to consult with the emergency manager, the chief of school police or his or her designee, or the Division of Emergency Management of the Department of Public Safety, as applicable, before: (1) designing, constructing or purchasing new school buildings or related facilities; (2) enlarging, remodeling or renovating existing school buildings or related facilities; or (3) acquiring sites for building schools or related facilities.

Section 6 of this bill requires the Department of Education to coordinate with the Division of Emergency Management, any emergency manager, any chief of police of a school district that has police officers and any school resource officer to conduct an annual conference regarding safety in public schools. **Section 6** additionally requires the board of trustees of each school district and the governing body of each charter school to designate certain persons to attend this conference.

Section 7 of this bill requires the Department of Education, to the extent that money is available for the purpose, to: (1) develop and carry into effect a program of block grants; and (2) make and administer block grants to school districts and charter schools to ~~[provide for]~~ **employ or** contract **with** social workers and other mental health workers in schools with identified needs.

Existing law requires the Department of Education to develop a model plan for the management of a crisis or emergency in a public school, including a charter school, and a private school. Among other requirements, the model plan must include a procedure for carrying out a lockdown at a school. (NRS 388.253) **Section 2** of this bill defines "lockdown" for these purposes. Existing law also requires the board of trustees of a school district and the governing body of a charter school to establish a development committee to develop a plan to be used by each public school of the school district or the charter school, as applicable, in responding to a crisis or an emergency and requires the development committee to consult with certain persons and entities when developing the plan. (NRS 388.241, 388.243) **Section 9** of this bill requires each development committee, when developing the plan, to also consult with an emergency manager, a school resource officer or the chief of school police of the school district, if such a person exists in the school district.

Existing law requires each school district, each charter school and each private school to provide drills for pupils at least once each month during the school year to instruct those pupils in the procedures to be followed in the event of a fire or other emergency. (NRS 392.450, 394.170) **Sections 13 and 14** of this bill require at least one-half of these drills to include instruction in

appropriate procedures to be followed in the event of a lockdown, as defined in **section 2** of this bill. ~~[Section]~~ **Sections 13 and 14** also ~~[revises]~~ **revise** provisions governing the emergency drills conducted at a ~~[public]~~ school located in a city or town to require the drills to be ~~[conducted under the supervision of]~~ **approved by** the chief of the fire department of the city or town or voluntary fire department, as applicable. Finally, **section 13** requires: (1) any public school located in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) to conduct the drills under the supervision of the person designated for that purpose by the board of trustees of the school district or the governing body of the charter school, as applicable; and (2) a public school located in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to conduct such drills under the supervision of the emergency manager.

WHEREAS, The Legislature recognizes that it is of utmost importance that the public schools in this State are built and maintained in a manner which provides the greatest protection for pupils and staff against harm; and

WHEREAS, Each school must be built and maintained to meet or exceed recommended safety standards and be designed to anticipate and protect against modern threats; and

WHEREAS, Academic achievement of pupils is adversely affected when the pupils do not feel safe from harm; and

WHEREAS, Acts of violence which occur at schools have devastating effects on pupils which may include depression, fear and inappropriate behavior; and

WHEREAS, Efforts must be taken to mitigate acts of violence at schools; and

WHEREAS, Social workers and other licensed mental health workers who are employed by schools help ensure the safety of pupils, prevent violent and other inappropriate actions by pupils and address the overall well-being of pupils by assessing the needs of pupils and providing pupils with necessary mental health services, counseling and other assistance; and

WHEREAS, The Legislature hereby finds and declares that it is optimal to have a ratio of at least 1 social worker or licensed health worker per 250 pupils; and

WHEREAS, Each school district must ensure that administrators, teachers and other staff are properly trained regarding the appropriate response to a crisis and crisis management, prevention of violence and emergency response planning so that all schools are prepared to respond appropriately to a crisis or emergency and to quickly mitigate any effects of such a crisis or emergency; now, therefore,

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

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

Sec. 2. ***"Lockdown" means a circumstance in which the persons on school property are restricted to the interior of a school building and isolated from threats until the school property and surrounding vicinity are deemed to be secure by:***

1. If the school district has school police officers, the chief of school police of the school district or a person designated by him or her; or

2. If the school district does not have school police officers, the school resource officer or a person designated by him or her or, if the school district does not have school resource officers, a local law enforcement agency.

Sec. 3. ***"School resource officer" means a deputy sheriff or other peace officer employed by a local law enforcement agency who is assigned to duty at one or more schools, interacts directly with pupils and whose responsibilities include, without limitation, providing guidance and information to pupils, families and educational personnel concerning the avoidance and prevention of crime.***

Sec. 4. ***Each school district in a county whose population is 100,000 or more shall designate a full-time employee to serve as an emergency manager whose job responsibilities are focused solely on the planning and coordination of available resources for the mitigation of, preparation and training for, response to and recovery from emergencies or crises.***

Sec. 5. ***1. The board of trustees of each school district and the governing body of each charter school shall consult with the person described in subsection 2 or 3, as applicable, regarding safety in schools before:***

(a) Designing, constructing or purchasing new buildings for schools or related facilities;

(b) Enlarging, remodeling or renovating existing buildings for schools or related facilities; or

(c) Acquiring sites for building schools or related facilities.

2. In a county whose population is 100,000 or more, the board of trustees of a school district or the governing body of a charter school that plans to take an action described in subsection 1 shall consult with the emergency manager designated pursuant to section 4 of this act or, if the school district has school police officers, the chief of school police of the school district or a person designated by him or her.

3. In a county whose population is less than 100,000, the board of trustees of a school district or the governing body of a charter school that plans to take an action described in subsection 1 shall consult with:

(a) If the school district has school police officers, the chief of school police of the school district or a person designated by him or her or, if the school district has designated a full-time employee to serve as an emergency manager, the emergency manager; or

(b) If the county has not designated a full-time employee to serve as an emergency manager and does not have school police officers, the Division of Emergency Management of the Department of Public Safety.

Sec. 6. ***1. The Department of Education shall, at least once each year, coordinate with the Division of Emergency Management of the Department of Public Safety, any emergency manager designated pursuant to section 4 of this act, any chief of police of a school district that has police officers and any school resource officer to conduct a conference regarding safety in public schools.***

2. The board of trustees of each school district and the governing body of each charter school shall designate persons to attend the conference held pursuant to subsection 1. The persons so designated must include, without limitation:

(a) An administrator from the school district or charter school, as applicable;

(b) If the school district has school resource officers, a school resource officer or a person designated by him or her;

(c) If the school district has school police officers, the chief of school police of the school district or a person designated by him or her; and

(d) If the school district has an emergency manager designated pursuant to section 4 of this act, the emergency manager.

3. The conference conducted pursuant to subsection 1 may be attended by:

(a) A licensed teacher of a school or charter school;

(b) Educational support personnel employed by a school district or charter school;

(c) The parent or legal guardian of a pupil who is enrolled in a public school; and

(d) An employee of a local law enforcement agency.

Sec. 7. ***To the extent that money is available for the purpose, the Department shall:***

1. Develop and carry into effect a program of block grants for the purposes described in subsection 2; and

2. Make and administer block grants to school districts and charter schools to ~~[provide for contract]~~ employ or contract with social workers and other mental health workers in schools with identified needs.

Sec. 8. NRS 388.229 is hereby amended to read as follows:

388.229 As used in NRS 388.229 to 388.261, inclusive, ***and sections 2 to 7, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 388.231 to 388.235, inclusive, ***and sections 2 and 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 9. NRS 388.243 is hereby amended to read as follows:

388.243 1. Each development committee established by the board of trustees of a school district shall develop one plan to be used by all the public schools other than the charter schools in the school district in responding to a crisis or an emergency. Each development committee established by the governing body of a charter school shall develop a plan to be used by the charter school in responding to a crisis or an emergency. Each development committee shall, when developing the plan, consult with:

(a) The local social service agencies and local public safety agencies in the county in which its school district or charter school is located.

(b) ***If the school district has an emergency manager designated pursuant to section 4 of this act, the emergency manager.***

(c) If the school district has school resource officers, a school resource officer or a person designated by him or her.

(d) If the school district has school police officers, the chief of school police of the school district or a person designated by him or her.

(e) The director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

2. The plan developed pursuant to subsection 1 must include, without limitation:

(a) The plans, procedures and information included in the model plan developed by the Department pursuant to NRS 388.253;

(b) A procedure for responding to a crisis or an emergency and for responding during the period after a crisis or an emergency has concluded, including, without limitation, a crisis or an emergency that results in immediate physical harm to a pupil or employee of a school in the school district or the charter school; and

(c) A procedure for enforcing discipline within a school in the school district or the charter school and for obtaining and maintaining a safe and orderly environment during a crisis or an emergency.

3. Each development committee shall provide a copy of the plan that it develops pursuant to this section to the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee.

4. Except as otherwise provided in NRS 388.249 and 388.251, each public school, including, without limitation, each charter school, must comply with the plan developed for it pursuant to this section.

Sec. 10. NRS 388.245 is hereby amended to read as follows:

388.245 1. Each development committee shall, at least once each year, review and update as appropriate the plan that it developed pursuant to NRS 388.243. In reviewing and updating the plan, the development committee shall consult with the director of the local organization for emergency management or, if there is no local organization for emergency management,

with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

2. Each development committee shall provide an updated copy of the plan to the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee.

3. The board of trustees of each school district and the governing body of each charter school shall:

(a) Post a notice of the completion of each review and update that its development committee performs pursuant to subsection 1 at each school in its school district or at its charter school;

(b) File with the Department a copy of the notice provided pursuant to paragraph (a);

(c) Post a copy of NRS 388.229 to 388.261, inclusive, ***and sections 2 to 7, inclusive, of this act*** at each school in its school district or at its charter school;

(d) Retain a copy of each plan developed pursuant to NRS 388.243, each plan updated pursuant to subsection 1 and each deviation approved pursuant to NRS 388.251;

(e) Provide a copy of each plan developed pursuant to NRS 388.243 and each plan updated pursuant to subsection 1 to:

(1) Each local public safety agency in the county in which the school district or charter school is located;

(2) The Division of Emergency Management of the Department of Public Safety; and

(3) The local organization for emergency management, if any;

(f) Upon request, provide a copy of each plan developed pursuant to NRS 388.243 and each plan updated pursuant to subsection 1 to a local agency that is included in the plan and to an employee of a school who is included in the plan;

(g) Provide a copy of each deviation approved pursuant to NRS 388.251 as soon as practicable to:

(1) The Department;

(2) A local public safety agency in the county in which the school district or charter school is located;

(3) The Division of Emergency Management of the Department of Public Safety;

(4) The local organization for emergency management, if any;

(5) A local agency that is included in the plan; and

(6) An employee of a school who is included in the plan; and

(h) At least once each year, provide training in responding to a crisis and training in responding to an emergency to each employee of the school district or of the charter school, including, without limitation, training concerning drills for evacuating and securing schools.

4. The board of trustees of each school district and the governing body of each charter school may apply for and accept gifts, grants and contributions from any public or private source to carry out the provisions of NRS 388.229 to 388.261, inclusive ~~[.]~~ ***, and sections 2 to 7, inclusive, of this act.***

Sec. 11. NRS 388.253 is hereby amended to read as follows:

388.253 1. The Department shall, with assistance from other state agencies, including, without limitation, the Division of Emergency Management, the Investigation Division, and the Nevada Highway Patrol Division of the Department of Public Safety, develop a model plan for the management of a crisis or an emergency that involves a public school, including, without limitation, a charter school, or a private school and that requires immediate action. The model plan must include, without limitation, a procedure for:

(a) Coordinating the resources of local, state and federal agencies, officers and employees, as appropriate;

(b) Accounting for all persons within a school;

(c) Assisting persons within a school in a school district, a charter school or a private school to communicate with each other;

(d) Assisting persons within a school in a school district, a charter school or a private school to communicate with persons located outside the school, including, without limitation, relatives of pupils and relatives of employees of such a school, the news media and persons from local, state or federal agencies that are responding to a crisis or an emergency;

(e) Assisting pupils of a school in the school district, a charter school or a private school, employees of such a school and relatives of such pupils and employees to move safely within and away from the school, including, without limitation, a procedure for evacuating the school and a procedure for securing the school;

(f) Reunifying a pupil with his or her parent or legal guardian;

(g) Providing any necessary medical assistance;

(h) Recovering from a crisis or an emergency;

(i) Carrying out a lockdown at a school ***;*** ~~[in which persons are not allowed to enter or exit the school;]~~

(j) Providing shelter in specific areas of a school; and

(k) Providing specific information relating to managing a crisis or an emergency that is a result of:

(1) An incident involving hazardous materials;

(2) An incident involving mass casualties;

(3) An incident involving an active shooter;

(4) An outbreak of disease;

(5) Any threat or hazard identified in the hazard mitigation plan of the county in which the school district is located, if such a plan exists; or

(6) Any other situation, threat or hazard deemed appropriate.

2. In developing the model plan, the Department shall consider the plans developed pursuant to NRS 388.243 and 394.1687 and updated pursuant to NRS 388.245 and 394.1688.

3. The Department may disseminate to any appropriate local, state or federal agency, officer or employee, as the Department determines is necessary:

(a) The model plan developed by the Department pursuant to subsection 1;

(b) A plan developed pursuant to NRS 388.243 or updated pursuant to NRS 388.245;

(c) A plan developed pursuant to NRS 394.1687 or updated pursuant to NRS 394.1688; and

(d) A deviation approved pursuant to NRS 388.251 or 394.1692.

4. The Department shall, at least once each year, review and update as appropriate the model plan developed pursuant to subsection 1.

Sec. 12. NRS 388.259 is hereby amended to read as follows:

388.259 A plan developed pursuant to NRS 388.243 or updated pursuant to NRS 388.245, a deviation and any information submitted to a development committee pursuant to NRS 388.249, a deviation approved pursuant to NRS 388.251 and the model plan developed pursuant to NRS 388.253 are confidential and, except as otherwise provided in NRS 239.0115 and NRS 388.229 to 388.261, inclusive, ***and sections 2 to 7, inclusive, of this act,*** must not be disclosed to any person or government, governmental agency or political subdivision of a government.

Sec. 13. NRS 392.450 is hereby amended to read as follows:

392.450 1. The board of trustees of each school district and the governing body of each charter school shall provide drills for the pupils in the schools in the school district or the charter schools at least once each month during the school year to instruct those pupils in the appropriate procedures to be followed in the event of a ***lockdown,*** fire or other emergency ***.*** ~~[~~, except a crisis governed by NRS 388.229 to 388.261, inclusive.~~]~~ Not more than three of ~~[~~those~~]~~ ***the*** drills ***provided pursuant to this subsection*** may include instruction in the appropriate procedures to be followed in the event of a chemical explosion, related emergencies and other natural disasters. ***At least one-half of the drills provided pursuant to this subsection must include instruction in appropriate procedures to be followed in the event of a lockdown.***

2. In all cities or towns ***,*** ~~[~~which have regularly organized, paid fire departments or voluntary fire departments,~~]~~ the drills required by subsection 1 must be ~~[~~conducted under the supervision of~~]~~ ***approved by*** the ~~[~~:~~]~~ ***chief of the fire department of the city or town, if the city or town has a regularly organized, paid fire department or voluntary fire department. In addition, the drills in each school must be conducted under the supervision of the:***

(a) Person designated for this purpose by the board of trustees of the school district or the governing body of a charter school ~~[~~; and~~]~~ ***in a county whose population is less than 100,000; or***

(b) ~~[Chief of the fire department of the city or town.]~~ ***Emergency manager designated pursuant to section 4 of this act in a county whose population is 100,000 or more.***

3. A diagram of the approved escape route and any other information related to the drills required by subsection 1 which is approved by the chief of the fire department or, if there is no fire department, the State Fire Marshal must be kept posted in every classroom of every public school by the principal or teacher in charge thereof.

4. The principal, teacher or other person in charge of each school building shall cause the provisions of this section to be enforced.

5. Any violation of the provisions of this section is a misdemeanor.

6. As used in this section, "lockdown" has the meaning ascribed to it in section 2 of this act.

Sec. 14. NRS 394.170 is hereby amended to read as follows:

394.170 1. The authorities in charge of every private school within this State shall provide drills for the pupils in the schools at least once in each month during the school year to instruct those pupils in the appropriate procedures to be followed in the event of a ***lockdown,*** fire or other emergency ***.*** ~~[, except a crisis governed by NRS 394.168 to 394.1699, inclusive.]~~ Not more than two of ~~[those]~~ ***the*** drills ***provided pursuant to this subsection*** may include instruction in the appropriate procedures to be followed in the event of a chemical explosion, related emergencies and other natural disasters. ***At least one-half of the drills provided pursuant to this subsection must include instruction in the appropriate procedures to be followed in the event of a lockdown.***

2. In all cities or towns ***,*** ~~[which have regularly organized, paid fire departments or voluntary fire departments,]~~ the drills required by subsection 1 must be ~~[conducted under the supervision of]~~ ***approved by*** the chief of the fire department of the city or town ~~[.]~~ ***, if the city or town has a regularly organized, paid fire department or voluntary fire department.***

3. The State Fire Marshal shall prescribe general regulations governing the drills required by subsection 1 and shall, with the cooperation of the Superintendent of Public Instruction, arrange for the supervision of drills in schools ***.*** ~~[where the drills are not supervised pursuant to subsection 2.]~~

4. A copy of this section must be kept posted in every classroom of every private school by the principal or teacher in charge thereof.

5. The principal, teacher or other person in charge of each school building shall cause the provisions of this section to be enforced.

6. Any violation of the provisions of this section is a misdemeanor.

7. As used in this section, "lockdown" has the meaning ascribed to it in section 2 of this act.

Sec. 15. NRS 414.135 is hereby amended to read as follows:

414.135 1. There is hereby created in the State General Fund the Emergency Assistance Account. Beginning with the fiscal year that begins on July 1, 1999, the State Controller shall, at the end of each fiscal year,

transfer the interest earned during the previous fiscal year on the money in the Disaster Relief Account created pursuant to NRS 353.2735 to the Emergency Assistance Account in an amount not to exceed $500,000.

2. The Division of Emergency Management of the Department of Public Safety shall administer the Emergency Assistance Account. The Division may adopt regulations authorized by this section before, on or after July 1, 1999.

3. Except as otherwise provided in paragraph (c), all expenditures from the Emergency Assistance Account must be approved in advance by the Division. Except as otherwise provided in subsection 4, all money in the Emergency Assistance Account must be expended:

(a) To provide supplemental emergency assistance to this state or to local governments in this state that are severely and adversely affected by a natural, technological or man-made emergency or disaster for which available resources of this state or the local government are inadequate to provide a satisfactory remedy;

(b) To pay any actual expenses incurred by the Division for administration during a natural, technological or man-made emergency or disaster; and

(c) For any other purpose authorized by the Legislature.

4. Beginning with the fiscal year that begins on July 1, 1999, if any balance remains in the Emergency Assistance Account at the end of a fiscal year and the balance has not otherwise been committed for expenditure, the Division may, with the approval of the Interim Finance Committee, allocate all or any portion of the remaining balance, not to exceed $250,000, to this state or to a local government to:

(a) Purchase equipment or supplies required for emergency management;

(b) Provide training to personnel related to emergency management; and

(c) Carry out the provisions of NRS 388.229 to 388.261, inclusive ~~[.]~~ ***, and sections 2 to 7, inclusive, of this act.***

5. Beginning with the fiscal year that begins on July 1, 1999, the Division shall, at the end of each quarter of a fiscal year, submit to the Interim Finance Committee a report of the expenditures made from the Emergency Assistance Account for the previous quarter.

6. The Division shall adopt such regulations as are necessary to administer the Emergency Assistance Account.

7. The Division may adopt regulations to provide for reimbursement of expenditures made from the Emergency Assistance Account. If the Division requires such reimbursement, the Attorney General shall take such action as is necessary to recover the amount of any unpaid reimbursement plus interest at a rate determined pursuant to NRS 17.130, computed from the date on which the money was removed from the Disaster Relief Account, upon request by the Division.

Sec. 16. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 17. This act becomes effective on July 1, 2017.

Assemblyman Thompson moved the adoption of the amendment.

Remarks by Assemblyman Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 138.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 135.

AN ACT relating to water; authorizing the de minimus collection of precipitation for ~~[domestic]~~ **nonpotable** use and **, under certain circumstances,** to provide water to wildlife; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that, subject to existing rights, the appropriation of any water in this State is subject to the provisions of chapter 533 of NRS, which, among other things, require any person seeking to appropriate water to obtain a permit to do so. (NRS 533.030, 533.325) **Section 1** of this bill provides that the de minimus collection of precipitation from the rooftop of a single-family dwelling for ~~[domestic]~~ **nonpotable** use or **, under certain circumstances,** in a guzzler to provide water to wildlife is exempted from the requirements of chapter 533 of NRS and thus may be collected without a water right or permit to appropriate water. **Sections 2-5** of this bill make conforming changes.

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

Section 1. Chapter 533 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The provisions of this chapter do not apply to the de minimus collection of precipitation:

(a) From the rooftop of a single-family dwelling for ~~[domestic]~~ nonpotable use; or

(b) ~~[In]~~ If the collection does not conflict with any existing water rights as determined by the State Engineer, in a guzzler to provide water for use by wildlife. Such a guzzler must:

(1) Have a capacity of 20,000 gallons or less; and

(2) Be developed in consultation with the Department of Wildlife.

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

~~(a) "Domestic use" has the meaning ascribed to it in NRS 534.013; and~~

~~(b) "Guzzler"]~~ , "guzzler" has the meaning ascribed to it in NRS 501.121.

Sec. 2. NRS 533.030 is hereby amended to read as follows:

533.030 1. Subject to existing rights, and except as otherwise provided in this section ~~[,]~~ ***and section 1 of this act,*** all water may be appropriated for beneficial use as provided in this chapter and not otherwise.

2. The use of water, from any stream system as provided in this chapter and from underground water as provided in NRS 534.080, for any recreational purpose, or the use of water from the Muddy River or the Virgin River to create any developed shortage supply or intentionally created surplus, is hereby declared to be a beneficial use. As used in this subsection:

(a) "Developed shortage supply" has the meaning ascribed to it in Volume 73 of the Federal Register at page 19884, April 11, 2008, and any subsequent amendment thereto.

(b) "Intentionally created surplus" has the meaning ascribed to it in Volume 73 of the Federal Register at page 19884, April 11, 2008, and any subsequent amendment thereto.

3. Except as otherwise provided in subsection 4, in any county whose population is 700,000 or more:

(a) The board of county commissioners may prohibit or restrict by ordinance the use of water and effluent for recreational purposes in any artificially created lake or stream located within the unincorporated areas of the county.

(b) The governing body of a city may prohibit or restrict by ordinance the use of water and effluent for recreational purposes in any artificially created lake or stream located within the boundaries of the city.

4. In any county whose population is 700,000 or more, the provisions of subsection 1 and of any ordinance adopted pursuant to subsection 3 do not apply to:

(a) Water stored in an artificially created reservoir for use in flood control, in meeting peak water demands or for purposes relating to the treatment of sewage;

(b) Water used in a mining reclamation project; or

(c) A body of water located in a recreational facility that is open to the public and owned or operated by the United States or the State of Nevada.

Sec. 3. NRS 533.325 is hereby amended to read as follows:

533.325 ~~[Any]~~ ***Except as otherwise provided in section 1 of this act, any*** person who wishes to appropriate any of the public waters, or to change the place of diversion, manner of use or place of use of water already appropriated, shall, before performing any work in connection with such appropriation, change in place of diversion or change in manner or place of use, apply to the State Engineer for a permit to do so.

Sec. 4. NRS 533.475 is hereby amended to read as follows:

533.475 The State Engineer and the assistants of the State Engineer shall have power to arrest any person violating any of the provisions of NRS 533.005 to 533.470, inclusive, ***and section 1 of this act,*** and to turn that person over to the sheriff or other competent police officer within the county.

Immediately on delivering any such person so arrested into the custody of the sheriff, the State Engineer or assistant making such arrest shall immediately, in writing, and upon oath, make a complaint before the justice of the peace against the person so arrested.

Sec. 5. NRS 533.480 is hereby amended to read as follows:

533.480 Any person violating any of the provisions of NRS 533.005 to 533.475, inclusive, ***and section 1 of this act,*** shall be guilty of a misdemeanor.

Sec. 6. This act becomes effective on July 1, 2017.

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblywoman Swank.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 143.

Bill read second time.

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

Amendment No. 51.

AN ACT relating to legislative affairs; creating the Legislative Committee on Tax Expenditures and Incentives for Economic Development; setting forth the composition and administration of the Committee; prescribing the powers and duties of the Committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 5 of this bill creates the Legislative Committee on Tax Expenditures and Incentives for Economic Development and prescribes the appointment of its membership. **Section 6** of this bill sets forth requirements for meetings of the Committee and the compensation of its members.

Existing law requires the Board of Economic Development to review and evaluate all programs of economic development in Nevada and to make recommendations to the Legislature for legislation to improve the effectiveness of those programs in implementing the State Plan for Economic Development. (NRS 231.037) **Section 7** of this bill requires the Legislative Committee on Tax Expenditures and Incentives for Economic Development to identify and evaluate all incentives for economic development in this State and provide the Legislature with a report concerning its activities. **Section 8** of this bill authorizes the Committee to evaluate, review and comment on tax expenditures and to make recommendations for the **addition,** modification or elimination of a tax expenditure or incentive for economic development.

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

Section 1. Chapter 218E of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. *As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Committee" means the Legislative Committee on Tax Expenditures and Incentives for Economic Development.*

Sec. 4. *"Tax expenditure" has the meaning ascribed to it in NRS 360.137.*

Sec. 5. *1. The Legislative Committee on Tax Expenditures and Incentives for Economic Development, consisting of six legislative members, is hereby created. The membership of the Committee consists of:*

(a) Two members of the Senate appointed by the Majority Leader of the Senate;

(b) One member of the Senate appointed by the Minority Leader of the Senate;

(c) Two members of the Assembly appointed by the Speaker of the Assembly; and

(d) One member of the Assembly appointed by the Minority Leader of the Assembly.

➥ In making appointments pursuant to this subsection, first preference must be given to members of the standing committees of the Legislature with primary jurisdiction over matters relating to taxation and second preference to members of the standing committees of the Legislature with primary jurisdiction over matters relating to budgets and finances.

2. The Majority Leader of the Senate and the Speaker of the Assembly shall jointly select the Chair and Vice Chair of the Committee from among the members of the Committee, with first preference given to members who are members of the standing committees of the Legislature with primary jurisdiction over matters relating to taxation, if any, and second preference to members who are members of the standing committees of the Legislature with primary jurisdiction over matters relating to budgets and finances, if any. After the initial selection, each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year. The office of Chair of the Committee must alternate each biennium between the Houses. If a vacancy occurs in the office of Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

3. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.

4. Any member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session convenes.

5. A vacancy on the Committee must be filled in the same manner as the original appointment for the remainder of the unexpired term.

Sec. 6. ***1. Except as otherwise ordered by the Legislative Commission, the members of the Committee shall meet not earlier than November 1 of each odd-numbered year and not later than August 31 of the following even-numbered year at the times and places specified by a call of the Chair or a majority of the Committee.***

2. The Director or his or her designee shall act as the nonvoting recording Secretary of the Committee.

3. Four members of the Committee constitute a quorum, and a quorum may exercise all the power and authority conferred upon the Committee.

4. Except during a regular or special session, for each day or portion of a day during which a member of the Committee attends a meeting of the Committee or is otherwise engaged in the business of the Committee, the member is entitled to receive the:

(a) Compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers and employees generally; and

(c) Travel expenses provided pursuant to NRS 218A.655.

5. All such compensation, per diem allowances and travel expenses must be paid from the Legislative Fund.

Sec. 7. ***The Committee shall:***

1. Meet at least once each biennium to review the most recent tax expenditure report submitted by the Executive Director of the Department of Taxation pursuant to NRS 360.137.

2. Review any other reports submitted to the Legislature relating to tax expenditures and incentives for economic development.

3. Identify all incentives for economic development provided for by law in this State, including, without limitation, tax incentives, grants, loans and initiatives for workforce development.

4. Evaluate and review each incentive for economic development identified pursuant to subsection 3 at least once every 6 years. The Committee shall examine, review and comment on, without limitation:

(a) The purpose, intent or goal of the incentive for economic development.

(b) Whether the incentive for economic development is accomplishing its purpose, intent or goal.

(c) Whether there is a more effective method to achieve the goal of the incentive for economic development.

(d) The cost of the incentive for economic development to the State, including, without limitation, administrative costs and lost revenue.

(e) The impact of the incentive for economic development on the revenues of and services provided by local governments.

(f) The economic and fiscal impact of the incentive [.] for economic development, including, without limitation:

(1) The extent to which the incentive changes business behavior;

(2) The results of the incentive for the state ~~[economy,]~~ and local economies, including, without limitation, both positive direct and indirect impacts and any negative impacts on businesses in this State; and

(3) A comparison to the results of other incentives or programs for economic development with similar goals.

~~[(f)]~~ (g) Any other matters that, in the determination of the Committee, concern incentives for economic development in this State.

5. On or before January 15 of each odd-numbered year, submit to the Director ~~[of the Legislative Counsel Bureau]~~ for transmittal to the Legislature a report concerning the activities of the Committee during the applicable legislative interim. The Committee shall present its findings to the standing committees of the Legislature with primary jurisdiction over matters relating to taxation during the next regular session of the Legislature.

Sec. 8. *The Committee may:*

1. Evaluate, review and comment upon any tax expenditure within the State, including, without limitation:

(a) The purpose, intent or goal of the tax expenditure.

(b) The intended beneficiaries of the tax expenditure.

(c) Whether the tax expenditure is accomplishing its purpose, intent or goal.

(d) The manner in which the tax expenditure compares to similar tax expenditures in other states.

(e) Whether there are other tax expenditures in this State that have the same or a similar purpose, intent or goal as the tax expenditure being reviewed and the manner in which the two tax expenditures are coordinated, including, without limitation, whether the coordination between the two tax expenditures could be improved or if there are any redundancies that could be eliminated.

(f) Whether the evaluation of the tax expenditure is hindered by the unavailability of certain data.

(g) The cost of the tax expenditure, including, without limitation, administrative costs and lost revenue ~~[,]~~ of the State and local governments, and an evaluation of the extent to which the tax expenditure is a cost-effective use of resources compared to other methods of accomplishing the same purpose or goal.

(h) Opportunities to improve the effectiveness of the tax expenditure.

2. Contract with private consultants or academic institutions to complete the reviews provided for by this section and section 7 of this act.

3. Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee.

4. Request that a representative of the Office of Economic Development within the Office of the Governor or a representative of the Office of Energy within the Office of the Governor appear before the

Committee and provide information on programs for economic development, including, without limitation:

(a) The number of entities applying or approved for a particular program for economic development;

(b) The number of entities approved for a particular incentive for economic development;

(c) The number of entities who have used a particular incentive for economic development; and

(d) The projected and actual benefits of the programs for economic development in this State.

5. Request books, papers, records and other information from state or local governmental agencies, including, without limitation, the Nevada System of Higher Education.

6. Apply for any available grants and accept any gifts, grants or donations to assist the Committee in carrying out its duties.

7. Conduct investigations and hold hearings in connection with its duties pursuant to this section and section 7 of this act, and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive.

8. Make recommendations to the Legislature concerning the addition, elimination or modification of tax expenditures and incentives for economic development.

Sec. 9. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 10. This act becomes effective upon passage and approval.

Assemblywoman Diaz moved the adoption of the amendment.

Remarks by Assemblywoman Diaz.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer, Assembly Bills Nos. 127 and 143 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 145, 155, 176, 177, 192, 204, 205, 214, 221, 227, 247, 385, and 387 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 14, 20, 28, 33, 50, 57, 65, 74, 76, 147, 160, and 229 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Mr. Speaker appointed Assemblymen Flores and Pickard as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative Ruben Kihuen.

The President pro Tempore of the Senate and members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President pro Tempore of the Senate to the Speaker's rostrum.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:08 p.m.

President pro Tempore of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblyman Daly, who was excused.

The President pro Tempore of the Senate appointed a Committee on Escort consisting of Senator Goicoechea and Assemblyman Fumo to wait upon United States Representative Ruben Kihuen and escort him to the Assembly Chamber.

The Committee on Escort, in company with The Honorable Ruben Kihuen, United States Representative from Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Representative to the rostrum.

The Speaker of the Assembly welcomed Representative Kihuen and invited him to deliver his message.

Representative Kihuen delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA SEVENTY-NINTH SESSION, 2017

Friends, it is great to be home.

Thank you, Governor Sandoval, for being here and for your leadership. I know this is your final legislative session, and I would be remiss if I did not thank you for your service to the state of Nevada and to the rest of our country. It has always been a pleasure working with you, and I look forward to continuing the rest of the year and a half working with you to make Nevada better. Thank you, Mr. Governor.

Thank you Senate President pro Tem Denis, constitutional officers, Speaker Frierson, Majority Leaders Benitez-Thompson and Ford, Minority Leaders Roberson and Anderson, and members of the Senate and Assembly, and the entire LCB [Legislative Counsel Bureau] staff, thank you so much. And to all the freshmen, congratulations.

As I look around this Chamber, I see friends, I see former colleagues, and I see many great Nevadans. But I also see the diversity of America—people of all colors, ages, gender, sexual orientation, political ideology, and from all walks of life. I am proud of Nevada for having one of the most diverse—if not the most diverse—legislatures in the entire country. Leadership in both houses are people of color. The first African-American Speaker of the Nevada Assembly, Jason Frierson, we are proud of you. Forty percent of the members of the Legislature are women. All this in a state with a Latino Governor, a Latina U.S. Senator, two Congresswomen, and myself in the House of Representatives. It is this diversity that makes Nevada and America strong. I ask you to join me in continuing to celebrate and preserve such diversity.

It feels like just yesterday that I was sitting right here in this Chamber, right there where my friend Assemblywoman Woodbury is sitting, as a freshman member of the Nevada Legislature almost ten years ago. I remember having Senator Atkinson look at me every day and say Hey freshman, get to work. I had Assemblyman Carpenter to the left of me talking to me about his Suzi-Q boat and about rural Nevada. I had the opportunity, in my time here, to serve with and learn from several true Nevada statesmen and women, people who never hesitated to put their state before their party, including the legendary Senator Bill Raggio, who taught us all a thing or two about compromise, negotiating, and how to master the rules to pass legislation; Speaker Barbara Buckley, whom I had the honor to vote for as the first female Speaker in our state's history; Assemblyman Bernie Anderson, who taught me to never lose my integrity and credibility, because sometimes that is all we have, and he took me to the Woodshed a few times; Assemblyman John Carpenter, a champion for rural Nevada and the person responsible for my induction into the Assembly's Cowboy Hall of Fame; and many others. I also made lifelong friends, many of you who are here today, including my brother from another mother and former roommate Senator Mo Denis, whom I had the honor to cofound the Nevada Hispanic Legislative Caucus with.

As many of you know, I am the proud son of a housekeeper and a former farmworker. My family came to America when I was eight years old. We came here in pursuit of the American Dream. We came to this country because we knew that in America, if you worked hard, sacrificed, and played by the rules, you could become anything and achieve anything you want. Today, that eight-year-old kid who came here with no money, with no connections, no friends, no job, is a member of the United States House of Representatives. That is the American Dream. Growing up in a working-class neighborhood in North Las Vegas, I never imagined serving in this body, in the State Legislature, let alone stand here as a United States Congressman. It is truly the greatest honor of my life to serve the people of Nevada.

After three months in Congress, I have a much greater appreciation of the time that I spent here in the Legislature, not just because I miss the wings or bread pudding at Firkin & Fox or karaoke nights at Jimmy G's with Senator Ford—and if you all have not seen him sing, you all have to see him sing—but because we got things done here in the Legislature.

Rarely a day goes by where I do not tell folks in Washington about the work done here in Carson; Washington could take some lessons from you all. The idea of Democrats and Republicans coming together to make as large an investment in education as we did last session is foreign in Washington, D.C. But here, we came together to do what is best for Nevada's children. We put our parties aside and put our children first.

I often talk about working with my friend Senator Kieckhefer to pass the first ever need-based grants for Nevada's college students. I am proud to see that this program has been a big success and that the Governor has requested more funding to grow the program, because making college more affordable is critical to the future of our state. We all know that we will not have a diversified economy without a well-trained and well-educated workforce.

The steps this body has taken to diversify our state's economy should serve as a model for the country. Working together, you all are paving the way forward for Nevada. I am excited in my new role in Congress to share our state's success with the rest of the nation.

Before I was elected, I promised that I would be available and accessible to all of my constituents, urban, rural, suburban. I kept that promise, setting off on a district-wide tour and listening to Nevada residents from Las Vegas to Yerington and Pahrump to Mesquite. Next week, I will embark on the second part of that district tour and visit Ely, Caliente, and other eastern Nevada cities. Giving constituents in the 4th Congressional District a voice and protecting their rights is my number one priority in Congress.

Since arriving in Congress, I have been committed to working on solutions to the challenges that our nation and the District are facing. As you can imagine, Washington, D.C. is an interesting place to be right now.

Last month, when the American Health Care Act was introduced in Congress, I fought to protect health care for millions of Americans. The Affordable Care Act [ACA] may not be perfect, but we should not cast aside all the progress we have made these last eight years just to score political points. The American people are tired of political brinkmanship; they are tired of hyperpartisanship. What we need to do is look for ways to improve access and get health care while bringing down the rising costs of premiums. That is how you tackle this issue.

I thank Governor Sandoval, once again, for being a strong voice for protecting the expansion of Medicaid, which is so critical here in Nevada, to ensure low-income families and rural Nevadans have access to health care. Right here in Nevada, the uninsured rate went down from 22 percent to 12 percent since the ACA implementation. I introduced an amendment aimed at protecting funding for vulnerable Nevadans, particularly low-income children, who rely on Medicaid for critical health care needs. My amendment would have prevented cuts for providers like pediatricians that help keep our kids healthy.

My work in Washington has not only focused on protecting our most vulnerable, but also working to pay back what we owe our veterans for the countless contributions they made to our country. They have made tremendous sacrifices so that we can enjoy the safety and tranquility here at home. Working to ensure our military and veteran families have the support they need must be a top priority for Congress.

That is why earlier this year I introduced my first bill, the STEP [Service, Training, Education, and Preparation] for Veterans Act, which would help community colleges train veterans to fill desperately needed jobs in our local economy. Community colleges should have the tools they need to best serve those who risked their lives for our country. I cannot think of a better prepared group of people to help us fill the jobs of the future than our own veterans.

I am also fighting to keep the Ely Community Clinic for veterans in my district open. It is a shame that our veterans fought for our country and now have to fight to keep their clinic open. Veterans should not be forced to travel hundreds of miles to get the care they rely on and deserve. We should not be putting our veterans' health care at risk just to save a few bucks. Our American heroes deserve better.

I am proud of the work I have done alongside my colleagues in the Nevada Delegation to protect our beautiful public lands for future generations. Protecting monuments such as Gold Butte can create jobs, increase property values, and improve quality of life for local residents. Federal and state governments should work together to protect this for the benefit of Nevadans and tourists alike.

The Nevada Delegation was also united in sponsoring the Nuclear Waste Informed Consent Act earlier this year, demanding that states be consulted before nuclear waste repositories can be built by the federal government anywhere in the country. Let me be clear: I will fight every single day tirelessly, with all the energy I have, to ensure this Administration cannot and will not revive Yucca Mountain as storage for the country's nuclear waste. Nevada is not a waste dump.

I came to Congress to get things done and to continue fighting to defend Social Security and Medicare. We want to strengthen our economy and get Nevadans back to work, continue the fight to make higher education more affordable and accessible, and to fight for comprehensive immigration reform. We should not be building walls; we should be building bridges, roads, and schools. I look forward to working with both Democrats and Republicans on a bill that will invest in our infrastructure and put people back to work.

While I am here, I want to voice my support for a few of the bills you all are working on. First of all, congratulations to my friend and now my state Senator, Pat Spearman, who has been fighting tirelessly for this for years, on the ratification of the Equal Rights Amendment. This is

an important step forward for Nevada in the fight for women's rights. This is not a victory for Senator Spearman or the Democrats; this is a victory for every girl and every woman in Nevada and our country. Thank you, Senator Spearman, for your leadership.

I will continue to fight efforts to cut Medicaid funding, but I urge you to push forward and expand the program that helps 600,000 Nevadans obtain the health care they need.

I support proposals ensuring paid sick leave to give economic security for families as they deal with illness and health care problems. No one—and I mean no one—should have to choose between a paycheck and their health.

I support legislation that will make it easier for small businesses to gain access to capital to grow and expand. Small businesses are the backbone of our economy, and we must continue to do everything possible to make it easier for people to start and expand their business.

I urge you to continue growing Nevada's green energy economy and create thousands of good paying jobs by passing several of the renewable energy bills being proposed this session. With so much land, wind, and sun, Nevada can be the leader in the world in clean and renewable energy. This will help with our state's economic diversification efforts as well.

On education, I strongly urge you not to send desperately needed public money to private schools. Vouchers are bad policy, and our children deserve the best. Let us keep public money in our public schools. Let us instead invest in programs that have produced positive results for all our children, such as full-day kindergarten, ZOOM schools, Victory schools, and expand teacher training and STEM education.

Finally, I strongly support your efforts to pass a living wage in the state of Nevada. Our workers deserve a pay raise and an opportunity to provide for their families. We live in the greatest, most powerful, and richest country on the planet; no one who works full-time should live in poverty in America. America is better than that.

As you all continue your public service and taking care of our state's legislative matters, I want to give you a word of advice that somebody once gave me: Remember that being in elected office is not about you; it is about the people who elected you to represent them. Remember that public service is always about the people, because at the end of the day, we are not Democrats or Republicans; we are not liberals or conservatives. We are Nevadans and Americans first.

Thank you everybody. God bless you and good luck with the rest of the session. Thank you so much.

Senator Gustavson moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Kihuen for his timely, able, and constructive message.

Seconded by Assemblyman Kramer.

Motion carried.

The Committee on Escort escorted Representative Kihuen to the bar of the Assembly.

Assemblywoman Bilbray-Axelrod moved that the Joint Session be dissolved.

Seconded by Senator Parks.

Motion carried.

Joint Session dissolved at 5:31 p.m.

ASSEMBLY IN SESSION

At 5:33 p.m.

Mr. Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Tomas Hammond and Joe Anderson.

On request of Assemblyman Araujo, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Catha.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Silke Rudolf-Andre.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Samantha Ostrovsky.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Colleen McCarty, Makena McCarty, and Samantha McCarty.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Carmen Andrews.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Brooklyn Darmody, Sarah Sunnasy, and Lisa Muntean.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Emily Espinosa.

On request of Assemblyman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Joana Peraza.

On request of Assemblyman Fumo, the privilege of the floor of the Assembly Chamber for this day was extended to Ellen Fumo.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Hoa Dao, Gabriella Ho, Izabella Ho, Kailey Sakawski, Katherine Namchek, Kayla Sadler, and Tina Cordero.

On request of Assemblyman Kramer, the privilege of the floor of the Assembly Chamber for this day was extended to Spencer Lang.

On request of Assemblyman Marchant, the privilege of the floor of the Assembly Chamber for this day was extended to Nadia-Christiane Ozone.

On request of Assemblywoman Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Webb Cook and Karlana Kulseth.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Na' Onche Osborne.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Dave Thomas, Kermitt Waters, Riana Durret, Loretta Harper, Patricia Stevens, and Sakina Turner.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Josie Merritt and Ross Hemminger.

On request of Assemblyman Pickard, the privilege of the floor of the Assembly Chamber for this day was extended to Olivia Yamamoto.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Skyler Bradley.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Divya Narala and Asha Jones.

On request of Assemblywoman Tolles, the privilege of the floor of the Assembly Chamber for this day was extended to Katie Hardung.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Mikayla Tea, Oliver Gibbins, Yovanni Buendia, Seth Carson, William Chan, Justin Gardner, Gorje Hernandez, Jaylin Jackson, Askarie Johnson, Jason Marquez, Justin Martin, Fabian Quezadas, Eduardo Sandoval, Tyreece Sherrill, Daniel Trevino, Nate Trujillo, Fernando Urena, Jesus Villa, Johnny Villalovos, Damontai Winzer, and Scott Harrison.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Sofia Hammond, Olivia Hammond, and Celssie Hardy.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Wednesday, April 12, 2017, at 4 p.m.

Motion carried.

Assembly adjourned at 5:38 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SIXTY-SIXTH DAY

CARSON CITY (Wednesday), April 12, 2017

Assembly called to order at 4:30 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Titus, who was excused.

Prayer by the Chaplain, Pastor Patrick Propster.

The impact of thoughts and words:

O Lord, You have searched us and known us. You know when we sit down and when we rise up; You understand our thoughts from afar. You comprehend our path and our lying down and are acquainted with all our ways. For there is not a word on our tongues, O Lord, that You do not know. You have hedged us behind and before, and laid Your hand upon us. Such knowledge is too wonderful for us; it is too high, we cannot attain it. Where can we go from Your Spirit? Or where can we flee from Your presence?

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 271, 480, 481, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Joint Resolution No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Legislative Operations and Elections, to which was referred Assembly Concurrent Resolution No. 8, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

OLIVIA DIAZ, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which were referred Assembly Bills Nos. 137, 170, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DINA NEAL, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 233, 419, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RICHARD CARRILLO, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 12, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 84, 318, 382, 406, 423, 429, 441, 442, 485 and 487.

CINDY JONES
Fiscal Analysis Division

April 12, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 410.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 205, 280, 286, 355, 414, 430, 436, 451, 453, 459, 478, 479, 487 and 498.

MARK KRMPOTIC
Fiscal Analysis Division

SECOND READING AND AMENDMENT

Assembly Bill No. 8.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 165.

AN ACT relating to municipal utilities; expanding the utility services for which delinquent charges may be collected with the general taxes of the county; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the governing body of a city which provides sewerage may have delinquent charges for sewerage collected with the county's general taxes. (NRS 268.043) **Section 1** of this bill expands this authority and provides that a governing body providing ~~[any utility service]~~ **sewerage, storm drainage or water service, or any combination of those services,** may collect delinquent charges in such a manner. **Sections 2 and 3** of this bill make conforming changes.

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

Section 1. NRS 268.043 is hereby amended to read as follows:

268.043 1. The governing body of a city which provides ~~[~~sewerage~~]~~ ***utility*** ~~***[service]***~~ ***services*** may elect by ordinance to have delinquent charges for ~~[~~sewerage~~]~~ ***any or all of those utility services*** collected on the tax roll in the same manner, by the same persons, and at the same time as, together with

and not separately from, the county's general taxes. The governing body shall cause a description of each parcel of real property with respect to which the charge is delinquent on May 1 and the amount of the delinquent charge to be prepared and filed with the board of county commissioners no later than June 1. The description of each parcel and the amount of the delinquent charge must be filed in a form approved by the county treasurer.

2. The powers authorized by this section are alternative to all other powers of the city for the collection of such charges.

3. The real property may be described by reference to maps prepared by and on file in the office of the county assessor or by descriptions used by the county assessor.

4. The amount of the charge constitutes a lien against the lot or parcel of land against which the charge has been imposed as of the time when the lien of taxes on the roll attach.

5. The county treasurer shall include the amount of the charges on bills for taxes levied against the respective lots and parcels of land. Thereafter, the amount of the charges must be collected at the same time and in the same manner and by the same persons as, together with and not separately from, the general taxes for the county.

6. All laws applicable to the levy, collection and enforcement of general taxes of the county, including, but not limited to, those pertaining to the matters of delinquency, correction, cancellation, refund, redemption and sale, are applicable to delinquent charges for ~~[~~sewerage.~~]~~ ***utility services.***

7. The county treasurer may issue separate bills for those charges and separate receipts for collection on account of those charges.

8. The governing body shall pay to the county treasurer, on the date it files the information described in subsection 1, 4 percent of the amount of the delinquent charges for ~~[~~sewerage~~]~~ ***the utility services*** to be collected on the tax roll or the amount estimated by the county treasurer which is necessary to collect and distribute those delinquent charges, whichever is greater. If the amount paid by the governing body to the county treasurer exceeds the actual amount which is necessary to collect and distribute the delinquent charges, the county treasurer shall refund the excess amount to the governing body within 1 year after the date the governing body files the information described in subsection 1.

9. As used in this section, "utility services" means sewerage, storm drainage or water service, or any combination of those services.

Sec. 2. NRS 268.4112 is hereby amended to read as follows:

268.4112 1. In a county whose population is 700,000 or more, the governing body of a city that owns a municipal water system may, if requested by a water authority, impose an excise tax on the use of water in an amount sufficient to ensure the payment, wholly or in part, of obligations incurred by the water authority to acquire, establish, construct, improve or equip, or any combination thereof, a water facility. The tax must be imposed by ordinance on customers of the municipal water system that are capable of

using or benefiting from the water facility financed, wholly or in part, with the proceeds of the tax.

2. An excise tax imposed pursuant to subsection 1 must be levied at different rates for different classes of customers and must take into account differences in the amount of water used or estimated to be used and the size of the connection.

3. The ordinance imposing the tax must provide:

(a) The rate or rates of the tax, which must not exceed one-quarter of 1 percent of the monthly water bill of customers of all residential classes and 5 percent of the monthly water bill of customers of all commercial classes and any other class;

(b) The procedure for collection of the tax;

(c) The duration of the tax; and

(d) The rate of interest that will be charged on late payments.

4. Late payments of the tax must bear interest at a rate not exceeding 1 percent per month, or fraction thereof. The tax due is a perpetual lien against the property served by the water on whose use the tax is imposed until the tax and any interest that may accrue thereon are paid. Collection of the tax may be enforced in any manner authorized by law for the collection of unpaid water bills. In addition to all other methods available to enforce payment of the tax, the city, by ordinance, may provide that it will be collected in the same manner as delinquent ~~[~~taxes~~]~~ ***charges*** are collected pursuant to NRS 268.043 for ~~[~~sewerage~~]~~ ***utility services*** charges.

5. Subject to the provisions of this subsection, the governing body of the city may reduce the amount of the tax imposed pursuant to this section as the obligations of the city and the water authority allow. No ordinance imposing a tax which is enacted pursuant to this section may be repealed or amended or otherwise directly or indirectly modified in such a manner as to impair any outstanding bonds or other obligations which are payable from or secured by a pledge of a tax enacted pursuant to this section until those bonds or other obligations have been discharged in full.

6. The governing body of the city shall review the necessity for the continued imposition of the tax authorized pursuant to this section at least once every 10 years.

7. As used in this section:

(a) ***"Utility services" has the meaning ascribed to it in NRS 268.043.***

(b) "Water authority" means a water authority organized as a public agency or entity created by cooperative agreement pursuant to chapter 277 of NRS whose members at the time of formation include the three largest retail water purveyors in the county and which is responsible for the acquisition, treatment and delivery of water and water resources on a wholesale basis to utilities, governmental agencies and entities and other large customers.

~~[(b)]~~ ***(c)*** "Water facility" means a facility pertaining to a water system for the collection, transportation, treatment, purification and distribution of water, including, without limitation, springs, wells, ponds, lakes, water

rights, other raw water sources, basin cribs, dams, spillways, retarding basins, detention basins, reservoirs, towers and other storage facilities, pumping plants, infiltration galleries, filtration plants, purification systems, other water treatment facilities, waterworks plants, pumping stations, gauging stations, ventilating facilities, stream gauges, rain gauges, valves, standpipes, connections, hydrants, conduits, flumes, sluices, canals, channels, ditches, pipes, lines, laterals, service pipes, force mains, submains, siphons, other water transmission and distribution mains, engines, boilers, pumps, meters, apparatus, tools, equipment, fixtures, structures, buildings and other facilities for the acquisition, transportation, treatment, purification and distribution of untreated water or potable water for domestic, commercial and industrial use and irrigation, or any combination thereof.

Sec. 3. Section 28 of the Las Vegas Valley Water District Act, being chapter 506, Statutes of Nevada 1997, at page 2404, is hereby amended to read as follows:

Sec. 28. 1. At the request of the Southern Nevada Water Authority, to pay all or any part of the cost to acquire, establish, construct, improve or equip, or any combination thereof, one or more water facilities, the Board of Directors of the District may impose an excise tax on the use of water in an amount sufficient to ensure the payment, wholly or in part, of obligations incurred by the Southern Nevada Water Authority. The tax must be imposed as a rate or charge pursuant to the procedures for adopting a schedule of rates and charges set forth in section 9.2 on customers of the water system of the District that are capable of using or benefiting from the water facilities financed, wholly or in part, with the proceeds of the tax.

2. An excise tax imposed pursuant to subsection 1 must be levied at different rates for different classes of customers and must take into account differences in the amount of water used or estimated to be used and the size of the connection.

3. The schedule imposing the rate or charge must provide:

(a) The amount of the rate or charge, which must not exceed one-quarter of 1 percent of the monthly water bill of customers of all residential classes and 5 percent of the monthly water bill of customers of all commercial classes and any other class;

(b) The procedure for collection of the rate or charge;

(c) The duration of the rate or charge; and

(d) The rate of interest that will be charged on late payments.

4. Late payments of the tax must bear interest at a rate not exceeding 1 percent per month, or fraction thereof. The tax due is a perpetual lien against the property served by the water on whose use the tax is imposed until the tax and any interest that may accrue thereon are paid. Collection of the tax may be enforced in any manner authorized by law for the collection of unpaid water bills. In addition to all other methods available to enforce payment of the tax, the District may provide that it

will be collected in the same manner as delinquent ~~[taxes]~~ ***charges*** are collected pursuant to NRS 268.043 for ~~[sewerage]~~ ***utility services*** charges.

5. Subject to the provisions of this subsection, the Board of Directors of the District may reduce the amount of the tax imposed pursuant to this section as the obligations of the District or the water authority allow. The Board of Directors of the District shall not repeal or amend or otherwise directly or indirectly modify the tax in such a manner as to impair any outstanding bonds or other obligations which are payable from or secured by a pledge of a tax imposed pursuant to this section until those bonds or other obligations have been discharged in full.

6. The Board of Directors of the District shall review the necessity for the continued imposition of the tax authorized pursuant to this section at least once every 10 years.

7. As used in this section ~~[, "water]~~ ***:***

(a) "Utility services" has the meaning ascribed to it in NRS 268.043.

(b) "Water facility" has the meaning ascribed to "water project" in paragraph (b) of subsection 6 of section 27.

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 134.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 131.

AN ACT relating to local government finance; increasing the limit on the amount of annual total expenditures for a special district to be eligible to petition for an exemption from certain requirements of the Local Government Budget and Finance Act; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

With certain exceptions, the Local Government Budget and Finance Act prescribes requirements for local governments with respect to: (1) the standard methods and procedures for the preparation, presentation, adoption and administration of budgets; (2) financial plans and fiscal policies for programs of capital expenditures; (3) estimation and determination of revenues, expenditures and tax levies; (4) control of revenues, expenditures and expenses; and (5) methods for informing the public, taxpayers and investors of the financial preparations, plans, policies and administration of the local government. (NRS 354.472) Local governments subject to the Act are required under existing law to file certain budget documents and audit

reports with the Department of Taxation. (NRS 354.470-354.626) A special district subject to the Act with annual total expenditures of less than $200,000 during the current fiscal year and budgeted for the succeeding fiscal year is authorized to petition the Department of Taxation for an exemption for 1 fiscal year from one or more of the following requirements: (1) filing a tentative budget; (2) filing independent audit reports; (3) certain publishing requirements of the Act; and (4) maintenance of its accounting records on an accrual or modified accrual basis. If granted an exemption, the special district is required at a minimum to file an annual budget, fiscal reports and any other documents prescribed by regulation by the Committee on Local Government Finance. (NRS 354.475; NAC 354.010-354.050) In addition, a special district subject to the Act with budgeted annual total expenditures of $200,000 or more in a fiscal year that reasonably anticipates that its actual annual total expenditures for that fiscal year will be less than $200,000 is authorized to petition the Department of Taxation for a conditional exemption from the requirement of providing for an annual audit for that fiscal year. Under existing law, a board of county commissioners is authorized to request the Department of Taxation to audit the financial records of a special district that is granted a conditional or other exemption from the requirement of providing for an annual audit. (NRS 354.475) This bill increases from $200,000 to ~~[$265,000]~~ **$300,000** the limit on the amount of annual total expenditures for a special district to be eligible to file a petition for such a conditional or other exemption from the requirements of the Act.

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

Section 1. NRS 354.475 is hereby amended to read as follows:

354.475 1. All special districts subject to the provisions of the Local Government Budget and Finance Act with annual total expenditures of less than ~~[~~$200,000 ~~*$265,000]~~ ***$300,000*** may petition the Department of Taxation for exemption from the requirements of the Local Government Budget and Finance Act for the filing of certain budget documents and audit reports. Such districts may further petition to use a cash basis of accounting.

2. A special district subject to the provisions of the Local Government Budget and Finance Act with budgeted annual total expenditures of ~~[~~$200,000 ~~*$265,000]~~ ***$300,000*** or more in a fiscal year that reasonably anticipates its actual annual total expenditures for that fiscal year will be less than ~~[~~$200,000 ~~*$265,000]~~ ***$300,000*** may petition the Department of Taxation for a conditional exemption from the requirement of providing for an annual audit pursuant to NRS 354.624 for that fiscal year. If the actual annual total expenditures of the special district are ~~[~~$200,000 ~~*$265,000]~~ ***$300,000*** or more, the special district shall provide for an annual audit for that fiscal year.

3. A petition filed with the Department of Taxation:

(a) Pursuant to subsection 1 must be received by the Department of Taxation on or before March 1 to be effective for the succeeding fiscal year; or

(b) Pursuant to subsection 2 must be received by the Department of Taxation on or before March 1 to be effective for the current fiscal year.

4. A board of county commissioners may request the Department of Taxation to audit the financial records of a special district that is exempt from the requirement of providing for an annual audit pursuant to this section.

5. If a petition filed by a special district pursuant to subsection 1 is granted by the Department of Taxation:

(a) The minimum required of the special district is the filing with the Department of Taxation of an annual budget on or before April 15 of each year and the filing of fiscal reports in accordance with NRS 354.6015; and

(b) The special district is exempt from all publication requirements of the Local Government Budget and Finance Act, except that the Department of Taxation by regulation shall require an annual publication of a notice of budget adoption and filing.

6. The Committee on Local Government Finance shall adopt regulations pursuant to NRS 354.594 which are necessary to carry out the purposes of this section.

7. The revenue recorded in accounts that are kept on a cash basis must consist of cash items.

8. As used in this section, "cash basis" means the system of accounting under which revenues are recorded only when received and expenditures or expenses are recorded only when paid.

Sec. 2. This act becomes effective on July 1, 2017.

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 145.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 25.

~~[ASSEMBLYWOMEN]~~ **ASSEMBLYMEN** KRASNER**,** ~~[AND]~~ BUSTAMANTE ADAMS **; BILBRAY-AXELROD, CARRILLO, JOINER, KRAMER, TOLLES, WATKINS AND WOODBURY**.

JOINT SPONSOR; SENATOR DENIS

AN ACT relating to civil actions; extending the statute of limitations for certain civil actions for damages to a person for injuries incurred as a child as a result of sexual abuse or pornography; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill extends the time by which a civil action to recover damages arising from the sexual abuse of a person who is less than 18 years of age must be commenced from 10 years to 20 years after the person reaches 18 years of age or discovers or should have discovered that an injury was caused by the sexual abuse, whichever is later. This bill also extends the time by which a civil action to recover damages arising from the appearance of a person who is less than 16 years of age in pornographic material must be commenced from 3 years to 20 years after the person reaches 18 years of age or after a court enters a verdict in a related criminal case, whichever is later.

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

Section 1. NRS 11.215 is hereby amended to read as follows:

11.215 1. Except as otherwise provided in subsection 2 and NRS 217.007, an action to recover damages for an injury to a person arising from the sexual abuse of the plaintiff which occurred when the plaintiff was less than 18 years of age must be commenced within ~~[10]~~ ***20*** years after the plaintiff:

(a) Reaches 18 years of age; or

(b) Discovers or reasonably should have discovered that his or her injury was caused by the sexual abuse,

➥ whichever occurs later.

2. An action to recover damages pursuant to NRS 41.1396 must be commenced within ~~[3]~~ ***20*** years after the occurrence of the following, whichever is later:

(a) The court enters a verdict in a related criminal case; or

(b) The victim reaches the age of 18 years.

3. As used in this section, "sexual abuse" has the meaning ascribed to it in NRS 432B.100.

Sec. 2. **The period of limitations on actions set forth in NRS 11.215, as amended by section 1 of this act:**

1. Applies to a cause of action that accrued before the effective date of this act, if the applicable period of limitations has commenced but not yet expired on the effective date of this act.

2. Must not be construed to revive any claim barred by a period of limitations.

Sec. 3. **This act becomes effective upon passage and approval.**

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 151.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 183.

SUMMARY—Provides for the ~~[certification]~~ **voluntary training** of law enforcement dispatchers. (BDR 23-767)

AN ACT relating to law enforcement; requiring the Peace Officers' Standards and Training Commission to ~~[adopt regulations governing the certification and]~~ **provide by regulation for the voluntary** training of law enforcement dispatchers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Peace Officers' Standards and Training Commission to adopt regulations governing the certification and decertification, recruitment, selection and training of peace officers. ~~[Section 3 of this bill requires the Peace Officers' Standards and Training Commission to adopt regulations establishing the minimum standards for the certification and decertification, recruitment, selection and training of law enforcement dispatchers. Section 4 of this bill authorizes the Executive Director of the Commission to: (1) certify qualified instructors for training law enforcement dispatchers; and (2) issue certificates to law enforcement dispatchers who have satisfactorily completed the training for law enforcement dispatchers.]~~ **(NRS 289.510) This bill requires the Commission to establish by regulation the minimum standards for a voluntary program of training for law enforcement dispatchers, certify instructors for approved courses of such training and issue certificates to dispatchers who complete such training.**

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

Section 1. Chapter 289 of NRS is hereby amended by adding thereto a new section to read as follows:

~~["Law]~~

1. The Commission shall:

(a) Establish by regulation the minimum standards of a voluntary program for the training of law enforcement dispatchers.

(b) Certify qualified instructors for approved courses of training for law enforcement dispatchers and issue appropriate certificates to instructors who become certified.

(c) Issue appropriate certificates to law enforcement dispatchers who have satisfactorily completed the voluntary program.

2. As used in this section, "law enforcement dispatcher" means a person who is employed by a law enforcement agency or regional telecommunication center and who promotes public safety by:

~~[1.]~~ (a) Receiving calls for service related to crimes, traffic incidents, public safety and any other related calls for assistance; and

~~*[2.]*~~ *(b) Providing immediate and critical communication between the public and law enforcement agencies.*

Sec. 2. NRS 289.450 is hereby amended to read as follows:

289.450 As used in NRS 289.450 to 289.600, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 289.460 to 289.490, inclusive, ~~*[and section 1 of this act]*~~ have the meanings ascribed to them in those sections.

Sec. 3. ~~[NRS 289.510 is hereby amended to read as follows:~~

~~289.510 1. The Commission:~~

~~(a) Shall meet at the call of the Chair, who must be elected by a majority vote of the members of the Commission.~~

~~(b) Shall provide for and encourage the training and education of persons whose primary duty is law enforcement to ensure the safety of the residents of and visitors to this State.~~

~~(c) Shall adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers~~ **[**~~.~~**]** ~~*and law enforcement dispatchers.* The regulations must establish:~~

~~(1) Requirements for basic training for category I, category II and category III peace officers~~ **,** **[**~~and~~**]** ~~reserve peace officers~~ **[**~~;~~**]** ~~*and law enforcement dispatchers;*~~

~~(2) Standards for programs for the continuing education of peace officers~~ **[**~~,~~**]** ~~*and law enforcement dispatchers,* including minimum courses of study and requirements concerning attendance;~~

~~(3) Qualifications for instructors of peace officers~~ **[**~~;~~**]** ~~*and law enforcement dispatchers;* and~~

~~(4) Requirements for the certification of a course of training.~~

~~(d) Shall, when necessary, present courses of training and continuing education courses for category I, category II and category III peace officers~~ **,** **[**~~and~~**]** ~~reserve peace officers~~ **[**~~.~~**]** ~~*and law enforcement dispatchers.*~~

~~(e) May make necessary inquiries to determine whether the agencies of this State and of the local governments are complying with standards set forth in its regulations.~~

~~(f) Shall carry out the duties required of the Commission pursuant to NRS 432B.610 and 432B.620.~~

~~(g) May perform any other acts that may be necessary and appropriate to the functions of the Commission as set forth in NRS 289.450 to 289.600, inclusive.~~

~~(h) May enter into an interlocal agreement with an Indian tribe to provide training to and certification of persons employed as police officers *or law enforcement dispatchers* by that Indian tribe.~~

~~2. Regulations adopted by the Commission:~~

~~(a) Apply to all agencies of this State and of local governments in this State that employ persons as peace officers~~ **[**~~;~~**]** ~~*or law enforcement dispatchers;*~~

~~(b) Must require that all peace officers receive training in the handling of cases involving abuse or neglect of children or missing children;~~

~~(c) Must require that all peace officers receive training in the handling of cases involving abuse, neglect, exploitation, isolation and abandonment of older persons; and~~

~~(d) May require that training be carried on at institutions which it approves in those regulations.~~**] (Deleted by amendment.)**

Sec. 4. ~~[~~NRS 289.530 is hereby amended to read as follows:~~**]** ~~289.530 With the advice of the Commission, the Executive Director of the Commission may:~~

~~1. Appoint employees, agents, consultants and other staff of the Commission and prescribe their duties;~~

~~2. Administer and direct the daily operation of the staff and resources of the Commission;~~

~~3. Inspect academies for training peace officers, and issue and revoke certificates of approval to such academies;~~

~~4. Certify qualified instructors for approved courses of training for peace officers~~ ***and law enforcement dispatchers*** ~~and issue appropriate certificates to instructors;~~

~~5. Certify peace officers who have satisfactorily completed courses of training for peace officers and issue basic, intermediate, advanced and management professional certificates to peace officers;~~

~~6.~~ ***Certify law enforcement dispatchers who have satisfactorily completed courses of training for law enforcement dispatchers.***

~~***7.***~~ ~~Make recommendations to the Commission concerning the issuance of executive certificates;~~

~~**[**7.**]** ***8.***~~ ~~Cause annual audits to be made relating to the operation of academies for training peace officers;~~

~~**[**8.**]** ***9.***~~ ~~Consult and cooperate with academies for training peace officers concerning the development of the basic and advanced training programs for peace officers;~~

~~**[**9.**]** ***10.***~~ ~~Consult and cooperate with academies for training peace officers concerning the development of specialized courses of study in this State for peace officers in the areas of police science, police administration, corrections, probation, the social sciences and other related areas;~~

~~**[**10.**]** ***11.***~~ ~~Consult and cooperate with other departments and agencies of this State and of local governments concerning the training of peace officers~~ ~~**[**;~~

~~11.**]** ***and law enforcement dispatchers;***~~

~~***12.***~~ ~~Report to the Commission at the regular meetings of the Commission and at such other times as the Commission may require, and recommend the denial, suspension or revocation of certification of a peace officer to the Commission as deemed necessary;~~

~~**[**12.**]** ***13.***~~ ~~Execute contracts on behalf of the Commission; and~~

~~[13.] 14. Perform any other acts necessary and appropriate to the carrying out of the duties of the Executive Director of the Commission.]~~ **(Deleted by amendment.)**

Sec. 5. This act becomes effective on July 1, 2017.

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 154.

Bill read second time and ordered to third reading.

Assembly Bill No. 155.

Bill read second time.

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

Amendment No. 52.

AN ACT relating to the middle class; creating the Task Force on the Economics of the Middle Class in Nevada to conduct a study during the 2017-2018 interim on the economics and economic mobility of middle-class Nevadans; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates the Task Force on the Economics of the Middle Class in Nevada, consisting of: (1) three representatives from the Assembly; (2) three representatives from the Senate; (3) one member appointed by the Governor; (4) three members who represent chambers of commerce or business communities in the different geographic areas of this State; ~~[and]~~ (5) **three members who represent labor organizations or labor communities in the different geographic areas of this State; and (6)** one member who represents a legal aid program. The Task Force must conduct a study during the 2017-2018 legislative interim on the middle class in Nevada. The Task Force must submit a report of its findings and recommendations to the Legislative Commission.

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

Section 1. 1. There is hereby created the Task Force on the Economics of the Middle Class in Nevada, consisting of:

(a) Three members of the Assembly, two of whom are appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly;

(b) Three members of the Senate, two of whom are appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate;

(c) One member appointed by the Governor;

(d) Three members appointed by the Speaker of the Assembly, each of whom represents a chamber of commerce or the business community from a different geographic region of this State; ~~[and]~~

(e) **Three members appointed by the Speaker of the Assembly, each of whom represents a labor organization or the labor community from a different geographic region of this State; and**

(f) One member appointed by the Speaker of the Assembly who represents a program for legal aid organized under the auspices of the State Bar of Nevada.

2. A vacancy on the Task Force must be filled in the same manner as the original appointment.

3. The Speaker of the Assembly shall appoint as Chair of the Task Force one of the members appointed by the Speaker of the Assembly pursuant to paragraph (a) of subsection 1.

4. A majority of the members of the Task Force constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Task Force.

5. While engaged in the business of the Task Force, to the extent that money is available for that purpose, the members of the Task Force are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. The Task Force shall:

(a) Conduct a study during the 2017-2018 interim on the economics and economic mobility of the middle class in Nevada.

(b) For the purposes of conducting the interim study, define what it means to be middle class in Nevada.

(c) Determine the factors that affect whether a person is in the middle class, including, without limitation, age, race, level of education and familial and marital status.

(d) Establish objective and quantifiable indicators of whether a person is in the middle class.

(e) Study and make recommendations for legislation in the following subjects, without limitation, that is designed to improve the financial and living conditions of the middle class:

(1) Workforce and job development, including, without limitation, employee support and support of small and start-up businesses;

(2) Education, including, without limitation, preschool and K-12 programs, including, without limitation, programs in financial literacy;

(3) Health care, including, without limitation, access to physical and mental health care;

(4) Housing, including, without limitation, home-buying programs; and

(5) Transportation.

7. **In fulfillment of its mission, the Task Force may solicit information on the economics and demographics of this State from the**

institutions of higher education within the Nevada System of Higher Education.

8. The Task Force shall submit a report of its findings and recommendations to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission.

Sec. 2. This act becomes effective on July 1, 2017.

Assemblywoman Diaz moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 176.

Bill read second time.

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

Amendment No. 173.

AN ACT relating to care of children; establishing certain requirements for the operation of a seasonal or temporary recreation program; providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a local government that operates an out-of-school recreation program to comply with certain health and safety standards and to comply with other requirements relating to the safety of participants in the program. (NRS 432A.610) Certain requirements for the staff of an out-of-school recreation program are set forth in existing law. (NRS 432A.620) Existing law further requires an out-of-school recreation program to maintain certain records regarding participants in the program. (NRS 432A.630) **Sections 2-4** of this bill make ~~[such]~~ **certain** requirements imposed on an out-of-school recreation program applicable to a nongovernmental person or entity that operates a **program that primarily functions as a** seasonal or temporary recreation program. **Section 5** of this bill subjects a person who operates **such** a seasonal or temporary recreation program to a civil penalty not to exceed $500 for failure to comply with such requirements.

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

Section 1. Chapter 432A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***A person who operates a program that primarily functions as a seasonal or temporary recreation program shall ensure that each site upon which the program is conducted:***

1. ~~[Complies with applicable federal, state and local laws and regulations concerning safety standards;~~

~~2. Complies with applicable federal, state and local laws and regulations concerning health standards;~~

~~3.]~~ ***Has a complete first-aid kit accessible on-site that complies with the requirements of the Occupational Safety and Health Administration of the United States Department of Labor;***

~~[4.]~~ ***2. Has an emergency exit plan posted on-site in a conspicuous place; and***

~~[5.]~~ ***3. Has at least one staff member on-site and available during the hours of operation who is certified and receives annual training in the use and administration of first aid, including, without limitation, cardiopulmonary resuscitation.***

Sec. 3. ***A person who operates a program that primarily functions as a seasonal or temporary recreation program shall complete, for each member of the staff of the program:***

1. A background and personal history check; and

2. A child abuse and neglect screening through the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 to determine whether there has been a substantiated report of child abuse or neglect made against the staff member.

Sec. 4. ***1. A person who operates a program that primarily functions as a seasonal or temporary recreation program shall maintain records containing pertinent information regarding each*** ~~***[participant in]***~~ ***staff member of the program.*** ~~***[Such information must include, without limitation:***~~

~~***(a) The full legal name of the child and the preferred name of the child;***~~

~~***(b) The date of birth of the child;***~~

~~***(c) The current address where the child resides;***~~

~~***(d) The name, address and telephone number of each parent or legal guardian of the child and any special instructions for contacting the parent or legal guardian during the hours when the child participates in the program;***~~

~~***(e) Information concerning the health of the child, including, without limitation, any special needs of the child; and***~~

~~***(f) Any other information requested by the Division.]***~~

2. The distribution of any information maintained pursuant to this section is subject to the limitations set forth in NRS 239.0105.

Sec. 5. ***A person who operates a seasonal or temporary recreation program and who fails to comply with any provision of section 2, 3 or 4 of this act is subject to a civil penalty not to exceed $500 for each failure to comply. The Attorney General or any district attorney of this State may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction.***

Assemblyman Sprinkle moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 177.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 54.

AN ACT relating to domestic violence; authorizing a court to ~~[grant an extension of time for certain orders; providing for service by publication under certain circumstances; authorizing the court to grant extended orders for protection under certain circumstances;]~~ **set a second or third hearing on an extended order for protection under certain circumstances; requiring the service of certain documents related to an application for an extended order of protection; extending the time that a temporary order for protection remains in effect under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a court to issue a temporary or extended order for protection against domestic violence. Further, a court is authorized to grant an extended order after notice to the adverse party and a hearing on the application for the extended order. The hearing must be held within 45 days after the date on which the application for the extended order is filed. (NRS 33.020) **Section 1** of this bill authorizes the court ~~[, if the adverse party fails to appear at a hearing on the application for the extended order,]~~ to ~~[: (1) grant an extension of time and]~~ set a date for a ~~[new]~~ **second** hearing ~~[; (2) order service by publication in the same manner as the Nevada Civil Rules of Procedure; and (3) grant the extended order on the date of the new hearing.]~~ **within 90 days after the date on which the first hearing was scheduled if the adverse party fails to appear at the first hearing and: (1) after due diligence, the adverse party has not been served with certain documents; or (2) the adverse party conceals himself or herself to avoid such service. Section 1 also authorizes the court to set a date for a third hearing, under similar circumstances, within 90 days after the date on which the second hearing was scheduled.**

Existing law requires the court to order the appropriate law enforcement agency to serve the adverse party personally with a temporary order. An application for an extended order and the notice of hearing must be served upon the adverse party pursuant to the Nevada Rules of Civil Procedure or at the party's current place of employment. (NRS 33.060, 33.065) **Section 2** of this bill ~~[authorizes service of the application for an extended order and the notice of hearing by publication if so ordered by the court.]~~ **requires the court to order the appropriate law enforcement agency to serve upon the adverse party an application for an extended order and the notice of any second or third hearing upon the application scheduled by the court.**

Existing law provides that, if an application for an extended order is filed within the period of a temporary order or at the same time that an application for a temporary order is filed, the temporary order remains in effect until the hearing on the extended order is held. (NRS 33.080) If the court sets a ~~[new]~~

date for a **second or third** hearing on an application for an extended order, **section 3** of this bill requires the temporary order to remain in effect until the date on which the ~~[new]~~ **second or third** hearing is held.

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

Section 1. NRS 33.020 is hereby amended to read as follows:

33.020 1. If it appears to the satisfaction of the court from specific facts shown by a verified application that an act of domestic violence has occurred or there exists a threat of domestic violence, the court may grant a temporary or extended order. A temporary or extended order must not be granted to the applicant or the adverse party unless the applicant or the adverse party has requested the order and has filed a verified application that an act of domestic violence has occurred or there exists a threat of domestic violence.

2. The court may require the applicant or the adverse party, or both, to appear before the court before determining whether to grant the temporary or extended order.

3. A temporary order may be granted with or without notice to the adverse party. An ~~*[Except as otherwise provided in subsection 5, an]*~~ extended order may only be granted after notice to the adverse party and a hearing on the application.

4. A hearing on an application for an extended order must be held within 45 days after the date on which the application for the extended order is filed.

~~[4.]~~ ***If the adverse party has not been served pursuant to NRS 33.060 or 33.065 and fails to appear at the hearing, the court ~~[may:~~***

~~*(a) Grant a reasonable extension of time and set a date for a new hearing; and*~~

~~*(b) Order service by publication pursuant to NRS 33.060.]*~~ ***may, upon a showing that law enforcement, after due diligence, has been unable to serve the adverse party or that the adverse party has sought to avoid service by concealment, set a date for a second hearing which must be held within 90 days after the date on which the first hearing was scheduled.***

5. If the adverse party has not been served pursuant to NRS 33.060 or 33.065 and fails to appear on the date set for a ~~[new]~~ second hearing on an application for an extended order pursuant to ~~[paragraph (a) of]~~ subsection 4, the court may ~~[grant the extended order.]~~ , upon a showing that law enforcement, after due diligence, has been unable to serve the adverse party or that the adverse party has sought to avoid service by concealment, set a date for a third hearing which must be held within 90 days after the date on which the second hearing was scheduled.

6. The court shall rule upon an application for a temporary order within 1 judicial day after it is filed.

~~[5.]~~ ***7.*** If it appears to the satisfaction of the court from specific facts communicated by telephone to the court by an alleged victim that an act of domestic violence has occurred and the alleged perpetrator of the domestic

violence has been arrested and is presently in custody pursuant to NRS 171.137, the court may grant a temporary order. Before approving an order under such circumstances,

the court shall confirm with the appropriate law enforcement agency that the applicant is an alleged victim and that the alleged perpetrator is in custody. Upon approval by the court, the signed order may be transmitted to the facility where the alleged perpetrator is in custody by electronic or telephonic transmission to a facsimile machine. If such an order is received by the facility holding the alleged perpetrator while the alleged perpetrator is still in custody, the order must be personally served by an authorized employee of the facility before the alleged perpetrator is released. The court shall mail a copy of each order issued pursuant to this subsection to the alleged victim named in the order and cause the original order to be filed with the court clerk on the first judicial day after it is issued.

~~[6.]~~ ***8.*** In a county whose population is 52,000 or more, the court shall be available 24 hours a day, 7 days a week, including nonjudicial days and holidays, to receive communications by telephone and for the issuance of a temporary order pursuant to subsection ~~[5.]~~ ***7.***

~~[7.]~~ ***9.*** In a county whose population is less than 52,000, the court may be available 24 hours a day, 7 days a week, including nonjudicial days and holidays, to receive communications by telephone and for the issuance of a temporary order pursuant to subsection ~~[5.]~~ ***7.***

~~[8.]~~ ***10.*** The clerk of the court shall inform the protected party upon the successful transfer of information concerning the registration to the Central Repository for Nevada Records of Criminal History as required pursuant to NRS 33.095.

Sec. 2. NRS 33.060 is hereby amended to read as follows:

33.060 1. The court shall transmit, by the end of the next business day after the order is issued, a copy of the temporary or extended order to the appropriate law enforcement agency which has jurisdiction over the residence, school, child care facility or other provider of child care, or place of employment of the applicant or the minor child.

2. The court shall order the appropriate law enforcement agency to serve, without charge, the adverse party personally with the temporary order and to file with or mail to the clerk of the court proof of service by the end of the next business day after service is made. Service of an application for an extended order and the notice of ***any*** hearing thereon must be served upon the adverse party:

(a) Pursuant to the Nevada Rules of Civil Procedure; or

(b) In the manner provided in NRS 33.065 . ~~***[; or***~~

~~***(c) If ordered by the court pursuant to subsection 4 of NRS 33.020, by publication in the manner provided by N.R.C.P. 4(e).]***~~

3. A law enforcement agency shall enforce a temporary or extended order without regard to the county in which the order was issued.

4. The clerk of the court shall issue, without fee, a copy of the temporary or extended order to the applicant and the adverse party.

Sec. 3. NRS 33.080 is hereby amended to read as follows:

33.080 1. A temporary order expires within such time, not to exceed 30 days, as the court fixes. If an application for an extended order is filed within the period of a temporary order or at the same time that an application for a temporary order is filed, the temporary order remains in effect until ~~[the]~~ ***:***

(a) The hearing on the extended order is held ~~[.]~~ ***; or***

(b) If the court ~~***[grants an extension of time]***~~ ***schedules a second or third hearing pursuant to subsection 4 or 5 of NRS 33.020, the date on which*** ~~***[the new]***~~ ***the second or third hearing on an application for an extended order is held.***

2. On 2 days' notice to the party who obtained the temporary order, the adverse party may appear and move its dissolution or modification, and in that event the court shall proceed to hear and determine such motion as expeditiously as the ends of justice require.

3. An extended order expires within such time, not to exceed 1 year, as the court fixes. A temporary order may be converted by the court, upon notice to the adverse party and a hearing, into an extended order effective for not more than 1 year.

Sec. 4. NRS 1.130 is hereby amended to read as follows:

1.130 1. No court except a justice court or a municipal court shall be opened nor shall any judicial business be transacted except by a justice court or municipal court on Sunday, or on any day declared to be a legal holiday according to the provisions of NRS 236.015, except for the following purposes:

(a) To give, upon their request, instructions to a jury then deliberating on their verdict.

(b) To receive a verdict or discharge a jury.

(c) For the exercise of the power of a magistrate in a criminal action or in a proceeding of a criminal nature.

(d) To receive communications by telephone and for the issuance of a temporary order pursuant to subsection ~~[5]~~ ***7*** of NRS 33.020.

(e) For the issue of a writ of attachment, which may be issued on each and all of the days above enumerated upon the plaintiff, or some person on behalf of the plaintiff, setting forth in the affidavit required by law for obtaining the writ the additional averment as follows:

> That the affiant has good reason to believe, and does believe, that it will be too late for the purpose of acquiring a lien by the writ to wait until subsequent day for the issuance of the same.

All proceedings instituted, and all writs issued, and all official acts done on any of the days above specified, under and by virtue of this section, shall have all the validity, force and effect of proceedings commenced on other

days, whether a lien be obtained or a levy made under and by virtue of the writ.

2. Nothing herein contained shall affect private transactions of any nature whatsoever.

Sec. 5. This act becomes effective upon passage and approval.

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 192.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 22.

AN ACT relating to the state personnel system; revising provisions governing the temporary limited appointment of persons with disabilities by state agencies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law encourages and authorizes agencies of the Executive Department **of the State Government** and counties and cities to make temporary limited appointments of certified persons with disabilities to positions in government service for a period not to exceed 700 hours even though the positions being filled are continuing positions. This provision of existing law is commonly referred to as the "700-hour program." Under existing law, if a person appointed pursuant to the program is subsequently appointed to a permanent position during or after the 700-hour period, the 700 hours or the portion of the 700 hours completed counts toward the employee's probationary period. (NRS 245.185, 268.4065, 284.327) With limited exceptions, this bill requires rather than authorizes appointing authorities **for positions in the state service** to make such temporary limited appointments. This bill further requires each **such** appointing authority to ensure that at least one person on the staff of the appointing authority satisfies certain training requirements.

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

Section 1. NRS 284.327 is hereby amended to read as follows:

284.327 1. ~~[To]~~ ***Except as otherwise provided in subsection ~~[2,]~~ 4, if an appointing authority has a position available and the position is not required to be filled in another manner pursuant to this chapter, to*** assist persons with disabilities certified by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation, ***the*** appointing ~~[authorities are encouraged and authorized to]~~ ***authority shall, if possible,*** make ***a*** temporary limited ~~[appointments]~~ ***appointment*** of ***a*** certified

~~[~~persons with disabilities~~]~~ ***person with a disability*** for a period not to exceed 700 hours notwithstanding that the ~~[~~positions~~]~~ ***position*** so filled ~~[~~are continuing positions.~~]~~ ***is a continuing position.***

2. A person with a disability who is certified by the Rehabilitation Division must be placed on the appropriate list for which the person is eligible. Each such person must ~~[~~possess~~]~~ ***:***

(a) Possess the training and ~~[~~experience~~]~~ ***skills*** necessary for the position for which the person is certified ~~[.]~~ ***; and***

(b) Be able to perform, with or without accommodation, the essential functions of that position.

3. The Rehabilitation Division must be notified of an appointing authority's request for a list of eligibility on which the names of one or more certified persons with disabilities appear. A temporary limited appointment of a certified person with a disability pursuant to this section constitutes the person's examination as required by NRS 284.215.

~~[~~2.~~]~~ ***4.*** ***An appointing authority shall not make a temporary limited appointment of a certified person with a disability pursuant to this section:***

(a) If the certified person with a disability currently receives benefits from the agency of the Executive Department of the State Government in which the position exists; or

(b) In any other circumstances that the appointing authority determines would create an actual or potential conflict of interest between the certified person with the disability and the agency of the Executive Department of the State Government in which the position exists.

~~[~~3.~~]~~ ***5.*** ***Each appointing authority shall ensure that there is at least one person on the staff of the appointing authority who has training concerning:***

(a) Making a temporary limited appointment of a certified person with a disability pursuant to this section; and

(b) The unique challenges a person with a disability faces in the workplace.

~~[~~4.~~]~~ ***6.*** The Commission shall adopt regulations to carry out the provisions of ~~[~~subsection 1.

~~3.~~ ~~5.]~~ ***subsections 1 and 2.***

7. This section does not deter or prevent appointing authorities from employing:

(a) A person with a disability if the person is available and eligible for permanent employment.

(b) A person with a disability who is employed pursuant to the provisions of subsection 1 in permanent employment if the person qualifies for permanent employment before the termination of the person's temporary limited appointment.

~~[~~4. ~~6.]~~ ***8.*** If a person appointed pursuant to this section is subsequently appointed to a permanent position during or after the 700-hour period, the

700 hours or portion thereof counts toward the employee's probationary period.

Sec. 2. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and on January 1, 2018, for all other purposes.

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 204.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 190.

ASSEMBLYMEN TOLLES; BILBRAY-AXELROD, BUSTAMANTE ADAMS, EDWARDS, FRIERSON, JAUREGUI, JOINER, MILLER, MONROE-MORENO, OHRENSCHALL, OSCARSON, PICKARD, SPIEGEL, TITUS**,** ~~[AND]~~ WHEELER **AND YEAGER**.

JOINT SPONSORS; SENATORS GANSERT; CANNIZZARO, FORD, HARDY, PARKS AND SEGERBLOM.

SUMMARY— ~~[Requires]~~ **Provides that** marriage licenses and certificates of marriage ~~[to]~~ **may** include the name to be used by each spouse after the marriage. (BDR 11-743)

AN ACT relating to marriage; ~~[requiring]~~ **providing that** a marriage license and a certificate of marriage ~~[to]~~ **may** include the name to be used by each spouse after the marriage; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes the form of a marriage license and a certificate of marriage. (NRS 122.050, 122.120) This bill ~~[requires]~~ **provides that** each marriage license and certificate of marriage ~~[to]~~ **may** contain the names selected for use by each spouse after the marriage. ~~[Under this bill, a person is not authorized to select a new first name for use after the marriage but is authorized to select a new middle name and new last name.]~~ **This bill also sets forth the names that each spouse may select** for use after the marriage.

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

Section 1. NRS 122.040 is hereby amended to read as follows:

122.040 1. Except as otherwise provided in NRS 122.0615, before persons may be joined in marriage, a license must be obtained for that purpose from the county clerk of any county in the State. Except as otherwise provided in this

subsection, the license must be issued at the county seat of that county. The board of county commissioners:

(a) In a county whose population is 700,000 or more may, at the request of the county clerk, designate not more than five branch offices of the county clerk at which marriage licenses may be issued, if the designated branch offices are located outside of the county seat.

(b) In a county whose population is less than 700,000 may, at the request of the county clerk, designate one branch office of the county clerk at which marriage licenses may be issued, if the designated branch office is established in a county office building which is located outside of the county seat.

2. Except as otherwise provided in this section, before issuing a marriage license, the county clerk shall require each applicant to provide proof of the applicant's name and age. The county clerk may accept as proof of the applicant's name and age an original or certified copy of any of the following:

(a) A driver's license, instruction permit or identification card issued by this State or another state, the District of Columbia or any territory of the United States.

(b) A passport.

(c) A birth certificate and:

(1) Any secondary document that contains the name and a photograph of the applicant; or

(2) Any document for which identification must be verified as a condition to receipt of the document.

➥ If the birth certificate is written in a language other than English, the county clerk may request that the birth certificate be translated into English and notarized.

(d) A military identification card or military dependent identification card issued by any branch of the Armed Forces of the United States.

(e) A Certificate of Citizenship, Certificate of Naturalization, Permanent Resident Card or Temporary Resident Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security.

(f) Any other document that provides the applicant's name and age. If the applicant clearly appears over the age of 25 years, no documentation of proof of age is required.

3. Except as otherwise provided in subsection 4, the county clerk issuing the license shall require each applicant to answer under oath each of the questions contained in the form of license. The county clerk shall, except as otherwise provided in this subsection, require each applicant to include ~~(1)~~ the applicant's social security number on the affidavit of application for the marriage license . ***(, the applicant's social security number and the full name which the applicant has selected for use after the applicants are joined in marriage. The first name selected for use by an applicant after***

~~*the applicants are joined in marriage must be the same as the first name indicated on the proof of the applicant's name submitted pursuant to subsection 2.]*~~ If a person does not have a social security number, the person must state that fact. The county clerk shall not require any evidence to verify a social security number. If any of the information required is unknown to the person, the person must state that the answer is unknown. The county clerk shall not deny a license to an applicant who states that the applicant does not have a social security number or who states that any requested information concerning the applicant's parents is unknown.

4. Upon finding that extraordinary circumstances exist which result in only one applicant being able to appear before the county clerk, the county clerk may waive the requirements of subsection 3 with respect to the person who is unable to appear before the county clerk, or may refer the applicant to the district court. If the applicant is referred to the district court, the district court may waive the requirements of subsection 3 with respect to the person who is unable to appear before the county clerk. If the district court waives the requirements of subsection 3, the district court shall notify the county clerk in writing. If the county clerk or the district court waives the requirements of subsection 3, the county clerk shall require the applicant who is able to appear before the county clerk to:

(a) Answer under oath each of the questions contained in the form of license. The applicant shall answer any questions with reference to the other person named in the license.

(b) Include the applicant's social security number and the social security number of the other person named in the license on the affidavit of application for the marriage license. If either person does not have a social security number, the person responding to the question must state that fact. The county clerk shall not require any evidence to verify a social security number.

➥ If any of the information required on the application is unknown to the person responding to the question, the person must state that the answer is unknown. The county clerk shall not deny a license to an applicant who states that the applicant does not have a social security number or who states that any requested information concerning the parents of either the person who is responding to the question or the person who is unable to appear is unknown.

5. If any of the persons intending to marry are under age and have not been previously married, and if the authorization of a district court is not required, the clerk shall issue the license if the consent of the parent or guardian is:

(a) Personally given before the clerk;

(b) Certified under the hand of the parent or guardian, attested by two witnesses, one of whom must appear before the clerk and make oath that the witness saw the parent or guardian subscribe his or her name to the annexed certificate, or heard him or her acknowledge it; or

(c) In writing, subscribed to and acknowledged before a person authorized by law to administer oaths. A facsimile of the acknowledged writing must be accepted if the original is not available.

6. If a parent giving consent to the marriage of a minor pursuant to subsection 5 has a last name different from that of the minor seeking to be married, the county clerk shall accept, as proof that the parent is the legal parent of the minor, a certified copy of the birth certificate of the minor which shows the parent's first and middle name and which matches the first and middle name of the parent on any document listed in subsection 2.

7. If the authorization of a district court is required, the county clerk shall issue the license if that authorization is given to the county clerk in writing.

8. ***At the time of issuance of the license, an applicant or both applicants may elect to change the middle name or last name, or both, by which an applicant wishes to be known after solemnization of the marriage. The first name of each applicant selected for use by the applicant after solemnization of the marriage must be the same as the first name indicated on the proof of the applicant's name submitted pursuant to subsection 2. An applicant may change his or her name pursuant to this subsection only at the time of issuance of the license. One or both applicants may adopt:***

(a) As a middle name, one of the following:

(1) The current last name of the other applicant.

(2) The last name of either applicant given at birth.

(3) A hyphenated combination of the current middle name and the current last name of either applicant.

(4) A hyphenated combination of the current middle name and the last name given at birth of either applicant.

(b) As a last name, one of the following:

(1) The current last name of the other applicant.

(2) The last name of either applicant given at birth.

(3) A hyphenated combination of the potential last names described in paragraphs (a) and (b).

9. All records pertaining to marriage licenses are public records and open to inspection pursuant to the provisions of NRS 239.010.

~~[9.]~~ ***10.*** A marriage license issued on or after July 1, 1987, expires 1 year after its date of issuance.

Sec. 2. NRS 122.050 is hereby amended to read as follows:

122.050 The marriage license must contain the name of each applicant as shown in the documents presented pursuant to subsection 2 of NRS 122.040 and ***the name , if any, selected by each applicant for use after the applicants are joined in marriage. The marriage license*** must be substantially in the following form:

MARRIAGE LICENSE
(EXPIRES 1 YEAR AFTER ISSUANCE)

State of Nevada }
}ss.
County of..... }

These presents are to authorize any minister, other church or religious official authorized to solemnize a marriage or notary public who has obtained a certificate of permission to perform marriages, any Supreme Court justice, judge of the Court of Appeals or district judge within this State, or justice of the peace within a township wherein the justice of the peace is permitted to solemnize marriages or if authorized pursuant to subsection 3 of NRS 122.080, or a municipal judge if authorized pursuant to subsection 4 of NRS 122.080 or any commissioner of civil marriages or his or her deputy within a commissioner township wherein they are permitted to solemnize marriages, to join in marriage ..... of (City, town or location) ....., State of ..... State of birth (If not in U.S.A., name of country) .....; Date of birth ..... Father's name ..... Father's state of birth (If not in U.S.A., name of country) ..... Mother's maiden name ..... Mother's state of birth (If not in U.S.A., name of country) ..... Number of this marriage (1st, 2nd, etc.) ..... Wife deceased ..... Divorced ..... Annulled ..... When ..... Where ..... And ..... of (City, town or location) ....., State of ..... State of birth (If not in U.S.A., name of country) .....; Date of birth ..... Father's name ..... Father's state of birth (If not in U.S.A., name of country) ..... Mother's maiden name ..... Mother's state of birth (If not in U.S.A., name of country) ..... Number of this marriage (1st, 2nd, etc.) ..... Husband deceased ..... Divorced ..... Annulled ..... When ..... Where .....; and to certify the marriage according to law. ***After ..... (name) and ..... (name) are joined in marriage, ... wishes to use the name ..... (New name) and ..... wishes to use the name ..... (New name) ~~[.]~~ OR The parties have not designated any changes of name at the time of issuance of the marriage license.***

Witness my hand and the seal of the county, this ..... day of the month of ……. of the year .....

.....
(Seal) Clerk

.....
Deputy clerk

Sec. 3. NRS 122.120 is hereby amended to read as follows:

122.120 1. After a marriage is solemnized, the person solemnizing the marriage shall give to each couple being married a certificate of marriage.

2. The certificate of marriage must contain the date of birth of each applicant as contained in the form of marriage license pursuant to NRS 122.050. If a male and female person who are the husband and wife of each other are being rejoined in marriage pursuant to subsection 2 of NRS 122.020, the certificate of marriage must state that the male and female

person were rejoined in marriage and that the certificate is replacing a record of marriage which was lost or destroyed or is otherwise unobtainable. The certificate of marriage must be in substantially the following form:

STATE OF NEVADA
MARRIAGE CERTIFICATE

State of Nevada }
}ss.
County of..... }

This is to certify that the undersigned, ... (a minister or other church or religious official authorized to solemnize a marriage, notary public, judge, justice of the peace of ..... County, commissioner of civil marriages or deputy commissioner of civil marriages, as the case may be), did on the ..... day of the month of …… of the year ....., at ..... (address or church), ... (city), Nevada, join or rejoin, as the case may be, in lawful wedlock ..... (name), of ..... (city), State of ....., date of birth ....., and ..... (name), of .....(city), State of ....., date of birth ....., with their mutual consent, in the presence of ..... and ..... (witnesses). ***After ..... (name) and ..... (name) are joined or rejoined in marriage, as the case may be, ... (name) wishes to use the name ..... (New name) and ..... (name) wishes to use the name ..... (New name)*** ~~***If***~~ ***OR The parties have not designated any changes of name at the time of issuance of the marriage license.*** (If a male and female person who are the husband and wife of each other are being rejoined in marriage pursuant to subsection 2 of NRS 122.020, this certificate replaces the record of the marriage of the male and female person who are being rejoined in marriage.)

.....
Signature of person performing the marriage

(Seal of County Clerk)

.....
Name under signature typewritten or printed in black ink

.....
County Clerk

.....
Official title of person performing the marriage

.....

.....

Couple's mailing address

3. All information contained in the certificate of marriage must be typewritten or legibly printed in black ink, except the signatures. The signature of the person performing the marriage must be an original signature.

Sec. 4. This act becomes effective on ~~[July]~~ **January** 1, ~~[2017.]~~ **2018.**

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

The following amendment was proposed by Assemblywoman Krasner:

Amendment No. 228.

ASSEMBLYMEN TOLLES; BILBRAY-AXELROD, BUSTAMANTE ADAMS, EDWARDS, FRIERSON, JAUREGUI, JOINER, **KRASNER,** MILLER, MONROE-MORENO, OHRENSCHALL, OSCARSON, PICKARD, SPIEGEL, TITUS AND WHEELER.

JOINT SPONSORS: SENATORS GANSERT; CANNIZZARO, FORD, HARDY, PARKS AND SEGERBLOM.

AN ACT relating to marriage; requiring a marriage license and a certificate of marriage to include the name to be used by each spouse after the marriage; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes the form of a marriage license and a certificate of marriage. (NRS 122.050, 122.120) This bill requires each marriage license and certificate of marriage to contain the names selected for use by each spouse after the marriage. Under this bill, a person is not authorized to select a new first name for use after the marriage but is authorized to select a new middle name and new last name for use after the marriage.

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

Section 1. NRS 122.040 is hereby amended to read as follows:

122.040 1. Except as otherwise provided in NRS 122.0615, before persons may be joined in marriage, a license must be obtained for that purpose from the county clerk of any county in the State. Except as otherwise provided in this subsection, the license must be issued at the county seat of that county. The board of county commissioners:

(a) In a county whose population is 700,000 or more may, at the request of the county clerk, designate not more than five branch offices of the county clerk at

which marriage licenses may be issued, if the designated branch offices are located outside of the county seat.

(b) In a county whose population is less than 700,000 may, at the request of the county clerk, designate one branch office of the county clerk at which marriage licenses may be issued, if the designated branch office is established in a county office building which is located outside of the county seat.

2. Except as otherwise provided in this section, before issuing a marriage license, the county clerk shall require each applicant to provide proof of the applicant's name and age. The county clerk may accept as proof of the applicant's name and age an original or certified copy of any of the following:

(a) A driver's license, instruction permit or identification card issued by this State or another state, the District of Columbia or any territory of the United States.

(b) A passport.

(c) A birth certificate and:

(1) Any secondary document that contains the name and a photograph of the applicant; or

(2) Any document for which identification must be verified as a condition to receipt of the document.

➥ If the birth certificate is written in a language other than English, the county clerk may request that the birth certificate be translated into English and notarized.

(d) A military identification card or military dependent identification card issued by any branch of the Armed Forces of the United States.

(e) A Certificate of Citizenship, Certificate of Naturalization, Permanent Resident Card or Temporary Resident Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security.

(f) Any other document that provides the applicant's name and age. If the applicant clearly appears over the age of 25 years, no documentation of proof of age is required.

3. Except as otherwise provided in subsection 4, the county clerk issuing the license shall require each applicant to answer under oath each of the questions contained in the form of license. The county clerk shall, except as otherwise provided in this subsection, require each applicant to include **,** ~~[the applicant's social security number]~~ on the affidavit of application for the marriage license ~~[.]~~ ***, the applicant's social security number and the full name which the applicant has selected for use after the applicants are joined in marriage. The first name selected for use by an applicant after the applicants are joined in marriage must be the same as the first name indicated on the proof of the applicant's name submitted pursuant to subsection 2.*** If a person does not have a social security number, the person must state that fact. The county clerk shall not require any evidence to verify a social security number. If any of the information required is unknown to the person, the person must state that the answer is unknown. The county clerk

shall not deny a license to an applicant who states that the applicant does not have a social security number or who states that any requested information concerning the applicant's parents is unknown.

4. Upon finding that extraordinary circumstances exist which result in only one applicant being able to appear before the county clerk, the county clerk may waive the requirements of subsection 3 with respect to the person who is unable to appear before the county clerk, or may refer the applicant to the district court. If the applicant is referred to the district court, the district court may waive the requirements of subsection 3 with respect to the person who is unable to appear before the county clerk. If the district court waives the requirements of subsection 3, the district court shall notify the county clerk in writing. If the county clerk or the district court waives the requirements of subsection 3, the county clerk shall require the applicant who is able to appear before the county clerk to:

(a) Answer under oath each of the questions contained in the form of license. The applicant shall answer any questions with reference to the other person named in the license.

(b) Include the applicant's social security number and the social security number of the other person named in the license on the affidavit of application for the marriage license. If either person does not have a social security number, the person responding to the question must state that fact. The county clerk shall not require any evidence to verify a social security number.

➥ If any of the information required on the application is unknown to the person responding to the question, the person must state that the answer is unknown. The county clerk shall not deny a license to an applicant who states that the applicant does not have a social security number or who states that any requested information concerning the parents of either the person who is responding to the question or the person who is unable to appear is unknown.

5. If any of the persons intending to marry are under age and have not been previously married, and if the authorization of a district court is not required, the clerk shall issue the license if the consent of the parent or guardian is:

(a) Personally given before the clerk;

(b) Certified under the hand of the parent or guardian, attested by two witnesses, one of whom must appear before the clerk and make oath that the witness saw the parent or guardian subscribe his or her name to the annexed certificate, or heard him or her acknowledge it; or

(c) In writing, subscribed to and acknowledged before a person authorized by law to administer oaths. A facsimile of the acknowledged writing must be accepted if the original is not available.

6. If a parent giving consent to the marriage of a minor pursuant to subsection 5 has a last name different from that of the minor seeking to be married, the county clerk shall accept, as proof that the parent is the legal

parent of the minor, a certified copy of the birth certificate of the minor which shows the parent's first and middle name and which matches the first and middle name of the parent on any document listed in subsection 2.

7. If the authorization of a district court is required, the county clerk shall issue the license if that authorization is given to the county clerk in writing.

8. All records pertaining to marriage licenses are public records and open to inspection pursuant to the provisions of NRS 239.010.

9. A marriage license issued on or after July 1, 1987, expires 1 year after its date of issuance.

Sec. 2. NRS 122.050 is hereby amended to read as follows:

122.050 The marriage license must contain the name of each applicant as shown in the documents presented pursuant to subsection 2 of NRS 122.040 and ***the name selected by each applicant for use after the applicants are joined in marriage. The marriage license*** must be substantially in the following form:

MARRIAGE LICENSE
(EXPIRES 1 YEAR AFTER ISSUANCE)

State of Nevada }
}ss.
County of..... }

These presents are to authorize any minister, other church or religious official authorized to solemnize a marriage or notary public who has obtained a certificate of permission to perform marriages, any Supreme Court justice, judge of the Court of Appeals or district judge within this State, or justice of the peace within a township wherein the justice of the peace is permitted to solemnize marriages or if authorized pursuant to subsection 3 of NRS 122.080, or a municipal judge if authorized pursuant to subsection 4 of NRS 122.080 or any commissioner of civil marriages or his or her deputy within a commissioner township wherein they are permitted to solemnize marriages, to join in marriage ..... of (City, town or location) ....., State of ..... State of birth (If not in U.S.A., name of country) .....; Date of birth ..... Father's name ..... Father's state of birth (If not in U.S.A., name of country) ..... Mother's maiden name ..... Mother's state of birth (If not in U.S.A., name of country) ..... Number of this marriage (1st, 2nd, etc.) ..... Wife deceased ..... Divorced ..... Annulled ..... When ..... Where ..... And ..... of (City, town or location) ....., State of ..... State of birth (If not in U.S.A., name of country) .....; Date of birth ..... Father's name ..... Father's state of birth (If not in U.S.A., name of country) ..... Mother's maiden name ..... Mother's state of birth (If not in U.S.A., name of country) ..... Number of this marriage (1st, 2nd, etc.) ..... Husband deceased ..... Divorced ..... Annulled ..... When ..... Where .....; and to certify the marriage according to law. ***After ..... and ..... are joined in marriage, ... wishes to use the name***

..... (New name) and ..... wishes to use the name ..... (New name).

Witness my hand and the seal of the county, this ..... day of the month of ……. of the year .....

.....

(Seal) Clerk

.....

Deputy clerk

Sec. 3. NRS 122.120 is hereby amended to read as follows:

122.120 1. After a marriage is solemnized, the person solemnizing the marriage shall give to each couple being married a certificate of marriage.

2. The certificate of marriage must contain the date of birth of each applicant as contained in the form of marriage license pursuant to NRS 122.050. If a male and female person who are the husband and wife of each other are being rejoined in marriage pursuant to subsection 2 of NRS 122.020, the certificate of marriage must state that the male and female person were rejoined in marriage and that the certificate is replacing a record of marriage which was lost or destroyed or is otherwise unobtainable. The certificate of marriage must be in substantially the following form:

STATE OF NEVADA
MARRIAGE CERTIFICATE

State of Nevada }
}ss.
County of..... }

This is to certify that the undersigned, ... (a minister or other church or religious official authorized to solemnize a marriage, notary public, judge, justice of the peace of ..... County, commissioner of civil marriages or deputy commissioner of civil marriages, as the case may be), did on the ..... day of the month of ……. of the year ....., at ..... (address or church), ... (city), Nevada, join or rejoin, as the case may be, in lawful wedlock ..... (name), of ..... (city), State of ....., date of birth ....., and ..... (name), of .....(city), State of ....., date of birth ....., with their mutual consent, in the presence of ..... and ..... (witnesses). ***After ..... (name) and ..... (name) are joined or rejoined in marriage, as the case may be, ... (name) wishes to use the name ..... (New name) and ..... (name) wishes to use the name ..... (New name).*** (If a male and female person who are the husband and wife of each other are being rejoined in marriage pursuant to subsection 2 of NRS 122.020, this certificate replaces the record of the marriage of the male and female person who are being rejoined in marriage.)

.....
Signature of person performing the marriage

(Seal of County Clerk)

.....
Name under signature typewritten or printed in black ink

.....
County Clerk

.....
Official title of person performing the marriage

.....

.....
Couple's mailing address

3. All information contained in the certificate of marriage must be typewritten or legibly printed in black ink, except the signatures. The signature of the person performing the marriage must be an original signature.

Sec. 4. This act becomes effective on July 1, 2017.

Assemblywoman Krasner moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 205.

Bill read second time.

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

Amendment No. 73.

AN ACT relating to cremation; authorizing the use of alkaline hydrolysis for cremation; ~~[exempting a crematory that uses only alkaline hydrolysis from certain limitations on the location of a crematory;]~~ **requiring notice be provided to certain governmental entities relating to a crematory which intends to use alkaline hydrolysis for cremation; revising provisions relating to the location of a crematory;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law regulates the cremation of human remains and the operation of facilities for cremation. (NRS 451.600-451.715, chapter 642 of NRS) For the purposes of those provisions, **sections 3 and 10** of this bill expand the current definition of cremation to include "alkaline hydrolysis," which is a water-based process for reducing human remains to bone fragments through

the use of alkaline chemicals and agitation. A result of this change is to make certain fee and penalty provisions applicable to this type of cremation. **Section 3.5 of this bill requires a crematory to provide written notice of its intent to use alkaline hydrolysis to the Division of Environment Protection of the Department of Conservation and Natural Resources and any local public utility which operates a sewer system in order to ensure compliance with certain laws relating to the pollution of water.**

In certain cities and towns, existing law limits the location of a crematory to an area that is zoned for mixed, commercial or industrial use and at least 1,500 feet from any parcel zoned for residential use. (NRS 451.635) ~~[Section]~~ **Sections 5 and 6.5** of this bill ~~[exempts from those limitations a crematory that uses only alkaline hydrolysis.]~~ **require a crematory to comply with these zoning restrictions or obtain authorization from the board of county commissioners or the governing body of the city or town, as applicable, for an exemption.** **Sections 7 and 8** of this bill make conforming changes to account for differences between cremation by incineration and cremation by alkaline hydrolysis.

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

Section 1. Chapter 451 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 **,** ~~[and]~~ 3 **and 3.5** of this act.

Sec. 2. ***"Alkaline hydrolysis" means the:***

1. Reduction of human remains to bone fragments through a water-based process of dissolution using alkaline chemicals and agitation to accelerate natural decomposition; and

2. Processing of the hydrolyzed human remains after their removal from the container in which the process of dissolution occurs.

Sec. 3. ***"Cremation" means the technical process that reduces human remains to bone fragments by using alkaline hydrolysis or incineration.***

Sec. 3.5. 1. After obtaining a license pursuant to NRS 451.635 and at least 90 days before the operator of a crematory purchases equipment for alkaline hydrolysis for cremation, the operator must provide to the Division of Environmental Protection of the Department of Conservation and Natural Resources and any public utility which operates a sanitary sewer in the area in which the crematory is located written notice containing:

(a) The date on which the equipment for alkaline hydrolysis is proposed to be purchased; and

(b) A list of the equipment that is proposed to be purchased.

2. The Division and the public utility shall ensure that the equipment for alkaline hydrolysis which the operator proposes to purchase for alkaline hydrolysis complies with the provisions of NRS 445A.300 to 445A.730, inclusive, and any local law, ordinance or regulation.

3. As used in this section, "public utility" has the meaning ascribed to it in NRS 360.815.

Sec. 4. NRS 451.600 is hereby amended to read as follows:

451.600 As used in NRS 451.600 to 451.715, inclusive, ***and sections 2 , ~~[and]~~ 3 and 3.5 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 451.605 to 451.630, inclusive, ***and sections 2 and 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 5. NRS 451.635 is hereby amended to read as follows:

451.635 1. No person may cremate human remains except in a crematory whose operator is licensed by the Nevada Funeral and Cemetery Services Board.

2. The licensed operator of a crematory shall ensure that all persons physically operating the crematory equipment have completed a crematory certification program approved by the Board and maintain proof of completion of the program at the site where the crematory equipment operated by the person is located. Such proof of completion must be made available to the Board upon request or as part of any inspection or investigation conducted by the Board.

3. ~~[If]~~ ***Except as otherwise provided in ~~[this subsection,]~~ subsection 4, if*** a crematory is proposed to be located in an incorporated city whose population is 60,000 or more or in an unincorporated town that is contiguous to such an incorporated city, the Board shall not issue a license to the applicant unless the proposed location of all structures associated with the crematory are:

(a) In an area which is zoned for mixed, commercial or industrial use; and

(b) At least 1,500 feet from the boundary line of any parcel zoned for residential use.

~~[~~ The provisions of this subsection do not apply to a crematory at which alkaline hydrolysis is the only process to be used for cremation.~~]~~

4. If a crematory proposes to cremate human remains only through alkaline hydrolysis, the Board may issue a license to the applicant regardless of the location if the board of county commissioners of the county or the governing body of the city or town, as applicable, in which the crematory is proposed to be located provides written notice to the Board consenting to the proposed location of the crematory.

5. The Board shall prescribe and furnish forms for application for licensing. An application must be in writing and contain:

(a) The name and address of the applicant and the location or proposed location of the crematory;

(b) A description of the structure and equipment to be used in operating the crematory; and

(c) Any further information that the Board may reasonably require.

~~[5.]~~ ***6.*** An application must be signed by the applicant personally, by one of the partners if the applicant is a partnership, or by an authorized officer if the applicant is a corporation or other form of business organization.

~~[6.]~~ ***7.*** The Board shall examine the structure and equipment and, if applicable, the location and shall issue the license if:

(a) It appears that the proposed operation will meet the requirements of NRS 451.600 to 451.715, inclusive ~~[,]~~ ***, and sections 2 , ~~[and]~~ 3 and 3.5 of this act;*** and

(b) The applicant has paid all fees related to the application.

~~[7.]~~ ***8.*** If the ownership of a crematory is to be changed, the proposed operator shall apply for licensing at least 30 days before the change.

Sec. 6. NRS 451.640 is hereby amended to read as follows:

451.640 1. The Nevada Funeral and Cemetery Services Board shall adopt regulations for the administration of NRS 451.600 to 451.715, inclusive ~~[.]~~ ***, and sections 2 , ~~[and]~~ 3 and 3.5 of this act.*** Unless governed by the regulations of the State Board of Health, the regulations of the Nevada Funeral and Cemetery Services Board must include, without limitation:

(a) The conditions under which the remains of a person who has died from a communicable or otherwise dangerous disease may be transported to a crematory for cremation; and

(b) The minimum standards for sanitation, required equipment and protection from fire.

2. The Nevada Funeral and Cemetery Services Board may bring legal proceedings to enjoin any person who violates any provision of NRS 451.600 to 451.715, inclusive, ***and sections 2 , ~~[and]~~ 3 and 3.5 of this act,*** any regulation adopted pursuant thereto or any order of the Board from operating a crematory. Any person who is so enjoined is liable to the Board for attorney's fees and court costs.

Sec. 6.5. **NRS 451.645 is hereby amended to read as follows:**

451.645 1. A cemetery or funeral home may erect and conduct a crematory if licensed as the operator.

2. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 3 ***and 4*** of NRS 451.635, a crematory may be erected on or adjacent to the premises of a cemetery or funeral establishment if the location is zoned for commercial or industrial use, or at any other location where the local zoning permits. A crematory must conform to all local building codes and environmental standards.

Sec. 7. NRS 451.670 is hereby amended to read as follows:

451.670 1. No operator of a crematory may require that human remains be placed in a casket, or refuse to accept human remains for cremation because they are not in a casket.

2. The container used must:

(a) Consist of readily combustible materials ~~[,]~~ ***or, if alkaline hydrolysis will be used to cremate the human remains, materials that are readily dissolvable by alkaline hydrolysis;***

(b) Cover the human remains completely when closed;

(c) Resist leaking or spilling;

(d) Be rigid enough for easy handling ~~[.]~~ ***or, if alkaline hydrolysis will be used to cremate the human remains, be properly supported during transport;*** and

(e) Protect the health and safety of employees of the operator.

3. Unless otherwise ordered in writing by the agent, the operator shall incinerate ***or dissolve*** the container ***, as applicable,*** as the remains are cremated.

Sec. 8. NRS 451.680 is hereby amended to read as follows:

451.680 1. The agent, or the person charged with arranging for disposition of the body of a person who has ordered his or her own cremation, shall ensure that any artificial device ~~[whose incineration]~~ ***that*** would be dangerous ***if incinerated or subjected to alkaline hydrolysis, as applicable,*** is removed from ***the*** human remains before their cremation. If he or she is unable to arrange for its removal before the remains are delivered to a crematory, he or she shall inform the operator of the crematory.

2. The space within a crematory where cremation takes place must be enclosed and must not be used for any other purpose than the cremation of human remains. Immediately before a container is placed in this chamber, the identification of the human remains within it must be verified by the operator and any identifying document or label for the urn must be removed from the container and kept near the control panel until cremation is complete.

3. Upon the completion of cremation, the operator shall:

(a) Remove the recoverable residue from the chamber;

(b) Place the bone fragments in an urn with proper identification and insofar as practicable place no other material with them unless authorized by the agent; and

(c) Dispose of the remaining residue.

4. If the cremated remains will not fit in the urn selected by the agent, the operator of the crematory shall hold the remains until the agent selects an urn or urns in which the remains will fit.

Sec. 9. NRS 451.715 is hereby amended to read as follows:

451.715 1. It is unlawful for any person to:

(a) Hold himself or herself out to the public as the operator of a crematory without being licensed pursuant to NRS 451.635;

(b) Sign an order for cremation knowing that the order contains incorrect information; or

(c) Violate any other provision of NRS 451.600 to 451.715, inclusive, ***and sections 2 , ~~[and]~~ 3 and 3.5 of this act,*** any regulation adopted pursuant thereto or any order of the Nevada Funeral and Cemetery Services Board.

2. It is unlawful for the operator of a crematory to perform a cremation without an order signed by a person authorized to order the cremation pursuant to NRS 451.024 or 451.655.

3. If a crematory is operated in this State in violation of any provision of NRS 451.600 to 451.715, inclusive, ***and sections 2 , ~~[and]~~ 3 and 3.5 of this act,*** any regulation adopted pursuant thereto or any order of the Nevada

Funeral and Cemetery Services Board, the crematory is a public nuisance and may be abated as such.

Sec. 10. NRS 642.011 is hereby amended to read as follows:

642.011 "Cremation" ~~[means the technical process that reduces human remains to bone fragments by using heat and evaporation.]~~ ***has the meaning ascribed to it in section 3 of this act.***

Sec. 11. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and on January 1, 2018, for all other purposes.

Assemblyman Sprinkle moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 214.

Bill read second time.

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

Amendment No. 41.

AN ACT relating to clinical trials; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to establish a program to encourage participation in clinical trials of drugs and medical devices by certain groups; requiring certain state and local governmental entities to adopt a policy concerning the identification and recruitment of members of those groups to participate in such trials; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Division of Public and Behavioral Health of the Department of Health and Human Services to establish various programs relating to the provision of health care and the improvement of public health in this State. (NRS 439.495, 439.501, 439.517, 439.5295) This bill requires the Division to establish a program to encourage participation in clinical trials of drugs and medical devices by persons who are members of demographic groups that are underrepresented in such trials. This bill also requires each state or local governmental entity that conducts such trials to adopt a policy concerning the identification and recruitment of such persons to participate in those trials.

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

Section 1. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. It is the policy of this State to:

(a) Improve the completeness and quality of data concerning diverse demographic groups that is collected, reported and analyzed for the purposes of clinical trials of drugs and medical devices;

(b) Identify barriers to participation in clinical trials by persons who are members of demographic groups that are underrepresented in such trials and employ strategies recognized by the United States Food and Drug Administration to encourage greater participation in clinical trials by such persons; and

(c) Make data concerning demographic groups that is collected, reported and analyzed for the purposes of clinical trials more available and transparent.

2. To assist in carrying out this policy:

(a) The Division shall review the most recent version of "Collection of Race and Ethnicity Data in Clinical Trials—Guidance for Industry and Food and Drug Administration Staff," published by the United States Food and Drug Administration, and establish , using existing infrastructure and tools, a program to encourage participation in clinical trials of drugs and medical devices by persons who are members of demographic groups that are underrepresented in such clinical trials. The program must include, without limitation:

(1) ~~[Collaborating]~~ Collaboration with medical facilities, health authorities and other local governmental entities, nonprofit organizations and scientific investigators and institutions that are performing research relating to drugs or medical devices to assist such investigators and institutions in identifying and recruiting persons who are members of underrepresented demographic groups to participate in clinical trials; and

(2) ~~[Conducting conferences and training for scientific investigators who perform research relating to drugs or medical devices regarding evidence-based methods for identifying and recruiting persons who are members of underrepresented demographic groups to participate in clinical trials; and~~

~~(3) Placing on the]~~ The establishment and maintenance of an Internet website ~~[maintained by the Division]~~ that:

(I) Provides information concerning ~~[evidence-based]~~ methods recognized by the United States Food and Drug Administration for identifying and recruiting persons who are members of underrepresented demographic groups to participate in clinical trials ~~[.]~~ ; and

(II) Contains links to Internet websites maintained by medical facilities, health authorities and other local governmental entities, nonprofit organizations and scientific investigators and institutions that are performing research relating to drugs or medical devices in this State.

(b) With the assistance of the Office of Grant Procurement, Coordination and Management of the Department of Administration, the Division shall apply for grants from any source, including, without

limitation, the Federal Government, to fund the program established pursuant to paragraph (a).

(c) Not later than May 1 of each even-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report concerning the status and results of the program established pursuant to paragraph (a).

(d) Each state or local governmental entity that conducts clinical trials of drugs or medical devices, including, without limitation, the Board of Regents of the University of Nevada, shall adopt a policy concerning the identification and recruitment of persons who are members of underrepresented demographic groups to participate in those clinical trials. Such a policy must include, without limitation, requirements that investigators who are conducting clinical trials collaborate with community-based organizations and use [evidence-based] methods recognized by the United States Food and Drug Administration to identify and recruit such persons to participate in those clinical trials.

3. For the purposes of this section, demographic groups that are underrepresented in clinical trials may include, without limitation, persons who are underrepresented by race, sex, sexual orientation, socioeconomic status and age.

4. As used in this section, "medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 1.5. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 2. This act becomes effective on July 1, 2017.

Assemblyman Sprinkle moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 221.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 76.

SUMMARY— [Requires a school district to allow pupils and employees] **Revises provisions governing the model plan developed for the management of a crisis or an emergency that involves a public school to include a procedure for the evacuation** of a charter school **.** [to evacuate to a public school in the district during a crisis or emergency.] (BDR 34-594)

AN ACT relating to schools; requiring [each public school in a school district] **the model plan developed for the management of a crisis or an emergency that involves a public school** to **include a procedure for** [allow] **evacuating** pupils and employees of a charter school [to evacuate] to [the] **an identified** public school if necessary during a crisis or emergency; [requiring the model plan for the management of a crisis or emergency that

~~involves a public school to include procedures for such an evacuation;~~] **requiring a charter school to indemnify a school district to which it evacuates during a crisis or emergency;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Education, with the assistance of other state agencies, to develop a model plan for the management of a crisis or an emergency that involves a public school and to review and update that plan at least once each year. (NRS 388.253) This bill requires the Department of Education to include in the model plan for the management of a crisis or an emergency that involves public school procedures for the evacuation of the pupils and employees of a charter school during a crisis or an emergency to a **designated space within an identified** public school in a school district ~~[.]~~ **that is separate from the general population of the school.** This bill further requires the school district to ensure that ~~[each]~~ **such a** school in the school district is prepared to allow such an evacuation in accordance with the procedure in the model plan when necessary during a crisis or an emergency. **Additionally, this bill requires a charter school to hold harmless, indemnify and defend a school district against any claim or liability arising from an evacuation of pupils and employees of the charter school to a school in the school district during a crisis or an emergency.**

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

Section 1. NRS 388.253 is hereby amended to read as follows:

388.253 1. The Department shall, with assistance from other state agencies, including, without limitation, the Division of Emergency Management, the Investigation Division, and the Nevada Highway Patrol Division of the Department of Public Safety, develop a model plan for the management of a crisis or an emergency that involves a public school, including, without limitation, a charter school, or a private school and that requires immediate action. The model plan must include, without limitation, a procedure for:

(a) Coordinating the resources of local, state and federal agencies, officers and employees, as appropriate;

(b) Accounting for all persons within a school;

(c) Assisting persons within a school in a school district, a charter school or a private school to communicate with each other;

(d) Assisting persons within a school in a school district, a charter school or a private school to communicate with persons located outside the school, including, without limitation, relatives of pupils and relatives of employees of such a school, the news media and persons from local, state or federal agencies that are responding to a crisis or an emergency;

(e) Assisting pupils of a school in the school district, a charter school or a private school, employees of such a school and relatives of such pupils and

employees to move safely within and away from the school, including, without limitation, a procedure for evacuating the school and a procedure for securing the school;

(f) Reunifying a pupil with his or her parent or legal guardian;

(g) Providing any necessary medical assistance;

(h) Recovering from a crisis or an emergency;

(i) Carrying out a lockdown at a school in which persons are not allowed to enter or exit the school;

(j) Providing shelter in specific areas of a school; ~~[and]~~

(k) ~~***[Providing for the evacuation of]***~~ ***Evacuating pupils and employees of a charter school to a designated space within an identified public middle school, junior high school or high school in a school district ~~[,]~~ that is separate from the general population of the school and large enough to accommodate the charter school, and such a space may include, without limitation, a gymnasium or multipurpose room of the public school; and***

(l) Providing specific information relating to managing a crisis or an emergency that is a result of:

(1) An incident involving hazardous materials;

(2) An incident involving mass casualties;

(3) An incident involving an active shooter;

(4) An outbreak of disease;

(5) Any threat or hazard identified in the hazard mitigation plan of the county in which the school district is located, if such a plan exists; or

(6) Any other situation, threat or hazard deemed appropriate.

2. In developing the model plan, the Department shall consider the plans developed pursuant to NRS 388.243 and 394.1687 and updated pursuant to NRS 388.245 and 394.1688.

3. ***The Department shall require a school district to ensure that each public school in the school district identified pursuant to paragraph (k) of subsection 1 is prepared to allow a charter school to evacuate to ~~[a]~~ the school ~~[in a school district]~~ when necessary in accordance with the procedure included in the model plan developed pursuant to subsection 1. A charter school shall hold harmless, indemnify and defend the school district to which it evacuates during a crisis or an emergency against any claim or liability arising from an act or omission by the school district or an employee or officer of the school district.***

4. The Department may disseminate to any appropriate local, state or federal agency, officer or employee, as the Department determines is necessary:

(a) The model plan developed by the Department pursuant to subsection 1;

(b) A plan developed pursuant to NRS 388.243 or updated pursuant to NRS 388.245;

(c) A plan developed pursuant to NRS 394.1687 or updated pursuant to NRS 394.1688; and

(d) A deviation approved pursuant to NRS 388.251 or 394.1692.

~~[4.]~~ ***5.*** The Department shall, at least once each year, review and update as appropriate the model plan developed pursuant to subsection 1.

Sec. 2. This act becomes effective on July 1, 2017.

Assemblyman Thompson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 227.

Bill read second time and ordered to third reading.

Assembly Bill No. 234.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 139.

AN ACT relating to motor carriers; requiring certain motor carriers of passengers which transport certain persons with disabilities to ensure that each vehicle used for the transport is equipped with first-aid equipment and **to provide** each driver of the vehicle ~~[receives]~~ training in first aid and cardiopulmonary resuscitation; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, common motor carriers of passengers and contract motor carriers of passengers are subject to supervision and regulation by the Nevada Transportation Authority, with some exceptions. (NRS 706.166)

Section 1 of this bill requires a common motor carrier of passengers, contract motor carrier of passengers and any other person or entity, other than a taxicab motor carrier, providing a means of public conveyance and transportation operating in this State and which transports for compensation certain persons with disabilities, commonly referred to as "paratransit services," to ensure that: (1) each vehicle used in the transport is equipped with a first-aid kit; and (2) each driver of a vehicle used for the transport receives training in first aid and cardiopulmonary resuscitation. **Section 1 also requires the carrier, person or entity to: (1) provide the training in first aid and cardiopulmonary resuscitation or arrange for its provision for the driver; (2) pay for the training; and (3) compensate each driver for the time spent receiving the training.** Existing law makes a violation of this requirement a misdemeanor. (NRS 706.756) **Sections 2-5** of this bill make conforming changes. **Section 6 of this bill provides that the provisions of this bill do not apply during the current term of any collective bargaining agreement entered into before the effective date of this bill, but do apply to any extension or renewal of such an agreement and to any such agreement entered into on or after the effective date of this bill.**

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

Section 1. Chapter 706 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A common motor carrier of passengers, contract motor carrier of passengers or other person or entity providing a means of public conveyance and transportation operating within this State which, pursuant to the requirements of 49 C.F.R. § 37.121, transports for compensation within this State persons with disabilities who are eligible pursuant to 49 C.F.R. § 37.123 for the transportation shall ensure that:

~~[1.]~~ (a) Each vehicle used for the transport is equipped with a first-aid kit; and

~~[2.]~~ (b) Each driver of a vehicle used for the transport receives training in the use and administration of first aid and cardiopulmonary resuscitation that is conducted in accordance with the standards of the American Heart Association, the American Red Cross or any similar organization that includes certification in:

~~[(a)]~~ (1) First aid; and

~~[(b)]~~ (2) Cardiopulmonary resuscitation.

2. A common motor carrier of passengers, contract motor carrier of passengers or other person or entity who employs a driver required to receive the training required pursuant to paragraph (b) of subsection 1 must:

(a) Provide the training or arrange for its provision for the driver;

(b) Pay for the training; and

(c) Compensate each driver who receives the training at his or her regular rate of pay for the time the driver spent attending the training.

Sec. 2. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 706.156 is hereby amended to read as follows:

706.156 1. All common and contract motor carriers and brokers are hereby declared to be, to the extent provided in this chapter:

(a) Affected with a public interest; and

(b) Subject to NRS 706.011 to 706.791, inclusive ~~[.]~~ ***, and section 1 of this act.***

2. A purchaser or broker of transportation services which are provided by a common motor carrier who holds a certificate of public convenience and necessity may resell those services, in combination with other services and facilities that are not related to transportation, but only in a manner complying with the scope of authority set forth in the certificate of the common motor carrier. The Authority shall not prohibit or restrict such a

purchaser or broker from reselling those transportation services to any person based upon that person's affiliation, or lack of affiliation, with any group.

Sec. 4. NRS 706.745 is hereby amended to read as follows:

706.745 1. The provisions of NRS 706.386 and 706.421 do not apply to:

(a) Ambulances;

(b) Hearses; or

(c) Common motor carriers or contract motor carriers that are providing transportation services pursuant to a contract with the Department of Health and Human Services entered into pursuant to NRS 422.27495.

2. A common motor carrier that enters into an agreement for the purchase of its service by an incorporated city, county or regional transportation commission is not required to obtain a certificate of public convenience and necessity to operate a system of public transit consisting of:

(a) Regular routes and fixed schedules;

(b) Nonemergency medical transportation of persons to facilitate their participation in jobs and day training services as defined in NRS 435.176 if the transportation is available upon request and without regard to regular routes or fixed schedules;

(c) Nonmedical transportation of persons with disabilities without regard to regular routes or fixed schedules; or

(d) In a county whose population is less than 100,000 or an incorporated city within such a county, nonmedical transportation of persons if the transportation is available by reservation 1 day in advance of the transportation and without regard to regular routes or fixed schedules.

3. Under any agreement for a system of public transit that provides for the transportation of passengers that is described in subsection 2:

(a) The public entity shall provide for any required safety inspections; or

(b) If the public entity is unable to do so, the Authority shall provide for any required safety inspections.

4. In addition to the requirements of subsection 3, under an agreement for a system of public transit that provides for the transportation of passengers that is described in:

(a) Paragraph (a) of subsection 2, the public entity shall establish the routes and fares.

(b) Paragraph (c) or (d) of subsection 2, the common motor carrier:

(1) May provide transportation to any passenger who can board a vehicle with minimal assistance from the operator of the vehicle.

(2) ~~[Shall]~~ ***Except as otherwise provided in section 1 of this act, shall*** not offer medical assistance as part of its transportation service.

5. In a county whose population:

(a) Is less than 700,000, a nonprofit carrier of elderly persons or persons with disabilities is not required to obtain a certificate of public convenience and necessity to operate as a common motor carrier of such passengers only,

but such a carrier is not exempt from inspection by the Authority to determine whether its vehicles and their operation are safe.

(b) Is 700,000 or more, a nonprofit carrier of elderly persons or persons with disabilities is not required to obtain a certificate of public convenience and necessity to operate as a common motor carrier of such passengers only, but:

(1) Only if the nonprofit carrier:

(I) Does not charge for transportation services;

(II) Provides transportation services pursuant to a contract with the Department of Health and Human Services entered into pursuant to NRS 422.27495; or

(III) Enters into an agreement for the purchase of its service by an incorporated city, county or regional transportation commission; and

(2) Such a carrier is not exempt from inspection by the Authority to determine whether its vehicles and their operation are safe.

6. An incorporated city, county or regional transportation commission is not required to obtain a certificate of public convenience and necessity to operate a system of public transportation.

7. Before an incorporated city or a county enters into an agreement with a common motor carrier for a system of public transit that provides for the transportation of passengers that is described in paragraph (c) or (d) of subsection 2 in an area of the incorporated city or an area of the county, it must determine that:

(a) There are no other common motor carriers of passengers who are authorized to provide such services in that area; or

(b) Although there are other common motor carriers of passengers who are authorized to provide such services in the area, the common motor carriers of passengers do not wish to provide, or are not capable of providing, such services.

Sec. 5. NRS 706.756 is hereby amended to read as follows:

706.756 1. Except as otherwise provided in subsection 2, any person who:

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, ***and section 1 of this act,*** apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, ***and section 1 of this act*** or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive ~~[;]~~ ***, and section 1 of this act;***

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive ~~[;]~~ ***, and section 1 of this act;***

(d) Fails to obey any order, decision or regulation of the Authority or the Department;

(e) Procures, aids or abets any person in the failure to obey such an order, decision or regulation of the Authority or the Department;

(f) Advertises, solicits, proffers bids or otherwise is held out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive ~~[.]~~ ***, and section 1 of this act;***

(g) Advertises as providing:

(1) The services of a fully regulated carrier; or

(2) Towing services,

➥ without including the number of the person's certificate of public convenience and necessity or contract carrier's permit in each advertisement;

(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;

(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;

(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;

(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been cancelled, revoked, suspended or altered;

(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or

(m) Refuses or fails to surrender to the Authority or Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter,

➥ is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. Any person who, in violation of the provisions of NRS 706.386, operates as a fully regulated common motor carrier without first obtaining a certificate of public convenience and necessity or any person who, in violation of the provisions of NRS 706.421, operates as a contract motor carrier without first obtaining a permit is guilty of a misdemeanor and shall be punished:

(a) For a first offense within a period of 12 consecutive months, by a fine of not less than $500 nor more than $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

(b) For a second offense within a period of 12 consecutive months and for each subsequent offense that is committed within a period of 12 consecutive months of any prior offense under this subsection, by a fine of $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

3. Any person who, in violation of the provisions of NRS 706.386, operates or permits the operation of a vehicle in passenger service without first obtaining a certificate of public convenience and necessity is guilty of a gross misdemeanor.

4. If a law enforcement officer witnesses a violation of any provision of subsection 2 or 3, the law enforcement officer may cause the vehicle to be towed immediately from the scene and impounded in accordance with NRS 706.476.

5. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.

6. Any bail allowed must not be less than the appropriate fine provided for by this section.

Sec. 6. **The amendatory provisions of this act:**

1. Do not apply during the current term of any collective bargaining agreement entered into before the effective date of this act; and

2. Apply to any extension or renewal of such an agreement and to any such agreement entered into on or after the effective date of this act.

~~[Sec. 6.]~~ ***Sec. 7.*** The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

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

Assemblyman Carrillo moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 236.

Bill read second time.

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

Amendment No. 174.

AN ACT relating to child welfare; authorizing ~~[certain employees]~~ **the director** of an agency which provides child welfare services **or certain designees** to request the education records of a pupil who is in the custody of the agency; requiring a public or private school or school district to comply with such a request; providing ~~[a penalty;]~~ **that the board of trustees of a school district, the governing body of a charter school or the governing body of a private school may be joined as a party in a proceeding concerning the protection of a child for failing to comply with such a request;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing state and federal law prohibits a public school from releasing the education records of a pupil without the written consent of the parent of the pupil, except in certain circumstances. (20 U.S.C. § 1232g; NRS 392.029) Federal law creates an exception to that prohibition for a representative of a state or local child welfare agency who has a right to access a pupil's case

plan. (20 U.S.C. § 1232g(b)(1)(L)) **Section 1** of this bill authorizes ~~[an employee]~~ **the director** of an agency which provides child welfare services **or his or her designee** who ~~[has access to]~~ **is responsible for** the **supervision of the** case plan of a child in the custody of the agency to request from a public or private school or school district any **education** records concerning the child. **Section 1** also prohibits ~~[an agency or employee]~~ **a person** who requests such **education** records from disclosing the records except as authorized by law. **If such a request for education records is made, section 1 requires the agency which provides child welfare services and the board of trustees of the school district, the governing body of the charter school or the governing body of the private school, as applicable, to enter into a memorandum of understanding which sets forth the terms for use of the education records and any required training concerning federal law governing such use.** **Sections 6 and 7** of this bill require a public or private school or school district to comply with such a request, and provide that any ~~[willful]~~ failure to comply ~~[is punishable as]~~ **may result in the board of trustees or governing body, as applicable, being joined as** a ~~[misdemeanor.]~~ **party in a proceeding concerning the protection of the child.**

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

Section 1. Chapter 432 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[An employee]~~ The director of an agency which provides child welfare services or a designee thereof who ~~[has access to]~~ is responsible for the supervision of the case plan maintained for a child in the custody of the agency may request from a public or private school or school district any education records, including, without limitation, electronic education records, maintained by the school or school district concerning the child.

2. ~~[An agency which provides child welfare services or an employee thereof]~~ A person who requests education records pursuant to subsection 1 shall not disclose the education records except to the extent authorized by applicable federal and state laws and regulations, including, without limitation, 20 U.S.C. § 1232g and 34 C.F.R Part 99.

3. If education records are requested pursuant to subsection 1, the agency which provides child welfare services requesting the education records and the board of trustees of the school district in which the school is located, the governing body of the charter school or the governing body of the private school, as applicable, must enter into a memorandum of understanding concerning the use of such education records which must set forth, without limitation:

(a) The manner in which the education records will be used;

(b) What constitutes misuse of the education records, which would result in revocation of any access by the agency to such education records; and

(c) The required training concerning the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto.

4. As used in this section:

(a) "Education records" has the meaning ascribed to it in 20 U.S.C. § 1232g(a)(4).

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

~~*[(b)]*~~ ***(c) "Public school" has the meaning ascribed to it in NRS 385.007.***

Sec. 2. NRS 432.032 is hereby amended to read as follows:

432.032 The Division, in consultation with each agency which provides child welfare services, shall adopt regulations for the administration of NRS 432.010 to 432.085, inclusive, ***and section 1 of this act,*** which are binding upon all recipients and local units.

Sec. 3. NRS 432.035 is hereby amended to read as follows:

432.035 1. To safeguard and restrict the use or disclosure of any information concerning applicants for and recipients of services for child welfare to purposes directly connected to the administration of NRS 432.010 to 432.085, inclusive, ***and section 1 of this act,*** by the Division, pursuant to the applicable provisions of the Social Security Act, the Division shall, in consultation with each agency which provides child welfare services, establish and enforce reasonable regulations governing the custody, use and preservation of the records, files and communications filed with the Division and any agency which provides child welfare services.

2. Whenever, pursuant to the provisions of law or regulations of the Division, names and addresses of, or information concerning, applicants for and recipients of services for child welfare are furnished to or held by an agency which provides child welfare services or any other agency or department of government, that agency or department shall comply with the regulations of the Division prohibiting the publication of information and its use for purposes not directly connected with the administration of NRS 432.010 to 432.085, inclusive, ***and section 1 of this act*** by the Division.

3. Except for purposes directly connected with the administration of NRS 432.010 to 432.085, inclusive, ***and section 1 of this act,*** no person may publish, disclose, use or permit or cause to be published, disclosed or used any confidential information pertaining to a recipient of services under the provisions of NRS 432.010 to 432.085, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 4. NRS 432.091 is hereby amended to read as follows:

432.091 The provisions of NRS 432.010 to 432.085, inclusive, ***and section 1 of this act*** do not apply to the Program for Child Care and Development administered by the Division of Welfare and Supportive Services of the Department pursuant to chapter 422A of NRS.

Sec. 5. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555,

631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 1 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

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

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

Sec. 6. NRS 392.029 is hereby amended to read as follows:

392.029 1. If a parent or legal guardian of a pupil requests the education records of the pupil, a public school shall comply with the provisions of 20 U.S.C. § 1232g(a) and 34 C.F.R. Part 99.

2. If a parent or legal guardian of a pupil reviews the education records of the pupil and requests an amendment or other change to the education records, a public school shall comply with the provisions of 20 U.S.C. § 1232g(a) and 34 C.F.R. Part 99.

3. Except as otherwise provided in 20 U.S.C. § 1232g(b), a public school shall not release the education records of a pupil to a person, agency or organization without the written consent of the parent or legal guardian of the pupil.

4. If a public school administers a program which includes a survey, analysis or evaluation that is designed to elicit the information described in 20 U.S.C. § 1232h, it must comply with the provisions of that section.

5. A right accorded to a parent or legal guardian of a pupil pursuant to the provisions of this section devolves upon the pupil on the date on which the pupil attains the age of 18 years.

6. A public school shall, at least annually, provide to each pupil who is at least 18 years of age and to a parent or legal guardian of each pupil who is not at least 18 years of age, written notice of his or her rights pursuant to this section.

7. The provisions of this section:

(a) Are intended to ensure that each public school complies with the provisions of 20 U.S.C. §§ 1232g and 1232h;

(b) Must, to the extent possible, be construed in a manner that is consistent with 20 U.S.C. §§ 1232g and 1232h, and the regulations adopted pursuant thereto;

(c) Apply to a public school regardless of whether the school receives money from the Federal Government; and

(d) Do not impair any right, obligation or prohibition established pursuant to chapter 432B of NRS.

8. The State Board may adopt such regulations as are necessary to ensure that public schools comply with the provisions of this section.

9. ***~~[As soon as practicable after]~~ Upon receiving a request for education records pursuant to section 1 of this act, a public school or school district shall , within 10 school days or by the date of a scheduled court hearing which affects the child, whichever is earlier, provide the requested education records to the ~~[employee of the agency which provides child welfare services]~~ person who made the request. ~~[A member of the]~~ The board of trustees ~~[or employee]~~ of a school district ~~[who willfully fails to take any action necessary for the public school or school district]~~ or the***

governing body of a charter school, as applicable, may be joined as a party in a proceeding concerning the protection of a child pursuant to NRS 432B.4655 for failure to comply with the requirements of this subsection . [is guilty of a misdemeanor.]

10. As used in this section , [unless the context otherwise requires,] "education ***[:***

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

(b) "Education] records" has the meaning ascribed to it in 20 U.S.C. § 1232g(a)(4).

Sec. 7. Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:

1. [As soon as practicable after] Upon receiving a request for education records pursuant to section 1 of this act, a private school shall , within 10 school days or by the date of a scheduled court hearing which affects the child, whichever is earlier, provide the requested education records to the [employee of the agency which provides child welfare services] person who made the request.

2. [A member of the] The governing body [or employee] of a private school [who willfully fails to take any action necessary for the private school] may be joined as a party in a proceeding concerning the protection of the child pursuant to NRS 432B.4655 for failure to comply with the requirements of subsection 1 . [is guilty of a misdemeanor.]

3. As used in this section, [**"agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.**] "education records" has the meaning ascribed to it in 20 U.S.C. § 1232g(a)(4).

Sec. 8. This act becomes effective on July 1, 2017.

Assemblyman Sprinkle moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 247.

Bill read second time.

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

Amendment No. 65.

ASSEMBLYMEN YEAGER, OHRENSCHALL, WATKINS, CARRILLO, MONROE-MORENO; ARAUJO, BILBRAY-AXELROD, BROOKS, DALY, FRIERSON, FUMO, JAUREGUI, JOINER, MCCURDY II, MILLER, NEAL, SPRINKLE , [AND] THOMPSON **AND TOLLES**

AN ACT relating to residential leasing; providing for the early termination of certain rental agreements by victims of harassment, sexual assault or stalking under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides, under certain circumstances, for the early termination of a rental agreement if a tenant, cotenant or household member is a victim of domestic violence. (NRS 118A.345) **Section 1** of this bill similarly provides, under certain circumstances, for the early termination of a rental agreement if a tenant, cotenant or household member is a victim of the crime of harassment, sexual assault or stalking.

Existing law prohibits a landlord from taking certain retaliatory actions against a tenant, cotenant or household member who is a victim of domestic violence or who terminates a rental agreement because he or she is a victim of domestic violence. (NRS 118A.510) **Section 3** of this bill similarly prohibits a landlord from taking certain retaliatory actions against a tenant, cotenant or household member who is a victim of harassment, sexual assault or stalking or who terminates a rental agreement because he or she is a victim of harassment, sexual assault or stalking.

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

Section 1. NRS 118A.345 is hereby amended to read as follows:

118A.345 1. Notwithstanding any provision in a rental agreement to the contrary, if a tenant, cotenant or household member is the victim of domestic violence, ***harassment, sexual assault or stalking,*** the tenant or any cotenant may terminate the rental agreement by giving the landlord written notice of termination

effective at the end of the current rental period or 30 days after the notice is provided to the landlord, whichever occurs sooner.

2. ~~[The]~~ ***In the case of a termination of a rental agreement pursuant to this section on the grounds that a tenant, cotenant or household member is a victim of domestic violence, the*** written notice provided to a landlord pursuant to subsection 1 must describe the reason for the termination of the rental agreement and be accompanied by:

(a) A copy of an order for protection against domestic violence issued to the tenant, cotenant or household member who is the victim of domestic violence;

(b) A copy of a written report from a law enforcement agency indicating that the tenant, cotenant or household member notified the law enforcement agency of the domestic violence; or

(c) A copy of a written affidavit in the form prescribed pursuant to NRS 118A.347 and signed by a qualified third party acting in his or her official capacity stating that the tenant, cotenant or household member is a victim of domestic violence and identifying the adverse party.

3. ***In the case of a termination of a rental agreement pursuant to this section on the grounds that a tenant, cotenant or household member is a victim of harassment, sexual assault or stalking, the written notice provided***

to a landlord pursuant to subsection 1 must describe the reason for the termination of the rental agreement and be accompanied by:

(a) A copy of a written report from a law enforcement agency indicating that the tenant, cotenant or household member notified the law enforcement agency of the harassment, sexual assault or stalking, as applicable; or

(b) A copy of a temporary or extended order issued pursuant to NRS 200.378 or 200.591, as applicable.

4. A tenant or cotenant may terminate a rental agreement pursuant to this section only if the actions, events or circumstances that resulted in the tenant, cotenant or household member becoming a victim of domestic violence ***, harassment, sexual assault or stalking*** occurred within the 90 days immediately preceding the written notice of termination to the landlord.

~~[4.]~~ ***5.*** A tenant or cotenant who terminates a rental agreement pursuant to this section is only liable, if solely or jointly liable for purposes of the rental agreement, for any rent owed or required to be paid through the date of termination and any other outstanding obligations. If the tenant or cotenant has prepaid rent that would apply for the rental period in which the rental agreement is terminated, the landlord may retain the prepaid rent and no refund is due to the tenant or cotenant unless the amount of the prepaid rent exceeds what is owed for that rental period. Except as otherwise provided in NRS 118A.242, if the tenant or cotenant has paid a security deposit, the deposit must not be withheld for the early termination of the rental agreement if the rental agreement is terminated pursuant to this section.

~~[5.]~~ ***6.*** A person who is named as the adverse party may be civilly liable for all economic losses incurred by a landlord for the early termination of a rental agreement pursuant to this section, including, without limitation, unpaid rent, fees relating to early termination, costs for the repair of any damages to the dwelling and any reductions in or waivers of rent previously extended to the tenant or cotenant who terminates the rental agreement pursuant to this section.

~~[6.]~~ ***7.*** A landlord shall not provide to an adverse party any information concerning the whereabouts of a tenant, cotenant or household member if the tenant or cotenant provided notice pursuant to subsection 1.

~~[7.]~~ ***8.*** If a tenant or cotenant provided notice pursuant to subsection 1, the tenant, the cotenant or a household member may require the landlord to install a new lock onto the dwelling if the tenant, cotenant or household member pays the cost of installing the new lock. A landlord complies with the requirements of this subsection by:

(a) Rekeying the lock if the lock is in good working condition; or

(b) Replacing the entire locking mechanism with a new locking mechanism of equal or superior quality.

~~[8.]~~ ***9.*** A landlord who installs a new lock pursuant to subsection ~~[7]~~ ***8*** may retain a copy of the new key. Notwithstanding any provision in a rental agreement to the contrary, the landlord shall:

(a) Refuse to provide a key which unlocks the new lock to an adverse party.

(b) Refuse to provide to an adverse party, whether or not that party is a tenant, cotenant or household member, access to the dwelling to reclaim property unless a law enforcement officer is present.

~~[9.]~~ ***10.*** This section shall not be construed to limit a landlord's right to terminate a rental agreement for reasons unrelated to domestic violence ~~[.~~ ~~10.]~~ ***, harassment, sexual assault or stalking.***

11. Notwithstanding any other provision of law, the termination of a rental agreement pursuant to this section:

(a) Must not be disclosed, described or characterized as an early termination by a current landlord to a prospective landlord; and

(b) Is not required to be disclosed as an early termination by a tenant or cotenant to a prospective landlord.

~~[11.]~~ ***12.*** As used in this section:

(a) "Adverse party" means a person who is named in an order for protection against domestic violence, ***harassment, sexual assault or stalking,*** a written report from a law enforcement agency or a written statement from a qualified third party and who is alleged to be the cause of the early termination of a rental agreement pursuant to this section.

(b) "Cotenant" means a tenant who, pursuant to a rental agreement, is entitled to occupy a dwelling that another tenant is also entitled to occupy pursuant to the same rental agreement.

(c) "Domestic violence" means the commission of any act described in NRS 33.018.

(d) ***"Harassment" means a violation of NRS 200.571.***

(e) "Household member" means any person who is related by blood or marriage and is actually residing with a tenant or cotenant.

~~[(e)]~~ ***(f)*** "Qualified third party" means:

(1) A physician licensed to practice in this State;

(2) A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc. or the American Osteopathic Board of Neurology and Psychiatry of the American Osteopathic Association;

(3) A psychologist licensed to practice in this State;

(4) A social worker licensed to practice in this State;

(5) A registered nurse holding a master's degree in the field of psychiatric nursing and licensed to practice professional nursing in this State;

(6) A marriage and family therapist or clinical professional counselor licensed to practice in this State pursuant to chapter 641A of NRS;

(7) Any person ***who:***

(I) Is employed by an agency or service which advises persons regarding domestic violence or refers them to persons or agencies where their request and needs can be met and who is ~~[~~

~~*(II) Is]*~~ licensed to provide health care pursuant to the provisions of title 54 of NRS , or is a member of the board of directors or serves as the executive director of an agency or service which advises persons regarding domestic violence or refers them to persons or agencies where their request and needs can be met; ~~*[;*~~

~~*(III)]*~~ ***(II) Has received training relating to domestic violence; and***

~~*[(IV)]*~~ ***(III) Is a resident of this State;*** or

(8) Any member of the clergy of a church or religious society or denomination that is recognized as exempt under section 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. § 501 (c)(3), who has been chosen, elected or appointed in conformity with the constitution, canons, rites, regulations or discipline of the church or religious society or denomination ~~*[.]*~~ ***and who is a resident of this State.***

(g) "Sexual assault" means a violation of NRS 200.366.

(h) "Stalking" means a violation of NRS 200.575.

Sec. 2. NRS 118A.347 is hereby amended to read as follows:

118A.347 An affidavit submitted by a tenant or cotenant pursuant to ***subsection 2 of*** NRS 118A.345 must be in substantially the following form:

.....
(Name of the qualified third party, as defined in NRS 118A.345, including, if applicable, the name of the organization with which the qualified third party is affiliated)

I (and/or) .....
(name of cotenant or household member)
am a victim of domestic violence as defined in NRS 118A.345.

Brief description of incident(s) constituting domestic violence:
.....
.....
.....

The incident(s) that I described above occurred on the following date(s) and time(s), and in the following locations:
.....
.....
.....

The incident(s) that I described above were committed by the following person(s):
.....
.....
.....

I state under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Dated this ..... day of ....., 20....., at ..... (city), Nevada,

.....
(Signature of tenant, cotenant or household member)

I verify that the person whose signature appears above was a victim of domestic violence and that the person informed me of the name of the adverse party as defined in NRS 118A.345.

Dated this ..... day of ....., 20....., at ..... (city), Nevada,

.....
(Signature of qualified third party)

Sec. 3. NRS 118A.510 is hereby amended to read as follows:

118A.510 1. Except as otherwise provided in subsection 3, the landlord may not, in retaliation, terminate a tenancy, refuse to renew a tenancy, increase rent or decrease essential items or services required by the rental agreement or this chapter, or bring or threaten to bring an action for possession if:

(a) The tenant has complained in good faith of a violation of a building, housing or health code applicable to the premises and affecting health or safety to a governmental agency charged with the responsibility for the enforcement of that code;

(b) The tenant has complained in good faith to the landlord or a law enforcement agency of a violation of this chapter or of a specific statute that imposes a criminal penalty;

(c) The tenant has organized or become a member of a tenant's union or similar organization;

(d) A citation has been issued resulting from a complaint described in paragraph (a);

(e) The tenant has instituted or defended against a judicial or administrative proceeding or arbitration in which the tenant raised an issue of compliance with the requirements of this chapter respecting the habitability of dwelling units;

(f) The tenant has failed or refused to give written consent to a regulation adopted by the landlord, after the tenant enters into the rental agreement, which requires the landlord to wait until the appropriate time has elapsed before it is enforceable against the tenant;

(g) The tenant has complained in good faith to the landlord, a government agency, an attorney, a fair housing agency or any other appropriate body of a violation of NRS 118.010 to 118.120, inclusive, or the Fair Housing Act of 1968, 42 U.S.C. §§ 3601 et seq., or has otherwise exercised rights which are guaranteed or protected under those laws; or

(h) The tenant or, if applicable, a cotenant or household member, is a victim of domestic violence ***, harassment, sexual assault or stalking*** or terminates a rental agreement pursuant to NRS 118A.345.

2. If the landlord violates any provision of subsection 1, the tenant is entitled to the remedies provided in NRS 118A.390 and has a defense in any retaliatory action by the landlord for possession.

3. A landlord who acts under the circumstances described in subsection 1 does not violate that subsection if:

(a) The violation of the applicable building, housing or health code of which the tenant complained was caused primarily by the lack of reasonable care by the tenant, a member of his or her household or other person on the premises with his or her consent;

(b) The tenancy is terminated with cause;

(c) A citation has been issued and compliance with the applicable building, housing or health code requires alteration, remodeling or demolition and cannot be accomplished unless the tenant's dwelling unit is vacant; or

(d) The increase in rent applies in a uniform manner to all tenants.

➥ The maintenance of an action under this subsection does not prevent the tenant from seeking damages or injunctive relief for the landlord's failure to comply with the rental agreement or maintain the dwelling unit in a habitable condition as required by this chapter.

4. As used in this section:

(a) "Cotenant" has the meaning ascribed to it in NRS 118A.345.

(b) "Domestic violence" has the meaning ascribed to it in NRS 118A.345.

(c) ***"Harassment" means a violation of NRS 200.571.***

(d) "Household member" has the meaning ascribed to it in NRS 118A.345.

(e) "Sexual assault" means a violation of NRS 200.366.

(f) "Stalking" means a violation of NRS 200.575.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 261.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 138.

AN ACT relating to motorcycles; requiring the holder of an instruction permit to operate a motorcycle who is of a certain age and who applies for a driver's license to operate a motorcycle to comply with certain requirements for the issuance of the license; setting forth the requirements for the issuance and renewal of an instruction permit to operate a motorcycle; setting forth the

requirements for a holder of an instruction permit to operate a motorcycle to apply for a motorcycle driver's license; requiring a person who has been issued a driver's license without an endorsement to drive a motorcycle to pass a certain test or course of instruction **under certain circumstances** before driving a motorcycle; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Motor Vehicles to issue an instruction permit to a person who is at least 15 1/2 years of age if the person successfully passes a vision test and a written examination. Such a permit entitles the person to drive a motor vehicle for a period of 1 year when accompanied by a licensed driver who is at least 21 years of age, has at least 1 year of licensed driving experience and is seated next to the driver, except when the driver is on a motorcycle. (NRS 483.280) **Section 3** of this bill authorizes the Department to issue an instruction permit to a person who is between 15 1/2 years of age and 18 years of age which entitles the person to operate a motorcycle. Such a person must first pass a vision test and a written examination. The permit is valid for 1 year, and may be renewed, but expires when the person reaches the age of 18 years. **Section 3** further authorizes the Department to issue an instruction permit to a person who is 18 years of age or older, upon successful completion of the vision test and written examination, which entitles the person to operate a motorcycle, but such a permit expires after 6 months, and may be renewed not more than once. The person may not reapply for another such permit for 5 years. A person who holds either of these permits may not: (1) operate a motorcycle between sunset and sunrise; (2) carry passengers; and (3) operate the motorcycle on a controlled-access highway. Finally, **section 3** prohibits the issuance of a permit to operate a motorcycle to a person who has failed the driving test given by the Department two or more times.

Under existing law, a person between the ages of 16 and 18 years who applies for a driver's license must meet certain requirements, including: (1) completion of a certain type of driver's education or a driving course; (2) at least 50 hours of supervised driving experience; and (3) having held an instructional permit for not less than 6 months before applying for the driver's license. (NRS 483.2521) **Section 2** of this bill requires a person between the ages of 16 and 18 years who applies for a driver's license with a motorcycle endorsement to meet all of the same requirements except the 50 hours of driving experience are not required to be supervised.

Existing law requires a person applying for a motorcycle driver's license to successfully complete: (1) such written examination and driving test as may be required by the Department; or (2) a course of motorcycle safety approved by the Department. (NRS 486.071) Pursuant to **section 5** of this bill, a person who has held an instruction permit authorizing him or her to operate a motorcycle for at least 6 months is not required to take the written examination, provided the permit has not been expired for more than 30 days

before the person applies for the license or endorsement. **Section 5** further requires that an applicant for a motorcycle driver's license who is between the ages of 16 and 18 years must meet all the same requirements for a person of that age applying for a driver's license with a motorcycle endorsement as noted in **section 2**, and must successfully complete such written examinations and driving tests as may be required by the Department.

Sections 1, 4 and 6-10 of this bill make conforming changes.

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

Section 1. NRS 483.250 is hereby amended to read as follows:

483.250 The Department shall not issue any license pursuant to the provisions of NRS 483.010 to 483.630, inclusive:

1. To any person who is under the age of 18 years, except that the Department may issue:

(a) A restricted license to a person between the ages of 14 and 18 years pursuant to the provisions of NRS 483.267 and 483.270.

(b) An instruction permit to a person who is at least 15 1/2 years of age pursuant to the provisions of subsection 1 ***or 4*** of NRS 483.280.

(c) A restricted instruction permit to a person under the age of 18 years pursuant to the provisions of subsection 3 of NRS 483.280.

(d) A driver's license to a person who is 16 or 17 years of age pursuant to NRS 483.2521.

2. To any person whose license has been revoked until the expiration of the period during which the person is not eligible for a license.

3. To any person whose license has been suspended, but upon good cause shown to the Administrator, the Department may issue a restricted license to the person or shorten any period of suspension.

4. To any person who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to legal capacity.

5. To any person who is required by NRS 483.010 to 483.630, inclusive, to take an examination, unless the person has successfully passed the examination.

6. To any person when the Administrator has good cause to believe that by reason of physical or mental disability that person would not be able to operate a motor vehicle safely.

7. To any person who is not a resident of this State.

8. To any child who is the subject of a court order issued pursuant to title 5 of NRS or administrative sanctions imposed pursuant to NRS 392.148 which delay the child's privilege to drive.

9. To any person who is the subject of a court order issued pursuant to NRS 206.330 which delays the person's privilege to drive until the expiration of the period of delay.

10. To any person who is not eligible for the issuance of a license pursuant to NRS 483.283.

Sec. 2. NRS 483.2521 is hereby amended to read as follows:

483.2521 1. ~~[The]~~ ***Except as otherwise provided in subsection 3, the*** Department may issue a driver's license to a person who is 16 or 17 years of age if the person:

(a) Except as otherwise provided in subsection 2, has completed:

(1) A course in automobile driver education pursuant to NRS 389.090; or

(2) A course provided by a school for training drivers which is licensed pursuant to NRS 483.700 to 483.780, inclusive, and which complies with the applicable regulations governing the establishment, conduct and scope of automobile driver education adopted by the State Board of Education pursuant to NRS 389.090;

(b) Has at least 50 hours of supervised experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280, including, without limitation, at least 10 hours of experience in driving a motor vehicle during darkness;

(c) Submits to the Department, on a form provided by the Department, a log which contains the dates and times of the hours of supervised experience required pursuant to this section and which is signed:

(1) By his or her parent or legal guardian; or

(2) If the person applying for the driver's license is an emancipated minor, by a licensed driver who is at least 21 years of age or by a licensed driving instructor,

➥ who attests that the person applying for the driver's license has completed the training and experience required pursuant to paragraphs (a) and (b);

(d) Submits to the Department:

(1) A written statement signed by the principal of the public school in which the person is enrolled or by a designee of the principal and which is provided to the person pursuant to NRS 392.123;

(2) A written statement signed by the parent or legal guardian of the person which states that the person is excused from compulsory attendance pursuant to NRS 392.070;

(3) A copy of the person's high school diploma or certificate of attendance; or

(4) A copy of the person's certificate of general educational development or an equivalent document;

(e) Has not been found to be responsible for a motor vehicle crash during the 6 months before applying for the driver's license;

(f) Has not been convicted of a moving traffic violation or a crime involving alcohol or a controlled substance during the 6 months before applying for the driver's license; and

(g) Has held an instruction permit for not less than 6 months before applying for the driver's license.

2. If a course described in paragraph (a) of subsection 1 is not offered within a 30-mile radius of a person's residence, the person may, in lieu of completing such a course as required by that paragraph, complete an additional 50 hours of supervised experience in driving a motor vehicle in accordance with paragraph (b) of subsection 1.

3. A person who is 16 or 17 years of age, who has held an instruction permit issued pursuant to subsection 4 of NRS 483.280 authorizing the holder of the permit to operate a motorcycle and who applies for a driver's license pursuant to this section that authorizes him or her to operate a motorcycle must comply with the provisions of paragraphs (d) to (g), inclusive, of subsection 1 and must:

(a) ~~[Complete]~~ Except as otherwise provided in subsection 4, complete a course of motorcycle safety approved by the Department;

(b) Have at least 50 hours of experience in driving a motorcycle with an instruction permit issued pursuant to subsection 4 of NRS 483.280; and

(c) Submit to the Department, on a form provided by the Department, a log which contains the dates and times of the hours of experience required pursuant to paragraph (b) and which is signed by his or her parent or legal guardian who attests that the person applying for the motorcycle driver's license has completed the training and experience required pursuant to paragraphs (a) and (b).

4. If a course described in paragraph (a) of subsection 3 is not offered within a 30-mile radius of a person's residence, the person may, in lieu of completing the course, complete an additional 50 hours of experience in driving a motorcycle in accordance with paragraph (b) of subsection 3.

Sec. 3. NRS 483.280 is hereby amended to read as follows:

483.280 1. Any person who is at least 15 1/2 years of age may apply to the Department for an instruction permit. ~~[The]~~ ***Except as otherwise provided in subsection 4 and 5, the*** Department may, in its discretion, after the applicant has successfully passed all parts of the examination administered pursuant to NRS 483.330, other than the driving test, issue to the applicant an instruction permit entitling the applicant, while having the permit in his or her immediate possession, to drive a motor vehicle ***, other than a motorcycle,*** upon the highways for a period of 1 year when accompanied by a licensed driver who is at least 21 years of age, who has had at least 1 year of licensed driving experience in the type of vehicle for which the permit was issued and who is actually occupying a seat beside the driver ***.*** ~~[, except when the permittee is occupying a motorcycle.]~~ The term "licensed driving experience" as used in this subsection does not include driving experience gained under an instruction permit issued pursuant to the provisions of this section.

2. The Department may, in its discretion, issue a temporary driver's permit to an applicant for a driver's license permitting the applicant to drive a

motor vehicle while the Department is completing its investigation and determination of all facts relative to the applicant's right to receive a driver's license. The permit must be in the applicant's immediate possession while driving a motor vehicle, and is invalid when the applicant's license has been issued or for good cause has been refused.

3. The Department, upon receiving proper application, may, in its discretion, issue a restricted instruction permit ***for the operation of a motor vehicle, other than a motorcycle,*** effective for a school year, or for a more restricted period, to an applicant who is enrolled in a drivers' education program which includes practice driving and which is approved by the Department even though the applicant has not reached the legal age to be eligible for a driver's license. The instruction permit entitles the permittee, when the permittee has the permit in his or her immediate possession, to drive a motor vehicle only on a designated highway or within a designated area, but only when an approved instructor is occupying a seat beside the permittee.

4. Any person who is at least 15 1/2 years of age and less than 18 years of age may apply to the Department for an instruction permit authorizing the holder to operate a motorcycle. Except as otherwise provided in subsection 8, the Department may, in its discretion, after the applicant has successfully passed all parts of the examination administered pursuant to NRS 483.330, other than the driving test, issue to the applicant an instruction permit entitling the applicant, while having the permit in his or her immediate possession, to drive a motorcycle upon the highways for a period of 1 year. Except as otherwise provided in subsection 8, a permit issued pursuant to this subsection may be renewed, but expires when the holder of the permit attains the age of 18 years.

5. A person who is 18 years of age or more may, not more than once every 5 years, apply to the Department for an instruction permit authorizing the holder to operate a motorcycle. Except as otherwise provided in subsection 8, the Department may, in its discretion, after the applicant has successfully passed all parts of the examination administered pursuant to NRS 483.330, other than the driving test, issue to the applicant an instruction permit entitling the applicant, while having the permit in his or her immediate possession, to drive a motorcycle upon the highways for a period of 6 months.

6. A holder of an instruction permit issued pursuant to subsection 4 or 5, is entitled, while having the permit in his or her immediate possession, to drive a motorcycle only during the hours between sunrise and sunset, and may not:

(a) Carry any passengers; or

(b) Operate the motorcycle on a controlled-access highway.

7. Except as otherwise provided in subsection 8, an instruction permit issued pursuant to subsection 5 may be renewed not more than once. The holder of such a permit who allows the permit to expire before applying to

the Department for renewal of the permit, if he or she does not hold a driver's license from this State, must successfully pass all parts of the examination administered pursuant to NRS 483.330, other than the driving test, to renew the instruction permit.

8. A person who has failed the motorcycle driving test required by the Department pursuant to NRS 483.330 two or more times may not be issued an instruction permit pursuant to subsection 4 or 5.

Sec. 4. NRS 486.061 is hereby amended to read as follows:

486.061 Except for a nonresident who is at least 16 years of age and is authorized by the person's state of residency to drive a motorcycle, a person shall not drive:

1. A motorcycle, except a trimobile, upon a highway unless that person holds a valid motorcycle driver's license issued pursuant to NRS 486.011 to 486.381, inclusive, ~~[or]~~ a driver's license issued pursuant to chapter 483 of NRS endorsed to authorize the holder to drive a motorcycle ~~[.]~~ ***or a permit issued pursuant to subsection 4 or 5 of NRS 483.280.***

2. A trimobile upon a highway unless that person holds a valid motorcycle driver's license issued pursuant to NRS 486.011 to 486.381, inclusive, or a driver's license issued pursuant to chapter 483 of NRS.

Sec. 5. NRS 486.071 is hereby amended to read as follows:

486.071 ***1.*** Except as otherwise provided in ***subsection 3 and*** NRS 486.161, the Department shall not issue a motorcycle driver's license unless the applicant:

~~[1.]~~ ***(a)*** Is at least ~~[16]~~ ***18*** years of age; and

~~[2.]~~ ***(b)*** Has successfully completed:

~~[(a) Such~~

(1) Except as otherwise provided in subsection 2, such written ~~[examination]~~ ***examinations*** and driving ~~[test]~~ ***tests*** as may be required by the Department; or

~~[(b)]~~ ***(2)*** A course of motorcycle safety approved by the Department.

2. A holder of an instruction permit issued pursuant to subsection 4 or 5 of NRS 483.280 who applies to the Department for a motorcycle driver's license pursuant to subsection 1 is not required to successfully complete the written examinations required pursuant to subparagraph (1) of paragraph (b) of subsection 1 if the holder of the permit:

(a) Is at least 18 years of age;

(b) Has held the instruction permit for not less than 6 months; and

(c) The instruction permit expired not more than 30 days before the date of application for a motorcycle driver's license.

3. The Department shall not issue a motorcycle driver's license to an applicant who is at least 16 years of age but is less than 18 years of age unless the applicant:

(a) Meets the requirements of subsection 3 of NRS 483.2521; and

(b) Has successfully completed such written examinations and driving tests as may be required by the Department.

4. Except as otherwise provided in subsection 3 of NRS 483.2521, any person who has been issued a driver's license pursuant to chapter 483 of NRS without having the authority to drive a motorcycle endorsed thereon must, before driving a motorcycle, successfully pass:

(a) A driving test conducted by the Department; or

(b) A course of motorcycle safety approved by the Department,

➥ and have the authority endorsed upon the license.

Sec. 6. NRS 486.111 is hereby amended to read as follows:

486.111 Any person who has signed the application of a minor for ~~[an instruction permit or]~~ ***a motorcycle driver's*** license may thereafter file with the Department a verified written request that the ~~[permit or]~~ license of the minor so granted be cancelled. Thereupon, the Department shall cancel the ~~[permit or]~~ license of the minor, and the person who signed the application of the minor is relieved from the liability imposed pursuant to NRS 486.011 to 486.381, inclusive, by reason of having signed such application on account of any subsequent negligence or willful misconduct of such minor in driving a motorcycle.

Sec. 7. NRS 486.121 is hereby amended to read as follows:

486.121 The Department, upon receipt of satisfactory evidence of the death of the persons who signed the application of a minor for a ***motorcycle driver's*** license, shall cancel the license and shall not issue a new license until a new application, signed and verified, is made as required by NRS 486.011 to 486.381, inclusive. This provision does not apply if the minor has attained the age of 18 years.

Sec. 8. NRS 486.131 is hereby amended to read as follows:

486.131 1. The Department may require every applicant for a motorcycle driver's license to submit to an examination conducted by the Department or successfully complete a course of motorcycle safety approved by the Department.

2. An examination may be held in the county where the applicant resides within 30 days after the date application is made and may include:

(a) ~~[A]~~ ***Except as otherwise provided in NRS 486.071, a*** test of the applicant's ability to understand official devices used to control traffic;

(b) ~~[A]~~ ***Except as otherwise provided in NRS 486.071, a*** test of the applicant's knowledge of practices for safe driving and the traffic laws of this State;

(c) Except as otherwise provided in a regulation adopted pursuant to subsection 2 of NRS 483.330, a test of the applicant's eyesight; and

(d) An actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the operation of a motorcycle.

➥ The examination may also include such further physical and mental examination as the Department finds necessary to determine the applicant's fitness to drive a motorcycle safely upon the highways.

Sec. 9. NRS 486.141 is hereby amended to read as follows:

486.141 Every application for an instruction permit ***under the provisions of subsection 4 or 5 of NRS 483.280*** or ***a motorcycle*** driver's license under the provisions of NRS 486.011 to 486.381, inclusive, must be made upon a form furnished by the Department. There must be no charge for the making and filing of the application.

Sec. 10. NRS 486.161 is hereby amended to read as follows:

486.161 1. ~~[Except as otherwise provided in subsection 5, every]~~ ***Every*** motorcycle driver's license expires as prescribed by regulation.

2. The Department shall adopt regulations prescribing when a motorcycle driver's license expires.

3. Every license is renewable at any time before its expiration upon application, submission of the statement required pursuant to NRS 486.084 and payment of the required fee. Every motorcycle endorsement to a driver's license issued on or after January 1, 1972, expires simultaneously with the expiration of the driver's license.

4. Except as otherwise provided in subsection 1 of NRS 483.384, each applicant for renewal must appear before an examiner for a driver's license and successfully pass a test of the applicant's eyesight.

~~[5. Any person who has been issued a driver's license without having the authority to drive a motorcycle endorsed thereon must, before driving a motorcycle, successfully pass:~~

~~(a) A driving test conducted by the Department; or~~

~~(b) A course of motorcycle safety approved by the Department,~~

~~➥ and have the authority endorsed upon the license.]~~

Sec. 11. The amendatory provisions of this act do not apply to an instruction permit authorizing the operation of a motorcycle, a driver's license with an endorsement authorizing the holder of the driver's license to drive a motorcycle or a motorcycle driver's license issued by the Department of Motor Vehicles before January 1, 2018.

Sec. 12. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2018, for all other purposes.

Assemblyman Carrillo moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 297.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 166.

AN ACT relating to local government; requiring **, with certain exceptions,** each governing body of a county, city or town to designate **at least** one ~~[or more fire stations or]~~ **sheriff's office or** police ~~[stations]~~ **station, as applicable,** as a site for the completion of the sale of personal property initiated on the Internet; **providing immunity from liability to counties, cities, towns, sheriffs, police departments and officers and employees thereof for certain incidents that occur at such sites;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill ~~[requires each governing body of a county, city or town to designate one or more fire stations or police stations as a site]~~ **requires the designation of certain sheriff's offices and police stations, or part thereof, as sites** at which two or more persons may meet to complete the sale of personal property that was initiated on the Internet.

Section 1 of this bill requires each board of county commissioners to designate at least one sheriff's office, or part thereof, as such a site.

Section 2 of this bill requires the governing body of an incorporated city to designate at least one police station, or part thereof, as such a site. If: (1) an incorporated city is within the jurisdiction of a metropolitan police department; or (2) police protection for the city is provided by the sheriff of the county, section 2 requires instead the board of county commissioners to designate at least one sheriff's office, or part thereof, located in or in close proximity to the city as such a site.

Section 3 of this bill requires each town board or the board of county commissioners of the county where the town is located to designate at least one police station, or part thereof, as such a site. If: (1) the town is within the jurisdiction of a metropolitan police department; or (2) police protection for the town is provided by the sheriff of the county, section 3 requires instead the board of county commissioners to designate at least one sheriff's office, or part thereof, located in or in close proximity to the town as such a site.

Sections 1-3 also provide that no action may be brought against a county, incorporated city, town, sheriff, police department or officer or employee thereof based on an incident that occurs when two or more persons meet at such a location.

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each board of county commissioners shall designate at least one ~~[or more fire stations or police stations,]~~ sheriff's office, or part thereof, as a site at which two or more persons may meet to complete the sale of an item of personal property that was initiated on the Internet.

2. No action may be brought against the county, sheriff or an officer or employee thereof based on an incident that occurs when two or more persons meet at a location designated pursuant to subsection 1.

Sec. 2. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

~~[Each]~~

1. Except as otherwise provided in subsection 2, the governing body of an incorporated city shall designate at least one ~~[or more fire stations or]~~ police ~~[stations,]~~ station, or part thereof, as a site at which two or more persons may meet to complete the sale of an item of personal property that was initiated on the Internet.

2. If the incorporated city is within the jurisdiction of a metropolitan police department formed pursuant to chapter 280 of NRS or if police protection for the incorporated city is provided by the sheriff of the county, the board of county commissioners shall designate at least one sheriff's office, or part thereof, located in or in close proximity to the incorporated city as a site at which two or more persons may meet to complete the sale of an item of personal property that was initiated on the Internet.

3. No action may be brought against the county, sheriff, incorporated city, police department or an officer or employee thereof based on an incident that occurs when two or more persons meet at a location designated pursuant to subsection 1 or 2.

Sec. 3. Chapter 269 of NRS is hereby amended by adding thereto a new section to read as follows:

~~[Each]~~

1. Except as otherwise provided in subsection 2, each town board or the board of county commissioners shall designate at least one ~~[or more fire stations or]~~ police ~~[stations,]~~ station, or part thereof, as a site at which two or more persons may meet to complete the sale of an item of personal property that was initiated on the Internet.

2. If the town is within the jurisdiction of a metropolitan police department formed pursuant to chapter 280 of NRS or if police protection for the town is provided by the sheriff of the county, the board of county commissioners shall designate at least one sheriff's office, or part thereof, located in or in close proximity to the town as a site at which two or more persons may meet to complete the sale of an item of personal property that was initiated on the Internet.

3. No action may be brought against the county, sheriff, town, police department or an officer or employee thereof based on an incident that occurs when two or more persons meet at a location designated pursuant to subsection 1 or 2.

Sec. 4. This act becomes effective on July 1, 2017.

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 305.

Bill read second time.

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

Amendment No. 193.

SUMMARY—Requires each public school **and private school** to post a toll-free telephone number for a child abuse or neglect hotline. (BDR 34-362)

AN ACT relating to education; requiring each public school **and private school** to display a poster featuring the toll-free telephone number for a child abuse or neglect hotline; **authorizing each public school and private school to promote the toll-free telephone number for a child abuse or neglect hotline through social media and other electronic means;** requiring the Division of Child and Family Services of the Department of Health and Human Services to design and distribute the poster to the boards of trustees of school districts **,** ~~[and]~~ the governing bodies of charter schools **and the governing bodies of private schools** for posting at the ~~[public]~~ schools; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Division of Child and Family Services of the Department of Health and Human Services to establish and maintain a center with a toll-free telephone number to receive reports of abuse or neglect of a child in this State, commonly referred to as a child abuse or neglect hotline. (NRS 432B.200) **Section 2** of this bill requires the Division to design and distribute to school districts **,** ~~[and]~~ charter schools **and private schools** a poster which prominently displays the toll-free telephone number for the child abuse or neglect hotline and prescribes the requirements for the content of the poster. **Section 1** of this bill requires the board of trustees of each school district and the governing body of each charter school to ensure that every public school conspicuously displays **,** ~~[,]~~ **the poster** in an area that is frequently and easily accessed by pupils **.** ~~[, the poster that prominently features the State and, if available, a local telephone number for a child abuse or neglect hotline.]~~ **Section 1.5 of this bill imposes the same requirement on private schools. Sections 1 and 1.5 authorize the board of trustees of each school district, the governing body of each charter school and the governing body of each private school to promote the toll-free telephone number for a child abuse or neglect hotline through electronic means, including social media.**

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

Section 1. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of each school district and the governing body of each charter school shall ensure that at least one poster created pursuant to NRS 432B.200 which prominently displays the toll-free telephone number for the center that receives reports of abuse or neglect of a child in this State is posted:

~~[1.]~~ (a) Conspicuously in each public school of the school district or the charter school, as applicable;

~~[2.]~~ (b) In an area that is frequently and easily accessed by pupils; and

~~[3.]~~ (c) At eye level, as practicable, according to the average height of the pupils enrolled in the public school.

2. The board of trustees of each school district and the governing body of each charter school, in addition to the requirements in subsection 1, may promote the toll-free telephone number for the center that receives reports of abuse or neglect of a child in this State through electronic means, including, without limitation, social media. As used in this subsection, "social media" has the meaning ascribed to it in NRS 232.003.

Sec. 1.5. **Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The governing body of each private school shall ensure that at least one poster created pursuant to NRS 432B.200 which prominently displays the toll-free telephone number for the center that receives reports of abuse or neglect of a child in this State is posted:

(a) Conspicuously in the private school;

(b) In an area that is frequently and easily accessed by pupils; and

(c) At eye level, as practicable, according to the average height of the pupils enrolled in the private school.

2. The governing body of each private school, in addition to the requirements in subsection 1, may promote the toll-free telephone number for the center that receives reports of abuse or neglect of a child in this State through electronic means, including, without limitation, social media. As used in this subsection, "social media" has the meaning ascribed to it in NRS 232.003.

Sec. 2. NRS 432B.200 is hereby amended to read as follows:

432B.200 ***1.*** The Division of Child and Family Services shall establish and maintain a center with a toll-free telephone number to receive reports of abuse or neglect of a child in this State 24 hours a day, 7 days a week. Any reports made to this center must be promptly transmitted to the agency which provides child welfare services in the community where the child is located.

2. The Division of Child and Family Services shall design a poster to be displayed in public and private schools as required by ~~[section]~~ sections 1 and 1.5 of this act, which:

(a) Prominently displays in bold type the toll-free telephone number established and maintained pursuant to subsection 1 and, if available, a county or other local child abuse or neglect hotline maintained for the county in which the ~~[public]~~ school is located;

(b) Consists of simple, clear and easy to follow directions written in English, Spanish and in any other language the Division of Child and Family Services determines is appropriate based on the demographic characteristics of this State;

(c) Is at least 11 by 17 inches in size;

(d) Includes text in a type and font that is easy to read;

(e) Contains instructions for accessing the Internet website of the Division of Child and Family Services to obtain more information on reporting abuse or neglect of a child; and

(f) Contains instructions for calling 911 in an emergency.

3. The Division of Child and Family Services shall distribute the poster designed pursuant to subsection 2 to the boards of trustees of school districts , ~~[and]~~ the governing bodies of charter schools and the governing bodies of private schools in a printed format or an electronic format that may be printed.

Sec. 3. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2017, for all other purposes.

Assemblyman Sprinkle moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 337.

Bill read second time and ordered to third reading.

Assembly Bill No. 364.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 181.

SUMMARY—Directs the Department of Transportation, in cooperation with Clark County, the City of Las Vegas **, ~~[and]~~** the City of Henderson **~~[,]~~ and the Regional Transportation Commission of Southern Nevada** to conduct an interim study concerning roadway traffic and safety. (BDR S-1115)

AN ACT relating to public highways; directing the Department of Transportation, in cooperation with Clark County, the City of Las Vegas **,** ~~[and]~~ the City of Henderson **~~[,]~~ and the Regional Transportation Commission of Southern Nevada,** to conduct an interim study concerning roadway traffic and safety in the urban eastern part of Clark County; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill directs the Department of Transportation, in cooperation with Clark County, the City of Las Vegas **,** ~~[and]~~ the City of Henderson **~~[,]~~ and the Regional Transportation Commission of Southern Nevada,** to conduct an interim study concerning traffic and safety on the roads, highways and freeways in the urban eastern part of Clark County. In relevant part, the Department must provide a plan for: (1) reducing traffic and increasing safety on the roads, highways and freeways in the urban eastern part of Clark County; and (2) creating more access to freeways for residents in urban eastern part of Clark County.

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

Section 1. 1. The Department of Transportation, in cooperation with Clark County, the City of Las Vegas **,** ~~[and]~~ the City of Henderson **~~[,]~~ and the Regional Transportation Commission of Southern Nevada,** shall conduct an interim study concerning traffic and safety on the roads, highways and freeways in the urban eastern part of Clark County.

2. The findings and recommendations of the study must:

(a) Include a comprehensive plan for reducing traffic and increasing safety on the roads, highways and freeways in the urban eastern part of Clark County;

(b) Include a comprehensive plan to create more access to freeways for residents in the urban eastern part of Clark County, specifically for the residents of eastern Las Vegas and of the eastern unincorporated parts of Clark County;

(c) Identify potential sources for the funding of the plans described in paragraphs (a) and (b); and

(d) Include an examination of any other matter that the Department of Transportation determines to be relevant to the study.

3. The Department of Transportation shall submit a report of the results of the study and any recommendations for legislation to the **Governor and to the** Director of the Legislative Counsel Bureau for transmission to the 80th Session of the Nevada Legislature.

Sec. 2. This act becomes effective on July 1, 2017.

Assemblyman Carrillo moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 385.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 180.

SUMMARY— ~~[Requires the issuance, without charge, of an annual pass for state parks and recreational areas to certain persons under certain circumstances.]~~ **Provides for the issuance of free annual permits to fifth graders to enter state parks and recreational areas.** (BDR 35-656)

AN ACT relating to state lands; requiring the **Administrator of the** Division of State Parks of the State Department of Conservation and Natural Resources to ~~[issue,]~~ **establish a program for the issuance,** without charge, **of** an annual ~~[pass]~~ **permit** for state parks and recreational areas to ~~[each pupil]~~ **pupils** enrolled in the fifth grade in this State ~~[and to each member of his or her immediate family]~~ under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~[requires]~~ **sets forth the general authority of** the **Administrator of the** Division of State Parks of the State Department of Conservation and Natural Resources to **establish and maintain state parks and recreational areas in this State, including, without limitation, the authority to** issue an annual permit ~~[for entering, camping and boating in all]~~ **to a person to enter, camp and boat in those** state parks and recreational areas **.** ~~[to a person who is 65 years of age or older or has incurred a permanent service-connected disability under certain circumstances.]~~ (NRS 407.065) This bill ~~[similarly]~~ requires the ~~[Division]~~ **Administrator** to ~~[issue]~~ **establish a program for the issuance of** an annual permit ~~[for entering, camping and boating in]~~ **, free of charge, to enter all** state parks and recreational areas **in this State** to any pupil who is enrolled in the fifth grade at a school in this State **.** ~~[and to each member of his or her immediate family. Each permit must be issued without charge, including any administrative fee to cover the cost of issuing the permit. This bill further requires that the permit is valid only during the period in which the pupil is enrolled in the fifth grade at a school in this State.]~~ **The program must include, without limitation, provisions which specify the circumstances under which a pupil and any person accompanying a pupil may use the annual permit to enter a state park or recreational area. This bill also provides that an annual permit issued pursuant to the program authorizes the holder of the permit to enter a state park or recreational area free of charge, but does not authorize camping, boating or attending special events at a state park or recreational area without paying a fee.**

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

Section 1. NRS 407.065 is hereby amended to read as follows:

407.065 1. The Administrator, subject to the approval of the Director:

(a) Except as otherwise provided in this paragraph and NRS 407.066, may establish, name, plan, operate, control, protect, develop and maintain state parks, monuments and recreational areas for the use of the general public. The name of an existing state park, monument or recreational area may not be changed unless the Legislature approves the change by statute.

(b) Shall protect state parks and property controlled or administered by the Division from misuse or damage and preserve the peace within those areas. The Administrator may appoint or designate certain employees of the Division to have the general authority of peace officers.

(c) May allow multiple use of state parks and real property controlled or administered by the Division for any lawful purpose, including, but not limited to, grazing, mining, development of natural resources, hunting and fishing, in accordance with such regulations as may be adopted in furtherance of the purposes of the Division.

(d) Except as otherwise provided in this ~~[paragraph,]~~ ***section,*** shall impose and collect reasonable fees for entering, camping and boating in state parks and recreational areas. The Division shall issue an annual permit for entering, camping and boating in all state parks and recreational areas in this State:

(1) Upon application therefor and proof of residency and age, to any person who is 65 years of age or older and has resided in this State for at least 5 years immediately preceding the date on which the application is submitted.

(2) Upon application therefor and proof of residency and proof of status as described in subsection 5 of NRS 361.091, to a bona fide resident of the State of Nevada who has incurred a permanent service-connected disability of 10 percent or more and has been honorably discharged from the Armed Forces of the United States.

~~***[(3) Upon application therefor and proof of residency, enrollment and family relationship, to any pupil who is enrolled in the fifth grade at a school in this State and to each member of his or her immediate family.]***~~

➥ The ~~***[Each]***~~ permit must be issued without charge, except that the Division shall charge and collect an administrative fee for the issuance of the ~~***[each]***~~ permit ~~***[pursuant to subparagraph (1) or (2)]***~~ in an amount sufficient to cover the costs of issuing the permit. ~~***[Each permit issued pursuant to subparagraph (3) is valid only during the period in which the pupil to whom the Division issues the permit is enrolled in the fifth grade at a school in this State.]***~~

(e) May conduct and operate such special services as may be necessary for the comfort and convenience of the general public, and impose and collect reasonable fees for such special services.

(f) May rent or lease concessions located within the boundaries of state parks or of real property controlled or administered by the Division to public or private corporations, to groups of natural persons, or to natural persons for a valuable consideration upon such terms and conditions as the Division deems fit and proper, but no concessionaire may dominate any state park operation.

(g) May establish such capital projects construction funds as are necessary to account for the parks improvements program approved by the Legislature. The money in these funds must be used for the construction and improvement of those parks which are under the supervision of the Administrator.

(h) In addition to any concession specified in paragraph (f), may establish concessions within the boundaries of any state park to provide for the sale of food, drinks, ice, publications, sundries, gifts and souvenirs, and other such related items as the Administrator determines are appropriately made available to visitors. Any money received by the Administrator for a concession established pursuant to this paragraph must be deposited in the Account for State Park Interpretative and Educational Programs and Operation of Concessions created by NRS 407.0755.

2. The Administrator:

(a) Shall issue an annual permit to a person who pays a reasonable fee as prescribed by regulation which authorizes the holder of the permit to enter each state park and each recreational area in this State and, except as otherwise provided in subsection ~~[3,]~~ ***4,*** use the facilities of the state park or recreational area without paying the entrance fee; and

(b) May issue an annual permit to a person who pays a reasonable fee as prescribed by regulation which authorizes the holder of the permit to enter a specific state park or specific recreational area in this State and, except as otherwise provided in subsection ~~[3,]~~ ***4,*** use the facilities of the state park or recreational area without paying the entrance fee.

3. ***The Administrator shall establish a program for the issuance of an annual permit, free of charge, to enter each state park and recreational area in this State to any pupil who is enrolled in the fifth grade at a school in this State. The program must:***

(a) Specify the period for which the Administrator may issue an annual permit to a pupil pursuant to this subsection, including, without limitation, the date upon which the Administrator may issue an annual permit to a pupil who has completed fourth grade and who intends to enter the fifth grade after completing the fourth grade;

(b) Specify the circumstances under which a pupil and any person accompanying a pupil may use the annual permit to enter a state park or recreational area; and

(c) Include any other requirement which the Administrator determines is necessary to establish and carry out the program pursuant to this subsection.

4. An annual permit issued pursuant to subsection 2 ***or 3*** does not authorize the holder of the permit to engage in camping or boating, or to attend special events. The holder of such a permit who wishes to engage in camping or boating, or to attend special events, must pay any fee established for the respective activity.

~~[4.]~~ ***5.*** Except as otherwise provided in subsection 1 of NRS 407.0762 and subsection 1 of NRS 407.0765, the fees collected pursuant to paragraphs (d), (e) and (f) of subsection 1 or subsection 2 must be deposited in the State General Fund.

Sec. 2. This act becomes effective upon passage and approval for the purpose of performing any administrative tasks that are necessary to carry out the provisions of this act and on July 1, 2017, for all other purposes.

Assemblywoman Swank moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 387.

Bill read second time and ordered to third reading.

Assembly Bill No. 435.

Bill read second time and ordered to third reading.

Assembly Bill No. 452.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 469 and 482; Assembly Joint Resolution No. 10 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 14, 20, 22, 28, 33, 38, 46, 50, 57, 60, 65, 74, 76, 118, 138, 147, 160, and 229 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Mr. Speaker appointed Assemblymen Sprinkle and McArthur as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative Jacky Rosen.

The President pro Tempore of the Senate and members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President pro Tempore of the Senate to the Speaker's rostrum.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:07 p.m.
President pro Tempore of the Senate presiding.

The Secretary of the Senate called the Senate roll.
All present.

The Chief Clerk of the Assembly called the Assembly roll.
All present except Assemblywoman Titus, who was excused.

The President pro Tempore of the Senate appointed a Committee on Escort consisting of Senator Ratti and Assemblywoman Spiegel to wait upon United States Representative Jacky Rosen and escort her to the Assembly Chamber.

The Committee on Escort, in company with The Honorable Jacky Rosen, United States Representative from Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Representative to the rostrum.

The Speaker of the Assembly welcomed Representative Rosen and invited her to deliver her message.

Representative Rosen delivered her message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-NINTH SESSION, 2017

Thank you very much. I want to say that, like all of you, Nevada is my home. It is the place that I know and love and I am so proud to represent. So I am honored to be here tonight to speak to all of you, and I want to thank you for the opportunity to address you. You know, Nevada is very unique. I think we might be the only state in the country that brings federal elected officials to speak to the State Assembly and Senate. It is really important because there is nothing more important than the federal and state partnership in doing what we need to do to build up our state, our communities, and our country. I am very glad to be here.

I want to thank Governor Sandoval, Lieutenant Governor Hutchison, President pro Tem Denis, Speaker Frierson, Majority Leaders Ford and Benitez-Thompson, Minority Leaders Roberson and Anderson, and members of the Nevada State Assembly and Senate for inviting me to speak.

As you all know, I am new to Washington. Before my time in Congress, I worked as a systems analyst and computer programmer. You probably saw the apps. I wrote apps before they were apps, and I programmed in languages like COBOL, FORTRAN, and assembler. We have come a long way in the world today, and we are going to take Nevada even further in the worlds of technology, renewable energy, and all those kinds of things.

One of the main reasons I entered public service is for the same reason why you all are here today. You are here to help people by listening to their concerns, listening to their everyday issues, the issues that bring all of our families together around the kitchen table. In all of that, whether you are a Democrat or a Republican or independent, we are all part of a family, we are all part of our communities, and nothing is more important than those kitchen table conversations.

I also ran because Washington had lost focus on helping the American people and solving problems. We are in desperate need of smart solutions. Since arriving in Washington, I have

seen firsthand the eroding influence of excessive partisanship, gridlock, and political games. I firmly believe that anyone who holds elected office must strive to represent all of their constituents, listen to all of their concerns, and put all the needs of the people, businesses, and organizations that make up our communities and our state ahead of partisan interests. For me, the health and well-being of our communities, that is what comes first.

The Nevada Delegation in Congress is doing its part to change the status quo in Washington, I can tell you that. I want to thank Governor Sandoval; he came to visit us early. We held meetings individually and with all of us to talk about our shared priorities and the important ways our delegation could support and strengthen the federal and state partnership to benefit Nevadans in every single corner of our state, top to bottom, east to west. We need to do this on issues like health care, public lands, and our opposition to Yucca Mountain. Many in our delegation are working on finding places for commonsense solutions instead of following the party line. We must—we absolutely must—continue that, and I think we will because of the open lines of communication and a mutual desire to leave partisan politics at the door. At the end of the day, I think we all recognize that there is no substitute for good public policy.

Washington, frankly, could learn a lot from Nevada. In the past few weeks, we have seen a terrible health care reform bill fail and the President's misguided policies, including his tax reform, and all that occurred before anyone on the other side of the aisle picked up the phone and called anybody. That is not the way we do business. I know you all get together and talk here. That is what makes Nevada great. Washington can sure use that lesson.

You, our Assembly and Senate, have been able to accomplish great things this session. You understand what some in Washington do not: that behind every issue and every problem, there are people who are impacted—those families at the kitchen table—and they need our help, they need our solutions.

We need an open and transparent system, one that focuses less on partisan ideology and division and more on finding common ground. That is why I made a firm commitment to working across the aisle. I joined a new caucus that has formed in this 115th Congress called the Problem Solvers Caucus. There are an equal amount of Democrats and Republicans; currently we have about 60. We are a new caucus. If you want to join now, you have to find a partner across the aisle, and our whole mission is to find those commonsense solutions together. We are going to be working on transportation infrastructure, things we can all agree on. We sent a letter to the President to come meet with us and talk to us. We have had many in the Cabinet already come talk to us. We are committed—the 60 of us so far, hoping to grow—to build those commonsense solutions that I know we need for our bridges, our roads, Hoover Dam, Lake Tahoe. We need those solutions.

I am very proud of the work I have done in my first few months. Just last week, I introduced a bipartisan bill to support Israel. It is our strongest ally in the Middle East. We are going to accelerate the funding for its antimissile defense systems. Following a recent wave of anti-Semitic attacks and hate crimes of all kind, across the board, leaving nobody behind, unfortunately, I joined a bipartisan taskforce to combat all hate and help introduce legislation to protect our faith-based community centers, the places where people seek refuge, in their spiritual home. We need to protect those places from hateful rhetoric that has been going on across our country for far too long.

And to help serve as a backstop for dysfunction in Washington, I have also introduced a bipartisan bill to ensure that our men and women in uniform—active duty military and federal law enforcement—their pay will continue even if Congress fails to do its job and reach a budget. We will never let our military families down. I am not going to let our first responders down. If people cannot come across the aisle, that is not the right thing to do. They are going to continue to get paid. I am very proud of that.

While I have been working hard to find bipartisan solutions, I have also made it my priority to fight for Nevada's fair share, just like all of you are doing. We need our fair share of federal funding. The Administration's budgetary guidance has included too many cuts that are lifelines to programs here in Nevada. They serve the health and well-being of all of our citizens in each and every one of the communities that you represent. From Meals on Wheels to grants that help law enforcement treat survivors of sex trafficking and domestic violence, those programs are at risk of going away. We cannot let that happen. They must be protected.

Last week, I sent a letter to lead appropriators requesting full support for the Southern Nevada Public Lands Management Act. The Administration wants to slash all the funding that supports Lake Mead, supports combatting our wildfires, supports our trails, the beauty of southern Nevada. I will tell you, I know they want to do things that hurt northern Nevada, so from Lake Tahoe down to Lake Mead, we need to protect those federal funds that protect the natural beauty and richness of our state across those mountain ranges from north to south. I am going to do that when I am in Washington to protect what we love so dear. This law is one of the most bipartisan pieces of legislation implemented in Nevada. For 20 years, the Southern Nevada Public Lands Management Act has benefited our state, like I said, by helping us manage federal lands. It has actually raised over $3 billion from land sales and 1,200 projects have been done across the state. So it has an economic impact to us as well as the beauty and spirituality that we all enjoy in our public lands.

Through land transfers, we have those revenues we need to combat wildfires and we enjoy our state. They have also helped us continue to grow by spurring economic development. But now that this critical program is in peril, it would require Nevada to find yet another way to pay for these services. I want you to know I am going to fight in every single way I can to get this funding restored. I will expect no less from the federal government. I will do everything in my power to retain it.

Other incredibly important funding our local law enforcement receives is from the Department of Homeland Security. Programs such as the Urban Areas Security Initiative provide our local law enforcement divisions with the resources they need to help prevent and respond to acts of terrorism. I will do everything, again, in my power to ensure our citizens are safe and secure and particularly that we have the resources we need to protect our airports and our gaming industry. The Las Vegas Strip and here in Reno are prime targets, and we need to be treated as such. I am working with my friends on the Homeland Security Committee to be sure that those funding formulas are right for Nevada.

These are just some of the programs the Administration has proposed cutting that I am fighting to keep. I am concerned, as many others are, about the size of our federal deficit and our national debt, but we must strike a balance. The balance has to properly prioritize our spending while providing the right oversight to ensure our citizens get good value for their taxpayer money.

There are some areas where the President's budget guidance calls for new or additional funding. One of those areas is funding for the licensing of Yucca Mountain, I am very sad to say. I have made it my priority to work across the aisle in good faith and to foster bipartisanship wherever I can, but sometimes there is no room for compromise. On this, I am going to steal a quote from Governor Sandoval: We fight. Our delegation is proud to take a stand against our state becoming the nation's dumping ground for nuclear waste. That is why I signed on to be an original sponsor of Representative Titus's Nuclear Waste Informed Consent Act. We will fight. We are going to prohibit dumping of nuclear waste in any state without their consent. We are going to write again to our lead appropriators urging them to completely defund the licensing process at Yucca Mountain. Hopefully we will move forward and decommission it altogether with a new act of Congress.

Although we are faced with these challenges in Washington, I am hopeful we are going to be able to come together and build off the success made by this Legislature, by all of you and your hard work.

Since the start of your session, I have been so impressed by the accomplishments that have been made that will move Nevada forward. You have been proposing plans to diversify our economy, help our small businesses grow, and make our state a national leader in technology, advanced manufacturing, and clean energy jobs, all while investing in our schools, protecting Nevada's heritage, and promoting our values for a more open and democratic process. I applaud the long hours; I know what it takes. I applaud you all for doing the hard work that you are doing. It is so greatly appreciated.

Just as we are wrapping up and reflecting on Women's History Month, Nevada also reached an incredible milestone in advancing women's rights, taking us one step closer to full gender equality by ratifying the Equal Rights Amendment. Finally, right? Finally. It took a long time. I am proud that I signed onto a letter to extend the deadline for ratification. I remember being a

young woman hoping this would go forward, and I am proud to stand here, a member of Congress today, watching that come to fruition.

And this week, the Legislature made strides to continue working to bring Nevada's economy into the twenty-first century. You offered initiatives that are going to help our state become a leader in renewable energy and energy efficiency. The legislation you passed requiring 50 percent of the energy provided by Nevada to be renewable by 2030, and 80 percent by 2040, and a bill to help deliver better energy efficiency programs to low-income households, saving Nevadans money across the board—that money can be spent in better ways growing our economy. I am very proud of you for doing that.

I am also happy to see Nevadans standing up to hate. I applaud the Lieutenant Governor and the legislators who introduced a bill to fight the Boycott, Divestment, Sanctions [BDS] movement. This legislation represents just one step to maintain our strong ties with Israel. I pledge that I am going to work here in Nevada and when I return to Washington to fight BDS and hate of any kind against any community. Wherever I find it, I am going to fight it because "Never again" for me means never again for any disenfranchised community. I stand by that, I will tell you that my friends.

In that same vein, I need to point out an instance where I am extremely disappointed. In Nevada, I believe very strongly that we as Nevadans respect our LGBTQ citizens and we treat them as equals. Why there was not unanimous support to ban the practice of so-called gay conversion, I am disappointed. I cannot understand it. I challenge you all to look in your hearts and think about that one. I want to thank Senator Parks for proposing that legislation and all of you who are standing up for our LGBTQ friends, our neighbors, our family members, citizens of 3our state, the people that we know and love. I appreciate that.

Although we have made accomplishments, we also remember we have a lot of work to do. That is why I urge you to continue pursuing grants that will help bring money back to our state. I am happy to hear that the Office of Grant Procurement, Coordination, and Management will be bringing on a full-time grant writer to help identify opportunities for our nonprofits, our faith-based organizations, and other initiatives.

I want to tell you that I am generally a really optimistic person. So I am so optimistic as I look at all of you and the challenges. I like to say they are opportunities we have for our future to move our country, our state, and our communities forward. I see a strong and united Nevada when I look at this room and we come together as a joint session. You have accomplished so much good. I know you have a ways to go to the finish line. I know you are going to make it.

I am excited to continue to work with you on smart solutions to solve our everyday challenges. I want Nevada's voice to be heard in Congress. We may be a small state in population, but I know together we are mighty and our voices can be strong when we communicate, we have conversation, and we stand together. I will tell you that my office door is always open. I do not care what party you are from, I do not care if you have come from Mars. I want to hear what you have to say. I want to hear what is keeping you up at night. I want to hear what is important to you. So you call my office here, you call my office in Washington. We will have a cup of coffee and we will sit down. Because together those voices blend to make a strong community.

I thank you again for having me here today. I look forward to getting to know each and every one of you, making that very strong federal and state partnership. Together I know we can do it. Thank you.

Assemblyman Watkins moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Rosen for her timely, able, and constructive message.

Seconded by Senator Woodhouse.

Motion carried.

The Committee on Escort escorted Representative Rosen to the bar of the Assembly.

Senator Spearman moved that the Joint Session be dissolved.
Seconded by Assemblywoman Monroe-Moreno.
Motion carried.

Joint Session dissolved at 5:31 p.m.

ASSEMBLY IN SESSION

At 5:33 p.m.
Mr. Speaker presiding.
Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Tomas Hammond and Joe Anderson.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Jeff Kintop and Sena Loyd.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Jimenez.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Ian Salzman.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to James I. Gibson.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Joan Dalusung.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Gabriella Ho, Izabella Ho, Kailey Sakowski, Katie Namchek, Kayla Sadler, Kim Petersen, Sylvia Dominguez-Curry, and Jack Warwick.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Jaelyn Yurtinus and Daxton Yurtinus.

On request of Assemblyman Fumo, the privilege of the floor of the Assembly Chamber for this day was extended to Dave Thomas.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Jeff Scott, Kyle Ebert, and Joy Holt.

On request of Assemblyman Kramer, the privilege of the floor of the Assembly Chamber for this day was extended to Elisa Seiler, Amy Lauder, and Rachel March.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to Betts Markle.

On request of Assemblywoman Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Karlana Kulseth and Karlana Kulseth.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Riana Durret.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Taryn Kole and Samantha Bivins.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Corinne Dickman.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Rylee Taylor, Calvin Tien, and Kat Galland-Collins.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Brett Silver and Hope Williams.

On request of Assemblywoman Tolles, the privilege of the floor of the Assembly Chamber for this day was extended to John Crockett and Jonnica Bowen.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Amy Dodson and Luise Davis.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Celssie Hardy.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Thursday, April 13, 2017, at 12 noon.

Motion carried.

Assembly adjourned at 5:33 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SIXTY-SEVENTH DAY

CARSON CITY (Thursday), April 13, 2017

Assembly called to order at 12:25 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Patrick Propster.

The impact of a nation's words and actions, a quote by Samuel Adams, American statesman:

> May every citizen in the army and in the country have a proper sense of the Deity upon his mind and an impression of that declaration recorded in the Bible: Him that honoreth Me, I will honor, but he that despiseth Me shall be lightly esteemed.

Lord God in Heaven, we call upon You. May Your strength and wisdom and Your divine guidance lead us in this 79th Legislative Session and every day beyond. May everything that we think, do, and say glorify and honor You. For Yours is the kingdom, power, and glory now and forever.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 195, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRENE BUSTAMANTE ADAMS, *Chair*

Mr. Speaker:

Your Committee on Corrections, Parole, and Probation, to which was referred Assembly Bill No. 251, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES OHRENSCHALL, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 461, 464, 465, 466, 467, 483, 490, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 254, 287, 288, 476, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 488, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 108, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAGGIE CARLTON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Concurrent Resolution No. 8 be taken from the Resolution File and placed on the Chief Clerk's desk.

Motion carried.

NOTICE OF EXEMPTION

April 12, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 329 and 449.

MARK KRMPOTIC
Fiscal Analysis Division

WAIVER OF JOINT STANDING RULES

A Waiver requested by Speaker Frierson.

For: Assembly Bills Nos. 69, 175, 206, 215, 266, 280, 374, 405, 406 and 475:

To Waive:

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

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

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

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

Has been granted effective: April 12, 2017.

SENATOR AARON D. FORD
Senate Majority Leader

ASSEMBLYMAN JASON FRIERSON
Speaker of the Assembly

SECOND READING AND AMENDMENT

Assembly Bill No. 137.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 163.

SUMMARY—Revises provisions relating to ~~[tax credits for film and certain other productions and certain credits against]~~ the insurance premium tax. (BDR 32-68)

AN ACT relating to taxation; ~~[revising provisions governing the total amount of transferable tax credits that may be approved by the Office of Economic Development pursuant to applications submitted to the Office by a producer that produces a film, television or other visual media production in this State;]~~ eliminating provisions that cap and repeal the tax credits that an insurer may take against the general tax on insurance premiums; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law authorizes a production company that produces a film, television or other visual media production in this State to apply to the Office of Economic Development for a certificate of transferable tax credits. (NRS 360.759) Senate Bill No. 94 of the 78th Session of the Legislature (2015) removed a provision that limited the total amount of transferable tax credits that may be approved by the Office to $10,000,000 and, instead, limited the total amount of transferable tax credits that may be approved by the Office for any fiscal year to the amount appropriated or authorized for expenditure for that purpose for the fiscal year. (NRS 360.7594; section 14 of chapter 232, Statutes of Nevada 2015, p. 1106) Sections 1 and 2 of this bill remove that limitation and, instead, provide that the total amount of transferable tax credits for a film, television or other visual media production approved by the Office must not exceed $15,000,000.]~~

Existing law requires each insurer to pay to the Department of Taxation a tax upon net direct premium and net direct considerations written at the rate of 3.5 percent. (NRS 680B.027) Existing law authorizes a domestic or foreign insurer that owns and substantially occupies and uses any building in this State as its home office or as a regional home office to take as credits against the general tax on insurance premiums otherwise imposed: (1) an amount equal to 50 percent of the aggregate amount of the tax; and (2) an amount equal to the full amount of ad valorem taxes paid by the insurer upon the home office or regional home office. (NRS 680B.050, 680B.055) Assembly Bill No. 3 of the 28th Special Session of the Legislature (2014) limited the amount of such tax credits to $5,000,000 until January 1, 2021, and will eliminate them entirely thereafter. **Sections 3, 4 and 6** of this bill reverse the changes made to chapter 680B of NRS during the 2014 Special Session. **Section 3** removes the cap on the total amount of credits that an insurer may take against the general tax on insurance premiums, and **section 6** prevents the elimination of such credits. **Section 3 also prohibits an insurer from claiming the tax reduction for more than 10 separate calendar years, including years in which the tax reduction was claimed before July 1, 2017.**

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

Section 1. ~~[NRS 360.759 is hereby amended to read as follows:~~

~~360.759 1. A production company that produces a qualified production in this State in whole or in part may apply to the Office of Economic Development for a certificate of eligibility for transferable tax credits for any qualified direct production expenditures. The transferable tax credits may be applied to:~~

~~(a) Any tax imposed by chapters 363A and 363B of NRS;~~

~~(b) The gaming license fees imposed by the provisions of NRS 463.370;~~

~~(c) Any tax imposed pursuant to chapter 680B of NRS; or~~

~~(d) Any combination of the fees and taxes described in paragraphs (a), (b) and (c).~~

~~2. The Office shall :~~

~~***(a) Except as otherwise provided in NRS 360.7594,*** approve an application for a certificate of eligibility for transferable tax credits if the Office finds that the production company producing the qualified production qualifies for the transferable tax credits pursuant to subsection 3 **;** and **[**shall calculate**]**~~

~~***(b) Calculate*** the estimated amount of the transferable tax credits pursuant to NRS 360.7592, 360.7593 and 360.7594.~~

~~3. To be eligible for transferable tax credits pursuant to this section, a production company must:~~

~~(a) Submit an application that meets the requirements of subsection 4;~~

~~(b) Provide proof satisfactory to the Office that the qualified production is in the economic interest of the State;~~

~~(c) Provide proof satisfactory to the Office that 70 percent or more of the funding for the qualified production has been obtained;~~

~~(d) Provide proof satisfactory to the Office that at least 60 percent of the direct production expenditures for:~~

~~(1) Preproduction;~~

~~(2) Production; and~~

~~(3) If any direct production expenditures for postproduction will be incurred in this State, postproduction,~~

~~, of the qualified production will be incurred in this State as qualified direct production expenditures;~~

~~(e) Not later than 90 days after the completion of principal photography of the qualified production or, if any direct production expenditures for postproduction will be incurred in this State, not later than 90 days after the completion of postproduction, provide the Office with an audit of the qualified production that includes an itemized report of qualified direct production expenditures which:~~

~~(1) Shows that the qualified production incurred qualified direct production expenditures of $500,000 or more; and~~

~~(2) Is certified by an independent certified public accountant in this State who is approved by the Office;~~

~~(f) Pay the cost of the audit required by paragraph (e); and~~

~~(g) Meet any other requirements prescribed by regulation pursuant to this section.~~

~~4. An application submitted pursuant to subsection 3 must contain:~~

~~(a) A script, storyboard or synopsis of the qualified production;~~

~~(b) The names of the production company, producer, director and proposed cast;~~

~~(c) An estimated timeline to complete the qualified production;~~

~~(d) A summary of the budgeted expenditures for the entire production, including projected expenditures to be incurred outside of Nevada;~~

~~(e) Details regarding the financing of the project, including, without limitation, any information relating to a binding financing commitment, loan application, commitment letter or investment letter;~~

~~(f) An insurance certificate, binder or quote for general liability insurance of $1,000,000 or more;~~

~~(g) The business address of the production company, which must be an address in this State;~~

~~(h) Proof that the qualified production meets any applicable requirements relating to workers' compensation insurance;~~

~~(i) Proof that the production company has secured all licenses and registrations required to do business in each location in this State at which the qualified production will be produced; and~~

~~(j) Any other information required by regulations adopted by the Office pursuant to subsection 8.~~

~~5. If the Office approves an application for a certificate of eligibility for transferable tax credits pursuant to this section, the Office shall immediately forward a copy of the certificate of eligibility which identifies the estimated amount of the tax credits available pursuant to NRS 360.7592 to:~~

~~(a) The applicant;~~

~~(b) The Department; and~~

~~(c) The Nevada Gaming Control Board.~~

~~6. Within 60 business days after receipt of an audit provided by a production company pursuant to paragraph (e) of subsection 3 and any other accountings or other information required by the Office, the Office shall determine whether to certify the audit and make a final determination of whether a certificate of transferable tax credits will be issued. If the Office certifies the audit and determines that all other requirements for the transferable tax credits have been met, the Office shall notify the production company that the transferable tax credits will be issued. Within 30 days after the receipt of the notice, the production company shall make an irrevocable declaration of the amount of transferable tax credits that will be applied to each fee or tax set forth in subsection 1, thereby accounting for all of the credits which will be issued. Upon receipt of the declaration, the Office shall issue to the production company a certificate of transferable tax credits in the amount approved by the Office for the fees or taxes included in the declaration of the production company. The production company shall notify the Office upon transferring any of the transferable tax credits. The Office shall notify the Department and the Nevada Gaming Control Board of all transferable tax credits issued, segregated by each fee or tax set forth in subsection 1, and the amount of any transferable tax credits transferred.~~

~~7. An applicant for transferable tax credits pursuant to this section shall, upon the request of the Executive Director of the Office, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 3.~~

~~8. The Office:~~

~~(a) Shall adopt regulations prescribing:~~

~~(1) Any additional requirements to receive transferable tax credits;~~

~~(2) Any additional qualified expenditures or production costs that may serve as the basis for transferable tax credits pursuant to NRS 360.7591;~~

~~(3) Any additional information that must be included with an application pursuant to subsection 4;~~

~~(4) The application review process;~~

~~(5) Any type of qualified production which, due to obscene or sexually explicit material, is not eligible for transferable tax credits; and~~

~~(6) The requirements for notice pursuant to NRS 360.7595; and~~

~~(b) May adopt any other regulations that are necessary to carry out the provisions of NRS 360.758 to 360.7598, inclusive.~~

~~9. The Nevada Tax Commission and the Nevada Gaming Commission:~~

~~(a) Shall adopt regulations prescribing the manner in which transferable tax credits will be administered.~~

~~(b) May adopt any other regulations that are necessary to carry out the provisions of NRS 360.758 to 360.7598, inclusive.~~**] (Deleted by amendment.)**

Sec. 2. **[**~~NRS 360.7594 is hereby amended to read as follows:~~

~~360.7594 1.~~ **[**~~Except as otherwise provided in this subsection, the~~**]** ***The*** ~~Office of Economic Development shall not approve any application for transferable tax credits submitted pursuant to NRS 360.759 if approval of the application would cause the total amount of transferable tax credits approved pursuant to NRS 360.759~~ **[**~~for the current fiscal year~~**]** ~~to exceed~~ **[**~~the amount appropriated or authorized for expenditure for that purpose for that fiscal year. If the Office does not approve transferable tax credits of the full amount so appropriated or authorized during any fiscal year, the remaining amount of transferable tax credits must be carried forward and made available for approval during the immediately following 2 fiscal years.~~**]** ***$15,000,000.***

~~2. The transferable tax credits issued to any production company for any qualified production pursuant to NRS 360.759:~~

~~(a) Must not exceed a total amount of $6,000,000; and~~

~~(b) Expire 4 years after the date on which the transferable tax credits are issued to the production company.~~

~~3. For the purposes of calculating qualified direct production expenditures:~~

~~(a) The compensation payable to all producers who are Nevada residents must not exceed 10 percent of the portion of the total budget of the qualified production that was expended in or attributable to any expenses incurred in this State.~~

~~(b) The compensation payable to all producers who are not Nevada residents must not exceed 5 percent of the portion of the total budget of the qualified production that was expended in or attributable to any expenses incurred in this State.~~

~~(c) The compensation payable to any employee, independent contractor or any other person paid a wage or salary as compensation for providing labor services on the production of the qualified production must not exceed $750,000.~~ **(Deleted by amendment.)**

Sec. 3. NRS 680B.050 is hereby amended to read as follows:

680B.050 1. Except as otherwise provided in this section, a domestic or foreign insurer, including, without limitation, an insurer that is exempt from federal taxation pursuant to 26 U.S.C. § 501(c)(29), which owns and substantially occupies and uses any building in this state as its home office or as a regional home office is entitled to ~~[~~a credit~~]~~ ***the following credits*** against the tax otherwise imposed by NRS 680B.027 ***:*** ~~[~~in an amount determined pursuant to subsections 2 and 3.

~~2. To determine the amount of the credit to which an insurer is entitled, the insurer must first calculate:]~~

(a) An amount equal to 50 percent of the aggregate amount of the tax as determined under NRS 680B.025 to 680B.039, inclusive; and

(b) An amount equal to the full amount of ad valorem taxes paid by the insurer during the calendar year next preceding the filing of the report required by NRS 680B.030, upon the home office or regional home office together with the land, as reasonably required for the convenient use of the office, upon which the home office or regional home office is situated.

~~[~~3. The total aggregate amount of credits that may be applied by all insurers pursuant to subsection 1 must not exceed $5,000,000 and must be allocated to each insurer on a pro rata basis by determining the percentage of the total amount calculated for all insurers pursuant to subsection 2 that is allocable to each insurer.

~~4.~~]

➥ ***These credits must not reduce the amount of tax payable to less than 20 percent of the tax otherwise payable by the insurer under NRS 680B.027.***

2. As used in this section, a "regional home office" means an office of the insurer performing for an area covering two or more states, with a minimum of 25 employees on its office staff, the supervision, underwriting, issuing and servicing of the insurance business of the insurer.

~~[5.]~~ ***3.*** The insurer shall, on or before March 15 of each year, furnish proof to the satisfaction of the Executive Director of the Department of Taxation, on forms furnished by or acceptable to the Executive Director, as to its entitlement to the tax reduction provided for in this section. A determination of the Executive Director of the Department of Taxation pursuant to this section is not binding upon the Commissioner for the purposes of NRS 682A.430 to 682A.436, inclusive.

~~[6.]~~ ***4.*** An insurer is not entitled to the credits provided in this section unless:

(a) The insurer owned the property upon which the reduction is based for the entire year for which the reduction is claimed; and

(b) The insurer occupied at least 70 percent of the usable space in the building to transact insurance or the insurer is a general or limited partner and occupies 100 percent of its ownership interest in the building.

~~[7.]~~ ***5.*** If two or more insurers under common ownership or management and control jointly own in equal interest, and jointly occupy and use such a home office or regional home office in this state for the conduct and administration of their respective insurance businesses as provided in this section, each of the insurers is entitled to the credits provided for by this section if otherwise qualified therefor under this section.

~~[8.]~~ ***6.*** ***An insurer shall not claim the tax reduction provided for in this section in more than 10 separate calendar years, including years in which the tax reduction was claimed before July 1, 2017.***

7. For the purposes of subsection 1, any insurer that is exempt from federal taxation pursuant to 26 U.S.C. § 501(c)(29) and is restricted or prohibited from purchasing or owning real property pursuant to a contract with the Federal Government, including any entity thereof, shall be deemed to own any portion of any real property that the insurer occupies. The provisions of this subsection expire upon the expiration, cancellation, repayment or any other termination of the contract restricting or prohibiting such purchase or ownership.

Sec. 4. Section 4 of chapter 1, Statutes of Nevada 2014, 28th Special Session, at page 3, is hereby amended to read as follows:

Sec. 4. ~~[1.]~~ This ~~[section and section 2 of this]~~ act ~~[become]~~ ***becomes*** effective on January 1, 2016.

~~[2. Sections 1 and 3 of this act become effective on January 1, 2021.]~~

Sec. 5. ~~[The amendatory provisions of sections 1 and 2 of this act apply to an application for a certificate of eligibility for transferable tax credits submitted to the Office of Economic Development pursuant to NRS 360.759 before, on or after July 1, 2017.]~~ **(Deleted by amendment.)**

Sec. 6. Sections 1 and 3 of chapter 1, Statutes of Nevada 2014, at pages 1, 2 and 3, respectively, are hereby repealed.

Sec. 7. This act becomes effective on July 1, 2017.

TEXT OF REPEALED SECTIONS

Section 1 of chapter 1, Statutes of Nevada 2014:

Section 1. NRS 680B.027 is hereby amended to read as follows:

680B.027 1. Except as otherwise provided in NRS 680B.033, 680B.0353 ~~[, 680B.050]~~ and 690C.110, for the privilege of transacting business in this State, each insurer shall pay to the Department of Taxation a tax upon his or her net direct premiums and net direct considerations written at the rate of 3.5 percent.

2. The tax must be paid in the manner required by NRS 680B.030 and 680B.032.

3. The Commissioner or the Executive Director of the Department of Taxation may require at any time verified supplemental statements with reference to any matter pertinent to the proper assessment of the tax.

Section 3 of chapter 1, Statutes of Nevada 2014:

Sec. 3. NRS 680B.050 and 680B.055 are hereby repealed.

Assemblyman Sprinkle moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 170.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 164.

~~[ASSEMBLYMAN]~~ **ASSEMBLYMEN** HANSEN **AND BENITEZ-THOMPSON.**

SUMMARY—~~[Extends]~~ **Revises** the requirement for the Office of Economic Development to submit quarterly reports relating to certain economic development incentives. (BDR 32-302)

AN ACT relating to economic development; ~~[extending]~~ **revising** the requirement for the Office of Economic Development to submit quarterly reports relating to certain economic development incentives; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Office of Economic Development to approve applications for partial abatements of certain taxes and the issuance of transferable tax credits submitted by the lead participant engaged in a qualified project with other participants for a common purpose or business endeavor and which is located within the geographic boundaries of a single project site in this State. (NRS 360.880-360.980) The authorization to approve such applications will expire on June 30, 2032, for projects with a capital investment of at least $1 billion in this State and on June 30, 2036, for projects with a capital investment of at least $3.5 billion in this State. (Section 41 of chapter 4, Statutes of Nevada 2014, 28th Special Session, p. 28; section 69 of chapter 2, Statutes of Nevada 2015, 29th Special Session, p. 54)

Under existing law, the Office must make and submit to the Governor and the Legislature certain quarterly reports concerning the qualified projects for which the Office has approved partial abatements of taxes and the issuance of transferable tax credits. (NRS 360.895, 360.975) The requirement for submitting such reports will expire on July 1, 2017, for projects with a capital investment of at least $1 billion in this State and expired on July 1, 2016, for projects with a capital investment of at least $3.5 billion in this State. (NRS 360.895, 360.975) ~~[This bill extends the requirement for submitting quarterly reports until the authorization to approve the related tax abatements and transferable tax credits expires on June 30, 2032, and June 30, 2036,~~

~~respectively.~~] **Section 1 of this bill revises the requirement for submitting such reports concerning projects with a capital investment of at least $1 billion in this State by: (1) extending the requirement to submit quarterly reports until June 30, 2020; and (2) requiring the submission of semiannual reports for the period beginning on July 1, 2020, and ending on June 30, 2025. Section 2 of this bill revises the requirement for submitting reports concerning projects with a capital investment of at least $3.5 billion by requiring the submission of semiannual reports for the period beginning on July 1, 2017, and ending on June 30, 2024. Under sections 1 and 2, the Office is not required to submit a quarterly or semiannual report, as applicable, if, within 75 days after the end of the period covered by a report, the Office has received an audit of the participants in the project for the period that would have been covered by the report.**

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

Section 1. NRS 360.895 is hereby amended to read as follows:

360.895 1. The Office of Economic Development shall, on or before October 1 of each year, prepare and submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature an annual report which includes:

(a) For the immediately preceding fiscal year:

(1) The number of applications submitted pursuant to NRS 360.889;

(2) The number of qualified projects for which an application was approved;

(3) The amount of transferable tax credits approved;

(4) The amount of transferable tax credits used;

(5) The amount of transferable tax credits transferred;

(6) The amount of transferable tax credits taken against each allowable fee or tax, including the actual amount used and outstanding, in total and for each qualified project;

(7) The number of partial abatements approved;

(8) The dollar amount of the partial abatements;

(9) The number of employees engaged in construction of each qualified project who are residents of Nevada and the number of employees employed by each participant in a qualified project who are residents of Nevada;

(10) The number of qualified employees employed by each participant in a qualified project and the total amount of wages paid to those persons; and

(11) For each qualified project, an assessment of whether the participants in the qualified project are making satisfactory progress towards meeting the investment requirements necessary to support the determination by the Office that the project is a qualified project.

(b) For each partial abatement from taxation that the Office approved during the fiscal years which are 3 fiscal years, 6 fiscal years, 10 fiscal years and 15 fiscal years immediately preceding the submission of the report:

(1) The dollar amount of the partial abatement;

(2) The value of infrastructure included as an incentive for the qualified project;

(3) The economic sector in which each participant in the qualified project operates, the number of primary jobs related to the qualified project, the average wage paid to employees employed by the participants in the qualified project and the assessed values of personal property and real property of the qualified project; and

(4) Any other information that the Office determines to be useful.

2. ~~[In]~~ ***Except as otherwise provided in subsection 4, in*** addition to the annual reports required to be prepared and submitted pursuant to subsection 1, for the period beginning on December 19, 2015, and ending on ~~[July 1, 2017,]~~ ***June 30, 2020,*** the Office shall, not less frequently than every calendar quarter, prepare and submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report which includes, for the immediately preceding calendar quarter:

(a) The dollar amount of the partial abatements approved for the lead participant in each qualified project;

(b) The number of employees engaged in construction of each qualified project who are residents of Nevada and the number of employees employed by each participant in each qualified project who are residents of Nevada;

(c) The number of qualified employees employed by each participant in each qualified project and the total amount of wages paid to those persons;

(d) For each qualified project an assessment of whether the participants in the qualified project are making satisfactory progress towards meeting the investment requirements necessary to support the determination by the Office that the project is a qualified project; and

(e) Any other information requested by the Legislature.

3. ***Except as otherwise provided in subsection 4, in addition to the annual reports required to be prepared and submitted pursuant to subsection 1, for the period beginning on July 1, 2020, and ending on June 30, 2025, the Office shall, not less frequently than every 6 months, prepare and submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report which includes, for the immediately preceding 6 months, the information required to be included in a report prepared and submitted pursuant to subsection 2.***

4. The Office is not required to prepare and submit the report required by subsection 2 or 3 if, within 75 days after the end of the period covered by the report:

(a) The Office receives an audit of the participants in the project for the period that would have been covered by the report; and

(b) That audit contains the information required to be included in the report pursuant to paragraphs (a) to (d), inclusive, of subsection 2.

5. In addition to the reports required to be prepared and submitted pursuant to subsections 1 and 2, the Office shall, upon request, make available to the Legislature any information concerning a qualified project or any participant in a qualified project. The Office shall make available any information requested pursuant to this subsection within the period specified in the request.

~~[4.]~~ ***6.*** The Office shall provide to the Fiscal Analysis Division of the Legislative Counsel Bureau a copy of any agreement entered into by the Office and the lead participant not later than 30 days after the agreement is executed.

~~[5.]~~ ***7.*** Notwithstanding the provisions of any other specific statute, the information requested by the Legislature pursuant to this section may include information considered confidential for other purposes. If such confidential information is requested, the Office shall make the information available to the Fiscal Analysis Division of the Legislative Counsel Bureau for confidential examination.

Sec. 2. NRS 360.975 is hereby amended to read as follows:

360.975 1. The Office of Economic Development shall, on or before October 1 of each year, prepare and submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature an annual report which includes:

(a) For the immediately preceding fiscal year:

(1) The number of applications submitted pursuant to NRS 360.945;

(2) The number of qualified projects for which an application was approved;

(3) The amount of transferable tax credits approved;

(4) The amount of transferable tax credits used;

(5) The amount of transferable tax credits transferred;

(6) The amount of transferable tax credits taken against each allowable fee or tax, including the actual amount used and outstanding, in total and for each qualified project;

(7) The number of abatements approved;

(8) The dollar amount of the abatements;

(9) The number of employees engaged in construction of each qualified project who are residents of Nevada and the number of employees employed by each participant in a qualified project who are residents of Nevada;

(10) The number of qualified employees employed by each participant in a qualified project and the total amount of wages paid to those persons; and

(11) For each qualified project, an assessment of whether the participants in the qualified project are making satisfactory progress towards meeting the investment requirements necessary to support the determination by the Office that the project is a qualified project.

(b) For each abatement from taxation that the Office approved during the fiscal years which are 3 fiscal years, 6 fiscal years, 10 fiscal years and 20 fiscal years immediately preceding the submission of the report:

(1) The dollar amount of the abatement;

(2) The value of infrastructure included as an incentive for the qualified project;

(3) The economic sector in which each participant in the qualified project operates, the number of primary jobs related to the qualified project, the average wage paid to employees employed by the participants in the qualified project and the assessed values of personal property and real property of the qualified project; and

(4) Any other information that the Office determines to be useful.

2. ~~[In]~~ ***Except as otherwise provided in subsection 3, in*** addition to the annual reports required to be prepared and submitted pursuant to subsection 1, for the period beginning on ~~[September 11, 2014,]~~ ***July 1, 2017,*** and ending on ~~[July 1, 2016,]~~ ***June 30, 2024,*** the Office shall, not less frequently than every ~~[calendar quarter,]~~ ***6 months,*** prepare and submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report which includes, for the immediately preceding ~~[calendar quarter:]~~ ***6 months:***

(a) The dollar amount of the abatements approved for the lead participant in each qualified project;

(b) The number of employees engaged in construction of each qualified project who are residents of Nevada and the number of employees employed by each participant in each qualified project who are residents of Nevada;

(c) The number of qualified employees employed by each participant in each qualified project and the total amount of wages paid to those persons;

(d) For each qualified project an assessment of whether the participants in the qualified project are making satisfactory progress towards meeting the investment requirements necessary to support the determination by the Office that the project is a qualified project; and

(e) Any other information requested by the Legislature.

3. ***The Office is not required to prepare and submit the report required by subsection 2 if, within 75 days after the end of the period covered by the report:***

(a) The Office receives an audit of the participants in the project for the period that would have been covered by the report; and

(b) That audit contains the information required to be included in the report pursuant to paragraphs (a) to (d), inclusive, of subsection 2.

4. In addition to the reports required to be prepared and submitted pursuant to subsections 1 and 2, the Office shall, upon request, make available to the Legislature any information concerning a qualified project or any participant in a qualified project. The Office shall make available any information requested pursuant to this subsection within the period specified in the request.

~~[4.]~~ ***5.*** The Office shall provide to the Fiscal Analysis Division of the Legislative Counsel Bureau a copy of any agreement entered into by the Office and the lead participant not later than 30 days after the agreement is executed.

~~[5.]~~ ***6.*** Notwithstanding the provisions of any other specific statute, the information requested by the Legislature pursuant to this section may include information considered confidential for other purposes. If such confidential information is requested, the Office shall make the information available to the Fiscal Analysis Division of the Legislative Counsel Bureau for confidential examination.

Sec. 3. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 4. 1. This act becomes effective upon passage and approval.

2. Section 1 of this act expires by limitation on June 30, 2032.

3. Section 2 of this act expires by limitation on June 30, 2036.

Assemblywoman Neal moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 233.

Bill read second time and ordered to third reading.

Assembly Bill No. 271.

Bill read second time and ordered to third reading.

Assembly Bill No. 419.

Bill read second time and ordered to third reading.

Assembly Bill No. 469.

Bill read second time and ordered to third reading.

Assembly Bill No. 480.

Bill read second time and ordered to third reading.

Assembly Bill No. 481.

Bill read second time and ordered to third reading.

Assembly Bill No. 482.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 10.

Resolution read second time and ordered to third reading.

Assembly Joint Resolution No. 11.

Resolution read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that Assembly Bills Nos. 480 and 481 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 176, 154, 14, 151, 20, 204, 214, 22, 227, 236, 261, 305, 385, 387, 435, 452, 46, 57, 60, 65, 74, and 76 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 176.

Bill read third time.

Remarks by Assemblyman McCurdy.

ASSEMBLYMAN MCCURDY:

Assembly Bill 176 requires the operator of a seasonal or temporary recreation program to ensure that each program site has a complete first-aid kit on-site, an emergency exit plan, and at least one staff member on-site and available during the hours of operation who is certified in the use and administration of first aid, including cardiopulmonary resuscitation.

Roll call on Assembly Bill No. 176:

YEAS—40.

NAYS—None.

EXCUSED—Cohen, Ohrenschall—2.

Assembly Bill No. 176 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 154.

Remarks by Assemblymen Brooks, Wheeler, Daly, and Pickard.

ASSEMBLYMAN BROOKS:

Assembly Bill 154 decreases the minimum estimated cost threshold for the applicability of prevailing wage requirements on public works projects from $250,000 to $100,000. The bill also removes the 90 percent prevailing wage rate exception for public works constructed by school districts and the Nevada System of Higher Education. Finally, the bill eliminates the prevailing wage exemption for public works constructed by charter schools.

ASSEMBLYMAN WHEELER:

I rise today in opposition to Assembly Bill 154. Assembly Bill 154 rolls back the commonsense solutions we implemented in the 2015 Legislative Session, and by moving backwards we put an undue burden on our economy by increasing the cost of public works projects. Or in other words, taxpayers unnecessarily pay more for construction projects. Nevada is seeing a resurgence in jobs and economic growth from the sound policies this body passed in 2015. Nevada cannot and should not move backward because of partisan politics.

ASSEMBLYMAN DALY:

I rise in support of Assembly Bill 154. I believe that these are commonsense solutions to move forward for Nevada, support Nevada's hardworking men and women, families in the construction industry. It is not a burden on the taxpayers but it helps support our communities

and the workforce that we are trying to develop on those projects. I urge everyone to support Assembly Bill 154.

ASSEMBLYMAN PICKARD:

I rise today in opposition to Assembly Bill 154. Prior to the passage of reforms in 2015, prevailing wage in the state increased the cost of fixing our roads and schools, by 30 percent in many cases. Taxpayers were not getting their money's worth. Local governments were not contracting out small, but important, infrastructure projects and we were straining our wallet. Nevada needed a change, so in 2015, we passed responsible reforms to our prevailing wage laws. Assembly Bill 154 would undo our hard work and bring back the problems of the past. I believe we can do better and should do better for Nevada. Thank you.

Roll call on Assembly Bill No. 154:

YEAS—25.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.

EXCUSED—Cohen, Ohrenschall—2.

Assembly Bill No. 154 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 14.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Assembly Bill 14 provides that a person with a criminal record who applies for a name change must submit with his or her petition a complete set of fingerprints. In addition, the measure requires a complete set of a person's fingerprints to be transmitted to the Central Repository for Nevada Records of Criminal History for inclusion in that person's record of criminal history when a court order grants a change of name to a person who has a criminal record or rescinds its order granting a change of name of a person who falsely denied having been convicted. Lastly, the measure requires that a complete set of the person's fingerprints be sent to the Central Repository when a peace officer detains and cites a person for a violation of an ordinance or state law that is punishable as a misdemeanor and constitutes domestic violence.

Roll call on Assembly Bill No. 14:

YEAS—40.

NAYS—None.

EXCUSED—Cohen, Ohrenschall—2.

Assembly Bill No. 14 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 151.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 151 requires the Peace Officers' Standards and Training Commission to establish by regulation the minimum standards for a voluntary program of training for law enforcement dispatchers, certify instructors for approved courses of such training, and issue certificates to dispatchers who complete such training. This bill becomes effective on July 1, 2017.

Roll call on Assembly Bill No. 151:

YEAS—42.

NAYS—None.

Assembly Bill No. 151 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 20.

Bill read third time.

Remarks by Assemblywoman Joiner.

ASSEMBLYWOMAN JOINER:

Assembly Bill 20 revises the provision of certain employment services, including vocational rehabilitation services, delivered by the Bureau of Services to Persons Who Are Blind or Visually Impaired and the Bureau of Vocational Rehabilitation in the Rehabilitation Division of the Department of Employment, Training and Rehabilitation. The measure specifies that the purpose of vocational rehabilitation services is to prepare certain individuals with disabilities to engage in competitive integrated employment and provides that the term "competitive integrated employment" has the meaning ascribed to it in federal law. It makes various other updates to our statutes and, additionally, helps us comply with federal law.

Roll call on Assembly Bill No. 20:

YEAS—42.

NAYS—None.

Assembly Bill No. 20 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 204.

Bill read third time.

Remarks by Assemblywoman Tolles.

ASSEMBLYWOMAN TOLLES:

Assembly Bill 204 allows an applicant for a marriage license and certificate to select the name that he or she would like to be known as after marriage. Additionally, the bill sets forth the names that each spouse may select. This bill is effective on January 1, 2018.

Roll call on Assembly Bill No. 204:

YEAS—42.

NAYS—None.

Assembly Bill No. 204 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 214.

Bill read third time.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

Assembly Bill 214 requires the Division of Public and Behavioral Health to establish a program to encourage participation in clinical trials of drugs and medical devices by persons who are members of demographic groups that are underrepresented in such trials. This bill also requires each state or local governmental entity that conducts such trials to adopt a policy

concerning the identification and recruitment of such persons to participate in those trials. The effective date is July 1, 2017.

Roll call on Assembly Bill No. 214:
YEAS—42.
NAYS—None.
Assembly Bill No. 214 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 22.
Bill read third time.
Remarks by Assemblywoman Bilbray-Axelrod.

ASSEMBLYWOMAN BILBRAY-AXELROD:
Assembly Bill 22 authorizes the Director of the Department of Veterans Services to appoint deputy directors as needed, including a Deputy Director for Programs and Services and a Deputy Director for Health and Wellness.

Roll call on Assembly Bill No. 22:
YEAS—42.
NAYS—None.
Assembly Bill No. 22 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 227.
Bill read third time.
Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:
Assembly Bill 227 provides that a legal union that is validly formed in another jurisdiction and is substantially equivalent to a domestic partnership is considered a domestic partnership. Any reference to the date of a marriage is deemed to refer to the date of registration of the domestic partnership or the date the legal union of the domestic partnership was validly formed in another jurisdiction. Lastly, the requirement to register the legal union with the Office of the Secretary of State is removed from the bill.

Roll call on Assembly Bill No. 227:
YEAS—40.
NAYS—Ellison, Hansen—2.
Assembly Bill No. 227 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 236.
Bill read third time.
Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:
Assembly Bill 236 authorizes an employee of an agency that provides child welfare services and who has access to the case plan of a child in the custody of the agency to request from a public or private school or school district education records concerning the child.

Roll call on Assembly Bill No. 236:

YEAS—42.

NAYS—None.

Assembly Bill No. 236 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 261.

Bill read third time.

Remarks by Assemblymen Carrillo and Spiegel.

ASSEMBLYMAN CARRILLO:

Assembly Bill 261 revises provisions governing the issuance of an instruction permit for operating a motorcycle to make them similar to provisions governing the issuance of an instruction permit for operating a motor vehicle other than a motorcycle, with certain exceptions. The bill provides that a permit holder may not carry a passenger, may not drive after dark, and that the 50 hours of driving experience required before a license may be issued is not required to be supervised. The bill makes other conforming changes. The effective date is January 1, 2018.

ASSEMBLYWOMAN SPIEGEL:

During work session I had expressed some concerns about this bill. I worked with DMV [Department of Motor Vehicles] and they agreed to amend the minor affidavit and information sheet in a manner that does not require legal approval, an NRS revision, to do so and in a way that alleviates my concerns.

Roll call on Assembly Bill No. 261:

YEAS—42.

NAYS—None.

Assembly Bill No. 261 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 305.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 305 requires the Division of Child and Family Services of the Department of Health and Human Services to design and distribute to school districts, charter schools, and private schools a poster that prominently displays the toll-free telephone number for the child abuse or neglect hotline and prescribes the requirements for the content of the poster.

Roll call on Assembly Bill No. 305:

YEAS—42.

NAYS—None.

Assembly Bill No. 305 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 385.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Assembly Bill 385 requires the Administrator of the Division of State Parks in the Department of Conservation and Natural Resources to establish a program for free entrance to state parks and recreational areas for all fifth graders enrolled in a school in the state of Nevada as well as any accompanying adults.

Roll call on Assembly Bill No. 385:

YEAS—42.

NAYS—None.

Assembly Bill No. 385 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 387.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 387 clarifies that a licensed social worker must complete two hours of instruction in evidence-based suicide prevention training and awareness every two years.

Roll call on Assembly Bill No. 387:

YEAS—42.

NAYS—None.

Assembly Bill No. 387 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 435.

Bill read third time.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

Assembly Bill 435 requires the Governor annually to proclaim October 16 to be "Sarah Winnemucca Day" in the state of Nevada. The Governor's proclamation must call upon the news media, educators, business and labor leaders, and appropriate governmental officers to bring to the attention of Nevada residents the important contributions Sarah Winnemucca made to the Paiute Tribe, the state of Nevada, and the United States.

It has long been a passion of mine, along with my colleague from Assembly District 28, to acknowledge and give rightful value to the contributions of Native Americans whose history is so full and rich. This bill is small, but it starts the much needed pathway to acknowledging the contributions of a nation—not just Native Americans, but an actual nation, a government unto themselves.

Roll call on Assembly Bill No. 435:

YEAS—42.

NAYS—None.

Assembly Bill No. 435 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:04 p.m.

ASSEMBLY IN SESSION

At 1:08 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 8, 28, 33, 38, 46, 50, 57, 60, 65, 74, 76, 118, 134, 138, 145, 147, 155, 160, 177, 192, 205, 221, 229, 234, 247, 297, 337, 364, and 452, be taken from the General File and placed on the General File for the next legislative day.
Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Araujo, the privilege of the floor of the Assembly Chamber for this day was extended to Cara Clarke.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Grace Warner Elementary School: Lexie Swindle, Angalena Gonzales, Ava Etchells, Breanna Green, Catherine Rubio, Daniel Cornell, Destiny Harness, Dillon Chambers, Emma Enwald, Esther Harvey, Giovana Torres, Hydie Jetton, Jelly Ann Tayam, Juana Jara, Katie Ward, Khalilah Corley, Mason Drews, Scarlett Metcalfe, Selena Garcia, Shealynn Murphy, and Yarely Duran.

On request of Assemblyman Edwards, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Carreon and Melissa Carreon.

On request of Assemblyman Fumo, the privilege of the floor of the Assembly Chamber for this day was extended to Dominic Velgos.

On request of Assemblyman Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to Dawnavon Carreon.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Friday, April 14, 2017, at 3 p.m.
Motion carried.

Assembly adjourned at 1:14 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SIXTY-EIGHTH DAY

CARSON CITY (Friday), April 14, 2017

Assembly called to order at 5:41 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Richard Snyder.

O Lord our God, creator of the universe and author of our liberty, You walk the pathways of history in the footsteps of Your people. We ask that You would walk with us on this and every day, that we might travel the path You would have us follow.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 451, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TYRONE THOMPSON, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 111, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL C. SPRINKLE, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bills Nos. 325, 396; Assembly Joint Resolution No. 10 of the 78th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

OLIVIA DIAZ, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bills Nos. 114, 489; Assembly Joint Resolutions Nos. 4, 13, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HEIDI SWANK, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 269, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Taxation, to which was referred Assembly Bill No. 463, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Taxation, to which was referred Assembly Bill No. 441, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

DINA NEAL, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 252, 322, 442, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RICHARD CARRILLO, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 14, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 97, 222, 287, 351 and 468.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 111.

CINDY JONES
Fiscal Analysis Division

WAIVER OF JOINT STANDING RULES

A Waiver requested by Speaker Frierson.

For: Assembly Bills Nos. 183 and 290.

To Waive:

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

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

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

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

Has been granted effective: April 13, 2017.

SENATOR AARON D. FORD
Senate Majority Leader

ASSEMBLYMAN JASON FRIERSON
Speaker of the Assembly

A Waiver requested by Senator Ford.

For: Senate Bills Nos. 106, 174, 203, 261, 265, 302, 361, 368, 392, 417, 425, 474, 486, and 487; and Senate Joint Resolutions Nos. 6 and 14.

To Waive:

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

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

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

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

Has been granted effective: April 13, 2017.

SENATOR AARON D. FORD
Senate Majority Leader

ASSEMBLYMAN JASON FRIERSON
Speaker of the Assembly

Assembly Bill No. 195.

Bill read second time.

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

Amendment No. 63.

~~[~~ASSEMBLYWOMAN~~]~~ ASSEMBLYMEN BUSTAMANTE ADAMS **AND KRAMER**

AN ACT relating to cosmetology; revising provisions governing the State Board of Cosmetology; revising provisions governing instructors of various cosmetology professionals; revising provisions relating to the licensure or registration of various cosmetology professionals, cosmetological establishments and schools of cosmetology; imposing a fee upon certain applicants who request an examination be translated into a language other than English or Spanish; revising provisions relating to disciplinary action and certain prohibited acts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Board of Cosmetology, which consists of seven members, is charged with (1) the licensure of cosmetologists, aestheticians, hair designers, hair braiders, electrologists, nail technologists and demonstrators of cosmetics; (2) the registration of shampoo technologists, makeup artists, apprentices and persons who engage in threading and operators of threading facilities; and (3) the licensure of cosmetological establishments, establishments for hair braiding, instructors and schools of cosmetology. (Chapter 644 of NRS) **Section 1** of this bill authorizes the Governor, after notice and a hearing, to remove any member of the State Board of Cosmetology for neglect of duty, malfeasance or misfeasance.

Existing law requires the Board to elect both a Treasurer and a Secretary and authorizes the Board to assign the duties of Treasurer and Secretary to one person. (NRS 644.060) **Section 2** of this bill instead requires the Board to annually elect one person as the Secretary-Treasurer of the Board.

Section 3 of this bill removes the examination of certain applicants as one of the purposes of the meetings the Board is required to hold at least four times a year. **Sections 15-18** of this bill make conforming changes.

Section 6 of this bill: (1) revises provisions regarding the deposit and use of fees and other money received by the Board pursuant to the provisions of NRS governing cosmetology; and (2) prohibits certain expenses from being charged against the State General Fund.

Sections 11-13 of this bill revise the continuing education requirements for instructors of cosmetology, instructors of aestheticians and instructors of nail technology, to provide that such instructors are required to satisfy the number of hours of continuing education required by the National Accrediting Commission of Career Arts & Sciences, or its successor organization.

Section 38 of this bill eliminates certain requirements for the examination of instructors in cosmetology because those qualifications are now set forth in **section 11**.

Sections 10, 14, 17 and 18 of this bill: (1) delete the requirement that an applicant for a provisional license as an instructor, a license as a student instructor or a license as a hair braider submit to the Board written verification of completion of the educational requirement for the license; and (2) revise the circumstances under which a license as a student instructor expires.

Section 15 of this bill changes the requirements for admission to examination for a license as a cosmetologist by reducing the number of hours of service as a cosmetologist's apprentice from 3,600 to 3,200 hours for certain applicants.

Sections 19 and 27-29 of this bill require certain applicants to the Board for a license or a certificate of registration to certify that the information contained in the application is truthful and accurate rather than verify the application by oath.

Section 21 of this bill expands the provisions which require the Board to provide examinations for licensure and registration in English and, upon request, in Spanish and authorize the Board to provide examinations for licensure and registration in other languages, upon request, to apply to examinations for licensure or registration as an aesthetician, hair designer, shampoo technologist, hair braider, nail technologist or demonstrator of cosmetics.

Existing law requires a licensee to obtain a duplicate license if his or her original license was destroyed, misplaced or mutilated or if the name or address of the licensee has changed. (NRS 644.295) **Section 26** of this bill eliminates those requirements and instead authorizes a licensee or holder of a certificate to obtain a duplicate license or certificate for any reason.

Section 30 of this bill removes the specific number of hours of instruction that a student enrolled as a cosmetologist, aesthetician, electrologist, hair designer or nail technologist must receive before commencing work on members of the public and instead requires such a student to receive a minimum of 10 percent of the total hours of instruction before commencing work on members of the public.

Section 32 of this bill includes prostitution or solicitation for prostitution as a ground for disciplinary action by the Board against an owner of a cosmetological establishment, an establishment for hair braiding or a facility in which threading is conducted, a licensee or a holder of a certificate of registration.

Sections 33 and 34 of this bill: (1) eliminate, as an unlawful act, a cosmetological establishment representing itself to the public as primarily engaged in the business of cutting men's hair; (2) revise the circumstances in which the unlawful act of reproducing or otherwise copying a license or

certificate of registration applies; and (3) authorizes a person to reproduce a license or certificate under certain circumstances.

Section 36 of this bill adds the Board to the list of persons and governmental entities to whom records of criminal history must be disseminated by an agency of criminal justice upon request.

Sections 37 and 38 eliminate the Board's revolving fund used for cash advances.

Sections 4, 5, 7-9, 20, 23-25, 31 and 35 of this bill clarify the applicability of those sections to certificates of registration.

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

Section 1. NRS 644.050 is hereby amended to read as follows:

644.050 1. After the initial terms, members of the Board serve terms of 4 years, except when appointed to fill unexpired terms.

2. Before entering upon the discharge of his or her duties, each member shall make and file with the Secretary of State the constitutional oath of office.

3. No member of the Board may serve more than two consecutive full terms. A member who serves two consecutive full terms is not thereafter eligible to serve on the Board for a period of 1 year. Any time served on the Board in filling the unexpired term of another member does not apply in computing two consecutive full terms.

4. The Governor may, after notice and hearing, remove any member of the Board for neglect of duty, malfeasance or misfeasance.

Sec. 2. NRS 644.060 is hereby amended to read as follows:

644.060 The members of the Board shall annually elect a President, a Vice President ~~[, a Treasurer and a Secretary]~~ ***and a Secretary-Treasurer*** from among their number. ~~[The members may assign the duties of the Treasurer and the Secretary to one person who shall be Treasurer and Secretary.]~~

Sec. 3. NRS 644.070 is hereby amended to read as follows:

644.070 1. The Board shall hold meetings at least four times a year for the ~~[examination of applicants for registration and for the]~~ transaction of such ~~[other]~~ business as pertains to its duties.

2. The Board may hold such other meetings for the ~~[examination of applicants for registration or for the]~~ transaction of necessary business at such times and places as it determines.

3. The members of the Board are entitled to receive:

(a) A salary of not more than $150 per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

4. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

5. All such compensation and expenses must be paid by the Board out of the fees and receipts received by it, and no part thereof may be paid by the State.

Sec. 4. NRS 644.090 is hereby amended to read as follows:

644.090 The Board shall:

1. Hold examinations to determine the qualifications of all applicants for a license ~~[,]~~ ***or certificate of registration,*** except as otherwise provided in this chapter, whose applications have been submitted to it in proper form.

2. Issue licenses to such applicants as may be entitled thereto.

3. Issue certificates of registration to such applicants as may be entitled thereto.

4. License establishments for hair braiding, cosmetological establishments and schools of cosmetology.

5. Report to the proper prosecuting officer or law enforcement agency each violation of this chapter coming within its knowledge.

6. Inspect schools of cosmetology, establishments for hair braiding, cosmetological establishments and any facility in this State in which threading is conducted to ensure compliance with the statutory requirements and adopted regulations of the Board. This authority extends to any member of the Board or its authorized employees.

Sec. 5. NRS 644.110 is hereby amended to read as follows:

644.110 The Board shall adopt reasonable regulations:

1. For carrying out the provisions of this chapter.

2. For conducting examinations of applicants for licenses ~~[.]~~ ***and certificates of registration.***

3. For governing the recognition of, and the credits to be given to, the study of cosmetology under a licensed electrologist or in a school of cosmetology licensed pursuant to the laws of another state or territory of the United States or the District of Columbia.

4. For governing the conduct of schools of cosmetology. The regulations must include but need not be limited to, provisions:

(a) Prohibiting schools from requiring that students purchase beauty supplies for use in the course of study;

(b) Prohibiting schools from deducting earned hours of school credit or any other compensation earned by a student as a punishment for misbehavior of the student;

(c) Providing for lunch and coffee recesses for students during school hours; and

(d) Allowing a member or an authorized employee of the Board to review the records of a student's training and attendance.

5. Governing the courses of study and practical training required of persons for treating the skin of the human body.

6. For governing the conduct of cosmetological establishments.

7. As the Board determines are necessary for governing the conduct of establishments for hair braiding.

Sec. 6. NRS 644.170 is hereby amended to read as follows:

644.170 1. ~~[All fees collected on behalf of the Board and all receipts of every kind and nature must be reported at the beginning of each month, for the month preceding, to the Board. At the same time, the entire amount of collections, except as otherwise provided in subsection 5, must be paid to the Board, who shall deposit them]~~ ***Except as otherwise provided in subsection 3, all fees and other money received by the Board pursuant to the provisions of this chapter must be deposited*** in banks, credit unions or savings and loan associations in the State of Nevada ~~[.~~

~~2. The receipts must be for the uses of the Board and out of them must be paid all salaries and all other expenses necessarily incurred in carrying into effect the provisions of this chapter.~~

~~3. All orders for payment of money must be drawn on the Treasurer of the Board and countersigned by the President and the Secretary of the Board.~~

~~4.]~~ ***and expended solely for the purposes of this chapter. The money so deposited does not revert to the State General Fund. The compensation provided for by this chapter and all expenses incurred under this chapter must be paid from this money. No compensation or expenses incurred under this chapter may be charged against the State General Fund.***

2. In a manner consistent with the provisions of chapter 622A of NRS, the Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines therefor and deposit the money therefrom in banks, credit unions or savings and loan associations in this State.

~~[5.]~~ ***3.*** If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection ~~[4]~~ ***2*** and the Board deposits the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 7. NRS 644.190 is hereby amended to read as follows:

644.190 1. It is unlawful for any person to conduct or operate a cosmetological establishment, an establishment for hair braiding, a school of cosmetology or any other place of business in which any one or any combination of the occupations of cosmetology are taught or practiced unless the person is licensed in accordance with the provisions of this chapter.

2. Except as otherwise provided in subsections 4 and 5, it is unlawful for any person to engage in, or attempt to engage in, the practice of cosmetology or any branch thereof, whether for compensation or otherwise, unless the

person is licensed or registered in accordance with the provisions of this chapter.

3. This chapter does not prohibit:

(a) Any student in any school of cosmetology established pursuant to the provisions of this chapter from engaging, in the school and as a student, in work connected with any branch or any combination of branches of cosmetology in the school.

(b) An electrologist's apprentice from participating in a course of practical training and study.

(c) A person issued a provisional license as an instructor pursuant to NRS 644.193 from acting as an instructor and accepting compensation therefor while accumulating the hours of training as a teacher required for an instructor's license.

(d) The rendering of services relating to the practice of cosmetology by a person who is licensed or registered in accordance with the provisions of this chapter, if those services are rendered in connection with photographic services provided by a photographer.

(e) A registered cosmetologist's apprentice from engaging in the practice of cosmetology under the immediate supervision of a licensed cosmetologist.

(f) A registered shampoo technologist from engaging in the practice of shampoo technology under the immediate supervision of a licensed cosmetologist or hair designer.

(g) A registered aesthetician's apprentice from engaging in the practice of aesthetics under the immediate supervision of a licensed aesthetician or licensed cosmetologist.

(h) A registered hair designer's apprentice from engaging in the practice of hair design under the immediate supervision of a licensed hair designer or licensed cosmetologist.

(i) A registered nail technologist's apprentice from engaging in the practice of nail technology under the immediate supervision of a licensed nail technologist or licensed cosmetologist.

(j) A makeup artist registered pursuant to NRS 644.251 from engaging in the practice of makeup artistry for compensation or otherwise in a licensed cosmetological establishment.

4. A person employed to render services relating to the practice of cosmetology in the course of and incidental to the production of a motion picture, television program, commercial or advertisement is exempt from the licensing ***or registration*** requirements of this chapter if he or she renders those services only to persons who will appear in that motion picture, television program, commercial or advertisement.

5. A person practicing hair braiding is exempt from the licensing requirements of this chapter applicable to hair braiding if the hair braiding is practiced on a person who is related within the sixth degree of consanguinity and the person does not accept compensation for the hair braiding.

Sec. 8. NRS 644.191 is hereby amended to read as follows:

644.191 1. The State Board of Cosmetology and the Board of Massage Therapists shall, to the extent practicable, reduce duplication in the licensing ***or registration*** procedure for a qualified applicant who is applying to the State Board of Cosmetology for a license ***or certificate of registration*** to practice pursuant to this chapter and who is also applying to the Board of Massage Therapists for a license to practice pursuant to chapter 640C of NRS, if both applications are filed not more than 60 days apart.

2. If a qualified applicant submits an application to the Board of Massage Therapists for a license to practice pursuant to chapter 640C of NRS and, not later than 60 days after that application, the applicant also submits an application to the State Board of Cosmetology for a license ***or certificate of registration*** to practice pursuant to this chapter:

(a) The applicant is not required to submit a set of fingerprints to the State Board of Cosmetology if the applicant submitted a set of fingerprints with his or her application to the Board of Massage Therapists;

(b) The State Board of Cosmetology shall request from the Board of Massage Therapists a copy of any reports relating to a background investigation of the applicant;

(c) Upon receiving such a request, the Board of Massage Therapists shall provide to the State Board of Cosmetology any reports relating to a background investigation of the applicant; and

(d) The State Board of Cosmetology shall use the reports provided by the Board of Massage Therapists in reviewing the application for a license ***or certificate of registration*** to practice pursuant to this chapter.

Sec. 9. NRS 644.192 is hereby amended to read as follows:

644.192 1. The Board and a local governmental entity shall, to the extent practicable, reduce duplication in the licensing ***or registration*** procedure for a qualified applicant who is applying to the Board for a license ***or certificate of registration*** to practice pursuant to this chapter and who is also applying to the local governmental entity for a license to practice massage therapy, if both applications are filed not more than 60 days apart.

2. If a qualified applicant submits an application to a local governmental entity for a license to practice massage therapy and, not later than 60 days after that application, the applicant also submits an application to the Board for a license ***or certificate of registration*** to practice pursuant to this chapter:

(a) The applicant is not required to submit a set of fingerprints to the Board if the applicant submitted a set of fingerprints with his or her application to the local governmental entity;

(b) The Board shall request from the local governmental entity a copy of any reports relating to a background investigation of the applicant;

(c) Upon receiving such a request, the local governmental entity shall provide to the Board any reports relating to a background investigation of the applicant; and

(d) The Board shall use the reports provided by the local governmental entity in reviewing the application for a license ***or certificate of registration*** to practice pursuant to this chapter.

3. If a qualified applicant submits an application to the Board for a license ***or certificate of registration*** to practice pursuant to this chapter and, not later than 60 days after that application, the applicant also submits an application to a local governmental entity for a license to practice massage therapy:

(a) The applicant is not required to submit a set of fingerprints to the local governmental entity if the applicant submitted a set of fingerprints with his or her application to the Board;

(b) The local governmental entity shall request from the Board a copy of any reports relating to a background investigation of the applicant;

(c) Upon receiving such a request, the Board shall provide to the local governmental entity any reports relating to a background investigation of the applicant; and

(d) The local governmental entity shall use the reports provided by the Board in reviewing the application for a license to practice massage therapy, except that the local governmental entity may conduct its own background investigation of the applicant if the local governmental entity deems it to be necessary.

Sec. 10. NRS 644.193 is hereby amended to read as follows:

644.193 1. The Board may grant a provisional license as an instructor to a person who:

(a) Has successfully completed the 12th grade in school or its equivalent ***;*** ~~**[**and submits written verification of the completion of his or her education;**]**~~

(b) Has practiced as a full-time licensed cosmetologist, hair designer, hair braider, aesthetician or nail technologist for 1 year and submits written verification of his or her experience;

(c) Is licensed pursuant to this chapter;

(d) Applies for a provisional license on a form supplied by the Board;

(e) Submits two current photographs of himself or herself; and

(f) Has paid the fee established pursuant to subsection 2.

2. The Board shall establish and collect a fee of not less than $40 and not more than $75 for the issuance of a provisional license as an instructor.

3. A person issued a provisional license pursuant to this section may act as an instructor for compensation while accumulating the number of hours of training required for an instructor's license.

4. A provisional license as an instructor expires upon accumulation by the licensee of the number of hours of training required for an instructor's license or 1 year after the date of issuance, whichever occurs first. The Board may grant an extension of not more than 45 days to those provisional licensees who have applied to the Board for examination as instructors and are awaiting examination.

Sec. 11. NRS 644.195 is hereby amended to read as follows:

644.195 1. ~~[Each instructor must:~~

~~(a) Be licensed as a cosmetologist pursuant to this chapter.]~~ ***The Board shall admit to examination for a license as an instructor of cosmetology any person who has applied to the Board in proper form, paid the fee and:***

(a) Is at least 18 years of age;

(b) ~~[Have]~~ ***Is of good moral character;***

(c) Has successfully completed the 12th grade in school or its equivalent ~~[.~~

~~(c) Have 1 year of experience as a cosmetologist or as a licensed student instructor.~~

~~(d) Have completed 1,000]~~ ***;***

(d) Has received a minimum of 700 hours of training as ~~[an]~~ ***a student*** instructor or 500 hours of training as ***an instructor or as*** a licensed provisional instructor in a ***licensed*** school of cosmetology ~~[.~~

~~(e) Except as otherwise provided in subsection 2, take one or more courses in advanced techniques for teaching or training,]~~ ***; and***

(e) Is licensed as a cosmetologist pursuant to this chapter.

2. An instructor in cosmetology shall complete at least the number of hours of continuing education required, at the time the hours of continuing education are completed, for instructors of schools of cosmetology accredited by the National Accrediting Commission of Career Arts & Sciences or its successor organization. The hours of continuing education must be obtained in courses approved by the Board ~~[, whose combined duration is at least 30 hours]~~ during each 2-year period ~~[.~~

~~2. The provisions of paragraph (e) of subsection 1 do not apply to an instructor who is initially licensed not more than 6 months before the renewal date of the license. An instructor who is initially licensed more than 6 months but less than 1 year before the renewal date of the license must take one or more courses specified in paragraph (e) whose combined duration is at least 15 hours during each 2-year period.]~~ ***of his or her license.***

3. Each instructor shall pay an initial fee for a license of not less than $60 and not more than $90.

Sec. 12. NRS 644.1955 is hereby amended to read as follows:

644.1955 1. The Board shall admit to examination for a license as an instructor of aestheticians any person who has applied to the Board in proper form, paid the fee and:

(a) Is at least 18 years of age;

(b) Is of good moral character;

(c) Has successfully completed the 12th grade in school or its equivalent;

(d) Has received a minimum of 700 hours of training as ~~[an]~~ ***a student*** instructor or 500 hours of training as ***an instructor or as*** a licensed provisional instructor in a licensed school of cosmetology;

(e) Is licensed as an aesthetician pursuant to this chapter; and

(f) Has practiced as a full-time licensed aesthetician or as a licensed student instructor **.** ~~[~~for 1 year.

~~2. Except as otherwise provided in subsection 3, an~~**]**

2. An instructor of aestheticians shall complete at least ~~[~~30~~]~~ ***the number of*** hours of ~~[~~advanced training in a course approved by the Board~~]~~ ***continuing education required, at the time the hours of continuing education are completed, for instructors of schools of cosmetology accredited by the National Accrediting Commission of Career Arts & Sciences or its successor organization. The hours of continuing education must be obtained*** during each 2-year period of his or her license ~~[~~.

~~3. The provisions of subsection 2 do not apply to an instructor of aestheticians who is initially licensed not more than 6 months before the renewal date of the license. An instructor of aestheticians who is initially licensed more than 6 months but less than 1 year before the renewal date of the license must take one or more courses specified in subsection 2 whose combined duration is at least 15 hours during each 2-year period.~~**]** ***in courses approved by the Board.***

Sec. 13. NRS 644.197 is hereby amended to read as follows:

644.197 1. The Board shall admit to examination for a license as an instructor in nail technology any person who has applied to the Board in proper form, paid the fee and:

(a) Is at least 18 years of age;

(b) Is of good moral character;

(c) Has successfully completed the 12th grade in school or its equivalent;

(d) Has received a minimum of ***700 hours of training as a student instructor or*** 500 hours of training as an instructor or as a licensed provisional instructor in a licensed school of cosmetology;

(e) Is licensed as a nail technologist pursuant to this chapter; and

(f) Has practiced as a full-time licensed nail technologist or as a licensed student instructor **.** ~~[~~for 1 year.

~~2. Except as otherwise provided in subsection 3, an~~**]**

2. An instructor in nail technology shall complete at least ~~[~~30~~]~~ ***the number of*** hours of ~~[~~advanced training in a course approved by the Board~~]~~ ***continuing education required, at the time the hours of continuing education are completed, for instructors of schools of cosmetology accredited by the National Accrediting Commission of Career Arts & Sciences or its successor organization. The hours of continuing education must be obtained*** during each 2-year period of his or her license ~~[~~.

~~3. The provisions of subsection 2 do not apply to an instructor in nail technology who is initially licensed not more than 6 months before the renewal date of the license. An instructor in nail technology who is initially licensed more than 6 months but less than 1 year before the renewal date of the license must take one or more courses specified in subsection 2 whose combined duration is at least 15 hours during each 2-year period.~~**]** ***in courses approved by the Board.***

Sec. 14. NRS 644.199 is hereby amended to read as follows:

644.199 1. The Board shall grant a license as a student instructor to a person who:

(a) Has successfully completed the 12th grade in school or its equivalent **;** ~~**[**and submits written verification of the completion of his or her education;**]**~~

(b) Is enrolled in a program to prepare student instructors in a school of cosmetology if:

(1) The program is certified by the Board; and

(2) The program requires that the student instructor is supervised by an instructor who is licensed;

(c) Is licensed pursuant to this chapter;

(d) Applies for a license as a student instructor on a form provided by the Board;

(e) Submits two current photographs of himself or herself; and

(f) Has paid the fee established pursuant to subsection 2.

2. The Board shall establish and collect a fee of not less than $25 or more than $40 for the issuance of a license as a student instructor.

3. A person issued a license as a student instructor pursuant to this section:

(a) Must be supervised by an instructor who is licensed; and

(b) May act as an instructor for compensation and work experience credit while accumulating the number of hours of training required for an instructor's license.

4. A license as a student instructor expires upon accumulation by the licensee of the number of hours of training required for an instructor's license **.** ~~**[**or after full-time employment as a student instructor for 1 year, whichever occurs later.**]**~~ The Board may grant an extension of not more than 45 days to those student instructor licensees who have applied to the Board for examination as instructors and are awaiting examination.

Sec. 15. NRS 644.200 is hereby amended to read as follows:

644.200 The Board shall admit to examination for a license as a cosmetologist ~~**[**, at any meeting of the Board held to conduct examinations,**]**~~ any person who has made application to the Board in proper form and paid the fee, and who before or on the date of the examination:

1. Is not less than 18 years of age.

2. Is of good moral character.

3. Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

4. Has successfully completed the 10th grade in school or its equivalent. Testing for equivalency must be pursuant to applicable state or federal requirements.

5. Has had any one of the following:

(a) Training of at least 1,600 hours, extending over a school term of 10 months, in a school of cosmetology approved by the Board.

(b) Practice of the occupation of a cosmetologist for a period of 4 years outside this State.

(c) If the applicant is a barber registered pursuant to chapter 643 of NRS, 600 hours of specialized training approved by the Board.

(d) At least ~~[3,600]~~ ***3,200*** hours of service as a cosmetologist's apprentice in a licensed cosmetological establishment in which all of the occupations of cosmetology are practiced. The required hours must have been completed during the period of validity of the certificate of registration as a cosmetologist's apprentice issued to the person pursuant to NRS 644.217.

Sec. 16. NRS 644.204 is hereby amended to read as follows:

644.204 The Board shall admit to examination for a license as a hair designer ~~[, at any meeting of the Board held to conduct examinations,]~~ each person who has applied to the Board in proper form and paid the fee, and who:

1. Is not less than 18 years of age.
2. Is of good moral character.
3. Is a citizen of the United States or is lawfully entitled to remain and work in the United States.
4. Has successfully completed the 10th grade in school or its equivalent. Testing for equivalency must be pursuant to state or federal requirements.
5. Satisfies at least one of the following:

(a) Is a barber registered pursuant to chapter 643 of NRS.

(b) Has had training of at least 1,200 hours, extending over a period of 7 consecutive months, in a school of cosmetology approved by the Board.

(c) Has had practice of the occupation of hair designing for at least 4 years outside this State.

(d) Has had at least 2,400 hours of service as a hair designer's apprentice in a licensed cosmetological establishment in which hair design is practiced. The required hours must have been completed during the period of validity of the certificate of registration as a hair designer's apprentice issued to the person pursuant to NRS 644.216.

Sec. 17. NRS 644.208 is hereby amended to read as follows:

644.208 1. ~~[The]~~ ***Except as otherwise provided in NRS 644.209, the*** Board shall admit to examination as a hair braider ~~[, at any meeting of the Board held to conduct examinations,]~~ each person who has applied to the Board in proper form and paid the fee, and who:

(a) Is not less than 18 years of age.

(b) Is of good moral character.

(c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(d) Has successfully completed the 10th grade in school or its equivalent ~~[and has submitted to the Board a notarized affidavit establishing the successful completion by the applicant of the 10th grade or its equivalent.]~~ Testing for equivalency must be pursuant to state or federal requirements.

(e) If the person has not practiced hair braiding previously:

(1) Has completed a minimum of 250 hours of training and education as follows:

(I) Fifty hours concerning the laws of Nevada and the regulations of the Board relating to cosmetology;

(II) Seventy-five hours concerning infection control and prevention and sanitation;

(III) Seventy-five hours regarding the health of the scalp and the skin of the human body; and

(IV) Fifty hours of clinical practice; and

(2) Has passed the practical demonstration in hair braiding and written tests described in NRS 644.248.

(f) If the person has practiced hair braiding in this State on a person who is related within the sixth degree of consanguinity without a license and without charging a fee:

(1) Has submitted to the Board a signed affidavit stating that the person has practiced hair braiding for at least 1 year on such a relative; and

(2) Has passed the practical demonstration in hair braiding and written tests described in NRS 644.248.

2. The application submitted pursuant to subsection 1 must be accompanied by:

(a) Two current photographs of the applicant which are 2 by 2 inches. The name and address of the applicant must be written on the back of each photograph.

(b) A copy of one of the following documents as proof of the age of the applicant:

(1) A driver's license or identification card issued to the applicant by this State or another state, the District of Columbia or any territory of the United States;

(2) The birth certificate of the applicant; or

(3) The current passport issued to the applicant.

Sec. 18. NRS 644.209 is hereby amended to read as follows:

644.209 1. The Board shall admit to examination as a hair braider ~~[, at any meeting of the Board held to conduct examinations,]~~ each person who has practiced hair braiding in another state, has applied to the Board in proper form and paid a fee of $200, and who:

(a) Is not less than 18 years of age.

(b) Is of good moral character.

(c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(d) Has successfully completed the 10th grade in school or its equivalent **.** ~~[and has submitted to the Board a notarized affidavit establishing the successful completion by the applicant of the 10th grade or its equivalent.]~~ Testing for equivalency must be pursuant to state or federal requirements.

(e) If the person has practiced hair braiding in another state in accordance with a license issued in that other state:

(1) Has submitted to the Board proof of the license; and

(2) Has passed the written tests described in NRS 644.248.

(f) If the person has practiced hair braiding in another state without a license and it is legal in that state to practice hair braiding without a license:

(1) Has submitted to the Board a signed affidavit stating that the person has practiced hair braiding for at least 1 year; and

(2) Has passed the practical demonstration in hair braiding and written tests described in NRS 644.248.

2. The application submitted pursuant to subsection 1 must be accompanied by:

(a) Two current photographs of the applicant which are 2 by 2 inches. The name and address of the applicant must be written on the back of each photograph.

(b) A copy of one of the following documents as proof of the age of the applicant:

(1) A driver's license or identification card issued to the applicant by this State or another state, the District of Columbia or any territory of the United States;

(2) The birth certificate of the applicant; or

(3) The current passport issued to the applicant.

Sec. 19. NRS 644.210 is hereby amended to read as follows:

644.210 1. An application for admission to examination or for a license in any branch of cosmetology, or for a certificate of registration as a shampoo technologist, aesthetician's apprentice, cosmetologist's apprentice, hair designer's apprentice or nail technologist's apprentice must be made in writing on forms furnished by the Board and must be submitted within the period designated by the Board. The Board shall charge a fee of $15 for furnishing the forms.

2. An application must contain proof of the qualifications of the applicant for examination, licensure or registration. The ~~[~~application~~]~~ ***applicant*** must ~~[~~be verified by the oath of the applicant.~~]~~ ***certify that all the information contained in the application is truthful and accurate.***

Sec. 20. NRS 644.230 is hereby amended to read as follows:

644.230 All examinations of applicants must:

1. Include both practical demonstrations and written or oral tests, except where otherwise provided in this chapter.

2. Not be confined to any special system or method.

3. Be consistent in both practical and technical requirements and of sufficient thoroughness to satisfy the Board as to the applicant's skill in, and knowledge of, the practice of the occupation for which a license ***or certificate of registration*** is sought.

Sec. 21. NRS 644.235 is hereby amended to read as follows:

644.235 1. The Board:

(a) Shall provide examinations for licensure ***or registration*** as a cosmetologist ***, aesthetician, hair designer, shampoo technologist, hair***

braider, nail technologist or demonstrator of cosmetics in English and, upon the request of an applicant for licensure ***or registration*** as a cosmetologist, ***aesthetician, hair designer, shampoo technologist, hair braider, nail technologist or demonstrator of cosmetics,*** in Spanish; and

(b) May provide examinations for licensure ***or registration*** as a cosmetologist ***, aesthetician, hair designer, shampoo technologist, hair braider, nail technologist or demonstrator of cosmetics,*** in any other language upon the request of an applicant, if the Board determines that providing the examination in that language is in the best interests of the public.

2. A request for an examination for licensure ***or registration*** as a cosmetologist ***, aesthetician, hair designer, shampoo technologist, hair braider, nail technologist or demonstrator of cosmetics*** to be translated into a language other than English or Spanish must be filed with the Board by the applicant making the request at least 90 days before the scheduled examination. The Board shall keep all such requests on file.

3. The Board shall impose a fee upon the applicants who file requests for an examination for licensure ***or registration*** as a cosmetologist ***, aesthetician, hair designer, shampoo technologist, hair braider, nail technologist or demonstrator of cosmetics*** to be translated into a language other than English or Spanish. The fee must be sufficient to ensure that the applicants bear the full cost for the development, preparation, administration, grading and evaluation of the translated examination. The fee is in addition to all other fees that must be paid by applicants for the examination for licensure ***or registration*** as a cosmetologist ~~[.]~~ ***, aesthetician, hair designer, shampoo technologist, hair braider, nail technologist or demonstrator of cosmetics.***

4. In determining whether it is in the best interests of the public to translate an examination for licensure ***or registration*** as a cosmetologist ***, aesthetician, hair designer, shampoo technologist, hair braider, nail technologist or demonstrator of cosmetics*** into a language other than English or Spanish, the Board shall consider the percentage of the population within this State whose native language is the language for which the translated examination is sought.

Sec. 22. NRS 644.260 is hereby amended to read as follows:

644.260 The Board shall issue a license or certificate of registration, as applicable, as a cosmetologist, aesthetician, electrologist, hair designer, shampoo technologist, hair braider, nail technologist, demonstrator of cosmetics or instructor to each applicant who:

1. Except as otherwise provided in NRS 644.242 ~~[,]~~ ***and 644.315,*** passes a satisfactory examination, conducted by the Board to determine his or her fitness to practice that occupation of cosmetology; and

2. Complies with such other requirements as are prescribed in this chapter for the issuance of the license or certificate of registration.

Sec. 23. NRS 644.270 is hereby amended to read as follows:

644.270 Every license ***or certificate of registration*** issued by the Board must specify the occupation which the license ***or certificate*** entitles the holder thereof to practice. No person may practice any other occupation designated in this chapter than that for which the license ***or certificate*** is issued.

Sec. 24. NRS 644.280 is hereby amended to read as follows:

644.280 1. Every license ***or certificate of registration*** issued by the Board must be signed by the President and attested by the ~~[Secretary]~~ ***Secretary-Treasurer*** and must bear the Board's seal.

2. Every license ***or certificate of registration*** is prima facie evidence of the right of the holder thereof to practice that occupation of cosmetology for which the license ***or certificate*** is issued.

Sec. 25. NRS 644.290 is hereby amended to read as follows:

644.290 1. The holder of a license ***or certificate of registration*** issued by the Board to practice any branch of cosmetology must display his or her current license ***or certificate*** or a duplicate of the license ***or certificate*** in plain view of the public at the position where the holder of the license ***or certificate*** performs his or her work.

2. If a person practices cosmetology in more than one place, the person shall ~~[carry his or her license or a duplicate of the license with him or her and]~~ display the license ***or certificate*** or ***a*** duplicate ***of the license or certificate*** wherever he or she is actually working.

Sec. 26. NRS 644.295 is hereby amended to read as follows:

644.295 1. A person licensed ***or registered*** pursuant to this chapter ~~[:~~

~~(a) Shall]~~ ***may*** obtain a duplicate of that license ~~[if the:~~

~~(1) Original was destroyed, misplaced or mutilated; or~~

~~(2) Name or address of the licensee has changed; or~~

~~(b) May obtain a duplicate of that license if required by the person]~~ ***or certificate*** for any ~~[other]~~ reason.

2. To obtain a duplicate license ***or certificate*** a person must:

(a) ~~[File an affidavit with the Board, on the form prescribed by the Board, which states that, if the person is required to obtain the duplicate pursuant to paragraph (a) of subsection 1, the original license was destroyed, misplaced or mutilated or that the person's name or address has changed or, if the person is requesting the duplicate pursuant to paragraph (b) of subsection 1, that the duplicate is required by the person for a reason other than a reason set forth in paragraph (a) of subsection 1;]~~ ***Request a duplicate license or certificate from the Board;*** and

(b) Pay a fee of $25.

Sec. 27. NRS 644.340 is hereby amended to read as follows:

644.340 1. Any person wishing to operate a cosmetological establishment in which any one or a combination of the occupations of cosmetology are practiced must apply to the Board for a license, through the owner, manager or person in charge, upon forms prepared and furnished by

the Board. Each application must contain a detailed floor plan of the proposed cosmetological establishment and proof of the particular requisites for a license provided for in this chapter **.** ~~[, and must be verified by the oath of the maker.]~~ ***The applicant must certify that all the information contained in the application is truthful and accurate.***

2. The applicant must submit the application accompanied by the applicable required fees for inspection and licensing. After the applicant has submitted the application, the applicant must contact the Board and request a verbal review concerning the application to determine if the cosmetological establishment complies with the requirements of this chapter and the regulations adopted by the Board. If, based on the verbal review, the Board determines that the cosmetological establishment meets those requirements, the Board shall issue to the applicant the required license. Upon receipt of the license, the applicant must contact the Board to request the activation of the license. A license issued pursuant to this subsection is not valid until it is activated. The Board shall conduct an on-site inspection of the cosmetological establishment not later than 90 days after the date on which the license is activated.

3. The fee for issuance of a license for a cosmetological establishment is:

(a) For 2 years, $200.

(b) For 4 years, $400.

4. The fee for the initial inspection is $15. If an additional inspection is necessary, the fee is $25.

Sec. 28. NRS 644.377 is hereby amended to read as follows:

644.377 1. Any person wishing to operate an establishment for hair braiding must apply to the Board for a license, through the owner, manager or person in charge, upon forms prepared and furnished by the Board. Each application must contain a detailed floor plan of the proposed establishment for hair braiding and proof of any particular requisites for a license provided for in this chapter **.** ~~[, and must be verified by the oath of the maker.]~~ ***The applicant must certify that all the information contained in the application is truthful and accurate.***

2. The applicant must submit the application accompanied by the required fees for inspection and licensing. After the applicant has submitted the application, the applicant must contact the Board and request a verbal review concerning the application to determine if the establishment for hair braiding complies with the requirements of this chapter and any regulations adopted by the Board. If, based on the verbal review, the Board determines that the establishment for hair braiding meets those requirements, the Board shall issue to the applicant the required license. Upon receipt of the license, the applicant must contact the Board to request the activation of the license. A license issued pursuant to this subsection is not valid until it is activated. The Board shall conduct an on-site inspection of the establishment for hair braiding not later than 90 days after the date on which the license is activated.

3. The fee for issuance of a license for an establishment for hair braiding is:

(a) For 2 years, $200.

(b) For 4 years, $400.

4. The fee for the initial inspection is $15. If an additional inspection is necessary, the fee is $25.

Sec. 29. NRS 644.380 is hereby amended to read as follows:

644.380 1. Any person desiring to conduct a school of cosmetology in which any one or any combination of the occupations of cosmetology are taught must apply to the Board for a license, through the owner, manager or person in charge, upon forms prepared and furnished by the Board. Each application must contain proof of the particular requisites for a license provided for in this chapter, and ***the applicant*** must ~~[be verified by the oath of the maker.]~~ ***certify that all the information contained in the application is truthful and accurate.*** The forms must be accompanied by:

(a) A detailed floor plan of the proposed school;

(b) The name, address and number of the license of the manager or person in charge and of each instructor;

(c) Evidence of financial ability to provide the facilities and equipment required by regulations of the Board and to maintain the operation of the proposed school for 1 year;

(d) Proof that the proposed school will commence operation with an enrollment of a number of students acceptable to the Board;

(e) The applicable fee for a license;

(f) A copy of the contract for the enrollment of a student in a program at the school of cosmetology; and

(g) The name and address of the person designated to accept service of process.

2. Upon receipt by the Board of the application, the Board shall, before issuing a license, determine whether the proposed school:

(a) Is suitably located.

(b) Contains adequate floor space and adequate equipment.

(c) Has a contract for the enrollment of a student in a program at the school of cosmetology that is approved by the Board.

(d) Admits as regular students only persons who have received a certificate of graduation from high school, or the recognized equivalent of such a certificate, or who are beyond the age of compulsory school attendance.

(e) Meets all requirements established by regulations of the Board.

3. The fee for issuance of a license for a school of cosmetology is:

(a) For 2 years, not less than $500 and not more than $800.

(b) For 4 years, not less than $1,000 and not more than $1,600.

4. If the proposed school meets all requirements established by this chapter and the regulations adopted pursuant thereto, the Board shall issue a license to the proposed school. The license must contain:

(a) The name of the proposed school;

(b) A statement that the proposed school is authorized to operate educational programs beyond secondary education; and

(c) Such other information as the Board considers necessary.

5. If the ownership of the school changes or the school moves to a new location, the school may not be operated until a new license is issued by the Board.

6. The Board shall, by regulation, prescribe:

(a) The minimum enrollment of students required by paragraph (d) of subsection 1; and

(b) The amount of floor space required by paragraph (b) of subsection 2.

7. After a license has been issued for the operation of a school of cosmetology, the licensee must obtain the approval of the Board before making any changes in the physical structure of the school.

Sec. 30. NRS 644.408 is hereby amended to read as follows:

644.408 A student ***enrolled as a cosmetologist, aesthetician, electrologist, hair designer or nail technologist*** must receive ~~[~~the following~~]~~ ***a*** minimum ~~[~~amount~~]~~ of ***10 percent of the total hours of*** instruction in the classroom before commencing work on members of the public ***.*** ~~[~~:

~~1. A student enrolled as a cosmetologist must receive at least 300 hours.~~

~~2. A student enrolled as a hair designer must receive at least 300 hours.~~

~~3. A student enrolled as a nail technologist must receive at least 100 hours.~~

~~4. A student enrolled as an electrologist's apprentice must receive at least 150 hours.~~

~~5. A student enrolled as an aesthetician must receive at least 150 hours.~~]

Sec. 31. NRS 644.422 is hereby amended to read as follows:

644.422 1. Except as otherwise provided in subsection 2, an advertisement for services relating to the practice of cosmetology must list:

(a) The name, as it appears on the license, and license number of the cosmetological establishment or establishment for hair braiding where the services will be provided; and

(b) The name and ~~[~~license~~]~~ number of ***the license or certificate of registration of*** any licensee ***or registrant*** mentioned in the advertisement.

2. An advertisement for services relating to the practice of cosmetology to be provided at a school of cosmetology must list the name, as it appears on the license, and license number of the school of cosmetology where the services will be provided.

Sec. 32. NRS 644.430 is hereby amended to read as follows:

644.430 1. The following are grounds for disciplinary action by the Board:

(a) Failure of an owner of an establishment for hair braiding, a cosmetological establishment, a licensed or registered, as applicable, aesthetician, cosmetologist, hair designer, shampoo technologist, hair braider, electrologist, instructor, nail technologist, demonstrator of cosmetics,

makeup artist or school of cosmetology to comply with the requirements of this chapter or the applicable regulations adopted by the Board.

(b) Failure of a cosmetologist's apprentice, electrologist's apprentice, aesthetician's apprentice, hair designer's apprentice or nail technologist's apprentice to comply with the requirements of this chapter or the applicable regulations adopted by the Board.

(c) Obtaining practice in cosmetology or any branch thereof, for money or any thing of value, by fraudulent misrepresentation.

(d) Gross malpractice.

(e) Continued practice by a person knowingly having an infectious or contagious disease.

(f) Drunkenness or the use or possession, or both, of a controlled substance or dangerous drug without a prescription, while engaged in the practice of cosmetology.

(g) Advertising in violation of any of the provisions of NRS 644.422 or 644.478.

(h) Permitting a license ***or certificate of registration*** to be used where the holder thereof is not personally, actively and continuously engaged in business.

(i) Failure to display the license ***or certificate of registration*** or a duplicate of the license ***or certificate of registration*** as provided in NRS 644.290, 644.360, 644.3774 and 644.410.

(j) Failure to display the certificate of registration or a duplicate of the certificate of registration as provided in NRS 644.2175.

(k) Entering, by a school of cosmetology, into an unconscionable contract with a student of cosmetology.

(l) Continued practice of cosmetology or operation of a cosmetological establishment or school of cosmetology after the license therefor has expired.

(m) ***Engaging in prostitution or solicitation for prostitution in violation of NRS 201.354 by the owner of a cosmetological establishment, an establishment for hair braiding or a facility in which threading is conducted, a licensee or a holder of a certificate of registration.***

(n) Any other unfair or unjust practice, method or dealing which, in the judgment of the Board, may justify such action.

2. If the Board determines that a violation of this section has occurred, it may:

(a) Refuse to issue or renew a license or certificate of registration;

(b) Revoke or suspend a license or certificate of registration;

(c) Place the licensee or holder of a certificate of registration on probation for a specified period;

(d) Impose a fine not to exceed $2,000; or

(e) Take any combination of the actions authorized by paragraphs (a) to (d), inclusive.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 33. NRS 644.473 is hereby amended to read as follows:

644.473 It is unlawful for ~~[~~:

~~1. Any licensed cosmetological establishment to represent itself to the public as primarily engaged in the business of cutting men's hair; or~~

~~2. Any~~] ***any*** person licensed ***or registered*** pursuant to this chapter to engage in any act or practice which constitutes a violation of subsection 6 or 7 of NRS 643.190.

Sec. 34. NRS 644.476 is hereby amended to read as follows:

644.476 ***1.*** It is unlawful for a person to ~~[reproduce mechanically or otherwise copy or]~~ alter a license ***or certificate of registration*** issued pursuant to this chapter.

2. It is unlawful for a person to reproduce mechanically or otherwise duplicate a license or certificate of registration issued pursuant to this chapter for purposes of fraud, deception, misrepresentation or other illegal purposes. A person may duplicate a license or certificate of registration issued pursuant to this chapter for a lawful purpose, including, without limitation, for purposes of displaying a duplicate license or certificate of registration pursuant to NRS 644.290, 644.360, 644.3774 or 644.410.

Sec. 35. NRS 644.478 is hereby amended to read as follows:

644.478 With regard to advertising relating to the education, licensing **,** ***registration*** or practice of cosmetology or threading:

1. It is unlawful to advertise in any manner that is misleading or inaccurate with respect to any services relating to the practice of cosmetology offered by a licensee **,** ***registrant*** or other natural person.

2. An advertisement must not state or imply favorable consideration by the Board except that an advertisement may state that a cosmetological establishment, establishment for hair braiding, school of cosmetology **,** ~~[or]~~ licensee ***or registrant*** is licensed ***or registered*** by the Board.

Sec. 36. NRS 179A.100 is hereby amended to read as follows:

179A.100 1. The following records of criminal history may be disseminated by an agency of criminal justice without any restriction pursuant to this chapter:

(a) Any which reflect records of conviction only; and

(b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.

2. Without any restriction pursuant to this chapter, a record of criminal history or the absence of such a record may be:

(a) Disclosed among agencies which maintain a system for the mutual exchange of criminal records.

(b) Furnished by one agency to another to administer the system of criminal justice, including the furnishing of information by a police department to a district attorney.

(c) Reported to the Central Repository.

3. An agency of criminal justice shall disseminate to a prospective employer, upon request, records of criminal history concerning a prospective

employee or volunteer which are the result of a name-based inquiry and which:

(a) Reflect convictions only; or

(b) Pertain to an incident for which the prospective employee or volunteer is currently within the system of criminal justice, including parole or probation.

4. In addition to any other information to which an employer is entitled or authorized to receive from a name-based inquiry, the Central Repository shall disseminate to a prospective or current employer, or a person or entity designated to receive the information on behalf of such an employer, the information contained in a record of registration concerning an employee, prospective employee, volunteer or prospective volunteer who is a sex offender or an offender convicted of a crime against a child, regardless of whether the employee, prospective employee, volunteer or prospective volunteer gives written consent to the release of that information. The Central Repository shall disseminate such information in a manner that does not reveal the name of an individual victim of an offense or the information described in subsection 7 of NRS 179B.250. A request for information pursuant to this subsection must conform to the requirements of the Central Repository and must include:

(a) The name and address of the employer, and the name and signature of the person or entity requesting the information on behalf of the employer;

(b) The name and address of the employer's facility in which the employee, prospective employee, volunteer or prospective volunteer is employed or volunteers or is seeking to become employed or volunteer; and

(c) The name and other identifying information of the employee, prospective employee, volunteer or prospective volunteer.

5. In addition to any other information to which an employer is entitled or authorized to receive, the Central Repository shall disseminate to a prospective or current employer, or a person or entity designated to receive the information on behalf of such an employer, the information described in subsection 4 of NRS 179A.190 concerning an employee, prospective employee, volunteer or prospective volunteer who gives written consent to the release of that information if the employer submits a request in the manner set forth in NRS 179A.200 for obtaining a notice of information. The Central Repository shall search for and disseminate such information in the manner set forth in NRS 179A.210 for the dissemination of a notice of information.

6. Except as otherwise provided in subsection 5, the provisions of NRS 179A.180 to 179A.240, inclusive, do not apply to an employer who requests information and to whom such information is disseminated pursuant to subsections 4 and 5.

7. Records of criminal history must be disseminated by an agency of criminal justice, upon request, to the following persons or governmental entities:

(a) The person who is the subject of the record of criminal history for the purposes of NRS 179A.150.

(b) The person who is the subject of the record of criminal history when the subject is a party in a judicial, administrative, licensing, disciplinary or other proceeding to which the information is relevant.

(c) The Nevada Gaming Control Board.

(d) The State Board of Nursing.

(e) The Private Investigator's Licensing Board to investigate an applicant for a license.

(f) A public administrator to carry out the duties as prescribed in chapter 253 of NRS.

(g) A public guardian to investigate a ward or proposed ward or persons who may have knowledge of assets belonging to a ward or proposed ward.

(h) Any agency of criminal justice of the United States or of another state or the District of Columbia.

(i) Any public utility subject to the jurisdiction of the Public Utilities Commission of Nevada when the information is necessary to conduct a security investigation of an employee or prospective employee or to protect the public health, safety or welfare.

(j) Persons and agencies authorized by statute, ordinance, executive order, court rule, court decision or court order as construed by appropriate state or local officers or agencies.

(k) Any person or governmental entity which has entered into a contract to provide services to an agency of criminal justice relating to the administration of criminal justice, if authorized by the contract, and if the contract also specifies that the information will be used only for stated purposes and that it will be otherwise confidential in accordance with state and federal law and regulation.

(l) Any reporter for the electronic or printed media in a professional capacity for communication to the public.

(m) Prospective employers if the person who is the subject of the information has given written consent to the release of that information by the agency which maintains it.

(n) For the express purpose of research, evaluative or statistical programs pursuant to an agreement with an agency of criminal justice.

(o) An agency which provides child welfare services, as defined in NRS 432B.030.

(p) The Division of Welfare and Supportive Services of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.

(q) The Aging and Disability Services Division of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.

(r) An agency of this or any other state or the Federal Government that is conducting activities pursuant to Part D of Subchapter IV of Chapter 7 of Title 42 of the Social Security Act, 42 U.S.C. §§ 651 et seq.

(s) The State Disaster Identification Team of the Division of Emergency Management of the Department.

(t) The Commissioner of Insurance.

(u) The Board of Medical Examiners.

(v) The State Board of Osteopathic Medicine.

(w) The Board of Massage Therapists and its Executive Director.

(x) The Board of Examiners for Social Workers.

(y) ***The State Board of Cosmetology and its Executive Director.***

(z) A multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored by the Attorney General pursuant to NRS 228.495.

8. Agencies of criminal justice in this State which receive information from sources outside this State concerning transactions involving criminal justice which occur outside Nevada shall treat the information as confidentially as is required by the provisions of this chapter.

Sec. 37. As soon as practicable after January 1, 2018, any amount remaining in the revolving fund for the State Board of Cosmetology established in former NRS 644.180 must be transferred to the State General Fund.

Sec. 38. NRS 644.180 and 644.196 are hereby repealed.

Sec. 39. This act becomes effective on passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and on January 1, 2018, for all other purposes.

TEXT OF REPEALED SECTIONS

644.180 Revolving fund. An amount not to exceed $1,000 may be drawn from the Contingent Fund to be used as a revolving fund where cash advances are necessary. Expenditures from the revolving fund must be substantiated by vouchers and itemized statements at the end of each fiscal year, or at any other time when demanded by the Chief of the Budget Division of the Office of Finance.

644.196 Instructors in cosmetology: Qualifications for examination. The Board shall admit to examination for a license as an instructor in cosmetology any person who has made application to the Board in proper form, paid the fee and meets the requirements of NRS 644.195.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

The following amendment was proposed by Assemblywoman Bustamante Adams:

Amendment No. 102.

AN ACT relating to cosmetology; **providing for the temporary suspension of certain licenses and certificates of registration;** revising provisions governing the State Board of Cosmetology; revising provisions governing instructors of various cosmetology professionals; revising provisions relating to the licensure or registration of various cosmetology professionals, cosmetological establishments and schools of cosmetology; imposing a fee upon certain applicants who request an examination be translated into a language other than English or Spanish; revising provisions relating to disciplinary action and certain prohibited acts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Board of Cosmetology, which consists of seven members, is charged with (1) the licensure of cosmetologists, aestheticians, hair designers, hair braiders, electrologists, nail technologists and demonstrators of cosmetics; (2) the registration of shampoo technologists, makeup artists, apprentices and persons who engage in threading and operators of threading facilities; and (3) the licensure of cosmetological establishments, establishments for hair braiding, instructors and schools of cosmetology. (Chapter 644 of NRS) **Section 1** of this bill **: (1) provides for the temporary suspension of a license or certificate of registration issued by the Board without a prior hearing for a period not to exceed 15 business days under certain exigent circumstances; (2) authorizes the licensee or holder of a certificate of registration to request a postsuspension administrative review; and (3) requires the Board to hold a hearing and render a final decision as promptly as is practicable but not later than 15 days after the date on which the Board receives a request for review from the licensee or holder of the certificate of registration. Section 1.5 of this bill** authorizes the Governor, after notice and a hearing, to remove any member of the State Board of Cosmetology for neglect of duty, malfeasance or misfeasance.

Existing law requires the Board to elect both a Treasurer and a Secretary and authorizes the Board to assign the duties of Treasurer and Secretary to one person. (NRS 644.060) **Section 2** of this bill instead requires the Board to annually elect one person as the Secretary-Treasurer of the Board.

Section 3 of this bill removes the examination of certain applicants as one of the purposes of the meetings the Board is required to hold at least four times a year. **Sections 15-18** of this bill make conforming changes.

Section 6 of this bill: (1) revises provisions regarding the deposit and use of fees and other money received by the Board pursuant to the provisions of NRS governing cosmetology; and (2) prohibits certain expenses from being charged against the State General Fund.

Sections 11-13 of this bill revise the continuing education requirements for instructors of cosmetology, instructors of aestheticians and instructors of nail technology, to provide that such instructors are required to satisfy the number of hours of continuing education required by the National Accrediting Commission of Career Arts & Sciences, or its successor organization. **Section 38** of this bill eliminates certain requirements for the examination of instructors in cosmetology because those qualifications are now set forth in **section 11**.

Sections 10, 14, 17 and 18 of this bill: (1) delete the requirement that an applicant for a provisional license as an instructor, a license as a student instructor or a license as a hair braider submit to the Board written verification of completion of the educational requirement for the license; and (2) revise the circumstances under which a license as a student instructor expires.

Section 15 of this bill changes the requirements for admission to examination for a license as a cosmetologist by reducing the number of hours of service as a cosmetologist's apprentice from 3,600 to 3,200 hours for certain applicants.

Sections 19 and 27-29 of this bill require certain applicants to the Board for a license or a certificate of registration to certify that the information contained in the application is truthful and accurate rather than verify the application by oath.

Section 21 of this bill expands the provisions which require the Board to provide examinations for licensure and registration in English and, upon request, in Spanish and authorize the Board to provide examinations for licensure and registration in other languages, upon request, to apply to examinations for licensure or registration as an aesthetician, hair designer, shampoo technologist, hair braider, nail technologist or demonstrator of cosmetics.

Existing law requires a licensee to obtain a duplicate license if his or her original license was destroyed, misplaced or mutilated or if the name or address of the licensee has changed. (NRS 644.295) **Section 26** of this bill eliminates those requirements and instead authorizes a licensee or holder of a certificate to obtain a duplicate license or certificate for any reason.

Section 30 of this bill removes the specific number of hours of instruction that a student enrolled as a cosmetologist, aesthetician, electrologist, hair designer or nail technologist must receive before commencing work on members of the public and instead requires such a student to receive a minimum of 10 percent of the total hours of instruction before commencing work on members of the public.

Section 32 of this bill includes prostitution or solicitation for prostitution as a ground for disciplinary action by the Board against an owner of a cosmetological establishment, an establishment for hair braiding or a facility in which threading is conducted, a licensee or a holder of a certificate of registration.

Sections 33 and 34 of this bill: (1) eliminate, as an unlawful act, a cosmetological establishment representing itself to the public as primarily engaged in the business of cutting men's hair; (2) revise the circumstances in which the unlawful act of reproducing or otherwise copying a license or certificate of registration applies; and (3) authorizes a person to reproduce a license or certificate under certain circumstances.

Section 36 of this bill adds the Board to the list of persons and governmental entities to whom records of criminal history must be disseminated by an agency of criminal justice upon request.

Sections 37 and 38 eliminate the Board's revolving fund used for cash advances.

Sections 4, 5, 7-9, 20, 23-25, 31 and 35 of this bill clarify the applicability of those sections to certificates of registration.

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

Section 1. **Chapter 644 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If the holder of a license or certificate of registration to operate a cosmetological establishment, an establishment for hair braiding or a facility in which threading is conducted or any other licensee or a holder of a certificate of registration issued pursuant to this chapter is charged with or cited for prostitution in violation of NRS 201.354 or any other sexual offense, the appropriate law enforcement agency shall report the charge or citation to the Executive Director of the Board. Upon receiving such a report, the Executive Director shall immediately forward the report to the Board or the Chair of the Board. The Board must meet as soon as practicable to consider the report. If the Board finds that the health, safety or welfare of the public imperatively require emergency action and issues a cease and desist order, the Executive Director shall immediately send the cease and desist order by certified mail to the licensee or holder of the certificate of registration. The temporary suspension of the license or certificate of registration is effective immediately after the licensee or holder of the certificate of registration receives notice of the cease and desist order and must not exceed 15 business days. The licensee or holder of the certificate of registration may file a written request for a hearing to challenge the necessity of the temporary suspension. The written request must be filed not later than 10 business days after the date on which the Executive Director mails the cease and desist order. If the licensee or holder of the certificate of registration:

(a) Files a timely written request for a hearing, the Board shall extend the temporary suspension until a hearing is held. The Board shall hold a hearing and render a final decision regarding the necessity of the temporary suspension as promptly as is practicable but not later than 15 business days after the date on which the Board receives the written

request. After holding such a hearing, the Board may extend the period of the temporary suspension if the Board finds, for good cause shown, that such action is necessary to protect the health, safety or welfare of the public pending proceedings for disciplinary action.

(b) Does not file a timely written request for a hearing and the Board wants to consider extending the period of the temporary suspension, the Board shall schedule a hearing and notify the licensee or holder of the certificate of registration immediately by certified mail of the date of the hearing. The hearing must be held and a final decision rendered regarding whether to extend the period of the temporary suspension as promptly as is practicable but not later than 15 business days after the date on which the Executive Director mails the cease and desist order. After holding such a hearing, the Board may extend the period of the temporary suspension if the Board finds, for good cause shown, that such action is necessary to protect the health, safety or welfare of the public pending proceedings for disciplinary action.

2. For purposes of this section, a person is deemed to have notice of a temporary suspension of his or her license or certificate of registration:

(a) On the date on which the notice is personally delivered to the person; or

(b) If the notice is mailed, 3 days after the date on which the notice is mailed by certified mail to the last known business or residential address of the person.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 644.050 is hereby amended to read as follows:

644.050 1. After the initial terms, members of the Board serve terms of 4 years, except when appointed to fill unexpired terms.

2. Before entering upon the discharge of his or her duties, each member shall make and file with the Secretary of State the constitutional oath of office.

3. No member of the Board may serve more than two consecutive full terms. A member who serves two consecutive full terms is not thereafter eligible to serve on the Board for a period of 1 year. Any time served on the Board in filling the unexpired term of another member does not apply in computing two consecutive full terms.

4. The Governor may, after notice and hearing, remove any member of the Board for neglect of duty, malfeasance or misfeasance.

Sec. 2. NRS 644.060 is hereby amended to read as follows:

644.060 The members of the Board shall annually elect a President, a Vice President ~~[, a Treasurer and a Secretary]~~ ***and a Secretary-Treasurer*** from among their number. ~~[The members may assign the duties of the Treasurer and the Secretary to one person who shall be Treasurer and Secretary.]~~

Sec. 3. NRS 644.070 is hereby amended to read as follows:

644.070 1. The Board shall hold meetings at least four times a year for the ~~[examination of applicants for registration and for the]~~ transaction of such ~~[other]~~ business as pertains to its duties.

2. The Board may hold such other meetings for the ~~[examination of applicants for registration or for the]~~ transaction of necessary business at such times and places as it determines.

3. The members of the Board are entitled to receive:

(a) A salary of not more than $150 per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

4. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

5. All such compensation and expenses must be paid by the Board out of the fees and receipts received by it, and no part thereof may be paid by the State.

Sec. 4. NRS 644.090 is hereby amended to read as follows:

644.090 The Board shall:

1. Hold examinations to determine the qualifications of all applicants for a license ~~[,]~~ ***or certificate of registration,*** except as otherwise provided in this chapter, whose applications have been submitted to it in proper form.

2. Issue licenses to such applicants as may be entitled thereto.

3. Issue certificates of registration to such applicants as may be entitled thereto.

4. License establishments for hair braiding, cosmetological establishments and schools of cosmetology.

5. Report to the proper prosecuting officer or law enforcement agency each violation of this chapter coming within its knowledge.

6. Inspect schools of cosmetology, establishments for hair braiding, cosmetological establishments and any facility in this State in which threading is conducted to ensure compliance with the statutory requirements and adopted regulations of the Board. This authority extends to any member of the Board or its authorized employees.

Sec. 5. NRS 644.110 is hereby amended to read as follows:

644.110 The Board shall adopt reasonable regulations:

1. For carrying out the provisions of this chapter.

2. For conducting examinations of applicants for licenses ~~[,]~~ ***and certificates of registration.***

3. For governing the recognition of, and the credits to be given to, the study of cosmetology under a licensed electrologist or in a school of

cosmetology licensed pursuant to the laws of another state or territory of the United States or the District of Columbia.

4. For governing the conduct of schools of cosmetology. The regulations must include but need not be limited to, provisions:

(a) Prohibiting schools from requiring that students purchase beauty supplies for use in the course of study;

(b) Prohibiting schools from deducting earned hours of school credit or any other compensation earned by a student as a punishment for misbehavior of the student;

(c) Providing for lunch and coffee recesses for students during school hours; and

(d) Allowing a member or an authorized employee of the Board to review the records of a student's training and attendance.

5. Governing the courses of study and practical training required of persons for treating the skin of the human body.

6. For governing the conduct of cosmetological establishments.

7. As the Board determines are necessary for governing the conduct of establishments for hair braiding.

Sec. 6. NRS 644.170 is hereby amended to read as follows:

644.170 1. ~~[All fees collected on behalf of the Board and all receipts of every kind and nature must be reported at the beginning of each month, for the month preceding, to the Board. At the same time, the entire amount of collections, except as otherwise provided in subsection 5, must be paid to the Board, who shall deposit them]~~ ***Except as otherwise provided in subsection 3, all fees and other money received by the Board pursuant to the provisions of this chapter must be deposited*** in banks, credit unions or savings and loan associations in the State of Nevada ~~[.~~

~~2. The receipts must be for the uses of the Board and out of them must be paid all salaries and all other expenses necessarily incurred in carrying into effect the provisions of this chapter.~~

~~3. All orders for payment of money must be drawn on the Treasurer of the Board and countersigned by the President and the Secretary of the Board.~~

~~4.]~~ ***and expended solely for the purposes of this chapter. The money so deposited does not revert to the State General Fund. The compensation provided for by this chapter and all expenses incurred under this chapter must be paid from this money. No compensation or expenses incurred under this chapter may be charged against the State General Fund.***

2. In a manner consistent with the provisions of chapter 622A of NRS, the Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines therefor and deposit the money therefrom in banks, credit unions or savings and loan associations in this State.

~~[5.]~~ ***3.*** If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection ~~[4]~~ ***2*** and the Board deposits the money collected from the imposition of fines with the State Treasurer for credit to

the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 7. NRS 644.190 is hereby amended to read as follows:

644.190 1. It is unlawful for any person to conduct or operate a cosmetological establishment, an establishment for hair braiding, a school of cosmetology or any other place of business in which any one or any combination of the occupations of cosmetology are taught or practiced unless the person is licensed in accordance with the provisions of this chapter.

2. Except as otherwise provided in subsections 4 and 5, it is unlawful for any person to engage in, or attempt to engage in, the practice of cosmetology or any branch thereof, whether for compensation or otherwise, unless the person is licensed or registered in accordance with the provisions of this chapter.

3. This chapter does not prohibit:

(a) Any student in any school of cosmetology established pursuant to the provisions of this chapter from engaging, in the school and as a student, in work connected with any branch or any combination of branches of cosmetology in the school.

(b) An electrologist's apprentice from participating in a course of practical training and study.

(c) A person issued a provisional license as an instructor pursuant to NRS 644.193 from acting as an instructor and accepting compensation therefor while accumulating the hours of training as a teacher required for an instructor's license.

(d) The rendering of services relating to the practice of cosmetology by a person who is licensed or registered in accordance with the provisions of this chapter, if those services are rendered in connection with photographic services provided by a photographer.

(e) A registered cosmetologist's apprentice from engaging in the practice of cosmetology under the immediate supervision of a licensed cosmetologist.

(f) A registered shampoo technologist from engaging in the practice of shampoo technology under the immediate supervision of a licensed cosmetologist or hair designer.

(g) A registered aesthetician's apprentice from engaging in the practice of aesthetics under the immediate supervision of a licensed aesthetician or licensed cosmetologist.

(h) A registered hair designer's apprentice from engaging in the practice of hair design under the immediate supervision of a licensed hair designer or licensed cosmetologist.

(i) A registered nail technologist's apprentice from engaging in the practice of nail technology under the immediate supervision of a licensed nail technologist or licensed cosmetologist.

(j) A makeup artist registered pursuant to NRS 644.251 from engaging in the practice of makeup artistry for compensation or otherwise in a licensed cosmetological establishment.

4. A person employed to render services relating to the practice of cosmetology in the course of and incidental to the production of a motion picture, television program, commercial or advertisement is exempt from the licensing ***or registration*** requirements of this chapter if he or she renders those services only to persons who will appear in that motion picture, television program, commercial or advertisement.

5. A person practicing hair braiding is exempt from the licensing requirements of this chapter applicable to hair braiding if the hair braiding is practiced on a person who is related within the sixth degree of consanguinity and the person does not accept compensation for the hair braiding.

Sec. 8. NRS 644.191 is hereby amended to read as follows:

644.191 1. The State Board of Cosmetology and the Board of Massage Therapists shall, to the extent practicable, reduce duplication in the licensing ***or registration*** procedure for a qualified applicant who is applying to the State Board of Cosmetology for a license ***or certificate of registration*** to practice pursuant to this chapter and who is also applying to the Board of Massage Therapists for a license to practice pursuant to chapter 640C of NRS, if both applications are filed not more than 60 days apart.

2. If a qualified applicant submits an application to the Board of Massage Therapists for a license to practice pursuant to chapter 640C of NRS and, not later than 60 days after that application, the applicant also submits an application to the State Board of Cosmetology for a license ***or certificate of registration*** to practice pursuant to this chapter:

(a) The applicant is not required to submit a set of fingerprints to the State Board of Cosmetology if the applicant submitted a set of fingerprints with his or her application to the Board of Massage Therapists;

(b) The State Board of Cosmetology shall request from the Board of Massage Therapists a copy of any reports relating to a background investigation of the applicant;

(c) Upon receiving such a request, the Board of Massage Therapists shall provide to the State Board of Cosmetology any reports relating to a background investigation of the applicant; and

(d) The State Board of Cosmetology shall use the reports provided by the Board of Massage Therapists in reviewing the application for a license ***or certificate of registration*** to practice pursuant to this chapter.

Sec. 9. NRS 644.192 is hereby amended to read as follows:

644.192 1. The Board and a local governmental entity shall, to the extent practicable, reduce duplication in the licensing ***or registration*** procedure for a qualified applicant who is applying to the Board for a license ***or certificate of registration*** to practice pursuant to this chapter and who is also applying to the local governmental entity for a license to practice massage therapy, if both applications are filed not more than 60 days apart.

2. If a qualified applicant submits an application to a local governmental entity for a license to practice massage therapy and, not later than 60 days after that application, the applicant also submits an application to the Board for a license ***or certificate of registration*** to practice pursuant to this chapter:

(a) The applicant is not required to submit a set of fingerprints to the Board if the applicant submitted a set of fingerprints with his or her application to the local governmental entity;

(b) The Board shall request from the local governmental entity a copy of any reports relating to a background investigation of the applicant;

(c) Upon receiving such a request, the local governmental entity shall provide to the Board any reports relating to a background investigation of the applicant; and

(d) The Board shall use the reports provided by the local governmental entity in reviewing the application for a license ***or certificate of registration*** to practice pursuant to this chapter.

3. If a qualified applicant submits an application to the Board for a license ***or certificate of registration*** to practice pursuant to this chapter and, not later than 60 days after that application, the applicant also submits an application to a local governmental entity for a license to practice massage therapy:

(a) The applicant is not required to submit a set of fingerprints to the local governmental entity if the applicant submitted a set of fingerprints with his or her application to the Board;

(b) The local governmental entity shall request from the Board a copy of any reports relating to a background investigation of the applicant;

(c) Upon receiving such a request, the Board shall provide to the local governmental entity any reports relating to a background investigation of the applicant; and

(d) The local governmental entity shall use the reports provided by the Board in reviewing the application for a license to practice massage therapy, except that the local governmental entity may conduct its own background investigation of the applicant if the local governmental entity deems it to be necessary.

Sec. 10. NRS 644.193 is hereby amended to read as follows:

644.193 1. The Board may grant a provisional license as an instructor to a person who:

(a) Has successfully completed the 12th grade in school or its equivalent ***;*** ~~[and submits written verification of the completion of his or her education;]~~

(b) Has practiced as a full-time licensed cosmetologist, hair designer, hair braider, aesthetician or nail technologist for 1 year and submits written verification of his or her experience;

(c) Is licensed pursuant to this chapter;

(d) Applies for a provisional license on a form supplied by the Board;

(e) Submits two current photographs of himself or herself; and

(f) Has paid the fee established pursuant to subsection 2.

2. The Board shall establish and collect a fee of not less than $40 and not more than $75 for the issuance of a provisional license as an instructor.

3. A person issued a provisional license pursuant to this section may act as an instructor for compensation while accumulating the number of hours of training required for an instructor's license.

4. A provisional license as an instructor expires upon accumulation by the licensee of the number of hours of training required for an instructor's license or 1 year after the date of issuance, whichever occurs first. The Board may grant an extension of not more than 45 days to those provisional licensees who have applied to the Board for examination as instructors and are awaiting examination.

Sec. 11. NRS 644.195 is hereby amended to read as follows:

644.195 1. ~~[Each instructor must:~~

~~(a) Be licensed as a cosmetologist pursuant to this chapter.]~~ ***The Board shall admit to examination for a license as an instructor of cosmetology any person who has applied to the Board in proper form, paid the fee and:***

(a) Is at least 18 years of age;

(b) ~~[Have]~~ ***Is of good moral character;***

(c) Has successfully completed the 12th grade in school or its equivalent ~~[.~~

~~(c) Have 1 year of experience as a cosmetologist or as a licensed student instructor.~~

~~(d) Have completed 1,000]~~ ***;***

(d) Has received a minimum of 700 hours of training as ~~[an]~~ ***a student*** instructor or 500 hours of training as ***an instructor or as*** a licensed provisional instructor in a ***licensed*** school of cosmetology ~~[.~~

~~(e) Except as otherwise provided in subsection 2, take one or more courses in advanced techniques for teaching or training,]~~ ***; and***

(e) Is licensed as a cosmetologist pursuant to this chapter.

2. An instructor in cosmetology shall complete at least the number of hours of continuing education required, at the time the hours of continuing education are completed, for instructors of schools of cosmetology accredited by the National Accrediting Commission of Career Arts & Sciences or its successor organization. The hours of continuing education must be obtained in courses approved by the Board ~~[, whose combined duration is at least 30 hours]~~ during each 2-year period ~~[.~~

~~2. The provisions of paragraph (e) of subsection 1 do not apply to an instructor who is initially licensed not more than 6 months before the renewal date of the license. An instructor who is initially licensed more than 6 months but less than 1 year before the renewal date of the license must take one or more courses specified in paragraph (e) whose combined duration is at least 15 hours during each 2-year period.]~~ ***of his or her license.***

3. Each instructor shall pay an initial fee for a license of not less than $60 and not more than $90.

Sec. 12. NRS 644.1955 is hereby amended to read as follows:

644.1955 1. The Board shall admit to examination for a license as an instructor of aestheticians any person who has applied to the Board in proper form, paid the fee and:

(a) Is at least 18 years of age;

(b) Is of good moral character;

(c) Has successfully completed the 12th grade in school or its equivalent;

(d) Has received a minimum of 700 hours of training as ~~[an]~~ ***a student*** instructor or 500 hours of training as ***an instructor or as*** a licensed provisional instructor in a licensed school of cosmetology;

(e) Is licensed as an aesthetician pursuant to this chapter; and

(f) Has practiced as a full-time licensed aesthetician or as a licensed student instructor **.** ~~[for 1 year.~~

~~2. Except as otherwise provided in subsection 3, an]~~

2. An instructor of aestheticians shall complete at least ~~[30]~~ ***the number of*** hours of ~~[advanced training in a course approved by the Board]~~ ***continuing education required, at the time the hours of continuing education are completed, for instructors of schools of cosmetology accredited by the National Accrediting Commission of Career Arts & Sciences or its successor organization. The hours of continuing education must be obtained*** during each 2-year period of his or her license ~~[.~~

~~3. The provisions of subsection 2 do not apply to an instructor of aestheticians who is initially licensed not more than 6 months before the renewal date of the license. An instructor of aestheticians who is initially licensed more than 6 months but less than 1 year before the renewal date of the license must take one or more courses specified in subsection 2 whose combined duration is at least 15 hours during each 2-year period.]~~ ***in courses approved by the Board.***

Sec. 13. NRS 644.197 is hereby amended to read as follows:

644.197 1. The Board shall admit to examination for a license as an instructor in nail technology any person who has applied to the Board in proper form, paid the fee and:

(a) Is at least 18 years of age;

(b) Is of good moral character;

(c) Has successfully completed the 12th grade in school or its equivalent;

(d) Has received a minimum of ***700 hours of training as a student instructor or*** 500 hours of training as an instructor or as a licensed provisional instructor in a licensed school of cosmetology;

(e) Is licensed as a nail technologist pursuant to this chapter; and

(f) Has practiced as a full-time licensed nail technologist or as a licensed student instructor **.** ~~[for 1 year.~~

~~2. Except as otherwise provided in subsection 3, an]~~

2. An instructor in nail technology shall complete at least ~~[30]~~ ***the number of*** hours of ~~[advanced training in a course approved by the Board]~~ ***continuing education required, at the time the hours of continuing***

education are completed, for instructors of schools of cosmetology accredited by the National Accrediting Commission of Career Arts & Sciences or its successor organization. The hours of continuing education must be obtained during each 2-year period of his or her license ~~[~~.

~~3. The provisions of subsection 2 do not apply to an instructor in nail technology who is initially licensed not more than 6 months before the renewal date of the license. An instructor in nail technology who is initially licensed more than 6 months but less than 1 year before the renewal date of the license must take one or more courses specified in subsection 2 whose combined duration is at least 15 hours during each 2-year period.~~**]** ***in courses approved by the Board.***

Sec. 14. NRS 644.199 is hereby amended to read as follows:

644.199 1. The Board shall grant a license as a student instructor to a person who:

(a) Has successfully completed the 12th grade in school or its equivalent ***;*** **[**~~and submits written verification of the completion of his or her education;~~**]**

(b) Is enrolled in a program to prepare student instructors in a school of cosmetology if:

(1) The program is certified by the Board; and

(2) The program requires that the student instructor is supervised by an instructor who is licensed;

(c) Is licensed pursuant to this chapter;

(d) Applies for a license as a student instructor on a form provided by the Board;

(e) Submits two current photographs of himself or herself; and

(f) Has paid the fee established pursuant to subsection 2.

2. The Board shall establish and collect a fee of not less than $25 or more than $40 for the issuance of a license as a student instructor.

3. A person issued a license as a student instructor pursuant to this section:

(a) Must be supervised by an instructor who is licensed; and

(b) May act as an instructor for compensation and work experience credit while accumulating the number of hours of training required for an instructor's license.

4. A license as a student instructor expires upon accumulation by the licensee of the number of hours of training required for an instructor's license **. [**~~or after full-time employment as a student instructor for 1 year, whichever occurs later.~~**]** The Board may grant an extension of not more than 45 days to those student instructor licensees who have applied to the Board for examination as instructors and are awaiting examination.

Sec. 15. NRS 644.200 is hereby amended to read as follows:

644.200 The Board shall admit to examination for a license as a cosmetologist **[**~~, at any meeting of the Board held to conduct examinations,~~**]** any person who has made application to the Board in proper form and paid the fee, and who before or on the date of the examination:

1. Is not less than 18 years of age.

2. Is of good moral character.

3. Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

4. Has successfully completed the 10th grade in school or its equivalent. Testing for equivalency must be pursuant to applicable state or federal requirements.

5. Has had any one of the following:

(a) Training of at least 1,600 hours, extending over a school term of 10 months, in a school of cosmetology approved by the Board.

(b) Practice of the occupation of a cosmetologist for a period of 4 years outside this State.

(c) If the applicant is a barber registered pursuant to chapter 643 of NRS, 600 hours of specialized training approved by the Board.

(d) At least ~~[3,600]~~ ***3,200*** hours of service as a cosmetologist's apprentice in a licensed cosmetological establishment in which all of the occupations of cosmetology are practiced. The required hours must have been completed during the period of validity of the certificate of registration as a cosmetologist's apprentice issued to the person pursuant to NRS 644.217.

Sec. 16. NRS 644.204 is hereby amended to read as follows:

644.204 The Board shall admit to examination for a license as a hair designer ~~[, at any meeting of the Board held to conduct examinations,]~~ each person who has applied to the Board in proper form and paid the fee, and who:

1. Is not less than 18 years of age.

2. Is of good moral character.

3. Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

4. Has successfully completed the 10th grade in school or its equivalent. Testing for equivalency must be pursuant to state or federal requirements.

5. Satisfies at least one of the following:

(a) Is a barber registered pursuant to chapter 643 of NRS.

(b) Has had training of at least 1,200 hours, extending over a period of 7 consecutive months, in a school of cosmetology approved by the Board.

(c) Has had practice of the occupation of hair designing for at least 4 years outside this State.

(d) Has had at least 2,400 hours of service as a hair designer's apprentice in a licensed cosmetological establishment in which hair design is practiced. The required hours must have been completed during the period of validity of the certificate of registration as a hair designer's apprentice issued to the person pursuant to NRS 644.216.

Sec. 17. NRS 644.208 is hereby amended to read as follows:

644.208 1. ~~[The]~~ ***Except as otherwise provided in NRS 644.209, the*** Board shall admit to examination as a hair braider ~~[, at any meeting of the~~

~~Board held to conduct examinations,~~] each person who has applied to the Board in proper form and paid the fee, and who:

(a) Is not less than 18 years of age.

(b) Is of good moral character.

(c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(d) Has successfully completed the 10th grade in school or its equivalent **.** [~~and has submitted to the Board a notarized affidavit establishing the successful completion by the applicant of the 10th grade or its equivalent.~~] Testing for equivalency must be pursuant to state or federal requirements.

(e) If the person has not practiced hair braiding previously:

(1) Has completed a minimum of 250 hours of training and education as follows:

(I) Fifty hours concerning the laws of Nevada and the regulations of the Board relating to cosmetology;

(II) Seventy-five hours concerning infection control and prevention and sanitation;

(III) Seventy-five hours regarding the health of the scalp and the skin of the human body; and

(IV) Fifty hours of clinical practice; and

(2) Has passed the practical demonstration in hair braiding and written tests described in NRS 644.248.

(f) If the person has practiced hair braiding in this State on a person who is related within the sixth degree of consanguinity without a license and without charging a fee:

(1) Has submitted to the Board a signed affidavit stating that the person has practiced hair braiding for at least 1 year on such a relative; and

(2) Has passed the practical demonstration in hair braiding and written tests described in NRS 644.248.

2. The application submitted pursuant to subsection 1 must be accompanied by:

(a) Two current photographs of the applicant which are 2 by 2 inches. The name and address of the applicant must be written on the back of each photograph.

(b) A copy of one of the following documents as proof of the age of the applicant:

(1) A driver's license or identification card issued to the applicant by this State or another state, the District of Columbia or any territory of the United States;

(2) The birth certificate of the applicant; or

(3) The current passport issued to the applicant.

Sec. 18. NRS 644.209 is hereby amended to read as follows:

644.209 1. The Board shall admit to examination as a hair braider [~~, at any meeting of the Board held to conduct examinations,~~] each person who

has practiced hair braiding in another state, has applied to the Board in proper form and paid a fee of $200, and who:

(a) Is not less than 18 years of age.

(b) Is of good moral character.

(c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(d) Has successfully completed the 10th grade in school or its equivalent **.** ~~[and has submitted to the Board a notarized affidavit establishing the successful completion by the applicant of the 10th grade or its equivalent.]~~ Testing for equivalency must be pursuant to state or federal requirements.

(e) If the person has practiced hair braiding in another state in accordance with a license issued in that other state:

(1) Has submitted to the Board proof of the license; and

(2) Has passed the written tests described in NRS 644.248.

(f) If the person has practiced hair braiding in another state without a license and it is legal in that state to practice hair braiding without a license:

(1) Has submitted to the Board a signed affidavit stating that the person has practiced hair braiding for at least 1 year; and

(2) Has passed the practical demonstration in hair braiding and written tests described in NRS 644.248.

2. The application submitted pursuant to subsection 1 must be accompanied by:

(a) Two current photographs of the applicant which are 2 by 2 inches. The name and address of the applicant must be written on the back of each photograph.

(b) A copy of one of the following documents as proof of the age of the applicant:

(1) A driver's license or identification card issued to the applicant by this State or another state, the District of Columbia or any territory of the United States;

(2) The birth certificate of the applicant; or

(3) The current passport issued to the applicant.

Sec. 19. NRS 644.210 is hereby amended to read as follows:

644.210 1. An application for admission to examination or for a license in any branch of cosmetology, or for a certificate of registration as a shampoo technologist, aesthetician's apprentice, cosmetologist's apprentice, hair designer's apprentice or nail technologist's apprentice must be made in writing on forms furnished by the Board and must be submitted within the period designated by the Board. The Board shall charge a fee of $15 for furnishing the forms.

2. An application must contain proof of the qualifications of the applicant for examination, licensure or registration. The ~~[application]~~ ***applicant*** must ~~[be verified by the oath of the applicant.]~~ ***certify that all the information contained in the application is truthful and accurate.***

Sec. 20. NRS 644.230 is hereby amended to read as follows:

644.230 All examinations of applicants must:

1. Include both practical demonstrations and written or oral tests, except where otherwise provided in this chapter.

2. Not be confined to any special system or method.

3. Be consistent in both practical and technical requirements and of sufficient thoroughness to satisfy the Board as to the applicant's skill in, and knowledge of, the practice of the occupation for which a license ***or certificate of registration*** is sought.

Sec. 21. NRS 644.235 is hereby amended to read as follows:

644.235 1. The Board:

(a) Shall provide examinations for licensure ***or registration*** as a cosmetologist ***, aesthetician, hair designer, shampoo technologist, hair braider, nail technologist or demonstrator of cosmetics*** in English and, upon the request of an applicant for licensure ***or registration*** as a cosmetologist, ***aesthetician, hair designer, shampoo technologist, hair braider, nail technologist or demonstrator of cosmetics,*** in Spanish; and

(b) May provide examinations for licensure ***or registration*** as a cosmetologist ***, aesthetician, hair designer, shampoo technologist, hair braider, nail technologist or demonstrator of cosmetics,*** in any other language upon the request of an applicant, if the Board determines that providing the examination in that language is in the best interests of the public.

2. A request for an examination for licensure ***or registration*** as a cosmetologist ***, aesthetician, hair designer, shampoo technologist, hair braider, nail technologist or demonstrator of cosmetics*** to be translated into a language other than English or Spanish must be filed with the Board by the applicant making the request at least 90 days before the scheduled examination. The Board shall keep all such requests on file.

3. The Board shall impose a fee upon the applicants who file requests for an examination for licensure ***or registration*** as a cosmetologist ***, aesthetician, hair designer, shampoo technologist, hair braider, nail technologist or demonstrator of cosmetics*** to be translated into a language other than English or Spanish. The fee must be sufficient to ensure that the applicants bear the full cost for the development, preparation, administration, grading and evaluation of the translated examination. The fee is in addition to all other fees that must be paid by applicants for the examination for licensure ***or registration*** as a cosmetologist ~~[.]~~ ***, aesthetician, hair designer, shampoo technologist, hair braider, nail technologist or demonstrator of cosmetics.***

4. In determining whether it is in the best interests of the public to translate an examination for licensure ***or registration*** as a cosmetologist ***, aesthetician, hair designer, shampoo technologist, hair braider, nail technologist or demonstrator of cosmetics*** into a language other than English or Spanish, the Board shall consider the percentage of the population

within this State whose native language is the language for which the translated examination is sought.

Sec. 22. NRS 644.260 is hereby amended to read as follows:

644.260 The Board shall issue a license or certificate of registration, as applicable, as a cosmetologist, aesthetician, electrologist, hair designer, shampoo technologist, hair braider, nail technologist, demonstrator of cosmetics or instructor to each applicant who:

1. Except as otherwise provided in NRS 644.242 ~~[,]~~ ***and 644.315,*** passes a satisfactory examination, conducted by the Board to determine his or her fitness to practice that occupation of cosmetology; and

2. Complies with such other requirements as are prescribed in this chapter for the issuance of the license or certificate of registration.

Sec. 23. NRS 644.270 is hereby amended to read as follows:

644.270 Every license ***or certificate of registration*** issued by the Board must specify the occupation which the license ***or certificate*** entitles the holder thereof to practice. No person may practice any other occupation designated in this chapter than that for which the license ***or certificate*** is issued.

Sec. 24. NRS 644.280 is hereby amended to read as follows:

644.280 1. Every license ***or certificate of registration*** issued by the Board must be signed by the President and attested by the ~~[Secretary]~~ ***Secretary-Treasurer*** and must bear the Board's seal.

2. Every license ***or certificate of registration*** is prima facie evidence of the right of the holder thereof to practice that occupation of cosmetology for which the license ***or certificate*** is issued.

Sec. 25. NRS 644.290 is hereby amended to read as follows:

644.290 1. The holder of a license ***or certificate of registration*** issued by the Board to practice any branch of cosmetology must display his or her current license ***or certificate*** or a duplicate of the license ***or certificate*** in plain view of the public at the position where the holder of the license ***or certificate*** performs his or her work.

2. If a person practices cosmetology in more than one place, the person shall ~~[carry his or her license or a duplicate of the license with him or her and]~~ display the license ***or certificate*** or ***a*** duplicate ***of the license or certificate*** wherever he or she is actually working.

Sec. 26. NRS 644.295 is hereby amended to read as follows:

644.295 1. A person licensed ***or registered*** pursuant to this chapter ~~[:~~

~~(a) Shall]~~ ***may*** obtain a duplicate of that license ~~[if the:~~

~~(1) Original was destroyed, misplaced or mutilated; or~~

~~(2) Name or address of the licensee has changed; or~~

~~(b) May obtain a duplicate of that license if required by the person]~~ ***or certificate*** for any ~~[other]~~ reason.

2. To obtain a duplicate license ***or certificate*** a person must:

(a) ~~[File an affidavit with the Board, on the form prescribed by the Board, which states that, if the person is required to obtain the duplicate pursuant to~~

~~paragraph (a) of subsection 1, the original license was destroyed, misplaced or mutilated or that the person's name or address has changed or, if the person is requesting the duplicate pursuant to paragraph (b) of subsection 1, that the duplicate is required by the person for a reason other than a reason set forth in paragraph (a) of subsection 1;~~**]** ***Request a duplicate license or certificate from the Board;*** and

(b) Pay a fee of $25.

Sec. 27. NRS 644.340 is hereby amended to read as follows:

644.340 1. Any person wishing to operate a cosmetological establishment in which any one or a combination of the occupations of cosmetology are practiced must apply to the Board for a license, through the owner, manager or person in charge, upon forms prepared and furnished by the Board. Each application must contain a detailed floor plan of the proposed cosmetological establishment and proof of the particular requisites for a license provided for in this chapter **.** **[**~~, and must be verified by the oath of the maker.~~**]** ***The applicant must certify that all the information contained in the application is truthful and accurate.***

2. The applicant must submit the application accompanied by the applicable required fees for inspection and licensing. After the applicant has submitted the application, the applicant must contact the Board and request a verbal review concerning the application to determine if the cosmetological establishment complies with the requirements of this chapter and the regulations adopted by the Board. If, based on the verbal review, the Board determines that the cosmetological establishment meets those requirements, the Board shall issue to the applicant the required license. Upon receipt of the license, the applicant must contact the Board to request the activation of the license. A license issued pursuant to this subsection is not valid until it is activated. The Board shall conduct an on-site inspection of the cosmetological establishment not later than 90 days after the date on which the license is activated.

3. The fee for issuance of a license for a cosmetological establishment is:

(a) For 2 years, $200.

(b) For 4 years, $400.

4. The fee for the initial inspection is $15. If an additional inspection is necessary, the fee is $25.

Sec. 28. NRS 644.377 is hereby amended to read as follows:

644.377 1. Any person wishing to operate an establishment for hair braiding must apply to the Board for a license, through the owner, manager or person in charge, upon forms prepared and furnished by the Board. Each application must contain a detailed floor plan of the proposed establishment for hair braiding and proof of any particular requisites for a license provided for in this chapter **.** **[**~~, and must be verified by the oath of the maker.~~**]** ***The applicant must certify that all the information contained in the application is truthful and accurate.***

2. The applicant must submit the application accompanied by the required fees for inspection and licensing. After the applicant has submitted the application, the applicant must contact the Board and request a verbal review concerning the application to determine if the establishment for hair braiding complies with the requirements of this chapter and any regulations adopted by the Board. If, based on the verbal review, the Board determines that the establishment for hair braiding meets those requirements, the Board shall issue to the applicant the required license. Upon receipt of the license, the applicant must contact the Board to request the activation of the license. A license issued pursuant to this subsection is not valid until it is activated. The Board shall conduct an on-site inspection of the establishment for hair braiding not later than 90 days after the date on which the license is activated.

3. The fee for issuance of a license for an establishment for hair braiding is:

(a) For 2 years, $200.

(b) For 4 years, $400.

4. The fee for the initial inspection is $15. If an additional inspection is necessary, the fee is $25.

Sec. 29. NRS 644.380 is hereby amended to read as follows:

644.380 1. Any person desiring to conduct a school of cosmetology in which any one or any combination of the occupations of cosmetology are taught must apply to the Board for a license, through the owner, manager or person in charge, upon forms prepared and furnished by the Board. Each application must contain proof of the particular requisites for a license provided for in this chapter, and ***the applicant*** must ~~[be verified by the oath of the maker.]~~ ***certify that all the information contained in the application is truthful and accurate.*** The forms must be accompanied by:

(a) A detailed floor plan of the proposed school;

(b) The name, address and number of the license of the manager or person in charge and of each instructor;

(c) Evidence of financial ability to provide the facilities and equipment required by regulations of the Board and to maintain the operation of the proposed school for 1 year;

(d) Proof that the proposed school will commence operation with an enrollment of a number of students acceptable to the Board;

(e) The applicable fee for a license;

(f) A copy of the contract for the enrollment of a student in a program at the school of cosmetology; and

(g) The name and address of the person designated to accept service of process.

2. Upon receipt by the Board of the application, the Board shall, before issuing a license, determine whether the proposed school:

(a) Is suitably located.

(b) Contains adequate floor space and adequate equipment.

(c) Has a contract for the enrollment of a student in a program at the school of cosmetology that is approved by the Board.

(d) Admits as regular students only persons who have received a certificate of graduation from high school, or the recognized equivalent of such a certificate, or who are beyond the age of compulsory school attendance.

(e) Meets all requirements established by regulations of the Board.

3. The fee for issuance of a license for a school of cosmetology is:

(a) For 2 years, not less than $500 and not more than $800.

(b) For 4 years, not less than $1,000 and not more than $1,600.

4. If the proposed school meets all requirements established by this chapter and the regulations adopted pursuant thereto, the Board shall issue a license to the proposed school. The license must contain:

(a) The name of the proposed school;

(b) A statement that the proposed school is authorized to operate educational programs beyond secondary education; and

(c) Such other information as the Board considers necessary.

5. If the ownership of the school changes or the school moves to a new location, the school may not be operated until a new license is issued by the Board.

6. The Board shall, by regulation, prescribe:

(a) The minimum enrollment of students required by paragraph (d) of subsection 1; and

(b) The amount of floor space required by paragraph (b) of subsection 2.

7. After a license has been issued for the operation of a school of cosmetology, the licensee must obtain the approval of the Board before making any changes in the physical structure of the school.

Sec. 30. NRS 644.408 is hereby amended to read as follows:

644.408 A student ***enrolled as a cosmetologist, aesthetician, electrologist, hair designer or nail technologist*** must receive ~~[~~the following~~]~~ ***a*** minimum ~~[~~amount~~]~~ of ***10 percent of the total hours of*** instruction in the classroom before commencing work on members of the public ***.*** ~~[~~:

~~1. A student enrolled as a cosmetologist must receive at least 300 hours.~~

~~2. A student enrolled as a hair designer must receive at least 300 hours.~~

~~3. A student enrolled as a nail technologist must receive at least 100 hours.~~

~~4. A student enrolled as an electrologist's apprentice must receive at least 150 hours.~~

~~5. A student enrolled as an aesthetician must receive at least 150 hours.~~]

Sec. 31. NRS 644.422 is hereby amended to read as follows:

644.422 1. Except as otherwise provided in subsection 2, an advertisement for services relating to the practice of cosmetology must list:

(a) The name, as it appears on the license, and license number of the cosmetological establishment or establishment for hair braiding where the services will be provided; and

(b) The name and ~~[license]~~ number of ***the license or certificate of registration of*** any licensee ***or registrant*** mentioned in the advertisement.

2. An advertisement for services relating to the practice of cosmetology to be provided at a school of cosmetology must list the name, as it appears on the license, and license number of the school of cosmetology where the services will be provided.

Sec. 32. NRS 644.430 is hereby amended to read as follows:

644.430 1. The following are grounds for disciplinary action by the Board:

(a) Failure of an owner of an establishment for hair braiding, a cosmetological establishment, a licensed or registered, as applicable, aesthetician, cosmetologist, hair designer, shampoo technologist, hair braider, electrologist, instructor, nail technologist, demonstrator of cosmetics, makeup artist or school of cosmetology to comply with the requirements of this chapter or the applicable regulations adopted by the Board.

(b) Failure of a cosmetologist's apprentice, electrologist's apprentice, aesthetician's apprentice, hair designer's apprentice or nail technologist's apprentice to comply with the requirements of this chapter or the applicable regulations adopted by the Board.

(c) Obtaining practice in cosmetology or any branch thereof, for money or any thing of value, by fraudulent misrepresentation.

(d) Gross malpractice.

(e) Continued practice by a person knowingly having an infectious or contagious disease.

(f) Drunkenness or the use or possession, or both, of a controlled substance or dangerous drug without a prescription, while engaged in the practice of cosmetology.

(g) Advertising in violation of any of the provisions of NRS 644.422 or 644.478.

(h) Permitting a license ***or certificate of registration*** to be used where the holder thereof is not personally, actively and continuously engaged in business.

(i) Failure to display the license ***or certificate of registration*** or a duplicate of the license ***or certificate of registration*** as provided in NRS ***644.2175,*** 644.290, 644.360, 644.3774 and 644.410.

(j) ~~[Failure to display the certificate of registration or a duplicate of the certificate of registration as provided in NRS 644.2175.~~

~~(k)]~~ Entering, by a school of cosmetology, into an unconscionable contract with a student of cosmetology.

~~[(l)]~~ ***(k)*** Continued practice of cosmetology or operation of a cosmetological establishment or school of cosmetology after the license therefor has expired.

~~[(m)]~~ ***(l) Engaging in prostitution or solicitation for prostitution in violation of NRS 201.354 by the owner of a cosmetological establishment,***

an establishment for hair braiding or a facility in which threading is conducted, a licensee or a holder of a certificate of registration.

~~***[(n)]***~~ ***(m)*** Any other unfair or unjust practice, method or dealing which, in the judgment of the Board, may justify such action.

2. If the Board determines that a violation of this section has occurred, it may:

(a) Refuse to issue or renew a license or certificate of registration;

(b) Revoke or suspend a license or certificate of registration;

(c) Place the licensee or holder of a certificate of registration on probation for a specified period;

(d) Impose a fine not to exceed $2,000; or

(e) Take any combination of the actions authorized by paragraphs (a) to (d), inclusive.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 33. NRS 644.473 is hereby amended to read as follows:

644.473 It is unlawful for ~~[:~~

~~1. Any licensed cosmetological establishment to represent itself to the public as primarily engaged in the business of cutting men's hair; or~~

~~2. Any]~~ ***any*** person licensed ***or registered*** pursuant to this chapter to engage in any act or practice which constitutes a violation of subsection 6 or 7 of NRS 643.190.

Sec. 34. NRS 644.476 is hereby amended to read as follows:

644.476 ***1.*** It is unlawful for a person to ~~[reproduce mechanically or otherwise copy or]~~ alter a license ***or certificate of registration*** issued pursuant to this chapter.

2. It is unlawful for a person to reproduce mechanically or otherwise duplicate a license or certificate of registration issued pursuant to this chapter for purposes of fraud, deception, misrepresentation or other illegal purposes. A person may duplicate a license or certificate of registration issued pursuant to this chapter for a lawful purpose, including, without limitation, for purposes of displaying a duplicate license or certificate of registration pursuant to NRS 644.2175, 644.290, 644.360, 644.3774 or 644.410.

Sec. 35. NRS 644.478 is hereby amended to read as follows:

644.478 With regard to advertising relating to the education, licensing **,** ***registration*** or practice of cosmetology or threading:

1. It is unlawful to advertise in any manner that is misleading or inaccurate with respect to any services relating to the practice of cosmetology offered by a licensee **,** ***registrant*** or other natural person.

2. An advertisement must not state or imply favorable consideration by the Board except that an advertisement may state that a cosmetological establishment, establishment for hair braiding, school of cosmetology **,** ~~[or]~~ licensee ***or registrant*** is licensed ***or registered*** by the Board.

Sec. 36. NRS 179A.100 is hereby amended to read as follows:

179A.100 1. The following records of criminal history may be disseminated by an agency of criminal justice without any restriction pursuant to this chapter:

(a) Any which reflect records of conviction only; and

(b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.

2. Without any restriction pursuant to this chapter, a record of criminal history or the absence of such a record may be:

(a) Disclosed among agencies which maintain a system for the mutual exchange of criminal records.

(b) Furnished by one agency to another to administer the system of criminal justice, including the furnishing of information by a police department to a district attorney.

(c) Reported to the Central Repository.

3. An agency of criminal justice shall disseminate to a prospective employer, upon request, records of criminal history concerning a prospective employee or volunteer which are the result of a name-based inquiry and which:

(a) Reflect convictions only; or

(b) Pertain to an incident for which the prospective employee or volunteer is currently within the system of criminal justice, including parole or probation.

4. In addition to any other information to which an employer is entitled or authorized to receive from a name-based inquiry, the Central Repository shall disseminate to a prospective or current employer, or a person or entity designated to receive the information on behalf of such an employer, the information contained in a record of registration concerning an employee, prospective employee, volunteer or prospective volunteer who is a sex offender or an offender convicted of a crime against a child, regardless of whether the employee, prospective employee, volunteer or prospective volunteer gives written consent to the release of that information. The Central Repository shall disseminate such information in a manner that does not reveal the name of an individual victim of an offense or the information described in subsection 7 of NRS 179B.250. A request for information pursuant to this subsection must conform to the requirements of the Central Repository and must include:

(a) The name and address of the employer, and the name and signature of the person or entity requesting the information on behalf of the employer;

(b) The name and address of the employer's facility in which the employee, prospective employee, volunteer or prospective volunteer is employed or volunteers or is seeking to become employed or volunteer; and

(c) The name and other identifying information of the employee, prospective employee, volunteer or prospective volunteer.

5. In addition to any other information to which an employer is entitled or authorized to receive, the Central Repository shall disseminate to a prospective or current employer, or a person or entity designated to receive the information on behalf of such an employer, the information described in subsection 4 of NRS 179A.190 concerning an employee, prospective employee, volunteer or prospective volunteer who gives written consent to the release of that information if the employer submits a request in the manner set forth in NRS 179A.200 for obtaining a notice of information. The Central Repository shall search for and disseminate such information in the manner set forth in NRS 179A.210 for the dissemination of a notice of information.

6. Except as otherwise provided in subsection 5, the provisions of NRS 179A.180 to 179A.240, inclusive, do not apply to an employer who requests information and to whom such information is disseminated pursuant to subsections 4 and 5.

7. Records of criminal history must be disseminated by an agency of criminal justice, upon request, to the following persons or governmental entities:

(a) The person who is the subject of the record of criminal history for the purposes of NRS 179A.150.

(b) The person who is the subject of the record of criminal history when the subject is a party in a judicial, administrative, licensing, disciplinary or other proceeding to which the information is relevant.

(c) The Nevada Gaming Control Board.

(d) The State Board of Nursing.

(e) The Private Investigator's Licensing Board to investigate an applicant for a license.

(f) A public administrator to carry out the duties as prescribed in chapter 253 of NRS.

(g) A public guardian to investigate a ward or proposed ward or persons who may have knowledge of assets belonging to a ward or proposed ward.

(h) Any agency of criminal justice of the United States or of another state or the District of Columbia.

(i) Any public utility subject to the jurisdiction of the Public Utilities Commission of Nevada when the information is necessary to conduct a security investigation of an employee or prospective employee or to protect the public health, safety or welfare.

(j) Persons and agencies authorized by statute, ordinance, executive order, court rule, court decision or court order as construed by appropriate state or local officers or agencies.

(k) Any person or governmental entity which has entered into a contract to provide services to an agency of criminal justice relating to the administration of criminal justice, if authorized by the contract, and if the contract also specifies that the information will be used only for stated

purposes and that it will be otherwise confidential in accordance with state and federal law and regulation.

(l) Any reporter for the electronic or printed media in a professional capacity for communication to the public.

(m) Prospective employers if the person who is the subject of the information has given written consent to the release of that information by the agency which maintains it.

(n) For the express purpose of research, evaluative or statistical programs pursuant to an agreement with an agency of criminal justice.

(o) An agency which provides child welfare services, as defined in NRS 432B.030.

(p) The Division of Welfare and Supportive Services of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.

(q) The Aging and Disability Services Division of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.

(r) An agency of this or any other state or the Federal Government that is conducting activities pursuant to Part D of Subchapter IV of Chapter 7 of Title 42 of the Social Security Act, 42 U.S.C. §§ 651 et seq.

(s) The State Disaster Identification Team of the Division of Emergency Management of the Department.

(t) The Commissioner of Insurance.

(u) The Board of Medical Examiners.

(v) The State Board of Osteopathic Medicine.

(w) The Board of Massage Therapists and its Executive Director.

(x) The Board of Examiners for Social Workers.

(y) ***The State Board of Cosmetology and its Executive Director.***

(z) A multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored by the Attorney General pursuant to NRS 228.495.

8. Agencies of criminal justice in this State which receive information from sources outside this State concerning transactions involving criminal justice which occur outside Nevada shall treat the information as confidentially as is required by the provisions of this chapter.

Sec. 37. As soon as practicable after January 1, 2018, any amount remaining in the revolving fund for the State Board of Cosmetology established in former NRS 644.180 must be transferred to the State General Fund.

Sec. 38. NRS 644.180 and 644.196 are hereby repealed.

Sec. 39. This act becomes effective on passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and on January 1, 2018, for all other purposes.

TEXT OF REPEALED SECTIONS

644.180 Revolving fund. An amount not to exceed $1,000 may be drawn from the Contingent Fund to be used as a revolving fund where cash advances are necessary. Expenditures from the revolving fund must be substantiated by vouchers and itemized statements at the end of each fiscal year, or at any other time when demanded by the Chief of the Budget Division of the Office of Finance.

644.196 Instructors in cosmetology: Qualifications for examination. The Board shall admit to examination for a license as an instructor in cosmetology any person who has made application to the Board in proper form, paid the fee and meets the requirements of NRS 644.195.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 251.
Bill read second time and ordered to third reading.

Assembly Bill No. 254.
Bill read second time and ordered to third reading.

Assembly Bill No. 287.
Bill read second time and ordered to third reading.

Assembly Bill No. 288.
Bill read second time and ordered to third reading.

Assembly Bill No. 461.
Bill read second time and ordered to third reading.

Assembly Bill No. 464.
Bill read second time and ordered to third reading.

Assembly Bill No. 465.
Bill read second time and ordered to third reading.

Assembly Bill No. 466.
Bill read second time and ordered to third reading.

Assembly Bill No. 467.
Bill read second time and ordered to third reading.

Assembly Bill No. 476.
Bill read second time and ordered to third reading.

Assembly Bill No. 483.
Bill read second time and ordered to third reading.

Assembly Bill No. 488.
Bill read second time and ordered to third reading.

Assembly Bill No. 490.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that Assembly Bills Nos. 287, 467, and 483 be taken from the General File and rereferred to the Committee on Ways and Means.
Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 50 and 419 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 234 and 469 be taken from their positions on the General File and placed at the top of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 234.
Bill read third time.
The following amendment was proposed by Assemblyman Fumo:
Amendment No. 325.
AN ACT relating to motor carriers; requiring certain motor carriers of passengers which transport certain persons with disabilities to ensure that each vehicle used for the transport is equipped with first-aid equipment and to provide each driver of the vehicle training in first aid and cardiopulmonary resuscitation; providing a penalty; and providing other matters properly relating thereto.
Legislative Counsel's Digest:
Under existing law, common motor carriers of passengers and contract motor carriers of passengers are subject to supervision and regulation by the Nevada Transportation Authority, with some exceptions. (NRS 706.166)
Section 1 of this bill requires a common motor carrier of passengers, contract motor carrier of passengers and any other person or entity, other than a taxicab motor carrier, providing a means of public conveyance and transportation operating in this State and which transports for compensation certain persons with disabilities, commonly referred to as "paratransit services," to ensure that: (1) each vehicle used in the transport is equipped with a first-aid kit; and (2) each driver of a vehicle used for the transport receives training in first aid and cardiopulmonary resuscitation. **Section 1** also requires the carrier, person or entity to: (1) provide the training in first aid and cardiopulmonary resuscitation or arrange for its provision for the

driver; (2) pay for the training; and (3) compensate each driver for the time spent receiving the training. Existing law makes a violation of this requirement a misdemeanor. (NRS 706.756) **Sections 2-5** of this bill make conforming changes. **Section 6** of this bill provides that the provisions of this bill do not apply during the current term of any ~~[collective bargaining]~~ **employment** agreement **between the motor carrier, person or entity and the employee drivers of the motor carrier, person or entity** entered into before the effective date of this bill, but do apply to any extension or renewal of such an agreement and to any such agreement entered into on or after the effective date of this bill.

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

Section 1. Chapter 706 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A common motor carrier of passengers, contract motor carrier of passengers or other person or entity providing a means of public conveyance and transportation operating within this State which, pursuant to the requirements of 49 C.F.R. § 37.121, transports for compensation within this State persons with disabilities who are eligible pursuant to 49 C.F.R. § 37.123 for the transportation shall ensure that:

(a) Each vehicle used for the transport is equipped with a first-aid kit; and

(b) Each driver of a vehicle used for the transport receives training in the use and administration of first aid and cardiopulmonary resuscitation that is conducted in accordance with the standards of the American Heart Association, the American Red Cross or any similar organization that includes certification in:

(1) First aid; and

(2) Cardiopulmonary resuscitation.

2. A common motor carrier of passengers, contract motor carrier of passengers or other person or entity who employs a driver required to receive the training required pursuant to paragraph (b) of subsection 1 must:

(a) Provide the training or arrange for its provision for the driver;

(b) Pay for the training; and

(c) Compensate each driver who receives the training at his or her regular rate of pay for the time the driver spent attending the training.

Sec. 2. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 706.156 is hereby amended to read as follows:

706.156 1. All common and contract motor carriers and brokers are hereby declared to be, to the extent provided in this chapter:

(a) Affected with a public interest; and

(b) Subject to NRS 706.011 to 706.791, inclusive ~~[.]~~ ***, and section 1 of this act.***

2. A purchaser or broker of transportation services which are provided by a common motor carrier who holds a certificate of public convenience and necessity may resell those services, in combination with other services and facilities that are not related to transportation, but only in a manner complying with the scope of authority set forth in the certificate of the common motor carrier. The Authority shall not prohibit or restrict such a purchaser or broker from reselling those transportation services to any person based upon that person's affiliation, or lack of affiliation, with any group.

Sec. 4. NRS 706.745 is hereby amended to read as follows:

706.745 1. The provisions of NRS 706.386 and 706.421 do not apply to:

(a) Ambulances;

(b) Hearses; or

(c) Common motor carriers or contract motor carriers that are providing transportation services pursuant to a contract with the Department of Health and Human Services entered into pursuant to NRS 422.27495.

2. A common motor carrier that enters into an agreement for the purchase of its service by an incorporated city, county or regional transportation commission is not required to obtain a certificate of public convenience and necessity to operate a system of public transit consisting of:

(a) Regular routes and fixed schedules;

(b) Nonemergency medical transportation of persons to facilitate their participation in jobs and day training services as defined in NRS 435.176 if the transportation is available upon request and without regard to regular routes or fixed schedules;

(c) Nonmedical transportation of persons with disabilities without regard to regular routes or fixed schedules; or

(d) In a county whose population is less than 100,000 or an incorporated city within such a county, nonmedical transportation of persons if the transportation is available by reservation 1 day in advance of the transportation and without regard to regular routes or fixed schedules.

3. Under any agreement for a system of public transit that provides for the transportation of passengers that is described in subsection 2:

(a) The public entity shall provide for any required safety inspections; or

(b) If the public entity is unable to do so, the Authority shall provide for any required safety inspections.

4. In addition to the requirements of subsection 3, under an agreement for a system of public transit that provides for the transportation of passengers that is described in:

(a) Paragraph (a) of subsection 2, the public entity shall establish the routes and fares.

(b) Paragraph (c) or (d) of subsection 2, the common motor carrier:

(1) May provide transportation to any passenger who can board a vehicle with minimal assistance from the operator of the vehicle.

(2) ~~[Shall]~~ ***Except as otherwise provided in section 1 of this act, shall*** not offer medical assistance as part of its transportation service.

5. In a county whose population:

(a) Is less than 700,000, a nonprofit carrier of elderly persons or persons with disabilities is not required to obtain a certificate of public convenience and necessity to operate as a common motor carrier of such passengers only, but such a carrier is not exempt from inspection by the Authority to determine whether its vehicles and their operation are safe.

(b) Is 700,000 or more, a nonprofit carrier of elderly persons or persons with disabilities is not required to obtain a certificate of public convenience and necessity to operate as a common motor carrier of such passengers only, but:

(1) Only if the nonprofit carrier:

(I) Does not charge for transportation services;

(II) Provides transportation services pursuant to a contract with the Department of Health and Human Services entered into pursuant to NRS 422.27495; or

(III) Enters into an agreement for the purchase of its service by an incorporated city, county or regional transportation commission; and

(2) Such a carrier is not exempt from inspection by the Authority to determine whether its vehicles and their operation are safe.

6. An incorporated city, county or regional transportation commission is not required to obtain a certificate of public convenience and necessity to operate a system of public transportation.

7. Before an incorporated city or a county enters into an agreement with a common motor carrier for a system of public transit that provides for the transportation of passengers that is described in paragraph (c) or (d) of subsection 2 in an area of the incorporated city or an area of the county, it must determine that:

(a) There are no other common motor carriers of passengers who are authorized to provide such services in that area; or

(b) Although there are other common motor carriers of passengers who are authorized to provide such services in the area, the common motor carriers of passengers do not wish to provide, or are not capable of providing, such services.

Sec. 5. NRS 706.756 is hereby amended to read as follows:

706.756 1. Except as otherwise provided in subsection 2, any person who:

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, ***and section 1 of this***

act, apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, ***and section 1 of this act*** or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive ~~[,]~~ ***, and section 1 of this act;***

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive ~~[,]~~ ***, and section 1 of this act;***

(d) Fails to obey any order, decision or regulation of the Authority or the Department;

(e) Procures, aids or abets any person in the failure to obey such an order, decision or regulation of the Authority or the Department;

(f) Advertises, solicits, proffers bids or otherwise is held out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive ~~[,]~~ ***, and section 1 of this act;***

(g) Advertises as providing:

(1) The services of a fully regulated carrier; or

(2) Towing services,

➥ without including the number of the person's certificate of public convenience and necessity or contract carrier's permit in each advertisement;

(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;

(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;

(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;

(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been cancelled, revoked, suspended or altered;

(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or

(m) Refuses or fails to surrender to the Authority or Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter,

➥ is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. Any person who, in violation of the provisions of NRS 706.386, operates as a fully regulated common motor carrier without first obtaining a certificate of public convenience and necessity or any person who, in violation of the provisions of NRS 706.421, operates as a contract motor carrier without first obtaining a permit is guilty of a misdemeanor and shall be punished:

(a) For a first offense within a period of 12 consecutive months, by a fine of not less than $500 nor more than $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

(b) For a second offense within a period of 12 consecutive months and for each subsequent offense that is committed within a period of 12 consecutive months of any prior offense under this subsection, by a fine of $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

3. Any person who, in violation of the provisions of NRS 706.386, operates or permits the operation of a vehicle in passenger service without first obtaining a certificate of public convenience and necessity is guilty of a gross misdemeanor.

4. If a law enforcement officer witnesses a violation of any provision of subsection 2 or 3, the law enforcement officer may cause the vehicle to be towed immediately from the scene and impounded in accordance with NRS 706.476.

5. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.

6. Any bail allowed must not be less than the appropriate fine provided for by this section.

Sec. 6. The amendatory provisions of this act:

1. Do not apply during the current term of any ~~[collective bargaining]~~ **employment** agreement entered into before the effective date of this act ~~[;]~~ **between a motor carrier, person or other entity subject to the amendatory provisions of section 1 of this act and drivers who are employees of the motor carrier, person or other entity;** and

2. Apply to any extension or renewal of such an agreement and to any such agreement entered into on or after the effective date of this act.

Sec. 7. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

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

Assemblyman Fumo moved the adoption of the amendment.

Remarks by Assemblyman Fumo.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 469.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Assembly Bill 469 contains various provisions regarding the reorganization of a "large school district," which is defined as a school district that has more than 100,000 students enrolled in its public schools, which is currently the Clark County School District.

Among other provisions, the bill repeals Assembly Bill 394 from Chapter 543 of the *Statutes of Nevada*, from the 2015 Session and places in statute the requirements for the reorganization of a large school district, including deeming each public school within such a district, other than a charter school or a university school for profoundly gifted pupils, to be a local school precinct that is operated under site-based decision-making and that has authority to carry out certain responsibilities that have traditionally been carried out by the district

Roll call on Assembly Bill No. 469:

YEAS—40.

NAYS—Carlton, Carrillo—2.

Assembly Bill No. 469 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 8, 28, 33, 38, 46, 57, 60, 65, 74, 76, 108, 118, 134, 137, 138, 145, 147, 155, 160, 170, 177, 192, 205, 221, 229, 233, 247, 271, 297, 337, 364, 452, 482; Assembly Joint Resolutions Nos. 10 and 11 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Monday, April 17, 2017, at 2 p.m.

Motion carried.

Assembly adjourned at 6:06 p.m.

Approved:

JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SEVENTY-FIRST DAY

CARSON CITY (Monday), April 17, 2017

Assembly called to order at 2:26 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Ohrenschall and Woodbury, who were excused.

Prayer by the Chaplain, Captain Leslie Cyr.

Father God, we thank You for today and for all the blessings this day may hold. We thank You for the opportunities You place before us, and we ask today for Your Divine Spirit and wisdom to be our guide.

I ask for a blessing on these Assemblymen and women as they make decisions for our state so that the laws that come about will be a benefit and not a burden and that they will bring the most good for all concerned. This is a tremendous task that calls for supernatural awareness and understanding; and so, Lord, let us all rest in Your grace. I also ask for a blessing on their supporting staff who work so diligently behind the scenes. We recognize You and are grateful for You. Lord bless this day in Jesus Name.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Corrections, Parole, and Probation, to which was referred Assembly Bill No. 336, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

STEVE YEAGER, *Vice Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 78, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Assembly Bill No. 484, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TYRONE THOMPSON, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 395, 444, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

STEVE YEAGER, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 14, 2017

Pursuant to paragraph (a) of subsection 4 of Joint Standing Rule No. 14.6, the following measures are not subject to the provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3: Assembly Bills Nos. 189 and 296.

RICHARD S. COMBS
Director

April 17, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 186 and 325.

CINDY JONES
Fiscal Analysis Division

WAIVER OF JOINT STANDING RULES

A Waiver requested by Senator Ford.
For: Senate Bill No. 488.
To Waive:

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

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

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

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

Has been granted effective: April 17, 2017.

SENATOR AARON D. FORD
Senate Majority Leader

ASSEMBLYMAN JASON FRIERSON
Speaker of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 155 and 364 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 79 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

Assemblyman Flores withdrew Amendment No. 70 to Assembly Bill No. 79.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 492—AN ACT relating to taxation; revising provisions governing the total amount of transferable tax credits that may be approved by the Office of Economic Development pursuant to applications submitted to the Office by a production company that produces film, television or other media productions in this State; and providing other matters properly relating thereto.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 111.

Bill read second time.

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

Amendment No. 40.

~~[Assemblyman]~~ **Assemblymen** Thompson**; Araujo, Carrillo, Daly, Fumo, Miller and Neal.**

Joint Sponsors: Senators Cancela and Segerblom.

AN ACT relating to energy assistance; authorizing the Division of Welfare and Supportive Services of the Department of Health and Human Services to use money in the Fund for Energy Assistance and Conservation to assist certain low-income households in paying for Internet service; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain customers of an electric or gas utility to pay a universal energy charge of 3.30 mills on each therm of natural gas purchased for consumption in this State and 0.39 mills on each kilowatt-hour of electricity purchased for consumption in this State. (NRS 702.160) Under existing law, the Public Utilities Commission of Nevada collects the universal energy charge and, after deducting its administrative charge, deposits the remaining money collected for the universal energy charge in the Fund for Energy Assistance and Conservation. (NRS 702.160, 702.170, 702.250) Existing law requires 75 percent of the money in the Fund to be distributed to the Division of Welfare and Supportive Services of the Department of Health and Human Services for programs to assist certain low-income households in paying for natural gas and electricity. (NRS 702.260) The remaining 25 percent of the money in the Fund must be distributed to the Housing Division of the Department of Business and Industry for programs of energy conservation, weatherization and energy efficiency for certain low-income households. (NRS 702.270) **Section 2** of this bill authorizes the Division of Welfare and Supportive Services to use money from the Fund distributed to the Division to pay for programs to assist certain low-income households in paying for Internet service. **Section 2 also provides that the amount of assistance received by a household to pay for Internet service must: (1) equal the lowest cost available for Internet service in the area that the Internet service is being provided; and (2) exclude any costs for cable or satellite television service, including, without limitation, joint packages that provide Internet service with cable or satellite television service.**

Existing law provides that certain persons who are exempt from paying the universal energy charge are not eligible to receive assistance from the Division of Welfare and Supportive Services for utility service or from the Housing Division for energy conservation, weatherization or energy efficiency. **Section 1** of this bill specifies that a person who is exempt from paying the universal energy charge is not eligible to receive assistance from the Division of Welfare and Supportive Services in paying for Internet service.

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

Section 1. NRS 702.150 is hereby amended to read as follows:

702.150 1. The provisions of NRS 702.160 do not apply to any therm of natural gas or any kilowatt-hour of electricity that a retail customer purchases from:

(a) A rural electric cooperative established pursuant to chapter 81 of NRS.

(b) A general improvement district established pursuant to chapter 318 of NRS.

(c) A cooperative association, nonprofit corporation, nonprofit association or provider of service which is declared to be a public utility pursuant to NRS 704.673 and which provides service only to its members.

2. If a retail customer is exempted from paying the universal energy charge pursuant to subsection 1, the retail customer may not receive money or other assistance from:

(a) The Division of Welfare and Supportive Services pursuant to NRS 702.260 for ~~[any]~~ ***:***

(1) Any utility service for which the retail customer is exempted from paying the universal energy charge; or

(2) Internet service; or

(b) The Housing Division pursuant to NRS 702.270.

Sec. 2. NRS 702.260 is hereby amended to read as follows:

702.260 1. Seventy-five percent of the money in the Fund must be distributed to the Division of Welfare and Supportive Services for programs to assist eligible households in paying for natural gas **,** ~~[and]~~ electricity ~~[.]~~ ***and Internet service.*** The Division may use not more than 5 percent of the money distributed to it pursuant to this section for its administrative expenses.

2. Except as otherwise provided in NRS 702.150, after deduction for its administrative expenses, the Division may use the money distributed to it pursuant to this section only to:

(a) Assist eligible households in paying for natural gas **,** ~~[and]~~ electricity ~~[.]~~ ***and Internet service.***

(b) Carry out activities related to consumer outreach.

(c) Pay for program design.

(d) Pay for the annual evaluations conducted pursuant to NRS 702.280.

3. Except as otherwise provided in subsection 4, to be eligible to receive assistance from the Division pursuant to this section, a household must have a household income that is not more than 150 percent of the federally designated level signifying poverty, as determined by the Division.

4. The Division is authorized to render emergency assistance to a household if an emergency related to the cost or availability of natural gas **,** ~~**[or]**~~ electricity ***or Internet service*** threatens the health or safety of one or more of the members of the household. Such emergency assistance may be rendered upon the good faith belief
that the household is otherwise eligible to receive assistance pursuant to this section.

5. Before July 1, 2002, if a household is eligible to receive assistance pursuant to this section, the Division shall determine the amount of assistance that the household will receive by using the existing formulas set forth in the state plan for low-income home energy assistance.

6. On or after July 1, 2002, if a household is eligible to receive assistance pursuant to this section, the Division:

(a) Shall, to the extent practicable, determine the amount of assistance that the household will receive ***for natural gas and electricity*** by determining the amount of assistance that is sufficient to reduce the percentage of the household's income that is spent on natural gas ~~***[,]***~~ and electricity ~~***[and Internet service]***~~ to the median percentage of household income spent on natural gas ~~***[,]***~~ and electricity ~~***[and Internet service]***~~ statewide.

(b) May adjust the amount of assistance that the household will receive ***for natural gas and electricity*** based upon such factors as:

(1) The income of the household;

(2) The size of the household;

(3) The type of energy ~~***[or Internet service]***~~ that the household uses; and

(4) Any other factor which, in the determination of the Division, may make the household particularly vulnerable to increases in the cost of natural gas ~~***[,]***~~ or electricity **.** ~~***[or Internet service.]***~~

7. ***If a household is eligible to receive assistance in paying for Internet service pursuant to this section, the Division shall determine the amount of such assistance to:***

(a) Be equal to the lowest cost available for Internet service in the area that such Internet service is being provided.

(b) Exclude any costs for cable or satellite television service or for joint packages that provide Internet service with cable or satellite television service.

8. The Division shall adopt regulations to carry out and enforce the provisions of this section and NRS 702.250.

~~**[8.]**~~ ***9.*** In carrying out the provisions of this section, the Division shall:

(a) Solicit advice from the Housing Division and from other knowledgeable persons;

(b) Identify and implement appropriate delivery systems to distribute money from the Fund and to provide other assistance pursuant to this section;

(c) Coordinate with other federal, state and local agencies that provide energy assistance or conservation services to low-income persons and, to the extent allowed by federal law and to the extent practicable, use the same simplified application forms as those other agencies;

(d) Establish a process for evaluating the programs conducted pursuant to this section;

(e) Develop a process for making changes to such programs; and

(f) Engage in annual planning and evaluation processes with the Housing Division as required by NRS 702.280.

~~[9.]~~ ***10.*** For the purposes of this section, "eligible household" includes, without limitation:

(a) A tenant of a manufactured home park or mobile home park subject to the provisions of NRS 704.905 to 704.960, inclusive; and

(b) A tenant who purchases electricity from a landlord as described in paragraph (c) of subsection 2 of NRS 702.090 based on the actual usage of electricity by the tenant.

Sec. 3. This act becomes effective on July 1, 2017.

Assemblyman Sprinkle moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 114.

Bill read second time and ordered to third reading.

Assembly Bill No. 252.

Bill read second time and ordered to third reading.

Assembly Bill No. 269.

Bill read second time and ordered to third reading.

Assembly Bill No. 322.

Bill read second time and ordered to third reading.

Assembly Bill No. 325.

Bill read second time and ordered to third reading.

Assembly Bill No. 396.

Bill read second time and ordered to third reading.

Assembly Bill No. 441.

Bill read second time and ordered to third reading.

Assembly Bill No. 442.

Bill read second time and ordered to third reading.

Assembly Bill No. 451.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 224.

AN ACT relating to education; requiring a member of the board of trustees of a school district to complete certain training for professional development; requiring the clerk of the board of trustees of a school district to take certain actions relating to the required training; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each school district of this State to be governed by an elected board of trustees comprised of either five or seven members who serve 4-year terms. (NRS 386.120, 386.150, 386.160, 386.165) Existing law authorizes the board of trustees of a school district to fill a vacancy on the board by appointing a person to serve until the next general election. (NRS 386.270) **Section 1** of this bill requires a member of the board of trustees of a school district to complete not less than ~~[4]~~ **6** hours of training for professional development in both the first and third years of their 4-year term. **Section 1** provides that this training must include instruction in: (1) laws relating to public records; (2) the Open Meeting Law; (3) laws relating to local government employee-management relations; (4) the laws governing the system of K-12 public schools in this State; (5) laws relating to local government ethics; (6) the identification and prevention of violence in schools; (7) certain financial management topics; ~~[and]~~ (8) the fiduciary duties of a member of the board of trustees of a school district **~~[.]~~ ; and (9) laws relating to employment and contracts. Section 1** also requires a member of the board to provide written certification relating to the completion of this training.

Existing law requires the board of trustees of a school district to elect one of its members to serve as clerk of the board or to select another qualified person to serve as clerk. (NRS 386.310) **Section 1** of this bill requires the clerk of the board of trustees to: (1) assist the members of the board of trustees with the completion of the training for professional development; and (2) post notice of the failure of a member to complete this training on the Internet website of the board and provide notice of such failure to the other members of the board.

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

Section 1. Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each person who is elected or appointed to serve as a member of the board of trustees of a school district shall complete training for professional development during the first and third year of the term of the

member which must include not less than ~~[4]~~ 6 hours of instruction covering:

(a) Laws relating to public records, including, without limitation, the provisions of chapter 239 of NRS;

(b) The Open Meeting Law, including, without limitation, the provisions of chapter 241 of NRS;

(c) Local government employee-management relations, including, without limitation, the provisions of chapter 288 of NRS;

(d) The system of K-12 public education in this State, including, without limitation, the provisions of title 34 of NRS;

(e) Local government ethics, including, without limitation, the provisions of chapter 281A of NRS;

(f) The manner in which to identify and prevent violence in public schools, including, without limitation, sexual violence;

(g) Financial management, including, without limitation, information concerning oversight, accountability and audits; ~~[and]~~

(h) The fiduciary duties of a member of the board of trustees of a school district, including, without limitation, the provisions of this chapter ~~[.]~~ ; and

(i) Laws relating to employment and contracts.

2. A member of the board of trustees of a school district shall provide written certification of completion of the training required by this section to the clerk of the board of trustees.

3. If a member fails to complete the training or to provide the written certification of completion which is required by this section, the clerk must post notice of such noncompliance in a conspicuous manner on the Internet website of the board of trustees. The clerk must also provide written notice of the noncompliance to the other members of the board of trustees.

4. The clerk of the board of trustees shall assist each member of the board as necessary to complete the training required pursuant to this section.

Sec. 2. This act becomes effective on July 1, 2017.

Assemblyman Thompson moved the adoption of the amendment.

Remarks by Assemblyman Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 463.

Bill read second time and ordered to third reading.

Assembly Bill No. 489.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 4.
Resolution read second time and ordered to third reading.

Assembly Joint Resolution No. 13.
Resolution read second time and ordered to third reading.

Assembly Joint Resolution No. 10 of the 78th Session.
Resolution read second time and ordered to third reading.

Assembly Bill No. 79.
Bill read second time.

The following amendment was proposed by Assemblywoman Benitez-Thompson:

Amendment No. 267.

AN ACT relating to economic development; amending the Las Vegas Valley Water District Act to remove the designation of the District and the Southern Nevada Water Authority as the exclusive providers of water service for the Garnet Valley Ground Water Basin in Clark County, Nevada; ~~[~~repealing~~]~~ **revising** a provision requiring the Legislature to review ~~[~~such designation and~~]~~ the implementation of certain economic development financing proposals; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

During the 29th Special Session of the Legislature, the Las Vegas Valley Water District Act was amended to designate the District and the Southern Nevada Water Authority as the exclusive providers of water service for the Garnet Valley Ground Water Basin in Clark County, Nevada. (Section 1 of chapter 4, Statutes of Nevada 2015, 29th Special Session, p. 57) **Section 1** of this bill removes the designation of the District and the Southern Nevada Water Authority as the exclusive providers of water service for the Garnet Valley Ground Water Basin in Clark County, Nevada.

~~[~~Section 3 of this bill repeals a~~]~~ **Another** provision **of existing law, also** enacted during the 29th Special Session of the Legislature**,** ~~[~~that~~]~~ requires the Legislature, on or before July 1, 2021, to review: (1) the designation of the District and the Southern Nevada Water Authority as the exclusive providers of water service for the Garnet Valley Ground Water Basin; and (2) the implementation and administration of certain economic development financing proposals authorized during that special session. **(Section 2 of chapter 4, Statutes of Nevada 2015, 29th Special Session, p. 58) Section 1.5 of this bill removes as moot the provision for legislative review of the designation of the District and the Southern Nevada Water Authority described above.**

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

Section 1. Section 23 of the Las Vegas Valley Water District Act, being chapter 167, Statutes of Nevada 1947, as added by section 6 of chapter 130,

Statutes of Nevada 1949, at page 216, and last amended by chapter 4, Statutes of Nevada 2015, 29th Special Session, at page 57, is hereby amended to read as follows:

Sec. 23. ~~[1.]~~ The Las Vegas Valley Water District is hereby declared to be a validly created and legally existing district under the provisions of chapter 167, Statutes of Nevada 1947, as amended, a governmental subdivision of the State of Nevada, a body corporate and politic, and a quasi-municipal corporation. The District is hereby authorized to carry out all of the powers imposed on it by the provisions of chapter 167, Statutes of Nevada 1947, as it now exists or as it may hereafter be amended. The District is comprised of the area of the County of Clark as set forth in NRS 243.035, except for all that real property described in section 1 of chapter 100, Statutes of Nevada 1993.

~~[2. The District and the Southern Nevada Water Authority are the exclusive service providers of water for the Garnet Valley Ground Water Basin in Clark County, Nevada. Any contract or agreement for the provision of such service in the Garnet Valley Ground Water Basin that is entered into before December 19, 2015, is void.~~

~~3. For the purposes of this section, the geographic boundaries of the Garnet Valley Ground Water Basin are those set forth in Designation Order No. 1025 of the State Engineer, dated April 24, 1990, which is hereby incorporated by reference.]~~

Sec. 1.5. **Section 2 of chapter 4, Statutes of Nevada 2015, 29th Special Session, at page 58, is hereby amended to read as follows:**

Sec. 2. On or before July 1, 2021, the Legislature shall review the ~~[effects of this act and the]~~ manner in which any economic development financing proposal, as approved by the Office of Economic Development, has been implemented pursuant to Senate Bill No. 1 of this session. To determine whether any changes in administration are appropriate, the Legislature shall review:

1. The administration of any infrastructure project constructed pursuant to such a proposal; and

2. The manner in which the proceeds of any bonds issued pursuant to Senate Bill No. 1 of this session have been allocated.

Sec. 2. Section 3 of chapter 4, Statutes of Nevada 2015, 29th Special Session, at page 58, is hereby amended to read as follows:

Sec. 3. Nothing ~~[in this act or]~~ in Senate Bill No. 1 of this session shall be deemed to change the geographic boundaries or jurisdiction of an existing local government or to authorize such a change.

Sec. 3. ~~[Section 2 of chapter 4, Statutes of Nevada 2015, 29th Special Session, at page 58, is hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 4. This act becomes effective ~~[on July 1, 2017.]~~ **upon passage and approval.**

~~[~~

~~TEXT OF REPEALED SECTION~~

~~Section 2 of chapter 4, Statutes of Nevada 2015, 29th Special Session, at page 58:~~

~~Sec. 2. On or before July 1, 2021, the Legislature shall review the effects of this act and the manner in which any economic development financing proposal, as approved by the Office of Economic Development, has been implemented pursuant to Senate Bill No. 1 of this session. To determine whether any changes in administration are appropriate, the Legislature shall review:~~

~~1. The administration of any infrastructure project constructed pursuant to such a proposal; and~~

~~2. The manner in which the proceeds of any bonds issued pursuant to Senate Bill No. 1 of this session have been allocated.~~~~]~~

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer, Assembly Bill No. 111 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Carlton moved that Assembly Bills Nos. 269, 322, 325, 441, 442, 463, and 489 be taken from General File and rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 8.

Bill read third time.

Remarks by Assemblyman Kramer.

ASSEMBLYMAN KRAMER:

Assembly Bill 8 expands the authority of a governing body of a city that provides utility services to have delinquent charges for utility services collected with the county's general taxes.

Roll call on Assembly Bill No. 8:

YEAS—38.

NAYS—Bustamante Adams, Neal—2.

EXCUSED—Ohrenschall, Woodbury—2.

Assembly Bill No. 8 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 28.
Bill read third time.
Remarks by Assemblyman Watkins.

ASSEMBLYMAN WATKINS:
Assembly Bill 28 authorizes the Commission on Judicial Discipline to discipline a justice of the peace or municipal judge by ordering the justice of the peace or municipal judge to forfeit his or her office if he or she fails to attend the required instruction, unless the Commission finds that there was a reasonable excuse.

Roll call on Assembly Bill No. 28:
YEAS—40.
NAYS—None.
EXCUSED—Ohrenschall, Woodbury—2.
Assembly Bill No. 28 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 33.
Bill read third time.
Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:
Assembly Bill 33 abolishes the State Dairy Commission, the Alfalfa Seed Advisory Board, the Garlic and Onion Growers' Advisory Board and the Advisory Council for Organic Agricultural Products, and transfers any related or necessary authorities to the State Department of Agriculture.

Roll call on Assembly Bill No. 33:
YEAS—36.
NAYS—Bustamante Adams, Ellison, McArthur, Titus—4.
EXCUSED—Ohrenschall, Woodbury—2.
Assembly Bill No. 33 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 38.
Bill read third time.
Remarks by Assemblyman Fumo.

ASSEMBLYMAN FUMO:
Assembly Bill 38 revises provisions related to bail. Every bail agent must have the ability to send and receive electronic transmissions. This measure authorizes the electronic transmission of the notice of transfer of a bond. The bill authorizes the electronic transmission of a notice of a defendant's failure to make a required appearance in court when due in court.

The measure provides that before April 1, 2018, a bail agent or insurer may elect to continue to receive notices by mail. However, after April 1, 2018, the agent or insurer may only receive notices by mail if good cause is shown.

Finally, the bill reduces from 45 days to 14 judicial days the period of time after which a court is required to issue a warrant for the arrest of a defendant who has failed to make a required appearance in court.

Roll call on Assembly Bill No. 38:

YEAS—40.

NAYS—None.

EXCUSED—Ohrenschall, Woodbury—2.

Assembly Bill No. 38 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 46.

Bill read third time.

Remarks by Assemblywoman Miller.

ASSEMBLYWOMAN MILLER:

Assembly Bill 46 imposes certain requirements for community-based living arrangement services provided to persons with a mental illness or related condition. The measure requires a person, government, or governmental agency to obtain a certificate from the Division of Public and Behavioral Health of the Department of Health and Human Services. The measure clarifies that a home in which community-based living arrangements are provided does not constitute a residential facility for groups or a home for individual residential care. Also, the entities that provide temporary respite services are not subject to regulation as agencies providing personal care services in the home.

Roll call on Assembly Bill No. 46:

YEAS—39.

NAYS—Titus.

EXCUSED—Ohrenschall, Woodbury—2.

Assembly Bill No. 46 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 57.

Bill read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Assembly Bill 57 requires a coroner to make a reasonable effort to notify the next of kin who is authorized to order the burial or cremation of the human remains of a decedent upon the death of the decedent. The bill also authorizes a coroner to notify the parents, guardians, adult children, or custodians of the decedent of the decedent's death and provide a copy of the report of the coroner to the parents, guardians, adult children, or custodians, when applicable.

Roll call on Assembly Bill No. 57:

YEAS—40.

NAYS—None.

EXCUSED—Ohrenschall, Woodbury—2.

Assembly Bill No. 57 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 60.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 60 establishes a late fee of $25 for the reinstatement of expired licenses and registrations that are required by the Department of Motor Vehicles for the operation of certain businesses relating to vehicles. The types of businesses to which this late fee applies include vehicle transporters, manufacturers, distributors, dealers, rebuilders, brokers, wreckers, salvage pools, body shops, and garages.

Roll call on Assembly Bill No. 60:

YEAS—38.

NAYS—Krasner, Titus—2.

EXCUSED—Ohrenschall, Woodbury—2.

Assembly Bill No. 60 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 65.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 65 authorizes the boards of county commissioners in Clark and Washoe Counties to use money from the fund for medical assistance to indigent persons to provide supplemental payments to certain public hospitals in those counties. The bill also authorizes the Board of County Commissioners in Clark County to make grants from the fund to any public hospital in the county for the construction or acquisition of capital assets and the renovation of facilities.

Roll call on Assembly Bill No. 65:

YEAS—40.

NAYS—None.

EXCUSED—Ohrenschall, Woodbury—2.

Assembly Bill No. 65 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 74.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Assembly Bill 74 authorizes the Medical Director within the Department of Corrections to determine if a supplemental test is appropriate when an offender has tested positive for human immunodeficiency virus [HIV]. The bill also authorizes, rather than requires, the disclosure of the name of the offender to certain persons within the Department when the results of a supplemental HIV test are positive.

Roll call on Assembly Bill No. 74:

YEAS—39.

NAYS—Ellison.

EXCUSED—Ohrenschall, Woodbury—2.

Assembly Bill No. 74 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblywoman Benitez-Thompson moved that the Assembly recess until 4:45 p.m.

Motion carried.

Assembly in recess at 3:02 p.m.

ASSEMBLY IN SESSION

At 5:04 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Swank and Daly as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Senator Dean Heller.

The President of the Senate and members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President of the Senate to the Speaker's rostrum.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:10 p.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present except Senators Atkinson and Segerblom, who were excused.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblymen Ohrenschall and Woodbury, who were excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Ford and Assemblyman Oscarson to wait upon United States Senator Dean Heller and escort him to the Assembly Chamber.

The Committee on Escort, in company with The Honorable Dean Heller, United States Senator from Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Senator to the rostrum.

The Speaker of the Assembly welcomed United States Senator Dean Heller and invited him to deliver his message.

United States Senator Dean Heller delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-NINTH SESSION, 2017

Mr. Speaker, thank you. To the Lieutenant Governor, thank you for the invitation. Governor, it is always good to see you. And to the leaders here—Ford, Roberson, and Anderson—I want to thank you as well. To the constitutional officers and your guests, thank you very much. I know you guys have a busy schedule, so thank you for being here. To our members of the Court, thank you very much for taking time out of your busy schedule and being here. I really do appreciate that.

I am grateful, also, to have a few of my family members here with me. I am always grateful to have them with me, but more importantly, I want to introduce my wife Lynne who is also with us.

To start with, most of you know that Congressman Amodei and I had a town hall meeting this morning. I am here to report that it went smoothly—very productive. In fact, it was so productive that some of them have come back for more. But I did learn that the President tweeted out that the town hall was bigly, and Sean Spicer, in his White House press conference, said it was the largest town hall crowd ever.

It is great to be here and spend some time with you. Carson City, as you know, is home to me. My parents just live up Fifth Street. My father owned the automotive shop across the street. I worked with him starting when I was in middle school. I like to point out that I am probably one of the few United States Senators that can change the oil in your car, fix your transmission. But I do guarantee you one thing: I can sweep your garage floor, and he made sure of that.

Standing here with you reminds me of my days in the Nevada Legislature. Of course, a lot has changed since I served in the Nevada Assembly. Back then, Apple had just released its first laptop, the founders of Facebook were in second grade, and Jurassic Park was the box office hit.

But while a lot has changed since then, the Nevada Legislature's purpose remains the same: working hard to make Nevada better for the people they represent. I am working to do the exact same thing in the United States Senate.

I would like to begin by acknowledging the U.S. response to the horrific atrocities committed by the Assad regime in Syria. Not only is the use of chemical weapons inhumane, it is a blatant violation of international law. I am supportive of the Trump Administration's response. It sent a clear message of America's intolerance for the murder of innocent civilians. A military strike that was supported by Democrats and Republicans alike. I have been briefed by military experts, and I will continue to monitor the developments in Syria. I am hopeful that the President will work with Congress and lay out his strategy for all of the American people.

Despite many headlines highlighting divisions in Congress, I find that more unites us than divides us, and most of us work hard to find common ground. Our many bipartisan legislative accomplishments in this last year are proof of that.

Starting with the Senate Veterans Affairs Committee, I have had the opportunity to provide a strong voice for the more than 300,000 veterans living here in the Silver State. Our VA facilities service thousands of veterans in need, but there are still some serious gaps when it comes to timely delivery of care. There is a nationwide shortage of doctors and nurses, and Nevada is facing the worst of it. So I am working to establish incentives for doctors to come to work at our VA hospitals, especially in Nevada's more rural areas.

For some communities in Nevada, the veteran population has grown substantially and health care demand has increased. In Pahrump, I have worked with veterans there for years to bring a new VA clinic to the community. I was honored to be there when it finally opened its doors this past November.

We can also do a lot more to provide better care for women who have served this country. Earlier this month I reintroduced legislation with Senator Patty Murray, a Democrat from Washington, aimed at doing just that. Our bill requires the VA adapt to the specific needs of women veterans. It expands medical services at VA hospitals, it improves access to gender-specific care, it strengthens privacy and protection measures, and implements accountability standards.

A few weeks ago, I joined Chairman Johnny Isakson from Georgia and Senator Tester from Montana in introducing a bill that increases the VA's disability benefits for veterans. It was

supported by every member of the Senate Veterans' Committee. This is a perfect example of Republicans and Democrats working together to get things done for our veterans. As the cochair of the Senate VA Backlog Working Group with Senator Casey, a Democrat from Pennsylvania, I have also been holding the VA's feet to the fire on the disability claims backlog. The last time I talked here in this room, we had a backlog of 405,000 claims. Today, after the implementation of our ideas, it is less than 100,000.

But we will continue to work on it. We can and we will do a better job. I will not be satisfied until the VA delivers on its promise and provides the best possible care and services to those in Nevada who have sacrificed so much for us.

In addition to our work to improve the VA's services for Nevada's veterans, I am also particularly proud of the bipartisan work we did in the 114th Congress on infrastructure. Since I last addressed this Legislature, Congress came together to approve a five-year highway bill that provides states with additional resources and tools to advance high-priority projects, such as the new Interstate 11 connecting Phoenix to Las Vegas and then Las Vegas to Reno. These projects mean good-paying jobs for Nevadans and a significant, long-term impact on our economy for decades to come. I have worked for years to improve the mobility between Las Vegas and Reno and was proud to secure my top infrastructure priority, and that is the expansion of Interstate 11 to northern Nevada. When the full I-11 project is completed, it will increase the economic competitiveness of the entire western United States by opening up markets for tourism and interstate commerce. A strong infrastructure is critical to a stronger Nevada, and I can assure you that I will continue to advocate at the federal level to ensure Nevada has the resources it needs to succeed. Last year, Diane Feinstein and I successfully pushed through the reauthorization of the Lake Tahoe Restoration Act, an initiative that I have championed in Congress for over eight years. As one of our state's most treasured places, not to mention northern Nevada's largest tourist draw, it is critical that we make the infrastructure investments necessary in the Tahoe Basin to ensure its beauty for future generations. I give you my word to always fight for Nevada's infrastructure needs.

Although the Republican majority in Congress and a Republican in the White House present tremendous opportunities to promote and deliver on Nevada priorities, it also comes with significant responsibilities—responsibilities that I do not take lightly. Since working in Washington, my number one focus has always been the people of Nevada. Their interests and their priorities are my priorities, and that transcends party lines. When President Trump or my party is right for Nevada, I will support them. But when they are wrong for Nevada, I will try to change their minds. I will always put Nevada first.

In fact, I have been working tirelessly against the Administration's proposal to revive Yucca Mountain. Let me be clear: Yucca Mountain is dead. Nevada will not be our nation's nuclear waste dump. I conveyed that message in my meeting with Secretary Perry prior to his confirmation and again reiterated it ahead of his visit to Yucca Mountain last month. Senator Harry Reid was a powerful and outspoken opponent of Yucca Mountain. He worked hard to make sure the project did not see the light of day. Now, I am standing between this Republican Administration and Yucca, and I will lead this fight. This is a reckless proposal. Over the past 30 years, the federal government has wasted billions of taxpayer dollars to design and permit Yucca Mountain, all without any signal that Nevada would consent to it. A state without a single nuclear power plant should not have to shoulder the entire nation's nuclear waste burden. We will not be run over by the desires of East Coast states that want to move the nuclear waste they created out of their backyards and into ours. Let me say it one more time: Nevada will not be our nation's nuclear waste dump.

Since I have served in Congress, I have been one of the most outspoken Republicans in advocating for policies that diversify our nation's energy portfolio. I believe in an all-of-the-above energy approach, and I recognize the importance of developing innovative new energy technologies that make our state and our nation's energy supply cleaner, more affordable, and more reliable. I have consistently supported the renewable energy sector and gone to great efforts to level the playing field for solar, for geothermal, and for wind energies. In fact, last month at the Italian Embassy, I received the prestigious Advanced Energy Leadership Award from a nationwide organization whose goals are to advance the alternative energy sector. They praised my efforts during the last session of Congress as the lead Republican in the fight to

renew the investment tax credits necessary for their industry to survive. Make no mistake, the expansion of the investment tax credit has and will create tens of thousands of new jobs right here in Nevada.

Recently I was pleased to be invited to attend the grand opening of the Crescent Dunes Solar Energy Facility in Tonopah and the ribbon-cutting ceremony for the Moapa Southern Paiute Solar Project at the Moapa River Indian Reservation. It is not often when a member of Congress can come home and see firsthand the results of his hard work in Washington, D.C. In addition to the Investment Tax Credit, I passed the Public Land Renewable Energy Development Act. Its goal is to promote renewable energy in all of its forms—solar power for homes, geothermal for manufacturing, or electric for cars like the Tesla batteries made in northern Nevada. I am proud to be a part of Nevada's energy diversification, and I am working to implement policies to bolster these efforts.

As some of you may know, I am a lifelong Nevada outdoorsman and a conservationist, and I also own a ranch in rural Nevada. Let there be no misconceptions—my wife runs the ranch. I just work for her. So I know firsthand how important it is that Nevadans have access to our public lands for things like grazing, economic development, and recreation. I also know how critical the Southern Nevada Public Land Management Act [SNPLM] and Payment in Lieu of Taxes [PILT] programs are to Nevada projects ranging from wildlife preservation and conservation to education and road maintenance.

Between the funding to revive Yucca Mountain and the Administration's proposal to gut these important public lands programs like SNPLM, like PILT, the Administration's budget, in my opinion, is anti-Nevada, and I am not happy about it, not one bit. So I am going to fight to defend these public lands programs and work to make sure they are fully funded.

The past three months have been busy, challenging, and too often boiled down to 140 characters. While many in Congress want to act quickly to deliver on promises to the American people, I just want to make sure they get it right. That includes our efforts to reform our broken health care system. Nevadans from Pioche to Battle Mountain to Ely have told me about the law's negative effect on their rural families: higher premiums, cancelled plans, limited options. Republicans and Democrats in Congress can agree that the status quo is unacceptable, but we disagree on what we need to do to fix it.

The late Governor Kenny Guinn, a friend of mine and also a mentor, often spoke about two types of people: those who solve problems and those who talk about them. We see that a lot in Washington, D.C.—those who run to the microphone but are never part of the discussion. I have carried Governor Guinn's advice to be a problem solver with me, and I have always been focused on finding ways to fix problems for the people of Nevada. That is particularly true when it comes to tackling health care reform and the potential impact any changes could have on Nevadans. Make no mistake—we need to have a debate about what we can agree on and how to move forward. But that debate does not come in the form of a press conference. That debate does not come in the form of a 30-second soundbite. And that debate does not come in the form of a tweet. It requires discussion.

Speaker Frierson and Leader Ford sent me a letter with questions about how the Obamacare repeal would affect Nevadans. I took that letter with me to Secretary Tom Price's confirmation hearing. I asked the man charged with leading the Obamacare repeal effort to respond to their questions. I also met with Governor Sandoval after the House's health care bill was released. We discussed how it affected the people of Nevada. Its lack of support from Governor Sandoval was a major concern of mine. I believe we need to protect coverage for those who currently receive benefits under the system that we have today, including those who are a part of Medicaid expansion. Over 200,000 Nevadans are newly eligible for Medicaid, and many of them have never had insurance before. Unfortunately, the House bill failed to address skyrocketing costs and protect coverage for those who are most vulnerable. Its lack of support was a reflection of that. It did not work for Nevada, so it did not work for me.

Another priority of mine is tax reform. Our current tax code is too costly. Our current tax code is too complex, and it is too burdensome. We need a simpler and more competitive tax code that works for all Americans and for all small businesses. I believe we need to broaden the tax base by closing loopholes and reducing marginal tax rates on both individuals and businesses. If we do that, we lay the foundation for strong economic growth for years to come.

Washington finally has an appetite to tackle this. We have a willing White House, and both Chambers of Congress stand ready to reform our nation's burdensome tax code. I believe we will be able to move forward. As a member of the Senate Finance Committee, I will have a front row seat for this and make no mistake, I will be advocating for policies that will provide economic growth and allow individuals to keep more of their hard-earned tax dollars right here in Nevada.

I also hope that Congress can work to address our nation's broken immigration system. It needs fundamental reform. Let me be the first to tell you, Nevada is a border state, and I passed legislation that says as much. We may not geographically be located on the border, but we are affected just as much as any other state that is. That is why I believe Nevada should have a seat at the table when these policies are discussed, debated, and implemented out of Washington.

In fact, in 2013, I was vocal in the comprehensive immigration reform battle and was successful in ensuring that if a border commission was created, Nevada would be part of it. And as many of you know, I was one of only 14 Republicans to support comprehensive immigration reform. This country needs to have a much broader and larger conversation about our nation's immigration policies. You can be sure Nevada will have a voice at the table as we move forward, and I am that voice.

Congress has made significant progress over the past two years, but we have a lot of work ahead of us. President Harry Truman famously said, "[But] America was not built on fear. America was built on courage, on imagination and an unbeatable determination to do the job at hand."

I believe that while the job at hand is now different, the courage, imagination, and determination that built this country still exist today. So let us let the American engine fire again. Let history show that we rose to the occasion. Let us all remind ourselves that we live in the greatest nation on earth—a place where the son of a mechanic and a school cook could have the opportunity to deliver the newspaper to then-Governor Mike O'Callaghan, and where that same boy could play basketball with a kid who now lives in the Governor's Mansion, and then that boy could grow up to represent the great state of Nevada in the United States Senate. I remain optimistic that our country's best days are ahead of us, and every day, I am fighting on behalf of Nevadans to make sure of it.

I want to thank you again for the opportunity to be here this evening. May God bless the work that you are doing and may God bless the great state of Nevada. Thank you very much.

Assemblyman Marchant moved that the Senate and Assembly in Joint Session extend a vote of thanks to Senator Heller for his timely, able, and constructive message.

Seconded by Senator Settelmeyer.

Motion carried.

The Committee on Escort escorted Senator Heller to the bar of the Assembly.

Senator Denis moved that the Joint Session be dissolved.

Seconded by Assemblywoman Krasner.

Motion carried.

Joint Session dissolved at 5:37 p.m.

ASSEMBLY IN SESSION

At 5:52 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 76.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Assembly Bill 76 revises provisions governing the Central Repository for Nevada Records of Criminal History. The measure clarifies the authority of the Central Repository to inspect certain sealed records in accordance with federal laws and regulations.

The measure adds a county coroner or medical examiner, as needed, to the list of persons and governmental entities to whom records of criminal history must be disseminated.

Roll call on Assembly Bill No. 76:

YEAS—36.

NAYS—Marchant, Titus—2.

EXCUSED—Ellison, Kramer, Ohrenschall, Woodbury—4.

Assembly Bill No. 76 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 108.

Bill read third time.

Remarks by Assemblymen Oscarson, Wheeler, and Titus.

Potential conflict of interest declared by Assemblywoman Titus.

ASSEMBLYMAN OSCARSON:

Assembly Bill 108 requires the Division of Health Care Financing and Policy within the Department of Health and Human Services to review the reimbursement rates for each service or item provided under the State Plan for Medicaid on or before January 1, 2018, and every four years thereafter, to determine whether the rates reflect the actual cost of providing the service or item. In addition, if it is found that the reimbursement rate for a service or item does not accurately reflect the actual cost, Assembly Bill 108 requires the Division to calculate the rate that reflects the actual cost and recommend that rate to the Director of the Department of Health and Human Services for possible inclusion in the State Plan for Medicaid. This act becomes effective on July 1, 2017.

ASSEMBLYMAN WHEELER:

I rise in support of Assembly Bill 108 today. This legislation will go a long way in streamlining the process for reimbursement rates. When I ran for this office, something I spoke about often was the need to have more efficient government. My constituents want regularity and fairness, and they want a government that works smart. This legislation does that and I urge my colleagues to vote yes.

ASSEMBLYWOMAN TITUS:

Assembly Bill 108 provides for the possible recommendation of changing the rate of reimbursement for services or items provided by the State Plan for Medicaid. I have to consider whether I have a conflict of interest as I am a physician and I see Medicaid patients. Since I do not receive direct Medicaid payments, I have determined that any interest I may have in this bill is no greater than any other member of the general business, profession, occupation, or group that may be affected by this piece of legislation. Further, I have determined that any possible interest that I may have in this piece of legislation does not impede my independence of judgment and is not greater than the interest of any other person similarly situated. Therefore, I am not required, pursuant to Assembly Standing Rule No. 23, to make this disclosure. However, in prompting transparency I want to put this on the record. I will be participating in this vote tonight.

Roll call on Assembly Bill No. 108:

YEAS—38.

NAYS—None.

EXCUSED—Ellison, Kramer, Ohrenschall, Woodbury—4.

Assembly Bill No. 108 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 118.

Bill read third time.

Remarks by Assemblymen Daly and Oscarson.

ASSEMBLYMAN DALY:

Assembly Bill 118 authorizes a person between the ages of 18 and 21 and who is a member of the Armed Forces of the United States, a reserve component thereof, or the National Guard, or was discharged or released from service in the Armed Forces, a reserve component thereof, or the National Guard under honorable conditions to carry a concealed weapon. A sheriff must deny an application for a permit or revoke an existing permit if the sheriff determines that the applicant or permittee has been discharged or released from service under other than honorable conditions and is less than 21 years of age.

ASSEMBLYMAN OSCARSON:

I rise in support of Assembly Bill 118. I am, and always have been, a strong advocate for the Second Amendment and its constitutional power to protect individuals' rights to keep and bear arms. Assembly Bill 118 not only protects that right, but further expands it to members of the armed forces between the ages of 18 and 21 to carry a concealed weapon. We trust these men and women to fight for our freedom and to put their lives on the line for us, so it is our obligation to trust them as law-abiding gun owners.

Roll call on Assembly Bill No. 118:

YEAS—34.

NAYS—Bilbray-Axelrod, Carlton, Diaz, Swank—4.

EXCUSED—Ellison, Kramer, Ohrenschall, Woodbury—4.

Assembly Bill No. 118 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 134.

Bill read third time.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Assembly Bill 134 increases from $200,000 to $300,000 the limit on the amount of annual total expenditures for a special district to be eligible to file with the Department of Taxation a petition for an exemption from certain filing, publishing, and auditing requirements of the Local Government Budget and Finance Act.

Roll call on Assembly Bill No. 134:

YEAS—38.

NAYS—None.

EXCUSED—Ellison, Kramer, Ohrenschall, Woodbury—4.

Assembly Bill No. 134 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 137.

Bill read third time.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

Assembly Bill 137, in its first reprint, makes changes to the home office credit that is allowed against the insurance premium tax for insurers who maintain a home office or regional home office in Nevada.

The bill removes the January 1, 2021, sunset of the credit, and additionally removes the $5 million annual limit that currently applies to this credit. The bill specifies, however, that an insurer may only take this credit for ten calendar years, including any calendar years before the effective date of the bill. The act becomes effective on July 1, 2017.

Roll call on Assembly Bill No. 137:

YEAS—36.

NAYS—McArthur, Titus—2.

EXCUSED—Ellison, Kramer, Ohrenschall, Woodbury—4.

Assembly Bill No. 137 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 138.

Bill read third time.

Remarks by Assemblywomen Carlton and Titus.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 138 allows for the capture of rainwater from the roof of a single-family dwelling for nonpotable use. Provided there is no conflict with existing water rights, the measure also allows for the capture of rainwater in a guzzler no larger than 20,000 gallons for use by wildlife. De minimus collection of rainwater under these circumstances does not require a water rights permit. This act becomes effective on July 1, 2017.

ASSEMBLYWOMAN TITUS:

I rise in support of Assembly Bill 138. Assembly Bill 138 brings clarity in the law to small water collection systems and allows individuals to conserve water through their residence. This very important and commonsense piece of legislation promotes efficient conservation practices in our rural and urban communities, and I thank the sponsor for bringing it forward.

Roll call on Assembly Bill No. 138:

YEAS—38.

NAYS—None.

EXCUSED—Ellison, Kramer, Ohrenschall, Woodbury—4.

Assembly Bill No. 138 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 145.

Bill read third time.

Remarks by Assemblywoman Krasner.

ASSEMBLYWOMAN KRASNER:

Assembly Bill 145 extends the statute of limitations for filing a civil action to recover damages arising out of sexual abuse committed against a child. The time is extended from 10 years to 20 years after the person reaches 18 years of age.

In addition, the bill extends the statute of limitations for filing a civil action to recover damages arising out of the appearance in pornographic material before 16 years of age. The time is extended from 3 years to 20 years after the person reaches 18 years of age or after a court enters a verdict in a related criminal case.

Lastly, if the cause of action has not yet expired, then the statute of limitations is extended, but if cause of action has expired, it cannot be revived. This bill is effective upon passage and approval.

I rise in support of Assembly Bill 145. This bill, which extends the statute of limitations for child victims of sexual abuse, will go a long way to ensure that those victims have the recourse when they come forward to pursue justice. Mr. Speaker, for far too long these victims have hidden in the shadows because of shame or fear. With the passage of this legislation, we can show victims that those of us here in the Legislature have heard them, and we stand with them, and they have opportunities to seek redress.

Roll call on Assembly Bill No. 145:

YEAS—38.

NAYS—None.

EXCUSED—Ellison, Kramer, Ohrenschall, Woodbury—4.

Assembly Bill No. 145 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 147.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Assembly Bill 147 creates procedures governing the disposal of property in the custody of a law enforcement agency. A metropolitan police department is required to perform an annual audit of the disposition of property and present a report of that audit to the metropolitan police committee on fiscal affairs. The measure clarifies that the term "property" includes any property that is owned by another person or that another person is entitled to possess that is in the custody of a law enforcement agency; has been stolen, embezzled, lost, found, abandoned, or unclaimed; and is otherwise unrelated to an active criminal case.

In addition, the bill authorizes a board of county commissioners or its authorized representative to donate any property previously in the custody of a law enforcement agency to certain organizations.

Roll call on Assembly Bill No. 147:

YEAS—38.

NAYS—None.

EXCUSED—Ellison, Kramer, Ohrenschall, Woodbury—4.

Assembly Bill No. 147 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 160.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Assembly Bill 160 requires consideration of alternatives to window replacement in certain state buildings.

Roll call on Assembly Bill No. 160:

YEAS—32.

NAYS—Hansen, Marchant, McArthur, Pickard, Titus, Wheeler—6.

EXCUSED—Ellison, Kramer, Ohrenschall, Woodbury—4.

Assembly Bill No. 160 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 170.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 170, in its first reprint, extends the period by which certain reports must be provided by the Governor's Office of Economic Development relating to certain programs for economic development approved by the Legislature.

It additionally provides that the Office is not required to prepare and submit these reports if, within 75 days after the end of the period covered by the report, the Office receives an audit of the participants in the project that covers the same period that would be required under the report and contains the information that is required to be submitted in the report.

Roll call on Assembly Bill No. 170:

YEAS—38.

NAYS—None.

EXCUSED—Ellison, Kramer, Ohrenschall, Woodbury—4.

Assembly Bill No. 170 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 177.

Bill read third time.

Remarks by Assemblywoman Tolles.

ASSEMBLYWOMAN TOLLES:

Assembly Bill 177 revises provisions authorizing courts to issue temporary or extended orders for protection against domestic violence. If after due diligence the adverse party has not been served and fails to appear at the first hearing, then the court is authorized to set a second hearing within 90 days after the date on which the first hearing was scheduled and a third hearing within an additional 90 days thereafter. The court is required to order a law enforcement agency to serve the adverse party an application for an extended order and the notice of any second or third hearing upon the application scheduled by the court. Finally, the temporary order remains in effect until the date when the second or third hearing is held. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 177:

YEAS—38.

NAYS—None.

EXCUSED—Ellison, Kramer, Ohrenschall, Woodbury—4.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 192.

Bill read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Assembly Bill 192 requires, with limited exceptions, appointing authorities for positions in the state service to make temporary limited appointments of certified persons with disabilities to positions not to exceed 700 hours. The bill further requires each appointing authority to ensure that at least one person on the staff of the appointing authority satisfies certain training requirements related to: (1) making a temporary limited appointment of a certified person with a disability; and (2) training concerning the unique challenges a person with a disability faces in the workplace.

This bill is effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks and on January 1, 2018, for all other purposes.

Roll call on Assembly Bill No. 192:

YEAS—38.

NAYS—None.

EXCUSED—Ellison, Kramer, Ohrenschall, Woodbury—4.

Assembly Bill No. 192 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 195.

Bill read third time.

Remarks by Assemblywomen Bustamante Adams and Titus.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 195 revises provisions governing the State Board of Cosmetology and the professionals it regulates. The bill allows the Governor to remove a Board member under certain circumstances, combines the position of Board Secretary and Board Treasurer, revises provisions governing the deposit and use of fees and other money, prohibits certain expenses from being charged against the State General Fund, and eliminates the Board's revolving fund used for cash advances. It also revises certain continuing education requirements, the documentation required by certain applicants, and the circumstances under which a license as a student instructor expires. It reduces from 3,600 to 3,200 the number of hours needed to apply for a license as a cosmetologist and requires students to receive a minimum of 10 percent of the total hours of instruction for a particular profession prior to commencing work on members of the public.

ASSEMBLYWOMAN TITUS:

I rise in support of Assembly Bill 195. Even though it is a two-thirds bill, it actually lowers hours, lowers cost, and is another commonsense bill. I appreciate the sponsor of this bill fixing some much needed language in the area of cosmetology. Thank you and I am definitely in support.

Roll call on Assembly Bill No. 195:

YEAS—37.

NAYS—Wheeler.

EXCUSED—Ellison, Kramer, Ohrenschall, Woodbury—4.

Assembly Bill No. 195 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 205.

Bill read third time.

Remarks by Assemblyman Edwards.

ASSEMBLYMAN EDWARDS:

Assembly Bill 205 enacts provisions governing cremation using alkaline hydrolysis, which is defined as the reduction of human remains through the use of alkaline chemicals and agitation. The bill makes certain fee and penalty provisions applicable to this type of cremation. In cities and towns where existing zoning laws limit the location of a crematory, the bill authorizes a crematory using alkaline hydrolysis to apply to a local board of county commissioners or the governing body of the city or town for an exemption from zoning restrictions. The measure requires an operator to provide advance notice to the Division of Environmental Protection of the Department of Conservation and Natural Resources of its intent to use alkaline hydrolysis. The Division must ensure that the equipment to be used for alkaline hydrolysis complies with laws relating to water pollution. Finally, conforming changes are made to other sections of the law to account for differences between cremation by incineration and cremation by alkaline hydrolysis.

The bill is effective upon passage and approval for the purpose of adopting regulations and performing preparatory administrative tasks and on January 1, 2018, for all other purposes.

Roll call on Assembly Bill No. 205:

YEAS—38.

NAYS—None.

EXCUSED—Ellison, Kramer, Ohrenschall, Woodbury—4.

Assembly Bill No. 205 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 221.

Bill read third time.

Remarks by Assemblywoman Bilbray-Axelrod.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Assembly Bill 221 requires that the model plan developed by Nevada's Department of Education for the management of a school emergency must include a procedure for evacuating the students and employees of a charter school to an identified district middle, junior high, or high school.

Roll call on Assembly Bill No. 221:

YEAS—38.

NAYS—None.

EXCUSED—Ellison, Kramer, Ohrenschall, Woodbury—4.

Assembly Bill No. 221 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 229.

Bill read third time.

Remarks by Assemblymen Thompson and Spiegel.

ASSEMBLYMAN THOMPSON:

Assembly Bill 229 revises state law by authorizing the marriage of two persons, regardless of gender, and makes conforming changes to the provisions. This bill is effective on July 1, 2017.

ASSEMBLYWOMAN SPIEGEL:

This bill makes our family law chapter gender neutral, which will allow all Nevada families to be treated equally and fairly under the law. I urge your support.

Roll call on Assembly Bill No. 229:

YEAS—28.

NAYS—Paul Anderson, Edwards, Hambrick, Hansen, Krasner, Marchant, McArthur, Oscarson, Titus, Wheeler—10.

EXCUSED—Ellison, Kramer, Ohrenschall, Woodbury—4.

Assembly Bill No. 229 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 233.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 233 authorizes a lessor of a motortruck to impose additional charges to recover any costs incurred by the lessor in conducting his or her business. Any such charges must be disclosed at the time the lessor provides a price quote or estimate for the lease of the motortruck.

Roll call on Assembly Bill No. 233:

YEAS—36.

NAYS—Fumo, Watkins—2.

EXCUSED—Ellison, Kramer, Ohrenschall, Woodbury—4.

Assembly Bill No. 233 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 234.

Bill read third time.

Remarks by Assemblyman Fumo.

ASSEMBLYMAN FUMO:

Assembly Bill 234 requires certain motor carriers of passengers that provide paratransit services to certain persons with disabilities to ensure that each vehicle used for such services is equipped with first-aid equipment and that the drivers of such vehicles receive training in first-aid and CPR [cardiopulmonary resuscitation]. The provisions of this bill do not apply during the current term of any collective bargaining agreement entered into before the effective date of this bill. This measure is effective upon passage and approval.

Roll call on Assembly Bill No. 234:

YEAS—38.

NAYS—None.

EXCUSED—Ellison, Kramer, Ohrenschall, Woodbury—4.

Assembly Bill No. 234 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 247.

Bill read third time.

Remarks by Assemblymen Tolles, Hambrick, and Yeager.

ASSEMBLYWOMAN TOLLES:

Assembly Bill 247 provides for the early termination of a rental agreement if a tenant, cotenant, or household member is a victim of harassment, sexual assault, or stalking. The measure further prohibits a landlord from taking certain retaliatory actions against a victim who terminates a rental agreement for this reason. This bill is effective on October 1, 2017.

ASSEMBLYMAN HAMBRICK:

I rise in support of Assembly Bill 247. Sexual assault is a serious problem that plagues our communities. Every 98 seconds, another American is sexually assaulted. Assembly Bill 247 gives victims of sexual assault an opportunity to escape their environment by providing early termination of rental agreements. We must do all we can do to protect these victims and to ensure that they have the tools to move past the horrible crimes committed against them. These people are asking us for solutions that help protect them, and A.B. 247 is that type of solution.

ASSEMBLYMAN YEAGER:

I would encourage the body to support this measure. The impetus behind this bill was exactly as my colleague from the south said—to make sure that folks who are victims of sexual assault, harassment, or stalking are not forced to stay in a dangerous situation simply because they do not have the financial resources to terminate a lease. That is the impetus behind the bill, and I rise in support and would encourage the body to support the bill as well.

Roll call on Assembly Bill No. 247:

YEAS—38.

NAYS—None.

EXCUSED—Ellison, Kramer, Ohrenschall, Woodbury—4.

Assembly Bill No. 247 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 251.

Bill read third time.

Remarks by Assemblyman Hambrick.

ASSEMBLYMAN HAMBRICK:

Assembly Bill 251 authorizes the State Board of Pardons Commissioners to commute a sentence of death or imprisonment in the state prison for life without the possibility of parole to a sentence that would allow parole if a person is convicted of any crime that the person committed when he or she was less than 18 years of age. This bill is effective on October 1, 2017.

Roll call on Assembly Bill No. 251:

YEAS—38.

NAYS—None.

EXCUSED—Ellison, Kramer, Ohrenschall, Woodbury—4.

Assembly Bill No. 251 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 254.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Assembly Bill 254 provides that any inventory of the property of a ward that a guardian is required to file in a proceeding must include the existence of a trust of which the ward is a

beneficiary. If such an inventory includes the existence of a trust, the trustee must be served with a copy of the inventory. There is a mechanism by which the court overseeing the guardianship can take jurisdiction over the trust if there are no objections or the court finds good cause.

The thought behind this bill—and it was unanimous out of committee—was that we have situations where wards have trusts and the guardianship court overseeing the guardianship does not know about the trust, does not have an ability to look at the trust and make sure it is being used appropriately for the benefit of the ward. I would encourage the house to support this measure. It is part of the comprehensive guardianship reforms that came out of the Commission.

Roll call on Assembly Bill No. 254:

YEAS—38.

NAYS—None.

EXCUSED—Ellison, Kramer, Ohrenschall, Woodbury—4.

Assembly Bill No. 254 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 271.

Bill read third time.

Remarks by Assemblymen Carrillo, Pickard, and Wheeler.

ASSEMBLYMAN CARRILLO:

Assembly Bill 271 repeals provisions regarding a panel to review the findings of a fact finder and instead provides that the findings and award of the fact finder are final and binding on the parties engaged in collective bargaining negotiations. For labor disputes involving firefighters and police officers, the bill provides that unless the parties to the dispute agree to make the findings of the fact finder final and binding: (1) the report of the fact finder must include recommendations for settlement of the dispute, in lieu of an award; and (2) the findings and recommendations of the fact finder are not binding on the parties.

The bill clarifies that leave provided by a local government employer to an employee for time spent by the employee in performing duties or providing services for an employee organization is a mandatory subject of collective bargaining. The bill also provides that unless the terms of the agreement between a local government employer and an employee organization provide otherwise, if the local government employer agrees to provide such leave, there is a rebuttable presumption that the full cost of such leave has been offset by the value of concessions made by the employee organization. The effective day of this bill is July 1, 2017.

ASSEMBLYMAN PICKARD:

Assembly Bill 271 is a solution in search of a nonexistent problem. The unintended consequences that could result from this legislation and the uncertainty that results from it will hamstring both parties. If anything, we should be encouraging positive communications that lead to mutual agreements and solid compromises. Similarly, I do not care much for the idea, nor in my view should anyone, of public employees on the taxpayer dime conducting union business, often partisan in nature. I urge my colleagues to vote no today.

ASSEMBLYMAN WHEELER:

I rise in strong opposition to Assembly Bill 271. This puts an unnecessary burden on employers, and far from creating an efficient process, it muddies the waters in binding fact-finding. I will always be opposed to public employees conducting partisan business on the state dime, as this is a bad use of our tax dollars and a poor way of showing the hardworking people of Nevada that we put them ahead of the politics.

Roll call on Assembly Bill No. 271:

YEAS—26.

NAYS—Paul Anderson, Edwards, Hambrick, Hansen, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler—12.

EXCUSED—Ellison, Kramer, Ohrenschall, Woodbury—4.

Assembly Bill No. 271 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 288.

Bill read third time.

Remarks by Assemblymen Joiner and Pickard.

ASSEMBLYWOMAN JOINER:

Assembly Bill 288 provides that immunity from civil or criminal liability for certain acts does not extend to a person who abused, neglected, exploited, isolated, or abandoned an older person or vulnerable person who is the subject of a report or investigation or any person who committed certain other acts against an older person or a vulnerable person. This bill also revises the penalties for committing or conspiring with another person to commit certain acts against an older person or a vulnerable person.

Finally, this bill provides that a facility for long-term care that wishes to include as part of any contract relating to the provision of care a clause providing that the parties to the contract agree to resolve any dispute through arbitration must include the clause as an addendum to the contract. The addendum must meet certain requirements pertaining to form and content.

ASSEMBLYMAN PICKARD:

I am happy to say I rise in support of Assembly Bill 288. This bill seeks to protect our senior and vulnerable citizens from criminals by closing loopholes in existing law. Our seniors should feel safe and secure in their retirement years, and we have an obligation to do all that we can to make that happen.

Roll call on Assembly Bill No. 288:

YEAS—38.

NAYS—None.

EXCUSED—Ellison, Kramer, Ohrenschall, Woodbury—4.

Assembly Bill No. 288 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 54, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 468, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

IRENE BUSTAMANTE ADAMS, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 297, 337, 452, 461, 464, 465, 466, 476, 482, 488, and 490; Assembly Joint

Resolutions Nos. 10 and 11 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

REMARKS FROM THE FLOOR

Assemblywoman Cohen requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN COHEN:

I would like to introduce the body to my guests. Joe McKenna is a music director at a church in Reno, a musician, and a fourth generation Nevadan. Andrea Booth has been my friend since seventh grade. She is a public educator and counselor at San Mateo High School in northern California. We attended the University of Nevada, Reno together with the Speaker. Ms. Booth joined me over the weekend at the Race to End Domestic Violence in Reno. We walked in the 5K in honor of our friend, Kristin Batdorf. Kristin was murdered in a domestic violence altercation almost three years ago. Kristin was born in Las Vegas, she graduated from Bishop Gorman High School and also from the University of Nevada, Reno, where the three of us were roommates. She was a chiropractor and a mother. She was not murdered in Nevada, but she was a daughter of Nevada. According to Safe Embrace, in 2014—the same year she was murdered—Nevada was number three in the country in men murdering their wives and girlfriends. I would like to ask the body to welcome my guests in honor of our friend Kristen.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Marietta Nelson, M.D., Audrey Johnson, Dianna Christensen, and Celssie Hardy.

On request of Assemblyman Araujo, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Catha.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Weldon Havins, M.D., J.D.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Andrea Maria Booth and Joe McKenna.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Jack Warwick.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Norman Christensen, M.D. and Keith Brill, M.D.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Eric Boyden, M.D., Peter Fenwick, M.D., and Nancy Hoffman.

On request of Assemblyman Kramer, the privilege of the floor of the Assembly Chamber for this day was extended to Timothy McFarren, M.D. and Sandra Koch, M.D.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to Ronald Swanger, M.D., Andrew Pasternak, M.D., and Jerry Matsumura, M.D.

On request of Assemblyman Marchant, the privilege of the floor of the Assembly Chamber for this day was extended to Michael McDonald, Brian Hardy, and Nathan Baker.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to Thomas Hunt, M.D.

On request of Assemblyman McCurdy, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Lee, M.D.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Rebecca Oscarson and Deb Paul.

On request of Assemblyman Pickard, the privilege of the floor of the Assembly Chamber for this day was extended to Mia Mallette.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Howard Baron.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Joseph Iser, M.D., Evan Klass, M.D., Nicole Flora, M.D., and Keith Brill, M.D.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Baker, Pat Casale, and Thomas Hunt.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Tuesday, April 18, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 6:38 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SEVENTY-SECOND DAY

CARSON CITY (Tuesday), April 18, 2017

Assembly called to order at 12:07 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Carrillo, who was excused.

Prayer by the Chaplain, Captain Leslie Cyr.

Dear Lord, we thank You for this day. We thank You for our great country, for our great state, and for the liberties we thrive in. I pray now over this Assembly and for their tasks; God, we ask for Your divine guidance in the governing of this state and in all that will be discussed here today. We ask for clarity where issues are not clear and for wisdom to be righteous in the pursuit of liberty and justice.

We ask for Your grace to be with the Assemblymen and women and their families as we are thankful for their service and their personal sacrifices. May Your favor rest on them and their loved ones. Furthermore, let Your favor rest on Nevada and bless us, Lord, with unity and peace. In Jesus name we pray.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 35, 61, 150, 190, 244, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRENE BUSTAMANTE ADAMS, *Chair*

Mr. Speaker:

Your Committee on Corrections, Parole, and Probation, to which were referred Assembly Bills Nos. 26, 286, 316, 326, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OHRENSCHALL, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 117, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Assembly Bill No. 202, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Assembly Bill No. 372, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TYRONE THOMPSON, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 383, 437, 477, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 169, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 246, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 310, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 304, 347, 427; Assembly Joint Resolution No. 9, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 366, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL C. SPRINKLE, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 232, 235, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 17, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 39, 55, 163, 258, 279, 283, 313, 318, 326, 388, 412, 422; Senate Joint Resolution No. 17 of the 78th Session.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 2, 12, 19, 26, 27, 31, 40, 41, 51, 53, 60, 75, 76, 118, 119, 125, 127, 128, 130, 138, 141, 149, 159, 160, 165, 171, 176, 206, 237, 242, 251, 312.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 17 of the 78th Session.

Assemblywoman Benitez-Thompson moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

NOTICE OF EXEMPTION

April 18, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 465 and 517.

MARK KRMPOTIC
Fiscal Analysis Division

Senate Bill No. 2.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 12.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 19.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 26.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 27.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 31.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 39.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 40.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 41.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 51.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 53.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 55.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 60.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 75.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 76.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 118.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 119.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 125.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Corrections, Parole, and Probation.

Motion carried.

Senate Bill No. 127.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 128.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 130.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 138.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 141.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 149.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 159.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 160.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 163.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 165.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 171.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 176.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 206.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 237.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 242.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 251.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 258.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 279.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 283.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 312.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 313.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 318.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 326.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 388.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 412.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 422.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 54.

Bill read second time.

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

Amendment No. 43.

AN ACT relating to occupational safety; revising provisions relating to reports of certain accidents or motor vehicle crashes by employers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an employer to report to the Division of Industrial Relations of the Department of Business and Industry any accident or motor vehicle crash which is fatal to one or more employees or which results in the hospitalization of three or more employees within 8 hours after the time the accident or crash is reported to any agent or employee of the employer. (NRS 618.378) This bill retains the 8-hour reporting requirement for fatalities, but requires an employer to report to the Division any accident or motor vehicle crash which results in inpatient hospitalization of an employee, the amputation of a part of an employee's body or an employee's loss of an eye within 24 hours after the time the accident or crash is reported to any agent or employee of the employer. This bill also requires the employer to report the

names of the employees who suffered fatalities, amputations or loss of an eye or who were admitted to a hospital as inpatients.

~~[Existing law requires an industrial insurer to provide the Division with a monthly report of industrial injuries and occupational diseases reported or claimed by employees in the preceding month. (NRS 618.378) This bill eliminates this monthly reporting requirement.]~~

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

Section 1. NRS 618.378 is hereby amended to read as follows:

618.378 1. Any accident or motor vehicle crash occurring in the course of employment which is fatal to one or more employees ~~[or which results in the hospitalization of three or more employees]~~ must be reported by the employer

orally to the nearest office of the Division within 8 hours after the time that the accident or crash is reported to any agent or employee of the employer.

2. Any accident or motor vehicle crash occurring in the course of employment which results in the inpatient hospitalization of one or more employees, the amputation of a part of an employee's body or an employee's loss of an eye must be reported by the employer orally to the nearest office of the Division within 24 hours after the time that the accident or crash is reported to any agent or employee of the employer.

3. A report submitted to the Division pursuant to the provisions of ~~[this]~~ subsection ***1 or 2*** must include:

(a) The name of the employer;

(b) The location and time of the accident or crash;

(c) The number of employees ~~[killed or hospitalized]~~ ***who were hospitalized as inpatients or who suffered fatalities, amputations or loss of an eye*** as a result of the accident or crash;

(d) ***The names of the employees who were hospitalized as inpatients or who suffered fatalities, amputations or loss of an eye as a result of the accident or crash;***

(e) A brief description of the accident or crash; and

~~[(e)]~~ ***(f)*** The name of a person who may be contacted by the Division for further information.

➥ Upon receipt of such a report, the Division shall notify the employer of the estimated time that the Division's investigator will arrive at the site of the accident or crash. The Division shall initiate an investigation at the site of the accident or crash within 8 hours after receiving the report.

~~[2.]~~ ***4.*** An industrial insurer shall provide to the Division a monthly report setting forth the number, type and severity of industrial injuries and occupational diseases reported or claimed by employees in the preceding month. The report must identify the employer and be sorted according to the employer's Standard Industrial Classification or classification for the purposes of industrial insurance. The Division shall by regulation prescribe

the form for the report made pursuant to this subsection. As used in this subsection, "industrial insurer" has the meaning ascribed to the term "insurer" in NRS 616A.270.

[~~3.~~ ~~*4.*~~**]** ***5.*** All employers shall maintain accurate records and make reports to the United States Assistant Secretary of Labor in the same manner and to the same extent as if this chapter were not in effect.

[~~4.~~ ~~*5.*~~**]** ***6.*** The Division shall make such reasonable reports to the Assistant Secretary of Labor in such form and containing such information as the Assistant Secretary of Labor may from time to time require.

[~~5.~~ ~~*6.*~~**]** ***7.*** Requests for variances to federal recordkeeping and reporting regulations must be submitted to and obtained from the Bureau of Labor Statistics, United States Department of Labor. All variances granted by the Bureau of Labor Statistics must be respected by the Division.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 78.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 85.

CONTAINS UNFUNDED MANDATE (§§ 2, 3**)** ~~**[**, 6**]**~~

(Not Requested by Affected Local Government)

AN ACT relating to charter schools; ~~**[**establishing requirements for certain contracts of the State Public Charter School Authority;**]**~~ requiring the sponsor of a proposed charter school to ~~**[**consult with the school district in which the charter school will be located and consider certain factors relating to the location of the charter school;**]**~~ **prepare an evaluation of certain needs in the geographic area proposed to be served by the charter school;** requiring the inclusion of certain additional information in an application to form a charter school; **requiring an applicant to form a charter school to provide certain evidence in support of the application;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Public Charter School Authority or, with the approval of the Department of Education, the board of trustees of a school district or a college or university within the Nevada System of Higher Education to sponsor a charter school. **Existing law requires the sponsor of a charter school to conduct an evaluation of certain needs in the geographic areas served by the sponsor in consultation with the Department and, to the extent practicable, the school district in which the proposed charter school will be located.** (NRS 388A.220) **Section 2 of**

this bill expands the scope of the required evaluation. Sections 3-5 of this bill make conforming changes.

Existing law also authorizes the proposed sponsor of a charter school to review an application to form a charter school and approve the application if it satisfies certain requirements. (NRS 388A.249) ~~[This]~~ **Section 6 of this** bill requires ~~[the proposed sponsor of a charter school to consult with the school district in which a proposed charter school will be located to consider population growth, demographic changes and the academic needs of pupils in the geographic area to be served by the proposed charter school and to ensure that the best interests of pupils and the efficient use of public money in this State are considered when determining whether to approve the formation of the charter school and when selecting a location for the charter school.]~~ **an applicant to form a charter school to provide sufficient evidence that the applicant has: (1) notified the superintendent of the school district in which the proposed charter school will be located of the proposed location of the charter school; and (2) requested an opportunity to discuss the proposed location of the charter school with the superintendent.**

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

Section 1. ~~[NRS 388A.165 is hereby amended to read as follows:~~

~~388A.165 1. The State Public Charter School Authority may enter into a contract with any qualified person to:~~

~~(a) Foster the development of high-quality charter management organizations, educational management organizations and other persons to operate charter schools in this State;~~

~~(b) Solicit applications to form charter schools from high-quality applicants;~~

~~(c) Provide training concerning the governance and management of charter schools to governing bodies of charter schools and applicants to form charter schools; or~~

~~(d) Provide professional development and support services to the administration and other employees of charter schools.~~

~~2. The State Public Charter School Authority may provide compensation pursuant to a contract entered into pursuant to subsection 1 using any money raised by the State Public Charter School Authority from private donors for that purpose or any money received from fees paid to the State Public Charter School Authority.~~

~~*3. Any contract entered into for the purposes described in paragraph (b) of subsection 1 must include a recital of the obligation of the State Public Charter School Authority or other proposed sponsor of a charter school, in reviewing an application to form the charter school, to consult with the school district in which the charter school will be located, as provided in NRS 388A.249.*~~ **(Deleted by amendment.)**

Sec. 2. NRS 388A.220 is hereby amended to read as follows:

388A.220 1. The board of trustees of a school district may apply to the Department for authorization to sponsor charter schools within the school district in accordance with the regulations adopted by the Department pursuant to NRS 388A.105 or 388A.110. An application must be approved by the Department before the board of trustees may sponsor a charter school. Not more than 180 days after receiving approval to sponsor charter schools, the board of trustees shall provide public notice of its ability to sponsor charter schools and solicit applications for charter schools.

2. The State Public Charter School Authority shall sponsor charter schools whose applications have been approved by the State Public Charter School Authority pursuant to NRS 388A.255. Except as otherwise provided by specific statute, if the State Public Charter School Authority sponsors a charter school, the State Public Charter School Authority is responsible for the evaluation, monitoring and oversight of the charter school.

3. A college or university within the Nevada System of Higher Education may submit an application to the Department to sponsor charter schools in accordance with the regulations adopted by the Department pursuant to NRS 388A.105 or 388A.110. An application must be approved by the Department before a college or university within the Nevada System of Higher Education may sponsor charter schools.

4. The board of trustees of a school district or a college or university within the Nevada System of Higher Education may enter into an agreement with the State Public Charter School Authority to provide technical assistance and support in preparing an application to sponsor a charter school and planning and executing the duties of a sponsor of a charter school as prescribed in this section.

5. Before the State Public Charter School Authority or a board of trustees of a school district or a college or university within the Nevada System of Higher Education that is approved to sponsor charter schools begins soliciting applications to form a charter school, the State Public Charter School Authority, board of trustees or college or university, as applicable, shall prepare, in collaboration with the Department and ~~[, to the extent practicable,]~~ the school district in which the proposed charter school will be located and any other sponsor of a charter school located in that school district, an evaluation of the ~~*[population growth, demographic changes and the]*~~ academic needs of pupils ***and the needs of the school district and the community*** in ***the*** geographic areas served by the sponsor ~~[.]~~ ***to ensure that the best interests of pupils and the efficient use of public money in this State are considered in reviewing such applications.***

Sec. 3. NRS 388A.223 is hereby amended to read as follows:

388A.223 1. Each sponsor of a charter school shall carry out the following duties and powers:

(a) Evaluating applications to form charter schools as prescribed by NRS 388A.249;

(b) Approving applications to form charter schools that the sponsor determines ~~[~~are~~]~~ ***:***

(1) Are high quality ~~[~~, meet~~]~~ ***;***

(2) Meet the ~~[~~identified educational~~]~~ ***academic*** needs of pupils ***and the needs ~~[resulting from population growth and demographic changes in the geographic areas to be served by the charter schools, as determined in consultation with the school district in which the charter schools are located;]~~ of the school district and community identified in the evaluation conducted pursuant to subsection 5 of NRS 388A.220;*** and ~~[~~will~~]~~

(3) Will serve to promote the diversity of public educational choices in this State;

(c) Declining to approve applications to form charter schools that do not satisfy the requirements of NRS 388A.249;

(d) Negotiating and executing charter contracts pursuant to NRS 388A.270;

(e) Monitoring, in accordance with this chapter and in accordance with the terms and conditions of the applicable charter contract, the performance and compliance of each charter school sponsored by the entity;

(f) Determining whether the charter contract of a charter school that the entity sponsors merits renewal or whether the renewal of the charter contract should be denied or whether the written charter should be revoked or the charter contract terminated or restarted, as applicable, in accordance with NRS 388A.285, 388A.300 or 388A.330, as applicable;

(g) Determining whether the governing body of a charter school should be reconstituted in accordance with NRS 388A.330; and

(h) Adopting a policy for appointing a new governing body of a charter school for which the governing body is reconstituted in accordance with NRS 388A.330.

2. Each sponsor of a charter school shall develop policies and practices that are consistent with state laws and regulations governing charter schools. In developing the policies and practices, the sponsor shall review and evaluate nationally recognized policies and practices for sponsoring organizations of charter schools. The policies and practices must include, without limitation:

(a) The organizational capacity and infrastructure of the sponsor for sponsorship of charter schools, which must not be described as a limit on the number of charter schools the sponsor will approve;

(b) The procedure and criteria for soliciting and evaluating charter school applications in accordance with NRS 388A.249, which must include, without limitation:

(1) Specific application procedures and timelines for committees to form a charter school that plan to enter into a contract with an educational management organization to operate the charter school, committees to form a charter school that do not plan to enter into such a contract and charter management organizations; and

(2) A description of the manner in which the sponsor will evaluate the previous performance of an educational management organization or other person with whom a committee to form a charter school plans to enter into a contract to operate a charter school or a charter management organization that submits an application to form a charter school;

(c) The procedure and criteria for evaluating applications for the renewal of charter contracts pursuant to NRS 388A.285;

(d) The procedure for amending a written charter or charter contract and the criteria for determining whether a request for such an amendment will be approved which must include, without limitation, any manner in which such procedures and criteria will differ if the sponsor determines that the amendment is material or strategically important;

(e) If deemed appropriate by the sponsor, a strategic plan for recruiting charter management organizations, educational management organizations or other persons to operate charter schools based on the priorities of the sponsor and the needs of the pupils that will be served by the charter schools that will be sponsored by the sponsor;

(f) A description of how the sponsor will maintain oversight of the charter schools it sponsors, which must include, without limitation:

(1) An assessment of the needs of the charter schools that are sponsored by the sponsor that is prepared with the input of the governing bodies of such charter schools; and

(2) A strategic plan for the oversight and provision of technical support to charter schools that are sponsored by the sponsor in the areas of academic, fiscal and organizational performance; and

(g) A description of the process of evaluation for the charter schools it sponsors in accordance with NRS 388A.351.

3. Evidence of material or persistent failure to carry out the powers and duties of a sponsor prescribed by this section constitutes grounds for revocation of the entity's authority to sponsor charter schools.

4. The provisions of this section do not establish a private right of action against the sponsor of a charter school.

Sec. 4. NRS 388A.243 is hereby amended to read as follows:

388A.243 1. The applicant shall ensure that the completed application:

(a) Presents a clear, measurable and high-quality academic, financial and organizational vision and plans for the proposed charter school; ~~[and]~~

(b) ~~***[Provides the proposed location of or geographic area to be served by the proposed charter school, evidence of a need for a charter school in that location or serving that geographic area based on population growth, demographic changes and the academic needs of the pupils in that area and evidence of community support for the proposed charter school;]***~~ ***Addresses the manner in which the proposed charter school plans to meet the needs identified in the evaluation conducted pursuant to subsection 5 of NRS 388A.220; and***

(c) Provides the proposed sponsor of the charter school with a clear basis for assessing the capacity of the applicant to carry out the vision and plans.

2. A charter management organization may, as part of an application to form a charter school, request a waiver of the requirements of subsection 1 or 2 of NRS 388A.320 concerning the membership of the governing body. A sponsor shall not grant such a waiver unless the charter management organization provides a compelling reason for the waiver. If approved, the waiver may provide, without limitation, for multiple governing bodies that have the authority to make decisions concerning the governance of the charter school or a facility operated by the charter school. A majority of the members of each such governing body must reside in this State. A request for a waiver to allow for multiple such governing bodies must describe the role, responsibilities and composition of each such proposed governing body.

Sec. 5. NRS 388A.246 is hereby amended to read as follows:

388A.246 An application to form a charter school must include all information prescribed by the Department by regulation and:

1. A summary of the plan for the proposed charter school.

2. A clear written description of the mission of the charter school and the goals for the charter school. A charter school must have as its stated purpose at least one of the following goals:

(a) Improving the academic achievement of pupils;

(b) Encouraging the use of effective and innovative methods of teaching;

(c) Providing an accurate measurement of the educational achievement of pupils;

(d) Establishing accountability and transparency of public schools;

(e) Providing a method for public schools to measure achievement based upon the performance of the schools; or

(f) Creating new professional opportunities for teachers.

3. A clear description of the indicators, measures and metrics for the categories of academics, finances and organization that the charter school proposes to use, the external assessments that will be used to assess performance in those categories and the objectives that the committee to form a charter school plans to achieve in those categories, which must be expressed in terms of the objectives, measures and metrics. The objectives and the indicators, measures and metrics used by the charter school must be consistent with the performance framework adopted by the sponsor pursuant to NRS 388A.270.

4. A resume and background information for each person who serves on the board of the charter management organization or the committee to form a charter school, as applicable, which must include the name, telephone number, electronic mail address, background, qualifications, any past or current affiliation with any charter school in this State or any other state, any potential conflicts of interest and any other information required by the sponsor.

5. The proposed location of ~~[,]~~ or the geographic area to be served by ~~[,]~~ the charter school ***,*** ~~[and]~~ evidence of a need ***for a charter school in that location or serving that geographic area based on*** ~~***[population growth, demographic changes and]***~~ ***the*** ~~***[academic]***~~ ***needs*** ~~***[of the pupils in that area]***~~ ***identified in the evaluation conducted pursuant to subsection 5 of NRS 388A.220*** and ***evidence of*** community support for the charter school in that area.

6. The minimum, planned and maximum projected enrollment of pupils in each grade in the charter school for each year that the charter school would operate under the proposed charter contract.

7. The procedure for applying for enrollment in the proposed charter school, which must include, without limitation, the proposed dates for accepting applications for enrollment in each year of operation under the proposed charter contract and a statement of whether the charter school will enroll pupils who are in a particular category of at-risk pupils before enrolling other children who are eligible to attend the charter school pursuant to NRS 388A.456 and the method for determining eligibility for enrollment in each such category of at-risk pupils served by the charter school.

8. The academic program that the charter school proposes to use, a description of how the academic program complies with the requirements of NRS 388A.366, the proposed academic calendar for the first year of operation and a sample daily schedule for a pupil in each grade served by the charter school.

9. A description of the proposed instructional design of the charter school and the type of learning environment the charter school will provide, including, without limitation, whether the charter school will provide a program of distance education, the planned class size and structure, the proposed curriculum for the charter school and the teaching methods that will be used at the charter school.

10. The manner in which the charter school plans to identify and serve the needs of pupils with disabilities, pupils who are English language learners, pupils who are academically behind their peers and gifted pupils.

11. A description of any co-curricular or extracurricular activities that the charter school plans to offer and the manner in which these programs will be funded.

12. Any uniform or dress code policy that the charter school plans to use.

13. Plans and timelines for recruiting and enrolling students, including procedures for any lottery for admission that the charter school plans to conduct.

14. The rules of behavior and punishments that the charter school plans to adopt pursuant to NRS 388A.495, including, without limitation, any unique discipline policies for pupils enrolled in a program of special education.

15. A chart that clearly presents the proposed organizational structure of the charter school and a clear description of the roles and responsibilities of

the governing body, administrators and any other persons included on the chart and a table summarizing the decision-making responsibilities of the staff and governing body of the charter school and, if applicable, the charter management organization that operates the charter school. The table must also identify the person responsible for each activity conducted by the charter school, including, without limitation, the person responsible for establishing curriculum and culture, providing professional development to employees of the charter school and making determinations concerning the staff of the charter school.

16. The names of any external organizations that will play a role in operating the charter school and the role each such organization will play.

17. The manner in which the governing body of the charter school will be chosen.

18. A staffing chart for the first year in which the charter school plans to operate and a projected staffing plan for the term of the charter contract.

19. Plans for recruiting administrators, teachers and other staff, providing professional development to such staff.

20. Proposed bylaws for the governing body, a description of the manner in which the charter school will be governed, including, without limitation, any governance training that will be provided to the governing body, and a code of ethics for members and employees of the governing body. The code of ethics must be prepared with guidance from the Nevada Commission on Ethics and must not conflict with any policy adopted by the sponsor.

21. Explanations of any partnerships or contracts central to the operations or mission of the charter school.

22. A statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school will provide transportation, the application must include the proposed plan for the transportation of pupils. If the charter school will not provide transportation, the application must include a statement that the charter school will work with the parents and guardians of pupils enrolled in the charter school to develop a plan for transportation to ensure that pupils have access to transportation to and from the charter school.

23. The procedure for the evaluation of teachers of the charter school, if different from the procedure prescribed in NRS 391.680 and 391.725. If the procedure is different from the procedure prescribed in NRS 391.680 and 391.725, the procedure for the evaluation of teachers of the charter school must provide the same level of protection and otherwise comply with the standards for evaluation set forth in NRS 391.680 and 391.725.

24. A statement of the charter school's plans for food service and other significant operational services, including a statement of whether the charter school will provide food service or participate in the National School Lunch Program, 42 U.S.C. §§ 1751 et seq. If the charter school will not provide food service or participate in the National School Lunch Program, the application must include an explanation of the manner in which the charter

school will ensure that the lack of such food service or participation does not prevent pupils from attending the charter school.

25. Opportunities and expectations for involving the parents of pupils enrolled in the charter school in instruction at the charter school and the operation of the charter school, including, without limitation, the manner in which the charter school will solicit input concerning the governance of the charter school from such parents.

26. A detailed plan for starting operation of the charter school that identifies necessary tasks, the persons responsible for performing them and the dates by which such tasks will be accomplished.

27. A description of the financial plan and policies to be used by the charter school.

28. A description of the insurance coverage the charter school will obtain.

29. Budgets for starting operation at the charter school, the first year of operation of the charter school and the first 5 years of operation of the charter school, with any assumptions inherent in the budgets clearly stated.

30. Evidence of any money pledged or contributed to the budget of the charter school.

31. A statement of the facilities that will be used to operate the charter school and a plan for operating such facilities, including, without limitation, any backup plan to be used if the charter school cannot be operated out of the planned facilities.

32. If the charter school is a vocational school, a description of the career and technical education program that will be used by the charter school.

33. If the charter school will provide a program of distance education, a description of the system of course credits that the charter school will use and the manner in which the charter school will:

(a) Monitor and verify the participation in and completion of courses by pupils;

(b) Require pupils to participate in assessments and submit coursework;

(c) Conduct parent-teacher conferences; and

(d) Administer any test, examination or assessment required by state or federal law in a proctored setting.

34. If the charter school will provide a program where a student may earn college credit for courses taken in high school, a draft memorandum of understanding between the charter school and the college or university through which the credits will be earned and a term sheet, which must set forth:

(a) The proposed duration of the relationship between the charter school and the college or university and the conditions for renewal and termination of the relationship;

(b) The roles and responsibilities of the governing body of the charter school, the employees of the charter school and the college or university;

(c) The scope of the services and resources that will be provided by the college or university;

(d) The manner and amount that the college or university will be compensated for providing such services and resources, including, without limitation, any tuition and fees that pupils at the charter school will pay to the college or university;

(e) The manner in which the college or university will ensure that the charter school effectively monitors pupil enrollment and attendance and the acquisition of college credits; and

(f) Any employees of the college or university who will serve on the governing body of the charter school.

35. If the applicant currently operates a charter school in another state, evidence of the performance of such charter schools and the capacity of the applicant to operate the proposed charter school.

36. If the applicant proposes to contract with an educational management organization or any other person to provide educational or management services:

(a) Evidence of the performance of the educational management organization or other person when providing such services to a population of pupils similar to the population that will be served by the proposed charter school;

(b) A term sheet that sets forth:

(1) The proposed duration of the proposed contract between the governing body of the charter school and the educational management organization;

(2) A description of the responsibilities of the governing body of the charter school, employees of the charter school and the educational management organization or other person;

(3) All fees that will be paid to the educational management organization or other person;

(4) The manner in which the governing body of the charter school will oversee the services provided by the educational management organization or other person and enforce the terms of the contract;

(5) A disclosure of the investments made by the educational management organization or other person in the proposed charter school; and

(6) The conditions for renewal and termination of the contract; and

(c) A disclosure of any conflicts of interest concerning the applicant and the educational management organization or other person, including, without limitation, any past or current employment, business or familial relationship between any prospective employee of the charter school and a member of the committee to form a charter school or the board of directors of the charter management organization, as applicable.

37. Any additional information that the sponsor determines is necessary to evaluate the ability of the proposed charter school to serve pupils in the school district in which the proposed charter school will be located.

Sec. 6. NRS 388A.249 is hereby amended to read as follows:

388A.249 1. A committee to form a charter school or charter management organization may submit the application to the proposed sponsor of the charter school. Except as otherwise provided in NRS 388B.290, if an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the proposed sponsor shall deny the application.

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

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

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

(c) ~~***[(Consult with the school district in which the proposed charter school will be located to consider population growth, demographic changes and the academic needs of the pupils in the geographic area to be served by the charter school, and to ensure that the best interests of pupils and the efficient use of public money in this State are considered when selecting the location of the proposed charter school;***~~

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

(d) ~~***[(e)]***~~ Adhere to the policies and practices developed by the proposed sponsor pursuant to subsection 2 of NRS 388A.223.

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

(a) The application:

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

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

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

(c) The applicant has provided sufficient evidence that the applicant has:

(1) Notified the superintendent of the school district in which the proposed charter school will be located of:

(I) The applicant's intent to submit an application to form a charter school; and

(II) The proposed location of the charter school; and

(2) Requested an opportunity to discuss the proposed location of the charter school with the superintendent of the school district in which proposed charter will be located.

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

(a) A list of each application to form a charter school that was submitted to the board of trustees of a school district, the State Public Charter School Authority, a college or a university during the immediately preceding biennium;

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

(c) The current status of the application; and

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

Sec. 7. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 8. **1.** This ~~[act becomes]~~ **section and sections 1 and 3 to 7, inclusive, of this act become** effective on July 1, 2017.

2. Section 2 of this act becomes effective on July 1, 2019.

Assemblyman Thompson moved the adoption of the amendment.

Remarks by Assemblyman Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 336.

Bill read second time and ordered to third reading.

Assembly Bill No. 395.

Bill read second time and ordered to third reading.

Assembly Bill No. 444.

Bill read second time and ordered to third reading.

Assembly Bill No. 468.

Bill read second time and ordered to third reading.

Assembly Bill No. 484.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 153.

AN ACT relating to education; eliminating the position of Administrator of the Commission on Postsecondary Education and providing for the

assumption of the powers and duties of the Administrator by the Deputy Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation; revising the composition of the Commission; authorizing the Director of the Department to accept certain federal money for use in workforce development and adult education programs; relocating the Commission within the Division; providing for the appointment and authority of the Deputy Administrator; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Commission on Postsecondary Education is an independent body, responsible for licensing and regulating certain academic, vocational, technical and business schools and privately owned colleges and universities. (NRS 394.099, 394.383, 394.415) The Administrator of the Commission serves as its Executive Secretary and is responsible for executing or supervising the execution of the policies and regulations of the Commission, subject to its direction and control. (NRS 394.385, 394.411)

Section 39 of this bill relocates the Commission within the Employment Security Division of the Department of Employment, Training and Rehabilitation. **Section 44** of this bill provides for the appointment by the Division's Administrator of a Deputy Administrator, who replaces the Administrator of the Commission and, pursuant to **sections 1-36** of this bill, generally has all the powers and duties presently vested in the Administrator of the Commission. However, **section 44** provides that the Deputy Administrator works under the supervision of and serves at the pleasure of the Administrator of the Division as an unclassified employee. **Section 8** makes a conforming change.

The Commission presently consists of seven members appointed by the Governor, including two members who are representatives of the general public. (NRS 394.383, 394.385) **Sections 6 and 44** make the Deputy Administrator an ex officio member of the Commission, and **section 7** reduces, from two to one, the number of public representatives serving on the Commission.

Notwithstanding the other provisions of this bill, **section 49** of this bill authorizes the current Administrator of the Commission, who is a classified employee, to serve in the position of Deputy Administrator as a classified or unclassified employee, at his or her election, while he or she remains in that position.

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

Section 1. Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:

"Deputy Administrator" means the Deputy Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation.

Sec. 2. NRS 394.005 is hereby amended to read as follows:

394.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 394.006 to 394.112, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 2.5. **NRS 394.006 is hereby amended to read as follows:**

394.006 A postsecondary educational institution is "accredited" if ~~[it]~~ ***:***

1. It has met the standards required by an accrediting body recognized by the United States Department of Education ~~[.]~~ ***; or***

2. The United States Department of Education recognizes it as accredited.

Sec. 3. NRS 394.024 is hereby amended to read as follows:

394.024 "Commissioner" means any member of the Commission on Postsecondary Education **.** ~~[except the Administrator.]~~

Sec. 4. NRS 394.026 is hereby amended to read as follows:

394.026 "Confidential" means information that is subject to disclosure only to:

1. The Attorney General;
2. A member of the Commission or its staff; or
3. As deemed appropriate by the ***Deputy*** Administrator, a person responsible for reviewing the curriculum or financial records of a postsecondary educational institution.

Sec. 5. NRS 394.160 is hereby amended to read as follows:

394.160 1. Any person who has the duty, in a private school, college or university in this state, of giving instruction in the Constitution of the United States and the Constitution of the State of Nevada must show, by examination or credentials showing college, university or normal school study, satisfactory evidence of adequate knowledge of the origin, history, provisions and principles of the Constitution of the United States and the Constitution of the State of Nevada.

2. The Superintendent with respect to a private school or the ***Deputy*** Administrator with respect to a private college or university may grant a reasonable time for compliance with the terms of this section.

Sec. 6. NRS 394.383 is hereby amended to read as follows:

394.383 1. The Commission on Postsecondary Education, consisting of ~~[seven]~~ ***the Deputy Administrator and six*** members appointed by the Governor, is hereby created.

2. The ***appointed*** members of the Commission are entitled to receive a salary of not more than $80, as fixed by the Commission, for each day's attendance at a meeting of the Commission.

3. While engaged in the business of the Commission, each ***appointed*** member ~~[and employee]~~ of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 7. NRS 394.385 is hereby amended to read as follows:

394.385 1. The Governor shall appoint:

(a) One member who is a representative of the State Board **.** ~~[of Education.]~~

(b) Two members who are knowledgeable in the field of education, but not persons representing postsecondary educational institutions, or colleges established or maintained under the laws of this State.

(c) Two members who are representatives of private postsecondary educational institutions.

(d) ~~[Two members]~~ ***One member*** who ~~[are representatives]~~ ***is a representative*** of the general public and ~~[are]~~ ***is*** not associated with the field of education.

2. The Commission shall designate a Chair. ~~[The Administrator is the Executive Secretary.]~~ The Commission may meet regularly at least four times each year at such places and times as may be specified by a call of the Chair or majority of the Commission. The Commission shall prescribe regulations for its own management. Four members of the Commission constitute a quorum which may exercise all the authority conferred upon the Commission.

3. Any Commissioner may be removed by the Governor if, in the opinion of the Governor, the Commissioner is guilty of malfeasance in office or neglect of duty.

Sec. 8. NRS 394.411 is hereby amended to read as follows:

394.411 1. The Commission shall adopt regulations governing the administration of NRS 394.383 to 394.560, inclusive, and may adopt such other regulations as are proper or necessary for the execution of the powers and duties conferred upon it by law.

2. The ***Deputy*** Administrator shall execute, direct or supervise all administrative, technical and procedural activities for which the ***Deputy*** Administrator is responsible in accordance with the policies and regulations of the Commission **.** ~~[and subject to the Commission's direction and control.]~~

Sec. 9. NRS 394.415 is hereby amended to read as follows:

394.415 Except as otherwise provided in NRS 397.060, the Commission is the sole authority for licensing a postsecondary educational institution. Any person who operates or claims to operate such an institution must be licensed by the Commission. The ***Deputy*** Administrator may require any person who operates or claims to operate such an institution to furnish information which will allow the Commission to determine whether a license is required.

Sec. 10. NRS 394.430 is hereby amended to read as follows:

394.430 1. The ***Deputy*** Administrator shall:

(a) Receive and investigate applications for a license and applications to add a new vocational program or a new degree.

(b) Receive, investigate and act upon:

(1) Applications for an agent's permit, renewal of a license or agent's permit or authorization for the employment of agents; and

(2) Changes in ownership or requirements for a degree.

(c) Recommend to the Commission whether licensing is required.

2. The ***Deputy*** Administrator may:

(a) With the approval of the Commission, negotiate and enter into interstate reciprocity agreements with similar agencies in other states, if in the judgment of the ***Deputy*** Administrator the agreements are or will be helpful in effectuating the purposes of NRS 394.383 to 394.560, inclusive. Nothing contained in any reciprocity agreement may limit the powers, duties and responsibilities of the ***Deputy*** Administrator independently to investigate or act upon any application for a license to operate a postsecondary educational institution, or an application for issuance or renewal of any agent's permit, or with respect to the enforcement of any provision of this chapter, or any regulation promulgated pursuant to it.

(b) Investigate, on the ***Deputy*** Administrator's own initiative or in response to any complaint lodged with the ***Deputy*** Administrator, any person subject to, or reasonably believed by the ***Deputy*** Administrator to be subject to, the Commission's jurisdiction. During an investigation the ***Deputy*** Administrator may:

(1) Subpoena any persons, books, records or documents pertaining to the investigation;

(2) Require answers in writing under oath to questions prepared by the ***Deputy*** Administrator or the Commission; and

(3) Administer an oath or affirmation to any person.

➥ A subpoena issued by the ***Deputy*** Administrator may be enforced by any district court of this state.

(c) Exercise other powers implied but not enumerated in this section that are necessary in order to carry out the ***Deputy*** Administrator's duties.

Sec. 11. NRS 394.440 is hereby amended to read as follows:

394.440 1. The ***Deputy*** Administrator may request from any department, division, board, bureau, commission or other agency of the State, and the latter agency shall provide at no cost, any information which it possesses or expert witnesses whom it employs that will enable the ***Deputy*** Administrator to exercise properly his or her powers and perform his or her duties. If the witness or information is requested to aid the Commission in deciding whether to issue or renew a license or to allow a postsecondary educational institution to add new programs or degrees, the ***Deputy*** Administrator may require the institution making the application to pay to the witness the per diem allowance and travel expenses allowed for state officers and employees generally.

2. If no agency of the State possesses the information or expert knowledge which the Commission finds is necessary to a determination of whether an applicant for the issuance or renewal of a license has complied with the minimum standards prescribed by the Commission pursuant to law, the Commission may consult with persons outside State Government who have the requisite expert knowledge, and may require that the necessary cost

of such consultation be paid by the institution whose application is under consideration.

Sec. 12. NRS 394.441 is hereby amended to read as follows:

394.441 A postsecondary educational institution shall:

1. Provide students and other interested persons with a catalog or brochure containing information describing the programs offered, objectives of the program, length of the program, schedule of tuition, fees and all other charges and expenses necessary for completion of the course of study, policies concerning cancellations and refunds, an explanation of the Account for Student Indemnification and other material facts concerning the institution and the program or course of instruction that are likely to affect the decision of the student to enroll therein, together with any other disclosures specified by the ***Deputy*** Administrator or defined in the regulations of the Commission. The information must be provided before enrollment.

2. Provide each student who satisfactorily completes the training with appropriate educational credentials indicating:

(a) That the course of instruction or study has been satisfactorily completed by the student; and

(b) If the training does not lead to a degree, the number of hours of instruction or credits required of the student to complete the training.

3. Unless otherwise authorized by the Commission, maintain adequate records at the licensed facility to reflect the attendance, progress and performance of each student at the facility.

4. Provide each student with a copy of the agreement to enroll, dated and signed by the student or the student's guardian and an officer of the institution.

5. For each program offered at the institution that does not lead to a degree, collect and maintain information concerning:

(a) The number of students enrolled in the program and the number and names of students who have obtained employment in related fields, with their locations of placement;

(b) The number of:

(1) Students enrolled in the program;

(2) Students who have graduated from the program; and

(3) Graduates who have obtained employment in fields related to the instruction offered in the program, with the average compensation of such graduates; or

(c) For each such program offered to prepare students for a licensing examination:

(1) The number of students enrolled in the program;

(2) The number of such students who have graduated from the program; and

(3) The number of such graduates who have passed the examination.

6. Select, from the information collected pursuant to subsection 5, the information relating to any 6-month period within the 18-month period preceding its next date for enrollment. The information for the period selected must be set forth in written form and posted conspicuously at the institution.

Sec. 13. NRS 394.443 is hereby amended to read as follows:

394.443 A postsecondary educational institution shall:

1. Post in a conspicuous place a notice supplied by the ***Deputy*** Administrator stating that grievances may be submitted to the ***Deputy*** Administrator for resolution.

2. Issue a receipt to all students, and retain a copy, for all money paid to the institution.

3. Submit an annual report to the Commission on forms it supplies. The report must include, without limitation, the annual income received by the institution from tuition.

Sec. 14. NRS 394.447 is hereby amended to read as follows:

394.447 Accreditation may be accepted as evidence of compliance with the minimum standards established by the Commission, or the ***Deputy*** Administrator may require further evidence and make further investigation as in the judgment of the ***Deputy*** Administrator or the judgment of the Commission are necessary. Accreditation may be accepted as evidence of compliance only as to the portion or program of an institution accredited by the agency if the institution as a whole is not accredited. Upon request by the ***Deputy*** Administrator, the institution shall submit copies of all written materials in its possession relating to its accreditation. Except as otherwise provided in NRS 239.0115, the ***Deputy*** Administrator shall keep the materials confidential.

Sec. 15. NRS 394.449 is hereby amended to read as follows:

394.449 1. Each postsecondary educational institution shall have a policy for refunds which at least provides:

(a) That if the institution has substantially failed to furnish the training program agreed upon in the enrollment agreement, the institution shall refund to a student all the money the student has paid.

(b) That if a student cancels his or her enrollment before the start of the training program, the institution shall refund to the student all the money the student has paid, minus 10 percent of the tuition agreed upon in the enrollment agreement or $150, whichever is less, and that if the institution is accredited by a regional accrediting agency recognized by the United States Department of Education, the institution may also retain any amount paid as a nonrefundable deposit to secure a position in the program upon acceptance so long as the institution clearly disclosed to the applicant that the deposit was nonrefundable before the deposit was paid.

(c) That if a student withdraws or is expelled by the institution after the start of the training program and before the completion of more than 60 percent of the program, the institution shall refund to the student a pro rata

amount of the tuition agreed upon in the enrollment agreement, minus 10 percent of the tuition agreed upon in the enrollment agreement or $150, whichever is less.

(d) That if a student withdraws or is expelled by the institution after completion of more than 60 percent of the training program, the institution is not required to refund the student any money and may charge the student the entire cost of the tuition agreed upon in the enrollment agreement.

2. If a refund is owed pursuant to subsection 1, the institution shall pay the refund to the person or entity who paid the tuition within 15 calendar days after the:

(a) Date of cancellation by a student of his or her enrollment;

(b) Date of termination by the institution of the enrollment of a student;

(c) Last day of an authorized leave of absence if a student fails to return after the period of authorized absence; or

(d) Last day of attendance of a student,

➥ whichever is applicable.

3. Books, educational supplies or equipment for individual use are not included in the policy for refund required by subsection 1, and a separate refund must be paid by the institution to the student if those items were not used by the student. Disputes must be resolved by the ***Deputy*** Administrator for refunds required by this subsection on a case-by-case basis.

4. For the purposes of this section:

(a) The period of a student's attendance must be measured from the first day of instruction as set forth in the enrollment agreement through the student's last day of actual attendance, regardless of absences.

(b) The period of time for a training program is the period set forth in the enrollment agreement.

(c) Tuition must be calculated using the tuition and fees set forth in the enrollment agreement and does not include books, educational supplies or equipment that is listed separately from the tuition and fees.

Sec. 16. NRS 394.455 is hereby amended to read as follows:

394.455 1. The Commission shall not issue a license to operate an unaccredited institution which grants degrees until the institution has been evaluated by the Commission. Each existing or new institution must be evaluated at least once, but the Commission may require subsequent evaluations.

2. The Chair of the Commission shall appoint a panel of evaluators for each institution composed of representatives of institutions or businesses that are directly affected by the program and persons who significantly contribute to the evaluation because of special knowledge. The ***Deputy*** Administrator shall accompany the panel as an observer.

3. One hundred and twenty days before the meeting of the Commission at which the issuance or renewal of a license will be considered, the panel of evaluators shall present to the ***Deputy*** Administrator and to the institution a

report specifying the extent to which the institution meets the standards established by the Commission, and recommending:

(a) Issuance or renewal of the license with no qualifications;

(b) Issuance of a provisional license; or

(c) Revocation of the license.

4. The institution's response to the report must be received in the office of the ***Deputy*** Administrator no later than 90 days before the meeting at which the license will be considered.

5. If the institution's response shows progress toward meeting the standards, or if the response furnishes information which indicates that the standards are being adhered to, the representatives of the panel of evaluators shall review the institution again to verify the response and incorporate it into their report. The panel of evaluators shall make a final report to the ***Deputy*** Administrator no later than 45 days before the meeting at which the license will be considered.

6. The ***Deputy*** Administrator may recommend that the Commission accept the evaluation or that it reject the report. If the Commission rejects the panel's recommendation, it shall record the specific reason for doing so in its minutes.

Sec. 17. NRS 394.460 is hereby amended to read as follows:

394.460 1. Each person required to be licensed as a postsecondary educational institution by the Commission or each postsecondary educational institution requesting to add a new program or degree or to renew a license must apply to the ***Deputy*** Administrator, upon forms provided by the ***Deputy*** Administrator. The application must be accompanied by the required fees. The institution's curriculum and financial statement are confidential except as otherwise provided in NRS 239.0115 or unless, in the opinion of the Commission, they militate against the issuance of a license.

2. After review of the application, any other information required by the ***Deputy*** Administrator and the report of the panel of evaluators, and an investigation of the applicant if necessary, the Commission shall grant or deny a license or grant a provisional license for a term specified by the Commission. Before the expiration of a provisional license, the ***Deputy*** Administrator shall inspect the institution, or the Commission may require the appointment of a panel of evaluators to inspect the institution, and recommend whether to revoke or continue the provisional license or to grant an unqualified license. The Commission may accept or reject the recommendation.

3. The license must state at least the following information:

(a) The date of issuance, effective date and term of the license.

(b) The correct name, address and owner of the institution.

(c) The approved degrees or occupational subjects.

(d) Any limitation considered necessary by the Commission.

4. The term for which a license is given must not exceed 2 years. The license must be posted in a conspicuous place.

5. The license must be issued to the owner or governing body of the institution and is nontransferable. If a change in ownership of the institution occurs, the owner to whom the license was issued shall inform the ***Deputy*** Administrator, and the new owner or governing body must, within 10 days after the change in ownership, apply for an approval of the change of ownership. If it fails to do so, the license terminates.

6. Within 10 days after a change of location or an addition of buildings or other facilities, the institution must file a notice of the change with the ***Deputy*** Administrator.

7. At least 60 days before the expiration of a license, the institution must complete and file with the ***Deputy*** Administrator an application for renewal of its license.

Sec. 18. NRS 394.463 is hereby amended to read as follows:

394.463 1. The institution shall pay the per diem allowance and travel expenses allowed for state officers and employees generally ~~[,]~~ to the members of the panel of evaluators ~~[,]~~ ***and*** the ***Deputy*** Administrator ~~[and employees of the Commission]~~ during their inspections of the institution and to the member of the panel who attends the meeting of the Commission at which the license is discussed. The institution shall also pay the cost of preparing and printing the report of the panel.

2. Each claim for reimbursement of these expenses must be submitted to the ***Deputy*** Administrator within 30 days after they are incurred. The ***Deputy*** Administrator shall verify the claim and forward it to the institution. Within 30 days after its receipt, the institution shall issue a negotiable instrument which is payable to the claimant and send it to the ***Deputy*** Administrator, who shall send it to the claimant.

Sec. 19. NRS 394.465 is hereby amended to read as follows:

394.465 1. Except as otherwise provided in subsection 6, before a postsecondary educational institution employs or contracts with a person:

(a) To occupy an instructional position;

(b) To occupy an administrative or financial position, including a position as school director, personnel officer, counselor, admission representative, solicitor, canvasser, surveyor, financial aid officer or any similar position; or

(c) To act as an agent for the institution,

➥ the applicant must submit to the ***Deputy*** Administrator the information set forth in subsection 2.

2. The applicant must submit to the ***Deputy*** Administrator:

(a) A complete set of fingerprints taken by a law enforcement agency and written permission authorizing the ***Deputy*** Administrator to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the ***Deputy*** Administrator deems necessary; or

(b) Written verification, on a form prescribed by the ***Deputy*** Administrator, stating that the fingerprints of the applicant were taken and

directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the ***Deputy*** Administrator deems necessary.

3. The ***Deputy*** Administrator may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to paragraph (b) of subsection 2, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the ***Deputy*** Administrator deems necessary; and

(b) Request from each such agency any information regarding the applicant's background as the ***Deputy*** Administrator deems necessary.

4. Except as otherwise provided in NRS 239.0115, the ***Deputy*** Administrator shall keep the results of the investigation confidential.

5. The applicant shall pay the cost of the investigation.

6. An applicant is not required to satisfy the requirements of this section if the applicant:

(a) Is licensed by the Superintendent of Public Instruction;

(b) Is an employee of the United States Department of Defense;

(c) Is a member of the faculty of an accredited postsecondary educational institution in another state who is domiciled in a state other than Nevada and is present in Nevada for a temporary period to teach at a branch of that accredited institution;

(d) Is an instructor who provides instruction from a location outside this State through a program of distance education for a postsecondary educational institution licensed by the Commission who previously underwent an investigation of his or her background and the ***Deputy*** Administrator determines that an additional investigation is not necessary; or

(e) Has satisfied the requirements of subsection 1 within the immediately preceding 5 years.

7. As used in this section, "distance education" means instruction delivered by means of video, computer, television, or the Internet or other electronic means of communication, or any combination thereof, in such a manner that the person supervising or providing the instruction and the student receiving the instruction are separated geographically.

Sec. 20. NRS 394.470 is hereby amended to read as follows:

394.470 1. Each person desiring to solicit or perform the services of an agent in this state must apply to the ***Deputy*** Administrator upon forms provided by the ***Deputy*** Administrator. The application must:

(a) Be accompanied by evidence of the good reputation and character of the applicant;

(b) Be in a form prescribed by the ***Deputy*** Administrator;

(c) Include a copy of the application for an investigation of the applicant's background by the sheriff;

(d) Include the social security number of the applicant; and

(e) State the name of the institution the applicant intends to represent.

2. An agent representing more than one institution must obtain a separate agent's permit for each institution represented, except that if an agent represents institutions having a common ownership, only one agent's permit is required with respect to the institutions.

3. If any institution the applicant intends to represent does not have a license to operate in this state, the application must be accompanied by:

(a) The information required from institutions applying for a license;

(b) Evidence that the institution meets the criteria established for licensed institutions;

(c) Evidence of compliance with NRS 394.480 and the payment of the fees required by law; and

(d) Evidence that the institution is accredited.

4. After a review of the application and other information submitted by the applicant, as required by regulation of the Commission, and any investigation of the applicant the ***Deputy*** Administrator considers appropriate, the ***Deputy*** Administrator shall grant or deny an agent's permit to the applicant.

5. The agent's permit must state in a clear and conspicuous manner at least the following information:

(a) The date of issuance, effective date and term of the permit.

(b) The correct name and address of the agent.

(c) The names of the institutions the agent is authorized to represent.

6. An agent's permit must not be issued for a term of more than 1 year.

7. At least 30 days before the expiration of an agent's permit, the agent must complete and file with the ***Deputy*** Administrator an application for renewal of the permit. The ***Deputy*** Administrator shall review and act upon the renewal application as provided in this section for an original application.

Sec. 21. NRS 394.473 is hereby amended to read as follows:

394.473 1. An applicant for the issuance or renewal of an agent's permit shall submit to the ***Deputy*** Administrator the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The ***Deputy*** Administrator shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the agent's permit; or

(b) A separate form prescribed by the ***Deputy*** Administrator.

3. An agent's permit may not be issued or renewed by the ***Deputy*** Administrator if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the ***Deputy*** Administrator shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 22. NRS 394.474 is hereby amended to read as follows:

394.474 1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of an agent's permit must indicate in the application submitted to the ***Deputy*** Administrator whether the applicant has a state business registration. If the applicant has a state business registration, the applicant must include in the application the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS.

2. An agent's permit may not be renewed by the ***Deputy*** Administrator if:

(a) The applicant fails to submit the information required by subsection 1; or

(b) The State Controller has informed the ***Deputy*** Administrator pursuant to subsection 5 of NRS 353C.1965 that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

(2) Entered into an agreement for the payment of the debt pursuant to NRS 353C.130; or

(3) Demonstrated that the debt is not valid.

3. As used in this section:

(a) "Agency" has the meaning ascribed to it in NRS 353C.020.

(b) "Debt" has the meaning ascribed to it in NRS 353C.040.

Sec. 23. NRS 394.475 is hereby amended to read as follows:

394.475 Before a postsecondary educational institution employs agents or contracts with persons to act as agents for the institution, it must apply for and receive from the ***Deputy*** Administrator authorization for the employment of agents.

Sec. 24. NRS 394.480 is hereby amended to read as follows:

394.480 1. Notwithstanding the provisions of NRS 100.065 to the contrary, each:

(a) Postsecondary educational institution initially licensed on or after July 1, 1995, shall file with the ***Deputy*** Administrator a surety bond in the amount of $10,000 or in a greater amount determined by the Commission for the period of the initial license to operate, including any provisional period.

(b) Postsecondary educational institution or other entity which is authorized to employ one or more agents in this State shall file with the ***Deputy*** Administrator a surety bond in the amount of $10,000 or in a greater amount determined by the Commission for the period of the agent's permit.

(c) Postsecondary educational institution that poses a financial risk to the students who are enrolled in the institution, as determined by the Commission, shall file with the ***Deputy*** Administrator a surety bond in the amount of $10,000 or in a greater amount determined by the Commission for a period that the Commission determines is appropriate.

(d) Postsecondary educational institution that files for a change of ownership shall file with the ***Deputy*** Administrator a surety bond in the amount of $10,000 or in a greater amount determined by the Commission for the period of the initial license to operate issued to the new owner, including any provisional period.

(e) Postsecondary educational institution may be required by the Commission to file a new or supplementary bond in an amount and for a period determined appropriate by the Commission if the Commission determines that the current bond filed by the institution is insufficient to cover all claims, accrued or contingent, against the institution.

2. The bond required of a postsecondary educational institution pursuant to subsection 1 must be executed by the entity that owns the institution as principal, by a surety company as surety and by a licensed insurance agent residing in this State. The bond must be payable to the State of Nevada and must be conditioned to provide indemnification to any student, enrollee or his or her parent or guardian determined by the Commission to have suffered damage as a result of any act by the postsecondary educational institution that is a violation of NRS 394.383 to 394.560, inclusive. The bonding company shall provide indemnification upon receipt of written notice of the determination by the Commission. The bond may be continuous, but regardless of the duration of the bond the aggregate liability of the surety does not exceed the penal sum of the bond.

3. A surety on any bond filed pursuant to this section may be released after the surety gives 30 days' written notice to the ***Deputy*** Administrator, but the release does not discharge or otherwise affect any claim filed by a student, enrollee or his or her parent or guardian for damage resulting from any act of the postsecondary educational institution or agent alleged to have occurred while the bond was in effect, or for an institution's ceasing operations during the term for which tuition had been paid while the bond was in force.

4. A license or an agent's permit is suspended by operation of law when the institution or agent is no longer covered by a surety bond as required by

this section. The ***Deputy*** Administrator shall give the institution or agent, or both, at least 20 days' written notice before the release of the surety, to the effect that the license or permit will be suspended by operation of law until another surety bond is filed in the same manner and amount as the bond being terminated.

5. If any student is entitled to a refund from an institution pursuant to any provision of NRS 394.383 to 394.560, inclusive, the surety shall provide indemnification.

Sec. 25. NRS 394.490 is hereby amended to read as follows:

394.490 1. If the Commission, upon review and consideration of a person required to be licensed or of an application for a license to operate, or the ***Deputy*** Administrator, upon review and consideration of an application for an agent's permit, for renewal of a license or agent's permit or for authorization to employ agents, determines that the applicant fails to meet the criteria for granting the application, the ***Deputy*** Administrator shall notify the applicant by certified mail, setting forth the reasons for the denial of the application.

2. The ***Deputy*** Administrator may grant to an applicant for renewal an extension of time to eliminate the reasons recited in the denial letter if:

(a) The applicant has demonstrated his or her desire to meet the criteria; and

(b) The ***Deputy*** Administrator reasonably believes that the applicant can correct the deficiencies within the extension period.

3. If the ***Deputy*** Administrator denies an application for an agent's permit, or an application for renewal, the ***Deputy*** Administrator shall notify the institution the agent represented or sought to represent, setting forth the reasons for the denial.

Sec. 26. NRS 394.510 is hereby amended to read as follows:

394.510 1. The Commission may impose an administrative fine of not more than $10,000 against a licensee, revoke a license, or make a license conditional after its issuance, if the Commission reasonably believes that the holder has violated the provisions of NRS 394.383 to 394.560, inclusive, or regulations adopted pursuant to those sections, or has failed to comply with a lawful order of the Commission. The ***Deputy*** Administrator shall notify the institution of the reasons for the action by certified mail to its last known address, 20 days before the meeting of the Commission at which the action will be considered.

2. If the Commission revokes a license, the institution shall cease its operations and granting degrees and shall refund to each enrolled student the cost of the student's current course or program.

3. The ***Deputy*** Administrator may impose an administrative fine of not more than $10,000 against an institution or agent, revoke an agent's permit, or make a permit conditional after its issuance, if the ***Deputy*** Administrator reasonably believes that the holder has violated the provisions of NRS 394.383 to 394.560, inclusive, or regulations adopted pursuant thereto.

Before action is taken, the ***Deputy*** Administrator shall notify the holder by certified mail of facts or conduct that warrant the impending action and advise the holder that if a hearing is desired it must be requested within 10 days after receipt of the notice letter. If no hearing is requested within the prescribed period the action becomes final.

4. If an agent is fined or the agent's permit is revoked or conditions imposed, the ***Deputy*** Administrator shall notify, by certified mail, the institution the agent represented in addition to the agent and any other parties to any hearing.

Sec. 27. NRS 394.515 is hereby amended to read as follows:

394.515 1. If the ***Deputy*** Administrator receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of an agent's permit, the ***Deputy*** Administrator shall deem the permit issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the ***Deputy*** Administrator receives a letter issued to the holder of the permit by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the permit has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The ***Deputy*** Administrator shall reinstate an agent's permit that has been suspended by a district court pursuant to NRS 425.540 if the ***Deputy*** Administrator receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose permit was suspended stating that the person whose permit was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 28. NRS 394.520 is hereby amended to read as follows:

394.520 1. Until 1 year after the last date of attendance or date on which the damage occurred, whichever is later, a person claiming damage as a result of any act by a postsecondary educational institution or its agent, or both, that is a violation of NRS 394.383 to 394.560, inclusive, or regulations adopted pursuant thereto, may file with the ***Deputy*** Administrator a verified complaint against the institution, its agent, or both. The complaint must set forth the alleged violation and contain other information as required by regulations of the Commission. A complaint may also be filed by a Commissioner or the Attorney General or initiated by the ***Deputy*** Administrator.

2. The ***Deputy*** Administrator shall investigate any verified complaint and may, at his or her discretion, attempt to effectuate a settlement by arbitration, mediation or negotiation. The ***Deputy*** Administrator may also consult with the applicable accrediting body to resolve the complaint. If a settlement cannot be reached, the ***Deputy*** Administrator shall render a decision and notify each party of the decision and the reasons for it by certified mail to his or her last known address. Either party may request a hearing before the Commission by notifying the ***Deputy*** Administrator by certified mail within

15 days after the decision was mailed to the party. The hearing must be held at the next meeting of the Commission in the geographical area convenient to the parties. If a hearing is not requested, the decision of the ***Deputy*** Administrator is final.

3. If, after consideration of all the evidence presented at a hearing, the Commission finds that a postsecondary educational institution or its agent, or both, are guilty of the violation alleged in the complaint, it shall issue and the ***Deputy*** Administrator shall serve upon the institution or agent, or both, an order to cease and desist from the violation. If the Commission finds the institution has substantially failed to furnish the instruction or services agreed upon in the agreement to enroll, it shall order the institution to make full restitution to the student of all money paid pursuant to the agreement. If the Commission finds that the institution has substantially furnished the instruction or services agreed upon in the agreement to enroll, but that conditions in the school were sufficiently substandard that it was not reasonable to expect the student to complete the instruction, the Commission shall order the institution to make restitution to the student of one-half the money paid pursuant to the agreement. The Commission may also, as appropriate, based on the ***Deputy*** Administrator's investigation and the evidence adduced at the hearing, or either of them, institute proceedings to revoke an institution's license or recommend that the ***Deputy*** Administrator institute proceedings to revoke an agent's permit.

Sec. 29. NRS 394.530 is hereby amended to read as follows:

394.530 If the Commission or the ***Deputy*** Administrator determines that irreparable injury would result from putting into immediate effect a final action or penalty, the Commission or ***Deputy*** Administrator, as appropriate, shall postpone the effective date of the action pending review.

Sec. 30. NRS 394.540 is hereby amended to read as follows:

394.540 1. The fees imposed pursuant to this section must be collected by the ***Deputy*** Administrator and deposited in the State Treasury to the credit of the State General Fund, and no fees so collected are subject to refund.

2. The fees are:

(a) For a new license $2,000

(b) For an application by an unlicensed out-of-state educational institution to employ agents in this state or offer experiential courses 1,500

(c) For a change of ownership 1,000

(d) For approval of an alcohol awareness program 500

(e) To add a new degree or vocational program 500

(f) For an initial agent's permit 200

(g) For the renewal of an agent's permit 200

(h) For a transcript of an academic record which is in the possession of the ***Deputy*** Administrator pursuant to NRS 394.550 ..... $5

3. In addition, the ***Deputy*** Administrator shall collect from each licensed postsecondary educational institution a fee of $4 for each student from which the institution has received tuition or registration fees. The institution shall collect this fee from each such student at the time of the student's initial enrollment with the institution. On or before the first day of January, April, July and October, the institution shall transmit to the ***Deputy*** Administrator the fees collected pursuant to this subsection during the preceding quarter. The ***Deputy*** Administrator shall deposit the fees so transmitted with the State Treasurer for credit to the State General Fund.

Sec. 31. NRS 394.545 is hereby amended to read as follows:

394.545 1. A driving school:

(a) Must be located more than 200 feet from any office of the Department of Motor Vehicles;

(b) Must have the equipment necessary to instruct students in the safe operation of motor vehicles and maintain the equipment in a safe condition; and

(c) Must have insurance in at least the following amounts:

(1) For bodily injury to or death of two or more persons in one crash, $40,000; and

(2) For damage to property in any one crash, $10,000.

2. The Department of Motor Vehicles may review and approve or disapprove any application to issue, renew or revoke a license for a driving school. The Department of Motor Vehicles may, at any time, inspect a licensed driving school and may recommend that its license be suspended or revoked. The ***Deputy*** Administrator shall investigate and recommend to the Commission the appropriate action.

Sec. 32. NRS 394.550 is hereby amended to read as follows:

394.550 If any postsecondary educational institution operating in this state discontinues or proposes to discontinue its operation, the chief administrative officer of the institution shall file with the ***Deputy*** Administrator original or true copies of all academic records of the institution specified by regulations of the Commission. The records must include, as a minimum, academic information customarily required by colleges when considering students for transfer or advanced study; and, as a separate document, the academic record of each former student. If the ***Deputy*** Administrator establishes the likelihood that academic records of an institution discontinuing its operations are in danger of being destroyed, secreted, mislaid or otherwise made unavailable to the Commission, the ***Deputy*** Administrator may obtain a court order permitting the seizure of such records. The ***Deputy*** Administrator shall receive and maintain a file of such records in the ***Deputy*** Administrator's possession.

Sec. 33. NRS 394.553 is hereby amended to read as follows:

394.553 1. The Account for Student Indemnification is hereby created in the State General Fund. The existence of the Account does not create a right in any person to receive money from the Account. The ***Deputy***

Administrator shall administer the Account in accordance with regulations adopted by the Commission.

2. Except as otherwise limited by subsection 3, the money in the Account may be used to indemnify any student or enrollee who has suffered damage as a result of:

(a) The discontinuance of operation of a postsecondary educational institution licensed in this state; or

(b) The violation by such an institution of any provision of NRS 394.383 to 394.560, inclusive, or the regulations adopted pursuant thereto.

3. If a student or enrollee is entitled to indemnification from a surety bond pursuant to NRS 394.480, the bond must be used to indemnify the student or enrollee before any money in the Account may be used for indemnification.

4. In addition to the expenditures made for indemnification pursuant to subsection 2, the ***Deputy*** Administrator may use the money in the Account to pay extraordinary expenses incurred to investigate claims for indemnification or resulting from the discontinuance of the operation of a postsecondary educational institution licensed in this state. Money expended pursuant to this subsection must not exceed, for each institution for which indemnification is made, 15 percent of the total amount expended for indemnification pursuant to subsection 2 or $10,000, whichever is less.

5. No expenditure may be made from the Account if the expenditure would cause the balance in the Account to fall below $10,000.

6. Interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

7. The money in the Account does not lapse to the State General Fund at the end of any fiscal year.

Sec. 34. NRS 394.557 is hereby amended to read as follows:

394.557 1. Except as otherwise provided in subsection 2, each postsecondary educational institution licensed in this state shall pay to the ***Deputy*** Administrator a fee of $5 for each student the institution initially enrolls in a program for which the student pays a tuition or registration fee. On or before January 1, April 1, July 1 and October 1 of each year, each institution shall transmit to the ***Deputy*** Administrator the fees required by this subsection for the immediately preceding quarter. The ***Deputy*** Administrator shall deposit the money in the State Treasury for credit to the Account for Student Indemnification.

2. The ***Deputy*** Administrator shall notify each postsecondary educational institution licensed in this state if the balance in the Account is $250,000 or more. If the balance in the Account is $250,000 or more, a postsecondary educational institution is not required to pay the fee required by subsection 1. If the balance in the Account subsequently falls below $250,000, the ***Deputy*** Administrator shall notify each postsecondary educational institution licensed in this state that the fee must be paid until the balance in the Account is $250,000 or more.

Sec. 35. NRS 394.610 is hereby amended to read as follows:

394.610 Unless a specific penalty is otherwise provided, a person who willfully violates the provisions of NRS 394.005 to ~~[~~394.550,~~]~~ ***394.560,*** inclusive, ***and section 1 of this act*** is guilty of a gross misdemeanor. Each day's failure to comply with the provisions of these sections is a separate offense.

Sec. 36. NRS 394.630 is hereby amended to read as follows:

394.630 A person, firm, association, partnership or corporation shall not award, bestow, confer, give, grant, convey or sell to another person a degree or honorary degree upon which is inscribed, in any language, the word "associate," "bachelor," "baccalaureate," "master," "doctor" or "fellow," or any abbreviation thereof, unless it is a school, academy, institute, community college, junior college, college, university or other educational organization or entity located in the State of Nevada or operating from a place of business in this state that offers courses of instruction or study wherein credits may be earned toward an academic or professional degree in a field of endeavor beyond the secondary school level, and:

1. Is accredited; or

2. Has filed and kept current with appropriate amendments, in the office of the ***Deputy*** Administrator, an affidavit by each president of two separate accredited colleges or universities stating that the majority of the course credits offered by the unaccredited institution are generally acceptable or transferable to the accredited college or university which each president represents.

Sec. 37. Chapter 232 of NRS is hereby amended by adding thereto the provisions set forth as sections 38 and 39 of this act.

Sec. 38. ***1. The Director may accept, and adopt regulations or establish policies for the disbursement of, money appropriated by any Act of Congress and apportioned to the State of Nevada for use in connection with the workforce development and adult education programs of this State.***

2. In accepting the benefits of the Acts of Congress referred to in subsection 1, the State of Nevada agrees to comply with all of their provisions and observe all of their requirements.

Sec. 39. ***The Employment Security Division of the Department consists of the Administrator of the Division and the Commission on Postsecondary Education.***

Sec. 40. NRS 232.900 is hereby amended to read as follows:

232.900 As used in NRS 232.900 to 232.960, inclusive, ***and sections 38 and 39 of this act,*** unless the context otherwise requires:

1. "Department" means the Department of Employment, Training and Rehabilitation.

2. "Director" means the Director of the Department.

Sec. 41. NRS 232.920 is hereby amended to read as follows:

232.920 The Director:

1. Shall:

(a) Organize the Department into divisions and other operating units as needed to achieve the purposes of the Department;

(b) Upon request, provide the Director of the Department of Administration with a list of organizations and agencies in this State whose primary purpose is the training and employment of persons with disabilities;

(c) Except as otherwise provided by a specific statute, direct the divisions to share information in their records with agencies of local governments which are responsible for the collection of debts or obligations if the confidentiality of the information is otherwise maintained under the terms and conditions required by law; and

(d) Provide the employment and wage information to the Board of Regents of the University of Nevada for purposes of the reporting required of the Board of Regents by subsection 4 of NRS 396.531.

2. Is responsible for the administration, through the divisions of the Department, of the provisions of NRS ***394.383 to 394.560, inclusive,*** 426.010 to 426.720, inclusive, 426.740, 426.790 and 426.800, and chapters 612 and 615 of NRS, and all other provisions of law relating to the functions of the Department and its divisions, but is not responsible for the professional line activities of the divisions or other operating units except as otherwise provided by specific statute.

3. May employ, within the limits of legislative appropriations, such staff as is necessary for the performance of the duties of the Department.

Sec. 42. Chapter 612 of NRS is hereby amended by adding thereto the provisions set forth as sections 43 and 44 of this act.

Sec. 43. ***"Deputy Administrator" means the Deputy Administrator of the Division.***

Sec. 44. ***1. The Commission on Postsecondary Education is administered by the Deputy Administrator, who is appointed by and serves at the pleasure of the Administrator.***

2. Subject to the provisions of NRS 394.383 to 394.560, inclusive, the Deputy Administrator:

(a) Is in the unclassified service of the State.

(b) Serves ex officio as a member of the Commission.

(c) Has full administrative authority with respect to the operation and functions of the Commission, subject to the administrative supervision of the Administrator.

(d) Shall devote his or her entire time and attention to the business of his or her office and shall not pursue any other business or occupation or hold any other office of profit.

(e) Is responsible for the administration of the provisions of this section, NRS 394.383 to 394.560, inclusive, and all other provisions of law relating to the functions of the Commission.

Sec. 45. NRS 612.015 is hereby amended to read as follows:

612.015 As used in this chapter, unless the context clearly requires otherwise, the words and terms defined in NRS 612.016 to 612.200, inclusive, ***and section 43 of this act*** have the meanings ascribed to them in those sections.

Sec. 46. NRS 612.220 is hereby amended to read as follows:

612.220 The Administrator:

1. Shall administer this chapter.

2. ***Is responsible for the administration, through the Deputy Administrator and the Commission on Postsecondary Education, of the provisions of NRS 394.383 to 394.560, inclusive.***

3. Has power and authority to adopt, amend or rescind such rules and regulations, to employ, in accordance with the provisions of this chapter, such persons, make such expenditures, require such reports, make such investigations, and take such other action as the Administrator deems necessary or suitable to that end.

~~[3.]~~ ***4.*** Shall determine his or her own organization and methods of procedure for the Division in accordance with the provisions of this chapter.

Sec. 47. NRS 612.230 is hereby amended to read as follows:

612.230 1. For the purpose of ensuring the impartial selection of personnel on the basis of merit, the Administrator shall fill all positions in the Division, except the ~~[post]~~ ***posts*** of Administrator ~~[.]~~ ***and Deputy Administrator,*** from registers prepared by the Division of Human Resource Management of the Department of Administration, in conformity with such rules, regulations and classification and compensation plans relating to the selection of personnel as may be adopted or prescribed by the Administrator.

2. The Administrator shall select all personnel either from the first five candidates on the eligible lists as provided in this chapter, or from the highest rating candidate within a radius of 60 miles of the place in which the duties of the position will be performed. The Administrator may fix the compensation and prescribe the duties and powers of such personnel, including such officers, accountants, attorneys, experts, and other persons as may be necessary in the performance of the duties under this chapter, and may delegate to any such person such power and authority as the Administrator deems reasonable and proper for its effective administration.

3. The Administrator shall classify positions under this chapter and shall establish salary schedules and minimum personnel standards for the positions so classified. The Administrator shall devise and establish fair and reasonable regulations governing promotions, demotions and terminations for cause in accordance with such established personnel practices as will tend to promote the morale and welfare of the organization.

4. The Administrator may grant educational leave stipends to officers and employees of the Division if all of the cost of the educational leave stipends may be paid from money of the Federal Government.

Sec. 48. The term of the member of the Commission on Postsecondary Education:

1. Appointed pursuant to paragraph (d) of subsection 1 of NRS 394.385;
2. Who is incumbent on June 30, 2017; and
3. Whose term, but for this section, would otherwise have expired first after that date,

➥ expires on June 30, 2017.

Sec. 49. Notwithstanding any provision of this act to the contrary, the Administrator of the Commission on Postsecondary Education who is incumbent on June 30, 2017:

1. May be appointed Deputy Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation pursuant to section 44 of this act;
2. If so appointed, is entitled to remain in the classified service or serve in the unclassified service of the State, at his or her election, until he or she vacates the position of Deputy Administrator; and
3. If so appointed, has all the powers and duties vested in the Deputy Administrator by the provisions of this act or as otherwise provided by law.

Sec. 50. The Legislative Counsel shall, in preparing the Nevada Revised Statutes or any supplements to the Nevada Administrative Code, use the authority set forth in subsection 10 of NRS 220.120 to change appropriately the name of any agency, officer or instrumentality of the State whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate agency, officer or instrumentality.

Sec. 51. NRS 394.007 is hereby repealed.

Sec. 52. 1. This section and sections 48 and 49 of this act become effective upon passage and approval.

2. Sections 1 to 47, inclusive, and 50 and 51 of this act become effective on July 1, 2017.

TEXT OF REPEALED SECTION

394.007 "Administrator" defined. "Administrator" means the Administrator of the Commission on Postsecondary Education.

Assemblyman Thompson moved the adoption of the amendment.

Remarks by Assemblyman Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer, Assembly Bills Nos. 78 and 484 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Carlton moved that Assembly Bills Nos. 336, 395, and 468 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 114, 297, and 452 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 79.

Bill read third time.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

Assembly Bill 79 removes the designation of the Las Vegas Valley Water District and the Southern Nevada Water Authority as the exclusive providers of water service for the Garnet Valley Ground Water Basin in Clark County, Nevada.

Roll call on Assembly Bill No. 79:

YEAS—40.

NAYS—Titus.

EXCUSED—Carrillo.

Assembly Bill No. 79 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 252.

Bill read third time.

Remarks by Assemblywomen Titus and Carlton.

ASSEMBLYWOMAN TITUS:

Assembly Bill 252 relates to alternate addresses on peace officers' drivers' licenses. Assembly Bill 252 authorizes a peace officer or a retired peace officer to request the display of an alternate address on his or her driver's license, identification card, commercial driver's license, or commercial learner's permit instead of displaying his or her principal residence address. A peace officer must use as an alternate address his or her employer's address. A retired peace officer must provide the DMV [Department of Motor Vehicles] an alternate address at the time he or she submits the request. Lastly, the bill requires a peace officer or a retired peace officer to provide the DMV an address of principal residence or mailing address for the purpose of recordkeeping and mailing. This measure is effective upon passage and approval for the purpose of adopting regulations and on July 1, 2017, for all other purposes.

ASSEMBLYWOMAN CARLTON:

I would like to ask the sponsor of the bill how this varies from the procedures that are already in effect for current officers and retired officers. I do know that your address can be removed from the phone book and a number of other different ways. I believe there are provisions already on the books that allow this to happen, so I would like to understand what we are changing.

ASSEMBLYWOMAN TITUS:

Thank you for that question Assemblywoman from the south. I, too, had looked into that before. It is my understanding, when I spoke to DMV, that although they have a policy, there is

nothing in statute that actually requires them to do so, as far as requiring alternate addresses and where they put that address. What this bill specifically does is make them use the address of their previous place of employment if they have to put a physical address on the driver's license.

Roll call on Assembly Bill No. 252:

YEAS—40.

NAYS—Carlton.

EXCUSED—Carrillo.

Assembly Bill No. 252 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 337.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 337 changes the law. Under existing law we have the Nevada National Guard who has employment protection. However, there are often cross border situations where someone is employed in this state but is in the National Guard of a different state. This ropes them in under existing law.

Roll call on Assembly Bill No. 337:

YEAS—41.

NAYS—None.

EXCUSED—Carrillo.

Assembly Bill No. 337 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 396.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 396 revises provisions governing lobbying of state legislators and financial disclosure statements filed by public officers and candidates. The bill revises certain terms that are defined in the Nevada Lobbying Disclosure Act, including the following terms: "Gift" is revised to provide an exception for a "de minimis" gift given to a legislator, family member, or staff. The term is further revised to exclude income from investment property, business transactions conducted at prices available to the public, payments in the context of employment or contract, and payments resulting from judgments, arbitration, or settlements. "Educational or informational meeting, event, or trip" is revised to exclude occasions undertaken as part of employment or contract and an event to which all legislators are invited, even if no speech or presentation is given, and "lobbyist" is revised to exclude a person who employs a lobbyist.

A public officer or candidate is required to disclose certain items of value received from an "interested person." This term is restricted to mean a person that the public officer or candidate should reasonably have known to hold a substantial interest in the actions of the officer or candidate. The officer or candidate is not required to disclose financial information for a full year if the officer or candidate was not a public officer during that calendar year.

Roll call on Assembly Bill No. 396:

YEAS—41.

NAYS—None.

EXCUSED—Carrillo.

Assembly Bill No. 396 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 451.

Bill read third time.

Remarks by Assemblyman McCurdy.

ASSEMBLYMAN MCCURDY:

Assembly Bill 451 requires each person who is elected or appointed to serve as a member of the board of trustees of a school district to complete training for professional development in the first and third years of his or her term. The training must include at least six hours of instruction covering certain topics delineated in the bill.

The bill further requires each school district board member to provide certification of completion of the training. If a member fails to complete the training or provide certification, a notice of noncompliance must be posted online and provided to the other board members.

Roll call on Assembly Bill No. 451:

YEAS—41.

NAYS—None.

EXCUSED—Carrillo.

Assembly Bill No. 451 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 461.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Assembly Bill 461 designates the third week in January as "Peace Week" in the state of Nevada and requires the Governor to issue annually a proclamation encouraging the observance of "Peace Week."

Peace Week is not new to Nevada. Years ago in Clark County, there were unofficial Peace Week celebrations that were always commenced the day after the observation of Dr. Martin Luther King, Jr. Day. According to the Peace Alliance, which are organizers and advocates for peace, there are five cornerstones to peace: (1) empowering community peace building; (2) teaching peace in schools; (3) humanizing justice systems; (4) cultivating personal peace; and (5) fostering international peace. This is a great opportunity to create a culture of peace in Nevada. I would appreciate your support.

Roll call on Assembly Bill No. 461:

YEAS—41.

NAYS—None.

EXCUSED—Carrillo.

Assembly Bill No. 461 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 464.

Bill read third time.

Remarks by Assemblyman Brooks.

ASSEMBLYMAN BROOKS:

Assembly Bill 464 repeals a number of provisions relating to obsolete or redundant reports mandated by the Legislature but ensures that the information provided by certain reports will remain publicly available on pertinent websites.

Roll call on Assembly Bill No. 464:

YEAS—41.

NAYS—None.

EXCUSED—Carrillo.

Assembly Bill No. 464 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 465.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 465 authorizes the Secretary of State to appoint fewer than nine members to the Advisory Committee on Participatory Democracy. The bill also shortens the term of the members from three years to two years, revises the quorum requirements to conform to the decrease in the number of members, and reduces the number of meetings the Committee is required to hold in a calendar year.

Roll call on Assembly Bill No. 465:

YEAS—41.

NAYS—None.

EXCUSED—Carrillo.

Assembly Bill No. 465 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 466.

Bill read third time.

Remarks by Assemblywoman Joiner.

ASSEMBLYWOMAN JOINER:

Assembly Bill 466 allows a former state employee who is not receiving benefits under the Public Employees' Retirement System to enter into a contract for services with a former employing agency within two years of the date of termination of employment.

Roll call on Assembly Bill No. 466:

YEAS—41.

NAYS—None.

EXCUSED—Carrillo.

Assembly Bill No. 466 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 476.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Assembly Bill 476 makes various changes to the provisions governing electronic notaries public. Specifically, this bill clarifies that an appointment as an electronic notary public does not authorize the electronic notary public to perform notarial acts in another state; removes a requirement for a notary public to file an additional bond and take an additional oath in order to become an electronic notary; makes a person's term of an appointment as an electronic notary public coterminous with that person's term of appointment as a traditional notary public; revises certain course requirements to become an electronic notary public; revises records requirements applicable upon resignation, revocation, or expiration of an appointment as an electronic notary public; revises provisions concerning an electronic signature or electronic seal that has been stolen, lost, damaged, or otherwise rendered incapable of affixing a legible image; and makes various changes to provisions concerning authentication by the Secretary of State to verify that the electronic signature of the electronic notary public on an electronic document is genuine and that the electronic notary public holds the office indicated on the electronic document.

Roll call on Assembly Bill No. 476:

YEAS—41.

NAYS—None.

EXCUSED—Carrillo.

Assembly Bill No. 476 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 482.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Assembly Bill 482 makes changes related to programs of career and technical education [CTE]. The bill provides that not more than 5 percent of state money appropriated for these programs may be distributed to student organizations for career and technical education. It allows grants to be awarded for improving existing CTE programs in addition to expanding existing programs or developing new programs. It also removes requirements that grant awards must be based on certain criteria and instead requires the grants to be awarded based on criteria established by regulation of the State Board of Education. The bill is effective upon passage and approval for the purpose of adopting regulations and performing administrative tasks and on January 1, 2018, for all other purposes.

Roll call on Assembly Bill No. 482:

YEAS—41.

NAYS—None.

EXCUSED—Carrillo.

Assembly Bill No. 482 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 488.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYMAN CARLTON:

Assembly Bill 488 revises the provisions of Chapter 534, Section 83 of the 2015 *Statutes of Nevada* that appropriated Highway Funds to the Interim Finance Committee for allocation to the System Modernization account within the Department of Motor Vehicles for the cost of software

implementation for the system modernization project. Assembly Bill 488 authorizes the sum of $811,183 of the appropriation made to the Interim Finance Committee for allocation in Fiscal Year 2017 to the Department of Motor Vehicles that is unallocated or unexpended at the end of Fiscal Year 2017 to be carried forward into the 2017-2019 biennium to make any remaining payments to the vendor for software implementation work that was retained pending satisfactory completion of the work. Assembly Bill 488 requires that any remaining balance of these funds must not be committed for expenditure after June 30, 2019, and must not be spent after September 20, 2019, and reverts to the State Highway Fund after September 20, 2019. This bill becomes effective upon passage and approval.

Roll call on Assembly Bill No. 488:

YEAS—41.

NAYS—None.

EXCUSED—Carrillo.

Assembly Bill No. 488 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 490.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 490 authorizes the Administrator of the Division of State Parks of the State Department of Conservation and Natural Resources, with the approval of the Director, to expend up to $2 million per biennium in principal and interest from the Account for Maintenance of State Park Facilities and Grounds.

Roll call on Assembly Bill No. 490:

YEAS—41.

NAYS—None.

EXCUSED—Carrillo.

Assembly Bill No. 490 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblywoman Benitez-Thompson moved that the Assembly recess until 4:45 p.m.

Motion carried.

Assembly in recess at 1:08 p.m.

ASSEMBLY IN SESSION

At 5:02 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblywomen Bustamante Adams and Joiner as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative Dina Titus.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 124, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Assembly Bill No. 144, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TYRONE THOMPSON, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 107, 119, 180, 228, 459, 471, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 173, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Joint Resolutions Nos. 4, 10, 11, and 13; Assembly Joint Resolution 10 of the 78th Session be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

The President of the Senate and members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President of the Senate to the Speaker's rostrum.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:08 p.m.
President of the Senate presiding.

The Secretary of the Senate called the Senate roll.
All present except Senator Kieckhefer, who was excused.

The Chief Clerk of the Assembly called the Assembly roll.
All present except Assemblyman Carrillo, who was excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Atkinson and Assemblywoman Carlton to wait upon Representative Titus and escort her to the Assembly Chamber.

The Committee on Escort, in company with The Honorable Dina Titus, United States Representative from Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Representative to the rostrum.

The Speaker of the Assembly welcomed Representative Titus and invited her to deliver her message.

Representative Titus delivered her message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-NINTH SESSION, 2017

Governor, nice to see you. Speaker Frierson, Leader Ford, what a pleasure it is to be here, to see colleagues on both sides of the aisle and both sides of the bar. Thank you for inviting me back.

I walk in this building and it kind of tugs at my heart. I have some real special memories dating back almost 30 years. It is hard to admit that it has been that long, but it really has. I think about the people who made such a mark on our lives personally and on the lives of everybody in the state. Many of them are gone, unfortunately. I think about Bill Raggio. I remember when I was inducted into the Hall of Fame and people were standing up and being so nice, saying I had been their mentor. Well, that is what you say about somebody who has been around a long time. Then Bill Raggio gets up and says You may have been their mentor, but you were my tormentor for 20 years. It brought the house down and I will never forget that. There was Jack Vergiels, who was the head of both of these houses during his colorful career. Others who are gone—think about Tom Hickey, Jim Spinello, Virgil Getto, Joe Dini, Jan Evans, Debbie Smith, among others—those who left their mark in this building. And some in the lobby corps that we miss: Jim Joyce, Marie Soldo, Gary Gray, J. J. Jackson, and Wayne Frediani. They walked these halls and helped to shape policy. They all made it a better place and a better process.

But, you know, times change, people leave for different reasons, and they are replaced by new leaders who come and do their best for the state of Nevada. In fact, there are only two members of the Senate who are still here who were here when I was here: Joyce Woodhouse, who is our education maven, and my dear friend Maggie Carlton. Mags, way to go taking over the purse strings of this state. We are counting on you to do that. Of all the members of the Assembly, I think there are only seven, and two of them are now in the Senate: David Parks and Mark Manendo. It is very nice for me to look out here and see the daughters of two of my former colleagues who are carrying on their fathers' legacies. Joe Neal's daughter Dina [Neal]—Joe was the best orator this state has ever known—and of course Jim Bilbray, whose seat I took, has Shannon [Bilbray-Axelrod] here. Those generations continue. I still have a few students wandering the halls of this building. Jennifer Simich, I think is around, Richard Perkins was a student, Warren Hardy was a student, and even Senator Scott Hammond. I did not teach him enough, apparently. I know you must miss some of the LCB [Legislative Counsel Bureau] staffers: Don Williams and Bob Erickson were such stalwarts and always were so great in giving me the information that I needed. Thank goodness Brenda Erdoes is still here to help you all. And then in the press corps, Cy Ryan and Brendon Riley—where are you when we really need you? So those are the kinds of things that I remember and the people that I think about so fondly. Our roots run deep and our bonds are very strong.

I did not come tonight to tell you what is happening in Washington. That is really not necessary because we are working in tandem on so many different issues. In fact, I believe that our relationship, our communication, our collaboration is stronger now that it has ever been. I look at the agenda there—that is what I am concerned about—and I see how much you all have done here on that. For example, I have been working with Yvanna [Cancela] and Sandra [Jauregui] on the Pink Tax. Congratulations, I know that is moving here. Preacher Pat [Spearman], we have been working on women's veterans issues; thank you for that. Chris Brooks on solar energy, certainly a long time priority; with Nicole [Cannizzaro] on financial literacy; Mark Manendo on animal protection; John Hambrick on human trafficking; the Hispanic Caucus on comprehensive immigration reform; and with Tick Segerblom, I am a member of the cannabis caucus. We want to protect that marijuana industry—Tick, Tick, are you there? I am counting on you. Puff, puff, pass that bill.

A lot has happened in Nevada since we were hit so hard by the recession. Thanks to your leadership, unemployment has dropped considerably and the housing market has come back. We now have Tesla here; we have the Golden Knights; we are getting the Raiders; we have the designation, if not the funding for I-11, but that should come. UNLV hosted the last presidential debate and our LGBT friends can now get married with no problems. We have protected Gold Butte and Basin and Range for future generations. We have a new medical school in the south and several high-tech drone testing centers here in the state. So indeed, I think Nevada is on the march.

We really cannot be complacent about our accomplishments because there are forces that are coming down the pike that are really going to threaten the state and the way that we appreciate our progress, and we are going to have to deal with them. It is going to take all of us working together to make that happen. It is not going to be easy. I mentioned Bill Raggio—for 16 years I sat across the table from him and we went toe-to-toe on some very serious issues ranging from collective bargaining for state employees to giving southern Nevada its fair share. We always did it—and I think I can speak for him when I say this—with a great deal of respect and civility. Unfortunately, those days are over.

I am not going to lie to you. The halls of Congress are rife with partisanship. The rhetoric is very intense. The nation is divided and the wounds of the last election really have not scabbed over yet. Every bill seems to pass through Congress along partisan lines as the new majority attempts to roll back the protections that were put in place for consumers and the environment during the last Administration. The situation in Washington is really pretty much chaos. If you think about it, one day it is Obamacare repeal, the next it is on to tax reform. First it is infrastructure investment, and then it is back to building a wall. Yesterday NATO was obsolete, today not so much. For a while the President was in bed with Putin; now he is calling him out on Twitter. We are leaving Assad in place because we are not the policemen of the world, and now we are sending him a message with 59 cruise missiles. China is a currency manipulator; well, no, not today. The Export/Import Bank is bad; nope, now it is good. We dropped the mother of all bombs on Afghanistan and hey, North Korea, we may do the same thing to you because you are not behaving. The first 100 days of this Administration have been like scenes from bad political movies. First it was *Bulworth*, then it was *Wag the Dog*, and now I am afraid it is *Dr. Strangelove.*

I serve on the Foreign Affairs Committee. It is very interesting and very timely to be there now. In just one week, I was visited by the Brazilian Ambassador, a French Senator, a German member of the Bundestag, a group of Mongolian legislators, and the Ambassador of Greece. This is quite a diverse group, I think you will agree. Yet, they all had the same concerns; they were worried that there was so much uncertainty and so much instability that could lead to mistakes that would have long-lasting geopolitical and economic ramifications all around the world. This comes against the backdrop of a proposed 30 percent cut to the State Department budget.

It is not just people from around the world who are concerned. Here at home we see a coming together in ways that we have not witnessed in a long time. There are rallies, there are protests, there are neighborhood events. We have had a women's march, a tax march, and there is a science march. We have seen coverage of raucous town hall meetings and demonstrations on college campuses that have turned violent. It is because people want to know what is going on. They want to know what is going to happen to the programs that help those that are the most vulnerable, like Meals on Wheels for seniors; like life-saving medical research at the NIH [National Institutes of Health]; programs for hungry children and the disabled; Planned Parenthood; and Title II school programs. What about the arts and climate studies? People want answers. Where are the President's tax returns? Did Russia collude with the Trump campaign to affect our elections? What about tax breaks for the middle class and where are all those American jobs that were promised? These are the questions that people are asking. You put all this together, and yes, these are difficult times. I commend you for taking on the challenge of dealing with policy in these circumstances.

I believe if Nevada is going to succeed in this scenario, we are going to just have to suck it up, hold hands, and work together on some issues that I think will shape our future. The three

issues that I would like to focus on, that I think are most important are, Yucca Mountain, Medicaid expansion, and keeping our tourism industry strong.

First, we do not want to go from being the Silver State to being a nuke dump, but that is a possibility if we do not stand together. Representative Shimkus of Illinois is pushing Yucca Mountain so he can get rid of the spent fuel rods that are in his state. Mr. Mulvaney, who is the head of OMB [Office of Management and Budget], is from South Carolina. He wants to do the same thing; that is why he put the funding into the skinny budget for Yucca Mountain. The Attorney General of Texas is filing suit against the NRC [Nuclear Regulatory Commission] to try to push a decision on the repository. The Secretary of Energy, at his confirmation hearing, waffled when asked about my bill requiring consent from Nevada before it is put here. His subsequent trip to Yucca Mountain further signaled that this remains a viable option with the Administration. Furthermore, there is no love lost between President Trump and Nevada, where elected Republicans endorsed his opponents in the primary and where the voters went for Hillary Clinton in the general. So it is going to take all we have got, and then some, to block this boondoggle that was based on bad science and worse politics. Right now the best thing we have going for us is that it costs so much money, and this is money that conservatives do not want to spend. Furthermore, no one should be fooled into thinking that they are going to give Nevada some little sweetener for taking this dump because they do not even have the money to finish the project much less give us a bonus. So that is the first challenge.

Second, the challenge is expanding Medicaid coverage. I thank you and commend you, Governor, for doing that for the state of Nevada. Together, we have to oppose any attempt at so-called health care reform that eliminates that federal support for expanded Medicaid. If they do, it will put a tremendous financial burden on the state. It will result in tens of thousands losing their health care coverage; it will be 44,000 in District 1 alone. It will increase the burden on emergency rooms; it will raise the cost of indigent care; it will result in the loss of health care jobs; and it will jack up premiums for those who have insurance to pay for those who do not.

Third, we have got to keep our tourism industry strong. This covers a whole range of issues from comprehensive immigration reform to substantial investment in infrastructure, from increased UASI [Urban Areas Security Initiative] funding so our visitors will feel safe when they come, to maintaining control over Internet gaming at the state level. It also means opposing the xenophobic policies of this Administration. Travel bans and extreme vetting send a message to the rest of the world that the United States no long welcomes visitors. International visitors are our growth market here in Nevada. They stay longer and they spend more. They contributed over $6.3 billion to the state's economy last year alone. This is not just tourists. We are talking about business travelers, as well, who come to our international conferences. Since the first travel ban was announced, international searches for Las Vegas have dropped by double digits. Flights from Mexico—and I talked to both the Reno airport and the Las Vegas one—have dropped by over 20 percent. If this continues, I can tell you, as cochair of the Caucus for Travel and Tourism in Congress, it is going to take a lot more than Brand USA to attract those international visitors to our tourist destinations.

There are clearly other areas of importance. We have got to provide a quality education for our children; we have got to protect our natural resources. But I believe that if we come together—somebody once said we are stronger together—if we come together on these three priorities that I mentioned, I believe that Nevada's other challenges can be more easily met.

As you wind down this session—and I know you have a lot of work to do—I hope you will think of me as a friend and a partner. I hope you will call on me any time as these issues evolve here at the state level as well as in Washington. I want to thank you all for your hard work, for your commitment to public service, and for the sacrifice that you make when you leave your families and your careers to come up here and try to do the right thing for our state. By doing that you make Nevada a better place for all of us to live and work and play. Thank you very much.

Senator Gansert moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Titus for her timely, able, and constructive message.

Seconded by Assemblyman Edwards.

Motion carried.

The Committee on Escort escorted Representative Titus to the bar of the Assembly.

Assemblywoman Cohen moved that the Joint Session be dissolved.

Seconded by Senator Manendo.

Motion carried.

Joint Session dissolved at 5:32 p.m.

ASSEMBLY IN SESSION

At 5:33 p.m.

Mr. Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Johnny Engh.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Jonathan Hartmann.

On request of Assemblyman Brooks, the privilege of the floor of the Assembly Chamber for this day was extended to Troy Young.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Matthew Gaskell.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Samuel Gaskell.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Evan Gray.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Jason Gray.

On request of Assemblyman Edwards, the privilege of the floor of the Assembly Chamber for this day was extended to Jameson Rice and Jeffrey Rice.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Jackpot High School: Melanie Barrus,

Guadalupe Blanco, Laura Cortes, Asia Eboli, Corina Jensen, Martin Martinez, Isaac Messmer, Zachary Overby, Stephanie Saltas, Gabriel Santos, Dylan Velis, Jacob White, Eduardo Avila, Cynthia Bautista, Ricardo Castaneda, Tanya Flores, Ragel Garcia, William Huber, Javier Leon, Veronica Martinez, Carlos Mata, Angelica Mora-Camacho, Daniel Salas, Angel Torres-Cruz, Oscar Torres-Cruz, and Ari Erickson.

On request of Assemblyman Fumo, the privilege of the floor of the Assembly Chamber for this day was extended to Jonathan Grube.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Matthew Keller.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Austin Engh.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Gil Schmidt.

On request of Assemblyman Kramer, the privilege of the floor of the Assembly Chamber for this day was extended to John Wagstaff.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to Joshua Wagstaff, Jonathan Hartmann, Troy Young, Matthew Gaskell, Samuel Gaskell, Evan Gray, Jason Gray, Jameson Rice, Ari Erickson, Jonathan Grube, Matthew Keller, Austin Engh, Gil Schmidt, John Wagstaff, Joshua Wagstaff, Robert Andrew Ross, Michael Tanner, Timothy Wooster, Dane Piazza, Evan Frossard, Austin Hawkins, Alexander Wood, Patrick Riegel, Zachary Mahler, Nicolas Mahler, Dragan Welton, Cory Enke, Adolfas Stankus, Jacob Bake, Josh Evans, Zane Bogdanowicz, Will Swisher, Keaton Williams, Brad Barton, Chris Jeppesen, Lucas Ellis, Luke Amato, Christopher Amato, Nicholas Schroetlin, Ryan Soulier, Preston Emborsky, and Zachary Forrest.

On request of Assemblyman Marchant, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Andrew Ross and Svetlana Ross.

On request of Assemblyman McCurdy, the privilege of the floor of the Assembly Chamber for this day was extended to Timothy Wooster.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Evan Frossard.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Austin Hawkins.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Wednesday, April 19, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 5:34 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SEVENTY-THIRD DAY

CARSON CITY (Wednesday), April 19, 2017

Assembly called to order at 12 noon.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Woodbury, who was excused.

Prayer by the Chaplain, Captain Leslie Cyr.

Father God, we thank You today, for Your love and for Your hand of guidance in our lives. We thank You for this great nation and for the freedoms we hold.

We ask for Your blessings and for Your wisdom to rest on us; for Your Spirit to reveal vision, integrity, and discernment as we set ourselves for service of the state.

We pray, Lord, for favor for our families, for our leaders, and for our servicemen and women at home and abroad. We are so grateful for them. In the name of Christ we pray.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Corrections, Parole, and Probation, to which were referred Assembly Bills Nos. 291, 302, 327, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OHRENSCHALL, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 64, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Assembly Bill No. 196, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TYRONE THOMPSON, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 70, 241, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 95, 424, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL C. SPRINKLE, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 133, 472, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 98, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 18, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 177, 188, 230, 290, 295, 310, 337, 362, 376, 379, 383, 400, 426, 434, 454, 460, 470, 473, 476, 493, 513, 515; Senate Joint Resolution No. 13.

Also, I have the honor to inform your honorable body that the Senate on this day adopted, as amended, Senate Concurrent Resolution No. 1.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, April 18, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 33, 46, 50, 54, 57, 91, 116, 140, 191, 195, 196, 240, 255, 256, 267, 268, 270, 301, 466.

CLAIRE CLIFT
Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 13.

Assemblywoman Benitez-Thompson moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Concurrent Resolution No. 1.

Assemblywoman Benitez-Thompson moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

NOTICE OF EXEMPTION

April 19, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 437.

CINDY JONES
Fiscal Analysis Division

Senate Bill No. 33.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 46.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 50.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 54.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 57.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 91.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 116.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 140.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Corrections, Parole, and Probation.

Motion carried.

Senate Bill No. 177.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Corrections, Parole, and Probation.

Motion carried.

Senate Bill No. 188.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 191.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 195.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 196.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 230.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 240.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 255.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 256.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 267.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 268.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Corrections, Parole, and Probation.

Motion carried.

Senate Bill No. 270.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 290.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 295.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 301.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 310.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 337.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 362.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 376.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 379.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 383.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 400.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 426.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 434.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 454.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 460.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 466.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 470.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 473.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 476.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 493.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 513.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 515.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 26.

Bill read second time.

The following amendment was proposed by the Committee on Corrections, Parole, and Probation:

Amendment No. 204.

AN ACT relating to criminal records; ~~[expanding the persons and governmental entities that may access]~~ **revising provisions governing the dissemination of** records of criminal history from the Central Repository for Nevada Records of Criminal History pursuant to name-based searches conducted by a service within the Central Repository; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes within the Central Repository for Nevada Records of Criminal History a service to conduct a name-based search of records of criminal history of an employee, prospective employee, volunteer or prospective volunteer. (NRS 179A.103) This bill authorizes an employment screening service which ~~[is not authorized to enter into an agreement with another employment screening service that is authorized to use the service]~~ **has entered into a contract with the Central Repository** to inquire about, obtain and provide those records ~~[to the employment screening service for dissemination]~~ **of criminal history** to the employer or volunteer organization ~~[.]~~ **if the service maintains records of its dissemination of the records of criminal history.** This bill also removes the limitation that only allowed employers in this state to use the services so that out of state employers also have access.

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

Section 1. NRS 179A.103 is hereby amended to read as follows:

179A.103 1. There is hereby established within the Central Repository a service to conduct a name-based search of records of criminal history of an employee, prospective employee, volunteer or prospective volunteer.

2. An eligible person that wishes to participate in the service must enter into a contract with the Central Repository.

3. The Central Repository may charge a reasonable fee for participation in the service.

4. ~~[~~A~~]~~ ***An authorized*** participant of the service may inquire about the records of criminal history of an employee, prospective employee, volunteer or prospective volunteer to determine the suitability of the employee or prospective employee for employment or the suitability of the volunteer or prospective volunteer for volunteering.

5. The Central Repository shall disseminate to ~~[~~a~~]~~ ***an authorized*** participant of the service information which:

(a) Reflects convictions only; or

(b) Pertains to an incident for which an employee, prospective employee, volunteer or prospective volunteer is currently within the system of criminal justice, including parole or probation.

6. An employee, prospective employee, volunteer or prospective volunteer who is proposed to be the subject of a name-based search must provide his or her written consent for the Central Repository to perform the search and to release the information to ~~[~~a~~]~~ ***an authorized*** participant. The written consent form may be:

(a) A form designated by the Central Repository; or

(b) If the ***authorized*** participant is an employment screening service, a form that complies with the provisions of 15 U.S.C. § 1681b(b)2 for the procurement of a consumer report.

7. An employment screening service that is designated to receive records of criminal history on behalf of an employer or volunteer organization may provide such records of criminal history to the employer or volunteer organization upon request of the employer or volunteer organization ~~[~~.~~]~~ ***, if the employment screening service maintains records of its dissemination of the records of criminal history.***

8. ~~*[An employment screening service which is an authorized participant and which is designated to receive records of criminal history on behalf of another employment screening service that is not an authorized participant may provide such records of criminal history to that employment screening service if both employment screening services:*~~

~~*(a) Enter into an agreement that has been approved by the Central Repository; and*~~

~~*(b) Maintain records of their dissemination of records of criminal history.*~~

~~*9.]*~~ The Central Repository may audit ~~[~~a~~]~~ ***an authorized*** participant ***.*** ~~*[or an employment screening service to which an authorized participant provided records of criminal history pursuant to paragraph (b) of subsection (8),]*~~ at such times as the Central Repository deems necessary, to ensure that records of criminal history are securely maintained.

9. ~~*[10.]*~~ The Central Repository may terminate participation in the service if ~~[~~a~~]~~ ***an authorized*** participant fails:

(a) To pay the fees required to participate in the service; or

(b) To address, within a reasonable period, deficiencies identified in an audit conducted pursuant to subsection 8.

10. ~~[9. — 11.]~~ As used in this section:

(a) ***"Authorized participant" means an eligible person who has entered into a contract with the Central Repository to participate in the service established pursuant to subsection 1.***

(b) "Consumer report" has the meaning ascribed to it in 15 U.S.C. § 1681a(d).

~~[(b)]~~ ***(c)*** "Eligible person" includes:

(1) An employer.

(2) A volunteer organization.

(3) An employment screening service.

~~[(c)]~~ ***(d)*** "Employer" means a person ~~[in this State]~~ that:

(1) Employs an employee; or

(2) Enters into a contract with an independent contractor.

~~[(d)]~~ ***(e)*** "Employment" includes performing services for an employer as an independent contractor.

~~[(e)]~~ ***(f)*** "Employment screening service" means a person or entity designated by an employer ~~[,]~~ or volunteer organization ~~[for another person or entity which provides employment or volunteer screening services]~~ to provide employment or volunteer screening services to the employer ~~[,]~~ or volunteer organization . ~~[or other person or entity which provides employment or volunteer screening services.]~~

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

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 35.

Bill read second time.

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

Amendment No. 28.

AN ACT relating to insurance; revising provisions governing examinations of insurers; requiring the annual submission of a corporate governance annual disclosure by certain insurers and insurance groups; making confidential certain information contained in and relating to a corporate governance annual disclosure; authorizing the sharing of items relating to a corporate governance annual disclosure in certain circumstances; authorizing the Commissioner of Insurance to retain third-party consultants and enter into certain agreements; providing for the group-wide supervision of internationally active insurance groups; revising provisions governing captive insurers; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Commissioner of Insurance to regulate insurance in this State. (NRS 679B.120) **Sections 1 and 2** of this bill revise provisions governing examinations of insurers. **Section 3** of this bill makes a conforming change related to **section 1**.

Existing law authorizes a domestic insurer to organize or acquire one or more subsidiaries and requires certain insurers contained within such an insurance holding company system to register with the Commissioner. (NRS 692C.130, 692C.260) Existing law also requires an insurer or insurance group to regularly conduct an Own Risk and Solvency Assessment and submit a summary report to the Commissioner. (NRS 692C.3512, 692C.3514)

Sections 5-12 of this bill adopt certain provisions of the National Association of Insurance Commissioners' Corporate Governance Annual Disclosure Model Act. **Section 7** requires certain insurers or insurance groups to annually submit to the Commissioner of Insurance a corporate governance annual disclosure and specifies the contents of the corporate governance annual disclosure. **Section 9** authorizes the Commissioner to adopt regulations setting forth instructions for the preparation of a corporate governance annual disclosure. **Section 10** makes a corporate governance annual disclosure and certain other documents, materials and information confidential and authorizes the Commissioner to share such items in certain circumstances. **Section 11** authorizes the Commissioner to retain third-party consultants and enter into certain agreements to assist in the performance of his or her regulatory duties.

Sections 13-16 of this bill adopt certain provisions of the National Association of Insurance Commissioners' Insurance Holding Company System Regulatory Act. **Section 16** authorizes the Commissioner to act as the group-wide supervisor for an internationally active insurance group in certain circumstances. **Section 16** authorizes an insurance holding company system which does not qualify as an internationally active insurance group to request that the Commissioner determine or acknowledge a group-wide supervisor for the insurance holding company system. **Section 16** provides for the Commissioner to determine whether the Commissioner or another person is the appropriate group-wide supervisor for an internationally active insurance group. **Section 16** authorizes the Commissioner to cooperate with other regulatory officials and enter into agreements with or obtain documentation from certain persons or entities. Finally, **section 16** requires an insurer subject to the section to pay the reasonable expenses of the Commissioner in administering the section.

Existing law provides for the creation of captive insurers and their regulation by the Commissioner. (NRS 694C.180, 694C.195, 694C.200) **Sections 21-27** of this bill add to and revise the provisions governing captive insurers, including, without limitation, state-chartered risk retention groups. **Sections 22 and 25** provide for specified existing law to apply to state-

chartered risk retention groups. **Section 27** revises provisions governing reports and statements which must be filed by captive insurers and state-chartered risk retention groups. **Sections 21, 23 and 24** make conforming changes related to **sections 22 and 25**.

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

Section 1. NRS 679B.230 is hereby amended to read as follows:

679B.230 1. For the purpose of determining its financial condition, fulfillment of its contractual obligations and compliance with law, the Commissioner shall, as often as he or she deems advisable, examine the affairs, transactions, accounts, records and assets of each authorized insurer, and of any person as to any matter relevant to the financial affairs of the insurer or to the examination. Except as otherwise expressly provided in this title, the Commissioner shall so examine each authorized insurer not less frequently than every 5 years. ***In scheduling and determining the nature, scope and frequency of the examinations, the Commissioner shall consider:***

(a) The results of any analysis of any applicable financial statement;

(b) Any change in management or ownership of the insurer;

(c) Any applicable actuarial opinion or summary;

(d) Any applicable report of an independent certified public accountant; and

(e) Any other applicable criteria set forth in the most recent edition of the Financial Condition Examiners Handbook, published by the NAIC, and the most recent edition of the Market Regulation Handbook, published by the NAIC, which are in effect when the Commissioner exercises his or her discretion pursuant to this section.

2. In examining an insurer pursuant to this section, the Commissioner may examine or investigate any person, or the business of any person, if the examination or investigation is, in the sole discretion of the Commissioner, necessary or material to the examination of the insurer.

3. Examination of an alien insurer must be limited to its insurance transactions, assets, trust deposits and affairs in the United States, except as otherwise required by the Commissioner.

~~[2.]~~ ***4.*** The Commissioner shall in like manner examine each insurer applying for an initial certificate of authority to transact insurance in this state.

~~[3.]~~ ***5.*** In lieu of an examination under this chapter, the Commissioner may accept a report of the examination of a foreign or alien insurer prepared by the Division for a foreign insurer's state of domicile or an alien insurer's state of entry into the United States.

~~[4.]~~ ***6.*** As far as practical the examination of a foreign or alien insurer must be made in cooperation with the insurance supervisory officers of other states in which the insurer transacts business.

Sec. 2. NRS 679B.270 is hereby amended to read as follows:

679B.270 1. No later than 60 days after the completion of an examination, the examiner designated by the Commissioner shall ~~[make a true]~~ ***file a verified*** report ~~[thereof]~~ ***of examination, in writing,*** which must ~~[comprise]~~ ***be comprised*** only ***of*** facts appearing upon the books, records or other documents of the ~~[person]~~ ***insurer or its agents or other persons*** examined ~~[,]~~ ***concerning its affairs,*** or as ascertained from the ~~[sworn]~~ testimony of the officers or agents or other persons examined concerning its affairs, and such conclusions and recommendations as ~~[may]~~ ***the examiner finds*** reasonably ~~[be]~~ warranted from the facts. The report of examination must be verified by the oath of the examiner making the report.

2. Such a report of examination of an insurer so verified is prima facie evidence in any action or proceeding for the receivership, conservation or liquidation of the insurer brought in the name of the state against the insurer, its officers or agents upon the facts stated therein.

Sec. 3. NRS 681B.400 is hereby amended to read as follows:

681B.400 1. The following types of information shall qualify as confidential information:

(a) A memorandum in support of an opinion submitted pursuant to NRS 681B.200 to 681B.260, inclusive, or 681B.350 and any other documents, materials and other information, including, without limitation, all working papers, and copies thereof, created, produced or obtained by or disclosed to the Commissioner or any other person in connection with such memorandum;

(b) All documents, materials and other information, including, without limitation, all working papers, and copies thereof, created, produced or obtained by or disclosed to the Commissioner or any other person in the course of an examination authorized by subsection ~~[2]~~ ***4*** of NRS 679B.230 or subsection 7 of NRS 681B.300, provided that if an examination report or other material prepared in connection with an examination authorized by NRS 679B.230 to 679B.300, inclusive, is not held as private and confidential information in accordance with the provisions of NRS 679B.230 to 679B.300, inclusive, an adopted examination report created in accordance with the provisions of subsection ~~[2]~~ ***4*** of NRS 679B.230 or subsection 7 of NRS 681B.300 shall not be deemed confidential information;

(c) Any reports, documents, materials and other information developed by an applicable company in support of, or in connection with, an annual certification by the applicable company in accordance with the provisions of paragraph (b) of subsection 1 of NRS 681B.360 evaluating the effectiveness of the company's internal controls with respect to a principle-based valuation, and any other documents, materials and other information, including, without limitation, all working papers, and copies thereof, created, produced or obtained by or disclosed to the Commissioner or any other person in connection with such reports, documents, materials and other information;

(d) Any principle-based valuation report developed in accordance with paragraph (c) of subsection 1 of NRS 681B.360, and any other documents, materials and other information, including, without limitation, all working papers, and copies thereof, created, produced or obtained by or disclosed to the Commissioner or any other person in connection with such report; and

(e) Any experience data and experience materials, and any other documents, materials, data and other information, including, without limitation, all working papers, and copies thereof, created, produced or obtained by or disclosed to the Commissioner or any other person in connection with such data and materials.

2. As used in this section:

(a) "Experience data" means all documents, materials, data and other information submitted by an applicable company to the Commissioner, a designated experience reporting agent or other such person authorized to act on behalf of the Commissioner pursuant to NRS 681B.500 and 681B.510.

(b) "Experience materials" means all documents, materials, data and other information, including, without limitation, all working papers, and copies thereof, created or produced in connection with experience data including, without limitation, any potentially company-identifying or personally identifiable information, that is provided to or obtained by the Commissioner, a designated experience reporting agent or other such person authorized to act on behalf of the Commissioner pursuant to NRS 681B.500 and 681B.510.

Sec. 4. Chapter 692C of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 16, inclusive, of this act.

Sec. 5. ***1. The requirements of sections 5 to 12, inclusive, of this act apply to all insurers domiciled in this State*** ~~***[.]***~~ ***, including, without limitation:***

(a) Insurers, as identified in chapter 680A of NRS;

(b) Hospital, medical or dental service corporations, as identified in chapter 695B of NRS;

(c) Health maintenance organizations, as identified in chapter 695C of NRS;

(d) Plans for dental care, as identified in chapter 695D of NRS;

(e) Prepaid limited health service organizations, as identified in chapter 695F of NRS; and

(f) Risk retention groups and state-chartered risk retention groups, as identified in 15 U.S.C. § 3902, 42 U.S.C. § 9673 and chapters 694C and 695E of NRS.

2. Except as otherwise provided in subsection 3, nothing in sections 5 to 12, inclusive, of this act shall be construed to limit the Commissioner's authority, or the rights or obligations of third parties, under NRS 679B.230 to 679B.300, inclusive.

3. Nothing in sections 5 to 12, inclusive, of this act shall be construed to prescribe or impose corporate governance standards and internal

procedures beyond those which are required by the appropriate provisions of title 7 of NRS.

Sec. 6. ***As used in sections 5 to 12, inclusive, of this act, unless the context otherwise requires, "corporate governance annual disclosure" means a confidential report filed by an insurer or insurance group made in accordance with the requirements of sections 5 to 12, inclusive, of this act.***

Sec. 7. ***1. Each insurer, or the insurance group of which the insurer is a member, shall, not later than June 1 of each calendar year, submit to the Commissioner a corporate governance annual disclosure which contains the information prescribed by the Commissioner by regulation pursuant to subsection 2 of section 9 of this act. If an insurer is a member of an insurance group, the insurer shall submit the report required by this section to the insurance commissioner of the lead state for the insurance group in accordance with the laws of the lead state, as determined by the procedures contained in the most recent Financial Analysis Handbook published by the National Association of Insurance Commissioners.***

2. The corporate governance annual disclosure must include the signature of the chief executive officer or corporate secretary of the insurer or insurance group attesting that, to the best of that person's belief and knowledge, the insurer or insurance group has implemented the corporate governance practices described in the corporate governance annual disclosure and that a copy of the corporate governance annual disclosure has been provided to the board of directors, or the appropriate committee thereof, of the insurer or insurance group.

3. An insurer that is not required to submit a corporate governance annual disclosure to the Commissioner pursuant to subsection 1 shall do so upon the Commissioner's request.

4. For purposes of completing the corporate governance annual disclosure, the insurer or insurance group may provide information regarding the corporate governance at the level of the legal entity which exercises ultimate control over the insurer or insurance group, of an intermediate holding company or of the insurer or insurance group, depending upon the manner in which the insurer or insurance group has structured its system of corporate governance. The insurer or insurance group shall, to the extent practicable, provide such information at the level at which:

(a) The insurer or insurance group determines the amount of risk it is willing to bear;

(b) The earnings, capital, liquidity, operations and reputation of the insurer or insurance group are overseen collectively and the supervision of those factors are coordinated and exercised; or

(c) Legal liability for a failure of general corporate governance duties would be placed.

➥ If the insurer or insurance group determines the level of reporting based on these criteria, it shall indicate in the corporate governance annual

disclosure which of the three criteria was used to determine the level of reporting and explain any changes in the level of reporting used for subsequent corporate governance annual disclosures.

5. The review of the corporate governance annual disclosure and any additional requests for information must be performed by the lead state as determined by the procedures contained in the most recent Financial Analysis Handbook published by the National Association of Insurance Commissioners.

6. An insurer or insurance group which provides information substantially similar to the information required by sections 5 to 12, inclusive, of this act in other documents provided to the Commissioner, including, without limitation, proxy statements filed in conjunction with any forms filed pursuant to NRS 692C.270 or any regulations adopted pursuant thereto, or other state or federal filings provided to the Division, may cross-reference in the corporate governance annual disclosure the document in which the information is included rather than duplicating such information in the corporate governance annual disclosure.

Sec. 8. ***The Commissioner may, upon notice and opportunity for all interested persons to be heard, issue such rules, regulations and orders as are necessary to carry out the provisions of sections 5 to 12, inclusive, of this act.***

Sec. 9. ***1. Except as otherwise provided in subsection 2, an insurer or insurance group may exercise discretion over the responses to inquiries in the corporate governance annual disclosure if the corporate governance annual disclosure contains the material information necessary to allow the Commissioner to gain an understanding of the corporate governance structure, policies and practices of the insurer or insurance group. The Commissioner may request additional information that he or she determines is material and necessary to gain a clear understanding of the corporate governance policies or the reporting, information system or controls implementing the corporate governance policies of the insurer or insurance group.***

2. Each insurer or insurance group shall prepare its corporate governance annual disclosure in a manner that is consistent with the instructions adopted by the Commissioner by regulation for the corporate governance annual disclosure. The insurer or insurance group shall maintain documentation and supporting information and make such material available upon examination or request by the Commissioner.

Sec. 10. ***1. Except as otherwise provided in sections 5 to 12, inclusive, of this act, and NRS 239.0115, any documents, materials and other information, including, without limitation, a corporate governance annual disclosure, in the possession or control of the Division which are obtained by, created by or disclosed to the Commissioner or any other person in accordance with the provisions of sections 5 to 12, inclusive, of***

this act are proprietary and constitute trade secrets. All such documents, materials and other information are:

(a) Confidential and privileged from disclosure;

(b) Not subject to subpoena; and

(c) Not subject to discovery or admissible in evidence in any private civil action.

2. The Commissioner may use the documents, materials or other information described in subsection 1 in the furtherance of any regulatory or legal action brought as a part of the official duties of the Commissioner. The Commissioner shall not otherwise make the documents, materials or other information public without the prior written consent of the insurer. Nothing in sections 5 to 12, inclusive, of this act shall be construed to require the written consent of the insurer before the Commissioner may share or receive confidential documents, materials or other information relating to a corporate governance annual disclosure pursuant to subsection 4 to assist in the performance of the regulatory duties of the Commissioner.

3. Neither the Commissioner nor any person who has received documents, materials or other information relating to a corporate governance annual disclosure through examination or otherwise, while acting under the authority of the Commissioner, or with whom such documents, materials or other information are shared pursuant to sections 5 to 12, inclusive, of this act, may be permitted or required to testify in any private civil action concerning any confidential documents, materials or information described in subsection 1.

4. To assist in the performance of his or her regulatory duties, the Commissioner may:

(a) Upon request, share documents, materials or other information relating to a corporate governance annual disclosure, including, without limitation, the confidential documents, materials or information described in subsection 1 and any other proprietary or trade secret documents and materials, with another state, federal or international financial regulatory agency, including, without limitation, the members of any supervisory college , as defined in NRS 692C.359, the National Association of Insurance Commissioners and a third-party consultant retained pursuant to section 11 of this act, if the recipient:

(1) Agrees in writing to maintain the confidentiality and privileged status of the documents, materials or other information relating to a corporate governance annual disclosure; and

(2) Has verified in writing the legal authority to maintain confidentiality; and

(b) Receive documents, materials and other information relating to a corporate governance annual disclosure, including, without limitation, documents, materials or information which would otherwise be confidential and privileged and any other proprietary or trade secret

documents and materials, from a regulatory official of another state, federal or international financial regulatory agency, including, without limitation, the members of any supervisory college, as defined in NRS 692C.359, and the National Association of Insurance Commissioners and shall maintain as confidential or privileged any document, material or information received if the Commissioner is given notice or understands that such an item is confidential or privileged under the laws of the jurisdiction that is the source of the document, material or information.

5. The sharing of information and documents by the Commissioner pursuant to sections 5 to 12, inclusive, of this act does not constitute a delegation of regulatory authority or rulemaking, and the Commissioner is solely responsible for the administration, execution and enforcement of the provisions of sections 5 to 12, inclusive, of this act.

6. The disclosure of a document, material or information relating to a corporate governance annual disclosure to the Commissioner pursuant to sections 5 to 12, inclusive, of this act and the sharing of such an item as authorized by this section does not waive any applicable privilege or claim of confidentiality in such an item.

Sec. 11. ***To assist the performance of the Commissioner's regulatory duties, the Commissioner:***

1. May retain, at the expense of the insurer or insurance group, third-party consultants, including, without limitation, attorneys, actuaries, accountants and other experts who are not part of the staff of the Commissioner, as may be reasonably necessary to assist the Commissioner in reviewing a corporate governance annual disclosure and related information or the compliance of an insurer or insurance group with sections 5 to 12, inclusive, of this act, if:

(a) Any third-party consultant so retained is under the direction and control of the Commissioner and acts in a purely advisory capacity;

(b) The third-party consultant is subject to the same confidentiality standards and requirements as the Commissioner; and

(c) The third-party consultant verifies to the Commissioner before being retained, and provides notice to the insurer or insurance group, as applicable, that he or she does not have a conflict of interest and has internal procedures in place to monitor the existence of a conflict of interest and to comply with the confidentiality standards and requirements of sections 5 to 12, inclusive, of this act.

2. Shall enter into a written agreement with the National Association of Insurance Commissioners and with any third-party consultant retained by the Commissioner which governs the sharing and use of information provided pursuant to sections 5 to 12, inclusive, of this act. Such a written agreement must:

(a) Contain specific procedures and protocols for maintaining the confidentiality and security of information relating to a corporate governance annual disclosure which is shared with the National

Association of Insurance Commissioners or third-party consultant, including, without limitation, procedures and protocols for sharing by the National Association of Insurance Commissioners only with other state regulators from states in which an insurance group has domiciled insurers;

(b) Provide that the recipient of documents, materials or other information relating to a corporate governance annual disclosure agrees in writing to maintain the confidentiality and privileged status of such items and has verified in writing the legal authority to maintain confidentiality;

(c) Specify that ownership of any information relating to a corporate governance annual disclosure shared with the National Association of Insurance Commissioners or third-party consultant remains with the Commissioner and the use of the information by the National Association of Insurance Commissioners or third-party consultant is subject to the discretion of the Commissioner;

(d) Prohibit the National Association of Insurance Commissioners or third-party consultant from storing the shared information in a permanent database after the underlying analysis is completed;

(e) Require the National Association of Insurance Commissioners or third-party consultant to provide prompt notice to the Commissioner and to the insurer or insurance group, as applicable, regarding any subpoena, request for disclosure or request for production of the information relating to the corporate governance annual disclosure of the insurer or insurance group, as applicable; and

(f) Require the National Association of Insurance Commissioners or third-party consultant to consent to intervention by an insurer or insurance group in any judicial or administrative action in which the National Association of Insurance Commissioners or third-party consultant may be required to disclose confidential information about the insurer or insurance group which is shared with the National Association of Insurance Commissioners or third-party consultant.

Sec. 12. ***1. If an insurer or insurance group fails, without just cause, to timely file a corporate governance annual disclosure as required in sections 5 to 12, inclusive, of this act, the insurer or insurance group shall, after receiving notice and a hearing, pay a civil penalty of $1,500 for each day the insurer or insurance group fails to file the corporate governance annual disclosure. The civil penalty may be recovered in a civil action brought by the Commissioner. Any civil penalty paid pursuant to this subsection must be deposited into the State General Fund.***

2. The maximum civil penalty that may be imposed pursuant to subsection 1 is $100,000. The Commissioner may reduce the amount of the civil penalty if the insurer or insurance group demonstrates to the satisfaction of the Commissioner that the payment of the civil penalty would constitute a financial hardship on the insurer or insurance group.

Sec. 13. *As used in sections 13 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 14 and 15 of this act have the meanings ascribed to them in those sections.*

Sec. 14. *"Group-wide supervisor" means a regulatory official who is authorized to engage in conducting and coordinating supervision activities across an insurance group and who is determined or acknowledged by the Commissioner pursuant to section 16 of this act to have sufficient significant contacts with the internationally active insurance group.*

Sec. 15. *"Internationally active insurance group" means an insurance holding company system which:*

1. Includes an insurer registered under NRS 692C.260; and

2. Meets the following criteria:

(a) Writes premiums in at least three countries;

(b) Writes 10 percent or more of the insurance holding company system's total gross written premiums outside of the United States; and

(c) Based on a 3-year rolling average, has total assets of $50 billion or more or total gross written premiums of $10 billion or more.

Sec. 16. *1. The Commissioner may act as the group-wide supervisor for an internationally active insurance group in accordance with the provisions of this section. The Commissioner may acknowledge another regulatory official as the group-wide supervisor of an internationally active insurance group if the internationally active insurance group:*

(a) Does not have substantial insurance operations in the United States;

(b) Has substantial insurance operations in the United States, but not in this State; or

(c) Has substantial insurance operations in the United States and this State, but the Commissioner has determined pursuant to the factors set forth in subsections 3 and 8 that the other regulatory official is the appropriate group-wide supervisor.

2. An insurance holding company system that does not otherwise qualify as an internationally active insurance group may request that the Commissioner make a determination or acknowledgment of a group-wide supervisor pursuant to this section.

3. In cooperation with other state, federal and international regulatory agencies, the Commissioner shall identify a single group-wide supervisor for each internationally active insurance group. The Commissioner may determine that the Commissioner is the appropriate group-wide supervisor for an internationally active insurance group which conducts substantial insurance operations that are concentrated in this State. The Commissioner may acknowledge that a regulatory official from another jurisdiction is the appropriate group-wide supervisor for an internationally active insurance group. The Commissioner shall consider the following factors when making a determination or acknowledgment under this subsection:

(a) The place of domicile of the insurers within the internationally active insurance group that hold the largest share of the group's written premiums, assets or liabilities;

(b) The place of domicile of the top-tiered insurer or insurers in the insurance holding company system of the internationally active insurance group;

(c) The location of the executive offices or largest operational offices of the internationally active insurance group;

(d) Whether another regulatory official is acting or is seeking to act as the group-wide supervisor under a regulatory system that the Commissioner determines to be:

(1) Substantially similar to the system of regulation provided under the laws of this State; or

(2) Otherwise sufficient in terms of providing for group-wide supervision, enterprise risk analysis and cooperation with other regulatory officials; and

(e) Whether another regulatory official acting or seeking to act as the group-wide supervisor provides the Commissioner with reasonably reciprocal recognition and cooperation.

➥ However, a person identified under this section as the group-wide supervisor may determine that it is appropriate to acknowledge another person to serve as the group-wide supervisor. The acknowledgment of the group-wide supervisor must be made after consideration of the factors listed in paragraphs (a) to (e), inclusive, and must be made in cooperation with and subject to the acknowledgment of other regulatory officials involved with supervision of members of the internationally active insurance group and in consultation with the internationally active insurance group.

4. Notwithstanding any other provision of law and except as otherwise provided in this subsection, when another regulatory official is acting as the group-wide supervisor of an internationally active insurance group, the Commissioner shall acknowledge that regulatory official as the group-wide supervisor. However, if a material change in the internationally active insurance group results in:

(a) The internationally active insurance group's insurers domiciled in this State holding the largest share of the group's premiums, assets or liabilities; or

(b) This State being the place of domicile of the top-tiered insurer or insurers in the insurance holding company system of the internationally active insurance group,

➥ the Commissioner shall make a determination or acknowledgment as to the appropriate group-wide supervisor for such an internationally active insurance group pursuant to subsection 3.

5. Pursuant to NRS 692C.410, the Commissioner may collect from any insurer registered pursuant to NRS 692C.260 all information necessary to

determine whether the Commissioner may act as the group-wide supervisor of an internationally active insurance group or if the Commissioner may acknowledge another regulatory official to act as the group-wide supervisor. Before issuing a determination that the Commissioner act as the group-wide supervisor of an internationally active insurance group, the Commissioner shall notify the insurer registered pursuant to NRS 692C.410 and the ultimate controlling person within the internationally active insurance group. The Commissioner shall allow the internationally active insurance group not less than 30 days to provide the Commissioner with additional information pertinent to the pending determination.

6. If the Commissioner is the group-wide supervisor for an internationally active insurance group, the Commissioner may:

(a) Assess the enterprise risks within the internationally active insurance group to ensure that:

(1) The material financial condition and liquidity risks to the members of the internationally active insurance group that are engaged in the business of insurance are identified by management; and

(2) Reasonable and effective mitigation measures are in place;

(b) Request, from any member of the internationally active insurance group, any information necessary and appropriate to assess enterprise risk, including, without limitation, information about the members of the internationally active insurance group relating to:

(1) Governance, risk assessment and management;

(2) Capital adequacy; and

(3) Material intercompany transactions;

(c) Coordinate and, through the authority of the regulatory officials of the jurisdictions where members of the internationally active insurance group are domiciled, compel development and implementation of reasonable measures designed to ensure that the internationally active insurance group is able to timely recognize and mitigate enterprise risks to members of the internationally active insurance group that are engaged in the business of insurance;

(d) Communicate with other state, federal and international regulatory agencies for members within the internationally active insurance group and share relevant information subject to the confidentiality provisions of NRS 692C.420, including, without limitation, through supervisory colleges as defined in NRS 692C.359;

(e) Enter into agreements with or obtain documentation from any insurer registered under NRS 692C.410, any member of the internationally active insurance group and any other state, federal and international regulatory agencies for members of the internationally active insurance group which provide the basis for or otherwise clarify the role of the Commissioner as group-wide supervisor, including, without limitation, provisions for resolving disputes with other regulatory officials; and

(f) Engage in such other group-wide supervision activities consistent with the provisions of this subsection as considered necessary by the Commissioner.

7. Any agreement entered into or document obtained pursuant to paragraph (e) of subsection 6 must not serve as evidence in any proceeding that any insurer or person within an insurance holding company system not domiciled or incorporated in this State is doing business in this State or is otherwise subject to jurisdiction in this State.

8. If the Commissioner acknowledges that another regulatory official from a jurisdiction that is not accredited by the National Association of Insurance Commissioners is a group-wide supervisor, the Commissioner may reasonably cooperate, through supervisory colleges as defined in NRS 692C.359 or otherwise, with activities undertaken by the group-wide supervisor if:

(a) The Commissioner's cooperation complies with the laws of this State; and

(b) The regulatory official acknowledged as the group-wide supervisor also recognizes and cooperates with the Commissioner's activities as a group-wide supervisor for other internationally active insurance groups where applicable.

➥ If such recognition and cooperation is not reasonably reciprocal, the Commissioner may refuse recognition and cooperation.

9. The Commissioner may enter into agreements with or obtain documentation from any insurer registered under NRS 692C.410, any affiliate of such an insurer and other state, federal and international regulatory agencies for members of an internationally active insurance group that provide the basis for or otherwise clarify a regulatory official's role as group-wide supervisor.

10. The Commissioner may adopt regulations necessary for the administration of this section.

11. A registered insurer subject to this section shall be liable for and pay the reasonable expenses of the Commissioner for the administration of this section, including the engagement of attorneys, actuaries and any other professionals and all reasonable travel expenses.

Sec. 17. NRS 692C.057 is hereby amended to read as follows:

692C.057 "Insurance group" means, for the purpose of conducting an ORSA ~~[,]~~ ***or submitting a corporate governance annual disclosure,*** those insurers and affiliates included within an insurance holding company system.

Sec. 18. NRS 692C.060 is hereby amended to read as follows:

692C.060 "Insurance holding company system" means a combination of two or more affiliated persons, one or more of which is an insurer. ***The term does not include a domestic insurer or domestic holding company system authorized and doing business solely in this State which is not affiliated with a foreign or alien insurer.***

Sec. 19. NRS 692C.420 is hereby amended to read as follows:

692C.420 1. Except as otherwise provided in NRS 239.0115, all information, documents and copies thereof obtained by or disclosed to the Commissioner or any other person in the course of an examination or investigation made pursuant to NRS 692C.410, and all information reported ***or provided to the Commissioner*** pursuant to ***section 16 of this act,*** subsections 12 and 13 of NRS 692C.190 and NRS 692C.260 to 692C.350, inclusive, is confidential, is not subject to subpoena, is not subject to discovery, is not admissible in evidence in any private civil action and must not be made public by the Commissioner or any other person, except to insurance departments of other states, without the prior written consent of the insurer to which it pertains unless the Commissioner, after giving the insurer and its affiliates who would be affected thereby notice and an opportunity to be heard, determines that the interests of policyholders, shareholders or the public will be served by the publication thereof, in which event he or she may publish all or any part thereof in any manner as he or she may deem appropriate.

2. The Commissioner or any person who receives any documents, materials or other information while acting under the authority of the Commissioner must not be permitted or required to testify in a private civil action concerning any information, document or copy thereof specified in subsection 1.

3. The Commissioner may share or receive any information, document or copy thereof specified in subsection 1 in accordance with NRS 679B.122. The sharing or receipt of the information, document or copy pursuant to this subsection does not waive any applicable privilege or claim of confidentiality in the information, document or copy.

4. The Commissioner shall enter into a written agreement with the NAIC governing the sharing and use of information specified in subsection 1 that must:

(a) Specify procedures and protocols regarding the confidentiality and security of information shared with the NAIC and its affiliates and subsidiaries, including procedures and protocols for sharing by the NAIC with other state, federal and international regulators;

(b) Specify that ownership of the information shared with the NAIC and its affiliates and subsidiaries remains with the Commissioner and the NAIC's use of the information is subject to the discretion of the Commissioner;

(c) Require prompt notice to be given to an insurer whose confidential information in the possession of the NAIC is subject to a request or subpoena to the NAIC for disclosure or production; and

(d) Require the NAIC and its affiliates and subsidiaries to consent to intervention by an insurer in any judicial or administrative action in which the NAIC and its affiliates or subsidiaries may be required to disclose confidential information about the insurer shared with the NAIC and its affiliates and subsidiaries.

5. The sharing of information by the Commissioner does not constitute a delegation of regulatory authority or rulemaking, and the Commissioner is solely responsible for the administration, execution and enforcement of the provisions of this section.

6. No waiver of any applicable privilege or claim of confidentiality in the documents, materials or information shall occur as a result of disclosure to the Commissioner in accordance with this section or as a result of sharing as authorized in this section.

7. Documents, materials and other information in the possession or control of the NAIC in accordance with this section are:

(a) Confidential by law and privileged;

(b) Not subject to the provisions of chapter 239 of NRS;

(c) Not subject to subpoena; and

(d) Not subject to discovery or admissible in evidence in any private civil action.

Sec. 20. Chapter 694C of NRS is hereby amended by adding thereto the provisions set forth as sections 21 and 22 of this act.

Sec. 21. ***"Risk retention group" has the meaning ascribed to it in NRS 695E.110.***

Sec. 22. ***A state-chartered risk retention group must comply with all of the laws, regulations and requirements applicable to liability insurers in this State, unless otherwise approved by the Commissioner.***

Sec. 23. NRS 694C.010 is hereby amended to read as follows:

694C.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 694C.020 to 694C.150, inclusive, ***and section 21 of this act*** have the meanings ascribed to them in those sections.

Sec. 24. NRS 694C.149 is hereby amended to read as follows:

694C.149 "State-chartered risk retention group" means any risk retention group ~~[, as defined in NRS 695E.110,]~~ that is formed in accordance with the laws of this State as an association captive insurer.

Sec. 25. NRS 694C.160 is hereby amended to read as follows:

694C.160 1. The terms and conditions set forth in chapter 696B of NRS pertaining to insurance reorganization, receiverships and injunctions apply to captive insurers incorporated pursuant to this chapter.

2. An agency captive insurer, a rental captive insurer and an association captive insurer are subject to those provisions of chapter 686A of NRS which are applicable to insurers.

3. A state-chartered risk retention group is subject to the following:

(a) The provisions of NRS 681A.250 to 681A.580, inclusive, regarding intermediaries;

(b) The provisions of NRS 681B.550 regarding risk-based capital;

(c) The provisions of chapter 683A of NRS regarding managing general agents; and

(d) The provisions of NRS 693A.110 and any regulations adopted pursuant thereto regarding management and agency contracts of insurers.

Sec. 26. NRS 694C.380 is hereby amended to read as follows:

694C.380 A captive insurer shall not join or contribute financially to ~~[any risk sharing plan,]~~ ***an assigned*** risk pool or insurance insolvency guaranty fund in this state. A captive insurer or its insured, its parent or an affiliated company, or any member organization of its association shall not receive any benefit from such a ~~[plan,]~~ pool or fund for claims arising out of the operations of the captive insurer.

Sec. 27. NRS 694C.400 is hereby amended to read as follows:

694C.400 1. On or before March 1 of each year, a captive insurer shall submit to the Commissioner a report of its financial condition. A captive insurer shall use generally accepted accounting principles and include any useful or necessary modifications or adaptations thereof that have been approved or accepted by the Commissioner for the type of insurance and kinds of insurers to be reported upon, and as supplemented by additional information required by the Commissioner. Except as otherwise provided in this section, each association captive insurer, agency captive insurer, rental captive insurer or sponsored captive insurer shall file its report in the form required by NRS 680A.270. The Commissioner shall adopt regulations designating the form in which pure captive insurers must report.

2. ***Each captive insurer other than a state-chartered risk retention group shall submit to the Commissioner, on or before June 30 of each year, an annual audit as of December 31 of the preceding calendar year that is certified by a certified public accountant who is not an employee of the insurer. An annual audit submitted pursuant to this subsection must comply with the requirements set forth in regulations adopted by the Commissioner which govern such an annual audit.***

3. Each state-chartered risk retention group shall file a financial statement pursuant to NRS 680A.265.

4. A pure captive insurer may apply, in writing, for authorization to file its annual report based on a fiscal year that is consistent with the fiscal year of the parent company of the pure captive insurer. If an alternative date is granted, the annual report is due not later than 60 days after the end of each such fiscal year.

~~[3.]~~ ***5.*** A pure captive insurer shall file on or before March 1 of each year such forms as required by the Commissioner by regulation to provide sufficient detail to support its premium tax return filed pursuant to NRS 694C.450.

~~[4.]~~ ***6.*** Any captive insurer failing, without just cause beyond the reasonable control of the captive insurer, to file its annual ~~[statement]~~ ***report of financial condition*** as required by subsection 1 ***, its annual audit as required by subsection 2 or its financial statement as required by subsection 3*** shall pay a penalty of $100 for each day the captive insurer fails to file the report ~~[,]~~ ***of financial condition, the annual audit or the financial statement,*** but not to exceed an aggregate amount of $3,000, to be recovered in the name of the State of Nevada by the Attorney General.

~~[5.]~~ ***7.*** Any director, officer, agent or employee of a captive insurer who subscribes to, makes or concurs in making or publishing, any annual or other statement required by law, knowing the same to contain any material statement which is false, is guilty of a gross misdemeanor.

Sec. 28. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110,

599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 10 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

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

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

Sec. 29. This act becomes effective upon passage and approval for the purposes of adopting regulations and taking such other actions as are necessary to carry out the provisions of this act and:

1. This section and sections 1, 2, 3 and 20 to 27, inclusive, of this act become effective on July 1, 2017; and

2. Sections 4 to 19, inclusive, and 28 of this act become effective on January 1, 2018,

➥ for all other purposes.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 61.

Bill read second time.

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

Amendment No. 29.

AN ACT relating to trust companies; authorizing certain foreign trust companies that are not subject to certain federal regulation to engage in the solicitation of trust company business or open a trust representative office in this State under certain circumstances without licensure upon the approval of the Commissioner of Financial Institutions; authorizing certain foreign trust companies that are subject to certain federal regulation to act as a fiduciary or solicit trust company business in Nevada under certain circumstances without licensure by the Commissioner; authorizing certain foreign trust companies that are subject to certain federal regulation to establish and maintain certain offices and engage in the business of a trust company in Nevada under certain circumstances without licensure upon the approval of the Commissioner; revising the qualifications for serving as a trustee of a spendthrift trust; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Commissioner of Financial Institutions is charged with regulating and licensing certain business entities that act as a trustee in Nevada. (Chapter 669 of NRS) Existing law authorizes a foreign trust company that does not maintain an office in Nevada to be appointed to act as a fiduciary by any court or by authority of any law of this State without being

licensed as a trust company in Nevada if the home state of the foreign trust company allows trust companies licensed in Nevada to be appointed in the home state as a fiduciary on a reciprocal basis. (NRS 662.245)

Section 8 of this bill authorizes a foreign independent trust company, which is defined in **section 5** of this bill as a trust company that is licensed under the laws of a state other than Nevada and is not subject to regulation, supervision and examination by certain federal regulators, to request approval from the Commissioner of Financial Institutions for authorization to solicit trust company business in Nevada without obtaining a license to engage in that activity. **Section 8** provides a procedure for renewal of such authorization and prohibits a foreign independent trust company with such authorization from acting in any fiduciary capacities or otherwise engaging in any activity as a trust company for which a license is required. **Section 9** of this bill authorizes the Commissioner of Financial Institutions to require a foreign independent trust company with authorization to solicit trust company business in Nevada to maintain a surety bond and sets forth the requirements associated with the maintenance of a surety bond.

Section 10 of this bill authorizes a foreign trust company, which is defined in **section 6** of this bill as a trust company licensed in a state other than Nevada and which is subject to regulation, supervision and examination on the state and federal levels, to act as a fiduciary and engage in solicitation of trust company business in Nevada if: (1) the foreign trust company is authorized by its home state to act as a fiduciary or engage in the solicitation of trust business; (2) the foreign trust company is a subsidiary of a bank, savings association, bank holding company or savings and loan holding company that is subject to certain federal regulation; and (3) certain entities that act as fiduciaries or are engaged in the solicitation of trust company business in Nevada are allowed to engage in those activities in the home state of the foreign trust company in a reciprocal manner. **Section 11** of this bill requires that such a foreign trust company is deemed to have appointed the Commissioner as its agent for service of process in actions or proceedings related to its activities in Nevada.

Section 12 of this bill authorizes a foreign trust company, upon the approval of the Commissioner, to engage in the business of a trust company and establish and maintain one or more retail trust company offices in Nevada if the foreign trust company meets certain requirements, including whether the foreign trust company is authorized by its home state to conduct business as a trust company and whether the home state of the foreign trust company allows certain trust companies licensed in Nevada to engage in similar activities in the home state on a reciprocal basis.

Under existing law, to qualify as a trustee of a spendthrift trust in Nevada, a trust company is required to be organized under federal or state law and maintain an office in Nevada for the transaction of business. (NRS 166.015) **Section 16** of this bill ~~[adds the qualification that all or part of the administration of the spendthrift trust occur at that office in Nevada, thereby~~

~~disqualifying a foreign independent trust company that does not have an office in Nevada from serving as a trustee of a spendthrift trust in this State.]~~ **provides that a trust company does not include a foreign independent trust company authorized to engage in the solicitation of trust company business in this State pursuant to section 8.**

Existing law authorizes the Commissioner of Financial Institutions to impose administrative fines for violations of the laws governing trust companies, and certain such violations are gross misdemeanors. (NRS 669.295, 669.300) These penalties apply to violations of **sections 3-12** of this bill.

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

Section 1. NRS 662.245 is hereby amended to read as follows:

662.245 1. ~~[An]~~ ***Except as otherwise provided in section 10 of this act, an*** organization that does not maintain an office in this State to conduct the business of a trust company may be appointed to act as fiduciary by any court or by authority of any law of this State if, in addition to any other requirements of law, the organization:

(a) Associates as cofiduciary a bank authorized to do business in this State or a trust company licensed pursuant to chapter 669 of NRS; or

(b) Is a trust corporation or trust company which:

(1) Is organized under the laws of and has its principal place of business in another state which allows trust corporations or trust companies licensed pursuant to chapter 669 of NRS to act as fiduciary in that state;

(2) Is authorized by its charter to act as fiduciary; and

(3) Before the appointment as fiduciary, files with the Secretary of State a document, acknowledged before a notarial officer, which:

(I) Appoints the Secretary of State as its agent upon whom all process in any action or proceeding against it may be served;

(II) Contains its agreement that the appointment continues in force as long as any liability remains outstanding against it in this State, and that any process against it which is served on the Secretary of State is of the same legal validity as if served on it personally;

(III) Contains an address to which the Secretary of State may mail the process when received; and

(IV) Is accompanied by a fee of not more than $20.

➥ A copy of the document required by this subparagraph, certified by the Secretary of State, is sufficient evidence of the appointment and agreement.

2. A court which has jurisdiction over the accounts of a fiduciary that is a trust corporation or trust company described in paragraph (b) of subsection 1 may require the fiduciary to provide a bond to ensure the performance of its duties as fiduciary, in the same manner and to the same extent as the court may require such a bond from a fiduciary that is a bank or trust company described in paragraph (a) of subsection 1.

3. Service of process authorized by subparagraph (3) of paragraph (b) of subsection 1 must be made by filing with the Secretary of State:

(a) Two copies of the legal process. The copies must include a specific citation to the provisions of this section. The Secretary of State may refuse to accept such service if the proper citation is not included in each copy.

(b) A fee of not more than $20.

➥ The Secretary of State shall forthwith forward one copy of the legal process to the organization, by registered or certified mail prepaid to the address provided in the document filed pursuant to subparagraph (3) of paragraph (b) of subsection 1.

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

5. As used in this section:

(a) "Fiduciary" means an executor, commissioner, guardian of minors or estates, receiver, depositary or trustee.

(b) "Notarial officer" has the meaning ascribed to it in NRS 240.005.

(c) "State" means any state or territory of the United States or the District of Columbia.

Sec. 2. Chapter 669 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 12, inclusive, of this act.

Sec. 3. ***As used in sections 3 to 12, inclusive, of this act unless the context otherwise requires, the words and terms defined in sections 4 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Federal banking regulator" means the Board of Governors of the Federal Reserve System, the Comptroller of the Currency or the Federal Deposit Insurance Corporation.***

Sec. 5. ***"Foreign independent trust company" means a trust company licensed under the laws of a state other than Nevada and not subject to regulation, supervision and examination by a federal banking regulator.***

Sec. 6. ***"Foreign trust company" means a trust company licensed under the laws of a state other than Nevada and subject to regulation, supervision and examination by a state banking regulator and at least one federal banking regulator.***

Sec. 7. ***"Home state" means the state in which a foreign independent trust company or foreign trust company is licensed or chartered and maintains its principal place of business.***

Sec. 8. ***1. If a foreign independent trust company seeks to engage only in the solicitation of trust company business in this State, regardless of whether the foreign independent trust company has a physical location in this State, the foreign independent trust company must submit to the Commissioner a written request on a form prescribed by the Commissioner for authorization to solicit trust company business in this State. The written request must be accompanied by:***

(a) A nonrefundable fee of $1,000.

(b) Evidence that the foreign independent trust company is qualified to do business as a foreign corporation or foreign limited-liability company pursuant to chapter 80 or 86 of NRS, as applicable.

(c) The designation of a registered agent who resides or is located in this State to receive service of legal process relating to activities conducted by the foreign independent trust company in this State.

(d) If the foreign independent trust company proposes to have a trust representative office in this State:

(1) The address of the trust representative office;

(2) The names of all persons who will be representing the foreign independent trust company at the trust representative office; and

(3) Evidence of compliance with all applicable requirements for state and local business registrations and licenses.

(e) Confirmation that the foreign independent trust company is authorized to conduct business as a trust company in its home state.

(f) Confirmation by the applicable regulatory authority in the home state of the foreign independent trust company that the license or charter of the foreign independent trust company is in good standing.

(g) Evidence that the foreign independent trust company has a policy of insurance covering liability for errors and omissions relating to any activity by the foreign independent trust company involving residents of this State.

(h) Evidence of compliance with section 9 of this act, if the Commissioner requires a foreign independent trust company to maintain a surety bond.

(i) Confirmation that the laws of the home state of the foreign independent trust company authorize a trust company licensed pursuant to the laws of this State to conduct business in the home state of the foreign independent trust company on substantially the same basis.

(j) Confirmation that the home state regulator subscribes to and is a signatory of the Nationwide Cooperative Agreement for Supervision and Examination of Multi-State Trust Institutions as adopted by the Conference of State Bank Supervisors.

2. The Commissioner may deny the approval of a foreign independent trust company to engage in the solicitation of trust company business or have a trust representative office in this State if the Commissioner, in acting on the written request submitted pursuant to subsection 1 after consultation with the home state regulator, finds:

(a) That the foreign independent trust company lacks sufficient financial resources to undertake the proposed solicitation or expansion without adversely affecting its safety or soundness; or

(b) That such approval would be contrary to the public interest.

3. If the Commissioner approves a written request for authorization to solicit trust company business submitted pursuant to subsection 1, the foreign independent trust company must renew the request annually on a

date and form prescribed by the Commissioner to continue such authorization. The written request for renewal must be accompanied by:

(a) A nonrefundable renewal fee of $500; and

(b) Confirmation that the information previously provided pursuant to paragraphs (b) to (j), inclusive, of subsection 1 remains accurate. If any such information has changed, the foreign independent trust company must provide updated information.

4. If the Commissioner approves a written request for authorization to solicit trust company business submitted pursuant to subsection 1, the foreign independent trust company:

(a) Except as otherwise provided in paragraph (b), may solicit trust company business in this State and contact existing or prospective customers.

(b) Shall not:

(1) Accept a fiduciary appointment;

(2) Execute a document that creates a fiduciary relationship;

(3) Make decisions regarding the investment or distribution of fiduciary assets; or

(4) Otherwise engage in any activity for which a license is required pursuant to this chapter.

5. The Commissioner may:

(a) Rely on the applicable regulatory authority of the home state of a foreign independent trust company to examine and investigate activity conducted by the foreign independent trust company;

(b) Investigate any trust representative office established and maintained in this State by a foreign independent trust company as the Commissioner may deem necessary to determine if the trust representative office is being operated in compliance with the applicable laws of this State and in accordance with safe and sound business practices; and

(c) Require periodic reports regarding the operations of any foreign independent trust company that has been approved under this section.

6. All money received by the Commissioner:

(a) From the payment of fees pursuant to paragraph (a) of subsection 1 must be placed in the Investigative Account for Financial Institutions created by NRS 232.545; and

(b) From the payment of renewal fees pursuant to paragraph (a) of subsection 3 must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

7. As used in this section, "trust representative office" means a place of business in this State from which a foreign independent trust company may solicit trust company business and contact existing or prospective customers.

Sec. 9. ***1. As a condition to engaging in the solicitation of trust company business in this State pursuant to section 8 of this act, the Commissioner may require a foreign independent trust company to***

maintain a surety bond payable to the Division of Financial Institutions in an amount not less than $100,000, plus any additional amount determined by the Commissioner to be appropriate for the size, complexity and inherent risk of the foreign independent trust company.

2. A surety bond required pursuant to subsection 1 is for the exclusive use and benefit of the Division and any customer receiving the services of the foreign independent trust company.

3. Each surety bond must:

(a) Be in a form satisfactory to the Commissioner;

(b) Be issued by a bonding company authorized to do business in this State; and

(c) Secure the faithful performance of the obligations of the foreign independent trust company respecting the services provided to residents of this State.

4. A foreign independent trust company shall, within 10 days after the commencement of any action or notice of entry of any judgment against the foreign independent trust company by any creditor or claimant arising out of business regulated by section 8 of this act, give notice thereof to the Commissioner by certified mail with details sufficient to identify the action or judgment. The surety that executed the bond of the foreign independent trust company shall, within 10 days after it pays any claim or judgment to a creditor or claimant, give notice thereof to the Commissioner by certified mail with details sufficient to identify the creditor or claimant and the claim or judgment so paid.

5. Whenever the principal sum of the surety bond is reduced by payments thereon less any recoveries, the foreign independent trust company shall furnish:

(a) A new or additional surety bond so that the total or aggregate principal sum of the bonds equals the sum required pursuant to this section; or

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

6. The liability of the surety on a bond to the Division for a creditor or claimant of the foreign independent trust company is not affected by:

(a) Any misrepresentation, breach of warranty, failure to pay a premium or other act or omission of the foreign independent trust company; or

(b) Any insolvency or bankruptcy of the foreign independent trust company.

7. The liability of the surety continues as to all transactions entered into in good faith by the creditors and claimants with the agents of the foreign independent trust company within 30 days after:

(a) The withdrawal from this State of the foreign independent trust company or the dissolution or liquidation of the foreign independent trust company; or

(b) The termination of the bond,

➥ ***whichever occurs first.***

8. A foreign independent trust company or its surety shall not cancel or alter a bond except after providing notice to the Commissioner by certified mail. The cancellation or alteration must not become effective until 10 days after receipt of the notice by the Commissioner. A cancellation or alteration does not affect any liability incurred or accrued on the bond from inception of the surety bond to the expiration of the 30-day period designated in subsection 7.

Sec. 10. 1. In addition to the authority provided in ~~[subsection 3 and]~~ NRS 662.245 ~~[,]~~ and section 12 of this act, a foreign trust company may act as a fiduciary in this State, whether the appointment is by will, deed, court order or otherwise, without complying with the laws of this State relating to the qualification of corporations or limited-liability companies organized under the laws of this State to conduct trust company business or laws relating to the qualification of foreign corporations or foreign limited-liability companies if:

(a) The foreign trust company is authorized by the laws of the state of its organization or domicile to act as a fiduciary in that state;

(b) The foreign trust company is a subsidiary of a bank, savings association, bank holding company or savings and loan holding company subject to the supervision of a federal banking regulator; and

(c) A trust company organized under the laws of this State, a national banking association having its main office in this State and a federal savings and loan association or federal savings bank having its main office in this State and authorized to act as a fiduciary in this State may, in such other state, act in a similar fiduciary capacity or capacities, as applicable, upon conditions and qualifications which the Commissioner finds are not unduly restrictive compared to those imposed by the laws of this State.

2. In addition to the authority provided in section 8 of this act, a foreign trust company may engage in the solicitation of trust company business in this State, regardless of whether the foreign trust company has a physical location in this State, without complying with the laws of this State relating to the qualification of corporations or limited-liability companies organized under the laws of this State to conduct trust company business or laws relating to the qualification of foreign corporations or foreign limited-liability companies if:

(a) The foreign trust company is authorized by the laws of the state of its organization or domicile to solicit trust company business in that state;

(b) The foreign trust company is a subsidiary of a bank, savings association, bank holding company or savings and loan holding company subject to the supervision of a federal banking regulator; and

(c) A trust company organized under the laws of this State, a national banking association having its main office in this State and a federal savings and loan association or federal savings bank having its main office in this State and authorized to engage in the solicitation of trust company

business in this State may, in such other state, similarly engage in the solicitation of trust company business upon conditions and qualifications which the Commissioner finds are not unduly restrictive compared to those imposed by the laws of this State.

Sec. 11. *1. A foreign trust company acting in this State in a fiduciary capacity or engaging in this State in the solicitation of trust company business pursuant to section 10 of this act shall be deemed to have appointed the Commissioner as the agent of the foreign trust company for service of process in any action or proceeding against the foreign trust company that relates to or arises out of any matter in which the foreign trust company has:*

(a) Acted or is acting in this State in a fiduciary capacity; or

(b) Engaged or is engaging in this State in solicitation of trust company business.

2. The commission of or engagement in this State in any act described in paragraph (a) or (b) of subsection 1 by a foreign trust company is deemed to signify the agreement of the foreign trust company that any legal process served upon the Commissioner pursuant to subsection 1 is of the same legal force and validity as if the legal process were served directly upon the foreign trust company.

3. Service of legal process pursuant to subsection 1 must be made by delivering to the Commissioner a copy of the legal process and paying the fee for service of process prescribed by the Commissioner. Such service shall be sufficient service of process upon a foreign trust company if:

(a) Notice of such service and a copy of the process are, within 10 days after delivery to the Commissioner, sent by certified mail by the plaintiff to the principal office of the foreign trust company named in the action or proceeding in the state or territory in which it is located; and

(b) An affidavit of compliance with paragraph (a) by the plaintiff is appended to the summons.

4. A court in which an action or proceeding pursuant to this section is pending may order such continuances as may be necessary to afford the foreign trust company named in the action or proceeding reasonable opportunity to defend the action.

5. The fee paid pursuant to subsection 3 by a plaintiff to the Commissioner at the time of the service of process may be recovered as taxable costs by the plaintiff from the defendant if the plaintiff prevails in the action.

6. The Commissioner shall keep a record of each legal process served on the Commissioner pursuant to this section which contains the date and time of each such service of process.

Sec. 12. *1. If a foreign trust company seeks to establish and maintain a retail trust company office and engage in the business of a trust company in this State, the foreign trust company must, in addition to any other requirements of law, submit to the Commissioner a written request on a*

form prescribed by the Commissioner for authorization to establish and maintain a retail trust company office and engage in the business of a trust company in this State. The written request must be accompanied by:

(a) A nonrefundable fee of $1,000.

(b) Evidence that the foreign trust company is qualified to do business as a foreign corporation or foreign limited-liability company pursuant to chapter 80 or 86 of NRS, as applicable.

(c) The following information about each retail trust company office in this State:

(1) The address of the retail trust company office;

(2) The name of all persons who will be employed at the retail trust company office; and

(3) Evidence of compliance with all applicable requirements for state and local business registrations and licenses.

(d) Confirmation that the foreign trust company is authorized to conduct business as a trust company in its home state.

(e) Confirmation by the applicable regulatory authority in the home state of the foreign trust company that the license or charter of the foreign trust company is in good standing.

(f) Confirmation that the laws of the home state of the foreign trust company authorize a retail trust company organized under the laws of this State, licensed pursuant to this chapter and subject to regulation, supervision and examination by the Commissioner and a federal banking regulator to engage in the activities in which the foreign trust company proposes to engage in this State on substantially the same basis as authorized under the laws of this State.

(g) Confirmation that the foreign trust company's home state regulator subscribes to and is a signatory of the Nationwide Cooperative Agreement for Supervision and Examination of Multi-State Trust Institutions as adopted by the Conference of State Bank Supervisors.

2. The Commissioner, after considering the views of the home state regulator and the federal banking regulator to the extent available, may deny the approval of a foreign trust company to establish and maintain a retail trust company office and engage in the business of a trust company in this State if the Commissioner finds, after notice and hearing:

(a) That the foreign trust company lacks sufficient financial resources to undertake the proposed activity or expansion without adversely affecting its safety or soundness; or

(b) That such approval would be contrary to the public interest.

3. If the Commissioner approves a written request for authorization to establish and maintain a retail trust company office and engage in the business of a trust company in this State submitted pursuant to subsection ~~*[3,]*~~ ***1, the foreign trust company must renew the request annually on a date and form prescribed by the Commissioner to continue such authorization. The written request for renewal must be accompanied by:***

(a) A nonrefundable renewal fee of $500; and

(b) Confirmation that the information previously provided pursuant to paragraphs (b) to (g), inclusive, of subsection 1 remains accurate. If any such information has been changed, the foreign trust company shall provide updated information.

4. If the Commissioner approves a written request for authorization to establish and maintain a retail trust company office and engage in the business of a trust company submitted pursuant to subsection 1, the foreign trust company may:

(a) Establish and maintain a retail trust company office in this State; and

(b) Engage in the business of a trust company in this State, including, without limitation:

(1) Acting as a fiduciary in this State;

(2) Accepting fiduciary appointments, executing documents that create a fiduciary relationship and making decisions regarding the investment or distribution of fiduciary assets; and

(3) Advertising and soliciting trust company business in this State and contacting existing or prospective customers.

5. The Commissioner may:

(a) Rely on the applicable regulatory authority of the home state and the applicable federal banking regulator to examine and investigate activity conducted by the foreign trust company;

(b) Investigate any retail trust company office established and maintained in this State by a foreign trust company as the Commissioner may deem necessary to determine if the retail trust company office is being operated in compliance with the applicable laws of this State and in accordance with safe and sound business practices; and

(c) Require periodic reports regarding the operations of any foreign trust company that has established and maintains a retail trust company office in this State.

6. All money received by the Commissioner:

(a) From the payment of fees pursuant to paragraph (a) of subsection 1 must be placed in the Investigative Account for Financial Institutions created by NRS 232.545; and

(b) From the payment of renewal fees pursuant to paragraph (a) of subsection 3 must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

7. As used in this section, "retail trust company office" means a place of business in this State from which a foreign trust company may engage in the business of a trust company.

Sec. 13. NRS 669.090 is hereby amended to read as follows:

669.090 ~~[It]~~ ***Except as otherwise provided in sections 3 to 12, inclusive, of this act, it*** is unlawful for any retail trust company to engage in the

business of a trust company without complying with the provisions of this chapter and having a license issued by the Commissioner.

Sec. 14. NRS 669.095 is hereby amended to read as follows:

669.095 1. Except as otherwise provided in subsection 2, no person or organization formed and doing business under the laws of this State or any other state may:

(a) Use the word "trust" or any direct derivative of that word as a part of its name.

(b) Advertise or use any sign with the word "trust" used as a part of its name.

2. The provisions of subsection 1 do not apply to a person or organization which:

(a) Is supervised by the Commissioner of Financial Institutions pursuant to this chapter or chapters 657 to 668, inclusive, 673 or 677 of NRS;

(b) Is doing business under the laws of the United States or another state relating to banks, savings banks, savings and loan associations or thrift companies;

(c) ***Is authorized to engage in the solicitation of trust company business in this State pursuant to section 8 of this act;***

(d) Is authorized to act as a fiduciary or solicit trust company business pursuant to section 10 of this act or establish and maintain a retail trust company office and engage in the business of a trust company in this State pursuant to section 12 of this act;

(e) Is acting under an appointment pursuant to NRS 662.245;

~~[(d)]~~ ***(f)*** Is supervised by the Commissioner of Insurance; or

~~[(e)]~~ ***(g)*** Is doing business solely as a community land trust.

3. As used in this section, "community land trust" has the meaning ascribed to it in NRS 82.106.

Sec. 15. NRS 669.150 is hereby amended to read as follows:

669.150 1. An applicant must file an application for a license to transact trust company business with the Commissioner on forms prescribed by the Commissioner, which must contain or be accompanied by such information as the Commissioner requires.

2. A nonrefundable fee of not more than $2,000 must accompany the application. The applicant must also pay such reasonable additional expenses incurred in the process of investigation as the Commissioner deems necessary. In addition, a fee of not less than $200 or more than $500, prorated on the basis of the licensing year as provided by the Commissioner, must be paid at the time of making the application.

3. Except as otherwise provided in NRS 669.092, a trust company may maintain offices in this and other states. For every branch location of a trust company organized under the laws of this State, and every branch location in this State of a ~~[foreign]~~ trust company ***organized under the laws of another state and*** authorized to do business in this State, a request for approval and **,** ***if applicable,*** licensing must be filed with the Commissioner on such forms

as the Commissioner prescribes. A nonrefundable fee of not more than $500 must accompany each request. In addition, a fee of not more than $200, prorated on the basis of the licensing year as provided by the Commissioner, must be paid at the time of making the request.

4. The Commissioner shall adopt regulations establishing the amount of the fees required pursuant to this section. All money received by the Commissioner pursuant to this section must be placed in the Investigative Account for Financial Institutions created by NRS 232.545.

5. The Commissioner shall consider an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 12 months after the date the application is first submitted to the Commissioner or within such later period as the Commissioner determines in accordance with any existing policies of joint regulatory partners. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner may not issue a license to the applicant unless the applicant submits a new application and pays any required fees.

Sec. 16. NRS 166.015 is hereby amended to read as follows:

166.015 1. Unless the writing declares to the contrary, expressly, this chapter governs the construction, operation and enforcement, in this State, of all spendthrift trusts created in or outside this State if:

(a) All or part of the land, rents, issues or profits affected are in this State;

(b) All or part of the personal property, interest of money, dividends upon stock and other produce thereof, affected, are in this State;

(c) The declared domicile of the creator of a spendthrift trust affecting personal property is in this State; or

(d) At least one trustee qualified under subsection 2 has powers that include maintaining records and preparing income tax returns for the trust, and all or part of the administration of the trust is performed in this State.

2. If the settlor is a beneficiary of the trust, at least one trustee of a spendthrift trust must be:

(a) A natural person who resides and has his or her domicile in this State;

(b) A trust company that:

(1) Is organized under federal law or under the laws of this State or another state; and

(2) Maintains an office in this State for the transaction of business ; ~~***[and at which all or part of the administration of the trust is performed;]***~~ or

(c) A bank that:

(1) Is organized under federal law or under the laws of this State or another state;

(2) Maintains an office in this State for the transaction of business; and

(3) Possesses and exercises trust powers.

3. As used in this section, "trust company" does not include a foreign independent trust company authorized to engage only in the solicitation of trust company business in this State pursuant to section 8 of this act.

Sec. 17. This act becomes effective upon passage and approval.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 107.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 334.

AN ACT relating to unlawful detainer; providing for the sealing of court records relating to eviction under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill provides that ~~[records]~~ **eviction case court files** relating to actions for ~~[unlawful detainer and]~~ summary eviction ~~[must be]~~ **are** sealed **automatically** and not open to inspection ~~[except to: (1) parties to the action and their attorneys; (2) certain persons who provide the court clerk with certain required information about the action; (3) any person by order of the court upon a showing of good cause; (4) any person by order of the court if 60 days have elapsed after the affidavit of complaint has been filed and the plaintiff prevails in trial; and (5) any other person if 60 days have elapsed after the affidavit of complaint has been filed and the plaintiff prevails within 60 days after such filing.]~~ **: (1) upon the entry of a court order denying or dismissing the action for summary eviction; or (2) if a landlord fails to file an affidavit of complaint within 30 days after a tenant files an affidavit to contest the matter. This bill also authorizes the court to seal an eviction case court file: (1) upon a written stipulation between the landlord and the tenant; or (2) upon motion by the tenant, if the court finds that the eviction should be set aside pursuant to the Justice Court Rules of Civil Procedure or that sealing the eviction case court file is in the interests of justice.**

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

Section 1. Chapter 40 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In any action for ~~[unlawful detainer or]~~ summary eviction ~~[, the affidavit of complaint and any other pleadings, proof of service, findings of the court, any order made on motion as provided in Nevada Rules of Civil

~~*Procedure and all other papers, records, proceedings and evidence, including exhibits and transcript of the testimony, must be]*~~ *pursuant to NRS 40.253 or 40.254, the eviction case court file is sealed automatically and not open to inspection* ~~*[except:*~~

~~*(a) To parties to the action and their attorneys.*~~

~~*(b) To a person who provides the clerk with the names of at least one plaintiff and one defendant and the address of the premises, including the identifying number of the apartment or unit, if any.*~~

~~*(c) To a resident of the premises who provides the clerk with the name of one of the parties or the case number of the action and shows proof of residence.*~~

~~*(d) To a person by order of the court, which may be granted ex parte, upon a showing of good cause.*~~

~~*(e) To any person by order of the court if, more than 60 days after the filing of the affidavit of complaint, judgment is entered for the plaintiff after a trial. The court shall issue the order upon issuing judgment for the plaintiff.*~~

~~*(f) To any other person, except as otherwise provided in paragraph (g), if:*~~

~~*(1) Sixty days have elapsed after the filing of the affidavit of complaint; and*~~

~~*(2) The plaintiff prevails in the action not later than 60 days after the filing of the affidavit of complaint.*~~

~~*(g) In the case of a complaint involving real property or a mobile home based on NRS 40.255, to any other person if:*~~

~~*(1) Sixty days have elapsed after the filing of the complaint; and*~~

~~*(2) Judgment against all defendants has been entered for the plaintiff after a trial.*~~

~~*2. If a default or default judgment is set aside more than 60 days after the affidavit of complaint has been filed, this section applies as if the affidavit of complaint had been filed on the date the default or default judgment is set aside.]*~~ *:*

(a) Upon the entry of a court order which denies or dismisses the action for summary eviction; or

(b) Thirty-one days after the tenant has filed an affidavit described in subsection 3 of NRS 40.253, if the landlord has failed to file an affidavit of complaint pursuant to subsection 5 of NRS 40.253 within 30 days after the tenant filed the affidavit.

2. In addition to the provisions for the automatic sealing of an eviction case court file pursuant to subsection 1, the court may order the sealing of an eviction case court file:

(a) Upon the filing of a written stipulation by the landlord and the tenant to set aside the order of eviction and seal the eviction case court file; or

(b) Upon motion of the tenant and decision by the court if the court finds that:

(1) The eviction should be set aside pursuant to Rule 60 of the Justice Court Rules of Civil Procedure; or

(2) Sealing the eviction case court file is in the interests of justice and those interests are not outweighed by the public's interest in knowing about the contents of the eviction case court file, after considering, without limitation, the following factors:

(I) Circumstances beyond the control of the tenant that led to the eviction;

(II) Other extenuating circumstances under which the order of eviction was granted; and

(III) The amount of time that has elapsed between the granting of the order of eviction and the filing of the motion to seal the eviction case court file.

3. If the court orders the eviction case court file sealed pursuant to this section, all proceedings recounted in the eviction case court file shall be deemed never to have occurred.

4. As used in this section, "eviction case court file" means all records relating to an action for summary eviction which are maintained by the court, including, without limitation, the affidavit of complaint and any other pleadings, proof of service, findings of the court, any order made on motion as provided in Nevada Rules of Civil Procedure, Justice Court Rules of Procedure and local rules of practice and all other papers, records, proceedings and evidence, including exhibits and transcript of the testimony.

Sec. 2. NRS 40.215 is hereby amended to read as follows:

40.215 As used in NRS 40.215 to 40.425, inclusive, ***and section 1 of this act,*** unless the context requires otherwise:

1. "Dwelling" or "dwelling unit" means a structure or part thereof that is occupied, or designed or intended for occupancy, as a residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.

2. "Landlord's agent" means a person who is hired or authorized by the landlord or owner of real property to manage the property or dwelling unit, to enter into a rental agreement on behalf of the landlord or owner of the property or who serves as a person within this State who is authorized to act for and on behalf of the landlord or owner for the purposes of service of process or receiving notices and demands. A landlord's agent may also include a successor landlord or a property manager as defined in NRS 645.0195.

3. "Mobile home" means every vehicle, including equipment, which is constructed, reconstructed or added to in such a way as to have an enclosed room or addition occupied by one or more persons as a residence or sleeping

place and which has no foundation other than wheels, jacks, skirting or other temporary support.

4. "Mobile home lot" means a portion of land within a mobile home park which is rented or held out for rent to accommodate a mobile home.

5. "Mobile home park" or "park" means an area or tract of land where two or more mobile homes or mobile home lots are rented or held out for rent. "Mobile home park" or "park" does not include those areas or tracts of land, whether within or outside of a park, where the lots are held out for rent on a nightly basis.

6. "Premises" includes a mobile home.

7. "Recreational vehicle" means a vehicular structure primarily designed as temporary living quarters for travel, recreational or camping use, which may be self-propelled or mounted upon or drawn by a motor vehicle.

8. "Recreational vehicle lot" means a portion of land within a recreational vehicle park, or a portion of land so designated within a mobile home park, which is rented or held out for rent to accommodate a recreational vehicle overnight or for less than 3 months.

9. "Recreational vehicle park" means an area or tract of land where lots are rented or held out for rent to accommodate a recreational vehicle overnight or for less than 3 months.

10. "Short-term tenancy" means a tenancy in which rent is reserved by a period of 1 week and the tenancy has not continued for more than 45 days.

Sec. 3. The amendatory provisions of this act apply to all actions pending or filed on or after October 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 117.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 74.

SUMMARY—Requires certain educational personnel to take certain actions to ~~[ensure pupils in grade 11]~~ **review the academic plan of certain pupils in grades 9, 10, 11 and 12** in public high schools **to ensure that the pupils** are college and career ready. (BDR 34-292)

AN ACT relating to education; requiring certain educational personnel to ~~[offer to]~~ meet with each pupil enrolled in ~~[grade]~~ **grades 9, 10,** 11 **and 12** to review the academic plan of the pupil and review the pupil's academic strengths and weaknesses; **authorizing the parent or guardian of a pupil to waive the requirement of such a meeting;** requiring the academic plan of a pupil to be revised under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires pupils enrolled in grade 11 in public high schools to take a college and career readiness assessment that has been chosen by the State Board of Education and is administered by the board of trustees of each school district. Existing law also requires that the assessment: (1) be used to provide each pupil who takes the assessment a review of his or her academic strengths and weaknesses; and (2) allow teachers and other licensed educational personnel to use the results of the assessment to provide appropriate interventions for a pupil to prepare for college and career success. (NRS 390.610)

Section 1 of this bill requires the board of trustees of each school district to ensure that a counselor, administrator or other licensed educational personnel ~~[offers to meet]~~ **meets** individually, at least once ~~[,]~~ **each school year,** with each pupil ~~[who is]~~ enrolled in ~~[grade]~~ **grades 9, 10,** 11 **and 12** at a public high school **,** to review with the pupil the academic plan for the pupil. **Section 1 authorizes the parent or guardian of a pupil to waive the requirement for such a meeting.**

The counselor, administrator or other licensed educational personnel **who conducts a meeting required by section 1** is required to use the pupil's results on the college and career readiness assessment ~~[,]~~ **and the results of a National Merit Scholarship Qualifying Test,** if **such an assessment or test is** available, and the pupil's academic records to review with the pupil his or her academic strengths and weaknesses and determine areas the pupil may need to work on to be prepared for college and career success without the need for remediation. If the counselor, administrator or other licensed educational personnel determines that remediation is necessary, **section 1** requires the counselor, administrator or other licensed educational personnel to coordinate with the pupil and the pupil's parent or legal guardian to revise the academic plan for the pupil to ensure that the pupil will be prepared for college and career success before the pupil graduates.

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

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

1. ~~[The]~~ Except as otherwise provided in this subsection, the board of trustees of each school district shall adopt a policy for each public high school in the school district to ensure that a counselor, administrator or other licensed educational personnel from the public high school ~~[offers to meet]~~ meets individually at least once each school year with each pupil enrolled in ~~[grade]~~ grades 9, 10, 11 and 12 in the public high school to review with the pupil the academic plan developed for the pupil pursuant to NRS 388.205. The parent or guardian of a pupil may elect to waive the requirements of this subsection on behalf of the pupil.

2. At a meeting conducted pursuant to subsection 1, the counselor, administrator or other licensed educational personnel must use the results of the pupil's college and career readiness assessment administered pursuant to NRS 390.610, if the results of the assessment are available at the time of the meeting, the results of a preliminary National Merit Scholarship Qualifying Test, if the results of the test are available at the time of the meeting, and the pupil's academic records, to review with the pupil the areas of his or her academic strengths and weaknesses, including, without limitation, areas where additional work in the subject areas tested on the assessment or test, as applicable, is necessary to prepare the pupil for college and career success without the need for remediation.

3. If it is determined that the pupil requires remediation, the counselor, administrator or other licensed educational personnel must coordinate with the pupil and the pupil's parent or legal guardian to revise the academic plan for the pupil to ensure that the pupil is prepared for college and career success before he or she graduates.

Sec. 2. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 3. This act becomes effective on July 1, 2017.

Assemblyman Thompson moved the adoption of the amendment.

Remarks by Assemblyman Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 119.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 387.

AN ACT relating to garnishment; prioritizing claims for spousal and child support in satisfying multiple writs of garnishment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a court, when a garnishee is the subject of multiple writs of garnishment, to give first priority to a writ to satisfy a judgment for the collection of child support. (NRS 31.249) This bill likewise gives priority to writs of garnishment to satisfy judgments for the collection of spousal support over other claims.

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

Section 1. NRS 31.249 is hereby amended to read as follows:

31.249 1. No writ of garnishment in aid of attachment may issue except on order of the court. The court may order the writ of garnishment to be issued:

(a) In the order directing the clerk to issue a writ of attachment; or

(b) If the writ of attachment has previously issued without notice to the defendant and the defendant has not appeared in the action, by a separate order without notice to the defendant.

2. The plaintiff's application to the court for an order directing the issuance of a writ of garnishment must be by affidavit made by or on behalf of the plaintiff to the effect that the affiant is informed and believes that the named garnishee:

(a) Is the employer of the defendant; or

(b) Is indebted to or has property in the garnishee's possession or under the garnishee's control belonging to the defendant,

➥ and that to the best of the knowledge and belief of the affiant, the defendant's future wages, the garnishee's indebtedness or the property possessed is not by law exempt from execution. If the named garnishee is the State of Nevada, the writ of garnishment must be served upon the State Controller.

3. The affidavit by or on behalf of the plaintiff may be contained in the application for the order directing the writ of attachment to issue or may be filed and submitted to the court separately thereafter.

4. Except as otherwise provided in this section, the grounds and procedure for a writ of garnishment are identical to those for a writ of attachment.

5. If the named garnishee is the subject of more than one writ of garnishment regarding the defendant, the court shall determine the priority and method of satisfying the claims, except that any writ of garnishment to satisfy a judgment for the collection of child support ***or spousal support*** must be given first priority. ***As between writs of garnishment to satisfy judgments for the collection of child support and writs of garnishment to satisfy judgments for the collection of spousal support, the court shall give priority in accordance with the provisions of ~~[subsection]~~ subsections 1 and 2 of NRS 31A.160.***

Sec. 1.5. **The amendatory provisions of section 1 of this act apply to any judgment entered on or after July 1, 2017.**

Sec. 2. This act becomes effective on July 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 124.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 302.

~~[~~ASSEMBLYWOMAN**~~]~~ ASSEMBLYWOMEN** DIAZ **; AND TOLLES**

SUMMARY—Requires the **~~[~~**Department of Education**~~]~~ Commission on Professional Standards in Education** to establish **~~[~~**a code of conduct**~~]~~ the**

Nevada Model Code of Educator Ethics governing interpersonal interactions and certain communications by teachers, administrators and other employees with pupils. (BDR 34-296)

AN ACT relating to education; requiring the ~~[~~Department of Education~~]~~ **Commission on Professional Standards in Education** to establish ~~[~~a code of conduct~~]~~ **the Nevada Model Code of Educator Ethics** governing interpersonal interactions and certain communications by teachers, administrators and other employees with pupils; **requiring the boards of trustees of school districts and the governing bodies of charter schools to provide training on the Code; requiring teachers, administrators and other persons employed by a school district or charter school to sign an acknowledgment of the Code upon completion of the training; creating the Nevada Educator Code of Ethics Advisory Group and prescribing its membership and duties;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 3 of this bill requires the ~~[~~Department of Education~~]~~ **Commission on Professional Standards in Education** to prescribe by regulation ~~[~~a code of conduct~~]~~ **the Nevada Model Code of Educator Ethics** for teachers, administrators and all other persons employed by a school district or a charter school relating to interpersonal interactions and communications with pupils. **Section 3** requires the ~~[~~Department~~]~~ **Commission** to develop the regulations **based upon the recommendations of the Nevada Educator Code of Ethics Advisory Group created by section 4 of this bill, and** in consultation with the boards of trustees of school districts, the governing bodies of charter schools ~~[~~, the Teachers and Leaders Council of Nevada~~]~~ and, as practicable, teachers, administrators and other persons employed by school districts and charter schools. **Section 3** prescribes requirements for the ~~[~~code of conduct~~]~~ **Code** including that it clearly state ~~[~~the rules for teachers, administrators and other persons employed by a school district or a charter school when engaging in interpersonal relationships with pupils, provide guidelines for permissible interactions and communications with pupils, requiring records of certain communications with a pupil and requiring teachers, administrators and other persons employed by a school district or a charter school to sign an acknowledgment of the code of conduct and the consequences for violating the code of conduct.~~]~~ **, for all persons employed by a school district or governing body of a charter school, guidelines for their responsibility: (1) to the profession of education; (2) for professional competence; (3) to pupils; (4) to the school community; and (5) for the ethical use of technology.**

Section 3 also requires the ~~[~~code of conduct~~]~~ **boards of trustees of school districts and the governing bodies of charter schools to provide all persons employed by the school district or governing body, as applicable, training in the Code and to ensure that each such person signs an acknowledgment of the Code. Finally, section 3 requires the**

Code to be **: (1)** posted on the Internet website maintained by the Department **[**and**]** **of Education; (2) distributed to the State Board of Education and each approved provider of a course of study of training for teachers; and (3) distributed to the board of trustees of each school district and the governing body of each charter school for posting** on the Internet website maintained by the school district or charter school, as applicable.

Section 4 of this bill creates the Advisory Group consisting of 13 members. Section 5 of this bill requires the Advisory Group to, among other things, study codes of ethics and best practices established in other states and make certain recommendations to the Commission related to the adoption of a code of ethics for educators in this State. Section 6 of this bill requires the Advisory Group to submit reports on or before July 1, 2018, and December 1, 2018, to the Governor, State Board, Commission and Director of the Legislative Counsel Bureau for transmittal to the Legislature concerning the progress made towards carrying out its duties, including any recommendations of the Advisory Group. Section 9 of this bill provides for the expiration of the Advisory Group on June 30, 2019.

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

Section 1. Chapter **[**388**]** **391** of NRS is hereby amended by adding thereto the provisions set forth as sections 2 **[**and 3**]** **to 6, inclusive,** of this act.

Sec. 2. ***The Legislature hereby finds and declares that:***

1. Pupils are the most vital resource to the future of this State;

2. Persons who enter professions that necessitate interaction with the pupils of this State have an obligation to act professionally and ethically when dealing with a pupil;

3. Interactions and communications with pupils, whether taking place inside or outside the classroom, in person or at a distance, must:

(a) Promote a safe and respectful environment conducive to a positive educational experience; and

(b) Maintain appropriate boundaries of authority while fostering empathy and support for and encouragement of pupils . [; and

(c) Not needlessly expose pupils to unnecessary embarrassment, disparagement or physical or psychological harm.]

Sec. 3. ***1. The [Department] Commission shall prescribe by regulation a written policy that establishes [a code of conduct] the Nevada Model Code of Educator Ethics for teachers, administrators and other persons employed by a school district or a charter school relating to interpersonal interactions and communications with pupils. The [code of conduct] Nevada Model Code of Educator Ethics must, without limitation:***

(a) Be developed based upon the recommendations of the Nevada Educator Code of Ethics Advisory Group created by section 4 of this act

and in consultation with the boards of trustees of school districts, the governing bodies of charter schools [, the Teachers and Leaders Council of Nevada created by NRS 391.455] and, as practicable, teachers, administrators and other persons employed by school districts and charter schools.

(b) Clearly state the [rules] guidelines for [interpersonal relationships between pupils, identified by grade level, and teachers, administrators or other persons employed by a school district or a charter school.

(c) Provide guidelines for permissible interactions and communications between pupils, identified by grade level, and teachers, administrators or other persons employed by a school district or a charter school, including, without limitation, electronic communications and other interactions taking place at a distance.

(d) Require teachers, administrators and other persons employed by a school district or a charter school to retain for a specified period a copy or record of each communication with a pupil conducted through any means of electronic communication, other than those provided by the Department, school district or charter school.

(e) Require that if a violation of the code of conduct is alleged, the copy or record be made available upon request to the Department, board of trustees of the school district or governing body of the charter school.

(f) Designate consequences, if any, for a violation of the code of conduct, including, without limitation, a violation of the record retention provisions prescribed pursuant to paragraph (d).

(g) Require] :

(1) Responsibility to the profession of education;

(2) Responsibility for professional competence;

(3) Responsibility to pupils;

(4) Responsibility to the school community; and

(5) The responsible and ethical use of technology, including, without limitation, electronic communication.

2. The board of trustees of each school district and the governing body of each charter school shall provide training on the Nevada Model Code of Educator Ethics to teachers, administrators and other persons employed by the school district or charter school. Upon completion of the training, each teacher, administrator and other person employed by a school district or a charter school [to] must sign a written acknowledgment of the [code of conduct] Nevada Model Code of Educator Ethics . [and the consequences for a violation of the code of conduct.

2.] 3. The Department shall post the [code of conduct] Nevada Model Code of Educator Ethics prescribed by regulation pursuant to subsection 1 on the Internet website maintained by the Department and provide a copy of the [code of conduct] Code to [the board] :

(a) The State Board;

(b) Each educational institution that provides a course of study or training for the education of teachers approved pursuant to NRS 391.037 and 391.038;

(c) Each qualified provider approved pursuant to NRS 391.019;

(d) The board of trustees of each school district ; and ~~[the]~~

(e) The governing body of each charter school . ~~[that]~~

➥ Each board of trustees and governing body must ~~[be posted]~~ post the Code on the Internet website maintained by the school district or charter school, as applicable.

~~[3.]~~ 4. As used in this section, "electronic communication" has the meaning ascribed to it in NRS 388.124.

Sec. 4. 1. The Nevada Educator Code of Ethics Advisory Group is hereby created, consisting of the following 13 members:

(a) The Superintendent of Public Instruction, or his or her designee, who serves as an ex officio member of the Advisory Group.

(b) One member appointed by the Chancellor of the Nevada System of Higher Education who is a dean of one of the Colleges of Education within the System or a person nominated by such a dean for appointment by the Chancellor.

(c) Three members who are teachers appointed by the Governor from a list of two nominees submitted by the Speaker of the Assembly and two nominees submitted by the Majority Leader of the Senate. The members must be recommended by the Nevada State Education Association or its successor organization and the Association shall consider for recommendation teachers who are certified by a national board.

(d) Two members who are parents of pupils who attend a public school in this State, appointed by the Governor from a list of nominees submitted by the Speaker of the Assembly and the Majority Leader of the Senate.

(e) One member who is a member of student government or the Nevada Youth Legislature, appointed by the Superintendent of Public Instruction.

(f) Two members who are school-level administrators, one of whom is employed by a school district in a county whose population is 100,000 or more and one of whom is employed by a school district in a county whose population is less than 100,000, appointed by the Governor from a list of nominees submitted by the Nevada Association of School Administrators or its successor organization.

(g) One member who is an employee of a school district with expertise in labor-management relations, appointed by the Governor.

(h) One member who is licensed by a board in this State, other than the State Board, that has a code of ethics and requires compliance as a condition to continued licensure, appointed by the Governor.

(i) One member who is a superintendent of schools of a school district, appointed by the Governor from a list of nominees submitted by the Nevada Association of School Superintendents.

➥ In making the appointments to the Advisory Group, the appointing authorities shall ensure that the membership represents the geographic and ethnic diversity of the State.

2. A vacancy on the Advisory Group must be filled in the same manner as the original appointment.

3. The Advisory Group shall, at its first meeting, elect a Chair from among its members.

4. The Advisory Group shall meet at least quarterly and may meet at other times upon the call of the Chair.

5. The members of the Advisory Group serve without compensation, except that for each day or portion of a day during which a member of the Advisory Group attends a meeting of the Advisory Group or is otherwise engaged in the business of the Advisory Group, the member is entitled to receive the per diem allowances and travel expenses provided for state officers and employees generally.

6. A member of the Advisory Group who is a public employee must be granted administrative leave from the member's duties to engage in the business of the Advisory Group without loss of his or her regular compensation. Such leave does not reduce the amount of the member's other accrued leave.

7. Any costs associated with employing a substitute teacher while a member of the Advisory Group who is a teacher attends a meeting of the Advisory Group must be paid by the school district or charter school that employs the member.

8. The Department shall provide the Advisory Group with such staff as necessary for the Advisory Group to carry out its responsibilities.

9. The Advisory Group may apply for and accept gifts, grants, donations and contributions from any source for the purpose of carrying out its duties.

Sec. 5. The Nevada Educator Code of Ethics Advisory Group created by section 4 of this act shall:

1. Study codes of ethics and best practices that have been established in other states.

2. Make recommendations to the Commission for the adoption of a code of ethics for educators in this State. Such a code of ethics must address, without limitation, responsibility to the profession of education, professional competence, responsibility to pupils, responsibility to the school community and the ethical use of technology.

3. Develop strategies to carry out a code of ethics which may include, without limitation, recommending the adoption of regulations by the State Board or the Commission or recommending legislation to revise provisions of law.

4. Review courses offered by the Nevada System of Higher Education, educational institutions approved pursuant to NRS 391.037 and 391.038 and qualified providers approved pursuant to NRS 391.019 which provide

training to teachers on ethical responsibilities to determine whether the material is adequate to inform teachers of the requirements included in any proposed code of ethics that is established.

5. Provide any recommendations deemed necessary and appropriate to the Board of Regents of the University of Nevada, educational institutions and qualified providers for improvements to a course described in subsection 4 and provide a copy of such recommendations to the Governor, the State Board, the Commission and the Director of the Legislative Counsel Bureau for transmittal to the 80th Session of the Nevada Legislature.

6. Study the cost of professional development for teachers, administrators, paraprofessionals and other educational personnel and the use and availability of regional training programs and any federal funding available for professional development of teachers, administrators, paraprofessionals and other educational personnel.

Sec. 6. 1. On or before July 1, 2018, and December 1, 2018, the Nevada Educator Code of Ethics Advisory Group created by section 4 of this act shall prepare a report concerning the status of the Advisory Group in carrying out its duties as described in section 5 of this act, including, without limitation, any recommendations which the Advisory Group has made and any response to such recommendations.

2. The report prepared pursuant to subsection 1 must be submitted to the Governor, the State Board, the Commission and the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission and the 80th Session of the Nevada Legislature.

Sec. 7. **Section 3 of this act is hereby amended to read as follows:**

Sec. 3. 1. The Commission shall prescribe by regulation a written policy that establishes the Nevada Model Code of Educator Ethics for teachers, administrators and other persons employed by a school district or a charter school relating to interpersonal interactions and communications with pupils. The Nevada Model Code of Educator Ethics must, without limitation:

(a) Be developed ~~[based upon the recommendations of the Nevada Educator Code of Ethics Advisory Group created by section 4 of this act and]~~ in consultation with the boards of trustees of school districts, the governing bodies of charter schools and, as practicable, teachers, administrators and other persons employed by school districts and charter schools.

(b) Clearly state the guidelines for:

(1) Responsibility to the profession of education;

(2) Responsibility for professional competence;

(3) Responsibility to pupils;

(4) Responsibility to the school community; and

(5) The responsible and ethical use of technology, including, without limitation, electronic communication.

2. The board of trustees of each school district and the governing body of charter school shall provide training on the Nevada Model Code of Educator Ethics to teachers, administrators and other persons employed by the school district or charter school. Upon completion of the training, each teacher, administrator and other person employed by a school district or a charter school must sign a written acknowledgment of the Nevada Model Code of Educator Ethics.

3. The Department shall post the Nevada Model Code of Educator Ethics prescribed by regulation pursuant to subsection 1 on the Internet website maintained by the Department and provide a copy of the Code to:

(a) The State Board;

(b) Each educational institution that provides a course of study or training for the education of teachers approved pursuant to NRS 391.037 and 391.038;

(c) Each qualified provider approved pursuant to NRS 391.019;

(d) The board of trustees of each school district; and

(e) The governing body of each charter school.

➥ Each board of trustees and governing body must post the Code on the Internet website maintained by the school district or charter school, as applicable.

4. As used in this section, "electronic communication" has the meaning ascribed to it in NRS 388.124.

Sec. 8. **The members of the Nevada Educator Code of Ethics Advisory Group created by section 4 of this act must be appointed as soon as practicable but not later than October 1, 2017. The Advisory Group shall hold its first meeting not later than January 1, 2018.**

~~[Sec. 4.]~~ ***Sec. 9.*** ~~[This]~~ **1. This section and sections 1, 2 and 3 of this** act ~~[becomes]~~ **become** effective on July 1, 2017.

2. Sections 4, 5, 6 and 8 of this act become effective on July 1, 2017, and expire by limitation on June 30, 2019.

3. Section 7 of this act becomes effective on July 1, 2019.

Assemblyman Thompson moved the adoption of the amendment.

Remarks by Assemblyman Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 144.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 555.

AN ACT relating to education; creating the Nevada Advisory Commission on Mentoring; providing for the membership, powers and duties of the Commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates the Nevada Advisory Commission on Mentoring for the purpose of supporting and facilitating existing mentorship programs in this State. **Section 3** of this bill creates the Commission and prescribes the membership of the Commission. **Sections 4 and 5** of this bill set forth the duties and powers of the Commission. **Section 4** requires the Commission to meet quarterly and authorizes the Commission to: (1) appoint committees from its members; (2) engage the services of volunteers and consultants without compensation; (3) enter into public-private partnerships; and (4) apply for and receive gifts, grants, contributions and other money from any source. **Section 4** further requires the Commission to appoint a Mentorship Advisory Council to advise the Commission on matters of importance relating to mentoring and mentorship programs in this State. **Section 5** requires the Commission to: (1) establish model guidelines and parameters for existing mentorship programs; (2) develop a model financial plan providing for the sustainability and financial stability of existing mentorship programs; (3) develop model protocols for the management of mentors, mentees and matches under existing mentorship programs; ~~[and]~~ (4) employ a coordinator for mentorship programs in this State ~~[.]~~ **; and (5) develop and administer a competitive grants program to award grants of money to mentorship programs.**

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

Section 1. Chapter 385 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 5, inclusive, of this act, unless the context otherwise requires, "Commission" means the Nevada Advisory Commission on Mentoring created by section 3 of this act.***

Sec. 3. ***1. The Nevada Advisory Commission on Mentoring is hereby created. The Commission consists of the following 13 members:***

(a) One member appointed by the Governor who is a representative of business and industry with a vested interest in supporting mentorship programs in this State.

(b) One member appointed by the Governor who represents an employment and training organization located in this State.

(c) One member appointed by the Governor who is a resident of a county whose population is less than 100,000.

(d) One member who is the superintendent of a school district in a county whose population is 700,000 or more.

(e) One member who is the superintendent of a school district in a county whose population is 100,000 or more but less than 700,000.

(f) One member appointed by the Majority Leader of the Senate.

(g) One member appointed by the Speaker of the Assembly.

(h) One member appointed by the Minority Leader of the Senate.

(i) One member appointed by the Minority Leader of the Assembly.

(j) Four members appointed to the Commission pursuant to subsection 2.

2. The members of the Commission appointed pursuant to paragraphs (a) to (i), inclusive, of subsection 1 shall, at the first meeting of the Commission, appoint to the Commission four additional voting members:

(a) One of whom must be a member of the state advisory group appointed by the Governor pursuant to 42 U.S.C. § 5633 and operating in this State as the Juvenile Justice Commission under the Division of Child and Family Services of the Department of Health and Human Services;

(b) One of whom must be a representative of business and industry with a vested interest in supporting mentorship programs in this State; and

(c) Two members between the ages of 16 years and 24 years who have a vested interest in supporting mentorship programs in this State.

3. After the initial terms, each member of the Commission appointed pursuant to subsections 1 and 2 serves a term of 4 years. A member of the Commission may be reappointed.

4. Any vacancy occurring in the membership of the Commission must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs. A member appointed to fill a vacancy shall serve as a member of the Commission for the remainder of the original term of appointment.

5. Each member of the Commission:

(a) Serves without compensation; and

(b) While engaged in the business of the Commission, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 4. *1. At the first meeting of each calendar year, the Commission shall elect from its members a Chair, a Vice Chair and a Secretary and shall adopt the rules and procedures of the Commission.*

2. The Commission shall meet at least once each calendar quarter and at other times at the call of the Chair or a majority of its members.

3. A majority of the members of the Commission constitutes a quorum for the transaction of business, and a quorum may exercise any power or authority conferred on the Commission.

4. Except as otherwise provided in section 5 of this act, the Commission may, for the purpose of carrying out the duties of the Commission prescribed by that section:

(a) Appoint committees from its members.

(b) Engage the services of volunteer workers and consultants without compensation.

(c) Enter into a public-private partnership with any business, for-profit organization or nonprofit organization.

(d) Apply for and receive gifts, grants, donations, contributions or other money from any source.

5. The Commission shall appoint a Mentorship Advisory Council consisting of five members who represent organizations which provide mentorship programs in this State. The members of the Council serve at the pleasure of the Commission. If a member of the Council is removed or if the position of a member otherwise becomes vacant, the Commission shall appoint a new member to fill the vacancy at the next regularly scheduled meeting of the Commission. The Council shall advise the Commission on matters of importance relating to mentoring and mentorship programs in this State.

6. The Commission shall, on or before February 1 of each year, prepare and submit a report outlining the activities and recommendations of the Commission to:

(a) The Governor; and

(b) The Director of the Legislative Counsel Bureau for transmittal to the Legislature or to the Legislative Commission if the Legislature is not in regular session.

Sec. 5. ***1. The Commission shall, within the scope of its duties, support and facilitate mentorship programs in this State for the purpose of addressing issues relating to education, health, criminal justice and employment with respect to ~~[socioeconomically disadvantaged]~~ children who reside in this State. The Commission shall:***

(a) Establish model guidelines and parameters for existing mentorship programs, including, without limitation:

(1) The development of a model management plan setting forth guidelines for the operation of mentorship programs and strategic goals and benchmarks to measure the success of a mentorship program.

(2) The process for identifying ~~[socioeconomically disadvantaged]~~ children in need of mentorship and geographic areas of need within this State. Such a process must include, without limitation, consideration of children who:

(I) Are disproportionately at risk of being deprived of the opportunity to develop and maintain a competitive position in the economy.

(II) Are disproportionately at risk of failing to make adequate yearly progress in a school in this State.

(III) Have been involved with the system of juvenile justice in this State, either as a victim or as an offender.

(IV) Have been involved with the criminal justice system, either as a victim or as an offender.

(V) Are in the child welfare system.

(b) Develop a model financial plan that provides for the sustainability and financial stability of mentorship programs, including, without limitation:

(1) The development of a resource plan to provide for diversified fundraising.

(2) The identification of potential sources of revenue to fund the hiring of the coordinator for mentorship programs in this State, as required by paragraph (e).

(3) The identification of potential sources of revenue to fund the hiring of administrative support staff for mentorship programs in this State.

(4) The development, in coordination with the Office of Grant Procurement, Coordination and Management of the Department of Administration of a plan for seeking gifts, grants, donations and contributions from any source for the purpose of carrying out a mentorship program.

(5) The identification of potential strategic private partners to assist in the implementation and continuation of mentorship programs.

(6) The development of public relations and marketing campaigns for the purpose of increasing public awareness regarding existing mentorship programs and the value of mentorship programs.

(c) Develop model protocols for the recruitment, screening, training, matching, monitoring and support of mentors.

(d) Develop model protocols for the effective management of mentors, mentees and matches under mentorship programs, including, without limitation, protocols for the introduction of a mentor to a mentee and closure of the relationship between a mentor and a mentee.

(e) Within the limits of legislative appropriations, employ a coordinator for mentorship programs in this State.

(f) Within the limits of legislative appropriations, develop a competitive grants program to award grants of money to mentorship programs in this State. In coordination with the Office of Grant Procurement, Coordination and Management of the Department of Administration, the Commission shall:

(1) Administer the grants program;

(2) Establish guidelines for the submission and review of applications to receive grants from the program; and

(3) Consider and approve or disapprove applications for grants from the program.

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

~~***(a) "Child" has the meaning ascribed to it in NRS 62A.030.***~~

~~***(b) "Socioeconomically disadvantaged child" means a child who, as the result of the child's cultural, social or economic circumstances, is disproportionately at risk of:***~~

~~***(1) Being deprived of the opportunity to develop and maintain a competitive position in the economy;***~~

~~***(2) Failing to make adequate yearly progress in a public school; or***~~

~~***(3) Entering the juvenile justice system of this State.]***~~ ***, "child" means a person 24 years of age or younger.***

Sec. 6. 1. The members of the Nevada Advisory Commission on Mentoring created by section 3 of this act appointed to initial terms in accordance with paragraphs (a) to (i), inclusive, of subsection 1 of section 3 of this act must be appointed on or before October 1, 2017.

2. The Governor shall call the first meeting of the Commission, which must take place on or before December 31, 2017.

3. At the first meeting of the Commission, and after the appointment of 4 voting members to the Commission pursuant to subsection 2 of section 3 of this act, the 13 members appointed to initial terms pursuant to subsections 1 and 2 of section 3 of this act shall choose their term of office by lot, in the following manner:

(a) Five members for terms of 2 years;

(b) Four members for terms of 3 years; and

(c) Four members for terms of 4 years.

Sec. 7. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 8. This act becomes effective on July 1, 2017.

Assemblyman Thompson moved the adoption of the amendment.

Remarks by Assemblyman Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 150.

Bill read second time.

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

Amendment No. 64.

AN ACT relating to private professional guardians; revising provisions governing the qualifications necessary to serve as a private professional guardian; requiring certain persons to submit fingerprints to the Division of Financial Institutions of the Department of Business and Industry not less than once every 5 years for the purpose of obtaining a report from the Federal Bureau of Investigation; requiring the Division to maintain a copy of all such reports; requiring the Commissioner of Financial Institutions to adopt regulations establishing any fee required to obtain such reports; replacing references to the term "case manager"; removing the provision that exempts private professional guardians from the provisions of law concerning summary administration granted by a court; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that in order for a natural person to serve as a private professional guardian, the person must be: (1) qualified to serve as a guardian for an adult or a minor; and (2) a guardian who has a license to engage in the business of a private professional guardian or who does not have such a

license but is certified by the Center for Guardianship Certification. (NRS 159.0595) **Section 2** of this bill removes the requirement relating to the licensure of a natural person and generally provides that in order for a person to serve as a private professional guardian, the person must be: (1) a natural person who is employed by an entity that is licensed to engage in the business of a private professional guardian and who is certified by the Center for Guardianship Certification; or (2) an entity that is licensed to engage in the business of a private professional guardian and meets certain other requirements. **Sections 1, 4-9, 11-13 and 15-20** of this bill make conforming changes.

Existing law requires, as part of an application for a license to engage in the business of a private professional guardian, that certain persons submit to the Commissioner of Financial Institutions a complete set of fingerprints and written permission authorizing the Division of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation (hereinafter "FBI") for its report. (NRS 628B.310) **Section 3** of this bill requires: (1) certain persons to submit to the Commissioner, not less than once every 5 years, a complete set of fingerprints and such written permission to enable the Division to obtain a report from the FBI; and (2) the Division to maintain a copy of all reports obtained from the FBI. **Section 3** also requires the Commissioner to adopt regulations establishing the amount of any fee required to obtain a report from the FBI.

Existing law also requires the Commissioner to investigate the facts of an application and the other requirements set forth by law to determine information about certain persons, including any person acting in a case manager capacity. (NRS 628B.330) Existing law further requires the director or manager of a private professional guardian company to require fidelity bonds on certain persons, including a member of the company acting in a case manager capacity, to indemnify the company against loss. (NRS 628B.540) **Sections 9, 10 and 14** of this bill replace the term "case manager" with references to a person who acts in a capacity in which he or she is authorized to make discretionary decisions on behalf of the applicant or private professional guardian company, as applicable.

Existing law provides that with regard to guardianships and the administration of smaller estates, the court is authorized to grant a summary administration if it appears that the value of the property of a ward, after payment of all claims and expenses of the guardianship, does not exceed $10,000. If the court grants a summary administration, the guardian is required to file an inventory and record of value with the court, and the court is authorized to impose certain requirements upon the guardian. (NRS 159.076) Existing law also provides that such provisions concerning summary administration do not apply to a private professional guardian. (NRS 628B.550) **Section 15** removes this exemption.

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

Section 1. NRS 159.024 is hereby amended to read as follows:

159.024 1. "Private professional guardian" means a person who receives compensation for services as a guardian to three or more wards who are not related to the guardian by blood or marriage ~~[.]~~ ***and who meets the requirements set forth in NRS 159.0595.***

2. For the purposes of this chapter, the term includes ~~[:~~

~~(a) A person who]~~ ***an entity that*** serves as a private professional guardian and ~~[who]~~ is ~~[required]~~ ***:***

(a) Required to have a license issued pursuant to chapter 628B of NRS ~~[.]~~ ***; or***

(b) ~~[A person who serves as a private professional guardian but who is exempt]~~ ***Exempt*** pursuant to NRS 159.0595 or 628B.110 from the requirement to have a license issued pursuant to chapter 628B of NRS.

3. The term does not include:

(a) A governmental agency.

(b) A public guardian appointed or designated pursuant to the provisions of chapter 253 of NRS.

Sec. 2. NRS 159.0595 is hereby amended to read as follows:

159.0595 1. In order for a person to serve as a private professional guardian, the person must be:

(a) ~~[Qualified to serve as a guardian pursuant to NRS 159.0613 if the ward is an adult or NRS 159.061 if the ward is a minor; and~~

~~(b)]~~ A ~~[guardian]~~ ***natural person*** who ~~[has a license issued]~~ ***is a certified guardian and is employed by an entity that is licensed*** pursuant to chapter 628B of NRS ~~[or a certified guardian who]~~ ***, unless the entity*** is not required to have such a license pursuant to subsection ~~[3.~~

~~2. In order for an entity to serve as a private professional guardian, the]~~ ***2; or***

(b) An entity ~~[must:~~

~~(a) Be]~~ ***that:***

(1) Is qualified to serve as a guardian pursuant to NRS 159.0613 if the ward is an adult;

~~[(b) Have]~~

(2) Has a license issued pursuant to chapter 628B of NRS ***,*** unless the entity is not required to have such a license pursuant to subsection ~~[3;]~~ ***2;*** and

~~[(c) Have]~~

(3) Has a ***private professional*** guardian who ~~[has a license issued pursuant to chapter 628B of NRS or a certified guardian who is not required to have such a license pursuant to subsection 3]~~ ***meets the requirements set forth in paragraph (a)*** involved in the day-to-day operation or management of the entity.

~~[3. In order for a person or]~~

2. ***An*** entity ***that wishes*** to serve as a private professional guardian ~~[, the person or entity]~~ is not required to have a license issued pursuant to chapter 628B of NRS if the ~~[person or]~~ entity is exempt from the requirement to have such a license pursuant to NRS 628B.110 ***.*** ~~[and the person or entity:~~

~~(a) Is a banking corporation as defined in NRS 657.016;~~

~~(b) Is an organization permitted to act as a fiduciary pursuant to NRS 662.245;~~

~~(c) Is a trust company as defined in NRS 669.070;~~

~~(d) Is acting in the performance of his or her duties as an attorney at law;~~

~~(e) Acts as a trustee under a deed of trust; or~~

~~(f) Acts as a fiduciary under a court trust.~~

~~4.]~~ ***3.*** As used in this section:

(a) "Certified guardian" means a person who is certified by the Center for Guardianship Certification or any successor organization.

(b) "Entity" includes, without limitation, a corporation, whether or not for profit, a limited-liability company and a partnership.

~~[(c) "Person" means a natural person.]~~

Sec. 3. Chapter 628B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each member, partner, director, officer, manager or employee of a private professional guardian company, and any person who acts in a capacity in which he or she is authorized to make discretionary decisions on behalf of the private professional guardian company, shall, before acting in any such capacity and not less than once every 5 years thereafter, submit to the Commissioner pursuant to this section or subsection 5 of NRS 628B.310, as applicable, a complete set of fingerprints and written permission authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

2. The Division shall maintain a copy of all reports obtained pursuant to this section and subsection 5 of NRS 628B.310.

3. The Commissioner shall adopt regulations establishing the amount of any fee required to obtain a report pursuant to this section. All money received by the Commissioner must be placed in the Investigative Account for Financial Institutions created by NRS 232.545.

Sec. 4. NRS 628B.010 is hereby amended to read as follows:

628B.010 The Legislature finds and declares that:

1. There exists in this State a need, in order to provide for the protection of the public interest, to regulate ~~[persons]~~ ***entities*** engaged in the business of private professional guardians ~~[.]~~ ***and persons employed by such entities.***

2. ~~[Persons]~~ ***Entities*** engaging in the business of private professional guardians must be licensed and regulated in such a manner as to promote advantages and convenience for the public while protecting the public interest.

3. It is the purpose of this chapter to bring under public supervision ~~[persons who]~~ ***entities that*** are engaged in or ~~[who]~~ desire to engage in the business of a private professional guardian and to ensure that there is established in this State an adequate, efficient and competitive private professional guardian service available to the courts and the public at large.

Sec. 5. NRS 628B.030 is hereby amended to read as follows:

628B.030 "Business of a private professional guardian" means the holding out by ~~[a person,]~~ ***an entity,*** through advertising, solicitation or other means, that the ~~[person]~~ ***entity or a person employed by the entity*** is available to act for compensation as a private professional guardian.

Sec. 6. NRS 628B.080 is hereby amended to read as follows:

628B.080 1. "Private professional guardian" has the meaning ascribed to it in NRS 159.024.

2. For the purposes of this chapter, the term does not include ~~[a person who]~~ ***an entity that*** serves as a private professional guardian but ~~[who]~~ is exempt pursuant to NRS 159.0595 or 628B.110 from the requirement to have a license issued pursuant to this chapter.

Sec. 7. NRS 628B.090 is hereby amended to read as follows:

628B.090 1. "Private professional guardian company" means a ~~[natural person or]~~ business entity, including, without limitation, a sole proprietorship, partnership, limited-liability company or corporation, that is licensed pursuant to the provisions of this chapter to engage in the business of a private professional guardian, whether appointed by a court or hired by a private party.

2. For the purposes of this chapter, the term does not include a ~~[natural person or]~~ business entity which engages in the business of a private professional guardian but which is exempt pursuant to NRS 159.0595 or 628B.110 from the requirement to have a license issued pursuant to this chapter.

Sec. 8. NRS 628B.300 is hereby amended to read as follows:

628B.300 It is unlawful for any ~~[person]~~ ***entity*** to engage in the business of a private professional guardian without having a license issued by the Commissioner pursuant to this chapter.

Sec. 9. NRS 628B.310 is hereby amended to read as follows:

628B.310 1. ~~[A person wishing]~~ ***An applicant for a license*** to engage in the business of a private professional guardian in this State must file with the Commissioner an application on a form prescribed by the Commissioner, which must contain or be accompanied by such information as is required.

2. A nonrefundable fee of not more than $750 must accompany the application. The applicant must also pay such reasonable additional expenses incurred in the process of investigation as the Commissioner deems necessary.

3. The application must contain:

(a) The name of the applicant and the name under which the applicant does business or expects to do business, if different.

(b) The complete business and residence addresses of the applicant.

(c) The character of the business sought to be carried on.

(d) The address of any location where business will be transacted.

(e) In the case of a firm or partnership, the full name and residence address of each member or partner and the manager.

(f) In the case of a corporation or voluntary association, the name and residence address of each director and officer and the manager.

(g) A statement by the applicant acknowledging that the applicant is required to comply with the provisions of NRS 159.0595 if issued a license.

(h) Any other information reasonably related to the applicant's qualifications for the license which the Commissioner determines to be necessary.

4. Each application for a license must have attached to it a financial statement showing the assets, liabilities and net worth of the applicant.

5. In addition to any other requirements, each applicant or member, partner, director, officer, manager or ~~[case manager]~~ ***employee*** of an applicant ***, and any person who acts in a capacity in which he or she is authorized to make discretionary decisions on behalf of the applicant,*** shall submit to the Commissioner a complete set of fingerprints and written permission authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

6. If the applicant is a corporation or limited-liability company, the articles of incorporation or articles of organization must contain:

(a) The name adopted by the private professional guardian company, which must distinguish it from any other private professional guardian company formed or incorporated in this State or engaged in the business of a private professional guardian in this State; and

(b) The purpose for which it is formed.

7. The Commissioner shall deem an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 6 months after the date the application is submitted to the Commissioner. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner may not issue a license to the applicant unless the applicant submits a new application and pays the required fees.

8. The Commissioner shall adopt regulations establishing the amount of the fees required pursuant to this section, subject to the following limitations:

(a) An initial fee of not more than $1,500 for a license to transact the business of a private professional guardian; and

(b) A fee of not more than $300 for each branch office that is authorized by the Commissioner.

9. All money received by the Commissioner pursuant to this section must be placed in the Investigative Account for Financial Institutions created by NRS 232.545.

Sec. 10. NRS 628B.330 is hereby amended to read as follows:

628B.330 1. Within 90 days after the application for a license is filed, the Commissioner shall investigate the facts of the application and the other requirements of this chapter to determine:

(a) That each person who will serve as a sole proprietor, partner of a partnership, member of a limited-liability company or director or officer of a corporation, and any person acting in a managerial ~~[or case manager]~~ capacity ~~[,]~~ ***or in a capacity in which he or she is authorized to make discretionary decisions on behalf of the applicant,*** as applicable:

(1) Has a good reputation for honesty, trustworthiness and integrity and displays competence to engage in the business of a private professional guardian in a manner which safeguards the interests of the general public. The applicant must submit satisfactory proof of those qualifications, including, without limitation, evidence that the applicant has passed an examination for private professional guardians specified by the Commissioner.

(2) Has not been convicted of, or entered a plea of guilty or nolo contendere to, a felony or any crime involving fraud, misrepresentation, material omission, misappropriation, conversion or moral turpitude.

(3) Has not made a false statement of material fact on the application.

(4) Has not been a sole proprietor or an officer or member of the board of directors for an entity whose license issued pursuant to the provisions of this chapter was suspended or revoked within the 10 years immediately preceding the date of the application if, in the reasonable judgment of the Commissioner, there is evidence that the sole proprietor, officer or member materially contributed to the actions resulting in the suspension or revocation of the license.

(5) Has not been a sole proprietor or an officer or member of the board of directors for an entity whose license as a private professional guardian company which was issued by any other state, district or territory of the United States or any foreign country was suspended or revoked within the 10 years immediately preceding the date of the application if, in the reasonable judgment of the Commissioner, there is evidence that the sole proprietor, officer or member materially contributed to the actions resulting in the suspension or revocation of the license.

(6) Has not violated any of the provisions of this chapter or any regulations adopted pursuant thereto.

(b) That the financial status of each sole proprietor, partner, member or director and officer of the corporation and person acting in a managerial ~~[or case manager]~~ capacity ***or in a capacity in which he or she is authorized to make discretionary decisions on behalf of the applicant*** indicates fiscal responsibility consistent with his or her position.

(c) That the name of the proposed business complies with all applicable statutes.

(d) That, except as otherwise provided in NRS 628B.540, the initial surety bond is not less than the amount required by NRS 159.065.

2. In rendering a decision on an application for a license, the Commissioner shall consider, without limitation:

(a) The proposed markets to be served and, if they extend outside this State, any exceptional risk, examination or supervision concerns associated with those markets;

(b) Whether the proposed organizational and equity structure and the amount of initial equity or fidelity and surety bonds of the applicant appear adequate in relation to the proposed business and markets, including, without limitation, the average level of assets under guardianship projected for each of the first 3 years of operation; and

(c) Whether the applicant has planned suitable annual audits conducted by qualified outside auditors of its books and records and its fiduciary activities under applicable accounting rules and standards as well as suitable internal audits.

Sec. 11. NRS 628B.380 is hereby amended to read as follows:

628B.380 1. A license issued pursuant to this chapter is not transferable or assignable, but upon the approval of the Commissioner and any applicable court of jurisdiction, a ~~[licensee]~~ ***private professional guardian company*** may merge or consolidate with, or transfer its assets and control to, another ~~[person who holds a license pursuant to this chapter.]~~ ***private professional guardian company.*** In determining whether to grant the approval, the Commissioner may consider the factors set forth in NRS 628B.330.

2. If a change in the control of a private professional guardian company occurs, the chief executive officer or managing member of the company shall report the change in control and the name of the person obtaining control to the Commissioner within 5 business days after obtaining knowledge of the change.

3. A private professional guardian company shall, within 5 business days after a change in the chief executive officer, managing member or a majority of the directors or managing directors of the company occurs, report the change to the Commissioner. The company shall include in its report to the Commissioner a statement of the past and current business and professional affiliations of each new chief executive officer, managing member, director or managing director. A new chief executive officer, managing member, director or managing director shall furnish to the Commissioner a complete financial statement on a form prescribed by the Commissioner.

4. A person who intends to acquire control of a private professional guardian company shall submit an application to the Commissioner. The application must be submitted on a form prescribed by the Commissioner. The Commissioner shall conduct an investigation pursuant to NRS 628B.330 to determine whether the person has a good reputation for honesty, trustworthiness and integrity and is competent to control the private

professional guardian company in a manner which protects the interests of the general public.

5. The private professional guardian company of which the applicant intends to acquire control shall pay the nonrefundable cost of the investigation as required by the Commissioner. If the Commissioner denies the application, the Commissioner may prohibit or limit the applicant's participation in the business.

6. As used in this section, "control" means the possession, directly or indirectly, of the authority to direct or cause the direction of the management and policy of a private professional guardian company, or a change in the ownership of at least 25 percent of the outstanding voting stock of, or participating members' interest in, the company.

Sec. 12. NRS 628B.520 is hereby amended to read as follows:

628B.520 1. A private professional guardian company licensed pursuant to this chapter shall maintain its principal office in this State.

2. To qualify as the principal office for the purposes of subsection 1, an office of the private professional guardian company must:

(a) Have a verifiable physical location in this State at which the private professional guardian company conducts such business operations in this State as are necessary to administer private professional guardianships in this State;

(b) Have available at the office a private professional guardian who ***meets the requirements set forth in paragraph (a) of subsection 1 of NRS 159.0595 and*** is ~~[licensed pursuant to this chapter,]~~ a permanent resident of this State and at least 21 years of age;

(c) Have any license issued pursuant to this chapter conspicuously displayed;

(d) Have available at the office originals or true copies of all material business records and accounts of the private professional guardian company, which must be readily available to access and readily available for examination by the Division;

(e) Have available to the public written procedures for making claims against the surety bond required to be maintained pursuant to NRS 628B.540;

(f) Have available all services to residents of this State which are consistent with the business plan of the private professional guardian company included with the application for a license; and

(g) Comply with any other requirements specified by the Commissioner.

Sec. 13. NRS 628B.530 is hereby amended to read as follows:

628B.530 1. It is unlawful for any ~~[person]~~ ***private professional guardian company*** licensed pursuant to this chapter to engage in the business of a private professional guardian at any office outside this State without the prior approval of the Commissioner.

2. Before the Commissioner will approve a branch to be located outside this State, the private professional guardian ***company*** must:

(a) Obtain from that state any required license as a private professional guardian; or

(b) Provide proof satisfactory to the Commissioner that the private professional guardian company has met all the requirements to engage in the business of a private professional guardian in that state pursuant to its laws, including, without limitation, written documentation from the appropriate court or state agency that the private professional guardian company is authorized to do business in that state.

3. For each branch location of a private professional guardian company organized under the laws of this State, and every branch location in this State of a foreign private professional guardian company authorized to do business in this State, a request for approval and licensing must be filed with the Commissioner on forms prescribed by the Commissioner. A nonrefundable fee of not more than $500, as provided by the Commissioner, must accompany each request. In addition, a fee of not more than $200, to be prorated on the basis of the licensing year as provided by the Commissioner, must be paid at the time of making the request. Money collected pursuant to this section must be deposited in the Investigative Account for Financial Institutions created by NRS 232.545.

4. A foreign corporation or limited-liability company wishing to engage in the business of a private professional guardian in this State must use a name that distinguishes it from any other private professional guardian in this State.

Sec. 14. NRS 628B.540 is hereby amended to read as follows:

628B.540 1. The Commissioner may require a private professional guardian company to maintain equity, fidelity and surety bonds in amounts that are more than the minimum required initially or at any subsequent time based on the Commissioner's assessment of the risks associated with the business plan of the private professional guardian or other information contained in the application, the Commissioner's investigation of the application or any examination of or filing by the private professional guardian company thereafter, including, without limitation, any examination before the opening of the business. In making such a determination, the Commissioner may consider, without limitation:

(a) The nature and type of business to be conducted by the private professional guardian company;

(b) The nature and liquidity of assets proposed to be held in the account of the private professional guardian company;

(c) The amount of fiduciary assets projected to be under the management or administration of the private professional guardian company;

(d) The type of fiduciary assets proposed to be held and any proposed depository of such assets;

(e) The complexity of the fiduciary duties and degree of discretion proposed to be undertaken by the private professional guardian company;

(f) The competence and experience of the proposed management of the private professional guardian company;

(g) The extent and adequacy of proposed internal controls;

(h) The proposed presence of annual audits by an independent certified public accountant, and the scope and frequency of such audits, whether they result in an opinion of the accountant and any qualifications to the opinion;

(i) The reasonableness of business plans for retaining or acquiring additional equity capital;

(j) The adequacy of fidelity and surety bonds and any additional insurance proposed to be obtained by the private professional guardian company for the purpose of protecting its fiduciary assets;

(k) The success of the private professional guardian company in achieving the financial projections submitted with its application for a license; and

(l) The fulfillment by the private professional guardian company of its representations and its descriptions of its business structures and methods and management set forth in its application for a license.

2. The director or manager of a private professional guardian company shall require fidelity bonds in the amount of at least $25,000 on the sole proprietor or each active officer, manager, ***employee and*** member acting in a managerial ~~[~~or case manager~~]~~ capacity ~~[~~and employee,~~]~~ ***or in a capacity in which he or she is authorized to make discretionary decisions on behalf of the private professional guardian company,*** regardless of whether the person receives a salary or other compensation from the private professional guardian company, to indemnify the company against loss due to any dishonest, fraudulent or criminal act or omission by a person upon whom a bond is required pursuant to this section who acts alone or in combination with any other person. A bond required pursuant to this section may be in any form and may be paid for by the private professional guardian company.

3. A private professional guardian company shall obtain suitable insurance against burglary, robbery, theft and other hazards to which it may be exposed in the operation of its business.

4. A private professional guardian company shall obtain suitable surety bonds in accordance with NRS 159.065, as applicable.

5. The surety bond obtained pursuant to subsection 4 must be in a form approved by a court of competent jurisdiction and the Division and conditioned that the applicant conduct his or her business in accordance with the requirements of this chapter. The bond must be made and executed by the principal and a surety company authorized to write bonds in this State.

6. A private professional guardian company shall at least annually prescribe the amount or penal sum of the bonds or policies of the company and designate the sureties and underwriters thereof, after considering all known elements and factors constituting a risk or hazard. The action must be recorded in the minutes kept by the private professional guardian company and reported to the Commissioner.

7. The bond must cover all matters placed with the private professional guardian company during the term of the license or a renewal thereof.

8. An action may not be brought upon any bond after 2 years from the revocation or expiration of the license.

9. After 2 years, all liability of the surety or sureties upon the bond ceases if no action is commenced upon the bond.

Sec. 15. NRS 628B.550 is hereby amended to read as follows:

628B.550 1. The fiduciary relationship which exists between a private professional guardian and the ward of the private professional guardian may not be used for the private gain of the guardian other than the remuneration for fees and expenses. A private professional guardian may not incur any obligation on behalf of the guardianship that conflicts with the discharge of the duties of the private professional guardian.

2. Unless prior approval is obtained from a court of competent jurisdiction, a private professional guardian shall not:

(a) Have any interest, financial or otherwise, direct or indirect, in any business transaction or activity with the guardianship.

(b) Acquire an ownership, possessory, security or other pecuniary interest adverse to the ward.

(c) Be knowingly designated as a beneficiary on any life insurance policy or pension or benefit plan of the ward unless such designation was validly made by the ward before the adjudication of the person's incapacity.

(d) Directly or indirectly purchase, rent, lease or sell any property or services from or to any business entity in which the private professional guardian, or the spouse or relative of the guardian, is an officer, partner, director, shareholder or proprietor or in which such a person has any financial interest.

3. Any action taken by a private professional guardian which is prohibited by this section may be voided during the term of the guardianship or by the personal representative of the ward's estate. The private professional guardian is subject to removal and to imposition of personal liability through a proceeding for discharge, in addition to any other remedies otherwise available.

4. A court shall not appoint a private professional guardian that ~~[is]~~ ***does*** not ~~[licensed pursuant to this chapter]~~ ***meet the requirements set forth in NRS 159.0595*** as the guardian of a person or estate. The court must review each guardianship involving a private professional guardian on the anniversary date of the appointment of the private professional guardian. If a private professional guardian does not ~~[hold a current license,]~~ ***meet the requirements set forth in NRS 159.0595,*** the court must replace the guardian until such time as the private professional guardian ~~[obtains the necessary license.]~~ ***meets such requirements.***

5. ~~[The provisions of NRS 159.076 regarding summary administration do not apply to a private professional guardian.~~

~~6. A licensee~~] ***A private professional guardian*** shall file any report required by the court in a timely manner.

Sec. 16. NRS 628B.560 is hereby amended to read as follows:

628B.560 1. Except as otherwise provided in NRS 159.076, a ~~[licensee]~~ ***private professional guardian company*** shall maintain a separate guardianship account for each ward into which all money received for the benefit of the ward must be deposited ~~[.]~~ ***, unless otherwise ordered by the court.*** Each guardianship account must be maintained in an insured bank or credit union located in this State, be held in a name which is sufficient to distinguish it from the personal or general checking account of the ~~[licensee]~~ ***private professional guardian company*** and be designated as a guardianship account. Each guardianship account must at all times account for all money received for the benefit of the ward and account for all money dispersed for the benefit of the ward, and no disbursement may be made from the account except as authorized under chapter 159 of NRS or as authorized by court order.

2. Each ~~[licensee]~~ ***private professional guardian company*** shall keep a record of all money deposited in each guardianship account maintained for a ward, which must clearly indicate the date and from whom the money was received, the date the money was deposited, the dates of withdrawals of money and other pertinent information concerning the transactions. Records kept pursuant to this subsection must be maintained for at least 6 years after the completion of the last transaction concerning the account. The records must be maintained at the premises in this State at which the ~~[licensee]~~ ***private professional guardian company*** is authorized to conduct business.

3. The Commissioner or his or her designee may conduct an examination of the guardianship accounts and records relating to wards of each private professional guardian company licensed pursuant to this chapter at any time to ensure compliance with the provisions of this chapter.

4. During the first year a private professional guardian ***company*** is licensed in this State, the Commissioner or his or her designee may conduct any examinations deemed necessary to ensure compliance with the provisions of this chapter.

5. If there is evidence that a private professional guardian company has violated a provision of this chapter, the Commissioner or his or her designee may conduct additional examinations to determine whether a violation has occurred.

6. Each ~~[licensee]~~ ***private professional guardian company*** shall authorize the Commissioner or his or her designee to examine all books, records, papers and effects of the private professional guardian company.

7. If the Commissioner determines that the records of a ~~[licensee]~~ ***private professional guardian company*** are not maintained in accordance with subsections 1 and 2, the Commissioner may require the ~~[licensee]~~ ***private professional guardian company*** to submit, within 60 days, an audited financial statement prepared from the records of the ~~[licensee]~~ ***private***

professional guardian company by a certified public accountant who holds a certificate to engage in the practice of public accounting in this State. The Commissioner may grant a reasonable extension of time for the submission of the financial statement if an extension is requested before the statement is due.

8. Upon the request of the Division, a ~~[licensee]~~ ***private professional guardian company*** must provide to the Division copies of any documents reviewed during an examination conducted by the Commissioner or his or her designee pursuant to subsection 4, 5 or 6. If the copies are not provided, the Commissioner may subpoena the documents.

9. For each examination of the books, papers, records and effects of a private professional guardian company that is required or authorized pursuant to this chapter, the Commissioner shall charge and collect from the private professional guardian company a fee for conducting the examination and preparing a report of the examination based upon the rate established by regulation pursuant to NRS 658.101. Failure to pay the fee within 30 days after receipt of the bill is grounds for revoking the license of the private professional guardian company.

10. All money collected under this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 17. NRS 628B.730 is hereby amended to read as follows:

628B.730 1. If the Commissioner has reason to believe that grounds for the revocation or suspension of a license exist, the Commissioner shall give at least 20 days' written notice to the ~~[licensee]~~ ***private professional guardian company*** stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.

2. At the conclusion of a hearing, the Commissioner shall:

(a) Enter a written order dismissing the charges, revoking the license or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. The Commissioner shall send a copy of the order to the ~~[licensee]~~ ***private professional guardian company*** by registered or certified mail.

(b) Impose upon the ~~[licensee]~~ ***private professional guardian company*** an administrative fine of not more than $10,000 for each violation by the ~~[licensee]~~ ***private professional guardian company*** of any provision of this chapter or any regulation adopted pursuant thereto.

(c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including investigative costs and attorney's fees.

3. The grounds for revocation or suspension of a license are that:

(a) The ~~[licensee]~~ ***private professional guardian company*** has failed to pay the annual license fee;

(b) The ~~[licensee]~~ ***private professional guardian company*** has violated any provision of this chapter or any regulation adopted pursuant thereto or any lawful order of the Commissioner;

(c) The ~~[licensee]~~ ***private professional guardian company*** has failed to pay any applicable state or local tax as required;

(d) Any fact or condition exists which would have justified the Commissioner in denying the original application for a license pursuant to the provisions of this chapter; or

(e) The ~~[licensee:]~~ ***private professional guardian company:***

(1) Failed to open an office for the conduct of the business authorized by ~~[his or her]~~ ***its*** license within 180 days after the date the license was issued; or

(2) Has failed to remain open for the conduct of the business for a period of 30 consecutive days without good cause therefor.

4. An order suspending or revoking a license becomes effective 5 days after being entered unless the order specifies otherwise or a stay is granted.

5. If the Commissioner enters an order suspending or revoking a license pursuant to this section, the Commissioner shall send a copy of the order to each district court in this State.

Sec. 18. NRS 628B.920 is hereby amended to read as follows:

628B.920 ~~[A person who]~~ ***An entity that*** does not have a license issued pursuant to this chapter shall not:

1. Use the term "private professional guardian" or "guardianship services" as a part of ~~[his or her]~~ ***its*** business name.

2. Advertise or use any sign which includes the term "private professional guardian."

Sec. 19. NRS 628B.930 is hereby amended to read as follows:

628B.930 1. The Commissioner shall conduct an investigation if he or she receives a verified complaint that an unlicensed ~~[person]~~ ***entity*** is engaging in an activity for which a license is required pursuant to this chapter.

2. If the Commissioner determines that an unlicensed ~~[person]~~ ***entity*** is engaged in an activity for which a license is required pursuant to this chapter, the Commissioner shall:

(a) Issue and serve on the ~~[person]~~ ***entity*** an order to cease and desist from engaging in the activity until such time as the ~~[person]~~ ***entity*** obtains a license issued by the Commissioner; and

(b) Send a copy of the order to each district court in this State.

3. If ~~[a person]~~ ***an entity*** upon ~~[whom]~~ ***which*** an order to cease and desist is served pursuant to subsection 2 does not comply with the order within 30 days after the service of the order, the Commissioner shall, after providing to the ~~[person]~~ ***entity*** notice and an opportunity for a hearing:

(a) Impose upon the ~~[person]~~ ***entity*** an administrative fine of $10,000; or

(b) Enter into a written agreement with the ~~[person]~~ ***entity*** pursuant to which the ~~[person]~~ ***entity*** agrees to cease and desist from engaging in any activity in this State for which a license is required relating to the business of a private professional guardian and impose upon the ~~[person]~~ ***entity*** an administrative fine of not less than $5,000 and not more than $10,000.

4. The Commissioner shall bring suit in the name and on behalf of the State of Nevada against ~~[a person]~~ ***an entity*** upon ~~[whom]~~ ***which*** an administrative fine is imposed pursuant to subsection 3 to recover the amount of the administrative fine if:

(a) No petition for judicial review is filed pursuant to NRS 233B.130 and the fine remains unpaid for at least 90 days after notice of the imposition of the fine; or

(b) A petition for judicial review is filed pursuant to NRS 233B.130 and the fine remains unpaid for at least 90 days after the exhaustion of any right of appeal in the courts of this State resulting in a final determination that upholds the imposition of the fine.

5. ~~[A person's]~~ ***Any*** liability for an administrative fine is in addition to any other penalty provided for in this chapter.

Sec. 20. NRS 628B.940 is hereby amended to read as follows:

628B.940 1. If the Commissioner has reasonable cause to believe that any person is violating or is threatening to or intends to violate any provision of this chapter, the Commissioner may, in addition to any action provided for in this chapter and chapter 233B of NRS and without prejudice thereto, enter an order requiring the person to cease and desist or to refrain from such violation. If the Commissioner enters such an order pursuant to this subsection, the Commissioner shall send a copy of the order to each district court in this State.

2. The Commissioner may bring an action to enjoin a person from engaging in or continuing a violation or from doing any act or acts in furtherance thereof. In any such action, irreparable harm and lack of an adequate remedy at law will be presumed and an order or judgment may be entered awarding a preliminary or final injunction as may be deemed proper. The findings of the Commissioner shall be deemed to be prima facie evidence and sufficient grounds, in the discretion of the court, for the issuance ex parte of a temporary restraining order.

3. In addition to all other means provided by law for the enforcement of a restraining order or injunction, the court in which an action is brought may impound, and appoint a receiver for, the property and business of ~~[the person,]~~ ***a private professional guardian company,*** including books, papers, documents and records pertaining thereto, or so much thereof as a court may deem reasonably necessary to prevent violations of this chapter through or by means of the use of property and business, whether such books, papers, documents and records are in the possession of the ~~[person,]~~ ***private professional guardian company,*** a registered agent acting on behalf of the ~~[person]~~ ***private professional guardian company*** or any other person. If a receiver is appointed and qualified, the receiver has such powers and duties relating to the custody, collection, administration, winding up and liquidation of such property and business as may be conferred upon the receiver by the court.

4. If a receiver is appointed pursuant to subsection 3, the receiver shall remit to the owners, members or shareholders of the private professional guardian company any amount of equity of the private professional guardian company remaining after the discharge of the liabilities and payment of the normal, prudent and reasonable expenses of the receivership.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 169.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 225.

AN ACT relating to county recorders; providing that a county recorder has discretion to accept and record a document that does not meet certain formatting requirements; revising certain fees collected by a county recorder; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, certain documents submitted to a county recorder must meet certain formatting requirements and the county recorder is authorized to charge and collect a fee for documents which do not meet those formatting requirements. (NRS 247.110, 247.305) **Section 1** of this bill provides that a county recorder has the discretion to accept and record a document that does not meet formatting requirements. **Section 2** of this bill removes the fee charged for documents which do not comply with the formatting requirements.

Existing law requires the county recorder to charge and collect certain other fees for recording a document, including fees based on the number of pages in the document, certain indexing fees and an additional fee. (NRS 247.305) **Section 2** revises the fees collected for recording ~~[a document, from a fee for each page of a document and each portion required to be indexed to a flat fee of $36 for each document.]~~ **certain documents.** **Section 2** also increases the additional fee collected for recording certain documents from $3 to $5.

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

Section 1. NRS 247.110 is hereby amended to read as follows:

247.110 1. When a document authorized, entitled or required by law to be recorded is deposited in the county recorder's office for recording, the county recorder shall:

(a) Endorse upon it the time when it was received, noting:

(1) The year, month, day, hour and minute of its reception;

(2) The document number; and

(3) The amount of fees collected for recording the document.

(b) Record the document without delay, together with the acknowledgments, proofs and certificates, written upon or annexed to it, with the plats, surveys, schedules and other papers thereto annexed, in the order in which the papers are received for recording.

(c) Note at the upper right corner of the record and upon the document, except a map, so recorded the exact time of its reception and the name of the person at whose request it was recorded.

(d) Upon request, place a stamp or other notation upon one copy of the document presented at the time of recording to reflect the information endorsed upon the original pursuant to subparagraphs (1) and (2) of paragraph (a) and as evidence that the county recorder received the original, and return the copy to the person who presented it.

2. In addition to the information described in paragraph (a) of subsection 1, a county recorder may endorse upon a document the book and page where the document is recorded.

3. Except as otherwise provided in this section ~~[, subsection 5 of NRS 247.305]~~ and NRS 111.366 to 111.3697, inclusive, a document, except a map, certificate or affidavit of death, military discharge or document regarding taxes that is issued by the Internal Revenue Service of the United States Department of the Treasury, that is submitted for recording must be on a form authorized by NRS 104.9521 for the type of filing or ***, except as otherwise provided in subsection 5,*** must:

(a) Be on white, 20-pound paper that is 8 1/2 inches by 11 inches in size.

(b) Have a margin of 1 inch on the left and right sides and at the bottom of each page.

(c) Have a space of 3 inches by 3 inches at the upper right corner of the first page and have a margin of 1 inch at the top of each succeeding page.

(d) Not be on sheets of paper that are bound together at the side, top or bottom.

(e) Not contain printed material on more than one side of each page.

(f) Not have any documents or other materials physically attached to the paper.

(g) Not contain:

(1) Colored markings to highlight text or any other part of the document;

(2) A stamp or seal that overlaps with text or a signature on the document, except in the case of a validated stamp or seal of a professional engineer or land surveyor who is licensed pursuant to chapter 625 of NRS;

(3) Text that is smaller than a 10-point Times New Roman font and is printed in any ink other than black; or

(4) More than nine lines of text per vertical inch.

4. The provisions of subsection 3 do not apply to a document submitted for recording that has been filed with a court and which conforms to the formatting requirements established by the court.

5. ***A county recorder has the discretion to accept ~~[or]~~ and record a document that does not meet the formatting requirements set forth in paragraphs (a) to (g), inclusive, of subsection 3.***

6. A document is recorded when the information required pursuant to this section is placed on the document and is entered in the record of the county recorder.

Sec. 2. NRS 247.305 is hereby amended to read as follows:

247.305 1. If another statute specifies the fee to be charged for a service, county recorders shall charge and collect only the fee specified. Otherwise, unless prohibited by NRS 375.060, county recorders shall charge and collect the following fees:

(a) ***For any document specified in paragraphs (k), (l) and (m) of section 1 of NRS 247.120, or any amendments thereto:***

(1) For recording ~~[any]~~ ***a*** document, for the first page, $10. ~~[***$36.***~~

~~(b)]~~ ***(2)*** For each additional page, $1.

~~[(c) For recording each portion of a document which must be separately indexed, after the first indexing, $3.~~

~~(d)]~~ ***(3)*** For copying ~~[any]~~ ***a*** record, for each page, $1.

(b) For any other document:

(1) For recording a document, $25.

(2) For copying a record, for each page, $1.

~~[(e) ***(c)***]~~ ***(3)*** For certifying, including certificate and seal, $4.

~~[(f) ***(d)***]~~ ***(4)*** For a certified copy of a certificate of marriage, $10.

~~[(g) ***(e)***]~~ ***(5)*** For a certified abstract of a certificate of marriage, $10.

~~[(h) ***(f)***]~~ ***(6)*** For a certified copy of a certificate of marriage or for a certified abstract of a certificate of marriage, the additional sum of $5 for the Account for Aid for Victims of Domestic Violence in the State General Fund. The fees collected for this purpose must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and must be credited to that Account. The county treasurer shall, on or before the 15th day of each month, remit those fees deposited by the recorder to the State Controller for credit to that Account.

2. Except as otherwise provided in this subsection and NRS 375.060, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed ~~[$3]~~ ***$5*** for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder may not charge the additional fee authorized in this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount

of fees collected by him or her pursuant to this subsection to the county treasurer for credit to the account established pursuant to NRS 247.306.

3. Except as otherwise provided in this subsection and NRS 375.060, a county recorder shall charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee of $1 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized in this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer. On or before the 15th day of each month, the county treasurer shall remit the money received by him or her pursuant to this subsection to the State Treasurer for credit to the Account to Assist Persons Formerly in Foster Care established pursuant to NRS 432.017.

4. Except as otherwise provided in this subsection and NRS 375.060, a board of county commissioners may, in addition to any fee that a county recorder is otherwise authorized to charge and collect, impose by ordinance a fee of not more than $3 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized by this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer. On or before the 15th day of each month, the county treasurer shall remit the money received by him or her pursuant to this subsection to the organization operating the program for legal services for the indigent that receives the fees charged pursuant to NRS 19.031 to be used to provide legal services for abused and neglected children.

5. ~~[~~Except as otherwise provided in this subsection or subsection 6 or by specific statute, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed $25 for recording any document that does not meet the standards set forth in subsection 3 of NRS 247.110. A county recorder shall not charge the additional fee authorized by this subsection for recording a document that is exempt from the provisions of subsection 3 of NRS 247.110.

~~6.]~~ Except as otherwise provided in subsection ~~[~~7,~~]~~ ***6,*** a county recorder shall not charge or collect any fees for any of the services specified in this section when rendered by the county recorder to:

(a) The county in which the county recorder's office is located.

(b) The State of Nevada or any city or town within the county in which the county recorder's office is located, if the document being recorded:

(1) Conveys to the State, or to that city or town, an interest in land;

(2) Is a mortgage or deed of trust upon lands within the county which names the State or that city or town as beneficiary;

(3) Imposes a lien in favor of the State or that city or town; or

(4) Is a notice of the pendency of an action by the State or that city or town.

~~[7.]~~ ***6.*** A county recorder shall charge and collect the fees specified in this section for copying any document at the request of the State of Nevada, and any city or town within the county. For copying, and for his or her certificate and seal upon the copy, the county recorder shall charge the regular fee.

~~[8.]~~ ***7.*** If the amount of money collected by a county recorder for a fee pursuant to this section:

(a) Exceeds by $5 or less the amount required by law to be paid, the county recorder shall deposit the excess payment with the county treasurer for credit to the county general fund.

(b) Exceeds by more than $5 the amount required by law to be paid, the county recorder shall refund the entire amount of the excess payment.

~~[9.]~~ ***8.*** Except as otherwise provided in subsection 2, 3, 4 or ~~[8]~~ ***7*** or by an ordinance adopted pursuant to the provisions of NRS 244.207, county recorders shall, on or before the fifth working day of each month, account for and pay to the county treasurer all such fees collected during the preceding month.

~~[10.]~~ ***9.*** For the purposes of this section, "State of Nevada," "county," "city" and "town" include any department or agency thereof and any officer thereof in his or her official capacity.

Sec. 3. ~~[This act becomes effective on July 1, 2017.]~~ **(Deleted by amendment.)**

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 173.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 392.

~~[ASSEMBLYWOMEN]~~ **ASSEMBLYMEN** KRASNER; ~~[AND]~~ **JAUREGUI,** TOLLES **AND YEAGER**

AN ACT relating to civil actions; requiring an applicant for a name change to submit a statement signed under penalty of perjury; revising the requirement for publication of notice; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person to change his or her name by filing a petition in the district court of the district in which the person resides. The petition from an applicant for a name change must be addressed to the court and must state the applicant's present name, the name which the applicant desires to bear in the future, the reason for desiring the change and whether the applicant has been convicted of a felony. (NRS 41.270) **Section 1** of this bill requires an applicant for a name change to submit with the petition a statement signed under penalty of perjury that the applicant is not changing his or her name for a fraudulent purpose.

Existing law also requires the applicant to publish a notice of the name change in a newspaper of general circulation in the county once a week for 3 successive weeks. (NRS 41.280) **Section 2** of this bill requires such publication to be made at least one time.

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

Section 1. NRS 41.270 is hereby amended to read as follows:

41.270 Any natural person desiring to have his or her name changed may file a verified petition with the clerk of the district court of the district in which the person resides. The petition shall be addressed to the court and shall state the applicant's present name, the name which the applicant desires to bear in the future, the reason for desiring the change **,** ~~[and]~~ whether the applicant has been convicted of a felony ~~[.]~~ ***and a statement signed under penalty of perjury that the applicant is not changing his or her name for a fraudulent purpose.***

Sec. 2. NRS 41.280 is hereby amended to read as follows:

41.280 1. Except as otherwise provided in subsection 2, upon the filing of the petition, the applicant shall make out and procure a notice that must:

(a) State the fact of the filing of the petition, its object, the applicant's present name **,** ~~[and]~~ the name which the applicant desires to bear in the future ~~[:]~~ ***and the fact that the applicant submitted a statement signed under penalty of perjury that the applicant is not changing his or her name for a fraudulent purpose;*** and

(b) Be published in some newspaper of general circulation in the county ~~[once a week for 3 successive weeks.]~~ ***at least one time.***

2. If the applicant submits proof satisfactory to the court that publication of the change of name would place the applicant's personal safety at risk, the court shall not require the applicant to comply with the provisions of subsection 1 and shall order the records concerning the petition and any proceedings concerning the petition to be sealed and to be opened for inspection only upon an order of the court for good cause shown or upon the request of the applicant.

Sec. 3. NRS 41.290 is hereby amended to read as follows:

41.290 1. If, within 10 days after the ~~[last]~~ publication of the notice, no written objection is filed with the clerk, upon proof of the filing of the petition and publication of notice as required in NRS 41.280, and upon being satisfied by the statements in the petition, or by other evidence, that good reason exists therefor, the court shall make an order changing the name of the applicant as prayed for in the petition. If, within the period an objection is filed, the court shall appoint a day for hearing the proofs, respectively, of the applicant and the objection, upon reasonable notice. Upon that day, the court shall hear the proofs, and grant or refuse the prayer of the petitioner, according to whether the proofs show satisfactory reasons for making the change. Before issuing its order, the court shall specifically take into consideration the applicant's criminal record, if any, which is stated in the petition.

2. Upon the making of an order either granting or denying the prayer of the applicant, the order must be recorded as a judgment of the court. If the petition is granted, the name of the applicant must thereupon be as stated in the order and the clerk shall transmit a certified copy of the order to the State Registrar of Vital Statistics.

3. If an order grants a change of name to a person who has a criminal record, the clerk shall transmit a certified copy of the order to the Central Repository for Nevada Records of Criminal History for inclusion in that person's record of criminal history.

4. Upon receiving uncontrovertible proof that an applicant in the petition falsely denied having been convicted of a felony ~~[,]~~ ***or falsely stated under penalty of perjury that he or she is not changing his or her name for a fraudulent purpose,*** the court shall rescind its order granting the change of name and the clerk shall transmit a certified copy of the order rescinding the previous order to:

(a) The State Registrar of Vital Statistics for inclusion in the State Registrar's records.

(b) The Central Repository for Nevada Records of Criminal History for inclusion in the applicant's record of criminal history.

Sec. 4. This act becomes effective on July 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 180.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 229.

ASSEMBLYMEN MONROE-MORENO; BILBRAY-AXELROD, BROOKS, COHEN, **FRIERSON,** MCCURDY II, MILLER **, OHRENSCHALL, THOMPSON** AND YEAGER

AN ACT relating to juvenile justice; enacting the Juvenile Justice Bill of Rights; providing certain rights to children who are detained in a detention facility; requiring notice of those rights to be provided to children who are detained and to certain other persons, and that such notice be posted in certain locations; establishing a procedure for children to report alleged violations of those rights; **requiring detention facilities to establish policies concerning certain medication given to children who are detained;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill enacts the Juvenile Justice Bill of Rights. **Section 5** of this bill sets forth certain rights of children who are detained in a detention facility. **Section 6** of this bill requires a detention facility in which a child is detained to: (1) inform the child of the rights set forth in **section 5**; (2) provide the child and, if practicable, the parent or guardian of the child with a written copy of those rights; and (3) post a written copy of those rights in a conspicuous place inside the detention facility. **Section 7** of this bill authorizes a detention facility to place reasonable restrictions on the rights of a child based upon the time, place and manner of the child's exercise of those rights if such restrictions are necessary to preserve order, security or safety. **Section 8** of this bill authorizes a child who believes that his or her rights have been violated to raise and redress a grievance. **Section 8.5 of this bill requires each detention facility to establish appropriate policies to ensure that children who are detained in the detention facility have timely access to clinically appropriate psychotropic medication.** **Sections 9-11** of this bill make conforming changes.

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

Section 1. Chapter 62A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[8,]~~ **8.5,** inclusive, of this act.

Sec. 2. ***"Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.***

Sec. 3. ***Sections 3 to ~~[8,]~~ 8.5, inclusive, of this act may be cited as the Juvenile Justice Bill of Rights.***

Sec. 4. ***As used in sections 3 to ~~[8,]~~ 8.5, inclusive, of this act, "detention facility" includes a:***

1. Local facility for the detention of children;

2. Regional facility for the detention of children; and

3. State facility for the detention of children.

Sec. 5. ***Except as otherwise provided in section 7 of this act, a child who is placed in the care and custody of a detention facility within this State has the right:***

1. To receive information concerning his or her rights set forth in this title.

2. To be treated with basic human dignity and respect ~~[.]~~ , without intentional infliction of humiliation.

3. To have fair and equal access to services, placement, care, treatment and benefits.

4. To a program of ~~[age-appropriate]~~ education that meets the requirements of law ~~[.]~~ and is appropriate for the developmental maturity of the child.

5. To receive adequate, healthy ~~[,]~~ and appropriate ~~[and accessible]~~ food.

6. To receive adequate, appropriate and accessible basic necessities, including, without limitation, shelter, clean clothing and personal hygiene products and facilities.

7. To ~~[receive]~~ have access to necessary medical and behavioral health care services, including, without limitation:

(a) Dental, vision and mental health services;

(b) Medical and psychological screening, assessment and testing; and

(c) Referral to and receipt of medical, emotional, psychological or psychiatric evaluation and treatment as soon as practicable after the need for such services has been identified.

8. To be free from:

(a) Abuse or neglect, as defined in NRS 432B.020.

(b) Corporal punishment, as defined in NRS 388.478 ~~[.]~~ , except the reasonable use of force that is necessary to preserve the order, security or safety of the child, the public, the staff of the detention facility or other children who are detained in the detention facility.

(c) The administration of psychotropic medication unless the administration is consistent with ~~[NRS 432B.197 and]~~ the policies established pursuant ~~[thereto.]~~ to section 8.5 of this act.

(d) Discrimination or harassment on the basis of his or her actual or perceived race, ethnicity, ancestry, national origin, color, religion, sex, sexual orientation, gender identity or expression, mental or physical disability or exposure to ~~[the human immunodeficiency virus.]~~ any communicable disease.

(e) The deprivation of food, sleep, exercise, education, pillows, blankets or personal hygiene products as a form of punishment or discipline.

(f) Being searched for the purpose of harassment ~~[or humiliation,]~~ or as a form of punishment or discipline.

(g) Being restricted from a daily shower, clean clothing, drinking water, a toilet or reading materials relating to the education or detention of the child as a form of punishment or discipline.

9. To have reasonable access and accommodations to participate in religious services of his or her choice when reasonably available on the premises of the detention facility or to refuse to participate in religious services.

10. To communicate with other persons, including, without limitation, the right:

(a) To have regular contact through visits, telephone calls and mail with:

(1) Biological children;

(2) Parents;

(3) Guardians;

(4) Attorneys; and

(5) Other adults with whom the child has established a familial or mentoring relationship, including, without limitation, clergy, caseworkers, teachers, mentors and other persons, upon approval of the ~~[agency which provides child welfare services.]~~ detention facility.

(b) To communicate confidentially with:

(1) ~~[The]~~ Any agency which provides child welfare services to the child concerning his or her care;

(2) Attorneys, legal services organizations and their employees and staff;

(3) Ombudspersons and other advocates;

(4) Members of the clergy; and

(5) Holders of public office, and people who work at a state or federal court.

➥ Except as otherwise provided by specific statute, a communication made pursuant to this paragraph is not a privileged communication.

(c) To report any alleged violation of his or her rights pursuant to section 8 of this act without being threatened or punished.

11. To ~~[attend]~~ participate, in person, by telephone or by videoconference, in all court hearings pertaining to the circumstances which led to the detention of the child.

Sec. 6. *A detention facility shall:*

1. Inform the child of his or her rights as set forth in section 5 of this act;

2. Provide the child with a written copy of those rights;

3. Provide an additional written copy of those rights to the child upon request;

4. To the extent that it is practicable, provide a written copy of those rights to the parent or guardian of the child; and

5. Post a written copy of the rights set forth in section 5 of this act in a conspicuous place inside the detention facility.

Sec. 7. *A detention facility may impose reasonable restrictions on the time, place and manner in which a child may exercise his or her rights set forth in section 5 of this act if such restrictions are necessary to preserve the order, security or safety of the child, the public, the staff of the detention facility or other children who are detained in the detention facility.*

Sec. 8. ***If a child believes that any of his or her rights set forth in section 5 of this act have been violated, the child may raise and redress a grievance through, without limitation:***

1. A member of the staff of the detention facility;

2. A probation officer or parole officer;

3. An agency which provides child welfare services to the child, and any employee thereof;

4. A juvenile court with jurisdiction over the child;

5. A guardian ad litem for the child;

6. An attorney for the child; or

7. The use of any appropriate procedure which has been established by the Division of Child and Family Services to address grievances for children, both in and out of detention.

Sec. 8.5. Each detention facility shall establish appropriate policies to ensure that children who are detained in the detention facility have timely access to and safe administration of clinically appropriate psychotropic medication. The policies must include, without limitation, policies concerning:

1. The use of psychotropic medication in a manner that has not been tested or approved by the United States Food and Drug Administration, including, without limitation, the use of such medication for a child who is of an age that has not been tested or approved or who has a condition for which the use of the medication has not been tested or approved;

2. The concurrent use by a child of three or more classes of psychotropic medication; and

3. The concurrent use by a child of two psychotropic medications of the same class.

Sec. 9. NRS 62A.010 is hereby amended to read as follows:

62A.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 62A.020 to 62A.350, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 10. NRS 62A.380 is hereby amended to read as follows:

62A.380 1. In carrying out the objects and purposes of this title, the juvenile court may use the services and facilities of the agency which provides child welfare services.

2. The agency which provides child welfare services shall determine the plans, placements and services to be provided to any child pursuant to the provisions of this title, chapter 432 of NRS, NRS 432B.010 to 432B.400, inclusive, and 432B.4681 to 432B.469, inclusive.

[~~3. As used in this section, "agency which provides child welfare services" means:~~

~~(a) In a county whose population is less than 100,000, the local office of the Division of Child and Family Services; or~~

~~(b) In a county whose population is 100,000 or more, the agency of the county,~~

~~which provides or arranges for necessary child welfare services.~~]

Sec. 11. NRS 62D.420 is hereby amended to read as follows:

62D.420 1. In each proceeding conducted pursuant to the provisions of this title, the juvenile court may:

(a) Receive all competent, material and relevant evidence that may be helpful in determining the issues presented, including, but not limited to, oral and written reports; and

(b) Rely on such evidence to the extent of its probative value.

2. The juvenile court shall afford the parties and their attorneys an opportunity to examine and controvert each written report that is received into evidence and to cross-examine each person who made the written report, when reasonably available.

3. In any proceeding involving a child for which the court has access to records relating to the custody of the child or the involvement of the child with an agency which provides child welfare services, the juvenile court may review those records to assist the court in determining the appropriate placement or plan of treatment for the child.

4. Except when a record described in subsection 3 would otherwise be admissible as evidence in the proceeding, the juvenile court shall not use a record reviewed pursuant to subsection 3 to prove that the child committed a delinquent act or is in need of supervision or for any purpose other than a purpose set forth in subsection 3. Except as otherwise provided in subsection 5, such records must not be disclosed or otherwise made open to inspection unless the records are admitted as evidence and used to determine the disposition of the case.

5. The juvenile court shall afford the parties and their attorneys an opportunity to examine and address any record reviewed by the juvenile court pursuant to subsection 3.

[~~6. As used in this section, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.~~]

Sec. 12. This act becomes effective on July 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 190.

Bill read second time.

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

Amendment No. 44.

AN ACT relating to occupational safety; requiring **certain** employees on certain sites related to the entertainment industry to receive certain health and safety training; providing civil penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 11 of this bill requires: (1) supervisory employees working on certain sites related to the entertainment industry to complete a specified 30-hour health and safety course not later than 15 days after being hired; and (2) certain other workers working on such a site to complete a specified 10-hour course not later than 15 days after being hired. **Section 7 of this bill defines "worker" to include only those persons whose primary occupation is to perform work on such a site, and section 7.5 of this bill provides that the requirements in this bill do not apply to a person who is a volunteer or other person who is not paid to work on such a site.**

Section 9 of this bill requires the Division of Industrial Relations of the Department of Business and Industry to adopt regulations approving courses which may be used to fulfill the requirements of **section 11**. **Section 10** of this bill requires providers of approved courses to display the card evidencing their authorization by the Occupational Safety and Health Administration of the United States Department of Labor to provide such a course at the location at which the course is being provided.

Section 12 of this bill requires employers to suspend or terminate the employment of an employee on an applicable site who fails to provide proof of obtaining the required training not later than 15 days after being hired. **Section 13** of this bill provides for administrative fines for employers who fail to suspend or terminate certain employees on a site after the 15-day period if those employees have not obtained the required training.

Section 16 of this bill: (1) allows employees to satisfy the requirements of **section 11** by completing an alternative course offered by their employer; (2) requires an employee that satisfies the requirements of **section 11** by completing an alternative course to take an approved course before January 1, 2019; and (3) requires an employer to maintain and make available to the Division of Industrial Relations a record of all employees that have completed an alternative course until a date to be established by the Division by regulation.

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

Section 1. Chapter 618 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 13, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"OSHA-10 course" means a 10-hour course in general industry safety and health hazard recognition and prevention developed by the Occupational Safety and Health Administration of the United States Department of Labor.***

Sec. 4. ***"OSHA-30 course" means a 30-hour course in general industry safety and health hazard recognition and prevention developed by***

the Occupational Safety and Health Administration of the United States Department of Labor.

Sec. 5. *"Site" means a theater where live entertainment is performed, a sound stage, a showroom, a lounge, an arena or a remote site which has been designated as a location for the production of a motion picture or television program.*

Sec. 6. *"Supervisory employee" means any person having authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees or responsibility to direct them, to adjust their grievances or effectively to recommend such action, if in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature but requires the use of independent judgment. The exercise of such authority shall not be deemed to place the employee in supervisory employee status unless the exercise of such authority occupies a significant portion of the employee's workday.*

Sec. 7. *"Worker" means a person ~~[employed]~~ whose primary occupation is to perform work on a site, including, without limitation, the construction, installation, maintenance, operation, repair or removal of:*

1. Theatrical scenery, rigging or props;

2. Wardrobe, hair or makeup;

3. Audio, camera, projection, video or lighting equipment; or

4. Any other items or parts which are related to or components of the items described in subsection 1, 2 or 3 and which are used for or in conjunction with the presentation or production of:

(a) Live entertainment;

(b) Filmmaking or photography, including, without limitation, motion pictures;

(c) Television programs, including, without limitation, live broadcasts, closed-circuit broadcasts or videotape recordings and playback;

(d) Sporting events; or

(e) Theatrical performances.

Sec. 7.5. The provisions of sections 2 to 13, inclusive, of this act do not apply to a volunteer or any other person who is not paid to perform work on a site.

Sec. 8. *The Division may adopt such regulations as are necessary to carry out the provisions of sections 2 to 13, inclusive, of this act.*

Sec. 9. *1. The Division shall, by regulation, approve OSHA-10 courses and OSHA-30 courses for the purposes of fulfilling the requirements of section 11 of this act.*

2. The Division shall establish a registry to track the providers of courses approved pursuant to subsection 1.

3. The Division shall adopt regulations that set forth guidelines for job-specific training to qualify as continuing education for the purposes of section 11 of this act.

Sec. 10. *1. Each trainer shall display his or her trainer card in a conspicuous manner at each location where the trainer provides an OSHA-10 course or OSHA-30 course.*

2. No person other than a trainer may provide an OSHA-10 course or OSHA-30 course.

3. As used in this section:

(a) "Trainer" means a person who is currently authorized by the Occupational Safety and Health Administration of the United States Department of Labor as a trainer, including, without limitation, a person who has completed OSHA 501, the Trainer Course in OSHA Standards for General Industry.

(b) "Trainer card" means the card issued upon completion of OSHA 501, the Trainer Course in OSHA Standards for General Industry, which reflects the authorization of the holder by the Occupational Safety and Health Administration of the United States Department of Labor to provide OSHA-10 courses and OSHA-30 courses.

Sec. 11. *1. Not later than 15 days after the date a worker other than a supervisory employee is hired, the worker must:*

(a) Obtain a completion card for an OSHA-10 course which is issued upon completion of a course approved by the Division pursuant to section 9 of this act; or

(b) Complete an OSHA-10 alternative course which is offered by his or her employer.

2. Not later than 15 days after the date a supervisory employee is hired, the supervisory employee must:

(a) Obtain a completion card for an OSHA-30 course which is issued upon completion of a course approved by the Division pursuant to section 9 of this act; or

(b) Complete an OSHA-30 alternative course which is offered by his or her employer.

3. Any completion card used to satisfy the requirements of this section expires 5 years after the date it is issued and may be renewed by:

(a) Completing an OSHA-10 course or OSHA-30 course, as applicable, within the previous 5 years; or

(b) Providing proof satisfactory to the Division that the worker has completed continuing education within the previous 5 years consisting of job-specific training that meets the guidelines established by the Division pursuant to section 9 of this act in an amount of:

(1) For a completion card issued for an OSHA-10 course, not less than 5 hours; or

(2) For a completion card issued for an OSHA-30 course, not less than 15 hours.

4. As used in this section:

(a) "OSHA-10 alternative course" means a 10-hour course offered to the employees of an employer that meets or exceeds the guidelines issued

by the Occupational Safety and Health Administration of the United States Department of Labor for an OSHA-10 course, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer participates.

(b) "OSHA-30 alternative course" means a 30-hour course offered to the employees of an employer that meets or exceeds the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor for an OSHA-30 course, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer participates.

Sec. 12. *1. If a worker other than a supervisory employee fails to:*

(a) Present his or her employer with a current and valid completion card for an OSHA-10 course; or

(b) Complete an OSHA-10 alternative course offered by his or her employer,

↪ not later than 15 days after being hired, the employer shall suspend or terminate his or her employment.

2. If a supervisory employee on a site fails to:

(a) Present his or her employer with a current and valid completion card for an OSHA-30 course; or

(b) Complete an OSHA-30 alternative course offered by his or her employer,

↪ not later than 15 days after being hired, the employer shall suspend or terminate his or her employment.

3. As used in this section:

(a) "OSHA-10 alternative course" means a 10-hour course offered to the employees of an employer that meets or exceeds the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor for an OSHA-10 course, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer participates.

(b) "OSHA-30 alternative course" means a 30-hour course offered to the employees of an employer that meets or exceeds the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor for an OSHA-30 course, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer participates.

Sec. 13. *1. If the Division finds that an employer has failed to suspend or terminate an employee as required by section 12 of this act, the Division shall:*

(a) Upon the first violation, in lieu of any other penalty under this chapter, impose upon the employer an administrative fine of not more than $500.

(b) Upon the second violation, in lieu of any other penalty under this chapter, impose upon the employer an administrative fine of not more than $1,000.

(c) Upon the third and each subsequent violation, impose upon the employer the penalty provided in NRS 618.635 as if the employer had committed a willful violation.

2. For the purposes of this section, any number of violations discovered in a single day constitutes a single violation.

3. Before a fine or any other penalty is imposed upon an employer pursuant to this section, the Division must follow the procedures set forth in this chapter for the issuance of a citation, including, without limitation, the procedures set forth in NRS 618.475 for notice to the employer and an opportunity for the employer to contest the violation.

Sec. 14. Section 11 of this act is hereby amended to read as follows:

Sec. 11. 1. Not later than 15 days after the date a worker other than a supervisory employee is hired, the worker must ~~[~~**.** ~~]~~

~~(a) Obtain~~ ***obtain*** a completion card for an OSHA-10 course which is issued upon completion of a course approved by the Division pursuant to section 9 of this act **.** ~~[~~**.** ~~; or~~

~~(b) Complete an OSHA 10 alternative course which is offered by his or her employer.~~ ~~]~~

2. Not later than 15 days after the date a supervisory employee is hired, the supervisory employee must ~~[~~**.** ~~]~~

~~(a) Obtain~~ ***obtain*** a completion card for an OSHA-30 course which is issued upon completion of a course approved by the Division pursuant to section 9 of this act **.** ~~[~~**.** ~~; or~~

~~(b) Complete an OSHA 30 alternative course which is offered by his or her employer.~~ ~~]~~

3. Any completion card used to satisfy the requirements of this section expires 5 years after the date it is issued and may be renewed by:

(a) Completing an OSHA-10 course or OSHA-30 course, as applicable, within the previous 5 years; or

(b) Providing proof satisfactory to the Division that the worker has completed continuing education within the previous 5 years consisting of job-specific training that meets the guidelines established by the Division pursuant to section 9 of this act in an amount of:

(1) For a completion card issued for an OSHA-10 course, not less than 5 hours; or

(2) For a completion card issued for an OSHA-30 course, not less than 15 hours.

~~[~~4. As used in this section:

~~(a) "OSHA 10 alternative course" means a 10 hour course offered to the employees of an employer that meets or exceeds the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor for an OSHA 10 course, including,~~

~~without limitation, federal safety and health regulatory requirements specific to the industry in which the employer participates.~~

~~(b) "OSHA 30 alternative course" means a 30-hour course offered to the employees of an employer that meets or exceeds the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor for an OSHA 30 course, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer participates.~~**]**

Sec. 15. Section 12 of this act is hereby amended to read as follows:

Sec. 12. 1. If a worker other than a supervisory employee fails to ~~[~~**[**:

~~(a) Present~~**]** ***present*** his or her employer with a current and valid completion card for an OSHA-10 course ~~[~~**[**~~; or~~

~~(b) Complete an OSHA 10 alternative course offered by his or her employer,~~

~~"~~**]** not later than 15 days after being hired, the employer shall suspend or terminate his or her employment.

2. If a supervisory employee on a site fails to ~~[~~**[**:

~~(a) Present~~**]** ***present*** his or her employer with a current and valid completion card for an OSHA-30 course ~~[~~**[**~~; or~~

~~(b) Complete an OSHA 30 alternative course offered by his or her employer,~~

~~"~~**]** not later than 15 days after being hired, the employer shall suspend or terminate his or her employment.

~~[~~**[**~~3. As used in this section:~~

~~(a) "OSHA 10 alternative course" means a 10-hour course offered to the employees of an employer that meets or exceeds the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor for an OSHA 10 course, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer participates.~~

~~(b) "OSHA 30 alternative course" means a 30-hour course offered to the employees of an employer that meets or exceeds the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor for an OSHA 30 course, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer participates.~~**]**

Sec. 16. 1. Not later than January 1, 2019, ~~[an]~~ **a worker or supervisory** employee who satisfies the requirements of subsection 1 or 2 of section 11 of this act by completing an OSHA-10 alternative course or OSHA-30 alternative course, as defined in section 11 of this act, must complete an OSHA-10 course or OSHA-30 course, as defined in sections 3 and 4 of this act, as applicable, in order to continue to satisfy the requirements of subsection 1 or 2 of section 11 of this act.

2. An employer shall maintain a record of all **workers and supervisory** employees who have completed an OSHA-10 alternative course or OSHA-30 alternative course offered by the employer and the date upon which the **worker or** employee completed the course. The employer shall make the record available at all times for inspection by the Division of Industrial Relations of the Department of Business and Industry and its authorized agents.

3. The Division of Industrial Relations shall, by regulation, establish the length of time that an employer must maintain the record described in subsection 2.

4. As used in this section, "worker" has the meaning ascribed to it in section 7 of this act.

Sec. 17. 1. This section and sections 1 to 13, inclusive, and 16 of this act become effective on January 1, 2018.

2. Sections 14 and 15 of this act become effective on January 1, 2019.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 202.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 222.

ASSEMBLYMEN JOINER ~~[.]~~ **, COHEN;** SWANK AND THOMPSON.

JOINT SPONSORS: SENATORS CANCELA AND RATTI.

SUMMARY— ~~[Revises provisions relating to the Silver State Opportunity Grant Program.]~~ **Requires an interim study concerning the cost and affordability of higher education in this State.** (BDR ~~[34-722)]~~ **S-722)**

AN ACT relating to education; ~~[providing for the award of grants under the Silver State Opportunity Grant Program to qualified students enrolled in universities within the Nevada System of Higher Education; providing that money received from a grant awarded under the Program may be used to pay for the cost of education at more than one community college, state college or university within the System;]~~ **directing the Legislative Commission to appoint a committee to conduct an interim study concerning the cost and affordability of higher education in this State;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law creates the Silver State Opportunity Grant Program. Under the Program, the Board of Regents of the University of Nevada is required to award grants to eligible students who are enrolled in community colleges and state colleges that are part of the Nevada System of Higher Education to pay for a portion of the cost of education at such institutions. (NRS 396.952)~~

~~Sections 1-4 of this bill provide that students who are enrolled in a university that is a part of the System are also eligible for a grant under the Program. Section 2 of this bill additionally provides that money received from a grant awarded under the Program may be used to pay for the cost of education at more than one community college, state college or university within the System.]~~ **Section 1 of this bill requires the Legislative Commission to appoint a committee to conduct an interim study concerning the cost and affordability of higher education in this State and prescribes the membership of the committee. Section 1 also requires this committee to: (1) consult with and solicit input from persons and organizations with expertise in matters relevant to the cost of higher education and funding methods for higher education; and (2) submit a report of its findings and any recommendations to the Legislature. Section 3 of this bill requires the Legislative Counsel Bureau and the Nevada System of Higher Education to provide administrative and technical assistance to the committee at the request of the Chair of the committee.**

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

Delete existing sections 1 through 6 of this bill and replace with the following new sections 1 through 4:

Section 1. **1. The Legislative Commission shall appoint a committee to conduct an interim study concerning the cost and affordability of higher education in the State of Nevada for students.**

2. The committee must be composed of:

(a) Two voting members of the Legislature appointed by the Majority Leader of the Senate;

(b) Two voting members of the Legislature appointed by the Speaker of the Assembly;

(c) One voting member of the Legislature appointed by the Minority Leader of the Senate;

(d) One voting member of the Legislature appointed by the Minority Leader of the Assembly;

(e) One nonvoting member of the general public who is a faculty member in the Nevada System of Higher Education appointed by the Chair of the Legislative Commission from among the names of nominees submitted by the Board of Regents of the University of Nevada pursuant to subsection 3; and

(f) One nonvoting member of the general public who is a student enrolled in the Nevada System of Higher Education appointed by the Chair of the Legislative Commission from among the names of nominees submitted by the Board of Regents of the University of Nevada pursuant to subsection 3.

3. The Board of Regents of the University of Nevada shall submit to the Legislative Commission the names of at least three:

(a) Faculty members in the Nevada System of Higher Education qualified for membership on the committee.

(b) Students enrolled in the Nevada System of Higher Education qualified for membership on the committee.

4. The Speaker of the Assembly shall appoint a Chair and a Vice Chair of the committee.

5. The committee shall consult with and solicit input from persons and organizations with expertise in matters relevant to the cost of higher education in this State and funding methods for higher education in this State.

6. The committee shall submit a report of its findings, including, without limitation, any recommendations for legislation, to the 80th Session of the Nevada Legislature.

Sec. 2. **In studying the cost and affordability of higher education in the State of Nevada, the committee appointed pursuant to section 1 of this act shall:**

1. Examine the cost and affordability of higher education in the State of Nevada for students, including, without limitation:

(a) The average cost of higher education for a student relative to the average income earned by a student;

(b) The affordability of higher education for a student in this State compared to other states;

(c) Options for the creation of a need-based grant program for the purpose of awarding grants to eligible students to pay for a portion of the cost of education at an institution within the Nevada System of Higher Education similar to the Silver State Opportunity Grant Program created by NRS 396.952; and

(d) Any programs, policies and funding that may make higher education more financially accessible to residents of this State, including, without limitation, an examination of the factors contributing to the current cost of higher education and ways to address them;

2. Examine and evaluate the need in this State for existing and potential programs of higher education to ensure economic progress and development and workforce development within this State and to ensure that the educational needs of its residents are being met;

3. Identify areas of study which are of high priority and where needs are not currently being met, including, without limitation, the areas of nursing and teaching;

4. Determine whether it is feasible to reallocate existing resources within institutions of the Nevada System of Higher Education to meet the critical needs of higher education in the State that are not currently being met;

5. Determine whether legislative appropriations and student fee revenues are being efficiently distributed internally at each institution of the Nevada System of Higher Education;

6. Examine whether the system of compensation for faculty at each institution of the Nevada System of Higher Education is appropriate in order to recruit and retain quality faculty that further programs of higher education and research; and

7. Recommend to the Board of Regents of the University of Nevada and the Legislature such action as may be needed:

(a) To address findings relating to the affordability and programs of higher education, including, without limitation, where long-term investments should be made to improve affordability and address workforce needs; and

(b) For the efficient and effective operation of higher education in this State if the State is to progress economically and socially.

Sec. 3. **The Legislative Counsel Bureau and the Nevada System of Higher Education shall provide administrative and technical assistance to the committee appointed pursuant to section 1 of this act as requested by the Chair of the committee.**

Sec. 4. **This act becomes effective on July 1, 2017.**

Assemblyman Thompson moved the adoption of the amendment.

Remarks by Assemblyman Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 228.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 191.

ASSEMBLYMEN PICKARD; COHEN AND TOLLES

JOINT SPONSORS: SENATORS DENIS, GANSERT, GOICOECHEA, HAMMOND, HARDY, HARRIS, PARKS AND ROBERSON

AN ACT relating to parental rights; revising provisions governing the required service regarding a proceeding for the termination of parental rights; revising the time for a hearing to terminate parental rights; making certain hearings, files and records of the court relating to a proceeding for the termination of parental rights confidential in certain circumstances; authorizing the termination of parental rights in certain circumstances involving a sexual assault; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that service of notice, including, without limitation, by personal service, publication or mailing, must be attempted on a parent, legal custodian or guardian or relative of a child before the commencement of a proceeding for the termination of parental rights. (NRS 128.060,

128.070) Existing law requires personal service to be attempted on a parent or legal custodian or guardian in such a case if the parent or legal custodian or guardian resides in this State. **Section 2** of this bill removes the requirement that the person live in this State so that personal service must be attempted on such a person regardless of residence. If personal service is not feasible, **sections 3 and 4** of this bill authorize the publication of a notice of hearing for the termination of parental rights under certain conditions, after the clerk of the court has replaced every instance of the name of the child with the initials of the child on the notice of hearing.

Existing law requires a hearing to terminate the parental rights of a father, at the request of the mother of an unborn child, to be held after the birth of the child or 6 months after the filing of the petition, whichever is later. (NRS 128.085) **Section 5** of this bill allows such a hearing to take place any time after the birth of the child and service on the father or putative father, if known, is completed.

Existing law requires all hearings, files and records of a court relating to an adoption proceeding to be confidential. (NRS 127.140) **Sections 6 and 8** of this bill similarly require that the hearings, files and records of a court relating to a proceeding to terminate parental rights are confidential, with certain exceptions.

Existing law specifies that if a child is conceived as the result of a sexual assault and the person convicted of the sexual assault is the natural father of the child, that person has no right to custody of the child or visitation except in certain circumstances. (NRS 125C.210) **Section 7** of this bill provides that the conviction of the natural ~~[father]~~ **parent** of a child for a sexual assault which resulted in the conception of the child is grounds for terminating the parental rights of the natural ~~[father.]~~ **parent.**

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

Section 1. NRS 128.050 is hereby amended to read as follows:

128.050 1. The proceedings must be entitled, "In the matter of the parental rights as to ....., a minor."

2. A petition must be verified and may be upon information and belief. It must set forth plainly:

(a) The facts which bring the child within the purview of this chapter.

(b) The name, age and residence of the child.

(c) The names and residences of the parents of the child.

(d) The name and residence of the person or persons having physical custody or control of the child.

(e) The name and residence of the child's legal guardian, if there is one.

(f) The name and residence of the child's nearest known relative **,** ~~[residing within the State,]~~ if no parent or guardian can be found.

(g) Whether the child is known to be an Indian child.

3. If any of the facts required by subsection 2 are not known by the petitioner, the petition must so state.

4. If the petitioner is a mother filing with respect to her unborn child, the petition must so state and must contain the name and residence of the father or putative father, if known.

5. If the petitioner or the child is receiving public assistance, the petition must so state.

Sec. 2. NRS 128.060 is hereby amended to read as follows:

128.060 1. After a petition has been filed, unless the party or parties to be served voluntarily appear and consent to the hearing, the court shall direct the clerk to issue a notice, reciting briefly the substance of the petition and stating the date set for the hearing thereof, and requiring the person served therewith to appear before the court at the time and place if that person desires to oppose the petition.

2. ~~[The]~~ ***Except as otherwise provided in NRS 128.070, the*** following persons must be personally served with the notice:

(a) The father or mother of the minor person, ~~[if residing within this State, and]~~ if his or her place of residence is known to the petitioner, ~~[or, if there is no parent so residing,]~~ or if the place of residence of the father or mother is not known to the petitioner, then the nearest known relative of that person, if there is any residing within the State, and if his or her residence and relationship are known to the petitioner; and

(b) The minor's legal custodian or guardian, ~~[if residing within this State and]~~ if his or her place of residence is known to the petitioner.

3. If the petitioner or the child is receiving public assistance, the petitioner shall mail a copy of the notice of hearing and a copy of the petition to the Chief of
the Child ***Support*** Enforcement Program of the Division of Welfare and Supportive Services of the Department of Health and Human Services by registered or certified mail return receipt requested at least 45 days before the hearing.

Sec. 3. NRS 128.070 is hereby amended to read as follows:

128.070 1. When the father or mother of a minor child or the child's legal custodian or guardian ~~[resides out of the State, has departed from the State, or]~~ cannot, after due diligence, be found ~~[within the State,]~~ or conceals himself or herself to avoid the service of the notice of hearing, and the fact appears, by affidavit, to the satisfaction of the court thereof, and it appears, either by affidavit or by a verified petition on file, that the named father or mother or custodian or guardian is a necessary or proper party to the proceedings, the court may grant an order that the service be made by the publication of the notice of hearing. When the affidavit is based on the fact that the ***present address of the*** father or mother or custodian or guardian ~~[resides out of the State, and his or her present address]~~ is unknown, it is a sufficient showing of that fact if the affiant states generally in the affidavit that:

(a) At a previous time the person resided ~~[out of this State]~~ in a certain place (naming the place and stating the latest date known to the affiant when the person so resided there);

(b) That place is the last place in which the person resided to the knowledge of the affiant;

(c) The person no longer resides at that place; ***and***

(d) The affiant does not know the present place of residence of the person or where the person can be found **.** ~~[~~; and

~~(e) The affiant does not know and has never been informed and has no reason to believe that the person now resides in this State.]~~

➥ In such case, ~~[it shall be presumed that the person still resides and remains out of the State, and]~~ the affidavit shall be deemed to be a sufficient showing of due diligence to find the father or mother or custodian or guardian.

2. The order must direct the publication to be made in a newspaper, to be designated by the court, for a period of 4 weeks, and at least once a week during that time. ~~[In case of publication, where the residence of a nonresident or absent father or mother or custodian or guardian is known, the court shall also direct a copy of the notice of hearing and petition to be deposited in the post office, directed to the person to be served at his or her place of residence.]~~ When publication is ordered, personal service of a copy of the notice of hearing and petition ~~[, out of the State,]~~ is equivalent to completed service by publication **,** ~~[and deposit in the post office,]~~ and the person so served has 20 days after the service to appear and answer or otherwise plead. The service of the notice of hearing shall be deemed complete in cases of publication at the expiration of 4 weeks from the first publication **.** ~~[, and in cases when a deposit of a copy of the notice of hearing and petition in the post office is also required, at the expiration of 4 weeks from the deposit.]~~

3. ~~[Personal service outside the State upon a father or mother over the age of 18 years or upon the minor's legal custodian or guardian may be made in any action where the person served is a resident of this State. When the facts appear, by affidavit, to the satisfaction of the court, and it appears, either by affidavit or by a verified petition on file, that the person in respect to whom the service is to be made is a necessary or proper party to the proceedings, the court may grant an order that the service be made by personal service outside the State. The service must be made by delivering a copy of the notice of hearing together with a copy of the petition in person to the person served. The methods of service are cumulative, and may be utilized with, after or independently of other methods of service.]~~ ***Before a notice of hearing is published pursuant to subsection 2, the clerk of the court shall ensure that the name of the minor child is replaced with the initials of the minor child in every instance where the name of the minor child appears in the notice of hearing.***

4. Whenever personal service cannot be made, the court may require, before ordering service by publication **,** ~~[or by publication and mailing,]~~ such further and additional search to determine the whereabouts of the person to

be served as may be warranted by the facts stated in the affidavit of the petitioner to the end that actual notice be given whenever possible.

5. If one or both of the parents of the minor is unknown, or if the name of either or both of the parents of the minor is uncertain, then those facts must be set forth in the affidavit and the court shall order the notice to be directed and addressed to either the father or the mother of the person, and to all persons claiming to be the father or mother of the person. The notice, after the caption, must be addressed substantially as follows: "To the father and mother of the above-named person, and to all persons claiming to be the father or mother of that person."

Sec. 4. NRS 128.080 is hereby amended to read as follows:

128.080 ~~[The]~~ ***Except as otherwise provided in subsection 3 of NRS 128.070, the*** notice must be in substantially the following form:

In the ..... Judicial District Court of the State of Nevada,
in and for the County of .....

In the matter of parental rights
as to ....., a minor.

Notice

To ....., the father or ....., the mother of the above-named person; or, to the father and mother of the above-named person, and to all persons claiming to be the father or mother of this person; or, to ....., related to the above-named minor as .....; and, to ....., the legal custodian or guardian of the above-named minor:

You are hereby notified that there has been filed in the above-entitled court a petition praying for the termination of parental rights over the above-named minor person, and that the petition has been set for hearing before this court, at the courtroom thereof, at ....., in the County of ....., on the ..... day of the month of ……. of the year ..... at..... o'clock .....m., at which time and place you are required to be present if you desire to oppose the petition.

Dated ..... (month) ..... (day) ..... (year)

.....
Clerk of Court

(SEAL)

By.....
Deputy

Sec. 5. NRS 128.085 is hereby amended to read as follows:

128.085 When the mother of an unborn child files a petition for termination of the father's parental rights, the father or putative father, if known, shall be served with notice of the hearing in the manner provided for

in NRS 128.060, 128.070 and 128.080. The hearing ~~[shall not]~~ ***may*** be held ~~[until]~~ ***at any time after*** the birth of the child ~~[or 6 months after the filing of the petition, whichever is later.]~~ ***and service on the father or putative father, if known, is complete.***

Sec. 6. NRS 128.090 is hereby amended to read as follows:

128.090 1. At the time stated in the notice, or at the earliest time thereafter to which the hearing may be postponed, the court shall proceed to hear the petition.

2. The proceedings are civil in nature and are governed by the Nevada Rules of Civil Procedure. The court shall in all cases require the petitioner to establish the facts by clear and convincing evidence and shall give full and careful consideration to all of the evidence presented, with regard to the rights and claims of the parent of the child and to any and all ties of blood or affection, but with a dominant purpose of serving the best interests of the child.

3. Information contained in a report filed pursuant to NRS 432.0999 to 432.130, inclusive, or chapter 432B of NRS may not be excluded from the proceeding by the invoking of any privilege.

4. In the event of postponement, all persons served, who are not present or represented in court at the time of the postponement, must be notified thereof in the manner provided by the Nevada Rules of Civil Procedure.

5. Any hearing held pursuant to this section must be held in closed court without admittance of any person other than those necessary to the action or proceeding, unless the court determines that holding such a hearing in open court will not be detrimental to the child.

6. Except as otherwise provided in subsection 7, any hearing held pursuant to NRS 128.005 to 128.150, inclusive, is confidential and must be held in closed court without the admittance of any person other than the petitioner, attorneys, any witnesses, the director of an agency which provides child welfare services or an authorized representative of such person and any other person entitled to notice, except by order of the court.

7. The files and records of the court in a proceeding to terminate parental rights pursuant to NRS 128.005 to 128.150, inclusive, are not open to inspection by any person except:

(a) The person petitioning for the termination of parental rights and a person who intends to file a response to such a petition; or

(b) Upon an order of the court expressly so permitting pursuant to a petition setting forth the reasons therefor.

Sec. 7. NRS 128.105 is hereby amended to read as follows:

128.105 1. The primary consideration in any proceeding to terminate parental rights must be whether the best interests of the child will be served by the termination. An order of the court for the termination of parental rights must be made in light of the considerations set forth in this section and NRS 128.106 to 128.109, inclusive, and based on evidence and include a finding that:

(a) The best interests of the child would be served by the termination of parental rights; and

(b) The conduct of the parent or parents was the basis for a finding made pursuant to subsection 3 of NRS 432B.393 or demonstrated at least one of the following:

(1) Abandonment of the child;

(2) Neglect of the child;

(3) Unfitness of the parent;

(4) Failure of parental adjustment;

(5) Risk of serious physical, mental or emotional injury to the child if the child were returned to, or remains in, the home of his or her parent or parents;

(6) Only token efforts by the parent or parents:

(I) To support or communicate with the child;

(II) To prevent neglect of the child;

(III) To avoid being an unfit parent; or

(IV) To eliminate the risk of serious physical, mental or emotional injury to the child; ~~[or]~~

(7) With respect to termination of the parental rights of one parent, the abandonment by that parent ~~[.]~~ ***; or***

(8) The child was conceived as a result of a sexual assault for which the natural ~~***[father]***~~ ***parent was convicted.***

2. Before making a finding pursuant to subparagraph (5) of paragraph (b) of subsection 1, if the child has been out of the care of his or her parent or guardian for at least 12 consecutive months, the court shall consider, without limitation:

(a) The placement options for the child;

(b) The age of the child; and

(c) The developmental, cognitive and psychological needs of the child.

Sec. 8. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, ***128.090,*** 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350,

228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and

section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

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

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

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 232.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 192.

AN ACT relating to civil actions; establishing the procedure for changing the name of a minor; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person to change his or her name by filing a petition in the district court of the district in which the person resides. (NRS 41.270) **Sections** ~~[2-7]~~ **2-7.5** of this bill establish the procedure for changing the name of a minor. **Section 5** of this bill authorizes the parent of an

unemancipated minor to file a petition to change the name of the minor. The petition must include **:** ~~[the:]~~ (1) **the** minor's present name; (2) **the** name the minor will bear in the future; (3) **the** reason for the name change; (4) **the** consent of the minor if the minor is over 14 years of age; (5) **the verified** consent of the other parent, if any; ~~[and]~~ (6) **the** name and address of the other parent of the minor, if known **.** ~~[.]~~ **; and (7) whether the minor has been convicted of a felony.**

Section 6 of this bill requires the petitioning parent to personally serve notice upon the other parent unless the other parent consents to the change of name. If the petitioning parent can establish to the court that notice cannot be personally served on the other parent, the court may order the petitioning parent to: (1) publish the notice in a newspaper of general circulation for 3 successive weeks; and (2) serve notice and a copy of the petition by mail to the other parent's last known address.

Section 7 of this bill requires the court to make an order changing the name of the minor as requested in the petition upon being satisfied by the statements in the petition or other evidence that good reason exists, if: (1) **verified consent of** the other parent ~~[consents;]~~ **is stated in the petition;** or (2) no written objection is filed within 10 days after the other parent is personally served or the last publication of notice as ordered by the court, upon proof of filing and evidence of service. **Section 7** also requires the court to hold a hearing if an objection is filed. The order must be recorded as a judgment of the court and the clerk is required to transmit a certified copy of the order to the State Registrar of Vital Statistics.

Section 7.5 of this bill authorizes a petition to change the name of an unemancipated minor to be filed in an action concerning divorce, child custody, the establishment of parentage, the termination of parental rights or the emancipation of a minor. If such a petition is filed, the notice and service requirements of the applicable action apply.

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

Section 1. Chapter 41 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[7,]~~ **7.5,** inclusive, of this act.

Sec. 2. ***As used in sections 2 to ~~[7,]~~ 7.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Other parent" means a person who, in common with a petitioning parent, is the parent of an unemancipated minor under the laws of this State.***

Sec. 4. ***"Petitioning parent" means a person who is the parent of an unemancipated minor under the laws of this State, desiring to change the name of his or her child.***

Sec. 5. *1. Any parent of an unemancipated minor desiring to have the name of the minor changed may file a verified petition with the clerk of the district court of the district in which the minor resides.*

2. The petition shall be addressed to ***the*** *court and shall state* ***:*** ~~*[the:]*~~

(a) ~~*[Minor's]*~~ ***The minor's*** *present name;*

(b) ~~*[Name]*~~ ***The name*** *which the minor will bear in the future;*

(c) ~~*[Reason]*~~ ***The reason*** *for desiring the name change;*

(d) ~~*[Consent]*~~ ***The consent*** *of the minor, if over the age of 14 years;*

(e) ~~*[Consent,]*~~ ***The verified consent,*** *if any, of the other parent;* ~~*[and]*~~

(f) ~~*[Name]*~~ ***The name*** *and address of the other parent, if known* ~~*[.]*~~ ***; and***

(g) Whether the minor has been convicted of a felony.

Sec. 6. *1. Unless* ***the verified*** *consent of the other parent is stated in the petition, and except as otherwise provided in subsection 2, upon the filing of the petition, the petitioning parent shall make out and procure a notice that must:*

(a) State the fact of the filing of the petition, its object, the minor's present name and the name which the minor will bear in the future; and

(b) Be personally served with a copy of the petition upon the other parent.

2. If the petitioning parent submits proof satisfactory to the court that notice cannot be personally served on the other parent, the court may order the petitioning parent to:

(a) Publish notice in a newspaper of general circulation in the county once a week for 3 successive weeks; and

(b) Serve notice and a copy of the petition by registered or certified mail to the other parent at his or her last known address.

Sec. 7. *1. Except as otherwise provided in subsection 2, the court shall make an order changing the name of the minor as prayed for in the petition upon being satisfied by the statements in the petition or other evidence that good reason exists, if:*

(a) ~~*[Consent]*~~ ***The verified consent*** *of the other parent is stated in the petition; or*

(b) No written objection is filed with the clerk within 10 days after the other parent is personally served or the last day of publication of notice as ordered in section 6 of this act, upon proof of the filing of the petition and evidence of service.

2. If, within the period described in paragraph (b) of subsection 1, an objection is filed, the court shall appoint a day for hearing the proofs, respectively, of the petitioning parent and the objection, upon reasonable notice. Upon that day, the court shall hear the proofs, and grant or refuse the prayer of the petitioning parent, according to whether the proofs show satisfactory reasons for making the change.

3. Upon the making of an order either granting or denying the prayer of the petitioning parent, the order must be recorded as a judgment of the court. If the petition is granted, the name of the minor must thereupon be

as stated in the order and the clerk shall transmit a certified copy of the order to the State Registrar of Vital Statistics.

Sec. 7.5. In addition to a petition to change the name of an unemancipated minor filed pursuant to this chapter, such a petition may be filed in any action brought under the provisions of chapter 122A, 125, 125C, 126, 128 or 129 of NRS. For any petition filed, the notice and service requirements of the chapter under which the applicable action was brought must be met.

Sec. 8. NRS 41.270 is hereby amended to read as follows:

41.270 Any natural person ***, except an unemancipated minor,*** desiring to have his or her name changed may file a verified petition with the clerk of the district court of the district in which the person resides. The petition shall be addressed to the court and shall state the applicant's present name, the name which the applicant desires to bear in the future, the reason for desiring the change and whether the applicant has been convicted of a felony.

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 235.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 266.

AN ACT relating to receiverships; enacting the Uniform Commercial Real Estate Receivership Act; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a court to appoint a receiver in certain cases and under certain circumstances. (NRS 32.010, 32.015) This bill enacts the Uniform Commercial Real Estate Receivership Act to establish provisions governing the appointment and powers of a receiver for real property that is used for certain commercial purposes and any personal property related to or used in operating that real property.

Section 29 of this bill sets forth the circumstances under which a court is authorized to appoint a receiver for such property. Under **section 29**, a court is authorized to appoint a receiver: (1) before judgment if the property is subjected to or is in danger of waste, loss, dissipation or impairment or has been or is about to be subject to a voidable transaction; (2) to carry a judgment into effect or preserve property pending an appeal or when an owner of the property refuses to apply the property in satisfaction of the judgment; (3) when the court determines that equitable grounds establish the need for a receiver; or (4) to preserve property that has been sold in an execution or foreclosure sale during the period that the property may be redeemed by the debtor. **Section 29** further provides that a mortgagee under a

mortgage for certain commercial real property is entitled to the appointment of a receiver under certain circumstances.

Section 30 of this bill establishes the circumstances under which a person is disqualified from appointment as a receiver because the person has certain conflicts of interest. Under **section 30**, a court is prohibited from appointing a person as receiver unless the person submits to the court a statement under penalty of perjury that the person is not disqualified from such appointment. **Section 30.5 of this bill requires the Nevada Supreme Court to adopt rules: (1) governing the ethics and independence of receivers; and (2) preventing self-dealing by a receiver.** **Section 31** of this bill requires a receiver to post a bond or alternative security with the court appointing the receiver.

Sections 32-37 of this bill enact provisions setting forth the effect of the appointment of a receiver. **Section 32** provides that a receiver has the status and priority of a lien creditor with respect to the receivership property. Under **section 33**, the appointment of a receiver does not affect the validity of any security interest granted before the appointment of the receiver, and any property acquired by a receiver is subject to a security interest granted under an agreement entered into before the appointment of the receiver. **Section 34** requires a person who possesses property for which a receiver has been appointed to turn over the property to the receiver on demand by the receiver. **Section 35** sets forth the powers and duties of a receiver with respect to the receivership property, including, without limitation, the authority to manage and protect receivership property, operate a business constituting receivership property, pay expenses and assert the rights, claims and defenses of the owner of the property. **Section 36** sets forth the duties of the owner of property for which a receiver has been appointed, including, without limitation, a requirement to assist and cooperate with the receiver, preserve and turn over to the receiver receivership property in the owner's possession or control and making available to the receiver certain records. **Section 37** provides that the appointment of a receiver automatically stays certain actions and proceedings involving receivership property and allows a person whose action or proceeding is stayed to apply to the court for relief from the stay.

Sections 38-46 of this bill enact provisions governing the administration of the receivership. **Section 38** authorizes the receiver to hire and pay certain professionals to assist in the administration of the receivership upon approval of the court. **Section 39** authorizes a receiver to dispose of receivership property outside of the ordinary court of business with the approval of the court. **Sections 39 and 43** further provide that: (1) such a disposition of receivership property is free and clear of junior liens unless the agreement for the disposition provides otherwise; and (2) secured creditors are entitled to receive the proceeds of such a disposition according to the priority established by existing law. **Section 40** authorizes a receiver to adopt or reject contracts under which a party has an unperformed obligation upon

approval of the court and establishes the procedures for doing so. **Section 41** provides immunity to a receiver and requires the approval of the appointing court before a receiver may be sued personally for an act or omission in administering receivership property. **Section 43** requires a receiver to notify certain creditors of the appointment of the receiver and requires creditors to file claims with the receiver to obtain a distribution of or proceeds from receivership property. **Sections 42 and 46** require a receiver to file certain reports with the court.

Under **section 47** of this bill, when the court of another state has appointed a person as receiver, a court in this State may appoint that person as an ancillary receiver for the purpose of obtaining possession and control of receivership property located in this State. **Section 47** further authorizes the court to enter any order necessary to effectuate an order of a court in another state appointing or directing a receiver.

Section 48 of this bill sets forth certain effects of the appointment of a receiver upon the request of a mortgagee or assignee of rents.

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

Section 1. Chapter 32 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 50, inclusive, of this act.

Sec. 2. ***Sections 2 to 50, inclusive, of this act may be cited as the Uniform Commercial Real Estate Receivership Act.***

Sec. 3. ***As used in sections 2 to 50, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 25, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Affiliate" means:***

1. With respect to an individual:

(a) A companion of the individual;

(b) A lineal ancestor or descendant, whether by blood or adoption, of:

(1) The individual; or

(2) A companion of the individual;

(c) A companion of an ancestor or descendant described in paragraph (b);

(d) A sibling, aunt, uncle, great aunt, great uncle, first cousin, niece, nephew, grandniece, or grandnephew of the individual, whether related by the whole or the half blood or adoption, or a companion of any of them; or

(e) Any other individual occupying the residence of the individual; and

2. With respect to a person other than an individual:

(a) Another person that directly or indirectly controls, is controlled by or is under common control with the person;

(b) An officer, director, manager, member, partner, employee or trustee or other fiduciary of the person; or

(c) A companion of, or an individual occupying the residence of, an individual described in paragraph (a) or (b).

Sec. 5. *"Companion" means:*

1. The spouse of an individual;

2. The registered domestic partner of an individual; or

3. Another individual in a civil union with an individual.

Sec. 6. *"Court" means a district court of this State.*

Sec. 7. *"Executory contract" means a contract, including a lease, under which each party has an unperformed obligation and the failure of a party to complete performance would constitute a material breach.*

Sec. 8. *"Governmental unit" means an office, department, division, bureau, board, commission or other agency of this State or a subdivision of this State.*

Sec. 9. *"Lien" means an interest in property which secures payment or performance of an obligation.*

Sec. 10. *"Mortgage" means a record, however denominated, that creates or provides for a consensual lien on real property or rents, even if it also creates or provides for a lien on personal property.*

Sec. 11. *"Mortgagee" means a person entitled to enforce an obligation secured by a mortgage.*

Sec. 12. *"Mortgagor" means a person that grants a mortgage or a successor in ownership of the real property described in the mortgage.*

Sec. 13. *"Owner" means the person for whose property a receiver is appointed.*

Sec. 14. *"Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency or instrumentality, or other legal entity.*

Sec. 15. *"Proceeds" means the following property:*

1. Whatever is acquired on the sale, lease, license, exchange or other disposition of receivership property;

2. Whatever is collected on, or distributed on account of, receivership property;

3. Rights arising out of receivership property;

4. To the extent of the value of receivership property, claims arising out of the loss, nonconformity or interference with the use of, defects or infringement of rights in or damage to the property; or

5. To the extent of the value of receivership property and to the extent payable to the owner or mortgagee, insurance payable by reason of the loss or nonconformity of, defects or infringement of rights in or damage to the property.

Sec. 16. *"Property" means all of a person's right, title and interest, both legal and equitable, in real and personal property, tangible and intangible, wherever located and however acquired. The term includes proceeds, products, offspring, rents or profits of or from the property.*

Sec. 17. *"Receiver" means a person appointed by the court as the court's agent, and subject to the court's direction, to take possession of, manage and, if authorized by sections 2 to 50, inclusive, of this act or court*

order, transfer, sell, lease, license, exchange, collect or otherwise dispose of receivership property.

Sec. 18. *"Receivership" means a proceeding in which a receiver is appointed.*

Sec. 19. *"Receivership property" means the property of an owner that is described in the order appointing a receiver or a subsequent order. The term includes any proceeds, products, offspring, rents or profits of or from the property.*

Sec. 20. *"Record," used as a noun, means information that is inscribed on a tangible medium or that is stored on an electronic or other medium and is retrievable in perceivable form.*

Sec. 21. *"Rents" means:*

1. Sums payable for the right to possess or occupy, or for the actual possession or occupation of, real property of another person;

2. Sums payable to a mortgagor under a policy of rental-interruption insurance covering real property;

3. Claims arising out of a default in the payment of sums payable for the right to possess or occupy real property of another person;

4. Sums payable to terminate an agreement to possess or occupy real property of another person;

5. Sums payable to a mortgagor for payment or reimbursement of expenses incurred in owning, operating and maintaining real property or constructing or installing improvements on real property; or

6. Other sums payable under an agreement relating to the real property of another person that constitute rents under law of this State other than sections 2 to 50, inclusive, of this act.

Sec. 22. *"Secured obligation" means an obligation the payment or performance of which is secured by a security agreement.*

Sec. 23. *"Security agreement" means an agreement that creates or provides for a lien.*

Sec. 24. *"Sign" means, with present intent to authenticate or adopt a record, to:*

1. Execute or adopt a tangible symbol; or

2. Attach to or logically associate with the record an electronic sound, symbol or process.

Sec. 25. *"State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.*

Sec. 26. *1. Except as otherwise provided in subsection 2, the court may issue an order under sections 2 to 50, inclusive, of this act only after notice and opportunity for a hearing appropriate in the circumstances.*

2. The court may issue an order under sections 2 to 50, inclusive, of this act:

(a) Without prior notice if the circumstances require issuance of an order before notice is given;

(b) After notice and without a prior hearing if the circumstances require issuance of an order before a hearing is held; or

(c) After notice and without a hearing if no interested party timely requests a hearing.

Sec. 27. *1. Except as otherwise provided in subsection 2 or 3, sections 2 to 50, inclusive, of this act apply to a receivership for an interest in real property and any personal property related to or used in operating the real property.*

2. Sections 2 to 50, inclusive, of this act do not apply to a receivership for an interest in real property improved by one to four dwelling units unless:

(a) The interest is used for agricultural, commercial, industrial or mineral-extraction purposes, other than incidental uses by an owner occupying the property as the owner's primary residence;

(b) The interest secures an obligation incurred at a time when the property was used or planned for use for agricultural, commercial, industrial or mineral-extraction purposes;

(c) The owner planned or is planning to develop the property into one or more dwelling units to be sold or leased in the ordinary course of the owner's business; or

(d) The owner is collecting or has the right to collect rents or other income from the property from a person other than an affiliate of the owner.

3. Sections 2 to 50, inclusive, of this act do not apply to a receivership authorized by law of this State other than sections 2 to 50, inclusive, of this act in which the receiver is a governmental unit or an individual acting in an official capacity on behalf of the unit except to the extent provided by the other law.

4. Sections 2 to 50, inclusive, of this act do not limit the authority of a court to appoint a receiver under law of this State other than sections 2 to 50, inclusive, of this act.

5. Unless displaced by a particular provision of sections 2 to 50, inclusive, of this act, the principles of law and equity supplement the provisions of sections 2 to 50, inclusive, of this act.

Sec. 28. *The court that appoints a receiver under sections 2 to 50, inclusive, of this act has exclusive jurisdiction to direct the receiver and determine any controversy related to the receivership or receivership property.*

Sec. 29. *1. The court may appoint a receiver:*

(a) Before judgment, to protect a party that demonstrates an apparent right, title or interest in real property that is the subject of the action, if the property or its revenue-producing potential:

(1) Is being subjected to or is in danger of waste, loss, dissipation or impairment; or

(2) Has been or is about to be the subject of a voidable transaction;

(b) After judgment:

(1) To carry the judgment into effect; or

(2) To preserve nonexempt real property pending appeal or when an execution has been returned unsatisfied and the owner refuses to apply the property in satisfaction of the judgment;

(c) In an action in which a receiver for real property may be appointed on equitable grounds; or

(d) During the time allowed for redemption, to preserve real property sold in an execution or foreclosure sale and secure its rents to the person entitled to the rents.

2. In connection with the foreclosure or other enforcement of a mortgage, a mortgagee is entitled to appointment of a receiver for the mortgaged property if:

(a) Appointment is necessary to protect the property from waste, loss, transfer, dissipation or impairment;

(b) The mortgagor agreed in a signed record to appointment of a receiver on default;

(c) The owner agreed, after default and in a signed record, to appointment of a receiver;

(d) The property and any other collateral held by the mortgagee are not sufficient to satisfy the secured obligation;

(e) The owner fails to turn over to the mortgagee proceeds or rents the mortgagee was entitled to collect; or

(f) The holder of a subordinate lien obtains appointment of a receiver for the property.

3. The court may condition appointment of a receiver without prior notice under paragraph (a) of subsection 2 of section 26 of this act or without a prior hearing under paragraph (b) of subsection 2 of section 26 of this act on the giving of security by the person seeking the appointment for the payment of damages, reasonable attorney's fees and costs incurred or suffered by any person if the court later concludes that the appointment was not justified. If the court later concludes that the appointment was justified, the court shall release the security.

Sec. 30. *1. The court may not appoint a person as receiver unless the person submits to the court a statement under penalty of perjury that the person is not disqualified.*

2. Except as otherwise provided in subsection 3, a person is disqualified from appointment as receiver if the person:

(a) Is an affiliate of a party;

(b) Has an interest materially adverse to an interest of a party;

(c) Has a material financial interest in the outcome of the action, other than compensation the court may allow the receiver;

(d) Has a debtor-creditor relationship with a party; or

(e) Holds an equity interest in a party, other than a noncontrolling interest in a publicly-traded company.

3. A person is not disqualified from appointment as receiver solely because the person:

(a) Was appointed receiver or is owed compensation in an unrelated matter involving a party or was engaged by a party in a matter unrelated to the receivership;

(b) Is an individual obligated to a party on a debt that is not in default and was incurred primarily for personal, family or household purposes; or

(c) Maintains with a party a deposit account as defined in paragraph (cc) of subsection 1 of NRS 104.9102.

4. A person seeking appointment of a receiver may nominate a person to serve as receiver, but the court is not bound by the nomination.

Sec. 30.5. 1. The Supreme Court shall adopt rules:

(a) Governing the ethics and independence of receivers; and

(b) Preventing self-dealing by a receiver.

2. As used in this section, "self-dealing" means any direct or indirect:

(a) Sale, exchange or leasing of property between a receivership and the receiver;

(b) Lending of money or other extension of credit between a receivership and the receiver;

(c) Furnishing of goods, services or facilities between a receivership and the receiver;

(d) Payment of compensation, or payment or reimbursement of expenses, by a receivership to the receiver; or

(e) Transfer to, or use by or for the benefit of, a receiver of the income or assets of the receivership.

Sec. 31. *1. Except as otherwise provided in subsection 2, a receiver shall post with the court a bond that:*

(a) Is conditioned on the faithful discharge of the receiver's duties;

(b) Has one or more sureties approved by the court;

(c) Is in an amount the court specifies; and

(d) Is effective as of the date of the receiver's appointment.

2. The court may approve the posting by a receiver with the court of alternative security, such as a letter of credit or deposit of funds. The receiver may not use receivership property as alternative security. Interest that accrues on deposited funds must be paid to the receiver on the receiver's discharge.

3. The court may authorize a receiver to act before the receiver posts the bond or alternative security required by this section.

4. A claim against a receiver's bond or alternative security must be made not later than 6 months after the date the receiver is discharged.

Sec. 32. *On appointment of a receiver, the receiver has the status of a lien creditor under:*

1. NRS 104.9101 to 104.9717, inclusive, as to receivership property that is personal property or fixtures; and

2. NRS 111.310 to 111.365, inclusive, as to receivership property that is real property.

Sec. 33. *Except as otherwise provided by law of this State other than sections 2 to 50, inclusive, of this act, property that a receiver or owner acquires after appointment of the receiver is subject to a security agreement entered into before the appointment to the same extent as if the court had not appointed the receiver.*

Sec. 34. *1. Unless the court orders otherwise, on demand by a receiver:*

(a) A person that owes a debt that is receivership property and is matured or payable on demand or on order shall pay the debt to or on the order of the receiver, except to the extent the debt is subject to setoff or recoupment; and

(b) Subject to subsection 3, a person that has possession, custody or control of receivership property shall turn the property over to the receiver.

2. A person that has notice of the appointment of a receiver and owes a debt that is receivership property may not satisfy the debt by payment to the owner.

3. If a creditor has possession, custody or control of receivership property and the validity, perfection or priority of the creditor's lien on the property depends on the creditor's possession, custody or control, the creditor may retain possession, custody or control until the court orders adequate protection of the creditor's lien.

4. Unless a bona fide dispute exists about a receiver's right to possession, custody or control of receivership property, the court may sanction as civil contempt a person's failure to turn the property over when required by this section.

Sec. 35. *1. Except as limited by court order or law of this State other than sections 2 to 50, inclusive, of this act, a receiver may:*

(a) Collect, control, manage, conserve and protect receivership property;

(b) Operate a business constituting receivership property, including preservation, use, sale, lease, license, exchange, collection or disposition of the property in the ordinary course of business;

(c) In the ordinary course of business, incur unsecured debt and pay expenses incidental to the receiver's preservation, use, sale, lease, license, exchange, collection or disposition of receivership property;

(d) Assert a right, claim, cause of action or defense of the owner that relates to receivership property;

(e) Seek and obtain instruction from the court concerning receivership property, exercise of the receiver's powers and performance of the receiver's duties;

(f) On subpoena, compel a person to submit to examination under oath, or to produce and permit inspection and copying of designated records or tangible things, with respect to receivership property or any other matter that may affect administration of the receivership;

(g) Engage a professional as provided in section 38 of this act;

(h) Apply to a court of another state for appointment as ancillary receiver with respect to receivership property located in that state; and

(i) Exercise any power conferred by court order, sections 2 to 50, inclusive, of this act or law of this State other than sections 2 to 50, inclusive, of this act.

2. With court approval, a receiver may:

(a) Incur debt for the use or benefit of receivership property other than in the ordinary course of business;

(b) Make improvements to receivership property;

(c) Use or transfer receivership property other than in the ordinary course of business as provided in section 39 of this act;

(d) Adopt or reject an executory contract of the owner as provided in section 40 of this act;

(e) Pay compensation to the receiver as provided in section 44 of this act, and to each professional engaged by the receiver as provided in section 38 of this act;

(f) Recommend allowance or disallowance of a claim of a creditor as provided in section 43 of this act; and

(g) Make a distribution of receivership property as provided in section 43 of this act.

3. A receiver shall:

(a) Prepare and retain appropriate business records, including a record of each receipt, disbursement and disposition of receivership property;

(b) Account for receivership property, including the proceeds of a sale, lease, license, exchange, collection or other disposition of the property;

(c) ~~[File]~~ Record in the office of the county recorder of the county in which the receivership is administered and in the office of the county recorder of every county in which any real property of the receivership is located a copy of the order appointing the receiver and, if a legal description of the real property is not included in the order, the legal description;

(d) Disclose to the court any fact arising during the receivership which would disqualify the receiver under section 30 of this act; and

(e) Perform any duty imposed by court order, sections 2 to 50, inclusive, of this act or law of this State other than sections 2 to 50, inclusive, of this act.

4. The powers and duties of a receiver may be expanded, modified or limited by court order.

Sec. 36. *1. An owner shall:*

(a) Assist and cooperate with the receiver in the administration of the receivership and the discharge of the receiver's duties;

(b) Preserve and turn over to the receiver all receivership property in the owner's possession, custody or control;

(c) Identify all records and other information relating to the receivership property, including a password, authorization or other information needed to obtain or maintain access to or control of the receivership property, and make available to the receiver the records and information in the owner's possession, custody or control;

(d) On subpoena, submit to examination under oath by the receiver concerning the acts, conduct, property, liabilities and financial condition of the owner or any matter relating to the receivership property or the receivership; and

(e) Perform any duty imposed by court order, sections 2 to 50, inclusive, of this act or law of this State other than sections 2 to 50, inclusive, of this act.

2. If an owner is a person other than an individual, this section applies to each officer, director, manager, member, partner, trustee or other person exercising or having the power to exercise control over the affairs of the owner.

3. If a person knowingly fails to perform a duty imposed by this section, the court may:

(a) Award the receiver actual damages caused by the person's failure, reasonable attorney's fees and costs; and

(b) Sanction the failure as civil contempt.

Sec. 37. *1. Except as otherwise provided in subsection 4 or ordered by the court, an order appointing a receiver operates as a stay, applicable to all persons, of an act, action or proceeding:*

(a) To obtain possession of, exercise control over or enforce a judgment against receivership property; and

(b) To enforce a lien against receivership property to the extent the lien secures a claim against the owner which arose before entry of the order.

2. Except as otherwise provided in subsection 4, the court may enjoin an act, action or proceeding against or relating to receivership property if the injunction is necessary to protect the property or facilitate administration of the receivership.

3. A person whose act, action or proceeding is stayed or enjoined under this section may apply to the court for relief from the stay or injunction for cause.

4. An order under subsection 1 or 2 does not operate as a stay or injunction of:

(a) An act, action or proceeding to foreclose or otherwise enforce a mortgage by the person seeking appointment of the receiver;

(b) An act, action or proceeding to perfect, or maintain or continue the perfection of, an interest in receivership property;

(c) Commencement or continuation of a criminal proceeding;

(d) Commencement or continuation of an action or proceeding, or enforcement of a judgment other than a money judgment in an action or

proceeding, by a governmental unit to enforce its police or regulatory power; or

(e) Establishment by a governmental unit of a tax liability against the owner or receivership property or an appeal of the liability.

5. The court may void an act that violates a stay or injunction under this section.

6. If a person knowingly violates a stay or injunction under this section, the court may:

(a) Award actual damages caused by the violation, reasonable attorney's fees and costs; and

(b) Sanction the violation as civil contempt.

Sec. 38. *1. With court approval, a receiver may engage an attorney, accountant, appraiser, auctioneer, broker or other professional to assist the receiver in performing a duty or exercising a power of the receiver. The receiver shall disclose to the court:*

(a) The identity and qualifications of the professional;

(b) The scope and nature of the proposed engagement;

(c) Any potential conflict of interest; and

(d) The proposed compensation.

2. A person is not disqualified from engagement under this section solely because of the person's engagement by, representation of or other relationship with the receiver, a creditor or a party. Sections 2 to 50, inclusive, of this act do not prevent the receiver from serving in the receivership as an attorney, accountant, auctioneer or broker when authorized by law.

3. A receiver or professional engaged under subsection 1 shall file with the court an itemized statement of the time spent, work performed and billing rate of each person that performed the work and an itemized list of expenses. The receiver shall pay the amount approved by the court.

Sec. 39. *1. With court approval, a receiver may use receivership property other than in the ordinary course of business.*

2. With court approval, a receiver may transfer receivership property other than in the ordinary course of business by sale, lease, license, exchange or other disposition. Unless the agreement of sale provides otherwise, a sale under this section is free and clear of a lien of the person that obtained appointment of the receiver, any subordinate lien and any right of redemption but is subject to a senior lien.

3. A lien on receivership property which is extinguished by a transfer under subsection 2 attaches to the proceeds of the transfer with the same validity, perfection and priority the lien had on the property immediately before the transfer, even if the proceeds are not sufficient to satisfy all obligations secured by the lien.

4. A transfer under subsection 2 may occur by means other than a public auction sale. A creditor holding a valid lien on the property to be transferred may purchase the property and offset against the purchase

price part or all of the allowed amount secured by the lien, if the creditor tenders funds sufficient to satisfy in full the reasonable expenses of transfer and the obligation secured by any senior lien extinguished by the transfer.

5. A reversal or modification of an order approving a transfer under subsection 2 does not affect the validity of the transfer to a person that acquired the property in good faith or revive against the person any lien extinguished by the transfer, whether the person knew before the transfer of the request for reversal or modification, unless the court stayed the order before the transfer.

6. As used in this section, "good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing.

Sec. 40. *1. Except as otherwise provided in subsection 7, with court approval, a receiver may adopt or reject an executory contract of the owner relating to receivership property. The court may condition the receiver's adoption and continued performance of the contract on terms appropriate under the circumstances. If the receiver does not request court approval to adopt or reject the contract within a reasonable time after the receiver's appointment, the receiver is deemed to have rejected the contract.*

2. A receiver's performance of an executory contract before court approval under subsection 1 of its adoption or rejection is not an adoption of the contract and does not preclude the receiver from seeking approval to reject the contract.

3. A provision in an executory contract which requires or permits a forfeiture, modification or termination of the contract because of the appointment of a receiver or the financial condition of the owner does not affect a receiver's power under subsection 1 to adopt the contract.

4. A receiver's right to possess or use receivership property pursuant to an executory contract terminates on rejection of the contract under subsection 1. Rejection is a breach of the contract effective immediately before appointment of the receiver. A claim for damages for rejection of the contract must be submitted by the later of:

(a) The time set for submitting a claim in the receivership; or

(b) Thirty days after the court approves the rejection.

5. If, at the time a receiver is appointed, the owner has the right to assign an executory contract relating to receivership property under law of this State other than sections 2 to 50, inclusive, of this act, the receiver may assign the contract with court approval.

6. If a receiver rejects under subsection 1 an executory contract for the sale of receivership property that is real property in possession of the purchaser or a real-property timeshare interest, the purchaser may:

(a) Treat the rejection as a termination of the contract, and in that case the purchaser has a lien on the property for the recovery of any part of the purchase price the purchaser paid; or

(b) Retain the purchaser's right to possession under the contract, and in that case the purchaser shall continue to perform all obligations arising under the contract and may offset any damages caused by nonperformance of an obligation of the owner after the date of the rejection, but the purchaser has no right or claim against other receivership property or the receiver on account of the damages.

7. A receiver may not reject an unexpired lease of real property under which the owner is the landlord if:

(a) The tenant occupies the leased premises as the tenant's primary residence;

(b) The receiver was appointed at the request of a person other than a mortgagee; or

(c) The receiver was appointed at the request of a mortgagee and:

(1) The lease is superior to the lien of the mortgage;

(2) The tenant has an enforceable agreement with the mortgagee or the holder of a senior lien under which the tenant's occupancy will not be disturbed as long as the tenant performs its obligations under the lease;

(3) The mortgagee has consented to the lease, either in a signed record or by its failure timely to object that the lease violated the mortgage; or

(4) The terms of the lease were commercially reasonable at the time the lease was agreed to and the tenant did not know or have reason to know that the lease violated the mortgage.

8. As used in this section, "timeshare interest" means an interest having a duration of more than 3 years which grants its holder the right to use and occupy an accommodation, facility or recreational site, whether improved or not, for a specific period less than a full year during any given year.

Sec. 41. *1. A receiver is entitled to all defenses and immunities provided by law of this State other than sections 2 to 50, inclusive, of this act for an act or omission within the scope of the receiver's appointment.*

2. A receiver may be sued personally for an act or omission in administering receivership property only with approval of the court that appointed the receiver.

Sec. 42. *A receiver may file or, if ordered by the court, shall file an interim report that includes:*

1. The activities of the receiver since appointment or a previous report;

2. Receipts and disbursements, including a payment made or proposed to be made to a professional engaged by the receiver;

3. Receipts and dispositions of receivership property;

4. Fees and expenses of the receiver and, if not filed separately, a request for approval of payment of the fees and expenses; and

5. Any other information required by the court.

Sec. 43. *1. Except as otherwise provided in subsection 6, a receiver shall give notice of appointment of the receiver to creditors of the owner by:*

(a) Deposit for delivery through first-class mail or other commercially reasonable delivery method to the last known address of each creditor; and

(b) Publication as directed by the court.

2. Except as otherwise provided in subsection 6, the notice required by subsection 1 must specify the date by which each creditor holding a claim against the owner which arose before appointment of the receiver must submit the claim to the receiver. The date specified must be at least 90 days after the later of notice under paragraph (a) of subsection 1 or last publication under paragraph (b) of subsection 1. The court may extend the period for submitting the claim. Unless the court orders otherwise, a claim that is not submitted timely is not entitled to a distribution from the receivership.

3. A claim submitted by a creditor under this section must:

(a) State the name and address of the creditor;

(b) State the amount and basis of the claim;

(c) Identify any property securing the claim;

(d) Be signed by the creditor under penalty of perjury; and

(e) Include a copy of any record on which the claim is based.

4. An assignment by a creditor of a claim against the owner is effective against the receiver only if the assignee gives timely notice of the assignment to the receiver in a signed record.

5. At any time before entry of an order approving a receiver's final report, the receiver may file with the court an objection to a claim of a creditor, stating the basis for the objection. The court shall allow or disallow the claim according to law of this State other than sections 2 to 50, inclusive, of this act.

6. If the court concludes that receivership property is likely to be insufficient to satisfy claims of each creditor holding a perfected lien on the property, the court may order that:

(a) The receiver need not give notice under subsection 1 of the appointment to all creditors of the owner, but only such creditors as the court directs; and

(b) Unsecured creditors need not submit claims under this section.

7. Subject to section 44 of this act:

(a) A distribution of receivership property to a creditor holding a perfected lien on the property must be made in accordance with the creditor's priority under law of this State other than sections 2 to 50, inclusive, of this act; and

(b) A distribution of receivership property to a creditor with an allowed unsecured claim must be made as the court directs according to law of this State other than sections 2 to 50, inclusive, of this act.

Sec. 44. *1. The court may award a receiver from receivership property the reasonable and necessary fees and expenses of performing the duties of the receiver and exercising the powers of the receiver.*

2. The court may order one or more of the following to pay the reasonable and necessary fees and expenses of the receivership, including reasonable attorney's fees and costs:

(a) A person that requested the appointment of the receiver, if the receivership does not produce sufficient funds to pay the fees and expenses; or

(b) A person whose conduct justified or would have justified the appointment of the receiver under paragraph (a) of subsection 1 of section 29 of this act.

Sec. 45. *1. The court may remove a receiver for cause.*

2. The court shall replace a receiver that dies, resigns or is removed.

3. If the court finds that a receiver that resigns or is removed, or the representative of a receiver that is deceased, has accounted fully for and turned over to the successor receiver all receivership property and has filed a report of all receipts and disbursements during the service of the replaced receiver, the replaced receiver is discharged.

4. The court may discharge a receiver and terminate the court's administration of the receivership property if the court finds that appointment of the receiver was improvident or that the circumstances no longer warrant continuation of the receivership. If the court finds that the appointment was sought wrongfully or in bad faith, the court may assess against the person that sought the appointment:

(a) The fees and expenses of the receivership, including reasonable attorney's fees and costs; and

(b) Actual damages caused by the appointment, including reasonable attorney's fees and costs.

Sec. 46. *1. On completion of a receiver's duties, the receiver shall file a final report including:*

(a) A description of the activities of the receiver in the conduct of the receivership;

(b) A list of receivership property at the commencement of the receivership and any receivership property received during the receivership;

(c) A list of disbursements, including payments to professionals engaged by the receiver;

(d) A list of dispositions of receivership property;

(e) A list of distributions made or proposed to be made from the receivership for creditor claims;

(f) If not filed separately, a request for approval of the payment of fees and expenses of the receiver; and

(g) Any other information required by the court.

2. If the court approves a final report filed under subsection 1 and the receiver distributes all receivership property, the receiver is discharged.

Sec. 47. *1. The court may appoint a receiver appointed in another state, or that person's nominee, as an ancillary receiver with respect to property located in this State or subject to the jurisdiction of the court for which a receiver could be appointed under sections 2 to 50, inclusive, of this act if:*

(a) The person or nominee would be eligible to serve as receiver under section 30 of this act; and

(b) The appointment furthers the person's possession, custody, control or disposition of property subject to the receivership in the other state.

2. The court may issue an order that gives effect to an order entered in another state appointing or directing a receiver.

3. Unless the court orders otherwise, an ancillary receiver appointed under subsection 1 has the rights, powers and duties of a receiver appointed under sections 2 to 50, inclusive, of this act.

Sec. 48. *1. A request by a mortgagee for the appointment of a receiver, the appointment of a receiver or the application by a mortgagee of receivership property or proceeds to the secured obligation does not:*

(a) Make the mortgagee a mortgagee in possession of the real property;

(b) Make the mortgagee an agent of the owner;

(c) Constitute an election of remedies that precludes a later action to enforce the secured obligation;

(d) Make the secured obligation unenforceable;

(e) Limit any right available to the mortgagee with respect to the secured obligation;

(f) Constitute an action within the meaning of subsection 1 of NRS 40.430; or

(g) Except as otherwise provided in subsection 2, bar a deficiency judgment pursuant to law of this State other than sections 2 to 50, inclusive, of this act governing or relating to a deficiency judgment.

2. If a receiver sells receivership property that pursuant to subsection 2 of section 39 of this act is free and clear of a lien, the ability of a creditor to enforce an obligation that had been secured by the lien is subject to law of this State other than sections 2 to 50, inclusive, of this act relating to a deficiency judgment.

Sec. 49. *In applying and construing the Uniform Commercial Real Estate Receivership Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.*

Sec. 50. *Sections 2 to 50, inclusive, of this act modify, limit and supersede the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq., but does not modify, limit or supersede Section 101(c) of that act, 15 U.S.C. § 7001(c), or authorize electronic*

delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. § 7003(b).

Sec. 51. This act does not apply to a receivership for which the receiver was appointed before October 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 244.

Bill read second time.

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

Amendment No. 45.

AN ACT relating to insurance; authorizing certain types of insurance and insurers to give certain items and gifts not to exceed $100 in aggregate value per policyholder or insured or prospective policyholder or insured in any 1 calendar year; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits unfair discrimination and rebates from being used in a policy or contract of life insurance, life annuity or health insurance or by a property, casualty, surety or title insurer or underwritten title company or any employee or representative thereof, or by a broker, agent or solicitor. (NRS 686A.100, 686A.110, 686A.130) ~~[Existing law further clarifies that certain practices that are not included within the definition of discrimination or rebates and are not prohibited. (NRS 686A.120, 686A.130)]~~

Section ~~[1]~~ **1.5** of this bill authorizes the practice of, in the case of a policy or contract of life insurance, life annuity or health insurance, providing to a policyholder or prospective policyholder prizes and gifts, goods and various other items not to exceed $100 in aggregate value per policyholder or prospective policyholder in any 1 calendar year.

Section 2 of this bill allows any property, casualty ~~[,]~~ **or** surety ~~[or title]~~ insurer ~~[or underwritten title company]~~ or any employee or representative thereof, or any broker, agent or solicitor to provide to an insured or prospective insured prizes and gifts, goods and various other items not to exceed $100 in aggregate value per insured or prospective insured in any 1 calendar year.

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

Section 1. ~~[NRS 686A.120 is hereby amended to read as follows:~~

~~686A.120 1. Nothing in NRS 686A.100 and 686A.110 shall be construed as including within the definition of discrimination or rebates any of the following practices:~~

~~— (a) In the case of any contract of life insurance or life annuity, paying bonuses to policyholders or otherwise abating their premiums in whole or in part out of surplus accumulated from nonparticipating insurance, provided that any such bonuses or abatement of premiums shall be fair and equitable to policyholders and for the best interests of the insurer and its policyholders.~~

~~— (b) In the case of life insurance policies issued on the debit plan, making allowance to policyholders who have continuously for a specified period made premium payments directly to an office of the insurer in an amount which fairly represents the saving in collection expense.~~

~~— (c) Readjusting the rate of premium for a group insurance policy based on the loss or expense experience thereunder, at the end of the first or any subsequent policy year of insurance thereunder, which may be made retroactive only for such policy year.~~

~~— (d) Reducing the premium rate for policies of large amounts, but not exceeding savings in issuance and administration expenses reasonably attributable to such policies as compared with policies of similar plan issued in smaller amounts.~~

~~— (e) Reducing the premium rates for life or health insurance policies or annuity contracts on salary savings, payroll deduction, preauthorized check, bank draft or similar plans in amounts reasonably commensurate with the savings made by the use of such plans.~~

~~— (f) Extending credit for the payment of any premium, and for which credit a reasonable rate of interest is charged and collected.~~

~~— *(g) In the case of any policy or contract of life insurance, life annuity or health insurance, providing to a policyholder or prospective policyholder prizes and gifts, goods, wares, merchandise, gift certificates, donations made to charitable organizations, raffle entries, meals, event tickets and other items not to exceed $100 in aggregate value per policyholder or prospective policyholder in any 1 calendar year.*~~

~~— 2. Nothing in NRS 686A.010 to 686A.310, inclusive, shall be construed as including within the definition of securities as inducements to purchase insurance the selling or offering for sale, contemporaneously with life insurance, of mutual fund shares or face amount certificates of regulated investment companies under offerings registered with the Securities and Exchange Commission where such shares or such face amount certificates or such insurance may be purchased independently of and not contingent upon purchase of the other, at the same price and upon similar terms and conditions as where purchased independently.]~~ **(Deleted by amendment.)**

Sec. 1.5. **NRS 686A.110 is hereby amended to read as follows:**

686A.110 ***1.*** Except as otherwise expressly provided by law, no person shall knowingly:

~~[1.]~~ ***(a)*** Permit to be made or offer to make or make any contract of life insurance, life annuity or health insurance, or agreement as to such contract, other than as plainly expressed in the contract issued thereon, or pay or allow, or give or offer to pay, allow or give, directly or indirectly, or

knowingly accept, as an inducement to such insurance or annuity, any rebate of premiums payable on the contract, or any special favor or advantage in the dividends or other benefits thereon, or any paid employment or contract for services of any kind, or any valuable consideration or inducement whatever not specified in the contract; or

~~[2.]~~ ***(b)*** Directly or indirectly give or sell or purchase or offer or agree to give, sell, purchase, or allow as an inducement to such insurance or annuity or in connection therewith, whether or not to be specified in the policy or contract, any agreement of any form or nature promising returns and profits, or any stocks, bonds or other securities, or interest present or contingent therein or as measured thereby, of any insurer or other corporation, association or partnership, or any dividends or profits accrued or to accrue thereon.

2. The provisions of this section do not prohibit any person, in the case of any policy or contract of life insurance, life annuity or health insurance, from providing to a policyholder or prospective policyholder prizes and gifts, goods, wares, merchandise, gift certificates, donations made to charitable organizations, raffle entries, meals, event tickets and other items not to exceed $100 in aggregate value per policyholder or prospective policyholder in any 1 calendar year.

Sec. 2. NRS 686A.130 is hereby amended to read as follows:

686A.130 1. ~~[No]~~ ***Except as otherwise provided in subsection 2, no*** property, casualty, surety or title insurer or underwritten title company or any employee or representative thereof, and no broker, agent or solicitor may pay, allow or give, or offer to pay, allow or give, directly or indirectly, as an inducement to insurance, or after insurance has been effected, any rebate, discount, abatement, credit or reduction of the premium named in a policy of insurance, or any special favor or advantage in the dividends or other benefits to accrue thereon, or any valuable consideration or inducement whatever, not specified or provided for in the policy, except to the extent provided for in an applicable filing with the Commissioner.

2. ***The provisions of subsections 1 and 4 do not prohibit any property, casualty or surety insurer or any employee or representative thereof, or any broker, agent or solicitor from providing to an insured or prospective insured prizes and gifts, goods, wares, merchandise, gift certificates, donations made to charitable organizations, raffle entries, meals, event tickets and other items not to exceed $100 in aggregate value per insured or prospective insured in any 1 calendar year.***

3. No title insurer or underwritten title company may:

(a) Pay, directly or indirectly, to the insured or any person acting as agent, representative, attorney or employee of the owner, lessee, mortgagee, existing or prospective, of the real property or interest therein which is the subject matter of title insurance or as to which a service is to be performed, any commission, rebate or part of its fee or charges or other consideration as inducement or compensation for the placing of any order for a title insurance

policy or for performance of any escrow or other service by the insurer or underwritten title company with respect thereto; or

(b) Issue any policy or perform any service in connection with which it or any agent or other person has paid or contemplates paying any commission, rebate or inducement in violation of this section.

~~[3. No]~~

4. Except as otherwise provided in subsection 2, no insured named in a policy or any employee of that insured may knowingly receive or accept, directly or indirectly, any such rebate, discount, abatement, credit or reduction of premium, or any such special favor or advantage or valuable consideration or inducement.

~~[4.]~~ ***5.*** No such insurer may make or permit any unfair discrimination between insured or property having like insuring or risk characteristics, in the premium or rates charged for insurance, or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of insurance.

~~[5.]~~ ***6.*** No casualty insurer may make or permit any unfair discrimination between persons legally qualified to provide a particular service, in the amount of the fee or charge for that service payable as a benefit under any policy or contract of casualty insurance.

~~[6.]~~ ***7.*** The provisions of this section do not prohibit:

(a) The payment of commissions or other compensation to licensed agents, brokers or solicitors.

(b) The extension of credit to an insured for the payment of any premium and for which credit a reasonable rate of interest is charged and collected.

(c) Any insurer from allowing or returning to its participating policyholders, members or subscribers, dividends, savings or unabsorbed premium deposits.

(d) With respect to title insurance, bulk rates or special rates for customers of prescribed classes if the bulk or special rates are provided for in the effective schedule of fees and charges of the title insurer or underwritten title company.

~~***[(e) Any property, casualty, surety or title insurer or underwritten title company or any employee or representative thereof, or any broker, agent or solicitor from providing to an insured or prospective insured prizes and gifts, goods, wares, merchandise, gift certificates, donations made to charitable organizations, raffle entries, meals, event tickets and other items not to exceed $100 in aggregate value per insured or prospective insured in any 1 calendar year.***~~

~~7.]~~ ***8.*** The provisions of this section do not apply to wet marine and transportation insurance.

Sec. 3. This act becomes effective on July 1, 2017.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 246.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 249.

AN ACT relating to regional development; revising provisions relating to the creation of a local improvement district; authorizing the governing bodies of two or more municipalities to jointly create a tax increment area under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the governing body of any county, city or unincorporated town to create an improvement district for the acquisition of certain projects, including a park project, street project or commercial area vitalization project, and to finance the cost of any such project through the issuance of bonds and the levy of assessments upon property in the improvement district. (Chapter 271 of NRS) Two or more governmental entities are authorized under existing law to enter into a cooperative or interlocal agreement in certain circumstances to perform a governmental function. (NRS 277.045-277.188) Existing law authorizes a county to exercise its powers relating to local improvement projects for a project or benefited property that is within the boundaries of a city if the city in which that territory is located consents in an interlocal agreement to the exercise of those powers within its boundaries. (NRS 271.015) **Section 1** of this bill extends the authority to enter into such an interlocal agreement to two or more counties. Therefore, a county would be authorized under **section 1** to exercise its powers relating to local improvement projects for a project or benefited property that is within the boundaries of another county if the county in which that territory is located consents in an interlocal agreement to the exercise of those powers within its boundaries.

Existing law authorizes the governing body of a municipality to designate a tax increment area for the purpose of creating a special account for the payment of bonds or other securities. The designation of a tax increment area by the governing body provides for the allocation of a portion of the taxes levied upon taxable property in the tax increment area each year to pay the bond requirements of loans, money advanced to or indebtedness incurred by the municipality to finance or refinance the project. (Chapter 278C of NRS) **Section 2** of this bill authorizes the governing bodies of two or more municipalities whose boundaries are contiguous to enter into an interlocal or cooperative agreement for the creation of a tax increment area for the acquisition or improvement of a ~~[street]~~ project whose boundaries encompass all or part of each municipality. **Section 2** further provides that if the governing bodies of the municipalities enter into such an agreement: (1) the

governing bodies are authorized to take joint action to comply with certain procedures for the creation of a tax increment area; and (2) the tax increment area is required to be administered in accordance with the interlocal or cooperative agreement.

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

Section 1. NRS 271.015 is hereby amended to read as follows:

271.015 Except as otherwise provided in NRS 271.700, this chapter applies:

1. To any unincorporated town.

2. To any city, including Carson City, whether incorporated or governed under a general act, special legislative act or special charter, enacted, adopted or granted pursuant to Section 1 or 8 of Article 8 of the Constitution of the State of Nevada, or otherwise.

3. To any county for any project outside of any city.

4. To any county, city, or town for a project not specified in this chapter but which that municipality is otherwise authorized by law to acquire and defray its cost by special assessment, and to any other political subdivision of this State otherwise authorized by law to acquire a specified or described project and to defray its cost by special assessment. In such a case, this chapter provides the method of doing so, to the extent that a special procedure is not provided in the authorizing statute.

5. To a county for a project or benefited property within the boundaries of a city ~~[,]~~ ***or another county,*** if the city ***or other county*** within whose boundaries the project or benefited property is located consents to the exercise of powers under this chapter within its boundaries, in an interlocal agreement entered into pursuant to NRS 277.045 to 277.180, inclusive.

6. To a city for a project or benefited property outside the boundaries of the city, if the county or other city within whose boundaries the project or benefited property is located consents to the exercise of powers under this chapter within its boundaries, in an interlocal agreement entered into pursuant to NRS 277.045 to 277.180, inclusive.

Sec. 2. Chapter 278C of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing bodies of two or more municipalities whose boundaries are contiguous may enter into an interlocal or cooperative agreement for the ordering of an undertaking ~~***[that is a street project]***~~ ***whose boundaries encompass all or part of each municipality and the creation of the tax increment area and the tax increment account pertaining thereto. A tax increment area created pursuant to this section must be administered as provided in the interlocal or cooperative agreement, notwithstanding any provision of this chapter to the contrary.***

2. If the governing bodies of two or more municipalities enter into an interlocal or cooperative agreement pursuant to subsection 1, the

governing bodies may, in accordance with the procedures set forth in the interlocal or cooperative agreement:

(a) Jointly take any action required to be taken by a governing body for the creation of a district by the governing body pursuant to NRS 278C.160, 278C.170, 278C.180, 278C.210, 278C.220, 278C.230, 278C.270 and 278C.280, except that each governing body must adopt an ordinance pursuant to NRS 278C.220 in order to create the tax increment area; ~~[and]~~

(b) ~~[Contract with a person to construct or improve the street project, issue]~~ Enter into contracts for the undertaking; and

(c) Issue bonds or otherwise finance the cost of the ~~[project.]~~ undertaking.

Sec. 3. This act becomes effective on July 1, 2017.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 286.

Bill read second time.

The following amendment was proposed by the Committee on Corrections, Parole, and Probation:

Amendment No. 338.

AN ACT relating to criminal procedure; revising provisions concerning the eligibility of a defendant for assignment to a program for the treatment of veterans and members of the military; authorizing a district court, justice court or municipal court to establish such a program; **making various other changes relating to such a program;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a district court to establish an appropriate program for the treatment of veterans and members of the military to which it may assign an eligible defendant. A justice court or municipal court is authorized, upon approval of the district court, to transfer original jurisdiction of a case involving such an eligible defendant to the district court. (NRS 176A.280, 176A.285) **Section 3** of this bill additionally authorizes a justice court or municipal court to establish such a program and revises the provisions concerning the eligibility of a defendant for assignment to such a program. **Section 3** also provides that the assignment of a defendant to such a program must be for a period of not less than 12 months.

Section 2 of this bill provides that a defendant is ineligible for assignment to such a program if he or she: (1) has previously been assigned to such a program; ~~[(2) has been convicted of certain offenses;]~~ or ~~[(3)]~~ **(2)** was discharged or released from the Armed Forces of the United States, a reserve component thereof or the National Guard under **dishonorable** conditions **.** ~~[other than honorable.]~~ **Section 2** also provides that a defendant who was

discharged or released from the Armed Forces of the United States, a reserve component thereof or the National Guard under ~~[such]~~ **dishonorable** conditions may be assigned to such a program if a court determines that extraordinary circumstances exist to warrant the assignment.

Existing law provides that upon violation of a term or condition of such a program, the court may: (1) enter a judgment of conviction and proceed as provided in the section pursuant to which the defendant was charged; and (2) order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison. (NRS 176A.290) Section 5 of this bill authorizes the imposition of certain sanctions against a defendant for such a violation.

Existing law provides that upon fulfillment of the terms and conditions of such a program, the court shall discharge the defendant and dismiss the proceedings. (NRS 176A.290) Section 5 provides that for defendants in the program who were charged with battery constituting domestic violence or driving under the influence, the court may conditionally dismiss the charges. Under section 6 of this bill, if the charges are conditionally dismissed, then the court must order that all records relating to the charges be sealed 7 years after such a conditional dismissal.

Under existing law, before accepting a plea from a defendant or proceeding to trial, a justice of the peace or municipal judge must address the defendant personally and ask the defendant if he or she is a veteran or a member of the military. (NRS 4.374, 5.057) Sections 9 and 10 of this bill require that the justice of the peace or municipal judge must, as soon as possible after a defendant is arrested or cited, attempt to determine whether the defendant is a veteran or a member of the military and, if so, whether the defendant qualifies for a program for the treatment of veterans and members of the military.

Sections 11 and 12 of this bill provide that: (1) persons who are charged with first misdemeanor offenses of battery constituting domestic violence or driving under the influence are eligible to be assigned to a program for the treatment of veterans and members of the military; and (2) offenses that are conditionally dismissed in connection with successful completion of such a program or a diversionary or specialty court program constitute prior offenses for the purpose of determining whether the person is subject to an enhanced penalty with respect to a subsequent offense.

The remaining sections of this bill make conforming changes.

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

Section 1. NRS 176.015 is hereby amended to read as follows:

176.015 1. Sentence must be imposed without unreasonable delay. Pending sentence, the court may commit the defendant or continue or alter the bail.

2. Before imposing sentence, the court shall:

(a) Afford counsel an opportunity to speak on behalf of the defendant; and

(b) Address the defendant personally and ask the defendant if:

(1) The defendant wishes to make a statement in his or her own behalf and to present any information in mitigation of punishment; and

(2) The defendant is a veteran or a member of the military. If the defendant ~~[~~is a veteran or a member of the military and~~]~~ meets the qualifications of ~~[~~paragraphs (b) and (c) of~~]~~ subsection ~~[~~2~~]~~ ***1*** of NRS ~~[~~176A.285,~~]~~ ***176A.280,*** the court may, if appropriate, assign the defendant to:

(I) A program of treatment established pursuant to NRS 176A.280; or

(II) If a program of treatment established pursuant to NRS 176A.280 is not available for the defendant, a program of treatment established pursuant to NRS 176A.250 or 453.580.

3. After hearing any statements presented pursuant to subsection 2 and before imposing sentence, the court shall afford the victim an opportunity to:

(a) Appear personally, by counsel or by personal representative; and

(b) Reasonably express any views concerning the crime, the person responsible, the impact of the crime on the victim and the need for restitution.

4. The prosecutor shall give reasonable notice of the hearing to impose sentence to:

(a) The person against whom the crime was committed;

(b) A person who was injured as a direct result of the commission of the crime;

(c) The surviving spouse, parents or children of a person who was killed as a direct result of the commission of the crime; and

(d) Any other relative or victim who requests in writing to be notified of the hearing.

➥ Any defect in notice or failure of such persons to appear are not grounds for an appeal or the granting of a writ of habeas corpus. All personal information, including, but not limited to, a current or former address, which pertains to a victim or relative and which is received by the prosecutor pursuant to this subsection is confidential.

5. For the purposes of this section:

(a) "Member of the military" has the meaning ascribed to it in NRS 176A.043.

(b) "Relative" of a person includes:

(1) A spouse, parent, grandparent or stepparent;

(2) A natural born child, stepchild or adopted child;

(3) A grandchild, brother, sister, half brother or half sister; or

(4) A parent of a spouse.

(c) "Veteran" has the meaning ascribed to it in NRS 176A.090.

(d) "Victim" includes:

(1) A person, including a governmental entity, against whom a crime has been committed;

(2) A person who has been injured or killed as a direct result of the commission of a crime; and

(3) A relative of a person described in subparagraph (1) or (2).

6. This section does not restrict the authority of the court to consider any reliable and relevant evidence at the time of sentencing.

Sec. 2. Chapter 176A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a defendant is not eligible for assignment to a program of treatment established pursuant to NRS 176A.280 if the defendant:

(a) Has previously been assigned to such a program; or

(b) [Has been convicted of:

(1) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;

(2) A violation of NRS 484C.130 or 484C.430;

(3) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430;

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

(5) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in this paragraph; or

(c)] Was discharged or released from the Armed Forces of the United States, a reserve component thereof or the National Guard under dishonorable conditions. [other than honorable.]

2. A defendant described in paragraph [(c)] (b) of subsection 1 may be assigned to a program of treatment established pursuant to NRS 176A.280 if a justice court, municipal court or district court, as applicable, determines that extraordinary circumstances exist which warrant the assignment of the defendant to the program.

Sec. 3. NRS 176A.280 is hereby amended to read as follows:

176A.280 [A]

1. A district court, justice court or municipal court may establish an appropriate program for the treatment of veterans and members of the military to which it may assign a defendant pursuant to NRS 176A.290 [.] ***if the defendant is a veteran or member of the military and:***

(a) Appears to suffer from mental illness, alcohol or drug abuse or posttraumatic stress disorder, any of which appear to be related to military service, including, without limitation, any readjustment to civilian life which is necessary after combat service;

(b) Would benefit from assignment to the program; and

(c) Is not ineligible for assignment to the program pursuant to section 2 of this act or any other provision of law.

2. The assignment ***of a defendant to a program pursuant to this section*** must ~~[include]~~ ***:***

(a) Include the terms and conditions for successful completion of the program ~~[and provide]~~ ***;***

(b) Provide for progress reports at intervals set by the court to ensure that the defendant is making satisfactory progress towards completion of the program ~~[.]~~ ***; and***

(c) Be for a period of not less than 12 months.

Sec. 4. NRS 176A.285 is hereby amended to read as follows:

176A.285 ~~[1. A]~~ ***If a*** justice court or ~~[a]~~ municipal court ***has not established a program pursuant to NRS 176A.280, the justice court or municipal court, as applicable,*** may, upon approval of the district court, transfer original jurisdiction to the district court of a case involving ~~[an eligible]~~ ***a*** defendant ~~[.~~

~~2. As used in this section, "eligible defendant" means a veteran or a member of the military who:~~

~~(a) Has]~~ ***who meets the qualifications of subsection 1 of NRS 176A.280 and has*** not tendered a plea of guilty, guilty but mentally ill or nolo contendere to, or been found guilty or guilty but mentally ill of, an offense that is a misdemeanor ***.*** ~~[;~~

~~(b) Appears to suffer from mental illness, alcohol or drug abuse or posttraumatic stress disorder, any of which appear to be related to military service, including, without limitation, any readjustment to civilian life which is necessary after combat service; and~~

~~(c) Would benefit from assignment to a program established pursuant to NRS 176A.280.]~~

Sec. 5. NRS 176A.290 is hereby amended to read as follows:

176A.290 1. Except as otherwise provided in subsection 2 ~~[,]~~ ***and section 2 of this act,*** if a defendant ~~[who is a veteran or a member of the military and who suffers from mental illness, alcohol or drug abuse or posttraumatic stress disorder as]~~ described in NRS ~~[176A.285]~~ ***176A.280*** tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, any offense for which the suspension of sentence or the granting of probation is not prohibited by statute, the ***district court, justice court or municipal*** court ***, as applicable,*** may, without entering a judgment of conviction and with the consent of the defendant, suspend further proceedings and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.280.

2. If the offense committed by the defendant involved the use or threatened use of force or violence or if the defendant was previously convicted in this State or in any other jurisdiction of a felony that involved the use or threatened use of force or violence, the ***district court, justice court***

or municipal court ***, as applicable,*** may not assign the defendant to the program unless the prosecuting attorney stipulates to the assignment. For the purposes of this subsection, in determining whether an offense involved the use or threatened use of force or violence, the ***district court, justice court or municipal*** court ***, as applicable,*** shall consider the facts and circumstances surrounding the offense, including, without limitation, whether the defendant intended to place another person in reasonable apprehension of bodily harm.

3. Upon violation of a term or condition:

(a) ***The district court, justice court or municipal court, as applicable, may impose sanctions against the defendant for the violation, but allow the defendant to remain in the program. Before imposing a sanction, the court shall notify the defendant of the violation and provide the defendant an opportunity to respond. Any sanction imposed pursuant to this paragraph:***

(1) Must be in accordance with any applicable guidelines for sanctions established by the National Association of Drug Court Professionals or any successor organization; and

(2) May include, without limitation, imprisonment in a county or city jail or detention facility for a term set by the court, which must not exceed 25 days.

(b) The ***district court, justice court or municipal*** court ***, as applicable,*** may enter a judgment of conviction and proceed as provided in the section pursuant to which the defendant was charged.

~~[(b)]~~ ***(c)*** Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the ***district*** court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

4. ~~[Upon]~~ ***Except as otherwise provided in subsection 5, upon*** fulfillment of the terms and conditions, the ***district court, justice court or municipal*** court ***, as applicable,*** shall discharge the defendant and dismiss the proceedings. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, ***complaint,*** indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, ***complaint,*** indictment, information or trial in response to an inquiry made of the defendant for any purpose.

5. If the defendant was charged with a violation of NRS 200.485, 484C.110 or 484C.120, upon fulfillment of the terms and conditions, the district court, justice court or municipal court, as applicable, may conditionally dismiss the charges. If a court conditionally dismisses the

charges, the court shall notify the defendant that the conditionally dismissed charges are a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail in a future case, but are not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose. Conditional dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, complaint, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, complaint, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

Sec. 6. NRS 176A.295 is hereby amended to read as follows:

176A.295 1. ~~[After]~~ ***Except as otherwise provided in subsection 2, after*** a defendant is discharged from probation pursuant to NRS 176A.290, the ***justice court, municipal court or district*** court ***, as applicable,*** shall order sealed all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order if the defendant fulfills the terms and conditions imposed by the court and the Division. The ***justice court, municipal court or district*** court ***, as applicable,*** shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. ***If the defendant is charged with a violation of NRS 200.485, 484C.110 or 484C.120 and the charges are conditionally dismissed as provided in subsection 5 of NRS 176A.290, the justice court, municipal court or district court, as applicable, shall order that all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order be sealed 7 years after such a conditional dismissal. The justice court, municipal court or district court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.***

3. If the ***justice court, municipal court or district*** court ***, as applicable,*** orders sealed the record of a defendant discharged ***or whose charges were conditionally dismissed*** pursuant to NRS 176A.290, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the ***justice court, municipal court or district*** court ***, as applicable,*** in writing of its compliance with the order.

Sec. 7. NRS 4.370 is hereby amended to read as follows:

4.370 1. Except as otherwise provided in subsection 2, justice courts have jurisdiction of the following civil actions and proceedings and no others except as otherwise provided by specific statute:

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed $15,000.

(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed $15,000.

(c) Except as otherwise provided in paragraph (l), in actions for a fine, penalty or forfeiture not exceeding $15,000, given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed $15,000, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed $15,000.

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed $15,000.

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed $15,000 or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed $15,000 or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed $15,000.

(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $15,000.

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $15,000.

(l) In actions for a fine imposed for a violation of NRS 484D.680.

(m) Except as otherwise provided in this paragraph, in any action for the issuance of a temporary or extended order for protection against domestic violence. A justice court does not have jurisdiction in an action for the issuance of a temporary or extended order for protection against domestic violence:

(1) In a county whose population is 100,000 or more and less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more; or

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court.

(n) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.

(o) In small claims actions under the provisions of chapter 73 of NRS.

(p) In actions to contest the validity of liens on mobile homes or manufactured homes.

(q) In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment.

(r) In any action pursuant to NRS 200.378 for the issuance of a protective order against a person alleged to have committed the crime of sexual assault.

(s) In actions transferred from the district court pursuant to NRS 3.221.

(t) In any action for the issuance of a temporary or extended order pursuant to NRS 33.400.

(u) In any action seeking an order pursuant to NRS 441A.195.

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real property or mining claims or questions affecting the boundaries of land are involved.

3. Justice courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. Upon approval of the district court, a justice court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 or ***, if the justice court has not established a program pursuant to NRS*** 176A.280 ~~[.]~~ ***, to a program established pursuant to that section.***

4. Except as otherwise provided in subsections 5 and 6, in criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.

5. In the case of any arrest made by a member of the Nevada Highway Patrol, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.

6. Each justice court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established.

Sec. 8. NRS 4.374 is hereby amended to read as follows:

4.374 1. ***As soon as possible after a defendant is arrested or cited, the justice of the peace shall attempt to determine whether the defendant is a veteran or a member of the military and, if so, whether the defendant meets the qualifications of subsection 1 of NRS 176A.280.***

2. Before accepting a plea from a defendant or proceeding to trial, the justice of the peace shall ~~[address]~~ ***:***

(a) Address the defendant personally and ask the defendant if he or she is a veteran or a member of the military ~~[.]~~ ***; and***

(b) Determine whether the defendant meets the qualifications of subsection 1 of NRS 176A.280.

~~[2.]~~ ***3.*** If the defendant ~~[is a veteran or a member of the military and]~~ meets the qualifications of ***subsection 1 of*** NRS ~~[176A.285,]~~ ***176A.280,*** the justice court may, ***if the justice court has not established a program pursuant to NRS 176A.280 and,*** if appropriate, take any action authorized by law for the purpose of having the defendant assigned to:

(a) A program of treatment established pursuant to NRS 176A.280; or

(b) If a program of treatment established pursuant to NRS 176A.280 is not available for the defendant, a program of treatment established pursuant to NRS 176A.250 or 453.580.

~~[3.]~~ ***4.*** As used in this section:

(a) "Member of the military" has the meaning ascribed to it in NRS 176A.043.

(b) "Veteran" has the meaning ascribed to it in NRS 176A.090.

Sec. 9. NRS 5.050 is hereby amended to read as follows:

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

(a) For the violation of any ordinance of their respective cities.

(b) To prevent or abate a nuisance within the limits of their respective cities.

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

3. The municipal courts have jurisdiction of:

(a) Any action for the collection of taxes or assessments levied for city purposes, when the principal sum thereof does not exceed $2,500.

(b) Actions to foreclose liens in the name of the city for the nonpayment of those taxes or assessments when the principal sum claimed does not exceed $2,500.

(c) Actions for the breach of any bond given by any officer or person to or for the use or benefit of the city, and of any action for damages to which the city is a party, and upon all forfeited recognizances given to or for the use or benefit of the city, and upon all bonds given on appeals from the municipal court in any of the cases named in this section, when the principal sum claimed does not exceed $2,500.

(d) Actions for the recovery of personal property belonging to the city, when the value thereof does not exceed $2,500.

(e) Actions by the city for the collection of any damages, debts or other obligations when the amount claimed, exclusive of costs or attorney's fees, or both if allowed, does not exceed $2,500.

(f) Actions seeking an order pursuant to NRS 441A.195.

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

Sec. 10. NRS 5.057 is hereby amended to read as follows:

5.057 1. ***As soon as possible after a defendant is arrested or cited, the municipal judge shall attempt to determine whether the defendant is a veteran or a member of the military and, if so, whether the defendant meets the qualifications of subsection 1 of NRS 176A.280.*** Before accepting a plea from a defendant or proceeding to trial, the municipal judge shall ~~[address]~~ ***:***

(a) Address the defendant personally and ask the defendant if he or she is a veteran or a member of the military ~~[.]~~ ***; and***

(b) Determine whether the defendant meets the qualifications of subsection 1 of NRS 176A.280.

2. If the defendant ~~[is a veteran or a member of the military and]~~ meets the qualifications of ***subsection 1 of*** NRS ~~[176A.285,]~~ ***176A.280,*** the municipal court may, ***if the municipal court has not established a program pursuant to NRS 176A.280 and,*** if appropriate, take any action authorized by law for the purpose of having the defendant assigned to:

(a) A program of treatment established pursuant to NRS 176A.280; or

(b) If a program of treatment established pursuant to NRS 176A.280 is not available for the defendant, a program of treatment established pursuant to NRS 176A.250 or 453.580.

3. As used in this section:

(a) "Member of the military" has the meaning ascribed to it in NRS 176A.043.

(b) "Veteran" has the meaning ascribed to it in NRS 176A.090.

Sec. 11. NRS 200.485 is hereby amended to read as follows:

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

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

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

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

➥ The person shall be further punished by a fine of not less than $200, but not more than $1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur at a time when the person is not required to be at his or her place of employment or on a weekend.

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

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

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

➥ The person shall be further punished by a fine of not less than $500, but not more than $1,000.

(c) For the third and any subsequent offense within 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed by strangulation as described in NRS 200.481, is guilty of a category C felony and shall be punished as provided in NRS 193.130 and by a fine of not more than $15,000.

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

(a) For the first offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

(b) For the second offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

➥ If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

4. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section ~~[when]~~ ***:***

(a) When evidenced by a conviction ~~[,]~~ ***; or***

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

➥ without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

5. In addition to any other fine or penalty, the court shall order such a person to pay an administrative assessment of $35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.

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

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

8. If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not dismiss such a charge in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. ~~[A court shall not grant probation to and, except]~~ ***Except*** as otherwise provided in ~~[NRS 4.373, and 5.055, *and 176A.290,*]~~ ***this subsection,*** a court shall not ***grant probation to or*** suspend the sentence of such a person. ***A court may grant probation to or suspend the sentence of such a person:***

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

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

9. As used in this section:

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

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

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

Sec. 11.5. **NRS 484C.400 is hereby amended to read as follows:**

484C.400 1. Unless a greater penalty is provided pursuant to NRS 484C.430 or 484C.440, and except as otherwise provided in NRS 484C.410, a person who violates the provisions of NRS 484C.110 or 484C.120:

(a) For the first offense within 7 years, is guilty of a misdemeanor. Unless the person is allowed to undergo treatment as provided in NRS 484C.320, the court shall:

(1) Except as otherwise provided in subparagraph (4) of this paragraph or subsection 2 of NRS 484C.420, order the person to pay tuition for an educational course on the abuse of alcohol and controlled substances approved by the Department and complete the course within the time specified in the order, and the court shall notify the Department if the person fails to complete the course within the specified time;

(2) Unless the sentence is reduced pursuant to NRS 484C.320, sentence the person to imprisonment for not less than 2 days nor more than 6 months in jail, or to perform not less than 48 hours, but not more than 96 hours, of community service while dressed in distinctive garb that identifies the person as having violated the provisions of NRS 484C.110 or 484C.120;

(3) Fine the person not less than $400 nor more than $1,000; and

(4) If the person is found to have a concentration of alcohol of 0.18 or more in his or her blood or breath, order the person to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484C.360.

(b) For a second offense within 7 years, is guilty of a misdemeanor. Unless the sentence is reduced pursuant to NRS 484C.330, the court shall:

(1) Sentence the person to:

(I) Imprisonment for not less than 10 days nor more than 6 months in jail; or

(II) Residential confinement for not less than 10 days nor more than 6 months, in the manner provided in NRS 4.376 to 4.3766, inclusive, or 5.0755 to 5.078, inclusive;

(2) Fine the person not less than $750 nor more than $1,000, or order the person to perform an equivalent number of hours of community service while dressed in distinctive garb that identifies the person as having violated the provisions of NRS 484C.110 or 484C.120; and

(3) Order the person to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484C.360.

➥ A person who willfully fails or refuses to complete successfully a term of residential confinement or a program of treatment ordered pursuant to this paragraph is guilty of a misdemeanor.

(c) Except as otherwise provided in NRS 484C.340, for a third offense within 7 years, is guilty of a category B felony and shall be punished by

imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and shall be further punished by a fine of not less than $2,000 nor more than $5,000. An offender who is imprisoned pursuant to the provisions of this paragraph must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section ~~[when]~~ ***:***

(a) When evidenced by a conviction ~~[,]~~ ***; or***

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

➥ without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

3. A term of confinement imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace, except that a person who is convicted of a second or subsequent offense within 7 years must be confined for at least one segment of not less than 48 consecutive hours. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the offender, but any sentence of 30 days or less must be served within 6 months after the date of conviction or, if the offender was sentenced pursuant to NRS 484C.320 or 484C.330 and the suspension of his or her sentence was revoked, within 6 months after the date of revocation. Any time for which the offender is confined must consist of not less than 24 consecutive hours.

4. Jail sentences simultaneously imposed pursuant to this section and NRS 482.456, 483.560, 484C.410 or 485.330 must run consecutively.

5. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

6. For the purpose of determining whether one offense occurs within 7 years of another offense, any period of time between the two offenses during which, for any such offense, the offender is imprisoned, serving a term of residential confinement, placed under the supervision of a treatment provider, on parole or on probation must be excluded.

7. As used in this section, unless the context otherwise requires, "offense" means:

(a) A violation of NRS 484C.110, 484C.120 or 484C.430;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or

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

Sec. 12. NRS 484C.420 is hereby amended to read as follows:

484C.420 1. ~~[A]~~ ***Except as otherwise provided in ~~[NRS 176A.290,]~~ subsection 2, a*** person convicted of violating the provisions of NRS 484C.110 or 484C.120 must not be released on probation, and a sentence imposed for violating those provisions must not be suspended except, as provided in NRS 4.373, 5.055, 484C.320, 484C.330 and 484C.340, that portion of the sentence imposed that exceeds the mandatory minimum. A prosecuting attorney shall not dismiss a charge of violating the provisions of NRS 484C.110 or 484C.120 in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial.

2. ***The court may grant probation to or suspend the sentence of a person to assign the person to a program for the treatment of veterans and members of the military pursuant to NRS 176A.290 if the charge is for a first violation of the provisions of NRS 484C.110 or 484C.120 that is punishable as a misdemeanor.***

3. If the person who violated the provisions of NRS 484C.110 or 484C.120 possesses a driver's license issued by a state other than the State of Nevada and does not reside in the State of Nevada, in carrying out the provisions of subparagraph (1) of paragraph (a) of subsection 1 of NRS 484C.400, the court shall:

(a) Order the person to pay tuition for and submit evidence of completion of an educational course on the abuse of alcohol and controlled substances approved by a governmental agency of the state of the person's residence within the time specified in the order; or

(b) Order the person to complete an educational course by correspondence on the abuse of alcohol and controlled substances approved by the Department within the time specified in the order,

➥ and the court shall notify the Department if the person fails to complete the assigned course within the specified time.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 304.

Bill read second time and ordered to third reading.

Assembly Bill No. 310.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 226.

AN ACT relating to public administrators; revising provisions governing the payment of compensation for certain public administrators; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the election, qualifications and duties of a public administrator in securing and administering the estate of an intestate decedent. (Chapter 253 of NRS) For certain counties, the district attorney of the county serves, ex officio, as the public administrator of the county. In Carson City, the Clerk of Carson City serves as the Public Administrator of Carson City. (NRS 253.010) Existing law also provides that public administrators are entitled to be paid as other administrators or executors, subject to certain restrictions on the annual salary of certain public administrators. (NRS 245.043, 253.050) This bill requires the board of county commissioners, in certain counties where the salary of a public administrator is not set by law, to set and pay the annual compensation of a public administrator for certain costs and expenses. This bill also authorizes such public administrators to retain all fees provided by law for public administrators.

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

Section 1. NRS 253.050 is hereby amended to read as follows:

253.050 1. For the administration of the estates of deceased persons, public administrators are entitled to be paid as other administrators or executors are paid, subject to the provisions of NRS 245.043.

2. The district attorneys of Humboldt, Lander, Lincoln, Storey and White Pine Counties as ex officio public administrators and the Clerk of Carson City serving as Public Administrator of Carson City may retain all fees provided by law received by them as public administrators.

3. The public administrator is entitled to compensation from the estate or from beneficiaries for the reasonable value of his or her services performed in preserving the property of an estate of a deceased person before the appointment of an administrator. Compensation must be set by the board of county commissioners.

4. Except as otherwise provided in subsection 2, a public administrator who does not receive a salary pursuant to NRS 245.043:

(a) Is entitled to receive annual compensation, for the costs and expenses incident to a public administrator, ~~[of $12,000 or more]~~ as set by the board of county commissioners and paid out of the county fund; and

(b) May retain all fees provided by law received by him or her as public administrator.

Sec. 2. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 3. This act becomes effective on July 1, 2018.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 316.

Bill read second time.

The following amendment was proposed by the Committee on Corrections, Parole, and Probation:

Amendment No. 342.

ASSEMBLYMEN THOMPSON, YEAGER, OHRENSCHALL; ARAUJO, CARRILLO, FUMO, MCCURDY II, MILLER**,** ~~[AND]~~ MONROE- MORENO **AND PICKARD**

JOINT SPONSORS: SENATORS SEGERBLOM; AND HARRIS

AN ACT relating to offenders; revising provisions governing the services provided to an offender before the offender's release; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Corrections to provide certain information and services to an offender upon the offender's release from prison. (NRS 209.511) This bill ~~[: (1) requires]~~ **authorizes** the Director to provide ~~[an offender]~~ **: (1) certain offenders** with evidence-based **or promising practice** reentry programs relating to employment **not later than** 3 months before ~~[the]~~ **each** offender is projected to be released; and (2) ~~[authorizes the Director to provide]~~ mediation services to an offender and the offender's supporting family and friends. **This bill also encourages the Director to work with the Nevada Community Re-Entry Task Force, established by the Governor pursuant to executive order, to align statewide reentry strategies and their implementation.**

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

Section 1. NRS 209.511 is hereby amended to read as follows:

209.511 1. ***Before an offender is released from prison by expiration of his or her term of sentence, by pardon or parole, the Director may provide mediation services to the offender and the family members and friends of the offender who provide emotional, psychological and financial support to the offender.***

2. ~~[Three]~~ Not later than 3 months before an offender is projected to be released from prison by expiration of his or her term of sentence, by

pardon or parole, the Director ~~[shall]~~ may, if space is available, provide ~~[the]~~ an eligible offender with one or more evidence-based or promising practice reentry programs to obtain employment, including, without limitation, any programs which may provide bonding for an offender entering the workplace and any organizations which may provide employment or bonding assistance to such a person.

3. When an offender is released from prison by expiration of his or her term of sentence, by pardon or by parole, the Director:

(a) May furnish the offender with a sum of money not to exceed $100, the amount to be based upon the offender's economic need as determined by the Director;

(b) Shall give the offender notice of the provisions of chapter 179C of NRS and NRS 202.357 and 202.360;

(c) Shall require the offender to sign an acknowledgment of the notice required in paragraph (b);

(d) Shall give the offender notice of the provisions of NRS 179.245 and the provisions of NRS 213.090, 213.155 or 213.157, as applicable;

(e) ~~[~~Shall provide the offender with information relating to obtaining employment, including, without limitation, any programs which may provide bonding for an offender entering the workplace and any organizations which may provide employment or bonding assistance to such a person;

~~(f)]~~ Shall provide the offender with a photo identification card issued by the Department and information and reasonable assistance relating to acquiring a valid driver's license or identification card to enable the offender to obtain employment, if the offender:

(1) Requests a photo identification card; or

(2) Requests such information and assistance and is eligible to acquire a valid driver's license or identification card from the Department of Motor Vehicles;

~~[(g)]~~ ***(f)*** May provide the offender with clothing suitable for reentering society;

~~[(h)]~~ ***(g)*** May provide the offender with the cost of transportation to his or her place of residence anywhere within the continental United States, or to the place of his or her conviction;

~~[(i)]~~ ***(h)*** May, but is not required to, release the offender to a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS; and

~~[(j)]~~ ***(i)*** Shall require the offender to submit to at least one test for exposure to the human immunodeficiency virus.

~~[2.]~~ ***4.*** The costs authorized in paragraphs (a), ***(e),*** (f), ~~[(g), (h) and (j)]~~ ***(g) and (i)*** of subsection ~~[1]~~ ***3*** must be paid out of the appropriate account within the State General Fund for the use of the Department as other claims against the State are paid to the extent that the costs have not been paid in accordance with subsection 5 of NRS 209.221 and NRS 209.246.

~~[~~3.~~]~~ ***5. The Director is encouraged to work with the Nevada Community Re-Entry Task Force established by the Governor pursuant to executive order, or its successor body, if any, to align statewide strategies for the reentry of offenders into the community and the implementation of those strategies.***

6. As used in this section:

(a) ***"Eligible offender" means an offender who is:***

(1) Determined to be eligible for reentry programming based on the Nevada Risk Assessment Services instrument, or its successor risk assessment tool; and

(2) Enrolled in:

(I) Programming services under a reentry program at a correctional facility which has staff designated to provide the services; or

(II) A community-based program to assist offenders to reenter the community.

(b) "Facility for transitional living for released offenders" has the meaning ascribed to it in NRS 449.0055.

~~[(b)]~~ ***(c)*** "Photo identification card" means a document which includes the name, date of birth and a color picture of the offender.

(d) "Promising practice reentry program" means a reentry program that has strong quantitative and qualitative data showing positive outcomes, but does not have sufficient research or replication to support recognition as an evidence-based practice.

Sec. 2. This act becomes effective on July 1, 2017.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 326.

Bill read second time.

The following amendment was proposed by the Committee on Corrections, Parole, and Probation:

Amendment No. 344.

SUMMARY—Revises provisions relating to reports of presentence investigations. ~~[.]~~ **and general investigations.** (BDR 14-1117)

AN ACT relating to criminal procedure; revising provisions relating to certain information included in reports of presentence investigations; **authorizing the court to order the Division of Parole and Probation of the Department of Public Safety to correct the contents of a report of any presentence investigation or general investigation in certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Division of Parole and Probation of the Department of Public Safety to include in the report of any presentence investigation any information that it believes may be helpful in imposing a

sentence, in granting probation or in correctional treatment. (NRS 176.145) Existing law also generally requires the Division to disclose to the prosecuting attorney, the counsel for the defendant, the defendant and the court the factual content of the report of any presentence investigation and the recommendations of the Division not later than 14 calendar days before the defendant will be sentenced. (NRS 176.153)

Section 1 of this bill provides that if the Division includes in the report of any presentence investigation any information relating to the defendant being affiliated with or a member in a criminal gang and the Division reasonably believes such information is disputed by the defendant, the Division is required to provide with the information disclosed, before the defendant will be sentenced, copies of all documentation relied upon by the Division as a basis for including such information in the report. **Section 1** also provides that if such information is disputed by the defendant, the Division **or the prosecuting attorney** is required to prove by clear and convincing evidence that the information is accurate.

Existing law requires the Division to afford an opportunity to the prosecuting attorney, the counsel for the defendant and the defendant to object to factual errors in a report of any presentence investigation or general investigation. (NRS 176.156) Section 2 of this bill authorizes the court to order the Division to correct the contents of any such report following sentencing of the defendant if the prosecuting attorney and the defendant stipulate to correcting the contents of any such report within 180 days after the date on which the judgment of conviction was entered.

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

Section 1. NRS 176.153 is hereby amended to read as follows:

176.153 ***1.*** Except as otherwise provided in ~~[this section,]~~ ***subsection 3,*** the Division shall disclose to the prosecuting attorney, the counsel for the defendant, the defendant and the court, not later than 14 calendar days before the defendant will be sentenced, the factual content of the report of any presentence investigation made pursuant to NRS 176.135 and the recommendations of the Division.

2. In addition to the disclosure requirements set forth in subsection 1, if the Division includes in the report of any presentence investigation made pursuant to NRS 176.135 any information relating to the defendant being affiliated with or a member in a criminal gang and the Division reasonably believes such information is disputed by the defendant, the Division shall provide with the information disclosed pursuant to subsection 1 copies of all documentation relied upon by the Division as a basis for including such information in the report, including, without limitation, any field interview cards. If such information is disputed by the defendant, the Division or the prosecuting attorney must prove by clear and convincing evidence that the information is accurate.

3. The defendant may waive the minimum period required by ~~[this section.]~~ ***subsection 1.***

4. As used in this section, "criminal gang" has the meaning ascribed to it in NRS 193.168.

Sec. 2. NRS 176.156 is hereby amended to read as follows:

176.156 1. The Division shall disclose to the prosecuting attorney, the counsel for the defendant and the defendant the factual content of the report of:

(a) Any presentence investigation made pursuant to NRS 176.135 and the recommendations of the Division ~~[,]~~ ***and, if applicable, provide the documentation required pursuant to subsection 2 of NRS 176.153,*** in the period provided in NRS 176.153.

(b) Any general investigation made pursuant to NRS 176.151.

➥ The Division shall afford an opportunity to each party to object to factual errors in any such report and to comment on any recommendations. ***The court may order the Division to correct the contents of any such report following sentencing of the defendant if, within 180 days after the date on which the judgment of conviction was entered, the prosecuting attorney and the defendant stipulate to correcting the contents of any such report.***

2. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a presentence investigation or general investigation to a law enforcement agency of this State or a political subdivision thereof and to a law enforcement agency of the Federal Government for the limited purpose of performing their duties, including, without limitation, conducting hearings that are public in nature.

3. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a presentence investigation or general investigation to the Division of Public and Behavioral Health of the Department of Health and Human Services for the limited purpose of performing its duties,

including, without limitation, evaluating and providing any report or information to the Division concerning the mental health of:

(a) A sex offender as defined in NRS 213.107; or

(b) An offender who has been determined to be mentally ill.

4. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a presentence investigation or general investigation to the Nevada Gaming Control Board for the limited purpose of performing its duties in the administration of the provisions of chapters 462 to 467, inclusive, of NRS.

5. Except for the disclosures required by subsections 1 to 4, inclusive, a report of a presentence investigation or general investigation and the sources of information for such a report are confidential and must not be made a part of any public record.

Sec. 3. The amendatory provisions of this act apply to a report of any presentence investigation **or general investigation** that is made on or after October 1, 2017.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 347.

Bill read second time and ordered to third reading.

Assembly Bill No. 366.

Bill read second time.

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

Amendment No. 194.

ASSEMBLYMEN ARAUJO, BUSTAMANTE ADAMS, FRIERSON, THOMPSON, YEAGER; PAUL ANDERSON, BENITEZ-THOMPSON, CARLTON, JOINER, MONROE-MORENO, OSCARSON AND SPRINKLE

SENATORS WOODHOUSE, FORD, RATTI, GANSERT, KIECKHEFER; CANCELA, **HARDY,** HARRIS AND MANENDO

AN ACT relating to mental health; creating four behavioral health regions in this State; creating a regional behavioral health policy board for each region to advise the Division of Public and Behavioral Health and the Commission on Behavioral Health of the Department of Health and Human Services regarding certain behavioral health issues; **authorizing each regional behavioral health policy board to request the drafting of not more than one legislative measure for each regular session of the Legislature;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 5 of this bill creates the Northern, Washoe, Rural and Southern Behavioral Health Regions, each consisting of certain cities and counties in this State. **Section 6** of this bill creates a regional behavioral health policy board for each of the four regions. **Section 6** also provides that the membership of each policy board consists of ~~[12]~~ **13** persons, including: ~~[11]~~ **(1) six** members appointed by the ~~[Director of the Department of Health and Human Services; and 1 member who represents the criminal justice system appointed by the]~~ Governor ~~[.]~~ **or his or her designee; (2) three members appointed by the Speaker of the Assembly; (3) three members appointed by the Majority Leader of the Senate; and (4) one member appointed by the Legislative Commission. Section 10** of this bill staggers the terms for the appointed members of each policy board.

Section 7 of this bill requires each policy board to: (1) advise the Department, the Division of Public and Behavioral Health and the Commission on Behavioral Health of the Department on certain regional behavioral health issues; (2) promote improvements in the delivery of

behavioral health services in the behavioral health region; ~~[and]~~ (3) coordinate and exchange information with **other policy boards to provide unified recommendations to** the Department, Division and Commission regarding behavioral health services in their respective behavioral health region~~.~~ ~~[.]~~ **; (4) review data collection and reporting standards relating to behavioral health information; and (5) submit a report to the Commission which includes the priorities and needs of the policy board's behavioral health region.** **Section 8** of this bill revises the requirements of the report submitted by the Commission annually to the Governor and biennially to the Legislature to include: (1) recommendations from each policy board; (2) the epidemiologic profiles of substance use and abuse, problem gambling and suicide; (3) relevant behavioral health prevalence data for each behavioral health region; and (4) the health priorities set for each behavioral health region. **Sections 8.3 and 8.7 of this bill authorize each policy board to request for each regular session of the Legislature the drafting of not more than one legislative measure which relates to matters within the scope of a policy board.**

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

Section 1. Chapter 433 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive of this act.

Sec. 2. ***As used in sections 2 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Behavioral health region" means a behavioral health region created by section 5 of this act.***

Sec. 4. ***"Policy board" means a regional behavioral health policy board created by section 6 of this act.***

Sec. 5. ***Four behavioral health regions are hereby created as follows:***

1. The Northern Behavioral Health Region consisting of Carson City and the counties of Churchill, Douglas, Lyon, Mineral and Storey;

2. The Washoe Behavioral Health Region consisting of the county of Washoe;

3. The Rural Behavioral Health Region consisting of the counties of Elko, Eureka, Humboldt, Lander, Lincoln, Pershing and White Pine; and

4. The Southern Behavioral Health Region consisting of the counties of Clark, Esmeralda ~~[, Lincoln]~~ and Nye.

Sec. 6. ***1. A regional behavioral health policy board is hereby created for each behavioral health region.***

2. Each policy board consists of ~~[12]~~ 13 members as follows:

(a) ~~[Eleven]~~ Six members appointed by the ~~[Director of the Department]~~ Governor or his or her designee as follows:

(1) ~~[One member who is a health officer of a county or who is in a position with duties similar to those of such a health officer;~~

~~*(2) One member who is a psychiatrist or doctor of psychology with clinical experience and who is licensed to practice in this State;*~~

~~*(3) One member who represents private or public insurers who offer coverage for behavioral health services;*~~

~~*(4) One member who represents the interests of behavioral health patients or the families of behavioral health patients;*~~

~~*(5) One member who represents providers of emergency services and who has experience providing emergency services to behavioral health patients, which may include, without limitation, a paramedic or physician;*~~

~~*(6) One member who represents law enforcement agencies;*~~

~~*(7)]*~~ *One member who represents the criminal justice system;*

(2) Two members who have extensive experience in the delivery of social services in the field of behavioral health, including, without limitation, directors or officers of social service agencies in the behavioral health region; and

~~*[(8)]*~~ *(3) Three members who represent the interests of one or more of the following:*

(I) Hospitals, residential long-term care facilities or facilities that provide acute inpatient behavioral health services;

(II) Community-based organizations which provide behavioral health services;

(III) Administrators or counselors who are employed at facilities for the treatment of abuse of alcohol or drugs; or

(IV) Owners or administrators of residential treatment facilities, transitional housing or other housing for persons who are mentally ill or suffer from addiction or substance abuse.

➥ *At least one member of the policy board appointed by the ~~[Director of the Department]~~ Governor or his or her designee for each region pursuant to this subparagraph must be a behavioral health professional who has experience in evaluating and treating children.*

(b) ~~[One member]~~ Three members ~~[who represents the criminal justice system,]~~ appointed by the ~~[Governor.]~~ Speaker of the Assembly as follows:

(1) One member who is a health officer of a county or who is in a position with duties similar to those of such a health officer;

(2) One member who is a psychiatrist or doctor of psychology with clinical experience and who is licensed to practice in this State; and

(3) One member who represents private or public insurers who offer coverage for behavioral health services.

(c) Three members appointed by the Majority Leader of the Senate as follows:

(1) One member who has received behavioral health services in this State or a family member of such a person or, if such a person is not available, a person who represents the interests of behavioral health patients or the families of behavioral health patients;

(2) One member who represents providers of emergency medical services or fire services and who has experience providing emergency services to behavioral health patients, which may include, without limitation, a paramedic or physician; and

(3) One member who represents law enforcement agencies and who has experience with and knowledge of matters relating to people in need of behavioral health services.

(d) One member who is a Legislator, appointed by the Legislative Commission.

3. In making appointments, preference must be given to persons who reside in the behavioral health region served by the policy board.

4. Each member of the policy board serves without compensation for a term of 2 years and may be reappointed. The ~~[Director of the Department]~~ appointing authority may remove a member from the policy board if the ~~[Director]~~ appointing authority determines the member has neglected his or her duties. Any vacancy in the membership of a policy board must be filled in the same manner as the original appointment.

5. ~~[On or before July 1 of each odd-numbered year, the Speaker of the Assembly]~~ Each policy board shall ~~[designate]~~ meet not later than 60 days after all appointments to such board have been made and elect one member of ~~[each]~~ the policy board to act as the Chair for the biennium. The Director of the Department or his or her designee shall preside over the election of the Chair for each policy board at each board's first meeting. Each policy board shall thereafter meet at least quarterly at the call of the Chair.

6. As used in this section, "social services agency" means any public agency or organization that provides social services in this State, including, without limitation, welfare and health care services.

Sec. 7. *Each policy board shall:*

1. Advise the Department, Division and Commission regarding:

(a) The behavioral health needs of adults and children in the behavioral health region;

(b) Any progress, problems or proposed plans relating to the provision of behavioral health services and methods to improve the provision of behavioral health services in the behavioral health region;

(c) Identified gaps in the behavioral health services which are available in the behavioral health region and any recommendations or service enhancements to address those gaps; and

(d) Priorities for allocating money to support and develop behavioral health services in the behavioral health region.

2. Promote improvements in the delivery of behavioral health services in the behavioral health region.

3. Coordinate and exchange information with the other policy boards to provide unified and coordinated recommendations to the Department,

Division and Commission regarding behavioral health services in the behavioral health region.

4. Review the collection and reporting standards of behavioral health data to determine standards for such data collection and reporting processes.

5. In coordination with existing entities in this State that address issues relating to behavioral health services, submit an annual report to the Commission which includes, without limitation, the specific behavioral health needs of the behavioral health region. Such a report may be submitted more often than annually if the policy board determines that a specific behavioral health issue requires an additional report to the Commission.

Sec. 8. NRS 433.314 is hereby amended to read as follows:

433.314 The Commission shall:

1. Establish policies to ensure adequate development and administration of services for persons with mental illness, persons with intellectual disabilities and persons with related conditions, persons with substance use disorders or persons with co-occurring disorders, including services to prevent mental illness, intellectual disabilities and related conditions, substance use disorders and co-occurring disorders, and services provided without admission to a facility or institution;

2. Set policies for the care and treatment of persons with mental illness, persons with intellectual disabilities and persons with related conditions, persons with substance use disorders or persons with co-occurring disorders provided by all state agencies;

3. Review the programs and finances of the Division; and

4. Report at the beginning of each year to the Governor and at the beginning of each odd-numbered year to the Legislature on ~~[the]~~ ***:***

(a) Information concerning the quality of the care and treatment provided for persons with mental illness, persons with intellectual disabilities and persons with related conditions, persons with substance use disorders or persons with co-occurring disorders in this State and on any progress made toward improving the quality of that care and treatment ~~[.]~~ ***; and***

(b) In coordination with the Department, any recommendations from the regional behavioral health policy boards created pursuant to section 6 of this act. The report must include, without limitation:

(1) The epidemiologic profiles of substance use and abuse, problem gambling and suicide;

(2) Relevant behavioral health prevalence data for each behavioral health region created by section 5 of this act; and

(3) The health priorities set for each behavioral health region.

Sec. 8.3. **Chapter 218D of NRS is hereby amended by adding thereto a new section to read as follows:**

1. For a regular session, each regional behavioral health policy board created by section 6 of this act may request the drafting of not more than 1

legislative measure which relates to matters within the scope of the policy board. The request must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.

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

3. The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.

Sec. 8.7. **NRS 218D.100 is hereby amended to read as follows:**

218D.100 1. The provisions of NRS 218D.100 to 218D.220, inclusive, ***and section 8.3 of this act*** apply to requests for the drafting of legislative measures for a regular session.

2. Except as otherwise provided by a specific statute, joint rule or concurrent resolution, the Legislative Counsel shall not honor a request for the drafting of a legislative measure if the request:

(a) Exceeds the number of requests authorized by NRS 218D.100 to 218D.220, inclusive, ***and section 8.3 of this act*** for the requester; or

(b) Is submitted by an authorized nonlegislative requester pursuant to NRS 218D.175 to 218D.220, inclusive, ***and section 8.3 of this act*** but is not in a subject related to the function of the requester.

3. The Legislative Counsel shall not:

(a) Assign a number to a request for the drafting of a legislative measure to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.

(b) Honor a request to change the subject matter of a request for the drafting of a legislative measure after it has been submitted for drafting.

(c) Honor a request for the drafting of a legislative measure which has been combined in violation of Section 17 of Article 4 of the Nevada Constitution.

Sec. 9. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 10. As soon as practicable on or after July 1, 2017, the ~~[Director of the Department of Health and Human Services]~~ **Governor or his or her designee, the Speaker of the Assembly, the Majority Leader of the Senate and the Legislative Commission,** shall make the appointments required by ~~[paragraph (b) of]~~ subsection 2 of section 6 of this act to each of the four regional behavioral health policy boards created by section 6 of this act. Notwithstanding the provisions of section 6 of this act, members appointed by the ~~[Director]~~ **:**

1. Governor or his or her designee to serve on a regional behavioral health policy board must be appointed to serve the following initial terms:

~~[1. Five]~~

(a) Three persons for an initial term of 1 year.

~~[2. Six]~~

(b) Three persons for an initial term of 2 years.

2. Speaker of the Assembly to serve on a regional behavioral health policy board must be appointed to serve the following initial terms:

(a) One person for an initial term of 1 year.

(b) Two persons for an initial term of 2 years.

3. Majority Leader of the Senate to serve on a regional behavioral health policy board must be appointed to serve the following initial terms:

(a) Two persons for an initial term of 1 year.

(b) One person for an initial term of 2 years.

4. Legislative Commission to serve on a regional behavioral health policy board must be appointed to serve an initial term of 2 years.

Sec. 11. This act becomes effective on July 1, 2017.

Assemblyman Sprinkle moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 372.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 223.

AN ACT relating to intercollegiate athletics; enacting the Revised Uniform Athlete Agents Act (2015); repealing the Uniform Athletes' Agents Act; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law enacted and subsequently amended the Uniform Athletes' Agents Act. Generally, the Uniform Athletes' Agent Act requires an athlete agent to register with the Secretary of State and prohibits certain conduct by athlete agents. (NRS 398.400-398.620) This bill repeals the Uniform Athletes' Agents Act and enacts the Revised Uniform Athlete Agents Act (2015) ~~[.]~~ **, except that section 20.3 maintains existing law governing the applicability of the provisions of law governing athlete agents and section 20.7 maintains existing law governing the confidentiality of certain information or documents obtained by, or filed with, the Secretary of State.**

Section 5 of this bill generally defines an athlete agent subject to the provisions of the Revised Uniform Athlete Agents Act (2015) as an individual who: (1) directly or indirectly induces or attempts to induce a student athlete to enter an agency contract; (2) for compensation procures or attempts to procure employment for a student athlete as a professional

athlete; (3) for compensation or the anticipation of compensation advises a student athlete on his or her finance or business affairs; or (4) in anticipation of representing a student athlete gives something of value to the athlete or another person.

Section 22 of this bill prohibits an individual from acting as an athlete agent without registering with the Secretary of State. **Section 23** of this bill requires an applicant for such registration to disclose certain information including, without limitation, training, experience and education, any conviction of a felony or crime of moral turpitude, any administrative or judicial determination that the applicant has made a false or deceptive representation and whether the applicant's license as an athlete agent has been denied, suspended or revoked in any state or has been the subject or cause of any sanction, suspension or declaration of ineligibility.

Sections 23 and 24 of this bill require reciprocal registration of an athlete agent if: (1) the agent is issued a certificate of registration by another state and the registration has not been suspended or revoked; (2) no action involving the athlete agent's conduct as an athlete agent is pending in any state; and (3) the application and registration requirements of the other state are substantially similar to or more restrictive than the law in this State.

Section 29 of this bill maintains existing law by requiring the Secretary of State to establish by regulation fees for the registration or renewal of registration as an athlete agent.

Sections 30-32 of this bill contain the requirements for entering an agency contract. **Section 30** requires such a contract to include, without limitation, a statement that the athlete agent is registered in the state in which the contract is signed, list any other state in which the agent is registered and set forth compensation of the athlete agent. The contract must be accompanied by a separate record signed by the student athlete acknowledging that signing the contract may result in the loss of eligibility to participate in the athlete's sport. **Section 31** requires both the agent and the student athlete to give notice of the contract to the athletic director of the affected educational institution within 72 hours of signing the agreement or before the athlete's next scheduled event, whichever occurs first. **Section 31** further specifies additional circumstances under which an athlete agent or student athlete must notify an athletic director or educational institution of information concerning the relationship between the athlete agent and the student athlete. **Section 32** provides a student athlete with a right to cancel an agency contract not more than 14 days after the contract is signed.

Section 33 of this bill requires athlete agents to maintain executed contracts and other specified records for a period of 5 years, including information about represented individuals and recruitment.

Section 34 of this bill prohibits an athlete agent from: (1) providing materially false or misleading information, promises or representations with the intent of influencing a student athlete to enter into an agency contract; (2) furnishing anything of value to a student athlete before that athlete enters into

an agency contract; (3) furnishing anything of value to an individual other than a student athlete; (4) initiating contact with a student athlete unless registered under the Revised Uniform Athlete Agents Act (2015); (5) failing to create, retain or permit inspection of required records; (6) failing to register where required; (7) providing materially false or misleading information in an application for registration or renewal thereof; (8) predating or postdating an agency contract; (9) failing to notify a student athlete that signing an agency contract may make the student athlete ineligible to participate as a student athlete in that sport; or (10) encouraging another individual to take on behalf of the agent an action the agent is prohibited from taking. **Section 35** of this bill provides that a person who violates any provision of **section 34** of this bill is guilty of a misdemeanor and must be required to pay restitution. **Section 36** of this bill authorizes a student athlete or educational institution to bring a civil action against an athlete agent for damages, and authorizes the student athlete or educational institution to be awarded actual damages, as well as costs and reasonable attorney's fees.

Sections 39-41 of this bill revise provisions governing the enforcement of the Uniform Athletes' Agents Act so that those provisions apply to the enforcement of the provisions of this bill. **Section 40** further increases the maximum administrative fine that may be imposed by the Secretary of State from $25,000 to $50,000.

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

Section 1. Title 34 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 38, inclusive, of this act.

Sec. 2. ***NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act may be cited as the Revised Uniform Athlete Agents Act (2015).***

Sec. 3. ***As used in NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 20, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Agency contract" means an agreement in which a student athlete authorizes a person to negotiate or solicit on behalf of the athlete a professional sports services contract or endorsement contract.***

Sec. 5. ***"Athlete agent":***

1. Means an individual, whether or not registered under NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act who:

(a) Directly or indirectly recruits or solicits a student athlete to enter into an agency contract or, for compensation, procures employment or offers, promises, attempts or negotiates to obtain employment for a student athlete

as a professional athlete or member of a professional sports team or organization;

(b) For compensation or in anticipation of compensation related to a student athlete's participation in athletics:

(1) Serves the athlete in an advisory capacity on a matter related to finances, business pursuits or career management decisions, unless the individual is an employee of an educational institution acting exclusively as an employee of the institution for the benefit of the institution; or

(2) Manages the business affairs of the athlete by providing assistance with bills, payments, contracts or taxes; or

(c) In anticipation of representing a student athlete for a purpose related to the athlete's participation in athletics:

(1) Gives consideration to the student athlete or another person;

(2) Serves the athlete in an advisory capacity on a matter related to finances, business pursuits or career management decisions; or

(3) Manages the business affairs of the athlete by providing assistance with bills, payments, contracts or taxes; but

2. Does not include an individual who:

(a) Acts solely on behalf of a professional sports team or organization; or

(b) Is a licensed, registered or certified professional and offers or provides services to a student athlete customarily provided by members of the profession, unless the individual:

(1) Also recruits or solicits the athlete to enter into an agency contract;

(2) Also, for compensation, procures employment or offers, promises, attempts or negotiates to obtain employment for the athlete as a professional athlete or member of a professional sports team or organization; or

(3) Receives consideration for providing the services calculated using a different method than for an individual who is not a student athlete.

Sec. 6. *"Athletic director" means the individual responsible for administering the overall athletic program of an educational institution or, if an educational institution has separately administered athletic programs for male students and female students, the athletic program for males or the athletic program for females, as appropriate.*

Sec. 7. *"Educational institution" includes a public or private elementary school, secondary school, technical or vocational school, community college, college and university.*

Sec. 8. *"Endorsement contract" means an agreement under which a student athlete is employed or receives consideration to use on behalf of the other party any value that the athlete may have because of publicity, reputation, following or fame obtained because of athletic ability or performance.*

Sec. 9. *"Enrolled" means registered for courses and attending athletic practice or class. "Enrolls" has a corresponding meaning.*

Sec. 10. *"Intercollegiate sport" means a sport played at the collegiate level for which eligibility requirements for participation by a student athlete are established by a national association that promotes or regulates collegiate athletics.*

Sec. 11. *"Interscholastic sport" means a sport played between educational institutions that are not community colleges, colleges or universities.*

Sec. 12. *"Licensed, registered or certified professional" means an individual licensed, registered or certified as an attorney, dealer in securities, financial planner, insurance agent, real estate broker or sales agent, tax consultant, accountant or member of a profession, other than that of athlete agent, who is licensed, registered or certified by the state or a nationally recognized organization that licenses, registers or certifies members of the profession on the basis of experience, education or testing.*

Sec. 13. *"Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency or instrumentality or other legal entity.*

Sec. 14. *"Professional sports services contract" means an agreement under which an individual is employed as a professional athlete or agrees to render services as a player on a professional sports team or with a professional sports organization.*

Sec. 15. *"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.*

Sec. 16. *"Recruit or solicit" means attempt to influence the choice of an athlete agent by a student athlete or, if the athlete is a minor, a parent or guardian of the athlete. The term does not include giving advice on the selection of a particular agent in a family, coaching or social situation unless the individual giving the advice does so because of the receipt or anticipated receipt of an economic benefit, directly or indirectly, from the agent.*

Sec. 17. *"Registration" means registration as an athlete agent under NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act.*

Sec. 18. *"Sign" means, with present intent to authenticate or adopt a record:*

1. To execute or adopt a tangible symbol; or

2. To attach to or logically associate with the record an electronic symbol, sound or process.

Sec. 19. *"State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.*

Sec. 20. *"Student athlete" means an individual who is eligible to attend an educational institution and engages in, is eligible to engage in, or may be eligible in the future to engage in, any interscholastic or intercollegiate sport. The term does not include an individual permanently ineligible to participate in a particular interscholastic or intercollegiate sport for that sport.*

Sec. 20.3. ***1. The provisions of NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act apply to a person who sells or offers to sell his or her services as an athlete agent if the offer is:***

(a) Made in this State;

(b) Accepted in this State;

(c) Accepted by a resident of this State; or

(d) Accepted by a student athlete who is enrolled at an educational institution.

2. For the purpose of this section, an offer is made in this State, whether or not either party is present in this State, if the offer:

(a) Originates in this State; or

(b) Is directed by the offeror to a destination in this State and received where it is directed, or at a post office in this State if the offer is mailed.

3. For the purpose of this section, an offer is accepted in this State if the acceptance:

(a) Is communicated to the offeror in this State; and

(b) Has not previously been communicated to the offeror, orally or in writing, outside this State.

➥ Acceptance is communicated to the offeror in this State, whether or not either party is present in this State, if the offeree directs it to the offeror in this State reasonably believing the offeror to be in this State and it is received where it is directed, or at any post office in this State if the acceptance is mailed.

Sec. 20.7. ***1. Except as otherwise provided in subsections 2 and 3 and NRS 239.0115, the following information and documents do not constitute public information and are confidential:***

(a) Information or documents obtained by the Secretary of State in connection with an investigation conducted pursuant to NRS 398.600 concerning possible violations of NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act; and

(b) Information or documents filed with the Secretary of State in connection with an application for registration filed pursuant to NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act that constitute commercial or financial information, or business practices, of a person for which that person is entitled to and has asserted a claim of privilege or confidentiality authorized by law.

2. The Secretary of State may submit any information or evidence obtained in connection with an investigation conducted pursuant to NRS 398.600 to the Attorney General or appropriate district attorney for the

purpose of prosecuting a criminal action pursuant to NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act.

3. The Secretary of State may disclose any information obtained in connection with an investigation conducted pursuant to NRS 398.600 to any other governmental agency if the disclosure is provided for the purpose of a civil, administrative or criminal investigation or proceeding and the receiving agency represents in writing that, under applicable law, protections exist to preserve the integrity, confidentiality and security of the information.

4. The provisions of NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act do not create any privilege and do not diminish any privilege existing pursuant to common law, a specific statute or regulation, or otherwise.

Sec. 21. ***1. The Secretary of State may adopt regulations to carry out the provisions of NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act.***

2. By acting as an athlete agent in this State, a nonresident individual appoints the Secretary of State as the individual's agent for service of process in any civil action in this State related to the individual acting as an athlete agent in this State.

3. The Secretary of State may issue a subpoena for material that is relevant to the administration of NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act.

Sec. 22. ***1. Except as otherwise provided in subsection 2, an individual may not act as an athlete agent in this State without holding a certificate of registration under NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act.***

2. Before being issued a certificate of registration under NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act, an individual may act as an athlete agent in this State for all purposes except signing an agency contract if:

(a) A student athlete or another person acting on behalf of the athlete initiates communication with the individual; and

(b) Not later than 7 days after an initial act that requires the individual to register as an athlete agent, the individual submits an application for registration as an athlete agent in this State.

3. An agency contract resulting from conduct in violation of this section is void, and the athlete agent shall return any consideration received under the contract.

Sec. 23. ***1. An applicant for registration as an athlete agent shall submit an application for registration to the Secretary of State in a form prescribed by the Secretary of State. The applicant must be an individual, and the application must be signed by the applicant under penalty of perjury. The application must contain at least the following:***

(a) The name and date and place of birth of the applicant and the following contact information for the applicant:

(1) The address of the applicant's principal place of business;

(2) Work and mobile telephone numbers; and

(3) Any means of communicating electronically, including a facsimile number, electronic mail address, and personal and business or employer websites;

(b) The name of the applicant's business or employer, if applicable, including for each business or employer, its mailing address, telephone number, organization form and the nature of the business;

(c) Each social media account with which the applicant or the applicant's business or employer is affiliated;

(d) Each business or occupation in which the applicant engaged within 5 years before the date of the application, including self-employment and employment by others, and any professional or occupational license, registration or certification held by the applicant during that time;

(e) A description of the applicant's:

(1) Formal training as an athlete agent;

(2) Practical experience as an athlete agent; and

(3) Educational background relating to the applicant's activities as an athlete agent;

(f) The name of each student athlete for whom the applicant acted as an athlete agent within 5 years before the date of the application or, if the individual is a minor, the name of the parent or guardian of the minor, together with the athlete's sport and last known team;

(g) The name and address of each person that:

(1) Is a partner, member, officer, manager, associate or profit sharer or directly or indirectly holds an equity interest of 5 percent or greater of the athlete agent's business if it is not a corporation; and

(2) Is an officer or director of a corporation employing the athlete agent or a shareholder having an interest of 5 percent or greater in the corporation;

(h) A description of the status of any application by the applicant, or any person named under paragraph (g), for a state or federal business, professional or occupational license, other than as an athlete agent, from a state or federal agency, including any denial, refusal to renew, suspension, withdrawal or termination of the license and any reprimand or censure related to the license;

(i) Whether the applicant, or any person named under paragraph (g), has pleaded guilty or no contest to, has been convicted of, or has charges pending for, a crime that would involve moral turpitude or be a felony if committed in this State and, if so, identification of:

(1) The crime;

(2) The law enforcement agency involved; and

(3) If applicable, the date of the conviction and the fine or penalty imposed;

(j) Whether, within 15 years before the date of application, the applicant, or any person named under paragraph (g), has been a defendant or respondent in a civil proceeding, including a proceeding seeking an adjudication of incompetence and, if so, the date and a full explanation of each proceeding;

(k) Whether the applicant, or any person named under paragraph (g), has an unsatisfied judgment or a judgment of continuing effect, including spousal support or a domestic order in the nature of child support, which is not current at the date of the application;

(l) Whether, within 10 years before the date of application, the applicant, or any person named under paragraph (g), was adjudicated bankrupt or was an owner of a business that was adjudicated bankrupt;

(m) Whether there has been any administrative or judicial determination that the applicant, or any person named under paragraph (g), made a false, misleading, deceptive or fraudulent representation;

(n) Each instance in which conduct of the applicant, or any person named under paragraph (g), resulted in the imposition of a sanction, suspension or declaration of ineligibility to participate in an interscholastic, intercollegiate or professional athletic event on a student athlete or a sanction on an educational institution;

(o) Each sanction, suspension or disciplinary action taken against the applicant, or any person named under paragraph (g), arising out of occupational or professional conduct;

(p) Whether there has been a denial of an application for, suspension or revocation of, refusal to renew, or abandonment of, the registration of the applicant, or any person named under paragraph (g), as an athlete agent in any state;

(q) Each state in which the applicant currently is registered as an athlete agent or has applied to be registered as an athlete agent;

(r) If the applicant is certified or registered by a professional league or players association:

(1) The name of the league or association;

(2) The date of certification or registration, and the date of expiration of the certification or registration, if any; and

(3) If applicable, the date of any denial of an application for, suspension or revocation of, refusal to renew, withdrawal of, or termination of, the certification or registration or any reprimand or censure related to the certification or registration; and

(s) Any additional information required by the Secretary of State.

2. Instead of proceeding under subsection 1, an individual registered as an athlete agent in another state may apply for registration as an athlete agent in this State by submitting to the Secretary of State:

(a) A copy of the application for registration in the other state;

(b) A statement that identifies any material change in the information on the application or verifies there is no material change in the information, signed under penalty of perjury;

(c) A copy of the certificate of registration from the other state; and

(d) The information required by section 25 of this act.

3. Except as otherwise provided in section 25 of this act, the Secretary of State shall issue a certificate of registration to an individual who applies for registration under subsection 2 if the Secretary of State determines:

(a) The application and registration requirements of the other state are substantially similar to or more restrictive than NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act; and

(b) The registration has not been revoked or suspended and no action involving the individual's conduct as an athlete agent is pending against the individual or the individual's registration in any state.

4. For purposes of implementing subsection 3, the Secretary of State ~~[shall:]~~ may:

(a) Cooperate with national organizations concerned with athlete agent issues and agencies in other states which register athlete agents to develop a common registration form and determine which states have laws that are substantially similar to or more restrictive than NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act; and

(b) Exchange information, including information related to actions taken against registered athlete agents or their registrations, with those organizations and agencies.

Sec. 24. *1. Except as otherwise provided in subsection 2 and section 25 of this act, the Secretary of State shall issue a certificate of registration to an applicant for registration who complies with subsection 1 of section 23 of this act.*

2. The Secretary of State may refuse to issue a certificate of registration to an applicant for registration under subsection 1 of section 23 of this act if the Secretary of State determines that the applicant has engaged in conduct that significantly adversely reflects on the applicant's fitness to act as an athlete agent. In making the determination, the Secretary of State may consider whether the applicant has:

(a) Pleaded guilty or no contest to, has been convicted of, or has charges pending for, a crime that would involve moral turpitude or be a felony if committed in this State;

(b) Made a materially false, misleading, deceptive or fraudulent representation in the application or as an athlete agent;

(c) Engaged in conduct that would disqualify the applicant from serving in a fiduciary capacity;

(d) Engaged in conduct prohibited by section 34 of this act;

(e) Had a registration as an athlete agent suspended, revoked or denied in any state;

(f) Been refused renewal of registration as an athlete agent in any state;

(g) Engaged in conduct resulting in imposition of a sanction, suspension or declaration of ineligibility to participate in an interscholastic, intercollegiate or professional athletic event on a student athlete or a sanction on an educational institution; or

(h) Engaged in conduct that adversely reflects on the applicant's credibility, honesty or integrity.

3. In making a determination under subsection 2, the Secretary of State shall consider:

(a) How recently the conduct occurred;

(b) The nature of the conduct and the context in which it occurred; and

(c) Other relevant conduct of the applicant.

4. An athlete agent registered under subsection 1 may apply to renew the registration by submitting an application for renewal in a form prescribed by the Secretary of State. The applicant shall sign the application for renewal under penalty of perjury and include current information on all matters required in an original application for registration.

5. An athlete agent registered under subsection 3 of section 23 of this act may renew the registration by proceeding under subsection 4 or, if the registration in the other state has been renewed, by submitting to the Secretary of State copies of the application for renewal in the other state, the renewed registration from the other state and the information required by section 25 of this act. Except as otherwise provided in section 25 of this act, the Secretary of State shall renew the registration if the Secretary of State determines:

(a) The registration requirements of the other state are substantially similar to or more restrictive than NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act; and

(b) The renewed registration has not been suspended or revoked and no action involving the individual's conduct as an athlete agent is pending against the individual or the individual's registration in any state.

6. A certificate of registration or renewal of registration under NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act is valid for 2 years.

Sec. 25. *1. In addition to any other requirements set forth in this chapter:*

(a) An individual who applies for registration or the renewal of registration as an athlete agent pursuant to section 23 or 24 of this act, respectively, must include the social security number of the applicant in the application submitted to the Secretary of State.

(b) An applicant described in paragraph (a) shall submit to the Secretary of State the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Secretary of State shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for registration or the renewal of registration as an athlete agent; or

(b) A separate form prescribed by the Secretary of State.

3. Registration as an athlete agent may not be issued or renewed by the Secretary of State if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Secretary of State shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 26. *1. If the Secretary of State receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to an individual who is registered as an athlete agent, the Secretary of State shall deem the registration to be suspended at the end of the 30th day after the date on which the court order was issued unless the Secretary of State receives a letter issued to the registrant by the district attorney or other public agency pursuant to NRS 425.550 stating that the registrant has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

2. The Secretary of State shall reinstate a registration as an athlete agent that has been suspended by a district court pursuant to NRS 425.540 if the Secretary of State receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the individual whose registration was suspended stating that the person whose registration was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 27. *1. The Secretary of State may limit, suspend, revoke or refuse to renew a registration of an individual registered under subsection 1 of section 24 of this act for conduct that would have justified refusal to issue a certificate of registration under subsection 2 of section 24 of this act.*

2. The Secretary of State may suspend or revoke the registration of an individual registered under subsection 3 of section 23 of this act or

renewed under subsection 5 of section 24 of this act for any reason for which the Secretary of State could have refused to grant or renew registration or for conduct that would justify refusal to issue a certificate of registration under subsection 2 of section 24 of this act.

Sec. 28. ***The Secretary of State may issue a temporary certificate of registration as an athlete agent while an application for registration or renewal of registration is pending.***

Sec. 29. ***The Secretary of State shall adopt regulations establishing fees for:***

1. An initial application for registration.

2. Registration based on a certificate of registration issued by another state.

3. An application for renewal of registration.

4. Renewal of registration based on a renewal of registration in another state.

Sec. 30. ***1. An agency contract must be in a record signed by the parties.***

2. An agency contract must contain:

(a) A statement that the athlete agent is registered as an athlete agent in this State and a list of any other states in which the agent is registered as an athlete agent;

(b) The amount and method of calculating the consideration to be paid by the student athlete for services to be provided by the agent under the contract and any other consideration the agent has received or will receive from any other source for entering into the contract or providing the services;

(c) The name of any person not listed in the agent's application for registration or renewal of registration which will be compensated because the athlete signed the contract;

(d) A description of any expenses the athlete agrees to reimburse;

(e) A description of the services to be provided to the athlete;

(f) The duration of the contract; and

(g) The date of execution.

3. Subject to subsection 7, an agency contract must contain a conspicuous notice in boldface type and in substantially the following form:

WARNING TO STUDENT ATHLETE
IF YOU SIGN THIS CONTRACT:

(a) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT ATHLETE IN YOUR SPORT;

(b) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER SIGNING THIS CONTRACT OR BEFORE THE NEXT SCHEDULED ATHLETIC EVENT IN WHICH YOU PARTICIPATE, WHICHEVER OCCURS FIRST, BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC

DIRECTOR THAT YOU HAVE ENTERED INTO THIS CONTRACT AND PROVIDE THE NAME AND CONTACT INFORMATION OF THE ATHLETE AGENT; AND

(c) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY AS A STUDENT ATHLETE IN YOUR SPORT.

4. An agency contract must be accompanied by a separate record signed by the student athlete or, if the athlete is a minor, the parent or guardian of the athlete acknowledging that signing the contract may result in the loss of the athlete's eligibility to participate in the athlete's sport.

5. A student athlete or, if the athlete is a minor, the parent or guardian of the athlete may void an agency contract that does not conform to this section. If the contract is voided, any consideration received from the athlete agent under the contract to induce entering into the contract is not required to be returned.

6. At the time an agency contract is executed, the athlete agent shall give the student athlete or, if the athlete is a minor, the parent or guardian of the athlete a copy in a record of the contract and the separate acknowledgment required by subsection 4.

7. If a student athlete is a minor, an agency contract must be signed by the parent or guardian of the minor and the notice required by subsection 3 must be revised accordingly.

Sec. 31. ***1. Not later than 72 hours after entering into an agency contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first, the athlete agent shall give notice in a record of the existence of the contract to the athletic director of the educational institution at which the athlete is enrolled or at which the agent has reasonable grounds to believe the athlete intends to enroll.***

2. Not later than 72 hours after entering into an agency contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first, the athlete shall inform the athletic director of the educational institution at which the athlete is enrolled that the athlete has entered into an agency contract and the name and contact information of the athlete agent.

3. If an athlete agent enters into an agency contract with a student athlete and the athlete subsequently enrolls at an educational institution, the agent shall notify the athletic director of the institution of the existence of the contract not later than 72 hours after the agent knew or should have known the athlete enrolled.

4. If an athlete agent has a relationship with a student athlete before the athlete enrolls in an educational institution and receives an athletic scholarship from the institution, the agent shall notify the institution of the

relationship not later than 10 days after the enrollment if the agent knows or should have known of the enrollment and:

(a) The relationship was motivated in whole or part by the intention of the agent to recruit or solicit the athlete to enter an agency contract in the future; or

(b) The agent directly or indirectly recruited or solicited the athlete to enter an agency contract before the enrollment.

5. An athlete agent shall give notice in a record to the athletic director of any educational institution at which a student athlete is enrolled before the agent communicates or attempts to communicate with:

(a) The athlete or, if the athlete is a minor, a parent or guardian of the athlete, to influence the athlete or parent or guardian to enter into an agency contract; or

(b) Another individual to have that individual influence the athlete or, if the athlete is a minor, the parent or guardian of the athlete to enter into an agency contract.

6. If a communication or attempt to communicate with an athlete agent is initiated by a student athlete or another individual on behalf of the athlete, the agent shall notify in a record the athletic director of any educational institution at which the athlete is enrolled. The notification must be made not later than 10 days after the communication or attempt.

7. An educational institution that becomes aware of a violation of NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act by an athlete agent shall notify the Secretary of State and any professional league or players association with which the institution is aware the agent is licensed or registered of the violation.

8. As used in this section, "communicating or attempting to communicate" means contacting or attempting to contact by an in-person meeting, a record or any other method that conveys or attempts to convey a message.

Sec. 32. *1. A student athlete or, if the athlete is a minor, the parent or guardian of the athlete may cancel an agency contract by giving notice in a record of cancellation to the athlete agent not later than 14 days after the contract is signed.*

2. A student athlete or, if the athlete is a minor, the parent or guardian of the athlete may not waive the right to cancel an agency contract.

3. If a student athlete, parent or guardian cancels an agency contract, the athlete, parent or guardian is not required to pay any consideration under the contract or return any consideration received from the athlete agent to influence the athlete to enter into the contract.

Sec. 33. *1. An athlete agent shall create and retain for 5 years records of the following:*

(a) The name and address of each individual represented by the agent;

(b) Each agency contract entered into by the agent; and

(c) The direct costs incurred by the agent in the recruitment or solicitation of each student athlete to enter into an agency contract.

2. Records described in subsection 1 are open to inspection by the Secretary of State during normal business hours.

Sec. 34. *1. An athlete agent, with the intent to influence a student athlete or, if the athlete is a minor, a parent or guardian of the athlete to enter into an agency contract, may not take any of the following actions or encourage any other individual to take or assist any other individual in taking any of the following actions on behalf of the agent:*

(a) Give materially false or misleading information or make a materially false promise or representation;

(b) Furnish anything of value to the athlete before the athlete enters into the contract; or

(c) Furnish anything of value to an individual other than the athlete or another registered athlete agent.

2. An athlete agent may not intentionally do any of the following or encourage any other individual to do any of the following on behalf of the agent:

(a) Initiate contact, directly or indirectly, with a student athlete or, if the athlete is a minor, a parent or guardian of the athlete, to recruit or solicit the athlete, parent or guardian to enter an agency contract unless registered under NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act;

(b) Fail to create or retain or to permit inspection of the records required by section 33 of this act;

(c) Fail to register when required by section 22 of this act;

(d) Provide materially false or misleading information in an application for registration or renewal of registration;

(e) Predate or postdate an agency contract; or

(f) Fail to notify a student athlete or, if the athlete is a minor, a parent or guardian of the athlete, before the athlete, parent or guardian signs an agency contract for a particular sport that the signing may make the athlete ineligible to participate as a student athlete in that sport.

3. The provisions of NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act do not limit the power of the State of Nevada to punish a person for conduct that constitutes a crime pursuant to any other law.

Sec. 35. *An athlete agent who violates section 34 of this act is guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more than 6 months, or by a fine of not more than $50,000 or by both fine and imprisonment. In addition to any other penalty, the court shall order the person to pay restitution.*

Sec. 36. *1. An educational institution or student athlete may bring an action for damages against an athlete agent if the institution or athlete is adversely affected by an act or omission of the agent in violation of NRS*

398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act. An educational institution or student athlete is adversely affected by an act or omission of the agent only if, because of the act or omission, the institution or an individual who was a student athlete at the time of the act or omission and enrolled in the institution:

(a) Is suspended or disqualified from participation in an interscholastic or intercollegiate sports event by or under the rules of a state or national federation or association that promotes or regulates interscholastic or intercollegiate sports; or

(b) Suffers financial damage.

2. A plaintiff that prevails in an action under this section may recover actual damages and costs and reasonable attorney's fees. An athlete agent found liable under this section forfeits any right of payment for anything of benefit or value provided to the student athlete and shall refund any consideration paid to the agent by or on behalf of the athlete.

Sec. 37. ***In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.***

Sec. 38. ***NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act modify, limit or supersede the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq., but do not modify, limit or supersede Section 101(c) of that Act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that Act, 15 U.S.C. § 7003(b).***

Sec. 39. NRS 398.600 is hereby amended to read as follows:

398.600 1. The Secretary of State may, within or outside this state:

(a) Investigate any violation of:

(1) A provision of NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive;]~~ ***and sections 2 to 38, inclusive, of this act;***

(2) A regulation adopted by the Secretary of State pursuant to NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive;]~~ ***and sections 2 to 38, inclusive, of this act;*** or

(3) An order denying, suspending or revoking the effectiveness of a registration, or an order to cease and desist, issued by the Secretary of State pursuant to NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive.]~~ ***and sections 2 to 38, inclusive, of this act.***

(b) Conduct such other investigations as the Secretary of State finds necessary to aid in the enforcement of NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive,]~~ ***and sections 2 to 38, inclusive, of this act*** and any regulation or order adopted or issued by the Secretary of State pursuant thereto.

2. If the Secretary of State determines that a violation specified in paragraph (a) of subsection 1 has occurred, the Attorney General may prosecute the violation at the request of the Secretary of State.

3. If the Attorney General declines to prosecute such a violation, the district attorney of the appropriate county may prosecute the violation at the request of the Secretary of State.

Sec. 40. NRS 398.610 is hereby amended to read as follows:

398.610 1. If the Secretary of State reasonably believes, whether or not based upon an investigation conducted pursuant to NRS 398.600, that a person has violated, or is about to violate, any provision of NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive,]~~ ***and sections 2 to 38, inclusive, of this act*** or any regulation or order of the Secretary of State adopted or issued pursuant to NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive,]~~ ***and sections 2 to 38, inclusive, of this act,*** the Secretary of State, in addition to any specific power granted by NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive,]~~ ***and sections 2 to 38, inclusive, of this act*** may, without a prior hearing, issue a summary order against the person, directing the person to cease and desist from any further acts that constitute or would constitute such a violation until he or she is in compliance with NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive.]~~ ***and sections 2 to 38, inclusive, of this act.*** The summary order to cease and desist must specify the section of NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive,]~~ ***and sections 2 to 38, inclusive, of this act*** or the regulation or order of the Secretary of State adopted or issued pursuant to NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive,]~~ ***and sections 2 to 38, inclusive, of this act*** which the Secretary of State reasonably believes has been or is about to be violated.

2. If the Secretary of State reasonably believes, whether or not based upon an investigation conducted pursuant to NRS 398.600, that a person has violated any provision of NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive,]~~ ***and sections 2 to 38, inclusive, of this act*** or any regulation or order of the Secretary of State adopted or issued pursuant to NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive,]~~ ***and sections 2 to 38, inclusive, of this act,*** the Secretary of State, in addition to any specific power granted by NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive,]~~ ***and sections 2 to 38, inclusive, of this act*** after giving notice by registered or certified mail and conducting a hearing in an administrative proceeding, unless the right to notice and hearing is waived by the person against whom the sanction is imposed, may:

(a) Issue an order against the person to cease and desist;

(b) Censure the person if he or she is a registered ~~[athlete's]~~ ***athlete*** agent;

(c) Suspend, revoke or refuse to renew the registration of the person as an ~~[athlete's]~~ ***athlete*** agent; or

(d) If it is determined that the violation was willful, issue an order against the person imposing an administrative fine of not more than ~~[$25,000.]~~ ***$50,000.***

3. If the person to whom notice is given pursuant to subsection 2 does not request a hearing within 45 days after receipt of the notice, the person

waives his or her right to a hearing and the Secretary of State shall issue a permanent order. If the person requests a hearing, the Secretary of State shall set the matter for hearing not less than 15 or more than 60 days after the Secretary of State receives the request for a hearing. The Secretary of State shall promptly notify the parties by registered or certified mail of the time and place set for the hearing.

4. The imposition of the sanctions provided in this section is limited as follows:

(a) If the Secretary of State revokes the registration of an ~~[athlete's]~~ ***athlete*** agent, the imposition of that sanction precludes the imposition of an administrative fine pursuant to subsection 2; and

(b) The imposition by the Secretary of State of one or more sanctions pursuant to subsection 2 with respect to a specific violation precludes the Secretary of State from later imposing any other sanction pursuant to subsection 2 with respect to that violation.

5. For the purpose of determining any sanction to be imposed pursuant to subsection 2, the Secretary of State shall consider, among other factors, how recently the conduct occurred, the nature of the conduct and the context in which it occurred, and any other relevant conduct of the applicant.

6. If a sanction is imposed pursuant to this section, the Secretary of State may recover the costs of the proceeding, including, without limitation, investigative costs and attorney's fees, from the person against whom the sanction is imposed.

Sec. 41. NRS 398.620 is hereby amended to read as follows:

398.620 1. For the purposes of an investigation or proceeding pursuant to NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive,]~~ ***and sections 2 to 38, inclusive, of this act,*** the Secretary of State or any officer or employee designated by the Secretary of State by regulation, order or written direction may conduct hearings, administer oaths and affirmations, render findings of fact and conclusions of law, subpoena witnesses and compel their attendance, take evidence and require the production, by subpoena or otherwise, of books, papers, correspondence, memoranda, agreements or other documents or records which the Secretary of State or the Secretary of State's designated officer or employee determines to be relevant or material to the investigation or proceeding. A person whom the Secretary of State or a designated officer or employee does not consider to be the subject of an investigation is entitled to reimbursement at the rate of 25 cents per page for copies of documents which he or she is required by subpoena to produce. The Secretary of State or a designated officer or employee may require or permit a person to file a statement, under oath or otherwise as the Secretary of State or a designated officer or employee determines, as to the facts and circumstances concerning the matter to be investigated.

2. If the activities constituting an alleged violation for which the information is sought would be a violation of NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive,]~~ ***and sections 2 to 38, inclusive, of this act***

had the activities occurred in this state, the Secretary of State may issue and apply to enforce subpoenas in this state at the request of an agency or Secretary of State of another state.

3. If a person does not testify or produce the documents required by the Secretary of State or a designated officer or employee pursuant to subpoena, the Secretary of State or designated officer or employee may apply to the court for an order compelling compliance. A request for an order of compliance may be addressed to:

(a) The district court in and for the county where service may be obtained on the person refusing to testify or produce the documents, if the person is subject to service of process in this state; or

(b) A court of another state having jurisdiction over the person refusing to testify or produce the documents, if the person is not subject to service of process in this state.

Sec. 42. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, ~~[398.403,]~~ 408.3885, 408.3886, 408.3888,

408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 20.7 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

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

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

Sec. 43. A person who holds a certificate of registration as an athlete's agent which was issued pursuant to NRS 398.400 to 398.620, inclusive, before July 1, 2017, and which is not expired or revoked must be deemed to hold a certificate of registration as an athlete agent issued pursuant to sections 2 to 38, inclusive, of this act.

Sec. 43.5. **The regulation of the Secretary of State which is codified as NAC 398.100 remains in effect and may be enforced until the Secretary of State adopts a regulation to repeal or replace that regulation.**

Sec. 44. NRS 398.400, 398.402, 398.403, 398.404, 398.408, 398.412, 398.416, 398.420, 398.424, 398.428, 398.432, 398.436, 398.440, 398.444, 398.446, 398.448, 398.452, 398.456, 398.460, 398.464, 398.468, 398.472, 398.476, 398.480, 398.482, 398.484, 398.488, 398.490, 398.492 and 398.496 are hereby repealed.

Sec. 45. 1. This act becomes effective on July 1, 2017.

2. Sections 25 and 26 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

LEADLINES OF REPEALED SECTIONS

398.400 Short title.

398.402 Applicability of provisions to person who sells or offers to sell services as athlete's agent.

398.403 Confidentiality of information obtained in connection with application or investigation; exceptions; effect on privilege.

398.404 Definitions.

398.408 "Athlete's agent" defined.

398.412 "Athletic director" defined.

398.416 "Contract for endorsement" defined.

398.420 "Contract for professional sports services" defined.

398.424 "Contract of agency" defined.

398.428 "Intercollegiate sport" defined.

398.432 "Person" defined.

398.436 "Record" defined.

398.440 "Registration" defined.

398.444 "State" defined.

398.446 "Student athlete" defined.

398.448 Registration required to act as athlete's agent; limited exception; contract of agency void if in violation of section.

398.452 Submission of application for registration to Secretary of State; application is public record; required contents and disclosures of application.

398.456 Submission of application by person who holds registration or licensure in another state.

398.460 Issuance of certificate of registration; grounds for denial by Secretary of State.

398.464 Renewal of registration; period for which initial certificate and renewal are valid.

398.468 Grounds for suspension, revocation or refusal to renew registration; issuance of temporary certificate of registration authorized.

398.472 Adoption of regulations establishing fees; authority of Secretary of State to adopt other regulations.

398.476 Secretary of State appointed agent for service of process for nonresident athlete's agent; issuance of subpoenas by Secretary of State.

398.480 Retention and inspection of records; duty to file updated information.

398.482 Required contents of contract; contract void if does not contain required warning; athlete's agent required to give record of contract to student athlete.

398.484 Athlete's agent and student athlete required to give notice of entering into contract.

398.488 Cancellation of contract by student athlete.

398.490 Liability of athlete's agent or student athlete to institution for damages caused by violation; award of attorney's fees and costs; accrual of right of action; joint and several liability; section does not restrict other rights and remedies.

398.492 Liability of person other than athlete's agent or student athlete to institution for damages caused by violation; award of attorney's fees and costs.

398.496 Prohibition on certain conduct by athlete's agent; penalties for violation of Act, regulations and certain orders.

Assemblyman Thompson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 383.

Bill read second time and ordered to third reading.

Assembly Bill No. 427.

Bill read second time and ordered to third reading.

Assembly Bill No. 437.

Bill read second time and ordered to third reading.

Assembly Bill No. 459.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 230.

SUMMARY— ~~[Creates a procedure for the establishment of paternity in proceedings.]~~ **Authorizes a court to order certain blood and genetic testing** concerning a child in need of protection. (BDR 38-1026)

AN ACT relating to children; ~~[creating a procedure for the establishment of paternity in proceedings concerning a child in need of protection;]~~ **authorizing a court to order certain tests for the typing of blood or taking of specimens for the genetic identification of a child in need of protection, the natural mother of such a child or the alleged father of such a child;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes provisions governing proceedings concerning a child who is or may be in need of protection. (NRS 432B.410-432B.590) ~~[Section 2 of this bill provides that if a petition alleging that a child is or may be in need of protection is filed with a court and the paternity of the child has not been legally established, a motion to establish paternity may be filed with the court. Such a motion must include certain information and be served by personal service upon the alleged father of the child. Section 3 of this bill provides that if the alleged father of the child is personally served with a motion to establish paternity and he does not appear at the hearing to consider the motion or does not file with the court a written response denying~~

~~paternity, the court may enter a recommendation or order, as applicable, that declares and establishes the alleged father as the natural father of the child.~~

~~— Section 4 of this bill authorizes a court to enter a recommendation or order, as applicable, establishing the legal paternity of a child during any proceeding concerning a child who is or may be in need of protection if both parents sign an affidavit or other sworn statement indicating that paternity of the child has not been legally established and the father is presumed to be the natural father of the child pursuant to applicable provisions of law.~~

~~— Section 5 of this bill requires a court to order tests for the typing of blood or taking of specimens for genetic identification of a child, the natural mother of the child and the alleged father of the child in certain circumstances. Section 5 provides that after receipt of the results of such tests showing a probability of 99 percent or more that the alleged father is the natural father of the child, if a written objection to the result of such tests is not timely filed, the court may enter a recommendation or order, as applicable, establishing the legal paternity of the child. Section 5 further requires the Division of Welfare and Supportive Services of the Department of Health and Human Services to pay the costs of such tests except for any additional tests conducted for the purpose of contesting the results of a test.~~

~~— Section 6 of this bill provides that any approved recommendation or order establishing the legal paternity of a child establishes legal paternity for all purposes and is excluded from certain confidentiality requirements. Section 6 also requires that such a recommendation or order provide for the issuance of a new birth certificate that includes the name of the natural father if necessary.~~

~~— Sections 7-13 of this bill make conforming changes.]~~ **This bill authorizes a court to order tests for the typing of blood or taking of specimens for the genetic identification of such a child, the natural mother of such a child or the alleged father of such a child.**

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

Delete existing sections 1 through 14 of this bill and replace with the following new sections 1 and 2:

Section 1. **NRS 432B.560 is hereby amended to read as follows:**

432B.560 1. The court may also order:

(a) The child, a parent or the guardian to undergo such medical, psychiatric, psychological, or other care or treatment as the court considers to be in the best interests of the child.

(b) A parent or guardian to refrain from:

(1) Any harmful or offensive conduct toward the child, the other parent, the custodian of the child or the person given physical custody of the child; and

(2) Visiting the child if the court determines that the visitation is not in the best interest of the child.

(c) A reasonable right of visitation for a grandparent of the child if the child is not permitted to remain in the custody of the parents of the child.

(d) Tests for the typing of blood or taking of specimens for genetic identification of the child, the natural mother of the child or the alleged father of the child pursuant to NRS 126.121.

2. The court shall order a parent or guardian to pay to the custodian an amount sufficient to support the child while the child is in the care of the custodian pursuant to an order of the court, unless the child was delivered to a provider of emergency services pursuant to NRS 432B.630 and the location of the parent is unknown. Payments for the obligation of support must be determined in accordance with NRS 125B.070 and 125B.080, but must not exceed the reasonable cost of the child's care, including food, shelter, clothing, medical care and education. An order for support made pursuant to this subsection must:

(a) Require that payments be made to the appropriate agency or office;

(b) Provide that the custodian is entitled to a lien on the obligor's property in the event of nonpayment of support; and

(c) Provide for the immediate withholding of income for the payment of support unless:

(1) All parties enter into an alternative written agreement; or

(2) One party demonstrates and the court finds good cause to postpone the withholding.

3. A court that enters an order pursuant to subsection 2 shall ensure that the social security number of the parent or guardian who is the subject of the order is:

(a) Provided to the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(b) Placed in the records relating to the matter and, except as otherwise required to carry out a specific statute, maintained in a confidential manner.

Sec. 2. **This act becomes effective on July 1, 2017.**

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 471.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 232.

AN ACT relating to cybersecurity; creating the Nevada Office of Cyber Defense Coordination within the Department of Public Safety; providing for the powers and duties of the Office; requiring the Nevada Commission on Homeland Security to consider a certain report of the Office when performing certain duties; providing for the confidentiality of certain

information regarding cybersecurity; requiring certain state agencies to comply with the provisions of certain regulations adopted by the Office; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates the Nevada Office of Cyber Defense Coordination within the Department of Public Safety, to be headed by an Administrator, who is appointed by the Director of the Department and is ex officio a nonvoting member of the Nevada Commission on Homeland Security. Under **section 10** of this bill, the Office must: (1) periodically review the information systems of state agencies; (2) identify risks to the security of those systems; and (3) develop strategies, standards and guidelines for preparing for and mitigating risks to, and otherwise protecting, the security of those systems. The Office must also: (1) coordinate performance audits and assessments of state agencies; and (2) coordinate statewide programs for awareness and training regarding risks to the security of information systems of state agencies.

Under **section 11** of this bill, the Office must establish partnerships with local governments, agencies of the Federal Government, the Nevada System of Higher Education and private entities that have expertise in cybersecurity or information systems, must consult with the Division of Emergency Management of the Department of Public Safety and the Division of Enterprise Information Technology Services of the Department of Administration regarding strategies to prepare for and mitigate risks to, and otherwise protect, the security of information systems and must coordinate with the Investigation Division of the Department of Public Safety regarding gathering intelligence on and initiating investigations of cyber threats and incidents.

Section 12 of this bill requires the Office to establish policies and procedures for notifications to and by the Office of specific threats to information systems. **Section 12** also requires the Administrator of the Office to appoint a cybersecurity incident response team or teams and requires the Office to establish policies and procedures for the Administrator to convene such a team in the event of a specific threat to the security of an information system.

Section 13 of this bill requires the Office to prepare and make publicly available a statewide strategic plan that outlines policies, procedures, best practices and recommendations for preparing for and mitigating risks to, and otherwise protecting, the security of information systems in this State. Under **section 22** of this bill, the first such plan must be prepared and made available not later than January 1, 2018, and under **section 13**, the plan must be updated every ~~[5]~~ **2** years. Under **section 21** of this bill, the Nevada Commission on Homeland Security must consider the most recent plan when performing certain duties.

Section 14 of this bill requires the Office to prepare an annual report on the activities of the Office.

Section 15 of this bill provides that certain information of any state agency, including the Office, **or local government** which identifies the detection of, the investigation of or a response to a suspected or confirmed threat to or attack on the security of an information system is not a public record and may be disclosed only under certain circumstances.

Section 16 of this bill authorizes the Office to adopt any regulations necessary to carry out the provisions of this bill.

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

Section 1. Chapter 480 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this act.

Sec. 2. ***The Legislature hereby finds and declares that:***

1. The protection and security of information systems, and the coordination of efforts to promote the protection and security of information systems, are essential to protecting the health, safety and welfare of the people of this State.

2. The continued development of technologies relating to information systems and the expanding and diverse applications of those technologies pose significant implications for the functioning of any infrastructure in this State that is critical to the health, safety and welfare of the people of this State, particularly in the areas of transportation, health care, energy, education, law enforcement and commercial enterprises.

3. Information systems and the application of information systems relating to the operation of State Government and local governments make up a statewide cyberinfrastructure that is integral to the delivery of essential services to the people of this State and the essential functions of government that ensure the protection of the health, safety and welfare of the people of this State.

4. Protecting and securing the statewide cyberinfrastructure requires the identification of the areas in which information systems may be vulnerable to attack, unauthorized use or misuse or other dangerous, harmful or destructive acts.

5. Protecting and securing the statewide cyberinfrastructure requires an ability to identify and eliminate threats to information systems in both the public and private sectors.

6. Protecting and securing the statewide cyberinfrastructure requires a strategic statewide plan for responding to incidents in which information systems are compromised, breached or damaged, including, without limitation, actions taken to:

(a) Minimize the harmful impacts of such incidents on the health, safety and welfare of the people of this State;

(b) Minimize the disruptive effects of such incidents on the delivery of essential services to the people of this State and on the essential functions

of government that ensure the protection of the health, safety and welfare of the people of this State; and

(c) Ensure the uninterrupted and continuous delivery of essential services to the people of this State and the uninterrupted and continuous operations of the essential functions of government that ensure the protection of the health, safety and welfare of the people of this State.

7. Protecting and securing the statewide cyberinfrastructure depends on collaboration and cooperation, including the sharing of information and analysis regarding cybersecurity threats, among local, state and federal agencies and across a broad spectrum of the public and private sectors.

8. Institutions of higher education play a critical role in protecting and securing statewide cyberinfrastructure by developing programs that support a skilled workforce, promote innovation and contribute to a more secure statewide cyberinfrastructure.

9. It is therefore in the public interest that the Legislature enact provisions to enable the State to prepare for and mitigate risks to, and otherwise protect, information systems and statewide cyberinfrastructure.

Sec. 3. *As used in sections 2 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 8, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4. *"Administrator" means the Administrator of the Office of Cyber Defense Coordination appointed pursuant to section 9 of this act.*

Sec. 5. *"Information system" means any computer equipment, computer software, procedures or technology used to communicate, collect, process, distribute or store information.*

Sec. 6. *"Office" means the Nevada Office of Cyber Defense Coordination of the Department of Public Safety.*

Sec. 7. *"Security of an information system" includes, without limitation, the security of:*

1. The physical infrastructure of an information system; and

2. Information, including, without limitation, personal information, that is stored on, transmitted to, from or through, or generated by an information system.

Sec. 8. *"State agency" means every public agency, bureau, board, commission, department or division of the Executive Branch of State Government.*

Sec. 9. *The Nevada Office of Cyber Defense Coordination is hereby created and is composed of:*

1. The Administrator of the Office, who is appointed by the Director; and

2. Within the limits of legislative appropriations, a number of employees which the Director determines to be sufficient to carry out the duties of the Office.

Sec. 10. *1. The Office shall:*

(a) Periodically review the information systems that are operated or maintained by state agencies.

(b) Identify risks to the security of information systems that are operated or maintained by state agencies.

(c) Develop and update, as necessary, strategies, standards and guidelines for preparing for and mitigating risks to, and otherwise protecting, the security of information systems that are operated or maintained by state agencies.

(d) Coordinate performance audits and assessments of the information systems of state agencies to determine, without limitation, adherence to the regulations, standards, practices, policies and conventions of the Division of Enterprise Information Technology Services of the Department of Administration that are identified by the Division as security-related.

(e) Coordinate statewide programs for awareness and training regarding risks to the security of information systems that are operated or maintained by state agencies.

2. Upon review of an information system that is operated or maintained by a state agency, the Office may make recommendations to the state agency and the Division of Enterprise Information Technology Services regarding the security of the information system.

Sec. 11. *The Office shall:*

1. Establish partnerships with:

(a) Local governments;

(b) The Nevada System of Higher Education; and

(c) Private entities that have expertise in cyber security or information systems,

➥ to encourage the development of strategies to prepare for and mitigate risks to, and otherwise protect, the security of information systems that are operated or maintained by a public or private entity in this State.

2. Establish partnerships to assist and receive assistance from local governments and appropriate agencies of the Federal Government regarding the development of strategies to prepare for and mitigate risks to, and otherwise protect, the security of information systems.

3. Consult with the Division of Emergency Management of the Department and the Division of Enterprise Information Technology Services of the Department of Administration regarding the development of strategies to prepare for and mitigate risks to, and otherwise protect, the security of information systems.

4. Coordinate with the Investigation Division of the Department regarding gathering intelligence on and initiating investigations of cyber threats and incidents.

Sec. 12. *1. The Office shall establish policies and procedures for:*

(a) A state agency to notify the Office of any specific threat to the security of an information system operated or maintained by the state agency;

(b) Any other public or private entity to notify the Office of any specific threat to the security of an information system;

(c) The Office to notify state agencies, appropriate law enforcement and prosecuting authorities and any other appropriate public or private entity of any specific threat to the security of an information system of which the Office has been notified; and

(d) The Administrator to convene a cybersecurity incident response team appointed pursuant to subsection 2 upon notification of the Office of a specific threat to the security of an information system.

2. In consultation with appropriate state agencies, local governments and agencies of the Federal Government, the Administrator shall appoint a cybersecurity incident response team or teams.

3. A cybersecurity incident response team appointed pursuant to subsection 2 shall convene at the call of the Administrator and, subject to the direction of the Administrator, shall assist the Office and any appropriate state agencies, local governments or agencies of the Federal Government in responding to the threat to the security of an information system.

Sec. 13. ***1. The Office shall prepare and make publicly available a statewide strategic plan that outlines policies, procedures, best practices and recommendations for preparing for and mitigating risks to, and otherwise protecting, the security of information systems in this State and for recovering from and otherwise responding to threats to or attacks on the security of information systems in this State.***

2. The statewide strategic plan must include, without limitation, policies, procedures, best practices and recommendations for:

(a) Identifying, preventing and responding to threats to and attacks on the security of information systems in this State;

(b) Ensuring the safety of, and the continued delivery of essential services to, the people of this State in the event of a threat to or attack on the security of an information system in this State;

(c) Protecting the confidentiality of personal information that is stored on, transmitted to, from or through, or generated by an information system in this State;

(d) Investing in technologies, infrastructure and personnel for protecting the security of information systems; and

(e) Enhancing the sharing of information and any other collaboration among state agencies, local governments, agencies of the Federal Government and appropriate private entities regarding protecting the security of information systems.

3. The statewide strategic plan must be updated at least every ~~[5]~~ 2 years.

Sec. 14. ***1. The Office shall annually prepare a report that includes, without limitation:***

(a) A summary of the progress made by the Office during the previous year in executing, administering and enforcing the provisions of sections 2 to 16, inclusive, of this act and performing such duties and exercising such powers as are conferred upon it pursuant to sections 2 to 16, inclusive, of this act and any other specific statute;

(b) A description of any threat during the previous year to the security of an information system that prompted the Administrator to convene a cybersecurity incident response team pursuant to section 12 of this act, and a summary of the response to the threat;

(c) A summary of the goals and objectives of the Office for the upcoming year;

(d) A summary of any issues presenting challenges to the Office; and

(e) Any other information that the Administrator determines is appropriate to include in the report.

2. The report required pursuant to subsection 1 must be submitted not later than ~~[January]~~ July 1 of each year to the Governor, to the Information Technology Advisory Board created by NRS 242.122 and to the Director of Legislative Counsel Bureau.

Sec. 15. ***Any record of a state agency, including the Office, or a local government which identifies the detection of, the investigation of or a response to a suspected or confirmed threat to or attack on the security of an information system is not a public record and may be disclosed only to another state agency or local government, a cybersecurity incident response team appointed pursuant to section 12 of this act and appropriate law enforcement or prosecuting authorities and only for the purposes of preparing for and mitigating risks to, and otherwise protecting, the security of information systems or as part of a criminal investigation.***

Sec. 16. ***1. The Office may adopt any regulations necessary to carry out the provisions of sections 2 to 16, inclusive, of this act.***

2. Every state agency shall, to the extent practicable, comply with the provisions of any regulations adopted by the Office pursuant to sections 2 to 16, inclusive, of this act.

Sec. 17. NRS 480.130 is hereby amended to read as follows:

480.130 The Department consists of:

1. An Investigation Division;
2. A Nevada Highway Patrol Division;
3. A Division of Emergency Management;
4. A State Fire Marshal Division;
5. A Division of Parole and Probation;
6. A Capitol Police Division;
7. ***A Nevada Office of Cyber Defense Coordination;***
8. A Training Division; and
~~[8.]~~ ***9.*** A General Services Division.

Sec. 18. NRS 480.140 is hereby amended to read as follows:

480.140 The primary functions and responsibilities of the divisions of the Department are as follows:

1. The Investigation Division shall:

(a) Execute, administer and enforce the provisions of chapter 453 of NRS relating to controlled substances and chapter 454 of NRS relating to dangerous drugs;

(b) Assist the Secretary of State in carrying out an investigation pursuant to NRS 293.124; and

(c) Perform such duties and exercise such powers as may be conferred upon it pursuant to this chapter and any other specific statute.

2. The Nevada Highway Patrol Division shall, in conjunction with the Department of Motor Vehicles, execute, administer and enforce the provisions of chapters 484A to 484E, inclusive, of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to NRS 480.360 and any other specific statute.

3. The Division of Emergency Management shall execute, administer and enforce the provisions of chapters 414 and 414A of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapters 414 and 414A of NRS and any other specific statute.

4. The State Fire Marshal Division shall execute, administer and enforce the provisions of chapter 477 of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 477 of NRS and any other specific statute.

5. The Division of Parole and Probation shall execute, administer and enforce the provisions of chapters 176A and 213 of NRS relating to parole and probation and perform such duties and exercise such powers as may be conferred upon it pursuant to those chapters and any other specific statute.

6. The Capitol Police Division shall assist in the enforcement of subsection 1 of NRS 331.140.

7. ***The Nevada Office of Cyber Defense Coordination shall:***

(a) Serve as the strategic planning, facilitating and coordinating office for cybersecurity policy and planning in this State; and

(b) Execute, administer and enforce the provisions of sections 2 to 16, inclusive, of this act and perform such duties and exercise such powers as may be conferred upon it pursuant to sections 2 to 16, inclusive, of this act and any other specific statute.

8. The Training Division shall provide training to the employees of the Department.

~~[8.]~~ ***9.*** The General Services Division shall:

(a) Execute, administer and enforce the provisions of chapter 179A of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 179A of NRS and any other specific statute;

(b) Provide dispatch services for the Department and other agencies as determined by the Director;

(c) Maintain records of the Department as determined by the Director; and

(d) Provide support services to the Director, the divisions of the Department and the Nevada Criminal Justice Information System as may be imposed by the Director.

Sec. 19. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110,

599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 15 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

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

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

Sec. 20. NRS 239C.120 is hereby amended to read as follows:

239C.120 1. The Nevada Commission on Homeland Security is hereby created.

2. The Governor shall appoint to the Commission 16 voting members that the Governor determines to be appropriate and who serve at the Governor's pleasure, which must include at least:

(a) The sheriff of each county whose population is 100,000 or more.

(b) The chief of the county fire department in each county whose population is 100,000 or more.

(c) A member of the medical community in a county whose population is 700,000 or more.

(d) An employee of the largest incorporated city in each county whose population is 700,000 or more.

(e) A representative of the broadcaster community. As used in this paragraph, "broadcaster" has the meaning ascribed to it in NRS 432.310.

(f) A representative recommended by the Inter-Tribal Council of Nevada, Inc., or its successor organization, to represent tribal governments in Nevada.

3. The Governor shall appoint:

(a) An officer of the United States Department of Homeland Security whom the Department of Homeland Security has designated for this State;

(b) The agent in charge of the office of the Federal Bureau of Investigation in this State; ~~[and]~~

(c) The Chief of the Division ~~[.]~~ ***; and***

(d) The Administrator of the Nevada Office of Cyber Defense Coordination appointed pursuant to section 9 of this act,

➥ as nonvoting members of the Commission.

4. The Senate Majority Leader shall appoint one member of the Senate as a nonvoting member of the Commission.

5. The Speaker of the Assembly shall appoint one member of the Assembly as a nonvoting member of the Commission.

6. The term of office of each member of the Commission who is a Legislator is 2 years.

7. The Governor or his or her designee shall:

(a) Serve as Chair of the Commission; and

(b) Appoint a member of the Commission to serve as Vice Chair of the Commission.

Sec. 21. NRS 239C.160 is hereby amended to read as follows:

239C.160 The Commission shall, within the limits of available money:

1. Make recommendations to the Governor, the Legislature, agencies of this State, political subdivisions, tribal governments, businesses located within this State and private persons who reside in this State with respect to actions and measures that may be taken to protect residents of this State and visitors to this State from potential acts of terrorism and related emergencies.

2. ~~[Make]~~ ***Upon consideration of the most recent statewide strategic plan prepared by the Nevada Office of Cyber Defense Coordination pursuant to section 13 of this act, make*** recommendations to the Governor, through the Division, on the use of money received by the State from any homeland security grant or related program, including, without limitation, the State Homeland Security Grant Program and Urban Area Security Initiative, in accordance with the following:

(a) The Division shall provide the Commission with program guidance and briefings;

(b) The Commission must be provided briefings on existing and proposed projects, and shall consider statewide readiness capabilities and priorities for the use of money, administered by the Division, from any homeland security grant or related program;

(c) The Commission shall serve as the public body which reviews and makes recommendations for the State's applications to the Federal Government for homeland security grants or related programs, as administered by the Division; and

(d) The Commission shall serve as the public body which recommends, subject to approval by the Governor, the distribution of money from any homeland security grant or related program for use by state, local and tribal government agencies and private sector organizations.

3. Propose goals and programs that may be set and carried out, respectively, to counteract or prevent potential acts of terrorism and related emergencies before such acts of terrorism and related emergencies can harm or otherwise threaten residents of this State and visitors to this State.

4. With respect to buildings, facilities, geographic features and infrastructure that must be protected from acts of terrorism and related emergencies to ensure the safety of the residents of this State and visitors to this State, including, without limitation, airports other than international airports, the Capitol Complex, dams, gaming establishments, governmental buildings, highways, hotels, information technology infrastructure, lakes, places of worship, power lines, public buildings, public utilities, reservoirs, rivers and their tributaries, and water facilities:

(a) Identify and categorize such buildings, facilities, geographic features and infrastructure according to their susceptibility to and need for protection from acts of terrorism and related emergencies; and

(b) Study and assess the security of such buildings, facilities, geographic features and infrastructure from acts of terrorism and related emergencies.

5. Examine the use, deployment and coordination of response agencies within this State to ensure that those agencies are adequately prepared to

protect residents of this State and visitors to this State from acts of terrorism and related emergencies.

6. Assess, examine and review the use of information systems and systems of communication used by response agencies within this State to determine the degree to which such systems are compatible and interoperable. After conducting the assessment, examination and review, the Commission shall:

(a) Establish a state plan setting forth criteria and standards for the compatibility and interoperability of those systems when used by response agencies within this State; and

(b) Advise and make recommendations to the Governor relative to the compatibility and interoperability of those systems when used by response agencies within this State, with particular emphasis upon the compatibility and interoperability of public safety radio systems.

7. Assess, examine and review the operation and efficacy of telephone systems and related systems used to provide emergency 911 service.

8. To the extent practicable, cooperate and coordinate with the Division to avoid duplication of effort in developing policies and programs for preventing and responding to acts of terrorism and related emergencies.

9. Submit an annual briefing to the Governor assessing the preparedness of the State to counteract, prevent and respond to potential acts of terrorism and related emergencies, including, but not limited to, an assessment of response plans and vulnerability assessments of utilities, public entities and private business in this State. The briefing must be based on information and documents reasonably available to the Commission and must be compiled with the advice of the Division after all utilities, public entities and private businesses assessed have a reasonable opportunity to review and comment on the Commission's findings.

10. Perform any other acts related to their duties set forth in subsections 1 to 9, inclusive, that the Commission determines are necessary to protect or enhance:

(a) The safety and security of the State of Nevada;

(b) The safety of residents of the State of Nevada; and

(c) The safety of visitors to the State of Nevada.

Sec. 22. The Nevada Office of Cyber Defense Coordination shall prepare and make available to the public the statewide strategic plan required pursuant to section 13 of this act not later than January 1, 2018.

Sec. 23. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 24. This act becomes effective on July 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 477.
Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 9.
Resolution read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer, Assembly Bills Nos. 124, 144, 326, 366, and 471 be rereferred to the Committee on Ways and Means.
Motion carried.

Assemblywoman Carlton moved that Assembly Bills Nos. 383, 437, and 477 be taken from General File and rereferred to the Committee on Ways and Means.
Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 54 and 444; Assembly Joint Resolutions Nos. 4, 10, 11, and 13; Assembly Joint Resolution 10 of the 78th Session be taken from the General File and placed on the General File for the next legislative day.
Motion carried.

Assemblywoman Benitez-Thompson moved that the Assembly recess until 4:30 p.m.
Motion carried.

Assembly in recess at 12:58 p.m.

ASSEMBLY IN SESSION

At 5:03 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 128, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 223, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRENE BUSTAMANTE ADAMS, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 393, 417, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 156, 224, 340, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL C. SPRINKLE, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 135, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 324, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 360, 445, 487, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which were referred Assembly Bills Nos. 368, 455, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD CARRILLO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 19, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 232.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 52, 81, 86, 151, 162, 164, 185, 241, 247, 291, 324, 346, 354, 432, 468, 483.

CLAIRE CLIFT
Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 19, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 124 and 326.

CINDY JONES
Fiscal Analysis Division

April 19, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 227.

MARK KRMPOTIC
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 52.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 81.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 86.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 151.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 162.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 164.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 185.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 232.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 241.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 247.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 291.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 324.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 346.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 354.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 432.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 468.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 483.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Araujo, the privilege of the floor of the Assembly Chamber for this day was extended to Margherita Ann Neanover.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Sun Valley Elementary School: Diego Rivera, Naomi Chaves-Jacinto, Angel Abarca Martinez, Brisa Aguilar Alvarado, Betsy Arana Sanchez, Jaime Avina Gonzalez, Alma Banuelos Roman, Kaeylinn Corral Reyes, Edgar Correa de la Cruz, Marcos Correa de la Cruz, Camiah Crawford, Angel Diaz Flores, Eddy Estrada Ramirez, Josiah Garay, Armando Gutierrez Bustamante, Lukez Harvey, Shea Hill, Madison Johnson, Unaloto Malafu, Joshua Marcotte, Fernando Martinez Cortes, Maria Melendrez Manjarrez, Luis Negrete, Yadira Ramirez, Jairo Rodriguez, Luis Salazar Guzman, Samantha Serafin Lugo, Leila Stone, Robert Wiese, Alexa Alamos Lopez, Ivan Aparicio-Rodriguez, Victor Barajas, Brittney Byram, Kamyla Cardona Mancilla, Scarlett Castillo Marquez, Abigail Cruz Neri, Sergio Diaz Gonzalez, Daniel Egan, Brian Estrada Munoz, Alyssa Guillen

Sotelo, Omar Hernandez Gracia, Sterling Hood, Magdalena Lopez, Josue Lopez Rojas, Mia Lopez Velasco, Erick Mendoza Sanchez, Ayden-James Nemedez, Isaias Nyholm-Martinez, Juan Ramierz Neri, Alejandro Ruiz-Sanchez, Marisol Segura Gomez, Alejandra Torres Diaz, Boyd Turner, Daisy Virgen Rico, Zakk Weider, Angel Aguilar, Emily Benson, Lazet Casillas, Juliana Castro, Alondra Cazares Palazuelos, Adilene Figueroa Rodriguez, Sophia Flores-Crawford, Ayanna Fryman, Edgar Guzman Bravo, Joshua Hernandez Marquez, Brianna Juarez, Sara Martinez, Amy Martinez Trujillo, Tyson Mata-Martinez, Manson Matheny, Mike Montenegro Gramajo, Edward Ocegueda-Tafolla, Ashley Perez Santos, Gabriel Ramirez Castaneda, Giselle Ramos Quintero, Alex Rodriguez, Max Rodriguez, Julio Rodriguez-Gutierrez, Gisela Rojas-Ibanez, Julian Salazar Cardenas, Josue Serrano Rodriguez, Omar Aguilar Moreno, Joanna Aquino Ramirez, Axel Rich Baylon, Kimberly Casas Correa, Jenyfer Cuevas Ortiz, Emiliano Delgado, Justin Fleming, Gilbert Flores Navidad, Guadalupe Flores Santos, Roxanna Frausto, Gladys Gasca, Javontae Jackson, Phillip Johnson, Cloe Leigh, Camilo Martinez Martinez, Augusto Martinez Orozco, Bryant Morales Garcia, Aislinn Morales Saldana, Zane Nelson, Angel Nepomuceno Cardona, Chayenne Neyra, Evelyn Romero Corona, Karen Salgado Gonzalez, Natalia Soriano Martinez, Athina Torres, Cindy Torres Vega, and Damian Vizcarra Rodriguez.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Liberty Baptist Academy: Lucas Benyameen, Jakob LaRue, Korissa Fox, Regan Fox, Angelina Guerrero, Racheal Guerrero, Nehemiah Guerrero, Rachel Luttig, Sophia Ramirez, Hailey Smith, Hunter Smith, Ella Stojanovic, Marissa Webb, and Amelia Woolard.

On request of Assemblyman Brooks, the privilege of the floor of the Assembly Chamber for this day was extended to Jorge Alberto Sanchez-Esparza and Bonnie Jean Sedich.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Soila Solano.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Benjamin Navarro-Ibarra.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Aileen Cohen.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Jill Robinson and Camille Silva.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Byron Enrique Chacon, Balmore Orellana-Martinez, and Rodrigo Solano Quiroz.

On request of Assemblyman Edwards, the privilege of the floor of the Assembly Chamber for this day was extended to Lauren Eliot and Alexis Leon.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Jalen Glover.

On request of Assemblyman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Jesai Olmedo, Adriana Vargas, and John Morales.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Carlos Hernandez and Brandon Salyers.

On request of Assemblyman Fumo, the privilege of the floor of the Assembly Chamber for this day was extended to Geoconda Hughes, Denise Signorelli, and Cecia Martinez.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Evertt Rogers, Amir Rowe, and Stephanie Hill.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Jacob Bakke, Nohely Dominguez, and Nohemi Valdez.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Somer Rodgers, Jaime Hernandez, and Nicole Meza.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Jose Guardado and Juan Andres Carrasco.

On request of Assemblyman Kramer, the privilege of the floor of the Assembly Chamber for this day was extended to Robyn Rohde and Ashlee Allison.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to Daniel Carranza.

On request of Assemblyman McCurdy, the privilege of the floor of the Assembly Chamber for this day was extended to Karla Manzanero, Ed Schmitz, and Kimberly Zawacki.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Carla Manzanero and Kimberly Padilla Estrada.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Tiffany Zepeda-Ochoa.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Augusta Massey and Alexia Durazo.

On request of Assemblyman Pickard, the privilege of the floor of the Assembly Chamber for this day was extended to Loren Young and Brad Johnson.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Keyonna Denise Lawrence and Jacobo Perez-Jimenez.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Brian Akins, Ayesha Kidd, and Charles R. Estevez.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Alexandria Hollingsworth and Robert O'Toole.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Thursday, April 20, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 5:13 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SEVENTY-FOURTH DAY

CARSON CITY (Thursday), April 20, 2017

Assembly called to order at 12:30 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Woodbury, who was excused.

Prayer by the Chaplain, Captain Leslie Cyr.

Heavenly Father, we thank You for today and for all the good that can be done in it. It is my prayer that all of us here today will find favor in Your sight and will be led by Your Spirit of righteousness, of justice, and compassion.

I am reminded of Micah 6:8 which states, "He has shown you, O mortal, what is good. And what does the Lord require of you? To act justly and to love mercy and to walk humbly with your God." When we follow this recipe for life, all is well with our souls.

Father, bless this Assembly today, I pray for Your leading and guidance. May we find rest in Your presence against the busyness of the day. In the Name of Jesus we pray.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 255, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRENE BUSTAMANTE ADAMS, *Chair*

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 110, 351, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TYRONE THOMPSON, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 317, 350, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 89, 473, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 346, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL C. SPRINKLE, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 125, 218, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 207, 253, 356, 376, 412, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 298, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HEIDI SWANK, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which were referred Assembly Bills Nos. 231, 281, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DINA NEAL, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 410, 485, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD CARRILLO, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 20, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 156 and 291.

CINDY JONES
Fiscal Analysis Division

April 20, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 66.

MARK KRMPOTIC
Fiscal Analysis Division

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 223, 360, and 368 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 98 and 286 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 119 and 202 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 101 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 297 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 242 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 26 be taken from General File and placed on the General File for the next legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 64.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 152.

SUMMARY—Revises requirements for receipt of a ~~[standard]~~ high school diploma for pupils with disabilities. (BDR 34-251)

AN ACT relating to education; prescribing the criteria for receipt of a standard high school diploma for a pupil with a disability; **prescribing the criteria for receipt of an alternative diploma for a pupil with a significant cognitive disability;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Education to adopt regulations that prescribe the criteria for a pupil to receive a standard high school diploma, which must provide that each pupil: (1) take the college and career readiness assessment; (2) enroll in the courses of study designed to prepare the pupil for graduation from high school and readiness for college and career; and (3) pass at least four end-of-course examinations. (NRS 390.600) **Section 6** of this bill provides that a pupil with a disability who does not satisfy the requirements prescribed by the State Board may receive a standard high school diploma if he or she instead: (1) demonstrates **, through a portfolio of his or her work,** proficiency in the standards of content and performance established by the Council to Establish Academic Standards for Public Schools; and (2) satisfies the requirements set forth in his or her

individualized education program. **Section 6 also provides that a pupil who has a significant cognitive disability may receive an alternative diploma if he or she passes an alternate assessment prescribed by the State Board.** **Sections** ~~[1-5]~~ **1-5.5** of this bill make conforming changes.

Section 6.5 of this bill provides that a pupil with a disability who is less than 22 years of age and has not been issued a standard high school diploma on or before July 1, 2017, but who satisfies the criteria prescribed for receipt of a standard high school diploma by a pupil with a disability in section 6 is entitled to a standard high school diploma.

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

Section 1. **NRS 385A.260 is hereby amended to read as follows:**

385A.260 The annual report of accountability prepared pursuant to NRS 385A.070 must include information on the graduation and drop-out rates of pupils and the enrollment of pupils in remedial courses in college, including, without limitation:

1. For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who received:

(a) A standard high school diploma.

(b) An adult diploma.

(c) An adjusted diploma.

(d) An alternative diploma.

2. For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this subsection must be provided in consultation with the Department to ensure the accuracy of the comparison.

3. The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(a) Provide proof to the school district of successful completion of the high school equivalency assessment selected by the State Board pursuant to NRS 390.055.

(b) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(c) Withdraw from school to attend another school.

4. For each high school in the district, including, without limitation, each charter school sponsored by the district, the percentage of pupils who graduated from that high school or charter school in the immediately

preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

~~[Section 1.]~~ ***Sec. 1.3.*** NRS 385A.290 is hereby amended to read as follows:

385A.290 The annual report of accountability prepared pursuant to NRS 385A.070 must include, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, information on pupils enrolled in career and technical education, including, without limitation:

1. The number of pupils enrolled in a course of career and technical education;

2. The number of pupils who completed a course of career and technical education;

3. The average daily attendance of pupils who are enrolled in a program of career and technical education;

4. The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

5. The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma ***,*** ~~[or]~~ an adjusted diploma ~~[,]~~ ***or an alternative diploma;*** and

6. The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to satisfy the ***requirements of subsection 3 or 4 of NRS 390.600 or the*** criteria prescribed by the State Board pursuant to ***subsection 1 of*** NRS 390.600.

Sec. 1.7. **NRS 385A.470 is hereby amended to read as follows:**

385A.470 The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include information on the graduation and drop-out rates of pupils and the enrollment of pupils in remedial courses in college, including, without limitation:

1. For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(a) A standard high school diploma.

(b) An adult diploma.

(c) An adjusted diploma.

(d) An alternative diploma.

2. The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(a) Provide proof to the school district of successful completion of the high school equivalency assessment selected by the State Board pursuant to NRS 390.055.

(b) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(c) Withdraw from school to attend another school.

3. The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

Sec. 2. NRS 385A.500 is hereby amended to read as follows:

385A.500 The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include for each school district, including, without limitation, each charter school in the district and for this State as a whole, information on pupils enrolled in career and technical education, including, without limitation:

1. The number of pupils enrolled in a course of career and technical education;

2. The number of pupils who completed a course of career and technical education;

3. The average daily attendance of pupils who are enrolled in a program of career and technical education;

4. The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

5. The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma ***,*** ~~[or]~~ an adjusted diploma ~~[,]~~ ***or an alternative diploma;*** and

6. The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to satisfy the ***requirements of subsection 3 or 4 of NRS 390.600 or the*** criteria prescribed by the State Board pursuant to ***subsection 1 of*** NRS 390.600.

Sec. 3. NRS 388A.405 is hereby amended to read as follows:

388A.405 1. To the extent money is available from legislative appropriation or otherwise, a charter school may apply to the Department for money for facilities if:

(a) The charter school has been operating in this State for at least 5 consecutive years and is in good financial standing;

(b) Each financial audit and each performance audit of the charter school required by the Department pursuant to NRS 388A.105 or 388A.110 contains no major notations, corrections or errors concerning the charter school for at least 5 consecutive years;

(c) The charter school has met or exceeded the annual measurable objectives and performance targets established pursuant to the statewide system of accountability for public schools or has demonstrated improvement in the achievement of pupils enrolled in the charter school, as indicated by those annual measurable objectives and performance targets, for the majority of the years of its operation; and

(d) At least 75 percent of the pupils enrolled in grade 12 in the charter school in the immediately preceding school year have satisfied the ***requirements of subsection 3 or 4 of NRS 390.600 or the*** criteria prescribed by the State Board pursuant to ***subsection 1 of*** NRS 390.600, if the charter school enrolls pupils at a high school grade level.

2. A charter school that satisfies the requirements of subsection 1 shall submit to a performance audit as required by the Department one time every 3 years. The sponsor of the charter school and the Department shall not request a performance audit of the charter school more frequently than every 3 years without reasonable evidence of noncompliance in achieving the educational goals and objectives of the charter school based upon the annual report submitted to the Department pursuant to NRS 388A.351. If the charter school no longer satisfies the requirements of subsection 1 or if reasonable evidence of noncompliance in achieving the educational goals and objectives of the charter school exists based upon the annual report, the charter school shall, upon written notice from the sponsor, submit to an annual performance audit. Notwithstanding the provisions of paragraph (b) of subsection 1, such a charter school:

(a) May, after undergoing the annual performance audit, reapply to the sponsor to determine whether the charter school satisfies the requirements of paragraphs (a), (c) and (d) of subsection 1.

(b) Is not eligible for any available money pursuant to subsection 1 until the sponsor determines that the charter school satisfies the requirements of that subsection.

3. A charter school that does not satisfy the requirements of subsection 1 shall submit a quarterly report of the financial status of the charter school if requested by the sponsor of the charter school.

Sec. 4. NRS 388B.270 is hereby amended to read as follows:

388B.270 1. To the extent money is available from legislative appropriation or otherwise, an achievement charter school may apply to the Department for money for facilities if:

(a) The achievement charter school has been operating in this State for at least 5 consecutive years and is in good financial standing;

(b) The Executive Director has determined that the finances of the achievement charter school are being managed in a prudent manner;

(c) The achievement charter school has met or exceeded the annual measurable objectives and performance targets established pursuant to the statewide system of accountability for public schools or has demonstrated improvement in the achievement of pupils enrolled in the achievement

charter school, as indicated by those annual measurable objectives and performance targets, for the majority of the years of its operation;

(d) At least 75 percent of the pupils enrolled in grade 12 in the achievement charter school in the immediately preceding school year have satisfied the ***requirements of subsection 3 or 4 of NRS 390.600 or the*** criteria prescribed by the State Board pursuant to ***subsection 1 of*** NRS 390.600, if the achievement charter school enrolls pupils at a high school grade level; and

(e) The achievement charter school meets the requirements prescribed by regulation of the Department.

2. An achievement charter school that does not satisfy the requirements of subsection 1 shall submit a quarterly report of the financial status of the achievement charter school if requested by the Executive Director.

Sec. 5. NRS 388C.120 is hereby amended to read as follows:

388C.120 1. A university school for profoundly gifted pupils shall determine the eligibility of a pupil for admission to the school based upon a comprehensive assessment of the pupil's potential for academic and intellectual achievement at the school, including, without limitation, intellectual and academic ability, motivation, emotional maturity and readiness for the environment of an accelerated educational program. The assessment must be conducted by a broad-based committee of professionals in the field of education.

2. A person who wishes to apply for admission to a university school for profoundly gifted pupils must:

(a) Submit to the governing body of the school:

(1) A completed application;

(2) Evidence that the applicant possesses advanced intellectual and academic ability, including, without limitation, proof that he or she satisfies the requirements of NRS 388C.030;

(3) At least three letters of recommendation from teachers or mentors familiar with the academic and intellectual ability of the applicant;

(4) A transcript from each school previously attended by the applicant; and

(5) Such other information as may be requested by the university school or governing body of the school.

(b) If requested by the governing body of the school, participate in an on-campus interview.

3. The curriculum developed for pupils in a university school for profoundly gifted pupils must provide exposure to the subject areas required of pupils enrolled in other public schools.

4. The Superintendent of Public Instruction shall, upon recommendation of the governing body, issue a high school diploma to a pupil who is enrolled in a university school for profoundly gifted pupils if that pupil ~~[satisfies]~~ ***:***

(a) Satisfies the requirements of subsection 3 or 4 of NRS 390.600; or

(b) Satisfies the criteria prescribed by the State Board pursuant to ***subsection 1 of*** NRS 390.600 ~~[and]~~ ***, successfully passes*** the courses in American government and American history as required by NRS 389.054 and 389.057 ~~[,]~~ and successfully completes any requirements established by the State Board of Education for graduation from high school.

5. On or before March 1 of each odd-numbered year, the governing body of a university school for profoundly gifted pupils shall prepare and submit to the Superintendent of Public Instruction, the president of the university where the university school for profoundly gifted pupils is located, the State Board and the Director of the Legislative Counsel Bureau a report that contains information regarding the school, including, without limitation, the process used by the school to identify and recruit profoundly gifted pupils from diverse backgrounds and with diverse talents, and data assessing the success of the school in meeting the educational needs of its pupils.

Sec. 5.5. **NRS 389.018 is hereby amended to read as follows:**

389.018 1. The following subjects are designated as the core academic subjects that must be taught, as applicable for grade levels, in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

(a) English language arts;

(b) Mathematics;

(c) Science; and

(d) Social studies, which includes only the subjects of history, geography, economics and government.

2. Except as otherwise provided in this subsection, a pupil enrolled in a public high school must enroll in a minimum of:

(a) Four units of credit in English language arts;

(b) Four units of credit in mathematics, including, without limitation, Algebra I and geometry, or an equivalent course of study that integrates Algebra I and geometry;

(c) Three units of credit in science, including two laboratory courses; and

(d) Three units of credit in social studies, including, without limitation:

(1) American government;

(2) American history; and

(3) World history or geography.

➥ A pupil is not required to enroll in the courses of study and credits required by this subsection if the pupil, the parent or legal guardian of the pupil and an administrator or a counselor at the school in which the pupil is enrolled mutually agree to a modified course of study for the pupil and that modified course of study satisfies at least the requirements for a standard high school diploma **,** ~~[or]~~ an adjusted ***diploma or an alternative*** diploma, as applicable.

3. Except as otherwise provided in this subsection, in addition to the core academic subjects, the following subjects must be taught as applicable for

grade levels and to the extent practicable in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

(a) The arts;

(b) Computer education and technology;

(c) Health; and

(d) Physical education.

➥ If the State Board requires the completion of course work in a subject area set forth in this subsection for graduation from high school or promotion to the next grade, a public school shall offer the required course work. Except as otherwise provided for a course of study in health prescribed by subsection 1 of NRS 389.021, unless a subject is required for graduation from high school or promotion to the next grade, a charter school is not required to comply with this subsection.

Sec. 6. NRS 390.600 is hereby amended to read as follows:

390.600 1. ~~[A pupil with a disability who does not satisfy the requirements for receipt of a standard high school diploma may receive a diploma designated as an adjusted diploma if the pupil satisfies the requirements set forth in his or her individualized education program. As used in this subsection, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).~~

~~2.]~~ The State Board shall adopt regulations that ***:***

(a) Except as otherwise provided in subsection 3, prescribe the ~~[:~~

~~(a) Criteria]~~ ***criteria*** for a pupil to receive a standard high school diploma, which must include, without limitation, the requirement that:

(1) Commencing with the 2014-2015 school year and each school year thereafter, a pupil enrolled in grade 11 take the college and career readiness assessment administered pursuant to NRS 390.610;

(2) Commencing with the 2014-2015 school year and each school year thereafter, a pupil enroll in the courses of study designed to prepare the pupil for graduation from high school and for readiness for college and career; and

(3) Commencing with the 2014-2015 school year and each school year thereafter, a pupil pass at least four end-of-course examinations prescribed pursuant to paragraph (b).

(b) ~~[Courses]~~ ***Prescribe the courses*** of study in which pupils must pass the end-of-course examinations required by subparagraph (3) of paragraph (a), which must include, without limitation, the subject areas for which the State Board has adopted the common core standards and which may include any other courses of study prescribed by the State Board.

(c) ~~[The]~~ ***Prescribe the*** maximum number of times, if any, that a pupil is allowed to take the end-of-course examinations if the pupil fails to pass the examinations after the first administration.

~~[3.]~~ ***2.*** The criteria prescribed by the State Board pursuant to subsection ~~[2]~~ ***1*** for a pupil to receive a standard high school diploma must not include

the results of the pupil on the college and career readiness assessment administered to the pupil in grade 11 pursuant to NRS 390.610.

~~[4.]~~ ***3. A pupil with a disability who does not satisfy the requirements to receive a standard high school diploma prescribed by the State Board pursuant to subsection 1 may receive a standard high school diploma if*** ~~[:~~

~~*(a) His or her individualized education program team determines that]*~~ ***the pupil demonstrates , through a portfolio of the pupil's work, proficiency in the standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520 .*** ~~*[; and*~~

~~*(b) The pupil satisfies the requirements set forth in his or her individualized education program.]*~~

4. A pupil with a disability who does not satisfy the requirements for receipt of a standard high school diploma prescribed in subsection 3 or by the State Board pursuant to subsection 1 may receive a diploma designated as an ~~*[adjusted]*~~ ***:***

(a) Adjusted diploma if the pupil satisfies the requirements set forth in his or her individualized education program ~~*[.]*~~ ***; or***

(b) Alternative diploma if the pupil:

(1) Has a significant cognitive disability; and

(2) Passes an alternate assessment prescribed by the State Board.

5. If a pupil does not satisfy the requirements ~~[prescribed by the State Board]~~ to receive a standard high school diploma ~~[.]~~ ***prescribed by subsection 3 or by the State Board pursuant to subsection 1,*** the pupil must not be issued a certificate of attendance or any other document indicating that the pupil attended high school but did not satisfy the requirements for such a diploma. The provisions of this subsection do not apply to a pupil who receives an adjusted diploma ***or an alternative diploma*** pursuant to subsection ~~[1.]~~ ***4.***

6. As used in this section:

(a) "Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

(b) "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

Sec. 6.5. **A pupil with a disability who is less than 22 years of age and has not been issued a standard high school diploma on or before July 1, 2017, but satisfies the criteria prescribed in subsection 3 of NRS 390.600, as amended by section 6 of this act, is entitled to a standard high school diploma.**

Sec. 7. This act becomes effective on July 1, 2017.

Assemblyman Thompson moved the adoption of the amendment.

Remarks by Assemblyman Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 70.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 6.

AN ACT relating to redevelopment; expanding the purposes for which the proceeds of certain taxes levied in a redevelopment area may be used; **revising the amount of the proceeds that must be set aside for such purposes;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Community Redevelopment Law authorizes the city council, board of county commissioners or other legislative body of a city or county to declare the need for a redevelopment agency to function in the community. The Community Redevelopment Law grants a redevelopment agency certain powers and duties with regard to the elimination of blight in a redevelopment area in the community. (Chapter 279 of NRS)

Under existing law, a redevelopment agency in a city in a county whose population is 700,000 or more (currently Clark County) is authorized to adopt, in certain circumstances, an ordinance which provides for the recalculation of the total assessed value of the taxable property in a redevelopment area for certain purposes. If such a redevelopment agency adopts such an ordinance and receives certain revenue from taxes on the taxable property located in the redevelopment area affected by the ordinance, existing law requires that not less than 18 percent of the revenue received on or after the effective date of the ordinance be set aside to improve and preserve existing public educational facilities which are located within the redevelopment area or which serve pupils who reside within the redevelopment area. (NRS 279.676) **Section 3** of this bill **limits the amount of the revenue that must be set aside to 18 percent and removes the requirement that the educational facilities be existing facilities. Section 3 further** provides that such revenue may also be used **: (1) to increase, improve or enhance public educational facilities; (2)** to support public educational activities and programs **; or (3) for facilities, activities and programs** which are ~~[conducted]~~ **located in or** within **1 mile of** the redevelopment area or which serve pupils who reside **in or** within **1 mile of** the redevelopment area. **Section 1** of this bill defines the term "public educational activities and programs."

Under existing law, a city whose population is 500,000 or more (currently the City of Las Vegas) is required, under certain circumstances, to set aside not less than 18 percent of the revenue from taxes levied upon the taxable property in a redevelopment area received on or after October 1, 2011, but before March 6, 2031, to: (1) increase, improve, preserve or enhance the operating viability of dwelling units in the community for low-income households; and (2) improve existing public educational facilities located within a redevelopment area or within 1 mile of a redevelopment area. On or

after March 6, 2031, not less than 18 percent of such revenues must be set aside and used only to improve existing public educational facilities located within a redevelopment area or within 1 mile of a redevelopment area. (NRS 279.685) ~~[Section]~~ **For revenue received on or after July 1, 2017, section 4** of this bill ~~[provides that both before and after March 6, 2031, such revenue may also be used to support public educational activities and programs]~~ **limits the amount of such revenue that must be set aside to 18 percent, removes the requirement that the educational facilities be existing facilities, expands the purposes for which money may be spent in connection with such facilities, and authorizes such spending for facilities and educational programs and activities which are located in or within 1 mile of the redevelopment area or** which serve pupils who reside ~~[within the redevelopment area]~~ **in** or within 1 mile of the redevelopment area.

Under existing law, the city council of a city whose population is 220,000 or more but less than 500,000 located in a county whose population is 700,000 or more (currently the City of Henderson) is required, under certain circumstances, to set aside not less than 18 percent of the revenues received from taxes on the taxable property located in the redevelopment area affected by the ordinance on or after the effective date of the ordinance to improve and preserve existing public educational facilities which are located within the redevelopment area or which serve pupils who reside within the redevelopment area. (NRS 279.6855) **Section 5** of this bill ~~[provides that such revenue may also be used to support public educational activities and programs]~~ **limits the amount of the revenue that must be set aside to 18 percent, removes the requirement that the educational facilities be existing facilities, expands the purposes for which money may be spent in connection with such facilities, and authorizes such spending for facilities, educational programs and activities** which **are located in or within 1 mile of the redevelopment area or which** serve pupils who reside **in or** within **1 mile of** the redevelopment area.

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

Section 1. Chapter 279 of NRS is hereby amended by adding thereto a new section to read as follows:

1. "Public educational activities and programs" includes, without limitation:

(a) Early childhood education programs;

(b) Literacy programs;

(c) Summer ~~[school]~~ learning programs, before- and after-school programs and other instruction at times during the year when school is not in session; and

(d) Wrap-around services.

2. As used in this section, "wrap-around services" means integrated student supports and supplemental services provided to a pupil ~~[with special needs or the family of such a pupil that are not otherwise covered by any federal or state program of assistance,]~~ that help create an environment conducive to learning and assist the pupil in making the transition from early childhood education through postsecondary education and into the workforce.

Sec. 2. NRS 279.384 is hereby amended to read as follows:

279.384 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 279.386 to 279.414, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 279.676 is hereby amended to read as follows:

279.676 1. Any redevelopment plan may contain a provision that taxes, if any, levied upon taxable property in the redevelopment area each year by or for the benefit of the State, any city, county, district or other public corporation, after the effective date of the ordinance approving the redevelopment plan, must be divided as follows:

(a) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon the total sum of the assessed value of the taxable property in the redevelopment area as shown upon the assessment roll used in connection with the taxation of the property by the taxing agency, last equalized before the effective date of the ordinance, must be allocated to and when collected must be paid into the funds of the respective taxing agencies as taxes by or for such taxing agencies on all other property are paid. To allocate taxes levied by or for any taxing agency or agencies which did not include the territory in a redevelopment area on the effective date of the ordinance but to which the territory has been annexed or otherwise included after the effective date, the assessment roll of the county last equalized on the effective date of the ordinance must be used in determining the assessed valuation of the taxable property in the redevelopment area on the effective date. If property which was shown on the assessment roll used to determine the amount of taxes allocated to the taxing agencies is transferred to the State and becomes exempt from taxation, the assessed valuation of the exempt property as shown on the assessment roll last equalized before the date on which the property was transferred to the State must be subtracted from the assessed valuation used to determine the amount of revenue allocated to the taxing agencies.

(b) Except as otherwise provided in paragraphs (c) and (d) and NRS 540A.265, that portion of the levied taxes each year in excess of the amount set forth in paragraph (a) must be allocated to and when collected must be paid into a special fund of the redevelopment agency to pay the costs of redevelopment and to pay the principal of and interest on loans, money advanced to, or indebtedness, whether funded, refunded, assumed, or otherwise, incurred by the redevelopment agency to finance or refinance, in

whole or in part, redevelopment. Unless the total assessed valuation of the taxable property in a redevelopment area exceeds the total assessed value of the taxable property in the redevelopment area as shown by:

(1) The assessment roll last equalized before the effective date of the ordinance approving the redevelopment plan; or

(2) The assessment roll last equalized before the effective date of an ordinance adopted pursuant to subsection 5,

➥ whichever occurs later, less the assessed valuation of any exempt property subtracted pursuant to paragraph (a), all of the taxes levied and collected upon the taxable property in the redevelopment area must be paid into the funds of the respective taxing agencies. When the redevelopment plan is terminated pursuant to the provisions of NRS 279.438 and 279.439 and all loans, advances and indebtedness, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the redevelopment area must be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

(c) That portion of the taxes in excess of the amount set forth in paragraph (a) that is attributable to a tax rate levied by a taxing agency to produce revenues in an amount sufficient to make annual repayments of the principal of, and the interest on, any bonded indebtedness that was approved by the voters of the taxing agency on or after November 5, 1996, must be allocated to and when collected must be paid into the debt service fund of that taxing agency.

(d) That portion of the taxes in excess of the amount set forth in paragraph (a) that is attributable to a new or increased tax rate levied by a taxing agency and was approved by the voters of the taxing agency on or after November 5, 1996, must be allocated to and when collected must be paid into the appropriate fund of the taxing agency.

2. Except as otherwise provided in subsection 3, in any fiscal year, the total revenue paid to a redevelopment agency must not exceed:

(a) In a county whose population is 100,000 or more or a city whose population is 150,000 or more, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 10 percent of the total assessed valuation of the municipality.

(b) In a county whose population is 30,000 or more but less than 100,000 or a city whose population is 25,000 or more but less than 150,000, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 15 percent of the total assessed valuation of the municipality.

(c) In a county whose population is less than 30,000 or a city whose population is less than 25,000, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 20 percent of the total assessed valuation of the municipality.

➥ If the revenue paid to a redevelopment agency must be limited pursuant to paragraph (a), (b) or (c) and the redevelopment agency has more than one

redevelopment area, the redevelopment agency shall determine the allocation to each area. Any revenue which would be allocated to a redevelopment agency but for the provisions of this section must be paid into the funds of the respective taxing agencies.

3. The taxing agencies shall continue to pay to a redevelopment agency any amount which was being paid before July 1, 1987, and in anticipation of which the agency became obligated before July 1, 1987, to repay any bond, loan, money advanced or any other indebtedness, whether funded, refunded, assumed or otherwise incurred.

4. For the purposes of this section, the assessment roll last equalized before the effective date of the ordinance approving the redevelopment plan is the assessment roll in existence on March 15 immediately preceding the effective date of the ordinance.

5. If in any year the assessed value of the taxable property in a redevelopment area located in a city in a county whose population is 700,000 or more as shown by the assessment roll most recently equalized has decreased by 10 percent or more from the assessed value of the taxable property in the redevelopment area as shown by the assessment roll last equalized before the effective date of the ordinance approving the redevelopment plan, the redevelopment agency may adopt an ordinance which provides that the total assessed value of the taxable property in the redevelopment area for the purposes of paragraphs (a) and (b) of subsection 1 is the total assessed value of the taxable property in the redevelopment area as shown by the assessment roll last equalized before the effective date of the ordinance adopted pursuant to this subsection. A redevelopment agency may adopt an ordinance pursuant to this subsection only once, and the election to adopt such an ordinance is irrevocable.

6. An agency which adopts an ordinance pursuant to subsection 5 and which receives revenue pursuant to paragraph (b) of subsection 1 from taxes on the taxable property located in the redevelopment area affected by the ordinance shall set aside ~~[not less than]~~ 18 percent of that revenue received on and after the effective date of the ordinance to ~~[~~improve~~]~~ ***:***

(a) ~~***[Improve***~~ and~~]~~ ***Increase, improve,*** preserve ~~[existing]~~ ***or enhance*** public educational facilities ***;***

(b) Support public educational activities and programs; or

(c) ~~***[Improve and]***~~ ***Increase, improve, preserve*** ~~***[existing]***~~ ***or enhance public educational facilities and support public educational activities and programs,***

➥ which are located ***in or*** within ***1 mile of*** the redevelopment area or which serve pupils who reside ***in or*** within ***1 mile of*** the redevelopment area. For each fiscal year, the agency shall prepare a written report concerning the amount of money expended for the purposes set forth in this subsection and shall, on or before November 30 of each year, submit a copy of the report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission, if the report is received during an odd-numbered

year, or to the next session of the Legislature, if the report is received during an even-numbered year.

7. The obligation of an agency pursuant to subsection 6 to set aside ~~[not less than]~~ 18 percent of the revenue allocated to and received by the agency pursuant to paragraph (b) of subsection 1 from taxes on the taxable property located in the redevelopment area affected by the ordinance adopted by the agency pursuant to subsection 5 is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations" means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by an agency before the effective date of an ordinance adopted by the agency pursuant to subsection 5, to finance or refinance in whole or in part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency on or after the effective date of an ordinance adopted by the agency pursuant to subsection 5 shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.

Sec. 4. NRS 279.685 is hereby amended to read as follows:

279.685 1. Except as otherwise provided in this section or subsections 6 and 7 of NRS 279.676, an agency of a city whose population is 500,000 or more that receives revenue from taxes pursuant to paragraph (b) of subsection 1 of NRS 279.676 shall set aside ***:*** ~~[not less than:]~~

(a) ~~[Fifteen]~~ ***Not less than 15*** percent of that revenue received on or before October 1, 1999, and 18 percent of that revenue received after October 1, 1999, but before October 1, 2011, to increase, improve and preserve the number of dwelling units in the community for low-income households;

(b) ~~[Eighteen]~~ ***Not less than 18*** percent of that revenue received on or after October 1, 2011, but before ~~[March 6, 2031,]~~ ***July 1, 2017,*** to :

(1) Increase, ~~***[increase,]***~~ improve, preserve or enhance the operating viability of dwelling units in the community for low-income households ; and

(2) ~~***[:***~~

~~***(1)]***~~ Improve existing public educational facilities ~~***[;***~~

~~***(2) Support public educational activities and programs; or***~~

~~***(3) Improve existing public educational facilities and support public educational activities and programs,***~~

~~***" which are]***~~ located within ~~***[or which serve pupils who reside within]***~~ a redevelopment area or within 1 mile of a redevelopment area; and

(c) ***Eighteen percent of that revenue received on or after July 1, 2017, but before March 6, 2031, to increase, improve, preserve or enhance the operating viability of dwelling units in the community for low-income households and:***

(1) Increase, improve, preserve or enhance public educational facilities;

(2) Support public educational activities and programs; or

(3) Increase, improve, preserve or enhance public educational facilities and support public educational activities and programs,

which are located in or within 1 mile of a redevelopment area or which serve pupils who reside in or within 1 mile of a redevelopment area; and

(d) Eighteen percent of that revenue received on or after March 6, 2031, to ~~[~~improve~~]~~ ***:***

(1) ~~***[Improve***~~ existing~~***]***~~ ***Increase, improve, preserve or enhance*** public educational facilities ***;***

(2) Support public educational activities and programs; or

(3) ~~***[Improve existing]***~~ ***Increase, improve, preserve or enhance public educational facilities and support public educational activities and programs,***

described in ~~[~~subparagraph (2) of~~]~~ paragraph ~~[(b).~~

~~For]~~ ***(c).***

2. For each fiscal year, the agency shall prepare a written report concerning the amount of money expended for the purposes set forth in ~~[~~subparagraph ***subparagraphs (1),*** (2) ***and (3)*** of~~]~~ paragraph (b) ~~[~~, ~~for paragraph]~~ (c) ~~[,]~~ ***or (d) of subsection 1,*** as applicable, and shall, on or before November 30 of each year, submit a copy of the report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year.

~~[2.]~~ ***3.*** The obligation of an agency to set aside not less than 15 percent of the revenue from taxes allocated to and received by the agency pursuant to paragraph (b) of subsection 1 of NRS 279.676 is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations" means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by the agency before July 1, 1993, to finance or refinance in whole or in part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency after July 1, 1993, shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.

~~[3.]~~ ***4.*** The obligation of an agency to set aside an additional 3 percent of the revenue from taxes allocated to and received by the agency pursuant to paragraph (b) of subsection 1 of NRS 279.676 is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations" means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by the agency before October 1, 1999, to finance or refinance in whole or in part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency after October 1, 1999, shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.

~~[4.]~~ ***5.*** From the revenue set aside by an agency pursuant to paragraph (b) ***or (c)*** of subsection 1, not more than 50 percent of that amount may be used to:

(a) Increase, improve, preserve or enhance the operating viability of dwelling units in the community for low-income households; or

(b) ~~[Improve existing]~~ ***Increase, improve, preserve or enhance*** public educational facilities ***, support public educational activities and programs or increase, improve, preserve or enhance public educational facilities and support public educational activities and programs which are*** located ***in or*** within ~~***for which serve pupils who reside within]***~~ ***1 mile of*** a redevelopment area or ***which serve pupils who reside in or*** within 1 mile of a redevelopment area,

➥ unless the agency establishes that such an amount is insufficient to pay the cost of a project identified in the redevelopment plan for the redevelopment area.

~~[5.]~~ ***6.*** Except as otherwise provided in paragraphs (b) ***,*** ~~[and]~~ (c) ***and (d)*** of subsection 1 and subsection ~~[4,]~~ ***5,*** the agency may expend or otherwise commit money for the purposes of subsection 1 outside the boundaries of the redevelopment area.

Sec. 5. NRS 279.6855 is hereby amended to read as follows:

279.6855 1. Except as otherwise provided in this section, an agency of a city whose population is 220,000 or more but less than 500,000 located in a county whose population is 700,000 or more that adopts an ordinance pursuant to subsection 4 of NRS 279.439 and which receives revenue pursuant to paragraph (b) of subsection 1 of NRS 279.676 from taxes on the taxable property located in the redevelopment area affected by the ordinance shall set aside ~~[not less than]~~ 18 percent of such revenue received on or after the effective date of the ordinance to ~~[improve]~~ ***:***

(a) ~~***[Improve***~~ and~~]~~ ***Increase, improve,*** preserve ~~[existing]~~ ***or enhance*** public educational facilities ***;***

(b) Support public educational activities and programs; or

(c) ~~***[Improve and]***~~ ***Increase, improve, preserve*** ~~***[existing]***~~ ***or enhance public educational facilities and support public educational activities and programs,***

➥ which are located ***in or*** within ***1 mile of*** the redevelopment area or which serve pupils who reside ***in or*** within ***1 mile of*** the redevelopment area. The provisions of this subsection do not apply if such an agency is required pursuant to subsection 6 of NRS 279.676 to set aside ~~[not less than]~~ 18 percent of revenue received pursuant to paragraph (b) of subsection 1 of NRS 279.676 from taxes on the taxable property located in the redevelopment area affected by the ordinance adopted by the agency pursuant to subsection 5 of NRS 279.676 on or after the effective date of that ordinance to ***increase,*** improve ***,*** ~~[and]~~ preserve ~~[existing]~~ ***or enhance*** public educational facilities ***,*** ~~***[or]***~~ ***support public educational activities and programs or increase, improve, preserve or enhance public educational activities and support public educational activities and programs*** which are located ***in or*** within ***1 mile of*** the redevelopment area or which serve pupils who reside ***in or*** within ***1 mile of*** the redevelopment area. For each fiscal year, the agency shall

prepare a written report concerning the amount of money expended for the purposes set forth in this subsection and shall, on or before November 30 of each year, submit a copy of the report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year.

2. The obligation of an agency pursuant to subsection 1 to set aside ~~[not less than]~~ 18 percent of the revenue allocated to and received by the agency pursuant to paragraph (b) of subsection 1 of NRS 279.676 from taxes on the taxable property located in the redevelopment area affected by the ordinance adopted by the agency pursuant to subsection 4 of NRS 279.439 is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations" means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by the agency before the effective date of the ordinance adopted by the agency pursuant to subsection 4 of NRS 279.439, to finance or refinance in whole or in part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency on or after the effective date of the ordinance adopted by the agency pursuant to subsection 4 of NRS 279.439 shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.

Sec. 6. NRS 279.687 is hereby amended to read as follows:

279.687 A school district shall not use any money received pursuant to subsection 6 of NRS 279.676, ~~[subparagraph *(1),* (2) *or (3)* of]~~ paragraph (b) ***, (c) or (d)*** of subsection 1 of NRS ~~[279.685, paragraph (c) of subsection 1 of NRS]~~ 279.685 or NRS 279.6855 to reduce or supplant the amount of any money which the school district would otherwise expend for the purposes described in ~~[subsection 6 of NRS 279.676, subparagraph (2) of paragraph (b) of subsection 1 of NRS 279.685, paragraph (c) of subsection 1 of NRS 279.685 and NRS 279.6855, respectively.]~~ ***those provisions.***

Sec. 7. This act becomes effective on July 1, 2017.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 95.

Bill read second time.

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

Amendment No. 268.

AN ACT relating to child support; prohibiting debts for support of a child from being incurred by a parent or other person receiving **certain** public

assistance for the benefit of a dependent child under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes a duty on a parent of a child to support his or her child. (NRS 125B.020, 425.350) Under existing law, if a parent or other person with custody of a child receives public assistance in his or her own behalf or in behalf of the child: (1) the parent or other person is deemed to have assigned his or her right to child support from any other person to the Division of Welfare and Supportive Services of the Department of Health and Human Services to the extent of the public assistance received; and (2) the Division is entitled to any child support to which the parent or other person is entitled to the extent of the public assistance provided by the Division. (NRS 425.350, 425.360)

Existing law also provides that a debt for the support of a child may not be incurred by a parent or any other person who is a recipient of public assistance for the benefit of a dependent child during the period when the parent or other person is a recipient of such public assistance. (NRS 425.360) In *Valdez v. Aguilar*, 132 Nev. Adv. Op. 37 (2016), the Nevada Supreme Court held that this provision of existing law suspends a debt for support of a child owed to the Division by a parent or other person who is a recipient of public assistance for the benefit of a dependent child, but does not suspend a debt for support of a child owed by the recipient of public assistance to another parent or any other person with custody of the child. This bill provides that a parent or other person who is a recipient of ~~[public assistance]~~ **Temporary Assistance for Needy Families** for the benefit of a dependent child does not incur a debt for support of a child, whether owed to the Division or any other person, during the period that the parent or other person is receiving such ~~[public]~~ assistance ~~[.]~~ **, unless a court finds that the parent or other person has remained purposefully unemployed. This bill also provides that any debt for support of a child incurred before the person becomes a recipient of Temporary Assistance for Needy Families are held in abeyance while the person is receiving such assistance.**

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

Section 1. Chapter 425 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding the provisions of chapters 31A, 125B and 126 of NRS, debts for support of a child owed to any person may not be incurred by a parent or any other person who is the recipient of ~~[public assistance]~~ Temporary Assistance for Needy Families pursuant to the provisions of chapter 422A of NRS for the benefit of a dependent child for the period when the parent or other person is a recipient ~~[.]~~ , unless a court finds that the parent or other person has remained purposefully unemployed.

2. Any debts for support of a child owed to any person incurred by a parent or other person before becoming a recipient of Temporary Assistance for Needy Families as described in subsection 1 must be held in abeyance while the parent or other person is receiving such benefit.

3. As used in this section, "Temporary Assistance for Needy Families" has the meaning ascribed to it in NRS 422A.080.

Sec. 2. This act becomes effective on July 1, 2017.

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 128.

Bill read second time.

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

Amendment No. 42.

AN ACT relating to service of process; exempting certain unpaid individuals from the requirement to obtain licensure as a process server; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person who engages in the business of a process server to obtain a license. (NRS 648.060) Existing law defines engaging in such business to include a single act. (NRS 648.063) This bill exempts any **natural** person who ~~[without compensation]~~ serves legal process from the requirements of chapter 648 of NRS relating to process servers, including, without limitation, the requirement to obtain a license to engage in the business of a process server ~~[.]~~ **, if that natural person serves legal process: (1) without compensation; (2) on behalf of another natural person who is not a business entity; and (3) not more than three times each calendar year.**

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

Section 1. NRS 648.063 is hereby amended to read as follows:

648.063 ~~[An]~~

1. Except as otherwise provided in subsection 2, an unlicensed person who performs a single act for which a license is required has engaged in the business for which the license is required and, unless exempt from licensing or performing an investigation pursuant to NRS 253.220, has violated NRS 648.060.

2. A natural person who ~~[without compensation]~~ serves legal process must not be deemed to be engaged in the business of a process server and the provisions of this chapter relating to process servers, including, without

limitation, the requirement to obtain a license to engage in the business of a process server pursuant to NRS 648.060, do not apply to ~~[such a]~~ the natural person ~~[.]~~ , if the natural person serves legal process:

(a) Without compensation;

(b) On behalf of a litigant who is a natural person and is not a business entity; and

(c) Not more than three times each calendar year.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 133.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 265.

AN ACT relating to real property rights; prohibiting adverse action against certain persons for requesting emergency assistance on a rental property in certain cases; specifying that a request for emergency assistance on a rental property does not constitute a nuisance in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1 and 2 of this bill prohibit a landlord from taking adverse action against a tenant of a dwelling or manufactured home, including, without limitation, evicting or taking certain other punitive action based **solely** upon a tenant or other person in the rental property of the tenant requesting emergency assistance from a provider of emergency services based on a reasonable belief that an emergency response is necessary or that criminal activity has occurred. **Sections 1 and 2** also prohibit a local government or political subdivision of this State from taking adverse action against a landlord based **solely** on the request of a tenant or other person for emergency assistance. **Sections 1 and 2 also specify that the provisions of this bill do not prohibit a landlord or a local government or political subdivision of this State from curing a breach of a rental agreement or abating a nuisance or a violation of a local law, ordinance or regulation which is discovered by or reported to the landlord by a peace officer as a result of a request for emergency assistance.**

Existing law provides that any provision of a rental agreement for a dwelling or rental agreement or lease for a manufactured home lot that waives or limits certain rights or remedies provided by law is void and unenforceable and therefore any provision in such a rental agreement or lease that allows adverse action against a tenant in violation of the provisions of **sections 1 and 2** would be void and unenforceable. (NRS 118A.200, 118B.050)

Existing law provides that a nuisance includes conditions on a property that interfere with the free use or comfortable enjoyment of the property, including, without limitation, health hazards or the use of a property for the commission of certain crimes. (NRS 40.140, 202.450) **Sections 4-6** of this bill provide that a request for emergency assistance by a tenant or other person in the rental property of the tenant as described above does not constitute a nuisance for purposes of civil or criminal law.

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

Section 1. Chapter 118A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A landlord shall not take any adverse action against a tenant, including, without limitation, evicting, imposing a fine or taking any other punitive action against the tenant, based solely upon the tenant or another person in the dwelling of the tenant requesting emergency assistance if the tenant or other person had a reasonable belief that an emergency response was necessary or that criminal activity may have occurred, regardless of any other previous requests for emergency assistance by the tenant or other person.

2. A local government or other political subdivision of this State shall not deem there to be a nuisance or take any other adverse action against the landlord of a dwelling based solely upon the tenant or another person in the dwelling of the tenant requesting emergency assistance in accordance with subsection 1.

3. Any local charter, code, ordinance, regulation or other law that conflicts with this section is void and unenforceable.

4. This section does not:

(a) Prohibit a landlord from taking any action necessary to abate a nuisance on the property pursuant to NRS 40.140 or 202.450 or taking any other action which is not in conflict with the provisions of this section [; or] , including, without limitation, commencing eviction proceedings in accordance with the provisions of chapter 40 of NRS for any nuisance discovered by or reported to the landlord by a peace officer as a result of a request for emergency assistance pursuant to subsection 1;

(b) Authorize a tenant to breach any provision of a rental agreement that is not in conflict with this section or to violate any other provision of law [.] ;

(c) Prohibit a landlord from taking any action necessary to cure a breach of any provision of a rental agreement or any other provision of law by a tenant which is discovered by or reported to the landlord by a peace officer as a result of a request for emergency assistance pursuant to subsection 1; or

(d) Prohibit a local government or other political subdivision of this State from taking any action against a landlord or a tenant to abate a

nuisance or a violation of any local law, ordinance or regulation which is discovered by a peace officer while responding to a request for emergency assistance pursuant to subsection 1.

5. In addition to any other remedies, a tenant, landlord or district attorney may bring a civil action in a court of competent jurisdiction for a violation of this section to seek any or all of the following relief:

(a) Declaratory and injunctive relief.

(b) Actual damages.

(c) Reasonable attorney's fees and costs.

(d) Any other legal or equitable relief that the court deems appropriate.

6. As used in this section ~~[, "emergency]~~ :

(a) "Emergency assistance" means assistance provided by an agency of the State of Nevada or a political subdivision of this State that provides police, fire-fighting, rescue, emergency medical services or any other services related to public safety.

(b) "Peace officer" means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

Sec. 2. Chapter 118B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A landlord shall not take any adverse action against a tenant, including, without limitation, evicting, imposing a fine or taking any other punitive action against the tenant, based solely upon the tenant or another person in the manufactured home of the tenant requesting emergency assistance if the tenant or other person had a reasonable belief that an emergency response was necessary or that criminal activity may have occurred, regardless of any other previous requests for emergency assistance by the tenant or other person.

2. A local government or other political subdivision of this State shall not deem there to be a nuisance or take any other adverse action against the landlord of a manufactured home park based solely upon the tenant or another person in the manufactured home of the tenant requesting emergency assistance in accordance with subsection 1.

3. Any local charter, code, ordinance, regulation or other law that conflicts with this section is void and unenforceable.

4. This section does not:

(a) Prohibit a landlord from taking any action necessary to abate a nuisance on the property pursuant to NRS 40.140 or 202.450 or taking any other action which is not in conflict with the provisions of this section ~~[; or]~~ , including, without limitation, commencing eviction proceedings in accordance with the provisions of chapter 40 of NRS for any nuisance discovered by or reported to the landlord by a peace officer as a result of a request for emergency assistance pursuant to subsection 1;

(b) Authorize a tenant to breach any provision of a rental agreement that is not in conflict with this section or to violate any other provision of law ~~.~~ ;

(c) Prohibit a landlord from taking any action necessary to cure a breach of any provision of a rental agreement or any other provision of law by a tenant which is discovered by or reported to the landlord by a peace officer as a result of a request for emergency assistance pursuant to subsection 1; or

(d) Prohibit a local government or other political subdivision of this State from taking any action against a landlord or a tenant to abate a nuisance or a violation of any local law, ordinance or regulation which is discovered by a peace officer while responding to a request for emergency assistance pursuant to subsection 1.

5. In addition to any other remedies, a tenant, landlord or district attorney may bring a civil action in a court of competent jurisdiction for a violation of this section to seek any or all of the following relief:

(a) Declaratory and injunctive relief.

(b) Actual damages.

(c) Reasonable attorney's fees and costs.

(d) Any other legal or equitable relief that the court deems appropriate.

6. As used in this section ~~,~~ ~~"emergency"~~ :

(a) "Emergency assistance" means assistance provided by an agency of the State of Nevada or a political subdivision of this State that provides police, fire-fighting, rescue, emergency medical services or any other services related to public safety.

(b) "Peace officer" means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

Sec. 3. NRS 118B.210 is hereby amended to read as follows:

118B.210 1. The landlord shall not terminate a tenancy, refuse to renew a tenancy, increase rent or decrease services the landlord normally supplies, or bring or threaten to bring an action for possession of a manufactured home lot as retaliation upon the tenant because:

(a) The tenant has complained in good faith about a violation of a building, safety or health code or regulation pertaining to a manufactured home park to the governmental agency responsible for enforcing the code or regulation.

(b) The tenant has complained to the landlord concerning the maintenance, condition or operation of the park or a violation of any provision of NRS 118B.040 to 118B.220, inclusive, ***and section 2 of this act*** or 118B.240.

(c) The tenant has organized or become a member of a tenants' league or similar organization.

(d) The tenant has requested the reduction in rent required by:

(1) NRS 118.165 as a result of a reduction in property taxes.

(2) NRS 118B.153 when a service, utility or amenity is decreased or eliminated by the landlord.

(e) A citation has been issued to the landlord as the result of a complaint of the tenant.

(f) In a judicial proceeding or arbitration between the landlord and the tenant, an issue has been determined adversely to the landlord.

2. A landlord, manager or assistant manager of a manufactured home park shall not willfully harass a tenant.

3. A tenant shall not willfully harass a landlord, manager or assistant manager of a manufactured home park or an employee or agent of the landlord.

4. As used in this section, "harass" means to threaten or intimidate, through words or conduct, with the intent to affect the terms or conditions of a tenancy or a person's exercise of his or her rights pursuant to this chapter.

Sec. 4. NRS 40.140 is hereby amended to read as follows:

40.140 1. Except as otherwise provided in this section:

(a) Anything which is injurious to health, or indecent and offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property;

(b) A building or place used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor or controlled substance analog;

(c) A building or place which was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog and:

(1) Which has not been deemed safe for habitation by the board of health; or

(2) From which all materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed or remediated by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog; or

(d) A building or place regularly and continuously used by the members of a criminal gang to engage in, or facilitate the commission of, crimes by the criminal gang,

➥ is a nuisance, and the subject of an action. The action may be brought by any person whose property is injuriously affected, or whose personal enjoyment is lessened by the nuisance, and by the judgment the nuisance may be enjoined or abated, as well as damages recovered.

2. It is presumed:

(a) That an agricultural activity conducted on farmland, consistent with good agricultural practice and established before surrounding nonagricultural

activities is reasonable. Such activity does not constitute a nuisance unless the activity has a substantial adverse effect on the public health or safety.

(b) That an agricultural activity which does not violate a federal, state or local law, ordinance or regulation constitutes good agricultural practice.

3. A shooting range does not constitute a nuisance with respect to any noise attributable to the shooting range if the shooting range is in compliance with the provisions of all applicable statutes, ordinances and regulations concerning noise:

(a) As those provisions existed on October 1, 1997, for a shooting range in operation on or before October 1, 1997; or

(b) As those provisions exist on the date that the shooting range begins operation, for a shooting range that begins operation after October 1, 1997.

➥ A shooting range is not subject to any state or local law related to the control of noise that is adopted or amended after the date set forth in paragraph (a) or (b), as applicable, and does not constitute a nuisance for failure to comply with any such law.

4. A request for emergency assistance by a tenant as described in sections 1 and 2 of this act does not constitute a nuisance.

~~[4.]~~ ***5.*** As used in this section:

(a) "Board of health" has the meaning ascribed to it in NRS 439.4797.

(b) "Controlled substance analog" has the meaning ascribed to it in NRS 453.043.

(c) "Criminal gang" has the meaning ascribed to it in NRS 193.168.

(d) "Immediate precursor" has the meaning ascribed to it in NRS 453.086.

(e) "Shooting range" means an area designed and used for archery or sport shooting, including, but not limited to, sport shooting that involves the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or other similar items.

Sec. 5. NRS 202.450 is hereby amended to read as follows:

202.450 1. A public nuisance is a crime against the order and economy of the State.

2. Every place:

(a) Wherein any gambling, bookmaking or pool selling is conducted without a license as provided by law, or wherein any swindling game or device, or bucket shop, or any agency therefor is conducted, or any article, apparatus or device useful therefor is kept;

(b) Wherein any fighting between animals or birds is conducted;

(c) Wherein any dog races are conducted as a gaming activity;

(d) Wherein any intoxicating liquors are kept for unlawful use, sale or distribution;

(e) Wherein a controlled substance, immediate precursor or controlled substance analog is unlawfully sold, served, stored, kept, manufactured, used or given away;

(f) That is regularly and continuously used by the members of a criminal gang to engage in, or facilitate the commission of, crimes by the criminal gang; or

(g) Where vagrants resort,

➥ is a public nuisance.

3. Every act unlawfully done and every omission to perform a duty, which act or omission:

(a) Annoys, injures or endangers the safety, health, comfort or repose of any considerable number of persons;

(b) Offends public decency;

(c) Unlawfully interferes with, befouls, obstructs or tends to obstruct, or renders dangerous for passage, a lake, navigable river, bay, stream, canal, ditch, millrace or basin, or a public park, square, street, alley, bridge, causeway or highway; or

(d) In any way renders a considerable number of persons insecure in life or the use of property,

➥ is a public nuisance.

4. A building or place which was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog is a public nuisance if the building or place has not been deemed safe for habitation by the board of health and:

(a) The owner of the building or place allows the building or place to be used for any purpose before all materials or substances involving the controlled substance, immediate precursor or controlled substance analog have been removed from or remediated on the building or place by an entity certified or licensed to do so; or

(b) The owner of the building or place fails to have all materials or substances involving the controlled substance, immediate precursor or controlled substance analog removed from or remediated on the building or place by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog.

5. Agricultural activity conducted on farmland consistent with good agricultural practice and established before surrounding nonagricultural activities is not a public nuisance unless it has a substantial adverse effect on the public health or safety. It is presumed that an agricultural activity which does not violate a federal, state or local law, ordinance or regulation constitutes good agricultural practice.

6. A shooting range is not a public nuisance with respect to any noise attributable to the shooting range if the shooting range is in compliance with the provisions of all applicable statutes, ordinances and regulations concerning noise:

(a) As those provisions existed on October 1, 1997, for a shooting range that begins operation on or before October 1, 1997; or

(b) As those provisions exist on the date that the shooting range begins operation, for a shooting range in operation after October 1, 1997.

➥ A shooting range is not subject to any state or local law related to the control of noise that is adopted or amended after the date set forth in paragraph (a) or (b), as applicable, and does not constitute a nuisance for failure to comply with any such law.

7. ***A request for emergency assistance by a tenant as described in sections 1 and 2 of this act is not a public nuisance.***

8. As used in this section:

(a) "Board of health" has the meaning ascribed to it in NRS 439.4797.

(b) "Controlled substance analog" has the meaning ascribed to it in NRS 453.043.

(c) "Criminal gang" has the meaning ascribed to it in NRS 193.168.

(d) "Immediate precursor" has the meaning ascribed to it in NRS 453.086.

(e) "Shooting range" has the meaning ascribed to it in NRS 40.140.

Sec. 6. NRS 266.335 is hereby amended to read as follows:

266.335 The city council may:

1. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 3 ***and 4*** of NRS 40.140 and ~~[subsection]~~ ***subsections*** 6 ***and 7*** of NRS 202.450, determine by ordinance what shall be deemed nuisances.

2. Provide for the abatement, prevention and removal of the nuisances at the expense of the person creating, causing or committing the nuisances.

3. Provide that the expense of removal is a lien upon the property upon which the nuisance is located. The lien must:

(a) Be perfected by recording with the county recorder a statement by the city clerk of the amount of expenses due and unpaid and describing the property subject to the lien.

(b) Be coequal with the latest lien thereon to secure the payment of general taxes.

(c) Not be subject to extinguishment by the sale of any property because of the nonpayment of general taxes.

(d) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

4. Provide any other penalty or punishment of persons responsible for the nuisances.

Sec. 7. This act becomes effective on July 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 135.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 390.

AN ACT relating to public safety; revising provisions relating to prohibited acts concerning the use of marijuana and the operation of a vehicle or vessel; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that it is unlawful for any person to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access if the person is under the influence of a controlled substance or has certain specified amounts of a prohibited substance in his or her blood or urine, including marijuana and marijuana metabolite. (NRS 484C.110) **Section 1** of this bill removes the specified amounts of marijuana and marijuana metabolite in a person's urine, thereby providing that the amount of marijuana or marijuana metabolite in a person's system can only be measured through his or her blood. **Sections 2 and 6** of this bill make the same changes to similar provisions of existing law relating to a person driving or being in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access or operating or being in actual physical control of a vessel under power or sail on the waters of this State, respectively. **Sections 3-5 and 7-17** of this bill make conforming changes.

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

Section 1. NRS 484C.110 is hereby amended to read as follows:

484C.110 1. It is unlawful for any person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath; or

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.08 or more in his or her blood or breath,

➥ to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access.

2. It is unlawful for any person who:

(a) Is under the influence of a controlled substance;

(b) Is under the combined influence of intoxicating liquor and a controlled substance; or

(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle,

➥ to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access. The fact that any person charged with a violation of this subsection is or has been entitled to use that drug

under the laws of this State is not a defense against any charge of violating this subsection.

3. It is unlawful for any person to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access with an amount of ~~[~~a~~]~~ ***any of the following*** prohibited ~~[~~substance~~]~~ ***substances*** in his or her blood or urine that is equal to or greater than:

Prohibited substance	Urine Nanograms per milliliter	Blood Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) ~~[~~Marijuana	0	2
(h) Marijuana metabolite	15	5
~~(i)~~] Methamphetamine	500	100
~~[(j)]~~ ***(h)*** Phencyclidine	25	10

4. ***It is unlawful for any person to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access with an amount of any of the following prohibited substances in his or her blood that is equal to or greater than:***

Prohibited substance	***Blood Nanograms per milliliter***
(a) Marijuana (delta-9-tetrahydrocannabinol)	***2***
(b) Marijuana metabolite (11-OH-tetrahydrocannabinol)	***5***

5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

~~[~~5.~~]~~ ***6.*** A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.

Sec. 2. NRS 484C.120 is hereby amended to read as follows:

484C.120 1. It is unlawful for any person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath; or

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a commercial motor vehicle to have a concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath,

➥ to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access.

2. It is unlawful for any person who:

(a) Is under the influence of a controlled substance;

(b) Is under the combined influence of intoxicating liquor and a controlled substance; or

(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a commercial motor vehicle,

➥ to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access. The fact that any person charged with a violation of this subsection is or has been entitled to use that drug under the laws of this State is not a defense against any charge of violating this subsection.

3. It is unlawful for any person to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access with an amount of ~~[~~a~~]~~ ***any of the following*** prohibited ~~[~~substance~~]~~ ***substances*** in his or her blood or urine that is equal to or greater than:

Prohibited substance	Urine Nanograms per milliliter	Blood Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) ~~[~~Marijuana	10	2
(h) Marijuana metabolite	15	5
~~(i)]~~ Methamphetamine	500	100
~~[(j)]~~ ***(h)*** Phencyclidine	25	10

4. ***It is unlawful for any person to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access with an amount of any of the following prohibited substances in his or her blood that is equal to or greater than:***

Prohibited substance	*Blood Nanograms per milliliter*
(a) Marijuana (delta-9-tetrahydrocannabinol)	*2*
(b) Marijuana metabolite (11-OH-tetrahydrocannabinol)	*5*

5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the commercial motor vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.04 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

~~[5.]~~ ***6.*** A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.

~~[6.]~~ ***7.*** As used in this section:

(a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

(1) Has a gross combination weight rating of 26,001 or more pounds which includes a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

(2) Has a gross vehicle weight rating of 26,001 or more pounds;

(3) Is designed to transport 16 or more passengers, including the driver; or

(4) Regardless of size, is used in the transportation of materials which are considered to be hazardous for the purposes of the federal Hazardous Materials Transportation Act, 49 U.S.C. §§ 5101 et. seq., and for which the display of identifying placards is required pursuant to 49 C.F.R. Part 172, Subpart F.

(b) The phrase "concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath" means 0.04 gram or more but less than 0.08 gram of alcohol per 100 milliliters of the blood of a person or per 210 liters of his or her breath.

Sec. 3. NRS 484C.130 is hereby amended to read as follows:

484C.130 1. A person commits vehicular homicide if the person:

(a) Drives or is in actual physical control of a vehicle on or off the highways of this State and:

(1) Is under the influence of intoxicating liquor;

(2) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;

(3) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.08 or more in his or her blood or breath;

(4) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(5) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle; or

(6) Has a prohibited substance in his or her blood or urine ***, as applicable,*** in an amount that is equal to or greater than the amount set forth in subsection 3 ***or 4*** of NRS 484C.110;

(b) Proximately causes the death of another person while driving or in actual physical control of a vehicle on or off the highways of this State; and

(c) Has previously been convicted of at least three offenses.

2. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under subparagraph (3) of paragraph (a) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

3. As used in this section, "offense" means:

(a) A violation of NRS 484C.110, 484C.120 or 484C.430;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by this section or NRS 484C.110 or 484C.430; or

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

Sec. 4. NRS 484C.160 is hereby amended to read as follows:

484C.160 1. Except as otherwise provided in subsections 4 and 5, any person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access shall be deemed to have given his or her consent to an evidentiary test of his or her blood, urine, breath or other bodily substance to determine the concentration of alcohol in his or her blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present, if such a

test is administered at the request of a police officer having reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine; or

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430.

2. A police officer who requests that a person submit to a test pursuant to subsection 1 shall inform the person that his or her license, permit or privilege to drive will be revoked if he or she fails to submit to the test.

3. If the person to be tested pursuant to subsection 1 is dead or unconscious, the officer shall direct that samples of blood from the person to be tested.

4. Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician is exempt from any blood test which may be required pursuant to this section but must, when appropriate pursuant to the provisions of this section, be required to submit to a breath ~~***[, saliva]***~~ or urine test.

5. If the concentration of alcohol in the blood or breath of the person to be tested is in issue:

(a) Except as otherwise provided in this section, the person may refuse to submit to a blood test if means are reasonably available to perform a breath test.

(b) The person may request a blood test, but if means are reasonably available to perform a breath test when the blood test is requested, and the person is subsequently convicted, the person must pay for the cost of the blood test, including the fees and expenses of witnesses whose testimony in court or an administrative hearing is necessary because of the use of the blood test. The expenses of such a witness may be assessed at an hourly rate of not less than:

(1) Fifty dollars for travel to and from the place of the proceeding; and

(2) One hundred dollars for giving or waiting to give testimony.

(c) Except as otherwise provided in NRS 484C.200, not more than three samples of the person's blood or breath may be taken during the 5-hour period immediately following the time of the initial arrest.

6. ~~[If]~~ ***Except as otherwise provided in subsection 7, if*** the presence of a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood or urine of the person is in issue, the officer may request that the person submit to a blood or urine test, or both.

7. ***If the presence of marijuana in the blood of the person is in issue, the officer may request that the person submit to a blood test.***

8. Except as otherwise provided in subsections 4 and 6, a police officer shall not request that a person submit to a urine test.

~~[8.]~~ ***9.*** If a person to be tested fails to submit to a required test as requested by a police officer pursuant to this section and the officer has reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine; or

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430,

➥ the officer may apply for a warrant or court order directing that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested.

~~[9.]~~ ***10.*** If a person who is less than 18 years of age is requested to submit to an evidentiary test pursuant to this section, the officer shall, before testing the person, make a reasonable attempt to notify the parent, guardian or custodian of the person, if known.

Sec. 5. NRS 484C.430 is hereby amended to read as follows:

484C.430 1. Unless a greater penalty is provided pursuant to NRS 484C.440, a person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.08 or more in his or her blood or breath;

(d) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(e) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle; or

(f) Has a prohibited substance in his or her blood or urine ***, as applicable,*** in an amount that is equal to or greater than the amount set forth in subsection 3 ***or 4*** of NRS 484C.110,

➥ and does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle on or off the highways of this State, if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and must be further punished by a fine of not less than $2,000 nor more than $5,000. A person so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. A prosecuting attorney shall not dismiss a charge of violating the provisions of subsection 1 in exchange for a plea of guilty, guilty but

mentally ill or nolo contendere to a lesser charge or for any other reason unless the attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 1 may not be suspended nor may probation be granted.

3. Except as otherwise provided in subsection 4, if consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

4. If the defendant is also charged with violating the provisions of NRS 484E.010, 484E.020 or 484E.030, the defendant may not offer the affirmative defense set forth in subsection 3.

5. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

Sec. 6. NRS 488.410 is hereby amended to read as follows:

488.410 1. It is unlawful for any person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath; or

(c) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel to have a concentration of alcohol of 0.08 or more in his or her blood or breath,

➥ to operate or be in actual physical control of a vessel under power or sail on the waters of this State.

2. It is unlawful for any person who:

(a) Is under the influence of a controlled substance;

(b) Is under the combined influence of intoxicating liquor and a controlled substance; or

(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely operating or exercising actual physical control of a vessel under power or sail,

➥ to operate or be in actual physical control of a vessel under power or sail on the waters of this State.

3. It is unlawful for any person to operate or be in actual physical control of a vessel under power or sail on the waters of this State with an amount of

~~[a]~~ ***any of the following*** prohibited ~~[substance]~~ ***substances*** in his or her blood or urine that is equal to or greater than:

Prohibited substance	Urine Nanograms per milliliter	Blood Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) ~~[~~Marijuana	~~10~~	~~2~~
~~(h) Marijuana metabolite~~	~~15~~	~~5~~
~~(i)]~~ Methamphetamine	500	100
~~[(j)]~~ ***(h)*** Phencyclidine	25	10

4. ***It is unlawful for any person to operate or be in actual physical control of a vessel under power or sail on the waters of this State with an amount of any of the following prohibited substances in his or her blood that is equal to or greater than:***

Prohibited substance	***Blood Nanograms per milliliter***
(a) Marijuana (delta-9-tetrahydrocannabinol)	***2***
(b) Marijuana metabolite (11-OH-tetrahydrocannabinol)	***5***

5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel, and before his or her blood was tested, to cause the defendant to have a concentration of 0.08 or more of alcohol in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

~~[5.]~~ ***6.*** Except as otherwise provided in NRS 488.427, a person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 7. NRS 488.420 is hereby amended to read as follows:

488.420 1. Unless a greater penalty is provided pursuant to NRS 488.425, a person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;

(c) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel under power or sail to have a concentration of alcohol of 0.08 or more in his or her blood or breath;

(d) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(e) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely operating or being in actual physical control of a vessel under power or sail; or

(f) Has a prohibited substance in his or her blood or urine ***, as applicable,*** in an amount that is equal to or greater than the amount set forth in subsection 3 ***or 4*** of NRS 488.410,

➥ and does any act or neglects any duty imposed by law while operating or being in actual physical control of any vessel under power or sail, if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and shall be further punished by a fine of not less than $2,000 nor more than $5,000. A person so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. A prosecuting attorney shall not dismiss a charge of violating the provisions of subsection 1 in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 1 must not be suspended, and probation must not be granted.

3. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel under power or sail, and before his or her blood was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

4. If a person less than 15 years of age was in the vessel at the time of the defendant's violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

Sec. 8. NRS 488.425 is hereby amended to read as follows:

488.425 1. A person commits homicide by vessel if the person:

(a) Operates or is in actual physical control of a vessel under power or sail on the waters of this State and:

(1) Is under the influence of intoxicating liquor;

(2) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;

(3) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel under power or sail to have a concentration of alcohol of 0.08 or more in his or her blood or breath;

(4) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(5) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely operating or exercising actual physical control of a vessel under power or sail; or

(6) Has a prohibited substance in his or her blood or urine ***, as applicable,*** in an amount that is equal to or greater than the amount set forth in subsection 3 ***or 4*** of NRS 488.410;

(b) Proximately causes the death of another person while operating or in actual physical control of a vessel under power or sail; and

(c) Has previously been convicted of at least three offenses.

2. A person who commits homicide by vessel is guilty of a category A felony and shall be punished by imprisonment in the state prison:

(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served.

3. A person imprisoned pursuant to subsection 2 must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

4. A prosecuting attorney shall not dismiss a charge of homicide by vessel in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 2 may not be suspended nor may probation be granted.

5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under subparagraph (3) of paragraph (a) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may

direct, file and serve on the prosecuting attorney a written notice of that intent.

6. If the defendant was transporting a person who is less than 15 years of age in the vessel at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

7. As used in this section, "offense" means:

(a) A violation of NRS 488.410 or 488.420;

(b) A homicide resulting from operating or being in actual physical control of a vessel while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by this section or NRS 488.410 or 488.420; or

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

Sec. 9. NRS 488.460 is hereby amended to read as follows:

488.460 1. Except as otherwise provided in subsections 3 and 4, a person who operates or is in actual physical control of a vessel under power or sail on the waters of this State shall be deemed to have given consent to an evidentiary test of his or her blood, urine, breath or other bodily substance to determine the concentration of alcohol in his or her blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present, if such a test is administered at the request of a peace officer having reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine; or

(b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425.

2. If the person to be tested pursuant to subsection 1 is dead or unconscious, the officer shall direct that samples of blood from the person be tested.

3. Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician is exempt from any blood test which may be required pursuant to this section, but must, when appropriate pursuant to the provisions of this section, be required to submit to a breath ~~*[, saliva]*~~ or urine test.

4. If the concentration of alcohol of the blood or breath of the person to be tested is in issue:

(a) Except as otherwise provided in this section, the person may refuse to submit to a blood test if means are reasonably available to perform a breath test.

(b) The person may request a blood test, but if means are reasonably available to perform a breath test when the blood test is requested, and the person is subsequently convicted, the person must pay for the cost of the blood test, including the fees and expenses of witnesses whose testimony in

court is necessary because of the use of the blood test. The expenses of such a witness may be assessed at an hourly rate of not less than:

(1) Fifty dollars for travel to and from the place of the proceeding; and

(2) One hundred dollars for giving or waiting to give testimony.

(c) Except as otherwise provided in NRS 488.470, not more than three samples of the person's blood or breath may be taken during the 5-hour period immediately following the time of the initial arrest.

5. ~~[If]~~ ***Except as otherwise provided in subsection 6, if*** the presence of a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood or urine of the person is in issue, the officer may request that the person submit to a blood or urine test, or both.

6. ***If the presence of marijuana in the blood of the person is in issue, the officer may request that the person submit to a blood test.***

7. Except as otherwise provided in subsections 3 and 5, a peace officer shall not request that a person submit to a urine test.

~~[7.]~~ ***8.*** If a person to be tested fails to submit to a required test as requested by a peace officer pursuant to this section and the officer has reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine; or

(b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425,

➥ the officer may apply for a warrant or court order directing that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested.

~~[8.]~~ ***9.*** If a person who is less than 18 years of age is requested to submit to an evidentiary test pursuant to this section, the officer shall, before testing the person, make a reasonable attempt to notify the parent, guardian or custodian of the person, if known.

Sec. 10. NRS 33.030 is hereby amended to read as follows:

33.030 1. The court by a temporary order may:

(a) Enjoin the adverse party from threatening, physically injuring or harassing the applicant or minor child, either directly or through an agent;

(b) Exclude the adverse party from the applicant's place of residence;

(c) Prohibit the adverse party from entering the residence, school or place of employment of the applicant or minor child and order the adverse party to stay away from any specified place frequented regularly by them;

(d) If it has jurisdiction under chapter 125A of NRS, grant temporary custody of the minor child to the applicant;

(e) Enjoin the adverse party from physically injuring, threatening to injure or taking possession of any animal that is owned or kept by the applicant or minor child, either directly or through an agent;

(f) Enjoin the adverse party from physically injuring or threatening to injure any animal that is owned or kept by the adverse party, either directly or through an agent; and

(g) Order such other relief as it deems necessary in an emergency situation.

2. The court by an extended order may grant any relief enumerated in subsection 1 and:

(a) Specify arrangements for visitation of the minor child by the adverse party and require supervision of that visitation by a third party if necessary;

(b) Specify arrangements for the possession and care of any animal owned or kept by the adverse party, applicant or minor child; and

(c) Order the adverse party to:

(1) Avoid or limit communication with the applicant or minor child;

(2) Pay rent or make payments on a mortgage on the applicant's place of residence;

(3) Pay for the support of the applicant or minor child, including, without limitation, support of a minor child for whom a guardian has been appointed pursuant to chapter 159 of NRS or a minor child who has been placed in protective custody pursuant to chapter 432B of NRS, if the adverse party is found to have a duty to support the applicant or minor child;

(4) Pay all costs and fees incurred by the applicant in bringing the action; and

(5) Pay monetary compensation to the applicant for lost earnings and expenses incurred as a result of the applicant attending any hearing concerning an application for an extended order.

3. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.

4. A temporary or extended order must specify, as applicable, the county and city, if any, in which the residence, school, child care facility or other provider of child care, and place of employment of the applicant or minor child are located.

5. A temporary or extended order must provide notice that a person who is arrested for violating the order will not be admitted to bail sooner than 12 hours after the person's arrest if:

(a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(b) The person has previously violated a temporary or extended order for protection; or

(c) At the time of the violation or within 2 hours after the violation, the person has:

(1) A concentration of alcohol of 0.08 or more in the person's blood or breath; or

(2) An amount of a prohibited substance in the person's blood or urine ***, as applicable,*** that is equal to or greater than the amount set forth in subsection 3 ***or 4*** of NRS 484C.110.

Sec. 11. NRS 62C.020 is hereby amended to read as follows:

62C.020 1. A child must not be released from custody sooner than 12 hours after the child is taken into custody if the child is taken into custody for committing a battery that constitutes domestic violence pursuant to NRS 33.018, unless the peace officer or probation officer who has taken the child into custody determines that the child does not otherwise meet the criteria for secure detention and:

(a) Respite care or another out-of-home alternative to secure detention is available for the child;

(b) An out-of-home alternative to secure detention is not necessary to protect the victim from injury; or

(c) Family services are available to maintain the child in the home and the parents or guardians of the child agree to receive those family services and to allow the child to return to the home.

2. A child must not be released from custody sooner than 12 hours after the child is taken into custody if the child is taken into custody for violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or for violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or for violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or for violating a temporary or extended order for protection against sexual assault issued pursuant to NRS 200.378 and:

(a) The peace officer or probation officer who has taken the child into custody determines that such a violation is accompanied by a direct or indirect threat of harm;

(b) The child has previously violated a temporary or extended order for protection of the type for which the child has been taken into custody; or

(c) At the time of the violation or within 2 hours after the violation, the child has:

(1) A concentration of alcohol of 0.08 or more in his or her blood or breath; or

(2) An amount of a prohibited substance in his or her blood or urine ***, as applicable,*** that is equal to or greater than the amount set forth in subsection 3 ***or 4*** of NRS 484C.110.

3. For the purposes of this section, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.

Sec. 12. NRS 125.555 is hereby amended to read as follows:

125.555 1. A restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence which is issued in an action or proceeding brought pursuant to this title must provide notice that a person who is arrested for violating the order or injunction will not be admitted to bail sooner than 12 hours after the person's arrest if:

(a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(b) The person has previously violated a temporary or extended order for protection; or

(c) At the time of the violation or within 2 hours after the violation, the person has:

(1) A concentration of alcohol of 0.08 or more in his or her blood or breath; or

(2) An amount of a prohibited substance in his or her blood or urine ***, as applicable,*** that is equal to or greater than the amount set forth in subsection 3 ***or 4*** of NRS 484C.110.

2. For the purposes of this section, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.

Sec. 13. NRS 171.1225 is hereby amended to read as follows:

171.1225 1. When investigating an act of domestic violence, a peace officer shall:

(a) Make a good faith effort to explain the provisions of NRS 171.137 pertaining to domestic violence and advise victims of all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community.

(b) Provide a person suspected of being the victim of an act of domestic violence with a written copy of the following statements:

(1) My name is Officer ..... (naming the investigating officer). Nevada law requires me to inform you of the following information.

(2) If I have probable cause to believe that a battery has been committed against you, your minor child or the minor child of the person believed to have committed the battery in the last 24 hours by your spouse, your former spouse, any other person to whom you are related by blood or marriage, a person with whom you are or were actually residing, a person with whom you have had or are having a dating relationship or a person with whom you have a child in common, I am required, unless mitigating circumstances exist, to arrest the person suspected of committing the battery.

(3) If I am unable to arrest the person suspected of committing the battery, you have the right to request that the prosecutor file a criminal complaint against the person. I can provide you with information on this

procedure. If convicted, the person who committed the battery may be placed on probation, ordered to see a counselor, put in jail or fined.

(4) The law provides that you may seek a court order for the protection of you, your minor children or any animal that is owned or kept by you, by the person who committed or threatened the act of domestic violence or by the minor child of either such person against further threats or acts of domestic violence. You do not need to hire a lawyer to obtain such an order for protection.

(5) An order for protection may require the person who committed or threatened the act of domestic violence against you to:

(I) Stop threatening, harassing or injuring you or your children;

(II) Move out of your residence;

(III) Stay away from your place of employment;

(IV) Stay away from the school attended by your children;

(V) Stay away from any place you or your children regularly go;

(VI) Avoid or limit all communication with you or your children;

(VII) Stop physically injuring, threatening to injure or taking possession of any animal that is owned or kept by you or your children, either directly or through an agent; and

(VIII) Stop physically injuring or threatening to injure any animal that is owned or kept by the person who committed or threatened the act or his or her children, either directly or through an agent.

(6) A court may make future orders for protection which award you custody of your children and require the person who committed or threatened the act of domestic violence against you to:

(I) Pay the rent or mortgage due on the place in which you live;

(II) Pay the amount of money necessary for the support of your children;

(III) Pay part or all of the costs incurred by you in obtaining the order for protection; and

(IV) Comply with the arrangements specified for the possession and care of any animal owned or kept by you or your children or by the person who committed or threatened the act or his or her children.

(7) To get an order for protection, go to room number ..... (state the room number of the office at the court) at the court, which is located at ..... (state the address of the court). Ask the clerk of the court to provide you with the forms for an order of protection.

(8) If the person who committed or threatened the act of domestic violence against you violates the terms of an order for protection, the person may be arrested and, if:

(I) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(II) The person has previously violated a temporary or extended order for protection; or

(III) At the time of the violation or within 2 hours after the violation, the person has a concentration of alcohol of 0.08 or more in the person's blood or breath or an amount of a prohibited substance in the person's blood or urine ***, as applicable,*** that is equal to or greater than the amount set forth in subsection 3 ***or 4*** of NRS 484C.110,

➥ the person will not be admitted to bail sooner than 12 hours after arrest.

(9) You may obtain emergency assistance or shelter by contacting your local program against domestic violence at ..... (state name, address and telephone number of local program) or you may call, without charge to you, the Statewide Program Against Domestic Violence at ..... (state toll-free telephone number of Statewide Program).

2. The failure of a peace officer to carry out the requirements set forth in subsection 1 is not a defense in a criminal prosecution for the commission of an act of domestic violence, nor may such an omission be considered as negligence or as causation in any civil action against the peace officer or the officer's employer.

3. As used in this section:

(a) "Act of domestic violence" means any of the following acts committed by a person against his or her spouse, former spouse, any other person to whom he or she is related by blood or marriage, a person with whom he or she is or was actually residing, a person with whom he or she has had or is having a dating relationship, a person with whom he or she has a child in common, the minor child of any of those persons or his or her minor child:

(1) A battery.

(2) An assault.

(3) Compelling the other by force or threat of force to perform an act from which he or she has the right to refrain or to refrain from an act which he or she has the right to perform.

(4) A sexual assault.

(5) A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, but is not limited to:

(I) Stalking.

(II) Arson.

(III) Trespassing.

(IV) Larceny.

(V) Destruction of private property.

(VI) Carrying a concealed weapon without a permit.

(VII) Injuring or killing an animal.

(6) False imprisonment.

(7) Unlawful entry of the other's residence, or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the entry.

(b) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The

term does not include a casual relationship or an ordinary association between persons in a business or social context.

Sec. 14. NRS 178.484 is hereby amended to read as follows:

178.484 1. Except as otherwise provided in this section, a person arrested for an offense other than murder of the first degree must be admitted to bail.

2. A person arrested for a felony who has been released on probation or parole for a different offense must not be admitted to bail unless:

(a) A court issues an order directing that the person be admitted to bail;

(b) The State Board of Parole Commissioners directs the detention facility to admit the person to bail; or

(c) The Division of Parole and Probation of the Department of Public Safety directs the detention facility to admit the person to bail.

3. A person arrested for a felony whose sentence has been suspended pursuant to NRS 4.373 or 5.055 for a different offense or who has been sentenced to a term of residential confinement pursuant to NRS 4.3762 or 5.076 for a different offense must not be admitted to bail unless:

(a) A court issues an order directing that the person be admitted to bail; or

(b) A department of alternative sentencing directs the detention facility to admit the person to bail.

4. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.

5. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of intoxicating liquor must not be admitted to bail or released on the person's own recognizance unless the person has a concentration of alcohol of less than 0.04 in his or her breath. A test of the person's breath pursuant to this subsection to determine the concentration of alcohol in his or her breath as a condition of admission to bail or release is not admissible as evidence against the person.

6. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of a controlled substance, is under the combined influence of intoxicating liquor and a controlled substance, or inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle or vessel under power or sail must not be admitted to bail or released on the person's own recognizance sooner than 12 hours after arrest.

7. A person arrested for a battery that constitutes domestic violence pursuant to NRS 33.018 must not be admitted to bail sooner than 12 hours after arrest. If the person is admitted to bail more than 12 hours after arrest,

without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:

(a) Three thousand dollars, if the person has no previous convictions of battery that constitute domestic violence pursuant to NRS 33.018 and there is no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation;

(b) Five thousand dollars, if the person has:

(1) No previous convictions of battery that constitute domestic violence pursuant to NRS 33.018, but there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or

(2) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018, but there is no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or

(c) Fifteen thousand dollars, if the person has:

(1) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 and there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or

(2) Two or more previous convictions of battery that constitute domestic violence pursuant to NRS 33.018.

➥ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court, or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.

8. A person arrested for violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or for violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or for violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or for violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378 must not be admitted to bail sooner than 12 hours after arrest if:

(a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(b) The person has previously violated a temporary or extended order for protection of the type for which the person has been arrested; or

(c) At the time of the violation or within 2 hours after the violation, the person has:

(1) A concentration of alcohol of 0.08 or more in the person's blood or breath; or

(2) An amount of a prohibited substance in the person's blood or urine ***, as applicable,*** that is equal to or greater than the amount set forth in subsection 3 ***or 4*** of NRS 484C.110.

9. If a person is admitted to bail more than 12 hours after arrest, pursuant to subsection 8, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:

(a) Three thousand dollars, if the person has no previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378;

(b) Five thousand dollars, if the person has one previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or

(c) Fifteen thousand dollars, if the person has two or more previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378.

➥ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378, if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.

10. The court may, before releasing a person arrested for an offense punishable as a felony, require the surrender to the court of any passport the person possesses.

11. Before releasing a person arrested for any crime, the court may impose such reasonable conditions on the person as it deems necessary to protect the health, safety and welfare of the community and to ensure that the person will appear at all times and places ordered by the court, including, without limitation:

(a) Requiring the person to remain in this State or a certain county within this State;

(b) Prohibiting the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on the person's behalf;

(c) Prohibiting the person from entering a certain geographic area; or

(d) Prohibiting the person from engaging in specific conduct that may be harmful to the person's own health, safety or welfare, or the health, safety or welfare of another person.

➥ In determining whether a condition is reasonable, the court shall consider the factors listed in NRS 178.4853.

12. If a person fails to comply with a condition imposed pursuant to subsection 11, the court may, after providing the person with reasonable notice and an opportunity for a hearing:

(a) Deem such conduct a contempt pursuant to NRS 22.010; or

(b) Increase the amount of bail pursuant to NRS 178.499.

13. An order issued pursuant to this section that imposes a condition on a person admitted to bail must include a provision ordering any law enforcement officer to arrest the person if the officer has probable cause to believe that the person has violated a condition of bail.

14. Before a person may be admitted to bail, the person must sign a document stating that:

(a) The person will appear at all times and places as ordered by the court releasing the person and as ordered by any court before which the charge is subsequently heard;

(b) The person will comply with the other conditions which have been imposed by the court and are stated in the document; and

(c) If the person fails to appear when so ordered and is taken into custody outside of this State, the person waives all rights relating to extradition proceedings.

➥ The signed document must be filed with the clerk of the court of competent jurisdiction as soon as practicable, but in no event later than the next business day.

15. If a person admitted to bail fails to appear as ordered by a court and the jurisdiction incurs any cost in returning the person to the jurisdiction to stand trial, the person who failed to appear is responsible for paying those costs as restitution.

16. For the purposes of subsections 8 and 9, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.

17. As used in this section, "strangulation" has the meaning ascribed to it in NRS 200.481.

Sec. 15. NRS 200.378 is hereby amended to read as follows:

200.378 1. In addition to any other remedy provided by law, a person who reasonably believes that the crime of sexual assault has been committed against him or her by another person may petition any court of competent jurisdiction for a temporary or extended order directing the person who allegedly committed the sexual assault to:

(a) Stay away from the home, school, business or place of employment of the victim of the alleged sexual assault and any other location specifically named by the court.

(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged sexual assault and any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged sexual assault.

(c) Comply with any other restriction which the court deems necessary to protect the victim of the alleged sexual assault or to protect any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged sexual assault.

2. If a defendant charged with a crime involving sexual assault is released from custody before trial or is found guilty at the trial, the court may issue a temporary or extended order or provide as a condition of the release or sentence that the defendant:

(a) Stay away from the home, school, business or place of employment of the victim of the alleged sexual assault and any other location specifically named by the court.

(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged sexual assault and any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged sexual assault.

(c) Comply with any other restriction which the court deems necessary to protect the victim of the alleged sexual assault or to protect any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged sexual assault.

3. A temporary order may be granted with or without notice to the adverse party. An extended order may be granted only after:

(a) Notice of the petition for the order and of the hearing thereon is served upon the adverse party pursuant to the Nevada Rules of Civil Procedure; and

(b) A hearing is held on the petition.

4. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.

5. Unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order, any person who intentionally violates:

(a) A temporary order is guilty of a gross misdemeanor.

(b) An extended order is guilty of a category C felony and shall be punished as provided in NRS 193.130.

6. Any court order issued pursuant to this section must:

(a) Be in writing;

(b) Be personally served on the person to whom it is directed; and

(c) Contain the warning that violation of the order:

(1) Subjects the person to immediate arrest.

(2) Is a gross misdemeanor if the order is a temporary order.

(3) Is a category C felony if the order is an extended order.

7. A temporary or extended order issued pursuant to this section must provide notice that a person who is arrested for violating the order will not be admitted to bail sooner than 12 hours after the arrest if:

(a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(b) The person has previously violated a temporary or extended order for protection; or

(c) At the time of the violation or within 2 hours after the violation, the person has:

(1) A concentration of alcohol of 0.08 or more in his or her blood or breath; or

(2) An amount of a prohibited substance in his or her blood or urine ***, as applicable,*** that is equal to or greater than the amount set forth in subsection 3 ***or 4*** of NRS 484C.110.

Sec. 16. NRS 200.591 is hereby amended to read as follows:

200.591 1. In addition to any other remedy provided by law, a person who reasonably believes that the crime of stalking, aggravated stalking or harassment is being committed against him or her by another person may petition any court of competent jurisdiction for a temporary or extended order directing the person who is allegedly committing the crime to:

(a) Stay away from the home, school, business or place of employment of the victim of the alleged crime and any other location specifically named by the court.

(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged crime and any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.

(c) Comply with any other restriction which the court deems necessary to protect the victim of the alleged crime or to protect any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.

2. If a defendant charged with a crime involving harassment, stalking or aggravated stalking is released from custody before trial or is found guilty at the trial, the court may issue a temporary or extended order or provide as a condition of the release or sentence that the defendant:

(a) Stay away from the home, school, business or place of employment of the victim of the alleged crime and any other location specifically named by the court.

(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged crime and any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.

(c) Comply with any other restriction which the court deems necessary to protect the victim of the alleged crime or to protect any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.

3. A temporary order may be granted with or without notice to the adverse party. An extended order may be granted only after:

(a) Notice of the petition for the order and of the hearing thereon is served upon the adverse party pursuant to the Nevada Rules of Civil Procedure; and

(b) A hearing is held on the petition.

4. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.

5. Unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order, any person who intentionally violates:

(a) A temporary order is guilty of a gross misdemeanor.

(b) An extended order is guilty of a category C felony and shall be punished as provided in NRS 193.130.

6. Any court order issued pursuant to this section must:

(a) Be in writing;

(b) Be personally served on the person to whom it is directed; and

(c) Contain the warning that violation of the order:

(1) Subjects the person to immediate arrest.

(2) Is a gross misdemeanor if the order is a temporary order.

(3) Is a category C felony if the order is an extended order.

7. A temporary or extended order issued pursuant to this section must provide notice that a person who is arrested for violating the order will not be admitted to bail sooner than 12 hours after the person's arrest if:

(a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(b) The person has previously violated a temporary or extended order for protection; or

(c) At the time of the violation or within 2 hours after the violation, the person has:

(1) A concentration of alcohol of 0.08 or more in his or her blood or breath; or

(2) An amount of a prohibited substance in his or her blood or urine ***, as applicable,*** that is equal to or greater than the amount set forth in subsection 3 ***or 4*** of NRS 484C.110.

Sec. 17. NRS 616C.230 is hereby amended to read as follows:

616C.230 1. Compensation is not payable pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS for an injury:

(a) Caused by the employee's willful intention to injure himself or herself.

(b) Caused by the employee's willful intention to injure another.

(c) That occurred while the employee was in a state of intoxication, unless the employee can prove by clear and convincing evidence that his or her state of intoxication was not the proximate cause of the injury. For the purposes of this paragraph, an employee is in a state of intoxication if the level of alcohol in the bloodstream of the employee meets or exceeds the limits set forth in subsection 1 of NRS 484C.110.

(d) That occurred while the employee was under the influence of a controlled or prohibited substance, unless the employee can prove by clear and convincing evidence that his or her being under the influence of a controlled or prohibited substance was not the proximate cause of the injury. For the purposes of this paragraph, an employee is under the influence of a controlled or prohibited substance if the employee had an amount of a controlled or prohibited substance in his or her system at the time of his or her injury that was equal to or greater than the limits set forth in subsection 3

or 4 of NRS 484C.110 and for which the employee did not have a current and lawful prescription issued in the employee's name.

2. For the purposes of paragraphs (c) and (d) of subsection 1:

(a) The affidavit or declaration of an expert or other person described in NRS 50.310, 50.315 or 50.320 is admissible to prove the existence of an impermissible quantity of alcohol or the existence, quantity or identity of an impermissible controlled or prohibited substance in an employee's system. If the affidavit or declaration is to be so used, it must be submitted in the manner prescribed in NRS 616C.355.

(b) When an examination requested or ordered includes testing for the use of alcohol or a controlled or prohibited substance, the laboratory that conducts the testing must be licensed pursuant to the provisions of chapter 652 of NRS.

(c) The results of any testing for the use of alcohol or a controlled or prohibited substance, irrespective of the purpose for performing the test, must be made available to an insurer or employer upon request, to the extent that doing so does not conflict with federal law.

3. No compensation is payable for the death, disability or treatment of an employee if the employee's death is caused by, or insofar as the employee's disability is aggravated, caused or continued by, an unreasonable refusal or neglect to submit to or to follow any competent and reasonable surgical treatment or medical aid.

4. If any employee persists in an unsanitary or injurious practice that imperils or retards his or her recovery, or refuses to submit to such medical or surgical treatment as is necessary to promote his or her recovery, the employee's compensation may be reduced or suspended.

5. An injured employee's compensation, other than accident benefits, must be suspended if:

(a) A physician or chiropractor determines that the employee is unable to undergo treatment, testing or examination for the industrial injury solely because of a condition or injury that did not arise out of and in the course of employment; and

(b) It is within the ability of the employee to correct the nonindustrial condition or injury.

➥ The compensation must be suspended until the injured employee is able to resume treatment, testing or examination for the industrial injury. The insurer may elect to pay for the treatment of the nonindustrial condition or injury.

6. As used in this section, "prohibited substance" has the meaning ascribed to it in NRS 484C.080.

Sec. 18. This act becomes effective on July 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 156.

Bill read second time.

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

Amendment No. 220.

~~[~~ASSEMBLYMAN~~]~~ ASSEMBLYMEN YEAGER **AND OSCARSON**

AN ACT relating to public health; authorizing public and private schools to obtain and maintain an albuterol inhaler and certain other devices under certain conditions; requiring certain training relating to the storage and use of an albuterol inhaler; requiring public and private schools, to the extent feasible, to develop a comprehensive action plan relating to symptoms of ~~[respiratory distress;]~~ **an asthmatic attack;** authorizing certain providers of health care to issue an order for an albuterol inhaler and certain other devices to a public or private school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each public school, including, without limitation, each charter school, to obtain an order from a provider of health care to acquire and maintain auto-injectable epinephrine at the public school for use in treating anaphylaxis. (NRS 386.870) Existing law also authorizes private schools to obtain and maintain auto-injectable epinephrine under similar circumstances. (NRS 394.1995) **Section 3** of this bill requires each public school, including, without limitation, each charter school, to obtain an order from a provider of health care to maintain one albuterol inhaler and not less than two spacers or holding chambers designed for use with that albuterol inhaler at the school for the treatment of ~~[respiratory distress.]~~ **an asthmatic attack. Section 9** of this bill similarly authorizes a private school to maintain these devices.

Existing law authorizes certain providers of health care, including physicians, osteopathic physicians, physician assistants and advanced practice registered nurses, to issue an order for auto-injectable epinephrine to be maintained at a public or private school for the treatment of anaphylaxis. (NRS 630.374, 632.239, 633.707) **Sections 11, 12 and 14** of this bill similarly authorize physicians, osteopathic physicians, physician assistants and advanced practice registered nurses to issue an order for one albuterol inhaler and not less than two spacers or holding chambers designed for use with that albuterol inhaler to be maintained at a public or private school for the treatment of ~~[respiratory distress.]~~ **an asthmatic attack.**

Existing law requires each public and private school, if a private school elects to maintain auto-injectable epinephrine at the school, to provide certain training relating to the storage and administration of auto-injectable epinephrine. (NRS 386.870, 394.1995) Existing law also requires each public and private school, to the extent feasible, to develop a comprehensive action plan relating to anaphylaxis, including, without limitation, the signs and symptoms of this condition. (NRS 386.875, 394.1997) **Section 1** of this bill

authorizes a school nurse or other designated employee of a public or private school to possess and administer a dose of albuterol from an albuterol inhaler if the school nurse or other employee has received training in the proper storage and use of an albuterol inhaler. **Section 6** of this bill also requires a charter school to designate a school nurse or other employee of the school who is authorized to administer a dose of albuterol from an albuterol inhaler. **Sections 6, 7 and 9** of this bill require that training relating to the storage and administration of a dose of albuterol from an albuterol inhaler must be provided to certain authorized employees of a public or private school. **Sections 5 and 10** of this bill additionally require that each public school and private school, to the extent feasible, develop a comprehensive action plan relating to ~~[respiratory distress.]~~ **asthmatic attacks.**

Section 7 of this bill requires the chief nurse of a school district to provide certain coordination and training relating to albuterol inhalers to schools within the district. **Section 13** of this bill provides that a nurse is not subject to disciplinary action for administering a dose of albuterol from an albuterol inhaler pursuant to a valid order issued by a provider of health care pursuant to **sections 11, 12 or 14**. **Sections 11, 12 and 14** also provide immunity from liability to a physician, osteopathic physician, physician assistant and advanced practice registered nurse **, except in cases of gross negligence,** for certain actions relating to the acquisition, possession, provision and administration of a dose of albuterol from an albuterol inhaler maintained by a school. **Section 15** of this bill **also** provides ~~[similar]~~ immunity to a pharmacist who dispenses an albuterol inhaler or spacers or holding chambers designed for use with that albuterol inhaler to a school.

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

Section 1. Chapter 454 of NRS is hereby amended by adding thereto a new section to read as follows:

A school nurse or other employee of a public or private school who is designated pursuant to section 3, 6 or 9 of this act to administer a dose of albuterol from an albuterol inhaler to a pupil may possess and use an albuterol inhaler maintained by the school if the school nurse or other employee has received training in the proper storage and use of an albuterol inhaler as required by section 3, 6 or 9 of this act.

Sec. 2. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 5 of this act.

Sec. 3. ***1. Each public school, including, without limitation, each charter school, shall obtain an order from a physician, osteopathic physician, physician assistant or advanced practice registered nurse pursuant to NRS 630.374, 632.239 or 633.707, as applicable, for one albuterol inhaler and not less than two spacers or holding chambers designed for use with that albuterol inhaler to be maintained at the school. If an albuterol inhaler maintained by the public school is depleted or***

expires, the school must discard the inhaler and obtain an additional inhaler to replace the depleted or expired inhaler. If an albuterol inhaler maintained by the public school is used by a pupil, the school must ~~[discard]~~ obtain an additional spacer or holding chamber to replace the used device and either:

(a) Discard the spacer or holding chamber used to administer the dose of albuterol ~~[and obtain an additional spacer or holding chamber to replace the used device.]~~ ; or

(b) Label the spacer or holding chamber used to administer the dose of albuterol for the future use of the same pupil who was administered the dose of albuterol.

2. An albuterol inhaler maintained by a public school pursuant to this section may be administered:

(a) At a public school other than a charter school, by a school nurse or any other employee of the public school who has been designated by the principal or other administrator in consultation with the school nurse and has received training in the proper storage and use of an albuterol inhaler pursuant to NRS 391.291; or

(b) At a charter school, by an employee designated pursuant to section 6 of this act who has received training in the proper storage and use of an albuterol inhaler as required pursuant to section 6 of this act.

3. A school nurse or other designated employee of a public school may use an albuterol inhaler maintained at the school to administer a dose of albuterol to ~~[any]~~ a pupil who has been diagnosed with asthma by a provider of health care on the premises of the public school during regular school hours whom the school nurse or other designated employee reasonably believes is ~~[exhibiting symptoms of respiratory distress.]~~ experiencing an asthmatic attack.

4. A public school may accept gifts, grants and donations from any source for the support of the public school in carrying out the provisions of this section, including, without limitation, the acceptance of an albuterol inhaler, spacer or holding chamber from a manufacturer, distributor or wholesaler of such devices.

Sec. 4. *1. Each public school shall ensure that an albuterol inhaler maintained at the school pursuant to section 3 of this act is stored in a designated, secure location that is unlocked and easily accessible.*

2. Each school district shall establish a policy for the schools within the district, other than charter schools, regarding the proper handling and transportation of albuterol inhalers.

3. Not later than 30 days after the last day of each school year, each school district and charter school shall submit a report to the Division of Public and Behavioral Health of the Department of Health and Human Services identifying the number of doses of an albuterol inhaler that were administered to pupils pursuant to section 3 of this act at each public

school within the school district or charter school, as applicable, during the school year.

Sec. 5. ***Each public school, including, without limitation, each charter school, shall, to the extent feasible, develop a comprehensive action plan concerning symptoms of ~~[respiratory distress,]~~ an asthmatic attack, which must include, without limitation, information relating to:***

1. The triggers that may cause ~~[respiratory distress;]~~ an asthmatic attack;

2. Ways to avoid triggers that may cause ~~[respiratory distress;]~~ an asthmatic attack;

3. The signs and symptoms of a person experiencing ~~[respiratory distress,]~~ an asthmatic attack, including, without limitation, an assessment of whether the administration of a dose of albuterol from an albuterol inhaler is necessary;

4. How to access an albuterol inhaler when necessary, including, without limitation, the location of an albuterol inhaler that is maintained at the public school pursuant to section 3 of this act;

5. The method of administering a dose of albuterol from an albuterol inhaler that is maintained at the public school pursuant to section 3 of this act; and

6. Medical care that should be received after the administration of a dose of albuterol from an albuterol inhaler.

Sec. 6. Chapter 388A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each charter school shall designate a school nurse or other employee of the school who is authorized to administer a dose of albuterol from an albuterol inhaler pursuant to section 3 of this act.

2. Each charter school shall ensure that each employee so designated receives training in the proper storage and use of an albuterol inhaler.

3. The governing body of a charter school shall establish a policy for the charter school regarding the proper handling and transportation of albuterol inhalers.

Sec. 7. NRS 391.291 is hereby amended to read as follows:

391.291 1. The provision of nursing services in a school district by school nurses and other qualified personnel must be under the direction and supervision of a chief nurse who is a registered nurse as provided in NRS 632.240 and who:

(a) Holds an endorsement to serve as a school nurse issued pursuant to regulations adopted by the Commission; or

(b) Is employed by a state, county, city or district health department and provides nursing services to the school district in the course of that employment.

2. A school district shall not employ a person to serve as a school nurse unless the person holds an endorsement to serve as a school nurse issued pursuant to regulations adopted by the Commission.

3. The chief nurse shall ensure that each school nurse:

(a) Coordinates with the principal of each school to designate employees of the school who are authorized to administer auto-injectable epinephrine ~~[;]~~ ***and to use an albuterol inhaler;*** and

(b) Provides the employees so designated with training concerning the proper storage and administration of auto-injectable epinephrine ~~[.]~~ ***and the proper storage and use of an albuterol inhaler.***

Sec. 8. Chapter 394 of NRS is hereby amended by adding thereto the provisions set forth as sections 9 and 10 of this act.

Sec. 9. ***1. A private school may obtain an order from a physician, osteopathic physician, physician assistant or advanced practice registered nurse pursuant to NRS 630.374, 632.239 or 633.707, as applicable, for one albuterol inhaler and not less than two spacers or holding chambers designed for use with that albuterol inhaler to be maintained at the school. If an albuterol inhaler maintained by the private school is depleted or expires, the school must discard the inhaler and may obtain an additional inhaler to replace the depleted or expired inhaler. If an albuterol inhaler maintained by the private school is used by a pupil, the school must*** ~~***[discard]***~~ ***obtain an additional spacer or holding chamber to replace the used device and either:***

(a) Discard the spacer or holding chamber used to administer the dose of albuterol ~~***[and obtain an additional spacer or holding chamber to replace the used device.]***~~ ***; or***

(b) Label the spacer or holding chamber used to administer the dose of albuterol for the future use of the same pupil who was administered the dose of albuterol.

2. An albuterol inhaler maintained by a private school pursuant to this section may be used by a school nurse or any other employee of the school who has been designated by the ~~***[governing body]***~~ ***principal or other administrator of the private school , in consultation with a school nurse, if applicable, and has received training in the proper storage and use of an albuterol inhaler.***

3. A school nurse or other designated employee may use an albuterol inhaler maintained at the school to administer a dose of albuterol to ~~***[any]***~~ ***a pupil who has been diagnosed with asthma by a provider of health care on the premises of the private school during regular school hours whom the school nurse or other trained employee reasonably believes is*** ~~***[exhibiting symptoms of respiratory distress.]***~~ ***experiencing an asthmatic attack.***

4. If an albuterol inhaler is maintained at the private school, the school shall ensure that:

(a) The albuterol inhaler is stored in a designated, secure location that is unlocked and easily accessible.

(b) Each employee designated by the governing body of the private school pursuant to this section receives training in the proper storage and use of an albuterol inhaler.

5. The governing body of a private school that maintains an albuterol inhaler shall establish a policy for the school regarding the proper handling and transportation of albuterol inhalers.

Sec. 10. ***The governing body of each private school shall, to the extent feasible, develop a comprehensive action plan concerning symptoms of ~~[respiratory distress,]~~ an asthmatic attack, which must include, without limitation, information relating to:***

1. The triggers that may cause ~~[respiratory distress;]~~ an asthmatic attack;

2. Ways to avoid triggers that may cause ~~[respiratory distress;]~~ an asthmatic attack;

3. The signs and symptoms of a person experiencing ~~[respiratory distress,]~~ an asthmatic attack, including, without limitation, an assessment of whether the administration of a dose of albuterol from an albuterol inhaler is necessary;

4. How to access an albuterol inhaler when necessary, including, without limitation, the location of an albuterol inhaler within the private school, if an albuterol inhaler is maintained at the private school pursuant to section 9 of this act;

5. The method of administering a dose of albuterol from an albuterol inhaler, if an albuterol inhaler is maintained at the private school pursuant to section 9 of this act; and

6. Medical care that should be received after the administration of a dose of albuterol from an albuterol inhaler.

Sec. 11. NRS 630.374 is hereby amended to read as follows:

630.374 1. A physician or physician assistant may issue to a public or private school an order to allow the school to obtain and maintain auto-injectable epinephrine at the school, regardless of whether any person at the school has been diagnosed with a condition which may cause the person to require such medication for the treatment of anaphylaxis.

2. A physician or physician assistant may issue to an authorized entity an order to allow the authorized entity to obtain and maintain auto-injectable epinephrine at any location under the control of the authorized entity where allergens capable of causing anaphylaxis may be present, regardless of whether any person employed by, affiliated with or served by the authorized entity has been diagnosed with a condition which may cause the person to require such medication for the treatment of anaphylaxis.

3. ***A physician or physician assistant may issue to a public or private school an order to allow the school to obtain and maintain one albuterol inhaler and not less than two spacers or holding chambers designed for use with that albuterol inhaler at the school, regardless of whether any person at the school has been diagnosed with a condition which may cause the***

person to require such medication for the treatment of ~~[respiratory distress.]~~ an asthmatic attack.

4. An order issued pursuant to subsection 1 ***,*** ~~[or]~~ 2 ***or 3*** must contain:

(a) The name and signature of the physician or physician assistant and the address of the physician or physician assistant if not immediately available to the pharmacist;

(b) The classification of his or her license;

(c) The name of the public or private school or authorized entity to which the order is issued;

(d) The name, strength and quantity of the drug authorized to be obtained and maintained by the order; and

(e) The date of issue.

~~[4.]~~ ***5.*** A physician or physician assistant is not subject to disciplinary action solely for issuing a valid order pursuant to subsection 1 ***,*** ~~[or]~~ 2 ***or 3*** to an entity other than a natural person and without knowledge of a specific natural person who requires the medication.

~~[5.]~~ ***6.*** A physician or physician assistant is not liable for any error or omission ~~***[not resulting from gross negligence or reckless, willful or wanton conduct of the physician or physician assistant]***~~ concerning the acquisition, possession, provision or administration of auto-injectable ~~***[:***~~

~~***(a) Auto-injectable]***~~ epinephrine maintained by a public or private school or authorized entity pursuant to an order issued by the physician or physician assistant pursuant to subsection 1 or 2 not resulting from gross negligence or reckless, willful or wanton conduct of the physician or physician assistant.

~~[6.***; or***~~

~~***(b) A dose of albuterol from an albuterol inhaler, spacer or holding chamber maintained by a public or private school pursuant to an order issued by the physician or physician assistant pursuant to subsection 3.]***~~

7. A physician or physician assistant is not liable for any error or omission concerning the acquisition, possession, provision or administration of a dose of albuterol from an albuterol inhaler, spacer or holding chamber maintained by a public or private school pursuant to an order issued by the physician or physician assistant pursuant to subsection 3 not resulting from the gross negligence of the physician or physician assistant.

8. As used in this section:

(a) "Authorized entity" has the meaning ascribed to it in NRS 450B.710.

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

(c) "Public school" has the meaning ascribed to it in NRS 385.007.

Sec. 12. NRS 632.239 is hereby amended to read as follows:

632.239 1. An advanced practice registered nurse may issue to a public or private school an order to allow the school to obtain and maintain auto-injectable epinephrine at the school, regardless of whether any person at the school has been diagnosed with a condition which may cause the person to require such medication for the treatment of anaphylaxis.

2. An advanced practice registered nurse may issue to an authorized entity an order to allow the authorized entity to obtain and maintain auto-injectable epinephrine at any location under the control of the authorized entity where allergens capable of causing anaphylaxis may be present, regardless of whether any person employed by, affiliated with or served by the authorized entity has been diagnosed with a condition which may cause the person to require such medication for the treatment of anaphylaxis.

3. ***An advanced practice registered nurse may issue to a public or private school an order to allow the school to obtain and maintain one albuterol inhaler and not less than two spacers or holding chambers designed for use with that albuterol inhaler at the school, regardless of whether any person at the school has been diagnosed with a condition which may cause the person to require such medication for the treatment of ~~[respiratory distress.]~~ an asthmatic attack.***

4. An order issued pursuant to subsection 1 ***,*** ~~[or]~~ 2 ***or 3*** must contain:

(a) The name and signature of the advanced practice registered nurse and the address of the advanced practice registered nurse if not immediately available to the pharmacist;

(b) The classification of his or her license;

(c) The name of the public or private school or authorized entity to which the order is issued;

(d) The name, strength and quantity of the drug authorized to be obtained and maintained by the order; and

(e) The date of issue.

~~[4.]~~ ***5.*** An advanced practice registered nurse is not subject to disciplinary action solely for issuing a valid order pursuant to subsection 1 ***,*** ~~[or]~~ 2 ***or 3*** to an entity other than a natural person and without knowledge of a specific natural person who requires the medication.

~~[5.]~~ ***6.*** An advanced practice registered nurse is not liable for any error or omission ~~*[not resulting from gross negligence or reckless, willful or wanton conduct of the advanced practice registered nurse]*~~ concerning the acquisition, possession, provision or administration of auto-injectable ~~*[:*~~

~~*(a) Auto-injectable]*~~ epinephrine maintained by a public or private school or authorized entity pursuant to an order issued by the advanced practice registered nurse pursuant to subsection 1 or 2 not resulting from gross negligence or reckless, willful or wanton conduct of the advanced practice registered nurse.

~~[6. *; or*~~

~~*(b) A dose of albuterol from an albuterol inhaler, spacer or holding chamber maintained by a public or private school pursuant to an order issued by the advanced practice registered nurse pursuant to subsection 3.]*~~

7. An advanced practice registered nurse is not liable for any error or omission concerning the acquisition, possession, provision or administration of a dose of albuterol from an albuterol inhaler, spacer or holding chamber maintained by a public or private school or authorized

entity pursuant to an order issued by the advanced practice registered nurse pursuant to subsection 3 not resulting from the gross negligence of the advanced practice registered nurse.

8. As used in this section:

(a) "Authorized entity" has the meaning ascribed to it in NRS 450B.710.

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

(c) "Public school" has the meaning ascribed to it in NRS 385.007.

Sec. 13. NRS 632.347 is hereby amended to read as follows:

632.347 1. The Board may deny, revoke or suspend any license or certificate applied for or issued pursuant to this chapter, or take other disciplinary action against a licensee or holder of a certificate, upon determining that the licensee or certificate holder:

(a) Is guilty of fraud or deceit in procuring or attempting to procure a license or certificate pursuant to this chapter.

(b) Is guilty of any offense:

(1) Involving moral turpitude; or

(2) Related to the qualifications, functions or duties of a licensee or holder of a certificate,

➥ in which case the record of conviction is conclusive evidence thereof.

(c) Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(d) Is unfit or incompetent by reason of gross negligence or recklessness in carrying out usual nursing functions.

(e) Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his or her ability to conduct the practice authorized by the license or certificate.

(f) Is a person with mental incompetence.

(g) Is guilty of unprofessional conduct, which includes, but is not limited to, the following:

(1) Conviction of practicing medicine without a license in violation of chapter 630 of NRS, in which case the record of conviction is conclusive evidence thereof.

(2) Impersonating any applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license or certificate.

(3) Impersonating another licensed practitioner or holder of a certificate.

(4) Permitting or allowing another person to use his or her license or certificate to practice as a licensed practical nurse, registered nurse, nursing assistant or medication aide - certified.

(5) Repeated malpractice, which may be evidenced by claims of malpractice settled against the licensee or certificate holder.

(6) Physical, verbal or psychological abuse of a patient.

(7) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.

(h) Has willfully or repeatedly violated the provisions of this chapter. The voluntary surrender of a license or certificate issued pursuant to this chapter is prima facie evidence that the licensee or certificate holder has committed or expects to commit a violation of this chapter.

(i) Is guilty of aiding or abetting any person in a violation of this chapter.

(j) Has falsified an entry on a patient's medical chart concerning a controlled substance.

(k) Has falsified information which was given to a physician, pharmacist, podiatric physician or dentist to obtain a controlled substance.

(l) Has knowingly procured or administered a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328;

(3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS; or

(4) Is an investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.

(m) Has been disciplined in another state in connection with a license to practice nursing or a certificate to practice as a nursing assistant or medication aide - certified, or has committed an act in another state which would constitute a violation of this chapter.

(n) Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.

(o) Has willfully failed to comply with a regulation, subpoena or order of the Board.

(p) Has operated a medical facility at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(q) Is an advanced practice registered nurse who has failed to obtain any training required by the Board pursuant to NRS 632.2375.

(r) Is an advanced practice registered nurse who has failed to comply with the provisions of NRS 453.163 or 453.164.

2. For the purposes of this section, a plea or verdict of guilty or guilty but mentally ill or a plea of nolo contendere constitutes a conviction of an

offense. The Board may take disciplinary action pending the appeal of a conviction.

3. A licensee or certificate holder is not subject to disciplinary action solely for administering auto-injectable epinephrine pursuant to a valid order issued pursuant to NRS 630.374 ***, 632.239*** or 633.707.

4. ***A licensee or certificate holder is not subject to disciplinary action solely for administering a dose of albuterol from an albuterol inhaler pursuant to a valid order issued pursuant to NRS 630.374, 632.239 or 633.707.***

5. As used in this section, "investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 14. NRS 633.707 is hereby amended to read as follows:

633.707 1. An osteopathic physician or physician assistant may issue to a public or private school an order to allow the school to obtain and maintain auto-injectable epinephrine at the school, regardless of whether any person at the school has been diagnosed with a condition which may cause the person to require such medication for the treatment of anaphylaxis.

2. An osteopathic physician or physician assistant may issue to an authorized entity an order to allow the authorized entity to obtain and maintain auto-injectable epinephrine at any location under the control of the authorized entity where allergens capable of causing anaphylaxis may be present, regardless of whether any person employed by, affiliated with or served by the authorized entity has been diagnosed with a condition which may cause the person to require such medication for the treatment of anaphylaxis.

3. ***An osteopathic physician or physician assistant may issue to a public or private school an order to allow the school to obtain and maintain one albuterol inhaler and not less than two spacers or holding chambers designed for use with that albuterol inhaler at the school, regardless of whether any person at the school has been diagnosed with a condition which may cause the person to require such medication for the treatment of*** ~~***[respiratory distress.]***~~ ***an asthmatic attack.***

4. An order issued pursuant to subsection 1 ***,*** ~~**[**or**]**~~ 2 ***or 3*** must contain:

(a) The name and signature of the osteopathic physician or physician assistant and the address of the osteopathic physician or physician assistant if not immediately available to the pharmacist;

(b) The classification of his or her license;

(c) The name of the public or private school or authorized entity to which the order is issued;

(d) The name, strength and quantity of the drug authorized to be obtained and maintained by the order; and

(e) The date of issue.

~~**[**4.**]**~~ ***5.*** An osteopathic physician or physician assistant is not subject to disciplinary action solely for issuing a valid order pursuant to subsection 1 ***,***

~~[or]~~ 2 ***or 3*** to an entity other than a natural person and without knowledge of a specific natural person who requires the medication.

~~[5.]~~ ***6.*** An osteopathic physician or physician assistant is not liable for any error or omission ~~***[not resulting from gross negligence or reckless, willful or wanton conduct of the osteopathic physician or physician assistant]***~~ concerning the acquisition, possession, provision or administration of auto-injectable ~~***[:***~~

~~***(a) Auto-injectable]***~~ epinephrine maintained by a public or private school or authorized entity pursuant to an order issued by the osteopathic physician or physician assistant ***pursuant to subsection 1 or 2*** not resulting from gross negligence or reckless, willful or wanton conduct of the osteopathic physician or physician assistant.

~~[6.~~***~~; or~~***

~~***(b) A dose of albuterol from an albuterol inhaler, spacer or holding chamber maintained by a public or private school pursuant to an order issued by the osteopathic physician or physician assistant pursuant to subsection 3.]***~~

7. An osteopathic physician or physician assistant is not liable for any error or omission concerning the acquisition, possession, provision or administration of a dose of albuterol from an albuterol inhaler, spacer or holding chamber maintained by a public or private school or authorized entity pursuant to an order issued by the osteopathic physician or physician assistant pursuant to subsection 3 not resulting from the gross negligence of the osteopathic physician or physician assistant.

8. As used in this section:

(a) "Authorized entity" has the meaning ascribed to it in NRS 450B.710.

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

(c) "Public school" has the meaning ascribed to it in NRS 385.007.

Sec. 15. NRS 639.2357 is hereby amended to read as follows:

639.2357 1. Upon the request of a patient, or a public or private school or an authorized entity for which an order was issued pursuant to NRS 630.374, 632.239 or 633.707, a registered pharmacist shall transfer a prescription or order to another registered pharmacist.

2. A registered pharmacist who transfers a prescription or order pursuant to subsection 1 shall comply with any applicable regulations adopted by the Board relating to the transfer.

3. The provisions of this section do not authorize or require a pharmacist to transfer a prescription or order in violation of:

(a) Any law or regulation of this State;

(b) Federal law or regulation; or

(c) A contract for payment by a third party if the patient is a party to that contract.

4. A pharmacist is not liable for any error or omission concerning the acquisition, possession, provision or administration of auto-injectable epinephrine ***, a dose of albuterol from an albuterol inhaler or a spacer or***

holding chamber that the pharmacist has dispensed to a public or private school or authorized entity pursuant to an order issued pursuant to NRS 630.374, 632.239 or 633.707 not resulting from gross negligence or reckless, willful or wanton conduct of the pharmacist.

5. As used in this section, "authorized entity" has the meaning ascribed to it in NRS 450B.710.

Sec. 16. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 17. This act becomes effective on July 1, 2017.

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 196.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 305.

SUMMARY—Provides for an endorsement that a teacher, administrator or other educational personnel may obtain in ~~[culturally responsive educational leadership.]~~ **cultural competency.** (BDR 34-659)

AN ACT relating to educational personnel; providing for an endorsement that a teacher, administrator or other educational personnel may obtain in ~~[culturally responsive educational leadership;]~~ **cultural competency;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Commission on Professional Standards in Education is required to adopt regulations prescribing the qualifications for the licensure and endorsement of teachers. (NRS 391.019) This bill requires the Commission to establish by regulation requirements for a teacher, administrator or other educational personnel to obtain an endorsement on his or her license in ~~[culturally responsive educational leadership. Such requirements must include at least 18 semester hours of postgraduate coursework or the equivalent thereof, in multicultural education.]~~ **cultural competency.**

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

Section 1. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations:

(a) Prescribing the qualifications for licensing teachers and other educational personnel, including, without limitation, the qualifications for a

license to teach middle school or junior high school education, and the procedures for the issuance and renewal of those licenses. The regulations:

(1) Must include, without limitation, the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure which

provides that the required education and training may be provided by any qualified provider which has been approved by the Commission, including, without limitation, institutions of higher education and other providers that operate independently of an institution of higher education. The regulations adopted pursuant to this subparagraph must:

(I) Establish the requirements for approval as a qualified provider;

(II) Require a qualified provider to be selective in its acceptance of students;

(III) Require a qualified provider to provide supervised, school-based experiences and ongoing support for its students, such as mentoring and coaching;

(IV) Significantly limit the amount of course work required or provide for the waiver of required course work for students who achieve certain scores on tests;

(V) Allow for the completion in 2 years or less of the education and training required under the alternative route to licensure;

(VI) Provide that a person who has completed the education and training required under the alternative route to licensure and who has satisfied all other requirements for licensure may apply for a regular license pursuant to sub-subparagraph (VII) regardless of whether the person has received an offer of employment from a school district, charter school or private school; and

(VII) Upon the completion by a person of the education and training required under the alternative route to licensure and the satisfaction of all other requirements for licensure, provide for the issuance of a regular license to the person pursuant to the provisions of this chapter and the regulations adopted pursuant to this chapter.

(2) Must not prescribe qualifications which are more stringent than the qualifications set forth in NRS 391.0315 for a licensed teacher who applies for an additional license in accordance with that section.

(b) Identifying fields of specialization in teaching which require the specialized training of teachers.

(c) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization, including, without limitation, an endorsement to teach English as a second language based upon the recommendations of the English Mastery Council pursuant to NRS 388.411.

(d) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(e) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting.

(f) Requiring teachers and other educational personnel to be registered with the Aging and Disability Services Division pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting if they:

(1) Provide instruction or other educational services; and

(2) Concurrently engage in the practice of interpreting, as defined in NRS 656A.060.

(g) Providing for the issuance and renewal of a special qualifications license to an applicant who holds a bachelor's degree, a master's degree or a doctoral degree from an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and who has:

(1) At least 2 years of experience teaching at an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and at least 3 years of experience working in that field; or

(2) At least 5 years of experience working in a field for which the applicant will provide instruction in a classroom.

➥ An applicant for licensure pursuant to this paragraph who holds a bachelor's degree must submit proof of participation in a program of student teaching or mentoring or agree to participate in a program of mentoring or courses of pedagogy for the first 2 years of the applicant's employment as a teacher with a school district or charter school.

(h) Requiring an applicant for a special qualifications license to:

(1) Pass each examination required by NRS 391.021 for the specific subject or subjects in which the applicant will provide instruction; or

(2) Hold a valid license issued by a professional licensing board of any state that is directly related to the subject area of the bachelor's degree, master's degree or doctoral degree held by the applicant.

(i) Setting forth the subject areas that may be taught by a person who holds a special qualifications license, based upon the subject area of the bachelor's degree, master's degree or doctoral degree held by that person.

(j) Providing for the issuance and renewal of a special qualifications license to an applicant who:

(1) Holds a bachelor's degree or a graduate degree from an accredited college or university in the field for which the applicant will be providing instruction;

(2) Is not licensed to teach public school in another state;

(3) Has at least 5 years of experience teaching with satisfactory evaluations at a school that is accredited by a national or regional accrediting agency recognized by the United States Department of Education; and

(4) Submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring for the first year of the applicant's employment as a teacher with a school district or charter school if the applicant holds a graduate degree or, if the applicant holds a bachelor's degree, submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring or courses of pedagogy for the first 2 years of his or her employment as a teacher with a school district or charter school.

➥ An applicant for licensure pursuant to this paragraph is exempt from each examination required by NRS 391.021 if the applicant successfully passed the examination in another state.

(k) Prescribing course work on parental involvement and family engagement. The Commission shall work in cooperation with the Office of Parental Involvement and Family Engagement created by NRS 385.630 in developing the regulations required by this paragraph.

(l) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in ~~[culturally responsive educational leadership which must include, without limitation, the completion of at least 18 semester hours of postgraduate coursework, or the equivalent thereof, in multicultural education and any requirements for the renewal thereof.]~~ cultural competency.

2. Except as otherwise provided in NRS 391.027, the Commission may adopt such other regulations as it deems necessary for its own government or to carry out its duties.

3. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

4. A person who is licensed pursuant to paragraph (g) or (j) of subsection 1:

(a) Shall comply with all applicable statutes and regulations.

(b) Except as otherwise provided by specific statute, is entitled to all benefits, rights and privileges conferred by statutes and regulations on licensed teachers.

(c) Except as otherwise provided by specific statute, if the person is employed as a teacher by the board of trustees of a school district or the governing body of a charter school, is entitled to all benefits, rights and privileges conferred by statutes and regulations on the licensed employees of a school district or charter school, as applicable.

Sec. 2. This act becomes effective upon passage and approval for the purpose of adopting regulations and on January 1, 2018, for all other purposes.

Assemblyman Thompson moved the adoption of the amendment.

Remarks by Assemblyman Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 224.

Bill read second time.

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

Amendment No. 195.

AN ACT relating to disabilities; replacing the ~~[terms "intellectual disability" and]~~ **term** "related conditions" with the term "developmental disability" for certain purposes; prohibiting a provider of jobs and day training services from entering into certain contracts or arrangements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Various provisions of existing law govern the care and services provided to persons with intellectual disabilities and persons with related conditions. (Chapters 433, 433A, 433C and 435 of NRS) For the purposes of these provisions, a ~~["person with intellectual disabilities" means a person with "significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period." (NRS 433.099) The term]~~ "person with related conditions" is generally defined to mean a person with a condition "closely related to an intellectual disability" and requiring "treatment or services similar to those required by a person with an intellectual disability." (NRS 433.211) For the purposes of the provisions referred to above, this bill generally ~~[combines these two groups of persons into a single new group comprised of persons with "developmental disabilities."]~~ **replaces references to the term "related conditions" with the term "developmental disability."** Such a disability is defined in **sections 1 and 17** of this bill as ~~[one which:]~~ **autism, cerebral palsy, epilepsy, a visual or hearing impairment or any other neurological condition diagnosed by a qualified professional that:** (1) ~~[is attributable to a mental or physical impairment or a combination of the two; (2)]~~ is manifested before the age of 22 years and is likely to continue indefinitely; ~~[(3)]~~ **(2)** substantially limits certain major life activities; and ~~[(4)]~~ **(3)** results in a lifelong or protracted need for individually planned and coordinated services, support or other assistance. ~~[Thus, this bill primarily eliminates references in chapters 433, 433A, 433C and 435 of NRS to persons with intellectual disabilities and persons with related conditions and replaces them with references to persons with developmental disabilities.]~~

Existing law permits a person or organization to provide jobs and day training services to persons with intellectual disabilities and persons with related conditions. (NRS 435.130-435.310) Such a provider may contract with county and school officials and public and private agencies for the provision of such services. (NRS 435.310) **Section 45** of this bill prohibits any such contract that provides for the employment of a person under 25 years of age unless the person is paid at least the federal minimum wage.

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

Section 1. Chapter 433 of NRS is hereby amended by adding thereto a new section to read as follows:

"Developmental disability" has the meaning ascribed to it in NRS 435.007.

Sec. 2. NRS 433.005 is hereby amended to read as follows:

433.005 As used in chapters 433 to 433C, inclusive, of NRS, unless the context otherwise requires, or except as otherwise defined by specific statute, the words and terms defined in NRS 433.014 to 433.227, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 433.314 is hereby amended to read as follows:

433.314 The Commission shall:

1. Establish policies to ensure adequate development and administration of services for persons with mental illness, persons with intellectual ***disabilities, persons with developmental*** disabilities **,** ~~[~~and persons with related conditions,~~]~~ persons with substance use disorders or persons with co-occurring disorders, including services to prevent mental illness, intellectual ***disabilities, developmental*** disabilities **,** ~~[~~and related conditions,~~]~~ substance use disorders and co-occurring disorders, and services provided without admission to a facility or institution;

2. Set policies for the care and treatment of persons with mental illness, persons with intellectual ***disabilities, persons with developmental*** disabilities **,** ~~[~~and persons with related conditions,~~]~~ persons with substance use disorders or persons with co-occurring disorders provided by all state agencies;

3. Review the programs and finances of the Division; and

4. Report at the beginning of each year to the Governor and at the beginning of each odd-numbered year to the Legislature on the quality of the care and treatment provided for persons with mental illness, persons with intellectual ***disabilities, persons with developmental*** disabilities **,** ~~[~~and persons with related conditions,~~]~~ persons with substance use disorders or persons with co-occurring disorders in this State and on any progress made toward improving the quality of that care and treatment.

Sec. 4. NRS 433.316 is hereby amended to read as follows:

433.316 The Commission may:

1. Collect and disseminate information pertaining to mental health, intellectual ***disabilities, developmental*** disabilities **, [**~~and related conditions,~~**]** substance use disorders and co-occurring disorders.

2. Request legislation pertaining to mental health, intellectual ***disabilities, developmental*** disabilities **, [**~~and related conditions,~~**]** substance use disorders and co-occurring disorders.

3. Review findings of investigations of complaints about the care of any person in a public facility for the treatment of persons with mental illness, persons with intellectual ***disabilities, persons with developmental*** disabilities **, [**~~and persons with related conditions,~~**]** persons with substance use disorders or persons with co-occurring disorders.

4. Accept, as authorized by the Legislature, gifts and grants of money and property.

5. Take appropriate steps to increase the availability of and to enhance the quality of the care and treatment of persons with mental illness, persons with intellectual ***disabilities, persons with developmental*** disabilities **, [**~~and persons with related conditions,~~**]** persons with substance use disorders or persons with co-occurring disorders provided through private nonprofit organizations, governmental entities, hospitals and clinics.

6. Promote programs for the treatment of persons with mental illness, persons with intellectual ***disabilities, persons with developmental*** disabilities **, [**~~and persons with related conditions,~~**]** persons with substance use disorders or persons with co-occurring disorders and participate in and promote the development of facilities for training persons to provide services for persons with mental illness, persons with intellectual ***disabilities, persons with developmental*** disabilities **, [**~~and persons with related conditions,~~**]** persons with substance use disorders or persons with co-occurring disorders.

7. Create a plan to coordinate the services for the treatment of persons with mental illness, persons with intellectual ***disabilities, persons with developmental*** disabilities **, [**~~and persons with related conditions,~~**]** persons with substance use disorders or persons with co-occurring disorders provided in this State and to provide continuity in the care and treatment provided.

8. Establish and maintain an appropriate program which provides information to the general public concerning mental illness, intellectual ***disabilities, developmental*** disabilities **, [**~~and related conditions,~~**]** substance use disorders and co-occurring disorders and consider ways to involve the general public in the decisions concerning the policy on mental illness, intellectual ***disabilities, developmental*** disabilities **, [**~~and related conditions,~~**]** substance use disorders and co-occurring disorders.

9. Compile statistics on mental illness and study the cause, pathology and prevention of that illness.

10. Establish programs to prevent or postpone the commitment of residents of this State to facilities for the treatment of persons with mental illness, persons with intellectual ***disabilities, persons with developmental***

disabilities **,** ~~[and persons with related conditions,]~~ persons with substance use disorders or persons with co-occurring disorders.

11. Evaluate the future needs of this State concerning the treatment of mental illness, intellectual ***disabilities, developmental*** disabilities **,** ~~[and related conditions,]~~ substance use disorders and co-occurring disorders and develop ways to improve the treatment already provided.

12. Take any other action necessary to promote mental health in this State.

Sec. 5. NRS 433.318 is hereby amended to read as follows:

433.318 1. The Commission may appoint a subcommittee or an advisory committee composed of members who have experience and knowledge of matters relating to persons with mental illness, persons with intellectual ***disabilities, persons with developmental*** disabilities **,** ~~[and persons with related conditions,]~~ persons with substance use disorders or persons with co-occurring disorders and who, to the extent practicable, represent the ethnic and geographic diversity of this State.

2. A subcommittee or advisory committee appointed pursuant to this section shall consider specific issues and advise the Commission on matters related to the duties of the Commission.

3. The members of a subcommittee or advisory committee appointed pursuant to this section serve at the pleasure of the Commission. The members serve without compensation, except that each member is entitled, while engaged in the business of the subcommittee or advisory committee, to the per diem allowance and travel expenses provided for state officers and employees generally if funding is available for this purpose.

Sec. 6. NRS 433.325 is hereby amended to read as follows:

433.325 The Commission or its designated agent may inspect any state facility providing services for persons with mental illness, persons with intellectual ***disabilities, persons with developmental*** disabilities **,** ~~[and persons with related conditions,]~~ persons with substance use disorders or persons with co-occurring disorders to determine if the facility is in compliance with the provisions of this title and any regulations adopted pursuant thereto.

Sec. 7. ~~[NRS 433.4547 is hereby amended to read as follows:~~

~~433.4547 1. To the extent possible, the provisions of the Interstate Compact on Mental Health are intended to supplement other statutory provisions governing the treatment and transfer of persons with mental illness and persons with [intellectual] *developmental* disabilities and the return of such persons to their place of residence must be given effect to the extent that those provisions do not conflict with the provisions of the Compact.~~

~~2. Except as provided in subsection 3, if there is a conflict between the provisions of the Compact and any other provisions of NRS, the provisions of the Compact prevail.~~

~~3. Nothing in the Compact shall be construed to restrict any rights of a consumer as provided in NRS 433.456 to 433.536, inclusive.]~~ **(Deleted by amendment.)**

Sec. 8. ~~[NRS 433A.115 is hereby amended to read as follows:~~

~~433A.115 1. As used in NRS 433A.115 to 433A.330, inclusive, unless the context otherwise requires, "person with mental illness" means any person whose capacity to exercise self-control, judgment and discretion in the conduct of the person's affairs and social relations or to care for his or her personal needs is diminished, as a result of a mental illness, to the extent that the person presents a clear and present danger of harm to himself or herself or others, but does not include any person in whom that capacity is diminished by epilepsy, intellectual disability, dementia, delirium, brief periods of intoxication caused by alcohol or drugs, or dependence upon or addiction to alcohol or drugs, unless a mental illness that can be diagnosed is also present which contributes to the diminished capacity of the person.~~

~~2. A person presents a clear and present danger of harm to himself or herself if, within the immediately preceding 30 days, the person has, as a result of a mental illness:~~

~~(a) Acted in a manner from which it may reasonably be inferred that, without the care, supervision or continued assistance of others, the person will be unable to satisfy his or her need for nourishment, personal or medical care, shelter, self-protection or safety, and if there exists a reasonable probability that the person's death, serious bodily injury or physical debilitation will occur within the next following 30 days unless he or she is admitted to a mental health facility pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, and adequate treatment is provided to the person;~~

~~(b) Attempted or threatened to commit suicide or committed acts in furtherance of a threat to commit suicide, and if there exists a reasonable probability that the person will commit suicide unless he or she is admitted to a mental health facility pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, and adequate treatment is provided to the person; or~~

~~(c) Mutilated himself or herself, attempted or threatened to mutilate himself or herself or committed acts in furtherance of a threat to mutilate himself or herself, and if there exists a reasonable probability that he or she will mutilate himself or herself unless the person is admitted to a mental health facility pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, and adequate treatment is provided to the person.~~

~~3. A person presents a clear and present danger of harm to others if, within the immediately preceding 30 days, the person has, as a result of a mental illness, inflicted or attempted to inflict serious bodily harm on any other person, or made threats to inflict harm and committed acts in furtherance of those threats, and if there exists a reasonable probability that he or she will do so again unless the person is admitted to a mental health~~

~~facility pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, and adequate treatment is provided to him or her.~~

~~*4. As used in this section, "intellectual disability" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period.*~~ **(Deleted by amendment.)**

Sec. 9. NRS 433C.110 is hereby amended to read as follows:

433C.110 The Legislature declares that the purposes of this chapter are:

1. To encourage and provide financial assistance to counties in the establishment and development of mental health services, including services to persons with intellectual ***disabilities and persons with developmental*** disabilities **,** ~~[and persons with related conditions,]~~ through locally controlled community mental health programs.

2. To promote the improvement and, if necessary, the expansion of already existing services which help to conserve the mental health of the people of Nevada. It is the intent of this chapter that services to individuals be rendered only upon voluntary application.

Sec. 10. NRS 433C.170 is hereby amended to read as follows:

433C.170 The county board shall:

1. Review and evaluate communities' needs, services, facilities and special problems in the fields of mental health **,** ~~[and]~~ intellectual ***disabilities and developmental*** disabilities **.** ~~[and related conditions.]~~

2. Advise the governing body as to programs of community mental health services and facilities and services to persons with intellectual ***disabilities and persons with developmental*** disabilities ~~[and persons with related conditions,]~~ and, when requested by the governing body, make recommendation regarding the appointment of a county director.

3. After adoption of a program, continue to act in an advisory capacity to the county director.

Sec. 11. NRS 433C.190 is hereby amended to read as follows:

433C.190 The county director shall:

1. Serve as chief executive officer of the county program and be accountable to the county board.

2. Exercise administrative responsibility and authority over the county program and facilities furnished, operated or supported in connection therewith, and over services to persons with intellectual ***disabilities or persons with developmental*** disabilities **,** ~~[and persons with related conditions,]~~ except as administrative responsibility is otherwise provided for in this title.

3. Recommend to the governing body, after consultation with the county board, the providing of services, establishment of facilities, contracting for services or facilities and other matters necessary or desirable to accomplish the purposes of this chapter.

4. Submit an annual report to the governing body reporting all activities of the program, including a financial accounting of expenditures and a forecast of anticipated needs for the ensuing year.

5. Carry on such studies as may be appropriate for the discharge of his or her duties, including the control and prevention of psychiatric disorders and the treatment of intellectual ***disabilities and developmental*** disabilities **.** ~~[and related conditions.]~~

Sec. 12. NRS 433C.260 is hereby amended to read as follows:

433C.260 Expenditures made by counties for county programs, including services to persons with intellectual ***disabilities or persons with developmental*** disabilities **,** ~~[and persons with related conditions,]~~ pursuant to this chapter ~~[,]~~ must be reimbursed by the State pursuant to NRS 433C.270 to 433C.350, inclusive.

Sec. 13. NRS 433C.270 is hereby amended to read as follows:

433C.270 1. A service operated within a county program must be directed to at least one of the following mental health areas:

(a) Mental illness;

(b) Intellectual ***disabilities;***

(c) Developmental disabilities ***;*** ~~[and related conditions;~~

~~(c)]~~ ***(d)*** Organic brain and other neurological impairment;

~~[(d)]~~ ***(e)*** Alcoholism; and

~~[(e)]~~ ***(f)*** Drug abuse.

2. A service is any of the following:

(a) Diagnostic service;

(b) Emergency service;

(c) Inpatient service;

(d) Outpatient or partial hospitalization service;

(e) Residential, sheltered or protective care service;

(f) Habilitation or rehabilitation service;

(g) Prevention, consultation, collaboration, education or information service; and

(h) Any other service approved by the Division.

Sec. 14. NRS 433C.300 is hereby amended to read as follows:

433C.300 1. Money provided by direct legislative appropriation for purposes of reimbursement as provided by NRS 433C.260 to 433C.290, inclusive, must be allotted to the governing body as follows:

(a) The State shall pay to each county a sum equal to 90 percent of the total proposed expenditures as reflected by the plan of proposed expenditures submitted pursuant to NRS 433C.280 if the county has complied with the provisions of paragraph (b).

(b) Before payment under this subsection, the governing body of a county must submit evidence to the Administrator that 10 percent of the total proposed expenditures have been raised and budgeted by the county for the establishment or maintenance of a county program.

2. All state and federal moneys appropriated or authorized for the promotion of mental health or for services to persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ in the State of Nevada must be disbursed through the Division in accordance with the provisions of this chapter and rules and regulations adopted in accordance therewith.

Sec. 15. NRS 433C.340 is hereby amended to read as follows:

433C.340 Fees for mental health services, including services to persons with intellectual ***disabilities or persons with developmental*** disabilities **,** ~~[and persons with related conditions,]~~ rendered pursuant to an approved county plan must be charged in accordance with ability to pay, but not in excess of actual cost.

Sec. 16. NRS 435.005 is hereby amended to read as follows:

435.005 Unless specifically excluded by law, the provisions of this chapter apply to all facilities within the Division offering services to persons with intellectual ***disabilities or persons with developmental*** disabilities **.** ~~[and persons with related conditions.]~~

Sec. 17. NRS 435.007 is hereby amended to read as follows:

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

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

2. "Administrator" means the Administrator of the Division.

3. "Child" means any person under the age of 18 years who may be eligible for intellectual ***disability services or developmental*** disability services **.** ~~[or services for a related condition.]~~

4. "Department" means the Department of Health and Human Services.

5. ***"Developmental disability" means*** ~~***[a severe, chronic disability which:]***~~ ***autism, cerebral palsy, epilepsy, a visual or hearing impairment or any other neurological condition diagnosed by a qualified professional that:***

(a) ~~***[Is attributable to a mental or physical impairment or a combination thereof;***~~

~~***(b)]***~~ ***Is manifested before the person affected attains the age of 22 years;***

~~***[(c)]***~~ ***(b) Is likely to continue indefinitely;***

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

(1) Taking care of oneself;

(2) Understanding and use of language;

(3) Learning;

(4) Mobility;

(5) Self-direction; and

(6) Capacity for independent living; and

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

6. [“Developmental disability center” means an organized program for providing appropriate services and treatment to persons with developmental disabilities. The term includes, without limitation, facilities for residential treatment and training.

=7.] “Director of the Department” means the administrative head of the Department.

[6.***=8.]*** ***7.*** “Division” means the Aging and Disability Services Division of the Department.

[7.***=9.]*** ***8.*** “Division facility” means any unit or subunit operated by the Division for the care, treatment and training of consumers.

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

[9.***]*** ***10.*** “Intellectual ***and developmental*** disability center” means an organized program for providing appropriate services and treatment to persons with intellectual disabilities and persons with ***[***related conditions.***]*** ***developmental disabilities.*** An intellectual ***and developmental*** disability center may include facilities for residential treatment and training.

[10.***]*** ***11.*** “Medical director” means the chief medical officer of any program of the Division for persons with intellectual ***disabilities or developmental*** disabilities ***.*** ***[***and persons with other related conditions.

=11.] ***12.*** “Mental illness” has the meaning ascribed to it in NRS 433.164.

[12.***]*** ***13.*** “Parent” means the parent of a child. The term does not include the parent of a person who has attained the age of 18 years.

[13.***]*** ***14.*** “Person” includes a child and any other consumer with an intellectual ***disability and a child or any other consumer with a developmental*** disability ***[***or a related condition***]*** who has attained the age of 18 years.

[14.***]*** ***15.*** “Person professionally qualified in the field of psychiatric mental health” has the meaning ascribed to it in NRS 433.209.

[15. “Persons with related conditions” means persons who have a severe, chronic disability which:

(a) Is attributable to:

(1) Cerebral palsy or epilepsy; or

(2) Any other condition, other than mental illness, found to be closely related to an intellectual disability because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of a person with an intellectual disability and requires treatment or services similar to those required by a person with an intellectual disability;

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

(c) Is likely to continue indefinitely; and

~~(d) Results in substantial functional limitations in three or more of the following areas of major life activity:~~

~~(1) Taking care of oneself;~~

~~(2) Understanding and use of language;~~

~~(3) Learning;~~

~~(4) Mobility;~~

~~(5) Self-direction; and~~

~~(6) Capacity for independent living.~~**]**

16. "Residential facility for groups" means a structure similar to a private residence which will house a small number of persons in a homelike atmosphere.

17. ***[16.]*** "Training" means a program of services directed primarily toward enhancing the health, welfare and development of persons with intellectual ***disabilities or persons with developmental*** disabilities **[**~~and persons with related conditions~~**]** through the process of providing those experiences that will enable the person to:

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

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

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

18. ***[17.]*** "Treatment" means any combination of procedures or activities, of whatever level of intensity and whatever duration, ranging from occasional counseling sessions to full-time admission to a residential facility.

Sec. 18. NRS 435.009 is hereby amended to read as follows:

435.009 It is the policy of this State that persons with intellectual ***disabilities and persons with developmental*** disabilities ***:*** **[**~~and persons with related conditions:~~**]**

1. Receive services in a considerate and respectful manner;

2. Are recognized as individuals before recognizing the disabilities of the persons; and

3. Are to be referred to using language which is commonly viewed as respectful and which refers to the person before referring to his or her disability.

Sec. 19. NRS 435.010 is hereby amended to read as follows:

435.010 1. The boards of county commissioners of the various counties shall make provision for the support, education and care of the children with intellectual ***disabilities and children with developmental*** disabilities **[**~~and children with related conditions~~**]** of their respective counties.

2. For that purpose, they are empowered to make all necessary contracts and agreements to carry out the provisions of this section and NRS 435.020 and 435.030. Any such contract or agreement may be made with any responsible person or facility in or without the State of Nevada.

3. The provisions of this section and NRS 435.020 and 435.030 supplement the services which other political subdivisions or agencies of the

State are required by law to provide, and do not supersede or relieve the responsibilities of such political subdivisions or agencies.

Sec. 20. NRS 435.020 is hereby amended to read as follows:

435.020 All children with intellectual ***disabilities and children with developmental*** disabilities ~~[and children with related conditions]~~ are entitled to benefits under this section and NRS 435.010 and 435.030:

1. Who are unable to pay for their support and care;

2. Whose parents, relatives or guardians are unable to pay for their support and care; and

3. If division facilities are to be utilized, whom the Division recognizes as proper subjects for services within such division facilities.

Sec. 21. NRS 435.030 is hereby amended to read as follows:

435.030 1. A parent, relative, guardian or nearest friend of any child with an intellectual ***disability or any child with a developmental*** disability ~~[or any child with a related condition]~~ who is a resident of this State may file with the board of county commissioners of the proper county an application under oath stating:

(a) That the child meets the criteria set forth in NRS 435.020; and

(b) That the child requires services not otherwise required by law to be provided to the child by any other county, political subdivision or agency of this or any other state.

2. If the board of county commissioners is satisfied that the statements made in the application are true, the board shall issue a certificate to that effect.

3. The board of county commissioners shall make necessary arrangements for the transportation of a child with an intellectual ***disability or a child with a developmental*** disability ~~[or a child with a related condition]~~ to any responsible person or facility to be utilized pursuant to contract or agreement as designated in NRS 435.010 at the expense of the county.

4. A certificate of the board of county commissioners, when produced, shall be the authority of any responsible person or facility in or without the State of Nevada under contract with the board of county commissioners to receive any such child.

Sec. 22. NRS 435.035 is hereby amended to read as follows:

435.035 1. To the extent that money is available for that purpose, the Division of Health Care Financing and Policy of the Department ~~[of Health and Human Services]~~ and the Aging and Disability Services Division of the Department shall establish a pilot program to provide intensive care coordination services to children with intellectual ***disabilities or children with developmental*** disabilities ~~[and children with related conditions]~~ who are also diagnosed as having behavioral health needs and who reside in a county whose population is 100,000 or more.

2. The intensive care coordination services provided by the pilot program must include, without limitation:

(a) Medically necessary habilitation or rehabilitation and psychiatric or behavioral therapy provided using evidence-based practices to a child with intellectual ***disabilities or a child with developmental*** disabilities ~~[or a child with a related condition]~~ who is also diagnosed as having behavioral health needs;

(b) Support for the family of such a child, including, without limitation, respite care for the primary caregiver of the child;

(c) Coordination of all services provided to such a child and his or her family;

(d) Food and lodging expenses for such a child who is receiving supported living arrangement services and does not reside with his or her parent or guardian;

(e) Assistance with acquisition of life skills and community participation that is provided in the residence of a child with an intellectual ***disability or a child with a developmental*** disability ~~[or a child with a related condition]~~ who has also been diagnosed as having behavioral health needs;

(f) Nonmedical transportation;

(g) Career planning;

(h) Supported employment; and

(i) Prevocational services.

3. The Division of Health Care Financing and Policy and the Aging and Disability Services Division shall:

(a) Design and utilize a system to collect and analyze data concerning the evidence-based practices used pursuant to paragraph (a) of subsection 2;

(b) On or before July 1, 2017, obtain an independent evaluation of the effectiveness of the pilot program; and

(c) Collaborate with each person or governmental entity that provides services pursuant to the pilot program to obtain grants for the purpose of carrying out the pilot program. The Division of Health Care Financing and Policy, the Aging and Disability Services Division and any other governmental entity that provides services pursuant to the pilot program may apply for and accept any available grants and may accept any bequests, devises, donations or gifts from any public or private source to carry out the pilot program.

4. The Director of the Department of Health and Human Services shall make any amendments to the State Plan for Medicaid authorized by Federal law and obtain any Medicaid waivers from the Federal Government necessary to use money received pursuant to the State Plan for Medicaid to pay for any part of the pilot program described in subsection 1 for which such money is authorized to be used by federal law or by the waiver.

5. As used in this section:

(a) ~~[“Children with related conditions” means children who have a severe, chronic disability which:~~

~~(1) Is attributable to:~~

~~(I) Cerebral palsy or epilepsy; or~~

~~(II) Any other condition, other than mental illness, found to be closely related to an intellectual disability because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of a child with an intellectual disability and requires treatment or services similar to those required by a child with an intellectual disability;~~

~~(2) Is likely to continue indefinitely; and~~

~~(3) Results in substantial functional limitations in three or more of the following areas of major life activity:~~

~~(I) Taking care of oneself;~~

~~(II) Understanding and use of language;~~

~~(III) Learning;~~

~~(IV) Mobility;~~

~~(V) Self direction; and~~

~~(VI) Capacity for independent living.~~

~~(b) "Intellectual disability" has the meaning ascribed to it in NRS 435.007.~~

~~(c)~~**]** "Intensive care coordination services" means the delivery of comprehensive services provided to a child with an intellectual ***disability or a child with a developmental*** disability **[**~~or a child with a related condition that~~**]** ***who*** is also diagnosed as having behavioral health needs, or the family of such a child, that are coordinated by a single entity and delivered in an individualized and culturally appropriate manner.

[~~(d)~~**]** ***(b)*** "Supported living arrangement services" means flexible, individualized services provided in a **[**~~residential setting,~~**]** ***homelike environment,*** for compensation, to a child with an intellectual ***disability or a child with a developmental*** disability **[**~~or a person with a related condition~~**]** who is also diagnosed as having behavioral health needs that are designed and coordinated to assist the person in maximizing the child's independence, including, without limitation, training and habilitation services.

Sec. 23. NRS 435.060 is hereby amended to read as follows:

435.060 The Division may operate a residential facility for groups to care for and maintain persons with intellectual ***disabilities or persons with developmental*** disabilities **[**~~and persons with related conditions~~**]** until they can live in a more normal situation.

Sec. 24. NRS 435.077 is hereby amended to read as follows:

435.077 1. The Administrator shall adopt regulations for the transfer of persons with intellectual ***disabilities or persons with developmental*** disabilities **[**~~and persons with related conditions~~**]** from one facility to another facility operated by the Division.

2. Subject to the provisions of subsection 3, when the Administrator or his or her designee determines that it is in the best interest of the person, the Administrator or his or her designee may discharge, or place on convalescent leave, any person with an intellectual ***disability or a person with a developmental*** disability **[**~~or person with a related condition~~**]** in a facility operated by the Division.

3. When a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ is committed to a division facility by court order, the committing court must be given 10 days' notice before the discharge of that person.

Sec. 25. NRS 435.081 is hereby amended to read as follows:

435.081 1. The Administrator or the Administrator's designee may receive a person ***of this State*** with an intellectual ***disability or a person of this State with a developmental*** disability ~~[or a person with a related condition of this State]~~ for services in a facility operated by the Division if:

(a) The person is a person with an intellectual ***disability or a person with a developmental*** disability ~~[or is a person with a related condition]~~ and is in need of institutional training and treatment;

(b) Space is available which is designed and equipped to provide appropriate care for the person;

(c) The facility has or can provide an appropriate program of training and treatment for the person; and

(d) There is written evidence that no less restrictive alternative is available in the person's community.

2. A person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ may be accepted at a division facility for emergency evaluation when the evaluation is requested by a court. A person must not be retained pursuant to this subsection for more than 10 working days.

3. A court may order that a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ be admitted to a division facility if it finds that admission is necessary because of the death or sudden disability of the parent or guardian of the person. The person must not be retained pursuant to this subsection for more than 45 days. Before the expiration of the 45-day period, the Division shall report to the court its recommendations for placement or treatment of the person. If less restrictive alternatives are not available, the person may be admitted to the facility using the procedures for voluntary or involuntary admission, as appropriate.

4. A child may be received, cared for and examined at a division facility for persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[or persons with related conditions]~~ for not more than 10 working days without admission, if the examination is ordered by a court having jurisdiction of the minor in accordance with the provisions of NRS 62E.280 and subsection 1 of NRS 432B.560. At the end of the 10 days, the Administrator or the Administrator's designee shall report the result of the examination to the court and shall detain the child until the further order of the court, but not to exceed 7 days after the Administrator's report.

5. The parent or guardian of a person believed to be a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ may apply to the administrative officer of a

division facility to have the person evaluated by personnel of the Division who are experienced in the diagnosis of intellectual ***disabilities and developmental*** disabilities **.** ~~[and related conditions.]~~ The administrative officer may accept the person for evaluation without admission.

6. If, after the completion of an examination or evaluation pursuant to subsection 4 or 5, the administrative officer finds that the person meets the criteria set forth in subsection 1, the person may be admitted to the facility using the procedures for voluntary or involuntary admission, as appropriate.

7. If, at any time, the parent or guardian of a person admitted to a division facility on a voluntary basis, or the person himself or herself if the person has attained the age of 18 years, requests in writing that the person be discharged, the administrative officer shall discharge the person. If the administrative officer finds that discharge from the facility is not in the person's best interests, the administrative officer may initiate proceedings for involuntary admission, but the person must be discharged pending those proceedings.

Sec. 26. NRS 435.085 is hereby amended to read as follows:

435.085 The administrative officer of a division facility may authorize the transfer of a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ to a general hospital for necessary diagnostic, medical or surgical services not available within the Division. All expenses incurred under this section must be paid as follows:

1. In the case of a person with an intellectual ***disability or person with a developmental*** disability who is judicially committed **,** ~~[or a person with a related condition who is judicially committed,]~~ the expenses must be paid by the person's parents or guardian to the extent of their reasonable financial ability as determined by the Administrator, and the remainder, if any, is a charge upon the county of the last known residence of the person with an intellectual ***disability or the person with a developmental*** disability ***;*** ~~[or the person with a related condition;]~~

2. In the case of a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ admitted to a division facility pursuant to NRS 435.010, 435.020 and 435.030, the expenses are a charge upon the county from which a certificate was issued pursuant to subsection 2 of NRS 435.030; and

3. In the case of a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ admitted to a division facility upon voluntary application as provided in NRS 435.081, the expenses must be paid by the parents or guardian to the extent of their reasonable financial ability as determined by the Administrator, and for the remainder, if any, the Administrator shall explore all reasonable alternative sources of payment.

Sec. 27. NRS 435.090 is hereby amended to read as follows:

435.090 1. When any child with an intellectual ***disability or any child with a developmental*** disability ~~[or a child with a related condition]~~ is committed to a division facility by a court of competent jurisdiction, the court shall examine the parent, parents or guardian of the child regarding the ability of the parent, parents or guardian or the estate of the child to contribute to the care, support and maintenance of the child while residing in the facility.

2. If the court determines that the parent, parents or guardian of the child is able to contribute, it shall enter an order prescribing the amount to be contributed.

3. If the court determines that the estate of the child is able to contribute, it shall enter an order requiring that a guardian of the estate of the child be appointed, if there is none, and that the guardian of the estate contribute the amount prescribed by the court from the estate.

4. If the parent, parents or guardian fail or refuse to comply with the order of the court, the Division is entitled to recover from the parent, parents or guardian, by appropriate legal action, all sums due together with interest.

Sec. 28. NRS 435.100 is hereby amended to read as follows:

435.100 1. When any person with an intellectual ***disability or any person with a developmental*** disability ~~[or a person with a related condition]~~ is transferred from one care facility operated by the Division to another care facility operated by the Division, the parent, parents or guardian shall continue to contribute the amount for the care, support and maintenance of the person as may have previously been ordered by the court of competent jurisdiction committing the person.

2. If no such order was entered by the committing court, the Division may petition the court for an order requiring the parent, parents or guardian to contribute.

3. Any order for contribution entered under the provisions of subsection 2 must be entered in the same manner and has the same effect as an order for contribution entered under the provisions of NRS 435.090.

Sec. 29. NRS 435.110 is hereby amended to read as follows:

435.110 1. When any child with an intellectual ***disability or any child with a developmental*** disability ~~[or a child with a related condition]~~ is admitted to a facility operated by the Division at the request of a parent, parents or guardian, the parent, parents or guardian shall enter into an agreement with the Division providing for the contribution of an amount for the care, support and maintenance of the child as determined by the Division to be reasonable. In determining the amount, the Division shall give consideration to the ability of the parent, parents or guardian to make such a contribution, and may excuse the making of any contribution.

2. If the parent, parents or guardian fail or refuse to perform under the terms of the agreement, the Division is entitled to recover from the parent,

parents or guardian, by appropriate legal action, all sums due together with interest.

3. If the Division determines that the parent, parents or guardian do not have the ability to contribute an amount sufficient to pay for the care, support and maintenance of the child, but that the estate of the child is able to contribute, the Division may make application to a court of competent jurisdiction for the appointment of a guardian of the estate of the child, if there is none, and for an order requiring the guardian to contribute an amount as determined by the court.

Sec. 30. NRS 435.115 is hereby amended to read as follows:

435.115 The Administrator shall establish a fee schedule, in consultation with the State Association for Retarded Citizens and subject to the approval of the Board and the Director of the Department, for services rendered to persons with intellectual ***disabilities and persons with developmental*** disabilities ~~[and persons with related conditions]~~ by the Division.

Sec. 31. ~~[NRS 435.120 is hereby amended to read as follows:~~

~~435.120 Any money collected by the Division under NRS 435.060 to 435.110, inclusive, must be deposited in the State Treasury, accounted for separately by the Division and must be expended for the augmentation of the [intellectual] *developmental* disability residential placement function, in accordance with the allotment, transfer, work program and budget provisions of NRS 353.150 to 353.245, inclusive.]~~ **(Deleted by amendment.)**

Sec. 32. NRS 435.121 is hereby amended to read as follows:

435.121 1. There are two types of admissions of persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[or persons with related conditions]~~ to an intellectual ~~*[a]*~~ ***and developmental*** disability center:

(a) Voluntary admission.

(b) Involuntary admission.

2. An application for admission of a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ to an intellectual ~~*[a]*~~ ***and developmental*** disability center must be made on a form approved by the Division and the Attorney General. The clerk of each district court in the State shall make the forms available to any person upon request.

Sec. 33. NRS 435.122 is hereby amended to read as follows:

435.122 1. Any person with an intellectual ***disability or any person with a developmental*** disability ~~[or a person with a related condition]~~ may apply to any intellectual ***and developmental*** disability center for admission as a voluntary consumer. The person's parent or guardian or another responsible person may submit the application on his or her behalf.

2. If the person or a responsible party on behalf of the person objects to voluntary admission, the procedure for involuntary admission may be followed.

Sec. 34. NRS 435.123 is hereby amended to read as follows:

435.123 Whenever a person is alleged to be a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ and is alleged to be a clear and present danger to himself or herself or others, the person's parent or guardian or another responsible person may initiate proceedings for his or her involuntary admission to an intellectual ~~*[a]*~~ ***and developmental*** disability center by petitioning the district court of the county where the person resides. The petition must be accompanied by a certificate signed by a physician or licensed psychologist experienced in the diagnosis of intellectual ***disabilities or developmental*** disabilities ~~[and related conditions]~~ stating that he or she has examined the person within the preceding 30 days and has concluded that the person is a person with an intellectual ***disability or a person with a developmental*** disability ~~[or is a person with a related condition,]~~ has demonstrated that the person is a clear and present danger to himself or herself or to others and is in need of institutional training and treatment.

Sec. 35. NRS 435.124 is hereby amended to read as follows:

435.124 Immediately after receiving the petition, the clerk of the district court shall transmit the petition to the district judge, who shall:

1. Determine whether appropriate space and programs are available for the person at the intellectual ***and developmental*** disability center to which it is proposed that the person be admitted; and

2. If appropriate space and programs are available, set a time and place for a hearing on the petition.

➥ The hearing must be held within 7 calendar days after the date when the petition was filed. The clerk of the court shall give notice of the hearing to the person who is the subject of the petition, the person's attorney, if known, the petitioner and the administrative officer of the intellectual ***and developmental*** disability center to which it is proposed that the person be admitted.

Sec. 36. NRS 435.125 is hereby amended to read as follows:

435.125 1. After the petition is filed, the court may cause a physician or licensed psychologist promptly to examine the person who is the subject of the petition or request an evaluation from the intellectual ***and developmental*** disability center to which it is proposed the person be admitted. Any physician or licensed psychologist requested by the court to conduct such an examination must be experienced in the diagnosis of intellectual ***disabilities and developmental*** disabilities ~~[and related conditions.]~~ The examination or evaluation must indicate whether the person is or is not a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ and whether the person is or is not in need of institutional training and treatment.

2. The court may allow the person alleged to be a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ to remain at his or her place of residence

pending any ordered examination and to return upon completion of the examination. One or more of the person's relatives or friends may accompany the person to the place of examination.

Sec. 37. NRS 435.126 is hereby amended to read as follows:

435.126 1. The person alleged to be a person with an intellectual ***disability or a person with a developmental*** disability **,** ~~[or a person with a related condition,]~~ or any relative or friend acting on the person's behalf, is entitled to retain counsel to represent him or her in any proceeding before the district court relating to his or her involuntary admission to an intellectual ~~***[a]***~~ ***and developmental*** disability center.

2. If counsel has not been retained, the court, before proceeding, shall advise the person and the person's guardian, or closest living relative if such a relative can be located, of the person's right to have counsel.

3. If the person fails or refuses to secure counsel, the court shall appoint counsel to represent the person. If the person is indigent, the counsel appointed may be the public defender.

4. Any counsel appointed by the court is entitled to fair and reasonable compensation for his or her services. The compensation must be charged against the property of the person for whom the counsel was appointed. If the person is indigent, the compensation must be charged against the county in which the person alleged to be a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ last resided.

Sec. 38. NRS 435.127 is hereby amended to read as follows:

435.127 In proceedings for involuntary admission of a person to an intellectual ~~***[a]***~~ ***and developmental*** disability center:

1. The court shall hear and consider all relevant evidence, including the certificate, signed by a physician or licensed psychologist, which accompanied the petition and the testimony of persons who conducted examinations or evaluations ordered by the court after the petition was filed.

2. The person must be present and has the right to testify, unless the physician or licensed psychologist who signed the certificate, or who examined the person as ordered by the court, is present and testifies that the person is so severely disabled that he or she is unable to be present.

3. The person may obtain independent evaluation and expert opinion at his or her own expense, and may summon other witnesses.

Sec. 39. NRS 435.128 is hereby amended to read as follows:

435.128 1. Upon completion of the proceedings for involuntary admission of a person to an intellectual ~~***[a]***~~ ***and developmental*** disability center, if the court finds:

(a) That the person is a person with an intellectual ***disability or a person with a developmental*** disability **,** ~~[or a person with a related condition,]~~ has demonstrated that the person is a clear and present danger to himself or herself or others and is in need of institutional training and treatment;

(b) That appropriate space and programs are available at the intellectual ***and developmental*** disability center to which it is proposed that the person be admitted; and

(c) That there is no less restrictive alternative to admission to an intellectual ~~***[a]***~~ ***and developmental*** disability center which would be consistent with the best interests of the person,

➥ the court shall by written order certify that the person is eligible for involuntary admission to an intellectual ~~***[a]***~~ ***and developmental*** disability center.

2. A certificate of eligibility for involuntary admission expires 12 months after the date of issuance if the consumer has not been discharged earlier by the procedure provided in NRS 435.129. At the end of the 12-month period, the administrative officer of the intellectual ***and developmental*** disability center may petition the court to renew the certificate for an additional period of not more than 12 months. Each petition for renewal must set forth the specific reasons why further treatment is required. A certificate may be renewed more than once.

Sec. 40. NRS 435.129 is hereby amended to read as follows:

435.129 1. If the administrative officer of an intellectual ~~***[a]***~~ ***and developmental*** disability center finds that a consumer is no longer in need of the services offered at the center, the administrative officer shall discharge that consumer.

2. A written notice of the discharge must be given to the consumer and the consumer's representatives at least 10 days before the discharge.

3. If the consumer was admitted involuntarily, the Administrator shall, at least 10 days before the discharge, notify the district court which issued the certificate of eligibility for the person's admission.

Sec. 41. NRS 435.130 is hereby amended to read as follows:

435.130 The intent of the Legislature in the enactment of NRS 435.130 to 435.310, inclusive, is to aid persons with intellectual ***disabilities and persons with developmental*** disabilities ~~[and persons with related conditions]~~ who are not served by existing programs in receiving high quality care and training in an effort to help them become useful citizens.

Sec. 42. NRS 435.176 is hereby amended to read as follows:

435.176 "Jobs and day training services" means individualized services for day habilitation, prevocational, employment and supported employment:

1. Which are provided:

(a) For compensation;

(b) In a division facility or in the community; and

(c) To a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ who is served by the Division; and

2. Which are designed to assist the person in:

(a) Learning or maintaining skills;

(b) Succeeding in paid or unpaid employment;

(c) Increasing self-sufficiency, including, without limitation, training and habilitation services; and

(d) Contributing to the person's community.

Sec. 43. NRS 435.220 is hereby amended to read as follows:

435.220 1. The Administrator shall adopt regulations governing jobs and day training services, including, without limitation, regulations that set forth:

(a) Standards for the provision of quality care and training by providers of jobs and day training services;

(b) The requirements for the issuance and renewal of a certificate; and

(c) The rights of consumers of jobs and day training services, including, without limitation, the right of a consumer to file a complaint and the procedure for filing the complaint.

2. The Division may enter into such agreements with public and private agencies as it deems necessary for the provision of jobs and day training services. Any such agreements must include a provision stating that employment is the preferred service option for all adults of working age.

3. For the purpose of entering into an agreement described in subsection 2, if the qualifications of more than one agency are equal, the Division shall give preference to the agency that will provide persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[or persons with related conditions]~~ with training and experience that demonstrates a progression of measurable skills that is likely to lead to competitive employment outcomes that provide employment that:

(a) Is comparable to employment of persons without intellectual ***disabilities or persons without developmental*** disabilities ***;*** ~~[and persons without related conditions;]~~ and

(b) Pays at or above the minimum wage prescribed by regulation of the Labor Commissioner pursuant to NRS 608.250.

Sec. 44. NRS 435.225 is hereby amended to read as follows:

435.225 1. A partnership, firm, corporation or association, including, without limitation, a nonprofit organization, or a state or local government or agency thereof shall not provide jobs and day training services in this State without first obtaining a certificate from the Division.

2. A natural person other than a person who is employed by an entity listed in subsection 1 shall not provide jobs and day training services in this State without first obtaining a certificate from the Division.

3. For the purpose of issuing a certificate pursuant to this section, if the qualifications of more than one applicant are equal, the Division shall give preference to the natural person who, or the nonprofit organization, state or local government or agency thereof that, will provide persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[or persons with related conditions]~~ with training and experience that demonstrates a progression of measurable skills that is likely to lead to competitive employment outcomes that provide employment that:

(a) Is comparable to employment of persons without intellectual ***disabilities or persons without developmental*** disabilities ***;*** ~~[and persons without related conditions;]~~ and

(b) Pays at or above the minimum wage prescribed by regulation of the Labor Commissioner pursuant to NRS 608.250.

4. Each application for the issuance or renewal of a certificate issued pursuant to this section must include a provision stating that employment is the preferred service option for all adults of working age.

Sec. 45. NRS 435.310 is hereby amended to read as follows:

435.310 A provider of jobs and day training services certified pursuant to NRS 435.130 to 435.310, inclusive ~~[, may enter]~~ ***:***

1. Except as otherwise provided in subsection 2, may enter into contracts with authorized county and school officials and public and private agencies to give care and training to persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ who would also qualify for care or training programs offered by the public schools or by county welfare programs.

2. Shall not enter into a contract or other arrangement with any person or governmental entity to provide for the employment of a person under 25 years of age where the person will be paid less than the federal minimum wage.

Sec. 46. NRS 435.3315 is hereby amended to read as follows:

435.3315 "Supported living arrangement services" means flexible, individualized services provided in the home, for compensation, to a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ who is served by the Division that are designed and coordinated to assist the person in maximizing the person's independence, including, without limitation, training and habilitation services.

Sec. 47. NRS 435.340 is hereby amended to read as follows:

435.340 Neither voluntary admission nor judicial commitment nor any other procedure provided in this chapter may be construed as depriving a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ of the person's full civil and legal rights by any method other than a separate judicial proceeding resulting in a determination of incompetency wherein the civil and legal rights forfeited and the legal disabilities imposed are specifically stated.

Sec. 48. NRS 435.350 is hereby amended to read as follows:

435.350 1. Each person with an intellectual ***disability and each person with a developmental*** disability ~~[and each person with a related condition]~~ admitted to a division facility is entitled to all rights enumerated in NRS 435.006, 435.565 and 435.570.

2. The Administrator shall designate a person or persons to be responsible for establishment of regulations relating to denial of rights of persons with an intellectual ***disability or persons with a developmental***

disability **.** ~~[and persons with related conditions.]~~ The person designated shall file the regulations with the Administrator.

3. Consumers' rights specified in NRS 433.482, 433.484, 435.565 and 435.570 may be denied only for cause. Any denial of such rights must be entered in the consumer's treatment record, and notice of the denial must be forwarded to the Administrator's designee or designees as provided in subsection 2. Failure to report denial of rights by an employee may be grounds for dismissal.

4. Upon receipt of notice of a denial of rights as provided in subsection 3, the Administrator's designee or designees shall cause a full report to be prepared which sets forth in detail the factual circumstances surrounding the denial. A copy of the report must be sent to the Administrator and the Commission on Behavioral Health.

5. The Commission on Behavioral Health has such powers and duties with respect to reports of denial of rights as are enumerated for the Commission on Behavioral Health in subsection 3 of NRS 435.610.

Sec. 49. NRS 435.360 is hereby amended to read as follows:

435.360 1. The relatives of a consumer with an intellectual ***disability or a consumer with a developmental*** disability ~~[or a consumer with a related condition]~~ who is 18 years of age or older are not responsible for the costs of the consumer's care and treatment within a division facility.

2. The consumer or the consumer's estate, when able, may be required to contribute a reasonable amount toward the costs of the consumer's care and treatment. Otherwise, the full costs of the services must be borne by the State.

Sec. 50. NRS 435.365 is hereby amended to read as follows:

435.365 1. To the extent that money is available for that purpose, whenever a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a related condition]~~ is cared for by a parent or other relative with whom the person lives, that parent or relative is eligible to receive assistance on a monthly basis from the Division for each such person who lives and is cared for in the home if the Division finds that:

(a) The person with an intellectual ***disability or the person with a developmental*** disability ~~[or a related condition]~~ has been diagnosed as having a profound or severe intellectual ***disability or developmental*** disability or, if he or she is under 6 years of age, has developmental delays that require support that is equivalent to the support required by a person with a profound or severe intellectual ***disability or a person with a profound or severe developmental*** disability ***;*** ~~[or a related condition;]~~

(b) The person with an intellectual ***disability or the person with a developmental*** disability ~~[or a related condition]~~ is receiving adequate care; and

(c) The person with an intellectual ***disability or the person with a developmental*** disability ~~[or a related condition]~~ and the parent or other

relative with whom the person lives is not reasonably able to pay for his or her care and support.

➥ The amount of the assistance must be established by legislative appropriation for each fiscal year.

2. The Administrator shall adopt regulations:

(a) Which establish a procedure of application for assistance;

(b) For determining the eligibility of an applicant pursuant to subsection 1; and

(c) For determining the amount of assistance to be provided to an eligible applicant.

3. The Administrator shall establish a waiting list for applicants who are eligible for assistance but who are denied assistance because the legislative appropriation is insufficient to provide assistance for all eligible applicants.

4. The decision of the Administrator regarding eligibility for assistance or the amount of assistance to be provided is a final administrative decision.

Sec. 51. NRS 435.370 is hereby amended to read as follows:

435.370 The Division may make such rules and regulations and enter such agreements with public and private agencies as are deemed necessary to implement residential placement-foster family care programs for persons with intellectual ***disabilities or persons with developmental*** disabilities **.** ~~[and persons with related conditions.]~~

Sec. 52. NRS 435.375 is hereby amended to read as follows:

435.375 1. The Division shall enter into a cooperative agreement with the Rehabilitation Division of the Department of Employment, Training and Rehabilitation to provide long-term support to persons with intellectual ***disabilities or persons with developmental*** disabilities **,** ~~[and persons with related conditions,]~~ including, without limitation, jobs and day training services and supported living arrangement services. The agreement must include a provision stating that employment is the preferred service option for all adults of working age.

2. The Administrator may adopt regulations governing the provision of services to persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ who are unable or unwilling to be employed.

Sec. 53. NRS 435.380 is hereby amended to read as follows:

435.380 1. All gifts or grants of money which the Division is authorized to accept must be spent in accordance with the provisions of the gift or grant. In the absence of those provisions, the Division must spend the money for the purpose approved by the Interim Finance Committee.

2. All such money must be deposited in the State Treasury to the credit of the Intellectual ***and Developmental*** Disability Gift Account in the Department of Health and Human Services' Gift Fund.

3. All claims must be approved by the Administrator before they are paid.

Sec. 54. NRS 435.390 is hereby amended to read as follows:

435.390 1. The administrative officer of any division facility where persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[or persons with related conditions]~~ reside may establish a canteen operated for the benefit of consumers and employees of the facility. The administrative officer shall keep a record of transactions in the operation of the canteen.

2. Each canteen must be self-supporting. No money provided by the State may be used for its operation.

3. The respective administrative officers shall deposit the money used for the operation of the canteen in one or more banks or credit unions of reputable standing, except that an appropriate sum may be maintained as petty cash at each canteen.

Sec. 55. NRS 435.400 is hereby amended to read as follows:

435.400 1. The division facilities providing services for persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ are designated as:

(a) Desert Regional Center;

(b) Sierra Regional Center; and

(c) Rural Regional Center.

2. Division facilities established after July 1, 1981, must be named by the Administrator, subject to the approval of the Director of the Department.

Sec. 56. NRS 435.411 is hereby amended to read as follows:

435.411 The administrative officer of a facility of the Division must:

1. Be selected on the basis of training and demonstrated administrative qualities of leadership in any one of the fields of psychiatry, medicine, psychology, social work, education or administration.

2. Be appointed on the basis of merit as measured by administrative training or experience in programs relating to intellectual ***disabilities and developmental*** disabilities, including care and treatment of persons with intellectual ***disabilities and persons with developmental*** disabilities **.** ~~[and persons with related conditions.]~~

Sec. 57. NRS 435.425 is hereby amended to read as follows:

435.425 1. The Division shall carry out a vocational and educational program for the certification of intellectual ***and developmental*** disability technicians, including forensic technicians employed by the Division, or other employees of the Division who perform similar duties, but are classified differently. The program must be carried out in cooperation with the Nevada System of Higher Education.

2. An intellectual ~~*[A]*~~ ***and developmental*** disability technician is responsible to the director of the service in which his or her duties are performed. The director of a service may be a licensed physician, dentist, podiatric physician, psychiatrist, psychologist, rehabilitation therapist, social worker, registered nurse or other professionally qualified person. This section does not authorize an intellectual ~~*[a]*~~ ***and developmental*** disability technician

to perform duties which require the specialized knowledge and skill of a professionally qualified person.

3. The Administrator shall adopt regulations to carry out the provisions of this section.

4. As used in this section, "intellectual ~~*[“developmental]*~~ ***and developmental*** disability technician" means an employee of the Division who, for compensation or personal profit, carries out procedures and techniques which involve cause and effect and which are used in the care, treatment and rehabilitation of persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions,]~~ and who has direct responsibility for:

(a) Administering or carrying out specific therapeutic procedures, techniques or treatments, excluding medical interventions, to enable consumers to make optimal use of their therapeutic regime, their social and personal resources, and their residential care; or

(b) The application of interpersonal and technical skills in the observation and recognition of symptoms and reactions of consumers, for the accurate recording of such symptoms and reactions, and for carrying out treatments authorized by members of the interdisciplinary team that determines the treatment of the consumers.

Sec. 58. NRS 435.430 is hereby amended to read as follows:

435.430 1. The Administrator shall adopt regulations:

(a) For the care and treatment of persons with intellectual ***disabilities and persons with developmental*** disabilities ~~[and persons with related conditions]~~ by all state agencies and facilities, and their referral to private facilities;

(b) To ensure continuity in the care and treatment provided to persons with intellectual ***disabilities and persons with developmental*** disabilities ~~[and persons with related conditions]~~ in this State; and

(c) Necessary for the proper and efficient operation of the facilities of the Division.

2. The Administrator may adopt regulations to promote programs relating to intellectual ***disabilities or developmental*** disabilities **.** ~~[and related conditions.]~~

Sec. 59. NRS 435.445 is hereby amended to read as follows:

435.445 The Division or its designated agent may inspect any division facility providing services for persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ to determine if the facility is in compliance with the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 60. NRS 435.455 is hereby amended to read as follows:

435.455 The Division may, by contract with general hospitals or other institutions having adequate facilities in the State of Nevada, provide for inpatient care of persons with intellectual ***disabilities or persons with developmental*** disabilities **.** ~~[and persons with related conditions.]~~

Sec. 61. NRS 435.460 is hereby amended to read as follows:

435.460 The Division may contract with appropriate persons professionally qualified in the field of psychiatric mental health to provide inpatient and outpatient care for persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ when it appears that they can be treated best in that manner.

Sec. 62. NRS 435.470 is hereby amended to read as follows:

435.470 Nothing in this chapter precludes the involuntary court-ordered admission of a person with an intellectual ~~[a]~~ ***disability or a person with a developmental*** disability ~~[or person with a related condition]~~ to a private institution where such admission is authorized by law.

Sec. 63. NRS 435.490 is hereby amended to read as follows:

435.490 1. Upon approval of the Director of the Department, the Administrator may accept:

(a) Donations of money and gifts of real or personal property; and

(b) Grants of money from the Federal Government,

➥ for use in public or private programs that provide services to persons in this State with intellectual ***disabilities or persons with developmental*** disabilities **.** ~~[and persons with related conditions.]~~

2. The Administrator shall disburse any donations, gifts and grants received pursuant to this section to programs that provide services to persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ in a manner that supports the plan to coordinate services created by the Commission on Behavioral Health pursuant to subsection 7 of NRS 433.316. In the absence of a plan to coordinate services, the Administrator shall make disbursements to programs that will maximize the benefit provided to persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ in consideration of the nature and value of the donation, gift or grant.

3. Within limits of legislative appropriations or other available money, the Administrator may enter into a contract for services related to the evaluation and recommendation of recipients for the disbursements required by this section.

Sec. 64. NRS 435.495 is hereby amended to read as follows:

435.495 1. The Division shall establish a fee schedule for services rendered through any program supported by the State pursuant to the provisions of this chapter. The schedule must be submitted to the Commission on Behavioral Health and the Director of the Department for joint approval before enforcement. The fees collected by facilities operated by the Division pursuant to this schedule must be deposited in the State Treasury to the credit of the State General Fund, except as otherwise provided in NRS 435.465 for fees collected pursuant to contract or agreement and in NRS 435.120 for fees collected for services to consumers with

intellectual ***disabilities or consumers with developmental*** disabilities **.** ~~[and related conditions.]~~

2. For a facility providing services for the treatment of persons with intellectual ***disabilities or persons with developmental*** disabilities **,** ~~[and persons with related conditions,]~~ the fee established must approximate the cost of providing the service, but if a consumer is unable to pay in full the fee established pursuant to this section, the Division may collect any amount the consumer is able to pay.

Sec. 65. NRS 435.505 is hereby amended to read as follows:

435.505 An intellectual ~~*[A]*~~ ***and developmental*** disability center revolving account up to the amount of $5,000 is hereby created for each division intellectual ***and developmental*** disability center, and may be used for the payment of ***bills of the*** intellectual ***and developmental*** disability center ~~[bills]~~ requiring immediate payment and for no other purposes. The respective administrative officers shall deposit the money for the respective revolving accounts in one or more banks or credit unions of reputable standing. Payments made from each account must be promptly reimbursed from appropriated money of the respective intellectual ***and developmental*** disability centers on claims as other claims against the State are paid.

Sec. 66. NRS 435.515 is hereby amended to read as follows:

435.515 1. For the purpose of facilitating the return of nonresident consumers to the state in which they have legal residence, the Administrator may enter into reciprocal agreements, consistent with the provisions of this chapter, with the proper boards, commissioners or officers of other states for the mutual exchange of consumers confined in, admitted or committed to an intellectual ~~*[a]*~~ ***or developmental*** disability facility in one state whose legal residence is in the other, and may give written permission for the return and admission to a division facility of any resident of this State when such permission is conformable to the provisions of this chapter governing admissions to a division facility.

2. The county clerk and board of county commissioners of each county, upon receiving notice from the Administrator that an application for the return of an alleged resident of this State has been received, shall promptly investigate and report to the Administrator their findings as to the legal residence of the consumer.

Sec. 67. NRS 435.535 is hereby amended to read as follows:

435.535 "Administrative officer" means a person with overall executive and administrative responsibility for a facility that provides services relating to intellectual ***disabilities or developmental*** disabilities ~~[and related conditions]~~ and that is operated by any public or private entity.

Sec. 68. NRS 435.575 is hereby amended to read as follows:

435.575 1. An individualized written plan of intellectual ***disability services or developmental*** disability services ~~[or plan of services for a related condition]~~ must be developed ***, as applicable,*** for each consumer of each facility. The plan must:

(a) Provide for the least restrictive treatment procedure that may reasonably be expected to benefit the consumer; and

(b) Be developed with the input and participation of:

(1) The consumer, to the extent that he or she is able to provide input and participate; and

(2) To the extent that the consumer is unable to provide input and participate, the parent or guardian of the consumer if the consumer is under 18 years of age and is not legally emancipated, or the legal guardian of a consumer who has been adjudicated mentally incompetent.

2. The plan must be kept current and must be modified, with the input and participation of the consumer, the parent or guardian of the consumer or the legal guardian of the consumer, as appropriate, when indicated. The plan must be thoroughly reviewed at least once every 3 months.

3. The person in charge of implementing the plan of services must be designated in the plan.

Sec. 69. NRS 435.645 is hereby amended to read as follows:

435.645 1. An employee of a public or private facility offering services for persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ or any other person, except a consumer, who:

(a) Has reason to believe that a consumer of the Division or of a private facility offering services for consumers with intellectual ***disabilities or consumers with developmental*** disabilities ~~[and consumers with related conditions]~~ has been or is being abused or neglected and fails to report it;

(b) Brings intoxicating beverages or a controlled substance into any division facility occupied by consumers unless specifically authorized to do so by the administrative officer or a staff physician of the facility;

(c) Is under the influence of liquor or a controlled substance while employed in contact with consumers, unless in accordance with a lawfully issued prescription;

(d) Enters into any transaction with a consumer involving the transfer of money or property for personal use or gain at the expense of the consumer; or

(e) Contrives the escape, elopement or absence of a consumer,

➥ is guilty of a misdemeanor, in addition to any other penalties provided by law.

2. In addition to any other penalties provided by law, an employee of a public or private facility offering services for persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ or any other person, except a consumer, who willfully abuses or neglects a consumer:

(a) For a first violation that does not result in substantial bodily harm to the consumer, is guilty of a gross misdemeanor.

(b) For a first violation that results in substantial bodily harm to the consumer, is guilty of a category B felony.

(c) For a second or subsequent violation, is guilty of a category B felony.

➥ A person convicted of a category B felony pursuant to this section shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

3. A person who is convicted pursuant to this section is ineligible for 5 years for appointment to or employment in a position in the state service and, if the person is an officer or employee of the State, the person forfeits his or her office or position.

4. A conviction pursuant to this section is, when applicable, grounds for disciplinary action against the person so convicted and the facility where the violation occurred. The Division may recommend to the appropriate agency or board the suspension or revocation of the professional license, registration, certificate or permit of a person convicted pursuant to this section.

5. For the purposes of this section:

(a) "Abuse" means any willful and unjustified infliction of pain, injury or mental anguish upon a consumer, including, but not limited to:

(1) The rape, sexual assault or sexual exploitation of the consumer;

(2) The use of any type of aversive intervention;

(3) Except as otherwise provided in NRS 433.5486, a violation of NRS 433.549; and

(4) The use of physical, chemical or mechanical restraints or the use of seclusion in violation of federal law.

➥ Any act which meets the standard of practice for care and treatment does not constitute abuse.

(b) "Consumer" includes any person who seeks, on the person's own or others' initiative, and can benefit from, care, treatment and training in a public or private institution or facility offering services for persons with intellectual ***disabilities or persons with developmental*** disabilities **.** ~~[and persons with related conditions.]~~

(c) "Neglect" means any omission to act which causes injury to a consumer or which places the consumer at risk of injury, including, but not limited to, the failure to follow:

(1) An appropriate plan of treatment to which the consumer has consented; and

(2) The policies of the facility for the care and treatment of consumers.

➥ Any omission to act which meets the standard of practice for care and treatment does not constitute neglect.

(d) "Standard of practice" means the skill and care ordinarily exercised by prudent professional personnel engaged in health care.

Sec. 70. NRS 435.655 is hereby amended to read as follows:

435.655 1. When a person is admitted to a division facility or hospital under one of the various forms of admission prescribed by law, the parent or legal guardian of a person with an intellectual ***disability or a person with a developmental*** disability ~~[or person with a related condition]~~ who is a minor or the husband or wife of a person with an intellectual ***disability or a person***

with a developmental disability **,** ~~[or person with a related condition,]~~ if of sufficient ability, and the estate of the person with an intellectual ***disability or the person with a developmental*** disability **,** ~~[or person with a related condition,]~~ if the estate is sufficient for the purpose, shall pay the cost of the maintenance for the person with an intellectual ***disability or the person with a developmental*** disability **,** ~~[or person with a related condition,]~~ including treatment and surgical operations, in any hospital in which the person is hospitalized under the provisions of this chapter:

(a) To the administrative officer if the person is admitted to a division facility; or

(b) In all other cases, to the hospital rendering the service.

2. If a person or an estate liable for the care, maintenance and support of a committed person neglects or refuses to pay the administrative officer or the hospital rendering the service, the State is entitled to recover, by appropriate legal action, all money owed to a division facility or which the State has paid to a hospital for the care of a committed person, plus interest at the rate established pursuant to NRS 99.040.

Sec. 71. NRS 435.700 is hereby amended to read as follows:

435.700 1. A public or private facility offering services for persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ may return a prescription drug that is dispensed to a patient of the facility, but will not be used by that patient, to the dispensing pharmacy for the purpose of reissuing the drug to fill other prescriptions for patients in that facility or for the purpose of transferring the drug to a nonprofit pharmacy designated by the State Board of Pharmacy pursuant to NRS 639.2676 if:

(a) The drug is not a controlled substance;

(b) The drug is dispensed in a unit dose, in individually sealed doses or in a bottle that is sealed by the manufacturer of the drug;

(c) The drug is returned unopened and sealed in the original manufacturer's packaging or bottle;

(d) The usefulness of the drug has not expired;

(e) The packaging or bottle contains the expiration date of the usefulness of the drug; and

(f) The name of the patient for whom the drug was originally prescribed, the prescription number and any other identifying marks are obliterated from the packaging or bottle before the return of the drug.

2. A dispensing pharmacy to which a drug is returned pursuant to this section may:

(a) Reissue the drug to fill other prescriptions for patients in the same facility if the registered pharmacist of the pharmacy determines that the drug is suitable for that purpose in accordance with standards adopted by the State Board of Pharmacy pursuant to subsection 5; or

(b) Transfer the drug to a nonprofit pharmacy designated by the State Board of Pharmacy pursuant to NRS 639.2676.

3. No drug that is returned to a dispensing pharmacy pursuant to this section may be used to fill other prescriptions more than one time.

4. A facility offering services for persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ shall adopt written procedures for returning drugs to a dispensing pharmacy pursuant to this section. The procedures must:

(a) Provide appropriate safeguards for ensuring that the drugs are not compromised or illegally diverted during their return.

(b) Require the maintenance and retention of such records relating to the return of such drugs as are required by the State Board of Pharmacy.

(c) Be approved by the State Board of Pharmacy.

5. The State Board of Pharmacy shall adopt such regulations as are necessary to carry out the provisions of this section, including, without limitation, requirements for:

(a) Returning and reissuing such drugs pursuant to the provisions of this section.

(b) Transferring drugs to a nonprofit pharmacy pursuant to the provisions of this section and NRS 639.2676.

(c) Maintaining records relating to the return and the use of such drugs to fill other prescriptions.

Sec. 72. ~~[NRS 176A.047 is hereby amended to read as follows:~~

~~176A.047 "Intellectual disability" [has the meaning ascribed to it in NRS 433.099.] *means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period.]*~~ **(Deleted by amendment.)**

Sec. 73. NRS 220.125 is hereby amended to read as follows:

220.125 1. The Legislative Counsel shall, to the extent practicable, ensure that persons with physical, mental or cognitive disabilities are referred to in Nevada Revised Statutes using language that is commonly viewed as respectful and sentence structure that refers to the person before referring to his or her disability.

2. Words and terms that are preferred for use in Nevada Revised Statutes include, without limitation, "persons with disabilities," "persons with mental illness," ***"persons with developmental disabilities,"*** "persons with intellectual disabilities" and other words and terms that are structured in a similar manner.

3. Words and terms that are not preferred for use in Nevada Revised Statutes include, without limitation, "disabled," "handicapped," "mentally disabled," "mentally ill," "mentally retarded" and other words and terms that tend to equate the disability with the person.

Sec. 74. NRS 608.255 is hereby amended to read as follows:

608.255 For the purposes of this chapter and any other statutory or constitutional provision governing the minimum wage paid to an employee, the following relationships do not constitute employment relationships and are therefore not subject to those provisions:

1. The relationship between a rehabilitation facility or workshop established by the Department of Employment, Training and Rehabilitation pursuant to chapter 615 of NRS and an individual with a disability who is participating in a training or rehabilitative program of such a facility or workshop.

2. The relationship between a provider of jobs and day training services which is recognized as exempt pursuant to the provisions of 26 U.S.C. § 501(c)(3) and which has been issued a certificate by the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to NRS 435.130 to 435.310, inclusive, and a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ participating in a jobs and day training services program.

3. The relationship between a principal and an independent contractor.

4. As used in this section, "developmental disability" has the meaning ascribed to it in NRS 435.007.

Sec. 75. In preparing supplements to the Nevada Administrative Code, the Legislative Counsel shall make such changes as necessary so that references in chapters 433 and 435 of the Nevada Administrative Code to "mental retardation," ~~["intellectual disabilities,"]~~ "related conditions" and related terms are replaced with references to "developmental disabilities" and related terms.

Sec. 76. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 77. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 78. NRS ~~[433.099 and]~~ 433.211 ~~[are]~~ **is** hereby repealed.

Sec. 79. 1. This act becomes effective upon passage and approval for the purposes of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act, and on January 1, 2018, for all other purposes.

2. Section 22 of this act expires by limitation on June 30, 2019.

TEXT OF REPEALED ~~[SECTIONS]~~ SECTION

~~[433.099 "Intellectual disability" defined. "Intellectual disability" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period.]~~

433.211 "Persons with related conditions" defined. "Persons with related conditions" means persons who have a severe, chronic disability which:

1. Is attributable to:

(a) Cerebral palsy or epilepsy; or

(b) Any other condition, other than mental illness, found to be closely related to an intellectual disability because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of a person with an intellectual disability and requires treatment or services similar to those required by a person with an intellectual disability;

2. Is manifested before the person affected attains the age of 22 years;

3. Is likely to continue indefinitely; and

4. Results in substantial functional limitations in three or more of the following areas of major life activity:

(a) Taking care of oneself;

(b) Understanding and use of language;

(c) Learning;

(d) Mobility;

(e) Self-direction; and

(f) Capacity for independent living.

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 241.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 132.

SUMMARY—Requires baby changing ~~[facilities]~~ **tables** in certain ~~[public restrooms.]~~ **buildings and facilities used by the public.** (BDR 22-861)

AN ACT relating to public accommodations; providing that counties and cities must include in building codes or adopt by ordinance a requirement that ~~[public restrooms in]~~ certain buildings **and facilities used by the public** be equipped with **one or more** baby changing ~~[facilities;]~~ **tables; requiring the board of trustees of any school district that adopts a building code to include such a provision in the code;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the governing body of any county or incorporated city is authorized to: (1) regulate matters relating to the construction of buildings; and (2) adopt building codes. (NRS 244.3675, 268.413) **In any county whose population is 700,000 or more, the board of trustees of the school district generally regulates the construction of buildings and facilities of the district and is required to adopt any building code necessary to perform that function. (NRS 393.110) Section 1** of this bill requires each county and city to include in its respective building code a requirement that

every ~~[public restroom in a building]~~ **permanent building and facility used by the public and** constructed on or after ~~[the effective date of this bill]~~ **October 1, 2017,** be equipped with **one or more** baby changing ~~[facilities.]~~ **tables accessible to men and women.** If a county or city has no building code, **section 1** requires the county or city to adopt this requirement by ordinance. **Section 1 further provides that the building code or ordinance, as applicable, must provide an exception for any building or facility that is not lawfully accessible by persons under 18 years of age. Finally, section 1 provides that it applies, without limitation, to any school district for which a building code is adopted as described above. Sections 2-4** of this bill make conforming changes.

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

Section 1. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Each]~~ Except as otherwise provided in subsection 3, each county , ~~[and]~~ city and any other governmental entity that adopts a building code shall include in its respective building code a requirement that ~~[every public restroom in a building]~~ any permanent building or facility used by the public and constructed on or after ~~[the effective date of this act]~~ October 1, 2017, be equipped with ~~[baby changing facilities.]~~ at least one baby changing table. If a baby changing table is not accessible in such a building or facility to both men and women, the building code must require that the building or facility be equipped with at least one such table accessible to men and at least one such table accessible to women.

2. ~~[If]~~ Except as otherwise provided in subsection 3, if a county or a city has no building code, it shall adopt by ordinance a requirement that ~~[every public restroom in a building]~~ any permanent building or facility used by the public and constructed on or after ~~[the effective date of this act]~~ October 1, 2017, be equipped with ~~[baby changing facilities.]~~ one or more baby changing tables as provided in subsection 1.

3. A building code or ordinance adopted pursuant to this section must provide an exception to the requirements described in subsection 1 or 2, as applicable, for any building or facility that is not lawfully accessible by persons under 18 years of age.

4. The provisions of this section apply, without limitation, to any school district for which a building code is adopted pursuant to subsection 2 of NRS 393.110.

Sec. 2. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 244.3675 is hereby amended to read as follows:

244.3675 Subject to the limitations set forth in NRS 244.368, 278.02315, 278.580, 278.582, 278.586, 444.340 to 444.430, inclusive, and 477.030, ***and section 1 of this act,*** the boards of county commissioners within their respective counties may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the county.

2. Adopt any building, electrical, housing, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, these fees do not apply to the State of Nevada or the Nevada System of Higher Education.

Sec. 4. NRS 268.413 is hereby amended to read as follows:

268.413 Subject to the limitations contained in NRS 244.368, 278.02315, 278.580, 278.582, 278.586, 444.340 to 444.430, inclusive, and 477.030, ***and section 1 of this act,*** the city council or other governing body of an incorporated city may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the city.

2. Adopt any building, electrical, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, those fees do not apply to the State of Nevada or the Nevada System of Higher Education.

Sec. 5. This act becomes effective upon passage and approval ~~[.]~~ **for the purpose of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act and on October 1, 2017, for all other purposes.**

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 291.

Bill read second time.

The following amendment was proposed by the Committee on Corrections, Parole, and Probation:

Amendment No. 339.

SUMMARY—Revises provisions relating to **reports of** presentence investigations and ~~[reports.]~~ **general investigations.** (BDR 14-1076)

AN ACT relating to criminal procedure; revising provisions relating to **reports of** presentence investigations and ~~[reports;]~~ **general investigations;** requiring certain information to be included in a presentence report; ~~[revising the limitation of time for disclosure]~~ **authorizing the court to order the correction** of the factual content of reports of presentence investigations **and general investigations** by the Division of Parole and Probation of the

Department of Public Safety **[,] under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Division of Parole and Probation of the Department of Public Safety to make presentence investigations and reports in certain circumstances and to include certain information and recommendations. (NRS 176.133-176.159) **Section 1** of this bill requires the Division to also include in the report of any presentence investigation **: (1) certain information concerning the criminal history of the defendant; and (2) whether information pertaining to the defendant's financial condition has been verified. Section 1 also requires the Division to include** the source of any information as stated in the report, that is related to the defendant's offense, including information from: (1) a police report; (2) an investigative report filed with law enforcement; or (3) any other source available to the Division. Further, **section 1** ~~[removes the requirement that]~~ **requires** the Division **to** include **any scoresheets or scales used to determine** a recommendation: (1) of certain penalties for the defendant; and (2) if appropriate, that the defendant undergo a program of regimental discipline. Additionally, **sections 1 and 2** of this bill change the term "criminal record" to "criminal convictions."

Existing law requires the Division to ~~[disclose the factual content of the report of any presentence investigation and the recommendations of the Division to the prosecuting attorney, the counsel for the defendant, the defendant and the court not later than 14 calendar days before the defendant will be sentenced, unless the defendant waives the minimum period. (NRS 176.153) Section 3 of this bill increases the time limitation for such disclosure from 14 to 21 calendar days, and removes the requirement to include the recommendations of the Division.]~~ **afford an opportunity to the prosecuting attorney, the counsel for the defendant and the defendant to object to factual errors in a report of any presentence investigation or general investigation. (NRS 176.156) Section 4 of this bill authorizes the court to order the Division to correct the contents of any such report following sentencing of the defendant if the prosecuting attorney and the defendant stipulate to correcting the contents of any such report within 180 days after the date on which the judgment of conviction was entered.**

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

Section 1. NRS 176.145 is hereby amended to read as follows:

176.145 1. The report of any presentence investigation must contain:

(a) Any ~~[prior]~~ **:**

(1) Prior criminal ~~[record]~~ ***convictions*** of the defendant;

(2) Unresolved criminal cases involving the defendant;

(3) Incidents in which the defendant has failed to appear in court when his or her presence was required;

(4) Arrests during the 10 years immediately preceding the date of the offense for which the report is being prepared; and

(5) Participation in any program in a specialty court or any diversionary program, including whether the defendant successfully completed the program;

(b) Information concerning the characteristics of the defendant, the defendant's financial condition, ***including whether the information pertaining to the defendant's financial condition has been verified,*** the circumstances affecting the defendant's behavior and the circumstances of the defendant's offense that may be helpful in imposing sentence, in granting probation or in the correctional treatment of the defendant;

(c) Information concerning the effect that the offense committed by the defendant has had upon the victim, including, without limitation, any physical or psychological harm or financial loss suffered by the victim, to the extent that such information is available from the victim or other sources, but the provisions of this paragraph do not require any particular examination or testing of the victim, and the extent of any investigation or examination is solely at the discretion of the court or the Division and the extent of the information to be included in the report is solely at the discretion of the Division;

(d) Information concerning whether the defendant has an obligation for the support of a child, and if so, whether the defendant is in arrears in payment on that obligation;

(e) Data or information concerning reports and investigations thereof made pursuant to chapter 432B of NRS that relate to the defendant and are made available pursuant to NRS 432B.290;

(f) The results of the evaluation of the defendant conducted pursuant to NRS 484C.300, if such an evaluation is required pursuant to that section;

(g) A recommendation of a minimum term and a maximum term of imprisonment or other term of imprisonment authorized by statute, or a fine, or both;

(h) A recommendation, if the Division deems it appropriate, that the defendant undergo a program of regimental discipline pursuant to NRS 176A.780;

(i) If a psychosexual evaluation of the defendant is required pursuant to NRS 176.139, a written report of the results of the psychosexual evaluation of the defendant and all information that is necessary to carry out the provisions of NRS 176A.110; and

(j) ~~***[(h)]***~~ Such other information as may be required by the court.

2. ***The Division shall include in the report all scoresheets and scales used in determining any recommendation made pursuant to paragraphs (g) and (h) of subsection 1.***

3. The Division shall include in the report the source of any information, as stated in the report, related to the defendant's offense, including, without limitation, information from:

(a) A police report;

(b) An investigative report filed with law enforcement; or

(c) Any other source available to the Division.

~~[3.]~~ ***4.*** The Division may include in the report any additional information that it believes may be helpful in imposing a sentence, in granting probation or in correctional treatment.

Sec. 2. NRS 176.151 is hereby amended to read as follows:

176.151 1. If a defendant pleads guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, one or more category E felonies, but no other felonies, the Division shall not make a presentence investigation and report on the defendant pursuant to NRS 176.135, unless the Division has not made a presentence investigation and report on the defendant pursuant to NRS 176.135 within the 5 years immediately preceding the date initially set for sentencing on the category E felony or felonies and:

(a) The court requests a presentence investigation and report; or

(b) The prosecuting attorney possesses evidence that would support a decision by the court to deny probation to the defendant pursuant to paragraph (b) of subsection 1 of NRS 176A.100.

2. If the Division does not make a presentence investigation and report on a defendant pursuant to subsection 1, the Division shall, not later than 45 days after the date on which the defendant is sentenced, make a general investigation and report on the defendant that contains:

(a) Any prior criminal ~~[record]~~ ***convictions*** of the defendant;

(b) Information concerning the characteristics of the defendant, the circumstances affecting the defendant's behavior and the circumstances of the defendant's offense that may be helpful to persons responsible for the supervision or correctional treatment of the defendant;

(c) Information concerning the effect that the offense committed by the defendant has had upon the victim, including, without limitation, any physical or psychological harm or financial loss suffered by the victim, to the extent that such information is available from the victim or other sources, but the provisions of this paragraph do not require any particular examination or testing of the victim, and the extent of any investigation or examination and the extent of the information included in the report is solely at the discretion of the Division;

(d) Data or information concerning reports and investigations thereof made pursuant to chapter 432B of NRS that relate to the defendant and are made available pursuant to NRS 432B.290; and

(e) Any other information that the Division believes may be helpful to persons responsible for the supervision or correctional treatment of the defendant.

Sec. 3. ~~[NRS 176.153 is hereby amended to read as follows:~~

~~176.153 Except as otherwise provided in this section, the Division shall disclose to the prosecuting attorney, the counsel for the defendant, the defendant and the court, not later than~~ **[**~~14~~**]** ***21*** ~~calendar days before the defendant will be sentenced, the factual content of the report of any presentence investigation made pursuant to NRS 176.135~~ **.** **[**~~and the recommendations of the Division.~~**]** ~~The defendant may waive the minimum period required by this section.~~**]** **(Deleted by amendment.)**

Sec. 4. NRS 176.156 is hereby amended to read as follows:

176.156 1. The Division shall disclose to the prosecuting attorney, the counsel for the defendant and the defendant the factual content of the report of:

(a) Any presentence investigation made pursuant to NRS 176.135 and the recommendations of the Division, in the period provided in NRS 176.153.

(b) Any general investigation made pursuant to NRS 176.151.

➥ The Division shall afford an opportunity to each party to object to factual errors in any such report ***[.]*** and to comment on any recommendations. ***The court may order the Division to correct the contents of any such report following sentencing of the defendant if, within 180 days after the date on which the judgment of conviction was entered, the prosecuting attorney and the defendant stipulate to correcting the contents of any such report.***

2. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a presentence investigation or general investigation to a law enforcement agency of this State or a political subdivision thereof and to a law enforcement agency of the Federal Government for the limited purpose of performing their duties, including, without limitation, conducting hearings that are public in nature.

3. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a presentence investigation or general investigation to the Division of Public and Behavioral Health of the Department of Health and Human Services for the limited purpose of performing its duties, including, without limitation, evaluating and providing any report or information to the Division concerning the mental health of:

(a) A sex offender as defined in NRS 213.107; or

(b) An offender who has been determined to be mentally ill.

4. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a presentence investigation or general investigation to the Nevada Gaming Control Board for the limited purpose of performing its duties in the administration of the provisions of chapters 462 to 467, inclusive, of NRS.

5. Except for the disclosures required by subsections 1 to 4, inclusive, a report of a presentence investigation or general investigation and the sources of information for such a report are confidential and must not be made a part of any public record.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 302.

Bill read second time.

The following amendment was proposed by the Committee on Corrections, Parole, and Probation:

Amendment No. 340.

AN ACT relating to governmental administration; transferring the Division of Parole and Probation from the Department of Public Safety to the Department of Corrections; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Division of Parole and Probation within the Department of Public Safety and requires the Division to supervise probationers and parolees. (NRS 480.110, 480.130, 480.140) This bill transfers the Division from the Department of Public Safety to the Department of Corrections.

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

Section 1. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

"Division of Parole and Probation" means the Division of Parole and Probation of the Department created by NRS 213.1071.

Sec. 2. NRS 209.011 is hereby amended to read as follows:

209.011 As used in this chapter, unless the context otherwise requires, the terms defined in NRS 209.021 to 209.085, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 209.131 is hereby amended to read as follows:

209.131 The Director shall:

1. Administer the Department under the direction of the Board.

2. Supervise the administration of ***the Division of Parole and Probation and*** all institutions and facilities of the Department.

3. Receive, retain and release, in accordance with law, offenders sentenced to imprisonment in the state prison.

4. Be responsible for the supervision, custody, treatment, care, security and discipline of all offenders under his or her jurisdiction.

5. Ensure that any person employed by the Department whose primary responsibilities are:

(a) The supervision, custody, security, discipline, safety and transportation of an offender;

(b) The security and safety of the staff; and

(c) The security and safety of an institution or facility of the Department,

➥ is a correctional officer who has the powers of a peace officer pursuant to subsection 1 of NRS 289.220.

6. Establish regulations with the approval of the Board and enforce all laws governing the administration of the Department and the custody, care and training of offenders.

7. Take proper measures to protect the health and safety of the staff and offenders in the institutions and facilities of the Department.

8. Take proper measures to protect the health and safety of persons employed by a school district to operate a program of education for incarcerated persons in an institution or facility pursuant to chapter 388H of NRS.

9. Cause to be placed from time to time in conspicuous places about each institution and facility copies of laws and regulations relating to visits and correspondence between offenders and others.

10. Provide for the holding of religious services in the institutions and facilities and make available to the offenders copies of appropriate religious materials.

Sec. 4. NRS 209.241 is hereby amended to read as follows:

209.241 1. The Director may accept money, including the net amount of any wages earned during the incarceration of an offender after any deductions made by the Director and valuables belonging to an offender at the time of his or her incarceration or afterward received by gift, inheritance or the like or earned during the incarceration of an offender, and shall deposit the money in the Prisoners' Personal Property Fund, which is hereby created as a trust fund.

2. An offender shall deposit all money that the offender receives into his or her individual account in the Prisoners' Personal Property Fund.

3. The Director:

(a) Shall keep, or cause to be kept, a full and accurate account of the money and valuables, and shall submit reports to the Board relating to the money and valuables as may be required from time to time.

(b) May permit withdrawals for immediate expenditure by an offender for personal needs.

(c) May permit the distribution of money to a governmental entity for any applicable deduction authorized pursuant to NRS 209.247 or any other deduction authorized by law from any money deposited in the individual account of an offender from any source other than the offender's wages.

(d) Shall pay over to each offender upon his or her release any remaining balance in his or her individual account.

4. The interest and income earned on the money in the Prisoners' Personal Property Fund, after deducting any applicable bank charges, must be credited each calendar quarter as follows:

(a) If an offender's share of the cost of administering the Prisoners' Personal Property Fund for the quarter is less than the amount of interest and

income earned by the offender, the Director shall credit the individual account of the offender with an amount equal to the difference between the amount of interest and income earned by the offender and the offender's share of the cost of administering the Prisoners' Personal Property Fund.

(b) If an offender's share of the cost of administering the Prisoners' Personal Property Fund for the quarter is equal to or greater than the amount of interest and income earned by the offender, the Director shall credit the interest and income to the Offenders' Store Fund.

5. An offender who does not deposit all money that the offender receives into his or her individual account in the Prisoners' Personal Property Fund as required in this section is guilty of a gross misdemeanor.

6. A person who aids or encourages an offender not to deposit all money the offender receives into the individual account of the offender in the Prisoners' Personal Property Fund as required in this section is guilty of a gross misdemeanor.

7. The Director may exempt an offender from the provisions of this section if the offender is:

(a) Confined in an institution outside this State pursuant to chapter 215A of NRS; or

(b) Assigned to the custody of the Division of Parole and Probation ~~[of the Department of Public Safety]~~ to:

(1) Serve a term of residential confinement pursuant to NRS 209.392, 209.3925 or 209.429; or

(2) Participate in a correctional program for reentry into the community pursuant to NRS 209.4887.

Sec. 5. NRS 209.392 is hereby amended to read as follows:

209.392 1. Except as otherwise provided in NRS 209.3925 and 209.429, the Director may, at the request of an offender who is eligible for residential confinement pursuant to the standards adopted by the Director pursuant to subsection 3 and who has:

(a) Demonstrated a willingness and ability to establish a position of employment in the community;

(b) Demonstrated a willingness and ability to enroll in a program for education or rehabilitation; or

(c) Demonstrated an ability to pay for all or part of the costs of the offender's confinement and to meet any existing obligation for restitution to any victim of his or her crime,

➥ assign the offender to the custody of the Division of Parole and Probation ~~[of the Department of Public Safety]~~ to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of his or her sentence.

2. Upon receiving a request to serve a term of residential confinement from an eligible offender, the Director shall notify the Division of Parole and Probation. Except as otherwise provided in NRS 213.10915, if any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS

213.131, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim of the offender's request and advise the victim that the victim may submit documents regarding the request to the Division of Parole and Probation. If a current address has not been provided as required by subsection 4 of NRS 213.131, the Division of Parole and Probation must not be held responsible if such notification is not received by the victim. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.

3. The Director, after consulting with the Division of Parole and Probation, shall adopt, by regulation, standards providing which offenders are eligible for residential confinement. The standards adopted by the Director must provide that an offender who:

(a) Has recently committed a serious infraction of the rules of an institution or facility of the Department;

(b) Has not performed the duties assigned to the offender in a faithful and orderly manner;

(c) Has been convicted of:

(1) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim within the immediately preceding 3 years;

(2) A sexual offense that is punishable as a felony; or

(3) Except as otherwise provided in subsection 4, a category A or B felony;

(d) Has more than one prior conviction for any felony in this State or any offense in another state that would be a felony if committed in this State, not including a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.420, 488.425 or 488.427; or

(e) Has escaped or attempted to escape from any jail or correctional institution for adults,

➥ is not eligible for assignment to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section.

4. The standards adopted by the Director pursuant to subsection 3 must provide that an offender who has been convicted of a category B felony is eligible for assignment to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section if:

(a) The offender is not otherwise ineligible pursuant to subsection 3 for an assignment to serve a term of residential confinement; and

(b) The Director makes a written finding that such an assignment of the offender is not likely to pose a threat to the safety of the public.

5. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of the offender's residential confinement:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits for good behavior earned by the offender before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as the Director considers proper. The decision of the Director regarding such a forfeiture is final.

6. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of the offender's imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➥ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

7. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

8. The Division of Parole and Probation may receive and distribute restitution paid by an offender assigned to the custody of the Division of Parole and Probation pursuant to this section.

Sec. 6. NRS 209.3925 is hereby amended to read as follows:

209.3925 1. Except as otherwise provided in subsection 6, the Director may assign an offender to the custody of the Division of Parole and Probation ~~[of the Department of Public Safety]~~ to serve a term of residential confinement pursuant to NRS 213.380 or other appropriate supervision as determined by the Division of Parole and Probation, for not longer than the remainder of his or her sentence, if:

(a) The Director has reason to believe that the offender is:

(1) Physically incapacitated or in ill health to such a degree that the offender does not presently, and likely will not in the future, pose a threat to the safety of the public; or

(2) In ill health and expected to die within 12 months, and does not presently, and likely will not in the future, pose a threat to the safety of the public; and

(b) At least two physicians licensed pursuant to chapter 630 or 633 of NRS, one of whom is not employed by the Department, verify, in writing, that the offender is:

(1) Physically incapacitated or in ill health; or

(2) In ill health and expected to die within 12 months.

2. If the Director intends to assign an offender to the custody of the Division of Parole and Probation pursuant to this section, at least 45 days before the date the offender is expected to be released from the custody of the Department, the Director shall notify:

(a) The board of county commissioners of the county in which the offender will reside; and

(b) The Division of Parole and Probation.

3. Except as otherwise provided in NRS 213.10915, if any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.131, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim that:

(a) The Director intends to assign the offender to the custody of the Division of Parole and Probation pursuant to this section; and

(b) The victim may submit documents to the Division of Parole and Probation regarding such an assignment.

➥ If a current address has not been provided by a victim as required by subsection 4 of NRS 213.131, the Division of Parole and Probation must not be held responsible if notification is not received by the victim. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.

4. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his or her residential confinement or other appropriate supervision as determined by the Division of Parole and Probation:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits for good behavior earned by the offender before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as the Director considers proper. The decision of the Director regarding such a forfeiture is final.

5. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of the offender's imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➥ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

6. The Director may not assign an offender to the custody of the Division of Parole and Probation pursuant to this section if the offender is sentenced to death or imprisonment for life without the possibility of parole.

7. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

8. The Division of Parole and Probation may receive and distribute restitution paid by an offender assigned to the custody of the Division of Parole and Probation pursuant to this section.

Sec. 7. NRS 209.427 is hereby amended to read as follows:

209.427 1. If the results of an evaluation conducted pursuant to NRS 484C.300 or 488.430 indicate that an offender is an abuser of alcohol or drugs and that the offender can be treated successfully for his or her condition, the Director shall, except as otherwise provided in this section, assign the offender to the program of treatment established pursuant to NRS 209.425. Such an assignment must be, to the extent that the period reasonably can be predicted, for the year, or as much thereof as practicable, immediately preceding the date the offender is due to be released from prison, either on parole or at the expiration of the offender's term.

2. Before assigning an offender to a program of treatment, the Director, in cooperation with the Division of Parole and Probation **, [**~~of the Department of Public Safety,~~**]** shall determine, to the extent possible:

(a) The length of time remaining on the offender's sentence, taking into consideration any credits earned by the offender; and

(b) The likelihood that the offender will complete the entire program of treatment.

3. The Director shall when assigning offenders to the program, to the extent possible, give preference to those offenders who appear to the Director capable of successfully completing the entire program.

4. The Director is not required to assign an offender to the program of treatment if the offender is not eligible for assignment to an institution or facility of minimum security pursuant to the provisions of NRS 209.481 and the regulations adopted pursuant thereto.

5. The Director may withdraw the offender from the program of treatment at any time if the Director determines that the offender:

(a) Is not responding satisfactorily to the program; or

(b) Has failed or refused to comply with any term or condition of the program.

6. As used in this section, "entire program" means both phases of the program established pursuant to NRS 209.425, for offenders who have not been released from prison, and NRS 209.429, for offenders who have been assigned to the custody of the Division of Parole and Probation **.** ~~[of the Department of Public Safety.]~~

Sec. 8. NRS 209.429 is hereby amended to read as follows:

209.429 1. Except as otherwise provided in subsection 6, the Director shall assign an offender to the custody of the Division of Parole and Probation ~~[of the Department of Public Safety]~~ to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of the maximum term or the maximum aggregate term, as applicable, of his or her sentence if the offender has:

(a) Demonstrated a willingness and ability to establish a position of employment in the community;

(b) Demonstrated a willingness and ability to enroll in a program for education or rehabilitation; or

(c) Demonstrated an ability to pay for all or part of the costs of his or her confinement and to meet any existing obligation for restitution to any victim of his or her crime.

2. Before a person may be assigned to serve a term of residential confinement pursuant to this section, he or she must submit to the Division of Parole and Probation a signed document stating that:

(a) He or she will comply with the terms or conditions of the residential confinement; and

(b) If he or she fails to comply with the terms or conditions of the residential confinement and is taken into custody outside of this State, he or she waives all rights relating to extradition proceedings.

3. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his or her residential confinement:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits earned by the offender to reduce his or her sentence pursuant to this chapter before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as the Director considers proper. The decision of the Director regarding forfeiture of credits is final.

4. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of the offender's imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➥ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

5. A person does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

6. The Director shall not assign an offender who is serving a sentence for committing a battery which constitutes domestic violence pursuant to NRS 33.018 to the custody of the Division of Parole and Probation to serve a term of residential confinement unless the Director makes a finding that the offender is not likely to pose a threat to the victim of the battery.

7. The Division of Parole and Probation may receive and distribute restitution paid by an offender assigned to the custody of the Division of Parole and Probation pursuant to this section.

Sec. 9. NRS 209.4299 is hereby amended to read as follows:

209.4299 The **[**~~Department of Corrections and the~~**]** Division of Parole and Probation **[**~~of the Department of Public Safety~~**]** shall **[**~~jointly~~**]** submit a report at least twice annually to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee. The report must include:

1. The number of probationers participating in the diversion program;

2. The reasons the probationers entered the program;

3. The number of probationers who satisfied the terms and conditions of their participation in the program; and

4. The status of the probationers who are in the program at the time the report is prepared.

Sec. 10. NRS 209.432 is hereby amended to read as follows:

209.432 As used in NRS 209.432 to 209.451, inclusive, unless the context otherwise requires:

1. "Offender" includes:

(a) A person who is convicted of a felony under the laws of this State and sentenced, ordered or otherwise assigned to serve a term of residential confinement.

(b) A person who is convicted of a felony under the laws of this State and assigned to the custody of the Division of Parole and Probation **[**~~of the Department of Public Safety~~**]** pursuant to NRS 209.4886 or 209.4888.

2. "Residential confinement" means the confinement of a person convicted of a felony to his or her place of residence under the terms and conditions established pursuant to specific statute. The term does not include

any confinement ordered pursuant to NRS 176A.530 to 176A.560, inclusive, 176A.660 to 176A.690, inclusive, 213.15105, 213.15193 or 213.152 to 213.1528, inclusive.

Sec. 11. NRS 209.446 is hereby amended to read as follows:

209.446 1. Every offender who is sentenced to prison for a crime committed on or after July 1, 1985, but before July 17, 1997, who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement or the laws of the State recorded against the offender, and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed:

(a) For the period the offender is actually incarcerated under sentence;

(b) For the period the offender is in residential confinement; and

(c) For the period the offender is in the custody of the Division of Parole and Probation ~~[of the Department of Public Safety]~~ pursuant to NRS 209.4886 or 209.4888,

➥ a deduction of 10 days from the offender's sentence for each month the offender serves.

2. In addition to the credit provided for in subsection 1, the Director may allow not more than 10 days of credit each month for an offender whose diligence in labor and study merits such credits. In addition to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement:

(a) For earning a general educational development certificate or an equivalent document, 30 days.

(b) For earning a high school diploma, 60 days.

(c) For earning an associate degree, 90 days.

3. The Director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, program for reentry of offenders and parolees into the community, conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit pursuant to this subsection is entitled to the entire 20 days of credit each month which is authorized in subsections 1 and 2.

4. The Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service.

5. The Board shall adopt regulations governing the award, forfeiture and restoration of credits pursuant to this section.

6. Credits earned pursuant to this section:

(a) Must be deducted from the maximum term or the maximum aggregate term imposed by the sentence, as applicable; and

(b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence which must be served before a person becomes eligible for parole.

Sec. 12. NRS 209.4465 is hereby amended to read as follows:

209.4465 1. An offender who is sentenced to prison for a crime committed on or after July 17, 1997, who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement or the laws of the State recorded against the offender, and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed:

(a) For the period the offender is actually incarcerated pursuant to his or her sentence;

(b) For the period the offender is in residential confinement; and

(c) For the period the offender is in the custody of the Division of Parole and Probation ~~[of the Department of Public Safety]~~ pursuant to NRS 209.4886 or 209.4888,

➥ a deduction of 20 days from his or her sentence for each month the offender serves.

2. In addition to the credits allowed pursuant to subsection 1, the Director may allow not more than 10 days of credit each month for an offender whose diligence in labor and study merits such credits. In addition to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement:

(a) For earning a general educational development certificate or an equivalent document, 60 days.

(b) For earning a high school diploma, 90 days.

(c) For earning his or her first associate degree, 120 days.

3. The Director may, in his or her discretion, authorize an offender to receive a maximum of 90 days of credit for each additional degree of higher education earned by the offender.

4. The Director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, program for reentry of offenders and parolees into the community, conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit pursuant to this subsection is eligible to earn the entire 30 days of credit each month that is allowed pursuant to subsections 1 and 2.

5. The Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service.

6. The Board shall adopt regulations governing the award, forfeiture and restoration of credits pursuant to this section.

7. Except as otherwise provided in subsections 8 and 9, credits earned pursuant to this section:

(a) Must be deducted from the maximum term or the maximum aggregate term imposed by the sentence, as applicable; and

(b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence that must be served before a person becomes eligible for parole.

8. Credits earned pursuant to this section by an offender who has not been convicted of:

(a) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim;

(b) A sexual offense that is punishable as a felony;

(c) A violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430 that is punishable as a felony; or

(d) A category A or B felony,

➥ apply to eligibility for parole and, except as otherwise provided in subsection 9, must be deducted from the minimum term or the minimum aggregate term imposed by the sentence, as applicable, until the offender becomes eligible for parole and must be deducted from the maximum term or the maximum aggregate term imposed by the sentence, as applicable.

9. Credits deducted pursuant to subsection 8 may reduce the minimum term or the minimum aggregate term imposed by the sentence, as applicable, by not more than 58 percent for an offender who:

(a) Is serving a sentence for an offense committed on or after July 1, 2014; or

(b) On or after July 1, 2014, makes an irrevocable election to have his or her consecutive sentences aggregated pursuant to NRS 213.1212.

Sec. 13. NRS 209.4827 is hereby amended to read as follows:

209.4827 The Director may:

1. With the approval of the Board, establish centers to house offenders within a community so they may work to earn wages with which to make restitution to the victims of their crimes.

2. If space is available, assign to the center:

(a) An offender participating in a work or educational release program.

(b) An offender who has been paroled if such a request is made by the Division of Parole and Probation **.** ~~[of the Department of Public Safety.]~~

Sec. 14. NRS 209.4871 is hereby amended to read as follows:

209.4871 As used in NRS 209.4871 to 209.4889, inclusive, unless the context otherwise requires, the words and terms defined in NRS 209.4873 ~~[to 209.488, inclusive,]~~ ***, 209.4877 and 209.488*** have the meanings ascribed to them in those sections.

Sec. 15. NRS 212.187 is hereby amended to read as follows:

212.187 1. A prisoner who is in lawful custody or confinement, other than in the custody of the Division of Parole and Probation of the Department of ~~[Public Safety]~~ ***Corrections*** pursuant to NRS 209.4886 or 209.4888 or residential confinement, and who voluntarily engages in sexual conduct with another person who is not an employee of or a contractor or volunteer for a prison is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. Except as otherwise provided in NRS 212.188, a person who voluntarily engages in sexual conduct with a prisoner who is in lawful custody or confinement, other than in the custody of the Division of Parole

and Probation of the Department of ~~[Public Safety]~~ ***Corrections*** pursuant to NRS 209.4886 or 209.4888 or residential confinement, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. As used in this section, "sexual conduct":

(a) Includes acts of masturbation, sexual penetration or physical contact with another person's clothed or unclothed genitals or pubic area to arouse, appeal to or gratify the sexual desires of a person.

(b) Does not include acts of a person who has custody of a prisoner or an employee of or a contractor or volunteer for the prison in which the prisoner is confined that are performed to carry out the necessary duties of such a person, employee, contractor or volunteer.

Sec. 16. NRS 212.188 is hereby amended to read as follows:

212.188 1. An employee of or a contractor or volunteer for a prison who voluntarily engages in, or attempts to engage in, with a prisoner who is in lawful custody or confinement, other than in the custody of the Division of Parole and Probation of the Department of ~~[Public Safety]~~ ***Corrections*** pursuant to NRS 209.4886 or 209.4888 or residential confinement, any of the acts set forth in:

(a) Paragraph (a) of subsection 3, commits sexual abuse of a prisoner.

(b) Paragraph (b) of subsection 3, commits unauthorized custodial conduct.

2. Unless a greater penalty is provided pursuant to any other applicable provision of law, an employee of or a contractor or volunteer for a prison who commits:

(a) Sexual abuse of a prisoner is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) Unauthorized custodial conduct by engaging in any of the acts described in paragraph (b) of subsection 3 is guilty of a gross misdemeanor.

(c) Unauthorized custodial conduct by attempting to engage in any of the acts described in paragraph (b) of subsection 3 is guilty of a misdemeanor.

3. As used in this section:

(a) "Sexual abuse":

(1) Includes any of the following acts between an employee of or a contractor or volunteer for a prison and a prisoner, regardless of whether the prisoner consents to the act:

(I) Sexual intercourse or anal intercourse, including penetration, however slight;

(II) Fellatio, cunnilingus or contact between the mouth and the anus;

(III) Penetration, however slight, of an object into the genital or anal opening of the body of a prisoner committed with the intent to abuse the prisoner or to arouse, appeal to or gratify the sexual desires of either person;

(IV) Any other intentional contact with a prisoner's unclothed genitals, pubic area, anus, buttocks, inner thigh or breasts committed with the intent to abuse the prisoner or to arouse, appeal to or gratify the sexual desires of either person;

(V) Watching a prisoner change clothing or use a shower, toilet or urinal;

(VI) Requiring a prisoner to expose his or her genitals, buttocks or breasts; or

(VII) Capturing an image of the private area of a prisoner in violation of NRS 200.604.

(2) Does not include acts of an employee of or a contractor or volunteer for the prison in which the prisoner is confined that are performed to carry out the official duties of such an employee, contractor or volunteer.

(b) "Unauthorized custodial conduct":

(1) Includes any of the following acts between an employee of or a contractor or volunteer for a prison and a prisoner, regardless of whether the prisoner consents to the act:

(I) Contact between the mouth and any part of the body committed with the intent to abuse the prisoner or to arouse, appeal to or gratify the sexual desires of either person;

(II) Any other intentional contact with a prisoner's clothed genitals, pubic area, anus, buttocks, inner thigh or breasts committed with the intent to abuse the prisoner or to arouse, appeal to or gratify the sexual desires of either person;

(III) Any threat or request by an employee or a contractor or volunteer to engage in any act described in sub-subparagraphs (I) or (II); or

(IV) Any display by an employee or a contractor or volunteer of his or her unclothed genitals, buttocks or breasts in the presence of a prisoner.

(2) Does not include acts of an employee of or a contractor or volunteer for the prison in which the prisoner is confined that are performed to carry out the official duties of such an employee, contractor or volunteer.

Sec. 17. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, unless the context otherwise requires:

1. "Board" means the State Board of Parole Commissioners.

2. "Chief" means the Chief Parole and Probation Officer.

3. "Division" means the Division of Parole and Probation of the Department of ~~[Public Safety.]~~ ***Corrections.***

4. "Residential confinement" means the confinement of a person convicted of a crime to his or her place of residence under the terms and conditions established by the Board.

5. "Sex offender" means any person who has been or is convicted of a sexual offense.

6. "Sexual offense" means:

(a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;

(b) An attempt to commit any offense listed in paragraph (a); or

(c) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.

7. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the Board or the Chief.

Sec. 18. NRS 213.1071 is hereby amended to read as follows:

213.1071 1. There is hereby created the Division of Parole and Probation of the Department of ~~[Public Safety.]~~ ***Corrections.***

2. The Division consists of the Chief and such sections as the Chief may create with the approval of the Director of the Department of ~~[Public Safety.]~~ ***Corrections.***

3. The Chief of the Division is the Chief Parole and Probation Officer.

4. The Division shall execute, administer and enforce the provisions of this chapter and chapter 176A of NRS relating to parole and probation and perform such duties and exercise such powers as may be conferred upon it pursuant to those chapters and any other specific statute.

Sec. 19. NRS 213.1092 is hereby amended to read as follows:

213.1092 1. The Director of the Department of ~~[Public Safety]~~ ***Corrections*** shall appoint the Chief Parole and Probation Officer, who is in the unclassified service of the State.

2. The Chief Parole and Probation Officer must:

(a) Be selected on the basis of his or her training, experience, capacity and interest in correctional services.

(b) Have had at least 5 years' experience in correctional programs, of which at least 3 years were in a responsible administrative position.

Sec. 20. NRS 213.310 is hereby amended to read as follows:

213.310 1. If a program is established by the Department pursuant to NRS 213.300, the Director shall, by appropriate means of classification and selection, determine which of the offenders, during the last 6 months' confinement, are suitable for the program, excluding those sentenced to life imprisonment who are not eligible for parole and those imprisoned for violations of chapter 201 of NRS who have not been certified by the designated board as eligible for parole.

2. The Director shall then select the names of those offenders the Director determines to be eligible for the program, and the Director shall refer the names of those offenders to the Chair of the State Board of Parole Commissioners for release into the program and, if appropriate, for residential confinement or other appropriate supervision as determined by the Division of Parole and Probation of the Department **.** ~~[of Public Safety.]~~

Sec. 21. NRS 213.371 is hereby amended to read as follows:

213.371 As used in NRS 213.371 to 213.410, inclusive, unless the context otherwise requires:

1. "Division" means the Division of Parole and Probation of the Department of ~~[Public Safety.]~~ ***Corrections.***

2. "Offender" means a prisoner assigned to the custody of the Division pursuant to NRS 209.392, 209.3925 or 209.429.

3. "Residential confinement" means the confinement of an offender to his or her place of residence under the terms and conditions established by the Division.

Sec. 22. NRS 213.610 is hereby amended to read as follows:

213.610 "Division" means the Division of Parole and Probation of the Department of ~~[Public Safety.]~~ ***Corrections.***

Sec. 23. NRS 62A.100 is hereby amended to read as follows:

62A.100 "Division of Parole and Probation" means the Division of Parole and Probation of the Department of ~~[Public Safety.]~~ ***Corrections.***

Sec. 24. NRS 174.063 is hereby amended to read as follows:

174.063 1. If a plea of guilty or guilty but mentally ill is made in a written plea agreement, the agreement must be substantially in the following form:

Case No. .....
Dept. No. .....

IN THE ..... JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF.....,

The State of Nevada,
PLAINTIFF,

v.

(Name of defendant),

DEFENDANT.

GUILTY OR GUILTY BUT MENTALLY ILL PLEA AGREEMENT

I hereby agree to plead guilty or guilty but mentally ill to: (List charges to which defendant is pleading guilty or guilty but mentally ill), as more fully alleged in the charging document attached hereto as Exhibit 1.

My decision to plead guilty or guilty but mentally ill is based upon the plea agreement in this case which is as follows:

(State the terms of the agreement.)

CONSEQUENCES OF THE PLEA

I understand that by pleading guilty or guilty but mentally ill I admit the facts which support all the elements of the offenses to which I now plead as set forth in Exhibit 1.

I understand that as a consequence of my plea of guilty or guilty but mentally ill I may be imprisoned for a period of not more than (maximum term of imprisonment) and that I (may or will) be fined up to

(maximum amount of fine). I understand that the law requires me to pay an administrative assessment fee.

I understand that, if appropriate, I will be ordered to make restitution to the victim of the offenses to which I am pleading guilty or guilty but mentally ill and to the victim of any related offense which is being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to reimburse the State of Nevada for expenses relating to my extradition, if any.

I understand that I (am or am not) eligible for probation for the offense to which I am pleading guilty or guilty but mentally ill. (I understand that, except as otherwise provided by statute, the question of whether I receive probation is in the discretion of the sentencing judge, or I understand that I must serve a mandatory minimum term of (term of imprisonment) or pay a minimum mandatory fine of (amount of fine) or serve a mandatory minimum term (term of imprisonment) and pay a minimum mandatory fine of (amount of fine).)

I understand that if more than one sentence of imprisonment is imposed and I am eligible to serve the sentences concurrently, the sentencing judge has the discretion to order the sentences served concurrently or consecutively.

I understand that information regarding charges not filed, dismissed charges or charges to be dismissed pursuant to this agreement may be considered by the judge at sentencing.

I have not been promised or guaranteed any particular sentence by anyone. I know that my sentence is to be determined by the court within the limits prescribed by statute. I understand that if my attorney or the State of Nevada or both recommend any specific punishment to the court, the court is not obligated to accept the recommendation.

I understand that the Division of Parole and Probation of the Department of ~~[Public Safety]~~ ***Corrections*** may or will prepare a report for the sentencing judge before sentencing. This report will include matters relevant to the issue of sentencing, including my criminal history. I understand that this report may contain hearsay information regarding my background and criminal history. My attorney (if represented by counsel) and I will each have the opportunity to comment on the information contained in the report at the time of sentencing.

WAIVER OF RIGHTS

By entering my plea of guilty or guilty but mentally ill, I understand that I have waived the following rights and privileges:

1. The constitutional privilege against self-incrimination, including the right to refuse to testify at trial, in which event the prosecution would not be allowed to comment to the jury about my refusal to testify.

2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive pretrial publicity prejudicial to the

defense, at which trial I would be entitled to the assistance of an attorney, either appointed or retained. At trial, the State would bear the burden of proving beyond a reasonable doubt each element of the offense charged.

3. The constitutional right to confront and cross-examine any witnesses who would testify against me.

4. The constitutional right to subpoena witnesses to testify on my behalf.

5. The constitutional right to testify in my own defense.

6. The right to appeal the conviction, with the assistance of an attorney, either appointed or retained, unless the appeal is based upon reasonable constitutional, jurisdictional or other grounds that challenge the legality of the proceedings and except as otherwise provided in subsection 3 of NRS 174.035.

VOLUNTARINESS OF PLEA

I have discussed the elements of all the original charges against me with my attorney (if represented by counsel) and I understand the nature of these charges against me.

I understand that the State would have to prove each element of the charge against me at trial.

I have discussed with my attorney (if represented by counsel) any possible defenses and circumstances which might be in my favor.

All of the foregoing elements, consequences, rights and waiver of rights have been thoroughly explained to me by my attorney (if represented by counsel).

I believe that pleading guilty or guilty but mentally ill and accepting this plea bargain is in my best interest and that a trial would be contrary to my best interest.

I am signing this agreement voluntarily, after consultation with my attorney (if represented by counsel) and I am not acting under duress or coercion or by virtue of any promises of leniency, except for those set forth in this agreement.

I am not now under the influence of intoxicating liquor, a controlled substance or other drug which would in any manner impair my ability to comprehend or understand this agreement or the proceedings surrounding my entry of this plea.

My attorney (if represented by counsel) has answered all my questions regarding this guilty or guilty but mentally ill plea agreement and its consequences to my satisfaction and I am satisfied with the services provided by my attorney.

Dated: This ..... day of the month of …... of the year ….

.....
Defendant.

Agreed to on this ..... day of the month of .... of the year ….

.....
Deputy District Attorney.

2. If the defendant is represented by counsel, the written plea agreement must also include a certificate of counsel that is substantially in the following form:

CERTIFICATE OF COUNSEL

I, the undersigned, as the attorney for the defendant named herein and as an officer of the court hereby certify that:

1. I have fully explained to the defendant the allegations contained in the charges to which guilty or guilty but mentally ill pleas are being entered.

2. I have advised the defendant of the penalties for each charge and the restitution that the defendant may be ordered to pay.

3. All pleas of guilty or guilty but mentally ill offered by the defendant pursuant to this agreement are consistent with all the facts known to me and are made with my advice to the defendant and are in the best interest of the defendant.

4. To the best of my knowledge and belief, the defendant:

(a) Is competent and understands the charges and the consequences of pleading guilty or guilty but mentally ill as provided in this agreement.

(b) Executed this agreement and will enter all guilty or guilty but mentally ill pleas pursuant hereto voluntarily.

(c) Was not under the influence of intoxicating liquor, a controlled substance or other drug at the time of the execution of this agreement.

Dated: This ..... day of the month of …... of the year ….

.....
Attorney for defendant.

Sec. 25. NRS 176.002 is hereby amended to read as follows:

176.002 As used in this chapter, unless the context otherwise requires, "Division" means the Division of Parole and Probation of the Department of ~~[~~Public Safety.~~]~~ ***Corrections.***

Sec. 26. NRS 176.0123 is hereby amended to read as follows:

176.0123 1. The Advisory Commission on the Administration of Justice is hereby created. The Commission consists of:

(a) One member who is a municipal judge or justice of the peace, appointed by the governing body of the Nevada Judges of Limited Jurisdiction;

(b) One member who is a district judge, appointed by the governing body of the Nevada District Judges Association;

(c) One member who is a justice of the Supreme Court of Nevada or a retired justice of the Supreme Court of Nevada, appointed by the Chief Justice of the Supreme Court of Nevada;

(d) One member who is a district attorney, appointed by the governing body of the Nevada District Attorneys Association;

(e) One member who is an attorney in private practice, experienced in defending criminal actions, appointed by the governing body of the State Bar of Nevada;

(f) One member who is a public defender, appointed by the governing body of the State Bar of Nevada;

(g) One member who is a representative of a law enforcement agency, appointed by the Governor;

(h) One member who is a representative of the Division of Parole and Probation of the Department of ~~[~~Public Safety,~~]~~ ***Corrections,*** appointed by the Governor;

(i) One member who has been a victim of a crime or is a representative of an organization supporting the rights of victims of crime, appointed by the Governor;

(j) One member who is a representative of an organization that advocates on behalf of inmates, appointed by the Governor;

(k) One member who is a representative of the Nevada Sheriffs' and Chiefs' Association, appointed by the Nevada Sheriffs' and Chiefs' Association;

(l) One member who is a member of the State Board of Parole Commissioners, appointed by the State Board of Parole Commissioners;

(m) The Director of the Department of Corrections;

(n) Two members who are Senators, one of whom is appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate; and

(o) Two members who are members of the Assembly, one of whom is appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly.

➥ If any association listed in this subsection ceases to exist, the appointment required by this subsection must be made by the association's successor in interest or, if there is no successor in interest, by the Governor.

2. The Attorney General is an ex officio voting member of the Commission.

3. Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Commission

must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

4. The Legislators who are members of the Commission are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Commission.

5. At the first regular meeting of each odd-numbered year, the members of the Commission shall elect a Chair by majority vote who shall serve until the next Chair is elected.

6. The Commission shall meet at least once every 3 months and may meet at such further times as deemed necessary by the Chair.

7. A majority of the members of the Commission constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Commission.

8. While engaged in the business of the Commission, to the extent of legislative appropriation, each member of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

9. To the extent of legislative appropriation, the Director of the Legislative Counsel Bureau shall provide the Commission with such staff as is necessary to carry out the duties of the Commission.

Sec. 27. NRS 176.0125 is hereby amended to read as follows:

176.0125 The Commission shall:

1. Identify and study the elements of this State's system of criminal justice which affect the sentences imposed for felonies and gross misdemeanors.

2. Evaluate the effectiveness and fiscal impact of various policies and practices regarding sentencing which are employed in this State and other states, including, but not limited to, the use of plea bargaining, probation, programs of intensive supervision, programs of regimental discipline, imprisonment, sentencing recommendations, mandatory and minimum sentencing, mandatory sentencing for crimes involving the possession, manufacture and distribution of controlled substances, structured or tiered sentencing, enhanced penalties for habitual criminals, parole, credits against sentences, residential confinement and alternatives to incarceration.

3. Recommend changes in the structure of sentencing in this State which, to the extent practicable and with consideration for their fiscal impact, incorporate general objectives and goals for sentencing, including, but not limited to, the following:

(a) Offenders must receive sentences that increase in direct proportion to the severity of their crimes and their histories of criminality.

(b) Offenders who have extensive histories of criminality or who have exhibited a propensity to commit crimes of a predatory or violent nature must receive sentences which reflect the need to ensure the safety and protection of the public and which allow for the imprisonment for life of such offenders.

(c) Offenders who have committed offenses that do not include acts of violence and who have limited histories of criminality must receive sentences which reflect the need to conserve scarce economic resources through the use of various alternatives to traditional forms of incarceration.

(d) Offenders with similar histories of criminality who are convicted of similar crimes must receive sentences that are generally similar.

(e) Offenders sentenced to imprisonment must receive sentences which do not confuse or mislead the public as to the actual time those offenders must serve while incarcerated or before being released from confinement or supervision.

(f) Offenders must not receive disparate sentences based upon factors such as race, gender or economic status.

(g) Offenders must receive sentences which are based upon the specific circumstances and facts of their offenses, including the nature of the offense and any aggravating factors, the savagery of the offense, as evidenced by the extent of any injury to the victim, and the degree of criminal sophistication demonstrated by the offender's acts before, during and after commission of the offense.

4. Evaluate the effectiveness and efficiency of the Department of Corrections and the State Board of Parole Commissioners with consideration as to whether it is feasible and advisable to establish an oversight or advisory board to perform various functions and make recommendations concerning:

(a) Policies relating to parole;

(b) Regulatory procedures and policies of the State Board of Parole Commissioners;

(c) Policies for the operation of the Department of Corrections;

(d) Budgetary issues; and

(e) Other related matters.

5. Evaluate the effectiveness of specialty court programs in this State with consideration as to whether such programs have the effect of limiting or precluding reentry of offenders and parolees into the community.

6. Evaluate the policies and practices concerning presentence investigations and reports made by the Division of Parole and Probation of the Department of ~~[Public Safety,]~~ ***Corrections,*** including, without limitation, the resources relied on in preparing such investigations and reports and the extent to which judges in this State rely on and follow the recommendations contained in such presentence investigations and reports.

7. Evaluate, review and comment upon issues relating to juvenile justice in this State, including, but not limited to:

(a) The need for the establishment and implementation of evidence-based programs and a continuum of sanctions for children who are subject to the jurisdiction of the juvenile court; and

(b) The impact on the criminal justice system of the policies and programs of the juvenile justice system.

8. Compile and develop statistical information concerning sentencing in this State.

9. Identify and study issues relating to the application of chapter 241 of NRS to meetings held by the:

(a) State Board of Pardons Commissioners to consider an application for clemency; and

(b) State Board of Parole Commissioners to consider an offender for parole.

10. Identify and study issues relating to the operation of the Department of Corrections, including, without limitation, the system for allowing credits against the sentences of offenders, the accounting of such credits and any other policies and procedures of the Department which pertain to the operation of the Department.

11. Evaluate the policies and practices relating to the involuntary civil commitment of sexually dangerous persons.

12. Identify and study the impacts and effects of collateral consequences of convictions in this State. Such identification and study:

(a) Must cause to be identified any provision in the Nevada Constitution, the Nevada Revised Statutes and the Nevada Administrative Code which imposes a collateral sanction or authorizes the imposition of a disqualification, and any provision of law that may afford relief from a collateral consequence;

(b) May rely on the study of this State's collateral sanctions, disqualifications and relief provisions prepared by the National Institute of Justice described in section 510 of the Court Security Improvement Act of 2007, Public Law 110-177; and

(c) Must include the posting of a hyperlink on the Commission's website to any study of this State's collateral sanctions, disqualifications and relief provisions prepared by the National Institute of Justice described in section 510 of the Court Security Improvement Act of 2007, Public Law 110-177.

13. For each regular session of the Legislature, prepare a comprehensive report including the Commission's recommended changes pertaining to the administration of justice in this State, the Commission's findings and any recommendations of the Commission for proposed legislation. The report must be submitted to the Director of the Legislative Counsel Bureau for distribution to the Legislature not later than September 1 of each even-numbered year.

Sec. 28. NRS 176A.040 is hereby amended to read as follows:

176A.040 "Division" means the Division of Parole and Probation of the Department of ~~[~~Public Safety.~~]~~ ***Corrections.***

Sec. 29. NRS 178.484 is hereby amended to read as follows:

178.484 1. Except as otherwise provided in this section, a person arrested for an offense other than murder of the first degree must be admitted to bail.

2. A person arrested for a felony who has been released on probation or parole for a different offense must not be admitted to bail unless:

(a) A court issues an order directing that the person be admitted to bail;

(b) The State Board of Parole Commissioners directs the detention facility to admit the person to bail; or

(c) The Division of Parole and Probation of the Department of ~~[~~Public Safety~~]~~ ***Corrections*** directs the detention facility to admit the person to bail.

3. A person arrested for a felony whose sentence has been suspended pursuant to NRS 4.373 or 5.055 for a different offense or who has been sentenced to a term of residential confinement pursuant to NRS 4.3762 or 5.076 for a different offense must not be admitted to bail unless:

(a) A court issues an order directing that the person be admitted to bail; or

(b) A department of alternative sentencing directs the detention facility to admit the person to bail.

4. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.

5. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of intoxicating liquor must not be admitted to bail or released on the person's own recognizance unless the person has a concentration of alcohol of less than 0.04 in his or her breath. A test of the person's breath pursuant to this subsection to determine the concentration of alcohol in his or her breath as a condition of admission to bail or release is not admissible as evidence against the person.

6. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of a controlled substance, is under the combined influence of intoxicating liquor and a controlled substance, or inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle or vessel under power or sail must not be admitted to bail or released on the person's own recognizance sooner than 12 hours after arrest.

7. A person arrested for a battery that constitutes domestic violence pursuant to NRS 33.018 must not be admitted to bail sooner than 12 hours after arrest. If the person is admitted to bail more than 12 hours after arrest, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:

(a) Three thousand dollars, if the person has no previous convictions of battery that constitute domestic violence pursuant to NRS 33.018 and there is

no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation;

(b) Five thousand dollars, if the person has:

(1) No previous convictions of battery that constitute domestic violence pursuant to NRS 33.018, but there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or

(2) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018, but there is no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or

(c) Fifteen thousand dollars, if the person has:

(1) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 and there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or

(2) Two or more previous convictions of battery that constitute domestic violence pursuant to NRS 33.018.

➥ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court, or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.

8. A person arrested for violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or for violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or for violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or for violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378 must not be admitted to bail sooner than 12 hours after arrest if:

(a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(b) The person has previously violated a temporary or extended order for protection of the type for which the person has been arrested; or

(c) At the time of the violation or within 2 hours after the violation, the person has:

(1) A concentration of alcohol of 0.08 or more in the person's blood or breath; or

(2) An amount of a prohibited substance in the person's blood or urine that is equal to or greater than the amount set forth in subsection 3 of NRS 484C.110.

9. If a person is admitted to bail more than 12 hours after arrest, pursuant to subsection 8, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:

(a) Three thousand dollars, if the person has no previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378;

(b) Five thousand dollars, if the person has one previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or

(c) Fifteen thousand dollars, if the person has two or more previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378.

➥ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or

extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378, if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.

10. The court may, before releasing a person arrested for an offense punishable as a felony, require the surrender to the court of any passport the person possesses.

11. Before releasing a person arrested for any crime, the court may impose such reasonable conditions on the person as it deems necessary to protect the health, safety and welfare of the community and to ensure that the person will appear at all times and places ordered by the court, including, without limitation:

(a) Requiring the person to remain in this State or a certain county within this State;

(b) Prohibiting the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on the person's behalf;

(c) Prohibiting the person from entering a certain geographic area; or

(d) Prohibiting the person from engaging in specific conduct that may be harmful to the person's own health, safety or welfare, or the health, safety or welfare of another person.

➥ In determining whether a condition is reasonable, the court shall consider the factors listed in NRS 178.4853.

12. If a person fails to comply with a condition imposed pursuant to subsection 11, the court may, after providing the person with reasonable notice and an opportunity for a hearing:

(a) Deem such conduct a contempt pursuant to NRS 22.010; or

(b) Increase the amount of bail pursuant to NRS 178.499.

13. An order issued pursuant to this section that imposes a condition on a person admitted to bail must include a provision ordering any law enforcement officer to arrest the person if the officer has probable cause to believe that the person has violated a condition of bail.

14. Before a person may be admitted to bail, the person must sign a document stating that:

(a) The person will appear at all times and places as ordered by the court releasing the person and as ordered by any court before which the charge is subsequently heard;

(b) The person will comply with the other conditions which have been imposed by the court and are stated in the document; and

(c) If the person fails to appear when so ordered and is taken into custody outside of this State, the person waives all rights relating to extradition proceedings.

➥ The signed document must be filed with the clerk of the court of competent jurisdiction as soon as practicable, but in no event later than the next business day.

15. If a person admitted to bail fails to appear as ordered by a court and the jurisdiction incurs any cost in returning the person to the jurisdiction to stand trial, the person who failed to appear is responsible for paying those costs as restitution.

16. For the purposes of subsections 8 and 9, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.

17. As used in this section, "strangulation" has the meaning ascribed to it in NRS 200.481.

Sec. 30. NRS 179.259 is hereby amended to read as follows:

179.259 1. Except as otherwise provided in subsections 3, 4 and 5, 5 years after an eligible person completes a program for reentry, the court may order sealed all documents, papers and exhibits in the eligible person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court may order those records sealed without a hearing unless the Division of Parole and Probation of the Department of ~~[Public Safety]~~ ***Corrections*** petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. If the court orders sealed the record of an eligible person, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

3. A professional licensing board is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.

4. The Division of Insurance of the Department of Business and Industry is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.

5. A person may not petition the court to seal records relating to a conviction of a crime against a child or a sexual offense.

6. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) "Eligible person" means a person who has:

(1) Successfully completed a program for reentry, which the person participated in pursuant to NRS 209.4886, 209.4888, 213.625 or 213.632; and

(2) Been convicted of a single offense which was punishable as a felony and which did not involve the use or threatened use of force or violence against the victim. For the purposes of this subparagraph, multiple convictions for an offense punishable as a felony shall be deemed to constitute a single offense if those offenses arose out of the same transaction or occurrence.

(c) "Program for reentry" means:

(1) A correctional program for reentry of offenders and parolees into the community that is established by the Director of the Department of Corrections pursuant to NRS 209.4887; or

(2) A judicial program for reentry of offenders and parolees into the community that is established in a judicial district pursuant to NRS 209.4883.

(d) "Sexual offense" has the meaning ascribed to it in paragraph (b) of subsection 7 of NRS 179.245.

Sec. 31. NRS 179A.070 is hereby amended to read as follows:

179A.070 1. "Record of criminal history" means information contained in records collected and maintained by agencies of criminal justice, the subject of which is a natural person, consisting of descriptions which identify the subject and notations of summons in a criminal action, warrants, arrests, citations for misdemeanors issued pursuant to NRS 171.1773, citations issued for violations of NRS 484C.110, 484C.120, 484C.130 and 484C.430, detentions, decisions of a district attorney or the Attorney General not to prosecute the subject, indictments, informations or other formal criminal charges and dispositions of charges, including, without limitation, dismissals, acquittals, convictions, sentences, information set forth in NRS 209.353 concerning an offender in prison, any postconviction relief, correctional supervision occurring in Nevada, information concerning the status of an offender on parole or probation, and information concerning a convicted person who has registered as such pursuant to chapter 179C of NRS. The term includes only information contained in a record, maintained in written or electronic form, of a formal transaction between a person and an agency of criminal justice in this State, including, without limitation, the fingerprints of a person who is arrested and taken into custody and of a person who is placed on parole or probation and supervised by the Division of Parole and Probation of the Department ~~[.]~~ ***of Corrections.***

2. "Record of criminal history" does not include:

(a) Investigative or intelligence information, reports of crime or other information concerning specific persons collected in the course of the enforcement of criminal laws;

(b) Information concerning juveniles;

(c) Posters, announcements or lists intended to identify fugitives or wanted persons and aid in their apprehension;

(d) Original records of entry maintained by agencies of criminal justice if the records are chronological and not cross-indexed;

(e) Records of application for and issuance, suspension, revocation or renewal of occupational licenses, including, without limitation, permits to work in the gaming industry;

(f) Except as otherwise provided in subsection 1, court indexes and records of public judicial proceedings, court decisions and opinions, and information disclosed during public judicial proceedings;

(g) Except as otherwise provided in subsection 1, records of traffic violations constituting misdemeanors;

(h) Records of traffic offenses maintained by the Department to regulate the issuance, suspension, revocation or renewal of drivers' or other operators' licenses;

(i) Announcements of actions by the State Board of Pardons Commissioners and the State Board of Parole Commissioners, except information concerning the status of an offender on parole or probation; or

(j) Records which originated in an agency other than an agency of criminal justice in this State.

Sec. 32. NRS 179B.060 is hereby amended to read as follows:

179B.060 "Division" means the Division of Parole and Probation of the Department ~~[.]~~ ***of Corrections.***

Sec. 33. NRS 179D.040 is hereby amended to read as follows:

179D.040 "Division" means the Division of Parole and Probation of the Department of ~~[Public Safety.]~~ ***Corrections.***

Sec. 34. NRS 432B.215 is hereby amended to read as follows:

432B.215 1. An agency which provides child welfare services may request the Division of Parole and Probation of the Department of ~~[Public Safety]~~ ***Corrections*** to provide information concerning a probationer or parolee that may assist the agency in carrying out the provisions of this chapter. The Division of Parole and Probation shall provide such information upon request.

2. The agency which provides child welfare services may use the information obtained pursuant to subsection 1 only for the limited purpose of carrying out the provisions of this chapter.

Sec. 35. NRS 432B.290 is hereby amended to read as follows:

432B.290 1. Information maintained by an agency which provides child welfare services must be maintained by the agency which provides child welfare services as required by federal law as a condition of the allocation of federal money to this State.

2. Except as otherwise provided in this section and NRS 432B.165, 432B.175 and 432B.513, information maintained by an agency which provides child welfare services may, at the discretion of the agency which provides child welfare services, be made available only to:

(a) A physician, if the physician has before him or her a child who the physician has reasonable cause to believe has been abused or neglected;

(b) A person authorized to place a child in protective custody, if the person has before him or her a child who the person has reasonable cause to believe has been abused or neglected and the person requires the information to determine whether to place the child in protective custody;

(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:

(1) The child; or

(2) The person responsible for the welfare of the child;

(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the abuse or neglect of a child;

(e) Except as otherwise provided in paragraph (f), a court other than a juvenile court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

(f) A court as defined in NRS 159.015 to determine whether a guardian or successor guardian of a child should be appointed pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive;

(g) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to the person;

(h) The attorney and the guardian ad litem of the child, if the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(i) A person who files or intends to file a petition for the appointment of a guardian or successor guardian of a child pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(j) The proposed guardian or proposed successor guardian of a child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(k) A grand jury upon its determination that access to these records and the information is necessary in the conduct of its official business;

(l) A federal, state or local governmental entity, or an agency of such an entity, or a juvenile court, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect;

(m) A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;

(n) A team organized pursuant to NRS 432B.350 for the protection of a child;

(o) A team organized pursuant to NRS 432B.405 to review the death of a child;

(p) A parent or legal guardian of the child and an attorney of a parent or guardian of the child, including, without limitation, the parent or guardian of a child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning that parent or guardian;

(q) The child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if:

(1) The child is 14 years of age or older; and

(2) The identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(r) The persons or agent of the persons who are the subject of a report, if the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning those persons;

(s) An agency that is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if the agency has before it an application for that license or is investigating an applicant to adopt a child;

(t) Upon written consent of the parent, any officer of this State or a city or county thereof or Legislator authorized by the agency or department having jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the activities or programs of an agency which provides child welfare services if:

(1) The identity of the person making the report is kept confidential; and

(2) The officer, Legislator or a member of the family of the officer or Legislator is not the person alleged to have committed the abuse or neglect;

(u) The Division of Parole and Probation of the Department of ~~[Public Safety]~~ ***Corrections*** for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;

(v) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides child welfare services or to a law enforcement agency;

(w) A local advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.604;

(x) The panel established pursuant to NRS 432B.396 to evaluate agencies which provide child welfare services;

(y) An employer in accordance with subsection 3 of NRS 432.100;

(z) A team organized or sponsored pursuant to NRS 217.475 or 228.495 to review the death of the victim of a crime that constitutes domestic violence; or

(aa) The Committee to Review Suicide Fatalities created by NRS 439.5104.

3. An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(b) A written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect or any collateral sources and reporting parties.

4. Except as otherwise provided by subsection 6, before releasing any information maintained by an agency which provides child welfare services pursuant to this section, an agency which provides child welfare services shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of any person who reports child abuse or neglect and to protect any other person if the agency which provides child welfare services reasonably believes that disclosure of the information would cause a specific and material harm to an investigation of the alleged abuse or neglect of a child or the life or safety of any person.

5. The provisions of this section must not be construed to require an agency which provides child welfare services to disclose information maintained by the agency which provides child welfare services if, after consultation with the attorney who represents the agency, the agency determines that such disclosure would cause a specific and material harm to a criminal investigation.

6. A person who is the subject of an unsubstantiated report of child abuse or neglect made pursuant to this chapter and who believes that the report was made in bad faith or with malicious intent may petition a district court to order the agency which provides child welfare services to release information maintained by the agency which provides child welfare services. The petition must specifically set forth the reasons supporting the belief that the report was made in bad faith or with malicious intent. The petitioner shall provide notice to the agency which provides child welfare services so that the agency

may participate in the action through its counsel. The district court shall review the information which the petitioner requests to be released and the petitioner shall be allowed to present evidence in support of the petition. If the court determines that there is a reasonable question of fact as to whether the report was made in bad faith or with malicious intent and that the disclosure of the identity of the person who made the report would not be likely to endanger the life or safety of the person who made the report, the court shall provide a copy of the information to the petitioner and the original information is subject to discovery in a subsequent civil action regarding the making of the report.

7. If an agency which provides child welfare services receives any information that is deemed confidential by law, the agency which provides child welfare services shall maintain the confidentiality of the information as prescribed by applicable law.

8. Pursuant to this section, a person may authorize the release of information maintained by an agency which provides child welfare services about himself or herself, but may not waive the confidentiality of such information concerning any other person.

9. An agency which provides child welfare services may provide a summary of the outcome of an investigation of the alleged abuse or neglect of a child to the person who reported the suspected abuse or neglect.

10. Except as otherwise provided in this subsection, any person who is provided with information maintained by an agency which provides child welfare services and who further disseminates the information or makes the information public is guilty of a gross misdemeanor. This subsection does not apply to:

(a) A district attorney or other law enforcement officer who uses the information solely for the purpose of initiating legal proceedings;

(b) An employee of the Division of Parole and Probation of the Department of ~~[~~Public Safety~~]~~ ***Corrections*** making a presentence investigation and report to the district court pursuant to NRS 176.135 or making a general investigation and report pursuant to NRS 176.151; or

(c) An employee of a juvenile justice agency who provides the information to the juvenile court.

11. An agency which provides child welfare services may charge a fee for processing costs reasonably necessary to prepare information maintained by the agency which provides child welfare services for release pursuant to this section.

12. An agency which provides child welfare services shall adopt rules, policies or regulations to carry out the provisions of this section.

13. As used in this section, "juvenile justice agency" means the Youth Parole Bureau or a director of juvenile services.

Sec. 36. NRS 449.0055 is hereby amended to read as follows:

449.0055 1. "Facility for transitional living for released offenders" means a residence that provides housing and a living environment for

persons who have been released from prison and who require assistance with reintegration into the community, other than such a residence that is operated or maintained by a state or local government or an agency thereof. The term does not include a halfway house for recovering alcohol and drug abusers or a facility for the treatment of abuse of alcohol or drugs.

2. As used in this section, "person who has been released from prison" means:

(a) A parolee.

(b) A person who is participating in:

(1) A judicial program pursuant to NRS 209.4886 or 213.625; or

(2) A correctional program pursuant to NRS 209.4888 or 213.632.

(c) A person who is supervised by the Division of Parole and Probation of the Department of ~~[Public Safety]~~ ***Corrections*** through residential confinement pursuant to NRS 213.371 to 213.410, inclusive.

(d) A person who has been released from prison by expiration of his or her term of sentence.

Sec. 37. NRS 453.3363 is hereby amended to read as follows:

453.3363 1. If a person who has not previously been convicted of any offense pursuant to NRS 453.011 to 453.552, inclusive, or pursuant to any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant or hallucinogenic substances tenders a plea of guilty, guilty but mentally ill, nolo contendere or similar plea to a charge pursuant to subparagraph (1) of paragraph (a) of subsection 2 of NRS 453.3325, subsection 2 or 3 of NRS 453.336, NRS 453.411 or 454.351, or is found guilty or guilty but mentally ill of one of those charges, the court, without entering a judgment of conviction and with the consent of the accused, may suspend further proceedings and place the person on probation upon terms and conditions that must include attendance and successful completion of an educational program or, in the case of a person dependent upon drugs, of a program of treatment and rehabilitation pursuant to NRS 453.580.

2. Upon violation of a term or condition, the court may enter a judgment of conviction and proceed as provided in the section pursuant to which the accused was charged. Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, upon violation of a term or condition, the court may order the person to the custody of the Department of Corrections.

3. Upon fulfillment of the terms and conditions, the court shall discharge the accused and dismiss the proceedings against him or her. A nonpublic record of the dismissal must be transmitted to and retained by the Division of Parole and Probation of the Department of ~~[Public Safety]~~ ***Corrections*** solely for the use of the courts in determining whether, in later proceedings, the person qualifies under this section.

4. Except as otherwise provided in subsection 5, discharge and dismissal under this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any

statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the person discharged, in the contemplation of the law, to the status occupied before the arrest, indictment or information. The person may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of the person for any purpose. Discharge and dismissal under this section may occur only once with respect to any person.

5. A professional licensing board may consider a proceeding under this section in determining suitability for a license or liability to discipline for misconduct. Such a board is entitled for those purposes to a truthful answer from the applicant or licensee concerning any such proceeding with respect to the applicant or licensee.

Sec. 38. NRS 453.3365 is hereby amended to read as follows:

453.3365 1. Three years after a person is convicted and sentenced pursuant to subsection 3 of NRS 453.336, the court may order sealed all documents, papers and exhibits in that person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order, if the:

(a) Person fulfills the terms and conditions imposed by the court and the parole and probation officer; and

(b) Court, after a hearing, is satisfied that the person is rehabilitated.

2. Except as limited by subsection 4, after an accused is discharged from probation pursuant to NRS 453.3363, the court shall order sealed all documents, papers and exhibits in that person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order if the person fulfills the terms and conditions imposed by the court and the Division of Parole and Probation of the Department of ~~[~~Public Safety.~~]~~ ***Corrections.*** The court shall order those records sealed without a hearing unless the Division of Parole and Probation petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

3. If the court orders sealed the record of a person discharged pursuant to NRS 453.3363, it shall cause a copy of the order to be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

4. A professional licensing board is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.

Sec. 39. NRS 480.110 is hereby amended to read as follows:

480.110 Except as otherwise provided therein, the Department shall execute, administer and enforce, and perform the functions and duties provided in:

1. ~~[Chapters 176A and 213 of NRS relating to parole and probation;~~

~~2.]~~ Chapter 414 of NRS relating to emergency management;

~~[3.]~~ ***2.*** Chapter 414A of NRS;

~~[4.]~~ ***3.*** Chapter 453 of NRS relating to controlled substances and chapter 454 of NRS relating to dangerous drugs;

~~[5.]~~ ***4.*** Chapter 459 of NRS relating to the transportation of hazardous materials;

~~[6.]~~ ***5.*** Chapter 477 of NRS relating to the State Fire Marshal; and

~~[7.]~~ ***6.*** NRS 486.363 to 486.377, inclusive, relating to the education and safety of motorcycle riders.

Sec. 40. NRS 480.130 is hereby amended to read as follows:

480.130 The Department consists of:

1. An Investigation Division;
2. A Nevada Highway Patrol Division;
3. A Division of Emergency Management;
4. A State Fire Marshal Division;
5. ~~[A Division of Parole and Probation;~~

~~6.]~~ A Capitol Police Division;

~~[7.]~~ ***6.*** A Training Division; and

~~[8.]~~ ***7.*** A General Services Division.

Sec. 41. NRS 480.140 is hereby amended to read as follows:

480.140 The primary functions and responsibilities of the divisions of the Department are as follows:

1. The Investigation Division shall:

(a) Execute, administer and enforce the provisions of chapter 453 of NRS relating to controlled substances and chapter 454 of NRS relating to dangerous drugs;

(b) Assist the Secretary of State in carrying out an investigation pursuant to NRS 293.124; and

(c) Perform such duties and exercise such powers as may be conferred upon it pursuant to this chapter and any other specific statute.

2. The Nevada Highway Patrol Division shall, in conjunction with the Department of Motor Vehicles, execute, administer and enforce the provisions of chapters 484A to 484E, inclusive, of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to NRS 480.360 and any other specific statute.

3. The Division of Emergency Management shall execute, administer and enforce the provisions of chapters 414 and 414A of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapters 414 and 414A of NRS and any other specific statute.

4. The State Fire Marshal Division shall execute, administer and enforce the provisions of chapter 477 of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 477 of NRS and any other specific statute.

5. ~~[The Division of Parole and Probation shall execute, administer and enforce the provisions of chapters 176A and 213 of NRS relating to parole and probation and perform such duties and exercise such powers as may be conferred upon it pursuant to those chapters and any other specific statute.~~

~~6.]~~ The Capitol Police Division shall assist in the enforcement of subsection 1 of NRS 331.140.

~~[7.]~~ ***6.*** The Training Division shall provide training to the employees of the Department.

~~[8.]~~ ***7.*** The General Services Division shall:

(a) Execute, administer and enforce the provisions of chapter 179A of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 179A of NRS and any other specific statute;

(b) Provide dispatch services for the Department and other agencies as determined by the Director;

(c) Maintain records of the Department as determined by the Director; and

(d) Provide support services to the Director, the divisions of the Department and the Nevada Criminal Justice Information System as may be imposed by the Director.

Sec. 42. NRS 617.135 is hereby amended to read as follows:

617.135 "Police officer" includes:

1. A sheriff, deputy sheriff, officer of a metropolitan police department or city police officer;

2. A chief, inspector, supervisor, commercial officer or trooper of the Nevada Highway Patrol Division of the Department of Public Safety;

3. A chief, investigator or agent of the Investigation Division of the Department of Public Safety;

4. A chief, supervisor, investigator or training officer of the Training Division of the Department of Public Safety;

5. A chief or investigator of an office of the Department of Public Safety that conducts internal investigations of employees of the Department of Public Safety or investigates other issues relating to the professional responsibility of those employees;

6. A chief or investigator of the Department of Public Safety whose duties include, without limitation:

(a) The execution, administration or enforcement of the provisions of chapter 179A of NRS; and

(b) The provision of technology support services to the Director and the divisions of the Department of Public Safety;

7. An officer or investigator of the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the Department of Motor Vehicles;

8. An investigator of the Division of Compliance Enforcement of the Department of Motor Vehicles;

9. A member of the police department of the Nevada System of Higher Education;

10. A:

(a) Uniformed employee of; or

(b) Forensic specialist employed by,

➥ the Department of Corrections whose position requires regular and frequent contact with the offenders imprisoned and subjects the employee to recall in emergencies;

11. A parole and probation officer of the Division of Parole and Probation of the Department of ~~[Public Safety;]~~ ***Corrections;***

12. A forensic specialist or correctional officer employed by the Division of Public and Behavioral Health of the Department of Health and Human Services at facilities for mentally disordered offenders;

13. The State Fire Marshal and his or her assistant and deputies;

14. A game warden of the Department of Wildlife who has the powers of a peace officer pursuant to NRS 289.280;

15. A ranger or employee of the Division of State Parks of the State Department of Conservation and Natural Resources who has the powers of a peace officer pursuant to NRS 289.260; and

16. A bailiff or a deputy marshal of the district court or justice court whose duties require him or her to carry a weapon and to make arrests.

Sec. 43. 1. Any administrative regulations adopted by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remain in force until amended by the officer, agency or other entity to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity are binding upon the officer, agency or other entity to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer, agency or other entity to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remains in effect as if taken by the officer, agency or other entity to which the responsibility for the enforcement of such actions has been transferred.

Sec. 44. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an

officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 45. NRS 209.4874 is hereby repealed.

Sec. 46. This act becomes effective on July 1, ~~[2017.]~~ **2019.**

TEXT OF REPEALED SECTION

209.4874 "Division" defined. "Division" means the Division of Parole and Probation of the Department of Public Safety.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 324.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 263.

AN ACT relating to document preparation services; revising the definition of a "document preparation service"; prohibiting a person providing a document preparation service from advertising or representing himself or herself as a paralegal or legal assistant; requiring certain fees to register or renew registration as a document preparation service; **revising the period of time in which an application for registration as a document preparation service must be completed;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes requirements for the registration and practice of a person who provides a document preparation service, which includes: (1) defining a "document preparation service"; (2) requiring persons who provide a document preparation service to register with the Secretary of State; (3) exempting certain persons from registering as a document preparation service; and (4) prohibiting a person who provides a document preparation service from committing certain acts. (Chapter 240A of NRS) **Section** ~~[1]~~ **1.5** of this bill expands the definition of "document preparation service" to include **: (1)** a person who, for compensation, assists a client in preparing all or substantially all of a federal or state tax return or a claim for a tax refund ~~[, excluding a certified public accountant who is licensed in this State or a financial planner who is subject to certain state requirements. Section 1 further provides that paralegals are included, under certain circumstances, in the definition of "document preparation service." Section 1 also removes the exemption from the registration requirements for]~~ **; (2) certain paralegals; and (3)** an enrolled agent who is authorized to practice before the Internal Revenue Service. **Section 1.5 further clarifies that a**

bankruptcy petition preparer is included in the definition of "document preparation service." Section 1.5 also excludes from the definition of "document preparation service": (1) certain attorneys who are licensed to practice in other states and the District of Columbia; and (2) a certified public accountant who is licensed in this State or a financial planner who is subject to certain state requirements.

Section 2 of this bill requires a person who registers as a document preparation service to pay ~~[an]~~ **a nonrefundable** application fee of $50. **Section 3** of this bill requires a person who wishes to renew his or her registration as a document preparation service to pay a renewal fee of $25 every year upon the expiration of the registration. **Section 1 of this bill requires these fees to be accounted for separately and used to pay for expenses relating to administering the document preparation services program.**

Section 2 provides that an application to register as a document preparation service must be completed within 120 days or the application must be denied.

Section 4 of this bill prohibits a person who provides document preparation services from advertising or representing himself or herself as a paralegal or legal assistant, which implies that the person is operating under the direction and supervision of an attorney.

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

Section 1. **Chapter 240A of NRS is hereby amended by adding thereto a new section to read as follows:**

The Secretary of State shall account for the fees received pursuant to NRS 240A.100 and 240A.110 separately, and use those fees, and any interest and income earned on those fees, solely to pay for expenses related to administering the document preparation services program pursuant to this chapter, including, without limitation, the cost of:

1. Materials and advertising to provide education and information about the program; and

2. Any technology necessary to process and maintain registration as a document preparation service.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 240A.030 is hereby amended to read as follows:

240A.030 1. "Document preparation service" means a person who:

(a) For compensation and at the direction of a client, provides assistance to the client in a legal matter, including, without limitation:

(1) Preparing or completing any pleading, application or other document for the client;

(2) Translating an answer to a question posed in such a document;

(3) Securing any supporting document, such as a birth certificate, required in connection with the legal matter; ~~[or]~~

(4) Submitting a completed document on behalf of the client to a court or administrative agency; or

(5) Preparing or assisting in the preparation of all or substantially all of a federal or state tax return or claim for a tax refund; or

(b) Holds himself or herself out as a person who provides such services.

2. ***The term includes, without limitation*** ~~***[, a]***~~ ***:***

(a) A paralegal who performs one or more of the actions described in subsection 1 unless the paralegal works under the direction and supervision of an attorney authorized to practice law in this State ~~***[.]***~~ ***;***

(b) A bankruptcy petition preparer as defined by section 110 of the United States Bankruptcy Code, 11 U.S.C. § 110; and

(c) An enrolled agent authorized to practice before the Internal Revenue Service.

3. The term does not include:

(a) A person who provides only secretarial or receptionist services.

(b) An attorney ~~[authorized]~~ ***:***

(1) Authorized to practice law in this State, or an employee of such an attorney who is paid directly by the attorney or law firm with whom the attorney is associated and who is acting in the course and scope of that employment.

(2) Authorized to practice law in any other state or the District of Columbia who provides services related to the legal matters described in subsection 2 of NRS 240A.040.

(c) A law student certified by the State Bar of Nevada for training in the practice of law.

(d) A governmental entity or an employee of such an entity who is acting in the course and scope of that employment.

(e) A nonprofit organization formed pursuant to title 7 of NRS which the Secretary of the Treasury has determined is a tax-exempt organization pursuant to 26 U.S.C. § 501(c) and which provides legal services to persons free of charge, or an employee of such an organization who is acting in the course and scope of that employment.

(f) A legal aid office or lawyer referral service operated, sponsored or approved by a duly accredited law school, a governmental entity, the State Bar of Nevada or any other bar association which is representative of the general bar of the geographical area in which the bar association exists, or an employee of such an office or service who is acting in the course and scope of that employment.

(g) A military legal assistance office or a person assigned to such an office who is acting in the course and scope of that assignment.

(h) ~~[A]~~ ***Except as otherwise provided in paragraphs (b) and (c) of subsection 2, a*** person licensed by or registered with an agency or entity of the United States Government acting within the scope of his or her license or registration, including, without limitation, an accredited immigration representative ***.*** ~~***[,***~~ and an enrolled agent authorized to practice before the

~~Internal Revenue Service, but not including a bankruptcy petition preparer as defined by section 110 of the United States Bankruptcy Code, 11 U.S.C. § 110.~~ ***, or an enrolled agent authorized to practice before the Internal Revenue Service.]***

(i) A corporation, limited-liability company or other entity representing or acting for itself through an officer, manager, member or employee of the entity, or any such officer, manager, member or employee who is acting in the course and scope of that employment.

(j) A commercial wedding chapel.

(k) A person who provides legal forms or computer programs that enable another person to create legal documents.

(l) A commercial registered agent.

(m) A person who holds a license, permit, certificate, registration or any other type of authorization required by chapter 645 or 692A of NRS, or any regulation adopted pursuant thereto, and is acting within the scope of that authorization.

(n) A collection agency that is licensed pursuant to chapter 649 of NRS.

(o) A certified public accountant that is licensed to practice in this State pursuant to the provisions of chapter 628 of NRS or a financial planner that is subject to the requirements of chapter 628A of NRS who is acting within the scope of the license or requirements, as applicable, to prepare or assist in preparing a federal or state tax return or claim for a tax refund for another person.

~~[3.]~~ ***4.*** As used in this section:

(a) "Commercial registered agent" has the meaning ascribed to it in NRS 77.040.

(b) "Commercial wedding chapel" means a permanently affixed structure which operates a business principally for the performance of weddings and which is licensed for that purpose.

Sec. 2. NRS 240A.100 is hereby amended to read as follows:

240A.100 1. A person who wishes to engage in the business of a document preparation service must be registered by the Secretary of State pursuant to this chapter. An applicant for registration must be a citizen or legal resident of the United States or hold a valid Employment Authorization Document issued by the United States Citizenship and Immigration Services of the Department of Homeland Security, and be at least 18 years of age.

2. The Secretary of State shall not register as a document preparation service any person:

(a) Who is suspended or has previously been disbarred from the practice of law in any jurisdiction;

(b) Whose registration as a document preparation service in this State or another state has previously been revoked for cause;

(c) Who has previously been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a gross misdemeanor pursuant to paragraph (b) of subsection 1 of NRS 240A.290; or

(d) Who has, within the 10 years immediately preceding the date of the application for registration as a document preparation service, been:

(1) Convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a crime involving theft, fraud or dishonesty;

(2) Convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, the unauthorized practice of law pursuant to NRS 7.285 or the corresponding statute of any other jurisdiction; or

(3) Adjudged by the final judgment of any court to have committed an act involving theft, fraud or dishonesty.

3. An application for registration as a document preparation service must be made under penalty of perjury on a form prescribed by regulation of the Secretary of State and must be accompanied by ~~[a]~~ ***:***

(a) ~~[An]~~ A nonrefundable application fee of $50; and

(b) A cash bond or surety bond meeting the requirements of NRS 240A.120.

4. An applicant for registration must submit to the Secretary of State a declaration under penalty of perjury stating that the applicant has not had a certificate or license as a document preparation service revoked or suspended in this State or any other state or territory of the United States.

5. After the investigation of the history of the applicant is completed, the Secretary of State shall issue a certificate of registration if the applicant is qualified for registration and has complied with the requirements of this section. Each certificate of registration must bear the name of the registrant and a registration number unique to that registrant. The Secretary of State shall maintain a record of the name and registration number of each registrant.

6. An application for registration as a document preparation service that is not completed within ~~[6 months]~~ ***120 days*** after the date on which the application was submitted must be denied. ***If an application is denied pursuant to this subsection, the applicant may submit a new application.***

Sec. 3. NRS 240A.110 is hereby amended to read as follows:

240A.110 1. The registration of a document preparation service is valid for 1 year after the date of issuance of the certificate of registration, unless the registration is suspended or revoked. Except as otherwise provided in this section, the registration may be renewed subject to the same conditions as the initial registration. An application for renewal must be made under penalty of perjury on a form prescribed by regulation of the Secretary of State and must be accompanied by ~~[a]~~ ***:***

(a) A renewal fee of $25; and

(b) A cash bond or surety bond meeting the requirements of NRS 240A.120, unless the bond previously filed by the registrant remains on file and in effect.

2. The registration of a registrant who holds a valid Employment Authorization Document issued by the United States Citizenship and

Immigration Services of the Department of Homeland Security must expire on the date on which that person's employment authorization expires.

3. The Secretary of State may:

(a) Conduct any investigation of a registrant that the Secretary of State deems appropriate.

(b) Require a registrant to submit a complete set of fingerprints and written permission authorizing the Secretary of State to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

4. After any investigation of the history of a registrant is completed, unless the Secretary of State elects or is required to deny renewal pursuant to this section or NRS 240A.270, the Secretary of State shall renew the registration if the registrant is qualified for registration and has complied with the requirements of this section.

Sec. 4. NRS 240A.240 is hereby amended to read as follows:

240A.240 A registrant shall not:

1. After the date of the last service performed for a client, retain any fees or costs for services not performed or costs not incurred.

2. Make, orally or in writing:

(a) A promise of the result to be obtained by the filing or submission of any document, unless the registrant has some basis in fact for making the promise;

(b) A statement that the registrant has some special influence with or is able to obtain special treatment from the court or agency with which a document is to be filed or submitted; or

(c) A false or misleading statement to a client if the registrant knows that the statement is false or misleading or knows that the registrant lacks a sufficient basis for making the statement.

3. In any advertisement or written description of the registrant or the services provided by the registrant, or on any letterhead or business card of the registrant, use the term "legal aid," "legal services," "law office," "notario," "notario publico," "notary public," "notary," ***"paralegal," "legal assistant,"*** "licensed," "licenciado," "attorney," "lawyer" or any similar term, in English, Spanish or any other language, which implies that the registrant:

(a) Offers services without charge if the registrant does not do so; ~~[or]~~

(b) Is an attorney authorized to practice law in this State ~~[.]~~ ***; or***

(c) Is acting under the direction and supervision of an attorney.

4. ***Represent himself or herself, orally or in writing, as a paralegal or legal assistant which implies that the registrant is acting under the direction and supervision of an attorney licensed to practice law in this State.***

5. Negotiate with another person concerning the rights or responsibilities of a client, communicate the position of a client to another person or convey the position of another person to a client.

~~[5.]~~ ***6.*** Appear on behalf of a client in a court proceeding or other formal adjudicative proceeding, unless the registrant is ordered to appear by the court or presiding officer.

~~[6.]~~ ***7.*** Provide any advice, explanation, opinion or recommendation to a client about possible legal rights, remedies, defenses, options or the selection of documents or strategies, except that a registrant may provide to a client published factual information, written or approved by an attorney, relating to legal procedures, rights or obligations.

~~[7.]~~ ***8.*** Seek or obtain from a client a waiver of any provision of this chapter. Any such waiver is contrary to public policy and void.

Sec. 5. This act becomes effective on July 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 327.

Bill read second time.

The following amendment was proposed by the Committee on Corrections, Parole, and Probation:

Amendment No. 345.

AN ACT relating to criminal procedure; authorizing a person who was dishonorably discharged from probation to apply to a court for the sealing of records of criminal history relating to the conviction; **establishing a rebuttable presumption that records of criminal history should be sealed in certain circumstances;** revising various provisions relating to the filing of petitions for the sealing of records of criminal history; ~~[requiring an agency of criminal justice to remove certain records from a record of criminal history before dissemination of the record in certain circumstances;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person who is granted an honorable discharge from probation to apply to the court for the sealing of records relating to the conviction. (NRS 176A.850) Existing law also provides that a person who is given a dishonorable discharge from probation is not entitled to such a privilege. (NRS 176A.870) **Section 1** of this bill authorizes a person who is given a dishonorable discharge from probation to apply to the court for the sealing of records relating to the conviction if he or she is otherwise eligible to have the records sealed.

Existing law authorizes a person who was convicted of certain offenses or who was arrested for alleged criminal conduct but the charges against the person were dismissed, the prosecuting attorney declined prosecution of the charges or the person was acquitted of the charges to petition the court in which the person was convicted or in which the charges were dismissed or declined for prosecution or the acquittal was entered for the sealing of all

records relating to the conviction or the arrest and proceedings leading to the dismissal, declination or acquittal, as applicable. Existing law also: (1) generally requires a person to wait a specified number of years, depending on the offense, until he or she may petition the court for the sealing of such records; and (2) requires a petition to be accompanied by the person's current, verified records received from the Central Repository for Nevada Records of Criminal History and all agencies of criminal justice which maintain such records within the city or county in which the petitioner appeared in court. (NRS 179.245, 179.255) **Sections 7 and 8** of this bill: (1) reduce the length of certain periods that a person is required to wait before petitioning a court for the sealing of records; and (2) remove the requirement that a petition be accompanied by the petitioner's current, verified records received from local agencies of criminal justice. **Sections 7 and 8** also provide that if the prosecuting attorney stipulates to the sealing of the records and the court makes certain findings, the court is authorized to order the records sealed without a hearing.

Existing law also authorizes the sealing of the records of a person who completes a correctional or judicial program for reentry into the community 5 years after the completion of the program. (NRS 179.259) **Section 9** of this bill reduces such a period to 4 years.

Section 4 of this bill provides that upon the filing of a petition for the sealing of records **,** ~~[: (1)]~~ there is a **rebuttable** presumption that the records should be sealed if the applicant satisfies all statutory requirements for the sealing of the records **.** ~~[; and (2) if a hearing is conducted, the prosecuting attorney or the Division of Parole and Probation of the Department of Public Safety, as applicable, must prove by clear and convincing evidence that the records should not be sealed.]~~ **Section 4 also provides that such a presumption does not apply to a defendant who is given a dishonorable discharge from probation and applies to the court for the sealing of records relating to the conviction.**

Section 5 of this bill authorizes a person to file a petition for the sealing of records in district court if the person wishes to have more than one record sealed and would otherwise need to file a petition in more than one court. **Section 5** also authorizes the district court to order the sealing of any records in the justice or municipal courts in certain circumstances.

~~[Existing law provides for the dissemination of records of criminal history by agencies of criminal justice in certain circumstances. (NRS 179A.090, 179A.100) Section 11 of this bill requires that before an agency of criminal justice disseminates any record to a person or entity other than another agency of criminal justice, the agency of criminal justice must remove any record of a conviction of a category E felony, gross misdemeanor or misdemeanor if a certain amount of time has passed since the person was released from actual custody, discharged from parole or probation or was no longer under a suspended sentence, whichever occurred later.]~~

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

Section 1. NRS 176A.870 is hereby amended to read as follows:

176A.870 ***1.*** A defendant whose term of probation has expired and:

~~[1.]~~ ***(a)*** Whose whereabouts are unknown;

~~[2.]~~ ***(b)*** Who has failed to make restitution in full as ordered by the court, without a verified showing of economic hardship; or

~~[3.]~~ ***(c)*** Who has otherwise failed to qualify for an honorable discharge as provided in NRS 176A.850,

➥ is not eligible for an honorable discharge and must be given a dishonorable discharge.

2. A dishonorable discharge releases the probationer from any further obligation, except a civil liability arising on the date of discharge for any unpaid restitution which is enforceable pursuant to NRS 176.275 **.** ~~[.]~~

3. A defendant who is given a dishonorable discharge pursuant to this section may, if he or she meets the requirements of NRS 179.245, apply to the court for the sealing of records relating to the conviction but ~~[does]~~ ***is otherwise*** not ~~[entitle the probationer]~~ ***entitled*** to any privilege conferred by NRS 176A.850.

Sec. 2. Chapter 179 of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 5 of this act.

Sec. 3. ***The Legislature hereby declares that the public policy of this State is to favor the giving of second chances to offenders who are rehabilitated and the sealing of the records of such persons in accordance with NRS 179.241 to 179.301, inclusive, and sections 3, 4 and 5 of this act.***

Sec. 4. ~~*[Upon]*~~

1. Except as otherwise provided in subsection 2, upon the filing of a petition for the sealing of records pursuant to NRS 179.245, 179.255 **,** ~~*[or]*~~ ***179.259*** ~~*[,*~~

~~*1. There]*~~ ***or section 5 of this act, there is a rebuttable presumption that the records should be sealed if the applicant satisfies all statutory requirements for the sealing of the records*** **.** ~~*[; and]*~~

2. ~~*[If a hearing on the petition is conducted, the prosecuting attorney with jurisdiction or the Division of Parole and Probation of the Department of Public Safety, as applicable, must prove by clear and convincing evidence that the records should not be sealed.]*~~ ***The presumption set forth in subsection 1 does not apply to a defendant who is given a dishonorable discharge from probation pursuant to NRS 176A.870 and applies to the court for the sealing of records relating to the conviction.***

Sec. 5. ***Notwithstanding the procedure established in NRS 179.245, 179.255 or 179.259 for the filing of a petition for the sealing of records:***

1. If a person wishes to have more than one record sealed and would otherwise need to file a petition in more than one court for the sealing of

the records, the person may, instead of filing a petition in each court, file a petition in district court for the sealing of all such records.

2. If a person files a petition for the sealing of records in district court pursuant to subsection 1 or NRS 179.245, 179.255 or 179.259, the district court may order the sealing of any other records in the justice or municipal courts in accordance with the provisions of NRS 179.241 to 179.301, inclusive, and sections 3, 4 and 5 of this act.

Sec. 6. NRS 179.241 is hereby amended to read as follows:

179.241 As used in NRS 179.241 to 179.301, inclusive, ***and sections 3, 4 and 5 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 179.242, 179.243 and 179.244 have the meanings ascribed to them in those sections.

Sec. 7. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection ~~[5]~~ ***6*** and NRS 176A.265, 176A.295, 179.259, 453.3365 and 458.330, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

(a) A category A ~~[or B]~~ felony ***, a crime of violence pursuant to NRS 200.408 or burglary pursuant to NRS 205.060*** after ~~[15 11]~~ ***10*** years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(b) ~~[A]~~ ***Except as otherwise provided in paragraph (a), a*** category ***B,*** C or D felony after ~~[12 9]~~ ***5*** years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after ~~[7 5]~~ ***2*** years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Except as otherwise provided in paragraph (e), any gross misdemeanor after ~~[5 4]~~ ***2*** years from the date of release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 422.540 to 422.570, inclusive, other than a felony, a violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 ~~[5]~~ years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; ~~[or]~~

(f) ~~[Any other]~~ ***Except as otherwise provided in paragraph (e), if the offense is punished as a*** misdemeanor ***, a battery pursuant to NRS 200.481, harassment pursuant to NRS 200.571, stalking pursuant to NRS 200.575 or a violation of a temporary or extended order for protection,*** after 2 years ~~[18 months]~~ from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later ~~[.]~~ ***; or***

(g) Any other misdemeanor after 1 year from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by the petitioner's current, verified records received from ~~[~~:

~~(1) The]~~ ***the*** Central Repository for Nevada Records of Criminal History; ~~[and~~

~~(2) All agencies of criminal justice which maintain such records within the city or county in which the conviction was entered;]~~

(b) If the petition references NRS 453.3365 or 458.330, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(c) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(d) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific conviction to which the records to be sealed pertain; and

(3) Date of arrest relating to the specific conviction to which the records to be sealed pertain.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and the prosecuting attorney, including, without limitation, the Attorney General, who prosecuted the petitioner for the crime. The prosecuting attorney and any person having relevant evidence may testify and present evidence at ~~[the]~~ ***any*** hearing on the petition.

4. ***If the prosecuting attorney who prosecuted the petitioner for the crime stipulates to the sealing of the records after receiving notification pursuant to subsection 3 and the court makes the findings set forth in subsection 5, the court may order the sealing of the records in accordance with subsection 5 without a hearing. If the prosecuting attorney does not stipulate to the sealing of the records, a hearing on the petition must be conducted.***

5. If ~~[, after the hearing,]~~ the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada, and may also order all such records of the petitioner returned to the file of the court where the proceeding was commenced from, including, without limitation, the Federal Bureau of Investigation, the California Bureau of Criminal Identification and

Information and all other agencies of criminal justice which maintain such records and which are reasonably known by either the petitioner or the court to have possession of such records.

~~[5.]~~ ***6.*** A person may not petition the court to seal records relating to a conviction of:

(a) A crime against a child;

(b) A sexual offense;

(c) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;

(d) A violation of NRS 484C.430;

(e) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;

(f) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or

(g) A violation of NRS 488.420 or 488.425.

~~[6.]~~ ***7.*** If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

~~[7.]~~ ***8.*** As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(12) Lewdness with a child pursuant to NRS 201.230.

(13) Sexual penetration of a dead human body pursuant to NRS 201.450.

(14) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(15) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

(16) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

(17) An attempt to commit an offense listed in this paragraph.

Sec. 8. NRS 179.255 is hereby amended to read as follows:

179.255 1. If a person has been arrested for alleged criminal conduct and the charges are dismissed, the prosecuting attorney having jurisdiction declined prosecution of the charges or such person is acquitted of the charges, the person may petition:

(a) The court in which the charges were dismissed, at any time after the date the charges were dismissed;

(b) The court having jurisdiction in which the charges were declined for prosecution:

(1) Any time after the applicable statute of limitations has run;

(2) Any time ~~[10]~~ ***8*** years after the arrest; or

(3) Pursuant to a stipulation between the parties; or

(c) The court in which the acquittal was entered, at any time after the date of the acquittal,

➥ for the sealing of all records relating to the arrest and the proceedings leading to the dismissal, declination or acquittal.

2. If the conviction of a person is set aside pursuant to NRS 458A.240, the person may petition the court that set aside the conviction, at any time after the conviction has been set aside, for the sealing of all records relating to the setting aside of the conviction.

3. A petition filed pursuant to subsection 1 or 2 must:

(a) Be accompanied by the petitioner's current, verified records received from ~~[~~:

~~(1) The]~~ ***the*** Central Repository for Nevada Records of Criminal History; ~~[and~~

~~(2) All agencies of criminal justice which maintain such records within the city or county in which the petitioner appeared in court;]~~

(b) Except as otherwise provided in paragraph (c), include the disposition of the proceedings for the records to be sealed;

(c) If the petition references NRS 453.3365 or 458.330, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(d) Include a list of any other public or private agency, company, official and other custodian of records that is reasonably known to the petitioner to have possession of records of the arrest and of the proceedings leading to the dismissal, declination or acquittal and to whom the order to seal records, if issued, will be directed; and

(e) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific charges that were dismissed or of which the petitioner was acquitted; and

(3) Date of arrest relating to the specific charges that were dismissed or of which the petitioner was acquitted.

4. Upon receiving a petition pursuant to subsection 1, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the charges were dismissed, declined for prosecution or the acquittal was entered in a district court or justice court, the prosecuting attorney for the county; or

(b) If the charges were dismissed, declined for prosecution or the acquittal was entered in a municipal court, the prosecuting attorney for the city.

➥ The prosecuting attorney and any person having relevant evidence may testify and present evidence at ~~[the]~~ ***any*** hearing on the petition.

5. Upon receiving a petition pursuant to subsection 2, the court shall notify:

(a) If the conviction was set aside in a district court or justice court, the prosecuting attorney for the county; or

(b) If the conviction was set aside in a municipal court, the prosecuting attorney for the city.

➥ The prosecuting attorney and any person having relevant evidence may testify and present evidence at ~~[the]~~ ***any*** hearing on the petition.

6. ***If the prosecuting attorney stipulates to the sealing of the records after receiving notification pursuant to subsection 4 or 5 and the court makes the findings set forth in subsection 7 or 8, as applicable, the court may order the sealing of the records in accordance with subsection 7 or 8, as applicable, without a hearing. If the prosecuting attorney does not stipulate to the sealing of the records, a hearing on the petition must be conducted.***

7. If ~~[, after the hearing on a petition submitted pursuant to subsection 1,]~~ the court finds that there has been an acquittal, that the prosecution was declined or that the charges were dismissed and there is no evidence that

further action will be brought against the person, the court may order sealed all records of the arrest and of the proceedings leading to the acquittal, declination or dismissal which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada.

~~[~~7.~~]~~ ***8.*** If ~~[, after the hearing on a petition submitted pursuant to subsection 2,]~~ the court finds that the conviction of the petitioner was set aside pursuant to NRS 458A.240, the court may order sealed all records relating to the setting aside of the conviction which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada.

~~[~~8.~~]~~ ***9.*** If the prosecuting attorney having jurisdiction previously declined prosecution of the charges and the records of the arrest have been sealed pursuant to subsection ~~[~~6,~~]~~ ***7,*** the prosecuting attorney may subsequently file the charges at any time before the running of the statute of limitations for those charges. If such charges are filed with the court, the court shall order the inspection of the records without the prosecuting attorney having to petition the court pursuant to NRS 179.295.

Sec. 9. NRS 179.259 is hereby amended to read as follows:

179.259 1. Except as otherwise provided in subsections 3, 4 and 5, ~~[~~5~~]~~ ***4*** years after an eligible person completes a program for reentry, the court may order sealed all documents, papers and exhibits in the eligible person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court may order those records sealed without a hearing unless the Division of Parole and Probation of the Department of Public Safety petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. If the court orders sealed the record of an eligible person, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

3. A professional licensing board is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.

4. The Division of Insurance of the Department of Business and Industry is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.

5. A person may not petition the court to seal records relating to a conviction of a crime against a child or a sexual offense.

6. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) "Eligible person" means a person who has:

(1) Successfully completed a program for reentry, which the person participated in pursuant to NRS 209.4886, 209.4888, 213.625 or 213.632; and

(2) Been convicted of a single offense which was punishable as a felony and which did not involve the use or threatened use of force or violence against the victim. For the purposes of this subparagraph, multiple convictions for an offense punishable as a felony shall be deemed to constitute a single offense if those offenses arose out of the same transaction or occurrence.

(c) "Program for reentry" means:

(1) A correctional program for reentry of offenders and parolees into the community that is established by the Director of the Department of Corrections pursuant to NRS 209.4887; or

(2) A judicial program for reentry of offenders and parolees into the community that is established in a judicial district pursuant to NRS 209.4883.

(d) "Sexual offense" has the meaning ascribed to it in paragraph (b) of subsection ~~[7]~~ ***8*** of NRS 179.245.

Sec. 9.3. **NRS 179.275 is hereby amended to read as follows:**

179.275 Where the court orders the sealing of a record pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330, ***or section 5 of this act,*** a copy of the order must be sent to:

1. The Central Repository for Nevada Records of Criminal History; and

2. Each agency of criminal justice and each public or private company, agency, official or other custodian of records named in the order, and that person shall seal the records in his or her custody which relate to the matters contained in the order, shall advise the court of compliance and shall then seal the order.

Sec. 9.7. **NRS 179.285 is hereby amended to read as follows:**

179.285 Except as otherwise provided in NRS 179.301:

1. If the court orders a record sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 ~~[,]~~ ***or section 5 of this act:***

(a) All proceedings recounted in the record are deemed never to have occurred, and the person to whom the order pertains may properly answer accordingly to any inquiry, including, without limitation, an inquiry relating to an application for employment, concerning the arrest, conviction, dismissal or acquittal and the events and proceedings relating to the arrest, conviction, dismissal or acquittal.

(b) The person is immediately restored to the following civil rights if the person's civil rights previously have not been restored:

(1) The right to vote;

(2) The right to hold office; and

(3) The right to serve on a jury.

2. Upon the sealing of the person's records, a person who is restored to his or her civil rights pursuant to subsection 1 must be given:

(a) An official document which demonstrates that the person has been restored to the civil rights set forth in paragraph (b) of subsection 1; and

(b) A written notice informing the person that he or she has not been restored to the right to bear arms, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms.

3. A person who has had his or her records sealed in this State or any other state and whose official documentation of the restoration of civil rights is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has had his or her records sealed, the court shall issue an order restoring the person to the civil rights to vote, to hold office and to serve on a jury. A person must not be required to pay a fee to receive such an order.

4. A person who has had his or her records sealed in this State or any other state may present official documentation that the person has been restored to his or her civil rights or a court order restoring civil rights as proof that the person has been restored to the right to vote, to hold office and to serve as a juror.

Sec. 10. NRS 179.295 is hereby amended to read as follows:

179.295 1. The person who is the subject of the records that are sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 ***or section 5 of this act*** may petition the court that ordered the records sealed to permit inspection of the records by a person named in the petition, and the court may order such inspection. Except as otherwise provided in this section, subsection ~~[8]~~ ***9*** of NRS 179.255 and NRS 179.259 and 179.301, the court may not order the inspection of the records under any other circumstances.

2. If a person has been arrested, the charges have been dismissed and the records of the arrest have been sealed, the court may order the inspection of the records by a prosecuting attorney upon a showing that as a result of newly discovered evidence, the person has been arrested for the same or a similar offense and that there is sufficient evidence reasonably to conclude that the person will stand trial for the offense.

3. The court may, upon the application of a prosecuting attorney or an attorney representing a defendant in a criminal action, order an inspection of such records for the purpose of obtaining information relating to persons who were involved in the incident recorded.

4. This section does not prohibit a court from considering a conviction for which records have been sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 ***or section 5 of this act*** in determining whether to grant a petition pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 ***or section 5 of this act*** for a conviction of another offense.

Sec. 11. ~~[Chapter 179A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*— Before an agency of criminal justice disseminates any record of criminal history to a person or entity other than another agency of criminal justice pursuant to the provisions of this chapter, the agency of criminal justice must remove any record of:*~~

~~*— 1. A conviction of a category E felony or gross misdemeanor for which the date of release from actual custody or discharge from parole or probation, whichever occurred later, was 10 or more years before the date of dissemination.*~~

~~*— 2. A conviction of a misdemeanor for which the date of release from actual custody or the date on which the person was no longer under a suspended sentence, whichever occurred later, was 5 or more years before the date of dissemination.]*~~ **(Deleted by amendment.)**

Sec. 12. NRS 179A.030 is hereby amended to read as follows:

179A.030 "Agency of criminal justice" means:

1. Any court; and

2. Any governmental agency or subunit of any governmental agency which performs a function in the administration of criminal justice pursuant to a statute or executive order, and which allocates a substantial part of its budget to a function in the administration of criminal justice ~~[.]~~ ***, including, without limitation, a local law enforcement agency, the Nevada Highway Patrol, the Division of Parole and Probation of the Department of Public Safety and the Department of Corrections.***

Sec. 13. ~~[NRS 179A.100 is hereby amended to read as follows:~~

~~179A.100~~ ***Subject to the requirements set forth in section 11 of this act:***

~~— 1. The following records of criminal history may be disseminated by an agency of criminal justice without any restriction pursuant to this chapter:~~

~~— (a) Any which reflect records of conviction only; and~~

~~— (b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.~~

~~— 2. Without any restriction pursuant to this chapter, a record of criminal history or the absence of such a record may be:~~

~~— (a) Disclosed among agencies which maintain a system for the mutual exchange of criminal records.~~

~~— (b) Furnished by one agency to another to administer the system of criminal justice, including the furnishing of information by a police department to a district attorney.~~

~~— (c) Reported to the Central Repository.~~

~~— 3. An agency of criminal justice shall disseminate to a prospective employer, upon request, records of criminal history concerning a prospective employee or volunteer which are the result of a name-based inquiry and which:~~

~~— (a) Reflect convictions only; or~~

~~— (b) Pertain to an incident for which the prospective employee or volunteer is currently within the system of criminal justice, including parole or probation.~~

~~— 4. In addition to any other information to which an employer is entitled or authorized to receive from a name-based inquiry, the Central Repository shall disseminate to a prospective or current employer, or a person or entity designated to receive the information on behalf of such an employer, the information contained in a record of registration concerning an employee, prospective employee, volunteer or prospective volunteer who is a sex offender or an offender convicted of a crime against a child, regardless of whether the employee, prospective employee, volunteer or prospective volunteer gives written consent to the release of that information. The Central Repository shall disseminate such information in a manner that does not reveal the name of an individual victim of an offense or the information described in subsection 7 of NRS 179B.250. A request for information pursuant to this subsection must conform to the requirements of the Central Repository and must include:~~

~~— (a) The name and address of the employer, and the name and signature of the person or entity requesting the information on behalf of the employer;~~

~~— (b) The name and address of the employer's facility in which the employee, prospective employee, volunteer or prospective volunteer is employed or volunteers or is seeking to become employed or volunteer; and~~

~~— (c) The name and other identifying information of the employee, prospective employee, volunteer or prospective volunteer.~~

~~— 5. In addition to any other information to which an employer is entitled or authorized to receive, the Central Repository shall disseminate to a prospective or current employer, or a person or entity designated to receive the information on behalf of such an employer, the information described in subsection 4 of NRS 179A.190 concerning an employee, prospective employee, volunteer or prospective volunteer who gives written consent to the release of that information if the employer submits a request in the manner set forth in NRS 179A.200 for obtaining a notice of information. The Central Repository shall search for and disseminate such information in the manner set forth in NRS 179A.210 for the dissemination of a notice of information.~~

~~— 6. Except as otherwise provided in subsection 5, the provisions of NRS 179A.180 to 179A.240, inclusive, do not apply to an employer who requests information and to whom such information is disseminated pursuant to subsections 4 and 5.~~

~~— 7. Records of criminal history must be disseminated by an agency of criminal justice, upon request, to the following persons or governmental entities:~~

~~— (a) The person who is the subject of the record of criminal history for the purposes of NRS 179A.150.~~

~~(b) The person who is the subject of the record of criminal history when the subject is a party in a judicial, administrative, licensing, disciplinary or other proceeding to which the information is relevant.~~

~~(c) The Nevada Gaming Control Board.~~

~~(d) The State Board of Nursing.~~

~~(e) The Private Investigator's Licensing Board to investigate an applicant for a license.~~

~~(f) A public administrator to carry out the duties as prescribed in chapter 253 of NRS.~~

~~(g) A public guardian to investigate a ward or proposed ward or persons who may have knowledge of assets belonging to a ward or proposed ward.~~

~~(h) Any agency of criminal justice of the United States or of another state or the District of Columbia.~~

~~(i) Any public utility subject to the jurisdiction of the Public Utilities Commission of Nevada when the information is necessary to conduct a security investigation of an employee or prospective employee or to protect the public health, safety or welfare.~~

~~(j) Persons and agencies authorized by statute, ordinance, executive order, court rule, court decision or court order as construed by appropriate state or local officers or agencies.~~

~~(k) Any person or governmental entity which has entered into a contract to provide services to an agency of criminal justice relating to the administration of criminal justice, if authorized by the contract, and if the contract also specifies that the information will be used only for stated purposes and that it will be otherwise confidential in accordance with state and federal law and regulation.~~

~~(l) Any reporter for the electronic or printed media in a professional capacity for communication to the public.~~

~~(m) Prospective employers if the person who is the subject of the information has given written consent to the release of that information by the agency which maintains it.~~

~~(n) For the express purpose of research, evaluative or statistical programs pursuant to an agreement with an agency of criminal justice.~~

~~(o) An agency which provides child welfare services, as defined in NRS 432B.030.~~

~~(p) The Division of Welfare and Supportive Services of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.~~

~~(q) The Aging and Disability Services Division of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.~~

~~(r) An agency of this or any other state or the Federal Government that is conducting activities pursuant to Part D of Subchapter IV of Chapter 7 of Title 42 of the Social Security Act, 42 U.S.C. §§ 651 et seq.~~

~~— (s) The State Disaster Identification Team of the Division of Emergency Management of the Department.~~

~~— (t) The Commissioner of Insurance.~~

~~— (u) The Board of Medical Examiners.~~

~~— (v) The State Board of Osteopathic Medicine.~~

~~— (w) The Board of Massage Therapists and its Executive Director.~~

~~— (x) The Board of Examiners for Social Workers.~~

~~— (y) A multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored by the Attorney General pursuant to NRS 228.495.~~

~~— 8. Agencies of criminal justice in this State which receive information from sources outside this State concerning transactions involving criminal justice which occur outside Nevada shall treat the information as confidentially as is required by the provisions of this chapter.]~~ **(Deleted by amendment.)**

Sec. 14. The amendatory provisions of sections 7 and 8 of this act apply to a petition for the sealing of a record of criminal history that is filed on or after October 1, 2017. As used in this section, "record of criminal history" has the meaning ascribed to it in NRS 179A.070.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 340.

Bill read second time.

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

Amendment No. 276.

AN ACT relating to public welfare; requiring the Director of the Department of Health and Human Services to ~~[take certain actions]~~ **appoint a committee to research opportunities** to improve access to diapers and diapering supplies for recipients of public assistance ~~[,]~~ **and other low-income families; authorizing the Director to take any necessary action to take advantage of opportunities to increase the availability of diapers and diapering supplies to such persons;** requiring the Director to work with diaper banks and similar organizations for certain related purposes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill requires the Director of the Department of Health and Human Services to appoint a committee to research opportunities ~~[to use federal money]~~ to increase the availability of diapers and diapering supplies to certain recipients of public assistance ~~[,]~~ **and low-income families.** ~~[including, without limitation, researching whether diapers and diapering supplies may be provided as an incentive to complete certain programs. Such~~

~~programs may relate to smoking cessation, prenatal care visits or pediatric follow-up appointments with certain providers of health care.]~~ **Section 2** requires the committee ~~[to report to the Director at least two times each year and requires]~~ **to consist of representatives from the Department of Health and Human Services who have knowledge of certain programs offered by the Department, as well as representatives of organizations located in this State that provide services relating to diapers and diapering supplies to recipients of public assistance and other low-income families. Section 2 also requires the committee to report the results of its research to the Director of the Department on or before June 30 of each year and requires the Director, on or before September 30 of each even-numbered year, to submit a report of the results of such research and any recommendations for changes in state laws or regulations to the Legislature. Section 2 authorizes** the Director to take ~~[all]~~ **any** necessary action to increase the availability of diapers and diapering supplies to certain recipients of public assistance ~~[.]~~ **and other low-income families.**

Section 3 of this bill requires the Director **of the Department** to work collaboratively with any diaper banks in this State and any similar nonprofit organizations which provide diapers and diapering supplies to low-income persons at no cost or a reduced cost to ensure recipients of public assistance **and other low-income families** are made aware of the existence, location and services provided by such organizations. **Section 3** also requires the Director to make this information available on the Internet website of the Department and with any appropriate informational material which is made available to recipients of public assistance to the extent possible.

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

Section 1. Chapter 422A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. The Director shall appoint a committee ~~[within the Division]~~ to research opportunities ~~[to use money received from the Federal Government]~~ to increase the availability of diapers and diapering supplies to recipients of public assistance ~~[, including, without limitation, researching whether diapers may be provided as an incentive to complete certain programs. Such programs may include, without limitation, programs relating to smoking cessation, prenatal care visits or pediatric follow-up appointments with providers of health care.]~~ and other low-income families in this State, including, without limitation, researching opportunities to:***

(a) Use money received from the Federal Government to carry out a program of public assistance or other program for which the Department is responsible; and

(b) Obtain donations of money, diapers, diapering supplies or any combination thereof, including, without limitation, in-kind donations and

donations from private foundations, manufacturers of diapers and diapering supplies and other sources.

2. The committee must consist of representatives of:

(a) The Department who have knowledge of programs offered by the Department, including, without limitation, programs relating to smoking cessation, prenatal care visits and follow-up appointments for infants and children with providers of health care; and

(b) Organizations located in this State which provide services relating to diapers and diapering supplies to recipients of public assistance and other low-income families, including, without limitation, organizations which advocate and provide referrals for such services.

3. The committee must report the results of its research to the Director ~~[at least two times per year.~~

~~— 3.]~~ on or before June 30 of each year. If the Director determines that any ~~[such]~~ opportunities exist ~~[,]~~ to increase the availability of diapers and diapering supplies to recipients of public assistance and other low-income families, the Director ~~[shall]~~ may take ~~[all]~~ any necessary action to ~~[increase the availability of diapers and diapering supplies to recipients of public assistance]~~ take advantage of such opportunities, including, without limitation, applying for any necessary waivers from the Federal Government relating to public assistance . ~~[programs and making any necessary recommendations to the Legislature for changes in state law.]~~

4. The Director shall submit a report of the results of the research, any action taken in response to the results and recommendations for legislation to the Legislature on or before September 30 of each even-numbered year.

Sec. 3. ***1. The Director shall work collaboratively with any diaper banks in this State and any similar nonprofit organizations which provide diapers and diapering supplies to low-income persons at no cost or a reduced cost to ensure recipients of public assistance and other low-income families are made aware of the existence, location and services provided by such organizations.***

2. The Director shall post the information described in subsection 1 on the Internet website of the Department and shall include such information with materials provided by the Department to recipients of public assistance and other low-income families to the extent possible.

Sec. 3.5. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 4. This act becomes effective on July 1, 2017.

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 393.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 323.

ASSEMBLYMEN OHRENSCHALL, CARLTON, CARRILLO**,** ~~[AND]~~ EDWARDS **; AND BILBRAY-AXELROD.**

JOINT SPONSOR: SENATOR MANENDO.

AN ACT relating to land use planning; setting forth legislative findings and declarations concerning certain changes in zoning and development standards; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill: (1) sets forth legislative findings relating to proposed changes in zoning and hillside development standards on the undeveloped lands adjacent to the Sunrise and Frenchman Mountains; and (2) declares that it is consistent with the Legislature's intent ~~[that]~~ **for** the Board of Commissioners of Clark County ~~[maintain]~~ **to strengthen, as necessary to promote responsible development and preserve important natural resources,** the existing zoning and hillside development standards on the undeveloped desert lands adjacent to the western faces of Sunrise and Frenchman Mountains.

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

Section 1. 1. The Legislature hereby finds that:

(a) Sunrise Mountain and Frenchman Mountain are undeveloped natural treasures adjacent to the Las Vegas Valley;

(b) The Bureau of Land Management has designated over 10,000 acres of land encompassing Sunrise and Frenchman Mountains as the Sunrise Mountain Instant Study Area;

(c) The Sunrise Mountain Instant Study Area is located approximately 8 miles east of downtown Las Vegas and provides a close and convenient natural mountain xeriscape for the residents of southern Nevada;

(d) The Sunrise Mountain Instant Study Area has the Nellis Air Force Base as its neighbor to the north and has easy access to visitors provided by State Route 147;

(e) With an elevation variance of nearly 2,000 feet, the Sunrise Mountain Instant Study Area is home to several colorful mountain ranges rising up from the desert lowlands of urban eastern Las Vegas and eastern unincorporated Clark County;

(f) In the northeastern corner of the Sunrise Mountain Instant Study Area, Gypsum Cave holds some of the earliest evidence of human inhabitance in the western United States;

(g) The Great Unconformity provides the opportunity for southern Nevada geologists and students to view and study an exposed surface of rock that

represents more than one quarter of the history (1.2 billion years) of the Earth's crust and tectonic plates;

(h) Low desert scrub covers the Sunrise Mountain Instant Study Area and several plant species live within the area that have received special status designation by the Bureau of Land Management;

(i) Many residents who live adjacent to Sunrise and Frenchman Mountains decided to live there because they like being somewhat close to urban Las Vegas, and yet also being able to enjoy the peace and quiet of living on the edge of the undeveloped desert in the foothills of Sunrise and Frenchman Mountains;

(j) Many residents of Nevada enjoy the natural desert landscape of and outdoor recreational opportunities provided by Sunrise and Frenchman Mountains, including, without limitation, hiking, climbing, camping, rockhounding and bird-watching;

(k) Developers are planning large-scale developments on previously undeveloped lands adjacent to the western faces of Sunrise and Frenchman Mountains;

(l) These developers are pursuing zoning changes and waivers of established hillside development standards to increase the density of potential developments on the undeveloped lands adjacent to Sunrise and Frenchman Mountains; and

(m) Neighbors have expressed grave concerns about the impact any potential zoning changes and waivers of hillside development standards will have on their quality of life, including, without limitation, impacts on traffic, parks, schools, police and fire services, demand for water and flood control and potential negative environmental impacts on this state treasure.

2. The Legislature hereby declares that it is consistent with the Legislature's intent ~~[that]~~ **for** the Board of Commissioners of Clark County ~~[maintain]~~ **to strengthen, as necessary to promote responsible development and preserve important natural resources,** the existing zoning and hillside development standards on the undeveloped desert lands adjacent to the western faces of Sunrise Mountain and Frenchman Mountain.

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

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 417.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 324.

AN ACT relating to tourism; creating the Nevada Main Street Program within the Department of Tourism and Cultural Affairs; setting forth the

requirements for the operation of the Program; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Department of Tourism and Cultural Affairs, consisting of the Division of Tourism, the Division of Museums and History, the Board of Museums and History, the Nevada Arts Council, the Nevada Indian Commission, the Board of the Nevada Arts Council and the Commission on Tourism. (NRS 231.167) **Section 5** of this bill creates the Nevada Main Street Program within the Department. The Program is designed to provide state-level coordination with the National Main Street Center, Inc., which is a wholly owned subsidiary of the National Trust for Historic Preservation. The National Trust for Historic Preservation is a nonprofit organization working to preserve historic places through programs such as the National Main Street Center.

Section 6 of this bill requires the Director of the Department of Tourism and Cultural Affairs to ~~[: (1)]~~ adopt regulations setting forth the requirements to apply for and receive approval as a designated local Main Street program ~~[; and (2)]~~ **or to apply for grants. Section 6 also requires the Director or his or her designee to** coordinate the Program and approve or deny applications for **designation under the Program or for** grants to designated local Main Street programs. **Section 7** of this bill creates the Account for the Nevada Main Street Program in the State General Fund to accept donations, grants and other types of funding for the award of grants and operation of the Program. **Section 9** of this bill makes an appropriation of $500,000 from the State General Fund to the Interim Finance Committee for allocation to the Department of Tourism and Cultural Affairs for the operation of the Program and to provide grants to designated local Main Street programs.

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

Section 1. Chapter 231 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Account" means the Account for the Nevada Main Street Program created by section 7 of this act.***

Sec. 4. ***"Program" means the Nevada Main Street Program created by section 5 of this act.***

Sec. 5. ***The Nevada Main Street Program is hereby created within the Department. The Program must:***

1. Be administered in accordance with the standards developed by the National Main Street Center, Inc., a subsidiary of the National Trust for Historic Preservation;

2. Designate local Main Street programs in accordance with regulations adopted pursuant to section 6 of this act;

3. Coordinate those designated local Main Street programs;

4. Provide training and technical assistance to those designated local Main Street programs; and

5. Award grants from the Account to those designated local Main Street programs to further the community and economic revitalization and development of aging business districts and neighborhoods in this State.

Sec. 6. ***1. The Director shall*** ~~***[:***~~

~~***1. Adopt]***~~ ***adopt regulations setting forth:***

(a) The requirements to apply for and receive approval as a designated local Main Street program, including, without limitation, a requirement that each designated local Main Street program be administered by a county, city or nonprofit entity; and

(b) The requirements for applying for a grant from the Account.

2. ~~***[Coordinate]***~~ ***The Director or his or her designee shall coordinate the Program in accordance with the standards developed by the National Main Street Center, Inc., to further the requirements set forth in section 5 of this act and to approve or deny applications for designation as a local Main Street program or for grants from the Account which are submitted in accordance with the regulations adopted pursuant to subsection 1.***

Sec. 7. ***1. The Account for the Nevada Main Street Program is hereby created in the State General Fund.***

2. The Director or his or her designee shall administer the Account and may apply for and accept any donation, gift, grant, bequest or other source of money for deposit in the Account.

3. The money in the Account must be used to:

(a) Provide technical assistance and training to local Main Street programs;

(b) Award grants to designated local Main Street programs approved pursuant to the regulations adopted pursuant to section 6 of this act; and

(c) Pay any reasonable administrative expenses incurred by the Director or his or her designee to carry out the Program.

4. Any money appropriated from the State General Fund for the Program must be deposited in the Account.

5. The interest and income earned on money in the Account, after deducting any applicable charges, must be credited to the Account.

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

7. Any money in the Account remaining at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

Sec. 8. NRS 231.161 is hereby amended to read as follows:

231.161 As used in NRS 231.161 to 231.360, inclusive, ***and sections 2 to 7, inclusive, of this act,*** unless the context otherwise requires, the words and

terms defined in NRS 231.163 and 231.165 have the meanings ascribed to them in those sections.

Sec. 9. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of $500,000 for allocation to the Department of Tourism and Cultural Affairs for the operation of the Nevada Main Street Program created by section 5 of this act and the award of grants of money to designated local Main Street programs.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2019.

Sec. 10. The appropriation made by section 9 of this act is not intended to finance ongoing expenditures of state agencies, and the expenditures financed with that appropriation must not be included as base budget expenditures in the proposed budget for the Executive Department of the State Government for the 2019-2021 biennium.

Sec. 11. This act becomes effective on July 1, 2017.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 424.

Bill read second time.

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

Amendment No. 273.

AN ACT relating to the determination of death; revising provisions relating to the determination of brain death; revising provisions relating to the use of life-sustaining treatment on a person determined to be brain dead under certain circumstances; **requiring reasonable efforts to be made to inform the family or authorized representative of a person declared brain dead regarding the determination and the potential costs of continuing the administration of life-sustaining treatment on the person;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person is dead if it is determined that the person has either sustained irreversible cessation of: (1) circulatory and respiratory functions; or (2) all brain function, including the function of his or her brain stem. Existing law further provides that such a determination

must be made in accordance with accepted medical standards. (NRS 451.007) **Section 2** of this bill requires that a determination of brain death be made in accordance with **the applicable guidelines set forth in: (1)** "Evidence-based Guideline Update: Determining Brain Death in Adults: Report of the Quality Standards Subcommittee of the American Academy of Neurology," published by the American Academy of Neurology ~~[on June 8, 2010.]~~ **, or subsequent revisions approved by the Academy; or (2) "Guidelines for the Determination of Brain Death in Infants and Children: An Update of the 1987 Task Force Recommendations," published by the Pediatric Section of the Society of Critical Care Medicine or subsequent revisions approved by the Pediatric Section.** **Section 1** of this bill provides that consent from the person's authorized representative or authorized family member is not required to make a determination of brain death. **Section 1** ~~[also requires that, under certain circumstances, life-sustaining treatment be withdrawn from a person determined to be brain dead within 24 hours after such determination. However, section 1 provides an exception from]~~ **prohibits** the ~~[required]~~ withdrawal of life-sustaining treatment from a person determined to be brain dead if that person: (1) is pregnant and it is probable that the pregnancy will result in a live birth with continued use of life-sustaining treatment; or (2) is an organ donor. **Section 1 also requires that: (1) after a person is declared brain dead, reasonable efforts must be made to inform the person's family or authorized representative of such determination; and (2) the health care facility inform the person's family or authorized representative that the cost for continued administration of life-sustaining treatment for the person declared brain dead may become the responsibility of the person's estate or family.**

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

Section 1. Chapter 451 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A determination of the death of a person made pursuant to paragraph (b) of subsection 1 of NRS 451.007 is a clinical decision that does not require the consent of the person's authorized representative or the family member with the authority to consent or withhold consent. ~~***[Except as otherwise provided in subsection 2, if a person is receiving life-sustaining treatment at the time of the death of the person, such life-sustaining treatment must be withdrawn by the attending physician within 24 hours after such determination of death being made.]***

2. Life-sustaining treatment must not be withheld or withdrawn from a person determined to be dead pursuant to paragraph (b) of subsection 1 of NRS 451.007 who is known to the attending physician to be:

(a) Pregnant, so long as it is probable that the fetus will develop to the point of live birth with continued application of life-sustaining treatment; or

(b) A donor or potential donor of an anatomical gift, for the amount of time necessary to successfully recover the anatomical gift.

3. After a determination of the death of a person is made pursuant to paragraph (b) of subsection 1 of NRS 451.007, reasonable efforts must be made:

(a) By the person's provider of health care to notify a family member or other authorized representative of the person of the determination of death; and

(b) By the health care facility in which the determination was made to inform a family member or other authorized representative of the person that the potential costs of continuing to administer life-sustaining treatment may become the responsibility of the person's estate or family.

4. As used in this section:

(a) "Anatomical gift" has the meaning ascribed to it in NRS 451.513.

(b) "Life-sustaining treatment" has the meaning ascribed to it in NRS 449.570.

Sec. 2. NRS 451.007 is hereby amended to read as follows:

451.007 1. For legal and medical purposes, a person is dead if the person has sustained an irreversible cessation of:

(a) Circulatory and respiratory functions; or

(b) All functions of the person's entire brain, including his or her brain stem.

2. A determination of death made under ~~[this section]~~ ***:***

(a) Paragraph (a) of subsection 1 must be made in accordance with accepted medical standards.

~~[3. This section may be cited as the Uniform Determination of Death Act and]~~

(b) Paragraph (b) of subsection 1 must be ~~[applied and construed to carry out its general purpose which is to make uniform among the states which enact it the law regarding the determination of death.]~~ ***made in accordance with the applicable guidelines set forth in :***

(1) "Evidence-based Guideline Update: Determining Brain Death in Adults: Report of the Quality Standards Subcommittee of the American Academy of Neurology," published June 8, 2010, by the American Academy of Neurology

[.] , or any subsequent revisions approved by the American Academy of Neurology or its successor organization; or

(2) "Guidelines for the Determination of Brain Death in Infants and Children: An Update of the 1987 Task Force Recommendations," published January 27, 2012, by the Pediatric Section of the Society of Critical Care Medicine, or any subsequent revisions approved by the

Pediatric Section of the Society of Critical Care Medicine or its successor organization.

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 445.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 361.

AN ACT relating to transportation network companies; prohibiting an insurer from ~~[increasing the rates of or denying a claim for]~~ **refusing to provide coverage under a policy of** motor vehicle insurance because the insured is a driver for a transportation network company; **reducing the minimum amount of coverage required for certain transportation network company insurance;** requiring transportation network company insurance to provide medical payments coverage; ~~[requiring a driver for a transportation network company to obtain a state business registration;]~~ prohibiting a driver for a transportation network company from refusing to complete transportation services after accepting a passenger for transportation; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires every owner of a motor vehicle which is registered in this State to continuously provide motor vehicle insurance. (NRS 485.185) Existing law additionally provides various other requirements on motor vehicle insurance, including prohibiting an insurer from increasing the rates for motor vehicle insurance because of a conviction of a violation of the speed limit ~~[, nor shall]~~ **and prohibiting** an insurer ~~[cancel]~~ **from cancelling** or ~~[refuse]~~ **refusing** to renew a policy of insurance for that reason. (NRS 690B.028) ~~[Section 1 of this bill prohibits an insurer from increasing the rates for motor vehicle insurance because the insured or group of insured is a driver for a transportation network company, nor shall an insurer refuse to enter into, cancel or refuse to renew a policy of insurance for that reason.]~~ **Section 1** ~~[additionally]~~ **of this bill** prohibits an insurer from denying a claim that arises under a policy of motor vehicle insurance **for any accident or motor vehicle crash that occurs during the personal use of the motor vehicle** because the insured, claimant or group of insured or claimants is a driver for a transportation network company.

Existing law requires a transportation network company or a driver for a transportation network company to provide transportation network company insurance, which may include coverage for medical payments. (NRS 690B.470) **Section 2** of this bill **: (1) reduces the minimum amount of**

coverage required for certain transportation network company insurance; and (2) requires transportation network company insurance to provide for the medical payments coverage of ~~[the driver and any passenger.]~~ **any occupant of the motor vehicle.**

~~[Existing law requires a transportation network company to be permitted before operating in this State. (NRS 706A.110-706A.140) Existing law does not require a driver for a transportation network company to obtain a state business registration or a permit. Sections 3, 4 and 7 of this bill require a driver for a transportation network company to obtain a state business registration from the Secretary of State within 1 year of applying to be a driver for a transportation network company. Existing law requires a transportation network company to obtain certain information regarding a person before it allows the person to be connected to potential passengers using the company's digital network or software application, including the driver's name, age, address, driver's license and driving history. (NRS 706A.160) Section 4 requires the transportation network company to provide such information to the Nevada Transportation Authority within 30 days of receiving the information. Section 3 requires the Authority to provide such information to the Secretary of State and for the Secretary of State to inform the Authority if the driver fails to obtain a state business registration within 1 year after the information was obtained. Section 3 allows the transportation network company or the driver an additional 30 days in which to obtain the state business registration after the 1 year time limit expires; and if the driver fails to obtain the registration, the transportation network company shall prohibit the driver from driving for the transportation network company. Section 7 provides that a person is not required to get a state business registration before they become a driver for a transportation network company.~~

~~Existing law authorizes the Authority to impose various penalties, including the revocation of a permit, prohibition of a person to be a driver and imposition of a fine, on a transportation network company or a driver of such a company if either has violated the provisions governing transportation network companies. (NRS 706A.300) Section 6 of this bill provides that a driver who violates the registration requirements in sections 3, 4 and 7 or a transportation network company that operates without a permit is guilty of a misdemeanor.]~~

Existing law prohibits a driver for a transportation network company from, at the time the driver picks up a passenger, refusing or neglecting to provide transportation services to any orderly passenger. (NRS 706A.280) **Section 5** of this bill prohibits a driver for a transportation network company from, after accepting a passenger for transportation through the digital network or software application of the transportation network company, refusing to complete the transportation services. **Section 5** additionally provides that if a driver for a transportation network company refuses to complete the

transportation services, the driver ~~[and the transportation network company are]~~ **is** liable for an administrative fine ~~[.]~~ **of not more than $1,000.**

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

Section 1. Chapter 690B of NRS is hereby amended by adding thereto a new section to read as follows:

~~1. [An insurer shall not impose on an insured or group of insured an increase in rates for motor vehicle insurance because of the insured or group of insured being a driver for a transportation network company as defined in NRS 706A.050, nor shall an insurer refuse to enter into, cancel or refuse to renew a policy of insurance for that reason.~~

~~2.]~~ An insurer shall not ~~[deny a claim arising under,]~~ , for any accident or motor vehicle crash that occurs during the personal use of a motor vehicle, refuse to provide coverage under or refuse to fulfill the obligations of a policy of motor vehicle insurance that is held by an insured, claimant or group of insured or claimants because of the insured, claimant or group of insured or claimants being a driver for a transportation network company . ~~[as defined in NRS 706A.050.]~~

2. As used in this section:

(a) "Driver" has the meaning ascribed to it in NRS 706A.040.

(b) "Personal use of the motor vehicle" means any use of the motor vehicle which is insured by the driver that occurs while the driver is not:

(1) Providing transportation services; or

(2) Logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services.

(c) "Transportation network company" has the meaning ascribed to it in NRS 706A.050.

(d) "Transportation services" has the meaning ascribed to it in NRS 706A.060.

Sec. 2. NRS 690B.470 is hereby amended to read as follows:

690B.470 1. Every transportation network company or driver shall continuously provide, during any period in which the driver is providing transportation services, transportation network company insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State or a broker licensed pursuant to chapter 685A of NRS or procured directly from a nonadmitted insurer, as defined in NRS 685A.0375:

(a) ***For the payment of tort liabilities arising from the maintenance or use of a motor vehicle:***

(1) In an amount of not less than ~~[$1,500,000]~~ ***$1,000,000*** for bodily injury to or death of one or more persons and injury to or destruction of property of others ***~~[and for the medical payments coverage of the driver and~~***

~~***any passenger]***~~ in any one accident or motor vehicle crash that occurs while the driver is providing transportation services;

~~[(b)]~~ ***(2)*** In an amount of not less than $50,000 for bodily injury to or death of one person in any one accident or motor vehicle crash that occurs while the driver is logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services but is not otherwise providing transportation services;

~~[(c)]~~ ***(3)*** Subject to the minimum amount for one person required by paragraph (b), in an amount of not less than $100,000 for bodily injury to or death of two or more persons in any one accident or motor vehicle crash that occurs while the driver is logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services but is not otherwise providing transportation services; and

~~[(d)]~~ ***(4)*** In an amount of not less than $25,000 for injury to or destruction of property of others in any one accident or motor vehicle crash that occurs while the driver is logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services but is not otherwise providing transportation services ~~[.]~~ ***; and***

~~***[(e)]***~~ ***(b) In an amount of not less than*** ~~***[$100,000]***~~ ***$10,000 for the medical payments coverage of*** ~~***[the driver and any passenger]***~~ ***any occupant of the motor vehicle in any one accident or motor vehicle crash that occurs while the driver is*** ~~***[logged]***~~ ***:***

(1) Providing transportation services; or

(2) Logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services but is not otherwise providing transportation services . ~~***[,***~~

~~*- for the payment of tort liabilities arising from the maintenance or use of the motor vehicle.]~~

2. The transportation network company insurance required by subsection 1 may be provided through one or a combination of insurance policies provided by the transportation network company or the driver, or both.

3. Every transportation network company shall continuously provide, during any period in which the driver is providing transportation services, transportation network company insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State or a broker licensed pursuant to chapter 685A of NRS or procured directly from a nonadmitted insurer, as defined in NRS 685A.0375, which meets the requirements of subsection 1 as primary insurance if the insurance provided by the driver:

(a) Lapses; or

(b) Fails to meet the requirements of subsection 1.

4. Notwithstanding the provisions of NRS 485.185 and 485.186 which require the owner or operator of a motor vehicle to provide insurance, transportation network company insurance shall be deemed to satisfy the requirements of NRS 485.185 or 485.186, as appropriate, regardless of whether the insurance is provided by the transportation network company or the driver, or both, if the transportation network company insurance otherwise satisfies the requirements of NRS 485.185 or 485.186, as appropriate.

5. In addition to the coverage required pursuant to subsection 1, a policy of transportation network company insurance may include additional coverage, including, without limitation, coverage for ~~[medical payments, coverage for]~~ uninsured or underinsured motorists, comprehensive coverage and collision coverage.

6. An insurer who provides transportation network company insurance shall not require a policy of insurance for the operation of a motor vehicle required pursuant to NRS 485.185 or 485.186, as appropriate, to deny a claim before the transportation network company insurance provides coverage for a claim.

7. An insurer who provides transportation network company insurance has a duty to defend and indemnify the driver and the transportation network company.

8. An insurer who provides transportation network company insurance which includes comprehensive coverage or collision coverage for the operation of a motor vehicle against which a lienholder holds a lien shall issue any payment for a claim under such coverage:

(a) Directly to the person who performs repairs upon the vehicle; or

(b) Jointly to the owner of the vehicle and the lienholder.

9. A transportation network company that provides transportation network company insurance for a motor vehicle is not deemed to be the owner of the motor vehicle.

10. As used in this section, "medical payments coverage" means coverage for the payment of reasonable and necessary hospital and medical expenses resulting from an accident or motor vehicle crash.

Sec. 3. ~~[Chapter 706A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The Authority shall, upon receiving the information required from a transportation network company pursuant to subsection 5 of NRS 706A.160, provide the information and date the Authority received the information to the Secretary of State for the purpose of complying with NRS 76.100.*~~

~~*2. The Secretary of State shall notify the Authority of any driver who has failed to obtain a state business registration pursuant to NRS 76.100 1*~~

~~*year after the date the Authority received the information required pursuant to subsection 5 of NRS 706A.160.*~~

~~*3. Upon receiving the notification pursuant to subsection 2, the Authority shall notify the transportation network company of the failure of the driver to comply with NRS 76.100.*~~

~~*4. The transportation network company or driver shall provide documentation that the driver has complied with NRS 76.100 within 30 calendar days immediately following the receipt of the notification provided pursuant to subsection 3.*~~

~~*5. If the transportation network company or driver fails to provide the documentation required pursuant to subsection 4, the transportation network company shall prohibit the driver from being a driver for the transportation network company until the driver obtains a state business registration pursuant to NRS 76.100.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~[~~NRS 706A.160 is hereby amended to read as follows:~~

706A.160 1. A transportation network company may enter into an agreement with one or more drivers to receive connections to potential passengers from the company in exchange for the payment of a fee by the driver to the company.~~

2. Before a transportation network company allows a person to be connected to potential passengers using the digital network or software application service of the company pursuant to an agreement with the company, the company must:~~

(a) Require the person to submit an application to the company, which must include, without limitation:~~

(1) The name, age and address of the applicant.~~

(2) A copy of the driver's license of the applicant.~~

(3) A record of the driving history of the applicant.~~

(4) A description of the motor vehicle of the applicant and a copy of the motor vehicle registration.~~

(5) Proof that the applicant has complied with the requirements of NRS 485.185.~~

(b) At the time of application and not less than once every 3 years thereafter, conduct or contract with a third party to conduct an investigation of the criminal history of the applicant, which must include, without limitation:~~

(1) A review of a commercially available database containing criminal records from each state which are validated using a search of the primary source of each record.~~

(2) A search of a database containing the information available in the sex offender registry maintained by each state.~~

(c) At the time of application and not less than once every year thereafter, obtain and review a complete record of the driving history of the applicant.~~

3. A transportation network company may enter into an agreement with a driver if:~~

~~(a) The applicant is at least 19 years of age.~~

~~(b) The applicant possesses a valid driver's license issued by the Department of Motor Vehicles unless the applicant is exempt from the requirement to obtain a Nevada driver's license pursuant to NRS 483.240.~~

~~(c) The applicant provides proof that the motor vehicle operated by him or her is registered with the Department of Motor Vehicles unless the applicant is exempt from the requirement to register the motor vehicle in this State pursuant to NRS 482.385.~~

~~(d) The applicant provides proof that the motor vehicle operated by him or her is operated and maintained in compliance with all applicable federal, state and local laws.~~

~~(e) The applicant provides proof that he or she currently is in compliance with the provisions of NRS 485.185.~~

~~(f) In the 3 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of three or more violations of the motor vehicle laws of this State or any traffic ordinance of any city or town, the penalty prescribed for which is a misdemeanor.~~

~~(g) In the 3 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any violation of the motor vehicle laws of this State or any traffic ordinance of any city or town, the penalty prescribed for which is a gross misdemeanor or felony.~~

~~(h) In the 7 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any violation of federal, state or local law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance.~~

~~(i) In the 7 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any crime involving an act of terrorism, an act of violence, a sexual offense, fraud, theft, damage to property of another or the use of a motor vehicle in the commission of a felony.~~

~~(j) The name of the applicant does not appear in the database searched pursuant to subparagraph (2) of paragraph (b) of subsection 2.~~

~~4. A transportation network company shall terminate an agreement with any driver who:~~

~~(a) Fails to submit to the transportation network company a change in his or her address, driver's license or motor vehicle registration within 30 days after the date of the change.~~

~~(b) Fails to immediately report to the transportation network company any change in his or her driving history or criminal history.~~

~~(c) Refuses to authorize the transportation network company to obtain and review an updated complete record of his or her driving history not less than once each year and an investigation of his or her criminal history not less than once every 3 years.~~

~~(d) Is determined by the transportation network company to be ineligible for an agreement pursuant to subsection 3 on the basis of any updated information received by the transportation network company.~~

~~*5. A transportation network company shall transmit to the Authority the information obtained pursuant to paragraph (a) of subsection 2 within 30 days of receiving the information.]*~~ **(Deleted by amendment.)**

Sec. 5. NRS 706A.280 is hereby amended to read as follows:

706A.280 1. A driver shall not solicit or accept a passenger or provide transportation services to any person unless the person has arranged for the transportation services through the digital network or software application service of the transportation network company.

2. With respect to a passenger's destination, a driver shall not:

(a) Deceive or attempt to deceive any passenger who rides or desires to ride in the driver's motor vehicle.

(b) Convey or attempt to convey any passenger to a destination other than the one directed by the passenger.

(c) Take a longer route to the passenger's destination than is necessary, unless specifically requested to do so by the passenger.

(d) Fail to comply with the reasonable and lawful requests of the passenger as to speed of travel and route to be taken.

3. A driver shall not, at the time the driver picks up a passenger, refuse or neglect to provide transportation services to any orderly passenger unless the driver can demonstrate to the satisfaction of the Authority that:

(a) The driver has good reason to fear for the driver's personal safety; or

(b) The driver is prohibited by law or regulation from carrying the person requesting transportation services.

4. Except as otherwise provided in subsection 3, a driver shall not, after accepting a passenger for transportation through the digital network or software application service of the transportation network company, refuse to complete the transportation services for which the passenger is being charged a fare. If a driver refuses to complete the transportation services for which the passenger is being charged a fare, the driver ~~[and the transportation network company are]~~ is liable for an administrative fine of not more than $1,000 to be assessed and imposed by the Authority . ~~[pursuant to NRS 706A.300.]~~

Sec. 6. ~~[~~NRS 706A.300 is hereby amended to read as follows:

~~706A.300 1. If the Authority determines that a transportation network company or driver has violated the terms of a permit issued pursuant to this chapter or any provision of this chapter or any regulations adopted pursuant thereto, the Authority may, depending on whether the violation was committed by the company, the driver, or both:~~

~~(a) If the Authority determines that the violation is willful and endangers public safety, suspend or revoke the permit issued to the transportation network company;~~

~~(b) If the Authority determines that the violation is willful and endangers public safety, impose against the transportation network company an administrative fine in an amount not to exceed $100,000 per violation;~~

~~(c) Prohibit a person from operating as a driver; or~~

~~(d) Impose any combination of the penalties provided in paragraphs (a), (b) and (c).~~

~~2. To determine the amount of an administrative fine imposed pursuant to paragraph (b) or (d) of subsection 1, the Authority shall consider:~~

~~(a) The size of the transportation network company;~~

~~(b) The severity of the violation;~~

~~(c) Any good faith efforts by the transportation network company to remedy the violation;~~

~~(d) The history of previous violations by the transportation network company; and~~

~~(e) Any other factor that the Authority determines to be relevant.~~

~~3. Notwithstanding the provisions of NRS 193.170,~~ **[**a**]** ***any*** person who **[**~~violates any provision of this chapter is not subject to any criminal penalty for such a violation.~~**]** ***, in violation of section 3 of this act, operates as a driver without obtaining a state business registration or any transportation network company that, in violation of NRS 706A.110 to 706A.140, inclusive, operates without a permit as a transportation network company in this State is guilty of a misdemeanor and shall be punished:***

(a) For the first offense within a period of 12 consecutive months, by a fine of not less than $500 nor more than $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

(b) For a second offense within a period of 12 consecutive months and for each subsequent offense that is committed within a period of 12 consecutive months of any prior offense under this subsection, by a fine of $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.] **(Deleted by amendment.)**

Sec. 7. **[**~~NRS 76.100 is hereby amended to read as follows:~~

~~76.100 1.~~ **[**A**]** ***Except as otherwise provide in subsection 7, a*** ~~person shall not conduct a business in this State unless and until the person obtains a state business registration issued by the Secretary of State. If the person is:~~

~~(a) An entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business registration at the time of filing the initial or annual list.~~

~~(b) Not an entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business registration before conducting a business in this State.~~

~~2. An application for a state business registration must:~~

~~(a) Be made upon a form prescribed by the Secretary of State;~~

~~(b) Set forth the name under which the applicant transacts or intends to transact business, or if the applicant is an entity organized pursuant to this title and on file with the Secretary of State, the exact name on file with the Secretary of State, the business identification number as assigned by the Secretary of State pursuant to NRS 225.082, and the location in this State of the place or places of business;~~

~~(c) Be accompanied by a fee in the amount of $200, except that if the applicant is a corporation organized pursuant to chapter 78, 78A or 78B of NRS, or a foreign corporation required to file an initial or annual list with the Secretary of State pursuant to chapter 80 of NRS, the application must be accompanied by a fee of $500; and~~

~~(d) Include any other information that the Secretary of State deems necessary.~~

~~→ If the applicant is an entity organized pursuant to this title and on file with the Secretary of State and the applicant has no location in this State of its place of business, the address of its registered agent shall be deemed to be the location in this State of its place of business.~~

~~3. The application must be signed pursuant to NRS 239.330 by:~~

~~(a) The owner of a business that is owned by a natural person.~~

~~(b) A member or partner of an association or partnership.~~

~~(c) A general partner of a limited partnership.~~

~~(d) A managing partner of a limited-liability partnership.~~

~~(e) A manager or managing member of a limited-liability company.~~

~~(f) An officer of a corporation or some other person specifically authorized by the corporation to sign the application.~~

~~4. If the application for a state business registration is defective in any respect or the fee required by this section is not paid, the Secretary of State may return the application for correction or payment.~~

~~5. A state business registration issued pursuant to this section must contain the business identification number assigned by the Secretary of State pursuant to NRS 225.082.~~

~~6. The state business registration required to be obtained pursuant to this section is in addition to any license to conduct business that must be obtained from the local jurisdiction in which the business is being conducted.~~

~~7.~~ ***A person who performs the service of a driver for a transportation network company pursuant to chapter 706A of NRS is exempt from the provisions of this chapter pursuant to section 3 of this act.***

~~***8.***~~ ~~For the purposes of this chapter, a person:~~

~~(a) Shall be deemed to conduct a business in this State if a business for which the person is responsible:~~

~~(1) Is organized pursuant to this title, other than a business organized pursuant to:~~

~~(I) Chapter 82 or 84 of NRS; or~~

~~(II) Chapter 81 of NRS if the business is a nonprofit unit owners' association or a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c);~~

~~(2) Has an office or other base of operations in this State;~~

~~(3) Except as otherwise provided in NRS 76.103, has a registered agent in this State; or~~

~~(4) Pays wages or other remuneration to a natural person who performs in this State any of the duties for which he or she is paid.~~

~~(b) Shall be deemed not to conduct a business in this State if the business for which the person is responsible:~~

~~(1) Is not organized pursuant to this title;~~

~~(2) Does not have an office or base of operations in this State;~~

~~(3) Does not have a registered agent in this State;~~

~~(4) Does not pay wages or other remuneration to a natural person who performs in this State any of the duties for which he or she is paid, other than wages or other remuneration paid to a natural person for performing duties in connection with an activity described in subparagraph (5); and~~

~~(5) Is conducting activity in this State solely to provide vehicles or equipment on a short-term basis in response to a wildland fire, a flood, an earthquake or another emergency.~~

~~**[**8.**]** **9.** As used in this section, "registered agent" has the meaning ascribed to it in NRS 77.230.**]** **(Deleted by amendment.)**~~

Sec. 8. ~~**[**NRS 76.103 is hereby amended to read as follows:~~

~~76.103 1. A manufacturer who maintains a registered agent in this State solely because of the requirements set forth in NRS 370.680 and who is not otherwise required to obtain a state business registration pursuant to NRS 76.100 is not deemed, pursuant to subparagraph (3) of paragraph (a) of subsection **[**7**]** **8** of NRS 76.100, to conduct a business in this State.~~

~~2. As used in this section, "manufacturer" has the meaning ascribed to it in NRS 370.0315.**]** **(Deleted by amendment.)**~~

Sec. 9. This act becomes effective on July 1, ~~**[**2017.**]**~~ **2018.**

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 455.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 236.

AN ACT relating to insurance; authorizing the delivery by electronic means of notices or other documents relating to a policy of insurance in certain circumstances; authorizing the posting of certain standard policies of

insurance or endorsements on an Internet website in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a party to agree to conduct transactions by electronic means and generally grants legal recognition to electronic records and electronic signatures. (NRS 719.220, 719.240) Existing law also authorizes an insurer to provide evidence of insurance for the operation of a motor vehicle in an electronic format upon the request of the insured. (NRS 690B.023) **Section 6** of this bill: (1) allows a notice or other document required by law to be provided as part of an insurance transaction or which serves as evidence of insurance to be delivered by electronic means in certain circumstances; and (2) deems a delivery by electronic means to satisfy a requirement for delivery in physical form. **Section 7** of this bill establishes certain conditions which must be met for a notice or other document to be delivered by electronic means. **Section 7** also **: (1)** requires the delivery by electronic means of a notice or other document which requires verification or acknowledgment of receipt to be in an electronic form that allows for verification or acknowledgment of receipt **[.] ; and (2) requires such a notice or other document to be delivered by any other delivery method authorized by law if a verification or acknowledgment of receipt is not received within 3 days after electronic delivery. Section 8** of this bill requires an insurer to cease delivery by electronic means and resume delivery by another method authorized by law in certain circumstances. **Section 9** of this bill provides that a notice or other document delivered by electronic means before consent to delivery by electronic means is withdrawn is not affected by the withdrawal of consent and establishes when a withdrawal of consent is effective. **Section 10** of this bill allows an insurer who has an agreement with a party for delivery by electronic means of certain notices or documents before October 1, 2017, to continue such delivery if the insurer provides the party with certain statements. **Section 12** of this bill allows an insurer to post a standard policy of property or casualty insurance or a standard endorsement of such a policy on its Internet website rather than mailing or delivering the policy or endorsement if the policy or endorsement does not contain personally identifiable information and the insurer satisfies certain conditions.

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

Section 1. Chapter 680A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Deliver by electronic means" means:***

1. To deliver to an electronic mail address at which a party has consented to receive notices or documents; or

2. To post a notice or document on an electronic network or website accessible via the Internet or a mobile application or using a computer, mobile device, tablet or any other electronic device and to deliver a separate notice of the posting of the notice or document to an electronic mail address at which a party has consented to receive notices or documents.

Sec. 4. *"Party" means any recipient of a notice or document required to be provided as part of an insurance transaction, including, without limitation, an applicant, insured, policyholder or holder of an annuity contract.*

Sec. 5. *The provisions of sections 2 to 12, inclusive, of this act:*

1. Do not apply to a notice or other document delivered by an insurer in an electronic form before October 1, 2017, to a party who consented before that date to receive the notice or other document in an electronic form which was authorized by law at the time of delivery; and

2. Shall not be construed to affect any other provision of law relating to the content or timing of delivery of any notice or other document.

Sec. 6. *1. A notice to a party or any other document which is required by law to be provided as part of an insurance transaction or which serves as evidence of insurance coverage may be delivered by electronic means if such delivery satisfies the requirements of chapter 719 of NRS and section 7 of this act.*

2. The delivery of a notice or other document pursuant to subsection 1 is deemed to satisfy any requirement of this Code to deliver a notice or other document in physical form, including, without limitation, by:

(a) Mail;

(b) Mail, postage prepaid;

(c) Certified mail;

(d) Certified mail, return receipt requested;

(e) First-class mail;

(f) Registered mail;

(g) Registered mail, return receipt requested; or

(h) Overnight delivery using a nationally recognized carrier.

Sec. 7. *1. Except as otherwise provided in subsection 2 and section 8 of this act, a notice or other document may be delivered by electronic means by an insurer to a party pursuant to subsection 1 of section 6 of this act if:*

(a) The party has affirmatively consented to delivery by electronic means and has not withdrawn such consent;

(b) Before giving consent to delivery by electronic means, the party is provided with a clear and conspicuous statement informing the party of:

(1) The right of the party to withdraw consent to delivery by electronic means at any time and any conditions or consequences which may be imposed in the event consent is withdrawn;

(2) The types of notices and other documents to which the consent of the party to delivery by electronic means would apply;

(3) The right of the party to have a notice or other document delivered in paper form; and

(4) The procedures the party must follow to withdraw consent to delivery by electronic means and to update the electronic mail address of the party;

(c) The party, after being provided with a statement of the hardware and software requirements for access to and retention of a notice or other document delivered by electronic means, consents or confirms consent electronically in a manner that reasonably demonstrates that the party can access information in the electronic form that will be used for delivery by electronic means of notices or other documents to which the party has given consent;

(d) The insurer takes measures reasonably calculated to ensure that delivery by electronic means results in the receipt of a notice or other document by the party; and

(e) Upon a change in the hardware or software requirements for access to and retention of a notice or other document delivered by electronic means which occurs after the party has consented to delivery by electronic means which creates a material risk that the party will not be able to access or retain a subsequent notice or other document, the insurer provides the party with:

(1) A statement that describes the revised hardware or software requirements for access to and retention of a notice or other documents delivered by electronic means and the right of the party to withdraw consent without the imposition of any condition or consequence not described in the statement initially provided to the party pursuant to paragraph (b); and

(2) A revised statement containing the information described in paragraph (b) which applies to the revised hardware or software requirements.

2. If a provision of this Code or any other law applicable to the delivery of a notice or other document , including, without limitation, a notice required pursuant to NRS 687B.320 to 687B.350, inclusive, requires verification or acknowledgment of receipt of the notice or other document, the notice or other document may be delivered by electronic means only if the electronic form used for delivery provides for verification or acknowledgment of receipt. If the insurer does not receive verification or acknowledgment of receipt within 3 days after delivery by electronic means of a notice or other document described by this subsection, the insurer shall deliver the notice or other document by any other delivery method authorized by law.

Sec. 8. *An insurer shall cease delivering by electronic means any notice or other document and shall deliver such notices and other documents by any other delivery method authorized by law if:*

1. The insurer attempts to deliver by electronic means a notice or other document and has a reasonable basis to believe that the notice or other document was not received by the party; or

2. The insurer becomes aware that the electronic mail address provided by the party is no longer valid.

Sec. 9. *1. The withdrawal of consent by a party to delivery by electronic means does not affect the legal effectiveness, validity or enforceability of a notice or other document delivered by electronic means to the party before the withdrawal of consent is effective.*

2. A withdrawal of consent by a party becomes effective within a reasonable period of time after receipt of the withdrawal of consent by the insurer.

3. The failure of an insurer to comply with the provisions of paragraph (e) of subsection 1 of section 7 of this act or section 10 of this act is deemed to constitute a withdrawal of consent to delivery by electronic means unless a party elects to continue to grant consent.

Sec. 10. *If a party consented to the delivery by electronic means of certain notices or documents by an insurer before October 1, 2017, the insurer may continue to deliver by electronic means such notices or documents if, before delivering by electronic means such notices or documents, the insurer provides the party with:*

1. A statement that describes:

(a) Any notices or documents to be delivered by electronic means pursuant to sections 2 to 12, inclusive, of this act which were not previously delivered by electronic means; and

(b) The right of the party to withdraw consent without the imposition of any condition or consequence that was not disclosed at the time the party gave consent; and

2. A statement that satisfies the requirements of paragraph (b) of subsection 1 of section 7 of this act.

Sec. 11. *1. The failure to obtain the electronic consent or confirmation of consent of a party pursuant to paragraph (c) of subsection 1 of section 7 of this act may not be the sole basis for determining that a contract or policy of insurance is not legally effective, valid or enforceable.*

2. ~~[An insurer]~~ A producer of insurance is not subject to civil liability for any harm or injury that occurs as a result of the election of a party for the delivery by electronic means of any notice or other document or for the failure of an insurer to deliver by electronic means a notice or other document.

3. Nothing in sections 2 to 12, inclusive, of this act shall be construed to modify, limit or supersede the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq.

Sec. 12. ***If a standard policy of property or casualty insurance or a standard endorsement of such a policy does not contain personally identifiable information, the insurer offering such a policy or endorsement may satisfy a requirement to mail or deliver the policy or endorsement by posting the policy or endorsement on the Internet website of the insurer if:***

1. The policy or endorsement is accessible to the insured and to any producer of insurance who transacted insurance involving the policy or endorsement with the insured for as long as the policy or endorsement is in force;

2. The insurer retains an archive of expired policies and endorsements for not less than 5 years after the expiration of each policy or endorsement and makes expired policies and endorsements available upon request;

3. The policy or endorsement is posted in a manner that enables the insured and any producer of insurance who transacted insurance involving the policy or endorsement with the insured to print and save the policy or endorsement using any program or other application which is widely available on the Internet and free to use;

4. The insurer provides, in or with the declarations page provided at the time of issuance of the initial policy and each renewal of the policy:

(a) A description of the exact form of policy or endorsement purchased by the insured;

(b) A description of the right of the insured to receive, upon request and without charge, a paper copy of the policy or endorsement by mail; and

(c) The address of the Internet website where the policy or endorsement is posted;

5. Upon request of the insured and without charge, the insurer mails a paper copy of the policy or endorsement to the insured; and

6. The insurer provides notice in the manner preferred by the insured of any change to the policy or endorsement which includes a description of the right of the insured to obtain, upon request and without charge, a paper copy of the revised policy or endorsement and the address of the Internet website where the revised policy or endorsement is posted.

7. The insurer complies with all applicable provisions of chapter 719 of NRS.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 472.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 231.

AN ACT relating to juvenile justice; creating the Juvenile Justice Oversight Commission; prescribing the powers and duties of the

Commission; imposing requirements related to juvenile justice on the Division of Child and Family Services of the Department of Health and Human Services and local departments of juvenile services; providing for the establishment of an evidence-based program resource center; requiring the juvenile court **to make certain findings before committing a child to the custody of a state facility for the detention of children or a public or private institution or agency in another state; requiring departments of juvenile services** to conduct a risk assessment and a mental health screening before the disposition of a case involving a child who is adjudicated delinquent; **requiring the Division to consider the results of such an assessment and screening in making decisions concerning the placement of a child;** revising provisions relating to mental health screenings of children referred to the system of juvenile justice; revising provisions concerning the release of certain information relating to a child subject to the jurisdiction of the juvenile court; requiring the Youth Parole Bureau to adopt policies and procedures relating to responses to a child's violation of his or her terms and conditions of parole; **requiring the juvenile court to consider the adherence of the Youth Parole Bureau to such policies and procedures in determining whether to suspend, modify or revoke a child's parole;** revising provisions relating to revocation of a child's parole; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides generally for a system of juvenile justice in this State. (Title 5 of NRS) Federal law requires a state seeking grant money for the administration of a system of juvenile justice to have a state advisory group that oversees such a system. (42 U.S.C. § 5633(a)(3)) **Section 4** of this bill creates the Juvenile Justice Oversight Commission and designates the Commission as the state advisory group for the purposes of federal law. **Section 5** of this bill requires the Commission to: (1) establish a uniform procedure for the Division of Child and Family Services of the Department of Health and Human Services, the Youth Parole Bureau and each department of juvenile services in this State to follow when developing performance measures related to the juvenile justice system; (2) establish standard procedures for measuring outcomes for children subject to the jurisdiction of the juvenile court; (3) select a validated risk assessment tool ~~[and a validated mental health screening tool for]~~ **to assist the juvenile court,** the Division and each department of juvenile services ~~[to use when evaluating]~~ **in determining the appropriate actions to take for** children subject to the jurisdiction of the juvenile court **~~[,]~~ and a validated mental health screening tool to determine the appropriate actions to take for children in need of supervision;** and (4) contract with a qualified vendor or provider to provide technical assistance and training to employees of the juvenile justice system on the implementation and operation of such tools.

Section 6 of this bill requires the Commission to develop a 5-year strategic plan that establishes policies and procedures for the Division and each

department of juvenile services relating to the use of evidence-based practices when providing services to children subject to the jurisdiction of the juvenile court. **Section 7** of this bill requires the members of the Commission to conduct annual quality assurance reviews of each state ~~[and regional]~~ facility for the detention of children ~~[in this State.]~~ **and each regional facility for the treatment and rehabilitation of children, which section 13.2 of this bill defines as a regional facility which: (1) provides court-ordered treatment and rehabilitation for children; and (2) is administered by or for the benefit of more than one governmental entity.** **Section 7** requires such a quality assurance review to include a review of the facility's: (1) service delivery; (2) case management procedures; (3) policies on supervision and behavior management; and (4) procedures relating to the release of children from the facility. **Section 7 also requires a facility to: (1) develop a facility improvement plan, in coordination with the Division or a local department of juvenile services, if such a plan is required to address any issues raised in the review; and (2) submit such a plan to the Commission.** **Section 7** further requires the Commission to **compile all such facility improvement plans and** submit ~~[each review]~~ **the plans** to the Governor and ~~[to]~~ the ~~[Legislature.]~~ **Director of the Legislative Counsel Bureau with its annual review.**

Section 8 of this bill requires the Division and each department of juvenile services to, on or before July 1, 2018, implement the validated risk assessment tool and the validated mental health screening tool selected by the Commission for evaluation of children subject to the jurisdiction of the juvenile court. **Section 8** also establishes the cost allocation for the expenses of implementing such tools, such that the responsibility for those expenses will shift from the State to each department of juvenile services over the next 3 fiscal years. **Section 9** of this bill requires the Division and each department of juvenile services that receives money from the state, other than any money received from the State Plan for Medicaid, to use such money to develop, promote and coordinate evidence-based programs and services. **Section 9** also requires any contract between the Division or a department of juvenile services and a treatment provider for the provision of juvenile services to require the treatment provider to comply with the evidence-based standards developed by the Commission.

Section 10 of this bill requires the Division to issue a request for proposals to establish an evidence-based program resource center. **Section 10** requires the resource center to: (1) provide technical assistance to the Division, each department of juvenile services and treatment providers to support the implementation and operation of evidence-based programs and practices as set forth in the Commission's 5-year strategic plan; (2) provide various types of training to persons employed in the juvenile justice system; (3) act as a resource clearinghouse on evidence-based programs and practices; and (4) facilitate collaboration among state and local agencies and treatment providers who serve the juvenile justice system. **Section 12** of this bill

requires the Division and each department of juvenile services to develop and implement a family engagement plan to increase the participation of the family of a child who is subject to the jurisdiction of the juvenile court in the rehabilitation of the child.

Existing law establishes provisions governing the disposition by a juvenile court of cases of children subject to the court's jurisdiction. (Chapter 62E of NRS) **Section 15** of this bill requires the department of juvenile services, before the disposition of a child's case, to conduct a risk assessment and a mental health screening on the child ~~[,]~~ using the validated tools selected by the Commission ~~[,]~~ **and, in certain circumstances, a full mental health assessment,** and to prepare a report based on the results of the **risk** assessment ~~[and]~~ **, mental health** screening **and any full mental health assessment** as to the most appropriate disposition of the case. **Section 16** of this bill requires a department of juvenile services to develop an individualized case plan for each child placed under the supervision of the juvenile court, placed under the informal supervision of a probation officer or committed to a regional facility for the ~~[detention]~~ **treatment and rehabilitation** of children. **Section 16** sets forth the information required to be included in each case plan. ~~[Similarly, section]~~ **Section 17** of this bill requires the Division to **: (1) consider the results of a validated risk assessment, a validated mental health screening and any full mental health assessment to make decisions concerning the placement of a child; and (2)** develop ~~[such]~~ a case plan for each child committed to the Division for placement in a state facility for the detention of children. ~~[If]~~ **Section 14.5 of this bill requires** the juvenile court ~~[commits]~~ **to make certain findings before committing** a child to the custody of ~~[either]~~ a state facility for the detention of children ~~[or a facility in another state,]~~ **, and section 18** of this bill requires the juvenile court to make ~~[a record in the child's file that either less restrictive supervision or supervision within this State was not appropriate or available for the child.]~~ **certain findings before committing a child to a public or private institution or agency in another state. Sections 20 and 21** of this bill revise the process for how mental health screenings of children who are adjudicated delinquent and committed to a state ~~[or regional]~~ facility for the detention of children **or a regional facility for the treatment and rehabilitation of children** are to be conducted.

Existing law requires the Division to: (1) establish a standardized system for the reporting, collection, analysis, maintenance and retrieval of information concerning juvenile justice in this State; and (2) adopt regulations that require juvenile courts, local juvenile probation departments and the staff of the youth correctional services to submit certain information to the Division. (NRS 62H.200) **Section 25** of this bill revises the types of juvenile justice information required to be submitted to the Division. **Section 22** of this bill requires the Division to analyze such information and submit a report to the Governor and to the Legislature relating to the trends that exist in the juvenile justice system and the effectiveness of the system's programs

and services. **Section 33** of this bill repeals a similar provision that requires each local juvenile probation department to analyze such information and submit a report to the Division.

Section 24 of this bill authorizes the Division to withhold money from a juvenile court that does not comply with the regulations adopted by the Division relating to the submittal of certain juvenile justice information.

Existing law authorizes a director of juvenile services and the Youth Parole Bureau to release certain information concerning a child who is within the purview of the juvenile court to certain other persons involved in the juvenile justice system. (NRS 62H.025) **Section 23** of this bill revises the list of persons to whom a director of juvenile services and the Youth Parole Bureau may release information to include: (1) the Chief Parole and Probation Officer; (2) the Director of the Department of Corrections; (3) a law enforcement agency; **(4) the director of a regional facility for the treatment and rehabilitation of children;** or ~~[(4)]~~ **(5)** the director of an agency which provides mental health services.

Existing law provides for the suspension, modification or revocation of the parole of a child. (NRS 63.770) **Section 26** of this bill requires the Youth Parole Bureau to establish policies and procedures to be used when determining the most appropriate and least restrictive response to a violation of a child of the terms and conditions of his or her parole. **Section 26** requires, among other things, the Youth Parole Bureau to create a sliding scale of offenses based on the severity of the violation. **Section 28 of this bill requires the juvenile court to consider the policies and procedures adopted by the Youth Parole Bureau pursuant to section 26 and consider the adherence of the Youth Parole Bureau to such policies and procedures when determining whether to suspend, modify or revoke the parole of a child. Section 29** of this bill prohibits the Chief of the Youth Parole Bureau from recommending to the juvenile court that a child's parole be revoked unless: (1) the child poses a risk to public safety; or (2) the other responses set forth in the policies and procedures adopted by the Youth Parole Bureau pursuant to **section 26** would not be appropriate for the child.

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

Section 1. Chapter 62A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. ***"Commission" means the Juvenile Justice Oversight Commission established by section 4 of this act.***

Sec. 3. ***"Department of juvenile services" means the entity designated pursuant to chapter 62G of NRS to administer the provision of services relating to the delinquency of children.***

Sec. 4. ***1. The Juvenile Justice Oversight Commission is hereby established. The Commission is hereby designated as the state advisory***

group on juvenile justice required to be established pursuant to 42 U.S.C. § 5633(a)(3).

2. The Commission consists of the Governor or his or her designee and ~~[24]~~ 25 members appointed by the Governor. The Governor shall appoint to the Commission:

(a) Two members who are members of the Senate, one of whom must be from the majority political party and one of whom must be from the minority political party.

(b) Two members who are members of the Assembly, one of whom must be from the majority political party and one of whom must be from the minority political party.

(c) Two members who are judges of a juvenile court.

(d) The Administrator of the Division of Child and Family Services or his or her designee.

(e) The Deputy Administrator of Juvenile Services of the Division of Child and Family Services or his or her designee.

(f) Three members who are directors of juvenile services, one each of whom must represent a county whose population:

(1) Is less than 100,000.

(2) Is 100,000 or more but less than 700,000.

(3) Is 700,000 or more.

(g) Two members who are district attorneys.

(h) Two members who are public defenders.

(i) One member who is a representative of a law enforcement agency.

(j) ~~[One member]~~ Two members who ~~[is a representative]~~ are representatives of a nonprofit organization which provides programs to prevent juvenile delinquency.

(k) One member who is a volunteer who works with children who have been adjudicated delinquent.

(l) Six members who are under the age of 24 years at the time of appointment.

3. At least three of the persons appointed to the Commission pursuant to subsection 2 must be persons who are currently or were formerly subject to the jurisdiction of the juvenile court.

4. Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Commission must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs. Nine of the initial members of the Commission who are appointed pursuant to subsection 2 must be appointed to an initial term of 1 year. Each member of the Commission continues in office until his or her successor is appointed.

5. The members of the Commission serve without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. A majority of the members of the Commission constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Commission.

7. A member of the Commission who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Commission and perform any work necessary to carry out the duties of the Commission in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Commission to:

(a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Commission; or

(b) Take annual leave or compensatory time for the absence.

8. At the first meeting of the Commission and annually thereafter:

(a) The Governor shall appoint a Chair of the Commission;

(b) The Commission shall elect a Secretary from among its members; and

(c) The Commission shall adopt rules for its own management and government.

9. The Commission shall:

(a) Hold its first meeting within 60 days after all the initial appointments to the Commission are made pursuant to subsection 2; and

(b) Meet at least once every 4 months and may meet at such further times as deemed necessary by the Chair.

Sec. 5. *In addition to the duties set forth in sections 6 and 7 of this act, the Commission shall:*

1. On or before July 1, 2018, establish a uniform procedure for the Division of Child and Family Services, the Youth Parole Bureau and each department of juvenile services to use for developing performance measures to determine the effectiveness of the juvenile justice system, including, without limitation, performance measures for juvenile court referrals and dispositions, supervision of a child subject to the jurisdiction of the juvenile court, services provided by agencies which provide ~~[child welfare]~~ juvenile justice services and rates of recidivism.

2. On or before July 1, 2018, establish standard procedures for measuring outcomes for a child subject to the jurisdiction of the juvenile court, including, without limitation, standard procedures for measuring and reporting rates of recidivism in accordance with NRS 62H.200 ~~[.]~~ , and define any necessary terms.

3. On or before January 1, 2018, select:

(a) A validated risk assessment tool that uses a currently accepted standard of assessment to ~~[determine]~~ assist the juvenile court, the Division of Child and Family Services and departments of juvenile services in determining the appropriate actions to take for each child subject to the jurisdiction of the juvenile court; and

(b) A validated mental health screening tool that uses a currently accepted standard of assessment to determine the appropriate actions to take for each child in need of supervision pursuant to this title.

4. Contract with a qualified vendor or provider of technical assistance to assist the Division of Child and Family Services and each department of juvenile services with the implementation of the validated risk assessment tool. Such assistance must include, without limitation, employee training, policy development and the establishment of quality assurance protocols.

Sec. 6. ***1. The Commission shall develop a 5-year strategic plan that establishes policies and procedures for the Division of Child and Family Services and each department of juvenile services relating to the use of evidence-based practices in providing services to children subject to the jurisdiction of the juvenile court. The plan must include, without limitation:***

(a) Uniform standards that an evidence-based practice or program must follow, including, without limitation, model programs, staffing requirements and quality assurance protocols;

(b) Strategies, including, without limitation, measurable goals, timelines and responsible parties, to enhance the capacity of the Division of Child and Family Services and each department of juvenile services to:

(1) Comply with the evidence-based standards developed by the Commission; and

(2) Partner with treatment providers that offer evidence-based programs for the treatment of children subject to the jurisdiction of the juvenile court;

(c) A requirement for the collection and reporting of data to the Commission by each department of juvenile services relating to the programs offered and services rendered by each department; and

(d) Protocols for improvement and corrective action for:

(1) A department of juvenile services that does not comply with the reporting requirements established pursuant to paragraph (c); and

(2) A treatment provider that does not comply with the evidence-based standards established by the Commission.

2. The Division of Child and Family Services shall adopt regulations to implement the provisions of the strategic plan developed pursuant to subsection 1.

3. On or before July 1, 2018, and every 5 years thereafter, the Commission shall submit the strategic plan developed pursuant to subsection 1 to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

Sec. 7. ***1. The members of the Commission shall conduct an annual quality assurance review of each state facility for the detention of children and regional facility for the ~~[detention]~~ treatment and rehabilitation of children. Each review must use a validated service assessment tool, selected by the Commission, which includes, without limitation:***

(a) An analysis of the facility's service delivery;

(b) A review of the facility's case management procedures;

(c) A review of the facility's policies on supervision and behavior management of children placed in the facility; and

(d) An analysis of the facility's procedures relating to the release of children from the jurisdiction of the juvenile court.

2. Before conducting a review pursuant to subsection 1, a member of the Commission must receive training on the use of the validated service assessment tool selected by the Commission pursuant to subsection 1.

3. The ~~[member or]~~ members of the Commission who conduct a review pursuant to subsection 1 shall ~~[develop a facility]~~ share the results of the review and recommendations for improvement ~~[plan based on the results of the review. The Commission shall submit each facility improvement plan developed pursuant to this subsection to]~~ with the facility and the Division of Child and Family Services ~~[,]~~ or a local department of juvenile services.

4. A facility ~~[that receives]~~ shall develop a facility improvement plan ~~[pursuant to subsection 3 shall develop a corrective action plan]~~ , in coordination with the Division of Child and Family Services or a local department of juvenile services, if such a plan is required to address any ~~[issued]~~ issues raised in the ~~[improvement plan.]~~ review. Not more than 60 days after receiving ~~[a facility improvement plan]~~ the results of the review and recommendations for improvement pursuant to subsection 3, the facility shall submit the facility improvement plan ~~[and a corrective action plan]~~ to the Commission . ~~[,]~~ The Commission shall compile all such facility improvement plans and submit the plans to the Governor and to the Director of the Legislative Counsel Bureau ~~[for transmittal to the next regular session of the Legislature.]~~ with its annual review.

Sec. 8. *1. On or before July 1, 2018, the Division of Child and Family Services and each department of juvenile services shall:*

(a) Implement the validated risk assessment tool and the validated mental health screening tool selected by the Commission pursuant to subsection 3 of section 5 of this act; and

(b) Comply with the policies and quality assurance protocols set forth by the qualified vendor or other provider selected to provide technical assistance for the validated risk assessment tool pursuant to subsection 4 of section 5 of this act.

2. The costs of implementing and operating the validated risk assessment tool and the validated mental health screening tool pursuant to subsection 1 must be allocated in the following manner:

(a) In Fiscal Year 2017-2018 and 2018-2019, the Division of Child and Family Services pays 100 percent of the costs incurred by each department of juvenile services associated with the validated risk assessment tool and the validated mental health screening tool.

(b) In Fiscal Year 2019-2020, the Division of Child and Family Services pays 50 percent of the costs incurred by each department of juvenile

services associated with the validated risk assessment tool and the validated mental health screening tool.

(c) In Fiscal Year 2020-2021 and in every subsequent fiscal year, each department of juvenile services is responsible for 100 percent of the costs that the department incurs associated with the validated risk assessment tool and the validated mental health screening tool.

Sec. 9. *1. Except as otherwise provided in subsection 2 and subject to the provisions of subsection 4, the Division of Child and Family Services and each department of juvenile services that receives money from the State, except money received from the State Plan for Medicaid as a benefit for a child subject to the jurisdiction of a juvenile court, must use such money to develop, promote and coordinate evidence-based programs and practices.*

2. A department of juvenile services in a county whose population is less than 100,000 must be evaluated for compliance with the requirement set forth in subsection 1 based on the amount of money received from the State, other limitations on resources and the availability of treatment providers in the county.

3. A contract or provider agreement between the Division of Child and Family Services or a department of juvenile services and a treatment provider for the provision of any juvenile services that uses money from the State must require the treatment provider to comply with the evidence-based standards developed by the Commission pursuant to section 6 of this act.

4. The Division of Child and Family Services and each department of juvenile services shall use the following percentages of money received from the State as described in subsection 1 to develop, promote and coordinate evidence-based programs and practices:

(a) ~~*[In Fiscal Year 2018-2019, 25 percent.*~~

~~*(b)]*~~ *In Fiscal Year 2019-2020,* ~~*[50]*~~ *25 percent.*

~~*[(c)]*~~ *(b) In Fiscal Year 2020-2021,* ~~*[75]*~~ *50 percent.*

~~*[(d)]*~~ *(c) In Fiscal Year 2021-2022 , 75 percent.*

(d) In Fiscal Year 2022-2023 and each subsequent fiscal year, 100 percent.

Sec. 10. *1. On or before September 1, 2017, the Division of Child and Family Services shall issue a request for proposals to establish an evidence-based program resource center.*

2. The evidence-based program resource center shall:

(a) Provide technical assistance to the Division of Child and Family Services, each department of juvenile services and treatment providers to support the implementation and operation of evidence-based programs and practices as set forth in the strategic plan developed by the Commission pursuant to section 6 of this act;

(b) Provide on a statewide basis to persons employed in the juvenile justice system training relating to:

(1) The use of evidence-based programs and practices; and

(2) The analysis of quality assurance protocols to ensure such programs meet the evidence-based standards developed by the Commission pursuant to section 6 of this act;

(c) Act as a clearinghouse for information and statewide resources on evidence-based programs and practices for children subject to the jurisdiction of the juvenile court;

(d) Facilitate collaboration among state and local agencies and treatment providers to increase access to such providers; and

(e) Provide support for the assessment of the implementation of evidence-based standards by such state and local agencies.

Sec. 11. ***On or before July 1, 2019, and on or before July 1 of every year thereafter, the Division of Child and Family Services shall submit to the Governor, to the Commission and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature, a report detailing the Division's compliance with the evidence-based standards developed by the Commission pursuant to section 6 of this act and an analysis of the data collected based on the performance measures adopted by the Division pursuant to NRS 62H.200.***

Sec. 12. ***The Division of Child and Family Services and each department of juvenile services shall develop and implement a family engagement plan to enhance family engagement in the juvenile justice system. The plan must include strategies for:***

1. Increasing the family's contact with a child subject to the jurisdiction of the juvenile court;

2. Engaging family members in the case plan of a child and in planning meetings for the release of the child from the jurisdiction of the juvenile court;

3. Involving family members in the child's treatment; and

4. Soliciting the feedback of family members relating to improvements to the services rendered to children subject to the jurisdiction of the juvenile court.

Sec. 13. NRS 62A.010 is hereby amended to read as follows:

62A.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 62A.020 to 62A.350, inclusive, ***and sections 2 and 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 13.2. **NRS 62A.280 is hereby amended to read as follows:**

62A.280 1. "Regional facility for the ~~[detention]~~ ***treatment and rehabilitation*** of children" means a regional facility ~~[for the detention or commitment of]~~ ***which provides court-ordered treatment and rehabilitation for*** children ***and*** which is administered by or for the benefit of more than one governmental entity.

2. The term includes, but is not limited to:

(a) The ~~[institution]~~ ***facility*** in Clark County known as Spring Mountain Youth Camp;

(b) The ~~[institution]~~ ***facility*** in Douglas County known as China Spring Youth Camp; and

(c) The ~~[institution]~~ ***facility*** in Lyon County known as Western Nevada Regional Youth Facility.

3. The term does not include:

(a) Any local facility for the detention of children; or

(b) The Nevada Youth Training Center, the Caliente Youth Center or any state facility for the detention of children.

Sec. 13.3. **NRS 62B.130 is hereby amended to read as follows:**

62B.130 1. If a child is detained other than pursuant to a court order in a local ~~[or regional]~~ facility for the detention of children, the county that has detained the child is entitled to reimbursement from the parent or guardian of the child for all money expended by the county for the support of the child during the period of the child's detention.

2. If the parent or guardian of the child fails or refuses to reimburse the county, the board of county commissioners may recover from the parent or guardian, by appropriate legal action, all money due plus interest thereon at the rate of 7 percent per annum.

Sec. 13.4. **NRS 62B.140 is hereby amended to read as follows:**

62B.140 1. Except as otherwise provided in this subsection, if a child is committed to the custody of a regional facility for the ~~[detention]~~ ***treatment and rehabilitation*** of children, the juvenile court may order the county where the child has a legal residence to pay the expenses incurred for the support of the child in an amount equal to any money paid for that purpose by the Division of Child and Family Services. Such an order may not be entered if the county maintains the facility to which the child is committed.

2. The juvenile court may order the parent or guardian of the child to reimburse the county, in whole or in part, for any money expended by the county for the support of the child.

3. This section does not prohibit the juvenile court from providing for the support of the child in any other manner authorized by law.

Sec. 13.5. **NRS 62B.150 is hereby amended to read as follows:**

62B.150 1. Except as otherwise provided in subsection 6, each county shall pay an assessment for the operation of each regional facility for the ~~[detention]~~ ***treatment and rehabilitation*** of children that is partially supported by the State of Nevada and is operated by a county whose population is less than 700,000.

2. The assessment owed by each county equals the total amount budgeted by the Legislature for the operation of the regional facility, minus any money appropriated by the Legislature for the support of the regional facility, divided by the total number of pupils in this State in the preceding school year, excluding pupils in counties whose population is 700,000 or more, and multiplied by the number of pupils in the assessed county. The

Administrator of the Division of Child and Family Services shall calculate the assessment owed by each county in June of each year for the ensuing fiscal year.

3. Each county must pay the assessed amount to the Division of Child and Family Services in quarterly installments that are due the first day of the first month of each calendar quarter.

4. The Administrator of the Division of Child and Family Services shall deposit the money received pursuant to subsection 3 in a separate account in the State General Fund. The money in the account may be withdrawn only by the Administrator for the operation of regional facilities for the ~~[detention]~~ ***treatment and rehabilitation*** of children.

5. Revenue raised by a county to pay the assessment required pursuant to subsection 1 is not subject to the limitations on revenue imposed pursuant to chapter 354 of NRS and must not be included in the calculation of those limitations.

6. The provisions of this section do not apply to a county whose population is 700,000 or more.

7. As used in this section, "regional facility for the ~~[detention]~~ ***treatment and rehabilitation*** of children" or "regional facility" does not include the ~~[institution]~~ ***facility*** in Lyon County known as Western Nevada Regional Youth Center.

Sec. 13.6. **NRS 62B.160 is hereby amended to read as follows:**

62B.160 1. Except as otherwise provided in subsection 5, each county shall pay an assessment for the operation of a regional facility for the ~~[detention]~~ ***treatment and rehabilitation*** of children that serves the county if the regional facility:

(a) Is operated by a county whose population is less than 700,000 or an administrative entity established pursuant to NRS 277.080 to 277.180, inclusive, by counties whose populations are less than 700,000 each;

(b) Is established by two or more counties pursuant to an interlocal agreement or by one county if the regional facility is operated pursuant to an interlocal agreement to benefit other counties; and

(c) Is not partially supported by the State of Nevada and does not receive money from the State of Nevada other than any fees paid to the regional facility for a child referred to the regional facility by the State of Nevada.

2. The administrator of a regional facility for the ~~[detention]~~ ***treatment and rehabilitation*** of children shall calculate the assessment owed by each county pursuant to subsection 1 on or before March 1 of each year for the ensuing fiscal year. The assessment owed by each county equals:

(a) For the first 2 years of operation of the regional facility, the total amount budgeted for the operation of the regional facility by the governing body of the county or other entity responsible for the operation of the regional facility, minus any money received from the State of Nevada to pay for fees for a child referred to the regional facility by the State of Nevada, divided by the total number of pupils in the preceding school year in all

counties served by the regional facility and multiplied by the number of pupils in the preceding school year in the assessed county.

(b) For each year subsequent to the second year of operation of the regional facility, unless the counties served by the regional facility enter into an interlocal agreement to the contrary, the total of:

(1) The total amount budgeted for the operation of the regional facility by the governing body of the county or other entity responsible for the operation of the regional facility, minus any money received from the State of Nevada to pay for fees for a child referred to the regional facility by the State of Nevada, divided by the total number of pupils in the preceding school year in all counties served by the regional facility, multiplied by the number of pupils in the preceding school year in the assessed county and multiplied by one-fourth; and

(2) The total amount budgeted for the operation of the regional facility by the governing body of the county or other entity responsible for the operation of the regional facility, minus any money received from the State of Nevada to pay for fees for a child referred to the regional facility by the State of Nevada, divided by the total number of pupils who were served by the regional facility in the preceding school year from all counties served by the regional facility, multiplied by the number of pupils who were served by the regional facility in the preceding school year from the assessed county and multiplied by three-fourths.

3. Each county shall pay the assessment required pursuant to subsection 1 to the treasurer of the county if the regional facility is operated by a county or to the administrative entity responsible for the operation of the regional facility in quarterly installments that are due on the first day of the first month of each calendar quarter. The money must be accounted for separately and may only be withdrawn by the administrator of the regional facility.

4. The board of county commissioners of each county may pay the assessment from revenue raised by a tax levied pursuant to NRS 354.59818, any other available money, or a combination thereof.

5. The provisions of this section do not apply to a county whose population is 700,000 or more.

6. As used in this section, "regional facility for the ~~[detention]~~ ***treatment and rehabilitation*** of children" or "regional facility" does not include the ~~[institution]~~ ***facility*** in Douglas County known as China Spring Youth Camp.

Sec. 13.7. **NRS 62B.215 is hereby amended to read as follows:**

62B.215 1. A child who is detained in a local ~~[or regional]~~ facility for the detention of children ***or committed to a regional facility for the treatment and rehabilitation of children*** may be subjected to corrective room restriction only if all other less-restrictive options have been exhausted and only for the purpose of:

(a) Modifying the negative behavior of the child;

(b) Holding the child accountable for a violation of a rule of the facility; or

(c) Ensuring the safety of the child, staff or others or ensuring the security of the facility.

2. Any action that results in corrective room restriction for more than 2 hours must be documented in writing and approved by a supervisor.

3. A local ~~[or regional]~~ facility for the detention of children ***or regional facility for the treatment and rehabilitation of children*** shall conduct a safety and well-being check on a child subjected to corrective room restriction at least once every 10 minutes while the child is subjected to corrective room restriction.

4. A child may be subjected to corrective room restriction only for the minimum time required to address the negative behavior, rule violation or threat to the safety of the child, staff or others or to the security of the facility, and the child must be returned to the general population of the facility as soon as reasonably possible.

5. A child who is subjected to corrective room restriction for more than 24 hours must be provided:

(a) Not less than 1 hour of out-of-room, large muscle exercise each day, including, without limitation, access to outdoor recreation if weather permits;

(b) Access to the same meals and medical and mental health treatment, the same access to contact with parents or legal guardians, and the same access to legal assistance and educational services as is provided to children in the general population of the facility; and

(c) A review of the corrective room restriction status at least once every 24 hours. If, upon review, the corrective room restriction is continued, the continuation must be documented in writing, including, without limitation, an explanation as to why no other less-restrictive option is available.

6. A local ~~[or regional]~~ facility for the detention of children ***or regional facility for the treatment and rehabilitation of children*** shall not subject a child to corrective room restriction for more than 72 consecutive hours.

7. ~~[A]~~ ***Each*** local ~~[or regional]~~ facility for the detention of children ***and regional facility for the treatment and rehabilitation of children*** shall report monthly to the Juvenile Justice Programs Office of the Division of Child and Family Services the number of children who were subjected to corrective room restriction during that month and the length of time that each child was in corrective room restriction. Any incident that resulted in the use of corrective room restriction for 72 consecutive hours must be addressed in the monthly report, and the report must include the reason or reasons any attempt to return the child to the general population of the facility was unsuccessful.

8. As used in this section, "corrective room restriction" means the confinement of a child to his or her room as a disciplinary or protective action and includes, without limitation:

(a) Administrative seclusion;

(b) Behavioral room confinement;

(c) Corrective room rest; and

(d) Room confinement.

Sec. 13.8. **NRS 62C.035 is hereby amended to read as follows:**

62C.035 1. Each child who is taken into custody by a peace officer or probation officer and detained in a local facility for the detention of children ~~[or a regional facility for the detention of children]~~ while awaiting a detention hearing pursuant to NRS 62C.040 or 62C.050 must be screened to determine whether the child is in need of mental health services or is an abuser of alcohol or drugs.

2. The facility in which the child is detained shall cause the screening required pursuant to subsection 1 to be conducted as soon as practicable after the child has been detained in the facility.

3. The method for conducting the screening required pursuant to subsection 1 must satisfy the requirements of NRS 62E.516.

Sec. 14. Chapter 62E of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[15, 16 and]~~ **14.5 to** 17**, inclusive,** of this act.

Sec. 14.5. ***Before the juvenile court commits a delinquent child to the custody of a state facility for the detention of children, the court must find that:***

1. Appropriate alternatives that could satisfactorily meet the needs of the child do not exist in the community or were previously used to attempt to meet such needs and proved unsuccessful; and

2. The child poses a public safety risk based on the child's risk of reoffending, as determined by a risk assessment conducted pursuant to section 15 of this act, any history of delinquency and the seriousness of the offense committed by the child.

Sec. 15. ***1. Beginning on the date selected by the Commission for implementation of the requirement for use of the validated risk assessment tool and the validated mental health screening tool selected pursuant to section 5 of this act, before the disposition of a case involving a child who is adjudicated delinquent, the department of juvenile services shall conduct a validated risk assessment and validated mental health screening on the child, using the tools selected by the Commission. ~~[After conducting]~~ If the mental health screening ~~[, if the]~~ indicates that the child ~~[appears to be]~~ is in need of a full mental health ~~[services,]~~ assessment, the department of juvenile services shall, to the extent money is available, provide for a full mental health assessment of the child.***

2. The department of juvenile services shall prepare a report on the results of the risk assessment , ~~[and]~~ mental health screening and, if applicable, the full mental health assessment conducted pursuant to subsection 1. The report must be included in the child's file and provided to all parties to the case. The report must identify the child's risk to reoffend and provide a recommendation for the type of supervision and services that the child needs.

3. The juvenile court shall use the report created pursuant to subsection 2 to assist the juvenile court in determining the disposition of the child's case.

Sec. 16. *1. The department of juvenile services shall develop a written individualized case plan for each child placed under the supervision of the juvenile court pursuant to a supervision and consent decree, placed under the informal supervision of a probation officer pursuant to NRS 62C.200 or committed to a regional facility for the ~~[detention]~~ treatment and rehabilitation of children. In developing such a case plan, the department of juvenile services must use, without limitation:*

(a) The results of the risk assessment and mental health screening conducted pursuant to section 15 of this act;

(b) The trauma, if any, experienced by the child;

(c) The education level of the child;

(d) The seriousness of the offense committed by the child; and

(e) Any relevant information provided by the family of the child.

2. A case plan developed pursuant to subsection 1 must:

(a) Address the risks the child presents and the service needs of the child based on the results of the risk assessment and mental health screening conducted pursuant to section 15 of this act;

(b) Specify the level of supervision and intensity of services that the child needs;

(c) Provide referrals to treatment providers that may address the child's risks and needs;

(d) Be developed in consultation with the child's family or guardian, as appropriate;

(e) Specify the responsibilities of each person or agency involved with the child; and

(f) Provide for the full reentry of the child into the community.

3. In addition to the requirements of subsection 2, if a child is committed to a regional facility for the ~~[detention]~~ treatment and rehabilitation of children, the child's case plan must:

(a) Identify the projected length of stay and release criteria based on a risk assessment conducted pursuant to section 15 of this act, the seriousness of the offense committed by the child and treatment progress;

(b) Include a comprehensive plan for complete reentry of the child into the community; and

~~[(b)]~~ (c) Be reviewed at least once every 3 months by the department of juvenile services.

4. A reentry plan developed pursuant to subsection 3 must include, without limitation:

(a) A detailed description of the education, counseling and treatment provided to the child;

(b) A proposed plan for the continued education, counseling and treatment of the child upon his or her release;

(c) A proposed plan for the provision of any supervision or services necessary for the transition of the child; and

(d) A proposed plan for any engagement of the child's family or guardian.

5. The department of juvenile services must update a child's case plan at least once every 6 months, or when significant changes in the child's treatment occur, by conducting another risk assessment and mental health screening using the tools selected by the Commission pursuant to section 5 of this act.

6. A reentry planning meeting must be held at least 30 days before a child's scheduled release from a regional facility for the ~~[detention]~~ treatment and rehabilitation of children. As appropriate, based on the child's case plan, the meeting should be attended by:

(a) The child;

(b) A family member or the guardian of the child;

(c) The child's probation officer;

(d) Members of the staff of the regional facility for the ~~[detention]~~ treatment and rehabilitation of children; and

(e) Any treatment providers of the child.

Sec. 17. *1. The Division of Child and Family Services shall consider, without limitation, the results of a validated risk assessment, a validated mental health screening and, if applicable, a full mental health assessment conducted pursuant to section 15 of this act to make decisions concerning the placement of the child. The Division may consider the results of a risk and needs assessment of the child that was conducted by a local department of juvenile services if the assessment was conducted within the immediately preceding 6 months and no significant changes have occurred relating to the child's case.*

2. The Division of Child and Family Services shall develop a length of stay matrix and establish release criteria for a state facility for the detention of children that are based on a child's risk of reoffending, as determined by the risk assessment for the child, the seriousness of the act for which the child was adjudicated delinquent and the child's progress in meeting treatment goals. In making release and discharge decisions, the Division shall use the matrix and release criteria developed pursuant to this subsection.

~~[2.]~~ 3. The Division of Child and Family Services shall develop a written individualized case plan for each child committed to the custody of the Division pursuant to NRS 62E.520. In developing such a case plan, the Division must use, without limitation:

(a) The results of the risk assessment , ~~[and]~~ mental health screening and any full mental health assessment conducted pursuant to section 15 of this act;

(b) The trauma, if any, experienced by the child;

(c) The education level of the child;

(d) The seriousness of the offense committed by the child;

(e) The child's progress in meeting treatment goals; and

(f) Any relevant information provided by the family of the child.

~~[3.]~~ 4. A case plan developed pursuant to subsection ~~[2]~~ 3 must:

(a) Address the risks the child presents and the service needs of the child based on the results of the risk assessment , ~~[and]~~ mental health screening and any full mental health assessment conducted pursuant to section 15 of this act;

(b) Specify the level of supervision and services that the child needs;

(c) Provide referrals to treatment providers that may address the child's risks and needs;

(d) Be developed in consultation with the child's family or guardian, as appropriate;

(e) Specify the responsibilities of each person or agency involved with the child; and

(f) Provide for the full reentry of the child into the community.

~~[4.]~~ 5. In addition to the requirements of subsection ~~[3]~~ 4, if a child is committed to a state facility for the detention of children, the child's case plan must:

(a) Include a comprehensive plan for complete reentry of the child into the community; and

(b) Be reviewed at least once every 3 months by the Division of Child and Family Services.

~~[5.]~~ 6. A reentry plan developed pursuant to subsection ~~[4]~~ 5 must include, without limitation:

(a) A detailed description of the education, counseling and treatment provided to the child;

(b) A proposed plan for the continued education, counseling and treatment of the child upon his or her release;

(c) A proposed plan for the provision of any supervision or services necessary for the transition of the child; and

(d) A proposed plan for any engagement of the child's family or guardian.

~~[6.]~~ 7. The Division of Child and Family Services must update a child's case plan at least once every 6 months, or when significant changes in the child's treatment occur, by conducting another risk assessment and mental health screening using the tools selected by the Commission pursuant to section 5 of this act.

~~[7.]~~ 8. A reentry planning meeting must be held at least 30 days before a child's scheduled release from a state facility for the detention of children. As appropriate, based on the child's case plan, the meeting should be attended by:

(a) The child;

(b) A family member or the guardian of the child;

(c) The child's ~~[probation officer;]~~ youth parole counselor;

(d) The superintendent of the state facility for the detention of children; and

(e) Any treatment providers of the child.

Sec. 18. NRS 62E.110 is hereby amended to read as follows:

62E.110 1. Except as otherwise provided in this chapter, the juvenile court may:

(a) Place a child in the custody of a suitable person for supervision in the child's own home or in another home; ~~[or]~~

(b) Commit the child to the custody of a public or private institution or agency authorized to care for children ~~[.]~~ ***; or***

(c) Commit the child to the custody of the Division of Child and Family Services pursuant to NRS 62E.520.

2. If the juvenile court places the child under supervision in a home:

(a) The juvenile court may impose such conditions as the juvenile court deems proper; and

(b) The program of supervision in the home may include electronic surveillance of the child.

3. If the juvenile court commits the child to the custody of a public or private institution or agency ~~[,]~~ ***other than the Division of Child and Family Services,*** the juvenile court shall select one that is required to be licensed by:

(a) The Department of Health and Human Services to care for such children; or

(b) If the institution or agency is in another state, the analogous department of that state.

4. ~~[If the juvenile court commits the]~~ Before committing a child to ~~[the custody of either a state facility for the detention of children or]~~ a public or private institution or agency in another state, the juvenile court must ~~[make a record in the child's court file]~~ find that:

(a) No public or private institution or agency in this State met the needs of the child or that such an institution or agency had previously attempted to meet such needs and proved unsuccessful; and

(b) Reasonable efforts had been made to consult with public or private institutions and agencies in this State to place or commit the child in this State, and that those efforts had failed.

Sec. 19. NRS 62E.500 is hereby amended to read as follows:

62E.500 1. The provisions of NRS 62E.500 to 62E.730, inclusive ~~[.]~~ ***, and sections ~~[15, 16 and]~~ 14.5 to 17, inclusive, of this act:***

(a) Apply to the disposition of a case involving a child who is adjudicated delinquent.

(b) Except as otherwise provided in NRS 62E.700 and 62E.705, do not apply to the disposition of a case involving a child who is found to have committed a minor traffic offense.

2. If a child is adjudicated delinquent:

(a) The juvenile court may issue any orders or take any actions set forth in NRS 62E.500 to 62E.730, inclusive, ***and sections ~~[15, 16 and]~~ 14.5 to 17, inclusive, of this act*** that the juvenile court deems proper for the disposition of the case; and

(b) If required by a specific statute, the juvenile court shall issue the appropriate orders or take the appropriate actions set forth in the statute.

Sec. 20. NRS 62E.513 is hereby amended to read as follows:

62E.513 1. Each child who is adjudicated delinquent and committed by the juvenile court to a regional facility for the ~~[detention]~~ ***treatment and rehabilitation*** of children or state facility for the detention of children or ordered by the juvenile court to be placed in a facility for the detention of children pursuant to NRS 62E.710 must be screened to determine whether the child is in need of mental health services or is an abuser of alcohol or drugs ~~[.]~~ ***once every 6 months or when significant changes to the child's case plan developed pursuant to section 16 or 17 of this act, as applicable, are made.***

2. The facility to which the child is committed or in which the child is placed shall cause the screening required pursuant to subsection 1 to be conducted as soon as practicable after the child has been committed to or placed in the facility.

3. The method for conducting the screening required pursuant to subsection 1 must satisfy the requirements of NRS 62E.516.

Sec. 21. NRS 62E.516 is hereby amended to read as follows:

62E.516 1. Each local facility for the detention of children ~~[and regional facility for the detention of children]~~ shall conduct the screening required pursuant to NRS 62C.035 ~~[and 62E.513]~~ using a method that has been approved by the Division of Child and Family Services. The Division shall approve a method upon determining that the method is:

(a) Based on research; and

(b) Reliable and valid for identifying a child who is in need of mental health services or who is an abuser of alcohol or other drugs.

2. Each local facility for the detention of children ~~[and regional facility for the detention of children]~~ shall submit its method for conducting the screening required pursuant to NRS 62C.035 ~~[and 62E.513]~~ to the Division of Child and Family Services for approval on or before July 1 of each fifth year after the date on which the method was initially approved by the Division. Before a local facility for the detention of children ~~[or regional facility for the detention of children]~~ may begin using a new method for conducting the screening required pursuant to NRS 62C.035 **,** ~~[and 62E.513,]~~ the facility must obtain approval of the method from the Division pursuant to subsection 1.

3. If the Division of Child and Family Services does not approve a method for conducting the screening required pursuant to NRS 62C.035 ~~[and 62E.513]~~ that is submitted by a local facility for the detention of children **,** ~~[or a regional facility for the detention of children,]~~ and the facility does not submit a new method for conducting the screening for approval within 90 days after the denial, the Division of Child and Family Services shall notify the appropriate board of county commissioners or other governing body which administers the facility and the chief judge of the appropriate judicial

district that the facility has not received approval of its method for conducting the screening as required by this section.

4. Upon receiving the notice required by subsection 3, the appropriate board of county commissioners or governing body and the chief judge shall take appropriate action to ensure that the facility complies with the requirements of this section and NRS 62C.035 **.** ~~[and 62E.513.]~~

5. ***Each regional facility for the ~~[detention]~~ treatment and rehabilitation of children shall conduct the screening required pursuant to NRS 62E.513 using the assessment tool that has been approved by the Commission pursuant to section 5 of this act.***

6. Each state facility for the detention of children shall use ~~[a method]~~ ***the assessment tool*** for conducting the screening required pursuant to NRS 62E.513 ~~[that satisfies]~~ ***selected by*** the ~~[requirements of paragraphs (a) and (b)]~~ ***Commission pursuant to section 5*** of ~~[subsection 1. The Division of Child and Family Services shall review the method used by each state facility for the detention of children at least once every 5 years to ensure the method used by the facility continues to satisfy the requirements of paragraphs (a) and (b) of subsection 1.~~

~~— 6.]~~ ***this act.***

7. The Division of Child and Family Services shall adopt such regulations as are necessary to carry out the provisions of this section and NRS 62C.035 and 62E.513, including, without limitation, regulations prescribing the requirements for:

(a) Transmitting information obtained from the screening conducted pursuant to NRS 62C.035 and 62E.513; and

(b) Protecting the confidentiality of information obtained from such screening.

Sec. 21.5. **NRS 62E.520 is hereby amended to read as follows:**

62E.520 1. The juvenile court may commit a delinquent child to the custody of the Division of Child and Family Services for ~~[suitable]~~ placement ***in a correctional or institutional facility*** if:

(a) The child is at least 8 years of age but less than 12 years of age, and the juvenile court finds that the child is in need of placement in a correctional or institutional facility; or

(b) The child is at least 12 years of age but less than 18 years of age, and the juvenile court finds that the child:

(1) Is in need of placement in a correctional or institutional facility; ~~[and]~~ ***or***

(2) Is in need of residential psychiatric services or other residential services for the mental health of the child.

2. Before the juvenile court commits a delinquent child to the custody of the Division of Child and Family Services, the juvenile court shall:

(a) Notify the Division at least 3 working days before the juvenile court holds a hearing to consider such a commitment; and

(b) At the request of the Division, provide the Division with not more than 10 working days within which to:

(1) Investigate the child and the circumstances of the child; and

(2) Recommend a suitable placement to the juvenile court.

Sec. 22. Chapter 62H of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division of Child and Family Services shall annually analyze the information submitted to the Division pursuant to NRS 62H.210 to determine:

(a) Juvenile justice system trends, including, without limitation, referrals to the juvenile justice system, diversion and disposition of cases, levels of supervision provided to children, placement of children and programs and services offered to children;

(b) Whether children of racial or ethnic minorities or children from economically disadvantaged backgrounds are receiving disparate treatment in the juvenile justice system;

(c) The effectiveness of the different levels of supervision in the juvenile justice system;

(d) The effectiveness of services provided by the juvenile justice system, including, without limitation, the effectiveness of the evidence-based standards developed by the Commission pursuant to section 6 of this act; and

(e) The rates of recidivism for children either supervised by local juvenile probation departments or committed to the Division.

2. On or before January 31 of each year, the Division shall submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report detailing the information compiled pursuant to subsection 1.

Sec. 23. NRS 62H.025 is hereby amended to read as follows:

62H.025 1. Juvenile justice information is confidential and may only be released in accordance with the provisions of this section or as expressly authorized by other federal or state law.

2. For the purpose of ensuring the safety, permanent placement, rehabilitation, educational success and well-being of a child or the safety of the public, a juvenile justice agency may release juvenile justice information to:

(a) A director of juvenile services or his or her designee;

(b) The Chief of the Youth Parole Bureau or his or her designee;

(c) ***The Chief Parole and Probation Officer or his or her designee;***

(d) The Director of the Department of Corrections or his or her designee;

(e) A district attorney or his or her designee;

~~[(d)]~~ ***(f)*** An attorney representing the child;

~~[(e)]~~ ***(g) The director, chief or sheriff of a state or local law enforcement agency or his or her designee;***

(h) The director of a state ***or local*** agency which administers juvenile justice or his or her designee;

~~[(f)]~~ ***(i)*** A director of a state ~~[, regional]~~ or local facility for the detention of children ***or regional facility for the treatment and rehabilitation of children*** or his or her designee;

~~[(g)]~~ ***(j)*** The director of an agency which provides child welfare services or his or her designee;

~~[(h)]~~ ***(k) The director of an agency which provides mental health services or his or her designee;***

(l) A guardian ad litem or court appointed special advocate who represents the child;

~~[(i)]~~ ***(m)*** A parent or guardian of the child;

~~[(j)]~~ ***(n)*** The child to whom the juvenile justice information pertains if the child has reached the age of majority, or a person who presents a release that is signed by the child who has reached the age of majority and which specifies the juvenile justice information to be released and the purpose for the release;

~~[(k)]~~ ***(o)*** A school district, if the juvenile justice agency and the school district have entered into a written agreement to share juvenile justice information for a purpose consistent with the purposes of this section;

~~[(l)]~~ ***(p)*** A person or organization who has entered into a written agreement with the juvenile justice agency to provide assessments or juvenile justice services;

~~[(m)]~~ ***(q)*** A person engaged in bona fide research that may be used to improve juvenile justice services or secure additional funding for juvenile justice services if the juvenile justice information is provided in the aggregate and without any personal identifying information; or

~~[(n)]~~ ***(r)*** A person who is authorized by a court order to receive the juvenile justice information, if the juvenile justice agency was provided with notice and opportunity to be heard before the issuance of the order.

3. A juvenile justice agency may deny a request for juvenile justice information if:

(a) The request does not, in accordance with the purposes of this section, demonstrate good cause for the release of the information; or

(b) The release of the information would cause material harm to the child or would prejudice any court proceeding to which the child is subject.

➥ A denial pursuant to this subsection must be made in writing to the person requesting the information not later than 5 business days after receipt of the request.

4. Any juvenile justice information provided pursuant to this section may not be used to deny a child access to any service for which the child would otherwise be eligible, including, without limitation:

(a) Educational services;

(b) Social services;

(c) Mental health services;

(d) Medical services; or

(e) Legal services.

5. Except as otherwise provided in this subsection, any person who is provided with juvenile justice information pursuant to this section and who further disseminates the information or makes the information public is guilty of a gross misdemeanor. This subsection does not apply to:

(a) A district attorney who uses the information solely for the purpose of initiating legal proceedings; or

(b) A person or organization described in subsection 2 who provides a report concerning juvenile justice information to a court or other party pursuant to this title or chapter 432B of NRS.

6. As used in this section:

(a) "Juvenile justice agency" means the Youth Parole Bureau or a director of juvenile services.

(b) "Juvenile justice information" means any information which is directly related to a child in need of supervision, a delinquent child or any other child who is otherwise subject to the jurisdiction of the juvenile court.

Sec. 24. NRS 62H.200 is hereby amended to read as follows:

62H.200 1. The Division of Child and Family Services shall:

(a) Establish a standardized system for the reporting, collection, analysis, maintenance and retrieval of information concerning juvenile justice in this State.

(b) Be responsible for the retrieval and analysis of the categories of information contained in the standardized system and the development of any reports from that information.

(c) Adopt such regulations as are necessary to carry out the provisions of this section, including requirements for the transmittal of information to the standardized system from the juvenile courts, local juvenile probation departments and the staff of the youth correctional services, as directed by the Department of Health and Human Services.

(d) Adopt such regulations as are necessary to implement the performance measures and evidence-based standards developed by the Commission pursuant to sections 5 and 6 of this act.

2. Each juvenile court and local juvenile probation department and the staff of the youth correctional services, as directed by the Department of Health and Human Services, shall comply with the regulations adopted pursuant to this section.

3. The Division of Child and Family Services may withhold state money from a juvenile court or department of juvenile services that does not comply with the regulations adopted pursuant to this section. ~~[If]~~ Before any money is withheld, the Division shall:

(a) Notify the department of juvenile services of the specific provisions of the regulations adopted pursuant to this section with which the department is not in compliance; ~~[and]~~

(b) Require the department of juvenile services to submit a corrective action plan to the Division within 60 days after receiving such a notice of noncompliance ~~***[.]***~~ ***; and***

(c) If the department of juvenile services does not submit or adhere to a corrective action plan, notify the department that money will be withheld and specify the amount thereof.

Sec. 25. NRS 62H.210 is hereby amended to read as follows:

62H.210 1. Except as otherwise provided in subsection 3, the standardized system established pursuant to NRS 62H.200 must collect, categorize and maintain the following information from the juvenile courts, local juvenile probation departments ***, the staff of regional facilities for the*** ~~***[detention]***~~ ***treatment and rehabilitation of children*** and the staff of the youth correctional services, as directed by the Department of Health and Human Services, regarding each child referred to the system of juvenile justice in this State:

(a) ~~[A unique number]~~ ***Any unique identifying information*** assigned to the child ***;*** ~~[for identification;]~~

(b) Basic demographic information regarding the child, including, but not limited to :

(1) The age, sex and race or other ethnic background of the child;

(2) The composition of the household in which the child resides; and

(3) The ~~***[, the]***~~ economic ***and educational*** background of the child;

(c) The charges for which the child is referred ~~[,]~~ ***, including, without limitation, any charges of violations of probation or parole;***

(d) The dates of any detention of the child;

(e) The nature of the disposition of each referral of the child;

(f) The dates any petitions are filed regarding the child, and the charges set forth in those petitions; ~~[and]~~

(g) The disposition of any petitions filed regarding the child, including any applicable findings ~~[.]~~ ***;***

(h) The assessed risks and needs of the child;

(i) The supervision of the child, including, without limitation, whether the child was placed in a residential facility; and

(j) Any programs and services provided to the child.

2. In addition to the information required pursuant to subsection 1 and except as otherwise provided in subsection 3, the Department of Health and Human Services shall require the staff of ***regional facilities for the*** ~~***[detention]***~~ ***treatment and rehabilitation of children and the staff of*** the youth correctional services to collect and transmit the following information to the standardized system regarding each child committed to or otherwise placed in the custody of the Division of Child and Family Services:

(a) A record of each placement of the child, including, but not limited to, the ***location and*** period of each placement and the ***programs and*** services provided to the child during each placement;

(b) ***Any disciplinary action taken against the child during the child's placement;***

(c) Any education or vocational training provided to the child during the child's placement and the educational and employment status of the child after release of the child on parole;

(d) The dates of each release of the child, including any release of the child on parole;

~~[(c)]~~ ***(e)*** If the child is released on parole, the period of each release and the services provided to the child during each release; and

~~[(d)]~~ ***(f)*** The nature of or reason for each discharge of the child from the custody of the ***regional facility for the ~~[detention]~~ treatment and rehabilitation of children or the*** Division of Child and Family Services.

3. The information maintained in the standardized system must not include the name or address of any person.

Sec. 26. Chapter 63 of NRS is hereby amended by adding thereto a new section to read as follows:

The Youth Parole Bureau shall establish policies and procedures to be used by parole officers and juvenile courts in determining the most appropriate response to a child's violation of the terms and conditions of his or her parole. The policies and procedures must:

1. Establish a sliding scale based on the severity of the violation to determine the appropriate response to the child;

2. Require that a response to a child's violation of the terms and conditions of his or her parole timely take into consideration:

(a) The risk of the child to reoffend, as determined by the results of a risk and needs assessment;

(b) The previous history of violations of the child;

(c) The severity of the current violation of the child;

(d) The child's case plan; and

(e) The previous responses by the child to past violations; and

3. Include incentives that encourage compliance with the terms and conditions of a child's parole.

Sec. 27. NRS 63.715 is hereby amended to read as follows:

63.715 1. A county that receives approval to carry out the provisions of NRS 63.700 to 63.780, inclusive, ***and section 26 of this act*** and an exemption from the assessment imposed pursuant to NRS 62B.165 shall:

(a) Carry out the provisions of NRS 63.700 to 63.780, inclusive ~~[.]~~ ***, and section 26 of this act;*** and

(b) Appoint a person to act in the place of the Chief of the Youth Parole Bureau in carrying out those provisions.

2. When a person is appointed by the county to act in the place of the Chief of the Youth Parole Bureau pursuant to subsection 1, the person so appointed shall be deemed to be the Chief of the Youth Parole Bureau for the purposes of NRS 63.700 to 63.780, inclusive ~~[.]~~ ***, and section 26 of this act.***

Sec. 28. NRS 63.770 is hereby amended to read as follows:

63.770 1. A petition may be filed with the juvenile court to request that the parole of a child be suspended, modified or revoked.

2. Pending a hearing, the juvenile court may order that the child be held in the local ~~[or regional]~~ facility for the detention of children ~~[.]~~ ***or committed to the regional facility for the treatment and rehabilitation of children.***

3. If the child is held in a local ~~[or regional]~~ facility for the detention of children ***or committed to a regional facility for the treatment and rehabilitation of children*** pending a hearing, the Youth Parole Bureau may pay all actual and reasonably necessary costs for the confinement of the child in the local ~~[or regional]~~ facility ***or the commitment of the child to the regional facility*** to the extent that money is available for that purpose.

4. If requested, the juvenile court shall allow the child reasonable time to prepare for the hearing.

5. The juvenile court shall render a decision within 10 days after the conclusion of the hearing.

6. The juvenile court shall ~~[adhere to]~~ consider the policies and procedures adopted by the Youth Parole Bureau pursuant to section 26 of this act ~~[when rendering a decision pursuant to this section.]~~ and, in determining whether to suspend, modify or revoke the parole of the child, consider the adherence of the Youth Parole Bureau to such policies and procedures.

Sec. 29. NRS 63.780 is hereby amended to read as follows:

63.780 ***1. The Chief of the Youth Parole Bureau may recommend to the juvenile court that a child's parole be revoked and that the child be committed to a facility only if the Chief or his or her designee has determined that:***

(a) The child poses a risk to public safety, and the policies and procedures adopted by the Youth Parole Bureau pursuant to section 26 of this act recommend such a revocation; or

(b) The other responses set forth in such policies and procedures would not be appropriate for the child.

2. The Chief of the Youth Parole Bureau may ***not*** recommend to the juvenile court that a child's parole be revoked and that the child be committed to a facility ~~[unless]~~ ***if*** the superintendent of the facility determines that:

~~[1.]~~ ***(a)*** There is not adequate room or resources in the facility to provide the necessary care;

~~[2.]~~ ***(b)*** There is not adequate money available for the support of the facility; or

~~[3.]~~ ***(c)*** The child is not suitable for admission to the facility.

Sec. 29.5. **NRS 354.557 is hereby amended to read as follows:**

354.557 "Regional facility" means a facility that is used by each county that levies a tax ad valorem for its operation pursuant to NRS 354.59818 and provides services related to public safety, health or criminal justice. The term

includes a regional facility for the ~~[detention]~~ ***treatment and rehabilitation*** of children for which an assessment is paid pursuant to NRS 62B.160.

Sec. 30. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 31. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 32. The Governor shall appoint the members of the Juvenile Justice Oversight Commission on or before September 1, 2017.

Sec. 33. NRS 62H.230 is hereby repealed.

Sec. 34. 1. This section and sections 1 to 32, inclusive, of this act become effective on July 1, 2017.

2. Section 33 of this act becomes effective on July 1, 2018.

TEXT OF REPEALED SECTION

62H.230 Probation departments to analyze information submitted to standardized system annually and compile reports concerning disparate treatment of children; Division of Child and Family Services to publish reports annually.

1. On or before January 31 of each year, each local juvenile probation department shall:

(a) Analyze the information it submitted to the standardized system during the previous year pursuant to NRS 62H.210 to determine whether children of racial or ethnic minorities and children from economically disadvantaged homes are receiving disparate treatment in the system of juvenile justice in comparison to the general population;

(b) As necessary, develop appropriate recommendations to address any disparate treatment; and

(c) Prepare and submit to the Division of Child and Family Services a report which includes:

(1) The results of the analysis it conducted pursuant to paragraph (a); and

(2) Any recommendations it developed pursuant to paragraph (b).

2. The Division of Child and Family Services shall annually:

(a) Compile the reports it receives pursuant to subsection 1; and

(b) Publish a document which includes a compilation of the reports.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 487.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 237.

AN ACT relating to vehicles; revising provisions relating to taxicabs in certain counties of this State; ~~[authorizing the Taxicab Authority and the Nevada Transportation Authority to enter into a memorandum of understanding regarding]~~ **conferring** concurrent enforcement jurisdiction **upon the Taxicab Authority and the Nevada Transportation Authority** over transportation network companies and affiliated drivers; authorizing the use of money obtained from the imposition of a technology fee for certain purposes; revising provisions governing the exterior appearance of certain taxicabs; revising the amount of time a vehicle used as a taxicab may remain in service as a taxicab; requiring the inspection of a taxicab ~~[at least]~~ **not more than** once each year; revising provisions governing the authority of certain certificate holders to lease a taxicab to an independent contractor; authorizing an independent contractor who leases a taxicab to use the taxicab in accordance with an agreement with a transportation network company; ~~[revising provisions relating to the collection of the excise tax imposed on the use of certain methods of connecting a passenger to a person who provides transportation services; imposing an excise tax on the connection between a contract motor carrier and a person or operator willing to transport a passenger;]~~ repealing provisions relating to vehicles equipped with a dynamic display; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Taxicab Authority exercises regulatory authority over taxicabs in any county whose population is 700,000 or more (currently Clark County). (NRS 706.881) The Taxicab Authority may adopt regulations for the administration and enforcement of the provisions of existing law that apply to such taxicabs. (NRS 706.8818) Existing law requires the Nevada Transportation Authority to adopt regulations governing the operation in this State of a transportation network company and each driver who enters into an agreement with a transportation network company to receive connections to potential passengers and provide transportation services. (NRS 706A.100) **Section 3** of this bill ~~[authorizes]~~ **confers concurrent enforcement jurisdiction upon** the Taxicab Authority ~~[to enter into a memorandum of understanding with]~~ **and** the Nevada Transportation Authority ~~[which confers upon the Taxicab Authority concurrent enforcement jurisdiction]~~ over a transportation network company and a person who is a driver for a transportation network company during any period in which the person provides transportation services in the county where the Taxicab Authority has jurisdiction. **Sections 1 and 14-16** of this bill make conforming changes.

Existing law requires payment to the Taxicab Authority of a technology fee in an amount set by the Taxicab Authority by each taxicab certificate holder for each compensable trip of each taxicab of the certificate holder. (NRS 706.8826) The money from the technology fee must be deposited in

the Taxicab Authority Fund, and existing law requires that the money be used to implement technological improvements in safety, reliability and efficiency, including the implementation of a computerized real-time data system to assist with the regulation of taxicabs. (NRS 706.8825) **Section 5** of this bill removes the requirement for the money from the technology fee to be spent on such a system, and authorizes its use for the implementation of technological improvements in safety. **Section 26** of this bill repeals the provision of existing law authorizing the use of a computerized real-time data system.

Existing law requires the Taxicab Authority to approve or disapprove the color scheme, insigne and design of the cruising lights of the taxicabs of a certificate holder, and to ensure that each certificate holder's taxicabs are readily distinguishable from those of another certificate holder. (NRS 706.8833) **Section 6** of this bill retains the requirement that taxicabs of each certificate holder be readily distinguishable from those of each other certificate holder, but removes the requirement for the Taxicab Authority to approve such color schemes, insigne and design of cruising lights. **Section 6** also revises provisions governing the placement of advertisements on the exterior of taxicabs by authorizing the use of the advertisements if the placement of the advertisements does not impair the ability of the driver to operate the vehicle safely.

Under existing law, a certificate holder may only use for a taxicab a new vehicle or a vehicle with 30,000 miles or less on the odometer. A new vehicle used as a taxicab must be removed from service as a taxicab after 67 months of such use, and a vehicle with less than 30,000 miles on it when put into use as a taxicab must be removed from service after 55 months. If the vehicle is a hybrid electric vehicle, the vehicle is allowed an additional 24 months of service. (NRS 706.8834) **Section 7** of this bill provides instead that any vehicle used as a taxicab may only be used as a taxicab for 120 months after the date on which the vehicle was manufactured.

Section 8 of this bill newly requires each taxicab to display a statement indicating whether the certificate holder accepts credit cards and debit cards and, if so, listing the maximum fee a customer will be charged for the convenience of using a credit card or debit card. Existing law provides that the maximum amount of such a fee may be prescribed in regulation by the Taxicab Authority. (NRS 706.88355)

Existing law authorizes the Taxicab Administrator of the Department of Business and Industry to inspect a taxicab at any reasonable time. (NRS 706.8839) **Section 9** of this bill requires **the Taxicab Administrator to conduct** such an inspection ~~[at least]~~ **not more than** once each year.

Existing law authorizes a certificate holder to lease a taxicab to an independent contractor, who may only use the taxicab in a manner authorized by the certificate holder's certificate of public convenience and necessity. (NRS 706.88396) **Section 10** of this bill expands existing law by authorizing the independent contractor to use the taxicab to provide transportation

services pursuant to an agreement with a transportation network company. **Section 10** also requires the certificate holder who leases a taxicab to an independent contractor to inspect the taxicab at least monthly. **Section 10 also limits the number of unexpired leases a certificate holder may have to not more than the number of taxicabs allocated to the certificate holder by the Taxicab Authority.** **Sections 14 and 15** of this bill make conforming changes.

Existing law requires an applicant for a driver's permit to drive a taxicab to prove that he or she has been a resident of this State for at least 30 days. (NRS 706.8841) **Section 11** of this bill requires the applicant to prove instead that he or she is a resident of this State or a state that adjoins the county in which the applicant has applied for the driver's permit. **Section 12** of this bill revises provisions regarding daily trip sheets to allow for the use of **certain** electronic ~~[trip sheets in place of time clocks.]~~ **operating systems.**

Under existing law, a driver of a taxicab is not allowed to take a longer route to a passenger's destination than is necessary, unless specifically requested to do so by the passenger. (NRS 706.8846) **Section 13** of this bill provides that a driver **must take the most direct route and** is not allowed to take a longer **or different** route **intentionally** unless: (1) ~~[specifically]~~ requested **or agreed** to ~~[do so]~~ by the passenger; ~~[(2) the passenger consents after discussing with the driver the distance, time and fare for a longer route compared to the shortest route;]~~ or ~~[(3)]~~ **(2)** the ~~[longer]~~ **different** route is approved by the Taxicab Authority. **Section 13** also provides that the Taxicab Authority may only conduct an investigation for a violation of this provision upon receipt of a complaint by a passenger.

~~[Existing law imposes an excise tax upon each connection by a transportation network company, common motor carrier of passengers or certificate holder of a passenger to a driver, person or operator or taxicab, respectively, to provide transportation to the passenger. (NRS 372B.140-372B.160) Sections 21-23 of this bill require each transportation network company, common motor carrier of passengers and certificate holder to collect the excise tax from a passenger or group of passengers at the time the passengers or group of passengers pay a fare. Section 22 also imposes a similar tax on contract motor carriers.]~~

Under existing law, a person may not operate on the highways of this State any motor vehicle equipped with a dynamic display unless the vehicle is also equipped with a display management system that is configured to prevent the image or content on the dynamic display from changing when the vehicle is moving, in a turnout or in a location where such a change may cause undue distraction to other drivers. Such a dynamic display is also prohibited from projecting moving images or other moving content. (NRS 484D.493) **Section 26** of this bill repeals this provision.

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

Section 1. NRS 706.759 is hereby amended to read as follows:

706.759 1. ~~[A]~~ ***Except as otherwise provided in subsection 3, a*** person who drives a taxicab as an employee of a person who holds a certificate of public convenience and necessity which was issued for the operation of a taxicab business shall not act as a driver as defined in NRS 706A.040:

(a) Using the taxicab provided by his or her employer; or

(b) During any time for which the person receives wages from his or her employer for duties which include driving a taxicab.

2. A person who holds a certificate of public convenience and necessity which was issued for the operation of a taxicab business may terminate the employment of a person who violates the provisions of subsection 1.

3. The provisions of this subsection 1 do not apply to an independent contractor who leases a taxicab pursuant to NRS 706.88396.

Sec. 2. NRS 706.8816 is hereby amended to read as follows:

706.8816 1. "Taxicab" means a motor vehicle or vehicles which is designed or constructed to accommodate and transport not more than six passengers, ***not*** including the driver, and:

(a) Uses a taximeter or some other device, method or system to indicate and determine the passenger fare charged;

(b) Is used in the transportation of passengers or light express or both for which a charge or fee is received; or

(c) Is operated in any service which is held out to the public as being available for the transportation of passengers from place to place in the State of Nevada.

2. "Taxicab" does not include a motor vehicle of:

(a) A common motor carrier.

(b) A contract motor carrier which operates along fixed routes.

(c) An employer who operates the vehicle for the transportation of the employees of that employer, whether or not the employees pay for the transportation.

Sec. 3. NRS 706.8818 is hereby amended to read as follows:

706.8818 1. The Taxicab Authority, consisting of five members appointed by the Governor, is hereby created. Except as otherwise provided in NRS 232A.020, the term of each member is 3 years and no member may serve for more than 6 years. No more than three members may be members of the same political party, and no elected officer of the State or any political subdivision is eligible for appointment.

2. Each member of the Taxicab Authority is entitled to receive a salary of not more than $80, as fixed by the Authority, for each day actually employed on work of the Authority.

3. While engaged in the business of the Taxicab Authority, each member and employee of the Authority is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

4. The Taxicab Authority shall maintain its principal office in the county or area of the State where it performs most of its regulatory activity.

5. The Taxicab Authority may adopt appropriate regulations for the administration and enforcement of NRS 706.881 to 706.885, inclusive, and, as it may deem necessary, for the conduct of the taxicab business and for the qualifications of and the issuance of permits to taxicab drivers, not inconsistent with the provisions of NRS 706.881 to 706.885, inclusive. The regulations may include different provisions to allow for differences among the counties to which NRS 706.881 to 706.885, inclusive, apply. Local law enforcement agencies and the Nevada Highway Patrol, upon request of the Authority, may assist in enforcing the provisions of NRS 706.881 to 706.885, inclusive, and regulations adopted pursuant thereto.

6. Except to the extent of any inconsistency with the provisions of NRS 706.881 to 706.885, inclusive, every regulation and order issued by the Nevada Transportation Authority remains effective in a county to which those sections apply until modified or rescinded by the Taxicab Authority, and must be enforced by the Taxicab Authority.

7. The Taxicab Authority ~~[may enter into a memorandum of understanding with]~~ and the Nevada Transportation Authority ~~[which confers upon the Taxicab Authority]~~ have concurrent enforcement jurisdiction over a transportation network company and a person who is a driver for the transportation network company during any period in which the person provides transportation services pursuant to chapter 706A of NRS in ~~[the]~~ a county where the Taxicab Authority has jurisdiction pursuant to NRS 706.881 ~~[. The memorandum of understanding must provide that:]~~ as follows:

(a) The enforcement jurisdiction of the Taxicab Authority over a person who is a driver for a transportation network company is limited to enforcement of the provisions of chapter 706A of NRS and the traffic laws of this State.

(b) A citation issued by the Taxicab Authority for a violation of any provision of chapter 706A of NRS to a transportation network company or a person who is a driver for a transportation network company must be adjudicated by the Nevada Transportation Authority pursuant to the provisions of chapter 706A of NRS.

Sec. 4. NRS 706.88183 is hereby amended to read as follows:

706.88183 1. The Taxicab Authority shall implement a system to verify ~~[~~through the computerized real-time data system implemented pursuant to subsection 4 of NRS 706.8825~~]~~ the validity of a temporary or permanent medallion issued by the Taxicab Authority.

2. As used in this section, "medallion" means the temporary or permanent authority to operate a taxicab within the jurisdiction of the

Taxicab Authority which is issued by the Taxicab Authority pursuant to NRS 706.8811 to 706.885, inclusive.

Sec. 5. NRS 706.8825 is hereby amended to read as follows:

706.8825 1. All fees collected pursuant to NRS 706.881 to 706.885, inclusive, must be deposited by the Administrator to the credit of the Taxicab Authority Fund, which is hereby created as a special revenue fund. The transactions for each county subject to those sections must be accounted for separately within the Fund.

2. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund.

3. The revenues received pursuant to subsection 1 of NRS 706.8826 are hereby appropriated to defray the cost of regulating taxicabs in the county or the city, respectively, making the deposit under that subsection.

4. The fees received pursuant to subsection 3 of NRS 706.8826, NRS 706.8827, 706.8841, 706.8848, 706.8849 and 706.885 are hereby appropriated to defray the cost of regulating taxicabs in the county in which the certificate holder operates a taxicab business. The technology fees received pursuant to paragraph (c) of subsection 3 of NRS 706.8826 ~~[must]~~ ***may*** be used to implement technological improvements in safety **.** ~~[,~~ ~~reliability and efficiency, including, without limitation, the implementation of a computerized real time data system to assist with the regulation of the taxicabs in the county in which the certificate holder operates a taxicab business. A computerized real time data system implemented pursuant to this subsection must, at a minimum, satisfy the following criteria:~~

~~(a) While a taxicab is in service within the jurisdiction of the Taxicab Authority, the system must be capable of collecting in real time from the onboard computer of the taxicab, by wireless access through the onboard diagnostic port or other means, the vehicle identification number and operating and telemetric data for the vehicle.~~

~~(b) While a taxicab is in service within the jurisdiction of the Taxicab Authority, the system must be capable of collecting in real time, from an onboard diagnostic device capable of using a global positioning system that is installed in the taxicab or any other onboard computer software system capable of using a global positioning system that is installed in the taxicab, the location of the taxicab by latitude and longitude, a record of the time at which the taxicab is at that location and operating and telemetric data for the vehicle.~~

~~(c) The system must be capable of allowing the driver of a taxicab, while the taxicab is in service within the jurisdiction of the Taxicab Authority, to register in the system, at the beginning and end of each shift, his or her identity and the number of his or her driver's permit.~~

~~(d) The system must be capable of allowing, in a manner prescribed by the Taxicab Authority, a certificate holder to digitally associate a taxicab with a temporary or permanent medallion for the purpose of verifying the validity of a temporary or permanent medallion pursuant to NRS 706.88183. As used in~~

~~this paragraph, "medallion" has the meaning ascribed to it in NRS 706.88183.~~

~~(e) The system must be capable of presenting, in real-time to the Taxicab Authority, searchable histories, in both a format that displays the information and data in tables and a digital map format that displays streets and highways, of:~~

~~(1) The information and data described in this subsection; and~~

~~(2) The information described in NRS 706.8844.~~

~~(f) The system must be capable of presenting to a passenger, through an application on a mobile device or on an interactive, digital display or other onboard system in the taxicab, sufficient information for the passenger to select and direct the driver to the passenger's desired destination by the passenger's desired route. The information must include, without limitation, sufficient information for the passenger to:~~

~~(1) Select the shortest route by time or distance to the passenger's desired destination;~~

~~(2) Select a multi-segment trip directed by the passenger;~~

~~(3) Select the least expensive route to the passenger's desired destination; and~~

~~(4) Make a digital record of the passenger's selection that is accessible during and after the trip by the passenger, the Taxicab Authority, the driver and the certificate holder.~~

~~(g) The system must be capable of presenting to the driver, through an application on a mobile device or an interactive, digital display or other onboard system in the taxicab, sufficient information for the driver to:~~

~~(1) Determine the shortest route by time or distance to the passenger's desired destination and the least expensive route to the passenger's desired destination;~~

~~(2) Follow a multi-segment, passenger-directed trip by the least expensive route to the passenger's desired destination; and~~

~~(3) Allow the passenger to make a digital record of a selection of a desired route to the passenger's destination that is accessible during and after the trip by the passenger, the Taxicab Authority, the driver and the certificate holder.~~

~~(h) The system must be capable of allowing passengers to register comments and complaints with the Taxicab Authority, the driver and the certificate holder, through an application on a mobile device or an interactive digital display screen or other onboard system in the taxicab.~~

~~(i) The system must be capable of assisting the Taxicab Authority in the development of additional preventive measures to detect, investigate and deter the practice of transporting a passenger to a selected destination by a route that is more expensive than necessary under the circumstances of the trip.~~

~~(j) The system must be capable of providing to the Taxicab Authority reliable real-time and historic information concerning service demands,~~

~~market data, vehicle usage, wait times and customer complaints and comments for use by the Taxicab Authority to make decisions concerning the allocation of medallions pursuant to NRS 706.88237, 706.8824 and 706.88245.~~

~~(k) The system must be capable of allowing certificate holders to use the system to provide cooperative dispatch and electronic hailing services to the public pursuant to NRS 706.88184.~~

~~5. The Taxicab Authority shall not use the information and data collected pursuant to paragraph (a) or (b) of subsection 4 for any purpose other than the purposes set forth in those paragraphs unless the Authority has adopted regulations governing the additional use.~~

~~6. The Taxicab Authority may operate the computerized real-time data system implemented pursuant to subsection 4 or enter into an agreement for the provision of such service. If the Taxicab Authority enters into such an agreement, the Taxicab Authority shall ensure that all the information and data collected by the computerized real-time data system is under the control of the Taxicab Authority.~~

~~7.~~**]** ***5.*** Any balance remaining in the Fund does not revert to the State General Fund. The Administrator may transfer to the Aging and Disability Services Division of the Department of Health and Human Services any balance over $200,000 and any interest earned on the Fund, within the limits of legislative authorization for each fiscal year, to subsidize transportation for elderly persons and persons with permanent disabilities in taxicabs. The money transferred to the Aging and Disability Services Division must be administered in accordance with regulations adopted by the Administrator of the Aging and Disability Services Division pursuant to NRS 427A.070.

[~~8.~~**]** ***6.*** The Administrator may establish an account for petty cash not to exceed $2,000 for the support of undercover investigation and if the account is created, the Administrator shall reimburse the account from the Taxicab Authority Fund in the same manner as other claims against the State are paid.

[~~9. As used in this section, "real time" means the transmission of information at a rate no longer than once every 6 seconds, unless the Taxicab Authority authorizes a longer rate while a taxicab is experiencing a low volume of trips.~~**]**

Sec. 6. NRS 706.8833 is hereby amended to read as follows:

706.8833 1. The color scheme **[**~~,~~**]** ***and*** insigne **[**~~and design of the cruising lights of each taxicab must conform to those approved for~~**]** ***of*** the ***taxicabs of each*** certificate holder **[**~~pursuant to regulations of the Taxicab Authority.~~

~~2. Except as otherwise provided in subsection 3, the Taxicab Authority shall approve or disapprove the color scheme, insigne and design of the cruising lights of the taxicabs of a certificate holder in any county, and shall ensure that the color scheme and insigne of one certificate holder are~~**]** ***must be*** readily distinguishable from the color schemes and insignia of other certificate holders operating in the same county.

~~[3.]~~ ***2.*** The Taxicab Authority shall allow a certificate holder in any county to place advertisements on the exterior of the vehicles used as taxicabs in the operations of the certificate holder, provided that the ~~[taxicabs of the certificate holder which bear such advertisements are readily distinguishable from the taxicabs of other certificate holders operating in the same county by meeting the requirements of subsection 2 of NRS 706.8835.]~~ ***placement of the advertisements does not impair the ability of the driver to operate the taxicab safely.***

Sec. 7. NRS 706.8834 is hereby amended to read as follows:

706.8834 1. ~~[Except as otherwise provided in subsection 4, if a]~~ ***A*** vehicle acquired for use as a taxicab by a certificate holder ~~[pursuant to paragraph (a) of subsection 3 has been]~~ ***may only be used*** in operation as a taxicab for ~~[67]~~ ***120*** months ~~[based on]~~ ***after*** the date ~~[it was originally placed into operation as a taxicab, the certificate holder:~~

~~(a) Shall remove the vehicle from operation as a taxicab; and~~

~~(b) Shall not permit the vehicle to be used as a taxicab in the operations of the certificate holder at any time thereafter.]~~ ***on which the vehicle was manufactured.***

2. ~~[Except as otherwise provided in subsection 4, if]~~ ***If*** a vehicle acquired for use as a taxicab by a certificate holder ~~[pursuant to paragraph (b) of subsection 3]~~ has been in operation as a taxicab for ~~[55]~~ ***120*** months ~~[based on]~~ ***after*** the date ~~[it was originally placed into operation as a taxicab,]~~ ***on which the vehicle was manufactured,*** the certificate holder:

(a) Shall remove the vehicle from operation as a taxicab; and

(b) Shall not permit the vehicle to be used as a taxicab in the operations of the certificate holder at any time thereafter.

~~[3. Any vehicle which a certificate holder acquires for use as a taxicab must:~~

~~(a) Be new; or~~

~~(b) Register not more than 30,000 miles on the odometer.~~

~~4. If a hybrid electric vehicle, as defined in 40 C.F.R. § 86.1702-99, is acquired for use as a taxicab by a certificate holder, the period of operation as a taxicab specified in subsections 1 and 2 shall be extended for an additional 24 months for that vehicle.]~~

Sec. 8. NRS 706.8835 is hereby amended to read as follows:

706.8835 1. A certificate holder shall display on each of the certificate holder's taxicabs ~~[the fare schedule under which it is being operated.]~~ ***a statement indicating whether the certificate holder accepts credit cards and debit cards and, if so, setting forth the maximum fee a customer will be charged for the convenience of using a credit card or debit card pursuant to NRS 706.88355.*** The ~~[schedule]~~ ***statement*** must be permanently affixed:

(a) On the outside of both front doors in bold block letters which are not less than three-fourths of an inch in height; and

(b) Inside the taxicab so as to be visible and easily readable by passengers.

2. A certificate holder shall have a unit number and the name of the certificate holder displayed on each taxicab in bold block letters not less than 4 inches in height and in a color which contrasts with the color of the taxicab.

Sec. 9. NRS 706.8839 is hereby amended to read as follows:

706.8839 1. The Administrator ~~[may]~~ ***shall*** inspect ~~[a]~~ ***each*** taxicab ~~[at any reasonable time. but must inspect each taxicab at least]~~ ***not more than once each year.***

2. If the Administrator finds that a taxicab is in a condition which violates NRS 706.8837, the Administrator shall remove the vehicle from service, shall place an out-of-service sticker on the windshield and shall notify the certificate holder of the defect. The vehicle shall remain out of service until the defect has been remedied and the Administrator upon reinspection has approved the vehicle and removed the out-of-service sticker.

3. If the Administrator finds that a taxicab is in a condition which violates NRS 706.8838, the Administrator shall notify the certificate holder of the improper condition and, after a reasonable time, shall reinspect the vehicle. If upon reinspection the violation has not been corrected, the vehicle shall be removed from service until it is reinspected and approved, as provided in subsection 2.

Sec. 10. NRS 706.88396 is hereby amended to read as follows:

706.88396 1. ~~[A]~~ ***Except as otherwise provided in subsection 8, a*** certificate holder may, upon approval from the Taxicab Authority, lease a taxicab to an independent contractor who is not a certificate holder. A certificate holder may lease only one taxicab to each independent contractor with whom the person enters into a lease agreement. The taxicab may be used ~~[only in]~~ ***, without limitation:***

(a) In a manner authorized by the certificate holder's certificate of public convenience and necessity ~~[.]~~ ***; or***

(b) By the independent contractor to provide transportation services in accordance with an agreement with a transportation network company entered into pursuant to chapter 706A of NRS.

2. A certificate holder who enters into a lease agreement with an independent contractor pursuant to this section shall submit a copy of the agreement to the Taxicab Authority for its approval. The agreement is not effective until approved by the Taxicab Authority.

3. ~~*[The]*~~ ***Except as otherwise provided in subsection 8, the Taxicab Authority may not limit the number of:***

(a) Lease agreements entered into by a certificate holder; or

(b) Days for which a lease agreement remains in effect.

4. A certificate holder who leases a taxicab to an independent contractor shall inspect the taxicab not less than once each month.

5. An independent contractor may not operate more than one taxicab pursuant to a lease agreement with a certificate holder during any one 24-hour period.

6. A certificate holder who leases a taxicab to an independent contractor is jointly and severally liable with the independent contractor for any violation of the provisions of this chapter or the regulations adopted pursuant ***thereto or, if applicable, chapter 706A of NRS or the regulations adopted pursuant*** thereto, and shall ensure that the independent contractor complies with such provisions and regulations.

~~[4.]~~ ***7.*** The Taxicab Authority or any of its employees may intervene in a civil action involving a lease agreement entered into pursuant to this section.

8. A certificate holder may not have a number of unexpired leases that exceeds the number of taxicabs allocated to the certificate holder pursuant to NRS 706.8824 and 706.88245.

Sec. 11. NRS 706.8841 is hereby amended to read as follows:

706.8841 1. The Administrator shall issue a driver's permit to qualified persons who wish to be employed by certificate holders as taxicab drivers. Before issuing a driver's permit, the Administrator shall:

(a) Require the applicant to submit a complete set of the applicant's fingerprints which the Administrator may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to ascertain whether the applicant has a criminal record and the nature of any such record, and shall further investigate the applicant's background; and

(b) Require proof that the applicant:

(1) ~~[~~Has been~~]~~ ***Is*** a resident of ~~[~~the~~]~~ ***this*** State ~~[~~for 30 days before the application for a permit;~~]~~ ***or a state that adjoins the county in which the applicant has applied for a driver's permit;***

(2) Can read and orally communicate in the English language; and

(3) Has a valid license issued under NRS 483.325 which authorizes the applicant to drive a taxicab in this State.

2. The Administrator may refuse to issue a driver's permit if the applicant has been convicted of:

(a) A felony relating to the practice of taxicab drivers in this State or any other jurisdiction at any time before the date of the application;

(b) A felony involving any sexual offense in this State or any other jurisdiction at any time before the date of the application;

(c) A violation of NRS 484C.110, 484C.120 or 484C.430 or a law of any other jurisdiction that prohibits the same or similar conduct within 3 years before the date of the application; or

(d) A violation of NRS 484C.130 or a law of any other jurisdiction that prohibits the same or similar conduct.

3. The Administrator may refuse to issue a driver's permit if the Administrator, after the background investigation of the applicant, determines that the applicant is morally unfit or if the issuance of the driver's permit would be detrimental to public health, welfare or safety.

4. A taxicab driver shall pay to the Administrator, in advance, $40 for an original driver's permit and $10 for a renewal.

Sec. 12. NRS 706.8844 is hereby amended to read as follows:

706.8844 1. A certificate holder shall require the certificate holder's drivers to keep a daily trip sheet in a form to be prescribed by the Taxicab Authority, including, without limitation, in electronic form.

2. At the beginning of each period of duty the driver shall record on the driver's trip sheet:

(a) The driver's name and the number of the taxicab;

(b) The time at which the driver began the period of duty by means of ~~***[an electronic trip sheet which includes an integrated time indicator prescribed by the Administrator pursuant to subsection 8 or]***~~ a time clock provided by the certificate holder;

(c) If the taxicab is equipped with a taximeter, the meter readings for total miles, paid miles, trips, units, extra passengers and extra charges; and

(d) The odometer reading of the taxicab.

3. During each period of duty the driver shall record on the driver's trip sheet:

(a) The time, place of origin and destination of each trip; and

(b) The number of passengers and amount of fare for each trip.

4. At the end of each period of duty the driver shall record on the driver's trip sheet:

(a) ~~**[**The**]**~~ ***Except as otherwise provided in subsection 5, the*** time at which the driver ended the period of duty by means of ~~***[an electronic trip sheet which includes an integrated time indicator prescribed by the Administrator pursuant to subsection 8 or]***~~ a time clock provided by the certificate holder;

(b) If the taxicab is equipped with a taximeter, the meter readings for total miles, paid miles, trips, units and extra passengers; and

(c) The odometer reading of the taxicab.

5. ***A driver is not required to record on the driver's trip sheet the time at which the driver ended the period of duty if:***

(a) The certificate holder uses an operating system which records the time the driver ends the period of duty electronically; and

(b) The time entries recorded by the operating system are available to the Taxicab Authority if requested pursuant to an audit.

6. A certificate holder shall furnish a trip sheet form for each taxicab operated by a driver during the driver's period of duty and shall require the drivers to return their completed trip sheets at the end of each period of duty.

~~**[**6.**]**~~ ***7.*** A certificate holder shall retain all trip sheets of all drivers in a safe place for a period of 3 years immediately succeeding December 31 of the year to which they respectively pertain and shall make such manifests available for inspection by the Administrator upon reasonable demand.

~~**[**7.**]**~~ ***8.*** Any driver who maintains a trip sheet in a form less complete than that required by subsection 1 is guilty of a misdemeanor.

~~**[**8.**]**~~ ***9.*** The Administrator shall prescribe the requirements for the use of an electronic version of a daily trip sheet. If a certificate holder requires its

drivers to keep a daily trip sheet in electronic form, the certificate holder may comply with the requirements of this section ~~[~~**.**

~~(a) By~~**]** ***by*** maintaining the information collected from the daily trip sheet in a secure database and providing the Administrator with access to the information in the database at regular intervals established by the Administrator and upon reasonable demand **. [**~~, or~~

~~(b) By reporting the information to the Administrator on the computerized real-time data system implemented pursuant to subsection 4 of NRS 706.8825.~~**]**

10. As used in this section, "time clock" means a mechanism which records the time at which a driver begins or ends, as applicable, a period of duty by means of:

(a) A manual time stamp on the driver's trip sheet; or

(b) An electronically issued time stamp provided by the operating system of the certificate holder.

Sec. 13. NRS 706.8846 is hereby amended to read as follows:

706.8846 ***1.*** With respect to a passenger's destination, ~~[a]~~ ***unless a different route is requested or agreed to by the passenger, or a different route has been approved by the Taxicab Authority, a driver shall take the most direct route when transporting a passenger to his or her destination. A*** driver shall not:

~~[~~1.~~]~~ ***(a)*** Deceive or attempt to deceive any passenger who rides or desires to ride in the driver's taxicab.

~~[~~2.~~]~~ ***(b)*** Convey or attempt to convey any passenger to a destination other than the one directed by the passenger.

~~[~~3.~~]~~ ***(c)*** ~~[Take]~~ ***Except as otherwise provided in this subsection, intentionally take*** a longer route to the passenger's destination than is necessary**. [**~~, unless specifically:~~

~~*(1) Specifically* requested so to do by the passenger.~~

~~4.;~~

~~*(2) The passenger consents to taking such a route after discussing with the driver the distance, time and fare for a longer route compared to the shortest route; or*~~

~~*(3) The longer route has been approved by the Taxicab Authority.]*~~

(d) Fail to comply with the reasonable and lawful requests of the passenger as to speed of travel and route to be taken.

2. The Taxicab Authority may only conduct an investigation for a violation of this section upon receipt of a complaint by a passenger.

Sec. 14. NRS 706A.075 is hereby amended to read as follows:

706A.075 1. Except as otherwise provided in subsection 2, the provisions of this chapter do not exempt any person from any law governing the operation of a motor vehicle upon the highways of this State.

2. A transportation network company which holds a valid permit issued by the Authority pursuant to this chapter, a driver who has entered into an

agreement with such a company and a vehicle operated by such a driver are exempt from:

(a) The provisions of chapter 704 of NRS relating to public utilities; and

(b) ~~[The]~~ ***Except as otherwise provided in NRS 706.88396, the*** provisions of chapter 706 of NRS,

➥ to the extent that the services provided by the company or driver are within the scope of the permit.

Sec. 15. NRS 706A.110 is hereby amended to read as follows:

706A.110 1. A transportation network company shall not engage in business in this State unless the company holds a valid permit issued by the Authority pursuant to this chapter.

2. A driver shall not provide transportation services unless the company with which the driver is affiliated holds a valid permit issued by the Authority pursuant to this chapter.

3. The Authority is authorized and empowered to regulate, pursuant to the provisions of this chapter, all transportation network companies and drivers who operate or wish to operate within this State. ~~[The]~~ ***Except as otherwise provided in NRS 706.8818 and 706.88396, the*** Authority shall not apply any provision of chapter 706 of NRS to a transportation network company or a driver who operates within the provisions of this chapter and the regulations adopted pursuant thereto.

Sec. 16. NRS 706A.130 is hereby amended to read as follows:

706A.130 1. Upon receipt of a completed application and upon a determination by the Authority that an applicant meets the requirements for the issuance of a permit to operate a transportation network company, the Authority shall issue to the applicant within 30 days a permit to operate a transportation network company in this State.

2. In accordance with the provisions of this chapter, a permit issued pursuant to this section:

(a) Authorizes a transportation network company to connect one or more passengers through the use of a digital network or software application service to a driver who can provide transportation services.

(b) Authorizes a transportation network company to make its digital network or software application service available to one or more drivers to receive connections to potential passengers from the company in exchange for the payment of a fee by the driver to the company.

(c) ~~[Does]~~ ***Except as otherwise provided in NRS 706.88396, does*** not authorize a transportation network company or any driver to engage in any activity otherwise regulated pursuant to chapter 706 of NRS other than the activity authorized by this chapter.

3. Nothing in this chapter prohibits the issuance of a permit to operate a transportation network company to a person who is regulated pursuant to chapter 706 of NRS if the person submits an application pursuant to NRS 706A.120 and meets the requirements for the issuance of a permit.

Sec. 17. ~~[NRS 360.001 is hereby amended to read as follows:~~

~~360.001 As used in this title, except as otherwise provided in chapters 360A, 365, 366, 371 and 373 of NRS and unless the context requires otherwise:~~

~~1. "Department" means the Department of Taxation.~~

~~*2. "Excise tax" means an indirect tax that a manufacturer, producer, retailer, seller, service provider or wholesaler:*~~

~~*(a) Pays to the State; and*~~

~~*(b) Except as prohibited in a specific statute, may recover from or shift to a consumer, customer or buyer.*~~

~~*3.* "Executive Director" means the Executive Director of the Department of Taxation.~~**]** **(Deleted by amendment.)**

Sec. 18. ~~[Chapter 372B of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*"Contract motor carrier" has the meaning ascribed to it in NRS 706.051.]*~~ **(Deleted by amendment.)**

Sec. 19. ~~[NRS 372B.070 is hereby amended to read as follows:~~

~~372B.070 "Taxpayer" means a:~~

~~1. Common motor carrier of passengers;~~

~~2. *Contract motor carrier;*~~

~~*3.* Taxicab; or~~

~~[3.]~~ ~~*4.* Transportation network company.~~**]** **(Deleted by amendment.)**

Sec. 20. ~~[NRS 372B.010 is hereby amended to read as follows:~~

~~372B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 372B.020 to 372B.090, inclusive, *and section 19 of this act* have the meanings ascribed to them in those sections.~~**]** **(Deleted by amendment.)**

Sec. 21. ~~[NRS 372B.140 is hereby amended to read as follows:~~

~~372B.140 1. In addition to any other fee or assessment imposed pursuant to this chapter, an excise tax is hereby imposed on *a transportation network company for* the use of a digital network or software application service of [a] *the* transportation network company to connect a passenger to a driver for the purpose of providing transportation services at the rate of 3 percent of the total fare charged for transportation services, which must include, without limitation, all fees, surcharges, technology fees, convenience charges for the use of a credit or debit card and any other amount that is part of the fare. [The Department shall charge and collect from each transportation network company]~~ ***Each transportation network company shall collect the excise tax from each passenger at the time the passenger pays a fare and remit*** the excise tax imposed by this subsection ~~[.]~~ ***to the Department in the manner required by the Department.***

~~2. The excise tax collected by the Department pursuant to subsection 1 must be deposited with the State Treasurer in accordance with the provisions of NRS 372B.170.~~**]** **(Deleted by amendment.)**

Sec. 22. ~~[NRS 372B.150 is hereby amended to read as follows:~~

~~372B.150 1. Except as otherwise provided in subsection 2 and in addition to any other fee or assessment imposed pursuant to this chapter, an excise tax is hereby imposed on~~ ***a common motor carrier of passengers or contract motor carrier for*** ~~the connection, whether by dispatch or other means, made by a common motor carrier of a passenger [to]~~ ***or passengers or contract motor carrier and*** ~~a person or operator willing to transport [the]~~ ***a*** ~~passenger~~ ***or group of passengers*** ~~at the rate of 3 percent of the total fare charged for the transportation, which must include, without limitation, all fees, surcharges, technology fees, convenience charges for the use of a credit or debit card and any other amount that is part of the fare. [The Department shall charge and collect from each common motor carrier of passengers]~~ ***Each common motor carrier of passengers or contract motor carrier shall collect the excise tax from the passenger or group of passengers at the time the passenger or group of passengers pays a fare and remit*** ~~the excise tax imposed by this subsection [.]~~ ***to the Department in the manner required by the Department.***

~~2. The provisions of subsection 1 do not apply to an airport transfer service [.]~~ ***, charter service by bus or special service provided by a common motor carrier of passengers.***

~~3. The excise tax collected by the Department pursuant to subsection 1 must be deposited with the State Treasurer in accordance with the provisions of NRS 372B.170.~~

~~4. As used in this section, "airport transfer service" means the transportation of passengers and their baggage in the same vehicle, except by taxicab, for a per capita charge between airports or between an airport and points and places in this State. The term does not include charter services by bus, charter services by limousine, scenic tours or special services.]~~ **(Deleted by amendment.)**

Sec. 23. ~~[NRS 372B.160 is hereby amended to read as follows:~~

~~372B.160 1. Except as otherwise provided in subsection 2 and in addition to any other fee or assessment imposed pursuant to this chapter, an excise tax is hereby imposed on~~ ***a certificate holder for*** ~~the connection, whether by dispatch or other means, made [by a]~~ ***between the*** ~~certificate holder [of a passenger to]~~ ***and*** ~~a taxicab willing to transport [the]~~ ***a*** ~~passenger~~ ***or group of passengers*** ~~at the rate of 3 percent of the total fare charged for the transportation, which must include, without limitation, all fees, surcharges, technology fees, convenience charges for the use of a credit or debit card and any other amount that is part of the fare. [The Department shall charge and collect from each certificate holder]~~ ***Each certificate holder shall collect the excise tax from the passenger or group of passengers at the time the passenger or group of passengers pays the fare and remit*** ~~the excise tax imposed by this subsection [.]~~ ***to the Department in the manner required by the Department.***

~~2. The excise tax collected by the Department pursuant to subsection 1 must be deposited with the State Treasurer in accordance with the provisions of NRS 372B.170.~~] **(Deleted by amendment.)**

Sec. 24. NRS 427A.070 is hereby amended to read as follows:

427A.070 1. The Administrator shall:

(a) Subject to the approval of the Director, adopt rules and regulations:

(1) Necessary to carry out the purposes of this chapter and chapter 435 of NRS; and

(2) Establishing a program to subsidize the transportation by taxicab of elderly persons and persons with permanent disabilities from money received pursuant to subsection ~~[7]~~ ***5*** of NRS 706.8825;

(b) Establish appropriate administrative units within the Division;

(c) Appoint such personnel and prescribe their duties as the Administrator deems necessary for the proper and efficient performance of the functions of the Division;

(d) Prepare and submit to the Governor, through the Director before September 1 of each even-numbered year for the biennium ending June 30 of such year, reports of activities and expenditures and estimates of sums required to carry out the purposes of this chapter and chapter 435 of NRS;

(e) Make certification for disbursement of funds available for carrying out the purposes of this chapter and chapter 435 of NRS; and

(f) Take such other action as may be necessary or appropriate for cooperation with public and private agencies and otherwise to carry out the purposes of this chapter and chapter 435 of NRS.

2. The Administrator may delegate to any officer or employee of the Division such of the powers and duties of the Administrator as the Administrator finds necessary to carry out the purposes of this chapter and chapter 435 of NRS.

Sec. 25. Any regulations adopted by the Taxicab Authority that conflict with the amendatory provisions of this act are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after July 1, 2017.

Sec. 26. NRS 484D.493 and 706.88184 are hereby repealed.

Sec. 27. This act becomes effective on July 1, 2017.

TEXT OF REPEALED SECTIONS

484D.493 Dynamic display: Management system required; exceptions.

1. Except as otherwise provided in subsection 2, a person shall not operate upon the highways of this State any motor vehicle that is equipped with a dynamic display unless:

(a) The motor vehicle is equipped with a display management system which is configured to prevent the image or content displayed on the dynamic display from changing when the motor vehicle is:

(1) Moving;

(2) In a turnout; or

(3) In any other location where changing the image or content displayed on the dynamic display may cause undue distraction to the operators of other vehicles; and

(b) The dynamic display does not project or otherwise show moving images, moving information or other moving content.

2. This section does not prohibit the use of a dynamic display that is operated without a display management system if the dynamic display is being used exclusively for purposes other than advertisement, including, without limitation:

(a) For purposes that are personal and noncommercial in nature;

(b) For purposes of traffic control;

(c) For purposes of law enforcement or emergency response;

(d) As a warning device for a utility or utility vehicle, as described in NRS 484D.465; or

(e) To display the name, route number or destination of a bus or other vehicle of mass transit.

3. As used in this section:

(a) "Display management system" means equipment or software that is designed to operate a dynamic display, including, without limitation, periodically changing the image, information or content being shown on the dynamic display.

(b) "Dynamic display" means equipment which is attached to a motor vehicle and which consists of at least one monitor, screen or viewer that, without limitation:

(1) Is designed to display various images, information or other content, including, without limitation, advertisements, which change periodically;

(2) Is intended to be visible to the drivers of other vehicles on the highway and to persons who are near the highway; and

(3) May be visible to the operator of the motor vehicle.

706.88184 Authority required to authorize use of certain technology by certificate holders and to impose reasonable charge.

1. Upon application by a certificate holder, the Taxicab Authority shall authorize the certificate holder to use the computerized real-time data system for the purposes of offering cooperative dispatch and electronic hailing services for taxicabs to the public.

2. If two or more certificate holders apply to the Taxicab Authority to use the computerized real-time data system for the purposes set forth in subsection 1, the Taxicab Authority must establish, by regulation or order, rules providing for the use of the computerized real-time data system by two or more certificate holders for the purposes set forth in subsection 1.

3. The Taxicab Authority shall:

(a) Authorize the certificate holders who are authorized to use the computerized real-time data system for the purposes set forth in subsection 1

to impose a reasonable charge for the use by a passenger of the computerized real-time data system. The charge:

(1) Must be separate from any other rate, fare or charge for taxicab service;

(2) Is not required to be uniform within a county; and

(3) May be assessed in accordance with a schedule of charges based upon factors approved by the Taxicab Authority.

(b) Establish, by regulation or order, requirements for the publication by certificate holders of the charge or the schedule of charges for the use by a passenger of the computerized real-time data system for the purposes set forth in subsection 1.

4. As used in this section, "computerized real-time data system" means the computerized real-time data system implemented by the Taxicab Authority pursuant to subsection 4 of NRS 706.8825.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 101.

Bill read second time.

The following amendment was proposed by Assemblyman Sprinkle:

Amendment No. 206.

AN ACT relating to wildlife; requiring the Board of Wildlife Commissioners to establish policies for the conservation of certain wildlife; revising the authorized uses of the fees for the processing of an application for a game tag; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Board of Wildlife Commissioners is required, after first considering the recommendations of the Department of Wildlife, the county advisory boards to manage wildlife and other persons, to establish policies for the management of big and small game mammals, upland and migratory game birds, fur-bearing mammals, game fish, and protected and unprotected mammals, birds, fish, reptiles and amphibians. (NRS 501.181) **Section 1** of this bill requires those policies to also include the conservation of those mammals, birds, fish, reptiles and amphibians.

Existing law requires a person applying for a game tag to pay an additional fee of $3 for processing the application. The money collected from those fees is required to be deposited in the Wildlife Account in the State General Fund and used by the Department of Wildlife for costs related to: (1) developing and implementing an annual program for the management and control of predatory wildlife; (2) wildlife management activities relating to the protection of nonpredatory game animals and sensitive wildlife species; and (3) conducting research necessary to determine successful techniques for managing and controlling predatory wildlife. (NRS 502.253) **Section 3** of this

bill ~~[changes]~~ **expands** the purposes for which the proceeds from those fees are required to be used ~~[to only: (1) developing and carrying out]~~ **by adding** programs for the management and enhancement of ~~[big]~~ game mammals ~~[; and (2)]~~ **, adding wildlife management activities related to wildlife habitat and authorizing** obtaining matching money from the Federal Government which is available for use for those programs ~~[.]~~ **and activities. Section 3 also requires the Department of Wildlife to submit a report, on or before August 31 of each even-numbered year, to the Director of the Legislative Counsel Bureau for transmittal to the Legislature setting forth the expenditures for the programs and activities carried out using the proceeds from those fees.** **Section 4** of this bill specifies that the proceeds from those fees which are deposited for credit to the Wildlife Account on or after July 1, 2017, are only authorized to be used for the new purposes.

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

Section 1. NRS 501.181 is hereby amended to read as follows:

501.181 The Commission shall:

1. Establish broad policies for:

(a) The protection, propagation, restoration, transplanting, introduction and management of wildlife in this State.

(b) The promotion of the safety of persons using or property used in the operation of vessels on the waters of this State.

(c) The promotion of uniformity of laws relating to policy matters.

2. Guide the Department in its administration and enforcement of the provisions of this title and of chapter 488 of NRS by the establishment of such policies.

3. Establish policies for areas of interest including:

(a) The ***conservation and*** management of big and small game mammals, upland and migratory game birds, fur-bearing mammals, game fish, and protected and unprotected mammals, birds, fish, reptiles and amphibians.

(b) The management and control of predatory wildlife.

(c) The acquisition of lands, water rights and easements and other property for the management, propagation, protection and restoration of wildlife.

(d) The entry, access to, and occupancy and use of such property, including leases of grazing rights, sales of agricultural products and requests by the Director to the State Land Registrar for the sale of timber if the sale does not interfere with the use of the property on which the timber is located for wildlife management or for hunting or fishing thereon.

(e) The control of nonresident hunters.

(f) The introduction, transplanting or exporting of wildlife.

(g) Cooperation with federal, state and local agencies on wildlife and boating programs.

(h) The revocation of licenses issued pursuant to this title to any person who is convicted of a violation of any provision of this title or any regulation adopted pursuant thereto.

4. Establish regulations necessary to carry out the provisions of this title and of chapter 488 of NRS, including:

(a) Seasons for hunting game mammals and game birds, for hunting or trapping fur-bearing mammals and for fishing, the daily and possession limits, the manner and means of taking wildlife, including, but not limited to, the sex, size or other physical differentiation for each species, and, when necessary for management purposes, the emergency closing or extending of a season, reducing or increasing of the bag or possession limits on a species, or the closing of any area to hunting, fishing or trapping. If, in establishing any regulations pursuant to this subsection, the Commission rejects the recommendations of a county advisory board to manage wildlife with regard to the length of seasons for fishing, hunting and trapping or the bag or possession limits applicable within the respective county, the Commission shall provide to the county advisory board to manage wildlife at the meeting an explanation of the Commission's decision to reject the recommendations and, as soon as practicable after the meeting, a written explanation of the Commission's decision to reject the recommendations. Any regulations relating to the closure of a season must be based upon scientific data concerning the management of wildlife. The data upon which the regulations are based must be collected or developed by the Department.

(b) The manner of using, attaching, filling out, punching, inspecting, validating or reporting tags.

(c) The delineation of game management units embracing contiguous territory located in more than one county, irrespective of county boundary lines.

(d) The number of licenses issued for big game and, if necessary, other game species.

5. Adopt regulations requiring the Department to make public, before official delivery, its proposed responses to any requests by federal agencies for its comment on drafts of statements concerning the environmental effect of proposed actions or regulations affecting public lands.

6. Adopt regulations:

(a) Governing the provisions of the permit required by NRS 502.390 and for the issuance, renewal and revocation of such a permit.

(b) Establishing the method for determining the amount of an assessment, and the time and manner of payment, necessary for the collection of the assessment required by NRS 502.390.

7. Designate those portions of wildlife management areas for big game mammals that are of special concern for the regulation of the importation, possession and propagation of alternative livestock pursuant to NRS 576.129.

8. Adopt regulations governing the trapping of fur-bearing mammals in a residential area of a county whose population is 100,000 or more.

9. Adopt regulations prescribing the circumstances under which a person, regardless of whether the person has obtained a valid tag issued by the Department, may assist in the killing and retrieval of a wounded big game mammal by another person who:

(a) Is a paraplegic, has had one or both legs amputated or has suffered a paralysis of one or both legs which severely impedes the person's walking; and

(b) Has obtained a valid tag issued by the Department for hunting that animal.

10. In establishing any policy or adopting any regulations pursuant to this section, first consider the recommendations of the Department, the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission.

Sec. 2. NRS 501.356 is hereby amended to read as follows:

501.356 1. Money received by the Department from:

(a) The sale of licenses;

(b) Fees pursuant to the provisions of NRS 488.075 and 488.1795;

(c) Remittances from the State Treasurer pursuant to the provisions of NRS 365.535;

(d) Appropriations made by the Legislature; and

(e) All other sources, including, without limitation, the Federal Government, except money derived from the forfeiture of any property described in NRS 501.3857 or money deposited in the Wildlife Heritage Account pursuant to NRS 501.3575, the Wildlife Trust Fund pursuant to NRS 501.3585, the Energy Planning and Conservation Account created by NRS 701.630 or the Account for the Recovery of Costs created by NRS 701.640,

➥ must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund.

2. The interest and income earned on the money in the Wildlife Account, after deducting any applicable charges, must be credited to the Account.

3. Except as otherwise provided in subsection 4 and NRS 503.597, the Department may use money in the Wildlife Account only to carry out the provisions of this title and chapter 488 of NRS and as provided in NRS 365.535, and the money must not be diverted to any other use.

4. Except as otherwise provided in NRS 502.250, ***502.253,*** 502.410 and 504.155, all fees for the sale or issuance of stamps, tags, permits and licenses that are required to be deposited in the Wildlife Account pursuant to the provisions of this title and any matching money received by the Department from any source must be accounted for separately and must be used:

(a) Only for the protection, propagation and management of wildlife; and

(b) If the fee is for the sale or issuance of a license, permit or tag other than a tag specified in subsection 5 or 6 of NRS 502.250, under the guidance of the Commission pursuant to subsection 2 of NRS 501.181.

Sec. 3. NRS 502.253 is hereby amended to read as follows:

502.253 1. In addition to any fee charged and collected pursuant to NRS 502.250, a fee of $3 must be charged for processing each application for a game tag, the revenue from which must be accounted for separately, deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund and used by the Department for costs related ***solely*** to:

(a) Developing and implementing an annual program ~~***[programs]***~~ for the management and control of predatory wildlife ~~**[**~~**;**~~**]**~~ ***and the management and enhancement of*** ~~***[big]***~~ ***game mammals;*** ~~***[and]***~~

(b) Wildlife management activities relating to the protection of nonpredatory game animals **,** ~~**[**~~and~~**]**~~ sensitive wildlife species ~~**[**~~**;**~~**]**~~ and ***related wildlife habitat;***

(c) Conducting research necessary to determine successful techniques for managing and controlling predatory wildlife ~~**[**~~**.**~~**]**~~ ***; and***

(d) Obtaining matching money from the Federal Government which is available for use in developing and carrying out the programs and activities described in paragraphs (a) and (b).

2. The Department of Wildlife is hereby authorized to expend a portion of the money collected pursuant to subsection 1 to enable the State Department of Agriculture to develop and carry out the programs described in subsection 1.

3. Any program developed or wildlife management activity or research conducted pursuant to this section must be developed or conducted under the guidance of the Commission in accordance with the ~~**[**~~provisions of subsection 4 and the~~**]**~~ policies adopted by the Commission pursuant to NRS 501.181.

4. ~~***[Obtaining matching money from the Federal Government which is available for use in developing and carrying out those programs.***~~

~~***—2.]***~~ The Department ~~**[**~~**:**

~~(a) In**]**~~ ***, in*** adopting any program ~~**[**~~for the management and control of predatory wildlife~~**]**~~ developed pursuant to this section, shall first consider the recommendations of the Commission **.** ~~**[**~~and the State Predatory Animal and Rodent Committee created by NRS 567.020.

~~(b) Shall not adopt any program for the management and control of predatory wildlife developed pursuant to this section that provides for the expenditure of less than 80 percent of the amount of money collected pursuant to subsection 1 in the most recent fiscal year for which the Department has complete information for the purposes of lethal management and control of predatory wildlife.**]**~~

5. ~~***[3.]***~~ The money in the Wildlife Account credited pursuant to this section remains in the Account and does not revert to the State General Fund at the end of any fiscal year.

6. On or before August 31 of each even-numbered year, the Department shall submit a report setting forth the expenditures from the proceeds of the fee collected pursuant to this section and credited to the

Wildlife Account pursuant to this section to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

7. The report submitted pursuant to subsection 6 must, for each program or activity implemented pursuant to paragraphs (a) and (b) of subsection 1, specify:

(a) The expenditures made for the program or activity;

(b) The number and species of any wildlife killed as a result of the program or activity;

(c) Any benefit from the program or activity which is statistically significant;

(d) The performance and outcome indicators used to evaluate and measure the effectiveness of the program or activity, including, without limitation, the methods used to track the performance and outcome indicators; and

(e) A summary of the effectiveness of the program or activity in achieving the goals of the program or activity.

Sec. 4. Any money deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund pursuant to NRS 502.253 before July 1, 2017, may only be used on or after that date for a purpose specified in NRS 502.253, as amended by section 3 of this act.

Sec. 4.5. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 5. This act becomes effective on July 1, 2017.

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 242.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer, Assembly Bills Nos. 156, 224, 291, 302, 327, 417, 472, and 487 be rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 297.

Bill read third time.

The following amendment was proposed by Assemblywoman Jauregui:

Amendment No. 561.

AN ACT relating to local government; requiring, with certain exceptions, each governing body of a county, city or town to designate at least one

sheriff's office or police station, as applicable, as a site for the completion of the sale of personal property initiated on the Internet; providing immunity from liability to counties, cities, towns, sheriffs, police departments and officers and employees thereof for certain incidents that occur at such sites; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires the designation of certain sheriff's offices and police stations, or part thereof, as sites at which two or more persons may meet to complete the sale of personal property that was initiated on the Internet.

Section 1 of this bill requires each board of county commissioners to designate at least one sheriff's office, or part thereof, as such a site.

Section 2 of this bill requires the governing body of an incorporated city to designate at least one police station, or part thereof, as such a site. If: (1) an incorporated city is within the jurisdiction of a metropolitan police department; or (2) police protection for the city is provided by the sheriff of the county, **section 2** requires instead the board of county commissioners to designate at least one sheriff's office, or part thereof, located in or in close proximity to the city as such a site.

Section 3 of this bill requires each town board or the board of county commissioners of the county where the town is located to designate at least one police station, or part thereof, as such a site. If: (1) the town is within the jurisdiction of a metropolitan police department; or (2) police protection for the town is provided by the sheriff of the county, **section 3** requires instead the board of county commissioners to designate at least one sheriff's office, or part thereof, located in or in close proximity to the town as such a site.

Sections 1-3 also provide that no action may be brought against a county, incorporated city, town, sheriff, police department or officer or employee thereof based on an incident that occurs when two or more persons meet at such a location.

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each board of county commissioners shall designate at least one sheriff's office, or part thereof, as a site at which two or more persons may meet to complete the sale of an item of personal property that was initiated on the Internet.

2. No action may be brought against the county, sheriff or an officer or employee thereof based on an incident that occurs when two or more persons meet at a location designated pursuant to subsection 1.

Sec. 2. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, the governing body of an incorporated city shall designate at least one police station, or part

thereof, as a site at which two or more persons may meet to complete the sale of an item of personal property that was initiated on the Internet.

2. If the incorporated city is within the jurisdiction of a metropolitan police department formed pursuant to chapter 280 of NRS or if police protection for the incorporated city is provided by the sheriff of the county, the board of county commissioners shall designate at least one sheriff's office, or part thereof, located in or in close proximity to the incorporated city as a site at which two or more persons may meet to complete the sale of an item of personal property that was initiated on the Internet.

3. No action may be brought against the county, sheriff, incorporated city, police department or an officer or employee thereof based on an incident that occurs when two or more persons meet at a location designated pursuant to subsection 1 or 2.

Sec. 3. Chapter 269 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, each town board or the board of county commissioners shall designate at least one police station, or part thereof, as a site at which two or more persons may meet to complete the sale of an item of personal property that was initiated on the Internet.

2. If the town is within the jurisdiction of a metropolitan police department formed pursuant to chapter 280 of NRS or if police protection for the town is provided by the sheriff of the county, the board of county commissioners shall designate at least one sheriff's office, or part thereof, located in or in close proximity to the town as a site at which two or more persons may meet to complete the sale of an item of personal property that was initiated on the Internet.

3. No action may be brought against the county, sheriff, town, police department or an officer or employee thereof based on an incident that occurs when two or more persons meet at a location designated pursuant to subsection 1 or 2.

Sec. 4. ~~[This act becomes effective on July 1, 2017.]~~ **(Deleted by amendment.)**

Assemblywoman Jauregui moved the adoption of the amendment.

Remarks by Assemblywoman Jauregui.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 98.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 317.

AN ACT relating to financial administration; revising provisions governing the employees of the Office of Grant Procurement, Coordination

and Management of the Department of Administration; eliminating the requirement that priority be given by the Office to certain grants; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Office of Grant Procurement, Coordination and Management of the Department of Administration is required to provide assistance to state agencies with respect to grants, including, without limitation, researching, identifying and writing grants for state agencies and making state agencies aware of grant opportunities. (NRS 232.222-232.227) Existing law requires the Administrator of the Office of Grant Procurement, Coordination and Management to employ two persons to serve in the unclassified service of the State. (NRS 232.223) **Section 1** of this bill removes the limit on the number of employees that the Administrator is required to employ and instead requires that the Administrator, within the limits of money appropriated or authorized to be expended for the purpose, employ such persons in the **classified or** unclassified service as he or she deems necessary.

Existing law requires the Administrator, when researching the availability of grants and writing grant proposals and applications for a state agency, to give priority to grants: (1) for the Department of Health and Human Services; (2) for the Office of Energy; and (3) which may facilitate economic development in this State. **Section 2** of this bill eliminates this prioritization requirement.

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

Section 1. NRS 232.223 is hereby amended to read as follows:

232.223 1. The Administrator of the Office of Grant Procurement, Coordination and Management shall ***, within the limits of money appropriated or authorized to be expended for this purpose,*** employ ~~[two]~~ ***such*** persons ***as he or she deems necessary*** to serve in the ***classified or*** unclassified service of the State for the purposes set forth in this section.

2. A person employed pursuant to this section shall, under the direction of the Administrator of the Office of Grant Procurement, Coordination and Management, assist the Administrator in carrying out the provisions of NRS 232.222 to 232.227, inclusive.

Sec. 2. NRS 232.224 is hereby amended to read as follows:

232.224 1. The Administrator of the Office of Grant Procurement, Coordination and Management shall:

(a) Research and identify federal grants which may be available to state agencies.

(b) Write grants for federal funds for state agencies.

(c) Coordinate with the members of Congress representing this State to combine efforts relating to identifying and managing available federal grants and related programs.

(d) If requested by a state agency, research the availability of grants and write grant proposals and applications for the state agency **.** ~~[, giving priority to grants:~~

~~(1) For the Department of Health and Human Services;~~

~~(2) For the Office of Energy; and~~

~~(3) Which may facilitate economic development in this State.]~~

(e) To the greatest extent practicable, ensure that state agencies are aware of any grant opportunities for which they are or may be eligible.

(f) If requested by the director of a state agency, advise the director and the state agency concerning the requirements for receiving and managing grants.

(g) To the greatest extent practicable, coordinate with state and local agencies that have received grants for similar projects to ensure that the efforts and services of those state and local agencies are not duplicated.

(h) Serve as a clearinghouse for disseminating information relating to unexpended grant money of state agencies by compiling and updating periodically a list of the grants and unexpended amounts thereof for which the Office received notification from state agencies pursuant to subsection 3 of NRS 232.225 and making the list available on the Internet website maintained by the Department.

(i) On or before January 1 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report regarding all activity relating to the application for, receipt of and use of grants in this State.

2. The Administrator may adopt regulations to carry out the provisions of this section and NRS 232.225 and 232.226.

Sec. 3. This act becomes effective on July 1, 2017.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 286.

Bill read third time.

The following amendment was proposed by Assemblyman Elliot Anderson:

Amendment No. 563.

AN ACT relating to criminal procedure; revising provisions concerning the eligibility of a defendant for assignment to a program for the treatment of veterans and members of the military; authorizing a district court, justice court or municipal court to establish such a program; making various other

changes relating to such a program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a district court to establish an appropriate program for the treatment of veterans and members of the military to which it may assign an eligible defendant. A justice court or municipal court is authorized, upon approval of the district court, to transfer original jurisdiction of a case involving such an eligible defendant to the district court. (NRS 176A.280, 176A.285) **Section 3** of this bill additionally authorizes a justice court or municipal court to establish such a program and revises the provisions concerning the eligibility of a defendant for assignment to such a program. **Section 3** also provides that the assignment of a defendant to such a program must be for a period of not less than 12 months.

Section 2 of this bill provides that a defendant is ineligible for assignment to such a program if he or she: (1) has previously been assigned to such a program; or (2) was discharged or released from the Armed Forces of the United States, a reserve component thereof or the National Guard under dishonorable conditions. **Section 2** also provides that a defendant who was discharged or released from the Armed Forces of the United States, a reserve component thereof or the National Guard under dishonorable conditions may be assigned to such a program if a court determines that extraordinary circumstances exist to warrant the assignment.

Existing law provides that upon violation of a term or condition of such a program, the court may: (1) enter a judgment of conviction and proceed as provided in the section pursuant to which the defendant was charged; and (2) order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison. (NRS 176A.290) **Section 5** of this bill authorizes the imposition of certain sanctions against a defendant for such a violation.

Existing law provides that upon fulfillment of the terms and conditions of such a program, the court shall discharge the defendant and dismiss the proceedings. (NRS 176A.290) **Section 5** provides that for defendants in the program who were charged with battery constituting domestic violence or driving under the influence, the court may conditionally dismiss the charges. Under **section 6** of this bill, if the charges are conditionally dismissed, then **not sooner than 7 years after such a conditional dismissal and upon the filing of a petition by the defendant,** the court must order that all records relating to the charges be sealed**.** ~~[7 years after such a conditional dismissal.]~~

Under existing law, before accepting a plea from a defendant or proceeding to trial, a justice of the peace or municipal judge must address the defendant personally and ask the defendant if he or she is a veteran or a member of the military. (NRS 4.374, 5.057) **Sections 9 and 10** of this bill require that the justice of the peace or municipal judge must, as soon as possible after a defendant is arrested or cited, attempt to determine whether the defendant is a veteran or a member of the military and, if so, whether the

defendant qualifies for a program for the treatment of veterans and members of the military.

Sections 11 and 12 of this bill provide that: (1) persons who are charged with first misdemeanor offenses of battery constituting domestic violence or driving under the influence are eligible to be assigned to a program for the treatment of veterans and members of the military; and (2) offenses that are conditionally dismissed in connection with successful completion of such a program or a diversionary or specialty court program constitute prior offenses for the purpose of determining whether the person is subject to an enhanced penalty with respect to a subsequent offense.

The remaining sections of this bill make conforming changes.

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

Section 1. NRS 176.015 is hereby amended to read as follows:

176.015 1. Sentence must be imposed without unreasonable delay. Pending sentence, the court may commit the defendant or continue or alter the bail.

2. Before imposing sentence, the court shall:

(a) Afford counsel an opportunity to speak on behalf of the defendant; and

(b) Address the defendant personally and ask the defendant if:

(1) The defendant wishes to make a statement in his or her own behalf and to present any information in mitigation of punishment; and

(2) The defendant is a veteran or a member of the military. If the defendant ~~[~~is a veteran or a member of the military and~~]~~ meets the qualifications of ~~[~~paragraphs (b) and (c) of~~]~~ subsection ~~[~~2~~]~~ ***1*** of NRS ~~[~~176A.285,~~]~~ ***176A.280,*** the court may, if appropriate, assign the defendant to:

(I) A program of treatment established pursuant to NRS 176A.280; or

(II) If a program of treatment established pursuant to NRS 176A.280 is not available for the defendant, a program of treatment established pursuant to NRS 176A.250 or 453.580.

3. After hearing any statements presented pursuant to subsection 2 and before imposing sentence, the court shall afford the victim an opportunity to:

(a) Appear personally, by counsel or by personal representative; and

(b) Reasonably express any views concerning the crime, the person responsible, the impact of the crime on the victim and the need for restitution.

4. The prosecutor shall give reasonable notice of the hearing to impose sentence to:

(a) The person against whom the crime was committed;

(b) A person who was injured as a direct result of the commission of the crime;

(c) The surviving spouse, parents or children of a person who was killed as a direct result of the commission of the crime; and

(d) Any other relative or victim who requests in writing to be notified of the hearing.

➥ Any defect in notice or failure of such persons to appear are not grounds for an appeal or the granting of a writ of habeas corpus. All personal information, including, but not limited to, a current or former address, which pertains to a victim or relative and which is received by the prosecutor pursuant to this subsection is confidential.

5. For the purposes of this section:

(a) "Member of the military" has the meaning ascribed to it in NRS 176A.043.

(b) "Relative" of a person includes:

(1) A spouse, parent, grandparent or stepparent;

(2) A natural born child, stepchild or adopted child;

(3) A grandchild, brother, sister, half brother or half sister; or

(4) A parent of a spouse.

(c) "Veteran" has the meaning ascribed to it in NRS 176A.090.

(d) "Victim" includes:

(1) A person, including a governmental entity, against whom a crime has been committed;

(2) A person who has been injured or killed as a direct result of the commission of a crime; and

(3) A relative of a person described in subparagraph (1) or (2).

6. This section does not restrict the authority of the court to consider any reliable and relevant evidence at the time of sentencing.

Sec. 2. Chapter 176A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a defendant is not eligible for assignment to a program of treatment established pursuant to NRS 176A.280 if the defendant:

(a) Has previously been assigned to such a program; or

(b) Was discharged or released from the Armed Forces of the United States, a reserve component thereof or the National Guard under dishonorable conditions.

2. A defendant described in paragraph (b) of subsection 1 may be assigned to a program of treatment established pursuant to NRS 176A.280 if a justice court, municipal court or district court, as applicable, determines that extraordinary circumstances exist which warrant the assignment of the defendant to the program.

Sec. 3. NRS 176A.280 is hereby amended to read as follows:

176A.280 ~~[A]~~

1. A district court, justice court or municipal court may establish an appropriate program for the treatment of veterans and members of the military to which it may assign a defendant pursuant to NRS 176A.290 ~~[.]~~ ***if the defendant is a veteran or member of the military and:***

(a) Appears to suffer from mental illness, alcohol or drug abuse or posttraumatic stress disorder, any of which appear to be related to military service, including, without limitation, any readjustment to civilian life which is necessary after combat service;

(b) Would benefit from assignment to the program; and

(c) Is not ineligible for assignment to the program pursuant to section 2 of this act or any other provision of law.

2. The assignment ***of a defendant to a program pursuant to this section*** must ~~[include]~~ ***:***

(a) Include the terms and conditions for successful completion of the program ~~[and provide]~~ ***;***

(b) Provide for progress reports at intervals set by the court to ensure that the defendant is making satisfactory progress towards completion of the program ~~[.]~~ ***; and***

(c) Be for a period of not less than 12 months.

Sec. 4. NRS 176A.285 is hereby amended to read as follows:

176A.285 ~~[1. A]~~ ***If a*** justice court or ~~[a]~~ municipal court ***has not established a program pursuant to NRS 176A.280, the justice court or municipal court, as applicable,*** may, upon approval of the district court, transfer original jurisdiction to the district court of a case involving ~~[an eligible]~~ ***a*** defendant ~~[.~~

~~2. As used in this section, "eligible defendant" means a veteran or a member of the military who:~~

~~(a) Has]~~ ***who meets the qualifications of subsection 1 of NRS 176A.280 and has*** not tendered a plea of guilty, guilty but mentally ill or nolo contendere to, or been found guilty or guilty but mentally ill of, an offense that is a misdemeanor ***.*** ~~[;~~

~~(b) Appears to suffer from mental illness, alcohol or drug abuse or posttraumatic stress disorder, any of which appear to be related to military service, including, without limitation, any readjustment to civilian life which is necessary after combat service; and~~

~~(c) Would benefit from assignment to a program established pursuant to NRS 176A.280.]~~

Sec. 5. NRS 176A.290 is hereby amended to read as follows:

176A.290 1. Except as otherwise provided in subsection 2 ~~[,]~~ ***and section 2 of this act,*** if a defendant ~~[who is a veteran or a member of the military and who suffers from mental illness, alcohol or drug abuse or posttraumatic stress disorder as]~~ described in NRS ~~[176A.285]~~ ***176A.280*** tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, any offense for which the suspension of sentence or the granting of probation is not prohibited by statute, the ***district court, justice court or municipal*** court ***, as applicable,*** may, without entering a judgment of conviction and with the consent of the defendant, suspend further proceedings and place the defendant on probation

upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.280.

2. If the offense committed by the defendant involved the use or threatened use of force or violence or if the defendant was previously convicted in this State or in any other jurisdiction of a felony that involved the use or threatened use of force or violence, the ***district court, justice court or municipal*** court ***, as applicable,*** may not assign the defendant to the program unless the prosecuting attorney stipulates to the assignment. For the purposes of this subsection, in determining whether an offense involved the use or threatened use of force or violence, the ***district court, justice court or municipal*** court ***, as applicable,*** shall consider the facts and circumstances surrounding the offense, including, without limitation, whether the defendant intended to place another person in reasonable apprehension of bodily harm.

3. Upon violation of a term or condition:

(a) ***The district court, justice court or municipal court, as applicable, may impose sanctions against the defendant for the violation, but allow the defendant to remain in the program. Before imposing a sanction, the court shall notify the defendant of the violation and provide the defendant an opportunity to respond. Any sanction imposed pursuant to this paragraph:***

(1) Must be in accordance with any applicable guidelines for sanctions established by the National Association of Drug Court Professionals or any successor organization; and

(2) May include, without limitation, imprisonment in a county or city jail or detention facility for a term set by the court, which must not exceed 25 days.

(b) The ***district court, justice court or municipal*** court ***, as applicable,*** may enter a judgment of conviction and proceed as provided in the section pursuant to which the defendant was charged.

~~[(b)]~~ ***(c)*** Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the ***district*** court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

4. ~~[Upon]~~ ***Except as otherwise provided in subsection 5, upon*** fulfillment of the terms and conditions, the ***district court, justice court or municipal*** court ***, as applicable,*** shall discharge the defendant and dismiss the proceedings. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, ***complaint,*** indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, ***complaint,***

indictment, information or trial in response to an inquiry made of the defendant for any purpose.

5. If the defendant was charged with a violation of NRS 200.485, 484C.110 or 484C.120, upon fulfillment of the terms and conditions, the district court, justice court or municipal court, as applicable, may conditionally dismiss the charges. If a court conditionally dismisses the charges, the court shall notify the defendant that the conditionally dismissed charges are a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail in a future case, but are not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose. Conditional dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, complaint, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, complaint, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

Sec. 6. NRS 176A.295 is hereby amended to read as follows:

176A.295 1. ~~[~~After~~]~~ ***Except as otherwise provided in subsection 2, after*** a defendant is discharged from probation pursuant to NRS 176A.290, the ***justice court, municipal court or district*** court ***, as applicable,*** shall order sealed all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order if the defendant fulfills the terms and conditions imposed by the court and the Division. The ***justice court, municipal court or district*** court ***, as applicable,*** shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. ***If the defendant is charged with a violation of NRS 200.485, 484C.110 or 484C.120 and the charges are conditionally dismissed as provided in subsection 5 of NRS 176A.290, not sooner than 7 years after such a conditional dismissal and upon the filing of a petition by the defendant, the justice court, municipal court or district court, as applicable, shall order that all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order be sealed . ~~[7 years after such a conditional dismissal.]~~ The justice court, municipal court or district court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.***

3. If the ***justice court, municipal court or district*** court ***, as applicable,*** orders sealed the record of a defendant discharged ***or whose charges were***

conditionally dismissed pursuant to NRS 176A.290, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the ***justice court, municipal court or district*** court ***, as applicable,*** in writing of its compliance with the order.

Sec. 7. NRS 4.370 is hereby amended to read as follows:

4.370 1. Except as otherwise provided in subsection 2, justice courts have jurisdiction of the following civil actions and proceedings and no others except as otherwise provided by specific statute:

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed $15,000.

(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed $15,000.

(c) Except as otherwise provided in paragraph (l), in actions for a fine, penalty or forfeiture not exceeding $15,000, given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed $15,000, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed $15,000.

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed $15,000.

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed $15,000 or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed $15,000 or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed $15,000.

(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $15,000.

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $15,000.

(l) In actions for a fine imposed for a violation of NRS 484D.680.

(m) Except as otherwise provided in this paragraph, in any action for the issuance of a temporary or extended order for protection against domestic violence. A justice court does not have jurisdiction in an action for the

issuance of a temporary or extended order for protection against domestic violence:

(1) In a county whose population is 100,000 or more and less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more; or

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court.

(n) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.

(o) In small claims actions under the provisions of chapter 73 of NRS.

(p) In actions to contest the validity of liens on mobile homes or manufactured homes.

(q) In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment.

(r) In any action pursuant to NRS 200.378 for the issuance of a protective order against a person alleged to have committed the crime of sexual assault.

(s) In actions transferred from the district court pursuant to NRS 3.221.

(t) In any action for the issuance of a temporary or extended order pursuant to NRS 33.400.

(u) In any action seeking an order pursuant to NRS 441A.195.

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real property or mining claims or questions affecting the boundaries of land are involved.

3. Justice courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. Upon approval of the district court, a justice court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 or ***, if the justice court has not established a program pursuant to NRS*** 176A.280 ~~[.]~~ ***, to a program established pursuant to that section.***

4. Except as otherwise provided in subsections 5 and 6, in criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.

5. In the case of any arrest made by a member of the Nevada Highway Patrol, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.

6. Each justice court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established.

Sec. 8. NRS 4.374 is hereby amended to read as follows:

4.374 1. ***As soon as possible after a defendant is arrested or cited, the justice of the peace shall attempt to determine whether the defendant is a veteran or a member of the military and, if so, whether the defendant meets the qualifications of subsection 1 of NRS 176A.280.***

2. Before accepting a plea from a defendant or proceeding to trial, the justice of the peace shall ~~[address]~~ ***:***

(a) Address the defendant personally and ask the defendant if he or she is a veteran or a member of the military ~~[.]~~ ***; and***

(b) Determine whether the defendant meets the qualifications of subsection 1 of NRS 176A.280.

~~[2.]~~ ***3.*** If the defendant ~~[is a veteran or a member of the military and]~~ meets the qualifications of ***subsection 1 of*** NRS ~~[176A.285,]~~ ***176A.280,*** the justice court may, ***if the justice court has not established a program pursuant to NRS 176A.280 and,*** if appropriate, take any action authorized by law for the purpose of having the defendant assigned to:

(a) A program of treatment established pursuant to NRS 176A.280; or

(b) If a program of treatment established pursuant to NRS 176A.280 is not available for the defendant, a program of treatment established pursuant to NRS 176A.250 or 453.580.

~~[3.]~~ ***4.*** As used in this section:

(a) "Member of the military" has the meaning ascribed to it in NRS 176A.043.

(b) "Veteran" has the meaning ascribed to it in NRS 176A.090.

Sec. 9. NRS 5.050 is hereby amended to read as follows:

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

(a) For the violation of any ordinance of their respective cities.

(b) To prevent or abate a nuisance within the limits of their respective cities.

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

3. The municipal courts have jurisdiction of:

(a) Any action for the collection of taxes or assessments levied for city purposes, when the principal sum thereof does not exceed $2,500.

(b) Actions to foreclose liens in the name of the city for the nonpayment of those taxes or assessments when the principal sum claimed does not exceed $2,500.

(c) Actions for the breach of any bond given by any officer or person to or for the use or benefit of the city, and of any action for damages to which the

city is a party, and upon all forfeited recognizances given to or for the use or benefit of the city, and upon all bonds given on appeals from the municipal court in any of the cases named in this section, when the principal sum claimed does not exceed $2,500.

(d) Actions for the recovery of personal property belonging to the city, when the value thereof does not exceed $2,500.

(e) Actions by the city for the collection of any damages, debts or other obligations when the amount claimed, exclusive of costs or attorney's fees, or both if allowed, does not exceed $2,500.

(f) Actions seeking an order pursuant to NRS 441A.195.

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

Sec. 10. NRS 5.057 is hereby amended to read as follows:

5.057 1. ***As soon as possible after a defendant is arrested or cited, the municipal judge shall attempt to determine whether the defendant is a veteran or a member of the military and, if so, whether the defendant meets the qualifications of subsection 1 of NRS 176A.280.*** Before accepting a plea from a defendant or proceeding to trial, the municipal judge shall ~~[address]~~ ***:***

(a) Address the defendant personally and ask the defendant if he or she is a veteran or a member of the military ~~[.]~~ ***; and***

(b) Determine whether the defendant meets the qualifications of subsection 1 of NRS 176A.280.

2. If the defendant ~~[is a veteran or a member of the military and]~~ meets the qualifications of ***subsection 1 of*** NRS ~~[176A.285,]~~ ***176A.280,*** the municipal court may, ***if the municipal court has not established a program pursuant to NRS 176A.280 and,*** if appropriate, take any action authorized by law for the purpose of having the defendant assigned to:

(a) A program of treatment established pursuant to NRS 176A.280; or

(b) If a program of treatment established pursuant to NRS 176A.280 is not available for the defendant, a program of treatment established pursuant to NRS 176A.250 or 453.580.

3. As used in this section:

(a) "Member of the military" has the meaning ascribed to it in NRS 176A.043.

(b) "Veteran" has the meaning ascribed to it in NRS 176A.090.

Sec. 11. NRS 200.485 is hereby amended to read as follows:

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

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

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

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

➥ The person shall be further punished by a fine of not less than $200, but not more than $1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur at a time when the person is not required to be at his or her place of employment or on a weekend.

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

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

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

➥ The person shall be further punished by a fine of not less than $500, but not more than $1,000.

(c) For the third and any subsequent offense within 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed by strangulation as described in NRS 200.481, is guilty of a category C felony and shall be punished as provided in NRS 193.130 and by a fine of not more than $15,000.

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

(a) For the first offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

(b) For the second offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

➥ If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

4. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section ~~[when]~~ ***:***

(a) When evidenced by a conviction ~~[,]~~ ***; or***

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

➥ without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

5. In addition to any other fine or penalty, the court shall order such a person to pay an administrative assessment of $35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.

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

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

8. If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not dismiss such a charge in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. ~~[A court shall not grant probation to and, except]~~ ***Except*** as otherwise provided in ~~[NRS 4.373 and 5.055,]~~ ***this subsection,*** a court shall not ***grant probation to or*** suspend the sentence of such a person. ***A court may grant probation to or suspend the sentence of such a person:***

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

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

9. As used in this section:

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

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

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

Sec. 11.5. NRS 484C.400 is hereby amended to read as follows:

484C.400 1. Unless a greater penalty is provided pursuant to NRS 484C.430 or 484C.440, and except as otherwise provided in NRS 484C.410, a person who violates the provisions of NRS 484C.110 or 484C.120:

(a) For the first offense within 7 years, is guilty of a misdemeanor. Unless the person is allowed to undergo treatment as provided in NRS 484C.320, the court shall:

(1) Except as otherwise provided in subparagraph (4) of this paragraph or subsection 2 of NRS 484C.420, order the person to pay tuition for an educational course on the abuse of alcohol and controlled substances approved by the Department and complete the course within the time specified in the order, and the court shall notify the Department if the person fails to complete the course within the specified time;

(2) Unless the sentence is reduced pursuant to NRS 484C.320, sentence the person to imprisonment for not less than 2 days nor more than 6 months in jail, or to perform not less than 48 hours, but not more than 96 hours, of community service while dressed in distinctive garb that identifies the person as having violated the provisions of NRS 484C.110 or 484C.120;

(3) Fine the person not less than $400 nor more than $1,000; and

(4) If the person is found to have a concentration of alcohol of 0.18 or more in his or her blood or breath, order the person to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484C.360.

(b) For a second offense within 7 years, is guilty of a misdemeanor. Unless the sentence is reduced pursuant to NRS 484C.330, the court shall:

(1) Sentence the person to:

(I) Imprisonment for not less than 10 days nor more than 6 months in jail; or

(II) Residential confinement for not less than 10 days nor more than 6 months, in the manner provided in NRS 4.376 to 4.3766, inclusive, or 5.0755 to 5.078, inclusive;

(2) Fine the person not less than $750 nor more than $1,000, or order the person to perform an equivalent number of hours of community service while dressed in distinctive garb that identifies the person as having violated the provisions of NRS 484C.110 or 484C.120; and

(3) Order the person to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484C.360.

➥ A person who willfully fails or refuses to complete successfully a term of residential confinement or a program of treatment ordered pursuant to this paragraph is guilty of a misdemeanor.

(c) Except as otherwise provided in NRS 484C.340, for a third offense within 7 years, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and shall be further punished by a fine of not less than $2,000 nor more than $5,000. An offender who is imprisoned pursuant to the provisions of this paragraph must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section ~~[when]~~ ***:***

(a) When evidenced by a conviction ~~[,]~~ ***; or***

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

➥ without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

3. A term of confinement imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace, except that a person who is convicted of a second or subsequent offense within 7 years must be confined for at least one segment of not less than 48 consecutive hours. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the offender, but any sentence of 30 days or less must be served within 6 months after the date of conviction or, if the offender was sentenced pursuant to NRS 484C.320 or 484C.330 and the suspension of his or her sentence was revoked, within 6 months after the date of revocation. Any time for which the offender is confined must consist of not less than 24 consecutive hours.

4. Jail sentences simultaneously imposed pursuant to this section and NRS 482.456, 483.560, 484C.410 or 485.330 must run consecutively.

5. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

6. For the purpose of determining whether one offense occurs within 7 years of another offense, any period of time between the two offenses during

which, for any such offense, the offender is imprisoned, serving a term of residential confinement, placed under the supervision of a treatment provider, on parole or on probation must be excluded.

7. As used in this section, unless the context otherwise requires, "offense" means:

(a) A violation of NRS 484C.110, 484C.120 or 484C.430;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or

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

Sec. 12. NRS 484C.420 is hereby amended to read as follows:

484C.420 1. ~~[A]~~ ***Except as otherwise provided in subsection 2, a*** person convicted of violating the provisions of NRS 484C.110 or 484C.120 must not be released on probation, and a sentence imposed for violating those provisions must not be suspended except, as provided in NRS 4.373, 5.055, 484C.320, 484C.330 and 484C.340, that portion of the sentence imposed that exceeds the mandatory minimum. A prosecuting attorney shall not dismiss a charge of violating the provisions of NRS 484C.110 or 484C.120 in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial.

2. ***The court may grant probation to or suspend the sentence of a person to assign the person to a program for the treatment of veterans and members of the military pursuant to NRS 176A.290 if the charge is for a first violation of the provisions of NRS 484C.110 or 484C.120 that is punishable as a misdemeanor.***

3. If the person who violated the provisions of NRS 484C.110 or 484C.120 possesses a driver's license issued by a state other than the State of Nevada and does not reside in the State of Nevada, in carrying out the provisions of subparagraph (1) of paragraph (a) of subsection 1 of NRS 484C.400, the court shall:

(a) Order the person to pay tuition for and submit evidence of completion of an educational course on the abuse of alcohol and controlled substances approved by a governmental agency of the state of the person's residence within the time specified in the order; or

(b) Order the person to complete an educational course by correspondence on the abuse of alcohol and controlled substances approved by the Department within the time specified in the order,

➥ and the court shall notify the Department if the person fails to complete the assigned course within the specified time.

Assemblyman Elliot Anderson moved the adoption of the amendment.
Remarks by Assemblyman Elliot Anderson.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Assemblywoman Benitez-Thompson moved that the Assembly recess until 5 p.m.
Motion carried.

Assembly in recess at 1:19 p.m.

ASSEMBLY IN SESSION

At 5:46 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 120, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 321, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 299, 428, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 408, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL C. SPRINKLE, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 341, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 370, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DINA NEAL, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 20, 2017

Pursuant to paragraph (a) of subsection 4 of Joint Standing Rule No. 14.6, the following measures are not subject to the provisions of subsection 1 of Joint Standing Rule No. 14, Joint

Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3: Assembly Bills Nos. 155 and 202.

RICHARD S. COMBS
Director

April 20, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 440.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 458.

MARK KRMPOTIC
Fiscal Analysis Division

WAIVER OF JOINT STANDING RULES

A Waiver requested by Senator Ford.
For: Senate Bill No. 246.
To Waive:

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

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

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

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

Has been granted effective: April 20, 2017.

SENATOR AARON D. FORD
Senate Majority Leader

ASSEMBLYMAN JASON FRIERSON
Speaker of the Assembly

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 89, 110, 125, 207, 218, 231, 253, 255, 281, 298, 317, 346, 350, 351, 356, 376, 410, 412, 473, and 485 reported out of committee, be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 89.

Bill read second time.

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

Amendment No. 423.

AN ACT relating to surgical centers for ambulatory patients; requiring the **Division of Public and Behavioral Health of the** Department of Health and Human Services to ~~[impose a civil penalty against a]~~ **submit a quarterly report to the Legislature relating to** surgical ~~[center]~~ **centers** for ambulatory patients **_ ;** ~~[for certain violations; limiting the authority of]~~ **prohibiting** the Department **from exercising its authority** to suspend the collection or dissemination of certain information; ~~[prohibiting a surgical center for ambulatory patients from performing certain types of surgery;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to establish and maintain a program to increase public awareness of health care information concerning hospitals and surgical centers for ambulatory patients. (NRS 439A.200-439A.290) Pursuant to the program, the Department is required to collect, maintain and provide certain information concerning the charges imposed and quality of care provided by surgical centers for ambulatory patients. (NRS 439A.240, 439A.250) Additionally, existing law: (1) requires the Department to notify a surgical center for ambulatory patients each time the center fails to provide required information or provides incomplete or inaccurate information; and (2) authorizes the Department to impose a civil penalty of not more than $20,000 for each such violation. (NRS 439A.250, 439A.310) ~~[Section 1 of this bill requires the Department to impose such a civil penalty against any surgical center for ambulatory patients that has received two or more notices for failing to provide required information or providing incomplete or inaccurate information and commits another such violation.]~~

Existing law requires the Department to suspend certain of its programs or duties if it determines that sufficient money is not available to carry them out. (NRS 439A.280) In such circumstances, **section 2** of this bill ~~[requires]~~ **prohibits** the Department ~~[to give priority to the continuation of those]~~ **from suspending** programs and duties relating to the collection and dissemination of information relating to surgical centers for ambulatory patients.

~~[Existing law]~~ **Section 3.6 of this bill** requires the Division of Public and Behavioral Health of the Department to ~~[license and regulate surgical centers for ambulatory patients. (NRS 449.0151, 449.030-449.2428, 449.445-449.448) Section 3 of this bill prohibits a center from performing any type of surgery that routinely results in the patient being admitted to another medical facility within 24 hours after being discharged from the center. Section 3 also requires the State Board of Health to adopt regulations prescribing the prohibited types of surgery. Section 6 of this bill authorizes the Division to impose administrative sanctions against any center that performs a prohibited surgery.]~~ **submit a quarterly report to the Legislature concerning information submitted to the Division by a surgical center for ambulatory patients relating to the discharge location of its patients.**

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

Section 1. ~~[NRS 439A.250 is hereby amended to read as follows:~~

~~439A.250 1. The Department shall, by regulation:~~

~~(a) Prescribe the information that each surgical center for ambulatory patients in this State must submit to the Department for the program as set forth in NRS 439A.240 and the form for submission of such information.~~

~~(b) Prescribe the measures of quality for surgical centers for ambulatory patients that are required pursuant to paragraph (b) of subsection 2 of NRS 439A.240. In adopting the regulations, the Department shall:~~

~~(1) Use measures of quality which are substantially similar to those required pursuant to subparagraph (1) of paragraph (b) of subsection 1 of NRS 439A.230;~~

~~(2) Prescribe a reasonable number of measures of quality which must not be unduly burdensome on the surgical centers for ambulatory patients; and~~

~~(3) Take into consideration the financial burden placed on the surgical centers for ambulatory patients to comply with the regulations.~~

~~The measures prescribed pursuant to this paragraph must report health outcomes of surgical centers for ambulatory patients, which do not necessarily correlate with the outpatient treatments posted on the Internet website pursuant to NRS 439A.270.~~

~~(c) Require each surgical center for ambulatory patients to provide the information prescribed in paragraphs (a) and (b) in the format required by the Department.~~

~~(d) Prescribe which surgical centers for ambulatory patients in this State must participate in the program established pursuant to NRS 439A.240.~~

~~2. The information required pursuant to this section and NRS 439A.240 must be submitted to the Department not later than 45 days after the last day of each calendar month.~~

~~3. If a surgical center for ambulatory patients fails to submit the information required pursuant to this section or NRS 439A.240 or submits information that is incomplete or inaccurate, the Department shall send a notice of such failure to the surgical center for ambulatory patients and to the Division of Public and Behavioral Health of the Department. *If a surgical center for ambulatory patients that has received two or more such notices fails to submit such information or submits information that is incomplete or inaccurate, the Department shall impose a civil penalty against the surgical center for ambulatory patients pursuant to NRS 439A.310.]*~~ **(Deleted by amendment.)**

Sec. 2. NRS 439A.280 is hereby amended to read as follows:

439A.280 1. On or before July 1 of each odd-numbered year, the Department shall make a determination of whether sufficient money is available and authorized for expenditure to fund one or more components of the programs and other duties of the Department relating to NRS 439A.200 to 439A.290, inclusive.

2. The ~~*[Subject to the limitations of this subsection, the]*~~ Department shall temporarily suspend any components of the program ~~*[programs]*~~ or duties of the Department ***, other than those set forth in NRS 439A.240 and 439A.250,*** for which it determines pursuant to subsection 1 that sufficient money is not available. ~~*[The Department shall give priority to the continuation of the programs and duties prescribed by NRS 439A.240 and*~~

~~*439A.250, so that any suspension of those programs or duties is effected only after the suspension of the other programs and duties described in subsection 1.]*~~

3. The Department may accept any gift, donation, bequest, grant or other source of money for the purpose of carrying out the provisions of NRS 439A.200 to 439A.290, inclusive.

Sec. 3. Chapter 449 of NRS is hereby amended by adding thereto ~~[a new section to read]~~ **the provisions set forth** as ~~[follows:]~~ **sections 3.3 and 3.6 of this act.**

Sec. 3.3. The Legislature finds and declares that:

1. [A surgical center] ***This State has a compelling interest in assuring that residents of this State have access to health care;***

2. Surgical centers for ambulatory patients [shall not perform any type of surgery that routinely results in the patient being admitted to another medical facility within 24 hours after being discharged from the surgical center for ambulatory patients.

2. The Board shall prescribe by regulation the types of surgeries that a surgical center for] ***play an important role in providing essential health care services and have become a critical element in the delivery of health care in this State; and***

3. A license issued by this State to operate a surgical center for ambulatory patients [is prohibited] ***pursuant to this chapter should be accompanied by [subsection 1 from performing.]*** ***oversight by the agency issuing the license.***

Sec. 3.6. The Division shall:

1. Compile the information collected from and submitted by surgical centers for ambulatory patients to the Department pursuant to NRS 439A.240, 439A.250 and 439A.260 and any regulations adopted pursuant thereto, and prepare a quarterly report that:

(a) Identifies the discharge location of each patient of a surgical center for ambulatory patients; and

(b) Compares the discharge location of patients of surgical centers for ambulatory patients in different geographical regions of this State; and

2. Submit the quarterly report prepared pursuant to subsection 1 to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

Sec. 4. NRS 449.435 is hereby amended to read as follows:

449.435 As used in NRS 449.435 to 449.448, inclusive, ***and*** ~~***[section 3]***~~ ***sections 3.3 and 3.6 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 449.436 to 449.439, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NRS 449.441 is hereby amended to read as follows:

449.441 The provisions of NRS 449.435 to 449.448, inclusive, ***and*** ~~***[section 3]***~~ ***sections 3.3 and 3.6 of this act*** do not apply to an office of a physician or a facility that provides health care, other than a medical facility,

if the office of a physician or the facility only administers a medication to a patient to relieve the patient's anxiety or pain and if the medication is not given in a dosage that is sufficient to induce in a patient a controlled state of depressed consciousness or unconsciousness similar to general anesthesia, deep sedation or conscious sedation.

Sec. 6. NRS 449.447 is hereby amended to read as follows:

449.447 1. If an office of a physician or a facility that provides health care, other than a medical facility, violates the provisions of NRS 449.435 to 449.448, inclusive, ***and ~~[section 3]~~ sections 3.3 and 3.6 of this act,*** or the regulations adopted pursuant thereto, or fails to correct a deficiency indicated in a report pursuant to NRS 449.446, the Division, in accordance with the regulations adopted pursuant to NRS 449.448, may take any of the following actions:

(a) Decline to issue or renew a permit;

(b) Suspend or revoke a permit; or

(c) Impose an administrative penalty of not more than $1,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum.

2. The Division may review a report submitted pursuant to NRS 630.30665 or 633.524 to determine whether an office of a physician or a facility is in violation of the provisions of NRS 449.435 to 449.448, inclusive, ***and ~~[section 3]~~ sections 3.3 and 3.6 of this act,*** or the regulations adopted pursuant thereto. If the Division determines that such a violation has occurred, the Division shall immediately notify the appropriate professional licensing board of the physician.

3. If a surgical center for ambulatory patients violates the provisions of NRS 449.435 to 449.448, inclusive, ***and ~~[section 3]~~ sections 3.3 and 3.6 of this act,*** or the regulations adopted pursuant thereto, or fails to correct a deficiency indicated in a report pursuant to NRS 449.446, the Division may impose administrative sanctions pursuant to NRS 449.163.

Sec. 7. NRS 449.448 is hereby amended to read as follows:

449.448 1. The Board shall adopt regulations to carry out the provisions of NRS 449.435 to 449.448, inclusive, ***and ~~[section 3]~~ sections 3.3 and 3.6 of this act,*** including, without limitation, regulations which:

(a) Prescribe the amount of the fee required for applications for the issuance and renewal of a permit pursuant to NRS 449.443 and 449.444.

(b) Prescribe the procedures and standards for the issuance and renewal of a permit.

(c) Identify the nationally recognized organizations approved by the Board for the purposes of the accreditation required for the issuance of a:

(1) License to operate a surgical center for ambulatory patients.

(2) Permit for an office of a physician or a facility that provides health care, other than a medical facility, to offer to a patient a service of general anesthesia, conscious sedation or deep sedation.

(d) Prescribe the procedures and scope of the inspections conducted by the Division pursuant to NRS 449.446.

(e) Prescribe the procedures and time frame for correcting each deficiency indicated in a report pursuant to NRS 449.446.

(f) Prescribe the criteria for the imposition of each sanction prescribed by NRS 449.447, including, without limitation:

(1) Setting forth the circumstances and manner in which a sanction applies;

(2) Minimizing the time between the identification of a violation and the imposition of a sanction; and

(3) Providing for the imposition of incrementally more severe sanctions for repeated or uncorrected violations.

2. The regulations adopted pursuant to this section must require that the practices and policies of each holder of a permit to offer to a patient a service of general anesthesia, conscious sedation or deep sedation and each holder of a license to operate a surgical center for ambulatory patients provide adequately for the protection of the health, safety and well-being of patients.

Sec. 7.5. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 8. 1. This ~~[section becomes effective upon passage and approval.~~

~~2. Sections 1 and 2 of this~~] act ~~[become]~~ ***becomes*** effective on July 1, 2017.

~~[3. Sections 3 to 7, inclusive, of this act become effective upon passage and approval for the purpose of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of those sections, and on January 1, 2018, for all other purposes.]~~

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 110.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 221.

AN ACT relating to education; **requiring the Department of Education to establish a pilot program to provide competency-based education; requiring the State Board of Education to adopt regulations relating to the pilot program; establishing the Competency-Based Education Network;** revising provisions governing the requirements for a pupil to receive credit for a course of study without attending the classes for the course; ~~[creating the Competency-Based Education Task Force;]~~ requiring the Department of Education to conduct a public awareness campaign regarding competency-based education; authorizing the Department to

distribute certain money through a competitive grants program to carry out ~~[one or more programs of]~~ **the pilot program to provide** competency-based education; **requiring the Competency-Based Education Network to prepare a comprehensive report relating to competency-based education;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1.2 of this bill requires the Department of Education to establish a pilot program to provide competency-based education and requires the State Board of Education to adopt regulations that prescribe the process for submission of an application by a school district or charter school to participate in the pilot program and the qualifications and conditions for participation by a school in the pilot program. Section 1.1 of this bill defines "competency-based education" to mean a system of instruction by which a pupil advances to a higher level of learning when the pupil demonstrates mastery of a concept or skill, regardless of the time, place or pace at which the pupil progresses.

Section 1.4 of this bill requires the Department to establish a Competency-Based Education Network and prescribes the membership and duties of the Network, including a requirement that the Network submit a report to the Governor and the Legislature on the implementation of competency-based education once each biennium.

Section 1.6 of this bill requires the Department of Education to: (1) conduct a public campaign to raise awareness about competency-based education; and (2) conduct at least one meeting with the superintendents of the school districts relating to competency-based education. Section 1.6 also authorizes the Department to use money appropriated by the 2017 Legislature to the Account for Programs for Innovation and the Prevention of Remediation to carry out the pilot program to provide competency-based education.

Existing law provides that a pupil may be granted credit for certain courses in lieu of course attendance if the pupil: (1) demonstrates proficiency on certain examinations; and (2) applies to the board of trustees of the school district in which the pupil attends school to be granted credit. (NRS 389.171) **Section ~~[1]~~ 1.8** of this bill provides that a pupil may also be granted credit in lieu of course attendance if the pupil demonstrates proficiency to meet the objectives of a course or of a particular area or areas of a course: (1) through a portfolio of the pupil's work; (2) through the pupil's performance of a task that is designed to measure the proficiency of the pupil; or (3) as measured by criteria prescribed by the State Board of Education. **Section ~~[1]~~ 1.8** also requires the State Board to adopt regulations that: (1) provide that a pupil may apply to the governing body of the charter school in which the pupil is enrolled to be granted credit in lieu of course attendance; and (2) prescribe other criteria that may be used to determine whether a pupil has achieved proficiency in a course.

~~[Section 2 of this bill creates the Competency-Based Education Task Force to study certain issues relating to personalized learning and competency-based education. The Task Force is required]~~ **Section 4 of this bill requires the Competency-Based Education Network** to prepare a ~~[final]~~ **comprehensive** report with its findings and recommendations **on or before April 1, 2022,** which must be posted on the Internet website of the Department of Education and submitted to the Governor, the Legislative Committee on Education and the Director of the Legislative Counsel Bureau for distribution to the next regular session of the Legislature.

~~[Section 3 of this bill requires the Department of Education to: (1) conduct a public campaign to raise awareness about competency-based education; and (2) conduct at least one meeting with the superintendents of the school districts relating to competency-based education. Section 3 also authorizes the Department to use money appropriated by the 2017 Legislature to the Account for Programs for Innovation and the Prevention of Remediation to carry out one or more programs of competency-based education through a competitive grants program.]~~

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

Section 1. **Chapter 389 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.1 to 1.6, inclusive, of this act.**

Sec. 1.1. ***As used in sections 1.1 to 1.6, inclusive, of this act, "competency-based education" means a system of instruction by which a pupil advances to a higher level of learning when the pupil demonstrates mastery of a concept or skill, regardless of the time, place or pace at which the pupil progresses.***

Sec. 1.2. ***1. The Department shall establish a pilot program to provide competency-based education.***

2. The State Board shall adopt regulations that prescribe:

(a) The process for submission of an application by the board of trustees of a school district or the governing body of a charter school to participate in the pilot program; and

(b) The qualifications and conditions for participation by a school in the pilot program, including, without limitation:

(1) A commitment by the school district or charter school to implement competency-based education for not less than 5 years;

(2) Evidence of support for the implementation of competency-based education by the community served by the school district or charter school; and

(3) A commitment to participate in the Competency-Based Education Network established by section 1.4 of this act.

3. A school selected to participate in the pilot program to provide competency-based education shall:

(a) Implement a system of instruction by which a pupil advances to a higher level of learning when the pupil demonstrates mastery of a concept or skill;

(b) Establish concrete skills on which a pupil will be evaluated that include explicit, measurable and transferable learning objectives;

(c) Ensure that assessment is a meaningful and positive learning experience for pupils;

(d) Ensure that pupils receive timely and differentiated support based upon their individual learning needs; and

(e) Ensure that pupils are able to apply knowledge learned, create new knowledge and develop important skills and dispositions relating to such knowledge.

Sec. 1.4. 1. The Department shall establish a Competency-Based Education Network.

2. The Competency-Based Education Network must consist of the following members:

(a) The principal of each school selected to participate in the pilot program established pursuant to section 1.2 of this act.

(b) At least one teacher who teaches in each school selected to participate in the pilot program established pursuant to section 1.2 of this act, selected by the principal of the school.

(c) The Chancellor of the Nevada System of Higher Education or his or her designee.

(d) The Chancellor of Western Governors University Nevada or his or her designee.

(e) One teacher who does not teach in a school selected to participate in the pilot program established pursuant to section 1.2 of this act, selected by the Nevada State Education Association to represent the Association.

(f) One parent or guardian of a pupil who is enrolled in a school selected to participate in the pilot program established pursuant to section 1.2 of this act, selected by the Nevada Parent Teacher Association to represent the Association.

(g) One parent or guardian of a pupil who is not enrolled in a school selected to participate in the pilot program established pursuant to section 1.2 of this act, selected by the Nevada Parent Teacher Association to represent the Association.

3. The Competency-Based Education Network shall:

(a) Study approaches to converting requirements regarding the amount of time a pupil is required to spend in a classroom into competency measures;

(b) Study tools for use in personalized learning and competency-based education;

(c) Study approaches to ensure appropriate examinations are prescribed by the State Board pursuant to NRS 389.171;

(d) Study strategies for improving competency-based education through the use of technology;

(e) Study professional development relating to competency-based education and other support to assist educators in transitioning to a system of competency-based education;

(f) Provide support and share data and best practices among schools participating in the pilot program established pursuant to section 1.2 of this act;

(g) Identify barriers and possible solutions to implementing a statewide system of competency-based education;

(h) Develop evidence-based recommendations for the continued implementation of a system of competency-based education; and

(i) On or before January 31 of every even-numbered year, submit a report to the Governor and the Legislature on the implementation of a system of competency-based education in this State.

4. The Competency-Based Education Network shall initially meet at the call of the Superintendent of Public Instruction. After the first meeting, the Network shall meet at the call of the Chair.

5. At the first meeting of the Competency-Based Education Network, the members of the Network shall elect a Chair by majority vote.

6. A majority of the members of the Competency-Based Education Network constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Network.

7. The Department of Education shall provide the Competency-Based Education Network with such staff as is necessary to carry out the duties of the Network.

8. Members of the Competency-Based Education Network serve without compensation, and travel and per diem expenses may not be reimbursed.

Sec. 1.6. 1. The Department of Education shall:

(a) Conduct a public campaign to raise awareness about competency-based education.

(b) Conduct one or more meetings with the superintendents of the school districts for the purpose of increasing:

(1) Understanding of competency-based education; and

(2) Interest in implementing a system of competency-based education.

2. To the extent that money is available for that purpose, the Department of Education may, through a competitive grants program, distribute any money appropriated by the 2017 Legislature to the Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.1247 to carry out the pilot program to provide competency-based education established pursuant to section 1.2 of this act. Grants must be awarded by the Department to schools selected to participate in the program based upon money available.

~~[Section 1.]~~ ***Sec. 1.8.*** NRS 389.171 is hereby amended to read as follows:

389.171 1. A pupil may be granted credit for a specific course of study without having attended the regularly scheduled classes in the course if the pupil demonstrates his or her proficiency to meet the:

(a) Objectives of the course through the pupil's performance on an examination prescribed by the State Board;

(b) Objectives of a particular area or areas of the course in which the pupil is deficient through the pupil's performance on an examination developed by the principal and the pupil's teacher who provides instruction in the course that is designed to measure the proficiency of the pupil in that particular area or areas; ~~[or]~~

(c) Objectives of the course through the pupil's performance on an examination that the principal determines is as rigorous or more rigorous than the examination prescribed by the State Board pursuant to paragraph (a), including, without limitation, an advanced placement examination in the subject area of the course ~~[.]~~ ***;***

(d) Objectives of the course through a portfolio of the pupil's work;

(e) Objectives of a particular area or areas of the course through the pupil's performance of a task that is designed to measure the proficiency of the pupil in that particular area or areas; or

(f) Objectives of the course as measured against the criteria prescribed by the State Board pursuant to paragraph (d) of subsection 2.

2. The State Board shall adopt regulations that prescribe the:

(a) Form on which a pupil may apply to the board of trustees of a school district in which the pupil attends school ***or the governing body of the charter school in which the pupil is enrolled*** to be granted credit pursuant to subsection 1;

(b) Courses of study for which pupils may be granted credit pursuant to subsection 1; ~~[and]~~

(c) Minimum score on the examination prescribed pursuant to paragraph (a) of subsection 1 that is required to demonstrate proficiency in a course ~~[.]~~ ***; and***

(d) Criteria, other than the criteria described in paragraphs (a) to (e), inclusive, of subsection 1, that may be used to determine whether a pupil has achieved proficiency in a course.

Sec. 2. ~~[1. The Competency Based Education Task Force is hereby created.~~

~~2. The Task Force must consist of at least 4 but not more than 13 members appointed by the Governor. The Task Force:~~

~~(a) Must consist of:~~

~~(1) At least one member who is a representative of the Department of Education;~~

~~(2) At least one member who is a representative of a school district;~~

~~(3) At least one member who is a representative of a community college in the Nevada System of Higher Education; and~~

~~(4) At least one member who is a representative of Western Governors University; and~~

~~(b) May include not more than nine additional members appointed by the Governor, each of whom must be a representative of an entity described in subparagraphs (1) to (4), inclusive, of paragraph (a).~~

~~3. The Governor shall appoint the members of the Task Force as soon as practicable after the effective date of this act but not later than July 31, 2017.~~

~~4. The Task Force shall study:~~

~~(a) Approaches to converting requirements regarding the amount of time a pupil is required to spend in a classroom into competency measures;~~

~~(b) Tools for use in personalized learning and competency based education;~~

~~(c) Approaches to ensure appropriate examinations are prescribed by the State Board pursuant to NRS 389.171;~~

~~(d) Strategies for improving competency-based education through the use of technology; and~~

~~(e) Professional development relating to competency-based education and other support to assist educators in transitioning to a system of competency-based education.~~

~~5. The Task Force shall meet at the call of the Governor or, after the first meeting of the Task Force, at the call of the Chair.~~

~~6. At the first meeting of the Task Force, the members of the Task Force shall elect a Chair by majority vote.~~

~~7. A majority of the members of the Task Force constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Task Force.~~

~~8. The Department of Education shall provide the Task Force with such staff as is necessary to carry out the duties of the Task Force.~~

~~9. Members of the Task Force serve without compensation, and necessary travel and per diem expenses may not be reimbursed.~~

~~10. The Task Force shall, on or before April 30, 2018:~~

~~(a) Complete a final report with its findings and any recommendations, including, without limitation, recommendations regarding approaches to converting requirements regarding the amount of time a pupil is required to spend in a classroom into competency measures and recommendations regarding professional development relating to competency-based education;~~

~~(b) Post a copy of the final report on the Internet website maintained by the Department of Education; and~~

~~(c) Submit a copy of the final report to the Governor, the Legislative Committee on Education and the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.~~

~~11. As used in this section, "competency-based education" means a system of instruction in which a pupil is granted credit for a course of study~~

~~when the pupil demonstrates proficiency to meet the objectives of the course or the objectives of a particular area or areas of the course in the manner described in NRS 389.171.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[1. The Department of Education shall:~~

~~(a) Conduct a public campaign to raise awareness about competency-based education.~~

~~(b) Conduct one or more meetings with the superintendents of the school districts for the purpose of increasing:~~

~~(1) Understanding of competency-based education; and~~

~~(2) Interest in implementing competency-based education.~~

~~(c) Establish and coordinate a network of teachers who practice competency-based education in public schools for the purpose of providing support and sharing effective practices.~~

~~2. The Department of Education may, through a competitive grants program, distribute any money appropriated by the 2017 Legislature to the Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.1247 to carry out one or more programs of competency-based education. Grants must be awarded by the Department based upon money available and proposals submitted by school districts and charter schools that have been approved by the State Public Charter School Authority. Grants must be used for programs of competency-based education which may include, without limitation, programs for:~~

~~(a) Investigating, developing and implementing competency-based educational pathways for pupils;~~

~~(b) Developing performance measures through which a pupil may demonstrate his or her proficiency to meet the objectives of a course or the objectives of a particular area or areas of a course and receive credit for the course without having attended regularly scheduled classes;~~

~~(c) Developing or acquiring examinations or assessments through which a pupil may demonstrate his or her proficiency pursuant to paragraph (a) of subsection 1 of NRS 389.171;~~

~~(d) Establishing school sites at which competency-based education can be observed;~~

~~(e) Supporting the transition of schools to competency-based education;~~

~~(f) Identifying and purchasing technical assistance and professional development materials; and~~

~~(g) Documenting and sharing results, challenges and lessons learned relating to the implementation of programs of competency-based education.~~

~~3. As used in this section, "competency-based education" means a system of instruction in which a pupil is granted credit for a course of study when the pupil demonstrates proficiency to meet the objectives of the course or the objectives of a particular area or areas of the course in the manner described in NRS 389.171.]~~ **(Deleted by amendment.)**

Sec. 4. **In addition to the report required by section 1.4 of this act, the Competency-Based Education Network shall, on or before April 1, 2022:**

1. Complete a comprehensive report with its findings and any recommendations relating to competency-based education;

2. Post a copy of the report on the Internet website maintained by the Department of Education; and

3. Submit a copy of the report to the Governor, the Legislative Committee on Education and the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

Sec. 5. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

~~[Sec. 4.]~~ ***Sec. 6.*** ~~[1.]~~ This act becomes effective upon passage and approval for the purposes of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act, and on July 1, 2017, for all other purposes.

~~[2. Sections 2 and 3 of this act expire by limitation on June 30, 2019.]~~

Assemblyman Thompson moved the adoption of the amendment.

Remarks by Assemblyman Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 125.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 389.

AN ACT relating to interpreters; **requiring the adoption of regulations providing for the registration of court interpreters and governing the circumstances under which a court or juvenile court must proceed if a certified or registered court interpreter is not available;** replacing the term "person with a language barrier" with "person with limited English proficiency"; removing provisions relating to alternate court interpreters; making various other changes to provisions relating to court interpreters; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires and authorizes the Court Administrator, in consultation with the committee established to advise the Court Administrator regarding adoption of regulations, to adopt various regulations relating to the: (1) certification of court interpreters; and (2) criteria and procedures for the appointment of alternate court interpreters for persons with language barriers who are witnesses, defendants and litigants. (NRS 1.510, 1.520) **Section 1 of this bill requires the adoption of regulations: (1) providing for the registration of court interpreters; and (2) governing the circumstances under which a court or juvenile court must proceed if**

a certified or registered court interpreter is not available. Sections 1-6 and 8-10 of this bill ~~[clarify]~~ **provide** that a court interpreter is required to obtain a ~~[professional]~~ certificate ~~[.]~~ **or registration. Sections 1, 2 and 8-10** also remove the provisions relating to the appointment of alternate court interpreters. **Sections 1 and 7-10** of this bill replace the term "person with a language barrier" with "person with limited English proficiency."

~~[Existing law provides that an interpreter must be provided at public expense for a person with a language barrier who is a defendant or witness in a criminal proceeding. (NRS 50.0545) Section 9 provides that an interpreter must be provided at public expense if the person with limited English proficiency is a defendant, party or witness in a civil or criminal proceeding.]~~

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

Section 1. NRS 1.510 is hereby amended to read as follows:

1.510 1. The Court Administrator shall, ~~[in consultation]~~ with ***the advice of*** the committee established pursuant to NRS 1.530, adopt regulations which, subject to the availability of funding, establish ~~[:~~

~~(a) A]~~ ***a*** program for the ~~***[professional]***~~ certification ***or registration*** of court interpreters for persons with ~~[language barriers]~~ ***limited English proficiency*** who are witnesses, defendants and litigants **.** ~~[; and~~

~~(b) Criteria and procedures for the appointment of alternate court interpreters for persons with language barriers who are witnesses, defendants and litigants.]~~

2. The regulations established pursuant to ~~[paragraph (a) of]~~ subsection 1 must set forth:

(a) The specific languages for which court interpreters may obtain ~~***[professional]***~~ certification ~~[,]~~ ***or registration,*** based upon the need for interpreters of those languages.

(b) Any examination and the qualifications which are required for:

(1) Certification ~~[; ***Professional certification;]***~~ ***or registration;*** and

(2) Renewal of the ~~***[professional]***~~ certification ~~[.]~~ ***or registration.***

(c) The circumstances under which the Court Administrator will deny, suspend or refuse to renew a ~~***[professional]***~~ certificate ~~[.]~~ ***or registration.***

(d) The circumstances under which the Court Administrator will take disciplinary action against a ~~***[professionally]***~~ certified ***or registered*** court interpreter **.** ~~[or an alternate court interpreter.]~~

(e) The circumstances under which a court ~~[may appoint an alternate court interpreter.~~

~~(f)]~~ ***or juvenile court must proceed if a certified or registered interpreter is not available.***

(f) Except as otherwise provided in NRS 50.050, the rate and source of the compensation to be paid for services provided by a ~~***[professionally]***~~ certified ***or registered*** court interpreter **.** ~~[or an alternate court interpreter.]~~

3. An application for a ~~[professional]~~ ***professional*** certificate ***or registration*** as a court interpreter pursuant to ~~[~~paragraph (a) of~~]~~ subsection 1 must include the social security number of the applicant.

4. Except as otherwise provided by a specific regulation of the Court Administrator, it is grounds for disciplinary action for a ~~[professionally]~~ ***professionally*** certified ***or registered*** court interpreter ~~[~~or an alternate court interpreter~~]~~ to act as interpreter in any action in which:

(a) The spouse of the court interpreter is a party;

(b) A party or witness is otherwise related to the court interpreter;

(c) The court interpreter is biased for or against one of the parties; or

(d) The court interpreter otherwise has an interest in the outcome of the proceeding.

5. ~~[~~The criteria and procedures established pursuant to paragraph (b) of subsection 1 must set forth an order of preference, subject to the direction of a court for the appointment of a certified court interpreter before an alternate court interpreter.

6.~~]~~ As used in this section, "person with ~~[~~a language barrier"~~]~~ ***limited English proficiency"*** means a person who speaks a language other than English and who cannot readily understand or communicate in the English language.

Sec. 2. NRS 1.520 is hereby amended to read as follows:

1.520 The Court Administrator may:

1. ~~[~~In consultation with~~]~~ ***With the advice of*** the committee established pursuant to NRS 1.530, adopt any regulations necessary to ~~[~~:

(a) Carry~~]~~ ***carry*** out a program for the ~~[professional]~~ ***professional*** certification ***and registration*** of court interpreters.

~~[~~(b) Establish criteria and procedures for the appointment of alternate court interpreters.~~]~~

2. Impose on a ~~[professionally]~~ ***professionally*** certified ***or registered*** court interpreter:

(a) Any fees necessary to reimburse the Court Administrator for the cost of administering the program; and

(b) A fine for any violation of a regulation of the Court Administrator adopted pursuant to this section or NRS 1.510.

Sec. 3. NRS 1.540 is hereby amended to read as follows:

1.540 1. It is unlawful for a person to act as a ~~[professionally]~~ ***professionally*** certified ***or registered*** court interpreter or advertise or put out any sign or card or other device which might indicate to the public that the person is entitled to practice as a ~~[professionally]~~ ***professionally*** certified ***or registered*** court interpreter without a ~~[professional]~~ ***professional*** certificate ***or registration*** as an interpreter issued by the Court Administrator pursuant to NRS 1.510 and 1.520.

2. No civil action may be instituted, nor recovery therein be had, for a violation of the provisions of this section or NRS 1.510 or 1.520 or a violation of a regulation adopted by the Court Administrator pursuant to NRS 1.510 or 1.520.

Sec. 4. NRS 1.550 is hereby amended to read as follows:

1.550 1. An applicant for the issuance or renewal of a ***[professional]*** certificate ***or registration*** as a court interpreter shall submit to the Court Administrator the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Court Administrator shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the ***[professional]*** certificate ~~[.]~~ ***or registration;*** or

(b) A separate form prescribed by the Court Administrator.

3. A ***[professional]*** certificate ***or registration*** as a court interpreter may not be issued or renewed by the Court Administrator if the applicant:

(a) Fails to complete or submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Court Administrator shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 5. NRS 1.560 is hereby amended to read as follows:

1.560 1. If the Court Administrator receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a ***[professional]*** certificate ***or registration*** as a court interpreter, the Court Administrator shall deem the ***[professional]*** certificate ***or registration*** issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Court Administrator receives a letter issued to the holder of the ***[professional]*** certificate ***or registration*** by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the ***[professional]*** certificate ***or registration*** has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Court Administrator shall reinstate a ***[professional]*** certificate ***or registration*** as a court interpreter that has been suspended by a district court pursuant to NRS 425.540 if:

(a) The Court Administrator receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose ~~[professional]~~ certificate ***or registration*** was suspended stating that the person whose ~~[professional]~~ certificate ***or registration*** was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560; and

(b) The person whose ~~[professional]~~ certificate ***or registration*** was suspended pays any fees imposed by the Court Administrator pursuant to NRS 1.520 for the reinstatement of a suspended ~~[professional]~~ certificate ~~[.]~~ ***or registration.***

Sec. 6. NRS 1.570 is hereby amended to read as follows:

1.570 1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a ~~[professional]~~ certificate ***or registration*** as a court interpreter must indicate in the application submitted to the Court Administrator whether the applicant has a state business registration. If the applicant has a state business registration, the applicant must include in the application the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS.

2. Certification ~~[Professional certification]~~ ***or registration*** of a court interpreter may not be renewed if:

(a) The applicant fails to submit the information required by subsection 1; or

(b) The State Controller has informed the Court Administrator pursuant to subsection 5 of NRS 353C.1965 that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

(2) Entered into an agreement for the payment of the debt pursuant to NRS 353C.130; or

(3) Demonstrated that the debt is not valid.

3. As used in this section:

(a) "Agency" has the meaning ascribed to it in NRS 353C.020.

(b) "Debt" has the meaning ascribed to it in NRS 353C.040.

Sec. 7. NRS 47.020 is hereby amended to read as follows:

47.020 1. This title governs proceedings in the courts of this State and before magistrates, except:

(a) To the extent to which its provisions are relaxed by a statute or procedural rule applicable to the specific situation; and

(b) As otherwise provided in subsection 3.

2. Except as otherwise provided in subsection 1, the provisions of chapter 49 of NRS with respect to privileges apply at all stages of all proceedings.

3. The other provisions of this title, except with respect to provisions concerning a person with ~~[a language barrier,]~~ ***limited English proficiency,*** do not apply to:

(a) Issuance of warrants for arrest, criminal summonses and search warrants.

(b) Proceedings with respect to release on bail.

(c) Sentencing, granting or revoking probation.

(d) Proceedings for extradition.

4. As used in this section, "person with ~~[a language barrier"]~~ ***limited English proficiency"*** has the meaning ascribed to it in NRS 1.510.

Sec. 8. NRS 50.054 is hereby amended to read as follows:

50.054 1. Except as otherwise provided by a regulation of the Court Administrator adopted pursuant to NRS 1.510 and 1.520, a person shall not act as an interpreter in a proceeding if the interpreter is:

(a) The spouse of a witness;

(b) Otherwise related to a witness;

(c) Biased for or against one of the parties; or

(d) Otherwise interested in the outcome of the proceeding.

2. Before undertaking his or her duties, the interpreter shall swear or affirm that he or she will:

(a) To the best of his or her ability, ~~[translate]~~ ***interpret*** accurately to the person with ~~[a language barrier]~~ ***limited English proficiency*** in the language of the person, questions and statements addressed to the person;

(b) Make a true interpretation of the statements of the person with ~~[a language barrier]~~ ***limited English proficiency*** in an understandable manner; and

(c) Repeat the statements of the person with ~~[a language barrier in the English language]~~ ***limited English proficiency*** to the best of his or her ability.

3. While in the proper performance of his or her duties, an interpreter has the same rights and privileges as the person with ~~[a language barrier,]~~ ***limited English proficiency*** including the right to examine all relevant material, but is not entitled to waive or exercise any of those rights or privileges on behalf of the person with ~~[a language barrier.]~~ ***limited English proficiency.***

4. If an interpreter appointed for a person with ~~[a language barrier]~~ ***limited English proficiency*** is not effectively or accurately communicating with or on behalf of the person, and that fact becomes known to the person who appointed the interpreter, another interpreter must be appointed.

5. Claims against a county, municipality, this State or any agency thereof for the compensation of an interpreter in a criminal proceeding or other proceeding for which an interpreter must be provided at public expense must be paid in the same manner as other claims against the respective entities are paid. Payment may be made only upon the certificate of the judge, magistrate or other person presiding over the proceedings that the interpreter has performed the services required and incurred the expense claimed.

6. As used in this section:

(a) "Interpreter" means a person who ~~[:~~

~~(1) Has~~ ***has*** a ~~***[professional]***~~ certificate ***or registration*** as an interpreter issued by the Court Administrator pursuant to NRS 1.510 and 1.520 **.** ~~**[**; or~~

~~(2) Is appointed as an alternate court interpreter in accordance with the criteria and procedures established pursuant to NRS 1.510 or 1.520.**]**~~

(b) "Person with ~~**[**a language barrier"**]**~~ ***limited English proficiency"*** has the meaning ascribed to it in NRS 1.510.

Sec. 9. NRS 50.0545 is hereby amended to read as follows:

50.0545 1. An interpreter must be appointed at public expense for a person with ~~**[**a language barrier**]**~~ ***limited English proficiency*** who is a defendant ~~***[, a party]***~~ or a witness in a ~~***[civil or]***~~ criminal proceeding.

2. ***If a certified or registered court interpreter is not available, a court shall appoint an interpreter in accordance with the regulations adopted pursuant to paragraph (e) of subsection 2 of NRS 1.510.***

3. As used in this section:

(a) "Interpreter" means a person who ~~**[**:~~

~~(1) Has~~ ***has*** a ~~***[professional]***~~ certificate ***or registration*** as an interpreter issued by the Court Administrator pursuant to NRS 1.510 and 1.520 **.** ~~**[**; or~~

~~(2) Is appointed as an alternate court interpreter in accordance with the criteria and procedures established pursuant to NRS 1.510 or 1.520.**]**~~

(b) "Person with ~~**[**a language barrier"**]**~~ ***limited English proficiency"*** has the meaning ascribed to it in NRS 1.510.

Sec. 10. NRS 62D.405 is hereby amended to read as follows:

62D.405 1. The juvenile court shall appoint at public expense an interpreter for a person with ~~**[**a language barrier**]**~~ ***limited English proficiency*** in all proceedings conducted pursuant to the provisions of this title if the person with ~~**[**a language barrier**]**~~ ***limited English proficiency*** is:

(a) The child who is alleged to be or has been adjudicated delinquent or in need of supervision;

(b) A parent or guardian of the child that is alleged to be or has been adjudicated delinquent or in need of supervision; or

(c) A person who appears as a witness.

2. ***If a certified or registered court interpreter is not available, the juvenile court shall appoint an interpreter in accordance with the regulations adopted pursuant to paragraph (e) of subsection 2 of NRS 1.510.***

3. As used in this section:

(a) "Interpreter" means a person who ~~**[**:~~

~~(1) Has~~ ***has*** a ~~***[professional]***~~ certificate ***or registration*** as an interpreter issued by the Court Administrator pursuant to NRS 1.510 and 1.520 **.** ~~**[**; or~~

~~(2) Is appointed as an alternate court interpreter in accordance with the criteria and procedures established pursuant to NRS 1.510 or 1.520.**]**~~

(b) "Person with ~~**[**a language barrier"**]**~~ ***limited English proficiency"*** has the meaning ascribed to it in NRS 1.510.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 207.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 394.

~~[~~ASSEMBLYMAN~~]~~ ASSEMBLYMEN FUMO **, MILLER, OHRENSCHALL, THOMPSON; MCCURDY II, MONROE-MORENO AND YEAGER**

AN ACT relating to juries; revising the provisions governing the selection of jurors; requiring the jury commissioner to report certain information about trial jurors to the **~~[~~**~~Office of the Attorney General;~~**~~]~~** **Court Administrator; prohibiting certain conduct relating to the use of certain employment information; providing a penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a district court is authorized to assign a jury commissioner to select trial jurors. Existing law provides that the jury commissioner assigned to select trial jurors is required to select jurors from qualified electors of the county not exempt from jury duty, whether registered as voters or not. (NRS 6.045) Existing law further requires the Department of Motor Vehicles to provide a list of registered owners of motor vehicles and a list of licensed drivers for use in selecting jurors. (NRS 482.171, 483.225) Certain public utilities are also required to provide a list of customers for use in the selection of jurors. (NRS 704.206) **Section ~~[~~**~~4~~**~~]~~** **4.5** of this bill requires the **Administrator of the** Employment Security Division of the Department of Employment, Training and Rehabilitation to provide a list of persons who receive benefits for use in jury selection.

Section 1 of this bill revises the process for selecting trial jurors by requiring the jury commissioner to compile and maintain a list of qualified electors from information provided by: (1) a list of persons who are registered to vote in the county; (2) the Department of Motor Vehicles; (3) the Employment Security Division of the Department of Employment, Training and Rehabilitation; and (4) certain public utilities. **Section 1** also requires the jury commissioner to **: (1)** keep a record of the **name, occupation, address and** race of each trial juror **who is** selected **and of each trial juror who appears for jury service;** and **(2)** report this information ~~[twice]~~ **once** a year to the ~~[Office of the Attorney General.]~~ **Court Administrator.**

Existing law makes confidential the employment information collected by the Employment Security Division of the Department of Employment, Training and Rehabilitation and prohibits the release of such information except for limited purposes. (NRS 612.265) Section 4.5

provides that if, in addition to those acts prohibited by existing law, certain persons use information collected by the Division for purposes other than those authorized by the Administrator or by law, or fail to protect and prevent the unauthorized use or dissemination of such information, the person is guilty of a gross misdemeanor.

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

Section 1. NRS 6.045 is hereby amended to read as follows:

6.045 1. The district court may by rule of court designate the clerk of the court, one of the clerk's deputies or another person as a jury commissioner, and may assign to the jury commissioner such administrative duties in connection with trial juries and jurors as the court finds desirable for efficient administration.

2. If a jury commissioner is so selected, the jury commissioner shall from time to time estimate the number of trial jurors which will be required for attendance on the district court and shall select that number from the qualified electors of the county not exempt by law from jury duty, whether registered as voters or not. The jurors may be selected by computer whenever procedures to assure random selection from computerized lists are established by the jury commissioner. ~~[The jury commissioner shall keep a record of the name, occupation and address of each person selected.]~~

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

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

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

(c) The Employment Security Division of the Department of Employment, Training and Rehabilitation pursuant to ~~[section 4 of this act,]~~ NRS 612.265; and

(d) A public utility pursuant to NRS 704.206.

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

5. The jury commissioner shall:

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

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

(c) Prepare and submit a report to the ~~[Office of the Attorney General]~~ Court Administrator which must:

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

(2) Be submitted at least ~~[twice]~~ once a year ~~[.]~~ ; and

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

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

Sec. 2. NRS 482.171 is hereby amended to read as follows:

482.171 1. The Department shall provide a list of registered owners of motor vehicles in any county upon the request of a district judge ***or jury commissioner*** of the judicial district in which the county lies for use by the district judge ***or jury commissioner*** for purposes of jury selection.

2. The court ~~[which]~~ ***or jury commissioner who*** requests the list shall reimburse the Department for the reasonable cost of the list.

Sec. 3. NRS 483.225 is hereby amended to read as follows:

483.225 1. The Department shall provide a list of licensed drivers in any county upon the request of a district judge ***or jury commissioner*** of the judicial district in which the county lies for use in selecting jurors.

2. The court ~~[which]~~ ***or jury commissioner who*** requests the list shall reimburse the Department for the reasonable cost of the list.

Sec. 4. ~~[Chapter 612 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The Division shall provide a list of persons who receive benefits in any county upon the request of any district judge or jury commissioner of the judicial district in which the county lies for use in the selection of jurors.*~~

~~*2. The court or jury commissioner who requests the list of such persons shall reimburse the Division for the reasonable cost of compiling the list.]*~~ **(Deleted by amendment.)**

Sec. 4.5. **NRS 612.265 is hereby amended to read as follows:**

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

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

3. The Administrator may, in accordance with a cooperative agreement among all participants in the statewide longitudinal data system developed

pursuant to NRS 400.040, make the information obtained by the Division available to:

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

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

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

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

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

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

(d) The Department of Taxation;

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

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

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

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

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

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

8. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit a written request to the Administrator that the Administrator furnish, from the records of the Division, the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the Administrator shall furnish the information requested. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

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

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

commissioner who requests the list of such persons shall reimburse the Division for the reasonable cost of providing the requested information.

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

~~[11.]~~ ***12.*** The Administrator may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 3305(c) of the Internal Revenue Code of 1954.

~~[12. If any employee or member of the Board of Review, the]~~

13. The Administrator ***,*** ~~[or]~~ any employee ***or other person acting on behalf*** of the Administrator, ~~[in violation of the provisions of this section, discloses]~~ ***or any employee or other person acting on behalf of an agency or entity allowed to access*** information obtained from any employing unit or person in the administration of this chapter, or ~~[if]~~ any person who has obtained a list of applicants for work, or of claimants or recipients of benefits pursuant to this chapter ~~[uses]~~ ***, is guilty of a gross misdemeanor if he or she:***

(a) Uses or permits the use of the list for any political purpose ~~[, he or she is guilty of a gross misdemeanor.~~

~~13.]~~ ***;***

(b) Uses or permits the use of the list for any purpose other than one authorized by the Administrator or by law; or

(c) Fails to protect and prevent the unauthorized use or dissemination of information derived from the list.

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

is written, sent, delivered or prepared pursuant to the requirements of this chapter.

Sec. 5. This act becomes effective on July 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 218.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 395.

AN ACT relating to criminal procedure; authorizing a court in certain circumstances to ~~[~~depart from~~]~~ **reduce** any mandatory ~~[~~sentencing enhancements to be imposed upon~~]~~ **minimum period of incarceration which is required to be served by** a person who is convicted as an adult for an offense committed when he or she was less than 18 years of age **;** ~~[~~and reduce any mandatory minimum period of incarceration that such a person is required to serve; establishing provisions relating to the eligibility for parole of such a person who is convicted of certain subsequent offenses committed when he or she was 18 years of age or older but less than 24 years of age;~~]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if a person is convicted as an adult for an offense that the person committed when he or she was less than 18 years of age, the court is required to consider, before imposing a sentence upon the person, the differences between juvenile and adult offenders, including, without limitation, the diminished culpability of juveniles as compared to that of adults and the typical characteristics of youth. (NRS 176.017) **Section 1** of this bill authorizes the court, after considering all required factors, to [depart from any mandatory sentencing enhancements and] reduce any mandatory minimum period of incarceration that the person is required to serve by not more than 35 percent if the court determines that such a departure or reduction is warranted given the age of the person and his or her prospects for rehabilitation.

~~[Existing law establishes provisions regarding the eligibility for parole of a prisoner who was sentenced as an adult for an offense that was committed when he or she was less than 18 years of age. If the prisoner was convicted of an offense or offenses that did not result in the death of a victim, the prisoner is eligible for parole after he or she has served 15 calendar years of incarceration, and if the prisoner was convicted of an offense or offenses that resulted in the death of only one victim, the prisoner is eligible for parole after he or she has served 20 calendar years of incarceration. (NRS 213.12135) Section 2 of this bill provides that any such prisoner who is convicted of a subsequent offense or offenses not involving violence that the~~

~~prisoner committed when he or she was 18 years of age or older but less than 24 years of age is eligible for parole after serving the required 15 or 20 calendar years of incarceration, as applicable, regardless of any additional sentence imposed for the subsequent offense or offenses.]~~

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

Section 1. NRS 176.017 is hereby amended to read as follows:

176.017 ***1.*** If a person is convicted as an adult for an offense that the person committed when he or she was less than 18 years of age, in addition to any other factor that the court is required to consider before imposing a sentence upon such a person, the court shall consider the differences between juvenile and adult offenders, including, without limitation, the diminished culpability of juveniles as compared to that of adults and the typical characteristics of youth.

2. Notwithstanding any other provision of law, after considering the factors set forth in subsection 1, the court may, in its discretion ~~*[:*~~

~~*(a) Depart from any mandatory sentencing enhancements if the court determines that such a departure is warranted given the age of the person and his or her prospects for rehabilitation.*~~

~~*(b) Reduce]*~~ ***, reduce*** ***any mandatory minimum period of incarceration that the person is required to serve by not more than 35 percent if the court determines that such a reduction is warranted given the age of the person and his or her prospects for rehabilitation.***

Sec. 2. ~~**[**NRS 213.12135 is hereby amended to read as follows:~~

~~213.12135 1. Notwithstanding any other provision of law, except as otherwise provided in subsection 2 or unless a prisoner is subject to earlier eligibility for parole pursuant to any other provision of law **[**, a**]** :~~

~~*(a) A* prisoner who was sentenced as an adult for an offense that was committed when he or she was less than 18 years of age is eligible for parole as follows:~~

~~**[**(a)**]** *(1)* For a prisoner who is serving a period of incarceration for having been convicted of an offense or offenses that did not result in the death of a victim, after the prisoner has served 15 calendar years of incarceration, including any time served in a county jail.~~

~~**[**(b)**]** *(2)* For a prisoner who is serving a period of incarceration for having been convicted of an offense or offenses that resulted in the death of only one victim, after the prisoner has served 20 calendar years of incarceration, including any time served in a county jail.~~

~~*(b) A prisoner who was sentenced as an adult for an offense that was committed when he or she was less than 18 years of age and is convicted of a subsequent offense or offenses not involving violence that the prisoner committed when he or she was 18 years of age or older but less than 24 years of age is eligible for parole after serving the applicable period of incarceration set forth in subparagraph (1) or (2) of paragraph (a)*~~

~~*regardless of any additional sentence imposed for the subsequent offense or offenses.*~~

~~— 2. The provisions of this section do not apply to a prisoner who is serving a period of incarceration for having been convicted of an offense or offenses that resulted in the death of two or more victims.~~**] (Deleted by amendment.)**

Sec. 3. ~~**[1.]**~~ The amendatory provisions of section 1 of this act apply to:

~~**[**(a)~~**]** **1.** An offense committed on or after October 1, 2017; and

~~**[**(b)~~**]** **2.** An offense committed before October 1, 2017, if the person is convicted on or after October 1, 2017.

~~**[** 2. The amendatory provisions of section 2 of this act apply to an offense committed before, on or after October 1, 2017.**]**~~

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 231.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 437.

AN ACT relating to economic development; ~~**[**revising the requirements for the State Plan for Economic Development; revising provisions governing the establishment by the Executive Director of the Office of Economic Development of nonprofit corporations for certain economic development purposes; revising provisions governing the confidentiality of certain records, documents and communications;**]**~~ revising the deadline for the submission of certain reports concerning local emerging small businesses by the Office **~~[;]~~ of Economic Development;** repealing provisions requiring the Office to take certain actions concerning the development of inland ports; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~**[** Existing law requires the Executive Director of the Office of Economic Development to submit a State Plan for Economic Development addressing this State's relative competitive strengths and weaknesses. (NRS 231.053) Section 1 of this bill removes the requirement to report this State's weaknesses in the State Plan for Economic Development.~~

~~— Existing law authorizes the Executive Director of the Office to cause the formation of a nonprofit corporation for certain economic development purposes upon approval by the Board of Economic Development and imposes certain requirements on such a nonprofit corporation. (NRS 231.0545) Section 2 of this bill revises this provision so that: (1) those requirements apply only to a nonprofit corporation formed for the purpose of making investments in businesses in this State; and (2) the Office is specifically authorized to provide administrative support to the nonprofit~~

~~corporation. Section 1 further authorizes: (1) the Executive Director to form additional nonprofit corporations after considering the advice and recommendations of the Board of Economic Development; and (2) the Office to provide administrative support to such nonprofit corporations.~~

~~Existing law requires the Office to keep confidential certain records and documents. (NRS 231.069) Section 3 of this bill extends this confidentiality to any communication between an employee or representative of the Office and a client of the Office or representative of such a client that is determined to contain proprietary or confidential information or information related to the business plans or opportunities of the client, proposed contracts or agreements of the client or the special knowledge, skills or expertise of the client. Under section 3, such communications are confidential only until the client: (1) publicly discloses that the client is considering locating the client's business in this State or has decided to locate its business in this State; or (2) submits an application to the Office for an incentive for economic development.~~**]**

Existing law requires the Office **of Economic Development** to submit a report once each year to the Governor and the Legislature or the Interim Finance Committee, as applicable, concerning whether the goals for participation of the local emerging small businesses certified by the Office in certain purchasing and public works contracts are being met. Under existing law this report must include, without limitation, a summary of the information contained in certain biannual reports submitted to the Office by local governments and the Purchasing Division and State Public Works Division of the Department of Administration. (NRS 231.14075) While the Office's deadline for the submission of its annual report is September 15, the deadline for the submission of the biannual report required to be submitted by local governments after the end of the fiscal year is September 28. (NRS 231.14075, 332.201) **Section 4** of this bill revises the deadline for the submission of the Office's annual report concerning local emerging small businesses so that the report must be submitted to the Governor and the Legislature or the Interim Finance Committee, as applicable, on or before December 1 of that year.

Existing law requires the Office to take certain actions concerning the development of inland ports. (NRS 231.075) **Section 7** of this bill repeals this requirement.

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

Section 1. ~~[NRS 231.053 is hereby amended to read as follows:~~

~~231.053 After considering any advice and recommendations of the Board, the Executive Director:~~

~~1. Shall direct and supervise the administrative and technical activities of the Office.~~

~~2. Shall develop and may periodically revise a State Plan for Economic Development, which:~~

~~(a) Must include a statement of:~~

~~(1) New industries which have the potential to be developed in this State;~~

~~(2) The strengths [and weaknesses] of this State for business incubation;~~

~~(3) The competitive advantages [and weaknesses] of this State;~~

~~(4) The manner in which this State can leverage its competitive advantages ; [and address its competitive weaknesses;]~~

~~(5) A strategy to encourage the creation and expansion of businesses in this State and the relocation of businesses to this State; and~~

~~(6) Potential partners for the implementation of the strategy, including, without limitation, the Federal Government, local governments, local and regional organizations for economic development, chambers of commerce, and private businesses, investors and nonprofit entities; and~~

~~(b) Must not include provisions for the granting of any abatement, partial abatement or exemption from taxes or any other incentive for economic development to a person who will locate or expand a business in this State that is subject to the tax imposed pursuant to NRS 362.130 or the gaming license fees imposed by the provisions of NRS 463.370.~~

~~3. Shall develop criteria for the designation of regional development authorities pursuant to subsection 4.~~

~~4. Shall designate as many regional development authorities for each region of this State as the Executive Director determines to be appropriate to implement the State Plan for Economic Development. In designating regional development authorities, the Executive Director must consult with local governmental entities affected by the designation. The Executive Director may, if he or she determines that such action would aid in the implementation of the State Plan for Economic Development, remove the designation of any regional development authority previously designated pursuant to this section and declare void any contract between the Office and that regional development authority.~~

~~5. Shall establish procedures for entering into contracts with regional development authorities to provide services to aid, promote and encourage the economic development of this State.~~

~~6. *May cause the formation of a nonprofit corporation that is exempt from federal income taxation, the purpose of which is to promote, aid and encourage economic development in this State or a locality or region of this State. The Office may provide administrative support to a nonprofit corporation created pursuant to this subsection.*~~

~~7. May apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of NRS 231.020 to 231.139, inclusive, and 231.1555 to 231.1597, inclusive.~~

~~[7.] 8. May adopt such regulations as may be necessary to carry out the provisions of NRS 231.020 to 231.139, inclusive, and 231.1555 to 231.1597, inclusive.~~

~~[8.] 9. In a manner consistent with the laws of this State, may reorganize the programs of economic development in this State to further the State Plan for Economic Development. If, in the opinion of the Executive Director, changes to the laws of this State are necessary to implement the economic development strategy for this State, the Executive Director must recommend the changes to the Governor and the Legislature.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 231.0545 is hereby amended to read as follows:~~

~~231.0545 1. After considering any advice and recommendations of the Board, the Executive Director may:~~

~~(a) Propose to the Board the formation of a nonprofit corporation that is exempt from federal income taxation, the purpose of which is to promote, aid and encourage economic development in this State or a locality or region of this State~~ **[**~~;~~**]** ***by making investments in businesses in this State;*** ~~and~~

~~(b) Upon approval of a proposal by the Board, cause such a corporation to be formed.~~

~~2. The Board shall:~~

~~(a) Review each proposal by the Executive Director pursuant to subsection 1; and~~

~~(b) As the Board determines to be in the best interests of this State, approve, disapprove or modify the proposal made by the Executive Director.~~

~~3. A nonprofit corporation formed pursuant to this section must have a board of directors consisting of:~~

~~(a) The Executive Director.~~

~~(b) Four members from the private sector who have at least 10 years of experience in the field of investment, finance, accounting, technology, commercialization or banking, appointed by the Executive Director, with the approval of the Board.~~

~~(c) One member appointed by the Speaker of the Assembly.~~

~~(d) One member appointed by the Senate Majority Leader.~~

~~4. The Executive Director shall serve as chair of the board of directors of the nonprofit corporation formed pursuant to this section.~~

~~5. Except as otherwise provided in this subsection, each member appointed to the board of directors of the nonprofit corporation formed pursuant to this section serves a term of 4 years. Two of the initial members of the board of directors who are appointed pursuant to paragraph (b) of subsection 3 must be appointed to an initial term of 2 years.~~

~~6. Each member of the board of directors of the nonprofit corporation formed pursuant to this section continues in office until a successor is appointed. Members of the board of directors may be reappointed for additional terms of 4 years in the same manner as the original appointments.~~

~~7. Vacancies in the appointed positions on the board of directors of the nonprofit corporation formed pursuant to this section must be filled by the appointing authority for the unexpired term.~~

~~8. The members of the board of directors of the corporation formed pursuant to this section must serve without compensation but are entitled to be reimbursed for actual and necessary expenses incurred in the performance of their duties, including, without limitation, travel expenses.~~

~~9. A member of the board of directors of the corporation formed pursuant to this section must not have an equity interest in any:~~

~~(a) External asset manager or venture capital or private equity investment firm contracting with the nonprofit corporation; or~~

~~(b) Business which receives private equity funding from the nonprofit corporation.~~

~~10. ***The Office may provide administrative support to the nonprofit corporation formed pursuant to this section.***~~

~~***11.*** The nonprofit corporation ***formed pursuant to this section*** shall keep confidential any record **, [**or other**]** document ***or communication*** of a client which is in its possession to the same extent that the record **, [**or other**]** document ***or communication*** would be required to be kept confidential pursuant to NRS 231.069.~~

~~**[**11.**]** ***12.*** The board of directors of the nonprofit corporation formed pursuant to this section shall, on or before December 1 of each year, provide an annual report to the Governor and the Director of the Legislative Counsel Bureau for transmission to the next session of the Legislature, if the report is submitted in an even-numbered year or to the Legislative Commission, if the report is submitted in an odd-numbered year. The report must include, without limitation:~~

~~(a) An accounting of all money received and expended by the nonprofit corporation, including, without limitation, any matching grant funds, gifts or donations; and~~

~~(b) The name and a brief description of all businesses receiving an investment of money from the nonprofit corporation formed pursuant to this section.~~

~~**[**12.**]** ***13.*** Under the direction of the Executive Director, the Office shall adopt regulations prescribing:~~

~~(a) The means by which the Office will verify that a nonprofit corporation formed pursuant to this section furthers the public interest in economic development and ensure that the nonprofit corporation carries out such a purpose; and~~

~~(b) The procedures the Office will follow to ensure that the records **, [**and**]** documents ***and communications*** that are confidential pursuant to NRS 231.069 will be kept confidential when the records **, [**or other**]** documents ***or communications*** are used by a nonprofit corporation created pursuant to this section.**]**~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 231.069 is hereby amended to read as follows:~~

~~231.069 1. Except as otherwise provided in [subsection] *subsections 3 and 4* and NRS 239.0115, 360.890 and 360.950, the Office shall keep confidential any record or other document of a client *or representative of a client* which is in its possession *, and the Office and any employee or representative of the Office shall keep confidential any communication between an employee or representative of the Office and a client or representative of a client, whether by written, oral or other means of communication,* if the client [:] *or representative of the client:*~~

~~(a) Submits a request in writing that the record *,* [or other] document *or communication* be kept confidential by the Office; and~~

~~(b) Demonstrates to the satisfaction of the Office that [the] *:*~~

~~*(1) If the request concerns a* record or other document *, the record or other document* contains proprietary or confidential information [.] *; or*~~

~~*(2) If the request concerns a communication between an employee or representative of the Office and the client or a representative of the client, the communication contains proprietary or confidential information or information concerning the business plans or opportunities of the client, the proposed terms of a contract or agreement or the special knowledge, skills or expertise of the client.*~~

~~2. If the Office determines that a record or other document of a client contains proprietary or confidential information, the Executive Director shall attach to the file containing the record or document:~~

~~(a) A certificate signed by him or her stating that a request for confidentiality was made by the client and the date of the request;~~

~~(b) A copy of the written request submitted by the client;~~

~~(c) The documentation to support the request which was submitted by the client; and~~

~~(d) A copy of the decision of the Office determining that the record or other document contains proprietary or confidential information.~~

~~3. The Office may share [the records and other documents] *a record, document or communication* that [are] *is* confidential pursuant to this section with [the] *a* nonprofit corporation formed by the Executive Director pursuant to NRS *231.053 or* 231.0545, as deemed necessary by the Office to accomplish the purposes for which the nonprofit corporation was formed.~~

~~4. *Any communication between an employee or representative of the Office and a client or representative of a client, whether by written, oral or other means of communication, that is confidential pursuant to this section is confidential only until the client or a representative of the client:*~~

~~*(a) Publishes for public distribution or otherwise makes available to the public generally or in the public domain information indicating that the client is considering locating the client's business in this State or has decided to locate the client's business in this State; or*~~

~~*(b) Submits an application to the Office for an incentive for economic development.*~~

~~*5.* Records **,** [and] documents ***and communications*** that are confidential pursuant to this section:~~

~~(a) Are proprietary or confidential information of the business;~~

~~(b) Are not a public record; and~~

~~(c) [Must] ***Except as otherwise provided in subsection 3, must*** not be disclosed to any person who is not an officer or employee of the Office unless the business consents to the disclosure.~~

~~[5.] *6.* As used in this section, "proprietary or confidential information" has the meaning ascribed to it in NRS 360.247.]~~ **(Deleted by amendment.)**

Sec. 4. NRS 231.14075 is hereby amended to read as follows:

231.14075 On or before **[**~~September 15~~**]** ***December 1*** of each year, the Office shall submit a report to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year. The report must include, without limitation, for the fiscal year immediately preceding the submission of the report:

1. A summary of the information submitted to the Office pursuant to NRS 332.201, 333.177 and 338.1427 and, if applicable, paragraph (c) of subsection 2 of NRS 231.1407, including, without limitation, efforts undertaken to achieve any goals established by the Office which were not achieved in the current fiscal year and proposed action plans for achieving those goals in the subsequent fiscal year; and

2. The number of local emerging small businesses which are designated as tier 1 firms and tier 2 firms pursuant to NRS 231.1405. The numbers must be reported separately for businesses involved in providing construction services and for businesses involved in the sale of goods or in providing services other than construction services.

Sec. 5. NRS 277B.360 is hereby amended to read as follows:

277B.360 At the request of the Office, an authority shall report to the Office on all issues and activities necessary for the administration of the authority **.** ~~[as well as issues and activities pertaining to compliance with any rules or regulations set forth by the Office for the creation, operation or maintenance of inland ports pursuant to NRS 231.075.]~~

Sec. 6. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 7. NRS 231.075 is hereby repealed.

Sec. 8. This act becomes effective on July 1, 2017.

TEXT OF REPEALED SECTION

231.075 Office of Economic Development: Assistance in development of inland ports.

1. The Office of Economic Development shall:

(a) Promote, encourage and aid in the development of inland ports in this State.

(b) Identify sources of financing to assist local governments in developing or expanding inland ports.

(c) Encourage and assist local governments in planning and preparing projects for inland ports.

(d) Promote close cooperation between local governments, other public agencies and private persons that have an interest in creating, operating or maintaining inland ports in the State.

2. As used in this section, "inland port" has the meaning ascribed to it in NRS 277B.050.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 253.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 397.

AN ACT relating to mental health; **requiring the court to conduct a hearing as soon as practicable on an application for a writ of habeas corpus relating to a person with mental illness or who is alleged to be a person with mental illness; expanding the definition of "person with mental illness";** revising provisions governing the examination and evaluation by a physician or licensed psychologist of a person alleged to be a person with mental illness; requiring a court to transmit an order for involuntary admission to a law enforcement agency under certain circumstances; establishing a procedure for certain hospitals and mental health facilities to request a copy of a court order for involuntary admission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires the court to conduct a hearing as soon as practicable on an application for a writ of habeas corpus by, or on behalf of, a person who is alleged to be a person with mental illness or who has been found to be a person with mental illness.

Existing law defines a person with mental illness to include a person whose capacity is diminished as a result of mental illness to the extent that the person presents a clear and present danger of harm to himself or herself. A person presents a clear and present danger of harm to himself or herself if there exists a reasonable probability that the person will harm himself or herself unless the person is admitted to a mental health facility. (NRS 433A.115) Section 1.3 of this bill revises this definition to provide that the person presents a clear and present danger of harm to himself or herself if there exists a reasonable probability that

the person will harm himself or herself unless the person is required to participate in a program of community-based or outpatient services.

Existing law requires that, after the filing of a petition to involuntarily admit a person alleged to be a person with mental illness to a mental health facility or certain other services, the court shall cause two or more physicians or licensed psychologists, one of whom must always be a physician, to examine the person. A physician or psychologist who examines the person must submit to the court a written summary of his or her findings and evaluation not later than 24 or 48 hours before the hearing on the petition, depending on the circumstances of the admission. (NRS 433A.240) **Section ~~[1]~~ 1.7** of this bill revises these provisions to require the physician or psychologist to submit the written summary of findings and evaluation not later than ~~[the time of]~~ **24 hours before** the hearing on the petition.

Existing law requires that if the court issues an order involuntarily admitting a person with mental illness to a mental health facility or certain other programs of services, the court is required to transmit a record of the order to the Central Repository for Nevada Records of Criminal History. (NRS 433A.310) **Section 2** of this bill requires the court to transmit a record of the order to each law enforcement agency of this State with which the court has entered into an agreement for such transmission for inclusion in certain databases.

Existing law requires a court to seal all court records relating to the admission and mental health treatment of certain persons and establishes procedures by which certain entities may be granted an opportunity to inspect the records. (NRS 433A.715) **Section 3** of this bill establishes a procedure by which a public or private hospital or a mental health facility may request and obtain a copy of a court order of involuntary admission which relates to a person alleged to be a person with mental illness who has been admitted to the hospital or facility.

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

Section 1. **Chapter 433A of NRS is hereby amended by adding thereto a new section to read as follows:**

Upon the filing of an application for a writ of habeas corpus by, or on behalf of, a person with mental illness or who is alleged to be a person with mental illness, the court shall conduct a hearing on the application as soon as practicable.

Sec. 1.3. **NRS 433A.115 is hereby amended to read as follows:**

433A.115 1. As used in NRS 433A.115 to 433A.330, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, "person with mental illness" means any person whose capacity to exercise self-control, judgment and discretion in the conduct of the person's affairs and social relations or to care for his or her personal needs is diminished, as a result of a mental illness, to the extent that the person presents a clear and present

danger of harm to himself or herself or others, but does not include any person in whom that capacity is diminished by epilepsy, intellectual disability, dementia, delirium, brief periods of intoxication caused by alcohol or drugs, or dependence upon or addiction to alcohol or drugs, unless a mental illness that can be diagnosed is also present which contributes to the diminished capacity of the person.

2. A person presents a clear and present danger of harm to himself or herself if, within the immediately preceding 30 days, the person has, as a result of a mental illness:

(a) Acted in a manner from which it may reasonably be inferred that, without the care, supervision or continued assistance of others, the person will be unable to satisfy his or her need for nourishment, personal or medical care, shelter, self-protection or safety, and if there exists a reasonable probability that the person's death, serious bodily injury or physical debilitation will occur within the next following 30 days unless he or she is admitted to a mental health facility ***or required to participate in a program of community-based or outpatient services*** pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, ***and section 1 of this act,*** and adequate treatment is provided to the person;

(b) Attempted or threatened to commit suicide or committed acts in furtherance of a threat to commit suicide, and if there exists a reasonable probability that the
person will commit suicide unless he or she is admitted to a mental health facility ***or required to participate in a program of community-based or outpatient services*** pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, ***and section 1 of this act,*** and adequate treatment is provided to the person; or

(c) Mutilated himself or herself, attempted or threatened to mutilate himself or herself or committed acts in furtherance of a threat to mutilate himself or herself, and if there exists a reasonable probability that he or she will mutilate himself or herself unless the person is admitted to a mental health facility ***or required to participate in a program of community-based or outpatient services*** pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, ***and section 1 of this act,*** and adequate treatment is provided to the person.

3. A person presents a clear and present danger of harm to others if, within the immediately preceding 30 days, the person has, as a result of a mental illness, inflicted or attempted to inflict serious bodily harm on any other person, or made threats to inflict harm and committed acts in furtherance of those threats, and if there exists a reasonable probability that he or she will do so again unless the person is admitted to a mental health facility ***or required to participate in a program of community-based or outpatient services*** pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, ***and section 1 of this act,*** and adequate treatment is provided to him or her.

~~[Section 1.]~~ ***Sec. 1.7.*** NRS 433A.240 is hereby amended to read as follows:

433A.240 1. After the filing of a petition to commence proceedings for the involuntary court-ordered admission of a person pursuant to NRS 433A.200 or 433A.210, the court shall promptly cause two or more physicians or licensed psychologists, one of whom must always be a physician, to examine the person alleged to be a person with mental illness, or request an evaluation by an evaluation team from the Division of the person alleged to be a person with mental illness.

2. To conduct the examination of a person who is not being detained at a mental health facility or hospital under emergency admission pursuant to an application made pursuant to NRS 433A.160, the court may order a peace officer to take the person into protective custody and transport the person to a mental health facility or hospital where the person may be detained until a hearing is had upon the petition.

3. If the person is not being detained under an emergency admission pursuant to an application made pursuant to NRS 433A.160, the person may be allowed to remain in his or her home or other place of residence pending an ordered examination or examinations and to return to his or her home or other place of residence upon completion of the examination or examinations. The person may be accompanied by one or more of his or her relations or friends to the place of examination.

4. Each physician and licensed psychologist who examines a person pursuant to subsection 1 shall, in conducting such an examination, consider the least restrictive treatment appropriate for the person.

5. ~~[~~Except as otherwise provided in this subsection, each~~]~~ ***Each*** physician and licensed psychologist who examines a person pursuant to subsection 1 shall, not later than ~~[~~48~~]~~ ***24*** hours before ~~***[the time of]***~~ the hearing set pursuant to NRS 433A.220, submit to the court in writing a summary of his or her findings and evaluation regarding the person alleged to be a person with mental illness. ~~[~~If the person alleged to be a person with mental illness is admitted under an emergency admission pursuant to an application made pursuant to NRS 433A.160, the written findings and evaluation must be submitted to the court not later than 24 hours before the hearing set pursuant to subsection 1 of NRS 433A.220.~~]~~

Sec. 2. NRS 433A.310 is hereby amended to read as follows:

433A.310 1. Except as otherwise provided in NRS 432B.6076 and 432B.6077, if the district court finds, after proceedings for the involuntary court-ordered admission of a person:

(a) That there is not clear and convincing evidence that the person with respect to whom the hearing was held has a mental illness or exhibits observable behavior such that the person is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services, the court shall enter its finding to that effect and the person must not be involuntarily admitted to a

public or private mental health facility or to a program of community-based or outpatient services.

(b) That there is clear and convincing evidence that the person with respect to whom the hearing was held has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services, the court may order the involuntary admission of the person for the most appropriate course of treatment, including, without limitation, admission to a public or private mental health facility or participation in a program of community-based or outpatient services. The order of the court must be interlocutory and must not become final if, within 30 days after the involuntary admission, the person is unconditionally released pursuant to NRS 433A.390.

2. A court shall not admit a person to a program of community-based or outpatient services unless:

(a) A program of community-based or outpatient services is available in the community in which the person resides or is otherwise made available to the person;

(b) The person is 18 years of age or older;

(c) The person has a history of noncompliance with treatment for mental illness;

(d) The person is capable of surviving safely in the community in which he or she resides with available supervision;

(e) The court determines that, based on the person's history of treatment for mental illness, the person needs to be admitted to a program of community-based or outpatient services to prevent further disability or deterioration of the person which is likely to result in harm to himself or herself or others;

(f) The current mental status of the person or the nature of the person's illness limits or negates his or her ability to make an informed decision to seek treatment for mental illness voluntarily or to comply with recommended treatment for mental illness;

(g) The program of community-based or outpatient services is the least restrictive treatment which is in the best interest of the person; and

(h) The court has approved a plan of treatment developed for the person pursuant to NRS 433A.315.

3. Except as otherwise provided in NRS 432B.608, an involuntary admission pursuant to paragraph (b) of subsection 1 automatically expires at the end of 6 months if not terminated previously by the medical director of the public or private mental health facility as provided for in subsection 2 of NRS 433A.390 or by the professional responsible for providing or coordinating the program of community-based or outpatient services as provided for in subsection 3 of NRS 433A.390. Except as otherwise provided in NRS 432B.608, at the end of the court-ordered period of treatment, the Division, any mental health facility that is not operated by the Division or a

program of community-based or outpatient services may petition to renew the involuntary admission of the person for additional periods not to exceed 6 months each. For each renewal, the petition must include evidence which meets the same standard set forth in subsection 1 that was required for the initial period of admission of the person to a public or private mental health facility or to a program of community-based or outpatient services.

4. Before issuing an order for involuntary admission or a renewal thereof, the court shall explore other alternative courses of treatment within the least restrictive appropriate environment, including involuntary admission to a program of community-based or outpatient services, as suggested by the evaluation team who evaluated the person, or other persons professionally qualified in the field of psychiatric mental health, which the court believes may be in the best interests of the person.

5. If the court issues an order involuntarily admitting a person to a public or private mental health facility or to a program of community-based or outpatient services pursuant to this section, the court shall, notwithstanding the provisions of NRS 433A.715, cause, within 5 business days after the order becomes final pursuant to this section, on a form prescribed by the Department of Public Safety, a record of the order to be transmitted to ~~[the]~~ ***:***

(a) The Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System ~~[.]~~ ***; and***

(b) Each law enforcement agency of this State with which the court has entered into an agreement for such transmission, along with a statement indicating that the record is being transmitted for inclusion in each of this State's appropriate databases of information relating to crimes.

6. As used in this section, "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

Sec. 3. NRS 433A.715 is hereby amended to read as follows:

433A.715 1. A court shall seal all court records relating to the admission and treatment of any person who was admitted, voluntarily or as the result of a noncriminal proceeding, to a public or private hospital, a mental health facility or a program of community-based or outpatient services in this State for the purpose of obtaining mental health treatment.

2. Except as otherwise provided in subsections 4 ~~[and 5,]~~ ***, 5 and 6,*** a person or governmental entity that wishes to inspect records that are sealed pursuant to this section must file a petition with the court that sealed the records. Upon the filing of a petition, the court shall fix a time for a hearing on the matter. The petitioner must provide notice of the hearing and a copy of the petition to the person who is the subject of the records. If the person who is the subject of the records wishes to oppose the petition, the person must appear before the court at the hearing. If the person appears before the court at the hearing, the court must provide the person an opportunity to be heard on the matter.

3. After the hearing described in subsection 2, the court may order the inspection of records that are sealed pursuant to this section if:

(a) A law enforcement agency must obtain or maintain information concerning persons who have been admitted to a public or private hospital, a mental health facility or a program of community-based or outpatient services in this State pursuant to state or federal law;

(b) A prosecuting attorney or an attorney who is representing the person who is the subject of the records in a criminal action requests to inspect the records; or

(c) The person who is the subject of the records petitions the court to permit the inspection of the records by a person named in the petition.

4. A governmental entity is entitled to inspect court records that are sealed pursuant to this section without following the procedure described in subsection 2 if:

(a) The governmental entity has made a conditional offer of employment to the person who is the subject of the records;

(b) The position of employment conditionally offered to the person concerns public safety, including, without limitation, employment as a firefighter or peace officer;

(c) The governmental entity is required by law, rule, regulation or policy to obtain the mental health records of each individual conditionally offered the position of employment; and

(d) An authorized representative of the governmental entity presents to the court a written authorization signed by the person who is the subject of the records and notarized by a notary public or judicial officer in which the person who is the subject of the records consents to the inspection of the records.

5. ***Upon the request of a public or private hospital or a mental health facility to which a person has been admitted in this State, the court shall:***

(a) Authorize the release of a copy of any order which was entered by the court pursuant to paragraph (b) of subsection 1 of NRS 433A.310 if:

(1) The request is in writing and includes the name and date of birth of the person who is the subject of the requested order; and

(2) The hospital or facility certifies that:

(I) The person who is the subject of the requested order is, at the time of the request, admitted to the hospital or facility and is being treated for an alleged mental illness; and

(II) The requested order is necessary to improve the care which is being provided to the person who is the subject of the order.

(b) Place the request in the record under seal.

6. Upon its own order, any court of this State may inspect court records that are sealed pursuant to this section without following the procedure described in subsection 2 if the records are necessary and relevant for the disposition of a matter pending before the court. The court may allow a party

in the matter to inspect the records without following the procedure described in subsection 2 if the court deems such inspection necessary and appropriate.

~~[6.]~~ ***7.*** Following the sealing of records pursuant to this section, the admission of the person who is the subject of the records to the public or private hospital, mental health facility or program of community-based or outpatient services, is deemed never to have occurred, and the person may answer accordingly any question related to its occurrence, except in connection with:

(a) An application for a permit to carry a concealed firearm pursuant to the provisions of NRS 202.3653 to 202.369, inclusive;

(b) A transfer of a firearm; or

(c) An application for a position of employment described in subsection 4.

~~[7.]~~ ***8.*** As used in this section:

(a) "Firefighter" means a person who is a salaried employee of a fire-fighting agency and whose principal duties are to control, extinguish, prevent and suppress fires. As used in this paragraph, "fire-fighting agency" means a public fire department, fire protection district or other agency of this State or a political subdivision of this State, the primary functions of which are to control, extinguish, prevent and suppress fires.

(b) "Peace officer" has the meaning ascribed to it in NRS 289.010.

(c) "Seal" means placing records in a separate file or other repository not accessible to the general public.

Sec. 4. This act becomes effective on July 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 255.

Bill read second time.

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

Amendment No. 550.

SUMMARY—Provides that provisions governing certain short-term loans **and installment loans do not** apply ~~[only to consumer loans.]~~ **to certain extensions of credit.** (BDR 52-921)

AN ACT relating to financial services; providing that provisions governing the licensing and regulation of certain short-term loans **and installment loans do not** apply ~~[only]~~ to ~~[loans made primarily for personal, family or household purposes;]~~ **the extension of credit to any person who is not a resident of this State for any business, commercial or agricultural purpose that is located outside of this State;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes standards and procedures for the licensing and regulations of certain short-term loans, commonly referred to as "payday loans," high-interest loans and title loans. (Chapter 604A of NRS)

Existing law sets forth the standards and procedures for the licensing and regulations of loans repayable in installments, which include loans that may or may not be made on substantial security and loans for indefinite terms. (Chapter 675 of NRS) This bill provides that these provisions **do not** apply ~~[only]~~ to ~~[consumer loans, which are defined as loans made primarily for personal, family or household purposes.]~~ **a person who exclusively extends credit to any person who is not a resident of this State for any business, commercial or agricultural purpose that is located outside of this State.**

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

Section 1. ~~[NRS 604A.050 is hereby amended to read as follows:~~

~~604A.050 "Deferred deposit loan" means a transaction ***entered into primarily for personal, family or household purposes*** in which, pursuant to a loan agreement:~~

~~1. A customer tenders to another person:~~

~~(a) A personal check drawn upon the account of the customer; or~~

~~(b) Written authorization for an electronic transfer of money for a specified amount from the account of the customer; and~~

~~2. The other person:~~

~~(a) Provides to the customer an amount of money that is equal to the face value of the check or the amount specified in the written authorization for an electronic transfer of money, less any fee charged for the transaction; and~~

~~(b) Agrees, for a specified period, not to cash the check or execute an electronic transfer of money for the amount specified in the written authorization.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 604A.0703 is hereby amended to read as follows:~~

~~604A.0703 1. "High-interest loan" means a loan made to a customer ***primarily for personal, family or household purposes*** pursuant to a loan agreement which, under its original terms, charges an annual percentage rate of more than 40 percent.~~

~~2. The term includes, without limitation, any single-payment loan, installment loan or open-ended loan ***entered into primarily for personal, family or household purposes*** which, under its original terms, charges an annual percentage rate of more than 40 percent.~~

~~3. The term does not include:~~

~~(a) A deferred deposit loan;~~

~~(b) A refund anticipation loan; or~~

~~(c) A title loan.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 604A.105 is hereby amended to read as follows:~~

~~604A.105 1. "Title loan" means a loan made to a customer~~ ***primarily for personal, family or household purposes*** ~~pursuant to a loan agreement which, under its original terms:~~

~~(a) Charges an annual percentage rate of more than 35 percent; and~~

~~(b) Requires the customer to secure the loan by either:~~

~~(1) Giving possession of the title to a vehicle legally owned by the customer to the licensee or any agent, affiliate or subsidiary of the licensee; or~~

~~(2) Perfecting a security interest in the vehicle by having the name of the licensee or any agent, affiliate or subsidiary of the licensee noted on the title as a lienholder.~~

~~2. The term does not include a loan which creates a purchase money security interest in a vehicle or the refinancing of any such loan.~~] **(Deleted by amendment.)**

Sec. 3.3. **NRS 604A.250 is hereby amended to read as follows:**

604A.250 The provisions of this chapter do not apply to:

1. Except as otherwise provided in NRS 604A.200, a person doing business pursuant to the authority of any law of this State or of the United States relating to banks, national banking associations, savings banks, trust companies, savings and loan associations, credit unions, mortgage brokers, mortgage bankers, thrift companies or insurance companies, including, without limitation, any affiliate or subsidiary of such a person regardless of whether the affiliate or subsidiary is a bank.

2. A person who is primarily engaged in the retail sale of goods or services who:

(a) As an incident to or independently of a retail sale or service, from time to time cashes checks for a fee or other consideration of not more than $2; and

(b) Does not hold himself or herself out as a check-cashing service.

3. A person while performing any act authorized by a license issued pursuant to chapter 671 of NRS.

4. A person who holds a nonrestricted gaming license issued pursuant to chapter 463 of NRS while performing any act in the course of that licensed operation.

5. A person who is exclusively engaged in a check-cashing service relating to out-of-state checks.

6. A corporation organized pursuant to the laws of this State that has been continuously and exclusively engaged in a check-cashing service in this State since July 1, 1973.

7. A pawnbroker, unless the pawnbroker operates a check-cashing service, deferred deposit loan service, high-interest loan service or title loan service.

8. A real estate investment trust, as defined in 26 U.S.C. § 856.

9. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

10. An attorney at law rendering services in the performance of his or her duties as an attorney at law if the loan is secured by real property.

11. A real estate broker rendering services in the performance of his or her duties as a real estate broker if the loan is secured by real property.

12. Any firm or corporation:

(a) Whose principal purpose or activity is lending money on real property which is secured by a mortgage;

(b) Approved by the Federal National Mortgage Association as a seller or servicer; and

(c) Approved by the Department of Housing and Urban Development and the Department of Veterans Affairs.

13. A person who provides money for investment in loans secured by a lien on real property, on his or her own account.

14. A seller of real property who offers credit secured by a mortgage of the property sold.

15. A person who makes a refund anticipation loan, unless the person operates a check-cashing service, deferred deposit loan service, high-interest loan service or title loan service.

16. A person who exclusively extends credit to any person who is not a resident of this State for any business, commercial or agricultural purpose that is located outside of this State.

Sec. 3.7. **NRS 675.040 is hereby amended to read as follows:**

675.040 This chapter does not apply to:

1. Except as otherwise provided in NRS 675.035, a person doing business under the authority of any law of this State or of the United States relating to banks, national banking associations, savings banks, trust companies, savings and loan associations, credit unions, mortgage brokers, mortgage bankers, thrift companies, pawnbrokers or insurance companies.

2. A real estate investment trust, as defined in 26 U.S.C. § 856.

3. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

4. An attorney at law rendering services in the performance of his or her duties as an attorney at law if the loan is secured by real property.

5. A real estate broker rendering services in the performance of his or her duties as a real estate broker if the loan is secured by real property.

6. Except as otherwise provided in this subsection, any firm or corporation:

(a) Whose principal purpose or activity is lending money on real property which is secured by a mortgage;

(b) Approved by the Federal National Mortgage Association as a seller or servicer; and

(c) Approved by the Department of Housing and Urban Development and the Department of Veterans Affairs.

7. A person who provides money for investment in loans secured by a lien on real property, on his or her own account.

8. A seller of real property who offers credit secured by a mortgage of the property sold.

9. A person holding a nonrestricted state gaming license issued pursuant to the provisions of chapter 463 of NRS.

10. A person licensed to do business pursuant to chapter 604A of NRS with regard to those services regulated pursuant to chapter 604A of NRS.

11. A person who exclusively extends credit to any person who is not a resident of this State for any business, commercial or agricultural purpose that is located outside of this State.

Sec. 4. This act becomes effective upon passage and approval.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 281.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 293.

AN ACT relating to taxation; removing the requirement for certain business entities to file a commerce tax return with the Department of Taxation; ~~[requiring a person to include with an application for the renewal of a state business registration certain information concerning the applicability of]~~ **authorizing the Department to require a business entity to file a declaration under penalty of perjury that** the commerce tax ~~[imposed on the Nevada gross revenue of certain]~~ **does not apply to the** business ~~[entities;]~~ **entity;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes an annual commerce tax on each business entity engaged in business in this State whose Nevada gross revenue in a fiscal year exceeds $4,000,000 at a rate that is based on the industry in which the business entity is primarily engaged. (NRS 363C.200) Under existing law and regulations, a business entity whose Nevada gross revenue for a fiscal year is $4,000,000 or less must file an informational return with the Department of Taxation that includes an identification of the industry in which the business entity is primarily engaged and an affirmation under penalty of perjury that the Nevada gross revenue of the business entity for the fiscal year was less than $4,000,000. (NRS 363C.200; section 17 of Adopted Reg. of Nevada Tax Comm'n, LCB File. No. R123-15) ~~[Section 1 of this]~~ **This** bill provides that a business entity whose Nevada gross revenue for a fiscal year is $4,000,000 or less is not required to file a commerce tax return

with the Department. Instead of filing such a return, ~~[section 2 of]~~ this bill ~~[requires]~~ **authorizes the Department to require such** a business **entity** to ~~[include with the application for the renewal of its state business registration filed with the Secretary of State a declaration under penalty of perjury as to whether the applicant was exempt from the tax for the preceding taxable year and, if the applicant is not exempt,]~~ **file** a declaration under penalty of perjury ~~[as to whether]~~ **that** the Nevada gross revenue of the ~~[applicant]~~ **business entity** for the preceding taxable year ~~[exceeded]~~ **did not exceed** $4,000,000. **Under this bill, such a declaration must be filed: (1) at the time that the business entity renews its state business license; or (2) on or before the 45th day immediately following the end of the taxable year.**

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

Section 1. NRS 363C.200 is hereby amended to read as follows:

363C.200 1. For the privilege of engaging in a business in this State, a commerce tax is hereby imposed upon each business entity whose Nevada gross revenue in a taxable year exceeds $4,000,000 in an amount determined pursuant to NRS 363C.300 to 363C.560, inclusive. The commerce tax is due and payable as provided in this section.

2. Each business entity ~~[engaging in a business in this State during]~~ ***whose Nevada gross revenue in*** a taxable year ***exceeds $4,000,000*** shall, on or before the 45th day immediately following the end of that taxable year, file with the Department a ~~[report]~~ ***return*** on a form prescribed by the Department. ***The Department shall not require a business entity whose Nevada gross revenue for a taxable year is $4,000,000 or less to file a return for that taxable year.*** The ~~[report]~~ ***return*** required by this subsection must include such information as is required by the Department.

3. ***The Department may require a business entity whose Nevada gross revenue for a taxable year is $4,000,000 or less to file a declaration under penalty of perjury by the natural person signing the declaration that the Nevada gross revenue of the business entity for the taxable year did not exceed $4,000,000. If the Department requires the filing of such a declaration, the business entity must file the declaration either:***

(a) At the time that the business entity renews its state business license pursuant to NRS 76.130; or

(b) On or before the 45th day immediately following the end of the taxable year for which the declaration is made.

4. For the purposes of determining the amount of the commerce tax due pursuant to this chapter, the initial ~~[report]~~ ***return*** filed by a business entity with the Department pursuant to subsection 2 must designate the business category in which the business entity is primarily engaged. A business entity may not change the business category designated for that business entity unless the person applies to the Department to change such designation and

the Department determines that the business is no longer primarily engaged in the designated business category.

~~[4.]~~ ***5.*** A business entity shall remit with the return the amount of commerce tax due pursuant to subsection 1. Upon written application made before the date on which payment of the commerce tax due pursuant to this chapter must be made, the Department may for good cause extend by not more than 30 days the time within which a business entity is required to pay the commerce tax. If the commerce tax is paid during the period of extension, no penalty or late charge may be imposed for failure to pay the commerce tax at the time required, but the business entity shall pay interest at the rate of 0.75 percent per month from the date on which the amount would have been due without the extension until the date of payment, unless otherwise provided in NRS 360.232 or 360.320.

Sec. 2. ~~[NRS 76.130 is hereby amended to read as follows:~~

~~76.130 1. Except as otherwise provided in subsection 2, a person who applies for renewal of a state business registration shall submit a fee in the amount of $200 to the Secretary of State:~~

~~(a) If the person is an entity required to file an annual list with the Secretary of State pursuant to this title, at the time the person submits the annual list to the Secretary of State, unless the person submits a certificate or other form evidencing the dissolution of the entity; or~~

~~(b) If the person is not an entity required to file an annual list with the Secretary of State pursuant to this title, on the last day of the month in which the anniversary date of issuance of the state business registration occurs in each year, unless the person submits a written statement to the Secretary of State, at least 10 days before that date, indicating that the person will not be conducting a business in this State after that date.~~

~~2. If the person applying for the renewal of a state business registration pursuant to subsection 1 is a corporation organized pursuant to chapter 78, 78A or 78B of NRS, or a foreign corporation required to file an initial or annual list with the Secretary of State pursuant to chapter 80 of NRS, the fee for the renewal of a state business registration is $500.~~

~~3.~~ ***~~A person applying for the renewal of a state business registration shall include on the application for the renewal of the state business registration a declaration under penalty of perjury by the natural person signing the application as to:~~***

~~(a) Whether the applicant was exempt from the commerce tax for the taxable year immediately preceding the taxable year in which the application is filed; and~~

~~(b) If the applicant was not exempt from the commerce tax, whether the Nevada gross revenue of the applicant for the taxable year immediately preceding the taxable year in which the application is filed exceeded $4,000,000.~~

~~→ Nothing in this subsection limits or otherwise affects any requirement imposed pursuant to NRS 363C.200.~~

~~*4.* The Secretary of State shall, 90 days before the last day for filing an application for renewal of the state business registration of a person who holds a state business registration, provide to the person a notice of the state business registration fee due pursuant to this section and a reminder to file the application for renewal required pursuant to this section. Failure of any person to receive a notice does not excuse the person from the penalty imposed by law.~~

~~**[**4.**]** *5.* If a person fails to submit the annual state business registration fee required pursuant to this section in a timely manner and the person is:~~

~~(a) An entity required to file an annual list with the Secretary of State pursuant to this title, the person:~~

~~(1) Shall pay a penalty of $100 in addition to the annual state business registration fee;~~

~~(2) Shall be deemed to have not complied with the requirement to file an annual list with the Secretary of State; and~~

~~(3) Is subject to all applicable provisions relating to the failure to file an annual list, including, without limitation, the provisions governing default and revocation of its charter or right to transact business in this State, except that the person is required to pay the penalty set forth in subparagraph (1).~~

~~(b) Not an entity required to file an annual list with the Secretary of State, the person shall pay a penalty in the amount of $100 in addition to the annual state business registration fee. The Secretary of State shall provide to the person a written notice that:~~

~~(1) Must include a statement indicating the amount of the fees and penalties required pursuant to this section and the costs remaining unpaid.~~

~~(2) May be provided electronically, if the person has requested to receive communications by electronic transmission, by electronic mail or other electronic communication.~~

~~**[**5.**]** *6.* A person who continues to do business in this State without renewing the person's state business registration before its renewal date is subject to the fees and penalties provided for in this section unless the person files a certificate of cancellation of the person's state business registration with the Secretary of State.~~

~~**[**6.**]** *7.* The Secretary of State shall waive the annual state business registration fee and any related penalty imposed on a natural person or partnership if the natural person or partnership provides evidence satisfactory to the Secretary of State that the natural person or partnership conducted no business in this State during the period for which the fees and penalties would be waived.~~

~~*8. As used in this section:*~~

~~*(a) "Commerce tax" means the commerce tax imposed pursuant to chapter 363C of NRS.*~~

~~*(b) "Nevada gross revenue" has the meaning ascribed to it in NRS 363C.055.*~~

~~*(c) "Taxable year" has the meaning ascribed to it in NRS 363C.080.]*~~ **(Deleted by amendment.)**

Sec. 3. This act becomes effective on July 1, 2017.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 298.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 359.

AN ACT relating to water; defining "perennial yield"; **defining "environmental soundness" and "environmentally sound";** authorizing, under certain circumstances, the State Engineer to consider the approval of a monitoring, management and mitigation plan; setting forth certain requirements for a monitoring, management and mitigation plan; requiring the State Engineer to provide notice of a proposed monitoring, management and mitigation plan; authorizing the State Engineer to approve an amendment to a monitoring, management and mitigation plan; defining ~~["environmentally sound" and]~~ "unappropriated water" for certain purposes; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Engineer is required to reject an application for a permit to appropriate water to beneficial use if there is no unappropriated water at the source of supply or if the proposed use of the water or change conflicts with existing rights or protectable interests in existing domestic wells or threatens to prove detrimental to the public interest. (NRS 533.370) **Section 3** of this bill provides that ~~[before rejecting]~~ **when reviewing** an application **,** ~~[because the proposed use conflicts with existing rights or protectable interests,]~~ the State Engineer may consider whether a monitoring, management and mitigation plan will eliminate the conflicts ~~[.]~~ **with existing rights, protectable interests, the public interest or the environmental soundness of an interbasin transfer of groundwater.** **Section 3** also sets forth the requirements for such a plan. **Section 4** of this bill requires the State Engineer to provide notice to certain persons about the proposed plan **.** ~~[and determine whether there is substantial evidence that the plan will eliminate the conflicts.]~~ **Section 5** of this bill sets forth certain requirements if, as part of a monitoring, management or mitigation plan, a person is required to furnish ~~[replacement]~~ **mitigation** water to a holder of existing rights or owner of ~~[a]~~ **an existing** domestic well. **Section 6** of this bill authorizes the State Engineer to ~~[approve]~~ **consider** an amendment to a monitoring, management or mitigation plan. **Section 6 also authorizes the State Engineer, under certain circumstances, to require**

certain changes to the monitoring provisions of a monitoring, management and mitigation plan without complying with the requirements for a proposed amendment. Section 7.5 of this bill provides that it is the policy of this State to address issues and conflicts related to certain applications for water and to encourage the use of monitoring, management and mitigation plans under certain circumstances. Sections 8-19 of this bill make conforming changes.

Existing law: (1) requires the State Engineer to reject an application for a permit to appropriate water if the State Engineer determines that there is no water available from the proposed source of supply without exceeding the perennial yield of that source; (2) authorizes the State Engineer to designate as a critical management area any basin which withdrawals of groundwater consistently exceed the perennial yield of the basin; and (3) requires the State Engineer to designate as a critical management area any basin in which withdrawals of groundwater consistently exceed the perennial yield of the basin upon receipt of certain petitions (NRS 533.371, 534.110) **Sections 2 and 19** of this bill define the term "perennial yield" for these purposes.

When considering whether to approve an application for an interbasin transfer of groundwater, existing law requires the State Engineer to consider whether the proposed interbasin transfer is environmentally sound. (NRS 533.370) **Section ~~[10]~~ 2.5 of this bill** defines the term "environmentally sound" for this purpose.

Existing law requires the State Engineer to reject an application for a permit if there is no unappropriated water in the proposed source of supply. (NRS 533.370) **Section 10** defines "unappropriated water" for this purpose.

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

Section 1. Chapter 533 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***"Perennial yield" means the ~~[quantity of water that recharges annually]~~ maximum amount of groundwater in a groundwater source of supply ~~[when calculated over a period representative of the average long-term conditions of]~~ that may be withdrawn each year over the long term without unreasonably or continuously decreasing that groundwater source of supply.***

Sec. 2.5. "Environmental soundness" or "environmentally sound" means that the use of groundwater for an interbasin transfer of water will not cause:

1. An unreasonable harmful impact on wildlife and noninvasive plant communities which depend on groundwater in the basin from which the water is transferred; or

2. The inability to support wildlife and noninvasive plant communities resulting from changed groundwater conditions in the basin from which the water is transferred.

Sec. 3. *1. ~~[Before rejecting]~~ In reviewing an application ~~[because the proposed use or change conflicts]~~ to appropriate water or to change the point of diversion, manner of use or place of use pursuant to NRS 533.370 or holding a hearing on such an application, the State Engineer may require an applicant to submit a monitoring, management and mitigation plan to address any conflict with existing rights , ~~[or]~~ protectable interests in domestic wells as set forth in NRS 533.024, the ~~[State Engineer may consider whether a]~~ public interest or the environmental soundness of an interbasin transfer of groundwater. If the State Engineer determines during a hearing on an application that a monitoring, management and mitigation plan is required, he or she may postpone the hearing pending his or her review of the monitoring, management and mitigation plan.*

2. A monitoring, management and mitigation plan ~~[will eliminate the conflict. The plan]~~ must be ~~[in the form prescribed by the State Engineer and be accompanied]~~ :

(a) Accompanied by substantial evidence that demonstrates the feasibility and effectiveness of the plan in eliminating the conflict ~~[.~~ ~~2.]~~ or conflicts; and

(b) Reviewed and approved or denied by the State Engineer at the same time the State Engineer is reviewing the application.

3. A monitoring, management and mitigation plan must include, without limitation:

(a) A list of the ~~[holders]~~ locations of existing rights and ~~[owners of]~~ domestic wells , and any important environmental resources with ~~[whom]~~ which the application ~~[conflicts;]~~ may conflict;

(b) An explanation of how all conflicts with existing rights , ~~[and]~~ protectable interests in existing domestic wells , the public interest and the environmental soundness of an interbasin transfer of groundwater, as applicable, will be eliminated through the measures set forth in the plan;

(c) A ~~[proposal for how the applicant will]~~ plan to monitor the impact on ~~[holders of]~~ existing rights ~~[and owners of]~~ , existing domestic wells and important environmental resources if the State Engineer approves the application; ~~[and]~~

(d) Triggers ~~[,]~~ and thresholds ~~[, standards and procedures for implementing the plan.~~ ~~3.]~~ to avoid, manage and mitigate any conflicts;

(e) Measures to mitigate any potential or actual conflict to such a level that the conflict is eliminated; and

(f) Provisions to amend the plan if necessary to eliminate any conflicts.

4. A monitoring, management and mitigation plan may ~~[require an applicant to take]~~ include, without limitation, one or more of the following actions to eliminate ~~[the conflict:]~~ any conflicts:

(a) Furnishing ~~[replacement]~~ mitigation water of a sufficient quantity , ~~[and]~~ quality ~~[.]~~ and reliability for the approved beneficial use of an existing right or existing domestic well. If a monitoring, management and

mitigation plan requires the applicant to furnish ~~[replacement]~~ mitigation water, the applicant must demonstrate by substantial evidence that the applicant has the ability to furnish the ~~[replacement]~~ mitigation water of sufficient quality , ~~[and]~~ quantity and reliability to eliminate the conflict.

(b) Improving the works of diversion and distribution to the holder of ~~[a]~~ an existing water right.

(c) Providing a new well to the holder of an existing right or the owner of an existing domestic well.

(d) Reducing or relocating the quantity of water diverted by the applicant or a holder of a water right with a later priority.

~~[(d) Financial assurances to ensure performance by the applicant.~~

~~(e) Financial compensation of holders of existing rights and owners of domestic wells.~~

~~(f)~~] (e) Any other measure or action that may be necessary to eliminate the conflict.

5. The State Engineer shall deny a monitoring, management and mitigation plan if he or she determines that the plan does not eliminate the conflicts.

Sec. 4. *1. ~~[The State Engineer must review a monitoring, management and mitigation plan and determine whether there is substantial evidence that implementation of the plan will eliminate the conflicts with existing rights and protectable interests in domestic wells.~~*

~~2.~~] Before approving a monitoring, management and mitigation plan, the State Engineer shall:

(a) Make available on the Internet website of the State Engineer all evidence that the State Engineer is considering to determine whether to approve the plan.

(b) Send notice of the availability of such evidence by certified mail to:

(1) The applicant;

(2) The holders of existing rights and owners of existing domestic wells with whom the application ~~[conflicts;~~

~~(2) All holders of existing rights whose point of diversion is located within 2,500 feet of the point of diversion of the applicants;~~] may conflict; and

(3) All persons who filed a protest against the granting of the application pursuant to NRS 533.365 . ~~[; and~~

~~(4) Any person who has requested that the State Engineer provide such notice.~~]

(c) Allow for a period during which any person described in paragraph (b) may submit any comment, analysis or other information in response to the application and proposed monitoring, management ~~[or]~~ and mitigation plan.

(d) Comply with the provisions of NRS 533.353 ~~[.]~~ , if applicable.

2. The State Engineer may consider any comment on the application or the monitoring, management and mitigation plan submitted:

(a) By any person to whom the State Engineer provided notice pursuant to paragraph (b) of subsection 1; or

(b) Jointly by the applicant and any person to whom the State Engineer provided notice pursuant to paragraph (b) of subsection 1.

3. If the State Engineer approves a monitoring, management and mitigation plan, the State Engineer shall:

(a) Send notice of the approval by certified mail to each person to whom the State Engineer provided notice pursuant to paragraph (b) of subsection ~~[2;]~~ 1;

(b) Post notice of the approval on the Internet website of the State Engineer; and

(c) Enforce the provisions of the monitoring, management or mitigation plan.

4. The applicant must pay the cost of the notices required pursuant to this section.

5. Judicial review pursuant to NRS 533.450 of a monitoring, management and mitigation plan approved by the State Engineer must occur at the same time the approval or rejection of the application by the State Engineer is subject to judicial review.

Sec. 5. *If a monitoring, management or mitigation plan that is approved by the State Engineer requires the applicant to furnish ~~[replacement]~~ mitigation water to a holder of existing rights or owner of ~~[a]~~ an existing domestic well:*

1. Before ~~[replacement]~~ mitigation water is furnished, the person who will be furnishing the ~~[replacement]~~ mitigation water must file a notice with the State Engineer setting forth:

(a) The quantity of water that will be furnished;

(b) The duration of time that the water will be furnished; ~~[and]~~

(c) The place of use of the water that will be furnished ~~[.]~~ ; and

(d) The number associated with the permit, certificate or vested right of the existing right, the number associated with the well log or the locations of the existing domestic wells that will receive the water, as applicable.

2. The person furnishing ~~[replacement]~~ mitigation water is not required to submit an application pursuant to NRS 533.345 for a permit to change the point of diversion, manner of use or place of use of the ~~[replacement]~~ mitigation water ~~[.]~~ provided that the State Engineer considered the furnishing of mitigation water as part of the original monitoring, management and mitigation plan.

3. The time periods for cancellation, forfeiture and abandonment of a water right pursuant to NRS 533.060 , 533.410 and 534.090 and for filing proof of beneficial use under the terms of a permit to appropriate water are tolled for as long as ~~[replacement]~~ mitigation water must be furnished.

4. The holder of an existing right or owner of an existing domestic well is not entitled to a specific source of water.

Sec. 6. *1. The State Engineer may ~~[approve]~~ consider an amendment to ~~[a]~~ an approved monitoring, management and mitigation plan ~~[,]~~ proposed by:*

(a) The applicant who submitted the monitoring, management and mitigation plan;

(b) A holder of an existing right or the owner of an existing domestic well with whom the applicant may conflict; or

(c) Any person who filed a protest to an application pursuant to NRS 533.365.

2. A proposed amendment must be accompanied by substantial evidence that demonstrates the feasibility and effectiveness of the amendment in eliminating the conflict or conflicts.

3. Before approving an amendment to a monitoring, management and mitigation plan, the State Engineer shall:

(a) Make available on the Internet website of the State Engineer all evidence that the State Engineer is considering to determine whether to approve the amendment.

(b) Send notice of the availability of such evidence by certified mail to all persons to whom the State Engineer sent notice of the original monitoring, management and mitigation plan.

(c) Allow for a period during which any person to whom the State Engineer sent notice of the original monitoring, management and mitigation plan may submit any comment, analysis or other information in response to the proposed amendment to the monitoring, management and mitigation plan ~~[.]~~ for the consideration of the State Engineer.

(d) Comply with the provisions of NRS 533.353 ~~[.~~ ~~3.]~~ , if applicable.

4. If the State Engineer approves an amendment to a monitoring, management and mitigation plan, the State Engineer shall:

(a) Send notice of the approval by certified mail to each person to whom the State Engineer provided notice pursuant to paragraph (b) of subsection ~~[2;]~~ 3;

(b) Post notice of the approval on the Internet website of the State Engineer; and

(c) Enforce the provisions of the amendment to the monitoring, management and mitigation plan.

5. The applicant or person requesting the amendment must pay the cost of the notices required pursuant to this section.

6. The State Engineer may require a person who has submitted a monitoring, management and mitigation plan to conduct additional monitoring or change the location of the monitoring. Such a request by the State Engineer is not subject to the provisions of this section if the State Engineer determines that the existing rights, protectable interests in existing domestic wells and important environmental resources will continue to be protected under the modified monitoring provisions.

Sec. 7. NRS 533.005 is hereby amended to read as follows:

533.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 533.007 to 533.023, inclusive, ***and ~~[section]~~ sections 2 and 2.5 of this act*** have the meanings ascribed to them in those sections.

Sec. 7.5. **NRS 533.024 is hereby amended to read as follows:**

533.024 The Legislature declares that:

1. It is the policy of this State:

(a) To encourage and promote the use of effluent, where that use is not contrary to the public health, safety or welfare, and where that use does not interfere with federal obligations to deliver water of the Colorado River.

(b) To recognize the importance of domestic wells as appurtenances to private homes, to create a protectable interest in such wells and to protect their supply of water from unreasonable adverse effects which are caused by municipal, quasi-municipal or industrial uses and which cannot reasonably be mitigated.

(c) To encourage the State Engineer to consider the best available science in rendering decisions concerning the available surface and underground sources of water in Nevada.

(d) To encourage and promote the use of water to prevent or reduce the spread of wildfire or to rehabilitate areas burned by wildfire, including, without limitation, through the establishment of vegetative cover that is resistant to fire.

(e) To encourage any person applying for a permit to appropriate water or to change the point of diversion, place of use or manner of use of water to work with holders of existing rights and owners of existing wells to address issues or conflicts with the application before any hearing that may be held by the State Engineer on the application.

(f) To encourage the use of monitoring, management and mitigation plans to:

(1) Identify potential issues with future water development;

(2) Seek to avoid conflicts with existing rights, protectable interests in existing domestic wells and the public interest;

(3) Ensure any proposed interbasin transfer of groundwater is environmentally sound;

(4) Manage groundwater basins consistent with the doctrine of prior appropriation; and

(5) When necessary, mitigate the impact of an application for the purpose of eliminating any conflict with existing rights, protectable interests in domestic wells and important environmental resources.

2. The procedures in this chapter for changing the place of diversion, manner of use or place of use of water, and for confirming a report of conveyance, are not intended to have the effect of quieting title to or changing ownership of a water right and that only a court of competent

jurisdiction has the power to determine conflicting claims to ownership of a water right.

3. The procedures in this chapter regarding the review or approval of a monitoring, management and mitigation plan are not intended to abrogate the authority of the State Engineer to protect existing rights and protectable interests in existing domestic wells.

Sec. 8. NRS 533.325 is hereby amended to read as follows:

533.325 Any person who wishes to appropriate any of the public waters, or ***, except as otherwise provided in section 5 of this act,*** to change the place of diversion, manner of use or place of use of water already appropriated, shall, before performing any work in connection with such appropriation, change in place of diversion or change in manner or place of use, apply to the State Engineer for a permit to do so.

Sec. 9. NRS 533.353 is hereby amended to read as follows:

533.353 1. For each new application to appropriate water for a beneficial use filed on or after January 1, 2012, if the State Engineer requires a monitoring, management and mitigation plan as a condition of appropriating water for a beneficial use, the State Engineer shall, within 30 days after requiring the plan and if requested by the county where the State Engineer has approved the point of diversion, allow the county to participate in an advisory capacity in the development and implementation of the plan.

2. Before approving any plan ~~[developed pursuant to subsection 1]~~ ***or amendment to a plan,*** and during the period in which the plan, if approved, is carried out, the State Engineer shall consider any comment, analysis or other information submitted by the participating county. The State Engineer is not required to include any comment, analysis or other information submitted by a participating county in a monitoring, management and mitigation plan required pursuant to this section.

3. A decision by the State Engineer whether or not to include in the plan or to follow any comment, analysis or other information submitted by a participating county pursuant to this section is not subject to judicial review pursuant to NRS 533.450.

Sec. 10. NRS 533.370 is hereby amended to read as follows:

533.370 1. Except as otherwise provided in this section and NRS 533.345, 533.371, 533.372 and 533.503, the State Engineer shall approve an application submitted in proper form which contemplates the application of water to beneficial use if:

(a) The application is accompanied by the prescribed fees;

(b) The proposed use or change, if within an irrigation district, does not adversely affect the cost of water for other holders of water rights in the district or lessen the efficiency of the district in its delivery or use of water; and

(c) The applicant provides proof satisfactory to the State Engineer of the applicant's:

(1) Intention in good faith to construct any work necessary to apply the water to the intended beneficial use with reasonable diligence; and

(2) Financial ability and reasonable expectation actually to construct the work and apply the water to the intended beneficial use with reasonable diligence.

2. Except as otherwise provided in subsection 10 ~~[,]~~ ***and section 3 of this act,*** where there is no unappropriated water in the proposed source of supply, or where its proposed use or change conflicts with existing rights or with protectable interests in existing domestic wells as set forth in NRS 533.024, or threatens to prove detrimental to the public interest, the State Engineer shall reject the application and refuse to issue the requested permit. If a previous application for a similar use of water within the same basin has been rejected on those grounds, the new application may be denied without publication.

3. In addition to the criteria set forth in subsections 1 and 2 ~~[,]~~ ***and section 3 of this act,*** in determining whether an application for an interbasin transfer of groundwater must be rejected pursuant to this section, the State Engineer shall consider:

(a) Whether the applicant has justified the need to import the water from another basin;

(b) If the State Engineer determines that a plan for conservation of water is advisable for the basin into which the water is to be imported, whether the applicant has demonstrated that such a plan has been adopted and is being effectively carried out;

(c) Whether the proposed action is environmentally sound as it relates to the basin from which the water is exported;

(d) Whether the proposed action is an appropriate long-term use which will not unduly limit the future growth and development in the basin from which the water is exported; and

(e) Any other factor the State Engineer determines to be relevant.

4. Except as otherwise provided in this subsection and subsections 6 and 10 and NRS 533.365, the State Engineer shall approve or reject each application within 2 years after the final date for filing a protest. The State Engineer may postpone action:

(a) Upon written authorization to do so by the applicant.

(b) If an application is protested.

(c) If the purpose for which the application was made is municipal use.

(d) In areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to NRS 533.368.

(e) Where court actions or adjudications are pending, which may affect the outcome of the application.

(f) In areas in which adjudication of vested water rights is deemed necessary by the State Engineer.

(g) On an application for a permit to change a vested water right in a basin where vested water rights have not been adjudicated.

(h) Where authorized entry to any land needed to use the water for which the application is submitted is required from a governmental agency.

(i) On an application for which the State Engineer has required additional information pursuant to NRS 533.375.

5. If the State Engineer does not act upon an application in accordance with subsections 4 and 6, the application remains active until approved or rejected by the State Engineer.

6. Except as otherwise provided in this subsection and subsection 10, the State Engineer shall approve or reject, within 6 months after the final date for filing a protest, an application filed to change the point of diversion of water already appropriated when the existing and proposed points of diversion are on the same property for which the water has already been appropriated under the existing water right or the proposed point of diversion is on real property that is proven to be owned by the applicant and is contiguous to the place of use of the existing water right. The State Engineer may postpone action on the application pursuant to subsection 4.

7. If the State Engineer has not approved, rejected or held a hearing on an application within 7 years after the final date for filing a protest, the State Engineer shall cause notice of the application to be republished pursuant to NRS 533.360 immediately preceding the time at which the State Engineer is ready to approve or reject the application. The cost of the republication must be paid by the applicant. After such republication, a protest may be filed in accordance with NRS 533.365.

8. If a hearing is held regarding an application, the decision of the State Engineer must be in writing and include findings of fact, conclusions of law and a statement of the underlying facts supporting the findings of fact. The written decision may take the form of a transcription of an oral ruling. The rejection or approval of an application must be endorsed on a copy of the original application, and a record must be made of the endorsement in the records of the State Engineer. The copy of the application so endorsed must be returned to the applicant. Except as otherwise provided in subsection 11, if the application is approved, the applicant may, on receipt thereof, proceed with the construction of the necessary works and take all steps required to apply the water to beneficial use and to perfect the proposed appropriation. If the application is rejected, the applicant may take no steps toward the prosecution of the proposed work or the diversion and use of the public water while the rejection continues in force.

9. If a person is the successor in interest of an owner of a water right or an owner of real property upon which a domestic well is located and if the former owner of the water right or real property on which a domestic well is located had previously filed a written protest against the granting of an application, the successor in interest must be allowed to pursue that protest in the same manner as if the successor in interest were the former owner whose interest he or she succeeded. If the successor in interest wishes to pursue the

protest, the successor in interest must notify the State Engineer in a timely manner on a form provided by the State Engineer.

10. The provisions of subsections 1 to 9, inclusive, do not apply to an application for an environmental permit or a temporary permit issued pursuant to NRS 533.436 or 533.504.

11. The provisions of subsection 8 do not authorize the recipient of an approved application to use any state land administered by the Division of State Lands of the State Department of Conservation and Natural Resources without the appropriate authorization for that use from the State Land Registrar.

12. As used in this section ~~[~~, "domestic~~]~~ ***:***

(a) "Domestic well" has the meaning ascribed to it in NRS 534.350.

(b) ~~[~~"Environmentally sound" means that the use of groundwater for an interbasin transfer of water will not cause:

~~(1) An unreasonable effect on natural resources which depend on groundwater in the basin from which the water is transferred; or~~

~~(2) The inability to sustain, over a 75-year planning period, current or successor plant and wildlife communities in the basin from which the water is transferred.~~

~~(c)]~~ "Unappropriated water" means the quantity of groundwater that is:

(1) Available for appropriation based on the perennial yield of the source of supply ~~[,]~~ which does not require the actual capture of the recharge or discharge from the source of supply; and

(2) Not committed to existing permitted, certificated, federally reserved, decreed or vested water rights.

Sec. 11. NRS 533.371 is hereby amended to read as follows:

533.371 The State Engineer shall reject the application and refuse to issue a permit to appropriate water for a specified period if the State Engineer determines that:

1. The application is incomplete;
2. The prescribed fees have not been paid;
3. The proposed use is not temporary;
4. There is no water available from the proposed source of supply without exceeding the perennial yield ~~[~~or safe yield~~]~~ of that source;
5. The ~~[~~***Except as otherwise provided in NRS 533.353 and sections 3 to 6, inclusive, of this act, the***~~]~~ proposed use conflicts with existing rights ~~[,]~~ ***and the conflict cannot be eliminated through the use of a monitoring, management and mitigation plan;*** or
6. The proposed use threatens to prove detrimental to the public interest.

Sec. 12. NRS 533.410 is hereby amended to read as follows:

533.410 ~~[~~If~~]~~ ***Except as otherwise provided in section 5 of this act, if*** any holder of a permit from the State Engineer fails, before the date set for filing in the permit or the date set by any extension granted by the State Engineer, to file with the State Engineer proof of application of water to beneficial use, and the accompanying map, if a map is required, the State Engineer shall

advise the holder of the permit, by registered or certified mail, that the permit is held for cancellation. If the holder, within 30 days after the mailing of this notice, fails to file with the State Engineer the required affidavit and map, if a map is required, or an application for an extension of time to file the instruments, the State Engineer shall cancel the permit. For good cause shown, upon application made before the expiration of the 30-day period, the State Engineer may grant an extension of time in which to file the instruments.

Sec. 13. NRS 533.450 is hereby amended to read as follows:

533.450 1. Except as otherwise provided in NRS 533.353, any person feeling aggrieved by any order or decision of the State Engineer, acting in person or through the assistants of the State Engineer or the water commissioner, affecting the person's interests, when the order or decision relates to the administration of determined rights or is made pursuant to NRS 533.270 to 533.445, inclusive, ***and sections 3 to 6, inclusive, of this act,*** or NRS 533.481, 534.193, 535.200 or 536.200, may have the same reviewed by a proceeding for that purpose, insofar as may be in the nature of an appeal, which must be initiated in the proper court of the county in which the matters affected or a portion thereof are situated, but on stream systems where a decree of court has been entered, the action must be initiated in the court that entered the decree. The order or decision of the State Engineer remains in full force and effect unless proceedings to review the same are commenced in the proper court within 30 days after the rendition of the order or decision in question and notice thereof is given to the State Engineer as provided in subsection 3.

2. The proceedings in every case must be heard by the court, and must be informal and summary, but full opportunity to be heard must be had before judgment is pronounced.

3. No such proceedings may be entertained unless notice thereof, containing a statement of the substance of the order or decision complained of, and of the manner in which the same injuriously affects the petitioner's interests, has been served upon the State Engineer, personally or by registered or certified mail, at the Office of the State Engineer at the State Capital within 30 days following the rendition of the order or decision in question. A similar notice must also be served personally or by registered or certified mail upon the person who may have been affected by the order or decision.

4. Where evidence has been filed with, or testimony taken before, the State Engineer, a transcribed copy thereof, or of any specific part of the same, duly certified as a true and correct transcript in the manner provided by law, must be received in evidence with the same effect as if the reporter were present and testified to the facts so certified. A copy of the transcript must be furnished on demand, at actual cost, to any person affected by the order or decision, and to all other persons on payment of a reasonable amount therefor, to be fixed by the State Engineer.

5. An order or decision of the State Engineer must not be stayed unless the petitioner files a written motion for a stay with the court and serves the motion personally or by registered or certified mail upon the State Engineer, the applicant or other real party in interest and each party of record within 10 days after the petitioner files the petition for judicial review. Any party may oppose the motion and the petitioner may reply to any such opposition. In determining whether to grant or deny the motion for a stay, the court shall consider:

(a) Whether any nonmoving party to the proceeding may incur any harm or hardship if the stay is granted;

(b) Whether the petitioner may incur any irreparable harm if the stay is denied;

(c) The likelihood of success of the petitioner on the merits; and

(d) Any potential harm to the members of the public if the stay is granted.

6. Except as otherwise provided in this subsection, the petitioner must file a bond in an amount determined by the court, with sureties satisfactory to the court and conditioned in the manner specified by the court. The bond must be filed within 5 days after the court determines the amount of the bond pursuant to this subsection. If the petitioner fails to file the bond within that period, the stay is automatically denied. A bond must not be required for a public agency of this State or a political subdivision of this State.

7. Costs must be paid as in civil cases brought in the district court, except by the State Engineer or the State.

8. The practice in civil cases applies to the informal and summary character of such proceedings, as provided in this section.

9. Appeals may be taken to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution from the judgment of the district court in the same manner as in other civil cases.

10. The decision of the State Engineer is prima facie correct, and the burden of proof is upon the party attacking the same.

11. Whenever it appears to the State Engineer that any litigation, whether now pending or hereafter brought, may adversely affect the rights of the public in water, the State Engineer shall request the Attorney General to appear and protect the interests of the State.

Sec. 14. NRS 533.475 is hereby amended to read as follows:

533.475 The State Engineer and the assistants of the State Engineer shall have power to arrest any person violating any of the provisions of NRS 533.005 to 533.470, inclusive, ***and sections 3 to 6, inclusive, of this act*** and to turn that person over to the sheriff or other competent police officer within the county. Immediately on delivering any such person so arrested into the custody of the sheriff, the State Engineer or assistant making such arrest shall immediately, in writing, and upon oath, make a complaint before the justice of the peace against the person so arrested.

Sec. 15. NRS 533.480 is hereby amended to read as follows:

533.480 Any person violating any of the provisions of NRS 533.005 to 533.475, inclusive, ***and sections 3 to 6, inclusive, of this act*** shall be guilty of a misdemeanor.

Sec. 16. NRS 533.515 is hereby amended to read as follows:

533.515 1. No permit for the appropriation of water or application to change the point of diversion under an existing water right may be denied because of the fact that the point of diversion described in the application for the permit, or any portion of the works in the application described and to be constructed for the purpose of storing, conserving, diverting or distributing the water are situated in any other state; but in all such cases where the place of intended use, or the lands, or part of the lands to be irrigated by means of the water, are situated within this state, the permit must be issued as in other cases, pursuant to the provisions of NRS 533.324 to 533.450, inclusive, ***and sections 3 to 6, inclusive, of this act,*** and chapter 534 of NRS.

2. The permit must not purport to authorize the doing or refraining from any act or thing, in connection with the system of appropriation, not properly within the scope of the jurisdiction of this state and the State Engineer to grant.

Sec. 17. NRS 533.520 is hereby amended to read as follows:

533.520 1. Any person who files an application for a permit to appropriate water from above or beneath the surface of the ground for use outside this State, or to change the point of diversion under an existing water right which has a place of use outside of this State, or to change the place of use of water from a location in this State to a location outside this State under an existing right, must file an application with the State Engineer for a permit to do so pursuant to provisions of NRS 533.324 to 533.450, inclusive, ***and sections 3 to 6, inclusive, of this act,*** and chapter 534 of NRS.

2. The State Engineer may approve such an application if the State Engineer determines that the applicant's use of the water outside this State complies with the requirements of NRS 533.324 to 533.450, inclusive, ***and sections 3 to 6, inclusive, of this act,*** and those provisions of chapter 534 of NRS pertaining to the appropriation of water. In making the determination, the State Engineer shall consider:

(a) The supply of water available in this State;

(b) The current and reasonably anticipated demands for water in this State;

(c) The current or reasonably anticipated shortages of water in this State;

(d) Whether the water that is the subject of the application could feasibly be used to alleviate current or reasonably anticipated shortages of water in this State;

(e) The supply and sources of water available to the applicant in the state in which the applicant intends to use the water;

(f) The demands placed on the applicant's supply of water in the state in which he or she intends to use the water; and

(g) Whether the request in the application is reasonable, taking into consideration the factors set forth in paragraphs (a) to (f), inclusive.

3. The State Engineer may, as a condition to the approval of such an application, require the applicant to file a certificate from the appropriate official in the state in which the water is to be used, indicating to the satisfaction of the State Engineer that the intended use of the water would be beneficial and that the appropriation is feasible.

4. A person who is granted a permit pursuant to this section shall comply with the laws and regulations of this State governing the appropriation and use of water, as amended from time to time, and any change in the point of diversion, manner of use or place of use of water under a permit issued pursuant to this section is subject to the requirements of this section.

5. The State Engineer may, as a condition of the approval of any permit granted pursuant to this section, require that the use of water in another state be subject to the same regulations and restrictions that may be imposed upon the use of water in this State.

6. Upon submittal of an application under this section, the applicant and, if the applicant is a natural person, the personal representative of the person, are subject to the jurisdiction of the courts of this State and to service of process as provided in NRS 14.065.

Sec. 18. NRS 534.090 is hereby amended to read as follows:

534.090 1. Except as otherwise provided in this section ~~[,]~~ ***and section 5 of this act,*** failure for 5 successive years after April 15, 1967, on the part of the holder of any right, whether it is an adjudicated right, an unadjudicated right or a right for which a certificate has been issued pursuant to NRS 533.425, and further whether the right is initiated after or before March 25, 1939, to use beneficially all or any part of the underground water for the purpose for which the right is acquired or claimed, works a forfeiture of both undetermined rights and determined rights to the use of that water to the extent of the nonuse. If the records of the State Engineer or any other documents specified by the State Engineer indicate at least 4 consecutive years, but less than 5 consecutive years, of nonuse of all or any part of a water right which is governed by this chapter, the State Engineer shall notify the owner of the water right, as determined in the records of the Office of the State Engineer, by registered or certified mail that the owner has 1 year after the date of the notice in which to use the water right beneficially and to provide proof of such use to the State Engineer or apply for relief pursuant to subsection 2 to avoid forfeiting the water right. If, after 1 year after the date of the notice, proof of resumption of beneficial use is not filed in the Office of the State Engineer, the State Engineer shall, unless the State Engineer has granted a request to extend the time necessary to work a forfeiture of the water right, declare the right forfeited within 30 days. Upon the forfeiture of a right to the use of groundwater, the water reverts to the public and is available for further appropriation, subject to existing rights. If, upon notice by registered or certified mail to the owner of record whose right has been

declared forfeited, the owner of record fails to appeal the ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the forfeiture becomes final. The failure to receive a notice pursuant to this subsection does not nullify the forfeiture or extend the time necessary to work the forfeiture of a water right.

2. The State Engineer may, upon the request of the holder of any right described in subsection 1, extend the time necessary to work a forfeiture under that subsection if the request is made before the expiration of the time necessary to work a forfeiture. The State Engineer may grant, upon request and for good cause shown, any number of extensions, but a single extension must not exceed 1 year. In determining whether to grant or deny a request, the State Engineer shall, among other reasons, consider:

(a) Whether the holder has shown good cause for the holder's failure to use all or any part of the water beneficially for the purpose for which the holder's right is acquired or claimed;

(b) The unavailability of water to put to a beneficial use which is beyond the control of the holder;

(c) Any economic conditions or natural disasters which made the holder unable to put the water to that use;

(d) Any prolonged period in which precipitation in the basin where the water right is located is below the average for that basin or in which indexes that measure soil moisture show that a deficit in soil moisture has occurred in that basin;

(e) Whether a groundwater management plan has been approved for the basin pursuant to NRS 534.037; and

(f) Whether the holder has demonstrated efficient ways of using the water for agricultural purposes, such as center-pivot irrigation.

➥ The State Engineer shall notify, by registered or certified mail, the owner of the water right, as determined in the records of the Office of the State Engineer, of whether the State Engineer has granted or denied the holder's request for an extension pursuant to this subsection. If the State Engineer grants an extension pursuant to this subsection and, before the expiration of that extension, proof of resumption of beneficial use or another request for an extension is not filed in the Office of the State Engineer, the State Engineer shall declare the water right forfeited within 30 days after the expiration of the extension granted pursuant to this subsection.

3. If the failure to use the water pursuant to subsection 1 is because of the use of center-pivot irrigation before July 1, 1983, and such use could result in a forfeiture of a portion of a right, the State Engineer shall, by registered or certified mail, send to the owner of record a notice of intent to declare a forfeiture. The notice must provide that the owner has at least 1 year after the date of the notice to use the water beneficially or apply for additional relief pursuant to subsection 2 before forfeiture of the owner's right is declared by the State Engineer.

4. A right to use underground water whether it is vested or otherwise may be lost by abandonment. If the State Engineer, in investigating a groundwater source, upon which there has been a prior right, for the purpose of acting upon an application to appropriate water from the same source, is of the belief from his or her examination that an abandonment has taken place, the State Engineer shall so state in the ruling approving the application. If, upon notice by registered or certified mail to the owner of record who had the prior right, the owner of record of the prior right fails to appeal the ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the alleged abandonment declaration as set forth by the State Engineer becomes final.

Sec. 19. NRS 534.110 is hereby amended to read as follows:

534.110 1. The State Engineer shall administer this chapter and shall prescribe all necessary regulations within the terms of this chapter for its administration.

2. The State Engineer may:

(a) Require periodical statements of water elevations, water used, and acreage on which water was used from all holders of permits and claimants of vested rights.

(b) Upon his or her own initiation, conduct pumping tests to determine if overpumping is indicated, to determine the specific yield of the aquifers and to determine permeability characteristics.

3. The State Engineer shall determine whether there is unappropriated water in the area affected and may issue permits only if the determination is affirmative. The State Engineer may require each applicant to whom a permit is issued for a well:

(a) For municipal, quasi-municipal or industrial use; and

(b) Whose reasonably expected rate of diversion is one-half cubic foot per second or more,

➥ to report periodically to the State Engineer concerning the effect of that well on other previously existing wells that are located within 2,500 feet of the well.

4. It is a condition of each appropriation of groundwater acquired under this chapter that the right of the appropriator relates to a specific quantity of water and that the right must allow for a reasonable lowering of the static water level at the appropriator's point of diversion. In determining a reasonable lowering of the static water level in a particular area, the State Engineer shall consider the economics of pumping water for the general type of crops growing and may also consider the effect of using water on the economy of the area in general.

5. This section does not prevent the granting of permits to applicants later in time on the ground that the diversions under the proposed later appropriations may cause the water level to be lowered at the point of diversion of a prior appropriator, so long as any protectable interests in existing domestic wells as set forth in NRS 533.024 and the rights of holders

of existing appropriations can be satisfied under ~~[such express conditions.~~ ***the terms of the permit or a monitoring, management and mitigation plan.*** At the time a permit is granted for a well:

(a) For municipal, quasi-municipal or industrial use; and

(b) Whose reasonably expected rate of diversion is one-half cubic foot per second or more,

➥ the State Engineer shall include as a condition of the permit that pumping water pursuant to the permit may be limited or prohibited to prevent any unreasonable adverse effects on an existing domestic well located within 2,500 feet of the well, unless the holder of the permit and the owner of the domestic well have agreed to alternative measures that mitigate those adverse effects.

6. Except as otherwise provided in subsection 7, the State Engineer shall conduct investigations in any basin or portion thereof where it appears that the average annual replenishment to the groundwater supply may not be adequate for the needs of all permittees and all vested-right claimants, and if the findings of the State Engineer so indicate, the State Engineer may order that withdrawals, including, without limitation, withdrawals from domestic wells, be restricted to conform to priority rights.

7. The State Engineer:

(a) May designate as a critical management area any basin in which withdrawals of groundwater consistently exceed the perennial yield of the basin.

(b) Shall designate as a critical management area any basin in which withdrawals of groundwater consistently exceed the perennial yield of the basin upon receipt of a petition for such a designation which is signed by a majority of the holders of certificates or permits to appropriate water in the basin that are on file in the Office of the State Engineer.

➥ The designation of a basin as a critical management area pursuant to this subsection may be appealed pursuant to NRS 533.450. If a basin has been designated as a critical management area for at least 10 consecutive years, the State Engineer shall order that withdrawals, including, without limitation, withdrawals from domestic wells, be restricted in that basin to conform to priority rights, unless a groundwater management plan has been approved for the basin pursuant to NRS 534.037.

8. In any basin or portion thereof in the State designated by the State Engineer, the State Engineer may restrict drilling of wells in any portion thereof if the State Engineer determines that additional wells would cause an undue interference with existing wells. Any order or decision of the State Engineer so restricting drilling of such wells may be reviewed by the district court of the county pursuant to NRS 533.450.

9. As used in this section, "perennial yield" has the meaning ascribed to it in section 2 of this act.

Sec. 20. The Legislature hereby declares that:

1. It has examined the past and present practice of the State Engineer with respect to ~~[existing water rights and protectable interests in existing domestic wells and]~~ the approval of an application to appropriate water or to change the point of diversion, manner of use or place of use subject to the development and implementation of a monitoring, management and mitigation plan and finds that the State Engineer has applied the provisions of Nevada law relating to such actions in a manner consistent with the provisions of this act.

2. The provisions of this act are intended to clarify rather than change the existing application of chapters 533 and 534 of NRS relating to ~~[existing water rights and protectable interests in existing domestic wells and]~~ the approval of an application to appropriate water or to change the point of diversion, manner of use or place of use subject to the development and implementation of a monitoring, management and mitigation plan, and to promote thereby stability and consistency in the administration of chapters 533 and 534 of NRS.

Sec. 21. This act becomes effective upon passage and approval and, to the extent that it applies to applications for a permit to appropriate water or to change the point of diversion, manner of use or place of use submitted to the State Engineer on or before the effective date of this act or to existing water rights or protectable interests in an existing domestic well with a priority date on or before the effective date of this act, shall apply to such applications, water rights and protectable interests retroactively and prospectively.

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblywoman Swank.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 317.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 385.

AN ACT relating to business practices; prohibiting a person from adopting certain fictitious names; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each person doing business in this State under an assumed or fictitious name that is in any way different from the legal name of each person who owns an interest in the business to file a certificate with the county clerk stating the assumed or fictitious name under which the business is being conducted or is intended to be conducted. (NRS 602.010, 602.020) Existing law also provides limitations on the adoption of, and prohibits a county clerk from accepting the filing of a certificate for, certain fictitious names. (NRS 602.017) This bill prohibits a person from adopting a fictitious

name which imitates **or causes another person to reasonably believe the fictitious name is** the name of ~~[a]~~ **, or a name associated with, a government,** governmental agency **, political subdivision of a government, federally recognized Indian tribe or nation** or **any other governmental** entity ~~[of]~~ **found within** this State, another state or the United States.

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

Section 1. NRS 602.017 is hereby amended to read as follows:

602.017 1. No person may adopt any fictitious name which includes "Corporation," "Corp.," "Incorporated" or "Inc." in its title, unless that person is a corporation organized or qualified to do business pursuant to the laws of this State.

2. No person may adopt any fictitious name which includes "Limited-Liability Company," "Limited Liability Company," "Limited Company" or the abbreviation "L.L.C.," "L.C.," "LLC" or "LC" in its title, unless that person is a limited-liability company organized or registered to do business pursuant to the laws of this State.

3. No person may adopt any fictitious name which includes "Business Trust" or the abbreviation "B.T." or "BT" in its title, unless that person is a business trust organized or registered to do business pursuant to the laws of this State.

4. No person may adopt any fictitious name which includes "Professional Corporation" or the abbreviation "Prof. Corp.," "P.C." or "PC" or the word "Chartered" or the abbreviation "Chtd." in its title, unless that person is a professional corporation organized to do business pursuant to the laws of this State.

5. No person may adopt any fictitious name which includes "Professional Association," "Professional Organization" or the abbreviation "Prof. Ass'n" or "Prof. Org." in its title, unless that person is a professional association organized to do business pursuant to the laws of this State.

6. No person may adopt any fictitious name which includes "Limited" or the abbreviation "Ltd." in its title, unless that person is a corporation, limited-liability company, registered limited-liability partnership, limited partnership or professional corporation organized, qualified or registered to do business pursuant to the laws of this State.

7. ***No person may adopt any fictitious name which imitates or reasonably causes another person to believe the fictitious name is the name of , or a name associated with, a government, governmental agency , ~~[or entity of]~~ political subdivision of a government, federally recognized Indian tribe or nation or any other governmental entity found within this State, another state or the United States.***

8. No natural person may adopt any fictitious name which appears to be the name of a natural person unless the name includes an additional word or

words which indicate that the fictitious name is not the name of a natural person.

~~[8.]~~ ***9.*** No county clerk may accept for filing a certificate which violates any provision of this chapter.

Sec. 1.5. **The amendatory provisions of this act:**

1. Apply to any person who files a certificate pursuant to NRS 602.010 on or after July 1, 2017.

2. Apply to any person who has previously filed a certificate pursuant to NRS 602.010 and is required to renew such a certificate on or after July 1, 2017.

Sec. 2. This act becomes effective on July 1, 2017.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 346.

Bill read second time.

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

Amendment No. 219.

AN ACT relating to child care; **requiring the operator of a small child care establishment to register with the Division of Welfare and Supportive Services of the Department of Health and Human Services;** requiring certain persons who are employed at or otherwise present at a small child care establishment to undergo a criminal background check; **authorizing the Division of Public and Behavioral Health of the Department to collect from a child care facility or small child care establishment the costs relating to an investigation of a violation;** requiring the licensee of a child care facility to ensure that each child at the child care facility wears a helmet while using certain devices; providing for the inspection of such an establishment; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term "child care facility" to mean an establishment that provides child care to five or more children for compensation and certain other child care establishments. (NRS 432A.024) **Section 2** of this bill defines the term "small child care establishment" to mean an establishment that furnishes child care to not more than four children unrelated to the operator for compensation, outside the home and the presence of the parent or guardian of any of the children and on a regular basis for at least 3 weeks. **Section 3** of this bill requires a person or governmental entity that wishes to operate a small child care establishment to register with the Division of ~~[Public and Behavioral Health]~~ **Welfare and Supportive Services** of the Department of Health and Human Services and

submit certain information to the Division concerning employees and certain residents of the establishment. **Section 9** of this bill authorizes the Division **of Public and Behavioral Health of the Department** to seek an injunction against any person or governmental entity that operates a small child care establishment without registering with the Division ~~[.]~~ **of Welfare and Supportive Services.** **Section 10** of this bill makes it a misdemeanor to operate a small child care establishment without registering with the Division ~~[.]~~ **of Welfare and Supportive Services.**

Existing law requires every applicant for and holder of a license to operate a child care facility, employee of such an applicant or licensee and certain adult residents of a child care facility to undergo a criminal background check conducted by the Division at least once every 5 years. (NRS 432A.170, 432A.175) If a criminal background check reveals that such a person has been convicted of certain crimes, the person must be terminated or otherwise prevented from having direct contact with children at the facility. (NRS 432A.1775) **Sections 7.2-7.6 of this bill make these requirements applicable to operators, employees and certain adult residents of small child care establishments. Section 7.8 of this bill also requires an operator of a small child care establishment to maintain certain records relating to those background checks.** **Section 3** prohibits a person who has been convicted of ~~[those]~~ **certain** crimes from operating a small child care establishment.

~~[Existing law establishes within the Central Repository for Nevada Records of Criminal History a service to conduct a name-based search of records of criminal history of an employee, prospective employee, volunteer or prospective volunteer. (NRS 179A.103) Section 11 of this bill additionally authorizes this service to be used to conduct a name-based search of the records of criminal history of a resident of a small child care establishment. Section 4 of this bill requires the operator of a small child care establishment to use the service to conduct a name-based search of the records of criminal history of employees and certain residents of the establishment at least once every 5 years. Section 4 also requires the operator of a small child care facility to maintain certain records related to those background checks.]~~ **Section 7** of this bill authorizes the State Board of Health to adopt regulations to enforce the requirements for registration and background checks and to ensure the safe operation of small child care establishments. The Division of Public and Behavioral Health is authorized to impose a fine against any small child care establishment that violates the requirements or regulations. (NRS 432A.190)

Section 5 of this bill requires the licensee of a child care facility or the operator of a small child care establishment to ensure that each child at the facility or establishment wears a helmet while riding a bicycle, tricycle, skateboard, scooter, roller skates or any other similar device or toy that renders the child mobile.

Existing law authorizes any authorized member or employee of the Division to enter and inspect any building or premises of a child care facility or the area of operation of an outdoor youth program at any time to secure compliance with or prevent a violation of applicable law. **Section 8** of this bill extends those inspection provisions to include small child care establishments. **If a complaint against a child care facility or small child care establishment is substantiated, section 4.5 of this bill authorizes the Division to collect from the facility or establishment the costs of the Division relating to the violation, including the costs of any necessary inspection or investigation.**

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

Section 1. Chapter 432A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***"Small child care establishment" means an establishment that furnishes care to not more than four children under 18 years of age who are not related to the operator of the establishment within the fourth degree of consanguinity or affinity:***

1. For monetary compensation;

2. Outside the home and the presence of the parents or guardians of any of the children; and

3. For at least 6 hours each day, at least 4 days each week and more than 3 consecutive weeks.

Sec. 3. ***1. A person, state or local government unit or agency thereof that wishes to operate a small child care establishment must, before furnishing care to any children, register the small child care establishment with the Division of Welfare and Supportive Services of the Department by submitting to the Division [,] of Welfare and Supportive Services on the Internet website of the Division [,] of Welfare and Supportive Services the following information:***

(a) The name, address and contact information of the prospective operator of the small child care establishment;

(b) The name and address of the small child care establishment;

(c) [The information required by paragraph (b) of subsection 1 of section 4 of this act relating to employees and residents of the small child care establishment;

— (d)] An affirmation that the operator of the small child care establishment is in compliance with subsection 2; and

[(e)] (d) Such additional information as the Division of Welfare and Supportive Services deems necessary.

2. A person shall not serve as the operator of a small child care establishment if the person has been convicted of a crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect made against him or her.

Sec. 4. ~~*[1. The operator of a small child care establishment shall participate in the service to conduct a name-based search of records of criminal history established within the Central Repository for Nevada Records of Criminal History by NRS 179A.103. Not later than 3 days after hiring an employee or accepting a resident who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, and at least once every 5 years thereafter, the operator of a small child care establishment shall:*~~

~~*(a) Submit an inquiry to the service concerning the employee or resident, as applicable; and*~~

~~*(b) Submit to the Division, on the Internet website of the Division:*~~

~~*(1) The name, address and contact information of the employee or resident; and*~~

~~*(2) An affirmation that the operator of the small child care establishment is in compliance with subsection 2.*~~

~~*2. Upon receiving information from the Central Repository pursuant to subsection 1 or evidence from any other source that an employee of the small child care establishment or a resident of the small child care establishment who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, has been convicted of a crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect made against him or her, the operator of the small child care establishment shall terminate the employment of the employee or remove the resident from the establishment after allowing the employee or resident time to correct the information as required by subsection 3.*~~

~~*3. If an employee or resident of a small child care establishment believes that the information provided to the operator of the establishment pursuant to subsection 2 is incorrect, the employee or resident must inform the operator immediately. The operator of the establishment shall give any such employee or resident 30 days to correct the information.*~~

~~*4. During any period in which an employee or resident of a small child care establishment seeks to correct information pursuant to subsection 3, it is within the discretion of the operator of the establishment whether to allow the employee or resident to continue to work for or reside at the small child care establishment, except that the employee or resident shall not have contact with a child without supervision during such a period.*~~

~~*5. Each operator of a small child care establishment shall:*~~

~~*(a) Maintain records of information received from the Central Repository pursuant to subsection 2 concerning employees and residents of the establishment for the period of the employer's employment with or the resident's presence at the small child care establishment; and*~~

~~*(b) Make those records available for inspection by the Division at any reasonable time and furnish copies thereof to the Division upon request.]*~~ **(Deleted by amendment.)**

Sec. 4.5. 1. If a complaint against a child care facility, a small child care establishment, a person who operates a child care facility without a license or a person who operates a small child care establishment without registering in accordance with section 3 of this act is substantiated, the Division may charge and collect from the facility, establishment or person the actual cost incurred by the Division relating to the violation, including the actual cost of conducting an inspection or investigation of the facility, establishment or person.

2. Any money collected pursuant to subsection 1 may be used by the Division to administer and carry out the provisions of this chapter and the regulations adopted pursuant thereto.

Sec. 5. ***The licensee of a child care facility or the operator of a small child care establishment shall ensure that each child at the facility or establishment, as applicable, wears a helmet while using a bicycle, tricycle, skateboard, scooter, roller skates or any other similar device or toy that renders the child mobile.***

Sec. 6. NRS 432A.020 is hereby amended to read as follows:

432A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 432A.0205 to 432A.029, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 7. NRS 432A.077 is hereby amended to read as follows:

432A.077 1. The Board shall adopt:

(a) Licensing standards for child care facilities.

(b) In consultation with the State Fire Marshal, plans and requirements to ensure that each child care facility and its staff is prepared to respond to emergencies, including, without limitation:

(1) The conducting of fire drills on a monthly basis;

(2) The adoption of plans to respond to natural disasters and emergencies other than those involving fire; and

(3) The adoption of plans to provide for evacuation of child care facilities in an emergency.

(c) ***Any regulations necessary to carry out the provisions of*** ~~***[sections]***~~ ***section 3*** ~~***[and 4]***~~ ***of this act or to ensure the safe operation of small child care establishments.***

(d) Such other regulations as it deems necessary or convenient to carry out the provisions of this chapter.

2. The Board shall require that the practices and policies of each child care facility provide adequately for the protection of the health and safety and the physical, moral and mental well-being of each child accommodated in the facility.

3. If the Board finds that the practices and policies of a child care facility are substantially equivalent to those required by the Board in its regulations, it may waive compliance with a particular standard or other regulation by that facility.

Sec. 7.2. **NRS 432A.170 is hereby amended to read as follows:**

432A.170 1. The Division may, upon receipt of an application for a license to operate a child care facility, conduct an investigation into the:

(a) Buildings or premises of the facility and, if the application is for an outdoor youth program, the area of operation of the program;

(b) Qualifications and background of the applicant or the employees of the applicant;

(c) Method of operation for the facility; and

(d) Policies and purposes of the applicant.

2. The Division shall secure from appropriate law enforcement agencies information on the background and personal history of every applicant, licensee ~~[or]~~ ***, operator of a small child care establishment,*** employee of an applicant ***,*** ~~[or]~~ licensee ~~[,]~~ or ~~[every]~~ ***small child care establishment,*** resident of a child care facility ***or small child care establishment*** who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, to determine whether the person has been convicted of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Any other felony involving the use of a firearm or other deadly weapon;

(c) Assault with intent to kill or to commit sexual assault or mayhem;

(d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(e) Abuse or neglect of a child or contributory delinquency;

(f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(g) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or

(h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years.

3. The Division shall request information concerning every applicant, licensee ~~[or]~~ ***, operator of a small child care establishment,*** employee of an applicant ***,*** ~~[or]~~ licensee ~~[,]~~ or ~~[every]~~ ***small child care establishment,*** resident of a child care facility ***or small child care establishment*** who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, from:

(a) The Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report pursuant to NRS 432A.175; and

(b) The Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 to determine whether there has been a substantiated report of child abuse or neglect made against any of them.

4. The Division may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

5. The information required to be obtained pursuant to subsections 2 and 3 must be requested concerning an:

(a) Employee of an applicant**_ , ~~[or]~~** licensee**_ ~~[,]~~ *or small child care establishment,*** resident of a child care facility ***or small child care establishment*** who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older not later than 3 days after the employee is hired, the residency begins or the participant begins participating in the program, and then at least once every 5 years thereafter.

(b) Applicant at the time that an application is submitted for licensure, and then at least once every 5 years after the license is issued.

(c) Operator of a small child care establishment before the operator begins operating the establishment, and then at least once every 5 years after the establishment begins operating.

6. A person who is required to submit to an investigation required pursuant to this section shall not have contact with a child in a child care facility without supervision before the investigation of the background and personal history of the person has been conducted.

Sec. 7.4. **NRS 432A.175 is hereby amended to read as follows:**

432A.175 1. Every applicant for a license to operate a child care facility, licensee **~~[and]~~ *, operator of a small child care establishment,*** employee of **~~[such]~~** an applicant**_ , ~~[or]~~** licensee**_ ~~[, and every]~~ *or small child care establishment,*** resident of a child care facility ***or small child care establishment*** who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, shall submit to the Division, or to the person or agency designated by the Division, to enable the Division to conduct an investigation pursuant to NRS 432A.170, a:

(a) Complete set of fingerprints and a written authorization for the Division or its designee to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(b) Written statement detailing any prior criminal convictions; and

(c) Written authorization for the Division to obtain any information that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100.

2. If an employee of an applicant for a license to operate a child care facility **,** ~~[or]~~ licensee ~~[,]~~ or ***small child care establishment,*** a resident of a child care facility ***or small child care establishment*** who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, has been convicted of any crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect filed against him or her, the Division shall immediately notify the applicant **,** ~~[or]~~ licensee ~~[,]~~ ***or small child care establishment*** who shall then comply with the provisions of NRS 432A.1755.

3. An applicant for a license to operate a child care facility **,** ~~[or]~~ licensee ***or operator of a small child care establishment*** shall notify the Division as soon as practicable but not later than 24 hours after hiring an employee, beginning the residency of a resident who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or beginning the participation of a participant in an outdoor youth program who is 18 years of age or older.

4. An applicant for a license to operate a child care facility **,** ~~[or]~~ licensee ***or operator of a small child care establishment*** shall notify the Division within 2 days after receiving notice that:

(a) The applicant, licensee or ***operator,*** an employee of the applicant **,** ~~[or]~~ licensee ~~[,]~~ or ***small child care establishment,*** a resident of the child care facility ***or small child care establishment*** who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, or a facility **,** ***establishment*** or program operated by the applicant **,** ~~[or]~~ licensee ~~[,]~~ ***or operator*** is the subject of a lawsuit or any disciplinary proceeding; or

(b) The applicant **,** ~~[or]~~ licensee ~~[,]~~ ***or operator or*** an employee, a resident or ***a*** participant has been charged with a crime listed in subsection 2 of NRS 432A.170 or is being investigated for child abuse or neglect.

Sec. 7.6. **NRS 432A.1755 is hereby amended to read as follows:**

432A.1755 1. Upon receiving information pursuant to NRS 432A.175 from the Central Repository for Nevada Records of Criminal History or the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 or evidence from any other source that an employee of an applicant for a license to operate a child care facility **,** ~~[or]~~ a licensee ~~[,]~~ or ***a small child care establishment,*** a resident of a child care facility ***or small child care establishment*** who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older has been convicted of a crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect made against him or her, the applicant **,** ~~[or]~~ licensee ***or operator of the small child care establishment***

shall terminate the employment of the employee or remove the resident from the facility ***or establishment*** or participant from the outdoor youth program after allowing the employee, resident or participant time to correct the information as required pursuant to subsection 2.

2. If an employee, resident or participant believes that the information provided to the applicant**,** ~~[or]~~ licensee ***or operator*** pursuant to subsection 1 is incorrect, the employee, resident or participant must inform the applicant**,** ~~[or]~~ licensee ***or operator*** immediately. The applicant**,** ~~[or]~~ licensee ***or operator*** shall give any such employee, resident or participant 30 days to correct the information.

3. During any period in which an employee, resident or participant seeks to correct information pursuant to subsection 2, it is within the discretion of the applicant**,** ~~[or]~~ licensee ***or operator*** whether to allow the employee, resident or participant to continue to work for or reside at the child care facility ***or small child care establishment*** or participate in the outdoor youth program, as applicable, except that the employee, resident or participant shall not have contact with a child without supervision during such a period.

Sec. 7.8. **NRS 432A.1785 is hereby amended to read as follows:**

432A.1785 1. Each applicant for a license to operate a child care facility**,** ~~[and]~~ licensee ***and operator of a small child care establishment*** shall maintain records of the information concerning ~~[its]~~ employees ***of the child care facility or small child care establishment*** and any residents of the child care facility ***or small child care establishment*** who are 18 years of age or older, other than residents who remain under the jurisdiction of a court pursuant to NRS 432B.594, or participants in any outdoor youth program who are 18 years of age or older that is collected pursuant to NRS 432A.170 and 432A.175, including, without limitation:

(a) A copy of the fingerprints that were submitted to the Central Repository for Nevada Records of Criminal History;

(b) Proof that the applicant**,** ~~[or]~~ licensee ***or operator*** submitted fingerprints to the Central Repository for Nevada Records of Criminal History; and

(c) The written authorization to obtain information from the Central Repository and the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100.

2. The records maintained pursuant to subsection 1 must be:

(a) Maintained for the period of the employee's employment with or the resident's presence at the child care facility ***or small child care establishment*** or the participant's presence in the outdoor youth program; and

(b) Made available for inspection by the Division at any reasonable time and copies thereof must be furnished to the Division upon request.

Sec. 8. NRS 432A.180 is hereby amended to read as follows:

432A.180 1. Any authorized member or employee of the Division may enter and inspect any building or premises of a child care facility ***or small child care establishment*** or the area of operation of an outdoor youth program at any time to secure compliance with or prevent a violation of any provision of this chapter.

2. The State Fire Marshal or a designee of the State Fire Marshal shall, at least annually:

(a) Enter and inspect every building or premises of a child care facility, on behalf of the Division; and

(b) Observe and make recommendations regarding the drills conducted pursuant to NRS 432A.077,

➥ to secure compliance with standards for safety from fire and other emergencies.

3. The Chief Medical Officer or a designee of the Chief Medical Officer shall enter and inspect at least annually, every building or premises of a child care facility and area of operation of an outdoor youth program, on behalf of the Division, to secure compliance with standards for health and sanitation.

4. The annual inspection of any child care facility which occasionally or regularly has physical custody of children pursuant to the order of a court must include, without limitation, an inspection of all areas where food is prepared and served, bathrooms, areas used for sleeping, common areas and areas located outdoors that are used by children at the child care facility. The Chief Medical Officer shall publish reports of the inspections and make them available for public inspection upon request.

Sec. 9. NRS 432A.210 is hereby amended to read as follows:

432A.210 1. Except as ***otherwise*** provided in subsection 1 of NRS 432A.131, the Division may bring an action in the name of the State to enjoin any person, state or local government unit or agency thereof from operating or maintaining any ~~[~~child~~]~~ ***:***

(a) Child care facility ~~[~~:

~~(a) Without~~] ***without*** first obtaining a license therefor ~~[~~; or

~~(b) After~~] ***or after*** his or her license has been revoked or suspended by the Division.

(b) Small child care establishment without registering with the Division of Welfare and Supportive Services of the Department pursuant to section 3 of this act.

2. It is sufficient in such an action to allege that the defendant did, on a certain date and in a certain place, operate and maintain the facility ***or establishment*** without a license ~~[~~.~~]~~ ***or the proper registration, as applicable.***

Sec. 10. NRS 432A.220 is hereby amended to read as follows:

432A.220 Any person who operates a child care facility without a license issued pursuant to NRS 432A.131 to 432A.220, inclusive, ***and sections 3, ~~[4]~~ 4.5 and 5 of this act or a small child care establishment without registering pursuant to section 3 of this act*** is guilty of a misdemeanor.

Sec. 11. ~~[NRS 179A.103 is hereby amended to read as follows:~~

~~179A.103 1. There is hereby established within the Central Repository a service to conduct a name-based search of records of criminal history of an employee, prospective employee, volunteer , [or] prospective volunteer [.] , *resident or prospective resident.*~~

~~2. An eligible person that wishes *or is required* to participate in the service must enter into a contract with the Central Repository.~~

~~3. The Central Repository may charge a reasonable fee for participation in the service.~~

~~4. A participant of the service may inquire about the records of criminal history of an employee, prospective employee, volunteer , [or] prospective volunteer *, resident or prospective resident* to determine the suitability of the employee or prospective employee for employment , [or] the suitability of the volunteer or prospective volunteer for volunteering [.] *, or the suitability of the resident or prospective resident for residency.*~~

~~5. The Central Repository shall disseminate to a participant of the service information which:~~

~~(a) Reflects convictions only; or~~

~~(b) Pertains to an incident for which an employee, prospective employee, volunteer , [or] prospective volunteer *, resident or prospective resident* is currently within the system of criminal justice, including parole or probation.~~

~~6. An employee, prospective employee, volunteer , [or] prospective volunteer *, resident or prospective resident* who is proposed to be the subject of a name-based search must provide his or her written consent for the Central Repository to perform the search and to release the information to a participant. The written consent form may be:~~

~~(a) A form designated by the Central Repository; or~~

~~(b) If the participant is an employment screening service, a form that complies with the provisions of 15 U.S.C. § 1681b(b)2 for the procurement of a consumer report.~~

~~7. An employment screening service that is designated to receive records of criminal history on behalf of an employer or volunteer organization may provide such records of criminal history to the employer or volunteer organization upon request of the employer or volunteer organization.~~

~~8. The Central Repository may audit a participant, at such times as the Central Repository deems necessary, to ensure that records of criminal history are securely maintained.~~

~~9. The Central Repository may terminate participation in the service if a participant fails:~~

~~(a) To pay the fees required to participate in the service; or~~

~~(b) To address, within a reasonable period, deficiencies identified in an audit conducted pursuant to subsection 8.~~

~~10. As used in this section:~~

~~(a) "Consumer report" has the meaning ascribed to it in 15 U.S.C. § 1681a(d).~~

~~(b) "Eligible person" includes:~~
~~(1) An employer.~~
~~(2) A volunteer organization.~~
~~(3) An employment screening service.~~
~~*(4) The operator of a small child care establishment.*~~
~~(c) "Employer" means a person in this State that:~~
~~(1) Employs an employee; or~~
~~(2) Enters into a contract with an independent contractor.~~
~~(d) "Employment" includes performing services for an employer as an independent contractor.~~
~~(e) "Employment screening service" means a person or entity designated by an employer or volunteer organization to provide employment or volunteer screening services to the employer or volunteer organization.~~
~~*(f) "Resident" means a person who resides or wishes to reside at a small child care establishment.*~~
~~*(g) "Small child care establishment" has the meaning ascribed to it in section 2 of this act.]~~ **(Deleted by amendment.)**

Sec. 12. This act becomes effective on July 1, 2017.

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 350.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 368.

SUMMARY—Revises provisions ~~[governing relations between local government employers and employees.]~~ **relating to state employment.** (BDR 23-932)

AN ACT relating to ~~[local governments;]~~ **state employment;** requiring ~~[a local government employer]~~ **certain state agencies** to provide an employee orientation to new employees, to allow certain employee organizations to participate in such an orientation or meet with a new employee under certain circumstances and to provide such an employee organization with certain information concerning new employees; requiring ~~[a local government employer]~~ **certain state agencies** to allow certain employee organizations to meet with ~~[local government]~~ employees at certain locations **;** ~~[on the employer's premises;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth various requirements concerning ~~[relations between local governments and their employees.]~~ **employment with a department, commission, board, bureau, office or other agency of the Executive Department of the State Government, with certain exceptions.** (Chapter

~~[288]~~ **284** of NRS ~~[)]~~ **; chapter 284 of NAC)** **Section 2** of this bill requires ~~[a local government employer]~~ **such an employing state agency** to provide an in-person orientation to a ~~[local government]~~ **new** employee ~~[at the employee's work location and]~~ during the employee's regular work hours within 30 days after the employee's date of hire ~~[.]~~ **or within a reasonable time thereafter.** Additionally, **section 2** requires ~~[a local government employer]~~ **an employing state agency** to allow an employee organization ~~[by which the local government employee is eligible to be represented and]~~ which has at least ~~[1,000]~~ **100** members **who make payments to the employee organization pursuant to payroll withholdings** to give a presentation of at least 30 minutes during the orientation. The employee organization is authorized to designate a representative to attend the orientation during paid time. ~~[Section 5 of this bill provides that the content of a presentation by an authorized employee organization during an orientation for a newly hired employee is a subject matter that is not within the scope of mandatory bargaining.]~~ **Sections 2 and 3** of this bill require ~~[a local government employer]~~ **an employing state agency** to provide **such** an employee organization ~~[which has at least 1,000 members]~~ with certain information concerning a newly hired ~~[local government]~~ employee and to allow such an employee organization to meet with ~~[a local government]~~ **an** employee who is unable to attend the ~~[required]~~ employee orientation within ~~[30 days after being hired.]~~ **the required time.**

Section 4 of this bill requires ~~[a local government employer]~~ **an employing state agency** to allow **such** an employee organization ~~[which has at least 1,000 members]~~ to meet with ~~[a local government]~~ **an** employee outside regular work hours or during breaks in designated areas on the premises of the ~~[local government employer.]~~ **employee's work location.**

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

Section 1. Chapter ~~[288]~~ **284** of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[2, 3 and]~~ **1.2 to** 4 **, inclusive,** of this act.

Sec. 1.2. As used in sections 1.2 to 4, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 1.4, 1.6 and 1.8 of this act have the meanings ascribed to them in those sections.

Sec. 1.4. "Employee organization" means an organization of any kind consisting of one or more units or groups that:

1. Has the improvement of the terms and conditions of employment of state employees as one of its purposes; and

2. Has at least 100 members who have amounts withheld from their salaries or wages for payment to the organization pursuant to NRS 281.129.

Sec. 1.6. ***"Employing state agency" means a department, commission, board, bureau, office or other agency of the Executive Department of the State Government to which this chapter applies.***

Sec. 1.8. ***"State employee" means a person employed by an employing state agency.***

Sec. 2. ***1. Within 30 days after the date on which a [local government] state employee is hired [,] or within a reasonable time thereafter, the [local government employer] employing state agency shall provide to the [local government] state employee an orientation containing information related to employment with the [local government employer,] employing state agency, including, without limitation:***

(a) The personnel policies of the [local government employer;] employing state agency;

(b) Any rules concerning ethics, conflicts of interest and civil service to which the [local government] state employee is subject; and

(c) Any benefits programs for which the [local government] state employee is eligible.

2. The orientation required by subsection 1 must be conducted in person and [at the work location and] during the regular work hours of the [local government] state employee.

3. [If a local government employee is eligible to be represented by an employee organization which has at least 1,000 members, the local government employer] The employing state agency shall allow [the] an employee organization to make a presentation of at least 30 minutes during the orientation required by subsection 1. [A local government employer] An employing state agency shall give the employee organization notice of the date and time of the orientation not later than 10 days before the orientation . [, unless earlier notice is required pursuant to an agreement with the employee organization.]

4. An employee organization [which is authorized to give a presentation pursuant to subsection 3] may designate [an] a state employee who is a member of the employee organization as a representative to attend the orientation

required by subsection 1 on paid time. [A local government employer] An employing state agency may not deny the representative the opportunity to attend the orientation required by subsection 1 unless the absence of the representative from work would significantly inhibit or disrupt the functioning of the [local government employer.] employing state agency. If [a local government employer] an employing state agency denies the representative's attendance, the employee organization may designate another state employee who is a member of the employee organization as the representative.

5. Within 7 days after the date on which a [local government] state employee is hired, the [local government employer] employing state agency shall provide an employee organization [which is authorized to give a

~~*presentation pursuant to subsection 3]*~~ *with the name, job title, department, work location, telephone number and home address of the* ~~*[local government]*~~ *state employee. The* ~~*[local government employer]*~~ *employing state agency shall comply with this subsection regardless of whether the* ~~*[local government]*~~ *state employee who is hired was previously employed by* ~~*[the local government employer.*~~

~~*6. The provisions of this section do not prohibit a local government employer and a bargaining agent from negotiating an agreement regarding an orientation for employees who are newly hired that is more expansive than the requirements of this section.]*~~ *an employing state agency.*

Sec. 3. ~~*[A local government employer]*~~ *An employing state agency shall provide an employee organization* ~~*[which is authorized to give a presentation pursuant to section 2 of this act]*~~ *with the name and work location of any* ~~*[local government]*~~ *state employee who was unable to attend the orientation required by section 2 of this act* ~~*[within 30 days after the employee was hired by the local government employer.]*~~ *within the period set forth in that section. The* ~~*[local government employer]*~~ *employing state agency shall allow the employee organization to meet with any such employee for at least 30 minutes during the regular work hours of the* ~~*[local government]*~~ *state employee* ~~*[and on the premises of the local government employer]*~~ *to introduce the employee organization and explain* ~~*[the contractual rights of the local government employee,]*~~ *its role and functions.*

Sec. 4. ~~*[A local government employer]*~~ *An employing state agency shall allow an employee organization* ~~*[which has at least 1,000 members]*~~ *to meet with a* ~~*[local government]*~~ *state employee outside of or during breaks in regular work hours in areas at the state employee's work location designated by the* ~~*[local government employer.]*~~ *employing state agency.*

Sec. 5. ~~[NRS 288.150 is hereby amended to read as follows:~~

~~288.150 1. Except as otherwise provided in subsection~~ **[**4**]** *5* ~~and NRS 354.6241, every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.~~

~~2. The scope of mandatory bargaining is limited to:~~

~~(a) Salary or wage rates or other forms of direct monetary compensation.~~

~~(b) Sick leave.~~

~~(c) Vacation leave.~~

~~(d) Holidays.~~

~~(e) Other paid or nonpaid leaves of absence consistent with the provisions of this chapter.~~

~~(f) Insurance benefits.~~

~~(g) Total hours of work required of an employee on each workday or workweek.~~

~~(h) Total number of days' work required of an employee in a work year.~~

~~(i) Except as otherwise provided in subsection **[**6,**]** *7,* discharge and disciplinary procedures.~~

~~(j) Recognition clause.~~

~~(k) The method used to classify employees in the bargaining unit.~~

~~(l) Deduction of dues for the recognized employee organization.~~

~~(m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.~~

~~(n) No strike provisions consistent with the provisions of this chapter.~~

~~(o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.~~

~~(p) General savings clauses.~~

~~(q) Duration of collective bargaining agreements.~~

~~(r) Safety of the employee.~~

~~(s) Teacher preparation time.~~

~~(t) Materials and supplies for classrooms.~~

~~(u) Except as otherwise provided in subsections **[**7**]** *8* and **[**9,**]** *10,* the policies for the transfer and reassignment of teachers.~~

~~(v) Procedures for reduction in workforce consistent with the provisions of this chapter.~~

~~(w) Procedures consistent with the provisions of subsection **[**4**]** *5* for the reopening of collective bargaining agreements for additional, further, new or supplementary negotiations during periods of fiscal emergency.~~

~~3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:~~

~~(a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.~~

~~(b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph (v) of subsection 2.~~

~~(c) The right to determine:~~

~~(1) Appropriate staffing levels and work performance standards, except for safety considerations;~~

~~(2) The content of the workday, including without limitation workload factors, except for safety considerations;~~

~~(3) The quality and quantity of services to be offered to the public; and~~

~~(4) The means and methods of offering those services.~~

~~(d) Safety of the public.~~

~~4. *The content of a presentation made pursuant to subsection 3 of section 2 of this act is a subject matter which is not within the scope of mandatory bargaining.*~~

~~*5.* Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to:~~

~~(a) Reopen a collective bargaining agreement for additional, further, new or supplementary negotiations relating to compensation or monetary benefits during a period of fiscal emergency. Negotiations must begin not later than 21 days after the local government employer notifies the employee organization that a fiscal emergency exists. For the purposes of this section, a fiscal emergency shall be deemed to exist:~~

~~(1) If the amount of revenue received by the general fund of the local government employer during the last preceding fiscal year from all sources, except any nonrecurring source, declined by 5 percent or more from the amount of revenue received by the general fund from all sources, except any nonrecurring source, during the next preceding fiscal year, as reflected in the reports of the annual audits conducted for those fiscal years for the local government employer pursuant to NRS 354.624; or~~

~~(2) If the local government employer has budgeted an unreserved ending fund balance in its general fund for the current fiscal year in an amount equal to 4 percent or less of the actual expenditures from the general fund for the last preceding fiscal year, and the local government employer has provided a written explanation of the budgeted ending fund balance to the Department of Taxation that includes the reason for the ending fund balance and the manner in which the local government employer plans to increase the ending fund balance.~~

~~(b) Take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Those actions may include the suspension of any collective bargaining agreement for the duration of the emergency.~~

~~→ Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.~~

~~**[**5.**]** *6.* The provisions of this chapter, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.~~

~~**[**6.**]** *7.* If the sponsor of a charter school reconstitutes the governing body of a charter school pursuant to NRS 388A.330, the new governing body may terminate the employment of any teachers or other employees of the charter school, and any provision of any agreement negotiated pursuant to this chapter that provides otherwise is unenforceable and void.~~

~~**[**7.**]** *8.* The board of trustees of a school district in which a school is designated as a turnaround school pursuant to NRS 388G.400 or the principal of such a school, as applicable, may take any action authorized pursuant to NRS 388G.400, including, without limitation:~~

~~(a) Reassigning any member of the staff of such a school; or~~

~~(b) If the staff member of another public school consents, reassigning that member of the staff of the other public school to such a school.~~

~~**[**8.**]** **9.** Any provision of an agreement negotiated pursuant to this chapter which differs from or conflicts in any way with the provisions of subsection **[**7**]** ***8*** or imposes consequences on the board of trustees of a school district or the principal of a school for taking any action authorized pursuant to subsection **[**7**]** ***8*** is unenforceable and void.~~

~~**[**9.**]** ***10.*** The board of trustees of a school district may reassign any member of the staff of a school that is converted to an achievement charter school pursuant to NRS 388B.200 to 388B.230, inclusive, and any provision of any agreement negotiated pursuant to this chapter which provides otherwise is unenforceable and void.~~

~~**[**10.**]** ***11.*** This section does not preclude, but this chapter does not require, the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.~~

~~**[**11.**]** ***12.*** Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.~~

~~**[**12.**]** ***13.*** As used in this section, "achievement charter school" has the meaning ascribed to it in NRS 385.007.**]**~~ **(Deleted by amendment.)**

Sec. 6. NRS 289.025 is hereby amended to read as follows:

289.025 1. Except as otherwise provided in subsections 2 and 3 and NRS 239.0115, ***and section 2 of this act,*** the home address and any photograph of a peace officer in the possession of a law enforcement agency are not public information and are confidential.

2. The photograph of a peace officer may be released:

(a) If the peace officer authorizes the release; or

(b) If the peace officer has been arrested.

3. The home address of a peace officer may be released if a peace officer has been arrested and the home address is included in any of the following:

(a) A report of a 911 telephone call.

(b) A police report, investigative report or complaint which a person filed with a law enforcement agency.

(c) A statement made by a witness.

(d) A report prepared pursuant to NRS 432B.540 by an agency which provides child welfare services, which report details a plan for the placement of a child.

Sec. 7. This act becomes effective on July 1, 2017.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 351.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 304.

AN ACT relating to teachers; requiring the Department of Education to designate the counties, kinds of licenses and fields of endorsement for which a shortage of teachers exists in this State; **requiring the Department to designate certain areas of instruction as areas of critical need in this State;** requiring the Superintendent of Public Instruction to award grants to certain teachers who teach in such counties**, ~~[or]~~** possess such licenses or endorsements **~~[.]~~ , or teach in an area of critical need;** authorizing the Superintendent to take certain actions if an application for such a grant contains false or misleading information; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Education to prepare an annual report of the state of public education in this State. (NRS 385.230) **Section 1** of this bill requires that report to contain a designation of the counties, kinds of licenses and fields of endorsement for which a shortage of teachers exists in this State. **In addition, the report must designate areas of instruction identified as areas of critical need in this State.**

Sections 3-11 of this bill establish the Teacher Shortage Loan Repayment Grants Program to provide grants of money to teachers who teach in the counties or possess a kind of license or endorsement designated as having a shortage of teachers in this State. **Teachers who have taught in certain public schools for 2 years or more in special education, English as a second language or any other area of instruction designated as an area of critical need are also eligible for grants.** **Section 7** establishes the Teacher Shortage Loan Repayment Account in the State General Fund for the deposit of money to pay for Teacher Shortage Loan Repayment Grants. **Section 8** prescribes the criteria that a teacher must meet to be eligible to receive a Teacher Shortage Loan Repayment Grant and the types of loans that may be repaid using the Grant.

Section 9 establishes the required contents of an application for a Teacher Shortage Loan Repayment Grant. **Section 9** also requires the Superintendent of Public Instruction to review applications annually and to award grants of money to approved teachers. Additionally, **section 9** requires the recipient of a Teacher Shortage Loan Repayment Grant to submit proof that the Grant was used to make payments on authorized educational loans.

If the Superintendent determines that an application for a Teacher Shortage Loan Repayment Grant contains false or misleading information, **section 9** authorizes the Superintendent to recover any money awarded to such a teacher for the school year in which the application was submitted.

Section 10 requires the Superintendent to submit a biennial report to the Legislature that contains certain information about Teacher Shortage Loan Repayment Grants.

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

Section 1. NRS 385.230 is hereby amended to read as follows:

385.230 1. The Department shall, in conjunction with the State Board, prepare an annual report of the state of public education in this State. The report must include, without limitation:

(a) An analysis of each annual report of accountability prepared by the State Board pursuant to NRS 385A.400;

(b) An update on the status of K-12 public education in this State;

(c) A description of the most recent vision and mission statements of the State Board and the Department, including, without limitation, the progress made by the State Board and Department in achieving those visions and missions;

(d) A description of the goals and benchmarks for improving the academic achievement of pupils which are included in the plan to improve the achievement of pupils required by NRS 385.111;

(e) A description of any significant changes made to the collection, maintenance or transfer of data concerning pupils by the Department, a school district, a sponsor of a charter school or a university school for profoundly gifted pupils;

(f) Any new data elements, including, without limitation, data about individual pupils and aggregated data about pupils within a defined group, proposed for inclusion in the automated system of accountability information for Nevada established pursuant to NRS 385A.800;

(g) An analysis of the progress the public schools have made in the previous year toward achieving the goals and benchmarks for improving the academic achievement of pupils;

(h) An analysis of whether the standards and examinations adopted by the State Board adequately prepare pupils for success in postsecondary educational institutions and in career and workforce readiness;

(i) An analysis of the extent to which school districts and charter schools recruit and retain effective teachers and principals;

(j) An analysis of the ability of the automated system of accountability information for Nevada established pursuant to NRS 385A.800 to link the achievement of pupils to the performance of the individual teachers assigned to those pupils and to the principals of the schools in which the pupils are enrolled;

(k) An analysis of the extent to which the lowest performing public schools have improved the academic achievement of pupils enrolled in those schools;

(l) A summary of the innovative educational programs implemented by public schools which have demonstrated the ability to improve the academic achievement of pupils, including, without limitation:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board; ~~[and]~~

(m) A description of any plan of corrective action requested by the Superintendent of Public Instruction from the board of trustees of a school district or the governing body of a charter school and the status of that plan ~~[.]~~ ***; ~~[and]~~***

(n) A designation of the counties, kinds of licenses prescribed in NRS 391.031 and fields of endorsement for which a shortage of teachers exists in this State ~~[.]~~ ; and

(o) A designation of any area of instruction identified for the purposes of section 8 of this act as an area of critical need in this State, in addition to those specified in paragraph (d) of subsection 2 of that section.

2. In odd-numbered years, the Superintendent of Public Instruction shall present the report prepared pursuant to subsection 1 in person to the Governor and each standing committee of the Legislature with primary jurisdiction over matters relating to K-12 public education at the beginning of each regular session of the Legislature.

3. In even-numbered years, the Superintendent of Public Instruction shall, on or before January 31, submit a written copy of the report prepared pursuant to subsection 1 to the Governor and to the Legislative Committee on Education.

Sec. 2. Chapter 391A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 11, inclusive, of this act.

Sec. 3. ***As used in sections 3 to 11, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4, 5 and 6 of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Account" means the Teacher Shortage Loan Repayment Account created by section 7 of this act.***

Sec. 5. ***"Other provider of an alternative licensure program" has the meaning ascribed to it in NRS 391A.560.***

Sec. 6. ***"Teacher Shortage Loan Repayment Grant" means a grant of money awarded by the Superintendent of Public Instruction pursuant to section 9 of this act.***

Sec. 7. ***1. The Teacher Shortage Loan Repayment Account is hereby created in the State General Fund. The Account must be administered by the Superintendent of Public Instruction.***

2. The interest and income earned on:

(a) The money in the Account, after deducting any applicable charges; and

(b) Unexpended appropriations made to the Account from the State General Fund,

➥ must be credited to the Account.

3. Any money remaining in the Account at the end of a fiscal year, including any unexpended appropriations made to the Account from the State General Fund, does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

4. The Superintendent of Public Instruction may accept gifts, grants and donations of money from any source for deposit in the Account.

5. The money in the Account may only be used to award Teacher Shortage Loan Repayment Grants to teachers whose applications are approved pursuant to section 9 of this act.

Sec. 8. ***1. After preparing the report required by NRS 385.230, the Department shall publish on its Internet website a list of the ~~[counties,]~~ :***

(a) Counties, kinds of licenses prescribed in NRS 391.031 and fields of endorsement designated in that report as having a shortage of teachers in this State ~~[.]~~ ; and

(b) Areas of instruction specified in paragraph (d) of subsection 2 or designated in that report as areas of critical need in this State for the purposes of this section.

2. Except as otherwise provided in subsection 4, a teacher is eligible to receive a Teacher Shortage Loan Repayment Grant if he or she has outstanding educational loans that meet the requirements of subsection 3 and:

(a) Teaches at a public school that is located in a county in this State that has been designated in the most recent report prepared pursuant to NRS 385.230 as having a shortage of teachers;

(b) Possesses a kind of license that has been designated in the most recent report prepared pursuant to NRS 385.230 as having a shortage of teachers and teaches or performs educational functions as designated by that license at a public school in this State; ~~[or]~~

(c) Possesses an endorsement in a field that has been designated in the most recent report prepared pursuant to NRS 385.230 as having a shortage of teachers and teaches in the field of specialization authorized by that endorsement at a public school in this State ~~[.]~~ ; or

(d) Has taught for 2 years or more in special education, English as a second language or other area of instruction that has previously been designated in the report prepared pursuant to NRS 385.230 as an area of critical need in this State, in a:

(1) Title I school; or

(2) Public school that has received one of the two lowest ratings of performance pursuant to the statewide system of accountability for public schools.

3. A teacher may use a Teacher Shortage Loan Repayment Grant only to make payments on:

(a) An educational loan incurred for the purpose of completing a program:

(1) That is offered by a university, college or other provider of an alternative licensure program and approved by the Superintendent of Public Instruction; and

(2) As required for the teacher to obtain a license to teach or perform the educational function that the teacher currently teaches or performs or the endorsement described in paragraph (c) of subsection 2; or

(b) The interest on an educational loan described in paragraph (a).

4. A teacher may not receive a Teacher Shortage Loan Repayment Grant if the teacher has received such a Grant in:

(a) Five or more previous school years; or

(b) A previous school year and failed to provide the proof required by subsection 3 of section 9 of this act.

Sec. 9. ***1. A teacher who wishes to receive a Teacher Shortage Loan Repayment Grant must apply to the Superintendent of Public Instruction in the form prescribed by the State Board. The application must contain an affidavit verifying that the applicant meets the requirements of section 8 of this act and any other information required by the Superintendent of Public Instruction or any regulation adopted by the State Board pursuant to section 11 of this act.***

2. Each school year, the Superintendent of Public Instruction shall:

(a) Review each application submitted pursuant to subsection 1 and approve each such application submitted by an applicant who meets the requirements of section 8 of this act; and

(b) Except as otherwise provided in this paragraph and subsection 4, award a Teacher Shortage Loan Repayment Grant from the Account to each approved teacher in the amount of $1,000 or the amount that the teacher owes on outstanding loans and interest described in subsection 3 of section 8 of this act, whichever is less. If there is insufficient money in the Account to award a Teacher Shortage Loan Repayment Grant to each qualified applicant, the amount of money available must be distributed pro rata.

3. Not later than 60 days after the date on which Teacher Shortage Loan Repayment Grants are awarded pursuant to subsection 2, a recipient of a Teacher Shortage Loan Repayment Grant shall provide proof that the money was used to make payments as described in subsection 3 of section 8 of this act.

4. If the Superintendent of Public Instruction determines that an application submitted pursuant to subsection 1 contains false or misleading

information or that information associated with such an application is false or misleading, the Superintendent shall not award a Teacher Shortage Loan Repayment Grant to the applicant and may:

(a) Recover any money awarded to the applicant for the school year for which the false application was filed and deposit the money in the Account; and

(b) Maintain an action in a court of competent jurisdiction to recover such money.

Sec. 10. ***On or before February 1 of each odd-numbered year, the Superintendent of Public Instruction shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report which must include, for each school year of the immediately preceding biennium:***

1. The number of teachers who received a Teacher Shortage Loan Repayment Grant;

2. The counties in which those teachers taught;

3. The types of licenses and endorsements possessed by those teachers;

4. The average amount of a Teacher Shortage Loan Repayment Grant awarded to those teachers; and

5. Any other data that the Superintendent of Public Instruction determines is useful to evaluate whether Teacher Shortage Loan Repayment Grants have encouraged teachers to teach in the ~~[counties]~~ :

(a) Counties and obtain the types of licenses and endorsements that have been designated as having a shortage of teachers in this State pursuant to NRS 385.230 ~~[.]~~ ; or

(b) Schools described in paragraph (d) of subsection 2 of section 8 of this act in the areas of instruction specified in that paragraph or designated as areas of critical need in this State pursuant to NRS 385.230.

Sec. 11. ***The State Board shall adopt any regulations necessary or convenient to carry out the provisions of sections 3 to 11, inclusive, of this act, including, without limitation, regulations prescribing the requirements that a program offered by a university, college or other provider of an alternative licensure program must meet for the Superintendent of Public Instruction to approve the program pursuant to subsection 3 of section 8 of this act.***

Sec. 12. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 13. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act and on January 1, 2018, for all other purposes.

Assemblyman Thompson moved the adoption of the amendment.

Remarks by Assemblyman Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 356.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 407.

AN ACT relating to criminal procedure; ~~[requiring a prosecuting attorney, defense attorney and lead investigating law enforcement officer to meet and exchange discoverable materials before trial in a criminal case; revising provisions governing a request for the disclosure of certain information in a criminal proceeding; revising provisions governing the disclosure of evidence by a prosecuting attorney; revising provisions governing sanctions for the destruction, loss or failure to collect evidence or violating certain provisions governing the discovery of evidence in a criminal proceeding;]~~ **authorizing a prosecuting attorney or an attorney for a defendant to issue subpoenas for witnesses in this State to appear at an evidentiary hearing; revising the procedure for giving instructions to the jury;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[In Brady v. Maryland, 373 U.S. 83, 87 (1963), the United States Supreme Court held that the due process clause of the Fourteenth Amendment of the United States Constitution requires a prosecuting attorney to disclose evidence material either to guilt or to punishment. Existing law requires a prosecuting attorney disclose certain information on request, including evidence that he or she intends to introduce during the case in chief of the State. (NRS 174.235) Section 3 of this bill: (1) requires the prosecuting attorney to disclose such information only if the information is in the actual or constructive possession of the State; (2) provides that the prosecuting attorney is deemed to be in actual or constructive possession of any materials generated, collected or created by any law enforcement agency; and (3) adds to the list of information required to be disclosed by requiring the disclosure of any material that tends to exculpate the defendant, adversely impact a government witness's credibility or evidence's credibility, mitigate the defendant's culpability or mitigate the defendant's potential punishment. In addition, section 3 specifies that the prosecuting attorney has an affirmative obligation to seek out and disclose exculpatory materials to the defendant, regardless of whether the defendant has requested such material. Finally, section 3 requires the court to hold a hearing on a request for such information if the defendant files a motion with the court concerning the request.~~

~~Section 1 of this bill requires the prosecuting attorney, defendant's attorney and lead investigating law enforcement officer to meet and exchange all discoverable materials not less than 30 days before trial. Section 1 also~~

~~requires the prosecuting attorney and defendant to certify compliance with such requirement.~~

~~– Existing law authorizes a court, upon sufficient showing, to order that discovery or inspection of material be denied, restricted or deferred, or make other appropriate orders. (NRS 174.275) Section 4 of this bill specifies that the court is authorized to make such an order upon a sufficient showing that the material subject to discovery or inspection is privileged. Section 4 further requires the court to include in an order declaring material privileged a statement of the reasons for the determination that the material is privileged.~~

~~– Under existing law, a party may request the disclosure of information only within 30 days after arraignment or at such reasonable later time as the court permits. A party is authorized to make a subsequent request only upon a showing of cause why the request would be in the interest of justice. (NRS 174.285) Section 5 of this bill authorizes a party to make a subsequent request if the party learns additional material may exist, which was not known when the party made his or her initial request. Additionally, section 5 requires a request for permission to comply with a request later than 30 days before trial to be made by motion to the court.~~

~~– If a party fails to comply with the provisions of existing law governing discovery in criminal cases, existing law authorizes the court to order the party to permit the discovery or inspection of materials not previously disclosed, grant a continuance or prohibit the party from introducing in evidence the material not disclosed. (NRS 174.295) Section 6 of this bill requires the court to prohibit the party from introducing in evidence the material not disclosed unless the party proves that the material was unknown to the party even though the party diligently complied with the provisions of existing law governing discovery in criminal cases. Section 6 also: (1) requires the court to dismiss the case if it finds that the State has, in bad faith, destroyed, lost or failed to collect evidence subject to the provisions of existing law governing discovery in criminal cases; and (2) requires the court to instruct the jury to infer that destroyed, lost or uncollected evidence would have been favorable to the defendant if the court finds that the destruction, loss or failure to collect evidence was not in bad faith. Finally, section 6 defines "bad faith" for the purposes of determining whether the State has, in bad faith, destroyed, lost or failed to collect evidence.~~]

Existing law authorizes the prosecuting attorney or the attorney for the defendant in a criminal proceeding to issue subpoenas for witnesses within this State to appear before the court at which a preliminary hearing is to be held or an indictment, information or criminal complaint is to be tried. (NRS 174.315) Section 7 of this bill additionally authorizes a prosecuting attorney or an attorney for the defendant to issue subpoenas for such witnesses to appear before the court at which an evidentiary hearing is to be held.

Existing law provides for the issuance of a subpoena to produce books, papers, documents or other objects. (NRS 174.335) Section 8 of this bill

allows such a subpoena to request such production in addition or as an alternative to appearing before the court.

Existing law requires the court to be given a written charge presented by either party if the court thinks it is correct and pertinent. (NRS 175.161) Section 9 of this bill additionally requires the court to believe that the charge is an accurate statement of the law.

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

Section 1. ~~[Chapter 174 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. Not less than 30 days before trial, the prosecuting attorney, defendant's attorney and lead investigating law enforcement officer shall meet and exchange all discoverable materials pursuant to this section and NRS 174.234 to 174.295, inclusive.*~~

~~*2. Upon the conclusion of the discovery conference, both the prosecuting attorney and defendant's attorney shall sign and file with the court an affidavit attesting to their compliance with this section.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 174.234 is hereby amended to read as follows:~~

~~174.234 1. Except as otherwise provided in this section, not less than 5 judicial days before trial or at such other time as the court directs:~~

~~(a) If the defendant will be tried for one or more offenses that are punishable as a gross misdemeanor or felony:~~

~~(1) The defendant shall file and serve upon the prosecuting attorney a written notice containing the names and last known addresses of all witnesses the defendant intends to call during the case in chief of the defendant; and~~

~~(2) The prosecuting attorney shall file and serve upon the defendant a written notice containing the names and last known addresses of all witnesses the prosecuting attorney intends to call during the case in chief of the State.~~

~~(b) If the defendant will not be tried for any offenses that are punishable as a gross misdemeanor or felony:~~

~~(1) The defendant shall file and serve upon the prosecuting attorney a written notice containing the name and last known address of any witness the defendant intends to call during the case in chief of the defendant whose name and last known address have not otherwise been provided to the prosecuting attorney pursuant to NRS 174.245; and~~

~~(2) The prosecuting attorney shall file and serve upon the defendant a written notice containing the name and last known address or place of employment of any witness the prosecuting attorney intends to call during the case in chief of the State whose name and last known address or place of employment have not otherwise been provided to the defendant pursuant to NRS 171.1965 or 174.235.~~

~~2. If the defendant will be tried for one or more offenses that are punishable as a gross misdemeanor or felony and a witness that a party~~

~~intends to call during the case in chief of the State or during the case in chief of the defendant is expected to offer testimony as an expert witness, the party who intends to call that witness shall file and serve upon the opposing party, not less than 21 days before trial or at such other time as the court directs, a written notice containing:~~

~~(a) A brief statement regarding the subject matter on which the expert witness is expected to testify and the substance of the testimony;~~

~~(b) A copy of the curriculum vitae of the expert witness; and~~

~~(c) A copy of all reports made by or at the direction of the expert witness.~~

~~3. After complying with the provisions of subsections 1 and 2, each party has a continuing duty to file and serve upon the opposing party:~~

~~(a) Written notice of the names and last known addresses of any additional witnesses that the party intends to call during the case in chief of the State or during the case in chief of the defendant. A party shall file and serve written notice pursuant to this paragraph as soon as practicable after the party determines that the party intends to call an additional witness during the case in chief of the State or during the case in chief of the defendant. The court shall prohibit an additional witness from testifying if the court determines that the party acted in bad faith by not including the witness on the written notice required pursuant to subsection 1.~~

~~(b) Any information relating to an expert witness that is required to be disclosed pursuant to subsection 2. A party shall provide information pursuant to this paragraph as soon as practicable after the party obtains that information. The court shall prohibit the party from introducing that information in evidence or shall prohibit the expert witness from testifying if the court determines that the party acted in bad faith by not timely disclosing that information pursuant to subsection 2.~~

~~4. Each party has a continuing duty to file and serve upon the opposing party any change in the last known address, or, if applicable, last known place of employment, of any witness that the party intends to call during the case in chief of the State or during the case in chief of the defendant as soon as practicable after the party obtains that information.~~

~~5. Upon a motion by either party or the witness, the court shall prohibit disclosure to the other party of the address of the witness if the court determines that disclosure of the address would create a substantial threat to the witness of bodily harm, intimidation, coercion or harassment. If the court prohibits disclosure of an address pursuant to this subsection, the court shall, upon the request of a party, provide the party or the party's attorney or agent with an opportunity to interview the witness in an environment that provides for protection of the witness.~~

~~6. In addition to the sanctions and protective orders otherwise provided in subsections 3 and 5, the court may upon the request of a party:~~

~~(a) Order that disclosure pursuant to this section be denied, restricted or deferred pursuant to the provisions of NRS 174.275; or~~

~~(b) Impose sanctions pursuant to subsection 2 *or 3* of NRS 174.295 for the failure to comply with the provisions of this section.~~

~~7. A party is not entitled, pursuant to the provisions of this section, to the disclosure of the name or address of a witness or any other type of item or information that is privileged or protected from disclosure or inspection pursuant to the Constitution or laws of this state or the Constitution of the United States.~~ **(Deleted by amendment.)**

Sec. 3. ~~NRS 174.235 is hereby amended to read as follows:~~

~~174.235 1. Except as otherwise provided in NRS 174.233 to 174.295, inclusive, *and section 1 of this act,* at the *oral or written* request of a defendant ~~,~~ *pursuant to NRS 174.285,* the prosecuting attorney shall ~~[~~permit~~]~~ *provide to the defendant, subject to reimbursement of costs by the defendant, or permit* the defendant to inspect and to copy or photograph any:~~

~~(a) Written or recorded statements or confessions made by the defendant, or any written or recorded statements made by a witness ~~[~~the prosecuting attorney intends to call during the case in chief~~]~~ *within the actual or constructive possession, custody or control* of the State, or copies thereof, within the possession, custody or control of the State, the existence of which is known, or by the exercise of due diligence may become known, to the prosecuting attorney;~~

~~(b) Results or reports of physical or mental examinations, scientific tests or scientific experiments made in connection with the particular case, or copies thereof, within the *actual or constructive* possession, custody or control of the State, the existence of which is known, or by the exercise of due diligence may become known, to the prosecuting attorney; ~~[~~and~~]~~~~

~~(c) Books, papers, documents, tangible objects, or copies thereof, which ~~[~~the prosecuting attorney intends to introduce during the case in chief of the State~~]~~ *involve the defendant's prosecution* and which are within the *actual or constructive* possession, custody or control of the State, the existence of which is known, or by the exercise of due diligence may become known, to the prosecuting attorney ~~[~~.~~]~~ ; *and*~~

~~*(d) Any and all material that tends to exculpate the defendant, adversely impact a government witness's credibility or evidence's credibility, or mitigates the defendant's culpability or mitigates the defendant's potential punishment within the actual or constructive possession, custody or control of the State.*~~

~~2. The defendant is not entitled, pursuant to the provisions of this section, to the discovery or inspection of:~~

~~(a) An internal report, document or memorandum that is prepared by or on behalf of the prosecuting attorney in connection with the investigation or prosecution of the case ~~[~~.~~]~~ *unless the aforementioned satisfies the criteria set forth in paragraph (d) of subsection 1.*~~

~~(b) A statement, report, book, paper, document, tangible object or any other type of item or information that is privileged or protected from~~

~~disclosure or inspection pursuant to the Constitution or laws of this state or the Constitution of the United States.~~

~~— 3. The provisions of this section are not intended to affect any obligation placed upon the prosecuting attorney by the Constitution of this state or the Constitution of the United States to disclose exculpatory evidence to the defendant.~~ ***The prosecuting attorney has an affirmative obligation to seek out and disclose exculpatory materials described in paragraph (d) of subsection 1 to the defendant, regardless of whether the defendant has made a request pursuant to that subsection.***

— 4. For the purposes of NRS 174.234 to 174.295, inclusive, and section 1 of this act, the prosecuting attorney is deemed to be in constructive possession of all materials generated, collected or created by any and all law enforcement agencies.

— 5. Upon a motion made by the defendant, the district court shall:

— (a) Schedule a hearing on the defendant's motion;

— (b) Rule on the defendant's specific requests made pursuant to this section; and

— (c) Enter an order consistent with the court's ruling on the motion.] **(Deleted by amendment.)**

Sec. 4. **[**~~NRS 174.275 is hereby amended to read as follows:~~

~~— 174.275 Upon a sufficient showing~~ **[**~~,~~**]** ***that certain material subject to discovery or inspection pursuant to NRS 174.234 to 174.295, inclusive, and section 1 of this act is privileged,*** ~~the court may at any time order that discovery or inspection pursuant to NRS 174.234 to 174.295, inclusive,~~ ***and section 1 of this act*** ~~be denied, restricted or deferred, or make such other order as is appropriate. Upon motion by the defendant or prosecuting attorney, the court may permit the defendant or prosecuting attorney to make such showing, in whole or in part, in the form of a written statement to be inspected by the court in chambers.~~ ***If the court deems the material to be privileged, the court shall indicate by order the reasons for such determination.*** ~~If the court enters an order granting relief following a showing in chambers, the entire text of the written statement must be sealed and preserved in the records of the court to be made available to the appellate court in the event of an appeal.~~**]** **(Deleted by amendment.)**

Sec. 5. **[**~~NRS 174.285 is hereby amended to read as follows:~~

~~— 174.285 1. A request made pursuant to NRS 174.235 or 174.245 may be made only within 30 days after arraignment or at such reasonable later time as the court may permit. A subsequent request may be made~~ **[**~~only upon a showing of cause why the request would be in the interest of justice.~~**]** ***if a party learns additional material may exist, which was not known when the party made his or her initial request.***

~~— 2. A party shall comply with a request made pursuant to NRS 174.235 or 174.245 not less than 30 days before trial~~ **.** **[**~~or at such reasonable later time as the court may permit.~~**]** ***A request to comply made later than 30 days before trial must be upon motion to the court.]*** **(Deleted by amendment.)**

Sec. 6. ~~[NRS 174.295 is hereby amended to read as follows:~~

~~174.295 1. If, after complying with the provisions of NRS 174.235 to 174.295, inclusive, *and section 1 of this act,* and before or during trial, a party discovers additional material previously requested which is subject to discovery or inspection under those sections, the party shall promptly notify the other party or the other party's attorney or the court of the existence of the additional material.~~

~~2. If at any time during the course of the proceedings it is brought to the attention of the court that a party has failed to comply with the provisions of NRS 174.234 to 174.295, inclusive, *and section 1 of this act, the court shall prohibit the party from introducing into evidence the material not disclosed unless the party proves, by a preponderance of the evidence, that the material was unknown to the party even though the party diligently complied with the provisions of NRS 174.234 to 174.295, inclusive, and section 1 of this act. If the court believes the material was unknown to the party, after the party diligently complied with the provisions of NRS 174.234 to 174.295, inclusive, and section 1 of this act,* the court may order the party to permit the discovery or inspection of materials not previously disclosed, grant a continuance, or prohibit the party from introducing in evidence the material not disclosed, or it may enter such other order as it deems just under the circumstances *.] , and shall explain the basis for its decision on the record.*~~

~~*3. If at any time during the course of the proceedings it is brought to the attention of the court that the State has, in bad faith, destroyed, lost or failed to collect materials subject to the provisions of NRS 174.234 to 174.295, inclusive, and section 1 of this act, the court must dismiss the case against the defendant. If the court finds the destruction, loss or failure to collect was not in bad faith, the court shall instruct the jury that it must infer the destroyed, lost or uncollected evidence would have been favorable to the defendant.*~~

~~*4. For purposes of this section, "bad faith" means implying or involving actual or constructive fraud or a design to mislead or deceive another, or a neglect or refusal to fulfill some duty or some contractual obligation, not prompted by an honest mistake as to one's rights or duties, but by some interested or sinister motive.]* (Deleted by amendment.)~~

Sec. 7. **NRS 174.315 is hereby amended to read as follows:**

174.315 1. A prosecuting attorney may issue subpoenas subscribed by the prosecuting attorney for witnesses within the State, in support of the prosecution or whom a grand jury may direct to appear before it, upon any investigation pending before the grand jury.

2. A prosecuting attorney or an attorney for a defendant may issue subpoenas subscribed by the issuer for:

(a) Witnesses within the State to appear before the court at which a preliminary hearing is to be held , ~~[or]~~ an indictment, information or criminal complaint is to be tried ~~[.]~~ ***or an evidentiary hearing is to be held.***

(b) Witnesses already subpoenaed who are required to reappear in any Justice Court at any time the court is to reconvene in the same case within 60 days, and the time may be extended beyond 60 days upon good cause being shown for its extension.

3. Witnesses, whether within or outside of the State, may accept delivery of a subpoena in lieu of service, by a written or oral promise to appear given by the witness. Any person who accepts an oral promise to appear shall:

(a) Identify himself or herself to the witness by name and occupation;

(b) Make a written notation of the date when the oral promise to appear was given and the information given by the person making the oral promise to appear identifying the person as the witness subpoenaed; and

(c) Execute a certificate of service containing the information set forth in paragraphs (a) and (b).

4. A peace officer may accept delivery of a subpoena in lieu of service, via electronic means, by providing a written promise to appear that is transmitted electronically by any appropriate means, including, without limitation, by electronic mail transmitted through the official electronic mail system of the law enforcement agency which employs the peace officer.

5. A prosecuting attorney shall orally inform any witness subpoenaed as provided in subsection 1 of the general nature of the grand jury's inquiry before the witness testifies. Such a statement must be included in the transcript of the proceedings.

6. Any subpoena issued by an attorney for a defendant for a witness to appear before the court at which a preliminary hearing is to be held must be calendared by filing a motion that includes a notice of hearing setting the matter for hearing not less than 2 full judicial days after the date on which the motion is filed. A prosecuting attorney may oppose the motion orally in open court. A subpoena that is properly calendared pursuant to this subsection may be served on the witness unless the court quashes the subpoena.

Sec. 8. **NRS 174.335 is hereby amended to read as follows:**

174.335 1. Except as otherwise provided in NRS 172.139, a subpoena may also command the person to whom it is directed to produce the books, papers, documents or other objects designated therein **~~[.]~~** ***in addition or as an alternative to appearing before the court.***

2. The court on motion made promptly may quash or modify the subpoena if compliance would be unreasonable or oppressive.

3. The court may direct that books, papers, documents or objects designated in the subpoena be produced before the court at a time before the trial or before the time when they are to be offered in evidence and may, upon their production, permit the books, papers, documents or objects or portions thereof to be inspected by the parties and their attorneys.

Sec. 9. **NRS 175.161 is hereby amended to read as follows:**

175.161 1. Upon the close of the argument, the judge shall charge the jury. The judge may state the testimony and declare the law, but may not charge the jury in respect to matters of fact. The charge must be reduced to

writing before it is given, and no charge or instructions may be given to the jury otherwise than in writing, unless by the mutual consent of the parties. If either party requests it, the court must settle and give the instructions to the jury before the argument begins, but this does not prevent the giving of further instructions which may become necessary by reason of the argument.

2. In charging the jury, the judge shall state to them all such matters of law the judge thinks necessary for their information in giving their verdict.

3. Either party may present to the court any written charge, and request that it be given. If the court ~~[thinks it correct and]~~ ***believes that the charge is*** pertinent ~~[,]~~ ***and an accurate statement of the law, whether or not the charge has been adopted as a model jury instruction,*** it must be given ***.*** ~~[, if not,]~~ ***If the court believes that the charge is not pertinent or not an accurate statement of law, then*** it must be refused.

4. An original and one copy of each instruction requested by any party must be tendered to the court. The copies must be numbered and indicate who tendered them. Copies of instructions given on the court's own motion or modified by the court must be so identified. When requested instructions are refused, the judge shall write on the margin of the original the word "refused" and initial or sign the notation. The instructions given to the jury must be firmly bound together and the judge shall write the word "given" at the conclusion thereof and sign the last of the instructions to signify that all have been given. After the instructions are given, the judge may not clarify, modify or in any manner explain them to the jury except in writing unless the parties agree to oral instructions.

5. After the jury has reached a verdict and been discharged, the originals of all instructions, whether given, modified or refused, must be preserved by the clerk as part of the proceedings.

6. Conferences with counsel to settle instructions must be held out of the presence of the jury and may be held in chambers at the option of the court.

7. When the offense charged carries a possible penalty of life without possibility of parole a charge to the jury that such penalty does not exclude executive clemency is a correct and pertinent charge, and must be given upon the request of either party.

~~[Sec. 7.]~~ ***Sec. 10.*** This act becomes effective on July 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 376.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 410.

AN ACT relating to criminal procedure; revising provisions governing the filing of a complaint after an arrest without a warrant; ~~[revising provisions~~

~~governing the conduct of discovery in criminal actions; requiring the prosecuting attorney, the attorney for the defendant and the lead investigating law enforcement officer to participate in a pretrial discovery conference; revising provisions governing evidentiary sanctions for failure to comply with discovery requirements; authorizing the issuance of subpoenas for witnesses in Nevada to appear for certain hearings and proceedings; requiring the court to give requested jury instructions under certain circumstances;~~**]** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a complaint to be filed forthwith when a person arrested without a warrant is brought before a magistrate. (NRS 171.178) **Section 1** of this bill requires the complaint to be filed within ~~[48]~~ **72** hours after the person is ~~[brought before the magistrate.]~~ **arrested, unless the magistrate extends the time by an additional 48 hours for good cause shown. Thereafter, the magistrate may order additional extensions of 48 hours for good cause shown.**

~~[Section 3 of this bill provides that, for the procedural purposes of discovery and inspection of discoverable materials in a criminal action, the prosecuting attorney is deemed to be in constructive possession of all materials that are created, generated or collected by any and all law enforcement agencies.~~

~~Section 4 of this bill requires the prosecuting attorney, defendant's attorney and lead investigating law enforcement officer to meet and exchange discoverable materials not less than 30 days before trial.~~

~~Existing law requires, with certain exceptions, the prosecuting attorney to permit the defendant, upon request by the defendant, to inspect and copy or photograph certain materials within the possession, custody or control of the State. (NRS 174.235) Section 5 of this bill adds to this requirement material which tends to exculpate the culpability of the defendant, adversely impact the credibility of the State's prospective witnesses or evidence or mitigate the potential punishment of the defendant. Section 5 also imposes on the prosecuting attorney an affirmative duty to seek out and disclose material which tends to exculpate or mitigate the culpability of the defendant, whether or not the defendant has made a request for such material. Finally, section 5 requires the court to perform certain actions upon a written motion of the defendant for the discovery and inspection of certain items.~~

~~Existing law provides that the court may, upon a sufficient showing, order that discovery or inspection of discoverable materials be denied, restricted or deferred or make such other order as is appropriate. (NRS 174.275) Section 7 of this bill provides that the court may make the order upon a sufficient showing that the material otherwise subject to discovery or inspection is privileged. Section 7 also requires the court to state in its order granting relief the reason for its decision.~~

~~Existing law establishes certain periods and limitations for making initial and subsequent discovery requests and for complying with such requests.~~

~~(NRS 174.285) Section 8 of this bill allows a subsequent discovery request to be made only if the party making the request learns of additional, previously unknown material. Section 8 also allows a party to comply with certain discovery requests less than 30 days before trial only upon written motion to the court.~~

~~Existing law imposes upon the parties a continuing duty to disclose discoverable materials and provides the court with the authority to effect certain remedies for failures to comply with discovery requirements. (NRS 174.295) Section 9 of this bill requires the court to prohibit a party that fails to comply with discovery requirements from introducing into evidence material which was not disclosed unless the court believes the existence of the undisclosed material was unknown to the party. Section 9 also requires the court to: (1) dismiss the action against the defendant if the State has, in bad faith, destroyed, lost or failed to collect materials which were subject to disclosure; or (2) instruct the jury that it must draw an inference that is favorable to the defendant if the destruction, loss or failure to collect was not in bad faith.~~

~~Existing law authorizes a prosecuting attorney or an attorney for a defendant to issue subpoenas for witnesses within this State to appear for a preliminary hearing or the trial of an indictment, information or criminal complaint. (NRS 174.315) Section 10 of this bill also authorizes the issuance of a subpoena for such witnesses to appear for any other hearing or proceeding.~~

~~Section 11 of this bill eliminates provisions authorizing the court to direct the production and inspection of certain materials and objects designated in a subpoena.~~

~~Existing law authorizes parties to present to the court, and request the giving to the jury of, written charges. (NRS 175.161) Section 12 of this bill requires the court to give the jury any written charge submitted by a party if the court thinks it is pertinent and an accurate statement of law, whether or not the charge has been issued or adopted by the Nevada Supreme Court or the State Bar of Nevada.]~~

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

Section 1. NRS 171.178 is hereby amended to read as follows:

171.178 1. Except as otherwise provided in subsections 5 and 6, a peace officer making an arrest under a warrant issued upon a complaint or without a warrant shall take the arrested person without unnecessary delay before the magistrate who issued the warrant or the nearest available magistrate empowered to commit persons charged with offenses against the laws of the State of Nevada.

2. A private person making an arrest without a warrant shall deliver the arrested person without unnecessary delay to a peace officer. Except as otherwise provided in subsections 5 and 6 and NRS 171.1772, the peace

officer shall take the arrested person without unnecessary delay before the nearest available magistrate empowered to commit persons charged with offenses against the laws of the State of Nevada.

3. If an arrested person is not brought before a magistrate within 72 hours after arrest, excluding nonjudicial days, the magistrate:

(a) Shall give the prosecuting attorney an opportunity to explain the circumstances leading to the delay; and

(b) May release the arrested person if the magistrate determines that the person was not brought before a magistrate without unnecessary delay.

4. When a person arrested without a warrant is brought before a magistrate, a complaint must be filed ~~[~~forthwith.~~]~~ ***within ~~[48]~~ 72 hours after the person is ~~[brought before the magistrate.]~~ arrested, unless the magistrate extends the time by an additional 48 hours for good cause shown. Thereafter, the magistrate may order additional extensions of 48 hours for good cause shown.***

5. Except as otherwise provided in NRS 178.484 and 178.487, where the defendant can be admitted to bail without appearing personally before a magistrate, the defendant must be so admitted with the least possible delay, and required to appear before a magistrate at the earliest convenient time thereafter.

6. A peace officer may immediately release from custody without any further proceedings any person the peace officer arrests without a warrant if the peace officer is satisfied that there are insufficient grounds for issuing a criminal complaint against the person arrested. Any record of the arrest of a person released pursuant to this subsection must also include a record of the release. A person so released shall be deemed not to have been arrested but only detained.

Sec. 2. ~~[~~Chapter 174 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.~~]~~ **(Deleted by amendment.)**

Sec. 3. ~~*[For the purposes of this section, NRS 174.234 to 174.295, inclusive, and section 4 of this act, the prosecuting attorney is deemed to be in constructive possession of all materials that are created, generated or collected by any and all law enforcement agencies.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~*[1. Not less than 30 days before trial, the prosecuting attorney, the defendant's attorney and the law enforcement officer who is in charge of the investigation of the case shall meet and exchange all materials which are discoverable pursuant to this section and NRS 174.234 to 174.295, inclusive, and section 3 of this act.*~~

~~*2. Upon the conclusion of the meeting described in subsection 1, the prosecuting attorney and the defendant's attorney shall sign and file with the court an affidavit attesting to their compliance with this section.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~[~~NRS 174.235 is hereby amended to read as follows:~~]~~

~~— 174.235 — 1. Except as otherwise provided in NRS 174.233 to 174.295, inclusive, *and sections 3 and 4 of this act,* at the request of a defendant, the prosecuting attorney shall permit the defendant to inspect and to copy or photograph any:~~

~~— (a) Written or recorded statements or confessions made by the defendant, or any written or recorded statements made by a witness the prosecuting attorney intends to call during the case in chief of the State, or copies thereof, within the possession, custody or control of the State, the existence of which is known, or by the exercise of due diligence may become known, to the prosecuting attorney;~~

~~— (b) Results or reports of physical or mental examinations, scientific tests or scientific experiments made in connection with the particular case, or copies thereof, within the possession, custody or control of the State, the existence of which is known, or by the exercise of due diligence may become known, to the prosecuting attorney; ~~[~~and~~]~~~~

~~— (c) Books, papers, documents, tangible objects, or copies thereof, which the prosecuting attorney intends to introduce during the case in chief of the State and which are within the possession, custody or control of the State, the existence of which is known, or by the exercise of due diligence may become known, to the prosecuting attorney ~~[~~.~~]~~ *; and*~~

~~*— (d) Material which tends to exculpate the defendant, mitigate the culpability of the defendant, adversely impact the credibility the State's prospective witnesses or evidence or mitigate the potential punishment of the defendant.*~~

~~— 2. The defendant is not entitled, pursuant to the provisions of this section, to the discovery or inspection of:~~

~~— (a) An internal report, document or memorandum that is prepared by or on behalf of the prosecuting attorney in connection with the investigation or prosecution of the case.~~

~~— (b) A statement, report, book, paper, document, tangible object or any other type of item or information that is privileged or protected from disclosure or inspection pursuant to the Constitution or laws of this state or the Constitution of the United States.~~

~~— 3. The *prosecuting attorney has an affirmative obligation to seek out and disclose to the defendant any and all material which tends to exculpate or mitigate the culpability of the defendant, whether or not the defendant has made a request for such material pursuant to subsection 1.*~~

~~*— 4. Upon a written motion of the defendant for the discovery and inspection of any item described in paragraphs (a) to (d), inclusive, of subsection 1, the court shall:*~~

~~*— (a) Schedule a hearing on the motion;*~~

~~*— (b) Rule on each specific request made by the defendant in the motion; and*~~

~~*— (c) Enter an order consistent with the court's ruling on each request.*~~

~~5. *Except as otherwise provided in this section, the* provisions of this section are not intended to affect any obligation placed upon the prosecuting attorney by the Constitution of this state or the Constitution of the United States to disclose exculpatory evidence to the defendant.~~**]** **(Deleted by amendment.)**

Sec. 6. ~~**[**NRS 174.245 is hereby amended to read as follows:~~

~~174.245 1. Except as otherwise provided in NRS 174.233 to 174.295, inclusive, *and sections 3 and 4 of this act,* at the request of the prosecuting attorney, the defendant shall permit the prosecuting attorney to inspect and to copy or photograph any:~~

~~(a) Written or recorded statements made by a witness the defendant intends to call during the case in chief of the defendant, or copies thereof, within the possession, custody or control of the defendant, the existence of which is known, or by the exercise of due diligence may become known, to the defendant;~~

~~(b) Results or reports of physical or mental examinations, scientific tests or scientific experiments that the defendant intends to introduce in evidence during the case in chief of the defendant, or copies thereof, within the possession, custody or control of the defendant, the existence of which is known, or by the exercise of due diligence may become known, to the defendant; and~~

~~(c) Books, papers, documents or tangible objects that the defendant intends to introduce in evidence during the case in chief of the defendant, or copies thereof, within the possession, custody or control of the defendant, the existence of which is known, or by the exercise of due diligence may become known, to the defendant.~~

~~2. The prosecuting attorney is not entitled, pursuant to the provisions of this section, to the discovery or inspection of:~~

~~(a) An internal report, document or memorandum that is prepared by or on behalf of the defendant or the defendant's attorney in connection with the investigation or defense of the case.~~

~~(b) A statement, report, book, paper, document, tangible object or any other type of item or information that is privileged or protected from disclosure or inspection pursuant to the Constitution or laws of this state or the Constitution of the United States.~~**]** **(Deleted by amendment.)**

Sec. 7. ~~**[**NRS 174.275 is hereby amended to read as follows:~~

~~174.275 *1.* Upon a sufficient showing **[**,**]** *that material otherwise subject to discovery or inspection pursuant to NRS 174.234 to 174.295, inclusive, and sections 3 and 4 of this act is privileged,* the court may at any time order that *such* discovery or inspection **[**pursuant to NRS 174.234 to 174.295, inclusive,**]** be denied, restricted or deferred, or make such other order as is appropriate.~~

~~*2.* Upon motion by the defendant or prosecuting attorney, the court may permit the defendant or prosecuting attorney to make such showing, in whole~~

~~or in part, in the form of a written statement to be inspected by the court in chambers.~~

~~*3.* If the court enters an order granting relief following a showing in chambers [, the]~~ ***:***

~~***(a) The court must state in its order the reasons for its decision; and***~~

~~***(b) The*** entire text of the written statement ***described in subsection 2*** must be sealed and preserved in the records of the court to be made available to the appellate court in the event of an appeal.~~**] (Deleted by amendment.)**

Sec. 8. ~~[NRS 174.285 is hereby amended to read as follows:~~

~~174.285 1. A request made pursuant to NRS 174.235 or 174.245 may be made only within 30 days after arraignment or at such reasonable later time as the court may permit. A subsequent request may be made only [upon a showing of cause why the request would be in the interest of justice.]~~ ***if the party making the subsequent request has learned of additional material, the existence of which the party was not aware when the party made its initial request pursuant to NRS 174.235 or 174.245.***

~~2. A party shall comply with a request made pursuant to NRS 174.235 or 174.245 not less than 30 days before trial or~~ ***, as provided in this subsection,*** ~~at such [reasonable] later time as the court may permit.~~ ***A party may request leave of court to comply with a request made pursuant to NRS 174.235 or 174.245 less than 30 days before trial only upon written motion to the court.]*** **(Deleted by amendment.)**

Sec. 9. ~~[NRS 174.295 is hereby amended to read as follows:~~

~~174.295 1. If, after complying with the provisions of NRS 174.235 to 174.295, inclusive,~~ ***and sections 3 and 4 of this act*** ~~and before or during trial, a party discovers additional material previously requested which is subject to discovery or inspection under those sections, the party shall promptly notify the other party or the other party's attorney or the court of the existence of the additional material.~~

~~2. If at any time during the course of the proceedings it is brought to the attention of the court that [a]~~ ***:***

~~***(a) A*** party has failed to comply with the provisions of NRS 174.234 to 174.295, inclusive, ***and sections 3 and 4 of this act,*** the court ***shall prohibit the party from introducing into evidence the material which was not disclosed unless the party proves, by a preponderance of the evidence, that the party was not aware of the existence of the material even though the party diligently complied with the provisions of NRS 174.234 to 174.295, inclusive, and sections 3 and 4 of this act. If the court believes that the party was not aware of the existence of the material after the party diligently complied with NRS 174.234 to 174.295, inclusive, and sections 3 and 4 of this act, the court*** may order the party to permit the discovery or inspection of materials not previously disclosed, grant a continuance [, or prohibit the party from introducing in evidence the material not disclosed, or it may] ***or*** ~~enter such other order as it deems just under the circumstances.~~ ***The court shall explain the basis for its decision on the record.***

~~*(b) The State has, in bad faith, destroyed, lost or failed to collect materials which are subject to the provisions of NRS 174.234 to 174.295, inclusive, and sections 3 and 4 of this act, the court must dismiss the case against the defendant. If the court finds the destruction, loss or failure to collect such materials was not in bad faith, the court shall instruct the jury that it must infer the destroyed, lost or uncollected material would have been favorable to the defendant. As used in this paragraph, "bad faith" means implying or involving actual or constructive fraud, a design to mislead or deceive another, or a neglect or refusal to fulfill some duty or some contractual obligation, not prompted by an honest mistake as to one's rights or duties, but by some interested or sinister motive.]*~~ **(Deleted by amendment.)**

Sec. 10. ~~[~~NRS 174.315 is hereby amended to read as follows:~~**]**~~

~~174.315 1. A prosecuting attorney may issue subpoenas subscribed by the prosecuting attorney for witnesses within the State, in support of the prosecution or whom a grand jury may direct to appear before it, upon any investigation pending before the grand jury.~~

~~2. A prosecuting attorney or an attorney for a defendant may issue subpoenas subscribed by the issuer for:~~

~~(a) Witnesses within the State to appear before the court at which a preliminary hearing is to be held~~ **,** ~~[~~or~~]~~ an indictment, information or criminal complaint is to be tried ~~[.]~~ ***or any other hearing or proceeding is to be held.***

~~(b) Witnesses already subpoenaed who are required to reappear in any Justice Court at any time the court is to reconvene in the same case within 60 days, and the time may be extended beyond 60 days upon good cause being shown for its extension.~~

~~3. Witnesses, whether within or outside of the State, may accept delivery of a subpoena in lieu of service, by a written or oral promise to appear given by the witness. Any person who accepts an oral promise to appear shall:~~

~~(a) Identify himself or herself to the witness by name and occupation;~~

~~(b) Make a written notation of the date when the oral promise to appear was given and the information given by the person making the oral promise to appear identifying the person as the witness subpoenaed; and~~

~~(c) Execute a certificate of service containing the information set forth in paragraphs (a) and (b).~~

~~4. A peace officer may accept delivery of a subpoena in lieu of service, via electronic means, by providing a written promise to appear that is transmitted electronically by any appropriate means, including, without limitation, by electronic mail transmitted through the official electronic mail system of the law enforcement agency which employs the peace officer.~~

~~5. A prosecuting attorney shall orally inform any witness subpoenaed as provided in subsection 1 of the general nature of the grand jury's inquiry before the witness testifies. Such a statement must be included in the transcript of the proceedings.~~

~~6. Any subpoena issued by an attorney for a defendant for a witness to appear before the court at which a preliminary hearing is to be held must be calendared by filing a motion that includes a notice of hearing setting the matter for hearing not less than 2 full judicial days after the date on which the motion is filed. A prosecuting attorney may oppose the motion orally in open court. A subpoena that is properly calendared pursuant to this subsection may be served on the witness unless the court quashes the subpoena.~~**] (Deleted by amendment.)**

Sec. 11. **[**~~NRS 174.335 is hereby amended to read as follows:~~

~~174.335 1. Except as otherwise provided in NRS 172.139, a subpoena may also command the person to whom it is directed to produce the books, papers, documents or other objects designated therein.~~

~~2. The court on motion made promptly may quash or modify the subpoena if compliance would be unreasonable or oppressive.~~

~~**[**3. The court may direct that books, papers, documents or objects designated in the subpoena be produced before the court at a time before the trial or before the time when they are to be offered in evidence and may, upon their production, permit the books, papers, documents or objects or portions thereof to be inspected by the parties and their attorneys.~~**]] (Deleted by amendment.)**

Sec. 12. **[**~~NRS 175.161 is hereby amended to read as follows:~~

~~175.161 1. Upon the close of the argument, the judge shall charge the jury. The judge may state the testimony and declare the law, but may not charge the jury in respect to matters of fact. The charge must be reduced to writing before it is given, and no charge or instructions may be given to the jury otherwise than in writing, unless by the mutual consent of the parties. If either party requests it, the court must settle and give the instructions to the jury before the argument begins, but this does not prevent the giving of further instructions which may become necessary by reason of the argument.~~

~~2. In charging the jury, the judge shall state to them all such matters of law the judge thinks necessary for their information in giving their verdict.~~

~~3. Either party may present to the court any written charge, and request that it be given. If the court thinks~~ **[**~~it correct and~~**]** ***that the charge is*** pertinent **[**~~,~~**]** ***and an accurate statement of law, whether or not the charge has been issued or adopted as a jury instruction by the Supreme Court or the State Bar of Nevada,*** ~~it must be given .~~ **[**~~, if not,~~**]** ***If the court thinks that the charge is not pertinent or not an accurate statement of law, then*** ~~it must be refused.~~

~~4. An original and one copy of each instruction requested by any party must be tendered to the court. The copies must be numbered and indicate who tendered them. Copies of instructions given on the court's own motion or modified by the court must be so identified. When requested instructions are refused, the judge shall write on the margin of the original the word "refused" and initial or sign the notation. The instructions given to the jury must be firmly bound together and the judge shall write the word "given" at~~

~~the conclusion thereof and sign the last of the instructions to signify that all have been given. After the instructions are given, the judge may not clarify, modify or in any manner explain them to the jury except in writing unless the parties agree to oral instructions.~~

~~— 5. After the jury has reached a verdict and been discharged, the originals of all instructions, whether given, modified or refused, must be preserved by the clerk as part of the proceedings.~~

~~— 6. Conferences with counsel to settle instructions must be held out of the presence of the jury and may be held in chambers at the option of the court.~~

~~— 7. When the offense charged carries a possible penalty of life without possibility of parole a charge to the jury that such penalty does not exclude executive clemency is a correct and pertinent charge, and must be given upon the request of either party.~~**]** **(Deleted by amendment.)**

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 410.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 360.

AN ACT relating to new vehicle dealers; authorizing a new vehicle dealer to file, under certain circumstances, a claim for compensation with a manufacturer of motor vehicles relating to a used vehicle held by the new vehicle dealer which is subject to a stop-sale **order** or do-not-drive **[**~~notification;~~**]** **order;** requiring a manufacturer of motor vehicles to provide compensation to a new vehicle dealer for the used vehicle under certain circumstances; establishing a rate for that compensation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, certain acts or practices by a manufacturer of motor vehicles toward a new vehicle dealer are considered unfair acts or practices. (NRS 482.36371-482.36395) For example, it is an unfair act or practice for a manufacturer to fail to compensate a dealer fairly for labor, parts and other expenses incurred by the dealer under the manufacturer's warranty agreements. (NRS 482.36385) Under federal law, if a new motor vehicle is subject to a recall for a defect related to safety or noncompliance with certain safety standards after the manufacturer has sold the vehicle to a new vehicle dealer, the manufacturer must repurchase the vehicle from the dealer, and pay the dealer reasonable reimbursement of at least 1 percent of the purchase price for each month, or portion thereof, the dealer possessed the car after the recall notice was issued. (49 U.S.C. § 30116)

Section 1 of this bill authorizes a new vehicle dealer **that is franchised to sell new vehicles of the manufacturer** to apply to ~~[a]~~ **the** manufacturer for compensation for each month ~~[, or portion thereof,]~~ that the dealer possesses a used vehicle, manufactured by the manufacturer, that is subject to a stop-sale ~~[notification]~~ **order** or do-not-drive ~~[notification.]~~ **order.** **Section 1** requires the new vehicle dealer to file a claim for compensation with the manufacturer **.** ~~[, and requires the manufacturer to approve the claim if the claim meets certain requirements.]~~ Compensation for a claim filed pursuant to the provisions of this bill must be calculated at a rate of ~~[2.43]~~ **not less than 1** percent of the value of the used vehicle for each month ~~[, or portion thereof.]~~ **that the used vehicle is in the inventory of the dealer, beginning 30 days after the stop-sale order or do-not-drive order is provided to the dealer.** Finally, **section 1** prohibits a manufacturer from taking certain actions to ~~[: (1)]~~ offset or reduce the amount of compensation owed to the dealer ~~[; or (2) retaliate against the dealer]~~ for filing the claim. **Section 3.5 of this bill adds recall service and repair to the list of items for which a manufacturer must fairly compensate a dealer. (NRS 482.36385)** **Section 4** of this bill adds a violation of **section 1** to provisions in existing law that authorize a person who is aggrieved by certain violations to seek injunctive relief, and that authorize a person who is injured in his or her business by such a violation to bring an action to recover certain monetary damages. (NRS 482.36423) **Section 5** of this bill adds a willful violation of **section 1** to the list of violations in existing law for which a civil penalty may apply, and for which the Attorney General may seek injunctive relief. (NRS 482.36425) ~~[Sections]~~ **Section 2** ~~[and 3]~~ of this bill ~~[make]~~ **makes** conforming changes.

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[A new vehicle dealer which has in its inventory a used vehicle which is subject to a stop sale notification or a do not drive notification may file a claim for compensation with the]~~ If a manufacturer ~~[of the vehicle as provided in this section. The]~~ issues a recall and either a stop-sale order or a do-not-drive order on a used vehicle and parts or a remedy are not available to perform a recall service or repair on the vehicle within 30 days after issuing the recall, a new vehicle dealer that is franchised to sell and service new vehicles of the manufacturer is entitled to compensation from the manufacturer ~~[for each month, or portion thereof, that the used vehicle:

~~(a) Remains]~~ and may file a claim with the manufacturer for each used vehicle subject to the recall which the dealer:

(a) Has in ~~[the]~~ its used vehicle inventory ~~[of the new vehicle dealer; and]~~ on the date on which the stop-sale order or do-not-drive order is issued; or

(b) ~~[Is subject to a stop-sale notification or a do-not-drive notification.]~~ Takes into its used car inventory as a consumer trade-in related to the sale of a new vehicle after the date on which the stop-sale order or do-not-drive order is issued.

2. A ~~[new vehicle dealer must file a]~~ claim for compensation that is filed by a new vehicle dealer pursuant to this section ~~[on]~~ :

(a) Must be in a form prescribed ~~[and made available]~~ by the manufacturer. The manufacturer may prescribe the manner in which a dealer must demonstrate eligibility for such compensation, including, without limitation, the documentation required to show the inventory status of a used vehicle, provided that the demonstration of eligibility or the providing of documentation is not unduly burdensome.

(b) Except as otherwise provided in subsection 5, is subject to the provisions of NRS 482.36385.

3. ~~[Upon receipt of a claim for compensation filed pursuant to subsection 2 a manufacturer must:~~

~~(a) Approve or deny the claim within 30 days after receipt of the claim. A claim that is not denied by the manufacturer within 30 days after receipt of the claim shall be deemed approved.~~

~~(b) Approve a claim that meets the requirements of this section.~~

~~(c) Provide the claimant a reason and basis for the denial of any claim by the manufacturer.~~

~~4. Compensation from a manufacturer to a new vehicle dealer]~~ Except as otherwise provided in subsections 4 and 5, compensation for a used vehicle pursuant to this section must be calculated at a rate of ~~[2.43]~~ not less than 1 percent of the value of the used vehicle ~~[which is subject to a stop-sale notification or a do-not-drive notification for each]~~ per month, ~~[or portion thereof, pursuant to subsection 1. The value of the vehicle must be established using the pricing information and tools created by National Appraisal Guides, Inc., or its successor, that is current at the time for which compensation pursuant to this section is sought.~~

~~5.]~~ beginning 30 days after the date on which the stop-sale order or do-not-drive order is provided to the dealer and continuing until the earlier of the date:

(a) The parts or a remedy for the recall service or repair are made available to the dealer; or

(b) The dealer sells, trades or otherwise disposes of the used vehicle.

4. Compensation due to a new vehicle dealer pursuant to subsection 1 is limited to an amount equal to the value of the used vehicle for which the compensation is paid.

5. A manufacturer, in lieu of compensating a new vehicle dealer pursuant to subsection 3, may:

(a) Compensate the dealer pursuant to a national recall compensation program, if the amount of compensation owed to the dealer under the program is not less than the amount of compensation owed to the dealer pursuant to subsection 3; or

(b) Enter into an agreement with the dealer for an alternative form or amount of compensation.

6. A manufacturer may not take any action to ~~[:~~

~~(a) Offset]~~ offset or reduce the amount of compensation owed to a new vehicle dealer pursuant to this section, including, without limitation, through a chargeback program ~~, [or]~~ any reduction in an amount owed to the new vehicle dealer under an incentive program ~~.[;]~~ or

~~[(b) Retaliate against a new vehicle dealer for filing a claim for compensation pursuant to this section by taking any action that adversely affects the new vehicle dealer, including, without limitation,]~~ the removal of the new vehicle dealer from an incentive program, if such action is taken, in whole or in part, because the new vehicle dealer filed a claim for compensation pursuant to this section.

~~[6. The provisions of this section do not apply to the extent preempted by federal law.]~~ This subsection:

(a) Does not apply to any action taken by a manufacturer that is applied uniformly to all new vehicle dealers of the same line and make of vehicles in this State; and

(b) Is subject to the audit provisions of subsections 7 and 8 of NRS 482.36385.

7. Except as otherwise provided in subsection 5 and NRS 482.36385, any compensation provided to a new vehicle dealer pursuant to this section is exclusive and may not be combined with any other state or federal recall compensation remedy.

8. As used in this section:

(a) "Do-not-drive ~~[notification"]~~ order" means a notification ~~[from]~~ issued by a manufacturer ~~[pursuant to 49 C.F.R. § 577.5]~~ to its dealers or to the registered owner of a used vehicle or by the National Highway Traffic Safety Administration ~~[pursuant to 49 C.F.R. § 577.6 which has the effect of forbidding the operation of a specific model of vehicle until the defect or noncompliance which is the subject of the notification is remedied.]~~ to the registered owner of a used vehicle stating that the vehicle is subject to a federal safety recall for a defect or noncompliance.

(b) "Recall" means a safety recall of a vehicle in accordance with federal law and any regulations adopted thereunder.

(c) "Stop-sale ~~[notification"]~~ order" means a notification ~~[from]~~ issued by a manufacturer ~~[pursuant to 49 C.F.R. § 577.5 or the National Highway Traffic Safety Administration pursuant to 49 C.F.R. § 577.6 which has the effect of prohibiting the sale of a specific model of vehicle by a new vehicle dealer until the]~~ to its dealers stating that a used vehicle in inventory must not be sold or leased, either retail or wholesale, because of a federal safety

recall for a defect or noncompliance ~~[which is the subject of the notification is remedied.]~~ or because of a federal emissions recall.

(d) "Value of the used vehicle" means the average trade-in value of the year, make and model of the subject used vehicle as indicated in an independent third-party guide.

Sec. 2. NRS 482.36311 is hereby amended to read as follows:

482.36311 As used in NRS 482.36311 to 482.36425, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 482.36318 to 482.36348, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. ~~[NRS 482.36349 is hereby amended to read as follows:~~

~~482.36349 A manufacturer is not subject to the provisions of NRS 482.36311 to 482.36425, inclusive, *and section 1 of this act* if the manufacturer:~~

~~1. Only manufactures passenger cars powered solely by one or more electric motors;~~

~~2. Only sells at retail new or new and used passenger cars that it manufactures; and~~

~~3. Was selling such passenger cars at retail in this State on or before January 1, 2016.]~~ **(Deleted by amendment.)**

Sec. 3.5. **NRS 482.36385 is hereby amended to read as follows:**

482.36385 It is an unfair act or practice for any manufacturer, distributor or factory branch, directly or through any representative, to:

1. Compete with a dealer. A manufacturer or distributor shall not be deemed to be competing when operating a previously existing dealership temporarily for a reasonable period, or in a bona fide retail operation which is for sale to any qualified person at a fair and reasonable price, or in a bona fide relationship in which a person has made a significant investment subject to loss in the dealership and can reasonably expect to acquire full ownership of the dealership on reasonable terms and conditions.

2. Discriminate unfairly among its dealers, or fail without good cause to comply with franchise agreements, with respect to warranty reimbursement or authority granted to its dealers to make warranty adjustments with retail customers.

3. Fail to compensate a dealer fairly for the work and services which the dealer is required to perform in connection with the delivery and preparation obligations under any franchise, or fail to compensate a dealer fairly for labor, parts and other expenses incurred by the dealer under the manufacturer's warranty agreements ~~[.]~~ ***or any recall service or repairs.*** The manufacturer shall set forth in writing the respective obligations of a dealer and the manufacturer in the preparation of a vehicle for delivery, and as between them a dealer's liability for a defective product is limited to the obligation so set forth. Fair compensation includes diagnosis and reasonable administrative and clerical costs. The dealer's compensation for parts and labor to satisfy a warranty ***or a recall service or repair*** must not be less than

the amount of money charged to its various retail customers for parts and labor that are not covered by a warranty. If parts are supplied by the manufacturer, including exchanged parts and assembled components, the dealer is entitled with respect to each part to an amount not less than the dealer's normal retail markup for the part. This subsection does not apply to compensation for any part, system, fixture, appliance, furnishing, accessory or feature of a motor home or recreational vehicle that is designed, used and maintained primarily for nonvehicular, residential purposes.

4. Fail to:

(a) Pay all claims made by dealers for compensation for delivery and preparation work, transportation claims, special campaigns and work to satisfy warranties ***and recall service or repairs*** within 30 days after approval, or fail to approve or disapprove such claims within 30 days after receipt;

(b) Disapprove any claim without notice to the dealer in writing of the grounds for disapproval; or

(c) Accept an amended claim for labor and parts if the amended claim is submitted not later than 60 days after the date on which the manufacturer or distributor notifies the dealer that the claim has been disapproved and the disapproval was based on the dealer's failure to comply with a specific requirement for processing the claim, including, without limitation, a clerical error or other administrative technicality that does not relate to the legitimacy of the claim.

➥ Failure to approve or disapprove or to pay within the specified time limits in an individual case does not constitute a violation of this section if the failure is because of reasons beyond the control of the manufacturer, distributor or factory branch.

5. Sell a new vehicle to a person who is not licensed as a new vehicle dealer under the provisions of this chapter.

6. Use false, deceptive or misleading advertising or engage in deceptive acts in connection with the manufacturer's or distributor's business.

7. Perform an audit to confirm a ***claim for compensation pursuant to section 1 of this act,*** warranty repair, sales incentive or rebate more than 9 months after the date on which the claim was made. An audit of a dealer's records pursuant to this subsection may be conducted by the manufacturer or distributor on a reasonable basis, and a dealer's claim for warranty or sales incentive compensation ***or compensation pursuant to section 1 of this act*** must not be denied except for good cause, including, without limitation, performance of nonwarranty repairs, lack of material documentation, fraud or misrepresentation. A dealer's failure to comply with the specific requirements of the manufacturer or distributor for processing the claim does not constitute grounds for the denial of the claim or the reduction of the amount of compensation to the dealer if reasonable documentation or other evidence has been presented to substantiate the claim. The manufacturer or distributor shall not deny a claim or reduce the amount of compensation to

the dealer for warranty repairs to resolve a condition discovered by the dealer during the course of a separate repair.

8. Prohibit or prevent a dealer from appealing the results of an audit to confirm a warranty repair, sales incentive ***, claim for compensation made pursuant to section 1 of this act*** or rebate, or to require that such an appeal be conducted at a location other than the dealer's place of business.

Sec. 4. NRS 482.36423 is hereby amended to read as follows:

482.36423 1. Whenever it appears that a person has violated, is violating or is threatening to violate any provision of NRS 482.36311 to 482.36425, inclusive, ***and section 1 of this act,*** any person aggrieved thereby may apply to the district court in the county where the defendant resides, or in the county where the violation or threat of violation occurs, for injunctive relief to restrain the person from continuing the violation or threat of violation.

2. In addition to any other judicial relief, any dealer or person who assumes the operation of a franchise pursuant to NRS 482.36396 to 482.36414, inclusive, who is injured in his or her business or property by reason of a violation of NRS 482.36311 to 482.36425, inclusive, ***and section 1 of this act*** may bring an action in the district court in which the dealership is located, and may recover three times the pecuniary loss sustained by the dealer or person, and the cost of suit, including a reasonable attorney's fee. The amount of pecuniary loss sustained by a dealer, pursuant to subsection 7 of NRS 482.3638, is the fair market value of the franchised dealership at the time of notification of termination, refusal to continue or unilateral modification of a franchise.

3. Any artificial person created and existing under the laws of any other state, territory, foreign government or the government of the United States, or any person residing outside the State, who grants a franchise to any dealer in this State may be served with any legal process in any action for injunctive relief or civil damages in the following manner:

(a) By delivering a copy of the process to the Director; and

(b) By mailing to the last known address of the manufacturer or distributor, by certified mail, return receipt requested, a copy of the summons and a copy of the complaint, together with copies of any petition or order for injunctive relief.

4. The defendant has 30 days, exclusive of the day of service, within which to answer or plead.

5. The method of service provided in this section is cumulative and may be utilized with, after or independently of all other methods of service.

Sec. 5. NRS 482.36425 is hereby amended to read as follows:

482.36425 1. Any manufacturer or distributor who willfully violates any provision of NRS 482.36311 to 482.36425, inclusive, ***and section 1 of this act*** is subject to a civil penalty of not less than $50 nor more than $1,000 for each day of violation and for each act of violation. All civil penalties recovered must be paid to the State of Nevada.

2. Whenever it appears that a manufacturer or distributor has violated, is violating or is threatening to violate any provision of NRS 482.36311 to 482.36425, inclusive, ***and section 1 of this act,*** the Attorney General may institute a civil suit in any district court of this State for injunctive relief to restrain the violation or threat of violation or, if the violation or threat is willful, for the assessment and recovery of the civil penalty, or both.

Sec. 6. This act becomes effective upon passage and approval.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 412.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 414.

AN ACT relating to procedure in criminal cases; requiring the joinder of certain misdemeanors with certain felonies or gross misdemeanors; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that municipal courts have jurisdiction over all misdemeanors committed in violation of the ordinances of their respective cities. (NRS 5.050) Existing law also provides that an indictment or information which is filed with a district court may include charges of two or more related felonies and gross misdemeanors. (NRS 173.115; *State v. Kopp*, 118 Nev. 199 (2002)) This bill requires that certain misdemeanors which would otherwise be under the jurisdiction of municipal courts must be joined with related felonies and gross misdemeanors in the district courts. This bill also provides that a charge for any such misdemeanor which is erroneously included in a **criminal** complaint that is filed in a municipal court shall be deemed to be void ab initio and must be stricken.

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

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

173.115 ***1.*** Two ***[1. Except as otherwise provided in subsection 2, two]*** or more offenses may be charged in the same indictment or information in a separate count for each offense if the offenses charged, whether felonies or ***gross*** misdemeanors or both, are:

[1.***]*** ***(a)*** Based on the same act or transaction; or

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

2. ~~[A]~~ Except as otherwise provided in subsection 3, a misdemeanor which was committed within the boundaries of a city and which would otherwise be within the jurisdiction of the municipal court must be charged in the same ~~[indictment or information]~~ criminal complaint as a felony or gross misdemeanor or both if the misdemeanor is ~~:~~

~~(a) Based~~ based on the same act or transaction as the felony or gross misdemeanor ~~; or~~

~~(b) Based on two or more acts or transactions connected together or constituting parts of a common scheme or plan with the felony or gross misdemeanor.~~

~~]~~ A charge of a misdemeanor which meets the requirements of this subsection and which is erroneously included in a criminal complaint that is filed in the municipal court shall be deemed to be void ab initio and must be stricken.

3. The provisions of subsection 2 do not apply:

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

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

Sec. 2. NRS 5.050 is hereby amended to read as follows:

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

(a) For the violation of any ordinance of their respective cities.

(b) To prevent or abate a nuisance within the limits of their respective cities.

2. ~~[The]~~ ***Except as otherwise provided in subsection 2 of NRS 173.115, the*** municipal courts have jurisdiction of all misdemeanors committed in violation of the ordinances of their respective cities. Upon approval of the district court, a municipal court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 or 176A.280.

3. The municipal courts have jurisdiction of:

(a) Any action for the collection of taxes or assessments levied for city purposes, when the principal sum thereof does not exceed $2,500.

(b) Actions to foreclose liens in the name of the city for the nonpayment of those taxes or assessments when the principal sum claimed does not exceed $2,500.

(c) Actions for the breach of any bond given by any officer or person to or for the use or benefit of the city, and of any action for damages to which the city is a party, and upon all forfeited recognizances given to or for the use or benefit of the city, and upon all bonds given on appeals from the municipal court in any of the cases named in this section, when the principal sum claimed does not exceed $2,500.

(d) Actions for the recovery of personal property belonging to the city, when the value thereof does not exceed $2,500.

(e) Actions by the city for the collection of any damages, debts or other obligations when the amount claimed, exclusive of costs or attorney's fees, or both if allowed, does not exceed $2,500.

(f) Actions seeking an order pursuant to NRS 441A.195.

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

Sec. 3. The amendatory provisions of this act apply to a charge that is filed on or after October 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 473.

Bill read second time.

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

Amendment No. 424.

SUMMARY— ~~[Provides]~~ **Temporarily provides** for the continued inclusion of certain drugs on the list of preferred prescription drugs to be used for the Medicaid program. (BDR 38-977)

AN ACT relating to health care; ~~[removing]~~ **delaying** the prospective expiration of certain provisions governing the list of preferred prescription drugs to be used for the Medicaid program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Department of Health and Human Services is required to develop by regulation a list of preferred prescription drugs to be used for the Medicaid program. The Department is also required to establish a list of prescription drugs that must be excluded from any restrictions that are imposed on drugs that are on the list of preferred prescription drugs. Existing law further requires the Department to include certain specified drugs on the list of drugs excluded from the restrictions. (NRS 422.4025) Before July 1, 2010, the Department was required to exclude certain antipsychotic medications, anticonvulsant medications and antidiabetic medications from the restrictions that are imposed on drugs which are on the list of preferred prescription drugs, but the Legislature suspended this requirement for the period from July 1, 2010, to June 30, 2017. (Chapter 4, Statutes of Nevada 2010, 26th Special Session, p. 35, as last amended by

chapter 382, Statutes of Nevada 2015, 78th Session, p. 2158) This bill ~~[removes]~~ **delays** the prospective expiration of such provisions ~~[.]~~ **to June 30, 2019.**

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

Section 1. Section 4 of chapter 4, Statutes of Nevada 2010, 26th Special Session, as last amended by section 1 of chapter 382, Statutes of Nevada 2015, at page 2158, is hereby amended to read as follows:

Sec. 4. This act becomes effective on July 1, 2010 ~~*[,]*~~ , and expires by limitation on June 30, ~~[2017.]~~ ***2019.***

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

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 485.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 362.

AN ACT relating to school buses; revising the definition of a school bus for certain purposes; revising provisions relating to the inspection of school buses; requiring new school buses purchased on or after a certain date be equipped with safety belts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides a definition of a school bus for the purposes of certain laws regarding traffic laws and rules of the road. (NRS 484A.230) **Section 1** of this bill revises the definition of school bus to specify that such a vehicle must be "designed or used to carry more than 10 passengers in addition to the driver." This definition more closely comports with the definition of a school bus in the Federal Motor Carrier Safety Regulations. (49 C.F.R. § 390.5)

Existing law provides various restrictions on and requirements for a school bus, including required evacuation drills, adoption of a safety program, driver qualifications and training, and standards for how a school bus used to transport pupils must be equipped. (NRS 386.790-386.845) **Section 2** of this bill provides that the revised definition of school bus in **section 1** applies to all such existing laws. The revised definition of school bus in **section 1** also applies to various other uses of the term throughout title 34 of NRS, regarding such topics as the use of transportation funds by a school district to purchase school buses, the extension of the safe and respectful learning

environment to include school buses, the prohibition on bullying and cyber-bullying on school buses, the authorization procedures for a pupil to self-administer certain medications on a school bus and the provision for suspension or expulsion of a pupil for certain behaviors committed on a school bus. (NRS 386.795, 388.132, 388.135, 392.425, 392.466)

Sections 3 and 4 of this bill require that any new school bus which is purchased by a school district on or after July 1, ~~[2017,]~~ **2019,** must be equipped with a shoulder-harness-type safety belt assembly for each permanent seating position for passengers. The safety belts must meet certain federal standards and specifications. **Section 6** of this bill imposes those same requirements on a private school which purchases a new school bus to transport pupils.

Under existing law, agents and employees of the Department of Motor Vehicles are required to inspect school buses to determine if the school buses comply with various equipment and identification requirements, and must report any violations to the superintendent of schools of the school district wherein the school buses are operating. (NRS 386.840) **Section 5** of this bill transfers those requirements to the Department of Public Safety.

Existing law provides that certain laws relating to the condition, equipment and identification of vehicles used for the transportation of pupils, including school buses, apply to private schools. (NRS 394.190) All such vehicles are subject to inspection at all times by the Department of Motor Vehicles, which is required to report any violation to the executive head of the private school. **Section 6** of this bill transfers those requirements to the Department of Public Safety.

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

Section 1. NRS 484A.230 is hereby amended to read as follows:

484A.230 1. "School bus" means every motor vehicle ~~[owned]~~ ***which is designed or used to carry more than 10 passengers in addition to the driver and which is:***

(a) Owned by or under the control of a public or governmental agency or a private school and regularly operated for the transportation of children to or from school or a school activity ***;*** or ~~[privately]~~

(b) Privately owned and regularly operated for compensation for the transportation of children to or from school or a school activity.

2. "School bus" does not include ~~[a]~~ ***:***

(a) A passenger car operated under a contract to transport children to and from school ~~[, a]~~ ***;***

(b) A common carrier or commercial vehicle under the jurisdiction of the Surface Transportation Board or the Nevada Transportation Authority when such vehicle is operated in the regular conduct of its business in interstate or intrastate commerce within the State of Nevada ~~[.]~~ ***; or***

(c) A multifunction school activity bus whose purposes do not include transporting students to and from home or school bus stops.

Sec. 2. NRS 385.007 is hereby amended to read as follows:

385.007 As used in this title, unless the context otherwise requires:

1. "Achievement charter school" means a public school operated by a charter management organization, as defined in NRS 388B.020, an educational management organization, as defined in NRS 388B.030, or other person pursuant to a contract with the Achievement School District pursuant to NRS 388B.210 and subject to the provisions of chapter 388B of NRS.

2. "Department" means the Department of Education.

3. "Homeschooled child" means a child who receives instruction at home and who is exempt from compulsory attendance pursuant to NRS 392.070, but does not include an opt-in child.

4. "Limited English proficient" has the meaning ascribed to ~~[it]~~ ***"English learner"*** in 20 U.S.C. § ~~[7801(25).]~~ ***7801(20).***

5. "Opt-in child" means a child for whom an education savings account has been established pursuant to NRS 353B.850, who is not enrolled full-time in a public or private school and who receives all or a portion of his or her instruction from a participating entity, as defined in NRS 353B.750.

6. "Public schools" means all kindergartens and elementary schools, junior high schools and middle schools, high schools, charter schools and any other schools, classes and educational programs which receive their support through public taxation and, except for charter schools, whose textbooks and courses of study are under the control of the State Board.

7. ***"School bus" has the meaning ascribed to it in NRS 484A.230.***

8. "State Board" means the State Board of Education.

~~[8.]~~ ***9.*** "University school for profoundly gifted pupils" has the meaning ascribed to it in NRS 388C.040.

Sec. 3. Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On and after July 1, ~~[2017,]~~ 2019, with respect to any new school bus which is purchased by a school district to transport pupils, the school bus must be equipped with a shoulder-harness-type safety belt assembly for use in each permanent seating position for passengers on the school bus.

2. Each shoulder-harness-type safety belt assembly required by subsection 1 must meet the applicable minimum standards and specifications which are set forth in the Federal Motor Vehicle Safety Standards of the National Highway Traffic Safety Administration of the United States Department of Transportation and which are in effect on the date the school district purchases the school bus.

Sec. 4. NRS 386.830 is hereby amended to read as follows:

386.830 1. All vehicles used in the transportation of pupils must be:

(a) In good condition and state of repair.

(b) Well equipped, and must contain sufficient room and seats so that the driver and each pupil being transported have a seat inside the vehicle. Each pupil shall remain seated when the vehicle is in motion.

~~[(c) Inspected]~~

2. Each school bus must be inspected semiannually by the Department of Public Safety to ensure that the vehicles are mechanically safe and meet the minimum specifications established by the State Board. The Department of Public Safety shall make written recommendations to the superintendent of schools of the school district wherein any such vehicle is operating for the correction of any defects discovered thereby.

~~[2.]~~ ***3.*** If the superintendent of schools fails or refuses to take appropriate action to have the defects corrected within 10 days after receiving notice of them from the Department of Public Safety, the superintendent is guilty of a misdemeanor, and upon conviction thereof may be removed from office.

~~[3.]~~ ***4.*** Except as otherwise provided in subsection ~~[4,]~~ ***5,*** all vehicles used for transporting pupils must meet the specifications established by regulation of the State Board.

~~[4.]~~ ***5.*** Except as otherwise provided in subsection ~~[5,]~~ ***6,*** any bus which is purchased and used by a school district to transport pupils to and from extracurricular activities is exempt from the specifications adopted by the State Board if the bus meets the federal safety standards for motor vehicles which were applicable at the time the bus was manufactured and delivered for introduction in interstate commerce.

~~[5.]~~ ***6.*** Any new school bus which is purchased by a school district to transport pupils must meet the standards set forth in:

(a) Subsection 1 of NRS 386.835 if the school bus is purchased on or after January 1, 2016; ~~[and]~~

(b) Subsection 2 or 3 of NRS 386.835 if the school bus is purchased on or after July 1, 2016 ~~[.]~~ ***; and***

(c) Section 3 of this act if the school bus is purchased on or after July 1, ~~[2017.]~~ 2019.

~~[6.]~~ ***7.*** Any person violating any of the requirements of this section is guilty of a misdemeanor.

Sec. 5. NRS 386.840 is hereby amended to read as follows:

386.840 1. Except as otherwise provided in this subsection, every school bus operated for the transportation of pupils to or from school must be equipped with:

(a) A system of flashing red lights of a type approved by the State Board and installed at the expense of the school district or operator. Except as otherwise provided in subsection 2, the driver shall operate this signal:

(1) When the bus is stopped to unload pupils.

(2) When the bus is stopped to load pupils.

(3) In times of emergency, accident or motor vehicle crash, when appropriate.

(b) A mechanical device, attached to the front of the bus which, when extended, causes persons to walk around the device. The device must be approved by the State Board and installed at the expense of the school district or operator. The driver shall operate the device when the bus is stopped to load or unload pupils. The installation of such a mechanical device is not required for a school bus which is used solely to transport pupils with special needs who are individually loaded and unloaded in a manner which does not require them to walk in front of the bus. The provisions of this paragraph do not prohibit a school district from upgrading or replacing such a mechanical device with a more efficient and effective device that is approved by the State Board.

2. A driver may stop to load and unload pupils in a designated area without operating the system of flashing red lights required by subsection 1 if the designated area:

(a) Has been designated by a school district and approved by the Department;

(b) Is of sufficient depth and length to provide space for the bus to park at least 8 feet off the traveled portion of the roadway;

(c) Is not within an intersection of roadways;

(d) Contains ample space between the exit door of the bus and the parking area to allow safe exit from the bus;

(e) Is located so as to allow the bus to reenter the traffic from its parked position without creating a traffic hazard; and

(f) Is located so as to allow pupils to enter and exit the bus without crossing the roadway.

3. In addition to the equipment required by subsection 1 and except as otherwise provided in subsection ~~[4]~~ *5* of NRS 386.830, each school bus must:

(a) Be equipped and identified as required by the regulations of the State Board; and

(b) If the bus is a new bus purchased by a school district to transport pupils, meet the standards set forth in:

(1) Subsection 1 of NRS 386.835 if the bus is purchased on or after January 1, 2016; ~~[and]~~

(2) Subsection 2 or 3 of NRS 386.835 if the bus is purchased on or after July 1, 2016 ~~[.]~~ ***; and***

(3) Section 3 of this act if the school bus is purchased on or after July 1, [2017.] 2019.

4. The ~~[agents and employees of the]~~ Department of ~~[Motor Vehicles]~~ ***Public Safety*** shall inspect school buses to determine whether the provisions of this section concerning equipment and identification of the school buses have been complied with, and shall report any violations discovered to the superintendent of schools of the school district wherein the vehicles are operating.

5. If the superintendent of schools fails or refuses to take appropriate action to correct any such violation within 10 days after receiving notice of it from the Department of ~~[~~Motor Vehicles,~~]~~ ***Public Safety,*** the superintendent is guilty of a misdemeanor, and upon conviction must be removed from office.

6. Any person who violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 6. NRS 394.190 is hereby amended to read as follows:

394.190 1. The provisions of NRS 386.830 and 386.840 relating to the condition, equipment and identification of vehicles used for the transportation of pupils apply to private schools.

2. On and after January 1, 2016, ~~[~~or~~]~~ July 1, 2016, ***or July 1, ~~[2017,]~~ 2019,*** as applicable, with respect to any new school bus purchased to transport pupils, the standards for school buses set forth in:

(a) Subsection 1 of NRS 386.835; ~~[~~and~~]~~

(b) Subsection 2 or 3 of NRS 386.835 ~~[~~,~~]~~ ***; and***

(c) Section 3 of this act,

➥ apply to private schools.

3. All such vehicles are subject to inspection at all times by ~~[~~agents and employees of~~]~~ the Department of ~~[~~Motor Vehicles,~~]~~ ***Public Safety,*** who shall report any violations discovered thereby to the executive head of the private school.

4. If the executive head of the private school fails or refuses to take appropriate action to correct any such violation within 10 days after receiving the report from the Department of ~~[~~Motor Vehicles,~~]~~ ***Public Safety,*** the executive head is guilty of a misdemeanor.

Sec. 7. This act becomes effective on July 1, 2017.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer, Assembly Bills Nos. 110, 207, 281, 351, and 473 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 35, 54, 61, 107, 117, 150, 169, 173, 180, 190, 228, 232, 235, 244, 246, 304, 310, 316, 347, 372, 427, 444, and 459; Assembly Joint Resolutions Nos. 4, 9, 10, 11, and 13; Assembly Joint Resolution 10 of the 78th Session be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Mr. Speaker appointed Assemblymen Brooks and Paul Anderson as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Senator Catherine Cortez Masto.

The President of the Senate and members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President of the Senate to the Speaker's rostrum.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 6:26 p.m.
President of the Senate presiding.

The Secretary of the Senate called the Senate roll.
All present.

The Chief Clerk of the Assembly called the Assembly roll.
All present except Assemblywoman Woodbury, who was excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Hammond and Assemblywoman Benitez-Thompson to wait upon United States Senator Catherine Cortez Masto and escort her to the Assembly Chamber.

The Committee on Escort, in company with The Honorable Catherine Cortez Masto, United States Senator from Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Senator to the rostrum.

The Speaker of the Assembly welcomed United States Senator Catherine Cortez Masto and invited her to deliver her message.

United States Senator Catherine Cortez Masto delivered her message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-NINTH SESSION, 2017

Good evening. I am so excited to be here and am sorry for the late start. I flew up here and had some business to take care of this morning in southern Nevada. I promise you, I will not be long. I know what this is like; I remember.

It is so good to be back home here in Nevada and in Carson with all of you. Thank you to Lieutenant Governor Hutchison, Senate President Pro Tem Denis, Speaker Frierson, Majority Leader Ford, Majority Leader Benitez-Thompson, Minority Leaders Roberson and Anderson, and all the members of the Senate and Assembly for your service and commitment to the great state of Nevada. I want to thank the Supreme Court Justice for being here; some of our constitutional officers, thank you very much. I am so excited to see you. And thank you to Governor Sandoval. He called me yesterday. He could not be here; he was so sorry he was going to miss it. I look forward to continuing to work with him for the next two years, and I am so proud of the leadership he has shown here in the state of Nevada.

I am proud to be representing all of you in this great state in the United States Senate and to have the opportunity to fight for my home state, just like all of you. Looking around this Chamber, it is fantastic to see such incredibly diverse faces, genders, ages, and races. It is a true reflection of Nevada's burgeoning diversity. We have embraced this diversity and we are undoubtedly stronger because of it.

I do not have to tell all of you that in Nevada, we solve problems for the people of our state—across all levels of government, across all districts and communities, and even across the aisle. You all demonstrate it here in Carson City, and I am committed to doing the same in Washington. I said it on the campaign trail and I will say it again: Washington could use a lesson from Nevada about how to get things done.

We are all here tonight in this Chamber because we love Nevada. We want to serve our state and see Nevadans succeed, now and in the future. There are many different political opinions and beliefs on how we do this, but I believe that at the end of the day, we are united by our shared goals to put Nevada's children and families on the path to success. We are united by our shared goals to create jobs and grow our economy.

In the U.S. Senate, I will work to ensure our children, families, workers, and communities have a pathway to succeed; to support and promote programs that empower Nevadans and Nevada businesses; to make certain we are investing in our state; and to work with all of you to plan for its future. And doing this means protecting Americans' access to safe, affordable health care. I have and I will continue to be a vocal opponent of any efforts to repeal the Affordable Care Act [ACA]. Here in Nevada, we have seen the positive impact of the ACA, and it is wrong to undo this law. I commend our Governor for helping nearly 400,000 Nevadans gain access to health insurance under the law and for standing up and opposing the Administration's efforts to take away these benefits.

If the ACA were repealed, all Nevada's communities would suffer. From our rural communities to our city centers, hospitals and providers could be forced to close their doors, cutting communities off from access to care and forcing layoffs. Hospital administrators, nurses, and doctors should not have to worry about their jobs, and Nevadans should not be forced to choose between paying their medical bills or putting food on the table. Instead of repealing the law, we should be looking at ways to improve it. That is why I have joined with my colleagues in the Senate to call on the Administration to focus on ways to continue lowering costs and expanding access to care instead of starting from scratch.

I will also continue to stand up for women's access to safe, affordable health care. It is time that we stop playing politics with women's health. I am a cosponsor of the Women's Health Protection Act, which protects a woman's constitutional right to choose by preventing laws that target women's health care centers and attempt to force them to shut their doors. I also called on the Administration to stand up for women and families and protect funding for Title X centers that give our rural and low-income communities access to safe and affordable cancer screenings, birth control, family planning, and preventative care. These Title X centers are the solution, not the problem. Thousands of Nevada women rely on these centers, not just in Reno and Las Vegas, but in Fallon, Yerington, Winnemucca, Lovelock, Pahrump, Tonopah—communities all across our state.

We should be focusing on empowering all Nevadans, regardless of gender, race, religion, or sexual orientation, and work to tear down barriers to their success: like ensuring Nevadans in all industries and jobs are paid a fair, living wage; like making it easier for workers to retire with dignity; like increasing access to job training and workforce development programs so that we can close that skills gap; like supporting our families with paid family, sick, and medical leave; like fighting for equality and against discrimination in the workplace, housing, and education; and ensuring women are paid equally to men for the same work.

I want to recognize all of you for making history last month and ratifying the Equal Rights Amendment. And thank you to Pat Spearman for your tireless leadership and commitment to making that happen. We have come a long way on gender equality, but we can go much further, and I am proud that Nevada is a leader in this continued fight.

As leaders in Nevada, we must do everything possible to continue lifting up all of Nevada's families. We do this by continuing to embrace our diversity and ensuring that every child and every family has the support and resources necessary to succeed. We cannot afford to divide our

communities, and pit neighbor against neighbor. Unfortunately, some in Washington do not see it this way.

I am committed to fighting for what is right and will continue to be a voice for immigrants. I am proud that my first bill as a United States Senator was to overturn President Trump's Executive Order that targeted our immigrant communities. I have also cosponsored legislation that would overturn this Administration's actions for mass deportation and a ban on Muslims. I will tell you, it is unacceptable that our immigrants—valuable members of our society and economy—are forced to live in constant fear of being torn apart or being turned away from a country they call home. Like the couple from Henderson who were legal residents of the U.S. and were detained over ten hours when returning from their son's wedding in Iran. That is not the America that I was raised in. The America that I was raised in recognized that our immigrant communities are essential to our success, that we must embrace diversity to remain strong, that we do not shut the door behind us when we have had an opportunity to succeed.

In Nevada alone, tearing apart families and removing undocumented immigrants would cost our state billions of dollars—$9.7 billion in economic activity, $4.3 billion in gross state product, and millions in tax revenue. That is millions that could be used to fix our roads, repair our schools, or care for our veterans. We would lose over 45,000 jobs. Studies have shown that if we bring undocumented workers out of the shadows and put them on a pathway to citizenship, we would reduce the national deficit by $1 trillion and increase our gross domestic product in this country by $832 billion. We would see incomes rise for American families by $470 billion and add hundreds of thousands of jobs across this country. Again, this is not a partisan issue. Embracing our immigrant communities is a commonsense way to grow our economy, create jobs, and ensure our state and our country will continue to succeed.

Another issue that I know we all agree on is supporting our veterans. These brave men and women have dedicated their lives to fighting for our country, and we must continue dedicating our efforts to fighting for them. Our veterans must have timely access to quality care—quality care for their benefits, for the resources. For everything that they have put their lives on the line for us, we should be there for them. This means ensuring that the VA [U.S. Department of Veterans' Affairs] has staff necessary to deal with the backlog of claims and appeals, not being subjected to a blanket hiring freeze that this Administration imposed. Because of that hiring freeze, I joined several of my colleagues in calling on the Administration to exempt the VA from its government hiring freeze, to which they complied. However, I will tell you this: The status quo is not enough. Our VA needs resources to ensure it has state-of-the-art technology and high-quality doctors, nurses, and staff. I know my colleagues on both sides of the aisle will join me in prioritizing our veterans in any future budget and legislation.

We must continue supporting all Nevadans and programs that grow our economy and grow our communities. I do not have to tell all of you that America is still recovering from the Great Recession. I do not know if there is a state where that is more apparent than here in Nevada. We have made incredible progress in building our economy back up, but we still have more to do. Now is not the time to be cutting back programs that have made this community and this state rebound. I do not and will not support any federal budget that slashes billions from or eliminates programs that have been essential to Nevada's recovery—programs that ensure our children can get a quality education regardless of the zip code they live in; programs that support our active service members, military families, and veterans; programs that invest in our small businesses, in urban, rural and tribal communities; programs that allow access to affordable housing for our people with disabilities, families, and seniors; programs that make college affordable and prevent our students from graduating with mountains of debt; programs that invest in our nation's vital infrastructure and protect our natural resources and keep our air and water clean.

I am a member of the Senate Banking and Housing Committee, and I will tell you this: As a member of that Committee, I will make sure that Nevada continues to receive funding to maintain our affordable housing programs. We need to be helping our most vulnerable; this includes people with disabilities, seniors, veterans, and low-income families. If we want to have strong students and strong workers, we must make sure that they have a roof over their head.

I will also make sure that the protections put in place during the Great Recession are not rolled back, because when Wall Street and the big banks crash the economy, it not only harms

consumers, but it endangers our community banks, our credit unions, our small businesses, and taxpayers. I will fight for rules of the road that not only protect homeowners and taxpayers, but that promote community banks and credit unions to better serve Nevada families and businesses. This includes fighting for Nevada's small businesses. I do not have to tell all of you, they are a vital component of our state's economy, accounting for 99 percent of the businesses in our state and creating jobs here in Nevada. In the Senate, I commit to supporting and working to grow our small business community, especially those owned by women and minorities. This means ensuring Nevadans who want to start or expand a small business have access to the capital they need to be successful. That is why I support the Export/Import Bank, which provided Nevada small businesses with $165 million in capital between 2007 and 2015. This means ensuring owners have tools and support and are taking advantage of federal grants and partnerships made available to them. This does not mean slashing the budget for the Small Business Administration, which Trump's Administration wants to do. This does not mean cutting funds for business community development programs and small business grants, as this Administration has proposed. I will fight against any budget that threatens our small business community because small businesses are essential not only to Nevada's economy, but to America's economy.

Another area that I think we can all agree on for our success is making our state a global leader in renewable energy research, development, and production. As a member of the Senate's Energy and Natural Resources Committee, I will work to ensure that Nevada has the support and resources necessary to do just that. As you all know, Nevada is blessed with an incredible abundance of resources in solar, wind, and geothermal, and we must continue to harness these resources. Investing in green energy will create jobs and provide clean, cheap power for houses and businesses, not only in Nevada, but in states across the country. Last month, I attended the ribbon-cutting ceremony for the new solar plant on the Moapa River Indian Reservation in southern Nevada, and on Tuesday, a similar project in Boulder City. The energy from these plants is being used to power homes in Nevada and California. We need to do more of this. I am going to push for legislation that increases investments in our green energy production and incentivizes business owners and homeowners to utilize power from renewable sources.

I will also fight to ensure that we continue to fund research in the renewable energy sector, which is happening right now in Nevada. Clean energy in Nevada has been good for our economy, creating more than 20,000 clean energy jobs. That is 8,700 in the solar industry alone. Nevada's clean energy standards and abundant resources have already attracted more than $6 billion in renewable energy investment, but we are positioned to do more. Nevada is at a critical juncture for even greater clean energy sector expansion and innovation, creating jobs and increasing that investment. I support this progress and hope to see Nevada leading the charge.

Another subject that I know you are well educated on is Yucca Mountain. I am also fighting against cuts or proposals that threaten our public safety and health and risk our environment and natural resources. This includes not turning our state into a nuclear waste dump. Whether others want to believe it or not, Yucca Mountain is dead, and it will continue to remain that way. The Nevada Delegation in Washington is committed to fighting any and all efforts to restore Yucca, and I know many of you know this and feel this in this room. I want to commend Assemblyman Chris Brooks for leading the opposition charge here in the Legislature, and I hope you support his resolution. Only by working together will we keep Nevadans healthy and safe by preventing dangerous waste from being brought into our state.

I do not have to tell all of you, we have been in this fight since 1980. I was the Attorney General for eight years and know that we have pending legislation to continue this fight. We have been united, not only here in the Legislature, but our elected leaders, from the Governor to our Congressional Delegation, to continue down this path of fighting the storage of nuclear waste, and we are not going to give up. Senator Heller and I introduced the Nuclear Waste Informed Consent Act. It was one of the first bills we worked on together and that was to mandate that the Secretary of Energy work with the governor and any key stakeholders in a state before nuclear waste can be sited in that state because that is how it should work. That is what we should be looking at to protect our future, protect our kids' futures, and have a really serious conversation about how we deal with nuclear waste in this country.

Nevada is a beautiful state. It has unique natural lands, and we must make sure that those natural wonders, like Lake Tahoe and Red Rock, are able to be enjoyed by future generations. Our public lands are a gift, and they need to be preserved and protected for future generations to enjoy. This does not start with cutting back environmental protections that keep our water clean, our air safe, and our lands preserved.

As a member of the Commerce, Science, and Transportation Committee, I will push for funding reliability that is essential to Nevada's infrastructure future. Building and repairing our roads, bridges, runways, rail, and smart transportation are commonsense ways to create jobs and grow our economy. I am going to push for my Democratic and Republican colleagues to come to the table and develop a concrete plan to provide more certainty in our longer-term national infrastructure that works for all areas of the country. Investing in our transportation system will improve the connectedness of Nevada's communities. This means increasing access to broadband beyond our urban areas. The Internet has become a necessity in today's society, and no Nevadan should be without access, regardless of where they live. I am working to ensure we expand broadband accessibility to all our rural communities. You should not have to fight to get access to the Internet or any rural broadband.

I am going to tell you a story; my girlfriend will kill me for doing this. She lives in Elko with her family, where she is raising two kids. They live in an area of Elko where they do not have access to broadband. Any time they want to watch a move streaming on Netflix, she has to tell everybody in the family Time to get off the Internet so we can watch a movie. I tell you that story because there are many people across Nevada that are still challenged. It is not just bringing streaming of movies; it is bringing telemedicine, it is bringing education, it is bringing treatment and treatment providers and professionals into those communities so that those individuals living there do not have to drive four hours just to get access to care and treatment that they need. That is what this is about. That is why fighting for rural broadband as part of our infrastructure plan and our infrastructure investment is so important.

Finally, my office recently launched a grants department solely dedicated to bringing more federal dollars to Nevada. We will be working closely with Governor Sandoval's office to ensure Nevada is taking full advantage of all the available funding opportunities. I want to thank Governor Sandoval for ensuring that Nevada's state grants department has the necessary funding. Together, our offices will ensure we do not miss out on any chance to bring dollars back home. I am offering that opportunity to you. If you know of any programs or you hear about them, please contact my office and work with us. We can do this to bring and fight for more resources. I think we leave too many dollars on the table at the federal level that could be brought right here to Nevada to benefit our communities and the businesses and the people that live here. With your help, we can find those dollars.

Regardless of committee or issue, I am not going to stop working hard over the next six years in Washington to do what is best for Nevada—to grow our economy, create jobs, support our families, and ensure our children grow up in a Nevada that is better and brighter than the one today. We know this is possible. It is possible by coming together, working with one another, and doing what is best for our state. That is something we can all agree on.

Thank you so much for letting me join you tonight and staying late for me. I look forward to working with all of you, and good luck on the remaining session.

Senator Cancela moved that the Senate and Assembly in Joint Session extend a vote of thanks to Senator Cortez Masto for her timely, able, and constructive message.

Seconded by Assemblyman McCurdy.

Motion carried.

The Committee on Escort escorted Senator Cortez Masto to the bar of the Assembly.

Assemblywoman Diaz moved that the Joint Session be dissolved.
Seconded by Senator Cannizzaro.
Motion carried.

Joint Session dissolved at 6:57 p.m.

ASSEMBLY IN SESSION

At 6:58 p.m.
Mr. Speaker presiding.
Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Araujo, the privilege of the floor of the Assembly Chamber for this day was extended to Sarah Muller and Carl Gunnar.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Todd Westergard and Jessica Intern.

On request of Assemblyman Brooks, the privilege of the floor of the Assembly Chamber for this day was extended to Michelle White, Briana Escamilla and Gregory Martin.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Randy Soltero and Jan Gilbert.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Fran Almarez.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to John Cahill.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, chaperones, and teachers from Jerry Whitehead Elementary School: Jaedyn Alexander, Joaquin Barrera Garcia, Emily Benzie, Cambria Bernardy, Kylee Bridges, Donald Campbell, Jacob Carrillo, Bailey Carter, Kahlyn Cocchiara, Emily Conrad-Dunn, Siris Douglass, Davion Duarte, Gavin Fox-Quintana, Graysen Hackworth, Adalise Jacinto, Aylin Maya, Jordan Miller, Marco Julius Nepomuceno, Ilenia Pfiefer, Luis Quijada, Jordan Miller, Geovannie Rodriguez Hernandez, Ethan Ruiz-Jassel, Anthony Scaffidi, Luke Villanueva, Gage Wells, Rylee Wilson, Kaylie Ahyo, Hunter Crossman, Tyler Curran, Sierra Forbush, Korbin Fox, Jeff Freal, Kee'ana Gross, Holly Hinkson, Robert Hixson, Christian Izquierdo, Ava Kline, Grace Lowry, Enrique Martinez, Anna Maxwell, Jaden Montes, Oscar Rodriguez Velazquez, McKaila Sweet, Abigail Swiedom, Jaiden Tan, Nicole Tanabe,

Kaylene Wilson, Layla Zimmer, Lester Alarcon Bojorquez, Jordan Bailey, Soleil Burke, Frederick Cheeks, Jocelyn Colin, Ruben Cordova, Jeffery Duncan, Randi Durbin, Charles Grubb, Samantha Guerrero, Mia Gutierrez, Braden Hendrix, Thomas Jordan, Madeline Knaub, Diana Marin, Ellareese Marquis Bodkin, Vanessa Medina, Salvador Moreno, Madeline Ortega, Ella Parker, Bella Paxton, Kylie Scott, Emily Smith, and Carson Turner.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Senator Denis and Artie Blanco.

On request of Assemblyman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Oscar Delgado.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Carlos Hernandez and Brandon Salyers.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Benjamin Challinor-Mendez and Denise Lopez.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to Alison Cleymaet, Timmy Cleymaet, Robbie Cleymaet, and Linda Fitzgerald.

On request of Assemblywoman Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Rebecca Goff and Erika Washington.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Bradley Combs.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Maggie Tracy, Liyou Zha, Michelle Lau, Athena Liu, Dong Wen, Jerry Xu, Bin Shen, Jeffery Zhonghxue Mah, Bin Shen, Mingfang Su, Eyleen S. Zhu, and Linquan Luo.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Stephen Wood.

On request of Assemblywoman Tolles, the privilege of the floor of the Assembly Chamber for this day was extended to Clint Durocher and Par Tolles.

On request of Assemblyman Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Catha.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Friday, April 21, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 6:58 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SEVENTY-FIFTH DAY

CARSON CITY (Friday), April 21, 2017

Assembly called to order at 12:17 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Paul Anderson, Araujo, Hambrick, and Woodbury, who were excused.

Prayer by the Chaplain, Captain Leslie Cyr.

"This is the day that the Lord has made; let us rejoice and be glad in it." Thank You, Father, for today. There is much to do, but the day is good.

I pray, Lord, that Your favor will be with the Assembly today, and that You will lead and guide it in all that is said and done in matters of this great state. I pray that Your will is sought concerning the citizens of Nevada and that the laws that come about this session will be a benefit and not a burden to the people of this state. I pray for supernatural wisdom and an openness to listen to each other and to You. Let our state be led by what unites us and binds us as a people, for united we stand and divided we fall.

In Your hands, Lord, we place this day. May we do our best and be our best; may we be inspired and uplifted. All to the glory of Jesus Christ our Lord.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 328, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRENE BUSTAMANTE ADAMS, *Chair*

Mr. Speaker:

Your Committee on Corrections, Parole, and Probation, to which was referred Assembly Bill No. 181, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OHRENSCHALL, *Chair*

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 434, 447, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TYRONE THOMPSON, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 258, 415, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Assembly Bills Nos. 279, 301, 423, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 382, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL C. SPRINKLE, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 97, 102, 132, 276, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 380, 411, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 392, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

OLIVIA DIAZ, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 16, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 416, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was rereferred Assembly Bill No. 391, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HEIDI SWANK, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 29, 334, 335, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD CARRILLO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 20, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 399.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 10, 20, 29, 32, 210, 239, 277, 308, 371.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 20, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 377.

MARK KRMPOTIC
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 10.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 20.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 29.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 32.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 210.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 239.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 277.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 308.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 371.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 399.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 120.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 570.

AN ACT relating to school construction; revising provisions governing the imposition of a residential construction tax; revising provisions relating to the purchase of certain property for school construction; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the board of trustees of a school district whose population is less than 55,000 (currently counties other than Clark and Washoe Counties and Carson City) are authorized to request the board of county commissioners of the county to impose a tax on certain residential construction in the school district. The amount of the tax is limited to $1,600 per unit of certain new construction or development and the proceeds are required to be used to construct, remodel and make additions to school buildings. (NRS 387.331) **Section 1** of this bill requires the board of trustees **of a school district in any county** to provide to the board of county commissioners a statement of the impact on the school district of the proposed construction or development of an apartment house, five or more residential dwelling units or five or more lots for mobile homes within the school district. **Section 1** also extends the authority to request the imposition of the tax to all school districts and requires the board of county commissioners to approve such a request unless the board finds that the request was not justified. ~~[Finally,]~~ **Additionally, section 1 : (1)** expands the purposes for which the proceeds of the residential construction tax may be used to include modernization of school buildings ~~[and the acquisition of furniture, fixtures, equipment]~~ and necessary appurtenances ~~[and incidentals.]~~ **; (2) restricts the area or areas in which proceeds are authorized to be used to only those areas specified in the request for the imposition of the tax; and (3) specifies a deadline for the collection of the tax. Finally, section 1 exempts the construction or development of certain low-income**

housing from the residential construction tax and the requirement of an impact statement.

With certain exceptions, a person who wishes to subdivide land is required under existing law to prepare and file a tentative map with the planning commission of the city or county, as applicable, or its designated representative or, if there is no planning commission, with the clerk of the governing body of the city or the board of county commissioners, as applicable. (NRS 278.330) Within 10 days after such filing, a copy of the tentative map must be forwarded to the board of trustees of the school district within which the proposed subdivision is located. Within 15 days after receipt of the tentative map, the board of trustees is required to notify the planning commission or the governing body of the city or the board of county commissioners, as applicable, if a site for a school is needed within the area of the proposed subdivision. If the board of trustees requests a school site, the subdivider is required under existing law to set aside a site of the size determined by the board of trustees and negotiate the price with the board of trustees. (NRS 278.346) **Section 2** of this bill **requires the subdivider to consult with the planning commission or other applicable representative of the county or city with respect to the setting aside of a site. Section 2** imposes additional qualifications for such a school site, namely that: (1) the location be within the proposed subdivision and appropriate for a school based on public safety and convenience; ~~[and]~~ (2) the physical characteristics are suitable for use as a school site and for construction of a school in a manner that is economically sound and feasible ~~[.]~~ **; and (3) the site is compatible with the adjoining neighborhoods and applicable land use plans and regulations. Section 2** also requires the board of trustees and the subdivider to negotiate over the share of the costs of infrastructure required for the development of a school on the site that benefit the other tracts in the subdivision, which are required to be paid by the subdivider.

In a county whose population is 100,000 or more but less than 700,000 (currently Washoe County), if the school district has not purchased land for a school site from a subdivider within 5 years after the final map that shows the school site is approved, the subdivider is no longer required under existing law to set aside the land for the school district. **Section 2** extends this period for setting aside the land to ~~[10]~~ **8** years.

Under existing law, if land purchased by a school district from a subdivider has not been placed in use as a school site within 10 years after the date of purchase, the land is required to be offered for sale to the subdivider or the successor in interest of the subdivider. (NRS 278.346) **Section 2** extends this period for placing land in use as a school site to ~~[20]~~ **15** years.

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

Section 1. NRS 387.331 is hereby amended to read as follows:

387.331 1. The tax on residential construction authorized by this section is a specified amount which must be the same for each:

(a) Lot for a mobile home;

(b) Residential dwelling unit; and

(c) Suite in an apartment house,

➥ imposed on the privilege of constructing apartment houses and residential dwelling units and developing lots for mobile homes.

2. ~~[The]~~ ***Whenever an apartment house or a project involving five or more residential dwelling units or five or more lots for mobile homes is proposed to be constructed or developed, the planning commission of the city or county in which the construction or development is proposed or its designated representative or, if there is no planning commission, the clerk or other designated representative of the city or county, as applicable, shall, within*** ~~*[30]*~~ ***10 days after the filing of an initial application for a permit or other authorization for the proposed construction or development, notify, in writing, the*** board of trustees of ~~[any]~~ ***the*** school district ~~[whose population is less than 55,000]~~ ***within which the proposed construction or development is located. The board of trustees shall, after receipt of the notification, submit to the board of county commissioners a written statement regarding the impact of the proposed construction or development on the school district.***

3. The board of trustees may request ***, in writing,*** that the board of county commissioners of the county in which the school district is located impose a tax on residential construction in the school district to construct, remodel ***, modernize*** and make additions to school buildings ~~[.]~~ ***and*** ~~*[to acquire furniture, fixtures, equipment and]*~~ ***for any appurtenance*** ~~*[or incidental]*~~ ***deemed necessary by the board of trustees for school buildings.*** ~~[Whenever the board of trustees takes that action, it shall notify the board of county commissioners and shall]~~ ***Such a request must*** specify the ***area or*** areas of the county to be served by the buildings to be erected ***, remodeled , modernized*** or enlarged ~~[.~~

~~3.]~~ ***and include, without limitation, a map showing the area or areas of the county to be served and a list of any existing schools that may be affected. The board of county commissioners shall approve a request made by the board of trustees pursuant to this subsection unless the board of county commissioners makes a finding that the request is not justified.***

4. If the board of county commissioners decides that the tax should be imposed, it shall notify the Nevada Tax Commission. If the Commission approves, the board of county commissioners may then impose the tax, whose specified amount must not exceed $1,600.

~~[4.]~~ ***5.*** ~~[The]~~ ***Before the time at which a certificate of occupancy or other final authorization for the construction or development is issued or at such other time as is specified in the ordinance imposing the tax, the*** board ***of county commissioners*** shall collect the tax so imposed, in the areas of the

county to which it applies, and may require that administrative costs, not to exceed 1 percent, be paid from the amount collected.

~~[5.]~~ ***6.*** The money collected ***pursuant to subsection 5*** must be ~~[deposited with]~~ ***submitted to*** the county treasurer ~~[in the school district's fund for capital projects to be held and expended in the same manner as other money deposited in that fund.~~ ~~***and]***~~ ***for transfer to the county school district. Any money received by the county school district pursuant to this section must be accounted for separately*** ~~***[in the county general fund.]***~~ ***by the county school district. The money may only be used to construct, remodel, modernize and make additions to school buildings and*** ~~***[to acquire furniture, fixtures, equipment and]***~~ ***for any appurtenance*** ~~***[or incidental]***~~ ***deemed necessary by the board of trustees for school buildings*** ~~***[.]***~~ ***within the area or areas of the county specified in the request submitted by the board of trustees to the board of county commissioners pursuant to subsection 3.***

7. Nothing in this section shall be construed to prevent the planning commission of the city or county in which the construction or development is proposed or its designated representative or, if there is no planning commission, the clerk or other designated representative of the city or county, as applicable, from issuing permits or other authorization for the construction or development during the period in which the determination of whether to impose the tax and, if so, the amount of the tax to be made.

8. The provisions of this section do not apply to the construction or development of residential housing that is affordable to persons of low income on property which is subject to a covenant, condition or restriction contained in a deed, contract or other legal instrument which:

(a) Restricts the property to use for low-income housing for not less than 20 years;

(b) Restricts the amount of rent that may be charged to a tenant who occupies a unit of the residential housing; and

(c) Prohibits the sale, transfer or other conveyance of the property during the term of the covenant, condition or restriction unless the covenant, condition or restriction is binding upon the person to whom the property is conveyed.

Sec. 2. NRS 278.346 is hereby amended to read as follows:

278.346 1. The planning commission or its designated representative or, if there is no planning commission, the clerk or other designated representative of the governing body shall, not more than 10 days after the tentative map is filed pursuant to the provisions of subsection 2 of NRS 278.330, forward a copy of the tentative map to the board of trustees of the school district within which the proposed subdivision is located. Within 15 days after receipt of the copy, the board of trustees or its designee shall, if a school site is needed within the area, notify the commission or governing body that a site is requested.

2. If the board of trustees requests a site:

(a) The subdivider ***, in consultation with the planning commission of the city or county in which the proposed subdivision is located or its designated representative or, if there is no planning commission, the clerk or other designated representative of the city or county, as applicable,*** shall, except as otherwise provided in subsection 8, set aside a site ~~[of]~~ ***within the proposed subdivision:***

(1) Of the size which is determined by the board ~~[.]~~ ***of trustees;***

(2) Which is an appropriate location for a school based on considerations of public safety and convenience; ~~***[and]***~~

(3) The physical characteristics of which are suitable for use as a school site and for construction of a school in a manner that is economically sound and feasible ~~***[.]***~~ ***; and***

(4) Which is compatible with the adjoining neighborhoods and land use plans and regulations applicable to the area.

➥ ***If the board of trustees objects to the site set aside by the subdivider, the planning commission or its designated representative or, if there is no planning commission, the clerk or other designated representative of the governing body shall cause an independent third party with expertise in school facilities to make a determination of the suitability of the site for a school. Such a determination is binding on the board of trustees and subdivider. The cost of the independent third party must be paid by the board of trustees.***

(b) The subdivider and the board of trustees shall, except as otherwise provided in subsections 7 and 8, negotiate for ~~[the]~~ ***:***

(1) The price of the site ~~[,]~~ ***to be paid by the board of trustees,*** which must not exceed the fair market value of the land as determined by an independent appraisal paid for by the board ~~[.]~~ ***of trustees.***

(2) The share of the costs to be paid by the subdivider of any infrastructure required for the development of a school on the site, which must be proportional to the benefits from the infrastructure derived by the other tracts in the subdivision. If the board of trustees and the subdivider cannot reach an agreement on such costs, the planning commission or its designated representative or, if there is no planning commission, the clerk or other designated representative of the governing body shall cause an independent third party with expertise in the business of construction to make a determination of the share of costs. Such a determination is binding on the board of trustees and subdivider. The cost of the independent third party must be paid equally by the board of trustees and the subdivider.

3. If any land purchased by the school district pursuant to the provisions of subsection 2 has not been placed in use as a school site at the end of ~~[10~~ ~~***20]***~~ ***15*** years from the date of purchase, the land must be offered to the subdivider or the successor in interest of the subdivider at a sale price equal to the fair market value of the land at the time of the offer, as determined by an independent appraisal paid for by the board ~~[.]~~ ***of trustees.***

4. If the subdivider or the successor in interest of the subdivider does not accept an offer made pursuant to the provisions of subsection 3 or 9, then the board of trustees may:

(a) Sell or lease such property in the manner provided in NRS 277.050 or 393.220 to 393.320, inclusive;

(b) Exchange such property in the manner provided in NRS 277.050 or 393.326 to 393.3293, inclusive; or

(c) Retain such property, if such retention is determined to be in the best interests of the school district.

5. Except as otherwise provided in subsection 6, when any land dedicated to the use of the public school system or any land purchased and used as a school site becomes unsuitable, undesirable or impractical for any school uses or purposes, the board of trustees of the county school district in which the land is located shall dispose of the land as provided in subsection 4.

6. Land dedicated under the provisions of former NRS 116.020, as it read before April 6, 1961, which the board of trustees determines is unsuitable, undesirable or impractical for school purposes may be reconveyed without cost to the dedicator or the successor or successors in interest of the dedicator.

7. Except as otherwise provided in subsection 8, in a county whose population is 100,000 or more but less than 700,000, the school district may purchase the site for a price negotiated between the subdivider and the board of trustees, which price must not exceed the lesser of:

(a) The fair market value of the land at the time the tentative map was approved, as determined by an independent appraisal paid for by the board ~~[,]~~ ***of trustees,*** plus any costs paid by the subdivider with respect to that land between the date the tentative map was approved and the date of purchase; or

(b) The fair market value of the land on the date of purchase, as determined by an independent appraisal paid for by the board ~~[.]~~ ***of trustees.***

8. If, ~~[5 *10]*~~ ***8*** years after the date on which the final map that contains the school site was approved, a school district has not purchased the site pursuant to the provisions of subsection 7, the subdivider need not continue to set aside the site pursuant to the provisions of subsection 2.

9. If, ~~[10 *20]*~~ ***15*** years after the date on which the final map that contains the school site was approved, construction of a school at the school site has not yet begun, the land purchased by the school district pursuant to subsection 7 must be offered to the subdivider or the successor in interest of the subdivider at a sale price equal to the fair market value of the land at the time of the offer, as determined by an independent appraisal paid for by the board ~~[.]~~ ***of trustees.***

10. Nothing in this section shall be construed to prevent the planning commission of the city or county in which the proposed subdivision is located or its designated representative or, if there is no planning commission, the clerk or other designated representative of the city or

county, as applicable, from issuing permits or other authorization for the proposed subdivision during the period in which determination of a school site within the proposed subdivision is being made.

Sec. 3. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 4. This act becomes effective on July 1, 2017.

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 299.

Bill read second time.

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

Amendment No. 428.

SUMMARY—Requires ~~[certain persons]~~ **the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs** to ~~[receive]~~ **conduct a study concerning** training ~~[concerning the provision of]~~ **standards for unlicensed persons providing** care ~~[.]~~ **at certain facilities or homes or through certain agencies.** (BDR ~~[40-985)]~~ **S-985)**

AN ACT relating to health care; requiring ~~[a person who provides care to persons in certain facilities for compensation]~~ **the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs** to ~~[receive]~~ **conduct a study during the 2017-2018 interim concerning standards of** training ~~[concerning the provision of]~~ **for unlicensed persons who provide** care ~~[.]~~ **at certain facilities or homes or through certain agencies;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~[requires an employee to receive training to recognize and prevent the abuse of older persons if the employee will provide care to a person in a: (1)]~~ **creates the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs. (NRS 218E.750) This bill requires the Committee to conduct a study during the 2017-2018 interim concerning standards of training for a person who is not a provider of health care and who provides care to a person through employment or contract at a** facility for intermediate care **, ~~[; (2)]~~** facility for skilled nursing ~~[; (3)]~~ **, agency to provide nursing in the home,** agency to provide personal care services in the home **, ~~[; (4)]~~** facility for the care of adults during the day **, ~~[; (5)]~~** residential facility for groups **~~[.]~~** or ~~[(6)]~~ home for individual residential care. ~~[(NRS 449.093) Section 1 of this bill requires a person who is not a provider of health care and who will provide care to a person through employment or a contractual agreement with such a facility to receive]~~ **In addition, this bill requires the Committee to study the creation of a competency evaluation for a person who receives such** training concerning

the provision of care**.** ~~[and successfully complete a competency evaluation. The remaining sections of this bill make conforming changes.]~~

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

Delete existing sections 1 through 7 of this bill and replace with the following new sections 1 and 2:

Section 1. **1. The Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs created by NRS 218E.750 shall conduct a study during the 2017-2018 interim concerning standards of training for persons who are not providers of health care and who provide care to a person through employment or a contractual arrangement with a facility for intermediate care, facility for skilled nursing, facility for the care of adults during the day, residential facility for groups, home for individual residential care, an agency to provide nursing in the home or an agency to provide personal care services in the home.**

2. In conducting the study, the Committee shall consider:

(a) The specific types of training that a person who is not a provider of health care must receive before providing care to a person in a facility or home or through an agency described in subsection 1; and

(b) The creation of a competency evaluation that a person who is not a provider of health care must successfully complete concerning the types of care the person will provide at a facility or home or through an agency described in subsection 1.

2. The Committee shall include in its report required by subsection 3 of NRS 218E.760 on or before January 15, 2019, the results of the study conducted pursuant to this section and any recommendations for legislation.

3. As used in this section:

(a) "Agency to provide nursing in the home" has the meaning ascribed to it in NRS 449.0015.

(b) "Agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.

(c) "Facility for intermediate care" has the meaning ascribed to it in NRS 449.0038.

(d) "Facility for skilled nursing" has the meaning ascribed to it in NRS 449.0039.

(e) "Facility for the care of adults during the day" has the meaning ascribed to it in NRS 449.004.

(f) "Home for individual residential care" has the meaning ascribed to it in NRS 449.0105.

(g) "Residential facility for groups" has the meaning ascribed to it in NRS 449.017.

Sec. 2. **This act becomes effective on July 1, 2017.**

Assemblyman Sprinkle moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 321.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 365.

SUMMARY— ~~[Requires]~~ **Authorizes a county or city to require** a hosting platform to ~~[make]~~ **provide** certain reports **and information** to a county or city. (BDR 20-1138)

AN ACT relating to local government; ~~[requiring]~~ **authorizing** the board of county commissioners of a county and the city council or governing body of an incorporated city to adopt an ordinance requiring certain hosting platforms to submit quarterly reports to the county or city; prescribing the contents of such a report; authorizing the issuance of a subpoena to a hosting platform for the production of certain documents, records or materials; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill ~~[requires]~~ **authorizes** the board of county commissioners of a county or the city council or governing body of an incorporated city to adopt an ordinance requiring the submission of quarterly reports by an online hosting platform that facilitates the rental of a residential unit or a room or space within a residential unit for the purposes of transient lodging. Under this bill, the quarterly report must include certain information concerning the rentals facilitated by the hosting platform in the county or city, as applicable, and the revenue from such rentals. This bill further requires the ordinance to authorize an agency of the county or city, as applicable, to issue a subpoena requiring a hosting platform to produce documents, records or materials necessary for determining whether a rental of a residential unit or a room or space within a residential unit has violated the laws of this State or an ordinance adopted by the county or city in which the residential unit is located.

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of county commissioners ~~[shall]~~ may adopt an ordinance requiring a hosting platform that facilitates the rental of a residential unit

in the county or a room or space within such a residential unit for the purposes of transient lodging to submit a quarterly report to an agency of the county.

2. The report required by subsection 1 must state:

(a) The number of bookings ~~[per year]~~ , listings, owners and lessees for the county;

(b) ~~[Current year-to-date booking value for the county;~~

~~(c) Current year-to-date revenue from rentals in the county;~~

~~(d)]~~ The average number of bookings per listing for the county;

~~[(e)]~~ (c) The annual revenue collected per owner or lessee for the county; and

~~[(f)]~~ (d) The average length of a rental in the county.

3. An ordinance adopted pursuant to subsection 1 must authorize an agency of the county to issue subpoenas for the production of documents, records or materials necessary for determining whether a residential unit in the county or a room or space within such a residential unit has been rented in violation of any law of this State or an ordinance adopted by the board of county commissioners of the county. The ordinance must provide that such a subpoena may be issued only if:

(a) There is evidence sufficient to support a reasonable belief that a residential unit in the county or a room or space within such a residential unit has been rented or is being rented in violation of any law of this State or an ordinance adopted by the board of county commissioners of the county;

(b) The subpoena identifies the rental alleged to be in violation of any law of this State or an ordinance adopted by the board of county commissioners of the county and the provision of law or ordinance allegedly violated.

➥ A subpoena issued pursuant to this subsection must be mailed to the hosting platform by regular and certified mail.

4. An ordinance adopted pursuant to subsection 1 must require a hosting platform to whom a subpoena has been issued to:

(a) Provide notice of the subpoena to the user of the hosting platform who provided the rental identified in the subpoena.

(b) Produce any subpoenaed books, papers or documents not later than 21 days after providing the notice required by paragraph (a) unless otherwise ordered by a court.

5. If a hosting platform that has been issued a subpoena pursuant to an ordinance adopted pursuant to subsection 1 refuses to produce any document, record or material that the subpoena requires, the agency of the county issuing the subpoena may apply to the district court for the judicial district in which the county is located for the enforcement of the subpoena in the manner provided by law for the enforcement of a subpoena in a civil action.

6. As used in this section:

(a) "Hosting platform" means a person who, for a fee or other charge, provides on an Internet website an online platform that facilitates the rental of a residential unit or a room or space within a residential unit by an owner or lessee of the residential unit for the purposes of transient lodging, including, without limitation, through advertising, matchmaking or other means.

(b) "Residential unit" means a single-family residence or an individual residential unit within a larger building, including, without limitation, an apartment, condominium, townhouse or duplex.

Sec. 2. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The city council or other governing body of an incorporated city ~~[shall]~~ may adopt an ordinance requiring a hosting platform that facilitates the rental of a residential unit in the incorporated city or a room or space within such a residential unit for the purposes of transient lodging to submit a quarterly report to an agency of the incorporated city.

2. The report required by subsection 1 must state:

(a) The number of bookings, ~~[per year]~~ listings, owners and lessees for the incorporated city;

(b) ~~[Current year-to-date booking value for the incorporated city;~~

~~(c) Current year-to-date revenue from rentals in the incorporated city;~~

~~(d)]~~ The average number of bookings per listing for the incorporated city;

~~[(e)]~~ (c) The annual revenues collected per owner or lessee for the incorporated city; and

~~[(f)]~~ (d) The average length of a rental in the incorporated city.

3. An ordinance adopted pursuant to subsection 1 must authorize an agency of the incorporated city to issue subpoenas for the production of documents, records or materials necessary for determining whether a residential unit in the incorporated city or a room or space within such a residential unit has been rented in violation of any law of this State or an ordinance adopted by the city council or governing body of the incorporated city. The ordinance must provide that such a subpoena may be issued only if:

(a) There is evidence sufficient to support a reasonable belief that a residential unit in the incorporated city or a room or space within a residential unit has been rented or is being rented in violation of any law of this State or an ordinance adopted by the city council or governing body of the incorporated city;

(b) The subpoena identifies the rental alleged to be in violation of any law of this State or an ordinance adopted by the city council or governing body of the incorporated city and the provision of law or ordinance allegedly violated.

➥ A subpoena issued pursuant to this subsection must be mailed to the hosting platform by regular and certified mail.

4. An ordinance adopted pursuant to subsection 1 must require a hosting platform to whom a subpoena has been issued to:

(a) Provide notice of the subpoena to the user of the hosting platform who provided the rental identified in the subpoena.

(b) Produce any subpoenaed books, papers or documents not later than 21 days after providing the notice required by paragraph (a) unless otherwise ordered by a court.

5. If a hosting platform that has been issued a subpoena pursuant to an ordinance adopted pursuant to subsection 1 refuses to produce any document, record or material that the subpoena requires, the agency of the incorporated city issuing the subpoena may apply to the district court for the judicial district in which the investigation is being carried out for the enforcement of the subpoena in the manner provided by law for the enforcement of a subpoena in a civil action.

6. As used in this section:

(a) "Hosting platform" means a person who, for a fee or other charge, provides on an Internet website an online platform that facilitates the rental of a residential unit or a room or space within a residential unit by an owner or lessee of the residential unit for the purposes of transient lodging, including, without limitation, through advertising, matchmaking or other means.

(b) "Residential unit" means a single-family residence or an individual residential unit within a larger building, including, without limitation, an apartment, condominium, townhouse or duplex.

Sec. 3. This act becomes effective on July 1, 2017.

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 341.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 406.

AN ACT relating to juvenile justice; authorizing an attorney who represents a child in juvenile proceedings to consult with and seek appointment of certain persons; ~~[requiring a peace officer or probation officer who interviews or interrogates a child during juvenile proceedings to make a recording of the interview or interrogation; requiring a child to be represented by an attorney during certain interviews or interrogations; requiring a juvenile court to presume a child is indigent for the purpose of appointing an attorney to represent the child;]~~ urging the Nevada Supreme Court to adopt certain court rules relating to juvenile justice; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides a procedure for adjudicating a child who is alleged to be delinquent or in need of supervision under certain circumstances. (NRS 62D.010) **Section 1** of this bill authorizes an attorney who represents a child in such juvenile proceedings to consult with and seek appointment of certain persons.

~~[Section 2 of this bill requires a peace officer or probation officer who interviews or interrogates a child in juvenile proceedings to make a digital, video or magnetic recording of the interview or interrogation. Section 2 also requires a child be represented by an attorney during such an interview or interrogation.~~

~~Existing law requires a juvenile court to advise the child and the parent or guardian of the child that the child is entitled to be represented by an attorney at all stages of the proceedings. Existing law also: (1) authorizes a parent or guardian, if he or she is indigent, of a child to request the appointment of an attorney to represent the child; and (2) requires the juvenile court to appoint an attorney for a child if the parent or guardian of the child does not retain an attorney for the child and is not likely to retain such an attorney. (NRS 62D.030) Section 3 of this bill requires the juvenile court to presume a child is indigent for the purpose of appointing an attorney in juvenile proceedings.]~~

Section 4 of this bill urges the Nevada Supreme Court to adopt court rules for attorneys who represent juveniles in juvenile proceedings.

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

Section 1. Chapter 62D of NRS is hereby amended by adding thereto a new section to read as follows:

Each attorney who represents a child in proceedings pursuant to the provisions of this title may consult with and seek appointment of, without limitation and when appropriate:

1. Any social worker licensed pursuant to chapter 641B of NRS;

2. Any qualified mental health professional, as defined in NRS 458A.057;

3. Any educator; and

4. Any other expert the attorney deems appropriate.

Sec. 2. ~~[NRS 62D.010 is hereby amended to read as follows:~~

~~62D.010 1. Each proceeding conducted pursuant to the provisions of this title:~~

~~(a) Is not criminal in nature.~~

~~(b) Must be heard separately from the trial of cases against adults.~~

~~(c) Must be heard without a jury.~~

~~(d) May be conducted in an informal manner.~~

~~(e) May be held at a facility for the detention of children or elsewhere at the discretion of the juvenile court.~~

~~(f) Does not require stenographic notes or any other transcript of the proceeding unless ordered by the juvenile court.~~

~~2. Except as otherwise provided in this subsection, each proceeding conducted pursuant to the provisions of this title must be open to the public. If the juvenile court determines that all or part of the proceeding must be closed to the public because the closure is in the best interests of the child or the public:~~

~~(a) The public must be excluded; and~~

~~(b) The juvenile court may order that only those persons who have a direct interest in the case may be admitted. The juvenile court may determine that a victim or any member of the victim's family is a person who has a direct interest in the case and may be admitted.~~

~~*3. A peace officer or probation officer who interviews or interrogates a child pursuant to the provisions of this title shall make a digital, video or magnetic recording of the interview or interrogation.*~~

~~*4. If a child is interviewed or interrogated by a peace officer or probation officer, the child must be represented by an attorney.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 62D.030 is hereby amended to read as follows:~~

~~62D.030 1. If a child is alleged to be delinquent or in need of supervision, the juvenile court shall~~ **[**~~advise~~**]** ~~*:*~~

~~*(a) Advise* the child and the parent or guardian of the child that the child is entitled to be represented by an attorney at all stages of the proceedings~~ **[**~~.~~

~~2. If a parent or guardian of a child is indigent, the parent or guardian may request the appointment~~**]** ~~*;*~~

~~*(b) Presume the child is indigent for the purpose* of *appointing* an attorney to represent the child pursuant to the provisions in NRS 171.188~~ **[**~~.~~

~~3.~~**]** ~~*;*~~

~~*(c) Not require the child to submit an affidavit concerning the child's financial disability; and*~~

~~*(d)* Except as otherwise provided in this section, **[**the juvenile court shall**]** appoint an attorney for a child if the parent or guardian of the child does not retain an attorney for the child and is not likely to retain an attorney for the child.~~

~~**[**4.**]** *3.* A child may waive the right to be represented by an attorney if:~~

~~(a) A petition is not filed and the child is placed under informal supervision pursuant to NRS 62C.200; or~~

~~(b) A petition is filed and the record of the juvenile court shows that the waiver of the right to be represented by an attorney is made knowingly, intelligently, voluntarily and in accordance with any applicable standards established by the juvenile court.~~

~~**[**5.**]** *4.* Except as otherwise provided in subsection **[**6**]** *5* and NRS 424.085, if the juvenile court appoints an attorney to represent a child and:~~

~~(a) The parent or guardian of the child is not indigent, the parent or guardian shall pay the reasonable fees and expenses of the attorney.~~

~~(b) The parent or guardian of the child is indigent, the juvenile court may order the parent or guardian to reimburse the county or State in accordance with the ability of the parent or guardian to pay.~~

~~**[**6.**]** **5.** For the purposes of paragraph (b) of subsection **[**5,**]** ***4,*** the juvenile court shall find that the parent or guardian of the child is indigent if:~~

~~(a) The parent or guardian:~~

~~(1) Receives public assistance, as that term is defined in NRS 422A.065;~~

~~(2) Resides in public housing, as that term is defined in NRS 315.021;~~

~~(3) Has a household income that is less than 200 percent of the federally designated level signifying poverty;~~

~~(4) Is incarcerated pursuant to a sentence imposed upon conviction of a crime; or~~

~~(5) Is housed in a public or private mental health facility; or~~

~~(b) After considering the particular circumstances of the parent or guardian, including, without limitation, the seriousness of the charges against the child, the monthly expenses of the parent or guardian and the rates for attorneys in the area in which the juvenile court is located, the juvenile court determines that the parent or guardian is financially unable, without substantial hardship to the parent or guardian or his or her dependents, to obtain qualified and competent legal counsel.~~

~~**[**7.**]** ***6.*** Each attorney, other than a public defender, who is appointed under the provisions of this section is entitled to the same compensation and expenses from the county as is provided in NRS 7.125 and 7.135 for attorneys appointed to represent persons charged with criminal offenses.**]**~~ **(Deleted by amendment.)**

Sec. 4. The Legislature hereby finds and declares that:

1. In the case of *In re Gault*, 387 U.S. 1 (1967), the United States Supreme Court guaranteed a juvenile's constitutional right to due process under the Fourteenth Amendment, including, without limitation, the right to counsel and the privilege against self-incrimination.

2. Under the existing Nevada Supreme Court Rules:

(a) Rules 205-215 govern the State of Nevada Board of Continuing Legal Education whose powers and duties include, without limitation, providing for programs of continuing legal education.

(b) Rule 250 provides minimum requirements required for defense counsel in cases in which the death penalty is or may be sought or has been imposed, including proceedings for postconviction relief from a judgment of conviction and sentence of death.

3. The Nevada Supreme Court Rules, however, do not specify minimum requirements for attorneys who represent juveniles in proceedings related to juvenile justice.

4. Therefore the Legislature urges the Nevada Supreme Court to adopt appropriate rules for attorneys who represent juveniles to ensure effective

assistance of counsel in proceedings related to juvenile justice. These requirements may include, without limitation:

(a) Minimum requirements for courses, programs and continuing legal education in order to provide effective representation of juveniles;

(b) Standards for professional conduct specific to juvenile justice; and

(c) Minimum requirements for attorneys who represent juveniles and are employed by the State Public Defender.

Sec. 5. This act becomes effective upon passage and approval.

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 370.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 294.

AN ACT relating to taxation; authorizing the Office of Historic Preservation of the State Department of Conservation and Natural Resources to approve and issue a certificate of transferable tax credits to a person who rehabilitates a historic building in this State under certain circumstances; providing for the calculation of the transferable tax credits; requiring the Office to provide notice of certain hearings **~~[,]~~ concerning an application for transferable tax credits;** requiring a person who rehabilitates a historic building to return any portion of transferable tax credits to which he or she is not entitled; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 7 of this bill authorizes a person who undertakes the rehabilitation of a qualified historic building to apply to the Office of Historic Preservation of the State Department of Conservation and Natural Resources for a certificate of transferable tax credits. Under **section 5** of this bill, a building is a "qualified historic building" if the building is **: (1)** at least 50 years of age **~~[and is]~~ ; (2)** nonresidential real property as defined in certain federal laws authorizing tax credits for the rehabilitation of historic buildings **~~[.]~~ ; and (3) eligible for the National Register of Historic Places. Section 7** requires the Office to approve an application for transferable tax credits if, in addition to certain other requirements, the applicant incurred certain eligible costs and expenses **of at least $20,000** in connection with the rehabilitation of the building and the Office certifies that the rehabilitation of the building satisfies the standards for the rehabilitation of historic buildings set forth in certain federal regulations. Under **section 7**, the transferable tax credits may be applied to the modified business tax, gaming license fee or the insurance premium tax.

Sections 8 and 9 of this bill provide for the calculation of the amount of transferable tax credits and duration for which such transferable tax credits are valid. Under **section 8**, the amount of transferable tax credits issued to an

applicant must be equal to 20 percent of the eligible costs and expenses incurred by the applicant for the rehabilitation ~~[.]~~ **but must not exceed $3 million per qualified rehabilitation.** **Section 9** provides that the transferable tax credits expire ~~[4]~~ **5** years after the date on which the credits are issued.

Section 10 of this bill requires the Office to meet certain notice requirements before holding a hearing to approve or disapprove an application for transferable tax credits. **Section 11** of this bill requires an applicant to repay any portion of transferable tax credits to which the applicant is not entitled if the applicant becomes ineligible for the tax credits after receiving the tax credits.

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

Section 1. Chapter 360 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***1. "Eligible costs and expenses" means any amount properly chargeable to the capital account of a qualified historic building in connection with a qualified rehabilitation.***

2. The term does not include:

(a) The costs of acquiring any building or interest therein; or

(b) Any expenditures attributable to the enlargement of an existing building.

Sec. 4. ***"Office" means the Office of Historic Preservation of the State Department of Conservation and Natural Resources.***

Sec. 5. ***"Qualified historic building" means a building in this State that is*** ~~***[at]***~~ ***:***

1. At least 50 years of age ~~***[and is nonresidential]***~~ ***;***

2. Nonresidential real property as defined in 26 U.S.C. § 168(e)(2)(B) ~~***[.]***~~ ***; and***

3. Eligible for listing in the National Register of Historic Places.

Sec. 6. ***"Qualified rehabilitation" means the rehabilitation of a qualified historic building that the Office has certified as meeting the standards for rehabilitation as defined in 36 C.F.R. § 67.7.***

Sec. 7. ***1. A person who undertakes a qualified rehabilitation may apply to the Office for a certificate of eligibility for transferable tax credits for any eligible costs and expenses. The transferable tax*** ~~***[credit]***~~ ***credits may be applied to:***

(a) Any tax imposed by chapters 363A and 363B of NRS;

(b) The gaming license fees imposed by the provisions of NRS 463.370;

(c) Any tax imposed pursuant to chapter 680B of NRS; or

(d) Any combination of the fees and taxes described in paragraphs (a), (b) and (c).

2. The Office shall approve an application for a certificate of eligibility for transferable tax credits if the Office finds that the person undertaking the qualified rehabilitation qualifies for the transferable tax credits pursuant to subsection 3 and shall calculate the estimated amount of the transferable tax credits pursuant to section 8 of this act.

3. To be eligible for transferable tax credits pursuant to this section, a person must:

(a) Submit an application that meets the requirements of subsection 4;

(b) Provide proof satisfactory to the Office that the building is a qualified historic building;

(c) Provide proof satisfactory to the Office that the rehabilitation of the qualified historic building is a qualified rehabilitation;

(d) Provide proof satisfactory to the Office that the applicant has incurred eligible costs and expenses of $20,000 or more in undertaking the qualified rehabilitation;

(e) Not later than 90 days after the date on which the qualified historic building was first placed in service after the qualified rehabilitation, provide the Office with an itemized report of eligible costs and expenses incurred by the applicant and documentation to establish the amount of the eligible costs and expenses incurred by the applicant; and

[(e)] (f) Meet any other requirements prescribed by regulation pursuant to this section.

4. An application submitted pursuant to subsection 3 must contain:

(a) The name of the applicant;

(b) A description of the qualified historic building for which the applicant will undertake a qualified rehabilitation;

(c) A summary of the budgeted expenditures for the qualified rehabilitation;

(d) A summary of the eligible costs and expenses; and

(e) Any other information required by regulations adopted by the Office pursuant to subsection 8.

5. If the Office approves an application for a certificate of eligibility for transferable tax credits pursuant to this section, the Office shall immediately forward a copy of the certificate of eligibility which identifies the estimated amount of the tax credits available pursuant to section 8 of this act, to:

(a) The applicant;

(b) The Department; and

(c) The Nevada Gaming Control Board.

6. Within 60 business days after receipt of the report and documentation provided pursuant to paragraph [(e)] (e) of subsection 3 and any other accountings or other information required by the Office, the Office shall make a final determination of whether a certificate of transferable tax credits will be issued. If the Office determines that all other requirements for the transferable tax credits have been met, the

Office shall notify the applicant that the transferable tax credits will be issued. Within 30 days after the receipt of the notice, the applicant shall make an irrevocable declaration of the amount of transferable tax credits that will be applied to each fee or tax set forth in subsection 1, thereby accounting for all of the credits which will be issued. Upon receipt of the declaration, the Office shall issue to the applicant a certificate of transferable tax credits in the amount approved by the Office for the fees or taxes included in the declaration of the applicant. The applicant shall notify the Office upon transferring any of the transferable tax credits. The Office shall notify the Department and the Nevada Gaming Control Board of all transferable tax credits issued, segregated by each fee or tax set forth in subsection 1, ~~[and]~~ the amount of any transferable tax credits transferred and the person or entity to whom the tax credits were transferred.

7. An applicant for transferable tax credits pursuant to this section shall, upon request of the Administrator of the Office, furnish the Administrator with copies of all records necessary to verify that the applicant meets the requirements of subsection 3.

8. The Office:

(a) Shall adopt regulations prescribing:

(1) Any additional requirements to receive transferable tax credits;

(2) Any additional information that must be included with an application;

(3) The application review process; and

(4) The requirements for notice pursuant to section 10 of this act; and

(b) May adopt any other regulations that are necessary to carry out the provisions of sections 2 to 12, inclusive, of this act.

9. The Nevada Tax Commission and the Nevada Gaming Commission:

(a) Shall adopt regulations prescribing the manner in which the transferable tax credits will be administered.

(b) May adopt any other regulations that are necessary to carry out the provisions of sections 2 to 12, inclusive, of this act.

Sec. 8. *1. Except as otherwise provided in subsection 2 and section 9 of this act, the ~~[base]~~ amount of transferable tax credits issued to a person who applies for a transferable tax credit pursuant to section 7 of this act must equal 20 percent of the eligible costs and expenses incurred by the person for a qualified rehabilitation ~~[.]~~ but must not exceed $3,000,000 per qualified rehabilitation.*

2. The Office may:

(a) Reduce the cumulative amount of transferable tax credits that are calculated pursuant to this section by an amount equal to any damages incurred by the State or any political subdivision of the State as a result of the qualified rehabilitation; or

(b) Withhold the transferable tax credits, in whole or in part, until any pending legal action in this State against the applicant or involving the qualified rehabilitation is resolved.

Sec. 9. ***The transferable tax credits issued to any applicant for a qualified rehabilitation pursuant to section 7 of this act expire ~~[4]~~ 5 years after the date on which the transferable tax credits are issued.***

Sec. 10. ***1. If the Office receives an application for transferable tax credits pursuant to section 7 of this act, the Office shall, not later than 10 days before a hearing on the application, provide notice of the hearing to:***

(a) The applicant;

(b) The Department; and

(c) The Nevada Gaming Control Board.

2. The notice required by this section must set forth the date, time and location of the hearing on the application. The date of the hearing must be not later than 60 days after the Office receives the completed application.

3. The Office shall issue a decision on the application not later than 30 days after the conclusion of the hearing on the application.

4. Except as otherwise provided in this subsection, if the application is approved, the qualified rehabilitation must begin not more than 90 days after the date on which the decision on the application is issued. The Office may extend by not more than 90 days the period otherwise prescribed by this subsection.

5. An applicant that undertakes a qualified rehabilitation shall submit the report and documentation required by section 7 of this act and all other required information to the Office and the Department within the time required by paragraph ~~[(c)]~~ (e) of subsection 3 of section 7 of this act. If the Office or the Department determines that information submitted pursuant to this subsection is incomplete, the applicant shall, not later than 30 days after receiving notice that the information is incomplete, provide to the Office or the Department, as applicable, all additional information required by the Office or the Department.

6. The Office shall give priority to the approval and processing of an application relating to a qualified rehabilitation that promotes tourism in the State of Nevada.

Sec. 11. ***1. A person who applied for a transferable tax credit pursuant to section 7 of this act who is found to have submitted any false statement, representation or certification in any document submitted for the purpose of obtaining transferable tax credits or who otherwise becomes ineligible for transferable tax credits after receiving the transferable tax credits pursuant to section 7 of this act shall repay to the Department or the Nevada Gaming Control Board, as applicable, any portion of the transferable tax credits to which the applicant is not entitled.***

2. Transferable tax credits purchased in good faith are not subject to forfeiture or repayment by the transferee unless the transferee submitted fraudulent information in connection with the purchase.

Sec. 12. ***The Office shall, on or before October 1 of each year, prepare and submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature an annual report which includes, for the immediately preceding fiscal year:***

1. The number of applications submitted for transferable tax credits pursuant to section 7 of this act;

2. The number of qualified rehabilitations for which transferable tax credits were approved;

3. The amount of transferable tax credits approved;

4. The amount of transferable tax credits used;

5. The amount of transferable tax credits transferred ~~[.]~~ and the person or entity to whom the tax credits were transferred;

6. The amount of transferable tax credits taken against each allowable fee or tax, including the actual amount used and outstanding, in total and for each qualified rehabilitation;

7. The total amount of the eligible costs and expenses incurred by each qualified rehabilitation;

8. The number of persons in Nevada employed by each qualified rehabilitation and the amount of wages paid to those persons; and

9. The period during which each qualified rehabilitation employed persons in Nevada.

Sec. 13. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act that adds or revises a requirement to submit a report to the Legislature.

Sec. 14. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act and on July 1, 2017, for all other purposes.

Assemblywoman Neal moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 408.

Bill read second time.

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

Amendment No. 568.

AN ACT relating to health care; requiring the State Plan for Medicaid to cover certain preventive health care services and maternity and newborn care; requiring insurers to offer health insurance coverage regardless of the health status of a person; requiring insurers to allow the covered adult child of an insured to remain covered by the health insurance of the insured until 26 years of age; requiring insurers to provide coverage for certain preventive health care services for women, adults and children at no cost; requiring insurers to provide coverage for maternity and newborn care; prohibiting

providers of health care ~~[,]~~ **and** insurers ~~[and the Silver State Health Insurance Exchange]~~ from discriminating against a person on certain grounds; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that an insurer may not deny, limit or exclude a benefit provided by a health care plan in certain limited circumstances, including, without limitation, when a person has contracted for a blanket policy of accident or health insurance or in certain cases relating to adoption. (NRS 689B.500, 689C.190, 695A.159, 695B.193, 695C.173, 695F.480) The Patient Protection and Affordable Care Act (Public Law 111-148, as amended) prohibits an insurer from establishing rules for eligibility for a health care plan based on sex or certain health status factors, including, without limitation, preexisting conditions, claims history or genetic information, and also prohibits an insurer from charging a higher premium, deductible or copay based on sex or these health status factors. (42 U.S.C. § 300gg-4) **Sections 15, 31, 41, 48, 57, 68, 80, 83 and 94** of this bill align Nevada law with federal law and require all insurers to offer health insurance coverage regardless of the health status of a person and prohibits an insurer from denying, limiting or excluding a benefit or requiring an insured to pay a higher premium, deductible, coinsurance or copay based on the health status of the insured or the covered spouse or dependent of the insured.

The Patient Protection and Affordable Care Act (Public Law 111-148, as amended) requires all insurers to extend coverage for the covered adult child of an insured until such child reaches 26 years of age. (42 U.S.C. § 300gg-14) **Sections 16, 25, 34, 49, 58, 69, 81 and 84** of this bill align Nevada law with federal law in this manner.

The Patient Protection and Affordable Care Act (Public Law 111-148, as amended) requires all health insurance plans to include coverage for maternity and newborn care. (42 U.S.C. § 18022(b)) **Sections 21, 32, 43, 53, 62, 73 and 88** of this bill align Nevada law with federal law in this manner. **Section 5** of this bill also requires the State Plan for Medicaid to include coverage for maternity and newborn care.

The Patient Protection and Affordable Care Act (Public Law 111-148, as amended) requires all health insurance plans to include coverage, without any higher deductible or any copay or coinsurance, for certain preventive health care services for women, adults and children, including, without limitation, screenings and tests for certain diseases, counseling, contraceptive drugs, devices and services as well as vaccinations. (42 U.S.C. § 300gg-13; 45 C.F.R. § 147.130) **Sections 17-20, 22, 26-30, 35-39, 50-52, 54, 55, 59-61, 63, 64, 70-72, 76, 77, 85-87, 89 and 90** of this bill align Nevada law with federal law in this manner, and extend these requirements to health insurance purchased by local governments and the Public Employees' Benefits Program. **Sections 2, 3, 4, 6 and 7** of this bill also require the State Plan for Medicaid to include these preventive health care services for women, adults and children. **Section 93** of this bill requires the Director of the Department

of Health and Human Services to adopt regulations specifying the preventive health care services which are required to be covered by insurers and that these requirements must include, without limitation, the preventive health care services currently required by federal law.

The Patient Protection and Affordable Care Act (Public Law 111-148, as amended) prohibits a provider of health care or state health insurance exchange who receives federal money from discriminating against a person on the basis of race, color, national origin, sex, age, or disability in providing health care services to the person. The Act also prohibits an insurer who receives federal money from discriminating against a person on those same grounds, as well as gender identity or expression. (42 U.S.C. § 18116; 45 C.F.R. § 92.207) The federal regulation that prohibits insurers from discriminating on the basis of gender identity or expression is no longer enforceable, however, because it was recently held to exceed the statutory authority granted by the Act. (*Franciscan Alliance Inc., v. Burwell*, 2016 WL 7638311 (N.D. Tex. Dec. 31, 2016)) Federal regulations also require providers of health care, state health insurance exchanges and insurers to provide certain assistive services and notice of these nondiscrimination provisions to all persons who receive health care services. (45 C.F.R. §§ 92.8, 92.201, 92.202) **Sections 11 [,] and 12 [and 91]** of this bill **generally** align Nevada law with federal law, **and [**prohibiting**] prohibit** a provider of health care **[,] or** an insurer **[**or the Silver State Health Insurance Exchange**]** from discriminating against a person on these grounds, including, without limitation, discrimination based on gender identity or expression or sexual orientation.

WHEREAS, Passage of the Patient Protection and Affordable Care Act, Public Law 111-148, as amended by Congress in 2010, granted all Nevadans certain rights relating to health insurance coverage and provided greater access to health care benefits in this State; and

WHEREAS, Congress currently is considering the repeal of the Patient Protection and Affordable Care Act; and

WHEREAS, The Nevada Legislature wishes to ensure that all Nevadans continue to have access to certain rights and health care benefits currently guaranteed by the Patient Protection and Affordable Care Act; and

WHEREAS, The Nevada Legislature intends to maintain, not expand, those rights and health care benefits as they existed on January 1, 2017; now, therefore,

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

Section 1. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for such preventive health care services relating to women as the Director establishes by regulation, which must include, without limitation:*

(a) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(b) Screening and counseling for interpersonal and domestic violence;

(c) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration;

(d) Contraceptive drugs, devices and services;

(e) Such well-woman preventive visits as recommended by the Health Resources and Services Administration;

(f) Any supplements, drugs or devices recommended by the Health Resources and Services Administration; and

(g) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.

2. A person enrolled in Medicaid must not be required pay a higher deductible, any copayment or coinsurance to obtain the services required by this section.

Sec. 3. *1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for such preventive health care services relating to persons 18 years of age or older as the Director establishes by regulation, which must include, without limitation:*

(a) Screening, tests and counseling for such other health conditions and diseases as recommended by the United States Preventive Services Task Force or its successor organization;

(b) Counseling relating to the dietary needs of certain adults who are at high-risk of chronic diseases;

(c) Smoking cessation programs;

(d) Any supplements, drugs or devices recommended by the United States Preventive Services Task Force or its successor organization; and

(e) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.

2. A person enrolled in Medicaid must not be required pay a higher deductible, any copayment or coinsurance to obtain the services required by this section.

Sec. 4. *1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for such preventive health care services relating to persons less*

than 18 years of age as the Director establishes by regulation, which must include, without limitation:

(a) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration;

(b) Assessments relating to height, weight, body mass index and medical history;

(c) Any supplements, drugs or devices recommended by the Health Resources and Services Administration; and

(d) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.

2. A person enrolled in Medicaid must not be required pay a higher deductible, any copayment or coinsurance to obtain the services required by this section.

Sec. 5. ***The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for such maternal and newborn care as the Director establishes by regulation.***

Sec. 6. ***1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:***

(a) An annual cytologic screening test for women 18 years of age or older;

(b) A baseline mammogram for women between the ages of 35 and 40 years;

(c) An annual mammogram for women 40 years of age or older;

(d) Counseling concerning genetic testing for breast cancer; and

(e) Counseling concerning breast cancer chemoprevention.

2. A person enrolled in Medicaid must not be required pay a higher deductible, any copayment or coinsurance or obtain prior authorization for any service required by this section.

Sec. 7. NRS 422.2718 is hereby amended to read as follows:

422.2718 1. The Director shall include in the State Plan for Medicaid a requirement that the State shall pay the nonfederal share of expenses incurred for ~~[~~administering~~]~~ ***:***

(a) Deoxyribonucleic acid testing for high-risk strains of the human papillomavirus; and

(b) Administering the human papillomavirus vaccine to women and girls at such ages as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. ***A person enrolled in Medicaid must not be required pay a higher deductible, any copayment or coinsurance or obtain prior authorization for any service required by this section.***

3. For the purposes of this section, "human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration to be used for the prevention of human papillomavirus infection and cervical cancer.

Sec. 8. NRS 422.403 is hereby amended to read as follows:

422.403 1. ~~[The]~~ ***Except as otherwise provided in NRS 422.2718, the*** Department shall, by regulation, establish and manage the use by the Medicaid program of step therapy and prior authorization for prescription drugs.

2. ~~[The]~~ ***Except as otherwise provided in NRS 422.2718, the*** Drug Use Review Board shall:

(a) Advise the Department concerning the use by the Medicaid program of step therapy and prior authorization for prescription drugs;

(b) Develop step therapy protocols and prior authorization policies and procedures for use by the Medicaid program for prescription drugs; and

(c) Review and approve, based on clinical evidence and best clinical practice guidelines and without consideration of the cost of the prescription drugs being considered, step therapy protocols used by the Medicaid program for prescription drugs.

3. The Department shall not require the Drug Use Review Board to develop, review or approve prior authorization policies or procedures necessary for the operation of the list of preferred prescription drugs developed for the Medicaid program pursuant to NRS 422.4025.

4. The Department shall accept recommendations from the Drug Use Review Board as the basis for developing or revising step therapy protocols and prior authorization policies and procedures used by the Medicaid program for prescription drugs.

Sec. 9. NRS 287.010 is hereby amended to read as follows:

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

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

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

compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 687B.408, 689B.030 to 689B.050, inclusive, ***and sections 25 to 28, inclusive, of this act*** and 689B.287 ***and 689B.500 and 689B.520*** apply to coverage provided pursuant to this paragraph.

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

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

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

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

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political

subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

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

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

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

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

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

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

Sec. 10. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 689B.255, 695G.150, 695G.160, 695G.162, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.170 to 695G.173, inclusive, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, ***and sections 83 to 89, inclusive, of this act,*** in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 11. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a provider of health care shall not discriminate in providing a health care service to a person on the basis of race, color, national origin, sex, age, physical or mental disability, sexual orientation or gender identity or expression.

2. A provider of health care may make distinctions in providing health care services based on sex or gender identity or expression if the provider has an exceedingly persuasive justification for the distinction, which may include, without limitation, that the distinction is substantially related to the achievement of an important health or scientific objective.

3. A provider of health care must provide reasonable notice to a person who receives health care services relating to the provisions of this section.

4. A provider of health care must take reasonable steps to ensure that a person with limited English proficiency or physical or mental disabilities who receives health care services from the provider has access to any assistance services which may be needed for the person to communicate effectively with the provider.

5. As used in this section:

(a) "Gender identity or expression" has the meaning ascribed to it in NRS 193.0148.

(b) "Health care service" means the care and observation of patients, the diagnosis of human diseases, the treatment and rehabilitation of patients, or related services.

(c) "Sexual orientation" has the meaning ascribed to it in NRS 118.093.

Sec. 12. Chapter 679A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, an insurer who offers a policy of health insurance shall not refuse to provide coverage to or discriminate against a person based on race, color, national origin, sex, age, physical or mental disability, sexual orientation or gender identity or expression. Such discriminatory actions include, without limitation:

(a) Cancelling a policy;

(b) Refusing to provide a benefit which is available under a policy to other similarly situated persons;

(c) Limiting coverage of a claim; or

(d) Imposing an additional deductible, premium, copay, coinsurance or any other limitation or restriction on coverage.

2. An insurer may include distinctions in a policy of health insurance based on sex or gender identity or expression if the insurer has an exceedingly persuasive justification for the distinction, which may include, without limitation, that the distinction is substantially related to the achievement of an important health or scientific objective.

3. An insurer must provide reasonable notice to an insured relating to the provisions of this section.

4. An insurer must take reasonable steps to ensure that an insured with limited English proficiency or physical or mental disabilities has access to any assistance services which may be needed for the insured to communicate effectively with the insurer.

5. Nothing in this section may be construed as preventing an insurer from determining whether a benefit is medically necessary or whether any such benefit meets any other requirement for coverage included in a policy of health insurance which is not prohibited by this section or any other provision of law.

6. As used in this section:

(a) "Gender identity or expression" has the meaning ascribed to it in NRS 193.0148.

(b) "Sexual orientation" has the meaning ascribed to it in NRS 118.093.

Sec. 13. NRS 687B.225 is hereby amended to read as follows:

687B.225 1. Except as otherwise provided in NRS 689A.0405, 689A.0413, 689A.044, 689A.0445, 689B.031, 689B.0313, 689B.0317, 689B.0374, 695B.1912, 695B.1914, 695B.1925, 695B.1942, 695C.1713, 695C.1735, 695C.1745, 695C.1751, 695G.170, 695G.171 and 695G.177, ***and sections 38, 39, 54, 55 and 89 of this act,*** any contract for group, blanket or individual health insurance or any contract by a nonprofit hospital, medical or dental service corporation or organization for dental care which

provides for payment of a certain part of medical or dental care may require the insured or member to obtain prior authorization for that care from the insurer or organization. The insurer or organization shall:

(a) File its procedure for obtaining approval of care pursuant to this section for approval by the Commissioner; and

(b) Respond to any request for approval by the insured or member pursuant to this section within 20 days after it receives the request.

2. The procedure for prior authorization may not discriminate among persons licensed to provide the covered care.

Sec. 14. Chapter 689A of NRS is hereby amended by adding thereto the provisions set forth as sections 15 to 19, inclusive, of this act.

Sec. 15. ***1. An insurer shall offer or issue a policy of health insurance to any person regardless of the health status of the person, the spouse of the person or any dependent of the person. Such health status includes, without limitation:***

(a) Any preexisting medical condition of the person, including, without limitation, any physical or mental illness;

(b) The claims history of the person, including, without limitation, any prior health care services received by the person;

(c) Genetic information relating to the person; and

(d) Any increased risk for illness, injury or any other medical condition of the person, including, without limitation, any medical condition caused by an act of domestic violence.

2. An insurer that offers or issues a policy of health insurance shall not:

(a) Deny, limit or exclude a benefit based on the health status of an insured; or

(b) Require an insured, as a condition of enrollment or renewal, to pay a premium, deductible, copay or coinsurance based on his or her health status which is greater than the premium, deductible, copay or coinsurance charged to a similarly situated insured or the covered spouse or dependent of such an insured who does not have such a health status.

3. An insurer that offers or issues a policy of health insurance shall not adjust a premium, deductible, copay or coinsurance for any insured on the basis of genetic information relating to the insured or the covered spouse or dependent of the insured.

Sec. 16. ***1. An insurer that offers or issues a policy of health insurance which provides coverage for dependent children shall continue to make such coverage available for an adult child of an insured until such child reaches 26 years of age.***

2. Nothing in this section shall be construed as requiring an insurer to make coverage available for a dependent of an adult child of an insured.

Sec. 17. ***1. An insurer that offers or issues a policy of health insurance shall include in the policy coverage for such preventive health***

care services relating to women as the Director of the Department of Health and Human Services requires.

2. An insurer that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use a benefit provided in the policy of health insurance pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

3. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. The Director of the Department of Health and Human Services shall adopt regulations to establish the preventive health care services which must be covered by a policy of health insurance pursuant to subsection 1, including, without limitation:

(a) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(b) Screening and counseling for interpersonal and domestic violence;

(c) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration;

(d) Contraceptive drugs, devices and services;

(e) Such well-woman preventive visits as recommended by the Health Resources and Services Administration;

(f) Any supplements, drugs or devices recommended by the Health Resources and Services Administration; and

(g) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention

of the United States Department of Health and Human Services or its successor organization.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 18. ***1. An insurer that offers or issues a policy of health insurance shall include in the policy coverage for such preventive health care services relating to persons 18 years of age or older as the Director of the Department of Health and Human Services requires.***

2. An insurer that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use a benefit provided in the policy of health insurance pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

3. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. The Director of the Department of Health and Human Services shall adopt regulations to establish the preventive health care services which must be covered by a policy of health insurance pursuant to subsection 1, including, without limitation:

(a) Screening, tests and counseling for such other health conditions and diseases as recommended by the United States Preventive Services Task Force or its successor organization;

(b) Counseling relating to the dietary needs of certain adults who are at high-risk of chronic diseases;

(c) Smoking cessation programs;

(d) Any supplements, drugs or devices recommended by the United States Preventive Services Task Force or its successor organization; and

(e) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 19. ***1. An insurer that offers or issues a policy of health insurance shall include in the policy coverage for such preventive health care services relating to persons less than 18 years of age as the Director of the Department of Health and Human Services requires.***

2. An insurer that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use a benefit provided in the policy of health insurance pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

3. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. The Director of the Department of Health and Human Services shall adopt regulations to establish the preventive health care services which must be covered by a policy of health insurance pursuant to subsection 1, including, without limitation:

(a) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration;

(b) Assessments relating to height, weight, body mass index and medical history;

(c) Any supplements, drugs or devices recommended by the Health Resources and Services Administration; and

(d) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 20. NRS 689A.0405 is hereby amended to read as follows:

689A.0405 1. A policy of health insurance must provide coverage for benefits payable for expenses incurred for:

(a) An annual cytologic screening test for women 18 years of age or older;

(b) A baseline mammogram for women between the ages of 35 and 40; ~~[and]~~

(c) An annual mammogram for women 40 years of age or older ~~[.]~~ ***;***

(d) Counseling concerning genetic testing for breast cancer; and

(e) Counseling concerning breast cancer chemoprevention.

2. A policy of health insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. ***An insurer that offers or issues a policy of health insurance shall not:***

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use a benefit provided in the policy of health insurance pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[October 1, 1989,]~~ ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with subsection 1 is void.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 21. NRS 689A.0425 is hereby amended to read as follows:

689A.0425 1. ***An insurer that offers or issues a policy of health insurance shall include in the policy coverage for such health care services relating to maternal and newborn care as the Director of the Department of Health and Human Services requires.***

2. Except as otherwise provided in this subsection, an individual health benefit plan issued pursuant to this chapter ~~[~~that includes coverage for maternity care and pediatric care for newborn infants~~]~~ may not restrict benefits for any length of stay in a hospital in connection with childbirth for a mother or newborn infant covered by the plan to:

(a) Less than 48 hours after a normal vaginal delivery; and

(b) Less than 96 hours after a cesarean section.

➥ If a different length of stay is provided in the guidelines established by the American College of Obstetricians and Gynecologists, or its successor organization, and the American Academy of Pediatrics, or its successor organization, the individual health benefit plan may follow such guidelines in lieu of following the length of stay set forth above. The provisions of this subsection do not apply to any individual health benefit plan in any case in which the decision to discharge the mother or newborn infant before the expiration of the minimum length of stay set forth in this subsection is made by the attending physician of the mother or newborn infant.

~~[~~2.~~]~~ ***3.*** Nothing in this section requires a mother to:

(a) Deliver her baby in a hospital; or

(b) Stay in a hospital for a fixed period following the birth of her child.

~~[~~3.~~]~~ ***4.*** An individual health benefit plan ~~[~~that offers coverage for maternity care and pediatric care of newborn infants~~]~~ may not:

(a) Deny a mother or her newborn infant coverage or continued coverage under the terms of the plan or coverage if the sole purpose of the denial of coverage or continued coverage is to avoid the requirements of this section;

(b) Provide monetary payments or rebates to a mother to encourage her to accept less than the minimum protection available pursuant to this section;

(c) Penalize, or otherwise reduce or limit, the reimbursement of an attending provider of health care because the attending provider of health care provided care to a mother or newborn infant in accordance with the provisions of this section;

(d) Provide incentives of any kind to an attending physician to induce the attending physician to provide care to a mother or newborn infant in a manner that is inconsistent with the provisions of this section; or

(e) Except as otherwise provided in subsection ~~[~~4,~~]~~ ***5,*** restrict benefits for any portion of a hospital stay required pursuant to the provisions of this section in a manner that is less favorable than the benefits provided for any preceding portion of that stay.

~~[~~4.~~]~~ ***5.*** Nothing in this section:

(a) Prohibits an individual health benefit plan from imposing a deductible, coinsurance or other mechanism for sharing costs relating to benefits for

hospital stays in connection with childbirth for a mother or newborn child covered by the plan, except that such coinsurance or other mechanism for sharing costs for any portion of a hospital stay required by this section may not be greater than the coinsurance or other mechanism for any preceding portion of that stay.

(b) Prohibits an arrangement for payment between an individual health benefit plan and a provider of health care that uses capitation or other financial incentives, if the arrangement is designed to provide services efficiently and consistently in the best interest of the mother and her newborn infant.

(c) Prevents an individual health benefit plan from negotiating with a provider of health care concerning the level and type of reimbursement to be provided in accordance with this section.

6. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

7. The Director of the Department of Health and Human Services shall adopt regulations to establish the health care services which must be covered by a policy of health insurance pursuant to subsection 1.

8. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 22. NRS 689A.044 is hereby amended to read as follows:

689A.044 1. A policy of health insurance must provide coverage for benefits payable for expenses incurred for ~~[~~administering~~]~~ ***:***

(a) Deoxyribonucleic acid testing for high-risk strains of the human papillomavirus; and

(b) Administering the human papillomavirus vaccine as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A policy of health insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. ***An insurer that offers or issues a policy of health insurance shall not:***

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use a benefit provided in the policy of health insurance pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[July 1, 2007,]~~ ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with subsection 1 is void.

~~[4. For the purposes of this section, "human]~~

5. As used in this section:

(a) "Human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 23. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[.]~~ ***, and sections 15 to 19, inclusive, of this act.***

Sec. 24. Chapter 689B of NRS is hereby amended by adding thereto the provisions set forth as sections 25 to 28, inclusive, of this act.

Sec. 25. ***1. An insurer that offers or issues a policy of group health insurance which provides coverage for dependent children shall continue to make such coverage available for an adult child of an insured until such child reaches 26 years of age.***

2. Nothing in this section shall be construed as requiring an insurer to make coverage available for a dependent of an adult child of an insured.

Sec. 26. ***1. An insurer that offers or issues a policy of group health insurance shall include in the policy coverage for such preventive health care services relating to women as the Director of the Department of Health and Human Services requires.***

2. An insurer that offers or issues a policy of group health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of group health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use a benefit provided in the policy of group health insurance pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

3. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. The Director of the Department of Health and Human Services shall adopt regulations to establish the preventive health care services which must be covered by a policy of group health insurance pursuant to subsection 1, including, without limitation:

(a) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(b) Screening and counseling for interpersonal and domestic violence;

(c) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration;

(d) Contraceptive drugs, devices and services;

(e) Such well-woman preventive visits as recommended by the Health Resources and Services Administration;

(f) Any supplements, drugs or devices recommended by the Health Resources and Services Administration; and

(g) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 27. ***1. An insurer that offers or issues a policy of group health insurance shall include in the policy coverage for such preventive health care services relating to persons 18 years of age or older as the Director of the Department of Health and Human Services requires.***

2. An insurer that offers or issues a policy of group health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of group health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use a benefit provided in the policy of group health insurance pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

3. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. The Director of the Department of Health and Human Services shall adopt regulations to establish the preventive health care services which must be covered by a policy of group health insurance pursuant to subsection 1, including, without limitation:

(a) Screening, tests and counseling for such other health conditions and diseases as recommended by the United States Preventive Services Task Force or its successor organization;

(b) Counseling relating to the dietary needs of certain adults who are at high-risk of chronic diseases;

(c) Smoking cessation programs;

(d) Any supplements, drugs or devices recommended by the United States Preventive Services Task Force or its successor organization; and

(e) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 28. ***1. An insurer that offers or issues a policy of group health insurance shall include in the policy coverage for such preventive health care services relating to persons less than 18 years of age as the Director of the Department of Health and Human Services requires.***

2. An insurer that offers or issues a policy of group health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of group health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use a benefit provided in the policy of group health insurance pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

3. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. The Director of the Department of Health and Human Services shall adopt regulations to establish the preventive health care services which must be covered by a policy of group health insurance pursuant to subsection 1, including, without limitation:

(a) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration;

(b) Assessments relating to height, weight, body mass index and medical history;

(c) Any supplements, drugs or devices recommended by the Health Resources and Services Administration; and

(d) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention

of the United States Department of Health and Human Services or its successor organization.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 29. NRS 689B.0313 is hereby amended to read as follows:

689B.0313 1. A policy of group health insurance must provide coverage for benefits payable for expenses incurred for ~~[~~administering~~]~~ ***:***

(a) Deoxyribonucleic acid testing for high-risk strains of the human papillomavirus; and

(b) Administering the human papillomavirus vaccine as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A policy of group health insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. ***An insurer that offers or issues a policy of group health insurance shall not:***

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of group health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use a benefit provided in the policy of group health insurance pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy ***of group health insurance*** subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[~~July 1, 2007,~~]~~ ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with subsection 1 is void.

~~[~~4. For the purposes of this section, "human~~]~~

5. As used in this section:

(a) "Human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by

the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 30. NRS 689B.0374 is hereby amended to read as follows:

689B.0374 1. A policy of group health insurance must provide coverage for benefits payable for expenses incurred for:

(a) An annual cytologic screening test for women 18 years of age or older;

(b) A baseline mammogram for women between the ages of 35 and 40; ~~[and]~~

(c) An annual mammogram for women 40 years of age or older ~~[.]~~ ***;***

(d) Counseling concerning genetic testing for breast cancer; and

(e) Counseling concerning breast cancer chemoprevention.

2. A policy of group health insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. ***An insurer that offers or issues a policy of group health insurance shall not:***

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of group health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use a benefit provided in the policy of group health insurance pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy ***of group health insurance*** subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[October 1, 1989,]~~ ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with subsection 1 is void.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 31. NRS 689B.500 is hereby amended to read as follows:

689B.500 ~~[A carrier that issues a group health plan or coverage under blanket accident and health insurance or group health insurance shall not deny, exclude or limit a benefit for a preexisting condition.]~~

1. An insurer shall offer or issue a policy of group health insurance to any person regardless of the health status of the person, the spouse of the person or any dependent of the person. Such health status includes, without limitation:

(a) Any preexisting medical condition of the person, including, without limitation, any physical or mental illness;

(b) The claims history of the person, including, without limitation, any prior health care services received by the person;

(c) Genetic information relating to the person; and

(d) Any increased risk for illness, injury or any other medical condition of the person, including, without limitation, any medical condition caused by an act of domestic violence.

2. An insurer that offers or issues a policy of group health insurance shall not:

(a) Deny, limit or exclude a benefit based on the health status of an insured; or

(b) Require an insured, as a condition of enrollment or renewal, to pay a premium, deductible, copay or coinsurance based on his or her health status which is greater than the premium, deductible, copay or coinsurance charged to a similarly situated insured or the covered spouse or dependent of such an insured who does not have such a health status.

3. An insurer that offers or issues a policy of group health insurance shall not adjust a premium, deductible, copay or coinsurance for any insured on the basis of genetic information relating to the insured or the covered spouse or dependent of the insured.

Sec. 32. NRS 689B.520 is hereby amended to read as follows:

689B.520 1. ***An insurer that offers or issues a policy of group health insurance shall include in the policy coverage for such health care services relating to maternal and newborn care as the Director of the Department of Health and Human Services requires.***

2. Except as otherwise provided in this subsection, a group health plan or coverage offered under group health insurance issued pursuant to this chapter ~~[that includes coverage for maternity care and pediatric care for newborn infants]~~ may not restrict benefits for any length of stay in a hospital in connection with childbirth for a mother or newborn infant covered by the plan or coverage to:

(a) Less than 48 hours after a normal vaginal delivery; and

(b) Less than 96 hours after a cesarean section.

➥ If a different length of stay is provided in the guidelines established by the American College of Obstetricians and Gynecologists, or its successor organization, and the American Academy of Pediatrics, or its successor

organization, the group health plan or health insurance coverage may follow such guidelines in lieu of following the length of stay set forth above. The provisions of this subsection do not apply to any group health plan or health insurance coverage in any case in which the decision to discharge the mother or newborn infant before the expiration of the minimum length of stay set forth in this subsection is made by the attending physician of the mother or newborn infant.

~~[~~2.~~]~~ ***3.*** Nothing in this section requires a mother to:

(a) Deliver her baby in a hospital; or

(b) Stay in a hospital for a fixed period following the birth of her child.

~~[~~3.~~]~~ ***4.*** A group health plan or coverage under group health insurance ~~[~~that offers coverage for maternity care and pediatric care of newborn infants~~]~~ may not:

(a) Deny a mother or her newborn infant coverage or continued coverage under the terms of the plan or coverage if the sole purpose of the denial of coverage or continued coverage is to avoid the requirements of this section;

(b) Provide monetary payments or rebates to a mother to encourage her to accept less than the minimum protection available pursuant to this section;

(c) Penalize, or otherwise reduce or limit, the reimbursement of an attending provider of health care because the attending provider of health care provided care to a mother or newborn infant in accordance with the provisions of this section;

(d) Provide incentives of any kind to an attending physician to induce the attending physician to provide care to a mother or newborn infant in a manner that is inconsistent with the provisions of this section; or

(e) Except as otherwise provided in subsection ~~[~~4.~~]~~ ***5,*** restrict benefits for any portion of a hospital stay required pursuant to the provisions of this section in a manner that is less favorable than the benefits provided for any preceding portion of that stay.

~~[~~4.~~]~~ ***5.*** Nothing in this section:

(a) Prohibits a group health plan or carrier from imposing a deductible, coinsurance or other mechanism for sharing costs relating to benefits for hospital stays in connection with childbirth for a mother or newborn child covered by the plan, except that such coinsurance or other mechanism for sharing costs for any portion of a hospital stay required by this section may not be greater than the coinsurance or other mechanism for any preceding portion of that stay.

(b) Prohibits an arrangement for payment between a group health plan or carrier and a provider of health care that uses capitation or other financial incentives, if the arrangement is designed to provide services efficiently and consistently in the best interest of the mother and her newborn infant.

(c) Prevents a group health plan or carrier from negotiating with a provider of health care concerning the level and type of reimbursement to be provided in accordance with this section.

6. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

7. The Director of the Department of Health and Human Services shall adopt regulations to establish the health care services which must be covered by a policy of group health insurance pursuant to subsection 1.

8. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 33. Chapter 689C of NRS is hereby amended by adding thereto the provisions set forth as sections 34 to 39, inclusive, of this act.

Sec. 34. ***1. A carrier that offers or issues a health benefit plan which provides coverage for dependent children shall continue to make such coverage available for an adult child of an insured until such child reaches 26 years of age.***

2. Nothing in this section shall be construed as requiring a carrier to make coverage available for a dependent of an adult child of an insured.

Sec. 35. ***1. A carrier that offers or issues a health benefit plan shall include in the plan coverage for such preventive health care services relating to women as the Director of the Department of Health and Human Services requires.***

2. A carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health benefit plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

3. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

4. The Director of the Department of Health and Human Services shall adopt regulations to establish the preventive health care services which must be covered by a health benefit plan pursuant to subsection 1, including, without limitation:

(a) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(b) Screening and counseling for interpersonal and domestic violence;

(c) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration;

(d) Contraceptive drugs, devices and services;

(e) Such well-woman preventive visits as recommended by the Health Resources and Services Administration;

(f) Any supplements, drugs or devices recommended by the Health Resources and Services Administration; and

(g) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 36. ***1. A carrier that offers or issues a health benefit plan shall include in the plan coverage for such preventive health care services relating to persons 18 years of age or older as the Director of the Department of Health and Human Services requires.***

2. A carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health benefit plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

3. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any

provision of the plan or the renewal which is in conflict with this section is void.

4. The Director of the Department of Health and Human Services shall adopt regulations to establish the preventive health care services which must be covered by a health benefit plan pursuant to subsection 1, including, without limitation:

(a) Screening, tests and counseling for such other health conditions and diseases as recommended by the United States Preventive Services Task Force or its successor organization;

(b) Counseling relating to the dietary needs of certain adults who are at high-risk of chronic diseases;

(c) Smoking cessation programs;

(d) Any supplements, drugs or devices recommended by the United States Preventive Services Task Force or its successor organization; and

(e) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 37. ***1. A carrier that offers or issues a health benefit plan shall include in the plan coverage for such preventive health care services relating to persons less than 18 years of age as the Director of the Department of Health and Human Services requires.***

2. A carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health benefit plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

3. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any

provision of the plan or the renewal which is in conflict with this section is void.

4. The Director of the Department of Health and Human Services shall adopt regulations to establish the preventive health care services which must be covered by a health benefit plan pursuant to subsection 1, including, without limitation:

(a) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration;

(b) Assessments relating to height, weight, body mass index and medical history;

(c) Any supplements, drugs or devices recommended by the Health Resources and Services Administration; and

(d) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 38. ***1. A health benefit plan must provide coverage for benefits payable for expenses incurred for:***

(a) Deoxyribonucleic acid testing for high-risk strains of the human papillomavirus; and

(b) Administering the human papillomavirus vaccine as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A health benefit plan must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. A carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health benefit plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A health benefit plan subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with subsection 1 is void.

5. As used in this section:

(a) "Human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 39. *1. A health benefit plan must provide coverage for benefits payable for expenses incurred for:*

(a) An annual cytologic screening test for women 18 years of age or older;

(b) A baseline mammogram for women between the ages of 35 and 40 years;

(c) An annual mammogram for women 40 years of age or older;

(d) Counseling concerning genetic testing for breast cancer; and

(e) Counseling concerning breast cancer chemoprevention.

2. A health benefit plan must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. A carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health benefit plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A health benefit plan subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any

provision of the plan or the renewal which is in conflict with subsection 1 is void.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 40. NRS 689C.159 is hereby amended to read as follows:

689C.159 The provisions of NRS 689C.156 ~~[and 689C.190]~~ do not apply to health benefit plans offered by a carrier if the carrier makes the health benefit plan available in the small employer market only through a bona fide association.

Sec. 41. NRS 689C.190 is hereby amended to read as follows:

689C.190 ~~[A carrier serving small employers that issues a health benefit plan shall not deny, exclude or limit a benefit for a preexisting condition.]~~

1. A carrier shall offer or issue a health benefit plan to any person regardless of the health status of the person, the spouse of the person or any dependent of the person. Such health status includes, without limitation:

(a) Any preexisting medical condition of the person, including, without limitation, any physical or mental illness;

(b) The claims history of the person, including, without limitation, any prior health care services received by the person;

(c) Genetic information relating to the person; and

(d) Any increased risk for illness, injury or any other medical condition of the person, including, without limitation, any medical condition caused by an act of domestic violence.

2. A carrier that offers or issues a health benefit plan shall not:

(a) Deny, limit or exclude a benefit based on the health status of an insured; or

(b) Require an insured, as a condition of enrollment or renewal, to pay a premium, deductible, copay or coinsurance based on his or her health status which is greater than the premium, deductible, copay or coinsurance charged to a similarly situated insured or the covered spouse or dependent of such an insured who does not have such a health status.

3. A carrier that offers or issues a health benefit plan shall not adjust a premium, deductible, copay or coinsurance for any insured on the basis of genetic information relating to the insured or the covered spouse or dependent of the insured.

Sec. 42. NRS 689C.193 is hereby amended to read as follows:

689C.193 1. A carrier shall not place any restriction on a small employer or an eligible employee or a dependent of the eligible employee as a condition of being a participant in or a beneficiary of a health benefit plan that is inconsistent with NRS 689C.015 to 689C.355, inclusive ~~[.]~~ ***, and sections 34 to 39, inclusive, of this act.***

2. A carrier that offers health insurance coverage to small employers pursuant to this chapter shall not establish rules of eligibility, including, but not limited to, rules which define applicable waiting periods, for the initial or

continued enrollment under a health benefit plan offered by the carrier that are based on the following factors relating to the eligible employee or a dependent of the eligible employee:

(a) Health status.

(b) Medical condition, including physical and mental illnesses, or both.

(c) Claims experience.

(d) Receipt of health care.

(e) Medical history.

(f) Genetic information.

(g) Evidence of insurability, including conditions which arise out of acts of domestic violence.

(h) Disability.

3. Except as otherwise provided in NRS 689C.190, the provisions of subsection 1 do not require a carrier to provide particular benefits other than those that would otherwise be provided under the terms of the health benefit plan or coverage.

4. As a condition of enrollment or continued enrollment under a health benefit plan, a carrier shall not require any person to pay a premium or contribution that is greater than the premium or contribution for a similarly situated person covered by similar coverage on the basis of any factor described in subsection 2 in relation to the person or a dependent of the person.

5. Nothing in this section:

(a) Restricts the amount that a small employer may be charged for coverage by a carrier;

(b) Prevents a carrier from establishing premium discounts or rebates or from modifying otherwise applicable copayments or deductibles in return for adherence by the insured person to programs of health promotion and disease prevention; or

(c) Precludes a carrier from establishing rules relating to employer contribution or group participation when offering health insurance coverage to small employers in this State.

6. As used in this section:

(a) "Contribution" means the minimum employer contribution toward the premium for enrollment of participants and beneficiaries in a health benefit plan.

(b) "Group participation" means the minimum number of participants or beneficiaries that must be enrolled in a health benefit plan in relation to a specified percentage or number of eligible persons or employees of the employer.

Sec. 43. NRS 689C.194 is hereby amended to read as follows:

689C.194 1. ***A carrier that offers or issues a health benefit plan shall include in the plan coverage for such health care services relating to maternal and newborn care as the Director of the Department of Health and Human Services requires.***

2. Except as otherwise provided in this subsection, a health benefit plan issued pursuant to this chapter **[**~~that includes coverage for maternity care and pediatric care for newborn infants~~**]** may not restrict benefits for any length of stay in a hospital in connection with childbirth for a mother or newborn infant covered by the plan to:

(a) Less than 48 hours after a normal vaginal delivery; and

(b) Less than 96 hours after a cesarean section.

➥ If a different length of stay is provided in the guidelines established by the American College of Obstetricians and Gynecologists, or its successor organization, and the American Academy of Pediatrics, or its successor organization, the health benefit plan may follow such guidelines in lieu of following the length of stay set forth above. The provisions of this subsection do not apply to any health benefit plan in any case in which the decision to discharge the mother or newborn infant before the expiration of the minimum length of stay set forth in this subsection is made by the attending physician of the mother or newborn infant.

[~~2.~~**]** ***3.*** Nothing in this section requires a mother to:

(a) Deliver her baby in a hospital; or

(b) Stay in a hospital for a fixed period following the birth of her child.

[~~3.~~**]** ***4.*** A health benefit plan **[**~~that offers coverage for maternity care and pediatric care of newborn infants~~**]** may not:

(a) Deny a mother or her newborn infant coverage or continued coverage under the terms of the plan if the sole purpose of the denial of coverage or continued coverage is to avoid the requirements of this section;

(b) Provide monetary payments or rebates to a mother to encourage her to accept less than the minimum protection available pursuant to this section;

(c) Penalize, or otherwise reduce or limit, the reimbursement of an attending provider of health care because the attending provider of health care provided care to a mother or newborn infant in accordance with the provisions of this section;

(d) Provide incentives of any kind to an attending physician to induce the attending physician to provide care to a mother or newborn infant in a manner that is inconsistent with the provisions of this section; or

(e) Except as otherwise provided in subsection **[**~~4,~~**]** ***5,*** restrict benefits for any portion of a hospital stay required pursuant to the provisions of this section in a manner that is less favorable than the benefits provided for any preceding portion of that stay.

[~~4.~~**]** ***5.*** Nothing in this section:

(a) Prohibits a health benefit plan or carrier from imposing a deductible, coinsurance or other mechanism for sharing costs relating to benefits for hospital stays in connection with childbirth for a mother or newborn child covered by the plan, except that such coinsurance or other mechanism for sharing costs for any portion of a hospital stay required by this section may not be greater than the coinsurance or other mechanism for any preceding portion of that stay.

(b) Prohibits an arrangement for payment between a health benefit plan or carrier and a provider of health care that uses capitation or other financial incentives, if the arrangement is designed to provide services efficiently and consistently in the best interest of the mother and her newborn infant.

(c) Prevents a health benefit plan or carrier from negotiating with a provider of health care concerning the level and type of reimbursement to be provided in accordance with this section.

6. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

7. The Director of the Department of Health and Human Services shall adopt regulations to establish the health care services which must be covered by a health benefit plan pursuant to subsection 1.

8. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 44. NRS 689C.270 is hereby amended to read as follows:

689C.270 1. The Commissioner shall adopt regulations which require a carrier to file with the Commissioner, for approval by the Commissioner, a disclosure offered by the carrier to a small employer. The disclosure must include:

(a) Any significant exception, reduction or limitation that applies to the policy;

(b) Any restrictions on payments for emergency care, including, without limitation, related definitions of an emergency and medical necessity;

(c) The provision of the health benefit plan concerning the carrier's right to change premium rates and the characteristics, other than claim experience, that affect changes in premium rates;

(d) The provisions relating to renewability of policies and contracts; ***and***

(e) **[**~~The provisions relating to any preexisting condition; and~~

~~(f)~~**]** Any other information that the Commissioner finds necessary to provide for full and fair disclosure of the provisions of a policy or contract of insurance issued pursuant to this chapter.

2. The disclosure must be written in language which is easily understood and must include a statement that the disclosure is a summary of the policy only, and that the policy itself should be read to determine the governing contractual provisions.

3. The Commissioner shall not approve any proposed disclosure submitted to the Commissioner pursuant to this section which does not comply with the requirements of this section and the applicable regulations.

4. The carrier shall make available to a small employer or a producer acting on behalf of a small employer, upon request, a copy of the disclosure approved by the Commissioner pursuant to this section for policies of health insurance for which that employer may be eligible.

Sec. 45. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, ***and sections 34 to 39, inclusive, of this act,*** to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 46. NRS 689C.440 is hereby amended to read as follows:

689C.440 1. The Commissioner shall adopt regulations which require a carrier to file with the Commissioner, for approval by the Commissioner, a disclosure offered by the carrier to a voluntary purchasing group. The disclosure must include:

(a) Any significant exception, prior authorization, reduction or limitation that applies to a contract;

(b) Any restrictions on payments for emergency care, including, without limitation, related definitions of an emergency and medical necessity;

(c) Any provision of a contract concerning the carrier's right to change premium rates and the characteristics, other than claim experience, that affect changes in premium rates;

(d) The provisions relating to renewability of contracts; ***and***

(e) ***[***~~The provisions relating to any preexisting condition; and~~

~~(f)~~***]*** Any other information that the Commissioner finds necessary to provide for full and fair disclosure of the provisions of a contract.

2. The disclosure must be written in a language which is easily understood and must include a statement that the disclosure is a summary of the contract only, and that the contract itself should be read to determine the governing contractual provisions.

3. The Commissioner shall not approve any proposed disclosure submitted to the Commissioner pursuant to this section which does not comply with the requirements of this section and the applicable regulations.

Sec. 47. Chapter 695A of NRS is hereby amended by adding thereto the provisions set forth as sections 48 to 55, inclusive, of this act.

Sec. 48. ***1. A society shall offer or issue a benefit contract to any person regardless of the health status of the person, the spouse of the person or any dependent of the person. Such health status includes, without limitation:***

(a) Any preexisting medical condition of the person, including, without limitation, any physical or mental illness;

(b) The claims history of the person, including, without limitation, any prior health care services received by the person;

(c) Genetic information relating to the person; and

(d) Any increased risk for illness, injury or any other medical condition of the person, including, without limitation, any medical condition caused by an act of domestic violence.

2. A society that offers or issues a benefit contract shall not:

(a) Deny, limit or exclude a benefit based on the health status of an insured; or

(b) Require an insured, as a condition of enrollment or renewal, to pay a premium, deductible, copay or coinsurance based on his or her health status which is greater than the premium, deductible, copay or coinsurance charged to a similarly situated insured or the covered spouse or dependent of such an insured who does not have such a health status.

3. A society that offers or issues a benefit contract shall not adjust a premium, deductible, copay or coinsurance for any insured on the basis of genetic information relating to the insured or the covered spouse or dependent of the insured.

Sec. 49. *1. A society that offers or issues a benefit contract which provides coverage for dependent children shall continue to make such coverage available for an adult child of an insured until such child reaches 26 years of age.*

2. Nothing in this section shall be construed as requiring a society to make coverage available for a dependent of an adult child of an insured.

Sec. 50. *1. A society that offers or issues a benefit contract shall include in the contract coverage for such preventive health care services relating to women as the Director of the Department of Health and Human Services requires.*

2. A society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use a benefit provided in the benefit contract pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

3. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

4. The Director of the Department of Health and Human Services shall adopt regulations to establish the preventive health care services which

must be covered by a benefit contract pursuant to subsection 1, including, without limitation:

(a) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(b) Screening and counseling for interpersonal and domestic violence;

(c) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration;

(d) Contraceptive drugs, devices and services;

(e) Such well-woman preventive visits as recommended by the Health Resources and Services Administration;

(f) Any supplements, drugs or devices recommended by the Health Resources and Services Administration; and

(g) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 51. ***1. A society that offers or issues a benefit contract shall include in the contract coverage for such preventive health care services relating to persons 18 years of age or older as the Director of the Department of Health and Human Services requires.***

2. A society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use a benefit provided in the benefit contract pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

3. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

4. The Director of the Department of Health and Human Services shall adopt regulations to establish the preventive health care services which must be covered by a benefit contract pursuant to subsection 1, including, without limitation:

(a) Screening, tests and counseling for such other health conditions and diseases as recommended by the United States Preventive Services Task Force or its successor organization;

(b) Counseling relating to the dietary needs of certain adults who are at high-risk of chronic diseases;

(c) Smoking cessation programs;

(d) Any supplements, drugs or devices recommended by the United States Preventive Services Task Force or its successor organization; and

(e) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 52. ***1. A society that offers or issues a benefit contract shall include in the contract coverage for such preventive health care services relating to persons less than 18 years of age as the Director of the Department of Health and Human Services requires.***

2. A society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use a benefit provided in the benefit contract pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

3. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

4. The Director of the Department of Health and Human Services shall adopt regulations to establish the preventive health care services which must be covered by a benefit contract pursuant to subsection 1, including, without limitation:

(a) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration;

(b) Assessments relating to height, weight, body mass index and medical history;

(c) Any supplements, drugs or devices recommended by the Health Resources and Services Administration; and

(d) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 53. ***1. A society that offers or issues a benefit contract shall include in the contract coverage for such health care services relating to maternal and newborn care as the Director of the Department of Health and Human Services requires.***

2. Except as otherwise provided in this subsection, a benefit contract issued pursuant to this chapter may not restrict benefits for any length of stay in a hospital in connection with childbirth for a mother or newborn infant covered by the contract to:

(a) Less than 48 hours after a normal vaginal delivery; and

(b) Less than 96 hours after a cesarean section.

➥ If a different length of stay is provided in the guidelines established by the American College of Obstetricians and Gynecologists, or its successor organization, and the American Academy of Pediatrics, or its successor organization, the benefit contract may follow such guidelines in lieu of following the length of stay set forth above. The provisions of this subsection do not apply to any benefit contract in any case in which the decision to discharge the mother or newborn infant before the expiration of the minimum length of stay set forth in this subsection is made by the attending physician of the mother or newborn infant.

3. Nothing in this section requires a mother to:

(a) Deliver her baby in a hospital; or

(b) Stay in a hospital for a fixed period following the birth of her child.

4. A benefit contract may not:

(a) Deny a mother or her newborn infant coverage or continued coverage under the terms of the contract or coverage if the sole purpose of the denial of coverage or continued coverage is to avoid the requirements of this section;

(b) Provide monetary payments or rebates to a mother to encourage her to accept less than the minimum protection available pursuant to this section;

(c) Penalize, or otherwise reduce or limit, the reimbursement of an attending provider of health care because the attending provider of health care provided care to a mother or newborn infant in accordance with the provisions of this section;

(d) Provide incentives of any kind to an attending physician to induce the attending physician to provide care to a mother or newborn infant in a manner that is inconsistent with the provisions of this section; or

(e) Except as otherwise provided in subsection 5, restrict benefits for any portion of a hospital stay required pursuant to the provisions of this section in a manner that is less favorable than the benefits provided for any preceding portion of that stay.

5. Nothing in this section:

(a) Prohibits a benefit contract from imposing a deductible, coinsurance or other mechanism for sharing costs relating to benefits for hospital stays in connection with childbirth for a mother or newborn child covered by the contract, except that such coinsurance or other mechanism for sharing costs for any portion of a hospital stay required by this section may not be greater than the coinsurance or other mechanism for any preceding portion of that stay.

(b) Prohibits an arrangement for payment between a benefit contract or society and a provider of health care that uses capitation or other financial incentives, if the arrangement is designed to provide services efficiently and consistently in the best interest of the mother and her newborn infant.

(c) Prevents a benefit contract or society from negotiating with a provider of health care concerning the level and type of reimbursement to be provided in accordance with this section.

6. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

7. The Director of the Department of Health and Human Services shall adopt regulations to establish the health care services which must be covered by a benefit contract pursuant to subsection 1.

8. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 54. ***1. A benefit contract must provide coverage for benefits payable for expenses incurred for:***

(a) Deoxyribonucleic acid testing for high-risk strains of the human papillomavirus; and

(b) Administering the human papillomavirus vaccine as recommended for vaccination by a competent authority, including, without limitation, the

Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A benefit contract must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. A society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use a benefit provided in the benefit contract pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A benefit contract subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with subsection 1 is void.

5. As used in this section:

(a) "Human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 55. *1. A benefit contract must provide coverage for benefits payable for expenses incurred for:*

(a) An annual cytologic screening test for women 18 years of age or older;

(b) A baseline mammogram for women between the ages of 35 and 40 years;

(c) An annual mammogram for women 40 years of age or older;

(d) Counseling concerning genetic testing for breast cancer; and

(e) Counseling concerning breast cancer chemoprevention.

2. A benefit contract must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. A society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use a benefit provided in the benefit contract pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A benefit contract subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with subsection 1 is void.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 56. Chapter 695B of NRS is hereby amended by adding thereto the provisions set forth as sections 57 to 62, inclusive, of this act.

Sec. 57. ***1. An insurer shall offer or issue a contract for hospital or medical service to any person regardless of the health status of the person, the spouse of the person or any dependent of the person. Such health status includes, without limitation:***

(a) Any preexisting medical condition of the person, including, without limitation, any physical or mental illness;

(b) The claims history of the person, including, without limitation, any prior health care services received by the person;

(c) Genetic information relating to the person; and

(d) Any increased risk for illness, injury or any other medical condition of the person, including, without limitation, any medical condition caused by an act of domestic violence.

2. An insurer that offers or issues a contract for hospital or medical service shall not:

(a) Deny, limit or exclude a benefit based on the health status of an insured; or

(b) Require an insured, as a condition of enrollment or renewal, to pay a premium, deductible, copay or coinsurance based on his or her health status which is greater than the premium, deductible, copay or coinsurance

charged to a similarly situated insured or the covered spouse or dependent of such an insured who does not have such a health status.

3. An insurer that offers or issues a contract for hospital or medical service shall not adjust a premium, deductible, copay or coinsurance for any insured on the basis of genetic information relating to the insured or the covered spouse or dependent of the insured.

Sec. 58. *1. An insurer that offers or issues a contract for hospital or medical service which provides coverage for dependent children shall continue to make such coverage available for an adult child of an insured until such child reaches 26 years of age.*

2. Nothing in this section shall be construed as requiring a hospital or medical service corporation to make coverage available for a dependent of an adult child of an insured.

Sec. 59. *1. An insurer that offers or issues a contract for hospital or medical service shall include in the contract coverage for such preventive health care services relating to women as the Director of the Department of Health and Human Services requires.*

2. An insurer that offers or issues a contract for hospital or medical service shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use a benefit provided in the contract for hospital or medical service pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

3. A contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

4. The Director of the Department of Health and Human Services shall adopt regulations to establish the preventive health care services which

must be covered by a contract for hospital or medical service pursuant to subsection 1, including, without limitation:

(a) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(b) Screening and counseling for interpersonal and domestic violence;

(c) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration;

(d) Contraceptive drugs, devices and services;

(e) Such well-woman preventive visits as recommended by the Health Resources and Services Administration;

(f) Any supplements, drugs or devices recommended by the Health Resources and Services Administration; and

(g) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 60. *1. An insurer that offers or issues a contract for hospital or medical service shall include in the contract coverage for such preventive health care services relating to persons 18 years of age or older as the Director of the Department of Health and Human Services requires.*

2. An insurer that offers or issues a contract for hospital or medical service shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use a benefit provided in the contract for hospital or medical service pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

3. A contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after

January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

4. The Director of the Department of Health and Human Services shall adopt regulations to establish the preventive health care services which must be covered by a contract for hospital or medical service pursuant to subsection 1, including, without limitation:

(a) Screening, tests and counseling for such other health conditions and diseases as recommended by the United States Preventive Services Task Force or its successor organization;

(b) Counseling relating to the dietary needs of certain adults who are at high-risk of chronic diseases;

(c) Smoking cessation programs;

(d) Any supplements, drugs or devices recommended by the United States Preventive Services Task Force or its successor organization; and

(e) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 61. ***1. An insurer that offers or issues a contract for hospital or medical service shall include in the contract coverage for such preventive health care services relating to persons less than 18 years of age as the Director of the Department of Health and Human Services requires.***

2. An insurer that offers or issues a contract for hospital or medical service shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use a benefit provided in the contract for hospital or medical service pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

3. A contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

4. The Director of the Department of Health and Human Services shall adopt regulations to establish the preventive health care services which must be covered by a contract for hospital or medical service pursuant to subsection 1, including, without limitation:

(a) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration;

(b) Assessments relating to height, weight, body mass index and medical history;

(c) Any supplements, drugs or devices recommended by the Health Resources and Services Administration; and

(d) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 62. ***1. An insurer that offers or issues a contract for hospital or medical service shall include in the contract coverage for such health care services relating to maternal and newborn care as the Director of the Department of Health and Human Services requires.***

2. Except as otherwise provided in this subsection, a contract for hospital or medical service issued pursuant to this chapter may not restrict benefits for any length of stay in a hospital in connection with childbirth for a mother or newborn infant covered by the contract to:

(a) Less than 48 hours after a normal vaginal delivery; and

(b) Less than 96 hours after a cesarean section.

➥ If a different length of stay is provided in the guidelines established by the American College of Obstetricians and Gynecologists, or its successor organization, and the American Academy of Pediatrics, or its successor organization, the contract for hospital or medical service may follow such guidelines in lieu of following the length of stay set forth above. The provisions of this subsection do not apply to any contract for hospital or medical service in any case in which the decision to discharge the mother or newborn infant before the expiration of the minimum length of stay set forth in this subsection is made by the attending physician of the mother or newborn infant.

3. Nothing in this section requires a mother to:

(a) Deliver her baby in a hospital; or

(b) Stay in a hospital for a fixed period following the birth of her child.

4. A contract for hospital or medical service may not:

(a) Deny a mother or her newborn infant coverage or continued coverage under the terms of the contract or coverage if the sole purpose of the denial of coverage or continued coverage is to avoid the requirements of this section;

(b) Provide monetary payments or rebates to a mother to encourage her to accept less than the minimum protection available pursuant to this section;

(c) Penalize, or otherwise reduce or limit, the reimbursement of an attending provider of health care because the attending provider of health care provided care to a mother or newborn infant in accordance with the provisions of this section;

(d) Provide incentives of any kind to an attending physician to induce the attending physician to provide care to a mother or newborn infant in a manner that is inconsistent with the provisions of this section; or

(e) Except as otherwise provided in subsection 5, restrict benefits for any portion of a hospital stay required pursuant to the provisions of this section in a manner that is less favorable than the benefits provided for any preceding portion of that stay.

5. Nothing in this section:

(a) Prohibits a contract for hospital or medical service from imposing a deductible, coinsurance or other mechanism for sharing costs relating to benefits for hospital stays in connection with childbirth for a mother or newborn child covered by the contract, except that such coinsurance or other mechanism for sharing costs for any portion of a hospital stay required by this section may not be greater than the coinsurance or other mechanism for any preceding portion of that stay.

(b) Prohibits an arrangement for payment between an insurer and a provider of health care that uses capitation or other financial incentives, if the arrangement is designed to provide services efficiently and consistently in the best interest of the mother and her newborn infant.

(c) Prevents an insurer from negotiating with a provider of health care concerning the level and type of reimbursement to be provided in accordance with this section.

6. A contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

7. The Director of the Department of Health and Human Services shall adopt regulations to establish the health care services which must be covered by a contract for hospital or medical service pursuant to subsection 1.

8. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 63. NRS 695B.1912 is hereby amended to read as follows:

695B.1912 1. A ~~[~~policy of health insurance~~]~~ ***contract for hospital or medical service*** issued by a hospital or medical service corporation must provide coverage for benefits payable for expenses incurred for:

(a) An annual cytologic screening test for women 18 years of age or older;

(b) A baseline mammogram for women between the ages of 35 and 40; ~~[~~and~~]~~

(c) An annual mammogram for women 40 years of age or older ~~[~~.~~]~~ ***;***

(d) Counseling concerning genetic testing for breast cancer; and

(e) Counseling concerning breast cancer chemoprevention.

2. A ~~[~~policy of health insurance~~]~~ ***contract for hospital or medical service*** issued by a hospital or medical service corporation must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. ***An insurer that offers or issues a contract for hospital or medical service shall not:***

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use a benefit provided in the contract for hospital or medical service pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A ~~[~~policy~~]~~ ***contract for hospital or medical service*** subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[~~October 1, 1989,~~]~~ ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the ~~[~~policy~~]~~ ***contract*** or the renewal which is in conflict with subsection 1 is void.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 64. NRS 695B.1925 is hereby amended to read as follows:

695B.1925 1. A ~~[~~policy of health insurance~~]~~ ***contract for hospital or medical service*** issued by a hospital or medical service corporation must

provide coverage for benefits payable for expenses incurred for ~~[~~administering~~]~~ ***:***

(a) Deoxyribonucleic acid testing for high-risk strains of the human papillomavirus; and

(b) Administering the human papillomavirus vaccine to women and girls at such ages as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A ~~[~~policy of health insurance~~]~~ ***contract for hospital or medical service*** issued by a hospital or medical service corporation must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. ***An insurer that offers or issues a contract for hospital or medical service shall not:***

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use a benefit provided in the contract for hospital or medical service pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A ~~[~~policy~~]~~ ***contract for hospital or medical service*** subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[~~July 1, 2007,~~]~~ ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with subsection 1 is void.

~~[~~4. For the purposes of this section, "human~~]~~

5. As used in this section:

(a) "Human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 65. NRS 695B.193 is hereby amended to read as follows:

695B.193 1. All individual and group service or indemnity-type contracts issued by a nonprofit corporation which provide coverage for a family member of the subscriber must as to such coverage provide that the health benefits applicable for children are payable with respect to:

(a) A newly born child of the subscriber from the moment of birth;

(b) An adopted child from the date the adoption becomes effective, if the child was not placed in the home before adoption; and

(c) A child placed with the subscriber for the purpose of adoption from the moment of placement as certified by the public or private agency making the placement. The coverage of such a child ceases if the adoption proceedings are terminated as certified by the public or private agency making the placement.

➥ The contracts must provide the coverage specified in subsection 3, and must not exclude premature births.

2. The contract may require that notification of:

(a) The birth of a newly born child;

(b) The effective date of adoption of a child; or

(c) The date of placement of a child for adoption,

➥ and payments of the required fees, if any, must be furnished to the nonprofit service corporation within 31 days after the date of birth, adoption or placement for adoption in order to have the coverage continue beyond the 31-day period.

3. The coverage for newly born and adopted children and children placed for adoption consists of coverage of injury or sickness, including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities and, within the limits of the policy, necessary transportation costs from place of birth to the nearest specialized treatment center under major medical policies, and with respect to basic policies to the extent such costs are charged by the treatment center.

4. ~~[A corporation shall not restrict the coverage of a dependent child adopted or placed for adoption solely because of a preexisting condition the child has at the time the child would otherwise become eligible for coverage pursuant to that contract. Any provision relating to an exclusion for a preexisting condition must comply with NRS 689C.190.~~

~~5.]~~ For covered services provided to the child, the corporation shall reimburse noncontracted providers of health care to an amount equal to the average amount of payment for which the organization has agreements, contracts or arrangements for those covered services.

Sec. 66. NRS 695B.2555 is hereby amended to read as follows:

695B.2555 A ~~[converted contract must not exclude a preexisting condition not excluded by the group contract, but a]~~ converted contract may provide that any hospital, surgical or medical benefits payable under it may

be reduced by the amount of any benefits payable under the group contract after his or her termination. A converted contract may provide that during the first contract year the benefits payable under it, together with the benefits payable under the group contract, must not exceed those that would have been payable if the subscriber's coverage under the group contract had remained in effect.

Sec. 67. Chapter 695C of NRS is hereby amended by adding thereto the provisions set forth as sections 68 to 73, inclusive, of this act.

Sec. 68. ***1. A health maintenance organization shall offer or issue a health care plan to any person regardless of the health status of the person, the spouse of the person or any dependent of the person. Such health status includes, without limitation:***

(a) Any preexisting medical condition of the person, including, without limitation, any physical or mental illness;

(b) The claims history of the person, including, without limitation, any prior health care services received by the person;

(c) Genetic information relating to the person; and

(d) Any increased risk for illness, injury or any other medical condition of the person, including, without limitation, any medical condition caused by an act of domestic violence.

2. A health maintenance organization that offers or issues a health care plan shall not:

(a) Deny, limit or exclude a benefit based on the health status of an enrollee; or

(b) Require an enrollee, as a condition of enrollment or renewal, to pay a premium, deductible, copay or coinsurance based on his or her health status which is greater than the premium, deductible, copay or coinsurance charged to a similarly situated enrollee or the covered spouse or dependent of such an enrollee who does not have such a health status.

3. A health maintenance organization that offers or issues a health care plan shall not adjust a premium, deductible, copay or coinsurance for any enrollee on the basis of genetic information relating to the enrollee or the covered spouse or dependent of the enrollee.

Sec. 69. ***1. A health maintenance organization that offers or issues a health care plan which provides coverage for dependent children shall continue to make such coverage available for an adult child of an enrollee until such child reaches 26 years of age.***

2. Nothing in this section shall be construed as requiring a health maintenance organization to make coverage available for a dependent of an adult child of an enrollee.

Sec. 70. ***1. A health maintenance organization that offers or issues a health care plan shall include in the plan coverage for such preventive health care services relating to women as the Director of the Department of Health and Human Services requires.***

2. A health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health care plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

3. An evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

4. The Director of the Department of Health and Human Services shall adopt regulations to establish the preventive health care services which must be covered by a health care plan pursuant to subsection 1, including, without limitation:

(a) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(b) Screening and counseling for interpersonal and domestic violence;

(c) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration;

(d) Contraceptive drugs, devices and services;

(e) Such well-woman preventive visits as recommended by the Health Resources and Services Administration;

(f) Any supplements, drugs or devices recommended by the Health Resources and Services Administration; and

(g) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 71. ***1. A health maintenance organization that offers or issues a health care plan shall include in the plan coverage for such preventive health care services relating to persons 18 years of age or older as the Director of the Department of Health and Human Services requires.***

2. A health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health care plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

3. An evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

4. The Director of the Department of Health and Human Services shall adopt regulations to establish the preventive health care services which must be covered by a health care plan pursuant to subsection 1, including, without limitation:

(a) Screening, tests and counseling for such other health conditions and diseases as recommended by the United States Preventive Services Task Force or its successor organization;

(b) Counseling relating to the dietary needs of certain adults who are at high-risk of chronic diseases;

(c) Smoking cessation programs;

(d) Any supplements, drugs or devices recommended by the United States Preventive Services Task Force or its successor organization; and

(e) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 72. ***1. A health maintenance organization that offers or issues a health care plan shall include in the plan coverage for such preventive health care services relating to persons less than 18 years of age as the Director of the Department of Health and Human Services requires.***

2. A health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health care plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

3. An evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

4. The Director of the Department of Health and Human Services shall adopt regulations to establish the preventive health care services which must be covered by a health care plan pursuant to subsection 1, including, without limitation:

(a) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration;

(b) Assessments relating to height, weight, body mass index and medical history;

(c) Any supplements, drugs or devices recommended by the Health Resources and Services Administration; and

(d) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 73. ***1. A health maintenance organization that offers or issues a health care plan shall include in the plan coverage for such health care services relating to maternal and newborn care as the Director of the Department of Health and Human Services requires.***

2. Except as otherwise provided in this subsection, an evidence of coverage issued pursuant to this chapter may not restrict benefits for any length of stay in a hospital in connection with childbirth for a mother or newborn infant covered by the health care plan to:

(a) Less than 48 hours after a normal vaginal delivery; and

(b) Less than 96 hours after a cesarean section.

➥ If a different length of stay is provided in the guidelines established by the American College of Obstetricians and Gynecologists, or its successor organization, and the American Academy of Pediatrics, or its successor organization, the health care plan may follow such guidelines in lieu of following the length of stay set forth above. The provisions of this subsection do not apply to any health care plan in any case in which the decision to discharge the mother or newborn infant before the expiration of the minimum length of stay set forth in this subsection is made by the attending physician of the mother or newborn infant.

3. Nothing in this section requires a mother to:

(a) Deliver her baby in a hospital; or

(b) Stay in a hospital for a fixed period following the birth of her child.

4. A health care plan may not:

(a) Deny a mother or her newborn infant coverage or continued coverage under the terms of the plan or coverage if the sole purpose of the denial of coverage or continued coverage is to avoid the requirements of this section;

(b) Provide monetary payments or rebates to a mother to encourage her to accept less than the minimum protection available pursuant to this section;

(c) Penalize, or otherwise reduce or limit, the reimbursement of an attending provider of health care because the attending provider of health care provided care to a mother or newborn infant in accordance with the provisions of this section;

(d) Provide incentives of any kind to an attending physician to induce the attending physician to provide care to a mother or newborn infant in a manner that is inconsistent with the provisions of this section; or

(e) Except as otherwise provided in subsection 5, restrict benefits for any portion of a hospital stay required pursuant to the provisions of this section in a manner that is less favorable than the benefits provided for any preceding portion of that stay.

5. Nothing in this section:

(a) Prohibits a health care plan from imposing a deductible, coinsurance or other mechanism for sharing costs relating to benefits for hospital stays in connection with childbirth for a mother or newborn child

covered by the plan, except that such coinsurance or other mechanism for sharing costs for any portion of a hospital stay required by this section may not be greater than the coinsurance or other mechanism for any preceding portion of that stay.

(b) Prohibits an arrangement for payment between a health maintenance organization and a provider of health care that uses capitation or other financial incentives, if the arrangement is designed to provide services efficiently and consistently in the best interest of the mother and her newborn infant.

(c) Prevents a health maintenance organization from negotiating with a provider of health care concerning the level and type of reimbursement to be provided in accordance with this section.

6. An evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

7. The Director of the Department of Health and Human Services shall adopt regulations to establish the health care services which must be covered by a health care plan pursuant to subsection 1.

8. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 74. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, ~~[695C.1735 to]~~ ***695C.1751,*** 695C.1755, ~~[inclusive,]~~ 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection

does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694, 695C.1695, 695C.1708, 695C.1731, 695C.17345 ~~[and]~~ ***, 695C.1735, 695C.1745 and*** 695C.1757 ***and sections 68 to 73, inclusive, of this act*** apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 75. NRS 695C.173 is hereby amended to read as follows:

695C.173 1. All individual and group health care plans which provide coverage for a family member of the enrollee must as to such coverage provide that the health care services applicable for children are payable with respect to:

(a) A newly born child of the enrollee from the moment of birth;

(b) An adopted child from the date the adoption becomes effective, if the child was not placed in the home before adoption; and

(c) A child placed with the enrollee for the purpose of adoption from the moment of placement as certified by the public or private agency making the placement. The coverage of such a child ceases if the adoption proceedings are terminated as certified by the public or private agency making the placement.

➥ The plans must provide the coverage specified in subsection 3, and must not exclude premature births.

2. The evidence of coverage may require that notification of:

(a) The birth of a newly born child;

(b) The effective date of adoption of a child; or

(c) The date of placement of a child for adoption,

➥ and payments of the required charge, if any, must be furnished to the health maintenance organization within 31 days after the date of birth, adoption or placement for adoption in order to have the coverage continue beyond the 31-day period.

3. The coverage for newly born and adopted children and children placed for adoption consists of preventive health care services as well as coverage of injury or sickness, including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities and, within the limits of the policy, necessary transportation costs from place of birth to the nearest specialized treatment center under major medical policies, and with respect to basic policies to the extent such costs are charged by the treatment center.

4. ~~[A health maintenance organization shall not restrict the coverage of a dependent child adopted or placed for adoption solely because of a preexisting condition the child has at the time the child would otherwise become eligible for coverage pursuant to that plan. Any provision relating to an exclusion for a preexisting condition must comply with NRS 689B.500 or 689C.190, as appropriate.~~

~~5.~~] For covered services provided to the child, the health maintenance organization shall reimburse noncontracted providers of health care to an

amount equal to the average amount of payment for which the organization has agreements, contracts or arrangements for those covered services.

Sec. 76. NRS 695C.1735 is hereby amended to read as follows:

695C.1735 1. A health maintenance ***organization which offers or issues a health care*** plan must provide coverage for benefits payable for expenses incurred for:

(a) An annual cytologic screening test for women 18 years of age or older;

(b) A baseline mammogram for women between the ages of 35 and 40; ~~[and]~~

(c) An annual mammogram for women 40 years of age or older ~~[.]~~ ***;***

(d) Counseling concerning genetic testing for breast cancer; and

(e) Counseling concerning breast cancer chemoprevention.

2. A health ~~[maintenance]~~ ***care*** plan must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. ***A health maintenance organization that offers or issues a health care plan shall not:***

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health care plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

4. ~~[A policy]~~ ***An evidence of coverage*** subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[October 1, 1989,]~~ ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the ~~[policy]~~ ***evidence of coverage*** or the renewal which is in conflict with subsection 1 is void.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 77. NRS 695C.1745 is hereby amended to read as follows:

695C.1745 1. A health care plan of a health maintenance organization must provide coverage for benefits payable for expenses incurred for ~~[administering]~~ ***:***

(a) Deoxyribonucleic acid testing for high-risk strains of the human papillomavirus; and

(b) Administering the human papillomavirus vaccine as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A health care plan of a health maintenance organization must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. ***A health maintenance organization that offers or issues a health care plan shall not:***

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health care plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

4. Any evidence of coverage subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[July 1, 2007,]~~ ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with subsection 1 is void.

~~[4. For the purposes of this section, "human]~~

5. As used in this section:

(a) "Human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 78. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, ***and sections 68 to 73, inclusive, of this act*** or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 79. Chapter 695F of NRS is hereby amended by adding thereto the provisions set forth as sections 80 and 81 of this act.

Sec. 80. ***1. A prepaid limited health service organization shall offer or issue evidence of coverage to any person regardless of the health status of the person, the spouse of the person or any dependent of the person. Such health status includes, without limitation:***

(a) Any preexisting medical condition of the person, including, without limitation, any physical or mental illness;

(b) The claims history of the person, including, without limitation, any prior health care services received by the person;

(c) Genetic information relating to the person; and

(d) Any increased risk for illness, injury or any other medical condition of the person, including, without limitation, any medical condition caused by an act of domestic violence.

2. A prepaid limited health service organization that offers or issues evidence of coverage shall not:

(a) Deny, limit or exclude a benefit based on the health status of an enrollee; or

(b) Require an enrollee, as a condition of enrollment or renewal, to pay a premium, deductible, copay or coinsurance based on his or her health status which is greater than the premium, deductible, copay or coinsurance charged to a similarly situated enrollee or the covered spouse or dependent of such an enrollee who does not have such a health status.

3. A prepaid limited health service organization that offers or issues evidence of coverage shall not adjust a premium, deductible, copay or coinsurance for any enrollee on the basis of genetic information relating to the enrollee or the covered spouse or dependent of the enrollee.

Sec. 81. ***1. A prepaid limited health service organization that offers or issues evidence of coverage which provides coverage for dependent children shall continue to make such coverage available for an adult child of an enrollee until such child reaches 26 years of age.***

2. Nothing in this section shall be construed as requiring a prepaid limited health service organization to make coverage available for a dependent of an adult child of an enrollee.

Sec. 82. Chapter 695G of NRS is hereby amended by adding thereto the provisions set forth as sections 83 to 89, inclusive, of this act.

Sec. 83. ***1. A managed care organization shall offer or issue a health care plan to any person regardless of the health status of the person, the spouse of the person or any dependent of the person. Such health status includes, without limitation:***

(a) Any preexisting medical condition of the person, including, without limitation, any physical or mental illness;

(b) The claims history of the person, including, without limitation, any prior health care services received by the person;

(c) Genetic information relating to the person; and

(d) Any increased risk for illness, injury or any other medical condition of the person, including, without limitation, any medical condition caused by an act of domestic violence.

2. A managed care organization that offers or issues a health care plan shall not:

(a) Deny, limit or exclude a benefit based on the health status of an insured; or

(b) Require an insured, as a condition of enrollment or renewal, to pay a premium, deductible, copay or coinsurance based on his or her health status which is greater than the premium, deductible, copay or coinsurance charged to a similarly situated insured or the covered spouse or dependent of such an insured who does not have such a health status.

3. A managed care organization that offers or issues a health care plan shall not adjust a premium, deductible, copay or coinsurance for any insured on the basis of genetic information relating to the insured or the covered spouse or dependent of the insured.

Sec. 84. ***1. A managed care organization that offers or issues a health care plan which provides coverage for dependent children shall continue to make such coverage available for an adult child of an insured until such child reaches 26 years of age.***

2. Nothing in this section shall be construed as requiring a managed care organization to make coverage available for a dependent of an adult child of an insured.

Sec. 85. ***1. A managed care organization that offers or issues a health care plan shall include in the plan coverage for such preventive health care services relating to women as the Director of the Department of Health and Human Services requires.***

2. A managed care organization that offers or issues a health care plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health care plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

3. An evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

4. The Director of the Department of Health and Human Services shall adopt regulations to establish the preventive health care services which must be covered by a health care plan pursuant to subsection 1, including, without limitation:

(a) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(b) Screening and counseling for interpersonal and domestic violence;

(c) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration;

(d) Contraceptive drugs, devices and services;

(e) Such well-woman preventive visits as recommended by the Health Resources and Services Administration;

(f) Any supplements, drugs or devices recommended by the Health Resources and Services Administration; and

(g) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 86. ***1. A managed care organization that offers or issues a health care plan shall include in the plan coverage for such preventive health care services relating to persons 18 years of age or older as the Director of the Department of Health and Human Services requires.***

2. A managed care organization that offers or issues a health care plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health care plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

3. An evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

4. The Director of the Department of Health and Human Services shall adopt regulations to establish the preventive health care services which must be covered by a health care plan pursuant to subsection 1, including, without limitation:

(a) Screening, tests and counseling for such other health conditions and diseases as recommended by the United States Preventive Services Task Force or its successor organization;

(b) Counseling relating to the dietary needs of certain adults who are at high-risk of chronic diseases;

(c) Smoking cessation programs;

(d) Any supplements, drugs or devices recommended by the United States Preventive Services Task Force or its successor organization; and

(e) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 87. *1. A managed care organization that offers or issues a health care plan shall include in the plan coverage for such preventive health care services relating to persons less than 18 years of age as the Director of the Department of Health and Human Services requires.*

2. A managed care organization that offers or issues a health care plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health care plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

3. An evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

4. The Director of the Department of Health and Human Services shall adopt regulations to establish the preventive health care services which must be covered by a health care plan pursuant to subsection 1, including, without limitation:

(a) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration;

(b) Assessments relating to height, weight, body mass index and medical history;

(c) Any supplements, drugs or devices recommended by the Health Resources and Services Administration; and

(d) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 88. *1. A managed care organization that offers or issues a health care plan shall include in the plan coverage for such health care services relating to maternal and newborn care as the Director of the Department of Health and Human Services requires.*

2. Except as otherwise provided in this subsection, an evidence of coverage issued pursuant to this chapter may not restrict benefits for any

length of stay in a hospital in connection with childbirth for a mother or newborn infant covered by the health care plan to:

(a) Less than 48 hours after a normal vaginal delivery; and

(b) Less than 96 hours after a cesarean section.

➥ *If a different length of stay is provided in the guidelines established by the American College of Obstetricians and Gynecologists, or its successor organization, and the American Academy of Pediatrics, or its successor organization, the health care plan may follow such guidelines in lieu of following the length of stay set forth above. The provisions of this subsection do not apply to any health care plan in any case in which the decision to discharge the mother or newborn infant before the expiration of the minimum length of stay set forth in this subsection is made by the attending physician of the mother or newborn infant.*

3. Nothing in this section requires a mother to:

(a) Deliver her baby in a hospital; or

(b) Stay in a hospital for a fixed period following the birth of her child.

4. A health care plan may not:

(a) Deny a mother or her newborn infant coverage or continued coverage under the terms of the plan or coverage if the sole purpose of the denial of coverage or continued coverage is to avoid the requirements of this section;

(b) Provide monetary payments or rebates to a mother to encourage her to accept less than the minimum protection available pursuant to this section;

(c) Penalize, or otherwise reduce or limit, the reimbursement of an attending provider of health care because the attending provider of health care provided care to a mother or newborn infant in accordance with the provisions of this section;

(d) Provide incentives of any kind to an attending physician to induce the attending physician to provide care to a mother or newborn infant in a manner that is inconsistent with the provisions of this section; or

(e) Except as otherwise provided in subsection 5, restrict benefits for any portion of a hospital stay required pursuant to the provisions of this section in a manner that is less favorable than the benefits provided for any preceding portion of that stay.

5. Nothing in this section:

(a) Prohibits a health care plan from imposing a deductible, coinsurance or other mechanism for sharing costs relating to benefits for hospital stays in connection with childbirth for a mother or newborn child covered by the plan, except that such coinsurance or other mechanism for sharing costs for any portion of a hospital stay required by this section may not be greater than the coinsurance or other mechanism for any preceding portion of that stay.

(b) Prohibits an arrangement for payment between a managed care organization and a provider of health care that uses capitation or other

financial incentives, if the arrangement is designed to provide services efficiently and consistently in the best interest of the mother and her newborn infant.

(c) Prevents a managed care organization from negotiating with a provider of health care concerning the level and type of reimbursement to be provided in accordance with this section.

6. An evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

7. The Director of the Department of Health and Human Services shall adopt regulations to establish the health care services which must be covered by a health care plan pursuant to subsection 1.

8. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 89. ***1. A managed care organization which offers or issues a health care plan must provide coverage for benefits payable for expenses incurred for:***

(a) An annual cytologic screening test for women 18 years of age or older;

(b) A baseline mammogram for women between the ages of 35 and 40 years;

(c) An annual mammogram for women 40 years of age or older;

(d) Counseling concerning genetic testing for breast cancer; and

(e) Counseling concerning breast cancer chemoprevention.

2. A health care plan must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. A managed care organization that offers or issues a health care plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health care plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. An evidence of coverage subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with subsection 1 is void.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 90. NRS 695G.171 is hereby amended to read as follows:

695G.171 1. A health care plan issued by a managed care organization must provide coverage for benefits payable for expenses incurred for ~~[~~administering~~]~~ ***:***

(a) Deoxyribonucleic acid testing for high-risk strains of the human papillomavirus; and

(b) Administering the human papillomavirus vaccine as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A health care plan must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. ***A managed care organization that offers or issues a health care plan shall not:***

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health care plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. An evidence of coverage for a health care plan subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[~~July 1, 2007,~~]~~ ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal thereof which is in conflict with subsection 1 is void.

~~[4. For the purposes of this section, "human]~~

5. As used in this section:

(a) "Human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 91. ~~[Chapter 695I of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. Except as otherwise provided in subsection 2, the Exchange shall not discriminate against a person on the basis of race, color, national origin, sex, age, physical or mental disability, sexual orientation or gender identity or expression, including, without limitation, offering qualified health plans that discriminate in such a manner.*~~

~~*2. The Exchange may make distinctions based on sex or gender identity or expression, if the Exchange has an exceedingly persuasive justification for the distinction, which may include, without limitation, that the distinction is substantially related to the achievement of an important health or scientific objective.*~~

~~*3. The Exchange must provide reasonable notice to a person relating to the provisions of this section.*~~

~~*4. The Exchange must take reasonable steps to ensure that a person with limited English proficiency or physical or mental disabilities has access to any assistance services which may be needed for the person to transact business with the Exchange.*~~

~~*5. As used in this section:*~~

~~*(a) "Gender identity or expression" has the meaning ascribed to it in NRS 193.0148.*~~

~~*(b) "Sexual orientation" has the meaning ascribed to it in NRS 118.093.]*~~ **(Deleted by amendment.)**

Sec. 92. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 93. 1. The Director of the Department of Health and Human Services shall adopt regulations as soon as possible after the effective date of this act which establish the health care services which must be covered by a policy of health insurance, policy of group health insurance, health benefit plan, benefit contract, contract for hospital or medical service or health care plan pursuant to sections 2 to 5, inclusive, 17, 18, 19, 21, 26, 27, 28, 32, 35, 36, 37, 43, 50 to 53, inclusive, 59 to 62, inclusive, 70 to 73, inclusive, and 85 to 88, inclusive, of this act.

2. The regulations adopted pursuant to subsection 1 must include, without limitation, the health care services which are required to be covered pursuant to 45 C.F.R. § 147.130 and the Patient Protection and Affordable Care Act, Pub. L. 111-148, as amended.

Sec. 94. NRS 689A.523, 689A.585, 689B.450, 689C.082, 695A.159 and 695F.480 are hereby repealed.

Sec. 95. This act becomes effective:

1. Upon passage and approval for the purposes of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2018, for all other purposes.

LEADLINES OF REPEALED SECTIONS

689A.523 "Exclusion for a preexisting condition" defined.

689A.585 "Preexisting condition" defined.

689B.450 "Preexisting condition" defined.

689C.082 "Preexisting condition" defined.

695A.159 Society prohibited from restricting coverage of child based on preexisting condition when person who is eligible for group coverage adopts or assumes legal obligation for child.

695F.480 Organization prohibited from restricting coverage of child based on preexisting condition if person who is eligible for group coverage adopts or assumes legal obligation for child.

Assemblyman Sprinkle moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 428.

Bill read second time.

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

Amendment No. 426.

~~[CONTAINS UNFUNDED MANDATE (§ 5)~~
~~(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)]~~

AN ACT relating to controlled substances; ~~[authorizing certain health care professionals to issue an order for an opioid antagonist to a public or private school;]~~ authorizing a pharmacist to furnish an opioid antagonist without a prescription under certain circumstances; ~~[providing for public and private schools to obtain and maintain opioid antagonists under certain conditions; providing immunity to certain persons for acts or omissions relating to the acquisition, possession or administration of opioid antagonists in certain circumstances;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain physicians, physician assistants and advanced practice registered nurses to prescribe and dispense an opioid antagonist to a person at risk of experiencing an opioid-related drug overdose, or to a family member, friend or other person who is in a position to assist a person experiencing an opioid-related drug overdose. (Chapter

453C of NRS, NRS 453C.100) Existing law further provides for the development of standardized procedures and protocols under which a registered pharmacist may furnish an opioid antagonist. (NRS 453C.120) ~~[Section 2 of this]~~ **This** bill authorizes a pharmacist to furnish an opioid antagonist without a prescription from a health care professional authorized to prescribe an opioid antagonist to a person at risk of experiencing an opioid-related drug overdose, or to a family member, friend or other person who is in a position to assist such a person. ~~[Section 2]~~ **This bill** also prohibits the development of standardized procedures and protocols that prevent a pharmacist from dispensing an opioid antagonist without a prescription.

~~[Existing law authorizes certain health care professionals to issue an order for auto-injectable epinephrine to a public or private school to be maintained at the school for the treatment of anaphylaxis that may be experienced by any person at the school. (NRS 630.374, 632.239, 633.707) Section 1 of this bill authorizes certain health care professionals to issue such an order for opioid antagonists to a public and private school for the treatment of an opioid-related drug overdose that may be experienced by any person at the school. Section 1 also provides that a health care professional is not subject to disciplinary action for issuing such an order to a school.~~

~~Existing law requires each public school, including each charter school, to obtain an order from certain health care professionals for auto-injectable epinephrine to maintain the drug at the school. (NRS 386.870) Existing law similarly authorizes a private school to obtain and maintain auto-injectable epinephrine at the school. (NRS 394.1995) Section 5 of this bill enacts a similar requirement on each public school, including each charter school, to obtain and maintain an order for opioid antagonists. Section 8 of this bill similarly authorizes a private school to obtain and maintain opioid antagonists at the school. If a public or private school obtains an order for opioid antagonists, sections 3, 5 and 8 of this bill allow a school nurse or other designated employee of the public or private school, as applicable, who has received training in the storage and administration of opioid antagonists to possess and administer opioid antagonists to a pupil on the premises of the school during the school day who is reasonably believed to be experiencing an opioid-related drug overdose. Sections 6-8 of this bill require training in the storage and administration of opioid antagonists to be provided to designated employees of a public or private school.~~

~~Section 9 of this bill requires a registered pharmacist to transfer an order for an opioid antagonist to another registered pharmacist at the request of a public or private school for which the order was issued. Section 9 also exempts a pharmacist who dispenses an opioid antagonist pursuant to such an order from liability for certain damages relating to the acquisition, possession, provision or administration of an opioid antagonist not amounting to gross negligence or reckless, willful or wanton conduct.]~~

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

Section 1. ~~[Chapter 453C of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. Notwithstanding any other provision of law, a health care professional authorized to prescribe an opioid antagonist may issue to a public or private school an order to allow the school to obtain and maintain opioid antagonists at the school, regardless of whether any person at the school has been diagnosed with a condition which may cause the person to require such medication for the treatment of an opioid-related drug overdose.*~~

~~*2. An order issued pursuant to subsection 1 must contain:*~~

~~*(a) The name and signature of the health care professional and the address of the health care professional if not immediately available to the pharmacist;*~~

~~*(b) The classification of the license of the health care professional;*~~

~~*(c) The name of the public or private school to which the order is issued;*~~

~~*(d) The name, strength and quantity of the opioid antagonist authorized to be obtained and maintained by the order; and*~~

~~*(e) The date of issue.*~~

~~*3. A health care professional is not subject to disciplinary action solely for issuing a valid order pursuant to subsection 1 to a public or private school and without knowledge of a specific natural person who requires the medication.*~~

~~*4. A health care professional is not liable for any error or omission concerning the acquisition, possession, provision or administration of an opioid antagonist maintained by a public or private school pursuant to an order issued by the health care professional pursuant to subsection 1 not resulting from gross negligence or reckless, willful or wanton conduct of the health care professional.*~~

~~*5. As used in this section:*~~

~~*(a) "Private school" has the meaning ascribed to it in NRS 394.103.*~~

~~*(b) "Public school" has the meaning ascribed to it in NRS 385.007.]*~~ **(Deleted by amendment.)**

Sec. 2. NRS 453C.120 is hereby amended to read as follows:

453C.120 1. Notwithstanding any other provision of law, a registered pharmacist may ***, with or without a prescription from a health care professional authorized to prescribe an opioid antagonist,*** furnish an opioid antagonist in accordance with standardized procedures or protocols developed and approved by the State Board of Pharmacy pursuant to this section.

2. The State Board of Pharmacy ~~[may,]~~ ***:***

(a) May, in consultation with representatives of the Nevada Pharmacist Association, other appropriate professional licensing boards, state agencies

and other interested parties, develop standardized procedures or protocols to enable a registered pharmacist and other appropriate entities to furnish an opioid antagonist pursuant to this section.

(b) May not prohibit a pharmacist from furnishing an opioid antagonist to a person without a prescription.

3. Standardized procedures or protocols adopted pursuant to this section must ensure that a person receive education before being furnished with an opioid antagonist pursuant to this section. The education must include, without limitation:

(a) Information concerning the prevention and recognition of and responses to opioid-related drug overdoses;

(b) Methods for the safe administration of opioid antagonists to a person experiencing an opioid-related drug overdose;

(c) Potential side effects and adverse events connected with the administration of opioid antagonists;

(d) The importance of seeking emergency medical assistance for a person experiencing an opioid-related drug overdose even after the administration of an opioid antagonist; and

(e) Information concerning the provisions of NRS 453C.150.

4. A pharmacist shall, before furnishing an opioid antagonist pursuant to this section, complete a training program on the use of opioid antagonists. The program must include at least 1 hour of approved continuing education on the use of opioid antagonists.

5. This section does not:

(a) Affect any provision of law concerning the confidentiality of medical information.

(b) Confer any authority on a registered pharmacist to prescribe an opioid antagonist or any other prescription medication or controlled substance.

Sec. 3. ~~[NRS 454.303 is hereby amended to read as follows:~~

~~"454.303 A school nurse or other employee of a public or private school who is authorized pursuant to NRS 386.870 or 394.1995 to administer auto-injectable epinephrine *or an opioid antagonist* may possess and administer auto-injectable epinephrine *or an opioid antagonist, as applicable,* maintained by the school if the school nurse or other employee has received training in the proper storage and administration of auto-injectable epinephrine *or an opioid antagonist, as applicable,* as required by NRS 386.870 or 394.1995.~~**]** **(Deleted by amendment.)**

Sec. 4. ~~[NRS 386.865 is hereby amended to read as follows:~~

~~"386.865 1. Each public school shall ensure that auto-injectable epinephrine *and any opioid antagonist* maintained at the school is stored in a designated, secure location that is unlocked and easily accessible.~~

~~2. Each school district shall establish a policy for the schools within the district, other than charter schools, regarding the proper handling and transportation of auto-injectable epinephrine~~ **[.]** ~~*and opioid antagonists.*~~

~~3. Not later than 30 days after the last day of each school year, each school district and charter school shall submit a report to the Division of Public and Behavioral Health of the Department of Health and Human Services identifying the number of doses of auto-injectable epinephrine *and opioid antagonists* that were administered at each public school within the school district or charter school, as applicable, during the school year.~~**]** **(Deleted by amendment.)**

Sec. 5. **[**~~NRS 386.870 is hereby amended to read as follows:~~

~~386.870 1. Each public school, including, without limitation, each charter school, shall obtain an order from a physician, osteopathic physician, physician assistant or advanced practice registered nurse, for auto-injectable epinephrine pursuant to NRS 630.374, 632.239 or 633.707 and acquire at least two doses of the medication to be maintained at the school. If a dose of auto-injectable epinephrine maintained by the public school is used or expires, the public school shall ensure that at least two doses of the medication are available at the school and obtain additional doses to replace the used or expired doses if necessary.~~

~~2.~~ ***Each public school, including, without limitation, each charter school, shall obtain an order from a health care professional authorized to prescribe an opioid antagonist for an opioid antagonist pursuant to section 1 of this act and acquire at least two doses of the medication to be maintained at the school. If a dose of an opioid antagonist maintained by the public school is used or expires, the public school shall ensure that at least two doses of the medication are available at the school and obtain additional doses to replace the used or expired doses if necessary.***

~~*3.*~~ Auto-injectable epinephrine ~~*or an opioid antagonist*~~ maintained by a public school pursuant to this section may be administered:

~~(a) At a public school other than a charter school, by a school nurse or any other employee of the public school who has been designated by the school nurse and has received training in the proper storage and administration of auto-injectable epinephrine~~ **[**~~;~~**]** ~~*or an opioid antagonist, as applicable;*~~ ~~or~~

~~(b) At a charter school, by the employee designated to be authorized to administer auto-injectable epinephrine *or an opioid antagonist, as applicable,* pursuant to NRS 388A.547 if the person has received the training in the proper storage and administration of auto-injectable epinephrine~~ **[**~~.~~

~~3.~~**]** ~~*or the opioid antagonist, as applicable.*~~

~~*4.*~~ ~~A school nurse or other designated employee of a public school may administer auto-injectable epinephrine *or an opioid antagonist* maintained at the school to any pupil on the premises of the public school during regular school hours whom the school nurse or other designated employee reasonably believes is experiencing anaphylaxis~~ **[**~~.~~

~~4.~~**]** ~~*or an opioid-related drug overdose, as applicable.*~~

~~*5.*~~ ~~A public school may accept gifts, grants and donations from any source for the support of the public school in carrying out the provisions of this section, including, without limitation, the acceptance of auto-injectable~~

~~epinephrine *or opioid antagonists* from a manufacturer or wholesaler of auto-injectable epinephrine **[.]** *or opioid antagonists.*~~

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

~~*(a) "Health care professional" has the meaning ascribed to it in NRS 453C.030.*~~

~~*(b) "Opioid antagonist" has the meaning ascribed to it in NRS 453C.040.*~~

~~*(c) "Opioid-related drug overdose" has the meaning ascribed to it in NRS 453C.050.]*~~ **(Deleted by amendment.)**

Sec. 6. ~~**[**NRS 388A.547 is hereby amended to read as follows:~~

~~388A.547 1. Each charter school shall designate one or more employees of the school who is authorized to administer auto-injectable epinephrine **[.]** *and an opioid antagonist.*~~

~~2. Each charter school shall ensure that each person so designated receives training in the proper storage and administration of auto-injectable epinephrine **[.]** *and opioid antagonists.*~~

~~*3. As used in this section, "opioid antagonist" has the meaning ascribed to it in NRS 453C.040.]*~~ **(Deleted by amendment.)**

Sec. 7. ~~**[**NRS 391.291 is hereby amended to read as follows:~~

~~391.291 1. The provision of nursing services in a school district by school nurses and other qualified personnel must be under the direction and supervision of a chief nurse who is a registered nurse as provided in NRS 632.240 and who:~~

~~(a) Holds an endorsement to serve as a school nurse issued pursuant to regulations adopted by the Commission; or~~

~~(b) Is employed by a state, county, city or district health department and provides nursing services to the school district in the course of that employment.~~

~~2. A school district shall not employ a person to serve as a school nurse unless the person holds an endorsement to serve as a school nurse issued pursuant to regulations adopted by the Commission.~~

~~3. The chief nurse shall ensure that each school nurse:~~

~~(a) Coordinates with the principal of each school to designate employees of the school who are authorized to administer auto-injectable epinephrine **[;]** *and opioid antagonists;* and~~

~~(b) Provides the employees so designated with training concerning the proper storage and administration of auto-injectable epinephrine **[.]** *and opioid antagonists.*~~

~~*4. As used in this section, "opioid antagonist" has the definition ascribed to it in NRS 453C.040.]*~~ **(Deleted by amendment.)**

Sec. 8. ~~**[**NRS 394.1995 is hereby amended to read as follows:~~

~~394.1995 1. A private school may obtain an order from a physician, osteopathic physician, physician assistant or advanced practice registered nurse for auto-injectable epinephrine pursuant to NRS 630.374, 632.239 or 633.707 to be maintained at the school. If a dose of auto-injectable~~

~~epinephrine maintained by the private school is used or expires, the private school may obtain additional doses of auto-injectable epinephrine to replace the used or expired auto-injectable epinephrine.~~

~~2. *A private school may obtain an order from a health care professional authorized to prescribe an opioid antagonist for an opioid antagonist pursuant to section 1 of this act to be maintained at the school. If a dose of an opioid antagonist maintained by the private school is used or expires, the private school may obtain an additional dose of an opioid antagonist to replace the used or expired opioid antagonist.*~~

~~*3.* Auto-injectable epinephrine *or an opioid antagonist* maintained by a private school pursuant to this section may be administered by a school nurse or any other employee of the private school who has received training in the proper storage and administration of auto-injectable epinephrine~~ **[**~~.~~

~~3.~~**]** ~~*or an opioid antagonist, as applicable.*~~

~~*4.* A school nurse or other trained employee may administer auto-injectable epinephrine *or an opioid antagonist* maintained at the school to any pupil on the premises of the private school during regular school hours whom the school nurse or other trained employee reasonably believes is experiencing anaphylaxis~~ **[**~~.~~

~~4.~~**]** ~~*or an opioid-related drug overdose, as applicable.*~~

~~*5.* A private school shall ensure that auto-injectable epinephrine *or any opioid antagonist* maintained at the school is stored in a designated, secure location that is unlocked and easily accessible.~~

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

~~*(a) "Health care professional" has the meaning ascribed to it in NRS 453C.030.*~~

~~*(b) "Opioid antagonist" has the meaning ascribed to it in NRS 453C.040.*~~

~~*(c) "Opioid-related drug overdose" has the meaning ascribed to it in NRS 453C.050.]*~~ **(Deleted by amendment.)**

Sec. 9. **[**~~NRS 639.2357 is hereby amended to read as follows:~~

~~639.2357 1. Upon the request of a patient, or a public or private school or an authorized entity for which an order was issued pursuant to NRS 630.374, 632.239~~ **[**~~or~~**]** **,** ~~633.707~~ **[**~~,~~**]** ~~*or section 1 of this act,* a registered pharmacist shall transfer a prescription or order to another registered pharmacist.~~

~~2. A registered pharmacist who transfers a prescription or order pursuant to subsection 1 shall comply with any applicable regulations adopted by the Board relating to the transfer.~~

~~3. The provisions of this section do not authorize or require a pharmacist to transfer a prescription or order in violation of:~~

~~(a) Any law or regulation of this State;~~

~~(b) Federal law or regulation; or~~

~~(c) A contract for payment by a third party if the patient is a party to that contract.~~

~~4. A pharmacist is not liable for any error or omission concerning the acquisition, possession, provision or administration of auto-injectable epinephrine~~ ***or an opioid antagonist*** ~~that the pharmacist has dispensed to a public or private school or authorized entity pursuant to an order issued pursuant to NRS 630.374, 632.239~~ **[**~~or~~**]** ~~, 633.707~~ ***or section 1 of this act*** ~~not resulting from gross negligence or reckless, willful or wanton conduct of the pharmacist.~~

~~5. As used in this section~~ **[**~~, "authorized~~**]** ~~:~~

~~*(a) "Authorized* entity" has the meaning ascribed to it in NRS 450B.710.~~

~~*(b) "Opioid antagonist" has the meaning ascribed to it in NRS 453C.040.]*~~ **(Deleted by amendment.)**

Sec. 10. **[**~~The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.~~**]** **(Deleted by amendment.)**

Sec. 11. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2017, for all other purposes.

Assemblyman Sprinkle moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer, Assembly Bills Nos. 370 and 428 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 26, 101, 242, 253, and 298 be taken from their positions on the General File and placed after Assembly Bill No. 485 on the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Joint Resolution No. 10 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 10.

Resolution read third time.

Remarks by Assemblymen Brooks, Edwards, Marchant, Hansen, Elliot Anderson, and Fumo.

ASSEMBLYMAN BROOKS:

Assembly Joint Resolution No. 10 expresses opposition to the development of a repository for spent nuclear fuel and high-level radioactive waste at Yucca Mountain in the state of Nevada. The resolution protests any attempt by the United States Congress to move forward with the repository for spent nuclear fuel and high-level radioactive waste at the site; calls on the President of the United States to veto legislation that would locate such waste in this state; and calls on the Secretary of Energy to find the proposed repository unsuitable, abandon consideration of Yucca Mountain as a site, and initiate a process to find alternative strategies for dealing with such waste.

As a fourth generation Nevadan, it is disturbing to me that Washington is even considering ignoring years of bipartisan work to end any kind of licensing at Yucca Mountain. This resolution is now more important than ever. Congress needs to understand the severity of the situation. Reviving the licensing process to store nuclear waste at Yucca Mountain is not only dangerous for Nevada's health and safety, but it will be catastrophic for Nevada's tourism economy.

ASSEMBLYMAN EDWARDS:

My professional training as a naval officer included defending against and surviving a nuclear attack on my ship. In fact, it was my job to make sure that happened. The training showed me the real dangers of nuclear power. It also showed me that we could safely control and manage nuclear energy. Suffice it to say that because of my professional education and Navy experience and because of my many friendships with nuclear engineers, I am keenly aware of the fearmongering, political posturing, hype, and gross misinformation that have permeated discussions about Yucca Mountain for years. If honesty is the best policy, then Yucca Mountain discussions have been some of the worst.

Here is the crux of the bill right now, though. The Governor has already spoken in opposition to Yucca. Senator Heller has also spoken against it. Dina Titus has also spoken against it. Nevada has already poked the Washington political bear about this three times, and many times throughout the years. If we keep poking at it, I believe we will get its attention, but probably not in the way you hope. For those who are not President Trump fans—and I am guessing there are 1 or 2 or 27—you need to consider how many pokes he and the Republican Congress will take before they do something. President Trump is a businessman at his core. Leaving tens of billions of dollars sitting in escrow or trust accomplishing nothing will not make sense to him. The law has long required the federal government to find a storage facility. Its failure to do so has resulted in multiple successful lawsuits. These lawsuits are costing us billions of dollars a year. Once President Trump puts these two pieces together, he may very well put those billions of dollars to use, whether we like it or not. Remember, too, that Yucca Mountain is on federal land that we do not control. The feds could force their plans on us and we would have no say. The result might not be a smart or mutually beneficial arrangement.

I believe that to keep Nevada in the decision-making process about Yucca, we should not poke the Administration. Assembly Joint Resolution 10, I believe, diminishes Nevada's role in the conversation and in that decision-making process. We could do a variety of things at Yucca aside from long-term nuclear storage. But if we keep poking the Republican majority and the Administration, we will get a response from an Administration that relishes counterpunching. Do you really want to risk that? There is no good reason for us to do this. This does not serve the interests of our constituents. Nevada has made its point about Yucca Mountain plenty already, and I fear that if we keep pushing, we might get counterpunched. I think it is fair to say that the Trump Administration is like no other. I believe that we need to adapt to the new reality and not poke it. Therefore, I would urge that we all vote no.

ASSEMBLYMAN MARCHANT:

I will also be voting no today, but not because I want Yucca Mountain to be a permanent repository of nuclear waste. I would like to take the opportunity, since President Trump may want to really do something about this, to talk to him about repurposing the plant to something that can benefit Nevada and allow us to make billions of dollars for the state of Nevada. That would be my goal—to convince President Trump to look at it in another way.

ASSEMBLYMAN HANSEN:

I actually rise in support of Assembly Joint Resolution 10. I believe right now that in Nevada, if we were to have a referendum on Yucca Mountain, I do not think there is any question that the citizens of the state of Nevada would oppose having the nuclear dump. I will say that in my own party, I will bet it is closer to 50-50. However, I think there is something very important about this whole issue that is beyond Yucca Mountain.

I think Nevadans have a right to determine how we use the public lands within the borders of the state of Nevada. There is a huge inconsistency in our body on these issues. On the one hand, we are going to say we do not want the federal government forcing Yucca Mountain down our throat, and on the other hand, we say these are federal public lands. There are 330 million Americans that essentially own the public lands in the state of Nevada. There are only 3 million Nevadans. So even if all Nevadans, every single one of them, said no, there are still 327 million Americans that have a right to use the public lands in the state of Nevada. If they decide they want to put all of their garbage into our backyard, that is their right because it is also their backyard. It is the old joke about democracy: What is democracy? It is two wolves and sheep voting on what to eat for lunch. In this case, it is 49 other states determining where to put the trash, and we are the one sheep.

I would say this: If we are going to be consistent, we have to have state control of the public lands within the state of Nevada. Right now in Nevada, we have 3 million acres that are tied up in the nuclear test range; we have 2.5 million acres that are tied up in wilderness study areas; we now have Gold Butte and Basin and Range National Monuments that were created with the stroke of a pen. Over a million acres were pretty much taken away from the rights of Nevadans. The naval test range in the Fallon area is going up to 900,000 acres of public lands that we are no longer going to be able to access.

If we are going to be consistent in this body, in 2013 we passed—and you were here, Mr. Speaker, at the time—we voted for A.B. 227 in which we called for a study for the state of Nevada to determine if it is feasible for us to transfer the public lands in Nevada to some level of state ownership. All 17 counties participated in this; all 17 counties supported it. It is feasible, it is something we should do. If this body is going to be consistent and say no to Yucca Mountain, then we better say yes to the idea of Nevada taking over more control of its own public lands. Frankly, in a democracy when you are sharing the ownership of this land with 330 million other Americans, we really do not have a right to tell them no. They have every bit as much right to the ownership of this land as we do. On behalf of the state of Nevada, I urge my colleagues to vote yes on this, but then in the future when we have these other resolutions, we better be consistent. We cannot, on the one hand, salute the President for using the Antiquities Act to take away a million acres—

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

We have three minutes, but I would also ask you to speak to the resolution and not to other bills.

ASSEMBLYMAN HANSEN:

Very good. I will jump on that, I promise, when that comes up in the next few days, Mr. Speaker. The bottom line is if we are going to be consistent in this body, we need to be consistent on all our public lands policies.

ASSEMBLYMAN ELLIOT ANDERSON:

For me, this issue is pretty simple. I would say to my colleagues that when it comes down to it, we do not get the benefits of energy from nuclear waste because we do not want it, so we should not be forced to take the negative side. The states that have decided to pursue nuclear energy as a policy should be the ones to deal with that nuclear waste. We have determined in our energy portfolio that we want to go with clean energy because we do not create those byproducts. It is only right that the states that have chosen to go with that type of energy policy should deal with the negative effects. It is just a bit of personal responsibility on their part that they need to take that waste and quit jamming it down our throats.

ASSEMBLYMAN FUMO:

I also rise in support of Assembly Joint Resolution 10. I, for one, am not afraid of a fight. I stand in support of A.J.R. 10. I do not see it as poking the Administration; I see it as standing up for what we think is right. It is frustrating to see politicians in Washington, D.C. completely ignoring the will and the safety of Nevadans.

Storing nuclear waste a hundred miles from Las Vegas in an unstable and unsuitable environment is incredibly dangerous, not to mention that it will threaten the lifeblood of our economy in Las Vegas, tourism. I am proud of all the Nevada elected officials for standing united with our federal delegation to work together across party lines to stop this and protect every Nevadan. We need to send a clear message to Congress that we will not stand for our state to be used as a dumping ground for nuclear waste. We need to pass A.J.R. 10.

Roll call on Assembly Joint Resolution No. 10:

YEAS—32.

NAYS—Edwards, Ellison, Krasner, Marchant, Oscarson, Wheeler—6.

EXCUSED—Paul Anderson, Araujo, Hambrick, Woodbury—4.

Assembly Joint Resolution No. 10 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 35.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 35 expands the authority of Nevada's Commissioner of Insurance to examine and supervise insurers. The bill adopts portions of the National Association of Insurance Commissioners' [NAIC] Corporate Governance Annual Disclosure Model Act, which increases the disclosure requirements for all insurers domiciled in Nevada. It also adopts portions of the NAIC's Insurance Holding Company System Regulatory Act, which allows the Commissioner to act as a supervisor for an internationally active insurance group in certain circumstances. Finally, A.B. 35 makes changes to provisions governing captive insurers, including, without limitation, state-chartered risk retention groups.

Roll call on Assembly Bill No. 35:

YEAS—36.

NAYS—Krasner, Marchant—2.

EXCUSED—Paul Anderson, Araujo, Hambrick, Woodbury—4.

Assembly Bill No. 35 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 54.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 54 revises the circumstances under which an employer is required to report certain accidents or motor vehicle crashes to the Division of Industrial Relations. The bill requires an employer to report an accident or crash if it results in the hospitalization of at least one employee, rather than the current standard of three or more. Additionally, if the accident or crash causes the loss of an eye or an amputation, the employer must report it to the Division within 24 hours.

Roll call on Assembly Bill No. 54:

YEAS—38.

NAYS—None.

EXCUSED—Paul Anderson, Araujo, Hambrick, Woodbury—4.

Assembly Bill No. 54 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 61.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 61 allows the Commissioner of Financial Institutions to authorize a foreign trust company licensed in another state and subject to federal regulation to act as a fiduciary, solicit business, and engage in the business of a trust company in Nevada without first obtaining a license in Nevada under certain circumstances. The bill also allows the Commissioner to authorize a foreign independent trust company, licensed in another state but not subject to federal regulation, to solicit business in Nevada without first obtaining a license in Nevada under certain circumstances.

Roll call on Assembly Bill No. 61:

YEAS—38.

NAYS—None.

EXCUSED—Paul Anderson, Araujo, Hambrick, Woodbury—4.

Assembly Bill No. 61 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 64.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 64 provides that a student with a disability who does not satisfy certain State Board of Education requirements for a standard high school diploma may receive a standard diploma by demonstrating proficiency through a portfolio of work, or may receive an adjusted diploma by satisfying the requirements of his or her individualized education program.

Roll call on Assembly Bill No. 64:

YEAS—38.

NAYS—None.

EXCUSED—Paul Anderson, Araujo, Hambrick, Woodbury—4.

Assembly Bill No. 64 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 70.

Bill read third time.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Assembly Bill 70 limits to 18 percent the amount of the property tax revenue collected in a redevelopment area that must be set aside to improve and preserve public educational facilities

that are located within the redevelopment area or that serve pupils who reside within the redevelopment area. The bill also removes the requirement that the educational facilities be existing facilities, expands the purposes for which money may be spent in connection with such facilities, and authorizes such spending for facilities, educational programs, and activities that are located in or within one mile of the redevelopment area.

Roll call on Assembly Bill No. 70:

YEAS—34.

NAYS—Ellison, McArthur, Titus, Wheeler—4.

EXCUSED—Paul Anderson, Araujo, Hambrick, Woodbury—4.

Assembly Bill No. 70 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 89.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Assembly Bill 89 prohibits the Department of Health and Human Services from suspending programs and duties relating to the collection and dissemination of information relating to surgical centers for ambulatory patients. In addition, the measure requires the Division of Public and Behavioral Health to submit a quarterly report to the Legislature concerning information submitted to the Division by a surgical center for ambulatory patients relating to the discharge location of its patients.

Just a quick mention to all those who came together and supported this. It was a long road but they did it. I appreciate the Nevada Hospital Association and the Nevada Ambulatory Surgery Center Association working together to make this happen.

Roll call on Assembly Bill No. 89:

YEAS—38.

NAYS—None.

EXCUSED—Paul Anderson, Araujo, Hambrick, Woodbury—4.

Assembly Bill No. 89 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 95.

Bill read third time.

Roll call on Assembly Bill No. 95:

YEAS—38.

NAYS—None.

EXCUSED—Paul Anderson, Araujo, Hambrick, Woodbury—4.

Assembly Bill No. 95 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 98.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 98, as amended, removes the limit on the number of people employed within the Office of Grant Procurement, Coordination and Management of the Department of Administration from two unclassified positions in addition to the Administrator and instead allows the Administrator to hire the necessary number of classified and unclassified employees within the limits of money appropriated or authorized.

Roll call on Assembly Bill No. 98:

YEAS—38.

NAYS—None.

EXCUSED—Paul Anderson, Araujo, Hambrick, Woodbury—4.

Assembly Bill No. 98 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 107.

Bill read third time.

Remarks by Assemblywoman Bilbray-Axelrod.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Assembly Bill 107 provides that the eviction case court file in any action for summary eviction is automatically sealed if summary eviction is denied or dismissed or the landlord fails to file an affidavit of complaint as required.

Roll call on Assembly Bill No. 107:

YEAS—38.

NAYS—None.

EXCUSED—Paul Anderson, Araujo, Hambrick, Woodbury—4.

Assembly Bill No. 107 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 117.

Bill read third time.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Assembly Bill 117 requires school districts to adopt a policy ensuring that each student in grades 9 through 12 at a public high school will meet individually with an educational staff member at least once a year to review the student's academic plan. Such a meeting must use the student's academic records and the results of certain tests and assessments, if those results are available, to review areas of the student's academic strengths and weaknesses.

If it is determined that the student requires remediation, the staff member must coordinate with the student and his or her parent or guardian to revise the student's academic plan.

When we are not in this building, I am always visiting high schools and speaking to kids. I am very passionate about it. I think it is incredibly important. Mentoring is very important to me. One of the conversations we often have is what is your end goal, what is your objective after you graduate and they often say college. When I ask them Do you know the process, do you know what you need in order for you to go to whatever university you want, they always say no. They have no idea because they have never sat down and done that roadmap.

I know some colleagues in here are intending to vote no because you think this is an unfunded mandate, but it is not. Already by law, in NRS [*Nevada Revised Statutes*], there must be an academic plan that must be visited every single year. That is already in the law. They have to do that already. All I am saying is, when you meet and have that academic plan reviewed, you

have this conversation about the roadmap to where you are going, whether it is a trade school, or UNLV [University of Nevada, Las Vegas], or Harvard, or UNR [University of Nevada, Reno]. So I urge those of you considering voting no because you think it is an unfunded mandate, it is not. I would really appreciate your support on this bill.

Roll call on Assembly Bill No. 117:

YEAS—33.

NAYS—Ellison, Marchant, McArthur, Titus, Wheeler—5.

EXCUSED—Paul Anderson, Araujo, Hambrick, Woodbury—4.

Assembly Bill No. 117 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 125.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Assembly Bill 125 changes provisions related to court interpreters. The Court Administrator is required to adopt regulations for a program to certify or register court interpreters for persons with limited English proficiency who are witnesses, defendants, and litigants. The measure provides that a court interpreter is required to obtain a certificate or registration. In addition, provisions relating to the appointment of alternate court interpreters are removed. Lastly, a court will appoint an interpreter if a certified or registered court interpreter is not available.

I want to clarify for my colleagues that this is a bright line. We as a state are saying that in order for someone to be competent to interpret in a court proceeding, they should be certified or they should be registered. In my eyes, it is not valid for someone who does not have the competency to do the interpreting to be appointed to do so. We as legislators are saying that this is what all courts in our state should strive to provide for limited English proficient people. I would also like to remind my colleagues that through the amendment, I did remove the part about having to be applied to civil proceedings and I hope that everyone supports this measure.

Roll call on Assembly Bill No. 125:

YEAS—38.

NAYS—None.

EXCUSED—Paul Anderson, Araujo, Hambrick, Woodbury—4.

Assembly Bill No. 125 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 128.

Bill read third time.

Roll call on Assembly Bill No. 128:

YEAS—38.

NAYS—None.

EXCUSED—Paul Anderson, Araujo, Hambrick, Woodbury—4.

Assembly Bill No. 128 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 133.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 133, among other things, provides that a request for emergency assistance by a tenant does not constitute a nuisance.

It may not be completely clear about why I am doing this based upon reading the measure, so I thought I would speak. This is a bill to protect victims of crime, particularly victims who have suffered domestic violence. In a number of other states and municipalities, landlords have gone after victims of domestic violence for repeatedly calling police, even though they were making those calls in good faith. The bill is supported by local governments, after the amendments. Thank you, and I would appreciate your support.

Roll call on Assembly Bill No. 133:

YEAS—37.

NAYS—Ellison.

EXCUSED—Paul Anderson, Araujo, Hambrick, Woodbury—4.

Assembly Bill No. 133 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 135.

Bill read third time.

Remarks by Assemblymen Yeager, Tolles, and Mr. Speaker.

ASSEMBLYMAN YEAGER:

Assembly Bill 135 deals with prosecutions involving driving under the influence of a controlled substance as well as boating under the influence of a controlled substance. The measure does two things. It eliminates urine tests so that blood tests would be required for prosecutions, and the second thing that is does is require that a certain marijuana metabolite be tested for. That is a marijuana metabolite that is scientifically proven to actually impair a driver.

I know there have been some concerns expressed about Assembly Bill 135 as it may relate to workers' compensation. Although this bill deals with prosecutions for driving under the influence, I realize there are some concerns, and I am committed to working with folks that have expressed those concerns to try and have those resolved by the end of session.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I also agreed to provide an opportunity to address the workers' compensation implications as they were not relevant to this particular bill, but something that had a tangential effect that we will certainly address.

ASSEMBLYWOMAN TOLLES:

I also rise in support of Assembly Bill 135 because it does provide law enforcement with a more accurate measure of driving impairments. I do share those concerns about the potential impact on workers' compensation regulations and will join you all in working to address those concerns in legislation relating to those corresponding chapters.

Roll call on Assembly Bill No. 135:

YEAS—34.

NAYS—Ellison, Marchant, McArthur, Titus—4.

EXCUSED—Paul Anderson, Araujo, Hambrick, Woodbury—4.

Assembly Bill No. 135 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 150.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 150 makes changes to the regulation of private professional guardians, including revising the qualifications needed for a person to serve as a private professional guardian. Each entity that serves as a private professional guardian must employ a private professional guardian who is certified by the Center for Guardianship Certification. The measure also requires certain persons working for a private professional guardian entity to submit fingerprints to the Division of Financial Institutions every five years.

Roll call on Assembly Bill No. 150:

YEAS—38.

NAYS—None.

EXCUSED—Paul Anderson, Araujo, Hambrick, Woodbury—4.

Assembly Bill No. 150 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 169.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 169 provides that a county recorder has the discretion to accept and record a document that does not meet formatting requirements and removes the fee charged for such documents. The bill also sets the recording fee for certain documents at $25 and $1 per page for copying a record. Finally, the bill increases the additional fee collected for recording certain documents from $3 to $5. This bill is effective on October 1, 2017.

Roll call on Assembly Bill No. 169:

YEAS—33.

NAYS—Krasner, Marchant, McArthur, Titus, Wheeler—5.

EXCUSED—Paul Anderson, Araujo, Hambrick, Woodbury—4.

Assembly Bill No. 169 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 173.

Bill read third time.

Remarks by Assemblywoman Krasner.

ASSEMBLYWOMAN KRASNER:

Assembly Bill 173 changes the requirements for applying for a name change. The applicant for a name change must submit with the verified petition to the district court a statement signed under penalty of perjury that the applicant is not changing his or her name for a fraudulent purpose. In addition, the requirement that an applicant publish a notice of the name change in a newspaper of general circulation in the county once a week for three weeks in a row is changed to one time.

Roll call on Assembly Bill No. 173:

YEAS—37.

NAYS—Pickard.

EXCUSED—Paul Anderson, Araujo, Hambrick, Woodbury—4.

Assembly Bill No. 173 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 180.

Bill read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Assembly Bill 180 enacts the Juvenile Justice Bill of Rights. The measure sets forth certain rights of a child who is detained in a detention facility and requires the facility to inform the child of those rights. However, reasonable restrictions on the rights of a child may be imposed if those restrictions are necessary to preserve order, security, or safety. A child who believes that his or her rights have been violated is authorized to raise and redress a grievance. Lastly, each detention facility must establish policies to ensure that a child who is detained has timely access to clinically appropriate psychotropic medication. This bill is effective on July 1, 2017.

Roll call on Assembly Bill No. 180:

YEAS—38.

NAYS—None.

EXCUSED—Paul Anderson, Araujo, Hambrick, Woodbury—4.

Assembly Bill No. 180 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 190.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Assembly Bill 190 expands certain statutory requirements related to the completion of safety and health hazard recognition and prevention training to workers and supervisors at sites related to the entertainment industry. Not later than 15 days after an individual is hired, a worker or supervisory employee is required to obtain a card stating that he or she has completed an approved training course, and the completion card must be presented to the employer. If a worker or supervisory employee fails to do so, the employer must suspend or terminate the employment of the individual. The bill provides that an employer who fails to suspend or terminate an employee, as required, is subject to an administrative fine.

The measure also provides that for the first year after the effective date of the bill, employees may satisfy the safety training requirements by completing an alternative course provided by an employer, and it requires such an employer to maintain certain records. Finally, A.B. 190 requires the Division of Industrial Relations of Nevada's Department of Business and Industry to approve courses for fulfilling the requirements of the bill and directs the Division to establish a registry of providers of approved courses. This bill is effective on January 1, 2018. The provisions of the bill allowing an employee to satisfy the safety training requirements by completing an alternative course provided by an employer expire on December 31, 2018.

Roll call on Assembly Bill No. 190:

YEAS—33.

NAYS—Hansen, Marchant, McArthur, Titus, Wheeler—5.

EXCUSED—Paul Anderson, Araujo, Hambrick, Woodbury—4.

Assembly Bill No. 190 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 196.

Bill read third time.

Remarks by Assemblyman McCurdy.

ASSEMBLYMAN MCCURDY:

Assembly Bill 196 requires the Commission on Professional Standards in Education to establish by regulation the requirements for a teacher, administrator, or other educator to obtain an endorsement in cultural competency on his or her license.

Cultural competency is a key in today's culturally diverse classrooms. It can be learned and practiced to better serve diverse students, their families, and their communities. I urge all my colleagues to support this piece of legislation. Thank you.

Roll call on Assembly Bill No. 196:

YEAS—32.

NAYS—Ellison, Hansen, Marchant, McArthur, Titus, Wheeler—6.

EXCUSED—Paul Anderson, Araujo, Hambrick, Woodbury—4.

Assembly Bill No. 196 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 218.

Bill read third time.

Roll call on Assembly Bill No. 218:

YEAS—37.

NAYS—Titus.

EXCUSED—Paul Anderson, Araujo, Hambrick, Woodbury—4.

Assembly Bill No. 218 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 26, 101, 228, 231, 232, 235, 241, 242, 244, 246, 253, 255, 286, 297, 298, 304, 310, 316, 317, 324, 340, 346, 347, 350, 356, 372, 376, 393, 410, 412, 424, 427, 444, 445, 455, 459, and 485; Assembly Joint Resolutions Nos. 4, 9, 11, and 13; Assembly Joint Resolution No. 10 of the 78th Session be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to Gerald O'Driscoll and Maralene Martin.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Monday, April 24, 2017, at 2 p.m.

Motion carried.

Assembly adjourned at 1:32 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

The

Journal of the Assembly

OF THE

SEVENTY-NINTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2017

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

VOLUME 2

THE SEVENTY-EIGHTH DAY

SEE VOLUME 1 FOR TABLE OF CONTENTS
SEE VOLUME 6 FOR INDEX

ARRANGEMENT AND CONTENTS OF VOLUME 2

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ASSEMBLY PROCEEDINGS 1657

THE SEVENTY-EIGHTH DAY

CARSON CITY (Monday), April 24, 2017

Assembly called to order at 3:30 p.m.

Mr. Speaker presiding.

Roll called.

All present

Prayer by the Chaplain, Pastor Chase Ward.

Lord, in Your Word it says, "First of all, then, I urge that supplications, prayers, intercessions, and thanksgivings be made for all people, for kings and all who are in high positions, that we may lead a peaceful and quiet life, godly and dignified in every way."

Today we pray for wisdom and direction. For clarity and for what is good. May You lead these public servants as they make decisions for the well-being of our state and its residents. We ask for Your presence and Your blessing. Thank You for leading. In Jesus' Name.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 12, 83, 175, 179, 245, 267, 282, 339, 361, 457, 458, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 105, 109, 161, 165, 262, 354, 381, 425, 431, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 163, 199, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 359, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was rereferred Assembly Bill No. 454, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRENE BUSTAMANTE ADAMS, *Chair*

Mr. Speaker:

Your Committee on Corrections, Parole, and Probation, to which was referred Assembly Bill No. 259, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Corrections, Parole, and Probation, to which was referred Assembly Bill No. 303, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Corrections, Parole, and Probation, to which was referred Assembly Bill No. 420, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OHRENSCHALL, *Chair*

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 49, 77, 186, 188, 275, 292, 312, 320, 348, 407, 409, 491, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Assembly Bill No. 400, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TYRONE THOMPSON, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 41, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which were referred Assembly Bills Nos. 106, 277, 404, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 309, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 406, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was rereferred Assembly Bill No. 100, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 113, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 203, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 249, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 307, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 422, 429, 440, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 474, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL C. SPRINKLE, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 122, 123, 130, 136, 243, 260, 268, 278, 314, 319, 362, 365, 377, 413, 414, 438, 453, 470, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 226, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 272, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Legislative Operations and Elections, to which were referred Assembly Bill No. 403; Assembly Joint Resolution No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 418, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 478, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Legislative Operations and Elections, to which was referred Assembly Concurrent Resolution No. 9, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

OLIVIA DIAZ, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 32, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bills Nos. 52, 159, 209, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 449, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HEIDI SWANK, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which were referred Assembly Bills Nos. 62, 94, 266, 294, 375, 402, 436, 439, 486, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DINA NEAL, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 68, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD CARRILLO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 21, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 78, 83, 105, 108, 145, 183, 194, 199, 215, 226, 245, 259, 260, 320, 356, 366, 384, 393, 397, 406, 429, 448, 452, 469, 480, 481.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 21, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 428.

MARK KRMPOTIC
Fiscal Analysis Division

April 24, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 104.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 309, 354, 416 and 434.

CINDY JONES
Fiscal Analysis Division

April 24, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 235.

MARK KRMPOTIC
Fiscal Analysis Division

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 12, 32, 41, 49, 52, 62, 68, 77, 83, 94, 100, 105, 106, 109, 113, 122, 123, 130, 136, 159, 161, 163, 165, 175, 179, 186, 188, 199, 203, 209, 226, 243, 245, 249, 259, 260, 262, 266, 267, 268, 272, 275, 277, 278, 282, 292, 294, 303, 307, 309, 312, 314, 319, 320, 339, 348, 354, 359, 361, 362, 365, 375, 377, 381, 400, 402, 403, 404, 406, 407, 409, 413, 141, 418, 420, 422, 425, 429, 431, 436, 438, 439, 440, 449, 453, 454, 457, 458, 470, 474, 478, 489, and 491; Assembly Joint Resolution No. 5 just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Concurrent Resolution No. 9 just reported out of committee, be placed on the Resolution File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 272, be taken from its position on the Second Reading File and placed at the top of the Second Reading File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 223 and 360 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 83, 328, and 392 be taken from their positions on the Second Reading File and placed at the bottom of the Second Reading File.

Motion carried.

Assembly Concurrent Resolution No. 9.

Resolution read.

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

Amendment No. 509.

ASSEMBLY CONCURRENT RESOLUTION—Directing the Legislative Commission to appoint a committee to conduct an interim study concerning the advisability and feasibility of treating certain traffic and related violations as civil infractions.

WHEREAS, Under existing law, violations of traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles are treated as criminal offenses; and

WHEREAS, As a result, residents of this State and visitors may find themselves entangled in the criminal justice system for relatively minor misconduct; and

WHEREAS, Other states treat violations of their traffic and related laws as civil infractions; and

WHEREAS, Among the purposes for which the Legislature establishes traffic laws is to minimize the differences between the traffic laws of this State and those of other states; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislative Commission is hereby directed to appoint a committee ~~[composed of three members of the Assembly and three members of the Senate, one of whom must be appointed by the Legislative Commission as Chair of the committee,]~~ to conduct an interim study concerning the advisability and feasibility of treating certain criminal violations of traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles as civil infractions; and be it further

RESOLVED, **That the committee must be composed of six Legislators as follows:**

1. Three members of the Assembly, at least one of whom represents a district no part of which is in Clark County; and

2. Three members of the Senate, at least one of whom represents a district no part of which is in Clark County; and be if further

RESOLVED, Of the members appointed to the committee who represent a district no part of which is in Clark County, at least one member must represent a district no part of which is in Clark County or Washoe County; and be it further

RESOLVED, That the Legislative Commission shall designate one of the members appointed to the committee to serve as the chair of the committee; and be it further

RESOLVED, That in performing the study, the committee shall consider issues relating to:

1. The existing laws of this State concerning the violation of traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles, and the treatment of violations of such laws as criminal offenses;

2. The related laws of other states concerning violations of such laws and their treatment of violations of such laws as criminal offenses or civil infractions;

3. The appropriate and necessary elements of a system to treat violations of such laws as civil infractions in this State, including, without limitation, computer systems, court procedures, training and staffing; and

4. The anticipated fiscal effects of a system to treat violations of such laws as civil infractions in this State, including, without limitation, the effects on this State and its political subdivisions; and be it further

RESOLVED, That any recommended legislation proposed by the committee must be approved by a majority of the members of the Assembly and a majority of the members of the Senate appointed to the committee; and be it further

RESOLVED, That the Legislative Commission submit a report of the results of the study and any recommended legislation to the Director of the Legislative Counsel Bureau for transmittal to the 80th Session of the Nevada Legislature; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Governor, the Director of the Department of Public Safety, the Director of the Department of Motor Vehicles and the Director of the Administrative Office of the Courts.

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the Resolution File.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 78.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 83.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 105.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 108.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 145.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 183.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 194.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 199.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 215.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 226.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 245.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 259.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 260.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 320.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 356.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 366.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 384.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 393.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Corrections, Parole, and Probation.

Motion carried.

Senate Bill No. 397.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 406.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 429.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 448.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 452.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 469.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 480.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 481.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 272.

Bill read second time.

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

Amendment No. 518.

CONTAINS UNFUNDED MANDATE (§§ ~~[~~2-4,~~]~~ 6, ~~[~~9, 10, 15-17, 27-29, 31, 37-39~~)]~~ **15, 17, 31, 37, 39)**

AN ACT relating to elections; ~~[~~requiring~~]~~ **authorizing** each county and city clerk to establish polling places where any registered voter of the county or city, respectively, may vote in person on the day of certain elections; requiring **, under certain circumstances,** county and city clerks to establish polling places within the boundaries of Indian reservations and colonies; requiring the preparation and use of electronic rosters; ~~[~~extending the hours for voting on election day; requiring~~]~~ **authorizing** voting materials to be provided in ~~[~~Mandarin and Cantonese; extending~~]~~ **certain languages; authorizing county and city clerks to extend** the period for early voting; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a county clerk to establish the boundaries of election precincts and authorizes election precincts to be combined into election districts. (NRS 293.205-293.209) Existing law prohibits a person from

applying for or receiving a ballot at any election precinct or district other than the one at which the person is entitled to vote. (NRS 293.730) **Section 2** of this bill ~~[requires]~~ **authorizes** a county clerk to establish one or more polling places in the county where any person entitled to vote in the county by personal appearance may do so on the day of a primary or general election. ~~[Section]~~ **If any such polling place is established: (1) section 3** of this bill requires **, with limited exception,** the county clerk to publicize the location of such polling places ~~[. Section]~~ **; and (2) section 4** of this bill requires the county clerk to prepare a roster of eligible voters in the county for any such polling place. **Section 5** of this bill sets forth the procedure for a person to vote in person at any such polling place. **Sections 27-30** of this bill set forth corresponding provisions ~~[requiring]~~ **authorizing** city clerks to establish polling places where any person who is entitled to vote in the city by personal appearance may do so on the day of the primary city or general city election. **Sections 8, 10-15, 18, 22-25, 33-37 and 40-42** of this bill make conforming changes.

Sections 6 and 31 of this bill require, under certain circumstances, county and city clerks, respectively, to establish at least one polling place within the boundaries of an Indian reservation or Indian colony at a location or locations approved by the Indian tribe.

Existing law generally requires a voter to sign his or her name in a roster when the voter applies to vote in person. (NRS 293.277, 293.285, 293C.270, 293C.275) Existing law also provides that a roster may be in printed or electronic form. **Section 7** of this bill requires a roster to be in electronic form. **Sections 19 and 21** of this bill make conforming changes. **Sections 5, 12, 12.5, 13, 17.5, 17.7, 30, 34, 34.5 and 35 of this bill allow a person to sign a signature card rather than the roster.**

Existing law requires voting materials to be provided in English and any other languages necessary to be in compliance with federal law. (NRS 293.2699) **Section 9** of this bill ~~[requires that]~~ **authorizes a county or city clerk to provide** voting materials ~~[also be provided in Mandarin and Cantonese.~~

~~Existing law provides that the polls close at 7 p.m. on election day. (NRS 293.273, 293C.267) Sections 10 and 33 of this bill provide that the polls close at 9 p.m. on election day. Section 8 of this bill makes a conforming change.]~~ **in additional languages if the clerk determines that there is a significant and substantial need for such.**

Existing law authorizes a county or city clerk to establish permanent polling places for early voting by personal appearance and provides that the period for early voting begins the third Saturday preceding an election and extends through the Friday before election day, Sundays and federal holidays excepted. (NRS 293.3564, 293.3568, 293C.3564, 293C.3568) **Sections 15 and 37** of this bill require a county or city clerk to establish at least one permanent polling place for early voting. **Sections 16 and 38** of this bill **authorize a county or city clerk to** extend the period for early voting ~~[until]~~

through the Sunday before election day. **Sections 17 and 39** of this bill require, under certain circumstances, a county or city clerk to establish at least one temporary place for early voting within the boundaries of an Indian reservation or Indian colony.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***1. [Each] A county clerk [shall] may establish one or more polling places in the county where any person entitled to vote in the county by personal appearance may do so on the day of the primary election or general election.***

2. Any person entitled to vote in the county by personal appearance may do so at any polling place established pursuant to subsection 1.

Sec. 3. ***1. [Each] Except as otherwise provided in subsection 2, if a county clerk establishes one or more polling places pursuant to section 2 of this act, the county clerk [shall publish] must:***

(a) Publish during the week before the election in a newspaper of general circulation a notice of the location of each such polling place. [established by the county clerk pursuant to section 2 of this act.

2. The county clerk shall post]

(b) Post a list of [each] the location [established pursuant to section 2 of this act] of each such polling place on any bulletin board used for posting notice of meetings of the board of county commissioners. The list must be posted continuously for a period beginning not later than the fifth business day before the election and ending at [9] 7 p.m. on the day of the election. The county clerk shall make copies of the list available to the public during the period of posting in reasonable quantities without charge.

2. The provisions of subsection 1 do not apply if every polling place in the county is a polling place where any person entitled to vote in the county by personal appearance may do so on the day of the primary election or general election.

3. No additional polling place may be established pursuant to section 2 of this act after the publication pursuant to this section [.] , except in the case of an emergency and if approved by the Secretary of State.

Sec. 4. ***1. For each polling place established pursuant to section 2 of this act, if any, the county clerk shall prepare a roster that contains, for every registered voter in the county, the voter's name, the address where he or she is registered to vote, his or her voter identification number, the voter's precinct or district number and [a place for] the voter's signature.***

2. The roster must be delivered or caused to be delivered by the county clerk to an election board officer of the proper polling place before the opening of the polls.

Sec. 5. *1. ~~[Upon]~~ Except as otherwise provided in NRS 293.283, upon the appearance of a person to cast a ballot at a polling place established pursuant to section 2 of this act, the election board officer shall:*

(a) Determine that the person is a registered voter in the county and has not already voted in that county in the election;

(b) Instruct the voter to sign the roster ~~[.]~~ or a signature card; and

(c) Verify the signature of the voter in the manner set forth in NRS 293.277.

2. If the signature of the voter does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that county in the current election.

~~[3.]~~ 5. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place where he or she applies to vote.

~~[4.]~~ 6. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical voting device for the voter;

(b) Ensure that the voter's precinct or voting district and the form of the ballot are indicated on the voting receipt, if the county clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

~~[5.]~~ 7. A voter applying to vote at a polling place established pursuant to section 2 of this act may be challenged pursuant to NRS 293.303.

Sec. 6. *1. If an Indian reservation or Indian colony is located in whole or in part within a county, the Indian tribe may submit a request to the county clerk for the establishment of a polling place within the boundaries of the Indian reservation or Indian colony.*

2. A request for the establishment of a polling place within the boundaries of an Indian reservation or Indian colony must be submitted to the county clerk by the Indian tribe on or before:

(a) If the request is for a primary election, the first Friday in January of the year in which the primary election is to be held.

(b) If the request is for a general election, the first Friday in July of the year in which the general election is to be held.

3. If the county clerk receives a request that satisfies the requirements set forth in subsection 2, the county clerk must establish at least one polling place within the boundaries of the Indian reservation or Indian colony at a location or locations, as applicable, approved by the Indian tribe.

Sec. 7. NRS 293.095 is hereby amended to read as follows:

293.095 "Roster" means the record in ~~[printed or]~~ electronic form furnished to election board officers which contains a list of eligible voters and is to be used for obtaining the signature of each person applying for a ballot.

Sec. 8. NRS 293.2546 is hereby amended to read as follows:

293.2546 The Legislature hereby declares that each voter has the right:

1. To receive and cast a ballot that:

(a) Is written in a format that allows the clear identification of candidates; and

(b) Accurately records the voter's preference in the selection of candidates.

2. To have questions concerning voting procedures answered and to have an explanation of the procedures for voting posted in a conspicuous place at the polling place.

3. To vote without being intimidated, threatened or coerced.

4. To vote on election day if the voter is waiting in line ***~~[before 9 p.m.]~~*** at ~~[his or her]~~ ***a*** polling place ***at which he or she is entitled*** to vote before 7 p.m. and the voter has not already cast a vote in that election.

5. To return a spoiled ballot and is entitled to receive another ballot in its place.

6. To request assistance in voting, if necessary.

7. To a sample ballot which is accurate, informative and delivered in a timely manner.

8. To receive instruction in the use of the equipment for voting during early voting or on election day.

9. To have nondiscriminatory equal access to the elections system, including, without limitation, a voter who is elderly, disabled, a member of a minority group, employed by the military or a citizen who is overseas.

10. To have a uniform, statewide standard for counting and recounting all votes accurately.

11. To have complaints about elections and election contests resolved fairly, accurately and efficiently.

Sec. 9. NRS 293.2699 is hereby amended to read as follows:

293.2699 1. Each voting system used by a county or city shall provide voting materials in ***:***

(a) English ***; and***

(b) ~~***[Mandarin and Cantonese;***~~ and other languages

~~***(c)]***~~ ***Every language in which voting materials are required to be prepared*** in ~~[compliance with the provisions of 42 U.S.C. § 1973aa-1a.~~ ~~***any]***~~ ***the county or city*** ~~***[in the State]***~~ ***pursuant to 52 U.S.C. § 10503.***

2. ***In addition to the requirements set forth in subsection 1, if a county clerk or city clerk determines that there is a significant and substantial need for voting materials of the county or city, as applicable, to be provided in the language or languages of a minority group, the county clerk or city clerk may prepare voting materials in such language or languages. For the purposes of this subsection, there is a significant and substantial need for voting materials to be provided in the language or languages of a minority group if, without limitation, the minority group has been subject to historical discrimination and unequal educational opportunities, and, as a result, members of the minority group are of limited-English proficiency.***

3. As used in this section ~~[, the term "voting]~~ ***:***

(a) "Limited-English proficiency" means being unable to speak or understand English adequately to participate in the electoral process.

(b) "Minority group" includes, without limitation, United States citizens of Chinese heritage.

(c) "Voting materials" has the meaning ascribed to it in ~~[42]~~ ***52*** U.S.C. § ~~[1973aa-1a.]~~ ***10503.***

Sec. 10. NRS 293.273 is hereby amended to read as follows:

293.273 1. Except as otherwise provided in subsection 2 and NRS 293.305, at all elections held under the provisions of this title, the polls must open at 7 a.m. and close at 7 ~~***[9]***~~ p.m.

2. ~~[Whenever]~~ ***Except as otherwise provided in this subsection, whenever*** at any election all the votes of the ~~***[a]***~~ polling place , as shown on the roster, ~~***[not designated pursuant to section 2 of this act as a site where any person entitled to vote in the county by personal appearance may do so on the day of the election]***~~ have been cast, ~~***[as shown by the roster,]***~~ the election board officers shall close the polls, ~~***[polling place,]***~~ and the counting of votes must begin and continue without unnecessary delay until the count is completed. ***This subsection does not apply to a polling place established pursuant to section 2 of this act.***

3. Upon opening the polls, one of the election board officers shall cause a proclamation to be made that all present may be aware of the fact that applications of registered voters to vote will be received.

4. No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this title.

Sec. 11. NRS 293.275 is hereby amended to read as follows:

293.275 ~~[No]~~

1. Except as otherwise provided in subsection 2, an election board may ***not*** perform its duty in serving registered voters at any polling place in any election provided for in this title, unless it has before it the roster for the polling place.

2. For a polling place ~~[designated]~~ established pursuant to section 2 or 27 of this act, an election board may perform its duty in serving registered voters at the polling place in an election if the election board has before it the roster for the county or city, as applicable.

Sec. 12. NRS 293.277 is hereby amended to read as follows:

293.277 1. Except as otherwise provided in NRS 293.283 and 293.541, if a person's name appears in the roster or if the person provides an affirmation pursuant to NRS 293.525, the person is entitled to vote and must sign his or her name in the roster ***or on a signature card*** when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's application to register to vote or one of the forms of identification listed in subsection 2.

2. Except as otherwise provided in NRS 293.2725, the forms of identification which may be used individually to identify a voter at the polling place are:

(a) The card issued to the voter at the time he or she registered to vote;

(b) A driver's license;

(c) An identification card issued by the Department of Motor Vehicles;

(d) A military identification card; or

(e) Any other form of identification issued by a governmental agency which contains the voter's signature and physical description or picture.

3. The county clerk shall prescribe a procedure, approved by the Secretary of State, to determine that the voter has not already voted in that county in the election.

Sec. 12.5. **NRS 293.283 is hereby amended to read as follows:**

293.283 1. If, because of physical limitations, a registered voter is unable to sign his or her name in the roster ***or on a signature card*** as required by NRS 293.277, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote.

2. If the identity of the voter is verified, the election board officer shall indicate in the roster "Identified" by the voter's name.

Sec. 13. NRS 293.285 is hereby amended to read as follows:

293.285 1. Except as otherwise provided in NRS 293.283, a registered voter applying to vote shall state his or her name to the election board officer in charge of the roster, and the officer shall immediately announce the name,

instruct the voter to sign the roster ~~[, and]~~ ***or signature card,*** verify the signature of the voter in the manner set forth in NRS 293.277 ~~[.]~~ ***and verify that the registered voter has not already voted in that county in the current election.***

2. If the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

Sec. 14. NRS 293.296 is hereby amended to read as follows:

293.296 1. Any registered voter who by reason of a physical disability or an inability to read or write English is unable to mark a ballot or use any voting device without assistance is entitled to assistance from a consenting person of his or her own choice, except:

(a) The voter's employer or an agent of the voter's employer; or

(b) An officer or agent of the voter's labor organization.

2. A person providing assistance pursuant to this section to a voter in casting a vote shall not disclose any information with respect to the casting of that ballot.

3. The right to assistance in casting a ballot may not be denied or impaired when the need for assistance is apparent or is known to the election board or any member thereof or when the registered voter requests such assistance in any manner.

4. In addition to complying with the requirements of this section, the county clerk and election board officer shall, upon the request of a registered voter with a physical disability, make reasonable accommodations to allow the voter to vote at ~~[his or her]~~ ***a*** polling place ~~[.]~~ ***at which he or she is entitled to vote.***

Sec. 15. NRS 293.3564 is hereby amended to read as follows:

293.3564 1. ~~[The]~~ ***Each*** county clerk ~~[may]~~ ***shall*** establish ***at least one*** permanent polling ~~[places]~~ ***place*** for early voting by personal appearance in the county ***.*** ~~[at the locations selected pursuant to NRS 293.3561.~~

~~2. Except as otherwise provided in subsection 3, any]~~

2. ***Any*** person entitled to vote early by personal appearance may do so at any polling place for early voting.

~~[3. If it is impractical for the county clerk to provide at each polling place for early voting a ballot in every form required in the county, the county clerk may:~~

~~(a) Provide appropriate forms of ballots for all offices within a township, city, town or county commissioner election district, as determined by the county clerk; and~~

~~(b) Limit voting at that polling place to registered voters in that township, city, town or county commissioner election district.~~]

Sec. 16. NRS 293.3568 is hereby amended to read as follows:

293.3568 1. The period for early voting by personal appearance begins the third Saturday preceding a primary or general election and ***, except as otherwise provided in this subsection,*** extends through the Friday ~~***[Sunday]***~~ before election day, Sundays and federal holidays excepted. ***A county clerk may extend the period for early voting by personal appearance through the Sunday before election day.***

2. The county clerk may:

(a) ~~[Include]~~ ***Except as otherwise provided in subsection 3, include*** any Sunday or federal holiday that falls within the period for early voting by personal appearance.

(b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.

3. A permanent polling place for early voting must remain open:

(a) On Monday through Friday:

(1) During the first week of early voting, from 8 a.m. until 6 p.m.

(2) During the second week of early voting, from 8 a.m. until 6 p.m., or until 8 p.m. if the county clerk so requires.

(b) On any Saturday that falls within the period for early voting, for at least 4 hours between 10 a.m. and 6 p.m.

(c) ***If a county clerk extends the period for early voting by personal appearance through the Sunday before election day pursuant to subsection 1, on the Sunday before election day during such hours as the clerk may establish.***

(d) If the county clerk includes a ~~***[On any]***~~ Sunday that falls within the period for early voting ~~***[,]***~~ pursuant to subsection 2, during such hours as the county clerk may establish.

Sec. 17. NRS 293.3572 is hereby amended to read as follows:

293.3572 1. In addition to permanent polling places for early voting, ***except as otherwise provided in subsection*** ~~***[2,]***~~ ***3,*** the county clerk may establish temporary branch polling places for early voting which may include, without limitation, the clerk's office pursuant to NRS 293.3561.

2. ***If an Indian reservation or Indian colony is located in whole or in part within a county, the Indian tribe may submit a request to the county clerk for the establishment of a temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony.***

3. A request for the establishment of a temporary branch polling place for early voting within the boundaries of an Indian reservation or Indian colony must be submitted to the county clerk by the Indian tribe on or before:

(a) If the request is for a primary election, the first Friday in January of the year in which the primary election is to be held.

(b) If the request is for a general election, the first Friday in July of the year in which the general election is to be held.

4. If the county clerk receives a request that satisfies the requirements set forth in subsection 3, the county clerk must establish at least one temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony. The location and hours of operation of such a temporary branch polling place for early voting must be approved by the Indian tribe.

~~[3.]~~ ***5.*** The provisions of subsection 3 of NRS 293.3568 do not apply to a temporary ***branch*** polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the county clerk.

~~[~~3.~~ 4.]~~ ***6.*** The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

~~[~~4.~~ 5.]~~ ***7.*** The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.

Sec. 17.5. **NRS 293.3585 is hereby amended to read as follows:**

293.3585 1. Except as otherwise provided in NRS 293.283, upon the appearance of a person to cast a ballot for early voting, an election board officer shall:

(a) Determine that the person is a registered voter in the county.

(b) Instruct the voter to sign the roster for early voting ~~[.]~~ ***or a signature card.***

(c) Verify the signature of the voter in the manner set forth in NRS 293.277.

(d) Verify that the voter has not already voted ***in that county*** in the current election pursuant to this section.

2. If the signature of the voter does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted ***in that county*** in the current election pursuant to this section.

5. The roster for early voting ***or signature card, as applicable,*** must contain:

(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number, if that information is available; and

(c) The date of voting early in person.

6. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

7. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district, if that information is available, and the form of ballot are indicated on the voting receipt, if the county clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

8. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293.303.

Sec. 17.7. **NRS 293.3604 is hereby amended to read as follows:**

293.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election other than a presidential preference primary election:

1. At the close of each voting day, the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

(1) The title of the election;

(2) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;

(3) The number of ballots voted on the mechanical recording device for that day; ~~[and]~~

(4) The number of signatures in the roster for early voting for that day ~~[.]~~ ***; and***

(5) The number of signatures on signature cards for that day.

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293.3594; and

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293.3594.

2. At the close of the last voting day, the county clerk shall deliver to the ballot board for early voting:

(a) The statements for all polling places for early voting;

(b) The voting rosters used for early voting;

(c) ***The signature cards used for early voting;***

(d) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and

~~[(d)]~~ ***(e)*** Any other items as determined by the county clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

(a) Indicate the number of ballots on an official statement of ballots; and

(b) Place the storage devices in the container provided to transport those items to the central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the storage devices to the central counting place.

Sec. 18. NRS 293.4689 is hereby amended to read as follows:

293.4689 1. If a county clerk maintains a website on the Internet for information related to elections, the website must contain public information maintained, collected or compiled by the county clerk that relates to elections, which must include, without limitation:

(a) The locations of polling places for casting a ballot on election day in such a format that a registered voter may search the list to determine the location of the polling place ***or places*** at which the registered voter is ~~[required]~~ ***entitled*** to cast a ballot; and

(b) The abstract of votes required pursuant to the provisions of NRS 293.388.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by a county clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, another county clerk or a city clerk, the county clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 19. NRS 293.511 is hereby amended to read as follows:

293.511 ~~[If a]~~ ***The*** registrar of voters' register or ~~[roster is kept by computer, the register or]~~ roster, as applicable, must include the name, address, precinct, political affiliation and signature or facsimile thereof of each voter and any additional information required by the county clerk.

Sec. 20. NRS 293.541 is hereby amended to read as follows:

293.541 1. The county clerk shall cancel the registration of a voter if:

(a) After consultation with the district attorney, the district attorney determines that there is probable cause to believe that information in the registration concerning the identity or residence of the voter is fraudulent;

(b) The county clerk provides a notice as required pursuant to subsection 2 or executes an affidavit of cancellation pursuant to subsection 3; and

(c) The voter fails to present satisfactory proof of identity and residence pursuant to subsection 2, 4 or 5.

2. Except as otherwise provided in subsection 3, the county clerk shall notify the voter by registered or certified mail, return receipt requested, of a determination made pursuant to subsection 1. The notice must set forth the grounds for cancellation. Unless the voter, within 15 days after the return receipt has been filed in the office of the county clerk, presents satisfactory proof of identity and residence to the county clerk, the county clerk shall cancel the voter's registration.

3. If insufficient time exists before a pending election to provide the notice required by subsection 2, the county clerk shall execute an affidavit of cancellation and file the affidavit of cancellation with the registrar of voters' register and ~~[~~**:**

~~(a) In counties where records of registration are not kept by computer, the county clerk shall attach a copy of the affidavit of cancellation in the roster.~~

~~(b) In counties where records of registration are kept by computer, the county clerk shall have the affidavit of cancellation printed on the computer entry for the registration and~~**]** add a copy of ~~[~~*it*~~]~~ ***the affidavit*** to the roster.

4. If a voter appears to vote at the election next following the date that an affidavit of cancellation was executed for the voter pursuant to this section, the voter must be allowed to vote only if the voter furnishes:

(a) Official identification which contains a photograph of the voter, including, without limitation, a driver's license or other official document; and

(b) Satisfactory identification that contains proof of the address at which the voter actually resides and that address is consistent with the address listed on the roster.

5. If a determination is made pursuant to subsection 1 concerning information in the registration to vote of a voter and an absent ballot or a ballot voted by a voter who resides in a mailing precinct is received from the voter, the ballot must be kept separate from other ballots and must not be counted unless the voter presents satisfactory proof to the county clerk of identity and residence before such ballots are counted on election day.

6. For the purposes of this section, a voter registration card issued pursuant to NRS 293.517 does not provide proof of the:

(a) Address at which a person actually resides; or

(b) Residence or identity of a person.

Sec. 21. NRS 293.547 is hereby amended to read as follows:

293.547 1. After the 30th day but not later than the 25th day before any election, a written challenge may be filed with the county clerk.

2. A registered voter may file a written challenge if:

(a) He or she is registered to vote in the same precinct as the person whose right to vote is challenged; and

(b) The challenge is based on the personal knowledge of the registered voter.

3. The challenge must be signed and verified by the registered voter and name the person whose right to vote is challenged and the ground of the challenge.

4. A challenge filed pursuant to this section must not contain the name of more than one person whose right to vote is challenged. The county clerk shall not accept for filing any challenge which contains more than one such name.

5. The county clerk shall:

(a) File the challenge in the registrar of voters' register and ~~[~~:

~~(1) In counties where records of registration are not kept by computer, he or she shall attach a copy of the challenge to the challenged registration in the roster.~~

~~(2) In counties where records of registration are kept by computer, he or she shall have the challenge printed on the computer entry for the challenged registration and~~**]** add a copy of ~~[it]~~ ***the challenge*** to the roster.

(b) Within 5 days after a challenge is filed, mail a notice in the manner set forth in NRS 293.530 to the person whose right to vote has been challenged pursuant to this section informing the person of the challenge. If the person fails to respond or appear to vote within the required time, the county clerk shall cancel the person's registration. A copy of the challenge and information describing how to reregister properly must accompany the notice.

(c) Immediately notify the district attorney. A copy of the challenge must accompany the notice.

6. Upon receipt of a notice pursuant to this section, the district attorney shall investigate the challenge within 14 days and, if appropriate, cause proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay. The court shall give such proceedings priority over other civil matters that are not expressly given priority by law. Upon court order, the county clerk shall cancel the registration of the person whose right to vote has been challenged pursuant to this section.

Sec. 22. NRS 293.563 is hereby amended to read as follows:

293.563 1. During the interval between the closing of registration and the election, the county clerk shall prepare for ~~[each]~~ ***:***

(a) Each polling place a roster containing the registered voters eligible to vote at the polling place.

(b) Each polling place ~~***[designated]***~~ ***established pursuant to section 2 or 27 of this act , if any, a roster containing the registered voters eligible to vote in the county or city, respectively.***

2. The ~~[roster]~~ ***rosters*** must be delivered or caused to be delivered by the county or city clerk to an election board officer of the proper polling place before the opening of the polls.

Sec. 23. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. A county clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a county clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the county clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

5. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 4, the county clerk shall distribute the sample ballot to the registered voter by mail.

6. Before the period for early voting for any election begins, the county clerk shall distribute to each registered voter in the county by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place ~~[.]~~ ***or places.*** If the location of the polling place ***or places*** has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE ***OR PLACES*** HAS CHANGED SINCE THE LAST ELECTION

7. Except as otherwise provided in subsection 8, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN LARGE TYPE, CALL (Insert appropriate telephone number)

8. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

9. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

10. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots distributed to that person from the county are in large type.

11. The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place ***or places*** and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who

are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place ~~[.]~~ ***or places.***

12. The cost of distributing sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

Sec. 24. NRS 293.730 is hereby amended to read as follows:

293.730 1. A person shall not:

(a) Remain in or outside of any polling place so as to interfere with the conduct of the election.

(b) Except an election board officer, receive from any voter a ballot prepared by the voter.

(c) Remove a ballot from any polling place before the closing of the polls.

(d) Apply for or receive a ballot at any election precinct or district other than ~~[~~the~~]~~ one at which the person is entitled to vote.

(e) Show his or her ballot to any person, after voting, so as to reveal any of the names voted for.

(f) Inside a polling place, ask another person for whom he or she intends to vote.

(g) Except an election board officer, deliver a ballot to a voter.

(h) Except an election board officer in the course of the election board officer's official duties, inside a polling place, ask another person his or her name, address or political affiliation.

2. A voter shall not:

(a) Receive a ballot from any person other than an election board officer.

(b) Deliver to an election board or to any member thereof any ballot other than the one received.

(c) Place any mark upon his or her ballot by which it may afterward be identified as the one voted by the person.

3. Any person who violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 25. NRS 293.790 is hereby amended to read as follows:

293.790 If any person whose vote has been rejected offers to vote at the same election, at any polling place other than ~~[~~the~~]~~ one in which the person is ~~[~~registered~~]~~ ***entitled*** to vote, such person is guilty of a gross misdemeanor.

Sec. 26. Chapter 293C of NRS is hereby amended by adding thereto the provisions set forth as sections 27 to 31, inclusive, of this act.

Sec. 27. ***1. ~~[Each]~~ A city clerk ~~[shall]~~ may establish one or more polling places in the city where any person entitled to vote in the city by***

personal appearance may do so on the day of the primary city election or general city election.

2. Any person entitled to vote in the city by personal appearance may do so at any polling place established pursuant to subsection 1.

Sec. 28. *1. ~~[Each]~~ Except as otherwise provided in subsection 2, if a city clerk establishes one or more polling places pursuant to section 27 of this act, the city clerk ~~[shall publish]~~ must:*

(a) Publish during the week before the election in a newspaper of general circulation a notice of the location of each such polling place . ~~[established by the city clerk pursuant to section 27 of this act.~~

~~2. The city clerk shall post]~~

(b) Post a list of ~~[each]~~ the location ~~[established pursuant to section 27 of this act]~~ of each such polling place on any bulletin board used for posting notice of meetings of the governing body of the city. The list must be posted continuously for a period beginning not later than the fifth business day before the election and ending at ~~[9]~~ 7 p.m. on the day of the election. The city clerk shall make copies of the list available to the public during the period of posting in reasonable quantities without charge.

2. The provisions of subsection 1 do not apply if every polling place in the city is designated as a polling place where any person entitled to vote in the city by personal appearance may do so on the day of the primary city election or general city election.

3. No additional polling place may be established pursuant to section 27 of this act after the publication pursuant to this section ~~[.]~~ , except in the case of an emergency and if approved by the Secretary of State.

Sec. 29. *1. For each polling place established pursuant to section 27 of this act, if any, the city clerk shall prepare a roster that contains, for every registered voter in the city, the voter's name, the address where he or she is registered to vote, his or her voter identification number, the voter's precinct or district number and ~~[a place for]~~ the voter's signature.*

2. The roster must be delivered or caused to be delivered by the city clerk to an election board officer of the proper polling place before the opening of the polls.

Sec. 30. *1. ~~[Upon]~~ Except as otherwise provided in NRS 293C.272, upon the appearance of a person to cast a ballot at a polling place established pursuant to section 27 of this act, if any, the election board officer shall:*

(a) Determine that the person is a registered voter in the city and has not already voted in that city in the election;

(b) Instruct the voter to sign the roster ~~[.]~~ or a signature card; and

(c) Verify the signature of the voter in the manner set forth in NRS 293C.270.

2. If the signature of the voter does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the card issued to the voter at the time he or she registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The city clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that city in the current election.

~~[3.]~~ 5. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place where he or she applies to vote.

~~[4.]~~ 6. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical voting device for the voter;

(b) Ensure that the voter's precinct or voting district and the form of the ballot are indicated on the voting receipt, if the city clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

~~[5.]~~ 7. A voter applying to vote at a polling place established pursuant to section 27 of this act , if any, may be challenged pursuant to NRS 293C.292.

Sec. 31. *1. If an Indian reservation or Indian colony is located in whole or in part within a city, the Indian tribe may request to the city clerk for the establishment of a polling place within the boundaries of the Indian reservation or Indian colony.*

2. A request for the establishment of a polling place within the boundaries of an Indian reservation or Indian colony must be submitted to the city clerk by the Indian tribe on or before:

(a) If the request is for a primary city election that is held:

(1) On the dates set forth for primary elections pursuant to the provisions of chapter 293 of NRS, the first Friday in January of the year in which the primary city election is to be held.

(2) On the dates set forth for primary city elections pursuant to the provisions of this chapter, the first Friday in December of the year immediately preceding the year in which the primary city election is to be held.

(b) If the request is for a general city election that is held:

(1) On the dates set forth for general elections pursuant to the provisions of chapter 293 of NRS, the first Friday in July of the year in which the general city election is to be held.

(2) On the dates set forth for general city elections pursuant to the provisions of this chapter, the first Friday in January of the year in which the general city election is to be held.

3. If the city clerk receives a request that satisfies the requirements set forth in subsection 2, the city clerk must establish at least one polling place within the boundaries of the Indian reservation or Indian colony at a location or locations, as applicable, approved by the Indian tribe.

Sec. 32. NRS 293C.112 is hereby amended to read as follows:

293C.112 1. The governing body of a city may conduct a city election in which all ballots must be cast by mail if:

(a) The election is a special election; or

(b) The election is a primary city election or general city election in which the ballot includes only:

(1) Offices and ballot questions that may be voted on by the registered voters of only one ward; or

(2) One office or ballot question.

2. The provisions of NRS 293C.265 to 293C.302, inclusive, ***and section 31 of this act,*** 293C.305 to 293C.340, inclusive, and 293C.355 to 293C.361, inclusive, do not apply to an election conducted pursuant to this section.

3. For the purposes of an election conducted pursuant to this section, each precinct in the city shall be deemed to have been designated a mailing precinct pursuant to NRS 293C.342.

Sec. 33. NRS 293C.267 is hereby amended to read as follows:

293C.267 1. Except as otherwise provided in subsection 2 and NRS 293C.297, at all elections held pursuant to the provisions of this chapter, the polls must open at 7 a.m. and close at 7 ~~***[9]***~~ p.m.

2. Whenever at any election all the votes of the ~~***[a]***~~ polling place , ~~***[not designated pursuant to section 27 of this act as a site where any person entitled to vote in the city by personal appearance may do so on the day of the election have been cast]***~~ as shown on the roster, have been cast, the election board officers shall close the polls ~~***[polling place]***~~ and the counting of votes must begin and continue without unnecessary delay until the count is completed. ***The provisions of this subsection do not apply to any polling place established pursuant to section 27 of this act where any person entitled to vote in the city by personal appearance on the day of the election may do so.***

3. Upon opening the polls, one of the election board officers shall cause a proclamation to be made so that all present may be aware of the fact that applications of registered voters to vote will be received.

4. No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during

the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this chapter.

Sec. 34. NRS 293C.270 is hereby amended to read as follows:

293C.270 1. Except as otherwise provided in NRS 293C.272, if a person's name appears in the roster or if the person provides an affirmation pursuant to NRS 293C.525, the person is entitled to vote and must sign his or her name in the roster ***or on a signature card*** when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's application to register to vote or one of the forms of identification listed in subsection 2.

2. The forms of identification that may be used to identify a voter at the polling place are:

(a) The card issued to the voter at the time he or she registered to vote;

(b) A driver's license;

(c) An identification card issued by the Department of Motor Vehicles;

(d) A military identification card; or

(e) Any other form of identification issued by a governmental agency that contains the voter's signature and physical description or picture.

3. The city clerk shall prescribe a procedure, approved by the Secretary of State, to determine that the voter has not already voted in that city in the current election.

Sec. 34.5. **NRS 293C.272 is hereby amended to read as follows:**

293C.272 1. If, because of physical limitations, a registered voter is unable to sign his or her name in the roster ***or on a signature card*** as required by NRS 293C.270, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the card issued to the voter at the time he or she registered to vote.

2. If the identity of the voter is verified, the election board officer shall indicate in the roster "Identified" by the voter's name.

Sec. 35. NRS 293C.275 is hereby amended to read as follows:

293C.275 1. Except as otherwise provided in NRS 293C.272, a registered voter who applies to vote must state his or her name to the election board officer in charge of the roster, and the officer shall immediately announce the name, instruct the voter to sign the roster ~~[,~~ and~~]~~ ***or signature card,*** verify the signature of the voter in the manner set forth in NRS 293C.270 ~~[.]~~ ***and verify that the registered voter has not already voted in that city in the current election.***

2. If the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the card issued to the voter at the time he or she registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

Sec. 36. NRS 293C.282 is hereby amended to read as follows:

293C.282 1. Any registered voter who, because of a physical disability or an inability to read or write English, is unable to mark a ballot or use any voting device without assistance is entitled to assistance from a consenting person of his or her own choice, except:

(a) The voter's employer or an agent of the voter's employer; or

(b) An officer or agent of the voter's labor organization.

2. A person providing assistance pursuant to this section to a voter in casting a vote shall not disclose any information with respect to the casting of that ballot.

3. The right to assistance in casting a ballot may not be denied or impaired when the need for assistance is apparent or is known to the election board or any member thereof or when the registered voter requests such assistance in any manner.

4. In addition to complying with the requirements of this section, the city clerk and election board officer shall, upon the request of a registered voter with a physical disability, make reasonable accommodations to allow the voter to vote at ~~[his or her]~~ ***a*** polling place ~~[.]~~ ***at which he or she is entitled to vote.***

Sec. 37. NRS 293C.3564 is hereby amended to read as follows:

293C.3564 1. The city clerk ~~[may]~~ ***in a city providing for early voting pursuant to subparagraph (1) of paragraph (b) of subsection 2 of NRS 293C.110 shall*** establish ***at least one*** permanent polling ~~[places]~~ ***place*** for early voting by personal appearance in the city at the locations selected pursuant to NRS 293C.3561.

2. Any person entitled to vote early by personal appearance may do so at any polling place for early voting.

Sec. 38. NRS 293C.3568 is hereby amended to read as follows:

293C.3568 1. The period for early voting by personal appearance begins the third Saturday preceding a primary city election or general city election, and ***, except as otherwise provided in this subsection,*** extends through the Friday ~~***[Sunday]***~~ before election day, ~~[Sundays and]~~ federal holidays excepted. ***A city clerk may extend the period for early voting by personal appearance through the Sunday before election day.***

2. The city clerk may:

(a) ~~[Include]~~ ***Except as otherwise provided in subsection 3, include*** any Sunday or federal holiday that falls within the period for early voting by personal appearance.

(b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.

3. A permanent polling place for early voting must remain open:

(a) On Monday through Friday:

(1) During the first week of early voting, from 8 a.m. until 6 p.m.

(2) During the second week of early voting, from 8 a.m. until 6 p.m., or until 8 p.m. if the city clerk so requires.

(b) On any Saturday that falls within the period for early voting, for at least 4 hours between 10 a.m. and 6 p.m.

(c) ***If a city clerk extends the period for early voting by personal appearance through the Sunday before election day pursuant to subsection 1, on the Sunday before election day during such hours as the clerk may establish.***

(d) If the city clerk includes a ~~***[On any]***~~ Sunday that falls within the period for early voting pursuant to subsection 2, during such hours as the city clerk may establish.

Sec. 39. NRS 293C.3572 is hereby amended to read as follows:

293C.3572 1. In addition to permanent polling places for early voting, ***except as otherwise provided in subsection 3,*** the city clerk may establish temporary branch polling places for early voting pursuant to NRS 293C.3561.

2. ***If an Indian reservation or Indian colony is located in whole or in part within a city, the Indian tribe may submit a request to the city clerk for the establishment of a temporary branch polling place within the boundaries of the Indian reservation or Indian colony.***

3. A request for the establishment of a temporary branch polling place within the boundaries of an Indian reservation or Indian colony must be submitted to the city clerk by the Indian tribe on or before:

(a) If the request is for a primary city election that is held:

(1) On the dates set forth for primary elections pursuant to the provisions of chapter 293 of NRS, the first Friday in January of the year in which the primary city election is to be held.

(2) On the dates set forth for primary city elections pursuant to the provisions of this chapter, the first Friday in December of the year immediately preceding the year in which the primary city election is to be held.

(b) If the request is for a general city election that is held:

(1) On the dates set forth for general elections pursuant to the provisions of chapter 293 of NRS, the first Friday in July of the year in which the general city election is to be held.

(2) On the dates set forth for general city elections pursuant to the provisions of this chapter, the first Friday in January of the year in which the general city election is to be held.

4. If the city clerk receives a request that satisfies the requirements set forth in subsection 3, the city clerk must establish at least one temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony. The location and hours of operation of such a temporary branch polling place for early voting must be approved by the Indian tribe.

~~[3.]~~ ***5.*** The provisions of subsection 3 of NRS 293C.3568 do not apply to a temporary ***branch*** polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the city clerk.

~~[3. 4.]~~ ***6.*** The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

~~[4. 5.]~~ ***7.*** The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.

Sec. 39.5. **NRS 293C.3585 is hereby amended to read as follows:**

293C.3585 1. Except as otherwise provided in NRS 293C.272, upon the appearance of a person to cast a ballot for early voting, an election board officer shall:

(a) Determine that the person is a registered voter in the county.

(b) Instruct the voter to sign the roster for early voting ~~[.]~~ ***or a signature card.***

(c) Verify the signature of the voter in the manner set forth in NRS 293C.270.

(d) Verify that the voter has not already voted ***in that city*** in the current election pursuant to this section.

2. If the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the card issued to the voter at the time he or she registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The city clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted ***in that city*** in the current election pursuant to this section.

5. The roster for early voting ***or signature card, as applicable,*** must contain:

(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number, if that information is available; and

(c) The date of voting early in person.

6. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

7. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district, if that information is available, and the form of ballot are indicated on the voting receipt, if the city clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

8. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293C.292.

Sec. 39.7. **NRS 293C.3604 is hereby amended to read as follows:**

293C.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election other than a presidential preference primary election:

1. At the close of each voting day, the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

(1) The title of the election;

(2) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;

(3) The number of ballots voted on the mechanical recording device for that day; ~~[and]~~

(4) The number of signatures in the roster for early voting for that day ~~[.]~~ ***; and***

(5) The number of signatures on signature cards for that day.

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293C.3594; and

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293C.3594.

2. At the close of the last voting day, the city clerk shall deliver to the ballot board for early voting:

(a) The statements for all polling places for early voting;

(b) The voting rosters used for early voting;

(c) ***The signature cards used for early voting;***

(d) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and

~~[(d)]~~ ***(e)*** Any other items as determined by the city clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

(a) Indicate the number of ballots on an official statement of ballots; and

(b) Place the storage devices in the container provided to transport those items to the central counting place and seal the container with a number seal. The official statement of ballots must accompany the storage devices to the central counting place.

Sec. 40. NRS 293C.530 is hereby amended to read as follows:

293C.530 1. A city clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a city clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the city clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

2. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 1, the city clerk shall distribute the sample ballot to the registered voter by mail.

3. Before the period for early voting for any election begins, the city clerk shall distribute to each registered voter in the city by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place ~~[.]~~ ***or places.*** If the location of the polling place ***or places*** has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE ***OR PLACES*** HAS CHANGED SINCE THE LAST ELECTION

4. Except as otherwise provided in subsection 6, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type;

(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 295.205 or 295.217; and

(c) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

5. The word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.

6. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

7. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

8. If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots distributed to that person from the city are in large type.

9. The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place ***or places*** and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place **[.]** ***or places.***

10. The cost of distributing sample ballots for a city election must be borne by the city holding the election.

Sec. 41. NRS 293C.535 is hereby amended to read as follows:

293C.535 1. Except as otherwise provided by special charter, registration of electors in incorporated cities must be accomplished in the manner provided in this chapter.

2. The county clerk shall use the statewide voter registration list to prepare for the city clerk of each incorporated city within the county the roster of all electors eligible to vate at a regular or special city election.

3. **[**~~The~~**]** ***Except as otherwise provided in section 27 of this act, the*** rosters must be prepared, one for each ward or other voting district within

each incorporated city. The entries in the roster must be arranged alphabetically with the surnames first.

4. The county clerk shall keep duplicate originals or copies of the applications to register to vote in the county clerk's office.

Sec. 42. NRS 293C.715 is hereby amended to read as follows:

293C.715 1. If a city clerk maintains a website on the Internet for information relating to elections, the website must contain public information maintained, collected or compiled by the city clerk that relates to elections, which must include, without limitation:

(a) The locations of polling places for casting a ballot on election day in such a form that a registered voter may search the list to determine the location of the polling place ***or places*** at which the registered voter is ~~[required]~~ ***entitled*** to cast a ballot; and

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293C.387.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by a city clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, a county clerk or another city clerk, the city clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 43. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 44. This act becomes effective:

1. On July 1, 2017, for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2018, for all other purposes.

Assemblywoman Diaz moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 16.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 137.

SUMMARY—Revises provisions relating to ~~[agricultural]~~ **cooperative** extension programs. (BDR 49-440)

AN ACT relating to ~~[agricultural]~~ **cooperative** extension programs; requiring the Treasurer of the Nevada System of Higher Education, in consultation with the President of the University of Nevada, Reno, to submit

to the Legislature an annual report regarding cooperative ~~[agricultural]~~ extension work; revising provisions related to the State's cooperative share of the cost of ~~[agricultural]~~ **cooperative** extension work; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Director of the Agricultural Extension Department of the Public Service Division of the Nevada System of Higher Education and the board of county commissioners of each county to enter into a cooperative agreement to provide certain programs pertaining to agriculture, community development, health and nutrition, horticulture, personal and family development and natural resources in the rural and urban communities in this State. (NRS 549.010) **Sections 2-12** of this bill change the name of the agency authorized to enter into cooperative agreements with the boards of county commissioners from the Agricultural Extension Department of the Public Service Division of the Nevada System of Higher Education to the Cooperative Extension ~~[Department]~~ **Program** of the ~~[University of Nevada, Reno.]~~ **Nevada System of Higher Education.** **Section 1** of this bill requires the Treasurer of the Nevada System of Higher Education, in consultation with the President of the University of Nevada, Reno, to submit to the Legislature, if the Legislature is in session, or to the Interim Finance Committee, if the Legislature is not in session, an annual report: (1) detailing the cooperative ~~[agricultural]~~ extension work carried out in the preceding year; (2) specifying any county, state and federal money used to carry out the cooperative ~~[agricultural]~~ extension work; and (3) updating the status of any cooperative agreements entered into between the Director of the Cooperative Extension ~~[Department]~~ **Program** of the ~~[University of Nevada, Reno,]~~ **Nevada System of Higher Education** and a board of county commissioners.

Existing law requires the Director of the Agricultural Extension Department to prepare and submit to the board of county commissioners for each county participating in cooperative agricultural extension an annual financial budget covering the county, state and federal funds cooperating in the cost of cooperative agricultural extension programs. Existing law: (1) requires each county to levy a tax to meet the county's share of the cooperative agricultural extension work; and (2) prescribes the maximum amount of the State's cooperative share of the cost of agricultural extension work. (NRS 549.020) **Section 4** of this bill revises the amount of the State's cooperative share of the cost of agricultural extension work. ~~[Section 4 also requires the Director to contribute a prescribed amount to each county to pay for certain ancillary services related to the operation of county agricultural extension offices.]~~

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

Section 1. Chapter 549 of NRS is hereby amended by adding thereto a new section to read as follows:

The Treasurer of the Nevada System of Higher Education shall, in consultation with the President of the University of Nevada, Reno, annually on or before April 15, submit to the Legislature, if the Legislature is in session, or to the Interim Finance Committee, if the Legislature is not in session, a written report of:

1. The cooperative ~~[agricultural]~~ extension work that was carried out pursuant to the provisions of this chapter in the preceding year;

2. The amounts, if any, of county, state and federal money used to carry out the cooperative ~~[agricultural]~~ extension work in the preceding year ~~[;]~~ , including, without limitation, the amounts, if any, used at each campus of the Nevada System of Higher Education and in each participating county; and

3. Updating the status of any cooperative agreements entered into between the Director of the Cooperative Extension ~~[Department]~~ Program of the ~~[University of Nevada, Reno,]~~ Nevada System of Higher Education and a board of county commissioners authorized by NRS 549.010.

Sec. 2. NRS 549.010 is hereby amended to read as follows:

549.010 To provide for continued educational, research, outreach and service programs pertaining to agriculture, community development, health and nutrition, horticulture, personal and family development, and natural resources in the rural and urban communities in the State of Nevada, the Director of the ~~[~~Agricultural~~]~~ ***Cooperative*** Extension ~~[~~Department~~]~~ ***Program*** of the ~~[~~Public Service Division of the~~]~~ Nevada System of Higher Education ***~~[University of Nevada, Reno,]~~*** and the boards of county commissioners of any or all of the respective counties of the State of Nevada may enter into cooperative agreements and activities subject to the provisions of this chapter.

Sec. 3. NRS 549.020 is hereby amended to read as follows:

549.020 1. The Director of the ~~[~~Agricultural~~]~~ ***Cooperative*** Extension ~~[~~Department~~]~~ ***Program*** of the ~~[~~Public Service Division of the~~]~~ Nevada System of Higher Education ***~~[University of Nevada, Reno,]~~*** shall prepare and submit to the board of county commissioners, for each county participating, an annual financial budget covering the county, state and federal funds cooperating in the cost of educational, research, outreach and service programs pertaining to agriculture, community development, health and nutrition, horticulture, personal and family development, and natural resources in the rural and urban communities in the State of Nevada.

2. The budget must be adopted by the board of county commissioners and certified as a part of the annual county budget, and the county tax levy provided for ~~[agricultural]~~ ***cooperative*** extension work in the annual county

budget must include a levy of not less than 1 cent on each $100 of taxable property. If the proceeds of the county tax levy of 1 cent are insufficient to meet the county's share of the cooperative ~~[agricultural]~~ extension work, as provided in the combined annual financial budget, the board of county commissioners may, by unanimous vote, levy an additional tax so that the total in no instance exceeds 5 cents on each $100 of the county tax rate.

3. The proceeds of such a tax must be placed in the ~~[agricultural]~~ ***cooperative*** extension fund in each county treasury and must be paid out on claims drawn by the ~~[agricultural]~~ ***cooperative*** extension agent of the county as designated by the Director of the ~~[~~Agricultural~~]~~ ***Cooperative*** Extension ~~[Department]~~ ***Program*** of the ~~[~~Public Service Division of the~~]~~ Nevada System of Higher Education, ~~***[University of Nevada, Reno,]***~~ when approved by the Director and countersigned by the Treasurer of the Nevada System of Higher Education.

4. A record of all such claims approved and paid, segregated by counties, must be kept by the Treasurer of the Nevada System of Higher Education. The cost of maintaining the record must be paid from state funds provided for by this chapter.

5. The State's cooperative share of the cost of such ~~[agricultural]~~ ***cooperative*** extension work, as entered in the budget described in this section, must not be more than a sum equal to the proceeds of 1 cent of such county tax rate; but when the proceeds of a 1-cent tax rate are insufficient to carry out the provisions of the budget previously adopted, the Director of the ~~[~~Agricultural~~]~~ ***Cooperative*** Extension ~~[Department]~~ ***Program*** of the ~~[~~Public Service Division of the~~]~~ Nevada System of Higher Education ~~***[University of Nevada, Reno,]***~~ is authorized to supplement the State's cooperative share from the funds as may be made available in the Public Service Division Fund of the Nevada System of Higher Education.

Sec. 4. NRS 549.020 is hereby amended to read as follows:

549.020 1. The Director of the Cooperative Extension Program of the Nevada System of Higher Education shall prepare and submit to the board of county commissioners, for each county participating, an annual financial budget covering the county, state and federal funds cooperating in the cost of educational, research, outreach and service programs pertaining to agriculture, community development, health and nutrition, horticulture, personal and family development, and natural resources in the rural and urban communities in the State of Nevada.

2. The budget must be adopted by the board of county commissioners and certified as a part of the annual county budget, and the county tax levy provided for cooperative extension work in the annual county budget must include a levy of not less than 1 cent on each $100 of taxable property. If the proceeds of the county tax levy of 1 cent are insufficient to meet the county's share of the cooperative extension work, as provided in the combined annual financial budget, the board of county commissioners may, by unanimous

vote, levy an additional tax so that the total in no instance exceeds 5 cents on each $100 of the county tax rate.

3. The proceeds of such a tax must be placed in the cooperative extension fund in each county treasury and must be paid out on claims drawn by the cooperative extension agent of the county as designated by the Director of the Cooperative Extension Program of the Nevada System of Higher Education when approved by the Director and countersigned by the Treasurer of the Nevada System of Higher Education.

4. A record of all such claims approved and paid, segregated by counties, must be kept by the Treasurer of the Nevada System of Higher Education. The cost of maintaining the record must be paid from state funds provided for by this chapter.

5. The State's cooperative share of the cost of such cooperative extension work, as entered in the budget ~~[described in this section,]~~ ***prepared by the Director of the Cooperative Extension Program of the Nevada System of Higher Education pursuant to subsection 1,*** must ~~[not]~~ be ~~[more than a sum]~~ ***an amount*** equal to the ***aggregate*** proceeds of 1 cent of ~~[such]~~ ***the*** county tax rate ~~[, ; but when]~~ ***of each participating county, and averaged by the Director of the Cooperative Extension Program of the Nevada System of Higher Education for the immediately preceding 5 fiscal years. If*** the ***averaged*** proceeds of a 1-cent tax rate ***from each participating county*** are insufficient to carry out the provisions of the budget previously adopted, the Director of the Cooperative Extension Program of the Nevada System of Higher Education is authorized to supplement the State's cooperative share from the funds as may be made available in the ~~[Public Service Division Fund]~~ ***appropriate fund*** of the Nevada System of Higher Education.

~~[***6. In addition to the State's cooperative share of the cost of agricultural extension work prescribed in subsection 5, the Director of the Cooperative Extension Department of the University of Nevada, Reno, shall contribute to each county an amount equal to one-half of the amount expended by the county to pay for ancillary costs, including, without limitation, the salaries of employees and the cost and expense of supplies, materials, equipment, property or land acquired for the use of county agricultural extension offices.***]~~

Sec. 5. NRS 549.030 is hereby amended to read as follows:

549.030 1. A certified copy of the county extension work budget as adopted and approved pursuant to NRS 549.020 must be filed with the Treasurer of the Nevada System of Higher Education within 10 days after its approval by the board of county commissioners.

2. Necessary modifications thereof, involving county and state funds, resulting from leaves of absence without pay, resignations, changes in salary, dismissals or employment of any cooperative agent, variations in expense accounts or otherwise, not involving an increase in the total expenditures provided to be paid from the funds and consistent with the purposes of this chapter, may be made by filing with the Treasurer of the Nevada System of

Higher Education and the board of county commissioners a revised budget, approved by the Director of the ~~[~~Agricultural~~]~~ ***Cooperative*** Extension ~~[~~Department~~]~~ ***Program*** of the ~~[~~Public Service Division of the~~]~~ Nevada System of Higher Education ~~***[University of Nevada, Reno,]***~~ and countersigned by the Treasurer of the Nevada System of Higher Education.

Sec. 6. NRS 549.050 is hereby amended to read as follows:

549.050 All moneys appropriated pursuant to NRS 549.040 must be expended under the direction of the Director of the ~~[~~Agricultural~~]~~ ***Cooperative*** Extension ~~[~~Department~~]~~ ***Program*** of the ~~[~~Public Service Division of the~~]~~ Nevada System of Higher Education ~~***[University of Nevada, Reno,]***~~ to the extent of the financial budget for cooperation between the State and the respective counties provided for in NRS 549.020.

Sec. 6.5. **NRS 549.060 is hereby amended to read as follows:**

549.060 Any county in the state which has agreed or shall agree to participate in cooperative work in ~~[~~agricultural~~]~~ ***cooperative*** extension under the provisions of this chapter or acts previously passed by the Legislature and approved by the Governor shall, by the provisions hereof, come under this chapter.

Sec. 7. NRS 550.010 is hereby amended to read as follows:

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

1. "Board of Regents" means the Board of Regents of the University of Nevada.

2. "Director" means the Director of the ~~[~~Agricultural~~]~~ ***Cooperative*** Extension ~~[~~Department~~]~~ ***Program*** of the ~~[~~Public Service Division of the~~]~~ Nevada System of Higher Education. ~~***[University of Nevada, Reno,]***~~

3. "State 4-H Camp" means the State 4-H Camp Institute and Exhibit.

Sec. 8. NRS 553.040 is hereby amended to read as follows:

553.040 1. Every agricultural demonstration farm or plot under the provisions of this chapter must be conducted by the owner, lessee or manager thereof under the supervision of the ~~[~~Agricultural~~]~~ ***Cooperative*** Extension ~~[~~Department~~]~~ ***Program*** of the ~~[~~Public Service Division of the~~]~~ Nevada System of Higher Education ~~***[University of Nevada, Reno,]***~~ and in accordance with the terms of a written project agreement entered into with the ~~[~~Agricultural~~]~~ ***Cooperative*** Extension ~~[~~Department~~]~~ ***Program*** of the ~~[~~Public Service Division of the~~]~~ Nevada System of Higher Education ~~***[University of Nevada, Reno,]***~~ and approved by the board of county commissioners of the county in which the agricultural farm or plot is located.

2. The agreement must include the keeping by the owner, lessee or manager of accurate and systematic records and accounts in the form prescribed by the ~~[~~Agricultural~~]~~ ***Cooperative*** Extension ~~[~~Department~~]~~ ***Program*** of the ~~[~~Public Service Division of the~~]~~ Nevada System of Higher Education. ~~***[University of Nevada, Reno,]***~~ The records and accounts must be subject to inspection, use and publication in furtherance of the purposes of this chapter.

Sec. 9. NRS 553.050 is hereby amended to read as follows:

553.050 1. The purpose of demonstration farms is to demonstrate the results of improved systems of farm management and accountancy as prescribed by the ~~[~~Agricultural~~]~~ ***Cooperative*** Extension ~~[~~Department~~]~~ ***Program*** of the ~~[~~Public Service Division of the~~]~~ Nevada System of Higher Education ~~*[University of Nevada, Reno,]*~~ and applied to the farm units.

2. The purpose of demonstration plots is to demonstrate the value and importance of new or improved varieties of crops, soil management and soil and climate adaptability to certain crops.

Sec. 10. NRS 553.070 is hereby amended to read as follows:

553.070 1. Any county desiring to avail itself of the provisions of this chapter shall, by resolution of its board of county commissioners, bind itself to pay to the owner, lessee or manager of the demonstration farm or plot as follows:

(a) For each demonstration farm, the sum of $10 per acre, but not exceeding the sum of $100 for any such demonstration farm unit.

(b) For any demonstration plot, a minimum of $25 if it is less than 3 acres, and $10 per acre if it contains 3 acres or more.

2. The sums must be paid annually for each year the demonstration is to be continued on the certification by the ~~[~~Agricultural~~]~~ ***Cooperative*** Extension ~~[~~Department~~]~~ ***Program*** of the ~~[~~Public Service Division of the~~]~~ Nevada System of Higher Education ~~*[University of Nevada, Reno,]*~~ that the demonstration has been conducted in accordance with the agreement.

3. A county is not obligated under the provisions of this section, except with respect to demonstration farms and plots which have been approved by the board of county commissioners as provided in NRS 553.040.

4. The authority to provide for such expenditure in the county budget and to disburse the money is hereby granted to the board of county commissioners and the other officers of the several counties.

Sec. 11. NRS 553.090 is hereby amended to read as follows:

553.090 The ~~[~~Agricultural~~]~~ ***Cooperative*** Extension ~~[~~Department~~]~~ ***Program*** of the ~~[~~Public Service Division of the~~]~~ Nevada System of Higher Education ~~*[University of Nevada, Reno,]*~~ annually shall prepare the information resulting from the demonstration in a form serviceable to aid and advance agricultural welfare of the State. The ~~[~~Agricultural~~]~~ ***Cooperative*** Extension ~~[~~Department~~]~~ ***Program*** shall cause to be printed a number of copies thereof as may be deemed necessary, not exceeding 10,000, and shall distribute the copies without charge.

Sec. 12. NRS 284.140 is hereby amended to read as follows:

284.140 The unclassified service of the State consists of the following state officers or employees in the Executive Department of the State Government who receive annual salaries for their services:

1. Members of boards and commissions, and heads of departments, agencies and institutions required by law to be appointed.

2. Except as otherwise provided in NRS 223.085, 223.570 and 223.600, all persons required by law to be appointed by the Governor or heads of departments or agencies appointed by the Governor or by boards.

3. All employees other than clerical in the Office of the Attorney General and the State Public Defender required by law to be appointed by the Attorney General or the State Public Defender.

4. Except as otherwise provided by the Board of Regents of the University of Nevada pursuant to NRS 396.251, officers and members of the teaching staff and the staffs of the ~~[~~Agricultural~~]~~ ***Cooperative*** Extension ~~[~~Department ~~***of the University of Nevada, Reno,***~~]~~ ***Program*** and ***the*** Experiment Station of the Nevada System of Higher Education, or any other state institution of learning, and student employees of these institutions. Custodial, clerical or maintenance employees of these institutions are in the classified service. The Board of Regents of the University of Nevada shall assist the Administrator in carrying out the provisions of this chapter applicable to the Nevada System of Higher Education.

5. All other officers and employees authorized by law to be employed in the unclassified service.

Sec. 12.5. **NRS 396.600 is hereby amended to read as follows:**

396.600 The Public Service Division of the System consists of the following public service departments:

1. ~~[~~Agricultural Extension.

~~2.]~~ Agricultural Experiment Station.

~~[3.]~~ ***2.*** Bureau of Mines and Geology.

~~[4.]~~ ***3.*** Such other departments as the Board of Regents may designate.

Sec. 12.7. **NRS 396.690 is hereby amended to read as follows:**

396.690 The assent of the State of Nevada by its Legislature is hereby given to the provisions and requirements of an Act of Congress entitled "An Act to provide for cooperative extension work between the agricultural colleges in the several States receiving the benefits of an Act of Congress approved July second, eighteen hundred and sixty-two, and of Acts supplementary thereto, and the United States Department of Agriculture," approved May 8, 1914 (c. 79, 38 Stat. 372), and any acts amendatory thereof and supplemental thereto. The Board of Regents is hereby authorized and empowered to receive the grants of money appropriated under such federal acts, and to organize and conduct ~~[agricultural]~~ ***cooperative*** extension work which must be carried on in connection with the College of Agriculture of the System, in accordance with the terms and conditions expressed in such Acts of Congress.

Sec. 13. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 14. 1. This section and sections 1, 2, 3 and 5 to 13, inclusive, of this act become effective upon passage and approval.

2. Section 4 of this act becomes effective on July 1, 2018.

Assemblywoman Swank moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 29.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 353.

AN ACT relating to off-highway vehicles; creating the Off-Highway Vehicles Program in the State Department of Conservation and Natural Resources; placing the Commission on Off-Highway Vehicles within the Department; revising provisions regarding the membership and duties of the Commission; reducing the late fee imposed for failure to register an off-highway vehicle; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Commission on Off-Highway Vehicles and authorizes the Commission to award grants of money from the Account for Off-Highway Vehicles to certain applicants for projects relating to off-highway vehicle use and off-highway trails and facilities. (NRS 490.067, 490.068, 490.069) **Sections 4 and 6** of this bill place the Commission within the State Department of Conservation and Natural Resources.

Section 1 of this bill creates the Off-Highway Vehicles Program in the State Department of Conservation and Natural Resources. In administering the Program, the Director of the Department, within the limits of approved funding, is required to: (1) provide certain support and assistance to the Commission on Off-Highway Vehicles; and (2) administer the Account for Off-Highway Vehicles. **Section 1** further requires the Director to include in his or her budget the money necessary, within the limits of legislative appropriations for the Account, for: (1) certain expenses of the Program and the Commission; and (2) a reserve amount.

Under existing law, each member of the Commission on Off-Highway Vehicles is entitled to receive, if money is available for that purpose, the per diem allowance and travel expenses provided for state officers and employees generally. (NRS 490.067) **Section 6** provides that, if money is available for that purpose, any member of the Commission who is not an officer or employee of the State is entitled to receive a salary of not more than $80 per day for each day of attendance at a meeting of the Commission. **Section 6** further provides a procedure for replacing a member of the Commission who fails to attend at least three consecutive meetings.

Under existing law, the Commission on Off-Highway Vehicles is required to solicit nine nonvoting advisors to the Commission from various state and federal agencies. (NRS 490.068) **Section 7** of this bill removes that requirement, and **section 6** also: (1) revises the membership of the Commission; and (2) adds to the Commission four nonvoting, ex officio

members. **Section 7** also sets forth requirements for establishing a quorum of the Commission for transacting business. Finally, **sections 1 and 7** revise provisions requiring a comprehensive report that must be submitted to the Legislature, providing that the report must be prepared by the Director of the State Department of Conservation and Natural Resources, then reviewed and approved by the Chair of the Commission before being submitted to each regular session of the Legislature.

Under existing law, fees paid for titling and registration of an off-highway vehicle are deposited into the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration. (NRS 490.084) The Department of Motor Vehicles is required to transfer, at least once each fiscal quarter, any amount in excess of $150,000 in that Account into the Account for Off-Highway Vehicles. (NRS 490.085) The Commission on Off-Highway Vehicles is required to administer the money in the Account for Off-Highway Vehicles. (NRS 490.069) **Section 8** of this bill requires the Director of the State Department of Conservation and Natural Resources to administer the Account. **Section 8** also requires a portion of the money in the Account be used to maintain a reserve amount.

Under existing law, if the owner of an off-highway vehicle that is registered in this State fails to renew the registration before it expires, the registration may be reinstated upon payment of the annual renewal fee, a late fee of $25 and, if applicable, the submission of proof of insurance, which is only required for certain larger all-terrain vehicles that are authorized to operate on certain county roads. (NRS 490.082, 490.0825, 490.105) **Section 9** of this bill reduces the late fee to $10.

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

Section 1. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Off-Highway Vehicles Program is hereby created in the Department. The Director shall administer the Program. The Commission on Off-Highway Vehicles created by NRS 490.067 shall provide direction to the Program pursuant to its authority and duties provided in NRS 490.068 and 490.069.

2. In administering the Program, the Director shall, within the limits of authorized expenditures:

(a) Administer the Account for Off-Highway Vehicles created by NRS 490.069; and

(b) Provide staff to the Commission on Off-Highway Vehicles for the purposes of:

(1) Providing assistance, support and technical advice to the Commission; and

(2) Assisting in the coordination of the activities and duties of the Commission.

3. The Director may form a technical advisory committee as needed to provide input to the Commission on Off-Highway Vehicles regarding the completeness and merit of applications received by the Commission for a grant from the Account for Off-Highway Vehicles.

4. The Director shall prepare, for each regular session of the Legislature, a comprehensive report that includes, without limitation:

(a) The general activities of the Commission on Off-Highway Vehicles;

(b) The fiscal activities of the Commission on Off-Highway Vehicles; and

(c) A summary of any grants awarded by the Commission on Off-Highway Vehicles.

➥ Upon completion of the report, the Director shall submit the report to the Chair of the Commission on Off-Highway Vehicles for review pursuant to NRS 490.068.

5. The Director shall include in his or her budget the money necessary, within the limits of legislative authorizations for the Account for Off-Highway Vehicles, for:

(a) The operating expenses of the Commission on Off-Highway Vehicles;

(b) The administrative expenses of the Program to carry out the provisions of this section; and

(c) A reserve amount as approved by the Legislature.

6. The Director may adopt regulations for the operation of the Commission on Off-Highway Vehicles and the Program.

7. As used in this section:

(a) "Administrative expenses" includes, without limitation, hiring any staff necessary to carry out the provisions of this section.

(b) "Operating expenses" includes, without limitation, any costs of contracting with a third party to provide education and information to the members of the public relating to the provisions of chapter 490 of NRS governing the lawful use and registration of off-highway vehicles.

Sec. 2. NRS 232.010 is hereby amended to read as follows:

232.010 As used in NRS 232.010 to 232.162, inclusive ~~[.]~~ ***, and section 1 of this act:***

1. "Department" means the State Department of Conservation and Natural Resources.

2. "Director" means the Director of the State Department of Conservation and Natural Resources.

Sec. 3. NRS 232.070 is hereby amended to read as follows:

232.070 1. As executive head of the Department, the Director is responsible for the administration, through the divisions and other units of the Department, of all provisions of law relating to the functions of the Department, except functions assigned by law to the State Environmental Commission, the State Conservation Commission, the Commission for

Cultural Centers and Historic Preservation ***, the Commission on Off-Highway Vehicles*** or the Sagebrush Ecosystem Council.

2. Except as otherwise provided in subsection 4, the Director shall:

(a) Establish departmental goals, objectives and priorities.

(b) Approve divisional goals, objectives and priorities.

(c) Approve divisional and departmental budgets, legislative proposals, contracts, agreements and applications for federal assistance.

(d) Coordinate divisional programs within the Department and coordinate departmental and divisional programs with other departments and with other levels of government.

(e) Appoint the executive head of each division within the Department.

(f) Delegate to the executive heads of the divisions such authorities and responsibilities as the Director deems necessary for the efficient conduct of the business of the Department.

(g) Establish new administrative units or programs which may be necessary for the efficient operation of the Department, and alter departmental organization and reassign responsibilities as the Director deems appropriate.

(h) From time to time adopt, amend and rescind such regulations as the Director deems necessary for the administration of the Department.

(i) Consider input from members of the public, industries and representatives of organizations, associations, groups or other entities concerned with matters of conservation and natural resources on the following:

(1) Matters relating to the establishment and maintenance of an adequate policy of forest and watershed protection;

(2) Matters relating to the park and recreational policy of the State;

(3) The use of land within this State which is under the jurisdiction of the Federal Government;

(4) The effect of state and federal agencies' programs and regulations on the users of land under the jurisdiction of the Federal Government, and on the problems of those users of land; and

(5) The preservation, protection and use of this State's natural resources.

3. Except as otherwise provided in subsection 4, the Director may enter into cooperative agreements with any federal or state agency or political subdivision of the State, any public or private institution located in or outside the State of Nevada, or any other person, in connection with studies and investigations pertaining to any activities of the Department.

4. This section does not confer upon the Director any powers or duties which are delegated by law to the State Environmental Commission, the State Conservation Commission, the Commission for Cultural Centers and Historic Preservation ***, the Commission on Off-Highway Vehicles*** or the Sagebrush Ecosystem Council, but the Director may foster cooperative

agreements and coordinate programs and activities involving the powers and duties of the Commissions and the Council.

5. Except as otherwise provided in NRS 232.159 and 232.161, all gifts of money and other property which the Director is authorized to accept must be accounted for in the Department of Conservation and Natural Resources Gift Fund which is hereby created as a trust fund.

Sec. 4. NRS 232.090 is hereby amended to read as follows:

232.090 1. The Department consists of the Director and the following:

(a) The Division of Water Resources.

(b) The Division of State Lands.

(c) The Division of Forestry.

(d) The Division of State Parks.

(e) The Division of Environmental Protection.

(f) The Office of Historic Preservation.

(g) Such other divisions as the Director may from time to time establish.

2. The State Environmental Commission, the State Conservation Commission, the Commission for Cultural Centers and Historic Preservation, ***the Commission on Off-Highway Vehicles,*** the Conservation Districts Program, the Nevada Natural Heritage Program, the Sagebrush Ecosystem Council and the Board to Review Claims are within the Department.

Sec. 5. NRS 490.066 is hereby amended to read as follows:

490.066 ~~[~~The~~]~~ ***Except as otherwise provided in NRS 490.068 and section 1 of this act, the*** Director may adopt and enforce such administrative regulations as are necessary to carry out the provisions of this chapter.

Sec. 6. NRS 490.067 is hereby amended to read as follows:

490.067 1. The Commission on Off-Highway Vehicles is hereby created ~~[.]~~ ***in the State Department of Conservation and Natural Resources.***

2. The Commission consists of ***:*** ~~[~~11 members as follows:~~]~~

(a) One member who is an authorized dealer, appointed by the Governor;

(b) One member who is a sportsman, appointed by the Governor from a list of persons submitted by the Director of the Department of Wildlife;

(c) One member who is a rancher, appointed by the Governor from a list of persons submitted by the Director of the State Department of Agriculture;

(d) One member who is a representative of the Nevada Association of Counties, appointed by the Governor from a list of persons submitted by the Executive Director of the Association;

(e) One member who is a representative of law enforcement, appointed by the Governor from a list of persons submitted by the Nevada Sheriffs' and Chiefs' Association;

(f) One member ~~[,]~~ ***who is*** ~~***[a representative of]***~~ ***actively engaged in and possesses experience and expertise in advocating for issues relating to conservation*** ***,*** ~~***[organizations,]***~~ appointed by the Governor ~~[~~from a list of persons submitted by the Director of the State Department of Conservation and Natural Resources, who:

~~(1) Possesses a degree in soil science, rangeland ecosystems science or a related field;~~

~~(2) Has at least 5 years of experience working in one of the fields described in subparagraph (1); and~~

~~(3) Is knowledgeable about the ecosystems of the Great Basin Region of central Nevada or the Mojave Desert;~~

~~(g) One member, appointed by the Governor, who is a representative of an organization that represents persons who use off-highway vehicles to access areas to participate in recreational activities that do not primarily involve off-highway vehicles; and~~

~~(h) Four~~**]** ***;***

(g) Three members, appointed by the Governor, who reside in the State of Nevada and have participated in recreational activities for off-highway vehicles for at least 5 years using the type of off-highway vehicle owned or operated by the persons they will represent, as follows:

(1) One member who represents persons who own or operate all-terrain vehicles;

(2) One member who represents persons who own or operate all-terrain motorcycles **[**~~,~~**]** ***and who is involved with or participates in the racing of off-highway motorcycles; and***

(3) One member who represents persons who own or operate snowmobiles **.** **[**~~; and~~

~~(4) One member who represents persons who own or operate, and participate in the racing of, off-highway motorcycles.~~**]**

3. ***The following are nonvoting, ex officio members of the Commission:***

(a) The State Director of the Nevada State Office of the Bureau of Land Management;

(b) The Forest Supervisor for the Humboldt-Toiyabe National Forest;

(c) The Director of the Department of Tourism and Cultural Affairs; and

(d) The Director of the Department of Motor Vehicles.

4. A nonvoting, ex officio member of the Commission may appoint, in writing, an alternate to serve in his or her place on the Commission.

5. The Governor shall not appoint to the Commission any member described in paragraph **[**~~(h)~~**]** ***(g)*** of subsection 2 unless the member has been recommended to the Governor by an off-highway vehicle organization. As used in this subsection, "off-highway vehicle organization" means a profit or nonprofit corporation, association or organization formed pursuant to the laws of this State and which promotes off-highway vehicle recreation or racing.

[~~4.~~**]** ***6.*** After the initial terms, each member of the Commission ***appointed pursuant to subsection 2*** serves for a term of 3 years. A vacancy on the Commission must be filled in the same manner as the original appointment.

~~[5.]~~ ***7.*** Except as otherwise provided in this subsection, a member of the Commission ***who is appointed*** may not serve more than two consecutive terms on the Commission. A member who has served two consecutive terms on the Commission may be reappointed if the Governor does not receive any applications for that member's seat or if the Governor determines that no qualified applicants are available to fill that member's seat.

~~[6.]~~ ***8.*** The Governor shall ensure that, insofar as practicable, the members appointed to the Commission ***pursuant to subsection 2*** reflect the geographical diversity of this State.

~~[7.]~~ ***9.*** Each member of the Commission:

(a) Is entitled to receive, if money is available for that purpose ***,*** ~~[from the fees collected pursuant to NRS 490.084,]~~ the per diem allowance and travel expenses provided for state officers and employees generally.

(b) ***Who is not an officer or employee of the State of Nevada is entitled to receive, if money is available for that purpose, a salary of not more than $80 per day for each day of attendance at a meeting of the Commission.***

(c) Shall swear or affirm that he or she will work to create and promote responsible off-highway vehicle recreation in the State. ~~[The Governor may remove a member from the Commission if the member violates the oath described in this paragraph.~~

~~8. The Commission may employ an Executive Secretary, who must not be a member of the Commission, to assist in its daily operations and in administering the Account for Off-Highway Vehicles created by NRS 490.069.~~

~~9. The Commission may adopt regulations for the operation of the Commission. Upon request by the Commission, the nonvoting advisers solicited by the Commission pursuant to NRS 490.068 may provide assistance to the Commission in adopting those regulations.]~~

10. A member of the Commission who is appointed by the Governor and who fails to attend at least three consecutive meetings of the Commission is subject to replacement. The Commission shall notify the appointing authority or group who recommended the member for appointment, if any, and the appointing authority or group may recommend a person to replace that member of the Commission. The replacement of a member pursuant to this subsection must be conducted in the same manner as the original appointment.

Sec. 7. NRS 490.068 is hereby amended to read as follows:

490.068 1. The Commission shall:

(a) Elect a Chair ~~[,]~~ ***and*** Vice Chair ~~[, Secretary and Treasurer]~~ from among its members.

(b) Meet at the call of the Chair.

(c) Meet at least four times each year.

(d) ~~[Solicit nine nonvoting advisers to the Commission to serve for terms of 2 years as follows:~~

~~(1) One adviser from the Bureau of Land Management.~~

~~(2) One adviser from the United States Forest Service.~~

~~(3) One adviser who is:~~

~~(I) From the Natural Resources Conservation Service of the United States Department of Agriculture; or~~

~~(II) A teacher, instructor or professor at an institution of the Nevada System of Higher Education and who provides instruction in environmental science or a related field.~~

~~(4) One adviser from the State Department of Conservation and Natural Resources.~~

~~(5) One adviser from the Department of Wildlife.~~

~~(6) One adviser from the Department of Motor Vehicles.~~

~~(7) One adviser from the Commission on Tourism, other than the Chair of the Nevada Indian Commission.~~

~~(8) One adviser from the Nevada Indian Commission.~~

~~(9) One adviser from the United States Fish and Wildlife Service.~~**]** ***Provide direction to the Off-Highway Vehicles Program created by section 1 of this act.***

(e) Perform the duties assigned to the Commission set forth in NRS 490.083 and 490.084.

2. ***A majority of the voting members of the Commission constitutes a quorum for the transaction of business, and a majority vote of those members present at any meeting is sufficient for any official action taken by the Commission.***

3. The Commission may award a grant of money from the Account for Off-Highway Vehicles created by NRS 490.069. Any such grant must comply with the requirements set forth in NRS 490.069. The Commission shall:

(a) Adopt regulations setting forth who may apply for a grant of money from the Account for Off-Highway Vehicles and the manner in which such **[**~~a person~~**]** ***an applicant*** may submit the application to the Commission. The regulations adopted pursuant to this paragraph must include, without limitation, requirements that:

(1) Any **[**~~person~~**]** ***applicant*** requesting a grant provide proof satisfactory to the Commission that the appropriate federal, state or local governmental agency has been consulted regarding the nature of the project to be funded by the grant and regarding the area affected by the project;

(2) The application for the grant address all applicable laws and regulations, including, without limitation, those concerning:

(I) Threatened and endangered species in the area affected by the project;

(II) Ecological, cultural and archaeological sites in the area affected by the project; and

(III) Existing land use authorizations and prohibitions, land use plans, special designations and local ordinances for the area affected by the project; and

(3) Any compliance information provided by an appropriate federal, state or local governmental agency, and any information or advice provided by any agency, group or individual be submitted with the application for the grant.

(b) Adopt regulations for awarding grants from the Account ~~[~~.

~~(c) Adopt regulations for determining the~~] ***, including, without limitation, ~~[the]~~ developing criteria:***

(1) That promote projects which integrate multiple grant categories;

(2) That encourage a distribution of grants among all grant categories; and

(3) For the determination of acceptable performance of work on a project for which a grant is awarded.

~~[~~(d) Approve the completion of, and payment of money for, work performed on a project for which a grant is awarded, if the Commission determines the work is acceptable.

~~(e) Monitor the accounting activities of the Account.~~

~~3. The nonvoting advisers solicited by the~~]

4. The Commission ~~[~~pursuant to paragraph (d) of subsection 1 shall assist the Commission in carrying out the duties set forth in this section and shall review for completeness and for compliance with the requirements of paragraph (a) of subsection 2 all~~]~~ ***may solicit input regarding*** applications for grants ~~[~~.

~~4.~~] ***from a technical advisory committee formed pursuant to section 1 of this act.***

5. For each regular session of the Legislature, the ***Chair of the*** Commission shall ~~[~~prepare a~~]~~ ***review the*** comprehensive report ~~[~~, including, without limitation, a summary of any grants that the Commission awarded and of the accounting activities of the Account, and any recommendations of the Commission for proposed legislation. The~~]~~ ***prepared pursuant to section 1 of this act. Upon approval of the report by the Chair of the Commission, the*** report must be submitted to the Director of the Legislative Counsel Bureau for distribution to the Legislature not later than September 1 of each even-numbered year.

Sec. 8. NRS 490.069 is hereby amended to read as follows:

490.069 1. The Account for Off-Highway Vehicles is hereby created in the State General Fund as a revolving account. The ~~[~~Commission~~]~~ ***Director of the State Department of Conservation and Natural Resources*** shall administer the Account. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

2. ~~[~~During the period beginning on July 1, 2012, and ending on June 30, 2013, money in the Account may only be used by the Commission for the

~~reasonable administrative costs of the Commission and to inform the public of the requirements of this chapter.~~

~~3.~~ On or after July 1, ~~2013,~~ ***2017,*** money in the Account may only be used ~~by the Commission~~ as follows:

(a) ~~Not more than 5 percent of the money that is in the Account as of January 1 of each year may be used for the reasonable~~ ***To pay for the operating expenses of the Commission, including, without limitation, any debts or obligations lawfully incurred by the Commission before July 1, 2017, and the*** administrative ~~costs~~ ***expenses*** of the ~~Account.~~ ***Off-Highway Vehicles Program created by section 1 of this act, consistent with the legislatively approved budget of the State Department of Conservation and Natural Resources pursuant to section 1 of this act.***

(b) ~~Except as otherwise provided in subsection 4, 20 percent of any money in the Account as of January 1 of each year that is not used pursuant to paragraph (a) must be used for law enforcement, as recommended by the Office of Criminal Justice Assistance of the Department of Public Safety, or its successor, and any remaining portion of that money may be used as follows:~~

~~(1) Sixty percent of the money may be used for projects relating to:~~

~~(I)~~ ***To fund a reserve amount as provided in the legislatively approved budget of the State Department of Conservation and Natural Resources pursuant to section 1 of this act.***

(c) Any money in the Account that is not used pursuant to paragraph (a) or (b) each fiscal year may be used by the Commission to award grants as provided in NRS 490.068 for projects relating to:

(1) Studies or planning for trails and facilities for use by owners and operators of off-highway vehicles. Money received pursuant to this ~~sub-subparagraph~~ ***subparagraph*** may be used to prepare environmental assessments and environmental impact studies that are required pursuant to 42 U.S.C. §§ 4321 et seq.

~~(II)~~ ***(2)*** The mapping and signing of those trails and facilities.

~~(III)~~ ***(3)*** The acquisition of land for those trails and facilities.

~~(IV)~~ ***(4)*** The enhancement ~~and~~ ***or*** maintenance ***, or both,*** of those trails and facilities.

~~(V)~~ ***(5)*** The construction of those trails and facilities.

~~(VI)~~ ***(6)*** The restoration of areas that have been damaged by the use of off-highway vehicles.

~~(2) Fifteen percent of the money may be used for safety~~

(7) The prevention of impacts to important environmental areas or wildlife habitat that would be subject to damage by the use of off-highway vehicles.

(8) Safety training and education relating to ***the use of*** off-highway vehicles.

~~4. If money is used for the projects described in paragraph (b) of subsection 3, not more than 30 percent of such money may be allocated to~~

~~any one category of projects described in subparagraph (1) of that paragraph.]~~

[(8)] ***(9) Efforts to improve compliance with and enforcement of the requirements relating to off-highway vehicles.***

Sec. 9. NRS 490.082 is hereby amended to read as follows:

490.082 1. An owner of an off-highway vehicle that is acquired:

(a) Before July 1, 2011:

(1) May apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, a certificate of title for the off-highway vehicle.

(2) Except as otherwise provided in subsection 3, shall, within 1 year after July 1, 2011, apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, the registration of the off-highway vehicle.

(b) On or after July 1, 2011, shall, within 30 days after acquiring ownership of the off-highway vehicle:

(1) Apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, a certificate of title for the off-highway vehicle.

(2) Except as otherwise provided in subsection 3, apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, the registration of the off-highway vehicle pursuant to this section or NRS 490.0825.

2. If an owner of an off-highway vehicle applies to the Department or to an authorized dealer for:

(a) A certificate of title for the off-highway vehicle, the owner shall submit to the Department or to the authorized dealer proof prescribed by the Department that he or she is the owner of the off-highway vehicle.

(b) Except as otherwise provided in NRS 490.0825, the registration of the off-highway vehicle, the owner shall submit:

(1) If ownership of the off-highway vehicle was obtained before July 1, 2011, proof prescribed by the Department:

(I) That he or she is the owner of the off-highway vehicle; and

(II) Of the unique vehicle identification number, serial number or distinguishing number obtained pursuant to NRS 490.0835 for the off-highway vehicle; or

(2) If ownership of the off-highway vehicle was obtained on or after July 1, 2011:

(I) Evidence satisfactory to the Department that he or she has paid all taxes applicable in this State relating to the purchase of the off-highway vehicle, or submit an affidavit indicating that he or she purchased the vehicle through a private party sale and no tax is due relating to the purchase of the off-highway vehicle; and

(II) Proof prescribed by the Department that he or she is the owner of the off-highway vehicle and of the unique vehicle identification number,

serial number or distinguishing number obtained pursuant to NRS 490.0835 for the off-highway vehicle.

3. Registration of an off-highway vehicle is not required if the off-highway vehicle:

(a) Is owned and operated by:

(1) A federal agency;

(2) An agency of this State; or

(3) A county, incorporated city or unincorporated town in this State;

(b) Is part of the inventory of a dealer of off-highway vehicles and is affixed with a special plate provided to the off-highway vehicle dealer pursuant to NRS 490.0827;

(c) Is registered or certified in another state and is located in this State for not more than 15 days;

(d) Is used solely for husbandry on private land or on public land that is leased to or used under a permit issued to the owner or operator of the off-highway vehicle;

(e) Is used for work conducted by or at the direction of a public or private utility;

(f) Was manufactured before January 1, 1976;

(g) Is operated solely in an organized race, festival or other event that is conducted:

(1) Under the auspices of a sanctioning body; or

(2) By permit issued by a governmental entity having jurisdiction;

(h) Except as otherwise provided in paragraph (d), is operated or stored on private land or on public land that is leased to the owner or operator of the off-highway vehicle, including when operated in an organized race, festival or other event;

(i) Is used in a search and rescue operation conducted by a governmental entity having jurisdiction; or

(j) Has a displacement of not more than 70 cubic centimeters.

➥ As used in this subsection, "sanctioning body" means an organization that establishes a schedule of racing events, grants rights to conduct those events and establishes and administers rules and regulations governing the persons who conduct or participate in those events.

4. The registration of an off-highway vehicle pursuant to this section or NRS 490.0825 expires 1 year after its issuance. If an owner of an off-highway vehicle fails to renew the registration of the off-highway vehicle before it expires, the registration may be reinstated upon the payment to the Department of the annual renewal fee, a late fee of ~~[~~$25~~]~~ ***$10*** and, if applicable, proof of insurance required pursuant to NRS 490.0825. Any late fee collected by the Department must be deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.

5. If a certificate of title or registration for an off-highway vehicle is lost or destroyed, the owner of the off-highway vehicle may apply to the

Department by mail, or to an authorized dealer, for a duplicate certificate of title or registration. The Department may collect a fee to replace a certificate of title or registration certificate, sticker or decal that is lost, damaged or destroyed. Any such fee collected by the Department must be:

(a) Set forth by the Department by regulation; and

(b) Deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.

6. The provisions of subsections 1 to 5, inclusive, do not apply to an owner of an off-highway vehicle who is not a resident of this State.

Sec. 10. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 11. 1. The terms of the members of the Commission on Off-Highway Vehicles who are appointed pursuant to paragraphs (f) and (g) and subparagraphs (2) and (4) of paragraph (h) of subsection 2 of NRS 490.067, as those provisions exist on June 30, 2017, expire on July 1, 2017.

2. On or before July 1, 2017, the Governor shall appoint to the Commission on Off-Highway Vehicles the members of the Commission on Off-Highway Vehicles specified in paragraph (f) and subparagraph (2) of paragraph (g) of subsection 2 of NRS 490.067, as amended by section 6 of this act, to initial terms of 3 years commencing on July 1, 2017.

Sec. 12. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2017, for all other purposes.

Assemblyman Carrillo moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 97.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 569.

~~[~~ASSEMBLYWOMAN~~]~~ **ASSEMBLYMEN** BENITEZ-THOMPSON **AND YEAGER**

SUMMARY—Revises provisions relating to evidence collected from **and the reimbursement of payment for** forensic medical examinations of victims of sexual assault. (BDR 15-538)

AN ACT relating to crimes; requiring a law enforcement agency to submit **certain** sexual assault forensic evidence kits to a forensic laboratory within a certain period ~~[of time]~~ after receipt thereof; requiring a forensic laboratory **,** ~~[, upon request of a victim,]~~ to test sexual assault forensic evidence kits within a certain period after receipt thereof and to report certain information concerning sexual assault forensic evidence kits on an annual basis; ~~[making~~

~~various changes to the Subcommittee to Review Arrestee DNA of the Advisory Commission on the Administration of Justice;~~] **authorizing a county to be reimbursed from the Fund for the Compensation of Victims of Crime for the payment of costs associated with forensic medical examinations of victims of sexual assault; making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires a law enforcement agency to submit a sexual assault forensic evidence kit (hereinafter "SAFE kit") to the applicable forensic laboratory responsible for conducting a genetic marker analysis not later than 30 days after receiving the SAFE kit. **Such a requirement does not apply with regard to any noninvestigatory SAFE kit associated with a victim who: (1) has chosen to remain anonymous; or (2) indicates that he or she is not a victim of sexual assault. Section 1** also requires each forensic laboratory that receives a SAFE kit from a law enforcement agency to: (1) test the SAFE kit not later than ~~[180]~~ **120** days after receiving the SAFE kit **;** ~~[, if the victim of a sexual assault requests such testing;]~~ and (2) **upon completion of a genetic marker analysis, include the DNA profile obtained from the genetic marker analysis in the State DNA Database and the Federal Bureau of Investigation's Combined DNA Index System. Section 1 further requires each forensic laboratory to submit a** report annually to ~~[the Subcommittee to Review DNA of the Advisory Commission on the Administration of Justice and to]~~ the Director of the Legislative Counsel Bureau, for ~~[transmission]~~ **transmittal** to the next session of the Legislature **~~[,]~~** or to the Legislative Commission, as applicable. The report must include **certain** information concerning ~~[the number of]~~ SAFE kits ~~[that have been in the possession of]~~ **received by** the forensic laboratory ~~[for a period longer than 1 year and which have not been tested.~~

~~Existing law establishes the Subcommittee to Review Arrestee DNA of the Advisory Commission on the Administration of Justice and requires the Subcommittee to evaluate, review and submit a report to the Commission regarding certain issues relating to arrestee DNA. (NRS 176.01246) Section 3 of this bill: (1) revises the name of the Subcommittee to reflect the broader duties assigned pursuant to this bill; and (2) requires the Subcommittee to additionally evaluate, review and submit a report to the Commission regarding the submittal, storage and testing of SAFE kits.]~~ **, depending on whether a SAFE kit was received by the forensic laboratory before January 1, 2015, or on or after January 1, 2015.**

Existing law requires a county in whose jurisdiction a sexual assault is committed to pay any costs incurred by a hospital for the forensic medical examination of the victim of the sexual assault. (NRS 217.300) Existing law also authorizes a compensation officer of the Department of Administration to order the payment of compensation from the Fund for the Compensation of Victims of Crime to or for the benefit of victims of certain crimes or to certain other specified persons. (NRS 217.033,

217.160, 217.260) Section 3.3 of this bill additionally authorizes a compensation officer to order the payment of compensation to a county for the reimbursement of costs associated with conducting forensic medical examinations of victims of sexual assault that are paid by the county, in an amount equal to the cost of 10 forensic medical examinations or $10,000, whichever is less, each fiscal year.

Section 3.7 of this bill makes an appropriation of $3,000,000 to the Office of the Attorney General to be allocated pursuant to an interlocal agreement to a public entity for the purpose of making payments to forensic laboratories to reduce the backlog of sexual assault forensic evidence kits that have not been tested.

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

Section 1. Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Each]~~ Except as otherwise provided in this subsection, a law enforcement agency shall, not later than 30 days after receiving a sexual assault forensic evidence kit, submit the sexual assault forensic evidence kit to the applicable forensic laboratory responsible for conducting a genetic marker analysis. The provisions of this subsection do not apply to any noninvestigatory sexual assault forensic evidence kit associated with a victim who:

(a) Has chosen to remain anonymous; or

(b) Indicates that he or she is not a victim of sexual assault.

2. ~~[If a victim of sexual assault so requests, a]~~ A forensic laboratory shall, not later than ~~[180]~~ 120 days after receiving a sexual assault forensic evidence kit from a law enforcement agency, test the sexual assault forensic evidence kit. Upon completion of a genetic marker analysis, the forensic laboratory shall include the DNA profile obtained from the genetic marker analysis in the State DNA Database and CODIS.

3. Each forensic laboratory that receives a sexual assault forensic evidence kit from a law enforcement agency shall, on or before ~~[August]~~ January 31 of each year, submit a report to ~~[the Subcommittee to Review DNA of the Advisory Commission on the Administration of Justice pursuant to NRS 176.01246 and]~~ the Director of the Legislative Counsel Bureau for transmittal to the Legislature, if the Legislature is in session, or to the Legislative Commission, if the Legislature is not in session. If the Legislature is in session, the Director shall ensure that each member of the Assembly and Senate Standing Committees on Judiciary receives a copy of the report. The report must contain ~~[the]~~ :

(a) With regard to any sexual assault forensic evidence kit received by the forensic laboratory before January 1, 2015:

(1) The total number of such sexual assault forensic evidence kits ~~[which have:~~

~~*(a) Been in the possession of the forensic laboratory for a period longer than 1]*~~ *tested during the immediately preceding calendar year; and*

(2) The total number of such sexual assault forensic evidence kits that have not been tested.

(b) ~~*[Not]*~~ *With regard to any sexual assault forensic evidence kit received by the forensic laboratory on or after January 1, 2015:*

(1) The total number of such sexual assault forensic evidence kits tested during the immediately preceding calendar year and, for each such sexual assault forensic evidence kit, the date on which:

(I) The forensic evidence was obtained from a forensic medical examination;

(II) The sexual assault forensic evidence kit was submitted to the forensic laboratory; and

(III) The DNA profile obtained from the genetic marker analysis was included in the State DNA Database and CODIS.

(2) The total number of such sexual assault forensic evidence kits that have not been tested ~~*[.]*~~ *and, for each such sexual assault forensic evidence kit, the date on which:*

(I) The forensic evidence was obtained from a forensic medical examination; and

(II) The sexual assault forensic evidence kit was submitted to the forensic laboratory.

4. As used in this section:

(a) "CODIS" has the meaning ascribed to it in NRS 176.09113.

(b) "Forensic laboratory" has the meaning ascribed to it in NRS 176.09117.

~~*[(b)]*~~ *(c) "Forensic medical examination" has the meaning ascribed to it in NRS 217.300.*

~~*[(c)]*~~ *(d) "Genetic marker analysis" has the meaning ascribed to it in NRS 176.09118.*

~~*[(d)]*~~ *(e) "Sexual assault forensic evidence kit" means the forensic evidence obtained from a forensic medical examination.*

~~*[(e)]*~~ *(f) "State DNA Database" has the meaning ascribed to it in NRS 176.09119.*

(g) "Victim of sexual assault" has the meaning ascribed to it in NRS 217.280.

Sec. 2. NRS 200.364 is hereby amended to read as follows:

200.364 As used in NRS 200.364 to 200.3784, inclusive, ***and section 1 of this act,*** unless the context otherwise requires:

1. "Offense involving a pupil" means any of the following offenses:

(a) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(b) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

2. "Perpetrator" means a person who commits a sexual offense, an offense involving a pupil or sex trafficking.

3. "Sex trafficking" means a violation of subsection 2 of NRS 201.300.

4. "Sexual offense" means any of the following offenses:

(a) Sexual assault pursuant to NRS 200.366.

(b) Statutory sexual seduction pursuant to NRS 200.368.

5. "Sexual penetration" means cunnilingus, fellatio, or any intrusion, however slight, of any part of a person's body or any object manipulated or inserted by a person into the genital or anal openings of the body of another, including sexual intercourse in its ordinary meaning. The term does not include any such conduct for medical purposes.

6. "Statutory sexual seduction" means ordinary sexual intercourse, anal intercourse or sexual penetration committed by a person 18 years of age or older with a person who is 14 or 15 years of age and who is at least 4 years younger than the perpetrator.

7. "Victim" means a person who is a victim of a sexual offense, an offense involving a pupil or sex trafficking.

Sec. 3. ~~**[**NRS 176.01246 is hereby amended to read as follows:~~

~~176.01246 1. There is hereby created the Subcommittee to Review **[**Arrestee**]** DNA of the Commission.~~

~~2. The Chair of the Commission shall appoint the members of the Subcommittee which must include, without limitation:~~

~~(a) A member experienced in defending criminal actions.~~

~~(b) A member of a minority community organization whose mission includes the protection of civil rights for minorities.~~

~~3. The Chair of the Commission shall designate one of the members of the Subcommittee as Chair of the Subcommittee.~~

~~4. The Subcommittee shall meet at the times and places specified by a call of the Chair. A majority of the members of the Subcommittee constitutes a quorum, and a quorum may exercise any power or authority conferred on the Subcommittee.~~

~~5. The Subcommittee shall consider issues relating to DNA **[**of arrested persons**]** and shall evaluate, review and submit a report to the Commission with recommendations concerning such issues. The issues considered by the Subcommittee and the report submitted by the Subcommittee must include, without limitation:~~

~~(a) The costs and procedures relating to the methods, implementation and utilization of the provisions for the destruction of biological specimens and purging of DNA profiles and DNA records of arrested persons; **[**and**]**~~

~~(b) The collection and review of information concerning the number of requests for the destruction of biological specimens and purging of DNA profiles and DNA records of arrested persons and the number and percentage of such requests that are denied **[**.**]** ; *and***~~

~~*(c) The submittal, storage and testing of sexual assault forensic evidence kits, including, without limitation, the review of any report required pursuant to section 1 of this act.*~~

~~6. Any Legislators who are members of the Subcommittee are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Subcommittee.~~

~~7. While engaged in the business of the Subcommittee, to the extent of legislative appropriation, each member of the Subcommittee is entitled to receive the per diem allowance and travel expenses as provided for state officers and employees generally.~~

~~8. As used in this section:~~

~~(a) "Biological specimen" has the meaning ascribed to it in NRS 176.09112.~~

~~(b) "DNA" has the meaning ascribed to it in NRS 176.09114.~~

~~(c) "DNA profile" has the meaning ascribed to it in NRS 176.09115.~~

~~(d) "DNA record" has the meaning ascribed to it in NRS 176.09116.~~

~~*(e) "Sexual assault forensic evidence kit" has the meaning ascribed to it in section 1 of this act.]*~~ **(Deleted by amendment.)**

Sec. 3.3. **NRS 217.160 is hereby amended to read as follows:**

217.160 1. The compensation officer may order the payment of compensation:

(a) To or for the benefit of the victim.

(b) If the victim has suffered personal injury, to any person responsible for the maintenance of the victim who has suffered pecuniary loss or incurred expenses as a result of the injury.

(c) If the victim dies, to or for the benefit of any one or more of the dependents of the victim.

(d) To a minor who is a member of the household or immediate family of a victim of a battery which constitutes domestic violence pursuant to NRS 33.018 who needs an assessment, a psychological evaluation or psychological counseling for emotional trauma suffered by the minor as a result of the battery.

(e) To a member of the victim's household or immediate family for psychological counseling for emotional trauma suffered by the member as a result of the crime of murder as defined in NRS 200.010.

(f) To a county in whose jurisdiction a sexual assault was committed for the reimbursement of costs associated with a forensic medical examination of a victim of sexual assault that are paid by the county pursuant to NRS 217.300. A county may be reimbursed pursuant to this paragraph in an amount equal to the cost of 10 forensic medical examinations or $10,000, whichever is less, each fiscal year.

2. As used in this section:

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

(b) ***"Forensic medical examination" has the meaning ascribed to it in NRS 217.300.***

(c) "Household" means an association of persons who live in the same home or dwelling and who:

(1) Have significant personal ties to the victim; or

(2) Are related by blood, adoption or marriage, within the first degree of consanguinity or affinity.

~~[(c)]~~ ***(d)*** "Immediate family" means persons who are related by blood, adoption or marriage, within the first degree of consanguinity or affinity.

(e) "Victim of sexual assault" has the meaning ascribed to it in NRS 217.280.

Sec. 3.7. **There is hereby appropriated from the State General Fund to the Office of the Attorney General the sum of $3,000,000 to be allocated pursuant to an interlocal agreement to a public entity for the purpose of making payments to forensic laboratories to reduce the backlog of sexual assault forensic evidence kits that have not been tested.**

Sec. 4. 1. The amendatory provisions of **:**

(a) Subsections 1 and 2 of section 1 of this act apply to any sexual assault forensic evidence kit received by a forensic laboratory from a law enforcement agency on or after ~~[July]~~ **October** 1, 2017.

(b) Section 3.3 of this act apply to costs associated with a forensic medical examination of a victim of sexual assault that are paid by a county on or after October 1, 2017.

2. Each forensic laboratory shall, on or before ~~[August]~~ **January** 31, ~~[2017,]~~ **2018,** submit its first report to the ~~[Subcommittee to Review DNA of the Advisory Commission on the Administration of Justice.]~~ **Legislative Commission.**

3. As used in this section:

(a) "Forensic laboratory" has the meaning ascribed to it in NRS 176.09117.

(b) **"Forensic medical examination" has the meaning ascribed to it in NRS 217.300.**

(c) "Sexual assault forensic evidence kit" has the meaning ascribed to it in section 1 of this act.

(d) "Victim of sexual assault" has the meaning ascribed to it in NRS 217.280.

Sec. 5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 6. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 7. ~~[This act becomes effective on July 1, 2017.]~~ **(Deleted by amendment.)**

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 102.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 16.

AN ACT relating to civil actions; revising certain provisions relating to the proper venue in civil actions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a court to maintain continuing jurisdiction over certain matters relating to domestic relations, including, without limitation, divorce, child custody and child support matters. (NRS 125.150, 125A.315, 126.191, 130.202, 130.205-130.206) Continuing jurisdiction allows a court to modify its final order, judgment or decree to account for changed circumstances relating to the parties or instances of fraud or mistake. (NRS 125.150, 125A.315) Existing law also requires that a civil action must be removed from a court of this State if venue is not proper and the defendant, before the time for filing an answer to the complaint has expired, demands in writing that the trial be carried out in a court where venue is proper. (NRS 13.050) Existing law does not, however, authorize a change of venue after a trial is complete. (NRS 13.050)

This bill authorizes a court to remove a civil proceeding, including, without limitation, matters relating to domestic relations, to a court in another county after: (1) a final order, judgment or decree has been entered in ~~[the]~~ **a** proceeding ~~[,]~~ **in which the court has continuing jurisdiction;** (2) a party to the final order, judgment or decree ~~[files]~~ **has filed** a subsequent **petition or** motion relating to the proceeding; ~~[and]~~ (3) none of the parties currently reside in the county where the final order, judgment or decree was entered ~~[.]~~ **; and (4) the respondent files a timely demand for the petition or motion to be heard in a county where either party to the proceeding resides or where the child which is the subject of the proceeding resides.** ~~[This bill also authorizes the respondent, before the time for filing a response to the subsequent motion has expired, to file a demand for the motion to be heard in a county where venue is proper. This]~~ **Finally, this** bill authorizes a court to approve ~~[this]~~ **such a** demand and remove the proceeding to another court within this State **where venue is proper and** which is agreed upon by the parties or ordered by the court.

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

Section 1. NRS 13.050 is hereby amended to read as follows:

13.050 1. If the county designated for that purpose in the complaint ~~[be]~~ ***, petition or motion is*** not the proper county, the ~~[action]~~ ***proceeding*** may, notwithstanding, be tried ***or heard*** therein, unless ***:***

(a) After the filing of a complaint ~~[,]~~ or petition, the defendant ~~[before the time for answering expires demand]~~ ***demands*** in writing ***, before the time for answering expires,*** that the trial be had in the proper county, and the place of trial be thereupon changed by consent of the parties, or by order of the court, as provided in this section.

(b) ~~[After the entry of a final order, judgment or decree when]~~ In a proceeding in which the court has continuing jurisdiction after the issuance of a final order, judgment or decree, including, without limitation, any proceeding for divorce, annulment, separate maintenance or parentage or custody of a child and where no party currently resides in the county in which the order, judgment or decree was entered, the respondent demands in writing, before the time for filing a response expires, that the petition or motion be heard in the ~~[proper]~~ county ~~[, and be thereupon changed by consent of the parties,]~~ of residence of either party to the proceeding or in the county where the child who is the subject of the proceeding resides, or by order of the court, as provided in this section.

2. The court may, on motion ~~[,]~~ ***or stipulation,*** change the place of ~~[trial]~~ ***the proceeding*** in the following cases:

(a) When the county designated in the complaint ***, petition or motion*** is not the proper county.

(b) When there is reason to believe that an impartial ~~[trial]~~ ***proceeding*** cannot be had therein.

(c) When the convenience of the witnesses and the ends of justice would be promoted by the change.

(d) When any defendant in a case commenced in a county without a business court requests a change to a county:

(1) With a business court; and

(2) In which the case, if originally commenced in such county, would be eligible for assignment to the business court.

(e) When each of the parties consent to the change.

3. When the place of ~~[trial]~~ ***the proceeding*** is changed, all other ~~[proceedings]~~ ***matters relating to the proceeding*** shall be had in the county to which the place of ~~[trial]~~ ***the proceeding*** is changed, unless otherwise provided by the consent of the parties in writing duly filed, or by order of the court, and the papers shall be filed or transferred accordingly.

4. As used in this section, "business court" means, as designated pursuant to the rules of the applicable district court:

(a) A business court docket;

(b) A business matter designation; or

(c) At least one business court judge.

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 132.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 562.

SUMMARY—Provides for enhanced penalties for committing assault or battery against certain civilian employees and volunteers of ~~[law enforcement agencies.]~~ **certain governmental entities.** (BDR 15-111)

AN ACT relating to crimes; revising the definition of "officer" to include certain civilian employees and volunteers of ~~[law enforcement agencies]~~ **certain governmental entities** for the purpose of enhancing the penalties for assault and battery against such a person; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person is guilty of: (1) a category D felony if the person commits an assault upon an officer; and (2) a category B felony if the person commits an assault upon an officer with the use of a deadly weapon or the present ability to use a deadly weapon. (NRS 200.471) Existing law also provides that a person is guilty of: (1) a category B felony if the person commits a battery upon an officer which causes substantial bodily harm or is committed by strangulation; and (2) a gross misdemeanor if the person commits a battery upon an officer and the person knew or should have known that the victim was an officer. (NRS 200.481) This bill revises the definition of "officer" to include certain civilian employees and volunteers of law enforcement agencies **, fire-fighting agencies, this State and political subdivisions of this State** for the purpose of enhancing the penalties for the crimes of assault and battery against such a person.

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

Section 1. NRS 200.471 is hereby amended to read as follows:

200.471 1. As used in this section:

(a) "Assault" means:

(1) Unlawfully attempting to use physical force against another person; or

(2) Intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) ***"Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.***

(c) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard or other correctional officer of a city or county jail;

(5) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph; ~~[or]~~

(6) An employee of ~~[the]~~ ***this*** State or a political subdivision of ~~[the]~~ ***this*** State whose official duties require the employee to make home visits ~~[.]~~ ***;*** ***~~[or]~~***

(7) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency ~~[.~~

~~(c)]~~ ***;***

(8) A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

(9) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

(d) "Provider of health care" means a physician, a medical student, a perfusionist or a physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, a physician assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractor, a chiropractor's assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a medication aide - certified, a dentist, a dental student, a dental hygienist, a dental hygienist student, a pharmacist, a pharmacy student, an intern pharmacist, an attendant on an

ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist, a marriage and family therapist intern, a clinical professional counselor, a clinical professional counselor intern, a licensed dietitian, an emergency medical technician, an advanced emergency medical technician and a paramedic.

~~[(d)]~~ ***(e)*** "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

~~[(e)]~~ ***(f)*** "Sporting event" has the meaning ascribed to it in NRS 41.630.

~~[(f)]~~ ***(g)*** "Sports official" has the meaning ascribed to it in NRS 41.630.

~~[(g)]~~ ***(h)*** "Taxicab" has the meaning ascribed to it in NRS 706.8816.

~~[(h)]~~ ***(i)*** "Taxicab driver" means a person who operates a taxicab.

~~[(i)]~~ ***(j)*** "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(c) If paragraph (d) does not apply to the circumstances of the crime and if the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event and the person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a gross misdemeanor, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(d) If the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event by a probationer, a prisoner who is in lawful custody or confinement or a parolee, and the probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment

in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

Sec. 2. NRS 200.481 is hereby amended to read as follows:

200.481 1. As used in this section:

(a) "Battery" means any willful and unlawful use of force or violence upon the person of another.

(b) "Child" means a person less than 18 years of age.

(c) ***"Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.***

(d) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard, matron or other correctional officer of a city or county jail or detention facility;

(5) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including, without limitation, a person acting pro tempore in a capacity listed in this subparagraph; ~~[or]~~

(6) An employee of ~~[the]~~ ***this*** State or a political subdivision of ~~[the]~~ ***this*** State whose official duties require the employee to make home visits ~~[.]~~ ***;*** ~~***[or]***~~

(7) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency ~~***[.***~~

~~(d)]~~ ***;***

(8) A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

(9) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

(e) "Provider of health care" has the meaning ascribed to it in NRS 200.471.

~~[(e)]~~ ***(f)*** "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

~~[(f)]~~ ***(g)*** "Sporting event" has the meaning ascribed to it in NRS 41.630.

~~[(g)]~~ ***(h)*** "Sports official" has the meaning ascribed to it in NRS 41.630.

~~[(h)]~~ ***(i)*** "Strangulation" means intentionally impeding the normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person in a manner that creates a risk of death or substantial bodily harm.

~~[(i)]~~ ***(j)*** "Taxicab" has the meaning ascribed to it in NRS 706.8816.

~~[(j)]~~ ***(k)*** "Taxicab driver" means a person who operates a taxicab.

~~[(k)]~~ ***(l)*** "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. Except as otherwise provided in NRS 200.485, a person convicted of a battery, other than a battery committed by an adult upon a child which constitutes child abuse, shall be punished:

(a) If the battery is not committed with a deadly weapon, and no substantial bodily harm to the victim results, except under circumstances where a greater penalty is provided in this section or NRS 197.090, for a misdemeanor.

(b) If the battery is not committed with a deadly weapon, and either substantial bodily harm to the victim results or the battery is committed by strangulation, for a category C felony as provided in NRS 193.130.

(c) If:

(1) The battery is committed upon an officer, provider of health care, school employee, taxicab driver or transit operator who was performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event;

(2) The officer, provider of health care, school employee, taxicab driver, transit operator or sports official suffers substantial bodily harm or the battery is committed by strangulation; and

(3) The person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator or sports official,

➥ for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment.

(d) If the battery is committed upon an officer, provider of health care, school employee, taxicab driver or transit operator who is performing his or her duty or upon a sports official based on the performance of his or her

duties at a sporting event and the person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator or sports official, for a gross misdemeanor, except under circumstances where a greater penalty is provided in this section.

(e) If the battery is committed with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

(2) Substantial bodily harm to the victim results or the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $10,000.

(f) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, without the use of a deadly weapon, whether or not substantial bodily harm results and whether or not the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

(g) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years.

(2) Substantial bodily harm to the victim results or the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years.

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 181.

Bill read second time.

The following amendment was proposed by the Committee on Corrections, Parole, and Probation:

Amendment No. 393.

AN ACT relating to civil rights; revising provisions governing the restoration of civil rights to certain persons who have been convicted of felonies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, unless a person has been convicted of certain specified felonies, a person who has been convicted of a felony is restored to his or her civil rights by operation of law upon: (1) an honorable discharge from probation; (2) an honorable discharge from parole; or (3) the completion of his or her sentence and release from prison. Conversely, a person must petition a court for the restoration of his or her civil rights if the person was convicted: (1) of a category A felony; (2) of an offense that would constitute a category A felony if committed as of the date of discharge from probation, discharge from parole or release from prison; (3) of a category B felony involving the use of force or violence that resulted in substantial bodily harm; (4) of an offense involving the use of force or violence that resulted in substantial bodily harm and that would constitute a category B felony if committed as of the date of discharge from probation, discharge from parole or release from prison; or (5) two or more times of a felony, except under certain circumstances. (NRS 176A.850, 213.155, 213.157) **Sections 1-3** of this bill provide, respectively, that if the probationer, parolee or person who completed his or her sentence and was released from prison was convicted: (1) two or more times of a felony, his or her right to vote must be restored immediately after discharge from probation, discharge from parole or release from prison; and (2) of any of the other offenses enumerated above, his or her right to vote must be restored 2 years after discharge from probation, discharge from parole or release from prison.

Existing law sets forth circumstances under which a person whose term of probation has expired must be given a dishonorable discharge and precludes the probationer from obtaining the restoration of certain civil rights. (NRS 176A.870) **Section 1** maintains the requirement that such a probationer be given a dishonorable discharge, but **section 5** of this bill eliminates the prohibition on the restoration of civil rights.

Section 4 of this bill provides for the restoration of ~~[the]~~ civil rights ~~[to serve as a juror in a civil action and to vote]~~ to residents of this State who: (1) have not had their **civil** rights ~~[to serve as a juror in a civil action and to vote]~~ restored; (2) are not on probation or parole or serving a sentence of imprisonment on October 1, 2017; and (3) before October 1, 2017, were discharged from probation or parole or released from prison after serving their sentences.

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

Section 1. NRS 176A.850 is hereby amended to read as follows:

176A.850 1. A person who:

(a) Has fulfilled the conditions of probation for the entire period thereof;

(b) Is recommended for earlier discharge by the Division; or

(c) Has demonstrated fitness for honorable discharge but because of economic hardship, verified by the Division, has been unable to make restitution as ordered by the court,

➥ may be granted an honorable discharge from probation by order of the court.

2. ***A person whose term of probation has expired and:***

(a) Whose whereabouts are unknown;

(b) Who has failed to make restitution in full as ordered by the court, without a verified showing of economic hardship; or

(c) Who has otherwise failed to qualify for an honorable discharge as provided in subsection 1,

➥ is not eligible for an honorable discharge and must be given a dishonorable discharge. A dishonorable discharge releases the person from any further obligation, except as otherwise provided in subsection 3.

3. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of discharge and is enforceable pursuant to NRS 176.275.

~~[3. Except as otherwise provided in subsection 4, a]~~

4. ***A*** person who has been ~~[honorably]~~ discharged from probation:

(a) Is free from the terms and conditions of probation.

(b) Is immediately restored to the ~~[following civil rights:~~

~~(1) The right to vote; and~~

~~(2) The]~~ right to serve as a juror in a civil action.

(c) ***Except as otherwise provided in paragraph (d), is immediately restored to the right to vote.***

(d) Two years after the date of discharge from probation, is restored to the right to vote if the person has previously been convicted in this State:

(1) Of a category A felony.

(2) Of an offense that would constitute a category A felony if committed as of the date of discharge from probation.

(3) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(4) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of discharge from probation.

(e) Four years after the date of ~~[honorable]~~ discharge from probation, is restored to the right to hold office.

~~[(d)]~~ ***(f)*** Six years after the date of ~~[honorable]~~ discharge from probation, is restored to the right to serve as a juror in a criminal action.

~~[(e)]~~ ***(g)*** If the person meets the requirements of NRS 179.245, may apply to the court for the sealing of records relating to the conviction.

~~[(f)]~~ ***(h)*** Must be informed of the provisions of this section and NRS 179.245 in the person's probation papers.

~~[(g)]~~ ***(i)*** Is exempt from the requirements of chapter 179C of NRS, but is not exempt from the requirements of chapter 179D of NRS.

~~[(h)]~~ ***(j)*** Shall disclose the conviction to a gaming establishment and to the State and its agencies, departments, boards, commissions and political subdivisions, if required in an application for employment, license or other permit. As used in this paragraph, "establishment" has the meaning ascribed to it in NRS 463.0148.

~~[(i)]~~ ***(k)*** Except as otherwise provided in paragraph ~~[(h),]~~ ***(j),*** need not disclose the conviction to an employer or prospective employer.

~~[4. Except as otherwise provided in this subsection, the civil rights set forth in subsection 3 are not restored to a person honorably discharged from probation if the person has previously been convicted in this State:~~

~~(a) Of a category A felony.~~

~~(b) Of an offense that would constitute a category A felony if committed as of the date of the honorable discharge from probation.~~

~~(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.~~

~~(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of honorable discharge from probation.~~

~~(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.~~

~~➥ A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of civil rights as set forth in subsection 3.]~~

5. The prior conviction of a person who has been ~~[honorably]~~ discharged from probation may be used for purposes of impeachment. In any subsequent prosecution of the person, the prior conviction may be pleaded and proved if otherwise admissible.

6. ~~[Except for a person subject to the limitations set forth in subsection 4, upon honorable]~~ ***Upon*** discharge from probation, the person so discharged must be given an official document which provides:

(a) That the person has received an honorable discharge ***or dishonorable discharge, as applicable,*** from probation;

(b) That the person ~~[has been]~~ ***is*** restored to his or her civil rights to vote and to serve as a juror in a civil action as of the ~~[date of honorable discharge from probation;]~~ ***applicable dates set forth in paragraphs (b), (c) and (d) of subsection 4;***

(c) The date on which the person's civil right to hold office will be restored pursuant to paragraph ~~[(c)]~~ ***(e)*** of subsection ~~[3;]~~ ***4;*** and

(d) The date on which the person's civil right to serve as a juror in a criminal action will be restored pursuant to paragraph ~~[(d)]~~ ***(f)*** of subsection ~~[3.]~~ ***4.***

7. ~~[Subject to the limitations set forth in subsection 4, a]~~ ***A*** person who has been ~~[honorably]~~ discharged from probation in this State or elsewhere

and whose official documentation of ~~[~~honorable~~]~~ discharge from probation is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore the person's civil rights pursuant to this section. Upon verification that the person has been ~~[~~honorably~~]~~ discharged from probation and is eligible to be restored to the civil rights set forth in subsection ~~[~~3.~~]~~ ***4.*** the court shall issue an order restoring the person to the civil rights set forth in subsection ~~[~~3.~~]~~ ***4.*** A person must not be required to pay a fee to receive such an order.

8. A person who has been ~~[~~honorably~~]~~ discharged from probation in this State or elsewhere may present:

(a) Official documentation of ~~[~~honorable~~]~~ discharge from probation, if it contains the provisions set forth in subsection 6; or

(b) A court order restoring the person's civil rights,

➥ as proof that the person has been restored to the civil rights set forth in subsection ~~[~~3.~~]~~ ***4.***

Sec. 2. NRS 213.155 is hereby amended to read as follows:

213.155 1. ~~[~~Except as otherwise provided in subsection 2, a~~]~~ ***A*** person who receives ~~[~~an honorable~~]~~ ***a*** discharge from parole pursuant to NRS 213.154:

(a) Is immediately restored to the ~~[~~following civil rights:

~~(1) The right to vote; and~~

~~(2) The~~] right to serve as a juror in a civil action.

(b) ***Except as otherwise provided in paragraph (c), is immediately restored to the right to vote.***

(c) Two years after the date of his or her discharge from parole, is restored to the right to vote if the person has previously been convicted in this State:

(1) Of a category A felony.

(2) Of an offense that would constitute a category A felony if committed as of the date of discharge from parole.

(3) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(4) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of discharge from parole.

(d) Four years after the date of his or her ~~[~~honorable~~]~~ discharge from parole, is restored to the right to hold office.

~~[~~(c)~~]~~ ***(e)*** Six years after the date of his or her ~~[~~honorable~~]~~ discharge from parole, is restored to the right to serve as a juror in a criminal action.

2. ~~[~~Except as otherwise provided in this subsection, the civil rights set forth in subsection 1 are not restored to a person who has received an honorable discharge from parole if the person has previously been convicted in this State:~~]~~

~~(a) Of a category A felony.~~

~~(b) Of an offense that would constitute a category A felony if committed as of the date of his or her honorable discharge from parole.~~

~~(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.~~

~~(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his or her honorable discharge from parole.~~

~~(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.~~

~~➥ A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of his or her civil rights as set forth in subsection 1.~~

~~3. Except for a person subject to the limitations set forth in subsection 2, upon~~**]** ***Upon*** his or her **[**~~honorable~~**]** discharge from parole, a person so discharged must be given an official document which provides:

(a) That the person has received an honorable discharge ***or dishonorable discharge, as applicable,*** from parole;

(b) That the person **[**~~has been~~**]** ***is*** restored to his or her civil rights to vote and to serve as a juror in a civil action as of the **[**~~date of his or her honorable discharge from parole;~~**]** ***applicable dates set forth in paragraphs (a), (b) and (c) of subsection 1;***

(c) The date on which his or her civil right to hold office will be restored to the person pursuant to paragraph **[**~~(b)~~**]** ***(d)*** of subsection 1; and

(d) The date on which his or her civil right to serve as a juror in a criminal action will be restored to the person pursuant to paragraph **[**~~(c)~~**]** ***(e)*** of subsection 1.

[~~4. Subject to the limitations set forth in subsection 2, a~~**]**

3. ***A*** person who has been **[**~~honorably~~**]** discharged from parole in this State or elsewhere and whose official documentation of his or her **[**~~honorable~~**]** discharge from parole is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has been **[**~~honorably~~**]** discharged from parole and is eligible to be restored to the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 1. A person must not be required to pay a fee to receive such an order.

[~~5.~~**]** ***4.*** A person who has been **[**~~honorably~~**]** discharged from parole in this State or elsewhere may present:

(a) Official documentation of his or her **[**~~honorable~~**]** discharge from parole, if it contains the provisions set forth in subsection **[**~~3;~~**]** ***2;*** or

(b) A court order restoring his or her civil rights,

➥ as proof that the person has been restored to the civil rights set forth in subsection 1.

~~[6.]~~ ***5.*** The Board may adopt regulations necessary or convenient for the purposes of this section.

Sec. 3. NRS 213.157 is hereby amended to read as follows:

213.157 1. ~~[Except as otherwise provided in subsection 2, a]~~ ***A*** person convicted of a felony in the State of Nevada who has served his or her sentence and has been released from prison:

(a) Is immediately restored to the ~~[following civil rights:~~

~~(1) The right to vote; and~~

~~(2) The]~~ right to serve as a juror in a civil action.

(b) ***Except as otherwise provided in paragraph (c), is immediately restored to the right to vote.***

(c) Two years after the date of his or her release from prison, is restored to the right to vote if the person has previously been convicted in this State:

(1) Of a category A felony.

(2) Of an offense that would constitute a category A felony if committed as of the date of his or her release from prison.

(3) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(4) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his or her release from prison.

(d) Four years after the date of his or her release from prison, is restored to the right to hold office.

~~[(c)]~~ ***(e)*** Six years after the date of his or her release from prison, is restored to the right to serve as a juror in a criminal action.

2. ~~[Except as otherwise provided in this subsection, the civil rights set forth in subsection 1 are not restored to a person who has been released from prison if the person has previously been convicted in this State:~~

~~(a) Of a category A felony.~~

~~(b) Of an offense that would constitute a category A felony if committed as of the date of his or her release from prison.~~

~~(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.~~

~~(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his or her release from prison.~~

~~(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.~~

~~➥ A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of his or her civil rights as set forth in subsection 1.~~

~~3. Except for a person subject to the limitations set forth in subsection 2, upon~~] ***Upon*** his or her release from prison, a person so released must be given an official document which provides:

(a) That the person has been released from prison;

(b) That the person ~~[has been]~~ ***is*** restored to his or her civil rights to vote and to serve as a juror in a civil action as of the ~~[date of his or her release from prison;]~~ ***applicable dates set forth in paragraphs (a), (b) and (c) of subsection 1;***

(c) The date on which his or her civil right to hold office will be restored to the person pursuant to paragraph ~~[(b)]~~ ***(d)*** of subsection 1; and

(d) The date on which his or her civil right to serve as a juror in a criminal action will be restored to the person pursuant to paragraph ~~[(c)]~~ ***(e)*** of subsection 1.

~~[4. Subject to the limitations set forth in subsection 2, a]~~

3. A person who has been released from prison in this State or elsewhere and whose official documentation of his or her release from prison is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has been released from prison and is eligible to be restored to the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 1. A person must not be required to pay a fee to receive such an order.

~~[5.]~~ ***4.*** A person who has been released from prison in this State or elsewhere may present:

(a) Official documentation of his or her release from prison, if it contains the provisions set forth in subsection ~~[3,]~~ ***2;*** or

(b) A court order restoring his or her civil rights,

➥ as proof that the person has been restored to the civil rights set forth in subsection 1.

Sec. 4. 1. **Any person residing in this State who:**

(a) Is not subject to the provisions of subsection 2;

(b) Before October 1, 2017, was discharged from probation pursuant to NRS 176A.850 or 176A.870, discharged from parole pursuant to NRS 213.155 or released from prison pursuant to NRS 213.157, as those sections existed before October 1, 2017;

(c) Is not on probation or parole or serving a sentence of imprisonment on October 1, 2017; and

(d) Has not already had his or her civil rights restored,

➥ is immediately restored to the right to serve as a juror in a civil action and the right to vote. Four years after the date on which the person was discharged from probation, discharged from parole or released from prison, as applicable, he or she is restored to the right to hold office. Six years after the date on which the person was discharged from probation, discharged from parole or released from prison, as applicable, he or she is restored to the right to serve as a juror in a criminal action.

2. Any person residing in this State who:

(a) Before October 1, 2017:

(1) Was discharged from probation pursuant to NRS 176A.850 or 176A.870, discharged from parole pursuant to NRS 213.155 or released from prison pursuant to NRS 213.157, as those sections existed before October 1, 2017; and

(2) Was previously convicted in this State:

(I) Of a category A felony;

(II) Of an offense that would constitute a category A felony if committed as of the date of discharge from probation, discharge from parole or release from prison, as applicable;

(III) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim; ~~[or]~~

(IV) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of discharge from probation, discharge from parole or release from prison, as applicable; **or**

(V) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this sub-subparagraph;

(b) Is not on probation or parole or serving a sentence of imprisonment on October 1, 2017; and

(c) Has not already had his or her civil rights restored,

➥ is immediately restored to the right to serve as a juror in a civil action. Two years after the date on which the person was discharged from probation, discharged from parole or released from prison, as applicable, he or she is restored to the right to vote. Four years after the date on which the person was discharged from probation, discharged from parole or released from prison, as applicable, he or she is restored to the right to hold office. Six years after the date on which the person was discharged from probation, discharged from parole or released from prison, as applicable, he or she is restored to the right to serve as a juror in a criminal action.

~~[2.]~~ **3.** A person who is restored to his or her civil rights pursuant to this section and whose official documentation which demonstrates that the person qualifies to have his or her civil rights restored pursuant to ~~[subsection 1]~~ **this section** is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person qualifies to have his or her civil rights restored pursuant to ~~[subsection 1,]~~ **this section,** the court shall issue an order restoring the person to the civil rights set forth in ~~[subsection 1.]~~ **this section.** A person must not be required to pay a fee to receive such an order.

~~[3.]~~ **4.** A person who is restored to his or her civil rights pursuant to this section may present official documentation that he or she qualifies to have

his or her civil rights restored pursuant to ~~[subsection 1]~~ **this section** or a court order restoring his or her civil rights as proof that he or she has been restored to the civil rights set forth in ~~[subsection 1.]~~ **this section.**

Sec. 5. NRS 176A.870 is hereby repealed.

TEXT OF REPEALED SECTION

176A.870 Dishonorable discharge. A defendant whose term of probation has expired and:

1. Whose whereabouts are unknown;
2. Who has failed to make restitution in full as ordered by the court, without a verified showing of economic hardship; or
3. Who has otherwise failed to qualify for an honorable discharge as provided in NRS 176A.850,

➥ is not eligible for an honorable discharge and must be given a dishonorable discharge. A dishonorable discharge releases the probationer from any further obligation, except a civil liability arising on the date of discharge for any unpaid restitution which is enforceable pursuant to NRS 176.275, but does not entitle the probationer to any privilege conferred by NRS 176A.850.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 258.

Bill read second time and ordered to third reading.

Assembly Bill No. 276.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 399.

ASSEMBLYMEN SPIEGEL, JOINER, DIAZ; BILBRAY- AXELROD, CARLTON, COHEN, MILLER, SWANK **,** ~~[AND]~~ THOMPSON **AND YEAGER**

SENATORS PARKS; ~~[AND]~~ MANENDO **AND SEGERBLOM**

AN ACT relating to employment; prohibiting an employer, employment agency or labor organization from discriminating against certain persons for inquiring about, discussing or **voluntarily** disclosing information about wages under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain employment practices as unlawful and prohibits **certain** employers, employment agencies and labor organizations from engaging in such practices. (NRS 613.330) **With certain exceptions, this prohibition only applies to employers who have 15 or more employees for each working day in each of 20 or more calendar weeks, either in the same or the preceding calendar year as when an unlawful**

employment practice occurred. (NRS 613.310) This bill prohibits **such** an employer, **an** employment agency or **a** labor organization from discriminating against a person with respect to employment or membership, as applicable, for inquiring about, discussing or **voluntarily** disclosing information about wages. This provision does not apply to any person who has access to information about the wages of other persons as part of his or her essential job functions and discloses the information to a person who does not have access to that information **[.] , except as ordered by the Labor Commissioner or a court of competent jurisdiction.**

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

Section 1. NRS 613.330 is hereby amended to read as follows:

613.330 1. Except as otherwise provided in NRS 613.350, it is an unlawful employment practice for an employer:

(a) To fail or refuse to hire or to discharge any person, or otherwise to discriminate against any person with respect to the person's compensation, terms, conditions or privileges of employment, because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin; **[**or**]**

(b) To limit, segregate or classify an employee in a way which would deprive or tend to deprive the employee of employment opportunities or otherwise adversely affect his or her status as an employee, because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin **[**.**]** ***; or***

(c) Except as otherwise provided in subsection 7, to discriminate against any employee because the employee has inquired about, discussed or voluntarily disclosed his or her wages or the wages of another employee.

2. It is an unlawful employment practice for an employment agency ***:*** **[**to:**]**

(a) **[**Fail**]** ***To fail*** or refuse to refer for employment, or otherwise to discriminate against, any person because of the race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin of that person; **[**or**]**

(b) **[**Classify**]** ***To classify*** or refer for employment any person on the basis of the race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin of that person **[**.**]** ***; or***

(c) Except as otherwise provided in subsection 7, to discriminate against any person because the person has inquired about, discussed or voluntarily disclosed his or her wages or the wages of another person.

3. It is an unlawful employment practice for a labor organization:

(a) To exclude or to expel from its membership, or otherwise to discriminate against, any person because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin;

(b) To limit, segregate or classify its membership, or to classify or fail or refuse to refer for employment any person, in any way which would deprive or tend to deprive the person of employment opportunities, or would limit the person's employment opportunities or otherwise adversely affect the person's status as an employee or as an applicant for employment, because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin; ~~[or]~~

(c) ***Except as otherwise provided in subsection 7, to discriminate or take any other action prohibited by this section against any member thereof or any applicant for membership because the member or applicant has inquired about, discussed or voluntarily disclosed his or her wages or the wages of another member or applicant; or***

(d) To cause or attempt to cause an employer to discriminate against any person in violation of this section.

4. It is an unlawful employment practice for any employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining, including, without limitation, on-the-job training programs, to discriminate against any person because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin in admission to, or employment in, any program established to provide apprenticeship or other training.

5. Except as otherwise provided in subsection 6, it is an unlawful employment practice for any employer, employment agency, labor organization or joint labor-management committee to discriminate against a person with a disability by interfering, directly or indirectly, with the use of an aid or appliance, including, without limitation, a service animal, by such a person.

6. It is an unlawful employment practice for an employer, directly or indirectly, to refuse to permit an employee with a disability to keep the employee's service animal with him or her at all times in his or her place of employment, except that an employer may refuse to permit an employee to keep a service animal that is a miniature horse with him or her if the employer determines that it is not reasonable to comply, using the assessment factors set forth in 28 C.F.R. § 36.302.

7. ***The provisions of paragraph (c) of subsection 1, paragraph (c) of subsection 2 and paragraph (c) of subsection 3, as applicable, do not apply to any person who has access to information about the wages of other persons as part of his or her essential job functions and discloses that information to a person who does not have access to that information unless the disclosure is ~~[in response to a charge, complaint or investigation for a violation of this section.]~~ ordered by the Labor Commissioner or a court of competent jurisdiction.***

8. As used in this section, "service animal" has the meaning ascribed to it in NRS 426.097.

Sec. 2. This act becomes effective ~~[on July 1, 2017.]~~ **upon passage and approval.**

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 279.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 491.

AN ACT relating to financial institutions; changing the method by which the Commissioner of Financial Institutions charges and collects fees for providing supervision, audits, examinations, investigations or hearings; requiring the Commissioner to adjust the rate at which such a fee is to be paid by banks and other financial institutions for supervision and examinations in certain circumstances; requiring the Commissioner to publish each year the amount of the fee that is to be paid by banks and other financial institutions for the following year; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commissioner of Financial Institutions to establish by regulation rates to be paid by banks and other financial institutions for supervision and examinations by the Commissioner or the Division of Financial Institutions of the Department of Business and Industry. (NRS 658.101)

Section 7 of this bill requires the Commissioner to **, at least once per year, review and analyze the proportional utilization of the resources of the Division of Financial Institutions by banks and other financial institutions as compared to the annual budget approved by the Legislature for the Division of Financial Institutions. Section 7 further requires the Commissioner to** adjust ~~[such]~~ **by regulation the** rates ~~[when deemed]~~ **to be paid by banks and other financial institutions if after such review and analysis the Commissioner deems such an adjustment** necessary**.** ~~[by a percentage not to exceed the percentage change in the most recent annual budget approved by the Legislature for the Division of Financial Institutions.]~~ **Section 7** further requires the Commissioner to publish on the Internet website of the Division of Financial Institutions by December 31 of each year the amount of the fee for the following year and defines the term "financial institution" to include a depository institution and any other institution or business regulated by the Division.

Existing law requires the Commissioner to charge and collect from a check-cashing service, or certain loan services, or an issuer of instruments for

transmission or payment of money a fee for supervision and examinations of not more than $80 or $10 per hour, respectively. (NRS 604A.740, 671.170) **Sections 1 and 12** of this bill remove the per hour cap on the fee and instead require the Commissioner to charge and collect the fee at the rate established and, if applicable, adjusted pursuant to **section 7** for any supervision, audit, examination, investigation or hearing.

Existing law requires the costs for additional examinations and investigations of a foreign credit union to be paid by the credit union at an hourly rate that is deemed reasonable by the Commissioner. (NRS 678.3435) **Section 17** of this bill instead requires the credit union to pay the Commissioner for additional examinations and investigations at the rate established and, if applicable, adjusted pursuant to **section 7**.

Existing law authorizes the Commissioner to supervise, audit, examine, investigate or conduct a hearing regarding a bank or other financial institution in order to ensure compliance with the laws governing financial institutions. (NRS 657.210, 675.400, 676A.730) **Sections 5, 14 and 15** of this bill require the Commissioner to charge and collect a fee at the rate established and, if applicable, adjusted pursuant to **section 7** for any such supervision, audit, examination, investigation or hearing. **Section 14** further requires the Commissioner or his or her authorized representatives at least once each year to examine the accounts of the holder of a license to engage in the business of lending so far as they pertain to the business that is licensed.

~~[Existing law exempts various entities from the requirements of the Nevada Administrative Procedure Act. (NRS 233B.039) Section 2 of this bill exempts the Commissioner from the Nevada Administrative Procedure Act when the Commissioner is adjusting the rates upon which the schedule of fees is based pursuant to section 7.]~~

Sections 3, 4, 6, 8-11, 13, 16 and 18 of this bill make conforming changes based on the provisions of **section 7**.

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

Section 1. NRS 604A.740 is hereby amended to read as follows:

604A.740 1. The Commissioner shall charge and collect from each licensee a fee ~~[of not more than $80 per hour]~~ ***at the rate established and, if applicable, adjusted pursuant to NRS 658.101*** for ***the cost of*** any supervision, audit, examination, investigation or hearing conducted pursuant to this chapter or any regulations adopted pursuant thereto.

2. The Commissioner shall bill each licensee upon the completion of the activity for the fee required pursuant to subsection 1. The licensee shall pay the fee within 30 days after the date the bill is received. Except as otherwise provided in this subsection, any payment received after the date due must include a penalty of 10 percent of the fee plus an additional 1 percent of the

fee for each month, or portion of a month, that the fee is not paid. The Commissioner may waive the penalty for good cause.

3. The failure of a licensee to pay the fee required pursuant to subsection 1 as provided in this section constitutes grounds for revocation of the license of the licensee.

~~[4. The Commissioner shall adopt regulations establishing the amount of the fee required pursuant to this section.]~~

Sec. 2. ~~[NRS 233B.039 is hereby amended to read as follows:~~

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

~~(a) The Governor.~~

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

~~(c) The Nevada System of Higher Education.~~

~~(d) The Office of the Military.~~

~~(e) The Nevada Gaming Control Board.~~

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

~~(g) The Division of Welfare and Supportive Services of the Department of Health and Human Services.~~

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

~~(i) The State Board of Examiners acting pursuant to chapter 217 of NRS.~~

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

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

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

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

~~(n) The Silver State Health Insurance Exchange.~~

~~*(o) The Commissioner of Financial Institutions in adjusting the rates to be paid by banks and other financial institutions pursuant to subsection 3 of NRS 658.101.*~~

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

~~3. The special provisions of:~~

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

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

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

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

~~" prevail over the general provisions of this chapter.~~

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

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

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

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

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

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

~~6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.~~] **(Deleted by amendment.)**

Sec. 3. NRS 628B.560 is hereby amended to read as follows:

628B.560 1. Except as otherwise provided in NRS 159.076, a licensee shall maintain a separate guardianship account for each ward into which all money received for the benefit of the ward must be deposited. Each guardianship account must be maintained in an insured bank or credit union located in this State, be held in a name which is sufficient to distinguish it from the personal or general checking account of the licensee and be designated as a guardianship account. Each guardianship account must at all times account for all money received for the benefit of the ward and account for all money dispersed for the benefit of the ward, and no disbursement may be made from the account except as authorized under chapter 159 of NRS or as authorized by court order.

2. Each licensee shall keep a record of all money deposited in each guardianship account maintained for a ward, which must clearly indicate the date and from whom the money was received, the date the money was

deposited, the dates of withdrawals of money and other pertinent information concerning the transactions. Records kept pursuant to this subsection must be maintained for at least 6 years after the completion of the last transaction concerning the account. The records must be maintained at the premises in this State at which the licensee is authorized to conduct business.

3. The Commissioner or his or her designee may conduct an examination of the guardianship accounts and records relating to wards of each private professional guardian company licensed pursuant to this chapter at any time to ensure compliance with the provisions of this chapter.

4. During the first year a private professional guardian is licensed in this State, the Commissioner or his or her designee may conduct any examinations deemed necessary to ensure compliance with the provisions of this chapter.

5. If there is evidence that a private professional guardian company has violated a provision of this chapter, the Commissioner or his or her designee may conduct additional examinations to determine whether a violation has occurred.

6. Each licensee shall authorize the Commissioner or his or her designee to examine all books, records, papers and effects of the private professional guardian company.

7. If the Commissioner determines that the records of a licensee are not maintained in accordance with subsections 1 and 2, the Commissioner may require the licensee to submit, within 60 days, an audited financial statement prepared from the records of the licensee by a certified public accountant who holds a certificate to engage in the practice of public accounting in this State. The Commissioner may grant a reasonable extension of time for the submission of the financial statement if an extension is requested before the statement is due.

8. Upon the request of the Division, a licensee must provide to the Division copies of any documents reviewed during an examination conducted by the Commissioner or his or her designee pursuant to subsection 4, 5 or 6. If the copies are not provided, the Commissioner may subpoena the documents.

9. For each examination of the books, papers, records and effects of a private professional guardian company that is required or authorized pursuant to this chapter, the Commissioner shall charge and collect from the private professional guardian company a fee for conducting the examination and preparing a report of the examination based upon the rate established ~~[by regulation]~~ ***and, if applicable, adjusted*** pursuant to NRS 658.101. Failure to pay the fee within 30 days after receipt of the bill is grounds for revoking the license of the private professional guardian company.

10. All money collected under this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 4. NRS 649.295 is hereby amended to read as follows:

649.295 1. A nonrefundable fee of not more than $500 for the application and survey must accompany each new application for a license as a collection agency. Each applicant shall also pay any additional expenses incurred in the process of investigation. All money received by the Commissioner pursuant to this subsection must be placed in the Investigative Account created by NRS 232.545.

2. A fee of not less than $200 or more than $600, prorated on the basis of the licensing year as provided by the Commissioner, must be charged for each original license issued. A fee of not more than $500 must be charged for each annual renewal of a license.

3. A fee of not more than $20 must be charged for each duplicate license or license for a transfer of location issued.

4. A nonrefundable application fee of not more than $500 and a nonrefundable investigation fee of not more than $150 must accompany each application for a manager's certificate.

5. A fee of not more than $40 must be charged for each manager's certificate issued and for each annual renewal of such a certificate.

6. A fee of not more than $60 must be charged for the reinstatement of a manager's certificate.

7. A fee of not more than $10 must be charged for each day an application for the renewal of a license or certificate, or a required report, is filed late, unless the fee or portion thereof is excused by the Commissioner for good cause shown.

8. A nonrefundable fee of not more than $250 for the application and an examination must accompany each application for a permit to operate a branch office of a licensed collection agency. A fee of not more than $500 must be charged for each annual renewal of such a permit.

9. For each examination the Commissioner shall charge and collect from the licensee a fee for conducting the examination and preparing and typing the report of the examination at the rate established ***and, if applicable, adjusted*** pursuant to NRS 658.101. Failure to pay the fee within 30 days after receipt of the bill is a ground for revoking the collection agency's license.

10. ~~[The]~~ ***Except as otherwise provided in NRS 658.101, the*** Commissioner shall adopt regulations establishing the amount of the fees required pursuant to this section.

11. Except as otherwise provided in subsection 1, all money received by the Commissioner pursuant to this chapter must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 5. NRS 657.210 is hereby amended to read as follows:

657.210 1. For the purpose of discovering violations of this title or of securing information lawfully required under this title, the Commissioner or the Commissioner's duly authorized representatives may at any time investigate the business and examine the books, accounts, papers and records used therein of:

(a) Any licensee;

(b) Any other person engaged in an activity for which a license is required pursuant to the provisions of this title; and

(c) Any person whom the Commissioner has reasonable cause to believe is violating or is about to violate any provision of this title, whether or not the person claims to be within the authority or beyond the scope of this title.

2. For the purpose of examination, the Commissioner or the Commissioner's authorized representatives must have and be given free access to the offices and places of business, files, safes and vaults of such persons.

3. The Commissioner may require the attendance of any person and examine the person under oath regarding:

(a) Any transaction or business regulated pursuant to the provisions of this title; or

(b) The subject matter of any audit, examination, investigation or hearing.

4. The Commissioner shall charge and collect from each licensee or other person a fee at the rate established and, if applicable, adjusted pursuant to NRS 658.101 for the cost of any supervision, audit, examination, investigation or hearing conducted pursuant to this title or any regulations adopted pursuant thereto.

Sec. 6. NRS 658.096 is hereby amended to read as follows:

658.096 1. The Commissioner shall charge and collect the following fees in connection with the Commissioner's official duties:

(a) For licensing of state banks:

(1) A fee of not more than $400 for each parent bank, payable on June 30 of each year.

(2) A fee of not more than $200 for each branch bank or trust office, payable on June 30 of each year.

➥ The fees must accompany the application for renewal of the license. A penalty of 10 percent of the fee must be charged for each month or part of a month that the fees are not paid after June 30 of each year.

(b) For applications for new branch banks or trust offices, a nonrefundable fee of not more than $400 for the application and survey, to be paid by the applicant at the time of making the application. The applicant must also pay such additional expenses incurred in the process of investigation as the Commissioner deems necessary. All money received by the Commissioner pursuant to this paragraph must be placed in the Investigative Account for Financial Institutions created by NRS 232.545.

(c) For examinations and the examination of trust departments of state banks or trust offices, a fee for conducting the examination and for preparing and typing the report of the examination at the rate established ***and, if applicable, adjusted*** pursuant to NRS 658.101.

2. ~~[The]~~ ***Except as otherwise provided in NRS 658.101, the*** Commissioner shall adopt regulations establishing the amount of the fees required pursuant to this section.

3. Except as otherwise provided in paragraph (b) of subsection 1, all money collected pursuant to this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

4. As used in this section, "trust office" has the meaning ascribed to it in subsection 4 of NRS 662.239.

Sec. 7. NRS 658.101 is hereby amended to read as follows:

658.101 1. The Commissioner shall establish by regulation rates to be paid by banks and other financial institutions for supervision and examinations by the Commissioner or the Division of Financial Institutions.

2. In establishing a rate pursuant to subsection 1, the Commissioner shall consider:

(a) The complexity of the various examinations to which the rate applies;

(b) The skill required to conduct the examinations;

(c) The expenses associated with conducting the examination and preparing a report; and

(d) Any other factors the Commissioner deems relevant.

3. At least once each year, the Commissioner shall review and analyze the proportional utilization of the resources of the Division of Financial Institutions by banks and other financial institutions as compared to the annual budget approved by the Legislature for the Division of Financial Institutions. If after such review and analysis the Commissioner deems it necessary, the Commissioner shall adjust by regulation the rates established pursuant to subsection 1 . ~~[by a percentage not to exceed the percentage change in the most recent annual budget approved by the Legislature for the Division of Financial Institutions.]~~

4. The Commissioner shall publish on the Internet website of the Division of Financial Institutions by December 31 of each year the amount of each fee for the following year that results from the rates established and, if applicable, adjusted pursuant to this section.

5. As used in this section, "financial institution" means a depository institution or any other institution or business regulated by the Division of Financial Institutions pursuant to titles 52, 54, 55 and 56. The term includes, without limitation, a holding company, affiliate or subsidiary of such an institution.

Sec. 8. NRS 666A.330 is hereby amended to read as follows:

666A.330 1. A state branch, agency or representative office is subject to examination by the Commissioner to the same extent and in the same manner as if the state branch, agency or representative office were a Nevada bank.

2. In conducting an examination pursuant to this section, the Commissioner:

(a) Is entitled to full access to the offices, books, accounts, papers, records, files, safes and vaults of each office; and

(b) May require the attendance of and examine under oath all persons whose testimony may be required relative to the activities of the office.

3. A foreign bank which is licensed to establish and maintain a state branch, agency or representative office shall pay a fee for conducting the examination and the expenses of preparing and typing the report of the examination at the rate established ***and, if applicable, adjusted*** pursuant to NRS 658.101.

Sec. 9. NRS 669.250 is hereby amended to read as follows:

669.250 1. For each examination of a trust company's books and records required or authorized under this chapter, the Commissioner shall charge and collect from the trust company a fee for conducting the examination and in preparing and typing the report of the examination at the rate established ***and, if applicable, adjusted*** pursuant to NRS 658.101.

2. All money collected under this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

3. The Commissioner shall examine a licensee as often as the Commissioner deems necessary.

Sec. 10. NRS 669A.260 is hereby amended to read as follows:

669A.260 1. The Commissioner may examine the books and records of a licensed family trust company. For each examination of the books and records of a licensed family trust company as authorized under this chapter, the Commissioner shall charge and collect from the licensed family trust company a fee for conducting the examination and in preparing, typing and copying the report of the examination at the rate established ***and, if applicable, adjusted*** pursuant to NRS 658.101.

2. All money collected under this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 11. NRS 671.120 is hereby amended to read as follows:

671.120 1. Except as ***otherwise*** provided in subsection 4, once each year the Commissioner shall examine the financial accounts of each licensee and any other documents relevant to the conduct of the licensee's business, and the Commissioner may conduct examinations at additional times.

2. For the purpose of the examinations, the Commissioner may enter upon any of the business premises of a licensee or the licensee's agents and obtain access to the relevant documents. Any obstruction or denial of such an entry or access is a violation of this chapter.

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

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

Sec. 12. NRS 671.170 is hereby amended to read as follows:

671.170 1. The Commissioner may conduct any necessary investigations and hearings to determine whether any licensee or other person has violated any of the provisions of this chapter or whether any licensee has

conducted himself or herself in a manner which requires the suspension, revocation or denial of renewal of his or her license.

2. In conducting any investigation or hearing pursuant to this chapter, the Commissioner, or any person designated by the Commissioner, may require the attendance and testimony of any person and compel the production of all relevant books, records, accounts and other documents. The ***Commissioner shall charge and collect from each licensee or other person a fee at the rate established and, if applicable, adjusted pursuant to NRS 658.101 for the*** cost of any ***supervision, audit,*** examination ***,*** ~~[~~or~~]~~ investigation ~~[, not to exceed $10 an hour, must be borne by the licensee.]~~ ***or hearing conducted pursuant to this chapter or any regulations adopted pursuant thereto.***

3. The Commissioner may require any licensee to submit such reports concerning the licensee's business as the Commissioner deems necessary for the enforcement of this chapter.

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

Sec. 13. NRS 673.430 is hereby amended to read as follows:

673.430 1. Each association doing business in this State shall file annually with the Commissioner on or before March 1, a sworn statement in two sections.

2. One section of the annual report must contain, in such form and detail as the Commissioner may prescribe, the following:

(a) The amount of authorized capital by classes and the par value of each class of stock.

(b) A statement of its assets, liabilities and capital accounts as of the immediately preceding December 31.

(c) Any other facts which the Commissioner requires.

➥ This section must be furnished in duplicate, one certified copy to be returned for publication at least two times in a newspaper having a general circulation in each county in which the association maintains an office. Publication must be completed on or before May 1, and proof of publication must be filed in the Office of the Commissioner.

3. One section of the annual report must contain such other information as the Commissioner may require to be furnished. This section need not be published and, except as otherwise provided in NRS 239.0115, must be treated as confidential by the Commissioner.

4. The Commissioner may impose and collect a fee of not more than $10 for each day the annual report is overdue. The Commissioner shall adopt regulations establishing the amount of the fee that may be imposed pursuant to this subsection.

5. Every association shall pay to the Commissioner for supervision and examination a fee based on the rate established ***and, if applicable, adjusted*** pursuant to NRS 658.101.

~~[5.]~~ ***6.*** All sums received by the Commissioner pursuant to this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 14. NRS 675.400 is hereby amended to read as follows:

675.400 1. At least once each year, the Commissioner or his or her authorized representatives shall make an examination of the place of business of each licensee and of the loans, transactions, books, ***accounts,*** papers and records of the licensee so far as they pertain to the business licensed under this chapter.

2. ~~[For each examination the]~~ ***The*** Commissioner shall charge and collect from ~~[the]~~ ***each*** licensee a fee ~~[for conducting the examination and preparing and typing the report of the examination]~~ at the rate established ***and, if applicable, adjusted*** pursuant to NRS 658.101~~[.]~~ ***for the cost of any supervision, audit, examination, investigation or hearing conducted pursuant to this chapter or any regulations adopted pursuant thereto.***

3. All money collected by the Commissioner pursuant to subsection 2 must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 15. NRS 676A.730 is hereby amended to read as follows:

676A.730 1. The Commissioner may act on his or her own initiative or in response to complaints and may receive complaints, take action to obtain voluntary compliance with this chapter, refer cases to the Attorney General and seek or provide remedies as provided in this chapter.

2. The Commissioner may investigate and examine, in this State or elsewhere, by subpoena or otherwise, the activities, books, accounts and records of a person that provides or offers to provide debt-management services, or a person to which a provider has delegated its obligations under an agreement or this chapter, to determine compliance with this chapter. Information that identifies individuals who have agreements with the provider must not be disclosed to the public. In connection with the investigation, the Commissioner ***:*** ~~[may:]~~

(a) ~~[Charge]~~ ***Shall charge and collect from*** the person ~~[the reasonable expenses necessarily incurred to conduct the examination;]~~ ***a fee at the rate established and, if applicable, adjusted pursuant to NRS 658.101 for the cost of any supervision, audit, examination, investigation or hearing conducted pursuant to this chapter or any regulations adopted pursuant thereto;***

(b) ~~[~~Require~~]~~ ***May require*** or permit a person to file a statement under oath as to all the facts and circumstances of a matter to be investigated; and

(c) ~~[~~Seek~~]~~ ***May seek*** a court order authorizing seizure from a bank at which the person maintains a trust account required by NRS 676A.570, any or all money, books, records, accounts and other property of the provider that is in the control of the bank and relates to individuals who reside in this State.

3. The Commissioner may adopt regulations to implement the provisions of this chapter.

4. The Commissioner may enter into cooperative arrangements with any other federal or state agency having authority over providers and may exchange with any of those agencies information about a provider, including, without limitation, information obtained during an examination of the provider.

5. ~~[~~The~~]~~ ***Except as otherwise provided in NRS 658.101, the*** Commissioner, by regulation, shall establish reasonable fees to be paid by providers for the expense of administering this chapter. The Commissioner may, in his or her discretion, establish a reduced fee schedule for providers that are qualified nonprofit entities.

6. The Commissioner, by regulation, shall adopt dollar amounts instead of those specified in NRS 676A.030, 676A.310, 676A.350, 676A.390, 676A.580, 676A.740 and 676A.760 to reflect inflation, as measured by the Consumer Price Index for All Urban Consumers, published by the United States Department of Labor, or, if that Index is not available, another index adopted by regulation by the Commissioner. The Commissioner shall adopt a base year and adjust the dollar amounts, effective on July 1 of each year, if the change in the index from the base year, as of December 31 of the preceding year, is at least 10 percent. The dollar amount must be rounded to the nearest $100, except that the amounts in NRS 676A.580 must be rounded to the nearest dollar.

7. The Commissioner shall notify registered providers of any change in dollar amounts made pursuant to subsection 6 and make that information available to the public.

8. The Commissioner, by regulation, may:

(a) Require a provider to make additional disclosures before an individual assents to an agreement, including, without limitation, disclosures that:

(1) Nothing in the agreement requires the individual's creditors to accept payments pursuant to a plan.

(2) Nothing in the agreement prevents creditors of the individual from pursuing collection efforts, including, without limitation, telephone calls for the purpose of collecting a debt, and that creditors may sue the individual for any debt that remains unpaid.

(3) The provider cannot provide legal services or advice and, if the individual is sued, the individual should seek legal services or advice.

(4) The provider is not a credit repair organization and does not claim that the plan will have a positive impact on the credit score of the individual.

(5) If an agreement contemplates that a provider will develop and implement a debt-management plan, a creditor may be included in the debt-management plan even if the creditor does not make a contribution.

(b) Establish any requirements and prohibitions with respect to advertising by providers which do not violate the Nevada Constitution or the Constitution of the United States. Such regulations may include, without limitation, a requirement that a provider submit all advertising used by the provider to the Commissioner within 30 days after the first publication of the advertisement.

Sec. 16. NRS 677.430 is hereby amended to read as follows:

677.430 1. At least once each year, the Commissioner or his or her authorized representatives shall make an examination of the place of business of each licensee and of the loans, transactions, books, papers and records of such licensee so far as they pertain to the business licensed under this chapter.

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

Sec. 17. NRS 678.3435 is hereby amended to read as follows:

678.3435 1. The Commissioner shall charge and collect a fee of not more than $1,000 for an initial investigation from each foreign credit union which applies for certification. The fee is not refundable. An annual fee of not more than $1,000 must be paid by each foreign credit union for its initial office and not more than $200 for each branch office. Costs for additional examinations and investigations must be paid by the credit union ***to the Commissioner*** at ~~[an hourly]~~ ***the*** rate ~~[deemed reasonable by the Commissioner.]~~ ***established and, if applicable, adjusted pursuant to NRS 658.101.***

2. ~~[The]~~ ***Except as otherwise provided in NRS 658.101, the*** Commissioner shall by regulation determine the amount of the fees required pursuant to this section.

Sec. 18. NRS 678.790 is hereby amended to read as follows:

678.790 1. The Commissioner shall make a thorough examination of and into the affairs of each credit union organized under the provisions of this chapter, as often as the Commissioner may deem necessary, but at least once within each 18-month period. In lieu thereof, the Commissioner may accept any or all of a report of an examination of a credit union made by a federal regulatory agency. If the Commissioner accepts any part of such a report in one 18-month period, he or she shall examine the credit union to which the report pertains in the succeeding 18-month period. For the purpose of performing the examination, the Commissioner may:

(a) Subpoena witnesses and documents;

(b) Administer oaths; and

(c) Compel the giving of testimony.

2. The report of the examination must contain comments to the members relative to the management of the affairs of the credit union and the general condition of the assets. Within 30 days following the receipt of the report, the directors shall call a general meeting of key personnel to consider matters contained in the report.

3. The Commissioner shall forward a copy of the report to the chair of each credit union within 30 days after it is completed. The board of directors shall inform the members of the credit union of its general condition at the next annual meeting.

4. For each examination the credit union shall pay a fee based on the rate established ***and, if applicable, adjusted*** pursuant to NRS 658.101.

5. The board of directors may engage a certified public accountant to perform such an examination in lieu of the Commissioner. In such cases, the examination must be equivalent to the type of examination made by the Commissioner and the expense must be borne by the credit union being inspected.

6. The Commissioner shall determine whether an examination performed by an accountant pursuant to subsection 5 is equivalent to an examination conducted by the Commissioner. The Commissioner may examine any area of the operation of a credit union if the Commissioner determines that the examination of that area is not equivalent to an examination conducted by the Commissioner.

Sec. 19. This act becomes effective upon passage and approval.

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 301.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 227.

AN ACT relating to public employees; providing **, with limited exceptions,** that ~~[certain]~~ communications between parties during a peer support counseling session for law enforcement or public safety personnel are confidential and not admissible in certain proceedings; conferring upon certain law enforcement and public safety personnel **, with limited exceptions,** a privilege to refuse to disclose those communications; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides **, with limited exceptions,** that any communications made between parties during a peer support counseling session are confidential **.** ~~[and may not be disclosed or admitted in any judicial, administrative, arbitration or other adjudicatory proceeding.]~~ **Section 1 also provides immunity from liability to a law enforcement or**

public safety agency for any disclosure made in violation of the provisions of this bill by any personnel of the agency who participate in a peer support counseling session.

Section 2 of this bill creates a testimonial privilege allowing **, with limited exceptions,** a counselor or participant in a peer support counseling session to refuse to disclose or to prevent another party from disclosing any communication made during a peer support counseling session in certain court proceedings.

Section 3 of this bill provides that any notes, records or reports of any peer support counseling session are not public records.

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

Section 1. Chapter 281 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any communication made between parties during a peer support counseling session is confidential and [, except as otherwise provided in this section,] must not be disclosed by any person participating in the peer support counseling session [.] unless:

(a) The communication is any of the following:

(1) Any explicit threat of suicide;

(2) Any explicit threat of imminent and serious physical harm or death to a clearly identified or identifiable person;

(3) Any information relating to the abuse or neglect of a child, older person or vulnerable person, or any information that is required by law to be reported; or

(4) Any admission of criminal conduct;

(b) The law enforcement or public safety personnel who were a party to the communication waive the confidentiality of the communication; or

(c) A court of competent jurisdiction issues an order or subpoena requiring the disclosure of the communication.

2. This section [applies] :

(a) Applies to all oral communications, notes, records and reports arising out of a peer support counseling session. Any notes, records or reports arising out of a peer support counseling session are not public records.

[3. Any communication or document which is confidential pursuant to this section is not admissible in any judicial, administrative, arbitration or other adjudicatory proceeding.

4. This section does]

(b) Does not prohibit any communications between counselors who conduct peer support counseling sessions, or any communications between counselors and the supervisors or staff of a peer support counseling or employee assistance program. Any such communications are confidential for purposes of this section.

~~*[5. This section does not apply to any of the following communications made during a peer support counseling session:*~~

~~*(a) Any threat of suicide;*~~

~~*(b) Any explicit threat of imminent and serious physical harm or death to a clearly identified or identifiable person;*~~

~~*(c) Any information relating to child abuse or elder abuse, or any information that is required by law to be reported; or*~~

~~*(d) Any admission of criminal conduct.*~~

~~*6. This section does]*~~

(c) Does not limit the discovery or introduction into evidence of any knowledge acquired or observations made by any law enforcement or public safety personnel in the scope of their employment and outside of a peer support counseling session and which is otherwise subject to discovery or introduction into evidence.

~~*[7.]*~~ *3. A person who discloses a communication pursuant to paragraph (a), (b) or (c) of subsection 1 is not liable for any error or omission in such a disclosure.*

4. A law enforcement or public safety agency is not liable for any disclosure made in violation of this section by any law enforcement or public safety personnel of the agency who participate in a peer support counseling session.

5. As used in this section:

(a) "Counselor" means a person who:

(1) Has received training in peer support counseling and in providing emotional and moral support to law enforcement or public safety personnel who have been involved in or exposed to emotionally traumatic experiences in the course of their employment; and

(2) Is designated by a law enforcement agency, public safety agency or employee assistance program to provide the services described in subparagraph (1).

(b) "Employee assistance program" means a program provided by a law enforcement or public safety agency to provide counseling services to its personnel through the use of law enforcement or public safety personnel who have received special training to act as peer support counselors.

(c) "Law enforcement or public safety personnel" includes, without limitation, peace officers, sheriffs' deputies, corrections officers, probation officers, firefighters, paramedics, emergency dispatchers or any other employee or volunteer reserve member of a law enforcement or public safety agency whose duties involve emergency response or criminal investigation.

(d) "Peer support counseling session" means any counseling formally provided through ~~*[an employee assistance]*~~ *a peer support program between a counselor and one or more law enforcement or public safety personnel.*

Sec. 2. Chapter 49 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any law enforcement or public safety personnel who participate in a peer support counseling session and any counselor providing such counseling have a privilege to refuse to disclose, and to prevent any other person from disclosing, any confidential communications set forth in section 1 of this act ~~[.]~~ ***unless:***

(a) The communication is any of the following:

(1) Any explicit threat of suicide;

(2) Any explicit threat of imminent and serious physical harm or death to a clearly identified or identifiable person;

(3) Any information relating to the abuse or neglect of a child, older person or vulnerable person, or any information that is required by law to be reported; or

(4) Any admission of criminal conduct;

(b) The law enforcement or public safety personnel who were a party to the communication waive the confidentiality of the communication; or

(c) A court of competent jurisdiction issues an order or subpoena requiring the disclosure of the communication.

2. As used in this section, "counselor," "law enforcement or public safety personnel" and "peer support counseling session" have the meanings ascribed to them in section 1 of this act.

Sec. 3. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061,

332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and sections 1 and 3 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the

records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

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

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

Sec. 4. This act becomes effective upon passage and approval.

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 334.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 356.

~~[~~ASSEMBLYMAN~~]~~ ASSEMBLYMEN ELLISON **AND EDWARDS**

SUMMARY—Prohibits a driver from operating a motor vehicle in the extreme left lane of a **controlled-access** highway under certain circumstances. (BDR 43-154)

AN ACT relating to highways; prohibiting a driver from operating a motor vehicle in the extreme left lane of a **controlled-access** highway under certain circumstances; providing exceptions; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a driver operating a motor vehicle at a speed so slow as to impede the forward movement of traffic proceeding immediately behind the driver on a highway with two or more lanes for traffic traveling in the

same direction must drive in the extreme right lane of the highway. (NRS 484B.627) This bill newly provides that a driver on a **controlled-access** highway with two or more lanes for traffic traveling in the same direction may not continue to operate a motor vehicle in the extreme left lane of the highway if the driver knows, or reasonably should know, that he or she is **driving at a rate of speed that is below the posted speed limit and is** being overtaken in that lane from the rear by a motor vehicle traveling at a higher rate of speed. Exceptions are provided for **[**:**]** **a person driving:** (1) a vehicle in the extreme left lane for the purpose of overtaking another vehicle or preparing for a left turn; (2) a vehicle lawfully operating in a lane designated for high-occupancy vehicles; (3) a vehicle engaged in the construction, maintenance or repair of the highway; (4) when traffic conditions, inclement weather, obstructions, hazards or compliance with an official traffic control device or the directions of a peace officer make it necessary to drive in the extreme left lane; **[**and**]** (5) an authorized emergency vehicle in the course of his or her official duties **[**. A**]** **; and (6) a vehicle within the geographical limits of a city or town. Existing law makes a** violation of the prohibition **[**is**]** a misdemeanor **. [**, and a violator must be punished: (1) for the first offense within the immediately preceding 7 years, by a fine of $50; (2) for a second offense within the immediately preceding 7 years, by a fine of $100; and (3) for a third or subsequent offense within the immediately preceding 7 years, by a fine of $250.**]** **(NRS 484A.900)**

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

Section 1. Chapter 484B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, on a controlled-access highway which has two or more clearly marked lanes for traveling in the same direction, a driver may not continue to operate a motor vehicle in the extreme left lane if the driver knows, or reasonably should know, that he or she is traveling at a rate of speed which is less than the posted speed limit for that portion of the controlled-access highway and is being overtaken in that lane from the rear by a motor vehicle traveling at a higher rate of speed.

2. The requirements of subsection 1 do not apply:

(a) To a driver operating a motor vehicle that is:

(1) Overtaking another vehicle proceeding in the same direction;

(2) Preparing for a left turn at an intersection;

(3) Traveling in a lane designated for the use of high-occupancy vehicles pursuant to NRS 484A.460, if the driver complies with the requirements to travel in such a lane; or

(4) Engaged in the construction, maintenance or repair of the highway, including, without limitation, the removal of snow.

(b) When traffic conditions, inclement weather, obstructions or hazards make it necessary to drive in the extreme left lane.

(c) When compliance with an official traffic control device or the directions given by a peace officer makes it necessary to drive in the extreme left lane.

(d) To the driver of an authorized emergency vehicle in the course of his or her official duties.

~~***[3. A person who violates subsection 1 is guilty of a misdemeanor and:***~~

~~***(a) For the first offense within the immediately preceding 7 years, shall pay a fine of $50.***~~

~~***(b) For the second offense within the immediately preceding 7 years, shall pay a fine of $100.***~~

~~***(c) For the third or subsequent offense within the immediately preceding 7 years, shall pay a fine of $250.]***~~

(e) To a driver operating a motor vehicle within the geographical limits of a city or town.

Sec. 2. This act becomes effective on July 1, 2017.

Assemblyman Carrillo moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 335.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 355.

~~**[**ASSEMBLYMAN**]**~~ **ASSEMBLYMEN** EDWARDS **AND CARRILLO**

AN ACT relating to vehicles; ~~**[**authorizing the operation of an unregistered vehicle in certain circumstances; prohibiting the driver of a motor vehicle from intentionally interfering with a person lawfully riding a moped;**]**~~ requiring a person driving a moped to drive ~~**[**to**]**~~ **in** the right ~~**[**side**]**~~ **lane** of the ~~**[**roadway**]**~~ **highway** in certain circumstances; ~~**[**removing the requirement for a person operating an off-highway vehicle on a highway in this State to wear a helmet;**]**~~ providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires every owner of a motor vehicle intended to be operated upon the highways of this State to obtain the registration of the motor vehicle, except for certain vehicles such as implements of husbandry, electric bicycles and golf carts. (NRS 482.205, 482.210) A person who has purchased a vehicle from a person who is not a dealer may apply for a permit from the Department of Motor Vehicles to operate the unregistered vehicle for a limited period until the expiration of the permit or the issuance of a new permit or certificate of registration for the vehicle. (NRS 482.396) Section 3 of this bill newly provides that, instead of obtaining a permit from the~~

~~Department, a resident of this State who has purchased a vehicle from a person who is not a dealer may operate the unregistered vehicle for not more than 14 days after the date on which the vehicle is purchased if certain conditions are met. A person operating an unregistered vehicle in such a manner must, upon demand, provide to a peace officer proof of ownership of the vehicle. Section 1 of this bill adds the operation of such an unregistered vehicle to the list of exceptions to the requirement for registration.~~

~~Existing law requires the owner of a motor vehicle to provide certain insurance on a motor vehicle. (NRS 485.185) Existing law also prohibits the owner of the motor vehicle from: (1) operating or knowingly permitting the operation of the motor vehicle without having evidence of insurance in the vehicle; and (2) failing or refusing to surrender, upon demand, the evidence of insurance to a peace officer or an authorized representative of the Department. An exception is provided from those two requirements if the motor vehicle in question is being operated pursuant to a permit issued by the Department authorizing the movement or operation of that vehicle for a limited time. (NRS 485.187) Section 5 of this bill revises that exception to include an unregistered vehicle being operated within 14 days after purchase as authorized in section 3.~~]

Under existing law, a person driving a moped upon the highways of this State is entitled to full use of the traffic lane the moped is occupying and is entitled to all the rights and subject to all the duties applicable to the driver of a motor vehicle as provided by law. (NRS 486.331, 486.341) **Section 7** of this bill requires a person driving a moped, except a police officer in the performance of his or her duty, to drive ~~[as near to]~~ **in** the ~~[right side]~~ **extreme right-hand lane** of the ~~[roadway as is practicable, including, at the discretion of the driver, on the paved shoulder of the roadway.]~~ **highway if the highway has two or more clearly marked lanes for traveling in the same direction in which the driver is traveling.** Exceptions are provided for: (1) when the driver is preparing to turn left; (2) when driving to the right side of the roadway would not be safe; and (3) compliance with the directions of a police officer. Existing law makes a violation of this section a misdemeanor. (NRS 486.381) ~~[Under existing law, a person riding a bicycle or an electric bicycle must ride as near to the right side of the roadway as is practicable, with certain exceptions. (NRS 484B.777) Existing law also provides certain protections from motor vehicles to a person lawfully riding a bicycle or an electric bicycle. (NRS 484B.270) Section 4 of this bill provides those same protections to a person lawfully riding a moped.~~

~~Existing law authorizes a person to operate an off-highway vehicle on a highway in this State under certain circumstances. (NRS 490.090, 490.100, 490.110) A person operating an off-highway vehicle on a highway under those circumstances is required to wear a helmet. (NRS 490.130) Section 8 of this bill removes the requirement to wear a helmet.~~] **Section 6 of this bill makes a conforming change.**

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

Section 1. ~~[NRS 482.210 is hereby amended to read as follows:~~

~~482.210 1. The provisions of this chapter requiring the registration of certain vehicles do not apply to:~~

~~(a) Special mobile equipment.~~

~~(b) Implements of husbandry.~~

~~(c) Any mobile home or commercial coach subject to the provisions of chapter 489 of NRS.~~

~~(d) Electric bicycles.~~

~~(e) Golf carts which are:~~

~~(1) Traveling upon highways properly designated by the appropriate city or county as permissible for the operation of golf carts; and~~

~~(2) Operating pursuant to a permit issued pursuant to this chapter.~~

~~(f) Towable tools or equipment as defined in NRS 484D.055.~~

~~(g) Any motorized conveyance for a wheelchair, whose operator is a person with a disability who is unable to walk about.~~

~~*(h) A vehicle which is being operated pursuant to NRS 482.396.*~~

~~2. For the purposes of this section, "motorized conveyance for a wheelchair" means a vehicle which:~~

~~(a) Can carry a wheelchair;~~

~~(b) Is propelled by an engine which produces not more than 3 gross brake horsepower, has a displacement of not more than 50 cubic centimeters or produces not more than 2250 watts final output;~~

~~(c) Is designed to travel on not more than three wheels; and~~

~~(d) Can reach a speed of not more than 30 miles per hour on a flat surface with not more than a grade of 1 percent in any direction.~~

~~The term does not include a tractor.~~**] (Deleted by amendment.)**

Sec. 2. ~~[NRS 482.3955 is hereby amended to read as follows:~~

~~482.3955 1. The Department shall issue to any dealer, distributor, rebuilder or other person, upon request, and upon payment of a fee of $8.25, a special permit, in a form to be determined by the Department, for the movement of any vehicle to sell outside the State of Nevada, or for the movement outside the State of any vehicle purchased by a nonresident. The permit must be affixed to the vehicle to be so moved in a manner and position to be determined by the Department, and expires 15 days after its issuance.~~

~~2. [The] *Except as otherwise provided in NRS 482.396, the* Department may issue a permit to a resident of this State who desires to move an unregistered vehicle within the State upon the payment of a fee of $8.25. The permit is valid for 24 hours.~~

~~3. The Department shall, upon the request of a charitable organization which intends to sell a vehicle which has been donated to the organization, issue to the organization a permit for the operation of the vehicle until the~~

~~vehicle is sold by the organization. The Department shall not charge a fee for the issuance of the permit.~~**]** **(Deleted by amendment.)**

Sec. 3. ~~**[**NRS 482.396 is hereby amended to read as follows:~~

~~"482.396 1. A **[**person**]** ***resident of this State*** who is not a dealer, manufacturer or rebuilder ***and who purchases a vehicle*** may **[**apply to the Department for a permit to**]** operate **[**a**]** ***the*** vehicle **[**which:**]** ***on the highways of this State for not more than 14 days after the resident purchases the vehicle if the vehicle:***~~

~~(a) Is not subject to the provisions of NRS 482.390, 482.395 and 706.801 to 706.861, inclusive; and~~

~~(b) Is not currently registered in this State, another state or a foreign country, **[**or**]** ***and*** has been purchased by the **[**applicant**]** ***resident*** from a person who is not a dealer.~~

~~2. **[**The Department shall adopt regulations imposing a fee for the issuance of the permit.~~

~~3. Each permit must:~~

~~(a) Bear the date of expiration in numerals of sufficient size to be plainly readable from a reasonable distance during daylight;~~

~~(b) Expire at 5 p.m. not more than 60 days after its date of issuance;~~

~~(c) Be affixed to the vehicle in the manner prescribed by the Department; and~~

~~(d) Be removed and destroyed upon its expiration or the issuance of a new permit or a certificate of registration for the vehicle, whichever occurs first.~~

~~4. The Department may authorize the issuance of more than one permit for the vehicle to be operated by the applicant.**]** ***A person operating an unregistered vehicle pursuant to subsection 1 must, upon demand, provide to a peace officer proof of ownership of the vehicle.]*** **(Deleted by amendment.)**

Sec. 4. ~~**[**NRS 484B.270 is hereby amended to read as follows:~~

~~"484B.270 1. The driver of a motor vehicle shall not intentionally interfere with the movement of a person lawfully riding a bicycle **,** **[**or**]** an electric bicycle **[**.**]** ***or a moped.***~~

~~2. When overtaking or passing a bicycle **,** **[**or**]** electric bicycle ***or moped*** proceeding in the same direction, the driver of a motor vehicle shall exercise due care and:~~

~~(a) If there is more than one lane for traffic proceeding in the same direction, move the vehicle to the lane to the immediate left, if the lane is available and moving into the lane is reasonably safe; or~~

~~(b) If there is only one lane for traffic proceeding in the same direction, pass to the left of the bicycle **,** **[**or**]** electric bicycle ***or moped*** at a safe distance, which must be not less than 3 feet between any portion of the vehicle and the bicycle **,** **[**or**]** electric bicycle **[**,**]** ***or moped,*** and shall not move again to the right side of the highway until the vehicle is safely clear of the overtaken bicycle **,** **[**or**]** electric bicycle **[**.**]** ***or moped.***~~

~~3. The driver of a motor vehicle shall yield the right of way to any person riding a bicycle or an electric bicycle or a pedestrian as provided in subsection 6 of NRS 484B.297 on the pathway or lane. The driver of a motor vehicle shall not enter, stop, stand, park or drive within a pathway or lane provided for bicycles or electric bicycles except:~~

~~(a) When entering or exiting an alley or driveway;~~

~~(b) When operating or parking a disabled vehicle;~~

~~(c) To avoid conflict with other traffic;~~

~~(d) In the performance of official duties;~~

~~(e) In compliance with the directions of a police officer; or~~

~~(f) In an emergency.~~

~~4. Except as otherwise provided in subsection 3, the driver of a motor vehicle shall not enter or proceed through an intersection while driving within a pathway or lane provided for bicycles or electric bicycles.~~

~~5. The driver of a motor vehicle shall:~~

~~(a) Exercise due care to avoid a collision with a person riding a bicycle~~ **~~,~~** ~~**[**or**]** an electric bicycle **[**,**]** ***or a moped,*** and~~

~~(b) Give an audible warning with the horn of the vehicle if appropriate and when necessary to avoid such a collision.~~

~~6. If, while violating any provision of subsections 1 to 5, inclusive, the driver of a motor vehicle is the proximate cause of a collision with a person riding a bicycle, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.~~

~~7. The operator of a bicycle or an electric bicycle shall not:~~

~~(a) Intentionally interfere with the movement of a motor vehicle; or~~

~~(b) Overtake and pass a motor vehicle unless the operator can do so safely without endangering himself or herself or the occupants of the motor vehicle.~~**]** **(Deleted by amendment.)**

Sec. 5. **[**~~NRS 485.187 is hereby amended to read as follows:~~

~~485.187 1. Except as otherwise provided in subsection 5, the owner of a motor vehicle shall not:~~

~~(a) Operate the motor vehicle, if it is registered or required to be registered in this State, without having insurance as required by NRS 485.185.~~

~~(b) Operate or knowingly permit the operation of the motor vehicle without having evidence of insurance of the operator or the vehicle in the vehicle.~~

~~(c) Fail or refuse to surrender, upon demand, to a peace officer or to an authorized representative of the Department the evidence of insurance. The surrender, upon demand, of an evidence of insurance issued in electronic format does not constitute consent for a peace officer or authorized representative of the Department to access other contents of any device used to display the evidence of insurance and surrendered in compliance with this section.~~

~~(d) Knowingly permit the operation of the motor vehicle in violation of subsection 3 of NRS 485.186.~~

~~— 2. A person shall not operate the motor vehicle of another person unless the person who will operate the motor vehicle:~~

~~— (a) First ensures that the required evidence of insurance is present in the motor vehicle or available electronically; or~~

~~— (b) Has his or her own evidence of insurance which covers that person as the operator of the motor vehicle.~~

~~— 3. Except as otherwise provided in subsection 4, any person who violates subsection 1 or 2 is guilty of a misdemeanor. Except as otherwise provided in this subsection, in addition to any other penalty, a person sentenced pursuant to this subsection shall be punished by a fine of not less than $600 nor more than $1,000 for each violation. The fine must be reduced to $100 for the first violation if the person obtains a motor vehicle liability policy by the time of sentencing, unless:~~

~~— (a) The person has registered the vehicle as part of a fleet of vehicles pursuant to subsection 5 of NRS 482.215; or~~

~~— (b) The person has been issued a certificate of self-insurance pursuant to NRS 485.380.~~

~~— 4. A court:~~

~~— (a) Shall not find a person guilty or fine a person for a violation of paragraph (a), (b) or (c) of subsection 1 or for a violation of subsection 2 if the person presents evidence to the court that the insurance required by NRS 485.185 was in effect at the time demand was made for it.~~

~~— (b) Except as otherwise provided in paragraph (a), may impose a fine of not more than $1,000 for a violation of paragraph (a), (b) or (c) of subsection 1, and suspend the balance of the fine on the condition that the person presents proof to the court each month for 12 months that the insurance required by NRS 485.185 is currently in effect.~~

~~— 5. The provisions of paragraphs (b) and (c) of subsection 1 do not apply if the motor vehicle in question [displays] :~~

~~— *(a) Displays* a valid permit issued by the Department pursuant to subsection 1 or 2 of NRS 482.3955 [, or NRS 482.396] or *NRS* 482.3965 authorizing the movement or operation of that vehicle within the State for a limited time [.] ; *or*~~

~~— *(b) Is being operated pursuant to NRS 482.396.]*~~ **(Deleted by amendment.)**

Sec. 6. NRS 486.331 is hereby amended to read as follows:

486.331 ~~[A]~~ ***Except as otherwise provided in NRS 486.351, a*** person driving a motorcycle or moped upon a highway is entitled to all the rights and subject to all the duties applicable to the drivers of motor vehicles as provided by law, except those provisions which by their nature can have no application.

Sec. 7. NRS 486.351 is hereby amended to read as follows:

486.351 1. A person, except a police officer in the performance of his or her duty, shall not drive a motorcycle or moped between moving or stationary vehicles occupying adjacent traffic lanes.

2. Except as provided in subsection 3, a person shall not drive a motorcycle, moped or trimobile abreast of or overtake or pass another vehicle within the same traffic lane.

3. Motorcycles and mopeds may, with the consent of the drivers, be operated no more than two abreast in a single traffic lane.

4. A person, except a police officer in the performance of his or her duty, driving a moped shall, except:

(a) When preparing to turn left as provided in subsection 5;

(b) When doing so would not be safe; or

(c) In compliance with the directions of a police officer,

➥ drive ~~[as near to the right side of the roadway as is practicable, including, at the discretion of the driver of the moped, on the paved shoulder of the roadway if such a shoulder exists and is safe for travel.]~~ in the extreme right-hand lane if the highway has two or more clearly marked lanes for traffic traveling in the same direction in which the driver is traveling.

5. A person driving a moped as required pursuant to subsection 4 who is preparing to turn left may enter the lane from which the left turn will be made not more than one-quarter of a mile from where the left turn will be made.

Sec. 8. ~~[~~NRS 490.130 is hereby amended to read as follows:

~~490.130 The operator of an off-highway vehicle that is being driven on a highway in this State in accordance with NRS 490.090 to 490.130, inclusive, shall:~~

~~1. Comply with all traffic laws of this State; *and*~~

~~2. Ensure that the registration of the off-highway vehicle is attached to the vehicle in accordance with NRS 490.083 or a special plate issued pursuant to NRS 490.0827 is attached to the vehicle . [; and~~

~~3. Wear a helmet.]~~ **(Deleted by amendment.)**

Sec. 9. This act becomes effective on ~~[July 1, 2017.]~~ **January 1, 2018.**

Assemblyman Carrillo moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 380.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 584.

AN ACT relating to real property; authorizing the recording of certain documents relating to real property; limiting an action constituting an easement by prescription under certain circumstances; **authorizing the governing body of a city or county to adopt certain ordinances governing a sign posted by an owner of land;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the recording of certain documents relating to real property. (Chapter 111 of NRS) **Section 1** of this bill authorizes an owner of real property to record a notice in the office of ~~[the]~~ **any** county recorder, wherein the subject property is located, which provides that any use of the owner's real property is with the permission of and subject to the control of the owner.

Existing law limits certain actions for the recovery of real property. (NRS 11.030-11.180) **Section 3** of this bill: (1) authorizes an owner of land to post certain notice stating that the right to pass over such land is by permission and subject to the control of the owner; and (2) prohibits a person from maintaining an action constituting an easement by prescription regardless of whether the owner posts certain notice on the property or records a notice pursuant to **section 1**. **Section 3 also authorizes a governing body of a city or county to adopt ordinances governing a sign posted by an owner of land under certain circumstances.**

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

Section 1. Chapter 111 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any owner of real property , who opens any part of his or her real property for use by the public, may record in the office of the county recorder of the county or counties in which any part of the real property is situated, a description of the real property and notice in substantially the following form:

> ***The right of the public or any person to make any use whatsoever of the real property described or any portion thereof, other than any use expressly allowed by a written or recorded map, agreement, grant of easement, deed or dedication, is by permission, and subject to control, of owner pursuant to section 1 of this act.***

2. The recording of a notice pursuant to this section is conclusive evidence that subsequent use of the real property during the time such notice is in effect by the public or any person for any purpose, other than any use ~~[expressly allowed]~~ in accordance with a right granted by a written or recorded map, agreement, grant of easement, deed or dedication, is permissive and with consent in any judicial proceeding involving the issue as to whether all or any portion of such real property has been dedicated to public use or whether any person has a prescriptive right in such real property or any portion thereof. The notice may be revoked by the owner of the real property by recording a notice of revocation in the office of the county recorder where the notice is recorded. After recording the notice, and before any revocation of such notice, the owner of the real property

shall not prevent any appropriate public use by physical obstruction, notice or otherwise.

3. ~~[In the event of the use of real property pursuant to this section by any person other than the general public, any such notice, to be effective, must also be served by registered mail upon the person using such real property.~~

~~4.]~~ The notice pursuant to this section shall not be deemed to affect rights vested at the time of recording.

~~[5.]~~ 4. Permission for the ~~[public]~~ use of real property ~~[provided for]~~ by the public or any person, other than any use expressly allowed by a written or recorded map, agreement, grant of easement, deed or dedication described in the notice recorded pursuant to ~~[this section]~~ subsection 1 may be conditioned upon reasonable restrictions on the time, place and manner of such ~~[public]~~ use. Any use of the real property in violation of such restrictions may not be considered public use for the purposes of a finding of implied dedication.

Sec. 2. NRS 111.312 is hereby amended to read as follows:

111.312 1. The county recorder shall not record with respect to real property, a notice of completion, a declaration of homestead, a lien or notice of lien, an affidavit of death, a mortgage or deed of trust, ~~[or]~~ any conveyance of real property or instrument in writing setting forth an agreement to convey real property ***or a notice pursuant to section 1 of this act*** unless the document being recorded contains:

(a) The mailing address of the grantee or, if there is no grantee, the mailing address of the person who is requesting the recording of the document; and

(b) Except as otherwise provided in subsection 2, the assessor's parcel number of the property at the top left corner of the first page of the document, if the county assessor has assigned a parcel number to the property. The parcel number must comply with the current system for numbering parcels used by the county assessor's office. The county recorder is not required to verify that the assessor's parcel number is correct.

2. Any document relating exclusively to the transfer of water rights may be recorded without containing the assessor's parcel number of the property.

3. The county recorder shall not record with respect to real property any deed, including, without limitation:

(a) A grant, bargain or deed of sale;

(b) Quitclaim deed;

(c) Warranty deed; or

(d) Trustee's deed upon sale,

➥ unless the document being recorded contains the name and address of the person to whom a statement of the taxes assessed on the real property is to be mailed.

4. The assessor's parcel number shall not be deemed to be a complete legal description of the real property conveyed.

5. Except as otherwise provided in subsection 6, if a document that is being recorded includes a legal description of real property that is provided in metes and bounds, the document must include the name and mailing address of the person who prepared the legal description. The county recorder is not required to verify the accuracy of the name and mailing address of such a person.

6. If a document including the same legal description described in subsection 5 previously has been recorded, the document must include all information necessary to identify and locate the previous recording, but the name and mailing address of the person who prepared the legal description is not required for the document to be recorded. The county recorder is not required to verify the accuracy of the information concerning the previous recording.

Sec. 3. Chapter 11 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[No]~~ If an owner of land opens his or her land for use by the public, no use by any person ~~[,]~~ or the public, no matter for how long of a period, of any land shall ever ripen into an easement by prescription, if the owner of the land posts at each entrance to the land or at intervals of not more than 200 feet along the boundary of such land a sign reading substantially as follows:

> ***Right to pass by permission, and subject to control, of owner: section 3 of this act.***

2. Regardless of whether an owner of land has recorded a notice pursuant to section 1 of this act or has posted signs on such land pursuant to subsection 1, and except as otherwise provided in subsection 3, if an owner of land opens his or her land for use by the public, no use of such land by any person or the public on or after October 1, 2017, shall ever ripen to confer upon the public or any governmental entity a vested right to continue to make such use permanently, in the absence of an express written grant of easement or other conveyance of such land for such use, or irrevocable offer of dedication of such property for such use, made by the owner, which has been accepted by the governmental entity to which the offer of dedication was made.

3. Where a governmental entity is using private land by an expenditure of public money on visible improvements on or across such lands or on the cleaning or maintenance related to the public use of such land in such a manner so that the owner knows or should have known that the public is making such use of his or her land, such use, including any public use reasonably related to the purposes of such improvement, in the absence of either express permission by the owner to continue such use or the taking by the owner of reasonable steps to enjoin, remove or prohibit such use, shall after 5 years ripen to confer upon the governmental entity a vested

right to continue such use ~~[.]~~ if the owner of land opens his or her land for use by the public.

4. The governing body of any city or county pursuant to the powers granted in NRS 278.010 to 278.630, inclusive, may by ordinance establish provisions governing the size, placement and contents of a sign posted by an owner of land pursuant to subsection 1.

5. As used in this section, "governmental entity" has the meaning ascribed to it in NRS 363C.040.

Sec. 4. NRS 107A.200 is hereby amended to read as follows:

107A.200 "Submit for recording" means to submit a document complying with applicable legal standards, with required fees and taxes, to the appropriate governmental office pursuant to NRS 111.310 to 111.365, inclusive ~~[.]~~ ***, and section 1 of this act.***

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 382.

Bill read second time.

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

Amendment No. 427.

AN ACT relating to health care; requiring certain hospitals, independent centers for emergency medical care and physicians to accept certain rates as payment in full for the provision of emergency services and care to certain patients; providing an exception under certain circumstances; requiring the submission of certain reports relating to policies of health insurance and similar contractual agreements by certain third parties who issue those policies and agreements; requiring certain hospitals and independent centers for emergency medical care to submit reports to the Department of Health and Human Services concerning patient debt and rate increases; requiring the Governor's Consumer Health Advocate to adopt certain regulations; requiring the Commissioner of Insurance to consider certain information when determining the adequacy of a network plan; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a hospital is required to provide emergency services and care and to admit certain patients where appropriate, regardless of the financial status of the patient. (NRS 439B.410) Existing law also requires certain major hospitals to reduce total billed charges by at least 30 percent for hospital services provided to certain patients who have no insurance or other contractual provision for the payment of the charges by a third party. (NRS 439B.260) **Section 17** of this bill requires an out-of-network hospital with 100 or more beds that is not operated by a federal, state or local governmental entity or an out-of-network independent center for emergency

medical care that is operated by a person who also operates such a hospital to accept, under certain circumstances, as payment in full for the provision of emergency services and care, other than services and care provided to stabilize a patient, to certain patients a rate which does not exceed the greater of: (1) the average amount that the third party has negotiated with other hospitals in this State; or (2) one hundred twenty-five percent of the average amount paid by Medicare for the same or similar services in the same geographic area. The Commissioner of Insurance is ~~[authorized]~~ **required** to adopt regulations to interpret these provisions in a manner that is similar to the interpretation of the federal regulation establishing the amount that certain health insurance providers must pay to out-of-network hospitals for emergency services. (29 C.F.R. § 2590.715-2719A) **Such regulations must provide for a system for verifying negotiated contract prices by a third party or out-of-network facility submitted to the Commissioner of Insurance pursuant to sections 17-19 of this bill.** **Section 18** of this bill requires an out-of-network physician on the medical staff of an out-of-network hospital with 100 or more beds or an out-of-network independent center for emergency medical care that is operated by a person who also operates such a hospital to accept as payment in full for the provision of emergency services and care, other than services and care provided to stabilize a patient, a rate which is similarly calculated to that in **section 17**. **Section 19** of this bill requires an out-of-network physician on the medical staff of an in-network hospital with 100 or more beds or an in-network independent center for emergency medical care that is operated by a person who also operates such a hospital to accept as payment in full for the provision of emergency services and care, other than services and care provided to stabilize a patient, a rate which is similarly calculated to that in **sections 17 and 18**. **Sections 17-19** further provide that, if a hospital, center or physician, as applicable, determines that the amount prescribed pursuant to those sections is not sufficient reimbursement for the provision of emergency services and care to a patient, the hospital, center or physician may negotiate a different rate with the third party and may, under certain circumstances, file a complaint and request for mediation with the Governor's Consumer Health Advocate. ~~[Section]~~ **Sections 21.3 and 22** of this bill ~~[requires]~~ **require** the Advocate to establish a procedure for filing and processing such complaints and requests for mediation.

Existing law requires the Commissioner of Insurance to make an annual determination concerning the availability and accessibility of the health care services of any network plan offered for sale in this State. (NRS 687B.490) **Section 20** of this bill requires a third party who wishes to pay the amounts prescribed pursuant to **sections 17-19** to conduct a review of the adequacy of the network of the third party and submit certain reports to the Commissioner and to the Legislative Committee on Health Care. **Section 23** of this bill requires the Commissioner to consider such a report when making a

determination concerning the availability and accessibility of the network plan to which the report pertains.

Section 21 of this bill requires a hospital with 100 or more beds that is not operated by a federal, state or local governmental entity or an independent center for emergency medical care that is operated by a person who also operates such a hospital to annually report certain information concerning the collection of debts, rate increases and negotiated payments for emergency services and care to the Department of Health and Human Services.

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

Section 1. Chapter 439B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 21, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 21, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 16, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Advocate" means the Governor's Consumer Health Advocate appointed pursuant to NRS 223.550.***

Sec. 4. ~~***["Air ambulance" has the meaning ascribed to it in NRS 450B.030.]***~~ **(Deleted by amendment.)**

Sec. 5. ~~***["Ambulance" has the meaning ascribed to it in NRS 450B.040.]***~~ **(Deleted by amendment.)**

Sec. 6. ***"Emergency services and care" has the meaning ascribed to it in NRS 439B.410.***

Sec. 7. ~~***["Fire fighting agency" has the meaning ascribed to it in NRS 450B.072.]***~~ **(Deleted by amendment.)**

Sec. 8. ***"Independent center for emergency medical care" has the meaning ascribed to it in NRS 449.013.***

Sec. 9. ***"In-network hospital" means, for a particular patient, a hospital that has entered into a contract with a third party for the provision of health care to persons who are covered by a policy of insurance or other contractual agreement which provides coverage to the patient and which is issued by that third party.***

Sec. 10. ***"In-network independent center for emergency medical care" means, for a particular patient, an independent center for emergency medical care that has entered into a contract with a third party for the provision of health care to persons who are covered by a policy of insurance or other contractual agreement which provides coverage to the patient and which is issued by that third party.***

Sec. 11. ***"In-network physician" means, for a particular patient, a physician who has entered into a contract with a third party for the provision of health care to persons who are covered by a policy of insurance or other contractual agreement which provides coverage to the patient and which is issued by that third party.***

Sec. 11.5. ***“Medically necessary emergency services” has the meaning ascribed to it in NRS 695G.170.***

Sec. 12. ***“Out-of-network hospital” means, for a particular patient, a hospital that has not entered into a contract with a third party for the provision of health care to persons who are covered by a policy of insurance or other contractual agreement which provides coverage to the patient and which is issued by that third party.***

Sec. 13. ***“Out-of-network independent center for emergency medical care” means, for a particular patient, an independent center for emergency medical care that has not entered into a contract with a third party for the provision of health care to persons who are covered by a policy of insurance or other contractual agreement which provides coverage to the patient and which is issued by that third party.***

Sec. 14. ***“Out-of-network physician” means, for a particular patient, a physician who has not entered into a contract with a third party for the provision of health care to persons who are covered by a policy of insurance or other contractual agreement which provides coverage to the patient and which is issued by that third party.***

Sec. 15. ***“Third party” includes, without limitation:***

1. An insurer as defined in NRS 679B.540;

2. A health benefit plan, as defined in NRS 689A.540, for employees which provides coverage for emergency services and care at a hospital;

3. A participating public agency, as defined in NRS 287.04052, and any other local governmental agency of the State of Nevada which provides a system of health insurance for the benefit of its officers and employees, and the dependents of such officers and employees, pursuant to chapter 287 of NRS; and

4. Any other insurer or organization providing health coverage or benefits in accordance with state or federal law.

Sec. 16. ***“To stabilize” has the meaning ascribed to it in 42 U.S.C. § 1395dd.***

Sec. 17. ***1. Except as otherwise provided in subsections 3 and 4, an out-of-network hospital with 100 or more beds that is not operated by a federal, state or local governmental agency or an out-of-network independent center for emergency medical care that is operated by a person who also operates such a hospital shall accept as payment in full for the provision of emergency services and care to a patient, other than services and care provided to stabilize the patient, a rate in accordance with subsection 2 if the patient:***

(a) Was [transported] presented to the out-of-network hospital or out-of-network independent center for emergency medical care for the provision of medically necessary emergency services ; [and care by an ambulance, air ambulance or vehicle of a fire-fighting agency which has received a permit to operate pursuant to chapter 450B of NRS;] and

(b) Has a policy of insurance or other contractual agreement with a third party that provides coverage to the patient for emergency services and care provided by more than one hospital and independent center for emergency medical care in this State other than the hospital or independent center for emergency medical care to which the patient was ~~[transported.]~~ presented.

2. Except as otherwise provided in subsections 3 and 4, an out-of-network hospital with 100 or more beds that is not operated by a federal, state or local governmental agency or an out-of-network independent center for emergency medical care that is operated by a person who also operates such a hospital that provides to a patient described in subsection 1 emergency services and care, other than services and care provided to stabilize the patient, shall accept as payment in full for such emergency services and care a rate which does not exceed the greater of:

(a) The average amount negotiated by the third party with in-network hospitals in this State for the same or similar emergency services and care, excluding any deductible, copayment or coinsurance paid by the patient.

(b) One hundred twenty-five percent of the average amount paid by Medicare pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq., on a fee-for-service basis for the same or similar emergency services and care in the geographic region in which the emergency services and care are rendered, excluding any deductible, copayment or coinsurance paid by the patient.

➥ The Commissioner of Insurance ~~[may]~~ shall adopt regulations that interpret the provisions of this subsection ~~[,]~~ which must provide for, without limitation, a system for verifying a negotiated contract price submitted to the Commissioner of Insurance by a third party or entity described in subsection 2, and which must be consistent with the provisions of 29 C.F.R. § 2590.715-2719A to the extent practicable. Except as otherwise provided in NRS 239.0115, any information submitted pursuant to this section must be kept confidential by the Commissioner of Insurance.

3. An out-of-network hospital or out-of-network independent center for emergency medical care is not required to accept as payment in full the amount specified pursuant to subsection 2 if:

(a) The third party that issued the policy of insurance or other contractual agreement which provides coverage to the patient has not submitted the quarterly reports required by section 20 of this act;

(b) The third party which provides coverage to the patient has not, in good faith, participated in a negotiation or mediation pursuant to subsection 4 and has not documented the occurrence and outcome of any negotiation or mediation;

(c) The patient has not paid the deductible, copayment or coinsurance that the patient would have paid for the provision of emergency services and care at an in-network hospital or in-network independent center for emergency medical care; or

(d) The third party has not paid the out-of-network hospital or out-of-network independent center for emergency medical care, as applicable, for the emergency services and care within 60 days after receipt of the bill and all necessary medical records required to pay the claim or, if applicable, within 60 days after the conclusion of any negotiation or mediation between the third party and the out-of-network hospital or out-of-network independent center for emergency medical care.

4. If an out-of-network hospital or out-of-network independent center for emergency medical care believes that the amounts prescribed in subsection 2 are insufficient to compensate the out-of-network hospital or out-of-network independent center for emergency medical care for the emergency services and care provided by the out-of-network hospital or out-of-network independent center for emergency medical care, the out-of-network hospital or out-of-network independent center for emergency medical care ~~[may]~~ must, within 30 days of receiving written notice of such amount from the third party, request in writing to enter into negotiations with the third party which provides coverage to the patient to resolve the difference between the amount charged by the out-of-network hospital or out-of-network independent center for emergency medical care and the amount paid by the third party. Such negotiations must begin within 2 weeks of the out-of-network hospital or out-of-network independent center for emergency medical care making the request for negotiation. If such negotiations do not result in an agreement on the amount that will be paid for the emergency services and care, the out-of-network hospital or out-of-network independent center for emergency medical care may file a complaint with the Advocate pursuant to NRS 223.560 and request that the Advocate mediate to determine the amount that must be paid for such emergency services and care.

5. In no event shall the patient who received emergency services and care be:

(a) Responsible for payment of any amount greater than any deductible, copayment or coinsurance paid by the patient pursuant to his or her policy of insurance; or

(b) Required to participate in any negotiation entered into pursuant to this section or any mediation entered into pursuant to NRS 223.560.

Sec. 18. *1. Except as otherwise provided in subsections 3 and 4, an out-of-network physician on the medical staff of an out-of-network hospital with 100 or more beds or an out-of-network independent center for emergency medical care that is operated by a person who also operates such a hospital shall accept as payment in full for the provision of emergency services and care to a patient, other than services and care provided to stabilize the patient, a rate in accordance with subsection 2 if the patient:*

(a) Was ~~[transported]~~ presented to the out-of-network hospital or out-of-network independent center for emergency medical care for the provision

of medically necessary emergency services ; ~~[and care by an ambulance, air ambulance or vehicle of a fire-fighting agency which has received a permit to operate pursuant to chapter 450B of NRS;]~~ and

(b) Has a policy of insurance or other contractual agreement with a third party that provides coverage to the patient for the provision of emergency services and care by more than one in-network physician in this State who provides the same type of emergency services and care other than the out-of-network physician who provided the emergency services and care at the out-of-network hospital or out-of-network independent center for emergency medical care to which the patient was ~~[transported.]~~ presented.

2. Except as otherwise provided in subsections 3 and 4, an out-of-network physician on the medical staff of an out-of-network hospital with 100 or more beds or an out-of-network independent center for emergency medical care that is operated by a person who also operates such a hospital who provides to a patient described in subsection 1 emergency services and care, other than services and care provided to stabilize the patient, shall accept as payment in full for such emergency services and care a rate which does not exceed the greater of:

(a) The average amount negotiated by the third party with in-network physicians in this State for the same or similar emergency services and care, excluding any deductible, copayment or coinsurance paid by the patient.

(b) One hundred twenty-five percent of the average amount paid by Medicare pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq., on a fee-for-service basis for the same or similar emergency services and care in the geographic region in which the emergency services and care are rendered, excluding any deductible, copayment or coinsurance paid by the patient.

➥ The Commissioner of Insurance ~~[may]~~ shall adopt regulations that interpret the provisions of this subsection ~~[.]~~ which must provide for, without limitation, a system for verifying a negotiated contract price submitted to the Commissioner of Insurance by a third party or entity described in subsection 2, and which must be consistent with the provisions of 29 C.F.R. § 2590.715-2719A to the extent practicable. Except as otherwise provided in NRS 239.0115, any information submitted pursuant to this section must be kept confidential by the Commissioner of Insurance.

3. An out-of-network physician is not required to accept as payment in full the amount specified pursuant to subsection 2 if:

(a) The third party that issued the policy of insurance or other contractual agreement which provides coverage to the patient has not submitted the quarterly reports required by section 20 of this act;

(b) The third party which provides coverage to the patient has not, in good faith, participated in a negotiation or mediation pursuant to

subsection 4 and has not documented the occurrence and outcome of any negotiation or mediation;

(c) The patient has not paid the deductible, copayment or coinsurance that the patient would have paid for the provision of emergency services and care by an in-network physician; or

(d) The third party has not paid the out-of-network physician for the emergency services and care within 60 days after receipt of the bill and all necessary medical records required to pay the claim or, if applicable, within 60 days after the conclusion of any negotiation or mediation between the third party and the out-of-network physician.

4. If an out-of-network physician believes that the amounts prescribed in subsection 2 are insufficient to compensate the out-of-network physician for the emergency services and care provided by the out-of-network physician, the out-of-network physician ~~[may]~~ must, within 30 days of receiving written notice of such amount from the third party, request in writing to enter into negotiations with the third party which provides coverage to the patient to resolve the difference between the amount charged by the out-of-network physician and the amount paid by the third party. Such negotiations must begin within 2 weeks of the out-of-network physician making the request for negotiation. If such negotiations do not result in an agreement on the amount that will be paid for emergency services and care, the out-of-network physician may file a complaint with the Advocate pursuant to NRS 223.560 and request that the Advocate mediate to determine the amount that must be paid for such emergency services and care.

5. In no event shall the patient who received emergency services and care be:

(a) Responsible for payment of any amount greater than any deductible, copayment or coinsurance paid by the patient pursuant to his or her policy of insurance; or

(b) Required to participate in any negotiation entered into pursuant to this section or any mediation entered into pursuant to NRS 223.560.

Sec. 19. *1. Except as otherwise provided in subsections 3 and 4, an out-of-network physician on the medical staff of an in-network hospital with 100 or more beds or an in-network independent center for emergency medical care that is operated by a person who also operates such a hospital shall accept as payment in full for the provision of emergency services and care to a patient, other than services and care provided to stabilize the patient, a rate in accordance with subsection 2 if the patient has a policy of insurance or other contractual agreement with a third party that provides coverage to the patient for the provision of emergency services and care by more than one physician in this State who provides the same type of emergency services and care other than the physician who provided the emergency services and care.*

2. Except as otherwise provided in subsections 3 and 4, an out-of-network physician on the medical staff of an in-network hospital with 100 or more beds or an in-network independent center for emergency medical care that is operated by a person who also operates such a hospital who provides to a patient described in subsection 1 emergency services and care, other than services and care provided to stabilize the patient, shall accept as payment in full for such emergency services and care a rate which does not exceed the greater of:

(a) The average amount negotiated by the third party with in-network physicians in this State for the same or similar emergency services and care, excluding any deductible, copayment or coinsurance paid by the patient.

(b) One hundred twenty-five percent of the average amount paid by Medicare pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq., on a fee-for-service basis for the same or similar emergency services and care in the geographic region in which the services are rendered, excluding any deductible, copayment or coinsurance paid by the patient.

➥ The Commissioner of Insurance ~~[may]~~ shall adopt regulations that interpret the provisions of this subsection ~~[.]~~ which must provide for, without limitation, a system for verifying a negotiated contract price submitted to the Commissioner of Insurance by a third party or entity described in subsection 2, and which must be consistent with the provisions of 29 C.F.R. § 2590.715-2719A to the extent practicable. Except as otherwise provided in NRS 239.0115, any information submitted pursuant to this section must be kept confidential by the Commissioner of Insurance.

3. An out-of-network physician is not required to accept as payment in full the amount specified pursuant to subsection 2 if:

(a) The third party that issued the policy of insurance or other contractual agreement which provides coverage to the patient has not submitted the quarterly reports required by section 20 of this act;

(b) The third party which provides coverage to the patient has not, in good faith, participated in a negotiation or mediation pursuant to subsection 4 and has not documented the occurrence and outcome of any negotiation or mediation;

(c) The patient has not paid the deductible, copayment or coinsurance that the patient would have paid for the provision of emergency services and care to an in-network physician; or

(d) The third party has not paid the out-of-network physician for the emergency services and care within 60 days after receipt of the bill and all necessary medical records required to pay the claim or, if applicable, within 60 days after the conclusion of any negotiation or mediation between the third party and the out-of-network physician.

4. If an out-of-network physician believes that the amounts prescribed in subsection 2 are insufficient to compensate the out-of-network physician

for the emergency services and care provided by the out-of-network physician, the out-of-network physician ~~[may]~~ must, within 30 days of receiving written notice of such amount from the third party, request in writing to enter into negotiations with the third party which provides coverage to the patient to resolve the difference between the amount charged by the out-of-network physician and the amount paid by the third party. Such negotiations must begin within 2 weeks of the out-of-network physician making the request for negotiation. If such negotiations do not result in an agreement on the amount that will be paid for emergency services and care, the out-of-network physician may file a complaint with the Advocate pursuant to NRS 223.560 and request that the Advocate mediate to determine the amount that must be paid for such emergency services and care.

5. In no event shall the patient who received emergency services and care be:

(a) Responsible for payment of any amount greater than any deductible, copayment or coinsurance paid by the patient pursuant to his or her policy of insurance; or

(b) Required to participate in any negotiation entered into pursuant to this section or any mediation entered into pursuant to NRS 223.560.

Sec. 20. *If a third party who issues a policy of insurance or other contractual agreement that provides coverage for health care in this State wishes for out-of-network hospitals, out-of-network independent centers for emergency medical care and out-of-network physicians to accept as payment in full the amounts prescribed in sections 17, 18 and 19 of this act, the third party shall:*

1. Review the in-network hospitals, in-network independent centers for emergency medical care and in-network physicians of the third party to determine whether a person who is covered by that policy of insurance or other contractual agreement that provides coverage for health care has adequate access to health care, including, without limitation, a review of:

(a) The number and types of in-network hospitals, in-network independent centers for emergency medical care and in-network physicians, including, without limitation, emergency room physicians, anesthesiologists and specialty physicians;

(b) Whether a person who is covered by the policy of insurance or other contractual agreement that provides coverage for the provision of health care has access to in-network hospitals, in-network independent centers for emergency medical care and in-network physicians without experiencing an unreasonable delay in the provision of health care; and

(c) The in-network hospitals and in-network independent centers for emergency medical care which provide emergency services and care and the number and type of in-network physicians on the medical staff of those in-network hospitals and in-network independent centers for emergency medical care to ensure that the third party has contracted with a sufficient

number and type of physicians who are on the medical staff of those in-network hospitals and in-network independent centers for emergency medical care.

2. Review the frequency with which persons covered by the policy of insurance or other contractual agreement that provides coverage for the provision of health care are treated for emergency services and care by out-of-network physicians at in-network hospitals and in-network independent centers for emergency medical care and the rate at which those services and care are reimbursed by the third party.

3. Ensure that persons covered by the policy of insurance or other contractual agreement that provides coverage for the provision of health care receive adequate information regarding in-network hospitals, in-network independent centers for emergency medical care and in-network physicians and the financial impact of receiving emergency services and care from out-of-network hospitals, out-of-network independent centers for emergency medical care and out-of-network physicians, including, without limitation, the financial impact of receiving emergency services and care from an out-of-network physician on the medical staff of an in-network hospital or in-network independent center for emergency medical care. The information must be provided in a format that is meaningful for persons making an informed decision concerning emergency services and care and must be accessible to persons covered by the policy of insurance or other contractual agreement.

4. Submit once each calendar quarter to the Commissioner of Insurance and the Legislative Committee on Health Care a report containing a summary of the reviews conducted pursuant to subsections 1 and 2 and the educational efforts undertaken pursuant to subsection 3.

Sec. 21. ***Each hospital with 100 or more beds that is not operated by a federal, state or local governmental agency and each independent center for emergency medical care that is operated by a person who also operates such a hospital shall submit to the Department an annual report which must include:***

1. The number of patients from whom the hospital or independent center for emergency medical care or a person acting on its behalf has attempted to collect a debt for any amount owed to the hospital or independent center for emergency medical care for emergency services and care;

2. The number of patients from whom a physician on the medical staff at the hospital or independent center for emergency medical care or a person acting on behalf of such a physician has attempted to collect a debt for any amount owed to the physician for emergency services and care;

3. The amount of any increase in the rate negotiated with a third party for emergency services and care that exceeds the percentage of increase in the Consumer Price Index, Medical Care Component, for the year in which the rate is increased and any justification for the increase; and

4. The amount of each payment negotiated by the hospital or independent center for emergency medical care pursuant to subsection 4 of section 17 of this act or a physician on the medical staff of the hospital or independent center for emergency medical care pursuant to subsection 4 of section 18 or subsection 4 of section 19 of this act and the emergency services and care for which the payment was made.

Sec. 21.3. **Chapter 223 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The procedure established by regulation pursuant to paragraph (j) of subsection 1 of NRS 223.560 for filing and processing complaints concerning the rate of payment prescribed by sections 17, 18 and 19 of this act and the mediation of those complaints must:

(a) Require the Advocate or the Advocate's designee to determine, if an agreement between the parties cannot be reached, an acceptable rate that must be paid to the hospital, independent center for emergency medical care or physician within 10 days of the conclusion of the mediation;

(b) Provide that a decision made by the Advocate or the Advocate's designee is binding on both parties subject to the mediation; and

(c) Provide that the costs of the mediation must be equally shared between the two parties subject to the mediation.

2. Except as otherwise provided in NRS 239.0115, any information received by the Advocate or the Advocate's designee during the mediation procedure established pursuant to paragraph (j) of subsection 1 of NRS 233.560 must be kept confidential by the Advocate or the Advocate's designee.

Sec. 21.6. **NRS 223.500 is hereby amended to read as follows:**

223.500 As used in NRS 223.500 to 223.575, inclusive, ***and section 21.3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 223.505 to 223.535, inclusive, have the meanings ascribed to them in those sections.

Sec. 21.9. **NRS 223.540 is hereby amended to read as follows:**

223.540 The provisions of NRS 223.085 do not apply to the provisions of NRS 223.500 to 223.575, inclusive ~~.~~ ***, and section 21.3 of this act.***

Sec. 22. NRS 223.560 is hereby amended to read as follows:

223.560 1. The Advocate shall:

(a) Respond to written and telephonic inquiries received from consumers and injured employees regarding concerns and problems related to health care and workers' compensation;

(b) Assist consumers and injured employees in understanding their rights and responsibilities under health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance;

(c) Identify and investigate complaints of consumers and injured employees regarding their health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance and

assist those consumers and injured employees to resolve their complaints, including, without limitation:

(1) Referring consumers and injured employees to the appropriate agency, department or other entity that is responsible for addressing the specific complaint of the consumer or injured employee; and

(2) Providing counseling and assistance to consumers and injured employees concerning health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance;

(d) Provide information to consumers and injured employees concerning health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance in this State;

(e) Establish and maintain a system to collect and maintain information pertaining to the written and telephonic inquiries received by the Office for Consumer Health Assistance;

(f) Take such actions as are necessary to ensure public awareness of the existence and purpose of the services provided by the Advocate pursuant to this section;

(g) In appropriate cases and pursuant to the direction of the Advocate, refer a complaint or the results of an investigation to the Attorney General for further action;

(h) Provide information to and applications for prescription drug programs for consumers without insurance coverage for prescription drugs or pharmaceutical services;

(i) Establish and maintain an Internet website which includes:

(1) Information concerning purchasing prescription drugs from Canadian pharmacies that have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328;

(2) Links to websites of Canadian pharmacies which have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328; and

(3) A link to the website established and maintained pursuant to NRS 439A.270 which provides information to the general public concerning the charges imposed and the quality of the services provided by the hospitals and surgical centers for ambulatory patients in this State; ~~[and]~~

(j) ~~***[Establish]***~~ ***In accordance with section 21.3 of this act, establish by regulation a procedure for filing and processing complaints concerning the rate of payment prescribed by sections 17, 18 and 19 of this act and the mediation of those complaints to determine:***

(1) Whether the rates paid pursuant to sections 17, 18 and 19 of this act are sufficient in a particular circumstance; and

(2) If a determination is made that a rate is not sufficient, an acceptable rate that must be paid to the hospital, independent center for emergency medical care or physician that filed the complaint; and

(k) Assist consumers with filing complaints against health care facilities and health care professionals. As used in this paragraph, "health care facility" has the meaning ascribed to it in NRS 162A.740.

2. The Advocate may adopt regulations to carry out the provisions of NRS 223.560 to 223.575, inclusive.

Sec. 22.5. **NRS 239.010 is hereby amended to read as follows:**

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031,

561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and sections 17, 18 and 19 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

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

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

Sec. 23. NRS 687B.490 is hereby amended to read as follows:

687B.490 1. A carrier that offers coverage in the group or individual market must, before making any network plan available for sale in this State, demonstrate the capacity to deliver services adequately by applying to the Commissioner for the issuance of a network plan and submitting a description of the procedures and programs to be implemented to meet the requirements described in subsection 2.

2. The Commissioner shall determine, within 90 days after receipt of the application required pursuant to subsection 1, if the carrier, with respect to the network plan:

(a) Has demonstrated the willingness and ability to ensure that health care services will be provided in a manner to ensure both availability and accessibility of adequate personnel and facilities in a manner that enhances availability, accessibility and continuity of service;

(b) Has organizational arrangements established in accordance with regulations promulgated by the Commissioner; and

(c) Has a procedure established in accordance with regulations promulgated by the Commissioner to develop, compile, evaluate and report statistics relating to the cost of its operations, the pattern of utilization of its services, the availability and accessibility of its services and such other matters as may be reasonably required by the Commissioner.

3. The Commissioner may certify that the carrier and the network plan meet the requirements of subsection 2, or may determine that the carrier and the network plan do not meet such requirements. Upon a determination that the carrier and the network plan do not meet the requirements of subsection 2, the Commissioner shall specify in what respects the carrier and the network plan are deficient.

4. A carrier approved to issue a network plan pursuant to this section must file annually with the Commissioner a summary of information compiled pursuant to subsection 2 in a manner determined by the Commissioner.

5. The Commissioner shall, not less than once each year, or more often if deemed necessary by the Commissioner for the protection of the interests of the people of this State, make a determination concerning the availability and accessibility of the health care services of any network plan approved pursuant to this section.

6. The expense of any determination made by the Commissioner pursuant to this section must be assessed against the carrier and remitted to the Commissioner.

7. When making any determination concerning the availability and accessibility of the services of any network plan or proposed network plan pursuant to this section, the Commissioner shall consider ~~[~~services~~]~~ ***:***

(a) Services that may be provided through telehealth, as defined in NRS 629.515, pursuant to the network plan or proposed network plan to be available services.

(b) The information contained in the most recent report submitted pursuant to section 20 of this act that pertains to the network plan, if such a report has been submitted.

8. As used in this section, "network plan" has the meaning ascribed to it in NRS 689B.570.

Sec. 24. The Governor's Consumer Health Advocate appointed pursuant to NRS 223.550 shall adopt the regulations required by NRS 223.560, as amended by section 22 of this act, on or before October 1, 2017.

Sec. 25. 1. On or before June 30, 2018, the Legislative Committee on Health Care shall review the provisions of this act, including, without limitation, the rate of payment set forth in sections 17, 18 and 19 of this act, to determine whether providers of health care are being adequately compensated for the provision of emergency services and care.

2. The Legislative Committee on Health Care shall forward to the Assembly Standing Committee on Health and Human Services and the Senate Standing Committee on Health and Human Services the results of the review conducted pursuant to subsection 1 and any proposed changes to the provisions of this act, including, without limitation, the rate of payment set forth in sections 17, 18 and 19 of this act.

Sec. 26. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 27. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2018, for all other purposes.

Assemblyman Sprinkle moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 391.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 358.

AN ACT relating to crimes; creating the crime of bestiality; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates various crimes against public decency and good morals and provides penalties to be imposed upon persons who commit such crimes. (Chapter 201 of NRS) This bill creates the crime of bestiality and sets forth the punishment for the crime.

Under this bill, a person who commits the crime of bestiality is guilty of a gross misdemeanor, except that the penalty is increased to a category ~~[C]~~ **D** felony if: (1) the animal dies or suffers serious bodily injury as the result of the crime; or (2) the person has a previous felony conviction for animal cruelty. This bill further ~~[authorizes]~~ **requires** the court to order a person convicted of the crime of bestiality: (1) ~~[to undergo a psychological evaluation and any recommended counseling and to pay the expenses for such an evaluation and counseling; (2)]~~ to relinquish and permanently forfeit **ownership or possession of** all animals which are ~~[owned by the person and which reside]~~ in the same household as the person; ~~[(3)]~~ **and (2)** not to harbor **, own, possess, keep or exercise control over** any animal ~~[or]~~ **, not to** reside in any household where an animal is present **and not to work at or volunteer for a business, animal shelter or other place where the person may access an animal** for a period determined by the court **.** ~~[; and (4)]~~ **Finally, this bill also authorizes the court to order a person convicted of the crime of bestiality: (1) to undergo a psychological evaluation and any recommended counseling and to pay the expenses for such an evaluation and counseling; (2)** to pay all reasonable costs incurred for the care and maintenance of the animal involved in the crime and any other animal that is relinquished by the person ~~[.]~~ **; and (3) if the person is not the owner of the animal involved in the crime, to reimburse the owner of the animal for all medical expenses incurred for treating the animal.**

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

Section 1. Chapter 201 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person commits the crime of bestiality if the person knowingly and intentionally:

(a) Engages in sexual conduct with an animal;

(b) Causes another person to engage in sexual conduct with an animal or aids or abets another person in engaging in sexual conduct with an animal;

(c) Permits any sexual conduct with an animal to be conducted on any premises under the control of the person;

(d) Engages in, organizes, promotes, conducts, advertises, aids, abets, participates in and is physically present as an observer , or performs any service in the furtherance of an act involving any sexual conduct with an animal ; ~~[for a commercial or recreational purpose;]~~ or

(e) Photographs or films, for purposes of his or her sexual gratification or the sexual gratification of another person, a person engaged in sexual conduct with an animal.

2. A person who commits the crime of bestiality is guilty of:

(a) If the crime does not cause the death of or serious bodily injury to an animal involved in the crime and the person has not previously been convicted of a violation of NRS 574.100 punishable as a felony, a gross misdemeanor.

(b) If the crime causes the death of or serious bodily injury to an animal involved in the crime or if the person has previously been convicted of a violation of NRS 574.100 punishable as a felony, a category ~~[C]~~ D felony and shall be punished as provided in NRS 193.130.

3. In addition to any other penalty imposed by the court, the court ~~[may]~~ shall order a person convicted of the crime of bestiality to comply with ~~[any or all of]~~ the following:

(a) ~~[Undergoing a psychological evaluation and any recommended counseling and to pay the expenses for the psychological evaluation and any recommended counseling.~~

~~(b)]~~ Relinquishing and permanently forfeiting ownership or possession of all animals which are ~~[owned by the person and which reside]~~ in the same household as the person to an animal shelter, an organization that takes into custody animals which have been abused or neglected, or a society for the prevention of cruelty to animals established pursuant to NRS 574.010.

~~[(c)]~~ (b) Not harboring ~~[or]~~ , owning, possessing, keeping or exercising control over any animal ~~[or]~~ , not residing in any household where an animal is present and not working at or volunteering for a business, animal shelter or other place where the person may access an animal, for a period determined by the court.

~~[(d)]~~ 4. In addition to any other penalty imposed by the court, the court may order a person convicted of the crime of bestiality to comply with any or all of the following:

(a) Undergoing a psychological evaluation and any recommended counseling, including, without limitation, any counseling for the treatment of substance abuse, and to pay the expenses for the psychological evaluation and any recommended counseling.

(b) Paying all reasonable costs incurred for the care and maintenance of the animal involved in the crime and any other animal relinquished by the person to an animal shelter, an organization that takes into custody animals which have been abused or neglected, or a society for the prevention of cruelty to animals established pursuant to NRS 574.010.

~~[4.]~~ (c) If the person convicted of the crime of bestiality is not the owner of the animal involved in the crime, reimbursing the owner of the animal for all medical expenses incurred for treating the animal.

5. As used in this section:

(a) "Animal" means every living creature other than a human being.

(b) "Animal shelter" has the meaning ascribed to it in NRS 574.240.

(c) "Licensed veterinarian" has the meaning ascribed to it in NRS 638.007.

(d) "Sexual conduct" ~~[means]~~ :

(1) Means any sexual act involving:

~~[(1)]~~ (I) The genitalia of a person and the genitalia, anus or mouth of an animal;

~~[(2)]~~ (II) The genitalia of an animal and the genitalia, anus or mouth of a person; ~~[or~~

~~(3) A]~~

(III) Any insertion, however slight, of any part of the body of a person or of a foreign object ~~[and]~~ into the genitalia or anus of an animal ~~[.~~

~~→ "Sexual conduct" does]~~ ; or

(IV) Any touching or fondling by a person, directly or indirectly through clothing, of the genitalia or anus of an animal.

(2) Does not include ~~[an]~~ :

(I) Any accepted practice of animal husbandry ~~[, any]~~ which provides care for an animal;

(II) Any accepted method of insemination of an animal for the purpose of procreation;

(III) Any accepted practice relating to conformation judging ; ~~[,]~~ or ~~[any]~~

(IV) Any accepted medical procedure performed by a licensed veterinarian while engaging in the practice of veterinary medicine ~~[,]~~ or by his or her employee while acting under his or her supervision.

Assemblywoman Swank moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 411.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 413.

AN ACT relating to juvenile justice; revising provisions governing employment with a department of juvenile justice services; authorizing a department of juvenile justice services to terminate the employment of certain persons ~~[based upon a showing of just cause;]~~ **after providing the employee reasonable time to correct information or resolve certain pending charges;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the board of county commissioners of a county whose population is 700,000 or more (currently Clark County) to establish by ordinance a department of juvenile justice services to administer certain

provisions of existing law relating to juvenile delinquency and the abuse and neglect of children. (NRS 62G.200-62G.240) If the board of county commissioners of such a county has not established a department of juvenile justice services, the juvenile court must establish by court order a probation committee and must appoint a director of the department of juvenile justice services to administer certain functions of the juvenile court. (NRS 62G.300-62G.370)

Existing law requires a department of juvenile justice services to obtain a background investigation of applicants for employment with, and employees of, the department. Existing law also requires a department to obtain a background investigation of each employee of the department at least once every 5 years after the initial investigation. (NRS 62G.223, 62G.353) Existing law authorizes a department of juvenile justice services to deny employment to an applicant, or terminate the employment of an employee, against whom certain criminal charges are pending. Further, existing law requires a department of juvenile justice services to deny employment to an applicant or terminate the employment of an employee who has been convicted of certain crimes. (NRS 62G.225, 62G.355) This bill amends existing law by authorizing, rather than requiring, a department of juvenile justice services to terminate the employment of an employee ~~[based upon a showing of just cause, rather than for cause,]~~ if the employee: (1) has been convicted of certain crimes; or (2) certain criminal charges are pending against the employee. **Before terminating the employee, the department of juvenile justice services is required to allow the employee a reasonable amount of time to: (1) correct information obtained from the background investigation; or (2) resolve certain pending charges against the employee.**

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

Section 1. NRS 62G.225 is hereby amended to read as follows:

62G.225 1. If the report from the Federal Bureau of Investigation forwarded to the department of juvenile justice services pursuant to subsection 5 of NRS 62G.223, the information received by the department of juvenile justice services pursuant to subsection 2 of NRS 62G.223 or evidence from any other source indicates that an applicant for employment with the department of juvenile justice services, or an employee of the department of juvenile justice services:

(a) Has charges pending against him or her for a crime listed in paragraph (a) of subsection 1 of NRS 62G.223, the department of juvenile justice services ~~[may ,]~~ ***:***

(1) May deny employment to the applicant ~~[or terminate the employment of the employee]~~ after allowing the applicant ~~[or employee]~~ time to correct the information as required pursuant to subsection 2 ***;*** ~~[or 3, whichever is applicable;*,]***

~~*[(1) Deny employment to the applicant; or*~~

~~*(2) Terminate the employment of the employee, based upon a showing of just cause;]*~~ or

(2) May terminate the employee after allowing the employee time to correct the information as required pursuant to subsection 2 or 3, or resolve the pending charges pursuant to subsection 4, whichever is applicable; or

(b) Has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 62G.223, has had a substantiated report of child abuse or neglect made against him or her or has not been satisfactorily cleared by a central registry described in paragraph (b) of subsection 2 of NRS 62G.223, the department of juvenile justice services ~~*[,]*~~ shall deny employment to the applicant or terminate the employment of the employee after allowing the applicant or employee time to correct the information as required pursuant to subsection 2 or 3, whichever is applicable . ~~*[:*~~

~~*(1) Shall deny employment to the applicant; or*~~

~~*(2) May terminate the employment of the employee, based upon a showing of just cause.]*~~

2. If an applicant for employment or an employee believes that the information in the report from the Federal Bureau of Investigation forwarded to the department of juvenile justice services pursuant to subsection 5 of NRS 62G.223 is incorrect, the applicant or employee must inform the department of juvenile justice services immediately. A department of juvenile justice services that is so informed shall give the applicant or employee a reasonable amount of time of not less than 30 days to correct the information.

3. If an ~~[applicant for employment or an]~~ employee believes that the information received by the department of juvenile justice services pursuant to subsection 2 of NRS 62G.223 is incorrect, the ~~[applicant or]~~ employee must inform the department of juvenile justice services immediately. A department of juvenile justice services that is so informed shall give the ~~[applicant or]~~ employee a reasonable amount of time of not less than 60 days to correct the information.

4. ***If an employee has pending charges against him or her for a crime listed in paragraph (a) of subsection 1 of NRS 62G.223, the department of juvenile justice services shall allow the employee a reasonable time of not more than 180 days to resolve the pending charges against the employee. Upon request and good cause shown, the department of juvenile justice services may allow the employee additional time to resolve the pending charges against the employee.***

5. During the period in which an ~~[applicant or]~~ employee seeks to correct information pursuant to subsection 2 or 3, ***or resolve pending charges against the employee pursuant to subsection 4,*** the ~~[applicant or]~~ employee:

(a) Shall not have contact with a child or a relative or guardian of a child in the course of performing any duties as an employee of the department of juvenile justice services.

(b) May be placed on leave without pay.

~~[5.]~~ ***6.*** The provisions of subsection ~~[4]~~ ***5 are not disciplinary in nature and*** must not be construed as preventing the department of juvenile justice services from initiating departmental disciplinary procedures against an employee during the period in which an employee seeks to correct information pursuant to subsection 2 or 3 ~~[.~~

~~6.]~~ ***, or resolve pending charges against the employee pursuant to subsection 4.***

7. A termination of employment pursuant to this section constitutes dismissal for cause for the purposes of NRS 62G.220.

Sec. 2. NRS 62G.355 is hereby amended to read as follows:

62G.355 1. If the report from the Federal Bureau of Investigation forwarded to the department of juvenile justice services pursuant to subsection 5 of NRS 62G.353, the information received by the department of juvenile justice services pursuant to subsection 2 of NRS 62G.353 or evidence from any other source indicates that an applicant for employment with the department of juvenile justice services, or an employee of the department of juvenile justice services:

(a) Has charges pending against him or her for a crime listed in paragraph (a) of subsection 1 of NRS 62G.353, the department of juvenile justice services ~~[may ,]~~ ***:***

(1) May deny employment to the applicant ~~[or terminate the employment of the employee]~~ after allowing the applicant ~~[or employee]~~ time to correct the information as required pursuant to subsection 2 ***;*** ~~[or 3, whichever is applicable ;~~ ***:***

~~***(1) Deny employment to the applicant; or***~~

~~***(2) Terminate the employment of the employee, based upon a showing of just cause;]***~~ or

(2) May terminate the employee after allowing the employee time to correct the information as required pursuant to subsection 2 or 3, or resolve pending charges against the employee pursuant to subsection 4, whichever is applicable; or

(b) Has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 62G.353, has had a substantiated report of child abuse or neglect made against him or her or has not been satisfactorily cleared by a central registry described in paragraph (b) of subsection 2 of NRS 62G.353, the department of juvenile justice services ~~*[,]*~~ shall deny employment to the applicant or terminate the employment of the employee after allowing the applicant or employee time to correct the information as required pursuant to subsection 2 or 3, whichever is applicable ***.*** ~~*[:*~~

~~***(1) Shall deny employment to the applicant; or***~~

~~***(2) May terminate the employment of the employee, based upon a showing of just cause.]***~~

2. If an applicant for employment or an employee believes that the information in the report from the Federal Bureau of Investigation forwarded

to the department of juvenile justice services pursuant to subsection 5 of NRS 62G.353 is incorrect, the applicant or employee must inform the department of juvenile justice services immediately. A department of juvenile justice services that is so informed shall give the applicant or employee a reasonable amount of time of not less than 30 days to correct the information.

3. If an ~~[applicant for employment or an]~~ employee believes that the information received by the department of juvenile justice services pursuant to subsection 2 of NRS 62G.353 is incorrect, the ~~[applicant or]~~ employee must inform the department of juvenile justice services immediately. A department of juvenile justice services that is so informed shall give the ~~[applicant or]~~ employee a reasonable amount of time of not less than 60 days to correct the information.

4. ***If an employee has pending charges against him or her for a crime listed in paragraph (a) of subsection 1 of NRS 62G.223, the department of juvenile justice services shall allow the employee a reasonable amount of time of not more than 180 days to resolve the pending charges against the employee. Upon request from the employee and good cause shown, the department of juvenile justice services may allow the employee additional time to resolve the pending charges against the employee.***

5. During the period in which an ~~[applicant or]~~ employee seeks to correct information pursuant to subsection 2 or 3, ***or resolve pending charges against the employee pursuant to subsection 4,*** the applicant or employee:

(a) Shall not have contact with a child or a relative or guardian of the child in the course of performing any duties as an employee of the department of juvenile justice services.

(b) May be placed on leave without pay.

~~[5.]~~ ***6.*** The provisions of subsection ~~[4]~~ ***5 are not disciplinary in nature and*** must not be construed as preventing a department of juvenile justice services from initiating departmental disciplinary procedures against an employee during the period in which an employee seeks to correct information pursuant to subsection 2 or 3 ~~[.~~ ~~6.]~~ ***, or resolve pending charges against the employee pursuant to subsection 4.***

7. A termination of employment pursuant to this section constitutes dismissal for cause for the purposes of NRS 62G.360.

Sec. 3. ~~[NRS 62G.360 is hereby amended to read as follows:~~

~~62G.360 1. Pursuant to the provisions of this section, the director of the department of juvenile justice services may demote or dismiss, only for cause, any probation officer, employee of the department of juvenile justice services or employee of a local facility for the detention of children.~~

~~2. Before the director of the department of juvenile justice services may demote a probation officer or employee, the director shall provide to the probation officer or employee:~~

~~(a) A written statement of the reasons for the demotion; and~~

~~(b) An opportunity to be heard before the director regarding the demotion.~~

~~3. Before the director of the department of juvenile justice services may dismiss a probation officer or employee with less than 12 months of service, the director shall provide to the probation officer or employee:~~

~~(a) A written statement of the reasons for the dismissal; and~~

~~(b) An opportunity to be heard before the director regarding the dismissal.~~

~~4. If a probation officer or employee with 12 months or more of service is dismissed pursuant to this section:~~

~~(a) Not later than 15 days after the dismissal, the probation officer or employee may request a written statement from the director of the department of juvenile justice services specifically setting forth the reasons for the dismissal. The director shall provide the written statement to the probation officer or employee not later than 15 days after the date of the request.~~

~~(b) Not later than 30 days after receipt of the written statement from the director, the probation officer or employee may make a written request for a public hearing before the probation committee. The probation committee shall adopt rules for the conduct of such public hearings.~~

~~(c) The probation officer or employee may appeal the decision of the probation committee to the board or boards of county commissioners.~~

~~[5. The provisions of this section do not apply to a dismissal required by NRS 62G.355.]~~ **(Deleted by amendment.)**

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 415.

Bill read second time and ordered to third reading.

Assembly Bill No. 416.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 233.

AN ACT relating to environmental protection; requiring the Division of Environmental Protection of the State Department of Conservation and Natural Resources to establish a program to use certain settlement money received from the Volkswagen Corporation and its subsidiaries; requiring the program to include priorities and other provisions for administering the program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The United States District Court for the Northern District of California recently approved two partial consent decrees in litigation between the United States Department of Justice and the Volkswagen Corporation and its subsidiaries regarding the installation and use of emissions testing devices in many vehicles sold and operated in the United States. One provision of the

partial consent decrees requires the Volkswagen Corporation to fund a Mitigation Trust, the money from which will be disbursed to each state based on the number of affected vehicles which were sold in each of those states. The money must be used to defray the cost of projects intended to offset the excess emissions of nitrogen oxides caused by the vehicles. (Partial Consent Decree, *In re* Volkswagen "Clean Diesel" Marketing, Sales Practices and Products Liability Litigation, No. MDL No. 2672 CRB, (N.D. Cal. Sept. 30, 2016) and Second Partial Consent Decree, *In re* Volkswagen "Clean Diesel" Marketing, Sales Practices and Products Liability Litigation, No. MDL No. 2672 CRB, (N.D. Cal. Dec. 20, 2016))

This bill requires the Division of Environmental Protection of the State Department of Conservation and Natural Resources, in consultation with the Department of Motor Vehicles and the Department of Transportation, to develop a program for distributing money from the Mitigation Trust to assist residents of this State and local governmental entities in this State in repowering the engines of certain vehicles with new diesel, alternate fueled or all-electric engines, or replacing certain vehicles with new diesel, alternate fueled or all-electric vehicles, to the extent that such repowering or replacing is authorized by the terms of the consent decrees. The program developed by the Division must include a preference for repowering or replacing vehicles: (1) **which are equipped with engines that were** manufactured not later than ~~[2005,]~~ **2006;** (2) with over 200,000 miles registered on the odometer; (3) operated by and for a small business ~~[,]~~ **or a school district;** and (4) which have been operated in this State for not less than one half of the time the vehicle has been owned by the current owner. Distributions of money to a local governmental entity for repower or replacement of an eligible vehicle must be limited to not more than 80 percent of the cost of such repowering or replacing.

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

Section 1. 1. The Division of Environmental Protection of the State Department of Conservation and Natural Resources, in its role as lead agency on behalf of this State designated as required in section 4.2.1 of Appendix D to the Partial Consent Decree, shall, upon a determination of Beneficiary status pursuant to section 4.0 of Appendix D to the Partial Consent Decree, prepare and submit a Beneficiary Mitigation Plan as required by section 4.1 of Appendix D to the Partial Consent Decree, which includes, without limitation, the provisions of subsections 2 and 3 to the extent that such provisions are permissible under the requirements of the Partial Consent Decree and the Second Partial Consent Decree.

2. The Division of Environmental Protection of the State Department of Conservation and Natural Resources, in consultation with the Department of Motor Vehicles and the Department of Transportation, shall develop a program for distributing money received from the Mitigation Trust to

residents of this State and local governmental entities in this State to assist residents of this State and local governmental entities in this State to:

(a) Replace with a new diesel, alternate fueled or all-electric vehicle; or

(b) Repower with a new diesel, alternate fueled or all-electric engine,

➥ any vehicles that are eligible for replacement or repowering under the terms of the Partial Consent Decree. **The Division of Environmental Protection of the State Department of Conservation and Natural Resources may award grants or subgrants of money to any resident of this State, a local governmental entity or other person or entity to carry out the provisions of the program.**

3. The program developed pursuant to subsection 2 must include, without limitation:

(a) Priorities for the distribution of available money which incorporate a preference for replacing or repowering a vehicle:

(1) ~~[~~Manufactured~~]~~ **Which is equipped with an engine that was manufactured** not later than ~~[~~2005.~~]~~ **2006.**

(2) With over 200,000 miles registered on the odometer.

(3) Operated by and for a small business ~~[.]~~ **or a school district.**

(4) Which has been operated in this State for not less than one half of the time the vehicle has been owned by the current owner.

(b) A limitation on the amount of money a local governmental entity may receive to repower or replace a vehicle owned by the local governmental entity, which must not exceed 80 percent of the cost to repower or replace the vehicle.

(c) A procedure by which the owner of an eligible vehicle may apply to participate in the program.

(d) Any documents or other evidence which the owner of an eligible vehicle must provide, if applicable, to prove to the satisfaction of the Division or its designee that the vehicle meets one or more of the criteria in paragraph (a).

4. As used in this section:

(a) "Beneficiary" has the meaning ascribed to it in section 1.1 of Appendix D to the Partial Consent Decree.

(b) "Beneficiary Mitigation Plan" means the submittal required of a Beneficiary pursuant to section 4.1 of Appendix D to the Partial Consent Decree.

(c) "Mitigation Trust" means the trust established by section 2.0.1 of Appendix D to the Partial Consent Decree and funded pursuant to paragraph 14 of the Partial Consent Decree, paragraph 17 of the Second Partial Consent Decree and any subsequent amendments to the Partial Consent Decree.

(d) "Partial Consent Decree" means Partial Consent Decree, *In re* Volkswagen "Clean Diesel" Marketing, Sales Practices and Products Liability Litigation, No. MDL No. 2672 CRB, (N.D. Cal. Sept. 30, 2016).

(e) "Second Partial Consent Decree" means Second Partial Consent Decree, *In re* Volkswagen "Clean Diesel" Marketing, Sales Practices and

Products Liability Litigation, No. MDL No. 2672 CRB, (N.D. Cal. Dec. 20, 2016).

(f) "Small business" means a business conducted for profit in this State which employs not more than 50 employees.

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

Assemblywoman Swank moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 423.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 460.

AN ACT relating to gender equality; requiring the Nevada Commission for Women to conduct **[**~~an annual~~**]** **a** survey of certain employers to collect data and information related to issues of gender equality in the workplace; requiring the Commission **[**~~on an annual basis~~**]** to create and maintain a **database that provides information about employers that have best practices and policies on issues of** gender equality **[**~~index~~**]** and submit a report to the Governor and the Director of the Legislative Counsel Bureau; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Nevada Commission for Women which is: (1) required to study the roles of women in society; and (2) authorized to collect and disseminate information on activities, programs and essential services available to women in Nevada. (NRS 233I.020, 233I.060) **Section 2** of this bill requires the Commission, with the assistance of the Director of the Department of Administration, to design and conduct **[**~~an annual~~**]** **a** survey of employers in this State with 100 or more employees to collect data and information related to issues of gender equality in the workplace. The Commission must use the data and information to create and maintain a **[**~~gender equality index that scores or rates each employer~~**]** **database that provides information about employers that have best practices and policies** on issues of gender equality in the workplace. The **[**~~index~~**]** **database** must be made available on the Internet website of the Department of Administration and the Commission must submit **[**~~an annual~~**]** **a** report to the Governor and the Director of the Legislative Counsel Bureau on issues of gender equality in the workplace.

Section 3 of this bill provides that **[**~~if~~**]** an employer **[**~~does~~**]** **is** not **required to** respond to the Commission's survey **. [**~~, the~~**]** **Section 3 also provides that the** Commission may **[**~~rate the~~**]** **include an** employer **in the database if the Commission is otherwise able to obtain sufficient information about the employer** on issues of gender equality **[**~~if the Commission is otherwise able~~

~~to obtain sufficient information about the employer.]~~ **in the workplace from the public records of state agencies.**

Sections 4-6 of this bill make conforming changes.

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

Section 1. Chapter 233I of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***With the assistance of the Director of the Department of Administration, the Commission shall:***

1. Design and conduct ~~[an annual]~~ a survey of employers in this State for the purpose of collecting data and information from ~~[each employer]~~ employers related to issues of gender equality in the workplace. The survey:

(a) Must be considered and approved by the Commission at a public hearing; and

(b) May be conducted using a web-based system.

2. ~~[On or before July 1 of each year, use]~~ Use the data and information collected pursuant to subsection 1:

(a) To create and maintain a ~~[gender equality index]~~ database that ~~[scores or rates each employer]~~ provides information about employers that have best practices and policies on issues of gender equality in the workplace. The ~~[index]~~ database must be made available to the public on the Internet website of the Department of Administration.

(b) To create and submit a report to the Governor and the Director of the Legislative Counsel Bureau on issues of gender equality in the workplace.

Sec. 3. ***~~[If an employer does]~~***

1. An employer:

(a) Is not required to respond to a survey conducted pursuant to section 2 of this act . ~~[,]~~

(b) Is not subject to any penalty if the employer does not respond to a survey conducted pursuant to section 2 of this act.

2. If an employer does not respond to such a survey, the Commission may ~~[rate]~~ include the employer ~~[on issues of gender equality in the workplace]~~ in the database created pursuant to section 2 of this act if the Commission is otherwise able to obtain sufficient information about the employer on ~~[such]~~ issues ~~[.]~~ of gender equality in the workplace from the public records of state agencies.

Sec. 4. NRS 233I.010 is hereby amended to read as follows:

233I.010 As used in this chapter, unless the context otherwise requires ~~[,]~~ ***:***

1. "Commission" means the Nevada Commission for Women.

2. "Employer" means any entity that performs a service or engages in a trade for profit and has 100 or more employees.

Sec. 5. NRS 233I.080 is hereby amended to read as follows:

233I.080 1. The Director of the Department of Administration shall provide staff assistance to the Commission ***in carrying out:***

(a) The provisions of sections 2 and 3 of this act; and

(b) Other duties and responsibilities of the Commission, as the Governor deems appropriate.

2. The Commission may engage the services of volunteer workers and consultants without salary as is necessary from time to time.

Sec. 6. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 7. This act becomes effective on July 1, 2017.

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 434.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 470.

SUMMARY—Makes appropriations for incentives for ~~[new teachers and]~~ **employing** teachers at Title I and underperforming schools. (BDR S-1033)

AN ACT making appropriations to the Department of Education for incentives for hiring new teachers ~~[and incentives for teachers employed]~~ **to teach** at Title I schools and schools designated as underperforming ~~[.]~~ **and incentives for certain teachers who transfer to teach at those schools;** and providing other matters properly relating thereto.

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

Section 1. 1. There is hereby appropriated from the State General Fund to the Department of Education to provide incentives for the hiring of new teachers ~~[,]~~ **to teach at Title I schools or schools that are designated as underperforming pursuant to the statewide system of accountability for public schools,** the sum of $2,500,000.

2. There is hereby appropriated from the State General Fund to the Department of Education to provide incentives for teachers who are **currently** employed to teach at a **public school in Nevada that is not a** Title I school or ~~[at]~~ a school ~~[that is]~~ designated as underperforming pursuant to the statewide system of accountability for public schools ~~[,]~~ **and who transfer to teach at a Title I school or a school with that designation,** the sum of $2,500,000.

3. **The State Board of Education shall adopt regulations as necessary to carry out the provisions of this section.**

4. As used in this section, "Title I school" has the meaning ascribed to it in NRS 385A.040.

Sec. 2. Any remaining balance of the appropriations made by section 1 of this act must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2019.

Sec. 3. This act becomes effective on July 1, 2017.

Assemblyman Thompson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 447.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 574.

AN ACT relating to education; extending the duration of the Victory schools program; ~~[requiring a Victory school to use for certain services at least a specified percentage of the money distributed to the school;]~~ **requiring the Department of Education to consult with the board of trustees of a school district when designating Victory schools;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

During the 78th Session of the Nevada Legislature (2015), the Legislature passed the Victory Schools Act, which provided for the distribution of money during the 2015-2017 biennium to certain underperforming public schools designated as Victory schools. (Chapter 389, Statutes of Nevada 2015, p. 2197) This bill continues the program in effect for the 2017-2019 biennium. **This bill also requires the Department to consult with the board of trustees of a school district when designating Victory schools.**

~~[The Act authorized a Victory school to use for wrap-around services a portion of the money distributed to the school. These are supplemental services provided to a pupil with special needs or the family of such a pupil that are not otherwise covered by any federal or state program of assistance. (Section 2 of chapter 389, Statutes of Nevada 2015, p. 2199) This bill requires that not less than 25 percent of the money received by a Victory school be used for this purpose.]~~

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

Section 1. Section 2 of the Victory Schools Act, being chapter 389, Statutes of Nevada 2015, at page 2199, is hereby amended to read as follows:

Sec. 2. 1. The Department of Education shall ***, in consultation with the board of trustees of a school district,*** designate a public school as a Victory school if, relative to other public schools, including charter schools, that are located in the school district in which the school is also located:

(a) A high percentage of pupils enrolled in the school live in households that have household incomes that are less than the federally designated level signifying poverty, based on the most recent data compiled
by the Bureau of the Census of the United States Department of Commerce; and

(b) The school received one of the two lowest possible ratings indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools, for the immediately preceding school year.

➥ The designation of a public school as a Victory school pursuant to this subsection must be made in consultation with the board of trustees of the school district in which the prospective Victory school is located.

2. The Department shall designate each Victory school for the ~~[~~2015-2016~~]~~ ***2017-2018*** Fiscal Year on or before June 1, ~~[~~2015.~~]~~ ***2017.***

3. The Department shall transfer money from the Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.1247 to each school district in which a Victory school is designated and each sponsor of a charter school that is designated as a Victory school on a per pupil basis. The amount distributed per pupil must be determined by dividing the amount of money appropriated to the Account by the ~~[~~2015~~]~~ ***2017*** Legislature for Victory schools by the total number of pupils who are enrolled in Victory schools statewide. After receiving money from the Account pursuant to this subsection:

(a) A school district shall distribute the money to each Victory school in the school district on a per pupil basis.

(b) A sponsor of a charter school shall distribute the money to each Victory school that it sponsors on a per pupil basis.

4. The board of trustees of each school district in which a Victory school is located and the governing body of each charter school that is designated as a Victory school shall, as soon as practicable after the school is designated as a Victory school, conduct an assessment of the needs of pupils that attend the school. The assessment must include soliciting input from the community served by the Victory school and

identify any barriers to improving pupil achievement and school performance and strategies to meet the needs of pupils at the school.

5. Except as otherwise provided in subsection 7, on or before August 15, ~~[~~2015,~~]~~ ***2017,*** the board of trustees of each school district in which a Victory school is designated for the ~~[~~2015-2016~~]~~ ***2017-2018*** Fiscal Year and the governing body of each charter school that is designated as a Victory school for the ~~[~~2015-2016~~]~~ ***2017-2018*** Fiscal Year shall submit to the Department a comprehensive plan for meeting the educational needs of pupils enrolled in each Victory school. The board of trustees of each school district in which a Victory school is designated and the governing body of each charter school that is designated as a Victory school shall select at least one person who is familiar with the public schools in the school district or with the charter school, respectively, to assist with the development of the plan. The plan must:

(a) Include appropriate means to determine the effectiveness of the plan;

(b) Be based on the assessment of the needs of the pupils who attend the school conducted pursuant to subsection 4;

(c) Analyze available data concerning pupil achievement and school performance, including, without limitation, data collected and maintained in the statewide system of accountability for public schools and other pupil achievement data collected and maintained by the school district or charter school;

(d) Include a description of the criteria used to select entities to provide programs and services to pupils enrolled in the Victory school;

(e) Include a description of the manner in which the school district or governing body will collaborate with selected entities so that academic programs and services and nonacademic programs and services, including, without limitation, transportation services, may be offered without charge to support pupils and their families within the region in which the school is located;

(f) Take into account the number and types of pupils who attend the school and the locations where such pupils reside;

(g) Provide for the coordination of the existing or planned engagement of other persons who provide services in the region in which the school is located;

(h) Coordinate all funding available to each school that is subject to the plan;

(i) Provide for the coordination of all available resources to each school that is subject to the plan, including, without limitation, instructional materials and textbooks;

(j) Identify, for each school or group of schools subject to the plan, which of the measures described in subsection 8 will be implemented; and

(k) Identify the person or persons selected pursuant to this subsection who assisted with the development of the plan.

6. The Department shall review each plan submitted pursuant to subsection 5 to determine whether, or the extent to which, the plan complies with the requirements of this section and either approve or request revisions to the plan.

7. If the board of trustees of a school district in which a Victory school is designated or the governing body of a charter school that is designated as a Victory school does not submit a comprehensive plan for meeting the educational needs of pupils enrolled in each Victory school on or before August 15, ~~[~~2015.~~]~~ ***2017,*** as required pursuant to subsection 5, the board of trustees of the school district or the governing body of the charter school, as applicable, may submit to the Department a letter of intent to meet the educational needs of pupils enrolled in each Victory school. The letter must include, without limitation:

(a) An initial assessment of the needs of the pupils who attend the school which is conducted pursuant to subsection 4;

(b) An analysis of available data concerning pupil achievement and school performance, including, without limitation, data collected and maintained in the statewide system of accountability for public schools and data collected and maintained by the school district or charter school; and

(c) A summary of activities that the board of trustees or governing body, as applicable, will take to ensure completion of the comprehensive plan required pursuant to subsection 5 by not later than September 15, ~~[~~2015.~~]~~ ***2017.***

8. A Victory school shall use ~~***[not less than 25 percent of the money distributed pursuant to subsection 3 to provide wrap-around services. The school shall use]***~~ the majority of the ~~***[remaining]***~~ money ~~***[so]***~~ distributed pursuant to subsection 3 to provide one or more of the following:

(a) A prekindergarten program free of charge, if such a program is not paid for by another grant.

(b) ~~[An expansion of full-day kindergarten classes, if such classes have not otherwise been paid for through legislative appropriation.~~

~~(c)]~~ A summer academy or other instruction for pupils free of charge at times during the year when school is not in session.

~~[(d)]~~ ***(c)*** Additional instruction or other learning opportunities free of charge at times of day when school is not in session.

~~[(e)]~~ ***(d)*** Professional development for teachers and other educational personnel concerning instructional practices and strategies that have proven to be an effective means to increase pupil achievement in populations of pupils similar to those served by the school.

~~[(f)]~~ ***(e)*** Incentives for hiring and retaining teachers and other licensed educational personnel who provide any of the programs or

services set forth in this subsection from the list prescribed by the State Board of Education pursuant to subsection 14.

~~[(g)]~~ ***(f)*** Employment of paraprofessionals, other educational personnel and other persons who provide any of the programs or services set forth in this subsection.

~~[(h)]~~ ***(g)*** Reading skills centers.

(h) Evidence-based programs, integrated student supports and wrap-around services designed to meet the needs of pupils who attend the school, as determined using the assessment conducted pursuant to subsection 4.

9. A Victory school may use any money distributed pursuant to subsection 3 that is not used for the purposes described in subsection 8 to:

(a) Provide evidence-based social, psychological or health care services to pupils and their families ***;*** ~~[, including, without limitation, wrap-around services;]~~

(b) Provide programs and services designed to engage parents and families;

(c) Provide programs to improve school climate and culture; ***or***

(d) ~~[Provide evidence-based programs and services specifically designed to meet the needs of pupils who attend the school, as determined using the assessment conducted pursuant to subsection 4; or~~

~~(e)]~~ Any combination thereof.

10. A Victory school shall not use any money distributed pursuant to subsection 3 for a purpose not described in subsection 8 or 9.

11. Any programs offered at a Victory school pursuant to subsection 8 or 9 must:

(a) Be designed to meet the needs of pupils at the school, as determined using the assessment conducted pursuant to subsection 4 and to improve pupil achievement and school performance, as determined using the measures prescribed by the State Board of Education; and

(b) Be based on scientific research concerning effective practices to increase the achievement of pupils who live in poverty.

12. Each plan to improve the achievement of pupils enrolled in a Victory school that is prepared by the principal of the school pursuant to NRS 385A.650 must describe how the school will use the money distributed pursuant to subsection 3 to meet the needs of pupils who attend the school, as determined using the assessment described in subsection 4 and the requirements of this section.

13. The Department shall contract with an independent evaluator to evaluate the effectiveness of programs and services provided pursuant to this section. The evaluation must include, without limitation, consideration of the achievement of pupils who have participated in such programs and received such services. When complete, the evaluation

must be provided contemporaneously to the Department and the Legislative Committee on Education.

14. The State Board of Education shall prescribe a list of recruitment and retention incentives that are available to the school districts and sponsors of charter schools that receive a distribution of money pursuant to this section to offer to teachers and other licensed educational personnel.

15. The State Board shall require a Victory school to take corrective action if pupil achievement and school performance at the school are unsatisfactory, as determined by the State Board. If unsatisfactory pupil achievement and school performance continue, the State Board may direct the Department to withhold any additional money that would otherwise be distributed pursuant to this section.

16. On or before November 30, 2016, and November 30, 2017, ***or, in the case of a Victory school designated for the 2017-2018 Fiscal Year, on or before November 30, 2018, and November 30, 2019,*** the board of trustees of each school district in which a Victory school is designated and the governing body of each charter school that is designated as a Victory school shall submit to the Department and to the Legislative Committee on Education a report, which must include, without limitation:

(a) An identification of schools to which money was distributed pursuant to subsection 3 for the previous fiscal year;

(b) The amount of money distributed to each such school;

(c) A description of the programs or services for which the money was used;

(d) The number of pupils who participated in such programs or received such services;

(e) The average expenditure per pupil for each program or service that was funded; and

(f) Recommendations concerning the manner in which the average expenditure per pupil reported pursuant to paragraph (e) may be used to determine formulas for allocating money from the State Distributive School Account in the State General Fund.

17. The Legislative Committee on Education shall consider the evaluations of the independent evaluator received pursuant to subsection 13 and the reports received pursuant to subsection 16 and advise the State Board regarding any action the Committee determines appropriate for the State Board to take based upon that information. The Committee shall also make any recommendations it deems appropriate concerning Victory schools to the next regular session of the Legislature which may include, without limitation, recommendations for legislation.

18. The money distributed pursuant to subsection 3:

(a) Must be accounted for separately from any other money received by Victory schools and used only for the purposes specified in this section;

(b) May not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district or the governing body of a charter school and the school district or governing body or to settle any negotiations; and

(c) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.

19. Upon request of the Legislative Commission, a Victory school to which money is distributed pursuant to subsection 3 shall make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of such money.

20. As used in this section:

(a) "Community" includes any person or governmental entity who resides or has a significant presence in the geographic area in which a school is located or who interacts with pupils and personnel at a school, and may include, without limitation, parents, businesses, nonprofit organizations, faith-based organizations, community groups, teachers, administrators and governmental entities.

(b) "Evidence-based ~~[programs and services" means practices, interventions and services that have been proven, through scientifically based research, as defined in 20 U.S.C. § 7801(37), ***7801(21),*** to be effective in improving outcomes for pupils when implemented with fidelity.]~~ ***integrated student supports" means supports developed, secured or coordinated by a school to promote the academic success of pupils enrolled in the school by targeting academic and nonacademic barriers to pupil achievement.***

(c) "Victory school" means a school that is so designated by the Department pursuant to subsection 1.

(d) "Wrap-around services" means supplemental services provided to a pupil with special needs or the family of such a pupil that are not otherwise covered by any federal or state program of assistance.

Sec. 2. This act becomes effective:

1. Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of the act; and

2. On July 1, 2017, for all other purposes.

Assemblyman Thompson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 12.

Bill read second time.

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

Amendment No. 530.

AN ACT relating to adjusters; requiring ~~[independent]~~ adjusters to complete certain continuing education; establishing standards of conduct for ~~[independent]~~ adjusters; providing for the licensing of nonresident ~~[independent]~~ adjusters; revising provisions relating to the licensing of adjusters; authorizing the issuance of temporary emergency licenses for ~~[independent]~~ adjusters in a catastrophe; exempting certain persons from the requirement to pass an examination before issuance of a license as an adjuster; authorizing the Commissioner of Insurance to enter into certain contracts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from acting as or holding himself or herself out to be an adjuster without a license. (NRS 684A.040) **Section 7** of this bill requires certain natural persons who hold a license as an ~~[independent]~~ adjuster to complete certain courses of continuing education before the license may be renewed. **Section 8** of this bill requires an ~~[independent]~~ adjuster to adhere to certain standards of conduct. **Section 9** of this bill provides for the issuance of nonresident licenses as an ~~[independent]~~ adjuster. **Section 10** of this bill authorizes the Commissioner of Insurance to promulgate reasonable regulations relating to adjusters. **Section 15.5 of this bill authorizes the Commissioner to license an individual as a company adjuster or a staff adjuster, in addition to the current types of licensure. (NRS 684A.050)**

Section 17 of this bill provides for the temporary emergency licensure of natural persons as ~~[independent]~~ adjusters in the event of a declared catastrophe. **Section 17** also imposes upon an applicant for a temporary emergency license the requirement to pay all fees that apply to an ~~[independent]~~ adjuster. **Section 21** of this bill exempts a person who is licensed as an ~~[independent]~~ adjuster in another state from the requirement to pass an examination before being issued a license in this State in certain circumstances. **Section 22** of this bill authorizes the Commissioner to enter into a contract with a nongovernmental entity to perform ministerial duties relating to licensing. **Sections 12, 14, 15-20 and 23-25** of this bill make various revisions relating to the licensing of adjusters.

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

Section 1. **NRS 683A.085 is hereby amended to read as follows:**

683A.085 No person may act as, offer to act as or hold himself or herself out to the public as an administrator, unless ~~[the]~~ **:**

1. The person has obtained a certificate of registration as an administrator from the Commissioner pursuant to NRS 683A.08524 ~~[.]~~ ***;***

2. If the person is an individual and adjusts workers' compensation claims in this State, the person is licensed pursuant to chapter 684A of NRS; and

3. If any employee of the person adjusts workers' compensation claims in this State, each such employee who adjusts workers' compensation claims in this State is licensed pursuant to chapter 684A of NRS.

~~[Section 1.]~~ ***Sec. 1.5.*** Chapter 684A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. ***"Business entity" means a corporation, association, partnership, limited-liability company, limited-liability partnership or other legal entity.***

Sec. 3. ***"Catastrophe" means an event that:***

1. Results in large numbers of deaths or injuries, causes extensive damage or destruction of facilities that provide and sustain human needs, produces an overwhelming demand on state and local response resources and mechanisms, causes a severe, long-term effect on general economic activity or severely affects state, local and private sector capabilities to begin and sustain response activities; and

2. Is declared by the Governor.

Sec. 4. ***"Person" means an individual or business entity.***

Sec. 5. ***"Uniform Business Entity Application" means the current version of the Uniform Application for Business Entity License/Registration for resident and nonresident business entities published by the National Association of Insurance Commissioners.***

Sec. 6. ***"Uniform Individual Application" means the current version of the Uniform Application for Individual Producer License/Registration for resident and nonresident individuals published by the National Association of Insurance Commissioners.***

Sec. 7. ***1. Except as otherwise provided in subsection 2, an individual who holds a license as an ~~[independent]~~ adjuster must satisfactorily complete a minimum of 24 hours of courses of continuing education, of which 3 hours must be in ethics, which are reported to the Commissioner as a condition for the renewal of his or her license.***

2. This section does not apply to an individual who:

(a) Holds a nonresident license as an ~~[independent]~~ adjuster; and

(b) Has met the continuing education requirements of his or her home state.

Sec. 8. ***1. An ~~[independent]~~ adjuster shall be honest and fair in all communications with the insured, the insurer and the public.***

2. An ~~[independent]~~ adjuster shall give policyholders and claimants prompt, knowledgeable service and courteous, fair and objective treatment at all times.

3. An ~~[independent]~~ adjuster shall not give legal advice and shall not deal directly with any policyholder or claimant who is represented by legal counsel without the consent of the legal counsel involved.

4. An ~~[independent]~~ adjuster shall comply with all local, state and federal privacy and information security laws, if applicable.

5. An ~~[independent]~~ adjuster shall identify himself or herself as an ~~[independent]~~ adjuster and, if applicable, identify his or her employer when dealing with any policyholder or claimant.

6. An ~~[independent]~~ adjuster shall not have any financial interest in any adjustment or acquire for himself or herself or any person any interest or title in salvage without first receiving written authority from the principal.

Sec. 9. *1. The Commissioner shall issue a nonresident license as an ~~[independent]~~ adjuster to a nonresident person if:*

(a) The person is currently licensed in good standing as an ~~[independent]~~ adjuster in the resident or home state of the person;

(b) The person has submitted the proper request for licensure and has paid the fees required pursuant to NRS 680B.010 and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110;

(c) The person has submitted or transmitted to the Commissioner the appropriate completed application for licensure; and

(d) The home state of the person awards nonresident licenses as an ~~[independent]~~ adjuster to persons of this State on the same basis.

2. The Commissioner may verify the licensing status of the nonresident person through any appropriate database, including, without limitation, the Producer Database maintained by the National Insurance Producer Registry, its affiliates or subsidiaries, or may request that the nonresident person submit proof that the nonresident person is licensed and in good standing in the person's home state as an adjuster.

3. As a condition to the continuation of a nonresident license as an ~~[independent]~~ adjuster, the nonresident ~~[independent]~~ adjuster shall maintain a resident license as an ~~[independent]~~ adjuster in the home state of the ~~[independent]~~ adjuster. A nonresident license as an ~~[independent]~~ adjuster issued under this section shall be terminated and must be surrendered immediately to the Commissioner if the resident license as an ~~[independent]~~ adjuster in the home state is terminated for any reason, unless:

(a) The termination is due to the nonresident ~~[independent]~~ adjuster being issued a new resident license as an ~~[independent]~~ adjuster in a new home state; and

(b) The new resident license as an ~~[independent]~~ adjuster is from a state that has reciprocity with this State.

4. The Commissioner shall give notice of the termination of a resident license as an ~~[independent]~~ adjuster within 30 days after the date of the

termination to any states that issued a nonresident license as an ~~[independent]~~ adjuster to the holder of the resident license. If the resident license as an ~~[independent]~~ adjuster was terminated due to a change in the home state of the ~~[independent]~~ adjuster, the notice must include both the previous and current address of the ~~[independent]~~ adjuster.

5. The Commissioner shall terminate a nonresident license as an ~~[independent]~~ adjuster issued pursuant to this section if the ~~[independent]~~ adjuster establishes legal residency in this State and fails to apply for a resident license as an ~~[independent]~~ adjuster within 90 days after establishing legal residency.

Sec. 10. ***The Commissioner may promulgate reasonable regulations as are necessary or proper to carry out the purposes of this chapter.***

Sec. 11. NRS 684A.015 is hereby amended to read as follows:

684A.015 As used in this Code, unless the context otherwise requires, the words and terms defined in NRS 684A.020 to 684A.030, inclusive, ***and sections 2 to 6, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 12. NRS 684A.020 is hereby amended to read as follows:

684A.020 1. Except as otherwise provided in subsection 2, "adjuster" means any person who, for compensation ~~[as an independent contractor or for]~~ ***, including, without limitation,*** a fee or commission, investigates and settles, and reports to his or her principal relative to, claims:

(a) Arising under insurance contracts for property, casualty or surety coverage, ***including, without limitation, workers' compensation coverage,*** on behalf solely of the insurer or the insured; or

(b) Against a self-insurer who is providing similar coverage ***.*** ~~[, unless the coverage provided relates to a claim for industrial insurance.]~~

2. For the purposes of this chapter:

(a) An associate adjuster, as defined in NRS 684A.030;

(b) An attorney at law who adjusts insurance losses from time to time incidental to the practice of his or her profession;

(c) An adjuster of ocean marine losses;

(d) A salaried employee of an insurer ~~[;]~~ ***, unless the employee:***

(1) Investigates, negotiates or settles workers' compensation claims; and

(2) Obtains a license pursuant to this chapter;

(e) A salaried employee of a managing general agent maintaining an underwriting office in this state;

(f) An employee of an independent adjuster or an employee of an affiliate of an independent adjuster who is one of not more than 25 such employees under the supervision of an independent adjuster or licensed agent and who:

(1) Collects information relating to a claim for coverage arising under an insurance contract from or furnishes such information to an insured or a claimant; and

(2) Conducts data entry, including, without limitation, entering data into an automated claims adjudication system;

(g) A licensed agent who supervises not more than 25 employees described in paragraph (f);

(h) A person who is employed only to collect factual information concerning a claim for coverage arising under an insurance contract;

(i) A person who is employed ~~[only]~~ ***solely*** to ~~[provide]~~ ***obtain facts surrounding a claim or to furnish*** technical assistance to ~~[an]~~ ***a licensed*** independent adjuster;

(j) A person who is employed to investigate suspected fraudulent ***insurance*** claims ~~[for coverage arising under an insurance contract]~~ but who does not adjust losses or determine the payment of claims;

(k) A person who performs only executive, administrative, managerial or clerical duties, or any combination thereof, but does not investigate ***,*** ***negotiate*** or settle claims ~~[for coverage arising under an insurance contract;]~~ ***with a policyholder or claimant or the legal representative of a policyholder or claimant;***

(l) A licensed health care provider or any employee thereof who provides managed care services if those services do not include the determination of compensability;

(m) A managed care organization or any employee thereof or an organization that provides managed care services or any employee thereof if the services provided do not include the determination of compensability;

(n) A person who settles only reinsurance or subrogation claims;

(o) A broker, agent or representative of a risk retention group;

(p) An attorney-in-fact of a reciprocal insurer; ~~[or]~~

(q) A manager of a branch office of an alien insurer that is located in the United States ~~[,]~~ ***; or***

(r) A person authorized to adjust ~~[workers' compensation or disability]~~ claims under the authority of a third-party administrator who holds a certificate of registration issued by the Commissioner pursuant to NRS 683A.08524, unless the person investigates, negotiates or settles workers' compensation claims,

➥ is not considered an adjuster.

Sec. 13. NRS 684A.027 is hereby amended to read as follows:

684A.027 "Home state" means:

1. The District of Columbia or any state or territory of the United States in which an ***independent , company, staff or public*** adjuster maintains his ***,*** ~~[or]~~ her ***or its*** principal place of residence or principal place of business and is licensed to act as ~~[an]~~ ***a resident independent , company, staff or public*** adjuster; or

2. If neither the state in which the adjuster maintains his or her principal place of residence nor the state in which the adjuster maintains his ***,*** ~~[or]~~ her ***or its*** principal place of business ~~[has a licensing or examination~~

~~requirement,~~] ***licenses independent , company, staff or public adjusters for the line of authority sought by the adjuster,*** a state:

(a) Which has an examination requirement;

(b) In which the adjuster is licensed; and

(c) Which the adjuster declares to be the home state.

Sec. 14. NRS 684A.030 is hereby amended to read as follows:

684A.030 1. "Independent adjuster" means an adjuster ***who is*** representing the interests of an insurer or a self-insurer ~~[.]~~ ***and who:***

(a) Contracts for compensation with the insurer or self-insurer as an independent contractor or an employee of an independent contractor;

(b) Is treated for tax purposes by the insurer or self-insurer in a manner consistent with an independent contractor rather than an employee; and

(c) Investigates, negotiates or settles property, casualty or ~~[industrial insurance]~~ surety claims, including, without limitation, workers' compensation claims, for the insurer or self-insurer.

2. "Public adjuster" means an adjuster employed by and representing solely the financial interests of the insured named in the policy. ***The term does not include an adjuster who investigates, negotiates or settles workers' compensation claims.***

3. ***"Company adjuster" means a salaried employee of an insurer who:***

(a) Investigates, negotiates or settles workers' compensation claims; and

(b) Obtains a license pursuant to this chapter.

4. "Staff adjuster" means a person who investigates, negotiates or settles workers' compensation claims under the authority of a third-party administrator who holds a certificate of registration issued by the Commissioner pursuant to NRS 683A.08524.

5. "Associate adjuster" means an employee of an adjuster who, under the direct supervision of the adjuster, assists in the investigation and settlement of insurance losses on behalf of his or her employer.

Sec. 15. NRS 684A.040 is hereby amended to read as follows:

684A.040 1. ~~[No]~~ ***Except as otherwise provided in NRS 684A.060, no*** person may act as, or hold himself or herself out to be, an adjuster or associate adjuster in this State unless then licensed as such under the applicable ~~[independent adjuster's license, public]~~ adjuster's license or associate adjuster's license, as the case may be, issued under the provisions of this chapter.

2. Any person violating the provisions of this section is guilty of a gross misdemeanor.

3. ~~[A]~~ ***Except as otherwise provided in NRS 684A.060, a*** person who acts as an adjuster in this State without a license is subject to an administrative fine of not more than $1,000 for each violation.

4. A salaried employee of an insurer who investigates, negotiates or settles workers' compensation claims may, but is not required to, obtain a license as a company adjuster pursuant to this chapter. The provisions of subsections 1, 2 and 3 do not apply to a salaried employee of an insurer.

Sec. 15.5. **NRS 684A.050 is hereby amended to read as follows:**

684A.050 ***1.*** The Commissioner may license an individual as ~~[either]~~ an independent adjuster**,** ~~[or as]~~ a public adjuster ~~[.]~~ **,** ***a company adjuster or a staff adjuster.*** No individual shall be licensed concurrently under the same license or separate licenses as ~~[an independent adjuster and as a public]~~ ***more than one such type of*** adjuster.

2. A company adjuster and a staff adjuster shall pay the same fees as provided for an independent adjuster in NRS 680B.010 and 680C.110.

Sec. 16. NRS 684A.055 is hereby amended to read as follows:

684A.055 No person who is engaged in the business of repairing the bodies of automobiles may:

1. Be licensed pursuant to this chapter.

2. Own a controlling interest in a ~~[~~firm or corporation~~]~~ ***business entity*** licensed pursuant to NRS 684A.080.

Sec. 17. NRS 684A.060 is hereby amended to read as follows:

684A.060 1. On behalf of, as authorized by, an insurer as to which he or she is licensed as an agent under chapter 683A of NRS, an agent may from time to time act as an adjuster without a license as an adjuster; but no such agent shall act as an adjuster for an insurer with which the agent has a contract providing for compensation retrospectively contingent upon losses incurred under insurance sold or serviced by the agent.

2. No license shall be required of a nonresident salaried adjuster ~~[~~or independent adjuster~~]~~ for the adjustment in this state of one or more losses arising out of a catastrophe common to all such losses where such losses are designated to be a catastrophe by responsible insurance associations or the Commissioner.

3. In the event of a catastrophe, an insurer shall notify the Commissioner by an application for the issuance of a temporary emergency license for each individual who is not already licensed in this State and who will act as an emergency ~~[independent]~~ adjuster on behalf of the insurer. The Commissioner, by regulation, shall establish standards and procedures to allow for the temporary emergency licensure of an emergency ~~[independent]~~ adjuster in this State.

4. An individual who is not already licensed in this State but who is otherwise qualified to adjust claims may act as an emergency ~~[independent]~~ adjuster and adjust claims if, within 5 days after deploying the individual to adjust claims arising from the catastrophe, the insurer notifies the Commissioner by providing the following information in a format prescribed by the Commissioner:

(a) The name of the individual;

(b) The social security number of the individual;

(c) The name of the insurer the individual will represent;

(d) The effective date of the contract between the insurer and the individual;

(e) The catastrophe or loss control number;

(f) The name of the catastrophe; and

(g) Any other information the Commissioner deems necessary.

5. The temporary emergency license of an individual as an emergency ~~[independent]~~ adjuster is valid for not more than 90 days unless extended by the Commissioner.

6. For the protection of the people of this State, the Commissioner may not issue a temporary emergency license except in compliance with the provisions of this chapter. Any individual for whom a temporary emergency license is issued must:

(a) Be at least 18 years of age;

(b) Be competent, trustworthy, financially responsible and of good reputation, as determined by the Commissioner;

(c) Never have been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion or conspiracy to defraud and never have committed any act that is a ground for refusal to issue, suspension or revocation of a license pursuant to NRS 683A.451.

7. An application for a temporary emergency license must be accompanied by the license fee specified for an ~~[independent]~~ adjuster in NRS 680B.010 and, in addition to any other fee or charge, all fees required for an ~~[independent]~~ adjuster pursuant to NRS 680C.110.

Sec. 18. NRS 684A.070 is hereby amended to read as follows:

684A.070 1. For the protection of the people of this State, the Commissioner may not issue or continue any license as an adjuster except in compliance with the provisions of this chapter. Any person for whom a license is issued or continued must:

(a) Be at least 18 years of age;

(b) ***Be eligible to declare this State as his or her home state;***

(c) Be competent, trustworthy, financially responsible and of good reputation ~~[;~~

~~(c)]~~ ***, as determined by the Commissioner;***

(d) Never have been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion ~~[,]~~ ***or*** conspiracy to defraud ~~[or any crime involving moral turpitude;~~

~~(d)]~~ ***;***

(e) Except as otherwise provided in subsection 4, never have committed any act that is a ground for refusal to issue, suspension or revocation of a license pursuant to NRS 683A.451;

(f) Unless exempted pursuant to NRS 684A.100 or 684A.105, ***successfully complete a prelicensing course of study prescribed by the Commissioner by regulation and*** pass all examinations required under this chapter; and

~~[(e)]~~ ***(g)*** Not be concurrently licensed as a producer of insurance for property, casualty or surety or a surplus lines broker, except as a bail agent.

2. A natural person who is a resident of this State applying for a license must, as part of his or her application and at the applicant's own expense:

(a) Arrange to have a complete set of his or her fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Commissioner; and

(b) Submit to the Commissioner:

(1) A completed fingerprint card and written permission authorizing the Commissioner to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary; or

(2) Written verification, on a form prescribed by the Commissioner, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary.

3. The Commissioner may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 2, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Commissioner deems necessary;

(b) Request from each such agency any information regarding the applicant's background as the Commissioner deems necessary; and

(c) Adopt regulations concerning the procedures for obtaining this information.

4. ~~[A conviction of, or plea of guilty, guilty but mentally ill or nolo contendere by, an applicant or licensee for any crime listed in paragraph (c) of subsection 1 is a sufficient ground for the Commissioner to deny a license to the applicant, or to suspend, revoke or limit the license of an adjuster pursuant to NRS 684A.210.]~~ ***The Commissioner may waive the requirements of paragraph (d) or (e) of subsection 1 for good cause shown.***

5. For the purposes of paragraph (f) of subsection 1, the Commissioner shall adopt regulations establishing a prelicensing course of study for an [independent] adjuster.

Sec. 19. NRS 684A.080 is hereby amended to read as follows:

684A.080 1. ~~[A firm or corporation may be licensed either as an independent adjuster or public adjuster. Each general partner and each other natural person to act for the firm, or each natural person to act for the corporation, must be named in the license and must qualify as an individual licensee. A natural person who is authorized to act for a firm or corporation~~

~~and who also wishes to be licensed in an individual capacity must obtain a separate license in the natural person's own name. The Commissioner shall charge a full additional fee for each natural person named in the license.]~~ ***Any business entity to whom a license is issued or renewed must:***

(a) Be eligible to declare this State as its home state;

(b) Designate a licensed ~~[independent]~~ adjuster to be responsible for the compliance of the business entity with the insurance laws, rules and regulations of this State; and

(c) Never have committed any act that is a ground for refusal to issue, suspension or revocation of a license pursuant to NRS 683A.451.

2. ~~[~~Transaction~~]~~ ***If the business entity is a firm or a corporation, transaction*** of business under the license must be within the purposes stated in the firm's partnership agreement or the corporation's charter ~~[.]~~ ***, as applicable.***

3. The licensee shall promptly notify the Commissioner in writing of all changes among its members, directors, officers and other natural persons designated ~~[in the license.]~~ ***pursuant to subsection 1 or NRS 684A.090.***

Sec. 20. NRS 684A.090 is hereby amended to read as follows:

684A.090 1. The applicant for a license as an adjuster shall file a written application therefor with the Commissioner on forms prescribed and furnished by the Commissioner. As part of, or in connection with, the application, the applicant shall furnish information as to his or her identity, personal history, experience, financial responsibility, business record and other pertinent matters as reasonably required by the Commissioner to determine the applicant's eligibility and qualifications for the license.

2. If the applicant is a natural person, the application must include the social security number of the applicant ~~[.]~~ ***and include a completed copy of the Uniform Individual Application.***

3. If the applicant is a ~~[firm or corporation,]~~ ***business entity,*** the application must designate each individual who is to exercise the license powers and must include:

(a) ***A completed copy of the Uniform Business Entity Application;***

(b) The name of each member ***,*** ~~[of the firm or each]~~ officer and director of the ~~[corporation;]~~ ***business entity, as applicable;***

~~[(b)]~~ ***(c)*** The name of each executive officer and director who owns more than 10 percent of the outstanding voting securities of the applicant; and

~~[(c)]~~ ***(d)*** The name of any other individual who owns more than 10 percent of the outstanding voting securities of the applicant.

➥ Each such member, officer, director and individual shall furnish information to the Commissioner as though applying for an individual license.

4. If the applicant is a nonresident of this state, the application must be accompanied by an appointment of the Commissioner as process agent and agreement to appear pursuant to NRS 684A.200.

5. The application must be accompanied by the applicable license fee as specified in NRS 680B.010 ***and subsection 2 of 684A.050*** and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110 ~~[.]~~ ***and subsection 2 of 684A.050.***

6. No applicant for such a license may willfully misrepresent or withhold any fact or information called for in the application form or in connection therewith. A violation of this subsection is a gross misdemeanor.

7. If the Commissioner determines that the information contained in a Uniform Individual Application or Uniform Business Entity Application submitted with an application pursuant to this section is not true, correct and complete to the best of the applicant's knowledge and belief, the Commissioner may refuse to issue a license to the applicant or suspend or revoke the applicant's license.

Sec. 21. NRS 684A.105 is hereby amended to read as follows:

684A.105 ***1.*** An adjuster whose license expires is exempt from retaking the examination required by NRS 684A.100 if:

~~[1.]~~ ***(a)*** The adjuster:

~~[(a)]~~ ***(1)*** Is not a resident of this State;

~~[(b)]~~ ***(2)*** Has passed an examination to become licensed as an adjuster in the person's home state; and

~~[(c)]~~ ***(3)*** Is currently licensed and in good standing in the person's home state as an adjuster; or

~~[2.]~~ ***(b)*** The adjuster was licensed in this State as the same type of adjuster within the 24-month period immediately preceding the date of the application, unless the previous license was revoked or suspended or its continuation was refused by the Commissioner.

2. A person who applies for a license as an adjuster pursuant to NRS 684A.090 is exempt from taking the examination required by NRS 684A.100 if the person:

(a) Is licensed as an ~~[independent]~~ adjuster in another state;

(b) Establishes legal residency in this State; and

(c) Submits an application for a license pursuant to NRS 684A.090 within 90 days after establishing legal residency in this State.

Sec. 22. NRS 684A.120 is hereby amended to read as follows:

684A.120 1. The Commissioner shall prescribe the form of the adjuster license, which shall state:

(a) The licensee's name ***,*** ~~[and]~~ business address ~~[.]~~ ***and a personal identification number;***

(b) The classification of the license, whether as an independent adjuster ***,*** ~~[or as]~~ a public adjuster ~~[.]~~ ***, a company adjuster or a staff adjuster;***

(c) Date of issuance and general conditions as to expiration and termination; and

(d) Such other conditions as the Commissioner deems proper.

2. The Commissioner may not issue a license in a trade name unless the name has been registered as provided by law.

3. In order to assist in the performance of the Commissioner's duties, the Commissioner may contract with any nongovernmental entity, including, without limitation, the National Association of Insurance Commissioners or its affiliates or subsidiaries, to perform any ministerial function, including, without limitation, the collection of fees and data, relating to licensing, that the Commissioner deems appropriate.

Sec. 23. NRS 684A.130 is hereby amended to read as follows:

684A.130 1. Each license issued under this chapter continues in force for 3 years unless it is suspended, revoked or otherwise terminated. A license may be renewed upon payment of all applicable fees for renewal to the Commissioner ***, completion of any other requirement for renewal of the license specified in this chapter*** and submission of the statement required pursuant to NRS 684A.143 if the licensee is a natural person. The statement, if required, must be submitted ***, all requirements must be completed*** and all applicable fees must be paid on or before the last day of the month in which the license is renewable.

2. Any license not so renewed expires at midnight on the last day specified for its renewal. The Commissioner may accept a request for renewal received by the Commissioner within 30 days after the expiration of the license if the request is accompanied by:

(a) A fee for renewal of 150 percent of all applicable fees otherwise required, except for any fee required pursuant to NRS 680C.110 ~~[,]~~ ***and subsection 2 of NRS 684A,050;***

(b) If the person requesting renewal is a natural person, the statement required pursuant to NRS 684A.143;

(c) Proof of successful completion of any requirement for an examination unless exempt pursuant to NRS 684A.105; and

(d) If applicable, a request for a waiver of the time limit for renewal and of any fine or sanction otherwise required or imposed because of the failure of the licensee to renew his or her license because of military service, extended medical disability or other extenuating circumstance.

3. This section does not apply to temporary licenses issued under NRS 684A.150.

Sec. 24. NRS 684A.180 is hereby amended to read as follows:

684A.180 1. Each adjuster shall keep at his or her business address shown on the adjuster's license a record of all transactions under the license.

2. The record shall include:

(a) ***A copy of each contract between an independent adjuster and an insurer or self-insurer.***

(b) A copy of all investigations or adjustments undertaken.

~~[(b)]~~ ***(c)*** A statement of any fee, commission or other compensation received or to be received by the adjuster on account of such investigation or adjustment.

3. The adjuster shall make such records available for examination by the Commissioner at all times, and shall retain the records for at least 3 years.

4. An independent adjuster shall comply with any record retention policy agreed to in a contract between the independent adjuster and an insurer or self-insurer to the extent that such a policy imposes a requirement to retain records for a longer period than the period required by this section.

Sec. 25. NRS 684A.210 is hereby amended to read as follows:

684A.210 1. The Commissioner may suspend, revoke, limit or refuse to continue any adjuster's license or associate adjuster's license:

(a) For any cause specified in any other provision of this chapter;

(b) For any applicable cause for revocation of the license of a producer of insurance under NRS 683A.451; or

(c) If the licensee has for compensation represented or attempted to represent both the insurer and the insured in the same transaction.

2. The license of a ~~[firm or corporation]~~ ***business entity*** may be suspended, revoked, limited or continuation refused for any cause which relates to any individual designated ~~[in or]~~ with respect to the license to exercise its powers.

3. The holder of any license which has been suspended or revoked shall forthwith surrender the license to the Commissioner.

Sec. 26. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On ~~[January]~~ **July** 1, 2018, for all other purposes.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 32.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 333.

AN ACT relating to pest control; requiring certain persons who engage in pest control, including governmental agencies and their employees, to obtain a **certificate or** license from the Director of the State Department of Agriculture; establishing procedures relating to such **certification and** licensure; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally prohibits any person from using pesticides or otherwise engaging in the business of pest control without a license from the Director of the State Department of Agriculture. (NRS 555.280, 555.285) For the purposes of these provisions, "person" is defined to include a

government, governmental agency and political subdivision of a government. (NRS 555.266) **Sections 9-13, 19 and 21** of this bill provide explicitly for the ~~[~~licensure~~]~~ **certification** of any governmental agency and **licensure of** any employee of such an agency who engages in pest control.

Existing law provides exemptions from licensing requirements for certain farmers and landscape-maintenance businesses. Currently, to be exempt, a farmer must not be regularly engaged in the business of applying pesticides or performing pest control "for hire." (NRS 555.277) **Section 22** of this bill removes the "for hire" limitation, with the result that a farmer who is paid for his or her services is still exempt if the other statutory conditions are satisfied. **Section 22** also revises the "landscaping" exemption by making it applicable only to a "gardener" who uses certain pesticides.

Under existing law, a person may not engage "for hire" in certain pest control activities relating to termites and other wood-destroying pests or organisms without a license issued by the Director. (NRS 555.285) **Section 24** of this bill extends the licensure requirement to any person who provides or offers to provide such services without charge.

This bill otherwise provides for the licensure of businesses who engage in pest control and certain natural persons who are owners, officers, partners, members or technicians of such a business. **Section 30 of this bill expands the circumstances under which the Director may investigate a licensee to include certain licensed applicators and government applicators.** **Section 31** of this bill provides that any application for a license submitted by a natural person must be accompanied by a ~~[~~work card issued to the person by the sheriff of the county in which the person resides.~~]~~ **fee in a certain amount. Section 31 also authorizes the applicant, in lieu of submitting his or her fingerprints and written permission to conduct a background check of the applicant, to submit any document or other information required by the Department to perform the background check. The document or other information must be accompanied by any fees required by the Department.** If disciplinary action is initiated against a licensee who is a natural person, **section 32** of this bill ~~[~~generally~~]~~ requires the ~~[~~person~~]~~ **licensee** to ~~[~~obtain and~~]~~ submit **,** ~~[~~a work card~~]~~ within 30 days after receiving notice of disciplinary action **~~[~~. Section 14 of this bill governs the issuance of the required work card.~~]~~ and in accordance with any regulations adopted by the Department, any document or other information required to perform a background check of the licensee. The document or other information must be accompanied by any fees required by the Department. Sections 31 and 32 also revise the types of crimes for which the Director may refuse to issue or revoke, suspend or modify a license to engage in pest control.**

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

Section 1. Chapter 555 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this act.

Sec. 2. *"Applicator" means a natural person who engages in pest control. The term does not include a government applicator.*

Sec. 3. *"Business license" means a license to engage in pest control from a place of business identified on the license, issued by the Department to a natural person or business entity to operate as a pest control business.*

Sec. 4. *"General-use pesticide" means a pesticide that has not been determined to be or classified as a restricted-use pesticide:*

1. By the Director; or

2. In accordance with the Federal Environmental Pesticide Control Act of 1972, 7 U.S.C. §§ 136 et seq.

Sec. 5. *"Government applicator" means a natural person who:*

1. Is employed by a city, county, state or other governmental agency ~~[,]~~ , including, without limitation, a conservation district or a weed control district; and

2. Engages in pest control in the course and scope of his or her employment and only within the jurisdiction of the governmental agency.

Sec. 6. *"Governmental agency ~~[license"]~~ certificate" means a ~~[license]~~ certificate to engage in pest control issued by the Director to a city, county, state or other governmental agency.*

Sec. 7. *"Location principal" means the primary principal of a pest control business who has been designated by the business as the person responsible for the daily supervision of each category of pest control conducted from a location of the business.*

Sec. 8. *"Unlicensed employee" means an employee of a city, county, state or other governmental agency who ~~[is]~~ :*

1. Is not so employed for more than 1,039 hours in any 12-month period ~~[.]~~ ; and

2. Has complied with any requirements for training specified in regulations adopted by the Department.

Sec. 9. *A city, county, state or other governmental agency shall not engage in pest control without a governmental agency ~~[license]~~ certificate issued by the Director.*

Sec. 10. *1. A government applicator shall not engage in pest control within the course and scope of his or her employment without a license issued by the Director. The provisions of this subsection do not prohibit the use of a general-use pesticide by an unlicensed employee under the supervision of a government applicator.*

2. As used in this section, "supervision" means ~~[daily, on-site contact between]~~ :

(a) The exercise of responsibility and provision of guidance for an unlicensed employee ~~[and]~~ by a government applicator ~~[who is able to be physically present with the unlicensed employee within 60 minutes,]~~ ; and

(b) The physical presence of the government applicator at the location where the unlicensed employee applies the general-use pesticide, if required by the label placed on the container for the general-use pesticide.

Sec. 11. *1. An application for a governmental agency ~~[license]~~ certificate or license as a government applicator must be made to the Director and contain such information regarding the applicant's qualifications and proposed operations and other relevant matters as required by regulation of the Director.*

2. An application for a license as a government applicator must include the social security number of the applicant.

3. A city, county, state or other governmental agency is not required to obtain more than one governmental agency ~~[license]~~ certificate to engage in pest control within its jurisdiction.

Sec. 12. *1. The Director ~~[may]~~ shall require an applicant for a license as a government applicator to show, upon examination, that the applicant possesses adequate knowledge concerning the proper use and application of ~~[general-use]~~ pesticides and the dangers involved and precautions to be taken in connection with their application, including, without limitation, the comprehension of pesticide labels and:*

(a) The environmental consequences of pesticide use and misuse.

(b) Pests.

(c) Pesticides.

(d) Equipment.

(e) Application techniques.

(f) Applicable laws and regulations.

(g) Safety.

2. The Director may require an applicant to demonstrate that he or she is competent to meet the specific needs of a locality relating to the use or application of a ~~[general-use]~~ pesticide.

3. The Director shall collect from each applicant for examination or reexamination a testing fee established by regulation of the Director.

Sec. 13. *1. If the Director finds that an applicant for a license as a government applicator is qualified, Director shall issue the license and collect the fee for the license established by regulation of the Director.*

2. A governmental agency ~~[license]~~ certificate or license as a government applicator is valid for the period established by regulation of the Director and may be renewed as provided by regulation.

3. A license as a government applicator:

(a) ~~[Does not authorize]~~ In addition to authorizing the licensee to engage in pest control, authorizes the licensee to use a restricted-use pesticide ~~[. To use such a pesticide, the licensee must be the holder of]~~ without obtaining a certificate issued by the Director pursuant to NRS

555.357 ~~[.]~~ , if the licensee otherwise complies with the provisions of this chapter and any regulations adopted pursuant to this chapter governing the use of restricted-use pesticides.

(b) May limit the licensee to the use of a certain type of equipment or material if the Director finds that the licensee is qualified to use only that type of equipment or material.

4. If the Director denies an application for a governmental agency ~~[license]~~ certificate or license as a government applicator pursuant to this section, the Director shall inform the applicant in writing of the reasons for the denial.

Sec. 14. ~~*[1. Except as otherwise provided in this section, the sheriff of a county shall issue a work card to any natural person who is required by NRS 555.345 or 555.350 to obtain a work card and complies with the requirements of this section.*~~

~~*2. An applicant for a work card must submit with his or her application a complete set of his or her fingerprints and written permission authorizing the sheriff to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The sheriff shall submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation to determine the criminal history of the applicant.*~~

~~*3. The sheriff shall not issue a work card to any person who:*~~

~~*(a) Has been convicted of a category A, B or C felony or of a crime in another state which would be a category A, B or C felony if committed in this State;*~~

~~*(b) Has been convicted of a sexual offense;*~~

~~*(c) Has been convicted of a crime against any person who is 60 years of age or older or against a vulnerable person for which an additional term of imprisonment may be imposed pursuant to NRS 193.167 or the laws of any other jurisdiction;*~~

~~*(d) Has been convicted of a battery punishable as a gross misdemeanor; or*~~

~~*(e) Within the immediately preceding 5 years:*~~

~~*(1) Has been convicted of a theft; or*~~

~~*(2) Has been convicted of a violation of any state or federal law regulating the possession, distribution or use of a controlled substance.*~~

~~*4. If the sheriff does not issue a work card to a person because the information received from the Central Repository for Nevada Records of Criminal History indicates that the person has been convicted of a crime listed in subsection 3 and the person believes that the information provided by the Central Repository is incorrect, the person may immediately inform the sheriff. If the sheriff is so informed, the sheriff shall give the person at least 30 days in which to correct the information.*~~

~~*5. As used in this section, unless the context otherwise requires:*~~

~~*(a) "Sexual offense" has the meaning ascribed to it in NRS 179D.097.*~~

~~*(b) "Vulnerable person" has the meaning ascribed to it in NRS 200.5092.]*~~ **(Deleted by amendment.)**

Sec. 15. NRS 555.2605 is hereby amended to read as follows:

555.2605 As used in NRS 555.2605 to 555.460, inclusive, ***and sections 2 to 14, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 555.261 to 555.2695, inclusive, ***and sections 2 to 8, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 16. NRS 555.261 is hereby amended to read as follows:

555.261 "Agent" means any person who solicits business ~~[in]~~ ***on*** behalf of ~~[a custom pest control licensee.]~~ ***the holder of a business license.***

Sec. 17. NRS 555.2617 is hereby amended to read as follows:

555.2617 "Certificate" means a certificate of competency issued by the Director to a commercial applicator or private applicator authorizing ~~[that person]~~ ***the applicator*** to make application of or to supervise the application of a restricted-use pesticide.

Sec. 18. NRS 555.2618 is hereby amended to read as follows:

555.2618 "Certified applicator" means any ~~[person]~~ ***applicator*** who is certified by the Director as qualified to use or to supervise the use of any restricted-use pesticide.

Sec. 19. NRS 555.2667 is hereby amended to read as follows:

555.2667 "Pest control" means ***conducting as a function of the agency, in the case of a city, county, state or other governmental agency, or*** publicly holding oneself out as being in the business of detecting, preventing, controlling or exterminating pests or otherwise engaging in, advertising or soliciting for:

1. The use ~~[for hire]~~ of pesticides or mechanical devices for the extermination, control or prevention of infestations of pests.

2. The inspection ~~[for hire]~~ of households or other structures and the submission of reports of inspection, estimates or bids, written or oral, for the inspection, extermination, control or prevention of wood-destroying pests.

Sec. 20. NRS 555.270 is hereby amended to read as follows:

555.270 It is the policy of this State and the purpose of NRS 555.2605 to 555.460, inclusive, ***and sections 2 to 14, inclusive, of this act*** to regulate, in the public interest, the application of pesticides which, although valuable for the control of pests, may seriously injure humans, animals and crops over wide areas if not properly applied.

Sec. 21. NRS 555.273 is hereby amended to read as follows:

555.273 All state agencies, municipal corporations and public utilities or any other governmental agency ~~[shall be]~~ ***and any government applicator is*** subject to the provisions of NRS 555.2605 to 555.460, inclusive, and ***sections 2 to 14, inclusive, and*** rules adopted thereunder concerning the application of restricted-use pesticides by any person.

Sec. 22. NRS 555.277 is hereby amended to read as follows:

555.277 1. The provisions of NRS 555.2605 to 555.460, inclusive, ***and sections 2 to 14, inclusive, of this act*** relating to licenses and requirements

for their issuance, except ***those provisions relating to*** a certificate or permit to use a restricted-use pesticide, do not apply to any farmer-owner of ground equipment applying pesticides for himself, herself or his or her neighbors, if:

(a) The farmer-owner operates farm property and operates and maintains equipment for applying pesticides primarily for his or her own use ***;*** ~~[.]~~

(b) The farmer-owner is not regularly engaged in the business of applying pesticides or performing pest control ~~[for hire]~~ as an operator, primary principal or principal or as a regular occupation, and the farmer-owner does not advertise or solicit pest control or publicly hold himself or herself out as being in the business of pest control or as ~~[a pesticide]~~ ***an*** applicator ~~[.]~~ ***; and***

(c) The farmer-owner operates his or her equipment for applying pesticides only in the vicinity of the farmer-owner's own property and for the accommodation of the farmer-owner's neighbors for agricultural purposes only.

2. The provisions of NRS 555.2605 to 555.460, inclusive, ***and sections 2 to 14, inclusive, of this act,*** except those provisions relating to a certificate or permit to use a restricted-use pesticide, do not apply to ~~[any person]~~ ***a gardener*** using hand-powered equipment, devices or contrivances to apply ***any*** pesticides ***of toxicity class III or IV, as classified by the United States Environmental Protection Agency,*** to any ~~[landscaped area]~~ ***lawn or garden*** as an incidental part of ~~[the person's]~~ ***his or her*** business of taking care of a ~~[landscaped area]~~ ***lawn or garden*** for remuneration, if ~~[that person]~~ ***he or she*** does not advertise or solicit pest control or publicly hold himself or herself out as being in the business of pest control or applying pesticides. ~~[and the cost of applying the pesticides does not exceed 20 percent of the total remuneration received.]~~ ***As used in this subsection, "gardener" means a person who owns, operates or is employed by a business that provides routine care of a lawn or garden for a homeowner.***

Sec. 23. NRS 555.280 is hereby amended to read as follows:

555.280 A ***natural*** person ***, including, without limitation, any consultant, demonstrator, researcher or specialist,*** shall not engage in pest control or serve as an agent, operator, pilot, primary principal ***, location principal*** or principal for that purpose within this State at any time without a license ***as an applicator*** issued by the Director.

Sec. 24. NRS 555.285 is hereby amended to read as follows:

555.285 A ***natural*** person shall not ~~[, for hire,]~~ engage in, offer to engage in, advertise or solicit to perform any of the following pest control activities concerning wood-destroying pests or organisms without a license ***as an applicator*** issued by the Director:

1. Making an inspection to identify or to attempt to identify infestations or infections of households or other structures by those pests or organisms.

2. Making or altering inspection reports concerning the infestations or infections.

3. Making estimates or bids, whether written or oral, concerning the infestations or infections.

4. Submitting bids to perform any work involving the application of pesticides for the elimination, extermination, control or prevention of infestations or infections of those pests.

Sec. 25. NRS 555.290 is hereby amended to read as follows:

555.290 1. An application for a ***business license or*** license ***as an applicator*** must be submitted to the Director and must set forth such information regarding the applicant's qualifications and proposed operations and other relevant matters as required ~~[~~pursuant to regulations adopted~~]~~ by ***regulation of*** the Director. If the applicant is a natural person, the application must include the social security number of the applicant.

2. ***The Director may require an applicant for a business license to establish to the satisfaction of the Director that a primary principal who is licensed as an applicator is associated with the business of the applicant.***

3. If an applicant fails to complete the licensing requirements within 30 days after the date on which the applicant submits his or her application, the applicant forfeits all fees he or she has tendered. Thereafter the applicant may reinitiate the application process upon payment of the appropriate fees.

Sec. 26. NRS 555.300 is hereby amended to read as follows:

555.300 1. ~~[~~The~~]~~ ***If an applicant for a license as an applicator is a primary principal or principal of a pest control business, the*** Director may require the applicant to show, upon examination, that the applicant possesses adequate knowledge concerning the proper use and application of pesticides and the dangers involved and precautions to be taken in connection with their application.

2. If ~~[~~the~~]~~ ***an*** applicant ***for a business license*** is not a natural person, the applicant shall designate an officer, member or technician of the ~~[~~organization~~]~~ ***business entity*** to take the examination. The person so designated is subject to the approval of the Director. If the extent of the applicant's operations require it, the Director may require more than one officer, member or technician to take the examination.

3. ~~[~~The~~]~~ ***An*** applicant ***described in subsection 1*** or the person designated by ~~[~~the~~]~~ ***an*** applicant ***for a business license*** in accordance with the provisions of subsection 2 must have attained the age of majority and have:

(a) Not less than 2 years' practical experience in pest control; or

(b) Possess university credits of not less than 16 credit hours in biological sciences of which not less than 8 credit hours must be in subjects directly related to the categories of pest control in which the applicant wishes to be licensed and have 6 or more months of practical experience in pesticide application or related pest control.

4. The requirements of subsection 3 do not apply to persons holding a license issued by the Director before July 1, 1973, or to the renewal of the license of any such person.

Sec. 27. NRS 555.310 is hereby amended to read as follows:

555.310 1. The Director shall collect from each person applying for ~~[the]~~ examination or reexamination a testing fee established by regulation of the Director.

2. The Director shall, before the license ***or certificate*** is issued, collect from each person applying for a ***business*** license ~~[for pest control an annual]~~ ***, governmental agency ~~[license]~~ certificate or license as an applicator or government applicator a*** fee established by regulation of the Director. Any person employing primary principals, ***location principals,*** principals, operators or agents shall pay to the Director a fee established by regulation of the Director for each primary principal, ***location principal,*** principal, operator or agent licensed.

Sec. 28. NRS 555.320 is hereby amended to read as follows:

555.320 1. If the Director finds ~~[the]~~ ***an*** applicant ***for a business license or a license as an applicator to be*** qualified, and upon the applicant's appointing the Director agent for service of process and finding that the applicant has satisfied the requirements of NRS 555.325 and 555.330, ***as applicable,*** the Director shall issue ~~[a]~~ ***the*** license ~~[to perform pest control within this State.]~~ ***as applied for.***

2. The license ~~[period is the calendar year. All licenses expire on December 31 of each year.]~~ ***is valid for the period specified by regulation of the Director.*** The license may be renewed ~~[annually]~~ upon application to the Director and payment of the ***applicable*** license fee ***.*** ~~[on or before December 31 of each year. If the holder of the license is a natural person, the holder must submit with his or her application for renewal the statement required pursuant to NRS 555.325.]~~

3. The license may restrict the licensee to the use of a certain type or types of equipment or materials if the Director finds that the applicant is qualified to use only a certain type or types.

4. If a license is not issued as applied for, the Director shall inform the applicant in writing of the reasons therefor.

Sec. 29. NRS 555.325 is hereby amended to read as follows:

555.325 1. A natural person who applies for the issuance or renewal of a license ~~[to perform pest control]~~ ***pursuant to NRS 555.2605 to 555.460, inclusive, and sections 2 to 14, inclusive, of this act*** shall submit to the Director the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Director shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Director.

3. A license ~~[to perform pest control]~~ may not be issued or renewed by the Director if the applicant is a natural person who:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Director shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 30. NRS 555.330 is hereby amended to read as follows:

555.330 1. The Director shall require from each applicant for a ~~[~~pest control~~]~~ ***business*** license proof of public liability and property damage insurance in an amount of:

(a) Except as otherwise provided in paragraph (b), not less than $50,000.

(b) If the ***business*** license would authorize the application of pesticides by aircraft:

(1) Not less than $100,000 for bodily injury to or death of one person in any one accident;

(2) Subject to the limit for one person, not less than $300,000 for bodily injury to or death of two or more persons in any one accident; and

(3) Not less than $100,000 for each occurrence of damage to property in any one accident.

➥ The Director may accept a liability insurance policy or surety bond in the proper amount.

2. The Director may require drift insurance for the use of pesticides or other materials declared hazardous or dangerous to humans, livestock, wildlife, crops or plantlife.

3. Any person injured by the breach of any such obligation is entitled to sue in his or her own name in any court of competent jurisdiction to recover the damages the person sustained by that breach, if each claim is made within 6 months after the alleged injury.

4. The Director on his or her own motion may, or upon receipt of a verified complaint of an interested person shall, investigate, as he or she deems necessary, any loss or damage resulting from the application of any pesticide by a ***licensed applicator, licensed government applicator,*** licensed pest control operator, primary principal ***, location principal*** or principal. A verified complaint of loss or damage must be filed within 60 days after the time that the occurrence of the loss or damage becomes known except that, if a growing crop is alleged to have been damaged, the verified complaint must be filed before 50 percent of the crop has been harvested. A report of

investigations resulting from a verified complaint must be furnished to the person who filed the complaint.

Sec. 31. NRS 555.345 is hereby amended to read as follows:

555.345 1. The Director may refuse to issue a license ~~[to perform pest control]~~ ***as an applicator*** to any person who:

(a) Is a primary principal ***, location principal*** or ***principal or*** intends to act as a primary principal ***, location principal or principal*** for a pest control business ***;*** ~~[pursuant to NRS 555.3507;]~~ and

(b) Has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a ***category A or B*** felony or ~~[any crime involving moral turpitude,]~~ ***a category C, D or E felony if the conviction occurred or the plea was entered for the category C, D or E felony during the immediately preceding 10 years*** in any court of competent jurisdiction in the United States or any other country.

2. In addition to any other requirements set forth in this chapter ~~[,]~~ ***and except as otherwise provided in subsection 3,*** each applicant for a license ~~[to perform pest control]~~ ***as an applicator*** specified in paragraph (a) of subsection 1 shall submit with his or her application a complete set of the applicant's fingerprints and written permission authorizing the Director to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. ~~***[work card issued to the applicant in accordance with section 14 of this act by the sheriff of the county in which the applicant resides.]***~~ ***The application must be accompanied by a fee in an amount that is equal to any fee charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints of the applicant.***

3. ***In lieu of submitting a complete set of his or her fingerprints and written permission pursuant to subsection 2, an applicant may, in accordance with regulations adopted by the Department and upon the payment of any fee required by the Department pursuant to those regulations, submit any document or other information required by the Department to perform a background check of the applicant.***

4. A suspension or revocation of a license ~~[to perform pest control]~~ ***as an applicator*** pursuant to NRS 555.350 or any previous revocation or current suspension of such a license ***or an equivalent license*** in this or any other state, district or territory of the United States or any foreign country is grounds for refusal to issue ~~[the]~~ ***a*** license ~~[.]~~ ***as an applicator.***

Sec. 32. NRS 555.350 is hereby amended to read as follows:

555.350 1. The Director may suspend, pending inquiry, for not longer than 10 days, and, after opportunity for a hearing, may revoke, suspend or modify any ***business license or*** license issued ***to an applicator or government applicator*** under NRS 555.2605 to 555.460, inclusive, ***and sections 2 to 14, inclusive, of this act*** if the Director finds that:

(a) The licensee is no longer qualified;

(b) The licensee has engaged in fraudulent business practices in pest control;

(c) The licensee has made false or fraudulent claims through any media by misrepresenting the effect of materials or methods to be used;

(d) The licensee has applied known ineffective or improper materials;

(e) The licensee ***has*** operated faulty or unsafe equipment;

(f) The licensee has made any application ***of materials*** in a ***manner inconsistent with labeling or any restriction imposed by regulation of the Director, or otherwise in a*** faulty, careless or negligent manner;

(g) The licensee has violated any of the provisions of NRS 555.2605 to 555.460, inclusive, ***and sections 2 to 14, inclusive, of this act*** or regulations adopted pursuant thereto;

(h) The licensee ***has*** engaged in the business of pest control without having a licensed agent, operator, primary principal or principal in direct on-the-job supervision;

(i) The licensee ***has*** aided or abetted a licensed or an unlicensed person to evade the provisions of NRS 555.2605 to 555.460, inclusive, ***and sections 2 to 14, inclusive, of this act,*** combined or conspired with such a licensee or an unlicensed person to evade the provisions, or allowed ~~[one's]~~ ***the*** license to be used by an unlicensed person;

(j) The licensee was intentionally guilty of fraud or deception in the procurement of ~~[his or her]~~ ***the*** license;

(k) The licensee was intentionally guilty of fraud, falsification or deception in the issuance of an inspection report on wood-destroying pests or other report or record required by regulation; ~~[or]~~

(l) The licensee has been convicted of, or entered a plea of nolo contendere to, a ***category A or B*** felony or ~~[any crime involving moral turpitude]~~ ***a category C, D or E felony if the conviction occurred or the plea was entered for the category C, D or E felony during the immediately preceding 10 years*** in any court of competent jurisdiction in the United States or any other country ~~[.]~~ ***; or***

(m) The licensee has failed to provide adequate instruction or supervision to any unlicensed employee working under the supervision of the licensee.

2. A ***business*** license ***and any license issued to a principal of the business as an applicator*** is suspended automatically, without action of the Director, if the proof of public liability and property damage or drift insurance filed pursuant to NRS 555.330 is cancelled, and the ~~[license remains]~~ ***licenses remain*** suspended until the insurance is re-established.

3. ~~[~~A ~~***Except as otherwise provided in this subsection, if]*** ***If the licensee is a natural person, any*** licensee against whom the Director initiates disciplinary action ~~[to revoke, suspend or modify the license of the licensee]~~ pursuant to this section shall, within 30 days after receiving written notice of the disciplinary action from the Director ~~[,]~~ ***and in accordance with any regulations adopted by the Department,*** submit to the Director ~~[a complete~~

~~set of the licensee's fingerprints and written permission authorizing the Director to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.~~

~~4.~~ ~~***work card issued to the licensee in accordance with section 14 of this act by the sheriff of the county in which the licensee resides. If the sheriff does not issue a work card to the licensee because the information received from the Central Repository for Nevada Records of Criminal History indicates that the licensee has been convicted of a crime listed in subsection 3 of section 14 of this act and the licensee believes that the information provided by the Central Repository is incorrect, the time otherwise provided by this subsection is extended to 90 days if the licensee so informs the sheriff as provided in subsection 4 of section 14 of this act.]***~~ ***any document or other information required by the Department to perform a background check of the licensee. Any document or other information submitted pursuant to this subsection must be accompanied by the appropriate fees, if any, specified in regulations adopted by the Department for performing the background check.*** A willful failure of a licensee to comply with the requirements of ***this*** subsection ~~[3.]~~ constitutes an additional ground for the revocation, suspension or modification of the license ~~[of the licensee]~~ pursuant to this section.

~~[5. The Director has additional grounds to revoke, suspend or modify a license pursuant to this section if the report from the Federal Bureau of Investigation indicates that the licensee has been convicted of a felony or crime specified in paragraph (l) of subsection 1.]~~

Sec. 33. NRS 555.3505 is hereby amended to read as follows:

555.3505 1. If the Director receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a ***natural*** person who is the holder of a license ~~[to perform pest control,]~~ ***issued pursuant to NRS 555.2605 to 555.460, inclusive, and sections 2 to 14, inclusive, of this act,*** the Director shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Director receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Director shall reinstate a license ~~[to perform pest control]~~ that has been suspended by a district court pursuant to NRS 425.540 if the Director receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 34. NRS 555.3507 is hereby amended to read as follows:

555.3507 ~~[A person licensed to engage in pest control]~~ ***The holder of a business license*** shall ensure that the licensee's business has a primary principal who is licensed ***as an applicator*** in the appropriate category or categories of pest control.

Sec. 34.5. **NRS 555.351 is hereby amended to read as follows:**

555.351 ***Except as otherwise provided in section 13 of this act:***

1. A person shall not use any restricted-use pesticide within this State at any time without a certificate issued by the Director except a person using any restricted-use pesticide under the supervision of a certified applicator.

2. If the Director has adopted regulations requiring:

(a) A permit pursuant to NRS 586.403; or

(b) A special use permit pursuant to NRS 586.405,

➥ for a restricted-use pesticide, a person shall not use that pesticide without obtaining the required permit.

Sec. 35. NRS 555.357 is hereby amended to read as follows:

555.357 1. If the Director finds that the applicant is qualified, the Director shall issue a certificate to make application of or to supervise the application of restricted-use pesticides within this State.

2. A certificate is valid for ~~[4 years after the date it is issued.]~~ ***the period established by regulation of the Director.*** The certificate may be renewed upon completion of the requirements established by the regulations of the Director.

3. The Director shall adopt regulations concerning the requirements for renewal of a certificate.

4. The certificate may limit the applicant to the use of a certain type or types of equipment or material if the Director finds that the applicant is qualified to use only that type or types.

5. If a certificate is not issued as applied for, the Director shall inform the applicant in writing of the reasons therefor.

Sec. 36. NRS 555.400 is hereby amended to read as follows:

555.400 1. The Director may adopt regulations to carry out the provisions of NRS 555.2605 to 555.460, inclusive ~~[.]~~ ***, and sections 2 to 14, inclusive, of this act.*** The regulations must not be inconsistent with any regulations issued by this State or by the Federal Government relating to safety in air navigation or the operation of aircraft.

2. Before adopting regulations directly relating to any matter within the jurisdiction of any other officer of this State, the Director shall consult with that officer concerning those regulations.

Sec. 37. NRS 555.420 is hereby amended to read as follows:

555.420 To carry out the provisions of NRS 555.2605 to 555.460, inclusive, ***and sections 2 to 14, inclusive, of this act,*** the Director and the Director's appointed inspectors may enter upon any public or private premises at reasonable times to inspect, audit, sample or monitor any aircraft, ground equipment, records, storage, pesticides, pesticide sprays, disposal

operations or other operations which are subject to NRS 555.2605 to 555.460, inclusive, ***and sections 2 to 14, inclusive, of this act*** or regulations adopted pursuant thereto.

Sec. 38. NRS 555.460 is hereby amended to read as follows:

555.460 Any person violating the provisions of NRS 555.2605 to 555.420, inclusive, ***and sections 2 to 14, inclusive, of this act*** or the regulations adopted pursuant thereto, is guilty of a misdemeanor and, in addition to any criminal penalty, shall pay to the Department an administrative fine of not more than $5,000 per violation. If an administrative fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the Department.

Sec. 39. NRS 555.470 is hereby amended to read as follows:

555.470 1. The Director shall adopt regulations specifying a schedule of fines which may be imposed, upon notice and a hearing, for each violation of the provisions of NRS 555.2605 to 555.460, inclusive ~~[.]~~ ***, and sections 2 to 14, inclusive, of this act.*** The maximum fine that may be imposed by the Director for each violation must not exceed $5,000 per day. All fines collected by the Director pursuant to this subsection must be remitted to the county treasurer of the county in which the violation occurred for credit to the county school district fund.

2. The Director may:

(a) In addition to imposing a fine pursuant to subsection 1, issue an order requiring a violator to take appropriate action to correct the violation; or

(b) Request the district attorney of the appropriate county to investigate or file a criminal complaint against any person that the State Board of Agriculture suspects may have violated any provision of NRS 555.2605 to 555.460, inclusive ~~[.]~~ ***, and sections 2 to 14, inclusive, of this act.***

Sec. 40. NRS 561.375 is hereby amended to read as follows:

561.375 1. The Program for the Control of Pests and Plant Diseases is hereby established.

2. Money accepted by the Department under the provisions of NRS 555.010 to 555.460, inclusive, ***and sections 2 to 14, inclusive, of this act*** from the Federal Government or any federal department or agency, a county, a city, a public district or any political subdivision of this State, a public or private corporation, or a natural person, may be used in the Program for the Control of Pests and Plant Diseases.

3. Expenditures for the Program for the Control of Pests and Plant Diseases may be made only to carry out the provisions of this chapter and chapters 552, 554, 555 and 587 of NRS.

Sec. 41. NRS 561.385 is hereby amended to read as follows:

561.385 1. The Agriculture Registration and Enforcement Account is hereby created in the State General Fund for the use of the Department.

2. The following fees must be deposited in the Agriculture Registration and Enforcement Account:

(a) Except as otherwise provided in NRS 586.270 and 586.940, fees collected pursuant to the provisions of chapter 586 of NRS.

(b) Fees collected pursuant to the provisions of chapter 588 of NRS.

(c) Fees collected pursuant to the provisions of NRS 590.340 to 590.450, inclusive.

(d) Laboratory fees collected for the testing of pesticides as authorized by NRS 561.305, and as are necessary pursuant to the provisions of NRS 555.2605 to 555.460, inclusive, ***and sections 2 to 14, inclusive, of this act*** and, except as otherwise provided in NRS 586.270 and 586.940, chapter 586 of NRS.

(e) Laboratory fees collected for the analysis and testing of commercial fertilizers and agricultural minerals, as authorized by NRS 561.305, and as are necessary pursuant to the provisions of chapter 588 of NRS.

(f) Laboratory fees collected for the analysis and testing of petroleum products or motor vehicle fuel, as authorized by NRS 561.305, and as are necessary pursuant to the provisions of NRS 590.010 to 590.150, inclusive.

(g) Laboratory fees collected for the analysis and testing of antifreeze, as authorized by NRS 561.305, and as are necessary pursuant to the provisions of NRS 590.340 to 590.450, inclusive.

3. Expenditures from the Agriculture Registration and Enforcement Account may be made to carry out the provisions of this chapter, NRS 555.2605 to 555.460, inclusive, ***and sections 2 to 14, inclusive, of this act*** or chapters 586, 588 and 590 of NRS or for any other purpose authorized by the Legislature.

Sec. 42. Section 11 of this act is hereby amended to read as follows:

Sec. 11. 1. An application for a governmental agency certificate or license as a government applicator must be made to the Director and contain such information regarding the applicant's qualifications and proposed operations and other relevant matters as required by regulation of the Director.

2. ~~[~~An application for a license as a government applicator must include the social security number of the applicant.

~~3.]~~ A city, county, state or other governmental agency is not required to obtain more than one governmental agency certificate to engage in pest control within its jurisdiction.

Sec. 43. 1. Notwithstanding the amendatory provisions of this act, a person who, on July 1, 2017, is the holder of a license to:

(a) Engage in pest control;

(b) Serve as an agent, operator, pilot, primary principal or principal for the purpose of engaging in pest control issued pursuant to NRS 555.280; or

(c) Engage in or perform pest control activities concerning wood-destroying pests or organisms issued pursuant to NRS 555.285,

➥ and who is otherwise qualified to hold the existing license on that date shall be deemed during the period for which the existing license was issued

to be licensed as an applicator pursuant to NRS 555.280 or 555.285, as amended by sections 23 and 24 of this act, respectively, as applicable.

2. Notwithstanding the amendatory provisions of this act, a certificate to make application of or to supervise the application of restricted-use pesticides which is issued pursuant to NRS 555.357 before July 1, 2017, remains valid for the period for which it is issued, if the holder of the certificate is otherwise qualified to hold the certificate on that date.

Sec. 44. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 45. 1. This section and sections 2 to 41, inclusive, and 43 and 44 of this act become effective on July 1, 2017.

2. Section 42 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with the subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblywoman Swank moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 41.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 487.

AN ACT relating to State Government; revising qualifications for certain members of the State Public Works Board; revising qualifications for administrators of ~~[various]~~ **certain** divisions of State Government; providing that the State Library, Archives and Public Records Administrator is in the unclassified service of the State; authorizing the Chief Medical Officer to maintain a clinical practice ~~[.]~~ **under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, certain members appointed to the State Public Works Board must be licensed in this State as a general building contractor or general engineering contractor. **Section 1** of this bill provides that such members may also be appointed if they were licensed in the past.

~~[Existing law provides that the Administrator of the State Public Works Division of the Department of Administration must have a master's degree or doctoral degree in certain subjects. Section 2 of this bill removes this~~

~~requirement and provides that the Administrator must instead be a licensed professional engineer or a registered architect.]~~

Existing law requires the Administrator of the Division of Internal Audits of the Office of Finance to be a certified public accountant licensed in this State or a public accountant qualified under existing law. The Administrator must also have at least 5 years of certain professional experience. (NRS 353A.041) **Section 3** of this bill provides that in order to qualify for the position, the Administrator may instead be a certified internal auditor or government auditing professional or have a master's degree in business administration, accounting, finance or a closely related field. **Section 3** also requires the Administrator to have at least 6 years of certain professional experience.

Section 4 of this bill provides that the State Library, Archives and Public Records Administrator is in the unclassified service rather than the classified service of the State.

Existing law ~~[establishes the qualifications for]~~ **requires** the ~~[Administrators]~~ **Administrator** of the Division of Health Care Financing and Policy ~~[, the Division of Welfare and Supportive Services, the Aging and Disability Services Division, the Division of Child and Family Services and the Division of Public and Behavioral Health]~~ of the Department of Health and Human Services ~~[.]~~ **to have a degree in public administration, business administration or a similar field of study.** (NRS 422.2354 **)** ~~[, 422A.155, 427A.060, 432.012, 433.244) Sections]~~ **Section 5** ~~[-9]~~ of this bill ~~[revise these provisions so that the Administrators of all of these Divisions have the same qualifications.]~~ **instead, requires the Director of the Department to give preference to a person who has a degree in these fields.**

Existing law prohibits the Chief Medical Officer from engaging in any other business or occupation. (NRS 439.110) **Section 10** of this bill removes this restriction and authorizes the Chief Medical Officer **, with the approval of the Director,** to maintain a clinical practice.

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

Section 1. NRS 341.020 is hereby amended to read as follows:

341.020 1. The State Public Works Board is hereby created.

2. The Board consists of the Director of the Department and six members appointed as follows:

(a) The Governor shall appoint:

(1) One member who has education or experience, or both, regarding the principles of engineering or architecture;

(2) One member who is licensed to practice law in this State and who has experience in the practice of construction law; and

(3) Two members who are ***or have been*** licensed in this State as a general building contractor or general engineering contractor pursuant to chapter 624 of NRS.

(b) The Majority Leader of the Senate shall appoint one member who is ***or has been*** licensed in this State as a general building contractor or general engineering contractor pursuant to chapter 624 of NRS.

(c) The Speaker of the Assembly shall appoint one member who is ***or has been*** licensed in this State as a general building contractor or general engineering contractor pursuant to chapter 624 of NRS.

3. Each member of the Board who is appointed serves at the pleasure of the appointing authority.

4. A vacancy on the Board in an appointed position must be filled by the appointing authority in the same manner as the original appointment.

Sec. 2. **[**~~NRS 341.100 is hereby amended to read as follows:~~

~~341.100 1. The Administrator and the Deputy Administrator of the Public Works – Compliance and Code Enforcement Section serve at the pleasure of the Director of the Department.~~

~~2. The Administrator shall appoint:~~

~~(a) A Deputy Administrator of the Public Works – Professional Services Section; and~~

~~(b) A Deputy Administrator of the Buildings and Grounds Section.~~

~~*~~ ~~Each deputy administrator appointed pursuant to this subsection serves at the pleasure of the Administrator.~~

~~3. The Administrator shall recommend and the Director shall appoint a Deputy Administrator of the Public Works – Compliance and Code Enforcement Section. The Deputy Administrator appointed pursuant to this subsection has the final authority in the interpretation and enforcement of any applicable building codes.~~

~~4. The Administrator may appoint such other technical and clerical assistants as may be necessary to carry into effect the provisions of this chapter.~~

~~5. The Administrator and each deputy administrator are in the unclassified service of the State. Except as otherwise provided in NRS 284.143, the Administrator and each deputy administrator shall devote his or her entire time and attention to the business of the office and shall not pursue any other business or occupation or hold any other office of profit.~~

~~6. The Administrator~~ **[**~~must have a master's degree or doctoral degree in civil or environmental engineering, architecture, public administration or a related field and must have experience in management, public administration or public policy. If the Administrator is not a licensed professional engineer pursuant to the provisions of chapter 625 of NRS or an architect registered pursuant to the provisions of chapter 623 of NRS,~~**]** ***and*** ~~the Deputy Administrator of the Public Works – Professional Services Section must~~ ***each*** ~~be a licensed professional engineer pursuant to the provisions of chapter 625~~

~~of NRS or an architect registered pursuant to the provisions of chapter 623 of NRS.~~

~~7. The Deputy Administrator of the Public Works – Compliance and Code Enforcement Section must have a comprehensive knowledge of building codes and a working knowledge of the principles of engineering or architecture as determined by the Administrator.~~

~~8. The Administrator shall:~~

~~(a) Serve as the Secretary of the Board.~~

~~(b) Manage the daily affairs of the Division.~~

~~(c) Represent the Board and the Division before the Legislature.~~

~~(d) Prepare and submit to the Board, for its approval, the recommended priority for proposed capital improvement projects and provide the Board with an estimate of the cost of each project.~~

~~(e) Select architects, engineers and contractors.~~

~~(f) Accept completed projects.~~

~~(g) Submit in writing to the Director of the Department, the Governor and the Interim Finance Committee a monthly report regarding all public works projects which are a part of the approved capital improvement program. For each such project, the monthly report must include, without limitation, a detailed description of the progress of the project which highlights any specific events, circumstances or factors that may result in:~~

~~(1) Changes in the scope of the design or construction of the project or any substantial component of the project which increase or decrease the total square footage or cost of the project by 10 percent or more;~~

~~(2) Increased or unexpected costs in the design or construction of the project or any substantial component of the project which materially affect the project;~~

~~(3) Delays in the completion of the design or construction of the project or any substantial component of the project; or~~

~~(4) Any other problems which may adversely affect the design or construction of the project or any substantial component of the project.~~

~~(h) Have final authority to approve the architecture of all buildings, plans, designs, types of construction, major repairs and designs of landscaping.~~

~~9. The Deputy Administrator of the Public Works – Compliance and Code Enforcement Section shall:~~

~~(a) Serve as the building official for all buildings and structures on property of the State or held in trust for any division of the State Government; and~~

~~(b) Consult with an agency or official that is considering adoption of a regulation described in NRS 446.942, 449.345, 455C.115, 461.173, 472.105 or 477.0325 and provide recommendations regarding how the regulation, as it applies to buildings and structures on property of this State or held in trust for any division of the State Government, may be made consistent with other regulations which apply to such buildings or structures.~~**] (Deleted by amendment.)**

Sec. 3. NRS 353A.041 is hereby amended to read as follows:

353A.041 1. The Administrator must:

(a) Be a certified public accountant licensed by this state or a public accountant qualified pursuant to chapter 628 of NRS to practice public accounting in this state; ~~[and]~~

(b) ***Be a certified internal auditor or government auditing professional; or***

(c) Have ***a master's degree in business administration, accounting, finance or a closely related field.***

2. The Administrator must have at least ~~[5]~~ ***6*** years of progressively responsible experience in professional auditing and performing internal audits or postaudits. The experience must include, without limitation, the performance of audits of governmental entities or of private business organizations, whether or not organized for profit.

~~[2.]~~ ***3.*** The Administrator may employ, within the limits of legislative appropriations, such staff as is necessary to the performance of his or her duties.

Sec. 4. NRS 378.010 is hereby amended to read as follows:

378.010 The State Library, Archives and Public Records Administrator:

1. Is appointed by, responsible to, and serves at the pleasure of the Director.

2. Must be appointed on the basis of merit.

3. Is in the ~~[~~classified~~]~~ ***unclassified*** service ~~[, except for the purposes of removal.]~~ ***of the State.***

Sec. 5. NRS 422.2354 is hereby amended to read as follows:

422.2354 The Administrator must:

1. Be appointed ~~***[selected]***~~ on the basis of his or her ~~***[education,]***~~ training, education, experience and ~~***[, demonstrated abilities and]***~~ interest in the financing of programs for public health , including, without limitation, the financing of Medicaid.

~~[2. Be a graduate in public administration, business administration or a similar area of study from an accredited college or university.~~

~~3. ***and human services.]***~~ ***In appointing the Administrator, the Director shall, to the extent practicable, give preference to a person who has a degree in a field of public administration, business administration or a related field.***

2. Have not less than 3 years of demonstrated successful experience in the financing of health care or other ~~***[administration of a]***~~ public ~~***[agency, with responsibility for the general direction of]***~~ programs , ~~***[of the public agency]***~~ and not less than 1 year of experience relating to Medicaid, ~~***[determination of policies for the implementation of programs of the public agency,]***~~ or any equivalent combination of training and experience.

~~[4.]~~ ***3.*** Possess qualities of leadership ~~***[.]***~~ in the fields of health care and the financing of health care.

Sec. 6. ~~[NRS 422A.155 is hereby amended to read as follows:~~

~~422A.155 [1.] The Administrator must:~~

~~[(a)] *1.* Be selected on the basis of his or her *education,* training, experience [, capacity and interest in public welfare] *, demonstrated abilities and interest in health and human* services.~~

~~[(b)] *2.* Have not less than 3 years of demonstrated successful experience in the administration of a public agency, with responsibility for *the* general direction of programs of the public agency and determination of policies for the implementation of programs of the public agency, or any equivalent combination of training and experience.~~

~~[(c)] *3.* Possess qualities of leadership.~~

~~[2. In appointing the Administrator, the Director shall, to the extent practicable, give preference to a person who has a degree in a field of social science, public administration, business administration or a related field.]]~~ **(Deleted by amendment.)**

Sec. 7. ~~[NRS 427A.060 is hereby amended to read as follows:~~

~~427A.060 The Administrator [shall be appointed] *must:*~~

~~*1. Be selected* on the basis of his or her education, training, experience , [and] demonstrated abilities and [of his or her] interest in [the problems of the aged and aging and persons with disabilities.] *health and human services.*~~

~~*2. Have not less than 3 years of demonstrated successful experience in the administration of a public agency, with responsibility for the general direction of programs of the public agency and determination of policies for the implementation of programs of the public agency, or any equivalent combination of training and experience.*~~

~~*3. Possess qualities of leadership.]* (Deleted by amendment.)~~

Sec. 8. ~~[NRS 432.012 is hereby amended to read as follows:~~

~~432.012 The Administrator must [be appointed] :~~

~~*1. Be selected* on the basis of his or her education, training, experience, demonstrated abilities and interest in [the provision of services to children and families and related programs.] *health and human services.*~~

~~*2. Have not less than 3 years of demonstrated successful experience in the administration of a public agency, with responsibility for the general direction of programs of the public agency and determination of policies for the implementation of programs of the public agency, or any equivalent combination of training and experience.*~~

~~*3. Possess qualities of leadership.]* (Deleted by amendment.)~~

Sec. 9. ~~[NRS 433.244 is hereby amended to read as follows:~~

~~433.244 1. The Administrator must [be] :~~

~~*1. Be* selected on the basis of his or her education, training, experience, [leadership qualities,] demonstrated abilities and interest in [the field of behavioral health or public] health [.] *and human services.*~~

~~2. [The Administrator is in the unclassified service of the State.] *Have not less than 3 years of demonstrated successful experience in the*~~

~~*administration of a public agency, with responsibility for the general direction of programs of the public agency and determination of policies for the implementation of programs of the public agency, or any equivalent combination of training and experience.*~~

~~*3. Possess qualities of leadership.]*~~ **(Deleted by amendment.)**

Sec. 10. NRS 439.110 is hereby amended to read as follows:

439.110 1. Except as otherwise provided in ~~[~~subsection 2~~]~~ ***this section*** and NRS 284.143, the Chief Medical Officer shall devote his or her full time to the official duties of the Chief Medical Officer ~~[.]~~ and shall not engage in any other business or occupation.

2. Notwithstanding the provisions of NRS 281.127, the Chief Medical Officer may cooperate with the Nevada System of Higher Education in the preparation and teaching of preservice professional workers in public health and in a program providing additional professional preparation for behavioral health workers and public health workers employed by the State of Nevada.

3. ~~[The]~~ With the approval of the Director, the Chief Medical Officer may maintain a clinical practice that is not established through the University of Nevada in order to retain expertise and remain current in his or her specialized field.

Sec. 11. This act becomes effective on July 1, 2017.

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 49.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 479.

AN ACT relating to education; revising the requirements for a charter school to be eligible to be rated using the alternative performance framework; prohibiting certain actions relating to written charters and charter contracts; creating a process for filing complaints regarding charter schools ~~[.]~~ **which are sponsored by the State Public Charter School Authority; requiring a charter school to give notice to the parent or legal guardian of each pupil and take certain actions after the occurrence of certain events;** establishing a process for a charter school to have an expedited review to become a qualified provider of an alternative route to licensure; prohibiting a member of the State Public Charter School Authority from engaging in certain acts; revising provisions relating to the appointment ~~[and powers]~~ of the Executive Director of the Authority; ~~[exempting the Authority from the requirements of the Nevada Administrative Procedure Act in certain circumstances;]~~ revising various other provisions relating to charter schools; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the sponsor of a charter school to amend a written charter or charter contract upon the request of the governing body of a charter school. (NRS 388A.276) Existing law also requires the State Board of Education to adopt regulations which prescribe an alternative performance framework to evaluate certain schools which serve certain populations and prescribes eligibility requirements for a school to be rated using the alternative performance framework. (NRS 385A.730, 385A.740) **Sections 1 and 2** of this bill establish additional eligibility requirements for a charter school to be rated using the alternative performance framework. **Section 11** of this bill provides for the amendment of a written charter or charter contract or the execution of a charter contract of a charter school to comply with the requirements of **sections 1 and 2**. **Section 25** of this bill allows the formation of a charter school dedicated to providing educational services exclusively to pupils described in **section 1**.

Existing law provides for the formation and operation of charter schools in this State. (Chapter 388A of NRS) Existing law authorizes the State Public Charter School Authority or, with the approval of the Department of Education, the board of trustees of a school district or a college or university within the Nevada System of Higher Education to sponsor a charter school. (NRS 388A.220) For any charter school approved before June 11, 2013, existing law requires the sponsor of the charter school to grant a written charter to the governing body of the charter school. For any charter school approved on or after that date, existing law requires the sponsor to enter into a charter contract with the governing body of the charter school. (NRS 388A.270) **Section 4** of this bill: (1) provides that a written charter or charter contract is not assignable or transferable and ~~[that the duties, responsibilities or obligations imposed by a written charter or charter contract]~~ may not be delegated to a third party; and (2) prohibits the use of a written charter or charter contract as security for a loan. **Section 5** of this bill ~~[makes certain financial information of an educational management organization or other person who provides educational or management services to]~~ **requires** a charter school **to designate any information submitted to the sponsor of the charter school that is intended to remain** confidential ~~[in certain circumstances.]~~ **and requires the sponsor to determine whether such information should be declared confidential. Sections ~~[6-10]~~ 5.5-10** of this bill provide for the filing, investigation and resolution of complaints regarding charter schools ~~[.]~~ **sponsored by the State Public Charter School Authority. Section 11.5 of this bill requires a charter school to give notice to the parent or legal guardian of each pupil and take certain actions upon the occurrence of certain events. Section 13** of this bill requires the Department of Education to satisfy certain requirements before submitting an application for a grant which may result in the distribution of money to a charter school or a sponsor of a charter school.

Existing law requires the Commission on Professional Standards in Education to adopt regulations providing for an alternative route to licensure for teachers and other educational personnel and establishing the requirements for approval as a qualified provider of such an alternate route. (NRS 391.019) **Section 12** of this bill authorizes a charter school or charter management organization that meets certain requirements to request its sponsor or proposed sponsor to submit a request for an expedited review from the Commission of the application of the charter school or charter management organization to become a qualified provider. **Section 12** also authorizes the sponsor or proposed sponsor of the charter school to include a request for a waiver by the Commission of any requirement not prescribed by existing law for the charter school or charter management organization.

Existing law creates the State Public Charter School Authority, requires the Authority to appoint an Executive Director and authorizes the Authority to sponsor charter schools. (NRS 388A.150, 388A.190, 388A.220) **Section 15** of this bill **, with the exception of allowing not more than two members of the Authority to be teachers or administrators employed by certain charter schools or charter management organizations,** prohibits a member of the Authority from actively engaging in business with or holding a direct pecuniary interest relating to charter schools. **Section 16** of this bill revises the process for appointing and the qualifications required of the Executive Director of the Authority. ~~**[**Section 17 of this bill authorizes the Executive Director, rather than the Authority, to employ such persons as he or she deems necessary. Section 17 also authorizes the Authority to delegate to the Executive Director or his or her staff the authority to carry out any responsibility assigned to it as a sponsor of a charter school or as a local educational agency.**]**~~

Existing law authorizes the proposed sponsor of a charter school to review an application to form a charter school and approve the application if it satisfies certain requirements. (NRS 388A.249) **Section 21** of this bill provides that the identity of each member of a team of reviewers assembled by the proposed sponsor of a charter school to review an application to form a charter school is confidential for a certain period of time after review of the application. ~~**[**Section 22 of this bill prohibits the appeal of a final determination of the Authority to deny an application to form a charter school if the Authority has approved an application to form a charter school or increased the total number of pupils enrolled in charter schools sponsored by the Authority in 3 of the immediately preceding 5 years.**]**~~ **Sections 14, 19, 20, 23, 24 and 26** of this bill make various other changes relating to charter schools.

~~**[** Existing law generally requires an agency that adopts a provision of general applicability which effectuates or interprets law or policy or describes the organization, procedure or practice requirements of the agency or holds a proceeding in which the legal rights, duties or privileges of a party are required by law to be determined by the agency to satisfy the~~

~~requirements of the Nevada Administrative Procedure Act. (Chapter 233B of NRS) Section 27 of this bill provides that certain actions of the sponsor of a charter school for the purpose of carrying out its duties or powers as a sponsor of a charter school are not regulations subject to the provisions of the Nevada Administrative Procedure Act. Section 28 of this bill exempts the Authority from the requirements of the Nevada Administrative Procedure Act for any contested case of the Authority.~~**]**

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

Section 1. NRS 385A.740 is hereby amended to read as follows:

385A.740 1. A public school, including, without limitation, a charter school, that wishes to be rated using the alternative performance framework prescribed by the State Board pursuant to NRS 385A.730 must request the board of trustees of the school district or sponsor of the charter school, as applicable, to apply to the State Board on behalf of the school for approval to be rated using the alternative performance framework.

2. The board of trustees of a school district or the sponsor of a charter school, as applicable, may apply to the State Board on behalf of a school for the school to be rated using the alternative performance framework by submitting a form prescribed by the Department.

3. A ***public*** school ***other than a charter school*** is eligible to be rated using the alternative performance framework if:

(a) The school specifies that the mission of the school is to serve pupils who:

(1) Have been expelled or suspended from a public school, including, without limitation, a charter school;

(2) Have been deemed to be a habitual disciplinary problem pursuant to NRS 392.4655;

(3) Are academically disadvantaged;

(4) Have been adjudicated delinquent;

(5) Have been adjudicated to be in need of supervision for a reason set forth in NRS 62B.320; or

(6) Have an individualized education program; and

(b) At least 75 percent of the pupils enrolled at the school fall within one or more of the categories listed in paragraph (a).

4. ***A charter school is eligible to be rated using the alternative performance framework if the charter school*** ~~***[specifies]***~~ ***:***

(a) Specifies in its written charter or charter contract that:

~~***[(a)]***~~ ***(1) The mission of the charter school is to serve only pupils who are described in subparagraphs (1) to (6), inclusive, of paragraph (a) of subsection 3; and***

~~***[(b)]***~~ ***(2) The admissions policy of the charter school only allows the pupils identified in its mission statement to enroll in the charter school*** ~~***[.]***~~ ***; and***

(b) Completes any requirements to transition to the alternative performance framework required by the proposed sponsor of the charter school pursuant to section 11 of this act.

5. In addition to the requirements of subsection 4, if the charter school, at the time of its application to be rated using the alternative performance framework, has one or more enrolled pupils who are not identified in its mission statement, the charter school must have a plan approved by its sponsor for at least 75 percent of pupils enrolled in the charter school to be pupils identified in its mission statement by a certain date.

6. As used in this section, "academically disadvantaged" includes, without limitation, being retained in the same grade level two or more times or having a deficiency in the credits required to graduate on time.

Sec. 2. NRS 385A.740 is hereby amended to read as follows:

385A.740 1. A public school, including, without limitation, a charter school, that wishes to be rated using the alternative performance framework prescribed by the State Board pursuant to NRS 385A.730 must request the board of trustees of the school district or sponsor of the charter school, as applicable, to apply to the State Board on behalf of the school for approval to be rated using the alternative performance framework.

2. The board of trustees of a school district or the sponsor of a charter school, as applicable, may apply to the State Board on behalf of a school for the school to be rated using the alternative performance framework by submitting a form prescribed by the Department.

3. A public school other than a charter school is eligible to be rated using the alternative performance framework if:

(a) The school specifies that the mission of the school is to serve pupils who:

(1) Have been expelled or suspended from a public school, including, without limitation, a charter school;

(2) Have been deemed to be a habitual disciplinary problem pursuant to NRS 392.4655;

(3) Are academically disadvantaged;

(4) Have been adjudicated delinquent;

(5) Have been adjudicated to be in need of supervision for a reason set forth in NRS 62B.320; or

(6) Have an individualized education program; and

(b) At least 75 percent of the pupils enrolled at the school fall within one or more of the categories listed in paragraph (a).

4. A charter school is eligible to be rated using the alternative performance framework if the charter school:

(a) Specifies in its ~~[written charter or]~~ charter contract that:

(1) The mission of the charter school is to serve only pupils who are described in subparagraphs (1) to (6), inclusive, of paragraph (a) of subsection 3; and

(2) The admissions policy of the charter school only allows the pupils identified in its mission statement to enroll in the charter school; and

(b) Completes any requirements to transition to the alternative performance framework required by the proposed sponsor of the charter school pursuant to section 11 of this act.

5. In addition to the requirements of subsection 4, if the charter school, at the time of its application to be rated using the alternative performance framework, has one or more enrolled pupils who are not identified in its mission statement, the charter school must have a plan approved by its sponsor for at least 75 percent of pupils enrolled in the charter school to be pupils identified in its mission statement by a certain date.

6. As used in this section, "academically disadvantaged" includes, without limitation, being retained in the same grade level two or more times or having a deficiency in the credits required to graduate on time.

Sec. 3. Chapter 388A of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 13, inclusive, of this act.

Sec. 4. ***1. A written charter issued by the sponsor of a charter school to the governing body of the charter school is not assignable or transferable and ~~[neither the sponsor of the charter school nor the governing body of the charter school may delegate any duty, responsibility or obligation under the written charter]~~ may not be delegated to a third party.***

2. A charter contract entered into between the governing body of a charter school and the sponsor of the charter school is not assignable or transferable and ~~[neither party to the contract may delegate any duty, responsibility or obligation under the charter contract]~~ may not be delegated to a third party.

3. A written charter or charter contract may not be used as security for any loan and shall be deemed to have no monetary value.

4. For the purpose of this section, an amendment to a written charter or charter contract which consolidates two or more charter schools, the restart of a charter school pursuant to NRS 388A.300 and the reconstitution of the governing body of a charter school pursuant to NRS 388A.330 do not constitute the assignment , ~~[or]~~ transfer or delegation of a written charter or charter contract . ~~[or the delegation of any duty, responsibility or obligation under a written charter or charter contract to a third party.]~~

Sec. 5. ***1. Except as otherwise provided in subsection 2, any information relating to an educational management organization or other person who provides educational or management services to a charter school or charter management organization that is ~~[contained in an application to form a charter school or a request to amend a written charter or charter contract of a charter school]~~ provided to the sponsor of the charter school or a charter school operated by the charter management***

organization is not confidential and may be disclosed to any member of the general public upon request.

2. A charter school must designate any information contained in a submission by the charter school to the sponsor of the charter school that is intended to remain confidential and request for the sponsor to declare such information confidential. Upon receipt of such a request, the sponsor of the charter school shall determine whether the designated information should be declared confidential. If the sponsor of the charter school determines the information should not be declared confidential, the sponsor must give the charter school an opportunity to redact such information. Except as otherwise provided in NRS 239.0115, if ~~[an educational management organization or other person who provides educational or management services to a charter school is not a publicly traded company or exempt from taxation pursuant to 26 U.S.C. § 501(c)(3), an audited financial statement and any other internal financial information of the educational management organization or other person contained in an application to form a charter school or a request to amend a written charter or charter contract of a charter school are]~~ the sponsor of the charter school determines that the information should be declared confidential, the information is confidential and must not be disclosed.

Sec. 5.5. The provisions of sections 5.5 to 10, inclusive, of this act apply only to a charter school which is sponsored by the State Public Charter School Authority.

Sec. 6. *1. ~~[A person]~~ Except as otherwise provided by federal law, a parent or legal guardian of a pupil enrolled in a charter school, a pupil who is at least 18 years of age enrolled in a charter school, a member of the governing body of a charter school or an employee of a charter school may file a written complaint with the ~~[governing body of a charter school]~~ State Public Charter School Authority which alleges a violation of the provisions of this chapter, the written charter or charter contract of the charter school or any other provision of law or regulation relating to the management or operation of the charter school.*

2. Upon receipt of a complaint filed pursuant to subsection 1, the ~~[governing body of the charter school]~~ State Public Charter School Authority shall investigate the allegations contained within the complaint, conduct a review to determine whether the charter school has complied with the provisions of this chapter, the written charter or charter contract and respond in writing to the complaining party within 30 days after receipt of the complaint. The staff of the charter school and any other person named in the complaint shall cooperate with the ~~[governing body of the charter school]~~ State Public Charter School Authority during such an investigation.

~~[3. If the complaining party does not believe the governing body of the charter school has adequately addressed a complaint filed pursuant to subsection 1, the complaining party may submit the complaint in writing to~~

~~*the sponsor of the charter school. Upon receipt of such a complaint, the sponsor of the charter school shall investigate and respond to the complaint in writing within 30 days after receipt of the complaint.]*~~

Sec. 7. *1. A ~~[person]~~ parent or legal guardian of a pupil enrolled in a charter school, a pupil who is at least 18 years of age enrolled in a charter school, a member of the governing body of a charter school or an employee of a charter school who ~~[believes]~~ has evidence that a charter school has violated any state or federal law or regulation relating to special education or pupils who are limited English proficient may file a complaint directly with the Department and notify the ~~[sponsor of the charter school]~~ State Public Charter School Authority in writing. The Department shall investigate the complaint and notify the ~~[sponsor of the charter school]~~ State Public Charter School Authority of its findings.*

2. A person who ~~[believes]~~ has evidence that a charter school or an employee or vendor of a charter school has committed a crime ~~[may]~~ shall file a complaint directly with a law enforcement agency and notify the ~~[sponsor of the charter school]~~ State Public Charter School Authority in writing. The law enforcement agency ~~[shall]~~ may investigate the complaint and notify the ~~[sponsor of the charter school]~~ State Public Charter School Authority of its findings.

3. A person who ~~[believes]~~ has evidence that a charter school has violated any law or regulation which is within the jurisdiction of an agency of this State other than the Department may file a complaint directly with the appropriate agency and notify the ~~[sponsor of the charter school]~~ State Public Charter School Authority in writing. If the agency determines that credible evidence exists to support the complaint, the agency shall investigate the complaint and notify the ~~[sponsor of the charter school]~~ State Public Charter School Authority of its findings.

4. The State Public Charter School Authority shall accept the findings of the Department, a law enforcement agency or an agency pursuant to subsection 1, 2 or 3, as applicable, as conclusive unless it is shown that the Department, law enforcement agency or agency acted with fraud or a gross abuse of discretion.

Sec. 8. *1. A ~~[person]~~ parent or legal guardian of a pupil enrolled in a charter school, a pupil who is at least 18 years of age enrolled in a charter school, a member of the governing body of a charter school or an employee of a charter school may file a complaint directly with the ~~[sponsor of a charter school]~~ State Public Charter School Authority if the person ~~[believes]~~ has evidence that the charter school has:*

(a) Violated any law or regulation relating to the health and safety of pupils;

(b) Violated any law or regulation relating to the civil rights of pupils ~~[;]~~ , except for a law or regulation described in subsection 1 of section 7 of this act;

(c) Violated any law or regulation or policy of the sponsor of the charter school relating to the enrollment, suspension or expulsion of pupils;

(d) Committed fraud, financial mismanagement or financial malfeasance; or

(e) Committed academic dishonesty, including, without limitation, engaging in a policy or practice that has the intent or effect of inappropriately increasing the graduation rate or inappropriately increasing performance on assessments mandated by this State or the ~~[sponsor of the charter school.]~~ State Public Charter School Authority.

2. If the ~~[sponsor of the charter school]~~ State Public Charter School Authority determines that credible evidence exists to support a complaint submitted pursuant to subsection 1, the ~~[sponsor of the charter school]~~ State Public Charter School Authority shall investigate the complaint and respond to the complaining party in writing.

Sec. 9. *1. If the ~~[sponsor of a charter school]~~ State Public Charter School Authority determines that external expertise is necessary to conduct an investigation of a complaint filed pursuant to sections ~~6~~ 5.5 to 10, inclusive, of this act, the ~~[sponsor of the charter school]~~ State Public Charter School Authority may select an investigator to conduct the investigation and make any appropriate determinations or recommendations to the ~~[sponsor of the charter school.]~~ State Public Charter School Authority.*

2. If the ~~[sponsor of a charter school]~~ State Public Charter School Authority determines that ~~[it:~~

~~(a) Has money available to pay the costs of an investigator and the circumstances of the complaint do not require an expedited timeline, the sponsor of the charter school shall enter into a contract with an investigator and indemnify the investigator against any liability which may arise from the investigation.~~

~~(b) Does not have money available to pay the costs of an investigator or the circumstances of the complaint require an expedited timeline, the sponsor of the charter school may require the charter school to enter into a contract with an investigator selected by the sponsor of the charter school and indemnify the investigator against any liability which may arise from the investigation.~~

~~3. If an investigator who enters into a contract with a charter school pursuant to paragraph (b) of subsection 1 determines that no violation has occurred, the sponsor of the charter school shall, to the extent possible as determined by the sponsor, reimburse the charter school for the cost of the investigator, including, without limitation, by reducing the sponsorship fees paid to the sponsor of the charter school.~~

~~4.]~~ a violation has occurred, the State Public Charter School Authority may petition a court of competent jurisdiction for an order directing the charter school to reimburse the State Public Charter School Authority for the actual costs of its investigation. A charter school subject to such an

order must reimburse the State Public Charter School Authority within 30 days after issuance of the order. Any money received by the State Public Charter School Authority pursuant to this subsection must be used for investigations, audits and other proceedings of the State Public Charter School Authority and does not revert to the State General Fund.

3. If the [sponsor of a charter school] State Public Charter School Authority determines that [the governing body of the charter school,] a current or former member of the governing body of the charter school [, a member of the governing body of the charter school who served on the date of a complaint,] or a current or former employee of the charter school [or an employee of the charter school on the date of a complaint] failed to cooperate with any investigation conducted pursuant to this section, the [sponsor of the charter school] State Public Charter School Authority may begin a proceeding to revoke the written charter or terminate the charter contract of the charter school pursuant to NRS 388A.330.

[5.] 4. If the [sponsor of a charter school] State Public Charter School Authority determines that the charter school or an employee of the charter school has violated any provision of this chapter or another statute or regulation applicable to charter schools or has materially breached the terms and conditions of the written charter or charter contract of the charter school, the [sponsor of the charter school] State Public Charter School Authority may:

(a) Begin a proceeding to revoke the written charter or terminate the charter contract of the charter school pursuant to NRS 388A.330; and

(b) Refer the matter to the district attorney of the county in which the charter school is located, the Attorney General or any other appropriate agency for further action.

[6.] 5. If the [sponsor of a charter school] State Public Charter School Authority determines that the current operations of the charter school pose an imminent danger to the health and safety of the pupils or staff of the charter school, the [sponsor of the charter school may] State Public Charter School Authority shall order the charter school to suspend its operations at any or all of its facilities until appropriate corrective action has been taken.

Sec. 10. *The governing body of a charter school shall develop a policy for accepting, investigating and responding to complaints and submit the policy to the [sponsor of the charter school] State Public Charter School Authority for review and approval. Such a policy may allow for a complaint [not described in sections 6 to 10, inclusive, of this act] to be delegated to the staff of the charter school or an educational management organization if the policy allows a complaining party who does not believe the staff of the charter school or educational management organization has adequately addressed a complaint to submit the complaint to the governing body of the charter school for its investigation and response.*

Sec. 11. *1. If a charter school wishes to be rated using the alternative performance framework prescribed by the State Board pursuant to NRS 385A.730, the governing body of the charter school may submit to the sponsor of the charter school a request to amend the written charter or charter contract, as applicable, of the charter school pursuant to NRS 388A.276 to include the mission statement and admissions policy required by subsection 4 of NRS 385A.740.*

2. The sponsor of a charter school may require that ~~[a]~~ :

(a) A request to amend a written charter or charter contract described in subsection 1 also include such changes to the academic program, organizational plan and financial model of the charter school as the sponsor of the charter school determines are necessary for a charter school rated using the alternative performance framework ~~[.]~~ ; and

(b) A charter school which submits a request to amend a written charter or charter contract described in subsection 1 perform such actions as the sponsor of the charter school determines to be necessary to successfully transition to being rated using the alternative performance framework.

3. The sponsor of a charter school shall evaluate a request to amend a written charter or charter contract described in subsection 1 by reviewing the academic, organizational and financial performance of the charter school. If the sponsor of the charter school determines that the charter school is unlikely to achieve academic, organizational or financial success if the request to amend its written charter or charter contract is approved, the sponsor of the charter school must deny the request.

4. Unless invited to do so by the sponsor of the charter school, the governing body of a charter school whose request to amend its written charter or charter contract is denied pursuant to subsection 3 may not submit a materially similar request for 1 year after the denial of its request.

5. If a proposed sponsor of a charter school approves an application to form a charter school and the proposed sponsor of the charter school determines that the charter school has a mission statement and an admissions policy which satisfy the requirements of subsection 4 of NRS 385A.740, the proposed sponsor of the charter school shall include language in the charter contract entered into with the charter school which provides that:

(a) ~~[The]~~ Except as otherwise provided in paragraph (b), the proposed sponsor of the charter school will submit an application to the State Board on behalf of the charter school for the charter school to be rated using the alternative performance framework within 2 years after the charter school commences operation; ~~[and]~~

(b) The proposed sponsor of the charter school will submit the application described in paragraph (a) only upon the successful completion by the charter school of such actions as the proposed sponsor of the charter school determines to be necessary to successfully transition to being rated using the alternative performance framework; and

(c) Upon approval of such an application by the State Board, the performance framework adopted by the proposed sponsor of the charter school will be replaced by the alternative performance framework.

Sec. 11.5. 1. A charter school shall provide notification to the parent or legal guardian of each pupil enrolled in the charter school, post a notice prominently on the Internet website of the charter school and revise the marketing materials of the charter school to include such a notice within 5 business days after:

(a) The Department reports that the graduation rate of the charter school for that school year was less than 67 percent;

(b) The Department reports that the charter school was rated in the lowest 5 percent of public schools in the State pursuant to the statewide system of accountability for public schools;

(c) The Department reports that the charter school received an annual rating established as one of the two lowest ratings possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools;

(d) The governing body of the charter school submits to the sponsor of the charter school a written request for an amendment of the written charter or charter contract of the charter school which would result in the:

(1) Relocation of the charter school to a location more than 1 mile from its current location;

(2) Closure of a campus of the charter school or the elimination of one or more grade levels; or

(3) Reduction of enrollment as a result of an academic, financial or organizational issue;

(e) The sponsor of the charter school issues a notice of intent to revoke the written charter or terminate the charter contract of the charter school; or

(f) The sponsor of the charter school revokes the written charter or terminates the charter contract of the charter school.

2. A notice provided to a parent or legal guardian pursuant to subsection 1 must include a list of other public schools to which a pupil may transfer if the charter school closes or adopts changes which a parent or legal guardian finds unacceptable.

3. Within 10 days after a charter school provides the notice required by subsection 1, the charter school shall hold a public hearing to discuss a plan to correct any issue which caused the issuance of such a notice and to solicit suggestions to improve the performance of the charter school.

Sec. 12. *1. A charter school that has received, within the immediately preceding 2 consecutive school years, one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools may request that its sponsor submit a request to the Commission on Professional Standards in Education for an expedited review of an application to become a qualified provider of an alternative route to*

licensure pursuant to subparagraph (1) of paragraph (a) of subsection 1 of NRS 391.019.

2. A charter management organization which operates a charter school that has received, within the immediately preceding 2 consecutive school years, one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools, or equivalent ratings in another state, as determined by the Department, and which intends to form a new charter school in this State may request that its proposed sponsor submit a request to the Commission on Professional Standards in Education for an expedited review of an application to become a qualified provider of an alternative route to licensure pursuant to subparagraph (1) of paragraph (a) of subsection 1 of NRS 391.019.

3. If a sponsor or proposed sponsor receives a request pursuant to subsection 1 or 2 and determines that the charter school or charter management organization, as applicable, is eligible to become a qualified provider, the sponsor or proposed sponsor may submit a request for an expedited review of the appropriate application to the Commission on Professional Standards in Education.

4. A charter school or charter management organization may include in a request made pursuant to subsection 1 or 2 a request for the Commission on Professional Standards in Education to waive any requirement which may apply to a program for an alternative route to licensure that is not prescribed by NRS 391.019. If the sponsor or proposed sponsor, as applicable, approves the request made pursuant to this subsection, the sponsor or proposed sponsor may include the request for a waiver with the request for an expedited review submitted pursuant to subsection 3.

5. Upon receipt of the written request of a sponsor of a charter school or a proposed sponsor of a charter management organization for an expedited review submitted pursuant to subsection 3 and an application to become a qualified provider, the Commission on Professional Standards in Education shall review the application to become a qualified provider and approve or deny the application within 45 days after receipt of the application and the written request. If the request for an expedited review includes a request for a waiver pursuant to subsection 4, the Commission on Professional Standards in Education shall waive any requirement which may apply to a program for an alternative route to licensure that is not prescribed by NRS 391.019.

Sec. 13. ***Before submitting an application for any grant which may result in the distribution of money to a charter school or the sponsor of a charter school, the Department shall:***

1. Consider the definitions and measures of school performance specified in the grant and make any necessary adjustments to the information submitted by the Department to conform to the definitions and measures of school performance specified in the grant;

2. Separately determine the academic performance for each campus of the charter school and the charter school as a whole; and

3. If the State Board has approved an application by a charter school to be rated using the alternative performance framework prescribed by the State Board pursuant to NRS 385A.730, apply the alternative performance framework to evaluate the performance of the charter school.

Sec. 14. NRS 388A.150 is hereby amended to read as follows:

388A.150 ***1.*** The State Public Charter School Authority is hereby created. The purpose of the State Public Charter School Authority is to:

~~[1.]~~ ***(a)*** Authorize charter schools of high-quality throughout this State with the goal of expanding the opportunities for pupils in this State, including, without limitation, pupils who are at risk.

~~[2.]~~ ***(b)*** Provide oversight to the charter schools that it sponsors to ensure that those charter schools maintain high educational and operational standards, preserve autonomy and safeguard the interests of pupils and the community.

~~[3.]~~ ***(c)*** Serve as a model of the best practices in sponsoring charter schools ~~[.]~~ and foster a climate in this State in which all ***high-quality*** charter schools, regardless of sponsor, can flourish.

2. The provisions of this section shall not be construed to create a duty for the State Public Charter School Authority to provide any assistance, support or services to a charter school ~~[not sponsored by the Authority which is not otherwise required by law.]~~ other than to carry out its purpose as described in subsection 1.

Sec. 15. NRS 388A.153 is hereby amended to read as follows:

388A.153 1. The State Public Charter School Authority consists of seven members. The membership of the State Public Charter School Authority consists of:

(a) Two members appointed by the Governor in accordance with subsection 2;

(b) Two members, who must not be Legislators, appointed by the Majority Leader of the Senate in accordance with subsection 2;

(c) Two members, who must not be Legislators, appointed by the Speaker of the Assembly in accordance with subsection 2; and

(d) One member appointed by the Charter School Association of Nevada or its successor organization.

2. The Governor, the Majority Leader of the Senate and the Speaker of the Assembly shall ensure that the membership of the State Public Charter School Authority:

(a) Includes persons with a demonstrated understanding of charter schools and a commitment to using charter schools as a way to strengthen public education in this State;

(b) Includes a parent or legal guardian of a pupil enrolled in a charter school in this State;

(c) Includes persons with specific knowledge of:

(1) Issues relating to elementary and secondary education;
(2) School finance or accounting, or both;
(3) Management practices;
(4) Assessments required in elementary and secondary education;
(5) Educational technology;
(6) The laws and regulations applicable to charter schools;

(d) Insofar as practicable, reflects the ethnic and geographical diversity of this State; and

(e) Insofar as practicable, consists of persons who are experts on best practices for authorizing charter schools and developing and operating high-quality charter schools and charter management organizations.

3. Each member of the State Public Charter School Authority must be a resident of this State.

4. ~~[A]~~ ***Except as otherwise provided in subsection 5, a member of the State Public Charter School Authority must not be actively engaged in business with or hold a direct pecuniary interest relating to charter schools, including, without limitation, serving as a vendor, contractor, employee, officer, director or member of the governing body of a charter school, educational management organization or charter management organization.***

5. Not more than two members of the State Public Charter School Authority may be teachers or administrators who are employed by a charter school or charter management organization in this State. For a teacher or administrator employed by a charter school or charter management organization to be eligible to serve as a member of the State Public Charter School Authority, the charter school or charter management organization which employs the teacher or administrator must not have ever received an annual rating established as one of the three lowest ratings of performance pursuant to the statewide system of accountability for public schools.

6. After the initial terms, the term of each member of the State Public Charter School Authority is 3 years, commencing on July 1 of the year in which he or she is appointed. A vacancy in the membership of the State Public Charter School Authority must be filled for the remainder of the unexpired term in the same manner as the original appointment. A member shall continue to serve on the State Public Charter School Authority until his or her successor is appointed.

~~[~~5. ~~6.]~~ ***7.*** The members of the State Public Charter School Authority shall select a Chair and Vice Chair from among its members. After the initial selection of those officers, each of those officers holds the position for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

~~[~~6. ~~7.]~~ ***8.*** Each member of the State Public Charter School Authority is entitled to receive:

(a) For each day or portion of a day during which he or she attends a meeting of the State Public Charter School Authority a salary of not more than $80, as fixed by the State Public Charter School Authority; and

(b) For each day or portion of a day during which he or she attends a meeting of the State Public Charter School Authority or is otherwise engaged in the business of the State Public Charter School Authority the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 16. NRS 388A.190 is hereby amended to read as follows:

388A.190 1. The ~~[State Public Charter School Authority shall appoint an]~~ Executive Director of the State Public Charter School Authority ~~[for a term of 3 years. The State Public Charter School Authority shall ensure that the Executive Director has a demonstrated understanding of charter schools and a commitment to using charter schools as a way to strengthen public education in this State.~~

~~2. A vacancy in the position of Executive Director must be filled by the State Public Charter School Authority for the remainder of the unexpired term.~~

~~3. The Executive Director is]~~ ***:***

(a) Must be appointed by the Governor from a list of three candidates submitted by the State Public Charter School Authority and serves at the pleasure of the Governor.

(b) Is in the unclassified service of the State.

2. To be eligible for appointment to the office of Executive Director of the State Public Charter School Authority, a person must:

(a) Be at least 21 years of age at the time of appointment; and

(b) Possess a demonstrated understanding of charter schools and a commitment to using charter schools to strengthen public education in this State.

Sec. 17. ~~[NRS 388A.199 is hereby amended to read as follows:~~

~~388A.199 1. The [State Public Charter School Authority]~~ ***Executive Director*** ~~may employ such persons as [it]~~ ***he or she*** ~~deems necessary to carry out the provisions of this chapter. The staff employed by the [State Public Charter School Authority]~~ ***Executive Director*** ~~must be qualified to carry out the daily responsibilities of sponsoring charter schools, including, without limitation, oversight of written charters and charter contracts, in accordance with the provisions of this chapter.~~

~~2. The staff must include:~~

~~(a) Attorneys with experience with laws concerning education, special education and nonprofit organizations;~~

~~(b) Persons with experience overseeing the annual audits and financial operations of school districts, nonprofit organizations or corporations;~~

~~(c) Persons with experience conducting assessments and evaluations for a school district;~~

~~(d) Administrators with significant experience overseeing special education programs and programs while employed by a school district, charter management organization, educational management organization or other operator of charter schools;~~

~~(e) Policy analysts with significant experience in the areas of charter schools and education policy; and~~

~~(f) Any other persons that the [State Public Charter School Authority] *Executive Director* determines are necessary.~~

~~3. The [State Public Charter School Authority] *Executive Director* shall periodically evaluate and make decisions concerning the number of persons employed by the [State Public Charter School Authority] *Executive Director* and the qualifications and compensation of such persons based on guidance from the National Association of Charter School Authorizers, or its successor organization, an assessment of the strategic plan for recruiting operators of charter schools prepared pursuant to NRS 388A.223 and the needs of the charter schools sponsored by the State Public Charter School Authority.~~

~~*4. Except as otherwise provided in this subsection, the State Public Charter School Authority may delegate to the Executive Director or the staff employed by the Executive Director authority to carry out any responsibility assigned to it as a sponsor of a charter school or as a local educational agency pursuant to NRS 388A.159. The State Public Charter School Authority shall not delegate its authority to:*~~

~~*(a) Perform any duty which requires a public hearing;*~~

~~*(b) Approve or deny an application to form a charter school;*~~

~~*(c) Approve or deny an application for renewal of a charter contract;*~~

~~*(d) Approve or deny an amendment to a written charter or charter contract to expand the enrollment of a charter school, serve additional grade levels at a charter school, consolidate with another charter school or add an additional facility to a charter school; or*~~

~~*(e) Revoke a written charter or terminate a charter contract.]*~~ **(Deleted by amendment.)**

Sec. 18. ~~[NRS 388A.199 is hereby amended to read as follows:~~

~~388A.199 1. The [State Public Charter School Authority] *Executive Director* may employ such persons as [it] *he or she* deems necessary to carry out the provisions of this chapter. The staff employed by the [State Public Charter School Authority] *Executive Director* must be qualified to carry out the daily responsibilities of sponsoring charter schools, including, without limitation, oversight of charter contracts, in accordance with the provisions of this chapter.~~

~~2. The staff must include:~~

~~(a) Attorneys with experience with laws concerning education, special education and nonprofit organizations;~~

~~(b) Persons with experience overseeing the annual audits and financial operations of school districts, nonprofit organizations or corporations;~~

~~(c) Persons with experience conducting assessments and evaluations for a school district;~~

~~(d) Administrators with significant experience overseeing special education programs and programs while employed by a school district, charter management organization, educational management organization or other operator of charter schools;~~

~~(e) Policy analysts with significant experience in the areas of charter schools and education policy; and~~

~~(f) Any other persons that the [State Public Charter School Authority] *Executive Director* determines are necessary.~~

~~3. The [State Public Charter School Authority] *Executive Director* shall periodically evaluate and make decisions concerning the number of persons employed by the [State Public Charter School Authority] *Executive Director* and the qualifications and compensation of such persons based on guidance from the National Association of Charter School Authorizers, or its successor organization, an assessment of the strategic plan for recruiting operators of charter schools prepared pursuant to NRS 388A.223 and the needs of the charter schools sponsored by the State Public Charter School Authority.~~

~~*4. Except as otherwise provided in this subsection, the State Public Charter School Authority may delegate to the Executive Director or the staff employed by the Executive Director authority to carry out any responsibility assigned to it as a sponsor of a charter school or as a local educational agency pursuant to NRS 388A.159. The State Public Charter School Authority shall not delegate its authority to:*~~

~~*(a) Perform any duty which requires a public hearing;*~~

~~*(b) Approve or deny an application to form a charter school;*~~

~~*(c) Approve or deny an application for renewal of a charter contract;*~~

~~*(d) Approve or deny an amendment to a charter contract to expand the enrollment of a charter school, serve additional grade levels at a charter school, consolidate with another charter school or add an additional facility to a charter school; or*~~

~~*(e) Terminate a charter contract.]~~* **(Deleted by amendment.)**

Sec. 19. NRS 388A.223 is hereby amended to read as follows:

388A.223 1. Each sponsor of a charter school shall carry out the following duties and powers:

(a) Evaluating applications to form charter schools as prescribed by NRS 388A.249;

(b) Approving applications to form charter schools that the sponsor determines are high quality, meet the identified educational needs of pupils and will serve to promote the diversity of public educational choices in this State;

(c) Declining to approve applications to form charter schools that do not satisfy the requirements of NRS 388A.249;

(d) Negotiating ~~*[Developing]*~~ ***, developing*** and executing charter contracts pursuant to NRS 388A.270;

(e) Monitoring, in accordance with this chapter and in accordance with the terms and conditions of the applicable charter contract, the performance and compliance of each charter school sponsored by the entity;

(f) Determining whether the charter contract of a charter school that the entity sponsors merits renewal or whether the renewal of the charter contract should be denied or whether the written charter should be revoked or the charter contract terminated or restarted, as applicable, in accordance with NRS 388A.285, 388A.300 or 388A.330, as applicable;

(g) Determining whether the governing body of a charter school should be reconstituted in accordance with NRS 388A.330; and

(h) Adopting a policy for appointing a new governing body of a charter school for which the governing body is reconstituted in accordance with NRS 388A.330.

2. Each sponsor of a charter school shall develop policies and practices that are consistent with state laws and regulations governing charter schools. In developing the policies and practices, the sponsor shall review and evaluate nationally recognized policies and practices for sponsoring organizations of charter schools. The policies and practices must include, without limitation:

(a) The organizational capacity and infrastructure of the sponsor for sponsorship of charter schools, which must not be described as a limit on the number of charter schools the sponsor will approve;

(b) The procedure and criteria for soliciting and evaluating charter school applications in accordance with NRS 388A.249, which must include, without limitation:

(1) Specific application procedures and timelines for committees to form a charter school that plan to enter into a contract with an educational management organization to operate the charter school, committees to form a charter school that do not plan to enter into such a contract and charter management organizations; and

(2) A description of the manner in which the sponsor will evaluate the previous performance of an educational management organization or other person with whom a committee to form a charter school plans to enter into a contract to operate a charter school or a charter management organization that submits an application to form a charter school;

(c) The procedure and criteria for evaluating applications for the renewal of charter contracts pursuant to NRS 388A.285;

(d) The procedure for amending a written charter or charter contract and the criteria for determining whether a request for such an amendment will be approved which must include, without limitation, any manner in which such procedures and criteria will differ if the sponsor determines that the amendment is material or strategically important;

(e) If deemed appropriate by the sponsor, a strategic plan for recruiting charter management organizations, educational management organizations or other persons to operate charter schools based on the priorities of the sponsor

and the needs of the pupils that will be served by the charter schools that will be sponsored by the sponsor;

(f) A description of how the sponsor will maintain oversight of the charter schools it sponsors, which must include, without limitation:

(1) An assessment of the needs of the charter schools that are sponsored by the sponsor that is prepared with the input of the governing bodies of such charter schools; and

(2) A strategic plan for the oversight and provision of technical support to charter schools that are sponsored by the sponsor in the areas of academic, fiscal and organizational performance; and

(g) A description of the process of evaluation for the charter schools it sponsors in accordance with NRS 388A.351.

3. Evidence of material or persistent failure to carry out the powers and duties of a sponsor prescribed by this section constitutes grounds for revocation of the entity's authority to sponsor charter schools.

4. The provisions of this section do not establish a private right of action against the sponsor of a charter school.

Sec. 20. NRS 388A.246 is hereby amended to read as follows:

388A.246 An application to form a charter school must include all information prescribed by the Department by regulation and:

1. A summary of the plan for the proposed charter school.

2. A clear written description of the mission of the charter school and the goals for the charter school. A charter school must have as its stated purpose at least one of the following goals:

(a) Improving the academic achievement of pupils;

(b) Encouraging the use of effective and innovative methods of teaching;

(c) Providing an accurate measurement of the educational achievement of pupils;

(d) Establishing accountability and transparency of public schools;

(e) Providing a method for public schools to measure achievement based upon the performance of the schools; or

(f) Creating new professional opportunities for teachers.

3. A clear description of the indicators, measures and metrics for the categories of academics, finances and organization that the charter school proposes to use, the external assessments that will be used to assess performance in those categories and the objectives that the committee to form a charter school plans to achieve in those categories, which must be expressed in terms of the objectives, measures and metrics. The objectives and the indicators, measures and metrics used by the charter school must be consistent with the performance framework adopted by the sponsor pursuant to NRS 388A.270.

4. A resume and background information for each person who serves on the board of the charter management organization or the committee to form a charter school, as applicable, which must include the name, telephone number, electronic mail address, background, qualifications, any past or

current affiliation with any charter school in this State or any other state, any potential conflicts of interest and any other information required by the sponsor.

5. The proposed location of, or the geographic area to be served by, the charter school and evidence of a need and community support for the charter school in that area.

6. The minimum, planned and maximum projected enrollment of pupils in each grade in the charter school for each year that the charter school would operate under the proposed charter contract.

7. The procedure for applying for enrollment in the proposed charter school, which must include, without limitation, the proposed dates for accepting applications for enrollment in each year of operation under the proposed charter contract and a statement of whether the charter school will enroll pupils who are in a particular category of at-risk pupils before enrolling other children who are eligible to attend the charter school pursuant to NRS 388A.456 and the method for determining eligibility for enrollment in each such category of at-risk pupils served by the charter school.

8. The academic program that the charter school proposes to use, a description of how the academic program complies with the requirements of NRS 388A.366, the proposed academic calendar for the first year of operation and a sample daily schedule for a pupil in each grade served by the charter school.

9. A description of the proposed instructional design of the charter school and the type of learning environment the charter school will provide, including, without limitation, whether the charter school will provide a program of distance education, the planned class size and structure, the proposed curriculum for the charter school and the teaching methods that will be used at the charter school.

10. The manner in which the charter school plans to identify and serve the needs of pupils with disabilities, pupils who are English language learners, pupils who are academically behind their peers and gifted pupils.

11. A description of any co-curricular or extracurricular activities that the charter school plans to offer and the manner in which these programs will be funded.

12. Any uniform or dress code policy that the charter school plans to use.

13. Plans and timelines for recruiting and enrolling students, including procedures for any lottery for admission that the charter school plans to conduct.

14. The rules of behavior and punishments that the charter school plans to adopt pursuant to NRS 388A.495, including, without limitation, any unique discipline policies for pupils enrolled in a program of special education.

15. A chart that clearly presents the proposed organizational structure of the charter school and a clear description of the roles and responsibilities of the governing body, administrators and any other persons included on the

chart and a table summarizing the decision-making responsibilities of the staff and governing body of the charter school and, if applicable, the charter management organization that operates the charter school. The table must also identify the person responsible for each activity conducted by the charter school, including, without limitation, the person responsible for establishing curriculum and culture, providing professional development to employees of the charter school and making determinations concerning the staff of the charter school.

16. The names of any external organizations that will play a role in operating the charter school and the role each such organization will play.

17. The manner in which the governing body of the charter school will be chosen.

18. A staffing chart for the first year in which the charter school plans to operate and a projected staffing plan for the term of the charter contract.

19. Plans for recruiting administrators, teachers and other staff, providing professional development to such staff.

20. Proposed bylaws for the governing body, a description of the manner in which the charter school will be governed, including, without limitation, any governance training that will be provided to the governing body, and a code of ethics for members and employees of the governing body. The code of ethics must be prepared with guidance from the Nevada Commission on Ethics and must not conflict with any policy adopted by the sponsor.

21. Explanations of any partnerships or contracts central to the operations or mission of the charter school.

22. A statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school will provide transportation, the application must include the proposed plan for the transportation of pupils. If the charter school will not provide transportation, the application must include a statement that the charter school will work with the parents and guardians of pupils enrolled in the charter school to develop a plan for transportation to ensure that pupils have access to transportation to and from the charter school.

23. The procedure for the evaluation of teachers of the charter school, if different from the procedure prescribed in NRS 391.680 and 391.725. If the procedure is different from the procedure prescribed in NRS 391.680 and 391.725, the procedure for the evaluation of teachers of the charter school must provide the same level of protection and otherwise comply with the standards for evaluation set forth in NRS 391.680 and 391.725.

24. A statement of the charter school's plans for food service and other significant operational services, including a statement of whether the charter school will provide food service or participate in the National School Lunch Program, 42 U.S.C. §§ 1751 et seq. If the charter school will not provide food service or participate in the National School Lunch Program, the application must include an explanation of the manner in which the charter

school will ensure that the lack of such food service or participation does not prevent pupils from attending the charter school.

25. Opportunities and expectations for involving the parents of pupils enrolled in the charter school in instruction at the charter school and the operation of the charter school, including, without limitation, the manner in which the charter school will solicit input concerning the governance of the charter school from such parents.

26. A detailed plan for starting operation of the charter school that identifies necessary tasks, the persons responsible for performing them and the dates by which such tasks will be accomplished.

27. A description of the financial plan and policies to be used by the charter school.

28. A description of the insurance coverage the charter school will obtain.

29. Budgets for starting operation at the charter school, the first year of operation of the charter school and the first 5 years of operation of the charter school, with any assumptions inherent in the budgets clearly stated.

30. Evidence of any money pledged or contributed to the budget of the charter school.

31. A statement of the facilities that will be used to operate the charter school and a plan for operating such facilities, including, without limitation, any backup plan to be used if the charter school cannot be operated out of the planned facilities.

32. If the charter school ~~[is]~~ ***operates*** a vocational school, a description of the career and technical education program that will be used by the charter school.

33. If the charter school will provide a program of distance education, a description of the system of course credits that the charter school will use and the manner in which the charter school will:

(a) Monitor and verify the participation in and completion of courses by pupils;

(b) Require pupils to participate in assessments and submit coursework;

(c) Conduct parent-teacher conferences; and

(d) Administer any test, examination or assessment required by state or federal law in a proctored setting.

34. If the charter school will provide a program where a student may earn college credit for courses taken in high school, a draft memorandum of understanding between the charter school and the college or university through which the credits will be earned and a term sheet, which must set forth:

(a) The proposed duration of the relationship between the charter school and the college or university and the conditions for renewal and termination of the relationship;

(b) The roles and responsibilities of the governing body of the charter school, the employees of the charter school and the college or university;

(c) The scope of the services and resources that will be provided by the college or university;

(d) The manner and amount that the college or university will be compensated for providing such services and resources, including, without limitation, any tuition and fees that pupils at the charter school will pay to the college or university;

(e) The manner in which the college or university will ensure that the charter school effectively monitors pupil enrollment and attendance and the acquisition of college credits; and

(f) Any employees of the college or university who will serve on the governing body of the charter school.

35. If the applicant currently operates a charter school in another state, evidence of the performance of such charter schools and the capacity of the applicant to operate the proposed charter school.

36. If the applicant proposes to contract with an educational management organization or any other person to provide educational or management services:

(a) Evidence of the performance of the educational management organization or other person when providing such services to a population of pupils similar to the population that will be served by the proposed charter school;

(b) A term sheet that sets forth:

(1) The proposed duration of the proposed contract between the governing body of the charter school and the educational management organization;

(2) A description of the responsibilities of the governing body of the charter school, employees of the charter school and the educational management organization or other person;

(3) All fees that will be paid to the educational management organization or other person;

(4) The manner in which the governing body of the charter school will oversee the services provided by the educational management organization or other person and enforce the terms of the contract;

(5) A disclosure of the investments made by the educational management organization or other person in the proposed charter school; and

(6) The conditions for renewal and termination of the contract; and

(c) A disclosure of any conflicts of interest concerning the applicant and the educational management organization or other person, including, without limitation, any past or current employment, business or familial relationship between any prospective employee of the charter school and a member of the committee to form a charter school or the board of directors of the charter management organization, as applicable.

37. Any additional information that the sponsor determines is necessary to evaluate the ability of the proposed charter school to serve pupils in the school district in which the proposed charter school will be located.

Sec. 21. NRS 388A.249 is hereby amended to read as follows:

388A.249 1. A committee to form a charter school or charter management organization may submit the application to the proposed sponsor of the charter school. Except as otherwise provided in NRS 388B.290, if an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the proposed sponsor shall deny the application.

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

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

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

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

(d) Adhere to the policies and practices developed by the proposed sponsor pursuant to subsection 2 of NRS 388A.223.

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

(a) The application:

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

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

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

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

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

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

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

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

(c) The current status of the application; and

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

Sec. 22. ~~[NRS 388A.255 is hereby amended to read as follows:~~

~~388A.255 1. If the State Public Charter School Authority receives an application pursuant to subsection 1 of NRS 388A.249 or subsection 4 of NRS 388A.252, it shall consider the application at a meeting which must be held not later than 60 days after receipt of the application or a later period mutually agreed upon by the committee to form the charter school and the State Public Charter School Authority. Notice of the meeting must be posted in accordance with chapter 241 of NRS. The State Public Charter School Authority shall review the application in accordance with the requirements for review set forth in subsections 2 and 3 of NRS 388A.249. The State Public Charter School Authority may approve an application only if it satisfies the requirements of subsection 3 of NRS 388A.249. Not more than 30 days after the meeting, the State Public Charter School Authority shall provide written notice of its determination to the applicant.~~

~~2. If the State Public Charter School Authority denies or fails to act upon an application, the denial or failure to act must be based upon a finding that the applicant failed to satisfy the requirements of subsection 3 of NRS 388A.249. The State Public Charter School Authority shall include in the written notice the reasons for the denial or the failure to act and the deficiencies in the application. The staff designated by the State Public Charter School Authority shall meet with the applicant to confer on the method to correct the identified deficiencies. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.~~

~~3. [If]~~ ***Except as otherwise provided in subsection 4, if*** ~~the State Public Charter School Authority denies an application after it has been resubmitted pursuant to subsection 2, the applicant may, not more than 30 days after the receipt of the written notice from the State Public Charter School Authority, appeal the final determination to the district court of the county in which the proposed charter school will be located.~~

~~***4. If the State Public Charter School Authority has approved an application or has increased the total number of pupils enrolled in the charter schools sponsored by the State Public Charter School Authority in any 3 of the immediately preceding 5 years, the applicant may not appeal the final determination of the State Public Charter School Authority.]***~~ **(Deleted by amendment.)**

Sec. 23. NRS 388A.270 is hereby amended to read as follows:

388A.270 1. If the proposed sponsor of a charter school approves an application to form a charter school, it shall, before June 11, 2013, grant a

written charter to the governing body of the charter school or, on or after June 11, 2013, negotiate ***, develop*** and execute a charter contract with the governing body of the charter school. A charter contract must be executed not later than 60 days before the charter school commences operation. The charter contract must be in writing and incorporate, without limitation:

(a) The performance framework for the charter school;

(b) A description of the administrative relationship between the sponsor of the charter school and the governing body of the charter school, including, without limitation, the rights and duties of the sponsor and the governing body; and

(c) Any pre-opening conditions which the sponsor has determined are necessary for the charter school to satisfy before the commencement of operation to ensure that the charter school meets all building, health, safety, insurance and other legal requirements.

2. The charter contract must be signed by a member of the governing body of the charter school and:

(a) If the board of trustees of a school district is the sponsor of the charter school, the superintendent of schools of the school district;

(b) If the State Public Charter School Authority is the sponsor of the charter school, the Chair of the State Public Charter School Authority; or

(c) If a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the president of the college or university.

3. Before the charter contract is executed, the sponsor of the charter school must approve the charter contract at a meeting of the sponsor held in accordance with chapter 241 of NRS.

4. The sponsor of the charter school shall, not later than 10 days after the execution of the charter contract, provide to the Department:

(a) Written notice of the charter contract and the date of execution; and

(b) A copy of the charter contract and any other documentation relevant to the charter contract.

5. If the board of trustees approves the application, the board of trustees shall be deemed the sponsor of the charter school.

6. If the State Public Charter School Authority approves the application:

(a) The State Public Charter School Authority shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board, the State Public Charter School Authority nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

7. If a college or university within the Nevada System of Higher Education approves the application:

(a) That institution shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

8. A written charter or a charter contract, as applicable, must be for a term of 6 years. The term of the charter contract begins on the first day of operation of the charter school after the charter contract has been executed. The sponsor of the charter school may require, or the governing body of the charter school may request that the sponsor authorize, the charter school to delay commencement of operation for 1 school year.

Sec. 24. NRS 388A.330 is hereby amended to read as follows:

388A.330 Except as otherwise provided in NRS 388A.300:

1. Except as otherwise provided in subsection 6, the sponsor of a charter school may reconstitute the governing body of a charter school, revoke a written charter or terminate a charter contract before the expiration of the charter if the sponsor determines that:

(a) The charter school, its officers or its employees:

(1) Committed a material breach of the terms and conditions of the written charter or charter contract;

(2) Failed to comply with generally accepted standards of fiscal management;

(3) Failed to comply with the provisions of this chapter or any other statute or regulation applicable to charter schools; or

(4) If the charter school holds a charter contract, has persistently underperformed, as measured by the performance indicators, measures and metrics set forth in the performance framework for the charter school;

(b) The charter school has filed for a voluntary petition of bankruptcy, is adjudicated bankrupt or insolvent, or is otherwise financially impaired such that the charter school cannot continue to operate;

(c) There is reasonable cause to believe that reconstitution, revocation or termination is necessary to protect the health and safety of the pupils who are enrolled in the charter school or persons who are employed by the charter school from jeopardy, or to prevent damage to or loss of the property of the school district or the community in which the charter school is located;

(d) The committee to form the charter school or charter management organization, as applicable, or any member of the committee to form the charter school or charter management organization, as applicable, or the governing body of the charter school has at any time made a material misrepresentation or omission concerning any information disclosed to the sponsor;

(e) The charter school ~~[is]~~ ***operates*** a high school that has a graduation rate for the immediately preceding school year that is less than 60 percent;

(f) The charter school ~~[is]~~ ***operates*** an elementary or middle school or junior high school that is rated in the lowest 5 percent of elementary schools, middle schools or junior high schools in the State in pupil achievement and

school performance, as determined by the Department pursuant to the statewide system of accountability for public schools; or

(g) Pupil achievement and school performance at the charter school is unsatisfactory as determined by the Department pursuant to criteria prescribed by regulation by the Department to measure the performance of any public school ~~[.]~~ ***pursuant to the statewide system of accountability for public schools.***

2. Before the sponsor reconstitutes a governing body, revokes a written charter or terminates a charter contract, the sponsor shall provide written notice of its intention to the governing body of the charter school. The written notice must:

(a) Include a statement of the deficiencies or reasons upon which the action of the sponsor is based;

(b) Except as otherwise provided in subsection 4, prescribe a period, not less than 30 days, during which the charter school may correct the deficiencies, including, without limitation, the date on which the period to correct the deficiencies begins and the date on which that period ends;

(c) Prescribe the date on which the sponsor will make a determination regarding whether the charter school has corrected the deficiencies, which determination may be made during the public hearing held pursuant to subsection 3; and

(d) Prescribe the date on which the sponsor will hold a public hearing to consider whether to reconstitute the governing body, revoke the written charter or terminate the charter contract.

3. Except as otherwise provided in subsection 4, not more than 90 days after the notice is provided pursuant to subsection 2, the sponsor shall hold a public hearing to make a determination regarding whether to reconstitute the governing body, revoke the written charter or terminate the charter contract. If the charter school corrects the deficiencies to the satisfaction of the sponsor within the time prescribed in paragraph (b) of subsection 2, the sponsor shall not reconstitute the governing body, revoke the written charter or terminate the charter contract of the charter school. The sponsor may not include in a written notice pursuant to subsection 2 any deficiency which was included in a previous written notice and which was corrected by the charter school, unless the deficiency recurred after being corrected or the sponsor determines that the deficiency is evidence of an ongoing pattern of deficiencies in a particular area.

4. The sponsor of a charter school and the governing body of the charter school may enter into a written agreement that prescribes different time periods than those set forth in subsections 2 and 3.

5. If the governing body of a charter school is reconstituted, the written charter is revoked or the charter contract is terminated, the sponsor of the charter school shall submit a written report to the Department and the governing body of the charter school setting forth the reasons for the reconstitution, revocation or termination, as applicable, not later than 10 days

after reconstituting the governing body, revoking the written charter or terminating the charter contract.

6. The governing body of a charter school may not be reconstituted if it has been previously reconstituted.

Sec. 25. NRS 388A.453 is hereby amended to read as follows:

388A.453 1. An application for enrollment in a charter school may be submitted annually to the governing body of the charter school by the parent or legal guardian of any child who resides in this State.

2. Except as otherwise provided in subsections 1 to 5, inclusive, NRS 388A.336 and subsections 1 and 2 of NRS 388A.456, a charter school shall enroll pupils who are eligible for enrollment in the order in which the applications are received.

3. If the board of trustees of the school district in which the charter school is located has established zones of attendance pursuant to NRS 388.040, the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located.

4. If a charter school is sponsored by the board of trustees of a school district located in a county whose population is 100,000 or more, except for a program of distance education provided by the charter school, the charter school shall enroll pupils who are eligible for enrollment who reside in the school district in which the charter school is located before enrolling pupils who reside outside the school district.

5. Except as otherwise provided in subsections 1 and 2 of NRS 388A.456, if more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to subsections 1 to 4, inclusive, on the basis of a lottery system.

6. Except as otherwise provided in subsection 9, a charter school shall not accept applications for enrollment in the charter school or otherwise discriminate based on the:

(a) Race;

(b) Gender;

(c) Religion;

(d) Ethnicity; or

(e) Disability,

➥ of a pupil.

7. A lottery held pursuant to subsection 5 must be held not sooner than 45 days after the date on which a charter school begins accepting applications for enrollment unless the sponsor of the charter school determines there is good cause to hold it sooner.

8. If the governing body of a charter school determines that the charter school is unable to provide an appropriate special education program and related services for a particular disability of a pupil who is enrolled in the

charter school, the governing body may request that the board of trustees of the school district of the county in which the pupil resides transfer that pupil to an appropriate school.

9. This section does not preclude the formation of a charter school that is dedicated to provide educational services exclusively to pupils:

(a) With disabilities;

(b) Who pose such severe disciplinary problems that they warrant a specific educational program, including, without limitation, a charter school specifically designed to serve a single gender that emphasizes personal responsibility and rehabilitation; or

(c) Who are at risk ~~[.]~~ ***or, for a charter school that is eligible to be rated using the alternative performance framework pursuant to subsection 4 of NRS 385A.740, who are described in subparagraphs (1) to (6), inclusive, of paragraph (a) of subsection 3 of NRS 385A.740.***

➥ If more eligible pupils apply for enrollment in such a charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

Sec. 26. NRS 388A.518 is hereby amended to read as follows:

388A.518 1. Except as otherwise provided in this subsection, at least 70 percent of the teachers who provide instruction at a charter school must be highly qualified. If a charter school ~~[is]~~ ***operates*** a vocational school, the charter school shall, to the extent practicable, ensure that at least 70 percent of the teachers who provide instruction at the school are highly qualified, but in no event may less than 50 percent of the teachers who provide instruction at the school be highly qualified.

2. If a charter school specializes in:

(a) Arts and humanities, physical education or health education, a teacher must be highly qualified to teach those courses of study.

(b) The construction industry or other building industry, teachers ***at the school who are employed full-time*** must ~~[be highly qualified]~~ ***hold a license issued by the Superintendent of Public Instruction which contains an endorsement*** to teach courses of study relating to ~~[the]~~ ***business and*** industry ***.*** ~~[if those teachers are employed full-time.~~

~~(c) The construction industry or other building industry and the school offers courses of study in computer education, technology or business, teachers must be highly qualified to teach those courses of study if those teachers are employed full-time.]~~

3. A person who is initially hired by the governing body of a charter school on or after January 8, 2002, to teach in a program supported with money from Title I must be highly qualified. For the purposes of this subsection, a person is not "initially hired" if the person has been employed as a teacher by another school district or charter school in this State without an interruption in employment before the date of hire by his or her current employer.

4. A teacher who is employed by a charter school, regardless of the date of hire, must, on or before July 1, 2006, be highly qualified if the teacher teaches one or more of the following subjects:

(a) English language arts;

(b) Mathematics;

(c) Science;

(d) A foreign or world language;

(e) Civics or government;

(f) Economics;

(g) Geography;

(h) History; or

(i) The arts.

5. Except as otherwise provided in NRS 388A.515, a charter school may employ a person who is not highly qualified to teach a course of study for which a teacher is not required to be highly qualified if the person has:

(a) A degree, a license or a certificate in the field for which the person is employed to teach at the charter school; and

(b) At least 2 years of experience in that field.

6. A teacher who is employed by a charter school to teach special education or English as a second language must be licensed to teach special education or English as a second language, as applicable.

7. For purposes of this section, a teacher is highly qualified:

(a) If employed by a charter school that has not received, within the immediately preceding 2 consecutive school years, one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools, or equivalent ratings in another state, as determined by the Department, if the teacher ~~[~~:

~~(1) Meets the qualifications prescribed in 20 U.S.C. § 7801(23)(B) or (C), as applicable; and~~

~~(2) Is~~~~]~~ ***is*** licensed to teach pursuant to chapter 391 of NRS.

(b) If employed by a charter school that has received, within the immediately preceding 2 consecutive school years, one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools, or equivalent ratings in another state, as determined by the Department, if the teacher ~~[meets the qualifications prescribed in 20 U.S.C. § 7801(23)(B) or (C), as applicable,~~**]** ***holds a bachelor's degree or a graduate degree from an accredited college or university and has demonstrated expertise in the subject area for which the teacher provides instruction on an assessment approved by the Department, in consultation with sponsors of charter schools described in this paragraph,*** regardless of whether the teacher is licensed to teach pursuant to chapter 391 of NRS.

8. If a charter school that has received within the immediately preceding 2 consecutive school years, one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools, or equivalent ratings in another state, as determined by the Department, intends

to employ persons to teach who are not licensed, the charter school shall within 3 years:

(a) Obtain approval for and offer an alternative route to licensure pursuant to NRS 391.019; or

(b) Enter into an agreement with a qualified provider of an alternative route to licensure to provide the required education and training to unlicensed teachers who are employed by the school to teach such a course of study.

Sec. 27. ~~[NRS 233B.038 is hereby amended to read as follows:~~

~~233B.038 1. "Regulation" means:~~

~~(a) An agency rule, standard, directive or statement of general applicability which effectuates or interprets law or policy, or describes the organization, procedure or practice requirements of any agency;~~

~~(b) A proposed regulation;~~

~~(c) The amendment or repeal of a prior regulation; and~~

~~(d) The general application by an agency of a written policy, interpretation, process or procedure to determine whether a person is in compliance with a federal or state statute or regulation in order to assess a fine, monetary penalty or monetary interest.~~

~~2. The term does not include:~~

~~(a) A statement concerning only the internal management of an agency and not affecting private rights or procedures available to the public;~~

~~(b) A declaratory ruling;~~

~~(c) An intraagency memorandum;~~

~~(d) A manual of internal policies and procedures or audit procedures of an agency which is used solely to train or provide guidance to employees of the agency and which is not used as authority in a contested case to determine whether a person is in compliance with a federal or state statute or regulation;~~

~~(e) An agency decision or finding in a contested case;~~

~~(f) An advisory opinion issued by an agency that is not of general applicability;~~

~~(g) A published opinion of the Attorney General;~~

~~(h) An interpretation of an agency that has statutory authority to issue interpretations;~~

~~(i) Letters of approval, concurrence or disapproval issued in relation to a permit for a specific project or activity;~~

~~(j) A contract or agreement into which an agency has entered;~~

~~(k) The provisions of a federal law, regulation or guideline;~~

~~(l) An emergency action taken by an agency that is necessary to protect public health and safety;~~

~~(m) The application by an agency of a policy, interpretation, process or procedure to a person who has sufficient prior actual notice of the policy, interpretation, process or procedure to determine whether the person is in compliance with a federal or state statute or regulation in order to assess a fine, monetary penalty or monetary interest;~~

~~(n) A regulation concerning the use of public roads or facilities which is indicated to the public by means of signs, signals and other traffic control devices that conform with the manual and specifications for a uniform system of official traffic control devices adopted pursuant to NRS 484A.430;~~

~~(o) The classification of wildlife or the designation of seasons for hunting, fishing or trapping by regulation of the Board of Wildlife Commissioners pursuant to the provisions of title 45 of NRS;~~ **[**~~or~~**]**

~~(p) A technical bulletin prepared pursuant to NRS 360.133~~ **[**~~.~~**]** ~~**; or**~~

~~***(q) A policy, practice, procedure, plan, standard, criterion, directive, performance framework, form or any standard provisions or form of a charter contract adopted by a sponsor of a charter school for the purpose of carrying out the duties and powers of the sponsor of a charter school pursuant to NRS 388A.223 for any charter school sponsored by the sponsor of a charter school.]***~~ **(Deleted by amendment.)**

Sec. 28. **[**~~NRS 233B.039 is hereby amended to read as follows:~~

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

~~(a) The Governor.~~

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

~~(c) The Nevada System of Higher Education.~~

~~(d) The Office of the Military.~~

~~(e) The Nevada Gaming Control Board.~~

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

~~(g) The Division of Welfare and Supportive Services of the Department of Health and Human Services.~~

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

~~(i) The State Board of Examiners acting pursuant to chapter 217 of NRS.~~

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

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

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

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

~~(n) The Silver State Health Insurance Exchange.~~

~~2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education,~~ ~~***the State Public Charter School Authority,***~~ ~~the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this~~

~~chapter for the purpose of adopting regulations but not with respect to any contested case.~~

~~3. The special provisions of:~~

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

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

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

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

~~ prevail over the general provisions of this chapter.~~

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

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

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

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

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

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

~~6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.~~~~]~~ **(Deleted by amendment.)**

Sec. 29. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495,

179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, ***388A.249,*** 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306,

687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 5 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

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

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

Sec. 30. Section 4 of this act is hereby amended to read as follows:

Sec. 4. 1. ~~[~~A written charter issued by the sponsor of a charter school to the governing body of the charter school is not assignable or transferable and may not be delegated to a third party.

~~2.]~~ A charter contract entered into between the governing body of a charter school and the sponsor of the charter school is not assignable or transferable and may not be delegated to a third party.

~~[3.]~~ ***2.*** A ~~[~~written charter or~~]~~ charter contract may not be used as security for any loan and shall be deemed to have no monetary value.

~~[4.]~~ ***3.*** For the purpose of this section, an amendment to a ~~[~~written charter or~~]~~ charter contract which consolidates two or more charter

schools, the restart of a charter school pursuant to NRS 388A.300 and the reconstitution of the governing body of a charter school pursuant to NRS 388A.330 do not constitute the assignment, transfer or delegation of a ~~[written charter or]~~ charter contract.

Sec. 31. ~~[Section 5 of this act is hereby amended to read as follows:~~

~~Sec. 5. 1. Except as otherwise provided in subsection 2, any information relating to an educational management organization or other person who provides educational or management services to a charter school that is contained in an application to form a charter school or a request to amend a [written charter or] charter contract of a charter school is not confidential and may be disclosed to any member of the general public upon request.~~

~~2. Except as otherwise provided in NRS 239.0115, if an educational management organization or other person who provides educational or management services to a charter school is not a publicly traded company or exempt from taxation pursuant to 26 U.S.C. § 501(c)(3), an audited financial statement and any other internal financial information of the educational management organization or other person contained in an application to form a charter school or a request to amend a [written charter or] charter contract of a charter school are confidential and must not be disclosed.]~~ **(Deleted by amendment.)**

Sec. 32. Section 6 of this act is hereby amended to read as follows:

Sec. 6. 1. Except as otherwise provided by federal law, a parent or legal guardian of a pupil enrolled in a charter school, a pupil who is at least 18 years of age enrolled in a charter school, a member of the governing body of a charter school or an employee of a charter school may file a written complaint with the State Public Charter School Authority which alleges a violation of the provisions of this chapter, the ~~[written charter or]~~ charter contract of the charter school or any other provision of law or regulation relating to the management or operation of the charter school.

2. Upon receipt of a complaint filed pursuant to subsection 1, the State Public Charter School Authority shall investigate the allegations contained within the complaint, conduct a review to determine whether the charter school has complied with the provisions of this chapter, the ~~[written charter or]~~ charter contract and respond in writing to the complaining party within 30 days after receipt of the complaint. The staff of the charter school and any other person named in the complaint shall cooperate with the State Public Charter School Authority during such an investigation.

Sec. 33. Section 9 of this act is hereby amended to read as follows:

Sec. 9. 1. If the State Public Charter School Authority determines that external expertise is necessary to conduct an investigation of a complaint filed pursuant to sections 5.5 to 10, inclusive, of this act, the State Public Charter School Authority may select an investigator to

conduct the investigation and make any appropriate determinations or recommendations to the State Public Charter School Authority.

2. If the State Public Charter School Authority determines that a violation has occurred, the State Public Charter School Authority may petition a court of competent jurisdiction for an order directing the charter school to reimburse the State Public Charter School Authority for the actual costs of its investigation. A charter school subject to such an order must reimburse the State Public Charter School Authority within 30 days after issuance of the order. Any money received by the State Public Charter School Authority pursuant to this subsection must be used for investigations, audits and other proceedings of the State Public Charter School Authority and does not revert to the State General Fund.

3. If the State Public Charter School Authority determines that a current or former member of the governing body of the charter school or a current or former employee of the charter school failed to cooperate with any investigation conducted pursuant to this section, the State Public Charter School Authority may begin a proceeding to ~~[revoke the written charter or]~~ terminate the charter contract of the charter school pursuant to NRS 388A.330.

4. If the State Public Charter School Authority determines that the charter school or an employee of the charter school has violated any provision of this chapter or another statute or regulation applicable to charter schools or has materially breached the terms and conditions of the ~~[written charter or]~~ charter contract of the charter school, the State Public Charter School Authority may:

(a) Begin a proceeding to ~~[revoke the written charter or]~~ terminate the charter contract of the charter school pursuant to NRS 388A.330; and

(b) Refer the matter to the district attorney of the county in which the charter school is located, the Attorney General or any other appropriate agency for further action.

5. If the State Public Charter School Authority determines that the current operations of the charter school pose an imminent danger to the health and safety of the pupils or staff of the charter school, the State Public Charter School Authority shall order the charter school to suspend its operations at any or all of its facilities until appropriate corrective action has been taken.

Sec. 34. Section 11 of this act is hereby amended to read as follows:

Sec. 11. 1. If a charter school wishes to be rated using the alternative performance framework prescribed by the State Board pursuant to NRS 385A.730, the governing body of the charter school may submit to the sponsor of the charter school a request to amend the ~~[written charter or]~~ charter contract ~~[, as applicable,]~~ of the charter school pursuant to NRS 388A.276 to include the mission statement and admissions policy required by subsection 4 of NRS 385A.740.

2. The sponsor of a charter school may require that:

(a) A request to amend a ~~[written charter or]~~ charter contract described in subsection 1 also include such changes to the academic program, organizational plan and financial model of the charter school as the sponsor of the charter school determines are necessary for a charter school rated using the alternative performance framework; and

(b) A charter school which submits a request to amend a ~~[written charter or]~~ charter contract described in subsection 1 perform such actions as the sponsor of the charter school determines to be necessary to successfully transition to being rated using the alternative performance framework.

3. The sponsor of a charter school shall evaluate a request to amend a ~~[written charter or]~~ charter contract described in subsection 1 by reviewing the academic, organizational and financial performance of the charter school. If the sponsor of the charter school determines that the charter school is unlikely to achieve academic, organizational or financial success if the request to amend its ~~[written charter or]~~ charter contract is approved, the sponsor of the charter school must deny the request.

4. Unless invited to do so by the sponsor of the charter school, the governing body of a charter school whose request to amend its ~~[written charter or]~~ charter contract is denied pursuant to subsection 3 may not submit a materially similar request for 1 year after the denial of its request.

5. If a proposed sponsor of a charter school approves an application to form a charter school and the proposed sponsor of the charter school determines that the charter school has a mission statement and an admissions policy which satisfy the requirements of subsection 4 of NRS 385A.740, the proposed sponsor of the charter school shall include language in the charter contract entered into with the charter school which provides that:

(a) Except as otherwise provided in paragraph (b), the proposed sponsor of the charter school will submit an application to the State Board on behalf of the charter school for the charter school to be rated using the alternative performance framework within 2 years after the charter school commences operation;

(b) The proposed sponsor of the charter school will submit the application described in paragraph (a) only upon the successful completion by the charter school of such actions as the proposed sponsor of the charter school determines to be necessary to successfully transition to being rated using the alternative performance framework; and

(c) Upon approval of such an application by the State Board, the performance framework adopted by the proposed sponsor of the charter school will be replaced by the alternative performance framework.

Sec. 34.5. **Section 11.5 of this act is hereby amended to read as follows:**

Sec. 11.5. 1. A charter school shall provide notification to the parent or legal guardian of each pupil enrolled in the charter school, post a notice prominently on the Internet website of the charter school and revise the marketing materials of the charter school to include such a notice within 5 business days after:

(a) The Department reports that the graduation rate of the charter school for that school year was less than 67 percent;

(b) The Department reports that the charter school was rated in the lowest 5 percent of public schools in the State pursuant to the statewide system of accountability for public schools;

(c) The Department reports that the charter school received an annual rating established as one of the two lowest ratings possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools;

(d) The governing body of the charter school submits to the sponsor of the charter school a written request for an amendment of the ~~[written charter or]~~ charter contract of the charter school which would result in the:

(1) Relocation of the charter school to a location more than 1 mile from its current location;

(2) Closure of a campus of the charter school or the elimination of one or more grade levels; or

(3) Reduction of enrollment as a result of an academic, financial or organizational issue;

(e) The sponsor of the charter school issues a notice of intent to ~~[revoke the written charter or]~~ terminate the charter contract of the charter school; or

(f) The sponsor of the charter school ~~[revokes the written charter or]~~ terminates the charter contract of the charter school.

2. A notice provided to a parent or legal guardian pursuant to subsection 1 must include a list of other public schools to which a pupil may transfer if the charter school closes or adopts changes which a parent or legal guardian finds unacceptable.

3. Within 10 days after a charter school provides the notice required by subsection 1, the charter school shall hold a public hearing to discuss a plan to correct any issue which caused the issuance of such a notice and to solicit suggestions to improve the performance of the charter school.

Sec. 35. The governing body of each charter school formed on or before June 30, 2017, shall submit a request to its sponsor to amend its written charter or charter contract pursuant to NRS 388A.276 to include the policy for accepting, investigating and responding to complaints required by section 10 of this act on or before September 1, 2017.

Sec. 36. 1. This section and sections 1, 3 to 17, inclusive, 19, 20, 22 to 29, inclusive, and 35 of this act become effective on July 1, 2017.

2. Sections 2, 18, 21 and 30 to 34, **34.5,** inclusive, of this act become effective on January 1, 2020.

Assemblyman Thompson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 52.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 346.

SUMMARY— **[Revises]** **Establishes** provisions relating to dissolved mineral resources. (BDR 48-258)

AN ACT relating to water; defining **[**the term "dissolved**]** **certain terms relating to dissolved** mineral **[**resource";**]** **resources;** setting forth certain provisions relating to drilling and operation of a dissolved mineral **resource exploration** well and the operation of a dissolved mineral resource **exploration** project; **establishing certain requirements for an application to drill or operate a dissolved mineral resource exploration well or wells; providing that certain losses of water by a dissolved mineral exploration well or wells are not subject to certain appropriation procedures;** requiring the Commission on Mineral Resources to **[**impose**]** **establish** a fee for the issuance of a permit to drill or operate a dissolved mineral **resource exploration** well; requiring the Commission **[**and**]** **, in coordination with** the Division of Water Resources of the State Department of Conservation and Natural Resources **,** to adopt certain regulations; **providing a penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

[Existing law sets forth provisions governing exploration for and the ownership and use of geothermal resources, including, without limitation, the permitting of geothermal wells by the Administrator of the Division of Minerals of the Commission on Mineral Resources. (Chapter 534A of NRS) Section**]** **This bill establishes provisions governing exploration for dissolved mineral resources. Section 1.4 of this bill provides that the provisions of this bill apply only to the exploration for dissolved mineral resources and not the ownership of such resources. Sections 3 and 12-14** of this bill **[**defines**]** **define** the **[**term**]** **terms** "dissolved mineral resource **[**."**]** **," "dissolved mineral resource exploration borehole," "dissolved mineral resource exploration project" and "dissolved mineral resource exploration well." Sections** **[**6-10**]** **16 and 17** of this bill provide for the issuance by the Administrator **of the Division of Minerals of the Commission on Mineral Resources** of a permit to drill a dissolved mineral **resource exploration** well or operate a dissolved mineral resource

exploration project**.** ~~[in the same manner as such permits are issued for geothermal wells and geothermal resource projects.]~~ **Section 18 of this bill provides that the reasonable loss of water of not more than 5 acre-feet during the testing and sampling of water pumped by a dissolved mineral resource exploration well or dissolved mineral resource exploration project is not subject to the appropriation procedures of chapters 533 and 534 of NRS, but a dissolved mineral resource exploration well or a dissolved mineral resource exploration project that pumps more than 5 acre-feet of water is required to follow such procedures. Section 19 of this bill requires the Commission on Mineral Resources to establish a fee of not more than $1,500 for the issuance of a permit to drill a dissolved mineral resource exploration well or operate a dissolved mineral resource exploration project. Section ~~[11]~~ 20** of this bill requires the Commission, in coordination with the Division of Water Resources of the State Department of Conservation and Natural Resources, to adopt regulations to carry out a program for regulating the drilling **or operation** of **dissolved mineral resource exploration boreholes,** dissolved mineral resource **exploration** wells ~~[,]~~ **and dissolved mineral resource exploration projects. Section 21 of this bill provides that a person who violates any provision of this bill or any regulations adopted pursuant thereto or an order of the Division of Minerals is subject to a penalty.**

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

Section 1. ~~[Chapter 534A of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.]~~ **(Deleted by amendment.)**

Sec. 1.2. **Title 48 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 1.4 to 21, inclusive, of this act.**

Sec. 1.4. 1. The provisions of this chapter govern exploration for dissolved mineral resources.

2. Ownership of dissolved mineral resources is determined by the applicable federal and state laws or regulations.

3. Except as expressly provided, nothing in this chapter shall be construed to abrogate the provisions of chapter 533, 534 or 534A of NRS.

Sec. 1.6. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 2 to 15, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 2. ***"Administrator" means the Administrator of the Division of Minerals of the Commission on Mineral Resources.***

Sec. 3. ***"Dissolved mineral resource" means all dissolved or entrained minerals that may be obtained from the ~~[medium]~~ naturally occurring liquid or brine in which they are found ~~[and which are not used for purposes of recovering heat from the medium or brine, but excluding~~***

~~*hydrocarbons and helium.]*~~ ***, including, without limitation, lithium. The term does not include a geothermal resource as defined in NRS 534A.010.***

Sec. 4. ~~*[“Geothermal resource” means the natural heat of the earth and the energy associated with that natural heat, pressure and all dissolved or entrained minerals that may be obtained from the medium used to transfer that heat, but excluding hydrocarbons and helium.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 534A.010 is hereby amended to read as follows:~~

~~“534A.010 As used in this chapter, unless the context otherwise requires, [“geothermal resource” means the natural heat of the earth and the energy associated with that natural heat, pressure and all dissolved or entrained minerals that may be obtained from the medium used to transfer that heat, but excluding hydrocarbons and helium.]~~ ***the words and terms defined in sections 2, 3 and 4 of this act have the meaning ascribed to them in those sections.]*** **(Deleted by amendment.)**

Sec. 6. ~~[NRS 534A.031 is hereby amended to read as follows:~~

~~“534A.031 1. Any exploration and subsurface information obtained as a result of a geothermal~~ ***or dissolved mineral resource*** ~~project must be filed with the Division of Minerals of the Commission on Mineral Resources within 30 days after it is accumulated. The information is confidential for 5 years after the date of filing and may not be disclosed during that time without the express written consent of the operator of the project, except that it must be made available by the Division to the State Engineer or any other agency of the State upon request. The State Engineer or other agency shall keep the information confidential.~~

~~2. If any information made confidential by subsection 1 is submitted to any other state or local governmental entity in connection with an application for a special use permit or any other license, permit or similar approval, the entity shall keep the information confidential during the period the information is confidential pursuant to subsection 1.]~~ **(Deleted by amendment.)**

Sec. 7. ~~[NRS 534A.040 is hereby amended to read as follows:~~

~~“534A.040 A consumptive use of water brought to the surface outside of a geothermal well~~ ***or dissolved mineral well*** ~~is subject to the appropriation procedures of chapters 533 and 534 of NRS, except for:~~

~~1. Water that is removed from an aquifer or geothermal reservoir to develop and obtain geothermal resources~~ ***or dissolved mineral resources*** ~~if the water is returned to or reinjected into the same aquifer or reservoir; or~~

~~2. The reasonable loss of water:~~

~~(a) During a test of a geothermal well~~ ***[;] or dissolved mineral well;*** ~~or~~

~~(b) From the temporary failure of all or part of a system that removes water from an aquifer or geothermal reservoir, transfers the heat from that water and reinjects that water into the same aquifer or reservoir.]~~ **(Deleted by amendment.)**

Sec. 8. ~~[NRS 534A.060 is hereby amended to read as follows:~~

~~534A.060 1. A person may not drill or operate a geothermal well *or dissolved mineral well* or drill an exploratory well without obtaining a permit from the Administrator [of the Division of Minerals of the Commission on Mineral Resources] and complying with the conditions of the permit.~~

~~2. An application must set forth such information as the Administrator requires by regulation.]~~ **(Deleted by amendment.)**

Sec. 9. ~~[NRS 534A.070 is hereby amended to read as follows:~~

~~534A.070 1. The Administrator [of the Division of Minerals of the Commission on Mineral Resources] shall approve or reject an application for a permit to drill an exploratory well within 10 days after the Administrator receives the application in proper form. The permit must not be effective for more than 2 years, but may be extended by the Administrator.~~

~~2. Upon receipt of an application for a permit to drill or operate a geothermal well [,] *or dissolved mineral well,* the Administrator of the Division of Minerals shall transmit copies of the application to the State Engineer, the Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources, and the Director of the Department of Wildlife. After consultation with the State Engineer, the Administrator of the Division of Environmental Protection, and the Director of the Department of Wildlife, the Administrator of the Division of Minerals may issue a permit to drill or operate a geothermal well *or dissolved mineral well* if it is determined that issuance of a permit is consistent with:~~

~~(a) The policies specified in NRS 445A.305 and 445B.100;~~

~~(b) The purposes of chapters 533 and 534 of NRS; and~~

~~(c) The purposes specified in chapter 501 of NRS.~~

~~3. The Administrator [of the Division of Minerals] shall approve or reject the application to drill or operate a geothermal well *or dissolved mineral well* within 90 days after the Administrator receives it in proper form, unless it is determined that a conflict exists pursuant to subsection 2 or a public hearing is necessary pursuant to subsection 4. Notice of the conflict or need for a public hearing must be provided to the applicant within the 90 day period.~~

~~4. The State Engineer and the Administrator [of the Division of Minerals] may hold public hearings jointly or separately to gather such evidence or information as they deem necessary for a full understanding of all the rights involved and to guard properly the public interest.~~

~~5. A permit issued pursuant to this section must include any conditions:~~

~~(a) Deemed necessary by the Administrator [of the Division of Minerals] to carry out the purposes of this section; and~~

~~(b) Imposed by the State Engineer consistent with the provisions of chapters 533 and 534 of NRS.]~~ **(Deleted by amendment.)**

Sec. 10. ~~[NRS 534A.080 is hereby amended to read as follows:~~

~~534A.080 1. The Commission on Mineral Resources shall impose and collect a fee for examining and filing an application for a permit to drill or~~

~~operate a geothermal well ***or dissolved mineral well*** or to drill an exploratory well. The fee must be deposited with the State Treasurer, for credit to the Account for the Division of Minerals created in the State General Fund pursuant to NRS 513.103.~~

~~2. The fee may be based in part on the number of acres of land being used by the person who holds the permit.~~

~~3. The Commission and the Division of Minerals may use the money deposited in the Account for the Division of Minerals pursuant to this section to administer the provisions of this chapter.~~**]** **(Deleted by amendment.)**

Sec. 11. **[**~~NRS 534A.090 is hereby amended to read as follows:~~

~~534A.090 The Commission on Mineral Resources~~ **[**~~may~~**]** ~~***:***~~

~~***1. Shall, in coordination with the Division of Water Resources of the State Department of Conservation and Natural Resources, adopt regulations to carry out a program for regulating the drilling of exploration and production wells for dissolved mineral resources; and***~~

~~***2. May*** adopt ***any other*** regulations necessary for carrying out the provisions of this chapter.~~**]** **(Deleted by amendment.)**

Sec. 12. ***"Dissolved mineral resource exploration borehole" means a penetration in the ground that is made to sample or obtain water or chemical, geologic, geophysical or geotechnical information about a dissolved mineral resource and which cannot be pumped as a well.***

Sec. 13. ***"Dissolved mineral resource exploration project" means a project, which may consist of one or more dissolved mineral resource exploration wells, that is conducted on:***

1. Private land owned or controlled by a natural person or an exploration or mining company; or

2. Public land in relation to a mining claim.

Sec. 14. ***"Dissolved mineral resource exploration well" means a well drilled to measure, test or sample water, including, without limitation, pumping tests, to determine whether dissolved mineral resources are present in concentrations and volumes sufficient to justify production.***

Sec. 15. ***"Division" means the Division of Minerals of the Commission on Mineral Resources.***

Sec. 16. ***1. A person may not drill a dissolved mineral resource exploration well or operate a dissolved mineral resource exploration project without first obtaining a permit from the Administrator and complying with the conditions of the permit.***

2. To obtain a permit to drill a dissolved mineral resource exploration well or operate a dissolved mineral resource exploration project, a person must submit an application for a permit to the Administrator in the form and containing such information as prescribed by the Administrator.

3. An application submitted pursuant to subsection 2 must include:

(a) The location, design and expected depth of the well or wells;

(b) The materials of construction for the well or wells;

(c) The status of the land on which the well or wells will be constructed; and

(d) A plan for monitoring the well or wells and a plan for plugging and abandoning the well or wells in accordance with any regulations adopted pursuant to this chapter.

4. In addition to any other requirement of this section, a dissolved mineral resource exploration well or a dissolved mineral resource exploration borehole must be drilled by a person who is licensed to drill wells pursuant to NRS 534.140.

5. A person does not need to obtain a permit pursuant to this section to drill a dissolved mineral resource exploration borehole.

Sec. 17. 1. The Administrator shall approve or reject an application for a permit to drill a dissolved mineral resource exploration well or operate a dissolved mineral resource exploration project within 30 days after the Administrator receives an application in proper form, unless the Administrator determines that the application conflicts with the requirements of NRS 445A.300 to 445A.730, inclusive, and any regulations adopted pursuant thereto, or any other laws and regulations administered by the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

2. A permit issued pursuant to this section must not be effective for more than 2 years, but may be extended by the Administrator for an additional 2 years if he or she determines that the permit complies with the requirements of this chapter and any regulations adopted pursuant thereto.

3. The Administrator and the Division may hold public hearings jointly or separately to gather such evidence or information as they deem necessary for a full understanding of all the rights involved and to properly guard the public interest. The Administrator must notify the applicant in advance of any hearing held pursuant to this section.

4. A permit issued pursuant to this section must include any conditions deemed necessary by the Administrator.

5. The holder of any permit issued pursuant to this section must comply with the requirements of NRS 445A.300 to 445A.730, inclusive, and any regulations adopted pursuant thereto.

Sec. 18. 1. The appropriation procedures of chapters 533 and 534 of NRS do not apply to the reasonable loss of water of not more than 5 acre-feet during the testing and sampling of water pumped by a dissolved mineral resource exploration well or dissolved mineral resource exploration project which is subject to the terms of a permit issued pursuant to section 17 of this act.

2. Any water pumped in excess of 5 acre-feet by a dissolved mineral resource exploration well or within a dissolved mineral resource exploration project is subject to the appropriation procedures of chapters 533 and 534 of NRS. An operator of a dissolved mineral resource exploration well or dissolved mineral resource exploration project must

ensure that the well or project is in compliance with the requirements of chapters 533 and 534 of NRS before the well or project exceeds the threshold of 5-acre-feet.

Sec. 19. 1. The Commission on Mineral Resources shall, by regulation, establish a fee to be collected by the Division for examining and filing an application for a permit to drill a dissolved mineral exploration well or operate a dissolved mineral resource exploration project. The fee must not exceed $1,500.

2. The money collected pursuant to this section:

(a) Must be deposited with the State Treasurer for credit to the Account for the Division of Minerals created in the State General Fund pursuant to 513.103.

(b) May be used only to administer the provisions of this chapter.

Sec. 20. The Commission on Mineral Resources:

1. Shall, in coordination with the Division of Water Resources of the State Department of Conservation and Natural Resources, adopt regulations to carry out a program for regulating the drilling and operation of dissolved mineral resource exploration wells, dissolved mineral resource exploration projects and dissolved mineral resource exploration boreholes; and

2. May adopt any other regulations necessary to carry out the provisions of this chapter.

Sec. 21. Any person who willfully violates any provision of this chapter or any regulation adopted thereto or an order of the Division issued pursuant to this chapter is subject to a penalty of not more than $1,000 for each act or violation and for each day that the violation continues.

~~[Sec. 12.]~~ ***Sec. 22.*** This act becomes effective ~~[on July 1, 2017.]~~ **:**

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2018, for all other purposes.

Assemblywoman Swank moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 62.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 162.

AN ACT relating to tobacco products; revising provisions governing the reporting and disclosure of certain information relating to sales of cigarettes **, roll-your-own tobacco and smokeless tobacco** in and into this State; requiring the submission of certain monthly reports relating to the sale, transfer, shipment or delivery in or into this State of cigarettes **~~[;]~~ , roll-your-own tobacco and smokeless tobacco;** providing that an importer is jointly

and severally liable for such monthly reports; providing that certain information reported to the Department of Taxation or the Attorney General relating to sales of cigarettes is confidential; requiring a nonparticipating manufacturer to post a bond approved by the Attorney General and revising the amount of such a bond; revising provisions governing the circumstances under which a nonparticipating manufacturer and its brand families may be denied listing in or removed from the directory of manufacturers and brand families created and maintained by the Department; revising provisions relating to the assignment to the State of the interest of a manufacturer in money in a qualified escrow fund; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

On November 23, 1998, leading United States tobacco product manufacturers and the State of Nevada entered into a settlement agreement, entitled the "Master Settlement Agreement," which obligates the manufacturers, in return for a release of past, present and certain future claims against them, to: (1) pay substantial sums to the State; (2) fund a national foundation devoted to the interests of public health; and (3) make substantial changes in their advertising and marketing practices and corporate culture, with the intention of reducing underage smoking. In 1999, the Nevada Legislature enacted provisions requiring all manufacturers of tobacco products sold in this State to participate in the Master Settlement Agreement or to place certain money in escrow. (Chapter 370A of NRS) In 2005, the Legislature made a finding that violations of chapter 370A of NRS threatened the integrity of the Master Settlement Agreement and the fiscal soundness of the State and public health, and enacted procedural safeguards to aid in the enforcement of the provisions of chapter 370A of NRS. (NRS 370.600-370.705) This bill generally revises existing, and provides additional, procedures and licensing requirements to aid in the statutory enforcement of the Master Settlement Agreement.

Section 2 of this bill authorizes the Department of Taxation, the Nevada Tax Commission and the Attorney General to share certain information with other entities for the purpose of enforcing the Master Settlement Agreement and ensuring compliance with provisions governing the taxation of sales of cigarettes. **Section 2** also provides that certain data relating to cigarette sales obtained by the Department, the Nevada Tax Commission or the Attorney General is confidential. **Sections 1 and 10** of this bill revise provisions relating to the confidentiality of such information. Existing law authorizes the Department to audit certain licensees to ensure compliance with the Master Settlement Agreement and **section 2** additionally authorizes the Department to investigate the facilities of such licensees and applicants for licenses to ensure compliance. (NRS 370.257)

Section 3 of this bill requires any person, other than a common carrier, who sells, transfers, ships or otherwise delivers cigarettes **, roll-your-own tobacco or smokeless tobacco** in or into Nevada to submit monthly reports

to the Department. **Section 3** sets forth the information which must be included in the reports, provides certain exceptions from the requirement to file the reports and revises the period for which a manufacturer or importer is required to retain the information provided in the reports. **Section 3** also requires a manufacturer or importer, upon request, to provide to the Attorney General copies of similar reports which the manufacturer or importer files in another state. Additionally, **section 3** requires a manufacturer or importer to provide copies or provide for the release of its quarterly federal tax returns **and certain monthly reports required by federal law** to the Attorney General. **Section 6** of this bill provides that an importer is jointly and severally liable for the reports required by **section 3**.

Existing law provides that a nonparticipating manufacturer may, as a condition of being included in the directory of manufacturers maintained by the Department, be required to post a bond for the benefit of the State of Nevada under certain circumstances. (NRS 370.682) **Section 5** of this bill requires the posting of the bond by all nonparticipating manufacturers and revises the minimum amount of the bond.

Existing law sets forth the circumstances under which a nonparticipating manufacturer and its brand families may be denied listing in the directory maintained by the Department or removed from the directory. (NRS 370.698) **Section 8** of this bill provides that a nonparticipating manufacturer and its brand families may be denied listing in the directory or removed from the directory if, in any year, the total nationwide reported sales of cigarettes of the nonparticipating manufacturer on which federal excise tax is paid exceeds by more than 5 percent the amount of cigarette sales reported by the nonparticipating manufacturer or its importers on certain national, interstate or intrastate reports.

Section 9 of this bill revises provisions governing the assignment to the State of a manufacturer's interest in money in certain qualified escrow funds. (NRS 370A.153)

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

Section 1. NRS 360.255 is hereby amended to read as follows:

360.255 1. Except as otherwise provided in this section and NRS 239.0115 and 360.250, the records and files of the Department concerning the administration or collection of any tax, fee, assessment or other amount required by law to be collected are confidential and privileged. The Department, an employee of the Department and any other person engaged in the administration or collection of any
tax, fee, assessment or other amount required by law to be collected or charged with the custody of any such records or files:

(a) Shall not disclose any information obtained from those records or files; and

(b) May not be required to produce any of the records or files for the inspection of any person or governmental entity or for use in any action or proceeding.

2. The records and files of the Department concerning the administration and collection of any tax, fee, assessment or other amount required by law to be collected are not confidential and privileged in the following cases:

(a) Testimony by a member or employee of the Department and production of records, files and information on behalf of the Department or a person in any action or proceeding before the Nevada Tax Commission, the State Board of Equalization, the Department or any court of this State if that testimony or the records, files or information, or the facts shown thereby, are directly involved in the action or proceeding.

(b) Delivery to a person or his or her authorized representative of a copy of any document filed by the person pursuant to the provisions of any law of this State.

(c) Publication of statistics so classified as to prevent the identification of a particular business or document.

(d) Exchanges of information with the Internal Revenue Service in accordance with compacts made and provided for in such cases, or disclosure in confidence to any federal agency that requests the information for the use of the agency in a federal prosecution or criminal investigation.

(e) Disclosure in confidence to the Governor or his or her agent in the exercise of the Governor's general supervisory powers, or to any person authorized to audit the accounts of the Department in pursuance of an audit, or to the Attorney General or other legal representative of the State in connection with an action or proceeding relating to a taxpayer, or to any agency of this or any other state charged with the administration or enforcement of laws relating to workers' compensation, unemployment compensation, public assistance, taxation, labor or gaming.

(f) Exchanges of information pursuant to an agreement between the Nevada Tax Commission and any county fair and recreation board or the governing body of any county, city or town.

(g) Upon written request made by a public officer of a local government, disclosure of the name and address of a taxpayer who must file a return with the Department. The request must set forth the social security number of the taxpayer about which the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and privileged and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Executive Director may charge a reasonable fee for the cost of providing the requested information.

(h) Disclosure of information as to amounts of any unpaid tax or amounts of tax required to be collected, interest and penalties to successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested.

(i) Disclosure of relevant information as evidence in an appeal by the taxpayer from a determination of tax due if the Nevada Tax Commission has determined the information is not proprietary or confidential in a hearing conducted pursuant to NRS 360.247.

(j) Disclosure of the identity of a person and the amount of tax assessed and penalties imposed against the person at any time after a determination, decision or order of the Executive Director or other officer of the Department imposing upon the person a penalty for fraud or intent to evade a tax imposed by law becomes final or is affirmed by the Nevada Tax Commission.

(k) Disclosure of information pursuant to subsection 2 ~~[or 3]~~ of NRS 370.257.

3. The Executive Director shall periodically, as he or she deems appropriate, but not less often than annually, transmit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry a list of the businesses of which the Executive Director has a record. The list must include the mailing address of the business as reported to the Department.

4. The Executive Director may request from any other governmental agency or officer such information as the Executive Director deems necessary to carry out his or her duties with respect to the administration or collection of any tax, fee, assessment or other amount required by law to be collected. If the Executive Director obtains any confidential information pursuant to such a request, he or she shall maintain the confidentiality of that information in the same manner and to the same extent as provided by law for the agency or officer from whom the information was obtained.

5. As used in this section:

(a) "Records" or "files" means any records and files related to an investigation or audit, financial information, correspondence, advisory opinions, decisions of a hearing officer in an administrative hearing and any other information specifically related to a taxpayer.

(b) "Taxpayer" means a person who pays any tax, fee, assessment or other amount required by law to the Department.

Sec. 1.1. **NRS 370.080 is hereby amended to read as follows:**

370.080 1. A person shall not engage in business as a wholesale dealer in the State of Nevada unless that person first secures a license to engage in that activity from the Department.

2. A person shall not engage in business as a retail dealer in the State of Nevada unless that person first secures a license to engage in that activity from the Department.

3. ***A person shall not engage in business as a cigarette vending machine operator in the State of Nevada unless that person first secures a license to engage in that activity.***

4. A manufacturer shall not:

(a) Sell any cigarettes to a wholesale dealer in the State of Nevada; or

(b) Operate or permit any person other than the manufacturer to operate a cigarette rolling machine for the purpose of producing, filling, rolling, dispensing or otherwise manufacturing cigarettes,

➥ unless that manufacturer first secures a license to engage in that activity from the Department.

~~[4.]~~ ***5.*** A separate license is required to engage in each of the activities described in this section.

Sec. 1.3. **NRS 370.140 is hereby amended to read as follows:**

370.140 1. A current license as a:

(a) Manufacturer authorizes the holder thereof to sell cigarettes ~~[anywhere within the borders of this State]~~ ***from the premises for which the license was issued*** to a wholesale dealer ***in this State*** who holds a current license.

(b) Wholesale dealer authorizes the holder thereof to:

(1) Purchase cigarettes from any manufacturer or wholesale dealer who holds a current license; or

(2) Sell cigarettes ~~[anywhere within the borders of this State]~~ ***from the premises for which the license was issued*** to any Indian tribe ***in this State*** listed by the Department pursuant to NRS 370.085 or any wholesale or retail dealer who holds a current license.

(c) Retail dealer authorizes the holder thereof to:

(1) Purchase cigarettes from any wholesale dealer who holds a current license; or

(2) Sell cigarettes ~~[anywhere within the borders of this State]~~ ***from the premises for which the license was issued*** to any consumer ~~[.]~~ ***in this State.***

(d) Cigarette vending machine operator authorizes the holder thereof to sell Nevada stamped cigarettes by means of coin-operated machines within the borders of this State.

2. No person who holds a current license as a:

(a) Manufacturer may sell cigarettes within the borders of this State to any person other than a wholesale dealer who holds a current license.

(b) Wholesale or retail dealer may purchase cigarettes for sale within the borders of this State or sell cigarettes within the borders of this State except as authorized pursuant to subsection 1.

Sec. 1.5. **NRS 370.255 is hereby amended to read as follows:**

370.255 1. Each:

(a) Wholesale dealer shall maintain copies of invoices or equivalent documentation for each of its facilities for every transaction in which the wholesale dealer is the seller, purchaser, consignor, consignee or recipient of cigarettes. The invoices or documentation must indicate the name and

address of the consignor, seller, purchaser or consignee, and the quantity by brand and style of the cigarettes involved in the transaction.

(b) Retail dealer shall maintain copies of invoices or equivalent documentation for every transaction in which the retail dealer receives or purchases cigarettes at each of its facilities. The invoices or documentation must indicate the name and address of the wholesale dealer from whom, or the address of another facility of the same retail dealer from which, the cigarettes were received, and the quantity of each brand and style of the cigarettes received in the transaction.

(c) Manufacturer shall maintain copies of invoices or equivalent documentation for each of its facilities for every transaction in which the manufacturer is the seller, purchaser, consignor, consignee or recipient of cigarettes. The invoices or documentation must indicate the name and address of the consignor, seller, purchaser or consignee, and the quantity by brand and style of the cigarettes involved in the transaction.

2. The records required by this section must be preserved on the premises described in the license of the manufacturer, wholesale dealer or retail dealer in such a manner as to ensure permanency and accessibility for inspection at reasonable hours by authorized personnel of the Department. With the permission of the Department, manufacturers, wholesale dealers and retail dealers with multiple places of business may retain centralized records, but shall transmit duplicates of the invoices or the equivalent documentation to each place of business within 24 hours after the request of the Executive Director or his or her designee.

3. The records required by this section must be retained for not less than ~~[3]~~ ***5*** years after the date of the transaction unless the Department authorizes, in writing, their earlier removal or destruction.

Sec. 2. NRS 370.257 is hereby amended to read as follows:

370.257 1. Each manufacturer, wholesale dealer and retail dealer shall provide to the Executive Director and his or her designees and to the Secretary or his or her designee, upon request, access to all the reports and records required by ~~[NRS 370.001 to 370.430, inclusive.]~~ ***this chapter or chapter 370A of NRS.***

2. The Department ~~[at its sole discretion]~~ ***, the Nevada Tax Commission and the Attorney General*** may share the records and reports required by ~~[those sections with law]~~ ***this chapter or chapter 370A of NRS:***

(a) With law enforcement officials of the Federal Government, this State, other states, Indian tribes ~~[,]~~ ***or*** international authorities ~~[or any data clearinghouse or similar entity established]~~ for the purposes of enforcing the provisions of ~~[NRS 370.600 to 370.705, inclusive,]~~ ***this chapter*** or chapter 370A of NRS ~~[.~~

~~2.]~~ ***or corresponding provisions of federal law or the laws of other states, Indian tribes or nations.***

(b) With a court, an arbitrator or any data clearinghouse or similar entity established for the purpose of making calculations required by the Master Settlement Agreement and related settlement agreements.

(c) Upon the issuance of a protective order to prevent the disclosure of confidential information approved by the Attorney General, with the attorney for a party who appears before a data clearinghouse or similar entity established for the purpose of making calculations required by the Master Settlement Agreement and related settlement agreements.

3. ~~[Except as otherwise provided in this subsection, *and subsection 4,* the reports submitted by licensees pursuant to NRS 370.001 to 370.430, inclusive, *this chapter and chapter 370A of NRS* are public records. Unless otherwise directed or ordered by a court of competent jurisdiction, any information contained in those reports about quantities of cigarettes *or "roll your own" tobacco* by brand must not be released to anyone other than persons permitted access to those reports pursuant to subsection 1.~~

~~3.~~ ***2.***

~~*4.]*~~ ***Any data relating to sales of cigarettes provided by an outside party and received by the Department, the Nevada Tax Commission or the Attorney General pursuant to the Master Settlement Agreement or any related settlement agreement is confidential.***

~~*[5.]*~~ ***The Department, the Nevada Tax Commission and the Attorney General:***

(a) Shall not disclose any such data; and

(b) May not be required to produce any such data for inspection by any person or governmental entity or for use in any action or proceeding.

4. The Department may audit the records ***and investigate the facilities*** of each ~~[dealer]~~ ***licensee or applicant for a license*** to determine whether the manufacturer, wholesale dealer or retail dealer ***, as applicable,*** has complied with the provisions of ~~[NRS 370.001 to 370.430, inclusive.]~~ ***this chapter and chapter 370A of NRS.***

~~*[6.]*~~ ***5. As used in this section, "Master Settlement Agreement" has the meaning ascribed to it in NRS 370.635.***

Sec. 3. NRS 370.327 is hereby amended to read as follows:

370.327 ~~[Not]~~

1. Except as otherwise provided in subsection 3, not later than the 10th day of each calendar month, each person who ~~[has mailed, shipped]~~ ***sells, transfers, ships*** or otherwise ~~[delivered cigarettes in connection with a delivery sale during the previous calendar month,]~~ ***delivers cigarettes , roll-your-own tobacco or smokeless tobacco into this State,*** except a ~~[delivery service, shall create and maintain records containing]~~ ***common carrier, shall submit to the Department a report for the immediately preceding calendar month that includes the information required by subsection 2.***

2. Each report submitted pursuant to subsection 1 must:

(a) Be on the form prescribed by the Attorney General;

(b) Include a certification by the person who submits the report that the information provided in the report is complete and accurate;

(c) Include the total number of cigarettes or amount of roll-your-own tobacco or smokeless tobacco sold, transferred, shipped or otherwise delivered by the person in or into this State; and

(d) Include for each sale, transfer, shipment or other delivery of cigarettes , roll-your-own tobacco or smokeless tobacco the following information ~~[relating to every such delivery sale:~~

~~1.]~~ ***:***

(1) The quantity of cigarettes ~~[of]~~ , roll-your-own tobacco or smokeless tobacco sold, transferred, shipped or otherwise delivered, identified by manufacturer and brand family;

(2) The invoice date and number; ~~[and]~~

(3) The name and address of the person to whom the ~~[delivery sale was made; and~~

~~2. The quantity and brands of]~~ cigarettes ~~[that]~~ ***, roll-your-own tobacco or smokeless tobacco*** were sold ~~[in the delivery sale.~~

~~➥ The records]~~ ***, transferred, shipped or otherwise delivered .***

~~***3. A person is not required to submit the report required by subsection 1 if:***~~

~~***(a) The person is a manufacturer or importer, and the manufacturer or importer timely submits to the Attorney General the reports with respect to cigarettes required by 15 U.S.C. §§ 375 et seq., and certifies to the State of Nevada that the reports are complete and accurate.***~~

~~***(b) The person is a wholesale dealer, and the wholesale dealer timely submits to the Department the reports otherwise required by this chapter and such reports separately list by quantity, manufacturer and brand family of cigarettes the deliveries of cigarettes to retail dealers and other wholesale dealers in this State.***~~

~~***4. Except as otherwise provided in subsection 3, any]***~~ ***; and***

(4) The name and address of the person who transferred, shipped or otherwise delivered the cigarettes, roll-your-own tobacco or smokeless tobacco.

3. Any person who, in the 24 calendar months immediately preceding the date on which a report required by subsection 1 must be submitted, sold, transferred, shipped or otherwise delivered cigarettes , roll-your-own tobacco or smokeless tobacco into this State, other than a common carrier, must submit the report even if the person did not sell, transfer, ship or otherwise deliver cigarettes , roll-your-own tobacco or smokeless tobacco into this State in the calendar month covered by the report.

~~[5.]~~ 4. A manufacturer or importer shall, upon request, provide to the Attorney General a copy of each report filed by the manufacturer or importer in another state and that is similar to the report required by subsection 1.

~~[6.]~~ 5. Each nonparticipating manufacturer or importer shall:

(a) Submit to the Attorney General a copy of the federal tax return of the manufacturer or importer and a copy of all monthly operational reports on Alcohol and Tobacco Tax and Trade Bureau Forms 5210.5. 5220.6 or any subsequent corresponding form, and all adjustments, changes and amendments to such reports not later than 60 days after the close of the quarter in which the return or report is filed; or

(b) Submit to the United States Department of the Treasury a request or consent pursuant to 26 U.S.C. § 6103(c) authorizing the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of the Treasury and, in the case of a foreign manufacturer or importer, United States Customs and Border Protection of the United States Department of Homeland Security, to disclose to the Attorney General the federal tax return of the manufacturer or importer not later than 60 days after the close of the quarter in which the return is filed.

[7.] 6. Except as otherwise provided in this subsection, any information received by the Attorney General pursuant to this section is confidential. The Attorney General may share any information received pursuant to this section with the Department, the Nevada Tax Commission, a taxing authority or law enforcement agency of another state or with any other entity authorized by the Attorney General to aggregate such information.

[8.] 7. A copy of each report required by [this section] ***subsection 1*** must be [provided to the Department at the Department's request and must be] retained for not less than [3] ***5*** years after the date [of the applicable transaction] ***on which the report must be submitted*** unless the Department, in writing, authorizes the [records] ***report*** to be removed or destroyed at an earlier time.

Sec. 3.3. **NRS 370.480 is hereby amended to read as follows:**

370.480 1. Every wholesale dealer must keep at its place of business complete and accurate records for that place of business, including copies of all invoices of other tobacco products which the wholesale dealer holds, purchases and delivers, distributes or sells in this State. All records must be preserved for at least [3] **5** years after the date of purchase or after the date of the last entry made on the record.

2. Every retail dealer shall keep at its place of business complete and accurate records for that place of business, including copies of all itemized invoices or purchases of other tobacco products purchased and delivered from wholesale dealers. The invoices must show the name and address of the wholesale dealer and the date of the purchase. All records must be preserved for at least [3] ***5*** years after the date of the purchase.

Sec. 3.6. **NRS 370.610 is hereby amended to read as follows:**

370.610 "Brand family" means all styles of cigarettes sold under the same trademark and differentiated from one another by means of additional modifiers or descriptors, [including, but not limited to, "menthol," "lights," "kings" and "100s,"] and includes any brand name, whether or not occurring

alone or in conjunction with any other word, any trademark, logo, symbol, motto, selling message or recognizable pattern of colors, or any other indicia of product identification identical or similar to, or identifiable with, a previously known brand of cigarettes.

Sec. 4. NRS 370.665 is hereby amended to read as follows:

370.665 1. A manufacturer of tobacco products whose cigarettes are sold in this State, whether or not directly or through a distributor, retailer or similar intermediary or intermediaries shall, not later than April 30 of each year, execute and deliver to the Attorney General and the Department, on a form provided by the ~~[~~Department,~~]~~ ***Attorney General,*** a certification which certifies under penalty of perjury that, as of the date of that certification, the manufacturer of tobacco products is:

(a) A participating manufacturer; or

(b) In full compliance with subsection 2 of NRS 370A.140, including any quarterly installment payments required pursuant to NRS 370.690.

2. Except as otherwise provided in NRS 370.670:

(a) A participating manufacturer shall include in its certification pursuant to this section a list of its brand families. The participating manufacturer shall update that list at least 30 calendar days before it adds to or modifies its brand families by executing and delivering a supplemental certification to the Attorney General and the Department.

(b) A nonparticipating manufacturer shall, in its certification pursuant to this section:

(1) Include:

(I) A list of all of its brand families and the number of units sold for each brand family that were sold in the State during the preceding calendar year;

(II) A list of all of its brand families that have been sold in the State at any time during the current calendar year;

(III) The current mailing address of the nonparticipating manufacturer; and

(IV) A valid electronic mail address of the nonparticipating manufacturer;

(2) Indicate any brand family sold in the State during the preceding calendar year that is no longer being sold in the State as of the date of the certification; and

(3) Identify, by name and address:

(I) Any other manufacturer of those brand families in the preceding or current calendar year; and

(II) Each wholesale dealer that sells or offers for sale in this State any brand family of the nonparticipating manufacturer.

➥ A nonparticipating manufacturer shall update the information required by this paragraph at least 30 calendar days before it adds to or modifies its brand families or sells or distributes cigarettes in this State through a new wholesale

dealer by executing and delivering a supplemental certification to the Attorney General and the Department.

3. In addition to the requirements of subsection 2, the certification of a nonparticipating manufacturer pursuant to this section must certify:

(a) That the nonparticipating manufacturer is registered to do business in the State or has appointed an agent for service of process and provided notice thereof as required by NRS 370.680;

(b) That the nonparticipating manufacturer has:

(1) Established and continues to maintain a qualified escrow fund; and

(2) Executed a qualified escrow agreement governing the qualified escrow fund that has been reviewed and approved by the Attorney General;

(c) That the nonparticipating manufacturer is in full compliance with chapter 370A of NRS and any regulations adopted pursuant thereto;

(d) The name, address and telephone number of the financial institution where the nonparticipating manufacturer has established the qualified escrow fund required pursuant to chapter 370A of NRS and any regulations adopted pursuant thereto;

(e) The account number of that qualified escrow fund and any subaccount number for this State;

(f) The amount the nonparticipating manufacturer placed in that qualified escrow fund for cigarettes sold in the State during the preceding calendar year, the date and amount of each such deposit, and such evidence or verification as may be deemed necessary by the Department ***or the Attorney General*** to confirm the information required by this paragraph; ***and***

(g) The amount and date of any withdrawal or transfer of money the nonparticipating manufacturer made at any time from that qualified escrow fund or from any other qualified escrow fund into which it ever made escrow payments pursuant to chapter 370A of NRS and any regulations adopted pursuant ~~[thereto; and~~

~~(h) That the nonparticipating manufacturer has submitted to the Attorney General a request or consent to the United States Department of the Treasury pursuant to 26 U.S.C. § 6103(c) authorizing the Alcohol and Tobacco Tax and Trade Bureau of the Department, or in the case of a foreign manufacturer, United States Customs and Border Protection of the United States Department of Homeland Security, to disclose to the Attorney General the federal excise tax returns of the manufacturer and each monthly operational report of the manufacturer reported on Alcohol and Tobacco Tax and Trade Bureau Form 5210.5, and all adjustments, changes and other amendments~~] thereto.

Sec. 5. NRS 370.682 is hereby amended to read as follows:

370.682 1. A nonparticipating manufacturer shall post a bond approved by the Attorney General for the benefit of the State of Nevada **.** ~~[if:~~

~~(a) The cigarettes of the nonparticipating manufacturer have not been sold in this State during any of the 4 immediately preceding calendar quarters;~~

~~(b) The nonparticipating manufacturer or an affiliate failed to make a full and timely escrow deposit due under this chapter or chapter 370A of NRS during any of the immediately preceding 5 calendar years, unless the failure was neither knowing nor reckless and was promptly cured upon notice; or~~

~~(c) The nonparticipating manufacturer or an affiliate, or any of the brand families of the nonparticipating manufacturer or an affiliate, were removed from the directory of this or any other state during any of the immediately preceding 5 calendar years, unless the removal is determined to have been erroneous or illegal.~~**]**

2. The bond must be posted not less than 10 days before the beginning of each calendar quarter as a condition of the nonparticipating manufacturer and its brand families being included in the directory for that quarter. The amount of the bond must be the greater of **[**~~$25,000~~**]** ***$50,000*** or the **[**~~largest~~**]** ***greatest*** required escrow amount due from the nonparticipating manufacturer or its predecessor for any of the immediately preceding 12 calendar quarters.

3. If a nonparticipating manufacturer **[**~~that posted a bond~~**]** has failed to make or have made on its behalf escrow deposits equal to the full amount due for a calendar quarter within 15 business days after the due date for that calendar quarter, the State of Nevada may execute upon the bond ***posted by the nonparticipating manufacturer pursuant to subsection 1*** in an amount equal to any remaining escrow amount due.

4. Any amount that the State of Nevada collects on a bond posted by a nonparticipating manufacturer pursuant to this section:

(a) Must be deposited into a special escrow account established and maintained by the State of Nevada and used for purposes authorized for the use of money in the qualified escrow fund of the nonparticipating manufacturer pursuant to this chapter and chapter 370A of NRS; and

(b) Reduces the escrow amount due from the nonparticipating manufacturer in the dollar amount collected.

5. Escrow obligations above the amount collected on the bond remain due from the nonparticipating manufacturer and, as provided in NRS 370.683 **[**~~,~~**]** ***and 370.684,*** from wholesale dealers ***and importers, respectively,*** that sold the cigarettes of the nonparticipating manufacturer during that calendar quarter.

6. The withholding, use or return of amounts deposited into the special escrow account must be handled in the same manner as amounts deposited in the qualified escrow fund of the nonparticipating manufacturer pursuant to the provisions of this chapter and chapter 370A of NRS.

7. **[**~~As used in this section, "affiliate" has the meaning ascribed to it in NRS 370A.030.~~**]** ***The Attorney General shall adopt regulations to carry out the provisions of this section.***

Sec. 6. NRS 370.684 is hereby amended to read as follows:

370.684 1. An importer is jointly and severally liable for **[**~~the~~**]** ***:***

(a) The escrow deposit due pursuant to NRS 370A.140 for each cigarette which is intended for sale in this State which the importer causes to be sent to

a person who holds a license as a wholesale dealer or license as a retail dealer issued by the Department ~~[.]~~ ***; and***

(b) The reports required by subsection 1 of NRS 370.327.

2. A nonparticipating manufacturer located outside the United States that conducts business in this State shall provide to the Attorney General on a form prescribed by the Attorney General a declaration from each importer that imports the cigarettes of the nonparticipating manufacturer which are intended for sale in this State stating that the importer accepts liability pursuant to subsection 1 and consents to the jurisdiction of the courts of this State for the purposes of enforcing this section.

3. As used in this section, "importer" has the meaning ascribed to it in NRS 370.0295.

Sec. 7. NRS 370.685 is hereby amended to read as follows:

370.685 1. Not later than 20 calendar days after the end of each calendar quarter, and more frequently if so directed by the Department, each distributor shall submit such information as the Department requires to facilitate compliance with the provisions of ~~[NRS 370.600 to 370.705, inclusive,]~~ ***this chapter and chapter 370A of NRS,*** including, without limitation, a list by brand family of the total number of cigarettes or, in the case of "roll-your-own" tobacco, the equivalent unit count, for which the distributor affixed stamps during the previous calendar quarter or otherwise paid the tax due for those cigarettes. The distributor shall maintain for at least 5 years, and make available to the Department, all invoices and documentation of sales of all cigarettes of nonparticipating manufacturers and any other information relied upon in reporting to the Department.

2. The Department may disclose to the Attorney General any information received pursuant to ~~[NRS 370.600 to 370.705, inclusive,]~~ ***this chapter or chapter 370A of NRS*** and requested by the Attorney General for purposes of determining compliance with and enforcing the provisions of ~~[NRS 370.600 to 370.705, inclusive.]~~ ***this chapter and chapter 370A of NRS.*** The Department and Attorney General shall share with each other the information received pursuant to the provisions of ~~[NRS 370.600 to 370.705, inclusive,]~~ ***this chapter and chapter 370A of NRS*** and may share such information with other federal, state or local agencies only for purposes of enforcement of those provisions ~~[, the provisions of chapter 370A of NRS]~~ or the corresponding laws of other states.

3. The Department ***or the Attorney General*** may require at any time from a nonparticipating manufacturer proof, from the financial institution in which that manufacturer has established a qualified escrow fund for the purpose of compliance with chapter 370A of NRS, of the amount of money in that fund, exclusive of interest, the amount and date of each deposit to that fund, and the amount and date of each withdrawal from that fund.

4. In addition to the information otherwise required to be submitted pursuant to ~~[NRS 370.600 to 370.705, inclusive,]~~ ***this chapter and chapter 370A of NRS,*** the Department ***or the Attorney General*** may, at any time,

require a distributor or manufacturer of tobacco products to submit any additional information or documentation as is necessary to ~~[enable the Department to]~~ determine whether a manufacturer of tobacco products is or will continue to be in compliance with the provisions of this chapter and chapter 370A of NRS.

Sec. 8. NRS 370.698 is hereby amended to read as follows:

370.698 1. The license of a wholesale dealer may be suspended or revoked if a similar license of the wholesale dealer is suspended or revoked in any other state based on an act or omission that would, if the act or omission had occurred in this State, be grounds for the suspension or revocation of the license of the wholesale dealer pursuant to NRS 370.379, unless the wholesale dealer demonstrates that the suspension or revocation of its license in the other state was effected without due process. A wholesale dealer whose license is suspended or revoked in this State pursuant to this subsection is eligible for reinstatement upon the earlier of the date on which the violation in the other state is cured or the date on which the license of the wholesale dealer is reinstated in the other state.

2. A nonparticipating manufacturer and its brand families may be denied listing in the directory or removed from the directory for any of the following reasons:

(a) The nonparticipating manufacturer is removed from the directory of another state based on an act or omission that would, if the act or omission had occurred in this State, be grounds for the removal of the nonparticipating manufacturer from the directory of this State pursuant to NRS 370.675, unless the nonparticipating manufacturer demonstrates that its removal from the directory of the other state was effected without due process. A nonparticipating manufacturer that is removed from the directory of this State pursuant to this paragraph is eligible for reinstatement to the directory upon the earlier of the date on which the violation in the other state is cured or the date on which the nonparticipating manufacturer is reinstated to the directory of the other state.

(b) The nonparticipating manufacturer is convicted of any crime relating to the manufacture, sale or distribution of tobacco products in this State or another state.

(c) The nonparticipating manufacturer fails to report the existence or result, including any conviction, of any investigation of the nonparticipating manufacturer which is known to the nonparticipating manufacturer regarding the commission of any crime relating to the manufacture, sale or distribution of tobacco products in this State or another state.

(d) The nonparticipating manufacturer fails to report any investigation of the nonparticipating manufacturer which is known to the nonparticipating manufacturer regarding any violation of the laws of any other state based on an act or omission that would, if the act or omission had occurred in this State, be grounds for the removal of the nonparticipating manufacturer from the directory of this State pursuant to NRS 370.675.

(e) The nonparticipating manufacturer knowingly makes a false, material statement in any report, filing or other communication provided to this State pursuant to this chapter or chapter 370A of NRS.

(f) The nonparticipating manufacturer has a shortfall or fails to make an escrow deposit that is due in another state or territory of the United States, has been given reasonable notice of the shortfall or failure and has failed to cure the shortfall or make the deposit within 30 days after receiving notice of the shortfall or failure.

(g) In any calendar year the total nationwide sales of cigarettes on which federal excise tax is paid by the nonparticipating manufacturer exceeds by more than 5 percent the amount of such sales reported in:

(1) Any nationwide report made by the nonparticipating manufacturer or any importer pursuant to 15 U.S.C. §§ 375 et seq.;

(2) Any interstate report required by law; or

(3) Any intrastate report required by law,

➥ unless the nonparticipating manufacturer cures the discrepancy or provides a satisfactory explanation of the discrepancy within 30 days after receiving notice of the discrepancy.

3. The provisions of NRS 233B.121 to 233B.150, inclusive, apply to:

(a) The suspension or revocation of the license of a wholesale dealer pursuant to subsection 1; and

(b) The removal of a nonparticipating manufacturer and its brand families from the directory pursuant to subsection 2.

Sec. 9. NRS 370A.153 is hereby amended to read as follows:

370A.153 1. Notwithstanding the provisions of NRS 370A.150, a manufacturer that elects to deposit money into a qualified escrow fund pursuant to NRS 370A.140 may assign to the State the interest of the manufacturer in any money in the qualified escrow fund.

2. An assignment executed pursuant to subsection 1 is ***permanent,*** irrevocable and applies to ~~[any]~~ ***all*** money ***in the qualified escrow fund, including all money deposited into the qualified escrow fund before the manufacturer executes the assignment, all money deposited into the qualified escrow fund after the manufacturer executes the assignment*** and any interest or other appreciation earned on any money ~~[for which the manufacturer executes the assignment.]~~ ***in the qualified escrow fund.***

3. The parties to a qualified escrow agreement may amend the agreement for the purposes of executing an assignment pursuant to subsection 1.

4. An assignment executed pursuant to subsection 1 must be in writing and be signed by the assignee and the assignor or by an authorized agent or representative of the assignor. An assignment in writing which is duly executed becomes enforceable after a copy of the assignment is delivered to the Attorney General and the financial institution where the qualified escrow fund is maintained.

5. ***Notwithstanding the provisions of NRS 370A.150, money assigned to the State pursuant to an assignment executed pursuant to subsection 1:***

(a) ~~[Is not subject to the requirements otherwise applicable to money deposited in a qualified escrow fund;~~

~~(b)]~~ Must be deposited in the State General Fund; and

~~[(c)]~~ (b) Must be credited on a dollar-for-dollar basis against any judgment or settlement described in NRS 370A.150 which may be obtained against the manufacturer who executes the assignment.

6. Nothing in this section operates to relieve a manufacturer from any obligation or duty imposed pursuant to this chapter or chapter 370 of NRS.

Sec. 10. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, ***370.257,*** ***370.327,*** 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,

459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

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

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

Sec. 11. This act becomes effective on July 1, 2017.

Assemblywoman Neal moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 68.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 354.

AN ACT relating to transportation; ~~[revising provisions relating to the confidentiality of certain information in the possession of the Department of Motor Vehicles; revising provisions relating to autonomous vehicles and other vehicles using certain advanced technologies; revising provisions regarding the information required to obtain a driver authorization card;]~~ revising provisions relating to the photograph on a driver's license; revising provisions governing the licensure and operation of schools for training drivers; revising provisions relating to the fees paid by a person 65 years of age or older for an identification card; revising provisions relating to the issuance of a commercial driver's license to a person who is not a resident of this State; **setting forth exceptions to certain restrictions on the placement of advertising on or near certain highways, rights-of-way, bridges or structures;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, the Director of the Department of Motor Vehicles is subject to various restrictions on his or her authority to release personal information from certain files and records of the Department relating to a driver's license, identification card, or title or registration of a vehicle. One such restriction is that the Director is not authorized to provide personal information to individuals or companies for the purpose of marketing extended vehicle warranties, except in the case of activities relating to research or the production of statistical reports, if the personal information will not be published or otherwise redisclosed, or used to contact any person. A person who requests and receives such personal information may sell or disclose that information only for a use permitted by other provisions of the statute, including use in connection with certain civil, criminal,~~

~~administrative or arbitration proceedings, in connection with matters relating to the safety of drivers, safety and theft of motor vehicles, emission from motor vehicles and other similar uses. A person who sells or discloses such information is required to keep a record, for 5 years, of each person to whom the information was provided, and the purpose for which that person will use the information. (NRS 481.063) Section 1 of this bill removes the exception to the provision of personal information to individuals or companies for the purpose of marketing extended vehicle warranties, and expands the applicability of the recordkeeping requirement to other circumstances in which a person may request such information.~~

~~Existing law requires the Department to adopt regulations authorizing the operation of autonomous vehicles on highways within this State. (NRS 482A.100) Such vehicles are equipped with autonomous technology, which has the capability to drive the vehicle without the active control or monitoring of a human operator. (NRS 482A.025, 482A.030) Section 5 of this bill authorizes the Department to adopt regulations authorizing the operation of vehicles which use an "advanced automated vehicle system" on highways and other places within this State. Section 3 of this bill defines an "advanced automated vehicle system" as a combination of technology and equipment that allows a vehicle to: (1) be electronically controlled by an operator; and (2) operate on the highways of this State and in other places, including, without limitation, in the air or in or on the waters of this State. Section 6 of this bill authorizes the Department to adopt regulations authorizing the operation of vehicles which use "driver-assistive truck platooning technology" on highways within this State. Section 4 of this bill defines "driver-assistive truck platooning technology" as an integration of vehicle automation, safety technology, sensor arrays, vehicle to vehicle communication systems and specialized software that allows for the linking of the safety systems, acceleration and braking between two or more trucks or other vehicles as they travel on a road or highway, leaving the steering of each truck or other vehicle under the command and control of the driver of the truck or other vehicle, to the extent that such integration and linking is authorized under any federal laws or regulations adopted by the National Highway Traffic Safety Administration of the United States Department of Transportation. Section 8 of this bill provides that autonomous technology does not include driver-assistive truck platooning technology.~~

~~Existing law requires an applicant for certain instruction permits or a driver authorization card to state their name, date of birth, sex and residence address. (NRS 483.291) Section 9 of this bill requires such an application to instead include the applicant's full legal name, date of birth, sex, address of principal residence and mailing address.]~~

Existing law requires the Department to issue a driver's license which bears a colored photograph of the licensee. (NRS 483.347) **Section 10** of this bill removes the requirement that the photograph be in color.

Existing law requires a person who seeks to operate a school for training drivers or to be an instructor for a school for training drivers to obtain a driver's license from the Department. (NRS 483.700) The Department may cancel, suspend, revoke or refuse to renew the driver's license if the licensee engages in certain acts or practices. (NRS 483.760) **Section 12** of this bill provides that the Department may also refuse to issue a license if the applicant engages in any of those certain acts or practices, and adds to the list of those acts or practices: (1) making a material misstatement on an application; (2) failing or refusing to provide any information requested by the Department regarding an application; and (3) conviction of a crime for a violation of any of the provisions of law governing schools for training drivers and instructors for a school for training drivers. Existing law also requires that each vehicle used for training drivers and operated on a highway is inspected annually. (NRS 483.745) **Section 11** of this bill requires that a vehicle be inspected within 30 days after initial use by the school for training drivers, and then inspected annually thereafter.

Existing law allows certain persons who do not hold a valid driver's license from any state or jurisdiction to obtain an identification card from the Department. (NRS 482.820) A person who is 65 years of age or older must pay a fee of $4 for an original or duplicate identification card. **Section 13** of this bill clarifies that the $4 fee applies to such an identification card which expires on or before the fourth anniversary of the person's birthday and an $8 fee applies to such an identification card which expires on or before the eighth anniversary of the person's birthday.

Existing law requires the Department to adopt regulations providing for the issuance of commercial drivers' licenses, but the regulations may not be more restrictive than the federal regulations adopted pursuant to the Commercial Motor Vehicle Safety Act of 1986, as amended, 49 U.S.C. §§ 31301 et seq. (NRS 483.908) The Department may not issue a commercial driver's license or a commercial learner's permit, which allows a person to operate a commercial motor vehicle on the highways of this State if he or she is accompanied by the holder of a commercial driver's license, to a person unless the person is a resident of this State. (NRS 483.924, 483.934) Existing law prohibits a person who is a resident of this State for 30 days or more from driving a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction. (NRS 483.932) Existing law authorizes the Department to issue a nonresident commercial driver's license or a nonresident commercial learner's permit to a person who is a resident of a foreign jurisdiction which the Federal Highway Administrator has determined does not test drivers and issue commercial drivers' licenses in accordance with federal standards or who is a resident of a state while that state is prohibited from issuing commercial drivers' licenses pursuant to federal regulations. (NRS 483.936) **Section 15** of this bill removes the authorization for the Department to issue a nonresident commercial driver's license or nonresident commercial learner's permit, and

newly provides that the Department may only issue a limited-term commercial driver's license or limited-term commercial learner's permit to a resident of a foreign jurisdiction which the Federal Highway Administrator has determined does not test drivers and issue commercial drivers' licenses in accordance with federal standards. **Section 14** of this bill makes conforming changes to the fees for such a license.

Existing law restricts the placement of advertising on or near certain highways, rights-of-way, bridges or structures, with certain exceptions for benches and shelters for passengers of mass transit and monorail stations. (NRS 405.110, 410.320, 484B.313) Sections 15.3-15.7 of this bill add to the exceptions from those restrictions certain advertisements on a touchdown structure, which is the tower attached to a pedestrian bridge and which houses an elevator.

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

Section 1. ~~[NRS 481.063 is hereby amended to read as follows:~~

~~481.063 1. [The Director may charge and collect reasonable fees for official publications of the Department and from persons making use of files and records of the Department or its various divisions for a private purpose. All money so collected must be deposited in the State Treasury for credit to the Motor Vehicle Fund.]~~ ***Except as otherwise provided in this section and NRS 483.294, 483.855 and 483.937, the Director shall not release any personal information from a file or record relating to a driver's license, identification card, or title or registration of a vehicle.***

~~2. Except as otherwise provided in subsection [6,]~~ ***3,*** the Director may ~~release personal information, except a photograph, from a file or record relating to the driver's license, identification card, or title or registration of a vehicle of a person if the requester submits a written release from the person who holds a lien on the vehicle, or an agent of that person, or the person about whom the information is requested which is dated not more than 90 days before the date of the request. The written release must be in a form required by the Director.~~

~~3. [Except as otherwise provided in subsections 2 and 4, the Director shall not release to any person who is not a representative of the Division of Welfare and Supportive Services of the Department of Health and Human Services or an officer, employee or agent of a law enforcement agency, an agent of the public defender's office or an agency of a local government which collects fines imposed for parking violations, who is not conducting an investigation pursuant to NRS 253.0415 or 253.220, who is not authorized to transact insurance pursuant to chapter 680A of NRS or who is not licensed as a private investigator pursuant to chapter 648 of NRS and conducting an investigation of an insurance claim:~~

~~(a) A list which includes license plate numbers combined with any other information in the records or files of the Department;~~

~~(b) The social security number of any person, if it is requested to facilitate the solicitation of that person to purchase a product or service; or~~

~~(c) The name, address, telephone number or any other personally identifiable information if the information is requested by the presentation of a license plate number.~~

~~➡ When such personally identifiable information is requested of a law enforcement agency by the presentation of a license plate number, the law enforcement agency shall conduct an investigation regarding the person about whom information is being requested or, as soon as practicable, provide the requester with the requested information if the requester officially reports that the motor vehicle bearing that license plate was used in a violation of NRS 205.240, 205.345, 205.380 or 205.445.~~

~~4. If a person is authorized to obtain such information pursuant to a contract entered into with the Department and if such information is requested for the purpose of an advisory notice relating to a motor vehicle or the recall of a motor vehicle or for the purpose of providing information concerning the history of a vehicle, the Director may release:~~

~~(a) A list which includes license plate numbers combined with any other information in the records or files of the Department; or~~

~~(b) The name, address, telephone number or any other personally identifiable information if the information is requested by the presentation of a license plate number.~~

~~5. Except as otherwise provided in subsections 2, 4 and 6 and NRS 483.294, 483.855 and 483.937, the Director shall not release any personal information from a file or record relating to a driver's license, identification card, or title or registration of a vehicle.~~

~~6.~~ **]** Except as otherwise provided in paragraph (a) **[**and**]** ***, paragraph (g) of*** subsection 7, ***and subsection 8,*** if a person or governmental entity provides a description of the information requested and its proposed use and signs an affidavit to that effect, the Director may release any personal information, except a photograph, from a file or record relating to a driver's license, identification card, or title or registration of a vehicle for use:

~~(a) By any governmental entity, including, but not limited to, any court or law enforcement agency, in carrying out its functions, or any person acting on behalf of a federal, state or local governmental agency in carrying out its functions. The personal information may include a photograph from a file or record relating to a driver's license, identification card, or title or registration of a vehicle.~~

~~(b) In connection with any civil, criminal, administrative or arbitration proceeding before any federal or state court, regulatory body, board, commission or agency, including, but not limited to, use for service of process, investigation in anticipation of litigation, and execution or enforcement of judgments and orders, or pursuant to an order of a federal or state court.~~

~~(c) In connection with matters relating to:~~

~~(1) The safety of drivers of motor vehicles;~~
~~(2) Safety and thefts of motor vehicles;~~
~~(3) Emissions from motor vehicles;~~
~~(4) Alterations of products related to motor vehicles;~~
~~(5) An advisory notice relating to a motor vehicle or the recall of a motor vehicle;~~
~~(6) Monitoring the performance of motor vehicles;~~
~~(7) Parts or accessories of motor vehicles;~~
~~(8) Dealers of motor vehicles; or~~
~~(9) Removal of nonowner records from the original records of motor vehicle manufacturers.~~
~~(d) By any insurer, self-insurer or organization that provides assistance or support to an insurer or self-insurer or its agents, employees or contractors, in connection with activities relating to the rating, underwriting or investigation of claims or the prevention of fraud.~~
~~(e) In providing notice to the owners of vehicles that have been towed, repossessed or impounded.~~
~~(f) By an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license who is employed by or has applied for employment with the employer.~~
~~(g) By a private investigator, private patrol officer or security consultant who is licensed pursuant to chapter 648 of NRS, for any use permitted pursuant to this section.~~
~~(h) By a reporter or editorial employee who is employed by or affiliated with any newspaper, press association or commercially operated, federally licensed radio or television station for a journalistic purpose. The Department may not make any inquiries regarding the use of or reason for the information requested other than whether the information will be used for a journalistic purpose.~~
~~(i) In connection with an investigation conducted pursuant to NRS 253.0415 or 253.220.~~
~~(j) In activities relating to research and the production of statistical reports, if the personal information will not be published or otherwise redisclosed, or used to contact any person.~~
~~**[**7. Except as otherwise provided in paragraph (j) of subsection 6, the Director shall not provide personal information to individuals or companies for the purpose of marketing extended vehicle warranties, and a**]**~~
~~**4. A** person who requests and receives personal information may sell or disclose that information only for a use permitted pursuant to subsection **[**6.**]** **3.** Such a person shall keep and maintain for 5 years a record of:~~
~~(a) Each person to whom the information is provided; and~~
~~(b) The purpose for which that person will use the information.~~
~~***** The record must be made available for examination by the Department at all reasonable times upon request.~~

~~[8.] 5. Except as otherwise provided in subsection 2, the Director may deny any use of the files and records if the Director reasonably believes that the information taken may be used for an unwarranted invasion of a particular person's privacy.~~

6. Except as otherwise provided in subsections 2 and 7, the Director shall not release to any person:

(a) A list which includes license plate numbers combined with any other information in the records or files of the Department;

(b) The social security number of any person, if it is requested to facilitate the solicitation of that person to purchase a product or service; or

(c) The name, address, telephone number or any other personally identifiable information if the information is requested by the presentation of a license plate number.

→ When such personally identifiable information is requested of a law enforcement agency by the presentation of a license plate number, the law enforcement agency shall conduct an investigation regarding the person about whom information is being requested or, as soon as practicable, provide the requester with the requested information if the requester officially reports that the motor vehicle bearing that license plate was used in a violation of NRS 205.240, 205.345, 205.380 or 205.445.

7. Except as otherwise provided in paragraph (g), the Director may release the information listed in paragraphs (a), (b) and (c) of subsection 6 to:

(a) A representative of the Division of Welfare and Supportive Services of the Department of Health and Human Services;

(b) An officer, employee or agent of a law enforcement agency;

(c) An agent of the public defender's office;

(d) An agency of a local government which collects fines imposed for parking violations;

(e) A person conducting an investigation pursuant to NRS 253.0415 or 253.220;

(f) A person authorized to transact insurance pursuant to chapter 680A of NRS or who is licensed as a private investigator pursuant to chapter 648 of NRS and conducting an investigation of an insurance claim; or

(g) A person who is authorized to obtain such information pursuant to a contract entered into with the Department and if such information is requested for the purpose of an advisory notice relating to a vehicle or the recall of a vehicle or for the purpose of providing information concerning the history of a vehicle, except that the Director may not release to such a person the information listed in paragraph (b) of subsection 6 regarding social security numbers.

8. The Director shall not provide personal information to individuals or companies for the purpose of marketing extended vehicle warranties.

~~9. Except as otherwise provided in NRS 485.316, the Director shall not allow any person to make use of information retrieved from the system~~

~~created pursuant to NRS 485.313 for a private purpose and shall not in any other way release any information retrieved from that system.~~

~~10. The Director shall not release any information relating to legal presence or any other information relating to or describing immigration status, nationality or citizenship from a file or record relating to a request for or the issuance of a license, identification card or title or registration of a vehicle to any person or to any federal, state or local governmental entity for any purpose relating to the enforcement of immigration laws.~~

~~11. ***The Director may charge and collect reasonable fees for official publications of the Department and from persons making use of files and records of the Department or its various divisions for a private purpose. All money so collected must be deposited in the State Treasury for credit to the Motor Vehicle Fund.***~~

~~***12.*** The Director shall adopt such regulations as the Director deems necessary to carry out the purposes of this section. In addition, the Director shall, by regulation, establish a procedure whereby a person who is requesting personal information may establish an account with the Department to facilitate the person's ability to request information electronically or by written request if the person has submitted to the Department proof of employment or licensure, as applicable, and a signed and notarized affidavit acknowledging that the person:~~

~~(a) Has read and fully understands the current laws and regulations regarding the manner in which information from the Department's files and records may be obtained and the limited uses which are permitted;~~

~~(b) Understands that any sale or disclosure of information so obtained must be in accordance with the provisions of this section;~~

~~(c) Understands that a record will be maintained by the Department of any information he or she requests; and~~

~~(d) Understands that a violation of the provisions of this section is a criminal offense.~~

~~**[**12.**]** ***13.*** It is unlawful for any person to:~~

~~(a) Make a false representation to obtain any information from the files or records of the Department.~~

~~(b) Knowingly obtain or disclose any information from the files or records of the Department for any use not permitted by the provisions of this chapter.~~

~~**[**13.**]** ***14.*** As used in this section:~~

~~(a) "Information relating to legal presence" means information that may reveal whether a person is legally present in the United States, including, without limitation, whether the driver's license that a person possesses is a driver authorization card, whether the person applied for a driver's license pursuant to NRS 483.290 or 483.291 and the documentation used to prove ***the full legal*** name, age **[**and**]** ***, address of principal*** residence ***and mailing address*** that was provided by the person with his or her application for a driver's license.~~

~~(b) "Personal information" means information that reveals the identity of a person, including, without limitation, his or her photograph, social security number, individual taxpayer identification number, driver's license number, identification card number, name, address, telephone number or information regarding a medical condition or disability. The term does not include the zip code of a person when separate from his or her full address, information regarding vehicular crashes or driving violations in which he or she has been involved or other information otherwise affecting his or her status as a driver.~~

~~(c) "Vehicle" includes, without limitation, an off-highway vehicle as defined in NRS 490.060.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[Chapter 482A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 6, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[*"Advanced automated vehicle system" means a combination of technology and equipment that allows a vehicle to:*~~

~~*1. Be electronically controlled by an operator; and*~~

~~*2. Operate on the highways of this State and in other places within this State, including, without limitation, in the air above, or in or on the waters of, this State.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~[*"Driver-assistive truck platooning technology" means an integration of vehicle automation, safety technology, sensor arrays, vehicle-to-vehicle communication systems and specialized software that allows for the linking of the safety systems, acceleration and braking between two or more trucks or other vehicles as they travel on a road or highway, leaving the steering of each truck or other vehicle under the command and control of the driver of the truck or other vehicle, to the extent that the integration and linking is authorized under federal laws or regulations adopted by the National Highway Traffic Safety Administration of the United States Department of Transportation.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~[*1. The Department may adopt regulations authorizing the operation of vehicles which use an advanced automated vehicle system on highways and other places within this State.*~~

~~*2. If the Department adopts the regulations authorized pursuant to subsection 1, the regulations must:*~~

~~*(a) Set forth the requirements that an advanced automated vehicle system must meet before a vehicle which uses an advanced automated vehicle system may be operated on highways or other places within this State;*~~

~~*(b) Set forth the requirements for the insurance that is required to test or operate a vehicle which uses an advanced automated vehicle system on highways or other places within this State;*~~

~~*(c) Establish minimum safety standards for a vehicle which uses an advanced automated vehicle system and its operation;*~~

~~*(d) Provide for the testing of advanced automated vehicle systems and vehicles which use an advanced automated vehicle system;*~~

~~*(e) Restrict the testing of vehicles which use an advanced automated vehicle system to specified geographical areas; and*~~

~~*(f) Set forth any other requirements required by the Department.*~~ **(Deleted by amendment.)**

Sec. 6. ~~*1. The Department may adopt regulations authorizing the operation of a truck or other vehicle which uses driver-assistive truck platooning technology on highways within this State.*~~

~~*2. If the Department adopts the regulations authorized pursuant to subsection 1, the regulations must:*~~

~~*(a) Set forth the requirements that driver-assistive truck platooning technology must meet before a truck or other vehicle which uses driver-assistive truck platooning technology may be operated on highways within this State;*~~

~~*(b) Set forth the requirements for the insurance that is required to test or operate a truck or other vehicle which uses driver-assistive truck platooning technology on highways within this State;*~~

~~*(c) Establish minimum safety standards for a truck or other vehicle which uses driver-assistive truck platooning technology and its operation;*~~

~~*(d) Provide for the testing of driver-assistive truck platooning technology and any truck or other vehicle which uses driver-assistive truck platooning technology;*~~

~~*(e) Restrict the testing of a truck or other vehicle which uses driver-assistive truck platooning technology to specified geographical areas; and*~~

~~*(f) Set forth any other requirements required by the Department.*~~ **(Deleted by amendment.)**

Sec. 7. ~~NRS 482A.010 is hereby amended to read as follows:~~

~~482A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 482A.025, 482A.030 and 482A.040~~ ***and sections 3 and 4 of this act*** ~~have the meanings ascribed to them in those sections.~~ **(Deleted by amendment.)**

Sec. 8. ~~NRS 482A.025 is hereby amended to read as follows:~~

~~482A.025 "Autonomous technology" means technology which is installed on a motor vehicle and which has the capability to drive the motor vehicle without the active control or monitoring of a human operator. The term does not include an active safety system~~ ***, driver-assistive truck platooning technology*** ~~or a system for driver assistance, including, without limitation, a system to provide electronic blind spot detection, crash avoidance, emergency braking, parking assistance, adaptive cruise control, lane keeping assistance, lane departure warning, or traffic jam and queuing assistance, unless any such system, alone or in combination with any other system, enables the vehicle on which the system is installed to be driven without the active control or monitoring of a human operator.~~ **(Deleted by amendment.)**

Sec. 9. ~~[NRS 483.291 is hereby amended to read as follows:~~

~~483.291 1. An application for an instruction permit or for a driver authorization card must:~~

~~(a) Be made upon a form furnished by the Department.~~

~~(b) Be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.~~

~~(c) Be accompanied by the required fee.~~

~~(d) State the~~ ***full legal*** ~~name, date of birth, sex~~ **[**~~and~~**]** ***, address of principal*** ~~residence~~ ***and mailing*** ~~address~~ ***, if different from the address of principal residence,*** ~~of the applicant and briefly describe the applicant.~~

~~(e) State whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal.~~

~~(f) Include such other information as the Department may require to determine the competency and eligibility of the applicant.~~

~~2. Every applicant must furnish proof of his or her~~ ***full legal*** ~~name and age by displaying an original or certified copy of:~~

~~(a) Any one of the following documents:~~

~~(1) A birth certificate issued by a state, a political subdivision of a state, the District of Columbia or any territory of the United States;~~

~~(2) A driver's license issued by another state, the District of Columbia or any territory of the United States which is issued pursuant to the standards established by 6 C.F.R. Part 37, Subparts A to E, inclusive, and which contains a security mark approved by the United States Department of Homeland Security in accordance with 6 C.F.R. § 37.17;~~

~~(3) A passport issued by the United States Government;~~

~~(4) A military identification card or military dependent identification card issued by any branch of the Armed Forces of the United States;~~

~~(5) For persons who served in any branch of the Armed Forces of the United States, a report of separation;~~

~~(6) A Certificate of Degree of Indian Blood issued by the United States Government;~~

~~(7) A Certificate of Citizenship, Certificate of Naturalization, Permanent Resident Card or Temporary Resident Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security;~~

~~(8) A Consular Report of Birth Abroad issued by the Department of State; or~~

~~(9) Such other documentation as specified by the Department by regulation; or~~

~~(b) Any two of the following documents:~~

~~(1) A driver's license issued by another state, the District of Columbia or any territory of the United States other than such a driver's license described in subparagraph (2) of paragraph (a);~~

~~(2) A passport issued by a foreign government;~~

~~(3) A birth certificate issued by a foreign government;~~

~~(4) A consular identification card issued by the Government of Mexico or a document issued by another government that the Department determines is substantially similar; or~~

~~(5) Any other proof acceptable to the Department.~~

~~** No document which is written in a language other than English may be accepted by the Department pursuant to this subsection unless it is accompanied by a verified translation of the document in the English language.~~

~~3. Every applicant must prove his or her~~ ***address of principal*** ~~residence in this State by displaying an original or certified copy of any two of the following documents:~~

~~(a) A receipt from the rent or lease of a residence located in this State;~~

~~(b) A record from a public utility for a service address located in this State which is dated within the previous 60 days;~~

~~(c) A bank or credit card statement indicating a residential address located in this State which is dated within the previous 60 days;~~

~~(d) A stub from an employment check indicating a residential address located in this State;~~

~~(e) A document issued by an insurance company or its agent, including, without limitation, an insurance card, binder or bill, indicating a residential address located in this State;~~

~~(f) A record, receipt or bill from a medical provider indicating a residential address located in this State; or~~

~~(g) Any other document as prescribed by the Department by regulation.~~

~~4. Except as otherwise provided in subsection 5, a driver authorization card or instruction permit obtained in accordance with this section must:~~

~~(a) Contain the same information as prescribed for a driver's license pursuant to NRS 483.340 and any regulations adopted pursuant thereto;~~

~~(b) Be of the same design as a driver's license and contain only the minimum number of changes from that design that are necessary to comply with subsection 5; and~~

~~(c) Be numbered from the same sequence of numbers as a driver's license.~~

~~5. A driver authorization card or instruction permit obtained in accordance with this section must comply with the requirements of section 202(d)(11) of the Real ID Act of 2005, Public Law 109-13, Division B, Title II, 119 Stat. 302, 312-15, 49 U.S.C. § 30301 note.~~

~~6. Notwithstanding the provisions of NRS 483.380, every driver authorization card expires on the anniversary of its issuance or renewal. Every driver authorization card is renewable at any time before its expiration upon application and payment of the required fee. The Department may, by~~

~~regulation, defer the expiration of the driver authorization card of a person who is on active duty in the Armed Forces of the United States upon such terms and conditions as it may prescribe. The Department may similarly defer the expiration of the driver authorization card of the spouse or dependent son or daughter of that person if the spouse or child is residing with the person.~~

~~7. A driver authorization card shall not be used to determine eligibility for any benefits, licenses or services issued or provided by this State or its political subdivisions.~~

~~8. Except as otherwise provided in this section or by specific statute, any provision of this title that applies to drivers' licenses shall be deemed to apply to a driver authorization card and an instruction permit obtained in accordance with this section.~~**]** **(Deleted by amendment.)**

Sec. 10. NRS 483.347 is hereby amended to read as follows:

483.347 1. Except as otherwise provided in subsection 2, the Department shall issue a rectangular-shaped driver's license which bears a front view **[**~~colored~~**]** photograph of the licensee. The photograph and any information included on the license must be placed in a manner which ensures that:

(a) If the licensee is 21 years of age or older, the longer edges of the rectangle serve as the top and bottom of the license; or

(b) If the licensee is under 21 years of age, the shorter edges of the rectangle serve as the top and bottom of the license.

2. The Department may issue a temporary driver's license without a photograph of the licensee if the licensee is temporarily absent from this State and requests the renewal of, the issuance of a duplicate of, or a change in the information on, his or her driver's license. If the licensee returns to this State for 14 continuous days or more, the licensee shall, within 24 days after the date of return, surrender the temporary license and obtain a license which bears his or her photograph in accordance with subsection 1. A licensee charged with violating the provisions of this subsection may not be convicted if the licensee surrenders the temporary license, obtains a license which bears his or her photograph in accordance with subsection 1 and produces that license in court or in the office of the arresting officer.

3. The Department shall:

(a) Establish a uniform procedure for the production of drivers' licenses, applicable to renewal as well as to original licenses.

(b) Except as otherwise provided in NRS 483.417 and 483.825, by regulation, increase the fees provided in NRS 483.410, 483.820 and 483.910 as necessary to cover the actual cost of production of photographs for drivers' licenses and identification cards. The increase must be deposited in the State Treasury for credit to the Motor Vehicle Fund and must be allocated to the Department to defray the increased costs of producing the drivers' licenses required by this section.

Sec. 11. NRS 483.745 is hereby amended to read as follows:

483.745 1. A school for training drivers or a third-party certifier provided for by regulation shall ensure that each vehicle used for training drivers and operated on a highway is inspected ***within 30 days after initial use by the school for training drivers and inspected*** annually ~~[.]~~ ***thereafter.***

2. The school for training drivers or the third-party certifier shall provide to the Department, within 30 days of the inspection or by December 31 of each calendar year, whichever comes first, the results of the inspection regarding the safety and road worthiness of the vehicles inspected pursuant to subsection 1.

3. The Department shall adopt regulations setting forth:

(a) The persons qualified to conduct the inspection; and

(b) The standards with which the inspection must comply.

4. The owner of the school for training drivers or the third-party certifier shall maintain a copy of the results of the inspection at his or her principal place of business for 3 years after the inspection is completed.

Sec. 12. NRS 483.760 is hereby amended to read as follows:

483.760 The Department may ***refuse to issue a license or may*** cancel, suspend, revoke or refuse to renew any license granted pursuant to NRS 483.700 to 483.780, inclusive:

1. ***If the applicant or licensee makes a material misstatement on an application.***

2. If the applicant or licensee fails or refuses to provide any information requested by the Department in conjunction with an application.

3. If the applicant has been convicted of a crime for a violation of any of the provisions of NRS 483.700 to 483.780, inclusive.

4. If the licensee permits fraud or engages in fraudulent practices either with reference to the applicant or the Department or induces or countenances fraud or fraudulent practices on the part of any applicant for driver's license.

~~[2.]~~ ***5.*** If the licensee fails to comply with ***or is convicted of a crime for a violation of*** any of the provisions of NRS 483.700 to 483.780, inclusive, or any of the regulations or requirements of the Department made pursuant thereto.

~~[3.]~~ ***6.*** If the licensee or any employee or agent of the licensee solicits persons for enrollment in a school for training drivers in an office of the Department or within 200 feet of any such office.

~~[4.]~~ ***7.*** If the licensee or any employee or agent of the licensee follows the identical course of training which is used by the Department in giving an examination for a driver's license.

Sec. 13. NRS 483.820 is hereby amended to read as follows:

483.820 1. A person who applies for an identification card in accordance with the provisions of NRS 483.810 to 483.890, inclusive, and who is not ineligible to receive an identification card pursuant to NRS 483.861, is entitled to receive an identification card if the person is:

(a) A resident of this State and is 10 years of age or older and does not hold a valid driver's license or identification card from any state or jurisdiction; or

(b) A seasonal resident who does not hold a valid Nevada driver's license.

2. Except as otherwise provided in NRS 483.825, the Department shall charge and collect the following fees for the issuance of an original, duplicate or changed identification card:

An original or duplicate identification card issued to a person 65 years of age or older ***which expires on or before the fourth anniversary of the person's birthday*** $4

An original or duplicate identification card issued to a person 65 years of age or older which expires on or before the eighth anniversary of the person's birthday 8

An original or duplicate identification card issued to a person under 18 years of age which expires on the eighth anniversary of the person's birthday 6

A renewal of an identification card for a person under 18 years of age which expires on the eighth anniversary of the person's birthday 6

An original or duplicate identification card issued to a person under 18 years of age which expires on or before the fourth anniversary of the person's birthday 3

A renewal of an identification card for a person under 18 years of age which expires on or before the fourth anniversary of the person's birthday 3

An original or duplicate identification card issued to any person at least 18 years of age, but less than 65 years of age, which expires on the eighth anniversary of the person's birthday 18

A renewal of an identification card for any person at least 18 years of age, but less than 65 years of age, which expires on the eighth anniversary of the person's birthday 18

An original or duplicate identification card issued to any person at least 18 years of age, but less than 65 years of age, which expires on or before the fourth anniversary of the person's birthday 9

A renewal of an identification card for any person at least 18 years of age, but less than 65 years of age, which expires on or before the fourth anniversary of the person's birthday 9

A new photograph or change of name, or both 4

3. The Department shall not charge a fee for:

(a) An identification card issued to a person who has voluntarily surrendered his or her driver's license pursuant to NRS 483.420; or

(b) A renewal of an identification card for a person 65 years of age or older.

4. Except as otherwise provided in NRS 483.825, the increase in fees authorized in NRS 483.347 must be paid in addition to the fees charged pursuant to this section.

5. As used in this section, "photograph" has the meaning ascribed to it in NRS 483.125.

Sec. 14. NRS 483.910 is hereby amended to read as follows:

483.910 1. The Department shall charge and collect the following fees:

For an original commercial driver's license ~~[or nonresident commercial driver's license]~~ which expires on ***or before*** the eighth anniversary of the date of issuance of the license ***but after the fourth anniversary of the date of issuance of the license*** $108

For an original commercial driver's license ~~[, nonresident commercial driver's license,]~~ ***or*** commercial learner's permit ~~[or nonresident commercial learner's permit]~~ which expires on or before the fourth anniversary of the birthday of the licensee or permit holder 54

For renewal of a commercial driver's license ~~[or nonresident commercial driver's license]~~ which expires on ***or before*** the eighth anniversary of the date of issuance of the license ***but after the fourth anniversary of the date of issuance of the license*** 108

For renewal of a commercial driver's license ~~[, nonresident commercial driver's license,]~~ ***or*** commercial learner's permit ~~[or nonresident commercial learner's permit]~~ which expires on or before the fourth anniversary of the birthday of the licensee or permit holder 54

For reinstatement of a commercial driver's license after suspension or revocation of the license for a violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430, or pursuant to NRS 484C.210 and 484C.220, or pursuant to 49 C.F.R. § ~~[383.51(b)(2)(i) or (ii)]~~ ***383.51(b)(1) to (4)*** 145

For reinstatement of a commercial driver's license after suspension, revocation, cancellation or disqualification of the license, except a suspension or revocation for a violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430, or pursuant to NRS 484C.210 and

484C.220, or pursuant to 49 C.F.R. § ~~[383.51(b)(2)(i) or (ii)]~~ ***383.51(b)(1) to (4)*** 110
For a duplicate commercial driver's license 19
For any change of information on a commercial driver's license 9
For each endorsement added after the issuance of an original commercial driver's license 14
For the administration of a driving skills test for the issuance, renewal or transfer of a commercial driver's license or to change any information on, or add an endorsement to, an existing commercial driver's license 30

2. The Department shall charge and collect an annual fee of $555 from each person who is authorized by the Department to administer a driving skills test pursuant to NRS 483.912.

3. An additional charge of $3 must be charged for each knowledge test administered to a person who has twice failed the test.

4. An additional charge of $25 must be charged for each driving skills test administered to a person who has twice failed the test.

5. The increase in fees authorized in NRS 483.347 must be paid in addition to the fees charged pursuant to this section.

6. The Department shall charge an applicant for a hazardous materials endorsement an additional fee for the processing of fingerprints. The Department shall establish the additional fee by regulation, except that the amount of the additional fee must not exceed the sum of the amount charged by the Central Repository for Nevada Records of Criminal History and each applicable federal agency to process the fingerprints for a background check of the applicant in accordance with Section 1012 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001, 49 U.S.C. § 5103a.

Sec. 15. NRS 483.936 is hereby amended to read as follows:

483.936 A person who is a resident of a foreign jurisdiction which the Federal Highway Administrator has determined does not test drivers and issue commercial drivers' licenses in accordance with federal standards ~~[or who is a resident of a state while that state is prohibited from issuing commercial drivers' licenses pursuant to 49 C.F.R. § 384.405]~~ and who wishes to be issued a ~~[nonresident]~~ ***limited-term*** commercial driver's license or ~~[nonresident]~~ ***limited-term*** commercial learner's permit by this State must:

1. Apply to the Department for a ~~[nonresident]~~ ***limited-term*** commercial driver's license or ~~[nonresident]~~ ***limited-term*** commercial learner's permit; and

2. Comply with all other requirements contained in the regulations adopted by the Department pursuant to NRS 483.908.

Sec. 15.3. **NRS 484B.313 is hereby amended to read as follows:**

484B.313 1. It is unlawful for any person to place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any such device, sign or signal, and except as otherwise provided in ~~[subsection]~~ ***subsections*** 4 ~~[,]~~ ***and 5,*** a person shall not place or maintain nor may any public authority permit upon any highway any sign, signal, marking or street banner bearing thereon any commercial advertising **.** ~~[except on benches and shelters for passengers of public mass transportation for which a franchise has been granted pursuant to NRS 244.187 and 244.188, 268.081 and 268.083, 269.128 and 269.129, or 277A.310 and 277A.330, or on monorail stations.]~~

2. Every such prohibited sign, signal or marking is hereby declared to be a public nuisance, and the proper public authority may remove the same or cause it to be removed without notice.

3. This section does not prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official traffic-control devices.

4. A person may place and maintain commercial advertising in an airspace above a highway under the conditions specified pursuant to subsection 3 of NRS 405.110, and a public authority may permit commercial advertising that has been placed in an airspace above a highway under the conditions specified pursuant to subsection 3 of NRS 405.110.

5. ***The provisions of subsection 1 do not apply to any sign, signal, marking or street banner bearing thereon any commercial advertising that is located:***

(a) On a bench or shelter for passengers of public mass transportation built pursuant to a franchise granted pursuant to NRS 244.187 and 244.188, 268.081 and 268.083, 269.128 and 269.129, or 277A.310 and 277A.330;

(b) On a monorail station; or

(c) On a touchdown structure if a public authority authorizes such advertising and the advertising is placed and maintained by a person who owns real property adjacent to the touchdown structure and who has:

(1) Dedicated the touchdown structure to the public authority or has granted a fee or perpetual easement to the public authority for the construction or maintenance of the touchdown structure; and

(2) Entered a written agreement with the public authority on terms and conditions acceptable to the public authority.

6. If a franchisee receives revenues from commercial advertising authorized by subsection 1 and the franchisee is obligated to repay a bond issued by the State of Nevada, the franchisee shall use all revenue generated by the advertising authorized by subsection 1 to meet its obligations to the

State of Nevada as set forth in the financing agreement and bond indenture, including, without limitation, the payment of operations and maintenance obligations, the funding of reserves and the payment of debt service. To the extent that any surplus revenue remains after the payment of all such obligations, the surplus revenue must be used solely to repay the bond until the bond is repaid.

~~[6.]~~ ***7.*** As used in this section:

(a) "Monorail station" means:

(1) A structure for the loading and unloading of passengers from a monorail for which a franchise has been granted pursuant to NRS 705.695 or an agreement has been entered into pursuant to NRS 705.695; and

(2) Any facilities or appurtenances within such a structure.

(b) "Street banner" has the meaning ascribed to it in NRS 277A.130.

(c) "Touchdown structure" means a structure, connected to a pedestrian bridge, which houses an elevator.

Sec. 15.5. **NRS 405.110 is hereby amended to read as follows:**

405.110 1. Except ~~[on benches and shelters for passengers of public mass transportation for which a franchise has been granted pursuant to NRS 244.187 and 244.188, 268.081 and 268.083, 269.128 and 269.129, or 277A.310 and 277A.330, or on monorail stations,]~~ ***as otherwise provided in subsection 5,*** no advertising signs, signboards, boards or other materials containing advertising matter may:

(a) Except as otherwise provided in subsection 3, be placed upon or over any state highway.

(b) Except as otherwise provided in subsections 3 and 4, be placed within the highway right-of-way.

(c) Except as otherwise provided in subsection 3, be placed upon any bridge or other structure thereon.

(d) Be so situated with respect to any public highway as to obstruct clear vision of an intersecting highway or highways or otherwise so situated as to constitute a hazard upon or prevent the safe use of the state highway.

2. With the permission of the Department of Transportation, counties, towns or cities of this State may place at such points as are designated by the Director of the Department of Transportation suitable signboards advertising the counties, towns or municipalities.

3. A person may place an advertising sign, signboard, board or other material containing advertising matter in any airspace above a highway if:

(a) The Department of Transportation has leased the airspace to the person pursuant to subsection 2 of NRS 408.507, the airspace is over an interstate highway and:

(1) The purpose of the sign, signboard, board or other material is to identify a commercial establishment that is entirely located within the airspace, services rendered, or goods produced or sold upon the commercial establishment or that the facility or property that is located within the airspace is for sale or lease; and

(2) The size, location and design of the sign, signboard, board or other material and the quantity of signs, signboards, boards or other materials have been approved by the Department of Transportation; or

(b) The person owns real property adjacent to an interstate highway and:

(1) The person has dedicated to a public authority a fee or perpetual easement interest in at least 1 acre of the property for the construction or maintenance, or both, of the highway over which the person is placing the sign, signboard, board or other material and the person retained the air rights in the airspace above the property for which the person has dedicated the interest;

(2) The sign, signboard, board or other material is located in the airspace for which the person retained the air rights;

(3) The structure that supports the sign, signboard, board or other material is not located on the property for which the person dedicated the fee or easement interest to the public authority, and the public authority determines that the location of the structure does not create a traffic hazard; and

(4) The purpose of the sign, signboard, board or other material is to identify an establishment or activity that is located on the real property adjacent to the interstate highway, or services rendered or goods provided or sold on that property.

4. A tenant of a mobile home park may exhibit a political sign within a right-of-way of a state highway or road which is owned or controlled by the Department of Transportation if the tenant exhibits the sign within the boundary of the tenant's lot and in accordance with the requirements and limitations set forth in NRS 118B.145. As used in this subsection, the term "political sign" has the meaning ascribed to it in NRS 118B.145.

5. ***The provisions of subsection 1 do not apply to any advertising, signs, signboards or other materials containing advertising matter located:***

(a) On a bench or shelter for passengers of public mass transportation built pursuant to a franchise granted pursuant to NRS 244.187 and 244.188, 268.081 and 268.083, 269.128 and 269129, or 277A.310 and 277A.330;

(b) On a monorail station; or

(c) On a touchdown structure if a public authority authorizes such advertising matter and the advertising matter is placed and maintained by a person who owns real property adjacent to the touchdown structure and who has:

(1) Dedicated the touchdown structure to the public authority or has granted a fee or perpetual easement to the public authority for the construction or maintenance of the touchdown structure; and

(2) Entered a written agreement with the public authority on terms and conditions acceptable to the public authority.

6. If any such sign is placed in violation of this section, it is thereby declared a public nuisance and may be removed forthwith by the Department of Transportation or the public authority.

~~[6.]~~ ***7.*** Any person placing any such sign in violation of the provisions of this section shall be punished by a fine of not more than $250, and is also liable in damages for any injury or injuries incurred or for injury to or loss of property sustained by any person by reason of the violation.

~~[7.]~~ ***8.*** If a franchisee receives revenues from an advertising sign, signboard, board or other material containing advertising matter authorized by subsection 1 and the franchisee is obligated to repay a bond issued by the State of Nevada, the franchisee shall use all revenue generated by the advertising sign, signboard, board or other material containing advertising matter authorized by subsection 1 to meet its obligations to the State of Nevada as set forth in the financing agreement and bond indenture, including, without limitation, the payment of operations and maintenance obligations, the funding of reserves and the payment of debt service. To the extent that any surplus revenue remains after the payment of all such obligations, the surplus revenue must be used solely to repay the bond until the bond is repaid.

~~[8.]~~ ***9.*** As used in this section ~~[, "monorail]~~ ***:***

(a) "Monorail station" means:

~~[(a)]~~ ***(1)*** A structure for the loading and unloading of passengers from a monorail for which a franchise has been granted pursuant to NRS 705.695 or an agreement has been entered into pursuant to NRS 705.695; and

~~[(b)]~~ ***(2)*** Any facilities or appurtenances within such a structure.

(b) "Touchdown structure" means a structure, connected to a pedestrian bridge, which houses an elevator.

Sec. 15.7. **NRS 410.320 is hereby amended to read as follows:**

410.320 Outdoor advertising shall not be erected or maintained within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of the interstate or primary highway systems in this state, and, outside urban areas outdoor advertising shall not be erected or maintained beyond 660 feet from the nearest edge of the right-of-way of the interstate and primary highway systems which is visible and placed with the purpose of having its message read from the main-traveled way of the interstate and primary highway systems in this state, except the following:

1. Directional, warning, landmark, informational and other official signs and notices, including but not limited to signs and notices pertaining to natural wonders, scenic and historic attractions. Only signs which are required or authorized by law or by federal, state or county authority, and which conform to national standards promulgated by the Secretary of Transportation pursuant to 23 U.S.C. § 131, are permitted.

2. Signs, displays and devices which advertise the sale or lease of the property upon which they are located.

3. Signs, displays and devices which advertise the activities conducted or services rendered or the goods produced or sold upon the property upon which the advertising sign, display or device is erected.

4. Signs, displays and devices located in zoned commercial or industrial areas, when located within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of the interstate and primary highway systems within this state.

5. Signs, displays and devices located in an unzoned commercial or industrial area as defined in NRS 410.300, when located within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of the interstate and primary highway systems within this state.

6. Nonconforming signs in defined hardship areas which provide directional information about goods and services in the interest of the traveling public and are approved by the Secretary of Transportation pursuant to 23 U.S.C. § 131(o).

7. Signs, displays and devices located as described in subsection 5 of NRS 405.110 and subsection 5 of NRS 484B.313.

Sec. 16. ~~[NRS 648.157 is hereby amended to read as follows:~~

~~— 648.157 1. A private investigator licensed pursuant to this chapter shall not obtain or seek access to information from the Department of Motor Vehicles pursuant to subsection [3] 7 of NRS 481.063 for any purpose other than a purpose that is directly related to the investigation of an insurance claim.~~

~~— 2. If the Board finds that a violation of this section has occurred, the Board shall, in addition to any other disciplinary action it deems appropriate, suspend the license of the private investigator.]~~ **(Deleted by amendment.)**

Sec. 17. **1. This section and sections 1 to 9, inclusive, and 15.3 to 16, inclusive, of this act become effective on July 1, 2017.**

2. Sections 10 to 15, inclusive, of this act become effective on October 1, 2017.

Assemblyman Carrillo moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 77.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 307.

AN ACT relating to education; **revising provisions governing the membership of the English Mastery Council;** revising provisions concerning reporting and monitoring of criminal cases and actions taken pursuant to criminal convictions of certain charter school employees and applicants for employment; revising provisions relating to the suspension of a license to teach; ~~[requiring the Department of Education to maintain an employment record of each licensed employee employed by a school district~~

~~or charter school; revising provisions concerning employment of licensed teachers who do not hold an endorsement to teach in certain subject areas;~~ **revising provisions relating to the qualifications for the issuance of a license to teach middle school, junior high school education or secondary education;** revising provisions relating to reciprocal licensure; providing that teachers and other educational personnel may obtain a license to teach pupils in a program of early childhood education; revising provisions governing the assignment of certain teachers and administrators; revising provisions governing the Commission on Professional Standards in Education; requiring that any cost associated with employing a substitute teacher while a teacher who is a member of certain councils or commissions attends meetings must be paid ~~[the school district or charter school that employs the member;]~~ **by certain persons or governmental entities; transferring, from the State Board of Education to the Commission on Professional Standards in Education, responsibility for prescribing standards for approval of a course of study or training offered by an educational institution to qualify a person to be a teacher or administrator or perform other educational functions; authorizing the Department of Education to waive certain fees for licensure for certain veterans and members of the Armed Forces and their spouses; requiring each school district to submit to the Department the overall performance rating for each licensed employee employed by the district;** authorizing the Department to charge and collect certain fees for the monitoring of certain criminal cases; authorizing the Department to charge and collect a fee to review certain information submitted by a prospective applicant for licensure; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 21 of this bill adds a license to teach pupils in a program of early childhood education to the kinds of licenses available for teachers and other educational personnel. **Section 21 also removes language specifying the particular grades the holder of a license to teach middle school or junior high school may teach and instead authorizes such a person to teach in any middle school or junior high school.** **Section 24** of this bill increases the minimum amount of the fee that the Commission on Professional Standards in Education may impose for the issuance or renewal of a license to teach. **Section 24 authorizes the Department of Education to waive this fee for veterans of the Armed Forces, members of the Armed Forces who are on active duty and the spouses of such veterans and members of the Armed Forces.**

Section 13 of this bill authorizes the Department of Education to charge and collect a fee to: (1) review information pertaining to a person's qualifications for a license to teach or perform other educational functions; and (2) provide feedback to the person concerning whether the information submitted indicates that the person may satisfy one or more of the

requirements for the issuance of a license and, if so, the kind of license for which the person may be eligible.

~~[Section 14 of this bill requires the Department to maintain a permanent, confidential employment record of each licensed employee employed by a school district or charter school.]~~

Section 13 requires any such fee that is collected to be applied toward the fee prescribed for the issuance of a license if the Department determines from the information submitted that the person satisfies the requirements for the issuance of a license. Existing law creates the English Mastery Council and requires the Council to include two members who hold a master's degree to teach English as a second language and meet certain other criteria. (NRS 388.409) Section 1.7 of this bill provides that these two members may hold an endorsement to teach English as a second language instead of holding a master's degree.

Existing law requires the Department to adopt regulations that establish a procedure for the notification, tracking and monitoring of the status of criminal cases involving licensed educational personnel. (NRS 391.055) **Section 4** of this bill requires the Department to adopt regulations that establish a similar procedure for the notification, tracking and monitoring of the status of criminal cases involving teachers and administrators who are employed by a charter school but are not licensed.

Existing law requires the board of trustees of each school district and the governing body of each charter school to adopt a policy which requires a licensed employee of the school district or charter school to report to the school district or charter school if the employee is arrested for or convicted of a crime. (NRS 391.056) **Section 5** of this bill requires the governing body of a charter school to adopt a similar policy regarding a teacher or administrator who is not licensed but who is employed by a charter school as a teacher or administrator.

Existing law requires the superintendent of schools of each school district and the administrative head of each charter school to submit certain information relating to the arrest of a licensed employee to the Department. (NRS 391.057) **Section 6** of this bill requires the administrative head of each charter school to submit information relating to the arrest of an unlicensed teacher or administrator to the Department.

Existing law provides immunity from civil or criminal liability for any person who makes a report, causes or conducts an investigation, or submits information relating to a licensed employee who is arrested for or convicted of a crime. (NRS 391.059) **Section 7** of this bill extends this immunity from liability to every person who makes a report, causes or conducts an investigation or submits information relating to an unlicensed teacher or administrator who is arrested for or convicted of a crime.

Existing law authorizes the State Board of Education, after notice and an opportunity for a hearing, to suspend or revoke the license of any teacher, administrator or other licensed employee under certain circumstances,

including, without limitation, conviction of the teacher, administrator or other licensed employee of a felony, a crime involving moral turpitude or certain sex offenses. (NRS 391.330) **Section 8** of this bill requires the governing body of a charter school to terminate the employment of any teacher or administrator who is employed by the charter school but is not licensed upon conviction of a felony, a crime involving moral turpitude or certain sex offenses.

Section 26 of this bill provides that the board of trustees of a school district need only seek to obtain the consent of a principal before transferring certain teachers or administrators to a school. **Section 26** also requires the superintendent of a school district to submit the plan to address the assignment of certain teachers and administrators to the State Board of Education. **Sections 10 and 27** of this bill authorize the Superintendent of Public Instruction to prescribe the date by which each charter school and school district must submit certain information regarding licensed employees employed by the governing body of the charter school or the school district during that year.

~~[Existing law authorizes the board of trustees of a school district, with the approval of the Superintendent of Public Instruction, to employ licensed teachers who do not hold an endorsement to teach in certain subject areas for which there is a shortage of teachers. (NRS 391.125) Section 28 of this bill: (1) removes the requirement for approval of the Superintendent; and (2) requires a board of trustees that employs such teachers to submit a written report to the Superintendent and the Commission concerning the employment of such teachers.]~~

Section 27 requires the information submitted by a school district to include the overall performance rating of each licensed employee employed by the school district.

Existing law provides that if an employee's license lapses during a time that school is in session, a certain period must pass before the employee is suspended from employment. (NRS 391.3015) **Section 29** of this bill provides that if the Superintendent denies an application for renewal of a license, the licensee may be suspended immediately.

Under existing law, the membership of the Advisory Council on Parental and Family Engagement, the Commission on Professional Standards in Education, the Teachers and Leaders Council of Nevada and the Statewide Council for the Coordination of the Regional Training Programs includes one or more members who are teachers. (NRS 385.610, 391.015, 391.455, 391A.130) ~~[Sections 1, 18, 30 and 31]~~ **Section 1** of this bill ~~[provide]~~ **provides** that any costs associated with employing a substitute teacher while a member who is a teacher ~~[is attending]~~ **attends** a meeting of ~~[such a body,]~~ **the Advisory Council,** the school district or charter school that employs the member is responsible for such costs. **Sections 18, 30 and 31 of this bill also require the school district or charter school that employs the teacher to pay the cost associated with employing a substitute needed for a teacher**

to serve on one of the other bodies but also allow the organization that submitted the name of the member to the Governor for appointment to pay the cost.

Sections 15-17 of this bill revise provisions governing the membership, terms and officers of the Commission on Professional Standards in Education.

Existing law requires the Commission **on Professional Standards in Education** to adopt regulations governing examinations for the initial licensing of teachers and authorizes the Commission to provide an exemption from such examinations for teachers and other educational personnel from another state under certain circumstances. (NRS 391.021, 391.032) **Section 19 of this bill requires the regulations establishing these qualifications to require an applicant for a license to teach middle school, junior high school or high school to demonstrate proficiency in a field of specialization or area of concentration by successfully completing certain course work or passing a subject matter competency examination prescribed by the Department. Sections 19, 20 , ~~[and]~~ 22 and 25.5** of this bill revise provisions governing ~~[exemptions from the examinations for]~~ initial licensure for teachers and educational personnel from other states who obtain a reciprocal license. ~~[Section 22 also removes the requirement that the regulations adopted by the Commission that provide for reciprocal licensure of educational personnel from other states include provisions regarding persons who obtain a license pursuant to an alternative route to licensure.]~~

Section 23.3 of this bill transfers, from the State Board to the Commission on Professional Standards in Education, responsibility for prescribing standards for approval of a course of study or training offered by an educational institution to qualify a person to be a teacher or administrator or perform other educational functions. Sections 23.5 and 25.7 of this bill make conforming changes.

Section 33.5 of this bill repeals a provision requiring the Superintendent of Public Instruction to file with the clerk of the board of trustees of each school district a directory of all teachers and other educational personnel who are entitled to draw salaries from the county school district fund. Section 1.5 of this bill makes a conforming change.

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

Section 1. NRS 385.610 is hereby amended to read as follows:

385.610 1. The Superintendent of Public Instruction shall establish an Advisory Council on Parental Involvement and Family Engagement. The Advisory Council is composed of 11 members.

2. The Superintendent of Public Instruction shall appoint the following members to the Advisory Council:

(a) Two parents or legal guardians of pupils enrolled in public schools;

(b) Two teachers in public schools;

(c) One administrator of a public school;

(d) One representative of a private business or industry;

(e) One member of the board of trustees of a school district in a county whose population is 100,000 or more;

(f) One member of the board of trustees of a school district in a county whose population is less than 100,000; and

(g) One member who is the President of the Board of Managers of the Nevada Parent Teacher Association or its successor organization, or a designee nominated by the President.

➥ The Superintendent of Public Instruction shall, to the extent practicable, ensure that the members the Superintendent appoints to the Advisory Council reflect the ethnic, economic and geographic diversity of this State.

3. The Speaker of the Assembly shall appoint one member of the Assembly to the Advisory Council.

4. The Majority Leader of the Senate shall appoint one member of the Senate to the Advisory Council.

5. The Advisory Council shall elect a Chair and Vice Chair from among its members. The Chair and Vice Chair serve a term of 1 year.

6. After the initial terms:

(a) The term of each member of the Advisory Council who is appointed by the Superintendent of Public Instruction is 3 years.

(b) The term of each member of the Advisory Council who is appointed by the Speaker of the Assembly and the Majority Leader of the Senate is 2 years.

7. The Department shall provide:

(a) Administrative support to the Advisory Council; and

(b) All information that is necessary for the Advisory Council to carry out its duties.

8. For each day or portion of a day during which a member of the Advisory Council who is a Legislator attends a meeting of the Advisory Council or is otherwise engaged in the business of the Advisory Council, except during a regular or special session of the Legislature, the member is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers generally; and

(c) Travel expenses provided pursuant to NRS 218A.655.

➥ The compensation, per diem allowances and travel expenses of the legislative members of the Advisory Council must be paid from the Legislative Fund.

9. A member of the Advisory Council who is not a Legislator is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during

which the member attends a meeting of the Advisory Council or is otherwise engaged in the business of the Advisory Council. The per diem allowance and travel expenses for the members of the Advisory Council who are not Legislators must be paid by the Department.

10. Any costs associated with employing a substitute teacher while a member of the Advisory Council who is a teacher attends a meeting of the Advisory Council must be paid by the school district or charter school that employs the member.

Sec. 1.5. **NRS 387.310 is hereby amended to read as follows:**

387.310 1. Except as otherwise provided by the board of trustees, the clerk of the board shall draw all orders for the payment of money belonging to the school district. The orders must be listed on cumulative voucher sheets.

2. The board of trustees shall prescribe the procedures by which the orders must be approved and the cumulative voucher sheets signed. The procedures must provide:

(a) That the approval of the board of trustees is required before orders are paid unless a payment must be expedited for the school district to:

(1) Receive a discount or other savings which is related to the timeliness of payment;

(2) Avoid a service charge or other cost which is related to the timeliness of payment; or

(3) Abide by a purchase order, contract or other order for payment which has been approved by the board of trustees at a public meeting.

(b) For ratification by the board of trustees at its next regularly scheduled meeting of any payment that is made without the approval of the board pursuant to an exception set forth in paragraph (a).

3. When the orders have been approved and the cumulative voucher sheets have been signed in accordance with such procedures, the orders are valid vouchers in the hands of the county auditor for the county auditor to issue warrants on the county treasurer to be paid out of money belonging to the school district.

4. No order in favor of the board of trustees or any member thereof, except for salaries as required by NRS 386.320 or travel expenses and subsistence as authorized by NRS 386.290, may be drawn.

5. ~~[No order for salary for any teacher may be drawn unless the teacher is included in the directory of teachers supplied to the clerk of the board of trustees pursuant to the provisions of NRS 391.045.~~

~~6.]~~ An order drawn by a clerk of a board of trustees pursuant to subsection 1 is void if not presented for payment within 1 year after the date of issuance.

~~[7.]~~ ***6.*** Any order remaining unpaid after the expiration of 1 year, whether outstanding or uncalled for in the office of the county auditor, must be cancelled by the county auditor, who shall immediately notify the county treasurer of the cancellation. The county treasurer shall not pay a warrant presented for payment more than 1 year after the date of issuance of such an

order. This subsection does not apply if the board of trustees establishes and administers a separate account pursuant to NRS 354.603.

Sec. 1.7. **NRS 388.409 is hereby amended to read as follows:**

388.409 1. The English Mastery Council is hereby created. The English Mastery Council consists of the following 16 members:

(a) The Superintendent of Public Instruction, or his or her designee, who serves as an ex officio member of the English Mastery Council.

(b) Two members who have knowledge and expertise in language acquisition and who represent the Nevada System of Higher Education, appointed by the Chancellor of the Nevada System of Higher Education.

(c) Two members who are teachers at public schools in this State, hold a master's degree to teach English as a second language ***or an endorsement to teach English as a second language*** and have knowledge and expertise in providing instruction to pupils who are limited English proficient, appointed by the Governor from a list of nominees submitted by the Nevada State Education Association, or its successor organization. The Governor shall ensure that the members appointed pursuant to this paragraph represent the geographic and ethnic diversity of this State.

(d) Two members who are parents or legal guardians of pupils who are limited English proficient, one of whom is appointed by the Governor from a list of nominees submitted by the Speaker of the Assembly and one of whom is appointed by the Governor from a list of nominees submitted by the Majority Leader of the Senate. The Governor shall ensure that the members appointed pursuant to this paragraph represent the geographic and ethnic diversity of this State. The Nevada Parent Teacher Association shall submit a list of names of persons that the Association would recommend for inclusion on the list of nominees submitted by the Speaker of the Assembly and the Majority Leader of the Senate.

(e) Two members who are school-level administrators, one of whom is employed by a school district in a county whose population is 100,000 or more and one of whom is employed by a school district in a county whose population is less than 100,000, appointed by the Governor from a list of nominees submitted by the Nevada Association of School Administrators.

(f) Two members who are school-district-level administrators, one of whom is employed by a school district in a county whose population is 100,000 or more and one of whom is employed by a school district in a county whose population is less than 100,000, appointed by the Governor from a list of nominees submitted by the Nevada Association of School Administrators.

(g) One member who is a member of a board of trustees of a school district, appointed by the Governor from a list of nominees submitted by the Nevada Association of School Boards.

(h) Two members who are representatives of the general public, private business and industry in this State or nonprofit organizations and who have

been leaders in education reform related to pupils who are limited English proficient, appointed by the Governor.

(i) Two members with expertise in the development of public policy relating to the education of pupils who are limited English proficient, appointed by the Superintendent of Public Instruction upon the advice and recommendation of persons who have knowledge and expertise in providing instruction to pupils who are limited English proficient.

2. Each appointed member of the English Mastery Council serves a term of 2 years and may be reappointed to additional terms.

3. A vacancy on the English Mastery Council must be filled in the same manner as the original appointment.

4. The English Mastery Council shall, at its first meeting and annually thereafter, elect a Chair from among its members.

5. The English Mastery Council shall meet at least quarterly and may meet at other times upon the call of the Chair.

6. Members of the English Mastery Council serve without compensation, except that for each day or portion of a day during which a member of the Council attends a meeting of the Council or is otherwise engaged in the business of the Council, the member is entitled to receive the per diem allowances and travel expenses provided for state officers and employees generally.

7. A member of the English Mastery Council who is a public employee must be granted administrative leave from the member's duties to engage in the business of the Council without loss of his or her regular compensation. Such leave does not reduce the amount of the member's other accrued leave.

8. The English Mastery Council may apply for and accept gifts, grants, donations and contributions from any source for the purpose of carrying out its duties pursuant to NRS 388.411.

9. The Department shall provide administrative support to the English Mastery Council.

Sec. 2. Chapter 388A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 8, inclusive, of this act.

Sec. 3. ***As used in sections 3 to 8, inclusive, of this act, "arrest" has the meaning ascribed to it in NRS 171.104.***

Sec. 4. ***1. The Department shall adopt regulations that establish a procedure for the notification, tracking and monitoring of the status of criminal cases involving teachers and administrators who are employed by a charter school but are not licensed pursuant to chapter 391 of NRS. The procedure must include, without limitation:***

(a) The method by which the administrative head of a charter school must notify the Department in a timely manner of the arrest of such an employee if:

(1) The act for which the employee is arrested:

(I) May be a ground for the suspension or revocation of a person's license pursuant to NRS 391.330; and

(II) Is not excluded by the Department from the notification requirements of this section; and

(2) The charter school has knowledge of the arrest.

(b) The method by which the administrative head of a charter school must notify the Department in a timely manner of:

(1) Each action, if any, taken against the employee by the charter school after the arrest; and

(2) The conviction of the employee, if the employee is convicted of the act for which he or she was arrested.

(c) The steps the Department must follow in response to the receipt of notice pursuant to this section, including, without limitation, the preparation of a separate file on the employee for the documentation and monitoring of the status of the case.

2. Each file that is maintained on an employee pursuant to subsection 1 must include, without limitation:

(a) The date on which the employee was arrested and the date on which the Department received notice of the arrest from the charter school;

(b) The reason why the employee was arrested;

(c) The steps taken by the Department in response to all notices received by the Department from a charter school pursuant to subsection 1; and

(d) The final resolution of the case and the date of resolution.

3. If the Department maintains a file on an employee pursuant to this section and the employee is not convicted of an offense, the file and any related documents must not be made a part of that employee's permanent employment record.

4. The Department may prescribe a fee to be assessed against a charter school for the costs incurred by the Department for tracking and monitoring the status of a criminal case in accordance with the requirements prescribed pursuant to this section. Any fee prescribed pursuant to this section must be calculated to produce the revenue estimated to cover the costs related to tracking and monitoring the status of a criminal case, but the amount of the fee for tracking and monitoring the status of a criminal case must not exceed the actual cost to the Department of tracking and monitoring the status of the criminal case.

Sec. 5. *The governing body of each charter school shall adopt a policy which requires a person who is employed by the charter school as a teacher or administrator but who is not licensed pursuant to chapter 391 of NRS to report to the charter school if the employee is arrested for or convicted of a crime. The policy must include, without limitation, an identification of:*

1. The crimes for which an arrest or conviction must be reported;

2. The person to whom the report must be made; and

3. The time period after the arrest or conviction in which the report must be made.

Sec. 6. ***The administrative head of each charter school shall submit all information required by the Department pursuant to section 4 of this act within the period prescribed by the Department.***

Sec. 7. ***Immunity from civil or criminal liability extends to every person who, pursuant to sections 3 to 8, inclusive, of this act, in good faith:***

1. Participates in the making of a report;

2. Causes or conducts an investigation of a person who is employed by the charter school as a teacher or administrator who is not licensed pursuant to chapter 391 of NRS and who is arrested; or

3. Submits information to the Department concerning a person who is employed by the charter school as a teacher or administrator, who is not licensed pursuant to chapter 391 of NRS and who is arrested.

Sec. 8. ***The governing body of a charter school shall terminate the employment of any teacher or administrator who is employed by the charter school but is not licensed pursuant to chapter 391 of NRS upon his or her conviction of a:***

1. Felony or crime involving moral turpitude; or

2. Sex offense ~~[under]~~ pursuant to NRS 200.366, 200.368, 201.190, 201.220, 201.230, 201.540 or 201.560 . ~~[in which a pupil enrolled in the charter school was the victim.]~~

Sec. 9. NRS 388A.515 is hereby amended to read as follows:

388A.515 1. Each applicant for employment with a charter school, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, must, as a condition to employment, submit to the governing body of the charter school a complete set of the applicant's fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

2. If the reports on the criminal history of an applicant indicate that the applicant has not been convicted of a ~~[felony or an offense involving moral turpitude,]~~ ***crime listed in section 8 of this act,*** the governing body of the charter school may employ the applicant.

3. If a report on the criminal history of an applicant indicates that the applicant has been convicted of a felony or an offense involving moral turpitude and the governing body of the charter school does not disqualify the applicant from further consideration of employment on the basis of that report, the governing body shall, upon the written authorization of the applicant, forward a copy of the report to the Superintendent of Public Instruction. If the applicant refuses to provide his or her written authorization to forward a copy of the report pursuant to this subsection, the charter school shall not employ the applicant.

4. ~~[The]~~ ***Not later than 15 days after receiving a report on the criminal history of an applicant, the*** Superintendent of Public Instruction or the

Superintendent's designee shall ~~[promptly]~~ review the report to determine whether the conviction of the applicant is related or unrelated to the position with the charter school for which the applicant has applied. If the applicant desires employment with the charter school, the applicant shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. If the governing body of the charter school desires to employ the applicant, the governing body shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. The Superintendent of Public Instruction or the Superintendent's designee shall provide written notice of the determination to the applicant and to the governing body of the charter school.

5. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant is related to the position with the charter school for which the applicant has applied, the governing body of the charter school shall not employ the applicant. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant is unrelated to the position with the charter school for which the applicant has applied, the governing body of the charter school may employ the applicant for that position.

Sec. 10. NRS 388A.524 is hereby amended to read as follows:

388A.524 1. A charter school shall not employ a person pursuant to NRS 388A.518 or 388A.521 if the person's license to teach or provide other educational services has been revoked or suspended in this State or another state.

2. ~~[On or before November 15 of each year, a]~~ ***A*** charter school shall ***annually, on or before the date prescribed by the Superintendent of Public Instruction,*** submit to the Department, in a format prescribed by the Superintendent of Public Instruction, the following information for each person who is licensed pursuant to chapter 391 of NRS and who is employed by the governing body ~~[on October 1 of]~~ ***during*** that year:

(a) The amount of salary or compensation of the licensed person, including, without limitation, verification of compliance with subsection 2 of NRS 388A.521, if applicable to that person; and

(b) The designated assignment, as that term is defined by the Department, of the licensed person.

Sec. 11. NRS 388A.533 is hereby amended to read as follows:

388A.533 1. All employees of a charter school shall be deemed public employees.

2. ~~[The]~~ ***Except as otherwise provided in section 8 of this act, the*** governing body of a charter school may make all decisions concerning the terms and conditions of employment with the charter school and any other matter relating to employment with the charter school. In addition, the

governing body may make all employment decisions with regard to its employees pursuant to NRS 391.650 to 391.830, inclusive, unless a collective bargaining agreement entered into by the governing body pursuant to chapter 288 of NRS contains separate provisions relating to the discipline of licensed employees of a school.

3. Upon the request of the governing body of a charter school, the board of trustees of a school district shall, with the permission of the licensed employee who is seeking employment with the charter school, transmit to the governing body a copy of the employment record of the employee that is maintained by the school district. The employment record must include, without limitation, each evaluation of the licensed employee conducted by the school district and any disciplinary action taken by the school district against the licensed employee.

Sec. 12. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 13 and 14 of this act.

Sec. 13. ***1. The Department may charge and collect a fee of $50 to review information pertaining to and provide feedback concerning a person's qualifications for a license to teach or perform other educational functions, including, without limitation, records from a college or other educational institution and scores on examinations administered pursuant to the regulations adopted by the Commission, before the person applies for such a license.*** ~~***[The]***~~ ***Except as otherwise provided in subsection 4, the money received from the fee collected pursuant to this section must be deposited with the State Treasurer for credit to the appropriate account of the Department.***

2. Upon submission and payment of the fee prescribed pursuant to subsection 1, the Department shall review the information submitted pursuant to that subsection and provide feedback to a person concerning whether the information submitted by the person is indicative of whether the person appears to satisfy all or some of the requirements for the issuance of a license and, if so, the kind of license for which it appears the person may satisfy the requirements.

3. The submission of information pursuant to subsection 1 or any feedback provided by the Department pursuant to subsection 2 is not a substitute for the application process prescribed by NRS 391.033 and does not confer upon any person a right to the issuance of a license.

4. If the Department determines from the information submitted pursuant to subsection 1 that the person satisfies the requirements for the issuance of a license, the fee prescribed pursuant to subsection 1 must be applied toward the fee prescribed for the initial issuance of a license by the Commission pursuant to NRS 391.040.

Sec. 14. ~~***[1. The Department shall maintain a permanent employment record for each licensed employee who is employed by a school district or charter school. The employment record must include, without limitation:***~~

~~*(a) The employee's overall performance rating as highly effective, effective, minimally effective or ineffective under the statewide performance evaluation system established by the State Board pursuant to NRS 391.465 and the criteria for making the designation;*~~

~~*(b) The amount of salary or compensation of the employee reported by a charter school or school district pursuant to paragraph (a) of subsection 2 of NRS 388A.524 or paragraph (a) of subsection 4 of NRS 391.120, respectively; and*~~

~~*(c) The designated assignment of the employee reported by a charter school or school district pursuant to paragraph (b) of subsection 2 of NRS 388A.524 or paragraph (b) of subsection 4 of NRS 391.120, respectively.*~~

~~*2. Each school district and charter school shall annually submit to the Department, in a format prescribed by the Superintendent of Public Instruction, the information prescribed in paragraph (a) of subsection 1 for each licensed employee.*~~

~~*3. Except as otherwise provided in NRS 239.0115, the records maintained by the Department pursuant to subsection 1 are confidential.]*~~ **(Deleted by amendment.)**

Sec. 15. NRS 391.011 is hereby amended to read as follows:

391.011 1. The Commission on Professional Standards in Education, consisting of ~~[~~nine~~]~~ ***eleven*** members appointed by the Governor, is hereby created.

2. ~~[~~Four~~]~~ ***Five*** members of the Commission must be teachers who teach in the classroom as follows:

(a) One who ***holds a license to teach secondary education and*** teaches in a secondary school.

(b) One who ***holds a license to teach middle school or junior high school education and*** teaches in a middle school or junior high school.

(c) One who ***holds a license to teach elementary education and*** teaches in an elementary school.

(d) One who ***holds a license to teach special education and*** teaches special education.

(e) One who holds a license to teach pupils in a program of early childhood education and teaches in a program of early childhood education.

3. The remaining members of the Commission must include:

(a) One ***school*** counselor ***,*** ~~[~~or~~]~~ psychologist***, speech-language pathologist, audiologist, or*** ~~*[other person]*~~ ***social worker who is licensed pursuant to chapter 391 of NRS and*** employed by a school district ~~[.]~~ ***or charter school.***

(b) Two administrators of schools ~~[~~, at least one of whom must be~~]~~ ***who are employed by*** a ~~[~~principal of a school.~~]~~ ***school district or charter school to provide administrative service at an individual school. Such administrators must not provide service at the district level.***

(c) The dean of the College of Education at one of the universities in the Nevada System of Higher Education, or a representative of one of the Colleges of Education nominated by such a dean for appointment by the Governor.

(d) One member who is ~~[~~a representative~~]~~ ***the parent or legal guardian*** of ~~[~~the general~~]~~ ***a pupil enrolled in a*** public ~~[.]~~ ***school.***

(e) One member who has expertise and experience in the operation of a business.

4. ~~[~~The appointments of a counselor, the administrators and three~~]~~ ***Three*** of the ~~[~~four teachers~~]~~ ***five appointments made pursuant to subsection 2*** must be made from a list of names of at least three persons for each position that is submitted to the Governor ~~[~~:

~~(a) For the counselor and teachers,~~**]** by an employee organization representing the majority of ~~[~~counselors and the majority of~~]~~ teachers in the State ~~[~~of Nevada~~]~~ who teach in the educational level from which the appointment is being made **.** ~~[~~; or

~~(b) For administrators, by an organization of administrators for schools in which the majority of administrators of schools in this State have membership.~~]~~

5. ~~[~~One member~~]~~ ***The appointment made pursuant to:***

(a) Paragraph (a) of ***subsection 3 must be made from a list of names of at least three persons that is submitted to*** the ~~[~~Commission who is a teacher, administrator, counselor or psychologist must be employed by a private school licensed pursuant to chapter 394 of NRS.~~]~~ ***Governor by an employee organization representing the majority of school counselors, psychologists*** ~~***[for other licensed educational personnel]***~~ ***, speech-language pathologists, audiologists or social workers in this State who are not administrators.***

(b) Paragraph (b) of subsection 3 must be made from a list of names of at least three persons for each position that is submitted to the Governor by the organization of administrators for schools in which the majority of administrators of schools in this State have membership.

(c) Paragraph (d) of subsection 3 must be made from a list of names of persons submitted to the Governor by the Nevada Parent Teacher Association or its successor organization.

Sec. 16. NRS 391.013 is hereby amended to read as follows:

391.013 No member of the Commission ~~[~~who is a teacher, counselor, administrator or representative of the general public~~]~~ may serve more than two terms.

Sec. 17. NRS 391.015 is hereby amended to read as follows:

391.015 1. The Commission shall ***annually*** elect one of its members as President ~~[~~.~~]~~ ***and one of its members as Vice President,*** to serve at the pleasure of the Commission.

2. The Superintendent of Public Instruction or the Superintendent's designee shall serve as the nonvoting Secretary to the Commission. The Secretary shall coordinate the activities of the Commission.

Sec. 18. NRS 391.017 is hereby amended to read as follows:

391.017 1. The Commission may meet at least once each month.

2. A majority of the Commission constitutes a quorum for the transaction of business.

3. The members of the Commission are entitled to the travel expenses and subsistence allowances provided by law for state officers and employees generally while attending meetings of the Commission.

4. Any costs associated with employing a substitute teacher while a member of the Commission who is a teacher attends a meeting of the Commission must be ~~[paid]~~ :

(a) Paid by the school district or charter school that employs the member ~~[.]~~ ; or

(b) Reimbursed to the school district or charter school that employs the member by the organization that submitted the name of the member to the Governor for appointment pursuant to paragraph (a), (b) or (c) of subsection 5 of NRS 391.011.

Sec. 19. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations:

(a) Prescribing the qualifications for licensing teachers and other educational personnel, including, without limitation, the qualifications for a license to teach middle school or junior high school education, and the procedures for the issuance and renewal of those licenses. The regulations:

(1) Must include, without limitation, the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure which provides that the required education and training may be provided by any qualified provider which has been approved by the Commission, including, without limitation, institutions of higher education and other providers that operate independently of an institution of higher education. The regulations adopted pursuant to this subparagraph must:

(I) Establish the requirements for approval as a qualified provider;

(II) Require a qualified provider to be selective in its acceptance of students;

(III) Require a qualified provider to provide supervised, school-based experiences and ongoing support for its students, such as mentoring and coaching;

(IV) Significantly limit the amount of course work required or provide for the waiver of required course work for students who achieve certain scores on tests;

(V) Allow for the completion in 2 years or less of the education and training required under the alternative route to licensure;

(VI) Provide that a person who has completed the education and training required under the alternative route to licensure and who has satisfied all other requirements for licensure may apply for a regular license pursuant to sub-subparagraph (VII) regardless of whether the person has

received an offer of employment from a school district, charter school or private school; and

(VII) Upon the completion by a person of the education and training required under the alternative route to licensure and the satisfaction of all other requirements for licensure, provide for the issuance of a regular license to the person pursuant to the provisions of this chapter and the regulations adopted pursuant to this chapter.

(2) ***Must require an applicant for a license to teach middle school or junior high school education or secondary education to demonstrate proficiency in a field of specialization or area of concentration by successfully completing course work prescribed by the Department or completing a subject matter competency examination prescribed by the Department with a score deemed satisfactory.***

(3) Must not prescribe qualifications which are more stringent than the qualifications set forth in NRS 391.0315 for a licensed teacher who applies for an additional license in accordance with that section.

(b) Identifying fields of specialization in teaching which require the specialized training of teachers.

(c) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization, including, without limitation, an endorsement to teach English as a second language based upon the recommendations of the English Mastery Council pursuant to NRS 388.411.

(d) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(e) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting.

(f) Requiring teachers and other educational personnel to be registered with the Aging and Disability Services Division pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting if they:

(1) Provide instruction or other educational services; and

(2) Concurrently engage in the practice of interpreting, as defined in NRS 656A.060.

(g) Providing for the issuance and renewal of a special qualifications license to an applicant who holds a bachelor's degree, a master's degree or a doctoral degree from an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and who has:

(1) At least 2 years of experience teaching at an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and at least 3 years of experience working in that field; or

(2) At least 5 years of experience working in a field for which the applicant will provide instruction in a classroom.

➥ An applicant for licensure pursuant to this paragraph who holds a bachelor's degree must submit proof of participation in a program of student teaching or mentoring or agree to participate in a program of mentoring or courses of pedagogy for the first 2 years of the applicant's employment as a teacher with a school district or charter school.

(h) Requiring an applicant for a special qualifications license to:

(1) Pass each examination required by ***subsection 1 of*** NRS 391.021 for the specific subject or subjects in which the applicant will provide instruction; or

(2) Hold a valid license issued by a professional licensing board of any state that is directly related to the subject area of the bachelor's degree, master's degree or doctoral degree held by the applicant.

(i) Setting forth the subject areas that may be taught by a person who holds a special qualifications license, based upon the subject area of the bachelor's degree, master's degree or doctoral degree held by that person.

(j) Providing for the issuance and renewal of a special qualifications license to an applicant who:

(1) Holds a bachelor's degree or a graduate degree from an accredited college or university in the field for which the applicant will be providing instruction;

(2) Is not licensed to teach public school in another state;

(3) Has at least 5 years of experience teaching with satisfactory evaluations at a school that is accredited by a national or regional accrediting agency recognized by the United States Department of Education; and

(4) Submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring for the first year of the applicant's employment as a teacher with a school district or charter school if the applicant holds a graduate degree or, if the applicant holds a bachelor's degree, submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring or courses of pedagogy for the first 2 years of his or her employment as a teacher with a school district or charter school.

➥ An applicant for licensure pursuant to this paragraph is exempt from each examination required by ***subsection 1 of*** NRS 391.021 if the applicant successfully passed the examination in another state.

(k) Prescribing course work on parental involvement and family engagement. The Commission shall work in cooperation with the Office of Parental Involvement and Family Engagement created by NRS 385.630 in developing the regulations required by this paragraph.

2. Except as otherwise provided in NRS 391.027, the Commission may adopt such other regulations as it deems necessary for its own government or to carry out its duties.

3. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

4. A person who is licensed pursuant to paragraph (g) or (j) of subsection 1:

(a) Shall comply with all applicable statutes and regulations.

(b) Except as otherwise provided by specific statute, is entitled to all benefits, rights and privileges conferred by statutes and regulations on licensed teachers.

(c) Except as otherwise provided by specific statute, if the person is employed as a teacher by the board of trustees of a school district or the governing body of a charter school, is entitled to all benefits, rights and privileges conferred by statutes and regulations on the licensed employees of a school district or charter school, as applicable.

Sec. 20. NRS 391.021 is hereby amended to read as follows:

391.021 ***1.*** Except as otherwise provided in paragraph (j) of subsection 1 of NRS 391.019 and NRS 391.027, the Commission shall adopt regulations governing examinations for the initial licensing of teachers and other educational personnel. The ***regulations adopted by the Commission must ensure that the*** examinations ~~[must]~~ test the ability of the applicant to teach and the applicant's knowledge of each specific subject he or she proposes to teach. ~~[Each *Teachers]*~~ ***Except as otherwise provided in subsection 2, teachers and educational personnel from another state who obtain a reciprocal license pursuant to NRS 391.032 are not required to take the examinations for the initial licensing of teachers and other educational personnel described in this subsection*** ~~[.]~~ ***or any other examination for initial licensing required by the regulations adopted by the Commission.***

2. Except as otherwise provided in subsection 3, in addition to the examinations for the initial licensing of teachers and other educational personnel governed by the regulations adopted by the Commission pursuant to subsection 1, an applicant for initial licensure must take and successfully pass an examination ~~[must include]~~ ***on*** the following subjects:

~~[1.]~~ ***(a)*** The laws of Nevada relating to schools;

~~[2.]~~ ***(b)*** The Constitution of the State of Nevada; and

~~[3.]~~ ***(c)*** The Constitution of the United States.

~~[~~ ***3.*** The ~~[provisions of this section do not prohibit the]~~ Commission ~~[from adopting]~~ ***may adopt*** regulations ~~[pursuant to subsection 2 of NRS 391.032 that]~~ ***which*** provide ~~[an exemption from the examinations for]~~ ***that*** teachers and other educational personnel from another state ~~[if the~~

~~Commission determines that the examinations required for initial licensure for teachers and other educational personnel in that state are comparable to the examinations required for initial licensure in this State.]~~ ***who obtain a reciprocal license pursuant to NRS 391.032 may obtain an exemption from the requirement to take the examination required by subsection 2.***

Sec. 21. NRS 391.031 is hereby amended to read as follows:

391.031 There are the following kinds of licenses for teachers and other educational personnel in this State:

1. ***A license to teach pupils in a program of early childhood education, which authorizes the holder to teach in any program of early childhood education in the State.***

2. A license to teach elementary education, which authorizes the holder to teach in any elementary school in the State.

~~[2.]~~ ***3.*** A license to teach middle school or junior high school education, which authorizes the holder to teach in his or her major or minor field of preparation or in both fields in ~~[grades 7, 8 and 9 at]~~ any middle school or junior high school. He or she may teach only in these fields unless an exception is approved pursuant to regulations adopted by the Commission.

~~[3.]~~ ***4.*** A license to teach secondary education, which authorizes the holder to teach in his or her major or minor field of preparation or in both fields in any secondary school. He or she may teach only in these fields unless an exception is approved pursuant to regulations adopted by the Commission.

~~[4.]~~ ***5.*** A license to teach special education, which authorizes the holder to teach pupils with disabilities or gifted and talented pupils, or both.

~~[5.]~~ ***6.*** A special license, which authorizes the holder to teach or perform other educational functions in a school or program as designated in the license.

~~[6.]~~ ***7.*** A special license designated as a special qualifications license, which authorizes the holder to teach only in the grades and subject areas designated in the license. A special qualifications license is valid for 3 years and may be renewed in accordance with the applicable regulations of the Commission adopted pursuant to paragraph (g) or (j) of subsection 1 of NRS 391.019.

Sec. 22. NRS 391.032 is hereby amended to read as follows:

391.032 1. Except as otherwise provided in NRS 391.027, the Commission shall:

(a) ~~[Consider and may adopt]~~ ***Adopt*** regulations which provide for the issuance of ~~[conditional]~~ ***provisional*** licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State.

(b) Adopt regulations which provide for the reciprocal licensure of educational personnel from other states ~~[.]~~ including, without limitation, for the reciprocal licensure of persons who hold a license to teach special education. Such regulations must include, without limitation, provisions for

the reciprocal licensure of persons who obtained a license pursuant to an alternative route to licensure which the ~~[Commission]~~ ***Department*** determines is as rigorous or more rigorous than the alternative route to licensure prescribed pursuant to subparagraph (1) of paragraph (a) of subsection 1 of NRS 391.019.

2. ~~[The regulations adopted pursuant to paragraph (b) of subsection 1 may provide an exemption from the examinations required for initial licensure for teachers and other educational personnel from another state if the Commission determines that the examinations required for initial licensure for teachers and other educational personnel in that state are comparable to the examinations required for initial licensure in this State.~~

~~3.]~~ A person who is issued a ~~[conditional]~~ ***provisional*** license must complete all courses of study and other requirements for a license in this State which is not ~~[conditional]~~ ***provisional*** within 3 years after the date on which a ~~[conditional]~~ ***provisional*** license is issued.

Sec. 23. NRS 391.033 is hereby amended to read as follows:

391.033 1. All licenses for teachers and other educational personnel are granted by the Superintendent of Public Instruction pursuant to regulations adopted by the Commission and as otherwise provided by law.

2. An application for the issuance of a license must include the social security number of the applicant.

3. Every applicant for a license must submit with his or her application a complete set of his or her fingerprints and written permission authorizing the Superintendent to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its initial report on the criminal history of the applicant and for reports thereafter upon renewal of the license pursuant to subsection 7 of NRS 179A.075, and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

4. The Superintendent may issue a provisional license pending receipt of the reports of the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History if the Superintendent determines that the applicant is otherwise qualified.

5. A license must be issued to, or renewed for, as applicable, an applicant if:

(a) The Superintendent determines that the applicant is qualified;

(b) The reports on the criminal history of the applicant from the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History:

(1) Do not indicate that the applicant has been convicted of a felony or any offense involving moral turpitude; or

(2) Indicate that the applicant has been convicted of a felony or an offense involving moral turpitude but the Superintendent determines that the conviction is unrelated to the position within the county school district or charter school for which the applicant applied or for which he or she is currently employed, as applicable; and

(c) For initial licensure, the applicant submits the statement required pursuant to NRS 391.034.

6. If the Superintendent denies an application pursuant to this section, the Superintendent must, within 15 days after the date on which the application is denied, provide notice of the denial to the school district or charter school that employs the applicant if the applicant is employed by a school district or charter school. Such notice must not state the reasons for denial.

Sec. 23.3. **NRS 391.037 is hereby amended to read as follows:**

391.037 1. The ~~[State Board]~~ ***Commission*** shall:

(a) Prescribe by regulation the standards for approval of a course of study or training offered by an educational institution to qualify a person to be a teacher or administrator or to perform other educational functions. The regulations prescribed pursuant to this paragraph must include, without limitation, training on how to identify a pupil who is at risk for dyslexia or related disorders.

(b) Maintain descriptions of the approved courses of study required to qualify for endorsements in fields of specialization and provide to an applicant, upon request, the approved course of study for a particular endorsement.

2. Except for an applicant who submits an application for the issuance of a license pursuant to subparagraph (1) of paragraph (a) or paragraph (g) or (j) of subsection 1 of NRS 391.019, an applicant for a license as a teacher or administrator or to perform some other educational function must submit with his or her application, in the form prescribed by the Superintendent of Public Instruction, proof that the applicant has satisfactorily completed a course of study and training approved by the ~~[State Board]~~ ***Commission*** pursuant to subsection 1.

Sec. 23.5. **NRS 391.038 is hereby amended to read as follows:**

391.038 1. The ~~[State Board,]~~ ***Commission,*** in consultation with educational institutions in this State which offer courses of study and training for the education of teachers, the board of trustees of each school district in this State and other educational personnel, shall review and evaluate a course of study and training offered by an educational institution which is designed to provide the education required for:

(a) The licensure of teachers or other educational personnel;

(b) The renewal of licenses of teachers or other educational personnel; or

(c) An endorsement in a field of specialization.

➥ If the course of study and training meets the requirements established by the ~~[State Board,]~~ ***Commission,*** it must be approved by the ~~[State Board.]~~ ***Commission.*** The ~~[State Board]~~ ***Commission*** shall not approve a course of study or training unless the course of study and training provides instruction, to the extent deemed necessary by the ~~[State Board,]~~ ***Commission,*** in the standards of content and performance prescribed by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520.

2. The ~~[State Board]~~ ***Commission*** may review and evaluate such courses of study and training itself or may recognize a course of study and training approved by a national agency for accreditation acceptable to the ~~[Board.]~~ ***Commission.***

3. The ~~[State Board]~~ ***Commission*** shall adopt regulations establishing fees for the review by the ~~[Board]~~ ***Commission*** of a course of study and training submitted to the ~~[Board]~~ ***Commission*** by an educational institution.

4. The ~~[State Board,]~~ ***Commission,*** in consultation with educational institutions in this State which offer courses of study and training for the education of teachers and other educational personnel, shall adopt regulations governing the approval by the ~~[State Board]~~ ***Commission*** of courses of study and training.

5. If the ~~[State Board]~~ ***Commission*** denies or withdraws its approval of a course of study or training, the educational institution is entitled to a hearing and judicial review of the decision of the ~~[State Board.]~~ ***Commission.***

Sec. 23.7. **NRS 391.039 is hereby amended to read as follows:**

391.039 1. The State Board shall, on an annual basis, evaluate each provider approved by ~~[the State Board or]~~ the Commission to offer a course of study or training designed to qualify a person to be a teacher or administrator or to perform other educational functions, including, without limitation, a qualified provider approved by the Commission pursuant to subparagraph (1) of paragraph (a) of subsection 1 of NRS 391.019 to offer an alternative route to licensure. The evaluation must include, without limitation, for each provider, the number of persons:

(a) Who received a license pursuant to this chapter after completing the education, course of study or training offered by the provider; and

(b) Identified in paragraph (a) who are employed by a school district or a charter school in this State after receiving a license and information relating to the performance evaluations of those persons conducted by the school district or charter school. The information relating to the performance evaluations must be reported in an aggregated format and not reveal the identity of a person.

2. The Department shall post on its Internet website the evaluation conducted pursuant to subsection 1.

Sec. 24. NRS 391.040 is hereby amended to read as follows:

391.040 1. The Commission shall fix fees of not less than ~~[$65]~~ ***$100*** for the:

(a) Initial issuance of a license, which must include the fees for processing the fingerprints of the applicant by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation; and

(b) Renewal of a license, which must include the fees for processing the fingerprints of the applicant for renewal by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation.

2. The fee for issuing a duplicate license is the same as for issuing the original.

3. The portion of each fee which represents the amount charged by the Federal Bureau of Investigation for processing the fingerprints of the applicant must be deposited with the State Treasurer for credit to the appropriate account of the Department of Public Safety. The remaining portion of the money received from the fees must be deposited with the State Treasurer for credit to the appropriate account of the Department of Education.

4. The Department of Education may waive any fee for the initial issuance of a license, the renewal of a license or the issuance of a duplicate license for an applicant or licensee who is a veteran of the Armed Forces of the United States, an applicant or licensee who is a member of the Armed Forces of the United States who is on active duty or an applicant or licensee who is the spouse of such a veteran or member of the Armed Forces of the United States.

Sec. 25. ~~[NRS 391.045 is hereby amended to read as follows:~~

~~391.045 The Superintendent of Public Instruction shall file with the clerk of the board of trustees of each local school district a directory of all teachers and other educational personnel, including, without limitation, teachers and educational personnel employed by a charter school pursuant to NRS 388A.518, 388A.521, 388A.524, 388A.530 to 388A.544, inclusive, *and sections 3 to 8, inclusive, of this act,* and 388B.400 to 388B.450, inclusive, who are entitled to draw salaries from the county school district fund, and shall advise the clerk from time to time of any changes or additions to the directory.~~] **(Deleted by amendment.)**

Sec. 25.5. **NRS 391.090 is hereby amended to read as follows:**

391.090 1. ~~[Any]~~ ***Except as otherwise provided in subsection 3, any*** person who is:

(a) Granted a license to teach or perform other educational functions in the public schools of Nevada, in the school conducted at the Nevada Youth Training Center, the Caliente Youth Center or any other state facility for the detention of children that is operated pursuant to title 5 of NRS or for any program of instruction for kindergarten or grades 1 to 12, inclusive, conducted at any correctional institution in the Department of Corrections; or

(b) Charged with the duty at the Nevada Youth Training Center, the Caliente Youth Center or any other state facility for the detention of children that is operated pursuant to title 5 of NRS of giving instruction in the Constitution of the United States and the Constitution of the State of Nevada,

➥ must show, by examination or credentials showing college, university or normal school study, satisfactory evidence of adequate knowledge of the origin, history, provisions and principles of the Constitution of the United States and the Constitution of the State of Nevada.

2. The Commission may grant a reasonable time for compliance with the terms of this section.

3. The Department may waive the requirements of subsection 1 for a person who obtains a reciprocal license pursuant to NRS 391.032.

Sec. 25.7. **NRS 391.095 is hereby amended to read as follows:**

391.095 1. A school district may enter into an agreement with a branch of the Nevada System of Higher Education or an accredited postsecondary educational institution which is licensed by the Commission on Postsecondary Education and which offers courses of study and training for the education of teachers which are approved or recognized by the ~~[State Board]~~ ***Commission*** pursuant to NRS 391.038, for the assignment of students for training purposes as student teachers, counselors or trainees in a library, or for experience in a teaching laboratory. Students so assigned within the school district for training purposes may, under the direction and supervision of a licensed teacher, instruct and supervise pupils in the school, on the school grounds or on authorized field trips. The students so assigned are employees of the school district for purposes of NRS 41.038 and 41.039, while performing such authorized duties, whether or not the duties are performed entirely in the presence of the licensed teacher.

2. As used in this section:

(a) "Accredited" has the meaning ascribed to it in NRS 394.006.

(b) "Postsecondary educational institution" has the meaning ascribed to it in NRS 394.099.

Sec. 26. NRS 391.102 is hereby amended to read as follows:

391.102 1. Notwithstanding the provisions of any collective bargaining agreement or contract of employment to the contrary, before the board of trustees of a school district may transfer a teacher or administrator who has received an evaluation designating his or her overall performance as minimally effective or ineffective to another school as a result of decreased enrollment, administrative transfer or a reduction in workforce at a public school, the board of trustees of the school district must ~~[obtain]~~ ***seek*** the consent of the principal of the school to which the teacher or administrator is proposed to be transferred. If such consent is not obtained, the superintendent of schools of the school district:

(a) May assign the teacher or administrator to a school within the district other than the school from which the teacher or administrator was transferred; and

(b) May assign the teacher or administrator to the school at which the principal did not consent to the transfer of the teacher or administrator.

2. The superintendent of schools of a school district shall develop ***and submit to the State Board*** a plan to address the assignment of teachers or administrators who have received evaluations designating their overall performance as minimally effective or ineffective when the consent of a principal to a transfer pursuant to subsection 1 is not obtained. Such a plan must include, without limitation, a plan for any such teacher or administrator to receive assistance to help the teacher or administrator, as applicable, meet the standards for effective teaching, which may include, without limitation,

peer assistance and review, participation in programs of professional development and other appropriate training.

Sec. 27. NRS 391.120 is hereby amended to read as follows:

391.120 1. Boards of trustees of the school districts in this State may employ legally qualified teachers and other licensed personnel and may determine their salaries and the length of the term of school for which they are employed. These conditions and any other conditions agreed upon by the parties must be embodied in a written contract, or notice of reemployment, to be approved by the board of trustees and accepted and signed by the employee. A copy of the contract or notice of reemployment, properly written, must be delivered to each teacher or other licensed employee not later than the opening of the term of school.

2. A board of trustees may not employ teachers or other licensed personnel for any school year commencing after the expiration of the time for which any member of the board of trustees was elected or appointed.

3. It is unlawful for the board of trustees of any school district to employ any teacher who is not legally qualified to teach all the grades which the teacher is engaged to teach. Except as otherwise provided in NRS 391.3015, the board of trustees shall suspend or terminate, as applicable, the employment of any teacher who fails to maintain a license issued pursuant to this chapter in force, if such a license is required for employment. Any such suspension or termination must comply with the requirements of NRS 391.301 to 391.309, inclusive.

4. ~~[On or before November 15 of each year, the]~~ ***The*** school district shall ***annually, on or before the date prescribed by the Superintendent of Public Instruction,*** submit to the Department, in a form prescribed by the Superintendent of Public Instruction, the following information for each licensed employee employed by the school district ~~[on October 1 of]~~ ***during*** that year:

(a) The amount of salary of the employee; ~~[and]~~

(b) The designated assignment, as that term is defined by the Department, of the employee ~~[.]~~ ***; and***

(c) The overall performance rating of the employee as highly effective, effective, minimally effective or ineffective under the statewide performance evaluation system established by the State Board pursuant to NRS 391.465 and the criteria for making the designation.

5. Except as otherwise provided in NRS 239.0115, information submitted to the Department pursuant to paragraph (c) of subsection 4 is confidential.

Sec. 28. NRS 391.125 is hereby amended to read as follows:

391.125 1. If the board of trustees of a school district determines that a shortage of teachers exists within the school district in a particular subject area, the board of trustees may ***, on or before September 1 of the school year in which such a determination is made,*** submit a written request to the Superintendent of Public Instruction to employ persons who are licensed

teachers but who do not hold an endorsement to teach in the subject area for which there is a shortage of teachers at a public school within the school district . ~~[that is not rated as underperforming pursuant to the statewide system of accountability for public schools.]~~ The Superintendent of Public Instruction may grant such a request if the Superintendent determines that a shortage of teachers exists in the subject area. If the Superintendent of Public Instruction grants a request pursuant to this subsection, a ~~*[A]*~~ person who holds a license to teach but not an endorsement in the subject area for which the request was granted ~~*[that he or she is employed to teach]*~~ may be employed by the school district for not more than ~~[2]~~ ***3*** school years to teach in that subject area at a public school within the school district . ~~[that is not rated as underperforming pursuant to the statewide system of accountability for public schools.]~~

2. If the Superintendent of Public Instruction grants a request pursuant to subsection 1, the Superintendent ~~*[The board of trustees of a school district that employs a person to teach pursuant to subsection 1]*~~ shall submit a written report to the ~~*[Superintendent of Public Instruction and the]*~~ Commission ***and the State Board*** that includes the name of the school district for which the request was granted ~~*[number of persons employed to teach pursuant to subsection 1]*~~ and the subject area for which the request was granted. ~~*[in which such employees teach.]*~~ Upon receipt of such a report, the Commission shall consider whether to adopt revisions to the requirements for an endorsement in that subject area to address the shortage of teachers.

Sec. 29. NRS 391.3015 is hereby amended to read as follows:

391.3015 1. Except as otherwise provided by subsection 3, if the license of an employee lapses during a time that school is in session:

(a) The school district that employs him or her shall provide written notice to the employee of the lapse of the employee's license and of the provisions of this section;

(b) The employee must not be suspended from employment for the lapsed license for a period of 90 days after the date of the notice pursuant to paragraph (a) or the end of the school year, whichever is longer; and

(c) The employee's license shall be deemed valid for the period described in paragraph (b) for purposes of the employee's continued employment with the school district during that period.

2. If a school district complies with subsection 1 and an employee fails to reinstate his or her license within the time prescribed in paragraph (b) of subsection 1, his or her employment shall be deemed terminated at the end of the period described in paragraph (b) of subsection 1 and the school district is not otherwise required to comply with NRS 391.301 to 391.309, inclusive.

3. The provisions of this section do not apply to an employee whose ~~[~~license~~]~~ ***:***

(a) License has been suspended or revoked by the State Board pursuant to NRS 391.320 to 391.361, inclusive ~~[.]~~ ***; or***

(b) Application for renewal was denied by the Superintendent of Public Instruction pursuant to NRS 391.033.

Sec. 30. NRS 391.455 is hereby amended to read as follows:

391.455 1. There is hereby created the Teachers and Leaders Council of Nevada consisting of the following 15 members:

(a) The Superintendent of Public Instruction, or his or her designee, who serves as an ex officio member of the Council.

(b) The Chancellor of the Nevada System of Higher Education, or his or her designee, who serves as an ex officio member of the Council.

(c) Four teachers in public schools appointed by the Governor from a list of nominees submitted by the Nevada State Education Association. The members appointed pursuant to this paragraph must represent the geographical diversity of the school districts in this State.

(d) Two administrators in public schools appointed by the Governor from a list of nominees submitted by the Nevada Association of School Administrators and one superintendent of schools of a school district appointed by the Governor from a list of nominees submitted by the Nevada Association of School Superintendents. The members appointed pursuant to this paragraph must represent the geographical diversity of the school districts in this State.

(e) Two persons who are members of boards of trustees of school districts and who are appointed by the Governor from a list of nominees submitted by the Nevada Association of School Boards.

(f) One representative of the regional training programs for the professional development of teachers and administrators created by NRS 391A.120 appointed by the Governor from a list of nominees submitted by the Nevada Association of School Superintendents.

(g) One parent or legal guardian of a pupil enrolled in public school appointed by the Governor from a list of nominees submitted by the Nevada Parent Teacher Association.

(h) Two persons with expertise in the development of public policy relating to education appointed by the Superintendent of Public Instruction. The members appointed pursuant to this paragraph must not otherwise be eligible for appointment pursuant to paragraphs (a) to (g), inclusive.

2. After the initial terms, each appointed member of the Council serves a term of 3 years commencing on July 1 and may be reappointed to one additional 3-year term following his or her initial term. If any appointed member of the Council ceases to be qualified for the position to which he or she was appointed, the position shall be deemed vacant and the appointing authority shall appoint a replacement for the remainder of the unexpired term. A vacancy must be filled in the same manner as the original appointment.

3. The Council shall, at its first meeting and annually thereafter, elect a Chair from among its members.

4. The Council shall meet at least semiannually and may meet at other times upon the call of the Chair or a majority of the members of the Council. Nine members of the Council constitute a quorum, and a quorum may exercise all the power and authority conferred on the Council.

5. Members of the Council serve without compensation, except that for each day or portion of a day during which a member of the Council attends a meeting of the Council or is otherwise engaged in the business of the Council, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. A member of the Council who is a public employee must be granted administrative leave from the member's duties to engage in the business of the Council without loss of his or her regular compensation. Such leave does not reduce the amount of the member's other accrued leave.

7. ***Any costs associated with employing a substitute teacher while a member of the Council who is a teacher attends a meeting of the Council must be ~~[paid]~~ :***

(a) Paid by the school district or charter school that employs the member ~~[.]~~ ; or

(b) Reimbursed to the school district or charter school that employs the member by the organization that submitted the name of the member to the Governor for appointment pursuant to paragraph (c), (d), (e), (f) or (g) of subsection 1.

8. The Department shall provide administrative support to the Council.

~~[8.]~~ ***9.*** The Council may apply for and accept gifts, grants, donations and contributions from any source for the purpose of carrying out its duties pursuant to NRS 391.460.

Sec. 31. NRS 391A.130 is hereby amended to read as follows:

391A.130 1. The Statewide Council for the Coordination of the Regional Training Programs, consisting of nine members, is hereby created. The membership of the Council consists of:

(a) The Superintendent of Public Instruction or his or her designee.

(b) One member, who is not a Legislator, appointed by the Majority Leader of the Senate.

(c) One member, who is not a Legislator, appointed by the Speaker of the Assembly.

(d) One member who is a teacher appointed by the Governor from a list of nominees submitted by the Nevada State Education Association.

(e) One member who is an administrator at a public school employed to provide administrative services at the school level and not to provide administrative services at the district level, appointed by the Governor from a list of nominees submitted by the Nevada Association of School Administrators.

(f) One member appointed by the Governor.

(g) Three members, each of whom is a superintendent of schools, or his or her designee, appointed by the governing body of each regional training

program to represent the school districts served by the regional training program.

2. In making the appointments pursuant to paragraphs (b) to (g), inclusive, of subsection 1, the appointing authorities shall consider whether the appointments provide a geographical balance between urban and rural areas of this State and represent the cultural diversity of this State.

3. The Statewide Council shall elect a Chair from among its members.

4. After the initial terms, the appointed members of the Statewide Council serve a term of 2 years, commencing on July 1 of the year of appointment. A member may not be appointed to serve more than 3 consecutive terms.

5. A vacancy on the Statewide Council must be filled for the remainder of the unexpired term in the same manner as the original appointment.

6. Members of the Statewide Council serve without salary for their service on the Council **.** ~~[But are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which a member attends a meeting of the Statewide Council or is otherwise engaged in the work of the Statewide Council. The per diem allowance and travel expenses for:~~

~~(a)]~~ The members who are appointed by the Majority Leader of the Senate and the Speaker of the Assembly ***are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which a member attends a meeting of the Statewide Council or is otherwise engaged in the work of the Statewide Council. The per diem allowance and travel expenses for the members who are appointed by the Majority Leader of the Senate and the Speaker of the Assembly*** must be paid from the Legislative Fund.

~~[(b) All]~~ ***To the extent that money is appropriated for this purpose, all*** other members ***of the Statewide Council are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which a member attends a meeting of the Statewide Council or is otherwise engaged in the work of the Statewide Council. The per diem allowance and travel expenses for such members*** must be paid by the Department.

7. ***Any costs associated with employing a substitute teacher while a member of the Statewide Council who is a teacher attends a meeting of the Statewide Council must be*** ~~***[paid]***~~ ***:***

(a) Paid by the school district or charter school that employs the member ~~***[.]***~~ ***; or***

(b) Reimbursed to the school district or charter school that employs the member by the organization that submitted the name of the member to the Governor for appointment pursuant to paragraph (d), (e), (f) or (g) of subsection 1.

8. The Department shall provide administrative support to the Statewide Council.

~~[8.]~~ ***9.*** The governing bodies of the regional training programs may mutually agree to expend a portion of their respective budgets to pay for any administrative support of the Statewide Council that is required in addition to that provided pursuant to subsection ~~[7.]~~ ***8.***

Sec. 32. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, ***391.120,*** 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098,

598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ~~***[and section 14 of this act,]***~~ sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

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

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

Sec. 33. The Governor shall, as soon as practicable on or after July 1, 2017, appoint to the Commission on Professional Standards in Education created by NRS 391.011 the members of the Commission described in paragraph (e) of subsection 2 and paragraph (e) of subsection 3 of NRS 391.011, as amended by section 15 of this act.

Sec. 33.3. **Notwithstanding the amendatory provisions of this act transferring the authority to adopt regulations from the State Board of Education to the Commission on Professional Standards in Education, any regulations adopted by the State Board pursuant to NRS 391.037 or 391.038 before July 1, 2017, remain in effect and may be enforced by the State Board until the Commission adopts regulations to repeal or replace those regulations.**

Sec. 33.5. **NRS 391.045 is hereby repealed.**

Sec. 34. **1.** This act becomes effective on July 1, 2017.

2. Section 1.7 of this act expires by limitation on June 30, 2019.

TEXT OF REPEALED SECTION

391.045 Directory of licensed personnel to be filed with clerk of board of trustees. The Superintendent of Public Instruction shall file with the clerk of the board of trustees of each local school district a directory of all teachers and other educational personnel, including, without limitation, teachers and educational personnel employed by a charter school pursuant to NRS 388A.518, 388A.521, 388A.524, 388A.530 to 388A.544, inclusive, and 388B.400 to 388B.450, inclusive, who are entitled to draw salaries from the county school district fund, and shall advise the clerk from time to time of any changes or additions to the directory.

Assemblyman Thompson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 94.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 292.

AN ACT relating to economic development; repealing the prospective expiration of the NV Grow Program that provides certain assistance to existing small businesses; **recognizing the Small Business Development**

Center in Clark County and requiring the Centers in Clark and Washoe Counties to cooperatively expand the NV Grow Program; making ~~[an appropriation]~~ **appropriations** to support the NV Grow Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law directs the Office of Economic Development within the Office of the Governor to create the NV Grow Program as a pilot program to provide certain informational and technical assistance to existing small businesses in this State that are expanding or ready to expand. (Section 2 of chapter 459, Statutes of Nevada 2015, p. 2681) Existing law provided a $150,000 appropriation for the 2015–2017 biennium to the Nevada System of Higher Education for the College of Southern Nevada to hire a geographic information technology specialist, purchase related software and provide other services related to the NV Grow Program. (Section 5 of chapter 459, Statutes of Nevada 2015, p. 2683) Existing law also provides that the NV Grow Program expires by limitation on June 30, 2017. (Section 8 of chapter 459, Statutes of Nevada 2015, p. 2683)

~~[Section 2 of this bill repeals the prospective expiration of the NV Grow Program. Sections 2-6, inclusive, of this bill remove the term "pilot" because the program is ongoing. Section 8 of this bill makes a $300,000 appropriation for the 2017-2019 biennium to the Nevada System of Higher Education to support the NV Grow Program, providing: (1) $150,000 to the Nevada Small Business Development Centers for the operation of the Program; and (2) $150,000 to the College of Southern Nevada to hire counselors to assist small businesses who participate in the Program.]~~ **Sections 1-7 of this bill make the NV Grow Program ongoing by repealing the prospective expiration of the provisions that created the NV Grow Program and make conforming changes to remove the designation of the program as a pilot program. Section 1.5 of this bill designates the NV Grow Act as the short title for the act that establishes the NV Grow Program.**

Section 3 of this bill recognizes the Small Business Development Center in Clark County as a participant in the program and requires cooperation with the geographic information system specialist. Section 3 also requires the Small Business Development Centers in Clark and Washoe Counties to select the lead counselor and manage the NV Grow Program jointly, including: (1) appointing the College of Southern Nevada as administrator of the geographic information system; (2) identifying businesses and business sectors in this State that are ready to expand; (3) determining those businesses and business sectors that will participate in the program; (4) identifying skilled labor in this State and its potential for growth; (5) targeting business sectors and occupations in the State that have demonstrated the ability to grow and stimulate the economy; (6) focusing on utilization of existing resources; (7) harnessing the academic expertise of the College of Southern Nevada; (8) using the geographic information systems to map areas in which retail sales and

other commerce are flourishing or have capacity for further growth; and (9) facilitating informational and other assistance of the College of Southern Nevada to businesses and business sectors, including business training, monitoring marketing techniques and business mentoring. Additionally, section 3: (1) adds business mentorship within the program as part of the resources and expertise the Centers provide to businesses in this State; (2) expands the goal of the NV Grow Program from serving 10 businesses to serving 15 businesses in this State every year; and (3) reduces the minimum revenue threshold for participation in the NV Grow Program to businesses that generate at least $50,000 per year.

Section 8 of this bill increases the appropriations to provide grants for program support for business courses and allow the College of Southern Nevada to hire a lead counselor. Section 8 also requires the money appropriated by this bill to be used for direct program expenditures.

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

Section 1. Chapter 459, Statutes of Nevada 2015, is hereby amended by adding thereto a new section to be designated as section ~~[0.5,]~~ **1.5,** immediately ~~[preceding]~~ **following** section 1, to read as follows:

~~*[Section 0.5.]*~~ ***Sec. 1.5. This act may be cited as the NV Grow Act.***

Sec. 2. Section 1 of chapter 459, Statutes of Nevada 2015, at page 2681, is hereby amended to read as follows:

Section 1. The Legislature hereby finds and declares that:

1. It is vital to the overall health and growth of the economy of the State of Nevada to promote favorable conditions which allow the expansion of Nevada businesses that demonstrate the ability to grow;

2. As a result of the extraordinary economic challenges which have been, and are, confronting the State, the public has an interest in expanding the resources of this State to stimulate investment in Nevada's economy;

3. It is the intent of the Legislature that resources be provided for the operation of the ~~[pilot]~~ program described in section 2 of this act; and

4. The purpose of the ~~[pilot]~~ program described in section 2 of this act is to stimulate investment in Nevada's economy by providing technical assistance for businesses in this State that are expanding or ready to expand.

Sec. 3. Section 2 of chapter 459, Statutes of Nevada 2015, at page 2681, is hereby amended to read as follows:

Sec. 2. 1. The Office, in consultation with the stakeholders group, shall develop, create and oversee the NV Grow Program ~~[as a pilot program]~~ to stimulate Nevada's economy with a view toward providing assistance to businesses that are already located and operating in this

State rather than recruiting businesses from other states to relocate in Nevada.

2. Under the auspices of the ~~[~~pilot~~]~~ program:

(a) Institutions of the Nevada System of Higher Education located in Clark County and the Nevada Small Business Development Center in Clark County shall, in cooperation with the geographic information system specialist employed at the College of Southern Nevada, mentor and track businesses participating in the ~~[~~pilot~~]~~ program in Clark County. The Clark County Department of Business License will coordinate with the College to provide such data as may be necessary for the operation of the ~~[~~pilot~~]~~ program in Clark County.

(b) The Nevada Small Business Development ~~[~~Center~~]~~ ***Centers*** located in ***Clark County and*** Washoe County shall ***each*** cooperate with the geographic information system specialist employed to assist businesses in Clark County that are participating in the ~~[~~pilot~~]~~ program with marketing and other efforts.

3. The ~~[~~pilot program~~]~~ ***Centers, jointly, shall select the lead counselor and manage the NV Grow Program, which*** must include, without limitation:

(a) The employment of a geographic information specialist at the College of Southern Nevada who provides data to clients of the stakeholders group;

(b) The appointment of the ~~[~~Nevada Small Business Development Center in Washoe County~~]~~ ***College of Southern Nevada*** as administrator of the geographic information system;

(c) An analysis ***and identification by the Centers*** of businesses ***and business sectors*** in this State that are ready to expand ~~[~~,~~]~~ ***and a determination of which of these businesses and business sectors will participate in the program;***

(d) ~~[~~The identification~~]~~ ***Identification by the Centers*** of the skilled labor that exists in this State and its potential for growth;

(e) ~~[~~The targeting~~]~~ ***Targeting by the Centers*** of business sectors and occupations in this State that have demonstrated the ability to grow and stimulate the economy of the State;

(f) A focus ***by the Centers*** on the utilization of existing resources;

(g) The harnessing of the academic expertise of the ***College of Southern Nevada and the*** Centers to provide economic and market data to contribute to the diversification and growth of the economy of this State;

(h) The use of geographic information systems ***by the College of Southern Nevada and the Centers*** to map areas of this State to determine locations in which retail sales and other commerce are flourishing and locations in which retail sales and commerce demonstrate the capacity for further growth;

(i) ~~[The selection of businesses and business sectors in this State to participate in the pilot program;~~

~~(j)]~~The elements described in subsection 2;

~~[(k)]~~ ***(j)*** The provision of informational and other assistance ***by the College of Southern Nevada*** to businesses and business sectors in this State ~~[;]~~ ***, including, without limitation, business training, nontraditional marketing techniques and business mentoring;*** and

~~[(l)]~~ ***(k)*** Such other components as the Office, in consultation with the stakeholders group, determines are likely to be necessary, advisable or advantageous for the growth and development of businesses located in this State.

4. The ~~[pilot]~~ program shall, insofar as is possible, use the resources and expertise of the Centers and make available those resources and that expertise to businesses in this State for the purposes of:

(a) Developing business connections ~~[;]~~ ***and business mentorships within the program;***

(b) Exchanging data and other information with and between businesses and trade associations;

(c) Creating and facilitating peer-to-peer mentoring sessions ~~[;]~~ ***for participants in the NV Grow Program;*** and

(d) Providing to businesses and business sectors data and other information that is calculated or otherwise generated through the use of geographic information systems.

5. To the extent possible, the ~~[pilot]~~ program must be conducted with the goal of selecting ~~[10]~~ ***15*** businesses in Clark County to participate in the ~~[pilot]~~ program ~~[.]~~ ***every year.***

6. To qualify to participate in the ~~[pilot]~~ program, a business must:

(a) Have its principal place of business within the State of Nevada and have had its principal place of business in this State for at least 2 years;

(b) Generate at least ~~$100,000~~ ***$50,000*** but not more than $700,000 in revenue; and

(c) Have a business plan.

7. As used in this section:

(a) "Business plan" means a written statement of a set of business goals, the reasons those goals are believed to be attainable and the plan for reaching those goals.

(b) "Centers" means all institutions of the Nevada System of Higher Education, including, without limitation, the College of Southern Nevada and the University of Nevada, Reno.

(c) "Geographic information system" means a computerized database management system for the capture, storage, retrieval, analysis and display of spatial or locationally defined data.

(d) "Office" means the Office of Economic Development within the Office of the Governor.

(e) "Stakeholders group" means a group of persons interested in economic development in this State selected by the Office, including, without limitation, a representative of the College of Southern Nevada, the University of Nevada, Las Vegas, the Urban Chamber of Commerce of Las Vegas, the Las Vegas Latin Chamber of Commerce, the Valley Center Opportunity Zone, the University of Nevada Cooperative Extension in Clark County, Clark County and incorporated cities in Clark County.

Sec. 4. Section 3 of chapter 459, Statutes of Nevada 2015, at page 2683, is hereby amended to read as follows:

Sec. 3. In assisting and carrying out the ~~[~~pilot~~]~~ program described in section 2 of this act, the Centers, as defined in section 2 of this act, shall, without limitation, perform the following services:

1. Analyze data;

2. Ensure that businesses participating in the ~~[~~pilot~~]~~ program understand the manner in which the data so analyzed will be applied to those businesses so that the businesses may make better business decisions and understand the current business market in which they exist;

3. Mentor the businesses as to the optimum use of data received under the ~~[~~pilot~~]~~ program relative to the making of business decisions; and

4. With respect to the businesses participating in the ~~[~~pilot~~]~~ program:

(a) Track the business decisions and growth of each business over the entire period of the ~~[~~pilot~~]~~ program; and

(b) Report the data tracked pursuant to paragraph (a), at least once each 6 months, to the Office of Economic Development within the Office of the Governor.

Sec. 5. Section 4.5 of chapter 459, Statutes of Nevada 2015, at page 2683, is hereby amended to read as follows:

Sec. 4.5. The Office of Economic Development within the Office of the Governor may apply for any available grants, accept any gifts, grants or donations and use any such gifts, grants or donations to aid the Office in carrying out the ~~[~~pilot~~]~~ program described in section 2 of this act.

Sec. 6. Section 7 of chapter 459, Statutes of Nevada 2015, at page 2683, is hereby amended to read as follows:

Sec. 7. The ~~[~~pilot~~]~~ program described in section 2 of this act must begin operating not later than January 1, 2016.

Sec. 7. Section 8 of chapter 459, Statutes of Nevada 2015, at page 2683, is hereby amended to read as follows:

Sec. 8. ~~[~~1.~~]~~ This act becomes effective upon passage and approval for the purpose of performing any preparatory administrative tasks necessary to carry out the provisions of this act, and on July 1, 2015, for all other purposes.

~~[~~2. This act expires by limitation on June 30, 2017.~~]~~

Sec. 8. **1.** There is hereby appropriated from the State General Fund to the Nevada System of Higher Education:

~~[1.]~~ **(a)** The sum of ~~[$150,000]~~ **$250,000** to allow the Nevada Small Business Development Centers to provide such services as may be necessary to assist and carry out the NV Grow Program established pursuant to the NV Grow Act ~~[.]~~ **and to provide grants of $25,000 each to the Urban Chamber of Commerce and the Las Vegas Latin Chamber of Commerce for program support for business courses.**

~~[2.]~~ **(b)** The sum of ~~[$150,000]~~ **$175,000** to allow the College of Southern Nevada to hire ~~[counselors]~~ **a geographic information specialist** to assist small businesses who participate in the NV Grow Program established pursuant to the NV Grow Act. **Any portion of the money not used to hire the geographic information specialist may be used by the College to hire a lead counselor. Any money not used for these purposes must be used for direct program expenditures by the College, such as, without limitation, marketing tools, stipends and field trips.**

2. All money appropriated by the provisions of this section must be distributed to the entities specified in paragraphs (a) and (b) of subsection 1 and must be used only for the purposes specified in those paragraphs and no portion of the money may be set aside, distributed or otherwise committed or used for any other purpose, including University indirect costs.

Sec. 9. Any remaining balance of the appropriation made by section 8 of this act must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2019.

Sec. 10. 1. This section and sections 1 to 7, inclusive, of this act become effective upon passage and approval.

2. Sections 8 and 9 of this act become effective on July 1, 2017.

Assemblywoman Neal moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 100.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 247.

SUMMARY—Revises provisions governing contractors. (BDR ~~[54-194)]~~ **28-194)**

AN ACT relating to contractors; revising the requirement that certain types of provisions are void and unenforceable in certain agreements with contractors; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~[provides that]~~ **prohibits a provision** in a contract for a public work, other than a contract entered into by the Nevada Department of Transportation, ~~[a provision]~~ that requires a contractor to waive a right to damages or an extension of time acquired as a result of a delay caused by certain actions by the public body **.** ~~[is void and unenforceable.]~~ (NRS 338.480, 338.485) ~~[Section 2 of this bill removes this provision of existing law. Instead, section 1 of this bill makes applicable to an agreement between a public body and a prime contractor for work and labor on a public work a provision of existing law that provides that in an agreement between an owner and a prime contractor a provision that requires the prime contractor to waive a right to damages or an extension of time acquired as a result of certain disruptions or other events is void and unenforceable.]~~ **Existing law also prohibits a provision in an agreement, except contracts for public works and certain other agreements, that requires a prime contractor to waive, release, or extinguish a claim or right for damages or an extension of time that the prime contractor may otherwise possess or acquire as a result of delay, acceleration, disruption or an impact event that is unreasonable under the circumstances, that was not within the contemplation of the parties at the time the agreement was entered into, or for which the prime contractor is not responsible. (NRS 624.622) This bill adds those prohibited provisions to the list of provisions that are prohibited in existing law in contracts for public works other than contracts for public works entered into by the Nevada Department of Transportation.**

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

Section 1. ~~[NRS 624.622 is hereby amended to read as follows:~~

~~624.622 1. A prime contractor shall provide a copy of any notice given to an owner pursuant to subsection 1 or 2 of NRS 624.610 to each lower-tiered subcontractor with whom the prime contractor has entered into an agreement. Upon receipt of payment pursuant to NRS 624.609, the prime contractor shall notify all such lower-tiered subcontractors in writing of receipt of payment.~~

~~2. A condition, stipulation or provision in an agreement which:~~

~~(a) Requires a prime contractor to waive any rights provided in this section, NRS 624.609, 624.610, 624.620 or 624.630, or which limits those rights;~~

~~(b) Relieves an owner of any obligation or liability imposed pursuant to NRS 624.606 to 624.630, inclusive; or~~

~~— (c) Requires a prime contractor to waive, release or extinguish a claim or right for damages or an extension of time that the prime contractor may otherwise possess or acquire as a result of delay, acceleration, disruption or an impact event that is unreasonable under the circumstances, that was not within the contemplation of the parties at the time the agreement was entered into, or for which the prime contractor is not responsible,~~

~~" is against public policy and is void and unenforceable.~~

~~— 3. All notices required pursuant to NRS 624.609 to 624.622, inclusive, must be:~~

~~— (a) Delivered personally, in which case the prime contractor shall obtain a notarized statement from the person who delivered the notice as proof of delivery;~~

~~— (b) Sent by facsimile and delivered by regular mail, in which case the prime contractor shall retain proof of a successful transmission of the facsimile;~~

~~— (c) Delivered by certified mail; or~~

~~— (d) Delivered in the manner provided for in the agreement.~~

~~— 4. ***Except as otherwise provided in paragraph (b),*** NRS 624.609 to 624.622, inclusive, do not apply to an agreement between:~~

~~— (a) A prime contractor and a natural person who owns a single-family residence for the performance of qualified services with respect to the residence; or~~

~~— (b) A public body and a prime contractor for the performance of work and labor on a public work **[.] , *except that this subsection and paragraph (c) of subsection 2 apply to such an agreement.***~~

~~— 5. Within 5 days after an owner receives a written request for the information set forth in paragraphs (a), (b) and (c) from a lower tiered subcontractor, the owner shall notify the lower tiered subcontractor in writing of the following:~~

~~— (a) The date the owner made a specified payment to the prime contractor;~~

~~— (b) Whether the owner has paid the entire amount of a specified payment to the prime contractor; and~~

~~— (c) The amount withheld by the owner from a specified payment to the prime contractor and the condition or reason for the withholding.~~**]** **(Deleted by amendment.)**

Sec. 2. NRS 338.485 is hereby amended to read as follows:

338.485 1. A person may not waive or modify a right, obligation or liability set forth in the provisions of NRS 338.400 to 338.645, inclusive.

2. A condition, stipulation or provision in a contract or other agreement that:

(a) Requires a person to waive a right set forth in the provisions of NRS 338.400 to 338.645, inclusive;

(b) Relieves a person of an obligation or liability imposed by the provisions of NRS 338.400 to 338.645, inclusive; ***[or]***

(c) Requires a contractor ***or subcontractor*** to waive, release or extinguish a claim or right for damages or an extension of time that the contractor ***or subcontractor*** may otherwise possess or acquire as a result of a delay ***, acceleration, disruption or an impact event*** that is:

(1) ~~[So]~~ ***In the case of a disruption or delay, so*** unreasonable in length as to amount to an abandonment of the public work;

(2) Caused by fraud, misrepresentation, concealment or other bad faith by the public body;

(3) Caused by active interference by the public body; ~~[or]~~

(4) Caused by a decision by the public body to significantly add to the scope or duration of the public work; ~~[or]~~

(5) Unreasonable under the circumstances;

(6) Not a delay, acceleration, disruption or an impact event which was within the contemplation of the parties at the time the agreement was entered into; or

(7) Not a delay, acceleration, disruption or an impact event for which the contractor or subcontractor, as applicable, is responsible; or

(d) Requires a contractor or public body to be responsible for any consequential damages suffered or incurred by the other party that arise from or relate to a contract for a public work, including, without limitation, rental expenses or other damages resulting from a loss of use or availability of the public work, lost income, lost profit, lost financing or opportunity, business or reputation, and loss of management or employee availability, productivity, opportunity or services,

➥ is against public policy and is void and unenforceable.

3. The provisions of subsection 2 do not prohibit the use of a liquidated damages clause which otherwise satisfies the requirements of law.

Sec. 3. This act becomes effective on July 1, 2017.

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 105.

Bill read second time.

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

Amendment No. 586.

AN ACT relating to public health; revising continuing education requirements relating to suicide prevention and awareness for certain providers of health care; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires or encourages certain providers of health care, including physicians, physician assistants, advanced practice registered nurses, psychologists, behavior analysts, assistant behavior analysts,

marriage and family therapists, clinical professional counselors, social workers, alcohol and drug abuse counselors and problem gambling counselors and certain interns related to these professions to receive at least 1 or 2 hours of continuing education in certain topics related to suicide prevention and awareness. (NRS 630.253, **632.343, 633.471,** 641.220, 641A.260, 641B.280, 641C.450) **Sections 1-6** of this bill ~~[increase to 3 hours and]~~ make mandatory ~~[certain]~~ continuing education requirements relating to suicide prevention and awareness for each of these providers of health care ~~[.]~~ **and requires the completion of a course of instruction on suicide prevention and awareness every 4 years.**

Section 1 also removes the authority for certain persons who hold a license to practice medicine, including, without limitation, physicians and psychiatrists, to substitute not more than 2 hours of continuing education in certain topics related to suicide prevention for an equivalent continuing education requirement in ethics. (NRS 630.253)

Section 9 of this bill repeals the prospective expiration of the existing requirement for a physician and osteopathic physician to complete a course of instruction on suicide prevention and awareness. Section 9 also repeals a provision to remove the prospective expiration of the requirement for psychologists, behavior analysts and assistant behavior analysts to complete a course of instruction on suicide prevention and awareness.

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

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

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

(a) Renewal of a license as a physician assistant; or

(b) Biennial registration of the holder of a license to practice medicine,

➥ require each holder to submit evidence of compliance with the requirements for continuing education as set forth in regulations adopted by the Board.

2. These requirements:

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

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

(1) An overview of acts of terrorism and weapons of mass destruction;

(2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use of, the Health Alert Network.

(c) Must provide for the completion by a holder of a license to practice medicine ~~[who is a psychiatrist]~~ of a course of instruction ***within 2 years after initial licensure*** that provides at least 2 ~~*[3]*~~ hours of instruction on ~~[clinically based]~~ ***evidence-based*** suicide prevention and awareness ~~[. *assessment, treatment and management.]*~~ ***as described in subsection 5.***

➥ The Board may thereafter determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

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

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

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

5. The Board shall ~~[encourage]~~ ***require*** each holder of a license to practice medicine ~~[, other than a psychiatrist,]~~ to receive as a portion of his or her continuing education ~~[training concerning suicide, including,]~~ ***at least ~~[3]~~ 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness, which may include,*** without limitation, ~~[such topics as:]~~ ***instruction concerning:***

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

(b) Approaches to engaging other professionals in suicide intervention; and

(c) The detection of suicidal thoughts and ideations and the prevention of suicide.

6. A holder of a license to practice medicine may ***not*** substitute ~~[not more than 2 hours of]~~ ***the*** continuing education credits ~~[in the detection of suicidal thoughts and ideations, and the intervention and prevention of suicide, pain management or addiction care]~~ ***relating to suicide prevention and awareness required by this section*** for the purposes of satisfying an equivalent requirement for continuing education in ethics.

7. ***A holder of a license to practice medicine may substitute not more than 2 hours of continuing education credits in pain management or addiction care for the purposes of satisfying an equivalent requirement for continuing education in ethics***.

8. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

(e) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

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

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

(a) An accredited school of professional nursing;

(b) An accredited school of practical nursing;

(c) An approved school of professional nursing in the process of obtaining accreditation; or

(d) An approved school of practical nursing in the process of obtaining accreditation.

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

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

(a) For a person licensed as an advanced practice registered nurse, a course of instruction to be completed within 2 years after initial licensure that provides at least 2 hours of instruction on suicide prevention and awareness as described in subsection 5.

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

~~[(a)]~~ ***(1)*** An overview of acts of terrorism and weapons of mass destruction;

~~[(b)]~~ ***(2)*** Personal protective equipment required for acts of terrorism;

~~[(c)]~~ ***(3)*** Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

~~[(d)]~~ ***(4)*** Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

~~[(e)]~~ ***(5)*** An overview of the information available on, and the use of, the Health Alert Network.

➥ The Board may thereafter determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

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

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

5. The Board shall ~~[encourage]~~ ***require*** each person licensed as an advanced practice registered nurse to receive as a portion of his or her continuing education at least 2 ~~***[3]***~~ hours of instruction ***every 4 years*** on ~~[clinically based]~~ ***evidence-based*** suicide prevention and awareness ~~[.]~~ ***or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.***

6. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

(e) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 2.5. **NRS 633.471 is hereby amended to read as follows:**

633.471 1. Except as otherwise provided in subsection ~~[8]~~ ***9*** and NRS 633.491, every holder of a license issued under this chapter, except a temporary or a special license, may renew the license on or before January 1 of each calendar year after its issuance by:

(a) Applying for renewal on forms provided by the Board;

(b) Paying the annual license renewal fee specified in this chapter;

(c) Submitting a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against the holder during the previous year;

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

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

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

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

4. ***The Board shall require each holder of a license to practice osteopathic medicine to complete a course of instruction within 1 year after initial licensure that provides at least 2 hours of instruction on evidence-based suicide prevention and awareness as described in subsection 7.***

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

~~[5.]~~ ***6.*** The Board shall require, as part of the continuing education requirements approved by the Board, the biennial completion by a holder of a license to practice osteopathic medicine of ~~[:~~

~~(a) At~~ ***at*** least 2 hours of continuing education credits in ethics, pain management or addiction care ~~[; and~~

~~(b) If the holder of a license to practice osteopathic medicine is a psychiatrist, at least 2 hours of continuing education credits on clinically-based suicide prevention and awareness.~~

~~6.~~ ***7.*** The Board shall ~~[encourage]~~ ***require*** each holder of a license to practice osteopathic medicine ~~[, other than a psychiatrist,]~~ to receive as a portion of his or her continuing education ~~[training concerning suicide, including,]~~ ***at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness which may include,*** without limitation, ~~[such topics as:]~~ ***instruction concerning:***

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

(b) Approaches to engaging other professionals in suicide intervention; and

(c) The detection of suicidal thoughts and ideations and the prevention of suicide.

~~[7.]~~ ***8.*** A holder of a license to practice osteopathic medicine may ***not*** substitute ~~[not more than 2 hours of]~~ ***the*** continuing education credits ~~[in the detection of suicidal thoughts and ideations, and the intervention and prevention of suicide]~~ ***relating to suicide prevention and awareness required by this section*** for the purposes of satisfying an equivalent requirement for continuing education in ethics.

~~[8.]~~ ***9.*** Members of the Armed Forces of the United States and the United States Public Health Service are exempt from payment of the annual license renewal fee during their active duty status.

Sec. 3. NRS 641.220 is hereby amended to read as follows:

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

(a) Apply to the Board for renewal;

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

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

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

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

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

4. The requirements for continuing education adopted by the Board pursuant to subsection 3 must include, without limitation, a requirement that the holder of a license receive at least 2 ~~*[3]*~~ hours of instruction on evidence-based suicide prevention and awareness ~~[.]~~ ***or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate. The hours of***

instruction required by this subsection must be completed within 2 years after initial licensure and at least every 4 years thereafter.

Sec. 4. NRS 641A.260 is hereby amended to read as follows:

641A.260 1. To renew a license issued pursuant to this chapter, each person must, on or before the date of expiration of the current license:

(a) Apply to the Board for renewal;

(b) Pay the fee for renewal set by the Board;

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

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

2. The Board shall, as a prerequisite for the renewal of a license, require each holder to comply with the requirements for continuing education adopted by the Board, which must include, without limitation, a requirement that the holder receive at least 2 ***[3]*** hours of instruction on evidence-based suicide prevention and awareness [.] ***or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.***

Sec. 5. NRS 641B.280 is hereby amended to read as follows:

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

(a) Applying to the Board for renewal;

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

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

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

2. The Board shall, as a prerequisite for the renewal of a license, require the holder to comply with the requirements for continuing education adopted by the Board, which must include, without limitation, a requirement that the holder receive at least 2 ***[3]*** hours of instruction on evidence-based suicide prevention and awareness [.] ***or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.***

Sec. 6. NRS 641C.450 is hereby amended to read as follows:

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

1. An application for the renewal of the license or certificate;

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

3. Evidence of completion of the continuing education required by the Board, which must include, without limitation, a requirement that the applicant receive at least 1 hour ***[3 hours]*** of instruction on evidence-based suicide prevention and awareness ***or another course of instruction on suicide prevention and awareness that is approved by the Board which the***

Board has determined to be effective and appropriate for each year of the term of the applicant's licensure or certification;

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

5. All information required to complete the renewal.

Sec. 7. **Section 6 of chapter 403, Statutes of Nevada 2015, at page 2289, is hereby amended to read as follows:**

Sec. 6. 1. This section and sections 1, 1.5, 2, 3, 4, 5, 5.3 and 5.7 of this act become effective on July 1, 2016.

2. Sections 5.3 and 5.7 of this act expire by limitation on June 30, 2026.

3. Sections ~~[1.3, 2.5, 3.5,]~~ 4.5 and 5.1 of this act become effective on July 1, 2026.

Sec. 8. **A person who is:**

1. Licensed to practice medicine pursuant to the provisions of chapter 630 of NRS;

2. Licensed as an advanced practice registered nurse pursuant to the provisions of chapter 632 of NRS;

3. Licensed to practice osteopathic medicine pursuant to the provisions of chapter 633 of NRS; or

4. Licensed pursuant to the provisions of chapter 641 of NRS,

➥ and who has previously renewed his or her license before July 1, 2017, shall complete a course of instruction on suicide prevention and awareness as required pursuant to NRS 630.253, 632.343, 633.471 or 641.220, as amended by sections 1, 2, 2.5 and 3 of this act, as applicable, by July 1, 2018, or before the date on which the license of the person must next be renewed, whichever is later.

Sec. 9. **Sections 1.3, 2.5 and 3.5 of chapter 403, Statutes of Nevada 2015, at pages 2281, 2285 and 2287, respectively, are hereby repealed.**

~~[Sec. 7.]~~ ***Sec. 10.*** This act becomes effective ~~[on]~~ **:**

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, ~~[2018, and expires by limitation on June 30, 2026.]~~ **2017, for all other purposes.**

TEXT OF REPEALED SECTIONS

Section 1.3 of chapter 403, Statutes of Nevada 2015:

Sec. 1.3. NRS 630.253 is hereby amended to read as follows:

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

(a) Renewal of a license as a physician assistant; or

(b) Biennial registration of the holder of a license to practice medicine,

➥ require each holder to submit evidence of compliance with the requirements for continuing education as set forth in regulations adopted by the Board.

2. These requirements:

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

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

(1) An overview of acts of terrorism and weapons of mass destruction;

(2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use of, the Health Alert Network.

➥ The Board may thereafter determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

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

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

4. The Board shall encourage each holder of a license to practice medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for

which a drug is prescribed included on the label attached to the container of the drug.

5. The Board shall encourage each holder of a license to practice medicine to receive as a portion of his or her continuing education training concerning suicide, including, without limitation, such topics as:

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

(b) Approaches to engaging other professionals in suicide intervention; and

(c) The detection of suicidal thoughts and ideations and the prevention of suicide.

6. A holder of a license to practice medicine may substitute not more than 2 hours of continuing education credits in the detection of suicidal thoughts and ideations, and the intervention and prevention of suicide, pain management or addiction care for the purposes of satisfying an equivalent requirement for continuing education in ethics.

7. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

(e) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Section 2.5 of chapter 403, Statutes of Nevada 2015:

Sec. 2.5. NRS 633.471 is hereby amended to read as follows:

633.471 1. Except as otherwise provided in subsection 8 and NRS 633.491, every holder of a license issued under this chapter, except a temporary or a special license, may renew the license on or before January 1 of each calendar year after its issuance by:

(a) Applying for renewal on forms provided by the Board;

(b) Paying the annual license renewal fee specified in this chapter;

(c) Submitting a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against the holder during the previous year;

(d) Submitting evidence to the Board that in the year preceding the application for renewal the holder has attended courses or

programs of continuing education approved by the Board in accordance with regulations adopted by the Board totaling a number of hours established by the Board which must not be less than 35 hours nor more than that set in the requirements for continuing medical education of the American Osteopathic Association; and

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

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

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

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

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

6. The Board shall encourage each holder of a license to practice osteopathic medicine to receive as a portion of his or her continuing education training concerning suicide, including, without limitation, such topics as:

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

(b) Approaches to engaging other professionals in suicide intervention; and

(c) The detection of suicidal thoughts and ideations and the prevention of suicide.

7. A holder of a license to practice osteopathic medicine may substitute not more than 2 hours of continuing education credits in the detection of suicidal thoughts and ideations, and the intervention and prevention of suicide for the purposes of satisfying an equivalent requirement for continuing education in ethics.

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

Section 3.5 of chapter 403, Statutes of Nevada 2015:

Sec. 3.5. NRS 641.220 is hereby amended to read as follows:

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

(a) Apply to the Board for renewal;

(b) Pay the biennial fee for the renewal of a license or certificate;

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

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

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

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

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 106.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 461.

SUMMARY—Revises provisions governing ~~[government contracting.]~~ **state governmental procurement.** (BDR 27-295)

AN ACT relating to ~~[government contracting; requiring certain employers to establish their compliance with certain antidiscrimination provisions of state and federal law as a condition of entry into a governmental contract; requiring the inclusion of certain terms and conditions in such a contract; providing a penalty;]~~ **state governmental procurement; requiring the Administrator of the Purchasing Division of the Department of Administration to establish by regulation a program of certification of**

vendors who pay equal pay for equal work without regard to gender; requiring the Purchasing Division to include the certification of such a vendor in certain records; authorizing a certified vendor to include its certification in advertising and promotional materials; providing a limited bidding preference for certified vendors under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing provisions of state and federal law generally prohibit discrimination in employment on the basis of race, color, creed, sex, sexual orientation, gender identity or expression, religion, age, disability or national origin. (42 U.S.C. §§ 2000e et seq.; NRS 338.125, 613.310-613.435) In particular, an employer is generally prohibited from paying lower wages to an employee than the wages paid to an employee of the opposite sex for equal work performed under similar working conditions. (29 U.S.C. § 206(d); NRS 608.017)

~~[Sections 2, 6, 11 and 19 of this bill prohibit various governmental entities from awarding a contract to an employer, including a public employer, having 50 or more employees unless the employer provides a certificate of pay equity compliance issued to the employer by the Labor Commissioner. Pursuant to section 22 of this bill, the Commissioner is authorized to issue such a certificate only if the employer establishes and the Commissioner determines that the employer provides equal employment opportunity for all employees and applicants for employment regardless of sex, and that male and female employees receive equal pay for equal work. Sections 2, 6, 11 and 19 also authorize those governmental entities to refuse to award a contract to an employer with less than 50 employees unless the employer provides such a certificate. Section 2 applies to a local government with respect to contracts for the purchase of services, supplies, materials or equipment. Section 6 applies to similar contracts awarded by the Administrator of the Purchasing Division of the Department of Administration or another officer or agency in the Executive Department of the State Government. Section 11 applies to a contract for any public work that is financed in whole or in part from public money of this State or its political subdivisions. Section 11 also enacts those provisions with respect to a subcontract between an employer who has been awarded a contract for a public work and any subcontractor. Section 19 applies to contracts for the construction, reconstruction, improvement and maintenance of highways. Section 19 likewise makes similar provisions applicable to any subcontract.~~

~~Section 22 governs the process of obtaining the required certificate from the Labor Commissioner. Section 22: (1) sets forth the information that must be provided by an employer in an application for a certificate; (2) authorizes the Commissioner to issue a provisional certificate pending a review of the information; (3) requires the Commissioner to make certain determinations about the practices of the employer as they relate to male and female employees and applicants for employment; and (4) provides for the issuance~~

~~or denial of a certificate, the cancellation of a provisional certificate and the revocation of a certificate under certain circumstances. Section 22 further requires the Commissioner to adopt regulations as necessary to effectuate this process.]~~

Section 24 of this bill requires the Administrator of the Purchasing Division of the Department of Administration to establish by regulation a program to certify vendors that pay their employees equal pay for equal work without regard to gender. The regulations must include a method for a vendor to self-certify that it pays its employees equal pay for equal work without regard to gender. Section 25 of this bill provides that if the Administrator certifies a vendor: (1) the Purchasing Division is required to include the certification in any information concerning the vendor that the Purchasing Division maintains in its records or makes available on its Internet website; and (2) the vendor is authorized to include the certification in its advertising, marketing or other promotional materials. Section 26 of this bill provides that a vendor that makes a material misstatement or commits a fraudulent act in its self-certification may be prohibited from bidding on state contracts for up to 3 years. Section 27 of this bill requires the Administrator to submit an annual report to the Governor and the Legislature concerning the program of certification.

Existing law establishes procedures for certain purchases of supplies, materials and equipment by the State. (NRS 333.300) Section 28 of this bill gives a limited 5 percent bidder's preference to bidders who are certified vendors under the program of certification established by the Administrator in cases in which the lowest submitted bids are within 5 percent of each other and none is submitted by a bidder who is resident in this State. Section 29 of this bill makes a conforming change. Section 32 of this bill provides that the program established by the Administrator pursuant to this bill expires on June 30, 2021.

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

Section 1. ~~[Chapter 332 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[*Except in the case of an emergency described in NRS 332.112 and notwithstanding any other provision of this chapter, a governing body or its authorized representative:*~~

~~*1. Shall not award a contract governed by this chapter to an employer with 50 or more employees in this State unless the employer submits to the governing body or its authorized representative, as applicable, a current certificate of pay*~~

~~*equity compliance issued by the Labor Commissioner pursuant to section 22 of this act.*~~

~~*2. May refuse to award such a contract to an employer with less than 50 employees in this State unless the employer submits to the governing body or its authorized representative, as applicable, a current certificate of pay equity compliance issued by the Labor Commissioner pursuant to section 22 of this act.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~**[***Any contract described in section 2 of this act that is conditioned on submission of a current certificate of pay equity compliance by the employer must:~~

~~*1. Require the employer, in accordance with subsection 7 of section 22 of this act, to notify the governing body or its authorized representative, as applicable, of any notice or decision issued by the Labor Commissioner to the employer pursuant to that section; and*~~

~~*2. Provide for the termination of the contract if:*~~

~~*(a) The employer fails to give any notice required by subsection 1; or*~~

~~*(b) The Labor Commissioner:*~~

~~*(1) Refuses to issue a certificate to the employer;*~~

~~*(2) Cancels a provisional certificate previously issued to the employer; or*~~

~~*(3) Issues a decision pursuant to section 22 of this act and NRS 607.215 revoking a certificate previously issued to the employer and the decision is not stayed and set aside on judicial review.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~**[**NRS 332.025 is hereby amended to read as follows:~~

~~332.025 As used in this chapter, unless the context otherwise requires:~~

~~1. "Authorized representative" means a person designated by the governing body to be responsible for the development, award and proper administration of all purchases and contracts for a local government or a department, division, agency, board or unit of a local government made pursuant to this chapter.~~

~~2. "Chief administrative officer" means the person directly responsible to the governing body for the administration of that particular entity.~~

~~3. *"Employer" includes, without limitation, a government, governmental agency and political subdivision of a government.*~~

~~*4.* "Evaluator" means an authorized representative, officer, employee, representative, agent, consultant or member of a governing body who has participated in:~~

~~(a) The evaluation of bids;~~

~~(b) Negotiations concerning purchasing by a local government; or~~

~~(c) The review or approval of the award, modification or extension of a contract.~~

~~**[**4.**]** *5.* "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of the local government are vested.~~

~~**[**5.**]** *6.* "Proprietary information" means:~~

~~— (a) Any trade secret or confidential business information that is contained in a bid submitted to a governing body or its authorized representative on a particular contract; or~~

~~— (b) Any other trade secret or confidential business information submitted to a governing body or its authorized representative by a bidder and designated as proprietary by the governing body or its authorized representative.~~

~~→ As used in this subsection, "confidential business information" means any information relating to the amount or source of any income, profits, losses or expenditures of a person, including data relating to cost, price, or the customers of a bidder which is submitted in support of a bid. The term does not include the amount of a bid submitted to a governing body or its authorized representative.~~

~~— [6.] 7. "Trade secret" has the meaning ascribed to it in NRS 600A.030.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[Chapter 333 of NRS is hereby amended by adding thereto the provisions set forth as sections 6 and 7 of this act.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[*Except in the case of an emergency described in NRS 333.300 or by rules of the Administrator adopted pursuant to NRS 333.380, and notwithstanding any other provision of this chapter, the Administrator or a using agency:*~~

~~— *1. Shall not award a contract governed by this chapter to an employer with 50 or more employees in this State unless the employer submits to the Administrator or using agency, as applicable, a current certificate of pay equity compliance issued by the Labor Commissioner pursuant to section 22 of this act.*~~

~~— *2. May refuse to award such a contract to an employer with less than 50 employees in this State unless the employer submits to the Administrator or using agency, as applicable, a current certificate of pay equity compliance issued by the Labor Commissioner pursuant to section 22 of this act.]*~~ **(Deleted by amendment.)**

Sec. 7. ~~[*Any contract described in section 6 of this act that is conditioned on submission of a current certificate of pay equity compliance by the employer must:*~~

~~— *1. Require the employer, in accordance with subsection 7 of section 22 of this act, to notify the Administrator or using agency, as applicable, of any notice or decision issued by the Labor Commissioner to the employer pursuant to that section; and*~~

~~— *2. Provide for the termination of the contract if:*~~

~~— *(a) The employer fails to give any notice required by subsection 1; or*~~

~~— *(b) The Labor Commissioner:*~~

~~— *(1) Refuses to issue a certificate to the employer;*~~

~~— *(2) Cancels a provisional certificate previously issued to the employer; or*~~

~~*(3) Issues a decision pursuant to section 22 of this act and NRS 607.215 revoking a certificate previously issued to the employer and the decision is not stayed and set aside on judicial review.]*~~ **(Deleted by amendment.)**

Sec. 8. ~~[~~NRS 333.020 is hereby amended to read as follows:

~~333.020 As used in this chapter, unless the context otherwise requires:~~

~~1. "Administrator" means the Administrator of the Purchasing Division.~~

~~2. "Best value" means the greatest possible economy consistent with grades or qualities of supplies, materials, equipment and services that are adapted to the purposes to be served.~~

~~3. "Director" means the Director of the Department of Administration.~~

~~4. *"Employer" includes, without limitation, a government, governmental agency and political subdivision of a government.*~~

~~*5.* "Invitation to bid" means a written statement which sets forth the requirements and specifications of a contract to be awarded by competitive selection.~~

~~[5.]~~ *6.* ~~"Proprietary information" means:~~

~~(a) Any trade secret or confidential business information that is contained in a bid or proposal submitted on a particular contract; or~~

~~(b) Any other trade secret or confidential business information submitted in a bid or proposal and designated as proprietary by the Administrator.~~

~~*~~ ~~As used in this subsection, "confidential business information" means any information relating to the amount or source of any income, profits, losses or expenditures of a person, including data relating to cost or price submitted in support of a bid or proposal. The term does not include the amount of a bid or proposal.~~

~~[6.]~~ *7.* ~~"Purchasing Division" means the Purchasing Division of the Department of Administration.~~

~~[7.]~~ *8.* ~~"Purchasing officer" means a person who is authorized by the Administrator or a using agency to participate in:~~

~~(a) The evaluation of bids or proposals for a contract;~~

~~(b) Any negotiations concerning a contract; or~~

~~(c) The development, review or approval of a contract.~~

~~[8.]~~ *9.* ~~"Request for proposals" means a written statement which sets forth the requirements and specifications of a contract to be awarded by competitive selection.~~

~~[9.]~~ *10.* ~~"Trade secret" has the meaning ascribed to it in NRS 600A.030.~~

~~[10.]~~ *11.* ~~"Using agencies" means all officers, departments, institutions, boards, commissions and other agencies in the Executive Department of the State Government which derive their support from public money in whole or in part, whether the money is provided by the State of Nevada, received from the Federal Government or any branch, bureau or agency thereof, or derived from private or other sources. The term does not include the Nevada Rural Housing Authority, the Housing Division of the Department of Business and~~

~~Industry, local governments as defined in NRS 354.474, conservation districts, irrigation districts and the Nevada System of Higher Education.~~

~~[11.]~~ ***12.*** ~~"Volunteer fire department" means a volunteer fire department which pays premiums for industrial insurance pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS.]~~ **(Deleted by amendment.)**

Sec. 9. ~~[NRS 287.0415 is hereby amended to read as follows:~~

~~287.0415 1. A majority of the members of the Board constitutes a quorum for the transaction of business.~~

~~2. The Governor shall designate one of the members of the Board to serve as the Chair.~~

~~3. The Board shall meet at least once every calendar quarter and at other times upon the call of the Chair.~~

~~4. The Board may meet in closed session:~~

~~(a) To discuss matters relating to personnel;~~

~~(b) With investment counsel to plan future investments or establish investment objectives and policies;~~

~~(c) With legal counsel to receive advice upon claims or suits by or against the Program;~~

~~(d) To prepare a request for a proposal or other solicitation for bids to be released by the Board for competitive bidding; or~~

~~(e) As otherwise provided pursuant to chapter 241 of NRS.~~

~~5. Except as otherwise provided in this subsection, if the Board causes a meeting to be transcribed by a court reporter who is certified pursuant to chapter 656 of NRS, the Board shall post a transcript of the meeting on its Internet website not later than 30 days after the meeting. The Board shall post a transcript of a closed session of the Board on its Internet website when the Board determines that the matters discussed no longer require confidentiality and, if applicable, the person whose character, conduct, competence or health was discussed in the closed session has consented to the posting.~~

~~6. The Board may appoint such advisory committees as it deems necessary to assist the Board in carrying out its duties pursuant to NRS 287.0402 to 287.049, inclusive.~~

~~7. As used in this section, "request for a proposal" has the meaning ascribed to it in subsection [8] 9 of NRS 333.020.]~~ **(Deleted by amendment.)**

Sec. 10. ~~[Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 11 and 12 of this act.]~~ **(Deleted by amendment.)**

Sec. 11. ~~[*1. Except in the case of an emergency described in NRS 338.011 and notwithstanding any other provision of this chapter, a public body:*~~

~~*(a) Shall not award a contract governed by this chapter to an employer with 50 or more employees in this State unless the employer submits to the*~~

~~*public body a current certificate of pay equity compliance issued by the Labor Commissioner pursuant to section 22 of this act.*~~

~~*(b) May refuse to award such a contract to an employer with less than 50 employees in this State unless the employer submits to the public body a current certificate of pay equity compliance issued by the Labor Commissioner pursuant to section 22 of this act.*~~

~~*2. In connection with the performance of work under a contract governed by this chapter and awarded to an employer by a public body, the employer:*~~

~~*(a) Shall not enter into a contract with a subcontractor with 50 or more employees in this State unless the subcontractor submits to the employer a current certificate of pay equity compliance issued by the Labor Commissioner pursuant to section 22 of this act.*~~

~~*(b) May refuse to award such a contract to a subcontractor with less than 50 employees in this State unless the subcontractor submits to the employer a current certificate of pay equity compliance issued by the Labor Commissioner pursuant to section 22 of this act.]*~~ **(Deleted by amendment.)**

Sec. 12. ~~*[Any contract described in section 11 of this act that is conditioned on submission of a current certificate of pay equity compliance by the employer or subcontractor, as applicable, must:*~~

~~*1. Require the employer or subcontractor, as applicable, in accordance with subsection 7 of section 22 of this act, to notify the public body and any other party to the contract of any notice or decision issued by the Labor Commissioner to the employer or subcontractor pursuant to that section; and*~~

~~*2. Provide for the termination of the contract if:*~~

~~*(a) The employer or subcontractor fails to give any notice required by subsection 1; or*~~

~~*(b) The Labor Commissioner:*~~

~~*(1) Refuses to issue a certificate to the employer or subcontractor;*~~

~~*(2) Cancels a provisional certificate previously issued to the employer or subcontractor; or*~~

~~*(3) Issues a decision pursuant to section 22 of this act and NRS 607.215 revoking a certificate previously issued to the employer or subcontractor and the decision is not stayed and set aside on judicial review.]*~~ **(Deleted by amendment.)**

Sec. 13. ~~[NRS 338.010 is hereby amended to read as follows:~~

~~338.010 As used in this chapter~~ **[:] *, unless the context otherwise requires:***

~~1. "Authorized representative" means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.~~

~~2. "Contract" means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.~~

~~3. "Contractor" means:~~

~~(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS.~~

~~(b) A design-build team.~~

~~4. "Day labor" means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing.~~

~~5. "Design-build contract" means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.~~

~~6. "Design-build team" means an entity that consists of:~~

~~(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and~~

~~(b) For a public work that consists of:~~

~~(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.~~

~~(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.~~

~~7. "Design professional" means:~~

~~(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;~~

~~(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;~~

~~(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;~~

~~(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or~~

~~(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.~~

~~8. "Division" means the State Public Works Division of the Department of Administration.~~

~~9. "Eligible bidder" means a person who is:~~

~~(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or~~

~~(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139,~~

~~inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.~~

~~10. **"*Employer" includes, without limitation, a government, governmental agency and political subdivision of a government.***~~

~~***11.*** "General contractor" means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:~~

~~(a) General engineering contracting, as described in subsection 2 of NRS 624.215.~~

~~(b) General building contracting, as described in subsection 3 of NRS 624.215.~~

~~**[**11.**]** ***12.*** "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.~~

~~**[**12.**]** ***13.*** "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.~~

~~**[**13.**]** ***14.*** "Offense" means failing to:~~

~~(a) Pay the prevailing wage required pursuant to this chapter;~~

~~(b) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;~~

~~(c) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or~~

~~(d) Comply with subsection 5 or 6 of NRS 338.070.~~

~~**[**14.**]** ***15.*** "Prime contractor" means a contractor who:~~

~~(a) Contracts to construct an entire project;~~

~~(b) Coordinates all work performed on the entire project;~~

~~(c) Uses his or her own workforce to perform all or a part of the public work; and~~

~~(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.~~

~~The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.~~

~~**[**15.**]** ***16.*** "Public body" means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.~~

~~[16.] *17.* "Public work" means any project for the new construction, repair or reconstruction of a project financed in whole or in part from public money for:~~

~~(a) Public buildings;~~

~~(b) Jails and prisons;~~

~~(c) Public roads;~~

~~(d) Public highways;~~

~~(e) Public streets and alleys;~~

~~(f) Public utilities;~~

~~(g) Publicly owned water mains and sewers;~~

~~(h) Public parks and playgrounds;~~

~~(i) Public convention facilities which are financed at least in part with public money; and~~

~~(j) All other publicly owned works and property.~~

~~[17.] *18.* "Specialty contractor" means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.~~

~~[18.] *19.* "Stand-alone underground utility project" means an underground utility project that is not integrated into a larger project, including, without limitation:~~

~~(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and~~

~~(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,~~

~~→ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.~~

~~[19.] *20.* "Subcontract" means a written contract entered into between:~~

~~(a) A contractor and a subcontractor or supplier; or~~

~~(b) A subcontractor and another subcontractor or supplier,~~

~~→ for the provision of labor, materials, equipment or supplies for a construction project.~~

~~[20.] *21.* "Subcontractor" means a person who:~~

~~(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and~~

~~(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.~~

~~[21.] *22.* "Supplier" means a person who provides materials, equipment or supplies for a construction project.~~

~~[22.] *23.* "Wages" means:~~

~~(a) The basic hourly rate of pay; and~~

~~(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the worker.~~

~~[23.] 24. "Worker" means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker or unskilled worker in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.]~~ **(Deleted by amendment.)**

Sec. 14. ~~[NRS 338.018 is hereby amended to read as follows:~~

~~338.018 The provisions of NRS 338.013 to 338.018, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds $250,000 even if the construction work does not qualify as a public work, as defined in [subsection 17 of] NRS 338.010.]~~ **(Deleted by amendment.)**

Sec. 15. ~~[NRS 338.075 is hereby amended to read as follows:~~

~~338.075 The provisions of NRS 338.020 to 338.090, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds $250,000 even if the construction work does not qualify as a public work, as defined in [subsection 17 of] NRS 338.010.]~~ **(Deleted by amendment.)**

Sec. 16. ~~[NRS 338.1908 is hereby amended to read as follows:~~

~~338.1908 1. The governing body of each local government shall, by July 28, 2009, develop a plan to retrofit public buildings, facilities and structures, including, without limitation, traffic control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures. Such a plan must:~~

~~(a) Include a list of specific projects. The projects must be prioritized and selected on the basis of the following criteria:~~

~~(1) The length of time necessary to commence the project.~~

~~(2) The number of workers estimated to be employed on the project.~~

~~(3) The effectiveness of the project in reducing energy consumption.~~

~~(4) The estimated cost of the project.~~

~~(5) Whether the project is able to be powered by or otherwise use sources of renewable energy.~~

~~(6) Whether the project has qualified for participation in one or more of the following programs:~~

~~(I) The Solar Energy Systems Incentive Program created by NRS 701B.240;~~

~~(II) The Renewable Energy School Pilot Program created by NRS 701B.350;~~

~~(III) The Wind Energy Systems Demonstration Program created by NRS 701B.580; or~~

~~(IV) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820.~~

~~(b) Include a list of potential funding sources for use in implementing the projects, including, without limitation, money available through the Energy Efficiency and Conservation Block Grant Program as set forth in 42 U.S.C. §~~

~~17152 and grants, gifts, donations or other sources of money from public and private sources.~~

~~2. The governing body of each local government shall transmit the plan developed pursuant to subsection 1 to the Director of the Office of Energy and to any other entity designated for that purpose by the Legislature.~~

~~3. As used in this section:~~

~~(a) "Local government" means each city or county that meets the definition of "eligible unit of local government" as set forth in 42 U.S.C. § 17151 and each unit of local government, as defined in [subsection 13 of] NRS 338.010, that does not meet the definition of "eligible entity" as set forth in 42 U.S.C. § 17151.~~

~~(b) "Renewable energy" means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:~~

~~(1) Biomass;~~

~~(2) Fuel cells;~~

~~(3) Geothermal energy;~~

~~(4) Solar energy;~~

~~(5) Waterpower; and~~

~~(6) Wind.~~

~~→ The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.~~

~~(c) "Retrofit" means to alter, improve, modify, remodel or renovate a building, facility or structure to make that building, facility or structure more energy efficient.]~~ **(Deleted by amendment.)**

Sec. 17. ~~[Chapter 408 of NRS is hereby amended by adding thereto the provisions set forth as sections 18, 19 and 20 of this act.]~~ **(Deleted by amendment.)**

Sec. 18. ~~[*"Employer" includes, without limitation, a government, governmental agency and political subdivision of a government.]~~ **(Deleted by amendment.)**

Sec. 19. ~~[*1. Except in the case of a disaster or great emergency described in NRS 408.323, the Director and the Department:*~~

~~*(a) Shall not award a contract governed by this chapter to an employer with 50 or more employees in this State unless the employer submits to the Director or Department, as applicable, a certificate of pay equity compliance issued by the Labor Commissioner pursuant to section 22 of this act.*~~

~~*(b) May refuse to award such a contract to an employer with less than 50 employees in this State unless the employer submits to the Director or Department, as applicable, a current certificate of pay equity compliance issued by the Labor Commissioner pursuant to section 22 of this act.*~~

~~*2. In connection with the performance of work under a contract governed by this chapter and awarded to an employer by the Director or Department, the employer:*~~

~~*— (a) Shall not enter into a contract with a subcontractor with 50 or more employees in this State unless the subcontractor submits to the employer a current certificate of pay equity compliance issued by the Labor Commissioner pursuant to section 22 of this act.*~~

~~*— (b) May refuse to award such a contract to a subcontractor with less than 50 employees in this State unless the subcontractor submits to the employer a current certificate of pay equity compliance issued by the Labor Commissioner pursuant to section 22 of this act.]*~~ **(Deleted by amendment.)**

Sec. 20. ~~*[Any contract described in section 19 of this act that is conditioned on submission of a current certificate of pay equity compliance by the employer or subcontractor, as applicable, must:*~~

~~*— 1. Require the employer or subcontractor, as applicable, in accordance with subsection 7 of section 22 of this act, to notify the Director or Department, as applicable, and any other party to the contract of any notice or decision issued by the Labor Commissioner to the employer or subcontractor pursuant to that section; and*~~

~~*— 2. Provide for the termination of the contract if:*~~

~~*— (a) The employer or subcontractor fails to give any notice required by subsection 1; or*~~

~~*— (b) The Labor Commissioner:*~~

~~*— (1) Refuses to issue a certificate to the employer or subcontractor;*~~

~~*— (2) Cancels a provisional certificate previously issued to the employer or subcontractor; or*~~

~~*— (3) Issues a decision pursuant to section 22 of this act and NRS 607.215 revoking a certificate previously issued to the employer or subcontractor and the decision is not stayed and set aside on judicial review.]*~~ **(Deleted by amendment.)**

Sec. 21. ~~[NRS 408.020 is hereby amended to read as follows:~~

~~— 408.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 408.033 to 408.095, inclusive, *and section 18 of this act* have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 22. ~~[Chapter 607 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*— 1. Except as otherwise provided in this section, the Labor Commissioner shall issue a certificate of pay equity compliance to an employer who submits an application to the Labor Commissioner in a form prescribed by the Labor Commissioner. The application must be accompanied by:*~~

~~*— (a) An affidavit of equity in compensation;*~~

~~*— (b) A description of the employer's program to ensure equity in compensation;*~~

~~*— (c) A workforce analysis; and*~~

~~*— (d) Any other information required by the Labor Commissioner.*~~

~~*→ The application must be signed by the chief executive officer of the employer, affirming that to the best of his or her knowledge and belief the contents of the application and the accompanying documents are true, correct and complete.*~~

~~*2. An affidavit of equity in compensation submitted pursuant to subsection 1 must affirm that the employer is in compliance with all applicable federal and state laws and regulations and local ordinances concerning equity in compensation, including, without limitation:*~~

~~*(a) The Equal Pay Act of 1963, 29 U.S.C. § 206(d);*~~

~~*(b) Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq.;*~~

~~*(c) NRS 338.125;*~~

~~*(d) NRS 608.017; and*~~

~~*(e) NRS 613.310 to 613.435, inclusive.*~~

~~*3. A description of the employer's program to ensure equity in compensation submitted pursuant to subsection 1 must include a description or statement of the policies and procedures adopted by the employer to ensure:*~~

~~*(a) Equal employment opportunity for all employees and applicants regardless of sex; and*~~

~~*(b) That male and female employees receive equal pay for equal work.*~~

~~*4. Except as otherwise provided in this subsection, a workforce analysis submitted pursuant to subsection 1 must set forth:*~~

~~*(a) The total number of persons employed by the employer during the last preceding calendar year in each job category, disaggregated by the sex of the employees.*~~

~~*(b) The total amount of compensation paid during the last preceding calendar year to all the employees in each job category, disaggregated by the sex of the employees.*~~

~~*(c) The total number of hours worked during the last preceding calendar year by all the employees in each job category, disaggregated by the sex of the employees. For the purposes of this paragraph, an exempt employee shall be deemed to work 40 hours per week.*~~

~~*→ Notwithstanding the provisions of paragraphs (a), (b) and (c), the Labor Commissioner may establish by regulation any 12-month period for reporting the information required by those paragraphs.*~~

~~*5. If, on the basis of the application and supporting documents and information submitted by an employer pursuant to this section, the Labor Commissioner determines that the employer provides equal employment opportunity for all employees and applicants regardless of sex and that male and female employees receive equal pay for equal work, the Labor Commissioner shall issue a certificate of pay equity compliance to the employer. Pending such a determination, the Labor Commissioner may issue a provisional certificate to the employer. If the Labor Commissioner is unable to make such a determination, the Labor Commissioner shall deny the certificate or cancel any provisional certificate previously issued*~~

~~*to the employer and notify the employer in writing of the basis for the denial or cancellation, as applicable. The denial or cancellation is not subject to judicial review.*~~

~~*6. An employer who has been issued a certificate of pay equity compliance pursuant to this section shall submit an updated workforce analysis to the Labor Commissioner on a schedule established by regulation of the Labor Commissioner, but not less frequently than once each year. If an employer fails or refuses to submit a workforce analysis to the Labor Commissioner as required by this subsection or the Labor Commissioner determines, on the basis of a workforce analysis, that the employer has failed during the period covered by the workforce analysis to provide equal employment opportunity for all employees and applicants regardless of sex or has failed to provide equal pay to male and female employees for equal work, the Labor Commissioner shall, after notice and an opportunity for hearing pursuant to NRS 607.205 to 607.215, inclusive, revoke the certificate of pay equity compliance previously issued to the employer.*~~

~~*7. An employer who receives a notice or decision from the Labor Commissioner pursuant to subsection 5 or 6 and is a party to a contract described in section 2, 6, 11 or 19 of this act shall, within 3 business days after receiving the notice or decision, transmit a copy of the notice or decision to each other party to the contract and to any subcontractor of the employer.*~~

~~*8. An employer is not disqualified from receiving a certificate of pay equity compliance pursuant to this section to the extent of any difference in wages between male and female employees that is the result of:*~~

~~*(a) A seniority system;*~~

~~*(b) A merit system;*~~

~~*(c) A compensation system under which wages are determined by the quality or quantity of production; or*~~

~~*(d) A wage differential that is based on factors other than sex.*~~

~~*9. Except as otherwise provided by specific statute, any person, including, without limitation, any officer, agent or employee of a public body who violates any provision of this section, section 2, 6, 11 or 19 of this act or any regulation adopted pursuant thereto is guilty of a misdemeanor.*~~

~~*10. The Labor Commissioner shall adopt regulations to carry out the provisions of this section. For the purpose of establishing the job categories required for a workforce analysis submitted:*~~

~~*(a) By an employer other than one described in paragraph (b), the Labor Commissioner may adopt the job categories set forth in the Employer Information Report (EEO-1); or*~~

~~*(b) By an employer that is a government, governmental agency or political subdivision of a government, the Labor Commissioner may adopt the job categories set forth in the State and Local Government Report (EEO-4),*~~

~~in the form most recently approved by the United States Equal Employment Opportunity Commission as of the effective date of this act.~~

~~11. As used in this section:~~

~~(a) "Compensation" means all wages, salary or other payments to an employee that are required to be reported to the Internal Revenue Service on Form W-2.~~

~~(b) "Employer" includes, without limitation, a government, governmental agency and political subdivision of a government.~~

~~(c) "Exempt employee" means an executive, administrative, professional or other employee who is classified as exempt in accordance with the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq.~~] **(Deleted by amendment.)**

Sec. 23. **Chapter 333 of NRS is hereby amended by adding thereto the provisions set forth as sections 24 to 29, inclusive, of this act.**

Sec. 24. ***1. The Administrator shall, within the limits of available resources, establish by regulation a program to certify vendors that pay their employees equal pay for equal work without regard to gender.***

2. The regulations adopted pursuant to subsection 1 must include, without limitation:

(a) A method for a vendor to self-certify that the vendor pays its employees equal pay for equal work without regard to gender; and

(b) Certification by the Administrator, without review, of a vendor that fulfills the requirements for self-certification.

3. In carrying out the provisions of this section, the Administrator may cooperate and coordinate with the Office of Economic Development, created by NRS 231.043, the Nevada Equal Rights Commission created by NRS 233.030, the Nevada Commission for Women created by NRS 233I.020 and any other office, department, board, commission, agency or institution of state government that has appropriate expertise.

Sec. 25. ***If the Administrator certifies a vendor pursuant to the regulations adopted pursuant to section 24 of this act:***

1. The Purchasing Division shall include the certification in its information concerning the vendor that it maintains in its records or makes available on the Internet website of the Purchasing Division.

2. The vendor may include the certification in its advertising, marketing or other promotional materials.

Sec. 26. ***1. If the Purchasing Division determines that a vendor has made a material misrepresentation or otherwise committed a fraudulent act in self-certifying pursuant to the regulations adopted by the Administrator pursuant to section 24 of this act that the vendor pays its employees equal pay for equal work without regard to gender, the vendor may be prohibited, for not more than 3 years, from:***

(a) Self-certifying that the vendor pays its employees equal pay for equal work without regard to gender; and

(b) Submitting a bid or proposal to the Purchasing Division.

2. If the Purchasing Division determines, as described in subsection 1, that a vendor has made a material misrepresentation or otherwise committed a fraudulent act in self-certifying that the vendor pays its employees equal pay for equal work without regard to gender, the vendor may apply to the Administrator to review the decision pursuant to chapter 233B of NRS.

Sec. 27. The Administrator shall, on or before October 1 of each year, prepare and submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature an annual report which includes, for the immediately preceding fiscal year:

1. The number of vendors certified pursuant to the regulations adopted pursuant to section 24 of this act;

2. The number of certified vendors that submitted a bid or proposal to the Purchasing Division;

3. The number of certified vendors that were awarded a contract by the Purchasing Division; and

4. The number of certified vendors that were disciplined by the Purchasing Division pursuant to section 26 of this act.

Sec. 28. **NRS 333.300 is hereby amended to read as follows:**

333.300 1. Except as otherwise provided in NRS 333.375, the Administrator shall give reasonable notice, by advertising and by written notice provided to persons in a position to furnish the classes of commodities involved, as shown by its records, of all proposed purchases of supplies, materials and equipment to be purchased in accordance with a schedule prepared in conformity with the provisions of NRS 333.250.

2. All such materials, supplies and equipment, except as otherwise provided in this section, if the estimated cost thereof exceeds $50,000, must be purchased by formal contract from the lowest responsible bidder after notice inviting the submission of sealed proposals to the Administrator of the Purchasing Division at the date, hour and location set forth in the proposal, and at that date, hour and location the proposals must be publicly opened. The Purchasing Division may reject any or all proposals, or may accept the proposal determined best for the interest of the State. The notice must be published as prescribed in NRS 333.310.

3. The Administrator may solicit the purchase of materials, supplies and equipment, if the estimated cost thereof is $50,000 or less, by written contract from the lowest responsible bidder if notice of the proposed purchase is provided to:

(a) At least three persons in a position to furnish the materials, supplies or equipment; and

(b) The Office of Economic Development.

4. In case of emergencies caused by acts of God or the national defense or other unforeseeable circumstances, the provisions for advertisements on competitive bids may be waived by the Administrator, but every effort must be made to secure the maximum competitive bidding under the

circumstances. In no case may contracts be awarded until every possible effort has been made to secure at least three bona fide competitive bids.

5. ~~[In]~~ ***Except as otherwise provided in subsection 6, in*** awarding contracts for the purchase of supplies, materials and equipment, if two or more lowest bids are identical, the Administrator shall:

(a) If the lowest bids are by bidders resident in the State of Nevada, accept the proposal which, in the discretion of the Administrator, is in the best interests of this State.

(b) If the lowest bids are by bidders resident outside the State of Nevada:

(1) Accept the proposal of the bidder who will furnish goods or commodities produced or manufactured in this State; or

(2) Accept the proposal of the bidder who will furnish goods or commodities supplied by a dealer resident in the State of Nevada.

6. In awarding contracts for the purchase of supplies, materials and equipment, if:

(a) Two or more lowest bids are within 5 percent of each other;

(b) None is by a bidder resident in the State of Nevada; and

(c) One or more lowest bids is by a bidder who is a vendor certified by the Administrator pursuant to the regulations adopted pursuant to section 24 of this act,

➥ the bid or proposal submitted by the bidder who is a certified vendor shall be deemed to be 5 percent lower than the bid or proposal actually submitted.

Sec. 29. **NRS 333.340 is hereby amended to read as follows:**

333.340 1. Every contract or order for goods must be awarded to the lowest responsible bidder. To determine the lowest responsible bidder, the Administrator:

(a) Shall consider, if applicable:

(1) The granting of the preference described in NRS 333.3366.

(2) The required standards adopted pursuant to NRS 333.4611.

(3) The certification described in section 24 of this act.

(b) May consider:

(1) The location of the using agency to be supplied.

(2) The qualities of the articles to be supplied.

(3) The total cost of ownership of the articles to be supplied.

(4) Except as otherwise provided in subparagraph (5), the conformity of the articles to be supplied with the specifications.

(5) If the articles are an alternative to the articles listed in the original request for bids, whether the advertisement for bids included a statement that bids for an alternative article will be considered if:

(I) The specifications of the alternative article meet or exceed the specifications of the article listed in the original request for bids;

(II) The purchase of the alternative article results in a lower price; and

(III) The Administrator deems the purchase of the alternative article to be in the best interests of the State of Nevada.

(6) The purposes for which the articles to be supplied are required.

(7) The dates of delivery of the articles to be supplied.

2. If a contract or an order is not awarded to the lowest bidder, the Administrator shall provide the lowest bidder with a written statement which sets forth the specific reasons that the contract or order was not awarded to him or her.

3. As used in this section, "total cost of ownership" includes, but is not limited to:

(a) The history of maintenance or repair of the articles;

(b) The cost of routine maintenance and repair of the articles;

(c) Any warranties provided in connection with the articles;

(d) The cost of replacement parts for the articles; and

(e) The value of the articles as used articles when given in trade on a subsequent purchase.

~~[Sec. 23.]~~ ***Sec. 30.*** The provisions of this act do not apply to any contract that is advertised, bid, offered or awarded before January 1, 2018.

Sec. 31. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

~~[Sec. 24.]~~ ***Sec. 32.*** This act ~~[becomes effective]~~ **:**

1. Becomes effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act and on January 1, 2018, for all other purposes.

2. Expires by limitation on June 30, 2021.

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 109.

Bill read second time.

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

Amendment No. 546.

AN ACT relating to public utilities; requiring the Public Utilities Commission of Nevada to conduct a general consumer session in certain counties serviced by certain public utilities that furnish water; requiring the Consumer's Advocate of the Bureau of Consumer Protection in the Office of the Attorney General to intervene in certain proceedings concerning certain public utilities that furnish water; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Public Utilities Commission of Nevada is required to conduct at least one general consumer session annually to solicit comments on issues concerning public utilities from the public in the

counties with the largest and second largest populations in the State (currently Clark and Washoe Counties). (NRS 704.069) **Section 1** of this bill requires the Commission to also conduct a general consumer session in the county with the fifth largest population in the State (currently Elko County).

Under existing law, the Consumer's Advocate of the Bureau of Consumer Protection in the Office of the Attorney General is required to intervene and represent the public interest in certain proceedings conducted by the Public Utilities Commission. (NRS 228.360) **Section 2** of this bill requires the Consumer's Advocate also to intervene in proceedings in which a ~~[public]~~ **water** utility that ~~[furnishes water or sewage disposal services, or both,]~~ **: (1) is located in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties);** and **(2)** which has an annual gross operating revenue of $2,000,000 or more files a general rate application with the Commission.

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

Section 1. NRS 704.069 is hereby amended to read as follows:

704.069 1. Except as otherwise provided in subsections 9 and 11 of NRS 704.110, the Commission shall conduct a consumer session to solicit comments
from the public in any matter pending before the Commission pursuant to NRS 704.061 to 704.110, inclusive, in which:

(a) A public utility has filed a general rate application, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale, an annual deferred energy accounting adjustment application pursuant to NRS 704.187 or an annual rate adjustment application; and

(b) The changes proposed in the application will result in an increase in annual gross operating revenue, as certified by the applicant, in an amount that will exceed $50,000 or 10 percent of the applicant's annual gross operating revenue, whichever is less.

2. In addition to the case-specific consumer sessions required by subsection 1, the Commission shall, during each calendar year, conduct at least one general consumer session in ~~[the]~~ ***:***

(a) The county with the largest population in this State ~~[and at least one general consumer session in the]~~ ***;***

(b) The county with the second largest population in this State ~~[.]~~ ***; and***

(c) The county with the fifth largest population in this State.

➥ At each general consumer session, the Commission shall solicit comments from the public on issues concerning public utilities. Not later than 60 days after each general consumer session, the Commission shall submit the record from the general consumer session to the Legislative Commission.

Sec. 2. NRS 228.360 is hereby amended to read as follows:

228.360 1. The Consumer's Advocate:

(a) Shall intervene in and represent the public interest in:

(1) All proceedings conducted pursuant to NRS 704.7561 to 704.7595, inclusive; ~~[and]~~

(2) All proceedings conducted pursuant to NRS 704.061 to 704.110, inclusive, in which an electric utility has filed a general rate application or an annual deferred energy accounting adjustment application ~~[.]~~ ***; and***

(3) All proceedings conducted pursuant to paragraph (c) or (d) of subsection 3 of NRS 704.110 ~~***[,]***~~ ***in which a water utility in a county whose population is less than 100,000 has filed a general rate application.***

(b) May, with respect to all public utilities except railroads and cooperative utilities, and except as otherwise provided in NRS 228.380:

(1) Conduct or contract for studies, surveys, research or expert testimony relating to matters affecting the public interest or the interests of utility customers.

(2) Examine any books, accounts, minutes, records or other papers or property of any public utility subject to the regulatory authority of the Public Utilities Commission of Nevada in the same manner and to the same extent as authorized by law for members of the Public Utilities Commission of Nevada and its staff.

(3) Except as otherwise provided in paragraph (a), petition for, request, initiate, appear or intervene in any proceeding concerning rates, charges, tariffs, modifications of service or any related matter before the Public Utilities Commission of Nevada or any court, regulatory body, board, commission or agency having jurisdiction over any matter which the Consumer's Advocate may bring before or has brought before the Public Utilities Commission of Nevada or in which the public interest or the interests of any particular class of utility customers are involved. The Consumer's Advocate may represent the public interest or the interests of any particular class of utility customers in any such proceeding, and the Consumer's Advocate is a real party in interest in the proceeding.

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

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 113.

Bill read second time.

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

Amendment No. 172.

SUMMARY—Requires ~~[an employer]~~ **certain employers** to make certain accommodations for a nursing mother. (BDR ~~[40-7)]~~ **23-7)**

~~[CONTAINS UNFUNDED MANDATE (§§ 2, 4)~~
~~(Not Requested by Affected Local Government)]~~

AN ACT relating to public health; requiring certain employers to provide ~~[a]~~ reasonable ~~[time]~~ **break times** and **a** place for an employee who is a nursing mother to express breast milk; prohibiting an employer from retaliating against an employee for certain actions relating to this requirement; authorizing a public employee who is aggrieved by an employer's failure to comply with this requirement or for retaliation by the employer to file a complaint; **requiring the Local Government Employee-Management Relations Board to provide for an expedited review of such complaints by local government employees;** exempting certain small employers **and contractors** from this requirement **;** ~~[based on an undue hardship; authorizing a local board of health to establish a voluntary mediation program to mediate disputes concerning a violation of this requirement;]~~ authorizing the Labor Commissioner to enforce the requirement against a private employer; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires employers to provide their employees with meal and rest periods, with certain exceptions. (NRS 608.019) Existing law also authorizes the Labor Commissioner to prosecute violations of this requirement and makes violation of this requirement a misdemeanor, subject to a civil penalty of $5,000 per violation. (NRS 608.180, 608.195) Existing federal law also requires an employer to provide reasonable break time and a private place for employees to express breast milk for a nursing child for 1 year after the child's birth. (29 U.S.C. § 207(r))

Sections 2 and 5 of this bill require each public and private employer in this State, other than the Department of Corrections, **certain small employers and certain licensed contractors,** to provide **a** reasonable break time and a clean, private place for an employee who is a nursing mother to express breast milk. This break time may be provided with or without compensation ~~[.]~~ **, except that section 5 requires the break time to be compensated if such break time is otherwise required to be compensated pursuant to a collective bargaining agreement between a private employer and an employee organization.** Additionally, **sections 2 and 5** prohibit employers from retaliating against an employee who: (1) takes such break time or uses the designated place to express breast milk; or (2) takes any action to enforce this requirement. **If a public or private employer would face an undue hardship relating to these requirements, sections 2 and 5 authorize the employer to meet with the employee to discuss potential alternatives. If no agreement is reached on such an alternative, sections 2 and 5 authorize the employer to require the employee to accept a reasonable alternative selected by the employer. Section 2 also authorizes a public employee to file a complaint against his or her public employer for certain violations of sections 2, 4 and 5 of this bill and**

require the Local Government Employee-Management Relations Board to create an expedited procedure to resolve such a complaint. Section 5 exempts a private employer ~~[which]~~ **from the requirements of section 5 if the employer: (1)** has fewer than 50 employees ~~[from the duty to provide these accommodations if doing so]~~ **and complying with the requirements** would cause an undue hardship ~~[.~~

~~Section 1 of this bill authorizes a local board of health to establish a voluntary mediation program to resolve disputes concerning the requirement to provide break time and a place for the employee to express breast milk. Section 2 authorizes a public employee to file a complaint against a public employer who fails to meet this requirement or who retaliates against an employee.]~~ **; or (2) is a licensed contractor and the employee is performing work at a construction jobsite that is at least 3 miles from the regular place of business of the employer. Section 6** of this bill authorizes the Labor Commissioner to enforce these requirements against private employers. Finally, **section 7** of this bill makes a private employer who violates these requirements guilty of a misdemeanor, subject to a civil penalty of $5,000 per violation.

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

Section 1. ~~[Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. A local board of health may, by regulation, establish a program of voluntary mediation for disputes concerning complaints of violations of section 2 or 5 of this act.*~~

~~*2. Participation in a program of voluntary mediation must be voluntary and is not required as a condition to seeking enforcement pursuant to NRS 608.180, 608.195 or section 2 or 5 of this act.*~~

~~*3. Regulations establishing a program of voluntary mediation pursuant to subsection 1 may include, without limitation:*~~

~~*(a) Requirements for participation;*~~

~~*(b) The types of disputes that may be submitted for mediation;*~~

~~*(c) The manner in which the parties must submit information concerning the dispute;*~~

~~*(d) The manner in which any inspections may occur;*~~

~~*(e) The manner in which findings and recommendations will be made;*~~

~~*(f) Any required fee to cover the cost of the mediation; and*~~

~~*(g) Any other matters relevant to the mediation.*~~

~~*4. Upon completion of any mediation conducted pursuant to this section, the mediator shall provide the parties with his or her written findings and recommendations.*~~

~~*5. The local board of health shall not report any information to the Labor Commissioner or a court concerning a mediation conducted*~~

~~*pursuant to this section except the written findings and recommendations of the mediator.]*~~ **(Deleted by amendment.)**

Sec. 2. Chapter 281 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in ~~[subsection 4,]~~ subsections 2 and 5, a public body shall provide an employee who is the mother of a child under 1 year of age with:

(a) Reasonable break time, with or without compensation, for the employee to express breast milk as needed; and

(b) A ~~[clean, private]~~ place, other than a bathroom, ~~[where the employee may express such milk.]~~ that is reasonably free from dirt or pollution, protected from the view of others and free from intrusion by others where the employee may express breast milk.

2. If the public body determines that complying with the provisions of subsection 1 will cause an undue hardship considering the size, financial resources, nature and structure of the public body, the public body may meet with the employee to agree upon a reasonable alternative. If the parties are not able to reach an agreement, the public body may require the employee to accept a reasonable alternative selected by the public body and the employee may appeal the decision by filing a complaint in the manner set forth in subsection 4.

3. An officer or agent of a public body shall not retaliate, or direct or encourage another person to retaliate, against an employee of the public body because the employee has:

(a) Taken break time or used the space provided pursuant to subsection 1 or 2 to express breast milk; or

(b) Taken any action to require the public body to comply with the requirements of this section, including, without limitation, filing a complaint, testifying, assisting or participating in any manner in an investigation, proceeding or hearing to enforce the provisions of this section.

~~[3.]~~ 4. An employee who is aggrieved by the failure of a public body to comply with the provisions of this section may:

(a) If the employee is employed by the Executive Department of ~~[the]~~ State Government and is not an employee of an entity described in NRS 284.013, file a complaint with the ~~[Personnel Commission]~~ Employee-Management Committee in accordance with the procedures provided pursuant to NRS 284.384;

(b) If the employee is employed by the Legislative Department of ~~[the]~~ State Government, file a complaint with the Director of the Legislative Counsel Bureau;

(c) If the employee is employed by the Judicial Department of ~~[the]~~ State Government, file a complaint with the Court Administrator; and

(d) If the employee is employed by a ~~[municipality, county, school district or other type of district, or a city or town,]~~ political subdivision of

this State or any public or quasi-public corporation organized under the laws of this State, file a complaint with the Local Government Employee-Management Relations Board .

~~4.~~ in the manner set forth in section 3.3 of this act.

5. The requirements of this section do not apply to the Department of Corrections. The Department is encouraged to comply with the provisions of this section to the extent practicable.

~~5.~~ 6. As used in this section, "public body" means:

(a) The State of Nevada, or any agency, instrumentality or corporation thereof;

(b) The Nevada System of Higher Education; or

(c) Any ~~municipality, county, school district or other type of district, or a city or town, incorporated or unincorporated; or~~

~~(d) Any other body corporate and politic comprising a political subdivision of this State or acting on behalf thereof.~~ political subdivision of this State or any public or quasi-public corporation organized under the laws of this State, including, without limitation, counties, cities, unincorporated towns, school districts, charter schools, hospital districts, irrigation districts and other special districts.

Sec. 3. NRS 284.384 is hereby amended to read as follows:

284.384 1. The Commission shall adopt regulations which provide for the adjustment of grievances for which a hearing is not provided by federal law or NRS 284.165, 284.245, 284.3629, 284.376 or 284.390 ~~.~~ ***and complaints filed pursuant to section 2 of this act.*** Any grievance for which a hearing is not provided by NRS 284.165, 284.245, 284.3629, 284.376 or 284.390 ***, or any complaint filed pursuant to section 2 of this act,*** is subject to adjustment pursuant to this section.

2. The regulations must provide procedures for:

(a) Consideration and adjustment of the grievance ***or complaint*** within the agency in which it arose.

(b) Submission to the Employee-Management Committee for a final decision if the employee is still dissatisfied with the resolution of the dispute.

(c) If requested by an employee or agency, the use of a resolution conference to resolve a grievance ~~.~~ ***or complaint.***

3. The regulations must include provisions for:

(a) Submitting each proposed resolution of a dispute which has a fiscal effect to the Budget Division of the Office of Finance for a determination by that Division whether the resolution is feasible on the basis of its fiscal effects; and

(b) Making the resolution binding.

4. Any grievance ***or complaint*** which is subject to adjustment pursuant to this section may be appealed to the Employee-Management Committee for a final decision. Except as otherwise provided in subsection 3, a final decision of the Committee is binding. The Committee or an employee may

petition a court of competent jurisdiction for enforcement of the Committee's binding decisions.

5. The employee may represent himself or herself at any hearing regarding a grievance ***or complaint*** which is subject to adjustment pursuant to this section or be represented by an attorney or other person of the employee's own choosing.

6. As used in this section, "grievance" means an act, omission or occurrence which an employee who has attained permanent status feels constitutes an injustice relating to any condition arising out of the relationship between an employer and an employee, including, but not limited to, compensation, working hours, working conditions, membership in an organization of employees or the interpretation of any law, regulation or disagreement.

Sec. 3.3. **Chapter 288 of NRS is hereby amended by adding thereto a new section to read as follows:**

The Board shall provide for an expedited review of a complaint filed by an employee pursuant to subsection 4 of section 2 of this act. To facilitate such a review, the Board shall:

1. Create and make available a form to be used by an employee to file a complaint;

2. Authorize the Commissioner to resolve such a complaint without referring the matter to the Board;

3. Establish an expedited timeline for issuing a decision; and

4. Take any other action necessary to ensure the complaint is reviewed in a timely manner.

Sec. 3.7. **NRS 288.110 is hereby amended to read as follows:**

288.110 1. The Board may make rules governing:

(a) Proceedings before it;

(b) Procedures for fact-finding;

(c) The recognition of employee organizations; and

(d) The determination of bargaining units.

2. The Board may hear and determine any complaint arising out of the interpretation of, or performance under, the provisions of this chapter by any local government employer, local government employee or employee organization. Except as otherwise provided in this subsection and NRS 288.280, ***and section 3.3 of this act,*** the Board shall conduct a hearing within 180 days after it decides to hear a complaint. If a complaint alleges a violation of paragraph (e) of subsection 1 of NRS 288.270 or paragraph (b) of subsection 2 of that section, the Board shall conduct a hearing not later than 45 days after it decides to hear the complaint, unless the parties agree to waive this requirement. The Board, after a hearing, if it finds that the complaint is well taken, may order any person to refrain from the action complained of or to restore to the party aggrieved any benefit of which the party has been deprived by that action. ~~[The]~~ ***Except when an expedited hearing is conducted pursuant to section 3.3 of this act, the*** Board shall

issue its decision within 120 days after the hearing on the complaint is completed.

3. Any party aggrieved by the failure of any person to obey an order of the Board issued pursuant to subsection 2, or the Board at the request of such a party, may apply to a court of competent jurisdiction for a prohibitory or mandatory injunction to enforce the order.

4. The Board may not consider any complaint or appeal filed more than 6 months after the occurrence which is the subject of the complaint or appeal.

5. The Board may decide without a hearing a contested matter:

(a) In which all of the legal issues have been previously decided by the Board, if it adopts its previous decision or decisions as precedent; or

(b) Upon agreement of all the parties.

6. The Board may award reasonable costs, which may include attorneys' fees, to the prevailing party.

Sec. 4. NRS 288.270 is hereby amended to read as follows:

288.270 1. It is a prohibited practice for a local government employer or its designated representative willfully to:

(a) Interfere, restrain or coerce any employee in the exercise of any right guaranteed under this chapter.

(b) Dominate, interfere or assist in the formation or administration of any employee organization.

(c) Discriminate in regard to hiring, tenure or any term or condition of employment to encourage or discourage membership in any employee organization.

(d) Discharge or otherwise discriminate against any employee because the employee has signed or filed an affidavit, petition or complaint or given any information or testimony under this chapter, or because the employee has formed, joined or chosen to be represented by any employee organization.

(e) Refuse to bargain collectively in good faith with the exclusive representative as required in NRS 288.150. Bargaining collectively includes the entire bargaining process, including mediation and fact-finding, provided for in this chapter.

(f) Discriminate because of race, color, religion, sex, age, physical or visual handicap, national origin or because of political or personal reasons or affiliations.

(g) Fail to provide the information required by NRS 288.180.

(h) Fail to comply with the requirements of section 2 of this act.

2. It is a prohibited practice for a local government employee or for an employee organization or its designated agent willfully to:

(a) Interfere with, restrain or coerce any employee in the exercise of any right guaranteed under this chapter.

(b) Refuse to bargain collectively in good faith with the local government employer, if it is an exclusive representative, as required in NRS 288.150. Bargaining collectively includes the entire bargaining process, including mediation and fact-finding, provided for in this chapter.

(c) Discriminate because of race, color, religion, sex, age, physical or visual handicap, national origin or because of political or personal reasons or affiliations.

(d) Fail to provide the information required by NRS 288.180.

Sec. 5. Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in ~~[subsection]~~ subsections 3, 5 and 6, each employer shall provide an employee who is the mother of a child under 1 year of age with:

(a) Reasonable break time, with or without compensation, for the employee to express breast milk as needed; and

(b) A ~~[clean, private]~~ place, other than a bathroom, ~~[where the employee may express such milk.]~~ that is reasonably free from dirt or pollution, which is protected from the view of others and free from intrusion by others where the employee may express breast milk.

2. If break time is required to be compensated pursuant to a collective bargaining agreement entered into by an employer and an employee organization, any break time taken pursuant to subsection 1 by an employee which is covered by the collective bargaining agreement must be compensated.

3. If an employer determines that complying with the provisions of subsection 1 will cause an undue hardship considering the size, financial resources, nature and structure of the business of the employer, the employer may meet with the employee to agree upon a reasonable alternative. If the parties are not able to reach an agreement, the employer may require the employee to accept a reasonable alternative selected by the employer.

4. An employer shall not retaliate, or direct or encourage another person to retaliate, against any employee because that employee has:

(a) Taken break time or used the space provided pursuant to subsection 1 or 3 to express breast milk; or

(b) Taken any action to require the employer to comply with the requirements of this section, including, without limitation, filing a complaint, testifying, assisting or participating in any manner in an investigation, proceeding or hearing to enforce the provisions of this section.

~~[3.]~~ 5. An employer who employs fewer than 50 employees is not subject to the requirements of this section if these requirements would impose an undue hardship on the employer, considering the size, financial resources, nature and structure of the business of the employer.

6. An employer who is a contractor licensed pursuant to chapter 624 of NRS is not subject to the requirements of this section with regard to an employee who is performing work at a construction jobsite that is located at least 3 miles from the regular place of business of the employer.

Sec. 6. NRS 608.180 is hereby amended to read as follows:

608.180 The Labor Commissioner or the representative of the Labor Commissioner shall cause the provisions of NRS 608.005 to 608.195, inclusive, ***and section 5 of this act*** to be enforced, and upon notice from the Labor Commissioner or the representative:

1. The district attorney of any county in which a violation of those sections has occurred;
2. The Deputy Labor Commissioner, as provided in NRS 607.050;
3. The Attorney General, as provided in NRS 607.160 or 607.220; or
4. The special counsel, as provided in NRS 607.065,

➥ shall prosecute the action for enforcement according to law.

Sec. 7. NRS 608.195 is hereby amended to read as follows:

608.195 1. Except as otherwise provided in NRS 608.0165, any person who violates any provision of NRS 608.005 to 608.195, inclusive, ***and section 5 of this act,*** or any regulation adopted pursuant thereto, is guilty of a misdemeanor.

2. In addition to any other remedy or penalty, the Labor Commissioner may impose against the person an administrative penalty of not more than $5,000 for each such violation.

Sec. 8. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~ **(Deleted by amendment.)**

Sec. 9. This act becomes effective on July 1, 2017.

Assemblyman Sprinkle moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 122.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 264.

SUMMARY—Revises provisions related to the **manner in which the** State Board of Examiners ~~[awarding]~~ **awards** compensation to **certain** victims of crime. (BDR 16-305)

AN ACT relating to victims of crime; removing the prohibition on awarding compensation to certain victims of crime who do not meet certain citizenship or residency requirements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Board of Examiners to award compensation to certain victims of crime. (NRS 217.160, 217.180) Existing law prohibits compensation from being awarded to a victim who was not a citizen or lawful resident of the United States at the time of the crime or who is unable to provide proof of such citizenship or lawful residency. (NRS 217.220)

Section 2 of this bill removes that prohibition. **Section ~~[1]~~ 1.3** of this bill revises the definition of "resident" for the purposes of provisions relating to the compensation of victims of crime to remove the requirement that a person must be a citizen or lawful resident of the United States in order to be a resident.

Under existing law, a victim of a crime who is a resident of this State is eligible for compensation in certain circumstances when the crime occurs outside this State, including when it is an act of international terrorism which occurred outside the United States. (18 U.S.C. § 2331; NRS 217.035, 217.070, 217.102) Sections 1, 1.5 and 1.7 of this bill authorize compensation to be paid to a victim of a crime committed in this State even if the victim was not a resident of this State.

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

Section 1. **NRS 217.035 is hereby amended to read as follows:**

217.035 "Crime" means:

1. An act or omission committed within this state which, if committed by an adult, is forbidden by law and punishable upon conviction by death, imprisonment, fine or other penal discipline; or

2. An act of international terrorism as defined in 18 U.S.C. § 2331(1) against a ~~[resident.]~~ ***person.***

~~[Section 1.]~~ ***Sec. 1.3.*** NRS 217.065 is hereby amended to read as follows:

217.065 "Resident" means a person who ~~[:~~

~~1. Is a citizen of the United States or who is lawfully entitled to reside in the United States; and~~

~~2. During]~~ ***, during*** the 6 weeks preceding the date of the crime **,** was ~~[:~~

~~(a) Domiciled]~~ ***domiciled*** in this state ~~[;]~~ and

~~[(b) Physically]~~ ***physically*** present in this state, except for any temporary absence.

Sec. 1.5. **NRS 217.070 is hereby amended to read as follows:**

217.070 ***1.*** "Victim" means:

~~[1.]~~ ***(a)*** A person who is physically injured or killed as the direct result of a criminal act;

~~[2.]~~ ***(b)*** A minor who was involved in the production of pornography in violation of NRS 200.710, 200.720, 200.725 or 200.730;

~~[3.]~~ ***(c)*** A minor who was sexually abused, as "sexual abuse" is defined in NRS 432B.100;

~~[4.]~~ ***(d)*** A person who is physically injured or killed as the direct result of a violation of NRS 484C.110 or any act or neglect of duty punishable pursuant to NRS 484C.430 or 484C.440;

~~[5.]~~ ***(e)*** A pedestrian who is physically injured or killed as the direct result of a driver of a motor vehicle who failed to stop at the scene of a crash involving the driver and the pedestrian in violation of NRS 484E.010;

~~[6.]~~ ***(f)*** An older person who is abused, neglected, exploited, isolated or abandoned in violation of NRS 200.5099 or 200.50995;

~~[7.]~~ ***(g)*** A ~~[resident]~~ ***person*** who is physically injured or killed as the direct result of an act of international terrorism as defined in 18 U.S.C. § 2331(1); or

~~[8.]~~ ***(h)*** A person who is trafficked in violation of subsection 2 of NRS 201.300.

~~[~~

2. The term includes ~~[a]~~ ***any*** person who was harmed by ~~[any of these acts whether the act was committed by an adult or a minor.]~~ ***an act listed in subsection 1, regardless of whether:***

(a) The person is a resident of this State, a citizen of the United States or is lawfully entitled to reside in the United States; or

(b) The act was committed by an adult or a minor.

Sec. 1.7. **NRS 217.102 is hereby amended to read as follows:**

217.102 ***1.*** A resident who is a victim of a crime that occurred in a state other than the State of Nevada may apply to the Board for compensation if:

~~[1.]~~ ***(a)*** The state in which the crime occurred does not have a program for compensating victims of crime for their injuries; or

~~[2.]~~ ***(b)*** The resident is ineligible to receive compensation under the program of the other state.

2. A victim of a crime that occurred in this State who is not a resident of this State may apply to the Board for compensation in the same manner as a resident of this State.

Sec. 2. NRS 217.220 is hereby amended to read as follows:

217.220 1. Except as otherwise provided in subsections 2 and 3, compensation must not be awarded if the victim:

(a) Was injured or killed as a result of the operation of a motor vehicle, boat or airplane unless the vehicle, boat or airplane was used as a weapon in a deliberate attempt to harm the victim or unless the driver of the vehicle injured a pedestrian, violated any of the provisions of NRS 484C.110 or the use of the vehicle was punishable pursuant to NRS 484C.430 or 484C.440;

(b) ~~[~~Was not a citizen of the United States or was not lawfully entitled to reside in the United States at the time the incident upon which the claim is based occurred or the victim is unable to provide proof that the victim was a citizen of the United States or was lawfully entitled to reside in the United States at that time;

~~(c)]~~ Was a coconspirator, codefendant, accomplice or adult passenger of the offender whose crime caused the victim's injuries;

~~[(d)]~~ ***(c)*** Was injured or killed while serving a sentence of imprisonment in a prison or jail;

~~[(e)]~~ ***(d)*** Was injured or killed while living in a facility for the commitment or detention of children who are adjudicated delinquent pursuant to title 5 of NRS; or

~~[(f)]~~ ***(e)*** Fails to cooperate with law enforcement agencies. Such cooperation does not require prosecution of the offender.

2. Paragraph (a) of subsection 1 does not apply to a minor who was physically injured or killed while being a passenger in the vehicle of an offender who violated NRS 484C.110 or is punishable pursuant to NRS 484C.430 or 484C.440.

3. A victim who is a relative of the offender or who, at the time of the personal injury or death of the victim, was living with the offender in a continuing relationship may be awarded compensation if the offender would not profit by the compensation of the victim.

4. The compensation officer may deny an award if the compensation officer determines that the applicant will not suffer serious financial hardship. In determining whether an applicant will suffer serious financial hardship, the compensation officer shall not consider:

(a) The value of the victim's dwelling;

(b) The value of one motor vehicle owned by the victim; or

(c) The savings and investments of the victim up to an amount equal to the victim's annual salary.

Sec. 3. This act becomes effective on July 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 123.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 388.

SUMMARY—Revises provisions governing **a series created by a** limited-liability ~~[companies.]~~ **company.** (BDR 7-531)

AN ACT relating to business organizations; revising provisions ~~[governing the powers of a limited-liability company that has created]~~ **relating to** a series ~~[of members' interests with separate rights, powers or duties;]~~ **created by a limited-liability company;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the articles of organization or operating agreement of a limited-liability company to create one or more series of members with separate rights, powers or duties with respect to the property or obligations of the company. (NRS 86.296) **Section 1.7 of this bill authorizes a series to be created by the adoption of an operating agreement by the members of the series. Section 1 of this bill provides that if the articles of organization or operating agreement of a limited-liability company authorizes the creation of a series, the registered agent of the limited-liability company shall be deemed to be the registered agent of any series of the company.**

Under existing law, the liabilities of ~~[such]~~ a series are enforceable only against the assets of that series and not against the assets of the company or any other series if: (1) the articles of organization or an amendment to those articles contain certain statements indicating that the company is to have one or more such series; and (2) separate and distinct records are maintained for each series and the assets associated with each series are held, directly or indirectly, and accounted for separately from the other assets of the company and any other series. (NRS 86.161, 86.296) Existing law further provides that property owned or purchased by a limited-liability company must be held, owned and conveyed in the name of the company. (NRS 86.311)

~~[This]~~ **Section 2 of this** bill clarifies that a series may purchase, own and convey property in the name of the series, as ~~[the]~~ **an** asset of the series. ~~[Section 2 of this bill authorizes the articles of organization or operating agreement of a limited-liability company to include a provision authorizing property to be owned, purchased and conveyed in the name of the series.]~~ **Section 2** ~~[further]~~ **also** specifies the persons who are authorized to bind a series to an instrument or record providing for the acquisition, mortgage or disposition of property by the series. **Section** ~~[1 of this bill]~~ **1.7** expands the powers of a series to authorize a series to sue and be sued in its own name, make contracts in its own name and purchase, own and convey property**.** ~~[in accordance with section 2.]~~

Existing law requires that a person doing business in this State under an assumed or fictitious name which is different from the legal name of each person who owns an interest in the business must file a certificate with the county clerk of each county in which the business is being conducted. (NRS 602.010) Section 3 of this bill provides that a series shall be deemed to be doing business under an assumed name if the name of the series does not indicate: (1) that it is a series; and (2) the name of the limited-liability company which created the series. Section 4 of this bill requires a series to provide certain information in the certificate required to be filed pursuant to section 3.

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

Section 1. **Chapter 86 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If the articles of organization or operating agreement of a limited-liability company authorizes the creation of a series, the registered agent of the company shall be deemed to be the registered agent for each series of the limited-liability company.

2. Each series may be served with any legal process, notice or demand required or authorized by law by serving the registered agent of the limited-liability company which authorized the creation of the series.

Sec. 1.3. **NRS 86.061 is hereby amended to read as follows:**

86.061 "Limited-liability company" or "company" means a limited-liability company organized ***by filing articles of organization with the Secretary of State*** and existing under this chapter, including a restricted limited-liability company.

Sec. 1.5. **NRS 86.1255 is hereby amended to read as follows:**

86.1255 "Series" and "series of members" are synonymous terms and, unless the context otherwise requires, ~~[mean a series of members' interests having separate rights, powers or duties with respect to property, obligations or profits and losses associated with property or obligations, which are specified in the articles of organization or operating agreement or specified by one or more members or managers or other persons as provided in the articles of organization or operating agreement.]~~ ***means a limited-liability company whose creation has been authorized pursuant to subsection 2 of NRS 86.296 by a limited-liability company formed by filing articles of organization with the Secretary of State pursuant to NRS 86.151.***

~~[Section 1.]~~ ***Sec. 1.7.*** NRS 86.296 is hereby amended to read as follows:

86.296 1. The articles of organization or operating agreement of a limited-liability company may create classes of members or managers, define their relative rights, powers and duties, and may authorize the creation, in the manner provided in the operating agreement, of additional classes of members or managers with the relative rights, powers and duties as may from time to time be established, including, without limitation, rights, powers and duties senior to existing classes of members or managers. The articles of organization or operating agreement may provide that any member, or class or group of members, has voting rights that differ from other classes or groups.

2. The articles of organization or operating agreement of a limited-liability company may ~~[create]~~ ***authorize the creation of*** one or more series of members, or vest authority in one or more members or managers of the company or in other persons to create one or more series of members, including, without limitation, rights, powers and duties senior to existing series of members. ***A series may be created as a limited-liability company, without the filing of articles of organization with the Secretary of State, by the adoption of an operating agreement by the members of the series.*** The ~~[articles of organization or]~~ operating agreement ***of the series*** may provide that any member associated with ~~[a]~~ ***the*** series has voting rights that differ from other members or series, or no voting rights at all. A series may ~~[have]~~ ***:***

(a) Have separate powers, rights or duties with respect to specified property or obligations of the company or profits and losses associated with specified property or obligations ~~[, and any series may have]~~ ***;***

(b) Have a separate business purpose or investment objective ~~[.]~~ ***;***

(c) Sue and be sued, complain and defend, in its own name;

(d) Make contracts in its own name; [and]

(e) ~~[If authorized by the articles of organization or operating agreement of the company pursuant to subsection 2 of NRS 86.311:~~

~~(1)]~~ Purchase, take, receive, lease or otherwise acquire, own, hold, improve, use and otherwise deal in and with real or personal property, or an interest in it, wherever situated; and

~~[(2)]~~ (f) Sell, convey, mortgage, pledge, lease, exchange, transfer and otherwise dispose of all or any part of its property and assets.

3. The debts, liabilities, obligations and expenses incurred, contracted for or otherwise existing with respect to a particular series are enforceable against the assets of that series only, and not against the assets of the company generally or any other series, if:

(a) Separate and distinct records are maintained for the series and the assets associated with the series are held, directly or indirectly, including through a nominee or otherwise, and accounted for separately from the other assets of the company and any other series; and

(b) The articles of organization comply, or an amendment to the articles complies, with the provisions of paragraph (e) of subsection 1 of NRS 86.161.

➥ Unless otherwise provided in the articles of organization or operating agreement, no debts, liabilities, obligations and expenses incurred, contracted for or otherwise existing with respect to the company generally or any other series are enforceable against the assets of the series.

4. The articles of organization or operating agreement may provide that the debts, liabilities, obligations and expenses incurred, contracted for or otherwise existing with respect to a particular series are enforceable against the assets of that series only, and not against the assets of the company generally or any other series.

5. Unless otherwise provided in the articles of organization or operating agreement, any event described in this chapter or in the articles of organization or operating agreement that causes a manager to cease to be a manager with respect to a series does not, in itself, cause the manager to cease to be a manager with respect to the company or with respect to any other series. Unless otherwise provided in the articles of organization or operating agreement, any event described in this chapter or in the articles of organization or operating agreement that causes a manager to cease to be associated with a series does not, in itself, cause the member to cease to be associated with any other series, terminate the continued membership of a member in the company or cause the termination of the series, regardless of whether the member was the last remaining member associated with the series.

Sec. 2. NRS 86.311 is hereby amended to read as follows:

86.311 ~~[~~Real~~]~~

1. Except as otherwise provided in subsection 2, real and personal property owned or purchased by a company must be held and owned, and conveyance made, in the name of the company. Except as otherwise provided

in the company's articles of organization or operating agreement, instruments and records providing for the acquisition, mortgage or disposition of property of the company are valid and binding upon the company if signed by:

~~[1.]~~ ***(a)*** One or more managers of a company which is managed by a manager or managers;

~~[2.]~~ ***(b)*** Any member of a company which is managed by its members;

~~[3.]~~ ***(c)*** Any agent, officer, employee or other representative of the company authorized in the operating agreement or in another writing by a manager or managers, if the company is managed by a manager or managers; or

~~[4.]~~ ***(d)*** Any agent, officer, employee or other representative of the company authorized in the operating agreement or in another writing by a member, if the company is managed by its members.

2. ~~[The articles of organization or operating agreement of a company may provide that real]~~ Real and personal property may be purchased, owned and conveyed by a series separately in the name of the series, as the asset of the series only. Except as otherwise provided in the articles of organization or operating agreement of the ~~[company,]~~ series, instruments and records providing for the acquisition, mortgage or disposition of property ~~[of]~~ by a series are valid and binding upon the series if signed by:

(a) One or more managers of the series, if the series is managed by a manager or managers;

(b) Any member associated with the series, if the series is managed by the members associated with the series;

(c) Any agent, officer, employee or other representative of the series authorized in the operating agreement or in another writing by a manager or managers of the series, if the series is managed by a manager or managers; or

(d) Any agent, officer, employee or other representative of the series authorized in the operating agreement or in another writing by a member associated with the series, if the series is managed by its members.

Sec. 3. **NRS 602.010 is hereby amended to read as follows:**

602.010 1. Every person doing business in this state under an assumed or fictitious name that is in any way different from the legal name of each person who owns an interest in the business must file with the county clerk of each county in which the business is being conducted a certificate containing the information required by NRS 602.020.

2. A person intending to conduct a business under an assumed or fictitious name may, before initiating the conduct of the business, file a certificate with the county clerk of each county in which the business is intended to be conducted.

3. A series created pursuant to NRS 86.296 and doing business in this State shall be deemed to be doing business in this State under an assumed or fictitious name that is different from the legal name of each person who owns an interest in the business, if the name of the series does not indicate:

(a) That it is a series; and

(b) The name of the limited-liability company which authorized the creation of the series pursuant to NRS 86.296.

Sec. 4. **NRS 602.020 is hereby amended to read as follows:**

602.020 1. A certificate filed pursuant to NRS 602.010 or a renewal certificate filed pursuant to NRS 602.035 must state the assumed or fictitious name under which the business is being conducted or is intended to be conducted, and if conducted by:

(a) A natural person:

(1) His or her full name;

(2) The street address of his or her residence or business; and

(3) If the mailing address is different from the street address, the mailing address of his or her residence or business;

(b) An artificial person:

(1) Its name; and

(2) Its mailing address;

(c) A general partnership:

(1) The full name of each partner who is a natural person;

(2) The street address of the residence or business of each partner who is a natural person;

(3) If the mailing address is different from the street address, the mailing address of the residence or business of each partner who is a natural person; and

(4) If one or more of the partners is an artificial person described in paragraph (b), the information required by paragraph (b) for each such partner; ~~[or]~~

(d) A trust:

(1) The full name of each trustee of the trust;

(2) The street address of the residence or business of each trustee of the trust; and

(3) If the mailing address is different from the street address, the mailing address of the residence or business of each trustee of the trust ~~[.]~~ ***; or***

(e) A series created pursuant to NRS 86.296:

(1) The name of the limited-liability company which authorized the creation of the series;

(2) The street address of the limited-liability company which authorized the creation of the series; and

(3) If the mailing address is different from the street address, the mailing address of the limited-liability company which authorized the creation of the series.

2. The certificate must be:

(a) Signed:

(1) In the case of a natural person, by that natural person;

(2) In the case of an artificial person, by an officer, director, manager, general partner, trustee or other natural person having the authority to bind the artificial person to a contract;

(3) In the case of a general partnership, by each of the partners who is a natural person and, if one or more of the partners is an artificial person described in subparagraph (2), by the person described in subparagraph (2); ~~[or]~~

(4) In the case of a trust, by each of the trustees; ~~[and]~~ ***or***

(5) In the case of a series created pursuant to NRS 86.296, by:

(I) One or more managers of the series, if the series is managed by a manager or managers;

(II) Any member associated with the series, if the series is managed by the members associated with the series;

(III) Any agent, officer, employee or other representative of the series authorized in the operating agreement or in another writing by a manager or managers of the series, if the series is managed by a manager or managers; or

(IV) Any agent, officer, employee or other representative of the series authorized in the operating agreement or in another writing by a member associated with the series, if the series is managed by its members; and

(b) Notarized, unless the board of county commissioners of the county adopts an ordinance providing that the certificate may be filed without being notarized.

3. As used in this section:

(a) "Artificial person" means any organization organized under the law of the United States, any foreign country, or a state, province, territory, possession, commonwealth or dependency of the United States or any foreign country, and as to which the government, state, province, territory, possession, commonwealth or dependency must maintain a record showing the organization to have been organized.

(b) "Record" means information which is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form.

~~[Sec. 3.]~~ ***Sec. 5.*** The amendatory provisions of ~~[this act:~~

~~1. Are a legislative pronouncement of already existing law and are intended to clarify rather than change such existing law;~~

~~2.]~~ **sections 1 to 2, inclusive, of this act:**

1. Apply to any transfer or conveyance of property occurring before, on or after October 1, 2017; and

~~[3.]~~ **2.** Apply to any administrative or judicial proceedings:

(a) Commenced on or after October 1, 2017; or

(b) Commenced before October 1, 2017, if the proceedings are pending or otherwise unresolved on October 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 130.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 335.

AN ACT relating to guardianships; authorizing a court to require a proposed guardian to file a proposed preliminary care plan and budget; establishing the process by which an attorney may obtain the approval of the court to receive compensation from the assets of a ward for certain services; establishing the ~~[Office of the]~~ State ~~[Public Guardian;]~~ **Guardianship Compliance Office;** replacing the term "incompetent" with the term "incapacitated" for purposes of guardianships and revising the definition thereof; revising various provisions relating to notice given to certain persons; revising provisions concerning the sale of real and personal property of a ward; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term "incompetent" for purposes of the provisions of law governing guardianships. (NRS 159.019) **Section 7** of this bill replaces the term "incompetent" with the term "incapacitated" and revises the definition thereof. **Sections 5, 6, 11-17, 20, 22 and 35-43** of this bill make conforming changes.

Existing law generally requires a petitioner in a guardianship proceeding to give notice of the time and place of the hearing on any petition filed in the guardianship proceeding to certain persons, including any minor ward who is 14 years of age or older. (NRS 159.034) **Section 8** of this bill revises this requirement and requires that notice be given to any ward who is 14 years of age or older, regardless of whether the ward is considered to have the capacity to understand or appreciate the contents of the petition.

Existing law provides that after the filing of a petition in a guardianship proceeding, the clerk is required to issue a citation setting forth a time and place for the hearing and directing certain persons to appear and show cause why a guardian should not be appointed for the proposed ward. (NRS 159.047) **Section 9** of this bill requires a copy of the petition to be served together with the citation on certain persons, including a proposed ward who is 14 years of age or older, regardless of whether the ward is considered to have the capacity to understand or appreciate the contents of the petition, and **section 10** of this bill requires that the proposed ward be served by personal service. **Section 9** also requires a person who serves notice upon the proposed ward to file with the court an affidavit stating that notice was served.

Existing law requires a guardian of the person to file with the court a written report on the condition of the ward and the exercise of authority and

performance of duties by the guardian at certain specified times. (NRS 159.081) **Section 18** of this bill requires that such a report be served on the ward.

Section 21 of this bill requires the guardian of the estate and the guardian of the person to be notified if the ward is a party to any criminal action. **Section 23** of this bill requires that notice be given to a ward upon the filing of certain petitions or any account.

Existing law establishes various provisions concerning transactions involving real and personal property of a ward, including the sale of such property. (NRS 159.127-159.175) **Sections 24-31** of this bill revise certain provisions concerning the sale of real property of a ward, and **section 44** of this bill repeals provisions of law relating to a public auction for the sale of real property. **Sections 32-34** of this bill revise provisions concerning the sale of personal property of a ward. **Section 32 of this bill authorizes a guardian to: (1) sell or dispose of personal property of a ward that has a total value of less than $10,000 if certain notice is given and no objection to the sale or disposal is received; and (2) authorize the immediate destruction of personal property of a ward without notice in certain circumstances. Section 33** of this bill requires that notice of ~~[such]~~ a sale **of the personal property of a ward** be given to a ward who is 14 years of age or older and certain other persons **and, if the gross value of the estate of the ward is $10,000 or more, published in a newspaper** before a guardian may sell the personal property of a ward.

Section 2 of this bill specifies that upon the filing of a petition for the appointment of a guardian, the court may require a proposed guardian to file a proposed preliminary care plan and budget, the format of which and the timing of the filing thereof must be specified by a court rule approved by the Supreme Court.

Section 3 of this bill provides that an attorney is entitled to receive just, reasonable and necessary compensation for services associated with the commencement and administration of a guardianship, but prohibits such compensation from being paid from the assets of a ward without court approval. **Section 3** establishes the process by which an attorney is able to obtain the approval of the court.

Section 4 of this bill establishes the ~~[Office of the]~~ State ~~[Public Guardian.]~~ **Guardianship Compliance Office. Section 4** provides that the State ~~[Public Guardian]~~ **Guardianship Compliance Officer** is appointed by the Supreme Court and serves at the pleasure of the Court. **Section 4** also authorizes the State ~~[Public Guardian]~~ **Guardianship Compliance Officer** to hire two accountants and two investigators to provide auditing and investigative services to the district courts during the administration of guardian proceedings.

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

Section 1. Chapter 159 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***Upon the filing of a petition for the appointment of a guardian, the court may require a proposed guardian to file a proposed preliminary care plan and budget. The format of such a proposed preliminary care plan and budget and the timing of the filing thereof must be specified by a rule approved by the Supreme Court.***

Sec. 3. ***1. An attorney is entitled to just, reasonable and necessary compensation for services associated with the commencement and administration of a guardianship. Such compensation must not be paid from the assets of a ward unless and until the court allows the payment to occur pursuant to this section.***

2. When an attorney who intends to seek compensation from the estate of a ward first appears in the guardianship proceeding, the attorney shall give written

notice of the basis of the compensation by filing with the court a written agreement between the attorney and the ward. The agreement:

(a) Must provide a general explanation of the compensation arrangement and how compensation will be computed;

(b) Must include the hourly billing rates of all timekeepers, including, without limitation, attorneys, law clerks and paralegals;

(c) Must be served by the attorney on all persons entitled to notice pursuant to NRS 159.034 and 159.047; and

(d) Is subject to approval by the court after a hearing.

3. An attorney may file with the court a petition requesting compensation, which must include the following information:

(a) A detailed statement as to the nature and extent of the services performed by the attorney;

(b) An itemization of each task performed by the attorney, with reference to the time spent on each task in an increment to the nearest one-tenth of an hour and with no minimum billing unit in excess of one-tenth of an hour;

(c) An indication of whether any time billed, including, without limitation, any time spent traveling or waiting, benefited any clients of the attorney other than the ward and, if so, how many other clients benefited from such time; and

(d) Any other information considered relevant to a determination of entitlement to compensation.

➥ Absent approval from all interested persons, any supplemental requests for fees by the attorney cannot be augmented in open court and must be properly noticed in the same manner as the underlying petition requesting compensation.

4. In determining whether compensation is just, reasonable and necessary, the court may consider all the following factors:

(a) The written agreement approved by the court between the attorney and the ward which sets forth the manner in which compensation is to be calculated.

(b) Whether the services actually advanced or attempted to advance the best interests of the ward.

(c) The qualities of the attorney, including, without limitation, his or her ability, training, education, experience, professional standing and skill.

(d) The character of the work to be done, including, without limitation, the difficulty, intricacy and importance of the work, the time and skill required to complete the work, the responsibility imposed and the nature of the proceedings.

(e) The work actually performed by the attorney, including, without limitation, the skill, time and attention given to the work.

(f) The result of the work, including, without limitation, whether the attorney was successful and any benefits that were derived.

(g) The usual and customary fees charged in the relevant professional communities for each task performed, regardless of who actually performed the task. An attorney may be awarded:

(1) Compensation at an attorney rate for time spent performing services that require an attorney;

(2) Compensation at a paralegal rate for time spent performing paralegal services;

(3) Compensation at a fiduciary rate for time spent performing fiduciary services; and

(4) No compensation for time spent performing secretarial or clerical services.

(h) The appropriate apportionment among multiple clients of any billed time that benefited multiple clients of the attorney.

(i) The extent to which the services were provided in a reasonable, efficient and cost-effective manner, including, without limitation, whether there was appropriate and prudent delegation of services to others.

(j) The ability of the ward to pay, including, without limitation:

(1) The value of the estate under guardianship;

(2) The nature, extent and liquidity of the assets of the ward;

(3) The disposable net income of the ward;

(4) The anticipated future needs and income of the ward;

(5) Any other foreseeable expenses; and

(6) Any other factors that are relevant to the duties of the guardian pursuant to NRS 159.079 or 159.083.

(k) The efforts made by the attorney to reduce and minimize any issues.

(l) Any actions by the attorney that unnecessarily expanded issues or delayed or hindered the efficient administration of the estate.

(m) Any other factor that is relevant in determining whether compensation is just, reasonable and necessary.

5. The court shall not approve compensation for an attorney for:

(a) Time spent on internal business activities of the attorney, including, without limitation, clerical or secretarial support; or

(b) Time reported as a total amount of time spent on multiple tasks, rather than an itemization of the time spent on each task.

6. Any fees paid by a third party, including, without limitation, a trust of which the estate is a beneficiary, must be disclosed to and approved by the court.

7. In addition to the compensation for ordinary services of an attorney that are set forth in this section, an attorney is entitled to receive compensation for ordinary costs and expenses incurred in the scope of his or her representation of the ward.

Sec. 4. ***1. The ~~[Office of the]~~ State ~~[Public Guardian]~~ Guardianship Compliance Office is hereby created.***

2. The State ~~[Public Guardian]~~ Guardianship Compliance Officer is:

(a) Appointed by the Supreme Court and serves at the pleasure of the Court; and

(b) Entitled to receive an annual salary set by the Supreme Court within the limits of legislative appropriations.

3. The State ~~[Public Guardian]~~ Guardianship Compliance Officer may hire two accountants and two investigators to provide auditing and investigative services to the district courts during the administration of guardianship proceedings.

4. The State Guardianship Compliance Officer shall not act as a guardian for any ward.

Sec. 5. NRS 159.014 is hereby amended to read as follows:

159.014 "Care provider" includes any public or private institution located within or outside this state which provides facilities for the care or maintenance of ~~[~~incompetents,~~]~~ ***persons who are incapacitated,*** persons of limited capacity or minors.

Sec. 6. NRS 159.015 is hereby amended to read as follows:

159.015 "Court" means any court or judge having jurisdiction of the persons and estates of minors, ~~[~~incompetent~~]~~ persons ~~[~~,~~]~~ ***who are incapacitated*** or persons of limited capacity.

Sec. 7. NRS 159.019 is hereby amended to read as follows:

159.019 ~~[~~"Incompetent" means an adult~~]~~ ***A*** person ~~[~~who, by reason of mental illness, mental deficiency, disease, weakness of mind or any other cause,~~]~~ ***is "incapacitated" if he or she, for reasons other than being a minor,*** is unable ~~[~~, without assistance, properly to manage and take care of himself or herself or his or her property, or both. The term includes a person who is mentally incapacitated.~~]~~ ***to receive and evaluate information or make or communicate decisions to such an extent that the person lacks the***

ability to meet essential requirements for physical health, safety or self-care without appropriate assistance.

Sec. 8. NRS 159.034 is hereby amended to read as follows:

159.034 1. Except as otherwise provided in this section, by specific statute or as ordered by the court, a petitioner in a guardianship proceeding shall give notice of the time and place of the hearing on any petition filed in the guardianship proceeding to:

(a) Any ~~[minor]~~ ward who is 14 years of age or older ~~[.]~~ ***, regardless of whether the ward is considered to have the capacity to understand or appreciate the contents of the petition.***

(b) The parent or legal guardian of any minor ward who is less than 14 years of age.

(c) The spouse of the ward and all other known relatives of the ward who are within the second degree of consanguinity.

(d) Any other interested person or the person's attorney who has filed a request for notice in the guardianship proceedings and has served a copy of the request upon the guardian. The request for notice must state the interest of the person filing the request and the person's name and address, or that of his or her attorney.

(e) The guardian, if the petitioner is not the guardian.

(f) Any person or care provider who is providing care for the ward, except that if the person or care provider is not related to the ward, such person or care provider must not receive copies of any inventory or accounting.

(g) Any office of the Department of Veterans Affairs in this State if the ward is receiving any payments or benefits through the Department of Veterans Affairs.

(h) The Director of the Department of Health and Human Services if the ward has received or is receiving benefits from Medicaid.

(i) Those persons entitled to notice if a proceeding were brought in the ward's home state.

2. The petitioner shall give notice not later than 10 days before the date set for the hearing:

(a) By mailing a copy of the notice by certified, registered or ordinary first-class mail to the residence, office or post office address of each person required to be notified pursuant to this section;

(b) By personal service; or

(c) In any other manner ordered by the court, upon a showing of good cause.

3. Except as otherwise provided in this subsection, if none of the persons entitled to notice of a hearing on a petition pursuant to this section can, after due diligence, be served by certified mail or personal service and this fact is proven by affidavit to the satisfaction of the court, service of the notice must be made by publication in the manner provided by N.R.C.P. 4(e). In all such cases, the notice must be published not later than 10 days before the date set for the hearing. If, after the appointment of a guardian, a search for relatives

of the ward listed in paragraph (c) of subsection 1 fails to find any such relative, the court may waive the notice by publication required by this subsection.

4. For good cause shown, the court may waive the requirement of giving notice.

5. A person entitled to notice pursuant to this section may waive such notice. Such a waiver must be in writing and filed with the court.

6. On or before the date set for the hearing, the petitioner shall file with the court proof of giving notice to each person entitled to notice pursuant to this section.

Sec. 9. NRS 159.047 is hereby amended to read as follows:

159.047 1. Except as otherwise provided in NRS 159.0475 and 159.049 to 159.0525, inclusive, upon the filing of a petition under NRS 159.044, the clerk shall issue a citation setting forth a time and place for the hearing and directing the persons or care provider referred to in subsection 2 to appear and show cause why a guardian should not be appointed for the proposed ward.

2. A citation issued under subsection 1 ***, together with a copy of the petition filed under NRS 159.044,*** must be served upon:

(a) A proposed ward who is 14 years of age or older ~~[,]~~ ***, regardless of whether the proposed ward is considered to have the capacity to understand or appreciate the contents of the citation and petition;***

(b) The spouse of the proposed ward and all other known relatives of the proposed ward who are:

(1) Fourteen years of age or older; and

(2) Within the second degree of consanguinity;

(c) The parents and custodian of the proposed ward;

(d) Any person or officer of a care provider having the care, custody or control of the proposed ward;

(e) The proposed guardian, if the petitioner is not the proposed guardian;

(f) Any office of the Department of Veterans Affairs in this State if the proposed ward is receiving any payments or benefits through the Department of Veterans Affairs; and

(g) The Director of the Department of Health and Human Services if the proposed ward has received or is receiving any benefits from Medicaid.

3. A person who serves notice upon a proposed ward pursuant to paragraph (a) of subsection 2 shall file with the court an affidavit stating that he or she served notice upon the proposed ward in accordance with the provisions of NRS 159.0475.

Sec. 10. NRS 159.0475 is hereby amended to read as follows:

159.0475 1. A copy of the citation issued pursuant to NRS 159.047 ***, together with a copy of the petition filed under NRS 159.044,*** must be served ***:*** ~~[by:]~~

(a) ***Except as otherwise ordered by the court, on a proposed ward who is 14 years of age or older by personal service in the manner provided***

pursuant to N.R.C.P. 4(d) at least 10 days before the date set for the hearing; and

(b) On each person required to be served pursuant to NRS 159.047 other than a proposed ward by:

(1) Certified mail, with a return receipt requested, ~~[on each person required to be served pursuant to NRS 159.047]~~ at least 20 days before the hearing; or

~~[(b)]~~ ***(2)*** Personal service in the manner provided pursuant to N.R.C.P. 4(d) at least 10 days before the date set for the hearing ***.*** ~~[on each person required to be served pursuant to NRS 159.047.]~~

2. If none of the persons on whom the citation ***and petition*** is to be served can, after due diligence, be served by certified mail or personal service ***, as applicable,*** and this fact is proven ~~[,]~~ by affidavit ~~[,]~~ to the satisfaction of the court, service of the citation ***and petition*** must be made by publication in the manner provided by N.R.C.P. 4(e). In all such cases, the citation ***and petition*** must be published at least 20 days before the date set for the hearing.

3. A citation ***and petition*** need not be served on a person or an officer of the care provider who has signed the petition or a written waiver of service of ***the*** citation ***and petition*** or who makes a general appearance.

4. The court may find that notice is sufficient if:

(a) ***The citation and petition have been served by personal service on the proposed ward and an affidavit of such service has been filed with the court pursuant to subsection 3 of NRS 159.047;***

(b) The citation ~~[has]~~ ***and petition have*** been served by certified mail, with a return receipt requested, or by personal service on the ~~[proposed ward,]~~ care provider or public guardian required to be served pursuant to NRS 159.047; and

~~[(b)]~~ ***(c)*** At least one relative of the proposed ward who is required to be served pursuant to NRS 159.047 has been served, as evidenced by the return receipt or the certificate of service. If the court finds that at least one relative of the proposed ward has not received notice that is sufficient, the court will require the citation ***and petition*** to be published pursuant to subsection 2.

Sec. 11. NRS 159.048 is hereby amended to read as follows:

159.048 The citation issued pursuant to NRS 159.047 must state that the:

1. Proposed ward may be adjudged to be ~~[incompetent]~~ ***incapacitated*** or of limited capacity and a guardian may be appointed for the proposed ward;

2. Proposed ward's rights may be affected as specified in the petition;

3. Proposed ward has the right to appear at the hearing and to oppose the petition; and

4. Proposed ward has the right to be represented by an attorney, who may be appointed for the proposed ward by the court if the proposed ward is unable to retain one.

Sec. 12. NRS 159.0487 is hereby amended to read as follows:

159.0487 Any court of competent jurisdiction may appoint:

1. Guardians of the person, of the estate, or of the person and estate for ~~[incompetents]~~ ***persons who are incapacitated*** or minors whose home state is this State.

2. Guardians of the person or of the person and estate for ~~[incompetents]~~ ***persons who are incapacitated*** or minors who, although not residents of this State, are physically present in this State and whose welfare requires such an appointment.

3. Guardians of the estate for nonresident ~~[incompetents]~~ ***persons who are incapacitated*** or nonresident minors who have property within this State.

4. Special guardians.

5. Guardians ad litem.

Sec. 13. NRS 159.054 is hereby amended to read as follows:

159.054 1. If the court finds ***that*** the proposed ward ~~[competent]~~ ***is not incapacitated*** and ***is*** not in need of a guardian, the court shall dismiss the petition.

2. If the court finds ***that*** the proposed ward ~~[to be]~~ ***is*** of limited capacity and ***is*** in need of a special guardian, the court shall enter an order accordingly and specify the powers and duties of the special guardian.

3. If the court finds that appointment of a general guardian is required, the court shall appoint a general guardian of the ward's person, estate, or person and estate.

Sec. 14. NRS 159.0593 is hereby amended to read as follows:

159.0593 1. If the court orders a general guardian appointed for a proposed ward, the court shall determine, by clear and convincing evidence, whether the proposed ward is a person with a mental defect who is prohibited from possessing a firearm pursuant to 18 U.S.C. § 922(d)(4) or (g)(4). If a court makes a finding pursuant to this section that the proposed ward is a person with a mental defect, the court shall include the finding in the order appointing the guardian and cause, within 5 business days after issuing the order, a record of the order to be transmitted to the Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

2. As used in this section:

(a) "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

(b) "Person with a mental defect" means a person who, as a result of marked subnormal intelligence, mental illness, ~~[incompetence,]~~ ***incapacitation,*** condition or disease, is:

(1) A danger to himself or herself or others; or

(2) Lacks the capacity to contract or manage his or her own affairs.

Sec. 15. NRS 159.0613 is hereby amended to read as follows:

159.0613 1. Except as otherwise provided in subsection 3, in a proceeding to appoint a guardian for an adult, the court shall give preference to a nominated person or relative, in that order of preference:

(a) Whether or not the nominated person or relative is a resident of this State; and

(b) If the court determines that the nominated person or relative is qualified and suitable to be appointed as guardian for the adult.

2. In determining whether any nominated person, relative or other person listed in subsection 4 is qualified and suitable to be appointed as guardian for an adult, the court shall consider, if applicable and without limitation:

(a) The ability of the nominated person, relative or other person to provide for the basic needs of the adult, including, without limitation, food, shelter, clothing and medical care;

(b) Whether the nominated person, relative or other person has engaged in the habitual use of alcohol or any controlled substance during the previous 6 months, except the use of marijuana in accordance with the provisions of chapter 453A of NRS;

(c) Whether the nominated person, relative or other person has been judicially determined to have committed abuse, neglect, exploitation, isolation or abandonment of a child, his or her spouse, his or her parent or any other adult, unless the court finds that it is in the best interests of the ward to appoint the person as guardian for the adult;

(d) Whether the nominated person, relative or other person is ~~[~~incompetent~~]~~ ***incapacitated*** or has a disability; and

(e) Whether the nominated person, relative or other person has been convicted in this State or any other jurisdiction of a felony, unless the court determines that any such conviction should not disqualify the person from serving as guardian for the adult.

3. If the court finds that two or more nominated persons are qualified and suitable to be appointed as guardian for an adult, the court may appoint two or more nominated persons as co-guardians or shall give preference among them in the following order of preference:

(a) A person whom the adult nominated for the appointment as guardian for the adult in a will, trust or other written instrument that is part of the adult's established estate plan and was executed by the adult while ~~[~~competent.~~]~~ ***he or she was not incapacitated.***

(b) A person whom the adult requested for the appointment as guardian for the adult in a written instrument that is not part of the adult's established estate plan and was executed by the adult while ~~[~~competent.~~]~~ ***he or she was not incapacitated.***

4. Subject to the preferences set forth in subsections 1 and 3, the court shall appoint as guardian the qualified person who is most suitable and is willing to serve. In determining which qualified person is most suitable, the court shall, in addition to considering any applicable factors set forth in subsection 2, give consideration, among other factors, to:

(a) Any nomination or request for the appointment as guardian by the adult.

(b) Any nomination or request for the appointment as guardian by a relative.

(c) The relationship by blood, adoption, marriage or domestic partnership of the proposed guardian to the adult. In considering preferences of appointment, the court may consider relatives of the half blood equally with those of the whole blood. The court may consider any relative in the following order of preference:

(1) A spouse or domestic partner.

(2) A child.

(3) A parent.

(4) Any relative with whom the adult has resided for more than 6 months before the filing of the petition or any relative who has a power of attorney executed by the adult while ~~[competent.]~~ ***he or she was not incapacitated.***

(5) Any relative currently acting as agent.

(6) A sibling.

(7) A grandparent or grandchild.

(8) An uncle, aunt, niece, nephew or cousin.

(9) Any other person recognized to be in a familial relationship with the adult.

(d) Any recommendation made by a master of the court or special master pursuant to NRS 159.0615.

(e) Any request for the appointment of any other interested person that the court deems appropriate, including, without limitation, a person who is not a relative and who has a power of attorney executed by the adult while ~~[competent.]~~ ***he or she was not incapacitated.***

5. The court may appoint as guardian any nominated person, relative or other person listed in subsection 4 who is not a resident of this State. The court shall not give preference to a resident of this State over a nonresident if the court determines that:

(a) The nonresident is more qualified and suitable to serve as guardian; and

(b) The distance from the proposed guardian's place of residence and the adult's place of residence will not affect the quality of the guardianship or the ability of the proposed guardian to make decisions and respond quickly to the needs of the adult because:

(1) A person or care provider in this State is providing continuing care and supervision for the adult;

(2) The adult is in a secured residential long-term care facility in this State; or

(3) Within 30 days after the appointment of the proposed guardian, the proposed guardian will move to this State or the adult will move to the proposed guardian's state of residence.

6. If the court appoints a nonresident as guardian for the adult:

(a) The jurisdictional requirements of NRS 159.1991 to 159.2029, inclusive, must be met;

(b) The court shall order the guardian to designate a registered agent in this State in the same manner as a represented entity pursuant to chapter 77 of NRS; and

(c) The court may require the guardian to complete any available training concerning guardianships pursuant to NRS 159.0592, in this State or in the state of residence of the guardian, regarding:

(1) The legal duties and responsibilities of the guardian pursuant to this chapter;

(2) The preparation of records and the filing of annual reports regarding the finances and well-being of the adult required pursuant to NRS 159.073;

(3) The rights of the adult;

(4) The availability of local resources to aid the adult; and

(5) Any other matter the court deems necessary or prudent.

7. If the court finds that there is not any suitable nominated person, relative or other person listed in subsection 4 to appoint as guardian, the court may appoint as guardian:

(a) The public guardian of the county where the adult resides if:

(1) There is a public guardian in the county where the adult resides; and

(2) The adult qualifies for a public guardian pursuant to chapter 253 of NRS;

(b) A private fiduciary who may obtain a bond in this State and who is a resident of this State, if the court finds that the interests of the adult will be served appropriately by the appointment of a private fiduciary; or

(c) A private professional guardian who meets the requirements of NRS 159.0595.

8. A person is not qualified to be appointed as guardian for an adult if the person has been suspended for misconduct or disbarred from any of the professions listed in this subsection, but the disqualification applies only during the period of the suspension or disbarment. This subsection applies to:

(a) The practice of law;

(b) The practice of accounting; or

(c) Any other profession that:

(1) Involves or may involve the management or sale of money, investments, securities or real property; and

(2) Requires licensure in this State or any other state in which the person practices his or her profession.

9. As used in this section:

(a) "Adult" means a person who is a ward or a proposed ward and who is not a minor.

(b) "Domestic partner" means a person in a domestic partnership.

(c) "Domestic partnership" means:

(1) A domestic partnership as defined in NRS 122A.040; or

(2) A domestic partnership which was validly formed in another jurisdiction and which is substantially equivalent to a domestic partnership as defined in NRS 122A.040, regardless of whether it bears the name of a domestic partnership or is registered in this State.

(d) "Nominated person" means a person, whether or not a relative, whom an adult:

(1) Nominates for the appointment as guardian for the adult in a will, trust or other written instrument that is part of the adult's established estate plan and was executed by the adult while ~~[competent.]~~ ***he or she was not incapacitated.***

(2) Requests for the appointment as guardian for the adult in a written instrument that is not part of the adult's established estate plan and was executed by the adult while ~~[competent.]~~ ***he or she was not incapacitated.***

(e) "Relative" means a person who is 18 years of age or older and who is related to the adult by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity.

Sec. 16. NRS 159.062 is hereby amended to read as follows:

159.062 A parent or spouse of ~~[an incompetent,]~~ ***a*** minor ***, person who is incapacitated*** or person of limited capacity may by will nominate a guardian. The person nominated must file a petition and obtain an appointment from the court before exercising the powers of a guardian.

Sec. 17. NRS 159.078 is hereby amended to read as follows:

159.078 1. Before taking any of the following actions, the guardian shall petition the court for an order authorizing the guardian to:

(a) Make or change the last will and testament of the ward.

(b) Except as otherwise provided in this paragraph, make or change the designation of a beneficiary in a will, trust, insurance policy, bank account or any other type of asset of the ward which includes the designation of a beneficiary. The guardian is not required to petition the court for an order authorizing the guardian to utilize an asset which has a designated beneficiary, including the closure or discontinuance of the asset, for the benefit of a ward if:

(1) The asset is the only liquid asset available with which to pay for the proper care, maintenance, education and support of the ward;

(2) The asset, or the aggregate amount of all the assets if there is more than one type of asset, has a value that does not exceed $5,000; or

(3) The asset is a bank account, investment fund or insurance policy and is required to be closed or discontinued in order for the ward to qualify for a federal program of public assistance.

(c) Create for the benefit of the ward or others a revocable or irrevocable trust of the property of the estate.

(d) Except as otherwise provided in this paragraph, exercise the right of the ward to revoke or modify a revocable trust or to surrender the right to revoke or modify a revocable trust. The court shall not authorize or require

the guardian to exercise the right to revoke or modify a revocable trust if the instrument governing the trust:

(1) Evidences an intent of the ward to reserve the right of revocation or modification exclusively to the ward;

(2) Provides expressly that a guardian may not revoke or modify the trust; or

(3) Otherwise evidences an intent that would be inconsistent with authorizing or requiring the guardian to exercise the right to revoke or modify the trust.

2. Any other interested person may also petition the court for an order authorizing or directing the guardian to take any action described in subsection 1.

3. The court may authorize the guardian to take any action described in subsection 1 if, after notice to any person who is adversely affected by the proposed action and an opportunity for a hearing, the court finds by clear and convincing evidence that:

(a) A reasonably prudent person or the ward, if ~~[competent,]~~ ***not incapacitated,*** would take the proposed action and that a person has committed or is about to commit any act, practice or course of conduct which operates or would operate as a fraud or act of exploitation upon the ward or estate of the ward and that person:

(1) Is designated as a beneficiary in or otherwise stands to gain from an instrument which was executed by or on behalf of the ward; or

(2) Will benefit from the lack of such an instrument; or

(b) The proposed action is otherwise in the best interests of the ward for any other reason not listed in this section.

4. The petition must contain, to the extent known by the petitioner:

(a) The name, date of birth and current address of the ward;

(b) A concise statement as to the condition of the ward's estate; and

(c) A concise statement as to the necessity for the proposed action.

5. As used in this section:

(a) "Exploitation" means any act taken by a person who has the trust and confidence of a ward or any use of the power of attorney of a ward to:

(1) Obtain control, through deception, intimidation or undue influence, over the money, assets or property of the ward with the intention of permanently depriving the ward of the ownership, use, benefit or possession of the ward's money, assets or property.

(2) Convert money, assets or property of the ward with the intention of permanently depriving the ward of the ownership, use, benefit or possession of the ward's money, assets or property.

➥ As used in this paragraph, "undue influence" does not include the normal influence that one member of a family has over another.

(b) "Fraud" means an intentional misrepresentation, deception or concealment of a material fact known to the person with the intent to deprive the ward of the ward's rights or property or to otherwise injure the ward.

(c) "Interested person" has the meaning ascribed to it in NRS 132.185 and also includes a named beneficiary under a trust or other instrument if the validity of the trust or other instrument may be in question.

Sec. 18. NRS 159.081 is hereby amended to read as follows:

159.081 1. A guardian of the person shall make and file in the guardianship proceeding for review of the court a written report on the condition of the ward and the exercise of authority and performance of duties by the guardian:

(a) Annually, not later than 60 days after the anniversary date of the appointment of the guardian;

(b) Within 10 days of moving a ward to a secured residential long-term care facility; and

(c) At such other times as the court may order.

2. A report filed pursuant to paragraph (b) of subsection 1 must:

(a) Include a copy of the written recommendation upon which the transfer was made; and

(b) Be served, without limitation, on the ***ward and any*** attorney for the ward **.** ~~[, if any.]~~

3. The court may prescribe the form and contents for filing a report described in subsection 1.

4. The guardian of the person shall give to the guardian of the estate, if any, a copy of each report not later than 30 days after the date the report is filed with the court.

5. The court is not required to hold a hearing or enter an order regarding the report.

Sec. 19. NRS 159.085 is hereby amended to read as follows:

159.085 1. Not later than 60 days after the date of the appointment of a general or special guardian of the estate or, if necessary, such further time as the court may allow, the guardian shall make and file in the guardianship proceeding a verified inventory of all of the property of the ward which comes to the possession or knowledge of the guardian.

2. A temporary guardian of the estate who is not appointed as the general or special guardian shall file an inventory with the court by not later than the date on which the temporary guardian files a final accounting as required pursuant to NRS 159.177.

3. The guardian shall take and subscribe an oath, which must be endorsed or attached to the inventory, before any person authorized to administer oaths, that the inventory contains a true statement of:

(a) All of the estate of the ward which has come into the possession of the guardian;

(b) All of the money that belongs to the ward; and

(c) All of the just claims of the ward against the guardian.

4. ***A copy of the inventory filed with the court and a notice of the filing must be served on the ward, his or her attorney and any guardian ad litem representing the ward.***

5. Whenever any property of the ward not mentioned in the inventory comes to the possession or knowledge of a guardian of the estate, the guardian shall:

(a) Make and file in the proceeding a verified supplemental inventory not later than 30 days after the date the property comes to the possession or knowledge of the guardian; or

(b) Include the property in the next accounting.

~~[5.]~~ ***6.*** The court may order which of the two methods described in subsection ~~[4]~~ ***5*** the guardian shall follow.

~~[6.]~~ ***7.*** The court may order all or any part of the property of the ward appraised as provided in NRS 159.0865 and 159.305.

~~[7.]~~ ***8.*** If the guardian neglects or refuses to file the inventory within the time required pursuant to subsection 1, the court may, for good cause shown and upon such notice as the court deems appropriate:

(a) Revoke the letters of guardianship and the guardian shall be liable on the bond for any loss or injury to the estate caused by the neglect of the guardian; or

(b) Enter a judgment for any loss or injury to the estate caused by the neglect of the guardian.

Sec. 20. NRS 159.0893 is hereby amended to read as follows:

159.0893 1. A guardian shall present a copy of the court order appointing the guardian and letters of guardianship to a bank or other financial institution that holds any account or other assets of the ward before the guardian may access the account or other assets.

2. The bank or other financial institution shall accept the copy of the court order appointing the guardian and letters of guardianship as proof of guardianship and allow the guardian access to the account or other assets of the ward, subject to any limitations set forth in the court order.

3. Unless the bank or other financial institution is a party to the guardianship proceeding, the bank or other financial institution is not entitled to a copy of any:

(a) ~~[Competency]~~ ***Capacity*** evaluation of the ward or any other confidential information concerning the medical condition or the placement of the ward; or

(b) Inventory or accounting of the estate of the ward.

Sec. 21. NRS 159.095 is hereby amended to read as follows:

159.095 1. A guardian of the estate shall appear for and represent the ward in all actions, suits or proceedings to which the ward is a party, unless the court finds that the interests of the guardian conflict with the interests of the ward or it is otherwise appropriate to appoint a guardian ad litem in the action, suit or proceeding.

2. Upon final resolution of the action, suit or proceeding, the guardian of the estate or the guardian ad litem shall notify the court of the outcome of the action, suit or proceeding.

3. If the person of the ward would be affected by the outcome of any action, suit or proceeding, the guardian of the person, if any, should be joined to represent the ward in the action, suit or proceeding.

4. If the ward is a party to any criminal action, the guardian of the estate and the guardian of the person must be notified of the action.

Sec. 22. NRS 159.097 is hereby amended to read as follows:

159.097 Any contract, except to the extent of the reasonable value of necessaries, and any transaction with respect to the property of a ward made by the ward are voidable by the guardian of the estate if such contract or transaction was made at any time by the ward while ~~[~~an incompetent~~]~~ ***he or she was incapacitated*** or a minor.

Sec. 23. NRS 159.115 is hereby amended to read as follows:

159.115 1. ~~[~~Upon~~]~~ ***Except as otherwise ordered by the court, upon*** the filing of any petition under NRS 159.078 or 159.113, or any account, notice must be given ***to the ward and the persons specified in NRS 159.034*** in the manner prescribed by ~~[~~NRS 159.034.~~]~~ ***that section.***

2. The notice must:

(a) Give the name of the ward.

(b) Give the name of the petitioner.

(c) Give the date, time and place of the hearing.

(d) State the nature of the petition.

(e) Refer to the petition for further particulars, and notify all persons interested to appear at the time and place mentioned in the notice and show cause why the court order should not be made.

Sec. 24. NRS 159.134 is hereby amended to read as follows:

159.134 1. All sales of real property of a ward must be ~~[~~:

~~(a) Reported to the court; and~~

~~(b) Confirmed~~~~]~~ ***confirmed*** by the court ***pursuant to NRS 159.146*** before ***escrow closes for*** the ***sale and*** title to the real property passes to the purchaser.

2. ~~[~~The report and a~~]~~ ***A*** petition for confirmation of the sale must be filed with the court not later than 30 days after the date of ~~[~~each~~]~~ ***the*** sale ~~[~~.~~]~~ ***, which is the date on which the contract for the sale was signed.***

3. The court shall set the date of the hearing ***for confirmation of the sale*** and give notice of the hearing in the manner required pursuant to NRS 159.115 or as the court may order.

4. An interested person may file written objections to the confirmation of the ***sale before the hearing for confirmation of the*** sale. If such objections are filed, the court shall conduct a hearing regarding those objections during which the interested person may offer witnesses in support of the objections. ***The court may, in its discretion, allow oral objections to the confirmation of the sale on the date of the hearing for confirmation of the sale.***

5. Before the court confirms a sale, the court must find that notice of the sale was given in the manner required pursuant to NRS 159.1425 ~~[~~,

~~159.1435]~~ and 159.144, unless the sale was exempt from notice pursuant to NRS 159.123.

Sec. 25. NRS 159.1385 is hereby amended to read as follows:

159.1385 1. ~~[A]~~ ***After the court has granted authority to sell real property of a ward, a*** guardian may enter into a written contract with any bona fide agent, broker or multiple agents or brokers to secure a purchaser for ~~[any real]~~ ***such*** property **.** ~~[of the estate.]~~ Such a contract may grant an exclusive right to sell the property to the agent, broker or multiple agents or brokers.

2. The guardian shall provide for the payment of a commission upon the sale of the real property which:

(a) Must be paid from the proceeds of the sale;

(b) Must be fixed in an amount not to exceed:

(1) Ten percent for unimproved real property; or

(2) Seven percent for ~~[improved]~~ real property ~~[,]~~ ***with any type of improvement;*** and

(c) Must be authorized by the court by confirmation of the sale.

3. Upon confirmation of the sale by the court, the contract for the sale becomes binding and enforceable against the estate.

4. A guardian may not be held personally liable and the estate is not liable for the payment of any commission set forth in a contract entered into with an agent or broker pursuant to this section until the sale is confirmed by the court, and then is liable only for the amount set forth in the contract.

Sec. 26. NRS 159.1415 is hereby amended to read as follows:

159.1415 1. ~~[When an offer]~~ ***Except as otherwise provided in subsection 10 of NRS 159.146, if a contract of sale*** to purchase real property of a guardianship estate is presented to the court for confirmation:

(a) Other persons may submit higher bids ~~[to the]~~ ***in open*** court; and

(b) The court may confirm the highest bid.

2. Upon confirmation of a sale of real property by the court, the commission for the sale must be divided between the listing agent or broker and the agent or broker who secured the purchaser to whom the sale was confirmed, if any, in accordance with the contract with the listing agent or broker.

Sec. 27. NRS 159.142 is hereby amended to read as follows:

159.142 1. If a ward owns real property jointly with one or more other persons, ***after the court grants authority to sell the property,*** the interest owned by the ward may be sold to one or more joint owners of the property only if:

(a) ***All joint owners of the property have been given notice that the court has granted the authority to sell the property;***

(b) The guardian files a petition with the court to confirm the sale pursuant to NRS 159.134; and

~~[(b)]~~ ***(c)*** The court confirms the sale.

2. The court shall confirm the sale only if:

(a) The net amount of the proceeds from the sale to the estate of the ward is not less than 90 percent of the fair market value of the portion of the property to be sold; and

(b) Upon confirmation, the estate of the ward will be released from all liability for any mortgage or lien on the property.

Sec. 28. NRS 159.1425 is hereby amended to read as follows:

159.1425 1. Except as otherwise provided in this section and except for a sale pursuant to NRS 159.123 or 159.142, a guardian may sell the real property of a ward only after ***the court grants authority for the sale pursuant to NRS 159.113 and*** notice of the sale is published ***:*** ~~[~~in:~~]~~

(a) ~~[~~A~~]~~ ***In a*** newspaper that is published in the county in which the property, or some portion of the property, is located; ~~[~~or~~]~~

(b) If a newspaper is not published in ~~[~~that~~]~~ ***the*** county ~~[~~:~~]~~ ***in which the property, or some portion of the property, is located:***

(1) In a newspaper of general circulation in the county; or

(2) In such other newspaper as the court orders ~~[~~.~~]~~ ***; or***

(c) On a ~~[Multiple Listing Service,]~~ public property listing service for a period of not less than 30 days.

2. Except as otherwise provided in this section and except for a sale of real property pursuant to NRS 159.123 or 159.142 ~~[~~:

~~(a) The notice of a public auction for the sale of real property must be published not less than three times before the date of the sale, over a period of 14 days and 7 days apart.~~

~~(b) The~~~~]~~ ***, the*** notice of a ~~[~~private~~]~~ sale must be published ***pursuant to paragraph (a) or (b) of subsection 1*** not less than three times before the date on which ~~[~~offers will~~]~~ ***the sale may*** be ~~[~~accepted,~~]~~ ***made,*** over a period of 14 days and 7 days apart.

3. For good cause shown, the court may order fewer publications and shorten the time of notice, but must not shorten the time of notice to less than 8 days.

4. The court may waive the requirement of publication pursuant to this section if:

(a) The guardian is the sole devisee or heir of the estate; or

(b) All devisees or heirs of the estate consent to the waiver in writing.

5. Publication for the sale of real property is not required pursuant to this section if the property to be sold is reasonably believed to have a ***net*** value of $10,000 or less. In lieu of publication, the guardian shall post notice of the sale in three of the most public places in the county in which the property, or some portion of the property, is located for at least 14 days before ~~[~~:

~~(a) The date of the sale at public auction; or~~

~~(b) The~~~~]~~ ***the*** date on ***or after*** which ~~[~~offers~~]~~ ***an offer*** will be accepted for a ~~[~~private~~]~~ sale.

6. Any notice published or posted pursuant to this section must include, without limitation:

(a) ~~[~~For a public auction:

~~(1) A description of the real property which reasonably identifies the property to be sold; and~~

~~(2) The date, time and location of the auction.~~

~~(b) For a private sale:~~

~~(1)~~**]** A description of the real property which reasonably identifies the property to be sold; and

[~~(2)~~**]** ***(b)*** The date, time and location **[**~~that offers~~**]** ***on or after which an offer*** will be accepted.

Sec. 29. NRS 159.144 is hereby amended to read as follows:

159.144 1. Except for the sale of real property pursuant to NRS 159.123 or 159.142, a sale of real property of a guardianship estate ***:*** **[**~~at a private sale:~~**]**

(a) Must not occur before the date stated in the notice.

(b) Except as otherwise provided in this paragraph, must not occur sooner than 14 days after the date of the first publication or posting of the notice. For good cause shown, the court may shorten the time in which the sale may occur to not sooner than 8 days after the date of the first publication or posting of the notice. If the court so orders, the notice of the sale and the sale may be made to correspond with the court order.

(c) Must occur not later than 1 year after the date stated in the notice.

2. The offers made in a **[**~~private~~**]** sale:

(a) Must be in writing; and

(b) May be delivered to the place designated in the notice or to the guardian at any time **[**~~:~~

~~(1) After~~**]** ***after*** the date of the first publication or posting of the notice **.** **[**~~; and~~

~~(2) Before the date on which the sale is to occur.~~**]**

Sec. 30. NRS 159.1455 is hereby amended to read as follows:

159.1455 1. Except as otherwise provided in subsection 2, the court shall not confirm a sale of real property of a guardianship estate **[**~~at a private sale~~**]** unless:

(a) The court is satisfied that the amount offered represents the fair market value of the property to be sold; and

(b) Except for a sale of real property pursuant to NRS 159.123, the real property has been appraised within 1 year before the date of the sale. If the real property has not been appraised within this period, a new appraisal must be conducted pursuant to NRS 159.086 and 159.0865 at any time before the sale or confirmation by the court of the sale.

2. The court may waive the requirement of an appraisal **[**~~and allow the guardian to rely on the assessed value of the real property for purposes of taxation in obtaining confirmation by the court of the sale.~~**]** ***upon a showing to and specific findings by the court on the record that:***

(a) An additional appraisal will unduly delay the sale; and

(b) The delay will impair the estate of the ward.

Sec. 31. NRS 159.146 is hereby amended to read as follows:

159.146 1. At the hearing to confirm the sale of real property, the court shall:

(a) Consider whether the sale is necessary or in the best interest of the estate of the ward; and

(b) Examine the return on the investment and the evidence submitted in relation to the sale.

2. The court shall confirm the sale and order conveyances to be executed if it appears to the court that:

(a) Good reason existed for the sale;

(b) The sale was conducted in a legal and fair manner;

(c) The amount of the offer **[**~~or bid~~**]** is not disproportionate to the value of the property; and

(d) It is unlikely that **[**~~an offer or~~**]** ***a*** bid would be made which exceeds the original offer ***:*** **[**~~or bid:~~**]**

(1) By at least 5 percent if the offer **[**~~or bid~~**]** is less than $100,000; or

(2) By at least $5,000 if the offer **[**~~or bid~~**]** is $100,000 or more.

3. The court shall not confirm the sale if the conditions in this section are not satisfied.

4. If the court does not confirm the sale, the court:

(a) May order a new sale; ***or***

(b) May conduct a public auction in open court **. [**~~; or~~

~~(c) May accept a written offer or bid from a responsible person and confirm the sale to the person if the written offer complies with the laws of this state and exceeds the original bid:~~

~~(1) By at least 5 percent if the bid is less than $100,000; or~~

~~(2) By at least $5,000 if the bid is $100,000 or more.~~**]**

5. If the court **[**~~does not confirm the sale and~~**]** orders a new sale:

(a) Notice must be given in the manner set forth in NRS 159.1425; and

(b) The sale must be conducted in all other respects as though no previous sale has taken place.

6. If a higher offer **[**~~or bid~~**]** is received by the court during the hearing to confirm the sale, the court may continue the hearing **[**~~rather than accept the offer or bid as set forth in paragraph (c) of subsection 4~~**]** if the court determines that the person who made the **[**~~original~~**]** offer **[**~~or bid~~**]** ***being confirmed*** was not notified of the hearing and **[**~~that the person who made the original offer or bid~~**]** may wish to increase ***the price of*** his or her **[**~~bid.~~**]** ***offer.*** This subsection does not grant a right to a person to have a continuance granted and may not be used as a ground to set aside an order confirming a sale.

7. Except as otherwise provided in this **[**~~subsection, if a higher offer or bid is received by the court during the hearing to confirm the sale and the court does not accept that offer or bid, each successive bid must be for not less than:~~

~~(a) An additional $5,000, if the original offer is for $100,000 or more; or~~

~~(b) An additional $250 if the original offer is less than $100,000.~~

~~➥ Upon the request of the guardian during the hearing to confirm the sale, the court may set other incremental bid amounts.~~] ***section, only the name of the buyer and the price of the sale may be changed at a public auction in open court. An order confirming the sale is sufficient as an addendum to the original contract to allow escrow to close.***

8. The title company may be changed at a public auction in open court if the estate and the buyer have mutually agreed to the change in writing.

9. The date of the close of escrow must be at least 10 judicial days after the date that the notice of the entry of order confirming the sale is filed with the clerk of the court unless the contract specifies a later date. The parties to the sale may extend the date of the close of escrow by mutual agreement in writing.

10. If the estate owes more than the value of the property and the estate has made an agreement with all lienholders to accept the sale price and waive any deficiency between the sale price and the amount owed to all lienholders, the sale must be confirmed without the potential for bidding in court. All other portions of the confirmation of sale must be adhered to. The valuation by the bank shall be deemed to be sufficient to meet the appraisal requirement for the sale, and the date of the sale is the date on which the bank approves the sale.

Sec. 32. NRS 159.1515 is hereby amended to read as follows:

159.1515 1. ~~[A]~~ ***Except as otherwise provided in subsection 2, a*** guardian may sell ~~[perishable property and other]~~ ***or dispose of*** personal property of the ward ~~[without]~~ ***that has a total value of less than ~~[$100]~~ $10,000 if:***

(a) A notice ~~[, and title to]~~ ***of intent to sell or dispose of*** the property ~~[passes without confirmation by the court if the property:~~

~~(a) Will depreciate in value if not disposed of promptly; or~~

~~(b) Will incur loss or expense by being kept.~~

~~2. The~~] ***is mailed by certified mail or delivered personally to the ward, his or her attorney and the persons specified in NRS 159.034; and***

(b) No objection to the sale or disposal is made within 15 days after such notice is received.

2. A guardian ~~[is responsible for the actual value]~~ ***may authorize the immediate destruction*** of the personal property ~~[unless the guardian obtains confirmation by the court of the sale.]~~ ***of a ward without notice if:***

(a) The guardian determines that the property has been contaminated by vermin or biological or chemical agents;

(b) The expenses related to the decontamination of the property cause salvage to be impractical;

(c) The property constitutes an immediate threat to public health or safety;

(d) The handling, transfer or storage of the property might endanger public health or safety or exacerbate contamination; and

(e) The value of the property is less than $100 or, if the value of the property is $100 or more, a state or local health officer has endorsed the destruction of the property.

Sec. 33. NRS 159.1535 is hereby amended to read as follows:

159.1535 1. Except as otherwise provided in ***this section and*** NRS 159.1515 and 159.152, a guardian may sell the personal property of the ward only after notice of the sale is ~~[~~published~~]~~ ***:***

(a) Given to the:

(1) Ward if he or she is 14 years of age or older;

(2) Parent or legal guardian of the ward, if the ward is a minor who is less than 14 years of age; and

(3) Spouse of the ward and all other known relatives of the ward who are within the second degree of consanguinity; and

(b) Published in:

~~[~~(a)~~]~~ ***(1)*** A newspaper that is published in the county in which the property, or some portion of the property, is located; or

~~[~~(b)~~]~~ ***(2)*** If a newspaper is not published in ~~[~~that~~]~~ ***the*** county ~~[~~.~~]~~ ***in which the property, or some portion of the property, is located:***

~~[~~(1)~~]~~ ***(I)*** In a newspaper of general circulation in the county; or

~~[~~(2)~~]~~ ***(II)*** In such other newspaper as the court orders.

2. Except as otherwise provided in this section ~~[~~:

~~(a) The notice of a public sale must be published not less than three times before the date of the sale, over a period of 14 days and 7 days apart.~~

~~(b) The~~~~]~~ ***, the*** notice of a ~~[~~private~~]~~ sale must be published not less than three times before the date on which offers will be accepted, over a period of 14 days and 7 days apart.

3. For good cause shown, the court may order fewer publications and shorten the time of notice, but must not shorten the time of notice to less than 8 days.

4. The notice must include, without limitation:

(a) ~~[~~For a public sale:

~~(1) A description of the personal property to be sold; and~~

~~(2) The date, time and location of the sale.~~

~~(b)~~~~]~~ For a ~~[~~private~~]~~ sale ~~[~~:~~]~~ ***other than a sale described in paragraph (b):***

(1) A description of the personal property to be sold; and

(2) The date, time and location that offers will be ~~[~~accepted.

~~(c)~~~~]~~ ***received.***

(b) For a sale on an appropriate auction website on the Internet:

(1) A description of the personal property to be sold;

(2) The date the personal property will be listed; and

(3) The Internet address of the website on which the sale will be posted.

5. Notice of a sale is not required to be published pursuant to this section if the gross value of the estate of the ward is less than $10,000.

Sec. 34. NRS 159.154 is hereby amended to read as follows:

159.154 1. The guardian may sell the personal property of a ward ~~[by public sale]~~ at:

(a) The residence of the ward; or

(b) Any other location designated by the guardian.

2. The guardian may sell the personal property ~~[by public sale]~~ only if the property is made available for inspection at the time of the sale or photographs of the personal property are posted on an appropriate auction website on the Internet.

3. Personal property may be sold ~~[at a public or private sale]~~ for cash or upon credit.

4. Except as otherwise provided in NRS 159.1515, a sale or disposition of any personal property of the ward must not be commenced until 30 days after an inventory of the property is filed with the court and a copy thereof is sent by regular mail to the persons specified in NRS 159.034. An affidavit of mailing must be filed with the court.

5. The guardian is responsible for the actual value of the personal property unless the guardian makes a report to the court, not later than 90 days after the conclusion of the sale, showing that good cause existed for the sale and that the property was sold for a price that was not disproportionate to the value of the property.

6. The family members of the ward and any interested persons must be offered the first right of refusal to acquire the personal property of the ward at fair market value.

Sec. 35. NRS 159.173 is hereby amended to read as follows:

159.173 If a guardian of the estate sells or transfers any real or personal property that is specifically devised or bequeathed by the ward or which is held by the ward as a joint tenancy, designated as being held by the ward in trust for another person or held by the ward as a revocable trust and the ward ~~[was competent]~~ ***had the capacity*** to make a will or create the interest at the time the will or interest was created, but ~~[was not competent]~~ ***did not have the capacity*** to make a will or create the interest at the time of the sale or transfer and never executed a valid later will or changed the manner in which the ward held the interest, the devisee, beneficiary or legatee may elect to take the proceeds of the sale or other transfer of the interest, specific devise or bequest.

Sec. 36. NRS 159.185 is hereby amended to read as follows:

159.185 1. The court may remove a guardian if the court determines that:

(a) The guardian has become mentally ~~[incompetent,]~~ ***incapacitated,*** unsuitable or otherwise incapable of exercising the authority and performing the duties of a guardian as provided by law;

(b) The guardian is no longer qualified to act as a guardian pursuant to NRS 159.0613 if the ward is an adult or NRS 159.061 if the ward is a minor;

(c) The guardian has filed for bankruptcy within the previous 5 years;

(d) The guardian of the estate has mismanaged the estate of the ward;

(e) The guardian has negligently failed to perform any duty as provided by law or by any order of the court and:

(1) The negligence resulted in injury to the ward or the estate of the ward; or

(2) There was a substantial likelihood that the negligence would result in injury to the ward or the estate of the ward;

(f) The guardian has intentionally failed to perform any duty as provided by law or by any lawful order of the court, regardless of injury;

(g) The best interests of the ward will be served by the appointment of another person as guardian; or

(h) The guardian is a private professional guardian who is no longer qualified as a private professional guardian pursuant to NRS 159.0595.

2. A guardian may not be removed if the sole reason for removal is the lack of money to pay the compensation and expenses of the guardian.

Sec. 37. NRS 159.1995 is hereby amended to read as follows:

159.1995 1. In a guardianship proceeding in this State, a court of this State may request the appropriate court of another state to do any of the following:

(a) Hold an evidentiary hearing;

(b) Order a person in that state to produce evidence or give testimony pursuant to the procedures of that state;

(c) Order that an evaluation or assessment be made of the ward;

(d) Order any appropriate investigation of a person involved in a proceeding;

(e) Forward to the court of this State a certified copy of the transcript or other record of a hearing under paragraph (a) or any other proceeding, any evidence otherwise produced under paragraph (b), and any evaluation or assessment prepared in compliance with an order under paragraph (c) or (d);

(f) Issue any order necessary to ensure the appearance in the proceeding of a person whose presence is necessary for the court to make a determination, including the proposed ward, the ward or the ~~[incompetent;]~~ ***person who is incapacitated;*** and

(g) Issue an order authorizing the release of medical, financial, criminal or other relevant information in that state relating to the ward or proposed ward, including protected health information as defined in 45 C.F.R. § 160.103.

2. If a court of another state in which a guardianship or conservatorship proceeding is pending requests assistance of the kind provided in subsection 1, a court of this State has jurisdiction for the limited purpose of granting the request or making reasonable efforts to comply with the request.

Sec. 38. NRS 159.215 is hereby amended to read as follows:

159.215 1. A member of the Armed Forces of the United States, a reserve component thereof or the National Guard may, by written instrument and without the approval of a court, appoint any ~~[competent]~~ adult residing in

this State ***who is not incapacitated*** as the guardian of the person of a minor child who is a dependent of that member. The instrument must be:

(a) Executed by both parents if living, not divorced and having legal custody of the child, otherwise by the parent having legal custody; and

(b) Acknowledged in the same manner as a deed.

➥ If both parents do not execute the instrument, the executing parent shall send by certified mail, return receipt requested, to the other parent at his or her last known address, a copy of the instrument and a notice of the provisions of subsection 3.

2. The instrument must contain a provision setting forth the:

(a) Branch of the Armed Forces;

(b) Unit of current assignment;

(c) Current rank or grade; and

(d) Social security number or service number,

➥ of the parent who is the member.

3. The appointment of a guardian pursuant to this section:

(a) May be terminated by a written instrument signed by either parent of the child if that parent has not been deprived of his or her parental rights to the child; and

(b) Is terminated by any order of a court.

Sec. 39. NRS 449.6922 is hereby amended to read as follows:

449.6922 ~~[~~"Incompetent"~~]~~ ***"Incapacitated"*** has the meaning ascribed to it in NRS 159.019.

Sec. 40. NRS 449.6942 is hereby amended to read as follows:

449.6942 1. A physician shall take the actions described in subsection 2:

(a) If the physician diagnoses a patient with a terminal condition;

(b) If the physician determines, for any reason, that a patient has a life expectancy of less than 5 years; or

(c) At the request of a patient.

2. Upon the occurrence of any of the events specified in subsection 1, the physician shall explain to the patient:

(a) The existence and availability of the Physician Order for Life-Sustaining Treatment form;

(b) The features of and procedures offered by way of the POLST form; and

(c) The differences between a POLST form and the other types of advance directives.

3. Upon the request of the patient, the physician shall complete the POLST form based on the preferences and medical indications of the patient.

4. A POLST form is valid upon execution by a physician and:

(a) If the patient is 18 years of age or older and of sound mind, the patient;

(b) If the patient is 18 years of age or older and ~~[~~incompetent,~~]~~ ***incapacitated,*** the representative of the patient; or

(c) If the patient is less than 18 years of age, the patient and a parent or legal guardian of the patient.

5. As used in this section, "terminal condition" has the meaning ascribed to it in NRS 449.590.

Sec. 41. NRS 449.6944 is hereby amended to read as follows:

449.6944 1. A Physician Order for Life-Sustaining Treatment form may be revoked at any time and in any manner by:

(a) The patient who executed it, if ~~[~~competent,~~]~~ ***not incapacitated,*** without regard to his or her age or physical condition;

(b) If the patient is ~~[~~incompetent,~~]~~ ***incapacitated,*** the representative of the patient; or

(c) If the patient is less than 18 years of age, a parent or legal guardian of the patient.

2. The revocation of a POLST form is effective upon the communication to a provider of health care, by the patient or a witness to the revocation, of the desire to revoke the form. The provider of health care to whom the revocation is communicated shall:

(a) Make the revocation a part of the medical record of the patient; or

(b) Cause the revocation to be made a part of the medical record of the patient.

Sec. 42. NRS 449.695 is hereby amended to read as follows:

449.695 1. Except as otherwise provided in this section and NRS 449.6946, a provider of health care shall comply with a valid Physician Order for Life-Sustaining Treatment form, regardless of whether the provider of health care is employed by a health care facility or other entity affiliated with the physician who executed the POLST form.

2. A physician may medically evaluate the patient and, based upon the evaluation, may recommend new orders consistent with the most current information available about the patient's health status and goals of care. Before making a modification to a valid POLST form, the physician shall consult the patient or, if the patient is ~~[~~incompetent,~~]~~ ***incapacitated,*** shall make a reasonable attempt to consult the representative of the patient and the patient's attending physician.

3. Except as otherwise provided in subsection 4, a provider of health care who is unwilling or unable to comply with a valid POLST form shall take all reasonable measures to transfer the patient to a physician or health care facility so that the POLST form will be followed.

4. Life-sustaining treatment must not be withheld or withdrawn pursuant to a POLST form of a patient known to the attending physician to be pregnant, so long as it is probable that the fetus will develop to the point of live birth with the continued application of life-sustaining treatment.

5. Nothing in this section requires a provider of health care to comply with a valid POLST form if the provider of health care does not have actual knowledge of the existence of the form.

Sec. 43. NRS 616C.505 is hereby amended to read as follows:

616C.505 If an injury by accident arising out of and in the course of employment causes the death of an employee in the employ of an employer, within the provisions of chapters 616A to 616D, inclusive, of NRS, the compensation is known as a death benefit and is payable as follows:

1. In addition to any other compensation payable pursuant to chapters 616A to 616D, inclusive, of NRS, burial expenses are payable in an amount not to exceed $10,000, plus the cost of transporting the remains of the deceased employee. When the remains of the deceased employee and the person accompanying the remains are to be transported to a mortuary or mortuaries, the charge of transportation must be borne by the insurer.

2. Except as otherwise provided in subsection 3, to the surviving spouse of the deceased employee, 66 2/3 percent of the average monthly wage is payable until the death of the surviving spouse.

3. If there is a surviving spouse and any surviving children of the deceased employee who are not the children of the surviving spouse, the compensation otherwise payable pursuant to subsection 2 must be paid as follows until the entitlement of all children of the deceased employee to receive compensation pursuant to this subsection ceases:

(a) To the surviving spouse, 50 percent of the death benefit is payable until the death of the surviving spouse; and

(b) To each child of the deceased employee, regardless of whether the child is the child of the surviving spouse, the child's proportionate share of 50 percent of the death benefit and, except as otherwise provided in subsection 11, if the child has a guardian, the compensation the child is entitled to receive may be paid to the guardian.

4. In the event of the subsequent death of the surviving spouse:

(a) Each surviving child of the deceased employee, in addition to any amount the child may be entitled to pursuant to subsection 3, must share equally the compensation theretofore paid to the surviving spouse but not in excess thereof, and it is payable until the youngest child reaches the age of 18 years.

(b) Except as otherwise provided in subsection 11, if the children have a guardian, the compensation they are entitled to receive may be paid to the guardian.

5. If there are any surviving children of the deceased employee under the age of 18 years, but no surviving spouse, then each such child is entitled to his or her proportionate share of 66 2/3 percent of the average monthly wage for the support of the child.

6. Except as otherwise provided in subsection 7, if there is no surviving spouse or child under the age of 18 years, there must be paid:

(a) To a parent, if wholly dependent for support upon the deceased employee at the time of the injury causing the death of the deceased employee, 33 1/3 percent of the average monthly wage.

(b) To both parents, if wholly dependent for support upon the deceased employee at the time of the injury causing the death of the deceased employee, 66 2/3 percent of the average monthly wage.

(c) To each brother or sister until he or she reaches the age of 18 years, if wholly dependent for support upon the deceased employee at the time of the injury causing the death of the deceased employee, his or her proportionate share of 66 2/3 percent of the average monthly wage.

7. The aggregate compensation payable pursuant to subsection 6 must not exceed 66 2/3 percent of the average monthly wage.

8. In all other cases involving a question of total or partial dependency:

(a) The extent of the dependency must be determined in accordance with the facts existing at the time of the injury.

(b) If the deceased employee leaves dependents only partially dependent upon the earnings of the deceased employee for support at the time of the injury causing his or her death, the monthly compensation to be paid must be equal to the same proportion of the monthly payments for the benefit of persons totally dependent as the amount contributed by the deceased employee to the partial dependents bears to the average monthly wage of the deceased employee at the time of the injury resulting in his or her death.

(c) The duration of compensation to partial dependents must be fixed in accordance with the facts shown, but may not exceed compensation for 100 months.

9. Compensation payable to a surviving spouse is for the use and benefit of the surviving spouse and the dependent children, and the insurer may, from time to time, apportion such compensation between them in such a way as it deems best for the interest of all dependents.

10. In the event of the death of any dependent specified in this section before the expiration of the time during which compensation is payable to the dependent, funeral expenses are payable in an amount not to exceed $10,000.

11. If a dependent is entitled to receive a death benefit pursuant to this section and is less than 18 years of age or ~~[incompetent,]~~ ***incapacitated,*** the legal representative of the dependent shall petition for a guardian to be appointed for that dependent pursuant to NRS 159.044. An insurer shall not pay any compensation in excess of $3,000, other than burial expenses, to the dependent until a guardian is appointed and legally qualified. Upon receipt of a certified letter of guardianship, the insurer shall make all payments required by this section to the guardian of the dependent until the dependent is emancipated, the guardianship terminates or the dependent reaches the age of 18 years, whichever occurs first, unless paragraph (a) of subsection 12 is applicable. The fees and costs related to the guardianship must be paid from the estate of the dependent. A guardianship established pursuant to this subsection must be administered in accordance with chapter 159 of NRS, except that after the first annual review required pursuant to NRS 159.176, a court may elect not to review the guardianship annually. The court shall review the guardianship at least once every 3 years. As used in this

subsection, ~~["incompetent"]~~ ***"incapacitated"*** has the meaning ascribed to it in NRS 159.019.

12. Except as otherwise provided in paragraphs (a) and (b), the entitlement of any child to receive his or her proportionate share of compensation pursuant to this section ceases when the child dies, marries or reaches the age of 18 years. A child is entitled to continue to receive compensation pursuant to this section if the child is:

(a) Over 18 years of age and incapable of supporting himself or herself, until such time as the child becomes capable of supporting himself or herself; or

(b) Over 18 years of age and enrolled as a full-time student in an accredited vocational or educational institution, until the child reaches the age of 22 years.

13. As used in this section, "surviving spouse" means a surviving husband or wife who was married to the employee at the time of the employee's death.

Sec. 44. NRS 159.1435 is hereby repealed.

Sec. 45. This act becomes effective on January 1, 2018.

TEXT OF REPEALED SECTION

159.1435 Public auction for sale of real property: Where held; postponement.

1. Except for a sale pursuant to NRS 159.123 or 159.142, a public auction for the sale of real property must be held:

(a) In the county in which the property is located or, if the real property is located in two or more counties, in either county;

(b) Between the hours of 9 a.m. and 5 p.m.; and

(c) On the date specified in the notice, unless the sale is postponed.

2. If, on or before the date and time set for the public auction, the guardian determines that the auction should be postponed:

(a) The auction may be postponed for not more than 3 months after the date first set for the auction; and

(b) Notice of the postponement must be given by a public declaration at the place first set for the sale on the date and time that was set for the sale.

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

The following amendment was proposed by Assemblyman Yeager:

Amendment No. 336.

AN ACT relating to guardianships; authorizing a court to require a proposed guardian to file a proposed preliminary care plan and budget; establishing the process by which ~~[an attorney]~~ **a person** may obtain the approval of the court ~~[to receive compensation]~~ **for the payment of attorney's fees and costs** from the assets of a ward **;** ~~[for certain services;]~~

establishing the Office of the State Public Guardian; replacing the term "incompetent" with the term "incapacitated" for purposes of guardianships and revising the definition thereof; revising various provisions relating to notice given to certain persons; revising provisions concerning the sale of real and personal property of a ward; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term "incompetent" for purposes of the provisions of law governing guardianships. (NRS 159.019) **Section 7** of this bill replaces the term "incompetent" with the term "incapacitated" and revises the definition thereof. **Sections 5, 6, ~~[11-17,]~~ 11, 12-17, 20, 22 , ~~[and 35-43]~~ 35 and 36-43** of this bill make conforming changes.

Existing law generally requires a petitioner in a guardianship proceeding to give notice of the time and place of the hearing on any petition filed in the guardianship proceeding to certain persons, including any minor ward who is 14 years of age or older. (NRS 159.034) **Section 8** of this bill revises this requirement and requires that notice be given to any ward who is 14 years of age or older, regardless of whether the ward is considered to have the capacity to understand or appreciate the contents of the petition.

Existing law provides that after the filing of a petition in a guardianship proceeding, the clerk is required to issue a citation setting forth a time and place for the hearing and directing certain persons to appear and show cause why a guardian should not be appointed for the proposed ward. (NRS 159.047) **Section 9** of this bill requires a copy of the petition to be served together with the citation on certain persons, including a proposed ward who is 14 years of age or older, regardless of whether the ward is considered to have the capacity to understand or appreciate the contents of the petition, and **section 10** of this bill requires that the proposed ward be served by personal service. **Section 9** also requires a person who serves notice upon the proposed ward to file with the court an affidavit stating that notice was served.

Existing law requires a guardian of the person to file with the court a written report on the condition of the ward and the exercise of authority and performance of duties by the guardian at certain specified times. (NRS 159.081) **Section 18** of this bill requires that such a report be served on the ward.

Section 21 of this bill requires the guardian of the estate and the guardian of the person to be notified if the ward is a party to any criminal action. **Section 23** of this bill requires that notice be given to a ward upon the filing of certain petitions or any account.

Existing law establishes various provisions concerning transactions involving real and personal property of a ward, including the sale of such property. (NRS 159.127-159.175) **Sections 24-31** of this bill revise certain provisions concerning the sale of real property of a ward, and **section 44** of this bill repeals provisions of law relating to a public auction for the sale of

real property. **Sections 32-34** of this bill revise provisions concerning the sale of personal property of a ward. **Section 33** of this bill requires that notice of such a sale be given to a ward who is 14 years of age or older and certain other persons before a guardian may sell the personal property of a ward.

Section 2 of this bill specifies that upon the filing of a petition for the appointment of a guardian, the court may require a proposed guardian to file a proposed preliminary care plan and budget, the format of which and the timing of the filing thereof must be specified by a court rule approved by the Supreme Court.

Section 3 of this bill provides that **any person who retains** an attorney ~~[is entitled to receive just, reasonable and necessary compensation for services associated with the commencement and administration]~~ **for the purposes** of **representing a party in** a guardianship ~~[, but]~~ **proceeding is personally liable for any attorney's fees and costs incurred, but authorizes such a person to petition the court for an order authorizing the payment of such attorney's fees and costs from the estate of the ward. Section 3** prohibits such ~~[compensation]~~ **attorney's fees and costs** from being paid from the ~~[assets]~~ **estate** of ~~[a]~~ **the** ward without court approval ~~[. Section 3]~~ **and** establishes the process by which ~~[an attorney]~~ **a person** is able to obtain the approval of the court. **Section 3 also authorizes an attorney who is appointed by the court to seek compensation for his or her services from the guardianship estate in accordance with the established process. Section 3 additionally provides that if two or more parties in a guardianship proceeding file competing petitions for the appointment of a guardian or otherwise litigate any contested issue in the guardianship proceeding, only the prevailing party may petition the court for the payment of attorney's fees and costs. If the court determines that there is no prevailing party, the court may authorize a portion of each party's attorney's fees and costs to be paid.**

Section 4 of this bill establishes the Office of the State Public Guardian. **Section 4** provides that the State Public Guardian is appointed by the Supreme Court and serves at the pleasure of the Court. **Section 4** also authorizes the State Public Guardian to hire two accountants and two investigators to provide auditing and investigative services to the district courts during the administration of guardian proceedings.

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

Section 1. Chapter 159 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***Upon the filing of a petition for the appointment of a guardian, the court may require a proposed guardian to file a proposed preliminary care plan and budget. The format of such a proposed preliminary care plan and budget and the timing of the filing thereof must be specified by a rule approved by the Supreme Court.***

Sec. 3. *1. ~~[An]~~ Any person, including, without limitation, a guardian or proposed guardian, who retains an attorney ~~[is entitled to just, reasonable and necessary compensation for services associated with the commencement and administration of]~~ for the purposes of representing a party in a guardianship ~~[. Such compensation must]~~ proceeding is personally liable for any attorney's fees and costs incurred as a result of such representation.*

2. Notwithstanding the provisions of subsection 1 and except as otherwise provided in subsection 5 of NRS 159.183, a person who is personally liable for attorney's fees and costs may petition the court for an order authorizing such attorney's fees and costs to be paid from the estate of the ward in accordance with this section. Any such attorney's fees and costs must not be paid from the ~~[assets of a ward]~~ guardianship estate unless and until the court ~~[allows]~~ authorizes the payment ~~[to occur]~~ pursuant to this section.

~~[2.]~~ 3. When ~~[an attorney]~~ a person who intends to ~~[seek compensation]~~ petition the court for payment of attorney's fees and costs from the guardianship estate ~~[of a ward]~~ first appears in the guardianship proceeding, the ~~[attorney shall give]~~ person must file written notice of ~~[the basis of the compensation by filing with the court a written agreement between the attorney and the ward.]~~ his or her intent to seek payment of attorney's fees and costs from the guardianship estate. The ~~[agreement:]~~ written notice:

(a) Must provide a general explanation of the compensation arrangement and how compensation will be computed;

(b) Must include the hourly billing rates of all timekeepers, including, without limitation, attorneys, law clerks and paralegals;

(c) Must provide a general explanation of the reasons why the services of the attorney are necessary to further the best interests of the ward;

(d) Must be served by the ~~[attorney]~~ person on all persons entitled to notice pursuant to NRS 159.034 and 159.047; and

~~[(d)]~~ (e) Is subject to approval by the court after a hearing.

~~[3. An attorney]~~

4. If written notice was filed and approved by the court pursuant to subsection 3, a person may file with the court a petition requesting ~~[compensation, which]~~ payment of attorney's fees and costs from the guardianship estate. Such a petition must include the following information:

(a) A detailed statement as to the nature and extent of the services performed by the attorney;

(b) An itemization of each task performed by the attorney, with reference to the time spent on each task in an increment to the nearest one-tenth of an hour and with no minimum billing unit in excess of one-tenth of an hour;

(c) An indication of whether any time billed, including, without limitation, any time spent traveling or waiting, benefited any clients of the attorney other than the ward and, if so, how many other clients benefited from such time; and

(d) Any other information considered relevant to a determination of ~~[entitlement to compensation.]~~ whether attorney's fees are just, reasonable and necessary.

➥ Absent approval from all ~~[interested persons,]~~ parties who have appeared in the proceeding, any supplemental requests for the payment of attorney's fees ~~[by the attorney]~~ and costs cannot be augmented in open court and must be properly noticed in the same manner as the underlying petition requesting ~~[compensation.~~

~~4.]~~ payment.

5. In determining whether ~~[compensation is]~~ attorney's fees are just, reasonable and necessary, the court may consider all the following factors:

(a) The written ~~[agreement]~~ notice approved by the court ~~[between the attorney and the ward which sets forth the manner in which compensation is to be calculated.]~~ pursuant to subsection 3.

(b) Whether the services ~~[actually advanced]~~ conferred any actual benefit upon the ward or attempted to advance the best interests of the ward.

(c) The qualities of the attorney, including, without limitation, his or her ability, training, education, experience, professional standing and skill.

(d) The character of the work ~~[to be done,]~~ performed, including, without limitation, the difficulty, intricacy and importance of the work, the time and skill required to complete the work, the responsibility imposed and the nature of the proceedings.

(e) The work actually performed by the attorney, including, without limitation, the skill, time and attention given to the work.

(f) The result of the work, including, without limitation, whether the attorney was successful and any benefits that were derived.

(g) The usual and customary fees charged in the relevant professional communities for each task performed, regardless of who actually performed the task. ~~[An attorney]~~ The court may ~~[be awarded:]~~ only award:

(1) Compensation at an attorney rate for time spent performing services that require an attorney;

(2) Compensation at a paralegal rate for time spent performing paralegal services;

(3) Compensation at a fiduciary rate for time spent performing fiduciary services; and

(4) No compensation for time spent performing secretarial or clerical services.

(h) The appropriate apportionment among multiple clients of any billed time that benefited multiple clients of the attorney.

(i) The extent to which the services were provided in a reasonable, efficient and cost-effective manner, including, without limitation, whether there was appropriate and prudent delegation of services to others.

(j) The ability of the estate of the ward to pay, including, without limitation:

(1) The value of the estate ; ~~[under guardianship;]~~

(2) The nature, extent and liquidity of the assets of the ~~[ward;]~~ estate;

(3) The disposable net income of the ~~[ward;]~~ estate;

(4) The anticipated future needs ~~[and income]~~ of the ward; and

(5) Any other foreseeable expenses . ~~[; and~~

~~(6) Any other factors that are relevant to the duties of the guardian pursuant to NRS 159.079 or 159.083.]~~

(k) The efforts made by the person and attorney to reduce and minimize any issues.

(l) Any actions by the person or attorney that unnecessarily expanded issues or delayed or hindered the efficient administration of the estate.

(m) Whether any actions taken by the person or attorney were taken for the purpose of advancing or protecting the interests of the person as opposed to the interests of the ward.

(n) Any other factor that is relevant in determining whether ~~[compensation is]~~ attorney's fees are just, reasonable and necessary ~~[.~~

~~5.]~~ , including, without limitation, any other factor that is relevant in determining whether the person was acting in good faith and was actually pursuing the best interests of the ward.

6. The court shall not approve compensation for an attorney for:

(a) Time spent on internal business activities of the attorney, including, without limitation, clerical or secretarial support; or

(b) Time reported as a total amount of time spent on multiple tasks, rather than an itemization of the time spent on each task.

~~[6.]~~ 7. Any fees paid by a third party, including, without limitation, a trust of which the estate is a beneficiary, must be disclosed to and approved by the court.

~~[7.]~~ 8. In addition to ~~[the compensation for ordinary]~~ any payment provided to a person pursuant to this section for the services of an attorney ~~[that are set forth in this section, an attorney is entitled to]~~ , a person may receive ~~[compensation]~~ payment for ordinary costs and expenses incurred in the scope of ~~[his or her]~~ the attorney's representation . ~~[of the ward.]~~

9. If two or more parties in a guardianship proceeding file competing petitions for the appointment of a guardian or otherwise litigate any contested issue in the guardianship proceeding, only the prevailing party may petition the court for payment of attorney's fees and costs from the guardianship estate pursuant to this section. If the court determines that there is no prevailing party, the court may authorize a portion of each party's attorney's fees and costs to be paid from the guardianship estate if

the court determines that such fees and costs are just, reasonable and necessary given the nature of any issues in dispute.

10. If an attorney is appointed by the court in a guardianship proceeding, he or she may petition the court for compensation for his or her services from the guardianship estate in accordance with the procedure set forth in this section.

Sec. 4. ***1. The Office of the State Public Guardian is hereby created.***

2. The State Public Guardian is:

(a) Appointed by the Supreme Court and serves at the pleasure of the Court; and

(b) Entitled to receive an annual salary set by the Supreme Court within the limits of legislative appropriations.

3. The State Public Guardian may hire two accountants and two investigators to provide auditing and investigative services to the district courts during the administration of guardianship proceedings.

Sec. 5. NRS 159.014 is hereby amended to read as follows:

159.014 "Care provider" includes any public or private institution located within or outside this state which provides facilities for the care or maintenance of ~~[incompetents,]~~ ***persons who are incapacitated,*** persons of limited capacity or minors.

Sec. 6. NRS 159.015 is hereby amended to read as follows:

159.015 "Court" means any court or judge having jurisdiction of the persons and estates of minors, ~~[incompetent]~~ persons ~~[,]~~ ***who are incapacitated*** or persons of limited capacity.

Sec. 7. NRS 159.019 is hereby amended to read as follows:

159.019 ~~["Incompetent" means an adult]~~ ***A*** person ~~[who, by reason of mental illness, mental deficiency, disease, weakness of mind or any other cause,]~~ ***is "incapacitated" if he or she, for reasons other than being a minor,*** is unable ~~[, without assistance, properly to manage and take care of himself or herself or his or her property, or both. The term includes a person who is mentally incapacitated.]~~ ***to receive and evaluate information or make or communicate decisions to such an extent that the person lacks the ability to meet essential requirements for physical health, safety or self-care without appropriate assistance.***

Sec. 8. NRS 159.034 is hereby amended to read as follows:

159.034 1. Except as otherwise provided in this section, by specific statute or as ordered by the court, a petitioner in a guardianship proceeding shall give notice of the time and place of the hearing on any petition filed in the guardianship proceeding to:

(a) Any ~~[minor]~~ ward who is 14 years of age or older ~~[.]~~ ***, regardless of whether the ward is considered to have the capacity to understand or appreciate the contents of the petition.***

(b) The parent or legal guardian of any minor ward who is less than 14 years of age.

(c) The spouse of the ward and all other known relatives of the ward who are within the second degree of consanguinity.

(d) Any other interested person or the person's attorney who has filed a request for notice in the guardianship proceedings and has served a copy of the request upon the guardian. The request for notice must state the interest of the person filing the request and the person's name and address, or that of his or her attorney.

(e) The guardian, if the petitioner is not the guardian.

(f) Any person or care provider who is providing care for the ward, except that if the person or care provider is not related to the ward, such person or care provider must not receive copies of any inventory or accounting.

(g) Any office of the Department of Veterans Affairs in this State if the ward is receiving any payments or benefits through the Department of Veterans Affairs.

(h) The Director of the Department of Health and Human Services if the ward has received or is receiving benefits from Medicaid.

(i) Those persons entitled to notice if a proceeding were brought in the ward's home state.

2. The petitioner shall give notice not later than 10 days before the date set for the hearing:

(a) By mailing a copy of the notice by certified, registered or ordinary first-class mail to the residence, office or post office address of each person required to be notified pursuant to this section;

(b) By personal service; or

(c) In any other manner ordered by the court, upon a showing of good cause.

3. Except as otherwise provided in this subsection, if none of the persons entitled to notice of a hearing on a petition pursuant to this section can, after due diligence, be served by certified mail or personal service and this fact is proven by affidavit to the satisfaction of the court, service of the notice must be made by publication in the manner provided by N.R.C.P. 4(e). In all such cases, the notice must be published not later than 10 days before the date set for the hearing. If, after the appointment of a guardian, a search for relatives of the ward listed in paragraph (c) of subsection 1 fails to find any such relative, the court may waive the notice by publication required by this subsection.

4. For good cause shown, the court may waive the requirement of giving notice.

5. A person entitled to notice pursuant to this section may waive such notice. Such a waiver must be in writing and filed with the court.

6. On or before the date set for the hearing, the petitioner shall file with the court proof of giving notice to each person entitled to notice pursuant to this section.

Sec. 9. NRS 159.047 is hereby amended to read as follows:

159.047 1. Except as otherwise provided in NRS 159.0475 and 159.049 to 159.0525, inclusive, upon the filing of a petition under NRS 159.044, the clerk shall issue a citation setting forth a time and place for the hearing and directing the persons or care provider referred to in subsection 2 to appear and show cause why a guardian should not be appointed for the proposed ward.

2. A citation issued under subsection 1 ***, together with a copy of the petition filed under NRS 159.044,*** must be served upon:

(a) A proposed ward who is 14 years of age or older ~~[:]~~ ***, regardless of whether the proposed ward is considered to have the capacity to understand or appreciate the contents of the citation and petition;***

(b) The spouse of the proposed ward and all other known relatives of the proposed ward who are:

(1) Fourteen years of age or older; and

(2) Within the second degree of consanguinity;

(c) The parents and custodian of the proposed ward;

(d) Any person or officer of a care provider having the care, custody or control of the proposed ward;

(e) The proposed guardian, if the petitioner is not the proposed guardian;

(f) Any office of the Department of Veterans Affairs in this State if the proposed ward is receiving any payments or benefits through the Department of Veterans Affairs; and

(g) The Director of the Department of Health and Human Services if the proposed ward has received or is receiving any benefits from Medicaid.

3. A person who serves notice upon a proposed ward pursuant to paragraph (a) of subsection 2 shall file with the court an affidavit stating that he or she served notice upon the proposed ward in accordance with the provisions of NRS 159.0475.

Sec. 10. NRS 159.0475 is hereby amended to read as follows:

159.0475 1. A copy of the citation issued pursuant to NRS 159.047 ***, together with a copy of the petition filed under NRS 159.044,*** must be served ***:*** ~~[by:]~~

(a) ***Except as otherwise ordered by the court, on a proposed ward who is 14 years of age or older by personal service in the manner provided pursuant to N.R.C.P. 4(d) at least 10 days before the date set for the hearing; and***

(b) On each person required to be served pursuant to NRS 159.047 other than a proposed ward by:

(1) Certified mail, with a return receipt requested, ~~[on each person required to be served pursuant to NRS 159.047]~~ at least 20 days before the hearing; or

~~[(b)]~~ ***(2)*** Personal service in the manner provided pursuant to N.R.C.P. 4(d) at least 10 days before the date set for the hearing ***.*** ~~[on each person required to be served pursuant to NRS 159.047.]~~

2. If none of the persons on whom the citation ***and petition*** is to be served can, after due diligence, be served by certified mail or personal service ***, as applicable,*** and this fact is proven ~~[,]~~ by affidavit ~~[,]~~ to the satisfaction of the court, service of the citation ***and petition*** must be made by publication in the manner provided by N.R.C.P. 4(e). In all such cases, the citation ***and petition*** must be published at least 20 days before the date set for the hearing.

3. A citation ***and petition*** need not be served on a person or an officer of the care provider who has signed the petition or a written waiver of service of ***the*** citation ***and petition*** or who makes a general appearance.

4. The court may find that notice is sufficient if:

(a) ***The citation and petition have been served by personal service on the proposed ward and an affidavit of such service has been filed with the court pursuant to subsection 3 of NRS 159.047;***

(b) The citation ~~[has]~~ ***and petition have*** been served by certified mail, with a return receipt requested, or by personal service on the ~~[proposed ward,]~~ care provider or public guardian required to be served pursuant to NRS 159.047; and

~~[(b)]~~ ***(c)*** At least one relative of the proposed ward who is required to be served pursuant to NRS 159.047 has been served, as evidenced by the return receipt or the certificate of service. If the court finds that at least one relative of the proposed ward has not received notice that is sufficient, the court will require the citation ***and petition*** to be published pursuant to subsection 2.

Sec. 11. NRS 159.048 is hereby amended to read as follows:

159.048 The citation issued pursuant to NRS 159.047 must state that the:

1. Proposed ward may be adjudged to be ~~[incompetent]~~ ***incapacitated*** or of limited capacity and a guardian may be appointed for the proposed ward;

2. Proposed ward's rights may be affected as specified in the petition;

3. Proposed ward has the right to appear at the hearing and to oppose the petition; and

4. Proposed ward has the right to be represented by an attorney, who may be appointed for the proposed ward by the court if the proposed ward is unable to retain one.

Sec. 11.5. **NRS 159.0485 is hereby amended to read as follows:**

159.0485 1. At the first hearing for the appointment of a guardian for a proposed adult ward, the court shall advise the proposed adult ward who is in attendance at the hearing or who is appearing by videoconference at the hearing of his or her right to counsel and determine whether the proposed adult ward wishes to be represented by counsel in the guardianship proceeding. If the proposed adult ward is not in attendance at the hearing because the proposed adult ward has been excused pursuant to NRS 159.0535 and is not appearing by videoconference at the hearing, the proposed adult ward must be advised of his or her right to counsel pursuant to subsection 2 of NRS 159.0535.

2. If an adult ward or proposed adult ward is unable to retain legal counsel and requests the appointment of counsel at any stage in a guardianship proceeding and whether or not the adult ward or proposed adult ward lacks or appears to lack capacity, the court shall, at or before the time of the next hearing, appoint an attorney who works for legal aid services, if available, or a private attorney to represent the adult ward or proposed adult ward. The appointed attorney shall represent the adult ward or proposed adult ward until relieved of the duty by court order.

3. Subject to the discretion and approval of the court, the attorney for the adult ward or proposed adult ward is entitled to reasonable compensation and expenses. Unless the court determines that the adult ward or proposed adult ward does not have the ability to pay such compensation and expenses or the court shifts the responsibility of payment to a third party, the compensation and expenses must be paid from the estate of the adult ward or proposed adult ward, unless the compensation and expenses are provided for or paid by another person or entity. If the court finds that a person has unnecessarily or unreasonably caused the appointment of an attorney, the court may order the person to pay to the estate of the adult ward or proposed adult ward all or part of the expenses associated with the appointment of the attorney. ***Any attorney who intends to seek compensation from the estate of the adult ward or proposed adult ward must follow the procedure established in section 3 of this act.***

Sec. 12. NRS 159.0487 is hereby amended to read as follows:

159.0487 Any court of competent jurisdiction may appoint:

1. Guardians of the person, of the estate, or of the person and estate for ~~[~~incompetents~~]~~ ***persons who are incapacitated*** or minors whose home state is this State.

2. Guardians of the person or of the person and estate for ~~[~~incompetents~~]~~ ***persons who are incapacitated*** or minors who, although not residents of this State, are physically present in this State and whose welfare requires such an appointment.

3. Guardians of the estate for nonresident ~~[~~incompetents~~]~~ ***persons who are incapacitated*** or nonresident minors who have property within this State.

4. Special guardians.

5. Guardians ad litem.

Sec. 13. NRS 159.054 is hereby amended to read as follows:

159.054 1. If the court finds ***that*** the proposed ward ~~[~~competent~~]~~ ***is not incapacitated*** and ***is*** not in need of a guardian, the court shall dismiss the petition.

2. If the court finds ***that*** the proposed ward ~~[~~to be~~]~~ ***is*** of limited capacity and ***is*** in need of a special guardian, the court shall enter an order accordingly and specify the powers and duties of the special guardian.

3. If the court finds that appointment of a general guardian is required, the court shall appoint a general guardian of the ward's person, estate, or person and estate.

Sec. 14. NRS 159.0593 is hereby amended to read as follows:

159.0593 1. If the court orders a general guardian appointed for a proposed ward, the court shall determine, by clear and convincing evidence, whether the proposed ward is a person with a mental defect who is prohibited from possessing a firearm pursuant to 18 U.S.C. § 922(d)(4) or (g)(4). If a court makes a finding pursuant to this section that the proposed ward is a person with a mental defect, the court shall include the finding in the order appointing the guardian and cause, within 5 business days after issuing the order, a record of the order to be transmitted to the Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

2. As used in this section:

(a) "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

(b) "Person with a mental defect" means a person who, as a result of marked subnormal intelligence, mental illness, ~~[incompetence,]~~ ***incapacitation,*** condition or disease, is:

(1) A danger to himself or herself or others; or

(2) Lacks the capacity to contract or manage his or her own affairs.

Sec. 15. NRS 159.0613 is hereby amended to read as follows:

159.0613 1. Except as otherwise provided in subsection 3, in a proceeding to appoint a guardian for an adult, the court shall give preference to a nominated person or relative, in that order of preference:

(a) Whether or not the nominated person or relative is a resident of this State; and

(b) If the court determines that the nominated person or relative is qualified and suitable to be appointed as guardian for the adult.

2. In determining whether any nominated person, relative or other person listed in subsection 4 is qualified and suitable to be appointed as guardian for an adult, the court shall consider, if applicable and without limitation:

(a) The ability of the nominated person, relative or other person to provide for the basic needs of the adult, including, without limitation, food, shelter, clothing and medical care;

(b) Whether the nominated person, relative or other person has engaged in the habitual use of alcohol or any controlled substance during the previous 6 months, except the use of marijuana in accordance with the provisions of chapter 453A of NRS;

(c) Whether the nominated person, relative or other person has been judicially determined to have committed abuse, neglect, exploitation, isolation or abandonment of a child, his or her spouse, his or her parent or any other adult, unless the court finds that it is in the best interests of the ward to appoint the person as guardian for the adult;

(d) Whether the nominated person, relative or other person is ~~[incompetent]~~ ***incapacitated*** or has a disability; and

(e) Whether the nominated person, relative or other person has been convicted in this State or any other jurisdiction of a felony, unless the court determines that any such conviction should not disqualify the person from serving as guardian for the adult.

3. If the court finds that two or more nominated persons are qualified and suitable to be appointed as guardian for an adult, the court may appoint two or more nominated persons as co-guardians or shall give preference among them in the following order of preference:

(a) A person whom the adult nominated for the appointment as guardian for the adult in a will, trust or other written instrument that is part of the adult's established estate plan and was executed by the adult while ~~[competent.]~~ ***he or she was not incapacitated.***

(b) A person whom the adult requested for the appointment as guardian for the adult in a written instrument that is not part of the adult's established estate plan and was executed by the adult while ~~[competent.]~~ ***he or she was not incapacitated.***

4. Subject to the preferences set forth in subsections 1 and 3, the court shall appoint as guardian the qualified person who is most suitable and is willing to serve. In determining which qualified person is most suitable, the court shall, in addition to considering any applicable factors set forth in subsection 2, give consideration, among other factors, to:

(a) Any nomination or request for the appointment as guardian by the adult.

(b) Any nomination or request for the appointment as guardian by a relative.

(c) The relationship by blood, adoption, marriage or domestic partnership of the proposed guardian to the adult. In considering preferences of appointment, the court may consider relatives of the half blood equally with those of the whole blood. The court may consider any relative in the following order of preference:

(1) A spouse or domestic partner.

(2) A child.

(3) A parent.

(4) Any relative with whom the adult has resided for more than 6 months before the filing of the petition or any relative who has a power of attorney executed by the adult while ~~[competent.]~~ ***he or she was not incapacitated.***

(5) Any relative currently acting as agent.

(6) A sibling.

(7) A grandparent or grandchild.

(8) An uncle, aunt, niece, nephew or cousin.

(9) Any other person recognized to be in a familial relationship with the adult.

(d) Any recommendation made by a master of the court or special master pursuant to NRS 159.0615.

(e) Any request for the appointment of any other interested person that the court deems appropriate, including, without limitation, a person who is not a relative and who has a power of attorney executed by the adult while ~~[competent.]~~ ***he or she was not incapacitated.***

5. The court may appoint as guardian any nominated person, relative or other person listed in subsection 4 who is not a resident of this State. The court shall not give preference to a resident of this State over a nonresident if the court determines that:

(a) The nonresident is more qualified and suitable to serve as guardian; and

(b) The distance from the proposed guardian's place of residence and the adult's place of residence will not affect the quality of the guardianship or the ability of the proposed guardian to make decisions and respond quickly to the needs of the adult because:

(1) A person or care provider in this State is providing continuing care and supervision for the adult;

(2) The adult is in a secured residential long-term care facility in this State; or

(3) Within 30 days after the appointment of the proposed guardian, the proposed guardian will move to this State or the adult will move to the proposed guardian's state of residence.

6. If the court appoints a nonresident as guardian for the adult:

(a) The jurisdictional requirements of NRS 159.1991 to 159.2029, inclusive, must be met;

(b) The court shall order the guardian to designate a registered agent in this State in the same manner as a represented entity pursuant to chapter 77 of NRS; and

(c) The court may require the guardian to complete any available training concerning guardianships pursuant to NRS 159.0592, in this State or in the state of residence of the guardian, regarding:

(1) The legal duties and responsibilities of the guardian pursuant to this chapter;

(2) The preparation of records and the filing of annual reports regarding the finances and well-being of the adult required pursuant to NRS 159.073;

(3) The rights of the adult;

(4) The availability of local resources to aid the adult; and

(5) Any other matter the court deems necessary or prudent.

7. If the court finds that there is not any suitable nominated person, relative or other person listed in subsection 4 to appoint as guardian, the court may appoint as guardian:

(a) The public guardian of the county where the adult resides if:

(1) There is a public guardian in the county where the adult resides; and

(2) The adult qualifies for a public guardian pursuant to chapter 253 of NRS;

(b) A private fiduciary who may obtain a bond in this State and who is a resident of this State, if the court finds that the interests of the adult will be served appropriately by the appointment of a private fiduciary; or

(c) A private professional guardian who meets the requirements of NRS 159.0595.

8. A person is not qualified to be appointed as guardian for an adult if the person has been suspended for misconduct or disbarred from any of the professions listed in this subsection, but the disqualification applies only during the period of the suspension or disbarment. This subsection applies to:

(a) The practice of law;

(b) The practice of accounting; or

(c) Any other profession that:

(1) Involves or may involve the management or sale of money, investments, securities or real property; and

(2) Requires licensure in this State or any other state in which the person practices his or her profession.

9. As used in this section:

(a) "Adult" means a person who is a ward or a proposed ward and who is not a minor.

(b) "Domestic partner" means a person in a domestic partnership.

(c) "Domestic partnership" means:

(1) A domestic partnership as defined in NRS 122A.040; or

(2) A domestic partnership which was validly formed in another jurisdiction and which is substantially equivalent to a domestic partnership as defined in NRS 122A.040, regardless of whether it bears the name of a domestic partnership or is registered in this State.

(d) "Nominated person" means a person, whether or not a relative, whom an adult:

(1) Nominates for the appointment as guardian for the adult in a will, trust or other written instrument that is part of the adult's established estate plan and was executed by the adult while ~~[competent.]~~ ***he or she was not incapacitated.***

(2) Requests for the appointment as guardian for the adult in a written instrument that is not part of the adult's established estate plan and was executed by the adult while ~~[competent.]~~ ***he or she was not incapacitated.***

(e) "Relative" means a person who is 18 years of age or older and who is related to the adult by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity.

Sec. 16. NRS 159.062 is hereby amended to read as follows:

159.062 A parent or spouse of ~~[an incompetent,]~~ ***a*** minor ***, person who is incapacitated*** or person of limited capacity may by will nominate a guardian. The person nominated must file a petition and obtain an appointment from the court before exercising the powers of a guardian.

Sec. 17. NRS 159.078 is hereby amended to read as follows:

159.078 1. Before taking any of the following actions, the guardian shall petition the court for an order authorizing the guardian to:

(a) Make or change the last will and testament of the ward.

(b) Except as otherwise provided in this paragraph, make or change the designation of a beneficiary in a will, trust, insurance policy, bank account or any other type of asset of the ward which includes the designation of a beneficiary. The guardian is not required to petition the court for an order authorizing the guardian to utilize an asset which has a designated beneficiary, including the closure or discontinuance of the asset, for the benefit of a ward if:

(1) The asset is the only liquid asset available with which to pay for the proper care, maintenance, education and support of the ward;

(2) The asset, or the aggregate amount of all the assets if there is more than one type of asset, has a value that does not exceed $5,000; or

(3) The asset is a bank account, investment fund or insurance policy and is required to be closed or discontinued in order for the ward to qualify for a federal program of public assistance.

(c) Create for the benefit of the ward or others a revocable or irrevocable trust of the property of the estate.

(d) Except as otherwise provided in this paragraph, exercise the right of the ward to revoke or modify a revocable trust or to surrender the right to revoke or modify a revocable trust. The court shall not authorize or require the guardian to exercise the right to revoke or modify a revocable trust if the instrument governing the trust:

(1) Evidences an intent of the ward to reserve the right of revocation or modification exclusively to the ward;

(2) Provides expressly that a guardian may not revoke or modify the trust; or

(3) Otherwise evidences an intent that would be inconsistent with authorizing or requiring the guardian to exercise the right to revoke or modify the trust.

2. Any other interested person may also petition the court for an order authorizing or directing the guardian to take any action described in subsection 1.

3. The court may authorize the guardian to take any action described in subsection 1 if, after notice to any person who is adversely affected by the proposed action and an opportunity for a hearing, the court finds by clear and convincing evidence that:

(a) A reasonably prudent person or the ward, if ~~[competent,]~~ ***not incapacitated,*** would take the proposed action and that a person has committed or is about to commit any act, practice or course of conduct which operates or would operate as a fraud or act of exploitation upon the ward or estate of the ward and that person:

(1) Is designated as a beneficiary in or otherwise stands to gain from an instrument which was executed by or on behalf of the ward; or

(2) Will benefit from the lack of such an instrument; or

(b) The proposed action is otherwise in the best interests of the ward for any other reason not listed in this section.

4. The petition must contain, to the extent known by the petitioner:

(a) The name, date of birth and current address of the ward;

(b) A concise statement as to the condition of the ward's estate; and

(c) A concise statement as to the necessity for the proposed action.

5. As used in this section:

(a) "Exploitation" means any act taken by a person who has the trust and confidence of a ward or any use of the power of attorney of a ward to:

(1) Obtain control, through deception, intimidation or undue influence, over the money, assets or property of the ward with the intention of permanently depriving the ward of the ownership, use, benefit or possession of the ward's money, assets or property.

(2) Convert money, assets or property of the ward with the intention of permanently depriving the ward of the ownership, use, benefit or possession of the ward's money, assets or property.

➥ As used in this paragraph, "undue influence" does not include the normal influence that one member of a family has over another.

(b) "Fraud" means an intentional misrepresentation, deception or concealment of a material fact known to the person with the intent to deprive the ward of the ward's rights or property or to otherwise injure the ward.

(c) "Interested person" has the meaning ascribed to it in NRS 132.185 and also includes a named beneficiary under a trust or other instrument if the validity of the trust or other instrument may be in question.

Sec. 18. NRS 159.081 is hereby amended to read as follows:

159.081 1. A guardian of the person shall make and file in the guardianship proceeding for review of the court a written report on the condition of the ward and the exercise of authority and performance of duties by the guardian:

(a) Annually, not later than 60 days after the anniversary date of the appointment of the guardian;

(b) Within 10 days of moving a ward to a secured residential long-term care facility; and

(c) At such other times as the court may order.

2. A report filed pursuant to paragraph (b) of subsection 1 must:

(a) Include a copy of the written recommendation upon which the transfer was made; and

(b) Be served, without limitation, on the ***ward and any*** attorney for the ward **.** ~~[~~, if any.~~]~~

3. The court may prescribe the form and contents for filing a report described in subsection 1.

4. The guardian of the person shall give to the guardian of the estate, if any, a copy of each report not later than 30 days after the date the report is filed with the court.

5. The court is not required to hold a hearing or enter an order regarding the report.

Sec. 19. NRS 159.085 is hereby amended to read as follows:

159.085 1. Not later than 60 days after the date of the appointment of a general or special guardian of the estate or, if necessary, such further time as the court may allow, the guardian shall make and file in the guardianship proceeding a verified inventory of all of the property of the ward which comes to the possession or knowledge of the guardian.

2. A temporary guardian of the estate who is not appointed as the general or special guardian shall file an inventory with the court by not later than the date on which the temporary guardian files a final accounting as required pursuant to NRS 159.177.

3. The guardian shall take and subscribe an oath, which must be endorsed or attached to the inventory, before any person authorized to administer oaths, that the inventory contains a true statement of:

(a) All of the estate of the ward which has come into the possession of the guardian;

(b) All of the money that belongs to the ward; and

(c) All of the just claims of the ward against the guardian.

4. ***A copy of the inventory filed with the court and a notice of the filing must be served on the ward, his or her attorney and any guardian ad litem representing the ward.***

5. Whenever any property of the ward not mentioned in the inventory comes to the possession or knowledge of a guardian of the estate, the guardian shall:

(a) Make and file in the proceeding a verified supplemental inventory not later than 30 days after the date the property comes to the possession or knowledge of the guardian; or

(b) Include the property in the next accounting.

~~[5.]~~ ***6.*** The court may order which of the two methods described in subsection ~~[4]~~ ***5*** the guardian shall follow.

~~[6.]~~ ***7.*** The court may order all or any part of the property of the ward appraised as provided in NRS 159.0865 and 159.305.

~~[7.]~~ ***8.*** If the guardian neglects or refuses to file the inventory within the time required pursuant to subsection 1, the court may, for good cause shown and upon such notice as the court deems appropriate:

(a) Revoke the letters of guardianship and the guardian shall be liable on the bond for any loss or injury to the estate caused by the neglect of the guardian; or

(b) Enter a judgment for any loss or injury to the estate caused by the neglect of the guardian.

Sec. 20. NRS 159.0893 is hereby amended to read as follows:

159.0893 1. A guardian shall present a copy of the court order appointing the guardian and letters of guardianship to a bank or other financial institution that holds any account or other assets of the ward before the guardian may access the account or other assets.

2. The bank or other financial institution shall accept the copy of the court order appointing the guardian and letters of guardianship as proof of guardianship and allow the guardian access to the account or other assets of the ward, subject to any limitations set forth in the court order.

3. Unless the bank or other financial institution is a party to the guardianship proceeding, the bank or other financial institution is not entitled to a copy of any:

(a) ~~[Competency]~~ ***Capacity*** evaluation of the ward or any other confidential information concerning the medical condition or the placement of the ward; or

(b) Inventory or accounting of the estate of the ward.

Sec. 21. NRS 159.095 is hereby amended to read as follows:

159.095 1. A guardian of the estate shall appear for and represent the ward in all actions, suits or proceedings to which the ward is a party, unless the court finds that the interests of the guardian conflict with the interests of the ward or it is otherwise appropriate to appoint a guardian ad litem in the action, suit or proceeding.

2. Upon final resolution of the action, suit or proceeding, the guardian of the estate or the guardian ad litem shall notify the court of the outcome of the action, suit or proceeding.

3. If the person of the ward would be affected by the outcome of any action, suit or proceeding, the guardian of the person, if any, should be joined to represent the ward in the action, suit or proceeding.

4. If the ward is a party to any criminal action, the guardian of the estate and the guardian of the person must be notified of the action.

Sec. 22. NRS 159.097 is hereby amended to read as follows:

159.097 Any contract, except to the extent of the reasonable value of necessaries, and any transaction with respect to the property of a ward made by the ward are voidable by the guardian of the estate if such contract or transaction was made at any time by the ward while ~~[an incompetent]~~ ***he or she was incapacitated*** or a minor.

Sec. 22.5. **NRS 159.105 is hereby amended to read as follows:**

159.105 1. ~~[Other than claims for attorney's fees that are subject to the provisions of subsection 3, a]~~ ***A*** guardian of the estate may pay from the guardianship estate the following claims without complying with the provisions of this section and NRS 159.107 and 159.109:

(a) The guardian's claims against the ward or the estate; and

(b) Any claims accruing after the appointment of the guardian which arise from contracts entered into by the guardian on behalf of the ward.

2. The guardian shall report all claims and the payment of claims made pursuant to subsection 1 in the account that the guardian makes and files in the guardianship proceeding following each payment.

~~[3. Claims for attorney's fees which are associated with the commencement and administration of the guardianship of the estate:~~

~~(a) May be made at the time of the appointment of the guardian of the estate or any time thereafter; and~~

~~(b) May not be paid from the guardianship estate unless the payment is made in compliance with the provisions of this section and NRS 159.107 and 159.109.]~~

Sec. 23. NRS 159.115 is hereby amended to read as follows:

159.115 1. ~~[Upon]~~ ***Except as otherwise ordered by the court, upon*** the filing of any petition under NRS 159.078 or 159.113, or any account, notice must be given ***to the ward and the persons specified in NRS 159.034*** in the manner prescribed by ~~[NRS 159.034.]~~ ***that section.***

2. The notice must:

(a) Give the name of the ward.

(b) Give the name of the petitioner.

(c) Give the date, time and place of the hearing.

(d) State the nature of the petition.

(e) Refer to the petition for further particulars, and notify all persons interested to appear at the time and place mentioned in the notice and show cause why the court order should not be made.

Sec. 24. NRS 159.134 is hereby amended to read as follows:

159.134 1. All sales of real property of a ward must be ~~[:~~

~~(a) Reported to the court; and~~

~~(b) Confirmed]~~ ***confirmed*** by the court ***pursuant to NRS 159.146*** before ***escrow closes for*** the ***sale and*** title to the real property passes to the purchaser.

2. ~~[The report and a]~~ ***A*** petition for confirmation of the sale must be filed with the court not later than 30 days after the date of ~~[each]~~ ***the*** sale ~~[.]~~ ***, which is the date on which the contract for the sale was signed.***

3. The court shall set the date of the hearing ***for confirmation of the sale*** and give notice of the hearing in the manner required pursuant to NRS 159.115 or as the court may order.

4. An interested person may file written objections to the confirmation of the ***sale before the hearing for confirmation of the*** sale. If such objections are filed, the court shall conduct a hearing regarding those objections during which the interested person may offer witnesses in support of the objections. ***The court may, in its discretion, allow oral objections to the confirmation of the sale on the date of the hearing for confirmation of the sale.***

5. Before the court confirms a sale, the court must find that notice of the sale was given in the manner required pursuant to NRS 159.1425 ~~[, 159.1435]~~ and 159.144, unless the sale was exempt from notice pursuant to NRS 159.123.

Sec. 25. NRS 159.1385 is hereby amended to read as follows:

159.1385 1. ~~[A]~~ ***After the court has granted authority to sell real property of a ward, a*** guardian may enter into a written contract with any bona fide agent, broker or multiple agents or brokers to secure a purchaser for ~~[any real]~~ ***such*** property ***.*** ~~[of the estate.]~~ Such a contract may grant an exclusive right to sell the property to the agent, broker or multiple agents or brokers.

2. The guardian shall provide for the payment of a commission upon the sale of the real property which:

(a) Must be paid from the proceeds of the sale;

(b) Must be fixed in an amount not to exceed:

(1) Ten percent for unimproved real property; or

(2) Seven percent for ~~[improved]~~ real property ~~[,]~~ ***with any type of improvement;*** and

(c) Must be authorized by the court by confirmation of the sale.

3. Upon confirmation of the sale by the court, the contract for the sale becomes binding and enforceable against the estate.

4. A guardian may not be held personally liable and the estate is not liable for the payment of any commission set forth in a contract entered into with an agent or broker pursuant to this section until the sale is confirmed by the court, and then is liable only for the amount set forth in the contract.

Sec. 26. NRS 159.1415 is hereby amended to read as follows:

159.1415 1. ~~[When an offer]~~ ***Except as otherwise provided in subsection 10 of NRS 159.146, if a contract of sale*** to purchase real property of a guardianship estate is presented to the court for confirmation:

(a) Other persons may submit higher bids ~~[to the]~~ ***in open*** court; and

(b) The court may confirm the highest bid.

2. Upon confirmation of a sale of real property by the court, the commission for the sale must be divided between the listing agent or broker and the agent or broker who secured the purchaser to whom the sale was confirmed, if any, in accordance with the contract with the listing agent or broker.

Sec. 27. NRS 159.142 is hereby amended to read as follows:

159.142 1. If a ward owns real property jointly with one or more other persons, ***after the court grants authority to sell the property,*** the interest owned by the ward may be sold to one or more joint owners of the property only if:

(a) ***All joint owners of the property have been given notice that the court has granted the authority to sell the property;***

(b) The guardian files a petition with the court to confirm the sale pursuant to NRS 159.134; and

~~[(b)]~~ ***(c)*** The court confirms the sale.

2. The court shall confirm the sale only if:

(a) The net amount of the proceeds from the sale to the estate of the ward is not less than 90 percent of the fair market value of the portion of the property to be sold; and

(b) Upon confirmation, the estate of the ward will be released from all liability for any mortgage or lien on the property.

Sec. 28. NRS 159.1425 is hereby amended to read as follows:

159.1425 1. Except as otherwise provided in this section and except for a sale pursuant to NRS 159.123 or 159.142, a guardian may sell the real property of a ward only after ***the court grants authority for the sale pursuant to NRS 159.113 and*** notice of the sale is published ***:*** ~~[in:]~~

(a) ~~[A]~~ ***In a*** newspaper that is published in the county in which the property, or some portion of the property, is located; ~~[or]~~

(b) If a newspaper is not published in ~~[that]~~ ***the*** county ~~[:]~~ ***in which the property, or some portion of the property, is located:***

(1) In a newspaper of general circulation in the county; or

(2) In such other newspaper as the court orders ~~[.]~~ ***; or***

(c) On a Multiple Listing Service.

2. Except as otherwise provided in this section and except for a sale of real property pursuant to NRS 159.123 or 159.142 ~~[:~~

~~(a) The notice of a public auction for the sale of real property must be published not less than three times before the date of the sale, over a period of 14 days and 7 days apart.~~

~~(b) The~~] ***, the*** notice of a ~~[private]~~ sale must be published not less than three times before the date on which ~~[offers will]~~ ***the sale may*** be ~~[accepted,]~~ ***made,*** over a period of 14 days and 7 days apart.

3. For good cause shown, the court may order fewer publications and shorten the time of notice, but must not shorten the time of notice to less than 8 days.

4. The court may waive the requirement of publication pursuant to this section if:

(a) The guardian is the sole devisee or heir of the estate; or

(b) All devisees or heirs of the estate consent to the waiver in writing.

5. Publication for the sale of real property is not required pursuant to this section if the property to be sold is reasonably believed to have a ***net*** value of $10,000 or less. In lieu of publication, the guardian shall post notice of the sale in three of the most public places in the county in which the property, or some portion of the property, is located for at least 14 days before ~~[:~~

~~(a) The date of the sale at public auction; or~~

~~(b) The~~] ***the*** date on ***or after*** which ~~[offers]~~ ***an offer*** will be accepted for a ~~[private]~~ sale.

6. Any notice published or posted pursuant to this section must include, without limitation:

(a) ~~[For a public auction:~~

~~(1) A description of the real property which reasonably identifies the property to be sold; and~~

~~(2) The date, time and location of the auction.~~

~~(b) For a private sale:~~

~~(1)~~**]** A description of the real property which reasonably identifies the property to be sold; and

[~~(2)~~**]** ***(b)*** The date, time and location **[**~~that offers~~**]** ***on or after which an offer*** will be accepted.

Sec. 29. NRS 159.144 is hereby amended to read as follows:

159.144 1. Except for the sale of real property pursuant to NRS 159.123 or 159.142, a sale of real property of a guardianship estate ***:*** **[**~~at a private sale:~~**]**

(a) Must not occur before the date stated in the notice.

(b) Except as otherwise provided in this paragraph, must not occur sooner than 14 days after the date of the first publication or posting of the notice. For good cause shown, the court may shorten the time in which the sale may occur to not sooner than 8 days after the date of the first publication or posting of the notice. If the court so orders, the notice of the sale and the sale may be made to correspond with the court order.

(c) Must occur not later than 1 year after the date stated in the notice.

2. The offers made in a **[**~~private~~**]** sale:

(a) Must be in writing; and

(b) May be delivered to the place designated in the notice or to the guardian at any time **[**~~:~~

~~(1) After~~**]** ***after*** the date of the first publication or posting of the notice **.** **[**~~; and~~

~~(2) Before the date on which the sale is to occur.~~**]**

Sec. 30. NRS 159.1455 is hereby amended to read as follows:

159.1455 1. Except as otherwise provided in subsection 2, the court shall not confirm a sale of real property of a guardianship estate **[**~~at a private sale~~**]** unless:

(a) The court is satisfied that the amount offered represents the fair market value of the property to be sold; and

(b) Except for a sale of real property pursuant to NRS 159.123, the real property has been appraised within 1 year before the date of the sale. If the real property has not been appraised within this period, a new appraisal must be conducted pursuant to NRS 159.086 and 159.0865 at any time before the sale or confirmation by the court of the sale.

2. The court may waive the requirement of an appraisal **[**~~and allow the guardian to rely on the assessed value of the real property for purposes of taxation in obtaining confirmation by the court of the sale.~~**]** ***upon a showing to and specific findings by the court on the record that:***

(a) An additional appraisal will unduly delay the sale; and

(b) The delay will impair the estate of the ward.

Sec. 31. NRS 159.146 is hereby amended to read as follows:

159.146 1. At the hearing to confirm the sale of real property, the court shall:

(a) Consider whether the sale is necessary or in the best interest of the estate of the ward; and

(b) Examine the return on the investment and the evidence submitted in relation to the sale.

2. The court shall confirm the sale and order conveyances to be executed if it appears to the court that:

(a) Good reason existed for the sale;

(b) The sale was conducted in a legal and fair manner;

(c) The amount of the offer ~~[or bid]~~ is not disproportionate to the value of the property; and

(d) It is unlikely that ~~[an offer or]~~ ***a*** bid would be made which exceeds the original offer ***:*** ~~[or bid:]~~

(1) By at least 5 percent if the offer ~~[or bid]~~ is less than $100,000; or

(2) By at least $5,000 if the offer ~~[or bid]~~ is $100,000 or more.

3. The court shall not confirm the sale if the conditions in this section are not satisfied.

4. If the court does not confirm the sale, the court:

(a) May order a new sale; ***or***

(b) May conduct a public auction in open court ***.*** ~~[; or~~

~~(c) May accept a written offer or bid from a responsible person and confirm the sale to the person if the written offer complies with the laws of this state and exceeds the original bid:~~

~~(1) By at least 5 percent if the bid is less than $100,000; or~~

~~(2) By at least $5,000 if the bid is $100,000 or more.~~]

5. If the court ~~[does not confirm the sale and]~~ orders a new sale:

(a) Notice must be given in the manner set forth in NRS 159.1425; and

(b) The sale must be conducted in all other respects as though no previous sale has taken place.

6. If a higher offer ~~[or bid]~~ is received by the court during the hearing to confirm the sale, the court may continue the hearing ~~[rather than accept the offer or bid as set forth in paragraph (c) of subsection 4]~~ if the court determines that the person who made the ~~[original]~~ offer ~~[or bid]~~ ***being confirmed*** was not notified of the hearing and ~~[that the person who made the original offer or bid]~~ may wish to increase ***the price of*** his or her ~~[bid.]~~ ***offer.*** This subsection does not grant a right to a person to have a continuance granted and may not be used as a ground to set aside an order confirming a sale.

7. Except as otherwise provided in this ~~[subsection, if a higher offer or bid is received by the court during the hearing to confirm the sale and the court does not accept that offer or bid, each successive bid must be for not less than:~~

~~(a) An additional $5,000, if the original offer is for $100,000 or more; or~~

~~(b) An additional $250 if the original offer is less than $100,000.~~

~~➥ Upon the request of the guardian during the hearing to confirm the sale, the court may set other incremental bid amounts.~~] ***section, only the name of***

the buyer and the price of the sale may be changed at a public auction in open court. An order confirming the sale is sufficient as an addendum to the original contract to allow escrow to close.

8. The title company may be changed at a public auction in open court if the estate and the buyer have mutually agreed to the change in writing.

9. The date of the close of escrow must be at least 10 judicial days after the date that the notice of the entry of order confirming the sale is filed with the clerk of the court unless the contract specifies a later date. The parties to the sale may extend the date of the close of escrow by mutual agreement in writing.

10. If the estate owes more than the value of the property and the estate has made an agreement with all lienholders to accept the sale price and waive any deficiency between the sale price and the amount owed to all lienholders, the sale must be confirmed without the potential for bidding in court. All other portions of the confirmation of sale must be adhered to. The valuation by the bank shall be deemed to be sufficient to meet the appraisal requirement for the sale, and the date of the sale is the date on which the bank approves the sale.

Sec. 32. NRS 159.1515 is hereby amended to read as follows:

159.1515 1. ~~[A]~~ ***Except as otherwise provided in subsection 2, a*** guardian may sell ~~[perishable property and other]~~ ***or dispose of*** personal property of the ward ~~[without]~~ ***that has a value of less than $100 if:***

(a) A notice ~~[, and title to]~~ ***of intent to sell or dispose of*** the property ~~[passes without confirmation by the court if the property:~~

~~(a) Will depreciate in value if not disposed of promptly; or~~

~~(b) Will incur loss or expense by being kept.~~

~~2. The]~~ ***is mailed by certified mail or delivered personally to the ward, his or her attorney and the persons specified in NRS 159.034; and***

(b) No objection to the sale or disposal is made within 15 days after such notice is received.

2. A guardian ~~[is responsible for the actual value]~~ ***may authorize the immediate destruction*** of the personal property ~~[unless the guardian obtains confirmation by the court of the sale.]~~ ***of a ward without notice if:***

(a) The guardian determines that the property has been contaminated by vermin or biological or chemical agents;

(b) The expenses related to the decontamination of the property cause salvage to be impractical;

(c) The property constitutes an immediate threat to public health or safety;

(d) The handling, transfer or storage of the property might endanger public health or safety or exacerbate contamination; and

(e) The value of the property is less than $100 or, if the value of the property is $100 or more, a state or local health officer has endorsed the destruction of the property.

Sec. 33. NRS 159.1535 is hereby amended to read as follows:

159.1535 1. Except as otherwise provided in NRS 159.1515 and 159.152, a guardian may sell the personal property of the ward only after notice of the sale is ~~[~~published~~]~~ ***:***

(a) Given to the:

(1) Ward if he or she is 14 years of age or older;

(2) Parent or legal guardian of the ward, if the ward is a minor who is less than 14 years of age; and

(3) Spouse of the ward and all other known relatives of the ward who are within the second degree of consanguinity; and

(b) Published in:

~~[~~(a)~~]~~ ***(1)*** A newspaper that is published in the county in which the property, or some portion of the property, is located; or

~~[~~(b)~~]~~ ***(2)*** If a newspaper is not published in ~~[~~that~~]~~ ***the*** county ~~[~~.~~]~~ ***in which the property, or some portion of the property, is located:***

~~[~~(1)~~]~~ ***(I)*** In a newspaper of general circulation in the county; or

~~[~~(2)~~]~~ ***(II)*** In such other newspaper as the court orders.

2. Except as otherwise provided in this section ~~[~~:

~~(a) The notice of a public sale must be published not less than three times before the date of the sale, over a period of 14 days and 7 days apart.~~

~~(b) The~~~~]~~ ***, the*** notice of a ~~[~~private~~]~~ sale must be published not less than three times before the date on which offers will be accepted, over a period of 14 days and 7 days apart.

3. For good cause shown, the court may order fewer publications and shorten the time of notice, but must not shorten the time of notice to less than 8 days.

4. The notice must include, without limitation:

(a) ~~[~~For a public sale:

~~(1) A description of the personal property to be sold; and~~

~~(2) The date, time and location of the sale.~~

~~(b)~~~~]~~ For a ~~[~~private~~]~~ sale ~~[~~:~~]~~ ***other than a sale described in paragraph (b):***

(1) A description of the personal property to be sold; and

(2) The date, time and location that offers will be ~~[~~accepted.

~~(c)~~~~]~~ ***received.***

(b) For a sale on an appropriate auction website on the Internet:

(1) A description of the personal property to be sold;

(2) The date the personal property will be listed; and

(3) The Internet address of the website on which the sale will be posted.

Sec. 34. NRS 159.154 is hereby amended to read as follows:

159.154 1. The guardian may sell the personal property of a ward ~~[~~by public sale~~]~~ at:

(a) The residence of the ward; or

(b) Any other location designated by the guardian.

2. The guardian may sell the personal property ~~[~~by public sale~~]~~ only if the property is made available for inspection at the time of the sale or

photographs of the personal property are posted on an appropriate auction website on the Internet.

3. Personal property may be sold ~~[at a public or private sale]~~ for cash or upon credit.

4. Except as otherwise provided in NRS 159.1515, a sale or disposition of any personal property of the ward must not be commenced until 30 days after an inventory of the property is filed with the court and a copy thereof is sent by regular mail to the persons specified in NRS 159.034. An affidavit of mailing must be filed with the court.

5. The guardian is responsible for the actual value of the personal property unless the guardian makes a report to the court, not later than 90 days after the conclusion of the sale, showing that good cause existed for the sale and that the property was sold for a price that was not disproportionate to the value of the property.

6. The family members of the ward and any interested persons must be offered the first right of refusal to acquire the personal property of the ward at fair market value.

Sec. 35. NRS 159.173 is hereby amended to read as follows:

159.173 If a guardian of the estate sells or transfers any real or personal property that is specifically devised or bequeathed by the ward or which is held by the ward as a joint tenancy, designated as being held by the ward in trust for another person or held by the ward as a revocable trust and the ward ~~[was competent]~~ ***had the capacity*** to make a will or create the interest at the time the will or interest was created, but ~~[was not competent]~~ ***did not have the capacity*** to make a will or create the interest at the time of the sale or transfer and never executed a valid later will or changed the manner in which the ward held the interest, the devisee, beneficiary or legatee may elect to take the proceeds of the sale or other transfer of the interest, specific devise or bequest.

Sec. 35.5. **NRS 159.183 is hereby amended to read as follows:**

159.183 1. Subject to the discretion and approval of the court and except as otherwise provided in subsection ~~[4,]~~ **5,** a guardian must be allowed:

(a) Reasonable compensation for the guardian's services;

(b) Necessary and reasonable expenses incurred in exercising the authority and performing the duties of a guardian; and

(c) Reasonable expenses incurred in retaining accountants, attorneys, appraisers or other professional services.

2. Reasonable compensation and services must be based upon similar services performed for persons who are not under a legal disability. In determining whether compensation is reasonable, the court may consider:

(a) The nature of the guardianship;

(b) The type, duration and complexity of the services required; and

(c) Any other relevant factors.

3. In the absence of an order of the court pursuant to this chapter shifting the responsibility of the payment of compensation and expenses, the payment of compensation and expenses must be paid from the estate of the ward. In evaluating the ability of a ward to pay such compensation and expenses, the court may consider:

(a) The nature, extent and liquidity of the ward's assets;

(b) The disposable net income of the ward;

(c) Any foreseeable expenses; and

(d) Any other factors that are relevant to the duties of the guardian pursuant to NRS 159.079 or 159.083.

4. ***Any compensation or expenses, including, without limitation, attorney's fees, must not be paid from the estate of the ward unless and until the payment of such fees is approved by the court pursuant to this section or section 3 of this act, as applicable.***

5. A ~~[private professional]~~ guardian is not allowed compensation or expenses ***, including, without limitation, attorney's fees,*** for services incurred by the ~~[private professional]~~ guardian as a result of a petition to have him or her removed as guardian if the court removes the ~~[private professional]~~ guardian ***.*** ~~[pursuant to the provisions of paragraph (b), (d), (e), (f) or (h) of subsection 1 of NRS 159.185.]~~

Sec. 36. NRS 159.185 is hereby amended to read as follows:

159.185 1. The court may remove a guardian if the court determines that:

(a) The guardian has become mentally ~~[incompetent,]~~ ***incapacitated,*** unsuitable or otherwise incapable of exercising the authority and performing the duties of a guardian as provided by law;

(b) The guardian is no longer qualified to act as a guardian pursuant to NRS 159.0613 if the ward is an adult or NRS 159.061 if the ward is a minor;

(c) The guardian has filed for bankruptcy within the previous 5 years;

(d) The guardian of the estate has mismanaged the estate of the ward;

(e) The guardian has negligently failed to perform any duty as provided by law or by any order of the court and:

(1) The negligence resulted in injury to the ward or the estate of the ward; or

(2) There was a substantial likelihood that the negligence would result in injury to the ward or the estate of the ward;

(f) The guardian has intentionally failed to perform any duty as provided by law or by any lawful order of the court, regardless of injury;

(g) The best interests of the ward will be served by the appointment of another person as guardian; or

(h) The guardian is a private professional guardian who is no longer qualified as a private professional guardian pursuant to NRS 159.0595.

2. A guardian may not be removed if the sole reason for removal is the lack of money to pay the compensation and expenses of the guardian.

Sec. 37. NRS 159.1995 is hereby amended to read as follows:

159.1995 1. In a guardianship proceeding in this State, a court of this State may request the appropriate court of another state to do any of the following:

(a) Hold an evidentiary hearing;

(b) Order a person in that state to produce evidence or give testimony pursuant to the procedures of that state;

(c) Order that an evaluation or assessment be made of the ward;

(d) Order any appropriate investigation of a person involved in a proceeding;

(e) Forward to the court of this State a certified copy of the transcript or other record of a hearing under paragraph (a) or any other proceeding, any evidence otherwise produced under paragraph (b), and any evaluation or assessment prepared in compliance with an order under paragraph (c) or (d);

(f) Issue any order necessary to ensure the appearance in the proceeding of a person whose presence is necessary for the court to make a determination, including the proposed ward, the ward or the ~~[incompetent;]~~ ***person who is incapacitated;*** and

(g) Issue an order authorizing the release of medical, financial, criminal or other relevant information in that state relating to the ward or proposed ward, including protected health information as defined in 45 C.F.R. § 160.103.

2. If a court of another state in which a guardianship or conservatorship proceeding is pending requests assistance of the kind provided in subsection 1, a court of this State has jurisdiction for the limited purpose of granting the request or making reasonable efforts to comply with the request.

Sec. 38. NRS 159.215 is hereby amended to read as follows:

159.215 1. A member of the Armed Forces of the United States, a reserve component thereof or the National Guard may, by written instrument and without the approval of a court, appoint any ~~[competent]~~ adult residing in this State ***who is not incapacitated*** as the guardian of the person of a minor child who is a dependent of that member. The instrument must be:

(a) Executed by both parents if living, not divorced and having legal custody of the child, otherwise by the parent having legal custody; and

(b) Acknowledged in the same manner as a deed.

➥ If both parents do not execute the instrument, the executing parent shall send by certified mail, return receipt requested, to the other parent at his or her last known address, a copy of the instrument and a notice of the provisions of subsection 3.

2. The instrument must contain a provision setting forth the:

(a) Branch of the Armed Forces;

(b) Unit of current assignment;

(c) Current rank or grade; and

(d) Social security number or service number,

➥ of the parent who is the member.

3. The appointment of a guardian pursuant to this section:

(a) May be terminated by a written instrument signed by either parent of the child if that parent has not been deprived of his or her parental rights to the child; and

(b) Is terminated by any order of a court.

Sec. 39. NRS 449.6922 is hereby amended to read as follows:

449.6922 ~~[~~"Incompetent"~~]~~ ***"Incapacitated"*** has the meaning ascribed to it in NRS 159.019.

Sec. 40. NRS 449.6942 is hereby amended to read as follows:

449.6942 1. A physician shall take the actions described in subsection 2:

(a) If the physician diagnoses a patient with a terminal condition;

(b) If the physician determines, for any reason, that a patient has a life expectancy of less than 5 years; or

(c) At the request of a patient.

2. Upon the occurrence of any of the events specified in subsection 1, the physician shall explain to the patient:

(a) The existence and availability of the Physician Order for Life-Sustaining Treatment form;

(b) The features of and procedures offered by way of the POLST form; and

(c) The differences between a POLST form and the other types of advance directives.

3. Upon the request of the patient, the physician shall complete the POLST form based on the preferences and medical indications of the patient.

4. A POLST form is valid upon execution by a physician and:

(a) If the patient is 18 years of age or older and of sound mind, the patient;

(b) If the patient is 18 years of age or older and ~~[~~incompetent,~~]~~ ***incapacitated,*** the representative of the patient; or

(c) If the patient is less than 18 years of age, the patient and a parent or legal guardian of the patient.

5. As used in this section, "terminal condition" has the meaning ascribed to it in NRS 449.590.

Sec. 41. NRS 449.6944 is hereby amended to read as follows:

449.6944 1. A Physician Order for Life-Sustaining Treatment form may be revoked at any time and in any manner by:

(a) The patient who executed it, if ~~[~~competent,~~]~~ ***not incapacitated,*** without regard to his or her age or physical condition;

(b) If the patient is ~~[~~incompetent,~~]~~ ***incapacitated,*** the representative of the patient; or

(c) If the patient is less than 18 years of age, a parent or legal guardian of the patient.

2. The revocation of a POLST form is effective upon the communication to a provider of health care, by the patient or a witness to the revocation, of the desire to revoke the form. The provider of health care to whom the revocation is communicated shall:

(a) Make the revocation a part of the medical record of the patient; or

(b) Cause the revocation to be made a part of the medical record of the patient.

Sec. 42. NRS 449.695 is hereby amended to read as follows:

449.695 1. Except as otherwise provided in this section and NRS 449.6946, a provider of health care shall comply with a valid Physician Order for Life-Sustaining Treatment form, regardless of whether the provider of health care is employed by a health care facility or other entity affiliated with the physician who executed the POLST form.

2. A physician may medically evaluate the patient and, based upon the evaluation, may recommend new orders consistent with the most current information available about the patient's health status and goals of care. Before making a modification to a valid POLST form, the physician shall consult the patient or, if the patient is ~~[incompetent,]~~ ***incapacitated,*** shall make a reasonable attempt to consult the representative of the patient and the patient's attending physician.

3. Except as otherwise provided in subsection 4, a provider of health care who is unwilling or unable to comply with a valid POLST form shall take all reasonable measures to transfer the patient to a physician or health care facility so that the POLST form will be followed.

4. Life-sustaining treatment must not be withheld or withdrawn pursuant to a POLST form of a patient known to the attending physician to be pregnant, so long as it is probable that the fetus will develop to the point of live birth with the continued application of life-sustaining treatment.

5. Nothing in this section requires a provider of health care to comply with a valid POLST form if the provider of health care does not have actual knowledge of the existence of the form.

Sec. 43. NRS 616C.505 is hereby amended to read as follows:

616C.505 If an injury by accident arising out of and in the course of employment causes the death of an employee in the employ of an employer, within the provisions of chapters 616A to 616D, inclusive, of NRS, the compensation is known as a death benefit and is payable as follows:

1. In addition to any other compensation payable pursuant to chapters 616A to 616D, inclusive, of NRS, burial expenses are payable in an amount not to exceed $10,000, plus the cost of transporting the remains of the deceased employee. When the remains of the deceased employee and the person accompanying the remains are to be transported to a mortuary or mortuaries, the charge of transportation must be borne by the insurer.

2. Except as otherwise provided in subsection 3, to the surviving spouse of the deceased employee, 66 2/3 percent of the average monthly wage is payable until the death of the surviving spouse.

3. If there is a surviving spouse and any surviving children of the deceased employee who are not the children of the surviving spouse, the compensation otherwise payable pursuant to subsection 2 must be paid as

follows until the entitlement of all children of the deceased employee to receive compensation pursuant to this subsection ceases:

(a) To the surviving spouse, 50 percent of the death benefit is payable until the death of the surviving spouse; and

(b) To each child of the deceased employee, regardless of whether the child is the child of the surviving spouse, the child's proportionate share of 50 percent of the death benefit and, except as otherwise provided in subsection 11, if the child has a guardian, the compensation the child is entitled to receive may be paid to the guardian.

4. In the event of the subsequent death of the surviving spouse:

(a) Each surviving child of the deceased employee, in addition to any amount the child may be entitled to pursuant to subsection 3, must share equally the compensation theretofore paid to the surviving spouse but not in excess thereof, and it is payable until the youngest child reaches the age of 18 years.

(b) Except as otherwise provided in subsection 11, if the children have a guardian, the compensation they are entitled to receive may be paid to the guardian.

5. If there are any surviving children of the deceased employee under the age of 18 years, but no surviving spouse, then each such child is entitled to his or her proportionate share of 66 2/3 percent of the average monthly wage for the support of the child.

6. Except as otherwise provided in subsection 7, if there is no surviving spouse or child under the age of 18 years, there must be paid:

(a) To a parent, if wholly dependent for support upon the deceased employee at the time of the injury causing the death of the deceased employee, 33 1/3 percent of the average monthly wage.

(b) To both parents, if wholly dependent for support upon the deceased employee at the time of the injury causing the death of the deceased employee, 66 2/3 percent of the average monthly wage.

(c) To each brother or sister until he or she reaches the age of 18 years, if wholly dependent for support upon the deceased employee at the time of the injury causing the death of the deceased employee, his or her proportionate share of 66 2/3 percent of the average monthly wage.

7. The aggregate compensation payable pursuant to subsection 6 must not exceed 66 2/3 percent of the average monthly wage.

8. In all other cases involving a question of total or partial dependency:

(a) The extent of the dependency must be determined in accordance with the facts existing at the time of the injury.

(b) If the deceased employee leaves dependents only partially dependent upon the earnings of the deceased employee for support at the time of the injury causing his or her death, the monthly compensation to be paid must be equal to the same proportion of the monthly payments for the benefit of persons totally dependent as the amount contributed by the deceased

employee to the partial dependents bears to the average monthly wage of the deceased employee at the time of the injury resulting in his or her death.

(c) The duration of compensation to partial dependents must be fixed in accordance with the facts shown, but may not exceed compensation for 100 months.

9. Compensation payable to a surviving spouse is for the use and benefit of the surviving spouse and the dependent children, and the insurer may, from time to time, apportion such compensation between them in such a way as it deems best for the interest of all dependents.

10. In the event of the death of any dependent specified in this section before the expiration of the time during which compensation is payable to the dependent, funeral expenses are payable in an amount not to exceed $10,000.

11. If a dependent is entitled to receive a death benefit pursuant to this section and is less than 18 years of age or ~~[incompetent,]~~ ***incapacitated,*** the legal representative of the dependent shall petition for a guardian to be appointed for that dependent pursuant to NRS 159.044. An insurer shall not pay any compensation in excess of $3,000, other than burial expenses, to the dependent until a guardian is appointed and legally qualified. Upon receipt of a certified letter of guardianship, the insurer shall make all payments required by this section to the guardian of the dependent until the dependent is emancipated, the guardianship terminates or the dependent reaches the age of 18 years, whichever occurs first, unless paragraph (a) of subsection 12 is applicable. The fees and costs related to the guardianship must be paid from the estate of the dependent. A guardianship established pursuant to this subsection must be administered in accordance with chapter 159 of NRS, except that after the first annual review required pursuant to NRS 159.176, a court may elect not to review the guardianship annually. The court shall review the guardianship at least once every 3 years. As used in this subsection, ~~[“incompetent”]~~ ***“incapacitated”*** has the meaning ascribed to it in NRS 159.019.

12. Except as otherwise provided in paragraphs (a) and (b), the entitlement of any child to receive his or her proportionate share of compensation pursuant to this section ceases when the child dies, marries or reaches the age of 18 years. A child is entitled to continue to receive compensation pursuant to this section if the child is:

(a) Over 18 years of age and incapable of supporting himself or herself, until such time as the child becomes capable of supporting himself or herself; or

(b) Over 18 years of age and enrolled as a full-time student in an accredited vocational or educational institution, until the child reaches the age of 22 years.

13. As used in this section, “surviving spouse” means a surviving husband or wife who was married to the employee at the time of the employee’s death.

Sec. 44. NRS 159.1435 is hereby repealed.

Sec. 45. This act becomes effective on January 1, 2018.

TEXT OF REPEALED SECTION

159.1435 Public auction for sale of real property: Where held; postponement.

1. Except for a sale pursuant to NRS 159.123 or 159.142, a public auction for the sale of real property must be held:

(a) In the county in which the property is located or, if the real property is located in two or more counties, in either county;

(b) Between the hours of 9 a.m. and 5 p.m.; and

(c) On the date specified in the notice, unless the sale is postponed.

2. If, on or before the date and time set for the public auction, the guardian determines that the auction should be postponed:

(a) The auction may be postponed for not more than 3 months after the date first set for the auction; and

(b) Notice of the postponement must be given by a public declaration at the place first set for the sale on the date and time that was set for the sale.

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 136.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 391.

AN ACT relating to criminal procedure; ~~[providing that certain defendants must be admitted to bail on an unsecured bond;]~~ **revising provisions governing factors to be considered by the court in deciding whether to release a person without bail; prohibiting a court from relying solely on a bail schedule in setting the amount of bail after a personal appearance by a defendant;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[The Nevada Constitution and existing law provide that all persons arrested for offenses other than murder of the first degree must be admitted to bail unless certain circumstances apply. (Nev. Const. Art. 1, § 7; NRS 178.484) Existing law also provides, with certain exceptions, that if a defendant can be admitted to bail without appearing personally before a magistrate, the defendant must be so admitted with the least possible delay and must be required to appear before a magistrate at the earliest convenient time thereafter. (NRS 171.178)~~

~~This bill provides that a defendant who can be admitted to bail without appearing before a magistrate must be admitted on an unsecured bond if the defendant: (1) was arrested for a misdemeanor which does not involve an act~~

~~of violence; (2) was not arrested while on bail; and (3) does not have a record of failing to appear after release on bail or without bail. This bill defines an "unsecured bond" as a bond which does not require advance payment and is a monetary sum that the defendant agrees to pay at a later time if the defendant, without good cause, fails to appear when the defendant's presence in court is lawfully required.]~~ **Existing law sets forth certain factors which the court must consider in deciding whether there is good cause to release a person without bail. (NRS 178.4853) Section 2 of this bill includes in those factors the consideration of whether one or more conditions can be imposed on the person to mitigate the risk of failure to appear or the risk to public safety and authorizes the court to use an evidence-based risk assessment tool, if available.**

Existing law sets forth certain factors for consideration by the magistrate in setting the amount of bail. (NRS 178.498) Section 3 of this bill provides that after the defendant has personally appeared before the magistrate, the magistrate may not rely solely on a standardized bail schedule to set the amount of bail.

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

Section 1. ~~[Chapter 178 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. If, pursuant to subsection 5 of NRS 171.178, a defendant can be admitted to bail without appearing personally before a magistrate, the defendant must be admitted to bail on an unsecured bond if the defendant:*~~

~~*(a) Was arrested for a misdemeanor which does not involve an act of violence;*~~

~~*(b) Was not arrested while on bail; and*~~

~~*(c) Does not have a record of failing to appear after release on bail or without bail.*~~

~~*2. As used in this section, "unsecured bond" means a bond which does not require any advance payment and is a monetary sum that a defendant agrees to pay at a later time if the defendant, without good cause, fails to appear when the defendant's presence in court is lawfully required.]~~ **(Deleted by amendment.)**

Sec. 2. **NRS 178.4853 is hereby amended to read as follows:**

178.4853 In deciding whether there is good cause to release a person without bail, the court ***may use an evidence-based risk assessment tool, if available, but*** at a minimum shall consider the following factors concerning the person:

1. The length of residence in the community;
2. The status and history of employment;
3. Relationships with the person's spouse and children, parents or other family members and with close friends;
4. Reputation, character and mental condition;

5. Prior criminal record, including, without limitation, any record of appearing or failing to appear after release on bail or without bail;

6. The identity of responsible members of the community who would vouch for the reliability of the person;

7. The nature of the offense with which the person is charged, the apparent probability of conviction and the likely sentence, insofar as these factors relate to the risk of not appearing;

8. The nature and seriousness of the danger to the alleged victim, any other person or the community that would be posed by the person's release;

9. The likelihood of more criminal activity by the person after release; ~~[and]~~

10. Any other factors concerning the person's ties to the community or bearing on the risk that the person may willfully fail to appear ~~[.]~~ ***; and***

11. Whether one or more conditions can be imposed on the person to mitigate the risk of failure to appear or the risk to public safety, including, without limitation:

(a) Restrictions on residence or travel;

(b) Restrictions on associations, including, without limitation, requiring the person to avoid contact with alleged victims or potential witnesses;

(c) Requiring the person to maintain or actively seek employment;

(d) Requiring the person to regularly report to a designated law enforcement agency or the court;

(e) Imposing a curfew;

(f) Prohibiting the possession of a firearm;

(g) Prohibiting the use of alcohol and controlled substances;

(h) Requiring the person to receive medical, psychiatric or psychological treatment, including, without limitation, treatment for alcohol or drug abuse or a mental illness;

(i) Intensive supervision of the person; or

(j) Any other condition reasonably necessary to ensure the appearance of the person or the safety of any person in the community.

Sec. 3. **NRS 178.498 is hereby amended to read as follows:**

178.498 ***1.*** If the defendant is admitted to bail, the bail must be set at an amount which in the judgment of the magistrate will reasonably ensure the appearance of the defendant and the safety of other persons and of the community, having regard to:

~~[1.]~~ ***(a)*** The nature and circumstances of the offense charged;

~~[2.]~~ ***(b)*** The financial ability of the defendant to give bail;

~~[3.]~~ ***(c)*** The character of the defendant; and

~~[4.]~~ ***(d)*** The factors listed in NRS 178.4853.

2. After the defendant has personally appeared before the magistrate, the magistrate may not rely solely on any standardized bail schedule to set the amount of bail.

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 159.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 179.

AN ACT relating to natural resources; prohibiting hydraulic fracturing in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Division of Minerals of the Commission on Mineral Resources and the Division of Environmental Protection of the State Department of Conservation and Natural Resources, jointly, to develop a hydraulic fracturing program for certain purposes in this State. The Commission is required to adopt regulations to implement the program. (NRS 522.119) If a person wishes to drill and operate an oil or gas well, including a well that is intended to be hydraulically fractured, the person must first obtain a permit from the Division of Minerals. (NRS 522.050)

Section 1 of this bill prohibits any person from engaging in hydraulic fracturing in this State, and **section 5** of this bill repeals provisions relating to the hydraulic fracturing program. **Sections 2 and 3** of this bill make conforming changes. **Section 4** of this bill provides that any permit issued by the Division of Minerals before the effective date of this bill, authorizing a person to drill and operate an oil or gas well that is or is intended to be hydraulically fractured, ~~[expires on that date.]~~ **remains valid for the period for which the Division of Minerals issued the permit. Section 4 also authorizes the Administrator of the Division to extend the date of expiration of the permit by not more than 1 year upon application by the holder of the permit.**

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

Section 1. Chapter 522 of NRS is hereby amended by adding thereto a new section to read as follows:

A person shall not engage in hydraulic fracturing in this State. As used in this section, "hydraulic fracturing" means the process of pumping fluid into or under the surface of the ground to create fractures in the rock to facilitate the production or recovery of oil or gas.

Sec. 2. NRS 522.040 is hereby amended to read as follows:

522.040 ~~[Except as otherwise provided in NRS 522.119:]~~

1. The Division has jurisdiction and authority over all persons and property, public and private, necessary to effectuate the purposes and intent of this chapter.

2. The Division shall make investigation to determine whether waste exists or is imminent, or whether other facts exist which justify or require action by it.

3. The Division shall adopt regulations, make orders and take other appropriate action to effectuate the purposes of this chapter.

4. The Division may:

(a) Require:

(1) Identification of ownership of wells, producing leases, tanks, plants and drilling structures.

(2) The making and filing of reports, well logs and directional surveys. Logs of exploratory or "wildcat" wells marked "confidential" must be kept confidential for 6 months after the filing thereof, unless the owner gives written permission to release those logs at an earlier date.

(3) The drilling, casing and plugging of wells in such a manner as to prevent the escape of oil or gas out of one stratum into another, the intrusion of water into an oil or gas stratum, the pollution of fresh water supplies by oil, gas or salt water, and to prevent blowouts, cavings, seepages and fires.

(4) The furnishing of a reasonable bond with good and sufficient surety conditioned for the performance of the duty to plug each dry or abandoned well or the repair of wells causing waste.

(5) The operation of wells with efficient gas-oil and water-oil ratios, and to fix these ratios.

(6) The gauging or other measuring of oil and gas to determine the quality and quantity thereof.

(7) That every person who produces oil or gas in this State keep and maintain for a period of 5 years within this State complete and accurate record of the quantities thereof, which must be available for examination by the Division or its agents at all reasonable times.

(b) Regulate, for conservation purposes:

(1) The drilling, producing and plugging of wells.

(2) The shooting and chemical treatment of wells.

(3) The spacing of wells.

(4) The disposal of salt water, nonpotable water and oil field wastes.

(5) The contamination or waste of underground water.

(c) Classify wells as oil or gas wells for purposes material to the interpretation or enforcement of this chapter.

Sec. 3. NRS 522.050 is hereby amended to read as follows:

522.050 1. A person shall not drill or operate an oil or gas well unless he or she first obtains a permit from the Division pursuant to this section.

2. Every person desiring to drill and operate an oil or gas well or requesting a change in the terms of an existing permit to drill and operate an oil or gas well must:

(a) Submit an application for a permit or for a request to change the terms of an existing permit, as applicable, to the Division on the form prescribed by the Division; and

(b) Pay the applicable fee prescribed pursuant to subsection 3.

3. The Commission on Mineral Resources shall prescribe by regulation the fees for a permit to drill and operate an oil or gas well and for a request to change the terms of an existing permit. The amount of each fee prescribed by the Commission may include the reasonable administrative costs of the Division relating to the filing and examination of applications for such permits or for requests for changes in the terms of such existing permits, as applicable, but the amount of the fee must not exceed:

(a) For a permit to drill and operate an oil or gas well **,** ~~[that is not intended to be hydraulically fractured,]~~ $2,000.

(b) For a ~~[permit to drill and operate an oil or gas well that is intended to be hydraulically fractured, $5,000.~~

~~(c) For a~~] request to change the terms of an existing permit to drill and operate an oil or gas well, $400.

4. The Division shall, as soon as practicable after receiving the proper application and fee, issue to the person a permit or change the terms of an existing permit, as applicable, unless the drilling or operation of the well is prohibited by any law or regulation or order of the Division.

5. The Division shall deposit with the State Treasurer, for credit to the Account for the Division of Minerals created pursuant to NRS 513.103, all money received pursuant to subsection 2.

Sec. 4. 1. ~~[Any]~~ **Notwithstanding the provisions of section 1 of this act, any** permit issued before the effective date of this act by the Division of Minerals of the Commission on Mineral Resources that authorizes a person to drill and operate an oil or gas well in this State that is or is intended to be hydraulically fractured ~~[expires on the effective date of this act.]~~ **remains valid for the period for which the Division issued the permit if the holder of the permit is otherwise qualified to hold the permit during that period.**

2. **The Administrator of the Division may, upon application by the holder of a permit described in subsection 1, extend the date of expiration of the permit by not more than 1 year. The Administrator may grant more than one extension of a permit pursuant to this subsection, but the date of expiration of the permit may not be extended in any case to a date more than 5 years after the original date of expiration. Any extension granted pursuant to this subsection:**

(a) Must be determined in accordance with any applicable laws or regulations in effect on January 1, 2017.

(b) Does not authorize the holder of the permit for which the Administrator grants the extension to hydraulically fracture the oil or gas well more than once.

(c) Is invalid if the permit for which the Administrator grants the extension is revoked.

3. As used in this section, "hydraulically ~~[fractured"]~~ **fracture"** has the meaning ascribed to "hydraulic fracturing" in section 1 of this act.

Sec. 5. NRS 522.0275 and 522.119 are hereby repealed.

Sec. 6. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTIONS

522.0275 "Hydraulic fracturing" and "hydraulically fractured" defined. "Hydraulic fracturing" or "hydraulically fractured" means the process of pumping a fluid into or under the surface of the ground to create fractures in the rock to facilitate the production or recovery of oil or gas.

522.119 Development of program; regulations.

1. The Division of Minerals and the Division of Environmental Protection shall, jointly, develop a hydraulic fracturing program to:

(a) Assess the effects of hydraulic fracturing on the waters of the State of Nevada;

(b) Require a person who engages in hydraulic fracturing to disclose each chemical used to engage in hydraulic fracturing; and

(c) Provide for notice to members of the general public concerning activities relating to hydraulic fracturing in this state.

2. The Commission on Mineral Resources shall adopt regulations to implement the hydraulic fracturing program required by subsection 1.

3. As used in this section, "Division of Environmental Protection" means the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

Assemblywoman Swank moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 161.

Bill read second time.

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

Amendment No. 527.

SUMMARY— ~~[Requires the notarization of]~~ **Revises provisions relating to** certain rental agreements. (BDR 10-733)

AN ACT relating to real property; requiring certain rental agreements to ~~[be notarized;]~~ **contain certain disclosures; creating certain presumptions with respect to certain crimes involving real property;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain requirements relating to a written rental agreement. (NRS 118A.200) ~~[This]~~ **Section 1 of this** bill requires a written rental agreement for a single-family residence to ~~[be notarized.]~~ **contain a disclosure which states that: (1) there are rebuttable presumptions in sections 1.3 and 1.7 of this bill that the tenant does not have lawful occupancy of the residence unless the agreement is notarized and**

contains certain contact information for the landlord or the landlord's representative; and (2) the agreement is valid and enforceable regardless of whether the agreement is notarized or contains certain contact information for the landlord or the landlord's representative.

Sections 1.3 and 1.7 of this bill create rebuttable presumptions that a person who forcibly enters or takes up residence in an uninhabited or vacant dwelling knows that his or her entry or residency is without permission of the owner or the owner's representative unless he or she provides a written rental agreement that is notarized and contains certain contact information for the owner or the owner's representative.

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

Section 1. NRS 118A.200 is hereby amended to read as follows:

118A.200 1. Any written agreement for the use and occupancy of a dwelling unit or premises must be signed by the landlord or his or her agent and the tenant or his or her agent.

2. The landlord shall provide one copy of any written agreement described in subsection 1 to the tenant free of cost at the time the agreement is executed and, upon request of the tenant, provide additional copies of any such agreement to the tenant within a reasonable time. The landlord may charge a reasonable fee for providing the additional copies.

3. Any written rental agreement must contain, but is not limited to, provisions relating to the following subjects:

(a) Duration of the agreement.

(b) Amount of rent and the manner and time of its payment.

(c) Occupancy by children or pets.

(d) Services included with the dwelling rental.

(e) Fees which are required and the purposes for which they are required.

(f) Deposits which are required and the conditions for their refund.

(g) Charges which may be required for late or partial payment of rent or for return of any dishonored check.

(h) Inspection rights of the landlord.

(i) A listing of persons or numbers of persons who are to occupy the dwelling.

(j) Respective responsibilities of the landlord and the tenant as to the payment of utility charges.

(k) A signed record of the inventory and condition of the premises under the exclusive custody and control of the tenant.

(l) A summary of the provisions of NRS 202.470.

(m) Information regarding the procedure pursuant to which a tenant may report to the appropriate authorities:

(1) A nuisance.

(2) A violation of a building, safety or health code or regulation.

(n) Information regarding the right of the tenant to engage in the display of the flag of the United States, as set forth in NRS 118A.325.

4. ~~[Any]~~ ***In addition to the provisions required by subsection 3, any written rental agreement for a single-family residence must ~~[be notarized,]~~ contain a disclosure at the top of the first page of the agreement, in a font size at least two times larger than any other font size in the agreement, which states that:***

(a) There are rebuttable presumptions in NRS 205.0813 and 205.0817 that the tenant does not have lawful occupancy of the dwelling unless the agreement:

(1) Is notarized; and

(2) Includes the current address and telephone number of the landlord or his or her authorized representative; and

(b) The agreement is valid and enforceable against the landlord and the tenant regardless of whether the agreement:

(1) Is notarized; or

(2) Includes the current address and telephone number of the landlord or his or her authorized representative.

5. The absence of a written agreement raises a disputable presumption that:

(a) There are no restrictions on occupancy by children or pets.

(b) Maintenance and waste removal services are provided without charge to the tenant.

(c) No charges for partial or late payments of rent or for dishonored checks are paid by the tenant.

(d) Other than normal wear, the premises will be returned in the same condition as when the tenancy began.

~~[5.]~~ ***6.*** It is unlawful for a landlord or any person authorized to enter into a rental agreement on his or her behalf to use any written agreement which does not conform to the provisions of this section, and any provision in an agreement which contravenes the provisions of this section is void.

7. As used in this section, "single-family residence" means a structures that is comprised of not more than four units. The term does not include a manufactured home as defined in NRS 118B.015.

Sec. 1.3. **NRS 205.0813 is hereby amended to read as follows:**

205.0813 1. A person who forcibly enters an uninhabited or vacant dwelling, knows or has reason to believe that such entry is without permission of the owner of the dwelling or an authorized representative of the owner and has the intent to take up residence or provide a residency to another therein is guilty of housebreaking.

2. ***A person is presumed to know that an entry described in subsection 1 is without the permission of the owner of the dwelling or an authorized representative of the owner unless the person provides a written rental agreement that:***

(a) Is notarized; and

(b) Includes the current address and telephone number of the owner or authorized representative.

3. A person convicted of housebreaking is guilty of:

(a) For a first offense, a gross misdemeanor; and

(b) For a second and any subsequent offense, a category D felony and shall be punished as provided in NRS 193.130.

~~[3.]~~ ***4.*** A person convicted of housebreaking and who has previously been convicted three or more times of housebreaking must not be released on probation or granted a suspension of sentence.

~~[4.]~~ ***5.*** As used in this section, "forcibly enters" means an entry involving:

(a) Any act of physical force resulting in damage to the structure; or

(b) The changing or manipulation of a lock to gain access.

Sec. 1.7. **NRS 205.0817 is hereby amended to read as follows:**

205.0817 1. A person who takes up residence in an uninhabited or vacant dwelling and knows or has reason to believe that such residency is without permission of the owner of the dwelling or an authorized representative of the owner is guilty of unlawful occupancy.

2. ***A person is presumed to know that the residency described in subsection 1 is without the permission of the owner of the dwelling or an authorized representative of the owner unless the person provides a written rental agreement that:***

(a) Is notarized; and

(b) Includes the current address and telephone number of the owner or authorized representative.

3. A person convicted of unlawful occupancy is guilty of a gross misdemeanor. A person convicted of unlawful occupancy and who has been convicted three or more times of unlawful occupancy is guilty of a category D felony and shall be punished as provided in NRS 193.130.

~~[3.]~~ ***4.*** A person who is accused of unlawful occupancy pursuant to subsection 1 and has previously been convicted two times of housebreaking, unlawful occupancy or any lesser included or related offense, or any combination thereof, arising from the same set of facts is presumed to have obtained residency of the dwelling with the knowledge that:

(a) Any asserted lease is invalid; and

(b) Neither the owner nor an authorized representative of the owner permitted the residency.

Sec. 2. This act becomes effective on July 1, 2017.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 163.

Bill read second time.

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

Amendment No. 605.

AN ACT relating to financial services; requiring a person who is licensed to operate certain loan services to verify a customer's ability to repay the loan before making certain short-term loans to the customer; **requiring a person who makes a deferred deposit loan to offer an extended payment plan under certain circumstances;** revising provisions governing defaults **, lengths of term** and grace periods relating to certain short-term loans; requiring certain notices to be posted by a person who is licensed to operate certain loan services; revising the requirements for making a title loan; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes standards and procedures governing the making of certain short-term loans, commonly referred to as "payday loans," "high-interest loans" and "title loans." (Chapter 604A of NRS) **Section** ~~[1]~~ **1.3** of this bill: (1) prohibits a person from making such a loan unless the person has determined that the customer has the ability to repay the loan; and (2) establishes the factors that the person making the loan must consider when determining whether a customer has the ability to repay the loan. **Section 1.7 of this bill requires a person who makes a deferred deposit loan to offer an extended payment plan to the customer under certain circumstances.**

Existing law allows for a person making a payday loan, high-interest loan or title loan to offer the customer a grace period concerning repayment of the loan. (NRS 604A.210) **Section 3** of this bill distinguishes a grace period from an extension of a loan. **Section 4** of this bill ~~[limits the actions the]~~ **prohibits a** person making the loan ~~[can take with regard to]~~ **from granting** a grace period ~~[.]~~ **for the purpose of artificially increasing the amount a customer qualifies to borrow.**

Existing law requires a person making a payday loan, high-interest loan or title loan to post certain notices in a conspicuous place in every location at which the person conducts business. (NRS 604A.405) **Section 5** of this bill provides that the person must post a notice of the existing requirement that the person must offer a repayment plan to a customer who defaults on a loan before the person commences specified collection actions. **Section 5** also provides that the person must post a notice that states the process for customers to file a complaint with the Office of the Commissioner of Financial Institutions.

Existing law sets forth certain restrictions on the actions of a person licensed to operate certain loan services. (NRS 604A.440) Section 6 of this bill adds to those restrictions a limitation on the reinitiation of electronic debit transactions.

Existing law provides restrictions on the making of title loans. (NRS 604A.450) **Section 7** of this bill adds to those restrictions by specifying that the customer must legally own the vehicle which secures the loan and that the person making the loan cannot consider the income **, except for the customer's community income,** of anyone who is not a legal owner of the vehicle **who enters into a loan agreement with the licensee** when determining whether the customer has the ability to repay the loan.

~~[Sections 6 and]~~ **Section 8** of this bill ~~[make]~~ **makes** conforming changes.

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

Section 1. Chapter 604A of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.3 and 1.7 of this act.**

Sec. 1.3. 1. A licensee shall not make a loan pursuant to this chapter unless the licensee determines pursuant to subsection 2 that the customer has the ability to repay the loan.

2. For the purposes of subsection 1, a customer has the ability to repay a loan if the customer has a reasonable ability to repay the loan, as determined by the licensee after considering ~~[and verifying]~~ the following underwriting factors:

(a) The current or reasonably expected income of the customer;

(b) The current employment status of the customer ~~[,]~~ based on evidence including, without limitation, a pay stub or bank deposit;

(c) ~~[The monthly residual income of the customer;~~

~~(d)]~~ The credit history of the customer;

~~[(e)]~~ (d) The amount due under the original term of the loan, the monthly payment on the loan, if the loan is an installment loan, or the potential repayment plan if the customer defaults on the loan;

~~[(f) Any monthly payments on other obligations owed by the customer; and~~

~~(g) Other current debt obligations owed by the customer, including, without limitation, alimony and child support.]~~ and

(e) Other evidence, including, without limitation, bank statements, electronic bank statements and written representations to the licensee.

3. For the purposes of subsection 1, a licensee shall not consider the ability of any person other than the customer to repay the loan.

Sec. 1.7. 1. A licensee shall allow a customer with an outstanding deferred deposit loan to enter into an extended payment plan if the customer:

(a) Has not entered into an extended payment plan for the original loan during the immediately preceding 12-month period; and

(b) Requests an extended repayment plan before the time the original loan is due.

2. An extended payment plan entered into pursuant to subsection 1 must:

(a) Be in writing and be signed by the licensee and customer; and

(b) Provide a payment schedule of at least four payments over a period of at least 60 days.

3. An extended payment plan entered into pursuant to subsection 1 must not:

(a) Increase or decrease the amount owed under the original loan.

(b) Include any interest or fees in addition to those charged under the terms of the original loan.

4. If a customer defaults under an extended payment plan entered into pursuant to this section, the licensee may terminate the extended payment plan and accelerate the requirement to pay the amount owed.

Sec. 2. NRS 604A.045 is hereby amended to read as follows:

604A.045 1. "Default" means the failure of a customer to :

(a) Make ~~***[make]***~~ a scheduled payment on a loan on or before the due date for the payment under the ~~***[original]***~~ terms of a lawful loan agreement and any grace period that complies with the provisions of NRS 604A.210 ***;*** ~~[or under the ***original*** terms of any lawful extension or repayment plan relating to the loan , and any grace period that complies with the provisions of NRS 604A.210;]~~ or

(b) Pay a loan in full on or before ~~[:~~

~~(1) The]~~ ***the*** expiration of the ~~[initial]~~ loan period as set forth in a lawful loan agreement and any grace period that complies with the provisions of NRS 604A.210 ~~[; or~~

~~(2) The due date of any lawful extension or repayment plan relating to the loan and any grace period that complies with the provisions of NRS 604A.210, provided that the due date of the extension or repayment plan does not violate the provisions of this chapter.]~~

2. A default occurs on the day immediately following the date of the customer's failure to perform as described in subsection 1.

Sec. 3. NRS 604A.070 is hereby amended to read as follows:

604A.070 ***1.*** "Grace period" means any period of deferment offered gratuitously by a licensee to a customer if the licensee complies with the provisions of NRS 604A.210.

2. The term does not include an extension of a loan.

Sec. 3.5. **NRS 604A.0703 is hereby amended to read as follows:**

604A.0703 1. "High-interest loan" means a loan made to a customer pursuant to a loan agreement which, under its original terms, charges an annual percentage rate of more than 40 percent.

2. The term includes, without limitation, any single-payment loan, installment loan , ~~[or]~~ open-ended loan ***or contract for the lease of an animal for a purpose other than a business, commercial or agricultural purpose*** which, under ~~[its]~~ ***the*** original terms ~~[,]~~ ***of the loan or contract,*** charges an annual percentage rate of more than 40 percent.

3. The term does not include:

(a) A deferred deposit loan;

(b) A refund anticipation loan; or

(c) A title loan.

Sec. 4. NRS 604A.210 is hereby amended to read as follows:

604A.210 The provisions of this chapter do not prohibit a licensee from offering a customer a grace period on the repayment of a loan or an extension of a loan, except that the licensee shall not ~~[~~charge~~]~~ ***[:***

~~*1. Charge* the customer:~~

~~1. Any *any* fees *, interest, costs or anything else of value during such a grace period or* for granting such a grace period; or~~

~~2. Any additional fees or additional interest on the outstanding loan during *Condition the granting of* such a grace period. *on the customer making any new loan agreement or adding any addendum or term to an existing loan agreement.]*~~ ***grant a grace period for the purpose of artificially increasing the amount which a customer would otherwise qualify to borrow.***

Sec. 5. NRS 604A.405 is hereby amended to read as follows:

604A.405 1. A licensee shall post in a conspicuous place in every location at which the licensee conducts business under his or her license:

(a) A notice that states the fees the licensee charges for providing check-cashing services, deferred deposit loan services, high-interest loan services or title loan services.

(b) ***A notice that states that if the customer defaults on a loan, the licensee must offer a repayment plan to the customer before the licensee commences any civil action or process of alternative dispute resolution or repossesses a vehicle.***

(c) A notice that states a toll-free telephone number to the Office of the Commissioner to handle concerns or complaints of customers.

(d) A notice that states the process for filing a complaint with the Commissioner.

➥ The Commissioner shall adopt regulations prescribing the form and size of the notices required by this subsection.

2. If a licensee offers loans to customers at a kiosk, through the Internet, through any telephone, facsimile machine or other telecommunication device or through any other machine, network, system, device or means, except for an automated loan machine prohibited by NRS 604A.400, the licensee shall, as appropriate to the location or method for making the loan, post in a conspicuous place where customers will see it before they enter into a loan, or disclose in an open and obvious manner to customers before they enter into a loan, a notice that states:

(a) The types of loans the licensee offers and the fees he or she charges for making each type of loan; and

(b) A list of the states where the licensee is licensed or authorized to conduct business from outside this State with customers located in this State.

3. A licensee who provides check-cashing services shall give written notice to each customer of the fees he or she charges for cashing checks. The customer must sign the notice before the licensee provides the check-cashing service.

Sec. 5.5. **NRS 604A.408 is hereby amended to read as follows:**

604A.408 1. Except as otherwise provided in this chapter, the original term of a deferred deposit loan or high-interest loan must not exceed 35 days.

2. The original term of a high-interest loan may be up to 90 days if:

(a) The loan provides for payments in installments;

(b) The payments are calculated to ratably and fully amortize the entire amount of principal and interest payable on the loan;

(c) The loan is not subject to any extension; ~~[and]~~

(d) The loan does not require a balloon payment of any kind ~~[.]~~ ***; and***

(e) The loan is not a deferred deposit loan.

3. Notwithstanding the provisions of NRS 604A.480, a licensee shall not agree to establish or extend the period for the repayment, renewal, refinancing or consolidation of an outstanding deferred deposit loan or high-interest loan for a period that exceeds 90 days after the date of origination of the loan.

Sec. 6. NRS 604A.440 is hereby amended to read as follows:

604A.440 A licensee shall not:

1. Use or threaten to use the criminal process in this State or any other state, or any civil process not available to creditors generally, to collect on a loan made to a customer.

2. Commence a civil action or any process of alternative dispute resolution or repossess a vehicle before the customer defaults under the original term of a loan agreement or before the customer defaults under any repayment plan ~~[,]~~ ***or*** extension ~~[or grace period]~~ negotiated and agreed to by the licensee and customer, unless otherwise authorized pursuant to this chapter.

3. Take any confession of judgment or any power of attorney running to the licensee or to any third person to confess judgment or to appear for the customer in a judicial proceeding.

4. Include in any written agreement:

(a) A promise by the customer to hold the licensee harmless;

(b) A confession of judgment by the customer;

(c) An assignment or order for the payment of wages or other compensation due the customer; or

(d) A waiver of any claim or defense arising out of the loan agreement or a waiver of any provision of this chapter. The provisions of this paragraph do not apply to the extent preempted by federal law.

5. Engage in any deceptive trade practice, as defined in chapter 598 of NRS, including, without limitation, making a false representation.

6. Advertise or permit to be advertised in any manner any false, misleading or deceptive statement or representation with regard to the rates, terms or conditions for loans.

7. ***Reinitiate an electronic debit transaction that has been returned by a customer's bank except in accordance with the rules prescribed by the National Automated Clearing House Association or its successor organization.***

8. Use or attempt to use any agent, affiliate or subsidiary to avoid the requirements or prohibitions of this chapter.

Sec. 6.5. **NRS 604A.445 is hereby amended to read as follows:**

604A.445 Notwithstanding any other provision of this chapter to the contrary:

1. The original term of a title loan must not exceed 30 days.

2. The title loan may be extended for not more than six additional periods of extension, with each such period not to exceed 30 days, if:

(a) Any interest or charges accrued during the original term of the title loan or any period of extension of the title loan are not capitalized or added to the principal amount of the title loan during any subsequent period of extension;

(b) The annual percentage rate charged on the title loan during any period of extension is not more than the annual percentage rate charged on the title loan during the original term; and

(c) No additional origination fees, set-up fees, collection fees, transaction fees, negotiation fees, handling fees, processing fees, late fees, default fees or any other fees, regardless of the name given to the fees, are charged in connection with any extension of the title loan.

3. The original term of a title loan may be up to 210 days if:

(a) The loan provides for payments in installments;

(b) The payments are calculated to ratably and fully amortize the entire amount of principal and interest payable on the loan;

(c) The loan is not subject to any extension; ~~[and]~~

(d) The loan does not require a balloon payment of any kind ~~[.]~~ ***; and***

(e) The loan is not a deferred deposit loan.

Sec. 7. NRS 604A.450 is hereby amended to read as follows:

604A.450 A licensee who makes title loans shall not:

1. Make a title loan that exceeds the fair market value of the vehicle securing the title loan.

2. ***Make a title loan to a customer secured by a vehicle which is not legally owned by the customer.***

3. Make a title loan without ~~[~~regard to the ability of the customer seeking the title loan to repay the title loan, including the customer's current and expected income, obligations and employment.

~~3.]~~ ***determining that the customer has the ability to repay the title loan, as required by section ~~[1]~~ 1.3 of this act. In complying with this subsection, the licensee shall not consider the income of any person who is not a legal***

owner of the vehicle securing the title loan ~~[.]~~ but may consider a customer's community income and the income of any other customers who consent to the loan pursuant to subsection 5 and enter into a loan agreement with the licensee.

4. Make a title loan without requiring the customer to sign an affidavit which states that:

(a) The customer has provided the licensee with true and correct information concerning the customer's income, obligations, employment and ownership of the vehicle; and

(b) The customer has the ability to repay the title loan.

5. Make a title loan secured by a vehicle with multiple legal owners without the consent of each owner.

Sec. 8. NRS 604A.930 is hereby amended to read as follows:

604A.930 1. Subject to the affirmative defense set forth in subsection 3, in addition to any other remedy or penalty, if a person violates any provision of NRS 604A.400, 604A.410 to 604A.500, inclusive, ***and ~~[section 1]~~ sections 1.3 and 1.7 of this act,*** 604A.610, 604A.615, 604A.650 or 604A.655 or any regulation adopted pursuant thereto, the customer may bring a civil action against the person for:

(a) Actual and consequential damages;

(b) Punitive damages, which are subject to the provisions of NRS 42.005;

(c) Reasonable attorney's fees and costs; and

(d) Any other legal or equitable relief that the court deems appropriate.

2. Subject to the affirmative defense set forth in subsection 3, in addition to any other remedy or penalty, the customer may bring a civil action against a person pursuant to subsection 1 to recover an additional amount, as statutory damages, which is equal to $1,000 for each violation if the person knowingly:

(a) Operates a check-cashing service, deferred deposit loan service, high-interest loan service or title loan service without a license, in violation of NRS 604A.400;

(b) Fails to include in a loan agreement a disclosure of the right of the customer to rescind the loan, in violation of NRS 604A.410;

(c) Violates any provision of NRS 604A.420;

(d) Accepts collateral or security for a deferred deposit loan, in violation of NRS 604A.435, except that a check or written authorization for an electronic transfer of money shall not be deemed to be collateral or security for a deferred deposit loan;

(e) Uses or threatens to use the criminal process in this State or any other state to collect on a loan made to the customer, in violation of NRS 604A.440;

(f) Includes in any written agreement a promise by the customer to hold the person harmless, a confession of judgment by the customer or an assignment or order for the payment of wages or other compensation due the customer, in violation of NRS 604A.440;

(g) Violates any provision of NRS 604A.485;

(h) Violates any provision of NRS 604A.490; or

(i) Violates any provision of NRS 604A.442.

3. A person may not be held liable in any civil action brought pursuant to this section if the person proves, by a preponderance of evidence, that the violation:

(a) Was not intentional;

(b) Was technical in nature; and

(c) Resulted from a bona fide error, notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

4. For the purposes of subsection 3, a bona fide error includes, without limitation, clerical errors, calculation errors, computer malfunction and programming errors and printing errors, except that an error of legal judgment with respect to the person's obligations under this chapter is not a bona fide error.

Sec. 9. Any contract or agreement entered into pursuant to chapter 604A of NRS before July 1, 2017, remains in effect in accordance with the provisions of the contract or agreement.

Sec. 10. This act becomes effective on July 1, 2017.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 165.

Bill read second time.

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

Amendment No. 532.

AN ACT relating to long-term care; providing for the licensure of certain persons as health services executives; authorizing the holder of such a license to perform the functions of an administrator of a residential facility for groups and a nursing facility administrator; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Examiners for Long-Term Care Administrators to license and regulate two classes of licensees: administrators of residential facilities for groups and nursing facility administrators. (NRS 654.150, 654.155) This bill additionally provides for the licensure and regulation of health services executives, who have the powers and duties prescribed for both existing types of administrators. **Section 4** of this bill prescribes the requirements for licensure as a health services executive. **Section 9** of this bill authorizes the Board to establish by regulation the fee to apply for such a license.

Sections 4, 16 and 17 of this bill provide that a licensed health services executive has the rights and duties of an administrator of a residential facility for groups and a nursing facility administrator. **Sections 7 and 10-13** of this bill make conforming changes so that existing provisions relating to nursing facility administrators and administrators of residential facilities for groups also apply to health services executives. **Section 14** of this bill ~~[provides that certain provisions governing the reinstatement of]~~ **authorizes the Board to adopt regulations regarding the reinstatement of** the ~~[suspended]~~ license of ~~[an administrator of a residential facility for groups do not apply to]~~ a health services executive. **Section 15** of this bill authorizes a health services executive to serve as the administrator for a veterans' home.

Existing law provides for the appointment to the Board of two nursing facility administrators and two administrators of residential facilities for groups. (NRS 654.060) **Section 6** of this bill authorizes a health services executive who acts as either a nursing facility administrator or the administrator of a residential facility for groups to serve as a member of the Board in the capacity in which he or she is acting.

Existing law requires the Board to maintain, for each type of licensee, separate registers of applicants for licensure and licensed persons. (NRS 654.130) **Section 8** of this bill makes this requirement applicable to persons who apply for or are licensed as health services executives.

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

Section 1. Chapter 654 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***"Health services executive" means a person who is licensed as such pursuant to this chapter.***

Sec. 3. ***"Licensee" means a person who is licensed pursuant to this chapter as an administrator of a residential facility for groups, a nursing facility administrator or a health services executive.***

Sec. 4. ***1. Each applicant for licensure as a health services executive pursuant to this chapter must:***

(a) Submit with the application:

(1) Evidence of having satisfied the requirements of the National Association of Long Term Care Administrator Boards for qualification as a health services executive;

(2) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(3) A fee to cover the actual cost of obtaining the report from the Federal Bureau of Investigation.

(b) Meet such other standards and qualifications as the Board may from time to time establish.

(c) Submit all other information required to complete the application.

2. Except as otherwise provided by specific statute, a licensed health services executive has the powers and duties of a licensed administrator of a residential facility for groups and a licensed nursing facility administrator.

Sec. 5. NRS 654.010 is hereby amended to read as follows:

654.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 654.015 to 654.031, inclusive, ***and sections 2 and 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 6. NRS 654.060 is hereby amended to read as follows:

654.060 The Governor shall appoint:

1. Two members who are ***licensees serving as*** nursing facility administrators.

2. One member who is ***a licensee serving as*** an administrator of a residential facility for groups with less than seven clients.

3. One member who is ***a licensee serving as*** an administrator of a residential facility for groups with seven or more clients.

4. One member who is a member of the medical or paramedical professions.

5. One member who is a representative of the general public. This member must not be ~~[~~:

~~(a) A nursing facility administrator or an administrator of a residential facility for groups; or~~

~~(b) The~~~~]~~ ***a licensee or the*** spouse or the parent or child, by blood, marriage or adoption, of a ~~[~~~~nursing facility administrator or an administrator of a residential facility for groups.~~~~]~~ ***licensee.***

Sec. 7. NRS 654.110 is hereby amended to read as follows:

654.110 1. In a manner consistent with the provisions of chapter 622A of NRS, the Board shall:

(a) Develop, impose and enforce standards which must be met by persons to receive licenses as nursing facility administrators ***,*** ~~[~~or~~]~~ administrators of residential facilities for groups ~~[~~.~~]~~ ***and health services executives.*** The standards must be designed to ensure that ~~[~~~~nursing facility administrators or persons acting as administrators of residential facilities for groups~~~~]~~ ***licensees*** will be persons who are of good character and otherwise suitable, and who, by training or experience in their respective fields of administering health care facilities, are qualified to serve as nursing facility administrators or administrators of residential facilities for groups.

(b) Develop and apply appropriate techniques, including examinations and investigations, for determining whether a person meets those standards. The member of the Board who is a representative of the general public shall not participate in preparing, conducting or grading any examination required by the Board.

(c) Issue licenses to persons determined, after the application of appropriate techniques, to meet those standards.

(d) Revoke or suspend licenses previously issued by the Board in any case if the person holding the license is determined substantially to have failed to conform to the requirements of the standards.

(e) Establish and carry out procedures designed to ensure that ~~[persons licensed as nursing facility administrators or administrators of residential facilities for groups]~~ ***licensees*** will, during any period they serve as ~~[such,]~~ ***nursing facility administrators or administrators of residential facilities for groups,*** comply with the requirements of the standards.

(f) Receive, investigate and take appropriate action with respect to any charge or complaint filed with the Board to the effect that any person has failed to comply with the requirements of the standards. Except as otherwise provided in this paragraph, the Board shall initiate an investigation of any charge or complaint filed with the Board within 30 days after receiving the charge or complaint. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.

(g) Conduct a continuing study of:

(1) Facilities for skilled nursing, facilities for intermediate care and their administrators; and

(2) Residential facilities for groups and their administrators,

➥ with a view to the improvement of the standards imposed for the licensing of ***nursing facility*** administrators ***, administrators of residential facilities for groups and health services executives*** and of procedures and methods for the enforcement of the standards.

(h) Conduct or approve, or both, a program of training and instruction designed to enable all persons to obtain the qualifications necessary to meet the standards set by the Board for qualification as a nursing facility administrator ***,*** ~~[or]~~ an administrator of a residential facility for groups ~~[.]~~ ***or a health services executive.***

2. Except as otherwise provided in this section, all records kept by the Board, not otherwise privileged or confidential, are public records.

3. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

4. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all other documents and

information considered by the Board when determining whether to impose discipline are public records.

5. The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 8. NRS 654.130 is hereby amended to read as follows:

654.130 The Board shall:

1. Maintain ~~[a]~~ separate ~~[register]~~ ***registers*** of all applications for licensure as a nursing facility administrator ***,*** ~~[and a separate register of all applications for licensure as]~~ an administrator of a residential facility for groups ~~[.]~~ ***or a health services executive.*** Each register must include:

(a) The name, age and place of residence of the applicant.

(b) If the register is for:

(1) Nursing facility administrators, the name and address of the facility for skilled nursing or facility for intermediate care of which the applicant is to be administrator.

(2) Administrators of residential facilities for groups, the name and address of each residential facility for groups of which the applicant is to be administrator.

(3) Health services executives, the name and address of each facility for skilled nursing, facility for intermediate care or residential facility for groups of which the applicant is to be administrator.

(c) The date of the application.

(d) The date the application was reviewed and the action taken on the application.

(e) The serial number of the license, if any, issued to the applicant.

(f) Such other information as the Board may deem pertinent.

2. Maintain ~~[a]~~ separate ~~[register]~~ ***registers*** of all ***persons licensed pursuant to this chapter as*** nursing facility administrators ***,*** ~~[and a separate register of all]~~ administrators of residential facilities for groups ~~[licensed pursuant to this chapter]~~ ***or health services executives,*** showing the status of each license.

Sec. 9. NRS 654.140 is hereby amended to read as follows:

654.140 1. The Board shall prescribe and furnish an application form for the use of all persons who desire to be licensed pursuant to this chapter.

2. All applications filed with the Board must be accompanied by all information required to complete the application and the required fee fixed by the Board in an amount not to exceed:

(a) For an administrator of a residential facility for groups, $150.

(b) For a nursing facility administrator, $250.

(c) For a health services executive, the amount prescribed by regulation of the Board.

3. The Board may fix and charge an additional fee to cover the cost of administering the examinations if the Board determines that there is not sufficient money from other sources to cover such costs.

Sec. 10. NRS 654.145 is hereby amended to read as follows:

654.145 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license ~~[as a nursing facility administrator or an administrator of a residential facility for groups shall]~~ ***pursuant to this chapter must*** include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license ~~[as a nursing facility administrator or an administrator of a residential facility for groups shall]~~ ***pursuant to this chapter must*** submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license ~~[as a nursing facility administrator or an administrator of a residential facility for groups]~~ may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 11. NRS 654.170 is hereby amended to read as follows:

654.170 1. The Board shall issue a numbered license, in such form as it may prescribe, to each applicant who meets the requirements of NRS 654.150 or 654.155 ***or section 4 of this act*** and shall affix its official seal to the license.

2. Each license issued by the Board pursuant to this chapter expires 2 years after the last day of the calendar month in which it was issued and may be renewed on or before that date biennially.

3. Any ~~[licensed nursing facility administrator or administrator of a residential facility for groups]~~ ***licensee*** may renew his or her license by applying for renewal in the manner prescribed by the Board, paying the renewal fee fixed by the Board and submitting all information required to complete the renewal.

4. The Board shall, as a prerequisite for the renewal of a license, require each holder to comply with:

(a) The requirements for continuing education adopted by the Board; and

(b) The duties of the administrator set forth in NRS 449.094.

Sec. 12. NRS 654.190 is hereby amended to read as follows:

654.190 1. The Board may, after notice and an opportunity for a hearing as required by law, impose an administrative fine of not more than $10,000 for each violation on, recover reasonable investigative fees and costs incurred from, suspend, revoke, deny the issuance or renewal of or place conditions on the license of, and place on probation or impose any combination of the foregoing on any ~~[nursing facility administrator or administrator of a residential facility for groups]~~ ***licensee*** who:

(a) Is convicted of a felony relating to the practice of administering a nursing facility or residential facility or of any offense involving moral turpitude.

(b) Has obtained his or her license by the use of fraud or deceit.

(c) Violates any of the provisions of this chapter.

(d) Aids or abets any person in the violation of any of the provisions of NRS 449.030 to 449.2428, inclusive, as those provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.

(e) Violates any regulation of the Board prescribing additional standards of conduct for ~~[nursing facility administrators or administrators of residential facilities for groups,]~~ ***licensees,*** including, without limitation, a code of ethics.

(f) Engages in conduct that violates the trust of a patient or resident or exploits the relationship between the ~~[nursing facility administrator or administrator of a residential facility for groups]~~ ***licensee*** and the patient or resident for the financial or other gain of the licensee.

2. If a licensee requests a hearing pursuant to subsection 1, the Board shall give the licensee written notice of a hearing pursuant to NRS 233B.121 and 241.034. A licensee may waive, in writing, his or her right to attend the hearing.

3. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Chair of the Board may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant

to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

5. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

Sec. 13. NRS 654.193 is hereby amended to read as follows:

654.193 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a ~~[person who is the holder of a license as a nursing facility administrator or an administrator of a residential facility for groups,]~~ ***licensee,*** the Board shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license ~~[as a nursing facility administrator or an administrator of a residential facility for groups]~~ that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 14. NRS 654.195 is hereby amended to read as follows:

654.195 1. Except as otherwise provided in subsection 2, the Board may reinstate the license of an administrator of a residential facility for groups that has been suspended by the Board if:

(a) A majority of the members of the Board vote in favor of the reinstatement; or

(b) The person who held the license reapplies for a license as an administrator of a residential facility for groups pursuant to NRS 654.140 and the Board determines that the person meets the requirements of NRS 654.155.

2. The Board may reinstate a license of an administrator of a residential facility for groups that has been suspended pursuant to NRS 425.540 only if the holder of the license complies with the requirements for reinstatement set forth in NRS 654.193.

3. In a manner consistent with the provisions of chapter 622A of NRS, the Board may reinstate the license of an administrator of a residential

facility for groups that has been revoked by the Board if all of the members of the Board vote in favor of reinstatement.

4. The ~~[provisions of this section do not apply to]~~ Board may reinstate a license as a health services executive ~~[.]~~ pursuant to regulations adopted by the Board.

Sec. 15. NRS 417.147 is hereby amended to read as follows:

417.147 1. The Director shall:

(a) Appoint an administrator for each veterans' home in this State. Each administrator must be licensed as a nursing facility administrator ***or health services executive*** pursuant to NRS 654.170.

(b) Take such other actions as are necessary for the management, maintenance and operation of veterans' homes in this State, including, without limitation, establishing and implementing rules, policies and procedures for such management, maintenance and operation.

(c) Apply for federal grants and other sources of money available for establishing veterans' homes. A federal grant must be used only as permitted by the terms of the grant.

2. With the advice of the Nevada Veterans Services Commission, the Director shall, on or before April 1 of each calendar year, recommend to the State Board of Examiners a schedule of rates to be charged for occupancy of rooms at each veterans' home in this State during the following fiscal year. The State Board of Examiners shall establish the schedule of rates. In setting the rates, the State Board of Examiners shall consider the recommendations of the Director, but is not bound to follow the recommendations of the Director.

3. The first veterans' home that is established in this State must be established at a location in southern Nevada determined to be appropriate by the Interim Finance Committee. The Interim Finance Committee shall give preference to a site that is zoned appropriately for the establishment of a veterans' home, that affords minimum costs of maintenance and that is located in an area where the members of the families of the veterans can easily visit the veterans' home. The site for the construction of the veterans' home in southern Nevada must be:

(a) Located in reasonable proximity to:

(1) A public transportation system;

(2) Shopping centers; and

(3) A major hospital that has a center for the treatment of trauma which is designated as a level II center by the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) Not less than 5 acres in area.

4. If an additional veterans' home is authorized, it must be established in northern Nevada.

Sec. 16. NRS 449.186 is hereby amended to read as follows:

449.186 A residential facility for groups must not be operated except under the supervision of an administrator of a residential facility for groups ***or a health services executive*** licensed pursuant to the provisions of chapter 654 of NRS.

Sec. 17. NRS 449.187 is hereby amended to read as follows:

449.187 1. Except as otherwise provided in subsection 2, a facility for skilled nursing or facility for intermediate care licensed pursuant to the provisions of NRS 449.030 to 449.2428, inclusive, may not be operated except under the supervision of a nursing facility administrator ***or a health services executive*** who is at the facility and licensed under the provisions of chapter 654 of NRS.

2. The provisions of subsection 1 do not apply to a facility for intermediate care which limits its care and treatment to those persons with intellectual disabilities or conditions related to intellectual disabilities.

Sec. 18. This act becomes effective upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and on January 1, 2018, for all other purposes.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 175.

Bill read second time.

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

Amendment No. 540.

SUMMARY— ~~[Requires]~~ **Prescribes** certain ~~[increases in]~~ **requirements for health benefits for the purpose of determining** the minimum wage paid to employees in private employment in this State. (BDR 53-866)

AN ACT relating to employment; ~~[requiring]~~ **prescribing** certain ~~[increases in]~~ **requirements for health benefits for the purpose of determining** the minimum wage paid to employees in private employment in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires the Labor Commissioner, in accordance with federal law, to establish by regulation the minimum wage that may be paid per hour to an employee in private employment in this State. (NRS 608.250)]~~ **Section 16 of article 15 of the Nevada Constitution requires each employer in this State to pay a certain minimum wage to each employee of the employer. Under this provision of the Nevada Constitution, if an employer offers health benefits to an employee and his or her dependents, the minimum wage required to be paid to the employee is**

lower than the minimum wage otherwise required to be paid to the employee. (Nev. Const. Art. 15, § 16) This bill ~~[requires the Labor Commissioner, in adopting those regulations, to ensure that the minimum wage for the employee is increased by at least $1.25 each year until the minimum wage: (1) is $15 or more, if the employer of the employee does not offer health insurance for the employee in accordance with regulations adopted by the Labor Commissioner; and (2) is $14 or more, if the employer of the employee offers health insurance for the employee in accordance with regulations adopted by the Labor Commissioner.]~~ **establishes the minimum level of health benefits that an employer must make available to an employee and his or her dependents for the purpose of determining whether the employer is authorized to pay the lower minimum wage to the employee.**

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

Section 1. Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:

~~[In adopting the regulations establishing]~~ For the purpose of determining the minimum wage that may be paid per hour to an employee in private employment pursuant to Section 16 of Article 15 of the Nevada Constitution and NRS 608.250, ~~[the Labor Commissioner shall ensure that the minimum wage for each employee to whom those regulations apply is increased by at least $1.25 each year until the minimum wage that may be paid per hour pursuant to NRS 608.250 is:~~

~~1. If the employer of the employee does not offer health insurance for the employee in accordance with regulations adopted by the Labor Commissioner, $15 or more; and~~

~~2. If the employer of the employee offers health insurance for the employee in accordance with regulations adopted by the Labor Commissioner, $14 or more.]~~ an employer provides health benefits as described in Section 16 of Article 15 of the Nevada Constitution only if the employer makes available to the employee and the employee's dependents health benefits that:

1. Comply with the essential health benefits requirements set forth in 42 U.S.C. § 18022(a)(1) and (2), as those provisions exist on the effective date of this act, and provide a level of coverage that is described in 42 U.S.C. § 18022(d), as that provision exists on the effective date of this act; or

2. Provide health benefits pursuant to a Taft-Hartley trust which is formed pursuant to 29 U.S.C. § 186(c)(5) and qualifies as an employee welfare benefits plan pursuant to:

(a) The Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 et seq.; or

(b) The provisions of the Internal Revenue Code.

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

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 179.

Bill read second time.

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

Amendment No. 553.

AN ACT relating to massage therapy; changing the name of the Board of Massage Therapists to the Board of Massage Therapy; authorizing the Board to issue a license and a temporary license to practice reflexology and structural integration; requiring the Board to adopt regulations concerning the certification of a massage, reflexology and structural integration establishment; authorizing a local government to **license and** regulate a massage, reflexology and structural integration establishment; requiring that the Board consist of nine members; requiring the Board to adopt certain additional regulations; providing that a license is valid for 2 years; increasing the fee amount for the renewal of a license; creating a fee for the issuance and renewal of the certification of a massage, reflexology and structural integration establishment; **authorizing the Board to establish different fee amounts for different types of licenses;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of Massage Therapists to issue a license to practice massage therapy and provides the requirements that an applicant for a license must satisfy in order to become licensed. (NRS 640C.400) **Section 7** of this bill authorizes the Board to issue a license to practice reflexology. **Section 9** of this bill authorizes the Board to issue a license to practice structural integration. **Section 20** of this bill makes conforming changes to existing law regarding the issuance of a license to practice massage therapy.

Existing law authorizes the Board to issue a temporary license to practice massage therapy and provides the requirements that an applicant for a temporary license must satisfy in order to become licensed. (NRS 640C.410) **Section 8** of this bill authorizes the Board to issue a temporary license to practice reflexology. **Section 10** of this bill authorizes the Board to issue a temporary license to practice structural integration.

Section 11 of this bill requires the Board to adopt regulations that prescribe the requirements for the certification and operation of a massage, reflexology and structural integration establishment. **Section 11** additionally authorizes a local government to **license and** regulate a massage, reflexology

and structural integration establishment in a manner that is more stringent than the regulations adopted by the Board. **Section 11** further requires that the Board and local governments have concurrent jurisdiction over the **licensure and** regulation of massage, reflexology and structural integration establishments and provides that if there is a conflict between a regulation of the Board and a requirement of a local government, the requirement of a local government prevails to the extent that the requirement provides a more stringent or specific requirement regarding the regulation of a massage, reflexology and structural integration establishment. **Section 16** of this bill makes conforming changes.

Existing law creates the Board of Massage Therapists, consisting of seven members. (NRS 640C.150) **Sections 14 and 17** of this bill change the name of the Board to the Board of Massage Therapy. **Sections** ~~[24, 37 and]~~ **40-43** of this bill make conforming changes.

Section 17 of this bill changes the composition of the Board so that it consists of nine members and requires that one member be licensed to practice reflexology in this State and that one member be licensed to practice structural integration in this State.

Existing law requires the Board to adopt regulations to carry out the provisions relating to massage therapy. (NRS 640C.320) **Section 19** of this bill requires the Board to adopt additional regulations that: (1) establish the standards for licensure as a massage therapist, reflexologist or structural integration practitioner; and (2) establish the standards and curriculum for schools of massage therapy, reflexology and structural integration.

Existing law specifies that each license is valid for 1 year and expires on the last day of the month in which it was issued. (NRS 640C.500) **Section 26** of this bill provides that each license is valid for 2 years.

Existing law requires the Board to establish a schedule of fees and charges and requires that the fee for the renewal of a license does not exceed $200. (NRS 640C.520) **Section 28** of this bill increases this limit to $350. **Section 28** additionally creates a $50 limit on the fees for the issuance and renewal of a certification of a massage, reflexology and structural integration establishment. **Section 28 further authorizes the Board to adopt regulations that establish different fees for different types of licenses.**

Existing law requires the Board to impose an administrative fine if a licensee has engaged in or solicited sexual activity during the course of practicing massage. (NRS 640C.712) **Section 30** of this bill instead authorizes the Board to impose such an administrative fine.

Existing law authorizes the Board to issue a license by endorsement to practice massage therapy to an applicant who holds a valid and unrestricted license to practice massage therapy in the District of Columbia or any state or territory of the United States. (NRS 640C.425) **Existing law additionally requires the Board of Massage Therapists and the State Board of Cosmetology to reduce duplication in the licensing procedure for a qualified applicant who is applying to both Boards for a license to**

practice as a massage therapist and as a cosmetologist. (NRS 640C.440, 644.191) Section 47 of this bill repeals ~~[this provision.]~~ **these provisions. Sections 20 and 20.5 of this bill make conforming changes.**

Sections 1, 12, 18, 21-23, 25, 27, 29, 31-36, 38 and 39 of this bill make conforming changes relating to reflexology and structural integration.

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

Section 1. NRS 629.580 is hereby amended to read as follows:

629.580 1. A person who provides wellness services in accordance with this section, but who is not licensed, certified or registered in this State as a provider of health care, is not in violation of any law based on the unlicensed practice of health care services or a health care profession unless the person:

(a) Performs surgery or any other procedure which punctures the skin of any person;

(b) Sets a fracture of any bone of any person;

(c) Prescribes or administers X-ray radiation to any person;

(d) Prescribes or administers a prescription drug or device or a controlled substance to any person;

(e) Recommends to a client that he or she discontinue or in any manner alter current medical treatment prescribed by a provider of health care licensed, certified or registered in this State;

(f) Makes a diagnosis of a medical disease of any person;

(g) Performs a manipulation or a chiropractic adjustment of the articulations of joints or the spine of any person;

(h) Treats a person's health condition in a manner that intentionally or recklessly causes that person recognizable and imminent risk of serious or permanent physical or mental harm;

(i) Holds out, states, indicates, advertises or implies to any person that he or she is a provider of health care;

(j) Engages in the practice of medicine in violation of chapter 630 or 633 of NRS, the practice of homeopathic medicine in violation of chapter 630A of NRS or the practice of podiatry in violation of chapter 635 of NRS, unless otherwise expressly authorized by this section;

(k) Performs massage therapy as that term is defined in NRS 640C.060 ~~[.]~~ ***, reflexology as that term is defined in section 3 of this act or structural integration as that term is defined in section 5 of this act;*** or

(l) Provides mental health services that are exclusive to the scope of practice of a psychiatrist licensed pursuant to chapter 630 or 633 of NRS, or a psychologist licensed pursuant to chapter 641 of NRS.

2. Any person providing wellness services in this State who is not licensed, certified or registered in this State as a provider of health care and who is advertising or charging a fee for wellness services shall, before

providing those services, disclose to each client in a plainly worded written statement:

(a) The person's name, business address and telephone number;

(b) The fact that he or she is not licensed, certified or registered as a provider of health care in this State;

(c) The nature of the wellness services to be provided;

(d) The degrees, training, experience, credentials and other qualifications of the person regarding the wellness services to be provided; and

(e) A statement in substantially the following form:

> It is recommended that before beginning any wellness plan, you notify your primary care physician or other licensed providers of health care of your intention to use wellness services, the nature of the wellness services to be provided and any wellness plan that may be utilized. It is also recommended that you ask your primary care physician or other licensed providers of health care about any potential drug interactions, side effects, risks or conflicts between any medications or treatments prescribed by your primary care physician or other licensed providers of health care and the wellness services you intend to receive.

➥ A person who provides wellness services shall obtain from each client a signed copy of the statement required by this subsection, provide the client with a copy of the signed statement at the time of service and retain a copy of the signed statement for a period of not less than 5 years.

3. A written copy of the statement required by subsection 2 must be posted in a prominent place in the treatment location of the person providing wellness services in at least 12-point font. Reasonable accommodations must be made for clients who:

(a) Are unable to read;

(b) Are blind or visually impaired;

(c) Have communication impairments; or

(d) Do not read or speak English or any other language in which the statement is written.

4. Any advertisement for wellness services authorized pursuant to this section must disclose that the provider of those services is not licensed, certified or registered as a provider of health care in this State.

5. A person who violates any provision of this section is guilty of a misdemeanor. Before a criminal proceeding is commenced against a person for a violation of a provision of this section, a notification, educational or mediative approach must be utilized by the regulatory body enforcing the provisions of this section to bring the person into compliance with such provisions.

6. This section does not apply to or control:

(a) Any health care practice by a provider of health care pursuant to the professional practice laws of this State, or prevent such a health care practice from being performed.

(b) Any health care practice if the practice is exempt from the professional practice laws of this State, or prevent such a health care practice from being performed.

(c) A person who provides health care services if the person is exempt from the professional practice laws of this State, or prevent the person from performing such a health care service.

(d) A medical assistant, as that term is defined in NRS 630.0129 and 633.075, an advanced practitioner of homeopathy, as that term is defined in NRS 630A.015, or a homeopathic assistant, as that term is defined in NRS 630A.035.

7. As used in this section, "wellness services" means healing arts therapies and practices, and the provision of products, that are based on the following complementary health treatment approaches and which are not otherwise prohibited by subsection 1:

(a) Anthroposophy.

(b) Aromatherapy.

(c) Traditional cultural healing practices.

(d) Detoxification practices and therapies.

(e) Energetic healing.

(f) Folk practices.

(g) Gerson therapy and colostrum therapy.

(h) Healing practices using food, dietary supplements, nutrients and the physical forces of heat, cold, water and light.

(i) Herbology and herbalism.

(j) ~~[~~Reflexology and~~]~~ Reiki.

(k) Mind-body healing practices.

(l) Nondiagnostic iridology.

(m) Noninvasive instrumentalities.

(n) Holistic kinesiology.

Sec. 2. Chapter 640C of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 11, inclusive, of this act.

Sec. 3. ***"Reflexologist" means a person who is licensed pursuant to the provisions of this chapter to engage in the practice of reflexology.***

Sec. 4. ***"Reflexology" means the application of a system of pressure to the feet, ears and hands of the human body.***

Sec. 5. ***1. "Structural integration" means the application of a system of manual therapy, movement education and embodiment education that is intended to*** ~~***[:***~~

~~***1. Improve the structural alignment of the human body;***~~

~~***2. Enhance the ease of movement of the human body; and***~~

~~***3. Improve]***~~ ***improve the functional relationship of the parts of the human body to each other within the influences of gravity.***

2. The term does not include:

(a) The practice of physical therapy, as defined in NRS 640.024; or

(b) The practice of chiropractic, as defined in NRS 634.013, including, without limitation, chiropractic adjustment or manipulation, as defined in NRS 634.014 and 634.0173, respectively.

Sec. 6. *"Structural integration practitioner" means a person who is licensed pursuant to the provisions of this chapter to engage in the practice of structural integration.*

Sec. 7. *1. The Board may issue a license to practice reflexology.*

2. An applicant for a license must:

(a) Be at least 18 years of age;

(b) Except as otherwise provided in NRS 640C.426, submit to the Board:

(1) A completed application on a form prescribed by the Board;

(2) The fees prescribed by the Board pursuant to NRS 640C.520;

(3) Proof that the applicant has successfully completed a program of reflexology recognized by the Board;

(4) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice reflexology verifying that:

(I) The applicant has not been involved in any disciplinary action relating to his or her license to practice reflexology; and

(II) Disciplinary proceedings relating to his or her license to practice reflexology are not pending;

(5) ~~[Except as otherwise provided in NRS 640C.440, a]~~ A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(6) A statement authorizing the Board or its designee to conduct an investigation to determine the accuracy of any statements set forth in the application; and

(c) In addition to any examination required pursuant to NRS 640C.320 and except as otherwise provided in NRS 640C.426, pass a nationally recognized examination for testing the education and professional competency of reflexologists that is approved by the Board.

3. The Board:

(a) Shall recognize a program of reflexology that is:

(1) Approved by the Commission on Postsecondary Education; or

(2) Offered by a public college in this State or any other state; and

(b) May recognize other programs of reflexology.

4. Except as otherwise provided in NRS 640C.426, the Board or its designee shall:

(a) Conduct an investigation to determine:

(1) The reputation and character of the applicant;

(2) The existence and contents of any record of arrests or convictions of the applicant;

(3) The existence and nature of any pending litigation involving the applicant that would affect his or her suitability for licensure; and

(4) The accuracy and completeness of any information submitted to the Board by the applicant.

(b) Report the results of the investigation of the applicant within the period the Board establishes by regulation pursuant to NRS 640C.320.

(c) Except as otherwise provided in NRS 239.0115, maintain the results of the investigation in a confidential manner for use by the Board and its members and employees in carrying out their duties pursuant to this chapter. The provisions of this paragraph do not prohibit the Board or its members or employees from communicating or cooperating with or providing any documents or other information to any other licensing board or any other federal, state or local agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 8. *1. The Board may issue a temporary license to practice reflexology.*

2. An applicant for a temporary license issued pursuant to this section must:

(a) Be at least 18 years of age; and

(b) Submit to the Board:

(1) A completed application on a form prescribed by the Board;

(2) The fees prescribed by the Board pursuant to NRS 640C.520;

(3) Proof that the applicant has successfully completed a program of reflexology recognized by the Board pursuant to section 7 of this act;

(4) Proof that the applicant:

(I) Has taken the examination required pursuant to section 7 of this act; or

(II) Is scheduled to take such an examination within 90 days after the date of application;

(5) An affidavit indicating that the applicant has not committed any of the offenses for which the Board may refuse to issue a license pursuant to NRS 640C.700;

(6) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice reflexology verifying that:

(I) The applicant has not been involved in any disciplinary action relating to his or her license to practice reflexology; and

(II) Disciplinary proceedings relating to his or her license to practice reflexology are not pending; and

(7) ~~[Except as otherwise provided in NRS 640C.440, a]~~ A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. A temporary license issued pursuant to this section expires 90 days after the date the Board issues the temporary license. The Board shall not renew the temporary license.

4. A person who holds a temporary license:

(a) May practice reflexology only under the supervision of a fully licensed reflexologist and only in accordance with the provisions of this chapter and the regulations of the Board;

(b) Must comply with any other conditions, limitations and requirements imposed on the temporary license by the Board;

(c) Is subject to the regulatory and disciplinary authority of the Board to the same extent as a fully licensed reflexologist; and

(d) Remains subject to the regulatory and disciplinary authority of the Board after the expiration of the temporary license for all acts relating to the practice of reflexology which occurred during the period of temporary licensure.

5. As used in this section, "fully licensed reflexologist" means a person who holds a license to practice reflexology issued pursuant to NRS 640C.420 or section 7 of this act.

Sec. 9. *1. The Board may issue a license to practice structural integration.*

2. An applicant for a license must:

(a) Be at least 18 years of age;

(b) Except as otherwise provided in NRS 640C.426, submit to the Board:

(1) A completed application on a form prescribed by the Board;

(2) The fees prescribed by the Board pursuant to NRS 640C.520;

(3) Proof that the applicant has successfully completed a program of structural integration recognized by the Board;

(4) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice structural integration verifying that:

(I) The applicant has not been involved in any disciplinary action relating to his or her license to practice structural integration; and

(II) Disciplinary proceedings relating to his or her license to practice structural integration are not pending;

(5) ~~[Except as otherwise provided in NRS 640C.440, a]~~ A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(6) A statement authorizing the Board or its designee to conduct an investigation to determine the accuracy of any statements set forth in the application; and

(c) In addition to any examination required pursuant to NRS 640C.320 and except as otherwise provided in NRS 640C.426, pass a nationally

recognized examination for testing the education and professional competency of structural integration practitioners that is approved by the Board.

3. The Board:

(a) Shall recognize a program of structural integration that is:

(1) Approved by the Commission on Postsecondary Education; or

(2) Offered by a public college in this State or any other state; and

(b) May recognize other programs of structural integration.

4. Except as otherwise provided in NRS 640C.426, the Board or its designee shall:

(a) Conduct an investigation to determine:

(1) The reputation and character of the applicant;

(2) The existence and contents of any record of arrests or convictions of the applicant;

(3) The existence and nature of any pending litigation involving the applicant that would affect his or her suitability for licensure; and

(4) The accuracy and completeness of any information submitted to the Board by the applicant.

(b) Report the results of the investigation of the applicant within the period the Board establishes by regulation pursuant to NRS 640C.320.

(c) Except as otherwise provided in NRS 239.0115, maintain the results of the investigation in a confidential manner for use by the Board and its members and employees in carrying out their duties pursuant to this chapter. The provisions of this paragraph do not prohibit the Board or its members or employees from communicating or cooperating with or providing any documents or other information to any other licensing board or any other federal, state or local agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 10. ***1. The Board may issue a temporary license to practice structural integration.***

2. An applicant for a temporary license issued pursuant to this section must:

(a) Be at least 18 years of age; and

(b) Submit to the Board:

(1) A completed application on a form prescribed by the Board;

(2) The fees prescribed by the Board pursuant to NRS 640C.520;

(3) Proof that the applicant has successfully completed a program of structural integration recognized by the Board pursuant to section 9 of this act;

(4) Proof that the applicant:

(I) Has taken the examination required pursuant to section 9 of this act; or

(II) Is scheduled to take such an examination within 90 days after the date of application;

(5) An affidavit indicating that the applicant has not committed any of the offenses for which the Board may refuse to issue a license pursuant to NRS 640C.700;

(6) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice structural integration verifying that:

(I) The applicant has not been involved in any disciplinary action relating to his or her license to practice structural integration; and

(II) Disciplinary proceedings relating to his or her license to practice structural integration are not pending; and

(7) ~~[Except as otherwise provided in NRS 640C.440, a]~~ A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. A temporary license issued pursuant to this section expires 90 days after the date the Board issues the temporary license. The Board shall not renew the temporary license.

4. A person who holds a temporary license:

(a) May practice structural integration only under the supervision of a fully licensed structural integration practitioner and only in accordance with the provisions of this chapter and the regulations of the Board;

(b) Must comply with any other conditions, limitations and requirements imposed on the temporary license by the Board;

(c) Is subject to the regulatory and disciplinary authority of the Board to the same extent as a fully licensed structural integration practitioner; and

(d) Remains subject to the regulatory and disciplinary authority of the Board after the expiration of the temporary license for all acts relating to the practice of structural integration which occurred during the period of temporary licensure.

5. As used in this section, "fully licensed structural integration practitioner" means a person who holds a license to practice structural integration issued pursuant to NRS 640C.420 or section 9 of this act.

Sec. 11. 1. The Board shall adopt regulations that prescribe the requirements for the certification and operation of a massage, reflexology and structural integration establishment, including, without limitation , the:

(a) Requirements for a massage, reflexology and structural integration establishment to obtain a certificate;

(b) Standards with which a massage, reflexology and structural integration establishment must comply; and

(c) Establishment of fees pursuant to NRS 640C.520 for the issuance and renewal of a certification of a massage, reflexology and structural integration establishment.

2. The provisions of this section and any regulations adopted pursuant thereto do not prohibit a local government from licensing and regulating a massage, reflexology and structural integration establishment, including, without limitation, in a manner that is more stringent than the regulations adopted by the Board pursuant to this section.

3. Local governments have concurrent jurisdiction with the Board over the licensure and regulation of massage, reflexology and structural integration establishments.

4. If there is a conflict between a provision of the regulations adopted by the Board pursuant to this section and a requirement of a local government, the requirement of a local government prevails to the extent that the requirement provides a more stringent or specific requirement regarding the regulation of a massage, reflexology and structural integration establishment.

5. As used in this section, "massage, reflexology and structural integration establishment" means any premises, mobile unit, building or part of a building where massage therapy, reflexology or structural integration is practiced by a person or persons licensed pursuant to this chapter.

Sec. 12. NRS 640C.010 is hereby amended to read as follows:

640C.010 The Legislature finds and declares that:

1. The practice of massage therapy ***, reflexology and structural integration*** by persons who do not possess sufficient knowledge of anatomy and physiology or an understanding of the relationship between the structure and function of the tissues being treated and the total function of the body may endanger the health, welfare and safety of the residents of this State.

2. To protect the residents of this State, it is necessary to license and regulate the practice of massage therapy ~~[.]~~ ***, reflexology and structural integration.***

Sec. 13. NRS 640C.020 is hereby amended to read as follows:

640C.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 640C.030 to 640C.070, inclusive, ***and sections 3 to 6, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 14. NRS 640C.030 is hereby amended to read as follows:

640C.030 "Board" means the Board of Massage ~~[Therapists.]~~ ***Therapy.***

Sec. 15. NRS 640C.060 is hereby amended to read as follows:

640C.060 1. "Massage therapy" means the application of a system of pressure to the muscular structure and soft tissues of the human body for therapeutic purposes, including, without limitation:

(a) Effleurage;

(b) Petrissage;

(c) Tapotement;

(d) Compressions;

(e) Vibration;

(f) Friction; and

(g) Movements applied manually with or without superficial heat, cold, water or lubricants for the purpose of maintaining good health and establishing and maintaining good physical condition.

2. The term does not include:

(a) Diagnosis, adjustment, mobilization or manipulation of any articulations of the body or spine; or

(b) ~~[~~Reflexology.~~]~~ ***The demonstration of a product on a person that applies a system of pressure to the muscular structure and soft tissues of the human body, provided that the demonstration is not longer than 2 minutes.***

Sec. 16. NRS 640C.100 is hereby amended to read as follows:

640C.100 1. The provisions of this chapter do not apply to:

(a) A person licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 640, 640A or 640B of NRS if the massage therapy ***, reflexology or structural integration*** is performed in the course of the practice for which the person is licensed.

(b) A person licensed as a barber or apprentice pursuant to chapter 643 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for a barber or apprentice pursuant to that chapter.

(c) A person licensed or registered as an aesthetician, aesthetician's apprentice, hair designer, hair designer's apprentice, hair braider, shampoo technologist, cosmetologist or cosmetologist's apprentice pursuant to chapter 644 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for an aesthetician, aesthetician's apprentice, hair designer, hair designer's apprentice, hair braider, shampoo technologist, cosmetologist or cosmetologist's apprentice pursuant to that chapter.

(d) A person licensed or registered as a nail technologist or nail technologist's apprentice pursuant to chapter 644 of NRS if the person is massaging, cleansing or stimulating the hands, forearms, feet or lower legs within the permissible scope of practice for a nail technologist or nail technologist's apprentice.

(e) A person who is an employee of an athletic department of any high school, college or university in this State and who, within the scope of that employment, practices massage therapy ***, reflexology or structural integration*** on athletes.

(f) Students enrolled in a school of massage therapy ***, reflexology or structural integration*** recognized by the Board.

(g) A person who practices massage therapy ***, reflexology or structural integration*** solely on members of his or her immediate family.

(h) A person who performs any activity in a licensed brothel.

2. Except as otherwise provided in subsection 3 ~~[,]~~ ***and section 11 of this act,*** the provisions of this chapter preempt the licensure and regulation of a

massage therapist ***, reflexologist or structural integration practitioner*** by a county, city or town, including, without limitation, conducting a criminal background investigation and examination of a massage therapist ***, reflexologist or structural integration practitioner*** or applicant for a license to practice massage therapy ~~[.]~~ ***, reflexology or structural integration.***

3. The provisions of this chapter do not prohibit a county, city or town from requiring a massage therapist ***, reflexologist or structural integration practitioner*** to obtain a license or permit to transact business within the jurisdiction of the county, city or town, if the license or permit is required of other persons, regardless of occupation or profession, who transact business within the jurisdiction of the county, city or town.

4. As used in this section, "immediate family" means persons who are related by blood, adoption or marriage, within the second degree of consanguinity or affinity.

Sec. 17. NRS 640C.150 is hereby amended to read as follows:

640C.150 1. The Board of Massage ~~[Therapists]~~ ***Therapy*** is hereby created. The Board consists of ~~[seven]~~ ***nine*** members appointed pursuant to this chapter and one nonvoting advisory member appointed pursuant to NRS 640C.160.

2. The Governor shall appoint to the Board ~~[seven]~~ ***nine*** members as follows:

(a) Six members who:

(1) Are licensed to practice massage therapy in this State; and

(2) Have engaged in the practice of massage therapy for the 2 years immediately preceding their appointment.

➥ Of the six members appointed pursuant to this paragraph, three members must be residents of Clark County, two members must be residents of Washoe County and one member must be a resident of a county other than Clark County or Washoe County.

(b) ***One member who is licensed to practice reflexology in this State.***

(c) One member who is licensed to practice structural integration in this State.

(d) One member who is a member of the general public. This member must not be:

(1) A massage therapist ~~[;]~~ ***, reflexologist or structural integration practitioner;*** or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a massage therapist ~~[.]~~ ***, reflexologist or structural integration practitioner.***

3. The members who are appointed to the Board pursuant to ~~[paragraph]~~ ***paragraphs*** (a) ***, (b) and (c)*** of subsection 2 must continue to practice massage therapy ***, reflexology or structural integration, as applicable,*** in this State while they are members of the Board.

4. After the initial terms, the term of each member of the Board is 4 years. A member may continue in office until the appointment of a successor.

5. A member of the Board may not serve more than two consecutive terms. A former member of the Board is eligible for reappointment to the Board if that person has not served on the Board during the 4 years immediately preceding the reappointment.

6. A vacancy must be filled by appointment for the unexpired term in the same manner as the original appointment.

7. The Governor may remove any member of the Board for incompetence, neglect of duty, moral turpitude or misfeasance, malfeasance or nonfeasance in office.

Sec. 18. NRS 640C.300 is hereby amended to read as follows:

640C.300 The Board shall:

1. Adopt a seal of which each court in this State shall take judicial notice;

2. Prepare and maintain a record of its proceedings and transactions;

3. Review and evaluate applications for the licensing of massage therapists ~~[,]~~ ***, reflexologists or structural integration practitioners;***

4. Determine the qualifications and fitness of applicants;

5. Issue, renew, reinstate, revoke, suspend and deny licenses, as appropriate;

6. Enforce the provisions of this chapter and any regulations adopted pursuant thereto;

7. Investigate any complaints filed with the Board;

8. Impose any penalties it determines are required to administer the provisions of this chapter; and

9. Transact any other business required to carry out its duties.

Sec. 19. NRS 640C.320 is hereby amended to read as follows:

640C.320 The Board shall adopt regulations to carry out the provisions of this chapter. The regulations must include, without limitation, provisions that:

1. Establish the requirements for continuing education for the renewal of a license;

2. Establish the requirements for the approval of a course of continuing education, including, without limitation, a course on a specialty technique of massage therapy ~~[,]~~ ***, reflexology or structural integration;***

3. Establish the requirements for the approval of an instructor of a course of continuing education;

4. Establish requirements relating to sanitation, hygiene and safety relating to the practice of massage therapy ~~[,]~~ ***, reflexology and structural integration;***

5. Except as otherwise provided in NRS 622.090, prescribe the requirements for any practical ~~[, oral]~~ or written examination for a license that the Board may require, including, without limitation, the passing grade for such an examination;

6. Establish the period within which the Board or its designee must report the results of the investigation of an applicant; ~~[and]~~

7. Prescribe the form of a written administrative citation issued pursuant to NRS 640C.755 ~~[.]~~ ***;***

8. Establish the standards for the licensure of massage therapists, reflexologists and structural integration practitioners under this chapter; and

9. Prescribe the standards and curriculum for schools of massage therapy, reflexology and structural integration in this State.

Sec. 20. NRS 640C.400 is hereby amended to read as follows:

640C.400 1. The Board may issue a license to practice massage therapy.

2. An applicant for a license must:

(a) Be at least 18 years of age;

(b) Except as otherwise provided in NRS ~~[640C.425 and]~~ 640C.426, submit to the Board:

(1) A completed application on a form prescribed by the Board;

(2) The fees prescribed by the Board pursuant to NRS 640C.520;

(3) Proof that the applicant has successfully completed a program of massage therapy recognized by the Board;

(4) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice massage therapy verifying that:

(I) The applicant has not been involved in any disciplinary action relating to his or her license to practice massage therapy; and

(II) Disciplinary proceedings relating to his or her license to practice massage therapy are not pending;

(5) ~~[Except as otherwise provided in NRS 640C.440, a]~~ ***A*** complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; ***and***

(6) ~~[The names and addresses of five natural persons not related to the applicant and not business associates of the applicant who are willing to serve as character references;~~

~~(7)]~~ A statement authorizing the Board or its designee to conduct an investigation to determine the accuracy of any statements set forth in the application; and

~~[(8) If required by the Board, a financial questionnaire; and]~~

(c) In addition to any examination required pursuant to NRS 640C.320 and except as otherwise provided in NRS ~~[640C.425 and]~~ 640C.426 ***,*** ~~[:~~

~~(1) Except as otherwise provided in subsection 3,]~~ pass a nationally recognized examination for testing the education and professional competency of massage therapists that is approved by the Board ***.*** ~~[; or~~

~~(2) At the applicant's discretion and in lieu of a written examination, pass an oral examination prescribed by the Board.~~

~~3. If the Board determines that the examinations being administered pursuant to subparagraph (1) of paragraph (c) of subsection 2 are inadequately testing the knowledge and competency of applicants, the Board shall prepare or cause to be prepared its own written examination to test the knowledge and competency of applicants. Such an examination must be offered not less than four times each year. The location of the examination must alternate between Clark County and Washoe County. Upon request, the Board must provide a list of approved interpreters at the location of the examination to interpret the examination for an applicant who, as determined by the Board, requires an interpreter for the examination.~~

~~4.~~ ***3.*** The Board ~~shall~~ ***:***

(a) Shall recognize a program of massage therapy that is:

~~(a)~~ ***(1)*** Approved by the Commission on Postsecondary Education; or

~~(b)~~ ***(2)*** Offered by a public college in this State or any other state ~~. The Board may~~ ***; and***

(b) May recognize other programs of massage therapy.

~~5.~~ ***4.*** Except as otherwise provided in NRS ~~640C.425 and~~ 640C.426, the Board or its designee shall:

(a) Conduct an investigation to determine:

(1) The reputation and character of the applicant;

(2) The existence and contents of any record of arrests or convictions of the applicant;

(3) The existence and nature of any pending litigation involving the applicant that would affect his or her suitability for licensure; and

(4) The accuracy and completeness of any information submitted to the Board by the applicant ~~,~~ .

(b) ~~If the Board determines that it is unable to conduct a complete investigation, require the applicant to submit a financial questionnaire and investigate the financial background and each source of funding of the applicant;~~

~~(c)~~ Report the results of the investigation of the applicant within the period the Board establishes by regulation pursuant to NRS 640C.320 ~~, and~~ ***(c)*** Except as otherwise provided in NRS 239.0115, maintain the results of the investigation in a confidential manner for use by the Board and its members and employees in carrying out their duties pursuant to this chapter. The provisions of this paragraph do not prohibit the Board or its members or employees from communicating or cooperating with or providing any documents or other information to any other licensing board or any other federal, state or local agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 20.5. **NRS 640C.410 is hereby amended to read as follows:**

640C.410 1. The Board may issue a temporary license to practice massage therapy.

2. An applicant for a temporary license issued pursuant to this section must:

(a) Be at least 18 years of age; and

(b) Submit to the Board:

(1) A completed application on a form prescribed by the Board;

(2) The fees prescribed by the Board pursuant to NRS 640C.520;

(3) Proof that the applicant has successfully completed a program of massage therapy recognized by the Board pursuant to NRS 640C.400;

(4) Proof that the applicant:

(I) Has taken the examination required pursuant to NRS 640C.400; or

(II) Is scheduled to take such an examination within 90 days after the date of application;

(5) An affidavit indicating that the applicant has not committed any of the offenses for which the Board may refuse to issue a license pursuant to NRS 640C.700;

(6) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice massage therapy verifying that:

(I) The applicant has not been involved in any disciplinary action relating to his or her license to practice massage therapy; and

(II) Disciplinary proceedings relating to his or her license to practice massage therapy are not pending; and

(7) ~~[Except as otherwise provided in NRS 640C.440, a]~~ ***A*** complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. A temporary license issued pursuant to this section expires 90 days after the date the Board issues the temporary license. The Board shall not renew the temporary license.

4. A person who holds a temporary license:

(a) May practice massage therapy only under the supervision of a fully licensed massage therapist and only in accordance with the provisions of this chapter and the regulations of the Board;

(b) Must comply with any other conditions, limitations and requirements imposed on the temporary license by the Board;

(c) Is subject to the regulatory and disciplinary authority of the Board to the same extent as a fully licensed massage therapist; and

(d) Remains subject to the regulatory and disciplinary authority of the Board after the expiration of the temporary license for all acts relating to the practice of massage therapy which occurred during the period of temporary licensure.

5. As used in this section, "fully licensed massage therapist" means a person who holds a license to practice massage therapy issued pursuant to NRS 640C.400 or 640C.420.

Sec. 21. NRS 640C.420 is hereby amended to read as follows:

640C.420 1. Notwithstanding the provisions of NRS 640C.400 and except as otherwise provided in subsection 3, the Board may issue a license to an applicant who holds a current license to practice massage therapy ***, reflexology or structural integration*** issued by another state, territory or possession of the United States or the District of Columbia.

2. An applicant for a license issued by the Board pursuant to subsection 1 must submit to the Board:

(a) A completed application on a form prescribed by the Board;

(b) The fees prescribed by the Board pursuant to NRS 640C.520;

(c) A notarized statement signed by the applicant that states:

(1) Whether any disciplinary proceedings relating to his or her license to practice massage therapy ***, reflexology or structural integration*** have at any time been instituted against the applicant; and

(2) Whether the applicant has been arrested or convicted, within the immediately preceding 10 years, for any crime involving violence, prostitution or any other sexual offense; and

(d) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice massage therapy ***, reflexology or structural integration*** during the immediately preceding 10 years verifying that:

(1) The applicant has not been involved in any disciplinary action relating to his or her license to practice massage therapy ~~[,]~~ ***, reflexology or structural integration;*** and

(2) Disciplinary proceedings relating to his or her license to practice massage therapy ***, reflexology or structural integration*** are not pending.

3. The Board shall not issue a license pursuant to this section unless the state, territory or possession of the United States or the District of Columbia in which the applicant is licensed had requirements at the time the license was issued that the Board determines are substantially equivalent to the requirements for a license to practice massage therapy ***, reflexology or structural integration*** set forth in this chapter.

Sec. 22. NRS 640C.426 is hereby amended to read as follows:

640C.426 1. The Board may issue a license by endorsement to practice massage therapy ***, reflexology or structural integration*** to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice massage therapy ***, reflexology or structural integration*** in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice massage therapy ~~[;]~~ ***, reflexology or structural integration;*** and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 640C.400;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 640C.520 for the application for and initial issuance of a license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice massage therapy ***, reflexology or structural integration*** pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice massage therapy ***, reflexology or structural integration*** to the applicant not later than:

(a) Forty-five days after receiving all additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to practice massage therapy ***, reflexology or structural integration*** may be issued at a meeting of the Board or between its meetings by the Chair and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement, the Board may grant a provisional license authorizing an applicant to practice as a massage therapist ***, reflexologist or structural integration practitioner*** in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 23. NRS 640C.430 is hereby amended to read as follows:

640C.430 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license as a massage therapist ***, reflexologist or structural integration practitioner*** shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license as a massage therapist ***, reflexologist or structural integration practitioner*** shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license as a massage therapist ***, reflexologist or structural integration practitioner*** may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 24. ~~[NRS 640C.440 is hereby amended to read as follows:~~

~~640C.440 1. The Board of Massage [Therapists] *Therapy* and the State Board of Cosmetology shall, to the extent practicable, reduce duplication in the licensing procedure for a qualified applicant who is applying to the Board of Massage [Therapists] *Therapy* for a license to practice pursuant to this chapter and who is also applying to the State Board of Cosmetology for a license to practice pursuant to chapter 644 of NRS, if both applications are filed not more than 60 days apart.~~

~~2. If a qualified applicant submits an application to the State Board of Cosmetology for a license to practice pursuant to chapter 644 of NRS and, not later than 60 days after that application, the applicant also submits an~~

~~application to the Board of Massage [Therapists] *Therapy* for a license to practice pursuant to this chapter:~~

~~— (a) The applicant is not required to submit a set of fingerprints to the Board of Massage [Therapists] *Therapy* if the applicant submitted a set of fingerprints with the application to the State Board of Cosmetology;~~

~~— (b) The Board of Massage [Therapists] *Therapy* shall request from the State Board of Cosmetology a copy of any reports relating to a background investigation of the applicant;~~

~~— (c) Upon receiving such a request, the State Board of Cosmetology shall provide to the Board of Massage [Therapists] *Therapy* any reports relating to a background investigation of the applicant; and~~

~~— (d) The Board of Massage [Therapists] *Therapy* shall use the reports provided by the State Board of Cosmetology in reviewing the application for a license to practice pursuant to this chapter, except that the Board of Massage [Therapists] *Therapy* may conduct its own background investigation of the applicant if the Board of Massage [Therapists] *Therapy* deems it to be necessary.]~~ **(Deleted by amendment.)**

Sec. 25. NRS 640C.450 is hereby amended to read as follows:

640C.450 1. Each licensee shall display his or her original license in a conspicuous manner at each location where the licensee practices massage therapy ~~[.]~~ ***, reflexology or structural integration.*** If a licensee practices massage therapy ***, reflexology or structural integration*** in more than one place, the licensee must carry the original license with him or her and display it wherever he or she is actually working.

2. A licensee shall obtain a replacement of the original license from the Board if the licensee's:

(a) Original license is destroyed, misplaced or mutilated; or

(b) Name or address as printed on the original license has changed.

3. To obtain a replacement license, the licensee must:

(a) File an affidavit with the Board, on the form prescribed by the Board, which states that the licensee's original license was destroyed, misplaced or mutilated or that his or her name or address as printed on the original license has changed; and

(b) Pay the fee prescribed by the Board pursuant to NRS 640C.520.

Sec. 26. NRS 640C.500 is hereby amended to read as follows:

640C.500 1. Each license ~~[expires on the last day of the month in which it was issued in the next succeeding calendar year]~~ ***is valid for 2 years after the first day of the first calendar month immediately following the date of issuance*** and may be renewed if, before the license expires, the holder of the license submits to the Board:

(a) A completed application for renewal on a form prescribed by the Board;

(b) Proof of completion of the requirements for continuing education prescribed by the Board pursuant to the regulations adopted by the Board under NRS 640C.320; and

(c) The fee for renewal of the license prescribed by the Board pursuant to NRS 640C.520.

2. A license that expires pursuant to this section may be restored if, within 2 years after the expiration of the license, the applicant:

(a) Complies with the provisions of subsection 1; and

(b) Submits to the Board the fees prescribed by the Board pursuant to NRS 640C.520:

(1) For the restoration of an expired license; and

(2) For each year that the license was expired, for the renewal of a license.

3. The Board shall send a notice of renewal to each holder of a license not later than 60 days before the license expires. The notice must include a statement setting forth the provisions of this section and the amount of the fee for renewal of the license.

Sec. 27. NRS 640C.510 is hereby amended to read as follows:

640C.510 1. Upon written request to the Board, a holder of a license in good standing may cause his or her name and license to be transferred to an inactive list. The holder of the license may not practice massage therapy ***, reflexology or structural integration*** during the time the license is inactive, and no renewal fee accrues.

2. If an inactive holder of a license desires to resume the practice of massage therapy ***, reflexology or structural integration*** within 2 years after the license was made inactive, the Board shall renew the license upon:

(a) Demonstration, if deemed necessary by the Board, that the holder of the license is then qualified and competent to practice;

(b) Completion and submission of an application; and

(c) Payment of the current fee for renewal of the license.

Sec. 28. NRS 640C.520 is hereby amended to read as follows:

640C.520 1. The Board shall establish a schedule of fees and charges. The fees for the following items must not exceed the following amounts:

An examination established by the Board pursuant to this chapter	$600
An application for a license	300
An application for a license without an examination	300
A background check of an applicant	600
The issuance of a license	400
The renewal of a license	~~[~~200~~]~~ ***350***
The restoration of an expired license	500
The reinstatement of a suspended or revoked license	500
The issuance of a replacement license	75
The restoration of an inactive license	300
The issuance of a certification of a massage, reflexology and structural integration establishment as defined in section 11 of this act	***50***

The renewal of a certification of a massage, reflexology and structural integration establishment as defined in section 11 of this act..... 50

2. If an applicant submits an application for a license by endorsement pursuant to NRS 640C.426, the Board shall collect not more than one-half of the fee specified in subsection 1 for the initial issuance of the license.

3. ***Subject to the limits provided by subsection 1, the Board:***

(a) May adopt regulations that establish different fees for different types of licenses; and

(b) In establishing the different fees for different types of licenses, shall consider the income and opportunities for employment available to the holders of the different types of licenses.

4. The total fees collected by the Board pursuant to this section must not exceed the amount of money necessary for the operation of the Board and for the maintenance of an adequate reserve.

Sec. 29. NRS 640C.700 is hereby amended to read as follows:

640C.700 The Board may refuse to issue a license to an applicant, or may initiate disciplinary action against a holder of a license, if the applicant or holder of the license:

1. Has submitted false, fraudulent or misleading information to the Board or any agency of this State, any other state, a territory or possession of the United States, the District of Columbia or the Federal Government;

2. Has violated any provision of this chapter or any regulation adopted pursuant thereto;

3. Has been convicted of a crime involving violence, prostitution or any other sexual offense, a crime involving any type of larceny, a crime relating to a controlled substance, a crime involving any federal or state law or regulation relating to massage therapy ***, reflexology or structural integration*** or a substantially similar business, or a crime involving moral turpitude;

4. Has engaged in or solicited sexual activity during the course of practicing massage ***, reflexology or structural integration*** on a person, with or without the consent of the person, including, without limitation, if the applicant or holder of the license:

(a) Made sexual advances toward the person;

(b) Requested sexual favors from the person; or

(c) Massaged, touched or applied any instrument to the breasts of the person, unless the person has signed a written consent form provided by the Board;

5. Has habitually abused alcohol or is addicted to a controlled substance;

6. Is, in the judgment of the Board, guilty of gross negligence in the practice of massage therapy ~~[;]~~ ***, reflexology or structural integration;***

7. Is determined by the Board to be professionally incompetent to engage in the practice of massage therapy ~~[;]~~ ***, reflexology or structural integration;***

8. Has failed to provide information requested by the Board within 60 days after receiving the request;

9. Has, in the judgment of the Board, engaged in unethical or unprofessional conduct ***;*** ~~[as it relates to the practice of massage therapy;]~~

10. Has knowingly failed to report to the Board that the holder of a license or other person has engaged in unethical or unprofessional conduct as it relates to the practice of massage therapy ***, reflexology or structural integration*** within 30 days after becoming aware of that conduct;

11. Has been disciplined in another state, a territory or possession of the United States or the District of Columbia for conduct that would be a violation of the provisions of this chapter or any regulations adopted pursuant thereto if the conduct were committed in this State;

12. Has solicited or received compensation for services relating to the practice of massage therapy ***, reflexology or structural integration*** that he or she did not provide;

13. If the holder of the license is on probation, has violated the terms of the probation;

14. Has engaged in false, deceptive or misleading advertising, including, without limitation, falsely, deceptively or misleadingly advertising that he or she has received training in a specialty technique of massage ***, reflexology or structural integration*** for which he or she has not received training, practicing massage therapy ***, reflexology or structural integration*** under an assumed name and impersonating a licensed massage therapist ~~[.]~~ ***, reflexologist or structural integration practitioner;***

15. Has operated a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility was suspended or revoked; or

(b) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

16. Has failed to comply with a written administrative citation issued pursuant to NRS 640C.755 within the time permitted for compliance set forth in the citation or, if a hearing is held pursuant to NRS 640C.757, within 15 business days after the hearing; or

17. Except as otherwise provided in subsection 16, has failed to pay or make arrangements to pay, as approved by the Board, an administrative fine imposed pursuant to this chapter within 60 days after:

(a) Receiving notice of the imposition of the fine; or

(b) The final administrative or judicial decision affirming the imposition of the fine,

➥ whichever occurs later.

Sec. 30. NRS 640C.712 is hereby amended to read as follows:

640C.712 1. In addition to any other actions authorized by NRS 640C.710, if, after notice and a hearing as required by law, the Board

determines that a licensee has engaged in or solicited sexual activity during the course of practicing massage ***, reflexology or structural integration*** on a person, as set forth in subsection 4 of NRS 640C.700, or has been convicted of prostitution or any other sexual offense that occurred during the course of practicing massage ***, reflexology or structural integration*** on a person, the Board ~~[shall:]~~ ***may:***

(a) For a first violation, impose an administrative fine of not less than $100 and not more than $1,000;

(b) For a second violation, impose an administrative fine of not less than $250 and not more than $5,000; and

(c) For a third violation and for each additional violation, impose an administrative fine of not less than $500 and not more than $10,000.

2. The Board shall, by regulation, establish standards for use by the Board in determining the amount of an administrative fine imposed pursuant to this section. The standards must include, without limitation, provisions requiring the Board to consider:

(a) The gravity of the violation;

(b) The good faith of the licensee; and

(c) Any history of previous violations of the provisions of this chapter committed by the licensee.

Sec. 31. NRS 640C.720 is hereby amended to read as follows:

640C.720 Notwithstanding any other statute to the contrary:

1. If the Board finds, based upon evidence in its possession, that immediate action is necessary to protect the health, safety or welfare of the public, the Board may, upon providing notice to the massage therapist, ***reflexologist or structural integration practitioner,*** temporarily suspend his or her license without a prior hearing for a period not to exceed 15 business days. The massage therapist ***, reflexologist or structural integration practitioner*** may file a written request for a hearing to challenge the necessity of the temporary suspension. The written request must be filed not later than 10 business days after the date on which the massage therapist ***, reflexologist or structural integration practitioner*** receives notice of the temporary suspension. If the massage therapist ~~[.]~~ ***, reflexologist or structural integration practitioner:***

(a) Files a timely written request for a hearing, the Board shall extend the temporary suspension until a hearing is held. The Board shall hold a hearing and render a final decision regarding the necessity of the temporary suspension as promptly as is practicable but not later than 15 business days after the date on which the Board receives the written request. After holding such a hearing, the Board may extend the period of the temporary suspension if the Board finds, for good cause shown, that such action is necessary to protect the health, safety or welfare of the public pending proceedings for disciplinary action.

(b) Does not file a timely written request for a hearing and the Board wants to consider extending the period of the temporary suspension, the

Board shall schedule a hearing and notify the massage therapist ***, reflexologist or structural integration practitioner*** immediately by certified mail of the date of the hearing. The hearing must be held and a final decision rendered regarding whether to extend the period of the temporary suspension as promptly as is practicable but not later than 30 days after the date on which the Board provides notice of the initial temporary suspension. After holding such a hearing, the Board may extend the period of the temporary suspension if the Board finds, for good cause shown, that such action is necessary to protect the health, safety or welfare of the public pending proceedings for disciplinary action.

2. If a massage therapist ***, reflexologist or structural integration practitioner*** is charged with or cited for prostitution or any other sexual offense, the appropriate law enforcement agency shall report the charge or citation to the Executive Director of the Board. Upon receiving such a report, the Executive Director shall immediately issue by certified mail to the massage therapist ***, reflexologist or structural integration practitioner*** a cease and desist order temporarily suspending the license of the massage therapist ***, reflexologist or structural integration practitioner*** without a prior hearing. The temporary suspension of the license is effective immediately after the massage therapist ***, reflexologist or structural integration practitioner*** receives notice of the cease and desist order and must not exceed 15 business days. The massage therapist ***, reflexologist or structural integration practitioner*** may file a written request for a hearing to challenge the necessity of the temporary suspension. The written request must be filed not later than 10 business days after the date on which the Executive Director mails the cease and desist order. If the massage therapist ~~[:]~~ ***, reflexologist or structural integration practitioner:***

(a) Files a timely written request for a hearing, the Board shall extend the temporary suspension until a hearing is held. The Board shall hold a hearing and render a final decision regarding the necessity of the temporary suspension as promptly as is practicable but not later than 15 business days after the date on which the Board receives the written request. After holding such a hearing, the Board may extend the period of the temporary suspension if the Board finds, for good cause shown, that such action is necessary to protect the health, safety or welfare of the public pending proceedings for disciplinary action.

(b) Does not file a timely written request for a hearing and the Board wants to consider extending the period of the temporary suspension, the Board shall schedule a hearing and notify the massage therapist ***, reflexologist or structural integration practitioner*** immediately by certified mail of the date of the hearing. The hearing must be held and a final decision rendered regarding whether to extend the period of the temporary suspension as promptly as is practicable but not later than 15 business days after the date on which the Executive Director mails the cease and desist order. After holding such a hearing, the Board may extend the period of the temporary

suspension if the Board finds, for good cause shown, that such action is necessary to protect the health, safety or welfare of the public pending proceedings for disciplinary action.

3. If the Board or the Executive Director issues an order temporarily suspending the license of a massage therapist ***, reflexologist or structural integration practitioner*** pending proceedings for disciplinary action, a court shall not stay that order.

4. For purposes of this section, a person is deemed to have notice of a temporary suspension of his or her license:

(a) On the date on which the notice is personally delivered to the person; or

(b) If the notice is mailed, 3 days after the date on which the notice is mailed by certified mail to the last known business or residential address of the person.

Sec. 32. NRS 640C.745 is hereby amended to read as follows:

640C.745 1. When conducting an investigation of a massage therapist ***, reflexologist or structural integration practitioner*** pursuant to this chapter, the Board or the Executive Director may request from the appropriate governmental agency or court of competent jurisdiction records relating to any conviction of the massage therapist ***, reflexologist or structural integration practitioner*** for a crime involving violence, prostitution or any other sexual offense. Such records include, without limitation, a record of criminal history as defined in NRS 179A.070.

2. Upon receiving a request from the Board or the Executive Director pursuant to subsection 1, the governmental agency or court of competent jurisdiction shall provide the requested records to the Board or the Executive Director as soon as reasonably practicable. The governmental agency or court of competent jurisdiction may redact from the records produced pursuant to this subsection any information relating to the agency or court that is deemed confidential by the agency or court. Upon receiving the records from the governmental agency or court, the Board and the Executive Director:

(a) Shall maintain the confidentiality of the records if such confidentiality is required by federal or state law; and

(b) May use the records for the sole and limited purpose of determining whether to take disciplinary action against the massage therapist ***, reflexologist or structural integration practitioner*** pursuant to this chapter.

Sec. 33. NRS 640C.910 is hereby amended to read as follows:

640C.910 1. If a person is not licensed to practice massage therapy ***, reflexology or structural integration*** pursuant to this chapter, the person shall not:

(a) Engage in the practice of massage therapy ~~[.]~~ ***, reflexology or structural integration:***

(b) Use in connection with his or her name the words or letters "L.M.T.," "licensed massage therapist," "licensed massage technician," "M.T.,"

"massage technician ***,"*** ~~[" or]~~ "massage therapist," ***"licensed reflexologist," "reflexologist," "licensed structural integration practitioner" or "structural integration practitioner,"*** or any other letters, words or insignia indicating or implying that he or she is licensed to practice massage therapy, ***reflexology or structural integration,*** or in any other way, orally, or in writing or print, or by sign, directly or by implication, use the word "massage ~~["]~~ ***," "reflexology," "structural integration"*** or represent himself or herself as licensed or qualified to engage in the practice of massage therapy ~~[,]~~ ***, reflexology or structural integration;*** or

(c) List or cause to have listed in any directory, including, without limitation, a telephone directory, his or her name or the name of his or her company under the heading "massage," "massage therapy," "massage therapist," "massage technician ~~["]~~ ***," "reflexologist," "structural integration practitioner"*** or any other term that indicates or implies that he or she is licensed or qualified to practice massage therapy ~~[.]~~ ***, reflexology or structural integration.***

2. If a person's license to practice massage therapy ***, reflexology or structural integration*** pursuant to this chapter has expired or has been suspended or revoked by the Board, the person shall not:

(a) Engage in the practice of massage therapy ~~[,]~~ ***, reflexology or structural integration;***

(b) Use in connection with his or her name the words or letters "L.M.T.," "licensed massage therapist," "licensed massage technician," "M.T.," "massage technician ***,"*** ~~[" or]~~ "massage therapist," ***"licensed reflexologist," "reflexologist," "licensed structural integration practitioner" or "structural integration practitioner,"*** or any other letters, words or insignia indicating or implying that he or she is licensed to practice massage therapy, ***reflexology or structural integration,*** or in any other way, orally, or in writing or print, or by sign, directly or by implication, use the word "massage ~~["]~~ ***," "reflexology" or "structural integration,"*** or represent himself or herself as licensed or qualified to engage in the practice of massage therapy ~~[,]~~ ***, reflexology or structural integration;*** or

(c) List or cause to have listed in any directory, including, without limitation, a telephone directory, his or her name or the name of his or her company under the heading "massage," "massage therapy," "massage therapist," "massage technician ~~["]~~ ***," "reflexologist" or "structural integration practitioner,"*** or any other term that indicates or implies that he or she is licensed or qualified to practice massage therapy ~~[.]~~ ***, reflexology or structural integration.***

3. A person who violates any provision of this section is guilty of a misdemeanor.

Sec. 34. NRS 640C.920 is hereby amended to read as follows:

640C.920 1. A person shall not:

(a) Counterfeit or forge or attempt to counterfeit or forge a license to practice massage therapy ~~[,]~~ ***, reflexology or structural integration;*** or

(b) For the purpose of aiding or abetting an unlawful act:

(1) Alter or attempt to alter a license to practice massage therapy ~~[;]~~ ***, reflexology or structural integration;*** or

(2) Make or attempt to make any photocopy print, photostat or other replica of a license to practice massage therapy ~~[.]~~ ***, reflexology or structural integration.***

2. A person shall not use or display a license to practice massage therapy ***, reflexology or structural integration*** that:

(a) Is not the original license issued to the person;

(b) Has been counterfeited or forged;

(c) Has been altered, copied or replicated for the purpose of aiding or abetting an unlawful act; or

(d) Has been issued to another person.

3. A person who violates any provision of this section is guilty of a misdemeanor.

Sec. 35. NRS 640C.930 is hereby amended to read as follows:

640C.930 1. A person shall not advertise as a massage therapist ***, reflexologist or structural integration practitioner*** in this State unless the person is licensed to practice massage therapy ***, reflexology or structural integration*** pursuant to this chapter.

2. A person licensed to practice massage therapy ***, reflexology or structural integration*** pursuant to this chapter shall not disseminate, as part of any advertising by the massage therapist, ***reflexologist or structural integration practitioner,*** any false or misleading statement or representation of material fact that is intended, directly or indirectly, to induce another person to use the services of the massage therapist ~~[.]~~ ***, reflexologist or structural integration practitioner.***

3. All advertising by a licensed massage therapist ***, reflexologist or structural integration practitioner*** must include his or her name and the name of his or her company, if applicable. All advertising in a telephone directory or a newspaper must also include the number of the license.

4. A person who violates any provision of subsection 1 or 2 is guilty of a misdemeanor.

5. If, after notice and a hearing as required by law, the Board determines that a person has willfully engaged in advertising in a manner that violates the provisions of this section or NRS 640C.910, the Board may, in addition to any penalty, punishment or disciplinary action authorized by the provisions of this chapter, order the person to cease and desist the unlawful advertising. The provisions of this subsection do not apply to any person whose license has been expired for less than 90 days or is temporarily suspended.

6. The Board may order any person convicted of a crime involving violence, prostitution or any other sexual offense to cause any telephone number included in the advertising to be disconnected from service. If the Board orders the person to cause any telephone number to be disconnected

from service and the person fails to comply within 5 days after the date on which the person is served with the order, the Board may:

(a) If the provider is regulated by the Public Utilities Commission of Nevada, request the Commission to order the provider to disconnect the telephone number from service pursuant to NRS 703.175 and 707.355; or

(b) If the provider is not regulated by the Public Utilities Commission of Nevada, request the provider to disconnect the telephone number from service and inform the provider that the request is made pursuant to this section. Upon receiving such a request, the provider shall take such action as is necessary to disconnect the telephone number from service.

7. A provider shall not:

(a) Forward or offer to forward the telephone calls of a telephone number disconnected from service pursuant to this section; or

(b) Provide or offer to provide a message that includes a new telephone number for the person whose telephone number was disconnected from service pursuant to this section.

8. If a provider complies in good faith with a request to disconnect a telephone number from service pursuant to this section, such good-faith compliance shall constitute a complete defense to any civil or criminal action brought against the provider arising from the disconnection or termination of service.

9. As used in this section:

(a) "Advertising" means the intentional placement or issuance of any sign, card or device, or the permitting or allowing of any sign or marking on a motor vehicle, in any building, structure, newspaper, magazine or airway transmission, on the Internet or in any directory under the listing of "massage therapist" ~~[or]~~ "massage ~~[."]~~ ***," "reflexologist," "reflexology," "structural integration practitioner" or "structural integration."***

(b) "Provider" means a provider of any type of telephone, messaging or paging service.

(c) "Provider of messaging or paging service" means an entity that provides any type of messaging or paging service to any type of communication device.

(d) "Provider of telephone service" has the meaning ascribed to it in NRS 707.355.

(e) "Telephone number" means any sequence of numbers or characters, or both, used by a provider to provide any type of telephone, messaging or paging service.

Sec. 36. NRS 640E.090 is hereby amended to read as follows:

640E.090 1. The provisions of this chapter do not apply to:

(a) Any person who is licensed or registered in this State as a physician pursuant to chapter 630, 630A or 633 of NRS, dentist, nurse, dispensing optician, optometrist, occupational therapist, practitioner of respiratory care, physical therapist, podiatric physician, psychologist, marriage and family therapist, chiropractor, athletic trainer, massage therapist, ***reflexologist,***

structural integration practitioner, perfusionist, doctor of Oriental medicine in any form, medical laboratory director or technician or pharmacist who:

(1) Practices within the scope of that license or registration;

(2) Does not represent that he or she is a licensed dietitian or registered dietitian; and

(3) Provides nutrition information incidental to the practice for which he or she is licensed or registered.

(b) A student enrolled in an educational program accredited by the Commission on Accreditation for Dietetics Education of the Academy of Nutrition and Dietetics, if the student engages in the practice of dietetics under the supervision of a licensed dietitian or registered dietitian as part of that educational program.

(c) A registered dietitian employed by the Armed Forces of the United States, the United States Department of Veterans Affairs or any division or department of the Federal Government in the discharge of his or her official duties, including, without limitation, the practice of dietetics or providing nutrition services.

(d) A person who furnishes nutrition information, provides recommendations or advice concerning nutrition, or markets food, food materials or dietary supplements and provides nutrition information, recommendations or advice related to that marketing, if the person does not represent that he or she is a licensed dietitian or registered dietitian. While performing acts described in this paragraph, a person shall be deemed not to be engaged in the practice of dietetics or the providing of nutrition services.

(e) A person who provides services relating to weight loss or weight control through a program reviewed by and in consultation with a licensed dietitian or physician or a dietitian licensed or registered in another state which has equivalent licensure requirements as this State, as long as the person does not change the services or program without the approval of the person with whom he or she is consulting.

2. As used in this section, "nutrition information" means information relating to the principles of nutrition and the effect of nutrition on the human body, including, without limitation:

(a) Food preparation;

(b) Food included in a normal daily diet;

(c) Essential nutrients required by the human body and recommended amounts of essential nutrients, based on nationally established standards;

(d) The effect of nutrients on the human body and the effect of deficiencies in or excess amounts of nutrients in the human body; and

(e) Specific foods or supplements that are sources of essential nutrients.

Sec. 37. ~~[NRS 644.191 is hereby amended to read as follows:~~

~~644.191 1. The State Board of Cosmetology and the Board of Massage~~ **[**~~Therapists~~**]** ***Therapy*** ~~shall, to the extent practicable, reduce duplication in the licensing procedure for a qualified applicant who is applying to the State Board of Cosmetology for a license to practice pursuant to this chapter and~~

~~who is also applying to the Board of Massage [Therapists] *Therapy* for a license to practice pursuant to chapter 640C of NRS, if both applications are filed not more than 60 days apart.~~

~~2. If a qualified applicant submits an application to the Board of Massage [Therapists] *Therapy* for a license to practice pursuant to chapter 640C of NRS and, not later than 60 days after that application, the applicant also submits an application to the State Board of Cosmetology for a license to practice pursuant to this chapter:~~

~~(a) The applicant is not required to submit a set of fingerprints to the State Board of Cosmetology if the applicant submitted a set of fingerprints with his or her application to the Board of Massage [Therapists;] *Therapy;*~~

~~(b) The State Board of Cosmetology shall request from the Board of Massage [Therapists] *Therapy* a copy of any reports relating to a background investigation of the applicant;~~

~~(c) Upon receiving such a request, the Board of Massage [Therapists] *Therapy* shall provide to the State Board of Cosmetology any reports relating to a background investigation of the applicant; and~~

~~(d) The State Board of Cosmetology shall use the reports provided by the Board of Massage [Therapists] *Therapy* in reviewing the application for a license to practice pursuant to this chapter.]~~ **(Deleted by amendment.)**

Sec. 38. NRS 644.192 is hereby amended to read as follows:

644.192 1. The Board and a local governmental entity shall, to the extent practicable, reduce duplication in the licensing procedure for a qualified applicant who is applying to the Board for a license to practice pursuant to this chapter and who is also applying to the local governmental entity for a license to practice massage therapy, ***reflexology or structural integration,*** if both applications are filed not more than 60 days apart.

2. If a qualified applicant submits an application to a local governmental entity for a license to practice massage therapy ***, reflexology or structural integration*** and, not later than 60 days after that application, the applicant also submits an application to the Board for a license to practice pursuant to this chapter:

(a) The applicant is not required to submit a set of fingerprints to the Board if the applicant submitted a set of fingerprints with his or her application to the local governmental entity;

(b) The Board shall request from the local governmental entity a copy of any reports relating to a background investigation of the applicant;

(c) Upon receiving such a request, the local governmental entity shall provide to the Board any reports relating to a background investigation of the applicant; and

(d) The Board shall use the reports provided by the local governmental entity in reviewing the application for a license to practice pursuant to this chapter.

3. If a qualified applicant submits an application to the Board for a license to practice pursuant to this chapter and, not later than 60 days after

that application, the applicant also submits an application to a local governmental entity for a license to practice massage therapy ~~[.]~~ ***, reflexology or structural integration:***

(a) The applicant is not required to submit a set of fingerprints to the local governmental entity if the applicant submitted a set of fingerprints with his or her application to the Board;

(b) The local governmental entity shall request from the Board a copy of any reports relating to a background investigation of the applicant;

(c) Upon receiving such a request, the Board shall provide to the local governmental entity any reports relating to a background investigation of the applicant; and

(d) The local governmental entity shall use the reports provided by the Board in reviewing the application for a license to practice massage therapy, ***reflexology or structural integration,*** except that the local governmental entity may conduct its own background investigation of the applicant if the local governmental entity deems it to be necessary.

Sec. 39. NRS 644.400 is hereby amended to read as follows:

644.400 1. A school of cosmetology must at all times be under the immediate supervision of a licensed instructor who has had practical experience in an established place of business for at least 1 year in the practice of a majority of the branches of cosmetology taught at the school of cosmetology.

2. A school of cosmetology shall:

(a) Except as otherwise provided in subsection 6, maintain courses of practical training and technical instruction equal to the requirements for examination for a license or certificate of registration in each branch of cosmetology taught at the school of cosmetology.

(b) Maintain apparatus and equipment sufficient to teach all the subjects of its curriculum.

(c) Keep a daily record of the attendance of each student, a record devoted to the different practices, establish grades and hold examinations before issuing diplomas. These records must be submitted to the Board pursuant to its regulations.

(d) Include in its curriculum a course of deportment consisting of instruction in courtesy, neatness and professional attitude in meeting the public.

(e) Arrange the courses devoted to each branch or practice of cosmetology as the Board may from time to time adopt as the course to be followed by the schools.

(f) Not allow any student to perform services on the public for more than 7 hours in any day.

(g) Conduct at least 5 hours of instruction in theory in each 40-hour week or 6 hours of instruction in theory in each 48-hour week, which must be attended by all registered students.

(h) Require that all work by students be done on the basis of rotation.

3. Except as otherwise provided in subsection 4, the Board may, upon request, authorize a school of cosmetology to offer, in addition to courses which are included in any curriculum required for licensure or registration in each branch of cosmetology taught at the school of cosmetology, any other course.

4. The Board shall, upon request, authorize a school of cosmetology to offer a course or program that is designed, intended or used to prepare or qualify another person for licensure in the field of massage therapy **,** ***reflexology or structural integration*** if:

(a) The school of cosmetology has obtained all licenses, authorizations and approvals required by state and local law to offer such a course or program; and

(b) With regard to that portion of the premises where the school of cosmetology offers courses included in the cosmetological curriculum, the school of cosmetology continues to comply with the provisions of this chapter and any regulations adopted pursuant thereto.

5. Notwithstanding any other provision of law, if a school of cosmetology offers a course or program that is designed, intended or used to prepare or qualify another person for licensure in the field of massage therapy ~~[:]~~ ***, reflexology or structural integration:***

(a) The Board has exclusive jurisdiction over the authorization and regulation of the course or program offered by the school of cosmetology; and

(b) The school of cosmetology is not required to obtain any other license, authorization or approval to offer the course or program.

6. A school of cosmetology is not required to maintain courses of practical training and technical instruction equal to the requirements for examination for a license or certificate of registration in any branch of cosmetology if the school of cosmetology provides its students with a disclaimer, in at least 14-point bold type, indicating that completion of the instruction provided at the school of cosmetology does not:

(a) Qualify the student for a license or certificate of registration in any branch of cosmetology; or

(b) Prepare the student for an examination in any branch of cosmetology.

Sec. 40. NRS 179A.100 is hereby amended to read as follows:

179A.100 1. The following records of criminal history may be disseminated by an agency of criminal justice without any restriction pursuant to this chapter:

(a) Any which reflect records of conviction only; and

(b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.

2. Without any restriction pursuant to this chapter, a record of criminal history or the absence of such a record may be:

(a) Disclosed among agencies which maintain a system for the mutual exchange of criminal records.

(b) Furnished by one agency to another to administer the system of criminal justice, including the furnishing of information by a police department to a district attorney.

(c) Reported to the Central Repository.

3. An agency of criminal justice shall disseminate to a prospective employer, upon request, records of criminal history concerning a prospective employee or volunteer which are the result of a name-based inquiry and which:

(a) Reflect convictions only; or

(b) Pertain to an incident for which the prospective employee or volunteer is currently within the system of criminal justice, including parole or probation.

4. In addition to any other information to which an employer is entitled or authorized to receive from a name-based inquiry, the Central Repository shall disseminate to a prospective or current employer, or a person or entity designated to receive the information on behalf of such an employer, the information contained in a record of registration concerning an employee, prospective employee, volunteer or prospective volunteer who is a sex offender or an offender convicted of a crime against a child, regardless of whether the employee, prospective employee, volunteer or prospective volunteer gives written consent to the release of that information. The Central Repository shall disseminate such information in a manner that does not reveal the name of an individual victim of an offense or the information described in subsection 7 of NRS 179B.250. A request for information pursuant to this subsection must conform to the requirements of the Central Repository and must include:

(a) The name and address of the employer, and the name and signature of the person or entity requesting the information on behalf of the employer;

(b) The name and address of the employer's facility in which the employee, prospective employee, volunteer or prospective volunteer is employed or volunteers or is seeking to become employed or volunteer; and

(c) The name and other identifying information of the employee, prospective employee, volunteer or prospective volunteer.

5. In addition to any other information to which an employer is entitled or authorized to receive, the Central Repository shall disseminate to a prospective or current employer, or a person or entity designated to receive the information on behalf of such an employer, the information described in subsection 4 of NRS 179A.190 concerning an employee, prospective employee, volunteer or prospective volunteer who gives written consent to the release of that information if the employer submits a request in the manner set forth in NRS 179A.200 for obtaining a notice of information. The Central Repository shall search for and disseminate such information in the manner set forth in NRS 179A.210 for the dissemination of a notice of information.

6. Except as otherwise provided in subsection 5, the provisions of NRS 179A.180 to 179A.240, inclusive, do not apply to an employer who requests information and to whom such information is disseminated pursuant to subsections 4 and 5.

7. Records of criminal history must be disseminated by an agency of criminal justice, upon request, to the following persons or governmental entities:

(a) The person who is the subject of the record of criminal history for the purposes of NRS 179A.150.

(b) The person who is the subject of the record of criminal history when the subject is a party in a judicial, administrative, licensing, disciplinary or other proceeding to which the information is relevant.

(c) The Nevada Gaming Control Board.

(d) The State Board of Nursing.

(e) The Private Investigator's Licensing Board to investigate an applicant for a license.

(f) A public administrator to carry out the duties as prescribed in chapter 253 of NRS.

(g) A public guardian to investigate a ward or proposed ward or persons who may have knowledge of assets belonging to a ward or proposed ward.

(h) Any agency of criminal justice of the United States or of another state or the District of Columbia.

(i) Any public utility subject to the jurisdiction of the Public Utilities Commission of Nevada when the information is necessary to conduct a security investigation of an employee or prospective employee or to protect the public health, safety or welfare.

(j) Persons and agencies authorized by statute, ordinance, executive order, court rule, court decision or court order as construed by appropriate state or local officers or agencies.

(k) Any person or governmental entity which has entered into a contract to provide services to an agency of criminal justice relating to the administration of criminal justice, if authorized by the contract, and if the contract also specifies that the information will be used only for stated purposes and that it will be otherwise confidential in accordance with state and federal law and regulation.

(l) Any reporter for the electronic or printed media in a professional capacity for communication to the public.

(m) Prospective employers if the person who is the subject of the information has given written consent to the release of that information by the agency which maintains it.

(n) For the express purpose of research, evaluative or statistical programs pursuant to an agreement with an agency of criminal justice.

(o) An agency which provides child welfare services, as defined in NRS 432B.030.

(p) The Division of Welfare and Supportive Services of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.

(q) The Aging and Disability Services Division of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.

(r) An agency of this or any other state or the Federal Government that is conducting activities pursuant to Part D of Subchapter IV of Chapter 7 of Title 42 of the Social Security Act, 42 U.S.C. §§ 651 et seq.

(s) The State Disaster Identification Team of the Division of Emergency Management of the Department.

(t) The Commissioner of Insurance.

(u) The Board of Medical Examiners.

(v) The State Board of Osteopathic Medicine.

(w) The Board of Massage ~~[Therapists]~~ ***Therapy*** and its Executive Director.

(x) The Board of Examiners for Social Workers.

(y) A multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored by the Attorney General pursuant to NRS 228.495.

8. Agencies of criminal justice in this State which receive information from sources outside this State concerning transactions involving criminal justice which occur outside Nevada shall treat the information as confidentially as is required by the provisions of this chapter.

Sec. 41. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550,

284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and sections 7 and 9 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public

books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

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

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

Sec. 42. NRS 703.175 is hereby amended to read as follows:

703.175 1. Upon receiving a request to disconnect a telephone number from the State Contractors' Board pursuant to NRS 624.720, the Board of Massage ~~[Therapists]~~ ***Therapy*** pursuant to NRS 640C.930 or the Nevada Transportation Authority pursuant to NRS 706.758, the Commission shall issue an order to the appropriate provider of telephone service to disconnect the telephone number.

2. Compliance in good faith by a provider of telephone service with an order of the Commission to terminate service issued pursuant to this section shall constitute a complete defense to any civil or criminal action brought against the provider of telephone service arising from the termination of service.

3. As used in this section, "provider of telephone service" has the meaning ascribed to it in NRS 707.355.

Sec. 43. NRS 707.355 is hereby amended to read as follows:

707.355 1. Each provider of telephone service in this State shall, when notified that:

(a) A court has ordered the disconnection of a telephone number pursuant to NRS 706.2855; or

(b) The Public Utilities Commission of Nevada has ordered the disconnection of a telephone number pursuant to NRS 703.175, after receiving a request to disconnect the telephone number from the State Contractors' Board pursuant to NRS 624.720, the Board of Massage ~~[Therapists]~~ ***Therapy*** pursuant to NRS 640C.930 or the Nevada Transportation Authority pursuant to NRS 706.758,

➥ take such action as is necessary to carry out the order of the court or the Public Utilities Commission of Nevada.

2. A provider of telephone service shall not:

(a) Forward or offer to forward the telephone calls of a telephone number disconnected from service pursuant to the provisions of this section; or

(b) Provide or offer to provide a recorded message that includes the new telephone number for a business whose telephone number was disconnected from service pursuant to the provisions of this section.

3. As used in this section, "provider of telephone service" includes, but is not limited to:

(a) A public utility furnishing telephone service.

(b) A provider of cellular or other service to a telephone that is installed in a vehicle or is otherwise portable.

Sec. 44. A soon as practicable on or after July 1, ~~[2017,]~~ **2018,** the Governor shall appoint to the Board of Massage Therapy the members required to be appointed pursuant to subsection 2 of NRS 640C.150, as amended by section 17 of this act.

Sec. 45. 1. Any administrative regulations adopted by an officer or entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act remain in force until amended by the officer or entity to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or entity whose name has been changed pursuant to the provisions of this act are binding upon the officer or entity to which the responsibility for the administration of the provision of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or entity to which the responsibility for the enforcement of the provisions of the contract or other agreements has been transferred.

3. Any action taken by an officer or entity whose name has been changed pursuant to the provisions of this act remains in effect as if taken by the officer or entity to which the responsibility for the enforcement of such actions has been transferred.

Sec. 46. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, substitute appropriately the name of any agency, officer or instrumentality of the State whose name is changed by this act for the name which the agency, officer or instrumentality previously used.

Sec. 47. NRS 640C.425 ~~[is]~~ ***, 640C.440 and 644.191 are*** hereby repealed.

Sec. 48. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory tasks that are necessary to carry out the provisions of this act; and

2. On July 1, ~~[2017,]~~ ***2018,*** for all other purposes.

TEXT OF REPEALED SECTION

640C.425 Expedited license by endorsement: Requirements; procedure for issuance.

1. The Board may issue a license by endorsement to practice massage therapy to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice massage therapy in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to practice massage therapy; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 640C.400;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 640C.520 for the application for and initial issuance of a license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice massage therapy pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice massage therapy to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to practice massage therapy may be issued at a meeting of the Board or between its meetings by the Chair and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

640C.440 Reduction of duplication in licensing procedure with State Board of Cosmetology.

1. The Board of Massage Therapists and the State Board of Cosmetology shall, to the extent practicable, reduce duplication in the licensing procedure for a qualified applicant who is applying to the Board of Massage Therapists for a license to practice pursuant to this chapter and who is also applying to the State Board of Cosmetology for a license to practice pursuant to chapter 644 of NRS, if both applications are filed not more than 60 days apart.

2. If a qualified applicant submits an application to the State Board of Cosmetology for a license to practice pursuant to chapter 644 of NRS and, not later than 60 days after that application, the applicant also submits an application to the Board of Massage Therapists for a license to practice pursuant to this chapter:

(a) The applicant is not required to submit a set of fingerprints to the Board of Massage Therapists if the applicant submitted a set of fingerprints with the application to the State Board of Cosmetology;

(b) The Board of Massage Therapists shall request from the State Board of Cosmetology a copy of any reports relating to a background investigation of the applicant;

(c) Upon receiving such a request, the State Board of Cosmetology shall provide to the Board of Massage Therapists any reports relating to a background investigation of the applicant; and

(d) The Board of Massage Therapists shall use the reports provided by the State Board of Cosmetology in reviewing the application for a license to practice pursuant to this chapter, except that the Board of Massage Therapists may conduct its own background investigation of the applicant if the Board of Massage Therapists deems it to be necessary.

644.191 Reduction of duplication in licensing procedure for applicant who also applies to Board of Massage Therapists to practice massage therapy.

1. The State Board of Cosmetology and the Board of Massage Therapists shall, to the extent practicable, reduce duplication in the licensing procedure for a qualified applicant who is applying to the State Board of Cosmetology for a license to practice pursuant to this chapter and who is also applying to the Board of Massage Therapists for a license to practice pursuant to chapter 640C of NRS, if both applications are filed not more than 60 days apart.

2. If a qualified applicant submits an application to the Board of Massage Therapists for a license to practice pursuant to chapter 640C of NRS and, not later than 60 days after that application, the applicant also submits an application to the State Board of Cosmetology for a license to practice pursuant to this chapter:

(a) The applicant is not required to submit a set of fingerprints to the State Board of Cosmetology if the applicant submitted a set of fingerprints with his or her application to the Board of Massage Therapists;

(b) The State Board of Cosmetology shall request from the Board of Massage Therapists a copy of any reports relating to a background investigation of the applicant;

(c) Upon receiving such a request, the Board of Massage Therapists shall provide to the State Board of Cosmetology any reports relating to a background investigation of the applicant; and

(d) The State Board of Cosmetology shall use the reports provided by the Board of Massage Therapists in reviewing the application for a license to practice pursuant to this chapter.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 186.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 478.

AN ACT relating to education; requiring the board of trustees of each school district to establish, equip and maintain a prekindergarten education program and a kindergarten in each elementary school or school attendance area in the district; revising provisions governing the age at which a child is required to be enrolled in and attend school; ~~[authorizing a child who is 4 years of age on or before September 30 of a school year to be admitted to a prekindergarten education program;]~~ **requiring the Department of Education to establish the Prekindergarten Improvement and Expansion Program; making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing]~~ **With certain exceptions, existing** law ~~[generally]~~ requires the board of trustees of each school district to establish, equip and maintain a kindergarten in each elementary school or school attendance area in the district. (NRS 388.060) **Section 1 of this bill removes those exceptions, requiring the board of trustees of each school district to establish, equip and maintain a kindergarten in each elementary school or school attendance area in the district.**

With certain exceptions, existing law ~~[also]~~ requires each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of any child between the ages of 7 and 18 years to send the child to a public school during all the time the school is in session in the school district in which the child resides unless the child has graduated from high school. Existing law further provides that a child who is 5 years of age on or before

September 30 of a school year may be admitted to kindergarten at the beginning of that school year. (NRS 392.040)

~~[— Section 1 of this bill requires the board of trustees of each school district to establish, equip and maintain a prekindergarten education program in each elementary school or school attendance area in the district.~~

~~—]~~**Section 3** of this bill lowers, from 7 years of age to ~~[5]~~ **6** years of age, the age at which a child must be enrolled in and attend public school. ~~[Section 3 also: (1) requires a child who is 5 years of age on or before September 30 of a school year to be admitted to kindergarten at the beginning of that school year; and (2) authorizes a child who is 4 years of age on or before September 30 of a school year to be admitted to a prekindergarten education program at the beginning of that school year.~~

~~— The remaining sections]~~ **Sections 2, 4 and 5** of this bill revise applicable provisions relating to kindergarten **and first grade** and the age at which a child must attend school to reflect the new requirements.

Section 5.3 of this bill requires the Department of Education to establish the Prekindergarten Improvement and Expansion Program, and section 5.8 of this bill appropriates money to fund the Program. Section 5.3 requires the Department to: (1) accept and approve applications from schools and child care facilities that wish to establish new prekindergarten education programs or expand existing prekindergarten education programs; and (2) identify the needs that must be met for those schools to establish or expand prekindergarten education programs. Section 5.3 prescribes the required uses of money appropriated for the program, including addressing the identified needs of schools and facilities participating in the program and awarding grants of money to such schools and facilities.

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

Section 1. NRS 388.060 is hereby amended to read as follows:

388.060 ~~[~~1. Except as otherwise provided in this subsection, the~~]~~ ***The*** board of trustees of each school district shall establish, equip and maintain a ~~***[prekindergarten education program and a]***~~ kindergarten in each elementary school or each school attendance area in the district. ~~[~~If, on or before June 1 immediately preceding the school year, admittance to kindergarten has been requested for fewer than 15 children, the mandatory provisions of this subsection do not apply to that school, and the board may decide whether to establish a kindergarten for those children. If the board decides not to establish such a kindergarten, it may provide:

~~(a) Transportation for each child to enable the child to attend kindergarten at another school; or~~

~~(b) Upon agreement with a child's parent or guardian, an authorized program of instruction for kindergarten to be offered in the child's home,~~

~~which includes, without limitation, assigning licensed educational personnel to assist and consult with the parent or guardian as necessary.~~

~~2. The board of trustees of a school district in which a kindergarten is to be established under the provisions of this title of NRS shall budget for this purpose by including the costs in the next regular budget for the school district.~~**]**

Sec. 2. NRS 388A.366 is hereby amended to read as follows:

388A.366 1. A charter school shall:

(a) Comply with all laws and regulations relating to discrimination and civil rights.

(b) Remain nonsectarian, including, without limitation, in its educational programs, policies for admission and employment practices.

(c) Refrain from charging tuition or fees, except for tuition or fees that the board of trustees of a school district is authorized to charge, levying taxes or issuing bonds.

(d) Comply with any plan for desegregation ordered by a court that is in effect in the school district in which the charter school is located.

(e) Comply with the provisions of chapter 241 of NRS.

(f) Except as otherwise provided in this paragraph, schedule and provide annually at least as many days of instruction as are required of other public schools located in the same school district as the charter school is located. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction for a waiver from providing the days of instruction required by this paragraph. The Superintendent of Public Instruction may grant such a request if the governing body demonstrates to the satisfaction of the Superintendent that:

(1) Extenuating circumstances exist to justify the waiver; and

(2) The charter school will provide at least as many hours or minutes of instruction as would be provided under a program consisting of 180 days.

(g) Cooperate with the board of trustees of the school district in the administration of the examinations administered pursuant to NRS 390.105 and, if the charter school enrolls pupils at a high school grade level, the end-of-course examinations administered pursuant to NRS 390.600 and the college and career readiness assessment administered pursuant to NRS 390.610 to the pupils who are enrolled in the charter school.

(h) Comply with applicable statutes and regulations governing the achievement and proficiency of pupils in this State.

(i) Provide instruction in the core academic subjects set forth in subsection 1 of NRS 389.018, as applicable for the grade levels of pupils who are enrolled in the charter school, and provide at least the courses of study that are required of pupils by statute or regulation for promotion to the next grade or graduation from a public high school and require the pupils who are enrolled in the charter school to take those courses of study. This paragraph does not preclude a charter school from offering, or requiring the pupils who

are enrolled in the charter school to take, other courses of study that are required by statute or regulation.

(j) If the parent or legal guardian of a child submits an application to enroll in kindergarten ~~[,]~~ ***or*** first grade ~~[or second grade]~~ at the charter school, comply with NRS 392.040 regarding the ages ~~***[age]***~~ for enrollment in those grades. ~~***[kindergarten.]***~~

(k) Refrain from using public money to purchase real property or buildings without the approval of the sponsor.

(l) Hold harmless, indemnify and defend the sponsor of the charter school against any claim or liability arising from an act or omission by the governing body of the charter school or an employee or officer of the charter school. An action at law may not be maintained against the sponsor of a charter school for any cause of action for which the charter school has obtained liability insurance.

(m) Provide written notice to the parents or legal guardians of pupils in grades 9 to 12, inclusive, who are enrolled in the charter school of whether the charter school is accredited by the Northwest Accreditation Commission.

(n) Adopt a final budget in accordance with the regulations adopted by the Department. A charter school is not required to adopt a final budget pursuant to NRS 354.598 or otherwise comply with the provisions of chapter 354 of NRS.

(o) If the charter school provides a program of distance education pursuant to NRS 388.820 to 388.874, inclusive, comply with all statutes and regulations that are applicable to a program of distance education for purposes of the operation of the program.

2. A charter school shall not provide instruction through a program of distance education to children who are exempt from compulsory attendance pursuant to NRS 392.070. As used in this subsection, "distance education" has the meaning ascribed to it in NRS 388.826.

Sec. 3. NRS 392.040 is hereby amended to read as follows:

392.040 1. Except as otherwise provided by law, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of any child between the ages of ~~***[7 5]***~~ ***6*** and 18 years shall send the child to a public school during all the time the public school is in session in the school district in which the child resides unless the child has graduated from high school.

2. ~~***[A child who is 4 years of age on or before September 30 of a school year may be admitted to a prekindergarten education program at the beginning of that school year.***~~

~~***3.]***~~ A child who is 5 years of age on or before September 30 of a school year may ~~***[must]***~~ be admitted to kindergarten at the beginning of that school year, and the child's enrollment must be counted for purposes of apportionment. If a child is not 5 years of age on or before September 30 of a school year, the child must not be admitted to kindergarten.

3. ~~[Except as otherwise provided in subsection 4, a]~~ ***A*** child who is 6 years of age on or before September 30 of a school year must:

(a) If the child has not completed kindergarten, be admitted to kindergarten at the beginning of that school year; or

(b) If the child has completed kindergarten, be admitted to the first grade at the beginning of that school year,

➥ and the child's enrollment must be counted for purposes of apportionment. If a child is not 6 years of age on or before September 30 of a school year, the child must not be admitted to the first grade until the beginning of the school year following the child's sixth birthday.

4. ~~[The parents, custodial parent, guardian or other person within the State of Nevada having control or charge of a child who is 6 years of age on or before September 30 of a school year may elect for the child not to attend kindergarten or the first grade during that year. The parents, custodial parent, guardian or other person who makes such an election shall file with the board of trustees of the appropriate school district a waiver in a form prescribed by the board.~~

~~5.]~~ Whenever a child who is 6 years of age is enrolled in a public school, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of the child shall send the child to the public school during all the time the school is in session. If the board of trustees of a school district has adopted a policy prescribing a minimum number of days of attendance for pupils enrolled in kindergarten or first grade pursuant to NRS 392.122, the school district shall provide to each parent and legal guardian of a pupil ~~[who elects to enroll his or her child]~~ ***enrolled*** in kindergarten or first grade a written document containing a copy of that policy and a copy of the policy of the school district concerning the withdrawal of pupils from kindergarten or first grade. Before the child's first day of attendance at a school, the parent or legal guardian shall sign a statement on a form provided by the school district acknowledging that he or she has read and understands the policy concerning attendance and the policy concerning withdrawal of pupils from kindergarten or first grade. The parent or legal guardian shall comply with the applicable requirements for attendance. ~~[This requirement for attendance does not apply to any child under the age of 7 years who has not yet been enrolled or has been formally withdrawn from enrollment in public school.~~

~~6. A child who is 7 years of age on or before September 30 of a school year must:~~

~~(a) If the child has completed kindergarten and the first grade, be admitted to the second grade.~~

~~(b) If the child has completed kindergarten, be admitted to the first grade.~~

~~(c) If the parents, custodial parent, guardian or other person in the State of Nevada having control or charge of the child waived the child's attendance from kindergarten pursuant to subsection 4, undergo an assessment by the district pursuant to subsection 7 to determine whether the child is prepared~~

~~developmentally to be admitted to the first grade. If the district determines that the child is prepared developmentally, the child must be admitted to the first grade. If the district determines that the child is not so prepared, he or she must be admitted to kindergarten.~~

~~➥ The enrollment of any child pursuant to this subsection must be counted for apportionment purposes.~~

~~7. Each school district shall prepare and administer before the beginning of each school year a developmental screening test to a child:~~

~~(a) Who is 7 years of age on or before September 30 of the next school year; and~~

~~(b) Whose parents waived the child's attendance from kindergarten pursuant to subsection 4,~~

~~➥ to determine whether the child is prepared developmentally to be admitted to the first grade. The results of the test must be made available to the parents, custodial parent, guardian or other person within the State of Nevada having control or charge of the child.~~

~~8.~~ ~~*4.]*~~ ***5.*** Except as otherwise provided in subsection ~~*[*~~9,~~*5,]*~~ ***6.*** a child who becomes a resident of this State after completing kindergarten or beginning first grade in another state in accordance with the laws of that state may be admitted to the grade the child was attending or would be attending had he or she remained a resident of the other state regardless of his or her age, unless the board of trustees of the school district determines that the requirements of this section are being deliberately circumvented.

~~*[*~~9.~~*5.]*~~ ***6.*** Pursuant to the provisions of NRS 388F.010, a child who transfers to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the child must be admitted to:

(a) The grade, other than kindergarten, the child was attending or would be attending had he or she remained a resident of the other state, regardless of the child's age.

(b) Kindergarten, if the child was enrolled in kindergarten in another state in accordance with the laws of that state, regardless of the child's age.

~~*[*~~10.~~*6.]*~~ ***7.*** As used in this section , "kindergarten" ~~*[:*~~

~~*(a) "Kindergarten"]*~~ includes:

(a) ~~*[(1)]*~~ A kindergarten established by the board of trustees of a school district pursuant to NRS 388.060;

~~*[*~~(b)~~]~~ ***and***

~~*[(2)]*~~ ***(b)*** A kindergarten established by the governing body of a charter school **.** ~~*[*~~; and

~~(c) An authorized program of instruction for kindergarten offered in a child's home pursuant to NRS 388.060.~~

~~*(b) "Prekindergarten education program" includes a prekindergarten education program established by the board of trustees of a school district pursuant to NRS 388.060.]*~~

Sec. 4. NRS 392.160 is hereby amended to read as follows:

392.160 1. Any peace officer, the attendance officer or any other school officer shall, during school hours, take into custody without warrant ~~[:~~ ~~(a) Any]~~ ***any*** child ***who is*** between the ages of ~~[7~~ ***5]*** ***6*** and 18 years ~~[; and~~ ~~(b) Any child who has arrived at the age of 6 years but not at the age of 7 years and]~~ ***, who*** is enrolled in a public school ~~[,~~ ~~➥]~~ ***and*** who has been reported to the officer by the teacher, superintendent of schools or other school officer as an absentee from instruction upon which the child is lawfully required to attend.

2. Except as otherwise provided in subsection 3:

(a) During school hours, the officer having custody shall forthwith deliver the child to the superintendent of schools, principal or other school officer at the child's school of attendance.

(b) After school hours, the officer having custody shall deliver the child to the parent, guardian or other person having control or charge of the child.

3. The board of trustees of a school district or the governing body of a charter school may enter into an agreement with a counseling agency to permit delivery of the child to the agency. For the purposes of this subsection, "counseling agency" means an agency designated by the school district in which the child is enrolled to provide counseling for the child and the parent, guardian or other person having control or charge of the child.

Sec. 5. NRS 422A.333 is hereby amended to read as follows:

422A.333 1. A recipient who has control or charge of a child who is not less than ~~[7~~ ***5]*** ***6*** years of age, but is less than 12 years of age, must comply with the provisions of NRS 392.040 with respect to that child.

2. If the head of a household that is receiving benefits pursuant to the program to provide Temporary Assistance for Needy Families has control or charge of a child who is not less than ~~[7~~ ***5]*** ***6*** years of age, but is less than 12 years of age, the head of the household shall take every reasonable action to ensure that the child is not at risk of failing to advance to the next grade level in school.

3. If the head of a household that is receiving benefits pursuant to the program to provide Temporary Assistance for Needy Families has control or charge of a child who is not less than ~~[7~~ ***5]*** ***6*** years of age, but is less than 12 years of age and:

(a) The head of the household does not comply with the provisions of NRS 392.040 with respect to that child; or

(b) That child is at risk of failing to advance to the next grade level in school,

➥ the Division shall require the head of the household to review with the Division the personal responsibility plan signed by the head of household pursuant to NRS 422A.535 and revise the plan as necessary to assist the head of the household in complying with the provisions of NRS 392.040 and helping the child to improve his or her academic performance.

Sec. 5.3. **1. The Department of Education shall establish the Prekindergarten Improvement and Expansion Program. To carry out the Program, the Department shall:**

(a) Solicit applications from public schools, private schools and child care facilities that wish to establish new prekindergarten education programs or expand existing prekindergarten education programs;

(b) Approve applications based on the quality of the application and the ability of the applicant to effectively establish a new prekindergarten education program or expand an existing kindergarten education program;

(c) Identify the needs that must be met for the schools or facilities whose applications have been approved to establish new prekindergarten education programs or expand existing prekindergarten education programs; and

(d) Use the money appropriated to the Department by section 5.8 of this act for the purposes prescribed in subsections 2, 3 and 4.

2. Except as otherwise authorized by section 5.8 of this act, the Department shall use the money appropriated to the Department by section 5.8 of this act for the Fiscal Year 2017-2018 to address the needs identified pursuant to paragraph (c) of subsection 1, including, without limitation, by:

(a) Purchasing portable classrooms to provide additional classroom space.

(b) Increasing the number of scholarships available to students who are enrolled in a program of early childhood education at a college or university located in this State.

(c) Expanding the Nevada Silver State Stars Quality Rating and Improvement System for prekindergarten education programs.

(d) Collecting data concerning pupils enrolled in prekindergarten education programs for inclusion in the statewide longitudinal data system developed pursuant to NRS 400.040. Such data must be collected and maintained in a manner that complies with all applicable state and federal requirements concerning the privacy of data concerning pupils.

3. Except as otherwise authorized by section 5.8 of this act, the Department shall use the money appropriated to the Department by section 5.8 of this act for the Fiscal Year 2018-2019 to award grants of money to schools and child care facilities whose applications have been approved pursuant to subsection 1 in the amount of $8,000 for each pupil enrolled in a prekindergarten education program at the school or facility, for a maximum of 670 total pupils in this State. If there are more than 670 pupils enrolled in prekindergarten education programs at such schools and facilities, the Department shall award grants of money based on need, as determined by the Department.

4. If any of the money appropriated to the Department by section 5.8 of this act remains after awarding grants pursuant to subsection 3, the Department shall use that money to:

(a) Increase the number of scholarships available to students who are enrolled in a program of early childhood education at a college or university located in this State.

(b) Expand the Nevada Silver State Stars Quality Rating and Improvement System for prekindergarten education programs.

(c) Collect data concerning pupils enrolled in prekindergarten education programs for inclusion in the statewide longitudinal data system developed pursuant to NRS 400.040. Such data must be collected and maintained in a manner that complies with all applicable state and federal requirements concerning the privacy of data concerning pupils.

(d) Provide wrap-around services to pupils with special needs who are enrolled in prekindergarten education programs and their families.

5. As used in this section:

(a) "Child care facility" has the meaning ascribed to it in NRS 432A.024.

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

(c) "Public school" has the meaning ascribed to it in NRS 385.007.

(d) "Wrap-around services" means supplemental services provided to a pupil with special needs or the family of such a pupil that are not otherwise covered by any federal or state program of assistance.

Sec. 5.8. **1. There is hereby appropriated from the State General Fund to the Department of Education for the purposes prescribed in section 5.3 of this act:**

(a) For the Fiscal Year 2017-2018..... $1,542,000

(b) For the Fiscal Year 2018-2019..... $7,771,000

2. The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2019.

Sec. 6. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 7. This act becomes effective on July 1, 2017.

Assemblyman Thompson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 188.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 477.

AN ACT relating to education; reducing the minimum number of credit hours required per semester for eligibility for a grant awarded under the Silver State Opportunity Grant Program; **creating certain exceptions to the credit hour requirement; providing that grant money received by colleges pursuant to the Program does not revert;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Silver State Opportunity Grant Program. Under the Program, the Board of Regents of the University of Nevada is required to award grants to eligible students to pay for a portion of the cost of education at a community college or state college that is part of the Nevada System of Higher Education. One of the requirements for eligibility for such a grant is that a student be enrolled, or accepted to be enrolled, during a semester in at least 15 credit hours at a community college or state college that is part of the Nevada System of Higher Education. (NRS 396.952) ~~[This]~~ **Section 1 of this** bill reduces the minimum number of such required credit hours to ~~[9]~~ **12** credit hours ~~[.]~~ **and provides that a student who is enrolled in fewer than 12 credit hours is still eligible for a grant if the student: (1) is enrolled in his or her final semester of study; or (2) receives a waiver of the 12 credit hour requirement from the student's college based on hardship. Section 1 also provides that a student who loses his or her eligibility for a grant because he or she was not enrolled in 12 credit hours during a semester: (1) may regain his or her eligibility for a grant in future semesters by satisfying the 12 credit hour requirement during a semester for which he or she is not eligible for a grant; and (2) will lose eligibility permanently if he or she fails for a second time to satisfy the 12 credit hour requirement in a subsequent semester.**

Section 2 of this bill provides that money provided to a community college or state college for a grant awarded on behalf of a student under the Silver State Opportunity Grant Program does not revert and any remaining amount must be carried forward and used for grants for eligible students in a subsequent semester.

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

Section 1. NRS 396.952 is hereby amended to read as follows:

396.952 1. The Silver State Opportunity Grant Program is hereby created for the purpose of awarding grants to eligible students to pay for a portion of the cost of education at a community college or state college within the System.

2. The Board of Regents shall administer the Program.

3. In administering the Program, the Board of Regents shall for each semester, subject to the limits of money available for this purpose, award a grant to each eligible student to pay for a portion of the cost of education at a community college or state college within the System.

4. To be eligible for a grant awarded under the Program, a student must:

(a) ~~[Be]~~ ***Except as otherwise provided in this section, be*** enrolled, or accepted to be enrolled, during a semester in at least ~~[15 *or*]~~ ***12*** credit hours at a community college or state college within the System;

(b) Be enrolled in a program of study leading to a recognized degree or certificate;

(c) Demonstrate proficiency in English and mathematics sufficient for placement into college-level English and mathematics courses pursuant to regulations adopted by the Board of Regents for such placement;

(d) Be a bona fide resident of the State of Nevada for the purposes of determining pursuant to NRS 396.540 whether the student is assessed a tuition charge; and

(e) Complete the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090.

5. A student who is enrolled, or accepted to be enrolled, in the final semester of his or her program of study in less than 12 credit hours at a community college or state college within the System is eligible for a grant awarded under the Program.

6. Except as otherwise provided in subsection 7, if a student does not satisfy the requirements of paragraph (a) of subsection 4 during one semester of enrollment, the student is not eligible for a grant awarded under the Program for the succeeding semester of enrollment. If such a student:

(a) Subsequently satisfies the requirements of paragraph (a) of subsection 4 in any subsequent semester in which he or she is not eligible for a grant awarded under the Program, the student is eligible for a grant awarded under the Program for his or her next semester of enrollment.

(b) Fails a second time to satisfy the requirements of paragraph (a) of subsection 4 during any subsequent semester, the student is no longer eligible for a grant awarded under the Program.

7. If a student does not satisfy the requirements of paragraph (a) of subsection 4 during a semester of enrollment, the student may apply for a waiver from the requirements of that paragraph for that semester from the community college or state college based on hardship arising out of the individual circumstances of the student. The community college or state college shall grant the waiver if it determines that the individual circumstances warrant a waiver.

Sec. 2. **NRS 396.954 is hereby amended to read as follows:**

396.954 1. For each eligible student, the Board of Regents or a designee thereof shall:

(a) Calculate the maximum amount of the grant which the student is eligible to receive. The maximum amount of such a grant must not exceed the amount equal to the cost of education of the student minus the amounts determined for the student contribution, family contribution and federal contribution to the cost of education of the student.

(b) Determine the actual amount of the grant which will be awarded to each student, which amount must not exceed the maximum amount calculated pursuant to paragraph (a), but which may be in a lesser amount if the Board of Regents or a designee thereof, as applicable, determines that the amount of money available for all grants for any semester is insufficient to award to all eligible students the maximum amount of the grant which each student is eligible to receive.

(c) Award to each eligible student a grant in the amount determined pursuant to paragraph (b).

2. ***Any money received by a community college or state college within the System for a grant awarded under the Program on behalf of an eligible student at the community college or state college does not revert and any remaining amount must be carried forward and used for grants awarded under the Program for eligible students in a subsequent semester.***

3. Money received from a grant awarded under the Program must be used by a student only to pay for the cost of education of the student at a community college or state college within the System and not for any other purpose.

Sec. 3. **NRS 396.956 is hereby amended to read as follows:**

396.956 1. The Board of Regents:

(a) Shall adopt regulations prescribing the procedures and standards for determining the eligibility of a student for a grant from the Program.

(b) Shall adopt regulations prescribing the methodology by which the Board of Regents or a designee thereof will calculate:

(1) The cost of education of a student at each community college and state college within the System, which must be consistent with the provisions of 20 U.S.C. § 1087ll.

(2) For each student, the amounts of the student contribution, family contribution and federal contribution to the cost of education of the student.

(3) The maximum amount of the grant for which a student is eligible.

(c) Shall adopt regulations prescribing the process by which each student may meet the credit-hour requirement described in ~~[paragraph (a) of subsection 4 of]~~ NRS 396.952 for eligibility for a grant awarded under the Program.

(d) May adopt any other regulations necessary to carry out the Program.

2. The regulations prescribed pursuant to this section must provide that:

(a) In determining the student contribution to the cost of education, the student contribution must not exceed the amount that the Board of Regents determines the student reasonably could be expected to earn from employment during the time the student is enrolled at a community college or

state college within the System, including, without limitation, during breaks between semesters. This paragraph and any regulations adopted pursuant to this section must not be construed to require a student to seek or obtain employment as a condition of eligibility for a grant under the Program.

(b) Determination of the family contribution to the cost of education must be based on the family resources reported in the Free Application for Federal Student Aid submitted by the student.

(c) Determination of the federal contribution to the cost of education must be equal to the total amount that the student and his or her family are expected to receive from the Federal Government as grants.

~~[Sec. 2.]~~ ***Sec. 4.*** This act becomes effective on July 1, 2017.

Assemblyman Thompson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 199.

Bill read second time.

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

Amendment No. 587.

~~[~~~~ASSEMBLYWOMAN~~~~]~~ ASSEMBLYWOMEN WOODBURY **AND TITUS**

AN ACT relating to health care; authorizing a physician assistant or advanced practice registered nurse to take certain actions relating to a Physician Order for Life-Sustaining Treatment; revising provisions governing the execution and revocation of a Physician Order for Life-Sustaining Treatment form; ~~[requiring the Registry of Advance Directives for Health Care to include a form for electronically completing and registering a Physician Order for Life-Sustaining Treatment;]~~ providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Health to adopt a Physician Order for Life-Sustaining Treatment form (POLST form), a document which records the wishes of a patient and directs any provider of health care regarding the provision of life-resuscitating treatment and life-sustaining treatment. (NRS 449.694) Existing law also specifies that a patient who is at least 18 years of age and of sound mind is allowed to request, execute and revoke a POLST form. Under existing law, if a patient is at least 18 years of age and incompetent, certain legal representatives of the patient are authorized to execute and revoke a POLST form on behalf of the patient. (NRS 449.6942, 449.6944) **Sections 2-5, 7-17 and 21-25** of this bill authorize a physician assistant or advanced practice registered nurse to make certain determinations related to a POLST form and to execute a POLST form for a patient. **Sections 9 and 10** also revise provisions governing the execution and revocation of a POLST form. **Section 9**: (1) provides that, under certain circumstances, a surrogate who is not a legal representative of

the patient, including, without limitation, certain family members of the patient or any other adult who has exhibited special care or concern for the patient, is familiar with the values of the patient and willing and able to make health care decisions for the patient, is authorized to request and execute a POLST form for the patient; and (2) revises the standard for determining whether a patient has the capacity to request and execute a POLST form. **Section 10** revises the standard for determining whether a patient has the capacity to revoke a POLST form so that the standard matches the standard set forth in **section 9** for determining whether the patient has the capacity to execute a POLST form.

Existing law contains provisions for resolving potential conflicts between a POLST form and another type of instrument governing the withholding or withdrawal of life-resuscitating treatment and life-sustaining treatment. (NRS 449.6946) **Section 11** requires a provider of health care to honor a declaration, direction or order set forth in a POLST form to provide life-resuscitating treatment if the declaration, direction or order is executed after a do-not-resuscitate identification was issued to the patient.

~~[Existing law establishes a Registry of Advance Directives for Health Care, administered by the Secretary of State, in which certain declarations, directions or orders relating to the administration of life-resuscitating treatment or life-sustaining treatment of a patient may be deposited to facilitate treatment of that patient by any health care provider. (NRS 449.900-449.965) Sections 19 and 20 of this bill provide for the completion and registration of a POLST form electronically on the Internet website of the Secretary of State.]~~

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

Section 1. Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***"Advanced practice registered nurse" means a registered nurse who holds a valid license as an advanced practice registered nurse issued by the State Board of Nursing pursuant to NRS 632.237.***

Sec. 3. ***"Attending advanced practice registered nurse" means an advanced practice registered nurse who has primary responsibility for the treatment and care of the patient.***

Sec. 4. ***"Attending physician assistant" means a physician assistant who has primary responsibility for the treatment and care of the patient.***

Sec. 5. ***"Physician assistant" means a person who holds a license as a physician assistant pursuant to chapter 630 or 633 of NRS.***

Sec. 6. NRS 449.691 is hereby amended to read as follows:

449.691 As used in NRS 449.691 to 449.697, inclusive, ***and sections 2 to 5, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 449.6912 to 449.6934, inclusive, ***and sections 2 to 5, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 7. NRS 449.693 is hereby amended to read as follows:

449.693 ~~[~~"Physician~~]~~ ***"Provider*** Order for Life-Sustaining Treatment form" or "POLST form" means the form prescribed pursuant to NRS 449.694 that:

1. Records the wishes of the patient; and

2. Directs a provider of health care regarding the provision of life-resuscitating treatment and life-sustaining treatment.

Sec. 8. NRS 449.694 is hereby amended to read as follows:

449.694 The Board shall prescribe a standardized ~~[~~Physician~~]~~ ***Provider*** Order for Life-Sustaining Treatment form, commonly known as a POLST form, which:

1. Is uniquely identifiable and has a uniform color;

2. Provides a means by which to indicate whether the patient has made an anatomical gift pursuant to NRS 451.500 to 451.598, inclusive;

3. Gives direction to a provider of health care or health care facility regarding the use of emergency care and life-sustaining treatment;

4. Is intended to be honored by any provider of health care who treats the patient in any health-care setting, including, without limitation, the patient's residence, a health care facility or the scene of a medical emergency; and

5. Includes such other features and information as the Board may deem advisable.

Sec. 9. NRS 449.6942 is hereby amended to read as follows:

449.6942 1. A physician ***, physician assistant or advanced practice registered nurse*** shall take the actions described in subsection 2:

(a) If the physician ***, physician assistant or advanced practice registered nurse*** diagnoses a patient with a terminal condition;

(b) If the physician ***, physician assistant or advanced practice registered nurse*** determines, for any reason, that a patient has a life expectancy of less than 5 years; or

(c) At the request of a patient.

2. Upon the occurrence of any of the events specified in subsection 1, the physician ***, physician assistant or advanced practice registered nurse*** shall explain to the patient:

(a) The existence and availability of the ~~[~~Physician~~]~~ ***Provider*** Order for Life-Sustaining Treatment form;

(b) The features of and procedures offered by way of the POLST form; and

(c) The differences between a POLST form and the other types of advance directives.

3. ~~[~~Upon the request of the patient, the~~]~~ ***The*** physician ***, physician assistant or advanced practice registered nurse*** shall complete the POLST form based on the preferences and medical indications of the patient ~~[~~.~~]~~ ***, upon the request of:***

(a) If the patient is 18 years of age or older and the physician, physician assistant or advanced practice registered nurse determines that the patient

has the capacity to make decisions regarding his or her wishes for the provision of life-resuscitating treatment and life-sustaining treatment, the patient.

(b) If the patient is 18 years of age or older and the physician, physician assistant or advanced practice registered nurse determines that the patient lacks the capacity to make decisions regarding his or her wishes for the provision of life-resuscitating treatment and life-sustaining treatment:

(1) The representative of the patient; or

(2) If no person is a representative of the patient and a valid POLST form has not been executed by the patient or the representative of the patient, a surrogate of the patient who has the capacity to make decisions regarding the provision of life-resuscitating treatment and life-sustaining treatment for the patient.

(c) If the patient is less than 18 years of age, the patient and a parent or legal guardian of the patient.

4. A POLST form is valid upon execution by a physician ***, physician assistant or advanced practice registered nurse*** and:

(a) If the patient is 18 years of age or older and ~~[of sound mind,]~~ ***the physician, physician assistant or advanced practice registered nurse determines that the patient has the capacity to make decisions regarding his or her wishes for the provision of life-resuscitating treatment and life-sustaining treatment,*** the patient ***.*** ~~[;]~~

(b) If the patient is 18 years of age or older and ~~[incompetent,]~~ the ***physician, physician assistant or advanced practice registered nurse determines that the patient lacks the capacity to make decisions regarding his or her wishes for the provision of life-resuscitating treatment and life-sustaining treatment:***

(1) The representative of the patient; or

(2) If no person is a representative of the patient and a valid POLST form has not been executed by the patient or the representative of the patient, a surrogate of the patient who has the capacity to make decisions regarding the provision of life-resuscitating treatment and life-sustaining treatment for the patient.

(c) If the patient is less than 18 years of age, ~~[the patient and]~~ a parent or legal guardian of the patient.

5. ***If, pursuant to subsection 3, a valid POLST form has been executed by a representative or surrogate of the patient and a provider of health care or the representative or surrogate of the patient believes that the patient has regained the capacity to make decisions regarding his or her wishes for the provision of life-resuscitating treatment and life-sustaining treatment, a physician, physician assistant or advanced practice registered nurse must examine the patient and inform the patient of the execution of the POLST form. If the physician, physician assistant or advanced practice registered nurse determines that the patient regained the capacity to make decisions regarding his or her wishes for the provision of life-resuscitating treatment***

and life-sustaining treatment, the patient may approve the execution of the POLST form or, pursuant to NRS 449.6944, revoke the POLST form executed for the patient by his or her representative or surrogate. If the patient approves the execution of the POLST form executed by his or her representative or surrogate, such approval must be made a part of the medical record of the patient and the POLST form is deemed to be valid. The physician, physician assistant or advanced practice registered nurse who examined the patient must notify the representative or surrogate of the patient who executed the POLST form of the decision of the patient to approve or revoke the POLST form.

6. For the purpose of determining whether a surrogate of the patient is authorized to request and execute a POLST form pursuant to subsections 3 and 4, respectively:

(a) If a class entitled to decide whether to request and execute a POLST form is not reasonably available for consultation and capable of deciding or declines to decide, the next class is authorized to decide, but an equal division in a class does not authorize the next class to decide.

(b) A decision to request and execute a POLST form must be made in good faith and is not valid if it conflicts with the expressed intention of the patient.

(c) A decision of the physician, physician assistant or advanced practice registered nurse acting in good faith that a decision to request and execute a POLST form is valid or invalid is conclusive.

7. As used in this section ~~[, "terminal]~~ ***:***

(a) "Surrogate of the patient" means the following persons, in order of priority:

(1) The spouse of the patient;

(2) An adult child of the patient or, if there is more than one adult child, a majority of the adult children who are reasonably available for consultation;

(3) The parents of the patient;

(4) An adult sibling of the patient or, if there is more than one adult sibling, a majority of the adult siblings who are reasonably available for consultation;

(5) The nearest other adult relative of the patient by blood or adoption who is reasonably available for consultation; or

(6) An adult who has exhibited special care or concern for the patient, is familiar with the values of the patient and willing and able to make health care decisions for the patient.

(b) "Terminal condition" has the meaning ascribed to it in NRS 449.590.

Sec. 10. NRS 449.6944 is hereby amended to read as follows:

449.6944 1. A ~~[Physician]~~ ***Provider*** Order for Life-Sustaining Treatment form may be revoked at any time and in any manner by:

(a) The patient who executed it ~~[,]~~ ***or for whom a representative or surrogate executed it pursuant to NRS 449.6942,*** if ~~[competent,]~~ ***the patient***

is 18 years of age or older and the physician, physician assistant or advanced practice registered nurse determines that the ***patient has the capacity to make decisions regarding his or her wishes for the provision of life-resuscitating treatment and life-sustaining treatment*** ***;*** ~~[, without regard to his or her age or physical condition;]~~

(b) ~~[If]~~ ***Without regard to the patient's age or physical condition, if*** the ***physician, physician assistant or advanced practice registered nurse determines that the*** patient ~~[is incompetent,]~~ ***lacks the capacity to make decisions regarding his or her wishes for the provision of life-resuscitating treatment and life-sustaining treatment,*** the representative of the patient; or

(c) If the patient is less than 18 years of age, a parent or legal guardian of the patient.

2. The revocation of a POLST form is effective upon the communication to a provider of health care, by the patient or a ~~[witness to the revocation,]~~ ***person authorized to revoke a POLST form pursuant to subsection 1,*** of the desire to revoke the form. The provider of health care to whom the revocation is communicated shall:

(a) Make the revocation a part of the medical record of the patient; or

(b) Cause the revocation to be made a part of the medical record of the patient.

Sec. 11. NRS 449.6946 is hereby amended to read as follows:

449.6946 1. If a valid ~~[Physician]~~ ***Provider*** Order for Life-Sustaining Treatment form sets forth a declaration, direction or order which conflicts with a declaration, direction or order set forth in one or more of the other types of advance directives:

(a) The declaration, direction or order set forth in the document executed most recently is valid; and

(b) Any other declarations, directions or orders that do not conflict with a declaration, direction or order set forth in another document referenced in this subsection remain valid.

2. If a valid POLST form sets forth a declaration, direction or order to provide life-resuscitating treatment to a patient who also possesses a do-not-resuscitate identification, a provider of health care shall ~~[not]~~ provide life-resuscitating treatment if the ~~[do-not-resuscitate identification is on the person of the patient when the need for life-resuscitating treatment arises.]~~ ***declaration, direction or order to provide life-resuscitating treatment set forth in the valid POLST form was executed more recently than the issuance of the do-not-resuscitate identification.***

Sec. 12. NRS 449.6948 is hereby amended to read as follows:

449.6948 1. A provider of health care is not guilty of unprofessional conduct or subject to civil or criminal liability if:

(a) The provider of health care withholds emergency care or life-sustaining treatment:

(1) In compliance with a ~~[~~Physician~~]~~ ***Provider*** Order for Life-Sustaining Treatment form and the provisions of NRS 449.691 to 449.697, inclusive ~~[.]~~ ***, and sections 2 to 5, inclusive, of this act;*** or

(2) In violation of a ~~[~~Physician~~]~~ ***Provider*** Order for Life-Sustaining Treatment form if the provider of health care is acting in accordance with a declaration, direction or order set forth in one or more of the other types of advance directives and:

(I) Complies with the provisions of NRS 449.695; or

(II) Reasonably and in good faith, at the time the emergency care or life-sustaining treatment is withheld, is unaware of the existence of the POLST form or believes that the POLST form has been revoked pursuant to NRS 449.6944; or

(b) The provider of health care provides emergency care or life-sustaining treatment:

(1) Pursuant to an oral or written request made by the patient, the representative of the patient, or a parent or legal guardian of the patient, who may revoke the POLST form pursuant to NRS 449.6944;

(2) Pursuant to an observation that the patient, the representative of the patient or a parent or legal guardian of the patient has revoked, or otherwise indicated that he or she wishes to revoke, the POLST form pursuant to NRS 449.6944; or

(3) In violation of a POLST form, if the provider of health care reasonably and in good faith, at the time the emergency care or life-sustaining treatment is provided, is unaware of the existence of the POLST form or believes that the POLST form has been revoked pursuant to NRS 449.6944.

2. A health care facility, ambulance service, fire-fighting agency or other entity that employs a provider of health care is not guilty of unprofessional conduct or subject to civil or criminal liability for the acts or omissions of the employee carried out in accordance with the provisions of subsection 1.

Sec. 13. NRS 449.695 is hereby amended to read as follows:

449.695 1. Except as otherwise provided in this section and NRS 449.6946, a provider of health care shall comply with a valid ~~[~~Physician~~]~~ ***Provider*** Order for Life-Sustaining Treatment form, regardless of whether the provider of health care is employed by a health care facility or other entity affiliated with the physician ***, physician assistant or advanced practice registered nurse*** who executed the POLST form.

2. A physician ***, physician assistant or advanced practice registered nurse*** may medically evaluate the patient and, based upon the evaluation, may recommend new orders consistent with the most current information available about the patient's health status and goals of care. Before making a modification to a valid POLST form, the physician ***, physician assistant or advanced practice registered nurse*** shall consult the patient or, if the patient ~~[~~is incompetent,~~]~~ ***lacks decisional capacity,*** shall make a reasonable attempt to consult the representative of the patient and the patient's attending

physician ~~[.]~~ ***, attending physician assistant or attending advanced practice registered nurse.***

3. Except as otherwise provided in subsection 4, a provider of health care who is unwilling or unable to comply with a valid POLST form shall take all reasonable measures to transfer the patient to a physician ***, physician assistant, advanced practice registered nurse*** or health care facility so that the POLST form will be followed.

4. Life-sustaining treatment must not be withheld or withdrawn pursuant to a POLST form of a patient known to the attending physician ***, attending physician assistant or attending advanced practice registered nurse*** to be pregnant, so long as it is probable that the fetus will develop to the point of live birth with the continued application of life-sustaining treatment.

5. Nothing in this section requires a provider of health care to comply with a valid POLST form if the provider of health care does not have actual knowledge of the existence of the form.

Sec. 14. NRS 449.6952 is hereby amended to read as follows:

449.6952 1. Unless he or she has knowledge to the contrary, a provider of health care may assume that a ~~[Physician]~~ ***Provider*** Order for Life-Sustaining Treatment form complies with the provisions of NRS 449.691 to 449.697, inclusive, ***and sections 2 to 5, inclusive, of this act*** and is valid.

2. The provisions of NRS 449.691 to 449.697, inclusive, ***and sections 2 to 5, inclusive, of this act*** do not create a presumption concerning the intention of a:

(a) Patient if the patient, the representative of the patient or a parent or legal guardian of the patient has revoked the POLST form pursuant to NRS 449.6944; or

(b) Person who has not executed a POLST form,

➥ concerning the use or withholding of emergency care or life-sustaining treatment.

Sec. 15. NRS 449.6954 is hereby amended to read as follows:

449.6954 1. Death that results when emergency care or life-sustaining treatment has been withheld pursuant to a ~~[Physician]~~ ***Provider*** Order for Life-Sustaining Treatment form and in accordance with the provisions of NRS 449.691 to 449.697, inclusive, ***and sections 2 to 5, inclusive, of this act*** does not constitute a suicide or homicide.

2. The execution of a POLST form does not affect the sale, procurement or issuance of a policy of life insurance or an annuity, nor does it affect, impair or modify the terms of an existing policy of life insurance or an annuity. A policy of life insurance or an annuity is not legally impaired or invalidated if emergency care or life-sustaining treatment has been withheld from an insured who has executed a POLST form, notwithstanding any term in the policy or annuity to the contrary.

3. A person may not prohibit or require the execution of a POLST form as a condition of being insured for, or receiving, health care.

Sec. 16. NRS 449.6956 is hereby amended to read as follows:

449.6956 1. It is unlawful for:

(a) A provider of health care to willfully fail to transfer the care of a patient in accordance with subsection 3 of NRS 449.695.

(b) A person to willfully conceal, cancel, deface or obliterate a ~~[~~Physician~~]~~ ***Provider*** Order for Life-Sustaining Treatment form without the consent of the patient who executed the form.

(c) A person to falsify or forge the POLST form of another person, or willfully conceal or withhold personal knowledge of the revocation of the POLST form of another person, with the intent to cause the withholding or withdrawal of emergency care or life-sustaining treatment contrary to the wishes of the patient.

(d) A person to require or prohibit the execution of a POLST form as a condition of being insured for, or receiving, health care in violation of subsection 3 of NRS 449.6954.

(e) A person to coerce or fraudulently induce another to execute a POLST form.

2. A person who violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 17. NRS 449.696 is hereby amended to read as follows:

449.696 1. A ~~[~~Physician~~]~~ ***Provider*** Order for Life-Sustaining Treatment form executed in another state in compliance with the laws of that state or this State is valid for the purposes of NRS 449.691 to 449.697, inclusive ~~[.]~~ ***, and sections 2 to 5, inclusive, of this act.***

2. As used in this section, "state" includes the District of Columbia, the Commonwealth of Puerto Rico and a territory or insular possession subject to the jurisdiction of the United States.

Sec. 18. NRS 449.905 is hereby amended to read as follows:

449.905 "Advance directive" means an advance directive for health care. The term includes:

1. A declaration governing the withholding or withdrawal of life-sustaining treatment as set forth in NRS 449.535 to 449.690, inclusive;

2. A durable power of attorney for health care as set forth in NRS 162A.700 to 162A.865, inclusive;

3. A do-not-resuscitate order as defined in NRS 450B.420; and

4. A ~~[~~Physician~~]~~ ***Provider*** Order for Life-Sustaining Treatment form as defined in NRS 449.693.

Sec. 19. ~~[NRS 449.920 is hereby amended to read as follows:~~

~~449.920 The Secretary of State shall establish and maintain the Registry of Advance Directives for Health Care on the Internet website of the Secretary of State. The Registry must include, without limitation, in a secure portion of the website [, an] :~~

~~*1. An* electronic reproduction of each advance directive. The electronic reproduction must be capable of being viewed on the website and~~

~~downloaded, printed or otherwise retrieved by a person as set forth in NRS 449.930.~~

~~*2. A fillable form by which a person may complete and register a Provider Order for Life Sustaining Treatment form electronically on the Internet website of the Secretary of State. The submitted form must be capable of being viewed on the website and downloaded, printed or otherwise retrieved by a person as set forth in NRS 449.930.]*~~ **(Deleted by amendment.)**

Sec. 20. ~~[NRS 449.925 is hereby amended to read as follows:~~

~~449.925 1. A person who wishes to register an advance directive must [submit] :~~

~~*(a) Submit* to the Secretary of State:~~

~~[(a)]~~ ***(1)*** ~~An application in the form prescribed by the Secretary of State;~~

~~[(b)]~~ ***(2)*** ~~A copy of the advance directive; and~~

~~[(c)]~~ ***(3)*** ~~The fee, if any, established by the Secretary of State pursuant to NRS 449.955 [.] ; or~~

~~*(b) Complete and submit:*~~

~~*(1) The electronic form prescribed by the Secretary of State on the Internet website of the Secretary of State to register a Provider Order for Life Sustaining Treatment form; and*~~

~~*(2) The fee, if any, established by the Secretary of State pursuant to NRS 449.955.*~~

~~2. If the person satisfies the requirements of subsection 1, the Secretary of State shall:~~

~~(a) Make an electronic reproduction of the advance directive and post it to the Registry~~ ~~*, as applicable,*~~ ~~and, if the person consents pursuant to NRS 439.591, a health information exchange established pursuant to NRS 439.581 to 439.595, inclusive, if that health information exchange is connected to the Registry;~~

~~(b) Assign a registration number and password to the registrant; and~~

~~(c) Provide the registrant with a registration card that includes, without limitation, the name, registration number and password of the registrant.~~

~~3. The Secretary of State shall establish procedures for:~~

~~(a) The registration of an advance directive that replaces an advance directive that is posted on the Registry;~~

~~(b) The removal from the Registry of an advance directive that has been revoked following the revocation of the advance directive or the death of the registrant; and~~

~~(c) The issuance of a duplicate registration card or the provision of other access to the registrant's registration number and password if a registration card issued pursuant to this section is lost, stolen, destroyed or otherwise unavailable.]~~ **(Deleted by amendment.)**

Sec. 21. NRS 449.945 is hereby amended to read as follows:

449.945 1. The provisions of NRS 449.900 to 449.965, inclusive, do not require a provider of health care to inquire whether a patient has an

advance directive registered on the Registry or to access the Registry to determine the terms of the advance directive.

2. A provider of health care who relies in good faith on the provisions of an advance directive retrieved from the Registry is immune from criminal and civil liability as set forth in:

(a) NRS 449.630, if the advance directive is a declaration governing the withholding or withdrawal of life-sustaining treatment executed pursuant to NRS 449.535 to 449.690, inclusive, or a durable power of attorney for health care executed pursuant to NRS 162A.700 to 162A.865, inclusive;

(b) NRS 449.691 to 449.697, inclusive, ***and sections 2 to 5, inclusive, of this act,*** if the advance directive is a ~~[~~Physician~~]~~ ***Provider*** Order for Life-Sustaining Treatment form; or

(c) NRS 450B.540, if the advance directive is a do-not-resuscitate order as defined in NRS 450B.420.

Sec. 22. NRS 450B.470 is hereby amended to read as follows:

450B.470 "Qualified patient" means:

1. A patient 18 years of age or older who has been determined by the patient's attending physician to be in a terminal condition and who:

(a) Has executed a declaration in accordance with the requirements of NRS 449.600;

(b) Has executed a ~~[~~Physician~~]~~ ***Provider*** Order for Life-Sustaining Treatment form pursuant to NRS 449.691 to 449.697, inclusive, ***and sections 2 to 5, inclusive, of this act,*** if the form provides that the patient is not to receive life-resuscitating treatment; or

(c) Has been issued a do-not-resuscitate order pursuant to NRS 450B.510.

2. A patient who is less than 18 years of age and who:

(a) Has been determined by the patient's attending physician to be in a terminal condition; and

(b) Has executed a Physician Order for Life-Sustaining Treatment form pursuant to NRS 449.691 to 449.697, inclusive, if the form provides that the patient is not to receive life-resuscitating treatment or has been issued a do-not-resuscitate order pursuant to NRS 450B.510.

Sec. 23. NRS 450B.520 is hereby amended to read as follows:

450B.520 Except as otherwise provided in NRS 450B.525:

1. A qualified patient may apply to the health authority for a do-not-resuscitate identification by submitting an application on a form provided by the health authority. To obtain a do-not-resuscitate identification, the patient must comply with the requirements prescribed by the board and sign a form which states that the patient has informed each member of his or her family within the first degree of consanguinity or affinity, whose whereabouts are known to the patient, or if no such members are living, the patient's legal guardian, if any, or if he or she has no such members living and has no legal guardian, his or her caretaker, if any, of the patient's decision to apply for an identification.

2. An application must include, without limitation:

(a) Certification by the patient's attending physician that the patient suffers from a terminal condition;

(b) Certification by the patient's attending physician that the patient is capable of making an informed decision or, when the patient was capable of making an informed decision, that the patient:

(1) Executed:

(I) A written directive that life-resuscitating treatment be withheld under certain circumstances;

(II) A durable power of attorney for health care pursuant to NRS 162A.700 to 162A.865, inclusive; or

(III) A ~~[~~Physician~~]~~ ***Provider*** Order for Life-Sustaining Treatment form pursuant to NRS 449.691 to 449.697, inclusive, ***and sections 2 to 5, inclusive, of this act,*** if the form provides that the patient is not to receive life-resuscitating treatment; or

(2) Was issued a do-not-resuscitate order pursuant to NRS 450B.510;

(c) A statement that the patient does not wish that life-resuscitating treatment be undertaken in the event of a cardiac or respiratory arrest;

(d) The name, signature and telephone number of the patient's attending physician; and

(e) The name and signature of the patient or the agent who is authorized to make health care decisions on the patient's behalf pursuant to a durable power of attorney for health care decisions.

Sec. 24. NRS 450B.525 is hereby amended to read as follows:

450B.525 1. A parent or legal guardian of a minor may apply to the health authority for a do-not-resuscitate identification on behalf of the minor if the minor has been:

(a) Determined by his or her attending physician to be in a terminal condition; and

(b) Issued a do-not-resuscitate order pursuant to NRS 450B.510.

2. To obtain such a do-not-resuscitate identification, the parent or legal guardian must:

(a) Submit an application on a form provided by the health authority; and

(b) Comply with the requirements prescribed by the board.

3. An application submitted pursuant to subsection 2 must include, without limitation:

(a) Certification by the minor's attending physician that the minor:

(1) Suffers from a terminal condition; and

(2) Has executed a ~~[~~Physician~~]~~ ***Provider*** Order for Life-Sustaining Treatment form pursuant to NRS 449.691 to 449.697, inclusive, ***and sections 2 to 5, inclusive, of this act,*** if the form provides that the minor is not to receive life-resuscitating treatment or has been issued a do-not-resuscitate order pursuant to NRS 450B.510;

(b) A statement that the parent or legal guardian of the minor does not wish that life-resuscitating treatment be undertaken in the event of a cardiac or respiratory arrest;

(c) The name of the minor;

(d) The name, signature and telephone number of the minor's attending physician; and

(e) The name, signature and telephone number of the minor's parent or legal guardian.

4. The parent or legal guardian of the minor may revoke the authorization to withhold life-resuscitating treatment by removing or destroying or requesting the removal or destruction of the identification or otherwise indicating to a person that he or she wishes to have the identification removed or destroyed.

5. If, in the opinion of the attending physician, the minor is of sufficient maturity to understand the nature and effect of withholding life-resuscitating treatment:

(a) The do-not-resuscitate identification obtained pursuant to this section is not effective without the assent of the minor.

(b) The minor may revoke the authorization to withhold life-resuscitating treatment by removing or destroying or requesting the removal or destruction of the identification or otherwise indicating to a person that the minor wishes to have the identification removed or destroyed.

Sec. 25. NRS 451.595 is hereby amended to read as follows:

451.595 1. As used in this section:

(a) "Advance health-care directive" means a power of attorney for health care or other record signed by a prospective donor, or executed in the manner set forth in NRS 162A.790, containing the prospective donor's direction concerning a health-care decision for the prospective donor.

(b) "Declaration" means a record signed by a prospective donor, or executed as set forth in NRS 449.600, specifying the circumstances under which life-sustaining treatment may be withheld or withdrawn from the prospective donor. The term includes a ~~[~~Physician~~]~~ ***Provider*** Order for Life-Sustaining Treatment form executed pursuant to NRS 449.691 to 449.697, inclusive ~~[.]~~ ***, and sections 2 to 5, inclusive, of this act.***

(c) "Health-care decision" means any decision made regarding the health care of the prospective donor.

2. If a prospective donor has a declaration or advance health-care directive and the terms of the declaration or advance health-care directive and the express or implied terms of the potential anatomical gift are in conflict concerning the administration of measures necessary to ensure the medical suitability of a part for transplantation or therapy:

(a) The attending physician of the prospective donor shall confer with the prospective donor to resolve the conflict or, if the prospective donor is incapable of resolving the conflict, with:

(1) An agent acting under the declaration or advance health-care directive of the prospective donor; or

(2) If an agent is not named in the declaration or advance health-care directive or the agent is not reasonably available, any other person authorized

by law, other than by a provision of NRS 451.500 to 451.598, inclusive, to make a health-care decision for the prospective donor.

(b) The conflict must be resolved as expeditiously as practicable.

(c) Information relevant to the resolution of the conflict may be obtained from the appropriate procurement organization and any other person authorized to make an anatomical gift of the prospective donor's body or part under NRS 451.556.

(d) Before the resolution of the conflict, measures necessary to ensure the medical suitability of the part may not be withheld or withdrawn from the prospective donor, if withholding or withdrawing the measures is not medically contraindicated for the appropriate treatment of the prospective donor at the end of his or her life.

Sec. 26. NRS 449.6922 is hereby repealed.

Sec. 27. This act becomes effective on July 1, 2017.

TEXT OF REPEALED SECTION

449.6922 "Incompetent" defined. "Incompetent" has the meaning ascribed to it in NRS 159.019.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 203.

Bill read second time.

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

Amendment No. 430.

~~[CONTAINS UNFUNDED MANDATE (§ 7) (NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)] [(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)] [CONTAINS UNFUNDED MANDATE (§ 7)~~

AN ACT relating to cemeteries; clarifying that a cemetery authority is not authorized to order the disinterment and removal of human remains from certain burial plots; requiring a governmental authority to make certain determinations before a cemetery authority may order the disinterment and removal of human remains; requiring a cemetery authority to prescribe a time for the removal and reinterment of human remains under certain circumstances; providing when a receptacle for reinterment will be deemed suitable; authorizing certain persons to maintain an action to require ~~[a]~~ **certain** cemetery ~~[owner]~~ **owners** to keep the cemetery in an orderly condition; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the cemetery authority to order the disinterment and removal of all human remains interred in all or any part of a cemetery if

either the cemetery authority or a governmental authority determines that the further maintenance of all or any part of the cemetery as a burial place is not in accordance with the health, safety, comfort or welfare of the public. (NRS 451.070) **Section 1** of this bill clarifies that a cemetery authority may not: (1) order the disinterment and removal of remains from a burial plot that is owned in fee simple by a person other than the cemetery authority; or (2) sell, mortgage or encumber or order the sale, mortgage or encumbrance of such a burial plot. **Section 4** of this bill removes the authority of a cemetery authority to determine unilaterally that the further maintenance of all or any part of the cemetery as a burial place is not in accordance with the health, safety, comfort or welfare of the public. Before the cemetery authority may order the disinterment and removal of human remains, **section 4** requires the governmental authority to determine, in addition, that: (1) the cemetery authority cannot restore the cemetery to a proper operating condition; and (2) the cemetery authority cannot sell or lease the cemetery to or enter into a contract with another cemetery authority that will properly maintain the cemetery.

Existing law requires a cemetery authority that orders the disinterment and removal of remains under the circumstances described above to: (1) prescribe a reasonable time of not less than 1 year after which the cemetery authority may proceed to remove the remains and reinter them in another cemetery or deposit them in a memorial mausoleum or columbarium; and (2) reinter the remains of each person in a separate and suitable receptacle. (NRS 451.080, 451.270) **Section 5** of this bill clarifies that the statutory period begins when the cemetery authority orders disinterment and that, after the expiration of that period, the cemetery authority may proceed to remove and reinter or deposit the remains. **Section 5** also clarifies that these provisions apply if the cemetery authority plans to reinter the remains in another portion of the existing cemetery. **Section 6** of this bill requires remains to be reinterred within 1 year after the date on which they are disinterred. **Section 6** also deems a receptacle to be suitable if it meets certain conditions.

Existing law requires the owner of a cemetery to keep the cemetery in an orderly condition. (NRS 452.030) **Section 7** of this bill authorizes the district attorney of the county in which the cemetery is located or a relative of any person interred in the cemetery to maintain an action in a court of competent jurisdiction to enforce that requirement. **Under section 7, such an action may not be brought against a cemetery owned by a city or county.** **Section 7** authorizes a court, upon finding that the owner of a cemetery **that is not owned by a city or county** has not complied with that requirement, to: (1) order the owner to take any action necessary to bring the cemetery into an orderly condition; or (2) if the court also determines that continued ownership of the cemetery by the owner is not in accordance with the health, safety, comfort or welfare of the public, transfer title to the cemetery to the city or county in which the cemetery is located ~~[.]~~ **if the city or county accepts such transfer of title.** **Section 7** also requires a city or county to

which title to a cemetery is transferred to operate or provide for the operation of the cemetery.

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

Section 1. Chapter 451 of NRS is hereby amended by adding thereto a new section to read as follows:

Notwithstanding any other provision of law, including, without limitation, any provision of NRS 451.069 to 451.330, inclusive, a cemetery authority shall not:

1. Order the disinterment and removal of human remains interred in a burial plot that is owned in fee simple by a person other than the cemetery authority; or

2. Sell, mortgage or encumber or require the sale, mortgage or encumbrance of such a burial plot.

Sec. 2. NRS 451.005 is hereby amended to read as follows:

451.005 As used in NRS 451.010 to 451.470, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, "human remains" or "remains" means the body of a deceased person, and includes the body in any stage of decomposition and the cremated remains of a body.

Sec. 3. NRS 451.069 is hereby amended to read as follows:

451.069 As used in NRS 451.069 to 451.330, inclusive, ***and section 1 of this act,*** "cemetery authority" means any natural person, partnership, association, corporation or public entity, including the Nevada System of Higher Education or any cemetery district, owning or leasing the land or other property of a cemetery or operating a cemetery as a business in this State.

Sec. 4. NRS 451.070 is hereby amended to read as follows:

451.070 ~~[A]~~ ***Except as otherwise provided in section 1 of this act, a*** cemetery authority may order the disinterment and removal of all human remains interred in all or any part of any cemetery if ~~[the cemetery authority or a]~~ ***:***

1. A governmental authority ***other than the cemetery authority*** determines that ~~[the further]~~ ***:***

(a) The maintenance of all or any part of the cemetery as a burial place for the human dead is not in accordance with the health, safety, comfort or welfare of the public ***;***

(b) The cemetery authority is unable to restore the cemetery or part of the cemetery to a condition where the maintenance of the cemetery as a burial place for the human dead is in accordance with the health, safety, comfort and welfare of the public; and

(c) The cemetery authority is unable, at current market rates, to sell or lease the cemetery to or enter into a contract with another cemetery authority that will maintain the cemetery as a burial place for the human

dead in accordance with the health, safety, comfort and welfare of the public; or ~~[if the]~~

2. The cemetery authority determines that financial provision must be made for future care of gravesites within a specified area.

Sec. 5. NRS 451.080 is hereby amended to read as follows:

451.080 1. The cemetery authority may prescribe reasonable regulations governing the manner of making disinterments and removals and providing for reinterment in a portion of the existing cemetery or in any other cemetery or for deposit of the remains in any memorial mausoleum or columbarium or for providing appropriate future care.

2. The cemetery authority must prescribe a reasonable time of not less than 1 year after ***the date on which it orders the disinterment and removal of remains pursuant to NRS 451.070, after*** which the cemetery authority may proceed to ***disinter and*** remove the remains and reinter them in ***a portion of the existing cemetery or*** another cemetery or deposit them in a memorial mausoleum or columbarium.

Sec. 6. NRS 451.270 is hereby amended to read as follows:

451.270 ***1.*** The remains of each person reinterred shall be placed in a separate and suitable receptacle and decently and respectfully interred ***not later than 1 year after the date on which the remains are disinterred*** under rules and regulations adopted by the cemetery authority making the removal.

2. A receptacle shall be deemed suitable for the purposes of subsection 1 if the receptacle:

(a) Is capable of withstanding weather and movement of the earth that may affect the receptacle for at least 100 years; or

(b) Has been approved by the closest living relative of the decedent.

Sec. 7. NRS 452.030 is hereby amended to read as follows:

452.030 ***1.*** Every owner of a cemetery shall keep the same in an orderly condition, and authority is conferred on the board of county commissioners of each county to make such rules as will carry out the intent of this section.

2. ~~[In]~~ Except as otherwise provided in subsection 4, in addition to any action that may be taken pursuant to the rules described in subsection 1, the district attorney of the county in which a cemetery is located or a relative of any person interred in a cemetery may bring an action in a court of competent jurisdiction to enforce the provisions of subsection 1. If the court finds that the owner of the cemetery has failed to keep the cemetery in an orderly condition, the court may:

(a) Order the owner of the cemetery to take any action necessary to bring the cemetery into such a condition; or

(b) If the court also determines that continued ownership of the cemetery by the owner is not in accordance with the health, safety, comfort or welfare of the public, transfer title to the cemetery to the city or, if the cemetery is located in an unincorporated area of a county, the county in

which the cemetery is located ~~[.]~~ , if the city or county accepts such a transfer of title.

3. A city or county to which title of a cemetery is transferred pursuant to this section shall:

(a) Operate the cemetery;

(b) Lease the cemetery to a cemetery authority to operate the cemetery; ~~[or]~~

(c) Enter into a contract with a cemetery authority to operate the cemetery ~~[.]~~ ; or

(d) Transfer title of the cemetery to a nonprofit organization acting as the cemetery authority of the cemetery.

4. The provisions of subsection 2 do not apply to a cemetery owned by a city or county.

Sec. 8. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~ **(Deleted by amendment.)**

Sec. 9. This act becomes effective upon passage and approval.

Assemblyman Sprinkle moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 209.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 350.

AN ACT relating to water; ~~[requiring, under certain circumstances, the State Engineer to extend the time necessary to work a forfeiture of certain water rights;]~~ **revising the criteria that the State Engineer must consider in determining whether to extend the time necessary to work a forfeiture; authorizing certain extensions to be for a period of not more than 3 years;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides, with limited exception, that the holder of a water right forfeits the right if the holder fails for 5 successive years to use beneficially all or any part of the underground water for the purpose for which the right is acquired or claimed. Existing law authorizes the holder of a water right to request an extension to work the forfeiture and the State Engineer may grant an extension for good cause shown if the request is made before the expiration of the time necessary to work the forfeiture. **Existing law also provides that a single extension must not exceed 1 year.** (NRS 534.090)

This bill revises the criteria the State Engineer must consider to determine whether to grant or deny a request to extend the time necessary to work a forfeiture. This bill ~~[requires]~~ **also authorizes** the State

Engineer to extend the time necessary to work a forfeiture ~~[if the request is made before the expiration of the time necessary to work the forfeiture and the water right authorizes the holder of the right to use groundwater]~~ **for a period of not more than 3 years** in a basin: (1) where the withdrawals consistently exceed the perennial yield; or (2) that has been designated as a critical management area.

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

Section 1. NRS 534.090 is hereby amended to read as follows:

534.090 1. Except as otherwise provided in this section, failure for 5 successive years after April 15, 1967, on the part of the holder of any right, whether it is an adjudicated right, an unadjudicated right or a right for which a certificate has been issued pursuant to NRS 533.425, and further whether the right is initiated after or before March 25, 1939, to use beneficially all or any part of the underground water for the purpose for which the right is acquired or claimed, works a forfeiture of both undetermined rights and determined rights to the use of that water to the extent of the nonuse. If the records of the State Engineer or any other documents specified by the State Engineer indicate at least 4 consecutive years, but less than 5 consecutive years, of nonuse of all or any part of a water right which is governed by this chapter, the State Engineer shall notify the owner of the water right, as determined in the records of the Office of the State Engineer, by registered or certified mail that the owner has 1 year after the date of the notice in which to use the water right beneficially and to provide proof of such use to the State Engineer or apply for relief pursuant to subsection 2 to avoid forfeiting the water right. If, after 1 year after the date of the notice, proof of resumption of beneficial use is not filed in the Office of the State Engineer, the State Engineer shall, unless the State Engineer has granted a request to extend the time necessary to work a forfeiture of the water right, declare the right forfeited within 30 days. Upon the forfeiture of a right to the use of groundwater, the water reverts to the public and is available for further appropriation, subject to existing rights. If, upon notice by registered or certified mail to the owner of record whose right has been declared forfeited, the owner of record fails to appeal the ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the forfeiture becomes final. The failure to receive a notice pursuant to this subsection does not nullify the forfeiture or extend the time necessary to work the forfeiture of a water right.

2. The ~~*[Except as otherwise provided in subsection 3, the]*~~ State Engineer may, upon the request of the holder of any right described in subsection 1, extend the time necessary to work a forfeiture under that subsection if the request is made before the expiration of the time necessary to work a forfeiture. ~~[The]~~ ***Except as otherwise provided in subsection 3, the*** State Engineer may grant, upon request and for good cause shown, any

number of extensions, but a single extension must not exceed 1 year. In ~~[Except as otherwise provided in subsection 3, in]~~ determining whether to grant or deny a request, the State Engineer shall, among other reasons, consider:

(a) Whether the holder has shown good cause for the holder's failure to use all or any part of the water beneficially for the purpose for which the holder's right is acquired or claimed;

(b) The unavailability of water to put to a beneficial use which is beyond the control of the holder;

(c) Any economic conditions or natural disasters which made the holder unable to put the water to that use;

(d) ~~[Any prolonged period in which precipitation in the basin where]~~ ***Whether*** the water right is located ~~[is below the average for that basin or in which indexes that measure soil moisture show that a deficit in soil moisture has occurred in that basin; and]~~ ***in a basin within a county under a declaration of drought by the Governor, the United States Secretary of Agriculture or the President of the United States;***

(e) ~~[~~Whether a groundwater management plan has been approved for the basin pursuant to NRS 534.037; and

~~(f)]~~ Whether the holder has demonstrated efficient ways of using the water for agricultural purposes, such as center-pivot irrigation ~~[.]~~ ***;***

(f) Whether the holder has demonstrated efforts to conserve water which have resulted in a reduction in water consumption; and

(g) Whether the water right is located in a basin that has been designated as a critical management area by the State Engineer pursuant to subsection 7 of NRS 534.110 or where withdrawals of groundwater consistently exceed the perennial yield of the basin.

➥ The State Engineer shall notify, by registered or certified mail, the owner of the water right, as determined in the records of the Office of the State Engineer, of whether the State Engineer has granted or denied the holder's request for an extension pursuant to this subsection. If the State Engineer grants an extension pursuant to this subsection and, before the expiration of that extension, proof of resumption of beneficial use or another request for an extension is not filed in the Office of the State Engineer, the State Engineer shall declare the water right forfeited within 30 days after the expiration of the extension granted pursuant to this subsection.

3. ~~[The]~~ ***If the State Engineer*** ~~[shall, upon the request of the holder of any right described in subsection 1, extend the time necessary to work a forfeiture under that subsection if:~~

~~(a) The request is made before the expiration of the time necessary to work a forfeiture; and~~

~~(b) The right authorizes the holder to use underground water from a basin:~~

~~(1)]~~ ***grants an extension pursuant to subsection 1 in a basin:***

(a) Where withdrawals of groundwater consistently exceed the perennial yield of the basin; or

~~[(2)]~~ (b) That has been designated as a critical management area by the State Engineer pursuant to subsection 7 of NRS 534.110 , ~~[.]~~

~~[Any]~~ a single extension must not exceed 3 years, but any number of extensions may be granted to the holder of such a right . ~~[pursuant to this subsection. An extension that is granted pursuant to this subsection may exceed 1 year.]~~

4. If the failure to use the water pursuant to subsection 1 is because of the use of center-pivot irrigation before July 1, 1983, and such use could result in a forfeiture of a portion of a right, the State Engineer shall, by registered or certified mail, send to the owner of record a notice of intent to declare a forfeiture. The notice must provide that the owner has at least 1 year after the date of the notice to use the water beneficially or apply for additional relief pursuant to subsection 2 before forfeiture of the owner's right is declared by the State Engineer.

~~[4.]~~ ***5.*** A right to use underground water whether it is vested or otherwise may be lost by abandonment. If the State Engineer, in investigating a groundwater source, upon which there has been a prior right, for the purpose of acting upon an application to appropriate water from the same source, is of the belief from his or her examination that an abandonment has taken place, the State Engineer shall so state in the ruling approving the application. If, upon notice by registered or certified mail to the owner of record who had the prior right, the owner of record of the prior right fails to appeal the ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the alleged abandonment declaration as set forth by the State Engineer becomes final.

Sec. 2. This act becomes effective on July 1, 2017.

Assemblywoman Swank moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 226.

Bill read second time.

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

Amendment No. 525.

~~[ASSEMBLYMAN]~~ **ASSEMBLYMEN** HANSEN **, OHRENSCHALL, DALY AND DIAZ**

AN ACT relating to elections; ~~[revising deadlines by which certain signature petitions of minor political parties and independent candidates must be filed;]~~ revising the circumstances under which candidates of major political parties appear on or are omitted from the ballot at ~~[a primary election;]~~ **primary elections; revising provisions governing primary**

elections for certain judicial candidates; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, if **a major political party has only one candidate for a particular office, the name of the candidate does not appear on the ballot at the primary election but appears on the ballot at the general election. If** a major political party has two or more candidates for a particular office, there must be a primary election where the person who receives the highest number of votes is declared the nominee of that party for the office. **(NRS 293.260) Section 3** of this bill ~~[eliminates this provision and provides instead for]~~ **revises** the circumstances under which candidates of **a** major political ~~[parties]~~ **party either** appear on **the ballot at the primary election** or are omitted from the ballot at ~~[a]~~ **the** primary election ~~[. Section]~~ **and appear on the ballot at the general election when there are multiple candidates for the major political party.**

First, section 3 provides that if **two or** more ~~[than]~~ **major political parties have candidates for a particular office and at least** one **of the** major political ~~[party]~~ **parties** has **multiple** candidates for ~~[a particular office, the names of]~~ **the office,** the candidates of ~~[both]~~ **the major political** parties **with multiple candidates for the office** appear on the ballot at the primary election ~~[and from each party, the candidate who receives]~~ **of their respective parties. The candidates who receive** the highest number of votes at the primary election ~~[is]~~ **of their respective parties are** declared the ~~[nominee of that party. Section 3 also]~~ **nominees of those parties and appear on the ballot at the general election with any other candidates for the office who are entitled by law to be placed on the ballot at the general election, such as: (1) any candidate of a major political party that did not have a primary election because it had only one candidate for the office; (2) any candidate for the office nominated by a minor political party; or (3) any independent candidate who has filed for the office.**

Second, section 3 provides that if only one major political party has **multiple** candidates for a particular office ~~[, whether or not the names of the candidates of the]~~ **and no other** major political party ~~[appear on the ballot at the primary election depends on whether a minor political party has nominated a candidate for that office or an independent candidate has filed]~~ **has any candidates** for the office ~~[. If]~~ **but** there is at least one candidate **who was** nominated by a minor political party or one independent candidate who has filed for the office, **section 3** requires the candidates of the major political party to appear on the ballot at the primary election. The major party candidate who receives the highest number of votes ~~[in]~~ **at** the primary election is the nominee of that party and ~~[will be placed]~~ **appears** on the ballot at the general election along with ~~[any]~~ **each candidate who was nominated by a** minor political party ~~[candidates and independent~~

~~candidates. Alternatively,]~~ **and each independent candidate who has filed for the office.**

Third, section 3 provides that if **only one major political party has multiple candidates** for ~~[any]~~ **a** particular office **and no other major political party has any candidates for the office and** there are no candidates nominated by a minor political party and no independent candidates file for the office, the candidates of the major political party ~~[: (1) appear on the ballot at the primary election if there are more candidates than twice the number to be elected to that office; and (2) do not appear on the ballot]~~ **are subject to the following rules: (1)** if there are not more than twice the number of candidates to be elected to that office ~~[.~~

~~Under existing law, the names of candidates for a partisan office of a minor political party do not appear on the ballot at a primary election. Instead, if the minor political party has qualified as such, either by receiving a certain percentage of votes at the preceding election or by collecting a certain number of signatures, the party can name one candidate for each partisan office, and the name of each such candidate must appear on the general election ballot. If a minor political party wishes to place a candidate on the ballot for a general election by collecting a certain number of signatures, the party must file a petition with the signatures with the Secretary of State not later than the third Friday in June before the general election. (NRS 293.1715) Section 1 of this bill changes the deadline for a minor political party to file its signature petition to the third Friday in May before the general election.~~

~~Under existing law, the names of independent candidates for a partisan office do not appear on the ballot at a primary election. Instead, a person wishing to run as an independent candidate can be named as such on the general election ballot if he or she files a petition with a certain number of signatures. The signature petition must be filed with the appropriate filing officer not later than the third Friday in June before the general election. (NRS 293.200) Section 2 of this bill changes the deadline for an independent candidate to file his or her signature petition to the second Friday after the first Monday in March.]~~ **, the candidates do not appear on the ballot at the primary election but appear on the ballot at the general election; or (2) if there are more candidates than twice the number to be elected to that office, the candidates appear on the ballot at the primary election, and the candidates who receive the highest number of votes at the primary election, not to exceed twice the number to be elected to that office at the general election, are declared the nominees for the office and appear on the ballot at the general election.**

Under existing law, in an election for the nonpartisan office of judge of a district court, judge of the Nevada Court of Appeals or justice of the Nevada Supreme Court, if there are more than twice the number of candidates to be elected to the office, the candidates appear on the ballot at the primary election. The candidates who receive the highest number

of votes at the primary election, not to exceed twice the number to be elected, are declared nominees for the office, and they appear on the ballot at the general election, except that if one of those candidates receives a majority of the votes cast at the primary election, the candidate is declared the only nominee for the office and only that candidate appears on the ballot at the general election. (NRS 293.260)

Section 3 of this bill removes the existing exception that applies to situations when one of the state judicial candidates receives a majority of the votes cast at the primary election. As a result, in an election for the nonpartisan office of judge of a district court, judge of the Nevada Court of Appeals or justice of the Nevada Supreme Court, section 3 provides that if there are more than twice the number of candidates to be elected to the office, the candidates appear on the ballot at the primary election, and those candidates who receive the highest number of votes at the primary election, not to exceed twice the number to be elected, are declared nominees for the office and appear on the ballot at the general election without any exceptions.

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

Section 1. ~~[NRS 293.1715 is hereby amended to read as follows:~~

~~293.1715 1. The names of the candidates for partisan office of a minor political party must not appear on the ballot for a primary election.~~

~~2. The names of the candidates for partisan office of a minor political party must be placed on the ballot for the general election if the minor political party is qualified. To qualify as a minor political party, the minor political party must have filed a certificate of existence and be organized pursuant to NRS 293.171, must have filed a list of its candidates for partisan office pursuant to the provisions of NRS 293.1725 with the Secretary of State and:~~

~~(a) At the last preceding general election, [the minor political party] must have polled for any of its candidates for partisan office a number of votes equal to or more than 1 percent of the total number of votes cast for the offices of Representative in Congress;~~

~~(b) On January 1 preceding a primary election, [the minor political party] must have been designated as the political party on the applications to register to vote of at least 1 percent of the total number of registered voters in this State; or~~

~~(c) Not later than the third Friday in [June] *May* preceding the general election, must file a petition with the Secretary of State which is signed by a number of registered voters equal to at least 1 percent of the total number of votes cast at the last preceding general election for the offices of Representative in Congress.~~

~~3. The name of only one candidate of each minor political party for each partisan office may appear on the ballot for a general election.~~

~~4. A minor political party must file a copy of the petition required by paragraph (c) of subsection 2 with the Secretary of State before the petition may be circulated for signatures.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 293.200 is hereby amended to read as follows:~~

~~293.200 1. An independent candidate for partisan office must file with the appropriate filing officer as set forth in NRS 293.185:~~

~~(a) A copy of the petition of candidacy that he or she intends to subsequently circulate for signatures. The copy must be filed not earlier than the January 2 preceding the date of the election and not later than 10 working days before the last day to file the petition pursuant to subsection 4. The copy of the petition must be filed with the appropriate filing officer before the petition may be circulated for signatures.~~

~~(b) Either of the following:~~

~~(1) A petition of candidacy signed by a number of registered voters equal to at least 1 percent of the total number of ballots cast in:~~

~~(I) This State for that office at the last preceding general election in which a person was elected to that office, if the office is a statewide office;~~

~~(II) The county for that office at the last preceding general election in which a person was elected to that office, if the office is a county office; or~~

~~(III) The district for that office at the last preceding general election in which a person was elected to that office, if the office is a district office.~~

~~(2) A petition of candidacy signed by 250 registered voters if the candidate is a candidate for statewide office, or signed by 100 registered voters if the candidate is a candidate for any office other than a statewide office.~~

~~2. The petition may consist of more than one document. Each document must bear the name of the county in which it was circulated, and only registered voters of that county may sign the document. If the office is not a statewide office, only the registered voters of the county, district or municipality in question may sign the document. The documents that are circulated for signature in a county must be submitted to that county clerk for verification in the manner prescribed in NRS 293.1276 to 293.1279, inclusive, not later than 10 working days before the last day to file the petition pursuant to subsection 4. Each person who signs the petition shall add to his or her signature the address of the place at which the person actually resides, the date that he or she signs the petition and the name of the county where he or she is registered to vote. The person who circulates each document of the petition shall sign an affidavit attesting that the signatures on the document are genuine to the best of his or her knowledge and belief and were signed in his or her presence by persons registered to vote in that county.~~

~~3. The petition of candidacy may state the principle, if any, which the person qualified represents.~~

~~4. Petitions of candidacy must be filed not earlier than the first Monday in March preceding the general election and not later than 5 p.m. on the [third] *second* Friday [in June.] *after the first Monday in March.*~~

~~5. No petition of candidacy may contain the name of more than one candidate for each office to be filled.~~

~~6. A person may not file as an independent candidate if he or she is proposing to run as the candidate of a political party.~~

~~7. The names of independent candidates must be placed on the general election ballot and must not appear on the primary election ballot.~~

~~8. If the sufficiency of the petition of the candidacy of any person seeking to qualify pursuant to this section is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the fourth Friday in June. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the fourth Friday in June.~~

~~9. Any challenge pursuant to subsection 8 must be filed with:~~

~~(a) The First Judicial District Court if the petition of candidacy was filed with the Secretary of State.~~

~~(b) The district court for the county where the petition of candidacy was filed if the petition was filed with a county clerk.~~

~~10. The district court in which the challenge is filed shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.~~

~~11. An independent candidate for partisan office must file a declaration of candidacy with the appropriate filing officer and pay the fee required by NRS 293.193 not earlier than the first Monday in March of the year in which the election is held nor later than 5 p.m. on the second Friday after the first Monday in March.~~] **(Deleted by amendment.)**

Sec. 3. NRS 293.260 is hereby amended to read as follows:

293.260 1. If there is no contest of election for nomination to a particular office, neither the title of the office nor the name of the candidate may appear on the ballot at the primary election.

2. If ~~[a major political party has two or more candidates for a particular office, the person who receives the highest number of votes at the primary election must be declared the nominee of that major political party]~~ ***two or more ~~[than]~~ major political parties have candidates for a particular office and at least one of the major political ~~[party]~~ parties has multiple candidates for ~~[a particular]~~ the office, the names of the candidates of the major political parties with multiple candidates for the office must appear on the ballot at the primary election ~~[and the persons]~~ of their respective parties. The candidates who receive the highest number of votes at the primary election of their respective parties must be declared the nominees of those parties*** for the office ~~[.]~~ ***, and their names must be placed on the ballot at the general election with the names of any other candidates for the***

office who are entitled by law to be placed on the ballot at the general election.

3. ***If only one major political party has multiple candidates for a particular office and ~~[a]~~ no other major political party has any candidates for the office but at least one minor political party has nominated a candidate for the office or ~~[an]~~ at least one independent candidate has filed for the office, the names of the candidates of the major political party must appear on the ballot at the primary election ~~[.]~~ of the major political party. The candidate who receives the highest number of votes ~~[in]~~ at the primary election of the major political party must be declared the nominee of that party , and his or her name must be placed on the ballot at the general election ~~[ballot]~~ with the name of ~~[the nominee of the]~~ each candidate for the office who has been nominated by a minor political party ~~[for the office]~~ and the name of ~~[the]~~ each independent candidate who has filed for the office.***

4. If only one major political party has multiple candidates for a particular office and no other major political party has any candidates for the office and no minor political party has nominated a candidate for the office and no independent candidate has filed for the office ~~[.]~~ , then:

(a) If there are not more than twice the number of candidates to be elected to the office, the candidates must, without a primary election, be declared the nominees for the office, and their names must be omitted from the ballot at the primary election of the major political party and placed on the ballot at the general election.

(b) If there are more candidates than twice the number to be elected to the office, the names of the candidates must appear on the ballot ~~[for a]~~ at the primary election ~~[. Except as otherwise provided in this paragraph, the]~~ of the major political party. The candidates of that party who receive the highest number of votes ~~[in]~~ at the primary election, not to exceed twice the number to be elected to that office at the general election, must be declared the nominees for the office ~~[. If only one candidate is to be elected to the office and a candidate receives a majority of the votes in the primary election for that office, that candidate must be declared the nominee for that office and his or her name must be placed on the ballot for the general election.

~~(b) If there are not more than twice the number of candidates to be elected to the office, the candidates must, without a primary election, be declared the nominees for the office.]~~ , and their names must be placed on the ballot at the general election.

5. If not more than the number of candidates to be elected have filed for nomination for:

(a) Any partisan office or the office of judge of a district court, judge of the Court of Appeals or justice of the Supreme Court, the names of those candidates must be omitted from all ballots for a primary election and placed on all ballots for the general election;

(b) Any nonpartisan office, other than the office of judge of a district court, judge of the Court of Appeals, justice of the Supreme Court or member of a town advisory board, the names of those candidates must appear on the ballot for a primary election unless the candidates were nominated pursuant to subsection 2 of NRS 293.165. If a candidate receives one or more votes at the primary election, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election. If a candidate does not receive one or more votes at the primary election, his or her name must be placed on the ballot for the general election; and

(c) The office of member of a town advisory board, the candidate must be declared elected to the office and no election must be held for that office.

~~[4.]~~ ***6.*** If there are not more than twice the number of candidates to be elected to a nonpartisan office, the candidates must, without a primary election, be declared the nominees for the office, and the names of the candidates must be omitted from all ballots for a primary election and placed on all ballots for the general election.

~~[5.]~~ ***7.*** If there are more than twice the number of candidates to be elected to a nonpartisan office, the names of the candidates must appear on the ballot for a primary election. Those candidates who receive the highest number of votes at the primary election, not to exceed twice the number to be elected, must be declared nominees for the office **,** and the names of those candidates must be placed on the ballot for the general election, except that if one of those candidates receives a majority of the votes cast in the primary election for ~~[:~~

~~(a) The office of judge of a district court, judge of the Court of Appeals or justice of the Supreme Court, the candidate must be declared the only nominee for the office and only his or her name must be placed on the ballot for the general election.~~

~~(b) Any other]~~ ***the*** nonpartisan office, ***other than the office of judge of a district court, judge of the Court of Appeals or justice of the Supreme Court,*** the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election.

Assemblywoman Diaz moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 243.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 396.

SUMMARY—Revises provisions relating to **criminal convictions of** victims of sex trafficking and involuntary servitude. (BDR 14-444)

AN ACT relating to criminal procedure; providing ~~[that the district court has exclusive jurisdiction for a motion to vacate]~~ **for the vacating of** a judgment of conviction **and sealing of records** of a victim of sex trafficking

or involuntary servitude **;** ~~[under certain circumstances;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows a court to grant a motion to vacate a judgment if the defendant was convicted of certain offenses and the defendant's participation in the offense was the result of having been a victim of sex trafficking or involuntary servitude. (NRS 176.515) ~~[This]~~ **Existing law also establishes a process for sealing certain records of criminal proceedings. (NRS 179.245-179.301) With certain limited exceptions, if the court orders a person's record of criminal history sealed, all proceedings recounted in the record are deemed never to have occurred. (NRS 179.285)**

Section 1.2 of this bill ~~[provides that a district]~~ **authorizes a person convicted of certain offenses who was a victim of sex trafficking or involuntary servitude to petition the** court ~~[has exclusive jurisdiction to hear a motion]~~ to vacate ~~[such a]~~ **the** judgment **[.]** **and seal all documents relating to the case. Section 1.2 generally sets forth the procedure established in existing law for the vacating of a judgment of conviction of such a person, but additionally requires the court to notify the Central Repository for Nevada Records of Criminal History, the Office of the Attorney General and each office of the district attorney and law enforcement agency in this State and to allow any person to testify and present evidence on behalf of such an entity before the court decides whether to grant a petition. Section 1.2 also authorizes a court to enter an interim order to vacate a judgment of conviction if the petitioner satisfies all requirements necessary for the judgment to be vacated but the petition is deficient with respect to the sealing of the petitioner's record. Section 1.2 provides that if the court enters such an interim order, the court is also required to order sealed the records of the petitioner which relate to the judgment being vacated. Sections 1 and 1.3-1.7 of this bill make conforming changes.**

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

Section 1. NRS 176.515 is hereby amended to read as follows:

176.515 1. The court may grant a new trial to a defendant if required as a matter of law or on the ground of newly discovered evidence.

2. If trial was by the court without a jury, the court may vacate the judgment if entered, take additional testimony and direct the entry of a new judgment.

3. Except as otherwise provided in NRS 176.09187, a motion for a new trial based on the ground of newly discovered evidence may be made only within 2 years after the verdict or finding of guilt.

4. A motion for a new trial based on any other grounds must be made within 7 days after the verdict or finding of guilt or within such further time as the court may fix during the 7-day period.

~~[5. ***Notwithstanding any other provision of law, the district court has exclusive jurisdiction to hear a motion to vacate a judgment that is made pursuant to this subsection.*** The ***district*** court may grant a motion to vacate a judgment if:~~

~~(a) The judgment is a conviction for a violation of:~~

~~(1) NRS 201.354, for engaging in prostitution or solicitation for prostitution, provided that the defendant was not alleged to be a customer of a prostitute;~~

~~(2) NRS 207.200, for unlawful trespass;~~

~~(3) Paragraph (b) of subsection 1 of NRS 463.350, for loitering; or~~

~~(4) A county, city or town ordinance, for loitering for the purpose of solicitation or prostitution;~~

~~(b) The participation of the defendant in the offense was the result of the defendant having been a victim of:~~

~~(1) Trafficking in persons as described in the Trafficking Victims Protection Act of 2000, 22 U.S.C. §§ 7101 et seq.; or~~

~~(2) Involuntary servitude as described in NRS 200.463 or 200.4631; and~~

~~(c) The defendant makes a motion under this subsection with due diligence after the defendant has ceased being a victim of trafficking or involuntary servitude or has sought services for victims of such trafficking or involuntary servitude.~~

~~6. In deciding whether to grant a motion made pursuant to subsection 5, the ***district*** court shall take into consideration any reasonable concerns for the safety of the defendant, family members of the defendant or other victims that may be jeopardized by the bringing of such a motion.~~

~~7. If the ***district*** court grants a motion made pursuant to subsection 5, the court:~~

~~(a) Shall vacate the judgment and dismiss the accusatory pleading; and~~

~~(b) May take any additional action that the court deems appropriate under the circumstances.]~~

Sec. 1.2. **Chapter 179 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If a person has been convicted of any offense listed in subsection 2, the person may petition the court in which he or she was convicted or, if the person wishes to file more than one petition and would otherwise need to file a petition in more than one court, the district court, for an order:

(a) Vacating the judgment; and

(b) Sealing all documents, papers and exhibits in the person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order.

2. A person may file a petition pursuant to subsection 1 if the person was convicted of a violation of:

(a) NRS 201.354, for engaging in prostitution or solicitation for prostitution, provided that the person was not alleged to be a customer of a prostitute;

(b) NRS 207.200, for unlawful trespass;

(c) Paragraph (b) of subsection 1 of NRS 463.350, for loitering; or

(d) A county, city or town ordinance, for loitering for the purpose of solicitation or prostitution.

3. A petition filed pursuant to subsection 1 must satisfy the requirements of subsection 2 of NRS 179.245.

4. The court may grant a petition filed pursuant to subsection 1 if:

(a) The petitioner was convicted of a violation of an offense described in subsection 2;

(b) The participation of the petitioner in the offense was the result of the petitioner having been a victim of:

(1) Trafficking in persons as described in the Trafficking Victims Protection Act of 2000, 22 U.S.C. §§ 7101 et seq.; or

(2) Involuntary servitude as described in NRS 200.463 or 200.4631; and

(c) The petitioner files a petition pursuant to subsection 1 with due diligence after the petitioner has ceased being a victim of trafficking or involuntary servitude or has sought services for victims of such trafficking or involuntary servitude.

5. Before the court decides whether to grant a petition filed pursuant to subsection 1, the court shall:

(a) Notify the Central Repository for Nevada Records of Criminal History, the Office of the Attorney General and each office of the district attorney and law enforcement agency in this State and allow any person to testify and present evidence on behalf of any such entity; and

(b) Take into consideration any reasonable concerns for the safety of the defendant, family members of the defendant or other victims that may be jeopardized by the granting of the petition.

6. If the court grants a petition filed pursuant to subsection 1, the court:

(a) Shall vacate the judgment and dismiss the accusatory pleading;

(b) Shall order sealed all documents, papers and exhibits in the petitioner's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order; and

(c) May take any additional action that the court deems appropriate under the circumstances.

7. If a petition filed pursuant to subsection 1 does not satisfy the requirements of subsection 2 of NRS 179.245 or the court determines that the petition is otherwise deficient with respect to the sealing of the petitioner's record, the court may enter an interim order to vacate the

judgment and dismiss the accusatory pleading if the petitioner satisfies all requirements necessary for the judgment to be vacated.

8. If the court enters an interim order pursuant to subsection 7, the court shall also order sealed the records of the petitioner which relate to the judgment being vacated in accordance with paragraph (b) of subsection 6, regardless of whether any records relating to other convictions are ineligible for sealing either by operation of law or because of a deficiency in the petition.

Sec. 1.3. **NRS 179.241 is hereby amended to read as follows:**

179.241 As used in NRS 179.241 to 179.301, inclusive, ***and section 1.2 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 179.242, 179.243 and 179.244 have the meanings ascribed to them in those sections.

Sec. 1.4. **NRS 179.245 is hereby amended to read as follows:**

179.245 1. Except as otherwise provided in subsection 5 and NRS 176A.265, 176A.295, 179.259, 453.3365 and 458.330, ***and section 1.2 of this act,*** a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

(a) A category A or B felony after 15 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(b) A category C or D felony after 12 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 7 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Except as otherwise provided in paragraph (e), any gross misdemeanor after 5 years from the date of release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 422.540 to 422.570, inclusive, other than a felony, a violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or

(f) Any other misdemeanor after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by the petitioner's current, verified records received from:

(1) The Central Repository for Nevada Records of Criminal History; and

(2) All agencies of criminal justice which maintain such records within the city or county in which the conviction was entered;

(b) If the petition references NRS 453.3365 or 458.330, include a certificate of acknowledgment or the disposition of the proceedings for the

records to be sealed from all agencies of criminal justice which maintain such records;

(c) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(d) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific conviction to which the records to be sealed pertain; and

(3) Date of arrest relating to the specific conviction to which the records to be sealed pertain.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and the prosecuting attorney, including, without limitation, the Attorney General, who prosecuted the petitioner for the crime. The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada, and may also order all such records of the petitioner returned to the file of the court where the proceeding was commenced from, including, without limitation, the Federal Bureau of Investigation, the California Bureau of Criminal Identification and Information and all other agencies of criminal justice which maintain such records and which are reasonably known by either the petitioner or the court to have possession of such records.

5. A person may not petition the court to seal records relating to a conviction of:

(a) A crime against a child;

(b) A sexual offense;

(c) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;

(d) A violation of NRS 484C.430;

(e) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;

(f) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or

(g) A violation of NRS 488.420 or 488.425.

6. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

7. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(12) Lewdness with a child pursuant to NRS 201.230.

(13) Sexual penetration of a dead human body pursuant to NRS 201.450.

(14) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(15) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

(16) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

(17) An attempt to commit an offense listed in this paragraph.

Sec. 1.5. **NRS 179.275 is hereby amended to read as follows:**

179.275 Where the court orders the sealing of a record pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330, ***or section 1.2 of this act,*** a copy of the order must be sent to:

1. The Central Repository for Nevada Records of Criminal History; and

2. Each agency of criminal justice and each public or private company, agency, official or other custodian of records named in the order, and that person shall seal the records in his or her custody which relate to the matters contained in the order, shall advise the court of compliance and shall then seal the order.

Sec. 1.6. **NRS 179.285 is hereby amended to read as follows:**

179.285 Except as otherwise provided in NRS 179.301:

1. If the court orders a record sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 ~~[,]~~ ***or section 1.2 of this act:***

(a) All proceedings recounted in the record are deemed never to have occurred, and the person to whom the order pertains may properly answer accordingly to any inquiry, including, without limitation, an inquiry relating to an application for employment, concerning the arrest, conviction, dismissal or acquittal and the events and proceedings relating to the arrest, conviction, dismissal or acquittal.

(b) The person is immediately restored to the following civil rights if the person's civil rights previously have not been restored:

(1) The right to vote;

(2) The right to hold office; and

(3) The right to serve on a jury.

2. Upon the sealing of the person's records, a person who is restored to his or her civil rights pursuant to subsection 1 must be given:

(a) An official document which demonstrates that the person has been restored to the civil rights set forth in paragraph (b) of subsection 1; and

(b) A written notice informing the person that he or she has not been restored to the right to bear arms, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms.

3. A person who has had his or her records sealed in this State or any other state and whose official documentation of the restoration of civil rights is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has had his or her records sealed, the court shall issue an order restoring the person to the civil rights to vote, to hold office and to serve on a jury. A person must not be required to pay a fee to receive such an order.

4. A person who has had his or her records sealed in this State or any other state may present official documentation that the person has been restored to his or her civil rights or a court order restoring civil rights as proof that the person has been restored to the right to vote, to hold office and to serve as a juror.

Sec. 1.7. **NRS 179.295 is hereby amended to read as follows:**

179.295 1. The person who is the subject of the records that are sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 ***or section 1.2 of this act*** may petition the court that ordered the records sealed to permit inspection of the records by a person named in the petition, and the court may order such inspection. Except as otherwise provided in this section, subsection 8 of NRS 179.255 and NRS 179.259 and 179.301, the court may not order the inspection of the records under any other circumstances.

2. If a person has been arrested, the charges have been dismissed and the records of the arrest have been sealed, the court may order the inspection of the records by a prosecuting attorney upon a showing that as a result of newly discovered evidence, the person has been arrested for the same or a similar offense and that there is sufficient evidence reasonably to conclude that the person will stand trial for the offense.

3. The court may, upon the application of a prosecuting attorney or an attorney representing a defendant in a criminal action, order an inspection of such records for the purpose of obtaining information relating to persons who were involved in the incident recorded.

4. This section does not prohibit a court from considering a conviction for which records have been sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 ***or section 1.2 of this act*** in determining whether to grant a petition pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 for a conviction of another offense.

Sec. 2. ~~[The amendatory provisions of section 1 of this act apply to a motion to vacate a judgment pursuant to subsection 5 of NRS 176.515, as amended by section 1 of this act, which is filed on or after October 1, 2017.]~~ **(Deleted by amendment.)**

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 245.

Bill read second time.

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

Amendment No. 534.

AN ACT relating to pharmacy; requiring a pharmacist or his or her designee to make certain entries any time a biological product is dispensed under certain circumstances; requiring the dispensing of an interchangeable biological product in substitution for a prescribed biological product under certain circumstances; requiring the State Board of Pharmacy to maintain **certain** lists of approved interchangeable biological products **, published by**

the United States Food and Drug Administration, on its Internet website; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that under certain circumstances, a pharmacist is required to dispense a generic drug in substitution for a prescribed brand name drug. (NRS 639.2583) **Sections 3, 5 and 7-12** of this bill enact similar provisions to provide for the dispensing of an interchangeable biological product in substitution for a prescribed biological product. **Section 7** provides that under certain circumstances, a pharmacist is required to dispense an interchangeable biological product in substitution for a prescribed biological product if the interchangeable biological product is less expensive than the prescribed biological product. However, while existing law exempts from the substitution requirement a prescription drug dispensed to a person by mail or common carrier by a certified Internet pharmacy, **section 7** provides that the requirement to dispense an interchangeable biological product applies to a biological product dispensed to a person by mail or common carrier by a certified Internet pharmacy. **Section 3** provides that a biological product is interchangeable if the biological product has been found to be interchangeable in accordance with certain federal standards or has been listed as therapeutically equivalent in certain federal publications. (42 U.S.C. § 262) **Section 5** requires the State Board of Pharmacy to maintain on its Internet website ~~[current lists of biological products determined]~~ **a link to the *Purple Book: Lists of Licensed Biological Products with Reference Product Exclusivity and Biosimilarity or Interchangeability Evaluations*, published** by the United States Food and Drug Administration to be interchangeable.

Section 4 of this bill provides that within 3 business days after dispensing a biological product, the dispensing pharmacist or his or her designee is required to make an entry of the specific product dispensed to the patient that includes, without limitation, the name and the manufacturer of the product. The record must be electronically accessible by the prescribing practitioner through certain systems. If an electronic record is not made, the dispensing pharmacist or his or her designee must provide the notice to the prescriber by certain other means. Under **section 4**, a record of the dispensing of a biological product is not required to be made if: (1) there is no interchangeable biological product for the biological product that has been prescribed; or (2) the dispensed biological product is a refill and is the same product that was dispensed for the prior filling of the prescription.

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

Section 1. Chapter 639 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***"Biological product" has the meaning ascribed to it in 42 U.S.C. § 262.***

Sec. 3. ***"Interchangeable biological product" means a biological product that the Food and Drug Administration has:***

1. Licensed and determined meets the standards for interchangeability pursuant to 42 U.S.C. § 262(k)(4); or

2. Determined is therapeutically equivalent as set forth in the most recent edition or supplement of the Approved Drug Products with Therapeutic Equivalence Evaluations, published by the Food and Drug Administration.

Sec. 4. ***1. Except as otherwise provided in subsections 3 and 4, within 3 business days after dispensing a biological product, the dispensing pharmacist or his or her designee shall make an entry of the specific product provided to the patient that includes, without limitation, the name of the product and its manufacturer. The record must be electronically accessible by the prescribing practitioner through:***

(a) An interoperable electronic health records system;

(b) Electronic prescribing technology;

(c) A pharmacy benefit management system; or

(d) A pharmacy record.

2. An electronic record of the dispensing of a biological product made pursuant to subsection 1 is presumed to provide notice to the prescriber of the dispensing of the product.

3. Except as otherwise provided in subsection 4, if an electronic record of the dispensing of a biological product is not made pursuant to subsection 1, the dispensing pharmacist or his or her designee shall, within 3 business days after dispensing the biological product, give notice of the biological product to the prescriber by facsimile, telephone, electronic transmission or other available means.

4. Notice of the dispensing of a biological product pursuant to subsection 1 or 3 is not required if:

(a) There is no interchangeable biological product for the biological product prescribed; or

(b) A prescription for a refill is not changed from the product dispensed on the prior filling of the prescription.

5. As used in this section, "electronic health record" has the meaning ascribed to it in 42 U.S.C. § 17921(5).

Sec. 5. ***The Board shall maintain a link on its Internet website to the ~~[lists of all interchangeable biological products.]~~ Purple Book: Lists of Licensed Biological Products with Reference Product Exclusivity and Biosimilarity or Interchangeability Evaluations, published by the Food and Drug Administration.***

Sec. 6. NRS 639.001 is hereby amended to read as follows:

639.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 639.0015 to 639.016, inclusive, ***and sections 2 and 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 7. NRS 639.2583 is hereby amended to read as follows:

639.2583 1. Except as otherwise provided in this section, if a practitioner has prescribed a ~~[drug]~~ ***:***

(a) Drug by brand name and the practitioner has not indicated, by a method set forth in subsection 5, that a substitution is prohibited, the pharmacist who fills or refills the prescription shall dispense, in substitution, another drug which is available to him or her if the other drug:

~~[(a)]~~ ***(1)*** Is less expensive than the drug prescribed by brand name;

~~[(b)]~~ ***(2)*** Is biologically equivalent to the drug prescribed by brand name;

~~[(c)]~~ ***(3)*** Has the same active ingredient or ingredients of the same strength, quantity and form of dosage as the drug prescribed by brand name; and

~~[(d)]~~ ***(4)*** Is of the same generic type as the drug prescribed by brand name.

(b) Biological product and the practitioner has not indicated, by a method set forth in subsection 5, that a substitution is prohibited, the pharmacist who fills or refills the prescription shall dispense, in substitution, another biological product which is available to him or her if the other biological product:

(1) Is an interchangeable biological product for the biological product prescribed; and

(2) Is less expensive than the biological product prescribed by brand name.

2. If the pharmacist has available to him or her more than one drug ***or interchangeable biological product*** that may be substituted for the drug prescribed by brand name ~~[.]~~ ***or biological product prescribed,*** the pharmacist shall dispense, in substitution, the least expensive of the drugs ***or interchangeable biological products*** that are available to him or her for substitution.

3. Before a pharmacist dispenses a drug ***or biological product*** in substitution for a drug prescribed by brand name ~~[.]~~ ***or biological product prescribed,*** the pharmacist shall:

(a) Advise the person who presents the prescription that the pharmacist intends to dispense a drug ***or biological product*** in substitution; and

(b) Advise the person that he or she may refuse to accept the drug ***or biological product*** that the pharmacist intends to dispense in substitution, unless the pharmacist is being paid for the drug by a governmental agency.

4. If a person refuses to accept the drug ***or biological product*** that the pharmacist intends to dispense in substitution, the pharmacist shall dispense the drug prescribed by brand name ~~[.]~~ ***or biological product prescribed,*** unless the pharmacist is being paid for the drug ***or biological product*** by a governmental agency, in which case the pharmacist shall dispense the drug ***or biological product*** in substitution.

5. A pharmacist shall not dispense a drug ***or biological product*** in substitution for a drug prescribed by brand name ***or biological product***

prescribed if the practitioner has indicated that a substitution is prohibited using one or more of the following methods:

(a) By oral communication to the pharmacist at any time before the drug ***or biological product*** is dispensed.

(b) By handwriting the words "Dispense as Written" on the form used for the prescription, including, without limitation, any form used for transmitting the prescription from a facsimile machine to another facsimile machine. The pharmacist shall disregard the words "Dispense as Written" if they have been placed on the form used for the prescription by preprinting or other mechanical process or by any method other than handwriting.

(c) By including the words "Dispense as Written" in any prescription that is given to the pharmacist by electronic transmission pursuant to the regulations of the Board or in accordance with NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto, including, without limitation, an electronic transmission from a computer equipped with a facsimile modem to a facsimile machine or from a computer to another computer pursuant to the regulations of the Board.

6. The provisions of this section also apply to a prescription issued to a person by a practitioner from outside this State if the practitioner has not indicated, by a method set forth in subsection 5, that a substitution is prohibited.

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

(a) A prescription drug ***or biological product*** that is dispensed to any inpatient of a hospital by an inpatient pharmacy which is associated with that hospital;

(b) A prescription drug that is dispensed to any person by mail order or other common carrier by an Internet pharmacy which is certified by the Board pursuant to NRS 639.23288 and authorized to provide service by mail order or other common carrier pursuant to the provisions of this chapter; or

(c) A prescription drug ***or biological product*** that is dispensed to any person by a pharmacist if the substitution:

(1) Would violate the terms of a health care plan that maintains a mandatory, exclusive or closed formulary for its coverage for prescription drugs ~~[,]~~ ***and biological products;*** or

(2) Would otherwise make the transaction ineligible for reimbursement by a third party.

Sec. 8. NRS 639.2587 is hereby amended to read as follows:

639.2587 If a generic drug ***or interchangeable biological product*** is substituted for a drug prescribed by brand name ~~[,]~~ ***or biological product prescribed,*** the pharmacist or practitioner shall:

1. Note the name of the manufacturer, packer or distributor of the drug ***or biological product*** actually dispensed on the prescription; and

2. Indicate the substitution by writing or typing on the label the words "substituted for," or substantially similar language, following the generic name and preceding the brand name of the drug ***, or following the name of***

the interchangeable biological product and preceding the brand name of the prescribed biological product, as applicable, unless, at the time the initial substitution of the generic drug ***or interchangeable biological product*** for a drug prescribed by brand name ***or biological product prescribed*** is made, the person for whom the drug ***or interchangeable biological product*** is dispensed elects not to have such an indication written or typed on the label. An election to indicate or not to indicate a substitution on the label pursuant to this subsection applies to both the fill and each refill of the same prescription.

Sec. 9. NRS 639.2589 is hereby amended to read as follows:

639.2589 1. The form used for any prescription which is issued or intended to be filled in this state must contain a line for the signature of the practitioner.

2. Substitutions may be made in filling prescriptions contained in the orders of a physician, or of an advanced practice registered nurse who is a practitioner, in a facility for skilled nursing or facility for intermediate care.

3. Substitutions may be made in filling prescriptions ***for drugs*** ordered on a patient's chart in a hospital if the hospital's medical staff has approved a formulary for specific generic substitutions.

4. Substitutions may be made in filling prescriptions for biological products ordered on a patient's chart in a hospital if the hospital's medical staff has approved a formulary for specific interchangeable biological products.

Sec. 10. NRS 639.259 is hereby amended to read as follows:

639.259 No employer of a pharmacist may require the pharmacist to dispense any specific generic drug ***or interchangeable biological product*** in substitution for another drug ***or biological product*** if the:

1. Substitution is not permitted by the prescription as signed by a practitioner;

2. Substitution would be against the professional judgment of the pharmacist; or

3. Substitution would violate any provision of NRS 639.2583 to 639.2597, inclusive ~~.~~ ***, and sections 4 and 5 of this act.***

Sec. 11. NRS 639.2595 is hereby amended to read as follows:

639.2595 A pharmacist or practitioner who selects a drug ***or interchangeable biological product*** for substitution assumes no greater civil liability than he or she assumes by filling the prescription with the drug under its brand name ~~.~~ ***or the prescribed biological product.***

Sec. 12. NRS 639.2597 is hereby amended to read as follows:

639.2597 A pharmacist or practitioner who proposes to make any substitution must have made use of a list of biologically equivalent drugs ***or interchangeable biological products*** approved by the United States Food and Drug Administration.

Sec. 13. NRS 689A.04045 is hereby amended to read as follows:

689A.04045 1. Except as otherwise provided in this section, a policy of health insurance which provides coverage for prescription drugs must not limit or exclude coverage for a drug if the drug:

(a) Had previously been approved for coverage by the insurer for a medical condition of an insured and the insured's provider of health care determines, after conducting a reasonable investigation, that none of the drugs which are otherwise currently approved for coverage are medically appropriate for the insured; and

(b) Is appropriately prescribed and considered safe and effective for treating the medical condition of the insured.

2. The provisions of subsection 1 do not:

(a) Apply to coverage for any drug that is prescribed for a use that is different from the use for which that drug has been approved for marketing by the Food and Drug Administration;

(b) Prohibit:

(1) The insurer from charging a deductible, copayment or coinsurance for the provision of benefits for prescription drugs to the insured or from establishing, by contract, limitations on the maximum coverage for prescription drugs;

(2) A provider of health care from prescribing another drug covered by the policy that is medically appropriate for the insured; or

(3) The substitution of another drug pursuant to NRS 639.23286 or 639.2583 to 639.2597, inclusive ~~[.]~~ ***, and sections 4 and 5 of this act;*** or

(c) Require any coverage for a drug after the term of the policy.

3. Any provision of a policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2001, which is in conflict with this section is void.

Sec. 14. NRS 689B.0368 is hereby amended to read as follows:

689B.0368 1. Except as otherwise provided in this section, a policy of group health insurance which provides coverage for prescription drugs must not limit or exclude coverage for a drug if the drug:

(a) Had previously been approved for coverage by the insurer for a medical condition of an insured and the insured's provider of health care determines, after conducting a reasonable investigation, that none of the drugs which are otherwise currently approved for coverage are medically appropriate for the insured; and

(b) Is appropriately prescribed and considered safe and effective for treating the medical condition of the insured.

2. The provisions of subsection 1 do not:

(a) Apply to coverage for any drug that is prescribed for a use that is different from the use for which that drug has been approved for marketing by the Food and Drug Administration;

(b) Prohibit:

(1) The insurer from charging a deductible, copayment or coinsurance for the provision of benefits for prescription drugs to the insured or from establishing, by contract, limitations on the maximum coverage for prescription drugs;

(2) A provider of health care from prescribing another drug covered by the policy that is medically appropriate for the insured; or

(3) The substitution of another drug pursuant to NRS 639.23286 or 639.2583 to 639.2597, inclusive ~~[.]~~ ***, and sections 4 and 5 of this act;*** or

(c) Require any coverage for a drug after the term of the policy.

3. Any provision of a policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2001, which is in conflict with this section is void.

Sec. 15. NRS 689C.168 is hereby amended to read as follows:

689C.168 1. Except as otherwise provided in this section, a health benefit plan which provides coverage for prescription drugs must not limit or exclude coverage for a drug if the drug:

(a) Had previously been approved for coverage by the carrier for a medical condition of an insured and the insured's provider of health care determines, after conducting a reasonable investigation, that none of the drugs which are otherwise currently approved for coverage are medically appropriate for the insured; and

(b) Is appropriately prescribed and considered safe and effective for treating the medical condition of the insured.

2. The provisions of subsection 1 do not:

(a) Apply to coverage for any drug that is prescribed for a use that is different from the use for which that drug has been approved for marketing by the Food and Drug Administration;

(b) Prohibit:

(1) The carrier from charging a deductible, copayment or coinsurance for the provision of benefits for prescription drugs to the insured or from establishing, by contract, limitations on the maximum coverage for prescription drugs;

(2) A provider of health care from prescribing another drug covered by the plan that is medically appropriate for the insured; or

(3) The substitution of another drug pursuant to NRS 639.23286 or 639.2583 to 639.2597, inclusive ~~[.]~~ ***, and sections 4 and 5 of this act;*** or

(c) Require any coverage for a drug after the term of the plan.

3. Any provision of a health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2001, which is in conflict with this section is void.

Sec. 16. NRS 695A.184 is hereby amended to read as follows:

695A.184 1. Except as otherwise provided in this section, a benefit contract which provides coverage for prescription drugs must not limit or exclude coverage for a drug if the drug:

(a) Had previously been approved for coverage by the society for a medical condition of an insured and the insured's provider of health care determines, after conducting a reasonable investigation, that none of the drugs which are otherwise currently approved for coverage are medically appropriate for the insured; and

(b) Is appropriately prescribed and considered safe and effective for treating the medical condition of the insured.

2. The provisions of subsection 1 do not:

(a) Apply to coverage for any drug that is prescribed for a use that is different from the use for which that drug has been approved for marketing by the Food and Drug Administration;

(b) Prohibit:

(1) The society from charging a deductible, copayment or coinsurance for the provision of benefits for prescription drugs to the insured or from establishing, by contract, limitations on the maximum coverage for prescription drugs;

(2) A provider of health care from prescribing another drug covered by the benefit contract that is medically appropriate for the insured; or

(3) The substitution of another drug pursuant to NRS 639.23286 or 639.2583 to 639.2597, inclusive ~~[.]~~ ***, and sections 4 and 5 of this act;*** or

(c) Require any coverage for a drug after the term of the benefit contract.

3. Any provision of a benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2001, which is in conflict with this section is void.

Sec. 17. NRS 695B.1905 is hereby amended to read as follows:

695B.1905 1. Except as otherwise provided in this section, a contract for hospital or medical services which provides coverage for prescription drugs must not limit or exclude coverage for a drug if the drug:

(a) Had previously been approved for coverage by the insurer for a medical condition of an insured and the insured's provider of health care determines, after conducting a reasonable investigation, that none of the drugs which are otherwise currently approved for coverage are medically appropriate for the insured; and

(b) Is appropriately prescribed and considered safe and effective for treating the medical condition of the insured.

2. The provisions of subsection 1 do not:

(a) Apply to coverage for any drug that is prescribed for a use that is different from the use for which that drug has been approved for marketing by the Food and Drug Administration;

(b) Prohibit:

(1) The insurer from charging a deductible, copayment or coinsurance for the provision of benefits for prescription drugs to the insured or from establishing, by contract, limitations on the maximum coverage for prescription drugs;

(2) A provider of health care from prescribing another drug covered by the contract that is medically appropriate for the insured; or

(3) The substitution of another drug pursuant to NRS 639.23286 or 639.2583 to 639.2597, inclusive ~~[.]~~ ***, and sections 4 and 5 of this act;*** or

(c) Require any coverage for a drug after the term of the contract.

3. Any provision of a contract for hospital or medical services subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2001, which is in conflict with this section is void.

Sec. 18. NRS 695C.1734 is hereby amended to read as follows:

695C.1734 1. Except as otherwise provided in this section, evidence of coverage which provides coverage for prescription drugs must not limit or exclude coverage for a drug if the drug:

(a) Had previously been approved for coverage by the health maintenance organization or insurer for a medical condition of an enrollee and the enrollee's provider of health care determines, after conducting a reasonable investigation, that none of the drugs which are otherwise currently approved for coverage are medically appropriate for the enrollee; and

(b) Is appropriately prescribed and considered safe and effective for treating the medical condition of the enrollee.

2. The provisions of subsection 1 do not:

(a) Apply to coverage for any drug that is prescribed for a use that is different from the use for which that drug has been approved for marketing by the Food and Drug Administration;

(b) Prohibit:

(1) The health maintenance organization or insurer from charging a deductible, copayment or coinsurance for the provision of benefits for prescription drugs to the enrollee or from establishing, by contract, limitations on the maximum coverage for prescription drugs;

(2) A provider of health care from prescribing another drug covered by the evidence of coverage that is medically appropriate for the enrollee; or

(3) The substitution of another drug pursuant to NRS 639.23286 or 639.2583 to 639.2597, inclusive ~~[.]~~ ***, and sections 4 and 5 of this act;*** or

(c) Require any coverage for a drug after the term of the evidence of coverage.

3. Any provision of an evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2001, which is in conflict with this section is void.

Sec. 19. NRS 695F.156 is hereby amended to read as follows:

695F.156 1. Except as otherwise provided in this section, evidence of coverage which provides coverage for prescription drugs must not limit or exclude coverage for a drug if the drug:

(a) Had previously been approved for coverage by the prepaid limited health service organization for a medical condition of an enrollee and the enrollee's provider of health care determines, after conducting a reasonable

investigation, that none of the drugs which are otherwise currently approved for coverage are medically appropriate for the enrollee; and

(b) Is appropriately prescribed and considered safe and effective for treating the medical condition of the enrollee.

2. The provisions of subsection 1 do not:

(a) Apply to coverage for any drug that is prescribed for a use that is different from the use for which that drug has been approved for marketing by the Food and Drug Administration;

(b) Prohibit:

(1) The organization from charging a deductible, copayment or coinsurance for the provision of benefits for prescription drugs to the enrollee or from establishing, by contract, limitations on the maximum coverage for prescription drugs;

(2) A provider of health care from prescribing another drug covered by the evidence of coverage that is medically appropriate for the enrollee; or

(3) The substitution of another drug pursuant to NRS 639.23286 or 639.2583 to 639.2597, inclusive ~~[.]~~ ***, and sections 4 and 5 of this act;*** or

(c) Require any coverage for a drug after the term of the evidence of coverage.

3. Any provision of an evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2001, which is in conflict with this section is void.

Sec. 20. NRS 695G.166 is hereby amended to read as follows:

695G.166 1. Except as otherwise provided in this section, a health care plan which provides coverage for prescription drugs must not limit or exclude coverage for a drug if the drug:

(a) Had previously been approved for coverage by the managed care organization for a medical condition of an insured and the insured's provider of health care determines, after conducting a reasonable investigation, that none of the drugs which are otherwise currently approved for coverage are medically appropriate for the insured; and

(b) Is appropriately prescribed and considered safe and effective for treating the medical condition of the insured.

2. The provisions of subsection 1 do not:

(a) Apply to coverage for any drug that is prescribed for a use that is different from the use for which that drug has been approved for marketing by the Food and Drug Administration;

(b) Prohibit:

(1) The organization from charging a deductible, copayment or coinsurance for the provision of benefits for prescription drugs to the insured or from establishing, by contract, limitations on the maximum coverage for prescription drugs;

(2) A provider of health care from prescribing another drug covered by the plan that is medically appropriate for the insured; or

(3) The substitution of another drug pursuant to NRS 639.23286 or 639.2583 to 639.2597, inclusive ~~[.]~~ ***, and sections 4 and 5 of this act;*** or

(c) Require any coverage for a drug after the term of the plan.

3. Any provision of a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2001, which is in conflict with this section is void.

Sec. 21. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2018, for all other purposes.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 249.

Bill read second time.

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

Amendment No. 429.

AN ACT relating to health care; requiring the State Plan for Medicaid to provide certain benefits relating to contraception **;** ~~[at no additional cost to the enrollee; requiring a pharmacist to dispense up to a 12-month supply]~~ **revising provisions relating to dispensing** of contraceptives ~~[in certain circumstances;]~~ **;** requiring all health insurance plans to provide certain benefits relating to contraception **;** ~~[at no additional cost to the insured;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires most health insurance plans which cover prescription drugs and outpatient care to also include coverage for contraceptive drugs and devices without an additional copay, coinsurance or a higher deductible than that which may be charged for other prescription drugs and outpatient care under the plan. (NRS 689A.0415, 689A.0417, 689B.0376, 689B.0377, 695B.1916, 695B.1918, 695C.1694, 695C.1695) Certain plans, including small employer plans, benefit contracts provided by fraternal benefit societies, plans issued by a managed care organization and certain plans offered by governmental entities of this State are not currently subject to these requirements. (Chapters 287, 689C, 695A and 695G of NRS)

The federal Patient Protection and Affordable Care Act, Pub. L. 111-148, as amended, requires certain contraceptive drugs, devices and services to be covered by every health insurance plan without any copay, coinsurance or higher deductible. (42 U.S.C. § 300gg-13(a)(4); 45 C.F.R. § 147.130) **Sections 3, 4 and ~~[6-25]~~ 7-25** of this bill align Nevada law with federal law, requiring all public and private health insurance plans made available in this

State to provide coverage for certain benefits relating to contraception without any copy, coinsurance or a higher deductible. **Sections 3, 4 and** ~~[6.25]~~ **7-25** require ~~[certain additional]~~ **all** forms of contraceptive drugs, devices and services **which are approved by the Food and Drug Administration** to be covered by a health insurance plan, including, without limitation, up to a 12-month supply of contraceptives or its therapeutic equivalent, insertion or removal of a contraceptive device, education and counseling relating to contraception, management of side effects relating to contraception and voluntary sterilization for ~~[men and]~~ women. **Sections 3, 4 and 7-25 allow an insurer to require an insured to pay a higher deductible, copayment or coinsurance for a drug or device for contraception if the insured refuses to accept a therapeutic equivalent of the contraceptive drug or device. In addition, a health insurance plan must include for each method of contraception which is approved by the Food and Drug Administration at least one contraceptive drug or device for which no deductible, copayment or coinsurance may be charged to the insured. Sections 3, 4 and** ~~[6.25 prohibit the use of]~~ **7-25 authorize an insurer to require** a program of step therapy or prior authorization ~~[requirements relating]~~ to **obtain coverage for** the contraceptive drugs, devices and services required by this bill. **Sections 3, 4 and** ~~[6.25]~~ **7-25** also require a health insurance plan to provide coverage for certain therapeutic equivalent drugs and devices relating to contraception when a therapeutic equivalent covered by the plan is deemed to be medically inappropriate by a provider of health care. Additionally, **sections** ~~[3, 4 and 6.25]~~ **7, 11, 14, 16, 17, 20 and 25** require that **the** benefits provided by a health insurance plan relating to contraception which are provided to the insured must also be provided to ~~[the spouse or]~~ **a covered** dependent of an insured.

Existing law allows an insurer ~~[that]~~ **which** is affiliated with a religious organization and which objects on religious grounds to providing coverage for contraceptive drugs and devices to exclude coverage in its policies, plans or contracts for such drugs and devices. (NRS 689A.0415, 689B.0376, 695B.1916, 695C.1694) **Sections 7, 11, 14, 16, 17, 20 and 25** of this bill ~~[remove the]~~ **move the** religious exemption ~~[and require all insurers to provide]~~ coverage for the contraceptive drugs, devices and services required by this bill ~~[.]~~ **to the new provisions relating to coverage of contraception.**

Existing law requires this State to develop a State Plan for Medicaid which includes, without limitation, a list of the medical services provided to Medicaid ~~[beneficiaries.]~~ **recipients.** (42 U.S.C. § 1396a; NRS 422.063) Existing federal law authorizes a state to charge a copay, coinsurance or deductible for most Medicaid services, but prohibits any copay, coinsurance or deductible for certain ~~[family planning services and supplies.]~~ **contraceptive drugs, devices and services.** (42 U.S.C. § 1396o-1) Existing federal law also authorizes a state to define the parameters of contraceptive coverage provided under Medicaid. (42 U.S.C. § 1396u-7) Existing Nevada law requires a number of specific medical services to be covered under

Medicaid. (NRS 422.2717-422.27241) ~~[Sections]~~ **Section 1** ~~[and 2]~~ of this bill ~~[require]~~ **requires** the State Plan for Medicaid to include certain benefits relating to contraception currently required to be covered by private health insurance plans pursuant to existing Nevada law and the Patient Protection and Affordable Care Act, Pub. L. 111-148, as amended, as well as the additional benefits related to contraception required by **sections 3, 4 and** ~~[6-25]~~ **7-25 of this bill** without any copay, coinsurance or deductible ~~[. Sections 1 and 2 also prohibit the use of a program of step therapy and any requirement to obtain prior authorization relating to such benefits which are covered under the State Plan for Medicaid.]~~ **in most cases. The benefits relating to contraceptive drugs which are provided by section 1 of this bill are subject to step therapy and prior authorization requirements pursuant to existing law.**

Existing law authorizes a pharmacist to dispense up to a 90-day supply of a drug pursuant to a valid prescription **or order** in certain circumstances. (NRS 639.2396) **Section** ~~[5]~~ **4.5** of this bill requires a pharmacist to dispense up to a 12-month supply of contraceptives or a therapeutic equivalent ~~[upon the request of a patient and]~~ pursuant to a valid prescription ~~[.]~~ **or order if: (1) the patient has previously received a 3-month supply of the same drug; (2) the patient has previously received a 9-month supply of the same drug or a supply of the same drug for the balance of the plan year in which the 3-month supply was prescribed or ordered, whichever is less; (3) the patient is insured by the same health insurance plan; and (4) a provider of health care has not specified in the prescription or order that a different supply of the drug is necessary.**

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

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures for family planning services and supplies, including, without limitation:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is ~~*[lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;]*~~ ***:***

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Dispensed in accordance with section 4.5 of this act;

(b) Any type of device for contraception or its therapeutic equivalent which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;

(c) Insertion or removal of a device for contraception;

(d) Education and counseling relating to ~~[contraception;]~~ the initiation of the use of contraceptives and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for ~~[men and]~~ women.

2. If a covered therapeutic equivalent ~~[listed]~~ described in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the Plan.

3. ~~[To]~~ Except as otherwise provided in subsections 5 and 6, to obtain any benefit included in the Plan pursuant to subsection 1, a person enrolled in Medicaid must not be required to:

(a) Pay a higher deductible, any copayment or coinsurance; or

(b) ~~[Use a program of step therapy;~~

~~(c) Obtain prior authorization; or~~

~~(d)]~~ Be subject to a longer waiting period or any other condition.

4. The Director shall ensure that the provisions of this section are carried out in a manner which complies with the requirements established by the Drug Use Review Board and set forth in the list of preferred prescription drugs established by the Department pursuant to NRS 422.4025.

5. The Plan may require a person enrolled in Medicaid to pay a higher deductible, copayment or coinsurance for a drug or device for contraception if the person refuses to accept a therapeutic equivalent of the contraceptive drug or device.

6. For each method of contraception which is approved by the Food and Drug Administration, the Plan must include at least one contraceptive drug or device for which no deductible, copayment or coinsurance may be charged to the person enrolled in Medicaid, but the Plan may charge a deductible, copayment or coinsurance for any other contraceptive drug or device that provides the same method of contraception.

7. As used in this section, "therapeutic equivalent" means a drug which:

(a) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(b) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(c) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 2. ~~[NRS 422.403 is hereby amended to read as follows:~~

~~422.403 1. [The] Except as otherwise provided in section 1 of this act, the Department shall, by regulation, establish and manage the use by the Medicaid program of step therapy and prior authorization for prescription drugs.~~

~~2. [The] *Except as otherwise provided in section 1 of this act, the* Drug Use Review Board shall:~~

~~(a) Advise the Department concerning the use by the Medicaid program of step therapy and prior authorization for prescription drugs;~~

~~(b) Develop step therapy protocols and prior authorization policies and procedures for use by the Medicaid program for prescription drugs; and~~

~~(c) Review and approve, based on clinical evidence and best clinical practice guidelines and without consideration of the cost of the prescription drugs being considered, step therapy protocols used by the Medicaid program for prescription drugs.~~

~~3. The Department shall not require the Drug Use Review Board to develop, review or approve prior authorization policies or procedures necessary for the operation of the list of preferred prescription drugs developed for the Medicaid program pursuant to NRS 422.4025.~~

~~4. The Department shall accept recommendations from the Drug Use Review Board as the basis for developing or revising step therapy protocols and prior authorization policies and procedures used by the Medicaid program for prescription drugs.]~~ **(Deleted by amendment.)**

Sec. 2.5. **NRS 422.401 is hereby amended to read as follows:**

422.401 As used in NRS 422.401 to 422.406, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 422.4015 and 422.402 have the meanings ascribed to them in those sections.

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

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

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

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

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and

employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 687B.408, 689B.030 to 689B.050, inclusive, ***and section 11 of this act*** and 689B.287 apply to coverage provided pursuant to this paragraph ~~[.]~~ ***, except that the provisions of section 11 of this act only apply to coverage for active officers and employees of the governing body of a county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada, or the dependents of such officers and employees.***

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

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

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

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

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

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

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

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

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

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

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

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

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 689B.255, 695G.150, 695G.160, 695G.162, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.170 to 695G.173, inclusive, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, ***and section 25 of this act*** in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 4.5. **Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in subsections 2 and 3, pursuant to a valid prescription or order for a drug to be used for contraception or its therapeutic equivalent which has been approved by the Food and Drug Administration a pharmacist shall:

(a) The first time dispensing the drug or therapeutic equivalent to the patient, dispense up to a 3-month supply of the drug or therapeutic equivalent.

(b) The second time dispensing the drug or therapeutic equivalent to the patient, dispense up to a 9-month supply of the drug, or any amount which covers the remainder of the plan year if the patient is covered by a health care plan, whichever is less.

(c) For a refill in a plan year following the initial dispensing of a drug or therapeutic equivalent pursuant to paragraphs (a) and (b) of subsection 1, dispense up to a 12-month supply of the drug or therapeutic equivalent.

2. The provisions of paragraphs (b) and (c) of subsection 1 only apply if:

(a) The drug for contraception or the therapeutic equivalent of such drug is the same drug or therapeutic equivalent which was previously prescribed or ordered pursuant to paragraph (a) of subsection 1; and

(b) The patient is covered by the same health care plan.

3. If a prescription or order for a drug for contraception or its therapeutic equivalent limits the dispensing of the drug or therapeutic

equivalent to a quantity which is less than the amount otherwise authorized to be dispensed pursuant to subsection 1, the pharmacist must dispense the drug or therapeutic equivalent in accordance with the quantity specified in the prescription or order.

4. As used in this section:

(a) "Health care plan" means a policy, contract, certificate or agreement offered or issued by an insurer, including without limitation, the State Plan for Medicaid, to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services.

(b) "Plan year" means the year in which an insured is covered by a health care plan.

(c) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 5. NRS 639.2396 is hereby amended to read as follows:

639.2396 1. Except as otherwise provided by subsection 2, a prescription which bears specific authorization to refill, given by the prescribing practitioner at the time he or she issued the original prescription, or a prescription which bears authorization permitting the pharmacist to refill the prescription as needed by the patient, may be refilled for the number of times authorized or for the period authorized if it was refilled in accordance with the number of doses ordered and the directions for use.

2. ~~[A]~~ ***Except as otherwise provided ~~[by subsection 3,]~~ in section 4.5 of this act, a*** pharmacist may, in his or her professional judgment and pursuant to a valid prescription that specifies an initial amount of less than a 90-day supply of a drug other than a controlled substance followed by periodic refills of the initial amount of the drug, dispense not more than a 90-day supply of the drug if:

(a) The patient has used an initial 30-day supply of the drug or the drug has previously been prescribed to the patient in a 90-day supply;

(b) The total number of dosage units that are dispensed pursuant to the prescription does not exceed the total number of dosage units, including refills, that are authorized on the prescription by the prescribing practitioner; and

(c) The prescribing practitioner has not specified on the prescription that dispensing the prescription in an initial amount of less than a 90-day supply followed by periodic refills of the initial amount of the drug is medically necessary.

3. ***~~[A pharmacist shall, upon the request of a patient and pursuant to a valid prescription for a drug to be used for contraception or its therapeutic equivalent which has been approved by the Food and Drug Administration~~***

~~*that specifies an initial amount of less than a 12-month supply followed by periodic refills of the initial amount of the drug, dispense up to the amount authorized in the prescription including refills, not to exceed a 12-month supply of the drug or its therapeutic equivalent.*~~

~~*4.]*~~ Nothing in this section shall be construed to alter the coverage provided under any contract or policy of health insurance, health plan or program or other agreement arrangement that provides health coverage.

Sec. 6. ~~[NRS 687B.225 is hereby amended to read as follows:~~

~~687B.225 1. Except as otherwise provided in NRS 689A.0405, 689A.0413, 689A.044, 689A.0445, 689B.031, 689B.0313, 689B.0317, 689B.0374, 695B.1912, 695B.1914, 695B.1925, 695B.1942, 695C.1713, 695C.1735, 695C.1745, 695C.1751, 695C.170, 695C.171~~ **,** ~~[~~and~~]~~ ~~695C.177~~ ~~[,]~~ ~~*and sections 7, 11, 14, 16, 17, 20 and 25 of this act,*~~ ~~any contract for group, blanket or individual health insurance or any contract by a nonprofit hospital, medical or dental service corporation or organization for dental care which provides for payment of a certain part of medical or dental care may require the insured or member to obtain prior authorization for that care from the insurer or organization. The insurer or organization shall:~~

~~(a) File its procedure for obtaining approval of care pursuant to this section for approval by the Commissioner; and~~

~~(b) Respond to any request for approval by the insured or member pursuant to this section within 20 days after it receives the request.~~

~~2. The procedure for prior authorization may not discriminate among persons licensed to provide the covered care.~~**]** **(Deleted by amendment.)**

Sec. 7. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~***[An]***~~ ***Except as otherwise provided in subsection 6, an insurer that offers or issues a policy of health insurance shall include in the policy coverage for:***

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is ~~***[lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;]***~~ ***:***

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Dispensed in accordance with section 4.5 of this act;

(b) Any type of device for contraception or its therapeutic equivalent, which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;

(c) Insertion or removal of a device for contraception;

(d) Education and counseling relating to ~~***[contraception;]***~~ ***the initiation of the use of contraceptives and any necessary follow-up after initiating such use;***

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for ~~***[men and]***~~ ***women.***

2. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

3. ~~[An]~~ Except as otherwise provided in subsections 7, 8 and 9, an insurer that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage to obtain any benefit included in the policy pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured ~~[to the services listed in subsection 1, including, without limitation, a program of step therapy or prior authorization.]~~ any such benefit.

4. Coverage pursuant to this section for ~~[a covered spouse or]~~ the covered dependent of an insured must be the same as for the insured.

5. ~~[A]~~ Except as otherwise provided in subsection 6, a policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

6. An insurer that offers or issues a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance and before the renewal of such a policy, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

7. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug or device for contraception if the insured refuses to accept a therapeutic equivalent of the contraceptive drug or device.

8. For each method of contraception which is approved by the Food and Drug Administration, a policy of health insurance must include at

least one contraceptive drug or device for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other contraceptive drug or device that provides the same method of contraception.

9. An insurer may require an insured to:

(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.

(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the insurer that the benefit is medically necessary or appropriate for the insured.

10. As used in this section ~~[, "provider]~~ :

(a) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(b) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 8. NRS 689A.0415 is hereby amended to read as follows:

689A.0415 1. ~~[Except as otherwise provided in subsection 5, an]~~ ***An*** insurer that offers or issues a policy of health insurance which provides coverage for prescription drugs or devices shall include in the policy coverage for ~~[:~~

~~(a) Any type of drug or device for contraception; and~~

~~(b) Any]~~ ***any*** type of hormone replacement therapy ~~[,~~ ~~.]~~ which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. An insurer that offers or issues a policy of health insurance that provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for a prescription for ~~[a contraceptive or]~~ hormone replacement therapy than is required for other prescription drugs covered by the policy;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured,

including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[~~any of the services listed in subsection 1~~]~~ ***hormone replacement therapy*** to an insured.

3. ~~[~~Except as otherwise provided in subsection 5, a~~]~~ ***A*** policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. The provisions of this section do not:

(a) Require an insurer to provide coverage for fertility drugs.

(b) Prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by ~~[~~paragraphs (a) and (b) of~~]~~ subsection 1 that is the same as the insured is required to pay for other prescription drugs covered by the policy.

5. ~~[~~An insurer which offers or issues a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance and before the renewal of such a policy, provide to the prospective insured, written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

6.~~]~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 9. NRS 689A.0417 is hereby amended to read as follows:

689A.0417 1. ~~[~~Except as otherwise provided in subsection 5, an~~]~~ ***An*** insurer that offers or issues a policy of health insurance which provides coverage for outpatient care shall include in the policy coverage for any health care service related to ~~[~~contraceptives or~~]~~ hormone replacement therapy.

2. An insurer that offers or issues a policy of health insurance that provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for outpatient care related to ~~[~~contraceptives or~~]~~ hormone replacement therapy than is required for other outpatient care covered by the policy;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use in the future ~~[~~any of the services listed in subsection 1;~~]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured.

3. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. The provisions of this section do not prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by subsection 1 that is the same as the insured is required to pay for other outpatient care covered by the policy.

5. ~~[An insurer which offers or issues such a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives required by this section if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance and before the renewal of such a policy, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.~~

~~6.]~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 10. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[.]~~ ***, and section 7 of this act.***

Sec. 11. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[An] ***Except as otherwise provided in subsection 6, an*** ***insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:***

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is ~~[lawfully prescribed or~~

~~*ordered and which has been approved by the Food and Drug Administration;]*~~ *:*

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Dispensed in accordance with section 4.5 of this act;

(b) Any type of device for contraception or its therapeutic equivalent, which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;

(c) Insertion or removal of a device for contraception;

(d) Education and counseling relating to ~~*[contraception;]*~~ *the initiation of the use of contraceptives and any necessary follow-up after initiating such use;*

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for ~~*[men and]*~~ *women.*

2. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

3. ~~*[An]*~~ *Except as otherwise provided in subsections 8, 9 and 10, an insurer that offers or issues a policy of group health insurance shall not:*

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the policy pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit . ~~*[, including, without limitation, a program of step therapy or prior authorization.]*~~

4. Coverage pursuant to this section for ~~*[a covered spouse or]*~~ *the covered dependent of an insured must be the same as for the insured.*

5. ~~*[A]*~~ *Except as otherwise provided in subsection 6, a policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.*

6. An insurer that offers or issues a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

7. If an insurer refuses, pursuant to subsection 6, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

8. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug or device for contraception if the insured refuses to accept a therapeutic equivalent of the contraceptive drug or device.

9. For each method of contraception which is approved by the Food and Drug Administration, a policy of group health insurance must include at least one contraceptive drug or device for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other contraceptive drug or device that provides the same method of contraception.

10. An insurer may require an insured to:

(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.

(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the insurer that the benefit is medically necessary or appropriate for the insured.

11. As used in this section ~~[, "provider"]~~ :

(a) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(b) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 12. NRS 689B.0376 is hereby amended to read as follows:

689B.0376 1. ~~[Except as otherwise provided in subsection 5, an]~~ ***An*** insurer that offers or issues a policy of group health insurance which provides coverage for prescription drugs or devices shall include in the policy coverage for ~~[:~~

~~(a) Any type of drug or device for contraception; and~~

~~(b) Any]~~ ***any*** type of hormone replacement therapy ~~[,~~

~~,~~] which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. An insurer that offers or issues a policy of group health insurance that provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for a prescription for [~~a contraceptive or~~] hormone replacement therapy than is required for other prescription drugs covered by the policy;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use in the future [~~any of the services listed in subsection 1;~~] ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing [~~any of the services listed in subsection 1;~~] ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides [~~any of the services listed in subsection 1~~] ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay [~~any of the services listed in subsection 1~~] ***hormone replacement therapy*** to an insured.

3. [~~Except as otherwise provided in subsection 5, a~~] ***A*** policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. The provisions of this section do not:

(a) Require an insurer to provide coverage for fertility drugs.

(b) Prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by [~~paragraphs (a) and (b) of~~] subsection 1 that is the same as the insured is required to pay for other prescription drugs covered by the policy.

5. [~~An insurer which offers or issues a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection. The insurer shall provide notice to each insured, at the time the insured receives his or her certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.~~]

~~— 6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~— 7.~~**]** As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 13. NRS 689B.0377 is hereby amended to read as follows:

689B.0377 1. **[**~~Except as otherwise provided in subsection 5, an~~**]** ***An*** insurer that offers or issues a policy of group health insurance which provides coverage for outpatient care shall include in the policy coverage for any health care service related to **[**~~contraceptives or~~**]** hormone replacement therapy.

2. An insurer that offers or issues a policy of group health insurance that provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for outpatient care related to **[**~~contraceptives or~~**]** hormone replacement therapy than is required for other outpatient care covered by the policy;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use in the future **[**~~any of the services listed in subsection 1;~~**]** ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing **[**~~any of the services listed in subsection 1;~~**]** ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides **[**~~any of the services listed in subsection 1~~**]** ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay **[**~~any of the services listed in subsection 1~~**]** ***hormone replacement therapy*** to an insured.

3. **[**~~Except as otherwise provided in subsection 5, a~~**]** ***A*** policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. The provisions of this section do not prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by subsection 1 that is the same as the insured is required to pay for other outpatient care covered by the policy.

5. **[**~~An insurer which offers or issues a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives required by this~~

~~section if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection. The insurer shall provide notice to each insured, at the time the insured receives his or her certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.~~

~~6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.~~] As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 14. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[A]~~ Except as otherwise provided in subsection 6, a carrier that offers or issues a health benefit plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is ~~[lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;]~~ :

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Dispensed in accordance with section 4.5 of this act;

(b) Any type of device for contraception or its therapeutic equivalent which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;

(c) Insertion or removal of a device for contraception;

(d) Education and counseling relating to ~~[contraception;]~~ the initiation of the use of contraceptives and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for ~~[men and]~~ women.

2. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the carrier.

3. ~~[A]~~ Except as otherwise provided in subsections 7, 8 and 9, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit . ~~[, including, without limitation, a program of step therapy or prior authorization.]~~

4. Coverage pursuant to this section for ~~[a covered spouse or]~~ the covered dependent of an insured must be the same as for the insured.

5. ~~[A]~~ Except as otherwise provided in subsection 6, a health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

6. A carrier that offers or issues a health benefit plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the carrier objects on religious grounds. Such a carrier shall, before the issuance of a health benefit plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the carrier refuses to provide pursuant to this subsection.

7. A carrier may require an insured to pay a higher deductible, copayment or coinsurance for a drug or device for contraception if the insured refuses to accept a therapeutic equivalent of the contraceptive drug or device.

8. For each method of contraception which is approved by the Food and Drug Administration, a health benefit plan must include at least one contraceptive drug or device for which no deductible, copayment or coinsurance may be charged to the insured, but the carrier may charge a deductible, copayment or coinsurance for any other contraceptive drug or device that provides the same method of contraception.

9. A carrier may require an insured to:

(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.

(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the carrier that the benefit is medically necessary or appropriate for the insured.

10. As used in this section ~~[, "provider]~~ :

(a) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(b) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 15. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, ***and section 14 of this act,*** to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 16. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[A]~~ Except as otherwise provided in subsection 6, a society that offers or issues a benefit contract which provides coverage for prescription drugs or devices shall include in the contract coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is ~~[lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;]~~ :

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Dispensed in accordance with section 4.5 of this act;

(b) Any type of device for contraception or its therapeutic equivalent which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;

(c) Insertion or removal of a device for contraception;

(d) Education and counseling relating to ~~[contraception;]~~ the initiation of the use of contraceptives and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for ~~[men and]~~ women.

2. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the society.

3. ~~[A]~~ Except as otherwise provided in subsections 7, 8 and 9, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for

coverage for any benefit included in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit. ~~[, including, without limitation, a program of step therapy or prior authorization.]~~

4. Coverage pursuant to this section for ~~[a covered spouse or]~~ the covered dependent of an insured must be the same as for the insured.

5. ~~[A]~~ Except as otherwise provided in subsection 6, a benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

6. A society that offers or issues a benefit contract and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the society objects on religious grounds. Such a society shall, before the issuance of a benefit contract and before the renewal of such a contract, provide to the prospective insured written notice of the coverage that the society refuses to provide pursuant to this subsection.

7. A society may require an insured to pay a higher deductible, copayment or coinsurance for a drug or device for contraception if the insured refuses to accept a therapeutic equivalent of the contraceptive drug or device.

8. For each method of contraception which is approved by the Food and Drug Administration, a benefit contract must include at least one contraceptive drug or device for which no deductible, copayment or coinsurance may be charged to the insured, but the society may charge a deductible, copayment or coinsurance for any other contraceptive drug or device that provides the same method of contraception.

9. A society may require an insured to:

(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.

(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the society that the benefit is medically necessary or appropriate for the insured.

10. As used in this section ~~[, "provider]~~ :

(a) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(b) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 17. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[An]~~ Except as otherwise provided in subsection 6, an insurer that offers or issues a contract for hospital or medical service shall include in the contract coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is ~~[lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;]~~ :

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Dispensed in accordance with section 4.5 of this act;

(b) Any type of device for contraception or its therapeutic equivalent which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;

(c) Insertion or removal of a device for contraception;

(d) Education and counseling relating to ~~[contraception;]~~ the initiation of the use of contraceptives and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for ~~[men and]~~ women.

2. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

3. ~~[An]~~ Except as otherwise provided in subsections 8, 9 and 10, an insurer that offers or issues a contract for hospital or medical service shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain

any benefit included in the contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit . ~~[, including, without limitation, a program of step therapy or prior authorization.]~~

4. Coverage pursuant to this section for ~~[a covered spouse or]~~ the covered dependent of an insured must be the same as for the insured.

5. ~~[A]~~ Except as otherwise provided in subsection 6, a contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

6. An insurer that offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

7. If an insurer refuses, pursuant to subsection 6, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

8. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug or device for contraception if the insured refuses to accept a therapeutic equivalent of the contraceptive drug or device.

9. For each method of contraception which is approved by the Food and Drug Administration, a contract for hospital or medical service must include at least one contraceptive drug or device for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other contraceptive drug or device that provides the same method of contraception.

10. An insurer may require an insured to:

(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.

(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the insurer that the benefit is medically necessary or appropriate for the insured.

11. As used in this section ~~[, "provider]~~ :

(a) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(b) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 18. NRS 695B.1916 is hereby amended to read as follows:

695B.1916 1. ~~[Except as otherwise provided in subsection 5, an]~~ ***An*** insurer that offers or issues a contract for hospital or medical service which provides coverage for prescription drugs or devices shall include in the contract coverage for ~~[:~~

~~(a) Any type of drug or device for contraception; and~~

~~(b) Any]~~ ***any*** type of hormone replacement therapy ~~[,~~ ~~→]~~ which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. An insurer that offers or issues a contract for hospital or medical service that provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for a prescription for ~~[a contraceptive or]~~ hormone replacement therapy than is required for other prescription drugs covered by the contract;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay

~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured.

3. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

4. The provisions of this section do not:

(a) Require an insurer to provide coverage for fertility drugs.

(b) Prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by ~~[paragraphs (a) and (b) of]~~ subsection 1 that is the same as the insured is required to pay for other prescription drugs covered by the contract.

5. ~~[An insurer which offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection. The insurer shall provide notice to each insured, at the time the insured receives his or her certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.~~

~~6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.]~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 19. NRS 695B.1918 is hereby amended to read as follows:

695B.1918 1. ~~[Except as otherwise provided in subsection 5, an]~~ ***An*** insurer that offers or issues a contract for hospital or medical service which provides coverage for outpatient care shall include in the contract coverage for any health care service related to ~~[contraceptives or]~~ hormone replacement therapy.

2. An insurer that offers or issues a contract for hospital or medical service that provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for outpatient care related to ~~[contraceptives or]~~ hormone replacement therapy than is required for other outpatient care covered by the contract;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying

for or covered by the contract uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured.

3. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

4. The provisions of this section do not prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by subsection 1 that is the same as the insured is required to pay for other outpatient care covered by the contract.

5. ~~[An insurer which offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives required by this section if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection. The insurer shall provide notice to each insured, at the time the insured receives his or her certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.~~

~~6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.]~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 20. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[A]~~ Except as otherwise provided in subsection 6, a health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is ~~[lawfully prescribed or~~

~~*ordered and which has been approved by the Food and Drug Administration;]*~~ *:*

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Dispensed in accordance with section 4.5 of this act;

(b) Any type of device for contraception or its therapeutic equivalent which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;

(c) Insertion or removal of a device for contraception;

(d) Education and counseling relating to ~~*[contraception;]*~~ *the initiation of the use of contraceptives and any necessary follow-up after initiating such use;*

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for ~~*[men and]*~~ *women.*

2. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the health maintenance organization.

3. ~~*[A]*~~ *Except as otherwise provided in subsections 8, 9 and 10, a health maintenance organization that offers or issues a health care plan shall not:*

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit . ~~*[, including, without limitation, a program of step therapy or prior authorization.]*~~

4. Coverage pursuant to this section for ~~*[a covered spouse or]*~~ *the covered dependent of an enrollee must be the same as for the enrollee.*

5. ~~*[A]*~~ *Except as otherwise provided in subsection 6, a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.*

6. A health maintenance organization that offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the health maintenance organization objects on religious grounds. Such an organization shall, before the issuance of a health care plan and before the renewal of such a plan, provide to the prospective enrollee written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection.

7. If a health maintenance organization, pursuant to subsection 6, refuses to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

8. A health maintenance organization may require an enrollee to pay a higher deductible, copayment or coinsurance for a drug or device for contraception if the enrollee refuses to accept a therapeutic equivalent of the contraceptive drug or device.

9. For each method of contraception which is approved by the Food and Drug Administration, a health care plan must include at least one contraceptive drug or device for which no deductible, copayment or coinsurance may be charged to the enrollee, but the health maintenance organization may charge a deductible, copayment or coinsurance for any other contraceptive drug or device that provides the same method of contraception.

10. A health maintenance organization may require an enrollee to:

(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.

(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the health maintenance organization that the benefit is medically necessary or appropriate for the enrollee.

11. As used in this section ~~[, "provider]~~ :

(a) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(b) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 21. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated

pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1735 to 695C.1755, inclusive, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694, 695C.1695, 695C.1708, 695C.1731, 695C.17345 **,** ~~[and]~~ 695C.1757 ***and section 20 of this act*** apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 22. NRS 695C.1694 is hereby amended to read as follows:

695C.1694 1. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** health maintenance organization which offers or issues a health care plan that provides coverage for prescription drugs or devices shall include in the plan coverage for ~~[:~~

~~(a) Any type of drug or device for contraception; and~~

~~(b) Any]~~ ***any*** type of hormone replacement therapy ~~[,~~ ~~.]~~ which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. A health maintenance organization that offers or issues a health care plan that provides coverage for prescription drugs shall not:

(a) Require an enrollee to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for ~~[a prescription for a contraceptive or]~~ hormone replacement therapy than is required for other prescription drugs covered by the plan;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an enrollee.

3. ~~[Except as otherwise provided in subsection 5, evidence]~~ ***Evidence*** of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

4. The provisions of this section do not:

(a) Require a health maintenance organization to provide coverage for fertility drugs.

(b) Prohibit a health maintenance organization from requiring an enrollee to pay a deductible, copayment or coinsurance for the coverage required by ~~[paragraphs (a) and (b) of]~~ subsection 1 that is the same as the enrollee is required to pay for other prescription drugs covered by the plan.

5. ~~[A health maintenance organization which offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the health maintenance organization objects on religious grounds. The health maintenance organization shall, before the issuance of a health care plan and before renewal of enrollment in such a plan, provide to the group policyholder or prospective enrollee, as applicable, written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection. The health maintenance organization shall provide notice to each enrollee, at the time the enrollee receives his or her evidence of coverage, that the health maintenance organization refused to provide coverage pursuant to this subsection.~~

~~6. If a health maintenance organization refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.]~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 23. NRS 695C.1695 is hereby amended to read as follows:

695C.1695 1. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** health maintenance organization that offers or issues a health care plan which

provides coverage for outpatient care shall include in the plan coverage for any health care service related to ~~[contraceptives or]~~ hormone replacement therapy.

2. A health maintenance organization that offers or issues a health care plan that provides coverage for outpatient care shall not:

(a) Require an enrollee to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for outpatient care related to ~~[contraceptives or]~~ hormone replacement therapy than is required for other outpatient care covered by the plan;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an enrollee.

3. ~~[Except as otherwise provided in subsection 5, evidence]~~ ***Evidence*** of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

4. The provisions of this section do not prohibit a health maintenance organization from requiring an enrollee to pay a deductible, copayment or coinsurance for the coverage required by subsection 1 that is the same as the enrollee is required to pay for other outpatient care covered by the plan.

5. ~~[A health maintenance organization which offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives required by this section if the health maintenance organization objects on religious grounds. The health maintenance organization shall, before the issuance of a health care plan and before renewal of enrollment in such a plan, provide to the group policyholder or prospective enrollee, as applicable, written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection. The health maintenance organization shall provide notice to each enrollee, at the time the enrollee~~

~~receives his or her evidence of coverage, that the health maintenance organization refused to provide coverage pursuant to this subsection.~~

~~6. If a health maintenance organization refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.~~**]** As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 24. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, ***and section 20 of this act*** or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 25. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[A]~~ Except as otherwise provided in subsection 6, a managed care organization that offers or issues a health care plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is ~~[lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;]~~ :

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Dispensed in accordance with section 4.5 of this act;

(b) Any type of device for contraception or its therapeutic equivalent which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;

(c) Insertion or removal of a device for contraception;

(d) Education and counseling relating to ~~[contraception;]~~ the initiation of the use of contraceptives and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for ~~[men and]~~ women.

2. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic

equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the managed care organization.

3. ~~[A]~~ Except as otherwise provided in subsections 7, 8 and 9, a managed care organization that offers or issues a health care plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefits;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefits;

(d) Penalize a provider of health care who provides any such benefits to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefits to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefits . ~~[, including, without limitation, a program of step therapy or prior authorization.]~~

4. Coverage pursuant to this section for ~~[a covered spouse or]~~ the covered dependent of an insured must be the same as for the insured.

5. ~~[A]~~ Except as otherwise provided in subsection 6, a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

6. A managed care organization that offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the managed care organization objects on religious grounds. Such an organization shall, before the issuance of a health care plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the managed care organization refuses to provide pursuant to this subsection.

7. A managed care organization may require an insured to pay a higher deductible, copayment or coinsurance for a drug or device for contraception if the insured refuses to accept a therapeutic equivalent of the contraceptive drug or device.

8. For each method of contraception which is approved by the Food and Drug Administration, a health care plan must include at least one contraceptive drug or device for which no deductible, copayment or

coinsurance may be charged to the insured, but the managed care organization may charge a deductible, copayment or coinsurance for any other contraceptive drug or device that provides the same method of contraception.

9. A managed care organization may require an insured to:

(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.

(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the managed care organization that the benefit is medically necessary or appropriate for the insured.

10. As used in this section ~~I, "provider"~~ :

(a) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(b) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 26. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 27. This act becomes effective on January 1, 2018.

Assemblyman Sprinkle moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 259.

Bill read second time.

The following amendment was proposed by the Committee on Corrections, Parole, and Probation:

Amendment No. 337.

AN ACT relating to criminal procedure; providing for the vacating of certain judgments of conviction **and sealing of certain records** relating to marijuana; authorizing a court to depart from prescribed minimum terms of imprisonment for the possession of controlled substances in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a court to grant a motion to vacate a judgment of conviction in certain circumstances. (NRS 176.515) **Existing law also establishes a process for sealing certain records of criminal proceedings. (NRS 179.245-179.301) With certain limited exceptions, if the court orders a person's record of criminal history sealed, all proceedings**

recounted in the record are deemed never to have occurred. (NRS 179.285)

Section ~~[1]~~ 1.2 of this bill ~~[additionally authorizes a court to grant a motion to vacate a judgment of conviction if: (1) the judgment is a conviction for]~~ **provides that if a person is convicted of a misdemeanor for: (1) the possession of 1 ounce or less of marijuana; or (2)** a violation of any provision of law concerning certain offenses involving marijuana and the act constituting the offense is a lawful act in this State on or after January 1, 2017 ~~[; and (2)]~~ **, the person may petition the court to vacate the judgment and seal all documents relating to the case. Section 1.2 establishes the circumstances in which the court is required or authorized to grant such a petition. If granting such a petition is within the discretion of the court,** the ~~[court notifies]~~ **petitioner is required to notify** the **office of the** prosecuting attorney who prosecuted the ~~[defendant]~~ **petitioner** for the crime and ~~[allows]~~ the prosecuting attorney **must be allowed** to testify and present evidence before the court decides whether to grant the ~~[motion.]~~ **petition. Section ~~[1]~~ 1.2** also ~~[requires]~~ **authorizes** a court to ~~[grant a motion]~~ **enter an interim order** to vacate a judgment of conviction if **the petitioner satisfies all requirements necessary for** the judgment ~~[is a conviction for the possession of 1 ounce or less of marijuana.]~~ **to be vacated but the petition is deficient with respect to the sealing of the petitioner's record. Section 1.2 provides that if the court enters such an interim order, the court is also required to order sealed the records of the petitioner which relate to the judgment being vacated. Sections 1.3-1.7 of this bill make conforming changes.**

Existing law generally prohibits a person from knowingly or intentionally possessing a controlled substance and sets forth the penalties for violating such a provision. The severity of the penalty generally depends on the type of controlled substance the person possessed and the number of times the person has committed the offense. (NRS 453.336) **Section 2** of this bill provides that if a person is convicted of knowingly or intentionally possessing a controlled substance and the penalty for such possession requires that the person serve a minimum term of imprisonment, the court is authorized to depart from the prescribed minimum term of imprisonment in certain specified circumstances.

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

Section 1. ~~[NRS 176.515 is hereby amended to read as follows:~~

~~176.515 1. The court may grant a new trial to a defendant if required as a matter of law or on the ground of newly discovered evidence.~~

~~2. If trial was by the court without a jury, the court may vacate the judgment if entered, take additional testimony and direct the entry of a new judgment.~~

~~3. Except as otherwise provided in NRS 176.09187, a motion for a new trial based on the ground of newly discovered evidence may be made only within 2 years after the verdict or finding of guilt.~~

~~4. A motion for a new trial based on any other grounds must be made within 7 days after the verdict or finding of guilt or within such further time as the court may fix during the 7-day period.~~

~~5.~~ ***The court:***

~~***(a) Shall grant a motion to vacate a judgment if the judgment is a conviction for the possession of 1 ounce or less of marijuana in violation of subsection 4 of NRS 453.336.***~~

~~***(b) Except as otherwise provided in paragraph (a), may grant a motion to vacate a judgment if the judgment is a conviction for a violation of any provision of law concerning an offense involving marijuana, if the act constituting the offense is a lawful act in this State on or after January 1, 2017.***~~

~~***6.*** The court may grant a motion to vacate a judgment if:~~

~~(a) The judgment is a conviction for a violation of:~~

~~(1) NRS 201.354, for engaging in prostitution or solicitation for prostitution, provided that the defendant was not alleged to be a customer of a prostitute;~~

~~(2) NRS 207.200, for unlawful trespass;~~

~~(3) Paragraph (b) of subsection 1 of NRS 463.350, for loitering; or~~

~~(4) A county, city or town ordinance, for loitering for the purpose of solicitation or prostitution;~~

~~(b) The participation of the defendant in the offense was the result of the defendant having been a victim of:~~

~~(1) Trafficking in persons as described in the Trafficking Victims Protection Act of 2000, 22 U.S.C. §§ 7101 et seq.; or~~

~~(2) Involuntary servitude as described in NRS 200.463 or 200.4631; and~~

~~(c) The defendant makes a motion under this subsection with due diligence after the defendant has ceased being a victim of trafficking or involuntary servitude or has sought services for victims of such trafficking or involuntary servitude.~~

~~**[**6.**]** ***7.*** In deciding whether to grant a motion made pursuant to ***:***~~

~~***(a) Paragraph (b) of*** subsection 5, ***the court must notify the prosecuting attorney who prosecuted the defendant for the crime and allow the prosecuting attorney to testify and present evidence before the court decides whether to grant the motion.***~~

~~***(b) Subsection 6,*** the court shall take into consideration any reasonable concerns for the safety of the defendant, family members of the defendant or other victims that may be jeopardized by the bringing of such a motion.~~

~~**[**7.**]** ***8.*** If the court grants a motion made pursuant to subsection 5 **[**,**]** ***or 6,*** the court:~~

~~(a) Shall vacate the judgment and dismiss the accusatory pleading; and~~

~~(b) May take any additional action that the court deems appropriate under the circumstances.~~] **(Deleted by amendment.)**

Sec. 1.2. **Chapter 179 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If a person has been convicted of a misdemeanor for the possession of 1 ounce or less of marijuana in violation of subsection 4 of NRS 453.336 or for a violation of any other provision of law concerning an offense involving marijuana, if the act constituting such an offense is a lawful act in this State on or after January 1, 2017, the person may petition the court in which he or she was convicted or, if the person wishes to file more than one petition and would otherwise need to file a petition in more than one court, the district court, for an order:

(a) Vacating the judgment; and

(b) Sealing all documents, papers and exhibits in the person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order.

2. A petition filed pursuant to subsection 1 must satisfy the requirements of subsection 2 of NRS 179.245.

3. Except as otherwise provided in subsection 6, the court:

(a) Shall grant a petition filed pursuant to subsection 1 if the judgment is a misdemeanor conviction for the possession of 1 ounce or less of marijuana in violation of subsection 4 of NRS 453.336.

(b) Except as otherwise provided in paragraph (a), may grant a petition filed pursuant to subsection 1 if the judgment is a misdemeanor conviction for a violation of any provision of law concerning an offense involving marijuana and the act constituting the offense is a lawful act in this State on or after January 1, 2017.

4. Before the court decides whether to grant a petition pursuant to paragraph (b) of subsection 3:

(a) The petitioner must notify the office of the prosecuting attorney who prosecuted the petitioner for the crime; and

(b) The prosecuting attorney must be allowed to testify and present evidence.

5. If the court grants a petition filed pursuant to subsection 1, the court:

(a) Shall vacate the judgment and dismiss the accusatory pleading;

(b) Shall order sealed all documents, papers and exhibits in the petitioner's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order; and

(c) May take any additional action that the court deems appropriate under the circumstances.

6. If a petition filed pursuant to subsection 1 does not satisfy the requirements of subsection 2 of NRS 179.245 or the court determines that

the petition is otherwise deficient with respect to the sealing of the petitioner's record, the court may enter an interim order to vacate the judgment and dismiss the accusatory pleading if the petitioner satisfies all requirements necessary for the judgment to be vacated.

7. If the court enters an interim order pursuant to subsection 6, the court shall also order sealed the records of the petitioner which relate to the judgment being vacated in accordance with paragraph (b) of subsection 5, regardless of whether any records relating to other convictions are ineligible for sealing, either by operation of law or because of a deficiency in the petition.

Sec. 1.3. **NRS 179.241 is hereby amended to read as follows:**

179.241 As used in NRS 179.241 to 179.301, inclusive, ***and section 1.2 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 179.242, 179.243 and 179.244 have the meanings ascribed to them in those sections.

Sec. 1.4. **NRS 179.245 is hereby amended to read as follows:**

179.245 1. Except as otherwise provided in subsection 5 and NRS 176A.265, 176A.295, 179.259, 453.3365 and 458.330, ***and section 1.2 of this act,*** a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

(a) A category A or B felony after 15 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(b) A category C or D felony after 12 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 7 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Except as otherwise provided in paragraph (e), any gross misdemeanor after 5 years from the date of release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 422.540 to 422.570, inclusive, other than a felony, a violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or

(f) Any other misdemeanor after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by the petitioner's current, verified records received from:

(1) The Central Repository for Nevada Records of Criminal History; and

(2) All agencies of criminal justice which maintain such records within the city or county in which the conviction was entered;

(b) If the petition references NRS 453.3365 or 458.330, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(c) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(d) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific conviction to which the records to be sealed pertain; and

(3) Date of arrest relating to the specific conviction to which the records to be sealed pertain.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and the prosecuting attorney, including, without limitation, the Attorney General, who prosecuted the petitioner for the crime. The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada, and may also order all such records of the petitioner returned to the file of the court where the proceeding was commenced from, including, without limitation, the Federal Bureau of Investigation, the California Bureau of Criminal Identification and Information and all other agencies of criminal justice which maintain such records and which are reasonably known by either the petitioner or the court to have possession of such records.

5. A person may not petition the court to seal records relating to a conviction of:

(a) A crime against a child;

(b) A sexual offense;

(c) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;

(d) A violation of NRS 484C.430;

(e) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;

(f) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or

(g) A violation of NRS 488.420 or 488.425.

6. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

7. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(12) Lewdness with a child pursuant to NRS 201.230.

(13) Sexual penetration of a dead human body pursuant to NRS 201.450.

(14) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(15) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

(16) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

(17) An attempt to commit an offense listed in this paragraph.

Sec. 1.5. **NRS 179.275 is hereby amended to read as follows:**

179.275 Where the court orders the sealing of a record pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330, ***or section 1.2 of this act,*** a copy of the order must be sent to:

1. The Central Repository for Nevada Records of Criminal History; and

2. Each agency of criminal justice and each public or private company, agency, official or other custodian of records named in the order, and that person shall seal the records in his or her custody which relate to the matters contained in the order, shall advise the court of compliance and shall then seal the order.

Sec. 1.6. **NRS 179.285 is hereby amended to read as follows:**

179.285 Except as otherwise provided in NRS 179.301:

1. If the court orders a record sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 ~~[.]~~ ***or section 1.2 of this act:***

(a) All proceedings recounted in the record are deemed never to have occurred, and the person to whom the order pertains may properly answer accordingly to any inquiry, including, without limitation, an inquiry relating to an application for employment, concerning the arrest, conviction, dismissal or acquittal and the events and proceedings relating to the arrest, conviction, dismissal or acquittal.

(b) The person is immediately restored to the following civil rights if the person's civil rights previously have not been restored:

(1) The right to vote;

(2) The right to hold office; and

(3) The right to serve on a jury.

2. Upon the sealing of the person's records, a person who is restored to his or her civil rights pursuant to subsection 1 must be given:

(a) An official document which demonstrates that the person has been restored to the civil rights set forth in paragraph (b) of subsection 1; and

(b) A written notice informing the person that he or she has not been restored to the right to bear arms, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms.

3. A person who has had his or her records sealed in this State or any other state and whose official documentation of the restoration of civil rights is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has had his or her records sealed, the court shall issue an order restoring the person to the civil rights to vote, to hold office and to serve on a jury. A person must not be required to pay a fee to receive such an order.

4. A person who has had his or her records sealed in this State or any other state may present official documentation that the person has been restored to his or her civil rights or a court order restoring civil rights as

proof that the person has been restored to the right to vote, to hold office and to serve as a juror.

Sec. 1.7. **NRS 179.295 is hereby amended to read as follows:**

179.295 1. The person who is the subject of the records that are sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 ***or section 1.2 of this act*** may petition the court that ordered the records sealed to permit inspection of the records by a person named in the petition, and the court may order such inspection. Except as otherwise provided in this section, subsection 8 of NRS 179.255 and NRS 179.259 and 179.301, the court may not order the inspection of the records under any other circumstances.

2. If a person has been arrested, the charges have been dismissed and the records of the arrest have been sealed, the court may order the inspection of the records by a prosecuting attorney upon a showing that as a result of newly discovered evidence, the person has been arrested for the same or a similar offense and that there is sufficient evidence reasonably to conclude that the person will stand trial for the offense.

3. The court may, upon the application of a prosecuting attorney or an attorney representing a defendant in a criminal action, order an inspection of such records for the purpose of obtaining information relating to persons who were involved in the incident recorded.

4. This section does not prohibit a court from considering a conviction for which records have been sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 ***or section 1.2 of this act*** in determining whether to grant a petition pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 for a conviction of another offense.

Sec. 2. NRS 453.336 is hereby amended to read as follows:

453.336 1. Except as otherwise provided in subsection ~~[5,]~~ ***6,*** a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.

2. Except as otherwise provided in subsections 3 ***,*** ~~[and]~~ 4 ***and 5*** and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385, 453.339 or 453.3395, a person who violates this section shall be punished:

(a) For the first or second offense, if the controlled substance is listed in schedule I, II, III or IV, for a category E felony as provided in NRS 193.130.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I, II, III or IV, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United

States or of any state, territory or district relating to a controlled substance, for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than $20,000.

(c) For the first offense, if the controlled substance is listed in schedule V, for a category E felony as provided in NRS 193.130.

(d) For a second or subsequent offense, if the controlled substance is listed in schedule V, for a category D felony as provided in NRS 193.130.

3. ~~[~~Unless~~]~~ ***Except as otherwise provided in subsection 5 and unless*** a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. ~~[~~Unless~~]~~ ***Except as otherwise provided in subsection 5 and unless*** a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana:

(a) For the first offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than $600; or

(2) Examined by a treatment provider approved by the court to determine whether the person is a drug addict and is likely to be rehabilitated through treatment and, if the examination reveals that the person is a drug addict and is likely to be rehabilitated through treatment, assigned to a program of treatment and rehabilitation pursuant to NRS 453.580. As used in this subparagraph, "treatment provider" has the meaning ascribed to it in NRS 458.010.

(b) For the second offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than $1,000; or

(2) Assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(c) For the third offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140.

(d) For a fourth or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. ***Notwithstanding any other provision of law, if a person is convicted of a violation of any provision of this section which is punishable by the imposition of a minimum term of imprisonment, the court may, upon a showing of good cause by the person, depart from the prescribed minimum term of imprisonment if:***

(a) The offense for which the person was convicted did not involve the use, attempted use or threatened use of physical force against another person or result in any physical injury to another person;

(b) During the commission of the offense for which the person was convicted, the person was not in possession of, and did not threaten the use

of, display or represent by words or conduct that he or she was in possession of, any weapon listed in subsection 1 of NRS 202.265;

(c) The provisions of this subsection have not previously been applied to the person; and

(d) At the time of sentencing, the court states the reasons for imposing a particular sentence upon the person and the specific reason for imposing a sentence that departs from the prescribed minimum term of imprisonment.

6. It is not a violation of this section if a person possesses a trace amount of a controlled substance and that trace amount is in or on a hypodermic device obtained from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994, inclusive.

~~[6.]~~ ***7.*** As used in this section:

(a) "Controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

(b) "Marijuana" does not include concentrated cannabis.

(c) "Sterile hypodermic device program" has the meaning ascribed to it in NRS 439.986.

Sec. 3. The amendatory provisions of section 2 of this act apply to an offense committed:

1. On or after July 1, 2017; and
2. Before July 1, 2017, if the person is convicted on or after July 1, 2017.

Sec. 4. This act becomes effective on July 1, 2017.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 260.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 398.

ASSEMBLYMEN TOLLES, OSCARSON; **BENITEZ-THOMPSON,** HAMBRICK, KRASNER, MILLER, PICKARD**,** ~~[AND]~~ WHEELER**, WOODBURY AND YEAGER**

SENATORS GANSERT, CANNIZZARO, HARRIS AND HARDY

SUMMARY—Revises provisions relating to the crime of prostitution. (BDR ~~[18-821)]~~ **1-821)**

AN ACT relating to crimes; ~~[requiring the appointment of a Committee on Prostitution and Human Trafficking; requiring the Committee to adopt regulations for the evaluation, certification and monitoring of programs for the treatment of certain persons convicted of solicitation for prostitution; enacting various provisions governing the certification of such programs;]~~ authorizing justice courts and municipal courts to suspend the sentence of certain persons convicted of solicitation for prostitution ~~[,]~~ **upon the condition that the person complete a program for treatment of persons convicted of solicitation for prostitution;** revising provisions and penalties

for certain acts relating to prostitution; **enacting various provisions pertaining to the program of treatment; providing for the sealing of certain records related to the solicitation of prostitution;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person who engages in solicitation for prostitution, or offers or agrees to engage in prostitution, for the first offense, is guilty of a misdemeanor. (NRS 201.354, 207.030) **Section 4** of this bill ~~[increases the penalty for engaging in solicitation for prostitution if a person offers to pay another person a fee, monetary consideration or other thing of value with the intent to engage in sexual conduct. A person]~~ **provides that a prostitute who engages in prostitution or solicitation for prostitution under certain circumstances is guilty of a misdemeanor. Section 4 also provides that a customer** who is found guilty of ~~[such an offense]~~ **engaging in prostitution or soliciting prostitution** for a: (1) first offense, is guilty of a misdemeanor and a mandatory fine of not less than $400; (2) second offense, is guilty of a gross misdemeanor and a mandatory fine of not less than $800; and (3) third and subsequent offense, is guilty of a gross misdemeanor and a mandatory fine of not less than $1,300. **Section 4** additionally requires the court to impose a civil penalty on a ~~[person]~~ **customer** who is found guilty of such an offense, and provides that the civil penalties collected be used only for: (1) enforcing certain crimes relating to solicitation for prostitution; and (2) programs of treatment for persons who solicit prostitution ~~[. Section 1 of this bill: (1) requires the Attorney General to appoint a Committee on Prostitution and Human Trafficking; (2) sets forth the membership for the Committee; (3) requires the Committee to adopt regulations for the evaluation, certification and monitoring of programs for treatment for persons who are convicted of a first time offense of solicitation for prostitution; (4) requires certain information to be included in such programs for treatment; and (5) prescribes other duties of the Committee.]~~ **which are certified by the Division of Public and Behavioral Health of the Department of Health and Human Services. Section 4 authorizes a court to suspend further proceedings of certain eligible defendants, without entering a judgment of conviction, and to place the defendant on probation with terms and conditions that include successful completion of the program of treatment. Section 4 additionally requires a court, under certain circumstances, to seal documents relating to a case involving a defendant who was assigned to a program of treatment for persons who solicit prostitution after the defendant is discharged.**

Existing law authorizes a justice of the peace or municipal judge to suspend the sentence of a person convicted of a misdemeanor that constitutes domestic violence upon the conditions that the person participate in certain programs for treatment and comply with any other condition ordered by the justice of the peace or municipal judge. (NRS 4.373, 5.055) **Sections 2 and 3** of this bill similarly authorize a justice of the peace or municipal judge to

suspend the sentence of a person who is convicted of a misdemeanor that constitutes solicitation for prostitution on the condition that the person actively participates in a program for the treatment of persons who solicit prostitution and comply with any other conditions ordered by the justice of the peace or municipal judge.

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

Section 1. ~~[Chapter 228 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The Attorney General shall appoint a Committee on Prostitution and Human Trafficking comprised of:*~~

~~*(a) One staff member of a program for victims of sex trafficking;*~~

~~*(b) One staff member of a program for the treatment of persons who solicit prostitution;*~~

~~*(c) One representative from an office of the district attorney with experience in prosecuting criminal offenses;*~~

~~*(d) One representative from an office of the city attorney with experience in prosecuting criminal offenses;*~~

~~*(e) One law enforcement officer;*~~

~~*(f) One provider of mental health care;*~~

~~*(g) Two victims of sex trafficking; and*~~

~~*(h) One justice of the peace or municipal judge.*~~

~~*2. At least two members of the Committee must be residents of a county whose population is less than 100,000.*~~

~~*3. In carrying out the duties set forth in this section, the Committee shall consult with and solicit input from the following entities and interests:*~~

~~*(a) Mental health professionals;*~~

~~*(b) As determined appropriate by the Committee, other persons and entities with expertise in matters relevant to prostitution and sex trafficking; and*~~

~~*(c) Any other person determined appropriate by the Committee.*~~

~~*4. The Committee shall:*~~

~~*(a) Adopt regulations for the evaluation, certification and monitoring of programs for the treatment of persons who solicit prostitution;*~~

~~*(b) Review, monitor and certify programs for the treatment of persons who solicit prostitution;*~~

~~*(c) Review and evaluate programs provided to peace officers for training related to prostitution and sex trafficking and make recommendations to the Peace Officers' Standards and Training Commission regarding such training;*~~

~~*(d) To the extent that money is available, arrange for the provision of legal services, including, without limitation, assisting a person in a motion to vacate a judgment if the judgment is a conviction for a violation of NRS*~~

~~*201.354 for engaging in prostitution or solicitation for prostitution pursuant to subsection 5 of NRS 176.515; and*~~

~~*(c) Submit on or before March 1 of each odd-numbered year a report to the Director of the Legislative Counsel Bureau for distribution to the regular session of the Legislature. The report must include, without limitation, a summary of the work of the Committee and recommendations for any necessary legislation concerning prostitution or sex trafficking.*~~

~~*5. The regulations governing certification of programs for the treatment of persons who solicit prostitution adopted pursuant to paragraph (a) of subsection 4 must include, without limitation:*~~

~~*(a) A program of treatment that includes information, counseling and services regarding:*~~

~~*(1) Sex addiction;*~~

~~*(2) Sexually transmitted diseases;*~~

~~*(3) Mental health;*~~

~~*(4) Substance abuse; and*~~

~~*(5) The prevention of prostitution.*~~

~~*(b) A list of employees or volunteers which may provide the treatment required by a program described in paragraph (a) and such list may include, without limitation, a person who is a:*~~

~~*(1) Physician pursuant to chapter 630 of NRS;*~~

~~*(2) Psychologist pursuant to chapter 641 of NRS;*~~

~~*(3) Clinical professional counselor pursuant to chapter 641A of NRS;*~~

~~*(4) Clinical social worker pursuant to chapter 641B of NRS;*~~

~~*(5) Former prostitute as defined in NRS 201.295;*~~

~~*(6) Family member of a person arrested for soliciting prostitution;*~~

~~*(7) Representative of a neighborhood association or community that is adversely affected by prostitution or sex trafficking; or*~~

~~*(8) Representative of an organization created for the awareness or prevention of sex trafficking, or the advocacy of victims of sex trafficking.*~~

~~*(c) Include, without limitation, provisions allowing a program that is located in another state to become certified in this State to provide treatment to persons who:*~~

~~*(1) Reside in this State; and*~~

~~*(2) Are ordered by a court in this State to participate in a program for the treatment of persons who solicit prostitution.*~~

~~*6. The Committee shall, at its first meeting and annually thereafter, elect a Chair from among its members.*~~

~~*7. The Committee shall meet regularly at least semiannually and may meet at other times upon the call of the Chair. Any five members of the Committee constitute a quorum for the purpose of voting. A majority vote of the quorum is required to take action with respect to any matter.*~~

~~*8. The Attorney General shall provide the Committee with such staff as is necessary to carry out the duties of the Committee.*~~

~~*9. While engaged in the business of the Committee, each member and employee of the Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.*~~

~~*10. As used in this section:*~~

~~*(a) "Mental health professional" has the meaning ascribed to it in NRS 629.550.*~~

~~*(b) "Prostitution" has the meaning ascribed to it in NRS 201.295.*~~

~~*(b) "Sex trafficking" means a violation of subsection 2 of NRS 201.300.]*~~ **(Deleted by amendment.)**

Sec. 2. NRS 4.373 is hereby amended to read as follows:

4.373 1. Except as otherwise provided in ~~[subsection 2,]~~ ***subsections 2 and 3,*** NRS 211A.127 or another specific statute, or unless the suspension of a sentence is expressly forbidden, a justice of the peace may suspend, for not more than 2 years, the sentence of a person convicted of a misdemeanor. If the circumstances warrant, the justice of the peace may order as a condition of suspension that the offender:

(a) Make restitution to the owner of any property that is lost, damaged or destroyed as a result of the commission of the offense;

(b) Engage in a program of community service, for not more than 200 hours;

(c) Actively participate in a program of professional counseling at the expense of the offender;

(d) Abstain from the use of alcohol and controlled substances;

(e) Refrain from engaging in any criminal activity;

(f) Engage or refrain from engaging in any other conduct deemed appropriate by the justice of the peace;

(g) Submit to a search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and

(h) Submit to periodic tests to determine whether the offender is using a controlled substance or consuming alcohol.

2. If a person is convicted of a misdemeanor that constitutes domestic violence pursuant to NRS 33.018, the justice of the peace may, after the person has served any mandatory minimum period of confinement, suspend the remainder of the sentence of the person for not more than 3 years upon the condition that the person actively participate in:

(a) A program of treatment for the abuse of alcohol or drugs which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services;

(b) A program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470; or

(c) The programs set forth in paragraphs (a) and (b),

➥ and that the person comply with any other condition of suspension ordered by the justice of the peace.

3. ~~[If]~~ ***Except as otherwise provided in this subsection, if a person is convicted of a misdemeanor that constitutes solicitation for prostitution pursuant to NRS 201.354 or paragraph (b) of subsection 1 of NRS 207.030, the justice of the peace may suspend the sentence for not more than*** ~~[2]~~ ***2 years upon the condition that the person:***

(a) Actively participate in a program for the treatment of persons who solicit prostitution ~~[that has been]~~ ***which is certified*** ~~[pursuant to section 1 of this act;]~~ ***by the Division of Public and Behavioral Health of the Department of Health and Human Services; and***

(b) Comply with any other condition of suspension ordered by the justice of the peace.

➥ The justice of the peace may not suspend the sentence of a person pursuant to this subsection if the person has previously participated in a program for the treatment of persons who solicit prostitution which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

4. The justice of the peace may order reports from a person whose sentence is suspended at such times as the justice of the peace deems appropriate concerning the compliance of the offender with the conditions of suspension. If the offender complies with the conditions of suspension to the satisfaction of the justice of the peace, the sentence may be reduced to not less than the minimum period of confinement established for the offense.

~~[4.]~~ ***5.*** The justice of the peace may issue a warrant for the arrest of an offender who violates or fails to fulfill a condition of suspension.

Sec. 3. NRS 5.055 is hereby amended to read as follows:

5.055 1. Except as otherwise provided in ~~[subsection 2,]~~ ***subsections 2 and 3,*** NRS 211A.127 or another specific statute, or unless the suspension of a sentence is expressly forbidden, a municipal judge may suspend, for not more than 2 years, the sentence of a person convicted of a misdemeanor. If the circumstances warrant, the municipal judge may order as a condition of suspension that the offender:

(a) Make restitution to the owner of any property that is lost, damaged or destroyed as a result of the commission of the offense;

(b) Engage in a program of community service, for not more than 200 hours;

(c) Actively participate in a program of professional counseling at the expense of the offender;

(d) Abstain from the use of alcohol and controlled substances;

(e) Refrain from engaging in any criminal activity;

(f) Engage or refrain from engaging in any other conduct deemed appropriate by the municipal judge;

(g) Submit to a search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and

(h) Submit to periodic tests to determine whether the offender is using any controlled substance or alcohol.

2. If a person is convicted of a misdemeanor that constitutes domestic violence pursuant to NRS 33.018, the municipal judge may, after the person has served any mandatory minimum period of confinement, suspend the remainder of the sentence of the person for not more than 3 years upon the condition that the person actively participate in:

(a) A program of treatment for the abuse of alcohol or drugs which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services;

(b) A program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470; or

(c) The programs set forth in paragraphs (a) and (b),

➥ and that the person comply with any other condition of suspension ordered by the municipal judge.

3. ~~*[If]*~~ ***Except as otherwise provided in this subsection, if*** ***a person is convicted of a misdemeanor that constitutes solicitation for prostitution pursuant to NRS 201.354 or paragraph (b) of subsection 1 of NRS 207.030, the municipal judge may suspend the sentence for not more than*** ~~*[3]*~~ ***2 years upon the condition that the person:***

(a) Actively participate in a program for the treatment of persons who solicit prostitution ~~*[that has been]*~~ ***which is certified*** ~~*[pursuant to section 1 of this act;]*~~ ***by the Division of Public and Behavioral Health of the Department of Health and Human Services; and***

(b) Comply with any other condition of suspension ordered by the municipal judge.

➥ The municipal judge may not suspend the sentence of a person pursuant to this subsection if the person has previously participated in a program for the treatment of persons who solicit prostitution which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

4. The municipal judge may order reports from a person whose sentence is suspended at such times as the municipal judge deems appropriate concerning the compliance of the offender with the conditions of suspension. If the offender complies with the conditions of suspension to the satisfaction of the municipal judge, the sentence may be reduced to not less than the minimum period of confinement established for the offense.

~~*[4.]*~~ ***5.*** The municipal judge may issue a warrant for the arrest of an offender who violates or fails to fulfill a condition of suspension.

Sec. 3.2. **NRS 179.245 is hereby amended to read as follows:**

179.245 1. Except as otherwise provided in subsection 5 and NRS 176A.265, 176A.295, 179.259, ***201.354,*** 453.3365 and 458.330, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

(a) A category A or B felony after 15 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(b) A category C or D felony after 12 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 7 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Except as otherwise provided in paragraph (e), any gross misdemeanor after 5 years from the date of release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 422.540 to 422.570, inclusive, other than a felony, a violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or

(f) Any other misdemeanor after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by the petitioner's current, verified records received from:

(1) The Central Repository for Nevada Records of Criminal History; and

(2) All agencies of criminal justice which maintain such records within the city or county in which the conviction was entered;

(b) If the petition references NRS 453.3365 or 458.330, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(c) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(d) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific conviction to which the records to be sealed pertain; and

(3) Date of arrest relating to the specific conviction to which the records to be sealed pertain.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and the prosecuting attorney, including, without limitation, the Attorney General, who prosecuted the petitioner for the crime. The prosecuting

attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada, and may also order all such records of the petitioner returned to the file of the court where the proceeding was commenced from, including, without limitation, the Federal Bureau of Investigation, the California Bureau of Criminal Identification and Information and all other agencies of criminal justice which maintain such records and which are reasonably known by either the petitioner or the court to have possession of such records.

5. A person may not petition the court to seal records relating to a conviction of:

(a) A crime against a child;

(b) A sexual offense;

(c) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;

(d) A violation of NRS 484C.430;

(e) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;

(f) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or

(g) A violation of NRS 488.420 or 488.425.

6. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

7. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(12) Lewdness with a child pursuant to NRS 201.230.

(13) Sexual penetration of a dead human body pursuant to NRS 201.450.

(14) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(15) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

(16) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

(17) An attempt to commit an offense listed in this paragraph.

Sec. 3.4. **NRS 179.275 is hereby amended to read as follows:**

179.275 Where the court orders the sealing of a record pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, ***201.354,*** 453.3365 or 458.330, a copy of the order must be sent to:

1. The Central Repository for Nevada Records of Criminal History; and

2. Each agency of criminal justice and each public or private company, agency, official or other custodian of records named in the order, and that person shall seal the records in his or her custody which relate to the matters contained in the order, shall advise the court of compliance and shall then seal the order.

Sec. 3.6. **NRS 179.285 is hereby amended to read as follows:**

179.285 Except as otherwise provided in NRS 179.301:

1. If the court orders a record sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, ***201.354,*** 453.3365 or 458.330:

(a) All proceedings recounted in the record are deemed never to have occurred, and the person to whom the order pertains may properly answer accordingly to any inquiry, including, without limitation, an inquiry relating

to an application for employment, concerning the arrest, conviction, dismissal or acquittal and the events and proceedings relating to the arrest, conviction, dismissal or acquittal.

(b) The person is immediately restored to the following civil rights if the person's civil rights previously have not been restored:

(1) The right to vote;

(2) The right to hold office; and

(3) The right to serve on a jury.

2. Upon the sealing of the person's records, a person who is restored to his or her civil rights pursuant to subsection 1 must be given:

(a) An official document which demonstrates that the person has been restored to the civil rights set forth in paragraph (b) of subsection 1; and

(b) A written notice informing the person that he or she has not been restored to the right to bear arms, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms.

3. A person who has had his or her records sealed in this State or any other state and whose official documentation of the restoration of civil rights is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has had his or her records sealed, the court shall issue an order restoring the person to the civil rights to vote, to hold office and to serve on a jury. A person must not be required to pay a fee to receive such an order.

4. A person who has had his or her records sealed in this State or any other state may present official documentation that the person has been restored to his or her civil rights or a court order restoring civil rights as proof that the person has been restored to the right to vote, to hold office and to serve as a juror.

Sec. 3.8. **NRS 179.295 is hereby amended to read as follows:**

179.295 1. The person who is the subject of the records that are sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, ***201.354,*** 453.3365 or 458.330 may petition the court that ordered the records sealed to permit inspection of the records by a person named in the petition, and the court may order such inspection. Except as otherwise provided in this section, subsection 8 of NRS 179.255 and NRS 179.259 and 179.301, the court may not order the inspection of the records under any other circumstances.

2. If a person has been arrested, the charges have been dismissed and the records of the arrest have been sealed, the court may order the inspection of the records by a prosecuting attorney upon a showing that as a result of newly discovered evidence, the person has been arrested for the same or a similar offense and that there is sufficient evidence reasonably to conclude that the person will stand trial for the offense.

3. The court may, upon the application of a prosecuting attorney or an attorney representing a defendant in a criminal action, order an inspection of

such records for the purpose of obtaining information relating to persons who were involved in the incident recorded.

4. This section does not prohibit a court from considering a conviction for which records have been sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, **201.354,** 453.3365 or 458.330 in determining whether to grant a petition pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 for a conviction of another offense.

Sec. 4. NRS 201.354 is hereby amended to read as follows:

201.354 1. It is unlawful for any person to engage in prostitution or solicitation therefor, except in a licensed house of prostitution.

2. ~~[Except as otherwise provided in subsection *subsections* 3, *and 5, a* person]~~ ***A prostitute*** who violates subsection 1 is guilty of a misdemeanor.

3. ~~*[A person]*~~ ***Except as otherwise provided in subsection 5, a customer who violates subsection 1 :*** ~~*[by offering to pay another person a fee, monetary consideration or other thing of value with the intent to engage in sexual conduct:]*~~

(a) For a first offense, is guilty of a misdemeanor and shall be punished as provided in NRS 193.150, and by a fine of not less than $400.

(b) For a second offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140, and by a fine of not less than $800.

(c) For a third or subsequent offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140, and by a fine of not less than $1,300.

4. In addition to any other penalty imposed, the court shall order a person who violates subsection 3 to pay a civil penalty of not less than $200 per offense. The civil penalty must be paid to the district attorney or city attorney of the jurisdiction in which the violation occurred. If the civil penalty imposed pursuant to this subsection:

(a) Is not within the person's present ability to pay, in lieu of paying the penalty, the court may allow the person to perform community service for a reasonable number of hours, the value of which would be commensurate with the civil penalty.

(b) Is not entirely within the person's present ability to pay, in lieu of paying the entire civil penalty, the court may allow the person to perform community service for a reasonable number of hours, the value of which would be commensurate with the amount of the reduction of the civil penalty.

5. A ~~[person]~~ ***customer*** who violates subsection 1 by soliciting a child for prostitution:

(a) For a first offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130, and by a fine of not more than $5,000.

(b) For a second offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(c) For a third or subsequent offense, is guilty of a category C felony and shall be punished as provided in NRS 193.130. The court shall not grant

probation to or suspend the sentence of a person punished pursuant to this paragraph.

6. Any civil penalty collected by a district attorney or city attorney pursuant to subsection 4 must be deposited in the county or city treasury, as applicable, to be used for:

(a) The enforcement of this section; and

(b) Programs of treatment for persons who solicit prostitution which are certified ~~[pursuant to section 1 of this act.]~~ by the Division of Public and Behavioral Health of the Department of Health and Human Services.

➥ Not less than 50 percent of the money deposited in the county or city treasury, as applicable, pursuant to this subsection must be used for the enforcement of this section.

7. If a person who violates subsection 1 is ordered pursuant to NRS 4.373 or 5.055 to participate in a program for the treatment of persons who solicit prostitution, upon fulfillment of the terms and conditions of the program, the court may discharge the person and dismiss the proceedings against the person. If the court discharges the person and dismisses the proceedings against the person, a nonpublic record of the discharge and dismissal must be transmitted to and retained by the Division of Parole and Probation of the Department of Public Safety solely for the use of the courts in determining whether, in later proceedings, the person qualifies under this section for participation in a program of treatment for persons who solicit prostitution. Except as otherwise provided in this subsection, discharge and dismissal under this subsection is without adjudication of guilt and is not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for a second or subsequent conviction or the setting of bail. Discharge and dismissal restores the person discharged, in the contemplation of the law, to the status occupied before the proceedings. The person may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge the proceedings in response to an inquiry made of the person for any purpose. Discharge and dismissal under this subsection may occur only once with respect to any person. A professional licensing board may consider a proceeding under this subsection in determining suitability for a license or liability to discipline for misconduct. Such a board is entitled for those purposes to a truthful answer from the applicant or licensee concerning any such proceeding with respect to the applicant or licensee.

8. Except as limited by subsection 9, if a person is discharged and the proceedings against the person are dismissed pursuant to subsection 7, the court shall, without a hearing, order sealed all documents, papers and exhibits in that person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court

shall cause a copy of the order to be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

9. A professional licensing board is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.

Sec. 5. ~~[The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.]~~ **(Deleted by amendment.)**

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 262.

Bill read second time.

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

Amendment No. 554.

AN ACT relating to contracts for the sale of vehicles; expanding the circumstances under which certain actions taken by a seller against a buyer of a vehicle are deceptive trade practices; ~~[defining the term "knowingly" for the purposes of provisions governing deceptive trade practices;]~~ revising provisions relating to sureties who issue bonds to brokers, dealers, special dealers, rebuilders, distributors and manufacturers of vehicles and dealers, lessors and manufacturers of off-highway vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines certain conduct by a person who is engaging in his or her business or occupation as a deceptive trade practice. (NRS 598.092) **Section 3** of this bill adds to the list of conduct that is considered a deceptive trade practice a person **:** ~~[knowingly:]~~ (1) repossessing a vehicle from a debtor before default; or (2) committing any act against a consumer who contracted with the person for the sale of a vehicle which entitles the consumer to certain remedies provided in law pursuant to the Uniform Commercial Code. (NRS 104.9625) ~~[Section 1 of this bill defines "knowingly" for the purposes of the provisions governing deceptive trade practices. Sections 2 and 4-6 of this bill make conforming changes.]~~

Existing law requires certain brokers, dealers, special dealers, rebuilders, distributors and manufacturers of vehicles and dealers, lessors and manufacturers of off-highway vehicles to procure and file with the Department of Motor Vehicles a bond, which is a prerequisite to licensure by the Department. The surety issuing the bond is required to appoint the Secretary of State as its agent to accept service of notice or process in any action upon the bond. (NRS 482.3333, 482.345, 490.278) **Sections 7-9** of this bill instead require the surety to appoint the Commissioner of Insurance

as its agent. **Sections 7-9** also add to the description of the uses of the bond by a consumer to include violations of the chapters of NRS governing: (1) particular cases concerning persons, including, without limitation, certain acts of fraud against a consumer; (2) retail installment sales of goods and services; (3) the Uniform Commercial Code, as adopted in NRS; and (4) deceptive trade practices. **Section 7 also adds to the list of the uses of the bond by a consumer against a broker to include conversion, negligent misrepresentation and abuse of process by the broker.**

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

Section 1. ~~[Chapter 598 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*"Knowingly" imports a knowledge that the facts exist which constitute the act or omission, and does not require knowledge of the prohibition against the act or omission. Knowledge of any particular fact may be inferred from the knowledge of such other facts as should put an ordinarily prudent person upon inquiry.]*~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 598.0903 is hereby amended to read as follows:~~

~~598.0903 As used in NRS 598.0903 to 598.0999, inclusive, *and section 1 of this act,* unless the context otherwise requires, the words and terms defined in NRS 598.0905 to 598.0947, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 3. NRS 598.092 is hereby amended to read as follows:

598.092 A person engages in a "deceptive trade practice" when in the course of his or her business or occupation he or she:

1. Knowingly fails to identify goods for sale or lease as being damaged by water.

2. Solicits by telephone or door to door as a lessor or seller, unless the lessor or seller identifies himself or herself, whom he or she represents and the purpose of his or her call within 30 seconds after beginning the conversation.

3. Knowingly states that services, replacement parts or repairs are needed when no such services, replacement parts or repairs are actually needed.

4. Fails to make delivery of goods or services for sale or lease within a reasonable time or to make a refund for the goods or services, if he or she allows refunds.

5. Advertises or offers an opportunity for investment and:

(a) Represents that the investment is guaranteed, secured or protected in a manner which he or she knows or has reason to know is false or misleading;

(b) Represents that the investment will earn a rate of return which he or she knows or has reason to know is false or misleading;

(c) Makes any untrue statement of a material fact or omits to state a material fact which is necessary to make another statement, considering the circumstances under which it is made, not misleading;

(d) Fails to maintain adequate records so that an investor may determine how his or her money is invested;

(e) Fails to provide information to an investor after a reasonable request for information concerning his or her investment;

(f) Fails to comply with any law or regulation for the marketing of securities or other investments; or

(g) Represents that he or she is licensed by an agency of the State to sell or offer for sale investments or services for investments if he or she is not so licensed.

6. Charges a fee for advice with respect to investment of money and fails to disclose:

(a) That he or she is selling or offering to lease goods or services and, if he or she is, their identity; or

(b) That he or she is licensed by an agency of any state or of the United States to sell or to offer for sale investments or services for investments or holds any other license related to the service he or she is providing.

7. Notifies any person, by any means, as a part of an advertising plan or scheme, that he or she has won a prize and that as a condition of receiving the prize he or she must purchase or lease goods or services.

8. Knowingly misrepresents the legal rights, obligations or remedies of a party to a transaction.

9. Fails, in a consumer transaction that is rescinded, cancelled or otherwise terminated in accordance with the terms of an agreement, advertisement, representation or provision of law, to promptly restore to a person entitled to it a deposit, down payment or other payment or, in the case of property traded in but not available, the agreed value of the property or fails to cancel within a specified time or an otherwise reasonable time an acquired security interest. This subsection does not apply to a person who is holding a deposit, down payment or other payment on behalf of another if all parties to the transaction have not agreed to the release of the deposit, down payment or other payment.

10. ~~*[Knowingly:*~~

~~*— (a)]*~~ ***Repossesses a vehicle from a debtor pursuant to NRS 104.9609 before default by the debtor as defined in the form for the contract for the sale of the vehicle prescribed by the Commissioner of Financial Institutions pursuant to NRS 97.299 .*** ~~*[; or*~~

~~*— (b)]*~~ ***11. Commits an act against a consumer who entered into a contract for the sale of a vehicle with the person which entitles the consumer to any remedy available pursuant to NRS 104.9625.***

~~*[11.]*~~ ***12.*** Fails to inform customers, if he or she does not allow refunds or exchanges, that he or she does not allow refunds or exchanges by:

(a) Printing a statement on the face of the lease or sales receipt;

(b) Printing a statement on the face of the price tag; or

(c) Posting in an open and conspicuous place a sign at least 8 by 10 inches in size with boldface letters,

➥ specifying that no refunds or exchanges are allowed.

~~[~~11.~~ *12.]*~~ ***13.*** Knowingly and willfully violates NRS 597.7118 or 597.7125.

~~[~~12.~~ *13.]*~~ ***14.*** Knowingly takes advantage of another person's inability reasonably to protect his or her own rights or interests in a consumer transaction when such an inability is due to illiteracy, or to a mental or physical infirmity or another similar condition which manifests itself as an incapability to understand the language or terms of any agreement.

Sec. 4. ~~[~~NRS 598.0955 is hereby amended to read as follows:

~~598.0955 1. The provisions of NRS 598.0903 to 598.0999, inclusive, *and section 1 of this act* do not apply to:~~

~~(a) Conduct in compliance with the orders or rules of, or a statute administered by, a federal, state or local governmental agency.~~

~~(b) Publishers, including outdoor advertising media, advertising agencies, broadcasters or printers engaged in the dissemination of information or reproduction of printed or pictorial matter who publish, broadcast or reproduce material without knowledge of its deceptive character.~~

~~(c) Actions or appeals pending on July 1, 1973.~~

~~2. The provisions of NRS 598.0903 to 598.0999, inclusive, *and section 1 of this act* do not apply to the use by a person of any service mark, trademark, certification mark, collective mark, trade name or other trade identification which was used and not abandoned prior to July 1, 1973, if the use was in good faith and is otherwise lawful except for the provisions of NRS 598.0903 to 598.0999, inclusive~~ ~~[.] *, and section 1 of this act.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~[~~NRS 598.0971 is hereby amended to read as follows:

~~598.0971 1. If, after an investigation, the Commissioner has reasonable cause to believe that any person has been engaged or is engaging in any deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, *and section 1 of this act,* the Commissioner may issue an order directed to the person to show cause why the Director should not order the person to cease and desist from engaging in the practice and to pay an administrative fine. The order must contain a statement of the charges and a notice of a hearing to be held thereon. The order must be served upon the person directly or by certified or registered mail, return receipt requested.~~

~~2. An administrative hearing on any action brought by the Commissioner must be conducted before the Director or his or her designee.~~

~~3. If, after conducting a hearing pursuant to the provisions of subsection 2, the Director or his or her designee determines that the person has violated any of the provisions of NRS 598.0903 to 598.0999, inclusive, *and section 1 of this act,* or if the person fails to appear for the hearing after being properly~~

~~served with the statement of charges and notice of hearing, the Director or his or her designee shall issue an order setting forth his or her findings of fact concerning the violation and cause to be served a copy thereof upon the person and any intervener at the hearing. If the Director or his or her designee determines in the report that such a violation has occurred, he or she may order the violator to:~~

~~(a) Cease and desist from engaging in the practice or other activity constituting the violation;~~

~~(b) Pay the costs of conducting the investigation, costs of conducting the hearing, costs of reporting services, fees for experts and other witnesses, charges for the rental of a hearing room if such a room is not available to the Director or his or her designee free of charge, charges for providing an independent hearing officer, if any, and charges incurred for any service of process, if the violator is adjudicated to have committed a violation of NRS 598.0903 to 598.0999, inclusive **[;] *, and section 1 of this act;***~~

~~(c) Provide restitution for any money or property improperly received or obtained as a result of the violation; and~~

~~(d) Impose an administrative fine of $1,000 or treble the amount of restitution ordered, whichever is greater.~~

~~➥ The order must be served upon the person directly or by certified or registered mail, return receipt requested. The order becomes effective upon service in the manner provided in this subsection.~~

~~4. Any person whose pecuniary interests are directly and immediately affected by an order issued pursuant to subsection 3 or who is aggrieved by the order may petition for judicial review in the manner provided in chapter 233B of NRS. Such a petition must be filed within 30 days after the service of the order. The order becomes final upon the filing of the petition.~~

~~5. If a person fails to comply with any provision of an order issued pursuant to subsection 3, the Commissioner or the Director may, through the Attorney General, at any time after 30 days after the service of the order, cause an action to be instituted in the district court of the county wherein the person resides or has his or her principal place of business requesting the court to enforce the provisions of the order or to provide any other appropriate injunctive relief.~~

~~6. If the court finds that:~~

~~(a) The violation complained of is a deceptive trade practice;~~

~~(b) The proceedings by the Director or his or her designee concerning the written report and any order issued pursuant to subsection 3 are in the interest of the public; and~~

~~(c) The findings of the Director or his or her designee are supported by the weight of the evidence,~~

~~➥ the court shall issue an order enforcing the provisions of the order of the Director or his or her designee.~~

~~7. An order issued pursuant to subsection 6 may include:~~

~~(a) A provision requiring the payment to the Consumer Affairs Division of the Department of Business and Industry of a penalty of not more than $5,000 for each act amounting to a failure to comply with the Director's or designee's order;~~

~~(b) An order that the person cease doing business within this State; and~~

~~(c) Such injunctive or other equitable or extraordinary relief as is determined appropriate by the court.~~

~~8. Any aggrieved party may appeal from the final judgment, order or decree of the court in a like manner as provided for appeals in civil cases.~~

~~9. Upon the violation of any judgment, order or decree issued pursuant to subsection 6 or 7, the Commissioner, after a hearing thereon, may proceed in accordance with the provisions of NRS 598.0999.~~**]** **(Deleted by amendment.)**

Sec. 6. **[**~~NRS 598.0999 is hereby amended to read as follows:~~

~~598.0999 1. Except as otherwise provided in NRS 598.0974, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive,~~ ***and section 1 of this act*** upon a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than $10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive **[**~~.~~**]** ~~,~~ ***and section 1 of this act.***

~~2. Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive,~~ ***and section 1 of this act,*** ~~if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed $5,000 for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.~~

~~3. A natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:~~

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

~~(b) For the second offense, is guilty of a gross misdemeanor.~~

~~(c) For the third and all subsequent offenses, is guilty of a category D felony and shall be punished as provided in NRS 193.130.~~

~~➥ The court may require the natural person, firm, or officer or managing agent of the corporation or association to pay to the aggrieved party damages on all profits derived from the knowing and willful engagement in a deceptive trade practice and treble damages on all damages suffered by reason of the deceptive trade practice.~~

~~4. Any offense which occurred within 10 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of subsection 3 when evidenced by a conviction, without regard to the sequence of the offenses and convictions.~~

~~5. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, *and section 1 of this act,* 598.100 to 598.2801, inclusive, 598.305 to 598.395, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, or 598.840 to 598.966, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:~~

~~(a) The suspension of the person's privilege to conduct business within this State; or~~

~~(b) If the defendant is a corporation, dissolution of the corporation.~~

~~The court may grant or deny the relief sought or may order other appropriate relief.~~

~~6. If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:~~

~~(a) The suspension of the person's privilege to conduct business within this State; or~~

~~(b) If the defendant is a corporation, dissolution of the corporation.~~

~~The court may grant or deny the relief sought or may order other appropriate relief.~~**] (Deleted by amendment.)**

Sec. 7. NRS 482.3333 is hereby amended to read as follows:

482.3333 1. Before a person may be licensed as a broker, the person must procure and file with the Department a good and sufficient bond in the amount of $100,000 with a corporate surety thereon licensed to do business within the State of Nevada, approved as to form by the Attorney General, and conditioned that the applicant shall conduct business as a broker without breaching a consumer contract or engaging in a deceptive trade practice, fraud or fraudulent representation, and without violation of the provisions of this chapter.

2. The Department may allow a broker who provides services for more than one category of vehicle described in subsection 1 of NRS 482.345 at a principal place of business or at any branch location within the same county as the principal place of business to provide a good and sufficient bond for a single category of vehicle and may consider that single bond sufficient coverage to include all other categories of vehicles.

3. The bond must be continuous in form, and the total aggregate liability on the bond must be limited to the payment of the total amount of the bond.

4. The undertaking on the bond is for the use and benefit of the consumer and includes any breach of a consumer contract, deceptive trade practice, fraud, fraudulent representation ***, negligent misrepresentation, abuse of process, conversion*** or violation of any of the provisions of this chapter ***or chapter 41, 97, 104, 104A or 598 of NRS*** by any employee of the licensed broker who acts on behalf of the broker and within the scope of his or her employment.

5. The bond must provide that it is for the use and benefit of any consumer of the broker or an employee of the broker for any loss or damage established, including, without limitation:

(a) Actual damages;

(b) Consequential damages;

(c) Incidental damages;

(d) Statutory damages;

(e) Damages for noneconomic loss; and

(f) Attorney's fees and costs.

➥ The surety issuing the bond shall appoint the ~~[Secretary of State]~~ ***Commissioner of Insurance*** as its agent to accept service of notice or process for the surety in any action upon the bond brought in a court of competent jurisdiction or brought before the Director.

6. If a consumer has a claim for relief against a broker or an employee of the broker, the consumer may:

(a) Bring and maintain an action in any court of competent jurisdiction. If the court enters:

(1) A judgment on the merits against the broker or employee, the judgment is binding on the surety.

(2) A judgment other than on the merits against the broker or employee, including, without limitation, a default judgment, the judgment is binding on the surety only if the surety was given notice and an opportunity to defend at least 20 days before the date on which the judgment was entered against the broker or employee.

(b) Apply to the Director, for good cause shown, for compensation from the bond. The Director may determine the amount of compensation and the consumer to whom it is to be paid. The surety shall then make the payment.

(c) Settle the matter with the broker or employee. If such a settlement is made, the settlement must be reduced to writing, signed by both parties and acknowledged before any person authorized to take acknowledgments in this State, and submitted to the Director with a request for compensation from the bond. If the Director determines that the settlement was reached in good faith and there is no evidence of collusion or fraud between the parties in reaching the settlement, the surety shall make the payment to the consumer in the amount agreed upon in the settlement.

7. Any judgment entered by a court in favor of a consumer and against a broker or an employee of the broker may be executed through a writ of attachment, garnishment, execution or other legal process, or the consumer in whose favor the judgment was entered may apply to the Director for compensation from the bond of the broker or employee.

8. As used in this section, "consumer" means any person who comes into possession of a vehicle as a final user for any purpose other than offering it for sale.

Sec. 8. NRS 482.345 is hereby amended to read as follows:

482.345 1. Before any dealer's license, dealer's plate, special dealer's plate, rebuilder's license or rebuilder's plate, distributor's license or distributor's plate or manufacturer's license or manufacturer's plate is furnished to a manufacturer, distributor, dealer or rebuilder as provided in this chapter, the Department shall require that the applicant make an application for such a license and plate upon a form to be furnished by the Department, and the applicant shall furnish such information as the Department requires, including proof that the applicant has an established place of business in this State, procure and file with the Department a good and sufficient bond with a corporate surety thereon, duly licensed to do business within the State of Nevada, approved as to form by the Attorney General, and conditioned that the applicant or any employee who acts on behalf of the applicant within the scope of his or her employment shall conduct business as a dealer, distributor, manufacturer or rebuilder without breaching a consumer contract or engaging in a deceptive trade practice, fraud or fraudulent representation, and without violation of the provisions of this chapter. The bond must be:

(a) For a manufacturer, distributor, rebuilder or dealer who manufactures, distributes or sells motorcycles, $50,000.

(b) For a manufacturer, distributor, rebuilder or dealer who sells vehicles other than motorcycles, trailers or travel trailers, $100,000.

(c) For a manufacturer, distributor, rebuilder or dealer who sells travel trailers or other dual purpose trailers that include living quarters in their design, $100,000.

(d) For a manufacturer, distributor, rebuilder or dealer who sells horse trailers designed without living quarters or special purpose trailers with an unladen weight of 3,501 pounds or more, $50,000.

(e) For a manufacturer, distributor, rebuilder or dealer who sells utility trailers or other special use trailers with an unladen weight of 3,500 pounds or less or trailers designed to carry boats, $10,000.

2. The Department may, pursuant to a written agreement with any manufacturer, distributor, rebuilder or dealer who has been licensed to do business in this State for at least 5 years, allow a reduction in the amount of the bond of the manufacturer, distributor, rebuilder or dealer, if the business has been conducted in a manner satisfactory to the Department for the

preceding 5 years. No bond may be reduced to less than 50 percent of the bond required pursuant to subsection 1.

3. The Department may allow a manufacturer, distributor, rebuilder or dealer who sells more than one category of vehicle as described in subsection 1 at a principal place of business or at any branch location within the same county as the principal place of business to provide a good and sufficient bond for a single category of vehicle and may consider that single bond sufficient coverage to include all other categories of vehicles.

4. The bond must be continuous in form, and the total aggregate liability on the bond must be limited to the payment of the total amount of the bond.

5. The undertaking on the bond is for the use and benefit of the consumer and includes any breach of a consumer contract, deceptive trade practice, fraud, fraudulent representation or violation of any of the provisions of this chapter ***or chapter 41, 97, 104, 104A or 598 of NRS*** by the representative of any licensed distributor or the salesperson of any licensed dealer, manufacturer or rebuilder who acts for the dealer, distributor, manufacturer or rebuilder on his or her behalf and within the scope of the employment of the representative or salesperson.

6. The bond must provide that it is for the use and benefit of any consumer of the dealer, distributor, rebuilder, manufacturer, representative or salesperson for any loss or damage established, including, without limitation:

(a) Actual damages;

(b) Consequential damages;

(c) Incidental damages;

(d) Statutory damages;

(e) Damages for noneconomic loss; and

(f) Attorney's fees and costs.

➥ The surety issuing the bond shall appoint the ~~[Secretary of State]~~ ***Commissioner of Insurance*** as its agent to accept service of notice or process for the surety in any action upon the bond brought in a court of competent jurisdiction or brought before the Director.

7. If a consumer has a claim for relief against a dealer, distributor, rebuilder, manufacturer, representative or salesperson, the consumer may:

(a) Bring and maintain an action in any court of competent jurisdiction. If the court enters:

(1) A judgment on the merits against the dealer, distributor, rebuilder, manufacturer, representative or salesperson, the judgment is binding on the surety.

(2) A judgment other than on the merits against the dealer, distributor, rebuilder, manufacturer, representative or salesperson, including, without limitation, a default judgment, the judgment is binding on the surety only if the surety was given notice and an opportunity to defend at least 20 days before the date on which the judgment was entered against the dealer, distributor, rebuilder, manufacturer, representative or salesperson.

(b) Apply to the Director, for good cause shown, for compensation from the bond. The Director may determine the amount of compensation and the consumer to whom it is to be paid. The surety shall then make the payment.

(c) Settle the matter with the dealer, distributor, rebuilder, manufacturer, representative or salesperson. If such a settlement is made, the settlement must be reduced to writing, signed by both parties and acknowledged before any person authorized to take acknowledgments in this State, and submitted to the Director with a request for compensation from the bond. If the Director determines that the settlement was reached in good faith and there is no evidence of collusion or fraud between the parties in reaching the settlement, the surety shall make the payment to the consumer in the amount agreed upon in the settlement.

8. Any judgment entered by a court in favor of a consumer and against a dealer, distributor, rebuilder, manufacturer, representative or salesperson may be executed through a writ of attachment, garnishment, execution or other legal process, or the consumer in whose favor the judgment was entered may apply to the Director for compensation from the bond of the dealer, distributor, rebuilder, manufacturer, representative or salesperson.

9. The Department shall not issue a license or plate pursuant to subsection 1 to a manufacturer, distributor, rebuilder or dealer who does not have and maintain an established place of business in this State.

10. As used in this section, "consumer" means any person who comes into possession of a vehicle as a final user for any purpose other than offering it for sale.

Sec. 9. NRS 490.270 is hereby amended to read as follows:

490.270 1. Except as otherwise provided in subsection 9 and NRS 490.280, before any off-highway vehicle dealer, long-term or short-term lessor or manufacturer is issued a license pursuant to this chapter, the Department shall require that the applicant procure and file with the Department a good and sufficient bond with a corporate surety thereon, duly licensed to do business within the State of Nevada, approved as to form by the Attorney General and conditioned that the applicant or any employee who acts on the applicant's behalf within the scope of his or her employment shall conduct his or her business as an off-highway vehicle dealer, long-term or short-term lessor or manufacturer without breaching a consumer contract or engaging in a deceptive trade practice, fraud or fraudulent representation and without violation of the provisions of this chapter. The bond must be in the amount of $50,000.

2. The Department may, pursuant to a written agreement with any off-highway vehicle dealer, long-term or short-term lessor or manufacturer who has been licensed to do business in this State for at least 5 years, allow a reduction in the amount of the bond of the off-highway vehicle dealer, lessor or manufacturer if such business has been conducted in a manner satisfactory to the Department for the preceding 5 years. No bond may be reduced to less than 50 percent of the bond required pursuant to subsection 1.

3. The bond must be continuous in form, and the total aggregate liability on the bond must be limited to the payment of the total amount of the bond.

4. The undertaking on the bond includes any breach of a consumer contract, deceptive trade practice, fraud, fraudulent representation or violation of any of the provisions of this chapter ***or chapter 41, 97, 104, 104A or 598 of NRS*** by the representative or off-highway vehicle salesperson of any licensed off-highway vehicle dealer, long-term or short-term lessor or manufacturer who acts on behalf of the off-highway vehicle dealer, lessor or manufacturer and within the scope of the employment of the representative or off-highway vehicle salesperson.

5. The bond must provide that any person injured by the action of the off-highway vehicle dealer, long-term or short-term lessor, manufacturer, representative or off-highway vehicle salesperson in violation of any provision of this chapter may apply to the Director, for good cause shown, for compensation from the bond. The surety issuing the bond shall appoint the ~~[Secretary of State]~~ ***Commissioner of Insurance*** as its agent to accept service of notice or process for the surety in any action upon the bond brought in a court of competent jurisdiction or brought before the Director.

6. If a person is injured by the actions of an off-highway vehicle dealer, long-term or short-term lessor, manufacturer, representative or off-highway vehicle salesperson, the person may:

(a) Bring and maintain an action in any court of competent jurisdiction. If the court enters:

(1) A judgment on the merits against the off-highway vehicle dealer, lessor, manufacturer, representative or off-highway vehicle salesperson, the judgment is binding on the surety.

(2) A judgment other than on the merits against the off-highway vehicle dealer, lessor, manufacturer, representative or off-highway vehicle salesperson, including, without limitation, a default judgment, the judgment is binding on the surety only if the surety was given notice and an opportunity to defend at least 20 days before the date on which the judgment was entered against the off-highway vehicle dealer, lessor, manufacturer, representative or off-highway vehicle salesperson.

(b) Apply to the Director, for good cause shown, for compensation from the bond. The Director may determine the amount of compensation and the person to whom it is to be paid. The surety shall then make the payment.

(c) Settle the matter with the off-highway vehicle dealer, lessor, manufacturer, representative or off-highway vehicle salesperson. If such a settlement is made, the settlement must be reduced to writing, signed by both parties and acknowledged before any person authorized to take acknowledgments in this State and submitted to the Director with a request for compensation from the bond. If the Director determines that the settlement was reached in good faith and there is no evidence of collusion or fraud between the parties in reaching the settlement, the surety shall make the payment to the injured person in the amount agreed upon in the settlement.

7. Any judgment entered by a court against an off-highway vehicle dealer, long-term or short-term lessor, manufacturer, representative or off-highway vehicle salesperson may be executed through a writ of attachment, garnishment, execution or other legal process, or the person in whose favor the judgment was entered may apply to the Director for compensation from the bond of the off-highway vehicle dealer, lessor, manufacturer, representative or off-highway vehicle salesperson.

8. The Department shall not issue a license pursuant to subsection 1 to an off-highway vehicle dealer, long-term or short-term lessor or manufacturer who does not have and maintain an established place of business in this State.

9. The provisions of this section do not apply to any off-highway vehicle dealer, long-term or short-term lessor or manufacturer who has met the requirements of NRS 482.3333, 482.345 or 482.346 with respect to:

(a) A bond greater than or equal to the amount prescribed in subsection 1 if the undertaking on the bond includes the activities described in subsection 4; or

(b) A deposit greater than or equal to the amount of the bond that would otherwise be required by subsection 1.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 266.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 580.

SUMMARY—~~[Authorizes tax credits]~~ **Provides** for ~~[employers who provide]~~ **a deduction from certain taxes for certain wages** paid **by an employer under a qualifying paid** family medical leave ~~[for employees.]~~ **policy.** (BDR 32-709)

AN ACT relating to taxation; ~~[authorizing credits against]~~ **providing a deduction from** the payroll tax ~~[or commerce tax imposed on a business]~~ for certain amounts **of wages** paid by ~~[the business for]~~ **an employer under a qualifying** paid family medical leave **policy** for employees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes a tax, commonly known as the modified business tax, on financial institutions and other businesses based on the amount of wages paid to employees each calendar quarter. (NRS 363A.130, 363B.110) ~~[Existing law also imposes an annual commerce tax on each business entity engaged in business in this State whose Nevada gross revenue in a fiscal year exceeds $4,000,000 at a rate that is based on the industry in which the business entity is primarily engaged. (NRS 363C.200)]~~

Sections 1 and 2 of this bill ~~[entitle]~~ **authorize** an employer ~~[who provides paid]~~ **to deduct from the total amount of wages reported and upon which the tax is imposed the** family medical leave ~~[to a credit against the modified business tax based on the amount]~~ **wages** paid by the employer ~~[for paid family medical leave to the employees of the employer. Section 3 of this bill entitles a business entity to such a credit against the commerce tax if the business entity has not also applied for a credit against the modified business tax based on paid family medical leave paid in the same quarter.]~~ **to an employee who has taken leave under the employer's paid family medical leave policy: (1) for the birth of a child or placement of a child with the employee for adoption or foster care; (2) to care for a spouse, domestic partner, child, ward, grandchild or parent who has a serious health condition; (3) for a serious health condition that makes the employee unable to perform the essential functions of his or her position; or (4) for any exigency arising out of the fact that a spouse, child or parent of the employee is a member of the Armed Forces of the United States assigned to active duty or called to active duty.** To be eligible for the ~~[credit,]~~ **deduction,** an employer must provide paid family medical leave under a family medical leave policy that satisfies certain requirements. The amount of the ~~[credit]~~ **deduction** is equal to the family medical leave wages paid by the employer during the period for which the tax is paid, but an employer is not allowed to receive a ~~[credit]~~ **deduction** for any ~~[portion of the]~~ family medical leave wages ~~[paid to an employee]~~ that ~~[exceeds]~~ **exceed** $500 per **employee per** week **.** ~~[or for family]~~ **In addition, an employer is not authorized to receive a deduction for family** medical leave wages paid to an employee ~~[for a period of more than]~~ **after the employee has taken** 12 weeks **[.** ~~Sections 1-3 also authorize the credit to be carried forward to future years under certain circumstances, except that any credit expires on the date that is 5 years after the end of the period in which the credit is claimed and prohibit the carry forward or application of the credit to any tax liability of the employer incurred after that date.]~~ **of leave in a 12-month period. Finally, an employer is not authorized to receive a deduction for family medical leave wages paid to an employee if the employer receives from a governmental agency any benefit or compensation directly relating to the family medical leave wages paid to the employee.**

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

Section 1. Chapter 363A of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[An employer is entitled to a credit against the tax imposed upon the employer by]~~ Except as otherwise provided in subsections 2 and 3, an employer may deduct from the total amount of wages reported and upon which the excise tax is imposed pursuant to NRS 363A.130 ~~[in an amount provided for in subsection 2, which is based on the amount of]~~ the family

medical leave wages paid in a calendar quarter by the employer to an employee ~~[of the employer pursuant to]~~ under a paid family medical leave policy that satisfies the requirements of subsections ~~[3]~~ 4 and ~~[4.]~~ 5, if the employee has taken leave under the policy for one or more of the following reasons:

(a) The birth of a child or placement of a child with the employee for adoption or foster care.

(b) To care for a spouse, domestic partner as defined in NRS 122A.030, child, ward, grandchild or parent of the employee who has a serious health condition.

(c) For a serious health condition that makes the employee unable to perform the essential functions of his or her position.

(d) For any qualifying exigency arising out of the fact that a spouse, child or parent of the employee is a member of the Armed Forces of the United States assigned to active duty or called to active duty.

2. ~~[Except as otherwise provided in this subsection, a credit authorized by subsection 1 must be in an amount equal to the family medical leave wages paid by the employer to employees of the employer during the calendar quarter for which the tax is paid. An employer may not receive credit for the portion of the]~~ The total amount of the family medical leave wages ~~[paid to an employee that exceeds]~~ that may be deducted pursuant to subsection 1 may not exceed $500 per employee per week ~~[or for]~~ , and no family medical leave wages ~~[paid to an employee]~~ may be deducted for any employee receiving family medical leave wages for ~~[a period of more than]~~ any leave taken after the employee has taken 12 weeks ~~[.]~~ of leave in a 12-month period.

3. An employer may not claim a deduction for family medical leave wages paid to an employee if the employer receives from a governmental agency any benefit or compensation directly relating to the family medical leave wages paid to the employee.

4. To qualify for a credit authorized by subsection 1, an employer must provide paid family medical leave to employees of the employer pursuant to a family medical leave policy that ~~[:]~~ must:

(a) ~~[Must allow]~~ Allow an employee to take up to 12 weeks of leave in a 12-month period for one or more of the ~~[following]~~ reasons ~~[:~~

~~(1) The birth of a child or placement of a child with the employee for adoption or foster care.~~

~~(2) To care for a spouse, child or parent who has a serious health condition.~~

~~(3) For a serious health condition that makes the employee unable to perform the essential functions of his or her position.~~

~~(4) For any qualifying exigency arising out of the fact that a spouse, child or parent is a member of the Armed Forces of the United States assigned to active duty or called to active duty.]~~ set forth in paragraphs (a) to (d), inclusive, of subsection 1.

(b) ~~[Must require]~~ Provide for the payment of family medical leave wages to the employee while the employee is taking leave that may not be less than 75 percent of his or her normal wages.

(c) ~~[Upon approval of the employer, may allow an employee to take paid family medical leave on an intermittent or reduced schedule basis.~~

~~(d) Must provide]~~ Provide that the health coverage of the employee under any health insurance or health benefit plan provided by the employer is maintained on the same terms as if the employee had not taken leave and that the taking of leave may not result in the loss of any employment benefit that accrued before the start of his or her leave.

~~[(e) Must provide]~~

(d) Provide that upon the employee's return from leave, the employee is restored to his or her original or equivalent position with equivalent pay, benefits and other terms of employment.

~~[4.]~~ 5. A paid family medical leave policy that meets the requirements of subsection ~~[3]~~ 4 may : ~~[require an employee to:]~~

(a) ~~[Request]~~ Allow an employee, upon approval of the employer, to take paid family medical leave on an intermittent or reduced-schedule basis.

(b) Require an employee to request leave under the family medical leave policy within a reasonable time before taking the leave except that such time may not be significantly different from the time required to request paid time off, sick leave, annual leave or other leave offered by the employer.

~~[(b) Provide]~~

(c) Require an employee to provide to the employer certification ~~[from a provider of health care]~~ that confirms or supports the reason the employee provided for requesting leave.

~~[(c) Use]~~

(d) Require an employee to use any other accrued paid leave before taking paid family medical leave.

~~[5. A credit described in subsection 1 must not be applied retroactively.]~~

6. ~~[If the amount of a credit described in subsection 1 exceeds the tax liability of an employer pursuant to this chapter for the calendar quarter in which the credit is claimed, the excess amount of the credit may be carried forward and applied to the tax liability of the employer pursuant to this chapter for the next following calendar quarter or calendar quarters for which the employer has a tax liability pursuant to this chapter, except that any credit or the excess amount of any credit expires on the date that is 5 years after the end of the calendar quarter in which the credit is claimed and must not be applied to any tax liability of the employer incurred pursuant to this chapter on or after that date. If the excess amounts of credits for more than 1 calendar quarter are carried forward by an employer pursuant to this subsection, the excess amount of the credit from the earliest calendar quarter must be applied first.]~~ To claim a deduction pursuant to subsection 1, the employer must:

(a) Obtain from each employee to whom family medical leave wages are paid documentation to verify that the employee took leave for one or more of the reasons specified in paragraphs (a) to (d), inclusive, of subsection 1; and

(b) Submit to the Department an affidavit under penalty of perjury stating that the requirements for claiming the deduction pursuant to this section have been satisfied.

7. An employer claiming the deduction allowed pursuant to this section shall, upon the request of the Department, provide the Department with such documentation as the Department deems appropriate to substantiate that claim.

8. As used in this section [:

(a) "Employee" means an employee whose wages are included within the measure of the tax imposed upon an employer by NRS 363A.130.

(b) "Family)] , "family medical leave wages" means wages paid to an employee while the employee is taking paid family medical leave.

Sec. 2. Chapter 363B of NRS is hereby amended by adding thereto a new section to read as follows:

1. [An employer is entitled to a credit against the tax imposed upon the employer by] Except as otherwise provided in subsections 2 and 3, an employer may deduct from the total amount of wages reported and upon which the excise tax is imposed pursuant to NRS 363B.110 [in an amount provided for in subsection 2, which is based on the amount of] the family medical leave wages paid in a calendar quarter by the employer to an employee [of the employer pursuant to] under a paid family medical leave policy that satisfies the requirements of subsections [3] 4 and [4.] 5, if the employee has taken leave under the policy for one or more of the following reasons:

(a) The birth of a child or placement of a child with the employee for adoption or foster care.

(b) To care for a spouse, domestic partner as defined in NRS 122A.030, child, ward, grandchild or parent of the employee who has a serious health condition.

(c) For a serious health condition that makes the employee unable to perform the essential functions of his or her position.

(d) For any qualifying exigency arising out of the fact that a spouse, child or parent of the employee is a member of the Armed Forces of the United States assigned to active duty or called to active duty.

2. [Except as otherwise provided in this subsection, a credit authorized by subsection 1 must be in an amount equal to the family medical leave wages paid by the employer to employees of the employer during the calendar quarter for which the tax is paid. An employer may not receive credit for the portion of the] The total amount of the family medical leave wages [paid to an employee that exceeds] that may be deducted pursuant to subsection 1 may not exceed $500 per employee per week [or for] and no

family medical leave wages ~~[paid to an employee]~~ may be deducted for any employee receiving family medical leave wages for ~~[a period of more than]~~ any leave taken after the employee has taken 12 weeks ~~[,]~~ of leave in a 12-month period.

3. An employer may not claim a deduction for family medical leave wages paid to an employee if the employer receives from a governmental agency any benefit or compensation directly relating to the family medical leave wages paid to the employee.

4. To qualify for a credit authorized by subsection 1, an employer must provide paid family medical leave to employees of the employer pursuant to a family medical leave policy that ~~[:]~~ must:

(a) ~~[Must allow]~~ Allow an employee to take up to 12 weeks of leave in a 12-month period for one or more of the ~~[following]~~ reasons ~~[:~~

~~(1) The birth of a child or placement of a child with the employee for adoption or foster care.~~

~~(2) To care for a spouse, child or parent who has a serious health condition.~~

~~(3) For a serious health condition that makes the employee unable to perform the essential functions of his or her position.~~

~~(4) For any qualifying exigency arising out of the fact that a spouse, child or parent is a member of the Armed Forces of the United States assigned to active duty or called to active duty.]~~ set forth in paragraphs (a) to (d), inclusive, of subsection 1.

(b) ~~[Must require]~~ Provide for the payment of family medical leave wages to the employee while the employee is taking leave that may not be less than 75 percent of his or her normal wages.

(c) ~~[Upon approval of the employer, may allow an employee to take paid family medical leave on an intermittent or reduced schedule basis.~~

~~(d) Must provide]~~ Provide that the health coverage of the employee under any health insurance or health benefit plan provided by the employer is maintained on the same terms as if the employee had not taken leave and that the taking of leave may not result in the loss of any employment benefit that accrued before the start of his or her leave.

~~[(e) Must provide]~~

(d) Provide that upon the employee's return from leave, the employee is restored to his or her original or equivalent position with equivalent pay, benefits and other terms of employment.

~~[4.]~~ 5. A paid family medical leave policy that meets the requirements of subsection ~~[3]~~ 4 may ~~:~~ ~~[require an employee to:]~~

(a) ~~[Request]~~ Allow an employee, upon approval of the employer, to take paid family medical leave on an intermittent or reduced-schedule basis.

(b) Require an employee to request leave under the family medical leave policy within a reasonable time before taking the leave except that such time may not be significantly different from the time required to request

paid time off, sick leave, annual leave or other leave offered by the employer.

~~*[(b) Provide]*~~

(c) Require an employee to provide to the employer certification ~~[from a provider of health care]~~ that confirms or supports the reason the employee provided for requesting leave.

~~*[(c) Use]*~~

(d) Require an employee to use any other accrued paid leave before taking paid family medical leave.

~~*[5. A credit described in subsection 1 must not be applied retroactively.]*~~

6. ~~[If the amount of a credit described in subsection 1 exceeds the tax liability of an employer pursuant to this chapter for the calendar quarter in which the credit is claimed, the excess amount of the credit may be carried forward and applied to the tax liability of the employer pursuant to this chapter for the next following calendar quarter or calendar quarters for which the employer has a tax liability pursuant to this chapter, except that any credit or the excess amount of any credit expires on the date that is 5 years after the end of the calendar quarter in which the credit is claimed and must not be applied to any tax liability of the employer incurred pursuant to this chapter on or after that date. If the excess amounts of credits for more than 1 calendar quarter are carried forward by an employer pursuant to this subsection, the excess amount of the credit from the earliest calendar quarter must be applied first.]~~ To claim a deduction pursuant to subsection 1, the employer must:

(a) Obtain from each employee to whom family medical leave wages are paid documentation to verify that the employee took leave for one or more of the reasons specified in paragraphs (a) to (d), inclusive, of subsection 1; and

(b) Submit to the Department an affidavit under penalty of perjury stating that the requirements for claiming the deduction pursuant to this section have been satisfied.

7. An employer claiming the deduction allowed pursuant to this section shall, upon the request of the Department, provide the Department with such documentation as the Department deems appropriate to substantiate that claim.

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

~~*(a) "Employee" means an employee whose wages are included within the measure of the tax imposed upon an employer by NRS 363B.110.*~~

~~*(b) "Family]*~~ *, "family medical leave wages" means wages paid to an employee while the employee is taking paid family medical leave.*

Sec. 3. ~~[Chapter 363C of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. A business entity is entitled to a credit against the tax imposed upon the business entity by NRS 363C.200 in an amount provided for in subsection 2, which is based on the amount of family medical leave wages*~~

~~*paid by the business entity to an employee of the business entity pursuant to a family medical leave policy that satisfies the requirements of subsections 3 and 4.*~~

~~*2. Except as otherwise provided in this subsection, a credit authorized by subsection 1 must be in an amount equal to the family medical leave wages paid by the business entity to employees of the business entity during the taxable year. An employer may not receive credit for the portion of the family medical leave wages paid to an employee that exceeds $500 per week or for family medical leave wages paid to an employee for a period of more than 12 weeks.*~~

~~*3. To qualify for a credit authorized by subsection 1, the business entity must provide paid family medical leave pursuant to a family medical leave policy that:*~~

~~*(a) Must allow an employee to take up to 12 weeks of leave in a 12-month period for one or more of the following reasons:*~~

~~*(1) The birth of a child or placement of a child with the employee for adoption or foster care.*~~

~~*(2) To care for a spouse, child or parent who has a serious health condition.*~~

~~*(3) For a serious health condition that makes the employee unable to perform the essential functions of his or her position.*~~

~~*(4) For any qualifying exigency arising out of the fact that a spouse, child or parent is a member of the Armed Forces of the United States assigned to active duty or called to active duty.*~~

~~*(b) Must require the payment of family medical leave wages to the employee while the employee is taking leave that may not be less than 75 percent of his or her normal wages.*~~

~~*(c) Upon approval of the business entity, may allow an employee to take paid family medical leave on an intermittent or reduced schedule basis.*~~

~~*(d) Must provide that the health coverage of the employee under any health insurance or health benefit plan provided by the business entity is maintained on the same terms as if the employee had not taken leave and that the taking of leave may not result in the loss of any employment benefit that accrued before the start of his or her leave.*~~

~~*(e) Must provide that upon the employee's return from leave, the employee is restored to his or her original or equivalent position with equivalent pay, benefits and other terms of employment.*~~

~~*4. A paid family medical leave policy that meets the requirements of subsection 3 may require an employee to:*~~

~~*(a) Request leave under the family medical leave policy within a reasonable time before taking the leave except that such time may not be significantly different from the time required to request paid time off, sick leave, annual leave or other leave offered by the business entity.*~~

~~*(b) Provide to the business entity certification from a provider of health care that confirms or supports the reason the employee provided for requesting leave.*~~

~~*(c) Use any accrued paid leave before taking paid family medical leave.*~~

~~*5. A credit described in subsection 1 must not be applied retroactively.*~~

~~*6. If the amount of a credit described in subsection 1 exceeds the tax liability of a business entity pursuant to this chapter for the taxable year in which the credit is claimed, the excess amount of the credit may be carried forward and applied to the tax liability of the business entity pursuant to this chapter for the next following taxable year or taxable years for which the business entity has a tax liability pursuant to this chapter, except that any credit or the excess amount of any credit expires on the date that is 5 years after the end of the taxable year in which the credit is claimed and must not be applied to any tax liability of the business entity incurred pursuant to this chapter on or after that date. If the excess amounts of credits for more than 1 taxable year are carried forward by a business entity pursuant to this subsection, the excess amount of the credit from the earliest taxable year must be applied first.*~~

~~*7. A business entity that receives a credit pursuant to section 1 or 2 of this act for any wages paid during a calendar quarter is not entitled to the credit described in subsection 1 for any wages paid during the same calendar quarter.*~~

~~*8. As used in this section:*~~

~~*(a) "Employee" means a natural person whose manner and means of performance of work are subject to the right of control of, or are controlled by, the business entity. The term does not include independent contractors or persons rendering professional services to a business entity on a fee, retainer or contract basis.*~~

~~*(b) "Family medical leave wages" means wages paid to an employee while the employee is taking paid family medical leave.]*~~ **(Deleted by amendment.)**

Sec. 4. 1. This act becomes effective upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act.

2. This section and sections 1 and 2 of this act become effective on January 1, 2018, for all other purposes.

~~**[** 3. Section 3 of this act becomes effective on July 1, 2018, for all other purposes.**]**~~

Assemblywoman Neal moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 267.

Bill read second time.

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

Amendment No. 537.

AN ACT relating to industrial insurance; revising provisions governing prohibitions on the payment of compensation for disability caused by certain occupational diseases under certain circumstances; restricting the dissemination and use of the results of certain physical examinations required of certain firefighters, arson investigators and police officers for insurance coverage of cancer, lung disease and heart disease; providing for the payment of a claimant's **reasonable** attorney's fees and other associated costs under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the payment of compensation under chapter 617 of NRS for temporary or permanent disability or death for the occupational diseases of lung disease and heart disease for certain firefighters, arson investigators and police officers. Existing law provides that these occupational diseases are conclusively presumed to have arisen out of and in the course of the employment under certain circumstances. (NRS 617.455, 617.457) **Sections 4 and 5** of this bill provide that if an employer, insurer or third-party administrator denies a claim for compensation for these occupational diseases and the claimant ultimately prevails, the employer, insurer or third-party administrator must pay ~~[all]~~ the claimant's **reasonable** attorney's fees and associated costs. **Sections 4 and 5 further set forth that reasonable attorney's fees and associated costs do not include any attorney's fees and associated costs that are incurred by the claimant on or before the date of the hearing before the hearing officer.**

Existing law requires certain tests when administering certain physical examinations to firefighters, arson investigators and police officers regarding the occupational diseases of lung and heart disease for the purposes of industrial insurance coverage. **(NRS 617.454) Section 3** of this bill restricts: (1) to whom the results of such physical examinations may be disseminated; and (2) the use of such results. **Section 3 additionally authorizes the employer's officer who is responsible for risk management or human resources or a similar position to release to certain persons a report only containing certain information based on the results of a physical examination.**

Existing law prohibits the payment of compensation for disability because of an occupational injury or disease which does not incapacitate the employee for at least 5 cumulative days within a 20-day period from earning full wages. (NRS 616C.400, 617.420) **Section 1** of this bill exempts a claim for compensation under chapters 616A to 616D of NRS for disability for the occupational diseases of cancer, lung disease and heart disease from that prohibition. **Section 2** of this bill: (1) revises the prohibition as it relates to

occupational diseases to apply exclusively to compensation for temporary total disability; and (2) clarifies that the prohibition does not apply to medical benefits for the occupational diseases of cancer, lung disease or heart disease.

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

Section 1. NRS 616C.400 is hereby amended to read as follows:

616C.400 1. Temporary compensation benefits must not be paid under chapters 616A to 616D, inclusive, of NRS for an injury which does not incapacitate the employee for at least 5 consecutive days, or 5 cumulative days within a 20-day period, from earning full wages, but if the incapacity extends for 5 or more consecutive days, or 5 cumulative days within a 20-day period, compensation must then be computed from the date of the injury.

2. The period prescribed in this section does not apply to:

(a) Accident benefits, whether they are furnished pursuant to NRS 616C.255 or 616C.265, if the injured employee is otherwise covered by the provisions of chapters 616A to 616D, inclusive, of NRS and entitled to those benefits.

(b) Compensation paid to the injured employee pursuant to subsection 1 of NRS 616C.477.

(c) A claim which is filed pursuant to NRS 617.453, 617.455 or 617.457.

Sec. 2. NRS 617.420 is hereby amended to read as follows:

617.420 ***1.*** No compensation may be paid under this chapter for ***temporary total*** disability which does not incapacitate the employee for at least 5 cumulative days within a 20-day period from earning full wages, but if the incapacity extends for 5 or more days within a 20-day period, the compensation must then be computed from the date of disability.

2. The limitations in this section do not apply to medical benefits, ***including, without limitation, medical benefits pursuant to NRS 617.453, 617.455 or 617.457,*** which must be paid from the date of application for payment of medical benefits.

Sec. 3. NRS 617.454 is hereby amended to read as follows:

617.454 1. Any physical examination administered pursuant to NRS 617.455 or 617.457 must include:

(a) A thorough test of the functioning of the hearing of the employee; and

(b) A purified protein derivative skin test to screen for exposure to tuberculosis.

2. Except as otherwise provided in subsection 8 of NRS 617.457, the tests required by this section must be paid for by the employer.

3. Except as otherwise provided by the provisions governing privacy in the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended, and applicable regulations, or an employee's collective bargaining agreement, whichever is more restrictive ~~[, the]~~ **:**

(a) The results of a physical examination administered pursuant to NRS 617.455 or 617.457 may only be ~~[:~~

~~*(a) Provided to the]*~~ ***provided to:***

(1) The examining physician ~~[, the]~~ ;

(2) The employee ~~[and the]~~ ;

(3) The employer's officer who is responsible for risk management or human resources or a similar position; and

~~*[(b) Used]*~~

(4) If the employee has filed a claim pursuant to NRS 617.455 or 617.457, the insurer.

(b) A person who receives the results of a physical examination pursuant to paragraph (a) may only use the results for the purposes of ~~[complying]~~ :

(1) Complying with the requirements of NRS 617.455 or 617.457, as applicable ~~[.]~~ ; or

(2) Creating a report pursuant to paragraph (c).

(c) The employer's officer who is responsible for risk management or human resources or a similar position may create and release a report that is based on the results of a physical examination administered pursuant to NRS 617.455 or 617.457 to any person whom the employer's officer determines has a need to know the information in the report. The report must only contain the following information:

(1) The name of the employee who was the subject of the physical examination; and

(2) A statement that the employee, as applicable:

(I) Satisfies the physical qualifications required for his or her employment; or

(II) Does not satisfy the physical qualifications required for his or her employment.

Sec. 4. NRS 617.455 is hereby amended to read as follows:

617.455 1. Notwithstanding any other provision of this chapter, diseases of the lungs, resulting in either temporary or permanent disability or death, are occupational diseases and compensable as such under the provisions of this chapter if caused by exposure to heat, smoke, fumes, tear gas or any other noxious gases, arising out of and in the course of the employment of a person who, for 2 years or more, has been:

(a) Employed in this State in a full-time salaried occupation of fire fighting or the investigation of arson for the benefit or safety of the public;

(b) Acting as a volunteer firefighter in this State and is entitled to the benefits of chapters 616A to 616D, inclusive, of NRS pursuant to the provisions of NRS 616A.145; or

(c) Employed in a full-time salaried occupation as a police officer in this State.

2. Except as otherwise provided in subsection 3, each employee who is to be covered for diseases of the lungs pursuant to the provisions of this section shall submit to a physical examination, including a thorough test of the functioning of his or her lungs and the making of an X-ray film of the

employee's lungs, upon employment, upon commencement of the coverage, once every 2 years until the employee is 40 years of age or older and thereafter on an annual basis during his or her employment.

3. Each volunteer firefighter who is to be covered for diseases of the lungs pursuant to the provisions of this section shall submit to:

(a) A physical examination upon employment and upon commencement of the coverage; and

(b) The making of an X-ray film of the volunteer firefighter's lungs once every 3 years after the physical examination that is required upon commencement of the coverage,

➥ until the volunteer firefighter reaches the age of 50 years. Each volunteer firefighter who is 50 years of age or older shall submit to a physical examination once every 2 years during his or her employment. As used in this subsection, "physical examination" includes the making of an X-ray film of the volunteer firefighter's lungs but excludes a thorough test of the functioning of his or her lungs.

4. All physical examinations required pursuant to subsections 2 and 3 must be paid for by the employer.

5. A disease of the lungs is conclusively presumed to have arisen out of and in the course of the employment of a person who has been employed in a full-time continuous, uninterrupted and salaried occupation as a police officer, firefighter or arson investigator for 2 years or more before the date of disablement if the disease is diagnosed and causes the disablement:

(a) During the course of that employment;

(b) If the person ceases employment before completing 20 years of service as a police officer, firefighter or arson investigator, during the period after separation from employment which is equal to the number of years worked; or

(c) If the person ceases employment after completing 20 years or more of service as a police officer, firefighter or arson investigator, at any time during the person's life.

➥ Service credit which is purchased in a retirement system must not be calculated towards the years of service of a person for the purposes of this section.

6. Frequent or regular use of a tobacco product within 1 year, or a material departure from a physician's prescribed plan of care by a person within 3 months, immediately preceding the filing of a claim for compensation excludes a person who has separated from service from the benefit of the conclusive presumption provided in subsection 5.

7. Failure to correct predisposing conditions which lead to lung disease when so ordered in writing by the examining physician after a physical examination required pursuant to subsection 2 or 3 excludes the employee from the benefits of this section if the correction is within the ability of the employee.

8. A person who is determined to be:

(a) Partially disabled from an occupational disease pursuant to the provisions of this section; and

(b) Incapable of performing, with or without remuneration, work as a firefighter, police officer or arson investigator,

➥ may elect to receive the benefits provided under NRS 616C.440 for a permanent total disability.

9. A person who files a claim for a disease of the lungs specified in this section after he or she retires from employment as a police officer, firefighter or arson investigator is not entitled to receive any compensation for that disease other than medical benefits.

10. ~~If~~ Except as otherwise provided in this subsection, if an employer, insurer or third-party administrator denies a claim that was filed pursuant to this section and the claimant ultimately prevails, the employer, insurer or third-party administrator, as applicable, must pay all the claimant's reasonable attorney's fees and associated costs. Such fees and costs are payable in addition to any benefits to which the claimant is entitled under the claim and any fines and penalties imposed by the Administrator pursuant to NRS 616D.120. If a hearing before a hearing officer is requested pursuant to NRS 616C.315 and held pursuant to NRS 616C.330, such fees and costs do not include any attorney's fees and associated costs that are incurred by the claimant on or before the date of the hearing before the hearing officer.

Sec. 5. NRS 617.457 is hereby amended to read as follows:

617.457 1. Notwithstanding any other provision of this chapter, diseases of the heart of a person who, for 2 years or more, has been employed in a full-time continuous, uninterrupted and salaried occupation as a firefighter, arson investigator or police officer in this State before the date of disablement are conclusively presumed to have arisen out of and in the course of the employment if the disease is diagnosed and causes the disablement:

(a) During the course of that employment;

(b) If the person ceases employment before completing 20 years of service as a police officer, firefighter or arson investigator, during the period after separation from employment which is equal to the number of years worked; or

(c) If the person ceases employment after completing 20 years or more of service as a police officer, firefighter or arson investigator, at any time during the person's life.

➥ Service credit which is purchased in a retirement system must not be calculated towards the years of service of a person for the purposes of this section.

2. Frequent or regular use of a tobacco product within 1 year, or a material departure from a physician's prescribed plan of care by a person within 3 months, immediately preceding the filing of a claim for

compensation excludes a person who has separated from service from the benefit of the conclusive presumption provided in subsection 1.

3. Notwithstanding any other provision of this chapter, diseases of the heart, resulting in either temporary or permanent disability or death, are occupational diseases and compensable as such under the provisions of this chapter if caused by extreme overexertion in times of stress or danger and a causal relationship can be shown by competent evidence that the disability or death arose out of and was caused by the performance of duties as a volunteer firefighter by a person entitled to the benefits of chapters 616A to 616D, inclusive, of NRS pursuant to the provisions of NRS 616A.145 and who, for 5 years or more, has served continuously as a volunteer firefighter in this State by continuously maintaining an active status on the roster of a volunteer fire department.

4. Except as otherwise provided in subsection 5, each employee who is to be covered for diseases of the heart pursuant to the provisions of this section shall submit to a physical examination, including an examination of the heart, upon employment, upon commencement of coverage and thereafter on an annual basis during his or her employment.

5. During the period in which a volunteer firefighter is continuously on active status on the roster of a volunteer fire department, a physical examination for the volunteer firefighter is required:

(a) Upon employment;

(b) Upon commencement of coverage; and

(c) Once every 3 years after the physical examination that is required pursuant to paragraph (b),

➥ until the firefighter reaches the age of 50 years. Each volunteer firefighter who is 50 years of age or older shall submit to a physical examination once every 2 years during his or her employment.

6. The employer of the volunteer firefighter is responsible for scheduling the physical examination. The employer shall mail to the volunteer firefighter a written notice of the date, time and place of the physical examination at least 10 days before the date of the physical examination and shall obtain, at the time of mailing, a certificate of mailing issued by the United States Postal Service.

7. Failure to submit to a physical examination that is scheduled by his or her employer pursuant to subsection 6 excludes the volunteer firefighter from the benefits of this section.

8. The chief of a volunteer fire department may require an applicant to pay for any physical examination required pursuant to this section if the applicant:

(a) Applies to the department for the first time as a volunteer firefighter; and

(b) Is 50 years of age or older on the date of his or her application.

9. The volunteer fire department shall reimburse an applicant for the cost of a physical examination required pursuant to this section if the applicant:

(a) Paid for the physical examination in accordance with subsection 8;

(b) Is declared physically fit to perform the duties required of a firefighter; and

(c) Becomes a volunteer with the volunteer fire department.

10. Except as otherwise provided in subsection 8, all physical examinations required pursuant to subsections 4 and 5 must be paid for by the employer.

11. Failure to correct predisposing conditions which lead to heart disease when so ordered in writing by the examining physician subsequent to a physical examination required pursuant to subsection 4 or 5 excludes the employee from the benefits of this section if the correction is within the ability of the employee.

12. A person who is determined to be:

(a) Partially disabled from an occupational disease pursuant to the provisions of this section; and

(b) Incapable of performing, with or without remuneration, work as a firefighter, arson investigator or police officer,

➥ may elect to receive the benefits provided under NRS 616C.440 for a permanent total disability.

13. Claims filed under this section may be reopened at any time during the life of the claimant for further examination and treatment of the claimant upon certification by a physician of a change of circumstances related to the occupational disease which would warrant an increase or rearrangement of compensation.

14. A person who files a claim for a disease of the heart specified in this section after he or she retires from employment as a firefighter, arson investigator or police officer is not entitled to receive any compensation for that disease other than medical benefits.

15. ~~If~~ Except as otherwise provided in this subsection, if an employer, insurer or third-party administrator denies a claim that was filed pursuant to this section and the claimant ultimately prevails, the employer, insurer or third-party administrator, as applicable, must pay all the claimant's reasonable attorney's fees and associated costs. Such fees and costs are payable in addition to any benefits to which the claimant is entitled under the claim and any fines and penalties imposed by the Administrator pursuant to NRS 616D.120. If a hearing before a hearing officer is requested pursuant to NRS 616C.315 and held pursuant to NRS 616C.330, such fees and costs do not include any attorney's fees and associated costs that are incurred by the claimant on or before the date of the hearing before the hearing officer.

Sec. 6. The amendatory provisions of sections 1, 2, 4 and 5 of this act apply only to claims filed on or after October 1, 2017.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 268.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 434.

AN ACT relating to criminal procedure; authorizing certain persons to file a postconviction petition to pay the cost of a genetic marker analysis; requiring a court to order a genetic marker analysis upon the filing of such a petition; **authorizing the State to charge a reasonable fee for the cataloging of evidence subject to such a genetic marker analysis and the transferring of such evidence to a forensic laboratory in certain circumstances;** requiring a petitioner to pay the cost of such a genetic marker analysis before the analysis is performed; **providing that the provisions of this act are not severable;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person convicted of a felony to file a postconviction petition requesting a genetic marker analysis of evidence within the possession or custody of the State which may contain genetic marker information relating to the investigation or prosecution that resulted in the judgment of conviction. After such a petition is filed, the court may schedule a hearing on the petition. (NRS 176.0918) Existing law requires the court to order a genetic marker analysis if, after considering the information contained in the petition and any other evidence, the court makes certain findings. (NRS 176.09183) Existing law further requires the petitioner to pay for the cost of the genetic marker analysis unless: (1) the petitioner is incarcerated at the time he or she files the petition and is found to be indigent; and (2) the results of the genetic marker analysis are favorable to the petitioner. If the petitioner is not required to pay the cost of the genetic marker analysis, the expense is a charge against the Department of Corrections. (NRS 176.09187)

Section 1 of this bill authorizes a person convicted of a felony to file a postconviction petition requesting to pay the cost of a genetic marker analysis. **Section 1** provides that such a petition is generally subject to the same requirements imposed for a postconviction petition for a genetic marker analysis filed pursuant to existing law, but there is no requirement for a hearing on such a petition. **Section 1 also requires a petitioner to: (1) indicate in such a petition whether he or she prefers to have a specific forensic laboratory conduct the genetic marker analysis; and (2) select from certain forensic laboratories in certain circumstances. Section 3** of this bill requires a court to order a genetic marker analysis if such a petition

is filed. **Section 3 also provides that if the court selects a forensic laboratory that is not operated by this State or one of its political subdivisions to conduct or oversee such a genetic marker analysis, the State is authorized to charge the petitioner a reasonable fee for the cataloging of the evidence subject to the genetic marker analysis and the transferring of such evidence to the forensic laboratory. Section 4** of this bill provides that a petitioner who files ~~[such]~~ a petition **requesting to pay the cost of a genetic marker analysis** is required to pay the cost ~~[of the genetic marker analysis]~~ before the analysis is performed and is not eligible for an exemption from payment. **Sections 2 and 5** of this bill make conforming changes.

Section 5.5 of this bill provides that the provisions of this bill are not severable and, if any portion of this bill is held to be unconstitutional or invalid for any reason by a court of competent jurisdiction, the remaining provisions of this bill shall be deemed to be invalid.

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

Section 1. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person convicted of a felony may file a postconviction petition requesting to pay the cost of a genetic marker analysis of evidence within the possession or custody of the State which may contain genetic marker information relating to the investigation or prosecution that resulted in the judgment of conviction. If the case involves a sentence of death, the petition must include, without limitation, the date scheduled for the execution, if it has been scheduled.

2. Such a petition must be filed with the clerk of the district court for the county in which the petitioner was convicted on a form prescribed by the Department of Corrections. A copy of the petition must be served by registered mail upon:

(a) The Attorney General; and

(b) The district attorney in the county in which the petitioner was convicted.

3. A petition filed pursuant to this section must be accompanied by a declaration under penalty of perjury attesting that the information contained in the petition does not contain any material misrepresentation of fact and that the petitioner has a good faith basis relying on particular facts for the request. The petition must include, without limitation:

(a) Information identifying specific evidence either known or believed to be in the possession or custody of the State that can be subject to genetic marker analysis;

(b) An identification of the type of genetic marker analysis the petitioner is requesting to be conducted on the evidence identified in paragraph (a); ~~***[and]***~~

(c) If applicable, the results of all prior genetic marker ~~[analysis]~~ analyses performed on evidence in the trial which resulted in the petitioner's conviction ~~[.]~~ ; and

(d) An indication as to whether, subject to the provisions of subsection 5, the petitioner prefers to have a specific forensic laboratory conduct the genetic marker analysis.

4. If a petition is filed pursuant to this section, the court shall determine which person or agency has possession or custody of the evidence and shall immediately issue an order requiring each person or agency in possession or custody of the evidence to:

(a) Preserve all evidence within the possession or custody of the person or agency that may be subjected to genetic marker analysis pursuant to this section;

(b) Within 90 days, prepare an inventory of all evidence relevant to the claims in the petition within the possession or custody of the person or agency that may be subjected to genetic marker analysis pursuant to this section; and

(c) Within 90 days, submit a copy of the inventory to the petitioner, the prosecuting attorney and the court.

5. If a petitioner does not wish to have a forensic laboratory that is operated by this State or one of its political subdivisions conduct the genetic marker analysis requested pursuant to this section and this State or one of its political subdivisions has a contract with two or more private forensic laboratories that are capable of conducting a genetic marker analysis, the petitioner shall, when indicating any preference for a forensic laboratory to conduct the genetic marker analysis pursuant to paragraph (d) of subsection 3, select such a private forensic laboratory with which the State or one of its political subdivisions has a contract.

6. If a petitioner files a petition pursuant to this section and a victim of the crime for which the petitioner was convicted has requested notice pursuant to NRS 178.5698, the district attorney in the county in which the petitioner was convicted shall provide to the victim notice of the fact that the petitioner filed a petition pursuant to this section.

Sec. 2. NRS 176.0911 is hereby amended to read as follows:

176.0911 As used in NRS 176.0911 to 176.0919, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 176.09111 to 176.09119, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 176.09183 is hereby amended to read as follows:

176.09183 1. The court shall order a genetic marker analysis ~~[,]~~ ***if:***

(a) The petition for the analysis was filed pursuant to NRS 176.0918 and, after considering the information contained in the petition ~~[~~pursuant to subsection 3 of NRS 176.0918~~]~~ and any other evidence, ~~[~~if~~]~~ the court finds that:

~~[~~(a)~~]~~ ***(1)*** A reasonable possibility exists that the petitioner would not have been prosecuted or convicted if exculpatory results had been obtained through a genetic marker analysis of the evidence identified in the petition;

~~[~~(b)~~]~~ ***(2)*** The evidence to be analyzed exists; and

~~[~~(c)~~]~~ ***(3)*** Except as otherwise provided in subsection 2, the evidence was not previously subjected to a genetic marker analysis ~~[.]~~ ***; or***

(b) The petition for the analysis was filed pursuant to section 1 of this act.

2. If the evidence was previously subjected to a genetic marker analysis, the court shall order a genetic marker analysis pursuant to ***paragraph (a) of*** subsection 1 if the court finds that:

(a) The result of the previous analysis was inconclusive;

(b) The evidence was not subjected to the type of analysis that is now requested and the requested analysis may resolve an issue not resolved by the previous analysis; or

(c) The requested analysis would provide results that are significantly more accurate and probative of the identity of the perpetrator than the previous analysis.

3. If the court orders a genetic marker analysis pursuant to subsection 1 or 2, the court shall:

(a) ~~[~~Order~~]~~ ***Subject to the provisions of subsection 4, order*** the analysis to be conducted promptly under reasonable conditions designed to protect the interest of the State and the petitioner in the integrity of the evidence and the analysis process.

(b) Select a forensic laboratory to conduct or oversee the analysis. The forensic laboratory selected by the court must:

(1) ~~[~~Be~~]~~ ***If the analysis is ordered pursuant to paragraph (a) of subsection 1, be*** operated by this state or one of its political subdivisions, when possible; ~~[~~and~~]~~

(2) ***If the analysis is ordered pursuant to paragraph (b) of subsection 1, be the forensic laboratory indicated by the petitioner pursuant to paragraph (d) of subsection 3 of section 1 of this act, when possible, if the petitioner complied with the provisions of subsection 5 of section 1 of this act; and***

(3) Satisfy the standards for quality assurance that are established for forensic laboratories by the Federal Bureau of Investigation.

(c) Order the forensic laboratory selected pursuant to paragraph (b) to perform a genetic marker analysis of evidence. The analysis to be performed and evidence to be analyzed must:

(1) Be specified in the order; and

(2) Include such analysis, testing and comparison of genetic marker information contained in the evidence and the genetic marker information of the petitioner as the court determines appropriate under the circumstances.

(d) Order the production of any reports that are prepared by a forensic laboratory in connection with the analysis and any data and notes upon which the report is based.

(e) Order the preservation of evidence used in ~~[~~a~~]~~ ***the*** genetic marker analysis ~~[~~performed pursuant to this section and NRS 176.0918 and 176.09187~~]~~ for purposes of a subsequent proceeding or analysis, if any.

(f) Order the results of the genetic marker analysis ~~[~~performed pursuant to this section and NRS 176.0918 and 176.09187~~]~~ to be sent to the State Board of Parole Commissioners if the results of the genetic marker analysis are not favorable to the petitioner.

4. ***Notwithstanding the provisions of paragraph (a) of subsection 3, if the petition for a genetic marker analysis was filed pursuant to section 1 of this act, the forensic laboratory ordered to perform the analysis pursuant to paragraph (c) of subsection 3 shall not perform the analysis until the petitioner pays the cost of the analysis, as required by subsection 3 of NRS 176.09187.***

5. If the court selects a forensic laboratory that is not operated by this State or one of its political subdivisions to conduct or oversee a genetic marker analysis pursuant to subparagraph (2) of paragraph (b) of subsection 3, the State may charge the petitioner a reasonable fee for the cataloging of the evidence subject to the genetic marker analysis and the transferring of such evidence to the forensic laboratory.

6. If the court orders a genetic marker analysis pursuant to subsection 1 or 2, the State may appeal to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution within 30 days after the notice of the entry of the order by filing a notice of appeal with the clerk of the district court.

~~[~~5.~~]~~ ~~6.~~ ***7.*** The court shall enter an order dismissing a petition filed pursuant to NRS 176.0918 ***or section 1 of this act*** if:

(a) The requirements for ordering a genetic marker analysis pursuant to this section and NRS 176.0918 and 176.09187 are not satisfied; or

(b) The results of a genetic marker analysis performed ~~[~~pursuant to this section and NRS 176.0918 and 176.09187~~]~~ ***as the result of the petition*** are not favorable to the petitioner.

~~[~~6.~~]~~ ~~7.~~ ***8.*** If the court enters an order dismissing a petition filed pursuant to NRS 176.0918 ~~[~~,~~]~~ ***or section 1 of this act,*** the person aggrieved by the order may appeal to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution within 30 days after the notice of the entry of the order by filing a notice of appeal with the clerk of the district court.

Sec. 4. NRS 176.09187 is hereby amended to read as follows:

176.09187 1. If the results of a genetic marker analysis performed ***as the result of a petition filed*** pursuant to ~~[~~this section and~~]~~ NRS 176.0918 ~~[~~and 176.09183~~]~~ ***or section 1 of this act*** are favorable to the petitioner:

(a) The petitioner may bring a motion for a new trial based on the ground of newly discovered evidence pursuant to NRS 176.515; and

(b) The restriction on the time for filing the motion set forth in subsection 3 of NRS 176.515 is not applicable.

2. For the purposes of a genetic marker analysis **,** ~~[~~pursuant to this section and NRS 176.0918 and 176.09183,~~]~~ a person who files a petition pursuant to NRS 176.0918 ***or section 1 of this act*** shall be deemed to consent to the:

(a) Submission of a biological specimen by the petitioner to determine genetic marker information; and

(b) Release and use of genetic marker information concerning the petitioner.

3. ~~[~~The~~]~~ ***Except as otherwise provided in subsection 4, the*** petitioner shall pay the cost of a genetic marker analysis performed ***as the result of a petition filed*** pursuant to ~~[~~this section and~~]~~ NRS 176.0918 ~~[~~and 176.09183, unless~~]~~ ***or section 1 of this act. If the petition was filed pursuant to section 1 of this act, the petitioner must pay the cost of the analysis before the analysis is performed.***

4. The petitioner is not responsible for paying the cost of a genetic marker analysis performed as the result of a petition filed pursuant to NRS 176.0918 if the petitioner is incarcerated at the time the petitioner files the petition, ***is*** found to be indigent pursuant to NRS 171.188 and the results of the genetic marker analysis are favorable to the petitioner.

5. If the petitioner is not required to pay the cost of the analysis pursuant to ~~[~~this~~]~~ subsection ~~[~~,~~]~~ ***4,*** the expense of an analysis ~~[~~ordered~~]~~ ***performed as the result of a petition filed*** pursuant to ~~[~~this section and~~]~~ NRS 176.0918 ~~[~~and 176.09183~~]~~ is a charge against the Department of Corrections and must be paid upon approval by the Board of State Prison Commissioners as other claims against the State are paid.

~~[~~4.~~]~~ ***6.*** The remedy provided by this section and NRS 176.0918 and 176.09183 ***and section 1 of this act*** is in addition to, is not a substitute for and is not exclusive of any other remedy, right of action or proceeding available to a person convicted of a crime.

Sec. 5. NRS 176.0919 is hereby amended to read as follows:

176.0919 1. After a judge grants a petition requesting a genetic marker analysis pursuant to NRS 176.0918 ~~[~~, 176.09183 and 176.09187,~~]~~ ***or section 1 of this act,*** if the case involves a sentence of death and a judge determines that the genetic marker analysis cannot be completed before the date of the execution of the petitioner, the judge shall stay the execution of the judgment of death pending the results of the analysis.

2. If the case involves a sentence of death and the results of an analysis ordered and conducted ***as the result of a petition filed*** pursuant to NRS 176.0918 ~~[~~, 176.09183 and 176.09187~~]~~ ***or section 1 of this act*** are not favorable to the petitioner:

(a) Except as otherwise provided in paragraph (b), the Director of the Department of Corrections shall, in due course, execute the judgment of death.

(b) If the judgment of death has been stayed pursuant to subsection 1, the judge shall cause a certified copy of the order staying the execution of the judgment and a certified copy of the report of genetic marker analysis that indicates results which are not favorable to the petitioner to be immediately forwarded by the clerk of the court to the district attorney. Upon receipt, the district attorney shall pursue the issuance of a new warrant of execution of the judgment of death in the manner provided in NRS 176.495.

Sec. 5.5. **Notwithstanding the provisions of NRS 0.020, the provisions of this act are not severable. If any portion of this act is held to be unconstitutional or invalid for any reason by the decision of any court of competent jurisdiction, the remaining provisions of this act shall be deemed to be invalid.**

Sec. 6. This act becomes effective on July 1, ~~[~~2017.~~]~~ **2018.**

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 275.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 597.

SUMMARY—Requires the establishment of a ~~[~~protocol~~]~~ **statewide framework** for providing integrated student supports for certain pupils and their families. (BDR 34-920)

AN ACT relating to education; requiring the Department of Education to establish a ~~[~~protocol~~]~~ **statewide framework** for providing integrated student supports for pupils enrolled in public schools and the families of such pupils; requiring the board of trustees of each school district and the governing body of each charter school to take certain action to provide academic and nonacademic supports for pupils enrolled in the school district or charter school and the families of such pupils; **requiring any request for proposals issued by a local educational agency for integrated student supports to include provisions requiring a provider of integrated student support services to comply with the protocol for providing integrated student supports established by the Department;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires the Department of Education to establish a ~~[~~protocol to provide and coordinate~~]~~ **statewide framework for providing and coordinating integrated student supports, which are** academic and nonacademic supports for pupils enrolled in public schools and the families of such pupils, to the extent money is available. **This bill requires the**

framework to: (1) establish minimum standards for the provision of integrated student supports by school districts and charter schools; (2) establish a protocol to provide and coordinate integrated student supports; and (3) include integration and coordination across school and community-based providers of integrated student support services.

This bill also requires the board of trustees of each school district and the governing body of each charter school to: (1) conduct annually a needs assessment to identify the academic and nonacademic supports needed within the district or charter school; (2) ~~[provide]~~ **ensure that mechanisms for data-driven decision-making are in place and the academic progress of pupils for whom** integrated student supports ~~[in accordance with the needs assessment conducted for the school district or charter school and the protocol established by the Department;]~~ **have been provided is tracked;** (3) ~~[adopt certain policies and take certain action relating to the provision of academic and nonacademic supports to pupils;]~~ **ensure integration and coordination between providers of integrated student support services;** and (4) ~~[track and annually report to the Department information concerning the academic progress of pupils to whom integrated student supports have been provided.]~~ **to the extent money is available, ensure that pupils have access to certain professionals and services. This bill also requires that a request for proposals issued by a local educational agency for integrated student support services include provisions requiring a provider of integrated student support services to comply with the protocol established by the Department.**

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

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

1. The Department shall, to the extent money is available, establish a ~~[protocol to provide]~~ statewide framework for providing and ~~[coordinate]~~ coordinating integrated student supports for pupils enrolled in public schools and the families of such pupils. The statewide framework must:

(a) Establish minimum standards for the provision of integrated student supports by school districts and charter schools. Such standards must be designed to allow a school district or charter school the flexibility to address the unique needs of the pupils enrolled in the school district or charter school.

(b) Establish a protocol for providing and coordinating integrated student supports. Such a protocol must be designed to:

~~[(a)]~~ (1) Support a school-based approach to promoting the success of all pupils by ~~[coordinating any]~~ establishing a means to identify barriers to academic achievement and ~~[nonacademic supports necessary to reduce barriers to the academic achievement and]~~ educational attainment of all pupils ~~[;~~

~~*(b) Provide any auxiliary support necessary to allow teaching and learning to occur unimpeded in public school classrooms;*~~

~~*(c) Encourage the establishment or expansion of community-based supports that can be integrated into the academic environment of public schools and school districts;*~~

~~*(d) Increase public awareness of any evidence that demonstrates that academic outcomes are a result of academic and nonacademic factors; and*~~

~~*(e)]*~~ ***and a method for intervening and providing coordinated supports to reduce those barriers;***

(2) Encourage the provision of education in a manner that is centered around pupils and their families and is culturally and linguistically appropriate;

(3) Encourage providers of integrated student supports to collaborate to improve academic achievement and educational attainment, including, without limitation, by:

(I) Engaging in shared decision-making;

(II) Establishing a referral process that reduces duplication of services and increases efficiencies in the manner in which barriers to academic achievement and educational attainment are addressed by such providers; and

(III) Establishing productive working relationships between such providers;

(4) Encourage collaboration between the Department and local educational agencies to develop training regarding:

(I) Best practices for providing integrated student supports;

(II) Establishing effective integrated student support teams comprised of persons or governmental entities providing integrated student supports;

(III) Effective communication between providers of integrated student supports; and

(IV) Compliance with applicable state and federal law; and

(5) Support statewide and local organizations in their efforts to provide leadership, coordination, technical assistance, professional development and advocacy to ~~*[implement high-quality, evidence-based, pupil-centered academic and nonacademic supports in public schools in this State.]*~~ ***improve access to integrated student supports and expand upon existing integrated student supports that address the physical, emotional and educational needs of pupils.***

(c) Include integration and coordination across school- and community-based providers of integrated student support services through the establishment of partnerships and systems that support this framework.

2. The board of trustees of each school district and the governing body of each charter school shall:

(a) Annually conduct a needs assessment for pupils enrolled in the school district or charter school, as applicable, to identify the academic and

nonacademic supports needed within the district or charter school . ~~[~~1~~]~~ The board of trustees of a school district or the governing body of a charter school shall be deemed to have satisfied this requirement if the board of trustees or the governing body has conducted such a needs assessment for the purpose of complying with any provision of federal law or any other provision of state law that requires the board of trustees or governing body to conduct such a needs assessment.

(b) Ensure that mechanisms for data-driven decision-making are in place and the academic progress of pupils for whom integrated student supports have been provided is tracked.

(c) Ensure integration and coordination between providers of integrated student supports.

(d) To the extent money is available, ~~[provide integrated student supports in accordance with the needs assessment conducted pursuant to paragraph (a) and the protocol established by the Department pursuant to subsection 1;~~

~~(c) Adopt a policy that encourages teachers, administrators and other educational personnel to develop relationships with providers of academic and nonacademic supports to enhance the effectiveness of the protocol established by the Department pursuant to subsection 1;~~

~~(d) Engage community partners in an effort to provide academic and nonacademic integrated student supports to pupils; and~~

~~(e) Track the academic progress of pupils for whom integrated student supports have been provided and annually report such information to the Department.~~] ensure that pupils have access to social workers, mental health workers, counselors, psychologists, nurses, speech-language pathologists, audiologists and other school-based specialized instructional support personnel or community-based medical or behavioral providers of health care.

3. Any request for proposals issued by a local educational agency for integrated student supports must include provisions requiring a provider of integrated student supports to comply with the protocol established by the Department pursuant to subsection 1.

4. As used in this section, "support" means any measure designed to assist a pupil in improving his or her academic achievement and educational attainment and maintaining stability and positivity in his or her life.

Sec. 2. This act becomes effective on July 1, 2017.

Assemblyman Thompson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 277.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 486.

ASSEMBLYMEN YEAGER, FRIERSON, OHRENSCHALL, WATKINS, OSCARSON; ARAUJO, BENITEZ-THOMPSON, BILBRAY-AXELROD, BROOKS, CARLTON, CARRILLO, COHEN, DALY, DIAZ, FLORES, FUMO, JAUREGUI, **JOINER,** MCCURDY II, MILLER, MONROE-MORENO, NEAL, SPRINKLE, SWANK AND THOMPSON

JOINT SPONSORS: SENATORS SEGERBLOM, PARKS, CANCELA, HARRIS; CANNIZZARO, FARLEY **, HAMMOND** AND MANENDO

AN ACT relating to land use planning; ~~[restricting certain powers of]~~ **establishing uniform statewide standards that** local governments **must strictly comply** with ~~[regard to]~~ **when exercising powers of land use** planning, subdivision regulation and zoning ~~[of]~~ **with regard to certain** lands ~~[located in]~~ **within or surrounding national conservation areas; repealing provisions relating to land use planning, subdivision regulation and zoning with regard to certain** national conservation areas, national recreation areas and adjacent lands; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Legislature has authorized local governments to exercise certain powers relating to land use planning, subdivision regulation and zoning. (Chapters 244, 268, 269 and 278 of NRS) This bill establishes uniform statewide standards that local governments must strictly comply with when exercising those powers with regard to certain lands within or surrounding any national conservation areas in Nevada.

Currently, the Congress of the United States has designated by federal law the following national conservation areas in Nevada: (1) the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area in Humboldt, Pershing and Washoe Counties (16 U.S.C. §§ 460ppp et seq.); (2) the Sloan Canyon National Conservation Area in Clark County (16 U.S.C. §§ 460qqq et seq.); and (3) the Red Rock Canyon National Conservation Area in Clark County (16 U.S.C. §§ 460ccc et seq.). If Congress designates by federal law any additional national conservation areas in Nevada, this bill would apply to the lands within or surrounding those national conservation areas but only after the enactment of the federal law making the designation.

Section 1.1 of this bill sets forth legislative findings and declarations underlying this bill. In particular, the Legislature finds in section 1.1 that because of the importance of the natural resources found within national conservation areas in Nevada, there is a legitimate and compelling need to enact uniform statewide standards to regulate development on lands within or surrounding national conservation areas to ensure that development on such lands proceeds at the local level in an orderly and responsible manner without detrimentally and

irreversibly impacting the natural resources found within national conservation areas in Nevada. In order to secure, promote and advance these legislative purposes and objectives, the Legislature declares in section 1.1 that it is necessary and essential to: (1) designate and define natural resources overlay lands; (2) establish uniform statewide standards that local governments must strictly comply with when regulating the use of those lands; and (3) provide for judicial review and other appropriate remedies to ensure that local governments strictly comply with those standards.

Section 1.45 of this bill defines "natural resources overlay lands" to mean all parcels of land located: (1) within the boundary of any national conservation area in this State; or (2) not more than one-half mile outside the boundary of any national conservation area in this State. Section 1.45 also provides that if any parcel of land is located partially but not entirely within natural resources overlay lands, the portion of the parcel within natural resources overlay lands is subject to this bill but the remaining portion of the parcel is not subject to this bill, unless a proposed project on the remaining portion includes any part of the portion of the parcel within natural resources overlay lands.

However, sections 1.25, 1.35 and 1.45 of this bill create an exemption from this bill for any parcel of land subject to any development agreement that was approved and recorded under NRS 278.0201-278.0207 before the effective date of this bill. Additionally, section 4.5 of this bill creates an exemption from this bill for any project to develop lands if a local government took final action that approved the project before the effective date of this bill and the local government's final action of approval remained in effect and was enforceable on the effective date of this bill.

With regard to natural resources overlay lands that are subject to this bill, sections 1.55 and 2-4 of this bill provide that a local government's powers relating to planning, subdivision regulation and zoning are subordinate to this bill. However, those sections also provide that this bill establishes, as a minimum threshold, uniform statewide standards relating to natural resources overlay lands but this bill does not preempt or otherwise limit a local government from imposing, with regard to those lands, standards relating to planning, subdivision regulation and zoning that are stricter or more protective of natural resources overlay lands than the standards set forth in this bill. In addition, section 1.6 of this bill authorizes a local government to enact ordinances and adopt policies and procedures that implement and facilitate this bill so long as they are consistent with this bill.

Sections 1.2-1.35, 1.5 and 1.65-1.8 of this bill establish uniform statewide standards for any proposed project to develop, improve or build on natural resources overlay lands that requires final action by a local government, except for any public parks, trailheads, trails or other

public recreational facilities that are constructed by a local government or by a developer pursuant to any development agreement.

Under section 1.65, a local government cannot take final action on a proposed project unless: (1) the developer prepares and submits an environmental impact statement; (2) the local government posts the environmental impact statement on its Internet website at least 15 calendar days before the public hearing at which the local government may take final action; and (3) the local government applies and weighs certain factors relating to the impact of the proposed project on natural resources overlay lands. However, if an environmental review relating to the proposed project has already been conducted by an appropriate federal or state agency under law, section 1.65 does not require the developer to prepare and submit an additional environmental impact statement. Instead, the local government must accept and utilize the findings and conclusions made in the federal or state agency's environmental review.

Under section 1.7, when the developer prepares and submits an environmental impact statement, the developer must provide a professional, detailed, thorough and comprehensive analysis and explanation concerning the environmental impacts that the proposed project will have on natural resources overlay lands. In reviewing and analyzing the environmental impact statement, section 1.7 permits the local government to use the regulations adopted by the Council on Environmental Quality pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321 et seq.) as a guide in determining whether the environmental impact statement accurately and appropriately addresses the environmental impacts that the proposed project will have on natural resources overlay lands, but those regulations are not binding or determinative.

Under section 1.75, before the local government takes final action on the proposed project, it must apply and weigh several factors relating to the impact of the proposed project on natural resources overlay lands, including: (1) whether the proposed project will be located near or in close proximity to existing developed or urban lands or existing undeveloped or rural lands; (2) whether the proposed project will be located near or in close proximity to existing infrastructure and utilities or whether the project will require extensive work to build necessary infrastructure and utilities; (3) whether the proposed project will have significant beneficial or adverse environmental impacts; (4) whether the proposed project will restrict or impair open space or public access to open space; and (5) whether the proposed project will protect or preserve or destroy or impair natural terrain, native vegetation, wildlife habitat, watershed areas, scenic views or geological formations. In addition to these factors, section 1.75 permits the local government to consider other factors relating to planning, subdivision regulation and

zoning that are stricter or more protective of natural resources overlay lands.

Under section 1.8, if the local government does not strictly comply with this bill when it takes any final action on the proposed project: (1) the final action is deemed void and is of no legal force or effect; and (2) any person aggrieved by the final action may appeal the final action to the district court by filing a petition for judicial review against the local government within the 25-day appeal period. If an aggrieved party timely files a petition for judicial review, section 1.8 provides that the court must determine, based upon the record, whether the local government strictly complied with this bill and whether the local government's determination was based upon substantial evidence in the record. If the aggrieved party prevails on any claim for relief against the local government, section 1.8 provides that the aggrieved party is entitled to an award of reasonable attorney's fees and court costs. Section 1.8 also provides that the developer cannot be awarded attorney's fees or court costs, regardless of the outcome of the judicial review, unless the court imposes them as a penalty against another party for ethically or procedurally improper conduct that is independently sanctionable under court rules or other laws.

Finally, during the 1993 Legislative Session, the Legislature enacted Senate Bill No. 544 (1993 Red Rock Canyon Act), which is a special act that regulates certain uses of land within the Red Rock Canyon National Conservation Area in Clark County. (Chapter 639, Statutes of Nevada 1993, p. 2673) During the 2003 Legislative Session, the Legislature amended the 1993 Red Rock Canyon Act by enacting Senate Bill No. 358 ~~[of the 2003 Legislative Session, known as the Red Rock Canyon Conservation Area and Adjacent Lands Act,]~~ **(2003 Red Rock Canyon Act), which is a special act that** restricts the authority of local governments to regulate planning, subdividing and zoning of certain lands located in and adjacent to **the** Red Rock Canyon **National Conservation Area** in Clark County. (Chapter 639, Statutes of Nevada 1993, p. 2673, as amended by chapter 105, Statutes of Nevada 2003, p. 595) In 2013, the Nevada Supreme Court ruled that the **2003 Red Rock Canyon** Act violates Sections 20, 21 and 25 of Article 4 of the Nevada Constitution on the grounds that it: (1) is a "local or special law" that "regulates county business"; and (2) establishes a "system of county government" that is not "uniform throughout the State." (*Attorney General v. Gypsum Resources*, 129 Nev. Adv. Op. 4, 294 p.3d 404 (2013))

~~[- This bill revises]~~

To conform existing statutory provisions with the constitutional requirements established by the Nevada Supreme Court in *Gypsum Resources* and to resolve any statutory conflicts with this bill, section 5 of this bill repeals: (1) the pertinent provisions of the 1993 Red Rock Canyon Act and the **2003** Red Rock Canyon ~~[Conservation Area and~~

~~Adjacent Lands Act, the similarly worded Spring Mountains National Recreation Area Act (Chapter 198, Statutes of Nevada 2009, p. 734)]~~ **Act;** and **(2) related provisions of** the Nevada Revised Statutes **.** ~~[in a manner consistent with the decision in Gypsum Resources. Sections 1-4 of this bill restrict generally the authority of any local government in this State to enact certain changes relating to planning, subdividing and zoning of certain lands located within any national conservation area, national recreation area or adjacent lands. Section 5 of this bill]~~ **(NRS 244.154, 268.105, 269.617, 278.0239) In addition, section 5 also** repeals certain provisions of the **Spring Mountains National Recreation Area Act, chapter 198, Statutes of Nevada 2009, p. 734, which are similar to the provisions of the 2003** Red Rock Canyon ~~[Recreation Area and Adjacent Lands Act which]~~ **Act that** the Court in *Gypsum Resources* held unconstitutional **.** ~~[, and also repeals certain provisions of the Spring Mountains National Recreation Area Act.]~~

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

Section 1. Chapter 278 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.1 to 1.8, inclusive, of this act.**

Sec. 1.1. 1. The Legislature hereby finds that:

(a) Some of this State's most valuable and distinctive natural resources are found within national conservation areas in Nevada, and those natural resources must be protected and preserved because they are uniquely beautiful, incomparably scenic and geologically, scientifically, historically and culturally significant;

(b) The natural resources found within national conservation areas in Nevada also contribute to the public's health, well-being and welfare and stimulate this State's economy because those natural resources offer unparalleled recreational opportunities in peaceful and idyllic settings which are enjoyed by the residents of this State and which draw many tourists, sightseers and recreational users from other states and countries to Nevada; and

(c) Because of the importance of the natural resources found within national conservation areas in Nevada, there is a legitimate and compelling need to enact uniform statewide standards to regulate development on lands within or surrounding national conservation areas in Nevada to ensure that development on such lands proceeds at the local level in an orderly and responsible manner without detrimentally and irreversibly impacting the natural resources found within national conservation areas in Nevada.

2. The Legislature hereby declares that it is in the best interests of this State, beneficial to the public's health, well-being and welfare and necessary and essential for protecting and preserving this State's natural

resources and for securing, promoting and obtaining the benefits of those natural resources for present and future generations to:

(a) Designate and define natural resources overlay lands;

(b) Establish uniform statewide standards that local governments must strictly comply with when regulating the use of those lands; and

(c) Provide for judicial review and other appropriate remedies to ensure that local governments strictly comply with those standards.

Sec. 1.15. As used in sections 1.1 to 1.8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 1.2 to 1.5, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 1.2. "Developer" means a person who wants to undertake or complete any proposed project to develop, improve or build on natural resources overlay lands.

Sec. 1.25. 1. "Development agreement" means any agreement for the development of lands authorized pursuant to NRS 278.0201 to 278.0207, inclusive.

2. The term does not include any development agreement that was approved and recorded pursuant to NRS 278.0201 to 278.0207, inclusive, before the effective date of this act.

Sec. 1.3. "Environmental impact statement" means a detailed report which a developer prepares and submits pursuant to sections 1.1 to 1.8, inclusive, of this act for the purposes of providing both the local government and the public with detailed information concerning the environmental impacts that a proposed project will have on natural resources overlay lands.

Sec. 1.35. 1. "Final action" means any final action, decision or order that is taken by:

(a) The governing body of a local government; or

(b) Any public officer, as defined in NRS 281.005, or commission, board or other body of the local government that is taking such final action, decision or order in lieu of any final action, decision or order taken by the governing body.

2. The term includes, without limitation, any final action, decision or order that is taken with regard to:

(a) Establishing new zoning districts;

(b) Amending, altering or expanding existing zoning districts;

(c) Establishing or increasing the number or density of units within zoning districts;

(d) Granting or allowing variances or special uses within zoning districts; or

(e) Approving any development agreement.

3. The term does not include any final action, decision or order that is taken with regard to any parcel of land subject to any development

agreement that was approved and recorded pursuant to NRS 278.0201 to 278.0207, inclusive, before the effective date of this act.

Sec. 1.4. "National conservation area" means any area designated by federal law as a national conservation area by the Congress of the United States.

Sec. 1.45. 1. "Natural resources overlay lands" means all parcels of land located:

(a) Within the boundary of any national conservation area in this State; or

(b) Not more than one-half mile outside the boundary of any national conservation area in this State.

2. The term includes, without limitation:

(a) Any parcel of land in its natural state;

(b) Any parcel of land that is zoned, rezoned or not zoned;

(c) Any parcel of land that is subdivided or developed into smaller parcels or lots;

(d) Any parcel of land that is developed for any residential or nonresidential use; or

(e) Any other parcel of land that is undeveloped or developed, in whole or in part, regardless of its use.

3. The term does not include any parcel of land subject to any development agreement that was approved and recorded pursuant to NRS 278.0201 to 278.0207, inclusive, before the effective date of this act.

4. For the purposes of this section, if any parcel of land is located partially but not entirely within natural resources overlay lands:

(a) The portion of the parcel within natural resources overlay lands is subject to sections 1.1 to 1.8, inclusive, of this act; and

(b) The remaining portion of the parcel is not subject to sections 1.1 to 1.8, inclusive, of this act, unless a proposed project on the remaining portion includes any part of the portion of the parcel within natural resources overlay lands.

Sec. 1.5. 1. "Project" means any project to develop, improve or build on natural resources overlay lands that requires final action by a local government.

2. The term does not include any public parks, trailheads, trails or other public recreational facilities that are constructed by a local government or by a developer pursuant to any development agreement.

Sec. 1.55. 1. Notwithstanding any other provision of law to the contrary ~~[, the]~~ :

(a) The powers otherwise conferred by this chapter which relate to planning, subdivision regulation and zoning are subordinate to the provisions of ~~[this section.~~

~~*2. With respect to any lands located in a national conservation area, national recreation area or adjacent lands, a local government:*~~

~~*(a) Shall not, in regulating the use of those lands:*~~

~~(1) Increase the number of residential dwelling units allowed by zoning regulations in existence on the effective date of this act, unless such an increase can be accomplished, within a given area, by the trading of development credits or another mechanism that allows a greater number of residential dwelling units to be constructed in that area without increasing the overall density of residential dwelling units in that area;~~

~~(2) Establish any new nonresidential zoning districts, other than for public facilities; or~~

~~(3) Expand the size of any nonresidential zoning district in existence on the effective date of this act, other than for public facilities;~~

~~(b) May regulate other matters, including, without limitation, landscaping, buffering, screening, signage and lighting; and~~

~~(c) Retains all other authority regarding planning, zoning and regulation of uses of land otherwise conferred by this chapter.~~

~~3. The prohibitions set forth in paragraph (a) of subsection 2 do not restrict or limit:~~

~~(a) Any existing or future development or other rights held by any owner of real property that is not part of a national conservation area, national recreation area or adjacent lands, including, without limitation, all rights, consents and agreements established, enacted, granted or entered into by a governing body, whether reflected in codes, ordinances, permits, agreements or other documents;~~

~~(b) Any future use or development of real property that is not part of a national conservation area, national recreation area or adjacent lands; or~~

~~(c) The authority of any governing body to regulate real property that is not part of a national conservation area, national recreation area or adjacent lands.~~

~~4. As used in this section:~~

~~(a) "Adjacent lands" means any tract of land which is:~~

~~(1) Located not more than 5 miles from any national conservation area; and~~

~~(2) Not located in a Bureau of Land Management disposal area.~~

~~(b) "Bureau of Land Management disposal area" means public land which is managed by the Bureau of Land Management and which has been identified as potentially suitable for disposal in an approved land use plan or through an amendment to an existing plan.~~

~~(c) "National conservation area" means an area designated as a national conservation area by the Congress of the United States.~~

~~(d) "National recreation area" means an area designated as a national recreation area by the Congress of the United States.]~~ sections 1.1 to 1.8, inclusive, of this act; and

(b) A local government shall strictly comply with the provisions of sections 1.1 to 1.8, inclusive, of this act.

2. If there is a conflict between any other provisions of this chapter and the provisions of sections 1.1 to 1.8, inclusive, of this act, the provisions of sections 1.1 to 1.8, inclusive, of this act control.

3. The provisions of sections 1.1 to 1.8, inclusive, of this act:

(a) Establish, as a minimum threshold, uniform statewide standards relating to natural resources overlay lands; and

(b) Must not be interpreted to preempt or otherwise limit a local government from imposing, with regard to those lands, standards relating to planning, subdivision regulation and zoning that are stricter or more protective of natural resources overlay lands than the standards set forth in sections 1.1 to 1.8, inclusive, of this act.

Sec. 1.6. For the purposes of carrying out the provisions of sections 1.1 to 1.8, inclusive, of this act, a local government may enact ordinances and adopt policies and procedures that implement and facilitate those provisions and are consistent therewith, including, without limitation, requiring developers to pay for the costs of the local government to review and analyze an environmental impact statement.

Sec. 1.65. 1. Except as otherwise provided in this section, if a developer wants to undertake or complete any proposed project on natural resources overlay lands, a local government shall not take any final action regarding the proposed project unless:

(a) The developer prepares and submits an environmental impact statement that complies with section 1.7 of this act;

(b) The local government posts the environmental impact statement on its Internet website at least 15 calendar days before the public hearing at which the local government may take final action; and

(c) The local government applies and weighs the factors set forth in section 1.75 of this act.

2. If an environmental review relating to the proposed project has already been conducted by an appropriate federal agency or state agency pursuant to federal or state law:

(a) The local government shall accept and utilize the findings and conclusions made in that review for the purposes of carrying out the provisions of sections 1.1 to 1.8, inclusive, of this act; and

(b) The developer is not required to prepare and submit an additional environmental impact statement that complies with section 1.7 or this act.

Sec. 1.7. 1. In an environmental impact statement, a developer must provide a professional, detailed, thorough and comprehensive analysis and explanation concerning the environmental impacts that a proposed project will have on natural resources overlay lands.

2. The developer must pay all costs associated with preparation of the environmental impact statement.

3. The environmental impact statement must analyze and explain:

(a) All significant beneficial and adverse environmental impacts of the proposed project;

(b) All significant adverse environmental impacts of the proposed project which cannot be avoided if the proposed project is completed or which would have irreversible consequences if the project is completed;

(c) All reasonable alternatives to the proposed project;

(d) All mitigation measures which must be implemented to address, alleviate or offset the significant adverse environmental impacts of the proposed project; and

(e) The growth-inducing impact of the proposed project.

3. For the purposes of the environmental impact statement:

(a) Significant beneficial environmental impacts may include, without limitation:

(1) The development or use of renewable energy or renewable energy generation projects;

(2) The establishment or maintenance of public parks, trailheads, trails or other public recreational facilities;

(3) The development or use of land for recreational, educational or charitable purposes by a nonprofit organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c) or state law; or

(4) The protection or preservation of natural terrain, native vegetation, wildlife habitat, watershed areas, scenic views or geological formations.

(b) Significant adverse environmental impacts may include, without limitation:

(1) The development or use of fossil fuels;

(2) The generation of air pollution, water pollution, light pollution, noise pollution or other types of pollution;

(3) The restriction or elimination of open space or public access to open space; or

(4) The destruction or impairment of natural terrain, native vegetation, wildlife habitat, watershed areas, scenic views or geological formations.

4. In reviewing and analyzing an environmental impact statement, the local government may use the regulations adopted by the Council on Environmental Quality pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321 et seq., as a guide in determining whether an environmental impact statement accurately and appropriately addresses the environmental impacts that the proposed project will have on natural resources overlay lands, but those regulations are not binding or determinative.

Sec. 1.75. 1. Before a local government takes any final action regarding a proposed project on natural resources overlay lands, the local government shall apply and weigh the following factors:

(a) Whether the proposed project will be located near or in close proximity to existing developed or urban lands or existing undeveloped or rural lands.

(b) Whether the proposed project will be located near or in close proximity to existing infrastructure and utilities or whether the project will require extensive work to build necessary infrastructure and utilities.

(c) Whether the proposed project will have significant beneficial or adverse environmental impacts.

(d) Whether the proposed project will restrict or impair open space or public access to open space.

(e) Whether the proposed project will protect or preserve or destroy or impair natural terrain, native vegetation, wildlife habitat, watershed areas, scenic views or geological formations.

2. The provisions of this section:

(a) Establish, as a minimum threshold, the factors that a local government must apply and weigh before the local government takes any final action regarding a proposed project on natural resources overlay lands; and

(b) Must not be interpreted to preempt or otherwise limit a local government from applying and weighing, with regard to those lands, other factors relating to planning, subdivision regulation and zoning that are stricter or more protective of natural resources overlay lands than the factors set forth in this section.

Sec. 1.8. 1. A local government shall not take any final action regarding a proposed project on natural resources overlay lands unless the local government strictly complies with the provisions of sections 1.1 to 1.8, inclusive, of this act.

2. If a local government does not strictly comply with the provisions of sections 1.1 to 1.8, inclusive, of this act when it takes any final action regarding a proposed project on natural resources overlay lands:

(a) The final action shall be deemed to be void and of no legal force or effect; and

(b) Any person aggrieved by the final action may appeal the final action to the district court of the proper county by filing a petition for judicial review against the local government within 25 days after the date of filing of notice of the final action with the clerk or secretary of the governing body of the local government as set forth in NRS 278.0235.

3. For the purposes of this section, a person shall be deemed to be aggrieved by the final action taken by the local government if the person appeared before the local government, either in person, through an authorized representative or in writing, regarding the final action.

4. If a person brings a petition for judicial review pursuant to this section:

(a) The purpose of the judicial review is for the court to determine, based upon the record, whether the local government strictly complied with the provisions of sections 1.1 to 1.8, inclusive, of this act and whether the determination of the local government was based upon substantial evidence in the record.

(b) If the person prevails on any claim for relief against the local government, the court shall award reasonable attorney's fees and court costs to the person regarding the prevailing claim, but the developer whose proposed project is the subject of the judicial review may not be awarded attorney's fees or court costs, regardless of the outcome of the judicial review, unless the court imposes them as a penalty against another party for ethically or procedurally improper conduct that is independently sanctionable under court rules or laws other than this section.

5. The petition for judicial review and remedies prescribed by this section are in addition to any other forms of judicial review and remedies provided by law.

Sec. 2. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of law to the contrary [, the] :

(a) The powers otherwise conferred by this chapter which relate to planning, subdivision regulation and zoning are subordinate to the provisions of [this section.

2. With respect to any lands located in a national conservation area, national recreation area or adjacent lands, a local government:

(a) Shall not, in regulating the use of those lands:

(1) Increase the number of residential dwelling units allowed by zoning regulations in existence on the effective date of this act, unless such an increase can be accomplished, within a given area, by the trading of development credits or another mechanism that allows a greater number of residential dwelling units to be constructed in that area without increasing the overall density of residential dwelling units in that area;

(2) Establish any new nonresidential zoning districts, other than for public facilities; or

(3) Expand the size of any nonresidential zoning district in existence on the effective date of this act, other than for public facilities;

(b) May regulate other matters, including, without limitation, landscaping, buffering, screening, signage and lighting; and

(c) Retains all other authority regarding planning, zoning and regulation of uses of land otherwise conferred by this chapter.

3. The prohibitions set forth in paragraph (a) of subsection 2 do not restrict or limit:

(a) Any existing or future development or other rights held by any owner of real property that is not part of a national conservation area, national recreation area or adjacent lands, including, without limitation, all rights, consents and agreements established, enacted, granted or entered into by a governing body, whether reflected in codes, ordinances, permits, agreements or other documents;

(b) Any future use or development of real property that is not part of a national conservation area, national recreation area or adjacent lands; or

~~*(c) The authority of any governing body to regulate real property that is not part of a national conservation area, national recreation area or adjacent lands.*~~

~~*4. As used in this section:*~~

~~*(a) "Adjacent lands" has the meaning ascribed to it in section 1 of this act.*~~

~~*(b) "Bureau of Land Management disposal area" has the meaning ascribed to it in section 1 of this act.*~~

~~*(c) "National conservation area" has the meaning ascribed to it in section 1 of this act.*~~

~~*(d) "National recreation area" has the meaning ascribed to it in section 1 of this act.]*~~ *sections 1.1 to 1.8, inclusive, of this act; and*

(b) A local government shall strictly comply with the provisions of sections 1.1 to 1.8, inclusive, of this act.

2. If there is a conflict between any other provisions of this chapter and the provisions of sections 1.1 to 1.8, inclusive, of this act, the provisions of sections 1.1 to 1.8, inclusive, of this act control.

3. The provisions of sections 1.1 to 1.8, inclusive, of this act:

(a) Establish, as a minimum threshold, uniform statewide standards relating to natural resources overlay lands; and

(b) Must not be interpreted to preempt or otherwise limit a local government from imposing, with regard to those lands, standards relating to planning, subdivision regulation and zoning that are stricter or more protective of natural resources overlay lands than the standards set forth in sections 1.1 to 1.8, inclusive, of this act.

Sec. 3. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of law to the contrary ~~*[, the]*~~ *:*

(a) The powers otherwise conferred by this chapter which relate to planning, subdivision regulation and zoning are subordinate to the provisions of ~~*[this section.*~~

~~*2. With respect to any lands located in a national conservation area, national recreation area or adjacent lands, a local government:*~~

~~*(a) Shall not, in regulating the use of those lands:*~~

~~*(1) Increase the number of residential dwelling units allowed by zoning regulations in existence on the effective date of this act, unless such an increase can be accomplished, within a given area, by the trading of development credits or another mechanism that allows a greater number of residential dwelling units to be constructed in that area without increasing the overall density of residential dwelling units in that area;*~~

~~*(2) Establish any new nonresidential zoning districts, other than for public facilities; or*~~

~~*(3) Expand the size of any nonresidential zoning district in existence on the effective date of this act, other than for public facilities;*~~

~~*(b) May regulate other matters, including, without limitation, landscaping, buffering, screening, signage and lighting; and*~~

~~*(c) Retains all other authority regarding planning, zoning and regulation of uses of land otherwise conferred by this chapter.*~~

~~*3. The prohibitions set forth in paragraph (a) of subsection 2 do not restrict or limit:*~~

~~*(a) Any existing or future development or other rights held by any owner of real property that is not part of a national conservation area, national recreation area or adjacent lands, including, without limitation, all rights, consents and agreements established, enacted, granted or entered into by a governing body, whether reflected in codes, ordinances, permits, agreements or other documents;*~~

~~*(b) Any future use or development of real property that is not part of a national conservation area, national recreation area or adjacent lands; or*~~

~~*(c) The authority of any governing body to regulate real property that is not part of a national conservation area, national recreation area or adjacent lands.*~~

~~*4. As used in this section:*~~

~~*(a) "Adjacent lands" has the meaning ascribed to it in section 1 of this act.*~~

~~*(b) "Bureau of Land Management disposal area" has the meaning ascribed to it in section 1 of this act.*~~

~~*(c) "National conservation area" has the meaning ascribed to it in section 1 of this act.*~~

~~*(d) "National recreation area" has the meaning ascribed to it in section 1 of this act.]*~~ ***sections 1.1 to 1.8, inclusive, of this act; and***

(b) A local government shall strictly comply with the provisions of sections 1.1 to 1.8, inclusive, of this act.

2. If there is a conflict between any other provisions of this chapter and the provisions of sections 1.1 to 1.8, inclusive, of this act, the provisions of sections 1.1 to 1.8, inclusive, of this act control.

3. The provisions of sections 1.1 to 1.8, inclusive, of this act:

(a) Establish, as a minimum threshold, uniform statewide standards relating to natural resources overlay lands; and

(b) Must not be interpreted to preempt or otherwise limit a local government from imposing, with regard to those lands, standards relating to planning, subdivision regulation and zoning that are stricter or more protective of natural resources overlay lands than the standards set forth in sections 1.1 to 1.8, inclusive, of this act.

Sec. 4. Chapter 269 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of law to the contrary ~~*[, the]*~~ ***:***

(a) The powers otherwise conferred by this chapter which relate to planning, subdivision regulation and zoning are subordinate to the provisions of ~~*[this section.*~~

~~2. With respect to any lands located in a national conservation area, national recreation area or adjacent lands, a local government:~~

~~(a) Shall not, in regulating the use of those lands:~~

~~(1) Increase the number of residential dwelling units allowed by zoning regulations in existence on the effective date of this act, unless such an increase can be accomplished, within a given area, by the trading of development credits or another mechanism that allows a greater number of residential dwelling units to be constructed in that area without increasing the overall density of residential dwelling units in that area;~~

~~(2) Establish any new nonresidential zoning districts, other than for public facilities; or~~

~~(3) Expand the size of any nonresidential zoning district in existence on the effective date of this act, other than for public facilities;~~

~~(b) May regulate other matters, including, without limitation, landscaping, buffering, screening, signage and lighting; and~~

~~(c) Retains all other authority regarding planning, zoning and regulation of uses of land otherwise conferred by this chapter.~~

~~3. The prohibitions set forth in paragraph (a) of subsection 2 do not restrict or limit:~~

~~(a) Any existing or future development or other rights held by any owner of real property that is not part of a national conservation area, national recreation area or adjacent lands, including, without limitation, all rights, consents and agreements established, enacted, granted or entered into by a governing body, whether reflected in codes, ordinances, permits, agreements or other documents;~~

~~(b) Any future use or development of real property that is not part of a national conservation area, national recreation area or adjacent lands; or~~

~~(c) The authority of any governing body to regulate real property that is not part of a national conservation area, national recreation area or adjacent lands.~~

~~4. As used in this section:~~

~~(a) "Adjacent lands" has the meaning ascribed to it in section 1 of this act.~~

~~(b) "Bureau of Land Management disposal area" has the meaning ascribed to it in section 1 of this act.~~

~~(c) "National conservation area" has the meaning ascribed to it in section 1 of this act.~~

~~(d) "National recreation area" has the meaning ascribed to it in section 1 of this act.]~~ sections 1.1 to 1.8, inclusive, of this act; and

(b) A local government shall strictly comply with the provisions of sections 1.1 to 1.8, inclusive, of this act.

2. If there is a conflict between any other provisions of this chapter and the provisions of sections 1.1 to 1.8, inclusive, of this act, the provisions of sections 1.1 to 1.8, inclusive, of this act control.

3. The provisions of sections 1.1 to 1.8, inclusive, of this act:

(a) Establish, as a minimum threshold, uniform statewide standards relating to natural resources overlay lands; and

(b) Must not be interpreted to preempt or otherwise limit a local government from imposing, with regard to those lands, standards relating to planning, subdivision regulation and zoning that are stricter or more protective of natural resources overlay lands than the standards set forth in sections 1.1 to 1.8, inclusive, of this act.

Sec. 4.5. **1. If, before the effective date of this act, a local government took final action that approved any project to develop lands located within natural resources overlay lands, including, without limitation, any project under a development agreement approved and recorded pursuant to NRS 278.0201 to 278.0207, inclusive, and the local government's final action of approval remained in effect and was enforceable on the effective date of this act, the provisions of this act do not apply to such a project or agreement.**

2. As used in this section, the words and terms defined in sections 1.1 to 1.5, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 5. 1. NRS 244.154, 268.105, 269.617 and 278.0239 are hereby repealed.

2. Sections **1, 2, 3 and 4 of chapter 639, Statutes of Nevada 1993, at page 2673, sections** 6, 7, 8, 9 and 10 of chapter 105, Statutes of Nevada 2003, at pages 596, 597 and 598, and section 8 of chapter 198, Statutes of Nevada 2009, at page 736, are hereby repealed.

Sec. 6. This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS OF NRS AND TEXT OF REPEALED SECTIONS OF STATUTES OF NEVADA

244.154 Planning, subdivision regulation and zoning: County's powers subordinate to limits upon development established in certain geographical regions by certain state acts.

268.105 City's powers subordinate in region for which Spring Mountains National Recreation Area Act and Red Rock Canyon Conservation Area and Adjacent Lands Act establish limits upon development.

269.617 Powers relating to planning, subdivision regulation and zoning subordinate in region for which Spring Mountains National Recreation Area and Red Rock Canyon Conservation Area and Adjacent Lands Act establish limits upon development.

278.0239 Supremacy of limits upon development established by certain special legislative acts.

Section 1 of chapter 639, Statutes of Nevada 1993:

Section 1. The legislature finds and declares that this special act which regulates activity in the Red Rock Canyon national conservation area is necessary because of:

1. The unusual beauty of the Red Rock Canyon national conservation area; and

2. The rapidly increasing population and growth in the region around the Red Rock Canyon national conservation area.

Section 2 of chapter 639, Statutes of Nevada 1993:

Sec. 2. As used in sections 1 to 4, inclusive, of this act, "Red Rock Canyon national conservation area" means the area in and around Red Rock Canyon which has been designated as a national conservation area by Congress pursuant to Title 16 of the United States Code.

Section 3 of chapter 639, Statutes of Nevada 1993:

Sec. 3. 1. Except as otherwise provided in subsection 2, the governing body of a city or county whose territory includes all or any part of the Red Rock Canyon national conservation area shall in regulating the use of land prohibit the use of any part of the national conservation area for any purpose other than recreation, and shall prohibit excavation, the extraction of any substance, and the erection of any structure within the national conservation area.

2. Within the boundaries of a patented or unpatented mining claim the governing body may permit excavation, the extraction of any substance, or the making of improvements only to the extent permitted by a federally approved plan of operations or exempted by federal law or regulation from having an approved plan of operations.

Section 4 of chapter 639, Statutes of Nevada 1993:

Sec. 4. In the absence or pending the adoption and effectiveness of an ordinance complying with section 3 of this act, excavation, the extraction of any substance, and the erection of any structure are prohibited within the Red Rock Canyon national conservation area unless a permit is first obtained from the division of environmental protection of the state department of conservation and natural resources. The division shall not issue such a permit if the proposed activity would be detrimental to the environment outside the Red Rock Canyon national conservation area or would preclude the designation of the national conservation area as wilderness.

Section 6 of chapter 105, Statutes of Nevada 2003:

Sec. 6. Chapter 639, Statutes of Nevada 1993, at page 2673, is hereby amended by adding thereto a new section to be designated as section 0.5, immediately preceding section 1, to read as follows:

This act shall be known as the Red Rock Canyon Conservation Area and Adjacent Lands Act.

Section 7 of chapter 105, Statutes of Nevada 2003:

Sec. 7. Chapter 639, Statutes of Nevada 1993, at page 2673, is hereby amended by adding thereto new sections to be designated as sections 1.3 and 1.7, immediately following section 1, to read as follows:

Sec. 1.3. ***As used in this act, unless the context otherwise requires, the words and terms defined in sections 1.7 and 2 of this act have the meanings ascribed to them in those sections.***

Sec. 1.7. ***"Adjacent lands" means the following tracts of land:***

1. All of sections 34, 35 and 36, Township 20 South, Range 58 East, MDM;

2. All of sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35 and 36, Township 21 South, Range 58 East, MDM;

3. All of sections 1, 2, 3, 10, 11, 12, 13, 14 and 15, Township 22 South, Range 58 East, MDM;

4. All of sections 31 and 32, Township 20 South, Range 59 East, MDM, with the exception of any lands that are located within the corporate limits of the City of Las Vegas on the effective date of this act;

5. All of sections 3 and 4, Township 21 South, Range 59 East, MDM, with the exception of any lands that are located within the corporate limits of the City of Las Vegas on the effective date of this act;

6. All of sections 5, 6, 7, 8, 9, 10 and 11, Township 21 South, Range 59 East, MDM, with the exception of any lands that are located within the Summerlin South unincorporated area on the effective date of this act;

7. All of sections 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33 and 34, Township 21 South, Range 59 East, MDM; and

8. All of sections 3, 4, 5, 6, 7, 8, 9, 10, 17 and 18, Township 22 South, Range 59 East, MDM.

Section 8 of chapter 105, Statutes of Nevada 2003:

Sec. 8. Chapter 639, Statutes of Nevada 1993, at page 2673, is hereby amended by adding thereto new sections to be designated as sections 4.3 and 4.7, immediately following section 4, to read as follows:

Sec. 4.3. ***With respect to adjacent lands, a local government:***

1. Shall not, in regulating the use of those lands:

(a) Increase the number of residential dwelling units allowed by zoning regulations in existence on the effective date of this act, unless such an increase can be accomplished, within a given area, by the trading of development credits or another mechanism that allows a greater number of residential dwelling units to be constructed in that area without increasing the overall density of residential dwelling units in that area;

(b) Establish any new nonresidential zoning districts, other than for public facilities; or

(c) Expand the size of any nonresidential zoning district in existence on the effective date of this act, other than for public facilities.

2. Shall, at its discretion:

(a) Regulate matters to include, without limitation, landscaping, buffering, screening, signage and lighting; and

(b) Retain all other authority regarding planning, zoning and regulation of uses of land.

Sec. 4.7. ***The prohibitions set forth in section 4.3 of this act with respect to adjacent lands do not restrict or limit:***

1. Any existing or future development or other rights held by any owner of real property that is not part of those adjacent lands, including, without limitation, all rights, consents and agreements established, enacted, granted or entered into by a governing body, whether reflected in codes, ordinances, permits, agreements or other documents;

2. Any future use or development of real property that is not part of those adjacent lands; or

3. The authority of any governing body to regulate real property that is not part of those adjacent lands.

Section 9 of chapter 105, Statutes of Nevada 2003:

Sec. 9. Section 1 of chapter 639, Statutes of Nevada 1993, at page 2673, is hereby amended to read as follows:

Section 1. The legislature ***hereby*** finds and declares that ~~[this]~~ ***:***

1. This special act which regulates activity in the Red Rock Canyon National Conservation Area ***and on adjacent lands*** is necessary because of:

~~[1.]~~ ***(a)*** The unusual beauty of the Red Rock Canyon National Conservation Area; ~~[and~~

~~2.]~~ ***(b)*** The rapidly increasing population and growth in the region around the Red Rock Canyon National Conservation Area ~~[.]~~ ***; and***

(c) The need to harmonize:

(1) The retention of the scenic beauty, small-town values, historic character, sense of community and recreational opportunities for visitors and residents of the Red Rock Canyon National Conservation Area and adjacent lands; and

(2) Residential and commercial development within the Red Rock Canyon National Conservation Area and adjacent lands.

2. The Legislature supports acquisition by the Federal Government of vacant private lands that are:

(a) Located within and adjacent to the Red Rock Canyon National Conservation Area;

(b) Located outside of the boundary described in the Clark County Conservation of Public Lands and Natural Resources Act of 2002, Public Law 107-282, November 6, 2002; and

(c) Essential to the character and value of the Red Rock Canyon National Conservation Area.

Section 10 of chapter 105, Statutes of Nevada 2003:

Sec. 10. Section 2 of chapter 639, Statutes of Nevada 1993, at page 2673, is hereby amended to read as follows:

Sec. 2. ~~[As used in section 1 to 4, inclusive, of this act,]~~ "Red Rock Canyon National Conservation Area" means the area in and around Red Rock Canyon which has been designated as a national conservation area by Congress pursuant to Title 16 of the United States Code.

Section 8 of chapter 198, Statutes of Nevada 2009:

Sec. 8. With respect to the Spring Mountains National Recreation Area, a local government:

1. Shall not, in regulating the use of those lands:

(a) Increase the number of residential dwelling units allowed by zoning regulations in existence on the effective date of this act;

(b) Establish any new nonresidential zoning districts, other than for public facilities; or

(c) Expand the size of any nonresidential zoning district in existence on the effective date of this act, other than for public facilities.

2. May regulate matters to include, without limitation, landscaping, buffering, screening, signage and lighting.

3. Retains all other authority regarding planning, zoning and regulation of uses of land.

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 278.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 400.

ASSEMBLYMEN PICKARD, HAMBRICK, COHEN ~~[,]~~ **, ELLIOT ANDERSON;** PAUL ANDERSON, ELLISON, TOLLES AND WHEELER

JOINT SPONSOR: SENATOR HARRIS

AN ACT relating to the support of children; creating the Committee to Review Child Support Guidelines; requiring the Committee to review quadrennially the support guidelines established in this State and submit any recommendations for revision to the Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human

Services; requiring the Administrator to adopt regulations establishing support guidelines; repealing provisions relating to the calculation of support upon the adoption of such regulations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law and regulations require each state to establish child support guidelines and review such guidelines at least once every 4 years to ensure that the application of such guidelines results in appropriate awards of child support. (42 U.S.C. § 667(a); 45 C.F.R. § 302.56(e)) Existing federal regulations also establish minimum standards for such guidelines. (45 C.F.R. § 302.56(c)) Existing Nevada law establishes the general formula used to calculate child support and sets forth several other related provisions. (NRS 125B.070, 125B.080, 125B.085, 125B.095)

Section 7 of this bill creates the Committee to Review Child Support Guidelines, and **section 8** of this bill requires the Committee to review the existing child support guidelines established in this State and provide any recommendations for revisions to the Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services not later than July 1, 2018. **Section 8** requires the Administrator to review and consider any recommendations of the Committee and, after reviewing and considering such recommendations, to adopt regulations establishing the child support guidelines in this State. **Section 8** also requires the Committee to review the guidelines at least once every 4 years. **Section 13** of this bill repeals the provisions of existing law establishing the general formula for calculating child support and certain related provisions, and **section 14** of this bill provides that the repeal of such provisions becomes effective on the effective date of the regulations adopted by the Administrator establishing child support guidelines pursuant to **section 8**. **Sections 1-3 and 9-12** of this bill make conforming changes that are also effective upon the effective date of the adopted regulations.

Existing law exempts the Division from the provisions of the Nevada Administrative Procedure Act. (NRS 233B.039) **Section 4** of this bill provides an exception to such an exemption for the regulations establishing the child support guidelines that are adopted by the Administrator, and **section 8** requires that such regulations be adopted in accordance with the Nevada Administrative Procedure Act and codified in the Nevada Administrative Code.

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

Section 1. NRS 125.150 is hereby amended to read as follows:

125.150 Except as otherwise provided in NRS 125.155 and 125.165, and unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS:

1. In granting a divorce, the court:

(a) May award such alimony to the wife or to the husband, in a specified principal sum or as specified periodic payments, as appears just and equitable; and

(b) Shall, to the extent practicable, make an equal disposition of the community property of the parties, except that the court may make an unequal disposition of the community property in such proportions as it deems just if the court finds a compelling reason to do so and sets forth in writing the reasons for making the unequal disposition.

2. Except as otherwise provided in this subsection, in granting a divorce, the court shall dispose of any property held in joint tenancy in the manner set forth in subsection 1 for the disposition of community property. If a party has made a contribution of separate property to the acquisition or improvement of property held in joint tenancy, the court may provide for the reimbursement of that party for his or her contribution. The amount of reimbursement must not exceed the amount of the contribution of separate property that can be traced to the acquisition or improvement of property held in joint tenancy, without interest or any adjustment because of an increase in the value of the property held in joint tenancy. The amount of reimbursement must not exceed the value, at the time of the disposition, of the property held in joint tenancy for which the contribution of separate property was made. In determining whether to provide for the reimbursement, in whole or in part, of a party who has contributed separate property, the court shall consider:

(a) The intention of the parties in placing the property in joint tenancy;

(b) The length of the marriage; and

(c) Any other factor which the court deems relevant in making a just and equitable disposition of that property.

➥ As used in this subsection, "contribution" includes, without limitation, a down payment, a payment for the acquisition or improvement of property, and a payment reducing the principal of a loan used to finance the purchase or improvement of property. The term does not include a payment of interest on a loan used to finance the purchase or improvement of property, or a payment made for maintenance, insurance or taxes on property.

3. A party may file a postjudgment motion in any action for divorce, annulment or separate maintenance to obtain adjudication of any community property or liability omitted from the decree or judgment as the result of fraud or mistake. A motion pursuant to this subsection must be filed within 3 years after the discovery by the aggrieved party of the facts constituting the fraud or mistake. The
court has continuing jurisdiction to hear such a motion and shall equally divide the omitted community property or liability between the parties unless the court finds that:

(a) The community property or liability was included in a prior equal disposition of the community property of the parties or in an unequal disposition of the community property of the parties which was made

pursuant to written findings of a compelling reason for making that unequal disposition; or

(b) The court determines a compelling reason in the interests of justice to make an unequal disposition of the community property or liability and sets forth in writing the reasons for making the unequal disposition.

➥ If a motion pursuant to this subsection results in a judgment dividing a defined benefit pension plan, the judgment may not be enforced against an installment payment made by the plan more than 6 years after the installment payment.

4. Except as otherwise provided in NRS 125.141, whether or not application for suit money has been made under the provisions of NRS 125.040, the court may award a reasonable attorney's fee to either party to an action for divorce.

5. In granting a divorce, the court may also set apart such portion of the husband's separate property for the wife's support, the wife's separate property for the husband's support or the separate property of either spouse for the support of their children as is deemed just and equitable.

6. In the event of the death of either party or the subsequent remarriage of the spouse to whom specified periodic payments were to be made, all the payments required by the decree must cease, unless it was otherwise ordered by the court.

7. If the court adjudicates the property rights of the parties, or an agreement by the parties settling their property rights has been approved by the court, whether or not the court has retained jurisdiction to modify them, the adjudication of property rights, and the agreements settling property rights, may nevertheless at any time thereafter be modified by the court upon written stipulation signed and acknowledged by the parties to the action, and in accordance with the terms thereof.

8. If a decree of divorce, or an agreement between the parties which was ratified, adopted or approved in a decree of divorce, provides for specified periodic payments of alimony, the decree or agreement is not subject to modification by the court as to accrued payments. Payments pursuant to a decree entered on or after July 1, 1975, which have not accrued at the time a motion for modification is filed may be modified upon a showing of changed circumstances, whether or not the court has expressly retained jurisdiction for the modification. In addition to any other factors the court considers relevant in determining whether to modify the order, the court shall consider whether the income of the spouse who is ordered to pay alimony, as indicated on the spouse's federal income tax return for the preceding calendar year, has been reduced to such a level that the spouse is financially unable to pay the amount of alimony the spouse has been ordered to pay.

9. In addition to any other factors the court considers relevant in determining whether to award alimony and the amount of such an award, the court shall consider:

(a) The financial condition of each spouse;

(b) The nature and value of the respective property of each spouse;

(c) The contribution of each spouse to any property held by the spouses pursuant to NRS 123.030;

(d) The duration of the marriage;

(e) The income, earning capacity, age and health of each spouse;

(f) The standard of living during the marriage;

(g) The career before the marriage of the spouse who would receive the alimony;

(h) The existence of specialized education or training or the level of marketable skills attained by each spouse during the marriage;

(i) The contribution of either spouse as homemaker;

(j) The award of property granted by the court in the divorce, other than child support and alimony, to the spouse who would receive the alimony; and

(k) The physical and mental condition of each party as it relates to the financial condition, health and ability to work of that spouse.

10. In granting a divorce, the court shall consider the need to grant alimony to a spouse for the purpose of obtaining training or education relating to a job, career or profession. In addition to any other factors the court considers relevant in determining whether such alimony should be granted, the court shall consider:

(a) Whether the spouse who would pay such alimony has obtained greater job skills or education during the marriage; and

(b) Whether the spouse who would receive such alimony provided financial support while the other spouse obtained job skills or education.

11. If the court determines that alimony should be awarded pursuant to the provisions of subsection 10:

(a) The court, in its order, shall provide for the time within which the spouse who is the recipient of the alimony must commence the training or education relating to a job, career or profession.

(b) The spouse who is ordered to pay the alimony may, upon changed circumstances, file a motion to modify the order.

(c) The spouse who is the recipient of the alimony may be granted, in addition to any other alimony granted by the court, money to provide for:

(1) Testing of the recipient's skills relating to a job, career or profession;

(2) Evaluation of the recipient's abilities and goals relating to a job, career or profession;

(3) Guidance for the recipient in establishing a specific plan for training or education relating to a job, career or profession;

(4) Subsidization of an employer's costs incurred in training the recipient;

(5) Assisting the recipient to search for a job; or

(6) Payment of the costs of tuition, books and fees for:

(I) The equivalent of a high school diploma;

(II) College courses which are directly applicable to the recipient's goals for his or her career; or

(III) Courses of training in skills desirable for employment.

12. For the purposes of this section, a change of 20 percent or more in the gross monthly income of a spouse who is ordered to pay alimony shall be deemed to constitute changed circumstances requiring a review for modification of the payments of alimony. As used in this subsection, "gross monthly income" ~~[has the meaning ascribed to it in NRS 125B.070.]~~ ***means the total amount of income received each month from any source of a person who is not self-employed or the gross income from any source of a self-employed person, after deduction of all legitimate business expenses, but without deduction for personal income taxes, contributions for retirement benefits, contributions to a pension or for any other personal expenses.***

Sec. 2. NRS 125B.080 is hereby amended to read as follows:

125B.080 ~~[Except as otherwise provided in NRS 425.450:~~

~~1.]~~ A court of this State shall apply the ~~[appropriate formula set forth in NRS 125B.070]~~ ***guidelines established by the Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to section 8 of this act*** to:

~~[(a)]~~ ***1.*** Determine the required support in any case involving the support of children ~~[.~~

~~(b) Any request filed after July 1, 1987, to change~~] ***; or***

2. Change the amount of the required support of children.

~~[2. If the parties agree as to the amount of support required, the parties shall certify that the amount of support is consistent with the appropriate formula set forth in NRS 125B.070. If the amount of support deviates from the formula, the parties must stipulate sufficient facts in accordance with subsection 9 which justify the deviation to the court, and the court shall make a written finding thereon. Any inaccuracy or falsification of financial information which results in an inappropriate award of support is grounds for a motion to modify or adjust the award.~~

~~3. If the parties disagree as to the amount of the gross monthly income of either party, the court shall determine the amount and may direct either party to furnish financial information or other records, including income tax returns for the preceding 3 years. Once a court has established an obligation for support by reference to a formula set forth in NRS 125B.070, any subsequent modification or adjustment of that support, except for any modification or adjustment made pursuant to subsection 3 of NRS 125B.070 or NRS 425.450 or as a result of a review conducted pursuant to subsection 1 of NRS 125B.145, must be based upon changed circumstances.~~

~~4. Notwithstanding the formulas set forth in NRS 125B.070, the minimum amount of support that may be awarded by a court in any case is $100 per month per child, unless the court makes a written finding that the obligor is unable to pay the minimum amount. Willful underemployment or~~

~~unemployment is not a sufficient cause to deviate from the awarding of at least the minimum amount.~~

~~5. It is presumed that the basic needs of a child are met by the formulas set forth in NRS 125B.070. This presumption may be rebutted by evidence proving that the needs of a particular child are not met by the applicable formula.~~

~~6. If the amount of the awarded support for a child is greater or less than the amount which would be established under the applicable formula, the court shall:~~

~~(a) Set forth findings of fact as to the basis for the deviation from the formula; and~~

~~(b) Provide in the findings of fact the amount of support that would have been established under the applicable formula.~~

~~7. Expenses for health care which are not reimbursed, including expenses for medical, surgical, dental, orthodontic and optical expenses, must be borne equally by both parents in the absence of extraordinary circumstances.~~

~~8. If a parent who has an obligation for support is willfully underemployed or unemployed to avoid an obligation for support of a child, that obligation must be based upon the parent's true potential earning capacity.~~

~~9. The court shall consider the following factors when adjusting the amount of support of a child upon specific findings of fact:~~

~~(a) The cost of health insurance;~~

~~(b) The cost of child care;~~

~~(c) Any special educational needs of the child;~~

~~(d) The age of the child;~~

~~(e) The legal responsibility of the parents for the support of others;~~

~~(f) The value of services contributed by either parent;~~

~~(g) Any public assistance paid to support the child;~~

~~(h) Any expenses reasonably related to the mother's pregnancy and confinement;~~

~~(i) The cost of transportation of the child to and from visitation if the custodial parent moved with the child from the jurisdiction of the court which ordered the support and the noncustodial parent remained;~~

~~(j) The amount of time the child spends with each parent;~~

~~(k) Any other necessary expenses for the benefit of the child; and~~

~~(l) The relative income of both parents.~~**]**

Sec. 3. NRS 125B.145 is hereby amended to read as follows:

125B.145 1. An order for the support of a child must, upon the filing of a request for review by:

(a) The Division of Welfare and Supportive Services of the Department of Health and Human Services, its designated representative or the district attorney, if the Division of Welfare and Supportive Services or the district attorney has jurisdiction in the case; or

(b) A parent or legal guardian of the child,

➥ be reviewed by the court at least every 3 years pursuant to this section to determine whether the order should be modified or adjusted. Each review conducted pursuant to this section must be in response to a separate request.

2. If the court:

(a) Does not have jurisdiction to modify the order, the court may forward the request to any court with appropriate jurisdiction.

(b) Has jurisdiction to modify the order and, taking into account the best interests of the child, determines that modification or adjustment of the order is appropriate, the court shall enter an order modifying or adjusting the previous order for support in accordance with the ~~[~~requirements of NRS 125B.070 and 125B.080.~~]~~ ***guidelines established by the Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to section 8 of this act.***

3. The court shall ensure that:

(a) Each person who is subject to an order for the support of a child is notified, not less than once every 3 years, that the person may request a review of the order pursuant to this section; or

(b) An order for the support of a child includes notification that each person who is subject to the order may request a review of the order pursuant to this section.

4. An order for the support of a child may be reviewed at any time on the basis of changed circumstances. For the purposes of this subsection, a change of 20 percent or more in the gross monthly income of a person who is subject to an order for the support of a child shall be deemed to constitute changed circumstances requiring a review for modification of the order for the support of a child.

5. As used in this section:

(a) "Gross monthly income" has the meaning ascribed to it in NRS ~~[~~125B.070.~~]~~ ***125.150.***

(b) "Order for the support of a child" means such an order that was issued or is being enforced by a court of this State.

Sec. 4. NRS 233B.039 is hereby amended to read as follows:

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

(a) The Governor.

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

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The Nevada Gaming Control Board.

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

(g) ~~[~~The~~]~~ ***Except as otherwise provided in section 8 of this act, the*** Division of Welfare and Supportive Services of the Department of Health and Human Services.

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

(i) The State Board of Examiners acting pursuant to chapter 217 of NRS.

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

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

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

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

(n) The Silver State Health Insurance Exchange.

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

3. The special provisions of:

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

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

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

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

➥ prevail over the general provisions of this chapter.

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

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

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

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

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

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

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

Sec. 5. Chapter 425 of NRS is hereby amended by adding thereto the provisions set forth as sections 6, 7 and 8 of this act.

Sec. 6. ***As used in this section and sections 7 and 8 of this act, unless the context otherwise requires, "Committee" means the Committee to Review Child Support Guidelines created by section 7 of this act.***

Sec. 7. ***1. The Committee to Review Child Support Guidelines is hereby created. The Committee consists of:***

(a) The presiding judge of the Family Division of the Second Judicial District Court or his or her designee;

(b) The presiding judge of the Family Division of the Eighth Judicial District Court or his or her designee;

(c) One member who is a district court judge or master from a judicial district other than the Second or Eighth Judicial District, appointed by the Chief Justice of the Supreme Court;

(d) One member who is a justice or retired justice of the Supreme Court, appointed by the Chief Justice of the Supreme Court;

(e) One member who is a district attorney in Clark County, appointed by the governing body of the Nevada District Attorneys Association, or his or her designee;

(f) One member who is a district attorney in Washoe County, appointed by the governing body of the Nevada District Attorneys Association, or his or her designee;

(g) One member who is a district attorney in a county other than Clark or Washoe County, appointed by the governing body of the Nevada District Attorneys Association, or his or her designee;

(h) Two members who are members of the Family Law Section of the State Bar of Nevada, appointed by the Executive Council of the Family Law Section;

(i) One member who is an employee of the Division, appointed by the Administrator;

(j) One member who has expertise in economics and child support, appointed by the Administrator;

(k) Two members who are Senators, one of whom is appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate; and

(l) Two members who are members of the Assembly, one of whom is appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly.

➥ If any association listed in this subsection ceases to exist, the appointment required by this subsection must be made by the association's

successor in interest or, if there is no successor in interest, by the Governor.

2. Each appointed member serves a term of 4 years. Members may be reappointed for additional terms of 4 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Committee must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

3. At the first regular meeting every 4 years, the members of the Committee shall elect a Chair by majority vote who shall serve until the next Chair is elected.

4. The Committee shall convene on or before September 1, 2017, and shall meet at least once every 4 years [and] thereafter. The Committee may also meet at such further times as deemed necessary by the Chair.

5. A majority of the members of the Committee constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Committee.

Sec. 8. ***1. On or before July 1, 2018, the Committee shall review the existing guidelines established in this State for the support of one or more children and provide any recommendations for revisions to the Administrator.***

2. The Administrator shall review and consider any recommendations of the Committee to revise the guidelines. After reviewing and considering such recommendations, the Administrator shall adopt regulations establishing the guidelines in this State for the support of one or more children in accordance with the requirements set forth in 42 U.S.C. § 667 and 45 C.F.R. § 302.56.

3. In accordance with the provisions of 42 U.S.C. § 667(a) and 45 C.F.R. § 302.56(e), the Committee shall review the guidelines established by regulation pursuant to subsection 2 at least once every 4 years to ensure the maintenance of effective, efficient and appropriate guidelines that best serve the interests of the children of this State and that comply with any requirements set forth in federal law.

4. After each review of the guidelines by the Committee pursuant to subsection 3, the Committee shall provide any recommendations for revisions to the Administrator. The Administrator shall review and consider any such recommendations and may revise or adopt any regulations that the Administrator deems appropriate.

5. The Administrator shall ensure that any recommendations for revisions to the guidelines received from the Committee pursuant to this section are made available to the public.

6. The regulations adopted pursuant to this section must be adopted in accordance with the provisions of chapter 233B of NRS and must be codified in the Nevada Administrative Code.

Sec. 9. NRS 425.360 is hereby amended to read as follows:

425.360 1. Any payment of public assistance pursuant to this chapter creates a debt for support to the Division by the responsible parent, whether or not the parent received prior notice that the child of the parent was receiving public assistance.

2. The Division is entitled to the amount to which a dependent child or a person having the care, custody and control of a dependent child would have been entitled for support, to the extent of the assignment of those rights to support pursuant to NRS 425.350, and may prosecute or maintain any action for support or execute any administrative remedy existing under the laws of this State to obtain reimbursement of money expended for public assistance from any liable third party, including an insurer, group health plan as defined in section 607(1) of the Employee Retirement Income Security Act of 1974, 29 U.S.C.A. § 1167(1), service benefit plan, self-insured plan or health maintenance organization. If a court enters judgment for an amount of support to be paid by a responsible parent, the Division is entitled to the amount of the debt created by that judgment to the extent of the assignment of rights to support pursuant to NRS 425.350, and the judgment awarded shall be deemed to be in favor of the Division to that extent. This entitlement applies to, but is not limited to, a temporary order for spousal support, a family maintenance order or an alimony order, whether or not allocated to the benefit of the child on the basis of providing necessaries for the caretaker of the child, up to the amount paid by the Division in public assistance to or for the benefit of a dependent child. The Division may petition the appropriate court for modification of its order on the same grounds as a party to the action.

3. If there is no court order for support, or if the order provides that no support is due but the facts on which the order was based have changed, the amount due is the amount computed pursuant to ~~[NRS 125B.070 and 125B.080,]~~ ***the guidelines established by the Administrator pursuant to section 8 of this act,*** using the Nevada average wage, determined by the Employment Security Division of the Department of Employment, Training and Rehabilitation, if the gross income of the responsible parent cannot be otherwise ascertained.

4. Debts for support may not be incurred by a parent or any other person who is the recipient of public assistance for the benefit of a dependent child for the period when the parent or other person is a recipient.

5. If a state agency is assigned any rights of a dependent child or a person having the care, custody and control of a dependent child who is eligible for medical assistance under Medicaid, the person having the care, custody and control of the dependent child shall, upon request of the state agency, provide to the state agency information regarding the dependent child or a person having the care, custody and control of a dependent child to determine:

(a) Any period during which the dependent child or a person having the care, custody and control of a dependent child may be or may have been covered by an insurer; and

(b) The nature of any coverage that is or was provided by the insurer, including, without limitation, the name and address of the insured dependent child or a person having the care, custody and control of a dependent child and the identifying number of the policy, evidence of coverage or contract.

Sec. 10. NRS 425.3824 is hereby amended to read as follows:

425.3824 1. The notice and finding of financial responsibility issued pursuant to NRS 425.3822 must include:

(a) The name of the person who has physical custody of the dependent child and the name of the child for whom support is to be paid.

(b) A statement of the monthly support for which the parent is responsible.

(c) A statement of the amount of arrearages sought, if any.

(d) A statement that the parent may be required to provide coverage for the health care of the dependent child when coverage is available to the parent at a reasonable cost.

(e) A statement of any requirements the Division will request pursuant to subparagraph (14) of paragraph (b) of subsection 2 of NRS 425.382, regarding a plan for the payment of support by the parent or the participation of the parent in work activities.

(f) A statement that if the parent desires to discuss the amount of support or coverage for health care that the parent should be required to pay or provide, the parent may contact the office that sent the notice within 20 days after the date of receipt of service and request a conference for negotiation.

(g) A statement that if the parent objects to any part of the notice and finding of financial responsibility, the parent must send to the office that issued the notice a written response within 20 days after the date of receipt of service that sets forth any objections and requests a hearing.

(h) A statement that if a response is received within the specified period, the parent is entitled to a hearing and that if a written response is not received within the specified period, the master may enter a recommendation for support of a dependent child in accordance with the notice and finding of financial responsibility.

(i) A statement that as soon as the recommendation is entered and approved by the court, the property of the parent is subject to an attachment or other procedure for collection, including, but not limited to, withholding of wages, garnishment, liens and execution on liens.

(j) A reference to NRS 425.382 to 425.3852, inclusive.

(k) A statement that the parent is responsible for notifying the office of any change of address or employment.

(l) A statement that if the parent has any questions, the parent may contact the office or consult an attorney.

(m) Such other information as the Chief finds appropriate.

2. The statement of the monthly support required pursuant to paragraph (b) of subsection 1 must be computed in accordance with ~~[~~NRS 125B.070.~~]~~ ***the guidelines established by the Administrator pursuant to section 8 of this act.***

3. After a conference for negotiation is held pursuant to paragraph (f) of subsection 1, if an agreement is not reached on the monthly support to be paid or the coverage to be provided, a hearing must be held pursuant to NRS 425.3832 and notice of the hearing must be sent to the parent by regular mail at the last known address of the parent or to the last known address of the attorney for the parent.

Sec. 11. NRS 425.450 is hereby amended to read as follows:

425.450 1. The Division shall adopt regulations establishing a formula for:

(a) The adjustment of court orders for the support of children based upon changes in the cost of living; and

(b) The times at which such an adjustment is appropriate.

2. If a request for the review of a court order for the support of a child has not been filed pursuant to NRS 125B.145 for such a time as the Division establishes pursuant to subsection 1, the Chief may, as provided in this section, order the responsible parent to pay monthly the amount the responsible parent is required to pay pursuant to the court order plus an additional amount to compensate for changes in the cost of living.

3. Upon request by the responsible parent, the person to whom support is owed or the enforcing authority, the Chief shall:

(a) Determine, in accordance with the formula established pursuant to subsection 1, the amount of the additional payments; and

(b) Notify the responsible parent, by first-class mail to the last known address of the responsible parent, of the amount of the additional payments and that the additional payments must be made within 30 days after the mailing of the notice to the parent unless a request for a review of the court order is filed pursuant to NRS 125B.145 within that time.

4. If a request for a review of the court order:

(a) Is filed pursuant to NRS 125B.145 within those 30 days, the court shall proceed pursuant to that section and the Chief shall not enter an order pursuant to this section.

(b) Is not filed pursuant to NRS 125B.145 within those 30 days, the Chief shall order the responsible parent to pay the additional amount.

5. An order entered by the Chief pursuant to this section expires upon modification or adjustment, pursuant to NRS 125B.145, of the court order upon which the order entered by the Chief is based.

6. ~~[~~The provisions of NRS 125B.080 do not apply to the entry of an order by the Chief pursuant to this section.

~~7.~~~~]~~ As used in this section, "court order" means an order that a court of this state has jurisdiction to modify pursuant to chapter 130 of NRS.

Sec. 12. NRS 432B.560 is hereby amended to read as follows:

432B.560 1. The court may also order:

(a) The child, a parent or the guardian to undergo such medical, psychiatric, psychological, or other care or treatment as the court considers to be in the best interests of the child.

(b) A parent or guardian to refrain from:

(1) Any harmful or offensive conduct toward the child, the other parent, the custodian of the child or the person given physical custody of the child; and

(2) Visiting the child if the court determines that the visitation is not in the best interest of the child.

(c) A reasonable right of visitation for a grandparent of the child if the child is not permitted to remain in the custody of the parents of the child.

2. The court shall order a parent or guardian to pay to the custodian an amount sufficient to support the child while the child is in the care of the custodian pursuant to an order of the court, unless the child was delivered to a provider of emergency services pursuant to NRS 432B.630 and the location of the parent is unknown. Payments for the obligation of support must be determined in accordance with ~~[~~NRS 125B.070 and 125B.080,~~]~~ ***the guidelines established by the Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to section 8 of this act,*** but must not exceed the reasonable cost of the child's care, including food, shelter, clothing, medical care and education. An order for support made pursuant to this subsection must:

(a) Require that payments be made to the appropriate agency or office;

(b) Provide that the custodian is entitled to a lien on the obligor's property in the event of nonpayment of support; and

(c) Provide for the immediate withholding of income for the payment of support unless:

(1) All parties enter into an alternative written agreement; or

(2) One party demonstrates and the court finds good cause to postpone the withholding.

3. A court that enters an order pursuant to subsection 2 shall ensure that the social security number of the parent or guardian who is the subject of the order is:

(a) Provided to the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(b) Placed in the records relating to the matter and, except as otherwise required to carry out a specific statute, maintained in a confidential manner.

Sec. 13. NRS 125B.070, 125B.085 and 125B.095 are hereby repealed.

Sec. 14. 1. This section and sections 4 to 8, inclusive, of this act become effective upon passage and approval.

2. Sections 1, 2, 3 and 9 to 13, inclusive, of this act become effective on the effective date of the regulations adopted by the Administrator of the Division of Welfare and Supportive Services of the Department of Health

and Human Services establishing the guidelines in this State for the support of one or more children pursuant to section 8 of this act.

TEXT OF REPEALED SECTIONS

125B.070 Amount of payment: Definitions; adjustment of presumptive maximum amount based on change in Consumer Price Index.

1. As used in this section and NRS 125B.080, unless the context otherwise requires:

(a) "Gross monthly income" means the total amount of income received each month from any source of a person who is not self-employed or the gross income from any source of a self-employed person, after deduction of all legitimate business expenses, but without deduction for personal income taxes, contributions for retirement benefits, contributions to a pension or for any other personal expenses.

(b) "Obligation for support" means the sum certain dollar amount determined according to the following schedule:

(1) For one child, 18 percent;

(2) For two children, 25 percent;

(3) For three children, 29 percent;

(4) For four children, 31 percent; and

(5) For each additional child, an additional 2 percent,

➥ of a parent's gross monthly income, but not more than the presumptive maximum amount per month per child set forth for the parent in subsection 2 for an obligation for support determined pursuant to subparagraphs (1) to (4), inclusive, unless the court sets forth findings of fact as to the basis for a different amount pursuant to subsection 6 of NRS 125B.080.

2. For the purposes of paragraph (b) of subsection 1, the presumptive maximum amount per month per child for an obligation for support, as adjusted pursuant to subsection 3, is:

INCOME RANGE If the Parent's Gross Monthly Income is at Least		But Less Than	PRESUMPTIVE MAXIMUM AMOUNT The Presumptive Maximum Amount the Parent May Be Required to Pay per Month per Child Pursuant to Paragraph (b) of Subsection 1 Is
$0	-	$4,168	$500
4,168	-	6,251	550
6,251	-	8,334	600
8,334	-	10,418	650
10,418	-	12,501	700
12,501	-	14,583	750

If a parent's gross monthly income is equal to or greater than $14,583, the presumptive maximum amount the parent may be required to pay pursuant to paragraph (b) of subsection 1 is $800.

3. The presumptive maximum amounts set forth in subsection 2 for the obligation for support must be adjusted on July 1 of each year for the fiscal year beginning that day and ending June 30 in a rounded dollar amount corresponding to the percentage of increase or decrease in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding calendar year. On April 1 of each year, the Office of Court Administrator shall determine the amount of the increase or decrease required by this subsection, establish the adjusted amounts to take effect on July 1 of that year and notify each district court of the adjusted amounts.

4. As used in this section, "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320.

125B.085 Order for support to include provision regarding medical support for child.

1. Except as otherwise provided in NRS 125B.012, every court order for the support of a child issued or modified in this State on or after June 2, 2007, must include a provision specifying that one or both parents are required to provide medical support for the child and any details relating to that requirement.

2. As used in this section, "medical support" includes, without limitation, coverage for health care under a plan of insurance that is reasonable in cost and accessible, including, without limitation, the payment of any premium, copayment or deductible and the payment of medical expenses. For the purpose of this subsection:

(a) Payments of cash for medical support or the costs of coverage for health care under a plan of insurance are "reasonable in cost" if:

(1) In the case of payments of cash for medical support, the cost to each parent who is responsible for providing medical support is not more than 5 percent of the gross monthly income of the parent; or

(2) In the case of the costs of coverage for health care under a plan of insurance, the cost of adding a dependent child to any existing coverage for health care or the difference between individual and family coverage, whichever is less, is not more than 5 percent of the gross monthly income of the parent.

(b) Coverage for health care under a plan of insurance is "accessible" if the plan:

(1) Is not limited to coverage within a geographical area; or

(2) Is limited to coverage within a geographical area and the child resides within that geographical area.

125B.095 Penalty for delinquent payment of installment of obligation of support.

1. Except as otherwise provided in this section and NRS 125B.012, if an installment of an obligation to pay support for a child which arises from the

judgment of a court becomes delinquent in the amount owed for 1 month's support, a penalty must be added by operation of this section to the amount of the installment. This penalty must be included in a computation of arrearages by a court of this State and may be so included in a judicial or administrative proceeding of another state. A penalty must not be added to the amount of the installment pursuant to this subsection if the court finds that the employer of the responsible parent or the district attorney or other public agency in this State that enforces an obligation to pay support for a child caused the payment to be delinquent.

2. The amount of the penalty is 10 percent per annum, or portion thereof, that the installment remains unpaid. Each district attorney or other public agency in this State undertaking to enforce an obligation to pay support for a child shall enforce the provisions of this section.

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 282.

Bill read second time.

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

Amendment No. 201.

SUMMARY—Revises provisions governing benefits and protections for service **members and the spouses of service** members. (BDR 52-625)

AN ACT relating to trade practices; authorizing certain service members who receive certain military orders to relocate or deploy to terminate **, ~~[or]~~** suspend **or reinstate** a contract for certain services **~~[; authorizing such a service member to reinstate such a contract]~~** under certain circumstances; **providing such authority to the spouse of such a service member who receives certain orders to relocate;** prohibiting the imposition of certain penalties, fees or other charges on a service member **or the spouse of a service member** who terminates **, suspends or reinstates such** a contract **; ~~[for certain services after receiving certain military orders to relocate or deploy;]~~** authorizing a service member **, the spouse of a service member** or the Attorney General to bring an action against a person who violates certain provisions; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The federal Servicemembers Civil Relief Act (50 U.S.C. §§ 3901 et seq.) authorizes members of the military and members of certain other uniformed services who receive military orders to relocate for a period of at least 90 days to terminate a contract for cellular telephone service or telephone exchange service, without incurring certain penalties. The federal Act further provides certain benefits to a member of the military or a service member who resubscribes to the terminated service within a certain period, including,

without limitation, the right to retain the telephone number under the terminated contract. (50 U.S.C. § 3956)

Generally, this bill authorizes a member of the military or a member of certain other uniformed services to terminate, suspend or reinstate a contract for certain services. **Section 5** of this bill authorizes a service member to terminate or suspend a contract for membership in a health club and a contract for telecommunication service, Internet service or video service if the service member receives military orders for a **permanent** change of station or to deploy for a period of at least 30 days. **If a service member receives military service orders for a permanent change of station, his or her spouse is authorized by section 5 to terminate or suspend such contracts.** **Section 5** ~~[of this bill]~~ further authorizes the service member to terminate a contract for cellular telephone service or telephone exchange service under the circumstances set forth in the federal Servicemembers Civil Relief Act. **Section 6** **of this bill** sets forth the terms upon which a service member **or the spouse of a service member** may reinstate the contract for service described in **section 5**. **Section 7** of this bill prohibits a service provider from charging penalties or certain additional charges because of the termination, suspension or reinstatement of a contract pursuant to this bill. **Section 8** of this bill: (1) authorizes a person injured by a violation of this bill to bring an action to recover damages or for declaratory or equitable relief; and (2) authorizes the court to award attorney's fees and costs to a plaintiff who prevails in such an action. **Section 9** of this bill authorizes the Attorney General to: (1) bring an action against a person who has violated, is violating or is about to violate a provision of this bill; and (2) obtain certain remedies in that action, including injunctive relief, a civil penalty of not more than $25,000 for a first violation and $50,000 for any subsequent violation, or restitution for the service member ~~[.]~~ **or the spouse of the service member, as applicable.**

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

Section 1. Chapter 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Service member" means a person who is stationed in or a resident of this State and who is:***

1. A member of the active or reserve components of the Army, Navy, Air Force, Marine Corps or Coast Guard of the United States who is on active duty;

2. A member of the Merchant Marine, the Commissioned Corps of the Public Health Service or the Commissioned Corps of the National Oceanic and Atmospheric Administration of the United States; or

3. A member of the National Guard.

Sec. 4. *"Written notice" includes, without limitation, the provision of notice by electronic mail.*

Sec. 5. *1. A service member may, upon written notice to the service provider, terminate or suspend a contract for a service described in subsection ~~[2]~~ 3 at any time after the date the service member receives military service orders:*

(a) For a permanent change of station; or

(b) To deploy with a military unit, or as an individual in support of a military operation, for a period of not less than 30 days.

2. If a service member receives military service orders for a permanent change of station, the spouse of the service member may, upon written notice to the service provider, terminate or suspend a contract for a service described in subsection 3 at any time after the date the service member receives the military service orders for a permanent change of station.

~~[2.]~~ 3. The provisions of ~~[subsection]~~ subsections 1 and 2 apply to a contract for any of the following services:

(a) Except as otherwise provided in subsection ~~[5,]~~ 6, telecommunication service.

(b) Internet service.

(c) Membership in a health club.

(d) Video service.

~~[3.]~~ 4. The service member or the spouse of a service member must provide written proof to the service provider of the official military service orders showing that the service member has been relocated or deployed, as ~~[described in subsection 1.]~~ applicable:

(a) At the time written notice is given pursuant to subsection 1 ~~[,]~~ or 2; or

(b) If precluded by military necessity or circumstances that make the provision of proof at that time unreasonable or impossible, within 90 days after the written notice is given.

~~[4.]~~ 5. A termination or suspension of a contract for services under this section is effective on the ~~[day]~~ date on which written notice is given by the service member or the spouse of a service member, as applicable, pursuant to subsection 1 ~~[.]~~ or 2. The termination or suspension of service does not eliminate or alter any contractual obligation to pay for services rendered before the effective date of the written notice, unless otherwise provided by law.

~~[5.]~~ 6. A service member may terminate a contract for cellular telephone service or telephone exchange service in accordance with the provisions of 50 U.S.C. § 3956.

~~[6.]~~ 7. As used in this section:

(a) "Health club" has the meaning ascribed to it in NRS 598.9415.

(b) "Telecommunication service" has the meaning ascribed to it in NRS 711.135.

(c) "Video service" means the provision of multichannel video programming generally considered comparable to video programming delivered by a television broadcast station, cable service or other digital television service, whether provided as part of a tier, on-demand or on a per channel basis, without regard to the technology used to deliver the video service.

(1) The term includes, without limitation:

(I) Cable service; and

(II) Internet protocol technology or any successor technology.

(2) The term does not include:

(I) Any video content provided solely as part of, and through, a service that enables users to access content, information, electronic mail or other services that are offered via the public Internet.

(II) Any wireless multichannel video programming provided by a commercial mobile service provider.

Sec. 6. *1. A service member or the spouse of a service member who terminates or suspends a contract for the provision of a service pursuant to section 5 of this act may, upon giving written notice to the service provider within 90 days after termination of the service member's relocation or deployment, as applicable, reinstate the provision of services:*

(a) If the service member was relocated or deployed for not more than 12 consecutive months, on the same terms and conditions as originally agreed upon with the service provider before the termination or suspension.

(b) If the service member was relocated or deployed for more than 12 consecutive months, on the same terms and conditions that were offered by the service provider to any new customer at the lowest discounted or promotional rate within the 12-month period immediately preceding the termination of ~~[his or her]~~ the service member's relocation or deployment.

2. Upon receipt of the written notice of reinstatement, the service provider must resume the provision of services or, if the services are no longer available, provide substantially similar services within a reasonable time, not exceeding 30 days, from the date of receipt of the written notice of reinstatement.

Sec. 7. *A service member or the spouse of a service member who terminates, suspends or reinstates a contract for the provision of a service pursuant to sections 2 to 9, inclusive, of this act:*

1. Must not be charged a penalty, fee, loss of deposit or any other additional cost because of the termination, suspension or reinstatement; and

2. Is not liable for payment for any services after the effective date of the termination or suspension, and until the effective date of a reinstatement of services pursuant to section 6 of this act, if applicable.

Sec. 8. ***1. Any person injured by a violation of sections 2 to 9, inclusive, of this act may bring an action for recovery of damages or for declaratory or equitable relief.***

2. In addition to the relief authorized by this section, the court may award reasonable attorney's fees and costs to a plaintiff that prevails under this section.

Sec. 9. ***If the Attorney General has reason to believe that a person has violated, is violating or is about to violate any of the provisions of sections 2 to 9, inclusive, of this act, the Attorney General may institute an appropriate legal proceeding against the person. The district court, upon a showing that the person has violated, is violating or is about to violate any of the provisions of sections 2 to 9, inclusive, of this act, may grant any of the following remedies, as appropriate:***

1. Issue a temporary or permanent injunction.

2. Impose a civil penalty not to exceed:

(a) For a first violation, $25,000; and

(b) For any subsequent violation, $50,000.

3. Issue a declaratory judgment.

4. Order restitution for the service member ~~*.*~~ ***or the spouse of the service member, as applicable.***

5. Order the payment of attorney's fees and costs.

6. Order such other relief as the court deems just.

Sec. 10. This act becomes effective on July 1, 2017.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 292.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 476.

AN ACT relating to education; requiring the principal of a public school ~~[who receives a report of bullying or cyber-bullying to report the matter to the board of trustees of the school district in which the school is located;]~~ **to submit a monthly report to his or her direct supervisor that includes certain information relating to reports of bullying or cyber-bullying; requiring the direct supervisor of a principal to report certain information relating to reports of bullying or cyber-bullying to the Office for a Safe and Respectful Learning Environment each quarter;** requiring the principal to notify the parents or guardians of certain pupils before interviewing such a pupil about the matter; **requiring the board of trustees of a school district to reassign a pupil who is a victim of bullying or cyber-bullying to a different school upon request of the parent or guardian of the pupil;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a public school teacher or other staff member who witnesses bullying or cyber-bullying or receives information about an incident of bullying or cyber-bullying to report the matter to the principal or a person designated by the principal. The principal or designee is required to take any necessary action to stop the bullying or cyber-bullying, ensure the safety of the victim and begin an investigation into the report. (NRS 388.1351) This bill requires ~~[that]~~ the **board of trustees of the school district in which a pupil is enrolled to assign a pupil who is the victim of bullying or cyber-bullying to a different school upon the request of the parent or guardian of the pupil.**

This bill also requires a principal or designee ~~[also]~~ **to submit a monthly** report **to the direct supervisor of the principal that includes** the ~~[matter to the board of trustees of the school district in which the school is located.]~~ **number of: (1) reports received concerning incidents of bullying or cyber-bullying; (2) times in which a violation is found to have occurred; and (3) times in which no violation is found to have occurred. This bill also requires the direct supervisor of a principal to submit a quarterly report containing this information to the Office for a Safe and Respectful Learning Environment.**

Existing law further provides that the required investigation must include notification to the parents or guardians of all the pupils directly involved in the matter, whether as reported aggressors or victims, and an interview of those pupils. (NRS 388.1351) This bill requires that the parental notification precede any such interview, and that it advise the relevant parents or guardians that the pupil will be interviewed.

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

Section 1. NRS 388.1351 is hereby amended to read as follows:

388.1351 1. A teacher, administrator, principal, coach or other staff member who witnesses a violation of NRS 388.135 or receives information that a violation of NRS 388.135 has occurred shall report the violation to the principal or his or her designee as soon as practicable, but not later than a time during the same day on which the teacher, administrator, principal, coach or other staff member witnessed the violation or received information regarding the occurrence of a violation.

2. Upon receiving a report required by subsection 1, the principal or designee shall immediately ~~*[:*~~

~~*(a) Immediately]*~~ take any necessary action to stop the bullying or cyber-bullying and ensure the safety and well-being of the reported victim or victims of the bullying or cyber-bullying and shall begin ~~*[:*~~

~~*(b) Begin]*~~ an investigation into the report . ~~*[; and*~~

~~*(c) Report the violation to the board of trustees of the school district in which the school is located as soon as practicable, but not later than 1*~~

~~*school day after the principal or designee receives a report made pursuant to subsection 1.]*~~

3. The investigation ***conducted pursuant to subsection 2*** must include, without limitation:

(a) Except as otherwise provided in subsection ~~[3.]~~ ***4,*** notification provided by telephone, electronic mail or other electronic means or provided in person, of the parents or guardians of all pupils directly involved in the reported bullying or cyber-bullying, as applicable, either as a reported aggressor or a reported victim of the bullying or cyber-bullying. ***The notification of the parents or guardians of a pupil must precede any interview of the pupil conducted pursuant to paragraph (b) and must advise the parents or guardians that the pupil will be interviewed.*** The notification must be provided not later than:

(1) If the bullying or cyber-bullying is reported before the end of school hours on a school day, 6 p.m. on the day on which the bullying or cyber-bullying is reported; or

(2) If the bullying or cyber-bullying was reported on a day that is not a school day, or after school hours on a school day, 6 p.m. on the school day following the day on which the bullying or cyber-bullying is reported.

(b) Interviews with all pupils whose parents or guardians must be notified pursuant to paragraph (a) and with all such parents and guardians.

~~[3.]~~ ***4.*** If the contact information for the parent or guardian of a pupil in the records of the school is not correct, a good faith effort to notify the parent or guardian shall be deemed sufficient to meet the requirement for notification pursuant to paragraph (a) of subsection ~~[2.~~ ~~4.]~~ ***3.***

5. Except as otherwise provided in this subsection, an investigation required by this section must be completed not later than 2 school days after the principal or designee receives a report required by subsection 1. If the principal or designee is not able to complete the interviews required by paragraph (b) of subsection ~~[2]~~ ***3*** within 2 school days after making a good faith effort because any of the persons to be interviewed is not available, 1 additional school day may be used to complete the investigation.

~~[5.]~~ ***6.*** A principal or designee who conducts an investigation required by this section shall complete a written report of the findings and conclusions of the investigation. If a violation is found to have occurred, the report must include recommendations concerning the imposition of disciplinary action or other measures to be imposed as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district. Subject to the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, the report must be made available, not later than 24 hours after the completion of the written report, to all parents or guardians who must be notified pursuant to paragraph (a) of subsection ~~[2]~~ ***3*** as part of the investigation.

~~[6.]~~ ***7.*** Not later than 10 school days after receiving a report required by subsection 1, the principal or designee shall meet with each reported victim of the bullying or cyber-bullying to inquire about the well-being of the reported victim and to ensure that the reported bullying or cyber-bullying, as applicable, is not continuing.

~~[7.]~~ ***8.*** To the extent that information is available, the principal or his or her designee shall provide a list of any resources that may be available in the community to assist a pupil to each parent or guardian of a pupil to whom notice was provided pursuant to this section as soon as practicable. Such a list may include, without limitation, resources available at no charge or at a reduced cost. If such a list is provided, the principal, his or her designee, or any employee of the school or the school district is not responsible for providing such resources to the pupil or ensuring the pupil receives such resources.

~~[8.]~~ ***9.*** The parent or guardian of a pupil involved in the reported violation of NRS 388.135 may appeal a disciplinary decision of the principal or his or her designee, made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district. Not later than 30 days after receiving a response provided in accordance with such a policy, the parent or guardian may submit a complaint to the Department. The Department shall consider and respond to the complaint pursuant to procedures and standards prescribed in regulations adopted by the Department.

10. If a violation of NRS 388.135 is found to have occurred, the parent or guardian of a pupil who is a victim of bullying or cyber-bullying may request that the board of trustees of the school district in which the pupil is enrolled to assign the pupil to a different school in the school district. Upon receiving such a request, the board of trustees shall, in consultation with the parent or guardian of the pupil, assign the pupil to a different school.

11. A principal or his or her designee shall submit a monthly report to the direct supervisor of the principal that includes for the school the number of:

(a) Reports received pursuant to subsection 1;

(b) Times in which a violation of NRS 388.135 is found to have occurred; and

(c) Times in which no violation of NRS 388.135 is found to have occurred.

12. A direct supervisor who receives a monthly report pursuant to subsection 11 shall, each calendar quarter, submit a report to the Office for a Safe and Respectful Learning Environment that includes, for the schools for which the direct supervisor has received a monthly report in the calendar quarter, the:

(a) Total number of reports received pursuant to subsection 1;

(b) Number of times in which a violation of NRS 388.135 is found to have occurred; and

(c) Number of times in which no violation of NRS 388.135 is found to have occurred.

Sec. 2. This act becomes effective on July 1, 2017.

Assemblyman Thompson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 294.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 438.

SUMMARY—Requires ~~[a hosting platform]~~ **an accommodations facilitator** to collect and remit room taxes under certain circumstances. (BDR 20-874)

AN ACT relating to taxation; requiring certain ~~[hosting platforms]~~ **accommodations facilitators** to collect and remit taxes on the rental of transient lodging under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs the imposition and collection of the taxes on the rental of transient lodging. (Chapters 244 and 268 of NRS) **Existing law requires each board of county commissioners and the city council or other governing body of each incorporated city to define the term "transient lodging" for the purposes of such taxes. (NRS 244.33565, 268.0195)** This bill ~~[provides that if a local government authorizes the rental of certain residences for use as transient lodging, the local government must]~~ **requires a board of county commissioners and the city council or other governing body of an incorporated city to** require ~~[a commercial hosting platform through which the residence is rented for use as]~~ **an accommodations facilitator who, for a fee or other charge, brokers, coordinates, makes available or otherwise arranges for the rental of** transient lodging **and who collects the charge for the rental of the transient lodging** to collect and remit to the ~~[government]~~ **county or city, as applicable,** the taxes on the rental of transient lodging imposed in the ~~[jurisdiction of the local government.]~~ **county or city, as applicable.**

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of law : [, if the board of county commissioners authorizes an owner or lessee of a residential unit located in the county to rent the residential unit or a room or space within the residential unit for the purposes of transient lodging:]

(a) ~~[The]~~ A board of county commissioners ~~[must]~~ shall require ~~[a hosting platform which,]~~ an accommodations facilitator who, for a fee or other charge, brokers, coordinates, makes available or otherwise arranges for the rental of transient lodging in the county and who, on behalf of the owner ~~[or lessee,]~~ , operator or manager of the transient lodging, collects the gross receipts from the rental of ~~[the residential unit or a room or space within the residential unit]~~ such transient lodging to collect and remit to the county all taxes imposed on the gross receipts from the rental of transient lodging in that county; and

(b) ~~[A hosting platform which, on behalf of the owner or lessee,]~~ An accommodations facilitator who, for a fee or other charge, brokers, coordinates, makes available or otherwise arranges for the rental of transient lodging in the county and who, on behalf of the owner, operator or manager of the transient lodging, collects the gross receipts from the rental of ~~[the residential unit or a room or space within the residential unit]~~ such transient lodging must be deemed to be engaged in the business of providing transient lodging in the county and to be the person providing the transient lodging.

2. As used in this section:

(a) ~~["Hosting platform"]~~ "Accommodations facilitator" means a person , other than the owner, operator or manager of transient lodging, who, for a fee or other charge, ~~[provides on an Internet website an online platform through which an owner or lessee of a residential unit may advertise the rental of the residential unit or a room or space within the residential unit for the purposes of transient lodging and conduct a transaction by which the owner or lessee rents the residential unit or a room or space within the residential unit for the purposes of transient lodging.]~~ brokers, coordinates, makes available or otherwise arranges for the rental of transient lodging.

(b) ~~["Residential unit" means a single-family residence or an individual residential unit within a larger building, including, without limitation, an apartment, condominium, townhouse or duplex.]~~ "Transient lodging" has the meaning ascribed to it in the ordinance adopted pursuant to NRS 244.33565 by the board of county commissioners to define the term "transient lodging" for the purpose of all taxes imposed by the board on the rental of transient lodging.

Sec. 2. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of law : ~~[, if an ordinance adopted by the city council or other governing body of an incorporated city authorizes an owner or lessee of a residential unit located in the incorporated city to rent the residential unit or a room or space within the residential unit for the purposes of transient lodging:]~~

*(a) ~~[The]~~ A city council or other governing body ~~[must]~~ of an incorporated city shall require ~~[a hosting platform which,]~~ an accommodations facilitator who, for a fee or other charge, brokers,

coordinates, makes available or otherwise arranges for the rental of transient lodging in the incorporated city and who, on behalf of the owner ~~[or lessee,]~~ , operator or manager of the transient lodging, collects the gross receipts from the rental of ~~[the residential unit or a room or space within the residential unit]~~ such transient lodging to collect and remit to the incorporated city all taxes imposed on the gross receipts from the rental of transient lodging in the incorporated city; and

(b) ~~[A hosting platform which,]~~ An accommodations facilitator who, for a fee or other charge, brokers, coordinates, makes available or otherwise arranges for the rental of transient lodging in the incorporated city and who, on behalf of the owner ~~[or lessee,]~~ , operator or manager of the transient lodging, collects the gross receipts from the rental of ~~[the residential unit or a room or space within the residential unit]~~ such transient lodging must be deemed to be engaged in the business of providing transient lodging in the incorporated city and to be the person providing the transient lodging.

2. As used in this section:

(a) ~~[“Hosting platform”]~~ “Accommodations facilitator” means a person , other than the owner, operator or manager of transient lodging, who, for a fee or other charge, ~~[provides on an Internet website an online platform through which an owner or lessee of a residential unit may advertise the rental of the residential unit or a room or space within the residential unit for the purposes of transient lodging and conduct a transaction by which the owner or lessee rents the residential unit or a room or space within the residential unit for the purposes of transient lodging.]~~ brokers, coordinates, makes available or otherwise arranges for the rental of transient lodging.

(b) ~~[“Residential unit” means a single family residence or an individual residential unit within a larger building, including, without limitation, an apartment, condominium, townhouse or duplex.]~~ “Transient lodging” has the meaning ascribed to it in the ordinance adopted pursuant to NRS 268.0195 by the city council or other governing body of an incorporated city to define the term “transient lodging” for the purpose of all taxes imposed by the city council or other governing body on the rental of transient lodging in the incorporated city.

Sec. 3. This act becomes effective on July 1, 2017.

Assemblywoman Neal moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 303.

Bill read second time.

The following amendment was proposed by the Committee on Corrections, Parole, and Probation:

Amendment No. 341.

SUMMARY—Requires that core correctional services be provided only by the State or a local government **with certain exceptions.** (BDR 16-1103)

AN ACT relating to corrections; requiring core correctional services to be provided only by the State or a local government ~~[; repealing provisions relating to the operation of private facilities and institutions that house prisoners;]~~ **with certain exceptions;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section ~~[1]~~ **Except as otherwise authorized by section 1.7 of this bill, section 1.3** of this bill requires: (1) state and local prisons, jails and detention facilities which house prisoners to be under the **administrative and** direct operational control of the State or a local government, as applicable; and (2) core correctional services to be performed by employees of the State or local government. **Section** ~~[1]~~ **1.3** also prohibits the performance of core correctional services by private entities ~~[. Section 5 of this bill repeals provisions which relate to the operation of private facilities and institutions that house prisoners.]~~ **except as otherwise authorized by section 1.7.**

Section 1.7 authorizes the Department of Corrections, until June 30, 2022, to enter into contracts with private entities to perform core correctional services to promote the safety of prisoners, employees of prisons and the public by reducing overcrowding in prisons. Section 1.7 requires such a private entity to comply with certain requirements for housing, custody, medical and mental health treatment, and programming. Section 1.7 sets forth certain requirements governing the transfer of a prisoner to a facility that is located outside of this State. Section 1.7 also requires the Director of the Department to prepare and submit for transmittal to the Legislative Commission an annual report which includes certain information relating to prisoners who are housed outside of this State. Finally, section 1.7 requires the Department to conduct biannual on-site inspections of facilities of private entities to ensure the compliance of such entities with the terms of the contract.

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

Section 1. Chapter 208 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.3 and 1.7 of this act.**

Sec. 1.3. 1. Except as otherwise provided in section 1.7 of this act:

(a) Each prison that houses prisoners who are in the custody of the State or a local government must be under the administrative and direct operational control of the State or local government, as applicable. The core correctional services at each such prison must be performed only by employees of the State or local government, as applicable.

~~[2.]~~ *(b) The core correctional services of a prison must not be performed by a private entity.*

~~[3.]~~ *2. A condition, stipulation or provision in a contract that conflicts with this section is against the public policy of this State and is void and unenforceable.*

~~[4.]~~ *3. As used in this section, "core correctional services" means the housing, safeguarding, protection and disciplining of prisoners.*

Sec. 1.7. 1. The Department of Corrections may enter into one or more contracts with one or more private entities to perform core correctional services to promote the safety of prisoners, employees of prisons and the public by reducing overcrowding in prisons.

2. A private entity which performs core correctional services pursuant to a contract entered into pursuant to this section shall comply with the requirements for housing, custody, medical and mental health treatment, and programming set forth in law and regulation and approved by the Board of State Prison Commissioners. Such requirements must be included in any contract entered into pursuant to this section.

3. If, pursuant to a contract entered into with a private entity pursuant to this section, the Department of Corrections proposes to transfer a prisoner to a facility that is located outside of this State:

(a) The Department must give first priority for any such transfer to a prisoner who is not a permanent resident of this State and who meets such other qualifications for such a transfer as are established by the Director of the Department; and

(b) The Department must ensure that the prisoner is provided with the ability to conduct visits by videoconferencing.

4. The Director of the Department of Corrections shall, on or before December 31 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission a report which includes, without limitation, the number of prisoners who are housed out of this State and, for each prisoner:

(a) The identification number assigned to the prisoner;

(b) The state of residence of the prisoner;

(c) The level of security restrictions imposed on the prisoner;

(d) The category of offense for which the prisoner was convicted;

(e) A statement as to whether the prisoner is a veteran, as defined in NRS 176A.090;

(f) Any programs which are available to the prisoner;

(g) Any programs which the prisoner completed; and

(h) The date on which the prisoner is projected to be released by expiration of his or her term of sentence or by parole.

5. The Department of Corrections shall biannually conduct an on-site inspection of each facility where a prisoner is housed by a private entity with which the Department has contracted to perform core correctional

services pursuant to this section to ensure the compliance of the entity with the terms of the contract.

6. As used in this section, "core correctional services" means the housing, safeguarding, protection and disciplining of prisoners.

Sec. 2. NRS 209.141 is hereby amended to read as follows:

209.141 The Director may, with the approval of the Board ~~[,]~~ ***and except as otherwise provided pursuant to section ~~[1]~~ 1.3 of this act,*** enter into agreements with other governmental agencies and with private organizations to carry out the purposes of this chapter.

Sec. 3. NRS 209.4889 is hereby amended to read as follows:

209.4889 1. ~~[The]~~ ***Except as otherwise provided in section ~~[1]~~ 1.3 of this act, the*** Director may enter into one or more contracts with one or more public or private entities to provide any of the following services, as necessary and appropriate, to offenders or parolees participating in a correctional or judicial program:

(a) Transitional housing;

(b) Treatment pertaining to substance abuse or mental health;

(c) Training in life skills;

(d) Vocational rehabilitation and job skills training; and

(e) Any other services required by offenders or parolees who are participating in a correctional or judicial program.

2. The Director may consult with the Division before entering into a contract with a public or private entity pursuant to subsection 1.

3. The Director shall, as necessary and appropriate, provide referrals and information regarding:

(a) Any of the services provided pursuant to subsection 1;

(b) Access and availability of any appropriate self-help groups;

(c) Social services for families and children; and

(d) Permanent housing.

4. The Director may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of this section. Money received pursuant to this subsection may be deposited with the State Treasurer for credit to the Account for Reentry Programs in the State General Fund created by NRS 480.810.

5. A contract entered into between the Director and a public or private entity pursuant to subsection 1 must require the entity to:

(a) Provide a budget concerning all services the entity will provide during the duration of any grant received.

(b) Provide all services required by any grant received.

(c) Provide to the Department for its approval a curriculum for any program of services the entity will provide.

(d) Provide to the Division, if appropriate, a list of the parolees who have completed or are currently participating in a program of services provided by the entity pursuant to any grant received.

(e) Provide to any offender or parolee who completes a program of services provided by the entity a certificate of completion, and provide a copy of such a certificate to the Division or the Department, as appropriate.

(f) To the extent financially practicable and necessary, assess the risk levels and needs of offenders and parolees by using a validated assessment tool.

(g) Share with the Director information concerning assessments of the risk levels and needs of offenders and parolees so the Director can ensure that adequate assessments are being conducted.

(h) While the entity is providing services pursuant to the contract, meet annually with the Director, a representative of the Division, and other entities that have entered into a contract with the Director pursuant to subsection 1 to discuss, without limitation:

(1) The services provided by the entities, including the growth and success of the services, any problems with the services and any potential solutions to such problems;

(2) Issues relating to the reentry of offenders and parolees into the community and reducing the risk of recidivism; and

(3) Issues relating to offenders and parolees who receive services from an entity and are subsequently convicted of another crime.

6. As used in this section, "training in life skills" includes, without limitation, training in the areas of:

(a) Parenting;

(b) Improving human relationships;

(c) Preventing domestic violence;

(d) Maintaining emotional and physical health;

(e) Preventing abuse of alcohol and drugs;

(f) Preparing for and obtaining employment; and

(g) Budgeting, consumerism and personal finances.

Sec. 3.5. **Section 1.3 of this act is hereby amended to read as follows:**

Sec. 1.3. 1. ~~[Except as otherwise provided in section 1.7 of this act:~~

~~(a)]~~ Each prison that houses prisoners who are in the custody of the State or a local government must be under the administrative and direct operational control of the State or local government, as applicable. The core correctional services at each such prison must be performed only by employees of the State or local government, as applicable.

~~[(b)]~~ **2.** The core correctional services of a prison must not be performed by a private entity.

~~[2.]~~ **3.** A condition, stipulation or provision in a contract that conflicts with this section is against the public policy of this State and is void and unenforceable.

~~[3.]~~ **4.** As used in this section, "core correctional services" means the housing, safeguarding, protection and disciplining of prisoners.

Sec. 4. ~~[The provisions of section 1 of this act apply to a contract or agreement entered into before, on or after July 1, 2017.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 209.083, 209.116, 209.354 and 212.1895 are hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[This act becomes]~~

1. This section and sections 1 to 3, inclusive, 4 and 5 of this act become effective on July 1, 2017.

2. Section 1.7 of this act expires by limitation on June 30, 2022.

3. Section 3.5 of this act becomes effective on July 1, 2022.

~~[~~

~~LEADLINES OF REPEALED SECTIONS~~

~~209.083 "Private facility or institution" defined.~~

~~209.116 Board to adopt regulations establishing maximum number of prisoners who may be incarcerated in private facility or institution.~~

~~209.354 Department to monitor each private facility or institution which houses prisoners who are incarcerated pursuant to authority of another state; reimbursement for costs of such monitoring.~~

~~212.1895 Applicability of certain provisions to custodian and prisoner assigned to private facility or institution; training to perform duties of correctional officer at private facility or institution; reimbursement to State for expenses relating to prisoner who escapes from private facility or institution.]~~

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 307.

Bill read second time.

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

Amendment No. 269.

~~[CONTAINS UNFUNDED MANDATE (§ 6)~~

~~(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)]~~

AN ACT relating to emergency medical services; ~~[requiring certain host organizations for]~~ **revising provisions governing emergency medical services at certain** special events **; requiring the host organization or certain special events** to obtain **a special event permit or approval in an order** from the ~~[applicable]~~ local ~~[government an approval concerning the reserve transport services that are to be provided by the host organization at a special event;]~~ **governmental entity with jurisdiction where the special event is to be held; requiring certain host organizations of special events of certain sizes to provide for emergency medical resources at the site of the special event; authorizing a local governmental entity to require the**

host organization of a special event to pay reasonable fees for certain services provided by the local governmental entity; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a host organization of a special event to provide certain emergency medical services and a certain number of dedicated advanced life support ambulances at certain special events in this State. (NRS 450B.690-450B.700) **Section 6** of this bill requires a host organization in a county whose population is ~~[700,000]~~ **100,000** or more (currently **Washoe and** Clark ~~[County)]~~ **Counties)** to obtain **a special event permit** from the ~~[applicable]~~ local ~~[government before the special event an]~~ **governmental entity with jurisdiction where the special event is to be held or, if no special permit is required,** approval ~~[of the reserve transport services that are to be provided by the host organization at the special event.]~~ **in an order from the local governmental entity with jurisdiction where the special event is to be held. Before issuing a special event permit or order, section 6 requires the local governmental entity to hold a hearing to make certain determinations concerning the emergency medical resources that must be made available at the special event and to establish any standards to assist the host organization to comply with such requirements. Section 6** further requires the ~~[applicable]~~ local ~~[government, before providing]~~ **governmental entity to inform the host organization of the requirements and standards and determine whether to issue the special event permit or** the **order of** approval ~~[to the host organization, to: (1) consider the impact on emergency medical services in the county in certain circumstances; and (2) issue an order that clarifies the requirements for reserve transport services. Section 6 additionally requires the host organization to comply with such an order.]~~ **for the special event. The special event permit or order issued pursuant to section 6 must also specify any emergency medical resouces the host organization is required to provide and any services that the local governmental entity will provide. In addition, section 6 authorizes the local governmental entity to require the host organization to pay a reasonable fee for processing and issuing a special event permit or order and for providing such services as specified in the special event permit or order which may include, without limitation, providing an incident commander or other person to provide services at the site of the special event.**

Sections ~~[7 and 8]~~ **8.3 and 8.6** of this bill ~~[make conforming changes.]~~ **establish additional emergency medical resources that must be provided for certain special events that are expected to attract a certain number of people. (NRS 450B.690, 450B.700)**

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

Section 1. Chapter 450B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *"Applicable local government" means any city, county or other political subdivision of this State that:*

1. Issues a special event permit; or

2. If no special event permit is issued, has jurisdiction over emergency medical services in the political subdivision or other entity where the special event is to be held.

Sec. 2.6. ***"Emergency medical resources" means emergency medical transportation, vehicles, fire apparatus, equipment and personnel that provide for the rendering of emergency medical services.***

Sec. 3. *"Emergency medical transportation" means an air ambulance, ambulance, dedicated advanced life support ambulance, fire-fighting agency or other similar service for the transportation of a person for the purposes of emergency medical services.*

Sec. 4. ~~*[*"Reserve transport services" means emergency medical transportation that is to be held in reserve to minimize the negative impact on emergency medical services in the applicable geographic area in the event of an unexpected demand on emergency medical transportation at the special event.]*~~ **(Deleted by amendment.)**

Sec. 4.3. ***"Fire apparatus" means a vehicle designed to be used to assist in providing emergency medical services, including, without limitation, the transportation of personnel and equipment, supporting fire suppression efforts and the mitigation of other hazardous events.***

Sec. 5. *"Special event permit" means the authorization issued by a local government pursuant to NRS 450B.650 to 450B.700, inclusive, and sections 2 to 6, inclusive, of this act to a host organization to hold a special event.*

Sec. 6. *1. In a county whose population is* ~~*[700,000]*~~ ***100,000*** *or more, if a special event is to be held, the host organization must, before the special event is held and in addition to any applicable requirements of NRS 450B.690, 450B.695 or 450B.700, obtain* ***a special event permit*** *from the* ~~*[applicable]*~~ *local* ~~*[government approval of the reserve transport services that are to be provided by the host organization during the special event.]*~~ ***governmental entity which has jurisdiction where the special event is to be held or approval in an order from the local governmental entity which has jurisdiction over the emergency medical services where the special event is to be held if no special event permit is required.***

2. ~~*[The applicable]*~~ ***Before issuing a special event permit or order pursuant to subsection 1, the local governmental entity with jurisdiction where the special event is to be held must hold a public hearing to:***

(a) Determine whether the host organization is required to provide emergency medical resources during the special event, considering any special conditions which may exist; and

(b) Establish any standards to assist the host organization to comply with any requirements imposed relating to the provision of emergency medical resources.

3. During the hearing held pursuant to subsection 2, the local ~~[government, before providing the approval pursuant to subsection 1,]~~ governmental entity shall:

(a) Consider the impact of the special event on emergency medical services in the applicable geographic area in the event of an unexpected demand on emergency medical transportation ~~[services]~~ at the special event; ~~[and]~~

(b) ~~[Issue an order]~~ Establish the minimum requirements for any emergency medical resources provided by the host organization, including, without limitation, any requirements for licensure or permits of such emergency medical resources; and

(c) Ensure that regular emergency medical services provided by the applicable local government, including, without limitation, regular emergency 911 service, are not used to meet the requirements for emergency medical resources during a special event.

4. After the hearing held pursuant to subsection 2, the local governmental entity shall inform the host organization of the requirements and standards established during the hearing and determine whether the host organization meets those requirements and is able to comply with the standards. If so, the local governmental entity shall issue a special event permit or order, as applicable, that specifies any emergency medical ~~[transportation that]~~ resources the host organization ~~[shall]~~ is required to provide ~~[in order to have adequate reserve transport services]~~ during the special event ~~[.~~

~~3.]~~ and any services that will be provided by the applicable local government.

5. The local governmental entity may require the host organization to pay a reasonable fee for:

(a) Processing and issuing a special event permit or order pursuant to this section; and

(b) Providing such services at the special event as specified in the special event permit or order. Such services may include without limitation, providing an incident commander or other person to provide services at the site of the special event pursuant to NRS 450B.690 or 450B.700.

6. The host organization shall comply with ~~[the order]~~ any requirements and standards set forth in the special event permit or order issued pursuant to ~~[subsection 2,]~~ this section.

Sec. 7. NRS 450B.650 is hereby amended to read as follows:

450B.650 As used in NRS 450B.650 to 450B.700, inclusive, ***and sections 2 to 6, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 450B.655 to 450B.685, inclusive, ***and sections 2 to 5, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 8. NRS 450B.665 is hereby amended to read as follows:

450B.665 "Host organization" means:

1. If a ***special event*** permit was obtained ***,*** ~~[~~for a special event,~~]~~ the person who obtained the permit; or

2. If a ***special event*** permit was not obtained ***,*** ~~[~~for a special event,~~]~~ the person who sponsored the special event.

Sec. 8.3. **NRS 450B.690 is hereby amended to read as follows:**

450B.690 1. Except as otherwise provided in subsection ~~[2.]~~ ***3:***

(a) In a county whose population is 100,000 or more, if a special event is to be held and 2,500 or more persons but less than 10,000 persons are projected to be in attendance at the event at the same time, the host organization shall provide at least one first-aid station at the site of the special event ***and the local governmental entity with jurisdiction where the special event is to be held must provide an incident commander*** if:

(1) The special event is a concert; or

(2) Three or more of the following factors apply to the special event:

(I) The special event involves a high-risk activity ~~[,]~~ ***that presents an increased potential for inciting violence or causing injury to participants, attendees or spectators,*** including, without limitation, sports or racing.

(II) The special event poses environmental hazards to persons attending the special event ~~[or is held during a period of]~~ ***including, without limitation, poor air quality, water or fire hazards and*** extreme heat or cold.

(III) The average age of the persons attending the special event is less than 25 years of age or more than 50 years of age.

(IV) A large number of the persons attending the special event have acute or chronic illnesses.

(V) Alcohol is sold at the special event or, if the special event has been held before, there is a history of alcohol or drug use by the persons who attended the special event in the past.

(VI) The density of the number of persons attending the special event increases the difficulty regarding access to the persons who are attending the special event who require emergency medical care, or the transfer of those persons who require emergency medical care to an ambulance.

(b) In a county whose population is 100,000 or more, if the host organization meets the requirements of subparagraph (1) or (2) of paragraph (a) and 10,000 or more persons but less than 15,000 persons are projected to be in attendance at the special event at the same time, the ***local governmental entity with jurisdiction where the special event is to be held must provide an incident commander and the*** host organization shall:

(1) Provide at least one first-aid station at the site of the special event and equip the first-aid station with an automated external defibrillator; and

(2) Provide a roving emergency medical technician team at the site of the special event.

(c) In a county whose population is 100,000 or more, if the host organization meets the requirements of subparagraph (1) or (2) of paragraph (a) and 15,000 or more persons but less than 50,000 persons are projected to be in attendance at the special event at the same time ~~[, the]~~ ***:***

(1) The host organization shall:

~~[(1)]~~ ***(I)*** Provide at least one first-aid station at the site of the special event and staff the first-aid station with at least one registered nurse, licensed practical nurse or paramedic in lieu of an emergency medical technician; and

~~[(2)]~~ ***(II)*** Provide two or more roving intermediate emergency medical technician teams at the site of the special event.

(2) The local governmental entity with jurisdiction where the special event is to be held must provide at the site of the special event:

(I) At least one incident commander;

(II) At least one fire prevention inspector; and

(III) If at least three of the factors listed in paragraph (a) are present, a task force consisting of a combination of resources, with a common communication system and a designated leader, assembled to support the specific mission or operational need of the special event as defined by the local governmental entity.

2. ***An incident commander assigned to assist at the site of a special event pursuant to this section must have appropriate training to oversee incidents at the special event, including, without limitation, emergency incidents. Such training must include, without limitation, training in developing strategies and tactics to address various situations and the appropriate use and management of resources.***

3. The provisions of subsection 1 do not apply to a special event held within the boundaries of a city whose population is less than 25,000 if there is a fire-fighting agency within the city other than a volunteer fire department and the city has adopted a plan for providing emergency medical services at special events.

Sec. 8.6. **NRS 450B.700 is hereby amended to read as follows:**

450B.700 1. Except as otherwise provided in subsection 2, if a special event is to be held and 50,000 or more persons are projected to be in attendance at the event at the same time ~~[, the]~~ ***:***

(a) The host organization shall provide:

~~[(a)]~~ ***(1)*** Two or more first-aid stations at the site of the special event;

~~[(b)]~~ ***(2)*** Two or more physicians licensed pursuant to chapter 630 or 633 of NRS who have experience providing emergency medical services;

~~[(c)]~~ ***(3)*** Two or more roving emergency medical technician teams; and

~~[(d)]~~ ***(4)*** Two or more dedicated advanced life support ambulances.

(b) The local governmental entity with jurisdiction where the special event is to be held must provide at the site of the special event:

(1) One incident commander with the training described in subsection 2 of NRS 450B.690; and

(2) A task force consisting of a combination of resources, with a common communication system and a designated leader, assembled to support the specific mission or operational need of the special event as defined by the local governmental entity.

2. The provisions of subsection 1 do not apply to a special event held within the limits of a city whose population is less than 25,000 if there is a fire-fighting agency within the city other than a volunteer fire department and the city has adopted a plan for providing emergency medical services at special events.

Sec. 9. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~ **(Deleted by amendment.)**

Sec. 10. This act becomes effective on July 1, 2017.

Assemblyman Sprinkle moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 309.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 493.

AN ACT relating to state employment; ~~[requiring the appointment of a Veteran Personnel Coordinator and establishing the duties of that position;]~~ imposing additional duties on the Administrator of the Division of Human Resource Management of the Department of Administration **and certain state agencies** relating to veterans and certain widows and widowers; revising provisions governing the preference provided to veterans and certain other persons ~~[on examinations for]~~ **relating to employment in** the classified service; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires the Administrator of the Division of Human Resource Management of the Department of Administration to appoint such employees and assistants as are necessary to carry out the provisions governing state employment. (NRS 284.100) Section 2 of this bill requires the Administrator to appoint a Veteran Personnel Coordinator to coordinate activities for the recruitment, hiring and retention of state employees in the classified and unclassified service who are veterans and widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States.]~~

Existing law requires the Department of Administration to provide an annual report of the total number of veterans employed by each agency in the State to the Interagency Council on Veterans Affairs, which includes the Director of the Department of Veterans Services as one of its members. (NRS 417.0191, 417.0194) **Section 3** of this bill requires the Administrator of the Division of Human Resource Management **of the Department of Administration** to submit to: (1) the Director of the Department of Veterans Services and make available to the public a monthly report listing the names of all veterans and widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States who are employed in the classified or unclassified service of the State; and (2) the Governor and the Director of the Legislative Counsel Bureau for distribution to the Legislature a quarterly report on the number of veterans and widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States who were hired in the classified or unclassified service of the State during the quarter. **Section 6** of this bill makes a conforming change to the annual report. Finally, **section 3** requires the Administrator to ensure that the percentage of officers and employees in **such** state employment that are veterans and widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States is proportional to the percentage of veterans and such widows and widowers residing in this State.

Existing law requires **, with certain exceptions,** state agencies **in the Executive Department of the State Government** to periodically report to the Administrator of the Division of Human Resource Management any appointment, transfer, separation, suspension, reinstatement or any reduction or other change to a position in the public service. (NRS 284.121) **Section 4** of this bill requires that such a report include whether any person appointed to **such** state employment is a veteran or a widow or widower of a person killed in the line of duty while on active duty in the Armed Forces of the United States.

Under existing law, the State is required, in establishing lists of persons eligible for appointment or promotion to positions in the classified service, to add 10 points to the passing grade on a competitive examination of a veteran with a disability and 5 points to a passing grade on such an examination of a veteran who does not have a disability or a widow or widower of a veteran. Existing law authorizes the application of such preference points to any open competitive examination in the classified service, but only to one promotional examination. (NRS 284.260) **Section 5** of this bill increases to ~~[22]~~ **15** points the number of points required to be added to the passing grade of ~~[any]~~ **a** veteran ~~[, regardless of]~~ **with a** disability **.** ~~[, and]~~ **Section 5 also: (1) increases to ten points the number of points to be added** to the passing grade of ~~[an additional category,]~~ **a veteran who does not have a disability; and (2) requires the addition of 10 points to the passing grade of** widows and widowers of persons killed in the line of duty while on active duty in the

Armed Forces of the United States. **Section 5** also removes the restriction on applying such points to more than one promotional examination.

Existing law requires, with certain exceptions, a state agency in the Executive Department of the State Government to give notice to the Administrator of the Division of Human Resource Management of its intention to fill a vacancy in the classified service. After receipt of such notice, the Administrator is required to certify from the list of eligible persons, appropriate to the grade and class in which the position is classified, the names of the persons with the highest scores. Section 5.5 of this bill requires the Administrator to also certify the name of any veteran on the list of eligible persons and requires the state agency to interview any veteran so certified for the position,

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

Section 1. NRS 284.015 is hereby amended to read as follows:

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

1. "Administrator" means the Administrator of the Division.
2. "Commission" means the Personnel Commission.
3. "Disability," includes, but is not limited to, physical disability, intellectual disability and mental or emotional disorder.
4. "Division" means the Division of Human Resource Management of the Department of Administration.
5. "Essential functions" has the meaning ascribed to it in 29 C.F.R. § 1630.2.
6. "Public service" means positions providing service for any office, department, board, commission, bureau, agency or institution in the Executive Department of the State Government operating by authority of the Constitution or law, and supported in whole or in part by any public money, whether the money is received from the Government of the United States or any branch or agency thereof, or from private or any other sources.

7. "Veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 2. ~~[NRS 284.100 is hereby amended to read as follows:~~

~~284.100 **1.** The Administrator shall appoint such employees of the Division and such expert and special assistants as may be necessary to carry out effectively the provisions of this chapter~~ **[.] , *including, without limitation, a Veteran Personnel Coordinator in the classified service.***

~~***2. The Veteran Personnel Coordinator appointed pursuant to subsection 1 shall coordinate activities for the recruitment, hiring and retention of employees in the classified and unclassified service who are veterans and widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States.]***~~ **(Deleted by amendment.)**

Sec. 3. NRS 284.105 is hereby amended to read as follows:

284.105 1. The Administrator shall direct and supervise all administrative and technical activities of the Division.

2. In addition to the duties imposed upon the Administrator elsewhere in this chapter, the Administrator shall:

(a) Apply and carry out the provisions of this chapter and the regulations adopted pursuant to it.

(b) Establish objectives for the Division in terms which are specific, measurable and conducive to reliable evaluation, and develop a plan for accomplishing those objectives.

(c) Establish a system of appropriate policies for each function within the Division.

(d) Attend all meetings of the Commission.

(e) Advise the Commission with respect to the preparation and adoption of regulations to carry out the provisions of this chapter.

(f) Report to the Governor and the Commission upon all matters concerning the administration of the Administrator's office and request the advice of the Commission on matters concerning the policies of the Division, but the Administrator is responsible for the conduct of the Division and its administrative functions unless otherwise provided by law.

(g) Establish and maintain a roster of all employees in the public service. The roster must set forth, as to each employee:

(1) The class title of the position held.

(2) The salary or pay.

(3) Any change in class title, pay or status.

(4) Other pertinent data.

(h) ***Submit to the Director of the Department of Veterans Services and make available to the public a monthly report which lists the names of all veterans and widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States who are employed in the classified or unclassified service of the State.***

(i) Submit to the Governor and the Director of the Legislative Counsel Bureau for distribution to the Legislature a report for each calendar quarter on the number of veterans and widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States who were hired in the classified or unclassified service of the State during the quarter.

(j) Ensure, to the extent practicable, that the percentage of officers and employees in public service who are veterans and widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States is proportional to the percentage of veterans and such widows and widowers residing in this State.

(k) In cooperation with appointing authorities and others, foster and develop programs for improving the effectiveness and morale of employees, including training and procedures for hearing and adjusting grievances.

~~[(i)]~~ ***(l)*** Encourage and exercise leadership in the development of effective personnel administration within the several departments in the public service, and make available the facilities and services of the Division and its employees to this end.

~~[(j)]~~ ***(m)*** Make to the Commission and to the Governor such special reports as the Administrator may consider desirable.

~~[(k)]~~ ***(n)*** Maintain a continuous program of recruiting for the classified service.

~~[(l)]~~ ***(o)*** Perform any other lawful acts which the Administrator may consider necessary or desirable to carry out the purposes and provisions of this chapter.

Sec. 4. NRS 284.121 is hereby amended to read as follows:

284.121 Each appointing authority shall report to the Administrator in writing, from time to time, any appointment, transfer, separation, suspension, reinstatement or any reduction or other change to a position in the public service. The report must contain:

1. The name of the appointee or employee.
2. The title and status of the employment of the appointee or employee.
3. The date of commencement of the action.
4. The salary or compensation of the appointee or employee.

5. Whether the appointee is a veteran or a widow or widower of a person killed in the line of duty while on active duty in the Armed Forces of the United States.

Sec. 5. NRS 284.260 is hereby amended to read as follows:

284.260 1. In establishing the lists of eligible persons, ~~[certain]~~ ***the following*** preferences must be allowed ~~[for:]~~ ***:***

(a) ~~[Veterans not dishonorably discharged from the Armed Forces of the United States.]~~ For veterans with disabilities, ~~[10 *and widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States, 22]*~~ ***15*** points must be added to the passing grade achieved on the examination.

(b) For veterans who have not suffered disabilities and widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States, 10 points must be added to the passing grade achieved on the examination.

(c) For ~~[ex-servicemen and women who have not suffered disabilities, and for]~~ the widows and widowers of veterans, 5 points must be added to the passing grade achieved on the examination.

~~[(b) Members of the Nevada National Guard.]~~

~~*[(c)]*~~ ***(d)*** For a member of the Nevada National Guard who submits a letter of recommendation from the commanding officer of the member's unit, 5 points must be added to the passing grade achieved on the examination.

2. Any person qualifying for preference points pursuant to subsection 1 is entitled to have the points applied to any open competitive ***or promotional***

examination in the classified service . ~~[, but only to one promotional examination.~~

~~3. For the purposes of this section, "veteran" has the meaning ascribed to "eligible veteran" in 38 U.S.C. § 4211.]~~

Sec. 5.5. **NRS 284.265 is hereby amended to read as follows:**

284.265 ***1.*** Except as otherwise provided in NRS 284.305, appointing authorities shall give notice to the Administrator of their intention to fill any vacancy in the classified service.

2. Except as otherwise provided in this ~~[section,]~~ ***subsection,*** within a reasonable time after the receipt of the notice, the Administrator shall certify from the list of eligible persons, appropriate for the grade and class in which the position is classified ~~[, the]~~ ***:***

(a) The five names at the head thereof. If the competitive examination for that position is scored to the nearest one-hundredth of a point and there are more than five persons having the five highest scores, the names of each of those persons must be so certified.

(b) Unless otherwise included among the names certified pursuant to paragraph (a), the name of any eligible person on the list who is a veteran. The appointing authority shall interview for the position each veteran who is so certified.

Sec. 6. NRS 417.0194 is hereby amended to read as follows:

417.0194 1. Each state agency and regulatory body identified in subsections 2 to 15, inclusive, shall report, subject to any limitations or restrictions contained in any state or federal law governing the privacy or confidentiality of records, the data identified in subsections 2 to 15, inclusive, as applicable, to the Interagency Council on Veterans Affairs. Each state agency and regulatory body shall submit such information to the Council not later than November 30 of each year and shall provide the information in aggregate and in digital form, and in a manner such that the data is capable of integration by the Council.

2. The Department of Administration shall provide:

(a) Descriptions of and the total amount of the grant dollars received for veteran-specific programs;

(b) The total number of veterans ***and widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States*** employed by each agency in the State; and

(c) The total number of veterans with service-connected disabilities who are seeking preferences through the Purchasing Division and the State Public Works Division of the Department of Administration pursuant to NRS 333.3366 and 338.13844.

3. The State Department of Conservation and Natural Resources shall provide the total number of veterans receiving:

(a) Expedited certification for the grade I certification examination for wastewater treatment plant operators based on their military experience; and

(b) Any discounted fees for access to or the use of state parks.

4. The Department of Corrections shall provide:

(a) An annual overview of the monthly population of inmates in this State who are veterans; and

(b) The success rates for any efforts developed by the Incarcerated Veterans Reintegration Council.

5. The Office of Economic Development shall provide an overview of the workforce that is available statewide of veterans, organized by O*NET-SOC code from the United States Department of Labor or the trade, job title, employment status, zip code, county, highest education level and driver's license class.

6. The Department of Education shall provide the distribution of dependents of service members enrolled in Nevada's public schools.

7. The Department of Employment, Training and Rehabilitation shall provide a summary of:

(a) The average number of veterans served by a veteran employment specialist of the Department per week;

(b) The average number of initial and continuing claims for benefits filed per week by veterans pursuant to NRS 612.455 to 612.530, inclusive;

(c) The average weekly benefit received by veterans receiving benefits pursuant to chapter 612 of NRS; and

(d) The average duration of a claim by claimants who are veterans receiving benefits pursuant to chapter 612 of NRS.

8. The Department of Health and Human Services shall provide:

(a) The total number of veterans who have applied for and received certification as an Emergency Medical Technician-B, Advanced Emergency Medical Technician and Paramedic through the State Emergency Medical Systems program; and

(b) A report from the State Registrar of Vital Statistics setting forth the suicide mortality rate of veterans in this State.

9. The Department of Motor Vehicles shall provide:

(a) The total number of veterans who have declared themselves as a veteran and who applied for and received a commercial driver's license;

(b) The average monthly total of veteran license plates issued; and

(c) An overview of the data on veterans collected pursuant to NRS 483.292, 483.852 and 483.927.

10. The Adjutant General shall provide the total number of:

(a) Members of the Nevada National Guard using waivers for each semester and identifying which schools accepted the waivers;

(b) Members of the Nevada National Guard identified by Military Occupational Specialty and zip code; and

(c) Members of the Nevada National Guard employed under a grant from Beyond the Yellow Ribbon.

11. The Department of Public Safety shall provide the percentage of veterans in each graduating class of its academy for training peace officers.

12. The Department of Taxation shall provide the total number of veterans receiving tax exemptions pursuant to NRS 361.090, 361.091, 361.155, 371.103 and 371.104.

13. The Department of Wildlife shall provide the total number of:

(a) Veterans holding hunting or fishing licenses based on disability; and

(b) Service members holding hunting or fishing licenses who are residents of this State but are stationed outside this State.

14. The Commission on Postsecondary Education shall provide, by industry, the total number of schools in this State approved by the United States Department of Veterans Affairs that are serving veterans.

15. Each regulatory body shall provide the total number of veterans and service members applying for licensure by the regulatory body.

16. The Council shall, upon receiving the information submitted pursuant to this section, synthesize and compile the information, including any recommendations of the Council, and submit the information with the report submitted pursuant to subsection 8 of NRS 417.0195.

17. As used in this section:

(a) "Regulatory body" has the meaning ascribed to it in NRS 622.060.

(b) "Service member" has the meaning ascribed to it in NRS 125C.0635.

Sec. 7. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 8. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2017, for all other purposes.

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 312.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 594.

SUMMARY— ~~[Revises provisions relating to the statewide performance evaluation system for certain educational personnel.]~~ **Requires the State Board of Education to develop recommendations for pupil-teacher ratios in certain public schools.** (BDR 34-960)

AN ACT relating to educational personnel; ~~[requiring that the statewide performance evaluation system recommended by the Teachers and Leaders Council of Nevada ensure that certain teachers receive the highest score possible in specified areas of evaluation;]~~ requiring the State Board of Education to ~~[prescribe for such purposes the maximum]~~ **develop nonbinding recommendations for the** pupil-teacher ratio in ~~[certain~~

~~grades;~~ **public schools for kindergarten and grades 1 to 12, inclusive;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law creates the Teachers and Leaders Council of Nevada and requires the Council to make recommendations to the State Board of Education for the adoption of regulations establishing a statewide performance evaluation system for school teachers and certain administrators. (NRS 391.455, 391.460, 391.465)]~~ Existing law ~~[also generally]~~ prescribes the maximum pupil-teacher ratio in each school district for kindergarten and grades 1, 2 and 3. (NRS 388.700) In lieu of complying with the ratio established by statute, smaller school districts are authorized to use alternative pupil-teacher ratios for certain grade levels in elementary schools with the approval of the State Board of Education. (NRS 388.720) ~~[~~

~~Section 1 of this bill requires that the evaluation system recommended by the Council ensure that a teacher who is teaching in a classroom in which the number of pupils exceeds the maximum applicable pupil-teacher ratio receives the highest possible score on his or her evaluation in certain areas, if those areas are evaluated.~~

~~For those purposes, for grades in elementary and secondary schools for which no maximum pupil-teacher ratio has otherwise been established, section 2 of this bill requires the State Board to prescribe the maximum ratio by regulation.]~~ **This bill additionally requires the State Board of Education to develop nonbinding recommendations for the ratio of pupils per licensed teacher in public schools for kindergarten and grades 1 to 12, inclusive.**

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

Section 1. ~~[NRS 391.460 is hereby amended to read as follows:~~

~~391.460 1. The Council shall:~~

~~(a) Make recommendations to the State Board concerning the adoption of regulations for establishing a statewide performance evaluation system to ensure that teachers, administrators who provide primarily administrative services at the school level and administrators at the district level who provide direct supervision of the principal of a school, and who do not provide primarily direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal are:~~

~~(1) Evaluated using multiple, fair, timely, rigorous and valid methods, which includes evaluations based upon pupil achievement data as required by NRS 391.465;~~

~~(2) Afforded a meaningful opportunity to improve their effectiveness through professional development that is linked to their evaluations; and~~

~~(3) Provided with the means to share effective educational methods with other teachers and administrators throughout this State.~~

~~(b) Develop and recommend to the State Board a plan, including duties and associated costs, for the development and implementation of the performance evaluation system by the Department and school districts.~~

~~(c) Consider the role of professional standards for teachers and administrators to which paragraph (a) applies and, as it determines appropriate, develop a plan for recommending the adoption of such standards by the State Board.~~

~~(d) Develop and recommend to the State Board a process for peer evaluations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching.~~

~~2. The performance evaluation system recommended by the Council must ensure that:~~

~~(a) Data derived from the evaluations is used to create professional development programs that enhance the effectiveness of teachers and administrators;~~ **[**~~and~~**]**

~~(b) A timeline is included for monitoring the performance evaluation system at least annually for quality, reliability, validity, fairness, consistency and objectivity~~ **[**.**]** ***; and***

(c) Any teacher who teaches in a classroom in which the pupil-teacher ratio exceeds the maximum applicable ratio prescribed by subsection 1 of NRS 388.700, approved by the State Board pursuant to NRS 388.720 or prescribed by regulation of the State Board pursuant to NRS 391.465 receives the highest score possible on his or her evaluation in the following areas, if those areas are evaluated:

(1) Making connections explicit between previous learning and new concepts and skills for all pupils in the classroom;

(2) Assigning tasks that place appropriate demands on each pupil;

(3) Ensuring that the classroom environment is structured in a manner that each pupil is able to collaborate and participate and has positive affective experiences;

(4) The manner in which the teacher structures opportunities to generate evidence of learning during the lesson from all pupils;

(5) Ensuring that classroom routines and expectations create an environment in which all pupils value the contributions of other pupils and fully support each other's learning;

(6) Facilitating communication on a regular basis with parents and guardians; and

(7) The extent to which the teacher creates a safe and supportive learning environment.

~~3. The Council may establish such working groups, task forces and similar entities from within or outside its membership as necessary to address specific issues or otherwise to assist in its work.~~

~~4. The State Board shall consider the recommendations made by the Council pursuant to this section and shall adopt regulations establishing a statewide performance evaluation system as required by NRS 391.465.~~**]**

(Deleted by amendment.)

Sec. 2. **[**~~NRS 391.465 is hereby amended to read as follows:~~

~~391.465 1. The State Board shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to NRS 391.460, adopt regulations establishing a statewide performance evaluation system which incorporates multiple measures of an employee's performance. Except as otherwise provided in subsection 4, the State Board shall prescribe the tools to be used by a school district for obtaining such measures.~~

~~2. The statewide performance evaluation system must:~~

~~(a) Require that an employee's overall performance is determined to be:~~

~~(1) Highly effective;~~

~~(2) Effective;~~

~~(3) Minimally effective; or~~

~~(4) Ineffective.~~

~~(b) Include the criteria for making each designation identified in paragraph (a).~~

~~(c) Except as otherwise provided in subsections 2 and 3 of NRS 391.695 and subsections 2 and 3 of NRS 391.715, require that pupil achievement data account for at least 40 percent of the evaluation.~~

~~(d) Except as otherwise provided in subsection 3, prescribe the pupil achievement data that must be used as part of the evaluation system pursuant to paragraph (c) which must require that:~~

~~(1) Pupil achievement data derived from statewide examinations and assessments must account for at least 20 percent of the evaluation of a teacher or administrator, as applicable; and~~

~~(2) Pupil achievement data derived from assessments approved by the board of trustees of a school district that employs the teacher or administrator, as applicable, must account for at least 20 percent of the evaluation.~~

~~(e) Include an evaluation of whether the teacher, or administrator who provides primarily administrative services at the school level or administrator at the district level who provides direct supervision of the principal of a school, and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal, employs practices and strategies to involve and engage the parents and families of pupils.~~

~~(f) Include a process for peer evaluations of teachers by qualified educational personnel which is designed to provide assistance to teachers in~~

~~meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching. The regulations must include the criteria for school districts to determine which educational personnel are qualified to conduct peer reviews pursuant to the process.~~

~~3. The State Board shall, by regulation, designate the assessments that may be used by a school district to determine pupil achievement pursuant to subparagraph (2) of paragraph (d) of subsection 2. The board of trustees of a school district may select one or more of the assessments designated by the State Board to determine pupil achievement, or the board of trustees may apply to the Superintendent of Public Instruction for approval to use a different assessment to determine pupil achievement.~~

~~4. A school district may apply to the State Board to use a performance evaluation system and tools that are different than the evaluation system and tools prescribed pursuant to subsection 1. The application must be in the form prescribed by the State Board and must include, without limitation, a description of the evaluation system and tools proposed to be used by the school district. The State Board may approve the use of the proposed evaluation system and tools if it determines that the proposed evaluation system and tools apply standards and indicators that are equivalent to those prescribed by the State Board.~~

~~*5. For any grade in an elementary and secondary school for which no maximum pupil-teacher ratio is otherwise applicable pursuant to subsection 1 of NRS 388.700 or 388.720, the regulations adopted by the State Board pursuant to subsection 1 must prescribe the maximum pupil-teacher ratio for each grade for the purposes of paragraph (c) of subsection 2 of NRS 391.460. The regulations must:*~~

~~*(a) Be based on any applicable national standards;*~~

~~*(b) Take into consideration the unique needs of certain pupils, including, without limitation, English learners; and*~~

~~*(c) Provide for the inclusion and exclusion of educational personnel in determining the pupil-teacher ratio existing for any grade in the same manner as provided by subsection 1 of NRS 388.700.]*~~ **(Deleted by amendment.)**

Sec. 2.5. **Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The State Board shall develop nonbinding recommendations for the ratio of pupils per licensed teacher in the public schools of this State for kindergarten and grades 1 to 12, inclusive. The board of trustees of each school district shall consider the recommendations in establishing the ratio of pupils per licensed teacher in the school district.

2. The recommendations developed by the State Board must:

(a) Prescribe a suggested ratio of pupils per licensed teacher for each classroom and course of instruction, except choir, orchestra and band, in kindergarten and grades 1 to 12, inclusive;

(b) Be based on evidence-based national standards; and

(c) Take into account the unique needs of certain pupils, including, without limitation, pupils who are English learners.

3. Nothing in this section shall be deemed to relieve a school district of its obligation to comply with the requirements of NRS 388.700 and 388.720, as applicable to the school district.

4. As used in this section, "English learner" has the meaning ascribed to it in 20 U.S.C. § 7801(20).

Sec. 3. This act becomes effective ~~[upon passage and approval for the purpose of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act and on January 1, 2018, for all other purposes.]~~ **on July 1, 2017.**

Assemblyman Thompson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 314.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 405.

AN ACT relating to estates; revising provisions relating to property exempt from a writ of execution; revising provisions relating to nonprobate transfers of property; establishing provisions relating to community property **or separate property** transferred into an irrevocable trust; revising certain definitions applicable to the administration of an estate; revising provisions relating to the revival of a will and the proving of a will as lost or destroyed; revising provisions concerning contests of wills; authorizing the extension of the period during which an agreement between an heir finder and apparent heir is void and unenforceable; revising provisions concerning special administrators and personal representatives; revising provisions relating to the filing of an inventory and appraisement or record of value of the assets of a decedent; revising provisions governing the presentation of claims against and the sale of real property of an estate; revising provisions relating to the period within which certain actions are performed; authorizing notice to be served by certified mail; revising provisions concerning fiduciaries; revising various provisions governing trusts and trustees; authorizing a person to provide for the burial or cremation of his or her remains in a will or durable power of attorney; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that money not exceeding $500,000 **and nonexempt personal property not exceeding $1,000 in value** that is held in a certain manner is exempt from a writ of execution. (NRS 21.090) **Section 1** of this

bill increases the amount of money to $1,000,000 **, ~~[and]~~** revises provisions relating to the manner in which such money is held **~~[.]~~ and increases the amount of nonexempt personal property to $10,000.**

Existing law establishes provisions relating to nonprobate transfers of property. (NRS 111.700-111.815) **Section 2** of this bill revises the definition of the term "nonprobate transfer" to exclude certain property, and **section 3** of this bill revises provisions relating to **: (1) the procedure to proceed against a nonprobate transferee if there are insufficient assets in the estate to pay a valid creditor; and (2)** the property against which a creditor does not have a claim to include certain property transferred pursuant to a beneficiary designation by a decedent.

Section 4 of this bill authorizes a trust instrument to provide that community property **or separate property** transferred into an irrevocable trust of which both spouses are current permissible beneficiaries remains community property **or separate property, as applicable,** during the marriage, and **section 5** of this bill specifies that in granting a divorce, a court is required to make an equal distribution of community property transferred into such an irrevocable trust to the extent practicable.

Sections 6 and 7 of this bill revise the definitions of the terms "expenses of administration" and "fiduciary," respectively, for the purposes of the administration of an estate.

Section 8 of this bill revises provisions relating to the revival of a first will after the destruction, cancellation or revocation of a second will, and **section 9** of this bill revises provisions relating to the proving of a will as a lost or destroyed will.

Sections 10 and 41 of this bill revise: (1) provisions relating to no-contest clauses in a will or trust, respectively; and (2) the circumstances under which the share of a devisee or beneficiary, respectively, must not be reduced or eliminated. **Section 11** of this bill revises provisions relating to the issuance of a citation after a petition is filed that contests the admission of a will to probate or the validity of such a will.

Section 12 of this bill authorizes a court to extend the period during which an agreement between an heir finder and apparent heir is void and unenforceable.

Section 13 of this bill revises provisions relating to the appointment of a special administrator for the estate of a decedent. **Sections 14 and 15** of this bill revise provisions relating to the giving of a bond by a special administrator or personal representative, respectively.

Existing law establishes provisions governing the administration of estates by personal representatives. (NRS 143.010-143.210) **Sections 16-19** of this bill revise various provisions governing personal representatives. **Section 20** of this bill revises provisions relating to the issuance of a temporary order to restrain a personal representative from performing certain actions and the setting of a hearing on the matter.

Existing law establishes provisions relating to the filing by a personal representative of an inventory and appraisement or record of value of all the estate of the decedent that has come to the possession or knowledge of the personal representative. (Chapter 144 of NRS) **Section 21** of this bill extends the time within which a personal representative is required to file such documents and authorizes the filing of a redacted inventory in certain circumstances, and **section 22** of this bill authorizes the personal representative to file a verified record of value in lieu of the appraisement in certain circumstances. **Section 23** of this bill revises provisions relating to the satisfaction of the fees and costs incurred by a person seeking to enforce the filing of an inventory.

Existing law establishes provisions governing the presentation of claims against the estate of a decedent. (NRS 147.010-147.190) **Section 24** of this bill authorizes any creditor of a decedent to petition the court for a determination of the validity of a rejected claim in lieu of bringing suit against the personal representative. **Section 25** of this bill authorizes the holder of any lien against the property of an estate to bring an action enforcing the lien against the property in certain circumstances.

Existing law establishes provisions governing the sale of real property of an estate. (NRS 148.220-148.320) **Sections 26-28** of this bill revise provisions relating to such a sale.

Sections 29-33 of this bill revise provisions relating to a court's jurisdiction over and trustees of a testamentary trust.

Section 34 of this bill provides that the specified period within which an act authorized or required to be performed pursuant to the provisions of law concerning notices, transfers, orders, procedure and appeals relating to the wills and estates of deceased persons may be extended in certain circumstances or the court may authorize a person to perform the act after the specified period expires if the failure to perform the action was the result of excusable neglect. **Section 35** of this bill authorizes notice to any person in the matter of an estate or testamentary trust to be served by certified mail.

Existing law establishes miscellaneous provisions relating to fiduciaries. (NRS 162.260-162.310) **Section 36** of this bill authorizes a fiduciary to withhold from the beneficiaries of an estate or trust any property that the fiduciary determines may be subject to claims of offset held by the fiduciary in his or her fiduciary capacity, and **section 37** of this bill authorizes a fiduciary to establish a trust for certain purposes.

Existing law establishes various provisions governing trusts. (Chapter 163 of NRS) **Section 39** of this bill authorizes a trust to be created for a noncharitable purpose without a definite ascertainable beneficiary or for a noncharitable but otherwise valid purpose. **Under section 39, the noncharitable purpose must be stated with sufficient particularity in the trust instrument to enable a finder of fact to ascertain the noncharitable purpose for which the trust was created.** **Section 40** of this bill establishes provisions relating to the effect of the divorce, annulment of the marriage or

termination of the domestic partnership of the descendant of a settlor on the former spouse or domestic partner of the descendant. **Sections 42-44** of this bill revise provisions relating to the creation of a trust.

Section 46 of this bill authorizes a court to enter a temporary order restraining a trustee from performing specified acts in certain circumstances, and **section 47** of this bill provides that a trustee is entitled to be exonerated or reimbursed for a tort committed in the administration of a trust in certain circumstances. **Section 49** of this bill revises provisions relating to the power of a trustee to appoint property of one trust to a second trust. **Section 50** of this bill establishes the circumstances in which a trustee is authorized to include capital gains from the sale or exchange of capital assets in distributable net income for purposes of taxation. **Section 53** of this bill requires a trustee to provide a list of the assets of the trust estate to an interested person upon a written request in certain circumstances.

Sections 51 and 52 of this bill revise provisions governing jurisdiction over a trust.

Section 54 of this bill authorizes a person who is 18 years of age or older and who wishes to authorize another person to order the burial or cremation of his or her human remains in the event of his or her death to do so by including such an authorization in a validly executed will or durable power of attorney.

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

Section 1. NRS 21.090 is hereby amended to read as follows:

21.090 1. The following property is exempt from execution, except as otherwise specifically provided in this section or required by federal law:

(a) Private libraries, works of art, musical instruments and jewelry not to exceed $5,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor, and all family pictures and keepsakes.

(b) Necessary household goods, furnishings, electronics, wearing apparel, other personal effects and yard equipment, not to exceed $12,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor.

(c) Farm trucks, farm stock, farm tools, farm equipment, supplies and seed not to exceed $4,500 in value, belonging to the judgment debtor to be selected by the judgment debtor.

(d) Professional libraries, equipment, supplies, and the tools, inventory, instruments and materials used to carry on the trade or business of the judgment debtor for the support of the judgment debtor and his or her family not to exceed $10,000 in value.

(e) The cabin or dwelling of a miner or prospector, the miner's or prospector's cars, implements and appliances necessary for carrying on any

mining operations and the mining claim actually worked by the miner or prospector, not exceeding $4,500 in total value.

(f) Except as otherwise provided in paragraph (p), one vehicle if the judgment debtor's equity does not exceed $15,000 or the creditor is paid an amount equal to any excess above that equity.

(g) For any workweek, 75 percent of the disposable earnings of a judgment debtor during that week, or 50 times the minimum hourly wage prescribed by section ~~[6(a)(1)]~~ ***206(a)(1)*** of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), and in effect at the time the earnings are payable, whichever is greater. Except as otherwise provided in paragraphs (o), (s) and (t), the exemption provided in this paragraph does not apply in the case of any order of a court of competent jurisdiction for the support of any person, any order of a court of bankruptcy or of any debt due for any state or federal tax. As used in this paragraph:

(1) "Disposable earnings" means that part of the earnings of a judgment debtor remaining after the deduction from those earnings of any amounts required by law to be withheld.

(2) "Earnings" means compensation paid or payable for personal services performed by a judgment debtor in the regular course of business, including, without limitation, compensation designated as income, wages, tips, a salary, a commission or a bonus. The term includes compensation received by a judgment debtor that is in the possession of the judgment debtor, compensation held in accounts maintained in a bank or any other financial institution or, in the case of a receivable, compensation that is due the judgment debtor.

(h) All fire engines, hooks and ladders, with the carts, trucks and carriages, hose, buckets, implements and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under the laws of this State.

(i) All arms, uniforms and accouterments required by law to be kept by any person, and also one gun, to be selected by the debtor.

(j) All courthouses, jails, public offices and buildings, lots, grounds and personal property, the fixtures, furniture, books, papers and appurtenances belonging and pertaining to the courthouse, jail and public offices belonging to any county of this State, all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by the town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this State and all lots, buildings and other school property owned by a school district and devoted to public school purposes.

(k) All money, benefits, privileges or immunities accruing or in any manner growing out of any life insurance.

(l) The homestead as provided for by law, including a homestead for which allodial title has been established and not relinquished and for which a waiver executed pursuant to NRS 115.010 is not applicable.

(m) The dwelling of the judgment debtor occupied as a home for himself or herself and family, where the amount of equity held by the judgment debtor in the home does not exceed $550,000 in value and the dwelling is situated upon lands not owned by the judgment debtor.

(n) All money reasonably deposited with a landlord by the judgment debtor to secure an agreement to rent or lease a dwelling that is used by the judgment debtor as his or her primary residence, except that such money is not exempt with respect to a landlord or the landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.

(o) All property in this State of the judgment debtor where the judgment is in favor of any state for failure to pay that state's income tax on benefits received from a pension or other retirement plan.

(p) Any vehicle owned by the judgment debtor for use by the judgment debtor or the judgment debtor's dependent that is equipped or modified to provide mobility for a person with a permanent disability.

(q) Any prosthesis or equipment prescribed by a physician or dentist for the judgment debtor or a dependent of the debtor.

(r) Money, not to exceed ~~[$500,000]~~ ***$1,000,000*** in present value, held in:

(1) An individual retirement arrangement which conforms with ***or is maintained pursuant to*** the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A ~~[,]~~ ***, including, without limitation, an inherited individual retirement arrangement;***

(2) A written simplified employee pension plan which conforms with ***or is maintained pursuant to*** the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408 ~~[,]~~ ***, including, without limitation, an inherited simplified employee pension plan;***

(3) A cash or deferred arrangement ***plan*** which is ~~[a]~~ qualified ~~[plan]~~ ***and maintained*** pursuant to the Internal Revenue Code ~~[,]~~ ***, including, without limitation, an inherited cash or deferred arrangement plan;***

(4) A trust forming part of a stock bonus, pension or profit-sharing plan which is ~~[a]~~ qualified ~~[plan]~~ ***and maintained*** pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(5) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

(s) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

(t) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

(u) Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

(v) Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(w) Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(x) Payments received as restitution for a criminal act.

(y) Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

(z) Any personal property not otherwise exempt from execution pursuant to this subsection belonging to the judgment debtor, including, without limitation, the judgment debtor's equity in any property, money, stocks, bonds or other funds on deposit with a financial institution, not to exceed ~~[$1,000]~~ ***$10,000*** in total value, to be selected by the judgment debtor.

(aa) Any tax refund received by the judgment debtor that is derived from the earned income credit described in section 32 of the Internal Revenue Code, 26 U.S.C. § 32, or a similar credit provided pursuant to a state law.

(bb) Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

(cc) Regardless of whether a trust contains a spendthrift provision:

(1) A distribution interest in the trust as defined in NRS 163.4155 that is a contingent interest, if the contingency has not been satisfied or removed;

(2) A distribution interest in the trust as defined in NRS 163.4155 that is a discretionary interest as described in NRS 163.4185, if the interest has not been distributed;

(3) A power of appointment in the trust as defined in NRS 163.4157 regardless of whether the power has been exercised;

(4) A power listed in NRS 163.5553 that is held by a trust protector as defined in NRS 163.5547 or any other person regardless of whether the power has been exercised; and

(5) A reserved power in the trust as defined in NRS 163.4165 regardless of whether the power has been exercised.

(dd) If a trust contains a spendthrift provision:

(1) A distribution interest in the trust as defined in NRS 163.4155 that is a mandatory interest as described in NRS 163.4185, if the interest has not been distributed; and

(2) Notwithstanding a beneficiary's right to enforce a support interest, a distribution interest in the trust as defined in NRS 163.4155 that is a support interest as described in NRS 163.4185, if the interest has not been distributed.

(ee) Proceeds received from a private disability insurance plan.

(ff) Money in a trust fund for funeral or burial services pursuant to NRS 689.700.

(gg) Compensation that was payable or paid pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS as provided in NRS 616C.205.

(hh) Unemployment compensation benefits received pursuant to NRS 612.710.

(ii) Benefits or refunds payable or paid from the Public Employees' Retirement System pursuant to NRS 286.670.

(jj) Money paid or rights existing for vocational rehabilitation pursuant to NRS 615.270.

(kk) Public assistance provided through the Department of Health and Human Services pursuant to NRS 422.291 and 422A.325.

(ll) Child welfare assistance provided pursuant to NRS 432.036.

2. Except as otherwise provided in NRS 115.010, no article or species of property mentioned in this section is exempt from execution issued upon a judgment to recover for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

3. Any exemptions specified in subsection (d) of section 522 of the Bankruptcy Act of 1978, 11 U.S.C. § 522(d), do not apply to property owned by a resident of this State unless conferred also by subsection 1, as limited by subsection 2.

Sec. 2. NRS 111.721 is hereby amended to read as follows:

111.721 1. "Nonprobate transfer" means a transfer of any property or interest in property from a decedent to one or more other persons by operation of law or by contract that is effective upon the death of the decedent and includes, without limitation:

(a) A transfer by right of survivorship, including a transfer pursuant to subsection 1 of NRS 115.060;

(b) A transfer by deed upon death pursuant to NRS 111.655 to 111.699, inclusive; and

(c) A security registered as transferable on the death of a person.

2. The term does not include:

(a) Property that is subject to administration in probate of the estate of the decedent;

(b) Property that is set aside, without administration, pursuant to NRS 146.070; ~~[and]~~

(c) Property transferred pursuant to an affidavit as authorized by NRS 146.080 ~~[.]~~ ***; and***

(d) Property transferred from an estate or a trust pursuant to a power of appointment granted under a will or trust, as applicable.

Sec. 3. NRS 111.779 is hereby amended to read as follows:

111.779 1. Except as otherwise provided in NRS 21.090 and other applicable law, a transferee of a nonprobate transfer is liable to the probate estate of the decedent for allowed claims against that decedent's probate estate to the extent the estate is insufficient to satisfy those claims.

2. The liability of a nonprobate transferee may not exceed the value of nonprobate transfers received or controlled by that transferee.

3. Nonprobate transferees are liable for the insufficiency described in subsection 1 in the following order of priority:

(a) A transferee specified in the decedent's will or any other governing instrument as being liable for such an insufficiency, in the order of priority provided in the will or other governing instrument;

(b) The trustee of a trust serving as the principal nonprobate instrument in the decedent's estate plan as shown by its designation as devisee of the decedent's residuary estate or by other facts or circumstances, to the extent of the value of the nonprobate transfer received or controlled; and

(c) Other nonprobate transferees, in proportion to the values received.

4. Unless otherwise provided by the trust instrument, interests of beneficiaries in all trusts incurring liabilities under this section abate as necessary to satisfy the liability, as if all the trust instruments were a single will and the interests were devises under it.

5. If a nonprobate transferee is a spouse or a minor child, the nonprobate transferee may petition the court to be excluded from the liability imposed by this section as if the nonprobate property received by the spouse or minor child were part of the decedent's estate. Such a petition may be made pursuant to the applicable provisions of chapter 146 of NRS, including, without limitation, the provisions of NRS 146.010, NRS 146.020 without regard to the filing of an inventory and subsection 2 of NRS 146.070.

6. A provision made in one instrument may direct the apportionment of the liability among the nonprobate transferees taking under that or any other governing instrument. If a provision in one instrument conflicts with a provision in another, the later one prevails.

7. Upon due notice to a nonprobate transferee, the liability imposed by this section is enforceable in probate proceedings in this State, whether or not the transferee is located in this State.

8. If a probate proceeding is pending ~~[,]~~ ***at the time of filing and it has been determined by a final order issued by the probate court that there are insufficient assets to pay a valid creditor,*** a proceeding under this section may be commenced by ***one of*** the ***following persons:***

(a) The personal representative of the decedent's estate ***.*** ~~[or, if the personal representative declines to do so, by a]~~ ***A personal representative***

who declines in good faith to commence a proceeding incurs no personal liability for declining.

(b) A creditor ~~[in the name]~~ of the ~~[decedent's]~~ estate, ***if the personal representative has declined or refused to commence an action within 30 days after receiving a written demand by a creditor. Such demand must identify the nonprobate transfers known to the creditor. If the creditor is unaware of any nonprobate transfers, in the probate proceeding, the creditor may, pursuant to NRS 155.170, obtain discovery, perpetuate testimony or conduct examinations in any manner authorized by law or by the Nevada Rules of Civil Procedure to ascertain whether any nonprobate transfers exist. If the creditor is unable to identify any nonprobate transfers within a reasonable time after conducting discovery, the creditor may not proceed under this section. If a creditor commences an action under this section:***

(1) The creditor must proceed at the expense of the creditor and not of the estate.

(2) If a creditor successfully establishes an entitlement to payment under this section ~~[.]~~ ***and collects nonprobate transfers,*** the court must order the reimbursement of the costs reasonably incurred by the creditor, including attorney's fees, from the transferee from whom the payment is to be made, subject to the limitations of subsection 2, or from the estate as a cost of administration, or partially from each, as the court deems just. ~~[A personal representative who declines in good faith to commence a requested proceeding incurs no personal liability for declining.]~~

9. If a probate proceeding is not pending, a proceeding under this section may be commenced as a civil action by a creditor at the expense of the creditor.

10. If a proceeding is commenced pursuant to this section, it must be commenced:

(a) ~~[As to a creditor whose claim was allowed after proceedings challenging disallowance of the claim by the personal representative,]~~ ***If a probate proceeding is pending in which notice to creditors has been given at the time of filing a proceeding under this section:***

(1) As to a creditor whose claim was properly and timely filed, allowed by the personal representative or partially allowed by the personal representative, and accepted by the creditor pursuant to NRS 147.160, within 60 days after the probate court enters an order confirming the amount of payment of the approved claim that is final and no longer subject to reconsideration or appeal or within 1 year after the decedent's death, whichever is later.

(2) As to a creditor:

(I) Whose claim was rejected by the personal representative, partially allowed by the personal representative and rejected by the creditor pursuant to NRS 147.160, or deemed rejected by the personal representative pursuant to NRS 147.110;

(II) Who adjudicated the creditor's claims in the proper court or by a summary adjudication; and

(III) Who obtained a favorable final judgment on its claim from the proper court,

➥ within 60 days after the probate court enters an order confirming the amount of payment of the approved claim that is final and no longer subject to reconsideration or appeal or within 1 year after the decedent's death, whichever is later.

(b) If an action had been commenced against the decedent before the decedent's death, the creditor receives a judgment against the decedent's estate and the creditor has filed a proper and timely creditor's claim against the estate, within 60 days after ~~[final allowance of the claim by]~~ the probate court ***enters an order confirming the amount of payment of the adjudicated claim that is final and no longer subject to reconsideration or appeal*** or within 1 year after the decedent's death, whichever is later.

~~[(b) As to a creditor whose claim against the decedent is being adjudicated in a separate proceeding that is still pending 1 year after the decedent's death, within 60 days after the adjudication of the claim in favor of the creditor is final and no longer subject to reconsideration or appeal.]~~

(c) As to the recovery of benefits paid for Medicaid, within 3 years after the decedent's death.

(d) As to all other creditors, within 1 year after the decedent's death.

11. Unless a written notice asserting that a decedent's probate estate is nonexistent or insufficient to pay allowed claims and statutory allowances has been received from the decedent's personal representative, the following rules apply:

(a) Payment or delivery of assets by a financial institution, registrar or other obligor to a nonprobate transferee in accordance with the terms of the governing instrument controlling the transfer releases the obligor from all claims for amounts paid or assets delivered.

(b) A trustee receiving or controlling a nonprobate transfer is released from liability under this section with respect to any assets distributed to the trust's beneficiaries. Each beneficiary to the extent of the distribution received becomes liable for the amount of the trustee's liability attributable to assets received by the beneficiary.

12. Notwithstanding any provision of this section to the contrary:

(a) A creditor has no claim against ~~[property]~~ ***:***

(1) Property transferred pursuant to a power of appointment exercised by a decedent unless it was exercisable in favor of the decedent or the decedent's estate.

(2) Property transferred pursuant to a beneficiary designation by a decedent which transfers money held by any of the following:

(I) An individual retirement arrangement which conforms with or is maintained pursuant to the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and

408A, including, without limitation, an inherited individual retirement arrangement;

(II) A written simplified employee pension plan which conforms with or is maintained pursuant to the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408, including, without limitation, an inherited simplified employee pension plan;

(III) A cash or deferred arrangement plan which is qualified and maintained pursuant to the Internal Revenue Code, including, without limitation, an inherited cash or deferred arrangement plan;

(IV) A trust forming part of a stock bonus, pension or profit-sharing plan which is qualified and maintained pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(V) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

(3) Property transferred pursuant to a beneficiary designation by a decedent which transfers money, benefits or privileges that accrue in any manner out of life insurance.

(4) Proceeds of any wages of the decedent which were exempt from execution during the decedent's lifetime pursuant to paragraph (g) of subsection 1 of NRS 21.090.

(5) A trust, a beneficial interest of the decedent under a trust or amount payable from a trust if the trust was created by someone other than the decedent, except to enforce a valid assignment of the decedent's beneficial interest under a trust that is not a spendthrift trust.

(6) An irrevocable trust or amounts payable from a trust if the trust was properly created as a valid spendthrift trust under chapter 166 of NRS, except with respect to property transferred to the trust by the decedent to the extent permitted under subsections 1, 2 and 3 of NRS 166.170.

(b) A purchaser for value of property or a lender who acquires a security interest in the property from a beneficiary of a nonprobate transfer after the death of the owner, in good faith:

(1) Takes the property free of any claims or of liability to the owner's estate, creditors of the owner's estate, persons claiming rights as beneficiaries under the nonprobate transfer or heirs of the owner's estate, in absence of actual knowledge that the transfer was improper; and

(2) Has no duty to verify sworn information relating to the nonprobate transfer. The protection provided by this subparagraph applies to information that relates to the ownership interest of the beneficiary in the property and the beneficiary's right to sell, encumber and transfer good title to a purchaser or

lender and does not relieve a purchaser or lender from the notice imparted by instruments of record respecting the property.

13. As used in this section, "devise" has the meaning ascribed to it in NRS 132.095.

Sec. 4. Chapter 123 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A trust instrument may provide that community property or separate property transferred into an irrevocable trust of which both spouses are current permissible beneficiaries remains community property or separate property, as applicable, during the marriage. Any community property or separate property, including, without limitation, any income, appreciation and proceeds thereof, that is distributed or withdrawn from a trust instrument containing such a provision remains community property ~~[unless the spouses otherwise agree in writing at or after the time of the distribution or withdrawal.]~~ or separate property, as applicable.

2. The provisions of this section do not affect the character of community property or separate property that is transferred into a trust in any manner other than as described in this section.

Sec. 5. NRS 125.150 is hereby amended to read as follows:

125.150 Except as otherwise provided in NRS 125.155 and 125.165, and unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS:

1. In granting a divorce, the court:

(a) May award such alimony to the wife or to the husband, in a specified principal sum or as specified periodic payments, as appears just and equitable; and

(b) Shall, to the extent practicable, make an equal disposition of the community property of the parties, ***including, without limitation, any community property transferred into an irrevocable trust pursuant to section 4 of this act over which the court acquires jurisdiction pursuant to NRS 164.010,*** except that the court may make an unequal disposition of the community property in such proportions as it deems just if the court finds a compelling reason to do so and sets forth in writing the reasons for making the unequal disposition.

2. Except as otherwise provided in this subsection, in granting a divorce, the court shall dispose of any property held in joint tenancy in the manner set forth in subsection 1 for the disposition of community property. If a party has made a contribution of separate property to the acquisition or improvement of property held in joint tenancy, the court may provide for the reimbursement of that party for his or her contribution. The amount of reimbursement must not exceed the amount of the contribution of separate property that can be traced to the acquisition or improvement of property held in joint tenancy, without interest or any adjustment because of an increase in the value of the property held in joint tenancy. The amount of reimbursement must not exceed the value, at the time of the disposition, of

the property held in joint tenancy for which the contribution of separate property was made. In determining whether to provide for the reimbursement, in whole or in part, of a party who has contributed separate property, the court shall consider:

(a) The intention of the parties in placing the property in joint tenancy;

(b) The length of the marriage; and

(c) Any other factor which the court deems relevant in making a just and equitable disposition of that property.

➥ As used in this subsection, "contribution" includes, without limitation, a down payment, a payment for the acquisition or improvement of property, and a payment reducing the principal of a loan used to finance the purchase or improvement of property. The term does not include a payment of interest on a loan used to finance the purchase or improvement of property, or a payment made for maintenance, insurance or taxes on property.

3. A party may file a postjudgment motion in any action for divorce, annulment or separate maintenance to obtain adjudication of any community property or liability omitted from the decree or judgment as the result of fraud or mistake. A motion pursuant to this subsection must be filed within 3 years after the discovery by the aggrieved party of the facts constituting the fraud or mistake. The court has continuing jurisdiction to hear such a motion and shall equally divide the omitted community property or liability between the parties unless the court finds that:

(a) The community property or liability was included in a prior equal disposition of the community property of the parties or in an unequal disposition of the community property of the parties which was made pursuant to written findings of a compelling reason for making that unequal disposition; or

(b) The court determines a compelling reason in the interests of justice to make an unequal disposition of the community property or liability and sets forth in writing the reasons for making the unequal disposition.

➥ If a motion pursuant to this subsection results in a judgment dividing a defined benefit pension plan, the judgment may not be enforced against an installment payment made by the plan more than 6 years after the installment payment.

4. Except as otherwise provided in NRS 125.141, whether or not application for suit money has been made under the provisions of NRS 125.040, the court may award a reasonable attorney's fee to either party to an action for divorce.

5. In granting a divorce, the court may also set apart such portion of the husband's separate property for the wife's support, the wife's separate property for the husband's support or the separate property of either spouse for the support of their children as is deemed just and equitable.

6. In the event of the death of either party or the subsequent remarriage of the spouse to whom specified periodic payments were to be made, all the

payments required by the decree must cease, unless it was otherwise ordered by the court.

7. If the court adjudicates the property rights of the parties, or an agreement by the parties settling their property rights has been approved by the court, whether or not the court has retained jurisdiction to modify them, the adjudication of property rights, and the agreements settling property rights, may nevertheless at any time thereafter be modified by the court upon written stipulation signed and acknowledged by the parties to the action, and in accordance with the terms thereof.

8. If a decree of divorce, or an agreement between the parties which was ratified, adopted or approved in a decree of divorce, provides for specified periodic payments of alimony, the decree or agreement is not subject to modification by the court as to accrued payments. Payments pursuant to a decree entered on or after July 1, 1975, which have not accrued at the time a motion for modification is filed may be modified upon a showing of changed circumstances, whether or not the court has expressly retained jurisdiction for the modification. In addition to any other factors the court considers relevant in determining whether to modify the order, the court shall consider whether the income of the spouse who is ordered to pay alimony, as indicated on the spouse's federal income tax return for the preceding calendar year, has been reduced to such a level that the spouse is financially unable to pay the amount of alimony the spouse has been ordered to pay.

9. In addition to any other factors the court considers relevant in determining whether to award alimony and the amount of such an award, the court shall consider:

(a) The financial condition of each spouse;

(b) The nature and value of the respective property of each spouse;

(c) The contribution of each spouse to any property held by the spouses pursuant to NRS 123.030;

(d) The duration of the marriage;

(e) The income, earning capacity, age and health of each spouse;

(f) The standard of living during the marriage;

(g) The career before the marriage of the spouse who would receive the alimony;

(h) The existence of specialized education or training or the level of marketable skills attained by each spouse during the marriage;

(i) The contribution of either spouse as homemaker;

(j) The award of property granted by the court in the divorce, other than child support and alimony, to the spouse who would receive the alimony; and

(k) The physical and mental condition of each party as it relates to the financial condition, health and ability to work of that spouse.

10. In granting a divorce, the court shall consider the need to grant alimony to a spouse for the purpose of obtaining training or education relating to a job, career or profession. In addition to any other factors the

court considers relevant in determining whether such alimony should be granted, the court shall consider:

(a) Whether the spouse who would pay such alimony has obtained greater job skills or education during the marriage; and

(b) Whether the spouse who would receive such alimony provided financial support while the other spouse obtained job skills or education.

11. If the court determines that alimony should be awarded pursuant to the provisions of subsection 10:

(a) The court, in its order, shall provide for the time within which the spouse who is the recipient of the alimony must commence the training or education relating to a job, career or profession.

(b) The spouse who is ordered to pay the alimony may, upon changed circumstances, file a motion to modify the order.

(c) The spouse who is the recipient of the alimony may be granted, in addition to any other alimony granted by the court, money to provide for:

(1) Testing of the recipient's skills relating to a job, career or profession;

(2) Evaluation of the recipient's abilities and goals relating to a job, career or profession;

(3) Guidance for the recipient in establishing a specific plan for training or education relating to a job, career or profession;

(4) Subsidization of an employer's costs incurred in training the recipient;

(5) Assisting the recipient to search for a job; or

(6) Payment of the costs of tuition, books and fees for:

(I) The equivalent of a high school diploma;

(II) College courses which are directly applicable to the recipient's goals for his or her career; or

(III) Courses of training in skills desirable for employment.

12. For the purposes of this section, a change of 20 percent or more in the gross monthly income of a spouse who is ordered to pay alimony shall be deemed to constitute changed circumstances requiring a review for modification of the payments of alimony. As used in this subsection, "gross monthly income" has the meaning ascribed to it in NRS 125B.070.

Sec. 6. NRS 132.135 is hereby amended to read as follows:

132.135 "Expenses of administration" means funeral expenses and expenses actually and properly incurred by a personal representative in the administration of an estate, ***including, without limitation, expenses incurred for the maintenance or preservation of the assets of an estate,*** plus the fees of the personal representative, any attorney retained by the personal representative and any other consultant engaged by him or her.

Sec. 7. NRS 132.145 is hereby amended to read as follows:

132.145 ***1.*** "Fiduciary" includes ***, without limitation,*** a personal representative, guardian ***,*** ~~[and]~~ trustee ~~[.]~~ ***under any trust, whether express, implied, resulting or constructive, bailee, conservator, curator, receiver or***

trustee in bankruptcy or an attorney in fact, assignee for the benefit of creditors or agent. The term does not include:

(a) A trust protector or trust adviser, except under the terms and conditions expressly provided in the written instrument appointing the trust protector or trust adviser; or

(b) A holder of a power of appointment under the terms of a trust.

2. As used in this section:

(a) "Trust adviser" has the meaning ascribed to it in NRS 163.5545.

(b) "Trust protector" has the meaning ascribed to it in NRS 163.5547.

Sec. 8. NRS 133.130 is hereby amended to read as follows:

133.130 If, after the making of any will, the testator executes a ***valid*** second will ~~[,]~~ ***that includes provisions revoking the first will,*** the destruction, cancellation or revocation of the second will does not revive the first will ~~[,]~~ unless ~~[it]~~ ***:***

1. It appears by the terms of the revocation ***or the manner in which the revocation occurred*** that it was the intention to revive and give effect to the first will ***;*** ~~[,]~~ or ~~[unless, after]~~

2. After the destruction, cancellation or revocation, the first will is reexecuted.

Sec. 9. NRS 136.240 is hereby amended to read as follows:

136.240 1. The petition for the probate of a lost or destroyed will must include a copy of the will, or if no copy is available state, or be accompanied by a written statement of, the testamentary words, or the substance thereof.

2. If offered for probate, a lost or destroyed will must be proved in the same manner as other wills are proved under this chapter.

3. In addition, no will may be proved as a lost or destroyed will unless ***its provisions are clearly and distinctly proved by two or more credible witnesses and*** it is ~~[proved]~~ ***:***

(a) Proved to have been in ***legal*** existence at the death of the person whose will it is claimed to be ~~[,]~~ ***and has not otherwise been revoked or destroyed without the knowledge, consent or ratification of such person;*** or ~~[is shown]~~

(b) Shown to have been fraudulently destroyed in the lifetime of that person ***.*** ~~[, nor unless its provisions are clearly and distinctly proved by at least two credible witnesses.]~~

4. The testimony of each witness must be reduced to writing, signed by the witness and filed, and is admissible in evidence in any contest of the will if the witness has died or permanently moved from the State.

5. Notwithstanding any provision of this section to the contrary:

(a) The production of a person's lost or destroyed will, whose primary beneficiary is a nontestamentary trust established by the person and in existence at his or her death, creates a rebuttable presumption that the will had not been revoked.

(b) If the proponent of a lost or destroyed will makes a prima facie showing that it was more likely than not left unrevoked by the person whose

will it is claimed to be before his or her death, then the will must be admitted to probate in absence of an objection. If such prima facie showing has been made, the court shall accept a copy of such a will as sufficient proof of the terms thereof without requiring further evidence in the absence of any objection.

6. If the will is established, its provisions must be set forth specifically in the order admitting it to probate, or a copy of the will must be attached to the order.

Sec. 10. NRS 137.005 is hereby amended to read as follows:

137.005 1. Except as otherwise provided in subsections 3 and 4, a no-contest clause in a will must be enforced by the court ~~[.]~~ ***because public policy favors enforcing the intent of the testator. However, because public policy does not favor forfeitures, a no-contest clause must be strictly construed by the court and must not be extended beyond the plain meaning of the express provisions of the will.***

2. A no-contest clause must be construed to carry out the testator's intent ~~[. Except]~~ to the extent ~~[the will is vague or ambiguous,]~~ ***such intent is clear and unambiguous. No*** extrinsic evidence is ~~[not]~~ admissible to establish the testator's intent concerning the no-contest clause. The provisions of this subsection do not prohibit ~~[such]~~ ***extrinsic*** evidence from being admitted for any other purpose authorized by law. Except as otherwise provided in subsections 3 and 4, a devisee's share may be reduced or eliminated under a no-contest clause based upon conduct that is set forth by the testator in the will, including, without limitation, any testamentary trust established in the will. Such conduct may include, without limitation:

(a) Conduct other than formal court action; and

(b) Conduct which is unrelated to the will itself, including, without limitation:

(1) The commencement of civil litigation against the testator's probate estate or family members;

(2) Interference with the administration of a trust or a business entity;

(3) Efforts to frustrate the intent of the testator's power of attorney; and

(4) Efforts to frustrate the designation of beneficiaries related to a nonprobate transfer by the testator.

3. Notwithstanding any provision to the contrary in the will, a devisee's share must not be reduced or eliminated ~~[if]~~ ***because of any action taken by*** the devisee ~~[seeks]~~ ***seeking*** only to:

(a) Enforce the terms of the will or any document referenced in or affected by the will;

(b) Enforce the devisee's legal rights in the probate proceeding; ~~[or]~~

(c) Obtain ~~[a]~~ court ~~[ruling]~~ ***instruction*** with respect to the ***proper administration of the estate or the*** construction or legal effect of the will ~~[.]~~ ***or the provisions thereof; or***

(d) Enforce the fiduciary duties of the personal representative.

4. Notwithstanding any provision to the contrary in the will, a devisee's share must not be reduced or eliminated under a no-contest clause because the devisee institutes legal action seeking to invalidate a will if the legal action is instituted ***and maintained*** in good faith and based on probable cause that would have led a reasonable person, properly informed and advised, to conclude that the will is invalid.

5. ***As to any testamentary trust, the testator is the settlor. Unless the will expressly provides otherwise, a no-contest clause in a will applies to a testamentary trust created under that will and the provisions of NRS 163.00195 apply to that trust.***

6. As used in this section, "no-contest clause" means one or more provisions in a will that express a directive to reduce or eliminate the share allocated to a devisee or to reduce or eliminate the distributions to be made to a devisee if the devisee takes action to frustrate or defeat the testator's intent as expressed in the will.

Sec. 11. NRS 137.090 is hereby amended to read as follows:

137.090 Upon filing ~~[the]~~ ***a*** petition ~~[, and within the time allowed for filing the petition,]~~ ***pursuant to NRS 137.080, the court shall order the issuance of*** a citation ***,*** ~~[must be issued,]~~ directed to the personal representative and to all the devisees mentioned in the will, and the heirs, so far as known to the petitioner, including minors and incapacitated persons, or the personal representative of any such person who is dead, directing them to plead to the contest within 30 days after service of the citation.

Sec. 12. NRS 139.135 is hereby amended to read as follows:

139.135 1. An agreement between an heir finder and an apparent heir, the primary purpose of which is to locate, recover or assist in the recovery of an estate for which the public administrator has petitioned for letters of administration, is void and unenforceable if the agreement is entered into during the period beginning with the death of the person whose estate is in probate until 90 days thereafter. ***Upon a showing of good cause, the court may extend such a period until 180 days after the death of the person.***

2. As used in this section, "heir finder" means a person who, for payment of a fee, assignment of a portion of any interest in a decedent's estate or other consideration, provides information, assistance, forensic genealogy research or other efforts related to another person's right to or interest in a decedent's estate. The term does not include:

(a) A person acting in the capacity of a personal representative or guardian ad litem;

(b) A person appointed to perform services by a probate court in which a proceeding in connection with a decedent's estate is pending; or

(c) An attorney providing legal services to a decedent's family member if the attorney has not agreed to pay to any other person a portion of the fees received from the family member or the family member's interest in the decedent's estate.

Sec. 13. NRS 140.010 is hereby amended to read as follows:

140.010 The court shall appoint a special administrator to collect and take charge of the estate of the decedent, in whatever county or counties the estate may be found, and to exercise such other powers as may be necessary to preserve the estate ~~[.]~~ ***or any rights or privileges belonging to the decedent:***

1. If there is a delay in granting letters testamentary or letters of administration, from any cause.
2. If letters are granted irregularly.
3. If no sufficient bond is filed as required by the court.
4. If no petition is filed for letters.
5. If an executor or administrator dies or is suspended or removed, and the circumstances of the estate require the immediate appointment of a personal representative.
6. If there may be no assets subject to administration but good cause exists for the appointment of a personal representative of the decedent.
7. In any other proper case.

Sec. 14. NRS 140.030 is hereby amended to read as follows:

140.030 Before letters issue to a person as a special administrator, the person must:

1. Give bond in such sum as the court directs, with sureties to the satisfaction of the court, conditioned for the faithful performance of the duties, unless the court waives bond ~~[;]~~ ***, with or without conditions, or dispenses the bond and alternatively requires the establishment of a blocked account;*** and
2. Take the usual oath of office.

Sec. 15. NRS 142.020 is hereby amended to read as follows:

142.020 1. The requirement of a bond of a personal representative is discretionary with the court. Whether a bond is expressly required by the will or not, the court may:

(a) Require a bond if it determines a bond is desirable; or

(b) Dispense with the requirement of a bond if ~~[it]~~ ***:***

(1) The court determines a bond is unnecessary ~~[.]~~ ***; or***

(2) The assets of the estate are deposited with a financial institution pursuant to subsection 3.

2. The bond must be conditioned so that the personal representative will faithfully execute the duties of the office according to law, and the bond must be filed by the clerk.

3. Personal assets of an estate may be deposited with a domestic credit union or other domestic financial institution upon such terms as may be prescribed by order of the court having jurisdiction of the estate. The deposit is subject to the further order of the court. ~~[The bond of the personal representative may be reduced accordingly.]~~ The personal representative shall file with the clerk the acknowledgment of an authorized representative

of the financial institution that holds the assets deposited, which may be in the following form:

PROOF OF BLOCKED ACCOUNT

The undersigned affirms that ....., as personal representative of the estate of ....., deceased, has established an account, number ....., entitled "....," in the amount of $.....

The undersigned acknowledges that this account bears a blocked/frozen designation, and that no money may be removed without first presenting an order from the court authorizing the withdrawal.

Dated on ..... (date) By: .....

Title: .....

4. During the pendency of the administration, any person, including a creditor, having an interest in an estate whose value exceeds $10,000 may file a petition requesting that the personal representative submit additional bond. Upon the filing of the petition, the clerk shall set it for hearing, and the petitioner shall give notice for the period and in the manner provided in NRS 155.010. Upon hearing the petition, the court may require the personal representative to file additional bond in the amount of the claim of the petitioner, unless it determines that bond should be dispensed with or set in a different amount.

5. The amount of the bond is the estimated value of all personal property plus income for 1 year from both real and personal property, unless the amount of the bond is expressly mentioned in the will, changed by the court or required pursuant to subsection 4.

6. If a banking corporation, as defined in NRS 657.016, or trust company, as defined in NRS 669.070, doing business in this State is appointed the personal representative of the estate of a decedent, no bond is required unless otherwise specifically required by the court.

Sec. 16. NRS 143.020 is hereby amended to read as follows:

143.020 Except as otherwise provided in NRS 143.030 and 146.010, a personal representative has a right to the possession of all the real, as well as personal, property of the decedent and may receive the rents and profits of the property until the estate is settled, or until delivered over by order of the court to the heirs or devisees, and shall make a reasonable effort to ~~[keep]~~ ***preserve and maintain all such property, including, without limitation, by keeping*** in good tenantable repair all houses, buildings and appurtenances thereon which are under the control of the personal representative.

Sec. 17. NRS 143.035 is hereby amended to read as follows:

143.035 1. A personal representative shall use reasonable diligence in performing the duties of the personal representative and in pursuing the administration of the estate.

2. ~~[A]~~ ***In the absence of pending litigation or a contested proceeding involving the estate, a*** personal representative in charge of an estate that has not been closed shall:

(a) Within 6 months after the personal representative's appointment, where no federal estate tax return is required to be filed for the estate; or

(b) Within ~~[15]~~ ***18*** months after the personal representative's appointment, where a federal estate tax return is required to be filed for the estate,

➥ file with the court a report explaining why the estate has not been closed.

3. Upon receiving the report, the clerk shall set a time and place for a hearing of the report. The personal representative shall send a copy of the report and shall give notice of the hearing, for the period and in the manner provided in NRS 155.010, to:

(a) Each person whose interest is affected as an heir or devisee; and

(b) The Department of Health and Human Services, if the Department has filed a claim against the estate.

4. At the hearing, the court shall determine whether or not the personal representative has used reasonable diligence in the administration of the estate, and if the personal representative has not, the court may:

(a) Subject to the provisions of NRS 143.037:

(1) Prescribe the time within which the estate must be closed; or

(2) Allow the personal representative additional time for closing and order a subsequent report; or

(b) Revoke the letters of the personal representative, appoint a successor and prescribe a reasonable time within which the successor shall close the estate.

Sec. 18. NRS 143.037 is hereby amended to read as follows:

143.037 1. Except as otherwise provided in this section, a personal representative shall close an estate within 18 months after appointment.

2. If ~~[a]~~ ***an estate is not closed within 18 months after the appointment of a personal representative and:***

(a) A claim against the estate is in litigation or in summary determination pursuant to subsection 5 of NRS 145.060 ~~[or]~~ ***, a petition for determination of the validity of the claim has been filed pursuant to*** subsection 2 of NRS 147.130 or the amount of federal estate tax has not been determined, ~~[the court, upon petition of]~~ a devisee, creditor or heir ~~[, shall]~~ ***may file a petition seeking an*** order that:

~~[(a)]~~ ***(1)*** A certain amount of money, or certain other assets, be retained by the personal representative to:

~~[(1)]~~ ***(I)*** Satisfy the claim or tax; and

~~[(2)]~~ ***(II)*** Pay any fees or costs related to the claim or tax, including fees for appraisals, attorney's fees and court costs; and

~~[(b)]~~ ***(2)*** The remainder of the estate be distributed.

~~[3. If a]~~

(b) A contest of the will or a proceeding to determine heirship is pending, ***a devisee, creditor or heir may file a petition requesting*** the court which appointed the personal representative ~~[~~**:**

~~(a) Shall]~~ ***to*** order that ~~[a]~~ ***:***

(1) A certain amount of money, or certain other assets, be retained and the remainder of the estate distributed; or

~~[(b) May, for good cause shown, order that the]~~

(2) The entire distributable estate be retained pending disposition of the contest or proceeding.

3. A court shall not enter an order distributing the assets of an estate pursuant to this section if such a distribution will result in there being insufficient assets to enable the personal representative to discharge any tax liability, claims of creditors, administrative expenses or any other just obligation of the estate.

Sec. 19. NRS 143.050 is hereby amended to read as follows:

143.050 ***1.*** Except as otherwise provided in NRS 143.520, after notice given as provided in NRS 155.010 or in such other manner as the court directs, the court may authorize the personal representative to continue the operation of the decedent's business to such an extent and subject to such restrictions as may seem to the court to be for the best interest of the estate and any interested persons.

2. The provisions of subsection 1 do not apply to passive investments or the exercise of any shareholder or membership rights to which the personal representative has succeeded.

3. Unless specifically authorized by the will or by the court, the personal representative may not receive any separate compensation for continuing the operation of the decedent's business pursuant to this section.

Sec. 20. NRS 143.165 is hereby amended to read as follows:

143.165 1. On petition ***or ex parte application*** of an interested person, the court by temporary order ***, with or without bond,*** may restrain a personal representative from performing specified acts of administration, disbursement or distribution, or exercising any powers or discharging any duties of the office, or enter any other order to secure proper performance of the duties of the office ***.*** ~~[,]~~ ***Notwithstanding any other provision of law,*** if it appears to the court that the personal representative otherwise may take some action that would jeopardize unreasonably the interest of the petitioner or of some other interested person ~~[,]~~ ***or the estate, the court may enter the temporary order.*** A person with whom the personal representative may transact business may be made a party to the temporary order.

2. The matter must be set for hearing within 10 days after entry of the temporary order ***,*** unless the parties otherwise agree ~~[,]~~ ***, or on a date the court otherwise determines is in the best interest of the estate.*** Notice as the court directs must be given by the petitioner to the personal representative

and the attorney of record of the personal representative, if any, and to any other party named as a party in the temporary order.

Sec. 21. NRS 144.010 is hereby amended to read as follows:

144.010 1. Except as otherwise provided in this ~~[~~subsection,~~]~~ ***section,*** every personal representative shall ~~[~~make~~]~~ ***prepare*** and file with the clerk ~~[~~,~~]~~ ***a true inventory and appraisement or record of value of all the assets of the decedent that have come to the possession or knowledge of the personal representative,*** within ~~[~~60~~]~~ ***120*** days after ~~[~~appointment,~~]~~ ***the issuance of letters of administration,*** unless the court extends the time ~~[~~, a true inventory and appraisement or record of value of all the estate of the decedent that has come to the possession or knowledge of the personal representative.~~]~~ ***for good cause shown.*** The requirement of ***preparing and*** filing an inventory or ~~[~~the requirement of filing~~]~~ an appraisement or ***a*** verified record of value, or both, may be waived by the unanimous written consent of all interested persons.

2. ~~[~~The~~]~~ ***Notwithstanding the provisions of this subsection, an interested person may provide a written request to the personal representative at any time 60 days or more after the issuance of letters of administration which seeks a list of the assets of the estate known to the personal representative. The personal representative shall provide such information to the requesting interested party within 10 days after receipt of the written request.***

3. Unless an interested heir requested and was provided a list of assets pursuant to subsection 2, the personal representative, within 10 days after filing the inventory with the clerk, shall mail a copy to all the interested heirs of an intestate estate, or to the devisees of a testate estate, or to both interested heirs and devisees, if a contest of the will of the decedent is pending. Proof of the mailing of the copies must be made and filed in the proceeding.

4. Notwithstanding the requirements set forth in this section, a personal representative may file a redacted inventory to protect the decedent or his or her estate or an interested person. Such an inventory may redact any account numbers, social security numbers and values. Upon request by the court or an interested person, the personal representative shall make the full inventory without redaction available for inspection.

5. This section must not be construed to interfere with the authority of a court to order a personal representative to provide the court with information sufficient to identify the assets of an estate and the value thereof that is subject to probate administration, including, without limitation, requiring the personal representative to submit an inventory to the court in camera, as the court deems necessary and appropriate.

Sec. 22. NRS 144.020 is hereby amended to read as follows:

144.020 1. A personal representative may engage a qualified and disinterested appraiser to ascertain the fair market value, as of the decedent's

death, of any asset the value of which is subject to reasonable doubt. Different persons may be engaged to appraise different kinds of assets included in the estate.

2. Any such appraiser is entitled to a reasonable compensation for the appraisal and may be paid the compensation by the personal representative out of the estate at any time after completion of the appraisal.

3. Except as otherwise provided in NRS 144.010, if there is no reasonable doubt as to the value of assets, such as money, deposits in banks or credit unions, bonds, policies of life insurance, or securities for money or evidence of indebtedness, and the asset is equal in value to cash, the personal representative shall file a verified record of value in lieu of the appraisement.

4. If it appears beyond reasonable doubt that there will be no need to sell assets of the estate to pay the debts of the estate or expenses of administration, or to divide assets for distribution in kind to the devisees or heirs, the personal representative may petition the court for an order allowing a verified record of value to be filed in lieu of the appraisement or, if no interested person is prejudiced thereby, an order waiving the requirement for filing an appraisement or verified record of value, and the court may enter such an order with or without notice.

5. If the personal representative reasonably believes that the value of the household furniture and furnishings of the estate is less than $30,000, the personal representative may file a verified record of value in lieu of the appraisement. Notwithstanding the provisions of this subsection, any interested person may petition the court to require the personal representative to obtain an appraisement on some or all of such household furniture and furnishings. Upon a showing of good cause, the court shall order the appraisement.

Sec. 23. NRS 144.080 is hereby amended to read as follows:

144.080 If a personal representative neglects or refuses to file the inventory within the time prescribed by law or extended by the court, the court may, upon such notice as it deems appropriate ~~[, revoke]~~ ***:***

1. Revoke the letters of the personal representative ~~[, and]~~ ***;***

2. Order that the fees and costs incurred by the interested person seeking to enforce the provisions of this subsection be satisfied by the bond of the personal representative or, in the absence of a bond, be paid personally by the personal representative; or

3. Hold the personal representative ~~[is]~~ liable on the bond of the personal representative for any injuries sustained by the estate through his or her ~~[neglect.]~~ ***gross negligence or willful misconduct.***

Sec. 24. NRS 147.130 is hereby amended to read as follows:

147.130 1. If a claim is rejected by the personal representative or the court, in whole or in part, the claimant must be immediately notified by the personal representative, and the claimant must bring suit in the proper court against the personal representative within 60 days after the notice or file a timely petition for ~~[summary]~~ determination ***of the validity of the claim***

pursuant to subsection 2, whether the claim is due or not, or the claim is forever barred. A claimant must be informed of the rejection of the claim by written notice forwarded to the claimant's mailing address by registered or certified mail.

2. If a claim ~~[filed by the Department of Health and Human Services]~~ is rejected by the personal representative, ~~[the Director of the Department]~~ ***a creditor*** may, within 20 days after receipt of the written notice of rejection, petition the court for ~~[summary]~~ determination of ***the validity of*** the claim ~~[.]~~ ***in lieu of bringing suit against the personal representative pursuant to subsection 1.*** A petition for ~~[summary]~~ determination ***of the validity of the claim*** must be filed with the clerk, who shall set the petition for hearing, and notice must be given for the period and in the manner required by NRS 155.010. Allowance of the claim by the court is sufficient evidence of its correctness, and it must be paid as if previously allowed by the personal representative.

3. In any action brought upon a claim rejected in whole or in part by the personal representative, if the personal representative resides out of the State or has departed from the State, or cannot, after due diligence, be found within the State, or conceals himself or herself to avoid the service of summons, the summons, together with a copy of the complaint, must be mailed directly to the last address given by the personal representative, with a copy to the attorney for the estate, and proof of the mailing must be filed with the clerk where the administration of the estate is pending. This service is the equivalent of personal service upon the personal representative, but he or she has 30 days from the date of service within which to answer.

4. If the personal representative defaults after such service, the default is sufficient grounds for his or her removal as personal representative by the court without notice. Upon petition and notice, in the manner provided for an application for letters of administration, an administrator or an administrator with the will annexed must be appointed by the court and, upon his or her qualification as such, letters of administration or letters of administration with the will annexed must be issued.

Sec. 25. NRS 147.150 is hereby amended to read as follows:

147.150 No holder of a claim against an estate may maintain an action thereon unless the claim is first filed with the clerk and the claim is rejected in whole or in part, except in the following case: An action may be brought by the holder of a ***lien or*** mortgage to enforce the ***lien or*** mortgage against the property of the estate subject thereto if all recourse against any other property of the estate is expressly waived in the complaint.

Sec. 26. NRS 148.220 is hereby amended to read as follows:

148.220 1. Notice of the time and place of sale of real property must be published in a newspaper published in the county in which the property, or some portion of the property, is located, if there is one so published, and if not, then in such paper as the court directs, for 2 weeks, being three publications, 1 week apart, before the day of sale or, in the case of a private

sale, before the day on or after which the sale is to be made. For good cause shown, the court may decrease the number of publications to one and shorten the time for publication to a period not less than 8 days.

2. ~~[If the]~~ ***The court may waive the requirement of publication if:***

(a) The personal representative is the sole devisee or heir of the estate, or if all devisees or heirs of the estate consent in writing ~~[, the court may waive the requirement of publication.]~~ ***;***

(b) The personal representative provides proof that the property has been publicly listed in a public property listing service for a period of not less than 30 days; or

(c) The estate is subject to a lien or mortgage on the property in excess of the value of the real property and the estate has entered into an agreement with the holder of the lien or mortgage to waive the deficiency and accept the net sales proceeds.

3. If it appears from the inventory and appraisement that the value of the property to be sold does not exceed $5,000, the personal representative may waive the requirement of publication and, in lieu thereof, post a notice of the time and place of sale in three of the most public places in the county in which the property, or some portion of the property, is located, for 2 weeks before the day of the sale or, in the case of a private sale, before the day on or after which the sale is to be made.

4. The property proposed to be sold must be described with common certainty in the notice.

Sec. 27. NRS 148.260 is hereby amended to read as follows:

148.260 1. Except as otherwise provided in subsection 2, ~~[no]~~ ***a*** sale of real property at ***a*** private sale ~~[may]~~ ***must not*** be confirmed by the court unless the court is satisfied that the sum offered represents the fair market value of the property sold ~~[, nor unless]~~ ***and*** the real property has been appraised within 1 year before the time of sale. If ~~[it]~~ ***the property*** has not been appraised, a new appraisement must be ~~[had,]~~ ***performed,*** as in the case of an original appraisement of an estate ***,*** ~~[. This may be done]~~ at any time before the sale or confirmation ~~[thereof.]~~ ***of the property.***

2. ***The court may waive the requirement of an appraisement:***

(a) For good cause shown; or

(b) If the personal representative is the sole devisee or heir of the estate, or if all devisees or heirs consent in writing to sale without an appraisal, ~~[the requirement of an appraisal may be dispensed with and]~~ ***, in which case*** the personal representative may rely on the assessed value of the property for taxation in obtaining confirmation of the sale.

Sec. 28. NRS 148.270 is hereby amended to read as follows:

148.270 1. At the hearing, the court shall consider the necessity for the sale, or the advantage, benefit and interest of the estate in having the sale made, and must examine the return and the evidence in relation to the sale.

2. If it appears to the court that good reason existed for the sale, that the sale was legally made and fairly conducted, and complied with the

requirements of NRS 148.260, that the sum bid is not disproportionate to the value, and it does not appear that a sum exceeding the bid by at least 5 percent if the bid is not more than $100,000, or by at least $5,000 if the bid is $100,000 or more, may be obtained, the court shall enter an order confirming the sale and directing conveyances to be executed. Otherwise, it shall vacate the sale. If the court directs that the property be resold, notice must be given and the sale in all respects conducted as if no previous sale had taken place.

3. If a written offer of 5 percent or $5,000 more in amount than that named in the return is made to the court by a responsible person, as provided in subsection 2, and the bid complies with all provisions of the law, the court may accept the offer and confirm the sale to that person, order a new sale or conduct a public auction in open court.

4. If a higher bid is received at the time of a hearing to confirm the sale, the court may continue the hearing if it finds that the original bidder was not notified of the hearing and might desire to increase his or her bid, but failure to notify the original bidder or to continue the hearing is not grounds to void an order confirming a sale.

5. If the court accepts a higher bid at the time of a hearing to confirm the sale, the court shall confirm the original purchase contract and include in the order confirming the sale the substitution of the new sale price and purchaser. The order confirming the sale is a sufficient addendum to the original contract to allow escrow to close.

6. Notwithstanding the provisions of this section, if the estate is subject to a lien or mortgage that exceeds the value of the property and the estate has entered into an agreement with the holder of the lien or mortgage to waive any deficiency as to other estate property and accept the net sales proceeds as full satisfaction of the lien or mortgage, the court shall confirm the sale without accepting bids on the property.

Sec. 29. NRS 153.020 is hereby amended to read as follows:

153.020 ***1.*** If a ~~[trust,]~~ life estate or estate for years is created by or under any will to continue after distribution ~~[,]~~ ***of the estate,*** the court does not lose jurisdiction of the estate ***, life estate or estate for years*** by final distribution ~~[,]~~ ***of the estate,*** but retains jurisdiction of it until the distribution of the residue ***of the life estate or estate for years*** to those entitled to it ~~[. The]~~ ***is complete. Proof of*** distribution ***of the residue*** may be ***made*** upon petition of ~~[the trustee, his or her successor in interest or of]~~ any person entitled to share in the distribution ~~[,]~~ ***of the life estate or estate for years, which terminates the jurisdiction of the court upon decree of the court. The court does not retain jurisdiction over a testamentary trust created by or under a will after distribution of that portion of the estate to such a testamentary trust.***

2. Notwithstanding the provisions of subsection 1, before the entry of an order granting final distribution of the estate, the court may consider a petition filed by the trustee or any beneficiary of the testamentary trust requesting the court to retain jurisdiction of the testamentary trust and,

upon good cause shown, the court may order such continued jurisdiction. Such a petition must be filed with the clerk of the court before the hearing on the petition for final distribution of the estate and must be served on all interested persons in accordance with NRS 155.010.

3. This section must not be construed to limit the ability of an interested person to subsequently seek submission of a testamentary trust to the jurisdiction of the court pursuant to NRS 164.010.

Sec. 30. NRS 153.031 is hereby amended to read as follows:

153.031 1. A trustee or beneficiary may petition the court regarding any aspect of the affairs of the trust, including:

(a) Determining the existence of the trust;

(b) Determining the construction of the trust instrument;

(c) Determining the existence of an immunity, power, privilege, right or duty;

(d) Determining the validity of a provision of the trust;

(e) Ascertaining beneficiaries and determining to whom property is to pass or be delivered upon final or partial termination of the trust, to the extent not provided in the trust instrument;

(f) Settling the accounts and reviewing the acts of the trustee, including the exercise of discretionary powers;

(g) Instructing the trustee;

(h) ~~[~~Compelling~~]~~ ***Subject to the requirements of chapter 165 of NRS, compelling*** the trustee to report information about the trust or account, to the beneficiary;

(i) Granting powers to the trustee;

(j) Fixing or allowing payment of the trustee's compensation, or reviewing the reasonableness of the trustee's compensation;

(k) Appointing or removing a trustee;

(l) Accepting the resignation of a trustee;

(m) Compelling redress of a breach of the trust;

(n) Approving or directing the modification or termination of the trust;

(o) Approving or directing the combination or division of trusts;

(p) Amending or conforming the trust instrument in the manner required to qualify the estate of a decedent for the charitable estate tax deduction under federal law, including the addition of mandatory requirements for a charitable-remainder trust;

(q) Compelling compliance with the terms of the trust or other applicable law; and

(r) Permitting the division or allocation of the aggregate value of community property assets in a manner other than on a pro rata basis.

2. A petition under this section must state the grounds of the petition and the name and address of each interested person, including the Attorney General if the petition relates to a charitable trust, and the relief sought by the petition. Except as otherwise provided in this chapter, the clerk shall set the petition for hearing and the petitioner shall give notice for the period and in

the manner provided in NRS 155.010. The court may order such further notice to be given as may be proper.

3. If the court grants any relief to the petitioner, the court may, in its discretion, order any or all of the following additional relief if the court determines that such additional relief is appropriate to redress or avoid an injustice:

(a) Order a reduction in the trustee's compensation.

(b) Order the trustee to pay to the petitioner or any other party all reasonable costs incurred by the party to adjudicate the affairs of the trust pursuant to this section, including, without limitation, reasonable attorney's fees. The trustee may not be held personally liable for the payment of such costs unless the court determines that the trustee was negligent in the performance of or breached his or her fiduciary duties.

Sec. 31. NRS 153.041 is hereby amended to read as follows:

153.041 The trustee ~~[may, upon petition of a beneficiary or the guardian of a beneficiary, be ordered to appear at a hearing and render an account. The trustee must be served with a citation]~~ ***of a testamentary trust shall account in accordance with the provisions of chapter 165 of NRS. This section must not be interpreted to abridge the authority of a court having jurisdiction over a testamentary trust pursuant to NRS 153.020 or 164.010 to order a trustee of a testamentary trust to account, upon good cause, to the persons and*** in the manner ~~[provided in NRS 155.050. Unless otherwise]~~ ordered by the court ***.*** ~~[, the citation must be served at least 30 days before the day of the hearing. The petition may not be denied unless an account has been filed with the court within 1 year before the petition if filed.]~~

Sec. 32. NRS 153.070 is hereby amended to read as follows:

153.070 ~~[On the settlement of each account]~~ ***The expenses and compensation*** of a trustee ~~[,]~~ ***of a testamentary trust must initially be governed by the terms of the will which created the testamentary trust or as otherwise ordered by the court at the time the testamentary trust is established. Thereafter, subject to any contrary terms of the testamentary trust or an order of the court,*** the court shall allow the trustee his or her proper expenses and such compensation for services as ~~[the court may deem]~~ ***are*** just and reasonable. Where there are several trustees, ~~[it shall apportion the]~~ compensation ***must be apportioned*** among ~~[them]~~ ***the trustees*** according to the respective services rendered ~~[. It]~~ ***, and such compensation*** may ~~[fix]~~ ***be*** a ***fixed*** yearly compensation for each trustee, ~~[in]~~ a set amount ***for the term of service, an hourly rate for services rendered*** or pursuant to a standard schedule of fees ***.*** ~~[, to continue as long as the]~~ ***The provisions of this section must not be interpreted to abridge the authority of a*** court ~~[may deem proper.]~~ ***having jurisdiction over a testamentary trust pursuant to NRS 153.020 or 164.010 to review and settle the expenses and compensation of the trustee of a testamentary trust upon the petition of any interested person.***

Sec. 33. NRS 153.090 is hereby amended to read as follows:

153.090 1. A person named or designated as a trustee ***of a testamentary trust*** in a will may, at any time before distribution of any of the estate to the person, decline to act as trustee, and an order of court must be entered accepting the resignation, but the declination of any person who has qualified as trustee may not be accepted by the court unless ***the testamentary trust is subject to ongoing court jurisdiction pursuant to NRS 153.020 and*** a petition to accept the declination is filed in the proceeding for administration of the ~~[~~estate.~~]~~ ***testamentary trust.*** Upon the filing of the petition, the clerk shall set it for hearing and the petitioner shall give notice to all interested persons for the period and in the manner provided in NRS 155.010.

2. ***A person named or designated as a trustee of a testamentary trust in a will that is no longer subject to ongoing court jurisdiction may resign as trustee in accordance with the terms of the testamentary trust or will which created the testamentary trust or, if the testamentary trust or will is silent on the matter, may seek court approval of such resignation in conjunction with a petition under NRS 164.010 or 164.030.***

3. In accepting a declination ~~[~~,~~]~~ ***or resignation,*** the court may enter and enforce any order which may be necessary for the preservation of the estate.

Sec. 34. Chapter 155 of NRS is hereby amended by adding thereto a new section to read as follows:

Notwithstanding any provision in this title, if an act is authorized or required to be performed at or within a specified period pursuant to this chapter:

1. The period may be extended upon the agreement of all interested persons, by written stipulation of counsel filed in the action; or

2. The court, for good cause shown, may at any time:

(a) Regardless of whether there has been a motion, petition or notice, order that the period be extended if a request for the extension is made before the expiration of the specified period as originally prescribed or as extended by a previous order; or

(b) Upon a motion made after the expiration of the specified period, authorize a person to perform the act if the failure to perform the act in a timely manner was the result of excusable neglect.

Sec. 35. NRS 155.050 is hereby amended to read as follows:

155.050 ***1.*** The citation described in NRS 155.040 ~~[~~is to~~]~~ ***must*** be served ~~[~~in the same manner as the personal~~]~~ ***by:***

(a) Certified mail, with a return receipt requested, on each person required to be served; or

(b) Personal service ~~[~~of summons.~~]~~ ***in the manner provided pursuant to Rule 4(d) of the Nevada Rules of Civil Procedure.***

2. If ~~[~~personal~~]~~ ***, after due diligence,*** service cannot be made upon the person to be served, ***service of*** the citation may be ~~[~~served~~]~~ ***made by publication in the manner provided by Rule 4(e) of the Nevada Rules of***

Civil Procedure, by leaving a copy with the person's attorney of record or in such other manner as the court may direct.

Sec. 36. NRS 162.280 is hereby amended to read as follows:

162.280 At the time for distribution of any property of an estate or trust, the fiduciary may withhold any part or all of the property from the beneficiaries if the fiduciary determines that the property may be subject to ***claims of offset held by the fiduciary in his or her fiduciary capacity,*** conflicting claims, tax deficiencies or other liabilities, contingent or otherwise, relating to the estate or trust.

Sec. 37. NRS 162.300 is hereby amended to read as follows:

162.300 1. A fiduciary may ***establish a trust or*** form a corporation, limited-liability company or other entity, and transfer, assign and convey to the ***trust,*** corporation, limited-liability company or entity all or any part of an estate or of any trust property in exchange for the stock, securities or obligations of the ***trust,*** corporation, limited-liability company or entity, and continue to hold the stock and securities and obligations.

2. A ***trust established or a*** corporation, limited-liability company or other entity incorporated, organized or registered under the laws of this State that acts as a fiduciary or trustee of an estate or trust administered under the laws of this State may be owned or controlled by the trust if the trust instrument authorizes the trust to own an affiliate.

3. As used in this section, "affiliate" has the meaning ascribed to it in NRS 163.020.

Sec. 38. Chapter 163 of NRS is hereby amended by adding thereto the provisions set forth as sections 39 and 40 of this act.

Sec. 39. ***Except as otherwise provided in NRS 163.0075 or another provision of law:***

1. A trust may be created for a noncharitable purpose without a definite ascertainable beneficiary or for a noncharitable but otherwise valid purpose. The noncharitable purpose for which a trust is created must be stated with sufficient particularity in the trust instrument as to be ascertainable by a finder of fact.

2. A trust authorized by this section may be enforced by a trustee, trust adviser, trust protector or person appointed under the terms of the trust or, if no such person is appointed, by the court.

3. Except to the extent the court determines that the value of the trust property exceeds the amount required for the intended use, property of a trust authorized by this section may be applied only to its intended use, including, without limitation, appointing trust property to or for the benefit of an existing or new trust whose purposes are limited to one or more purposes of the original trust. Except as otherwise provided by the terms of the trust, property not required for the intended use must be distributed to the settlor, if living, or otherwise to the settlor's successors in interest.

4. As used in this section:

(a) "Trust adviser" has the meaning ascribed to it in NRS 163.5545.

(b) "Trust protector" has the meaning ascribed to it in NRS 163.5547.

(c) "Valid purpose" means any purpose that is not illegal or against public policy.

Sec. 40. ***Unless otherwise ordered or provided for in a property or separation agreement approved by the court in a proceeding for a divorce or annulment, the divorce, annulment of the marriage or termination of the domestic partnership of the descendant of a settlor revokes:***

1. Every devise, beneficial interest or designation to serve as trustee that was given by the settlor to the former spouse or domestic partner of the descendant in a revocable inter vivos trust executed before the entry of the decree of divorce or annulment or the termination of the domestic partnership, unless otherwise provided in the trust instrument, and the provisions of the trust take effect in the same manner as if the spouse or domestic partner of the descendant predeceased the settlor; and

2. The appointment of the spouse or domestic partner of the descendant as a trust protector, trust adviser or consultant.

Sec. 41. NRS 163.00195 is hereby amended to read as follows:

163.00195 1. Except as otherwise provided in subsections 3 and 4, a no-contest clause in a trust must be enforced by the court ~~[.]~~ ***because public policy favors enforcing the intent of the settlor. However, because public policy does not favor forfeitures, a no-contest clause must be strictly construed by the court and must not be extended beyond the plain meaning of the express provisions of the trust.***

2. A no-contest clause must be construed to carry out the settlor's intent ~~[. Except]~~ to the extent ~~[the no-contest clause in the trust is vague or ambiguous,]~~ ***such intent is clear and unambiguous. No*** extrinsic evidence is ~~[not]~~ admissible to establish the settlor's intent concerning the no-contest clause. The provisions of this subsection do not prohibit ~~[such]~~ ***extrinsic*** evidence from being admitted for any other purpose authorized by law. Except as otherwise provided in subsections 3 and 4, a beneficiary's share may be reduced or eliminated under a no-contest clause based upon conduct that is set forth by the settlor in the trust. Such conduct may include, without limitation:

(a) Conduct other than formal court action; and

(b) Conduct which is unrelated to the trust itself, including, without limitation:

(1) The commencement of civil litigation against the settlor's probate estate or family members;

(2) Interference with the administration of another trust or a business entity;

(3) Efforts to frustrate the intent of the settlor's power of attorney; and

(4) Efforts to frustrate the designation of beneficiaries related to a nonprobate transfer by the settlor.

3. Notwithstanding any provision to the contrary in the trust, a beneficiary's share must not be reduced or eliminated ~~[if]~~ ***because of any action taken by*** the beneficiary ~~[seeks]~~ ***seeking*** only to:

(a) Enforce the terms of the trust, any document referenced in or affected by the trust, or any other trust-related instrument;

(b) Enforce the beneficiary's legal rights related to the trust, any document referenced in or affected by the trust, or any trust-related instrument; ~~[or]~~

(c) Obtain ~~[a]~~ court ~~[ruling]~~ ***instruction*** with respect to the ***proper administration of the trust or the*** construction or legal effect of the trust, ***the provisions thereof or*** any document referenced in or affected by the trust, or any other trust-related instrument ~~[.]~~ ***; or***

(d) Enforce the fiduciary duties of the trustee.

4. Notwithstanding any provision to the contrary in the trust, a beneficiary's share must not be reduced or eliminated under a no-contest clause in a trust because the beneficiary institutes legal action seeking to invalidate a trust, any document referenced in or affected by the trust, or any other trust-related instrument if the legal action is instituted ***and maintained*** in good faith and based on probable cause that would have led a reasonable person, properly informed and advised, to conclude that the trust, any document referenced in or affected by the trust, or other trust-related instrument is invalid.

5. ***Unless the trust expressly provides otherwise, a no-contest clause must not be applied to a settlor who is also a beneficiary of the trust.***

6. As used in this section:

(a) "No-contest clause" means one or more provisions in a trust that express a directive to reduce or eliminate the share allocated to a beneficiary or to reduce or eliminate the distributions to be made to a beneficiary if the beneficiary takes action to frustrate or defeat the settlor's intent as expressed in the trust or in a trust-related instrument.

(b) "Trust" means the original trust instrument and each amendment made pursuant to the terms of the original trust instrument.

(c) "Trust-related instrument" means any document purporting to transfer property to or from the trust or any document made pursuant to the terms of the trust purporting to direct the distribution of trust assets or to affect the management of trust assets, including, without limitation, documents that attempt to exercise a power of appointment.

Sec. 42. NRS 163.002 is hereby amended to read as follows:

163.002 ***1.*** Except as otherwise provided by specific statute, a trust may be created by any of the following methods:

~~[1.]~~ ***(a)*** A declaration by the owner of property that he or she ***or another person*** holds the property as trustee. In the absence of a contrary declaration by the owner of the property or of a transfer of the property to a third party and regardless of formal title to the property:

~~[(a)]~~ ***(1)*** Property declared to be trust property, together with all income therefrom and the reinvestment thereof, must remain trust property; and

~~[(b)]~~ ***(2)*** If the property declared to be trust property includes an account, contract, certificate, note, judgment, business interest, contents of a safe deposit box or other property interest that is subject to additions or contributions, all subsequent additions and contributions to the property are also trust property.

~~[2.]~~ ***(b)*** A transfer of property by the owner during his or her lifetime to another person as trustee.

~~[3.]~~ ***(c)*** A testamentary transfer of property by the owner to another person as trustee.

~~[4.]~~ ***(d)*** An exercise of a power of appointment in trust.

~~[5.]~~ ***(e)*** An enforceable promise to create a trust.

2. A declaration pursuant to paragraph (a) of subsection 1 may include a schedule or list of trust assets that is signed by the owner of the property or that is incorporated by reference into a document that is signed by the owner of the property.

Sec. 43. NRS 163.006 is hereby amended to read as follows:

163.006 A trust is created only if there is a beneficiary. This requirement is satisfied if the trust instrument provides for:

1. A beneficiary or class of beneficiaries that is ascertainable with reasonable certainty or that is sufficiently described so that it can be determined whether a person meets the description or is within the class;

2. A grant of power to the trustee or some other person to select the beneficiary based on a standard or in the discretion of the trustee or other person;

3. A charitable trust as defined in NRS 163.460;

4. A trust for the care of one or more animals created pursuant to NRS 163.0075; ~~[or]~~

5. A public benefit trust as defined in NRS 163.551 ~~[.]~~ ***; or***

6. A noncharitable trust without an ascertainable beneficiary pursuant to section 39 of this act.

Sec. 44. NRS 163.008 is hereby amended to read as follows:

163.008 1. A trust created in relation to real property is not valid unless it is created by operation of law or is evidenced by:

(a) A written instrument signed by the trustee, or by the agent of the trustee if the agent is authorized in writing to do so; or

(b) A written instrument, including, without limitation, an electronic trust, conveying the trust property and signed by the settlor, or by the agent of the settlor if the agent is authorized in writing to do so.

2. Such a trust may be recorded in the office of the county recorder in the county where all or a portion of the real property is located.

3. This section must not be construed to require a declaration by an owner of property pursuant to NRS 163.002 that specifically identified real property is held in trust to be in writing. As used in this subsection, "specifically identified real property" includes property that is identified by legal description, street address or the applicable assessor's parcel number.

Sec. 45. NRS 163.027 is hereby amended to read as follows:

163.027 1. Except as otherwise provided in subsection 2 or in the trust, a trustee may distribute property and money:

(a) In divided or undivided interests; and

(b) With or without proration.

2. Each affected beneficiary must consent before property or money is distributed without proration ~~[,]~~ unless the trust specifically authorizes the trustee to make that distribution ~~[.]~~ ***or the distribution is otherwise authorized by law.***

Sec. 46. NRS 163.115 is hereby amended to read as follows:

163.115 1. If a trustee commits or threatens to commit a breach of trust, a beneficiary or cotrustee of the trust may maintain a proceeding for any of the following purposes that is appropriate:

(a) To compel the trustee to perform his or her duties.

(b) To enjoin the trustee from committing the breach of trust.

(c) To compel the trustee to redress the breach of trust by payment of money or otherwise.

(d) To appoint a receiver or temporary trustee to take possession of the trust property and administer the trust.

(e) To remove the trustee.

(f) To set aside acts of the trustee.

(g) To reduce or deny compensation of the trustee.

(h) To impose an equitable lien or a constructive trust on trust property.

(i) To trace trust property that has been wrongfully disposed of and recover the property or its proceeds.

2. ***On petition or ex parte application of a beneficiary or trustee, the court by temporary order, with or without bond, may restrain a trustee from performing specified acts of administration, disbursement or distribution, or exercising any powers or discharging any duties of the office, or enter any other order to secure proper performance of the duties of the office. Notwithstanding any other provision of law governing temporary injunctions, if it appears to the court that the trustee otherwise may take some action that would jeopardize unreasonably the interest of the petitioner, another beneficiary or the trust, the court may enter the temporary order. A person with whom the trustee may transact business may be made a party to the temporary order.***

3. Any temporary order entered pursuant to subsection 2 must be set for hearing within 10 days after entry of the temporary order, unless the parties otherwise agree, or on a date the court otherwise determines is in the best interests of the trust. Notice of entry of the temporary order must be given by the petitioner to the trustee and the attorney of record of the trustee, if any, to any other party named as a party in the temporary order and as otherwise directed by the court.

4. The provision of remedies in ~~[subsection 1]~~ ***this section*** does not preclude resort to any other appropriate remedy provided by statute or common law.

~~[3.]~~ ***5.*** A proceeding under this section must be commenced by filing ***or bringing in conjunction with the filing of*** a petition under NRS 164.010 and 164.015.

Sec. 47. NRS 163.130 is hereby amended to read as follows:

163.130 1. A trustee who has incurred personal liability for a tort committed in the administration of the trust is entitled to exoneration therefor from the trust property if the trustee has not discharged the claim, or to be reimbursed therefor out of trust funds if the trustee has paid the claim, if:

(a) The tort was a common incident of the kind of business activity in which the trustee was properly engaged for the trust; ~~[or]~~

(b) Although the tort was not a common incident of such activity, neither the trustee nor any officer or employee of the trustee was guilty of personal fault in incurring the liability ~~[.]~~ ***; or***

(c) The trust instrument authorizes the exoneration or reimbursement of a trustee and the actions of the trustee did not constitute willful misconduct or gross negligence.

2. If a trustee commits a tort which increases the value of the trust property, the trustee shall be entitled to exoneration or reimbursement with respect thereto to the extent of such increase in value, even though the trustee would not otherwise be entitled to exoneration or reimbursement.

3. Nothing in this section shall be construed to change the existing law with regard to the liability of trustees of charitable trusts for torts of themselves or their employees.

Sec. 48. NRS 163.4185 is hereby amended to read as follows:

163.4185 1. A distribution interest may be classified as:

(a) A mandatory interest if the trustee has no discretion to determine whether a distribution should be made, when a distribution should be made or the amount of the distribution.

(b) A support interest if the ~~[distribution of a support interest contains a standard for distribution for the support of a person which may be interpreted by the trustee or a court, as necessary. A provision in a trust which provides a support interest may contain mandatory language which a]~~ trustee ~~[must follow.]~~ ***is required to make distributions to the beneficiary pursuant to an ascertainable standard.***

(c) A discretionary interest if the trustee has discretion to determine whether a distribution should be made, when a distribution should be made and the amount of the distribution.

2. If a trust contains a combination of a mandatory interest, a support interest or a discretionary interest, the trust must be separated as:

(a) A mandatory interest only to the extent of the mandatory language provided in the trust;

(b) A support interest only to the extent of the support language provided in the trust; and

(c) A discretionary interest for any remaining trust property.

3. If a trust provides for a support interest that also includes mandatory language but the mandatory language is qualified by discretionary language, the support interest must be classified and separated as a discretionary interest.

4. As used in this section, "ascertainable standard" means a standard relating to a person's health, education, support or maintenance within the meaning of section 2041(b)(1)(A) or 2514(c)(1) of the Internal Revenue Code, 26 U.S.C. § 2041(b)(1)(A) or 2514(c)(1), and any regulations of the United States Treasury promulgated thereunder.

Sec. 49. NRS 163.556 is hereby amended to read as follows:

163.556 1. Except as otherwise provided in this section, unless the terms of a testamentary instrument or irrevocable trust provide otherwise, a trustee with discretion or authority to distribute trust income or principal to or for a beneficiary of the trust may exercise such discretion or authority by appointing the property subject to such discretion or authority in favor of a second trust as provided in this section.

2. The second trust to which a trustee appoints property of the first trust may only have as beneficiaries one or more of the beneficiaries of the original trust:

(a) To or for whom a distribution of income or principal may be made from the original trust;

(b) To or for whom a distribution of income or principal may be made in the future from the original trust at a time or upon the happening of an event specified under the first trust; or

(c) Both paragraphs (a) and (b).

➥ For purposes of this subsection, a permissible appointee of a power of appointment exercised by a beneficiary of the second trust is not considered a beneficiary of the second trust.

3. A trustee may not appoint property of the original trust to a second trust if:

(a) Appointing the property will reduce any income interest of any income beneficiary of the original trust if the original trust is:

(1) A trust for which a marital deduction has been taken for federal or state income, gift or estate tax purposes;

(2) A trust for which a charitable deduction has been taken for federal or state income, gift or estate tax purposes; or

(3) A grantor-retained annuity trust or unitrust under ~~[~~27~~]~~ ***26*** C.F.R. § 25.2702-3(b) and (c).

➥ As used in this paragraph, "unitrust" has the meaning ascribed to it in NRS 164.700.

(b) The property to be appointed is subject to a power of withdrawal which is held by a beneficiary of the original trust and may be executed at the

time of the proposed appointment, unless after the exercise of such appointment, the beneficiary of the original trust's power of withdrawal is unchanged with respect to the trust property.

(c) Property specifically allocated for one beneficiary of the original trust is no longer allocated for that beneficiary under either or both trusts, unless the beneficiary consents in writing.

(d) Property held for the benefit of one or more beneficiaries under both the original and the second trust has a lower value than the value of the property held for the benefit of the same beneficiaries under only the original trust, unless:

(1) The benefit provided is limited to a specific amount or periodic payments of a specific amount; and

(2) The value of the property held in either or both trusts for the benefit of one or more beneficiaries is actuarially adequate to provide the benefit.

(e) A contribution made to the original trust qualified for a gift tax exclusion as described in section 2503(b) of the Internal Revenue Code, 26 U.S.C. § 2503(b), by reason of the application of section 2503(c) of the Internal Revenue Code, 26 U.S.C. § 2503(c), unless the second trust provides that the beneficiary's remainder interest must vest not later than the date upon which such interest would have vested under the terms of the original trust.

4. A trustee who is a beneficiary of the original trust may not exercise the authority to appoint property of the original trust to a second trust if:

(a) Under the terms of the original trust or pursuant to law governing the administration of the original trust:

(1) The trustee does not have discretion to make distributions to himself or herself;

(2) The trustee's discretion to make distributions to himself or herself is limited by an ascertainable standard, and under the terms of the second trust, the trustee's discretion to make distributions to himself or herself is not limited by the same ascertainable standard; or

(3) The trustee's discretion to make distributions to himself or herself can only be exercised with the consent of a cotrustee or a person holding an adverse interest and under the terms of the second trust the trustee's discretion to make distributions to himself or herself is not limited by an ascertainable standard and may be exercised without consent; or

(b) Under the terms of the original trust or pursuant to law governing the administration of the original trust, the trustee of the original trust does not have discretion to make distributions that will discharge the trustee's legal support obligations but under the second trust the trustee's discretion is not limited.

5. Notwithstanding the provisions of subsection 1, a trustee who may be removed by the beneficiary or beneficiaries of the original trust and replaced with a trustee that is related to or subordinate, as described in section 672 of the Internal Revenue Code, 26 U.S.C. § 672(c), to a beneficiary, may not

exercise the authority to appoint property of the original trust to a second trust to the extent that the exercise of the authority by such trustee would have the effect of increasing the distributions that can be made from the second trust to such beneficiary or group of beneficiaries that held the power to remove the trustee of the original trust and replace such trustee with a related or subordinate person, unless the distributions that may be made from the second trust to such beneficiary or group of beneficiaries described in paragraph (a) of subsection 4 are limited by an ascertainable standard.

6. The provisions of subsections 4 and 5 do not prohibit a trustee who is not a beneficiary of the original trust or who may not be removed by the beneficiary or beneficiaries and replaced with a trustee that is related to or subordinate to a beneficiary from exercising the authority to appoint property of the original trust to a second trust pursuant to the provisions of subsection 1.

7. Before appointing property pursuant to subsection 1, a trustee may give notice of a proposed action pursuant to NRS 164.725 or may petition a court for approval pursuant to NRS 153.031, 164.015 or 164.725. Any notice of a proposed action or a petition for a court's approval must include the trustee's opinion of how the appointment of property will affect the trustee's compensation and the administration of other trust expenses.

8. The trust instrument of the second trust may:

(a) Grant a general or limited power of appointment to one or more of the beneficiaries of the second trust who are beneficiaries of the original trust.

(b) Provide that, at a time or occurrence of an event specified in the trust instrument, the remaining trust assets in the second trust must be held for the beneficiaries of the original trust upon terms and conditions that are substantially identical to the terms and conditions of the original trust.

9. The power to appoint the property of the original trust pursuant to subsection 1 must be exercised by a writing, signed by the trustee and filed with the records of the trust.

10. The exercise of the power to invade principal of the original trust pursuant to subsection 1 is considered the exercise of a power of appointment, other than power to appoint the property to the trustee, the trustee's creditors, the trustee's estate or the creditors of the trustee's estate and the provisions of NRS 111.1031 apply to such power of appointment.

11. The provisions of this section do not abridge the right of any trustee who has the power to appoint property which arises under any other law.

12. The provisions of this section do not impose upon a trustee a duty to exercise the power to appoint property pursuant to subsection 1.

13. The power to appoint property to another trust pursuant to subsection 1 is not a power to amend the trust and a trustee is not prohibited from appointing property to another trust pursuant to subsection 1 if the original trust is irrevocable or provides that it may not be amended.

14. A trustee's power to appoint property to another trust pursuant to subsection 1 is not limited by the existence of a spendthrift provision in the original trust.

15. A trustee exercising any power granted pursuant to this section may designate himself or herself or any other person permitted to act as a trustee as the trustee of the second trust.

16. The trustee of a second trust, resulting from the exercise of the power to appoint property to another trust pursuant to subsection 1, may also exercise the powers granted pursuant to this section with respect to the second trust.

17. ~~[For the purposes of this section, "second trust" means an irrevocable trust that receives trust income or principal appointed by the trustee of the original trust, and may be established by any person, including, without limitation, a new trust created by the trustee, acting in that capacity, of the original trust. If the trustee of the original trust establishes the second trust, then for purposes of creating the new second trust, the requirement of NRS 163.008 that the instrument be signed by the settlor shall be deemed to be satisfied by the signature of the trustee of the second original trust. The second trust may be a trust created under the same trust instrument as the original trust or under a different trust instrument.~~

~~18. As used in this section, "ascertainable standard" means a standard relating to an individual's health, education, support or maintenance within the meaning of section 2041(b)(1)(A) or 2514(c)(1) of the Internal Revenue Code, 26 U.S.C. § 2041(b)(1)(A) or 2514(c)(1), and any regulations of the United States Treasury promulgated thereunder.~~

~~19.]~~ This section applies to a trust that is governed by, situsted in or administered under the laws of this State, whether the trust is initially governed by, situsted in or administered under the laws of this State pursuant to the terms of the trust instrument or whether the governing law, situs or administration of the trust is moved to this State from another state or foreign jurisdiction.

18. The power to appoint to a second trust pursuant to this section may be exercised to appoint to a second trust that is a special needs trust, pooled trust or third-party trust.

19. As used in this section:

(a) "Ascertainable standard" means a standard relating to a person's health, education, support or maintenance within the meaning of section 2041(b)(1)(A) or 2514(c)(1) of the Internal Revenue Code, 26 U.S.C. § 2041(b)(1)(A) or 2514(c)(1), and any regulations of the United States Treasury promulgated thereunder.

(b) "Pooled trust" means a trust described in 42 U.S.C. § 1396p(d)(4)(C) that meets the requirements for such a trust under any law or regulation of this State relating to the treatment of trusts for purposes of eligibility for Medicaid or other needs-based public assistance.

(c) "Second trust" means an irrevocable trust that receives trust income or principal appointed by the trustee of the original trust, and may be established by any person, including, without limitation, a new trust created by the trustee, acting in that capacity, of the original trust. If the trustee of the original trust establishes the second trust, then for purposes of creating the new second trust, the requirement of NRS 163.008 that the instrument be signed by the settlor shall be deemed to be satisfied by the signature of the trustee of the second original trust. The second trust may be a trust created under the same trust instrument as the original trust or under a different trust instrument.

(d) "Special needs trust" means a trust under 42 U.S.C. § 1396p(d)(4)(A) that meets the requirements for such a trust under any law or regulation of this State relating to the treatment of trusts for purposes of eligibility for Medicaid or other needs-based public assistance.

(e) "Third-party trust" means a trust that is:

(1) Established by a third party with the assets of the third party to provide for the supplemental needs of a person who is eligible for needs-based public assistance at or after the time of the creation of the trust; and

(2) Exempt from the provisions of any law or regulation of this State relating to the treatment of trusts for purposes of eligibility for Medicaid.

Sec. 50. NRS 163.610 is hereby amended to read as follows:

163.610 ~~[~~A fiduciary~~]~~ ***Unless otherwise provided by the trust instrument, a trustee*** may ~~[~~take such actions as are necessary to cause~~]~~ ***include capital*** gains from the sale or exchange of ~~[~~trust assets, as determined for federal income tax purposes, to be taxed for federal income tax purposes as part of a distribution of income, including, without limitation, income which has been increased by an adjustment from principal to income under NRS 164.795, a unitrust distribution or a distribution of principal~~]~~ ***capital assets in distributable net income to the extent the gains are, in a reasonable and impartial exercise of discretion by the trustee, allocated to:***

1. Income pursuant to the power of the trustee to adjust between principal and income pursuant to NRS 164.795;

2. Principal and treated consistently by the trustee in the books, records and tax returns of the trust as part of the distribution to a beneficiary; or

3. Principal but distributed to a beneficiary or utilized by the trustee in determining the amount that is distributed or required to be distributed to a beneficiary.

Sec. 51. NRS 164.010 is hereby amended to read as follows:

164.010 1. Upon petition of any person appointed as trustee of an express trust by any written instrument other than a will, or upon petition of a settlor or beneficiary of the trust, the district court of the county in which ~~[~~the~~]~~ ***any*** trustee resides or conducts business ~~[~~,~~]~~ ***at the time of the filing of the petition*** or in which the trust has been domiciled ~~[~~,~~]~~ ***as of the time of the filing of the petition*** shall ~~[~~consider the application to~~]~~ assume jurisdiction of the trust as a proceeding in rem ~~[~~,~~]~~ ***unless another court has properly***

assumed continuing jurisdiction in rem in accordance with the laws of that jurisdiction and the district court determines that it is not appropriate for the district court to assume jurisdiction under the circumstances.

2. ~~[If]~~ ***For the purposes of this section, a trust is domiciled in this State notwithstanding that the trustee neither resides nor conducts business in this State if:***

(a) The trust instrument expressly provides that the situs of the trust is in this State or that a court in this State has jurisdiction over the trust;

(b) A person has designated for the trust that this State is the situs or has jurisdiction, if such person made the designation at a time during which he or she held the power to make such a designation under the express terms of the trust instrument;

(c) The trust owns an interest in real property located in this State;

(d) The trust owns personal property, wherever situated, if the trustee is:

(1) Incorporated or authorized to do business in this State;

(2) A trust company licensed under chapter 669 of NRS;

(3) A family trust company, as defined in NRS 669A.080; or

(4) A national association having an office in this State;

(e) One or more beneficiaries of the trust reside in this State; or

(f) At least part of the administration of the trust occurs in this State.

3. Notwithstanding the provisions of this section, if a court of a jurisdiction other than this State has jurisdiction over a trust and grants an order authorizing a transfer of jurisdiction over that trust to this State, the district court has the power to assume jurisdiction over the trust and to otherwise supervise the administration of that trust in accordance with the procedures set forth in this title.

4. For the purposes of determining venue, preference is given in the following order:

(a) To the county in which the situs or domicile was most recently declared by a person granted the power to make such a declaration under the terms of the trust instrument at the time of the filing of the petition;

(b) To the county in which the situs or domicile is declared in the trust instrument; and

(c) To the county in which the situs or domicile is declared by the trustee at the time of the filing of the petition in a certification of the trust which complies with subsection 2 of NRS 164.400 and subsection 2 of NRS 164.410 and which contains a declaration of the trust's situs or domicile as authorized in subsection 1 of NRS 164.410.

5. When the court ~~[grants the petition,]~~ ***assumes jurisdiction pursuant to this section,*** the court:

(a) Has jurisdiction of the trust as a proceeding in rem ~~[;]~~ ***as of the date of the filing of the petition;***

(b) Shall be deemed to have personal jurisdiction over ***any trustee confirmed by the court and*** any person ~~[pursuant to NRS 164.045;]~~

appearing in the matter, unless such an appearance is made solely for the purpose of objecting to the jurisdiction of the court;

(c) May confirm at the same time the appointment of the trustee and specify the manner in which the trustee must qualify; and

(d) May consider at the same time granting orders on other matters relating to the trust, including, without limitation, matters that might be addressed in a declaratory judgment relating to the trust under subsection 2 of NRS 30.040 or petitions filed pursuant to NRS 153.031 or 164.015 whether such matters are raised in the petition to assume jurisdiction pursuant to this section or in one or more separate petitions that are filed concurrently with the petition to assume jurisdiction.

~~[3.]~~ ***6.*** At any time, the trustee may petition the court for removal of the trust from continuing jurisdiction of the court.

~~[4. For the purposes of this section, a trust is domiciled:~~

~~(a) In this State if there is a clear and sufficient nexus between the trust and this State pursuant to subsection 4 of NRS 164.045.~~

~~(b) In a county of this State that provides the nexus required pursuant to paragraph (a) giving preference:~~

~~(1) First, to the situs or domicile most recently declared by a person granted the power to make such a declaration under the terms of the trust instrument;~~

~~(2) Second, to the situs or domicile declared in the trust instrument; and~~

~~(3) Finally, to the situs or domicile declared by the trustee in a certification of the trust which complies with subsection 2 of NRS 164.400 and subsection 2 of NRS 164.410 and which contains a declaration of the trust's situs or domicile as authorized in subsection 1 of NRS 164.410.~~

~~5.]~~ ***7.*** As used in this section, "written instrument" includes, without limitation, an electronic trust as defined in NRS 163.0015.

Sec. 52. NRS 164.045 is hereby amended to read as follows:

164.045 1. The laws of this State govern the validity and construction of a trust if:

(a) The trust instrument so provides;

(b) Designated by a person who, under the terms of the trust instrument, has the right to designate the laws that govern the validity and construction of the trust, at the time the designation is made; or

(c) The trust instrument does not provide for the law that governs the validity and construction of the trust, a person designated under the terms of the trust instrument to designate the law that governs the validity and construction of the trust, if any, has not made such a designation and the settlor or the trustee of the trust was a resident of this State at the time the trust was created or at the time the trust became irrevocable.

➥ ***A trust instrument or designation cannot extend the duration of the trust beyond the rule against perpetuities otherwise applicable to the trust at the time of its creation.***

2. A person not domiciled in this State may have the right to designate the laws that govern the validity and construction of a trust if properly designated under the trust instrument.

3. ~~[If the district court, as defined in NRS 132.116, determines that there is a clear and sufficient nexus between a trust and this State, the court may assume jurisdiction during a proceeding conducted pursuant to NRS 164.010 unless:~~

~~(a) Another court has properly assumed jurisdiction in accordance with the laws of that jurisdiction;~~

~~(b) The trust instrument expressly provides that the situs of the trust is outside of this State or that a court of a jurisdiction other than this State has jurisdiction over the trust; or~~

~~(c) A person has designated for the trust a situs or jurisdiction other than this State, if such person made the designation at a time during which he or she held the power to make such a designation under the express terms of the trust instrument.~~

~~4. For the purposes of this section, there is a clear and sufficient nexus between a trust and this State if:~~

~~(a) The trust owns an interest in real property located in this State;~~

~~(b) The trust owns personal property, wherever situated, if the trustee or cotrustee is:~~

~~(1) A resident of this State;~~

~~(2) Incorporated or authorized to do business in this State;~~

~~(3) A trust company licensed under chapter 669 of NRS;~~

~~(4) A family trust company, as defined in NRS 669A.080; or~~

~~(5) A national association having an office in this State;~~

~~(c) One or more beneficiaries of the trust reside in this State; or~~

~~(d) At least part of the administration of the trust occurs in this State.~~

~~5. For paragraphs (c) and (d) of subsection 4 to apply with respect to a cotrustee, such cotrustee must have the authority to maintain records for the trust and to prepare income tax returns for the trust, even if such authority may also be exercised by another cotrustee.~~

~~6. Notwithstanding the provisions of this section, if a court of a jurisdiction other than this State has jurisdiction over a trust and grants an order authorizing a transfer of jurisdiction over the trust to this State, the district court has the power to assume jurisdiction over that trust and to otherwise supervise the administration of that trust in accordance with the procedures set forth in this title if the requirements of subsection 4 are satisfied.~~

~~7.]~~ A trust, the situs of which is outside this State, that moves its situs to this State is valid whether or not the trust complies with the laws of this State at the time of its creation or after its creation.

Sec. 53. NRS 165.030 is hereby amended to read as follows:

165.030 ~~[Within 75]~~ ***An interested person to whom a trustee is required to account pursuant to this chapter may provide a written request to the***

trustee at any time 60 days ***or more*** after ~~[a]~~ ***the appointment of the*** trustee ~~[receives possession of trust property, the trustee shall serve a copy of an inventory setting forth all the trust property which has come into the possession or knowledge of]~~ ***which seeks a list of the assets of the trust estate known to*** the trustee. The trustee shall serve the ~~[notice]~~ ***information to the requesting interested party*** in the ***same*** manner ***required for notice, as*** set forth in NRS 155.010 ~~[to each interested person and beneficiary to whom the trustee is required to account pursuant to this chapter.]~~ ***within 15 days after receipt of the written request.***

Sec. 54. NRS 451.024 is hereby amended to read as follows:

451.024 1. The following persons, in the following order of priority, may order the burial or cremation of human remains of a deceased person:

(a) A person designated as the person with authority to order the burial or cremation of the human remains of the decedent in a legally valid document or in an affidavit executed in accordance with subsection 9;

(b) If the decedent was, at the time of death, on active duty as a member of the Armed Forces of the United States, a reserve component thereof or the National Guard, a person designated by the decedent in the United States Department of Defense Record of Emergency Data, DD Form 93, or its successor form, as the person authorized to direct disposition of the human remains of the decedent;

(c) The spouse of the decedent;

(d) An adult son or daughter of the decedent;

(e) Either parent of the decedent;

(f) An adult brother or sister of the decedent;

(g) A grandparent of the decedent;

(h) A guardian of the person of the decedent at the time of death; and

(i) A person who meets the requirements of subsection 2.

2. Any other person may order the burial or cremation of the human remains of the decedent if the person:

(a) Is at least 18 years of age; and

(b) Executes an affidavit affirming:

(1) That he or she knew the decedent;

(2) The length of time that he or she knew the decedent;

(3) That he or she does not know the whereabouts of any of the persons specified in paragraphs (a) to (h), inclusive, of subsection 1; and

(4) That he or she willingly accepts legal and financial responsibility for the burial or cremation of the human remains of the decedent.

3. If a person with authority to order the burial or cremation of the human remains of a decedent pursuant to paragraphs (c) to (h), inclusive, of subsection 1 has been arrested for or charged with murder, as defined in NRS 200.010, or voluntary manslaughter, as defined in NRS 200.050, in connection with the death of the decedent, the authority of the person to order the disposition of the human remains of the decedent is automatically

relinquished and passes to the next person in order of priority pursuant to subsection 1.

4. If there is more than one person authorized to order the burial or cremation of the human remains of a decedent within a particular priority class pursuant to paragraphs (d) to (h), inclusive, of subsection 1, a funeral establishment or direct cremation facility may require a majority of the members of the priority class to agree upon a disposition of the remains of the decedent.

5. A person who accepts legal and financial responsibility for the burial or cremation of the human remains of a decedent as described in subparagraph (4) of paragraph (b) of subsection 2 does not have a claim against the estate of the decedent or against any other person for the cost of the burial or cremation.

6. If the deceased person was an indigent or other person for whom the final disposition of the decedent's remains is a responsibility of a county or the State, the appropriate public officer may order the burial or cremation of the remains and provide for the respectful disposition of the remains.

7. If the deceased person donated his or her body for scientific research or, before the person's death, a medical facility was made responsible for the final disposition of the person, a representative of the scientific institution or medical facility may order the burial or cremation of his or her remains.

8. A living person may order the burial or cremation of human remains removed from his or her body or the burial or cremation of his or her body after death. In the latter case, any person acting pursuant to his or her instructions is an authorized agent.

9. A person 18 years of age or older wishing to authorize another person to order the burial or cremation of his or her human remains in the event of the person's death ***may include such an authorization in a validly executed will or durable power of attorney or*** may execute an affidavit before a notary public in substantially the following form:

State of Nevada .....}
}ss
County of .....}

(Date) .....

I, ..., (person authorizing another person to order the burial or cremation of his or her human remains in the event of his or her death) do hereby designate ..... (person who is being authorized to order the burial or cremation of the human remains of a person in the event of his or her death) to order the disposition of my human remains upon my death.

Subscribed and sworn to before me this .....
day of the month of ..... of the year .....

.....
(Notary Public)

10. If the authorized person is not reasonably available or is unable to act as the authorized person, the right of the person to be the authorized person shall pass to the next person or category of persons in the order of priority pursuant to subsection 1.

11. It shall be presumed that an authorized person is not reasonably available to act as an authorized person in accordance with subsection 10 if the crematory, cemetery, funeral establishment or direct cremation facility, after exercising due diligence, has been unable to contact the person, or if the person has been unwilling or unable to make final arrangements for the burial or cremation of the human remains of the decedent, within 30 days after the initial contact or attempt to contact by the crematory, cemetery, funeral establishment or direct cremation facility.

12. If a person with a lower authorization priority than another person pursuant to subsection 1 has been authorized to order the burial or cremation of the human remains of a decedent and, subsequently, a person with a higher authorization priority makes an initial contact with the crematory, cemetery, funeral establishment or direct cremation facility and is available to perform the duties of an authorized person pursuant to this section before the final disposition of the decedent, the person with the higher authorization priority is the authorized person to order the burial or cremation of the human remains of the decedent.

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 319.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 343.

AN ACT relating to guardianships; revising provisions governing the guardianship of minors; authorizing the appointment of **a guardian ad litem or** an advocate for the best interests of a proposed protected minor in guardianship proceedings; revising the required contents of a citation in guardianship proceedings for a protected minor; revising the procedures for requesting the appointment of a temporary guardian for certain minors; requiring the assignment of child support payments to a guardian for the support of a protected minor; authorizing the award of visitation rights between a protected minor and certain relatives; revising the factors for consideration in guardianship determinations regarding a protected minor; revising provisions for changing the residence of a protected minor to a location outside of this State; revising provisions governing obligations due to or for a protected minor; establishing certain requirements for the filing of a verified account upon the emancipation of a protected minor; providing for the extension or establishment of a guardianship of a minor after the age of majority; establishing certain required showings for certain terminations of

guardianships; making various other changes pertaining to guardianships; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the procedures for the appointment of a guardian for a ward, the powers and duties of a guardian and the termination of a guardianship. (Chapter 159 of NRS) **Sections 2-157** of this bill create a new chapter applicable exclusively to guardianships of minors, incorporating, revising and supplementing those provisions from existing law as they currently relate to minors.

Section 27 : (1) authorizes the court to appoint **a guardian ad litem or** an advocate for the best interests of a proposed protected minor ~~[and]~~ **; (2)** sets forth the role of the **guardian ad litem or** advocate as an officer of the court ~~[.]~~ **; and (3) sets forth provisions governing the compensation of a guardian ad litem or advocate.**

Existing law requires a citation issued pursuant to a petition for the appointment of a guardian to include certain specified information concerning the rights of a proposed ward. (NRS 159.048) **Section 31** adds the requirement that a citation also include notice that: (1) the rights of any person having legal or physical custody of a proposed protected minor may be affected as specified in the petition; and (2) at any time in the proceedings, the court may appoint for the proposed protected minor an attorney, a guardian ad litem and an advocate for the best interests of the proposed protected minor.

Existing law provides that a petitioner may request the appointment of a temporary guardian for a ward who is a minor and who is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention. (NRS 159.052) **Section 36** of this bill revises the procedure by which a petitioner may request the appointment of a temporary guardian for a minor who is in need of immediate medical attention by eliminating the requirement that the petition be supported by a letter signed by a governmental agency in this State which conducts investigations or a police report indicating whether the proposed ward presents a danger to himself or herself or others, or whether the proposed ward is or has been subjected to abuse, neglect or exploitation.

Section 37 of this bill establishes a procedure by which a petitioner may, by verified petition, request the appointment of a temporary guardian for the person of a proposed protected minor, for his or her estate or for both, in circumstances other than when the minor is in need of immediate medical attention. **Section 37** requires the petition to state facts establishing good cause for the appointment of a temporary guardian and which show that: (1) the petitioner has tried in good faith to give notice of the petition as required by statute; (2) the minor would be at risk of immediate physical, emotional or financial harm if such notice were to be provided before the court determines whether to appoint a temporary guardian; or (3) giving such notice is not feasible under the circumstances. **Section 37** eliminates a requirement that

the court limit the powers of a temporary guardian for a protected minor to those necessary to respond to the risk which threatens the minor. **Section 37** requires, in the case of an ex parte application, the petition be accompanied by an affidavit which explains the emergency. **Section 37** also provides that, if no parent of a proposed protected minor has had the care, custody and control of the minor for the 6 months immediately preceding the petition, temporary guardianship is presumed to be in the minor's best interest. Finally, **section 37** provides that the court may extend a temporary guardianship beyond an initial period of 10 days for not more than two successive 60-day periods unless extraordinary circumstances necessitate a longer duration for the temporary guardianship.

Section 41 requires the assignment of payments of court-ordered child support to the guardian for the support of a protected minor.

Section 42 authorizes the award of rights of visitation between a protected minor and his or her parents or relatives who are within the fourth degree of consanguinity.

Existing law states that the parents of a minor, if qualified and suitable, are preferred over all others for appointment as guardian for the minor and sets forth certain factors for consideration by the court in determining the qualifications and suitability of any person who is proposed for appointment as guardian. (NRS 159.061) **Section 46** revises these provisions by establishing a presumption that a parent who petitioned for guardianship of a minor is suitable to serve as guardian, except when a countering presumption that a parent is unsuitable to care for the proposed protected minor is created by a showing that: (1) the parent is unable to provide for the basic needs of the minor; (2) the parent poses a significant risk of physical or emotional danger to the minor; or (3) the minor has not been in the care, custody and control of the parent for the 6 months immediately preceding the filing of the petition. **Section 46** also adds to the factors for consideration by the court the question of whether the parent or another person has engaged in domestic violence against the proposed protected minor, a parent of the minor or any other person who resides with the minor. **Section 46** provides that, in the event of competing petitions, any finding of unsuitability of a parent must be supported by clear and convincing evidence after a hearing on the merits or an evidentiary hearing. **Section 46** authorizes the court to award temporary guardianship, supported by findings of suitability, pending a trial or evidentiary hearing. Finally, **section 46** requires the court to always act in the best interests of the proposed protected minor.

Existing law: (1) requires a guardian to petition the court to change the residence of a ward to a location outside of this State; and (2) authorizes a guardian to move or place the ward in a secured residential long-term care facility without filing a petition if the court has previously granted the guardian such authority or the move or placement is pursuant to a written recommendation by a licensed physician, a physician employed by the Department of Veterans Affairs, a licensed social worker or an employee of a

county or state office for protective services. (NRS 159.079) **Section 61** requires a guardian to file a petition for guardianship of a protected minor in the state of the minor's new residence not later than 6 months after changing the residence of the minor to a location outside of this State. **Section 61** also requires a guardian to file a petition with the court for authorization to move a protected minor to a secured residential long-term facility in all circumstances.

Section 73 revises provisions governing obligations due to or for a protected minor to provide for the payment of child support to a guardian for the support of the minor and to require a guardian to give notice to the court of the entry of an order for the payment of support for the minor or the approval of any public assistance for the minor.

Section 108 sets forth circumstances under which a guardian may sell, dispose of or authorize the immediate destruction of personal property of a protected minor without notice.

Section 110 provides that a guardian may sell the personal property of a protected minor only after notice of intent to sell is provided to the protected minor and all interested parties by personal delivery or by certified mail.

Section 128 requires a guardian of the estate of a minor to make and file a verified account within 90 days after the emancipation of the minor, unless the court authorizes a longer period.

Existing law sets forth circumstances under which the guardianship of the person or the estate of a ward is terminated. (NRS 159.191) **Section 144** ~~[adds a requirement]~~ **provides** that a hearing **may** be held not later than 90 days before the protected minor reaches the age of majority to determine whether guardianship is needed or requested beyond the age of majority and whether the guardian should be notified of any requirements of the guardianship which require compliance. **Section 144** also provides for the filing of a petition for guardianship pursuant to existing law governing guardianships for adults if the court determines that, upon reaching the age of majority, a protected minor would be deemed an incompetent adult.

Section 145 sets forth certain showings that a parent of a protected minor must make to terminate the guardianship of the minor.

Sections 158-192 of this bill revise the provisions of existing law in chapter 159 of NRS governing guardianships of adults to apply exclusively to guardianships of adults.

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

Section 1. Title 13 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 157, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 14, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Care provider" includes any public or private institution located within or outside this State which provides facilities for the care or maintenance of minors.*

Sec. 4. *"Citation" means a document issued by the clerk of the court, as authorized by statute or ordered by the court, requiring a person to appear, directing a person to act or conduct himself or herself in a specified way, or notifying a person of a hearing.*

Sec. 5. *"Court" means any court or judge having jurisdiction of the persons and estates of minors.*

Sec. 6. *"Guardian" means any person appointed under this chapter as guardian of the person, of the estate, or of the person and estate for any other person, and includes an organization under NRS 662.245 and joint appointees. The term includes, without limitation, if the context so requires, a person appointed in another state who serves in the same capacity as a guardian in this State.*

Sec. 7. *"Home state" means the state in which the proposed protected minor was physically present for at least 6 consecutive months, including any temporary absence from the state, immediately before the filing of a petition for the appointment of a guardian.*

Sec. 8. *"Minor" means any person who is:*

1. Less than 18 years of age; or

2. Less than 19 years of age if the guardianship is continued until the person reaches the age of 19 years pursuant to section 144 of this act.

Sec. 9. *1. "Private professional guardian" means a person who receives compensation for services as a guardian to three or more wards who are not related to the guardian by blood or marriage.*

2. For the purposes of this chapter, the term includes:

(a) A person who serves as a private professional guardian and who is required to have a license issued pursuant to chapter 628B of NRS.

(b) A person who serves as a private professional guardian but who is exempt pursuant to NRS 159.0595 or 628B.110 or section 45 of this act from the requirement to have a license issued pursuant to chapter 628B of NRS.

3. The term does not include:

(a) A governmental agency.

(b) A public guardian appointed or designated pursuant to the provisions of chapter 253 of NRS.

Sec. 10. *"Proposed protected minor" means any minor for whom proceedings for the appointment of a guardian have been initiated in this State or, if the context so requires, for whom similar proceedings have been initiated in another state.*

Sec. 11. *"Protected minor" means any minor for whom a guardian has been appointed.*

Sec. 12. *"Secured residential long-term care facility" has the meaning ascribed to it in NRS 159.0255.*

Sec. 13. *"State" has the meaning ascribed to it in NRS 159.0265.*

Sec. 14. *"Ward" means any person for whom a guardian has been appointed.*

Sec. 15. *As used in this chapter, unless the context otherwise requires, when the term "writing" or "written" is used in reference to a will or instrument, the term includes an electronic will as defined in NRS 132.119 and an electronic trust as defined in NRS 163.0015.*

Sec. 16. *Except as otherwise provided in this chapter, the provisions of this chapter do not apply to guardians ad litem.*

Sec. 17. *1. Except as otherwise provided in this section, by specific statute or as ordered by the court, a petitioner in a guardianship proceeding shall give notice of the time and place of the hearing on any petition filed in the guardianship proceeding to:*

(a) Any protected minor who is 14 years of age or older.

(b) The parent or legal guardian of any protected minor who is less than 14 years of age.

(c) All known relatives of the protected minor who are within the second degree of consanguinity.

(d) Any other interested person or the person's attorney who has filed a request for notice in the guardianship proceedings and has served a copy of the request upon the guardian. The request for notice must state the interest of the person filing the request and the person's name and address, or that of his or her attorney.

(e) The guardian, if the petitioner is not the guardian.

(f) Any person or care provider who is providing care for the protected minor, except that if the person or care provider is not related to the protected minor, such person or care provider must not receive copies of any inventory or accounting.

(g) The Director of the Department of Health and Human Services if the protected minor has received or is receiving benefits from Medicaid.

(h) Those persons entitled to notice if a proceeding were brought in the protected minor's home state.

2. The petitioner shall give notice not later than 10 days before the date set for the hearing:

(a) By mailing a copy of the notice by certified, registered or ordinary first-class mail to the residence, office or post office address of each person required to be notified pursuant to this section;

(b) By personal service; or

(c) In any other manner ordered by the court, upon a showing of good cause.

3. Except as otherwise provided in this subsection, if none of the persons entitled to notice of a hearing on a petition pursuant to this section can, after due diligence, be served by certified mail or personal service and this fact is proven by affidavit to the satisfaction of the court, service of the notice must be made by publication in the manner provided by N.R.C.P. 4(e). In all such cases, the notice must be published not later than 10 days before the date set for the hearing. If, after the appointment of a guardian, a search for relatives of the protected minor listed in paragraph (c) of subsection 1 fails to find any such relative, the court may waive the notice by publication required by this subsection.

4. For good cause shown, the court may waive the requirement of giving notice.

5. A person entitled to notice pursuant to this section may waive such notice. Such a waiver must be in writing and filed with the court.

6. On or before the date set for the hearing, the petitioner shall file with the court proof of giving notice to each person entitled to notice pursuant to this section.

Sec. 18. *If publication of a notice or citation is required pursuant to this chapter, the court may, for good cause shown:*

1. Allow fewer publications to be made within the time for publication; and

2. Extend or shorten the time in which the publications must be made.

Sec. 19. *If a petition, notice, objection, consent, waiver or other paper may be filed, a true and correct facsimile of it may be filed, if the original is filed within a reasonable time or at such time prescribed by the court.*

Sec. 20. *All notices required to be given by this chapter may be given by the clerk of the court without an order from the court, and when so given, for the time and in the manner required by law, they are legal and valid as though made upon an order from the court. If use of a citation is authorized or required by statute, the citation may be issued by the clerk of the court on the request of a party or the party's attorney without a court order, unless an order is expressly required by statute.*

Sec. 21. *1. The venue for the appointment of a guardian when the proposed protected minor's home state is this State must be the county where the proposed protected minor resides.*

2. If the proper venue may be in two or more counties, the county in which the proceeding is first commenced is the proper county in which to continue the proceedings.

3. Upon the filing of a petition showing that the proper venue is inconvenient, a venue other than that provided in subsection 1 may accept the proceeding.

Sec. 22. *1. If proceedings for the appointment of a guardian for the same proposed protected minor are commenced in more than one county in this State, and the proposed protected minor's home state is this State, the proceedings must be stayed, except in the county where first commenced,*

until final determination of venue in that county. If the proper venue is finally determined to be in another county, the court shall cause a transcript of the proceedings and all original papers filed therein, all certified by the clerk of the court, to be sent to the clerk of the court of the proper county.

2. A proceeding is considered commenced by the filing of a petition.

3. The proceedings first legally commenced for the appointment of a guardian of the estate or of the person and estate extend to all the property of the proposed protected minor which is in this State.

Sec. 23. *A court having before it any guardianship matter for a minor whose home state is this State may transfer the matter to another county in the interest of the minor or, if not contrary to the interest of the minor, for the convenience of the guardian. A petition for the transfer, setting forth the reasons therefor, may be filed in the guardianship proceeding. If the court is satisfied that the transfer is in the interest of the minor or, if not contrary to the interest of the minor, for the convenience of the guardian, the court shall make an order of transfer and cause a transcript of the proceedings in the matter, all original papers filed in such proceedings and the original bond filed by the guardian, to be certified by the clerk of the court originally hearing the matter and sent to the clerk of the court of the other county. Upon receipt of the transcript, papers and bond, and the filing of them for record, the court of the other county has complete jurisdiction of the matter, and thereafter all proceedings must be as though they were commenced in that court.*

Sec. 24. *1. All petitions filed in a guardianship proceeding pursuant to this chapter must bear the title of the court and cause.*

2. The caption of all petitions and other documents filed in a guardianship proceeding pursuant to this chapter must read, "In The Matter of the Guardianship of ..... (the person, the estate, or the person and estate), ... (the legal name of the person), minor."

Sec. 25. *1. Except as otherwise provided in NRS 127.045, a proposed protected minor, a governmental agency, a nonprofit corporation or any interested person may petition the court for the appointment of a guardian.*

2. To the extent the petitioner knows or reasonably may ascertain or obtain, the petition must include, without limitation:

(a) The name and address of the petitioner.

(b) The name, date of birth and current address of the proposed protected minor.

(c) A copy of one of the following forms of identification of the proposed protected minor which must be placed in the records relating to the guardianship proceeding and, except as otherwise provided in NRS 239.0115 or as otherwise required to carry out a specific statute, maintained in a confidential manner:

(1) A social security number;

(2) A birth certificate;

(3) A valid driver's license number;

(4) A valid identification card number; or

(5) A valid passport number.

➥ If the information required pursuant to this paragraph is not included with the petition, the information must be provided to the court not later than 120 days after the appointment of a guardian or as otherwise ordered by the court.

(d) The date on which the proposed protected minor will attain the age of majority and:

(1) Whether there is a current order concerning custody and, if so, the state in which the order was issued; and

(2) Whether the petitioner anticipates that the proposed protected minor will need guardianship after attaining the age of majority.

(e) Whether the proposed protected minor is a resident or nonresident of this State.

(f) The names and addresses of the relatives of the proposed protected minor who are within the second degree of consanguinity.

(g) The name, date of birth and current address of the proposed guardian. If the proposed guardian is a private professional guardian, the petition must include proof that the guardian meets the requirements of section 45 of this act. If the proposed guardian is not a private professional guardian, the petition must include a statement that the guardian currently is not receiving compensation for services as a guardian to more than one ward who is not related to the person by blood or marriage.

(h) A copy of one of the following forms of identification of the proposed guardian which must be placed in the records relating to the guardianship proceeding and, except as otherwise provided in NRS 239.0115 or as otherwise required to carry out a specific statute, maintained in a confidential manner:

(1) A social security number;

(2) A birth certificate;

(3) A valid driver's license number;

(4) A valid identification card number; or

(5) A valid passport number.

(i) Whether the proposed guardian has ever been convicted of a felony and, if so, information concerning the crime for which the proposed guardian was convicted and whether the proposed guardian was placed on probation or parole.

(j) A summary of the reasons why a guardian is needed and any available documentation demonstrating the need for a guardianship, including, without limitation, any orders or other information from a court concerning the custody of the proposed protected minor.

(k) A general description and the probable value of the property of the proposed protected minor and any income to which the proposed protected

minor is or will be entitled, if the petition is for the appointment of a guardian of the estate.

(l) The name and address of any person or care provider having the care, custody or control of the proposed protected minor.

(m) If a petitioner is not a parent of the proposed protected minor, a declaration explaining the relationship of the petitioner to the proposed protected minor or to the proposed protected minor's parents and the interest, if any, of that petitioner in the appointment.

(n) Requests for any of the specific powers set forth in sections 117 to 126, inclusive, of this act necessary to enable the guardian to carry out the duties of the guardianship.

(o) If the guardianship is sought as the result of an investigation of a report of abuse or neglect of the proposed protected minor, whether the referral was from a law enforcement agency or a state or county agency.

(p) Whether the proposed protected minor or the proposed guardian is a party to any pending criminal or civil litigation.

(q) Whether the guardianship is sought for the purpose of initiating litigation.

(r) Whether the proposed guardian has filed for or received protection under the federal bankruptcy laws within the immediately preceding 7 years.

Sec. 26. *1. On or after the date of the filing of a petition to appoint a guardian:*

(a) The court may appoint ~~[a person]~~ an attorney to represent the protected minor or proposed protected minor ; ~~[as a guardian ad litem;]~~ and

(b) The ~~[guardian ad litem]~~ attorney must represent the protected minor or proposed protected minor ~~[as a guardian ad litem]~~ until relieved of that duty by court order.

2. ~~[Upon the appointment of the guardian ad litem, the court shall set forth in the order of appointment the duties of the guardian ad litem.~~

~~3.]~~ The ~~[guardian ad litem]~~ attorney is entitled to reasonable compensation from the estate of the protected minor or proposed protected minor. If the court finds that a person has unnecessarily or unreasonably caused the appointment of ~~[a guardian ad litem,]~~ an attorney, the court may order the person to pay to the estate of the protected minor or proposed protected minor all or part of the expenses associated with the appointment of the ~~[guardian ad litem.]~~ attorney.

3. An attorney who is appointed pursuant to subsection 1 may not serve as a guardian ad litem or an advocate for the best interests of a protected minor or proposed protected minor.

Sec. 27. *1. The court may appoint a guardian ad litem or an advocate for the best interests of a protected minor or proposed protected minor who is the subject of guardianship proceedings conducted pursuant*

to this chapter if the court believes that the minor could benefit from that appointment.

2. The court may not appoint an attorney as a guardian ad litem or an advocate for the best interests of a protected minor or proposed protected minor unless:

(a) The court believes that an attorney who represents the protected minor or proposed protected minor is unable to provide information which is required by the court to make a determination on the best interests of the minor;

(b) No volunteer is available to serve as an advocate; or

(c) Extraordinary circumstances exist in which an attorney may assist the court as an advocate.

3. [An] A guardian ad litem or an advocate for the best interests of a protected minor or proposed protected minor who is appointed pursuant to subsection 1:

(a) Is an officer of the court;

(b) Does not represent the protected minor or proposed protected minor;

(c) Shall not offer legal advice;

(d) Is not a party to the case;

(e) Shall advocate for the best interests of the protected minor or proposed protected minor; [and]

(f) Shall provide information to the court in accordance with applicable court rule [.] ; and

(g) Shall serve until relieved of that duty by court order.

4. A guardian ad litem or an advocate for the best interests of a protected minor or proposed protected minor is entitled to reasonable compensation from the estate of the protected minor or proposed protected minor. If the protected minor or proposed protected minor is indigent, the court may order such compensation to be paid by the county. If the court finds that a person has unnecessarily or unreasonably caused the appointment of a guardian ad litem or an advocate for the best interests of a protected minor or proposed protected minor, the court may order the person to pay to the estate of the protected minor or proposed protected minor all or part of the expenses associated with the appointment of the guardian ad litem or advocate for the best interests of the protected minor or proposed protected minor.

Sec. 28. *1. Upon filing of the petition, or any time thereafter, the court may appoint one or more investigators to:*

(a) Locate persons who perform services needed by the proposed protected minor and other public and private resources available to the proposed protected minor.

(b) Determine any competing interests in the appointment of a guardian.

(c) Investigate allegations or claims which affect a proposed protected minor.

(d) Investigate the suitability of a proposed guardian to provide for the basic needs of a proposed protected minor, including, without limitation, food, clothing, shelter, medical care and education.

(e) Locate relatives of the proposed protected minor who are within the second degree of consanguinity.

2. An investigator may be an employee of ~~[a social service agency, family service officer of]~~ the court ~~[, public guardian, physician]~~ or ~~[other qualified]~~ a person ~~[,]~~ retained under contract with the court.

3. An investigator shall file with the court and parties a report concerning the scope of the appointment of the guardian and any special powers which a guardian would need to assist the proposed protected minor.

4. ~~[An investigator who is appointed pursuant to this section is entitled to reasonable compensation from the estate of the proposed protected minor.]~~ If the court finds that a person has unnecessarily or unreasonably caused the investigation, the court may order the person to pay to the ~~[estate of the proposed protected minor]~~ court all or part of the expenses associated with the investigation.

Sec. 29. *1. Except as otherwise provided in sections 30, 35, 36 and 37 of this act, upon the filing of a petition under section 25 of this act, the clerk shall issue a citation setting forth a time and place for the hearing and directing the persons or care provider referred to in subsection 2 to appear and show cause why a guardian should not be appointed for the proposed protected minor.*

2. A citation issued under subsection 1 must be served upon:

(a) A proposed protected minor who is 14 years of age or older;

(b) All known relatives of the proposed protected minor who are:

(1) Fourteen years of age or older; and

(2) Within the second degree of consanguinity;

(c) The parents and custodian of the proposed protected minor;

(d) Any person or officer of a care provider having the care, custody or control of the proposed protected minor;

(e) The proposed guardian, if the petitioner is not the proposed guardian; and

(f) The Director of the Department of Health and Human Services if the proposed protected minor has received or is receiving any benefits from Medicaid.

Sec. 30. *1. A copy of the citation issued pursuant to section 29 of this act must be served by:*

(a) Certified mail, with a return receipt requested, on each person required to be served pursuant to section 29 of this act at least 20 days before the hearing; or

(b) Personal service in the manner provided pursuant to N.R.C.P. 4(d) at least 10 days before the date set for the hearing on each person required to be served pursuant to section 29 of this act.

2. If none of the persons on whom the citation is to be served can, after due diligence, be served by certified mail or personal service and this fact is proven, by affidavit, to the satisfaction of the court, service of the citation must be made by publication in the manner provided by N.R.C.P. 4(e). In all such cases, the citation must be published at least 20 days before the date set for the hearing.

3. A citation need not be served on a person or an officer of the care provider who has signed the petition or a written waiver of service of citation or who makes a general appearance.

4. The court may find that notice is sufficient if:

(a) The citation has been served by certified mail, with a return receipt requested, or by personal service on the proposed protected minor, care provider or ~~[public]~~ guardian required to be served pursuant to section 29 of this act; and

(b) At least one relative of the proposed protected minor who is required to be served pursuant to section 29 of this act has been served, as evidenced by the return receipt or the certificate of service. If the court finds that at least one relative of the proposed protected minor has not received notice that is sufficient, the court will require the citation to be published pursuant to subsection 2.

Sec. 31. *The citation issued pursuant to section 29 of this act must state that:*

1. A guardian may be appointed for the proposed protected minor;

2. The rights of the proposed protected minor and of any person having legal or physical custody of the proposed protected minor may be affected as specified in the petition;

3. The proposed protected minor has the right to appear at the hearing and to oppose the petition;

4. The proposed protected minor has the right to be represented by an attorney; and

5. At any time during proceedings on the citation, the court may appoint for the proposed protected minor:

(a) An attorney.

(b) A guardian ad litem ~~[pursuant to section 26 of this act.~~

~~(c) An]~~ or an advocate for the best interests of the proposed protected minor pursuant to section 27 of this act.

Sec. 32. *A protected minor or proposed protected minor who is the subject of proceedings held pursuant to this chapter may be represented by an attorney at all stages of the proceedings. If the protected minor or proposed protected minor is represented by an attorney, the attorney has the same authority and rights as an attorney representing a party to the proceedings.*

Sec. 33. *1. A court may find that a petitioner is a vexatious litigant if a person, other than the protected minor:*

(a) Files a petition which is without merit or intended to harass or annoy the guardian; and

(b) Has previously filed pleadings in a guardianship proceeding that were without merit or intended to harass or annoy the guardian.

2. If a court finds a person is a vexatious litigant pursuant to subsection 1, the court may impose sanctions on the petitioner in an amount sufficient to reimburse the estate of the protected minor for all or part of the expenses incurred by the estate of the protected minor to defend the petition, to respond to the petition and for any other pecuniary losses which are associated with the petition.

Sec. 34. *Any court of competent jurisdiction may appoint:*

1. Guardians of the person, of the estate, or of the person and estate for minors whose home state is this State.

2. Guardians of the person or of the person and estate for minors who, although not residents of this State, are physically present in this State and whose welfare requires such an appointment.

3. Guardians of the estate for nonresident minors who have property within this State.

4. Guardians ad litem.

Sec. 35. *The court may, without issuing a citation, appoint a guardian for the proposed protected minor if the petitioner is a parent who has sole legal and physical custody of the proposed protected minor as evidenced by a valid court order or birth certificate and who is seeking the appointment of a guardian for the minor child of the parent. If the proposed protected minor is a minor who is 14 years of age or older:*

1. The petition must be accompanied by the written consent of the minor to the appointment of the guardian; or

2. The minor must consent to the appointment of the guardian in open court.

Sec. 36. *1. A petitioner may request the court to appoint a temporary guardian for a proposed protected minor who is in need of immediate medical attention which he or she cannot obtain without the appointment of a temporary guardian. To support the request, the petitioner must set forth in a petition and present to the court under oath:*

(a) Documentation which shows that the proposed protected minor needs immediate medical attention and, without the appointment of a temporary guardian, cannot obtain that medical attention. Such documentation must include, without limitation, a copy of the birth certificate of the proposed protected minor or other documentation verifying the age of the proposed protected minor.

(b) Facts which show that:

(1) The petitioner has tried in good faith to notify the persons entitled to notice pursuant to section 29 of this act by telephone or in writing before the filing of the petition;

(2) The proposed protected minor would be exposed to an immediate risk of physical harm if the petitioner were to provide notice to the persons entitled to notice pursuant to section 29 of this act before the court determines whether to appoint a temporary guardian; or

(3) Giving notice to the persons entitled to notice pursuant to section 29 of this act is not feasible under the circumstances.

2. The court may appoint a temporary guardian to serve for 10 days if the court:

(a) Finds reasonable cause to believe that the proposed protected minor is in need of immediate medical attention which he or she cannot obtain without the appointment of a temporary guardian; and

(b) Is satisfied that the petitioner has tried in good faith to notify the persons entitled to notice pursuant to section 29 of this act or that giving notice to those persons is not feasible under the circumstances, or determines that such notice is not required pursuant to subparagraph (2) of paragraph (b) of subsection 1.

3. Except as otherwise provided in subsection 4, after the appointment of a temporary guardian, the petitioner shall attempt in good faith to notify the persons entitled to notice pursuant to section 29 of this act, including, without limitation, notice of any hearing to extend the temporary guardianship. If the petitioner fails to make such an effort, the court may terminate the temporary guardianship.

4. If, before the appointment of a temporary guardian, the court was satisfied that giving notice to the persons entitled to notice pursuant to section 29 of this act was not feasible under the circumstances or determined that such notice was not required pursuant to subparagraph (2) of paragraph (b) of subsection 1, the petitioner shall notify the persons entitled to notice pursuant to section 29 of this act without undue delay, but not later than 48 hours after the appointment of the temporary guardian or not later than 48 hours after the petitioner discovers the existence, identity and location of the persons entitled to notice pursuant to that section. If the petitioner fails to provide such notice, the court may terminate the temporary guardianship.

5. Not later than 10 days after the date of the appointment of a temporary guardian pursuant to subsection 2, the court shall hold a hearing to determine the need to extend the temporary guardianship. Except as otherwise provided in subsection 7, if the court finds by clear and convincing evidence that the protected minor continues to be in need of immediate medical attention which he or she cannot obtain without the extension of the temporary guardianship, the court may, pursuant to subsection 8, extend the temporary guardianship until a general guardian is appointed.

6. If the court appoints a temporary guardian or extends a temporary guardianship pursuant to this section, the court shall limit the powers of

the temporary guardian to those necessary to respond to the need for immediate medical attention.

7. The court may not extend a temporary guardianship pursuant to subsection 5 beyond the initial period of 10 days unless the petitioner demonstrates that:

(a) The provisions of section 30 of this act have been satisfied; or

(b) Notice by publication pursuant to N.R.C.P. 4(e) is currently being undertaken.

8. The court may extend the temporary guardianship, for good cause shown, for not more than two successive 60-day periods.

Sec. 37. *1. A petitioner may request that the court appoint a temporary guardian for the person or the estate, or both, of a proposed protected minor by filing a verified petition.*

2. The petition must state facts which establish good cause for the appointment of a temporary guardian and which show that:

(a) The petitioner has tried in good faith to notify the persons entitled to notice pursuant to section 29 of this act by telephone or in writing before the filing of the petition;

(b) The proposed protected minor would be exposed to an immediate risk of physical, emotional or financial harm if the petitioner were to provide notice to the persons entitled to notice pursuant to section 29 of this act before the court determines whether to appoint a temporary guardian; or

(c) Giving notice to the persons entitled to notice pursuant to section 29 of this act is not feasible under the circumstances.

3. A petition which seeks an ex parte appointment of a temporary guardian must be accompanied by an affidavit which explains the emergency that requires a temporary guardian to be appointed before a hearing.

4. If no parent of the proposed protected minor has had the care, custody and control of the minor for the 6 months immediately preceding the petition, temporary guardianship of the person of the minor is presumed to be in the best interest of the minor.

5. The court may, upon that petition or other showing as it may require, appoint a temporary guardian of the person or the estate, or both, of the proposed protected minor.

6. Except as otherwise provided in subsection 7, after the appointment of a temporary guardian, the petitioner shall attempt in good faith to notify the persons entitled to notice pursuant to section 29 of this act, including, without limitation, notice of any hearing to extend the temporary guardianship. If the petitioner fails to make such an effort, the court may terminate the temporary guardianship.

7. If, before the appointment of a temporary guardian, the court was satisfied that giving notice to the persons entitled to notice pursuant to section 29 of this act was not feasible under the circumstances or determined that such notice was not required pursuant to paragraph (b) or

(c) of subsection 2, the petitioner shall notify the persons entitled to notice pursuant to section 29 of this act without undue delay, but not later than 48 hours after the appointment of the temporary guardian or not later than 48 hours after the petitioner discovers the existence, identity and location of the persons entitled to notice pursuant to that section. If the petitioner fails to provide such notice, the court may terminate the temporary guardianship.

8. Not later than 10 days after the date of an ex parte appointment of a temporary guardian pursuant to subsection 5, the court shall hold a hearing to determine the need to extend the temporary guardianship. Except as otherwise provided in subsection 9, if the court finds by clear and convincing evidence that the protected minor continues to be in need of a temporary guardian, the court may, pursuant to subsection 10, extend the temporary guardianship until a general guardian is appointed.

9. The court may not extend a temporary guardianship pursuant to subsection 8 beyond the initial period of 10 days unless the petitioner demonstrates that:

(a) The provisions of section 30 of this act have been satisfied; or

(b) Notice by publication pursuant to N.R.C.P. 4(e) is currently being undertaken.

10. The court may extend the temporary guardianship, for good cause shown, for not more than two successive 60-day periods, unless extraordinary circumstances necessitate a longer duration for the temporary guardianship.

11. If for any reason a guardian who is appointed for a protected minor cannot perform the duties of a guardian, the court may, upon a petition filed to request temporary guardianship for the minor, appoint a temporary guardian to exercise the powers of a guardian until another guardian is appointed for the minor.

Sec. 38. ***1. A proposed protected minor who is found in this State must attend the hearing for the appointment of a guardian unless:***

(a) A certificate signed by a physician or psychiatrist who is licensed to practice in this State specifically states the condition of the proposed protected minor, the reasons why the proposed protected minor is unable to appear in court and whether the proposed protected minor's attendance at the hearing would be detrimental to the physical or mental health of the proposed protected minor; or

(b) A certificate signed by any other person the court finds qualified to execute a certificate states the condition of the proposed protected minor, the reasons why the proposed protected minor is unable to appear in court and whether the proposed protected minor's attendance at the hearing would be detrimental to the physical or mental health of the proposed protected minor.

2. A proposed protected minor found in this State who cannot attend the hearing for the appointment of a guardian as set forth in a certificate pursuant to subsection 1 may appear by videoconference.

3. The court may prescribe the form in which a certificate required by this section must be filed. If the certificate consists of separate parts, each part must be signed by the person who is required to sign the certificate.

4. If the proposed protected minor is not in this State, the proposed protected minor must attend the hearing only if the court determines that the attendance of the proposed protected minor is necessary in the interests of justice.

Sec. 39. *1. If the court finds the proposed protected minor not in need of a guardian, the court shall dismiss the petition.*

2. If the court finds that appointment of a guardian is required, the court shall appoint a guardian of the proposed protected minor's person, estate, or person and estate.

Sec. 40. *1. The petitioner has the burden of proving by clear and convincing evidence that the appointment of a guardian of the person, of the estate, or of the person and estate is necessary.*

2. If it appears to the court that the allegations of the petition are sufficient and that a guardian should be appointed for the proposed protected minor, the court shall enter an order appointing a guardian. The order must:

(a) Specify whether the guardian appointed is guardian of the person, of the estate, or of the person and estate;

(b) Specify whether the proposed protected minor is a resident or nonresident of this State;

(c) Specify the amount of the bond to be executed and filed by the guardian; ~~[and]~~

(d) Designate the names and addresses, so far as may be determined, of:

(1) The relatives of the proposed protected minor upon whom notice must be served pursuant to section 29 of this act; and

(2) Any other interested person ~~[.]~~ ; and

(e) Specify whether the proposed protected minor will require a guardianship after reaching 18 years of age.

3. A notice of entry of the court order must be sent to:

(a) The relatives of the proposed protected minor upon whom notice must be served pursuant to section 29 of this act; and

(b) Any other interested person.

Sec. 41. *If a court order is in effect for payment for the support of a proposed protected minor, upon entry of an order appointing a guardian for the minor, the court shall order the assignment of the payment to the guardian for the support of that minor.*

Sec. 42. *In an order appointing a guardian or in any order thereafter, the court may award rights of visitation between a protected minor and his*

or her parents or relatives who are within the fourth degree of consanguinity.

Sec. 43. ***1. Where the appointment of a guardian is sought for two or more proposed protected minors who are children of a common parent, ~~[parent and child or husband and wife,]~~ it is not necessary that separate petitions, bonds and other papers be filed with respect to each proposed protected minor or protected minors.***

2. If a guardian is appointed for such proposed protected minors, the guardian:

(a) Shall keep separate accounts of the estate of each protected minor;

(b) May make investments for each protected minor;

(c) May compromise and settle claims against one or more protected minors; and

(d) May sell, lease, mortgage or otherwise manage the property of one or more protected minors.

3. The guardianship may be terminated with respect to less than all the protected minors in the same manner as provided by law with respect to a guardianship of a single protected minor.

Sec. 44. ***As a condition of the appointment of a guardian, the court may require the guardian to complete any available training concerning guardianships that the court determines appropriate.***

Sec. 45. ***1. In order for a person to serve as a private professional guardian, the person must be:***

(a) Qualified to serve as a guardian pursuant to section 46 of this act; and

(b) A guardian who has a license issued pursuant to chapter 628B of NRS or a certified guardian who is not required to have such a license pursuant to subsection 3.

2. In order for an entity to serve as a private professional guardian, the entity must:

(a) Have a license issued pursuant to chapter 628B of NRS unless the entity is not required to have such a license pursuant to subsection 3; and

(b) Have a guardian who has a license issued pursuant to chapter 628B of NRS or a certified guardian who is not required to have such a license pursuant to subsection 3 involved in the day-to-day operation or management of the entity.

3. For a person or entity to serve as a private professional guardian, the person or entity is not required to have a license issued pursuant to chapter 628B of NRS if the person or entity is exempt from the requirement to have such a license pursuant to NRS 628B.110 and the person or entity:

(a) Is a banking corporation as defined in NRS 657.016;

(b) Is an organization permitted to act as a fiduciary pursuant to NRS 662.245;

(c) Is a trust company as defined in NRS 669.070;

(d) Is acting in the performance of his or her duties as an attorney at law;

(e) Acts as a trustee under a deed of trust; or

(f) Acts as a fiduciary under a court trust.

4. As used in this section:

(a) "Certified guardian" means a person who is certified by the Center for Guardianship Certification or any successor organization.

(b) "Entity" includes, without limitation, a corporation, whether or not for profit, a limited-liability company and a partnership.

(c) "Person" means a natural person.

Sec. 46. *1. The parents of a proposed protected minor, or either parent, if qualified and suitable, are preferred over all others for appointment as guardian for the person or estate or person and estate of the proposed protected minor. The appointment of a parent as guardian for the person or estate of a proposed protected minor must not conflict with a valid order for custody of the proposed protected minor.*

2. Except as otherwise provided in subsection 4, if a parent of a proposed protected minor files a petition seeking appointment as guardian for the proposed protected minor, the parent is presumed to be suitable to serve as guardian for the proposed protected minor.

3. In determining whether the parents of a proposed protected minor, or either parent, or any other person who seeks appointment as guardian for the proposed protected minor is qualified and suitable, the court shall consider, if applicable and without limitation:

(a) Which parent has physical custody of the proposed protected minor;

(b) The ability of the parents, parent or other person to provide for the basic needs of the proposed protected minor, including, without limitation, food, shelter, clothing and medical care, taking into consideration any special needs of the proposed protected minor;

(c) Whether the parents, parent or other person has engaged in the habitual use of alcohol or any controlled substance during the previous 6 months, except the use of marijuana in accordance with the provisions of chapter 453A of NRS;

(d) Whether the parents, parent or other person has been convicted of a crime of moral turpitude, a crime involving domestic violence or a crime involving the abuse, neglect, exploitation, isolation or abandonment of a child, his or her spouse, his or her parent or any other adult;

(e) Whether the parents, parent or other person has been convicted in this State or any other jurisdiction of a felony; and

(f) Whether the parents, parent or other person has engaged in one or more acts of domestic violence against the proposed protected minor, a parent of the proposed protected minor or any other person who resides with the proposed protected minor.

4. A parent of a proposed protected minor is presumed to be unsuitable to care for the proposed protected minor if:

(a) The parent is unable to provide for any or all of the basic needs of the proposed protected minor, including, without limitation:

(1) Food;

(2) Shelter;

(3) Clothing;

(4) Medical care; and

(5) Education;

(b) Because of action or inaction, the parent poses a significant safety risk of either physical or emotional danger to the proposed protected minor; or

(c) The proposed protected minor has not been in the care, custody and control of the parent for the 6 months immediately preceding the filing of the petition. The presumption created by this paragraph is a rebuttable presumption.

5. Subject to the preference set forth in subsection 1 and except as otherwise provided in subsection 7, the court shall appoint as guardian the qualified person who is most suitable and is willing to serve.

6. In determining which qualified person is most suitable, the court shall, in addition to considering any applicable factors set forth in subsections 2, 3 and 4, give consideration, among other factors, to:

(a) Any nomination of a guardian for the proposed protected minor contained in a will or other written instrument executed by a parent of the proposed protected minor.

(b) Any request made by the proposed protected minor, if he or she is 14 years of age or older, for the appointment of a person as guardian for the proposed protected minor.

(c) The relationship by blood or adoption of the proposed guardian to the proposed protected minor. In considering preferences of appointment, the court may consider relatives of the half blood equally with those of the whole blood. The court may consider relatives in the following order of preference:

(1) Parent.

(2) Adult sibling.

(3) Grandparent.

(4) Uncle or aunt.

(d) Any recommendation made by a master of the court or special master pursuant to section 47 of this act.

(e) Any recommendation made by:

(1) An agency which provides child welfare services, an agency which provides child protective services or a similar agency; or

(2) A guardian ad litem or court appointed special advocate who represents the proposed protected minor.

(f) Any request for the appointment of any other interested person that the court deems appropriate.

7. The court may award temporary guardianship pursuant to this section, supported by findings of suitability, pending a trial or evidentiary hearing if that appointment is supported by findings.

8. Notwithstanding the presumption set forth in subsection 4, in the event of competing petitions for the appointment of guardianship of a proposed protected minor, any finding of unsuitability of a parent of the proposed protected minor must be found by clear and convincing evidence after a hearing on the merits or an evidentiary hearing.

9. In determining whether to appoint a guardian of the person or estate of a proposed protected minor and who should be appointed, the court must always act in the best interests of the proposed protected minor.

10. As used in this section, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 47. *1. If the court determines that a minor may be in need of a guardian, the court may order the appointment of a master of the court or a special master from among the members of the State Bar of Nevada to conduct a hearing to identify the person most qualified and suitable to serve as guardian for the proposed protected minor.*

2. Not later than 5 calendar days after the date of the hearing, the master of the court or special master shall prepare and submit to the court a recommendation regarding which person is most qualified and suitable to serve as guardian for the proposed protected minor.

Sec. 48. *If the court or a master of the court or special master appointed pursuant to section 47 of this act finds that a parent or other relative, teacher, friend or neighbor of a proposed protected minor or any other interested person:*

1. Has a personal interest in the well-being of the proposed protected minor; or

2. Possesses information that is relevant to the determination of who should serve as guardian for the proposed protected minor,

➥ the court or a master of the court or special master appointed pursuant to section 47 of this act may allow the person to testify at any hearing held pursuant to this chapter to determine the person most qualified and suitable to serve as guardian for the proposed protected minor.

Sec. 49. *A parent of a minor may by will nominate a guardian. The person nominated must file a petition and obtain an appointment from the court before exercising the powers of a guardian.*

Sec. 50. *1. Except as otherwise provided by law, every guardian shall, before entering upon his or her duties as guardian, execute and file in the guardianship proceeding a bond, with sufficient surety or sureties, in such amount as the court determines necessary for the protection of the protected minor and the estate of the protected minor, and conditioned upon the faithful discharge by the guardian of his or her authority and duties according to law. The bond must be approved by the clerk. Sureties must be jointly and severally liable with the guardian and with each other.*

2. If a banking corporation, as defined in NRS 657.016, doing business in this State, is appointed guardian of the estate of a protected minor, no bond is required of the guardian, unless specifically required by the court.

3. Joint guardians may unite in a bond to the protected minor or protected minors, or each may give a separate bond.

4. If there are no assets of the protected minor, no bond is required of the guardian.

5. If a person has been nominated to be guardian in a will, power of attorney or other written instrument that has been acknowledged before two disinterested witnesses or acknowledged before a notary public and the will, power of attorney or other written instrument provides that no bond is to be required of the guardian, the court may direct letters of guardianship to issue to the guardian after the guardian:

(a) Takes and subscribes the oath of office; and

(b) Files the appropriate documents which contain the full legal name and address of the guardian.

6. In lieu of executing and filing a bond, the guardian may request that access to certain assets be blocked. The court may grant the request and order letters of guardianship to issue to the guardian if sufficient evidence is filed with the court to establish that such assets are being held in a manner that prevents the guardian from accessing the assets without a specific court order.

Sec. 51. *1. The court may at any time, for good cause and after notice to the guardian, increase or decrease the amount of the bond required of a guardian.*

2. The court may at any time, if the bond or the sureties are determined to be insufficient or for other good cause, require a guardian to execute and file a new or additional bond. The court may exonerate the sureties on a former bond from any liabilities thereunder arising from the acts or omissions of their principal after such exoneration.

Sec. 52. *Every bond given by a guardian must be filed and preserved in the office of the clerk of the district court of the county in which the guardianship proceeding is conducted. In case of the breach of any condition of such bond, an action may be maintained in behalf of the protected minor or protected minors jointly if all are interested, or of any person interested in the estate, and such bond is not void on the first recovery. If the action on the bond is in behalf of one protected minor on a bond given to more than one protected minor, the other protected minors mentioned in the bond need not be united in or made parties to such action.*

Sec. 53. *No action may be maintained against the sureties on any bond given by a guardian unless it is commenced within 3 years after the time the guardian is discharged, unless at the time of such discharge the person entitled to bring the action is under any legal disability to sue, in which case the action may be brought at any time within 3 years after the disability is removed.*

Sec. 54. *1. Every guardian, before entering upon his or her duties as guardian and before letters of guardianship may issue, shall:*

(a) Take and subscribe the official oath which must:

(1) Be endorsed on the letters of guardianship; and

(2) State that the guardian will well and faithfully perform the duties of guardian according to law.

(b) File in the proceeding the appropriate documents which include, without limitation, the full legal name of the guardian and the residence and post office addresses of the guardian.

(c) Except as otherwise provided in subsection 2, make and file in the proceeding a verified acknowledgment of the duties and responsibilities of a guardian. The acknowledgment must set forth:

(1) A summary of the duties, functions and responsibilities of a guardian, including, without limitation, the duty to:

(I) Act in the best interest of the protected minor at all times.

(II) Provide the protected minor with medical, surgical, dental, psychiatric, psychological, hygienic or other care and treatment as needed, with adequate food and clothing and with safe and appropriate housing.

(III) Protect, preserve and manage the income, assets and estate of the protected minor and utilize the income, assets and estate of the protected minor solely for the benefit of the protected minor.

(IV) Maintain the assets of the protected minor in the name of the protected minor or the name of the guardianship. The assets of the protected minor must not be commingled with the assets of any third party.

(V) Notify the court, all interested parties, the trustee, and named executor or appointed personal representative of the estate of the protected minor of the death of the protected minor within 30 days after the death.

(2) A summary of the statutes, regulations, rules and standards governing the duties of a guardian.

(3) A list of actions regarding the protected minor that require the prior approval of the court.

(4) A statement of the need for accurate recordkeeping and the filing of annual reports with the court regarding the finances and well-being of the protected minor.

2. The court may exempt a public guardian or private professional guardian from filing an acknowledgment in each case and, in lieu thereof, require the public guardian or private professional guardian to file a general acknowledgment covering all guardianships to which the guardian may be appointed by the court.

Sec. 55. *1. A copy of the order appointing the guardian must be served personally or by mail upon the protected minor not later than 5 days after the date of the appointment of the guardian.*

2. The order must contain the names, addresses and telephone numbers of the guardian, the protected minor's attorney, if any, and the investigator.

3. A notice of entry of the order must be filed with the court.

Sec. 56. *When a guardian has taken the official oath and filed a bond as provided in this chapter, the court shall order letters of guardianship to issue to the guardian. Letters of guardianship may be in the following form:*

State of Nevada }
}ss.
County of .....}

On ..... (month) ..... (day), ... (year), the ..... Judicial District Court, ... County, State of Nevada, appointed..... (name of guardian) .....(guardian of the person or estate or person and estate) for ..... (name of protected minor), a minor, that the named guardian has qualified and has the authority and shall perform the duties of ..... (guardian of the person or estate or person and estate) for the named protected minor as provided by law.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of the court at my office on ..... (month) ..... (day), ... (year).

.....
Clerk

(SEAL)

.....
Deputy Clerk

Sec. 57. *If, at the time of the appointment of the guardian or thereafter, the estate of a protected minor consists of personal property having a value not exceeding by more than $10,000 the aggregate amount of unpaid expenses of administration of the guardianship estate and claims against the estate, the guardian of the estate, with prior approval of the court by order, may pay those expenses and claims from the estate and deliver all the remaining personal property to such person as the court may designate in the order, to be held, invested or used as ordered by the court. The recipient of the property so delivered shall give a receipt therefor to the guardian. The receipt is a release and acquittance to the guardian as to the property so delivered. The guardian shall file in the proceeding proper receipts or other evidence satisfactory to the court showing the delivery, and the guardian is released from his or her trust and the bond of the guardian is exonerated.*

Sec. 58. *1. The court may grant a summary administration if, at any time, it appears to the court that after payment of all claims and expenses*

of the guardianship the value of the protected minor's property does not exceed $10,000.

2. If the court grants a summary administration, the court may:

(a) Authorize the guardian of the estate who is authorized to manage the protected minor's property to convert the property to cash and sell any of the property, with or without notice, as the court may direct. After the payment of all claims and the expenses of the guardianship, the guardian shall deposit the money in savings accounts or invest the money as provided in section 84 of this act, and hold the investment and all interest, issues, dividends and profits for the benefit of the protected minor. The court may dispense with annual accountings and all other proceedings required by this chapter.

(b) Terminate the guardianship of the estate and direct the guardian to deliver the protected minor's property to the custodial parent or parents, guardian or custodian of the protected minor to hold, invest or use as the court may order.

3. Whether the court grants a summary administration at the time the guardianship is established or at any other time, the guardian shall file an inventory and record of value with the court.

4. If, at any time, the net value of the estate of the protected minor exceeds $10,000:

(a) The guardian shall file an amended inventory and accounting with the court;

(b) The guardian shall file annual accountings; and

(c) The court may require the guardian to post a bond.

Sec. 59. *A guardian of the person and estate has the authority and shall perform the duties as provided by law for a guardian of the person and a guardian of the estate.*

Sec. 60. *1. Before taking any of the following actions, the guardian shall petition the court for an order authorizing the guardian to:*

(a) Except as otherwise provided in this paragraph, make or change the designation of a beneficiary in a will, trust, insurance policy, bank account or any other type of asset of the protected minor which includes the designation of a beneficiary. The guardian is not required to petition the court for an order authorizing the guardian to utilize an asset which has a designated beneficiary, including the closure or discontinuance of the asset, for the benefit of a protected minor if:

(1) The asset is the only liquid asset available with which to pay for the proper care, maintenance, education and support of the protected minor;

(2) The asset, or the aggregate amount of all the assets if there is more than one type of asset, has a value that does not exceed $5,000; or

(3) The asset is a bank account, investment fund or insurance policy and is required to be closed or discontinued in order for the protected minor to qualify for a federal program of public assistance.

(b) Create for the benefit of the protected minor or others a revocable or irrevocable trust of the property of the estate.

(c) Except as otherwise provided in this paragraph, exercise the right of the protected minor to revoke or modify a revocable trust or to surrender the right to revoke or modify a revocable trust. The court shall not authorize or require the guardian to exercise the right to revoke or modify a revocable trust if the instrument governing the trust:

(1) Evidences an intent of the protected minor to reserve the right of revocation or modification exclusively to the protected minor;

(2) Provides expressly that a guardian may not revoke or modify the trust; or

(3) Otherwise evidences an intent that would be inconsistent with authorizing or requiring the guardian to exercise the right to revoke or modify the trust.

2. Any other interested person may also petition the court for an order authorizing or directing the guardian to take any action described in subsection 1.

3. The court may authorize the guardian to take any action described in subsection 1 if, after notice to any person who is adversely affected by the proposed action and an opportunity for a hearing, the court finds by clear and convincing evidence that:

(a) A reasonably prudent person or the protected minor would take the proposed action and that a person has committed or is about to commit any act, practice or course of conduct which operates or would operate as a fraud or act of exploitation upon the protected minor or estate of the protected minor and that person:

(1) Is designated as a beneficiary in or otherwise stands to gain from an instrument which was executed by or on behalf of the protected minor; or

(2) Will benefit from the lack of such an instrument; or

(b) The proposed action is otherwise in the best interests of the protected minor for any other reason not listed in this section.

4. The petition must contain, to the extent known by the petitioner:

(a) The name, date of birth and current address of the protected minor;

(b) A concise statement as to the condition of the protected minor's estate; and

(c) A concise statement as to the necessity for the proposed action.

5. As used in this section:

(a) "Exploitation" means any act taken by a person who has the trust and confidence of a protected minor to:

(1) Obtain control, through deception, intimidation or undue influence, over the money, assets or property of the protected minor with the intention of permanently depriving the protected minor of the ownership, use, benefit or possession of the protected minor's money, assets or property.

(2) Convert money, assets or property of the protected minor with the intention of permanently depriving the protected minor of the ownership, use, benefit or possession of the protected minor's money, assets or property.

➥ *As used in this paragraph, "undue influence" does not include the normal influence that one member of a family has over another.*

(b) "Fraud" means an intentional misrepresentation, deception or concealment of a material fact known to the person with the intent to deprive the protected minor of the protected minor's rights or property or to otherwise injure the protected minor.

(c) "Interested person" has the meaning ascribed to it in NRS 132.185 and also includes a named beneficiary under a trust or other instrument if the validity of the trust or other instrument may be in question.

Sec. 61. *1. Except as otherwise ordered by the court, a guardian of the person has the care, custody and control of the person of the protected minor, and has the authority and, subject to subsection 2, shall perform the duties necessary for the proper care, maintenance, education and support of the protected minor, including, without limitation, the following:*

(a) Supplying the protected minor with food, clothing, shelter and all incidental necessaries, including locating an appropriate residence for the protected minor.

(b) Authorizing medical, surgical, dental, psychiatric, psychological, hygienic or other remedial care and treatment for the protected minor.

(c) Seeing that the protected minor is properly trained and educated and that the protected minor has the opportunity to learn a trade, occupation or profession.

2. In the performance of the duties enumerated in subsection 1 by a guardian of the person, due regard must be given to the extent of the estate of the protected minor. A guardian of the person may be required to incur expenses on behalf of the protected minor if the estate of the protected minor is insufficient to reimburse the guardian.

3. A guardian of the person is the protected minor's personal representative for purposes of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any applicable regulations. The guardian of the person has authority to obtain information from any government agency, medical provider, business, creditor or third party who may have information pertaining to the protected minor's health care or health insurance.

4. Except as otherwise provided in subsection 6, a guardian of the person may establish and change the residence of the protected minor at any place within this State without the permission of the court. The guardian shall select the least restrictive appropriate residence which is available and necessary to meet the needs of the protected minor and which is financially feasible.

5. Except as otherwise provided in subsection 6, a guardian of the person shall petition the court for an order authorizing the guardian to change the residence of the protected minor to a location outside of this State. The guardian must show that changing the residence of the protected minor to a location outside of this State is in the best interest of the protected minor or that there is no appropriate residence available for the protected minor in this State. The court shall retain jurisdiction over the guardianship unless the guardian files for termination of the guardianship pursuant to section 143 or 144 of this act or the jurisdiction of the guardianship is transferred to the other state. Not later than 6 months after changing the residence of a protected minor to a location outside of this State, the guardian shall file a petition for guardianship in the state of the protected minor's residence.

6. A guardian of the person must file a petition with the court requesting authorization to move a protected minor to or place a protected minor in a secured residential long-term care facility.

7. This section does not relieve a parent or other person of any duty required by law to provide for the care, support and maintenance of any dependent.

Sec. 62. ***1. Except as otherwise provided in subsection 2, a guardian shall not consent to:***

(a) The experimental medical, biomedical or behavioral treatment of a protected minor;

(b) The sterilization of a protected minor; or

(c) The participation of a protected minor in any biomedical or behavioral experiment.

2. The guardian may consent to and commence any treatment or experiment described in subsection 1 if the guardian applies to and obtains from the court authority to consent to and commence the treatment or experiment.

3. The court may authorize the guardian to consent to and commence any treatment or experiment described in subsection 1 only if the treatment or experiment:

(a) Is of direct benefit to, and intended to preserve the life of or prevent serious impairment to the mental or physical health of, the protected minor; or

(b) Is intended to assist the protected minor to develop or regain the protected minor's abilities.

Sec. 63. ***1. A guardian of the person shall make and file in the guardianship proceeding for review of the court a written report on the condition of the protected minor and the exercise of authority and performance of duties by the guardian:***

(a) Annually, not later than 60 days after the anniversary date of the appointment of the guardian;

(b) Within 10 days ~~[of moving]~~ after changing the residence of a protected minor ; ~~[to a secured residential long-term care facility;]~~ and

(c) At such other times as the court may order.

2. A report filed pursuant to paragraph (b) of subsection 1 must:

(a) Include a copy of the written recommendation upon which the transfer was made; and

(b) Be served, without limitation, on the attorney for the protected minor, if any.

3. The court may prescribe the form and contents for filing a report described in subsection 1.

4. The guardian of the person shall give to the guardian of the estate, if any, a copy of each report not later than 30 days after the date the report is filed with the court.

5. The court is not required to hold a hearing or enter an order regarding the report.

Sec. 64. *A guardian of the estate shall:*

1. Protect, preserve, manage and dispose of the estate of the protected minor according to law and for the best interests of the protected minor.

2. Apply the estate of the protected minor for the proper care, maintenance, education and support of the protected minor having due regard for other income or property available to support the protected minor.

3. Have such other authority and perform such other duties as are provided by law.

Sec. 65. *1. Not later than 60 days after the date of the appointment of a guardian of the estate or, if necessary, such further time as the court may allow, the guardian shall make and file in the guardianship proceeding a verified inventory of all of the property of the protected minor which comes to the possession or knowledge of the guardian.*

2. A temporary guardian of the estate shall file an inventory with the court by not later than the date on which the temporary guardian files a final accounting as required pursuant to section 128 of this act.

3. The guardian shall take and subscribe an oath, which must be endorsed or attached to the inventory, before any person authorized to administer oaths, that the inventory contains a true statement of:

(a) All of the estate of the protected minor which has come into the possession of the guardian;

(b) All of the money that belongs to the protected minor; and

(c) All of the just claims of the protected minor against the guardian.

4. Whenever any property of the protected minor not mentioned in the inventory comes to the possession or knowledge of a guardian of the estate, the guardian shall:

(a) Make and file in the proceeding a verified supplemental inventory not later than 30 days after the date the property comes to the possession or knowledge of the guardian; or

(b) Include the property in the next accounting.

5. The court may order which of the two methods described in subsection 4 the guardian shall follow.

6. The court may order all or any part of the property of the protected minor appraised as provided in sections 67 and 155 of this act.

7. If the guardian neglects or refuses to file the inventory within the time required pursuant to subsection 1, the court may, for good cause shown and upon such notice as the court deems appropriate:

(a) Revoke the letters of guardianship and the guardian is liable on the bond for any loss or injury to the estate caused by the neglect of the guardian; or

(b) Enter a judgment for any loss or injury to the estate caused by the neglect of the guardian.

Sec. 66. *1. Except as otherwise provided in subsection 2, the guardian of an estate shall cause an appraisal or valuation of any asset of a guardianship estate to be conducted by a disinterested appraiser, certified public accountant or expert in valuation and file the appraisal or valuation with the court.*

2. In lieu of an appraisal, the guardian may file:

(a) A verified record of value of an asset where the value of the asset can be determined with reasonable certainty, including, without limitation:

(1) Money, deposits in banks, bonds, policies of life insurance or securities for money, when equal in value to cash; and

(2) Personal property, including, without limitation, household goods, if the combined value of the personal property does not exceed $5,000.

(b) A statement of the assessed value of real property as determined by the county assessor for tax purposes, except that if the real property is to be sold, the guardian must file an appraisal.

Sec. 67. *1. Before appraising or valuing any asset of the guardianship estate, each appraiser, certified public accountant or expert in valuation shall certify that the appraiser, accountant or expert will truthfully, honestly and impartially appraise or value the property according to the best of his or her knowledge and ability. The certification must be included in the appraisal or valuation and filed with the court.*

2. The appraisal or valuation must list each asset that has a value of more than $100 separately with a statement of the value of the asset opposite the asset.

3. An appraiser, certified public accountant or expert in valuation who performs an appraisal or valuation of a guardianship estate is entitled to reasonable compensation for the appraisal or valuation and may be paid by the guardian out of the estate at any time after the appraisal or valuation is completed.

4. An appraiser, certified public accountant or expert in valuation who directly or indirectly purchases any asset of an estate without full disclosure to and approval by the court is guilty of a misdemeanor. A sale

made in violation of the provisions of this subsection is void, and the asset sold may be recovered by the guardian, protected minor or proposed protected minor.

Sec. 68. *1. Not later than 60 days after the date of the appointment of a guardian of the estate, the guardian shall record, or cause to be recorded, in the office of the recorder of each county in which real property of the protected minor is located, a copy, certified by the clerk of the court, of the letters of guardianship.*

2. The guardian shall attach, or cause to be attached, to the copy of the letters of guardianship recorded pursuant to subsection 1 a cover sheet containing:

(a) The name, address and telephone number of the guardian;

(b) The assessor's parcel number and the address of the real property of the protected minor; and

(c) If the estate of the protected minor includes a manufactured home or mobile home, the location and serial number of the manufactured home or mobile home.

3. As used in this section:

(a) "Manufactured home" has the meaning ascribed to it in NRS 489.113.

(b) "Mobile home" has the meaning ascribed to it in NRS 489.120.

Sec. 69. *1. A guardian of the estate shall take possession of:*

(a) All of the property of substantial value of the protected minor;

(b) Rents, income, issues and profits from the property, whether accruing before or after the appointment of the guardian; and

(c) The proceeds from the sale, mortgage, lease or other disposition of the property.

2. The guardian may allow the protected minor to have possession and control of the personal property and funds as are appropriate to the needs and capacities of the protected minor.

3. The title to all property of the protected minor is in the protected minor and not in the guardian.

4. A guardian shall secure originals, when available, or copies of any:

(a) Contract executed by the protected minor;

(b) Revocable or irrevocable trust in which the protected minor has a vested interest as a beneficiary; and

(c) Writing evidencing a present or future vested interest in any real or intangible property.

Sec. 70. *1. A guardian shall present a copy of the court order appointing the guardian and letters of guardianship to a bank or other financial institution that holds any account or other assets of the protected minor before the guardian may access the account or other assets.*

2. The bank or other financial institution shall accept the copy of the court order appointing the guardian and letters of guardianship as proof of guardianship and allow the guardian access to the account or other assets

of the protected minor, subject to any limitations set forth in the court order.

3. Unless the bank or other financial institution is a party to the guardianship proceeding, the bank or other financial institution is not entitled to a copy of any:

(a) ~~[Competency evaluation of the protected minor or any other confidential]~~ Confidential information concerning the medical condition or the placement of the protected minor; or

(b) Inventory or accounting of the estate of the protected minor.

Sec. 71. *1. The guardian may retain assets for the anticipated expense of the protected minor's funeral and the disposal of his or her remains. Of the amount so retained, $3,000 is exempt from all claims, including those of this State.*

2. The guardian may place assets so retained in a pooled account or trust. If the assets are invested in a savings account or other financial account, the assets are not subject to disposition as unclaimed property during the lifetime of the protected minor.

3. Assets so retained may be disbursed for the protected minor's funeral or the disposal of his or her remains without prior authorization of the court. An amount not so disbursed becomes part of the protected minor's estate.

Sec. 72. *Upon the filing of a petition in the guardianship proceeding by the guardian, the protected minor or any other interested person, alleging that any person is indebted to the protected minor, has or is suspected of having concealed, embezzled, converted or disposed of any property of the protected minor or has possession or knowledge of any such property or of any writing relating to such property, the court may require the person to appear and answer under oath concerning the matter.*

Sec. 73. *1. A guardian of the estate:*

(a) Shall demand all debts and other choses in action due to the protected minor; and

(b) With prior approval of the court, may sue for and receive all debts and other choses in action due to the protected minor.

2. A guardian of the estate, with prior approval of the court by order, may compound or compromise any debt or other chose in action due to the protected minor and give a release and discharge to the debtor or other obligor.

3. A guardian of the person:

(a) May obtain an order which requires one or both parents of the protected minor to pay the guardian an amount established pursuant to NRS 125B.070 and 125B.080 for the support of the protected minor.

(b) Shall give notice to the court of the entry of an order for the payment of the support of the protected minor or the approval of any public assistance for the protected minor not later than 30 days after the entry of the order or the approval of public assistance. The guardian shall file a

copy of the order of support or document which evidences approval of public assistance with the notice which is filed with the court.

Sec. 74. *1. A guardian of the estate shall appear for and represent the protected minor in all actions, suits or proceedings to which the protected minor is a party, unless the court finds that the interests of the guardian conflict with the interests of the protected minor or it is otherwise appropriate to appoint a guardian ad litem in the action, suit or proceeding.*

2. Upon final resolution of the action, suit or proceeding, the guardian of the estate or the guardian ad litem shall notify the court of the outcome of the action, suit or proceeding.

3. If the person of the protected minor would be affected by the outcome of any action, suit or proceeding, the guardian of the person, if any, should be joined to represent the protected minor in the action, suit or proceeding.

Sec. 75. *Any contract, except to the extent of the reasonable value of necessaries, and any transaction with respect to the property of a protected minor made by the protected minor are voidable by the guardian of the estate.*

Sec. 76. *A guardian of the estate is not personally liable on any written or oral contract entered into for or on behalf of the protected minor where the guardian is acting within his or her authority as such guardian. Any action, suit or proceeding on any such contract must be brought against the guardian in his or her fiduciary capacity only, and any judgment or decree obtained in such action, suit or proceeding must be satisfied only from property of the protected minor.*

Sec. 77. *A guardian of the estate shall pay from the guardianship estate pursuant to sections 78, 79 and 80 of this act all just claims against the protected minor, the estate or the guardian as such, whether accruing before or after the appointment of the guardian and whether arising in contract, in tort or otherwise.*

Sec. 78. *1. Other than claims for attorney's fees that are subject to the provisions of subsection 3, a guardian of the estate may pay from the guardianship estate the following claims without complying with the provisions of this section and sections 79 and 80 of this act:*

(a) The guardian's claims against the protected minor or the estate; and

(b) Any claims accruing after the appointment of the guardian which arise from contracts entered into by the guardian on behalf of the protected minor.

2. The guardian shall report all claims and the payment of claims made pursuant to subsection 1 in the account that the guardian makes and files in the guardianship proceeding following each payment.

3. Claims for attorney's fees which are associated with the commencement and administration of the guardianship of the estate:

(a) May be made at the time of the appointment of the guardian of the estate or any time thereafter; and

(b) May not be paid from the guardianship estate unless the payment is made in compliance with the provisions of this section and sections 79 and 80 of this act.

Sec. 79. *Except as otherwise provided in section 78 of this act, all claims against the protected minor, the guardianship estate or the guardian of the estate as such must be presented to the guardian of the estate. Each such claim must be in writing, must describe the nature and the amount of the claim, if ascertainable, and must be accompanied by the affidavit of the claimant, or someone on behalf of the claimant, who has personal knowledge of the fact. The affidavit must state that within the knowledge of the affiant the amount claimed is justly due, no payments have been made thereon which are not credited and there is no counterclaim thereto, except as stated in the affidavit. If such claim is founded on a written instrument, the original or a copy thereof with all endorsements must be attached to the claim. The original instrument must be exhibited to the guardian or the court, upon demand, unless it is lost or destroyed, in which case the fact of its loss or destruction must be stated in the claim.*

Sec. 80. *1. A guardian of the estate shall examine each claim presented to the guardian for payment. If the guardian is satisfied that the claim is appropriate and just, the guardian shall:*

(a) Endorse upon the claim the words "examined and allowed" and the date;

(b) Officially subscribe the notation; and

(c) Pay the claim from the guardianship estate.

2. If the guardian is not satisfied that the claim is just, the guardian shall:

(a) Endorse upon the claim the words "examined and rejected" and the date;

(b) Officially subscribe the notation; and

(c) Not later than 60 days after the date the claim was presented to the guardian, notify the claimant by personal service or by mailing a notice by registered or certified mail that the claim was rejected.

Sec. 81. *1. If, not later than 60 days after the date the claim was presented to the guardian, a rejected claim is returned to the claimant or the guardian of the estate fails to approve or reject and return a claim, the claimant, before the claim is barred by the statute of limitations, may:*

(a) File a petition for approval of the rejected claim in the guardianship proceeding for summary determination by the court; or

(b) Commence an action or suit on the claim against the guardian in the guardian's fiduciary capacity and any judgment or decree obtained must be satisfied only from property of the protected minor.

2. If a claimant files a request for approval of a rejected claim or a like claim in the guardianship proceeding for summary determination, the

claimant shall serve notice that he or she has filed such a request on the guardian.

3. Not later than 20 days after the date of service, the guardian may serve notice of objection to summary determination on the claimant. If the guardian serves the claimant with notice and files a copy of the notice with the court, the court shall not enter a summary determination and the claimant may commence an action or suit on the claim against the guardian in the guardian's fiduciary capacity as provided in subsection 1.

4. If the guardian fails to serve the claimant with notice of objection to summary determination or file a copy of the notice with the court, the court shall:

(a) Hear the matter and determine the claim or like claim in a summary manner; and

(b) Enter an order allowing or rejecting the claim, either in whole or in part. No appeal may be taken from the order.

Sec. 82. *1. Before taking any of the following actions, the guardian of the estate shall petition the court for an order authorizing the guardian to:*

(a) Invest the property of the protected minor pursuant to section 84 of this act.

(b) Borrow money for the protected minor pursuant to section 85 of this act.

(c) Except as otherwise provided in section 61 of this act, enter into contracts for the protected minor or complete the performance of contracts of the protected minor pursuant to section 86 of this act.

(d) Make gifts from the protected minor's estate pursuant to section 87 of this act.

(e) Sell, lease or place in trust any property of the protected minor pursuant to section 88 of this act.

(f) Exchange or partition the protected minor's property pursuant to section 126 of this act.

(g) Exercise or release the power of the protected minor as a donee of a power of appointment.

(h) Exercise the right of the protected minor to take under or against a will.

(i) Transfer to a trust created by the protected minor any property unintentionally omitted from the trust.

(j) Submit a revocable trust to the jurisdiction of the court if:

(1) The protected minor is the grantor and sole beneficiary of the income of the trust; or

(2) The trust was created by the court.

(k) Pay any claim by the Department of Health and Human Services to recover benefits for Medicaid correctly paid to or on behalf of the protected minor.

(l) Transfer money in a protected minor's blocked account to the Nevada Higher Education Prepaid Tuition Trust Fund created pursuant to NRS 353B.140.

2. Before taking any of the following actions, unless the guardian has been otherwise ordered by the court to petition the court for permission to take specified actions or make specified decisions in addition to those described in subsection 1, the guardian may petition the court for an order authorizing the guardian to:

(a) Obtain advice, instructions and approval of any other proposed act of the guardian relating to the protected minor's property.

(b) Take any other action which the guardian deems would be in the best interests of the protected minor.

3. The petition must be signed by the guardian and contain:

(a) The name, age, residence and address of the protected minor.

(b) A concise statement as to the condition of the protected minor's estate.

(c) A concise statement as to the advantage to the protected minor of or the necessity for the proposed action.

(d) The terms and conditions of any proposed sale, lease, partition, trust, exchange or investment, and a specific description of any property involved.

4. Any of the matters set forth in subsection 1 may be consolidated in one petition, and the court may enter one order authorizing or directing the guardian to do one or more of those acts.

5. A petition filed pursuant to paragraphs (b) and (d) of subsection 1 may be consolidated in and filed with the petition for the appointment of the guardian, and if the guardian is appointed, the court may enter additional orders authorizing the guardian to continue the business of the protected minor, enter contracts for the protected minor or complete contracts of the protected minor.

Sec. 83. ***1. Upon the filing of any petition under section 60 or 82 of this act, or any account, notice must be given in the manner prescribed by section 17 of this act.***

2. The notice must:

(a) Give the name of the protected minor.

(b) Give the name of the petitioner.

(c) Give the date, time and place of the hearing.

(d) State the nature of the petition.

(e) Refer to the petition for further particulars, and notify all persons interested to appear at the time and place mentioned in the notice and show cause why the court order should not be made.

Sec. 84. ***1. Upon approval of the court by order, a guardian of the estate may:***

(a) Invest the property of the protected minor, make loans and accept security therefor, in the manner and to the extent authorized by the court.

(b) Exercise options of the protected minor to purchase or exchange securities or other property.

2. A guardian of the estate may, without securing the prior approval of the court, invest the property of the protected minor in the following:

(a) Savings accounts in any bank, credit union or savings and loan association in this State, to the extent that the deposits are insured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund or a private insurer approved pursuant to NRS 678.755.

(b) Interest-bearing obligations of or fully guaranteed by the United States.

(c) Interest-bearing obligations of the United States Postal Service.

(d) Interest-bearing obligations of the Federal National Mortgage Association.

(e) Interest-bearing general obligations of this State.

(f) Interest-bearing general obligations of any county, city or school district of this State.

(g) Money market mutual funds which are invested only in those instruments listed in paragraphs (a) to (f), inclusive.

3. A guardian of the estate for two or more wards may invest the property of two or more of the wards in property in which each ward whose property is so invested has an undivided interest. The guardian shall keep a separate record showing the interest of each ward in the investment and in the income, profits or proceeds therefrom.

4. A guardian of the estate may access or manage a guardianship account via the Internet on a secured website established by the bank, credit union or broker holding the account.

Sec. 85. *1. A guardian of the estate, with prior approval of the court by order, may borrow money for the account of the protected minor when necessary:*

(a) To pay claims against the protected minor, the guardianship estate or the guardian of the estate as such.

(b) To provide for the proper care, maintenance, education and support of the protected minor.

(c) For any other purpose that is in the best interests of the protected minor.

2. If the court determines that the borrowing is necessary or proper, the court shall make an order approving the borrowing and may authorize one or more separate loans. The order must prescribe the maximum amount of each loan, the maximum rate of interest and the date of final maturity of each loan, and may authorize the guardian to secure any loan by mortgage, deed of trust, pledge or other security transaction authorized by the laws of this State. The order must describe the property, if any, to be given as security for each loan.

Sec. 86. *If a protected minor for whom a guardian of the estate is appointed was, at the time of the appointment, a party to a contract which*

has not been fully performed, and which was made by the minor while not under any legal disability other than being under the age of majority, the guardian of the estate, with prior approval of the court by order, may complete the performance of such contract. If such contract requires the conveyance of any real or personal property, or any interest in such property, the court may authorize the guardian to convey the interest and estate of the protected minor in the property, and the effect of such conveyance is the same as though made by the protected minor while not under legal disability. If the contract requires a sale, no notice of sale is required under this section unless otherwise ordered by the court.

Sec. 87. *1. A guardian of the estate, with prior approval of the court by order, may, from the estate of the protected minor which is not necessary for the proper care, maintenance, education and support of the protected minor, make reasonable gifts directly, or into a trust, on behalf of the protected minor.*

2. Any petition filed by a guardian pursuant to this section must state whether:

(a) The purpose of the guardian in seeking approval to make the gift is to dispose of assets to make the ward eligible for Medicaid; and

(b) Making the gift will cause the ward to become eligible for Medicaid.

Sec. 88. *A guardian of the estate, with prior approval of the court by order, may sell, lease or place in trust any of the property of the protected minor:*

1. For the purpose of paying claims against the protected minor, the guardianship estate or the guardian of the estate.

2. For the purpose of providing for the proper care, maintenance, education and support of the protected minor.

3. For the purpose of investing the proceeds.

4. To obtain income through rentals or royalties.

5. For any other purpose that is in the best interests of the protected minor.

Sec. 89. *Any interest of a protected minor in real or personal property, including interests in contracts and choses in action, may be sold pursuant to this chapter.*

Sec. 90. *1. All sales of real property of a protected minor must be:*

(a) Reported to the court; and

(b) Confirmed by the court before the title to the real property passes to the purchaser.

2. The report and a petition for confirmation of the sale must be filed with the court not later than 30 days after the date of each sale.

3. The court shall set the date of the hearing and give notice of the hearing in the manner required pursuant to section 83 of this act or as the court may order.

4. An interested person may file written objections to the confirmation of the sale. If such objections are filed, the court shall conduct a hearing

regarding those objections during which the interested person may offer witnesses in support of the objections.

5. Before the court confirms a sale, the court must find that notice of the sale was given in the manner required pursuant to sections 98, 99 and 100 of this act, unless the sale was exempt from notice pursuant to section 86 of this act.

Sec. 91. *If the guardian neglects or refuses to sell any real property of the estate when it is necessary or in the best interests of the protected minor, an interested person may petition the court for an order requiring the guardian to sell the property. The court shall set the petition for a hearing, and the petitioner shall serve notice on the guardian at least 10 days before the hearing.*

Sec. 92. *If real property of the estate of a protected minor is sold that is subject to a mortgage or other lien which is a valid claim against the estate, the money from the sale must be applied in the following order:*

1. To pay the necessary expenses of the sale.

2. To satisfy the mortgage or other lien, including, without limitation, payment of interest and any other lawful costs and charges. If the mortgagee or other lienholder cannot be found, the money from the sale may be paid as ordered by the court and the mortgage or other lien shall be deemed to be satisfied.

3. To the estate of the protected minor, unless the court orders otherwise.

Sec. 93. *At a sale of real property that is subject to a mortgage or lien, the holder of the mortgage or lien may become the purchaser. The receipt for the amount owed to the holder from the proceeds of the sale is a payment pro tanto.*

Sec. 94. *1. In the manner required by this chapter for the sale of like property, a guardian may sell:*

(a) The equity of the estate in any real property that is subject to a mortgage or lien; and

(b) The property that is subject to the mortgage or lien.

2. If a claim has been filed upon the debt secured by the mortgage or lien, the court shall not confirm the sale unless the holder of the claim files a signed and acknowledged document which releases the estate from all liability upon the claim.

Sec. 95. *1. A guardian may enter into a written contract with any bona fide agent, broker or multiple agents or brokers to secure a purchaser for any real property of the estate. Such a contract may grant an exclusive right to sell the property to the agent, broker or multiple agents or brokers.*

2. The guardian shall provide for the payment of a commission upon the sale of the real property which:

(a) Must be paid from the proceeds of the sale;

(b) Must be fixed in an amount not to exceed:

(1) Ten percent for unimproved real property; or

(2) Seven percent for improved real property; and

(c) Must be authorized by the court by confirmation of the sale.

3. Upon confirmation of the sale by the court, the contract for the sale becomes binding and enforceable against the estate.

4. A guardian may not be held personally liable and the estate is not liable for the payment of any commission set forth in a contract entered into with an agent or broker pursuant to this section until the sale is confirmed by the court, and then is liable only for the amount set forth in the contract.

Sec. 96. *1. When an offer to purchase real property of a guardianship estate is presented to the court for confirmation:*

(a) Other persons may submit higher bids to the court; and

(b) The court may confirm the highest bid.

2. Upon confirmation of a sale of real property by the court, the commission for the sale must be divided between the listing agent or broker and the agent or broker who secured the purchaser to whom the sale was confirmed, if any, in accordance with the contract with the listing agent or broker.

Sec. 97. *1. If a protected minor owns real property jointly with one or more other persons, the interest owned by the protected minor may be sold to one or more joint owners of the property only if:*

(a) The guardian files a petition with the court to confirm the sale pursuant to section 90 of this act; and

(b) The court confirms the sale.

2. ~~[The]~~ Except as otherwise provided in subsection 3, the court shall confirm the sale only if:

(a) The net amount of the proceeds from the sale to the estate of the protected minor is not less than 90 percent of the fair market value of the portion of the property to be sold; and

(b) Upon confirmation, the estate of the protected minor will be released from all liability for any mortgage or lien on the property.

3. Upon good cause shown, the court may waive the requirement set forth in paragraph (a) of subsection 2.

Sec. 98. *1. Except as otherwise provided in this section and except for a sale pursuant to section 86 or 97 of this act, a guardian may sell the real property of a protected minor only after notice of the sale is published in:*

(a) A newspaper that is published in the county in which the property, or some portion of the property, is located; or

(b) If a newspaper is not published in that county:

(1) In a newspaper of general circulation in the county; or

(2) In such other newspaper as the court orders.

2. Except as otherwise provided in this section and except for a sale of real property pursuant to section 86 or 97 of this act:

(a) The notice of a public auction for the sale of real property must be published not less than three times before the date of the sale, over a period of 14 days and 7 days apart.

(b) The notice of a private sale must be published not less than three times before the date on which offers will be accepted, over a period of 14 days and 7 days apart.

3. For good cause shown, the court may order fewer publications and shorten the time of notice, but must not shorten the time of notice to less than 8 days.

4. The court may waive the requirement of publication pursuant to this section if:

(a) The guardian is the sole devisee or heir of the estate; or

(b) All devisees or heirs of the estate consent to the waiver in writing.

5. Publication for the sale of real property is not required pursuant to this section if the property to be sold is reasonably believed to have a value of $10,000 or less. In lieu of publication, the guardian shall post notice of the sale in three of the most public places in the county in which the property, or some portion of the property, is located for at least 14 days before:

(a) The date of the sale at public auction; or

(b) The date on which offers will be accepted for a private sale.

6. Any notice published or posted pursuant to this section must include, without limitation:

(a) For a public auction:

(1) A description of the real property which reasonably identifies the property to be sold; and

(2) The date, time and location of the auction.

(b) For a private sale:

(1) A description of the real property which reasonably identifies the property to be sold; and

(2) The date, time and location that offers will be accepted.

Sec. 99. *1. Except for a sale pursuant to section 86 or 97 of this act, a public auction for the sale of real property must be held:*

(a) In the county in which the property is located or, if the real property is located in two or more counties, in either county;

(b) Between the hours of 9 a.m. and 5 p.m.; and

(c) On the date specified in the notice, unless the sale is postponed.

2. If, on or before the date and time set for the public auction, the guardian determines that the auction should be postponed:

(a) The auction may be postponed for not more than 3 months after the date first set for the auction; and

(b) Notice of the postponement must be given by a public declaration at the place first set for the sale on the date and time that was set for the sale.

Sec. 100. *1. Except for the sale of real property pursuant to section 86 or 97 of this act, a sale of real property of a guardianship estate at a private sale:*

(a) Must not occur before the date stated in the notice.

(b) Except as otherwise provided in this paragraph, must not occur sooner than 14 days after the date of the first publication or posting of the notice. For good cause shown, the court may shorten the time in which the sale may occur to not sooner than 8 days after the date of the first publication or posting of the notice. If the court so orders, the notice of the sale and the sale may be made to correspond with the court order.

(c) Must occur not later than 1 year after the date stated in the notice.

2. The offers made in a private sale:

(a) Must be in writing; and

(b) May be delivered to the place designated in the notice or to the guardian at any time:

(1) After the date of the first publication or posting of the notice; and

(2) Before the date on which the sale is to occur.

Sec. 101. *1. Except as otherwise provided in subsection 2, the court shall not confirm a sale of real property of a guardianship estate at a private sale unless:*

(a) The court is satisfied that the amount offered represents the fair market value of the property to be sold; and

(b) Except for a sale of real property pursuant to section 86 of this act, the real property has been appraised within 1 year before the date of the sale. If the real property has not been appraised within this period, a new appraisal must be conducted pursuant to sections 66 and 67 of this act at any time before the sale or confirmation by the court of the sale.

2. The court may waive the requirement of an appraisal and allow the guardian to rely on the assessed value of the real property for purposes of taxation in obtaining confirmation by the court of the sale.

Sec. 102. *1. At the hearing to confirm the sale of real property, the court shall:*

(a) Consider whether the sale is necessary or in the best interest of the estate of the protected minor; and

(b) Examine the return on the investment and the evidence submitted in relation to the sale.

2. The court shall confirm the sale and order conveyances to be executed if it appears to the court that:

(a) Good reason existed for the sale;

(b) The sale was conducted in a legal and fair manner;

(c) The amount of the offer or bid is not disproportionate to the value of the property; and

(d) It is unlikely that an offer or bid would be made which exceeds the original offer or bid:

(1) By at least 5 percent if the offer or bid is less than $100,000; or

(2) By at least $5,000 if the offer or bid is $100,000 or more.

3. The court shall not confirm the sale if the conditions in this section are not satisfied.

4. If the court does not confirm the sale, the court:

(a) May order a new sale;

(b) May conduct a public auction in open court; or

(c) May accept a written offer or bid from a responsible person and confirm the sale to the person if the written offer complies with the laws of this State and exceeds the original bid:

(1) By at least 5 percent if the bid is less than $100,000; or

(2) By at least $5,000 if the bid is $100,000 or more.

5. If the court does not confirm the sale and orders a new sale:

(a) Notice must be given in the manner set forth in section 98 of this act; and

(b) The sale must be conducted in all other respects as though no previous sale has taken place.

6. If a higher offer or bid is received by the court during the hearing to confirm the sale, the court may continue the hearing rather than accept the offer or bid as set forth in paragraph (c) of subsection 4 if the court determines that the person who made the original offer or bid was not notified of the hearing and that the person who made the original offer or bid may wish to increase his or her bid. This subsection does not grant a right to a person to have a continuance granted and may not be used as a ground to set aside an order confirming a sale.

7. Except as otherwise provided in this subsection, if a higher offer or bid is received by the court during the hearing to confirm the sale and the court does not accept that offer or bid, each successive bid must be for not less than:

(a) An additional $5,000, if the original offer is for $100,000 or more; or

(b) An additional $250 if the original offer is less than $100,000.

➥ Upon the request of the guardian during the hearing to confirm the sale, the court may set other incremental bid amounts.

Sec. 103. *1. If the court confirms a sale of real property of a guardianship estate, the guardian shall execute a conveyance of the property to the purchaser.*

2. The conveyance must include a reference to the court order confirming the sale, and a certified copy of the court order must be recorded in the office of the recorder of the county in which the property, or any portion of the property, is located.

3. A conveyance conveys all the right, title and interest of the protected minor in the property on the date of the sale, and if, before the date of the sale, by operation of law or otherwise, the protected minor has acquired any right, title or interest in the property other than or in addition to that of

the protected minor at the time of the sale, that right, title or interest also passes by the conveyance.

Sec. 104. *1. If a sale of real property is made upon credit, the guardian shall take:*

(a) The note or notes of the purchaser for the unpaid portion of the sale; and

(b) A mortgage on the property to secure the payment of the notes.

2. The mortgage may contain a provision for release of any part of the property if the court approves the provision.

Sec. 105. *1. After confirmation of the sale of real property, if the purchaser neglects or refuses to comply with the terms of the sale, the court may set aside the order of confirmation and order the property to be resold:*

(a) On motion of the guardian; and

(b) After notice is given to the purchaser.

2. If the amount realized on the resale of the property is insufficient to cover the bid and the expenses of the previous sale, the original purchaser is liable to the estate of the protected minor for the deficiency.

Sec. 106. *A guardian who fraudulently sells any real property of a protected minor in a manner inconsistent with the provisions of this chapter is liable for double the value of the property sold, as liquidated damages, to be recovered in an action by or on behalf of the protected minor.*

Sec. 107. *The periods of limitation prescribed in NRS 11.260 apply to all actions:*

1. For the recovery of real property sold by a guardian in accordance with the provisions of this chapter; and

2. To set aside a sale of real property.

Sec. 108. *1. A guardian may sell ~~[perishable property and other]~~ , dispose of or authorize the immediate destruction of personal property of the protected minor without notice, and title to the property passes without confirmation by the court if ~~[the]~~ :*

(a) The property ~~[:~~

~~(a) Will]~~ will depreciate in value if not disposed of promptly; ~~[or]~~

(b) ~~[Will]~~ The property will incur loss or expense by being kept ~~[.]~~ ;

(c) The property has been contaminated by vermin or biological or chemical agents and the expenses related to the decontamination of the property cause salvage to be impractical;

(d) The property constitutes an immediate threat to the public health or safety; or

(e) The handling, transfer or storage of the property might endanger public health or safety or exacerbate contamination.

2. The guardian is responsible for the actual value of the personal property unless the guardian obtains confirmation by the court of the sale.

Sec. 109. *A guardian may sell any security of the protected minor if:*

1. The guardian petitions the court for confirmation of the sale;

2. The clerk sets the date of the hearing;

3. The guardian gives notice in the manner required pursuant to section 17 of this act unless, for good cause shown, the court shortens the period within which notice must be given or dispenses with notice; and

4. The court confirms the sale.

Sec. 110. ~~*[1.]*~~ *Except as otherwise provided in sections 108 and 109 of this act, a guardian may sell the personal property of the protected minor only after notice of the* ~~*[sale is published in:*~~

~~*(a) A newspaper that is published in the county in which the property, or some portion of the property, is located; or*~~

~~*(b) If a newspaper is not published in that county:*~~

~~*(1) In a newspaper of general circulation in the county; or*~~

~~*(2) In such other newspaper as the court orders.*~~

~~*2. Except as otherwise provided in this section:*~~

~~*(a) The notice of a public sale must be published not less than three times before the date of the sale, over a period of 14 days and 7 days apart.*~~

~~*(b) The notice of a private sale must be published not less than three times before the date on which offers will be accepted, over a period of 14 days and 7 days apart.*~~

~~*3. For good cause shown, the court may order fewer publications and shorten the time of notice, but must not shorten the time of notice to less than 8 days.*~~

~~*4. The notice must include, without limitation:*~~

~~*(a) For a public sale:*~~

~~*(1) A description of the personal property to be sold; and*~~

~~*(2) The date, time and location of the sale.*~~

~~*(b) For a private sale:*~~

~~*(1) A description of the personal property to be sold; and*~~

~~*(2) The date, time and location that offers will be accepted.*~~

~~*(c) For a sale on an appropriate auction website on the Internet:*~~

~~*(1) A description of the personal property to be sold;*~~

~~*(2) The date the personal property will be listed; and*~~

~~*(3) The Internet address of the website on which the sale will be posted.]*~~ *intent to sell is provided to the protected minor and all interested parties, by personal delivery or by certified mail, not less than 30 days before the sale.*

Sec. 111. *1. The guardian may sell the personal property of a protected minor by public sale at:*

(a) The residence of the protected minor; or

(b) Any other location designated by the guardian.

2. The guardian may sell the personal property by public sale only if the property is made available for inspection at the time of the sale or photographs of the personal property are posted on an appropriate auction website on the Internet.

3. Personal property may be sold at a public or private sale for cash or upon credit.

Sec. 112. *The following interests of the estate of the protected minor may be sold in the same manner as other personal property:*

1. An interest in personal property that has been pledged to the protected minor; and

2. Choses in action.

Sec. 113. *A guardian of the estate may lease any real property of the protected minor or any interest in real property:*

1. Without securing prior court approval, where the tenancy is from month to month or for a term not to exceed 1 year and the reasonable fixed rental for the property or the protected minor's proportionate interest in such rental does not exceed $250 per month.

2. With prior approval of the court by order, for such period of time as may be authorized by the court, not exceeding any time limitation prescribed by law, and upon such terms and conditions as the court may approve. Such lease may extend beyond the period of minority of a protected minor.

Sec. 114. *The court may authorize the guardian to enter into a written contract with one or more licensed real estate brokers to secure a lessee of the protected minor's property, which contract may provide for the payment of a commission, not exceeding 5 percent of the fixed rental for the first 2 years, to be paid out of the proceeds of any such lease.*

Sec. 115. *1. Petitions to secure court approval of any lease:*

(a) Must include the parcel number assigned to the property to be leased and the physical address of the property, if any; and

(b) Must set forth the proposed fixed rental, the duration of the lease and a brief description of the duties of the proposed lessor and lessee.

2. Upon the hearing of a petition pursuant to subsection 1, if the court is satisfied that the lease is for the best interests of the protected minor and the estate of the protected minor, the court shall enter an order authorizing the guardian to enter into the lease.

Sec. 116. *A guardian of the estate, with prior approval of the court by order, may enter into agreements providing for the rental or bailment of the protected minor's personal property. All proceedings to obtain such a court order must be the same as required for the lease of real property.*

Sec. 117. *1. If the property to be leased consists of mining claims, an interest in the mining claims, property worked as a mine or lands containing oil, gas, steam, gravel or any minerals, the court may authorize the guardian to enter into a lease which provides for payment by the lessee of a royalty, in money or in kind, in lieu of a fixed rental. The court may also authorize the guardian to enter into a lease which provides for a pooling agreement or authorizes the lessee to enter into pooling or other cooperative agreements with lessees, operators or owners of other lands and minerals for the purpose of bringing about the cooperative*

development and operation of any mine, oil field or other unit of which the protected minor's property is a part.

2. If the proposed lease contains an option to purchase, and the property to be sold under the option consists of mining claims, property worked as a mine, or interests in oil, gas, steam, gravel or any mineral, which has a speculative or undefined market value, the court may authorize the guardian to enter into such a lease and sales agreement or give an option to purchase without requiring the property to be sold at public auction or by private sale in the manner required by this chapter for sales of other real property.

3. If the petition filed pursuant to this section requests authority to enter into a lease with an option to purchase, in addition to the notice required by section 17 of this act, the guardian shall publish a copy of the notice at least twice, the first publication to be at least 10 days before the date set for the hearing and the second publication to be not earlier than 7 days after the date of the first publication. The notice must be published in:

(a) A newspaper that is published in the county where the property is located; or

(b) If no newspaper is published in the county where the property is located, a newspaper of general circulation in that county which is designated by the court.

Sec. 118. *1. To enter into an agreement to sell or to give an option to purchase a mining claim or real property worked as a mine which belongs to the estate of the protected minor, the guardian or an interested person shall file a petition with the court that:*

(a) Describes the property or claim;

(b) States the terms and general conditions of the agreement;

(c) Shows any advantage that may accrue to the estate of the protected minor from entering into the agreement; and

(d) Requests confirmation by the court of the agreement.

2. The court shall set the date of the hearing on the petition.

3. The petitioner shall give notice in the manner provided in section 17 of this act.

Sec. 119. *1. At the time appointed and if the court finds that due notice of the hearing concerning an agreement has been given, the court shall hear a petition filed pursuant to section 118 of this act and any objection to the petition that is filed or presented.*

2. After the hearing, if the court is satisfied that the agreement will be to the advantage of the estate of the protected minor, the court:

(a) Shall order the guardian to enter into the agreement; and

(b) May prescribe in the order the terms and conditions of the agreement.

3. A certified copy of the court order must be recorded in the office of the county recorder of each county in which the property affected by the agreement, or any portion of the property, is located.

Sec. 120. *1. If the court orders the guardian to enter into the agreement pursuant to section 119 of this act, the court shall order the guardian to provide an additional bond and specify the amount of the bond in the court order.*

2. The guardian is not entitled to receive any of the proceeds from the agreement until the guardian provides the bond and the court approves the bond.

3. When the court order is entered, the guardian shall execute, acknowledge and deliver an agreement which:

(a) Contains the conditions specified in the court order;

(b) States that the agreement or option is approved by court order; and

(c) Provides the date of the court order.

Sec. 121. *1. If the purchaser or option holder neglects or refuses to comply with the terms of the agreement approved by the court pursuant to section 119 of this act, the guardian may petition the court to cancel the agreement. The court shall cancel the agreement after notice is given to the purchaser or option holder.*

2. The cancellation of an agreement pursuant to this section does not affect any liability created by the agreement.

Sec. 122. *1. If the purchaser or option holder complies with the terms of an agreement approved by the court pursuant to section 119 of this act and has made all payments according to the terms of the agreement, the guardian shall:*

(a) Make a return to the court of the proceedings; and

(b) Petition the court for confirmation of the proceedings.

2. Notice must be given to the purchaser or option holder regarding the petition for confirmation.

3. The court:

(a) Shall hold a hearing regarding the petition for confirmation; and

(b) May order or deny confirmation of the proceedings and execution of the conveyances in the same manner and with the same effect as when the court orders or denies a confirmation of a sale of real property.

Sec. 123. *1. A guardian of the estate, with prior approval of the court, may accept an offer for the purchase of the interest or estate of the protected minor, in real or personal property or both real and personal property, where it appears from the petition and the court determines that:*

(a) The interest or estate of the protected minor in such property is an interest in a partnership, joint venture or closely held corporation, in which the offeror or offerors own the remaining interests in the partnership, joint venture or closely held corporation, or are offering to purchase such remaining interests.

(b) The interest or estate of the protected minor in such property is an undivided interest in property in which the offeror or offerors own the remaining interests in such property or are offering to purchase such remaining interests.

(c) The interest or estate of the protected minor to be sold or granted is an easement in or creates a servitude upon the protected minor's property.

2. A guardian of the estate, with prior approval of the court, may accept an offer to surrender the interest or estate of the protected minor in real or personal property or both real and personal property, where it appears from the petition and the court determines that:

(a) The interest or estate of the protected minor is contingent or dubious.

(b) The interest or estate of the protected minor in such property is a servitude upon the property of another.

Sec. 124. *1. A guardian of the estate may petition the court for advice and instructions in any matter concerning:*

(a) The administration of the protected minor's estate;

(b) The priority of paying claims;

(c) The propriety of making any proposed disbursement of funds;

(d) Exercising for or on behalf of the protected minor:

(1) Any options or other rights under any policy of insurance or annuity; and

(2) The right to take under a will, trust or other devise;

(e) The propriety of exercising any right exercisable by owners of property; and

(f) Matters of a similar nature.

2. Any act done by a guardian of the estate after securing court approval or instructions with reference to the matters set forth in subsection 1 is binding upon the protected minor or those claiming through the protected minor, and the guardian is not personally liable for performing any such act.

3. If any interested person may be adversely affected by the proposed act of the guardian, the court shall direct the issuance of a citation to that interested person, to be served upon the person at least 20 days before the hearing on the petition. The citation must be served in the same manner that summons is served in a civil action and must direct the interested person to appear and show cause why the proposed act of the guardian should not be authorized or approved. All interested persons so served are bound by the order of the court which is final and conclusive, subject to any right of appeal.

Sec. 125. *1. A guardian of the estate shall record a certified copy of any court order authorizing the sale, mortgage, lease, surrender or conveyance of real property in the office of the county recorder of the county in which any portion of the land is located.*

2. To carry out effectively any transaction affecting the protected minor's property as authorized by this chapter, the court may authorize the guardian to execute any promissory note, mortgage, deed of trust, deed, lease, security agreement or other legal document or instrument which is reasonably necessary to carry out such transaction.

Sec. 126. *1. A guardian of the estate, with prior approval of the court by order, where it appears from the petition and the court determines that the best interests of the protected minor are served by such action, may:*

(a) Accept an offer to exchange all or any interest of the protected minor in real or personal property or both real and personal property for real or personal property or both real and personal property of another, and pay or receive any cash or other consideration to equalize the values on such exchange; or

(b) Effect a voluntary partition of real or personal property or both real and personal property in which the protected owner owns an undivided interest.

2. Upon hearing the petition, the court shall inquire into the value of the property to be exchanged or partitioned, the rental or income therefrom, and the use for which the property is best suited.

Sec. 127. *Every guardianship established pursuant to this chapter must be reviewed by the court annually.*

Sec. 128. *A guardian of the estate shall make and file a verified account in the guardianship proceeding:*

1. Annually, not later than 60 days after the anniversary date of the appointment of the guardian, unless the court orders such an account to be made and filed at a different interval upon a showing of good cause and with the appropriate protection of the interests of the protected minor.

2. Upon filing a petition to resign and before the resignation is accepted by the court.

3. Within 30 days after the date of his or her removal, unless the court authorizes a longer period.

4. Within 90 days after the date of termination of the guardianship or the emancipation or death of the protected minor, unless the court authorizes a longer period.

5. At any other time as required by law or as the court may order.

Sec. 129. *1. An account made and filed by a guardian of the estate must include, without limitation, the following information:*

(a) The period covered by the account.

(b) All cash receipts and disbursements during the period covered by the account.

(c) All claims filed and the action taken regarding the account.

(d) Any changes in the protected minor's property due to sales, exchanges, investments, acquisitions, gifts, mortgages or other transactions which have increased, decreased or altered the protected minor's property holdings as reported in the original inventory or the preceding account.

(e) Any other information the guardian considers necessary to show the condition of the affairs of the protected minor.

2. If the account is for the estates of two or more wards, it must show the interest of each ward in the receipts, disbursements and property.

3. Receipts or vouchers for all expenditures must be retained by the guardian for examination by the court or an interested person. Unless ordered by the court, the guardian is not required to file such receipts or vouchers with the court.

4. On the court's own motion or on ex parte application by an interested person which demonstrates good cause, the court may:

(a) Order production of the receipts or vouchers that support the account; and

(b) Examine or audit the receipts or vouchers that support the account.

5. If a receipt or voucher is lost or for good reason cannot be produced on settlement of an account, payment may be proved by the oath of at least one competent witness. The guardian must be allowed expenditures if it is proven that:

(a) The receipt or voucher for any disbursement has been lost or destroyed so that it is impossible to obtain a duplicate of the receipt or voucher; and

(b) Expenses were paid in good faith and were valid charges against the estate.

Sec. 130. *1. Any interested person may appear at the hearing and object to the account or file written objections to the account before the hearing.*

2. If there are no objections to the account or if the court overrules any objections, the court may enter an order allowing and confirming the account.

3. Except as otherwise provided in this subsection, the order settling and allowing the account is a final order and is conclusive against all persons interested in the guardianship proceeding, including, without limitation, heirs and assigns. The order is not final against a protected minor who requests an examination of any account after the protected minor's legal disability is removed.

4. If the court finds that an interested person who objected to the account did not object in good faith or in furtherance of the best interests of the protected minor, the court may order the interested person to pay to the estate of the protected minor all or part of the expenses associated with the objection.

Sec. 131. *1. Subject to the discretion and approval of the court and except as otherwise provided in subsection 4, a guardian must be allowed:*

(a) Reasonable compensation for the guardian's services;

(b) Necessary and reasonable expenses incurred in exercising the authority and performing the duties of a guardian; and

(c) Reasonable expenses incurred in retaining accountants, attorneys, appraisers or other professional services.

2. Reasonable compensation and services must be based upon similar services performed for persons who are not under a legal disability. In determining whether compensation is reasonable, the court may consider:

(a) The nature of the guardianship;

(b) The type, duration and complexity of the services required; and

(c) Any other relevant factors.

3. In the absence of an order of the court pursuant to this chapter shifting the responsibility of the payment of compensation and expenses, the payment of compensation and expenses must be paid from the estate of the protected minor. In evaluating the ability of a protected minor to pay such compensation and expenses, the court may consider:

(a) The nature, extent and liquidity of the protected minor's assets;

(b) The disposable net income of the protected minor;

(c) Any foreseeable expenses; and

(d) Any other factors that are relevant to the duties of the guardian pursuant to section 61 or 64 of this act.

4. A private professional guardian is not allowed compensation or expenses for services incurred by the private professional guardian as a result of a petition to have him or her removed as guardian if the court removes the private professional guardian pursuant to the provisions of paragraph (b), (d), (e), (f) or (h) of subsection 1 of section 133 of this act.

Sec. 132. *If a protected minor resides with a care provider that is an institution or facility, the care provider shall furnish to the guardian an itemized accounting of all financial activity pertaining to the protected minor:*

1. On a quarterly basis; and

2. At any other time, upon the request of the guardian.

Sec. 133. *1. The court may remove a guardian if the court determines that:*

(a) The guardian has become mentally incompetent, unsuitable or otherwise incapable of exercising the authority and performing the duties of a guardian as provided by law;

(b) The guardian is no longer qualified to act as a guardian pursuant to section 46 of this act;

(c) The guardian has filed for bankruptcy within the previous 5 years;

(d) The guardian of the estate has mismanaged the estate of the protected minor;

(e) The guardian has negligently failed to perform any duty as provided by law or by any order of the court and:

(1) The negligence resulted in injury to the protected minor or the estate of the protected minor; or

(2) There was a substantial likelihood that the negligence would result in injury to the protected minor or the estate of the protected minor;

(f) The guardian has intentionally failed to perform any duty as provided by law or by any lawful order of the court, regardless of injury;

(g) The best interests of the protected minor will be served by the appointment of another person as guardian; or

(h) The guardian is a private professional guardian who is no longer qualified as a private professional guardian pursuant to section 45 of this act.

2. A guardian may not be removed if the sole reason for removal is the lack of money to pay the compensation and expenses of the guardian.

Sec. 134. *A guardian who, after appointment:*

1. Is convicted of a gross misdemeanor or felony in any state;

2. Files for or receives protection as an individual or as a principal of any entity under the federal bankruptcy laws;

3. Has a driver's license suspended, revoked or cancelled for nonpayment of child support;

4. Is suspended for misconduct or disbarred from:

(a) The practice of law;

(b) The practice of accounting; or

(c) Any other profession which:

(1) Involves or may involve the management or sale of money, investments, securities or real property; or

(2) Requires licensure in this State or any other state; or

5. Has a judgment entered against him or her for misappropriation of funds or assets from any person or entity in any state,

➥ shall immediately inform the court of the circumstances of those events. The court may remove the guardian and appoint a successor guardian, unless the court finds that it is in the best interest of the protected minor to allow the guardian to continue in his or her appointment.

Sec. 135. *1. The following persons may petition the court to have a guardian removed:*

(a) The protected minor;

(b) Any relative who is within the second degree of consanguinity to the protected minor;

(c) A public guardian; or

(d) Any other interested person.

2. The petition must:

(a) State with particularity the reasons for removing the guardian; and

(b) Show cause for the removal.

3. If the court denies the petition for removal, the petitioner shall not file a subsequent petition unless a material change of circumstances warrants a subsequent petition.

4. If the court finds that the petitioner did not file a petition for removal in good faith or in furtherance of the best interests of the protected minor, the court may:

(a) Disallow the petitioner from petitioning the court for attorney's fees from the estate of the protected minor; and

(b) Impose sanctions on the petitioner in an amount sufficient to reimburse the estate of the protected minor for all or part of the expenses

incurred by the estate of the protected minor in responding to the petition and for any other pecuniary losses which are associated with the petition.

Sec. 136. ***1. If a petition to have a guardian removed is filed with the court, the court shall issue ~~[and serve]~~ a citation to the petitioner. The petitioner shall serve the citation on the guardian and on all other interested persons.***

2. The citation must require the guardian to appear and show cause why the court should not remove the guardian.

3. If it appears that the protected minor or estate may suffer loss or injury during the time required for service of the citation on the guardian, on the court's own motion or on petition, the court may:

(a) Suspend the powers of the guardian by issuing a 30-day temporary restraining order or an injunction;

(b) Compel the guardian to surrender the protected minor to a temporary guardian for not more than 30 days; and

(c) Compel the guardian to surrender the assets of the estate to a temporary guardian or to the public guardian until the date set for the hearing.

Sec. 137. ***If a petition to remove a guardian is deemed sufficient and the guardian fails to appear before the court, the court may take any or all of the following actions:***

1. Hold the guardian in contempt of court.

2. Require the guardian to appear at a date and time set by the court.

3. Issue a bench warrant for the arrest and appearance of the guardian.

4. Find that the guardian caused harm to the protected minor or the estate of the protected minor and issue an order accordingly.

Sec. 138. ***1. Notwithstanding any other provision of law, except as otherwise provided in subsection 3, the court shall not remove the guardian or appoint another person as guardian unless the court finds that removal of the guardian or appointment of another person as guardian is in the best interests of the protected minor.***

2. For the purposes of this section in determining the best interests of the protected minor, the court shall consider, without limitation:

(a) The ability of the present guardian to provide for the basic needs of the protected minor, including, without limitation, food, shelter, clothing and medical care;

(b) The safety of the home in which the protected minor is residing;

(c) The length of time that the protected minor has been in the care of the present guardian;

(d) The current well-being of the protected minor, including whether the protected minor is prospering in the environment being provided by the present guardian;

(e) The emotional bond existing between the present guardian and the protected minor;

(f) If the person petitioning the court to replace the present guardian was previously removed from the care, custody or guardianship of the protected minor:

(1) The level of participation before the petition was filed by the petitioner in the welfare of the protected minor; and

(2) If applicable, whether the petitioner has received instruction in parenting, participated in a program of rehabilitation or undergone counseling for any problem or conduct that the court, in appointing the present guardian, considered as an indication of the previous unfitness of the petitioner; and

(g) The mental and physical health of the present guardian.

3. The court may remove the guardian of a protected minor or appoint another person as guardian if the guardian files a petition to resign his or her position as guardian.

Sec. 139. *1. When a guardian dies or is removed by order of the court, the court, upon the court's own motion or upon a petition filed by any interested person, may appoint another guardian in the same manner and subject to the same requirements as are provided by law for an original appointment of a guardian.*

2. If a guardian of the person is appointed for a protected minor pursuant to this section, the protected minor must be served with the petition. If the protected minor does not object to the appointment, the protected minor is not required to attend the hearing.

Sec. 140. *1. A guardian of the person, of the estate, or of the person and the estate, may file with the court a petition tendering the resignation of the guardian.*

2. If the guardian files a petition to resign, the court shall serve notice upon any person entitled to notice pursuant to section 29 of this act.

Sec. 141. *1. Before the court approves the resignation of a guardian of the person and discharges the guardian, the court shall appoint a successor guardian.*

2. If a protected minor has more than one guardian, the court may approve the resignation of one of the guardians if the remaining guardian or guardians are qualified to act alone.

Sec. 142. *1. Before the court approves the resignation of a guardian of the estate and discharges the guardian, the court shall require the guardian to submit, on the date set for the hearing, an accounting of the estate through the end of the term.*

2. If the guardian fails to file such an accounting, the court may impose sanctions upon the guardian.

3. If an estate has more than one guardian, the court may accept the resignation of one of the guardians if the remaining guardian or guardians are qualified to act alone. The court may waive the requirement of filing the accounting if the remaining guardian or guardians are:

(a) Required to file the annual accounting, if applicable; and

(b) Responsible for any discrepancies in the accounting.

4. Upon approval of the accounting, if any is required, and appointment of a successor guardian, the court may approve the resignation of a guardian and order the discharge of his or her duties.

Sec. 143. *1. A protected minor, the guardian or another person may petition the court for the termination or modification of a guardianship. The petition must state or contain:*

(a) The name and address of the petitioner.

(b) The relationship of the petitioner to the protected minor.

(c) The name, age and address of the protected minor, if the protected minor is not the petitioner, or the date of death of the protected minor if the protected minor is deceased.

(d) The name and address of the guardian, if the guardian is not the petitioner.

(e) The reason for termination or modification.

(f) Whether the termination or modification is sought for a guardianship of the person, of the estate, or of the person and estate.

(g) A general description and the value of the remaining property of the protected minor and the proposed disposition of that property.

2. Upon the filing of the petition, the court may appoint an attorney to represent the protected minor if:

(a) The protected minor is unable to retain an attorney; and

(b) The court determines that the appointment is necessary to protect the interests of the protected minor.

3. The petitioner has the burden of proof to show by clear and convincing evidence that the termination or modification of the guardianship of the person, of the estate, or of the person and estate is in the best interests of the protected minor.

4. The court shall issue a citation ~~[to the guardian and all interested persons]~~ requiring ~~[them]~~ all interested persons to appear and show cause why termination or modification of the guardianship should not be granted. The court shall serve the citation on the guardian and the petitioner. The petitioner shall serve the citation on all interested persons.

5. If the court finds that the petitioner did not file a petition for termination or modification in good faith or in furtherance of the best interests of the protected minor, the court may:

(a) Disallow the petitioner from petitioning the court for attorney's fees from the estate of the protected minor; and

(b) Impose sanctions on the petitioner in an amount sufficient to reimburse the estate of the protected minor for all or part of the expenses and for any other pecuniary losses which are incurred by the estate of the protected minor and associated with the petition.

Sec. 144. *1. A guardianship of the person, of the estate, or of the person and estate is terminated:*

(a) By the death of the protected minor;

(b) Upon the protected minor's change of domicile to a place outside this State and the transfer of jurisdiction to the court having jurisdiction in the new domicile;

(c) Upon order of the court, if the court determines that the guardianship no longer is necessary;

(d) On the date on which the protected minor reaches 18 years of age; or

(e) On the date on which the protected minor graduates from high school or becomes 19 years of age, whichever occurs sooner, if:

(1) The protected minor will be older than 18 years of age upon graduation from high school; and

(2) The protected minor and the guardian consent to continue the guardianship and the consent is filed with the court at least 14 days before the date on which the protected minor will become 18 years of age.

2. A guardianship of the estate is terminated:

(a) If the court removes the guardian or accepts the resignation of the guardian and does not appoint a successor guardian;

(b) If the court determines that the guardianship is not necessary and orders the guardianship terminated; or

(c) By the death of the protected minor, subject to the provisions of section 147 of this act.

3. If the guardianship is of the person and estate, the court may order the guardianship terminated as to the person, the estate, or the person and estate.

4. The guardian shall notify the court, all interested parties, the trustee, and the named executor or appointed personal representative of the estate of the protected minor of the death of the protected minor within 30 days after the death.

5. Immediately upon the death or emancipation of the protected minor:

(a) The guardian of the estate shall have no authority to act for the protected minor except to wind up the affairs of the guardianship pursuant to section 147 of this act, and to distribute the property of the protected minor as provided in sections 148 and 149 of this act; and

(b) No person has standing to file a petition pursuant to section 60 of this act.

6. A hearing ~~[must]~~ may be held not later than 90 days before a protected minor reaches the age of majority to determine whether:

(a) Guardianship is needed beyond the age of majority;

(b) The protected minor desires an additional year of guardianship beyond the age of majority; and

(c) The guardian should be notified of any requirements of the guardianship which require compliance before termination of the guardianship.

7. If, at a hearing conducted pursuant to subsection 6, a court makes a determination that, upon reaching the age of majority, a protected minor

would be deemed incompetent, as defined in NRS 159.019, a petition may be filed in accordance with the provisions of chapter 159 of NRS to seek guardianship for the protected minor pursuant to that chapter to take effect when the protected minor reaches the age of majority. The protected minor has the right to be represented by counsel if guardianship is sought pursuant to this subsection.

Sec. 145. ***1. If, before a protected minor is emancipated, a parent of the protected minor petitions the court for the termination of a guardianship of the protected minor, the parent has the burden of proof to show by clear and convincing evidence that:***

(a) There has been a material change of circumstances since the time the guardianship was created. The parent must show that, as part of the change of circumstances, the parent has been restored to suitability as described in section 46 of this act.

(b) Except as otherwise provided in subsection 2, the welfare of the protected minor would be substantially enhanced by the termination of the guardianship and the placement of the protected minor with the parent.

2. If the parent consented to the guardianship when it was created, the parent is required to make only that showing set forth in paragraph (a) of subsection 1.

Sec. 146. ***1. If a temporary guardianship is terminated and a petition for a general guardianship has not been filed:***

(a) The temporary guardian shall immediately turn over all of the protected minor's property to the protected minor; or

(b) If the temporary guardian is awaiting certification from the appropriate authority acknowledging that the guardian has no further liability for taxes on the estate, the temporary guardian shall seek approval from the court to maintain possession of all or a portion of the protected minor's property.

2. If a temporary guardianship is terminated and a petition for general guardianship has been filed, the temporary guardian of the estate may:

(a) Continue possessing the protected minor's property; and

(b) Perform the duties of guardian for not more than 90 days after the temporary guardianship is terminated or until the court appoints another temporary or general guardian.

3. If the death of a protected minor causes the termination of a temporary guardianship before the hearing on a general guardianship:

(a) The temporary guardian of the estate may:

(1) Continue possessing the protected minor's property; and

(2) Except as otherwise provided in this paragraph, perform the duties of guardian for not more than 90 days after the date of the termination of the temporary guardianship or until the court appoints a personal representative of the estate, if any. If the temporary guardian is awaiting certification from the appropriate authority acknowledging that the guardian has no further liability for taxes on the estate and it will take

longer than 90 days after the date of the termination of the temporary guardianship to receive such certification, the temporary guardian must seek approval from the court to maintain possession of all or a portion of the protected minor's property until certification is received.

(b) If no personal representative has been appointed pursuant to chapter 138 or 139 of NRS, the temporary guardian shall pay all of the final expenses and outstanding debts of the protected minor to the extent possible using the assets in the possession of the temporary guardian.

Sec. 147. *1. The guardian of the estate is entitled to retain possession of the protected minor's property already in the control of the guardian and is authorized to perform the duties of the guardian to wind up the affairs of the guardianship:*

(a) Except as otherwise provided in paragraph (b), (c) or (d), for not more than 180 days or a period that is reasonable and necessary as determined by the court after the termination of the guardianship;

(b) Except as otherwise provided in paragraph (d), for not more than 90 days after the date of the appointment of a personal representative of the estate of a deceased protected minor;

(c) Except as otherwise provided in paragraph (d), for not more than 90 days after the date of the appointment of a successor trustee of a trust of the deceased protected minor and upon request by the trustee; or

(d) Upon approval of the court, for more than 180 days or 90 days, as applicable, if the guardian is awaiting certification from the appropriate authority acknowledging that the guardian has no further liability for taxes on the estate.

2. To wind up the affairs of the guardianship, the guardian shall:

(a) Pay all expenses of administration of the guardianship estate, including those incurred in winding up the affairs of the guardianship.

(b) Complete the performance of any contractual obligations incurred by the guardianship estate.

(c) With prior approval of the court, continue any activity that:

(1) The guardian believes is appropriate and necessary; or

(2) Was commenced before the termination of the guardianship.

(d) If the guardianship is terminated for a reason other than the death of the protected minor, examine and allow and pay, or reject, all claims presented to the guardian before the termination of the guardianship for obligations incurred before the termination.

3. If the assets are transferred to a personal representative or a successor trustee as provided for in paragraphs (b) and (c) of subsection 1, the court may authorize the guardian to retain sufficient assets to pay any anticipated expenses and taxes of the guardianship estate.

Sec. 148. *1. If the guardianship is terminated by reason of the death of the protected minor:*

(a) Except as otherwise provided in section 149 of this act, the guardian shall report to the personal representative claims which are presented to

the guardian, or which have been presented to the guardian but have not been paid, except those incurred in paying the expenses of administration of the guardianship estate and in winding up the affairs of the guardianship estate.

(b) Claims which have been allowed by the guardian, but not paid, must be paid by the personal representative in the course of probate in the priority provided by law for payment of claims against a decedent, and shall have the same effect and priority as a judgment against a decedent.

(c) Claims which have been presented and not allowed or rejected must be acted upon by the personal representative in the same manner as other claims against a decedent.

2. The personal representative must be substituted as the party in interest for the guardian in any action commenced or which may be commenced by the creditor pursuant to section 79 of this act, including summary determination, on any claim rejected by the guardian.

Sec. 149. ***1. After the winding up of the affairs of the guardianship, the guardian shall deliver physical possession of all of the protected minor's property to the protected minor, the personal representative or the successor guardian, as the case may be, and obtain a receipt of the delivery of the property.***

2. Before the guardian delivers physical possession of the protected minor's property to the personal representative and upon sufficient evidence of prior title, the guardian may petition the court to have the title to the property modified, on a pro rata basis, to reflect the manner in which title was held before the guardianship was established so that the property is distributed to the intended beneficiary or former joint owner of the property.

3. If the guardianship has terminated by reason of the death of the protected minor, the court, by order, may authorize the guardian to handle the deceased protected minor's property in the same manner as authorized by NRS 146.070 or 146.080, if the gross value of the property, less encumbrances, and less fees, costs and expenses that are approved by the court, remaining in the hands of the guardian does not exceed the amount authorized pursuant to NRS 146.070 or 146.080.

Sec. 150. ***1. Upon the filing of receipts and vouchers showing compliance with the orders of the court in winding up the affairs of the guardianship, the court shall enter an order discharging the guardian and exonerating the bond of the guardian.***

2. A guardian is not relieved of liability for his or her term as guardian until an order of discharge is entered and filed with the court.

Sec. 151. ***A guardian shall maintain all records and documents for each protected minor whom the guardian has authority over for a period of not less than 7 years after the court terminates the guardianship and shall maintain all financial records related to the guardianship for a period of not less than 7 years after the date of the last financial transaction.***

Sec. 152. *1. Where a guardian of the estate for a nonresident has not been appointed in this State, but the nonresident has a foreign guardian and a person within this State is indebted to such nonresident or such nonresident has property within this State that is capable of being removed and which is on deposit with or in the possession of a resident of this State, and such property is not subject to a mortgage, pledge, lien or other encumbrance restricting removal of the property from this State, the person in possession of the property may deliver such property or the person indebted may pay such debt, to the foreign guardian. The delivery of such property or the payment of such debt is, to the extent of such delivery or payment, a release and discharge with respect to such property or debt.*

2. The court may require such foreign guardian to post a bond in the same manner as required of a resident guardian and may enter such orders as are necessary to protect secured creditors of the protected minor and unsecured creditors of the protected minor who are residents of this State.

Sec. 153. *1. Except as otherwise provided in this section or NRS 127.045, a parent, without the approval of a court, may appoint in writing a short-term guardianship for an unmarried minor child if the parent has legal custody of the minor child.*

2. The appointment of a short-term guardianship is effective for a minor who is 14 years of age or older only if the minor provides written consent to the guardianship.

3. The appointment of a short-term guardian does not affect the rights of the other parent of the minor.

4. A parent shall not appoint a short-term guardian for a minor child if the minor child has another parent:

(a) Whose parental rights have not been terminated;

(b) Whose whereabouts are known; and

(c) Who is willing and able to make and carry out daily child care decisions concerning the minor,

➥ unless the other parent of the minor child provides written consent to the appointment.

5. The written instrument appointing a short-term guardian becomes effective immediately upon execution and must include, without limitation:

(a) The date on which the guardian is appointed;

(b) The name of the parent who appointed the guardian, the name of the minor child for whom the guardian is appointed and the name of the person who is appointed as the guardian; and

(c) The signature of the parent and the guardian in the presence of a notary public acknowledging the appointment of the guardian. The parent and guardian are not required to sign and acknowledge the instrument in the presence of the other.

6. The short-term guardian appointed pursuant to this section serves as guardian of the minor for 6 months, unless the written instrument appointing the guardian specifies a shorter term or specifies that the

guardianship is to terminate upon the happening of an event that occurs sooner than 6 months.

7. Only one written instrument appointing a short-term guardian for the minor child may be effective at any given time.

8. The appointment of a short-term guardian pursuant to this section:

(a) May be terminated by an instrument in writing signed by either parent if that parent has not been deprived of the legal custody of the minor.

(b) Is terminated by any order of a court of competent jurisdiction that appoints a guardian.

Sec. 154. *1. A member of the Armed Forces of the United States, a reserve component thereof or the National Guard may, by written instrument and without the approval of a court, appoint any competent adult residing in this State as the guardian of the person of a minor child who is a dependent of that member. The instrument must be:*

(a) Executed by both parents if living, not divorced and having legal custody of the child, otherwise by the parent having legal custody; and

(b) Acknowledged in the same manner as a deed.

➥ If both parents do not execute the instrument, the executing parent shall send by certified mail, return receipt requested, to the other parent at his or her last known address, a copy of the instrument and a notice of the provisions of subsection 3.

2. The instrument must contain a provision setting forth the:

(a) Branch of the Armed Forces;

(b) Unit of current assignment;

(c) Current rank or grade; and

(d) Social security number or service number,

➥ of the parent who is the member.

3. The appointment of a guardian pursuant to this section:

(a) May be terminated by a written instrument signed by either parent of the child if that parent has not been deprived of his or her parental rights to the child; and

(b) Is terminated by any order of a court.

Sec. 155. *1. If a guardian, interested person, protected minor or proposed protected minor petitions the court upon oath alleging:*

(a) That a person has or is suspected to have concealed, converted to his or her own use, conveyed away or otherwise disposed of any money, good, chattel or effect of the protected minor or proposed protected minor; or

(b) That the person has in his or her possession or knowledge any deed, conveyance, bond, contract or other writing which contains evidence of, or tends to disclose the right, title or interest of the protected minor or proposed protected minor in or to, any real or personal property, or any claim or demand,

➥ the judge may cause the person to be cited to appear before the district court to answer, upon oath, upon the matter of the petition.

2. If the person cited does not reside in the county where letters of guardianship have been issued pursuant to section 56 of this act, the person may be cited and examined before the district court of the county where the person resides, or before the court that issued the citation. Each party to the petition may produce witnesses, and such witnesses may be examined by either party.

Sec. 156. *1. If the court finds, after examination of a person cited pursuant to section 155 of this act, that the person has committed an act:*

(a) Set forth in paragraph (a) of subsection 1 of section 155 of this act, the court may order the person to return the asset or the value of the asset to the guardian of the estate; or

(b) Set forth in paragraph (b) of subsection 1 of section 155 of this act, the court may order the person to return the asset or provide information concerning the location of the asset to the guardian of the estate.

2. The court may hold a person who is cited pursuant to section 155 of this act in contempt of court and deal with the person accordingly if the person:

(a) Refuses to appear and submit to examination or to testify regarding the matter complained of in the petition; or

(b) Fails to comply with an order of the court issued pursuant to subsection 1.

3. An order of the court pursuant to subsection 1 is prima facie evidence of the right of the proposed protected minor or the estate of the protected minor to the asset described in the order in any action that may be brought for the recovery thereof, and any judgment recovered therein must be double the value of the asset, and damages in addition thereof equal to the value of such property.

4. If the person who is cited pursuant to section 155 of this act appears and, upon consideration of the petition, the court finds that the person is not liable or responsible to the proposed protected minor or the estate of the protected minor, the court may order:

(a) The proposed protected minor or the estate of the protected minor to pay the attorney's fees and costs of the respondent; or

(b) If the court finds that the petitioner unnecessarily or unreasonably filed the petition, the petitioner personally to pay the attorney's fees and costs of the respondent.

Sec. 157. *In addition to any order from which an appeal is expressly authorized pursuant to this chapter, an appeal may be taken to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution within 30 days after its notice of entry from an order:*

1. Granting or revoking letters of guardianship.

2. Directing or authorizing the sale or conveyance, or confirming the sale, of property of the estate of a protected minor.

3. Settling an account.

4. Ordering or authorizing a guardian to act pursuant to section 82 of this act.

5. Ordering or authorizing the payment of a debt, claim, devise, guardian's fees or attorney's fees.

6. Determining ownership interests in property.

7. Granting or denying a petition to enforce the liability of a surety.

8. Granting or denying a petition for modification or termination of a guardianship.

9. Granting or denying a petition for removal of a guardian or appointment of a successor guardian.

Sec. 158. Chapter 159 of NRS is hereby amended by adding thereto a new section to read as follows:

"Protected minor" has the meaning ascribed to it in section 11 of this act.

Sec. 159. NRS 159.013 is hereby amended to read as follows:

159.013 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 159.014 to 159.027, inclusive, ***and section 158 of this act*** have the meanings ascribed to them in those sections.

Sec. 160. NRS 159.014 is hereby amended to read as follows:

159.014 "Care provider" includes any public or private institution located within or outside this state which provides facilities for the care or maintenance of incompetents **[**,**]** ***or*** persons of limited capacity **.** **[**~~or minors.~~**]**

Sec. 161. NRS 159.015 is hereby amended to read as follows:

159.015 "Court" means any court or judge having jurisdiction of the persons and estates of **[**~~minors,~~**]** incompetent persons **[**,**]** or persons of limited capacity.

Sec. 162. NRS 159.023 is hereby amended to read as follows:

159.023 "Minor" means any person who is:

1. Less than 18 years of age; or

2. Less than 19 years of age if **[**~~the~~**]** guardianship ***of the person*** is continued until the person reaches the age of 19 years pursuant to **[**~~NRS 159.191.~~**]** ***section 144 of this act.***

Sec. 163. NRS 159.024 is hereby amended to read as follows:

159.024 1. "Private professional guardian" means a person who receives compensation for services as a guardian to three or more wards who are not related to the guardian by blood or marriage.

2. For the purposes of this chapter, the term includes:

(a) A person who serves as a private professional guardian and who is required to have a license issued pursuant to chapter 628B of NRS.

(b) A person who serves as a private professional guardian but who is exempt pursuant to NRS 159.0595 or 628B.110 ***or section 45 of this act*** from the requirement to have a license issued pursuant to chapter 628B of NRS.

3. The term does not include:

(a) A governmental agency.

(b) A public guardian appointed or designated pursuant to the provisions of chapter 253 of NRS.

4. As used in this section, "ward" includes a protected minor.

Sec. 164. NRS 159.025 is hereby amended to read as follows:

159.025 "Proposed ward" means any person ***, other than a minor,*** for whom proceedings for the appointment of a guardian have been initiated in this State or, if the context so requires, for whom similar proceedings have been initiated in another state.

Sec. 165. NRS 159.027 is hereby amended to read as follows:

159.027 "Ward" means any person ***, other than a minor,*** for whom a guardian has been appointed.

Sec. 166. NRS 159.034 is hereby amended to read as follows:

159.034 1. Except as otherwise provided in this section, by specific statute or as ordered by the court, a petitioner in a guardianship proceeding shall give notice of the time and place of the hearing on any petition filed in the guardianship proceeding to:

(a) ~~[~~Any minor ward who is 14 years of age or older.

~~(b) The parent or legal guardian of any minor ward who is less than 14 years of age.~~

~~(c)~~] The spouse of the ward and all other known relatives of the ward who are within the second degree of consanguinity.

~~[(d)]~~ ***(b)*** Any other interested person or the person's attorney who has filed a request for notice in the guardianship proceedings and has served a copy of the request upon the guardian. The request for notice must state the interest of the person filing the request and the person's name and address, or that of his or her attorney.

~~[(e)]~~ ***(c)*** The guardian, if the petitioner is not the guardian.

~~[(f)]~~ ***(d)*** Any person or care provider who is providing care for the ward, except that if the person or care provider is not related to the ward, such person or care provider must not receive copies of any inventory or accounting.

~~[(g)]~~ ***(e)*** Any office of the Department of Veterans Affairs in this State if the ward is receiving any payments or benefits through the Department of Veterans Affairs.

~~[(h)]~~ ***(f)*** The Director of the Department of Health and Human Services if the ward has received or is receiving benefits from Medicaid.

~~[(i)]~~ ***(g)*** Those persons entitled to notice if a proceeding were brought in the ward's home state.

2. The petitioner shall give notice not later than 10 days before the date set for the hearing:

(a) By mailing a copy of the notice by certified, registered or ordinary first-class mail to the residence, office or post office address of each person required to be notified pursuant to this section;

(b) By personal service; or

(c) In any other manner ordered by the court, upon a showing of good cause.

3. Except as otherwise provided in this subsection, if none of the persons entitled to notice of a hearing on a petition pursuant to this section can, after due diligence, be served by certified mail or personal service and this fact is proven by affidavit to the satisfaction of the court, service of the notice must be made by publication in the manner provided by N.R.C.P. 4(e). In all such cases, the notice must be published not later than 10 days before the date set for the hearing. If, after the appointment of a guardian, a search for relatives of the ward listed in paragraph ~~[(c)]~~ ***(a)*** of subsection 1 fails to find any such relative, the court may waive the notice by publication required by this subsection.

4. For good cause shown, the court may waive the requirement of giving notice.

5. A person entitled to notice pursuant to this section may waive such notice. Such a waiver must be in writing and filed with the court.

6. On or before the date set for the hearing, the petitioner shall file with the court proof of giving notice to each person entitled to notice pursuant to this section.

Sec. 167. NRS 159.037 is hereby amended to read as follows:

159.037 1. The venue for the appointment of a guardian when the ***proposed*** ward's home state is this State must be the county where the proposed ward resides.

2. If the proper venue may be in two or more counties, the county in which the proceeding is first commenced is the proper county in which to continue the proceedings.

3. Upon the filing of a petition showing that the proper venue is inconvenient, a venue other than that provided in subsection 1 may accept the proceeding.

Sec. 168. NRS 159.039 is hereby amended to read as follows:

159.039 1. If proceedings for the appointment of a guardian for the same proposed ward are commenced in more than one county in this State, and the ***proposed*** ward's home state is this State, they shall be stayed, except in the county where first commenced, until final determination of venue in that county. If the proper venue is finally determined to be in another county, the court shall cause a transcript of the proceedings and all original papers filed therein, all certified by the clerk of the court, to be sent to the clerk of the court of the proper county.

2. A proceeding is considered commenced by the filing of a petition.

3. The proceedings first legally commenced for the appointment of a guardian of the estate or of the person and estate extends to all the property of the proposed ward which is in this state.

Sec. 169. NRS 159.041 is hereby amended to read as follows:

159.041 A court having before it any guardianship matter for a ward ***or proposed ward*** whose home state is this State may transfer the matter to

another county in the interest of the ward ***or proposed ward*** or, if not contrary to the interest of the ward ~~[,]~~ ***or proposed ward,*** for the convenience of the guardian. A petition for the transfer, setting forth the reasons therefor, may be filed in the guardianship proceeding. If the court is satisfied that the transfer is in the interest of the ward ***or proposed ward*** or, if not contrary to the interest of the ward ~~[,]~~ ***or proposed ward,*** for the convenience of the guardian, the court shall make an order of transfer and cause a transcript of the proceedings in the matter, all original papers filed in such proceedings and the original bond filed by the guardian, to be certified by the clerk of the court originally hearing the matter and sent to the clerk of the court of the other county. Upon receipt of the transcript, papers and bond, and the filing of them for record, the court of the other county has complete jurisdiction of the matter, and thereafter all proceedings shall be as though they were commenced in that court.

Sec. 170. NRS 159.043 is hereby amended to read as follows:

159.043 1. All petitions filed in ~~[any]~~ ***a*** guardianship proceeding ***pursuant to this chapter*** must bear the title of the court and cause.

2. The caption of all petitions and other documents filed in a guardianship proceeding ***pursuant to this chapter*** must read, "In The Matter of the Guardianship of ..... (the person, the estate, or the person and estate), ... (the legal name of the person), ~~[..... (adult or minor).”]~~ ***adult.”***

Sec. 171. NRS 159.044 is hereby amended to read as follows:

159.044 1. ~~[Except as otherwise provided in NRS 127.045, a]~~ ***A*** proposed ward, a governmental agency, a nonprofit corporation or any interested person may petition the court for the appointment of a guardian.

2. To the extent the petitioner knows or reasonably may ascertain or obtain, the petition must include, without limitation:

(a) The name and address of the petitioner.

(b) The name, date of birth and current address of the proposed ward.

(c) A copy of one of the following forms of identification of the proposed ward which must be placed in the records relating to the guardianship proceeding and, except as otherwise provided in NRS 239.0115 or as otherwise required to carry out a specific statute, maintained in a confidential manner:

(1) A social security number;

(2) A taxpayer identification number;

(3) A valid driver's license number;

(4) A valid identification card number; or

(5) A valid passport number.

➥ If the information required pursuant to this paragraph is not included with the petition, the information must be provided to the court not later than 120 days after the appointment of a guardian or as otherwise ordered by the court.

(d) ~~[If the proposed ward is a minor, the date on which the proposed ward will attain the age of majority and:~~

~~(1) Whether there is a current order concerning custody and, if so, the state in which the order was issued; and~~

~~(2) Whether the petitioner anticipates that the proposed ward will need guardianship after attaining the age of majority.~~

~~(e)~~] Whether the proposed ward is a resident or nonresident of this State.

[~~(f)~~] ***(e)*** The names and addresses of the spouse of the proposed ward and the relatives of the proposed ward who are within the second degree of consanguinity.

[~~(g)~~] ***(f)*** The name, date of birth and current address of the proposed guardian. If the proposed guardian is a private professional guardian, the petition must include proof that the guardian meets the requirements of NRS 159.0595 [~~.~~] ***or section 45 of this act.*** If the proposed guardian is not a private professional guardian, the petition must include a statement that the guardian currently is not receiving compensation for services as a guardian to more than one ward who is not related to the person by blood or marriage. [

~~(h)~~] ***As used in this paragraph, "ward" includes a protected minor.***

(g) A copy of one of the following forms of identification of the proposed guardian which must be placed in the records relating to the guardianship proceeding and, except as otherwise provided in NRS 239.0115 or as otherwise required to carry out a specific statute, maintained in a confidential manner:

(1) A social security number;

(2) A taxpayer identification number;

(3) A valid driver's license number;

(4) A valid identification card number; or

(5) A valid passport number.

[~~(i)~~] ***(h)*** Whether the proposed guardian has ever been convicted of a felony and, if so, information concerning the crime for which the proposed guardian was convicted and whether the proposed guardian was placed on probation or parole.

[~~(j)~~] ***(i)*** A summary of the reasons why a guardian is needed and recent documentation demonstrating the need for a guardianship. [~~If the proposed ward is an adult, the~~] ***The*** documentation must include, without limitation:

(1) A certificate signed by a physician who is licensed to practice medicine in this State or who is employed by the Department of Veterans Affairs, a letter signed by any governmental agency in this State which conducts investigations or a certificate signed by any other person whom the court finds qualified to execute a certificate, stating:

(I) The need for a guardian;

(II) Whether the proposed ward presents a danger to himself or herself or others;

(III) Whether the proposed ward's attendance at a hearing would be detrimental to the proposed ward;

(IV) Whether the proposed ward would comprehend the reason for a hearing or contribute to the proceeding; and

(V) Whether the proposed ward is capable of living independently with or without assistance; and

(2) If the proposed ward is determined to have the limited capacity to consent to the appointment of a special guardian, a written consent to the appointment of a special guardian from the ward.

~~[(k)]~~ ***(j)*** Whether the appointment of a general or a special guardian is sought.

~~[(l)]~~ ***(k)*** A general description and the probable value of the property of the proposed ward and any income to which the proposed ward is or will be entitled, if the petition is for the appointment of a guardian of the estate or a special guardian. If any money is paid or is payable to the proposed ward by the United States through the Department of Veterans Affairs, the petition must so state.

~~[(m)]~~ ***(l)*** The name and address of any person or care provider having the care, custody or control of the proposed ward.

~~[(n)]~~ ***(m)*** If the petitioner is not the spouse or natural child of the proposed ward, a declaration explaining the relationship of the petitioner to the proposed ward or to the proposed ward's family or friends, if any, and the interest, if any, of the petitioner in the appointment.

~~[(o)]~~ ***(n)*** Requests for any of the specific powers set forth in NRS 159.117 to 159.175, inclusive, necessary to enable the guardian to carry out the duties of the guardianship.

~~[(p)]~~ ***(o)*** If the guardianship is sought as the result of an investigation of a report of abuse, neglect, exploitation, isolation or abandonment of the proposed ward, whether the referral was from a law enforcement agency or a state or county agency.

~~[(q)]~~ ***(p)*** Whether the proposed ward or the proposed guardian is a party to any pending criminal or civil litigation.

~~[(r)]~~ ***(q)*** Whether the guardianship is sought for the purpose of initiating litigation.

~~[(s)]~~ ***(r)*** Whether the proposed ward has executed a durable power of attorney for health care, a durable power of attorney for financial matters or a written nomination of guardian and, if so, who the named agents are for each document.

~~[(t)]~~ ***(s)*** Whether the proposed guardian has filed for or received protection under the federal bankruptcy laws within the immediately preceding 7 years.

3. Before the court makes a finding pursuant to NRS 159.054, a petitioner seeking a guardian for a proposed ~~[adult]~~ ward must provide the court with an assessment of the needs of the proposed ~~[adult]~~ ward completed by a licensed physician which identifies the limitations of capacity of the proposed ~~[adult]~~ ward and how such limitations affect the ability of the proposed ~~[adult]~~ ward to maintain his or her safety and basic needs. The court may prescribe the form in which the assessment of the needs of the proposed ~~[adult]~~ ward must be filed.

Sec. 172. NRS 159.047 is hereby amended to read as follows:

159.047 1. Except as otherwise provided in NRS 159.0475 ***, 159.0523*** and ~~[~~159.049 to~~]~~ 159.0525, ~~[~~inclusive,~~]~~ upon the filing of a petition under NRS 159.044, the clerk shall issue a citation setting forth a time and place for the hearing and directing the persons or care provider referred to in subsection 2 to appear and show cause why a guardian should not be appointed for the proposed ward.

2. A citation issued under subsection 1 must be served upon:

(a) ~~[~~A~~]~~ ***The*** proposed ward ***;*** ~~[~~who is 14 years of age or older;~~]~~

(b) The spouse of the proposed ward and all other known relatives of the proposed ward who are:

(1) Fourteen years of age or older; and

(2) Within the second degree of consanguinity;

(c) The parents and custodian of the proposed ward;

(d) Any person or officer of a care provider having the care, custody or control of the proposed ward;

(e) The proposed guardian, if the petitioner is not the proposed guardian;

(f) Any office of the Department of Veterans Affairs in this State if the proposed ward is receiving any payments or benefits through the Department of Veterans Affairs; and

(g) The Director of the Department of Health and Human Services if the proposed ward has received or is receiving any benefits from Medicaid.

Sec. 173. NRS 159.0485 is hereby amended to read as follows:

159.0485 1. At the first hearing for the appointment of a guardian for a proposed ~~[~~adult~~]~~ ward, the court shall advise the proposed ~~[~~adult~~]~~ ward who is in attendance at the hearing or who is appearing by videoconference at the hearing of his or her right to counsel and determine whether the proposed ~~[~~adult~~]~~ ward wishes to be represented by counsel in the guardianship proceeding. If the proposed ~~[~~adult~~]~~ ward is not in attendance at the hearing because the proposed ~~[~~adult~~]~~ ward has been excused pursuant to NRS 159.0535 and is not appearing by videoconference at the hearing, the proposed ~~[~~adult~~]~~ ward must be advised of his or her right to counsel pursuant to subsection 2 of NRS 159.0535.

2. If ~~[~~an adult~~]~~ ***a*** ward or proposed ~~[~~adult~~]~~ ward is unable to retain legal counsel and requests the appointment of counsel at any stage in a guardianship proceeding and whether or not the ~~[~~adult~~]~~ ward or proposed ~~[~~adult~~]~~ ward lacks or appears to lack capacity, the court shall, at or before the time of the next hearing, appoint an attorney who works for legal aid services, if available, or a private attorney to represent the ~~[~~adult~~]~~ ward or proposed ~~[~~adult~~]~~ ward. The appointed attorney shall represent the ~~[~~adult~~]~~ ward or proposed ~~[~~adult~~]~~ ward until relieved of the duty by court order.

3. Subject to the discretion and approval of the court, the attorney for the ~~[~~adult~~]~~ ward or proposed ~~[~~adult~~]~~ ward is entitled to reasonable compensation and expenses. Unless the court determines that the ~~[~~adult~~]~~ ward or proposed ~~[~~adult~~]~~ ward does not have the ability to pay such compensation and expenses

or the court shifts the responsibility of payment to a third party, the compensation and expenses must be paid from the estate of the ~~[adult]~~ ward or proposed ~~[adult]~~ ward, unless the compensation and expenses are provided for or paid by another person or entity. If the court finds that a person has unnecessarily or unreasonably caused the appointment of an attorney, the court may order the person to pay to the estate of the ~~[adult]~~ ward or proposed ~~[adult]~~ ward all or part of the expenses associated with the appointment of the attorney.

Sec. 174. NRS 159.0487 is hereby amended to read as follows:

159.0487 Any court of competent jurisdiction may appoint:

1. Guardians of the person, of the estate, or of the person and estate for incompetents ~~[or minors]~~ whose home state is this State.

2. Guardians of the person or of the person and estate for incompetents ~~[or minors]~~ who, although not residents of this State, are physically present in this State and whose welfare requires such an appointment.

3. Guardians of the estate for nonresident incompetents ~~[or nonresident minors]~~ who have property within this State.

4. Special guardians.

5. Guardians ad litem.

Sec. 175. NRS 159.0523 is hereby amended to read as follows:

159.0523 1. A petitioner may request the court to appoint a temporary guardian for a ***proposed*** ward ~~[who is an adult and]~~ who is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention. To support the request, the petitioner must set forth in a petition and present to the court under oath:

(a) Documentation which shows the proposed ward faces a substantial and immediate risk of physical harm or needs immediate medical attention and lacks capacity to respond to the risk of harm or obtain the necessary medical attention. Such documentation must include, without limitation, a certificate signed by a physician who is licensed to practice medicine in this State or who is employed by the Department of Veterans Affairs, a letter signed by any governmental agency in this State which conducts investigations or a police report indicating:

(1) That the proposed ward is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention;

(2) Whether the proposed ward presents a danger to himself or herself or others; and

(3) Whether the proposed ward is or has been subjected to abuse, neglect, exploitation, isolation or abandonment; and

(b) Facts which show that:

(1) The petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 by telephone or in writing before the filing of the petition;

(2) The proposed ward would be exposed to an immediate risk of physical harm if the petitioner were to provide notice to the persons entitled to notice pursuant to NRS 159.047 before the court determines whether to appoint a temporary guardian; or

(3) Giving notice to the persons entitled to notice pursuant to NRS 159.047 is not feasible under the circumstances.

2. The court may appoint a temporary guardian to serve for 10 days if the court:

(a) Finds reasonable cause to believe that the proposed ward is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention; and

(b) Is satisfied that the petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 or that giving notice to those persons is not feasible under the circumstances, or determines that such notice is not required pursuant to subparagraph (2) of paragraph (b) of subsection 1.

3. Except as otherwise provided in subsection 4, after the appointment of a temporary guardian, the petitioner shall attempt in good faith to notify the persons entitled to notice pursuant to NRS 159.047, including, without limitation, notice of any hearing to extend the temporary guardianship. If the petitioner fails to make such an effort, the court may terminate the temporary guardianship.

4. If, before the appointment of a temporary guardian, the court determined that advance notice was not required pursuant to subparagraph (2) of paragraph (b) of subsection 1, the petitioner shall notify the persons entitled to notice pursuant to NRS 159.047 without undue delay, but not later than 48 hours after the appointment of the temporary guardian or not later than 48 hours after the petitioner discovers the existence, identity and location of the persons entitled to notice pursuant to that section. If the petitioner fails to provide such notice, the court may terminate the temporary guardianship.

5. Not later than 10 days after the date of the appointment of a temporary guardian pursuant to subsection 2, the court shall hold a hearing to determine the need to extend the temporary guardianship. Except as otherwise provided in subsection 7, the court may extend the temporary guardianship until a general or special guardian is appointed pursuant to subsection 8 if:

(a) The court finds by clear and convincing evidence that the proposed ward is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention; and

(b) The extension of the temporary guardianship is necessary and in the best interests of the proposed ward.

6. If the court appoints a temporary guardian or extends the temporary guardianship pursuant to this section, the court shall limit the powers of the temporary guardian to those necessary to respond to the substantial and

immediate risk of physical harm or to a need for immediate medical attention.

7. The court may not extend a temporary guardianship pursuant to subsection 5 beyond the initial period of 10 days unless the petitioner demonstrates that:

(a) The provisions of NRS 159.0475 have been satisfied; or

(b) Notice by publication pursuant to N.R.C.P. 4(e) is currently being undertaken.

8. The court may extend the temporary guardianship, for good cause shown, for not more than two successive 60-day periods, except that the court shall not cause the temporary guardianship to continue longer than 5 months unless extraordinary circumstances are shown.

Sec. 176. NRS 159.0535 is hereby amended to read as follows:

159.0535 1. A proposed ward who is found in this State must attend the hearing for the appointment of a guardian unless:

(a) A certificate signed by a physician or psychiatrist who is licensed to practice in this State or who is employed by the Department of Veterans Affairs specifically states the condition of the proposed ward, the reasons why the proposed ward is unable to appear in court and whether the proposed ward's attendance at the hearing would be detrimental to the physical or mental health of the proposed ward; or

(b) A certificate signed by any other person the court finds qualified to execute a certificate states the condition of the proposed ward, the reasons why the proposed ward is unable to appear in court and whether the proposed ward's attendance at the hearing would be detrimental to the physical or mental health of the proposed ward.

2. A proposed ward found in this State who cannot attend the hearing for the appointment of a general or special guardian as set forth in a certificate pursuant to subsection 1 may appear by videoconference. If the proposed ward ~~[~~is an adult and~~]~~ cannot attend by videoconference, the person who signs the certificate described in subsection 1 or any other person the court finds qualified shall:

(a) Inform the proposed ~~[~~adult~~]~~ ward that the petitioner is requesting that the court appoint a guardian for the proposed ~~[~~adult~~]~~ ward;

(b) Ask the proposed ~~[~~adult~~]~~ ward for a response to the guardianship petition;

(c) Inform the proposed ~~[~~adult~~]~~ ward of his or her right to counsel and ask whether the proposed ~~[~~adult~~]~~ ward wishes to be represented by counsel in the guardianship proceeding; and

(d) Ask the preferences of the proposed ~~[~~adult~~]~~ ward for the appointment of a particular person as the guardian of the proposed ~~[~~adult~~]~~ ward.

3. ~~[~~If the proposed ward is an adult, the~~]~~ ***The*** person who informs the proposed ~~[~~adult~~]~~ ward of the rights of the proposed ~~[~~adult~~]~~ ward pursuant to subsection 2 shall state in a certificate signed by that person:

(a) That the proposed ~~[adult]~~ ward has been advised of his or her right to counsel and asked whether he or she wishes to be represented by counsel in the guardianship proceeding;

(b) The responses of the proposed ~~[adult]~~ ward to the questions asked pursuant to subsection 2; and

(c) Any conditions that the person believes may have limited the responses by the proposed ~~[adult]~~ ward.

4. The court may prescribe the form in which a certificate required by this section must be filed. If the certificate consists of separate parts, each part must be signed by the person who is required to sign the certificate.

5. If the proposed ward is not in this State, the proposed ward must attend the hearing only if the court determines that the attendance of the proposed ward is necessary in the interests of justice.

Sec. 177. NRS 159.054 is hereby amended to read as follows:

159.054 1. If the court finds the proposed ward competent and not in need of a guardian, the court shall dismiss the petition.

2. If the court finds the proposed ward to be of limited capacity and in need of a special guardian, the court shall enter an order accordingly and specify the powers and duties of the special guardian.

3. If the court finds that appointment of a general guardian is required, the court shall appoint a general guardian of the ***proposed*** ward's person, estate, or person and estate.

Sec. 178. NRS 159.055 is hereby amended to read as follows:

159.055 1. The petitioner has the burden of proving by clear and convincing evidence that the appointment of a guardian of the person, of the estate, or of the person and estate is necessary.

2. If it appears to the court that the allegations of the petition are sufficient and that a guardian should be appointed for the proposed ward, the court shall enter an order appointing a guardian. The order must:

(a) Specify whether the guardian appointed is guardian of the person, of the estate, of the person and estate or a special guardian;

(b) Specify whether the ***proposed*** ward is a resident or nonresident of this State;

(c) Specify the amount of the bond to be executed and filed by the guardian; and

(d) Designate the names and addresses, so far as may be determined, of:

(1) The relatives of the proposed ward upon whom notice must be served pursuant to NRS 159.047; and

(2) Any other interested person.

3. A notice of entry of the court order must be sent to:

(a) The relatives of the proposed ward upon whom notice must be served pursuant to NRS 159.047; and

(b) Any other interested person.

Sec. 179. NRS 159.0595 is hereby amended to read as follows:

159.0595 1. In order for a person to serve as a private professional guardian, the person must be:

(a) Qualified to serve as a guardian pursuant to NRS 159.0613 ***;*** ~~**[**if the ward is an adult or NRS 159.061 if the ward is a minor;**]**~~ and

(b) A guardian who has a license issued pursuant to chapter 628B of NRS or a certified guardian who is not required to have such a license pursuant to subsection 3.

2. In order for an entity to serve as a private professional guardian, the entity must:

(a) Be qualified to serve as a guardian pursuant to NRS 159.0613 ***;*** ~~**[**if the ward is an adult;**]**~~

(b) Have a license issued pursuant to chapter 628B of NRS unless the entity is not required to have such a license pursuant to subsection 3; and

(c) Have a guardian who has a license issued pursuant to chapter 628B of NRS or a certified guardian who is not required to have such a license pursuant to subsection 3 involved in the day-to-day operation or management of the entity.

3. In order for a person or entity to serve as a private professional guardian, the person or entity is not required to have a license issued pursuant to chapter 628B of NRS if the person or entity is exempt from the requirement to have such a license pursuant to NRS 628B.110 and the person or entity:

(a) Is a banking corporation as defined in NRS 657.016;

(b) Is an organization permitted to act as a fiduciary pursuant to NRS 662.245;

(c) Is a trust company as defined in NRS 669.070;

(d) Is acting in the performance of his or her duties as an attorney at law;

(e) Acts as a trustee under a deed of trust; or

(f) Acts as a fiduciary under a court trust.

4. As used in this section:

(a) "Certified guardian" means a person who is certified by the Center for Guardianship Certification or any successor organization.

(b) "Entity" includes, without limitation, a corporation, whether or not for profit, a limited-liability company and a partnership.

(c) "Person" means a natural person.

Sec. 180. NRS 159.0613 is hereby amended to read as follows:

159.0613 1. Except as otherwise provided in subsection 3, in a proceeding to appoint a guardian for ~~**[**an adult,**]**~~ ***a ward or proposed ward,*** the court shall give preference to a nominated person or relative, in that order of preference:

(a) Whether or not the nominated person or relative is a resident of this State; and

(b) If the court determines that the nominated person or relative is qualified and suitable to be appointed as guardian for the ~~[adult.]~~ ***ward or proposed ward.***

2. In determining whether any nominated person, relative or other person listed in subsection 4 is qualified and suitable to be appointed as guardian for ~~[an adult,]~~ ***a ward or proposed ward,*** the court shall consider, if applicable and without limitation:

(a) The ability of the nominated person, relative or other person to provide for the basic needs of the ~~[adult,]~~ ***ward or proposed ward,*** including, without limitation, food, shelter, clothing and medical care;

(b) Whether the nominated person, relative or other person has engaged in the habitual use of alcohol or any controlled substance during the previous 6 months, except the use of marijuana in accordance with the provisions of chapter 453A of NRS;

(c) Whether the nominated person, relative or other person has been judicially determined to have committed abuse, neglect, exploitation, isolation or abandonment of a child, his or her spouse, his or her parent or any other adult, unless the court finds that it is in the best interests of the ward to appoint the person as guardian for the ~~[adult;]~~ ***ward or proposed ward;***

(d) Whether the nominated person, relative or other person is incompetent or has a disability; and

(e) Whether the nominated person, relative or other person has been convicted in this State or any other jurisdiction of a felony, unless the court determines that any such conviction should not disqualify the person from serving as guardian for the ~~[adult.]~~ ***ward or proposed ward.***

3. If the court finds that two or more nominated persons are qualified and suitable to be appointed as guardian for ~~[an adult,]~~ ***a ward or proposed ward,*** the court may appoint two or more nominated persons as co-guardians or shall give preference among them in the following order of preference:

(a) A person whom the ~~[adult]~~ ***ward or proposed ward*** nominated for the appointment as guardian for the ~~[adult]~~ ***ward or proposed ward*** in a will, trust or other written instrument that is part of the ~~[adult's]~~ ***ward's or proposed ward's*** established estate plan and was executed by the ~~[adult]~~ ***ward or proposed ward*** while competent.

(b) A person whom the ~~[adult]~~ ***ward or proposed ward*** requested for the appointment as guardian for the ~~[adult]~~ ***ward or proposed ward*** in a written instrument that is not part of the ~~[adult's]~~ ***ward's or proposed ward's*** established estate plan and was executed by the ~~[adult]~~ ***ward or proposed ward*** while competent.

4. Subject to the preferences set forth in subsections 1 and 3, the court shall appoint as guardian the qualified person who is most suitable and is willing to serve. In determining which qualified person is most suitable, the court shall, in addition to considering any applicable factors set forth in subsection 2, give consideration, among other factors, to:

(a) Any nomination or request for the appointment as guardian by the ~~[~~adult.~~]~~ ***ward or proposed ward.***

(b) Any nomination or request for the appointment as guardian by a relative.

(c) The relationship by blood, adoption, marriage or domestic partnership of the proposed guardian to the ~~[~~adult.~~]~~ ***ward or proposed ward.*** In considering preferences of appointment, the court may consider relatives of the half blood equally with those of the whole blood. The court may consider any relative in the following order of preference:

(1) A spouse or domestic partner.

(2) A child.

(3) A parent.

(4) Any relative with whom the ~~[~~adult~~]~~ ***ward or proposed ward*** has resided for more than 6 months before the filing of the petition or any relative who has a power of attorney executed by the ~~[~~adult~~]~~ ***ward or proposed ward*** while competent.

(5) Any relative currently acting as agent.

(6) A sibling.

(7) A grandparent or grandchild.

(8) An uncle, aunt, niece, nephew or cousin.

(9) Any other person recognized to be in a familial relationship with the ~~[~~adult.~~]~~ ***ward or proposed ward.***

(d) Any recommendation made by a master of the court or special master pursuant to NRS 159.0615.

(e) Any request for the appointment of any other interested person that the court deems appropriate, including, without limitation, a person who is not a relative and who has a power of attorney executed by the ~~[~~adult~~]~~ ***ward or proposed ward*** while competent.

5. The court may appoint as guardian any nominated person, relative or other person listed in subsection 4 who is not a resident of this State. The court shall not give preference to a resident of this State over a nonresident if the court determines that:

(a) The nonresident is more qualified and suitable to serve as guardian; and

(b) The distance from the proposed guardian's place of residence and the ~~[~~adult's~~]~~ ***ward's or proposed ward's*** place of residence will not affect the quality of the guardianship or the ability of the proposed guardian to make decisions and respond quickly to the needs of the ~~[~~adult~~]~~ ***ward or proposed ward*** because:

(1) A person or care provider in this State is providing continuing care and supervision for the ~~[~~adult;~~]~~ ***ward or proposed ward;***

(2) The ~~[~~adult~~]~~ ***ward or proposed ward*** is in a secured residential long-term care facility in this State; or

(3) Within 30 days after the appointment of the proposed guardian, the proposed guardian will move to this State or the ~~[adult]~~ ***ward or proposed ward*** will move to the proposed guardian's state of residence.

6. If the court appoints a nonresident as guardian for the ~~[adult:]~~ ***ward or proposed ward:***

(a) The jurisdictional requirements of NRS 159.1991 to 159.2029, inclusive, must be met;

(b) The court shall order the guardian to designate a registered agent in this State in the same manner as a represented entity pursuant to chapter 77 of NRS; and

(c) The court may require the guardian to complete any available training concerning guardianships pursuant to NRS 159.0592, in this State or in the state of residence of the guardian, regarding:

(1) The legal duties and responsibilities of the guardian pursuant to this chapter;

(2) The preparation of records and the filing of annual reports regarding the finances and well-being of the ~~[adult]~~ ***ward or proposed ward*** required pursuant to NRS 159.073;

(3) The rights of the ~~[adult;]~~ ***ward or proposed ward;***

(4) The availability of local resources to aid the ~~[adult;]~~ ***ward or proposed ward;*** and

(5) Any other matter the court deems necessary or prudent.

7. If the court finds that there is not any suitable nominated person, relative or other person listed in subsection 4 to appoint as guardian, the court may appoint as guardian:

(a) The public guardian of the county where the ~~[adult]~~ ***ward or proposed ward*** resides if:

(1) There is a public guardian in the county where the ~~[adult]~~ ***ward or proposed ward*** resides; and

(2) The ~~[adult]~~ ***ward or proposed ward*** qualifies for a public guardian pursuant to chapter 253 of NRS;

(b) A private fiduciary who may obtain a bond in this State and who is a resident of this State, if the court finds that the interests of the ~~[adult]~~ ***ward or proposed ward*** will be served appropriately by the appointment of a private fiduciary; or

(c) A private professional guardian who meets the requirements of NRS 159.0595 ~~[.]~~ ***or section 45 of this act.***

8. A person is not qualified to be appointed as guardian for ~~[an adult]~~ ***a ward or proposed ward*** if the person has been suspended for misconduct or disbarred from any of the professions listed in this subsection, but the disqualification applies only during the period of the suspension or disbarment. This subsection applies to:

(a) The practice of law;

(b) The practice of accounting; or

(c) Any other profession that:

(1) Involves or may involve the management or sale of money, investments, securities or real property; and

(2) Requires licensure in this State or any other state in which the person practices his or her profession.

9. As used in this section:

(a) ~~[~~"Adult" means a person who is a ward or a proposed ward and who is not a minor.~~

(b)~~]~~ "Domestic partner" means a person in a domestic partnership.

~~[(c)]~~ ***(b)*** "Domestic partnership" means:

(1) A domestic partnership as defined in NRS 122A.040; or

(2) A domestic partnership which was validly formed in another jurisdiction and which is substantially equivalent to a domestic partnership as defined in NRS 122A.040, regardless of whether it bears the name of a domestic partnership or is registered in this State.

~~[(d)]~~ ***(c)*** "Nominated person" means a person, whether or not a relative, whom ~~[an adult:]~~ ***a ward or proposed ward:***

(1) Nominates for the appointment as guardian for the ~~[adult]~~ ***ward or proposed ward*** in a will, trust or other written instrument that is part of the ~~[adult's]~~ ***ward's or proposed ward's*** established estate plan and was executed by the ~~[adult]~~ ***ward or proposed ward*** while competent.

(2) Requests for the appointment as guardian for the ~~[adult]~~ ***ward or proposed ward*** in a written instrument that is not part of the ~~[adult's]~~ ***ward's or proposed ward's*** established estate plan and was executed by the ~~[adult]~~ ***ward or proposed ward*** while competent.

~~[(e)]~~ ***(d)*** "Relative" means a person who is 18 years of age or older and who is related to the ~~[adult]~~ ***ward or proposed ward*** by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity.

Sec. 181. NRS 159.062 is hereby amended to read as follows:

159.062 A parent or spouse of an incompetent ~~[, minor]~~ or person of limited capacity may by will nominate a guardian. The person nominated must file a petition and obtain an appointment from the court before exercising the powers of a guardian.

Sec. 182. NRS 159.069 is hereby amended to read as follows:

159.069 Every bond given by a guardian shall be filed and preserved in the office of the clerk of the district court of the county in which the guardianship proceeding is conducted. In case of the breach of any condition of such bond, an action may be maintained in behalf of the ward or wards jointly if all are interested, or of any person interested in the estate, and such bond shall not be void on the first recovery. If the action on the bond is in behalf of one ward on a bond given to more than one ward, the other wards mentioned in the bond need not be united in or made parties to such action. ***As used in this section, "ward" includes a protected minor.***

Sec. 183. NRS 159.075 is hereby amended to read as follows:

159.075 When a guardian has taken the official oath and filed a bond as provided in this chapter, the court shall order letters of guardianship to issue to the guardian. Letters of guardianship may be in the following form:

State of Nevada }
}ss.
County of..... }

On ..... (month) ..... (day) ..... (year) the ..... Judicial District Court, ... County, State of Nevada, appointed..... (name of guardian) .....(guardian of the person or estate or person and estate or special guardian) for ..... (name of ward) ~~[a(n) ....., (minor or adult)]~~ ***, an adult,*** that the named guardian has qualified and has the authority and shall perform the duties of ..... (guardian of the person or estate or person and estate or special guardian) for the named ward as provided by law.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of the court at my office on ..... (month) ..... (day) ..... (year).

.....
Clerk

(SEAL)

.....
Deputy Clerk

Sec. 184. NRS 159.076 is hereby amended to read as follows:

159.076 1. The court may grant a summary administration if, at any time, it appears to the court that after payment of all claims and expenses of the guardianship the value of the ward's property does not exceed $10,000.

2. If the court grants a summary administration, the court may ~~[:~~

~~(a) Authorize]~~ ***authorize*** the guardian of the estate or special guardian who is authorized to manage the ward's property to convert the property to cash and sell any of the property, with or without notice, as the court may direct. After the payment of all claims and the expenses of the guardianship, the guardian shall deposit the money in savings accounts or invest the money as provided in NRS 159.117, and hold the investment and all interest, issues, dividends and profits for the benefit of the ward. The court may dispense with annual accountings and all other proceedings required by this chapter.

~~[(b) If the ward is a minor, terminate the guardianship of the estate and direct the guardian to deliver the ward's property to the custodial parent or parents, guardian or custodian of the minor to hold, invest or use as the court may order.]~~

3. Whether the court grants a summary administration at the time the guardianship is established or at any other time, the guardian shall file an inventory and record of value with the court.

4. If, at any time, the net value of the estate of the ward exceeds $10,000:

(a) The guardian shall file an amended inventory and accounting with the court;

(b) The guardian shall file annual accountings; and

(c) The court may require the guardian to post a bond.

Sec. 185. NRS 159.113 is hereby amended to read as follows:

159.113 1. Before taking any of the following actions, the guardian of the estate shall petition the court for an order authorizing the guardian to:

(a) Invest the property of the ward pursuant to NRS 159.117.

(b) Continue the business of the ward pursuant to NRS 159.119.

(c) Borrow money for the ward pursuant to NRS 159.121.

(d) Except as otherwise provided in NRS 159.079, enter into contracts for the ward or complete the performance of contracts of the ward pursuant to NRS 159.123.

(e) Make gifts from the ward's estate or make expenditures for the ward's relatives pursuant to NRS 159.125.

(f) Sell, lease or place in trust any property of the ward pursuant to NRS 159.127.

(g) Exchange or partition the ward's property pursuant to NRS 159.175.

(h) Release the power of the ward as trustee, personal representative or custodian for a minor or guardian.

(i) Exercise or release the power of the ward as a donee of a power of appointment.

(j) Exercise the right of the ward to take under or against a will.

(k) Transfer to a trust created by the ward any property unintentionally omitted from the trust.

(l) Submit a revocable trust to the jurisdiction of the court if:

(1) The ward or the spouse of the ward, or both, are the grantors and sole beneficiaries of the income of the trust; or

(2) The trust was created by the court.

(m) Pay any claim by the Department of Health and Human Services to recover benefits for Medicaid correctly paid to or on behalf of the ward.

[~~(n) Transfer money in a minor ward's blocked account to the Nevada Higher Education Prepaid Tuition Trust Fund created pursuant to NRS 353B.140.~~**]**

2. Before taking any of the following actions, unless the guardian has been otherwise ordered by the court to petition the court for permission to take specified actions or make specified decisions in addition to those described in subsection 1, the guardian may petition the court for an order authorizing the guardian to:

(a) Obtain advice, instructions and approval of any other proposed act of the guardian relating to the ward's property.

(b) Take any other action which the guardian deems would be in the best interests of the ward.

3. The petition must be signed by the guardian and contain:

(a) The name, age, residence and address of the ward.

(b) A concise statement as to the condition of the ward's estate.

(c) A concise statement as to the advantage to the ward of or the necessity for the proposed action.

(d) The terms and conditions of any proposed sale, lease, partition, trust, exchange or investment, and a specific description of any property involved.

4. Any of the matters set forth in subsection 1 may be consolidated in one petition, and the court may enter one order authorizing or directing the guardian to do one or more of those acts.

5. A petition filed pursuant to paragraphs (b) and (d) of subsection 1 may be consolidated in and filed with the petition for the appointment of the guardian, and if the guardian is appointed, the court may enter additional orders authorizing the guardian to continue the business of the ward, enter contracts for the ward or complete contracts of the ward.

Sec. 186. NRS 159.117 is hereby amended to read as follows:

159.117 1. Upon approval of the court by order, a guardian of the estate may:

(a) Invest the property of the ward, make loans and accept security therefor, in the manner and to the extent authorized by the court.

(b) Exercise options of the ward to purchase or exchange securities or other property.

2. A guardian of the estate may, without securing the prior approval of the court, invest the property of the ward in the following:

(a) Savings accounts in any bank, credit union or savings and loan association in this State, to the extent that the deposits are insured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund or a private insurer approved pursuant to NRS 678.755.

(b) Interest-bearing obligations of or fully guaranteed by the United States.

(c) Interest-bearing obligations of the United States Postal Service.

(d) Interest-bearing obligations of the Federal National Mortgage Association.

(e) Interest-bearing general obligations of this State.

(f) Interest-bearing general obligations of any county, city or school district of this State.

(g) Money market mutual funds which are invested only in those instruments listed in paragraphs (a) to (f), inclusive.

3. A guardian of the estate for two or more wards may invest the property of two or more of the wards in property in which each ward whose property is so invested has an undivided interest. The guardian shall keep a separate record showing the interest of each ward in the investment and in

the income, profits or proceeds therefrom. ***As used in this subsection, "ward" includes a protected minor.***

4. Upon approval of the court, for a period authorized by the court, a guardian of the estate may maintain the assets of the ward in the manner in which the ward had invested the assets before the ward's incapacity.

5. A guardian of the estate may access or manage a guardianship account via the Internet on a secured website established by the bank, credit union or broker holding the account.

Sec. 187. NRS 159.157 is hereby amended to read as follows:

159.157 A guardian of the estate may lease any real property of the ward or any interest in real property:

1. Without securing prior court approval, where the tenancy is from month to month or for a term not to exceed 1 year and the reasonable fixed rental for the property or the ward's proportionate interest in such rental does not exceed $250 per month.

2. With prior approval of the court by order, for such period of time as may be authorized by the court, not exceeding any time limitation prescribed by law, and upon such terms and conditions as the court may approve. **[**~~Such lease may extend beyond the period of minority of a minor ward.~~**]**

Sec. 188. NRS 159.179 is hereby amended to read as follows:

159.179 1. An account made and filed by a guardian of the estate or special guardian who is authorized to manage the ward's property must include, without limitation, the following information:

(a) The period covered by the account.

(b) All cash receipts and disbursements during the period covered by the account.

(c) All claims filed and the action taken regarding the account.

(d) Any changes in the ward's property due to sales, exchanges, investments, acquisitions, gifts, mortgages or other transactions which have increased, decreased or altered the ward's property holdings as reported in the original inventory or the preceding account.

(e) Any other information the guardian considers necessary to show the condition of the affairs of the ward.

2. If the account is for the estates of two or more wards, it must show the interest of each ward in the receipts, disbursements and property. ***As used in this subsection, "ward" includes a protected minor.***

3. Receipts or vouchers for all expenditures must be retained by the guardian for examination by the court or an interested person. Unless ordered by the court, the guardian is not required to file such receipts or vouchers with the court.

4. On the court's own motion or on ex parte application by an interested person which demonstrates good cause, the court may:

(a) Order production of the receipts or vouchers that support the account; and

(b) Examine or audit the receipts or vouchers that support the account.

5. If a receipt or voucher is lost or for good reason cannot be produced on settlement of an account, payment may be proved by the oath of at least one competent witness. The guardian must be allowed expenditures if it is proven that:

(a) The receipt or voucher for any disbursement has been lost or destroyed so that it is impossible to obtain a duplicate of the receipt or voucher; and

(b) Expenses were paid in good faith and were valid charges against the estate.

Sec. 189. NRS 159.185 is hereby amended to read as follows:

159.185 1. The court may remove a guardian if the court determines that:

(a) The guardian has become mentally incompetent, unsuitable or otherwise incapable of exercising the authority and performing the duties of a guardian as provided by law;

(b) The guardian is no longer qualified to act as a guardian pursuant to NRS 159.0613 ***;*** **[**~~if the ward is an adult or NRS 159.061 if the ward is a minor;~~**]**

(c) The guardian has filed for bankruptcy within the previous 5 years;

(d) The guardian of the estate has mismanaged the estate of the ward;

(e) The guardian has negligently failed to perform any duty as provided by law or by any order of the court and:

(1) The negligence resulted in injury to the ward or the estate of the ward; or

(2) There was a substantial likelihood that the negligence would result in injury to the ward or the estate of the ward;

(f) The guardian has intentionally failed to perform any duty as provided by law or by any lawful order of the court, regardless of injury;

(g) The best interests of the ward will be served by the appointment of another person as guardian; or

(h) The guardian is a private professional guardian who is no longer qualified as a private professional guardian pursuant to NRS 159.0595 **[**~~.~~**]** ***or section 45 of this act.***

2. A guardian may not be removed if the sole reason for removal is the lack of money to pay the compensation and expenses of the guardian.

Sec. 190. NRS 159.191 is hereby amended to read as follows:

159.191 1. A guardianship of the person is terminated:

(a) By the death of the ward;

(b) Upon the ward's change of domicile to a place outside this state and the transfer of jurisdiction to the court having jurisdiction in the new domicile; ***or***

(c) Upon order of the court, if the court determines that the guardianship no longer is necessary **.** **[**~~; or~~

~~(d) If the ward is a minor:~~

~~(1) On the date on which the ward reaches 18 years of age; or~~

~~(2) On the date on which the ward graduates from high school or becomes 19 years of age, whichever occurs sooner, if:~~

~~(I) The ward will be older than 18 years of age upon graduation from high school; and~~

~~(II) The ward and the guardian consent to continue the guardianship and the consent is filed with the court at least 14 days before the date on which the ward will become 18 years of age.~~**]**

2. A guardianship of the estate is terminated:

(a) If the court removes the guardian or accepts the resignation of the guardian and does not appoint a successor guardian;

(b) If the court determines that the guardianship is not necessary and orders the guardianship terminated; or

(c) By the death of the ward, subject to the provisions of NRS 159.193.

3. If the guardianship is of the person and estate, the court may order the guardianship terminated as to the person, the estate, or the person and estate.

4. The guardian shall notify the court, all interested parties, the trustee, and the named executor or appointed personal representative of the estate of the ward of the death of the ward within 30 days after the death.

5. Immediately upon the death of the ward:

(a) The guardian of the estate shall have no authority to act for the ward except to wind up the affairs of the guardianship pursuant to NRS 159.193, and to distribute the property of the ward as provided in NRS 159.195 and 159.197; and

(b) No person has standing to file a petition pursuant to NRS 159.078.

Sec. 191. NRS 159.2024 is hereby amended to read as follows:

159.2024 1. To transfer jurisdiction of a guardianship or conservatorship to this State, the guardian, conservator or other interested party must petition the court of this State for guardianship pursuant to NRS 159.1991 to 159.2029, inclusive, to accept guardianship in this State. The petition must include a certified copy of the other state's provisional order of transfer and proof that the ward is physically present in, or is reasonably expected to move permanently to, this State.

2. The court shall issue a provisional order granting a petition filed under subsection 1, unless:

(a) An objection is made and the objector establishes that transfer of the proceeding would be contrary to the interests of the ward; or

(b) The guardian or petitioner is not qualified for appointment as a guardian in this State pursuant to NRS 159.0613 **.** **[**~~if the ward is an adult or NRS 159.061 if the ward is a minor.~~**]**

3. The court shall issue a final order granting guardianship upon filing of a final order issued by the other state terminating proceedings in that state and transferring the proceedings to this State.

4. Not later than 90 days after the issuance of a final order accepting transfer of a guardianship or conservatorship, the court shall determine

whether the guardianship or conservatorship needs to be modified to conform to the laws of this State.

5. In granting a petition under this section, the court shall recognize a guardianship or conservatorship order from the other state, including the determination of the ward's incapacity and the appointment of the guardian or conservator.

Sec. 192. NRS 159.315 is hereby amended to read as follows:

159.315 1. If the court finds, after examination of a person cited pursuant to NRS 159.305, that the person has committed an act:

(a) Set forth in paragraph (a) of subsection 1 of NRS 159.305, the court may order the person to return the asset or the value of the asset to the guardian of the estate; or

(b) Set forth in paragraph (b) of subsection 1 of NRS 159.305, the court may order the person to return the asset or provide information concerning the location of the asset to the guardian of the estate.

2. The court may hold a person who is cited pursuant to NRS 159.305 in contempt of court and deal with the person accordingly if the person:

(a) Refuses to appear and submit to examination or to testify regarding the matter complained of in the petition; or

(b) Fails to comply with an order of the court issued pursuant to subsection 1.

3. An order of the court pursuant to subsection 1 is prima facie evidence of the right of the proposed ward or the estate of the ward to the asset described in the order in any action that may be brought for the recovery thereof, and any judgment recovered therein must be double the value of the asset, and damages in addition thereof equal to the value of such property.

4. If the person who is cited pursuant to NRS 159.305 appears and, upon consideration of the petition, the court finds that the person is not liable or responsible to the ***proposed ward or the*** estate of the ~~[ward or proposed]~~ ward, the court may order:

(a) The ***proposed ward or the*** estate of the ward ~~[or proposed ward]~~ to pay the attorney's fees and costs of the respondent; or

(b) If the court finds that the petitioner unnecessarily or unreasonably filed the petition, the petitioner personally to pay the attorney's fees and costs of the respondent.

Sec. 193. NRS 160.090 is hereby amended to read as follows:

160.090 1. Before making an appointment under the provisions of this chapter, the court shall establish to its satisfaction that the person whose appointment as guardian is sought is a fit and proper person to be appointed.

2. Upon the appointment being made, the guardian shall, except as otherwise provided in this section, execute and file a bond to be approved by the court in an amount not less than the value of the personal property of the estate plus the anticipated annual income. Thereafter, the amount of the bond must be equal to the total value of the personal estate plus the annual income. The bond must be in the form and be conditioned as required of guardians

appointed pursuant to the provisions of chapter 159 of NRS ~~[.]~~ ***or sections 2 to 157, inclusive, of this act.*** The premiums on all such bonds must be paid from the estate.

3. If a banking corporation as defined in NRS 657.016, or a trust company, as defined by NRS 669.070, doing business in this state is appointed guardian of the estate of a ward, no bond is required of the guardian unless the court by specific order requires a bond. If the Director of the Department of Veterans Services is appointed guardian, no bond is required.

4. If the court orders that the estate and income, or a part thereof, be deposited in a banking corporation, as defined in NRS 657.016, or trust company, as defined by NRS 669.070, doing business in this state and that such estate and income, or any part thereof, must not be withdrawn without authorization of the court, then the amount of the guardian's bond must be reduced in an amount equal to the amount of the estate and income on deposit with the banking corporation, and the surety on the bonds must be exonerated from any loss to the estate in connection with the deposit.

5. Where a bond is tendered by a guardian with personal sureties, the sureties shall file with the court a certificate under oath which describes the property owned, both real and personal, and contains a statement that they are each worth the sum named in the bond as the penalty thereof over and above all their debts and liabilities and exclusive of property exempt from execution.

Sec. 194. NRS 3.223 is hereby amended to read as follows:

3.223 1. Except if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq., in each judicial district in which it is established, the family court has original, exclusive jurisdiction in any proceeding:

(a) Brought pursuant to title 5 of NRS or chapter 31A, 123, 125, 125A, 125B, 125C, 126, 127, 128, 129, 130, ~~[159,]~~ 425 or 432B of NRS, ***or sections 2 to 157, inclusive, of this act,*** except to the extent that a specific statute authorizes the use of any other judicial or administrative procedure to facilitate the collection of an obligation for support.

(b) Brought pursuant to NRS 442.255 and 442.2555 to request the court to issue an order authorizing an abortion.

(c) For judicial approval of the marriage of a minor.

(d) Otherwise within the jurisdiction of the juvenile court.

(e) To establish the date of birth, place of birth or parentage of a minor.

(f) To change the name of a minor.

(g) For a judicial declaration of the sanity of a minor.

(h) To approve the withholding or withdrawal of life-sustaining procedures from a person as authorized by law.

(i) Brought pursuant to NRS 433A.200 to 433A.330, inclusive, for an involuntary court-ordered admission to a mental health facility.

(j) Brought pursuant to NRS 441A.510 to 441A.720, inclusive, for an involuntary court-ordered isolation or quarantine.

2. The family court, where established and, except as otherwise provided in paragraph (m) of subsection 1 of NRS 4.370, the justice court have concurrent jurisdiction over actions for the issuance of a temporary or extended order for protection against domestic violence.

3. The family court, where established, and the district court have concurrent jurisdiction over any action for damages brought pursuant to NRS 41.134 by a person who suffered injury as the proximate result of an act that constitutes domestic violence.

Sec. 195. NRS 33.030 is hereby amended to read as follows:

33.030 1. The court by a temporary order may:

(a) Enjoin the adverse party from threatening, physically injuring or harassing the applicant or minor child, either directly or through an agent;

(b) Exclude the adverse party from the applicant's place of residence;

(c) Prohibit the adverse party from entering the residence, school or place of employment of the applicant or minor child and order the adverse party to stay away from any specified place frequented regularly by them;

(d) If it has jurisdiction under chapter 125A of NRS, grant temporary custody of the minor child to the applicant;

(e) Enjoin the adverse party from physically injuring, threatening to injure or taking possession of any animal that is owned or kept by the applicant or minor child, either directly or through an agent;

(f) Enjoin the adverse party from physically injuring or threatening to injure any animal that is owned or kept by the adverse party, either directly or through an agent; and

(g) Order such other relief as it deems necessary in an emergency situation.

2. The court by an extended order may grant any relief enumerated in subsection 1 and:

(a) Specify arrangements for visitation of the minor child by the adverse party and require supervision of that visitation by a third party if necessary;

(b) Specify arrangements for the possession and care of any animal owned or kept by the adverse party, applicant or minor child; and

(c) Order the adverse party to:

(1) Avoid or limit communication with the applicant or minor child;

(2) Pay rent or make payments on a mortgage on the applicant's place of residence;

(3) Pay for the support of the applicant or minor child, including, without limitation, support of a minor child for whom a guardian has been appointed pursuant to ~~[chapter 159 of NRS]~~ ***sections 2 to 157, inclusive, of this act*** or a minor child who has been placed in protective custody pursuant to chapter 432B of NRS, if the adverse party is found to have a duty to support the applicant or minor child;

(4) Pay all costs and fees incurred by the applicant in bringing the action; and

(5) Pay monetary compensation to the applicant for lost earnings and expenses incurred as a result of the applicant attending any hearing concerning an application for an extended order.

3. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.

4. A temporary or extended order must specify, as applicable, the county and city, if any, in which the residence, school, child care facility or other provider of child care, and place of employment of the applicant or minor child are located.

5. A temporary or extended order must provide notice that a person who is arrested for violating the order will not be admitted to bail sooner than 12 hours after the person's arrest if:

(a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(b) The person has previously violated a temporary or extended order for protection; or

(c) At the time of the violation or within 2 hours after the violation, the person has:

(1) A concentration of alcohol of 0.08 or more in the person's blood or breath; or

(2) An amount of a prohibited substance in the person's blood or urine that is equal to or greater than the amount set forth in subsection 3 of NRS 484C.110.

Sec. 196. NRS 143.030 is hereby amended to read as follows:

143.030 1. A personal representative shall take into possession all the estate of the decedent, real and personal, except that exempted as provided in this title, and shall collect all receivables due the decedent or the estate.

2. For the purpose of bringing actions to quiet title or for partition of the estate, the possession of the personal representative shall be deemed the possession of the heirs or devisees. The possession of heirs or devisees is subject, however, to the possession of the personal representative for all other purposes.

3. A personal representative shall not take into possession any assets held by a guardian of the decedent pursuant to chapter 159 of NRS ***or sections 2 to 157, inclusive, of this act*** until the guardianship is terminated according to the provisions of NRS 159.1905 or 159.191 ***or section 143 or 144 of this act*** and the guardian is ordered to distribute the assets to the personal representative.

Sec. 197. NRS 200.4685 is hereby amended to read as follows:

200.4685 1. Except as otherwise provided in this section, a person shall not:

(a) Recruit, transport, transfer, harbor, provide, obtain, maintain or solicit a child in furtherance of a transaction, or advertise or facilitate a transaction, pursuant to which a parent of the child or a person with custody of the child places the child in the physical custody of another person who is not a relative of the child, for the purpose of permanently avoiding or divesting himself or herself of responsibility for the child.

(b) Sell, transfer or arrange for the sale or transfer of a child to another person for money or anything of value or receive a child in exchange for money or anything of value.

2. The provisions of subsection 1 do not apply to:

(a) A placement of a child with a relative, stepparent, child-placing agency or an agency which provides child welfare services;

(b) A placement of a child by a child-placing agency or an agency which provides child welfare services;

(c) A temporary placement of a child with another person by a parent of the child or a person with legal or physical custody of the child, with an intent to return for the child, including, without limitation, a temporary placement of a child while the parent of the child or the person with legal or physical custody of the child is on vacation, incarcerated, serving in the military, receiving medical treatment or incapacitated;

(d) A placement of a child in accordance with NRS 127.330 ~~[, 159.205 or 159.215;]~~ ***or section 153 or 154 of this act.***

(e) A placement of a child that is approved by a court of competent jurisdiction; or

(f) Delivery of a child to a provider of emergency services pursuant to NRS 432B.630.

3. A person who violates the provisions of subsection 1 is guilty of trafficking in children and shall be punished for a category C felony as provided in NRS 193.130.

4. As used in this section:

(a) "Advertise" has the meaning ascribed to it in NRS 127.310.

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

(c) "Child" means a person who is less than 18 years of age.

(d) "Child-placing agency" has the meaning ascribed to it in NRS 127.220.

Sec. 198. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161,

126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380,

676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 25 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

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

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

Sec. 199. NRS 253.150 is hereby amended to read as follows:

253.150 1. The board of county commissioners of each county shall establish the office of public guardian.

2. The board of county commissioners shall:

(a) Appoint a public guardian, who serves at the pleasure of the board, for a term of 4 years from the day of appointment;

(b) Designate an elected or appointed county officer as ex officio public guardian;

(c) Pursuant to the mechanism set forth in NRS 244.1507, designate another county officer to execute the powers and duties of the public guardian;

(d) Except in a county whose population is 100,000 or more, contract with a private professional guardian to act as public guardian; or

(e) Contract with the board of county commissioners of a neighboring county in the same judicial district to designate as public guardian the public guardian of the neighboring county.

3. The compensation of a public guardian appointed or designated pursuant to subsection 2 must be fixed by the board of county commissioners and paid out of the county general fund.

4. As used in this section, "private professional guardian" has the meaning ascribed to it in NRS 159.024, ***and section 9 of this act,*** except that the term does not include:

(a) A banking corporation, as defined in NRS 657.016, or an organization permitted to act as a fiduciary pursuant to NRS 662.245 if it is appointed as guardian of an estate only.

(b) A trust company, as defined in NRS 669.070.

(c) A court-appointed attorney licensed to practice law in this State.

(d) A trustee under a deed of trust.

(e) A fiduciary under a court trust.

Sec. 200. NRS 253.160 is hereby amended to read as follows:

253.160 1. Upon taking office, a public guardian shall file with the county clerk a general bond in an amount fixed by the board of county commissioners payable to the State of Nevada with sureties approved by the board of county commissioners. The premium for the bond shall be paid from the general funds of the county and be conditioned upon the public guardian's faithful performance of his or her duties.

2. The general bond and oath of office of a public guardian are in lieu of the bonds and oaths required of private guardians.

3. The oath and bond of an elected or appointed public officer designated public guardian or designated to execute the powers and duties of the public guardian pursuant to paragraph (b) or (c) of subsection 2 of NRS 253.150 are in lieu of the bonds and oaths required of private guardians. The court may require such a designee to execute a separate bond for any guardianship in the manner prescribed in NRS 159.065 ~~[.]~~ ***or section 50 of this act.***

Sec. 201. NRS 253.190 is hereby amended to read as follows:

253.190 A public guardian shall:

1. Keep financial and other appropriate records concerning all cases in which he or she is appointed as an individual guardian; and

2. Retain:

(a) All such financial records for each case for at least 7 years after the date of the transaction that is recorded in the record; and

(b) All other records for each case for at least 7 years after the termination of the guardianship pursuant to chapter 159 of NRS ~~[.]~~ ***and sections 2 to 157, inclusive, of this act.***

Sec. 202. NRS 253.200 is hereby amended to read as follows:

253.200 1. A resident of Nevada is eligible to have the public guardian of the county in which he or she resides appointed as his or her temporary individual guardian pursuant to NRS 159.0523 or 159.0525 ~~[.]~~ ***or to mitigate the risk of financial harm to a proposed protected minor pursuant to section 37 of this act.***

2. ~~[A]~~ ***An adult*** resident of Nevada is eligible to have the public guardian of a county appointed as his or her permanent or general individual guardian if the proposed ward is a resident of that county and:

(a) The proposed ward has no nominated person, relative or friend suitable and willing to serve as his or her guardian; or

(b) The proposed ward has a guardian who the court determines must be removed pursuant to NRS 159.185 . ~~*[or section 133 of this act.]*~~

3. A person qualified pursuant to subsection 1 or 2, or anyone on his or her behalf, may petition the district court of the county in which he or she resides to make the appointment.

4. Before a petition for the appointment of the public guardian as a guardian may be filed pursuant to subsection 3, a copy of the petition and copies of all accompanying documents to be filed must be delivered to the public guardian or a deputy public guardian.

5. Any petition for the appointment of the public guardian as a guardian filed pursuant to subsection 3 must include a statement signed by the public guardian or deputy public guardian and in substantially the following form:

> The undersigned is the Public Guardian or a Deputy Public Guardian of ..... County. The undersigned certifies that he or she has received a copy of this petition and all accompanying documents to be filed with the court.

6. A petition for the appointment of the public guardian as permanent or general guardian must be filed separately from a petition for the appointment of a temporary guardian.

7. If a person other than the public guardian served as temporary guardian before the appointment of the public guardian as permanent or general guardian, the temporary guardian must file an accounting and report with the court in which the petition for the appointment of a public guardian was filed within 30 days of the appointment of the public guardian as permanent or general guardian.

8. In addition to NRS 159.099, ***and section 76 of this act,*** a county is not liable on any written or oral contract entered into by the public guardian of the county for or on behalf of a ward.

9. For the purposes of this section:

(a) Except as otherwise provided in paragraph (b), the county of residence of a person is the county to which the person moved with the intent to reside for an indefinite period.

(b) The county of residence of a person placed in institutional care is the county that was the county of residence of the person before the person was placed in institutional care by a guardian or agency or under power of attorney.

10. As used in this section, "nominated person" has the meaning ascribed to it in NRS 159.0613.

Sec. 203. NRS 432.039 is hereby amended to read as follows:

432.039 1. When in the judgment of the court it is in the best interests of a child in the lawful custody of an agency which provides child welfare services, such an agency may petition for appointment as guardian of the person and estate of the child in the manner provided by chapter ~~[159 or]~~ 432B of NRS ~~[.]~~ ***or sections 2 to 157, inclusive, of this act.***

2. The clerk of the district court, county clerk, county recorder or other county officer shall not require the payment of any fees or charges by the agency which provides child welfare services for appointment as guardian pursuant to this section, and the district court shall waive the furnishing of a bond by the agency which provides child welfare services if it is appointed guardian.

3. Except as otherwise provided in this section, the agency which provides child welfare services shall comply with all applicable provisions of chapter ~~[159 or]~~ 432B of NRS ~~[.]~~ ***or sections 2 to 157, inclusive, of this act.***

Sec. 204. NRS 432B.290 is hereby amended to read as follows:

432B.290 1. Information maintained by an agency which provides child welfare services must be maintained by the agency which provides child welfare services as required by federal law as a condition of the allocation of federal money to this State.

2. Except as otherwise provided in this section and NRS 432B.165, 432B.175 and 432B.513, information maintained by an agency which provides child welfare services may, at the discretion of the agency which provides child welfare services, be made available only to:

(a) A physician, if the physician has before him or her a child who the physician has reasonable cause to believe has been abused or neglected;

(b) A person authorized to place a child in protective custody, if the person has before him or her a child who the person has reasonable cause to believe has been abused or neglected and the person requires the information to determine whether to place the child in protective custody;

(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:

(1) The child; or

(2) The person responsible for the welfare of the child;

(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the abuse or neglect of a child;

(e) Except as otherwise provided in paragraph (f), a court other than a juvenile court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

(f) A court **,** as defined in ~~[~~NRS 159.015~~]~~ ***section 5 of this act,*** to determine whether a guardian or successor guardian of a child should be appointed pursuant to ~~[~~chapter 159 of NRS or~~]~~ NRS 432B.466 to 432B.468, inclusive ~~[;]~~ ***, or sections 2 to 157, inclusive, of this act;***

(g) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to the person;

(h) The attorney and the guardian ad litem of the child, if the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(i) A person who files or intends to file a petition for the appointment of a guardian or successor guardian of a child pursuant to ~~[~~chapter 159 of NRS or~~]~~ NRS 432B.466 to 432B.468, inclusive, ***or sections 2 to 157, inclusive, of this act,*** if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(j) The proposed guardian or proposed successor guardian of a child over whom a guardianship is sought pursuant to ~~[~~chapter 159 of NRS or~~]~~ NRS 432B.466 to 432B.468, inclusive, ***or sections 2 to 157, inclusive, of this act,*** if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(k) A grand jury upon its determination that access to these records and the information is necessary in the conduct of its official business;

(l) A federal, state or local governmental entity, or an agency of such an entity, or a juvenile court, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect;

(m) A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;

(n) A team organized pursuant to NRS 432B.350 for the protection of a child;

(o) A team organized pursuant to NRS 432B.405 to review the death of a child;

(p) A parent or legal guardian of the child and an attorney of a parent or guardian of the child, including, without limitation, the parent or guardian of

a child over whom a guardianship is sought pursuant to ~~[chapter 159 of NRS or]~~ NRS 432B.466 to 432B.468, inclusive, ***or sections 2 to 157, inclusive, of this act,*** if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning that parent or guardian;

(q) The child over whom a guardianship is sought pursuant to ~~[chapter 159 of NRS or]~~ NRS 432B.466 to 432B.468, inclusive, ***or sections 2 to 157, inclusive, of this act,*** if:

(1) The child is 14 years of age or older; and

(2) The identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(r) The persons or agent of the persons who are the subject of a report, if the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning those persons;

(s) An agency that is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if the agency has before it an application for that license or is investigating an applicant to adopt a child;

(t) Upon written consent of the parent, any officer of this State or a city or county thereof or Legislator authorized by the agency or department having jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the activities or programs of an agency which provides child welfare services if:

(1) The identity of the person making the report is kept confidential; and

(2) The officer, Legislator or a member of the family of the officer or Legislator is not the person alleged to have committed the abuse or neglect;

(u) The Division of Parole and Probation of the Department of Public Safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;

(v) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides child welfare services or to a law enforcement agency;

(w) A local advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.604;

(x) The panel established pursuant to NRS 432B.396 to evaluate agencies which provide child welfare services;

(y) An employer in accordance with subsection 3 of NRS 432.100;

(z) A team organized or sponsored pursuant to NRS 217.475 or 228.495 to review the death of the victim of a crime that constitutes domestic violence; or

(aa) The Committee to Review Suicide Fatalities created by NRS 439.5104.

3. An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(b) A written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect or any collateral sources and reporting parties.

4. Except as otherwise provided by subsection 6, before releasing any information maintained by an agency which provides child welfare services pursuant to this section, an agency which provides child welfare services shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of any person who reports child abuse or neglect and to protect any other person if the agency which provides child welfare services reasonably believes that disclosure of the information would cause a specific and material harm to an investigation of the alleged abuse or neglect of a child or the life or safety of any person.

5. The provisions of this section must not be construed to require an agency which provides child welfare services to disclose information maintained by the agency which provides child welfare services if, after consultation with the attorney who represents the agency, the agency determines that such disclosure would cause a specific and material harm to a criminal investigation.

6. A person who is the subject of an unsubstantiated report of child abuse or neglect made pursuant to this chapter and who believes that the report was made in bad faith or with malicious intent may petition a district court to order the agency which provides child welfare services to release information maintained by the agency which provides child welfare services. The petition must specifically set forth the reasons supporting the belief that the report was made in bad faith or with malicious intent. The petitioner shall provide notice to the agency which provides child welfare services so that the agency may participate in the action through its counsel. The district court shall review the information which the petitioner requests to be released and the petitioner shall be allowed to present evidence in support of the petition. If

the court determines that there is a reasonable question of fact as to whether the report was made in bad faith or with malicious intent and that the disclosure of the identity of the person who made the report would not be likely to endanger the life or safety of the person who made the report, the court shall provide a copy of the information to the petitioner and the original information is subject to discovery in a subsequent civil action regarding the making of the report.

7. If an agency which provides child welfare services receives any information that is deemed confidential by law, the agency which provides child welfare services shall maintain the confidentiality of the information as prescribed by applicable law.

8. Pursuant to this section, a person may authorize the release of information maintained by an agency which provides child welfare services about himself or herself, but may not waive the confidentiality of such information concerning any other person.

9. An agency which provides child welfare services may provide a summary of the outcome of an investigation of the alleged abuse or neglect of a child to the person who reported the suspected abuse or neglect.

10. Except as otherwise provided in this subsection, any person who is provided with information maintained by an agency which provides child welfare services and who further disseminates the information or makes the information public is guilty of a gross misdemeanor. This subsection does not apply to:

(a) A district attorney or other law enforcement officer who uses the information solely for the purpose of initiating legal proceedings;

(b) An employee of the Division of Parole and Probation of the Department of Public Safety making a presentence investigation and report to the district court pursuant to NRS 176.135 or making a general investigation and report pursuant to NRS 176.151; or

(c) An employee of a juvenile justice agency who provides the information to the juvenile court.

11. An agency which provides child welfare services may charge a fee for processing costs reasonably necessary to prepare information maintained by the agency which provides child welfare services for release pursuant to this section.

12. An agency which provides child welfare services shall adopt rules, policies or regulations to carry out the provisions of this section.

13. As used in this section, "juvenile justice agency" means the Youth Parole Bureau or a director of juvenile services.

Sec. 205. NRS 432B.466 is hereby amended to read as follows:

432B.466 1. If the plan adopted pursuant to NRS 432B.553 for the permanent placement of a child includes a request for the appointment of a guardian for the child pursuant to NRS 432B.4665 to 432B.468, inclusive, a governmental agency, a nonprofit corporation or any interested person, including, without limitation, the agency that adopted the plan may petition

the court for the appointment of a guardian. The guardian may be appointed at a hearing conducted pursuant to NRS 432B.590 or at a separate hearing.

2. A petition for the appointment of a guardian pursuant to this section:

(a) May not be filed before the court has determined that the child is in need of protection;

(b) Must include the information required pursuant to ~~[~~NRS 159.044;~~]~~ ***section 25 of this act;*** and

(c) Must include a statement explaining why the appointment of a guardian, rather than the adoption of the child or the return of the child to a parent, is in the best interests of the child.

3. In addition to the notice required pursuant to NRS 432B.590, a governmental agency, nonprofit corporation or interested person who files a petition for the appointment of a guardian must serve notice of the petition that includes a copy of the petition and the date, time and location of the hearing on the petition, by registered or certified mail or by personal service:

(a) To all the persons entitled to notice of the hearing pursuant to NRS 432B.590, the parents of the child, any person or governmental agency having care, custody or control over the child, and, if the child is 14 years of age or older, the child; and

(b) At least 20 days before the hearing on the petition.

Sec. 206. NRS 432B.4665 is hereby amended to read as follows:

432B.4665 1. The court may, upon the filing of a petition pursuant to NRS 432B.466, appoint a person as a guardian for a child if:

(a) The court finds:

(1) That the proposed guardian is suitable and is not disqualified from guardianship pursuant to ~~[~~NRS 159.061;~~]~~ ***section 46 of this act;***

(2) That the child has been in the custody of the proposed guardian for 6 months or more pursuant to a determination by a court that the child was in need of protection, unless the court waives this requirement for good cause shown;

(3) That the proposed guardian has complied with the requirements of ~~[~~chapter 159 of NRS;~~]~~ ***sections 2 to 157, inclusive, of this act;*** and

(4) That the burden of proof set forth in ~~[~~chapter 159 of NRS~~]~~ ***sections 2 to 157, inclusive, of this act*** for the appointment of a guardian for a child has been satisfied;

(b) The child consents to the guardianship, if the child is 14 years of age or older; and

(c) The court determines that the requirements for filing a petition pursuant to NRS 432B.466 have been satisfied.

2. A guardianship established pursuant to this section:

(a) Provides the guardian with the powers and duties provided in ~~[~~NRS 159.079,~~]~~ ***section 61 of this act,*** and subjects the guardian to the limitations set forth in ~~[~~NRS 159.0805;~~]~~ ***section 62 of this act;***

(b) Is subject to the provisions of ~~[NRS 159.065 to 159.076,]~~ ***sections 50 to 58,*** inclusive, and ~~[159.185 to 159.199,]~~ ***133 to 150,*** inclusive ~~[.]~~ ***, of this act;***

(c) Provides the guardian with sole legal and physical custody of the child;

(d) Does not result in the termination of parental rights of a parent of the child; and

(e) Does not affect any rights of the child to inheritance, a succession or any services or benefits provided by the Federal Government, this state or an agency or political subdivision of this state.

Sec. 207. NRS 432B.468 is hereby amended to read as follows:

432B.468 1. The court shall retain jurisdiction to enforce, modify or terminate a guardianship established pursuant to NRS 432B.4665 until the child reaches 18 years of age.

2. Any person having a direct interest in a guardianship established pursuant to NRS 432B.4665 may move to enforce, modify or terminate an order concerning the guardianship.

3. The court shall issue an order directing the appropriate agency which provides child welfare services to file a report and make a recommendation in response to any motion to enforce, modify or terminate an order concerning a guardianship established pursuant to NRS 432B.4665. The agency must submit the report to the court within 45 days after receiving the order of the court.

4. Any motion to enforce, modify or terminate an order concerning a guardianship established pursuant to NRS 432B.4665 must comply with the provisions set forth in ~~[chapter 159 of NRS]~~ ***sections 2 to 157, inclusive, of this act*** for motions to enforce, modify or terminate orders concerning guardianships.

5. A successor guardian may be appointed in accordance with the procedures set forth in ~~[chapter 159 of NRS.]~~ ***sections 2 to 157, inclusive, of this act.***

Sec. 208. NRS 432B.550 is hereby amended to read as follows:

432B.550 1. If the court finds that a child is in need of protection, it may, by its order, after receipt and review of the report from the agency which provides child welfare services:

(a) Permit the child to remain in the temporary or permanent custody of the parents of the child or a guardian with or without supervision by the court or a person or agency designated by the court, and with or without retaining jurisdiction of the case, upon such conditions as the court may prescribe;

(b) Place the child in the temporary or permanent custody of a relative, a fictive kin or other person the court finds suitable to receive and care for the child with or without supervision, and with or without retaining jurisdiction of the case, upon such conditions as the court may prescribe; or

(c) Place the child in the temporary custody of a public agency or institution authorized to care for children, the local juvenile probation department, the local department of juvenile services or a private agency or

institution licensed by the Department of Health and Human Services or a county whose population is 100,000 or more to care for such a child.

➥ In carrying out this subsection, the court may, in its sole discretion and in compliance with the requirements of ~~[chapter 159 of NRS,]~~ ***sections 2 to 157, inclusive, of this act,*** consider an application for the guardianship of the child. If the court grants such an application, it may retain jurisdiction of the case or transfer the case to another court of competent jurisdiction.

2. If, pursuant to subsection 1, a child is placed other than with a parent:

(a) The parent retains the right to consent to adoption, to determine the child's religious affiliation and to reasonable visitation, unless restricted by the court. If the custodian of the child interferes with these rights, the parent may petition the court for enforcement of the rights of the parent.

(b) The court shall set forth good cause why the child was placed other than with a parent.

3. If, pursuant to subsection 1, the child is to be placed with a relative or fictive kin, the court may consider, among other factors, whether the child has resided with a particular relative or fictive kin for 3 years or more before the incident which brought the child to the court's attention.

4. Except as otherwise provided in this subsection, a copy of the report prepared for the court by the agency which provides child welfare services must be sent to the custodian and the parent or legal guardian. If the child was delivered to a provider of emergency services pursuant to NRS 432B.630 and the location of the parent is unknown, the report need not be sent to that parent.

5. In determining the placement of a child pursuant to this section, if the child is not permitted to remain in the custody of the parents of the child or guardian:

(a) It must be presumed to be in the best interests of the child to be placed together with the siblings of the child.

(b) Preference must be given to placing the child in the following order:

(1) With any person related within the fifth degree of consanguinity to the child or a fictive kin, and who is suitable and able to provide proper care and guidance for the child, regardless of whether the relative or fictive kin resides within this State.

(2) In a foster home that is licensed pursuant to chapter 424 of NRS.

6. Any search for a relative with whom to place a child pursuant to this section must be completed within 1 year after the initial placement of the child outside of the home of the child. If a child is placed with any person who resides outside of this State, the placement must be in accordance with NRS 127.330.

7. Within 60 days after the removal of a child from the home of the child, the court shall:

(a) Determine whether:

(1) The agency which provides child welfare services has made the reasonable efforts required by paragraph (a) of subsection 1 of NRS 432B.393; or

(2) No such efforts are required in the particular case; and

(b) Prepare an explicit statement of the facts upon which its determination is based.

8. As used in this section, "fictive kin" means a person who is not related by blood to a child but who has a significant emotional and positive relationship with the child.

Sec. 209. NRS 432B.590 is hereby amended to read as follows:

432B.590 1. Except as otherwise provided in NRS 432B.513, the court shall hold a hearing concerning the permanent placement of a child:

(a) Not later than 12 months after the initial removal of the child from the home of the child and annually thereafter.

(b) Within 30 days after making any of the findings set forth in subsection 3 of NRS 432B.393.

➥ Notice of this hearing must be given by registered or certified mail to all the persons to whom notice must be given pursuant to subsection 6 of NRS 432B.580.

2. The court may require the presence of the child at the hearing and shall provide to each person to whom notice was given pursuant to subsection 1 a right to be heard at the hearing.

3. At the hearing, the court shall review any plan for the permanent placement of the child adopted pursuant to NRS 432B.553 and, if the goal of the plan is a permanent living arrangement other than reunification with his or her parents, placement for adoption, placement with a legal guardian or placement with a relative, ask the child about his or her desired permanent living arrangement. After doing so, the court must determine:

(a) Whether the agency with legal custody of the child has made the reasonable efforts required by subsection 1 of NRS 432B.553;

(b) Whether, and if applicable when:

(1) The child should be returned to the parents of the child or placed with other relatives;

(2) It is in the best interests of the child to:

(I) Initiate proceedings to terminate parental rights pursuant to chapter 128 of NRS so that the child can be placed for adoption;

(II) Initiate proceedings to establish a guardianship pursuant to ~~[~~chapter 159 of NRS;~~]~~ ***sections 2 to 157, inclusive, of this act;*** or

(III) Establish a guardianship in accordance with NRS 432B.466 to 432B.468, inclusive; or

(3) The agency with legal custody of the child has produced documentation of its conclusion that there is a compelling reason for the placement of a child who has attained the age of 16 years in another permanent living arrangement;

(c) If the child will not be returned to the parents of the child, whether the agency with legal custody of the child fully considered placement options both within and outside of this State;

(d) If the child has attained the age of 14 years, whether the child will receive the services needed to assist the child in transitioning to independent living; and

(e) If the child has been placed outside of this State, whether the placement outside of this State continues to be appropriate for and in the best interests of the child.

4. The court shall prepare an explicit statement of the facts upon which each of its determinations is based pursuant to subsection 3. If the court determines that it is not in the best interests of the child to be returned to his or her parents, or to be placed for adoption, with a legal guardian or with a relative, the court must include compelling reasons for this determination and an explanation of those reasons in its statement of the facts.

5. If the court determines that it is in the best interests of the child to terminate parental rights, the court shall use its best efforts to ensure that the procedures required by chapter 128 of NRS are completed within 6 months after the date the court makes that determination, including, without limitation, appointing a private attorney to expedite the completion of the procedures.

6. The provisions of this section do not limit the jurisdiction of the court to review any decisions of the agency with legal custody of the child regarding the permanent placement of the child.

7. If a child has been placed outside of the home and has resided outside of the home pursuant to that placement for 14 months of any 20 consecutive months, the best interests of the child must be presumed to be served by the termination of parental rights.

8. This hearing may take the place of the hearing for review required by NRS 432B.580.

9. The provision of notice and a right to be heard pursuant to this section does not cause any person planning to adopt the child, any sibling of the child or any other relative, any adoptive parent of a sibling of the child or a provider of foster care to become a party to the hearing.

Sec. 210. NRS 616C.505 is hereby amended to read as follows:

616C.505 If an injury by accident arising out of and in the course of employment causes the death of an employee in the employ of an employer, within the provisions of chapters 616A to 616D, inclusive, of NRS, the compensation is known as a death benefit and is payable as follows:

1. In addition to any other compensation payable pursuant to chapters 616A to 616D, inclusive, of NRS, burial expenses are payable in an amount not to exceed $10,000, plus the cost of transporting the remains of the deceased employee. When the remains of the deceased employee and the person accompanying the remains are to be transported to a mortuary or mortuaries, the charge of transportation must be borne by the insurer.

2. Except as otherwise provided in subsection 3, to the surviving spouse of the deceased employee, 66 2/3 percent of the average monthly wage is payable until the death of the surviving spouse.

3. If there is a surviving spouse and any surviving children of the deceased employee who are not the children of the surviving spouse, the compensation otherwise payable pursuant to subsection 2 must be paid as follows until the entitlement of all children of the deceased employee to receive compensation pursuant to this subsection ceases:

(a) To the surviving spouse, 50 percent of the death benefit is payable until the death of the surviving spouse; and

(b) To each child of the deceased employee, regardless of whether the child is the child of the surviving spouse, the child's proportionate share of 50 percent of the death benefit and, except as otherwise provided in subsection 11, if the child has a guardian, the compensation the child is entitled to receive may be paid to the guardian.

4. In the event of the subsequent death of the surviving spouse:

(a) Each surviving child of the deceased employee, in addition to any amount the child may be entitled to pursuant to subsection 3, must share equally the compensation theretofore paid to the surviving spouse but not in excess thereof, and it is payable until the youngest child reaches the age of 18 years.

(b) Except as otherwise provided in subsection 11, if the children have a guardian, the compensation they are entitled to receive may be paid to the guardian.

5. If there are any surviving children of the deceased employee under the age of 18 years, but no surviving spouse, then each such child is entitled to his or her proportionate share of 66 2/3 percent of the average monthly wage for the support of the child.

6. Except as otherwise provided in subsection 7, if there is no surviving spouse or child under the age of 18 years, there must be paid:

(a) To a parent, if wholly dependent for support upon the deceased employee at the time of the injury causing the death of the deceased employee, 33 1/3 percent of the average monthly wage.

(b) To both parents, if wholly dependent for support upon the deceased employee at the time of the injury causing the death of the deceased employee, 66 2/3 percent of the average monthly wage.

(c) To each brother or sister until he or she reaches the age of 18 years, if wholly dependent for support upon the deceased employee at the time of the injury causing the death of the deceased employee, his or her proportionate share of 66 2/3 percent of the average monthly wage.

7. The aggregate compensation payable pursuant to subsection 6 must not exceed 66 2/3 percent of the average monthly wage.

8. In all other cases involving a question of total or partial dependency:

(a) The extent of the dependency must be determined in accordance with the facts existing at the time of the injury.

(b) If the deceased employee leaves dependents only partially dependent upon the earnings of the deceased employee for support at the time of the injury causing his or her death, the monthly compensation to be paid must be equal to the same proportion of the monthly payments for the benefit of persons totally dependent as the amount contributed by the deceased employee to the partial dependents bears to the average monthly wage of the deceased employee at the time of the injury resulting in his or her death.

(c) The duration of compensation to partial dependents must be fixed in accordance with the facts shown, but may not exceed compensation for 100 months.

9. Compensation payable to a surviving spouse is for the use and benefit of the surviving spouse and the dependent children, and the insurer may, from time to time, apportion such compensation between them in such a way as it deems best for the interest of all dependents.

10. In the event of the death of any dependent specified in this section before the expiration of the time during which compensation is payable to the dependent, funeral expenses are payable in an amount not to exceed $10,000.

11. If a dependent is entitled to receive a death benefit pursuant to this section and is less than 18 years of age or incompetent, the legal representative of the dependent shall petition for a guardian to be appointed for that dependent pursuant to NRS 159.044 ~~[.]~~ ***or section 25 of this act, as applicable.*** An insurer shall not pay any compensation in excess of $3,000, other than burial expenses, to the dependent until a guardian is appointed and legally qualified. Upon receipt of a certified letter of guardianship, the insurer shall make all payments required by this section to the guardian of the dependent until the dependent is emancipated, the guardianship terminates or the dependent reaches the age of 18 years, whichever occurs first, unless paragraph (a) of subsection 12 is applicable. The fees and costs related to the guardianship must be paid from the estate of the dependent. A guardianship established pursuant to this subsection must be administered in accordance with chapter 159 of NRS ~~[,]~~ ***or sections 2 to 157, inclusive, of this act, as applicable,*** except that after the first annual review required pursuant to NRS 159.176 ~~[,]~~ ***or section 127 of this act, as applicable,*** a court may elect not to review the guardianship annually. The court shall review the guardianship at least once every 3 years. As used in this subsection, "incompetent" has the meaning ascribed to it in NRS 159.019.

12. Except as otherwise provided in paragraphs (a) and (b), the entitlement of any child to receive his or her proportionate share of compensation pursuant to this section ceases when the child dies, marries or reaches the age of 18 years. A child is entitled to continue to receive compensation pursuant to this section if the child is:

(a) Over 18 years of age and incapable of supporting himself or herself, until such time as the child becomes capable of supporting himself or herself; or

(b) Over 18 years of age and enrolled as a full-time student in an accredited vocational or educational institution, until the child reaches the age of 22 years.

13. As used in this section, "surviving spouse" means a surviving husband or wife who was married to the employee at the time of the employee's death.

Sec. 211. NRS 628B.080 is hereby amended to read as follows:

628B.080 1. "Private professional guardian" has the meaning ascribed to it in NRS 159.024 ~~[.]~~ ***and section 9 of this act.***

2. For the purposes of this chapter, the term does not include a person who serves as a private professional guardian but who is exempt pursuant to NRS 159.0595 or 628B.110 ***or section 45 of this act*** from the requirement to have a license issued pursuant to this chapter.

Sec. 212. NRS 628B.090 is hereby amended to read as follows:

628B.090 1. "Private professional guardian company" means a natural person or business entity, including, without limitation, a sole proprietorship, partnership, limited-liability company or corporation, that is licensed pursuant to the provisions of this chapter to engage in the business of a private professional guardian, whether appointed by a court or hired by a private party.

2. For the purposes of this chapter, the term does not include a natural person or business entity which engages in the business of a private professional guardian but which is exempt pursuant to NRS 159.0595 or 628B.110 ***or section 45 of this act*** from the requirement to have a license issued pursuant to this chapter.

Sec. 213. NRS 628B.100 is hereby amended to read as follows:

628B.100 "Ward" has the meaning ascribed to it in ~~[NRS 159.027.]~~ ***section 14 of this act.***

Sec. 214. NRS 628B.310 is hereby amended to read as follows:

628B.310 1. A person wishing to engage in the business of a private professional guardian in this State must file with the Commissioner an application on a form prescribed by the Commissioner, which must contain or be accompanied by such information as is required.

2. A nonrefundable fee of not more than $750 must accompany the application. The applicant must also pay such reasonable additional expenses incurred in the process of investigation as the Commissioner deems necessary.

3. The application must contain:

(a) The name of the applicant and the name under which the applicant does business or expects to do business, if different.

(b) The complete business and residence addresses of the applicant.

(c) The character of the business sought to be carried on.

(d) The address of any location where business will be transacted.

(e) In the case of a firm or partnership, the full name and residence address of each member or partner and the manager.

(f) In the case of a corporation or voluntary association, the name and residence address of each director and officer and the manager.

(g) A statement by the applicant acknowledging that the applicant is required to comply with the provisions of NRS 159.0595 ***and section 45 of this act*** if issued a license.

(h) Any other information reasonably related to the applicant's qualifications for the license which the Commissioner determines to be necessary.

4. Each application for a license must have attached to it a financial statement showing the assets, liabilities and net worth of the applicant.

5. In addition to any other requirements, each applicant or member, partner, director, officer, manager or case manager of an applicant shall submit to the Commissioner a complete set of fingerprints and written permission authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

6. If the applicant is a corporation or limited-liability company, the articles of incorporation or articles of organization must contain:

(a) The name adopted by the private professional guardian company, which must distinguish it from any other private professional guardian company formed or incorporated in this State or engaged in the business of a private professional guardian in this State; and

(b) The purpose for which it is formed.

7. The Commissioner shall deem an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 6 months after the date the application is submitted to the Commissioner. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner may not issue a license to the applicant unless the applicant submits a new application and pays the required fees.

8. The Commissioner shall adopt regulations establishing the amount of the fees required pursuant to this section, subject to the following limitations:

(a) An initial fee of not more than $1,500 for a license to transact the business of a private professional guardian; and

(b) A fee of not more than $300 for each branch office that is authorized by the Commissioner.

9. All money received by the Commissioner pursuant to this section must be placed in the Investigative Account for Financial Institutions created by NRS 232.545.

Sec. 215. NRS 628B.330 is hereby amended to read as follows:

628B.330 1. Within 90 days after the application for a license is filed, the Commissioner shall investigate the facts of the application and the other requirements of this chapter to determine:

(a) That each person who will serve as a sole proprietor, partner of a partnership, member of a limited-liability company or director or officer of a

corporation, and any person acting in a managerial or case manager capacity, as applicable:

(1) Has a good reputation for honesty, trustworthiness and integrity and displays competence to engage in the business of a private professional guardian in a manner which safeguards the interests of the general public. The applicant must submit satisfactory proof of those qualifications, including, without limitation, evidence that the applicant has passed an examination for private professional guardians specified by the Commissioner.

(2) Has not been convicted of, or entered a plea of guilty or nolo contendere to, a felony or any crime involving fraud, misrepresentation, material omission, misappropriation, conversion or moral turpitude.

(3) Has not made a false statement of material fact on the application.

(4) Has not been a sole proprietor or an officer or member of the board of directors for an entity whose license issued pursuant to the provisions of this chapter was suspended or revoked within the 10 years immediately preceding the date of the application if, in the reasonable judgment of the Commissioner, there is evidence that the sole proprietor, officer or member materially contributed to the actions resulting in the suspension or revocation of the license.

(5) Has not been a sole proprietor or an officer or member of the board of directors for an entity whose license as a private professional guardian company which was issued by any other state, district or territory of the United States or any foreign country was suspended or revoked within the 10 years immediately preceding the date of the application if, in the reasonable judgment of the Commissioner, there is evidence that the sole proprietor, officer or member materially contributed to the actions resulting in the suspension or revocation of the license.

(6) Has not violated any of the provisions of this chapter or any regulations adopted pursuant thereto.

(b) That the financial status of each sole proprietor, partner, member or director and officer of the corporation and person acting in a managerial or case manager capacity indicates fiscal responsibility consistent with his or her position.

(c) That the name of the proposed business complies with all applicable statutes.

(d) That, except as otherwise provided in NRS 628B.540, the initial surety bond is not less than the amount required by NRS 159.065 ~~[.]~~ ***or section 50 of this act, as applicable.***

2. In rendering a decision on an application for a license, the Commissioner shall consider, without limitation:

(a) The proposed markets to be served and, if they extend outside this State, any exceptional risk, examination or supervision concerns associated with those markets;

(b) Whether the proposed organizational and equity structure and the amount of initial equity or fidelity and surety bonds of the applicant appear adequate in relation to the proposed business and markets, including, without limitation, the average level of assets under guardianship projected for each of the first 3 years of operation; and

(c) Whether the applicant has planned suitable annual audits conducted by qualified outside auditors of its books and records and its fiduciary activities under applicable accounting rules and standards as well as suitable internal audits.

Sec. 216. NRS 628B.540 is hereby amended to read as follows:

628B.540 1. The Commissioner may require a private professional guardian company to maintain equity, fidelity and surety bonds in amounts that are more than the minimum required initially or at any subsequent time based on the Commissioner's assessment of the risks associated with the business plan of the private professional guardian or other information contained in the application, the Commissioner's investigation of the application or any examination of or filing by the private professional guardian company thereafter, including, without limitation, any examination before the opening of the business. In making such a determination, the Commissioner may consider, without limitation:

(a) The nature and type of business to be conducted by the private professional guardian company;

(b) The nature and liquidity of assets proposed to be held in the account of the private professional guardian company;

(c) The amount of fiduciary assets projected to be under the management or administration of the private professional guardian company;

(d) The type of fiduciary assets proposed to be held and any proposed depository of such assets;

(e) The complexity of the fiduciary duties and degree of discretion proposed to be undertaken by the private professional guardian company;

(f) The competence and experience of the proposed management of the private professional guardian company;

(g) The extent and adequacy of proposed internal controls;

(h) The proposed presence of annual audits by an independent certified public accountant, and the scope and frequency of such audits, whether they result in an opinion of the accountant and any qualifications to the opinion;

(i) The reasonableness of business plans for retaining or acquiring additional equity capital;

(j) The adequacy of fidelity and surety bonds and any additional insurance proposed to be obtained by the private professional guardian company for the purpose of protecting its fiduciary assets;

(k) The success of the private professional guardian company in achieving the financial projections submitted with its application for a license; and

(l) The fulfillment by the private professional guardian company of its representations and its descriptions of its business structures and methods and management set forth in its application for a license.

2. The director or manager of a private professional guardian company shall require fidelity bonds in the amount of at least $25,000 on the sole proprietor or each active officer, manager, member acting in a managerial or case manager capacity and employee, regardless of whether the person receives a salary or other compensation from the private professional guardian company, to indemnify the company against loss due to any dishonest, fraudulent or criminal act or omission by a person upon whom a bond is required pursuant to this section who acts alone or in combination with any other person. A bond required pursuant to this section may be in any form and may be paid for by the private professional guardian company.

3. A private professional guardian company shall obtain suitable insurance against burglary, robbery, theft and other hazards to which it may be exposed in the operation of its business.

4. A private professional guardian company shall obtain suitable surety bonds in accordance with NRS 159.065 ~~[,]~~ ***or section 50 of this act,*** as applicable.

5. The surety bond obtained pursuant to subsection 4 must be in a form approved by a court of competent jurisdiction and the Division and conditioned that the applicant conduct his or her business in accordance with the requirements of this chapter. The bond must be made and executed by the principal and a surety company authorized to write bonds in this State.

6. A private professional guardian company shall at least annually prescribe the amount or penal sum of the bonds or policies of the company and designate the sureties and underwriters thereof, after considering all known elements and factors constituting a risk or hazard. The action must be recorded in the minutes kept by the private professional guardian company and reported to the Commissioner.

7. The bond must cover all matters placed with the private professional guardian company during the term of the license or a renewal thereof.

8. An action may not be brought upon any bond after 2 years from the revocation or expiration of the license.

9. After 2 years, all liability of the surety or sureties upon the bond ceases if no action is commenced upon the bond.

Sec. 217. NRS 628B.550 is hereby amended to read as follows:

628B.550 1. The fiduciary relationship which exists between a private professional guardian and the ward of the private professional guardian may not be used for the private gain of the guardian other than the remuneration for fees and expenses. A private professional guardian may not incur any obligation on behalf of the guardianship that conflicts with the discharge of the duties of the private professional guardian.

2. Unless prior approval is obtained from a court of competent jurisdiction, a private professional guardian shall not:

(a) Have any interest, financial or otherwise, direct or indirect, in any business transaction or activity with the guardianship.

(b) Acquire an ownership, possessory, security or other pecuniary interest adverse to the ward.

(c) Be knowingly designated as a beneficiary on any life insurance policy or pension or benefit plan of the ward unless such designation was validly made by the ward before the adjudication of the person's incapacity.

(d) Directly or indirectly purchase, rent, lease or sell any property or services from or to any business entity in which the private professional guardian, or the spouse or relative of the guardian, is an officer, partner, director, shareholder or proprietor or in which such a person has any financial interest.

3. Any action taken by a private professional guardian which is prohibited by this section may be voided during the term of the guardianship or by the personal representative of the ward's estate. The private professional guardian is subject to removal and to imposition of personal liability through a proceeding for discharge, in addition to any other remedies otherwise available.

4. A court shall not appoint a private professional guardian that is not licensed pursuant to this chapter as the guardian of a person or estate. The court must review each guardianship involving a private professional guardian on the anniversary date of the appointment of the private professional guardian. If a private professional guardian does not hold a current license, the court must replace the guardian until such time as the private professional guardian obtains the necessary license.

5. The provisions of NRS 159.076 ***and section 58 of this act*** regarding summary administration do not apply to a private professional guardian.

6. A licensee shall file any report required by the court in a timely manner.

Sec. 218. NRS 628B.560 is hereby amended to read as follows:

628B.560 1. Except as otherwise provided in NRS 159.076 ~~[,]~~ ***and section 58 of this act,*** a licensee shall maintain a separate guardianship account for each ward into which all money received for the benefit of the ward must be deposited. Each guardianship account must be maintained in an insured bank or credit union located in this State, be held in a name which is sufficient to distinguish it from the personal or general checking account of the licensee and be designated as a guardianship account. Each guardianship account must at all times account for all money received for the benefit of the ward and account for all money dispersed for the benefit of the ward, and no disbursement may be made from the account except as authorized under chapter 159 of NRS ***or sections 2 to 157, inclusive, of this act*** or as authorized by court order.

2. Each licensee shall keep a record of all money deposited in each guardianship account maintained for a ward, which must clearly indicate the date and from whom the money was received, the date the money was

deposited, the dates of withdrawals of money and other pertinent information concerning the transactions. Records kept pursuant to this subsection must be maintained for at least 6 years after the completion of the last transaction concerning the account. The records must be maintained at the premises in this State at which the licensee is authorized to conduct business.

3. The Commissioner or his or her designee may conduct an examination of the guardianship accounts and records relating to wards of each private professional guardian company licensed pursuant to this chapter at any time to ensure compliance with the provisions of this chapter.

4. During the first year a private professional guardian is licensed in this State, the Commissioner or his or her designee may conduct any examinations deemed necessary to ensure compliance with the provisions of this chapter.

5. If there is evidence that a private professional guardian company has violated a provision of this chapter, the Commissioner or his or her designee may conduct additional examinations to determine whether a violation has occurred.

6. Each licensee shall authorize the Commissioner or his or her designee to examine all books, records, papers and effects of the private professional guardian company.

7. If the Commissioner determines that the records of a licensee are not maintained in accordance with subsections 1 and 2, the Commissioner may require the licensee to submit, within 60 days, an audited financial statement prepared from the records of the licensee by a certified public accountant who holds a certificate to engage in the practice of public accounting in this State. The Commissioner may grant a reasonable extension of time for the submission of the financial statement if an extension is requested before the statement is due.

8. Upon the request of the Division, a licensee must provide to the Division copies of any documents reviewed during an examination conducted by the Commissioner or his or her designee pursuant to subsection 4, 5 or 6. If the copies are not provided, the Commissioner may subpoena the documents.

9. For each examination of the books, papers, records and effects of a private professional guardian company that is required or authorized pursuant to this chapter, the Commissioner shall charge and collect from the private professional guardian company a fee for conducting the examination and preparing a report of the examination based upon the rate established by regulation pursuant to NRS 658.101. Failure to pay the fee within 30 days after receipt of the bill is grounds for revoking the license of the private professional guardian company.

10. All money collected under this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 219. The amendatory provisions of this act apply to any proceeding or matter commenced or undertaken on or after July 1, 2017.

Sec. 220. NRS 159.0483, 159.049, 159.052, 159.061, 159.186, 159.205 and 159.215 are hereby repealed.

Sec. 221. This act becomes effective on July 1, 2017.

LEADLINES OF REPEALED SECTIONS

159.0483 Attorney for minor ward or proposed minor ward.

159.049 Appointment without issuance of citation.

159.052 Temporary guardian for minor ward who is unable to respond to substantial and immediate risk of physical harm or to need for immediate medical attention: Petition for appointment; conditions; required notice; extension; limited powers.

159.061 Minor wards: Preference for appointment of parent; other considerations in determining qualifications and suitability of guardian.

159.186 Additional limitation governing removal of guardian of minor; considerations for court in determining best interests of minor; removal of guardian of minor.

159.205 Appointment of short-term guardianship for minor child by parent: When authorized; content of written instrument; term; termination.

159.215 Guardian of person of minor child of member of Armed Forces.

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 320.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 474.

AN ACT relating to education; revising provisions relating to pupil achievement data as a component of the statewide performance evaluation system for employees; revising provisions relating to the number of evaluations that certain employees are required to receive; **revising provisions relating to the Teachers and Leaders Council;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Education to adopt regulations establishing a statewide performance evaluation system for evaluating the performance of certain employees. Existing law **requires this system to: (1) require that an employee's overall performance be determined to be highly effective, effective, minimally effective or ineffective; and (2) include a process for peer evaluation of teachers. (NRS 391.465) Section 2 of this bill: (1) removes the term "minimally effective" and replaces it with the term "developing"; and (2) changes the term "peer evaluation"**

to "peer observation." Sections 1, 1.5 and 3.5-5.7 of this bill make conforming changes. Section 2 also provides that an administrator at the district level who provides direct supervision of the principal of a school and who also serves as the superintendent of schools of a school district must not be evaluated using the statewide performance evaluation system.

Existing law generally requires ~~[this]~~ **the statewide performance evaluation** system to include a requirement that pupil achievement data account for at least 40 percent of an evaluation and that such data be derived both from statewide examinations and assessments and certain assessments approved by the board of trustees of a school district. (NRS 391.465) **Section 2** ~~[of this bill removes the requirement that pupil achievement data be included in an evaluation, and]~~ instead ~~[provides that]~~ **requires** pupil achievement data ~~[may]~~ **to** account for ~~[not more than]~~ 20 percent of an evaluation. **Section 2** also ~~[provides that if pupil achievement data is included as a part of the evaluation system, the]~~ **requires this** data ~~[must]~~ **to** be generated from the relevant school or school district. ~~[Section 1 of this bill makes conforming changes.]~~

Existing law establishes the Teachers and Leaders Council of Nevada and prescribes the membership of the Council. (NRS 391.455) Section 1.3 of this bill adds an additional member to the Council, who must be a school counselor, psychologist, speech-language pathologist, audiologist or social worker.

Existing law requires each postprobationary teacher or administrator who receives an evaluation designating his or her overall performance as effective or highly effective to receive one evaluation in the next school year. (NRS 391.690, 391.710) **Sections 4 and 5** of this bill instead require a postprobationary teacher or administrator who receives an evaluation designating his or her overall performance as ~~[: (1) effective to receive one evaluation in the next 3 school years; or (2)]~~ highly effective **for 2 consecutive school years** to receive one evaluation in the next ~~[5]~~ **2** school years.

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

Section 1. **NRS 391.102 is hereby amended to read as follows:**

391.102 1. Notwithstanding the provisions of any collective bargaining agreement or contract of employment to the contrary, before the board of trustees of a school district may transfer a teacher or administrator who has received an evaluation designating his or her overall performance as ~~[minimally effective]~~ ***developing*** or ineffective to another school as a result of decreased enrollment, administrative transfer or a reduction in workforce at a public school, the board of trustees of the school district must obtain the consent of the principal of the school to which the teacher or administrator is

proposed to be transferred. If such consent is not obtained, the superintendent of schools of the school district:

(a) May assign the teacher or administrator to a school within the district other than the school from which the teacher or administrator was transferred; and

(b) May assign the teacher or administrator to the school at which the principal did not consent to the transfer of the teacher or administrator.

2. The superintendent of schools of a school district shall develop a plan to address the assignment of teachers or administrators who have received evaluations designating their overall performance as ~~[minimally effective]~~ ***developing*** or ineffective when the consent of a principal to a transfer pursuant to subsection 1 is not obtained. Such a plan must include, without limitation, a plan for any such teacher or administrator to receive assistance to help the teacher or administrator, as applicable, meet the standards for effective teaching, which may include, without limitation, peer assistance and review, participation in programs of professional development and other appropriate training.

Sec. 1.3. **NRS 391.455 is hereby amended to read as follows:**

391.455 1. There is hereby created the Teachers and Leaders Council of Nevada consisting of the following ~~[15]~~ ***16*** members:

(a) The Superintendent of Public Instruction, or his or her designee, who serves as an ex officio member of the Council.

(b) The Chancellor of the Nevada System of Higher Education, or his or her designee, who serves as an ex officio member of the Council.

(c) Four teachers in public schools appointed by the Governor from a list of nominees submitted by the Nevada State Education Association. The members appointed pursuant to this paragraph must represent the geographical diversity of the school districts in this State.

(d) ***One school counselor, psychologist, speech-language pathologist, audiologist or social worker who is licensed pursuant to chapter 391 of NRS appointed by the Governor from a list of nominees submitted by the Nevada State Education Association. The persons nominated pursuant to this paragraph must represent the geographical diversity of school districts in this State.***

(e) Two administrators in public schools appointed by the Governor from a list of nominees submitted by the Nevada Association of School Administrators and one superintendent of schools of a school district appointed by the Governor from a list of nominees submitted by the Nevada Association of School Superintendents. The members appointed pursuant to this paragraph must represent the geographical diversity of the school districts in this State.

~~[(e)]~~ ***(f)*** Two persons who are members of boards of trustees of school districts and who are appointed by the Governor from a list of nominees submitted by the Nevada Association of School Boards.

~~[(f)]~~ ***(g)*** One representative of the regional training programs for the professional development of teachers and administrators created by NRS 391A.120 appointed by the Governor from a list of nominees submitted by the Nevada Association of School Superintendents.

~~[(g)]~~ ***(h)*** One parent or legal guardian of a pupil enrolled in public school appointed by the Governor from a list of nominees submitted by the Nevada Parent Teacher Association.

~~[(h)]~~ ***(i)*** Two persons with expertise in the development of public policy relating to education appointed by the Superintendent of Public Instruction. The members appointed pursuant to this paragraph must not otherwise be eligible for appointment pursuant to paragraphs (a) to ~~[(g),]~~ ***(h),*** inclusive.

2. After the initial terms, each appointed member of the Council serves a term of 3 years commencing on July 1 and may be reappointed to one additional 3-year term following his or her initial term. If any appointed member of the Council ceases to be qualified for the position to which he or she was appointed, the position shall be deemed vacant and the appointing authority shall appoint a replacement for the remainder of the unexpired term. A vacancy must be filled in the same manner as the original appointment.

3. The Council shall, at its first meeting and annually thereafter, elect a Chair from among its members.

4. The Council shall meet at least semiannually and may meet at other times upon the call of the Chair or a majority of the members of the Council. Nine members of the Council constitute a quorum, and a quorum may exercise all the power and authority conferred on the Council.

5. Members of the Council serve without compensation, except that for each day or portion of a day during which a member of the Council attends a meeting of the Council or is otherwise engaged in the business of the Council, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. A member of the Council who is a public employee must be granted administrative leave from the member's duties to engage in the business of the Council without loss of his or her regular compensation. Such leave does not reduce the amount of the member's other accrued leave.

7. The Department shall provide administrative support to the Council.

8. The Council may apply for and accept gifts, grants, donations and contributions from any source for the purpose of carrying out its duties pursuant to NRS 391.460.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 391.460 is hereby amended to read as follows:

391.460 1. The Council shall:

(a) Make recommendations to the State Board concerning the adoption of regulations for establishing a statewide performance evaluation system to ensure that teachers, administrators who provide primarily administrative services at the school level and administrators at the district level who

provide direct supervision of the principal of a school, and who do not provide primarily direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal are:

(1) Evaluated using multiple, fair, timely, rigorous and valid methods ~~***[;]***~~ , which includes evaluations based upon pupil achievement data as required by NRS 391.465;

(2) Afforded a meaningful opportunity to improve their effectiveness through professional development that is linked to their evaluations; and

(3) Provided with the means to share effective educational methods with other teachers and administrators throughout this State.

(b) Develop and recommend to the State Board a plan, including duties and associated costs, for the development and implementation of the performance evaluation system by the Department and school districts.

(c) Consider the role of professional standards for teachers and administrators to which paragraph (a) applies and, as it determines appropriate, develop a plan for recommending the adoption of such standards by the State Board.

(d) Develop and recommend to the State Board a process for peer ~~[evaluations]~~ ***observations*** of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching.

2. The performance evaluation system recommended by the Council must ensure that:

(a) Data derived from the evaluations is used to create professional development programs that enhance the effectiveness of teachers and administrators; and

(b) A timeline is included for monitoring the performance evaluation system at least annually for quality, reliability, validity, fairness, consistency and objectivity.

3. The Council may establish such working groups, task forces and similar entities from within or outside its membership as necessary to address specific issues or otherwise to assist in its work.

4. The State Board shall consider the recommendations made by the Council pursuant to this section and shall adopt regulations establishing a statewide performance evaluation system as required by NRS 391.465.

Sec. 2. NRS 391.465 is hereby amended to read as follows:

391.465 1. The State Board shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to NRS 391.460, adopt regulations establishing a statewide performance evaluation system which incorporates multiple measures of an employee's performance.

Except as otherwise provided in subsection 4, the State Board shall prescribe the tools to be used by a school district for obtaining such measures.

2. The statewide performance evaluation system must:

(a) Require that an employee's overall performance is determined to be:

(1) Highly effective;

(2) Effective;

(3) ~~[Minimally effective;]~~ ***Developing;*** or

(4) Ineffective.

(b) Include the criteria for making each designation identified in paragraph (a).

(c) Except as otherwise provided in subsections 2 and 3 of NRS 391.695 and subsections 2 and 3 of NRS 391.715, require ***[provide]*** that pupil achievement data ***[may]*** account for ***[***~~at least 40~~ ***not more than] 20*** percent of the evaluation.

(d) ***[***~~Except as otherwise provided in subsection 3, prescribe the pupil achievement data that must be used as part of the evaluation system pursuant to paragraph (c) which must require that:~~

~~(1) Pupil achievement data derived from statewide examinations and assessments must account for at least 20 percent of the evaluation of a teacher or administrator, as applicable; and~~

~~(2) Pupil achievement data derived from assessments approved by the board of trustees of a school district that employs the teacher or administrator, as applicable, must account for at least 20 percent of the evaluation.~~

~~(e)~~***]*** Include an evaluation of whether the teacher, or administrator who provides primarily administrative services at the school level or administrator at the district level who provides direct supervision of the principal of a school, and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal, employs practices and strategies to involve and engage the parents and families of pupils.

[~~(f)~~***]*** ***(e)*** Include a process for peer ~~[evaluations]~~ ***observations*** of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching. The regulations must include the criteria for school districts to determine which educational personnel are qualified to conduct peer reviews pursuant to the process.

3. ***[***~~The State Board shall, by regulation, designate the assessments that may be used by a school district to determine~~ ***If]*** ***The*** pupil achievement ***data [is] required to be included as a part of the evaluation system*** pursuant to ***[***~~subparagraph (2) of~~***]*** paragraph ***[***~~(d)~~***]*** ***(c)*** of subsection 2 ***[***~~.The board of trustees of a school district may select one or more of the assessments~~

~~designated by the State Board to determine pupil achievement, or the board of trustees may apply to the Superintendent of Public Instruction for approval to use a different assessment to determine pupil achievement.~~ ~~***, the pupil achievement data must]***~~ ***:***

(a) Must be ~~***[generated]***~~ ***:***

(1) Generated from a school or school district in which the teacher or administrator was employed during the period covered by the evaluation ~~***[.]***~~ ***; and***

(2) Used by the school or school district in which the teacher or administrator was employed to measure the progress of a pupil toward meeting the student learning objectives prescribed by the school district.

(b) May not be derived from statewide examinations and assessments.

4. A school district may apply to the State Board to use a performance evaluation system and tools that are different than the evaluation system and tools prescribed pursuant to subsection 1. The application must be in the form prescribed by the State Board and must include, without limitation, a description of the evaluation system and tools proposed to be used by the school district. The State Board may approve the use of the proposed evaluation system and tools if it determines that the proposed evaluation system and tools apply standards and indicators that are equivalent to those prescribed by the State Board.

5. An administrator at the district level who provides direct supervision of the principal of a school and who also serves as the superintendent of schools of a school district must not be evaluated using the statewide performance evaluation system.

Sec. 3. NRS 391.470 is hereby amended to read as follows:

391.470 On or before August 1 of each year, the board of trustees of each school district shall submit a report to the State Board and the Teachers and Leaders Council of Nevada created by NRS 391.455 concerning the implementation and effectiveness of the process for peer evaluations of teachers set forth in the regulations adopted by the State Board pursuant to paragraph ~~[(f)]~~ ***(e)*** of subsection 2 of NRS 391.465, including, without limitation, any recommendations for revisions to the process of peer ~~[evaluations.]~~ ***observations.***

Sec. 3.5. **NRS 391.685 is hereby amended to read as follows:**

391.685 1. A probationary teacher must receive one evaluation during each school year of his or her probationary employment. The evaluation must be based in part upon at least three scheduled observations of the teacher during the first school year of his or her probationary period as follows:

(a) The first scheduled observation must occur within 40 days after the first day of instruction of the school year;

(b) The second scheduled observation must occur after 40 days but within 80 days after the first day of instruction of the school year; and

(c) The third scheduled observation must occur after 80 days but within 120 days after the first day of instruction of the school year.

2. If a probationary teacher receives an evaluation designating his or her overall performance as effective or highly effective:

(a) During the first school year of his or her probationary period, the evaluation during the second school year of the probationary period must be based in part upon at least two scheduled observations of the teacher which must occur within the times specified in paragraphs (b) and (c) of subsection 1.

(b) During the first and second school years of his or her probationary period, the evaluation during the third school year of the probationary period must be based in part upon at least one scheduled observation of the teacher which must occur within 120 days after the first day of instruction of the school year.

3. If a probationary teacher receives an evaluation designating his or her overall performance as ~~[minimally effective]~~ ***developing*** or ineffective during the first or second school year of the probationary period, the probationary teacher must receive one evaluation during the immediately succeeding school year which is based in part upon three observations which must occur in accordance with the observation schedule set forth in subsection 1.

Sec. 4. NRS 391.690 is hereby amended to read as follows:

391.690 1. If a postprobationary teacher receives an evaluation designating his or her overall performance as ~~[minimally effective]~~ ***developing*** or ineffective, the postprobationary teacher must receive one evaluation in the immediately succeeding school year which is based in part upon three observations which must occur in accordance with the observation schedule set forth in subsection 1 of NRS 391.685. If a postprobationary teacher receives evidence from the first two observations during the school year indicating that, unless his or her performance improves, his or her overall performance may be rated as ~~[minimally effective]~~ ***developing*** or ineffective on the evaluation, the postprobationary teacher may request that the third observation be conducted by another administrator. If a postprobationary teacher requests that his or her third observation be conducted by another administrator, that administrator must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the postprobationary teacher from a list of three candidates submitted by the superintendent.

2. If a postprobationary teacher receives an evaluation designating his or her overall performance as effective ***,*** ~~[or,]~~ ***the postprobationary teacher must receive one evaluation in the*** ~~***[next 3]***~~ ***immediately succeeding school*** ~~***[years.]***~~ ***year. The evaluation must be based in part upon at least one scheduled observation, which must occur within 120 days after the first day of instruction of the school year*** ***.*** ~~***[in which the evaluation occurs.]***~~

3. If a postprobationary teacher receives an evaluation designating his or her overall performance as highly effective ~~[,]~~ ***for 2 consecutive school years,*** the postprobationary teacher must receive one evaluation in the

~~[immediately succeeding]~~ ***next ~~[5]~~ 2*** school ~~[year.]~~ ***years.*** The evaluation must be based in part upon at least one scheduled observation **,** which must occur within 120 days after the first day of instruction of the school year ~~[.]~~ ***in which the evaluation occurs.***

Sec. 4.5. **NRS 391.705 is hereby amended to read as follows:**

391.705 1. A probationary administrator must receive one evaluation during each school year of his or her probationary employment. The evaluation must be based in part upon at least three scheduled observations of the probationary administrator during the first school year of his or her probationary period which must occur as follows:

(a) The first scheduled observation must occur within 40 days after the first day of instruction of the school year;

(b) The second scheduled observation must occur after 40 days but within 80 days after the first day of instruction of the school year; and

(c) The third scheduled observation must occur after 80 days but within 120 days after the first day of instruction of the school year.

2. If a probationary administrator receives an evaluation designating his or her overall performance as effective or highly effective:

(a) During the first school year of his or her probationary period, the evaluation during the second school year of the probationary period must be based in part upon at least two scheduled observations of the administrator which must occur within the times specified in paragraphs (b) and (c) of subsection 1.

(b) During the first and second school year of his or her probationary period, the evaluation during the third school year of the probationary period must be based in part upon at least one scheduled observation of the administrator which must occur within 120 days after the first day of instruction of the school year.

3. If a probationary administrator receives an evaluation designating his or her overall performance as ~~[minimally effective]~~ ***developing*** or ineffective during the first or second school year of the probationary period, the probationary administrator must receive one evaluation during the immediately succeeding school year which is based in part upon three observations which must occur in accordance with the observation schedule set forth in subsection 1.

4. Each probationary administrator is subject to the provisions of NRS 391.725 and 391.820.

Sec. 5. NRS 391.710 is hereby amended to read as follows:

391.710 1. If a postprobationary administrator receives an evaluation designating his or her overall performance as ~~[minimally effective]~~ ***developing*** or ineffective, the postprobationary administrator must receive one evaluation in the immediately succeeding school year which is based in part upon three observations which must occur in accordance with the observation schedule set forth in subsection 1 of NRS 391.705. If a postprobationary administrator receives evidence from the first two

observations indicating that, unless his or her performance improves, his or her overall performance may be rated as ~~[minimally effective]~~ ***developing*** or ineffective on the evaluation, the postprobationary administrator may request that the third observation be conducted by another administrator. If a postprobationary administrator requests that his or her third observation be conducted by another administrator, that administrator must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the postprobationary administrator from a list of three candidates submitted by the superintendent.

2. If a postprobationary administrator receives an evaluation designating his or her overall performance as effective ~~[or]~~ ***, the postprobationary administrator must receive one evaluation in the ~~[next 3]~~ immediately succeeding school ~~[years.]~~ year. The evaluation must be based in part upon at least one scheduled observation, which must occur within 120 days after the first day of instruction of the school year . ~~[in which the evaluation occurs.]~~***

3. If a postprobationary administrator receives an evaluation designating his or her overall performance as highly effective ~~[,]~~ ***for 2 consecutive school years,*** the postprobationary administrator must receive one evaluation in the ~~[immediately succeeding]~~ ***next ~~[5]~~ 2*** school ~~[year.]~~ ***years.*** The evaluation must be based in part upon at least one scheduled observation ***,*** which must occur within 120 days after the first day of instruction of the school year ~~[.]~~ ***in which the evaluation occurs.***

Sec. 5.3. **NRS 391.725 is hereby amended to read as follows:**

391.725 1. If a written evaluation of a probationary teacher, or a probationary administrator who provides primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal, designates the overall performance of the teacher or administrator as ~~["minimally effective"]~~ ***"developing"*** or "ineffective":

(a) The written evaluation must include the following statement: "Please be advised that, pursuant to Nevada law, your contract may not be renewed for the next school year. If you receive a ~~['minimally effective']~~ ***'developing'*** or 'ineffective' evaluation on the first or second evaluation, or both evaluations for this school year, you may request that the third evaluation be conducted by another administrator. You may also request, to the administrator who conducted the evaluation, reasonable assistance in improving your performance based upon the recommendations reported in the evaluation for which you request assistance, and upon such request, a reasonable effort will be made to assist you in improving your performance."

(b) The probationary teacher or probationary administrator, as applicable, must acknowledge in writing that he or she has received and understands the statement described in paragraph (a).

2. If a probationary teacher or probationary administrator to which subsection 1 applies requests that his or her next evaluation be conducted by another administrator in accordance with the notice required by subsection 1, the administrator conducting the evaluation must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the probationary teacher or probationary administrator, as applicable, from a list of three candidates submitted by the superintendent.

3. If a probationary teacher or probationary administrator to which subsection 1 applies requests assistance in improving performance reported in his or her evaluation, the administrator who conducted the evaluation shall ensure that a reasonable effort is made to assist the probationary teacher or probationary administrator in improving his or her performance.

Sec. 5.5. **NRS 391.730 is hereby amended to read as follows:**

391.730 Except as otherwise provided in NRS 391.825, a postprobationary employee who receives an evaluation designating his or her overall performance as:

1. ~~[Minimally effective;]~~ ***Developing;***

2. Ineffective; or

3. ~~[Minimally effective]~~ ***Developing*** during 1 year of the 2-year consecutive period and ineffective during the other year of the period,

➥ for 2 consecutive school years shall be deemed to be a probationary employee for the purposes of NRS 391.650 to 391.830, inclusive, and must serve an additional probationary period in accordance with the provisions of NRS 391.820.

Sec. 5.7. **NRS 288.151 is hereby amended to read as follows:**

288.151 Notwithstanding the provisions of any collective bargaining agreement or contract of employment to the contrary:

1. Except as otherwise provided in subsections 2 to 6, inclusive, if the board of trustees of a school district determines that a reduction in the existing workforce of the licensed educational personnel in the school district is necessary, the decision to lay off a teacher or an administrator must be based solely on the overall performance of the teacher or administrator under the statewide performance evaluation system adopted by the State Board pursuant to NRS 391.465. When determining the manner in which to reduce the existing workforce, the board of trustees of a school district must lay off a teacher or administrator whose overall performance has been determined to be:

(a) Ineffective, before laying off a teacher or administrator whose overall performance has been determined to be ~~[minimally effective,]~~ ***developing,*** effective or highly effective;

(b) ~~[Minimally effective,]~~ ***Developing,*** before laying off a teacher or administrator whose overall performance has been determined to be effective or highly effective; and

(c) Effective, before laying off a teacher or administrator whose overall performance has been determined to be highly effective.

2. Except as otherwise provided in subsection 6, if the board of trustees of a school district determines that a further reduction in the existing workforce of the licensed educational personnel in a school district beyond that made pursuant to subsection 1 is necessary, the board of trustees must lay off a teacher or administrator whose employment record includes:

(a) A criminal record that resulted in the suspension of the teacher or administrator; or

(b) Disciplinary action that resulted in the suspension of the teacher or administrator and that was uncontested or has been finally adjudicated;

➥ before laying off a teacher or administrator whose employment record does not include such a record or disciplinary action.

3. The board of trustees shall lay off teachers or administrators whose employment records include disciplinary actions that resulted in the suspension of the teacher or administrator pursuant to subsection 2 in the order of severity of the disciplinary action, with those employees whose employment record includes more severe disciplinary action being laid off first.

4. Except as otherwise provided in subsection 6, if the board of trustees of a school district determines that a further reduction in the existing workforce of licensed educational personnel beyond that made pursuant to subsection 2 is necessary, the decision to lay off a teacher or administrator must be based on the following factors:

(a) Whether the teacher or administrator is employed in a position which is hard to fill;

(b) Whether the teacher or administrator has received a national board certification;

(c) The type of licensure held by the teacher or administrator; and

(d) The type of degree attained by the teacher or administrator and whether the degree is in a subject area that is related to his or her position.

5. If, after consideration of the factors described in subsections 1 to 4, inclusive, two or more teachers or administrators are similarly situated, the board of trustees of the school district may give preference to the more senior teacher or administrator.

6. The board of trustees of a school district is not required to take the actions described in subsections 1 to 4, inclusive, with regard to a teacher who teaches in a school in the district in a subject area for which there is a shortage of teachers, which may include, without limitation, science, technology, engineering, mathematics, special education and English as a second language.

Sec. 6. This act becomes effective on July 1, 2017.

Assemblyman Thompson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 339.

Bill read second time.

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

Amendment No. 539.

AN ACT relating to health care; authorizing the Board of Medical Examiners to take possession of the health care records of a licensee's patients under certain circumstances; ~~[authorizing the Executive Director of]~~ **requiring** the Board to ~~[post information]~~ **adopt policies and procedures for placing information** on the Internet website of the Board **;** ~~[without obtaining prior approval by the Board; revising the information required to be posted on the Internet website of the Board;]~~ revising provisions relating to the requirement for certain persons to maintain a permanent mailing address with the Board; ~~[revising the information required to be included with an application for the issuance of a license to practice medicine and the biennial registration of a physician; repealing]~~ **revising** provisions requiring certain information be reported to the Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain providers of health care to retain the health care records of patients for 5 years after their receipt or production. (NRS 629.051) **Section 1** of this bill authorizes the Board of Medical Examiners to take possession of the health care records of a licensee's patients in the event of the licensee's death, disability, incarceration or other incapacitation that would render the licensee unable to continue his or her practice. **Section 1** further authorizes the Board to provide such records to the patient or to the patient's subsequent provider of health care. **Section 1** also requires that certain disclosures regarding such records be provided to patients.

Existing law provides for the maintenance of an Internet website by the Board of Medical Examiners. (NRS 630.144) **Section 3** of this bill ~~[authorizes the Executive Director of the Board to post information on the Internet website of the Board without obtaining prior approval from the Board. Section 3 also]~~ requires ~~[certain information relating to physicians that is included on the Internet website also be included for other licensees of]~~ the Board ~~[.]~~ **to adopt policies and procedures for placing information on its Internet website.**

Existing law imposes a fine on a person who is licensed under chapter 630 of NRS and fails to maintain a permanent mailing address with the Board of Medical Examiners. (NRS 630.254) Existing law similarly imposes a fine on an inactive registrant for such a failure. (NRS 630.255) **Sections 5 and 6** of this bill authorize, rather than require, the Board to impose such fines.

~~[Existing law requires an applicant for a license to practice medicine to submit to the Board of Medical Examiners a description of any complaints filed against the applicant with a licensing board of another state and any disciplinary action taken against the applicant by the licensing board of another state. (NRS 630.173) Section 4 of this bill provides that an applicant for such a license is not required to report with his or her application: (1) an anonymous complaint submitted to the licensing board of another state if such a board refused to consider or investigate the anonymous complaint; or (2) a complaint filed against the applicant that did not result in any disciplinary action taken against the applicant by the licensing board of another state.~~

~~Existing law also requires each holder of a license to practice medicine to register with the Board on or before June 30 of each odd-numbered year, and provides that each license issued will expire if not renewed. Existing law further requires each holder of a license to practice medicine, when registering with the Board, to submit a list of all actions filed or claims submitted for malpractice against him or her during the previous 2 years. (NRS 630.267) Section 8 of this bill provides that the holder of such a license does not need to report with his or her biennial registration: (1) an anonymous complaint submitted to the Board if the Board refused to consider the anonymous complaint; or (2) a complaint filed against the holder of such a license that did not result in any disciplinary action taken against the holder by the Board.]~~

Existing law requires persons who are licensed to practice medicine by the Board of Medical Examiners to make certain reports to the Board concerning surgeries requiring conscious sedation, deep sedation or general anesthesia which were performed by the holder of the license and the occurrence of any sentinel events arising from those surgeries. The Board is required to submit the reports to the Division of Public and Behavioral Health of the Department of Health and Human Services. (NRS 449.447, 630.30665) **Sections 8.5 and 10** ~~[and 12]~~ of this bill ~~[repeal]~~ **revise** these ~~[provisions.]~~ **reporting requirements.**

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

Section 1. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a licensee becomes incapable of keeping his or her office open because of death, disability, incarceration or any other incapacitation, the Board may take possession of the health care records kept by the licensee of his or her patients pursuant to NRS 629.051 to:

(a) Make a patient's health care records available to the patient either directly or through a third-party vendor; or

(b) Forward a patient's health care records to the patient's subsequent provider of health care.

2. A licensee shall post, in a conspicuous place in each location at which the licensee provides health care services, a sign which discloses to patients that their health care records may be accessed by the Board pursuant to subsection 1.

3. When a licensee provides health care services for a patient for the first time, the licensee shall deliver to the patient a written statement which discloses to the patient that the health care records of the patient may be accessed by the Board pursuant to subsection 1.

4. The Board shall adopt:

(a) Regulations prescribing the form, size, contents and placement of the sign and written statement required pursuant to this section; and

(b) Any other regulations necessary to carry out the provisions of this section.

5. As used in this section, "health care records" has the meaning ascribed to it in NRS 629.021.

Sec. 2. ~~[NRS 630.130 is hereby amended to read as follows:~~

~~630.130 1. In addition to the other powers and duties provided in this chapter, the Board shall, in the interest of the public, judiciously:~~

~~(a) Enforce the provisions of this chapter;~~

~~(b) Establish by regulation standards for licensure under this chapter;~~

~~(c) Conduct examinations for licensure and establish a system of scoring for those examinations;~~

~~(d) Investigate the character of each applicant for a license and issue licenses to those applicants who meet the qualifications set by this chapter and the Board; and~~

~~(e) Institute a proceeding in any court to enforce its orders or the provisions of this chapter.~~

~~2. On or before February 15 of each odd-numbered year, the Board shall submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling:~~

~~(a) Disciplinary action taken by the Board during the previous biennium against any licensee for malpractice or negligence;~~ ***and***

~~(b) Information reported to the Board during the previous biennium pursuant to NRS 630.3067, 630.3068, subsections 3 and 6 of NRS 630.307 and NRS 690B.250 and 690B.260.~~ ~~[~~, and

~~(c) Information reported to the Board during the previous biennium pursuant to NRS 630.30665, including, without limitation, the number and types of surgeries performed by each holder of a license to practice medicine and the occurrence of sentinel events arising from such surgeries, if any.~~]~~

~~→~~ ~~The report must include only aggregate information for statistical purposes and exclude any identifying information related to a particular person.~~

~~3. The Board may adopt such regulations as are necessary or desirable to enable it to carry out the provisions of this chapter.~~] **(Deleted by amendment.)**

Sec. 3. NRS 630.144 is hereby amended to read as follows:

630.144 1. The Board shall maintain a website on the Internet or its successor.

2. ~~[Except as otherwise provided in this section, a member or employee of the Board shall not place any information on the Internet website maintained by the Board without the approval of the Executive Director .~~ and the Board.~~ A member or employee of the Board shall submit any information proposed to be placed on the Internet website to the Executive Director for approval. Upon approving the proposal, the Executive Director shall present the proposal to the Board for approval at its next regularly scheduled meeting.~~]~~ ***The Board shall adopt policies and procedures for placing information on its Internet website.***

3. The Board shall place on its Internet website ***:*** ~~[, without having to approve the placement at a meeting:]~~

(a) Each application form for the issuance or renewal of a license issued by the Board pursuant to this chapter.

(b) A list of questions that are frequently asked concerning the processes of the Board and the answers to those questions.

(c) An alphabetical list, by last name, of each ~~[~~physician~~]~~ ***licensee*** and a brief description of each disciplinary action, if any, taken against the ~~[~~physician,~~]~~ ***licensee,*** in this State and elsewhere, which relates to ~~[~~the~~]~~ ***his or her*** practice ~~[~~of medicine~~]~~ and which is noted in the records of the Board. The Board shall include, as part of the list on the Internet website, the name of each ~~[~~physician~~]~~ ***licensee*** whose license has been revoked by the Board. The Board shall make the list on the Internet website easily accessible and user friendly for the public.

(d) All financial reports received by the Board.

(e) All financial reports prepared by the Board.

(f) Any other information that the Board is required to place on its Internet website pursuant to any other provision of law.

Sec. 3.5. **NRS 630.167 is hereby amended to read as follows:**

630.167 In addition to any other requirements set forth in this chapter, each applicant for a license to practice medicine, ***including, without limitation, an expedited license pursuant to NRS 630.1606 or 630.1607 or chapter 629A of NRS, and each applicant for a license*** to practice as a perfusionist, to practice as a physician assistant or to practice respiratory care shall submit to the Board a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. Any fees or costs charged by the Board for this service pursuant to NRS 630.268 are not refundable.

Sec. 4. ~~[~~NRS 630.173 is hereby amended to read as follows:

~~630.173 1. In addition to the other requirements for licensure, an applicant for a license to practice medicine shall submit to the Board information describing:~~

~~(a) Any claims made against the applicant for malpractice, whether or not a civil action was filed concerning the claim;~~

~~(b) [Any] *Except as otherwise provided in subsection 4, any* complaints filed against the applicant with a licensing board of another state [and] *that resulted in* any disciplinary action taken against the applicant by a licensing board of another state; and~~

~~(c) Any complaints filed against the applicant with a hospital, clinic or medical facility or any disciplinary action taken against the applicant by a hospital, clinic or medical facility.~~

~~2. The Board may consider any information specified in subsection 1 that is more than 10 years old if the Board receives the information from the applicant or any other source from which the Board is verifying the information provided by the applicant.~~

~~3. The Board may refuse to consider any information specified in subsection 1 that is more than 10 years old if the Board determines that the claim or complaint is remote or isolated and that obtaining or attempting to obtain a record relating to the information will unreasonably delay the consideration of the application.~~

~~4. *An applicant for a license to practice medicine is not required to submit:*~~

~~*(a) An anonymous complaint that the licensing board of another state refused to consider or investigate; or*~~

~~*(b) A complaint filed against the applicant that did not result in any disciplinary action taken against the applicant by the licensing board of another state.*~~

~~*5.* The Board shall not issue a license to the applicant until it has received all the information required by this section.]~~ **(Deleted by amendment.)**

Sec. 5. NRS 630.254 is hereby amended to read as follows:

630.254 1. Each licensee shall maintain a permanent mailing address with the Board to which all communications from the Board to the licensee must be sent. A licensee who changes his or her permanent mailing address shall notify the Board in writing of the new permanent mailing address within 30 days after the change. If a licensee fails to notify the Board in writing of a change in his or her permanent mailing address within 30 days after the change, the Board:

(a) ~~[Shall]~~ ***May*** impose upon the licensee a fine not to exceed $250; and

(b) May initiate disciplinary action against the licensee as provided pursuant to paragraph (j) of subsection 1 of NRS 630.306.

2. Any licensee who changes the location of his or her office in this State shall notify the Board in writing of the change before practicing at the new location.

3. Any licensee who closes his or her office in this State shall:

(a) Notify the Board in writing of this occurrence within 14 days after the closure; and

(b) For a period of 5 years thereafter, unless a longer period of retention is provided by federal law, keep the Board apprised in writing of the location of the medical records of the licensee's patients.

4. In addition to the requirements of subsection 1, any licensee who performs any of the acts described in subsection 3 of NRS 630.020 from outside this State or the United States shall maintain an electronic mail address with the Board to which all communications from the Board to the licensee may be sent.

Sec. 6. NRS 630.255 is hereby amended to read as follows:

630.255 1. Any licensee who changes the location of his or her practice of medicine from this State to another state or country, has never engaged in the practice of medicine in this State after licensure or has ceased to engage in the practice of medicine in this State for 12 consecutive months may be placed on inactive status by order of the Board.

2. Each inactive ~~[registrant]~~ ***licensee*** shall maintain a permanent mailing address with the Board to which all communications from the Board to the ~~[registrant]~~ ***licensee*** must be sent. An inactive ~~[registrant]~~ ***licensee*** who changes his or her permanent mailing address shall notify the Board in writing of the new permanent mailing address within 30 days after the change. If an inactive ~~[registrant]~~ ***licensee*** fails to notify the Board in writing of a change in his or her permanent mailing address within 30 days after the change, the Board ~~[shall]~~ ***may*** impose upon the ~~[registrant]~~ ***licensee*** a fine not to exceed $250.

3. In addition to the requirements of subsection 2, any licensee who changes the location of his or her practice of medicine from this State to another state or country ~~[and any inactive registrant]~~ shall maintain an electronic mail address with the Board to which all communications from the Board to him or her may be sent.

4. Before resuming the practice of medicine in this State, the inactive ~~[registrant]~~ ***licensee*** must:

(a) Notify the Board in writing of his or her intent to resume the practice of medicine in this State;

(b) File an affidavit with the Board describing the activities of the ~~[registrant]~~ ***licensee*** during the period of inactive status;

(c) Complete the form for registration for active status;

(d) Pay the applicable fee for biennial registration; and

(e) Satisfy the Board of his or her competence to practice medicine.

5. If the Board determines that the conduct or competence of the ~~[registrant]~~ ***licensee*** during the period of inactive status would have warranted denial of an application for a license to practice medicine in this State, the Board may refuse to place the ~~[registrant]~~ ***licensee*** on active status.

Sec. 7. NRS 630.258 is hereby amended to read as follows:

630.258 1. A physician who is retired from active practice and who:

(a) Wishes to donate his or her expertise for the medical care and treatment of persons in this State who are indigent, uninsured or unable to afford health care; or

(b) Wishes to provide services for any disaster relief operations conducted by a governmental entity or nonprofit organization,

➥ may obtain a special volunteer medical license by submitting an application to the Board pursuant to this section.

2. An application for a special volunteer medical license must be on a form provided by the Board and must include:

(a) Documentation of the history of medical practice of the physician;

(b) Proof that the physician previously has been issued an unrestricted license to practice medicine in any state of the United States and that the physician has never been the subject of disciplinary action by a medical board in any jurisdiction;

(c) Proof that the physician satisfies the requirements for licensure set forth in NRS 630.160 or the requirements for licensure by endorsement set forth in NRS 630.1605, 630.1606 or 630.1607;

(d) Acknowledgment that the practice of the physician under the special volunteer medical license will be exclusively devoted to providing medical care:

(1) To persons in this State who are indigent, uninsured or unable to afford health care; or

(2) As part of any disaster relief operations conducted by a governmental entity or nonprofit organization; and

(e) Acknowledgment that the physician will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for providing medical care under the special volunteer medical license, except for payment by a medical facility at which the physician provides volunteer medical services of the expenses of the physician for necessary travel, continuing education, malpractice insurance or fees of the State Board of Pharmacy.

3. If the Board finds that the application of a physician satisfies the requirements of subsection 2 and that the retired physician is competent to practice medicine, the Board must issue a special volunteer medical license to the physician.

4. The initial special volunteer medical license issued pursuant to this section expires 1 year after the date of issuance. The license may be renewed pursuant to this section, and any license that is renewed expires 2 years after the date of issuance ~~[.]~~ ***of the renewed license.***

5. The Board shall not charge a fee for:

(a) The review of an application for a special volunteer medical license; or

(b) The issuance or renewal of a special volunteer medical license pursuant to this section.

6. A physician who is issued a special volunteer medical license pursuant to this section and who accepts the privilege of practicing medicine in this

State pursuant to the provisions of the special volunteer medical license is subject to all the provisions governing disciplinary action set forth in this chapter.

7. A physician who is issued a special volunteer medical license pursuant to this section shall comply with the requirements for continuing education adopted by the Board.

Sec. 8. ~~[NRS 630.267 is hereby amended to read as follows:~~

~~630.267 1. Each holder of a license to practice medicine must, on or before June 30, or if June 30 is a Saturday, Sunday or legal holiday, on the next business day after June 30, of each odd-numbered year:~~

~~(a) [Submit] *Except as otherwise provided in subsection 2, submit* a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against him or her during the previous 2 years.~~

~~(b) Pay to the Secretary-Treasurer of the Board the applicable fee for biennial registration. This fee must be collected for the period for which a physician is licensed.~~

~~(c) Submit all information required to complete the biennial registration.~~

~~2. *A holder of a license to practice medicine is not required to submit with his or her biennial registration:*~~

~~*(a) An anonymous complaint that the Board refused to consider pursuant to subsection 1 of NRS 630.307; or*~~

~~*(b) A complaint filed against the holder of the license that did not result in any disciplinary action taken against the holder of the license by the Board.*~~

~~*3.* When a holder of a license fails to pay the fee for biennial registration and submit all information required to complete the biennial registration after they become due, his or her license to practice medicine in this State expires. The holder may, within 2 years after the date the license expires, upon payment of twice the amount of the current fee for biennial registration to the Secretary-Treasurer and submission of all information required to complete the biennial registration and after he or she is found to be in good standing and qualified under the provisions of this chapter, be reinstated to practice.~~

~~[3.] *4.* The Board shall make such reasonable attempts as are practicable to notify a licensee:~~

~~(a) At least once that the fee for biennial registration and all information required to complete the biennial registration are due; and~~

~~(b) That his or her license has expired.~~

~~A copy of this notice must be sent to the Drug Enforcement Administration of the United States Department of Justice or its successor agency.]~~ **(Deleted by amendment.)**

Sec. 8.5. **NRS 630.30665 is hereby amended to read as follows:**

630.30665 1. The Board shall require each holder of a license to practice medicine to submit to the Board, on a form provided by the Board, a report stating the number and type of surgeries requiring conscious sedation,

deep sedation or general anesthesia performed by the holder of the license at his or her office or any other facility, excluding any surgical care performed:

(a) At a medical facility as that term is defined in NRS 449.0151; or

(b) Outside of this State.

2. ~~[In addition to the report required pursuant to subsection 1, the Board shall require each holder of a license to practice medicine to submit a report to the Board concerning the occurrence of any sentinel event arising from any surgery described in subsection 1. The report must be submitted in the manner prescribed by the Board which must be substantially similar to the manner prescribed by the State Board of Health for reporting information pursuant to NRS 439.835.~~

~~3. Each holder of a license to practice medicine shall submit the reports required pursuant to subsections 1 and 2:~~

~~(a) At the time the holder of a license renews his or her license; and~~

~~(b) Whether or not the holder of the license performed any surgery described in subsection 1. Failure to submit a report or knowingly or willfully filing false information in a report constitutes grounds for initiating disciplinary action pursuant to paragraph (i) of subsection 1 of NRS 630.306.~~

~~4. In addition to the reports required pursuant to subsections 1 and 2, the]~~ ***The*** Board shall require each holder of a license to practice medicine to submit a report to the Board concerning the occurrence of any sentinel event arising from any surgery described in subsection 1 within 14 days after the occurrence of the sentinel event. The report must be submitted in the manner prescribed by the Board.

~~[5.]~~ ***3.*** The Board shall:

(a) Collect and maintain reports received pursuant to subsections 1 ~~[,]~~ ***and*** 2 ~~[and 4;]~~ ***; and***

(b) Ensure that the reports, and any additional documents created from the reports, are protected adequately from fire, theft, loss, destruction and other hazards, and from unauthorized access ***.*** ~~[; and~~

~~(c) Submit to the Division of Public and Behavioral Health a copy of the report submitted pursuant to subsection 1. The Division shall maintain the confidentiality of such reports in accordance with subsection 6.~~

~~6.]~~ ***4.*** Except as otherwise provided in NRS 239.0115, a report received pursuant to subsection 1 ~~[,]~~ ***or*** 2 ~~[or 4]~~ is confidential, not subject to subpoena or discovery, and not subject to inspection by the general public.

~~[7.]~~ ***5.*** The provisions of this section do not apply to surgical care requiring only the administration of oral medication to a patient to relieve the patient's anxiety or pain, if the medication is not given in a dosage that is sufficient to induce in a patient a controlled state of depressed consciousness or unconsciousness similar to general anesthesia, deep sedation or conscious sedation.

~~[8.]~~ ***6.*** In addition to any other remedy or penalty, if a holder of a license to practice medicine fails to submit a report or knowingly or willfully files false information in a report submitted pursuant to this section, the Board

may, after providing the holder of a license to practice medicine with notice and opportunity for a hearing, impose against the holder of a license to practice medicine an administrative penalty for each such violation. The Board shall establish by regulation a sliding scale based on the severity of the violation to determine the amount of the administrative penalty to be imposed against the holder of the license pursuant to this subsection. The regulations must include standards for determining the severity of the violation and may provide for a more severe penalty for multiple violations.

~~[9.]~~ ***7.*** As used in this section:

(a) "Conscious sedation" has the meaning ascribed to it in NRS 449.436.

(b) "Deep sedation" has the meaning ascribed to it in NRS 449.437.

(c) "General anesthesia" has the meaning ascribed to it in NRS 449.438.

(d) "Sentinel event" has the meaning ascribed to it in NRS 439.830.

Sec. 9. ~~[NRS 239.010 is hereby amended to read as follows:~~

~~239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350,~~

~~425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, [630.30665,] 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.~~

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

~~3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to~~

~~inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.~~

~~4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:~~

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

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

Sec. 10. NRS 449.447 is hereby amended to read as follows:

449.447 1. If an office of a physician or a facility that provides health care, other than a medical facility, violates the provisions of NRS 449.435 to 449.448, inclusive, or the regulations adopted pursuant thereto, or fails to correct a deficiency indicated in a report pursuant to NRS 449.446, the Division, in accordance with the regulations adopted pursuant to NRS 449.448, may take any of the following actions:

(a) Decline to issue or renew a permit;

(b) Suspend or revoke a permit; or

(c) Impose an administrative penalty of not more than $1,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum.

2. The Division may review a report submitted pursuant to NRS ~~[630.30665 or]~~ 633.524 to determine whether an office of a physician or a facility is in violation of the provisions of NRS 449.435 to 449.448, inclusive, or the regulations adopted pursuant thereto. If the Division determines that such a violation has occurred, the Division shall immediately notify the ~~[appropriate professional licensing board of the physician.]~~ ***State Board of Osteopathic Medicine.***

3. If a surgical center for ambulatory patients violates the provisions of NRS 449.435 to 449.448, inclusive, or the regulations adopted pursuant thereto, or fails to correct a deficiency indicated in a report pursuant to NRS 449.446, the Division may impose administrative sanctions pursuant to NRS 449.163.

Sec. 11. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 12. ~~[NRS 630.30665 is hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 13. This act becomes effective on July 1, 2017.

~~[~~

~~TEXT OF REPEALED SECTION~~

~~630.30665 Physician required to report certain information concerning surgeries and sentinel events; disciplinary action or fine for failure to report or false report; duties of Board; confidentiality of report; applicability; regulations.~~

~~1. The Board shall require each holder of a license to practice medicine to submit to the Board, on a form provided by the Board, a report stating the number and type of surgeries requiring conscious sedation, deep sedation or general anesthesia performed by the holder of the license at his or her office or any other facility, excluding any surgical care performed:~~

~~(a) At a medical facility as that term is defined in NRS 449.0151; or~~

~~(b) Outside of this State.~~

~~2. In addition to the report required pursuant to subsection 1, the Board shall require each holder of a license to practice medicine to submit a report to the Board concerning the occurrence of any sentinel event arising from any surgery described in subsection 1. The report must be submitted in the manner prescribed by the Board which must be substantially similar to the manner prescribed by the State Board of Health for reporting information pursuant to NRS 439.835.~~

~~3. Each holder of a license to practice medicine shall submit the reports required pursuant to subsections 1 and 2:~~

~~(a) At the time the holder of a license renews his or her license; and~~

~~(b) Whether or not the holder of the license performed any surgery described in subsection 1. Failure to submit a report or knowingly or willfully filing false information in a report constitutes grounds for initiating disciplinary action pursuant to paragraph (i) of subsection 1 of NRS 630.306.~~

~~4. In addition to the reports required pursuant to subsections 1 and 2, the Board shall require each holder of a license to practice medicine to submit a report to the Board concerning the occurrence of any sentinel event arising from any surgery described in subsection 1 within 14 days after the occurrence of the sentinel event. The report must be submitted in the manner prescribed by the Board.~~

~~5. The Board shall:~~

~~(a) Collect and maintain reports received pursuant to subsections 1, 2 and 4;~~

~~(b) Ensure that the reports, and any additional documents created from the reports, are protected adequately from fire, theft, loss, destruction and other hazards, and from unauthorized access; and~~

~~(c) Submit to the Division of Public and Behavioral Health a copy of the report submitted pursuant to subsection 1. The Division shall maintain the confidentiality of such reports in accordance with subsection 6.~~

~~6. Except as otherwise provided in NRS 239.0115, a report received pursuant to subsection 1, 2 or 4 is confidential, not subject to subpoena or discovery, and not subject to inspection by the general public.~~

~~7. The provisions of this section do not apply to surgical care requiring only the administration of oral medication to a patient to relieve the patient's anxiety or pain, if the medication is not given in a dosage that is sufficient to induce in a patient a controlled state of depressed consciousness or unconsciousness similar to general anesthesia, deep sedation or conscious sedation.~~

~~8. In addition to any other remedy or penalty, if a holder of a license to practice medicine fails to submit a report or knowingly or willfully files false information in a report submitted pursuant to this section, the Board may, after providing the holder of a license to practice medicine with notice and opportunity for a hearing, impose against the holder of a license to practice medicine an administrative penalty for each such violation. The Board shall establish by regulation a sliding scale based on the severity of the violation to determine the amount of the administrative penalty to be imposed against the holder of the license pursuant to this subsection. The regulations must include standards for determining the severity of the violation and may provide for a more severe penalty for multiple violations.~~

~~9. As used in this section:~~

~~(a) "Conscious sedation" has the meaning ascribed to it in NRS 449.436.~~

~~(b) "Deep sedation" has the meaning ascribed to it in NRS 449.437.~~

~~(c) "General anesthesia" has the meaning ascribed to it in NRS 449.438.~~

~~(d) "Sentinel event" has the meaning ascribed to it in NRS 439.830.~~**]**

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 348.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 473.

AN ACT relating to education; requiring the board of trustees of each school district to establish an evidence-based, age-appropriate and medically accurate course of instruction in sex education; **requiring each board of trustees to submit an annual report concerning such a course of instruction to the Legislature;** requiring the Council to Establish Academic Standards for Public Schools to establish standards of content and performance for a course of instruction in sex education as part of a course of study in health; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of a school district to establish a course or unit of a course of instruction concerning acquired immune

deficiency syndrome, the human reproductive system, related communicable diseases and sexual responsibility which must be taught by a teacher ~~[or]~~ **, other professional educator** or school nurse whose qualifications have been approved by the board of trustees. **(NRS 389.036) Section 1.5 of this bill authorizes the board of trustees of a school district to approve a person other than a teacher, professional educator or school nurse to teach a course of instruction in sex education in certain circumstances.**

Existing law requires notice to be given to a parent or guardian of a pupil to whom a course of instruction in sex education will be offered and requires the school district to provide a form for the parent or guardian of a pupil to provide written permission for the pupil to participate in the course of instruction. (NRS 389.036) Section 1.5 of this bill authorizes a school district to make this form available on a secure Internet website and requires the form to include an option for a parent or guardian of a pupil to provide permission for the pupil to participate in a course of sex education: (1) for that school year only; or (2) for as long as the pupil is enrolled in the school district. Section 1.5 also requires a school district to follow up with a parent or guardian and provide certain information to the parent or guardian if the form is not returned to the school district within 2 weeks.

Existing law further requires the board of trustees **of a school district** to appoint an advisory committee to advise the district concerning the content ~~[of]~~ and materials to be used in ~~[such]~~ a course of instruction ~~[and requires the parent or legal guardian of a pupil to consent in writing before the pupil may participate in the course.]~~ **relating to sex education.** (NRS 389.036) **Section** ~~[1]~~ **1.5** of this bill instead requires the board of trustees of each school district to establish a course of instruction in sex education which is factual and prescribes the topics which must be included in the course of instruction. **Section** ~~[1]~~ **1.5** also requires that the course of instruction in sex education be age-appropriate for the pupils who receive the instruction, evidence-based and, as applicable, medically accurate**.** ~~[and allows a person approved by the board of trustees to be an instructor of such a course if the person demonstrates a certain level of competency. Section 1 additionally revises the composition of the membership of the advisory committee and revises the qualifications which authorize a person to teach a course of instruction in sex education. Section 1 requires the notice given to a parent or guardian of a pupil to whom a course of instruction in sex education will be offered to include a form that allows the parent or guardian to opt the pupil out of the course of instruction.]~~

Existing law requires the Council to Establish Academic Standards for Public Schools to establish standards of content and performance for certain courses of study, including, without limitation, health. (NRS 389.520) **Section 2** of this bill requires the Council to establish standards of content and performance for the course of instruction in sex education required by **section** ~~[1]~~ **1.5** as part of such a course of study in health.

Section 1 of this bill requires the board of trustees of each school district to submit an annual report on the status of the establishment of a course of instruction in sex education in the district to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Education.

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

Section 1. **Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in subsection 4, on or before July 1 of each year, the board of trustees of a school district shall prepare and submit a report on the status of the establishment of a course of instruction in sex education pursuant to NRS 389.036 to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Education.

2. The report submitted pursuant to subsection 1 must include, without limitation, the following information relating to sex education, categorized by school and grade level:

(a) The number of pupils who participated in a course of instruction in sex education;

(b) The number of pupils who did not participate in a course of instruction in sex education based on the choice of the parent or guardian of the pupil; and

(c) The number of pupils who did not participate in a course of instruction in sex education based on the failure of the parent or guardian of the pupil to provide the consent required pursuant to NRS 389.036.

3. The report must also include the total number of hours of instruction and the content of the curriculum for a course of instruction in sex education which was taught in each grade level in the school district, if the curriculum of the school district relating to sex education was taught in one grade level, the report may indicate that the curriculum was taught at that grade level only.

4. If only a portion of the curriculum of the school district relating to sex education was taught, the report must indicate which portion of the curriculum was not taught and the reason for its exclusion.

5. If an alternative curriculum relating to sex education was used by the school district, the report must include a copy of the alternative curriculum or a
link to the Internet website which includes such curriculum and an explanation of the reason for using the alternative curriculum.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 389.036 is hereby amended to read as follows:

389.036 1. The board of trustees of ~~[a]~~ ***each*** school district shall establish ~~[a course or unit of]~~ a course of ~~[:~~

~~(a) Factual~~ instruction ~~[~~concerning acquired~~]~~ ***in sex education which is factual. The course of instruction must comply with the standards of content and performance for a course of study in health established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520 and must be age-appropriate for the pupils who receive the instruction. Based upon the grade level of pupils designated by the board of trustees, the course of instruction must include evidence-based and, as applicable, medically accurate information regarding:***

(a) Acquired immune deficiency syndrome ~~[; and]~~ ***, including the human immunodeficiency virus;***

(b) ~~[Instruction on the]~~ ***The*** human reproductive system, ~~[related communicable]~~ ***including, without limitation, anatomy and physiology, puberty, pregnancy, parenting, body image, gender stereotypes and the biological, psychosocial and emotional changes that accompany maturation;***

(c) Communicable diseases ~~[and sexual responsibility.]~~ ***that are known to be sexually transmitted, including, without limitation, the proper use and effectiveness of methods to avoid such diseases, and the availability, effectiveness and safety of any vaccinations, tests and treatments for such diseases;***

(d) Forms of domestic violence, sexual abuse, sexual assault, exploitation and human trafficking, including, without limitation, information relating to the prevention of these forms of violence and local resources and crisis centers which are available to victims;

(e) The development of skills necessary to promote sexual responsibility, including, without limitation, the skills to:

(1) Assist pupils in setting and meeting goals;

(2) Identify the characteristics of a healthy relationship;

(3) Negotiate;

(4) Communicate with parents and family;

(5) Refuse unwanted sexual advances or activity; and

(6) Obtain and provide affirmative consent before engaging in sexual activity.

(f) Methods of contraception which may be used to prevent pregnancy, including, without limitation, the proper use, effectiveness, safety, health benefits and side effects of each method of contraception;

(g) All options authorized by law for family planning in the event of a pregnancy;

(h) The importance of abstinence as the most effective method of preventing an unwanted pregnancy and sexually transmitted diseases;

(i) The identification and explanation of available counseling and legal and medical information concerning health services, including, without limitation, resources to assist pupils with addressing and escaping a violent or exploitative relationship, effective and safe methods of contraception

and contraceptive devices, and screening and treatment for sexually transmitted diseases and other related communicable diseases;

(j) The effects of alcohol and drug use on responsible decision making;

(k) Data to counter misinformation about and the effects of peer pressure and of social and other media on the thoughts, feelings and behaviors of a pupil that are related to sexuality and sexual behavior; and

(l) The state and federal laws relating to consent, the age of consent, statutory rape, the electronic transmission of sexual images prohibited by NRS 200.737 and any other legal issues relevant to sex education.

2. ***The board of trustees shall periodically revise the content of the course of instruction established pursuant to subsection 1 as necessary to ensure that the content is current, age-appropriate and, as applicable, medically accurate.***

3. The course of instruction established pursuant to subsection 1 must:

(a) Use methods of teaching and include materials which are appropriate for a pupil of any race, sex, gender identity or expression, sexual orientation or ethnic or cultural background or a pupil who is an English learner or who is a pupil with a physical or mental disability;

(b) Appropriately prepare pupils who have or are currently engaged in sexual activity and pupils who may engage in sexual activity in the future; and

(c) Recognize the different sexual orientations and be inclusive of persons of all sexual orientations in any examples which may be provided to pupils.

4. Each board of trustees shall appoint an advisory committee consisting of:

(a) Five parents of children who attend schools ***~~[a school]~~*** in the district; and

(b) ***~~[Two pupils who attend school in the district;~~***

~~(c)]~~ Four representatives, one from each of four of the following professions ***~~[,]~~*** or occupations : ***~~[or backgrounds:]~~***

(1) Medicine or nursing;

(2) Counseling;

(3) Religion ; ***~~[or spirituality; and]~~***

(4) Pupils who attend schools in the district; or

(5) Teaching .

[~~➥ This~~ ***~~; and~~***

~~(d) Not more than three members who are representatives of the community, if the board of trustees so chooses.]~~

5. The advisory committee ***appointed pursuant to subsection 4*** shall advise the **[**~~district~~**]** ***board of trustees*** concerning ***all aspects of*** the ***course of instruction established pursuant to this section, including, without limitation:***

(a) Instructors who have demonstrated an appropriate level of competency to teach an evidence-based, age-appropriate and medically accurate course of instruction in sex education;

(b) The content of and materials to be used in ~~[a]~~ ***the*** course of instruction ***;*** ~~[established pursuant to this section,]~~ and ~~[the recommended]~~

(c) The ages of the pupils to whom ***each subject of*** the course ~~[is]~~ ***of instruction may be*** offered.

6. The final decision on ~~[these matters]~~ ***the course of instruction established pursuant to subsection 1*** must be that of the board of trustees.

~~[3.]~~ ***7.*** ~~[The]~~ ***Except as otherwise provided in this subsection, the*** subjects of the ~~[courses]~~ ***course of instruction established pursuant to subsection 1*** may be taught only by a teacher ~~[or]~~ ***, other professional educator ~~[,]~~ or*** school nurse ***.*** ~~[whose qualifications have been previously approved by the board of trustees.~~

~~4. *or other instructor approved by the board of trustees who demonstrates the same level of competency to teach an evidence-based, age-appropriate and medically accurate course of instruction in sex education.]*~~ ***If a school does not have a sufficient number of teachers, other professional educators or school nurses to teach the course of instruction established pursuant to subsection 1 or does not have adequate funds to hire such a person to teach the course of instruction, the board of trustees of the school district may approve another person whom it determines to have an appropriate level of competency to teach the course of instruction.***

8. The parent or guardian of each pupil to whom a course ~~[of instruction]~~ is offered ~~[*pursuant to this section*]~~ must first be furnished written notice that the course ***of instruction*** will be offered. ~~[The]~~ ***Except as otherwise provided in subsection 9, the*** notice must be given in the usual manner used by the local district to transmit written material to parents, and must contain ~~[*include*]~~ a form for the signature of ~~*[to allow]*~~ the parent or guardian of the pupil consenting to ~~*[opt]*~~ the pupil's attendance. Upon receipt of the written consent of the parent or guardian, the pupil may attend ~~*[out of]*~~ the course ~~*[. of instruction.]*~~ ***during the school year in which consent was provided by the parent or guardian of the pupil or during any school year in which the pupil is enrolled in the school district, depending on the permission granted by the parent or guardian on the form.*** If the written consent of the parent or guardian is not received, ~~*[opts the pupil out of the course of instruction,]*~~ the pupil must be excused from such attendance ~~*[attending the course of instruction]*~~ without any penalty as to credits or academic standing. Any course ~~*[of instruction]*~~ offered pursuant to this section is not a requirement for graduation.

~~[5.]~~ ***9. The form required to be provided to a parent or guardian of a pupil pursuant to subsection 8:***

(a) May be made available on the secure Internet website of the school district for the electronic signature of the parent or guardian and may be included with any on-line registration to register a child with a school.

(b) Must allow the parent or guardian of a pupil to consent to the pupil attending a course of instruction pursuant to this section during:

(1) The school year in which the consent is provided; or

(2) Any school year in which the pupil is enrolled in the school district.

(c) Must include a notification that consent may be revoked at any time and regardless of how consent is provided, the parent or guardian will receive written notice pursuant to subsection 8 when a course of instruction established pursuant to subsection 1 will be offered.

10. If the form provided to a parent or guardian of a pupil pursuant to subsection 8 is not returned within 2 weeks, the school district must contact the parent or guardian to inform the parent or guardian that:

(a) The form was provided for the parent or guardian of a pupil to consent to the pupil attending a course of instruction in sex education; and

(b) The parent or guardian may complete the form at the school of the pupil or electronically, if available.

11. All instructional materials to be used in a course ***of instruction established pursuant to this section*** must be available for inspection by parents or guardians of pupils at reasonable times and locations before the course is taught, and appropriate written notice of the availability of the material must be furnished to all parents and guardians.

~~[10.]~~ 12. As used in this section:

(a) "Age-appropriate" means designed to teach concepts, information and skills based on the social, cognitive, emotional and experience level of most pupils of a particular age.

(b) "Evidence-based" means ~~[programs or information that have been proven in at least one evaluation to have a positive outcome on behavior.]~~ that a program has been proven effective on the basis of rigorous scientific research and evaluation and has been identified through a systematic independent review.

(c) "Gender identity or expression" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.

(d) "Medically accurate" means:

(1) Verified or supported by current or prevailing scientific evidence;

(2) Published by peer-reviewed scientific or medical journals; or

(3) Recognized as accurate and objective by a professional organization or agency, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the American Academy of Pediatrics, the American Public Health Association or the American Congress of Obstetricians and Gynecologists.

(e) "Sex education" means a sexuality education program that builds a foundation of knowledge and skills relating to human development,

relationships, decision making, abstinence, contraception, family planning and disease prevention.

(f) "Sexual orientation" means having or being perceived as having a particular orientation within the continuum of sexual orientation, including, without limitation, heterosexuality, homosexuality and bisexuality.

Sec. 2. NRS 389.520 is hereby amended to read as follows:

389.520 1. The Council shall:

(a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, for the grade levels set forth in subsection 4, based upon the content of each course, that is expected of pupils for the following courses of study:

(1) English language arts;

(2) Mathematics;

(3) Science;

(4) Social studies, which includes only the subjects of history, geography, economics and government;

(5) The arts;

(6) Computer education and technology;

(7) Health ~~[.]~~ ***, including, without limitation, the course of instruction in sex education required by NRS 389.065;***

(8) Physical education; and

(9) A foreign or world language.

(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include, without limitation, the review required pursuant to NRS 390.115 of the results of pupils on the examinations administered pursuant to NRS 390.105.

(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.

2. The standards for computer education and technology must include a policy for the ethical, safe and secure use of computers and other electronic devices. The policy must include, without limitation:

(a) The ethical use of computers and other electronic devices, including, without limitation:

(1) Rules of conduct for the acceptable use of the Internet and other electronic devices; and

(2) Methods to ensure the prevention of:

(I) Cyber-bullying;

(II) Plagiarism; and

(III) The theft of information or data in an electronic form;

(b) The safe use of computers and other electronic devices, including, without limitation, methods to:

(1) Avoid cyber-bullying and other unwanted electronic communication, including, without limitation, communication with on-line predators;

(2) Recognize when an on-line electronic communication is dangerous or potentially dangerous; and

(3) Report a dangerous or potentially dangerous on-line electronic communication to the appropriate school personnel;

(c) The secure use of computers and other electronic devices, including, without limitation:

(1) Methods to maintain the security of personal identifying information and financial information, including, without limitation, identifying unsolicited electronic communication which is sent for the purpose of obtaining such personal and financial information for an unlawful purpose;

(2) The necessity for secure passwords or other unique identifiers;

(3) The effects of a computer contaminant;

(4) Methods to identify unsolicited commercial material; and

(5) The dangers associated with social networking Internet sites; and

(d) A designation of the level of detail of instruction as appropriate for the grade level of pupils who receive the instruction.

3. The standards for social studies must include multicultural education, including, without limitation, information relating to contributions made by men and women from various racial and ethnic backgrounds. The Council shall consult with members of the community who represent the racial and ethnic diversity of this State in developing such standards.

4. The Council shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English language arts and mathematics. The Council shall establish standards of content and performance for the grade levels selected by the Council for the other courses of study prescribed in subsection 1.

5. The Council shall forward to the State Board the standards of content and performance established by the Council for each course of study. The State Board shall:

(a) Adopt the standards for each course of study, as submitted by the Council; or

(b) If the State Board objects to the standards for a course of study or a particular grade level for a course of study, return those standards to the Council with a written explanation setting forth the reason for the objection.

6. If the State Board returns to the Council the standards of content and performance for a course of study or a grade level, the Council shall:

(a) Consider the objection provided by the State Board and determine whether to revise the standards based upon the objection; and

(b) Return the standards or the revised standards, as applicable, to the State Board.

➥ The State Board shall adopt the standards of content and performance or the revised standards, as applicable.

7. The Council shall work in cooperation with the State Board to prescribe the examinations required by NRS 390.105.

8. As used in this section:

(a) "Computer contaminant" has the meaning ascribed to it in NRS 205.4737.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Electronic communication" has the meaning ascribed to it in NRS 388.124.

Sec. 2.3. **The report of the board of trustees of a school district required pursuant to section 1 of this act for the 2016-2017 school year must be submitted to the Director of the Legislative Counsel Bureau on or before October 1, 2017.**

Sec. 2.7. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 3. This act becomes effective on July 1, 2017.

Assemblyman Thompson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 354.

Bill read second time.

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

Amendment No. 547.

SUMMARY—Revises provisions relating to employment practices. (BDR ~~[53-275)]~~ **18-275)**

AN ACT relating to employment; ~~[requiring the Employment Security Division of the Department of Employment, Training and Rehabilitation to request a person filing for unemployment compensation to provide certain demographic information to the Division; requiring the Administrator of the Division to gather and report certain data to the Office of Economic Development and to the Director of the Legislative Counsel Bureau; requiring the Administrator to make such data available to persons who provide certain workforce recruitment, assessment and training programs;]~~ **requiring the Director of the Department of Employment, Training and Rehabilitation to provide certain reports on the rate of unemployment of residents in this State to the Director of the Legislative Counsel Bureau; requiring the Governor's Workforce Investment Board to conduct certain activities to reduce the rate of unemployment for certain groups; requiring the Executive Director of the Office of Workforce Innovation to submit each year a report containing certain information;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law prescribes the procedure for a person to file a claim for benefits with respect to his or her unemployment. (NRS 612.450-612.533) Section 2 of this bill requires the Employment Security Division of the Department of Employment, Training and Rehabilitation to request a person who files such a claim to indicate his or her race, gender and any other demographic information required by the Division. Section 3 of this bill requires the Administrator of the Division to gather aggregate unemployment data concerning the demographic groups identified by the form provided pursuant to section 2 and report such data to the Office of Economic Development and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature. Section 2 of this bill also requires the Administrator to provide such data to a person who wishes to provide workforce recruitment, assessment and training programs in this State.]~~

Existing law requires the Director of the Department of Employment, Training and Rehabilitation to: (1) organize the Department of Employment, Training and Rehabilitation into divisions; (2) provide the Director of the Department of Administration with a list of organizations and agencies in this State whose primary purpose is the training and employment of persons with disabilities; (3) direct the divisions of the Department to share information in their records with certain local governments; and (4) provide certain employment and wage information to the Board of Regents of the University of Nevada. (NRS 232.920) Section 5 of this bill requires the Director to provide the Director of the Legislative Counsel Bureau a written report each quarter containing the rate of unemployment of residents of this State by county. Section 5 additionally requires such a report to disaggregate the rate of unemployment by demographic information, which includes age, race and gender, for each county.

Existing law creates the Governor's Workforce Investment Board and requires the Board to conduct certain duties. (NRS 232.935) Section 6 of this bill requires the Board to: (1) receive reports created pursuant to section 5; (2) require all applicable agencies which provide workforce development services to coordinate efforts and resources to reduce, in certain situations, the rate of unemployment for certain groups; and (3) provide a written report each year to the Director and the Director of the Legislative Counsel Bureau describing the efforts to reduce the rate of unemployment for certain groups.

Existing law requires the P-20W Advisory Council to develop and oversee a statewide longitudinal data system that links data relating to early childhood education programs and K-12 public education with data relating to postsecondary education and the workforce in this State. (NRS 400.040) Section 20 of Senate Bill No. 516 of this session moves the responsibility for the oversight of the State's statewide longitudinal data system from the P-20W Advisory Council to the Executive Director of

the Office of Workforce Innovation. Section 6.5 of this bill requires the Executive Director of the Office of Workforce Innovation, on or before January 1 of each year, to submit to the Director of the Legislative Counsel Bureau a written report that includes the most current data and reports produced by the statewide longitudinal data system.

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

Section 1. ~~[Chapter 612 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[*1. The Division shall request from a person filing a claim for benefits information concerning the person's race, gender and any other demographic information required to be provided by the Division.*~~

~~*2. Any person filing a claim for benefits may, at the time the person files his or her claim, indicate his or her race, gender and any other demographic information required by the Division.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~[*1. The Administrator shall, for each calendar quarter, gather aggregate unemployment data concerning women, racial minorities and any other demographic groups for which the Division obtains information pursuant to section 2 of this act, including, without limitation, data concerning benefits paid to such groups, and report such data to the Office of Economic Development and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.*~~

~~*2. The Administrator shall make any data reported pursuant to subsection 1 available to a person who wishes to provide a program of workforce recruitment, assessment and training pursuant to NRS 231.1467.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 612.450 is hereby amended to read as follows:~~

~~[612.450 Claims for benefits shall be made in the manner prescribed by or authorized by NRS 612.455 to 612.530, inclusive,]~~***and section 2 of this act*** ~~and in no other way.]~~ **(Deleted by amendment.)**

Sec. 5. **NRS 232.920 is hereby amended to read as follows:**

232.920 The Director:

1. Shall:

(a) Organize the Department into divisions and other operating units as needed to achieve the purposes of the Department;

(b) Upon request, provide the Director of the Department of Administration with a list of organizations and agencies in this State whose primary purpose is the training and employment of persons with disabilities;

(c) Except as otherwise provided by a specific statute, direct the divisions to share information in their records with agencies of local governments which are responsible for the collection of debts or obligations if the

confidentiality of the information is otherwise maintained under the terms and conditions required by law; ~~[and]~~

(d) Provide the employment and wage information to the Board of Regents of the University of Nevada for purposes of the reporting required of the Board of Regents by subsection 4 of NRS 396.531 ~~[.]~~ ***; and***

(e) Provide to the Director of the Legislative Counsel Bureau a written report each quarter containing the rate of unemployment of residents of this State by county and, for each county, the rate of unemployment disaggregated by demographic information, including, without limitation, age, race and gender. The Director of the department shall:

(1) Post on the Internet website of the Department the report required by this paragraph;

(2) Provide the report to the Governor's Workforce Investment Board and all applicable agencies for the purposes of subsection 5 of NRS 232.935; and

(3) Post on the Internet website of the Department the written report provided by the Governor's Workforce Investment Board pursuant to subsection 5 of NRS 232.935.

2. Is responsible for the administration, through the divisions of the Department, of the provisions of NRS 426.010 to 426.720, inclusive, 426.740, 426.790 and 426.800, and chapters 612 and 615 of NRS, and all other provisions of law relating to the functions of the Department and its divisions, but is not responsible for the professional line activities of the divisions or other operating units except as otherwise provided by specific statute.

3. May employ, within the limits of legislative appropriations, such staff as is necessary for the performance of the duties of the Department.

Sec. 6. **NRS 232.935 is hereby amended to read as follows:**

232.935 1. In appointing members of the Governor's Workforce Investment Board, the Governor shall ensure that the membership as a whole represents:

(a) Industry sectors which are essential to this State and which are driven primarily by demand;

(b) Communities and areas of economic development which are essential to this State; and

(c) The diversity of the workforce of this State, including, without limitation, geographic diversity and the diversity within regions of this State.

2. The Governor's Workforce Investment Board shall:

(a) Identify:

(1) Industry sectors which are essential to this State; and

(2) The region or regions of this State where the majority of the operations of each of those industry sectors is conducted.

(b) Establish:

(1) Regional goals for economic development for each of the industry sectors identified pursuant to paragraph (a); and

(2) A council for each industry sector.

(c) Consider and develop programs to promote:

(1) Strategies to improve labor markets for industries and regions of this State, including, without limitation, improving the availability of relevant information;

(2) Coordination of the efforts of relevant public and private agencies and organizations;

(3) Strategies for providing funding as needed by various industry sectors;

(4) Increased production capacities for various industry sectors;

(5) The development of useful measurements of performance and outcomes in various industry sectors;

(6) Participation by and assistance from state and local government agencies;

(7) Expanded market penetration, including, without limitation, by providing assistance to employers with small numbers of employees;

(8) Partnerships between labor and management;

(9) Business associations;

(10) The development of improved instructional and educational resources for employers and employees; and

(11) The development of improved economies of scale, as applicable, in industry sectors.

3. Each industry sector council established pursuant to subparagraph (2) of paragraph (b) of subsection 2:

(a) Must be composed of representatives from:

(1) Employers within that industry;

(2) Organized labor within that industry;

(3) Universities and community colleges; and

(4) Any other relevant group of persons deemed to be appropriate by the Board.

(b) Shall, within the parameters set forth in the American Recovery and Reinvestment Act of 2009 or the parameters of any other program for which the federal funding is available, identify job training and education programs which the industry sector council determines to have the greatest likelihood of meeting the regional goals for economic development established for that industry sector pursuant to subparagraph (1) of paragraph (b) of subsection 2.

4. The Board shall:

(a) Identify and apply for federal funding available for the job training and education programs identified pursuant to paragraph (b) of subsection 3;

(b) Consider and approve or disapprove applications for money;

(c) Provide and administer grants of money to industry sector councils for the purpose of establishing job training and education programs in industry sectors for which regional goals for economic development have been established pursuant to subparagraph (1) of paragraph (b) of subsection 2; and

(d) Adopt regulations establishing:

(1) Guidelines for the submission and review of applications to receive grants of money from the Department; and

(2) Criteria and standards for the eligibility for and use of any grants made pursuant to paragraph (c).

➥ Except as otherwise required as a condition for federal funding, the regulations required by this subsection must give priority to job training and education programs that are consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053.

5. ***The Board shall:***

(a) Receive reports from the Director pursuant to paragraph (e) of subsection 1 of NRS 232.920;

(b) Require all applicable agencies which provide workforce development services to coordinate efforts and resources to reduce the rate of unemployment for a demographic group contained in the report provided pursuant to paragraph (e) of subsection 1 of NRS 232.920 if, for that demographic group, the rate of unemployment for the group:

(1) Is 200 percent or more of the rate of unemployment for the applicable county as a whole;

(2) Is 4 or more percentage points higher than the rate of unemployment for the applicable county as a whole; or

(3) Has been higher than the rate of unemployment for the applicable county as a whole for 3 or more consecutive years; and

(c) Provide a written report each year to the Director of the Department and the Director of the Legislative Counsel Bureau describing the efforts made by the Board and all applicable agencies to comply with paragraph (b).

6. In carrying out its powers and duties pursuant to this section, the Board shall consult with the Executive Director of the Office of Economic Development and shall cooperate with the Executive Director in implementing the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053.

~~[6.]~~ ***7.*** As used in this section, "industry sector" means a group of employers closely linked by common products or services, workforce needs, similar technologies, supply chains or other economic links.

Sec. 6.5. **Section 20 of Senate Bill No. 516 of this session is hereby amended to read as follows:**

Sec. 20. The Executive Director of the Office of Workforce Innovation shall:

1. Provide support to the Office of the Governor, the Governor's Workforce Development Board created by NRS 232.935 and the industry sector councils established by the Governor's Workforce Development Board on matters relating to workforce development.

2. Work in coordination with the Office of Economic Development to establish criteria and goals for workforce development and diversification in this State.

3. Collect and systematize and present in biennial reports to the Governor and the Legislature such statistical details relating to workforce development in the State as the Executive Director of the Office may deem essential to further the objectives of the Office of Workforce Innovation.

4. At the direction of the Governor:

(a) Identify, recommend and implement policies related to workforce development.

(b) Define career pathways and identify priority career pathways for secondary and postsecondary education.

(c) Discontinue career pathways offered by the State which fail to meet minimum standards of quality, rigor and cross-education alignment, or that do not demonstrate a connection to priority industry needs.

(d) In consultation with the Governor's Workforce Development Board, identify industry-recognized credentials, workforce development programs and education.

(e) Maintain and oversee the statewide longitudinal data system that links data relating to early childhood education programs and K-12 public education with data relating to postsecondary education and the workforce in this State.

(f) Collect accurate educational data in the statewide longitudinal data system for the purpose of analyzing student performance through employment to assist in improving the educational system and workforce training program in this State.

(g) ***On or before January 1 of each year, submit to the Director of the Legislative Counsel Bureau a written report that includes, without limitation, the most current data and reports produced by the statewide longitudinal data system.***

(h) Apply for and administer grants, including, without limitation, those that may be available from funding reserved for statewide workforce investment activities.

~~***[(h)]***~~ ***(i)*** Review the status and structure of local workforce investment areas in the State, in coordination with the Governor and the Governor's Workforce Development Board.

~~***[(i)]***~~ ***(j)*** Report periodically to the Governor's Workforce Development Board concerning the administration of the policies and programs of the Office of Workforce Innovation.

~~***[(j)]***~~ ***(k)*** On or before March 31 of each year, submit to the Governor a complete report of the activities, discussions, findings and recommendations of the Office of Workforce Innovation.

[(k)] **_(l)_** Oversee the State Apprenticeship Council and the State Apprenticeship Director pursuant to NRS 610.110 to 610.185, inclusive, and perform such other functions as may be necessary for the fulfillment of the intent and purposes of chapter 610 of NRS.

[(l)] **_(m)_** Suggest improvements regarding the allocation of federal and state money to align workforce training and related education programs in the State, including, but not limited to, career and technical education.

Sec. 7. **1. For the purposes of paragraph (e) of subsection 1 of NRS 232.920, as amended by section 5 of this act, and paragraph (b) of subsection 5 of NRS 232.935, as amended by section 6 of this act, the Director of the Department of Employment, Training and Rehabilitation shall, as soon as practicable after July 1, 2017, provide to the Governor's Workforce Investment Board the information described in paragraph (e) of subsection 1 of NRS 232.920, as amended by section 5 of this act, for the 3 years preceding July 1, 2017.**

2. As soon as practicable after receipt of the information required by subsection 1, the Governor's Workforce Investment Board shall begin complying with the provisions of paragraph (b) of subsection 5 of NRS 232.935, as amended by section 6 of this act, for any demographic group described by subparagraph (3) of paragraph (b) of subsection 5 of NRS 232.935, as amended by section 6 of this act.

~~[Sec. 5.]~~ ***Sec. 8.*** The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

~~[Sec. 6.]~~ ***Sec. 9.*** **1.** This ~~[act becomes]~~ **section and sections 1 to 6, inclusive, 7 and 8 of this act become** effective ~~[on]~~ **:**

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

(b) On July 1, 2017 **~~[.]~~ , for all other purposes.**

2. Section 6.5 of this act becomes effective on July 1, 2017, if and only if Senate Bill No. 516 of this session is enacted by the Legislature and approved by the Governor.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 359.

Bill read second time.

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

Amendment No. 531.

SUMMARY—Exempts certain ~~[persons who]~~ **entities that** enter into contracts or agreements with the State of Nevada or a political corporation or subdivision of the State from certain provisions relating to contractors. (BDR 54-643)

AN ACT relating to contractors; exempting certain ~~[persons who]~~ **entities that** enter into contracts or agreements with the State or a political corporation or subdivision of this State from certain provisions relating to contractors; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that chapter 624 of NRS, which provides for the licensing and regulation of contractors, does not apply to work performed by an authorized representative of the State of Nevada or an incorporated city, county, irrigation district, reclamation district, or other municipal or political corporation or subdivision of this State. (NRS 624.031) This bill expands this exemption to include a ~~[person who]~~ **nonprofit entity which: (1)** enters into a contract with the State of Nevada, or any such political corporation or subdivision of this State, to ~~[perform work to maintain or]~~ **facilitate the** repair ~~[property and who directs]~~ **or maintenance of properties; (2) facilitates** work **to be** performed **on such a property** by a licensed contractor ~~[.]~~ **; and (3) is a party with the owner of such a property and a licensed contractor to a contract or agreement for the work on the property.**

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

Section 1. NRS 624.031 is hereby amended to read as follows:

624.031 The provisions of this chapter do not apply to:

1. Work performed exclusively by an authorized representative of the United States Government, the State of Nevada, or an incorporated city, county, irrigation district, reclamation district, or other municipal or political corporation or subdivision of this State.

2. ***Any ~~[person who enters]~~ entity that is recognized as exempt under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), which:***

(a) Enters into a contract or other agreement with the State of Nevada, or an incorporated city, county, irrigation district, reclamation district, or other municipal or political corporation or subdivision of this State, to ~~[perform work to]~~ facilitate the repair or ~~[maintain property,]~~ maintenance of properties, including, without limitation, weatherization and energy efficiency services ~~[, and who directs]~~ ;

(b) Facilitates work to be performed on such a property by a person licensed pursuant to this chapter ~~[.]~~ ; and

(c) Is a party with the owner of such a property and a person licensed pursuant to this chapter to a contract or agreement for the work on the property.

3. An officer of a court when acting within the scope of his or her office.

~~[3.]~~ ***4.*** Work performed exclusively by a public utility operating pursuant to the regulations of the Public Utilities Commission of Nevada on construction, maintenance and development work incidental to its business.

~~[4.]~~ ***5.*** An owner of property who is building or improving a residential structure on the property for his or her own occupancy and not intended for sale or lease. The sale or lease, or the offering for sale or lease, of the newly built structure within 1 year after its completion creates a rebuttable presumption for the purposes of this section that the building of the structure was performed with the intent to sell or lease that structure. An owner of property who requests an exemption pursuant to this subsection must apply to the Board for the exemption. The Board shall adopt regulations setting forth the requirements for granting the exemption.

~~[5.]~~ ***6.*** Any work to repair or maintain property the value of which is less than $1,000, including labor and materials, unless:

(a) A building permit is required to perform the work;

(b) The work is of a type performed by a plumbing, electrical, refrigeration, heating or air-conditioning contractor;

(c) The work is of a type performed by a contractor licensed in a classification prescribed by the Board that significantly affects the health, safety and welfare of members of the general public;

(d) The work is performed as a part of a larger project:

(1) The value of which is $500 or more; or

(2) For which contracts of less than $500 have been awarded to evade the provisions of this chapter; or

(e) The work is performed by a person who is licensed pursuant to this chapter or by an employee of that person.

~~[6.]~~ ***7.*** The sale or installation of any finished product, material or article of merchandise which is not fabricated into and does not become a permanent fixed part of the structure.

~~[7.]~~ ***8.*** The construction, alteration, improvement or repair of personal property.

~~[8.]~~ ***9.*** The construction, alteration, improvement or repair financed in whole or in part by the Federal Government and conducted within the limits and boundaries of a site or reservation, the title of which rests in the Federal Government.

~~[9.]~~ ***10.*** An owner of property, the primary use of which is as an agricultural or farming enterprise, building or improving a structure on the property for his or her use or occupancy and not intended for sale or lease.

~~[10.]~~ ***11.*** Construction oversight services provided to a long-term recovery group by a qualified person within a particular geographic area that is described in a proclamation of a state of emergency or declaration of

disaster by the State or Federal Government, including, without limitation, pursuant to NRS 414.070. A long-term recovery group may reimburse such reasonable expenses as the qualified person incurs in providing construction oversight services to that group. Except as otherwise provided in this subsection, nothing in this subsection authorizes a person who is not a licensed contractor to perform the acts described in paragraphs (a) and (b) of subsection 1 of NRS 624.700. As used in this subsection:

(a) "Construction oversight services" means the coordination and oversight of labor by volunteers.

(b) "Long-term recovery group" means a formal group of volunteers coordinating response and recovery efforts related to a state of emergency or disaster that is proclaimed or declared by the State or Federal Government.

(c) "Qualified person" means a person who possesses the abilities, education, experience, knowledge, skills and training that a long-term recovery group has identified as being necessary to provide construction oversight services for a project to be performed by that group.

~~[11.]~~ ***12.*** A person licensed as a real estate broker, real estate broker-salesperson or real estate salesperson pursuant to chapter 645 of NRS who, acting within the scope of the license or a permit to engage in property management issued pursuant to NRS 645.6052, assists a client in scheduling work to repair or maintain residential property pursuant to a written brokerage agreement or a property management agreement. Such assistance includes, without limitation, assisting a client in the hiring of any number of licensed contractors to perform the work. Nothing in this subsection authorizes the performance of any work for which a license is required pursuant to this chapter by a person who is not licensed pursuant to this chapter or the payment of any additional compensation to a person licensed as a real estate broker, real estate broker-salesperson or real estate salesperson for assisting a client in scheduling the work. The provisions of this subsection apply only if a building permit is not required to perform the work and if the value of the work does not exceed $10,000 per residential property during the fixed term of the written brokerage agreement, if the assistance is provided pursuant to such an agreement, or during a period not to exceed 6 months if the assistance is provided pursuant to a property management agreement. As used in this subsection:

(a) "Brokerage agreement" has the meaning ascribed to it in NRS 645.005.

(b) "Property management agreement" has the meaning ascribed to it in NRS 645.0192.

(c) "Real estate broker" has the meaning ascribed to it in NRS 645.030.

(d) "Real estate broker-salesperson" has the meaning ascribed to it in NRS 645.035.

(e) "Real estate salesperson" has the meaning ascribed to it in NRS 645.040.

(f) "Residential property" means:

(1) Improved real estate that consists of not more than four residential units; or

(2) A single-family residential unit, including a condominium, townhouse or home within a subdivision, if the unit is sold, leased or otherwise conveyed unit by unit, regardless of whether the unit is part of a larger building or parcel that consists of more than four units.

Sec. 2. NRS 645.6051 is hereby amended to read as follows:

645.6051 1. A person licensed pursuant to this chapter as a real estate broker, real estate broker-salesperson or real estate salesperson shall maintain a record of all work performed on a residential property that the person assists a client in scheduling pursuant to subsection ~~[11]~~ ***12*** of NRS 624.031.

2. The record required by subsection 1 must include, without limitation:

(a) The name of any person licensed pursuant to chapter 624 of NRS who performs such work;

(b) The date on which the work was performed;

(c) A copy of any written contract to perform the work; and

(d) A copy of any invoice prepared in connection with the work.

3. As used in this section, "residential property" has the meaning ascribed to it in NRS 624.031.

Sec. 3. This act becomes effective on July 1, 2017.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assemblywoman Benitez-Thompson moved that the Assembly recess until 7:30 p.m.

Motion carried.

Assembly in recess at 5:16 p.m.

ASSEMBLY IN SESSION

At 8:23 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 194, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 211, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRENE BUSTAMANTE ADAMS, *Chair*

Mr. Speaker:

Your Committee on Corrections, Parole, and Probation, to which was referred Assembly Bill No. 421, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OHRENSCHALL, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TYRONE THOMPSON, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 5, 80, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 379, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which were referred Assembly Bills Nos. 384, 390, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 399, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bills Nos. 21, 104, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 45, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

OLIVIA DIAZ, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 34, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HEIDI SWANK, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 24, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 362.

CINDY JONES
Fiscal Analysis Division

April 24, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bills Nos. 341 and 467.

MARK KRMPOTIC
Fiscal Analysis Division

WAIVER OF JOINT STANDING RULES

A Waiver requested by Speaker Frierson.
For: Assembly Bill No. 52, 181, and 276.
To Waive:
Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).
Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).
Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: April 24, 2017.

SENATOR AARON D. FORD
Senate Majority Leader

ASSEMBLYMAN JASON FRIERSON
Speaker of the Assembly

A Waiver requested by Senator Ford.
For: Senate Bill No. 394.
To Waive:
Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).
Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).
Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: April 24, 2017.

SENATOR AARON D. FORD
Senate Majority Leader

ASSEMBLYMAN JASON FRIERSON
Speaker of the Assembly

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 360 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 5, 7, 21, 34, 45, 80, 104, 194, 211, 379, 384, 390, 399, and 421 just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 328 be taken from its position on the Second Reading File and placed at the top of the Second Reading File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 272 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 328.

Bill read second time.

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

Amendment No. 536.

AN ACT relating to professions; establishing limitations on the employment or retention of attorneys by certain regulatory bodies; requiring attorneys who contract with certain regulatory bodies to act as legal counsel for the regulatory body to carry professional liability insurance that satisfies certain criteria; requiring the Department of Administration to adopt regulations relating to the financial operation and administration of certain regulatory bodies; revising the qualifications for the executive director or executive secretary of certain regulatory bodies; revising the disciplinary process for certain regulatory bodies which administer occupational licensing; providing certain immunity for independent contractors who act as legal counsel for certain regulatory bodies; **revising requirements for certain regulatory bodies of this State to prepare a balance sheet or hire a public accountant or accounting firm to conduct an audit of the body for a fiscal year;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally imposes certain requirements on regulatory bodies that regulate professions in this State. (Chapter 622 of NRS) **Section 2** of this bill prohibits an attorney from being employed as legal counsel by more than one regulatory body. **Section 2** further requires an attorney who contracts with a regulatory body to act as legal counsel as an independent contractor to carry a policy of professional liability insurance that names the State as an additional insured in the insurance policy. **Section 30** of this bill extends the sovereign immunity of the State to an attorney who contracts with a regulatory body to act as legal counsel. **Section 4** of this bill prohibits a person from being employed as an executive director or executive secretary by more than one regulatory body and requires a person employed by a regulatory body as an executive director or executive secretary to be a resident of this State. **Section 3** of this bill requires the Department of Administration to adopt regulations that establish standards for the financial operation and administration of regulatory bodies. ~~[The regulations adopted pursuant to section 3 must require each regulatory body to provide for an annual audit of the accounts and records of the regulatory body.]~~

Existing law requires regulatory bodies to comply with certain administrative procedures governing the disciplinary process for licensees. (Chapter 622A of NRS) Existing law also provides an exemption for certain regulatory bodies from having to comply with the uniform disciplinary process. (NRS 622A.120) **Section 8** of this bill removes the exemption for regulatory bodies that issue professional licenses and are not under the direct supervision of a department of the Executive Branch of State Government. **Section 6** of this bill ~~[requires the Attorney General or]~~ **prohibits** a deputy attorney general ~~[to prosecute any]~~ **from acting as legal counsel for a regulatory body in a** contested case **if he or she prosecuted the contested case** before ~~[a]~~ **the** regulatory body **.** ~~[, unless the Attorney General and the deputies of the Attorney General are either disqualified from serving as~~

~~prosecutor or lack the necessary expertise to prosecute a specific contested case.]~~ **Section 7** of this bill prohibits an attorney who is employed **or retained** as legal counsel to a regulatory body from prosecuting a contested case before the regulatory body at any time while employed or retained by the regulatory body. ~~[Section 7 further provides that this prohibition is in effect until all contested cases that were before the regulatory body while the attorney was employed by the regulatory body have reached a final disposition.]~~ **Section 10** of this bill provides immunity from civil liability for persons who contract with regulatory bodies as independent contractors **to act as legal counsel for a regulatory body** and who participate in the disciplinary process of a regulatory body.

Existing law, with certain exceptions, requires certain regulatory bodies of this State which: (1) receive less than $75,000 in revenue during a fiscal year to prepare a balance sheet for that fiscal year; or (2) receive $75,000 or more in revenue during any fiscal year to hire a public accountant or accounting firm to conduct an audit of the regulatory body's fiscal records for that fiscal year. Upon completion of the balance sheet or audit, existing law requires the regulatory body to file the balance sheet or a report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year. (NRS 218G.400) Section 30.5 of this bill increases from $75,000 to $200,000 the amount of revenue received in any fiscal year for the purpose of determining whether a regulatory body is required to prepare a balance sheet or hire a public accountant or accounting firm to conduct the audit and subsequently file a report of the audit with the Legislative Auditor and the Chief of the Budget Division.

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

Section 1. Chapter 622 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. Each regulatory body shall contribute to the Fund for Insurance Premiums as required by NRS 331.187.***

2. If a regulatory body employs an attorney as legal counsel, the attorney may not be employed as legal counsel of another regulatory body.

3. If a regulatory body retains an attorney to act as legal counsel for the regulatory body as an independent contractor, the attorney:

(a) May contract with more than one regulatory body to act as legal counsel as an independent contractor.

(b) Shall obtain or otherwise carry, before acting as legal counsel for a regulatory body, a policy of professional liability insurance which:

(1) Insures the attorney against any liability arising from acting as legal counsel for the regulatory body; and

(2) Names this State as an additional insured in the insurance policy.

Sec. 3. ~~*[1.]*~~ *The Department of Administration shall adopt regulations establishing standards for the financial operation and administration of regulatory bodies. The regulations must include, without limitation, provisions which* ~~*[:*~~

~~*(a) Require each regulatory body to provide for an annual audit of the accounts and records of the regulatory body conducted by an independent certified public accountant; and*~~

~~*(b) Establish]*~~ *establish the minimum level of professional liability insurance that an attorney who contracts with a regulatory body to act as legal counsel must carry pursuant to subsection* ~~*[2]*~~ *3 of section 2 of this act.*

~~*[2. A regulatory body which is subject to the requirement to provide for an annual audit pursuant to paragraph (b) of subsection 1 and which has annual total expenditures of $200,000 or less in a fiscal year may petition the Department of Administration to pay for the costs of such audit.]*~~

Sec. 4. NRS 622.220 is hereby amended to read as follows:

622.220 If a regulatory body employs a person as an executive director or executive secretary or in a position with powers and duties similar to those of an executive director or executive secretary, the person:

1. Must possess a level of education or experience, or a combination of both, to qualify the person to perform the administrative and managerial tasks required of the position;

2. Must be a resident of this State;

3. Must not be employed by another regulatory body as an executive director or executive secretary or in a position with powers and duties similar to those of an executive director or executive secretary; and

~~[2.]~~ ***4.*** Must not be the immediate relative of:

(a) A member or employee of the regulatory body; or

(b) A licensee of the regulatory body.

Sec. 5. Chapter 622A of NRS is hereby amended by adding thereto the provisions set forth as sections 6 and 7 of this act.

Sec. 6. ~~*[1. Except as otherwise provided in subsection 2, the Attorney General or a deputy attorney general shall prosecute for a regulatory body a contested case that is brought pursuant to this chapter.*~~

~~*2. If the Attorney General and the deputies of the Attorney General are disqualified to serve as prosecutor, or the Attorney General determines that he or she and the deputies of the Attorney General do not have the necessary expertise to prosecute a contested case for the regulatory body, the regulatory body may employ or retain an attorney to prosecute the contested case pursuant to this chapter.*~~

~~*3.]*~~ ***If*** ~~*[the Attorney General or]*~~ ***a deputy attorney general prosecutes a contested case for a regulatory body,*** ~~*[the Attorney General or the deputy attorney general who prosecuted the contested case]*~~ ***he or she may not also act as legal counsel for the regulatory body when the regulatory body considers or makes decisions concerning the contested case.***

Sec. 7. ~~*[1.]*~~ ***If a regulatory body employs or retains an attorney to serve as legal counsel for and advise the regulatory body on any and all matters, and the attorney prosecutes a contested case for the regulatory body, the attorney*** ~~*[shall]*~~ ***may not*** ~~*[prosecute a contested case pursuant to this chapter before]*~~ ***also act as legal counsel for the regulatory body*** ~~*[at any time while employed or retained by]*~~ ***when the regulatory body*** ~~*[.*~~

~~*2. The prohibition set forth in subsection 1 remains in effect until the attorney is no longer employed or retained as legal counsel for the regulatory body and all]*~~ ***considers or makes a decision regarding the contested*** ~~*[cases prosecuted pursuant to this chapter while the attorney served as legal counsel to the regulatory body have reached a final disposition.]*~~ ***case.***

Sec. 8. NRS 622A.120 is hereby amended to read as follows:

622A.120 1. The following regulatory bodies are exempted from the provisions of this chapter:

(a) ~~[~~State Contractors' Board.

~~(b) State Board of Professional Engineers and Land Surveyors.~~

~~(c) Nevada State Board of Accountancy.~~

~~(d) Board of Medical Examiners.~~

~~(e) Board of Dental Examiners of Nevada.~~

~~(f) State Board of Nursing.~~

~~(g) Chiropractic Physicians' Board of Nevada.~~

~~(h) Nevada State Board of Optometry.~~

~~(i) State Board of Pharmacy.~~

~~(j) Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors.~~

~~(k)~~] Real Estate Commission, Real Estate Administrator and Real Estate Division of the Department of Business and Industry.

~~[(l)]~~ ***(b)*** Commission of Appraisers of Real Estate.

~~[(m)]~~ ***(c)*** Commissioner of Mortgage Lending and Division of Mortgage Lending of the Department of Business and Industry.

~~[(n)]~~ ***(d)*** Commissioner of Financial Institutions and Division of Financial Institutions of the Department of Business and Industry.

~~[(o) Private Investigator's Licensing Board.~~

~~(p)~~] ***(e)*** State Board of Health and Division of Public and Behavioral Health of the Department of Health and Human Services.

2. Any regulatory body which is exempted from the provisions of this chapter pursuant to subsection 1 may elect by regulation to follow the provisions of this chapter or any portion thereof.

Sec. 9. NRS 622A.130 is hereby amended to read as follows:

622A.130 1. The provisions of this chapter must be interpreted so as to effectuate their general purpose to make uniform among the regulatory bodies that are subject to the provisions of this chapter the procedures used to prosecute contested cases and take administrative action against a person who violates any law or regulation governing occupational licensing.

2. To the extent possible, the provisions of this chapter are intended to supplement other statutory provisions governing administrative procedure, occupational licensing and regulatory bodies, and such other provisions must be given effect to the extent that those provisions do not conflict with the provisions of this chapter. If there is a conflict between such other provisions and the provisions of this chapter, the provisions of this chapter control.

3. The provisions of this chapter do not prohibit a regulatory body from adopting procedures used to prosecute contested cases that:

(a) Impose stricter requirements on the regulatory body relating to such prosecution; or

(b) Provide greater due process protections for licensees , [; or

(c) Provide greater protections for the public.]

➥ so long as such procedures do not hinder the duty of the regulatory body to protect the public.

Sec. 10. NRS 622A.150 is hereby amended to read as follows:

622A.150 1. A person who provides a governmental entity, officer or employee with any information relating to a contested case is immune from any civil liability for providing that information if the person acted in good faith and without malicious intent.

2. A governmental entity, officer ***,*** ***[***or***]*** employee ***or independent contractor who contracts to act as legal counsel to a regulatory body in accordance with the provisions of subsection 3 of section 2 of this act*** is immune from any civil liability for:

(a) Any decision or action taken in good faith and without malicious intent in carrying out the provisions of this chapter or any law or regulation governing occupational licensing; or

(b) Communicating or cooperating with or providing any documents or other information to any other governmental entity, officer or employee conducting an investigation, disciplinary proceeding or civil or criminal prosecution.

Sec. 11. NRS 623.133 is hereby amended to read as follows:

623.133 1. The Attorney General is hereby designated as the legal adviser of the Board.

2. ***[***Nothing***]*** ***Subject to the provisions of sections 6 and 7 of this act, nothing*** in this section shall be construed so as to prevent the Board from employing legal counsel as provided elsewhere in this chapter.

Sec. 12. NRS 623A.160 is hereby amended to read as follows:

623A.160 The Attorney General is the legal adviser of the Board, but the Board may employ legal counsel ***[***.***]*** ***subject to the provisions of sections 6 and 7 of this act.***

Sec. 13. NRS 628.410 is hereby amended to read as follows:

628.410 1. The Board may initiate proceedings under this chapter:

(a) On its own motion;

(b) On the complaint of any person; or

(c) On a complaint made by a board of accountancy of another state.

2. A written notice of the hearing must be served on the respondent not less than 30 days before the date of the hearing, either personally or by mailing a copy thereof by registered or certified mail to the address of the respondent last known to the Board.

3. If, after having been served with the notice of hearing, the respondent fails to appear at the hearing and defend, the Board may proceed to hear evidence against the respondent and may enter such order as is justified by the evidence. The order is final unless the respondent petitions for a review thereof. Within 30 days after the date of any order, upon a showing of good cause for failing to appear and defend, the Board may reopen the proceedings and may permit the respondent to submit evidence in his or her behalf.

4. At any hearing, a respondent may be represented before the Board by counsel or by a certified public accountant or registered public accountant of this State in good standing. The respondent is entitled, on application to the Board, to the issuance of subpoenas to compel the attendance of witnesses on his or her behalf.

5. The Board, or any member thereof, may issue subpoenas to compel the attendance of witnesses and the production of documents. In case of disobedience to a subpoena, the Board may invoke the aid of any court of this State in requiring the attendance and testimony of witnesses and the production of documentary evidence.

6. A hearing may be conducted by:

(a) The Board, less any member or members who have been disqualified, without the appointment of persons to hear the case in place of the disqualified members; or

(b) A member of the Board appointed by the Board as a hearing officer, with the remaining members of the Board, less any member or members who have been disqualified, to review the record, make a final decision and issue the order,

➥ unless the Board, after disqualifications, consists of less than three members to hear or review the case, in which circumstance the Governor must appoint one or more qualified persons so that the panel which hears or reviews the case consists of at least three persons.

7. A stenographic record of the hearing must be kept and a transcript thereof filed with the Board.

8. At all hearings, the Attorney General or a deputy designated by the Attorney General or such other legal counsel as may be employed shall appear and represent the Board ~~[.]~~ ***subject to the provisions of sections 6 and 7 of this act.***

9. The decision of the Board must be by majority vote thereof.

Sec. 14. NRS 630.346 is hereby amended to read as follows:

630.346 In any disciplinary hearing:

1. The Board, a panel of the members of the Board and a hearing officer are not bound by formal rules of evidence ***, except that evidence must be taken and considered in the hearing pursuant to NRS 233B.123,*** and a

witness must not be barred from testifying solely because the witness was or is incompetent.

2. A finding of the Board must be supported by a preponderance of the evidence.

3. Proof of actual injury need not be established.

4. A certified copy of the record of a court or a licensing agency showing a conviction or plea of nolo contendere or the suspension, revocation, limitation, modification, denial or surrender of a license to practice medicine, perfusion or respiratory care is conclusive evidence of its occurrence.

Sec. 15. NRS 630.352 is hereby amended to read as follows:

630.352 1. Any member of the Board, other than a member of an investigative committee of the Board who participated in any determination regarding a formal complaint in the matter or any member serving on a panel of the Board at the hearing of the matter, may participate in an adjudication to obtain the final order of the Board. At the adjudication, the Board shall consider any findings of fact and conclusions of law submitted after the hearing and shall allow:

(a) Counsel for the Board to present a disciplinary recommendation and argument in support of the disciplinary recommendation ~~[.]~~ ***subject to the provisions of sections 6 and 7 of this act;***

(b) The respondent or counsel of the respondent to present a disciplinary recommendation and argument in support of the disciplinary recommendation; and

(c) The complainant in the matter to make a statement to the Board regarding the disciplinary recommendations by the parties and to address the effect of the respondent's conduct upon the complainant or the patient involved, if other than the complainant.

➥ The Board may limit the time within which the parties and the complainant may make their arguments and statements.

2. At the conclusion of the presentations of the parties and the complainant, the Board shall deliberate and may by a majority vote impose discipline based upon the findings of fact and conclusions of law and the presentations of the parties and the complainant.

3. If, in the findings of fact and conclusions of law, the Board, hearing officer or panel of the Board determines that no violation has occurred, the Board shall dismiss the charges, in writing, and notify the respondent that the charges have been dismissed.

4. Except as otherwise provided in subsection 5, if the Board finds that a violation has occurred, it shall by order take one or more of the following actions:

(a) Place the person on probation for a specified period on any of the conditions specified in the order;

(b) Administer a written public reprimand to the person;

(c) Limit the person's practice or exclude one or more specified branches of medicine from his or her practice;

(d) Suspend the person's license for a specified period or until further order of the Board;

(e) Revoke the person's license;

(f) Require the person to participate in a program to correct alcohol or drug dependence or any other impairment;

(g) Require supervision of the person's practice;

(h) Impose a fine not to exceed $5,000 for each violation;

(i) Require the person to perform community service without compensation;

(j) Require the person to take a physical or mental examination or an examination testing his or her competence; and

(k) Require the person to fulfill certain training or educational requirements.

5. If the Board finds that the respondent has violated the provisions of NRS 439B.425, the Board shall suspend the respondent's license for a specified period or until further order of the Board.

6. The Board shall not administer a private reprimand if the Board finds that a violation has occurred.

7. Within 30 days after the hearing before the Board, the Board shall issue a final order, certified by the Secretary-Treasurer of the Board, that imposes discipline and incorporates the findings of fact and conclusions of law obtained from the hearing. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 16. NRS 631.190 is hereby amended to read as follows:

631.190 In addition to the powers and duties provided in this chapter, the Board shall:

1. Adopt rules and regulations necessary to carry out the provisions of this chapter.

2. Appoint such committees, examiners, officers, employees, agents, attorneys, investigators and other professional consultants and define their duties and incur such expense as it may deem proper or necessary to carry out the provisions of this chapter, the expense to be paid as provided in this chapter. ~~[Notwithstanding the provisions of this subsection, the Attorney General in his or her sole discretion may, but is not required to, serve as legal counsel for the Board at any time and in any and all matters.]~~

3. Fix the time and place for and conduct examinations for the granting of licenses to practice dentistry and dental hygiene.

4. Examine applicants for licenses to practice dentistry and dental hygiene.

5. Collect and apply fees as provided in this chapter.

6. Keep a register of all dentists and dental hygienists licensed in this State, together with their addresses, license numbers and renewal certificate numbers.

7. Have and use a common seal.

8. Keep such records as may be necessary to report the acts and proceedings of the Board. Except as otherwise provided in NRS 631.368, the records must be open to public inspection.

9. Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

10. Have discretion to examine work authorizations in dental offices or dental laboratories.

Sec. 17. NRS 636.090 is hereby amended to read as follows:

636.090 1. The Board may employ:

(a) Agents and inspectors to secure evidence of, and report on, violations of this chapter.

(b) Attorneys, investigators and other professional consultants and clerical personnel necessary to administer this chapter.

2. The Attorney General may act as counsel for the Board ~~[.]~~ ***subject to the provisions of section 6 of this act.***

Sec. 18. NRS 636.330 is hereby amended to read as follows:

636.330 If the Board makes a decision which is adverse to the licensee, the licensee may apply for a rehearing within ~~[10]~~ ***15*** days after the Board announces its decision. The Board shall grant or deny the application within a reasonable time thereafter.

Sec. 19. NRS 636.340 is hereby amended to read as follows:

636.340 Unless a license is suspended pursuant to NRS 425.540, on or after the expiration of ~~[6 months]~~ ***1 year*** following the revocation or suspension of a license, an application may be made for the restoration of the license and the Board may, in the exercise of reasonable discretion, restore the license absolutely or upon specified conditions.

Sec. 19.5. **NRS 639.070 is hereby amended to read as follows:**

639.070 1. The Board may:

(a) Adopt such regulations, not inconsistent with the laws of this State, as are necessary for the protection of the public, appertaining to the practice of pharmacy and the lawful performance of its duties.

(b) Adopt regulations requiring that prices charged by retail pharmacies for drugs and medicines which are obtained by prescription be posted in the pharmacies and be given on the telephone to persons requesting such information.

(c) Adopt regulations, not inconsistent with the laws of this State, authorizing the Executive Secretary of the Board to issue certificates, licenses and permits required by this chapter and chapters 453 and 454 of NRS.

(d) Adopt regulations governing the dispensing of poisons, drugs, chemicals and medicines.

(e) Regulate the practice of pharmacy.

(f) Regulate the sale and dispensing of poisons, drugs, chemicals and medicines.

(g) Regulate the means of recordkeeping and storage, handling, sanitation and security of drugs, poisons, medicines, chemicals and devices, including, but not limited to, requirements relating to:

(1) Pharmacies, institutional pharmacies and pharmacies in correctional institutions;

(2) Drugs stored in hospitals; and

(3) Drugs stored for the purpose of wholesale distribution.

(h) Examine and register, upon application, pharmacists and other persons who dispense or distribute medications whom it deems qualified.

(i) Charge and collect necessary and reasonable fees for the expedited processing of a request or for any other incidental service the Board provides, other than those specifically set forth in this chapter.

(j) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(k) Employ ~~[an attorney,]~~ ***attorneys,*** inspectors, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

(l) Enforce the provisions of NRS 453.011 to 453.552, inclusive, and enforce the provisions of this chapter and chapter 454 of NRS.

(m) Adopt regulations concerning the information required to be submitted in connection with an application for any license, certificate or permit required by this chapter or chapter 453 or 454 of NRS.

(n) Adopt regulations concerning the education, experience and background of a person who is employed by the holder of a license or permit issued pursuant to this chapter and who has access to drugs and devices.

(o) Adopt regulations concerning the use of computerized mechanical equipment for the filling of prescriptions.

(p) Participate in and expend money for programs that enhance the practice of pharmacy.

2. The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

3. This section does not authorize the Board to prohibit open-market competition in the advertising and sale of prescription drugs and pharmaceutical services.

Sec. 20. NRS 639.252 is hereby amended to read as follows:

639.252 1. If the respondent wishes to contest or appeal the decision of the Board, the order or any part thereof, the respondent may, not later than ~~[10]~~ ***15*** days after the time the order becomes effective, apply in writing to the Board for a rehearing. The application must set forth with particularity the part or parts of the decision or order to which the respondent objects and the basis of the objection.

2. The Executive Secretary of the Board shall, within 10 days after receipt of a written application for rehearing, notify the respondent and the

respondent's attorney of record in writing, by registered or certified mail, of his or her action, either granting or denying the application. If the application is granted, the notice must contain the date, time and place of the rehearing. The rehearing must be held at the next regularly scheduled meeting of the Board. Granting of the application by the Executive Secretary does not serve as an automatic stay of execution of the order pending conclusion of the rehearing.

Sec. 21. NRS 640C.190 is hereby amended to read as follows:

640C.190 ***Subject to the provisions of sections 6 and 7 of this act:***

1. The Attorney General and his or her deputies are hereby designated as the attorneys for the Board.

2. The provisions of this section do not prevent the Board from employing or retaining other attorneys as it may deem necessary to carry out the provisions of this chapter.

Sec. 22. NRS 641A.370 is hereby amended to read as follows:

641A.370 If the Board revokes or suspends a license for a fixed time, the licensee may apply for a rehearing within ~~[10]~~ ***15*** days after the date of the suspension or revocation and the Board may grant the application upon the terms and conditions it deems appropriate within 30 days after the application.

Sec. 23. NRS 645A.193 is hereby amended to read as follows:

645A.193 ***1.*** The Attorney General shall act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to any of the provisions of this chapter.

2. Notwithstanding the provision of paragraph (c) of subsection 1 of NRS 622A.120, representation of the Division pursuant to subsection 1 shall be conducted in a manner consistent with the provisions of sections 6 and 7 of this act.

Sec. 24. NRS 645A.235 is hereby amended to read as follows:

645A.235 1. A person who engages in an activity for which a license as an escrow agent or escrow agency is required pursuant to this chapter, without regard to whether such a person is licensed pursuant to this chapter, may be required by the Commissioner to pay restitution to any person who has suffered an economic loss as a result of a violation of the provisions of this chapter or any regulation adopted pursuant thereto.

2. Notwithstanding the provision of paragraph ~~[(m)]~~ ***(c)*** of subsection 1 of NRS 622A.120, payment of restitution pursuant to subsection 1 shall be done in a manner consistent with the provisions of chapter 622A of NRS.

Sec. 25. NRS 645B.955 is hereby amended to read as follows:

645B.955 1. A person who engages in an activity for which a license as a mortgage broker or mortgage agent is required pursuant to this chapter, without regard to whether such a person is licensed pursuant to this chapter, may be required by the Commissioner to pay restitution to any person who has suffered an economic loss as a result of a violation of the provisions of this chapter or any regulation adopted pursuant thereto.

2. Notwithstanding the provision of paragraph ~~[(m)]~~ ***(c)*** of subsection 1 of NRS 622A.120, payment of restitution pursuant to subsection 1 shall be done in a manner consistent with the provisions of chapter 622A of NRS.

Sec. 26. NRS 645C.250 is hereby amended to read as follows:

645C.250 1. The Attorney General shall render to the Division opinions upon questions of law relating to the construction or interpretation of this chapter, or arising in the administration thereof, submitted to the Attorney General by the Division or the Commission.

2. The Attorney General shall act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to any of the provisions of this chapter ~~[.]~~ ***subject to the provisions of sections 6 and 7 of this act.***

Sec. 27. NRS 645D.150 is hereby amended to read as follows:

645D.150 1. The Attorney General shall render to the Division opinions upon questions of law relating to the construction or interpretation of this chapter, or arising in the administration thereof, submitted to the Attorney General by the Division.

2. The Attorney General shall act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to any of the provisions of this chapter ~~[.]~~ ***subject to the provisions of sections 6 and 7 of this act.***

Sec. 28. NRS 645E.955 is hereby amended to read as follows:

645E.955 1. A person who engages in an activity for which a license as a mortgage banker is required pursuant to this chapter, without regard to whether such a person is licensed pursuant to this chapter, may be required by the Commissioner to pay restitution to any person who has suffered an economic loss as a result of a violation of the provisions of this chapter or any regulation adopted pursuant thereto.

2. Notwithstanding the provision of paragraph ~~[(m)]~~ ***(c)*** of subsection 1 of NRS 622A.120, payment of restitution pursuant to subsection 1 shall be done in a manner consistent with the provisions of chapter 622A of NRS.

Sec. 29. NRS 645H.370 is hereby amended to read as follows:

645H.370 1. The Attorney General shall render to the Division opinions upon questions of law relating to the construction or interpretation of this chapter, or arising in the administration thereof, submitted to the Attorney General by the Division.

2. The Attorney General shall act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to any of the provisions of this chapter ~~[.]~~ ***subject to the provisions of sections 6 and 7 of this act.***

Sec. 30. NRS 41.0307 is hereby amended to read as follows:

41.0307 As used in NRS 41.0305 to 41.039, inclusive:

1. "Employee" includes an employee of a:

(a) Part-time or full-time board, commission or similar body of the State or a political subdivision of the State which is created by law.

(b) Charter school.

(c) University school for profoundly gifted pupils described in chapter 388C of NRS.

2. "Employment" includes any services performed by an immune contractor.

3. "Immune contractor" means any natural person, professional corporation or professional association which:

(a) Is an independent contractor with the State pursuant to NRS 333.700; and

(b) Contracts to provide medical services for the Department of Corrections ~~[.]~~ ***or contracts to act as legal counsel to a regulatory body in accordance with the provisions of subsection*** ~~[2]~~ ***3 of section 2 of this act.***

➥ As used in this subsection, "professional corporation" and "professional association" have the meanings ascribed to them in NRS 89.020.

4. "Public officer" or "officer" includes:

(a) A member of a part-time or full-time board, commission or similar body of the State or a political subdivision of the State which is created by law.

(b) A public defender and any deputy or assistant attorney of a public defender or an attorney appointed to defend a person for a limited duration with limited jurisdiction.

(c) A district attorney and any deputy or assistant district attorney or an attorney appointed to prosecute a person for a limited duration with limited jurisdiction.

Sec. 30.5. **NRS 218G.400 is hereby amended to read as follows:**

218G.400 1. Except as otherwise provided in subsection 2, each board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS shall:

(a) If the revenue of the board from all sources is less than ~~[$75,000]~~ ***$200,000*** for any fiscal year and, if the board is a regulatory body pursuant to NRS 622.060, the board has submitted to the Director of the Legislative Counsel Bureau for each quarter of that fiscal year the information required by NRS 622.100, prepare a balance sheet for that fiscal year on the form provided by the Legislative Auditor and file the balance sheet with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year. The Legislative Auditor shall prepare and make available a form that must be used by a board to prepare such a balance sheet.

(b) If the revenue of the board from all sources is ~~[$75,000]~~ ***$200,000*** or more for any fiscal year, or if the board is a regulatory body pursuant to NRS 622.060 and has failed to submit to the Director of the Legislative Counsel Bureau for each quarter of that fiscal year the information required by NRS 622.100, engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for that fiscal year and file a report of the audit with the Legislative Auditor

and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year.

2. In lieu of preparing a balance sheet or having an audit conducted for a single fiscal year, a board may engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for a period covering two successive fiscal years. If such an audit is conducted, the board shall file the report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of the second fiscal year.

3. The cost of each audit conducted pursuant to subsection 1 or 2 must be paid by the board that is audited. Each such audit must be conducted in accordance with generally accepted auditing standards, and all financial statements must be prepared in accordance with generally accepted principles of accounting for special revenue funds.

4. Whether or not a board is required to have its fiscal records audited pursuant to subsection 1 or 2, the Legislative Auditor shall audit the fiscal records of any such board whenever directed to do so by the Legislative Commission. When the Legislative Commission directs such an audit, the Legislative Commission shall also determine who is to pay the cost of the audit.

5. A person who is a state officer or employee of a board is guilty of nonfeasance if the person:

(a) Is responsible for preparing a balance sheet or having an audit conducted pursuant to this section or is responsible for preparing or maintaining the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section; and

(b) Knowingly fails to prepare the balance sheet or have the audit conducted pursuant to this section or knowingly fails to prepare or maintain the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section.

6. In addition to any other remedy or penalty, a person who is guilty of nonfeasance pursuant to this section forfeits the person's state office or employment and may not be appointed to a state office or position of state employment for a period of 2 years following the forfeiture. The provisions of this subsection do not apply to a state officer who may be removed from office only by impeachment pursuant to Article 7 of the Nevada Constitution.

Sec. 31. This act becomes effective on July 1, 2017.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 361.

Bill read second time.

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

Amendment No. 543.

AN ACT relating to business practices; making the charging of certain fees a deceptive trade practice; revising provisions governing deceptive trade practices relating to gift certificates **[,] or gift cards;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines various activities involving businesses and occupations that constitute deceptive trade practices. (NRS 598.0915-598.0925) If a person engages in a deceptive trade practice, the person may be subject to restraint by injunction and the imposition of civil and criminal penalties. (NRS 598.0979, 598.0985, 598.0999)

Section [1] **1.7** of this bill makes it a deceptive trade practice for a person, in the course of his or her business or occupation, to charge a fee to **[: (1)]** update or change records relating to a person, including billing or credit information **[; or (2) speak]** **, including, in circumstances in which the person requesting the update or change chooses to communicate about the update or change by speaking** with a natural person by telephone in lieu of using an automated or computerized telephone system.

Existing law makes it a deceptive trade practice for a person, in the course of his or her business or occupation, to issue a gift certificate that expires on a certain date unless the expiration date of the gift certificate or a telephone number for obtaining balance or expiration information is printed on the front or back of the gift certificate in at least 10-point font. (NRS 598.0921) [Section 2 of this bill changes the font size and style for the required information to 12-point bold font and requires its placement only on the front of the gift certificate and on any leaflet, packaging or other written material concerning the gift certificate which is provided to the buyer of the gift certificate.] **Section 1 of this bill makes it a deceptive trade practice to offer a free gift certificate or gift card as part of a promotion or incentive to potential customers if: (1) the offer expires less than 90 days after the date on which the offer is made; or (2) the person does not print the expiration date of the offer plainly and conspicuously on the front of any written materials concerning the offer provided to the recipient of the offer.**

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

Section 1. **Chapter 598 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A person shall not, in the course of the person's business or occupation, offer to provide, free of charge, a gift certificate or gift card as part of a promotion or incentive to potential customers if the offer expires less than 90 days after the date on which the offer is made.

2. If a person, in the course of the person's business or occupation, offers to provide, free of charge, a gift certificate or gift card as part of a promotion or incentive to potential customers, the person shall ensure that the expiration date of the offer is printed:

(a) Plainly and conspicuously in at least 12-point bold font on the front of any brochure, leaflet, pamphlet, packaging, advertisement or other written material provided to the recipient of the offer which contains information concerning the offer; and

(b) In such a manner that the print is readily visible to the recipient of the offer before the recipient becomes a customer.

3. A person engages in a "deceptive trade practice" if the person violates subsection 1 or 2.

Sec. 1.3. **NRS 598.0903 is hereby amended to read as follows:**

598.0903 As used in NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 598.0905 to 598.0947, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

~~[Section 1.]~~ ***Sec. 1.7.*** NRS 598.092 is hereby amended to read as follows:

598.092 A person engages in a "deceptive trade practice" when in the course of his or her business or occupation he or she:

1. Knowingly fails to identify goods for sale or lease as being damaged by water.

2. Solicits by telephone or door to door as a lessor or seller, unless the lessor or seller identifies himself or herself, whom he or she represents and the purpose of his or her call within 30 seconds after beginning the conversation.

3. Knowingly states that services, replacement parts or repairs are needed when no such services, replacement parts or repairs are actually needed.

4. Fails to make delivery of goods or services for sale or lease within a reasonable time or to make a refund for the goods or services, if he or she allows refunds.

5. Advertises or offers an opportunity for investment and:

(a) Represents that the investment is guaranteed, secured or protected in a manner which he or she knows or has reason to know is false or misleading;

(b) Represents that the investment will earn a rate of return which he or she knows or has reason to know is false or misleading;

(c) Makes any untrue statement of a material fact or omits to state a material fact which is necessary to make another statement, considering the circumstances under which it is made, not misleading;

(d) Fails to maintain adequate records so that an investor may determine how his or her money is invested;

(e) Fails to provide information to an investor after a reasonable request for information concerning his or her investment;

(f) Fails to comply with any law or regulation for the marketing of securities or other investments; or

(g) Represents that he or she is licensed by an agency of the State to sell or offer for sale investments or services for investments if he or she is not so licensed.

6. Charges a fee for advice with respect to investment of money and fails to disclose:

(a) That he or she is selling or offering to lease goods or services and, if he or she is, their identity; or

(b) That he or she is licensed by an agency of any state or of the United States to sell or to offer for sale investments or services for investments or holds any other license related to the service he or she is providing.

7. Notifies any person, by any means, as a part of an advertising plan or scheme, that he or she has won a prize and that as a condition of receiving the prize he or she must purchase or lease goods or services.

8. Knowingly misrepresents the legal rights, obligations or remedies of a party to a transaction.

9. Fails, in a consumer transaction that is rescinded, cancelled or otherwise terminated in accordance with the terms of an agreement, advertisement, representation or provision of law, to promptly restore to a person entitled to it a deposit, down payment or other payment or, in the case of property traded in but not available, the agreed value of the property or fails to cancel within a specified time or an otherwise reasonable time an acquired security interest. This subsection does not apply to a person who is holding a deposit, down payment or other payment on behalf of another if all parties to the transaction have not agreed to the release of the deposit, down payment or other payment.

10. Fails to inform customers, if he or she does not allow refunds or exchanges, that he or she does not allow refunds or exchanges by:

(a) Printing a statement on the face of the lease or sales receipt;

(b) Printing a statement on the face of the price tag; or

(c) Posting in an open and conspicuous place a sign at least 8 by 10 inches in size with boldface letters,

➥ specifying that no refunds or exchanges are allowed.

11. Knowingly and willfully violates NRS 597.7118 or 597.7125.

12. Knowingly takes advantage of another person's inability reasonably to protect his or her own rights or interests in a consumer transaction when such an inability is due to illiteracy, or to a mental or physical infirmity or another similar condition which manifests itself as an incapability to understand the language or terms of any agreement.

13. Charges a fee to a person to ~~***[:***~~

~~***(a) Change]***~~ ***change*** ***or update any record*** ***,*** ~~***[which relates to that person,]***~~ ***including, without limitation, billing or credit information*** ~~***[; or***~~

~~***(b) Speak to]***~~ ***, which relates to the person requesting the change or update, including, without limitation, in circumstances in which that***

person chooses to communicate regarding the change or update by speaking to a natural person by telephone in lieu of using an automated or computerized telephone system.

Sec. 2. ~~[NRS 598.0921 is hereby amended to read as follows:~~

~~598.0921 1. A person engages in a "deceptive trade practice" if, in the course of his or her business or occupation:~~

~~(a) He or she issues a gift certificate that expires on a certain date, unless either of the following is printed plainly and conspicuously on the front [or back] of the gift certificate ***and on any brochure, leaflet, pamphlet, packaging or other written material provided to the buyer of the gift certificate which contains information concerning the gift certificate*** in at least 10-point ***12-point bold*** font and in such a manner that the print is readily visible to the buyer of the gift certificate before the buyer purchases the gift certificate:~~

~~(1) The expiration date of the gift certificate; or~~

~~(2) A toll-free telephone number accompanied by a statement setting forth that the buyer or holder of the gift certificate may call the telephone number to obtain the balance of the gift certificate and the expiration date of the gift certificate;~~

~~(b) He or she imposes upon the buyer or holder of a gift certificate a service fee, unless each of the following is printed plainly and conspicuously on the front or back of the gift certificate in at least 10-point font and in such a manner that the print is readily visible to the buyer of the gift certificate before the buyer purchases the gift certificate:~~

~~(1) The amount of the service fee;~~

~~(2) The event or events that will cause the service fee to be imposed;~~

~~(3) The frequency with which the service fee will be imposed; and~~

~~(4) If the service fee will be imposed on the basis of inactivity, the duration of inactivity, which must not be less than 3 continuous years of nonuse, that will cause the service fee to be imposed; or~~

~~(c) Regardless of the notice provided, he or she imposes upon the buyer or holder of a gift certificate:~~

~~(1) A service fee or a combination of service fees that exceed a total of $1 per month; or~~

~~(2) A service fee that commences or is imposed within the first 12 months after the issuance of the gift certificate.~~

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

~~(a) A gift certificate that is issued as part of an award, loyalty, promotional, rebate, incentive or reward program and for which issuance the issuer does not receive money or any other thing of value;~~

~~(b) A gift certificate that is sold at a reduced price to an employer or nonprofit or charitable organization, if the expiration date of the gift certificate is not more than 30 days after the date of sale; and~~

~~(c) A gift certificate that is issued by an establishment licensed pursuant to the provisions of chapter 463 of NRS.~~

~~3. As used in this section:~~

~~(a) "Gift certificate" means an instrument or a record evidencing a promise by the seller or issuer of the instrument or record to provide goods or services to the holder of the gift certificate for the value shown in, upon or ascribed to the instrument or record and for which the value shown in, upon or ascribed to the instrument or record is decreased in an amount equal to the value of goods or services provided by the issuer or seller to the holder. The term includes, without limitation, a gift card, certificate or similar instrument. The term does not include:~~

~~(1) An instrument or record for prepaid telecommunications or technology services, including, without limitation, a card for prepaid telephone services, a card for prepaid technical support services and an instrument for prepaid Internet service purchased or otherwise distributed to a consumer of such services, including, without limitation, as part of an award, loyalty, promotional or reward program; or~~

~~(2) An instrument or record, by whatever name called, that may be used to obtain goods or services from more than one person or business entity, if the expiration date is printed plainly and conspicuously on the front [or back] of the instrument or record.~~

~~(b) "Issue" means to sell or otherwise provide a gift certificate to any person and includes, without limitation, adding value to an existing gift certificate.~~

~~(c) "Record" means information which is inscribed on a tangible medium or which is stored in an electronic or other medium, including, without limitation, information stored on a microprocessor chip or magnetic strip, and is retrievable in perceivable form.~~

~~(d) "Service fee" means any charge or fee other than the charge or fee imposed for the issuance of the gift certificate, including, without limitation, a service fee imposed on the basis of inactivity or any other type of charge or fee imposed after the sale of the gift certificate.]~~ **(Deleted by amendment.)**

Sec. 2.1. **NRS 598.0953 is hereby amended to read as follows:**

598.0953 1. Evidence that a person has engaged in a deceptive trade practice is prima facie evidence of intent to injure competitors and to destroy or substantially lessen competition.

2. The deceptive trade practices listed in NRS 598.0915 to 598.0925, inclusive, ***and section 1 of this act*** are in addition to and do not limit the types of unfair trade practices actionable at common law or defined as such in other statutes of this State.

Sec. 2.2. **NRS 598.0955 is hereby amended to read as follows:**

598.0955 1. The provisions of NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act*** do not apply to:

(a) Conduct in compliance with the orders or rules of, or a statute administered by, a federal, state or local governmental agency.

(b) Publishers, including outdoor advertising media, advertising agencies, broadcasters or printers engaged in the dissemination of information or

reproduction of printed or pictorial matter who publish, broadcast or reproduce material without knowledge of its deceptive character.

(c) Actions or appeals pending on July 1, 1973.

2. The provisions of NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act*** do not apply to the use by a person of any service mark, trademark, certification mark, collective mark, trade name or other trade identification which was used and not abandoned prior to July 1, 1973, if the use was in good faith and is otherwise lawful except for the provisions of NRS 598.0903 to 598.0999, inclusive ~~,~~ ***, and section 1 of this act.***

Sec. 2.3. **NRS 598.0963 is hereby amended to read as follows:**

598.0963 1. Whenever the Attorney General is requested in writing by the Commissioner or the Director to represent him or her in instituting a legal proceeding against a person who has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person on behalf of the Commissioner or Director.

2. The Attorney General may institute criminal proceedings to enforce the provisions of NRS 598.0903 to 598.0999, inclusive ~~,~~ ***, and section 1 of this act.*** The Attorney General is not required to obtain leave of the court before instituting criminal proceedings pursuant to this subsection.

3. If the Attorney General has reason to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person to obtain a temporary restraining order, a preliminary or permanent injunction, or other appropriate relief.

4. If the Attorney General has cause to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may issue a subpoena to require the testimony of any person or the production of any documents, and may administer an oath or affirmation to any person providing such testimony. The subpoena must be served upon the person in the manner required for service of process in this State or by certified mail with return receipt requested. An employee of the Attorney General may personally serve the subpoena.

Sec. 2.4. **NRS 598.0967 is hereby amended to read as follows:**

598.0967 1. The Commissioner and the Director, in addition to other powers conferred upon them by NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act,*** may issue subpoenas to require the attendance of witnesses or the production of documents, conduct hearings in aid of any investigation or inquiry and prescribe such forms and adopt such regulations as may be necessary to administer the provisions of NRS 598.0903 to 598.0999, inclusive ~~,~~ ***, and section 1 of this act.*** Such regulations may include, without limitation, provisions concerning the applicability of the provisions of NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act*** to particular persons or circumstances.

2. Except as otherwise provided in this subsection, service of any notice or subpoena must be made by certified mail with return receipt or as otherwise allowed by law. An employee of the Consumer Affairs Division of the Department of Business and Industry may personally serve a subpoena issued pursuant to this section.

Sec. 2.5. **NRS 598.0971 is hereby amended to read as follows:**

598.0971 1. If, after an investigation, the Commissioner has reasonable cause to believe that any person has been engaged or is engaging in any deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act,*** the Commissioner may issue an order directed to the person to show cause why the Director should not order the person to cease and desist from engaging in the practice and to pay an administrative fine. The order must contain a statement of the charges and a notice of a hearing to be held thereon. The order must be served upon the person directly or by certified or registered mail, return receipt requested.

2. An administrative hearing on any action brought by the Commissioner must be conducted before the Director or his or her designee.

3. If, after conducting a hearing pursuant to the provisions of subsection 2, the Director or his or her designee determines that the person has violated any of the provisions of NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act,*** or if the person fails to appear for the hearing after being properly served with the statement of charges and notice of hearing, the Director or his or her designee shall issue an order setting forth his or her findings of fact concerning the violation and cause to be served a copy thereof upon the person and any intervener at the hearing. If the Director or his or her designee determines in the report that such a violation has occurred, he or she may order the violator to:

(a) Cease and desist from engaging in the practice or other activity constituting the violation;

(b) Pay the costs of conducting the investigation, costs of conducting the hearing, costs of reporting services, fees for experts and other witnesses, charges for the rental of a hearing room if such a room is not available to the Director or his or her designee free of charge, charges for providing an independent hearing officer, if any, and charges incurred for any service of process, if the violator is adjudicated to have committed a violation of NRS 598.0903 to 598.0999, inclusive ~~[.]~~ ***, and section 1 of this act;***

(c) Provide restitution for any money or property improperly received or obtained as a result of the violation; and

(d) Impose an administrative fine of $1,000 or treble the amount of restitution ordered, whichever is greater.

➥ The order must be served upon the person directly or by certified or registered mail, return receipt requested. The order becomes effective upon service in the manner provided in this subsection.

4. Any person whose pecuniary interests are directly and immediately affected by an order issued pursuant to subsection 3 or who is aggrieved by

the order may petition for judicial review in the manner provided in chapter 233B of NRS. Such a petition must be filed within 30 days after the service of the order. The order becomes final upon the filing of the petition.

5. If a person fails to comply with any provision of an order issued pursuant to subsection 3, the Commissioner or the Director may, through the Attorney General, at any time after 30 days after the service of the order, cause an action to be instituted in the district court of the county wherein the person resides or has his or her principal place of business requesting the court to enforce the provisions of the order or to provide any other appropriate injunctive relief.

6. If the court finds that:

(a) The violation complained of is a deceptive trade practice;

(b) The proceedings by the Director or his or her designee concerning the written report and any order issued pursuant to subsection 3 are in the interest of the public; and

(c) The findings of the Director or his or her designee are supported by the weight of the evidence,

➥ the court shall issue an order enforcing the provisions of the order of the Director or his or her designee.

7. An order issued pursuant to subsection 6 may include:

(a) A provision requiring the payment to the Consumer Affairs Division of the Department of Business and Industry of a penalty of not more than $5,000 for each act amounting to a failure to comply with the Director's or designee's order;

(b) An order that the person cease doing business within this State; and

(c) Such injunctive or other equitable or extraordinary relief as is determined appropriate by the court.

8. Any aggrieved party may appeal from the final judgment, order or decree of the court in a like manner as provided for appeals in civil cases.

9. Upon the violation of any judgment, order or decree issued pursuant to subsection 6 or 7, the Commissioner, after a hearing thereon, may proceed in accordance with the provisions of NRS 598.0999.

Sec. 2.6. **NRS 598.0985 is hereby amended to read as follows:**

598.0985 Notwithstanding the requirement of knowledge as an element of a deceptive trade practice, and notwithstanding the enforcement powers granted to the Commissioner or Director pursuant to NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act,*** whenever the district attorney of any county has reason to believe that any person is using, has used or is about to use any deceptive trade practice, knowingly or otherwise, he or she may bring an action in the name of the State of Nevada against that person to obtain a temporary or permanent injunction against the deceptive trade practice.

Sec. 2.7. **NRS 598.0993 is hereby amended to read as follows:**

598.0993 The court in which an action is brought pursuant to NRS 598.0979 and 598.0985 to 598.099, inclusive, may make such additional

orders or judgments as may be necessary to restore to any person in interest any money or property, real or personal, which may have been acquired by means of any deceptive trade practice which violates any of the provisions of NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act,*** but such additional orders or judgments may be entered only after a final determination has been made that a deceptive trade practice has occurred.

Sec. 2.8. **NRS 598.0999 is hereby amended to read as follows:**

598.0999 1. Except as otherwise provided in NRS 598.0974, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act,*** upon a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than $10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive ~~[.]~~ , ***and section 1 of this act.***

2. Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act,*** if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed $5,000 for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.

3. A natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:

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

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

(c) For the third and all subsequent offenses, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

➥ The court may require the natural person, firm, or officer or managing agent of the corporation or association to pay to the aggrieved party damages on all profits derived from the knowing and willful engagement in a deceptive trade practice and treble damages on all damages suffered by reason of the deceptive trade practice.

4. Any offense which occurred within 10 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of subsection 3 when evidenced by a conviction, without regard to the sequence of the offenses and convictions.

5. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act,*** 598.100 to 598.2801, inclusive, 598.305 to 598.395, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787,

inclusive, or 598.840 to 598.966, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

6. If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

Sec. 2.9. **NRS 41.600 is hereby amended to read as follows:**

41.600 1. An action may be brought by any person who is a victim of consumer fraud.

2. As used in this section, "consumer fraud" means:

(a) An unlawful act as defined in NRS 119.330;

(b) An unlawful act as defined in NRS 205.2747;

(c) An act prohibited by NRS 482.36655 to 482.36667, inclusive;

(d) An act prohibited by NRS 482.351; or

(e) A deceptive trade practice as defined in NRS 598.0915 to 598.0925, inclusive ~~[.]~~ ***, and section 1 of this act.***

3. If the claimant is the prevailing party, the court shall award the claimant:

(a) Any damages that the claimant has sustained;

(b) Any equitable relief that the court deems appropriate; and

(c) The claimant's costs in the action and reasonable attorney's fees.

4. Any action brought pursuant to this section is not an action upon any contract underlying the original transaction.

Sec. 3. The provisions of ~~[NRS 598.0921, as amended by]~~ section ~~[2]~~ **1** of this act ~~[,]~~ apply only to gift ~~[certificates issued]~~ **certificate and gift card offers made** on or after July 1, 2017.

Sec. 4. This act becomes effective on July 1, 2017.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 362.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 603.

ASSEMBLYMEN TOLLES**, ~~[AND]~~** WATKINS**; BENITEZ- THOMPSON, KRASNER, OSCARSON, PICKARD, WHEELER, WOODBURY AND YEAGER**

JOINT SPONSORS: SENATORS GANSERT; AND SPEARMAN

AN ACT relating to education; prohibiting certain persons from assisting certain employees, contractors or agents who work at a public school to obtain new employment; prohibiting a local educational agency or public school from entering into certain agreements; requiring an applicant for employment who may have direct contact with pupils to provide certain information and written authorizations; requiring the board of trustees of a school district, governing body of a charter school, governing body of a university school for profoundly gifted pupils and certain independent contractors to take certain action regarding persons who may have direct contact with children; requiring certain employers to provide certain information regarding an applicant for employment who may have direct contact with children; ~~[authorizing the Department of Education to impose an administrative penalty;]~~ **providing that an employer who fails to provide certain information regarding an applicant for employment who may have direct contact with children is subject to certain disciplinary action;** providing that a teacher or administrator may be subject to disciplinary action for certain violations; requiring the Superintendent of Public Instruction to provide certain notice when an application for a license is denied; **requiring the Department of Education to maintain a list of the names of persons whose application for a license has been denied for certain purposes;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 6, 7 and 22 of this bill incorporate in state law certain provisions of federal law designed to prevent persons who have engaged in sexual misconduct with a minor from obtaining new employment.

Section 8 of this bill requires an applicant for employment with a school district, charter school, university school for profoundly gifted pupils and certain independent contractors who may have direct contact with pupils to provide to the prospective employer: (1) information relating to his or her employment history; and (2) written authorization for a current or previous employer to release information relating to his or her employment. **Section 8** also **provides that any action brought by such an applicant for**

employment based upon information obtained about the applicant to determine his or her fitness for employment must be brought in a court in this State and governed by the laws of this State. Finally, section 8 provides that an applicant for employment who knowingly provides false information or willfully fails to disclose information is subject to discipline and is guilty of a misdemeanor.

Section 9 of this bill requires the governing body of a public school, including the board of trustees of a school district, governing body of a charter school and governing body of a university school for profoundly gifted pupils, or an independent contractor who receives the information described in **section 8** to: (1) verify the information received; (2) ensure that the applicant has a license authorizing him or her to teach or perform other educational functions if a license is required; and (3) verify that the Department of Education has not received notice that the applicant is a defendant in a criminal case.

Section 10 of this bill requires the governing body of a public school and an independent contractor to take certain action to obtain additional information if a current or previous employer of an applicant indicates that the applicant is or was the subject of an investigation concerning an alleged sexual offense.

Sections 9 and 10 also provide that any person who is contacted by the governing body of a public school or an independent contractor and asked to provide information, but willfully fails to disclose information is subject to discipline, including a civil penalty. **Sections 9 and 10 further provide that, in addition to being subject to discipline, including a civil penalty, a private school that willfully fails to disclose any such information is subject to discipline, which may include being placed on a corrective action plan. Sections 9 and 10 provide immunity from liability for providing the information and makes the information privileged.**

Section 11 of this bill authorizes the governing body of a public school and an independent contractor to: (1) consider the information received pursuant to **sections 8-10** when making an employment decision; and (2) report the information received to certain entities. **Section 11 also provides that the board of trustees of a school district, governing body of a charter school, governing body of a university school for profoundly gifted pupils or independent contractor: (1) shall not be held liable for any damages resulting from failure of an entity not subject to the jurisdiction of this State to respond to certain requests for information or any inaccuracy or omission in the information submitted; and (2) is immune from civil or criminal liability for considering the information received pursuant to sections 8-10 when making employment decisions.**

Section 12 of this bill requires an independent contractor who employs a person who may have direct contact with pupils to maintain a record for each such employee and, upon request, provide this record to the governing body of the public school at which an employee has been assigned to perform

work. **Section 12** also: (1) requires an independent contractor to provide certain information to the governing body of a public school before assigning an employee to perform work at a location; and (2) prohibits an independent contractor from assigning an employee to perform work at a school if the governing body of the school objects to the assignment.

Section 13 of this bill authorizes the governing body of a public school to allow provisional employment of a person pending review of the information received pursuant to **sections 8-10** in certain circumstances.

Section 14 of this bill provides that nothing in **sections 2-17** of this bill shall be construed to: (1) prevent a prospective employer from conducting further investigations of a prospective employee; (2) prohibit a person from disclosing more information than is required by this bill; or (3) relieve a person of a duty to report prescribed by state or federal law.

Section 15 prohibits the governing body of a public school or an independent contractor from entering into any agreement that: (1) has the effect of suppressing information relating to an investigation concerning a report of suspected abuse or sexual misconduct by a current or former employee; (2) affects the ability of the governing body or independent contractor to report suspected abuse or sexual misconduct; or (3) requires the governing body or independent contractor to expunge certain information from any documents maintained by the governing body or independent contractor. **Section 15 also requires an employer to maintain certain documents if the agreement requires the removal of the document from an employee's personnel file.**

Sections 16 and 21 provide that any information collected from an applicant for employment or an employer pursuant to **sections 8-10** is confidential and is not a public book or record.

Section 17 ~~[authorizes the Department of Education to impose an administrative penalty on any person found, after notice and a hearing, to have willfully violated the provisions]~~ **provides that any person who willfully violates any provision** of **sections 2-17** ~~[.]~~ **is subject to a civil penalty, which must be recovered in a civil action. Section 17** also prohibits the governing body of a public school from contracting with an independent contractor who has been found to have willfully violated the provisions of **sections 2-17**. **Section 19** provides that a teacher or administrator may be subject to disciplinary action for willfully violating the provisions of **sections 2-17**.

Existing law requires the Superintendent of Public Instruction to grant all licenses for teachers and other educational personnel. (NRS 391.033) **Section 18** requires the Superintendent to provide notice to a school district or charter school that employs an applicant whenever an application for a license is denied. **Section 18 also requires the Department of Education to: (1) maintain a list of the names of persons whose application for a license is denied due to conviction of a sexual offense involving a minor; and (2) provide such a list to certain persons upon request.**

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

Section 1. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Local educational agency" has the meaning ascribed to it in 20 U.S.C. § 7801(30)(A).***

Sec. 4. ***"Sexual misconduct" means any act, including, without limitation, any verbal, nonverbal, written or electronic communication or physical activity, directed toward or with a child, regardless of the age of the child, that is designed to establish a romantic or sexual relationship with the child.***

Sec. 5. ***"Sexual offense" has the meaning ascribed to it in NRS 179D.097.***

Sec. 6. ***1. Except as otherwise provided in subsection 2, the Department, a local educational agency or an employee, contractor or agent thereof who works at a public school shall not assist an employee, contractor or agent who works at a school to obtain new employment, apart from the routine transmission of administrative and personnel files, if the person or entity ~~[knows or]~~ has ~~[probable cause to believe]~~ actual or constructive knowledge that such an employee, contractor or agent has engaged in sexual misconduct regarding a minor or pupil.***

2. The provisions of subsection 1 do not apply if:

(a) The information giving rise to ~~[probable cause]~~ actual or constructive knowledge has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct and any other authorities required by federal, state or local law, including, without limitation, Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq., and any regulations adopted pursuant thereto, and the matter has been officially closed, or the District Attorney or law enforcement agency with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish ~~[probable cause]~~ that the employee, contractor or agent engaged in sexual misconduct regarding a minor or pupil;

(b) The employee, contractor or agent has been charged with and acquitted or otherwise exonerated of the alleged misconduct; or

(c) The case or investigation remains open and there have been no charges filed against, or indictment of, the employee, contractor or agent within 4 years after the date on which the information was reported to a law enforcement agency.

3. The State Board may adopt regulations to enforce the provisions of this section.

Sec. 7. ***A local educational agency or a public school shall not enter into any agreement with a person convicted of a sexual offense involving a minor to keep the conviction or the circumstances surrounding the offense confidential.***

Sec. 8. ***1. In addition to fulfilling the requirements for employment prescribed by NRS 388A.323, 388A.515, 388C.200, 391.104 or 391.281, as applicable, or fulfilling the requirements for the issuance of a license prescribed by NRS 391.033, any applicant for employment with a school district, charter school or university school for profoundly gifted pupils who may have direct contact with pupils must, as a condition to employment, submit to the board of trustees of the school district, governing body of the charter school or governing body of the university school for profoundly gifted pupils with which the applicant seeks to obtain employment, on a form prescribed by the Department:***

(a) The name, address and telephone number for the applicant's current employer, any former employer of the applicant that was a school or school district and any other former employer with whom the applicant was employed in a position that involved direct contact with children;

(b) Any other contact information for the persons described in paragraph (a) prescribed by the board of trustees of the school district, governing body of the charter school or governing body of the university school for profoundly gifted pupils with which the applicant seeks to obtain employment;

(c) Written authorization for the persons described in paragraph (a) to release the information prescribed in section 9 of this act; and

(d) A written statement indicating whether the person has:

(1) Except as otherwise provided in this subparagraph, been the subject of an investigation concerning an alleged sexual offense by an employer, licensing agency, law enforcement agency, agency which provides child welfare services, agency which provides child protective services or a similar agency. A person is not required to provide the information described in this subparagraph if, after investigating the alleged violation, the employer or agency determined that the allegations were false ~~[.]~~ ***, unfounded, unsubstantiated or inconclusive.***

(2) Been discharged, disciplined, had a contract not renewed, asked to resign from employment, resigned from employment or otherwise separated from employment while an investigation concerning an alleged sexual offense was pending or upon conclusion of such an investigation, and was found, upon conclusion of the investigation, to have committed the sexual offense.

(3) Had a license or certificate suspended or revoked or has been required to surrender a license or certificate while an investigation concerning an alleged sexual offense was pending or upon conclusion of

such an investigation and was found, upon conclusion of the investigation, to have committed the sexual offense.

2. Any action brought by an applicant for employment described in subsection 1 which is based upon information obtained by a board of trustees of a school district, the governing body of a charter school or the governing body of a university school for profoundly gifted pupils with which the applicant seeks employment to determine the fitness of the applicant for employment, including, without limitation, an action for defamation, must be brought in a court in the State of Nevada and governed by the laws of this State.

3. An applicant for employment with an independent contractor of a school district, charter school or university school for profoundly gifted pupils who may have direct contact with pupils must, before having direct contact with pupils, submit to the independent contractor on a form prescribed by the Department:

(a) The information described in paragraphs (a), (c) and (d) of subsection 1; and

(b) Any other contact information for the persons described in paragraph (a) of subsection 1 requested by the independent contractor with which the applicant seeks to obtain employment.

~~[3.]~~ 4. Any applicant for employment described in subsection 1 ~~[or 2]~~ or 3 who knowingly provides false information or willfully fails to disclose any information required by this section:

(a) Is subject to discipline, including, without limitation, suspension or revocation of the person's license pursuant to NRS 391.330 or 391.750, termination of employment or a civil penalty ~~[prescribed by the Department]~~ pursuant to section 17 of this act; and

(b) Is guilty of a misdemeanor.

Sec. 9. *1. Upon receipt of the information required by section 8 of this act, the board of trustees of a school district, governing body of a charter school, governing body of a university school for profoundly gifted pupils or independent contractor shall:*

(a) Contact each person described in paragraph (a) of subsection 1 of section 8 of this act and request that the person provide:

(1) The dates of employment of the applicant; and

(2) On a form prescribed by the Department, a written statement indicating whether the applicant has:

(I) Except as otherwise provided in this sub-subparagraph, been the subject of an investigation concerning an alleged sexual offense by the employer. A person is not required to provide the information described in this sub-subparagraph if, after investigating the alleged violation, the employer determined that the allegations were false ~~[.]~~ , unfounded, unsubstantiated or inconclusive.

(II) Been discharged, disciplined, had a contract not renewed, asked to resign from employment, resigned from employment or otherwise

separated from employment while an investigation concerning an alleged sexual offense was pending or upon conclusion of such an investigation and was found, upon conclusion of the investigation, to have committed the sexual offense.

(III) Had a license or certificate suspended or revoked or has been required to surrender a license or certificate while an investigation concerning an alleged sexual offense was pending or upon conclusion of such an investigation and was found, upon conclusion of the investigation, to have committed the sexual offense.

(b) Ensure that the applicant has a license authorizing him or her to teach or perform other educational functions at the level and, except as otherwise provided in NRS 391.125, in the field for which he or she is applying for employment, if a license is required, and that the applicant is otherwise eligible for employment.

(c) Verify that the Department has not received notice, including, without limitation, notice provided pursuant to NRS 391.055, that the applicant is a defendant in a criminal case.

2. A person contacted by a board of trustees of a school district, governing body of a charter school, governing body of a university school for profoundly gifted pupils or independent contractor pursuant to paragraph (a) of subsection 1:

(a) Shall provide the information requested not later than 20 days after the date on which the board of trustees, governing body or independent contractor contacts the person.

(b) Is immune from civil and criminal liability for ~~[providing]~~ any act relating to the provision of such information, unless the person knowingly provides false information. Such information is privileged and must not be used as the basis for any action against the person or entity that provided the information.

3. Except as otherwise prohibited by federal or state law, a person who willfully fails to disclose any information required by subsection 1 is subject to discipline, including, without limitation, a civil penalty ~~[prescribed by the Department]~~ pursuant to section 17 of this act.

4. In addition to the penalty set forth in subsection 3, a private school that willfully fails to disclose any information required by subsection 1 is subject to discipline, which may include, without limitation, being placed on a plan of corrective action by the Department.

Sec. 10. *1. If a statement provided pursuant to paragraph (d) of subsection 1 of section 8 of this act or paragraph (a) of subsection 2 of section 8 of this act indicates that the person meets any of the criteria prescribed in those paragraphs, the board of trustees of a school district, governing body of a charter school, governing body of a university school for profoundly gifted pupils or independent contractor who receives the statement shall request that the employer that conducted the investigation concerning an alleged sexual offense, discharged, disciplined or dismissed*

the employee or asked the employee to resign from employment provide additional information concerning the matter and all records related to the matter ~~*[.]*~~ *, including, without limitation, any documents relating to a disciplinary action taken against the employee, disciplinary records or documents used in the decision made by the employer concerning the investigation.*

2. A person contacted by the board of trustees of a school district, governing body of a charter school, governing body of a university school for profoundly gifted pupils or independent contractor pursuant to subsection 1:

(a) ~~*[Shall]*~~ *Except as otherwise provided in this subsection, shall provide the information requested not later than 60 days after the date on which the board of trustees, governing body or independent contractor contacts the person.*

(b) Is not required to disclose any information or records held by the school police of the school district, if the school district has school police officers.

(c) Is immune from civil and criminal liability ~~*[for providing such information, unless the person knowingly provides false information.]*~~ *to the same extent provided in paragraph (b) of subsection 2 of section 9 of this act.*

3. Except as otherwise prohibited by federal or state law, a person who willfully fails to disclose any information required by subsection 1 is subject to discipline, including, without limitation, a civil penalty ~~*[prescribed by the Department]*~~ *pursuant to section 17 of this act.*

4. In addition to the penalty set forth in subsection 3, a private school that willfully fails to disclose any information required by subsection 1 is subject to discipline, which may include, without limitation, being placed on a plan of corrective action by the Department.

Sec. 11. *The board of trustees of a school district, governing body of a charter school, governing body of a university school for profoundly gifted pupils or independent contractor :* ~~*[may:]*~~

1. ~~*[Consider]*~~ *May consider the information submitted pursuant to sections 8, 9 and 10 of this act when deciding whether to employ an applicant or continue to employ a person .* ~~*[; and]*~~

2. ~~*[Report]*~~ *May report the information submitted pursuant to sections 8, 9 and 10 of this act to the Department or a licensing agency, law enforcement agency, agency which provides child welfare services, an agency which provides child protective services or a similar agency.*

3. Shall not be held liable for any damages resulting from the failure of an entity not subject to the jurisdiction of this State to respond to a request for information pursuant to section 9 or 10 of this act or any inaccuracy or omission in the information submitted to the school district, charter school, university school for profoundly gifted pupils or independent contractor pursuant to section 9 or 10 of this act.

4. Is immune from civil or criminal liability for considering the information submitted pursuant to sections 8, 9 and 10 of this act when deciding whether to employ an applicant or continue to employ a person.

Sec. 12. ***1. An independent contractor of a school district, charter school or university school for profoundly gifted pupils who employs a person who may have direct contact with pupils shall:***

(a) Maintain a record for each such employee that includes, without limitation, the information submitted pursuant to subsection 2 of section 8 of this act and the information submitted pursuant to subsection 2 of section 9 of this act; and

(b) Upon request, provide the record maintained pursuant to paragraph (a) to the board of trustees of the school district, governing body of the charter school or governing body of the university school for profoundly gifted pupils, as applicable, for the school at which an employee has been assigned to perform work.

2. Before assigning an employee to perform work at a location where the employee may have direct contact with pupils, an independent contractor shall inform the board of trustees of the school district, governing body of the charter school or governing body of the university school for profoundly gifted pupils, as applicable, with which the employee will be assigned to perform work of any instance known in which the employee:

(a) Except as otherwise provided in this paragraph, has been the subject of an investigation concerning an alleged sexual offense by an employer. A person is not required to provide the information described in this paragraph if, after investigating the alleged violation, the employer determined that the allegations were false ~~[.]~~ ***, unfounded, unsubstantiated or inconclusive.***

(b) Has ever been discharged, disciplined, had a contract not renewed, asked to resign from employment, resigned from employment or otherwise separated from employment while an investigation concerning an alleged sexual offense was pending or upon conclusion of such an investigation and was found, upon conclusion of the investigation, to have committed the sexual offense.

(c) Had a license or certificate suspended or revoked or has been required to surrender a license or certificate while an investigation concerning an alleged sexual offense was pending or upon conclusion of such an investigation and was found, upon conclusion of the investigation, to have committed the sexual offense.

3. An independent contractor may not assign an employee to perform work at a public school, charter school or university school for profoundly gifted pupils if the board of trustees of the school district in which the school is located, governing body of the charter school or governing body of the university school for profoundly gifted pupils, as applicable, objects

to such an assignment upon receiving the notification required by subsection 2.

Sec. 13. *The board of trustees of a school district, governing body of a charter school or governing body of a university school for profoundly gifted pupils may authorize provisional employment of a person for a period not to exceed 90 days pending the review of information submitted pursuant to sections 8, 9 and 10 of this act if the board of trustees or the governing body determines the applicant is otherwise qualified and:*

1. The applicant provided the statement described in paragraph (d) of subsection 1 of section 8 of this act.

2. The board of trustees of the school district, governing body of the charter school or governing body of the university school for profoundly gifted pupils, as applicable, has no knowledge of information pertaining to the applicant that would disqualify the applicant from employment.

3. The applicant swears or affirms that he or she is not disqualified from employment.

4. The applicant is directly supervised by a permanent employee in any duties that involve direct contact with pupils. The supervision must be such that the applicant is in the immediate location of the permanent employee and is readily available during such times as supervision is required.

Sec. 14. *Nothing in sections 2 to 17, inclusive, of this act shall be construed to:*

1. Prevent a board of trustees of a school district, governing body of a charter school, governing body of a university school for profoundly gifted pupils or independent contractor from:

(a) Conducting further investigations of a prospective employee; or

(b) Requiring an applicant to submit additional information or authorizations beyond what is required by sections 8, 9 and 10 of this act.

2. Prohibit a person from disclosing more information than is required by sections 8, 9 and 10 of this act.

3. Relieve a person of a duty to report prescribed by NRS 432B.220 or any other provision of state or federal law.

Sec. 15. *1. The board of trustees of a school district, governing body of a charter school, governing body of a university school for profoundly gifted pupils or the independent contractor of a school district, charter school or university school for profoundly gifted pupils shall not enter into an agreement that:*

(a) Has the effect of suppressing information relating to an investigation concerning a report of suspected abuse or sexual misconduct by a current or former employee.

(b) Affects the ability of the school district, charter school, university school for profoundly gifted pupils or independent contractor to report suspected abuse or sexual misconduct to the appropriate authorities.

(c) Requires the school district, charter school, university school for profoundly gifted pupils or independent contractor to expunge information

about allegations or findings of suspected abuse or sexual misconduct from any documents maintained by the school district, charter school, university school for profoundly gifted pupils or independent contractor, unless, after investigating the alleged violation, the school district, charter school, university school for profoundly gifted pupils or independent contractor determines that the allegations were false ~~[.]~~ ***, unfounded, unsubstantiated or inconclusive.***

2. If an agreement requires the removal of a document from the personnel file of an employee, the employer must maintain the document with the agreement.

3. Any provisions in an agreement that violate the provisions of this section are void.

Sec. 16. ***Any information collected pursuant to section 8, 9 or 10 of this act is confidential and is not a public book or record within the meaning of NRS 239.010.***

Sec. 17. ***1.*** ~~***[If any person is found after notice and a hearing to have willfully violated]***~~ ***Any person who willfully violates any provision of sections 2 to 17, inclusive, of this act,*** ~~***[the Department may impose an administrative penalty against the person]***~~ ***is subject to a civil penalty of not more than $10,000 for each violation. This penalty must be recovered in a civil action, brought in the name of the State of Nevada by the Attorney General. In such an action, the Attorney General may recover reasonable attorney's fees and costs. If a civil penalty is imposed against an independent contractor for willfully violating any provision of sections 2 to 17, inclusive, of this act, the Attorney General shall, within 30 days after the imposition of the civil penalty, notify the Department of the name of the independent contractor.***

2. The Department shall maintain a list of any independent contractors who have been found to have willfully violated the provisions of sections 2 to 17, inclusive, of this act and make the list available, upon request, to the board of trustees of a school district, governing body of a charter school or governing body of a university school for profoundly gifted pupils.

3. The board of trustees of a school district, governing body of a charter school or governing body of a university school for profoundly gifted pupils shall not contract with an independent contractor who has been found to have willfully violated the provisions of sections 2 to 17, inclusive, of this act.

Sec. 18. NRS 391.033 is hereby amended to read as follows:

391.033 1. All licenses for teachers and other educational personnel are granted by the Superintendent of Public Instruction pursuant to regulations adopted by the Commission and as otherwise provided by law.

2. An application for the issuance of a license must include the social security number of the applicant.

3. Every applicant for a license must submit with his or her application a complete set of his or her fingerprints and written permission authorizing the

Superintendent to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its initial report on the criminal history of the applicant and for reports thereafter upon renewal of the license pursuant to subsection 7 of NRS 179A.075, and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

4. The Superintendent may issue a provisional license pending receipt of the reports of the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History if the Superintendent determines that the applicant is otherwise qualified.

5. A license must be issued to, or renewed for, as applicable, an applicant if:

(a) The Superintendent determines that the applicant is qualified;

(b) The reports on the criminal history of the applicant from the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History:

(1) Do not indicate that the applicant has been convicted of a felony or any offense involving moral turpitude; or

(2) Indicate that the applicant has been convicted of a felony or an offense involving moral turpitude but the Superintendent determines that the conviction is unrelated to the position within the county school district or charter school for which the applicant applied or for which he or she is currently employed, as applicable; and

(c) For initial licensure, the applicant submits the statement required pursuant to NRS 391.034.

6. If the Superintendent denies an application for a license pursuant to this section, the Superintendent must, within 15 days after the date on which the application is denied, provide notice of the denial to the school district or charter school that employs the applicant if the applicant is employed by a school district or charter school. Such a notice must not state the reasons for denial.

7. The Department shall:

(a) Maintain a list of the names of persons whose application for a license is denied due to conviction of a sexual offense involving a minor;

(b) Update the list maintained pursuant to paragraph (a) monthly; and

(c) Provide this list to the board of trustees of a school district or the governing body of a charter school upon request.

8. As used in this section, "sexual offense" has the meaning ascribed to it in NRS 179D.097.

Sec. 19. NRS 391.750 is hereby amended to read as follows:

391.750 1. A teacher may be suspended, dismissed or not reemployed and an administrator may be demoted, suspended, dismissed or not reemployed for the following reasons:

(a) Inefficiency;

(b) Immorality;

(c) Unprofessional conduct;

(d) Insubordination;

(e) Neglect of duty;

(f) Physical or mental incapacity;

(g) A justifiable decrease in the number of positions due to decreased enrollment or district reorganization;

(h) Conviction of a felony or of a crime involving moral turpitude;

(i) Inadequate performance;

(j) Evident unfitness for service;

(k) Failure to comply with such reasonable requirements as a board may prescribe;

(l) Failure to show normal improvement and evidence of professional training and growth;

(m) Advocating overthrow of the Government of the United States or of the State of Nevada by force, violence or other unlawful means, or the advocating or teaching of communism with the intent to indoctrinate pupils to subscribe to communistic philosophy;

(n) Any cause which constitutes grounds for the revocation of a teacher's license;

(o) Willful neglect or failure to observe and carry out the requirements of this title;

(p) Dishonesty;

(q) Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations and assessments adopted pursuant to NRS 390.270 or 390.275;

(r) An intentional violation of NRS 388.497 or 388.499;

(s) Knowingly and willfully failing to comply with the provisions of NRS 388.1351;

(t) ***Knowingly and willfully violating any provision of sections 2 to 17, inclusive, of this act;***

(u) Gross misconduct; or

~~[(u)]~~ ***(v)*** An intentional failure to report a violation of NRS 388.135 if the teacher or administrator witnessed the violation.

2. If a teacher or administrator is found, through an investigation of a testing irregularity, to have willfully breached the security or confidentiality of the questions and answers of the examinations that are administered pursuant to NRS 390.105 or 390.600 or the college and career readiness assessment administered pursuant to NRS 390.610, the board of trustees of a school district, governing body of a charter school or governing body of a university school for profoundly gifted pupils, as applicable, shall:

(a) Suspend, dismiss or fail to reemploy the teacher; or

(b) Demote, suspend, dismiss or fail to reemploy the administrator.

3. In determining whether the professional performance of a licensed employee is inadequate, consideration must be given to the regular and special evaluation reports prepared in accordance with the policy of the

employing school district and to any written standards of performance which may have been adopted by the board.

4. As used in this section, "gross misconduct" includes any act or omission that is in wanton, willful, reckless or deliberate disregard of the interests of a school or school district or a pupil thereof.

Sec. 20. NRS 391.755 is hereby amended to read as follows:

391.755 1. Whenever an administrator charged with supervision of a licensed employee believes it is necessary to admonish the employee for a reason that the administrator believes may lead to demotion or dismissal or may cause the employee not to be reemployed under the provisions of NRS 391.750, the administrator shall:

(a) Except as otherwise provided in subsection 3, bring the matter to the attention of the employee involved, in writing, stating the reasons for the admonition and that it may lead to the employee's demotion, dismissal or a refusal to reemploy him or her, and make a reasonable effort to assist the employee to correct whatever appears to be the cause for the employee's potential demotion, dismissal or a potential recommendation not to reemploy him or her; and

(b) Except as otherwise provided in NRS 391.760, allow reasonable time for improvement, which must not exceed 3 months for the first admonition.

➥ The admonition must include a description of the deficiencies of the teacher and the action that is necessary to correct those deficiencies.

2. An admonition issued to a licensed employee who, within the time granted for improvement, has met the standards set for the employee by the administrator who issued the admonition must be removed from the records of the employee together with all notations and indications of its having been issued. The admonition must be removed from the records of the employee not later than 3 years after it is issued.

3. An administrator need not admonish an employee pursuant to paragraph (a) of subsection 1 if his or her employment will be terminated pursuant to NRS 391.820.

4. A licensed employee is subject to immediate dismissal or a refusal to reemploy according to the procedures provided in NRS 391.650 to 391.830, inclusive, without the admonition required by this section, on grounds contained in paragraphs (b), (f), (g), (h), (p), (s) ***,*** ~~[and]~~ (t) ***and (u)*** of subsection 1 of NRS 391.750.

Sec. 21. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161,

126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380,

676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 16 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

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

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

Sec. 22. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by prenatal illegal substance abuse or has withdrawal symptoms resulting from prenatal drug exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B or 641C of NRS.

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person working in a school who is licensed or endorsed pursuant to chapter 391 or 641B of NRS.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children ~~[.]~~ ***, including, without limitation, a person who is employed by a school district or public school as defined in NRS 385.007.***

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

Sec. 23. The provisions of section 15 of this act do not apply to any agreement entered into before July 1, 2017, until the agreement is extended or renewed.

Sec. 24. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 25. This act becomes effective on July 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 365.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 409.

AN ACT relating to marriage; providing for the issuance of a certificate of vow renewal; authorizing certain persons to perform a marriage; authorizing a county clerk to establish a course for certain persons authorized to perform a marriage; revising various provisions governing the performance of marriages; increasing the penalty for certain crimes related to performing marriages; revising provisions related to certain fees for the issuance of a marriage license; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the following persons to obtain a certificate of permission to perform marriages: (1) any licensed, ordained or appointed minister or other church or religious official authorized to solemnize a marriage; (2) certain notaries public; (3) a temporary replacement for a licensed, ordained or appointed minister or other church or religious official, after receiving a written authorization from the minister or other church or

religious official and the county clerk; and (4) any chaplain who is assigned to duty in this State by the Armed Forces of the United States. Existing law also authorizes certain ministers or other church or religious officials or certain notaries public to perform not more than five marriages per year in the county upon receiving a separate written authorization from the county clerk for each marriage performed. (NRS 122.062) **Sections 2, 5, 6 and 8-17** of this bill amend existing law to grant the same authorization and responsibilities for performing a marriage to marriage officiants as the statutes do for other authorized persons. **Section 2** defines the term "marriage officiant" as a person, other than a minister, other church or religious official authorized to solemnize a marriage or notary public, who obtains a certificate of permission to perform marriages. **Section 8 prohibits a county clerk from authorizing a marriage officiant to solemnize a marriage unless the county clerk first establishes a course for marriage officiants.** **Sections 8 and 9** authorize a county clerk to establish a course for marriage officiants and requires an applicant who desires to be a marriage officiant to successfully complete the course. **Section 9** authorizes a county clerk to charge a fee of not more than $100 for the course to persons who desire to be a marriage officiant and requires any fees collected to be used only for establishing **and maintaining** such a course. **Section 10**: (1) provides for the inclusion of marriage officiants who obtain **or renew** a certificate of permission to perform marriages in the statewide database of certain persons authorized to perform marriages which is maintained by the Secretary of State under existing law; (2) requires marriage officiants to comply with Nevada laws pertaining to persons who perform marriages; and (3) provides for the expiration and revocation of the certificate of permission to perform marriages issued to a marriage officiant.

Existing law provides that a certificate of permission to perform marriages expires when: (1) a minister, other person who is authorized to solemnize a marriage or notary public, to whom the certificate has been issued, moves from the county in which his or certificate was issued; (2) a minister or other religious official's authority to solemnize marriages is removed; or (3) the expiration, cancellation, revocation or suspension of an appointment of a notary public. (NRS 122.066) **Section 10** provides that **[,] if a county clerk establishes a policy providing for the expiration of a certificate of permission to perform marriages,** unless certain exceptions apply, any certificate of permission to perform marriages ~~[is valid until]~~ **expires** 5 years after the date the certificate was issued **[,] or renewed. Section 9** requires all applicants for renewal of a certificate to complete an application and pay to the county clerk a fee of $25.

Section 3 of this bill authorizes **a county clerk to establish a program to provide for** a couple who renews their marriage vows to request a certificate of vow renewal from the county clerk. **Section 3** sets forth the requirements for such a request as well as the requirements concerning the contents of such a certificate. ~~[Section 3 also authorizes a board of county commissioners to~~

~~adopt an ordinance to carry out the requirements, form and procedure governing the issuance of a certificate of vow renewal, including authorizing a county clerk to collect a fee to cover the cost of issuing the certificate.]~~ Finally, **section 3** prohibits the use of a certificate of vow renewal to establish a record of marriage ~~[.]~~ **and exempts such a certificate from any requirement for the retention of records by the office of the county clerk.**

Existing law provides that a person is guilty of a misdemeanor if he or she performs a marriage and he or she knows that he or she is not lawfully authorized or knows of any legal impediment to the proposed marriage. (NRS 122.260) **Section 17** ~~[increases]~~ **revises** the penalty by providing that such an act is ~~[also]~~ punishable by a ~~[fine]~~ **civil penalty** of not ~~[less]~~ **more** than $1,500. **Section 17 also authorizes a board of county commissioners to enact an ordinance delegating to a hearing officer the authority to determine such violations and levy civil penalties for those violations.**

Under existing law, the county clerk may place an affidavit of application for a marriage license, a certificate of marriage license and a marriage license on a single form, on the reverse of which the county clerk must have printed or stamped instructions for obtaining a certified copy or certified abstract of the certificate of marriage. (NRS 122.055) **Section 7** of this bill requires the county clerk to include on the form certain language that the certificate is not a certified copy. Existing law also requires a person who solemnizes a marriage to give each couple being married a certificate of marriage. **Section 15** clarifies that the certificate the couple receives from the person who solemnizes the marriage is an uncertified copy of a certificate of marriage.

Existing law authorizes a board of county commissioners in a county whose population is 700,000 or more (currently Clark County) to adopt an ordinance imposing an additional fee of not more than $14 for the issuance of a marriage license. If a board of county commissioners adopts such an ordinance: (1) the fee must be deposited in a special revenue fund designated as the fund for the promotion of marriage tourism; (2) money in the fund must be used by the county clerk to promote marriage tourism in the county; and (3) the county clerk is required to submit to the board of county commissioners a report of the projected expenditures of the money in the fund for the following fiscal year. (NRS 246.075) **Section 18** of this bill requires the county clerk to report to the board rather than submitting a report to the board of the projected expenditures of the money in the fund for the following fiscal year.

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

Section 1. Chapter 122 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***"Marriage officiant" means a person, other than a minister, other church or religious official authorized to solemnize a marriage or***

notary public, who obtains a certificate of permission to perform marriages as provided in NRS 122.062 to 122.073, inclusive.

Sec. 3. ***1. [Upon] A county clerk may, in his or her discretion, establish a program to provide for the issuance of a certificate of vow renewal. If a county clerk establishes such a program, upon the request of a couple who desires to renew their marriage vows, [a] the county clerk shall issue a certificate of vow renewal.***

2. The request for a certificate of vow renewal must be made on a form prescribed by the county clerk and must include the date of the vow renewal and the county in which the vow renewal occurred.

3. The certificate of vow renewal must contain:

(a) The date of the vow renewal;

(b) The county in which the vow renewal occurred;

(c) The name of the persons to whom the certificate of vow renewal is issued; and

(d) A statement that the certificate of vow renewal is not a record of marriage.

4. This section may not be used to establish a record of marriage.

5. A [board of county commissioners may adopt any ordinance as it determines necessary to carry out the provisions of this section.

6. If a board of county commissioners has adopted an ordinance pursuant to subsection 5, the] county clerk may charge and collect a fee in the same amount as the fee collected for the issuance of a marriage license pursuant to NRS 122.060 to cover the cost of preparing the certificate furnished pursuant to this section.

6. Notwithstanding any other provision of law to the contrary, a certificate of vow renewal is exempt from any schedule for the retention of records that applies to records in the office of the county clerk.

Sec. 4. NRS 122.001 is hereby amended to read as follows:

122.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 122.0015, 122.002 and 122.006 ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 5. NRS 122.030 is hereby amended to read as follows:

122.030 1. With respect to any marriage solemnized before January 1, 1971, the original certificate and records of marriage made by the judge, justice or minister, as prescribed in this chapter, and the record thereof by the recorder of the county, or a copy or abstract of the record certified by the recorder, must be received in all courts and places as presumptive evidence of the fact of the marriage.

2. With respect to any marriage solemnized on or after January 1, 1971, the original certificate and records of marriage made by the judge, justice, minister or other church or religious official authorized to solemnize a marriage, notary public, commissioner of civil marriages **,** [or] deputy commissioner of civil marriages [,] ***or marriage officiant,*** as prescribed in this chapter, and the record thereof by the county recorder or the county

clerk, as the case may be, or a copy or abstract of the record certified by the county recorder or the county clerk, as the case may be, must be received in all courts and places as presumptive evidence of the fact of the marriage.

Sec. 6. NRS 122.050 is hereby amended to read as follows:

122.050 The marriage license must contain the name of each applicant as shown in the documents presented pursuant to subsection 2 of NRS 122.040 and must be substantially in the following form:

Marriage License
(Expires 1 Year After Issuance)

State of Nevada }
}ss.
County of..... }

These presents are to authorize any minister, other church or religious official authorized to solemnize a marriage **,** ~~[or]~~ notary public ***or marriage officiant*** who has obtained a certificate of permission to perform marriages, any Supreme Court justice, judge of the Court of Appeals or district judge within this State, or justice of the peace within a township wherein the justice of the peace is permitted to solemnize marriages or if authorized pursuant to subsection 3 of NRS 122.080, or a municipal judge if authorized pursuant to subsection 4 of NRS 122.080 or any commissioner of civil marriages or his or her deputy within a commissioner township wherein they are permitted to solemnize marriages, to join in marriage ..... of (City, town or location) ....., State of ..... State of birth (If not in U.S.A., name of country) .....; Date of birth ..... Father's name ..... Father's state of birth (If not in U.S.A., name of country) ..... Mother's maiden name ..... Mother's state of birth (If not in U.S.A., name of country) ..... Number of this marriage (1st, 2nd, etc.) ..... Wife deceased ..... Divorced ..... Annulled ..... When ..... Where ..... And ..... of (City, town or location) ....., State of ..... State of birth (If not in U.S.A., name of country) .....; Date of birth ..... Father's name ..... Father's state of birth (If not in U.S.A., name of country) ..... Mother's maiden name ..... Mother's state of birth (If not in U.S.A., name of country) ..... Number of this marriage (1st, 2nd, etc.) ..... Husband deceased ..... Divorced ..... Annulled ..... When ..... Where .....; and to certify the marriage according to law.

Witness my hand and the seal of the county, this ..... day of the month of …… of the year .....

.....
(Seal) Clerk

.....
Deputy clerk

Sec. 7. NRS 122.055 is hereby amended to read as follows:

122.055 1. The county clerk may place the affidavit of application for a marriage license, the certificate of marriage and the marriage license on a single form.

2. The county clerk shall have printed or stamped on the reverse of the form:

(a) Instructions for obtaining a certified copy or certified abstract of the certificate of marriage.

(b) Language in black ink and at least 16-point bold type in a font that is easy to read and that is in substantially the following form:

> This is ***a duplicate of*** your certificate. This is not a certified copy. ***After the certificate has been recorded by the county recorder or filed by the county clerk, you may obtain a certified copy.*** For name changes and other legal matters, you will need to obtain a certified copy.

3. Nothing may be printed, stamped or written on the reverse of the form other than the instructions and language described in subsection 2 and a time stamp used by the county clerk to signify that the form has been filed.

Sec. 8. NRS 122.062 is hereby amended to read as follows:

122.062 1. Any licensed, ordained or appointed minister or other church or religious official authorized to solemnize a marriage in good standing within his or her church or religious organization, or either of them, incorporated, organized or established in this State, ~~[or]~~ a notary public appointed by the Secretary of State pursuant to chapter 240 of NRS and in good standing with the Secretary of State, ***or a marriage officiant*** may join together as husband and wife persons who present a marriage license obtained from any county clerk of the State, if the minister, other church or religious official authorized to solemnize a marriage ***,*** ~~[or]~~ notary public ***or marriage officiant*** first obtains ***or renews*** a certificate of permission to perform marriages as provided in NRS 122.062 to 122.073, inclusive. The fact that a minister or other church or religious official authorized to solemnize a marriage is retired does not disqualify him or her from obtaining a certificate of permission to perform marriages if, before retirement, the minister or other church or religious official authorized to solemnize a marriage had active charge of a church or religious organization for a period of at least 3 years.

2. A temporary replacement for a licensed, ordained or appointed minister or other church or religious official authorized to solemnize a marriage certified pursuant to NRS 122.062 to 122.073, inclusive, may solemnize marriages pursuant to subsection 1 for a period not to exceed 90 days, if the requirements of this subsection are satisfied. The minister or other church or religious official authorized to solemnize a marriage whom he or she temporarily replaces shall provide him or her with a written authorization which states the period during which it is effective, and the temporary replacement shall obtain from the county clerk in the county in

which he or she is a temporary replacement a written authorization to solemnize marriage and submit to the county clerk an application fee of $25.

3. Any chaplain who is assigned to duty in this State by the Armed Forces of the United States may solemnize marriages if the chaplain obtains a certificate of permission to perform marriages from the county clerk of the county in which his or her duty station is located. The county clerk shall issue such a certificate to a chaplain upon proof of his or her military status as a chaplain and of his or her assignment.

4. A licensed, ordained or appointed minister, other church or religious official authorized to solemnize a marriage, active or retired, ~~[or]~~ a notary public ***or person who desires to be a marriage officiant*** may submit to the county clerk in the county in which a marriage is to be performed an application to perform a specific marriage in the county. The application must:

(a) Include the full names and addresses of the persons to be married;

(b) Include the date and location of the marriage ceremony;

(c) Include the information and documents required pursuant to subsection 1 of NRS 122.064; ~~[and]~~

(d) ***If the applicant is a person who desires to be a marriage officiant, include verification that the applicant has satisfied the requirements of paragraph (d) of subsection 1 of NRS 122.064; and***

(e) Be accompanied by an application fee of $25.

5. A county clerk may grant authorization to perform a specific marriage to a person who submitted an application pursuant to subsection 4 if the county clerk is satisfied that the minister or other church or religious official authorized to solemnize a marriage, whether he or she is active or retired, is in good standing with his or her church or religious organization or, in the case of a notary public, if the notary public is in good standing with the Secretary of State ~~[.]~~ ***, or in the case of a person who desires to be a marriage officiant, that the person satisfied the requirements of paragraph (d) of subsection 1 of NRS 122.064.*** The authorization must be in writing and need not be filed with any other public officer. A separate authorization is required for each marriage performed. A person may not obtain more than five authorizations to perform a specific marriage pursuant to this section in any calendar year and must acknowledge that he or she is subject to the jurisdiction of the county clerk with respect to the provisions of this chapter governing the conduct of ministers, other church or religious officials authorized to solemnize a marriage ***,*** ~~[or]~~ notaries public ***or marriage officiants*** to the same extent as if he or she had obtained a certificate of permission to perform marriages.

6. This section must not be construed to allow a county clerk to authorize a marriage officiant to solemnize a marriage unless the county clerk has established a course for marriage officiants.

Sec. 9. NRS 122.064 is hereby amended to read as follows:

122.064 1. A certificate of permission to perform marriages ***or a renewal of such a certificate*** may be obtained only from the county clerk of the county in which the minister, other church or religious official authorized to solemnize a marriage ***,*** ~~[or]~~ notary public ***or person who desires to be a marriage officiant*** resides, after the filing of a proper application. The initial application ***or application for renewal*** must:

(a) Be in writing and be verified by the applicant.

(b) If the applicant is a minister or other church or religious official authorized to solemnize a marriage:

(1) Include the date of licensure, ordination or appointment of the minister or other church or religious official authorized to solemnize a marriage, and the name of the church or religious organization with which he or she is affiliated; and

(2) Be accompanied by one copy of the affidavit of authority to solemnize marriages described in subsection 5.

(c) If the applicant is a notary public:

(1) Include the date of the appointment of the notary public by the Secretary of State; and

(2) Be accompanied by a verification issued by the Secretary of State within the 3 months immediately preceding the date of the application which states that the applicant has been appointed as a notary public by the Secretary of State pursuant to chapter 240 of NRS and is in good standing with the Secretary of State. The county clerk must refuse to issue a certificate of permission if the appointment of the notary public is suspended or revoked and may refuse to issue a certificate of permission if the notary public has committed any violations of chapter 240 of NRS.

(d) ***If the applicant is not a minister, other church or religious official authorized to solemnize a marriage or notary public but a person who desires to be a marriage officiant:***

(1) Include an additional fee not to exceed $100 for a course for marriage officiants established by the county clerk; and

(2) Be accompanied by verification that the applicant successfully completed a course for marriage officiants established by the county clerk.

(e) Include the social security number of the applicant.

~~[(e)]~~ ***(f)*** Be accompanied by an application fee of $25.

2. To determine the qualifications of any minister, other church or religious official authorized to solemnize a marriage ***,*** ~~[or]~~ notary public ***or person who desires to be a marriage officiant*** who has filed an application for a certificate of permission, the county clerk with whom the application has been filed may require:

(a) The church or religious organization of the minister or other church or religious official authorized to solemnize a marriage to furnish any evidence which the county clerk considers necessary or helpful.

(b) An investigation of the background and present activities of the minister ***,*** ~~[or]~~ other ***church or religious official*** ~~[person]~~ authorized to solemnize a marriage ~~[.]~~ ***, notary public or person who desires to be a marriage officiant.*** The cost of an investigation conducted pursuant to this paragraph must be charged to the applicant.

3. In addition to the requirement of good standing, the county clerk shall, before approving an initial application, satisfy himself or herself that:

(a) If the applicant is a minister or other church or religious official authorized to solemnize a marriage, the applicant's ministry is one of service to his or her church or religious organization or, in the case of a retired minister or other church or religious official authorized to solemnize a marriage, that his or her active ministry was of such a nature.

(b) No certificate previously issued to the applicant has been cancelled for a knowing violation of the laws of this State or of the United States.

(c) The applicant has not been convicted of a felony, released from confinement or completed his or her parole or probation, whichever occurs later, within 10 years before the date of the application.

4. The county clerk may require any applicant to submit information in addition to that required by this section.

5. The affidavit of authority to solemnize marriages required by subparagraph (2) of paragraph (b) of subsection 1 must be in substantially the following form:

AFFIDAVIT OF AUTHORITY TO
SOLEMNIZE MARRIAGES FOR
CHURCHES AND RELIGIOUS
ORGANIZATIONS

State of Nevada }
}ss.
County of .....}

The..... (name of church or religious organization) is organized and carries on its work in the State of Nevada. Its active meetings are located at..... (street address, city or town). The..... (name of church or religious organization) hereby finds that..... (name of minister or other person authorized to solemnize marriages) is in good standing and is authorized by the..... (name of church or religious organization) to solemnize a marriage.

I am duly authorized by..... (name of church or religious organization) to complete and submit this affidavit.

.....
Signature of Official

.....
Name of Official
(type or print name)

.....
Title of Official

.....
Address

.....
City, State and Zip Code

.....
Telephone Number

Signed and sworn to (or affirmed) before me this..... day of the month of..... of the year.....

.....
Notary Public for
..... County, Nevada.

My appointment expires.....

6. Not later than 30 days after issuing ***or renewing*** a certificate of permission to perform marriages to a notary public, the county clerk must submit to the Secretary of State the name of the notary public to whom the certificate has been issued.

7. If a licensed, ordained or appointed minister **,** ~~**[**or**]**~~ other church or religious official authorized to solemnize a marriage ***or marriage officiant*** who holds a certificate of permission to perform marriages changes his or her mailing address, the minister **,** ~~**[**or**]**~~ other church or religious official authorized to solemnize a marriage ***or marriage officiant*** must notify the county clerk who issued the certificate of his or her new mailing address not later than 30 days after the change. If a notary public who holds a certificate of permission to perform marriages changes his or her mailing address, the notary public must submit to the Secretary of State a request for an amended certificate of appointment pursuant to NRS 240.036.

8. The fees collected by the county clerk pursuant to paragraph (d) of subsection 1 must be deposited in the county treasury to be used for establishing and maintaining a course for marriage officiants.

Sec. 10. NRS 122.066 is hereby amended to read as follows:

122.066 1. The Secretary of State shall establish and maintain a statewide database of ministers, other church or religious officials authorized to solemnize a marriage **,** ~~**[**or**]**~~ notaries public ***or marriage officiants*** who have been issued a certificate of permission to perform marriages ~~**[**.**]**~~ ***or*** ~~***[**a renewal of a]***~~ ***whose certificate*** ~~***[.]***~~ ***has been renewed.*** The database must:

(a) Serve as the official list of ministers, other church or religious officials authorized to solemnize a marriage **,** ~~[or]~~ notaries public ***or marriage officiants*** approved to perform marriages in this State;

(b) Provide for a single method of storing and managing the official list;

(c) Be a uniform, centralized and interactive database;

(d) Be electronically secure and accessible to each county clerk in this State;

(e) Contain the name, mailing address and other pertinent information of each minister, other church or religious official authorized to solemnize a marriage **,** ~~[or]~~ notary public ***or marriage officiant*** as prescribed by the Secretary of State; and

(f) Include a unique identifier assigned by the Secretary of State to each minister, other church or religious official authorized to solemnize a marriage **,** ~~[or]~~ notary public ~~[.]~~ ***or marriage officiant.***

2. If the county clerk approves an application for a certificate of permission to perform marriages ~~[,]~~ ***or*** ~~*[a]*~~ ***for the renewal of a certificate,*** the county clerk shall:

(a) Enter all information contained in the application into the electronic statewide database of ministers, other church or religious officials authorized to solemnize a marriage **,** ~~[or]~~ notaries public ***or marriage officiants*** maintained by the Secretary of State not later than 10 days after the certificate of permission to perform marriages ***or the renewal of a certificate*** is approved by the county clerk; and

(b) Provide to the Secretary of State all information related to the minister, other church or religious official authorized to solemnize a marriage **,** ~~[or]~~ notary public ***or marriage officiant*** pursuant to paragraph (e) of subsection 1.

3. Upon approval of an application pursuant to subsection 2, the minister, other church or religious official authorized to solemnize a marriage **,** ~~[or]~~ notary public ~~[.]~~ ***or marriage officiant:***

(a) Shall comply with the laws of this State governing the solemnization of marriage and conduct of ministers, other church or religious officials authorized to solemnize a marriage **,** ~~[or]~~ notaries public ~~[,]~~ ***or marriage officiants;***

(b) Is subject to further review or investigation by the county clerk to ensure that he or she continues to meet the statutory requirements for a person authorized to solemnize a marriage; and

(c) Shall provide the county clerk with any changes to his or her status or information, including, without limitation, the address or telephone number of the church or religious organization, if applicable, or any other information pertaining to certification within 30 days after such a change. If a notary public to whom a certificate of permission to perform marriages has been issued ***or renewed*** changes his or her address, the notary public must submit to the Secretary of State a request for an amended certificate of appointment in accordance with NRS 240.036.

4. ~~[Except as otherwise provided in this section,]~~ ***In addition to the circumstances set forth in this section in which a certificate of permission to perform marriages is no longer valid or expires, a county clerk may, in his or her discretion, establish a policy providing that a certificate of permission*** ~~[to perform marriages or a renewal of a certificate]~~ ***expires 5 years after the date it was issued*** ~~[.]~~ ***or renewed. If a county clerk does not establish such a policy, the certificate of permission remains valid unless and until it becomes invalid or expires pursuant to this section.***

5. A certificate of permission is valid until:

(a) If the certificate is issued to a minister or other church or religious official authorized to solemnize a marriage, the county clerk has received an affidavit of removal of authority to solemnize marriages pursuant to NRS 122.0665 or the certificate of permission is revoked pursuant to NRS 122.068.

(b) If the certificate is issued to a notary public, the appointment as a notary public has expired or has been cancelled, revoked or suspended. If, after the expiration of his or her appointment, a notary public receives a new appointment, the notary public may reapply for a certificate of permission to perform marriages ***.*** ~~[, without charge, if the reapplication occurs within 3 months after the expiration of the previous notary public appointment.~~

~~5.]~~ ***6.*** An affidavit of removal of authority to solemnize marriages that is received pursuant to paragraph (a) of subsection ~~[4]~~ ***5*** must be sent to the county clerk within 5 days after the minister or other church or religious official authorized to solemnize a marriage ceased to be a member of the church or religious organization in good standing or ceased to be a minister or other church or religious official authorized to solemnize a marriage for the church or religious organization.

~~[6.]~~ ***7.*** If the county clerk in the county where the certificate of permission was issued has reason to believe that:

(a) The minister or other church or religious official authorized to solemnize a marriage is no longer in good standing within his or her church or religious organization, or that he or she is no longer a minister or other church or religious official authorized to solemnize a marriage, or that such church or religious organization no longer exists; ~~[or]~~

(b) The notary public is no longer in good standing with the Secretary of State or that the appointment of the notary public has expired ~~[,]~~ ***; or***

(c) The marriage officiant is no longer in good standing with the county clerk,

➥ the county clerk may require satisfactory proof of the good standing of the minister, other church or religious official authorized to solemnize a marriage ***,*** ~~[or]~~ notary public ~~[.]~~ ***or marriage officiant.*** If such proof is not presented within 15 days, the county clerk shall remove the certificate of permission by amending the electronic record of the minister, other church or religious official authorized to solemnize a marriage ***,*** ~~[or]~~ notary public ***or marriage officiant*** in the statewide database pursuant to subsection 1.

~~[~~7.~~]~~ ***8.*** Except as otherwise provided in subsection ~~[~~8,~~]~~ ***9,*** if any minister or other church or religious official authorized to solemnize a marriage to whom a certificate of permission has been issued severs ties with his or her church or religious organization or moves from the county in which his or her certificate was issued, the certificate shall expire immediately upon such severance or move, and the church or religious organization shall, within 5 days after the severance or move, file an affidavit of removal of authority to solemnize marriages pursuant to NRS 122.0665. If the minister or other church or religious official authorized to solemnize a marriage voluntarily advises the county clerk of the county in which his or her certificate was issued of his or her severance with his or her church or religious organization, or that he or she has moved from the county, the certificate shall expire immediately upon such severance or move without any notification to the county clerk by the church or religious organization.

~~[~~8.~~]~~ ***9.*** If any minister or other church or religious official authorized to solemnize a marriage, who is retired and to whom a certificate of permission has been issued, moves from the county in which his or her certificate was issued to another county in this State, the certificate remains valid until such time as the certificate otherwise expires or is removed or revoked as prescribed by law. The minister or other church or religious official authorized to solemnize a marriage must provide his or her new address to the county clerk in the county to which the minister or other church or religious official authorized to solemnize a marriage has moved.

~~[~~9.~~]~~ ***10.*** If any notary public ***or marriage officiant*** to whom a certificate of permission has been issued ***or renewed*** moves from the county in which his or her certificate was issued, the certificate shall expire immediately upon such move.

~~[~~10.~~]~~ ***11.*** The Secretary of State may adopt regulations concerning the creation and administration of the statewide database. This section does not prohibit the Secretary of State from making the database publicly accessible for the purpose of viewing ministers, other church or religious officials who are authorized to solemnize a marriage ***,*** ~~[~~or~~]~~ notaries public ***or marriage officiants*** to whom a certificate of permission to perform marriages ~~***[or renewal of a certificate]***~~ has been issued ***or renewed*** in this State.

Sec. 11. NRS 122.068 is hereby amended to read as follows:

122.068 1. Any county clerk who has issued ***or renewed*** a certificate of permission to perform marriages to a minister, other church or religious official authorized to solemnize a marriage ***,*** ~~[~~or~~]~~ notary public ***or marriage officiant*** pursuant to NRS 122.062 to 122.073, inclusive, may revoke the certificate for good cause shown after a hearing.

2. If the certificate of permission to perform marriages ~~***[or renewal of a certificate]***~~ of any minister, other church or religious official authorized to solemnize a marriage ***,*** ~~[~~or~~]~~ notary public ***or marriage officiant*** is revoked or if the county clerk has received an affidavit of removal of authority to solemnize marriages pursuant to NRS 122.0665, the county clerk shall

inform the Secretary of State of that fact, and the Secretary of State shall immediately remove the name of the minister, other church or religious official authorized to solemnize a marriage ***,*** ~~[or]~~ notary public ***or marriage officiant*** from the official list contained in the database of ministers, other church or religious officials authorized to solemnize a marriage ***,*** ~~[or]~~ notaries public ***or marriage officiants*** and shall notify each county clerk and county recorder in the State of the revocation or removal of authority.

Sec. 12. NRS 122.071 is hereby amended to read as follows:

122.071 Any minister, other church or religious official authorized to solemnize a marriage ***,*** ~~[or]~~ notary public ***or marriage officiant*** whose application for a certificate of permission to perform marriages or renewal of such certificate is denied, or whose certificate of permission is revoked, is entitled to judicial review of such action in the district court of the county in which such action was taken.

Sec. 13. NRS 122.090 is hereby amended to read as follows:

122.090 No marriage solemnized before any person professing to be a judge, justice, minister or other church or religious official authorized to solemnize a marriage, notary public ***or marriage officiant*** to whom a certificate of permission to perform marriages ***or a renewal of a certificate*** has been issued, commissioner of civil marriages or deputy commissioner of civil marriages shall be deemed or adjudged to be void, nor shall the validity thereof be in any way affected on account of any want of jurisdiction or authority, provided it be consummated with a full belief on the part of the persons so married, or either of them, that they have been lawfully joined in marriage.

Sec. 14. NRS 122.110 is hereby amended to read as follows:

122.110 1. In the solemnization of marriage, no particular form is required except that the parties shall declare, in the presence of the justice, judge, minister or other church or religious official authorized to solemnize a marriage, notary public ***or marriage officiant*** to whom a certificate of permission to perform marriages ***or a renewal of a certificate*** has been issued, justice of the peace, commissioner of civil marriages or deputy commissioner of civil marriages, and the attending witness, that they take each other as husband and wife.

2. In every case, there shall be at least one witness present besides the person performing the ceremony.

Sec. 15. NRS 122.120 is hereby amended to read as follows:

122.120 1. After a marriage is solemnized, the person solemnizing the marriage shall give to each couple being married ~~[a]~~ ***an uncertified copy of a*** certificate of marriage.

2. The certificate of marriage must contain the date of birth of each applicant as contained in the form of marriage license pursuant to NRS 122.050. If a male and female person who are the husband and wife of each other are being rejoined in marriage pursuant to subsection 2 of NRS 122.020, the certificate of marriage must state that the male and female

person were rejoined in marriage and that the certificate is replacing a record of marriage which was lost or destroyed or is otherwise unobtainable. The certificate of marriage must be in substantially the following form:

State of Nevada
Marriage Certificate

State of Nevada }
}ss.
County of.....}

This is to certify that the undersigned, ... (a minister or other church or religious official authorized to solemnize a marriage, notary public, judge, justice of the peace of ..... County, commissioner of civil marriages **,** ~~[or]~~ deputy commissioner of civil marriages ~~[,]~~ ***or marriage officiant,*** as the case may be), did on the ..... day of the month of ……. of the year ....., at ..... (address or church), ... (city), Nevada, join or rejoin, as the case may be, in lawful wedlock ..... (name), of ..... (city), State of ....., date of birth ....., and ..... (name), of .....(city), State of ....., date of birth ....., with their mutual consent, in the presence of ..... and ..... (witnesses). (If a male and female person who are the husband and wife of each other are being rejoined in marriage pursuant to subsection 2 of NRS 122.020, this certificate replaces the record of the marriage of the male and female person who are being rejoined in marriage.)

.....
Signature of person performing
(Seal of County Clerk) the marriage

.....
Name under signature typewritten
or printed in black ink

.....
County Clerk

.....
Official title of person performing
the marriage

.....

.....
Couple’s mailing address

3. All information contained in the certificate of marriage must be typewritten or legibly printed in black ink, except the signatures. The

signature of the person performing the marriage must be an original signature.

Sec. 16. NRS 122.220 is hereby amended to read as follows:

122.220 1. It is unlawful for any Supreme Court justice, judge of the Court of Appeals, judge of a district court, justice of the peace, municipal judge, minister or other church or religious official authorized to solemnize a marriage, notary public, commissioner of civil marriages **,** ~~[or]~~ deputy commissioner of civil marriages ***or marriage officiant*** to join together as husband and wife persons allowed by law to be joined in marriage, until the persons proposing such marriage exhibit to him or her a license from the county clerk as provided by law.

2. Any Supreme Court justice, judge of the Court of Appeals, judge of a district court, justice of the peace, municipal judge, minister or other church or religious official authorized to solemnize a marriage, notary public, commissioner of civil marriages **,** ~~[or]~~ deputy commissioner of civil marriages ***or marriage officiant*** who violates the provisions of subsection 1 is guilty of a misdemeanor.

Sec. 17. NRS 122.260 is hereby amended to read as follows:

122.260 If any person ~~[shall undertake]~~ ***undertakes*** to join others in marriage, knowing that he or she is not lawfully authorized so to do, or knowing of the existence of any legal impediment to the proposed marriage, the person ~~[is guilty of a misdemeanor. and]~~ ***shall be punished by a ~~[fine]~~ civil penalty of not ~~[less]~~ more than $1,500. A board of county commissioners may enact an ordinance delegating to a hearing officer the authority to determine violations of this section and to levy civil penalties for those violations.***

Sec. 18. NRS 246.075 is hereby amended to read as follows:

246.075 1. In a county whose population is 700,000 or more, the board of county commissioners may impose by ordinance an additional fee of not more than $14 for the issuance of a marriage license.

2. An ordinance adopted pursuant to subsection 1 must include a provision creating a special revenue fund designated as the fund for the promotion of marriage tourism. Any money collected from a fee imposed pursuant to subsection 1 must be paid by the county clerk to the county treasurer, and the county treasurer shall deposit the money received in the fund.

3. Any interest earned on money in the fund, after deducting any applicable charges, must be credited to the fund.

4. Any money remaining in the fund at the end of a fiscal year must not revert to the county general fund, and the balance in the fund must be carried forward to the next fiscal year.

5. The money in the fund:

(a) Must be used by the county clerk only to promote wedding tourism in the county.

(b) Must not be used to replace or supplant any money available to fund the regular operations of the office of the county clerk.

6. If a board of county commissioners adopts an ordinance pursuant to subsection 1, on or before July 1 of each year, the county clerk shall ~~[submit]~~ ***report*** to the board of county commissioners ~~[a report of]~~ the projected expenditures of the money in the fund for the following fiscal year.

Sec. 19. ~~[Any]~~ **If, pursuant to NRS 122.066, as amended by section 10 of this act, a county clerk establishes a policy providing that a** certificate of permission to perform marriages **expires 5 years after the certificate of permission is issued or renewed, a certificate of permission** issued **by the county clerk** to a minister or other church or religious official authorized to solemnize a marriage or **a** notary public before July 1, 2017, expires on June 30, 2022, and may be renewed pursuant to NRS 122.064, as amended by section 9 of this act.

Sec. 20. This act becomes effective on July 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 375.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 439.

AN ACT relating to taxation; authorizing the governing body of a flood management authority under specified circumstances to adopt a resolution establishing a flood control project needs committee to recommend the imposition of certain taxes to fund the flood management projects of the flood management authority; providing that if such a committee is established and submits its recommendations to the board of county commissioners within the time prescribed, the board of county commissioners is required to submit a question to the voters at the 2018 General Election asking whether the recommended taxes should be imposed in the county; requiring the board of county commissioners to adopt an ordinance imposing any such taxes that are approved by the voters; providing for the use of the proceeds of such taxes for certain flood management projects; providing that if a flood control project needs committee is established, the committee is required to obtain information and submit a report concerning certain flooding issues in the county; providing for the prospective expiration of the authority of a governing body to establish such a committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes the governing body of a flood management authority to establish by resolution a flood control project needs committee to recommend the imposition of certain taxes for consideration by the voters at

the 2018 General Election to fund the flood management projects of the flood management authority.

Sections 2 and 3 of this bill provide that if such a committee is established, the committee may recommend the imposition of one or more of the following taxes: (1) an additional tax on the gross receipts from the rental of transient lodging in the county; (2) a supplemental governmental services tax for the privilege of operating a vehicle upon the public streets, roads and highways of the county; (3) an additional tax on the transfer of real property in the county; (4) an additional sales and use tax in the county; ~~[and]~~ (5) an additional property tax in the county **~~[.]~~ ; and (6) any other tax, fee, levy or assessment the county is authorized under the law of this State to impose.** The recommendations of the committee must specify the rate or rates for each of the recommended taxes **, fees, levies or assessments** and may specify the period during which the recommended taxes **, fees, levies or assessments** will be imposed. If the committee submits its recommendations to the board of county commissioners on or before April 2, 2018, the board of county commissioners is required to submit a question to the voters at the November 6, 2018, General Election asking whether any of the taxes **, fees, levies or assessments** recommended by the committee should be imposed in the county. If a majority of the voters approve the question, the board of county commissioners is required to impose the approved taxes **, fees, levies and assessments** at the rate **or rates** specified in the question submitted to the voters. If a majority of the voters approve the imposition of an additional property tax, the additional rate is exempt from the partial abatement of property taxes on certain property and the requirement that taxes ad valorem not exceed $3.64 on each $100 of assessed valuation.

Section 4 of this bill provides that the proceeds resulting from the imposition of such taxes **~~[.]~~ , fees, levies and assessments:** (1) must be deposited in the fund for flood management projects of the flood management authority; and (2) may be pledged to the payment of the principal and interest on bonds or other obligations issued for certain flood management projects.

Section 5 of this bill provides that if a flood control project needs committee is established, the committee must conduct meetings to receive information and evidence about flooding issues in the county and provide a report to the Governor, the Legislature, the board of county commissioners, the city council or other governing body of each city in the county and the board of directors of the flood management authority of the county.

Section 6 of this bill provides that the provisions of this bill authorizing the governing body of a flood management authority to establish such a flood control project needs committee expire by limitation on April 2, 2018.

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

Section 1. 1. The governing body of a flood management authority may, by resolution, establish a flood control project needs committee to recommend the imposition of one or more of the taxes **, fees, levies or assessments** described in section 3 of this act for consideration by the voters at the 2018 General Election to fund the flood management projects of the flood management authority. If such a resolution is adopted, the committee must be appointed consisting of:

(a) The chief executive officer of the flood management authority, who serves ex officio, or his or her designee.

(b) One Senator whose legislative district includes all or part of the flood management authority. If the legislative district of more than one Senator includes the flood management authority, those Senators shall jointly appoint the member to serve.

(c) One member of the Assembly whose legislative district includes all or part of the flood management authority. If the legislative district of more than one member of the Assembly includes the flood management authority, those members of the Assembly shall jointly appoint the member to serve.

(d) One member who is a representative of the Nevada Association of Realtors, **or its successor,** appointed by that Association.

(e) One member who is a representative of the Retail Association of Nevada, **or its successor,** appointed by that Association.

(f) One member appointed by the board of county commissioners.

(g) If the county includes one or more cities, the mayor of each such city shall appoint a member to serve.

(h) One member who is a representative of a labor organization, appointed by the State of Nevada AFL-CIO **[.] , or its successor.**

(i) One member of the general public, appointed by the Governor of the State of Nevada.

(j) One member who represents economic development in the county, appointed by the regional development authority, as defined in NRS 231.009, for that county.

(k) One member who represents gaming, appointed by the gaming association with the largest membership in the county or, if there are no members of a gaming association in the county, the governing body of the flood management authority.

(l) One member who represents business or commercial interests, other than gaming, appointed by the local chamber of commerce with the largest membership in the county or, if there is no local chamber of commerce in the county, the governing body of the flood management authority.

(m) One member who represents homebuilders in the county, appointed by the association of homebuilders with the largest membership in the county

or, if there are no members of an association of homebuilders in the county, the governing body of the flood management authority.

(n) One member who represents the largest airport in the county, if any, appointed by that airport's governing board **~~[.]~~ as a nonvoting member of the committee.**

(o) One member representing commercial developers in the county, appointed by the Northern Nevada Chapter of **~~[~~~~the National Association of Industrial and Office Properties.~~~~]~~ NAIOP Commercial Real Estate Development Association, or its successor.**

2. The members appointed pursuant to paragraphs (d) to (o), inclusive, of subsection 1 must be residents of the county.

3. Any vacancy occurring in the appointed membership of a committee established pursuant to subsection 1 must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

4. If a committee is established pursuant to subsection 1, the committee shall hold its first meeting upon the call of the chief executive officer of the flood management authority as soon as practicable after the appointments are made pursuant to subsection 1. At the first meeting of the committee, the members of the committee shall elect a Chair.

5. A majority of **the voting members of** a committee established pursuant to subsection 1 constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the committee.

6. If a committee is established pursuant to subsection 1, the chief executive officer of the flood management authority shall provide administrative support to the committee.

7. As used in this section, "flood management authority" has the meaning ascribed to it in NRS 244A.0293.

Sec. 2. 1. If a flood control project needs committee is established pursuant to subsection 1 of section 1 of this act, the committee shall, on or before April 2, 2018:

(a) Prepare recommendations for the imposition of one or more of the taxes **, fees, levies or assessments** described in section 3 of this act in the county to provide funding to the flood management authority for one or more flood management projects, as defined in NRS 244A.0297. The recommendations must specify the proposed rate or rates for each of the recommended taxes **, fees, levies or assessments** and may specify the period during which one or more of the recommended taxes **, fees, levies or assessments** will be imposed.

(b) Submit the recommendations to the board of county commissioners.

2. Upon the receipt of recommendations pursuant to subsection 1, the board of county commissioners shall, at the General Election on November 6, 2018, submit a question to the voters of the county asking whether any of the recommended taxes **, fees, levies or assessments** should be imposed in the county. The question submitted to the voters of the county must specify

the proposed rate or rates for each of the recommended taxes **, fees, levies or assessments** and the period during which each of the recommended taxes **, fees, levies or assessments** will be imposed, if the period was specified in the recommendations submitted pursuant to subsection 1. If the question submitted to the voters pursuant to this subsection asks the voters of the county whether to impose the tax described in subsection 5 of section 3 of this act **[,] or any other property tax,** the question must state that any such tax imposed is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.

3. If a majority of the voters voting on the question submitted to the voters pursuant to subsection 2 vote affirmatively on the question:

(a) The board of county commissioners shall impose the recommended **[**~~tax or~~**]** taxes **, fees, levies or assessments** in accordance with the provisions of section 3 of this act and at the rate or rates specified in the question submitted to the voters pursuant to subsection 2.

(b) If the question recommended the imposition of the tax described in subsection 5 of section 3 of this act **[**~~,~~**] or any other property tax:**

(1) Any such tax imposed is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.

(2) The provisions of NRS 361.453 do not apply to any such tax imposed.

(c) The **[**~~tax or~~**]** taxes **, fees, levies and assessments** must be imposed notwithstanding the provisions of any specific statute to the contrary and, except as otherwise specifically provided in sections 1 to 4, inclusive, of this act, such **[**~~tax or~~**]** taxes **, fees, levies and assessments** are not subject to any limitations set forth in any statute which authorizes the board of county commissioners to impose such **[**~~tax or~~**]** taxes, **fees, levies and assessments,** including, without limitation, any limitations on the maximum rate or rates which may be imposed or the duration of the period during which such taxes **, fees, levies and assessments** may be imposed.

Sec. 3. 1. Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 2 of this act recommending the imposition of a tax on the gross receipts from the rental of transient lodging, in addition to all other taxes imposed on the revenue from the rental of transient lodging, the board of county commissioners shall impose a tax on the gross receipts from the rental of transient lodging at the rate specified in the question presented to the voters pursuant to section 2 of this act. The tax must be imposed throughout the county, including its incorporated cities, upon all persons in the business of providing transient lodging. The tax must be administered and enforced in the same manner as similar taxes imposed pursuant to chapter 244 of NRS on the revenue from the rental of transient lodging are administered and enforced.

2. Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 2 of this act recommending the imposition of a supplemental governmental services tax

for the privilege of operating a vehicle upon the public streets, roads and highways of the county, the board of county commissioners shall, in addition to any supplemental governmental services tax imposed pursuant to NRS 371.043 or 371.045, impose a supplemental governmental services tax at the rate specified in the question presented to the voters pursuant to section 2 of this act on each vehicle based in the county except:

(a) A vehicle exempt from the governmental services tax pursuant to chapter 371 of NRS; or

(b) A vehicle subject to NRS 706.011 to 706.861, inclusive, which is engaged in interstate or intercounty operations.

➥ The tax must be administered and enforced in the same manner as the taxes imposed pursuant to NRS 371.043 and 371.045 are administered and enforced.

3. Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 2 of this act recommending the imposition of a tax on transfers of real property, in addition to all other taxes imposed on transfers of real property pursuant to chapter 375 of NRS, the board of county commissioners shall impose a tax at the rate specified in the question presented to the voters pursuant to section 2 of this act on each deed by which any lands, tenements or other realty is granted, assigned, transferred or otherwise conveyed to, or vested in, another person, or land sale installment contract, if the consideration or value of the interest or property conveyed exceeds $100. The amount of the tax must be computed on the basis of the value of the real property that is the subject of the transfer or land sale installment contract as declared pursuant to NRS 375.060. The county recorder shall collect the tax in the manner provided in NRS 375.030.

4. Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 2 of this act recommending the imposition of a tax on the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed in the county, the board of county commissioners shall impose the tax at the rate specified in the question presented to the voters pursuant to section 2 of this act. The tax must be administered and enforced in the same manner as the taxes imposed pursuant to chapter 374 of NRS are administered and enforced.

5. Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 2 of this act recommending an increase in the rate of the tax levied in accordance with NRS 361.460, the board of county commissioners shall, in addition to any tax levied in accordance with NRS 361.460, levy a tax on the assessed valuation of taxable property within the county in the amount described in the question presented to the voters pursuant to section 2 of this act. The tax must be administered and enforced in the same manner as the tax imposed pursuant to NRS 361.460 is administered and enforced.

6. Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 2 of this act recommending the imposition of any other tax, fee, levy or assessment not described in subsections 1 to 5, inclusive, that the county is authorized under the law of this State to impose, the board of county commissioners shall levy or otherwise impose such a tax, fee, levy or assessment at the rate or rates specified in the question presented to the voters pursuant to section 2 of this act. Each tax, fee, levy or assessment must be administered and enforced as provided for under the laws of this State.

Sec. 4. The proceeds of any ~~[tax or]~~ taxes **, fees, levies and assessments** imposed pursuant to sections 2 and 3 of this act:

1. Must be deposited in the flood management authority's fund for flood management projects to be held and, except as otherwise provided in subsection 2, expended to pay the costs of one or more of the flood management projects set forth in NRS 244A.0297.

2. May be pledged to the payment of principal and interest on bonds or other obligations issued for one or more of the flood management projects set forth in NRS 244A.0297. The proceeds of such taxes **, fees, levies and assessments** so pledged may be treated as pledged revenues for the purposes of subsection 3 of NRS 350.020, and the governing body of the flood management authority may issue bonds for those purposes in accordance with the provisions of chapter 350 of NRS.

Sec. 5. 1. If a flood control project needs committee is established pursuant to subsection 1 of section 1 of this act, the committee shall, not later than 18 months after the date of the first meeting of the committee:

(a) Conduct meetings at which the committee receives information and evidence concerning the issue of flooding in areas of the county not covered by a plan for protection against floods which is adopted by the flood management authority of the county, regardless of the source or cause of such flooding; and

(b) Submit a report to the Governor, the Director of the Legislative Counsel Bureau for transmission to the next session of the Legislature, the board of county commissioners, the city council or other governing body of each incorporated city in the county and the board of directors of the flood management authority. The report must contain:

(1) A description of the areas of the county which are most affected by flooding and which are not covered by the plan for protection against floods which is adopted by the flood management authority of the county;

(2) A description of the source of flooding in the areas of the county described pursuant to subparagraph (1);

(3) A compilation of projects suggested in existing community planning documents that would address known areas of flooding in the county;

(4) Recommendations for flood protection or mitigation measures for known sources of flooding and sources of flooding identified during the course of the meetings conducted pursuant to subsection 1; and

(5) Recommendations of issues that need further study and modeling.

2. As used in this section, "flood management authority" has the meaning ascribed to it in NRS 244A.0293.

Sec. 6. 1. This act becomes effective upon passage and approval.

2. Section 1 of this act expires by limitation on April 2, 2018.

Assemblywoman Neal moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 377.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 411.

AN ACT relating to criminal procedure; prohibiting a prosecuting attorney from seeking an indictment while competency proceedings are pending ~~[,]~~ **except with leave of the court;** prohibiting a prosecuting attorney from refiling charges against a defendant who has been found incompetent ~~[unless the prosecuting attorney has a good faith belief, based on articulable facts, that the defendant has attained competency;]~~ **except with leave of the court;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that: (1) a person may not be tried or adjudged to punishment for a public offense while incompetent; and (2) any time after the arrest of a defendant, if doubt arises as to the competence of the defendant, the court must suspend the proceedings, the trial or the pronouncing of the judgment until the question of competence is determined. (NRS 178.400, 178.405) **Section 1** of this bill provides that a prosecuting attorney may not seek an indictment of the defendant for any offense during the period in which the court is considering whether the defendant is competent or incompetent ~~[.]~~ **except upon the prosecuting attorney's application for leave of the court. Section 1 requires the prosecuting attorney to: (1) demonstrate that an objective factor significantly impacts the ability of the State to prosecute the matter in the absence of such leave of the court; and (2) give at least 24 hours' notice of the application to the defendant's attorney.**

Existing law provides that, under certain circumstances, when a criminal defendant has been found incompetent, the proceedings against the defendant must be dismissed. (NRS 178.425) **Section 2** of this bill provides for the refiling of charges arising out of the same circumstances in cases in which the prosecuting attorney **applies for, and is granted, leave of the court where: (1) the State** has a good faith belief, based on articulable facts, that the defendant has regained competency ~~[.]~~ **; (2) the State has a compelling**

interest in bringing charges again; and (3) the period for commencing the criminal action has not lapsed. Section 2 requires the prosecuting attorney to give at least 24 hours' notice of the application to the defendant's attorney.

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

Section 1. NRS 178.415 is hereby amended to read as follows:

178.415 1. Except as otherwise provided in this subsection, the court shall appoint two psychiatrists, two psychologists, or one psychiatrist and one psychologist, to examine the defendant. If the defendant is accused of a misdemeanor, the court of jurisdiction shall appoint a psychiatric social worker, or other person who is especially qualified by the Division, to examine the defendant.

2. Except as otherwise provided in this subsection, at a hearing in open court, the court that orders the examination must receive the report of the examination. If a justice court orders the examination of a defendant who is charged with a gross misdemeanor or felony, the district court must receive the report of the examination.

3. The court that receives the report of the examination shall permit counsel for both sides to examine the person or persons appointed to examine the defendant. The prosecuting attorney and the defendant may:

(a) Introduce other evidence including, without limitation, evidence related to treatment to competency and the possibility of ordering the involuntary administration of medication; and

(b) Cross-examine one another's witnesses.

4. ***A prosecuting attorney may not seek an indictment of the defendant for any offense during the period in which the court is considering whether the defendant is competent or incompetent*** ~~[.]~~ ***except upon application by the prosecuting attorney to the chief judge of the district court, or his or her designee, and with leave of the court. The prosecuting attorney must demonstrate that adequate cause exists for the court to grant leave to seek an indictment on the grounds that the availability or unavailability of a witness, or any other objective factor, significantly impacts the ability of the State to prosecute the matter in the absence of such leave. The prosecuting attorney must give notice of an application made pursuant to this subsection to the attorney for the defendant not less than 24 hours before the hearing on the application.***

5. The court that receives the report of the examination shall then make and enter its finding of competence or incompetence.

~~[5.]~~ ***6.*** The court shall not appoint a person to provide a report or an evaluation pursuant to this section, unless the person is certified by the Division pursuant to NRS 178.417.

Sec. 2. NRS 178.425 is hereby amended to read as follows:

178.425 1. If the court finds the defendant incompetent, and dangerous to himself or herself or to society and that commitment is required for a determination of the defendant's ability to receive treatment to competency and to attain competence, the judge shall order the sheriff to convey the defendant forthwith, together with a copy of the complaint, the commitment and the physicians' certificate, if any, into the custody of the Administrator or the Administrator's designee for detention and treatment at a division facility that is secure. The order may include the involuntary administration of medication if appropriate for treatment to competency.

2. The defendant must be held in such custody until a court orders the defendant's release or until the defendant is returned for trial or judgment as provided in NRS 178.450, 178.455 and 178.460.

3. If the court finds the defendant incompetent but not dangerous to himself or herself or to society, and finds that commitment is not required for a determination of the defendant's ability to receive treatment to competency and to attain competence, the judge shall order the defendant to report to the Administrator or the Administrator's designee as an outpatient for treatment, if it might be beneficial, and for a determination of the defendant's ability to receive treatment to competency and to attain competence. The court may require the defendant to give bail for any periodic appearances before the Administrator or the Administrator's designee.

4. Except as otherwise provided in subsection 5, proceedings against the defendant must be suspended until the Administrator or the Administrator's designee or, if the defendant is charged with a misdemeanor, the judge finds the defendant capable of standing trial or opposing pronouncement of judgment as provided in NRS 178.400.

5. Whenever the defendant has been found incompetent, with no substantial probability of attaining competency in the foreseeable future, and released from custody or from obligations as an outpatient pursuant to paragraph (d) of subsection 4 of NRS 178.460, the proceedings against the defendant which were suspended must be dismissed. No new charge arising out of the same circumstances may be brought ~~[after:~~

~~*(a) Unless]*~~ ***except upon application by the prosecuting attorney to the chief judge of the district court, or his or her designee, and with leave of the court where:***

(a) The State has a good faith belief, based on articulable facts, that the defendant has attained competency .~~[~~.

~~*(b) After* a~~] ***;***

(b) The State has a compelling interest in bringing charges again; and

(c) The period, equal to the maximum time allowed by law for commencing a criminal action for the crime with which the defendant was charged, has ***not*** lapsed since the date of the alleged offense.

➥ The prosecuting attorney must give notice of an application made pursuant to this subsection to the attorney for the defendant not less than 24 hours before the hearing on the application.

6. If a defendant is found incompetent pursuant to this section, the court shall cause, within 5 business days after the finding, on a form prescribed by the Department of Public Safety, a record of that finding to be transmitted to the Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

7. As used in this section, "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 381.

Bill read second time.

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

Amendment No. 548.

SUMMARY—Revises provisions governing prescription drugs covered by **certain** policies of health insurance. (BDR 57-698)

AN ACT relating to health insurance; prohibiting an insurer from taking certain actions concerning prescription drugs covered by ~~[a policy]~~ **certain policies** of health insurance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, policies of health insurance may provide coverage for prescription drugs. Prescription drugs which are covered by a policy of health insurance are organized into a formulary, which is an official list of the prescription drugs, and that formulary may be subcategorized based upon the cost to the insured person to purchase the prescription drug under the policy of health insurance. These subcategories are referred to as tiers. If a particular prescription drug is moved by the insurer from a lower cost tier to a higher cost tier, the insured person purchasing the prescription drug will need to pay more to purchase the prescription drug after the prescription drug is moved to the higher cost tier.

Section 1 of this bill prohibits ~~[an insurer]~~ **certain insurers** from moving a prescription drug from a lower cost tier to a higher cost tier ~~[before the expiration of the policy of health insurance, while expressly authorizing such a move upon renewal of the policy. The applicable terms in section 1 are defined broadly to apply to private and public health care policies, contracts, certificates, plans and agreements, as specified, including, without limitation, policies offered to individuals and groups, plans offered through small~~

~~employers, contracts offered by fraternal benefit societies, policies offered by hospital or medical services corporations, plans offered by health maintenance organizations and by managed care organizations, coverage provided by prepaid limited health service organizations, and programs such as Medicaid administered by governmental entities. Sections 3 and 4 of this bill make conforming changes to apply the provisions of section 1 to state and local governmental employees.]~~ **under certain policies of health insurance issued to an individual or a small employer, except on specified dates or when an applicable generic drug is added to the formulary under specified circumstances. Section 1 does not prevent such an insurer from: (1) moving a prescription drug from a higher cost tier to a lower cost tier; (2) removing a prescription drug from a formulary; or (3) adding a prescription drug to a formulary.**

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

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

1. If a policy of health insurance issued to an individual pursuant to chapter 689A, ~~[689B, 689C, 695A,]~~ 695B ~~[,]~~ or 695C ~~[, 695F or 695G]~~ of NRS includes coverage for a prescription drug pursuant to a formulary with more than one cost tier, the insurer ~~[shall not]~~ may move the prescription drug from a lower cost tier to a higher cost tier ~~[before the expiration of the policy of health insurance. The insurer may move a prescription drug from a lower cost tier to a higher cost tier upon renewal of the policy of health insurance.~~

~~2.]~~ only:

(a) On January 1; and

(b) On any date on which the insurer adds to the formulary a generic prescription drug that:

(1) Has been approved by the Food and Drug Administration for use as an alternative to the original prescription drug; and

(2) Is being added to the formulary at:

(I) The same cost tier from which the original prescription drug is being moved; or

(II) A cost tier which has a smaller deductible, copayment or coinsurance than the cost tier from which the original prescription drug is being moved.

2. If a policy of health insurance issued to a small employer pursuant to chapter 689C, 695B or 695C of NRS includes coverage for a prescription drug pursuant to a formulary with more than one cost tier, the insurer may move the prescription drug from a lower cost tier to a higher cost tier only:

(a) On January 1;

(b) On July 1; and

(c) On any date on which the insurer adds to the formulary a generic prescription drug that:

(1) Has been approved by the Food and Drug Administration for use as an alternative to the original prescription drug; and

(2) Is being added to the formulary at:

(I) The same cost tier from which the original prescription drug is being moved; or

(II) A cost tier which has a smaller deductible, copayment or coinsurance than the cost tier from which the original prescription drug is being moved.

3. The provisions of this section do not prevent an insurer, at any time, from:

(a) Moving a prescription drug from a higher cost tier of a formulary to a lower cost tier of the formulary; ~~[or]~~

(b) Removing a prescription drug from a formulary; or

(c) Adding a prescription drug to a formulary.

~~[3.]~~ 4. This section does not apply to a grandfathered plan.

5. As used in this section ~~[, "insurer"]~~ :

(a) "Individual carrier" has the meaning ascribed to it in NRS 689A.550.

(b) "Insurer" includes, without limitation ~~[, a]~~ :

(1) An individual carrier; and

(2) A governmental entity which offers, administers or otherwise provides a policy of health insurance.

(c) "Small employer" has the meaning ascribed to it in NRS 689C.095.

Sec. 2. ~~[~~NRS 689C.425 is hereby amended to read as follows:

~~689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive~~ **~~[.]~~** ***~~, and section 1 of this act.]~~*** **(Deleted by amendment.)**

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

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

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

~~(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase,~~

~~from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.~~

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

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

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

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

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

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

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

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

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

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

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

~~6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.~~**]** **(Deleted by amendment.)**

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

~~287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 689B.255, 695G.150, 695G.160, 695G.162, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.170 to 695G.173, inclusive, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, *and section 1 of this act,* in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.~~**]** **(Deleted by amendment.)**

Sec. 5. **This act becomes effective on January 1, 2019.**

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 400.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 480.

AN ACT relating to education; requiring the board of trustees of a school district or governing body of a charter school to transfer the copyright **or otherwise relinquish any claim to the copyright** for certain instructional materials **[**~~or tools~~**]** to an employee of the school district or charter school; requiring the Department of Education to establish a database of instructional materials **[**~~and tools~~**]** created by employees of school districts and charter schools in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law provides that the employer owns the copyright of a work produced by an employee within the scope of his or her employment. (17 U.S.C. § 201) This bill requires the board of trustees of a school district or the governing body of a charter school to **: (1)** transfer to an employee of the school district or charter school the copyright for any instructional materials ~~[or tools]~~ created by the employee ~~[.]~~ **outside the scope of his or her employment; or (2) otherwise relinquish any claim to the copyright for such instructional materials.**

This bill also requires the Department of Education to establish a database of instructional materials ~~[and tools]~~ created by employees of school districts and charter schools in this State and provide access to the database to any employee of a school district or charter school in this State upon request. This bill authorizes any person to suggest to the Department the inclusion of instructional materials ~~[or tools]~~ in the database. This bill provides that instructional materials ~~[or tools]~~ suggested for inclusion will be included in the database if: (1) use of the instructional materials ~~[or tools]~~ is approved by the regional training program established for the region in which the employee who created the instructional materials ~~[or tools]~~ is employed; and (2) the Department enters into a contract with the employee who created the instructional materials ~~[or tools]~~ authorizing the Department to include the instructional materials ~~[or tools]~~ in the database ~~[.]~~ **and allow any employee of a school district or charter school in this State to use the instructional materials free of charge.**

WHEREAS, Creating instructional materials, including textbooks, outside of the scope of a teacher's or other employee's employment allows the teacher or other employee to use his or her knowledge and experience to benefit a larger number of teachers, school employees and pupils; and

WHEREAS, A teacher or other employee of a school deserves to own any instructional materials created by the teacher or employee outside the scope of his or her employment without hindrance and receive compensation for the use of such instructional materials; and

WHEREAS, Providing teachers and other school employees with access to a wide variety of instructional materials will allow those teachers and school employees to better meet the needs of their pupils; now, therefore,

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

Section 1. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of a school district or the governing body of a charter school shall transfer to an employee of the school district or charter school, as applicable, free of charge, the copyright for any

instructional materials ~~[or tools]~~ created by the employee ~~[,]~~ outside the scope of his or her employment or otherwise relinquish any claim to the copyright for such instructional materials.

2. The Department shall establish a database of instructional materials ~~[or tools]~~ created by employees of school districts and charter schools in this State. Any person, including, without limitation, an employee of a school district or charter school, may suggest to the Department the inclusion of such instructional materials ~~[or tools]~~ in the database. The suggested instructional materials ~~[or tools]~~ must be included in the database if:

(a) The inclusion of the instructional materials ~~[or tools]~~ in the database is approved by the regional training program established pursuant to NRS 391A.120 for the region in which the employee who created the instructional materials ~~[or tools]~~ is employed; and

(b) The Department enters into a contract with the employee who created the instructional materials ~~[or tools]~~ authorizing the Department to include the instructional materials ~~[or tools]~~ in the database ~~[,]~~ and allow any employee of a school district or charter school in this State to use the instructional materials free of charge.

3. The database established pursuant to subsection 2 must:

(a) Identify, for each set of instructional materials included in the database, the school and, if applicable, the school district in which the set of instructional materials is used; and

(b) Allow an employee of a school district or charter school to search for all instructional materials that are used in schools that, pursuant to the attendance matriculation pattern of a particular school, are regularly attended by pupils who ultimately attend that school.

4. The Department shall provide access to the database established pursuant to subsection 2 to any employee of a school district or charter school in this State upon request.

~~[4.]~~ 5. The State Board may adopt any regulations necessary to carry out the provisions of this section.

6. As used in this section, the term "instructional materials" does not include tests, quizzes, homework problems or lesson plans.

Sec. 1.5. **NRS 389.840 is hereby amended to read as follows:**

389.840 As used in NRS 389.840 to 389.880, inclusive, unless the context requires otherwise:

1. "Basic textbook" or "textbook" means any medium or manual of instruction, including, without limitation, software for computers ~~[,]~~ ***or a medium or manual of instruction to which an employee of a school district owns the copyright pursuant to section 1 of this act,*** containing a presentation of the principles of a subject and used as a basis of instruction.

2. "Supplemental textbook" means any medium or material, including, without limitation, software for computers ~~[,]~~ ***or a medium or material to which an employee of a school district owns the copyright pursuant to***

section 1 of this act, used to reinforce or extend a basic program of instruction.

3. A basic or supplemental textbook becomes "unserviceable" when 4 years have elapsed since its removal from the adopted list.

Sec. 2. Insofar as they conflict with the provisions of such an agreement, the amendatory provisions of this act do not apply during the current term of any contract of employment or collective bargaining agreement entered into before January 1, 2018, but do apply to any extension or renewal of such an agreement and to any agreement entered into on or after January 1, 2018.

Sec. 3. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act and on January 1, 2018, for all other purposes.

Assemblyman Thompson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 402.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 440.

[ASSEMBLYWOMAN] ASSEMBLYWOMEN JAUREGUI **; AND KRASNER**

AN ACT relating to taxes on retail sales; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to provide an exemption from the tax for feminine hygiene products and diapers; providing for the exemptions from certain analogous taxes if the voters approve this amendment to the Sales and Use Tax Act of 1955; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The nonadministrative provisions of the Sales and Use Tax Act of 1955 (part of chapter 372 of NRS) was approved by the voters by a referendum and therefore cannot be amended, annulled, repealed, set aside, suspended or in any way made inoperative except by the direct vote of the people. (Nev. Const. Art. 19, § 1)

Sections 2-9 of this bill require the submission of a question to the voters at the 2018 General Election of whether the Sales and Use Tax Act of 1955 should be amended to provide an exemption for feminine hygiene products and diapers. **Section 10** of this bill construes the terms "feminine hygiene product" and "diaper" for the purposes of the exemption. **Sections 11 and 12** of this bill amend the Local School Support Tax Law to provide an identical exemption. This tax exemption becomes effective on January 1, 2019, and expires by limitation on December 31, 2028, only if the voters approve the amendment to the Sales and Use Tax Act of 1955 at the General Election in 2018.

Any amendment to the Local School Support Tax Law also applies to other sales and use taxes imposed under existing law. (NRS 354.705, 374A.020, 376A.060, 377.040, 377A.030, 377B.110 and 543.600 and various special and local acts)

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

Section 1. The Legislature hereby finds that each exemption provided by this act from any excise tax on the sale, storage, use or consumption of tangible personal property sold at retail:

1. Will achieve a bona fide social or economic purpose and that the benefits of the exemption are expected to exceed any adverse effect of the exemption on the provision of services to the public by the State or a local government that would otherwise receive revenue from the tax from which the exemption would be granted; and

2. Will not impair adversely the ability of the State or a local government to pay, when due, all interest and principal on any outstanding bonds or any other obligations for which revenue from the tax from which the exemption would be granted was pledged.

Sec. 2. At the General Election on November 6, 2018, a proposal must be submitted to the registered voters of this State to amend the Sales and Use Tax Act, which was enacted by the 47th Session of the Legislature of the State of Nevada and approved by the Governor in 1955, and subsequently approved by the people of this State at the General Election held on November 6, 1956.

Sec. 3. At the time and in the manner provided by law, the Secretary of State shall transmit the proposed act to the several county clerks, and the county clerks shall cause it to be published and posted as provided by law.

Sec. 4. The proclamation and notice to the voters given by the county clerks pursuant to law must be in substantially the following form:

Notice is hereby given that at the General Election on November 6, 2018, a question will appear on the ballot for the adoption or rejection by the registered voters of the State of the following proposed act:

AN ACT to amend an Act entitled "An Act to provide revenue for the State of Nevada; providing for sales and use taxes; providing for the manner of collection; defining certain terms; providing penalties for violation, and other matters properly relating thereto." approved March 29, 1955, as amended.

THE PEOPLE OF THE STATE OF NEVADA DO ENACT AS FOLLOWS:

Section 1. Section 56.1 of the above-entitled Act, being chapter 397, Statutes of Nevada 1955, as added by chapter 306, Statutes of Nevada 1969, at page 532, and amended by chapter 627, Statutes of

Nevada 1985, at page 2028, and amended by chapter 404, Statutes of Nevada 1995, at page 1007, is hereby amended to read as follows:

Sec. 56.1. 1. There are exempted from the taxes imposed by this act the gross receipts from sales and the storage, use or other consumption of:

(a) Prosthetic devices, orthotic appliances and ambulatory casts for human use, and other supports and casts if prescribed or applied by a licensed provider of health care, within his scope of practice, for human use.

(b) Appliances and supplies relating to an ostomy.

(c) Products for hemodialysis.

(d) Medicines:

(1) Prescribed for the treatment of a human being by a person authorized to prescribe medicines, and dispensed on a prescription filled by a registered pharmacist in accordance with law;

(2) Furnished by a licensed physician, dentist or podiatric physician to his own patient for the treatment of the patient;

(3) Furnished by a hospital for treatment of any person pursuant to the order of a licensed physician, dentist or podiatric physician; or

(4) Sold to a licensed physician, dentist, podiatric physician or hospital for the treatment of a human being.

(e) Feminine hygiene products.

(f) Diapers.

2. As used in this section:

(a) "Medicine" means any substance or preparation intended for use by external or internal application to the human body in the diagnosis, cure, mitigation, treatment or prevention of disease or affliction of the human body and which is commonly recognized as a substance or preparation intended for such use. The term includes splints, bandages, pads, compresses and dressings.

(b) "Medicine" does not include:

(1) Any auditory, ophthalmic or ocular device or appliance.

(2) Articles which are in the nature of instruments, crutches, canes, devices or other mechanical, electronic, optical or physical equipment.

(3) Any alcoholic beverage, except where the alcohol merely provides a solution in the ordinary preparation of a medicine.

(4) Braces or supports, other than those prescribed or applied by a licensed provider of health care, within his scope of practice, for human use.

3. Insulin furnished by a registered pharmacist to a person for treatment of diabetes as directed by a physician shall be deemed to be dispensed on a prescription within the meaning of this section.

Sec. 2. This act becomes effective on January 1, 2019, and expires by limitation on December 31, 2028.

Sec. 5. The ballot page assemblies and the paper ballots to be used in voting on the question must present the question in substantially the following form:

Shall the Sales and Use Tax Act of 1955 be amended to provide an exemption from the taxes imposed by this Act on the gross receipts from the sale and the storage, use or other consumption of feminine hygiene products and diapers?

Yes ☐ No ☐

Sec. 6. The explanation of the question which must appear on each paper ballot and sample ballot and in every publication and posting of notice of the question must be in substantially the following form:

(Explanation of Question)

The proposed amendment to the Sales and Use Tax Act of 1955 would exempt from the taxes imposed by this Act the gross receipts from the sale and storage, use or other consumption of feminine hygiene products and diapers.

If this proposal is adopted, the Legislature has provided that the Local School Support Tax Law and certain analogous taxes on retail sales will be amended to provide the same exemptions.

Sec. 7. If a majority of the votes cast on the question is yes, the amendment to the Sales and Use Tax Act of 1955 becomes effective on January 1, 2019, and expires by limitation on December 31, 2028. If less than a majority of votes cast on the question is yes, the question fails and the amendment to the Sales and Use Tax Act of 1955 does not become effective.

Sec. 8. All general election laws not inconsistent with this act are applicable.

Sec. 9. Any informalities, omissions or defects in the content or making of the publications, proclamations or notices provided for in this act and by the general election laws under which this election is held must be so construed as not to invalidate the adoption of the act by a majority of the registered voters voting on the question if it can be ascertained with reasonable certainty from the official returns transmitted to the Office of the Secretary of State whether the proposed amendment was adopted by a majority of those registered voters.

Sec. 10. Chapter 372 of NRS is hereby amended by adding thereto a new section to read as follows:

In administering the provisions of section 56.1 of chapter 397, Statutes of Nevada 1955, which is included in NRS as NRS 372.283, the Department shall construe the term:

1. "Diaper" to mean any type of diaper intended for use by a child or an adult, including, without limitation, a disposable diaper.

2. "Feminine hygiene product" to ~~[include, without limitation,]~~ mean a sanitary napkin ~~[,]~~ or tampon . ~~[or similar item used for feminine hygiene.]~~

Sec. 11. Chapter 374 of NRS is hereby amended by adding thereto a new section to read as follows:

In administering the provisions of NRS 374.287, the Department shall construe the term:

1. "Diaper" to mean any type of diaper intended for use by a child or an adult, including, without limitation, a disposable diaper.

2. "Feminine hygiene product" to ~~[include, without limitation,]~~ mean a sanitary napkin ~~[,]~~ or tampon . ~~[or similar item used for feminine hygiene.]~~

Sec. 12. NRS 374.287 is hereby amended to read as follows:

374.287 1. There are exempted from the taxes imposed by this chapter the gross receipts from sales and the storage, use or other consumption of:

(a) Prosthetic devices, orthotic appliances and ambulatory casts for human use, and other supports and casts if prescribed or applied by a licensed provider of health care, within his or her scope of practice, for human use.

(b) Appliances and supplies relating to an ostomy.

(c) Products for hemodialysis.

(d) Medicines:

(1) Prescribed for the treatment of a human being by a person authorized to prescribe medicines, and dispensed on a prescription filled by a registered pharmacist in accordance with law;

(2) Furnished by a licensed physician, dentist or podiatric physician to his or her own patient for the treatment of the patient;

(3) Furnished by a hospital for treatment of any person pursuant to the order of a licensed physician, dentist or podiatric physician; or

(4) Sold to a licensed physician, dentist, podiatric physician or hospital for the treatment of a human being.

(e) Feminine hygiene products.

(f) Diapers.

2. As used in this section:

(a) "Medicine" means any substance or preparation intended for use by external or internal application to the human body in the diagnosis, cure, mitigation, treatment or prevention of disease or affliction of the human body and which is commonly recognized as a substance or preparation intended for such use. The term includes splints, bandages, pads, compresses and dressings.

(b) "Medicine" does not include:

(1) Any auditory, ophthalmic or ocular device or appliance.

(2) Articles which are in the nature of instruments, crutches, canes, devices or other mechanical, electronic, optical or physical equipment.

(3) Any alcoholic beverage, except where the alcohol merely provides a solution in the ordinary preparation of a medicine.

(4) Braces or supports, other than those prescribed or applied by a licensed provider of health care, within his or her scope of practice, for human use.

3. Insulin furnished by a registered pharmacist to a person for treatment of diabetes as directed by a physician shall be deemed to be dispensed on a prescription within the meaning of this section.

Sec. 13. 1. This section and sections 1 to 9, inclusive, of this act become effective on October 1, 2017.

2. Sections 10, 11 and 12 of this act become effective on January 1, 2019, and expire by limitation on December 31, 2028, only if the proposal submitted pursuant to sections 2 to 9, inclusive, of this act is approved by the voters at the General Election on November 6, 2018.

Assemblyman Thompson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 403.

Bill read second time.

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

Amendment No. 522.

SUMMARY—Revises various provisions relating to governmental administration. (BDR ~~[17-573)]~~ **18-573)**

AN ACT relating to governmental administration; ~~[creating the Governmental Oversight and Accountability Subcommittee of the Legislative Commission; prescribing the powers and duties of the Subcommittee;]~~ authorizing the Legislative Commission to suspend or nullify certain regulations; abolishing the Subcommittee to Review Regulations of the Legislative Commission; revising provisions relating to administrative regulations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 5 of this bill creates the Governmental Oversight and Accountability Subcommittee of the Legislative Commission and provides for the appointment of its membership. Section 6 of this bill prescribes the manner in which meetings are required to be conducted by the Oversight Subcommittee and provides for the compensation of its members. Section 7 of this bill prescribes the powers and duties of the Oversight Subcommittee, including the evaluation and review of issues related to governmental agencies. Section 8 of this bill prescribes the manner in which investigations and hearings are required to be conducted by the Oversight Subcommittee.]~~

The separation-of-powers provision of the Nevada Constitution provides that if the Legislature authorizes the adoption of regulations by an agency of the Executive Department of the State Government which bind persons outside the agency, the Legislature is authorized to enact laws providing for: (1) the review of such regulations by a legislative agency before their

effective date to determine whether each such regulation is within the statutory authority for its adoption; (2) the suspension by a legislative body of any such regulation which appears to exceed the statutory authority for its adoption until the regulation is reviewed by a legislative body composed of members of the Senate and Assembly; and (3) the nullification of any such regulation by a majority vote of a legislative body composed of members of the Senate and Assembly. (Nev. Const. Art. 3, § 1) The Nevada Administrative Procedure Act sets forth the procedures for the adoption of emergency, temporary and permanent regulations by nonexempt state agencies. (NRS 233B.0395-233B.120) With limited exceptions, the Legislative Commission or the Subcommittee to Review Regulations of the Legislative Commission is required under existing law to approve permanent regulations before those regulations become effective. (NRS 233B.067-233B.070)

Section 10 of this bill authorizes the Legislative Commission to suspend or nullify a regulation adopted pursuant to the Nevada Administrative Procedure Act if the regulation: (1) exceeds the statutory authority for its adoption; (2) is inconsistent with the intent of the Legislature in granting the statutory authority for its adoption; or (3) is no longer being administered or interpreted in a manner that is consistent with the agency's stated intention when adopting the regulation or the agency's stated intention during the review and approval of the regulation by the Legislative Commission. **Section 10** also precludes judicial review of a decision of the Legislative Commission to suspend or nullify a regulation and authorizes the Legislative Commission to determine what constitutes a regulation for the purposes of exercising the Legislative Commission's power to suspend or nullify a regulation. **Sections 12, 26 and 28** of this bill make conforming changes.

Section 22 of this bill abolishes the Subcommittee to Review Regulations of the Legislative Commission and, with limited exceptions, requires only the Legislative Commission to review and approve permanent regulations before those regulations become effective. **Sections 16, 19, 21-24, 27 and 29** of this bill make conforming changes.

Section 11 of this bill authorizes the Legislative Commission to adopt regulations necessary to carry out the provisions of the Nevada Administrative Procedure Act governing administrative regulations.

Existing law excludes the application of certain agency policies as applied to a person with sufficient prior actual notice of the policy from the definition of "regulation" for the purposes of the Nevada Administrative Procedure Act. (NRS 233B.038) **Section 13** of this bill removes this exception.

Existing law ratifies the Nevada Administrative Code as revised or supplemented before May 15, 1987. (NRS 233B.0395) **Section 14** of this bill ratifies the Code as revised or supplemented before February 6, 2017.

Existing law requires an agency to adopt a proposed regulation not later than 2 years after the proposed regulation is submitted to the Legislative Counsel. (NRS 233B.040) **Section 15** of this bill requires an agency to also

submit the proposed regulation to the Legislative Commission for review within the same 2-year period.

Existing law requires an agency to hold an oral public hearing on a proposed regulation if an oral hearing is requested by certain persons and the proposed regulation is substantive. (NRS 233B.061) **Section 17** of this bill eliminates the requirement regarding the substantiveness of the regulation.

Under existing law, the Legislative Counsel is required to prepare and publish a Register of Administrative Regulations, which includes information relating to adopted permanent regulations. (NRS 233B.0653) **Section 20** of this bill eliminates the requirement that the Legislative Counsel publish paper copies of the Register and instead requires the Legislative Counsel to publish the Register electronically on the public website of the Legislature on the Internet.

An emergency regulation becomes effective when certain documents are filed with the Secretary of State. (NRS 233B.070) **Section 25** of this bill requires that a copy of the written statement of the emergency endorsed by the Governor is included with the information that must be filed with the Secretary of State before an emergency regulation becomes effective.

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

Section 1. ~~[Chapter 218E of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 2. ~~*[As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~*[“Governmental agency” means any agency, office, board, commission, department, division, bureau, authority, institution, district or other unit of the State or a political subdivision of the State, excluding constitutional officers, justices and judges of the Judicial Department of the State Government and any council, board or commission whose members are elected.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~*[“Oversight Subcommittee” means the Governmental Oversight and Accountability Subcommittee of the Legislative Commission created by section 5 of this act.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~*[1. There is hereby created a Governmental Oversight and Accountability Subcommittee of the Legislative Commission, consisting of six legislative members.*~~

~~*2. The Chair of the Legislative Commission shall appoint to the Oversight Subcommittee:*~~

~~*(a) Three members designated by the Majority Leader of the Senate, at least one of whom must be a member of the minority political party.*~~

~~(b) Three members designated by the Speaker of the Assembly, at least one of whom must be a member of the minority political party.~~

~~3. The Legislative Commission shall review and approve the budget and work program for the Oversight Subcommittee and any changes to the budget or work program.~~

~~4. The Legislative Commission shall select the Chair and Vice Chair of the Oversight Subcommittee from among the members of the Oversight Subcommittee. Each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year. The office of Chair of the Oversight Subcommittee must alternate each biennium between the Houses. If a vacancy occurs in the office of Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.~~

~~5. A member of the Oversight Subcommittee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session convenes.~~

~~6. A vacancy on the Oversight Subcommittee must be filled in the same manner as the original appointment for the remainder of the unexpired term.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[1. Except as otherwise ordered by the Legislative Commission, the members of the Oversight Subcommittee shall meet not earlier than September 1 of each odd-numbered year and not later than August 31 of the following even-numbered year at the times and places specified by a call of the Chair or a majority of the Oversight Subcommittee.~~

~~2. The Director or the Director's designee shall act as the nonvoting recording Secretary of the Oversight Subcommittee.~~

~~3. Four members of the Oversight Subcommittee constitute a quorum, and a quorum may exercise all the power and authority conferred on the Oversight Subcommittee.~~

~~4. Except during a regular or special session, for each day or portion of a day during which a member of the Oversight Subcommittee attends a meeting of the Oversight Subcommittee or is otherwise engaged in the business of the Oversight Subcommittee, the member is entitled to receive the:~~

~~(a) Compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;~~

~~(b) Per diem allowance provided for state officers and employees generally; and~~

~~(c) Travel expenses provided pursuant to NRS 218A.655.~~

~~5. All such compensation, per diem allowances and travel expenses must be paid from the Legislative Fund.]~~ **(Deleted by amendment.)**

Sec. 7. ~~[The Oversight Subcommittee may:~~

~~1. To fulfill the powers and duties imposed upon and entrusted to the Legislative Commission pursuant to NRS 232B.010 to 232B.100, inclusive,~~

~~*and pursuant to paragraph (b) of subsection 1 and paragraph (c) of subsection 2 of NRS 218E.175, evaluate, review and comment upon issues related to governmental agencies, including, without limitation:*~~

~~*(a) Programs to enhance accountability in government;*~~

~~*(b) Legislative measures regarding governmental oversight;*~~

~~*(c) Methods of financing governmental agencies; and*~~

~~*(d) Any other matters that, in the determination of the Oversight Subcommittee, affect governmental agencies.*~~

~~*2. Conduct investigations and hold hearings in connection with its duties pursuant to this section.*~~

~~*3. Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Oversight Subcommittee.*~~

~~*4. Make recommendations to the Legislature concerning the manner in which government may be improved.]*~~ **(Deleted by amendment.)**

Sec. 8. ~~*[1. If the Oversight Subcommittee conducts investigations or holds hearings pursuant to section 7 of this act:*~~

~~*(a) The Secretary of the Oversight Subcommittee or, in the Secretary's absence, a member designated by the Oversight Subcommittee may administer oaths.*~~

~~*(b) The Secretary or Chair of the Oversight Subcommittee may cause the deposition of witnesses, residing either within or without the State, to be taken in the manner prescribed by rule of court for taking depositions in civil actions in the district courts.*~~

~~*(c) The Chair of the Oversight Subcommittee may issue subpoenas to compel the attendance and testimony of witnesses and the production of books, papers, accounts, department records and other documents.*~~

~~*2. If any witness fails or refuses to attend or testify or to produce the books, papers, accounts, department records or other documents required by the subpoena, the Chair of the Oversight Subcommittee may report the failure or refusal to the district court by a petition which:*~~

~~*(a) Sets forth that:*~~

~~*(1) Due notice has been given of the time and place of the attendance of the witness or the production of the required books, papers, accounts, department records or other documents;*~~

~~*(2) The witness has been subpoenaed by the Oversight Subcommittee pursuant to this section; and*~~

~~*(3) The witness has failed or refused to attend or testify or to produce the books, papers, accounts, department records or other documents required by the subpoena before the Oversight Subcommittee named in the subpoena; and*~~

~~*(b) Asks for an order of the court compelling the witness to attend and testify or to produce the required books, papers, accounts, department records or other documents before the Oversight Subcommittee.*~~

~~*3. Upon such a petition, the court shall:*~~

~~*(a) Enter an order directing the witness:*~~

~~*(1) To appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order; and*~~

~~*(2) To show cause why the witness has not attended or testified or produced the required books, papers, accounts, department records or other documents before the Oversight Subcommittee; and*~~

~~*(b) Serve a certified copy of the order upon the witness.*~~

~~*4. If it appears to the court that the subpoena was regularly issued by the Oversight Subcommittee, the court shall enter an order that the witness:*~~

~~*(a) Must appear before the Oversight Subcommittee at the time and place fixed in the order;*~~

~~*(b) Must testify or produce the required books, papers, accounts, department records or other documents; and*~~

~~*(c) Upon failure to obey the order, must be dealt with as for contempt of court.]~~* **(Deleted by amendment.)**

Sec. 9. Chapter 233B of NRS is hereby amended by adding thereto the provisions set forth as sections 10 and 11 of this act.

Sec. 10. ***1. Upon its own initiative, the Legislative Commission may suspend or nullify a regulation adopted pursuant to this chapter if, in the opinion of the Legislative Commission, the regulation:***

(a) Exceeds the statutory authority for the adoption of the regulation;

(b) Is inconsistent with the intent of the Legislature in granting the statutory authority for the adoption of the regulation; or

(c) Is no longer being administered or interpreted by the agency in a manner consistent with the stated intent of the agency when adopting the regulation or during the review and approval of the regulation by the Legislative Commission.

2. If the Legislative Commission exercises its authority to suspend or nullify a regulation pursuant to this section, the Legislative Commission shall:

(a) Notify the agency that the regulation has been suspended or nullified; and

(b) Within 120 days after the suspension or nullification becomes effective, provide the reason for the suspension or nullification to the agency.

3. Any decision of the Legislative Commission to suspend or nullify a regulation is final and not subject to judicial review.

4. In exercising the powers granted in this section, the Legislative Commission shall have the authority to determine if an agency rule, standard, directive or statement is a regulation pursuant to NRS 233B.038. Any agency rule, standard, directive or statement which is nullified by the Legislative Commission pursuant to this section must be removed from the Nevada Administrative Code and from any agency publications and notices.

Sec. 11. ***The Legislative Commission may adopt such regulations as are necessary to carry out the provisions of this section and NRS 233B.0395 to 233B.120, inclusive, and section 10 of this act.***

Sec. 12. NRS 233B.020 is hereby amended to read as follows:

233B.020 1. By this chapter, the Legislature intends to establish ~~[minimum]~~ procedural requirements for the ~~[regulation-making and]~~ ***adoption, review, suspension or nullification of regulations, for the*** adjudication procedure of all agencies of the Executive Department of the State Government and for judicial review of ~~[both functions,]~~ ***contested cases,*** except ***as to*** those agencies expressly exempted pursuant to the provisions of this chapter. This chapter confers no additional regulation-making authority upon any agency except to the extent provided in subsection 1 of NRS 233B.050.

2. The provisions of this chapter are intended to supplement statutes applicable to specific agencies. This chapter does not abrogate or limit additional requirements imposed on such agencies by statute or otherwise recognized by law.

Sec. 13. NRS 233B.038 is hereby amended to read as follows:

233B.038 1. "Regulation" means:

(a) An agency rule, standard, directive or statement of general applicability which effectuates or interprets law or policy, or describes the organization, procedure or practice requirements of any agency;

(b) A proposed regulation;

(c) The amendment or repeal of a prior regulation; and

(d) The general application by an agency of a written policy, interpretation, process or procedure to determine whether a person is in compliance with a federal or state statute or regulation in order to assess a fine, monetary penalty or monetary interest.

2. The term does not include:

(a) A statement concerning only the internal management of an agency and not affecting private rights or procedures available to the public;

(b) A declaratory ruling;

(c) An intraagency memorandum;

(d) A manual of internal policies and procedures or audit procedures of an agency which is used solely to train or provide guidance to employees of the agency and which is not used as authority in a contested case to determine whether a person is in compliance with a federal or state statute or regulation;

(e) An agency decision or finding in a contested case;

(f) An advisory opinion issued by an agency that is not of general applicability;

(g) A published opinion of the Attorney General;

(h) An interpretation of an agency that has statutory authority to issue interpretations;

(i) Letters of approval, concurrence or disapproval issued in relation to a permit for a specific project or activity;

(j) A contract or agreement into which an agency has entered;

(k) The provisions of a federal law, regulation or guideline;

(l) An emergency action taken by an agency that is necessary to protect public health and safety;

(m) ~~[~~The application by an agency of a policy, interpretation, process or procedure to a person who has sufficient prior actual notice of the policy, interpretation, process or procedure to determine whether the person is in compliance with a federal or state statute or regulation in order to assess a fine, monetary penalty or monetary interest;

~~(n)]~~ A regulation concerning the use of public roads or facilities which is indicated to the public by means of signs, signals and other traffic-control devices that conform with the manual and specifications for a uniform system of official traffic-control devices adopted pursuant to NRS 484A.430;

~~[(o)]~~ ***(n)*** The classification of wildlife or the designation of seasons for hunting, fishing or trapping by regulation of the Board of Wildlife Commissioners pursuant to the provisions of title 45 of NRS; or

~~[(p)]~~ ***(o)*** A technical bulletin prepared pursuant to NRS 360.133.

Sec. 14. NRS 233B.0395 is hereby amended to read as follows:

233B.0395 The Nevada Administrative Code as most recently revised or supplemented before ~~[~~May 15, 1987,~~]~~ ***February 6, 2017,*** and the text of those regulations which have been prepared by the Legislative Counsel for inclusion in the Nevada Administrative Code on or before ~~[~~May 15, 1987,~~]~~ ***February 6, 2017,*** but have not been included, are hereby ratified.

Sec. 15. NRS 233B.040 is hereby amended to read as follows:

233B.040 1. To the extent authorized by the statutes applicable to it, each agency may adopt reasonable regulations to aid it in carrying out the functions assigned to it by law and shall adopt such regulations as are necessary to the proper execution of those functions. If adopted and filed in accordance with the provisions of this chapter, the following regulations have the force of law and must be enforced by all peace officers:

(a) The Nevada Administrative Code; and

(b) Temporary and emergency regulations.

➥ In every instance, the power to adopt regulations to carry out a particular function is limited by the terms of the grant of authority pursuant to which the function was assigned.

2. Every regulation adopted by an agency must include:

(a) A citation of the authority pursuant to which it, or any part of it, was adopted; and

(b) The address of the agency and, to the extent not elsewhere provided in the regulation, a brief explanation of the procedures for obtaining clarification of the regulation or relief from the strict application of any of its terms, if the agency is authorized by a specific statute to grant such relief, or otherwise dealing with the agency in connection with the regulation.

3. An agency may adopt by reference in a regulation material published by another authority in book or pamphlet form if:

(a) It files one copy of the publication with the Secretary of State and one copy with the State Library, Archives and Public Records Administrator, and makes at least one copy available for public inspection with its regulations; and

(b) The reference discloses the source and price for purchase of the publication.

➥ An agency shall not attempt to incorporate any other material in a regulation by reference.

4. An agency shall adopt ***and submit*** a proposed regulation ***to the Legislative Commission for review*** not later than 2 years after the date on which the proposed regulation is submitted to the Legislative Counsel pursuant to subsection 1 of NRS 233B.063. If an agency does not adopt ***and submit*** a proposed regulation ***to the Legislative Commission for review*** within the time prescribed by this subsection, the executive head of the agency shall appear personally before the Legislative Commission and explain why the proposed regulation has not been adopted ~~[.]~~ ***and submitted to the Legislative Commission for review.***

Sec. 16. NRS 233B.060 is hereby amended to read as follows:

233B.060 1. Except as otherwise provided in subsection 2 and NRS 233B.061, before adopting, amending or repealing:

(a) A permanent regulation, the agency must, after receiving the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063, give at least 30 days' notice of its intended action, unless a shorter period of notice is specifically permitted by statute.

(b) A temporary regulation, the agency must give at least 30 days' notice of its intended action, unless a shorter period of notice is specifically permitted by statute.

2. Except as otherwise provided in subsection 3, if an agency has adopted a temporary regulation after notice and the opportunity for a hearing as provided in this chapter, it may adopt, after providing a second notice and the opportunity for a hearing, a permanent regulation, but the language of the permanent regulation must first be approved or revised by the Legislative Counsel and the adopted regulation must be approved by the Legislative Commission **.** ~~[or the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067.]~~

3. If the Public Utilities Commission of Nevada has adopted a temporary regulation after notice and the opportunity for a hearing as provided in this chapter, it may adopt a substantively equivalent permanent regulation without further notice or hearing, but the language of the permanent regulation must first be approved or revised by the Legislative Counsel and the adopted regulation must be approved by the Legislative Commission **.** ~~[or the Subcommittee to Review Regulations.]~~

Sec. 17. NRS 233B.061 is hereby amended to read as follows:

233B.061 1. All interested persons must be afforded a reasonable opportunity to submit data, views or arguments upon a proposed regulation, orally or in writing.

2. Before holding the public hearing required pursuant to subsection 3, an agency shall conduct at least one workshop to solicit comments from interested persons on one or more general topics to be addressed in a proposed regulation. Not less than 15 days before the workshop, the agency shall provide notice of the time and place set for the workshop:

(a) In writing to each person who has requested to be placed on a mailing list; and

(b) In any other manner reasonably calculated to provide such notice to the general public and any business that may be affected by a proposed regulation which addresses the general topics to be considered at the workshop.

3. ~~[With respect to substantive regulations, the]~~ ***The*** agency shall set a time and place for an oral public hearing, but if no one appears who will be directly affected by the proposed regulation and requests an oral hearing, the agency may proceed immediately to act upon any written submissions. The agency shall consider fully all written and oral submissions respecting the proposed regulation.

4. An agency shall not hold the public hearing required pursuant to subsection 3 on the same day that the agency holds the workshop required pursuant to subsection 2.

5. Each workshop and public hearing required pursuant to subsections 2 and 3 must be conducted in accordance with the provisions of chapter 241 of NRS.

Sec. 18. NRS 233B.0617 is hereby amended to read as follows:

233B.0617 No regulation adopted after July 1, 1965, is valid unless adopted in substantial compliance with this chapter but no objection to any regulation on the ground of noncompliance with the procedural requirements of NRS 233B.060 to 233B.0617, inclusive, may be made more than 2 years after its effective date. ***Nothing in this section shall be construed to preclude the making of an objection to a regulation on a ground other than noncompliance with the procedural requirements of NRS 233B.060 to 233B.0617, inclusive.*** Regulations in effect on July 1, 1965, continue in effect until amended ***, suspended, nullified*** or repealed in accordance with the provisions of this chapter, if an original and two copies were deposited with the Secretary of State on or before July 1, 1965.

Sec. 19. NRS 233B.0633 is hereby amended to read as follows:

233B.0633 1. Upon the request of a Legislator, the Legislative Commission may examine a temporary regulation adopted by an agency that is not yet effective pursuant to subsection 2 of NRS 233B.070 to determine whether the temporary regulation conforms to the statutory authority

pursuant to which it was adopted and whether the temporary regulation carries out the intent of the Legislature in granting that authority.

2. If a temporary regulation that the Legislative Commission is requested to examine pursuant to subsection 1 was required to be adopted by the agency pursuant to a federal statute or regulation and the temporary regulation exceeds the specific statutory authority of the agency or sets forth requirements that are more stringent than a statute of this State, the agency shall submit a statement to the Legislative Commission that adoption of the temporary regulation was required by a federal statute or regulation. The statement must include the specific citation of the federal statute or regulation requiring such adoption.

3. ~~[Except as otherwise provided in subsection 4, the]~~ ***The*** Legislative Commission shall ~~[:~~

~~(a) Review]~~ ***review*** the temporary regulation at its next regularly scheduled meeting if the request for examination of the temporary regulation is received more than 10 working days before the meeting **.** ~~[; or~~

~~(b) Refer the temporary regulation for review to the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067.~~

~~4. If an agency determines that an emergency exists which requires a temporary regulation of the agency for which a Legislator requested an examination pursuant to subsection 1 to become effective before the next meeting of the Legislative Commission is scheduled to be held, the agency may notify the Legislative Counsel in writing of the emergency. Upon receipt of such a notice, the Legislative Counsel shall refer the temporary regulation for review by the Subcommittee to Review Regulations as soon as practicable.~~

~~5.]~~ ***4.*** If the Legislative Commission ~~[, or the Subcommittee to Review Regulations if the temporary regulation was referred,]~~ approves the temporary regulation, the Legislative Counsel shall notify the agency that the agency may file the temporary regulation with the Secretary of State. If the Commission ~~[or the Subcommittee]~~ objects to the temporary regulation after determining that:

(a) If subsection 2 is applicable, the temporary regulation is not required pursuant to a federal statute or regulation;

(b) The temporary regulation does not conform to statutory authority; or

(c) The temporary regulation does not carry out legislative intent,

➥ the Legislative Counsel shall attach to the temporary regulation a written notice of the objection, including, if practicable, a statement of the reasons for the objection, and shall promptly return the temporary regulation to the agency.

~~[6.]~~ ***5.*** If the Legislative Commission ~~[or the Subcommittee to Review Regulations]~~ has objected to a temporary regulation, the agency that adopted the temporary regulation shall revise the temporary regulation to conform to the statutory authority pursuant to which it was adopted and to carry out the intent of the Legislature in granting that authority and return it to the

Legislative Counsel within 60 days after the agency received the written notice of the objection to the temporary regulation pursuant to subsection ~~[5.]~~ ***4.*** Upon receipt of the revised temporary regulation, the Legislative Counsel shall resubmit the temporary regulation to the Legislative Commission ~~[or the Subcommittee for review.]~~ If the Legislative Commission ~~[or the Subcommittee]~~ approves the revised temporary regulation, the Legislative Counsel shall notify the agency that the agency may file the revised temporary regulation with the Secretary of State.

~~[7.]~~ ***6.*** If the Legislative Commission ~~[or the Subcommittee to Review Regulations]~~ objects to the revised temporary regulation, the Legislative Counsel shall attach to the revised temporary regulation a written notice of the objection, including, if practicable, a statement of the reasons for the objection, and shall promptly return the revised temporary regulation to the agency. The agency shall continue to revise it and resubmit it to the Legislative Commission ~~[or the Subcommittee]~~ within 30 days after the agency received the written notice of the objection to the revised temporary regulation.

Sec. 20. NRS 233B.0653 is hereby amended to read as follows:

233B.0653 1. The Legislative Counsel shall ***periodically*** prepare and publish ~~[or cause to be prepared and published]~~ ***electronically*** a Register of Administrative Regulations ~~[.]~~ ***on the public website of the Legislature on the Internet.*** The Register must include the following information regarding each permanent regulation adopted by an agency:

(a) The proposed and adopted text of the regulation and any revised version of the regulation;

(b) The notice of intent to act upon the regulation set forth in NRS 233B.0603;

(c) The written notice of adoption of the regulation required pursuant to NRS 233B.064;

(d) The informational statement required pursuant to NRS 233B.066; and

(e) The effective date of the regulation, as determined pursuant to NRS 233B.070.

~~[➥ In carrying out the duties set forth in this subsection, the Legislative Counsel may use the services of the State Printing Office.~~

~~2. The Legislative Counsel shall publish the Register not less than 10 times per year but not more than once every 2 weeks.~~

~~3. The Register must be provided to and maintained by:~~

~~(a) The Secretary of State;~~

~~(b) The Attorney General;~~

~~(c) The Supreme Court Law Library;~~

~~(d) The State Library, Archives and Public Records;~~

~~(e) Each county clerk;~~

~~(f) Each county library; and~~

~~(g) The Legislative Counsel Bureau.~~

~~4. The Legislative Counsel may sell an additional copy of the Register to any person or governmental entity that requests a copy, at a price which does not exceed the cost of publishing the additional copy.~~

~~5.~~**]** ***2.*** The Legislative Counsel is immune from civil liability which may result from failure to include any information in the Register.

Sec. 21. NRS 233B.0665 is hereby amended to read as follows:

233B.0665 If a regulation submitted to the Legislative Counsel Bureau pursuant to NRS 233B.067 is not accompanied by an informational statement which complies with the requirements of NRS 233B.066 or a small business impact statement which complies with the requirements of NRS 233B.0608 and 233B.0609, the Legislative Counsel shall return the regulation to the agency with a note indicating the statement which is missing. Unless the missing statement is supplied, the Legislative Counsel shall not submit the regulation to the Legislative Commission ~~[or the Subcommittee to Review Regulations, as applicable,]~~ and the regulation never becomes effective.

Sec. 22. NRS 233B.067 is hereby amended to read as follows:

233B.067 1. After adopting a permanent regulation, the agency shall submit the informational statement prepared pursuant to NRS 233B.066 and one copy of each regulation adopted to the Legislative Counsel for review by the Legislative Commission to determine whether to approve the regulation. The Legislative Counsel shall endorse on the original and the copy of each adopted regulation the date of their receipt. The Legislative Counsel shall maintain the copy of the regulation in a file and make the copy available for public inspection for 2 years.

2. If an agency submits an adopted regulation to the Legislative Counsel pursuant to subsection 1 that:

(a) The agency is required to adopt pursuant to a federal statute or regulation; and

(b) Exceeds the specific statutory authority of the agency or sets forth requirements that are more stringent than a statute of this State,

➥ it shall include a statement that adoption of the regulation is required by a federal statute or regulation. The statement must include the specific citation of the federal statute or regulation requiring such adoption.

3. ~~[Except as otherwise provided in subsection 4, the]~~ ***The*** Legislative Commission shall ~~[:~~

~~(a) Review]~~ ***review*** the regulation at its next regularly scheduled meeting if the regulation is received more than 10 working days before the meeting **.** ~~[; or~~

~~(b) Refer the regulation for review to the Subcommittee to Review Regulations appointed pursuant to subsection 6.~~

~~4. If an agency determines that an emergency exists which requires a regulation of the agency submitted pursuant to subsection 1 to become effective before the next meeting of the Legislative Commission is scheduled to be held, the agency may notify the Legislative Counsel in writing of the emergency. Upon receipt of such a notice, the Legislative Counsel shall refer~~

~~the regulation for review by the Subcommittee to Review Regulations. The Subcommittee shall meet to review the regulation as soon as practicable.~~

~~5.~~ ***4.*** If the Legislative Commission ~~[, or the Subcommittee to Review Regulations if the regulation was referred,]~~ approves the regulation, the Legislative Counsel shall promptly file the regulation with the Secretary of State and notify the agency of the filing. If the Commission ~~[or Subcommittee]~~ objects to the regulation after determining that:

(a) If subsection 2 is applicable, the regulation is not required pursuant to a federal statute or regulation;

(b) The regulation does not conform to statutory authority;

(c) The regulation does not carry out legislative intent;

(d) The small business impact statement is inaccurate, incomplete or did not adequately consider or significantly underestimated the economic effect of the regulation on small businesses; or

(e) The agency has not provided a satisfactory explanation of the need for the regulation in its informational statement as required pursuant to NRS 233B.066, or the informational statement is insufficient or incomplete,

➥ the Legislative Counsel shall attach to the regulation a written notice of the objection, including, if practicable, a statement of the reasons for the objection, and shall promptly return the regulation to the agency.

~~[6. As soon as practicable after each regular legislative session, the Legislative Commission shall appoint a Subcommittee to Review Regulations consisting of at least three members or alternate members of the Legislative Commission.]~~

Sec. 23. NRS 233B.0675 is hereby amended to read as follows:

233B.0675 1. If the Legislative Commission ~~[, or the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067,]~~ has objected to a regulation, the agency shall revise the regulation to conform to the statutory authority pursuant to which it was adopted and to carry out the intent of the Legislature in granting that authority and return it to the Legislative Counsel within 60 days after the agency received the written notice of the objection to the regulation pursuant to NRS 233B.067. Upon receipt of the revised regulation, the Legislative Counsel shall resubmit the regulation to the Commission ~~[or Subcommittee]~~ for review. If the Commission ~~[or Subcommittee]~~ approves the revised regulation, the Legislative Counsel shall promptly file the revised regulation with the Secretary of State and notify the agency of the filing.

2. If the Legislative Commission ~~[or Subcommittee]~~ objects to the revised regulation, the Legislative Counsel shall attach to the revised regulation a written notice of the objection, including, if practicable, a statement of the reasons for the objection, and shall promptly return the revised regulation to the agency. The agency shall continue to revise it and resubmit it to the Commission ~~[or Subcommittee]~~ within 30 days after the agency received the written notice of the objection to the revised regulation.

Sec. 24. NRS 233B.0677 is hereby amended to read as follows:

233B.0677 1. Before holding a meeting to review temporary regulations pursuant to NRS 233B.0633 or adopted regulations pursuant to NRS 233B.067 or 233B.0675, the Legislative Commission ~~[or the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067, as applicable,]~~ shall provide written notice of the meeting at least 3 working days before the meeting. The notice must include, without limitation:

(a) A list of the regulations that the Legislative Commission ~~[or the Subcommittee to Review Regulations]~~ will review at the meeting; and

(b) An explanation of the manner in which a person may obtain a copy of a regulation that the Legislative Commission ~~[or Subcommittee to Review Regulations]~~ will review at the meeting.

2. If the Legislative Counsel Bureau maintains a website on the Internet or its successor, the Legislative Counsel Bureau shall, at least 3 working days before the Legislative Commission ~~[or the Subcommittee to Review Regulations]~~ holds a meeting to review temporary regulations pursuant to NRS 233B.0633 or adopted regulations pursuant to NRS 233B.067 or 233B.0675, post on its website a list of the regulations that the Legislative Commission ~~[or the Subcommittee to Review Regulations]~~ will review at the meeting, unless the Legislative Counsel Bureau is unable to do so because of technical problems relating to the operation or maintenance of its website.

Sec. 25. NRS 233B.070 is hereby amended to read as follows:

233B.070 1. A permanent regulation becomes effective when the Legislative Counsel files with the Secretary of State the original of the final draft or revision of a regulation, except as otherwise provided in NRS 293.247 or where a later date is specified in the regulation.

2. Except as otherwise provided in NRS 233B.0633, an agency that has adopted a temporary regulation may not file the temporary regulation with the Secretary of State until 35 days after the date on which the temporary regulation was adopted by the agency. A temporary regulation becomes effective when the agency files with the Secretary of State the original of the final draft or revision of the regulation, together with the informational statement prepared pursuant to NRS 233B.066. The agency shall also file a copy of the temporary regulation with the Legislative Counsel, together with the informational statement prepared pursuant to NRS 233B.066.

3. An emergency regulation becomes effective when the agency files with the Secretary of State the original of the final draft or revision of an emergency regulation, together with the informational statement prepared pursuant to NRS 233B.066 ~~[.]~~ ***and a copy of the written statement of the emergency endorsed by the Governor pursuant to NRS 233B.0613.*** The agency shall also file a copy of the emergency regulation with the Legislative Counsel, together with the informational statement prepared pursuant to NRS 233B.066 ~~[.]~~ ***and a copy of the written statement of the emergency endorsed by the Governor pursuant to NRS 233B.0613.***

4. The Secretary of State shall maintain the original of the final draft or revision of each regulation in a permanent file to be used only for the preparation of official copies.

5. The Secretary of State shall file, with the original of each agency's rules of practice, the current statement of the agency concerning the date and results of its most recent review of those rules.

6. Immediately after each permanent or temporary regulation is filed, the agency shall deliver one copy of the final draft or revision, bearing the stamp of the Secretary of State indicating that it has been filed, including material adopted by reference which is not already filed with the State Library, Archives and Public Records Administrator, to the State Library, Archives and Public Records Administrator for use by the public. If the agency is a licensing board as defined in NRS 439B.225 and it has adopted a permanent regulation relating to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the agency, the agency shall also deliver one copy of the regulation, bearing the stamp of the Secretary of State, to the Legislative Committee on Health Care within 10 days after the regulation is filed with the Secretary of State.

7. Each agency shall furnish a copy of all or part of that part of the Nevada Administrative Code which contains its regulations, to any person who requests a copy, and may charge a reasonable fee for the copy based on the cost of reproduction if it does not have money appropriated or authorized for that purpose.

8. An agency which publishes any regulations included in the Nevada Administrative Code shall use the exact text of the regulation as it appears in the Nevada Administrative Code, including the leadlines and numbers of the sections. Any other material which an agency includes in a publication with its regulations must be presented in a form which clearly distinguishes that material from the regulations.

Sec. 26. NRS 233B.100 is hereby amended to read as follows:

233B.100 1. Any interested person may petition an agency requesting the adoption, filing, amendment or repeal of any regulation and shall accompany the petition with relevant data, views and arguments. Each agency shall prescribe by regulation the form for such petitions and the procedure for their submission, consideration and disposition. Upon submission of such a petition, the agency shall within 30 days either deny the petition in writing, stating its reasons, or initiate regulation-making proceedings.

2. Any regulation of any agency is subject to ~~[amendment]~~ ***:***

(a) Amendment or suspension by the Governor pursuant to the provisions of NRS 416.060.

(b) Suspension or nullification by the Legislative Commission pursuant to section 10 of this act.

Sec. 27. NRS 233B.105 is hereby amended to read as follows:

233B.105 1. A small business that is aggrieved by a regulation adopted by an agency on or after January 1, 2000, may object to all or a part of the regulation by filing a petition with the agency that adopted the regulation within 90 days after the date on which the regulation was adopted. An agency which receives such a petition shall transmit a copy of the petition to the Legislative Counsel for submission to the Legislative Commission **.** ~~[or the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067.]~~

2. A petition filed pursuant to subsection 1 may be based on the following grounds:

(a) The agency failed to prepare a small business impact statement as required pursuant to NRS 233B.0608 and 233B.0609; or

(b) The small business impact statement prepared by the agency pursuant to NRS 233B.0608 and 233B.0609 is inaccurate, incomplete or did not adequately consider or significantly underestimated the economic effect of the regulation on small businesses.

3. After receiving a petition pursuant to subsection 1, an agency shall determine whether the petition has merit. If the agency determines that the petition has merit, the agency may, pursuant to this chapter, take action to amend the regulation to which the small business objected.

Sec. 28. NRS 233B.110 is hereby amended to read as follows:

233B.110 1. The validity or applicability of any regulation may be determined in a proceeding for a declaratory judgment in the district court in and for Carson City, or in and for the county where the plaintiff resides, when it is alleged that the regulation, or its proposed application, interferes with or impairs, or threatens to interfere with or impair, the legal rights or privileges of the plaintiff. A declaratory judgment may be rendered after the plaintiff has first requested the agency to pass upon the validity of the regulation in question. The court shall declare the regulation invalid if it finds that it violates constitutional or statutory provisions or exceeds the statutory authority of the agency. The agency whose regulation is made the subject of the declaratory action shall be made a party to the action.

2. An agency may institute an action for declaratory judgment to establish the validity of any one or more of its own regulations.

3. Actions for declaratory judgment provided for in subsections 1 and 2 shall be in accordance with the Uniform Declaratory Judgments Act (chapter 30 of NRS), and the Nevada Rules of Civil Procedure. In all actions under subsections 1 and 2, the plaintiff shall serve a copy of the complaint upon the Attorney General, who is also entitled to be heard.

4. Nothing in this section shall be construed to limit the authority of the Legislative Commission to suspend or nullify a regulation as provided in this chapter.

Sec. 29. NRS 514A.110 is hereby amended to read as follows:

514A.110 A permanent regulation adopted by the:

1. Nevada Tax Commission, pursuant to NRS 360.090, concerning any taxation related to the extraction of any mineral in this State, including, without limitation, the taxation of the net proceeds pursuant to chapter 362 of NRS and Section 5 of Article 10 of the Nevada Constitution;

2. Administrator of the Division of Industrial Relations of the Department of Business and Industry for mine health and safety pursuant to NRS 512.131;

3. Commission on Mineral Resources pursuant to NRS 513.063, 513.094 or 519A.290; and

4. State Environmental Commission pursuant to NRS 519A.160,

➥ is not effective unless it is reviewed by the Mining Oversight and Accountability Commission before it is approved pursuant to chapter 233B of NRS by the Legislative Commission **.** ~~[or the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067.]~~ After conducting its review of the regulation, the Mining Oversight and Accountability Commission shall provide a report of its findings and recommendations regarding the regulation to the Legislative Counsel for submission to the Legislative Commission **.** ~~[or the Subcommittee to Review Regulations, as appropriate.]~~

Sec. 30. This act becomes effective on July 1, 2017.

Assemblywoman Diaz moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 404.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 492.

ASSEMBLYMEN MILLER, MCCURDY II, BENITEZ-THOMPSON; BROOKS **,** **EDWARDS** AND FUMO

AN ACT relating to governmental administration; creating the Nevada Office of the Inspector General; setting forth the powers and duties of the Inspector General and employees of the Office of the Inspector General; requiring a state agency or local government to cooperate with and provide assistance to the Inspector General in carrying out those duties; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Office of Finance in the Office of the Governor consisting of the Director of the Office, the Division of Internal Audits and the Budget Division. (NRS 223.400) This bill creates the Nevada Office of the Inspector General. **Section 6** of this bill provides that the Nevada Office of the Inspector General consists of the Inspector General and any person employed in the Office of the Inspector General. **Section 6** also requires the Governor to appoint the Inspector General for a term of 4 years from a list of

candidates submitted by the Legislative Commission. **Section 8** of this bill: (1) requires the Inspector General to appoint a Deputy Inspector General and a Special Counsel who are in the unclassified service of this State; and (2) authorizes the Inspector General, within the limits of available money, to employ such persons in the classified service of this State as he or she deems necessary to provide an appropriate staff for the Office.

Section 9 of this bill requires the Inspector General to submit a quarterly report to the Governor and the Director of the Legislative Counsel Bureau setting forth any findings, conclusions or recommendations relating to an audit, investigation, inspection or review. **Section 11** of this bill transfers from the Division of Internal Audits to the Inspector General the requirement to establish a telephone number to receive information relating to abuse, fraud and waste with respect to the use of public money. **Section 11** also: (1) requires a state agency or local government, upon request by the Inspector General, to cooperate with and provide assistance to the Inspector General in carrying out his or her duties; and (2) makes any person who willfully resists, prevents, impedes or interferes in the performance of the duties of the Nevada Office of the Inspector General guilty of a category ~~[C]~~ **E** felony. **Section 12** of this bill authorizes the Inspector General to issue subpoenas. **Sections 10, 13 and 19** of this bill provide for the confidentiality of: (1) any record maintained by the Inspector General during an investigation; and (2) the identity of any whistleblower. Otherwise, **section 13** provides that ~~[the reports]~~ **a report** of the Inspector General must be made available to the public ~~[.]~~ **annually. Section 16** of this bill makes it a category ~~[C]~~ **E** felony to retaliate against ~~[a whistleblower.]~~ **certain persons who file a lawful complaint concerning fraud, waste, abuse or corruption within a state agency or local government.**

Existing law provides that a person commits a gross misdemeanor if he or she uses threats or force to prevent an executive or administrative officer from performing his or her duties. **Section 17** of this bill makes it a category E felony for a person to use threats or force to prevent the Inspector General or an employee of the Nevada Office of the Inspector General from performing his or her duties.

~~[Section]~~ **Sections 17.5 and 18** of this bill ~~[includes]~~ **include** the Inspector General and employees of the Nevada Office of the Inspector General in the definition of "officer" for the purpose of the increased penalty for **assault or** battery of an officer.

Section 23 of this bill requires the Governor to appoint the Inspector General on or before December 1, 2017.

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

Section 1. Title 18 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 16, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context requires otherwise, the words and terms defined in sections 3 [, 4 and 5] to 5.5, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Local government" means any political subdivision of this State that receives any public funding , [from the State,] including, without limitation, any county, city, town, board, airport authority, regional transportation commission, fire protection district, irrigation district, school district or other special district that performs a governmental function and receives any public funding . [from the State.]*

Sec. 4. *"Office" means the Nevada Office of the Inspector General created by section 6 of this act.*

Sec. 5. *"State agency" means any board, commission, department, division, officer or employee in the Executive Department of the State Government.*

Sec. 5.5. "Waste" means the squandering of money or resources, whether or not the activity is unlawful.

Sec. 6. *1. The Nevada Office of the Inspector General is hereby created. The Nevada Office of the Inspector General consists of the Inspector General and any person employed in the Office.*

2. The Governor shall appoint the Inspector General for a term of 4 years, and until a successor is appointed and qualified, from a list of three candidates submitted by the Legislative Commission. The Inspector General may be reappointed, and the Legislative Commission shall include the incumbent Inspector General on its list of candidates unless the Legislative Commission determines that the incumbent should not be recommended for reappointment for cause, including, without limitation, inefficiency, neglect of duty or malfeasance in office. A vacancy in the Office must be filled in the same manner as the original appointment.

3. The Inspector General may be removed only by impeachment for misdemeanor or malfeasance in office. The Inspector General shall be deemed to be a state officer for the purposes of NRS 283.140 to 283.290, inclusive.

4. The Inspector General must have the demonstrated ability to administer a major public agency in the field of auditing, investigations or inspections or

performance reviews of programs of government agencies, including, without limitation:

(a) Experience in accounting, auditing, financial analysis, law, management analysis, public administration, investigation, criminal justice administration or any other closely related fields; [and]

(b) Certification as a Certified Fraud Examiner by the Association of Certified Fraud Examiners, or its successor organization, and as a Certified Inspector General by the Association of Inspectors General, or its successor organization, not later than 18 months after appointment as the Inspector General [.] ; and

(c) Continued status as a Certified Inspector General by the Association of Inspectors General, or its successor organization, while in office.

5. The Inspector General:

(a) Is in the unclassified service of the State.

(b) Shall devote his or her entire time and attention to the business of his or her office and shall not engage in any other gainful employment or occupation.

(c) Is ineligible for elective public office under the government and laws of this State, other than federal office, for 4 years after the date he or she leaves office.

Sec. 7. *The Inspector General is responsible for the administration of the provisions of this chapter and all other provisions of law relating to the functions of the Office.*

Sec. 8. *1. The Inspector General:*

(a) Shall appoint a Deputy Inspector General and a Special Counsel. The Deputy Inspector General and Special Counsel are in the unclassified service of the State.

(b) May, within the limits of available money, employ such persons he or she deems necessary to provide an appropriate staff for the Office, including, without limitation, auditors, administrative staff, investigators and sworn peace officers. The Inspector General may employ category II peace officers. Any such persons employed pursuant to this paragraph are in the classified service of the State.

2. The Inspector General may obtain the services of certified public accountants, qualified management consultants or other professional experts necessary to independently perform the functions of the Office, within the limits of money available for that purpose.

Sec. 9. *1. The Inspector General shall:*

(a) Establish and maintain a full-time program of auditing, investigation, inspection, and performance review to provide increased accountability and oversight of each state agency and local government and to assist in improving agency operations and deterring and identifying fraud, waste, abuse or corruption; and

(b) Upon request by the Governor, but not less often than quarterly, submit a report to the Governor and to the Director of the Legislative Counsel Bureau for distribution to the Legislature setting forth any findings and conclusions relating to an audit, investigation, inspection or review specified in subsection 2 and any suggested corrective or remedial actions, including, without limitation, increased oversight, carrying out or modifying any controls for internal management, termination of employment or referral to the Commission on Ethics or the Attorney General when appropriate.

2. The Inspector General may:

(a) Engage in prevention activities, including, without limitation, the review of legislation, rules, regulations, policies, procedures, transactions, training and education by any state agency or local government.

(b) Review the reliability and validity of the information provided through the performance measures and standards of any state agency or local government.

(c) Conduct a review of the performance measurement system of any state agency or local government.

(d) Attend any meeting held by any state agency or local government.

(e) Audit the economy, efficiency and effectiveness of the operations and functions of any state agency or local government.

(f) Audit, inspect, investigate and review the activities, records, procurements, grants, agreements and other financial arrangements undertaken by any state agency, local government, contractor, grantee or other recipient of money, property or services to be spent or used on behalf of the State or a political subdivision, but not including a natural person who is receiving:

(1) Compensation for employment; or

(2) An income subsidy with no restriction on his or her use of the money or property.

(g) Recommend remedial actions to be taken by any state agency or local government to overcome or correct operating or maintenance deficiencies or inefficiencies identified by the Office.

(h) Establish a program for receiving, reviewing and investigating any complaint submitted to the Inspector General concerning any fraud, waste, abuse or corruption within any state agency or local government, including, without limitation, deficiencies in the operation and maintenance of facilities, and referral of those complaints to the appropriate state agency or local government.

(i) Conduct civil, criminal and administrative investigations.

(j) Conduct joint investigations and projects with other oversight or law enforcement agencies.

(k) Provide information and evidence relating to criminal acts to appropriate law enforcement officials.

(l) Refer matters for further civil, criminal and administrative action to appropriate administrative and prosecutorial agencies.

(m) Identify any other state agency or local government that is responsible for auditing, investigating, inspecting or reviewing the operation and management of a state agency or local government, including, without limitation, the Inspector General of the Department of Corrections, and coordinate with those state agencies and local governments to share information and avoid any duplication of activities.

(n) Issue public reports.

(o) Adopt regulations to carry out the provisions of this chapter.

(p) Perform any other task relating to his or her duties as he or she determines is necessary.

Sec. 10. ***1. The Inspector General shall:***

(a) Establish a telephone number at which a person may confidentially report to the Office information relating to abuse, fraud or waste with respect to public money received and used by an agency or contractor; and

(b) Create a written notice that:

(1) Clearly identifies the telephone number established pursuant to paragraph (a); and

(2) Contains a statement directing any person with any information relating to abuse, fraud or waste with respect to public money received and used by an agency or contractor to report the information at the telephone number established pursuant to paragraph (a).

2. The written notice created pursuant to paragraph (b) of subsection 1 must be posted conspicuously:

(a) In each public building of an agency; and

(b) On the Internet website maintained by the Office.

3. Upon receipt of information from a person calling the telephone number established pursuant to paragraph (a) of subsection 1, the Office shall perform a review and prepare a report of its findings. The report is a public record and:

(a) Must include, without limitation, an explanation of:

(1) The purpose of the review; and

(2) Any resolution or corrective action taken by the Office that resulted from the review.

(b) Must not include the identity of the person who reported the information.

4. Except as otherwise provided in subsections 3 and 5, any information reported to the Office at the telephone number established pursuant to paragraph (a) of subsection 1, including, without limitation, the identity of the person who reported the information, is confidential.

5. The Office shall not disclose information that is confidential pursuant to subsection 4 except:

(a) Pursuant to NRS 239.0115;

(b) For the purpose of carrying out any duty of the Office or for the purpose of assisting the Director of the Office of Finance or Administrator of the Division of Internal Audits of the Office of Finance in carrying out any duty of the Director or Administrator;

(c) Upon the lawful order of a court of competent jurisdiction; or

(d) To the Office of the Attorney General or the office of a district attorney within this State for the purpose of investigating the alleged abuse, fraud or waste reported to the Nevada Office of the Inspector General.

6. As used in this section:

(a) "Contractor" means any person, business, organization or nonprofit corporation that contracts with a state agency or local government to

receive public money. The term includes a subcontractor or a third party who receives any portion of the public money from the contractor to carry out any obligation pursuant to a contract between the contractor and the state agency or local government.

(b) "Public money" means any money deposited with a depository by the State Treasurer and includes money which is received by a state agency or local government from the Federal Government for distribution and use in this State pursuant to a federal law or federal regulation.

Sec. 11. *1. Upon request by the Inspector General, each state agency and local government and any employee of a state agency or local government shall cooperate with and provide assistance to the Inspector General in carrying out the provisions of this chapter and shall ensure that the premises, equipment, employees, books, papers, contracts, correspondence and other records of the state agency or local government are available for use by the Inspector General in carrying out those provisions.*

2. A person who willfully prevents, impairs or prohibits the Inspector General from initiating, carrying out or completing any audit, investigation, inspection or review is guilty of a category ~~[C]~~ E felony and shall be punished as provided in NRS 193.130.

Sec. 12. *1. In carrying out the provisions of this chapter, the Inspector General may subpoena the attendance of witnesses or the production of books, papers and documents, notwithstanding any claim of privilege.*

2. If any person refuses to obey a subpoena issued by the Inspector General, the Inspector General may present a petition to the district court of the county in which the person resides, setting forth the facts, and thereupon the court, in a proper case, shall issue its subpoena to the person requiring his or her attendance before the court to testify or to produce books, papers and documents.

3. Any person failing or refusing to obey the subpoena of a district court may be proceeded against in the same manner as for a refusal to obey any other order of the court.

Sec. 13. *1. Except as otherwise provided in subsection 2, the Inspector General shall make public ~~[all reports]~~ an annual report of audits, investigations, inspections and reviews conducted by the Office ~~[and open to inspection]~~ after ~~[the audit, investigation, inspection]~~ such audits, investigations, inspections or ~~[review is]~~ reviews are concluded.*

2. A report made public pursuant to subsection 1 must not include:

(a) The personal identifying information of an original source without his or her written consent; or

(b) Any information deemed privileged or confidential by law.

3. As used in this section:

(a) "Original source" means a person:

(1) Who voluntarily discloses to the State or a local government the information on which the allegations or transactions for an audit, investigation, inspection or review are based before the public disclosure of the information; or

(2) Who has knowledge of information that is independent of and materially adds to any allegations or transactions which are publicly disclosed and who voluntarily provides such information to the State or a local government.

(b) "Personal identifying information" has the meaning ascribed to it in NRS 205.4617.

Sec. 14. ***1. Audits, investigations, inspections and reviews conducted by the Office must conform to professional standards such as those promulgated by the Association of Inspectors General or its successor organization.***

2. The Legislative Auditor shall, on or before July 1, 2022, and at least once every 3 years thereafter, prepare and make public a report reviewing a representative sample of the audits, investigations, inspections and reviews issued by the Office for that time period for conformance with the professional standards pursuant to subsection 1.

Sec. 15. ***1. The Nevada Inspector General's Fund is hereby created in the State Treasury as a special revenue fund to be administered by the Office. All money received by the Office must be deposited in the Fund. The money in the Fund does not revert to the State General Fund at the end of any fiscal year, and the balance in the Fund must be carried forward to the next fiscal year.***

2. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund. All claims against the Fund must be paid as other claims against the State are paid.

3. The money in the Fund may be used only to pay the costs of carrying out programs or laws administered by the Office.

Sec. 16. ***A person who willfully discharges, demotes, suspends, threatens, harasses or discriminates against an employee, contractor or agent as a result of a lawful complaint of the employee, contractor or agent concerning any fraud, waste, abuse or corruption within any state agency or local government is guilty of a category ~~[C]~~ E felony and shall be punished as provided in NRS 193.130.***

Sec. 17. NRS 197.090 is hereby amended to read as follows:

197.090 ***1.*** Except under circumstances where a greater penalty is provided in ***subsection 2 or*** NRS 200.481, any person who, by means of any threat, force or violence, attempts to deter or prevent any executive or administrative officer from performing any duty imposed upon the officer by law, or who knowingly resists by force or violence any executive or administrative officer in the performance of the officer's duty, is guilty of a gross misdemeanor.

2. Any person who, by means of any threat, force or violence, attempts to deter or prevent the Inspector General appointed pursuant to section 6 of this act, or an employee of the Nevada Office of the Inspector General, from performing any duty imposed by law upon the Inspector General or the Office, or who knowingly resists by force or violence the Inspector General or an employee of the Office in the performance of his or her duty, is guilty of a category E felony.

3. As used in this section:

(a) "Inspector General" means the Inspector General appointed pursuant to section 6 of this act.

(b) "Nevada Office of the Inspector General" or "Office" means the Nevada Office of the Inspector General created by 6 of this act.

Sec. 17.5. **NRS 200.471 is hereby amended to read as follows:**

200.471 1. As used in this section:

(a) "Assault" means:

(1) Unlawfully attempting to use physical force against another person; or

(2) Intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard or other correctional officer of a city or county jail;

(5) ***The Inspector General appointed pursuant to section 6 of this act or an employee of the Nevada Office of the Inspector General created by section 6 of this act.***

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph; or

~~[(6)]~~ ***(7)*** An employee of the State or a political subdivision of the State whose official duties require the employee to make home visits.

(c) "Provider of health care" means a physician, a medical student, a perfusionist or a physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, a physician assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractor, a chiropractor's assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a medication aide - certified, a dentist, a dental student, a dental hygienist, a dental hygienist student, a

pharmacist, a pharmacy student, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist, a marriage and family therapist intern, a clinical professional counselor, a clinical professional counselor intern, a licensed dietitian, an emergency medical technician, an advanced emergency medical technician and a paramedic.

(d) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

(e) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(f) "Sports official" has the meaning ascribed to it in NRS 41.630.

(g) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(h) "Taxicab driver" means a person who operates a taxicab.

(i) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(c) If paragraph (d) does not apply to the circumstances of the crime and if the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event and the person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a gross misdemeanor, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(d) If the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event by a probationer, a prisoner who is in lawful custody or confinement or a parolee, and the probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon or the present

ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

Sec. 18. NRS 200.481 is hereby amended to read as follows:

200.481 1. As used in this section:

(a) "Battery" means any willful and unlawful use of force or violence upon the person of another.

(b) "Child" means a person less than 18 years of age.

(c) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard, matron or other correctional officer of a city or county jail or detention facility;

(5) ***The Inspector General appointed pursuant to section 6 of this act or an employee of the Nevada Office of the Inspector General created by section 6 of this act;***

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including, without limitation, a person acting pro tempore in a capacity listed in this subparagraph; or

~~[(6)]~~ ***(7)*** An employee of the State or a political subdivision of the State whose official duties require the employee to make home visits.

(d) "Provider of health care" has the meaning ascribed to it in NRS 200.471.

(e) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

(f) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(g) "Sports official" has the meaning ascribed to it in NRS 41.630.

(h) "Strangulation" means intentionally impeding the normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person in a manner that creates a risk of death or substantial bodily harm.

(i) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(j) "Taxicab driver" means a person who operates a taxicab.

(k) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. Except as otherwise provided in NRS 200.485, a person convicted of a battery, other than a battery committed by an adult upon a child which constitutes child abuse, shall be punished:

(a) If the battery is not committed with a deadly weapon, and no substantial bodily harm to the victim results, except under circumstances where a greater penalty is provided in this section or NRS 197.090, for a misdemeanor.

(b) If the battery is not committed with a deadly weapon, and either substantial bodily harm to the victim results or the battery is committed by strangulation, for a category C felony as provided in NRS 193.130.

(c) If:

(1) The battery is committed upon an officer, provider of health care, school employee, taxicab driver or transit operator who was performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event;

(2) The officer, provider of health care, school employee, taxicab driver, transit operator or sports official suffers substantial bodily harm or the battery is committed by strangulation; and

(3) The person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator or sports official,

➥ for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment.

(d) If the battery is committed upon an officer, provider of health care, school employee, taxicab driver or transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event and the person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator or sports official, for a gross misdemeanor, except under circumstances where a greater penalty is provided in this section.

(e) If the battery is committed with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

(2) Substantial bodily harm to the victim results or the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $10,000.

(f) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, without the use of a deadly weapon, whether or not substantial bodily harm results and whether or not the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

(g) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years.

(2) Substantial bodily harm to the victim results or the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years.

Sec. 19. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, ~~[~~353A.049,~~]~~ 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665,

445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and sections 10 and 13 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the

confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

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

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

Sec. 20. NRS 289.470 is hereby amended to read as follows:

289.470 "Category II peace officer" means:

1. The bailiffs of the district courts, justice courts and municipal courts whose duties require them to carry weapons and make arrests;

2. Subject to the provisions of NRS 258.070, constables and their deputies;

3. Inspectors employed by the Nevada Transportation Authority who exercise those powers of enforcement conferred by chapters 706 and 712 of NRS;

4. Special investigators who are employed full-time by the office of any district attorney or the Attorney General;

5. Investigators of arson for fire departments who are specially designated by the appointing authority;

6. The brand inspectors of the State Department of Agriculture who exercise the powers of enforcement conferred by chapter 565 of NRS;

7. The field agents and inspectors of the State Department of Agriculture who exercise the powers of enforcement conferred by NRS 561.225;

8. Investigators for the State Forester Firewarden who are specially designated by the State Forester Firewarden and whose primary duties are related to the investigation of arson;

9. School police officers employed by the board of trustees of any county school district;

10. Agents of the Nevada Gaming Control Board who exercise the powers of enforcement specified in NRS 289.360, 463.140 or 463.1405, except those agents whose duties relate primarily to auditing, accounting, the collection of taxes or license fees, or the investigation of applicants for licenses;

11. Investigators and administrators of the Division of Compliance Enforcement of the Department of Motor Vehicles who perform the duties specified in subsection 2 of NRS 481.048;

12. Officers and investigators of the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the Department of Motor Vehicles who perform the duties specified in subsection 3 of NRS 481.0481;

13. Legislative police officers of the State of Nevada;

14. Parole counselors of the Division of Child and Family Services of the Department of Health and Human Services;

15. Juvenile probation officers and deputy juvenile probation officers employed by the various judicial districts in the State of Nevada or by a department of juvenile justice services established by ordinance pursuant to NRS 62G.210 whose official duties require them to enforce court orders on juvenile offenders and make arrests;

16. Field investigators of the Taxicab Authority;

17. Security officers employed full-time by a city or county whose official duties require them to carry weapons and make arrests;

18. The chief of a department of alternative sentencing created pursuant to NRS 211A.080 and the assistant alternative sentencing officers employed by that department;

19. Criminal investigators who are employed by the Secretary of State; ~~[and]~~

20. The Inspector General of the Department of Corrections and any person employed by the Department as a criminal investigator ~~[.]~~ ***; and***

21. The Inspector General appointed pursuant to section 6 of this act and any person employed as an investigator by the Nevada Office of the Inspector General created by section 6 of this act.

Sec. 21. NRS 353A.010 is hereby amended to read as follows:

353A.010 As used in this chapter, unless the context otherwise requires:

1. "Agency" means every agency, department, division, board, commission or similar body, or elected officer, of the Executive Branch of the State.

2. "Committee" means the Executive Branch Audit Committee created pursuant to NRS 353A.038.

3. "Director" means the Director of the Office of Finance.

4. ***"Inspector General" means the Inspector General appointed by the Governor pursuant to section 6 of this act.***

5. "Internal accounting and administrative control" means a method through which agencies can safeguard assets, check the accuracy and reliability of their accounting information, promote efficient operations and encourage adherence to prescribed managerial policies.

Sec. 22. NRS 353A.025 is hereby amended to read as follows:

353A.025 1. The head of each agency shall periodically review the agency's system of internal accounting and administrative control to determine whether it is in compliance with the uniform system of internal accounting and administrative control for agencies adopted pursuant to subsection 1 of NRS 353A.020.

2. On or before July 1 of each even-numbered year, the head of each agency shall report to the Director whether the agency's system of internal accounting and administrative control is in compliance with the uniform

system adopted pursuant to subsection 1 of NRS 353A.020. The reports must be made available for inspection by the members of the Legislature.

3. For the purposes of this section, "agency" does not include:

(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS.

(b) The Nevada System of Higher Education.

(c) The Public Employees' Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

4. The Director shall, on or before the first Monday in February of each odd-numbered year, submit a report on the status of internal accounting and administrative controls in agencies to the:

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

(1) Senate Standing Committee on Finance; and

(2) Assembly Standing Committee on Ways and Means;

(b) Governor; ~~[and]~~

(c) ***Inspector General; and***

(d) Legislative Auditor.

5. The report submitted by the Director pursuant to subsection 4 must include, without limitation:

(a) The identification of each agency that has not complied with the requirements of subsections 1 and 2;

(b) The identification of each agency that does not have an effective method for reviewing its system of internal accounting and administrative control; and

(c) The identification of each agency that has weaknesses in its system of internal accounting and administrative control, and the extent and types of such weaknesses.

Sec. 23. 1. On or before December 1, 2017, the Governor shall appoint an Inspector General pursuant to section 6 of this act.

2. The Administrator of the Division of Internal Audits of the Office of Finance is the acting Inspector General until the Governor appoints the initial Inspector General pursuant to section 6 of this act.

Sec. 24. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 25. NRS 353A.049 is hereby repealed.

Sec. 26. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations, performing preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On October 1, 2017, for all other purposes.

TEXT OF REPEALED SECTION

353A.049 Duties of Director.

1. The Director shall:

(a) Establish a telephone number at which a person may confidentially report to the Division information relating to abuse, fraud or waste with respect to public money received and used by an agency or contractor; and

(b) Create a written notice that:

(1) Clearly identifies the telephone number established pursuant to paragraph (a); and

(2) Contains a statement directing any person with any information relating to abuse, fraud or waste with respect to public money received and used by an agency or contractor to report the information at the telephone number established pursuant to paragraph (a).

2. The written notice created pursuant to paragraph (b) of subsection 1 must be posted conspicuously:

(a) In each public building of an agency; and

(b) On the Internet website maintained by the Office of Finance.

3. Upon receipt of information from a person calling the telephone number established pursuant to paragraph (a) of subsection 1, the Division shall perform a review and prepare a report of its findings. The report is a public record and:

(a) Must include, without limitation, an explanation of:

(1) The purpose of the review; and

(2) Any resolution or corrective action taken by the Division that resulted from the review.

(b) Must not include the identity of the person who reported the information.

4. Except as otherwise provided in subsections 3 and 5, any information reported to the Division at the telephone number established pursuant to paragraph (a) of subsection 1, including, without limitation, the identity of the person who reported the information, is confidential.

5. The Division shall not disclose information that is confidential pursuant to subsection 4 except:

(a) Pursuant to NRS 239.0115;

(b) For the purpose of carrying out any duty of the Division prescribed by NRS 353A.031 to 353A.100, inclusive, or for the purpose of assisting the Director or Administrator in carrying out any duty of the Director or Administrator prescribed by this chapter;

(c) Upon the lawful order of a court of competent jurisdiction; or

(d) To the Office of the Attorney General or the office of a district attorney within this State for the purpose of investigating the alleged abuse, fraud or waste reported to the Division.

6. As used in this section:

(a) "Contractor" means any person, business, organization or nonprofit corporation that contracts with an agency to receive public money. The term includes a subcontractor or a third party who receives any portion of the

public money from the contractor to carry out any obligation pursuant to a contract between the contractor and the agency.

(b) "Public money" means any money deposited with a depository by the State Treasurer and includes money which is received by an agency from the Federal Government for distribution and use in this State pursuant to a federal law or federal regulation.

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 406.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 490.

AN ACT relating to construction; revising provisions relating to the payment of prevailing wages **[**~~,~~**]** **and bidding on public works;** revising provisions governing the construction of a public work by a construction manager at risk; revising provisions relating to agreements with labor organizations concerning contracts with a public body for a public work or with an awardee of certain grants, tax abatements, tax credits or tax exemptions from a public body; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that a bidder **or bid** on various types of public works be **[**~~"responsible and responsive."~~**]** **"responsive."** (NRS 338.010, 338.13844, 338.1385, 338.13862, 338.1389, 338.143, 338.1444, 338.147, 338.1475) **Section 2** of this bill specifies that the term **[**~~relates to:~~**]** **means the bid received from the bidder:** (1) **[**~~the record of the contractor on public works with respect to timeliness of completion, requesting change orders and quality of workforce; and (2) the compliance of the bid with~~**]** **meets** the requirements of the applicable provisions of law **[**~~.~~**]** **and (2) complies with the mandatory provisions of the advertisement or solicitation for bids.**

Under existing law, with certain exceptions, the prevailing wage in a county for each craft or type of work, as determined by the Labor Commissioner, is required to be paid on a project in the county involving new construction, repair or reconstruction that is financed in whole or in part with public money and for which the estimated cost is $250,000 or more. (NRS 338.010, 338.020-338.080) **Section 4** of this bill decreases the minimum threshold for the applicability of the prevailing wage requirements from $250,000 to **[**~~$25,000. Section 21 of this bill makes a conforming change with respect to incentives provided to a developer for a redevelopment project.~~**]** **$100,000.**

To determine the prevailing wages in each county under existing law, the Labor Commissioner is required to **annually** survey contractors who have

performed work in the county. If, based on the survey, the rate of wages is the same for more than 50 percent of the total hours worked by a specific craft or ~~[trade]~~ **type of work** on similar construction, the Labor Commissioner is required to determine that rate as the prevailing wage. **If no such rate can be determined, existing law provides that the prevailing wage for a craft or type of work is the average rate of wages per hour.** (NRS 338.030) **Section 3** of this bill ~~[decreases the percentage at which the rate is required to be prevailing to 30 percent of the total hours for the craft or trade.]~~ **removes these requirements with which the Labor Commissioner must comply in determining the prevailing rate of wages.**

School districts and the Nevada System of Higher Education are required under existing law to pay on their public works and certain other construction projects 90 percent of the prevailing wage rates that are otherwise required to be paid by other public bodies. (NRS 338.030) **Section 3** of this bill eliminates this exception and therefore requires school districts and the Nevada System of Higher Education to pay the same prevailing wage rates on their public works and other construction projects as other public bodies are required to pay.

During the 78th Regular Session, the exemption from the laws governing public works, including the prevailing wage requirements, was removed for a building of the Nevada System of Higher Education for which less than 25 percent of the costs was paid from money appropriated by this State or from federal money. (Section 2 of chapter 410, Statutes of Nevada 2015, p. 2375) **Section 36** of this bill eliminates requirements in existing law for the payment of prevailing wages on construction work of the Nevada System of Higher Education even if the construction work does not qualify as a public work that are duplicative as a result of the removal of the exemption.

Under existing law, charter schools are exempt from the requirement in existing law to pay prevailing wages rates on their public works and certain other construction projects. (NRS 338.080) **Section 4** of this bill eliminates this exemption and therefore requires charter schools to pay prevailing wage rates on their public works and other construction projects.

Existing law makes the prevailing wage requirements applicable to certain construction projects that are not a "public work" as defined in existing law. (NRS 244A.058, 244A.763, 268.568, 271.710, 271.800, 278C.240, 279.500, 318.140, 318.144, 332.390, 333A.120, 349.670, 349.956, 388A.635, 408.3886, 543.545, 701B.265, 701B.625) **Sections 15-33** of this bill clarify that those prevailing wage requirements apply in the same manner as if the applicable public body had undertaken the project or awarded the contract.

Section 8 of the federal National Labor Relations Act prohibits certain agreements between an employer and a labor union whereby the employer agrees to cease or refrain from handling, using, selling, transporting or otherwise dealing in the products of an employer. Agreements in the construction industry relating to the contracting or subcontracting of work to be done at a construction site are exempt from this prohibition. (29 U.S.C. §

158(e)) **Section 7** of this bill provides that the general terms of a subcontract include any provision relating to the contracting or subcontracting of work for an employer in the construction industry that is not prohibited by section 8.

Under existing law, public bodies are authorized to construct public works under certain circumstances through a method by which a construction manager at risk provides preconstruction services on the public work and, in some cases, construction services on the public work. (NRS 338.1685-338.16995) Under existing law, the proposal of an applicant for a contract as a construction manager at risk is required to include the resume of any employee of the applicant who will be managing the preconstruction and construction of the public work. (NRS 338.1692) With certain exceptions, **section 10** of this bill prohibits an applicant from substituting such an employee. **Section 10** also **, with an exception,** increases from 25 percent to 50 percent the amount of the estimated cost of construction that the applicant is required to state in the proposal that the applicant will perform if the public work predominantly involves horizontal construction.

Under existing law, the public body is required to appoint a panel to initially rank the proposals submitted by all applicants for a contract as a construction manager at risk and a second panel to interview and rank applicants whom the public body selected from the rankings of the first panel. **The second panel is authorized to require the applicants to submit a preliminary proposed amount of compensation for managing the preconstruction and construction of the public work.** (NRS 338.1693) **Section 11** of this bill ~~[prohibits a majority of the members of either panel from being employed by the public body unless the public body is the State Public Works Board. Section 11 also eliminates the requirement in existing law that the public body provide an explanation, upon request, to unsuccessful applicants regarding the reasons they were not selected.]~~ **: (1) makes submission of the preliminary proposed amount of compensation mandatory; (2) specifies the contents of that amount; and (3) requires applicants to also submit a list of the personnel of the applicant who will provide services on the public work.**

The amount of a contract with a construction manager at risk for the construction of a public work is authorized under existing law to be for: (1) the cost of the work, plus a fee, with a guaranteed maximum price; (2) a fixed price; or (3) a fixed price plus reimbursement for certain costs and expenses. (NRS 338.1696) **Section 12** of this bill eliminates two pricing methods so that the ~~[cost of work, plus a fee, with a]~~ guaranteed maximum price is the only authorized pricing method for a contract with a construction manager at risk. **Section 12** ~~[requires the State Public Works Board to prescribe a form which is required to be completed and submitted by a construction manager at risk to the public body to identify and itemize]~~ **specifies that the guaranteed maximum price includes** the cost of the work and the fee and **related costs and requires the construction manager**

at risk to list the names of the subcontractors selected by the construction manager at risk to provide labor, materials or equipment which are estimated by the construction manager at risk to exceed 1 percent of the estimated cost of the public work.

~~[To be eligible to provide labor, materials or equipment on a public work for which a construction manager at risk has entered into a contract with a public body, a subcontractor is required to be licensed by the State Contractors' Board and be determined to be qualified by the construction manager at risk to submit a proposal based on specified criteria. (NRS 338.16991) Section 13 of this bill adds the additional eligibility requirement that the subcontractor agree in advance to comply with any provision in the general terms of the contract relating to the contracting or subcontracting of work for an employer in the construction industry that is not prohibited by section 8 of the federal National Labor Relations Act. Therefore, if a subcontractor does not agree in advance to comply with such a provision, the subcontractor is not eligible to provide labor, materials or equipment on a subcontract with a construction manager at risk.~~

~~Under existing law, an applicant who is determined to not be eligible to provide labor, materials or equipment on a subcontract with a construction manager at risk is authorized to appeal that determination to the public body with whom the construction manager at risk has entered into a contract. (NRS 338.16991) Section 5 of this bill clarifies the burden of proof of such an applicant on appeal.]~~

Section 1 of this bill **authorizes certain persons and entities to file a complaint with the Labor Commissioner regarding a violation of certain requirements in existing law governing the construction method of a construction manager at risk. Section 1 requires the Labor Commissioner to investigate and issue a determination regarding such a complaint. Section 1** prohibits a public body that is found to have violated ~~[certain requirements governing construction of a public work with a construction manager at risk]~~ **such a requirement** from entering into a contract with a construction manager at risk for 2 years after ~~[being found in]~~ **a final determination of the** violation. If such a violation is found, **section 1** ~~[makes the]~~ **deems any** contract **that the public body enters into** with ~~[the]~~ **a** construction manager at risk ~~[void]~~ **during the 2-year period terminated by the public body without cause** and requires the public body to transmit a copy of the decision regarding the violation to the building official having jurisdiction over the project to issue a stop order on the project.

Existing law eliminates the authority for public bodies to enter into contracts with construction managers at risk, effective July 1, 2017 ~~[.]~~ **, and, until that expiration date, requires public bodies to submit an annual report to the Legislature concerning their projects with construction managers at risk.** ~~[(Section]~~ **(Sections 14.5 and** 15 of chapter 487, Statutes of Nevada 2013, ~~[p. 2986,]~~ **pp. 2985-86;** section 9 of chapter 123, Statutes of Nevada 2015, p. 457) **Sections 34 and 35** of this bill postpone the

prospective expiration of this authority until June 30, 2021 **[.] , and section 33.5 of this bill requires the inclusion of additional information in the annual reports.**

Existing law prohibits a public body, in any solicitation, contract or other document related to a contract for a public work from: (1) requiring or prohibiting a bidder or contractor from entering into or adhering to any agreement with one or more labor organizations in regard to the public work; or (2) discriminating against a bidder or contractor for entering or not entering into, or adhering or refusing to adhere to, any agreement with one or more labor organizations in regard to the public work. Existing law further prohibits a public body, with certain exceptions, from awarding a grant, tax abatement, tax credit or tax exemption that is conditioned upon a requirement that the awardee include in a contract for a project that is the subject of the grant, tax abatement, tax credit or tax exemption a term that: (1) requires or prohibits a bidder or contractor from entering into or adhering to any agreement with one or more labor organizations in regard to the project; or (2) discriminates against a bidder or contractor for entering or not entering into, or adhering or refusing to adhere to, any agreement with one or more labor organizations in regard to the project. (NRS 338.1405) **Section 36** of this bill eliminates this prohibition.

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

Section 1. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any public body, craft affiliated with the State Federation of Labor or other recognized national labor organizations, contractor or any representative thereof who becomes aware of a violation of subsection 2 of NRS 338.169, NRS 338.1692, subsection 3 of NRS 338.1696 or subsection 10 of NRS 338.16995 by a public body may file a complaint with the Labor Commissioner. Upon receipt of such a complaint, the Labor Commissioner shall provide to the public body named in the complaint a copy of the complaint and written notification that the public body may file an answer to the complaint with the Labor Commissioner not later than 15 days after receipt of the notification. If the public body files an answer, the public body shall serve a copy of the answer on the complainant and every other party to the proceeding.

2. The Labor Commissioner shall investigate each complaint received pursuant to subsection 1. After such an investigation, the Labor Commissioner shall issue, in writing, a determination regarding whether a violation occurred and serve a copy on every party to the proceeding. The determination must contain notice that a party aggrieved by the determination may file a written objection with the Labor Commissioner within 15 days after the date of service of the determination and that an

objection must be accompanied by a short statement of the grounds for the objection and evidence substantiating the objection.

3. If a party who has been served a copy of the determination issued by the Labor Commissioner pursuant to subsection 2 files a written objection with the Labor Commissioner within 15 days after the date of service of the determination, the Labor Commissioner shall hold a hearing on the matter. Any such hearing must be conducted pursuant to NRS 607.207 and any regulations adopted pursuant thereto. A decision issued by the Labor Commissioner after such a hearing is deemed to be the final order of the Labor Commissioner on the matter.

4. If a public body is found to be in violation of subsection 2 of NRS 338.169 [or] , NRS 338.1692 , [or] subsection [4] 3 of NRS 338.1696 [,] or subsection 10 of NRS 338.16995, the public body shall not enter into a contract with a construction manager at risk pursuant to this section and NRS 338.1685 to 338.16995, inclusive, for the construction of a public work for 2 years after [being found in] a final determination regarding the violation [.] has been made. If such a violation is found:

[1. The]

(a) Any contract that [the] a public body [entered] enters into with [the] a construction manager at risk [is void.

2.] during the 2-year period shall be deemed terminated by the public body without cause, effective on the date of the issuance of a stop work order pursuant to paragraph (b).

(b) The public body shall transmit a copy of the decision regarding the violation to the building official having jurisdiction over [the] any project for which the public body enters into a contract with a construction manager at risk during the 2-year period and the building official shall issue a stop work order on the project.

Sec. 2. NRS 338.010 is hereby amended to read as follows:

338.010 As used in this chapter:

1. "Authorized representative" means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.

2. "Contract" means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.

3. "Contractor" means:

(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS.

(b) A design-build team.

4. "Day labor" means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing.

5. "Design-build contract" means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

6. "Design-build team" means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.

7. "Design professional" means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

8. "Division" means the State Public Works Division of the Department of Administration.

9. "Eligible bidder" means a person who is:

(a) Found to be a responsible ~~[and responsive]~~ contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.

10. "General contractor" means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

11. "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.

12. "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.

13. "Offense" means failing to:

(a) Pay the prevailing wage required pursuant to this chapter;

(b) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;

(c) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or

(d) Comply with subsection 5 or 6 of NRS 338.070.

14. "Prime contractor" means a contractor who:

(a) Contracts to construct an entire project;

(b) Coordinates all work performed on the entire project;

(c) Uses his or her own workforce to perform all or a part of the public work; and

(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

➥ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

15. "Public body" means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.

16. "Public work" means any project for the new construction, repair or reconstruction of a project financed in whole or in part from public money for:

(a) Public buildings;

(b) Jails and prisons;

(c) Public roads;

(d) Public highways;

(e) Public streets and alleys;

(f) Public utilities;

(g) Publicly owned water mains and sewers;

(h) Public parks and playgrounds;

(i) Public convention facilities which are financed at least in part with public money; and

(j) All other publicly owned works and property.

17. ~~*[“Responsible and responsive”]*~~ ***“Responsive,” as used in the context of a bid or bidder, means*** ~~*[that:*~~

~~*(a) A determination regarding a contractor has been made by a public body based on the record of the contractor on public works for:*~~

~~*(1) Completing public works in a timely manner;*~~

~~*(2) Improperly requesting change orders; and*~~

~~*(3) Supplying a safe, qualified and skilled workforce; and*~~

~~*(b) The contractor submitted a bid that is in compliance with the requirements of the applicable provisions of law.]*~~ ***the bid received from the bidder:***

(a) Meets the requirements of the applicable provisions of law; and

(b) Complies with the mandatory provisions of the advertisement or solicitation for bids.

18. “Specialty contractor” means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

~~[18.]~~ ***19.*** “Stand-alone underground utility project” means an underground utility project that is not integrated into a larger project, including, without limitation:

(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and

(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

➥ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

~~[19.]~~ ***20.*** “Subcontract” means a written contract entered into between:

(a) A contractor and a subcontractor or supplier; or

(b) A subcontractor and another subcontractor or supplier,

➥ for the provision of labor, materials, equipment or supplies for a construction project.

~~[20.]~~ ***21.*** “Subcontractor” means a person who:

(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and

(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

~~[21.]~~ ***22.*** “Supplier” means a person who provides materials, equipment or supplies for a construction project.

~~[22.]~~ ***23.*** “Wages” means:

(a) The basic hourly rate of pay; and

(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the worker.

~~[23.]~~ ***24.*** “Worker” means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker or unskilled worker in the service

of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.

Sec. 3. NRS 338.030 is hereby amended to read as follows:

338.030 1. The public body awarding any contract for public work, or otherwise undertaking any public work, shall ascertain from the Labor Commissioner the prevailing wage in the county in which the public work is to be performed for each craft or type of work.

2. The prevailing wage in each county, including Carson City, must be ~~[established as follows:~~

~~(a) The]~~ ***determined by the*** Labor Commissioner ***. To determine the prevailing wage in each county, the Labor Commissioner*** shall, annually, survey contractors who have performed work in the county.

~~[(b) Based on the survey conducted pursuant to paragraph (a), where the rate of wages is the same for more than 50~~ ***30*** ~~percent of the total hours worked by each craft or type of work in that county on construction similar to the proposed construction, that rate will be determined as the prevailing wage.~~

~~(c) Where no such rate can be determined, the prevailing wage for a craft or type of work will be determined as the average rate of wages paid per hour based on the number of hours worked per rate, to that craft or type of work.~~

~~(d) The Labor Commissioner shall determine the prevailing wage to be 90 percent of the rate determined pursuant to paragraphs (a), (b) and (c) for:~~

~~(1) Any contract for a public work or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property to which a school district or the Nevada System of Higher Education is a party; and~~

~~(2) A public work of, or constructed by, a school district or the Nevada System of Higher Education, or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property of or constructed by a school district or the Nevada System of Higher Education.]~~

3. Within 30 days after the determination is issued:

(a) A public body or person entitled under subsection 6 to be heard may submit an objection to the Labor Commissioner with evidence to substantiate that a different wage prevails; and

(b) Any person may submit information to the Labor Commissioner that would support a change in the prevailing wage of a craft or type of work by 50 cents or more per hour in any county.

4. The Labor Commissioner shall hold a hearing in the locality in which the work is to be executed if the Labor Commissioner:

(a) Is in doubt as to the prevailing wage; or

(b) Receives an objection or information pursuant to subsection 3.

➥ The Labor Commissioner may hold only one hearing a year on the prevailing wage of any craft or type of work in any county.

5. Notice of the hearing must be advertised in a newspaper nearest to the locality of the work once a week for 2 weeks before the time of the hearing.

6. At the hearing, any public body, the crafts affiliated with the State Federation of Labor or other recognized national labor organizations, and the contractors of the locality or their representatives must be heard. From the evidence presented, the Labor Commissioner shall determine the prevailing wage.

7. The wages so determined must be filed by the Labor Commissioner and must be available to any public body which awards a contract for any public work.

8. Nothing contained in NRS 338.020 to 338.090, inclusive, may be construed to authorize the fixing of any wage below any rate which may now or hereafter be established as a minimum wage for any person employed upon any public work, or employed by any officer or agent of any public body.

Sec. 4. NRS 338.080 is hereby amended to read as follows:

338.080 None of the provisions of NRS 338.020 to 338.090, inclusive, apply to:

1. Any work, construction, alteration, repair or other employment performed, undertaken or carried out, by or for any railroad company or any person operating the same, whether such work, construction, alteration or repair is incident to or in conjunction with a contract to which a public body is a party, or otherwise.

2. Apprentices recorded under the provisions of chapter 610 of NRS.

3. Any contract for a public work whose cost is less than ~~[~~$250,000. ***$25,000.]*** ***$100,000.*** A unit of the project must not be separated from the total project, even if that unit is to be completed at a later time, in order to lower the cost of the project below ~~[~~$250,000.

~~4. Any contract for a public work or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property to which a charter school is a party, notwithstanding any other provision of law.~~

~~5. A public work of, or constructed by, a charter school, or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property of or constructed by a charter school, notwithstanding any other provision of law.~~ ***~~$25,000.]~~ $100,000.***

Sec. 5. ~~[NRS 338.1381 is hereby amended to read as follows:~~

~~338.1381 1. If, within 10 days after receipt of the notice denying an application pursuant to NRS 338.1379 or 338.16991 or disqualifying a subcontractor pursuant to NRS 338.1376, the applicant or subcontractor, as applicable, files a written request for a hearing with the Division or the local government, the State Public Works Board or governing body shall set the matter for a hearing within 20 days after receipt of the request. The hearing must be held not later than 45 days after the receipt of the request for a hearing unless the parties, by written stipulation, agree to extend the time.~~

~~2. The hearing must be held at a time and place prescribed by the Board or local government. At least 10 days before the date set for the hearing, the Board or local government shall serve the applicant or subcontractor with~~

~~written notice of the hearing. The notice may be served by personal delivery to the applicant or subcontractor or by certified mail to the last known business or residential address of the applicant or subcontractor.~~

~~3. The applicant or subcontractor has the burden at the hearing of proving by substantial evidence that :~~

~~*(a) If the application was denied pursuant to NRS 338.1379,* the applicant is entitled to be qualified to bid on a contract for a public work **[**, or that**]** *pursuant to NRS 338.1379.*~~

~~*(b) If the subcontractor was disqualified pursuant to NRS 338.1376,* the subcontractor is qualified to be a subcontractor on a contract for a public work **[**.**]** *pursuant to NRS 338.1376.*~~

~~*(c) If the application was denied pursuant to NRS 338.16991, the applicant is eligible to provide labor, materials or equipment on a public work pursuant to NRS 338.16991.*~~

~~4. In conducting a hearing pursuant to this section, the Board or governing body may:~~

~~(a) Administer oaths;~~

~~(b) Take testimony;~~

~~(c) Issue subpoenas to compel the attendance of witnesses to testify before the Board or governing body;~~

~~(d) Require the production of related books, papers and documents; and~~

~~(e) Issue commissions to take testimony.~~

~~5. If a witness refuses to attend or testify or produce books, papers or documents as required by the subpoena issued pursuant to subsection 4, the Board or governing body may petition the district court to order the witness to appear or testify or produce the requested books, papers or documents.~~

~~6. The Board or governing body shall issue a decision on the matter during the hearing. The decision of the Board or governing body is a final decision for purposes of judicial review.**]** **(Deleted by amendment.)**~~

Sec. 6. NRS 338.1385 is hereby amended to read as follows:

338.1385 1. Except as otherwise provided in subsection 9, this State, or a governing body or its authorized representative that awards a contract for a public work in accordance with paragraph (a) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds $100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and having a general circulation within the county.

(b) Commence a public work for which the estimated cost is $100,000 or less unless it complies with the provisions of NRS 338.1386, 338.13862 and

338.13864 and, with respect to the State, NRS 338.1384 to 338.13847, inclusive.

(c) Divide a public work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a public body shall report to the public body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Each advertisement for bids must include a provision that sets forth the requirement that a contractor must be qualified pursuant to NRS 338.1379 or 338.1382 to bid on the contract.

4. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

5. Except as otherwise provided in subsection 6 and NRS 338.1389, a public body or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

6. Any bids received in response to an advertisement for bids may be rejected if the public body or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(b) The bidder is not responsive or responsible;

(c) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(d) The public interest would be served by such a rejection.

7. A public body may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The public body publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The public body considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The public body lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the lowest responsive and responsible bidder.

8. Before a public body may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the public body shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the public body intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the public body intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including, the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the public body expects to save by rejecting the bids and performing the public work itself.

9. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993;

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive;

(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to NRS 338.1435; or

(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to NRS 338.1685 to 338.16995, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 7. NRS 338.141 is hereby amended to read as follows:

338.141 1. Except as otherwise provided in NRS 338.1727, each bid submitted to a public body for any public work to which paragraph (a) of subsection 1 of NRS 338.1385, paragraph (a) of subsection 1 of NRS 338.143 or NRS 408.327 applies, must include:

(a) If the public body provides a list of the labor or portions of the public work which are estimated by the public body to exceed 3 percent of the estimated cost of the public work, the name of each first tier subcontractor who will provide such labor or portion of the work on the public work which is estimated to exceed 3 percent of the estimated cost of the public work; or

(b) If the public body does not provide a list of the labor or portions of the public work which are estimated by the public body to exceed 3 percent of the estimated cost of the public work, the name of each first tier

subcontractor who will provide labor or a portion of the work on the public work to the prime contractor for which the first tier subcontractor will be paid an amount exceeding 5 percent of the prime contractor's total bid. If the bid is submitted pursuant to this paragraph, within 2 hours after the completion of the opening of the bids, the contractors who submitted the three lowest bids must submit a list containing:

(1) The name of each first tier subcontractor who will provide labor or a portion of the work on the public work to the prime contractor for which the first tier subcontractor will be paid an amount exceeding $250,000.

(2) If any one of the contractors who submitted one of the three lowest bids will employ a first tier subcontractor who will provide labor or a portion of the work on the public work to the prime contractor for which the first tier subcontractor will not be paid an amount exceeding $250,000, the name of each first tier subcontractor who will provide labor or a portion of the work on the public work to the prime contractor for which the first tier subcontractor will be paid 1 percent of the prime contractor's total bid or $50,000, whichever is greater.

(3) For each first tier subcontractor whose name is listed pursuant to subparagraph (1) or (2), the number of the license issued to the first tier subcontractor pursuant to chapter 624 of NRS.

2. The lists required by subsection 1 must include a description of the labor or portion of the work which each first tier subcontractor named in the list will provide to the prime contractor.

3. A prime contractor shall include his or her name on a list required by paragraph (a) or (b) of subsection 1. If the prime contractor will perform any work which is more than 1 percent of the prime contractor's total bid and which is not being performed by a subcontractor listed pursuant to paragraph (a) or (b) of subsection 1, the prime contractor shall also include on the list:

(a) A description of the labor or portion of the work that the prime contractor will perform; or

(b) A statement that the prime contractor will perform all work other than that being performed by a subcontractor listed pursuant to paragraph (a) or (b) of subsection 1.

4. Except as otherwise provided in this subsection, if a contractor:

(a) Fails to submit the list within the required time; or

(b) Submits a list that includes the name of a subcontractor who, at the time of the submission of the list, is on disqualified status with the Division pursuant to NRS 338.1376,

➥ the contractor's bid shall be deemed not responsive. A contractor's bid shall not be deemed not responsive on the grounds that the contractor submitted a list that includes the name of a subcontractor who, at the time of the submission of the list, is on disqualified status with the Division pursuant to NRS 338.1376 if the contractor, before the award of the contract, provides an acceptable replacement subcontractor in the manner set forth in subsection 1 or 2 of NRS 338.13895.

5. A prime contractor shall not substitute a subcontractor for any subcontractor who is named in the bid, unless:

(a) The public body or its authorized representative objects to the subcontractor, requests in writing a change in the subcontractor and pays any increase in costs resulting from the change.

(b) The substitution is approved by the public body or its authorized representative. The substitution must be approved if the public body or its authorized representative determines that:

(1) The named subcontractor, after having a reasonable opportunity, fails or refuses to execute a written contract with the contractor which was offered to the named subcontractor with the same general terms that all other subcontractors on the project were offered;

(2) The named subcontractor files for bankruptcy or becomes insolvent;

(3) The named subcontractor fails or refuses to perform his or her subcontract within a reasonable time or is unable to furnish a performance bond and payment bond pursuant to NRS 339.025; or

(4) The named subcontractor is not properly licensed to provide that labor or portion of the work.

(c) If the public body awarding the contract is a governing body, the public body or its authorized representative, in awarding the contract pursuant to NRS 338.1375 to 338.139, inclusive:

(1) Applies such criteria set forth in NRS 338.1377 as are appropriate for subcontractors and determines that the subcontractor does not meet that criteria; and

(2) Requests in writing a substitution of the subcontractor.

6. If a prime contractor substitutes a subcontractor for any subcontractor who is named in the bid without complying with the provisions of subsection 5, the prime contractor shall forfeit, as a penalty to the public body that awarded the contract, an amount equal to 1 percent of the total amount of the contract.

7. If a prime contractor, after the submission of the bid, substitutes a subcontractor to perform the work indicated pursuant to subsection 3 that the prime contractor would perform, the prime contractor shall forfeit as a penalty to the public body that awarded the contract, the lesser of, and excluding any amount of the contract that is attributable to change orders:

(a) An amount equal to 2.5 percent of the total amount of the contract; or

(b) An amount equal to 35 percent of the estimate by the engineer of the cost of the work the prime contractor indicated pursuant to subsection 3 that he or she would perform on the public work.

8. As used in this section:

(a) "First tier subcontractor" means a subcontractor who contracts directly with a prime contractor to provide labor, materials or services for a construction project.

(b) "General terms" **[**~~means~~**]** ***:***

(1) Means the terms and conditions of a contract that set the basic requirements for a public work and apply without regard to the particular trade or specialty of a subcontractor **.** ~~[, but does]~~

(2) Includes, without limitation, a provision relating to the contracting or subcontracting of work for an employer in the construction industry that is not prohibited by 29 U.S.C. § 158(e).

(3) Does not include any provision that controls or relates to the specific portion of the public work that will be completed by a subcontractor, including, without limitation, the materials to be used by the subcontractor or other details of the work to be performed by the subcontractor.

Sec. 8. NRS 338.143 is hereby amended to read as follows:

338.143 1. Except as otherwise provided in subsection 8, a local government or its authorized representative that awards a contract for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds $100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published within the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation within the county.

(b) Commence a public work for which the estimated cost is $100,000 or less unless it complies with the provisions of NRS 338.1442, 338.1444 or 338.1446.

(c) Divide a public work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a local government shall report to the governing body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

4. Except as otherwise provided in subsection 5 and NRS 338.147, the local government or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

5. Any bids received in response to an advertisement for bids may be rejected if the local government or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not responsive or responsible;

(b) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(c) The public interest would be served by such a rejection.

6. A local government may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The local government publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The local government considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The local government lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the lowest responsive and responsible bidder.

7. Before a local government may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the local government shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the local government intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the local government intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the local government expects to save by rejecting the bids and performing the public work itself.

8. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993;

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive;

(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to NRS 338.1435; or

(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to NRS 338.1685 to 338.16995, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 9. NRS 338.1685 is hereby amended to read as follows:

338.1685 The Legislature hereby declares that the provisions of NRS 338.1685 to 338.16995, inclusive, ***and section 1 of this act*** relating to contracts involving construction managers at risk, are intended:

1. To promote public confidence and trust in the contracting and bidding procedures for public works established therein;

2. For the benefit of the public, to promote the philosophy of obtaining the best possible value as compared to low-bid contracting; and

3. To better equip public bodies to address public works that present unique and complex construction challenges.

Sec. 10. NRS 338.1692 is hereby amended to read as follows:

338.1692 1. A public body or its authorized representative shall advertise for proposals for a construction manager at risk in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county.

2. A request for proposals published pursuant to subsection 1 must include, without limitation:

(a) A description of the public work;

(b) An estimate of the cost of construction;

(c) A description of the work that the public body expects a construction manager at risk to perform;

(d) The dates on which it is anticipated that the separate phases of the preconstruction and construction of the public work will begin and end;

(e) The date by which proposals must be submitted to the public body;

(f) If the project is a public work of the State, a statement setting forth that the construction manager at risk must be qualified to bid on a public work of the State pursuant to NRS 338.1379 before submitting a proposal;

(g) The name, title, address and telephone number of a person employed by the public body that an applicant may contact for further information regarding the public work;

(h) A list of the selection criteria and relative weight of the selection criteria that will be used to rank proposals pursuant to subsection 2 of NRS 338.1693;

(i) A list of the selection criteria and relative weight of the selection criteria that will be used to rank applicants pursuant to subsection ~~[7]~~ ***8*** of NRS 338.1693; and

(j) A notice that the proposed form of the contract to assist in the preconstruction of the public work or to construct the public work, including,

without limitation, the terms and general conditions of the contract, is available from the public body.

3. A proposal must include, without limitation:

(a) An explanation of the experience that the applicant has with projects of similar size and scope in both the public and private sectors by any delivery method, ~~[whether or not that method was the use of a construction manager at risk, and]~~ including, without limitation, ***design-bid-build,*** design-build, design-assist, negotiated work ***, construction manager at risk*** or value-engineered work, and an explanation of the experience that the applicant has in such projects in Nevada**.** ~~[;]~~

(b) The contact information for references who have knowledge of the background, character and technical competence of the applicant**.** ~~[;]~~

(c) Evidence of the ability of the applicant to obtain the necessary bonding for the work to be required by the public body**.** ~~[;]~~

(d) Evidence that the applicant has obtained or has the ability to obtain such insurance as may be required by law**.** ~~[;]~~

(e) A statement of whether the applicant has been:

(1) Found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause, during the 5 years immediately preceding the date of the advertisement for proposals; and

(2) Disqualified from being awarded a contract pursuant to NRS 338.017, 338.13895, 338.1475 or 408.333**.** ~~[;]~~

(f) The professional qualifications and experience of the applicant, including, without limitation, the resume of any employee of the applicant who will be managing the preconstruction and construction of the public work**.** ~~[;]~~

(g) The safety programs established and the safety records accumulated by the applicant**.** ~~[;]~~

(h) Evidence that the applicant is licensed as a contractor pursuant to chapter 624 of NRS**.** ~~[;]~~

(i) The proposed plan of the applicant to manage the preconstruction and construction of the public work which sets forth in detail the ability of the applicant to provide preconstruction services and to construct the public work and which includes, if the public work involves predominantly horizontal construction, a statement that**, *except as otherwise provided in this paragraph,*** the applicant will perform construction work equal in value to at least ~~[25]~~ ***50*** percent of the estimated cost of construction**.** ~~[; and]~~ ***The public body may allow an applicant to perform at least 25 percent but less than 50 percent of the estimated cost of construction if the applicant agrees to comply with standard specifications or procedures for construction of public works adopted by the public body.***

(j) If the project is for the design of a public work of the State, evidence that the applicant is qualified to bid on a public work of the State pursuant to NRS 338.1379.

4. The public body or its authorized representative shall make available to the public the name of each applicant who submits a proposal pursuant to this section.

5. An applicant shall not substitute a different employee for any employee whose resume was submitted pursuant to paragraph (f) of subsection 3 unless ~~[the]~~ :

(a) The employee whose resume was submitted is no longer employed by the applicant or is unavailable because of medical reasons ~~[.]~~; or

(b) The public body requests or agrees to the substitution.

Sec. 11. NRS 338.1693 is hereby amended to read as follows:

338.1693 1. The public body or its authorized representative shall appoint a panel consisting of at least three but not more than seven members, a majority of whom must have experience in the construction industry, ***~~[and, except if the public body is the State Public Works Board, are not employed by the public body]~~*** to rank the proposals submitted to the public body by evaluating the proposals as required pursuant to subsections 2 and 3.

2. The panel appointed pursuant to subsection 1 shall rank the proposals by:

(a) Verifying that each applicant satisfies the requirements of NRS 338.1691; and

(b) Evaluating and assigning a score to each of the proposals received by the public body based on the factors and relative weight assigned to each factor that the public body specified in the request for proposals.

3. When ranking the proposals, the panel appointed pursuant to subsection 1 shall assign a relative weight of 5 percent to the applicant's possession of a certificate of eligibility to receive a preference in bidding on public works if the applicant submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that work.

4. After the panel appointed pursuant to subsection 1 ranks the proposals, the public body or its authorized representative shall, except as otherwise provided in subsection ~~[8,]~~ **9,** select at least the two but not more than the five applicants whose proposals received the highest scores for interviews.

5. The public body or its authorized representative may appoint a separate panel to interview and rank the applicants selected pursuant to subsection 4. If a separate panel is appointed pursuant to this subsection, the panel must consist of at least three but not more than seven members, a majority of whom must have experience in the construction industry . ***~~[and, except if the public body is the State Public Works Board, are not employed by the public body.]~~***

6. During the interview process, the panel conducting the interview ~~[may]~~ ***shall*** require the applicants to submit ~~[a]~~ **:**

(a) A preliminary proposed amount of compensation for managing the preconstruction and construction of the public work, but in no event shall the proposed amount of compensation exceed 20 percent of the scoring for the selection of the most qualified applicant. ***The preliminary proposed amount of compensation must include, without limitation:***

(1) The proposed fee for the preconstruction services on the public work;

(2) The proposed fee for managing the construction services on the public work;

(3) The cost of travel and per diem for persons on the list submitted pursuant to paragraph (b); and

(4) The additional costs for bonding and insurance related to the preconstruction and construction services, including, without limitation, costs for general liability and course of construction insurance.

(b) A list of the name, title and total cost of compensation of and the anticipated number of hours of work to be performed by each person who will be employed or retained by the applicant to provide the preconstruction services or manage the construction services, or both, on the public work. As used in this paragraph, "total cost of compensation" means wages, benefits and any other costs associated with employment or retention, including, without limitation, the cost of workers' compensation, unemployment insurance and applicable taxes.

7. All presentations made at any interview conducted pursuant to ~~[this subsection or]~~ subsection 5 ***or 6*** may be made only by key personnel employed by the applicant, as determined by the applicant, and the employees of the applicant who will be directly responsible for managing the preconstruction and construction of the public work.

~~[7.]~~ ***8.*** After conducting such interviews, the panel that conducted the interviews shall rank the applicants by using a ranking process that is separate from the process used to rank the applicants pursuant to subsection 2 and is based only on information submitted during the interview process. The score to be given for the proposed amount of compensation, if any, must be calculated by dividing the lowest of all the proposed amounts of compensation by the applicant's proposed amount of compensation multiplied by the total possible points available to each applicant. When ranking the applicants, the panel that conducted the interviews shall assign a relative weight of 5 percent to the applicant's possession of a certificate of eligibility to receive a preference in bidding on public works if the applicant submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that work.

~~[8.]~~ ***9.*** If the public body did not receive at least two proposals, the public body may not contract with a construction manager at risk.

~~[9.]~~ ***10.*** Upon receipt of the final rankings of the applicants from the panel that conducted the interviews, the public body or its authorized representative shall enter into negotiations with the most qualified applicant determined pursuant to the provisions of this section for a contract for preconstruction services, unless the public body required the submission of a proposed amount of compensation, in which case the proposed amount of compensation submitted by the applicant must be the amount offered for the contract. If the public body or its authorized representative is unable to negotiate a contract with the most qualified applicant for an amount of compensation that the public body or its authorized representative and the most qualified applicant determine to be fair and reasonable, the public body or its authorized representative shall terminate negotiations with that applicant. The public body or its authorized representative may then undertake negotiations with the next most qualified applicant in sequence until an agreement is reached and, if the negotiation is undertaken by an authorized representative of the public body, approved by the public body or until a determination is made by the public body to reject all applicants.

~~[10.]~~ ***11.*** The public body or its authorized representative shall :

(a) Make ~~*[make]*~~ available to all applicants and the public the following information, as determined by the panel appointed pursuant to subsection 1 and the panel that conducted the interviews, as applicable:

(1) ~~*[(a)]*~~ The final rankings of the applicants;

(2) ~~*[(b)]*~~ The score assigned to each proposal received by the public body; and

(3) ~~*[(c)]*~~ For each proposal received by the public body, the score assigned to each factor that the public body specified in the request for proposals ~~*[.]*~~ ; and

(b) Provide, upon request, an explanation to any unsuccessful applicant of the reasons why the applicant was unsuccessful.

Sec. 12. NRS 338.1696 is hereby amended to read as follows:

338.1696 1. If a public body enters into a contract with a construction manager at risk for preconstruction services pursuant to NRS 338.1693, after the public body has finalized the design for the public work, or any portion thereof sufficient to determine the provable cost of that portion, the public body shall enter into negotiations with the construction manager at risk for a contract to construct the public work or the portion thereof for the public body for ~~[~~:

~~(a) The *the* cost of the work, plus a fee, with]~~ a guaranteed maximum price ~~*[.*~~ ;

~~(b) A fixed price; or~~

~~(c) A fixed price plus reimbursement for overhead and other costs and expenses related to the construction of the public work or portion thereof.~~ ~~*Before commencement of the negotiations, the construction manager at*~~

~~*risk shall submit to the public body on the form prescribed pursuant to subsection 3:]*~~ ***, which must include, without limitation:***

(a) The fee and other related costs submitted for managing the construction services pursuant to subsection 6 of NRS 338.1693; and

(b) The cost of the work, including, without limitation, the cost of labor, materials and ~~*[the general conditions of the contract;*~~

~~*(b) The fee, including, without limitation, general overhead and profit; and*~~

~~*(c) A]*~~ ***equipment. The construction manager at risk shall submit a list of each subcontractor selected to provide labor, materials or equipment on the public work pursuant to NRS 338.16991 and 338.16995 the cost of which is estimated by the construction manager at risk to exceed 1 percent of the estimated cost of the public work.***

2. If the public body is unable to negotiate a satisfactory contract with the construction manager at risk to construct the public work or portion thereof, the public body shall terminate negotiations with that applicant and:

(a) May award the contract for the public work:

(1) If the public body is not a local government, pursuant to the provisions of NRS 338.1377 to 338.139, inclusive.

(2) If the public body is a local government, pursuant to the provisions of NRS 338.1377 to 338.139, inclusive, or 338.143 to 338.148, inclusive; and

(b) Shall accept a bid to construct the public work from the construction manager at risk with whom the public body entered into a contract for preconstruction services.

3. ~~[Before entering into a contract with the public body to construct a public work or a portion thereof pursuant to subsection 1, the construction manager at risk shall:~~

~~(a) Provide the public body with a list of the labor or portions of the work which are estimated by the construction manager at risk to exceed 1 percent of the estimated cost of the public work; and~~

~~(b) Select each subcontractor who is to provide labor or a portion of the work which is estimated by the construction manager at risk to exceed 1 percent of the estimated cost of the public work in accordance with NRS 338.16991 and 338.16995 and provide the names of each selected subcontractor to the public body.~~

~~4. *The State Public Works Board shall prescribe the form to be submitted by a construction manager at risk to a public body pursuant to subsection 1. The form must provide for the identification and itemization of the cost of the work and the fee.*~~

~~*4.]*~~ Except as otherwise provided in subsection 13 of NRS 338.16995, a public body shall not interfere with the right of the construction manager at risk to select the subcontractor whom the construction manager at risk determines to have submitted the best proposal pursuant to NRS 338.16995.

Sec. 13. ~~[NRS 338.16991 is hereby amended to read as follows:~~

~~338.16991 1. To be eligible to provide labor, materials or equipment on a public work [, the contract] for which a public body has entered into *a contract* with a construction manager at risk pursuant to NRS 338.1696, a subcontractor must [be:] :~~

~~(a) [Licensed] *Be licensed* pursuant to chapter 624 of NRS; [and]~~

~~(b) [Qualified] *After reasonable opportunity to review the general terms of the contract, agree in advance to comply with any provision in the general terms relating to the contracting or subcontracting of work for an employer in the construction industry that is not prohibited by 29 U.S.C. § 158(e); and~~

~~*(c) Be qualified* pursuant to the provisions of this section to submit a proposal for the provision of labor, materials or equipment on a public work.~~

~~2. Subject to the provisions of subsections 3, 4 and 5, the construction manager at risk shall determine whether an applicant is qualified to submit a proposal for the provision of labor, materials or equipment on the public work for the purposes of paragraph [(b)] *(c)* of subsection 1.~~

~~3. Not earlier than 30 days after a construction manager at risk has been selected pursuant to NRS 338.1693 and not later than 10 working days before the date by which an application must be submitted, the construction manager at risk shall advertise for applications from subcontractors in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed. If no qualified newspaper is published in the county where the public work will be performed, the advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county. The construction manager at risk may accept an application from a subcontractor before advertising for applications pursuant to this subsection.~~

~~4. The criteria to be used by the construction manager at risk when determining whether an applicant is qualified to submit a proposal for the provision of labor, materials or equipment must include, and must be limited to:~~

~~(a) The monetary limit placed on the license of the applicant by the State Contractors' Board pursuant to NRS 624.220;~~

~~(b) The financial ability of the applicant to provide the labor, materials or equipment required on the public work;~~

~~(c) Whether the applicant has the ability to obtain the necessary bonding for the work required by the public body;~~

~~(d) The safety programs established and the safety records accumulated by the applicant;~~

~~(e) Whether the applicant has breached any contracts with a public body or person in this State or any other state during the 5 years immediately preceding the application;~~

~~(f) Whether the applicant has been disciplined or fined by the State Contractors' Board or another state or federal agency for conduct that relates to the ability of the applicant to perform the public work;~~

~~(g) The performance history of the applicant concerning other recent, similar public or private contracts, if any, completed by the applicant in Nevada;~~

~~(h) The principal personnel of the applicant;~~

~~(i) Whether the applicant has been disqualified from the award of any contract pursuant to NRS 338.017 or 338.13895; and~~

~~(j) The truthfulness and completeness of the application.~~

~~5. The public body or its authorized representative shall ensure that each determination made pursuant to subsection 2 is made subject to the provisions of subsection 4.~~

~~6. The construction manager at risk shall notify each applicant and the public body in writing of~~ **[**~~a determination made pursuant to subsection 2.~~**]** ***whether an applicant is eligible to provide labor, materials or equipment on the public work.***

~~7. A determination~~ **[**~~made pursuant to subsection 2 that an applicant is not qualified~~**]** ***of whether an applicant is eligible to provide labor, materials or equipment on the public work*** ~~may be appealed pursuant to NRS 338.1381 to the public body with whom the construction manager at risk has entered into a contract for the construction of the public work.~~**]** **(Deleted by amendment.)**

Sec. 14. NRS 338.16995 is hereby amended to read as follows:

338.16995 1. If a public body enters into a contract with a construction manager at risk for the construction of a public work pursuant to NRS 338.1696, the construction manager at risk may enter into a subcontract for the provision of labor, materials and equipment necessary for the construction of the public work only as provided in this section.

2. The provisions of this section apply only to a subcontract for which the estimated value is at least 1 percent of the total cost of the public work or $50,000, whichever is greater.

3. After the design and schedule for the construction of the public work is sufficiently detailed and complete to allow a subcontractor to submit a meaningful and responsive proposal, and not later than 21 days before the date by which a proposal for the provision of labor, materials or equipment by a subcontractor must be submitted, the construction manager at risk shall notify in writing each subcontractor who was determined pursuant to NRS 338.16991 to be qualified to submit such a proposal of a request for such proposals. A copy of the notice required pursuant to this subsection must be provided to the public body.

4. The notice required pursuant to subsection 3 must include, without limitation:

(a) A description of the design for the public work and a statement indicating where a copy of the documents relating to that design may be obtained;

(b) A description of the type and scope of labor, equipment and materials for which subcontractor proposals are being sought;

(c) The dates on which it is anticipated that construction of the public work will begin and end;

(d) If a preproposal meeting regarding the scope of the work to be performed by the subcontractor is to be held, the date, time and place at which the preproposal meeting will be held;

(e) The date and time by which proposals must be received, and to whom they must be submitted;

(f) The date, time and place at which proposals will be opened for evaluation;

(g) A description of the bonding and insurance requirements for subcontractors;

(h) Any other information reasonably necessary for a subcontractor to submit a responsive proposal; and

(i) A statement in substantially the following form:

Notice: For a proposal for a subcontract on the public work to be considered:

1. The subcontractor must be licensed pursuant to chapter 624 of NRS;

2. The proposal must be timely received;

3. If a preproposal meeting regarding the scope of the work to be performed by the subcontractor is held, the subcontractor must attend the preproposal meeting; and

4. The subcontractor may not modify the proposal after the date and time the proposal is received.

5. A subcontractor may not modify a proposal after the date and time the proposal is received.

6. To be considered responsive, a proposal must:

(a) Be timely received by the construction manager at risk; and

(b) Substantially and materially conform to the details and requirements included in the proposal instructions and for the finalized bid package for the public work, including, without limitation, details and requirements affecting price and performance.

7. The opening of the proposals must be attended by an authorized representative of the public body. The public body may require the architect or engineer responsible for the design of the public work to attend the opening of the proposals. The opening of the proposals is not otherwise open to the public.

8. At the time the proposals are opened, the construction manager at risk shall compile and provide to the public body or its authorized representative

a list that includes, without limitation, the name and contact information of each subcontractor who submits a timely proposal.

9. Not more than 10 working days after opening the proposals and before the construction manager at risk submits a guaranteed maximum price ~~[, a fixed price or a fixed price plus reimbursement]~~ pursuant to NRS 338.1696, the construction manager at risk shall:

(a) Evaluate the proposals and determine which proposals are responsive.

(b) Select the subcontractor who submits the proposal that the construction manager at risk determines is the best proposal. Subject to the provisions of subparagraphs (1), (2) and (3), if only one subcontractor submits a proposal, the construction manager at risk may select that subcontractor. The subcontractor must be selected from among those:

(1) Who attended the preproposal meeting regarding the scope of the work to be performed by the subcontractor, if such a preproposal meeting was held;

(2) Who submitted a responsive proposal; and

(3) Whose names are included on the list compiled and provided to the public body or its authorized representative pursuant to subsection 8.

(c) Inform the public body or its authorized representative which subcontractor has been selected.

10. The public body or its authorized representative shall ensure that the evaluation of proposals and selection of subcontractors are done pursuant to the provisions of this section and regulations adopted by the State Public Works Board.

11. A subcontractor selected pursuant to subsection 9 need not be selected by the construction manager at risk solely on the basis of lowest price.

12. Except as otherwise provided in subsections 13 and 15, the construction manager at risk shall enter into a subcontract with a subcontractor selected pursuant to subsection 9 to provide the labor, materials or equipment described in the request for proposals.

13. A construction manager at risk shall not substitute a subcontractor for any subcontractor selected pursuant to subsection 9 unless:

(a) The public body or its authorized representative objects to the subcontractor, requests in writing a change in the subcontractor and pays any increase in costs resulting from the change; or

(b) The substitution is approved by the public body after the selected subcontractor:

(1) Files for bankruptcy or becomes insolvent;

(2) After having a reasonable opportunity, fails or refuses to execute a written contract with the construction manager at risk which was offered to the selected subcontractor with the same general terms that all other subcontractors on the project were offered;

(3) Fails or refuses to perform the subcontract within a reasonable time;

(4) Is unable to furnish a performance bond and payment bond pursuant to NRS 339.025, if required for the public work; or

(5) Is not properly licensed to provide that labor or portion of the work.

14. If a construction manager at risk substitutes a subcontractor for any subcontractor selected pursuant to subsection 9 without complying with the provisions of subsection 13, the construction manager at risk shall forfeit, as a penalty to the public body, an amount equal to 1 percent of the total amount of the contract.

15. If a construction manager at risk does not select a subcontractor pursuant to subsection 9 to perform a portion of work on a public work, the construction manager at risk shall notify the public body that the construction manager at risk intends to perform that portion of work. If, after providing such notification, the construction manager at risk substitutes a subcontractor to perform the work, the construction manager at risk shall forfeit, as a penalty to the public body, the lesser of, and excluding any amount of the contract that is attributable to change orders:

(a) An amount equal to 2.5 percent of the total amount of the contract; or

(b) An amount equal to 35 percent of the estimate by the engineer of the cost of the work the construction manager at risk selected himself or herself to perform on the public work.

16. The construction manager at risk shall make available to the public the name of each subcontractor who submits a proposal.

17. If a public work is being constructed in phases, and a construction manager at risk selects a subcontractor pursuant to subsection 9 for the provision of labor, materials or equipment for any phase of that construction, the construction manager at risk may select that subcontractor for the provision of labor, materials or equipment for any other phase of the construction without following the requirements of subsections 3 to 11, inclusive.

18. As used in this section, "general terms" has the meaning ascribed to it in NRS 338.141.

Sec. 15. NRS 244A.058 is hereby amended to read as follows:

244A.058 1. A board that has adopted an ordinance imposing a fee pursuant to NRS 244A.810 may, on behalf of the county and in its name:

(a) Acquire, lease, improve, equip, operate and maintain within the county a minor league baseball stadium project.

(b) Subject to the provisions of chapter 350 of NRS, issue revenue bonds of the county to acquire, lease, improve or equip, or any combination thereof, within the county a minor league baseball stadium project.

2. Bonds issued pursuant to this section must be payable from the proceeds of the fee imposed by the county pursuant to NRS 244A.810 and may be additionally secured by and payable from the gross or net revenues of the minor league baseball stadium project, including, without limitation, amounts received from any minor league baseball team pursuant to a contract with that team, fees, rates and charges for the use of the stadium by a minor

league baseball team or any other uses of the stadium, and related uses, including, without limitation, parking and concessions, surcharges on tickets in an amount approved by the board, grants, whether conditional or unconditional, made for the payment of debt service or otherwise for the purposes of the minor league baseball stadium project, and any and all other sources of revenue attributable to the minor league baseball stadium project as provided by the board in the ordinance authorizing the issuance of bonds or any instrument supplemental or appertaining thereto.

3. The provisions of chapters 332, 338 and 339 of NRS do not apply to a contract entered into by a county and a private developer pursuant to which the private developer constructs a minor league baseball stadium project, except that the contract must include a provision stating that the requirements of NRS ~~[338.010]~~ ***338.013*** to 338.090, inclusive, apply to any construction work to be performed under the contract. ***The board, the private developer and any contractor and subcontractor on the minor league baseball stadium project shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the board had undertaken the minor league baseball stadium project or had awarded the contract.***

Sec. 16. NRS 244A.763 is hereby amended to read as follows:

244A.763 1. NRS 244A.669 to 244A.763, inclusive, without reference to other statutes of this State, constitute full authority for the exercise of powers granted in those sections, including, but not limited to, the authorization and issuance of bonds.

2. No other act or law with regard to the authorization or issuance of bonds that provides for an election, requires an approval, or in any way impedes or restricts the carrying out of the acts authorized in NRS 244A.669 to 244A.763, inclusive, to be done, applies to any proceedings taken or acts done pursuant to those sections, except for laws to which reference is expressly made in those sections or by necessary implication of those sections.

3. The provisions of no other law, either general or local, except as provided in NRS 244A.669 to 244A.763, inclusive, apply to the doing of the things authorized in those sections to be done, and no board, agency, bureau, commission or official not designated in those sections has any authority or jurisdiction over the doing of any of the acts authorized in those sections to be done, except:

(a) As otherwise provided in those sections.

(b) That a project for the generation and transmission of electricity is subject to review and approval by the state regulatory agencies which have jurisdiction of the matters involved, including, without limitation, the Public Utilities Commission of Nevada, the State Environmental Commission and the State Department of Conservation and Natural Resources.

4. No notice, consent or approval by any public body or officer thereof may be required as a prerequisite to the sale or issuance of any bonds, the

making of any contract or lease, or the exercise of any other power under NRS 244A.669 to 244A.763, inclusive, except as provided in those sections.

5. A project is not subject to any requirements relating to public buildings, structures, ground works or improvements imposed by the statutes of this State or any other similar requirements which may be lawfully waived by this section, and any requirement of competitive bidding or other restriction imposed on the procedure for award of contracts for such purpose or the lease, sale or other disposition of property of the counties is not applicable to any action taken pursuant to NRS 244A.669 to 244A.763, inclusive, except that the provisions of NRS ~~[338.010]~~ ***338.013*** to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction for which tentative approval for financing is granted on or after January 1, 1992, by the county for work to be done in a project. ***The board of county commissioners, the lessee, purchaser or obligor or designee thereof, any contractor who is awarded a contract or entered into an agreement to perform the construction, repair or reconstruction and any subcontractor who performs any portion of the construction, repair or reconstruction shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the board of county commissioners had undertaken the project or had awarded the contract.***

6. Any bank or trust company located within or without this State may be appointed and act as a trustee with respect to bonds issued and projects financed pursuant to NRS 244A.669 to 244A.763, inclusive, without the necessity of associating with any other person or entity as cofiduciary except that such association is not prohibited.

7. The powers conferred by NRS 244A.669 to 244A.763, inclusive, are in addition and supplemental to, and not in substitution for, and the limitations imposed by those sections do not affect the powers conferred by any other law.

8. No part of NRS 244A.669 to 244A.763, inclusive, repeals or affects any other law or part thereof, except to the extent that those sections are inconsistent with any other law, it being intended that those sections provide a separate method of accomplishing its objectives, and not an exclusive one.

Sec. 17. NRS 268.568 is hereby amended to read as follows:

268.568 1. NRS 268.512 to 268.568, inclusive, without reference to other statutes of the State, constitute full authority for the exercise of powers granted in those sections, including, but not limited to, the authorization and issuance of bonds.

2. No other act or law with regard to the authorization or issuance of bonds that provides for an election, requires an approval, or in any way impedes or restricts the carrying out of the acts authorized in NRS 268.512 to 268.568, inclusive, to be done, including, without limitation, the charter of any city, applies to any proceedings taken or acts done pursuant to those sections, except for laws to which reference is expressly made in those sections.

3. The provisions of no other law, either general or local, except as provided in NRS 268.512 to 268.568, inclusive, apply to the doing of the things authorized in NRS 268.512 to 268.568, inclusive, to be done, and no board, agency, bureau, commission or official not designated in those sections has any authority or jurisdiction over the doing of any of the acts authorized in those sections to be done, except as otherwise provided in those sections.

4. No notice, consent or approval by any public body or officer thereof may be required as a prerequisite to the sale or issuance of any bonds, the making of any contract or lease, or the exercise of any other power under NRS 268.512 to 268.568, inclusive, except as provided in those sections.

5. A project is not subject to any requirements relating to public buildings, structures, ground works or improvements imposed by the statutes of this state or any other similar requirements which may be lawfully waived by this section, and any requirement of competitive bidding or other restriction imposed on the procedure for award of contracts for such purpose or the lease, sale or other disposition of property of the cities is not applicable to any action taken pursuant to NRS 268.512 to 268.568, inclusive, except that the provisions of NRS ~~[338.010]~~ ***338.013*** to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction for which tentative approval for financing is granted on or after January 1, 1992, by the city for work to be done in a project. ***The governing body, the lessee, purchaser or obligor or designee thereof, any contractor who is awarded a contract or enters into an agreement to perform the construction, repair or reconstruction in a project and any subcontractor who performs any portion of the construction, repair or reconstruction in a project shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the governing body had undertaken the project or had awarded the contract.***

6. Notwithstanding the provisions of NRS 662.245 or any other specific statute to the contrary, any bank or trust company located within or without this state may be appointed and act as a trustee with respect to bonds issued and projects financed pursuant to NRS 268.512 to 268.568, inclusive, without meeting the qualifications set forth in NRS 662.245.

7. The powers conferred by NRS 268.512 to 268.568, inclusive, are in addition and supplemental to, and not in substitution for, and the limitations imposed by those sections do not affect the powers conferred by, any other law.

8. No part of NRS 268.512 to 268.568, inclusive, repeals or affects any other law or part thereof, except to the extent that those sections are inconsistent with any other law, it being intended that those sections provide a separate method of accomplishing its objectives, and not an exclusive one.

Sec. 18. NRS 271.710 is hereby amended to read as follows:

271.710 1. A governing body may adopt an ordinance pursuant to NRS 271.325 creating a district and ordering a project to be acquired or improved

and may contract with a person to construct or improve a project, issue bonds or otherwise finance the cost of the project and levy assessments, without complying with the provisions of NRS 271.305 to 271.320, inclusive, 271.330 to 271.345, inclusive, 271.380 and 271.385 and, except as otherwise provided in this section, the provisions of any law requiring public bidding or otherwise imposing requirements on any public contract, project, works or improvements, including, without limitation, chapters 332, 338 and 339 of NRS, if the governing body has entered into a written agreement with the owners of all of the assessable property within the district which states that:

(a) The governing body agrees to enter into a contract for the acquisition, construction or improvement of the project or projects in the district which includes:

(1) A provision stating that the requirements of NRS ~~[338.010]~~ ***338.013*** to 338.090, inclusive, apply to any construction work to be performed under the contract; and

(2) The price, stated as a lump sum or as unit prices, which the governing body agrees to pay for the project if the project meets all requirements and specifications in the contract.

(b) The owners of the assessable property agree that if the rate of interest on any assessment levied for the district is determined from time to time as provided in NRS 271.487, the owners will provide written notice to the governing body in a timely manner when a parcel of the assessable property in the district is sold to a person who intends to occupy a dwelling unit on the parcel as his or her residence.

(c) The owners of the assessable property agree that the governing body may create the district, levy the assessments and for all other purposes relating to the district proceed pursuant to the provisions of this section.

2. If an ordinance is adopted and the agreement entered into pursuant to subsection 1 so states:

(a) The governing body may amend the ordinance creating the district, change the assessment roll and redistribute the assessments required by NRS 271.390 in the same manner in which these actions were originally taken to add additional property to the district. The assessments may be redistributed between the assessable property originally in the district and the additional assessable property if:

(1) The owners of additional assessable property also consent in writing to inclusion of their property in the district and to the amount of the assessment against their property; and

(2) The redistribution of the assessments is not prohibited by any covenants made for the benefit of the owners of any bonds or interim warrants issued for the district.

(b) The governing body may amend the ordinance creating the district, change the assessment roll and redistribute the assessments required by NRS 271.390 in the same manner in which these actions were originally taken to

remove assessable property from the district. The assessments may be redistributed among the assessable property remaining in the district if:

(1) The owners of the remaining assessable property consent in writing to the amount of the revised assessment on their property; and

(2) The redistribution of the assessments is not prohibited by any covenants made for the benefit of the owners of any bonds or interim warrants issued for the district.

(c) The governing body may adopt any ordinance pertaining to the district including the ordinance creating the district required by NRS 271.325, the ordinance authorizing interim warrants required by NRS 271.355, the ordinance levying assessments required by NRS 271.390, the ordinance authorizing bonds required by NRS 271.475 or any ordinance amending those ordinances after a single reading and without holding a hearing thereon, as if an emergency exists, upon an affirmative vote of not less than two-thirds of all voting members of the governing body, excluding from any computation any vacancy on the governing body and any members thereon who may vote to break a tie vote, and provide that the ordinances become effective at the time an emergency ordinance would have become effective. The provisions of NRS 271.308 do not apply to any such ordinance.

(d) The governing body may provide for a reserve fund, letter of credit, surety bond or other collateral for payment of any interim warrants or bonds issued for the district and include all or any portion of the costs thereof in the amounts assessed against the property in the district and in the amount of bonds issued for the district. The governing body may provide for the disposition of interest earned on the reserve fund and other bond proceeds, for the disposition of unexpended bond proceeds after completion of the project and for the disposition of the unexpended balance in the reserve fund after payment in full of the bonds for the district.

3. If the governing body of a municipality forms a district pursuant to the provisions of this section, the governing body:

(a) Is not required to adopt the resolutions required pursuant to the provisions of NRS 271.280, 271.310, 271.360 and 271.390.

(b) Shall be deemed to have adopted the resolution required pursuant to the provisions of NRS 271.325 if the plans and specifications are sufficiently specific to allow a competent contractor with the assistance of a competent engineer to estimate the cost of constructing the project and to construct the project.

4. The governing body, the owners of the assessable property, any contractor who is awarded a contract or enters into an agreement to perform the construction work on a project pursuant to this section, and any subcontractor who performs any portion of the construction work on the project shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the governing body had undertaken the project or had awarded the contract.

Sec. 19. NRS 271.800 is hereby amended to read as follows:

271.800 1. A governing body may, pursuant to NRS 271.275 or 271.710, establish a district to finance an underground conversion project. Before the governing body may adopt an ordinance pursuant to NRS 271.325 to establish such a district, each service provider that owns the overhead service facilities to be converted to underground facilities must submit its written approval of the project to the governing body. The governing body shall not establish a district to finance an underground conversion project without receiving the written approval of each such service provider pursuant to this subsection.

2. Before initiating the establishment of a district pursuant to this section, the governing body must request in writing and receive from each service provider that owns the overhead service facilities to be converted in the proposed improvement district a written estimate of the cost to convert those facilities to underground facilities. The service provider shall provide its estimate of the cost of the conversion to the governing body not later than 120 days after the service provider receives the request from the governing body.

3. If a district already exists for the location for which the underground conversion project is proposed, the governing body may, pursuant to NRS 271.295, combine the underground conversion project with other projects in that district.

4. An underground conversion project must be constructed by one or more of the service providers that own the overhead service facilities to be converted, pursuant to a written agreement between the governing body and each service provider that will engage in the construction. Such a project must be constructed in accordance with the standard underground practices and procedures approved by the Public Utilities Commission of Nevada.

5. The provisions of any law requiring public bidding or otherwise imposing requirements on any public contract, project, works or improvements, including, without limitation, the provisions of chapters 332, 338 and 339 of NRS, do not apply to a contract entered into by a municipality and a service provider pursuant to this section, except that the contract must include a provision stating that the requirements of NRS ~~[338.010]~~ ***338.013*** to 338.090, inclusive, apply to any construction work to be performed under the contract. ***The governing body, the service provider, any contractor who is awarded a contract or enters into an agreement to perform the construction work on an underground conversion project, and any subcontractor who performs any portion of the construction work on an underground conversion project shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the governing body had undertaken the underground conversion project or had awarded the contract.***

6. Construction on an underground conversion project approved pursuant to this chapter may not commence until:

(a) An ordinance creating a district is adopted pursuant to NRS 271.325;

(b) The time for filing an appeal pursuant to NRS 271.315 has expired, or if such an appeal has been timely filed, a final, nonappealable judgment upholding the validity of the ordinance has been rendered;

(c) Arrangements for the financing of the construction have been completed through the issuance of bonds or interim warrants; and

(d) The service provider has obtained all applicable permits, easements and licenses necessary to convert the facilities.

Sec. 20. NRS 278C.240 is hereby amended to read as follows:

278C.240 The provisions of NRS ~~[338.010]~~ ***338.013*** to 338.090, inclusive, apply to any construction work to be performed under any contract or other agreement related to an undertaking ordered by a governing body pursuant to this chapter. ***The governing body, the developer, any contractor who is awarded the contract or enters into the agreement to perform the construction work and any subcontractor who performs any portion of the construction work related to such an undertaking shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the governing body had undertaken the undertaking or had awarded the contract.***

Sec. 21. NRS 279.500 is hereby amended to read as follows:

279.500 1. The provisions of NRS ~~[338.010]~~ ***338.013*** to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction which is awarded on or after October 1, 1991, by an agency for work to be done in a project.

2. If an agency:

(a) Provides property for development at less than the fair market value of the property;

(b) Provides a loan to a small business pursuant to NRS 279.700 to 279.740, inclusive; or

(c) Provides financial incentives to a developer with a value of more than $100,000, ~~***[$25,000,]***~~

➥ regardless of whether the project is publicly or privately owned, the agency must provide in the loan agreement with the small business or the agreement with the developer, as applicable, that the development project is subject to the provisions of NRS ~~[338.010]~~ ***338.013*** to 338.090, inclusive, to the same extent as if the agency had awarded the contract for the project. ***The agency, the small business or the developer, as applicable, any contractor who is awarded the contract or enters into the agreement to perform the project, and any subcontractor who performs any portion of the project shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the agency had undertaken the project or had awarded the contract.*** This subsection applies only to the project covered by the loan agreement between the agency and the small business or the agreement between the agency and the developer, as applicable. This subsection does not apply to future development of the property unless an

additional loan, or additional financial incentives with a value of more than $100,000, ~~***[$25,000,]***~~ are provided to the small business or developer, as applicable.

Sec. 22. NRS 318.140 is hereby amended to read as follows:

318.140 In the case of a district created wholly or in part for acquiring sanitary sewer improvements:

1. The board may:

(a) Construct, reconstruct, improve or extend the sanitary sewer system or any part thereof, including, without limitation, mains, laterals, wyes, tees, meters and collection, treatment and disposal plants.

(b) Sell any product or by-product thereof and acquire the appropriate outlets within or without the district and extend the sewer lines of the district thereto.

(c) Enter into and perform, without any election, contracts or agreements for a term not to exceed 50 years with any person or a public agency, to provide the services, equipment or supplies necessary or appropriate to conduct tests of the discharge of pollutants into the state's water and to report the results of those tests as required by chapter 445A of NRS or the regulations adopted thereunder. For the purposes of this paragraph, "public agency" has the meaning ascribed to it in NRS 277.100.

2. The provisions of chapters 332 and 339 of NRS do not apply to a contract under which a private developer extends a sewer main to his or her development or installs any appurtenances to that extension. Except as otherwise provided in this subsection, the provisions of chapter 338 of NRS do not apply to such a contract. If the developer does not pay all of the initial construction costs of the extension, the provisions of NRS 338.013 to 338.090, inclusive, apply to the contract. ***The board, the developer, any contractor who is awarded a contract or enters into an agreement to perform the extension or installation of appurtenances to the extension, and any subcontractor who performs any portion of the extension or installation of appurtenances to the extension shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the board had undertaken the extension or had awarded the contract.***

Sec. 23. NRS 318.144 is hereby amended to read as follows:

318.144 1. The board may acquire, construct, reconstruct, improve, extend or better a works, system or facilities for the supply, storage and distribution of water for private and public purposes.

2. The provisions of chapters 332 and 339 of NRS do not apply to a contract under which a private developer constructs water facilities for his or her development. Except as otherwise provided in this subsection, the provisions of chapter 338 of NRS do not apply to such a contract. If the developer does not pay all of the initial construction costs of the facility, the provisions of NRS 338.013 to 338.090, inclusive, apply to the contract. ***The board, the developer, any contractor who is awarded a contract or enters into an agreement to perform the construction of the facility, and any***

subcontractor who performs any portion of the construction of the facility shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the board had undertaken the construction or had awarded the contract.

Sec. 24. NRS 332.390 is hereby amended to read as follows:

332.390 1. If a performance contract entered into pursuant to NRS 332.300 to 332.440, inclusive, requires the employment of skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers or unskilled labor to perform the performance contract, the performance contract must include a provision relating to the prevailing wage as required pursuant to NRS ~~[338.020]~~ ***338.013*** to 338.090, inclusive. ***The local government, the qualified service company, any contractor who is awarded a contract or enters into an agreement to perform the work for the performance contract, and any subcontractor who performs any portion of that work shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the local government had undertaken the work or had awarded the contract.***

2. Before a qualified service company enters into a performance contract pursuant to NRS 332.300 to 332.440, inclusive, that exceeds $100,000, the qualified service company must furnish to the contracting body any bonds required pursuant to NRS 339.025. The provisions of chapter 339 of NRS apply to any performance contract described in this subsection.

Sec. 25. NRS 333A.120 is hereby amended to read as follows:

333A.120 If a performance contract entered into pursuant to this chapter requires the employment of skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers or unskilled labor to perform the performance contract, the performance contract must include a provision relating to the prevailing wage as required pursuant to NRS ~~[338.020]~~ ***338.013*** to 338.090, inclusive. ***The using agency, the qualified service company, any contractor who is awarded a contract or enters into an agreement to perform the work for the performance contract, and any subcontractor who performs any portion of that work shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the using agency had undertaken the work or had awarded the contract.***

Sec. 26. NRS 349.670 is hereby amended to read as follows:

349.670 1. NRS 349.400 to 349.670, inclusive, without reference to other statutes of the State, constitute full authority for the exercise of powers granted in those sections, including but not limited to the authorization and issuance of bonds.

2. No other act or law with regard to the authorization or issuance of bonds that provides for an election, requires an approval, or in any way impedes or restricts the carrying out of the acts authorized in NRS 349.400 to 349.670, inclusive, to be done, applies to any proceedings taken or acts done pursuant to those sections, except for laws to which reference is expressly made in those sections or by necessary implication of those sections.

3. The provisions of no other law, either general or local, except as provided in NRS 349.400 to 349.670, inclusive, apply to the doing of the things authorized in those sections to be done, and no board, agency, bureau, commission or official not designated in those sections has any authority or jurisdiction over the doing of any of the acts authorized in those sections to be done, except as otherwise provided in those sections.

4. A project is not subject to any requirements relating to public buildings, structures, ground works or improvements imposed by the statutes of this state or any other similar requirements which may be lawfully waived by this section, and any requirement of competitive bidding or other restriction imposed on the procedure for award of contracts for such purpose or the lease, sale or other disposition of property is not applicable to any action taken pursuant to NRS 349.400 to 349.670, inclusive, except that the provisions of NRS **[**~~338.010~~**]** ***338.013*** to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction for which tentative approval for financing is granted on or after January 1, 1992, by the Director for work to be done in a project. ***The Director, the lessee, purchaser, obligor or other enterprise, any contractor who is awarded a contract or enters into an agreement to perform the construction, repair or reconstruction for a project, and any subcontractor who performs any portion of such construction, repair or reconstruction shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if a public body had undertaken the project or had awarded the contract.***

5. Any bank or trust company located within or without this state may be appointed and act as a trustee with respect to bonds issued and projects financed pursuant to NRS 349.400 to 349.670, inclusive, without the necessity of associating with any other person or entity as cofiduciary, but such an association is not prohibited.

6. The powers conferred by NRS 349.400 to 349.670, inclusive, are in addition and supplemental to, and not in substitution for, and the limitations imposed by those sections do not affect the powers conferred by any other law.

7. No part of NRS 349.400 to 349.670, inclusive, repeals or affects any other law or part thereof, except to the extent that those sections are inconsistent with any other law, it being intended that those sections provide a separate method of accomplishing its objectives, and not an exclusive one.

8. The Director or a person designated by the Director may take any actions and execute and deliver any instruments, contracts, certificates and other documents, including the bonds, necessary or appropriate for the sale and issuance of the bonds or accomplishing the purposes of NRS 349.400 to 349.670, inclusive, without the assistance or intervention of any other officer.

Sec. 27. NRS 349.956 is hereby amended to read as follows:

349.956 A water project is not subject to any requirements relating to public buildings, structures, ground works or improvements imposed by the statutes of this state or any other similar requirements which may be lawfully

waived by this section, and any requirement of competitive bidding or other restriction imposed on the procedure for award of contracts for such purpose or the lease, sale or other disposition of property is not applicable to any action taken pursuant to NRS 349.935 to 349.961, inclusive, except that the provisions of NRS ~~[338.010]~~ ***338.013*** to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction for which tentative approval for financing is granted on or after January 1, 1992, by the Director or a municipality for work to be done in a water project. ***The Director or municipality, the lessee, purchaser or other obligor, any contractor who is awarded a contract or enters into an agreement to perform the construction, repair or reconstruction for a water project, and any subcontractor who performs any portion of such construction, repair or reconstruction shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if a public body had undertaken the water project or had awarded the contract.***

Sec. 28. NRS 388A.635 is hereby amended to read as follows:

388A.635 1. NRS 388A.550 to 388A.695, inclusive, without reference to other statutes of this State, constitute full authority for the exercise of powers granted in those sections, including, without limitation, the authorization and issuance of bonds.

2. No other act or law with regard to the authorization or issuance of bonds that provides for an election, requires an approval, or in any way impedes or restricts the carrying out of the acts authorized by NRS 388A.550 to 388A.695, inclusive, to be done, applies to any proceedings taken or acts done pursuant to those sections, except for laws to which reference is expressly made in those sections or by necessary implication of those sections.

3. The provisions of no other law, either general or local, except as provided in NRS 388A.550 to 388A.695, inclusive, apply to the doing of the things authorized in those sections to be done, and no board, agency, bureau, commission or official not designated in those sections has any authority or jurisdiction over the doing of any of the acts authorized in those sections to be done, except as otherwise provided in those sections.

4. A project is not subject to any requirements relating to public buildings, structures, ground works or improvements imposed by the statutes of this State or any other similar requirements which may be lawfully waived by this section, and any requirement of competitive bidding or other restriction imposed on the procedure for award of contracts for such purpose or the lease, sale or other disposition of property is not applicable to any action taken pursuant to NRS 388A.550 to 388A.695, inclusive ~~[.]~~ ***, except that the provisions of NRS 338.013 to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction for which tentative approval for financing is granted on or after July 1, 2017, by the Director of the Department of Business and Industry. The Director, the lessee, purchaser or other obligor, any contractor who is awarded a contract or***

enters into an agreement to perform the construction, repair or reconstruction for the project, and any subcontractor who performs any portion of such construction, repair or reconstruction shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if a public body had undertaken the project or had awarded the contract.

5. Any bank or trust company located within or without this State may be appointed and act as a trustee with respect to bonds issued and projects financed pursuant to NRS 388A.550 to 388A.695, inclusive, without the necessity of associating with any other person or entity as cofiduciary, but such an association is not prohibited.

6. The powers conferred by NRS 388A.550 to 388A.695, inclusive, are in addition and supplemental to, and not in substitution for, and the limitations imposed by those sections do not affect, the powers conferred by any other law.

7. No part of NRS 388A.550 to 388A.695, inclusive, repeals or affects any other law or part thereof, except to the extent that those sections are inconsistent with any other law, it being intended that those sections provide a separate method of accomplishing its objectives, and not an exclusive one.

8. The Director of the Department of Business and Industry or a person designated by the Director of the Department of Business and Industry may take any actions and execute and deliver any instruments, contracts, certificates and other documents, including the bonds, necessary or appropriate for the sale and issuance of the bonds or accomplishing the purposes of NRS 388A.550 to 388A.695, inclusive, without the assistance or intervention of any other officer.

Sec. 29. NRS 408.3886 is hereby amended to read as follows:

408.3886 1. After selecting the finalists pursuant to NRS 408.3885, the Department shall provide to each finalist a request for final proposals for the project. The request for final proposals must:

(a) Set forth the factors that the Department will use to select a design-build team to design and construct the project, including the relative weight to be assigned to each factor; and

(b) Set forth the date by which final proposals must be submitted to the Department.

2. Except as otherwise provided in this subsection, in assigning the relative weight to each factor for selecting a design-build team pursuant to subsection 1, the Department shall assign, without limitation, a relative weight of 5 percent to the design-build team's possession of both a certificate of eligibility to receive a preference in bidding on public works by the prime contractor on the design-build team, if the design-build team submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117, and a certificate of eligibility to receive a preference when competing for public works by all persons who hold a certificate of registration to practice architecture or a license as a professional engineer on the design-build team, and a relative weight of at least 30 percent for the

proposed cost of design and construction of the project. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular project because of the provisions of this subsection relating to a preference in bidding on public works or a preference when competing for public works, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that project.

3. A final proposal submitted by a design-build team pursuant to this section must be prepared thoroughly, be responsive to the criteria that the Department will use to select a design-build team to design and construct the project described in subsection 1 and comply with the provisions of NRS 338.141.

4. After receiving the final proposals for the project, the Department shall:

(a) Select the most cost-effective and responsive final proposal, using the criteria set forth pursuant to subsections 1 and 2;

(b) Reject all the final proposals; or

(c) Request best and final offers from all finalists in accordance with subsection 5.

5. If the Department determines that no final proposal received is cost-effective or responsive and the Department further determines that requesting best and final offers pursuant to this subsection will likely result in the submission of a satisfactory offer, the Department may prepare and provide to each finalist a request for best and final offers for the project. In conjunction with preparing a request for best and final offers pursuant to this subsection, the Department may alter the scope of the project, revise the estimates of the costs of designing and constructing the project, and revise the selection factors and relative weights described in paragraph (a) of subsection 1. A request for best and final offers prepared pursuant to this subsection must set forth the date by which best and final offers must be submitted to the Department. After receiving the best and final offers, the Department shall:

(a) Select the most cost-effective and responsive best and final offer, using the criteria set forth in the request for best and final offers; or

(b) Reject all the best and final offers.

6. If the Department selects a final proposal pursuant to paragraph (a) of subsection 4 or selects a best and final offer pursuant to paragraph (a) of subsection 5, the Department shall hold a public meeting to:

(a) Review and ratify the selection.

(b) Partially reimburse the unsuccessful finalists if partial reimbursement was provided for in the request for preliminary proposals pursuant to paragraph (f) of subsection 3 of NRS 408.3883. The amount of reimbursement must not exceed, for each unsuccessful finalist, 3 percent of the total amount to be paid to the design-build team as set forth in the design-build contract.

(c) Make available to the public a summary setting forth the factors used by the Department to select the successful design-build team and the ranking of the design-build teams who submitted final proposals and, if applicable, best and final offers. The Department shall not release to a third party, or otherwise make public, financial or proprietary information submitted by a design-build team.

7. A contract awarded pursuant to this section:

(a) Must comply with the provisions of NRS ~~[338.020]~~ ***338.013*** to 338.090, inclusive; and

(b) Must specify:

(1) An amount that is the maximum amount that the Department will pay for the performance of all the work required by the contract, excluding any amount related to costs that may be incurred as a result of unexpected conditions or occurrences as authorized by the contract;

(2) An amount that is the maximum amount that the Department will pay for the performance of the professional services required by the contract; and

(3) A date by which performance of the work required by the contract must be completed.

8. ***The Department, the design-build team, any contractor who is awarded a contract or enters into an agreement to perform work on the project, and any subcontractor who performs work on the project shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the Department had undertaken the project or had awarded the contract.***

9. A design-build team to whom a contract is awarded pursuant to this section shall:

(a) Assume overall responsibility for ensuring that the design and construction of the project is completed in a satisfactory manner; and

(b) Use the workforce of the prime contractor on the design-build team to construct at least 15 percent of the project.

Sec. 30. NRS 543.545 is hereby amended to read as follows:

543.545 ***1.*** Except as otherwise provided in ~~[subsection 3,]~~ ***this section,*** the provisions of any law requiring public bidding or otherwise imposing requirements on any public contract, project, works or improvements, including, without limitation, the provisions of chapters 332, 338 and 339 of NRS, do not apply to any contract entered into by a flood control district for the construction of a flood control facility pursuant to the master plan, if a majority of the construction costs are paid by a private developer and the written agreement:

~~[1.]~~ ***(a)*** Complies with the requirements of subsection 1 of NRS 543.360;

~~[2.]~~ ***(b)*** Clearly sets forth the computation of the construction costs, and includes the terms and conditions of the contract; and

~~[3.]~~ ***(c)*** Contains a provision stating that the requirements of NRS ~~[338.010]~~ ***338.013*** to 338.090, inclusive, apply to any construction work performed pursuant to the contract.

2. The board, the developer, any contractor who is awarded a contract or enters into an agreement to perform the construction work, and any subcontractor who performs any portion of the construction work shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the board had undertaken the construction work or had awarded the contract.

Sec. 31. NRS 701B.265 is hereby amended to read as follows:

701B.265 1. The installation of a solar energy system on property owned or occupied by a public body pursuant to NRS 701B.010 to 701B.290, inclusive, shall be deemed to be a public work for the purposes of chapters 338 and 341 of NRS, regardless of whether the installation of the solar energy system is financed in whole or in part by public money. ***The public body, the utility, any contractor who is awarded a contract or entered into an agreement to perform the installation and any subcontractor who performs any portion of the installation shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the public body had undertaken the installation or had awarded the contract.***

2. The amount of any incentive issued by a utility relating to the installation of a solar energy system on property owned or occupied by a public body may not be used to reduce the cost of the project to an amount which would exempt the project from the requirements of NRS ~~[338.020]~~ ***338.013*** to 338.090, inclusive.

3. As used in this section, "public body" means the State or a county, city, town, school district or any public agency of this State or its political subdivisions.

Sec. 32. NRS 701B.625 is hereby amended to read as follows:

701B.625 1. The installation of a wind energy system on property owned or occupied by a public body pursuant to NRS 701B.400 to 701B.650, inclusive, shall be deemed to be a public work for the purposes of chapters 338 and 341 of NRS, regardless of whether the installation of the wind energy system is financed in whole or in part by public money. ***The public body, the utility, any contractor who is awarded a contract or entered into an agreement to perform the installation and any subcontractor who performs any portion of the installation shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the public body had undertaken the installation or had awarded the contract.***

2. The amount of any incentive issued by a utility relating to the installation of a wind energy system on property owned or occupied by a public body may not be used to reduce the cost of the project to an amount which would exempt the project from the requirements of NRS ~~[338.020]~~ ***338.013*** to 338.090, inclusive.

3. As used in this section, "public body" means the State or a county, city, town, school district or any public agency of this State or its political subdivisions.

Sec. 33. Section 9.5 of the Reno-Tahoe Airport Authority Act, being chapter 474, Statutes of Nevada 1977, as last amended by chapter 98, Statutes of Nevada 2013, at page 335, is hereby amended to read as follows:

Sec. 9.5. 1. Except as otherwise determined by the Board or provided in subsection 2, the provisions of any law requiring public bidding or otherwise imposing requirements on any public contract, project, acquisition, works or improvements, including, without limitation, the provisions of chapters 332, 338 and 339 of NRS, do not apply to any contract entered into by the Board if the Board:

(a) Complies with the provisions of subsection 3; and

(b) Finances the contract, project, acquisition, works or improvement by means of:

(1) Revenue bonds issued by the Authority; or

(2) An installment obligation of the Authority in a transaction in which:

(I) The Authority acquires real or personal property and another person acquires or retains a security interest in that or other property; and

(II) The obligation by its terms is extinguished by failure of the Board to appropriate money for the ensuing fiscal year for payment of the amounts then due.

2. A contract entered into by the Board pursuant to this section must:

(a) Contain a provision stating that the requirements of NRS ~~[338.010]~~ ***338.013*** to 338.090, inclusive, apply to any construction work performed pursuant to the contract; and

(b) If the contract is with a design professional who is not a member of a design-build team, comply with the provisions of NRS 338.155. As used in this paragraph, "design professional" has the meaning ascribed to it in subsection 7 of NRS 338.010.

3. For contracts entered into pursuant to this section that are exempt from the provisions of chapters 332, 338 and 339 of NRS pursuant to subsection 1, the Board shall adopt regulations pursuant to subsection ~~[4]~~ ***5*** which establish:

(a) One or more competitive procurement processes for letting such a contract; and

(b) A method by which a bid on such a contract will be adjusted to give a 5 percent preference to a contractor who would qualify for a preference pursuant to NRS 338.147, if:

(1) The estimated cost of the contract exceeds $250,000; and

(2) Price is a factor in determining the successful bid on the contract.

4. ***The Board, any contractor who is awarded a contract or enters into an agreement to perform the construction work, and any subcontractor who performs any portion of the construction work shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the Board had undertaken the construction work or had awarded the contract.***

5. The Board:

(a) Shall, before adopting, amending or repealing a permanent or temporary regulation pursuant to subsection 3, give at least 30 days' notice of its intended action. The notice must:

(1) Include:

(I) A statement of the need for and purpose of the proposed regulation.

(II) Either the terms or substance of the proposed regulation or a description of the subjects and issues involved.

(III) The estimated cost to the Board for enforcement of the proposed regulation.

(IV) The time when, the place where and the manner in which interested persons may present their views regarding the proposed regulation.

(V) A statement indicating whether the regulation establishes a new fee or increases an existing fee.

(2) State each address at which the text of the proposed regulation may be inspected and copied.

(3) Be mailed to all persons who have requested in writing that they be placed upon a mailing list, which must be kept by the Authority for that purpose.

(b) May adopt, if it has adopted a temporary regulation after notice and the opportunity for a hearing as provided in this subsection, after providing a second notice and the opportunity for a hearing, a permanent regulation.

(c) Shall, in addition to distributing the notice to each recipient of the Board's regulations, solicit comment generally from the public and from businesses to be affected by the proposed regulation.

(d) Shall, before conducting a workshop pursuant to paragraph (g), determine whether the proposed regulation is likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business. If the Board determines that such an impact is likely to occur, the Board shall:

(1) Insofar as practicable, consult with owners and officers of small businesses that are likely to be affected by the proposed regulation.

(2) Consider methods to reduce the impact of the proposed regulation on small businesses.

(3) Prepare a small business impact statement and make copies of the statement available to the public at the workshop conducted pursuant to paragraph (g) and the public hearing held pursuant to paragraph (h).

(e) Shall ensure that a small business impact statement prepared pursuant to subparagraph (3) of paragraph (d) sets forth the following information:

(1) A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

(2) The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

(I) Both adverse and beneficial effects; and

(II) Both direct and indirect effects.

(3) A description of the methods that the Board considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the Board actually used any of those methods.

(4) The estimated cost to the Board for enforcement of the proposed regulation.

(5) If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the Board expects to collect and the manner in which the money will be used.

(f) Shall afford a reasonable opportunity for all interested persons to submit data, views or arguments upon the proposed regulation, orally or in writing.

(g) Shall, before holding a public hearing pursuant to paragraph (h), conduct at least one workshop to solicit comments from interested persons on the proposed regulation. Not less than 15 days before the workshop, the Board shall provide notice of the time and place set for the workshop:

(1) In writing to each person who has requested to be placed on a mailing list; and

(2) In any other manner reasonably calculated to provide such notice to the general public and any business that may be affected by a proposed regulation which addresses the general topics to be considered at the workshop.

(h) Shall set a time and place for an oral public hearing, but if no one appears who will be directly affected by the proposed regulation and requests an oral hearing, the Board may proceed immediately to act upon any written submissions. The Board shall consider fully all written and oral submissions respecting the proposed regulation.

(i) Shall keep, retain and make available for public inspection written minutes of each public hearing held pursuant to paragraph (h) in the

manner provided in subsections 1 and 2 of NRS 241.035. A copy of the minutes must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.

(j) May record each public hearing held pursuant to paragraph (h) and make those recordings available for public inspection in the manner provided in subsection 4 of NRS 241.035. A copy of the audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.

(k) Shall ensure that a small business which is aggrieved by a regulation adopted pursuant to this subsection may object to all or a part of the regulation by filing a petition with the Board within 90 days after the date on which the regulation was adopted. Such petition may be based on the following:

(1) The Board failed to prepare a small business impact statement as required pursuant to subparagraph (3) of paragraph (d); or

(2) The small business impact statement prepared by the Board did not consider or significantly underestimated the economic effect of the regulation on small businesses.

➥ After receiving a petition pursuant to this paragraph, the Board shall determine whether the petition has merit. If the Board determines that the petition has merit, the Board may, pursuant to this subsection, take action to amend the regulation to which the small business objected.

~~[5.]~~ ***6.*** The determinations made by the Board pursuant to this section are conclusive unless it is shown that the Board acted with fraud or a gross abuse of discretion.

Sec. 33.5. **Section 14.5 of chapter 487, Statutes of Nevada 2013, at page 2985, is hereby amended to read as follows:**

Sec. 14.5. 1. On or before January 1 of each year, each public body that enters into a contract during the immediately preceding year with a construction manager at risk pursuant to NRS 338.169 to 338.16995, inclusive, for preconstruction services for or to construct a public work shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or to the Legislative Commission if the report is submitted during an odd-numbered year.

2. The report required by subsection 1 must include, for each public work for which the public body enters into a contract with a construction manager at risk:

(a) A description of the public work;

(b) ***The name of the applicants who submitted proposals for the public work that were selected for interviews pursuant to subsection 4 of NRS 338.1693;***

(c) The name of the ***applicant who was selected as the*** construction manager at risk ~~[;~~

~~(c)]~~ ***for the public work;***

(d) Whether the construction manager at risk substituted a different employee of the construction manager at risk for any employee whose resume was submitted pursuant to paragraph (f) of subsection 3 of NRS 338.1692, and, if so, the reason for the substitution;

(e) If the public work has not been completed at the time the report is submitted, a report on the progress of the public work; and

~~[(d)]~~ ***(f)*** If the public work has been completed at the time the report is submitted~~[, an]~~ ***:***

(1) An explanation of whether ~~[the public body is satisfied with]~~ the public work ~~[and with]~~ ***was completed in accordance with*** the contractual arrangement with the construction manager at risk ~~[.]~~ ***, including, without limitation, if the public work was completed on time; and***

(2) A statement of the guaranteed maximum price for the public work and the actual price at which the public work was completed.

3. As used in this section:

(a) "Public body" has the meaning ascribed to it in subsection 16 of NRS 338.010, as amended by section 2 of this act.

(b) "Public work" has the meaning ascribed to it in subsection 17 of NRS 338.010, as amended by section 2 of this act.

Sec. 34. Section 15 of chapter 487, Statutes of Nevada 2013, at page 2986, is hereby amended to read as follows:

Sec. 15. 1. This section and sections 1, 2, 3, 4, 5, 6, 7.5 to 13, inclusive, 14, 14.3 and 14.5 of this act become effective on July 1, 2013.

2. Section 1 of this act expires by limitation on June 30, ~~[2017.]~~ ***2021.***

3. Sections 2.3, 2.5, 3.5, 4.5, 5.3, 5.5, 5.7, 6.5, 13.5, 14.1 and 14.7 of this act become effective on July 1, ~~[2017.]~~ ***2021.***

Sec. 35. Section 9 of chapter 123, Statutes of Nevada 2015, at page 457, is hereby amended to read as follows:

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

2. Sections 6 and 7.5 of this act expire by limitation on June 30, ~~[2017.]~~ ***2021.***

Sec. 35.5. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 36. NRS 338.018, 338.075 and 338.1405 are hereby repealed.

Sec. 37. 1. This section and sections **33.5,** 34 **,** ~~[and]~~ 35 **and 35.5** of this act become effective upon passage and approval.

2. Sections 1 to 33, inclusive, and 36 of this act become effective on July 1, 2017.

3. Sections 1 and 9 to 14, inclusive, of this act expire by limitation on June 30, 2021.

4. Sections 31 and 32 of this act expire by limitation on December 31, 2025.

TEXT OF REPEALED SECTIONS

338.018 Applicability to certain contracts for construction work of Nevada System of Higher Education. The provisions of NRS 338.013 to 338.018, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds $250,000 even if the construction work does not qualify as a public work, as defined in subsection 17 of NRS 338.010.

338.075 Applicability to certain contracts for construction work of Nevada System of Higher Education. The provisions of NRS 338.020 to 338.090, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds $250,000 even if the construction work does not qualify as a public work, as defined in subsection 17 of NRS 338.010.

338.1405 Requirements regarding agreements with labor organizations prohibited; exceptions.

1. The Legislature hereby finds and declares that the provisions of this section prohibiting requirements for certain terms in contracts entered into by a public body for a public work or entered into by the awardee of a grant, tax abatement, tax credit or tax exemption from a public body are:

(a) Intended to provide:

(1) More economical, nondiscriminatory, neutral and efficient contracts for public works by public bodies in this State as market participants; and

(2) Fair and open competition in awarding contracts, grants, tax abatements, tax credits and tax exemptions.

(b) The best method for effectuating the intent of paragraph (a).

2. Except as otherwise provided in subsection 5 or 6, a public body, in any advertisement, solicitation, specification, contract or any other document related to a contract for a public work, shall not:

(a) Require or prohibit an eligible bidder, contractor or subcontractor from entering into or adhering to an agreement with one or more labor organizations in regard to the public work or any construction project integrated into the public work.

(b) Discriminate against an eligible bidder, contractor or subcontractor for becoming or remaining or refusing to become or remain a signatory to, or for adhering or refusing to adhere to, an agreement with one or more labor organizations in regard to the public work or any construction project integrated into the public work.

3. Except as otherwise provided in subsection 5 or 6, a public body shall not award a grant, tax abatement, tax credit or tax exemption that is conditioned upon a requirement that the awardee include a term described in paragraph (a) or (b) of subsection 2 in a contract for any construction, improvement, maintenance or renovation to real property that is the subject of the grant, tax abatement, tax credit or tax exemption.

4. The provisions of subsections 2 and 3 do not:

(a) Prohibit a public body from awarding a contract for a public work or a grant, tax abatement, tax credit or tax exemption to an owner who is not a public body, an eligible bidder, a contractor or a subcontractor who enters into, who is a party to or who adheres to an agreement with a labor organization if:

(1) Entering into, being or becoming a party to or adhering to an agreement with a labor organization is not a condition for awarding the contract, grant, tax abatement, tax credit or tax exemption; and

(2) The public body does not discriminate against an owner who is not a public body, an eligible bidder, a contractor or a subcontractor in the awarding of the contract, grant, tax abatement, tax credit or tax exemption based upon the status of entering into, being or becoming a party to or adhering to an agreement with a labor organization;

(b) Prohibit an eligible bidder, contractor or subcontractor from voluntarily entering into or complying with an agreement entered into with one or more labor organizations in regard to a contract:

(1) With a public body for a public work; or

(2) Funded in whole or in part by a grant, tax abatement, tax credit or tax exemption from a public body;

(c) Prohibit employers or other parties from entering into agreements or engaging in any other activity protected by the Labor Management Relations Act of 1947, 29 U.S.C. §§ 151 et seq.;

(d) Interfere with labor relations of parties that are left unregulated by the Labor Management Relations Act of 1947, 29 U.S.C. §§ 151 et seq.; or

(e) Affect any provision of NRS 338.020 to 338.090, inclusive.

5. A public body may exempt a particular public work or a grant, tax abatement, tax credit or tax exemption from the provisions of subsection 2 if the public body makes a finding, after notice and a hearing, that a special circumstance requires such an exemption to avert an imminent threat to the public health or safety. A finding of a special circumstance pursuant to this subsection must not be based on the possibility or presence of a labor dispute concerning:

(a) The use of a contractor or subcontractor who is not a signatory to or does not adhere to an agreement with one or more labor organizations; or

(b) Employees on the public work who are not members of or affiliated with a labor organization.

6. A public body may exempt a particular public work or a grant, tax abatement, tax credit or tax exemption from the provisions of subsection 2 if the public body makes a finding, after notice and a hearing, that the public work or construction, improvement, maintenance or renovation to real property that is the subject of the grant, tax abatement, tax credit or tax exemption, as applicable, is a part of critical infrastructure for:

(a) An airport, including, without limitation, a runway, taxiway, air traffic control tower or project to improve airport security; or

(b) A water system.

7. As used in this section, "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or conditions of work.

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 407.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 472.

AN ACT relating to cooperative extension programs; establishing geographical regions of the State for the purposes of such programs; **requiring the creation of an advisory board on cooperative extension education in each county of the State; requiring certain entities to enter into cooperative extension memorandums of understanding or agreement for cooperative extension programs;** placing the operation of the programs in the respective regions under the control of the Presidents of the University of Nevada, Reno, and the University of Nevada, Las Vegas, or their designees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 8 of Article 11 of the Nevada Constitution designates certain proceeds from public lands to be used for certain colleges in this State. Section 1 of this bill designates the University of Nevada, Las Vegas, the University of Nevada, Reno and the Desert Research Institute as the state land grant institutions. Existing law provides for certain educational, research, outreach and service programs pertaining to agriculture, community development, health and nutrition, horticulture, personal and family development, and natural resources in this State, conducted in accordance with cooperative agreements between the boards of county commissioners of participating counties and the Director of the Agricultural Extension Department of the Public Service Division of the Nevada System of Higher Education. The money for such programs is provided, in part, by property taxes levied in each participating county and legislative appropriations. (NRS 549.010, 549.020, 549.040) ~~[This]~~ **Section 1.3 of this** bill establishes Northern and Southern Regions of this State and provides that the budgets and expenditures of those programs must be approved and directed in the respective regions of this State by the President, or a person designated by the President, of the University of Nevada, Reno, in the Northern region of the State, and **of** the University of Nevada, Las Vegas, in the Southern region of the State ~~[.]~~ **pursuant to a cooperative extension memorandum of understanding or agreement with each county.**

Section 1.5 of this bill requires the creation of an advisory board on cooperative extension in each county in this State which enters into a cooperative extension memorandum of understanding or agreement. The advisory board is required to provide advice to the board of county commissioners of the county in which it is created concerning certain issues relating to such cooperative extension memorandums of understanding or agreements.

Sections 2-5 of this bill transfer certain responsibilities related to cooperative extension programs from the Director of the Agricultural Extension Department of the Public Service Division of the Nevada System of Higher Education to the Northern and Southern Directors of Cooperative Extension of the state land grant institution of the University of Nevada. Section 2 of this bill further requires the Northern and Southern Directors to enter into cooperative extension memorandums of understanding or agreements and activities with the counties.

Section 5.5 of this bill requires the Northern and Southern Directors of Cooperative Extension of the state land grant institution of the University of Nevada to prepare and transmit a report to the Legislature on or before December 1, 2018, which describes in detail the programs and services provided in their respective regions pursuant to a cooperative extension memorandum of understanding or agreement.

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

Section 1. Chapter 549 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.3 and 1.5 of this act.**

Sec. 1.3. 1. The state land grant institutions of the University of Nevada are the University of Nevada, Las Vegas, the University of Nevada, Reno and the Desert Research Institute.

2. Except as prohibited by federal law, the proceeds of the tax collected pursuant to NRS 549.020 in each participating county in the relevant region of this State, any money appropriated pursuant to NRS 549.020 and any other money available from any source to carry out the provisions of this chapter must be expended as directed for the relevant region of this State in accordance with subsection ~~[2 or 3,]~~ 3 or 4, as applicable.

~~[2.]~~ 3. For any cooperative extension work performed in a participating county in the Northern Region of this State, consisting of Carson City, Churchill County, Douglas County, Elko County, Esmeralda County, Eureka County, Humboldt County, Lander County, Lyon County, Mineral County, Pershing County, Storey County, Washoe County and White Pine County, the money described in subsection ~~[1]~~ 2 must be expended as directed by the President of the University of Nevada, Reno, or a person designated by the President ~~[.]~~ as the designee to be the Northern

Director of Cooperative Extension of the state land grant institution of the University of Nevada, pursuant to a cooperative extension memorandum of understanding or agreement entered into with each county.

~~[3.]~~ 4. For any cooperative extension work performed in a participating county in the Southern Region of this State, consisting of Clark County, Lincoln County and Nye County, the money described in subsection ~~[1]~~ 2 must be expended as directed by the President of the University of Nevada, Las Vegas, or a person designated by the President ~~[.]~~ as the designee to be the Southern Director of Cooperative Extension of the state land grant institution of the University of Nevada, pursuant to a cooperative extension memorandum of understanding or agreement entered into with each county.

Sec. 1.5. 1. An advisory board on cooperative extension education must be created for each county in this State which enters into a cooperative extension memorandum of understanding or agreement pursuant to section 1.3 of this act.

Each advisory board shall provide advice to the board of county commissioners of the county in which the advisory board is created concerning:

(a) The scope of the cooperative extension memorandums of understanding or agreements and the services provided pursuant thereto to serve the communities and businesses within the county; and

(b) The budget for services to be provided pursuant to such a cooperative extension memorandum of understanding or agreement.

2. An advisory committee created pursuant to subsection 1 must consist of:

(a) Seven members appointed by the board of county commissioners for the county in which the advisory board is created. Such members may be members of the county who benefit from cooperative extension programs, members of the business community or chamber of commerce, members of a nonprofit entity, teachers or other educational personnel, administrators of county government or any other person whose experience the board deems appropriate; and

(b) One member of a research institution listed in subsection 1 of section 1.3 of this act which serves the county for which the advisory board is created who is appointed by the president of the research institution.

3. Each member of an advisory board serves for a term of 2 years and may be reappointed. A vacancy on the board must be filled in the same manner as the original appointment.

4. At the first meeting of an advisory board, the members of the advisory board shall elect a Chair and Vice Chair by majority vote. After the initial elections, the Chair and Vice Chair hold office for a term of 1 year beginning on July 1 of each year. If the position of Chair or Vice Chair becomes vacant, the members of the advisory board shall elect a

Chair or Vice Chair, as appropriate, from among its members to serve for the balance of the term.

5. The members of an advisory board:

(a) Serve without compensation; and

(b) May, upon written request, receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the business of the advisory board.

6. A member of the advisory board who is an officer or employee of this State or a political subdivision of this State must be relieved from duties without loss of regular compensation so that the officer or employee may prepare for and attend meetings of the advisory board and perform any work necessary to carry out the duties of the advisory board in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the advisory board to make up the time the officer or employee is absent from work to carry out duties as a member of the advisory board or use annual vacation or compensatory time for the absence.

Sec. 2. NRS 549.010 is hereby amended to read as follows:

549.010 To provide for continued educational, research, outreach and service programs pertaining to agriculture, community development, health and nutrition, horticulture, personal and family development, and natural resources in the rural and urban communities in the State of Nevada, the ~~[Director of the Agricultural Extension Department of the Public Service Division of the Nevada System of Higher Education]~~ ***Northern Director of Cooperative Extension of the state land grant institution of the University of Nevada and the Southern Director of Cooperative Extension of the state land grant institution of the University of Nevada who are designated pursuant to section 1.3 of this act*** and the boards of county commissioners of any or all of the respective counties of the State of Nevada ~~[may]~~ ***shall*** enter into cooperative ***extension memorandums of understanding or*** agreements and activities subject to the provisions of this chapter. ~~***[Any such agreement must be approved by the President, or a person designated by the President, of the University of Nevada, Reno, or the University of Nevada, Las Vegas, for the applicable region of this State as described in section 1 of this act.]***~~

Sec. 3. NRS 549.020 is hereby amended to read as follows:

549.020 1. ~~[The Director of the Agricultural Extension Department of the Public Service Division of the Nevada System of Higher Education]~~ ***The Northern Director of Cooperative Extension of the state land grant institution of the University of Nevada and the Southern Director of Cooperative Extension of the state land grant institution of the University of Nevada who are designated pursuant to section 1.3 of this act*** shall prepare and submit to the board of county commissioners, for each county participating, an annual financial budget covering ~~***[:***~~

~~*— (a) Approved by the President, or a person designated by the President, of the University of Nevada, Reno, or the University of Nevada, Las Vegas, for the applicable region of this State as described in section 1 of this act.*~~

~~*— (b) Covering]*~~ the county, state and federal funds cooperating in the cost of educational, research, outreach and service programs pertaining to agriculture, community development, health and nutrition, horticulture, personal and family development, and natural resources in the rural and urban communities in the State of Nevada.

2. The budget must be adopted by the board of county commissioners and certified as a part of the annual county budget, and the county tax levy provided for agricultural extension work in the annual county budget must include a levy of not less than 1 cent on each $100 of taxable property. If the proceeds of the county tax levy of 1 cent are insufficient to meet the county's share of the cooperative agricultural extension work, as provided in the combined annual financial budget, the board of county commissioners may, by unanimous vote, levy an additional tax so that the total in no instance exceeds 5 cents on each $100 of the county tax rate.

3. The proceeds of such a tax must be placed in the agricultural extension fund in each county treasury and must be paid out on claims drawn by the agricultural extension agent of the county as ~~[~~designated by the Director of the Agricultural Extension Department of the Public Service Division of the Nevada System of Higher Education, when approved by the Director and ~~*directed by the President, or a person designated by the President, of the University of Nevada, Reno, or the University of Nevada, Las Vegas, for the applicable region of this State as described in section 1 of this act, and]*~~ ***directed by the cooperative extension memorandum of understanding or agreement entered into pursuant to NRS 549.010 and*** countersigned by the Treasurer of the Nevada System of Higher Education.

4. A record of all such claims approved and paid, segregated by counties, must be kept by the Treasurer of the Nevada System of Higher Education. The cost of maintaining the record must be paid from state funds provided for by this chapter.

5. The State's cooperative share of the cost of such agricultural extension work, as entered in the budget described in this section, must not be more than a sum equal to the proceeds of 1 cent of such county tax rate; but when the proceeds of a 1-cent tax rate are insufficient to carry out the provisions of the budget previously adopted, the ~~[Director of the Agricultural Extension Department of the Public Service Division of the Nevada System of Higher Education is]~~ ***Northern Director of Cooperative Extension of the state land grant institution of the University of Nevada and the Southern Director of Cooperative Extension of the state land grant institution of the University of Nevada who are designated pursuant to section 1.3 of this act are*** authorized to supplement the State's cooperative share from the funds as may be made available in the Public Service Division Fund of the Nevada System of Higher Education.

Sec. 4. NRS 549.030 is hereby amended to read as follows:

549.030 1. ~~[A]~~ ***Within 10 days after its approval by the board of county commissioners, a*** certified copy of the county extension work budget as adopted and approved pursuant to NRS 549.020 must be filed with ~~[the]~~ ***:***

(a) The President, or a person designated by the President, of the University of Nevada, Reno, or the University of Nevada, Las Vegas, for the applicable region of this State as described in section ~~[1]~~ 1.3 of this act; and

(b) The Treasurer of the Nevada System of Higher Education **.** ~~[within 10 days after its approval by the board of county commissioners.]~~

2. Necessary modifications thereof, involving county and state funds, resulting from leaves of absence without pay, resignations, changes in salary, dismissals or employment of any cooperative agent, variations in expense accounts or otherwise, not involving an increase in the total expenditures provided to be paid from the funds and consistent with the purposes of this chapter, may be made by filing with the ~~[,]~~ ***county, at the request of:***

(a) The President, or a person designated by the President, of the University of Nevada, Reno, or the University of Nevada, Las Vegas, for the applicable region of this State as described in section ~~[1]~~ 1.3 of this act;

(b) The Treasurer of the Nevada System of Higher Education ***;*** and ~~[the]~~

(c) The board of county commissioners **,**

➥ a revised budget, approved by the ~~[Director of the Agricultural Extension Department of the Public Service Division of the Nevada System of Higher Education~~ ***President, or a person designated by the President, of the University of Nevada, Reno, or the University of Nevada, Las Vegas, for the applicable region of this State as described in section 1 of this act,~~] Northern Director of Cooperative Extension of the state land grant institution of the University of Nevada and the Southern Director of Cooperative Extension of the state land grant institution of the University of Nevada who are designated pursuant to section 1.3 of this act*** and countersigned by the Treasurer of the Nevada System of Higher Education.

Sec. 5. NRS 549.050 is hereby amended to read as follows:

549.050 All moneys appropriated pursuant to NRS 549.040 must be expended ~~[under the direction of the Director of the Agricultural Extension Department of the Public Service Division of the Nevada System of Higher Education]~~ ***as provided in section ~~[1]~~ 1.3 of this act*** to the extent of the financial budget for cooperation between the State and the respective counties provided for in NRS 549.020.

Sec. 5.5. **The Northern Director of Cooperative Extension of the state land grant institution of the University of Nevada and the Southern Director of Cooperative Extension of the state land grant institution of the University of Nevada who are designated pursuant to section 1.3 of this act shall each prepare and transmit a report to the Legislature on or before December 1, 2018, which describes in detail the programs and services being provided in their respective regions pursuant to a**

cooperative extension memorandum of understanding or agreement entered into pursuant to NRS 549.010.

Sec. 6. This act becomes effective on July 1, 2017.

Assemblyman Thompson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 409.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 471.

AN ACT relating to education; ~~[removing]~~ **revising** the requirement that certain pupils enrolled in grade 3 must be retained in grade 3; revising provisions relating to plans to improve the literacy of pupils; revising provisions relating to teachers who teach ~~[kindergarten or grades 1 to 5, inclusive;]~~ **in a public elementary school;** revising provisions relating to reports concerning pupil performance in the subject area of reading; revising provisions relating to notices concerning pupils who exhibit a deficiency in the subject area of reading; requiring certain interventions and services for pupils who exhibit a deficiency in the subject area of reading and the parent or legal guardian of such a pupil; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law, to become effective on July 1, 2019, provides that a pupil enrolled in grade 3 must be retained in grade 3 rather than promoted to grade 4 if the pupil does not obtain the score prescribed by the State Board of Education on the criterion-referenced examination in reading. (NRS 388A.487, 392.760) **Section ~~[13]~~ 8.3** of this bill removes this requirement ~~[. Sections 1 and 2 of this bill make conforming changes.]~~ **and instead provides that a pupil must be retained in grade 3 if the pupil does not obtain the score prescribed by the State Board on the criterion-referenced examination in reading and his or her parent or legal guardian decides, in consultation with the teacher of the pupil and the principal of the school, that the pupil must be retained. Sections 5.5 and 6.5 of this bill make conforming changes.**

Existing law requires the board of trustees of each school district or the governing body of a charter school to prepare a plan to improve the literacy of pupils enrolled in kindergarten and grades 1, 2 and 3. (NRS 388.157) **Section 3** of this bill additionally requires this plan to address pupils enrolled in ~~[grades 4 and 5.]~~ **elementary school.**

Existing law requires that a plan to improve the literacy of pupils include a program to provide intensive instruction to pupils who have been identified as deficient in the subject area of reading to ensure that those pupils achieve adequate proficiency in that subject area. (NRS 388.157) **Section 3** of this bill provides that in order to achieve adequate proficiency in reading, a pupil

must perform at a level considered by the school district or charter school to be within the average range for a pupil enrolled in the same grade level in which the pupil is enrolled.

Existing law authorizes a school district or charter school to provide additional compensation to a teacher who teaches kindergarten or grade 1, 2, 3 or 4 whose overall performance is determined to be highly effective. Existing law also requires a teacher who teaches kindergarten or grade 1, 2, 3 or 4 to complete certain professional development in the subject area of reading. (NRS 388.159) **Section 4** of this bill instead provides that only licensed teachers who teach in ~~[~~kindergarten or grade 1, 2, 3, 4 or 5.~~]~~ **a public elementary school:** (1) may receive additional compensation; and (2) are required to complete professional development in the subject area of reading.

Existing law, also to become effective on July 1, 2019, requires the board of trustees of each school district and the governing body of a charter school to prepare a report concerning the number and percentage of pupils who are retained in grade 3 for a deficiency in reading. (NRS 388A.487, 392.775) **Sections 5 and 10** of this bill ~~[~~instead~~]~~ **additionally** require the board of trustees of each school district and the governing body of a charter school to prepare a report containing certain information concerning pupils who received educational programs or services in the subject area of reading. Those sections become effective on July 1, 2017.

Section 6 of this bill requires that the notice provided to the parent or guardian of a pupil who exhibits a deficiency in the subject area of reading explain that the school will: (1) monitor the progress of the pupil towards obtaining proficiency in the subject area of reading; and (2) analyze and regularly adjust the programs and services provided to the pupil.

Section 7 of this bill requires that the plan to assess the proficiency of a pupil who is deficient in the subject area of reading be established by a licensed teacher. **Section 7** also removes the requirement that a school assess the proficiency of a pupil in the subject area of reading at the beginning of the year and instead requires the school frequently to assess the progress of the pupil in any areas of deficiency in the subject area of reading.

Existing law requires the principal of a school to offer the parent or legal guardian of a pupil who is retained in grade 3 certain additional instructional options. (NRS 392.770) **Section 9** of this bill ~~[~~removes the reference to retention and instead~~]~~ **additionally** requires the principal of a school to offer these options to the parent or legal guardian of a pupil who exhibits a deficiency in the subject area of reading.

Existing law requires the Department of Education to distribute money that is appropriated to the Other State Education Programs Account through a competitive grants program. (Section 15 of chapter 334, Statutes of Nevada 2015, p. 1867) **Section 11** of this bill revises the program to require schools that receive a grant of money to use the money for literacy programs in ~~[~~kindergarten and grades 1 to 5, inclusive,~~]~~ **elementary school** to support

school-based efforts to ensure that all pupils are proficient in reading by the end of ~~[the fifth grade.]~~ **elementary school.**

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

Section 1. ~~[NRS 385A.240 is hereby amended to read as follows:~~

~~385A.240 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include information on the attendance, truancy and transiency of pupils, including, without limitation:~~

~~(a) Records of the attendance and truancy of pupils in all grades, including, without limitation:~~

~~(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.~~

~~(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.~~

~~(b) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 [,] or 392.125 , [or 392.760,] for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.~~

~~(c) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.~~

~~(d) The number of habitual truants reported for each school in the district and for the district as a whole, including, without limitation, the number who are:~~

~~(1) Reported to an attendance officer, a school police officer or a local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144;~~

~~(2) Referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144; and~~

~~(3) Referred for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2 of NRS 392.144.~~

~~2. On or before September 30 of each year:~~

~~(a) The board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required by paragraph (a) of subsection 1.~~

~~(b) The State Public Charter School Authority, the Achievement School District and each college or university within the Nevada System of Higher Education that sponsors a charter school shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3 of NRS 385A.070.~~**] (Deleted by amendment.)**

Sec. 2. **[**~~NRS 385A.450 is hereby amended to read as follows:~~

~~385A.450 The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include information on the attendance, truancy and transiency of pupils, including, without limitation:~~

~~1. For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.~~

~~2. The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033~~ **[**~~,~~**]** ~~*or* 392.125~~ **, [**~~or 392.760,~~**]** ~~reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.~~

~~3. The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this subsection, a pupil is not a transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.~~

~~4. The number of habitual truants reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, including, without limitation, the number who are:~~

~~(a) Reported to an attendance officer, a school police officer or a local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144;~~

~~(b) Referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144; and~~

~~(c) Referred for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2 of NRS 392.144.~~**] (Deleted by amendment.)**

Sec. 3. NRS 388.157 is hereby amended to read as follows:

388.157 1. The board of trustees of each school district and the governing body of each charter school shall prepare a plan to improve the literacy of pupils enrolled in **[**~~kindergarten and grades 1, 2 and 3.~~ ~~*to 5, inclusive.*~~**]** ***an elementary school.*** Such a plan must include, without limitation:

(a) A program to provide intensive instruction to pupils who have been identified as deficient in the subject area of reading to ensure that those pupils achieve adequate proficiency in ~~[that subject area.]~~ ***the requisite reading skills and reading comprehension skills necessary to perform at a level considered by the school district or charter school to be within the average range for a pupil enrolled in the same grade level in which the pupil is enrolled.*** Such a program must include, without limitation, regularly scheduled reading sessions in small groups and specific instruction ~~[on]~~ ***designed to target any area in which the pupil demonstrates a deficiency, including, without limitation,*** phonological and phonemic awareness, decoding skills ***,*** ~~[and]~~ reading fluency ~~[;]~~ ***, vocabulary and reading comprehension strategies;***

(b) Procedures for assessing a pupil's proficiency in the subject area of reading using valid and reliable ***curriculum-based*** assessments that have been approved by the State Board by regulation:

(1) Within the first 30 days of school after the pupil enters kindergarten or upon enrollment in kindergarten if the pupil enrolls after that period; and

(2) During ~~[grades 1, 2 and 3;~~ ~~*to 5, inclusive;]*~~ ***each grade level in elementary school;***

(c) A program to improve the proficiency in reading of pupils who are limited English proficient; and

(d) Procedures for facilitating collaboration between learning strategists and classroom teachers.

2. The board of trustees of each school district or the governing body of a charter school, as applicable, shall:

(a) Submit its plan to the Department for approval on or before the date prescribed by the Department on a form prescribed by the Department; and

(b) Make such revisions to the plan as the Department determines are necessary.

Sec. 4. NRS 388.159 is hereby amended to read as follows:

388.159 1. The principal of a public elementary school, including, without limitation, a charter school, shall designate a licensed teacher employed by the school who has demonstrated leadership abilities to serve as a learning strategist to train and assist teachers at the school to provide intensive instruction to pupils who have been identified as deficient in the subject area of reading.

2. A school district or charter school may provide additional compensation to:

(a) A licensed teacher designated as a learning strategist pursuant to this section; or

(b) A ***licensed*** teacher who is employed by a school district or charter school to teach ~~[kindergarten or grade 1, 2, 3 , or 4 *or 5]*~~ ***in an elementary school*** whose overall performance is determined to be highly effective under the statewide performance evaluation system established by the State Board pursuant to NRS 391.465.

3. Each ***licensed*** teacher employed by a school district or charter school to teach ~~[kindergarten or grade 1, 2, 3 , or 4 *or 5]*~~ ***in an elementary school*** shall complete professional development provided by a learning strategist designated pursuant to subsection 1 in the subject area of reading.

4. The State Board shall prescribe by regulation:

(a) Any training or professional development that a learning strategist is required to successfully complete;

(b) Any professional development that a ***licensed*** teacher employed by a school district or charter school to teach ~~[kindergarten or grade 1, 2, 3 , or 4 *or 5]*~~ ***in an elementary school*** is required to receive from a learning strategist in the subject area of reading; and

(c) The duties and responsibilities of a learning strategist.

Sec. 5. Chapter 388A of NRS is hereby amended by adding thereto a new section to read as follows:

On or before September 1 of each year, the governing body of a charter school that operates as an elementary school shall:

1. Prepare a report concerning the number and percentage of pupils at the charter school who received educational programs and services identified pursuant to subsection 1 of NRS 392.750 at each grade level and whose proficiency in the subject area of reading:

(a) Did not improve at a rate prescribed by the governing body of the charter school, indicating a need for more intensive or different interventions;

(b) Improved at a rate prescribed by the governing body of the charter school, indicating the pupils are making progress toward performing at a level considered by the charter school to be within the average range for pupils enrolled in the same grade level in which the pupils are enrolled; and

(c) Is considered by the charter school to be within the average range for pupils enrolled in the same grade level in which the pupils are enrolled.

2. Submit a copy of the report to the Department.

3. Post the report on the Internet website maintained by the charter school and otherwise make the report available to the parents and legal guardians of pupils enrolled in the charter school and the general public.

Sec. 5.5. **NRS 388A.487 is hereby amended to read as follows:**

388A.487 1. The governing body of a charter school shall adopt rules for the academic retention of pupils who are enrolled in the charter school that are consistent with NRS 392.750, 392.760 and 392.765. The rules must:

(a) Prescribe the conditions under which a pupil may be retained in the same grade rather than promoted to the next higher grade for the immediately succeeding school year.

(b) Require a pupil enrolled in grade 3 to be retained in the same grade rather than promoted to grade 4 when required pursuant to NRS 392.760.

2. On or before September 1 of each year, the governing body of each charter school shall:

(a) Prepare a report concerning the number and percentage of pupils at the charter school who were **[**:

~~(1) Retained~~**]** ***retained*** in grade 3 pursuant to NRS 392.760 for a deficiency in the subject area of reading, including whether or not any such pupils were previously retained in kindergarten or grade 1 or 2 **;** ~~[, and~~

~~(2) Not retained in grade 3 because a good cause exemption was approved pursuant to NRS 392.760 but who were previously retained in kindergarten or grade 1 or 2 for a total of 2 years;~~**]**

(b) Submit a copy of the report to the Department; and

(c) Post the report on the Internet website maintained by the charter school and otherwise make the report available to the parents and legal guardians of pupils enrolled in the charter school and the general public.

Sec. 6. NRS 392.750 is hereby amended to read as follows:

392.750 If a pupil enrolled at a public elementary school ~~[in kindergarten or grade 1, 2~~ **,** ~~or 3~~ ***, 4 or 5]*** exhibits a deficiency in the subject area of reading based upon state or local ***curriculum-based*** assessments and the observations of the pupil's teacher, the principal of the school must provide written notice of the deficiency to the parent or legal guardian of the pupil within 30 days after the date on which the deficiency is discovered. The written notice must, without limitation:

1. Identify the educational programs and services that the pupil will receive to improve the pupil's proficiency in the subject area of reading, including, without limitation, the programs and services included in the plan to improve the literacy of pupils enrolled in ~~[kindergarten and grades 1~~, ~~2 and 3 *to 5, inclusive,]*~~ ***elementary school*** that has been approved by the Department pursuant to NRS 388.157;

2. ***Explain that the school will frequently monitor the progress of the pupil toward obtaining proficiency in the subject area of reading using curriculum-based assessments and periodically update the parent or legal guardian of the pupil regarding the progress of the pupil;***

3. Explain that the school will analyze and regularly adjust the programs and services identified pursuant to subsection 1 based upon the data collected relating to the progress of the pupil in the subject area of reading until the pupil performs at a level considered by the school district or charter school to be within the average range for a pupil enrolled in the same grade level in which the pupil is enrolled;

4. Describe, explain and, if appropriate, demonstrate the strategies which the parent or legal guardian may use at home to help improve the proficiency of the pupil in the subject area of reading;

~~[3.]~~ ***5.*** Include information regarding the English literacy development of a pupil who is limited English proficient; and

~~[4.]~~ ***6.*** Describe, explain and, if appropriate, demonstrate the strategies which the parent or legal guardian may use at home to help improve the English literacy of a pupil who is limited English proficient.

Sec. 6.5. **NRS 392.750 is hereby amended to read as follows:**

392.750 If a pupil enrolled at a public elementary school ~~[in kindergarten or grade 1, 2 or 3]~~ exhibits a deficiency in the subject area of reading based upon state or local assessments and the observations of the pupil's teacher, the principal of the school must provide written notice of the deficiency to the parent or legal guardian of the pupil within 30 days after the date on which the deficiency is discovered. The written notice must, without limitation:

1. Identify the educational programs and services that the pupil will receive to improve the pupil's proficiency in the subject area of reading, including, without limitation, the programs and services included in the plan to improve the literacy of pupils enrolled in ~~[kindergarten and grades 1, 2 and 3]~~ ***elementary school*** that has been approved by the Department pursuant to NRS 388.157;

2. ~~[Explain that if the pupil does not achieve adequate proficiency in the subject area of reading before the completion of grade 3, the pupil will be retained in grade 3 rather than promoted to grade 4, unless the pupil receives a good cause exemption pursuant to NRS 392.760;~~

~~3.]~~ Describe, explain and, if appropriate, demonstrate the strategies which the parent or legal guardian may use at home to help improve the proficiency of the pupil in the subject area of reading;

~~[4. Explain that the criterion referenced examination in the subject area of reading administered pursuant to NRS 390.105 is not the only factor used to determine whether the pupil will be retained in grade 3 and that other options are available for the pupil to demonstrate proficiency if the pupil is eligible for a good cause exemption pursuant to NRS 392.760;~~

~~5.]~~ ***3.*** Describe the policy and specific criteria adopted by the board of trustees of the school district or governing body of a charter school, as applicable, pursuant to NRS 392.765 regarding the promotion of a pupil to grade 4 at any time during the school year if the pupil is retained in grade 3 pursuant to NRS 392.760;

~~[6.]~~ ***4.*** Include information regarding the English literacy development of a pupil who is limited English proficient; and

~~[7.]~~ ***5.*** Describe, explain and, if appropriate, demonstrate the strategies which the parent or legal guardian may use at home to help improve the English literacy of a pupil who is limited English proficient.

Sec. 7. NRS 392.755 is hereby amended to read as follows:

392.755 1. A public elementary school that has notified the parent or legal guardian of a pupil that, based upon the results of state or local assessments, it has been determined that the pupil has a deficiency in the subject area of reading pursuant to NRS 392.750 shall, within 30 days after providing such notice, establish a plan to monitor the progress of the pupil in the subject area of reading.

2. A plan to monitor the progress of a pupil in the subject area of reading must be established by the teacher of the pupil ***, if the teacher of the pupil is a licensed teacher, or a licensed teacher, if the teacher of the pupil is not a***

licensed teacher, and any other relevant school personnel and approved by the principal of the school and the parent or legal guardian of the pupil. The plan must include a description of any intervention services that will be provided to the pupil to correct the ***area of*** deficiency and must include that the pupil will receive intensive instruction in reading ~~[to ensure]~~ ***until*** the pupil ~~[achieves adequate proficiency in reading.]~~ ***achieves adequate proficiency in the requisite reading skills and reading comprehension skills necessary to perform at a level considered by the school district or charter school to be within the average range for a pupil enrolled in the same grade level in which the pupil is enrolled.*** Such instruction must include, without limitation, the programs and services included in the plan to improve the literacy of pupils enrolled in ~~[kindergarten and grades 1~~, 2 and 3~~ *to 5, inclusive,]*~~ ***elementary school*** approved by the Department pursuant to NRS 388.157.

3. A school that establishes a plan to monitor the progress of a pupil in the subject area of reading shall ***frequently*** assess the ~~[proficiency]~~ ***progress*** of the pupil ~~[in the subject area of reading at the beginning of the next school year after the plan is established pursuant to this section.]~~ ***in any area of deficiency in the subject area of reading to ensure that the programs and services provided to the pupil pursuant to subsection 1 of NRS 392.750 will continue to increase the proficiency of the pupil in the subject area of reading until the pupil performs at a level considered by the school district or charter school to be within the average range for a pupil enrolled in the same grade level in which the pupil is enrolled.***

Sec. 8. ~~[Section 8 of chapter 334, Statutes of Nevada 2015, at page 1862, is hereby amended to read as follows:~~

~~Sec. 8. If a pupil enrolled at a public elementary school in kindergarten or grade 1, 2 or 3 exhibits a deficiency in the subject area of reading based upon state or local assessments and the observations of the pupil's teacher, the principal of the school must provide written notice of the deficiency to the parent or legal guardian of the pupil within 30 days after the date on which the deficiency is discovered. The written notice must, without limitation:~~

~~1. Identify the educational programs and services that the pupil will receive to improve the pupil's proficiency in the subject area of reading, including, without limitation, the programs and services included in the plan to improve the literacy of pupils enrolled in kindergarten and grades 1, 2 and 3 that has been approved by the Department pursuant to section 5 of this act;~~

~~2.[~~ ~~Explain that if the pupil does not achieve adequate proficiency in the subject area of reading before the completion of grade 3, the pupil will be retained in grade 3 rather than promoted to grade 4, unless the pupil receives a good cause exemption pursuant to section 10 of this act;~~

~~3.] Describe, explain and, if appropriate, demonstrate the strategies which the parent or legal guardian may use at home to help improve the proficiency of the pupil in the subject area of reading;~~

~~[4. Explain that the criterion-referenced examination in the subject area of reading administered pursuant to NRS 389.550 is not the only factor used to determine whether the pupil will be retained in grade 3 and that other options are available for the pupil to demonstrate proficiency if the pupil is eligible for a good cause exemption pursuant to section 10 of this act;~~

~~5. Describe the policy and specific criteria adopted by the board of trustees of the school district or governing body of a charter school, as applicable, pursuant to section 11 of this act regarding the promotion of a pupil to grade 4 at any time during the school year if the pupil is retained in grade 3 pursuant to section 10 of this act;~~

~~6.] 3. Include information regarding the English literacy development of a pupil who is limited English proficient; and~~

~~[7. 4. Describe, explain and, if appropriate, demonstrate the strategies which the parent or legal guardian may use at home to help improve the English literacy of a pupil who is limited English proficient.~~

~~]~~ **(Deleted by amendment.)**

Sec. 8.3. **Section 10 of chapter 334, Statutes of Nevada 2015, at page 1863, is hereby amended to read as follows:**

Sec. 10. 1. Except as otherwise provided in this section, a pupil enrolled in grade 3 must be retained in grade 3 rather than promoted to grade 4 if the ~~[~~pupil~~]~~ **:**

(a) Pupil does not obtain a score in the subject area of reading on the criterion-referenced examination administered pursuant to NRS ~~[~~389.550~~]~~ ***390.105*** that meets the passing score prescribed by the State Board pursuant to subsection ~~[~~7.~~]~~ ***2; and***

(b) Parent or legal guardian of the pupil decides, in consultation with the teacher of the pupil and principal of the school, that the pupil must be retained.

2. ~~[~~The superintendent of schools of a school district or the governing body of a charter school, as applicable, may authorize the promotion of a pupil to grade 4 who would otherwise be retained in grade 3 only if the superintendent or governing body, as applicable, approves a good cause exemption for the pupil upon a determination by the principal of the school pursuant to subsection 4 that the pupil is eligible for such an exemption.

3. A good cause exemption must be approved for a pupil who previously was retained in grade 3. Any other pupil is eligible for a good cause exemption if the pupil:

(a) Demonstrates an acceptable level of proficiency in reading on an alternative standardized reading assessment approved by the State Board;

~~(b) Demonstrates, through a portfolio of the pupil's work, proficiency in reading at grade level, as evidenced by demonstration of mastery of the academic standards in reading beyond the retention level;~~

~~(c) Is limited English proficient and has received less than 2 years of instruction in a program of instruction that teaches English as a second language;~~

~~(d) Received intensive remediation in the subject area of reading for 2 or more years but still demonstrates a deficiency in reading and was previously retained in kindergarten or grade 1 or 2 for a total of 2 years;~~

~~(e) Is a pupil with a disability and his or her individualized education program indicates that the pupil's participation in the criterion-referenced examinations administered pursuant to NRS 389.550 is not appropriate; or~~

~~(f) Is a pupil with a disability and:~~

~~(1) He or she participates in the criterion-referenced examinations administered pursuant to NRS 389.550;~~

~~(2) His or her individualized education program or plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, documents that the pupil has received intensive remediation in reading for more than 2 years, but he or she still demonstrates a deficiency in reading; and~~

~~(3) He or she was previously retained in kindergarten or grade 1, 2 or 3.~~

~~4. The principal of a school in which a pupil who may be retained in grade 3 pursuant to subsection 1 is enrolled shall consider the factors set forth in subsection 3 and determine whether the pupil is eligible for a good cause exemption. In making the determination, the principal must consider documentation provided by the pupil's teacher indicating whether the promotion of the pupil is appropriate based upon the record of the pupil. Such documentation must only consist of the existing plan for monitoring the progress of the pupil, the pupil's individualized education program, if applicable, and the pupil's plan in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, if applicable. If the principal determines that promotion of the pupil to grade 4 is appropriate, the principal must submit a written recommendation to the superintendent of schools of the school district or to the governing body of the charter school, as applicable. The superintendent of schools or the governing body of the charter school, as applicable, shall approve or deny the recommendation of the principal and provide written notice of the approval or denial to the principal.~~

~~5. A principal who determines that a pupil is eligible for a good cause exemption shall notify the parent or legal guardian of the pupil whether the superintendent of schools of the school district or the governing body of the charter school, as applicable, approves the good cause exemption.~~

~~6. The principal of a school in which a pupil for whom a good cause exemption is approved and who is promoted to grade 4 must ensure that the pupil continues to receive intensive instruction in the subject area of reading. Such instruction must include, without limitation, strategies based upon scientifically based research that will improve proficiency in the subject area of reading.~~

~~7.~~ The State Board shall prescribe by regulation ~~:~~

~~(a) The~~ ***the*** score which a pupil enrolled in grade 3 must obtain in the subject area of reading on the criterion-referenced examination administered pursuant to NRS ~~389.550~~ ***390.105*** to be ~~promoted~~ ***automatically promoted*** to grade 4 ~~. without a good cause exemption; and~~

~~(b) An alternate examination for administration to pupils enrolled in grade 3 who do not obtain the passing score in the subject area of reading on the criterion-referenced examination administered pursuant to NRS 389.550 and the passing score such a pupil must obtain on the alternate examination to be promoted to grade 4 without a good cause exemption.~~

~~8. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).~~

Sec. 8.7. **Section 11 of chapter 334, Statutes of Nevada 2015, at page 1864, is hereby amended to read as follows:**

Sec. 11. 1. If a pupil will be retained in grade 3 pursuant to section 10 of this act, the principal of the school must:

(a) Provide written notice to the parent or legal guardian of the pupil ***confirming*** that the pupil will be retained in grade 3. The written notice must include, without limitation, a description of the intensive instructional services in the subject area of reading that the pupil will receive to improve the proficiency of the pupil in that subject area.

(b) Develop a plan to monitor the progress of the pupil in the subject area of reading.

(c) Require the teacher of the pupil to develop a portfolio of the pupil's work in the subject area of reading, which must be updated as necessary to reflect progress made by the pupil.

(d) Ensure that the pupil receives intensive instructional services in the subject area of reading that are designed to improve the pupil's proficiency in the subject area of reading, including, without limitation:

(1) Programs and services included in the plan to improve the literacy of pupils enrolled in ~~kindergarten and grades 1, 2 and 3~~ ***elementary school*** approved by the Department pursuant to section 5 of this act;

(2) Instruction for at least 90 minutes each school day based upon scientifically based reading instruction research; and

(3) Intensive instructional services prescribed by the board of trustees of the school district pursuant to subsection 2, as determined appropriate for the pupil.

2. The board of trustees of each school district or the governing body of a charter school, as applicable, shall:

(a) Review and evaluate the plans for monitoring the progress of pupils developed pursuant to subsection 1.

(b) Prescribe the intensive instructional services in the subject area of reading which the principal of a school must implement as determined appropriate for a pupil who is retained in grade 3 pursuant to section 10 of this act, which may include, without limitation:

(1) Instruction that is provided in small groups;

(2) Instruction provided in classes with reduced pupil-teacher ratios;

(3) A timeline for frequently monitoring the progress of the pupil;

(4) Tutoring and mentoring;

(5) Classes which are designed to increase the ability of pupils to transition from grade 3 to grade 4;

(6) Instruction provided through an extended school day, school week or school year;

(7) Programs to improve a pupil's proficiency in reading which are offered during the summer; or

(8) Any combination of the services set forth in subparagraphs (1) to (7), inclusive.

3. Except as otherwise provided in subsection 4, the intensive instructional services in the subject area of reading required by this section must be provided to the pupil by a teacher:

(a) Who is different than the teacher who provided instructional services to the pupil during the immediately preceding school year; and

(b) Who has been determined to be highly effective, as demonstrated by pupil performance data and performance evaluations.

4. The intensive instructional services in the subject area of reading required by this section may be provided to the pupil by the same teacher who provided instructional services to the pupil during the immediately preceding school year if a different teacher who meets the requirements of paragraph (b) of subsection 3 is not reasonably available and the pupil:

(a) Has an individualized education program; or

(b) Is enrolled in a school district in a county whose population is less than 100,000.

5. The board of trustees of each school district and the governing body of a charter school, as applicable, shall develop a policy by which the principal of a school may promote a pupil who is retained in grade 3 pursuant to section 10 of this act to grade 4 at any time during the school year if the pupil demonstrates adequate proficiency in the subject area of

reading. The policy must include the specific criteria a pupil must satisfy to be eligible for promotion, including, without limitation, a reasonable expectation that the pupil's progress will allow him or her to sufficiently master the requirements for a fourth-grade reading level. If a pupil is promoted after November 1 of a school year, he or she must demonstrate proficiency in reading at a level prescribed by the State Board.

6. If a principal of a school determines that a pupil is not academically ready for promotion to grade 4 after being retained in grade 3 and the pupil received intensive instructional services pursuant to this section, the school district in which the pupil is enrolled must allow the parent or legal guardian of the pupil to decide, in consultation with the principal of the school, whether to place the pupil in a transitional instructional setting which is designed to produce learning gains sufficient for the pupil to meet the performance standards required for grade 4 while continuing to receive remediation in the subject area of reading.

7. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 9. Section 12 of chapter 334, Statutes of Nevada 2015, at page 1866, is hereby amended to read as follows:

Sec. 12. In addition to the intensive instructional services provided to a pupil who is retained in grade 3 pursuant to section 10 of this act, ***or exhibits a deficiency in the subject area of reading that is identified in subsection 1 of NRS 392.750,*** the principal of the school must offer the parent or legal guardian of the pupil at least one of the following instructional options:

1. Supplemental tutoring which is based upon scientifically based research concerning reading instruction;

2. Providing the parent or legal guardian with a plan for reading with the pupil at home and participating in any workshops that may be available in the school district to assist the parent or guardian with reading with his or her child at home, as set forth in an agreement with the parent or legal guardian; or

3. Providing the pupil with a mentor or tutor who has received specialized training in teaching pupils how to read.

Sec. 10. Section 13 of chapter 334, Statutes of Nevada 2015, at page 1866, is hereby amended to read as follows:

Sec. 13. On or before September 1 of each year, the board of trustees of each school district shall:

1. Prepare a report concerning the number and percentage of pupils at each public ***elementary*** school within the school district who ***:*** ~~[~~were:~~]~~

(a) ~~[~~Retained~~]~~ ***Were retained*** in grade 3 pursuant to section 10 of this act for a deficiency in the subject area of reading, including whether or not any such pupils were previously retained in kindergarten or grade 1 or 2; and

(b) ~~[Not retained in grade 3 because a good cause exemption was approved pursuant to section 10 of this act but who were previously retained in kindergarten or grade 1 or 2 for a total of 2 years. **received]**~~ ***Received*** *educational programs or services identified pursuant to subsection 1 of NRS 392.750 at each grade level and whose proficiency in the subject area of reading:*

~~***[(a)]***~~ ***(1)*** *Did not improve at a rate prescribed by the board of trustees of the school district, indicating a need for more intensive or different interventions;*

~~***[(b)]***~~ ***(2)*** *Improved at a rate prescribed by the board of trustees of the school district, indicating the pupils are making progress toward performing at a level considered by the school district to be within the average range for pupils enrolled in the same grade level in which the pupils are enrolled; and*

~~***[(c)]***~~ ***(3)*** *Is considered by the school district to be within the average range for pupils enrolled in the same grade level in which the pupils are enrolled.*

2. Submit a copy of the report to the Department.

3. Post the report on the Internet website maintained by the school district and otherwise make the report available to the parents and legal guardians of pupils enrolled in the school district and the general public.

Sec. 11. Section 15 of chapter 334, Statutes of Nevada 2015, at page 1867, is hereby amended to read as follows:

Sec. 15. 1. The Department of Education shall distribute the money that is appropriated to the Other State Education Programs Account in the State General Fund to carry out the purposes of sections 1 to 14, inclusive, of this act through a competitive grants program. Grants must be awarded by the Department based on the demonstrated needs of the school districts and charter schools and will be awarded to school districts and to charter schools that have been approved by the State Public Charter School Authority. Grants must be used for literacy programs for pupils enrolled in ~~[kindergarten and grades 1~~, 2 and 3 ~~*to 5, inclusive,]*~~ ***elementary school*** established pursuant to ***NRS 388.157*** ~~***[, as amended by***~~ section 5 ~~***3***~~ of this act ~~***,]***~~ and to support other school-based efforts to ensure that all pupils are ~~[proficient in the subject area of reading by the end of the third grade.]~~ ***performing at a level considered by the school district or charter school to be within the average range for pupils enrolled in each grade level.*** Such school-based efforts may include, without limitation:

(a) Hiring or training learning strategists;

(b) Entering into contracts with vendors for the purchase of reading assessments, textbooks, computer software or other materials;

(c) Providing professional development for school personnel;

(d) Providing programs to pupils before and after school and during intercessions or summer school; and

(e) Providing other evidence-based literacy initiatives for pupils enrolled in ~~[kindergarten and grades 1~~, 2 and 3.~~ *to 5, inclusive.]~~ ***elementary school.***

2. The board of trustees of a school district or the governing body of a charter school that receives a grant of money pursuant to subsection 1 shall:

(a) Set measurable performance objectives based on aggregated pupil achievement data; and

(b) Prepare and submit to the Department of Education, on or before July 1, ~~[~~2016,~~]~~ ***2018,*** a report that includes, without limitation:

(1) A description of the programs or services for which the money was used by each school; and

(2) The number of pupils who participated in a program or received services.

3. The Department of Education shall, to the extent that money is available for that purpose, hire an independent consultant to evaluate the programs or services paid for by a grant of money received by a school district or charter school pursuant to subsection 1.

4. The Department of Education shall prepare a report that includes, without limitation:

(a) Identification of the schools that received an allocation of money by the school district or grant of money from the Department, as applicable;

(b) The amount of money received by each school;

(c) A description of the programs or services for which the money was used by each school;

(d) The number of pupils who participated in a program or received services;

(e) The average expenditure per pupil for each program or service;

(f) An evaluation of the effectiveness of the program or service, including, without limitation, data regarding the academic and linguistic achievement and proficiency of pupils who participated in such a program or received such services; and

(g) Any recommendations for legislation, including, without limitation, legislation to continue or expand programs or services that are identified as effective in improving the reading proficiency of pupils in kindergarten through grade ~~[~~3.~~]~~ ***5.***

5. On or before August 31, ~~[~~2016,~~]~~ ***2018,*** the Department of Education shall submit a preliminary report prepared pursuant to subsection 4 to the State Board of Education and the Legislative Committee on Education. On or before November 15, ~~[~~2016,~~]~~ ***2018,*** the Department shall submit the final report prepared pursuant to subsection 4 and any recommendations made by the State Board or the Legislative Committee on Education to the Governor and to the Director of the

Legislative Counsel Bureau for transmittal to the ~~[79th]~~ ***80th*** Session of the Nevada Legislature.

6. Any money awarded to a school district or charter school from the money appropriated to the Other State Education Programs Account in the State General Fund pursuant to subsection 1:

(a) Must be accounted for separately from any other money received by the school districts or charter school, as applicable, and used only for the purposes specified in this section.

(b) May not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district and the school district, or to settle any negotiations.

(c) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.

Sec. 12. ~~[Section 16 of chapter 334, Statutes of Nevada 2015, at page 1868, is hereby amended to read as follows:~~

~~Sec. 16. This act becomes effective upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act and for all other purposes:~~

~~1. This section~~ **[**~~,~~**]** ***and*** ~~sections 4 to 9, inclusive, and 15 of this act become effective on July 1, 2015.~~

~~2. Sections 1, 2,~~ **[**~~3 and 10 to 14, inclusive,~~**]** ***12 and 13*** ~~of this act become effective on July 1,~~ **[**~~2019.~~**]** ***2017.]*** **(Deleted by amendment.)**

Sec. 13. ~~[Sections 3, 10, 11 and 14 of chapter 334, Statutes of Nevada 2015, at pages 1860, 1863, 1864 and 1866 are hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 14. 1. This section and section 8 of this act become effective upon passage and approval.

2. Sections 1 to ~~[7, inclusive, and 9 to 13,]~~ **5,** inclusive, **6, 7, 11, 12 and 13** of this act become effective:

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

(b) On July 1, 2017, for all other purposes.

3. Sections 5.5, 6.5 and 8.3 to 10, inclusive, of this act become effective on July 1, 2019.

~~[~~

~~TEXT OF REPEALED SECTIONS~~

~~Section 3 of chapter 334, Statutes of Nevada 2015:~~

~~Sec. 3. NRS 386.583 is hereby amended to read as follows:~~

~~386.583 1. The governing body of a charter school shall adopt rules for the academic retention of pupils who are enrolled in the charter school [.] that are consistent with sections 8, 10 and 11 of this act. The rules must [prescribe]:~~

~~(a) Prescribe the conditions under which a pupil may be retained in the same grade rather than promoted to the next higher grade for the immediately succeeding school year.~~

~~(b) Require a pupil enrolled in grade 3 to be retained in the same grade rather than promoted to grade 4 when required pursuant to section 10 of this act.~~

~~2. On or before September 1 of each year, the governing body of each charter school shall:~~

~~(a) Prepare a report concerning the number and percentage of pupils at the charter school who were:~~

~~(1) Retained in grade 3 pursuant to section 10 of this act for a deficiency in the subject area of reading, including whether or not any such pupils were previously retained in kindergarten or grade 1 or 2; and~~

~~(2) Not retained in grade 3 because a good cause exemption was approved pursuant to section 10 of this act but who were previously retained in kindergarten or grade 1 or 2 for a total of 2 years;~~

~~(b) Submit a copy of the report to the Department; and~~

~~(c) Post the report on the Internet website maintained by the charter school and otherwise make the report available to the parents and legal guardians of pupils enrolled in the charter school and the general public.~~

~~Section 10 of chapter 334, Statutes of Nevada 2015:~~

~~Sec. 10. 1. Except as otherwise provided in this section, a pupil enrolled in grade 3 must be retained in grade 3 rather than promoted to grade 4 if the pupil does not obtain a score in the subject area of reading on the criterion-referenced examination administered pursuant to NRS 389.550 that meets the passing score prescribed by the State Board pursuant to subsection 7.~~

~~2. The superintendent of schools of a school district or the governing body of a charter school, as applicable, may authorize the promotion of a pupil to grade 4 who would otherwise be retained in grade 3 only if the superintendent or governing body, as applicable, approves a good cause exemption for the pupil upon a determination by the principal of the school pursuant to subsection 4 that the pupil is eligible for such an exemption.~~

~~3. A good cause exemption must be approved for a pupil who previously was retained in grade 3. Any other pupil is eligible for a good cause exemption if the pupil:~~

~~(a) Demonstrates an acceptable level of proficiency in reading on an alternative standardized reading assessment approved by the State Board;~~

~~(b) Demonstrates, through a portfolio of the pupil's work, proficiency in reading at grade level, as evidenced by demonstration of mastery of the academic standards in reading beyond the retention level;~~

~~(c) Is limited English proficient and has received less than 2 years of instruction in a program of instruction that teaches English as a second language;~~

~~(d) Received intensive remediation in the subject area of reading for 2 or more years but still demonstrates a deficiency in reading and was previously retained in kindergarten or grade 1 or 2 for a total of 2 years;~~

~~(e) Is a pupil with a disability and his or her individualized education program indicates that the pupil's participation in the criterion-referenced examinations administered pursuant to NRS 389.550 is not appropriate; or~~

~~(f) Is a pupil with a disability and:~~

~~(1) He or she participates in the criterion-referenced examinations administered pursuant to NRS 389.550;~~

~~(2) His or her individualized education program or plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, documents that the pupil has received intensive remediation in reading for more than 2 years, but he or she still demonstrates a deficiency in reading; and~~

~~(3) He or she was previously retained in kindergarten or grade 1, 2 or 3.~~

~~4. The principal of a school in which a pupil who may be retained in grade 3 pursuant to subsection 1 is enrolled shall consider the factors set forth in subsection 3 and determine whether the pupil is eligible for a good-cause exemption. In making the determination, the principal must consider documentation provided by the pupil's teacher indicating whether the promotion of the pupil is appropriate based upon the record of the pupil. Such documentation must only consist of the existing plan for monitoring the progress of the pupil, the pupil's individualized education program, if applicable, and the pupil's plan in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, if applicable. If the principal determines that promotion of the pupil to grade 4 is appropriate, the principal must submit a written recommendation to the superintendent of schools of the school district or to the governing body of the charter school, as applicable. The superintendent of schools or the governing body of the charter school, as applicable, shall approve or deny the recommendation of the principal and provide written notice of the approval or denial to the principal.~~

~~5. A principal who determines that a pupil is eligible for a good-cause exemption shall notify the parent or legal guardian of the pupil whether the superintendent of schools of the school district or the governing body of the charter school, as applicable, approves the good-cause exemption.~~

~~6. The principal of a school in which a pupil for whom a good-cause exemption is approved and who is promoted to grade 4 must ensure that the pupil continues to receive intensive instruction in the subject area of~~

~~reading. Such instruction must include, without limitation, strategies based upon scientifically based research that will improve proficiency in the subject area of reading.~~

~~7. The State Board shall prescribe by regulation:~~

~~(a) The score which a pupil enrolled in grade 3 must obtain in the subject area of reading on the criterion-referenced examination administered pursuant to NRS 389.550 to be promoted to grade 4 without a good cause exemption; and~~

~~(b) An alternate examination for administration to pupils enrolled in grade 3 who do not obtain the passing score in the subject area of reading on the criterion-referenced examination administered pursuant to NRS 389.550 and the passing score such a pupil must obtain on the alternate examination to be promoted to grade 4 without a good cause exemption.~~

~~8. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).~~

~~Section 11 of chapter 334, Statutes of Nevada 2015:~~

~~Sec. 11. 1. If a pupil will be retained in grade 3 pursuant to section 10 of this act, the principal of the school must:~~

~~(a) Provide written notice to the parent or legal guardian of the pupil that the pupil will be retained in grade 3. The written notice must include, without limitation, a description of the intensive instructional services in the subject area of reading that the pupil will receive to improve the proficiency of the pupil in that subject area.~~

~~(b) Develop a plan to monitor the progress of the pupil in the subject area of reading.~~

~~(c) Require the teacher of the pupil to develop a portfolio of the pupil's work in the subject area of reading, which must be updated as necessary to reflect progress made by the pupil.~~

~~(d) Ensure that the pupil receives intensive instructional services in the subject area of reading that are designed to improve the pupil's proficiency in the subject area of reading, including, without limitation:~~

~~(1) Programs and services included in the plan to improve the literacy of pupils enrolled in kindergarten and grades 1, 2 and 3 approved by the Department pursuant to section 5 of this act;~~

~~(2) Instruction for at least 90 minutes each school day based upon scientifically based reading instruction research; and~~

~~(3) Intensive instructional services prescribed by the board of trustees of the school district pursuant to subsection 2, as determined appropriate for the pupil.~~

~~2. The board of trustees of each school district or the governing body of a charter school, as applicable, shall:~~

~~(a) Review and evaluate the plans for monitoring the progress of pupils developed pursuant to subsection 1.~~

~~(b) Prescribe the intensive instructional services in the subject area of reading which the principal of a school must implement as determined appropriate for a pupil who is retained in grade 3 pursuant to section 10 of this act, which may include, without limitation:~~

~~(1) Instruction that is provided in small groups;~~

~~(2) Instruction provided in classes with reduced pupil teacher ratios;~~

~~(3) A timeline for frequently monitoring the progress of the pupil;~~

~~(4) Tutoring and mentoring;~~

~~(5) Classes which are designed to increase the ability of pupils to transition from grade 3 to grade 4;~~

~~(6) Instruction provided through an extended school day, school week or school year;~~

~~(7) Programs to improve a pupil's proficiency in reading which are offered during the summer; or~~

~~(8) Any combination of the services set forth in subparagraphs (1) to (7), inclusive.~~

~~3. Except as otherwise provided in subsection 4, the intensive instructional services in the subject area of reading required by this section must be provided to the pupil by a teacher:~~

~~(a) Who is different than the teacher who provided instructional services to the pupil during the immediately preceding school year; and~~

~~(b) Who has been determined to be highly effective, as demonstrated by pupil performance data and performance evaluations.~~

~~4. The intensive instructional services in the subject area of reading required by this section may be provided to the pupil by the same teacher who provided instructional services to the pupil during the immediately preceding school year if a different teacher who meets the requirements of paragraph (b) of subsection 3 is not reasonably available and the pupil:~~

~~(a) Has an individualized education program; or~~

~~(b) Is enrolled in a school district in a county whose population is less than 100,000.~~

~~5. The board of trustees of each school district and the governing body of a charter school, as applicable, shall develop a policy by which the principal of a school may promote a pupil who is retained in grade 3 pursuant to section 10 of this act to grade 4 at any time during the school year if the pupil demonstrates adequate proficiency in the subject area of reading. The policy must include the specific criteria a pupil must satisfy to be eligible for promotion, including, without limitation, a reasonable expectation that the pupil's progress will allow him or her to sufficiently master the requirements for a fourth grade reading level. If a pupil is promoted after November 1 of a school year, he or she must demonstrate proficiency in reading at a level prescribed by the State Board.~~

~~6. If a principal of a school determines that a pupil is not academically ready for promotion to grade 4 after being retained in grade 3 and the pupil received intensive instructional services pursuant to this section, the school district in which the pupil is enrolled must allow the parent or legal guardian of the pupil to decide, in consultation with the principal of the school, whether to place the pupil in a transitional instructional setting which is designed to produce learning gains sufficient for the pupil to meet the performance standards required for grade 4 while continuing to receive remediation in the subject area of reading.~~

~~7. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).~~

~~Section 14 of chapter 334, Statutes of Nevada 2015:~~

~~Sec. 14. NRS 392.125 is hereby amended to read as follows:~~

~~392.125 1. Except as otherwise provided in subsection 4, before any pupil enrolled in a public school may be retained in the same grade rather than promoted to the next higher grade for the succeeding school year, the pupil's teacher and principal must make a reasonable effort to arrange a meeting and to meet with the pupil's parents or guardian to discuss the reasons and circumstances.~~

~~2. [The] Except as otherwise provided in section 10 of this act, the teacher and the principal in joint agreement have the final authority to retain a pupil in the same grade for the succeeding school year.~~

~~3. Except as otherwise provided in subsection 2 of NRS 392.033 for the promotion of a pupil to high school, no pupil may be retained more than one time in the same grade.~~

~~4. [This] Except as otherwise provided in NRS 386.583, this section does not apply to the academic retention of pupils who are enrolled in a charter school.]~~

Assemblyman Thompson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 413.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 415.

AN ACT relating to electronic documents; establishing provisions relating to electronic wills and trusts; revising provisions governing electronic notaries public; authorizing electronic notaries public to perform authorized electronic notarial acts remotely using audio-video communication; increasing the amount of the fees authorized to be charged by an electronic notary public for the performance of certain electronic notarial acts and

authorizing the collection of a fee to recover certain costs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes provisions relating to electronic wills. (NRS 132.119, 133.085, 136.185) **Sections 10-17** of this bill establish various other provisions relating to electronic wills. **Sections 8 and 19** of this bill revise the description of an electronic will and **section 10** establishes the circumstances in which an electronic will is self-proving. **Sections 11 and 12** establish the qualifications and duties of a qualified custodian of an electronic will, who is required to store ~~[an]~~ electronic ~~[record containing an]~~ **records of** electronic ~~[will in accordance with]~~ **wills in** a system ~~[for ensuring the safekeeping of]~~ **that protects** electronic records **~~[.]~~ from destruction, alteration or unauthorized access and detects any change to an electronic record.** **Sections 13 and 14** set forth the circumstances in which a qualified custodian is authorized to cease serving in such a capacity. **Section 15** establishes provisions concerning affidavits ~~[by a qualified custodian who creates]~~ **relating to the creation of** a certified paper original of an electronic will, which **section 3** of this bill generally defines as a tangible document containing the text of an electronic will. **Section 16** sets forth provisions relating to the ability of an electronic notary public or other notarial officer to perform certain notarial acts. **Section 17** establishes various provisions for purposes relating to the execution and filing of any document with a court in any proceeding relating to an electronic will and for certain other purposes.

Section 18 of this bill establishes requirements relating to a declaration or affidavit of a witness to an electronic will. **Section 20** of this bill provides the methods by which an electronic will may be revoked. **Section 21** of this bill sets forth provisions relating to the jurisdiction in which an electronic will may be proved and the admittance of a certified paper original of an electronic will to probate.

Sections 23-28 of this bill revise provisions relating to trusts. **Section 24** provides that a video recording or other electronic record may be admissible in court as evidence of certain issues relating to a trust, and **section 28** revises the description of an electronic trust.

Existing law establishes the Electronic Notary Public Authorization Act pursuant to which an electronic notary public appointed by the Secretary of State is authorized to perform electronic notarial acts. (NRS 240.181-240.206) **Section 39** of this bill renames the act as the Remote Notarization Enabling Act and **section 45** of this bill requires electronic notaries public to register with, instead of be appointed by, the Secretary of State. **Section 35** of this bill: (1) authorizes an electronic notary public to perform authorized electronic notarial acts remotely using audio-video communication, which **section 30** of this bill defines as communication by which a person is able to see, hear and communicate with another person in real time using electronic means; and (2) sets forth certain requirements relating to such electronic

notarial acts. **Section 36** of this bill generally provides that an authorized electronic notarial act performed using audio-video communication shall be deemed to have been performed in this State and must be governed by the laws of this State, regardless of whether the person for whom the act is performed is physically located in another jurisdiction.

Section 37 of this bill requires an electronic notary public to arrange for a recording to be made of each electronic notarial act performed using audio-video communication and to give all participating persons advance notice of the recording. **Section 37** also requires the recording to be kept for not less than 5 years. **Section 51** of this bill requires an electronic notary public to keep an electronic journal of each notarial act which he or she performs and to maintain and protect the electronic journal at all times.

Section 38 of this bill establishes provisions relating to the confirmation of the identity of a person for whom an electronic notarial act is performed using audio-video communication. **Section 50** of this bill requires an electronic notary public to render an electronic document that is the subject of an electronic notarial act tamper-evident.

Section 48 of this bill increases the amount of fees which an electronic notary public may charge for performing certain electronic notarial acts and authorizes an electronic notary public to charge a reasonable fee to recover any cost of providing a copy of an entry or a recording of an audio-video communication in the electronic journal maintained by the electronic notary public. **Section 48 also prohibits an electronic notary public who is an officer or employee of the State or a local government from charging a fee for an electronic notarial act that the electronic notary public performs within the scope of such employment.**

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

Section 1. Chapter 132 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***Except as otherwise specifically provided in this title, the provisions of this title must be construed in a manner consistent with the provisions of chapter 719 of NRS.***

Sec. 3. ***"Certified paper original" means a tangible document that contains the text of an electronic will and, if applicable, a self-proving affidavit concerning the electronic will.***

Sec. 4. ***"Electronic notary public" has the meaning ascribed to it in NRS 240.186.***

Sec. 5. ***"Qualified custodian" means a person who meets the requirements of section 11 of this act.***

Sec. 6. NRS 132.025 is hereby amended to read as follows:

132.025 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 132.030 to 132.370, inclusive, ***and sections 3, 4 and 5 of this act*** have the meanings ascribed to them in those sections.

Sec. 7. NRS 132.117 is hereby amended to read as follows:

132.117 "Electronic record" means a record created, generated ***, sent, communicated, received*** or stored by electronic means.

Sec. 8. NRS 132.119 is hereby amended to read as follows:

132.119 "Electronic will" means ~~[~~a testamentary document that complies~~]~~ ***an instrument, including, without limitation, a codicil, that is executed by a person in accordance*** with the requirements of NRS 133.085 ~~[.]~~ ***and which disposes of the property of the person upon or after his or her death.***

Sec. 9. Chapter 133 of NRS is hereby amended by adding thereto the provisions set forth as sections 10 to 17, inclusive, of this act.

Sec. 10. ***1. An electronic will is self-proving if:***

(a) The declarations or affidavits of the attesting witnesses are incorporated as part of, attached to or logically associated with the electronic will, as described in NRS 133.050;

(b) The electronic will designates a qualified custodian to maintain custody of the electronic record of the electronic will; and

(c) Before being ~~[admitted to]~~ offered for probate or being reduced to a certified paper original that is admitted to probate, the electronic will was at all times under the custody of a qualified custodian.

2. A declaration or affidavit of an attesting witness made pursuant to NRS 133.050 and an affidavit of a ~~[qualified custodian]~~ person made pursuant to section 15 of this act must be accepted by a court as if made before the court.

Sec. 11. ***A qualified custodian of an electronic will:***

1. Must not be an heir of the testator or a beneficiary or devisee under the electronic will.

2. Shall consistently employ , and store electronic records of electronic wills in, a system ~~[for ensuring the safekeeping of]~~ that protects electronic records ~~[and store]~~ from destruction, alteration or unauthorized access and detects any change to an electronic ~~[records containing electronic wills in accordance with such a system.]~~ record.

3. Shall store in the electronic record of an electronic will each of the following:

(a) A photograph or other visual record of the testator and the attesting witnesses that was taken contemporaneously with the execution of the electronic will;

(b) A photocopy, photograph, facsimile or other visual record of any documentation that was taken contemporaneously with the execution of the electronic will and provides satisfactory evidence of the identities of the testator and the attesting witnesses, including, without limitation, documentation of the methods of identification used pursuant to subsection 4 of NRS 240.1655; and

(c) An audio and video recording of the testator, attesting witnesses and notary public, as applicable, ~~[performing the actions described in]~~ taken at

the time the testator, each attesting witness and notary public, as applicable, placed his or her electronic signature on the electronic will, as required pursuant to paragraph (b) of subsection 1 of NRS 133.085.

4. Shall provide to any court that is hearing a matter involving an electronic will which is currently or was previously stored by the qualified custodian any information requested by the court pertaining to the qualifications of the qualified custodian and the policies and practices of the qualified custodian concerning the maintenance, storage and production of electronic wills.

Sec. 12. ***1. With regard to an electronic record of an electronic will, a qualified custodian:***

(a) Shall provide access to or information concerning the electronic will or the certified paper original of the electronic will only to:

(1) The testator or another person as directed by the written instructions of the testator; and

(2) After the death of the testator, the nominated personal representative of the testator or any interested person; and

(b) May, in the absolute discretion of the qualified custodian, destroy the electronic record at any time:

(1) Five or more years after the admission of any will of the testator to probate;

(2) Five or more years after the revocation of the electronic will;

(3) Five or more years after ceasing to serve as the qualified custodian of the electronic record of the electronic will pursuant to section 13 of this act;

(4) Ten or more years after the death of the testator; or

(5) One hundred and fifty years after the execution of the electronic will.

2. At the direction of a testator in a writing executed with the same formalities required for the execution of an electronic will, a qualified custodian shall cancel, render unreadable or obliterate the electronic record.

Sec. 13. ***1. A qualified custodian may cease serving in such a capacity by:***

(a) If not designating a successor qualified custodian, providing to the testator : ~~[or, if the testator is deceased, to the personal representative of the testator or an interested person:]~~

(1) Thirty days' written notice that the qualified custodian has decided to cease serving in such a capacity; and

(2) The certified paper original of, and all records concerning, the electronic will.

(b) If designating a successor qualified custodian:

(1) Providing 30 days' written notice that the qualified custodian has decided to cease serving in such a capacity to:

(I) The ~~[testator or, if the testator is deceased, to the personal representative of the]~~ testator; and

(II) The designated successor qualified custodian; and

(2) Providing to the successor qualified custodian the electronic record of the electronic will and an affidavit which states:

(I) That the qualified custodian ceasing to act in such a capacity is eligible to act as a qualified custodian in this State and is the qualified custodian designated by the testator in the electronic will or was designated to act in such a capacity by another qualified custodian pursuant to this paragraph;

(II) That an electronic record was created at the time the testator executed the electronic will;

(III) That the electronic record has been in the custody of one or more qualified custodians since the execution of the electronic will and has not been altered since the time it was created; and

(IV) The identity of all qualified custodians who have had custody of the electronic record since the execution of the electronic will.

2. For purposes of making the affidavit pursuant to subparagraph (2) of paragraph (b) of subsection 1, a qualified custodian is entitled to rely conclusively on any affidavits provided by a predecessor qualified custodian if all such affidavits are provided to the successor qualified custodian.

3. Subject to the provisions of section 14 of this act, if the testator designates a successor qualified custodian in a writing executed with the same formalities required for the execution of an electronic will, a qualified custodian shall cease serving in such a capacity and provide to the designated successor qualified custodian:

(a) The electronic record; and

(b) The affidavit described in subparagraph (2) of paragraph (b) of subsection 1.

4. If a qualified custodian is an entity, an affidavit of a duly authorized officer or agent of such entity constitutes the affidavit of the qualified custodian.

Sec. 14. *1. A person must execute a written statement affirmatively agreeing to serve as the qualified custodian of an electronic will before he or she may serve in such a capacity.*

2. Except as otherwise provided in paragraph (a) of subsection 1 of section 13 of this act, a qualified custodian may not cease serving in such a capacity until a successor qualified custodian executes the written statement required by subsection 1.

Sec. 15. *1. ~~[A qualified custodian who creates]~~ Upon the creation of a certified paper original ~~[shall sign an affidavit that satisfies the following requirements:]~~ of an electronic will:*

(a) If the electronic will has always been in the custody of a qualified custodian, the designated qualified custodian shall state in an affidavit : ~~[must state:]~~

(1) That the qualified custodian is eligible to act as a qualified custodian in this State;

(2) That the qualified custodian is the qualified custodian designated by the testator in the electronic will or was designated to act in such a capacity pursuant to paragraph (b) of subsection 1 of section 13 of this act;

(3) That an electronic record was created at the time the testator executed the electronic will;

(4) That the electronic record has been in the custody of one or more qualified custodians since the execution of the electronic will, and has not been altered since the time it was created;

(5) The identity of all qualified custodians who have had custody of the electronic record since the execution of the electronic will;

(6) That the certified paper original is a true, correct and complete tangible manifestation of the electronic will; and

(7) That the records described in subsection 3 of section 11 of this act are in the custody of the qualified custodian.

(b) If the electronic will has not always been under the custody of a qualified custodian, the person who discovered the electronic will and the person who reduced the electronic will to the certified paper original shall each state in an affidavit the following information, to the best of their knowledge:

(1) When the electronic will was created, if not indicated in the electronic will;

(2) When, how and by whom the electronic will was discovered;

(3) The identities of each person who has had access to the electronic will;

(4) The method in which the electronic will was stored and the safeguards in place to prevent alterations to the electronic will;

(5) Whether the electronic will has been altered since its execution; and

(6) That the certified paper original is a true, correct and complete tangible manifestation of the electronic will.

2. For purposes of making an affidavit pursuant to paragraph (a) of subsection 1, the qualified custodian may rely conclusively on any affidavits delivered by a predecessor qualified custodian.

Sec. 16. *1. Notwithstanding any other provision of law, an electronic notary public or other notarial officer may, for purposes of this title, including, without limitation, all purposes relating to the execution and filing of any document with the court in any proceeding relating to an electronic will:*

(a) Notarize the signature or electronic signature of a person, as applicable, who is not in the physical presence of the electronic notary

public or other notarial officer if the person is in his or her presence within the meaning of section 17 of this act; and

(b) Notarize any document relating to a will, codicil or testamentary trust.

2. This section must be liberally construed and applied to promote the purposes of NRS 133.085 and sections 10 to 17, inclusive, of this act.

Sec. 17. ***1. For purposes of this title, including, without limitation, any declaration or affidavit made by an attesting witnesses as described in NRS 133.050, for all purposes relating to the execution and filing of any document with the court in any proceeding relating to an electronic will and for purposes of executing a power of attorney pursuant to NRS 162A.220, an advance directive or any document relating to an advance directive:***

(a) A person shall be deemed to be in the presence of or appearing before another person if such persons are in:

(1) The same physical location; or

(2) Different physical locations but can communicate with each other by means of audio-video communication . [in accordance with NRS 240.181 to 240.206, inclusive, and sections 30 to 38, inclusive, of this act.]

(b) An electronic notary public may electronically notarize electronic documents, including, without limitation, documents constituting or relating to an electronic will, in accordance with NRS 240.181 to 240.206, inclusive, and sections 30 to 38, inclusive, of this act.

(c) Any requirement that a document be signed may be satisfied by an electronic signature.

(d) If a provision of law requires a written record, an electronic record satisfies such a provision.

(e) If a document is executed electronically, the document shall be deemed to be executed in this State if:

(1) The person executing the document states that he or she understands that he or she is executing, and that he or she intends to execute, the document in and pursuant to the laws of this State;

(2) The document states that the validity and effect of its execution are governed by the laws of this State;

(3) Any attesting witnesses or an electronic notary public whose electronic signatures are contained in the document were physically located within this State at the time the document was executed in accordance with this section; or

(4) In the case of a self-proving electronic will, the electronic will designates a qualified custodian who, at the time of execution:

(I) If a natural person, is domiciled in this State; or

(II) If an entity, is organized under the laws of this State or whose principal place of business is located in this State.

2. As used in this section:

(a) "Advance directive" has the meaning ascribed to it in NRS 449.905.

(b) "Audio-video communication" has the meaning ascribed to it in section 30 of this act.

Sec. 18. NRS 133.050 is hereby amended to read as follows:

133.050 1. Any attesting witness to a will ***, including, without limitation, an electronic will,*** may sign a declaration under penalty of perjury or an affidavit before any person authorized to administer oaths in or out of the State, stating such facts as the witness would be required to testify to in court to prove the will. The declaration or affidavit must be written on the will or, if that is impracticable, on some paper attached thereto. ***If the will is an electronic will, the declaration or affidavit must be in a record incorporated as part of, attached to or logically associated with the electronic will.*** The sworn statement of any witness so taken must be accepted by the court as if it had been taken before the court.

2. The affidavit described in subsection 1 may be in substantially the following form:

State of Nevada }
}ss.
County of.....}

(Date).....

Then and there personally appeared ..... and ....., who, being duly sworn, depose and say: That they witnessed the execution of the foregoing will of the testator, ...; that the testator subscribed the will and declared it to be his or her last will and testament in their presence; that they thereafter subscribed the will as witnesses in the presence of the testator and in the presence of each other and at the request of the testator; and that the testator at the time of the execution of the will appeared to them to be of full age and of sound mind and memory.

.....
Affiant
.....
Affiant

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public

3. The declaration described in subsection 1 may be in substantially the following form:

Under penalty of perjury pursuant to the law of the State of Nevada, the undersigned, ... and ....., declare that the following is

true of their own knowledge: That they witnessed the execution of the foregoing will of the testator, ...; that the testator subscribed the will and declared it to be his or her last will and testament in their presence; that they thereafter subscribed the will as witnesses in the presence of the testator and in the presence of each other and at the request of the testator; and that the testator at the time of the execution of the will appeared to them to be of full age and of sound mind and memory.

Dated this ..... day of ....., ...

..... Declarant

..... Declarant

Sec. 19. NRS 133.085 is hereby amended to read as follows:

133.085 1. An electronic will is a will of a testator that:

(a) Is ~~[written,]~~ created and ~~[stored]~~ ***maintained*** in an electronic record; ***and***

(b) Contains the date and the electronic signature of the testator and which includes, without limitation, at least one ***of the following:***

(1) An authentication characteristic of the testator; ~~[and~~

~~(c) Is created and stored in such a manner that:~~

~~(1) Only one authoritative copy exists;]~~

(2) The ~~[authoritative copy is maintained and controlled by the testator or a custodian designated by the testator in the]~~ electronic ~~[will;]~~ ***signature and electronic seal of an electronic notary public, placed thereon in the presence of the testator and in whose presence the testator placed his or her electronic signature thereon; or***

(3) ~~[Any attempted alteration of the authoritative copy is readily identifiable; and~~

~~(4) Each copy of the authoritative copy is readily identifiable as a copy that is not the authoritative copy.]~~ ***The electronic signatures of two or more attesting witnesses, placed thereon in the presence of the testator and in whose presence the testator placed his or her electronic signature thereon.***

2. Every person of sound mind over the age of 18 years may, by last electronic will, dispose of all of his or her estate, real and personal, but the estate is chargeable with the payment of the testator's debts.

3. ~~[An electronic will that meets the requirements of this section is subject to no other form, and may be made in or out of this State. An electronic will is valid and has the same force and effect as if formally executed.~~

~~4. An electronic will shall be deemed to be executed in this State if the authoritative copy of the electronic will is:~~

~~(a) Transmitted to and maintained by a custodian designated in the electronic will at the custodian's place of business in this State or at the custodian's residence in this State; or~~

~~(b) Maintained by the testator at the testator's place of business in this State or at the testator's residence in this State.~~

~~5.~~] ***Except as otherwise provided in this section and sections 10 to 17, inclusive, of this act, all questions relating to the force, effect, validity and interpretation of an electronic will that complies with the provisions of this section and sections 10 to 17, inclusive, of this act must be determined in the same manner as a will executed in accordance with NRS 133.040.***

4. The provisions of this section do not apply to a trust other than a trust contained in an electronic will.

~~[6.]~~ ***5.*** As used in this section:

(a) "Authentication characteristic" means a characteristic of a certain person that is unique to that person and that is capable of measurement and recognition in an electronic record as a biological aspect of or physical act performed by that person. Such a characteristic may consist of a fingerprint, a retinal scan, voice recognition, facial recognition, ***video recording,*** a digitized signature or other ***commercially reasonable*** authentication using a unique characteristic of the person.

(b) ~~["Authoritative copy" means the original, unique, identifiable and unalterable electronic record of an electronic will.~~

~~(c)]~~ "Digitized signature" means a graphical image of a handwritten signature that is created, generated or stored by electronic means.

(c) "Electronic seal" has the meaning ascribed to it in NRS 240.187.

Sec. 20. NRS 133.120 is hereby amended to read as follows:

133.120 1. A written will ***other than an electronic will*** may only be revoked by:

(a) Burning, tearing, cancelling or obliterating the will, with the intention of revoking it, by the testator, or by some person in the presence and at the direction of the testator; ~~[or]~~

(b) Another will or codicil in writing, executed as prescribed in this chapter ~~[.]~~ ***; or***

(c) An electronic will, executed as prescribed in this chapter.

2. ***An electronic will may only be revoked by:***

(a) Another will, codicil, electronic will or other writing, executed as prescribed in this chapter; or

(b) Cancelling, rendering unreadable or obliterating the will with the intention of revoking it, by:

(1) The testator or a person in the presence and at the direction of the testator; or

(2) If the will is in the custody of a qualified custodian, the qualified custodian at the direction of a testator in an electronic will.

3. This section does not prevent the revocation implied by law from subsequent changes in the condition or circumstances of the testator.

Sec. 21. NRS 136.185 is hereby amended to read as follows:

136.185 ***1.*** An electronic will ***deemed to be executed in this State*** may be proved ~~[by authentication satisfactory to the court.]~~ ***and letters granted in the county in which the decedent was a resident at the time of his or her death or the domicile or registered office of the qualified custodian exists.***

2. A certified paper original of an electronic will may be offered for and admitted to probate in the same manner as if it were a will executed in accordance with NRS 133.040.

3. A certified paper original of an electronic will that is self-proving pursuant to section 10 of this act is presumed to be valid and, absent any objection, must be admitted to probate expeditiously without requiring any further proof of validity.

4. An electronic will that is executed or deemed executed in another state in accordance with the laws of the other state or of this State is a valid electronic will in this State.

Sec. 22. Chapter 163 of NRS is hereby amended by adding thereto the provisions set forth as sections 23 and 24 of this act.

Sec. 23. ***As used in this chapter, unless the context otherwise requires, when the terms "execute" or "sign" are used in reference to a will, trust or instrument to convey property, the terms include the use of an electronic signature.***

Sec. 24. ***Subject to the provisions of any applicable court rules, a video recording or other electronic record may be admissible as evidence of:***

1. The proper execution of a trust.

2. The intentions of a settlor.

3. The mental state or capacity of a settlor.

4. The authenticity of a trust.

5. Matters that are determined by a court to be relevant to the administration of a trust.

Sec. 25. NRS 163.0016 is hereby amended to read as follows:

163.0016 "Nontestamentary trust" means a trust ***, including, without limitation, an electronic trust,*** that is created and takes effect during the lifetime of the settlor.

Sec. 26. NRS 163.0018 is hereby amended to read as follows:

163.0018 "Testamentary trust" means a trust that is created by the terms of the will ***, including, without limitation, the electronic will,*** of a person.

Sec. 27. NRS 163.00185 is hereby amended to read as follows:

163.00185 "Trust instrument" means a will, trust agreement, declaration, or other instrument ***, including, without limitation, an electronic trust,*** that creates or defines the duties and powers of a trustee and shall include a court order or any instrument that modifies a trust instrument or, in effect, alters the duties and powers of a trustee or other terms of a trust instrument.

Sec. 28. NRS 163.0095 is hereby amended to read as follows:

163.0095 1. An electronic trust is a trust instrument that:

(a) Is ~~[~~written,~~]~~ created and ~~[~~stored~~]~~ ***maintained*** in an electronic record ~~[~~;~~]~~ ***in such a manner that any alteration thereto is detectable;***

(b) Contains the electronic signature of the settlor ~~[~~;~~]~~ and ***the date and time thereof;***

(c) ***Includes, without limitation, an authentication method which is attached to or logically associated with the trust instrument to identify the***

settlor or is electronically notarized in accordance with all applicable provisions of law;

(d) Is subject to the provisions of chapter 719 of NRS; and

(e) Meets the requirements set forth in this chapter for a valid trust.

2. An electronic trust shall be deemed to be executed in this State if the electronic trust is:

(a) Transmitted to and maintained by a custodian designated in the trust instrument at the custodian's place of business in this State or at the custodian's residence in this State; or

(b) Maintained by the settlor at the settlor's place of business in this State or at the settlor's residence in this State, or by the trustee at the trustee's place of business in this State or at the trustee's residence in this State.

3. The provisions of this section do not apply to a testamentary trust.

4. As used in this section:

(a) "Authentication characteristic" has the meaning ascribed to it in NRS 133.085.

(b) "Authentication method" means a method of identification using:

(1) A copy of the valid driver's license, passport or other government-issued identification card of a settlor; and

(2) A dynamic knowledge-based authentication assessment, a digital certificate using a public key or a physical device, including, without limitation, a smart card, flash drive or other type of token, an authentication characteristic or another commercially reasonable method.

(c) "Dynamic knowledge-based authentication assessment" has the meaning ascribed to it in section 32 of this act.

(d) "Public key" has the meaning ascribed to it in NRS 720.110.

Sec. 29. Chapter 240 of NRS is hereby amended by adding thereto the provisions set forth as sections 30 to 38, inclusive, of this act.

Sec. 30. ***"Audio-video communication" means communication by which a person is able to see, hear and communicate with another person in real time using electronic means.***

Sec. 31. ***"Credential" means a tangible record evidencing the identity of a person.***

Sec. 32. ***"Dynamic knowledge-based authentication assessment" means an identity assessment that is based on a set of questions formulated from public or private data sources for which the person taking the assessment has not previously provided an answer.***

Sec. 33. ***"Electronic" means of or relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.***

Sec. 34. ~~***[("Presence"]***~~ ***"In the presence of" or "appear before"*** ***means*** ~~***[personal appearance by]***~~ ***being:***

1. In the same physical location as another person and close enough to see, hear, communicate with and exchange credentials with that person; or

2. In a different physical location from another person but able to see, hear and communicate with the person by means of audio-video communication.

Sec. 35. *1. An electronic notary public may perform any of the acts set forth in NRS 240.196 using audio-video communication in accordance with NRS 240.181 to 240.206, inclusive, and sections 30 to 38, inclusive, of this act and any regulations adopted by the Secretary of State.*

2. Before an electronic notary public performs electronic notarial acts using audio-video communication, he or she must register with the Secretary of State pursuant to NRS 240.196 and identify the technology that the electronic notary public intends to use, which must conform to any standards established by regulation by the Secretary of State. The Secretary of State shall approve the use of the technology if it conforms to such standards.

3. If an electronic notarial act is performed using audio-video communication:

(a) The technology used must allow the persons communicating to see and speak to each other simultaneously; and

(b) The signal transmission must be in real time.

Sec. 36. *1. An electronic notary public may perform an electronic notarial act using audio-video communication in accordance with NRS 240.181 to 240.206, inclusive, and sections 30 to 38, inclusive, of this act and any regulations adopted by the Secretary of State for a person who is physically located:*

(a) In this State;

(b) Outside this State but within the United States; or

(c) Outside the United States if:

(1) The electronic notary public has no knowledge of the electronic notarial act being prohibited in the jurisdiction in which the person is physically located; and

(2) The person placing his or her electronic signature on the electronic document confirms to the electronic notary public that the requested electronic notarial act and the electronic document:

(I) ~~[Is]~~ Are part of or ~~[pertains]~~ pertain to a matter that is to be filed with or is currently before a court, governmental entity or other entity in the United States;

(II) ~~[Relates]~~ Relate to property located in the United States; or

(III) ~~[Relates]~~ Relate to a transaction substantially connected to a territorial jurisdiction of the United States.

2. Subject to the provisions of section 17 of this act, an electronic notarial act performed by an electronic notary public who is physically present in this State using audio-video communication in accordance with NRS 240.181 to 240.206, inclusive, and sections 30 to 38, inclusive, of this act and any regulations adopted by the Secretary of State shall be deemed to have been performed in this State and must be governed by the laws of

this State, regardless of whether the person who placed the electronic signature on the electronic document is physically located in another jurisdiction at the time of the electronic notarial act.

Sec. 37. *1. An electronic notary public shall arrange for a recording to be made of each electronic notarial act performed using audio-video communication. Before performing any electronic notarial act using audio-video communication, the electronic notary public must inform all participating persons that the electronic notarization will be electronically recorded.*

2. If the person for whom the electronic notarial act is being performed is identified by personal knowledge, the recording of the electronic notarial act must include an explanation by the electronic notary public as to how he or she knows the person and how long he or she has known the person.

3. If the person for whom the electronic notarial act is being performed is identified by a credible witness:

(a) The credible witness must appear before the electronic notary public; and

(b) The recording of the electronic notarial act must include:

(1) A statement by the electronic notary public as to whether he or she identified the credible witness by personal knowledge or satisfactory evidence; and

(2) An explanation by the credible witness as to how he or she knows the person for whom the electronic notarial act is being performed and how long he or she has known the person.

4. An electronic notary public shall keep a recording made pursuant to this section for not less than 5 years, regardless of whether the electronic notarial act was actually completed.

Sec. 38. *For the purposes of performing an electronic notarial act for a person using audio-video communication, an electronic notary public has satisfactory or documentary evidence of the identity of the person if the electronic notary public confirms the identity of the person by:*

1. Personal knowledge;

2. The successful completion by the person of a dynamic knowledge-based authentication assessment that is combined with at least one of the following:

(a) The use of software that relies on high resolution imaging and record classification by which to perform a forensic analysis of an unexpired government-issued credential of the person that contains a photograph;

(b) Visual inspection by the electronic notary public of a high resolution image of an unexpired government-issued credential of the person that contains a photograph and comparison, to the satisfaction of the electronic notary public, of the information thereon to the person appearing before the electronic notary public and to the identity of the person as established through the dynamic knowledge-based authentication assessment; or

(c) Any other method that complies with any regulations adopted by the Secretary of State; or

3. A valid certificate that complies with any regulations adopted by the Secretary of State. As used in this subsection, "certificate" has the meaning ascribed to it in NRS 720.030.

Sec. 39. NRS 240.181 is hereby amended to read as follows:

240.181 NRS 240.181 to 240.206, inclusive, ***and sections 30 to 38, inclusive, of this act*** may be cited as the ~~[Electronic Notary Public Authorization]~~ ***Remote Notarization Enabling*** Act.

Sec. 40. NRS 240.182 is hereby amended to read as follows:

240.182 As used in NRS 240.181 to 240.206, inclusive, ***and sections 30 to 38, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 240.183 to 240.188, inclusive, ***and sections 30 to 34, inclusive, of this act,*** have the meanings ascribed to them in those sections.

Sec. 41. NRS 240.186 is hereby amended to read as follows:

240.186 "Electronic notary public" means a person ~~[appointed by]~~ ***registered with*** the Secretary of State pursuant to NRS 240.181 to 240.206, inclusive, ***and sections 30 to 38, inclusive, of this act*** to perform electronic notarial acts.

Sec. 42. NRS 240.187 is hereby amended to read as follows:

240.187 "Electronic seal" means information within a notarized electronic document that includes the name, jurisdiction and expiration date of the ~~[appointment]~~ ***registration*** of an electronic notary public and generally includes the information required to be set forth in a mechanical stamp pursuant to NRS 240.040.

Sec. 43. NRS 240.189 is hereby amended to read as follows:

240.189 An electronic notary public shall comply with those provisions of NRS 240.001 to 240.169, inclusive, which are not inconsistent with NRS 240.181 to 240.206, inclusive ~~[.]~~ ***, and sections 30 to 38, inclusive, of this act.*** To the extent that the provisions of NRS 240.001 to 240.169, inclusive, conflict with the provisions of NRS 240.181 to 240.206, inclusive, ***and sections 30 to 38, inclusive, of this act,*** the provisions of NRS 240.181 to 240.206, inclusive, ***and sections 30 to 38, inclusive, of this act*** control.

Sec. 44. NRS 240.191 is hereby amended to read as follows:

240.191 1. ~~[The Secretary of State may appoint electronic notaries public in this State.~~

~~2. The Secretary of State shall not appoint as an electronic notary public a person who submits an application containing a substantial and material misstatement or omission of fact.~~

~~3. An electronic notary public may cancel his or her appointment by submitting a written notice to the Secretary of State.~~

~~4.]~~ It is unlawful for a person to:

(a) Represent himself or herself as an electronic notary public ~~[appointed pursuant to this section]~~ if the person has not ~~[received a certificate of~~

~~appointment from~~] ***registered with*** the Secretary of State pursuant to NRS 240.192.

(b) Submit an application for [~~appointment~~] ***registration*** as an electronic notary public that contains a substantial and material misstatement or omission of fact.

[~~5.~~] ***2.*** The Secretary of State may request that the Attorney General bring an action to enjoin any violation of paragraph (a) of subsection [~~4.~~] ***1.***

Sec. 45. NRS 240.192 is hereby amended to read as follows:

240.192 1. Each person applying for [~~appointment~~] ***registration*** as an electronic notary public must:

(a) At the time of application, be a notarial officer in this State ***,*** [~~and~~] have been a notarial officer in this State for not less than 4 years [~~;~~] ***and comply with all applicable notarial requirements set forth in this chapter, including, without limitation, the bond requirements set forth in NRS 240.030 and 240.033;***

(b) [~~Submit to~~] ***Register with*** the Secretary of State ***by submitting*** an electronic application pursuant to subsection 2; ***and***

(c) Pay to the Secretary of State an application fee of $50 [~~;~~]

~~(d) Take and subscribe to the oath set forth in Section 2 of Article 15 of the Constitution of the State of Nevada as if the applicant were a public officer;~~

~~(e) Submit to the Secretary of State proof satisfactory to the Secretary of State that the applicant has successfully completed a course of study provided pursuant to NRS 240.195; and~~

~~(f) Enter into a bond to the State of Nevada in the sum of $10,000, to be filed with the clerk of the county in which the applicant resides or, if the applicant is a resident of an adjoining state, with the clerk of the county in this State in which the applicant maintains a place of business or is employed. The applicant must submit to the Secretary of State a certificate issued by the appropriate county clerk which indicates that the applicant filed the bond required pursuant to this paragraph.~~] ***in addition to the application fee required pursuant to NRS 240.030 to be a notarial officer in this State.***

2. The application for [~~an appointment~~] ***registration*** as an electronic notary public must be submitted as an electronic document and must contain, without limitation, the following information:

(a) [~~The applicant's full legal name, and the name to be used for appointment, if different.~~] ***All information required to be included in an application for appointment as a notary public pursuant to NRS 240.030.***

(b) [~~The county in which the applicant resides.~~

~~(c) The electronic mail address of the applicant.~~

~~(d)~~] A description of the technology or device [~~, approved by the Secretary of State,~~] that the applicant intends to use to create his or her electronic signature in performing electronic notarial acts.

[~~(e)~~] ***(c)*** The electronic signature of the applicant.

[~~(f)~~] ***(d)*** Any other information requested by the Secretary of State.

~~[3. An applicant for appointment as an electronic notary public who resides in an adjoining state, in addition to the requirements set forth in subsections 1 and 2, must submit to the Secretary of State with the application:~~

~~(a) An affidavit setting forth the adjoining state in which the applicant resides, the applicant's mailing address and the address of the applicant's place of business or employment that is located within the State of Nevada;~~

~~(b) A copy of the applicant's state business registration issued pursuant to chapter 76 of NRS and any business license required by the local government where the applicant's business is located, if the applicant is self-employed; and~~

~~(c) Unless the applicant is self-employed, a copy of the state business registration of the applicant's employer issued pursuant to chapter 76 of NRS, a copy of any business license of the applicant's employer that is required by the local government where the business is located and an affidavit from the applicant's employer setting forth the facts which show that the employer regularly employs the applicant at an office, business or facility which is located within the State of Nevada.~~

~~4. In completing an application, bond, oath or other document necessary to apply for appointment as an electronic notary public, an applicant must not be required to disclose his or her residential address or telephone number on any such document which will become available to the public.~~

~~5. The bond, together with the oath, must be filed and recorded in the office of the county clerk of the county in which the applicant resides when the applicant applies for appointment or, if the applicant is a resident of an adjoining state, with the clerk of the county in this State in which the applicant maintains a place of business or is employed. On a form provided by the Secretary of State, the county clerk shall immediately certify to the Secretary of State that the required bond and oath have been filed and recorded. Upon receipt of the application, fee and certification that the required bond and oath have been filed and recorded, the Secretary of State shall issue a certificate of appointment as an electronic notary public to the applicant.~~

~~6. The term of an electronic notary public commences on the effective date of the bond required pursuant to paragraph (f) of subsection 1. An electronic notary public shall not perform an electronic notarial act after the effective date of the bond unless the electronic notary public has been issued a certificate of appointment pursuant to subsection 5.~~

~~7. Except as otherwise provided in this subsection, the Secretary of State shall charge a fee of $10 for each duplicate or amended certificate of appointment which is issued to an electronic notary public. If the electronic notary public does not receive an original certificate of appointment, the Secretary of State shall provide a duplicate certificate of appointment without charge if the electronic notary public requests such a duplicate within 60 days after the date on which the original certificate was issued.]~~

Sec. 46. NRS 240.194 is hereby amended to read as follows:

240.194 1. The initial ~~[term]~~ ***period*** of ~~[appointment]~~ ***registration*** as an electronic notary public is 2 years. Each ~~[term]~~ ***period*** of ~~[appointment]~~ ***registration*** as an electronic notary public subsequent to the initial term is 4 years.

2. The ~~[appointment]~~ ***registration*** of an electronic notary public is suspended by operation of law when the electronic notary public is no longer appointed as a notary public in this State. If the appointment of an electronic notary public has expired or been revoked or suspended, the Secretary of State shall immediately notify the electronic notary public in writing that his or her ~~[appointment]~~ ***registration*** as an electronic notary public will be suspended by operation of law until he or she is appointed as a notary public in this State.

3. If, at any time ~~[during his or her appointment, an]~~ ***a registered*** electronic notary public changes his or her electronic mail address, county of residence, name, electronic signature or the technology or device used to create his or her electronic signature, the electronic notary public shall, within 10 days after making the change, submit to the Secretary of State:

(a) An electronic document, signed with the electronic signature submitted by the electronic notary public pursuant to subsection 2 of NRS 240.192, that includes the change of information; and

(b) A fee of $10.

Sec. 47. NRS 240.196 is hereby amended to read as follows:

240.196 A person ~~[appointed]~~ ***registered*** as an electronic notary public pursuant to NRS 240.181 to 240.206, inclusive, ***and sections 30 to 38, inclusive, of this act*** may ~~[, during normal business hours,]~~ perform the following electronic notarial acts for a person who requests the electronic notarial act and tenders ~~[the appropriate]~~ ***any authorized*** fee:

1. Taking an acknowledgment;
2. Executing a jurat; ~~[and]~~
3. Administering an oath or affirmation ~~[.]~~ ***; and***
4. ***Performing such other duties as prescribed by law.***

Sec. 48. NRS 240.197 is hereby amended to read as follows:

240.197 1. ***Except as otherwise provided in this section:***

(a) An electronic notary public may charge the following fees ***:*** ~~[and no more:~~

~~(a)~~ ***(1)*** For taking an acknowledgment, for each signature .....~~[$10]~~ ***$25***

~~[(b)]~~ ***(2)*** For executing a jurat, for each signature .....~~[$10]~~ ***$25***

~~[(c)]~~ ***(3)*** For administering an oath or affirmation without a signature.....~~[$10]~~ ***$25***

~~[2.]~~ ***(b)*** An electronic notary public shall not charge a fee to perform ~~[a service]~~ ***an electronic notarial act*** unless he or she is authorized to charge a fee for such ~~[a service]~~ ***an electronic notarial act*** pursuant to this section.

~~[3.]~~ ***(c)*** All fees prescribed in this section are payable in advance, if demanded.

~~[4.]~~ ***(d)*** An electronic notary public may charge an additional fee for traveling to perform an electronic notarial act if:

~~[(a)]~~ ***(1)*** The person requesting the electronic notarial act asks the electronic notary public to travel;

~~[(b)]~~ ***(2)*** The electronic notary public explains to the person requesting the electronic notarial act that the fee for travel is in addition to the fee authorized in ~~[subsection 1]~~ ***paragraph (a)*** and is not required by law;

~~[(c)]~~ ***(3)*** The person requesting the electronic notarial act agrees in advance upon the hourly rate that the electronic notary public will charge for the additional fee for travel; and

~~[(d)]~~ ***(4)*** The additional fee for travel does not exceed:

~~[(1)]~~ ***(I)*** If the person requesting the electronic notarial act asks the electronic notary public to travel between the hours of 6 a.m. and 7 p.m., $10 per hour.

~~[(2)]~~ ***(II)*** If the person requesting the electronic notarial act asks the electronic notary public to travel between the hours of 7 p.m. and 6 a.m., $25 per hour.

➥ The electronic notary public may charge a minimum of 2 hours for such travel and shall charge on a pro rata basis after the first 2 hours.

~~[5.]~~ ***(e)*** An electronic notary public is entitled to charge the amount of the additional fee for travel agreed to in advance by the person requesting the electronic notarial act pursuant to ~~[subsection 4]~~ ***paragraph (d)*** if:

~~[(a)]~~ ***(1)*** The person requesting the electronic notarial act cancels the request after the electronic notary public begins traveling to perform the requested electronic notarial act.

~~[(b)]~~ ***(2)*** The electronic notary public is unable to perform the requested electronic notarial act as a result of the actions of the person who requested the electronic notarial act or any other person who is necessary for the performance of the electronic notarial act.

~~[6.]~~ ***(f)*** For each additional fee for travel that an electronic notary public charges pursuant to ~~[subsection 4,]~~ ***paragraph (d),*** the electronic notary public shall enter in the ***electronic*** journal that he or she keeps pursuant to NRS 240.201:

~~[(a)]~~ ***(1)*** The amount of the fee; and

~~[(b)]~~ ***(2)*** The date and time that the electronic notary public began and ended such travel.

~~[7.]~~ ***(g) An electronic notary public may charge a reasonable fee to recover any cost of providing a copy of an entry or a recording of an audio-video communication in an electronic journal maintained pursuant to NRS 240.201.***

2. A person who employs an electronic notary public may prohibit the electronic notary public from charging a fee for an electronic notarial act that the electronic notary public performs within the scope of the employment. Such a person shall not require the electronic notary public whom the person employs to surrender to the person all or part of a fee charged by the

electronic notary public for an electronic notarial act performed outside the scope of the employment of the electronic notary public.

~~*[8. An electronic notary public may charge a reasonable fee to recover any cost of providing a copy of an entry or a recording of an audio-video communication in an electronic journal maintained pursuant to NRS 240.201.*~~

~~*9.]*~~ ***3. An electronic notary public who is an officer or employee of the State or a local government shall not charge a fee for an electronic notarial act that the electronic notary public performs within the scope of such employment.***

4. This section does not apply to any compensation for services provided by an electronic notary public which do not constitute electronic notarial acts or comply with the other requirements of this chapter.

Sec. 49. NRS 240.198 is hereby amended to read as follows:

240.198 ***Except as otherwise specifically provided by law:***

1. An electronic notary public shall not willfully electronically notarize the signature or electronic signature of a person unless the person is in the presence of the electronic notary public at the time of notarization and:

(a) Is known to the electronic notary public; or

(b) If unknown to the electronic notary public, provides a credible witness or documentary evidence of identification to the electronic notary public.

2. A person who:

(a) Violates the provisions of subsection 1; or

(b) Aids and abets an electronic notary public to commit a violation of subsection 1,

➥ is guilty of a gross misdemeanor.

3. An electronic notary public shall not electronically notarize any electronic document related to ~~[~~the following:

~~(a) A will, codicil or testamentary trust; and~~

~~(b) Any~~~~]~~ ***any*** transaction governed by the Uniform Commercial Code other than NRS 104.1306, 104.2101 to 104.2725, inclusive, and 104A.2101 to 104A.2532, inclusive.

4. ~~[~~An appointment~~]~~ ***Registration*** as an electronic notary public pursuant to NRS 240.181 to 240.206, inclusive, ***and sections 30 to 38, inclusive, of this act*** does not authorize the electronic notary public to perform notarial acts in another state.

Sec. 50. NRS 240.199 is hereby amended to read as follows:

240.199 ***1.*** An electronic notarial act must be evidenced by the following, which must be attached to or logically associated with the electronic document that is the subject of the electronic notarial act and which must be immediately perceptible and reproducible:

~~[~~1.~~]~~ ***(a)*** The electronic signature of the electronic notary public;

~~[~~2.~~]~~ ***(b)*** The electronic seal of the electronic notary public; and

~~[~~3.~~]~~ ***(c)*** The wording of a notarial certificate pursuant to NRS 240.1655, 240.166 to 240.167, inclusive, 240.1685 or 240.169.

2. Upon the completion of an electronic notarial act in accordance with subsection 1, an electronic notary public shall use technology to render the electronic document tamper-evident.

Sec. 51. NRS 240.201 is hereby amended to read as follows:

240.201 1. An electronic notary public shall keep ~~[a]~~ ***an electronic*** journal of each electronic notarial act which includes, without limitation, the requirements of subsections 1 and 5 of NRS 240.120 ~~[.]~~ ***, but does not include the electronic signatures of the person for whom the electronic notarial act was performed and any witnesses.***

2. The Secretary of State may suspend the ~~[appointment]~~ ***registration*** of an electronic notary public who fails to produce any ***electronic*** journal entry within 10 days after receipt of a request from the Secretary of State.

3. Upon ~~[resignation,]~~ ***surrender,*** revocation or expiration of ~~[an appointment]~~ ***a registration*** as an electronic notary public, all notarial records required pursuant to NRS 240.001 to 240.206, inclusive, ***and sections 30 to 38, inclusive, of this act*** must be delivered to the Secretary of State.

4. An electronic notary public who performs electronic notarial acts shall:

(a) Describe each electronic notarial act in the electronic journal;

(b) Maintain and protect the electronic journal at all times under his or her sole control; and

(c) Provide for lawful inspection and copying of the electronic journal.

5. An electronic notary public may maintain more than one electronic journal to record electronic notarial acts.

6. The fact that the employer or contractor of an electronic notary public keeps a record of electronic notarial acts does not relieve the electronic notary public of the duties required by this section.

7. An electronic journal must:

(a) Enable access by a password or other secure means of authentication; and

(b) Be capable of providing tangible or electronic copies of any entry made therein.

8. As used in this section, "sole control" means being in the direct physical custody of or safeguarded by an electronic notary public with a password or other secure means of authentication.

Sec. 52. NRS 240.202 is hereby amended to read as follows:

240.202 1. The electronic signature and electronic seal of an electronic notary public must be used only for the purposes of performing electronic notarial acts.

2. An electronic notary public shall safeguard his or her electronic signature, the electronic seal and all notarial records maintained by the electronic notary public as follows:

(a) When not in use, the electronic notary public shall keep the electronic signature, electronic seal and all notarial records secure, under the exclusive

control of the electronic notary public and protected by a password where applicable.

(b) An electronic notary public shall not permit his or her electronic signature or electronic seal to be used by any other person.

(c) An electronic notary public shall not surrender or destroy his or her notarial records except as otherwise required by the order of a court or as allowed pursuant to NRS 240.001 to 240.206, inclusive, or any regulations adopted pursuant thereto.

(d) Except as otherwise provided in subsection 3, an electronic notary public, within 10 days after discovering that his or her electronic signature or electronic seal has been stolen, lost, damaged or otherwise rendered incapable of affixing a legible image, shall:

(1) Inform the appropriate law enforcement agency in the case of theft or vandalism; and

(2) Notify the Secretary of State in writing, including, without limitation, a signature using the name ~~[on the certificate of appointment issued]~~ ***under which the electronic notary public is registered*** pursuant to ~~[subsection 5 of]~~ NRS 240.192.

3. An electronic notary public shall take reasonable steps to maintain the technology or device used to create his or her electronic signature, and to ensure that the technology or device has not been recalled, revoked, terminated or otherwise rendered ineffective or unsecure by the entity that created the technology or device. Upon learning that the technology or device used to create his or her electronic signature has been rendered ineffective or unsecure, an electronic notary public shall cease performing electronic notarial acts until:

(a) A new technology or device is acquired; and

(b) The electronic notary public sends an electronic notice to the Secretary of State that includes, without limitation, the information required pursuant to paragraphs ~~[(d)]~~ ***(b)*** and ~~[(e)]~~ ***(c)*** of subsection 2 of NRS 240.192 relating to the new technology or device.

Sec. 53. NRS 240.203 is hereby amended to read as follows:

240.203 1. Except as otherwise provided in subsection 3, if an electronic notary public dies ~~[or resigns]~~ during his or her ~~[appointment,]~~ ***period of registration,*** or if the ~~[appointment]~~ ***registration*** of the electronic notary public is ***surrendered or*** revoked or expires, the electronic notary public, the executor of his or her estate or an authorized representative of the electronic notary public, as appropriate, shall:

(a) Notify the Secretary of State of the resignation or death; and

(b) Erase, delete, destroy or otherwise render ineffective the technology or device used to create his or her electronic signature.

2. Upon receipt of the notice required by subsection 1, the Secretary of State shall cancel the ~~[appointment]~~ ***registration*** of the electronic notary public, effective on the date on which the notice was received.

3. A former electronic notary public whose previous ~~[appointment]~~ ***registration*** as an electronic notary public was not revoked and whose previous application for ~~[appointment]~~ ***registration*** as an electronic notary public was not denied is not required to erase, delete, destroy or otherwise render ineffective the technology or device used to create his or her electronic signature if the former electronic notary public renews his or her ~~[appointment,]~~ ***registration,*** using the same electronic signature, within 3 months after the expiration of his or her previous ~~[appointment]~~ ***registration*** as an electronic notary public.

Sec. 54. NRS 240.204 is hereby amended to read as follows:

240.204 1. A person who knowingly creates, manufactures or distributes software or hardware for the purpose of allowing a person to act as an electronic notary public without being ~~[appointed]~~ ***registered*** in accordance with NRS 240.181 to 240.206, inclusive, ***and sections 30 to 38, inclusive, of this act*** is guilty of a gross misdemeanor.

2. A person who wrongfully obtains, conceals, damages or destroys the technology or device used to create the electronic signature of an electronic notary public is guilty of a gross misdemeanor.

Sec. 55. NRS 719.200 is hereby amended to read as follows:

719.200 1. Except as otherwise provided in subsection 2, the provisions of this chapter apply to electronic records and electronic signatures relating to a transaction.

2. The provisions of this chapter do not apply to a transaction to the extent it is governed by:

(a) ~~[A]~~ ***Except as otherwise specifically provided by law, a*** law governing the creation and execution of wills, codicils or testamentary trusts;

(b) The Uniform Commercial Code other than NRS 104.1306, 104.2101 to 104.2725, inclusive, and 104A.2101 to 104A.2532, inclusive; or

(c) The provisions of NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto.

3. The provisions of this chapter apply to an electronic record or electronic signature otherwise excluded from the application of this chapter under subsection 2 to the extent it is governed by a law other than those specified in subsection 2.

4. A transaction subject to the provisions of this chapter is also subject to other applicable substantive law.

Sec. 56. NRS 240.193 and 240.195 are hereby repealed.

TEXT OF REPEALED SECTIONS

240.193 Requirements for bond; notification of exhaustion of penal sum; release of surety; suspension of appointment; reinstatement of appointment.

1. The bond required to be filed pursuant to NRS 240.192 must be executed by the person applying to become an electronic notary public as principal and by a surety company qualified and authorized to do business in

this State. The bond must be made payable to the State of Nevada and be conditioned to provide indemnification to a person determined to have suffered damage as a result of an act by the electronic notary public which violates a provision of NRS 240.001 to 240.206, inclusive. The surety company shall pay a final, nonappealable judgment of a court of this State that has jurisdiction, upon receipt of written notice of final judgment. The bond may be continuous, but regardless of the duration of the bond, the aggregate liability of the surety does not exceed the penal sum of the bond.

2. If the penal sum of the bond is exhausted, the surety company shall notify the Secretary of State in writing within 30 days after its exhaustion.

3. The surety bond must cover the period of the appointment of the electronic notary public, except when a surety is released.

4. A surety on a bond filed pursuant to NRS 240.192 may be released after the surety gives 30 days' written notice to the Secretary of State and the electronic notary public, but the release does not discharge or otherwise affect a claim filed by a person for damage resulting from an act of the electronic notary public which is alleged to have occurred while the bond was in effect.

5. The appointment of an electronic notary public is suspended by operation of law when the electronic notary public is no longer covered by a surety bond as required by this section and NRS 240.192 or the penal sum of the bond is exhausted. If the Secretary of State receives notice pursuant to subsection 4 that the bond will be released or pursuant to subsection 2 that the penal sum of the bond is exhausted, the Secretary of State shall immediately notify the electronic notary public in writing that his or her appointment will be suspended by operation of law until another surety bond is filed in the same manner and amount as the bond being terminated.

6. The Secretary of State may reinstate the appointment of an electronic notary public whose appointment has been suspended pursuant to subsection 5 if the electronic notary public, before his or her current term of appointment expires:

(a) Submits to the Secretary of State:

(1) An application for an amended certificate of appointment as an electronic notary public; and

(2) A certificate issued by the clerk of the county in which the applicant resides or, if the applicant is a resident of an adjoining state, the county in this State in which the applicant maintains a place of business or is employed, which indicates that the applicant filed a new surety bond with the clerk; and

(b) Pays to the Secretary of State a fee of $10.

240.195 Courses of study required; persons required to successfully complete course of study; fees.

1. Except as otherwise provided in subsection 2, an applicant for appointment as an electronic notary public must successfully:

(a) Complete a course of study that is in accordance with the requirements of subsection 5; and

(b) Pass an examination at the completion of the course.

2. The following persons are required to enroll in and successfully complete a course of study as required pursuant to subsection 1:

(a) A person applying for his or her first appointment as an electronic notary public;

(b) A person renewing his or her appointment as an electronic notary public; and

(c) A person who has committed a violation of this chapter or whose appointment or an electronic notary public has been suspended, and who has been required by the Secretary of State to enroll in a course of study provided pursuant to this section.

3. A course of study required to be completed pursuant to subsection 1 must:

(a) Include at least 3 hours of instruction;

(b) Provide instruction in electronic notarization, including, without limitation, notarial law and ethics, technology and procedures;

(c) Include an examination of the course content;

(d) Comply with the regulations adopted pursuant to NRS 240.206; and

(e) Be approved by the Secretary of State.

4. The Secretary of State may, with respect to a course of study required to be completed pursuant to subsection 1:

(a) Provide such a course of study; and

(b) Charge a reasonable fee to each person who enrolls in such a course of study.

5. A course of study provided pursuant to this section:

(a) Must satisfy the criteria set forth in subsection 3 and comply with the requirements set forth in the regulations adopted pursuant to NRS 240.206.

(b) May be provided in person or online by the Secretary of State or a vendor approved by the Secretary of State.

6. The Secretary of State shall deposit the fees collected pursuant to paragraph (b) of subsection 4 in the Notary Public Training Account created pursuant to NRS 240.018.

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 414.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 416.

AN ACT relating to criminal procedure; requiring the electronic recording of interrogations of persons in custody under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires, with certain specified exceptions, that a law enforcement agency make an electronic recording of a custodial interrogation of a person who is suspected of committing homicide or sexual assault. This bill also provides that evidence from an interrogation may be admitted by a court even in the absence of an electronic recording of the interrogation and sets forth the conditions under which a jury must be provided with a cautionary instruction. Finally, this bill requires each law enforcement agency to adopt policies and procedures governing the electronic recording of custodial interrogations.

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

Section 1. Chapter 171 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, each law enforcement agency shall require a law enforcement officer to make an electronic recording of a custodial interrogation which is conducted in a place of detention of a person who is suspected of committing homicide as described in NRS 200.010 to 200.260, inclusive, or sexual assault as defined in NRS 200.366.

2. An electronic recording which is made pursuant to this section must:

(a) Begin recording not later than the time when the person who is being interrogated is advised of his or her rights pursuant to Miranda v. Arizona, 384 U.S. 436 (1966); and

(b) End recording not sooner than the time when the questioning has concluded.

3. An electronic recording is not required to be made pursuant to this section if:

(a) The person to be interrogated requests that the custodial interrogation not be recorded and that request is recorded or in writing;

(b) The custodial interrogation occurs when no law enforcement officer who is conducting the interrogation has knowledge of facts and circumstances which would lead an officer to reasonably believe that the person who is being interrogated may have committed homicide as described in NRS 200.010 to 200.260, inclusive, or sexual assault as defined in NRS 200.366;

(c) The questions which are presented by a law enforcement officer and the responsive statements by the person who is being interrogated are part of a routine processing or booking of that person;

(d) The recording equipment fails or there is an inadvertent error by the operator of the equipment;

(e) Exigent circumstances relating to public safety preclude the recording and are documented; [or]

(f) The custodial interrogation is conducted outside this State [.] ; or

(g) The simultaneous conduct of multiple custodial interrogations exceeds the available capacity of recording equipment.

4. The lack of an electronic recording of a custodial interrogation must not be the sole basis for the exclusion of evidence from the interrogation or a confession that is made pursuant thereto. If a law enforcement agency does not make an electronic recording of a custodial interrogation as required by this section, the court may nonetheless admit evidence from the interrogation. If, when offering the evidence from the interrogation, the prosecuting attorney establishes by a preponderance of the evidence that one of the exceptions set forth in subsection 3 applies, the court may admit the evidence without providing the jury with a cautionary instruction. If the prosecuting attorney does not meet this burden of proof, the court shall, after admitting the evidence, provide the jury with a cautionary instruction regarding the failure to record the interrogation as required by law.

5. Each law enforcement agency shall adopt policies and procedures governing the electronic recording of custodial interrogations in accordance with this section.

6. As used in this section:

(a) "Custodial interrogation" means any interrogation of a person while the person is in custody.

(b) "Custody" means the circumstance when:

(1) A person is under formal arrest; or

(2) There is a restraint on a person's freedom of movement of the degree associated with a formal arrest and a reasonable person, in view of all the circumstances, would have believed that he or she was not free to leave.

(c) "Electronic recording" means:

(1) If audiovisual recording is feasible, an audiovisual recording; or

(2) If audiovisual recording is not feasible, an audio-only recording.

(d) "Interrogation" means questioning which is initiated by a law enforcement officer or any words or actions on the part of a law enforcement officer, other than those which are ordinarily attendant to arrest and custody, that the officer should know are reasonably likely to elicit an incriminating response from the person who is being questioned.

(e) "Place of detention" means ~~[any building, structure or place where persons are or may be lawfully held in custody or confinement under the jurisdiction of this State or any political subdivision of this State, including, without limitation, a building which houses the offices]~~ a fixed location under the control of a law enforcement agency ~~[.]~~ of this State where persons are questioned about alleged crimes.

Sec. 2. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 418.

Bill read second time.

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

Amendment No. 523.

AN ACT relating to elections; providing that a voter may not be compelled to reveal under oath how he or she voted at any election; providing for the inspection during a contested election of certain records printed on paper of ballots voted by using a mechanical recording device; revising the method of counting ballots during a recount of an election; amending provisions specifying grounds upon which any election may be contested; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides that a voter may not be compelled to reveal under oath how he or she voted at any election.

Under existing law, voted ballots, rejected ballots, spoiled ballots, challenge lists, certain records printed on paper of ballots voted by using a mechanical recording device and stubs of ballots used must be deposited in the vaults of the county clerk. The voted ballots are not subject to inspection by anyone, except in cases of a contested election, and then only by the judge, body or board before whom the election is being contested or by the parties to the contest, jointly, pursuant to an order of such judge, body or board. (NRS 293.391) **Section 2** of this bill clarifies that records printed on paper of ballots voted by using a mechanical recording device also are not subject to inspection by anyone, except in cases of a contested election, and then only by the judge, body or board before whom the election is being contested or by the parties to the contest, jointly, pursuant to an order of such judge, body or board.

Under existing law, if a recount of an election in a county or city that uses a mechanical voting system is demanded, or if a recount of an election affecting more than one county is demanded, an initial recount is done of ballots from 5 percent of the total number of precincts that voted in the election, or at least three precincts that voted in the election. If the initial recount shows a discrepancy of at least 1 percent or five votes, whichever is greater, a full recount of all ballots at the election for the office or ballot question is done. (NRS 293.404) **Section 3** of this bill deletes the provisions requiring the initial recount of 5 percent, or at least three, of the precincts that voted at the election. **Section 3** provides instead that all recounts must include a count and inspection of all ballots. **Section 3** further provides that ~~[: (1) paper ballots must be recounted by hand; and (2) ballots that were originally tabulated by a mechanical recording device]~~ **all ballots** must be

~~[retabulated]~~ **recounted** in the same manner ~~[.]~~ **in which the ballots were originally tabulated.**

Section 4 of this bill amends provisions specifying grounds upon which any election may be contested. (NRS 293.410)

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

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

No person may be compelled under oath to reveal how he or she voted at any election.

Sec. 2. NRS 293.391 is hereby amended to read as follows:

293.391 1. The voted ballots, rejected ballots, spoiled ballots, challenge lists, records printed on paper of voted ballots collected pursuant to NRS 293B.400, and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk. The records of voted ballots that are maintained in electronic form must, after canvass of the votes by the board of county commissioners, be sealed and deposited in the vaults of the county clerk. The tally lists collected pursuant to NRS 293B.400 must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk without being sealed. All materials described by this subsection must be preserved for at least 22 months, and all such sealed materials must be destroyed immediately after the preservation period. A notice of the destruction must be published by the clerk in at least one newspaper of general circulation in the county not less than 2 weeks before the destruction.

2. Unused ballots, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk and preserved for at least the period during which the election may be contested and adjudicated, after which the unused ballots may be destroyed.

3. The rosters containing the signatures of those persons who voted in the election and the tally lists deposited with the board of county commissioners are subject to the inspection of any elector who may wish to examine them at any time after their deposit with the county clerk.

4. A contestant of an election may inspect all of the material regarding that election which is preserved pursuant to subsection 1 or 2, except the voted ballots.

5. The voted ballots ***and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are*** deposited with the county clerk are not subject to the inspection of anyone, except in cases of a contested election, and then only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of such judge, body or board.

Sec. 3. NRS 293.404 is hereby amended to read as follows:

293.404 1. Where a recount is demanded pursuant to the provisions of NRS 293.403, the:

(a) County clerk of each county affected by the recount shall employ a recount board to conduct the recount in the county, and shall act as chair of the recount board unless the recount is for the office of county clerk, in which case the registrar of voters of the county, if a registrar of voters has been appointed for the county, shall act as chair of the recount board. If a registrar of voters has not been appointed for the county, the chair of the board of county commissioners, if the chair is not a candidate on the ballot, shall act as chair of the recount board. If the recount is for the office of county clerk, a registrar of voters has not been appointed for the county and the chair of the board of county commissioners is a candidate on the ballot, the chair of the board of county commissioners shall appoint another member of the board of county commissioners who is not a candidate on the ballot to act as chair of the recount board. A member of the board of county commissioners who is a candidate on the ballot may not serve as a member of the recount board.

(b) City clerk shall employ a recount board to conduct the recount in the city, and shall act as chair of the recount board unless the recount is for the office of city clerk, in which case the mayor of the city, if the mayor is not a candidate on the ballot, shall act as chair of the recount board. If the recount is for the office of city clerk and the mayor of the city is a candidate on the ballot, the mayor of the city shall appoint another member of the city council who is not a candidate on the ballot to act as chair of the recount board. A member of the city council who is a candidate on the ballot may not serve as a member of the recount board.

2. Each candidate for the office affected by the recount and the voter who demanded the recount, if any, may be present in person or by an authorized representative, but may not be a member of the recount board.

3. **[**~~Except in counties or cities using a mechanical voting system, the~~**]** ***The*** recount must include a count and inspection of all ballots, including rejected ballots, and must determine whether **[**~~those~~**]** ***all*** ballots are marked as required by law.

[~~4. If a recount is demanded in a county or city ***Paper ballots must be recounted by hand. Ballots which were cast*** using a mechanical voting system~~, the person who demanded the recount shall select the ballots for the office or ballot question affected from 5 percent of the total number of precincts for that particular office or ballot question, but in no case fewer than three precincts, after notification to each candidate for the office or the candidate's authorized representative.~~

~~5. The recount board shall examine the selected ballots, including any duplicate or rejected ballots, shall determine whether the ballots have been voted in accordance with this title and shall recount the valid ballots~~**]** ***All ballots must be recounted*** in the same manner in which the ballots were

originally tabulated. ~~[If the recount of the selected ballots for all 5 percent of the precincts selected shows a total combined discrepancy of all precincts selected equal to or greater than 1 percent or five votes, whichever is greater, for the candidate demanding the recount or the candidate who won the election according to the original canvass of the returns, or in favor of or against a ballot question, according to the original canvass of the returns, the county or city clerk, as applicable, shall determine whether the person who demanded the recount is entitled to a recount and, if so, shall order a recount of all the ballots for that office or ballot question.~~

~~6.]~~ ***4.*** The county or city clerk shall unseal and give to the recount board all ballots to be counted.

~~[7. In the case of a demand for a recount affecting more than one county, including, without limitation, a statewide office or a ballot question, the demand must be made to the Secretary of State. The person who demanded the recount shall select the ballots for the statewide office or ballot question affected from 5 percent of the total number of precincts for that particular office or ballot question after notification to each candidate for the office or the candidate's representative. The Secretary of State shall notify the county clerks of the 5 percent of statewide precincts selected by the person who demanded the recount to examine the ballots in accordance with the provisions of this section and to notify the Secretary of State of the results of the recount in their respective precincts. If the separate examinations, when combined, show a total discrepancy equal to or greater than 1 percent for the candidate demanding the recount or the candidate who won the election, according to the original canvass of the returns, or in favor of or against a ballot question, according to the original canvass of the returns, the Secretary of State shall determine whether the person who demanded the recount is entitled to a recount and, if so, shall order the county or city clerk, as applicable, to recount all the ballots for that office or ballot question.~~

~~8.]~~ ***5.*** The Secretary of State may adopt regulations to carry out the provisions of this section.

Sec. 4. NRS 293.410 is hereby amended to read as follows:

293.410 1. A statement of contest shall not be dismissed by any court for want of form if the grounds of contest are alleged with sufficient certainty to inform the defendant of the charges the defendant is required to meet.

2. An election may be contested upon any of the following grounds:

(a) That the election board or any member thereof was guilty of malfeasance.

(b) That a person who has been declared elected to an office was not at the time of election eligible to that office.

(c) That ~~[illegal]~~ **:**

(1) Illegal or improper votes were cast and counted ~~[for the defendant, which, if taken from the defendant, will reduce the number of the defendant's legal votes below the number necessary to elect]~~ **:**

(2) Legal and proper votes were not counted; or

(3) A combination of the circumstances described in subparagraphs (1) and (2) occurred,

➥ in ~~[greater number]~~ an amount that is equal to or greater than the margin between the contestant and the defendant ***~~[.]~~ , or otherwise in an amount sufficient ~~[number]~~ to raise reasonable doubt as to the outcome of the election.***

(d) That the election board, in conducting the election or in canvassing the returns, made errors sufficient to change the result of the election as to any person who has been declared elected.

(e) That the defendant ***or any person acting, either directly or indirectly, on behalf of the defendant*** has given, or offered to give, to any person ~~[a bribe]~~ ***anything of value*** for the purpose of ~~[procuring his or her]~~ ***manipulating or altering the outcome of the*** election.

(f) That there was a ~~[possible]~~ malfunction of any voting ***device*** or ***electronic tabulator,*** counting device ~~[.]~~ ***or computer in a manner sufficient to raise reasonable doubt as to the outcome of the election.***

Assemblywoman Diaz moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 420.

Bill read second time.

The following amendment was proposed by the Committee on Corrections, Parole, and Probation:

Amendment No. 417.

AN ACT relating to corrections; authorizing the Director of the Department of Corrections to establish by regulation a charge on the use of videoconference equipment by offenders to conduct certain visits; revising provisions governing the use of electronic devices by offenders for certain purposes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that money received for the benefit of offenders through contributions that is not required to be deposited elsewhere be placed in the Offenders' Store Fund and expended for the welfare and benefit of all offenders sentenced to imprisonment in the state prison. (NRS 209.221) **Section 1** of this bill authorizes the Director of the Department of Corrections, with approval of the Board of State Prison Commissioners, to establish by regulation a charge on the use by offenders of videoconferencing equipment for conducting visits to defray the costs of operating and maintaining such equipment. ~~[Section 1 requires the regulations to be adopted in accordance with the provisions of the Nevada Administrative Procedure Act.]~~

Existing law prohibits offenders from having access to telecommunications devices except under certain circumstances. (NRS 209.417) **Section 2** of this bill authorizes an offender to use an approved telecommunications device to

conduct certain visits and correspondence. **Section 2** also authorizes the Department to enter into an agreement with an offender allowing the offender to use a telecommunications device for certain purposes related to correctional activities and educational, vocational and legal research.

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

Section 1. NRS 209.221 is hereby amended to read as follows:

209.221 1. The Offenders' Store Fund is hereby created as a special revenue fund. All money received for the benefit of offenders through contributions, and

from other sources not otherwise required to be deposited in another fund, must be deposited in the Offenders' Store Fund.

2. The Director shall:

(a) Keep, or cause to be kept, a full and accurate account of the Fund;

(b) Submit reports to the Board relative to money in the Fund as may be required from time to time; and

(c) Submit a monthly report to the offenders of the amount of money in the Fund by posting copies of the report at locations accessible to offenders generally or by delivery of copies to the appropriate representatives of the offenders if any are selected.

3. Except as otherwise provided in subsections 4 to ~~[9,]~~ ***10,*** inclusive, money in the Offenders' Store Fund, except interest earned upon it, must be expended for the welfare and benefit of all offenders.

4. If necessary to cover a shortfall of money in the Prisoners' Personal Property Fund, the Director may, after obtaining the approval of the Interim Finance Committee, authorize the State Controller to transfer money from the Offenders' Store Fund to the Prisoners' Personal Property Fund, and the State Controller shall make the transfer.

5. If an offender has insufficient money in his or her individual account in the Prisoners' Personal Property Fund to repay or defray costs assessed to the offender pursuant to NRS 209.246, the Director shall authorize the State Controller to transfer sufficient money from the Offenders' Store Fund to the appropriate account in the State General Fund to pay costs remaining unpaid, and the State Controller shall make the transfer. Any money so transferred must be accounted for separately. The Director shall cause the Offenders' Store Fund to be reimbursed from the offender's individual account in the Prisoners' Personal Property Fund, as money becomes available.

6. If the Department incurs costs related to state property that has been willfully damaged, destroyed or lost or incurs costs related to medical examination, diagnosis or treatment for an injury to an offender, the Director may authorize the State Controller to transfer money from the Offenders' Store Fund to the appropriate account in the State General Fund to repay or defray those costs if:

(a) The Director has reason to believe that an offender caused the damage, destruction, loss or injury; and

(b) The identity of the offender is unknown or cannot be determined by the Director with reasonable certainty.

➥ The State Controller shall make the transfer if authorized by the Director. Any money transferred must be accounted for separately. If the identity of the offender is determined after money has been transferred, the Director shall cause the Offenders' Store Fund to be reimbursed from the offender's individual account in the Prisoners' Personal Property Fund, as money becomes available.

7. The Director may, with approval of the Board, establish by regulation criteria for a reasonable deduction from money credited to the Offenders' Store Fund to repay or defray the costs relating to the operation and maintenance of the offenders' store, coffee shop, gymnasium and correctional officers' salaries for visitation posts where they exist in each facility. Any regulations adopted pursuant to this subsection must be adopted in accordance with the provisions of chapter 233B of NRS.

8. The Director may, with approval of the Board, establish by regulation a charge on the purchase of electronic devices by offenders to defray the costs relating to the operation of the devices. The Director shall utilize the proceeds collected from the charge established for operation of the devices to offset the energy costs of the facilities within the Department. Any regulations adopted pursuant to this subsection must be adopted in accordance with the provisions of chapter 233B of NRS.

9. ***The Director may, with approval of the Board, establish by regulation a charge on the use by offenders of videoconferencing equipment for conducting visits to defray the costs relating to the operation and maintenance of the equipment. The Director shall utilize the proceeds collected from the charge established for the operation and maintenance of the equipment to offset the costs of operating and maintaining the videoconferencing equipment and correctional officers' salaries for posts for conducting visits by videoconference where the posts exist in each facility. ~~[Any regulations adopted pursuant to this subsection must be adopted in accordance with the provisions of chapter 233B of NRS.]~~***

10. If an offender who has been assigned to a center for the purpose of making restitution is returned to an institution for committing an infraction of the regulations of the Department and the center has not been fully compensated for the cost of providing the offender with housing, transportation, meals, or medical or dental services at the center, the Director may authorize the State Controller to transfer money from the Offenders' Store Fund to the appropriate account in the State General Fund to repay or defray those costs. The State Controller shall make the transfer if authorized by the Director. Any money transferred must be accounted for separately. The Director shall cause the Offenders' Store Fund to be reimbursed from the

offender's individual account in the Prisoners' Personal Property Fund, as money becomes available.

~~[10.]~~ ***11.*** If an offender has insufficient money in his or her individual account in the Prisoners' Personal Property Fund to repay or defray costs assessed to the offender pursuant to NRS 209.246, the offender shall sign a statement under penalty of perjury concerning his or her financial situation. Such a statement must include, but is not limited to, the following information:

(a) The value of any interest the offender has in real estate;

(b) The value of the personal property of the offender;

(c) The assets in any bank account of the offender; and

(d) The employment status of the offender.

~~[11.]~~ ***12.*** The statement required by subsection ~~[10]~~ ***11*** must also authorize the Department to access any relevant document, for the purpose of verifying the accuracy of the information provided by the offender pursuant to this section, including, but not limited to, information regarding any bank account of the offender, information regarding any bank account held in trust for the offender and any federal income tax return, report or withholding form of the offender.

~~[12.]~~ ***13.*** An offender who conceals assets from the Department or provides false or misleading information on a statement prepared pursuant to this section is guilty of a gross misdemeanor.

~~[13.]~~ ***14.*** A person who aids or encourages an offender to conceal assets from the Department or to provide false or misleading information on a statement prepared pursuant to this section is guilty of a gross misdemeanor.

Sec. 2. NRS 209.417 is hereby amended to read as follows:

209.417 1. Except as otherwise provided in this section, the warden or manager of an institution or facility shall ensure that no offender in the institution or facility, or in a vehicle of the Department, has access to a telecommunications device.

2. An offender may use a telephone or, for the purpose of communicating with his or her child pursuant to NRS 209.42305, any other approved telecommunications device subject to the limitations set forth in NRS 209.419.

3. ***An offender may use an approved telecommunications device for the purpose of conducting a visit or correspondence which is authorized pursuant to NRS 209.423, subject to the limitations set forth in NRS 209.419.***

4. The Department may enter into an agreement with ~~[an]~~ ***:***

(a) An offender authorizing the offender to use a telecommunications device to facilitate or participate in correctional activities or to perform educational, vocational or legal research, subject to the limitations set forth in NRS 209.419; or

(b) An offender who is assigned to transitional housing, a center for the purpose of making restitution pursuant to NRS 209.4827 to 209.4843,

inclusive, or a specific program of education or vocational training authorizing the offender to use a telecommunications device:

~~[~~(a)~~]~~ ***(1)*** To access a network, including, without limitation, the Internet, for the purpose of:

~~[~~(1)~~]~~ ***(I)*** Obtaining educational or vocational training that is approved by the Department;

~~[~~(2)~~]~~ ***(II)*** Searching for or applying for employment; or

~~[~~(3)~~]~~ ***(III)*** Performing essential job functions.

~~[~~(b)~~]~~ ***(2)*** For any other purpose if a telecommunications device is required by an employer of the offender to perform essential job functions.

~~[~~4.~~]~~ ***5.*** As used in this section, "telecommunications device" means a device, or an apparatus associated with a device, that can enable an offender to communicate with a person outside of the institution or facility at which the offender is incarcerated. The term includes, without limitation, a telephone, a cellular telephone, a personal digital assistant, a transmitting radio or a computer that is connected to a computer network, is capable of connecting to a computer network through the use of wireless technology or is otherwise capable of communicating with a person or device outside of the institution or facility.

Sec. 3. NRS 212.165 is hereby amended to read as follows:

212.165 1. A person shall not, without lawful authorization, knowingly furnish, attempt to furnish, or aid or assist in furnishing or attempting to furnish to a prisoner confined in an institution or a facility of the Department of Corrections, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, a portable telecommunications device. A person who violates this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

2. A person shall not, without lawful authorization, carry into an institution or a facility of the Department, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, a portable telecommunications device. A person who violates this subsection is guilty of a misdemeanor.

3. A prisoner confined in an institution or a facility of the Department, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, shall not, without lawful authorization, possess or have in his or her custody or control a portable telecommunications device. A prisoner who violates this subsection is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. A prisoner confined in a jail or any other place where such prisoners are authorized to be or are assigned by the sheriff, chief of police or other officer responsible for the operation of the jail, shall not, without lawful authorization, possess or have in his or her custody or control a portable telecommunications device. A prisoner who violates this subsection and who is in lawful custody or confinement for a charge, conviction or sentence for:

(a) A felony is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) A gross misdemeanor is guilty of a gross misdemeanor.

(c) A misdemeanor is guilty of a misdemeanor.

5. A sentence imposed upon a prisoner pursuant to subsection 3 or 4:

(a) Is not subject to suspension or the granting of probation; and

(b) Must run consecutively after the prisoner has served any sentences imposed upon the prisoner for the offense or offenses for which the prisoner was in lawful custody or confinement when the prisoner violated the provisions of subsection 3 or 4.

6. A person who was convicted and sentenced pursuant to subsection 4 may file a petition, if the underlying charge for which the person was in lawful custody or confinement has been reduced to a charge for which the penalty is less than the penalty which was imposed upon the person pursuant to subsection 4, with the court of original jurisdiction requesting that the court, for good cause shown:

(a) Order that his or her sentence imposed pursuant to subsection 4 be modified to a sentence equivalent to the penalty imposed for the underlying charge for which the person was convicted; and

(b) Resentence him or her in accordance with the penalties prescribed for the underlying charge for which the person was convicted.

7. A person who was convicted and sentenced pursuant to subsection 4 may file a petition, if the underlying charge for which the person was in lawful custody or confinement has been declined for prosecution or dismissed, with the court of original jurisdiction requesting that the court, for good cause shown:

(a) Order that his or her original sentence pursuant to subsection 4 be reduced to a misdemeanor; and

(b) Resentence him or her in accordance with the penalties prescribed for a misdemeanor.

8. No person has a right to the modification of a sentence pursuant to subsection 6 or 7, and the granting or denial of a petition pursuant to subsection 6 or 7 does not establish a basis for any cause of action against this State, any political subdivision of this State or any agency, board, commission, department, officer, employee or agent of this State or a political subdivision of this State.

9. As used in this section:

(a) "Facility" has the meaning ascribed to it in NRS 209.065.

(b) "Institution" has the meaning ascribed to it in NRS 209.071.

(c) "Jail" means a jail, branch county jail or other local detention facility.

(d) "Telecommunications device" has the meaning ascribed to it in subsection ~~[4]~~ ***5*** of NRS 209.417.

Sec. 4. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2018, for all other purposes.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 422.

Bill read second time.

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

Amendment No. 274.

SUMMARY—Revises provisions relating to the ~~[medical]~~ use of marijuana. (BDR 40-983)

AN ACT relating to marijuana; revising various provisions relating to the medical use of marijuana; transferring the program for the medical use of marijuana from the Division of Public and Behavioral Health of the Department of Health and Human Services to the Department of Taxation; revising provisions relating to the registry of persons who are authorized to engage in or assist in the medical use of marijuana; revising provisions relating to the authorization of nonresidents to engage in the medical use of marijuana; prohibiting the Department of Taxation from requiring a medical marijuana dispensary to determine whether a person has exceeded the legal limits for possession of marijuana for medical use; revising provisions relating to medical marijuana establishment agents; **prohibiting the use of a vending machine to dispense marijuana; providing a penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law exempts a person who holds a valid registry identification card or letter of approval from state prosecution for the use, possession, delivery and production of marijuana. (NRS 453A.200, 453A.205) Existing law also exempts a person who holds a valid medical marijuana establishment registration certificate or medical marijuana establishment agent registration card from state prosecution for possession, delivery and production of marijuana and provides for the registration and regulation of such persons and establishments. (NRS 453A.200, 453A.320-453A.370) **Sections 2, 3, 5, 7-9, 11-16, 18-23, 25-48, 51-55 and 66-68** of this bill transfer the responsibility for the regulation of the medical use of marijuana from the Division of Public and Behavioral Health of the Department of Health and Human Services to the Department of Taxation. **Section 38 of this bill prohibits a medical marijuana establishment from dispensing or otherwise selling marijuana using a vending machine. Section 56.5 of this bill establishes a similar prohibition for recreational marijuana establishments after January 1, 2020.**

The Nevada Legislature is required to provide by law for a registry of patients and their attendants who are authorized to use marijuana for a medical purpose. (Nev. Const. Art. 4, § 38) Existing law carries this out by requiring such persons to apply to the Division of Public and Behavioral Health of the Department of Health and Human Services for a registry identification card or letter of approval, as applicable, and granting a holder of such a card or letter an exemption from state prosecution for certain crimes relating to marijuana. (NRS 453A.200, 453A.205) **Sections 4, 5, 10, 13, 16-26, 35, 36, 38-40, 43, 44, 47-51 and 55-65** of this bill replace the requirement to obtain a registry identification card to qualify for the exemption from state prosecution with a requirement to be listed in the medical marijuana registry. **Section 5** of this bill requires the Department of Taxation to maintain the medical marijuana registry. **Section 5** requires a medical marijuana dispensary to list in the medical marijuana registry a person who submits certain documentation to the medical marijuana dispensary. **Section 18** of this bill applies the exemption from state prosecution for certain crimes relating to marijuana to a person who is listed in the medical marijuana registry. **Sections 19-23** of this bill authorize the Department to issue a letter of registration or letter of approval to a person who is listed in the medical marijuana registry which may be presented to show that the person is exempt from state prosecution for engaging in the medical use of marijuana. **Section 55** of this bill eliminates all existing fees relating to applications for and the issuance or renewal of registry identification cards and letters of approval. **Section 65.5 of this bill provides for certain information of persons who hold a registry identification card or letter of approval issued on or before June 30, 2017, to be entered into the medical marijuana registry maintained by the Department.**

Existing law requires a medical marijuana establishment that wishes to retain as a volunteer or employ or contract with a person to provide labor to the medical marijuana establishment to submit an application to register the person as a medical marijuana establishment agent. (NRS 453A.332) **Section 31** of this bill allows such a person to submit an application for registration as a medical marijuana establishment agent on his or her own behalf. **Section 31** also provides for the temporary registration of a person as a medical marijuana establishment agent upon submission of a complete application for registration or renewal of registration. **Finally, section 31 allows an independent contractor or employee of an independent contractor who is registered as a medical marijuana establishment agent to provide labor to any medical marijuana establishment and any other person who is registered as a medical marijuana establishment agent to work or volunteer at any medical marijuana establishment for which the category of the person's medical marijuana establishment agent card is valid.**

Existing law limits the exemption from state prosecution for the medical use of marijuana to the possession of not more than 2.5 ounces of usable marijuana in a 14-day period, 12 marijuana plants and a quantity of edible marijuana products and marijuana-infused products established by regulation. (NRS 453A.200) Existing law also prohibits a medical marijuana dispensary from selling marijuana in excess of these limits to a person. (NRS 453A.358) **Section 41** of this bill instead: (1) prohibits a medical marijuana dispensary from selling more than 1 ounce of marijuana in a transaction; and (2) prohibits the Department of Taxation from requiring a medical marijuana dispensary to track the purchases of a person or determine whether a person has exceeded the legal limits for possession of marijuana for medical use.

Existing law allows a medical marijuana dispensary to recognize a nonresident card for the purpose of dispensing marijuana for medical use if the nonresident card meets certain requirements that make it the functional equivalent of a registry identification card. Existing law also requires, as of April 1, 2018, a nonresident card to be verified by the use of certain databases. (NRS 453A.364) **Section 43** of this bill instead: (1) ~~[allows a medical marijuana dispensary to recognize a nonresident authorization for the medical use of marijuana;]~~ **deems a nonresident who is authorized to engage in the medical use of marijuana under the laws of his or her state or jurisdiction of residence to be listed in the medical marijuana registry for the purpose of exemption from state prosecution, if the person abides by the legal limits on the possession, delivery and production of marijuana in this State; and** (2) ~~[eliminates the requirement that the nonresident authorization have an expiration date and be unexpired; and (3) allows written documentation from a physician to qualify as such authorization in certain circumstances.]~~ **authorizes a medical marijuana dispensary to dispense marijuana to such a person if the person presents a document which is valid proof of exemption under the laws of the state or jurisdiction of which the person is a resident.** **Section 69** of this bill eliminates the prospective requirement to verify a nonresident authorization by the use of certain databases.

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

Section 1. Chapter 453A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***"Department" means the Department of Taxation.***

Sec. 3. ***"Director" means the Executive Director of the Department of Taxation.***

Sec. 4. ***"Medical marijuana registry" means the registry established pursuant to section 5 of this act.***

Sec. 5. ***1. The Department shall establish and maintain a registry of patients and the designated primary caregivers who are authorized to engage in or assist in the medical use of marijuana.***

2. A person who is at least 18 years of age and wishes to be listed in the medical marijuana registry as a patient must submit to a medical marijuana dispensary:

(a) Valid, written documentation from the person's attending physician stating that:

(1) The person has been diagnosed with a chronic or debilitating medical condition;

(2) The medical use of marijuana may mitigate the symptoms or effects of that condition; and

(3) The attending physician has explained the possible risks and benefits of the medical use of marijuana; and

(b) The name and date of birth of the person.

3. A medical marijuana dispensary may list a person who is less than 18 years of age in the medical marijuana registry only if the custodial parent or legal guardian with responsibility for health care decisions for the person who is less than 18 years of age submits:

(a) Valid, written documentation from the attending physician of the person who is less than 18 years of age stating that:

(1) The person has been diagnosed with a chronic or debilitating medical condition;

(2) The medical use of marijuana may mitigate the symptoms or effects of that condition; and

(3) The attending physician has explained the possible risks and benefits of the medical use of marijuana;

(b) The name and date of birth of the person who is less than 18 years of age;

(c) The name and date of birth of the custodial parent or legal guardian with responsibility for health care decisions for the person who is less than 18 years of age; and

(d) A written statement signed by the custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age setting forth that:

(1) The attending physician of the person under 18 years of age has explained to that person and to the custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age the possible risks and benefits of the medical use of marijuana;

(2) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age consents to the use of marijuana by the person under 18 years of age for medical purposes;

(3) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to serve as the designated primary caregiver for the person under 18 years of age; and

(4) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to control the acquisition of marijuana and the dosage and frequency of use by the person under 18 years of age.

4. Upon submission of the information described in subsection 2 or 3 or NRS 453A.250 to a medical marijuana dispensary, the medical marijuana dispensary shall enter the name and date of birth of the person into the medical marijuana registry.

5. An attending physician who provides the written documentation described in subsection 2 or 3 must indicate on the written documentation that it expires either 1 year or 2 years after the date of issuance. A listing in the medical marijuana registry expires ~~[2 years after]~~ on the date ~~[of receipt of]~~ that the written documentation which was submitted to the medical marijuana dispensary pursuant to subsection 2 or 3 or NRS 453A.250 expires or, for a listing for a designated primary caregiver, on the date of expiration for the listing of the patient for whom the person is a designated primary caregiver. A listing in the medical marijuana registry may be renewed by the submission of new written documentation to a medical marijuana dispensary.

Sec. 6. NRS 453A.010 is hereby amended to read as follows:

453A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 453A.020 to 453A.170, inclusive, ***and sections 2, 3 and 4 of this act*** have the meanings ascribed to them in those sections.

Sec. 7. NRS 453A.050 is hereby amended to read as follows:

453A.050 "Chronic or debilitating medical condition" means:

1. Acquired immune deficiency syndrome;
2. Cancer;
3. Glaucoma;
4. A medical condition or treatment for a medical condition that produces, for a specific patient, one or more of the following:

(a) Cachexia;

(b) Persistent muscle spasms, including, without limitation, spasms caused by multiple sclerosis;

(c) Seizures, including, without limitation, seizures caused by epilepsy;

(d) Severe nausea; or

(e) Severe pain; or

5. Any other medical condition or treatment for a medical condition that is:

(a) Classified as a chronic or debilitating medical condition by regulation of the ~~[~~Division;~~]~~ ***Department;*** or

(b) Approved as a chronic or debilitating medical condition pursuant to a petition submitted in accordance with NRS 453A.710.

Sec. 8. NRS 453A.056 is hereby amended to read as follows:

453A.056 "Cultivation facility" means a business that:

1. Is registered with the ~~[~~Division~~]~~ ***Department*** pursuant to NRS 453A.322; and

2. Acquires, possesses, cultivates, delivers, transfers, transports, supplies or sells marijuana and related supplies to:

(a) Medical marijuana dispensaries;

(b) Facilities for the production of edible marijuana products or marijuana-infused products; or

(c) Other cultivation facilities.

Sec. 9. NRS 453A.102 is hereby amended to read as follows:

453A.102 "Electronic verification system" means an electronic database that:

1. Keeps track of data in real time; and

2. Is accessible by the ~~[~~Division~~]~~ ***Department*** and by registered medical marijuana establishments.

Sec. 10. NRS 453A.103 is hereby amended to read as follows:

453A.103 "Enclosed, locked facility" means a closet, display case, room, greenhouse or other enclosed area that meets the requirements of NRS 453A.362 and is equipped with locks or other security devices which allow access only by a medical marijuana establishment agent and ~~[~~the holder of a valid registry identification card.~~]~~ ***a person who is listed in the medical marijuana registry.***

Sec. 11. NRS 453A.105 is hereby amended to read as follows:

453A.105 "Facility for the production of edible marijuana products or marijuana-infused products" means a business that:

1. Is registered with the ~~[~~Division~~]~~ ***Department*** pursuant to NRS 453A.322; and

2. Acquires, possesses, manufactures, delivers, transfers, transports, supplies or sells edible marijuana products or marijuana-infused products to medical marijuana dispensaries.

Sec. 12. NRS 453A.109 is hereby amended to read as follows:

453A.109 "Letter of approval" means a document issued by the ~~[~~Division~~]~~ ***Department or its designee*** to an applicant who is under 10 years of age pursuant to NRS 453A.220 which provides that the applicant is exempt from state prosecution for engaging in the medical use of marijuana.

Sec. 13. NRS 453A.115 is hereby amended to read as follows:

453A.115 "Medical marijuana dispensary" means a business that:

1. Is registered with the ~~[~~Division~~]~~ ***Department*** pursuant to NRS 453A.322; and

2. Acquires, possesses, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to ~~[~~the holder of a valid registry identification card.~~]~~ ***a person who is listed in the medical marijuana registry or to another medical marijuana dispensary.***

Sec. 14. NRS 453A.118 is hereby amended to read as follows:

453A.118 "Medical marijuana establishment agent registration card" means a registration card that is issued by the ~~[~~Division~~]~~ ***Department***

pursuant to NRS 453A.332 to authorize a person to volunteer or work at a medical marijuana establishment.

Sec. 15. NRS 453A.119 is hereby amended to read as follows:

453A.119 "Medical marijuana establishment registration certificate" means a registration certificate that is issued by the ~~[~~Division~~]~~ ***Department*** pursuant to NRS 453A.322 to authorize the operation of a medical marijuana establishment.

Sec. 16. NRS 453A.140 is hereby amended to read as follows:

453A.140 ~~[~~"Registry identification card"~~]~~ ***"Letter of registration"*** means a document issued by the ~~[~~Division~~]~~ ***Department*** or its designee ***pursuant to NRS 453A.220*** that identifies:

1. A person who is exempt from state prosecution for engaging in the medical use of marijuana; or

2. The designated primary caregiver, if any, of a person described in subsection 1.

Sec. 17. NRS 453A.170 is hereby amended to read as follows:

453A.170 ***1.*** "Written documentation" means:

~~[~~1.~~]~~ ***(a)*** A statement signed by the attending physician of a person diagnosed with a chronic or debilitating medical condition; or

~~[~~2.~~]~~ ***(b)*** Copies of the relevant medical records of a person diagnosed with a chronic or debilitating medical condition.

2. The term includes such documentation which is submitted electronically to a medical marijuana dispensary.

Sec. 18. NRS 453A.200 is hereby amended to read as follows:

453A.200 1. Except as otherwise provided in this section ***,*** ~~[~~and NRS 453A.300,~~]~~ a person who ~~[~~holds a valid registry identification card issued to the person pursuant to NRS 453A.220 or 453A.250~~]~~ ***is listed in the medical marijuana registry*** is exempt from state prosecution for:

(a) Possession, delivery or production of marijuana;

(b) Possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of marijuana;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.

2. In addition to the provisions of subsections 1 and 5, no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the medical use of marijuana in accordance with the provisions of this chapter.

3. The exemption from state prosecution set forth in subsection 1 applies only to the extent that a person who ~~[~~holds a registry identification card

~~issued to the person pursuant to paragraph (a) of subsection 1 of NRS 453A.220 and the designated primary caregiver, if any, of such a person:~~ ***is listed in the medical marijuana registry:***

(a) ~~[~~Engage~~]~~ ***Engages*** in or ~~[~~assist~~]~~ ***assists*** in, as applicable, the medical use of marijuana in accordance with the provisions of this chapter as justified to mitigate the symptoms or effects of a person's chronic or debilitating medical condition; and

(b) ~~[~~Do~~]~~ ***Does*** not, at any one time, collectively possess with another who is authorized to possess, deliver or produce more than:

(1) Two and one-half ounces of usable marijuana ***;*** ~~[~~in any one 14-day period;~~]~~

(2) Twelve marijuana plants, irrespective of whether the marijuana plants are mature or immature; and

(3) A maximum allowable quantity of edible marijuana products and marijuana-infused products as established by regulation of the ~~[~~Division.~~]~~ ***Department.***

➥ The persons described in this subsection must ensure that the usable marijuana and marijuana plants described in this subsection are safeguarded in an enclosed, secure location.

4. If the persons described in subsection 3 possess, deliver or produce marijuana in an amount which exceeds the amount described in paragraph (b) of that subsection, those persons:

(a) Are not exempt from state prosecution for possession, delivery or production of marijuana.

(b) May establish an affirmative defense to charges of possession, delivery or production of marijuana, or any combination of those acts, in the manner set forth in NRS 453A.310.

5. A person who holds a valid medical marijuana establishment registration certificate issued to the person pursuant to NRS 453A.322 or a valid medical marijuana establishment agent registration card issued to the person pursuant to NRS 453A.332, and who confines his or her activities to those authorized by NRS 453A.320 to 453A.370, inclusive, and the regulations adopted by the ~~[~~Division~~]~~ ***Department*** pursuant thereto, is exempt from state prosecution for:

(a) Possession, delivery or production of marijuana;

(b) Possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of marijuana;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.

6. Notwithstanding any other provision of law and except as otherwise provided in this subsection, after a medical marijuana dispensary opens in the county of residence of a person who ~~[holds a registry identification card, including, without limitation, a designated primary caregiver,]~~ ***is listed in the medical marijuana registry,*** such a person is not authorized to cultivate, grow or produce marijuana. The provisions of this subsection do not apply if:

(a) The person who ~~[holds the registry identification card]~~ ***is listed in the medical marijuana registry*** was cultivating, growing or producing marijuana in accordance with this chapter on or before July 1, 2013;

(b) All the medical marijuana dispensaries in the county of residence of the person who ~~[holds the registry identification card]~~ ***is listed in the medical marijuana registry*** close or are unable to supply the quantity or strain of marijuana necessary for the medical use of the person to treat his or her specific medical condition;

(c) Because of illness or lack of transportation, the person who ~~[holds the registry identification card]~~ ***is listed in the medical marijuana registry*** is unable reasonably to travel to a medical marijuana dispensary; or

(d) No medical marijuana dispensary was operating within 25 miles of the residence of the person who ~~[holds the registry identification card]~~ ***is listed in the medical marijuana registry*** at the time the person first ~~[applied for his or her registry identification card.]~~ ***was listed in the medical marijuana registry.***

7. As used in this section, "marijuana" includes, without limitation, edible marijuana products and marijuana-infused products.

Sec. 19. NRS 453A.210 is hereby amended to read as follows:

453A.210 1. The ~~[Division]~~ ***Department*** shall establish and maintain a program for the issuance of ~~[registry identification cards]~~ ***letters of registration*** and letters of approval to persons who ~~[meet the requirements of this section.]~~ ***are listed in the medical marijuana registry.***

2. Except as otherwise provided in subsections 3 and ~~[5]~~ ***4*** and NRS 453A.225, the ~~[Division]~~ ***Department*** or its designee shall issue a ~~[registry identification card]~~ ***letter of registration upon request*** to a person who is ~~[a resident of this State]~~ ***listed in the medical marijuana registry*** and who submits an application ~~[on]~~ ***in*** a form prescribed by the ~~[Division accompanied by the following:~~

~~(a) Valid, written documentation from the person's attending physician stating that:~~

~~(1) The person has been diagnosed with a chronic or debilitating medical condition;~~

~~(2) The medical use of marijuana may mitigate the symptoms or effects of that condition; and~~

~~(3) The attending physician has explained the possible risks and benefits of the medical use of marijuana;~~

~~(b) The name, address, telephone number, social security number and date of birth of the person;~~

~~(c) Proof satisfactory to the Division that the person is a resident of this State;~~

~~(d) The name, address and telephone number of the person's attending physician;~~

~~(e) If the person elects to designate a primary caregiver at the time of application:~~

~~(1) The name, address, telephone number and social security number of the designated primary caregiver; and~~

~~(2) A written, signed statement from the person's attending physician in which the attending physician approves of the designation of the primary caregiver; and~~

~~(f) If the person elects to designate a medical marijuana dispensary at the time of application, the name of the medical marijuana dispensary.~~**]** ***Department.***

3. The **[**~~Division~~**]** ***Department*** or its designee shall issue a **[**~~registry identification card~~**]** ***letter of registration*** to a person who is at least 10 years of age but less than 18 years of age or a letter of approval to a person who is less than 10 years of age if:

(a) ***The person is listed in the medical marijuana registry;***

(b) The person submits the **[**~~materials~~**]** ***application*** required pursuant to subsection 2; and

[~~(b)~~**]** ***(c)*** The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age signs a written statement setting forth that:

(1) The attending physician of the person under 18 years of age has explained to that person and to the custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age the possible risks and benefits of the medical use of marijuana;

(2) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age consents to the use of marijuana by the person under 18 years of age for medical purposes;

(3) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to serve as the designated primary caregiver for the person under 18 years of age; and

(4) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to control the acquisition of marijuana and the dosage and frequency of use by the person under 18 years of age.

4. **[**~~The form prescribed by the Division to be used by a person applying for a registry identification card or letter of approval pursuant to this section must be a form that is in quintuplicate.~~**]** Upon receipt of an application that is completed and submitted pursuant to this section, the **[**~~Division~~**]** ***Department*** shall **[**~~:~~

~~(a) Record on the application the date on which it was received;~~

~~(b) Retain one copy of the application for the records of the Division; and~~

~~(c) Distribute the other four copies of the application in the following manner:~~

~~(1) One copy to the person who submitted the application;~~

~~(2) One copy to the applicant's designated primary caregiver, if any;~~

~~(3) One copy to the Central Repository for Nevada Records of Criminal History; and~~

~~(4) One copy to:~~

~~(I) If the attending physician of the applicant is licensed to practice medicine pursuant to the provisions of chapter 630 of NRS, the Board of Medical Examiners; or~~

~~(II) If the attending physician of the applicant is licensed to practice osteopathic medicine pursuant to the provisions of chapter 633 of NRS, the State Board of Osteopathic Medicine.~~

~~➥ The Central Repository for Nevada Records of Criminal History shall report to the Division its findings as to the criminal history, if any, of an applicant within 15 days after receiving a copy of an application pursuant to subparagraph (3) of paragraph (c). The Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable, shall report to the Division its findings as to the licensure and standing of the applicant's attending physician within 15 days after receiving a copy of an application pursuant to subparagraph (4) of paragraph (c).~~

~~5. The Division shall verify the information contained in an application submitted pursuant to this section~~**]** ***verify whether the applicant is listed in the medical marijuana registry*** and shall approve or deny **[**~~an~~**]** ***the*** application within 30 days after receiving the application. The **[**~~Division may contact an applicant, the applicant's attending physician and designated primary caregiver, if any, by telephone to determine that the information provided on or accompanying the application is accurate. The Division~~**]** ***Department*** may deny an application only on the following grounds:

(a) The **[**~~applicant failed to provide the information required pursuant to subsections 2 and 3 to:~~

~~(1) Establish the applicant's chronic or debilitating medical condition; or~~

~~(2) Document the applicant's consultation with an attending physician regarding the medical use of marijuana in connection with that condition;~~

~~(b) The applicant failed to comply with regulations adopted by the Division, including, without limitation, the regulations adopted by the Administrator pursuant to NRS 453A.740;~~

~~(c) The Division determines that the information provided by the applicant was falsified;~~

~~(d) The Division determines that the attending physician of the applicant is not licensed to practice medicine or osteopathic medicine in this State or is not in good standing, as reported by the Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable;~~

~~(e) The Division determines that the applicant, or the applicant's designated primary caregiver, if applicable, has been convicted of knowingly or intentionally selling a controlled substance;~~

~~(f) The Division~~**]** ***Department*** has prohibited the applicant from **[**~~obtaining or using a registry identification card or letter of approval~~**]** ***being listed in the medical marijuana registry*** pursuant to subsection 2 of NRS 453A.300;

[~~(g) The Division determines that the applicant, or the applicant's designated primary caregiver, if applicable, has had a registry identification card or letter of approval revoked pursuant to NRS 453A.225;~~**]**

(b) The Department determines that the applicant is not listed in the medical marijuana registry; or

[~~(h)~~**]** ***(c)*** In the case of a person under 18 years of age, the custodial parent or legal guardian with responsibility for health care decisions for the person has not signed the written statement required pursuant to paragraph **[**~~(b)~~**]** ***(c)*** of subsection 3.

[~~6.~~**]** ***5.*** The decision of the **[**~~Division~~**]** ***Department*** to deny an application for a **[**~~registry identification card~~**]** ***letter of registration*** or letter of approval is a final decision for the purposes of judicial review. Only the person whose application has been denied or, in the case of a person under 18 years of age whose application has been denied, the person's parent or legal guardian, has standing to contest the determination of the **[**~~Division.~~**]** ***Department.*** A judicial review authorized pursuant to this subsection must be limited to a determination of whether the denial was arbitrary, capricious or otherwise characterized by an abuse of discretion and must be conducted in accordance with the procedures set forth in chapter 233B of NRS for reviewing a final decision of an agency.

[~~7.~~**]** ***6.*** A person whose application has been denied may not reapply for 6 months after the date of the denial, unless the **[**~~Division~~**]** ***Department*** or a court of competent jurisdiction authorizes reapplication in a shorter time.

[~~8. Except as otherwise provided in this subsection, if a person has applied for a registry identification card or letter of approval pursuant to this section and the Division has not yet approved or denied the application, the person, and the person's designated primary caregiver, if any, shall be deemed to hold a registry identification card or letter of approval upon the presentation to a law enforcement officer of the copy of the application provided to him or her pursuant to subsection 4.~~

~~9. As used in this section, "resident" has the meaning ascribed to it in NRS 483.141.~~**]**

Sec. 20. NRS 453A.220 is hereby amended to read as follows:

453A.220 1. If the **[**~~Division~~**]** ***Department*** approves an application pursuant to subsection **[**~~5~~**]** ***4*** of NRS 453A.210, the **[**~~Division~~**]** ***Department*** or its designee shall, as soon as practicable after the **[**~~Division~~**]** ***Department*** approves the application **[**~~:~~

~~(a) Issue~~**]** ***, issue*** a ***letter of registration or*** letter of approval ***,*** **[**~~or serially numbered registry identification card,~~**]** as applicable, to the applicant ***.*** **[**~~; and~~

~~(b) If the applicant has designated a primary caregiver, issue a serially numbered registry identification card to the designated primary caregiver.~~]

2. A [~~registry identification card~~] ***letter of registration*** issued pursuant to [~~paragraph (a) of~~] subsection 1 must set forth:

(a) The name [~~, address, photograph~~] and date of birth of the applicant;

(b) The date of issuance [~~and date of expiration~~] of the [~~registry identification card;~~] ***letter of registration and the date of expiration of the applicant's listing in the medical marijuana registry;***

(c) The name and [~~address~~] ***date of birth*** of the applicant's designated primary caregiver [~~, if any;~~] ***or the name and date of birth of the person for whom the applicant is a designated primary caregiver, as applicable;***

(d) The name of the [~~applicant's designated~~] medical marijuana dispensary [~~, if any;~~] ***that listed the applicant in the medical marijuana registry;***

(e) Whether the applicant is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.200; and

(f) Any other information prescribed by regulation of the [~~Division.~~] ***Department.***

3. A letter of approval issued pursuant to [~~paragraph (a) of~~] subsection 1 must set forth:

(a) The name [~~, address~~] and date of birth of the applicant;

(b) The date of issuance [~~and date of expiration~~] of the [~~registry identification card of the designated primary caregiver;~~] ***letter of approval and the date of expiration of the applicant's listing in the medical marijuana registry;***

(c) The name and [~~address~~] ***date of birth*** of the applicant's designated primary caregiver;

(d) The name of the [~~applicant's designated~~] medical marijuana dispensary [~~, if any;~~] ***that listed the applicant in the medical marijuana registry;*** and

(e) Any other information prescribed by regulation of the [~~Division.~~] ***Department.***

4. [~~A registry identification card issued pursuant to paragraph (b) of subsection 1 must set forth:~~

~~(a) The name, address and photograph of the designated primary caregiver;~~

~~(b) The date of issuance and date of expiration of the registry identification card;~~

~~(c) The name and address of the applicant for whom the person is the designated primary caregiver;~~

~~(d) The name of the designated primary caregiver's designated medical marijuana dispensary, if any;~~

~~(e) Whether the designated primary caregiver is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.200; and~~

~~(f) Any other information prescribed by regulation of the Division.~~

~~5.~~ Except as otherwise provided in ~~[~~NRS 453A.225, subsection 3 of~~]~~ NRS 453A.230 ~~[~~and subsection 2 of NRS 453A.300, a registry identification card~~]~~ ***, a letter of registration*** or letter of approval issued pursuant to this section ~~[~~is valid for a period of 1 year and may be renewed in accordance with regulations adopted by the Division.~~]~~ ***expires on the date on which the applicant's listing in the medical marijuana registry expires.***

Sec. 21. NRS 453A.225 is hereby amended to read as follows:

453A.225 1. If, at any time after the ~~[~~Division~~]~~ ***Department*** or its designee has issued a ~~[~~registry identification card~~]~~ ***letter of registration*** or letter of approval to a person pursuant to ~~[~~paragraph (a) of~~]~~ subsection 1 of NRS 453A.220, the ~~[~~Division~~]~~ ***Department*** determines, on the basis of official documents or records or other credible evidence, that the person ~~[~~:

~~(a) Provided falsified information on his or her application to the Division or its designee, as described in paragraph (c) of subsection 5 of NRS 453A.210; or~~

~~(b) Has been convicted of knowingly or intentionally selling a controlled substance, as described in paragraph (c) of subsection 5 of NRS 453A.210,~~

~~→~~~~]~~ ***is not listed in the medical marijuana registry,*** the ~~[~~Division~~]~~ ***Department*** shall immediately revoke the ~~[~~registry identification card~~]~~ ***letter of registration*** or letter of approval issued to that person ***.*** ~~[~~and shall immediately revoke the registry identification card issued to that person's designated primary caregiver, if any.

~~2. If, at any time after the Division or its designee has issued a registry identification card to a person pursuant to paragraph (b) of subsection 1 of NRS 453A.220 or pursuant to NRS 453A.250, the Division determines, on the basis of official documents or records or other credible evidence, that the person has been convicted of knowingly or intentionally selling a controlled substance, as described in paragraph (c) of subsection 5 of NRS 453A.210, the Division shall immediately revoke the registry identification card issued to that person.~~

~~3.~~~~]~~ ***2.*** Upon the revocation of a ~~[~~registry identification card~~]~~ ***letter of registration*** or letter of approval pursuant to this section:

(a) The ~~[~~Division~~]~~ ***Department*** shall send, by certified mail, return receipt requested, notice to the person whose ~~[~~registry identification card~~]~~ ***letter of registration*** or letter of approval has been revoked, advising the person of the requirements of paragraph (b); and

(b) The person shall return his or her ~~[~~registry identification card~~]~~ ***letter of registration*** or letter of approval to the ~~[~~Division~~]~~ ***Department*** within 7 days after receiving the notice sent pursuant to paragraph (a).

~~[4.]~~ ***3.*** The decision of the ~~[~~Division~~]~~ ***Department*** to revoke a ~~[~~registry identification card~~]~~ ***letter of registration*** or letter of approval pursuant to this section is a final decision for the purposes of judicial review.

~~[5.]~~ ***4.*** A person whose ~~[~~registry identification card~~]~~ ***letter of registration*** or letter of approval has been revoked pursuant to this section may not reapply for a ~~[~~registry identification card~~]~~ ***letter of registration*** or letter of

approval pursuant to NRS 453A.210 for 12 months after the date of the revocation, unless the ~~[~~Division~~]~~ ***Department*** or a court of competent jurisdiction authorizes reapplication in a shorter time.

Sec. 22. NRS 453A.230 is hereby amended to read as follows:

453A.230 1. A person to whom the ~~[~~Division~~]~~ ***Department*** or its designee has issued a ~~[~~registry identification card~~]~~ ***letter of registration*** or letter of approval pursuant to ~~[~~paragraph (a) of~~]~~ subsection 1 of NRS 453A.220 shall, in accordance with regulations adopted by the ~~[~~Division:

~~(a) Notify~~] ***Department, notify*** the ~~[~~Division~~]~~ ***Department*** of any change in the person's name, ~~[~~address, telephone number, designated medical marijuana dispensary, attending physician~~]~~ ***registration with the medical marijuana registry*** or designated primary caregiver, if any **.** ~~[~~; and

~~(b) Submit annually to the Division:~~

~~(1) Updated written documentation from the person's attending physician in which the attending physician sets forth that:~~

~~(I) The person continues to suffer from a chronic or debilitating medical condition;~~

~~(II) The medical use of marijuana may mitigate the symptoms or effects of that condition; and~~

~~(III) The attending physician has explained to the person the possible risks and benefits of the medical use of marijuana; and~~

~~(2) If the person elects to designate a primary caregiver for the subsequent year and the primary caregiver so designated was not the person's designated primary caregiver during the previous year:~~

~~(I) The name, address, telephone number and social security number of the designated primary caregiver; and~~

~~(II) A written, signed statement from the person's attending physician in which the attending physician approves of the designation of the primary caregiver.~~

~~2. A person to whom the Division or its designee has issued a registry identification card pursuant to paragraph (b) of subsection 1 of NRS 453A.220 or pursuant to NRS 453A.250 shall, in accordance with regulations adopted by the Division, notify the Division of any change in the person's name, address, telephone number, designated medical marijuana dispensary or the identity of the person for whom he or she acts as designated primary caregiver.~~

~~3.~~] ***2.*** If a person fails to comply with the provisions of subsection 1 ~~[~~or 2, the registry identification card~~]~~ ***, the letter of registration*** or letter of approval issued to the person shall be deemed expired. If the ~~[~~registry identification card~~]~~ ***letter of registration*** or letter of approval of a person to whom the ~~[~~Division~~]~~ ***Department*** or its designee issued the ~~[~~card or~~]~~ letter pursuant to ~~[~~paragraph (a) of~~]~~ subsection 1 of NRS 453A.220 is deemed expired pursuant to this subsection, a ~~[~~registry identification card~~]~~ ***letter of registration*** issued to the person's designated primary caregiver, if any, shall also be deemed expired. Upon the deemed expiration of a ~~[~~registry

~~identification card~~] ***letter of registration*** or letter of approval pursuant to this subsection:

(a) The ~~[Division]~~ ***Department*** shall send, by certified mail, return receipt requested, notice to the person whose ~~[registry identification card]~~ ***letter of registration*** or letter of approval has been deemed expired, advising the person of the requirements of paragraph (b); and

(b) The person shall return his or her ~~[registry identification card]~~ ***letter of registration*** or letter of approval to the ~~[Division]~~ ***Department*** within 7 days after receiving the notice sent pursuant to paragraph (a).

Sec. 23. NRS 453A.240 is hereby amended to read as follows:

453A.240 If a person to whom the ~~[Division]~~ ***Department*** or its designee has issued a ~~[registry identification card]~~ ***letter of registration*** or letter of approval pursuant to ~~[paragraph (a) of]~~ subsection 1 of NRS 453A.220 is ~~[diagnosed by the person's attending physician as]~~ no longer ~~[having a chronic or debilitating medical condition,]~~ ***listed in the medical marijuana registry,*** the person shall return his or her ~~[registry identification card]~~ ***letter of registration*** or letter of approval and his or her designated primary caregiver, if any, shall return his or her ~~[registry identification card]~~ ***letter of registration*** to the ~~[Division]~~ ***Department*** within 7 days after ~~[notification of the diagnosis.]~~ ***the expiration of the listing.***

Sec. 24. NRS 453A.250 is hereby amended to read as follows:

453A.250 1. If a person who ~~[applies to the Division for a registry identification card or letter of approval or to whom the Division or its designee has issued a registry identification card or letter of approval pursuant to paragraph (a) of subsection 1 of NRS 453A.220]~~ ***is listed in the medical marijuana registry*** desires or is required to designate a primary caregiver, the person must:

(a) To designate a primary caregiver at the time ~~[of application,]~~ ***the person is listed in the medical marijuana registry,*** submit to the ~~[Division the information required pursuant to paragraph (e) of subsection 2 of NRS 453A.210;]~~ ***medical marijuana dispensary the name and date of birth of the designated primary caregiver;*** or

(b) To designate a primary caregiver after ~~[the Division or its designee has issued a registry identification card or letter of approval to]~~ the person ~~[,]~~ ***is listed in the medical marijuana registry,*** submit to ~~[the Division the information required pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 453A.230.]~~ ***a medical marijuana dispensary the name and date of birth of the designated primary caregiver.***

2. A person may have only one designated primary caregiver at any one time.

3. ~~[If a person designates a primary caregiver after the time that the person initially applies for a registry identification card or letter of approval, the Division or its designee shall, except as otherwise provided in subsection 5 of NRS 453A.210, issue a registry identification card to the designated primary caregiver as soon as practicable after receiving the information~~

~~submitted pursuant to paragraph (b) of subsection 1.~~] ***A person who is the parent or legal guardian of one or more children who are listed in the medical marijuana registry may be the designated primary caregiver for each such child regardless of whether the person is also listed in the medical marijuana registry as a patient.***

Sec. 25. NRS 453A.300 is hereby amended to read as follows:

453A.300 1. A person who [~~holds a registry identification card or letter of approval issued to him or her pursuant to NRS 453A.220 or 453A.250~~] ***is listed in the medical marijuana registry*** is not exempt from state prosecution for, nor may the person establish an affirmative defense to charges arising from, any of the following acts:

(a) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of marijuana.

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420, 488.425 or 493.130.

(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257.

(d) Possessing marijuana in violation of NRS 453.336 or possessing paraphernalia in violation of NRS 453.560 or 453.566:

(1) If the possession of the marijuana or paraphernalia is discovered because the person engaged or assisted in the medical use of marijuana in:

(I) Any public place or in any place open to the public or exposed to public view; or

(II) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders; or

(2) If the possession of the marijuana or paraphernalia occurs on school property.

(e) Delivering marijuana to another person who he or she knows [~~does not lawfully hold a registry identification card or letter of approval issued by the Division or its designee pursuant to NRS 453A.220 or 453A.250.~~] ***is not listed in the medical marijuana registry.***

(f) Delivering marijuana for consideration to any person, regardless of whether the recipient [~~lawfully holds a registry identification card or letter of approval issued by the Division or its designee pursuant to NRS 453A.220 or 453A.250.~~] ***is listed in the medical marijuana registry.***

2. Except as otherwise provided in NRS 453A.225 and in addition to any other penalty provided by law, if the [~~Division~~] ***Department*** determines that a person has willfully violated a provision of this chapter or any regulation adopted by the [~~Division~~] ***Department*** to carry out the provisions of this chapter, the [~~Division~~] ***Department*** may, at its own discretion, prohibit the person from [~~obtaining or using a registry identification card or letter of approval~~] ***being listed in the medical marijuana registry*** for a period of up to 6 months.

3. As used in this section, "school property" means the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

Sec. 26. NRS 453A.310 is hereby amended to read as follows:

453A.310 1. Except as otherwise provided in this section and NRS 453A.300, it is an affirmative defense to a criminal charge of possession, delivery or production of marijuana, or any other criminal offense in which possession, delivery or production of marijuana is an element, that the person charged with the offense:

(a) Is a person who:

(1) Has been diagnosed with a chronic or debilitating medical condition within the 12-month period preceding his or her arrest and has been advised by his or her attending physician that the medical use of marijuana may mitigate the symptoms or effects of that chronic or debilitating medical condition;

(2) Is engaged in the medical use of marijuana; and

(3) Possesses, delivers or produces marijuana only in the amount described in paragraph (b) of subsection 3 of NRS 453A.200 or in excess of that amount if the person proves by a preponderance of the evidence that the greater amount is medically necessary as determined by the person's attending physician to mitigate the symptoms or effects of the person's chronic or debilitating medical condition; or

(b) Is a person who:

(1) Is assisting a person described in paragraph (a) in the medical use of marijuana; and

(2) Possesses, delivers or produces marijuana only in the amount described in paragraph (b) of subsection 3 of NRS 453A.200 or in excess of that amount if the person proves by a preponderance of the evidence that the greater amount is medically necessary as determined by the assisted person's attending physician to mitigate the symptoms or effects of the assisted person's chronic or debilitating medical condition.

2. A person need not hold a ~~[registry identification card]~~ ***letter of registration*** or letter of approval issued to the person by the ~~[Division]~~ ***Department*** or its designee pursuant to NRS 453A.220 ~~[or 453A.250]~~ to assert an affirmative defense described in this section.

3. Except as otherwise provided in this section and in addition to the affirmative defense described in subsection 1, a person engaged or assisting in the medical use of marijuana who is charged with a crime pertaining to the medical use of marijuana is not precluded from:

(a) Asserting a defense of medical necessity; or

(b) Presenting evidence supporting the necessity of marijuana for treatment of a specific disease or medical condition,

➥ if the amount of marijuana at issue is not greater than the amount described in paragraph (b) of subsection 3 of NRS 453A.200 and the person has taken steps to comply substantially with the provisions of this chapter.

4. A defendant who intends to offer an affirmative defense described in this section shall, not less than 5 days before trial or at such other time as the court directs, file and serve upon the prosecuting attorney a written notice of the defendant's intent to claim the affirmative defense. The written notice must:

(a) State specifically why the defendant believes he or she is entitled to assert the affirmative defense; and

(b) Set forth the factual basis for the affirmative defense.

➥ A defendant who fails to provide notice of his or her intent to claim an affirmative defense as required pursuant to this subsection may not assert the affirmative defense at trial unless the court, for good cause shown, orders otherwise.

Sec. 27. NRS 453A.322 is hereby amended to read as follows:

453A.322 1. Each medical marijuana establishment must register with the ~~[~~Division.~~]~~ ***Department.***

2. A person who wishes to operate a medical marijuana establishment must submit to the ~~[~~Division~~]~~ ***Department*** an application on a form prescribed by the ~~[~~Division.~~]~~ ***Department.***

3. Except as otherwise provided in NRS 453A.324, 453A.326, 453A.328 and 453A.340, not later than 90 days after receiving an application to operate a medical marijuana establishment, the ~~[~~Division~~]~~ ***Department*** shall register the medical marijuana establishment and issue a medical marijuana establishment registration certificate and a random 20-digit alphanumeric identification number if:

(a) The person who wishes to operate the proposed medical marijuana establishment has submitted to the ~~[~~Division~~]~~ ***Department*** all of the following:

(1) The application fee, as set forth in NRS 453A.344;

(2) An application, which must include:

(I) The legal name of the proposed medical marijuana establishment;

(II) The physical address where the proposed medical marijuana establishment will be located and the physical address of any co-owned additional or otherwise associated medical marijuana establishments, the locations of which may not be within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed medical marijuana establishment was submitted to the ~~[~~Division,~~]~~ ***Department,*** or within 300 feet of a community facility that existed on the date on which the application for the proposed medical marijuana establishment was submitted to the ~~[~~Division;~~]~~ ***Department;***

(III) Evidence that the applicant controls not less than $250,000 in liquid assets to cover the initial expenses of opening the proposed medical marijuana establishment and complying with the provisions of NRS 453A.320 to 453A.370, inclusive;

(IV) Evidence that the applicant owns the property on which the proposed medical marijuana establishment will be located or has the written permission of the property owner to operate the proposed medical marijuana establishment on that property;

(V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed medical marijuana establishment, a complete set of the person's fingerprints and written permission of the person authorizing the ~~[~~Division~~]~~ ***Department*** to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed medical marijuana establishment; and

(VII) The name, address and date of birth of each person who is proposed to be employed by or otherwise provide labor at the proposed medical marijuana establishment as a medical marijuana establishment agent;

(3) Operating procedures consistent with rules of the ~~[~~Division~~]~~ ***Department*** for oversight of the proposed medical marijuana establishment, including, without limitation:

(I) Procedures to ensure the use of adequate security measures; and

(II) The use of an electronic verification system and an inventory control system, pursuant to NRS 453A.354 and 453A.356;

(4) If the proposed medical marijuana establishment will sell or deliver edible marijuana products or marijuana-infused products, proposed operating procedures for handling such products which must be preapproved by the ~~[~~Division;~~]~~ ***Department;***

(5) If the city, town or county in which the proposed medical marijuana establishment will be located has enacted zoning restrictions, proof of licensure with the applicable local governmental authority or a letter from the applicable local governmental authority certifying that the proposed medical marijuana establishment is in compliance with those restrictions and satisfies all applicable building requirements; and

(6) Such other information as the ~~[~~Division~~]~~ ***Department*** may require by regulation;

(b) None of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment have been convicted of an excluded felony offense;

(c) None of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment have:

(1) Served as an owner, officer or board member for a medical marijuana establishment that has had its medical marijuana establishment registration certificate revoked; or

(2) Previously had a medical marijuana establishment agent registration card revoked; and

(d) None of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed medical marijuana establishment, the ~~[~~Division~~]~~ ***Department*** shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in subsection 6, if an application for registration as a medical marijuana establishment satisfies the requirements of this section and the establishment is not disqualified from being registered as a medical marijuana establishment pursuant to this section or other applicable law, the ~~[~~Division~~]~~ ***Department*** shall issue to the establishment a medical marijuana establishment registration certificate. A medical marijuana establishment registration certificate expires 1 year after the date of issuance and may be renewed upon:

(a) Resubmission of the information set forth in this section; and

(b) Payment of the renewal fee set forth in NRS 453A.344.

6. In determining whether to issue a medical marijuana establishment registration certificate pursuant to this section, the ~~[~~Division~~]~~ ***Department*** shall consider the criteria of merit set forth in NRS 453A.328.

7. As used in this section, "community facility" means:

(a) A facility that provides day care to children.

(b) A public park.

(c) A playground.

(d) A public swimming pool.

(e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.

(f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

Sec. 28. NRS 453A.324 is hereby amended to read as follows:

453A.324 1. Except as otherwise provided in this section and NRS 453A.326, the ~~[~~Division~~]~~ ***Department*** shall issue medical marijuana establishment registration certificates for medical marijuana dispensaries in the following quantities for applicants who qualify pursuant to NRS 453A.322:

(a) In a county whose population is 700,000 or more, 40 certificates;

(b) In a county whose population is 100,000 or more but less than 700,000, ten certificates;

(c) In a county whose population is 55,000 or more but less than 100,000, two certificates; and

(d) In each other county, one certificate.

2. Notwithstanding the provisions of subsection 1, the ~~[~~Division:~~]~~ ***Department:***

(a) Shall not issue medical marijuana establishment registration certificates for medical marijuana dispensaries in such a quantity as to cause the existence within the applicable county of more than one medical marijuana dispensary for every ten pharmacies that have been licensed in the county pursuant to chapter 639 of NRS. The ~~[Division]~~ ***Department*** may issue medical marijuana establishment registration certificates for medical marijuana dispensaries in excess of the ratio otherwise allowed pursuant to this paragraph if to do so is necessary to ensure that the ~~[Division]~~ ***Department*** issues at least one medical marijuana establishment registration certificate in each county of this State in which the ~~[Division]~~ ***Department*** has approved an application for such an establishment to operate.

(b) Shall, for any county for which no applicants qualify pursuant to NRS 453A.322, within 2 months after the end of the period during which the ~~[Division]~~ ***Department*** accepts applications pursuant to subsection 4, reallocate the certificates provided for that county pursuant to subsection 1 to the other counties specified in subsection 1 in the same proportion as provided in subsection 1.

3. With respect to medical marijuana establishments that are not medical marijuana dispensaries, the ~~[Division]~~ ***Department*** shall determine the appropriate number of such establishments as are necessary to serve and supply the medical marijuana dispensaries to which the ~~[Division]~~ ***Department*** has granted medical marijuana establishment registration certificates.

4. The ~~[Division]~~ ***Department*** shall not, for more than a total of 10 business days in any 1 calendar year, accept applications to operate medical marijuana establishments.

Sec. 29. NRS 453A.326 is hereby amended to read as follows:

453A.326 1. Except as otherwise provided in this subsection, in a county whose population is 100,000 or more, the ~~[Division]~~ ***Department*** shall ensure that not more than 25 percent of the total number of medical marijuana dispensaries that may be certified in the county, as set forth in NRS 453A.324, are located in any one local governmental jurisdiction within the county. The board of county commissioners of the county may increase the percentage described in this subsection if it determines that to do so is necessary to ensure that the more populous areas of the county have access to sufficient distribution of marijuana for medical use.

2. To prevent monopolistic practices, the ~~[Division]~~ ***Department*** shall ensure, in a county whose population is 100,000 or more, that it does not issue, to any one person, group of persons or entity, the greater of:

(a) One medical marijuana establishment registration certificate; or

(b) More than 10 percent of the medical marijuana establishment registration certificates otherwise allocable in the county.

3. In a local governmental jurisdiction that issues business licenses, the issuance by the ~~[Division]~~ ***Department*** of a medical marijuana establishment registration certificate shall be deemed to be provisional until such time as:

(a) The establishment is in compliance with all applicable local governmental ordinances or rules; and

(b) The local government has issued a business license for the operation of the establishment.

4. As used in this section, "local governmental jurisdiction" means a city, town, township or unincorporated area within a county.

Sec. 30. NRS 453A.328 is hereby amended to read as follows:

453A.328 In determining whether to issue a medical marijuana establishment registration certificate pursuant to NRS 453A.322, the ~~[~~Division~~]~~ ***Department*** shall, in addition to the factors set forth in that section, consider the following criteria of merit:

1. The total financial resources of the applicant, both liquid and illiquid;

2. The previous experience of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment at operating other businesses or nonprofit organizations;

3. The educational achievements of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment;

4. Any demonstrated knowledge or expertise on the part of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment with respect to the compassionate use of marijuana to treat medical conditions;

5. Whether the proposed location of the proposed medical marijuana establishment would be convenient to serve the needs of persons who are authorized to engage in the medical use of marijuana;

6. The likely impact of the proposed medical marijuana establishment on the community in which it is proposed to be located;

7. The adequacy of the size of the proposed medical marijuana establishment to serve the needs of persons who are authorized to engage in the medical use of marijuana;

8. Whether the applicant has an integrated plan for the care, quality and safekeeping of medical marijuana from seed to sale;

9. The amount of taxes paid to, or other beneficial financial contributions made to, the State of Nevada or its political subdivisions by the applicant or the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment; and

10. Any other criteria of merit that the ~~[~~Division~~]~~ ***Department*** determines to be relevant.

Sec. 31. NRS 453A.332 is hereby amended to read as follows:

453A.332 1. Except as otherwise provided in this section, a person shall not volunteer or work at, contract to provide labor to or be employed by an independent contractor to provide labor to a medical marijuana establishment as a medical marijuana establishment agent unless the person is registered with the ~~[~~Division~~]~~ ***Department*** pursuant to this section.

2. A ***person who wishes to volunteer or work at a medical marijuana establishment, or a*** medical marijuana establishment that wishes to retain as a volunteer or employ ~~[~~a medical marijuana establishment agent~~]~~ ***such a person,*** shall submit to the ~~[~~Division~~]~~ ***Department*** an application on a form prescribed by the ~~[~~Division.~~]~~ ***Department.*** The application must be accompanied by:

(a) The name, address and date of birth of the prospective medical marijuana establishment agent;

(b) A statement signed by the prospective medical marijuana establishment agent pledging not to dispense or otherwise divert marijuana to any person who is not authorized to possess marijuana in accordance with the provisions of this chapter;

(c) A statement signed by the prospective medical marijuana establishment agent asserting that he or she has not previously had a medical marijuana establishment agent registration card revoked;

(d) A complete set of the fingerprints and written permission of the prospective medical marijuana establishment agent authorizing the ~~[~~Division~~]~~ ***Department*** to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(e) The application fee, as set forth in NRS 453A.344; and

(f) Such other information as the ~~[~~Division~~]~~ ***Department*** may require by regulation.

3. A ***person who wishes to contract to provide labor to or be employed by an independent contractor to provide labor to a medical marijuana establishment, or a*** medical marijuana establishment that wishes to contract with ~~[~~an independent contractor to provide labor as a medical marijuana establishment agent~~]~~ ***such a person,*** shall submit to the ~~[~~Division~~]~~ ***Department*** an application on a form prescribed by the ~~[~~Division~~]~~ ***Department*** for the registration of the independent contractor and each employee of the independent contractor who will provide labor as a medical marijuana establishment agent. The application must be accompanied by:

(a) The name, address and, if the prospective medical marijuana establishment agent has a state business registration, the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;

(b) The name, address and date of birth of each employee of the prospective medical marijuana establishment agent who will provide labor as a medical marijuana establishment agent;

(c) A statement signed by the prospective medical marijuana establishment agent pledging not to dispense or otherwise divert marijuana to, or allow any of its employees to dispense or otherwise divert marijuana to, any person who is not authorized to possess marijuana in accordance with the provisions of this chapter;

(d) A statement signed by the prospective medical marijuana establishment agent asserting that it has not previously had a medical marijuana establishment agent registration card revoked and that none of its employees who will provide labor as a medical marijuana establishment agent have previously had a medical marijuana establishment agent registration card revoked;

(e) A complete set of the fingerprints of each employee of the prospective medical marijuana establishment agent who will provide labor as a medical marijuana establishment agent and written permission of the prospective medical marijuana establishment agent and each employee of the prospective medical marijuana establishment agent authorizing the ~~[~~Division~~]~~ ***Department*** to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(f) The application fee, as set forth in NRS 453A.344; and

(g) Such other information as the ~~[~~Division~~]~~ ***Department*** may require by regulation.

4. A medical marijuana establishment shall notify the ~~[~~Division~~]~~ ***Department*** within 10 days after a medical marijuana establishment agent ceases to be employed by, volunteer at or provide labor as a medical marijuana establishment agent to the medical marijuana establishment.

5. A person who:

(a) Has been convicted of an excluded felony offense; or

(b) Is less than 21 years of age,

➥ shall not serve as a medical marijuana establishment agent.

6. The ~~[~~Division~~]~~ ***Department*** shall submit the fingerprints of an applicant for registration as a medical marijuana establishment agent to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of the applicant.

7. The provisions of this section do not require a person who is an owner, officer or board member of a medical marijuana establishment to resubmit information already furnished to the ~~[~~Division~~]~~ ***Department*** at the time the establishment was registered with the ~~[~~Division.~~]~~ ***Department.***

8. If an applicant for registration as a medical marijuana establishment agent satisfies the requirements of this section and is not disqualified from serving as such an agent pursuant to this section or any other applicable law, the ~~[~~Division~~]~~ ***Department*** shall issue to the person and, for an independent contractor, to each person identified in the independent contractor's application for registration as an employee who will provide labor as a medical marijuana establishment agent, a medical marijuana establishment agent registration card. If the ~~[~~Division~~]~~ ***Department*** does not act upon an application for a medical marijuana establishment agent registration card within 30 days after the date on which the application is received, the application shall be deemed conditionally approved until such time as the

~~[Division]~~ ***Department*** acts upon the application. A medical marijuana establishment agent registration card expires 1 year after the date of issuance and may be renewed upon:

(a) Resubmission of the information set forth in this section; and

(b) Payment of the renewal fee set forth in NRS 453A.344.

9. A medical marijuana establishment agent registration card issued pursuant to this section to an independent contractor or an employee of an independent contractor authorizes the independent contractor or employee to provide labor to any medical marijuana establishment in this State.

10. A medical marijuana establishment agent registration card issued pursuant to this section to a person who wishes to volunteer or work at a medical marijuana establishment authorizes the person to volunteer or work at any medical marijuana establishment in this State for which the category of the medical marijuana establishment agent registration card authorizes the person to volunteer or work.

11. Except as otherwise prescribed by regulation of the Department, an applicant for registration or renewal of registration as a medical marijuana establishment agent is deemed temporarily registered as a medical marijuana establishment agent on the date on which a complete application for registration or renewal of registration is submitted to the Department. A temporary registration as a medical marijuana establishment agent expires 30 days after the date upon which the application is received.

Sec. 32. NRS 453A.334 is hereby amended to read as follows:

453A.334 1. Except as otherwise provided in subsection 2, the following are nontransferable:

(a) A medical marijuana establishment agent registration card.

(b) A medical marijuana establishment registration certificate.

2. A medical marijuana establishment may transfer all or any portion of its ownership to another party, and the ~~[Division]~~ ***Department*** shall transfer the medical marijuana establishment registration certificate issued to the establishment to the party acquiring ownership, if the party who will acquire the ownership of the medical marijuana establishment submits:

(a) Evidence satisfactory to the ~~[Division]~~ ***Department*** that the party has complied with the provisions of sub-subparagraph (III) of subparagraph (2) of paragraph (a) of subsection 3 of NRS 453A.322 for the purpose of operating the medical marijuana establishment.

(b) For the party and each person who is proposed to be an owner, officer or board member of the proposed medical marijuana establishment, the name, address and date of birth of the person, a complete set of the person's fingerprints and written permission of the person authorizing the ~~[Division]~~ ***Department*** to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(c) Proof satisfactory to the ~~[Division]~~ ***Department*** that, as a result of the transfer of ownership, no person, group of persons or entity will, in a county whose population is 100,000 or more, hold more than one medical marijuana establishment registration certificate or more than 10 percent of the medical marijuana establishment registration certificates allocated to the county, whichever is greater.

Sec. 33. NRS 453A.336 is hereby amended to read as follows:

453A.336 1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a medical marijuana establishment agent registration card or medical marijuana establishment registration certificate shall:

(a) Include the social security number of the applicant in the application submitted to the ~~[Division.]~~ ***Department.***

(b) Submit to the ~~[Division]~~ ***Department*** the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The ~~[Division]~~ ***Department*** shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the medical marijuana establishment agent registration card or medical marijuana establishment registration certificate; or

(b) A separate form prescribed by the ~~[Division.]~~ ***Department.***

3. A medical marijuana establishment agent registration card or medical marijuana establishment registration certificate may not be issued or renewed by the ~~[Division]~~ ***Department*** if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the ~~[Division]~~ ***Department*** shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 34. NRS 453A.338 is hereby amended to read as follows:

453A.338 1. If the ~~[Division]~~ ***Department*** receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a medical marijuana establishment

agent registration card or medical marijuana establishment registration certificate, the ~~[Division]~~ ***Department*** shall deem the card or certificate issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the ~~[Division]~~ ***Department*** receives a letter issued to the holder of the card or certificate by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the card or certificate has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The ~~[Division]~~ ***Department*** shall reinstate a medical marijuana establishment agent registration card or medical marijuana establishment registration certificate that has been suspended by a district court pursuant to NRS 425.540 if the ~~[Division]~~ ***Department*** receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose card or certificate was suspended stating that the person whose card or certificate was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 35. NRS 453A.340 is hereby amended to read as follows:

453A.340 The following acts constitute grounds for immediate revocation of a medical marijuana establishment registration certificate:

1. Dispensing, delivering or otherwise transferring marijuana to a person other than a medical marijuana establishment agent, another medical marijuana establishment or a person who ~~[holds a valid registry identification card, including, without limitation, a designated primary caregiver.]~~ ***is listed in the medical marijuana registry.***

2. Acquiring usable marijuana or mature marijuana plants from any person other than a medical marijuana establishment agent, another medical marijuana establishment or a person who ~~[holds a valid registry identification card, including, without limitation, a designated primary caregiver.]~~ ***is listed in the medical marijuana registry.***

3. Violating a regulation of the ~~[Division,]~~ ***Department,*** the violation of which is stated to be grounds for immediate revocation of a medical marijuana establishment registration certificate.

4. Failure to pay a fee imposed pursuant to NRS 453A.330.

Sec. 36. NRS 453A.342 is hereby amended to read as follows:

453A.342 The following acts constitute grounds for the immediate revocation of the medical marijuana establishment agent registration card of a medical marijuana establishment agent:

1. Having committed or committing any excluded felony offense.

2. Dispensing, delivering or otherwise transferring marijuana to a person other than a medical marijuana establishment agent, another medical marijuana establishment or a person who ~~[holds a valid registry identification card, including, without limitation, a designated primary caregiver.]~~ ***is listed in the medical marijuana registry.***

3. Violating a regulation of the ~~[Division,]~~ ***Department,*** the violation of which is stated to be grounds for immediate revocation of a medical marijuana establishment agent registration card.

Sec. 37. NRS 453A.344 is hereby amended to read as follows:

453A.344 1. Except as otherwise provided in subsection 2, the ~~[Division]~~ ***Department*** shall collect not more than the following maximum fees:

For the initial issuance of a medical marijuana establishment registration certificate for a medical marijuana dispensary	$30,000
For the renewal of a medical marijuana establishment registration certificate for a medical marijuana dispensary	5,000
For the initial issuance of a medical marijuana establishment registration certificate for a cultivation facility	3,000
For the renewal of a medical marijuana establishment registration certificate for a cultivation facility	1,000
For the initial issuance of a medical marijuana establishment registration certificate for a facility for the production of edible marijuana products or marijuana-infused products	3,000
For the renewal of a medical marijuana establishment registration certificate for a facility for the production of edible marijuana products or marijuana-infused products	1,000
For each person identified in an application for the initial issuance of a medical marijuana establishment agent registration card	75
For each person identified in an application for the renewal of a medical marijuana establishment agent registration card	75
For the initial issuance of a medical marijuana establishment registration certificate for an independent testing laboratory	5,000
For the renewal of a medical marijuana establishment registration certificate for an independent testing laboratory	3,000

2. In addition to the fees described in subsection 1, each applicant for a medical marijuana establishment registration certificate must pay to the ~~[Division:]~~ ***Department:***

(a) A one-time, nonrefundable application fee of $5,000; and

(b) The actual costs incurred by the ~~[Division]~~ ***Department*** in processing the application, including, without limitation, conducting background checks.

3. Any revenue generated from the fees imposed pursuant to this section:

(a) Must be expended first to pay the costs of the ~~[~~Division~~]~~ ***Department*** in carrying out the provisions of NRS 453A.320 to 453A.370, inclusive; and

(b) If any excess revenue remains after paying the costs described in paragraph (a), such excess revenue must be paid over to the State Treasurer to be deposited to the credit of the State Distributive School Account in the State General Fund.

Sec. 38. NRS 453A.352 is hereby amended to read as follows:

453A.352 1. The operating documents of a medical marijuana establishment must include procedures:

(a) For the oversight of the medical marijuana establishment; and

(b) To ensure accurate recordkeeping, including, without limitation, the provisions of NRS 453A.354 and 453A.356.

2. Except as otherwise provided in this subsection, a medical marijuana establishment:

(a) That is a medical marijuana dispensary must have a single entrance for patrons, which must be secure, and shall implement strict security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.

(b) That is not a medical marijuana dispensary must have a single secure entrance and shall implement strict security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.

➥ The provisions of this subsection do not supersede any state or local requirements relating to minimum numbers of points of entry or exit, or any state or local requirements relating to fire safety.

3. A medical marijuana establishment is prohibited from acquiring, possessing, cultivating, manufacturing, delivering, transferring, transporting, supplying or dispensing marijuana for any purpose except to:

(a) Directly or indirectly assist patients who ~~[~~possess valid registry identification cards;~~]~~ ***are listed in the medical marijuana registry;*** ~~[~~and~~]~~

(b) Assist patients who ~~[~~possess valid registry identification cards or letters of approval~~]~~ ***are listed in the medical marijuana registry*** by way of those patients' designated primary caregivers ~~[.]~~ ***; or***

(c) Return for a refund marijuana, edible marijuana products or marijuana-infused products to the medical marijuana establishment from which the marijuana, edible marijuana products or marijuana-infused products were acquired.

➥ For the purposes of this subsection, a person shall be deemed to be a patient who ~~[~~possesses a valid registry identification card or letter of approval~~]~~ ***is listed in the medical marijuana registry*** if he or she qualifies for nonresident reciprocity pursuant to NRS 453A.364.

4. All cultivation or production of marijuana that a cultivation facility carries out or causes to be carried out must take place in an enclosed, locked facility at the physical address provided to the ~~[~~Division~~]~~ ***Department*** during the registration process for the cultivation facility. Such an enclosed, locked

facility must be accessible only by medical marijuana establishment agents who are lawfully associated with the cultivation facility, except that limited access by persons necessary to perform construction or repairs or provide other labor is permissible if such persons are supervised by a medical marijuana establishment agent.

5. A medical marijuana dispensary and a cultivation facility may acquire usable marijuana or marijuana plants from a person who ~~[holds a valid registry identification card, including, without limitation, a designated primary caregiver.]~~ ***is listed in the medical marijuana registry.*** Except as otherwise provided in this subsection, the patient or caregiver, as applicable, must receive no compensation for the marijuana. A patient who ~~[holds a valid registry identification card, and the designated primary caregiver of such a patient, or the designated primary caregiver of a person who holds a letter of approval]~~ ***is listed in the medical marijuana registry*** may sell usable marijuana to a medical marijuana dispensary one time and may sell marijuana plants to a cultivation facility one time.

6. A medical marijuana establishment shall not allow any person to consume marijuana on the property or premises of the establishment.

7. Medical marijuana establishments are subject to reasonable inspection by the ~~[Division]~~ ***Department*** at any time, and a person who holds a medical marijuana establishment registration certificate must make himself or herself, or a designee thereof, available and present for any inspection by the ~~[Division]~~ ***Department*** of the establishment.

8. A dual licensee, as defined in NRS 453D.030:

(a) Shall comply with the regulations adopted by the Department pursuant to paragraph (k) of subsection 1 of NRS 453D.200 with respect to the medical marijuana establishment operated by the dual licensee; and

(b) May, to the extent authorized by such regulations, combine the location or operations of the medical marijuana establishment operated by the dual licensee with the marijuana establishment, as defined in NRS 453D.030, operated by the dual licensee.

9. A medical marijuana establishment shall not dispense or otherwise sell marijuana, edible marijuana products or marijuana-infused products from a vending machine or allow such a vending machine to be installed at the interior or exterior of the premises of the medical marijuana establishment.

Sec. 39. NRS 453A.354 is hereby amended to read as follows:

453A.354 1. Each medical marijuana establishment, in consultation with the ~~[Division,]~~ ***Department,*** shall maintain an electronic verification system.

2. The electronic verification system required pursuant to subsection 1 must be able to monitor and report information, including, without limitation:

(a) In the case of a medical marijuana dispensary, for each person who ~~[holds a valid registry identification card]~~ ***is listed in the medical marijuana***

registry and who purchased marijuana from the dispensary in the immediately preceding 60-day period:

(1) The ~~[number]~~ ***date of birth*** of the ~~[card;]~~ ***person;***

(2) The date on which the ~~[card]~~ ***person*** was ~~[issued;]~~ ***listed in the medical marijuana registry;*** and

(3) The date on which the ~~[card]~~ ***listing of the person in the medical marijuana registry*** will expire.

(b) For each medical marijuana establishment agent who is employed by or volunteers at the medical marijuana establishment, the number of the person's medical marijuana establishment agent registration card.

(c) In the case of a medical marijuana dispensary, such information as may be required by the ~~[Division]~~ ***Department*** by regulation regarding persons who are not residents of this State and who have purchased marijuana from the dispensary.

(d) Verification of the identity of a person to whom marijuana, edible marijuana products or marijuana-infused products are sold or otherwise distributed.

(e) Such other information as the ~~[Division]~~ ***Department*** may require.

3. Nothing in this section prohibits more than one medical marijuana establishment from co-owning an electronic verification system in cooperation with other medical marijuana establishments, or sharing the information obtained therefrom.

4. A medical marijuana establishment must exercise reasonable care to ensure that the personal identifying information of persons who ~~[hold registry identification cards]~~ ***are listed in the medical marijuana registry*** which is contained in an electronic verification system is encrypted, protected and not divulged for any purpose not specifically authorized by law.

Sec. 40. NRS 453A.356 is hereby amended to read as follows:

453A.356 1. Each medical marijuana establishment, in consultation with the ~~[Division,]~~ ***Department,*** shall maintain an inventory control system.

2. The inventory control system required pursuant to subsection 1 must be able to monitor and report information, including, without limitation:

(a) Insofar as is practicable, the chain of custody and current whereabouts, in real time, of medical marijuana from the point that it is harvested at a cultivation facility until it is sold at a medical marijuana dispensary and, if applicable, if it is processed at a facility for the production of edible marijuana products or marijuana-infused products;

(b) The name of each person or other medical marijuana establishment, or both, to which the establishment sold marijuana;

(c) In the case of a medical marijuana dispensary, the date on which it sold marijuana to a person who ~~[holds a registry identification card]~~ ***is listed in the medical marijuana registry*** and, if any, the quantity of edible marijuana products or marijuana-infused products sold, measured both by weight and potency; and

(d) Such other information as the ~~[Division]~~ ***Department*** may require.

3. Nothing in this section prohibits more than one medical marijuana establishment from co-owning an inventory control system in cooperation with other medical marijuana establishments, or sharing the information obtained therefrom.

4. A medical marijuana establishment must exercise reasonable care to ensure that the personal identifying information of persons who ~~[hold registry identification cards]~~ ***are listed in the medical marijuana registry*** which is contained in an inventory control system is encrypted, protected and not divulged for any purpose not specifically authorized by law.

Sec. 41. NRS 453A.358 is hereby amended to read as follows:

453A.358 ***1.*** Each medical marijuana dispensary shall ensure all of the following:

~~[1.]~~ ***(a)*** The weight, concentration and content of THC in all marijuana, edible marijuana products and marijuana-infused products that the dispensary sells is clearly and accurately stated on the product sold.

~~[2.]~~ ***(b)*** That the dispensary does not sell to a person, in any one ~~[14 day period, an amount]~~ ***transaction, more than 1 ounce*** of marijuana ***.*** ~~[for medical purposes that exceeds the limits set forth in NRS 453A.200.~~

~~3.]~~ ***(c)*** That, posted clearly and conspicuously within the dispensary, are the legal limits on the possession of marijuana for medical purposes, as set forth in NRS 453A.200.

~~[4.]~~ ***(d)*** That, posted clearly and conspicuously within the dispensary, is a sign stating unambiguously the legal limits on the possession of marijuana for medical purposes, as set forth in NRS 453A.200.

2. A medical marijuana dispensary may, but is not required to, track the purchases of marijuana for medical purposes by any person to ensure that the person does not exceed the legal limits on the possession of marijuana for medical purposes, as set forth in NRS 453A.200. The Department shall not adopt a regulation or in any other way require a medical marijuana dispensary to track the purchases of a person or determine whether the person has exceeded the legal limits on the possession of marijuana for medical purposes, as set forth in NRS 453A.200.

Sec. 42. NRS 453A.360 is hereby amended to read as follows:

453A.360 Each medical marijuana dispensary and facility for the production of edible marijuana products or marijuana-infused products shall, in consultation with the ~~[Division,]~~ ***Department,*** cooperate to ensure that all edible marijuana products and marijuana-infused products offered for sale:

1. Are labeled clearly and unambiguously as medical marijuana.
2. Are not presented in packaging that is appealing to children.
3. Are regulated and sold on the basis of the concentration of THC in the products and not by weight.
4. Are packaged and labeled in such a manner as to allow tracking by way of an inventory control system.

Sec. 43. NRS 453A.364 is hereby amended to read as follows:

453A.364 ~~[1. The State of Nevada and the medical marijuana dispensaries in this State which hold valid medical marijuana establishment registration certificates will recognize a nonresident card~~ ***authorization for the medical use of marijuana*** ~~only under the following circumstances:~~

~~(a) The state or jurisdiction from which the holder or bearer obtained the nonresident card~~ ***authorization for the medical use of marijuana*** ~~grants an exemption from criminal prosecution for the medical use of marijuana;~~

~~(b) The state or jurisdiction from which the holder or bearer obtained the nonresident card~~ ***authorization for the medical use of marijuana*** ~~requires, as a prerequisite to the issuance of such a card,~~ ***an authorization,*** ~~that a physician advise the person that the medical use of marijuana may mitigate the symptoms or effects of the person's medical condition;~~

~~(c) The nonresident card has an expiration date and has not yet expired;~~

~~(d) The holder or bearer of the nonresident card~~ ***authorization for the medical use of marijuana*** ~~signs an affidavit in a form prescribed by the Division~~ ***Department*** ~~which sets forth that the holder or bearer is entitled to engage in the medical use of marijuana in his or her state or jurisdiction of residence; and~~

~~(e)~~ ***(d)*** ~~The holder or bearer of the nonresident card~~ ***authorization for the medical use of marijuana*** ~~agrees to abide by, and does abide by, the legal limits on the possession of marijuana for medical purposes in this State, as set forth in NRS 453A.200.~~

~~2. For the purposes of the reciprocity described in this section:~~

~~(a) The amount of medical marijuana that the holder or bearer of a nonresident card~~ ***authorization for the medical use of marijuana*** ~~is entitled to possess in his or her state or jurisdiction of residence is not relevant; and~~

~~(b) Under no circumstances, while in this State, may the holder or bearer of a nonresident card~~ ***authorization for the medical use of marijuana*** ~~possess marijuana for medical purposes in excess of the limits set forth in NRS 453A.200.~~

~~3. As used in this section, "nonresident card"~~ ***authorization for the medical use of marijuana"*** ~~means a card or other identification that:~~

~~(a) Is issued by~~ ***an authorization by*** ~~a state or jurisdiction other than Nevada; and~~

~~(b) Is the functional equivalent of a registry identification card or letter of approval, as determined by the Division.~~ ***for a person to engage in the medical use of marijuana. The term includes, without limitation, written documentation from a physician if, under the laws of the state or jurisdiction of the person's residence, such documentation would be sufficient to exempt the person from criminal prosecution for the medical use of marijuana.]***

1. A person who is not a resident of this State, but who is authorized to engage in the medical use of marijuana under the laws of his or her state or jurisdiction of residence, is deemed to be listed in the medical marijuana

registry for the purpose of the exemption from state prosecution described in subsection 1 of NRS 453A.200 if the person abides by the legal limits on the possession, delivery and production of marijuana for medical purposes in this State, as set forth in NRS 453A.200.

2. A medical marijuana dispensary may dispense marijuana to a person described in subsection 1 if the person presents to the medical marijuana dispensary any document which is valid to prove the authorization of the person to engage in the medical use of marijuana under the laws of his or her state or jurisdiction of residence. Such documentation may include, without limitation, written documentation from a physician if, under the laws of the person's state or jurisdiction of residence, written documentation from a physician is sufficient to exempt the person from prosecution for engaging in the medical use of marijuana.

Sec. 44. NRS 453A.366 is hereby amended to read as follows:

453A.366 1. A ~~[patient who holds a valid registry identification card or letter of approval and his or her designated primary caregiver, if any,]~~ ***person who is listed in the medical marijuana registry*** may select one medical marijuana dispensary to serve as his or her designated medical marijuana dispensary at any one time.

2. A patient who designates a medical marijuana dispensary as described in subsection 1:

(a) Shall communicate the designation to the ~~[Division]~~ ***Department*** within the time specified by the ~~[Division.]~~ ***Department.***

(b) May change his or her designation not more than once in a 30-day period.

Sec. 45. NRS 453A.368 is hereby amended to read as follows:

453A.368 1. The ~~[Division]~~ ***Department*** shall establish standards for and certify one or more private and independent testing laboratories to test marijuana, edible marijuana products and marijuana-infused products that are to be sold in this State.

2. Such an independent testing laboratory must be able to determine accurately, with respect to marijuana, edible marijuana products and marijuana-infused products that are sold or will be sold at medical marijuana dispensaries in this State:

(a) The concentration therein of THC and cannabidiol.

(b) The presence and identification of molds and fungus.

(c) The composition of the tested material.

(d) The presence of chemicals in the tested material, including, without limitation, pesticides, herbicides or growth regulators.

3. To obtain certification by the ~~[Division]~~ ***Department*** on behalf of an independent testing laboratory, an applicant must:

(a) Apply successfully as required pursuant to NRS 453A.322.

(b) Pay the fees required pursuant to NRS 453A.344.

Sec. 46. NRS 453A.369 is hereby amended to read as follows:

453A.369 The ~~[~~Division~~]~~ ***Department*** may enter into an interlocal agreement pursuant to NRS 277.080 to 277.180, inclusive, to carry out the provisions of NRS 453A.320 to 453A.370, inclusive.

Sec. 47. NRS 453A.370 is hereby amended to read as follows:

453A.370 The ~~[~~Division~~]~~ ***Department*** shall adopt such regulations as it determines to be necessary or advisable to carry out the provisions of NRS 453A.320 to 453A.370, inclusive. Such regulations are in addition to any requirements set forth in statute and must, without limitation:

1. Prescribe the form and any additional required content of registration and renewal applications submitted pursuant to NRS 453A.322 and 453A.332.

2. Set forth rules pertaining to the safe and healthful operation of medical marijuana establishments, including, without limitation:

(a) The manner of protecting against diversion and theft without imposing an undue burden on medical marijuana establishments or compromising the confidentiality of ~~[~~the holders of registry identification cards and letters of approval.~~]~~ ***persons who are listed in the medical marijuana registry.***

(b) Minimum requirements for the oversight of medical marijuana establishments.

(c) Minimum requirements for the keeping of records by medical marijuana establishments.

(d) Provisions for the security of medical marijuana establishments, including, without limitation, requirements for the protection by a fully operational security alarm system of each medical marijuana establishment.

(e) Procedures pursuant to which medical marijuana dispensaries must use the services of an independent testing laboratory to ensure that any marijuana, edible marijuana products and marijuana-infused products sold by the dispensaries to end users are tested for content, quality and potency in accordance with standards established by the ~~[~~Division.~~]~~ ***Department.***

(f) Procedures pursuant to which a medical marijuana dispensary will be notified by the ~~[~~Division if a patient who holds a valid registry identification card or letter of approval~~]~~ ***Department if a person who is listed in the medical marijuana registry*** has chosen the dispensary as his or her designated medical marijuana dispensary, as described in NRS 453A.366.

3. Establish circumstances and procedures pursuant to which the maximum fees set forth in NRS 453A.344 may be reduced over time:

(a) To ensure that the fees imposed pursuant to NRS 453A.344 are, insofar as may be practicable, revenue neutral; and

(b) To reflect gifts and grants received by the ~~[~~Division~~]~~ ***Director*** pursuant to NRS 453A.720.

4. Set forth the amount of usable marijuana that a medical marijuana dispensary may dispense to a person who ~~[~~holds a valid registry identification card, including, without limitation, a designated primary caregiver,~~]~~ ***is listed in the medical marijuana registry*** in any one 14-day

period. Such an amount must not exceed the limits set forth in NRS 453A.200.

5. As far as possible while maintaining accountability, protect the identity and personal identifying information of each person who receives, facilitates or delivers services in accordance with this chapter.

6. In cooperation with the Board of Medical Examiners and the State Board of Osteopathic Medicine, establish a system to:

(a) Register and track attending physicians who advise their patients that the medical use of marijuana may mitigate the symptoms or effects of the patient's medical condition;

(b) Insofar as is possible, track and quantify the number of times an attending physician described in paragraph (a) makes such an advisement; and

(c) Provide for the progressive discipline of attending physicians who advise the medical use of marijuana at a rate at which the ~~[~~Division~~]~~ ***Department*** and Board determine and agree to be unreasonably high.

7. Establish different categories of medical marijuana establishment agent registration cards, including, without limitation, criteria for training and certification, for each of the different types of medical marijuana establishments at which such an agent may be employed or volunteer or provide labor as a medical marijuana establishment agent.

8. Provide for the maintenance of a log by the ~~[~~Division~~]~~ ***Department*** of each person who is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.200. The ~~[~~Division~~]~~ ***Department*** shall ensure that the contents of the log are available for verification by law enforcement personnel 24 hours a day.

9. Address such other matters as may assist in implementing the program of dispensation contemplated by NRS 453A.320 to 453A.370, inclusive.

Sec. 48. NRS 453A.400 is hereby amended to read as follows:

453A.400 1. The fact that a person ***is listed in the medical marijuana registry or*** possesses a ~~[~~registry identification card~~]~~ ***letter of registration*** or letter of approval issued to the person by the ~~[~~Division~~]~~ ***Department*** or its designee pursuant to NRS 453A.220 ***,*** ~~[~~or 453A.250,~~]~~ a medical marijuana establishment registration certificate issued to the person by the ~~[~~Division~~]~~ ***Department*** or its designee pursuant to NRS 453A.322 or a medical marijuana establishment agent registration card issued to the person by the ~~[~~Division~~]~~ ***Department*** or its designee pursuant to NRS 453A.332 does not, alone:

(a) Constitute probable cause to search the person or the person's property; or

(b) Subject the person or the person's property to inspection by any governmental agency.

2. Except as otherwise provided in this subsection, if officers of a state or local law enforcement agency seize marijuana, paraphernalia or other related

property from a person engaged in, facilitating or assisting in the medical use of marijuana:

(a) The law enforcement agency shall ensure that the marijuana, paraphernalia or other related property is not destroyed while in the possession of the law enforcement agency.

(b) Any property interest of the person from whom the marijuana, paraphernalia or other related property was seized must not be forfeited pursuant to any provision of law providing for the forfeiture of property, except as part of a sentence imposed after conviction of a criminal offense.

(c) Upon:

(1) A decision not to prosecute;

(2) The dismissal of charges; or

(3) Acquittal,

➥ the law enforcement agency shall, to the extent permitted by law, return to that person any usable marijuana, marijuana plants, paraphernalia or other related property that was seized. The provisions of this subsection do not require a law enforcement agency to care for live marijuana plants.

Sec. 49. NRS 453A.500 is hereby amended to read as follows:

453A.500 The Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable, shall not take any disciplinary action against an attending physician on the basis that the attending physician:

1. ~~[~~Advised~~]~~ ***Regardless of whether the person is a resident of this State, advised*** a person whom the attending physician has diagnosed as having a chronic or debilitating medical condition, or a person whom the attending physician knows has been so diagnosed by another physician licensed to practice medicine pursuant to the provisions of chapter 630 of NRS or licensed to practice osteopathic medicine pursuant to the provisions of chapter 633 of NRS:

(a) About the possible risks and benefits of the medical use of marijuana; or

(b) That the medical use of marijuana may mitigate the symptoms or effects of the person's chronic or debilitating medical condition,

➥ if the advice is based on the attending physician's personal assessment of the person's medical history and current medical condition.

2. Provided the written documentation required ~~[~~pursuant to paragraph (a) of subsection 2 of NRS 453A.210 for the issuance of a registry identification card or letter of approval or pursuant to subparagraph (1) of paragraph (b) of subsection 1 of NRS 453A.230 for the renewal of a registry identification card or letter of approval~~]~~ ***for a person to be listed in the medical marijuana registry or for the renewal of a person's listing in the medical marijuana registry, or any similar documentation required for the person to be authorized to engage in the medical use of marijuana pursuant to the laws of another state or jurisdiction,*** if:

(a) Such documentation is based on the attending physician's personal assessment of the person's medical history and current medical condition; and

(b) The physician has advised the person about the possible risks and benefits of the medical use of marijuana.

Sec. 50. NRS 453A.510 is hereby amended to read as follows:

453A.510 A professional licensing board shall not take any disciplinary action against a person licensed by the board on the basis that:

1. The person engages in or has engaged in the medical use of marijuana in accordance with the provisions of this chapter; or

2. The person acts as or has acted as the designated primary caregiver of a person who ~~[holds a registry identification card or letter of approval issued to him or her pursuant to paragraph (a) of subsection 1 of NRS 453A.220.]~~ ***is listed in the medical marijuana registry.***

Sec. 51. NRS 453A.700 is hereby amended to read as follows:

453A.700 1. Except as otherwise provided in this section ~~[,]~~ ***and*** NRS 239.0115 **,** ~~[and subsection 4 of NRS 453A.210, the Division]~~ ***the Department*** shall not disclose:

(a) The contents of any tool used by the ~~[Division]~~ ***Department*** to evaluate an applicant or its affiliate.

(b) Any information, documents or communications provided to the ~~[Division]~~ ***Department*** by an applicant or its affiliate pursuant to the provisions of this chapter, without the prior written consent of the applicant or affiliate or pursuant to a lawful court order after timely notice of the proceedings has been given to the applicant or affiliate.

(c) The name or any other identifying information of:

(1) An attending physician; or

(2) A person who has applied for or to whom the ~~[Division]~~ ***Department*** or its designee has issued a ~~[registry identification card]~~ ***letter of registration*** or letter of approval.

➥ Except as otherwise provided in NRS 239.0115, the items of information described in this subsection are confidential, not subject to subpoena or discovery and not subject to inspection by the general public.

2. Notwithstanding the provisions of subsection 1, the ~~[Division]~~ ***Department*** or its designee may release the name and other identifying information of a person to whom the ~~[Division]~~ ***Department*** or its designee has issued a ~~[registry identification card]~~ ***letter of registration*** or letter of approval to:

(a) Authorized employees of the ~~[Division]~~ ***Department*** or its designee as necessary to perform official duties of the ~~[Division;]~~ ***Department;*** and

(b) Authorized employees of state and local law enforcement agencies, only as necessary to verify that a person is ~~[the lawful holder of a registry identification card or letter of approval issued to him or her pursuant to NRS 453A.220 or 453A.250.]~~ ***listed in the medical marijuana registry.***

Sec. 52. NRS 453A.710 is hereby amended to read as follows:

453A.710 1. A person may submit to the ~~[~~Division~]~~ ***Department*** a petition requesting that a particular disease or condition be included among the diseases and conditions that qualify as chronic or debilitating medical conditions pursuant to NRS 453A.050.

2. The ~~[~~Division~]~~ ***Department*** shall adopt regulations setting forth the manner in which the ~~[~~Division~]~~ ***Department*** will accept and evaluate petitions submitted pursuant to this section. The regulations must provide, without limitation, that:

(a) The ~~[~~Division~]~~ ***Department*** will approve or deny a petition within 180 days after the ~~[~~Division~]~~ ***Department*** receives the petition; and

(b) The decision of the ~~[~~Division~]~~ ***Department*** to deny a petition is a final decision for the purposes of judicial review.

Sec. 53. NRS 453A.720 is hereby amended to read as follows:

453A.720 1. The ~~[~~Administrator of the Division~]~~ ***Director*** may apply for or accept any gifts, grants, donations or contributions from any source to carry out the provisions of this chapter.

2. Any money the ~~[~~Administrator~]~~ ***Director*** receives pursuant to subsection 1 must be deposited in the State Treasury pursuant to NRS 453A.730.

Sec. 54. NRS 453A.730 is hereby amended to read as follows:

453A.730 1. Any money the ~~[~~Administrator of the Division~]~~ ***Director*** receives pursuant to NRS 453A.720 or that is appropriated to carry out the provisions of this chapter:

(a) Must be deposited in the State Treasury and accounted for separately in the State General Fund;

(b) May only be used to carry out:

(1) The provisions of this chapter, including the dissemination of information concerning the provisions of this chapter and such other information as determined appropriate by the ~~[~~Administrator;~]~~ ***Director;*** and

(2) Alcohol and drug abuse programs pursuant to NRS 458.094; and

(c) Does not revert to the State General Fund at the end of any fiscal year.

2. ***The Director shall annually:***

(a) Determine the amount of money necessary to carry out the provisions of this chapter pursuant to subparagraph (1) of paragraph (b) of subsection 1;

(b) Notify the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services of any amount of money in the account in excess of the amount determined pursuant to paragraph (a); and

(c) In consultation with the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services, use the excess money in the account to carry out alcohol and drug abuse programs pursuant to NRS 458.094.

3. The ~~[Administrator of the Division]~~ ***Director*** shall administer the account. Any interest or income earned on the money in the account must be credited to the account. Any claims against the account must be paid as other claims against the State are paid.

Sec. 55. NRS 453A.740 is hereby amended to read as follows:

453A.740 The ~~[Administrator of the Division]~~ ***Director*** shall adopt such regulations as the ~~[Administrator]~~ ***Director*** determines are necessary to carry out the provisions of this chapter. The regulations must set forth, without limitation ~~[:~~

~~1. Procedures]~~ ***, procedures*** pursuant to which the ~~[Division]~~ ***Department*** will issue a ~~[registry identification card]~~ ***letter of registration*** or letter of approval ***.*** ~~[or, in cooperation with the Department of Motor Vehicles, cause a registry identification card to be prepared and issued to a qualified person as a type of identification card described in NRS 483.810 to 483.890, inclusive. The procedures described in this subsection must provide that the Division will:~~

~~(a) Issue a registry identification card or letter of approval to a qualified person; or~~

~~(b) Designate the Department of Motor Vehicles to issue a registry identification card to a person if:~~

~~(1) The person presents to the Department of Motor Vehicles valid documentation issued by the Division indicating that the Division has approved the issuance of a registry identification card to the person; and~~

~~(2) The Department of Motor Vehicles, before issuing the registry identification card, confirms by telephone or other reliable means that the Division has approved the issuance of a registry identification card to the person.~~

~~2. That if the Division issues a registry identification card pursuant to subsection 1, the Division may charge and collect any fee authorized for the issuance of an identification card described in NRS 483.810 to 483.890, inclusive.~~

~~3. Fees for:~~

~~(a) Providing to an applicant an application for a registry identification card or letter of approval, which fee must not exceed $25; and~~

~~(b) Processing and issuing a registry identification card or letter of approval, which fee must not exceed $75.]~~

Sec. 56. NRS 453A.800 is hereby amended to read as follows:

453A.800 The provisions of this chapter do not:

1. Require an insurer, organization for managed care or any person or entity who provides coverage for a medical or health care service to pay for or reimburse a person for costs associated with the medical use of marijuana.

2. Require any employer to allow the medical use of marijuana in the workplace.

3. Except as otherwise provided in subsection 4, require an employer to modify the job or working conditions of a person who engages in the medical

use of marijuana that are based upon the reasonable business purposes of the employer but the employer must attempt to make reasonable accommodations for the medical needs of an employee who engages in the medical use of marijuana if the employee ~~[holds a valid registry identification card,]~~ ***is listed in the medical marijuana registry,*** provided that such reasonable accommodation would not:

(a) Pose a threat of harm or danger to persons or property or impose an undue hardship on the employer; or

(b) Prohibit the employee from fulfilling any and all of his or her job responsibilities.

4. Prohibit a law enforcement agency from adopting policies and procedures that preclude an employee from engaging in the medical use of marijuana.

5. As used in this section, "law enforcement agency" means:

(a) The Office of the Attorney General, the office of a district attorney within this State or the Nevada Gaming Control Board and any attorney, investigator, special investigator or employee who is acting in his or her professional or occupational capacity for such an office or the Nevada Gaming Control Board; or

(b) Any other law enforcement agency within this State and any peace officer or employee who is acting in his or her professional or occupational capacity for such an agency.

Sec. 56.5. **Chapter 453D of NRS is hereby amended by adding thereto a new section to read as follows:**

A marijuana establishment shall not dispense or otherwise sell marijuana or marijuana products from a vending machine or allow such a vending machine to be installed at the interior or exterior of the premises of the marijuana establishment.

Sec. 57. NRS 176.01247 is hereby amended to read as follows:

176.01247 1. There is hereby created the Subcommittee on the Medical Use of Marijuana of the Commission.

2. The Chair of the Commission shall appoint the members of the Subcommittee. The Subcommittee must consist of legislative and nonlegislative members, including, without limitation:

(a) At least four Legislators, who may or may not be members of the Commission.

(b) A representative of the Division of Public and Behavioral Health of the Department of Health and Human Services.

(c) A patient who ~~[holds a valid registry identification card to engage in the medical use of marijuana pursuant to chapter 453A of NRS.]~~ ***is listed in the medical marijuana registry, as defined in section 4 of this act.***

(d) An owner or operator of a cultivation facility that is certified to operate pursuant to chapter 453A of NRS.

(e) An owner or operator of a facility for the production of edible marijuana products or marijuana-infused products that is certified to operate pursuant to chapter 453A of NRS.

(f) An owner or operator of a medical marijuana dispensary that is certified to operate pursuant to chapter 453A of NRS.

(g) A representative of the Attorney General.

(h) A representative of a civil liberties organization.

(i) A representative of an organization which advocates for persons who use marijuana for medicinal purposes.

(j) A representative of a law enforcement agency located within the jurisdiction of Clark County.

(k) A representative of a law enforcement agency located within the jurisdiction of Washoe County.

(l) A representative of local government.

3. The Chair of the Commission shall designate one of the legislative members of the Commission as Chair of the Subcommittee.

4. The Subcommittee shall meet at the times and places specified by a call of the Chair. A majority of the members of the Subcommittee constitutes a quorum, and a quorum may exercise any power or authority conferred on the Subcommittee.

5. The Subcommittee shall:

(a) Consider issues concerning the medical use of marijuana, the dispensation of marijuana for medical use and the implementation of provisions of law providing for the dispensation of marijuana for medical use; and

(b) Evaluate, review and submit a report to the Commission with recommendations concerning such issues.

6. Any Legislators who are members of the Subcommittee are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Subcommittee.

7. While engaged in the business of the Subcommittee, to the extent of legislative appropriation, each member of the Subcommittee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 58. NRS 207.335 is hereby amended to read as follows:

207.335 1. It is unlawful for any person to:

(a) Counterfeit or forge or attempt to counterfeit or forge a ~~[registry identification card]~~ ***letter of registration*** or letter of approval; or

(b) Have in his or her possession with the intent to use any counterfeit or forged ~~[registry identification card]~~ ***letter of registration*** or letter of approval.

2. Any person who violates the provisions of subsection 1 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

3. As used in this section:

(a) "Letter of approval" has the meaning ascribed to it in NRS 453A.109.

(b) ~~["Registry identification card"]~~ ***"Letter of registration"*** has the meaning ascribed to it in NRS 453A.140.

Sec. 58.5. **NRS 212.160 is hereby amended to read as follows:**

212.160 1. A person, who is not authorized by law, who knowingly furnishes, attempts to furnish, or aids or assists in furnishing or attempting to furnish to a prisoner confined in an institution of the Department of Corrections, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, any deadly weapon, explosive, a facsimile of a firearm or an explosive, any controlled substance or intoxicating liquor, shall be punished:

(a) Where a deadly weapon, controlled substance, explosive or a facsimile of a firearm or explosive is involved, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

(b) Where an intoxicant is involved, for a gross misdemeanor.

2. Knowingly leaving or causing to be left any deadly weapon, explosive, facsimile of a firearm or explosive, controlled substance or intoxicating liquor where it may be obtained by any prisoner constitutes, within the meaning of this section, the furnishing of the article to the prisoner.

3. A prisoner confined in an institution of the Department of Corrections, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, who possesses a controlled substance without lawful authorization ***or marijuana or marijuana paraphernalia, regardless of whether the person is listed in the medical marijuana registry, as defined in section 4 of this act,*** is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 59. NRS 284.4062 is hereby amended to read as follows:

284.4062 1. Except as otherwise provided in subsections 3 and 4, an employee who:

(a) Consumes or is under the influence of alcohol while on duty, unless the alcohol is an integral part of a commonly recognized medication which the employee consumes pursuant to the manufacturer's instructions or in accordance with a lawfully issued prescription;

(b) Possesses, consumes or is under the influence of a controlled substance while on duty, at a work site or on state property, except in accordance with a lawfully issued prescription; or

(c) Consumes or is under the influence of any other drug which could interfere with the safe and efficient performance of the employee's duties, unless the drug is an integral part of a commonly recognized medication which the employee consumes pursuant to the manufacturer's instructions or in accordance with a lawfully issued prescription,

➥ is subject to disciplinary action. An appointing authority may summarily discharge an employee who, within a period of 5 years, commits a second act

which would subject the employee to disciplinary action pursuant to this subsection.

2. Except as otherwise provided in subsection 3, a state agency shall refer an employee who:

(a) Tests positive for the first time in a screening test; and

(b) Has committed no other acts for which the employee is subject to termination during the course of conduct giving rise to the screening test,

➥ to an employee assistance program. An employee who fails to accept such a referral or fails to complete such a program successfully is subject to further disciplinary action.

3. The Commission may adopt regulations setting forth the circumstances under which a person who ~~[holds a valid registry identification card to engage in the medical use of marijuana pursuant to chapter 453A of NRS]~~ ***is listed in the medical marijuana registry, as defined in section 4 of this act,*** is subject to disciplinary action pursuant to subsection 1 or must be referred to an employee assistance program pursuant to subsection 2.

4. Subsection 1 does not apply to:

(a) An employee who consumes alcohol in the course of the employment of the employee while hosting or attending a special event.

(b) A peace officer who possesses a controlled substance or consumes alcohol within the scope of the peace officer's duties.

Sec. 60. NRS 284.4063 is hereby amended to read as follows:

284.4063 1. Except as otherwise provided in subsection 2 and subsection 5 of NRS 284.4065, an employee who:

(a) Fails to notify the employee's supervisor as soon as possible after consuming any drug which could interfere with the safe and efficient performance of the employee's duties;

(b) Fails or refuses to submit to a screening test as requested by a state agency pursuant to subsection 1 or 2 of NRS 284.4065; or

(c) After taking a screening test which indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested by the employee's appointing authority, that the employee had taken the controlled substance as directed pursuant to a current and lawful prescription issued in the employee's name,

➥ is subject to disciplinary action.

2. The Commission may adopt regulations setting forth the circumstances under which a person who ~~[holds a valid registry identification card to engage in the medical use of marijuana pursuant to chapter 453A of NRS]~~ ***is listed in the medical marijuana registry, as defined in section 4 of this act,*** is subject to disciplinary action pursuant to this section.

Sec. 61. NRS 284.4064 is hereby amended to read as follows:

284.4064 1. If an employee informs the employee's appointing authority that the employee has consumed any drug which could interfere with the safe and efficient performance of the employee's duties, the

appointing authority may require the employee to obtain clearance from the employee's physician before the employee continues to work.

2. If an appointing authority reasonably believes, based upon objective facts, that an employee's ability to perform the employee's duties safely and efficiently:

(a) May be impaired by the consumption of alcohol or other drugs, it may ask the employee whether the employee has consumed any alcohol or other drugs and, if so:

(1) The amount and types of alcohol or other drugs consumed and the time of consumption;

(2) If a controlled substance other than marijuana was consumed, the name of the person who prescribed its use; and

(3) If marijuana was consumed, to provide proof that the employee ~~[holds a valid registry identification card to engage in the medical use of marijuana pursuant to chapter 453A of NRS.]~~ ***is listed in the medical marijuana registry, as defined in section 4 of this act.***

(b) Is impaired by the consumption of alcohol or other drugs, it shall prevent the employee from continuing work and transport the employee or cause the employee to be transported safely away from the employee's place of employment in accordance with regulations adopted by the Commission.

Sec. 62. NRS 284.4066 is hereby amended to read as follows:

284.4066 1. Each appointing authority shall, subject to the approval of the Commission, determine whether each of its positions of employment affects the public safety. The appointing authority shall not hire an applicant for such a position unless the applicant submits to a screening test to detect the general presence of a controlled substance. Notice of the provisions of this section must be given to each applicant for such a position at or before the time of application.

2. An appointing authority shall consider the results of a screening test in determining whether to employ an applicant. If those results indicate the presence of a controlled substance other than marijuana, the appointing authority shall not hire the applicant unless the applicant provides, within 72 hours after being requested, proof that the applicant had taken the controlled substance as directed pursuant to a current and lawful prescription issued in the applicant's name.

3. An appointing authority shall, at the request of an applicant, provide the applicant with the results of the applicant's screening test.

4. If the results of a screening test indicate the presence of a controlled substance, the appointing authority shall:

(a) Provide the Administrator with the results of the applicant's screening test.

(b) If applicable, inform the Administrator whether the applicant ~~[holds a valid registry identification card to engage in the medical use of marijuana pursuant to chapter 453A of NRS.]~~ ***is listed in the medical marijuana registry, as defined in section 4 of this act.***

5. The Commission may adopt regulations relating to an applicant for a position which affects the public safety who tests positive for marijuana and ~~[holds a valid registry identification card to engage in the medical use of marijuana pursuant to chapter 453A of NRS.]~~ ***is listed in the medical marijuana registry, as defined in section 4 of this act.***

Sec. 63. NRS 484C.210 is hereby amended to read as follows:

484C.210 1. If a person fails to submit to an evidentiary test as requested by a police officer pursuant to NRS 484C.160, the license, permit or privilege to drive of the person must be revoked as provided in NRS 484C.220, and the person is not eligible for a license, permit or privilege to drive for a period of:

(a) One year; or

(b) Three years, if the license, permit or privilege to drive of the person has been revoked during the immediately preceding 7 years for failure to submit to an evidentiary test.

2. If the result of a test given under NRS 484C.150 or 484C.160 shows that a person had a concentration of alcohol of 0.08 or more in his or her blood or breath or a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or ~~[hold a valid registry identification card, as defined in NRS 453A.140,]~~ ***for which he or she was not listed in the medical marijuana registry, as defined in section 4 of this act,*** at the time of the test, the license, permit or privilege of the person to drive must be revoked as provided in NRS 484C.220 and the person is not eligible for a license, permit or privilege for a period of 90 days.

3. If a revocation of a person's license, permit or privilege to drive under NRS 62E.640 or 483.460 follows a revocation under subsection 2 which was based on the person having a concentration of alcohol of 0.08 or more in his or her blood or breath, the Department shall cancel the revocation under that subsection and give the person credit for any period during which the person was not eligible for a license, permit or privilege.

4. Periods of ineligibility for a license, permit or privilege to drive which are imposed pursuant to this section must run consecutively.

Sec. 64. NRS 484C.220 is hereby amended to read as follows:

484C.220 1. As agent for the Department, the officer who requested that a test be given pursuant to NRS 484C.150 or 484C.160 or who obtained the result of a test given pursuant to NRS 484C.150 or 484C.160 shall immediately serve an order of revocation of the license, permit or privilege to drive on a person who failed to submit to a test requested by the police officer pursuant to NRS 484C.150 or 484C.160 or who has a concentration of alcohol of 0.08 or more in his or her blood or breath or has a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or ~~[hold a valid registry identification card, as defined in NRS 453A.140,]~~ ***for which he or she was not listed in the medical marijuana***

registry, as defined in section 4 of this act, if that person is present, and shall seize the license or permit to drive of the person. The officer shall then, unless the information is expressly set forth in the order of revocation, advise the person of his or her right to administrative and judicial review of the revocation pursuant to NRS 484C.230 and, except as otherwise provided in this subsection, that the person has a right to request a temporary license. If the person currently is driving with a temporary license that was issued pursuant to this section or NRS 484C.230, the person is not entitled to request an additional temporary license pursuant to this section or NRS 484C.230, and the order of revocation issued by the officer must revoke the temporary license that was previously issued. If the person is entitled to request a temporary license, the officer shall issue the person a temporary license on a form approved by the Department if the person requests one, which is effective for only 7 days including the date of issuance. The officer shall immediately transmit the person's license or permit to the Department along with the written certificate required by subsection 2.

2. When a police officer has served an order of revocation of a driver's license, permit or privilege on a person pursuant to subsection 1, or later receives the result of an evidentiary test which indicates that a person, not then present, had a concentration of alcohol of 0.08 or more in his or her blood or breath or had a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or ~~[hold a valid registry identification card, as defined in NRS 453A.140,]~~ ***for which he or she was not listed in the medical marijuana registry, as defined in section 4 of this act,*** the officer shall immediately prepare and transmit to the Department, together with the seized license or permit and a copy of the result of the test, if any, a written certificate that the officer had reasonable grounds to believe that the person had been driving or in actual physical control of a vehicle:

(a) With a concentration of alcohol of 0.08 or more in his or her blood or breath or with a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or ~~[hold a valid registry identification card, as defined in NRS 453A.140,]~~ ***for which he or she was not listed in the medical marijuana registry, as defined in section 4 of this act,*** as determined by a chemical test; or

(b) While under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine and the person refused to submit to a required evidentiary test.

➥ The certificate must also indicate whether the officer served an order of revocation on the person and whether the officer issued the person a temporary license.

3. The Department, upon receipt of such a certificate for which an order of revocation has not been served, after examining the certificate and copy of the result of the chemical test, if any, and finding that revocation is proper,

shall issue an order revoking the person's license, permit or privilege to drive by mailing the order to the person at the person's last known address. The order must indicate the grounds for the revocation and the period during which the person is not eligible for a license, permit or privilege to drive and state that the person has a right to administrative and judicial review of the revocation and to have a temporary license. The order of revocation becomes effective 5 days after mailing.

4. Notice of an order of revocation and notice of the affirmation of a prior order of revocation or the cancellation of a temporary license provided in NRS 484C.230 is sufficient if it is mailed to the person's last known address as shown by any application for a license. The date of mailing may be proved by the certificate of any officer or employee of the Department, specifying the time of mailing the notice. The notice is presumed to have been received upon the expiration of 5 days after it is deposited, postage prepaid, in the United States mail.

Sec. 65. NRS 484C.230 is hereby amended to read as follows:

484C.230 1. At any time while a person is not eligible for a license, permit or privilege to drive following an order of revocation issued pursuant to NRS 484C.220, the person may request in writing a hearing by the Department to review the order of revocation, but the person is only entitled to one hearing. The hearing must be conducted as soon as is practicable at any location, if the hearing officer permits each party and witness to attend the hearing by telephone, videoconference or other electronic means. The Director or agent of the Director may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the requester. Unless the person is ineligible for a temporary license pursuant to NRS 484C.220, the Department shall issue an additional temporary license for a period which is sufficient to complete the administrative review.

2. The scope of the hearing must be limited to the issue of whether the person:

(a) Failed to submit to a required test provided for in NRS 484C.150 or 484C.160; or

(b) At the time of the test, had a concentration of alcohol of 0.08 or more in his or her blood or breath or a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or ~~[hold a valid registry identification card, as defined in NRS 453A.140.]~~ ***for which he or she was not listed in the medical marijuana registry, as defined in section 4 of this act.***

➥ Upon an affirmative finding on either issue, the Department shall affirm the order of revocation. Otherwise, the order of revocation must be rescinded.

3. If, after the hearing, the order of revocation is affirmed, the person whose license, privilege or permit has been revoked is entitled to a review of the same issues in district court in the same manner as provided by chapter

233B of NRS. The court shall notify the Department upon the issuance of a stay, and the Department shall issue an additional temporary license for a period which is sufficient to complete the review.

4. If a hearing officer grants a continuance of a hearing at the request of the person whose license was revoked, or a court does so after issuing a stay of the revocation, the officer or court shall notify the Department, and the Department shall cancel the temporary license and notify the holder by mailing the order of cancellation to the person's last known address.

Sec. 65.5. **On or before June 30, 2017, the Division of Public and Behavioral Health of the Department of Health and Human Services shall ensure that the name, date of birth and unique identification number of each person who, on June 30, 2017, holds a valid registry identification card or valid letter of approval issued by the Division is entered into the medical marijuana registry of the Department of Taxation established pursuant to section 5 of this act.**

Sec. 66. 1. A person who holds a valid, unexpired registry identification card on July 1, 2017, shall be deemed to be listed in the medical marijuana registry until the registry identification card expires.

2. The amendatory provisions of this act do not affect the validity of an unexpired registry identification card, letter of approval, medical marijuana establishment registration certificate or medical marijuana establishment agent registration card that was issued by the Division of Public and Behavioral Health of the Department of Health and Human Services before July 1, 2017. However, upon the expiration of such a registry identification card, letter of approval, medical marijuana establishment registration certificate or medical marijuana establishment agent registration card, a person who wishes to retain the limited exemption from state prosecution which is set forth in NRS 453A.200 must:

(a) Reapply to the Department of Taxation for a new letter of approval, medical marijuana establishment registration certificate or medical marijuana establishment agent registration card issued by that agency or comply with the provisions of section 5 of this act to be listed in the medical marijuana registry, as applicable.

(b) Pay any necessary fees as determined by the Department of Taxation or any regulations adopted pursuant to chapter 453A of NRS.

3. As used in this section:

(a) "Letter of approval" has the meaning ascribed to it in NRS 453A.109.

(b) "Medical marijuana establishment agent registration card" has the meaning ascribed to it in NRS 453A.118.

(c) "Medical marijuana establishment registration certificate" has the meaning ascribed to it in NRS 453A.119.

(d) "Medical marijuana registry" has the meaning ascribed to it in section 4 of this act.

(e) "Registry identification card" means a document issued by the Division of Public and Behavioral Health of the Department of Health and Human Services or its designee that identifies:

(1) A person who is exempt from state prosecution for engaging in the medical use of marijuana; or

(2) The designated primary caregiver, if any, of a person described in subparagraph (1).

Sec. 67. 1. The administrative regulations adopted by the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to chapter 453A of NRS remain in force and are hereby transferred to become the administrative regulations of the Department of Taxation on July 1, 2017. On and after July 1, 2017, these regulations must be interpreted in a manner so that all references to the Division of Public and Behavioral Health of the Department of Health and Human Services and its constituent parts are read and interpreted as being references to the Department of Taxation and its constituent parts, regardless of whether those references have been conformed pursuant to section 68 of this act at the time of interpretation.

2. Any contracts or other agreements entered into by the Division of Public and Behavioral Health of the Department of Health and Human Services and its constituent parts pursuant to chapter 453A of NRS are binding upon the Department of Taxation on and after July 1, 2017, rather than the Division of Public and Behavioral Health of the Department of Health and Human Services and its constituent parts. Such contracts and other agreements may be enforced by the Department of Taxation on and after July 1, 2017.

3. Any action taken by the Division of Public and Behavioral Health of the Department of Health and Human Services or its constituent parts pursuant to chapter 453A of NRS before July 1, 2017, remains in effect as if taken by the Department of Taxation or its constituent parts on and after July 1, 2017.

Sec. 68. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 69. 1. NRS 453A.090 is hereby repealed.

2. Section 24.9 of chapter 547, Statutes of Nevada 2013, at page 3728, is hereby repealed.

Sec. 70. 1. This **section and sections 1 to 56, inclusive, and 57 to 69, inclusive, of this** act ~~[becomes]~~ **become** effective ~~[on]~~ **:**

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

(b) On July 1, 2017 ~~[.]~~ **, for all other purposes.**

2. Section 56.5 of this act becomes effective on January 1, 2020.

TEXT OF REPEALED SECTION OF NRS AND TEXT OF REPEALED SECTION OF STATUTES OF NEVADA

453A.090 "Division" defined. "Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.

Section 24.9 of chapter 547, Statutes of Nevada 2013, at page 3728:

Sec. 24.9. Section 19.5 of this act is hereby amended to read as follows:

Sec. 19.5 1. The State of Nevada and the medical marijuana dispensaries in this State which hold valid medical marijuana establishment registration certificates will recognize a nonresident card only under the following circumstances:

(a) The state or jurisdiction from which the holder or bearer obtained the nonresident card grants an exemption from criminal prosecution for the medical use of marijuana;

(b) The state or jurisdiction from which the holder or bearer obtained the nonresident card requires, as a prerequisite to the issuance of such a card, that a physician advise the person that the medical use of marijuana may mitigate the symptoms or effects of the person's medical condition;

(c) The nonresident card has an expiration date and has not yet expired;

(d) The ~~[~~holder or bearer of the nonresident card signs an affidavit in a form prescribed by the Division which sets forth that the holder or bearer is entitled to engage in the medical use of marijuana in his or her state or jurisdiction of residence; and

(e)~~]~~ ***state or jurisdiction from which the holder or bearer obtained the nonresident card maintains a database which preserves such information as may be necessary to verify the authenticity or validity of the nonresident card;***

(e) The state or jurisdiction from which the holder or bearer obtained the nonresident card allows the Division and medical marijuana dispensaries in this State to access the database described in paragraph (d);

(f) The Division determines that the database described in paragraph (d) is able to provide to medical marijuana dispensaries

in this State information that is sufficiently accurate, current and specific as to allow those dispensaries to verify that a person who holds or bears a nonresident card is entitled lawfully to do so; and

(g) The holder or bearer of the nonresident card agrees to abide by, and does abide by, the legal limits on the possession of marijuana for medical purposes in this State, as set forth in NRS 453A.200.

2. For the purposes of the reciprocity described in this section:

(a) The amount of medical marijuana that the holder or bearer of a nonresident card is entitled to possess in his or her state or jurisdiction of residence is not relevant; and

(b) Under no circumstances, while in this State, may the holder or bearer of a nonresident card possess marijuana for medical purposes in excess of the limits set forth in NRS 453A.200.

3. As used in this section, "nonresident card" means a card or other identification that:

(a) Is issued by a state or jurisdiction other than Nevada; and

(b) Is the functional equivalent of a registry identification card, as determined by the Division.

Assemblyman Sprinkle moved the adoption of the amendment.

Potential conflict of interest declared by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Mr. Speaker, because this body is considering Assembly Bill 422 which proposes to make changes regarding medical marijuana and marijuana establishments, I would like to advise the Chamber that my wife is currently employed as the Executive Director of the Nevada Dispensary Association, a trade association consisting of medical marijuana dispensaries and medical marijuana cultivators, which actively lobbies the Legislature and other governmental bodies on issues affecting its members. I have sought the advice of our Legislative Counsel and although Assembly Bill 422 does not affect the members of the trade association that my wife is employed with any differently than other owners of medical marijuana dispensaries and medical marijuana cultivators, I am making this disclosure. I did abstain from voting on the proposed amendment to Assembly Bill 422 as I will abstain from voting on Assembly Bill 422 out of an abundance of caution.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 425.

Bill read second time.

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

Amendment No. 535.

AN ACT relating to counselors; authorizing certain holders of licenses and certificates issued by the Board of Examiners for Alcohol, Drug and Gambling Counselors to place those licenses and certificates on inactive status; authorizing the Board to impose administrative sanctions against a person who engages in certain activity without a license or certificate; authorizing certain certified alcohol and drug abuse counselors to supervise a

certified alcohol and drug abuse counselor intern; **revising the required training for a certified alcohol and drug abuse counselor intern;** authorizing the Board to impose disciplinary action in certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the Board of Examiners for Alcohol, Drug and Gambling Counselors to: (1) license clinical alcohol and drug abuse counselors and alcohol and drug abuse counselors who have received a master's or doctoral degree in an approved field of social science; and (2) certify alcohol and drug abuse counselors who have received a bachelor's degree in an approved field of social science, problem gambling counselors, clinical alcohol and drug abuse counselor interns, alcohol and drug abuse counselor interns and problem gambling counselor interns. (NRS 641C.330, 641C.340, 641C.350, 641C.390, 641C.420, 641C.430, 641C.440) **Section 2** of this bill authorizes the holder of a license or certificate issued by the Board, other than a certificate as an intern, to place the license or certificate on inactive status if the license or certificate is in good standing and the holder of the license or certificate has met all requirements for the issuance or renewal of the license or certificate. **Section 2** prohibits a person whose license is inactive from engaging in any work or activity that requires a license or certificate issued by the Board in this State unless the license or certificate is returned to active status. Violation of this provision is a misdemeanor. (NRS 641C.950) **Section 6** of this bill authorizes the Board to impose disciplinary action against a person who: (1) violates this provision; or (2) engages in the practice of counseling problem gamblers with an expired, suspended or revoked certificate.

Section 3 of this bill authorizes the Board to impose certain sanctions, including an administrative penalty, against a person who: (1) provides services for which a license or certificate issued by the Board is required without such a license or certificate; or (2) falsely represents or implies that he or she has such a license or certificate.

Under existing law, only a licensed alcohol and drug abuse counselor is authorized to supervise a certified alcohol and drug abuse counselor intern. (NRS 641C.420) **Sections 4 and 5** of this bill additionally authorize a certified alcohol and drug abuse counselor who has been certified for at least 3 years and meets any other requirements prescribed by the Board to supervise such an intern.

Existing law requires an applicant for a certificate as an alcohol and drug abuse counselor intern to have completed not less than 30 hours of training specific to alcohol and drug abuse, which must include at least 6 hours of instruction relating to confidentiality and 6 hours of instruction relating to ethics. (NRS 641C.420) Section 5 of this bill removes the requirement that an applicant must have completed not less than 30 hours of training specific to alcohol and drug abuse, but leaves in place the requirement that the applicant must have received at least 6 hours of

instruction relating to confidentiality and 6 hours of instruction relating to ethics.

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

Section 1. Chapter 641C of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. The holder of a license or certificate issued by the Board, other than a certified intern, may apply to the Board to have his or her license or certificate placed on inactive status. The Board may grant the application if the license or certificate is in good standing and the holder of the license or certificate has met all requirements for the issuance or renewal of the license or certificate as of the date of the application.***

2. If an application is granted pursuant to subsection 1, the holder of the license or certificate shall not engage in any work or activities that require a license or certificate issued by the Board in this State unless the license or certificate is first returned to active status.

3. The Board shall adopt regulations prescribing the:

(a) Procedure for submitting an application pursuant to this section;

(b) Procedure and terms upon which a person whose license or certificate has been placed on inactive status may resume work or activities that require a license or certificate;

(c) Length of time that a license or certificate may remain on inactive status; and

(d) Fees for the renewal of the inactive status of a license or certificate.

Sec. 3. ***In addition to any criminal penalty that may be imposed for a violation of NRS 641C.900 or 641C.910, the Board, after notice and a hearing, may:***

1. Issue an order against any person who has violated NRS 641C.900 or 641C.910, imposing an administrative penalty of not more than $5,000 for each violation. Any administrative penalty collected pursuant to this subsection must be deposited in the State General Fund.

2. Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or certificate and otherwise demonstrates that he or she is no longer in violation of NRS 641C.900 or 641C.910, as applicable. An order to cease and desist must include a telephone number by which the person may contact the Board.

3. Issue a citation to the person. A citation issued pursuant to this subsection must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this section. Each activity in

which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

4. Impose any combination of the penalties set forth in subsections 1, 2 and 3.

Sec. 4. NRS 641C.390 is hereby amended to read as follows:

641C.390 1. The Board shall issue a certificate as an alcohol and drug abuse counselor to a person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Except as otherwise provided in subsection 2, has received a bachelor's degree from an accredited college or university in a field of social science approved by the Board;

(d) Has completed 4,000 hours of supervised counseling of alcohol and drug abusers;

(e) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;

(f) Pays the fees required pursuant to NRS 641C.470; and

(g) Submits all information required to complete an application for a certificate.

2. The Board may waive the educational requirement set forth in paragraph (c) of subsection 1 if an applicant for a certificate has contracted with or receives a grant from the Federal Government to provide services as an alcohol and drug abuse counselor to persons who are authorized to receive those services pursuant to 25 U.S.C. §§ ~~[450]~~ ***5301*** et seq. or 25 U.S.C. §§ 1601 et seq. An alcohol and drug abuse counselor certified pursuant to this section for whom the educational requirement set forth in paragraph (c) of subsection 1 is waived may provide services as an alcohol and drug abuse counselor only to those persons who are authorized to receive those services pursuant to 25 U.S.C. §§ ~~[450]~~ ***5301*** et seq. or 25 U.S.C. §§ 1601 et seq.

3. A certificate as an alcohol and drug abuse counselor is valid for 2 years and may be renewed.

4. A certified alcohol and drug abuse counselor may:

(a) Engage in the practice of counseling alcohol and drug abusers; ~~[and]~~

(b) Diagnose or classify a person as an alcoholic or abuser of drugs ~~[.]~~ ***; and***

(c) If the certified alcohol and drug abuse counselor has been certified for at least 3 years and meets any other requirements prescribed by regulation of the Board for the supervision of interns, supervise certified alcohol and drug abuse counselor interns.

Sec. 5. NRS 641C.420 is hereby amended to read as follows:

641C.420 1. The Board shall issue a certificate as an alcohol and drug abuse counselor intern to a person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Pays the fees required pursuant to NRS 641C.470;

(d) Submits proof to the Board that the person:

(1) Is enrolled in a program in which he or she has completed at least 60 hours of credit toward the completion of a bachelor's degree in a field of social science approved by the Board;

(2) Is enrolled in a program from which he or she will receive a master's degree or doctoral degree in a field of social science approved by the Board; or

(3) Has received an associate's degree, bachelor's degree, master's degree or doctoral degree that included at least 18 hours of credit specifically related to the practice of counseling alcohol and drug abusers in a field of social science approved by the Board;

(e) Has ~~[completed not less than 30 hours of training specific to alcohol and drug abuse which must:~~

~~(1) Include]~~ ***received*** at least 6 hours of ~~[instructions]~~ ***instruction*** relating to confidentiality and 6 hours of instruction relating to ethics; and

~~[(2) Be approved by the Board; and]~~

(f) Submits all information required to complete an application for a certificate.

2. A certificate as an alcohol and drug abuse counselor intern is valid for 6 months and may be renewed. The Board may waive any requirement for the renewal of a certificate upon good cause shown by the holder of the certificate.

3. A certified alcohol and drug abuse counselor intern may, under the supervision of a licensed alcohol and drug abuse counselor ***,*** ~~[or]~~ licensed clinical alcohol and drug abuse counselor ~~[.]~~ ***or certified alcohol and drug abuse counselor who meets the requirements of paragraph (c) of subsection 4 of NRS 641C.390:***

(a) Engage in the practice of counseling alcohol and drug abusers; and

(b) Diagnose or classify a person as an alcoholic or drug abuser.

Sec. 6. NRS 641C.700 is hereby amended to read as follows:

641C.700 The grounds for initiating disciplinary action pursuant to the provisions of this chapter include:

1. Conviction of:

(a) A felony relating to the practice of counseling alcohol and drug abusers, the clinical practice of counseling alcohol and drug abusers or the practice of counseling problem gamblers;

(b) An offense involving moral turpitude; or

(c) A violation of a federal or state law regulating the possession, distribution or use of a controlled substance or dangerous drug as defined in chapter 453 of NRS;

2. Fraud or deception in:

(a) Applying for a license or certificate;

(b) Taking an examination for a license or certificate;

(c) Documenting the continuing education required to renew or reinstate a license or certificate;

(d) Submitting a claim for payment to an insurer; or

(e) The practice of counseling alcohol and drug abusers or the clinical practice of counseling alcohol and drug abusers;

3. Allowing the unauthorized use of a license or certificate issued pursuant to this chapter;

4. Professional incompetence;

5. The habitual use of alcohol or any other drug that impairs the ability of a licensed or certified counselor or certified intern to engage in the practice of counseling alcohol and drug abusers or the clinical practice of counseling alcohol and drug abusers;

6. Engaging in the practice of counseling alcohol and drug abusers ***, the practice of counseling problem gamblers*** or the clinical practice of counseling alcohol and drug abusers with an ***inactive,*** expired, suspended or revoked license or certificate;

7. Engaging in behavior that is contrary to the ethical standards as set forth in the regulations of the Board; and

8. The operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 7. This act becomes effective on July 1, 2017.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 429.

Bill read second time.

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

Amendment No. 422.

SUMMARY—Enacts provisions governing ~~[the interstate provision of emergency medical services and]~~ the interstate practice of psychology. (BDR ~~[40-351)]~~ **54-351)**

~~[CONTAINS UNFUNDED MANDATE (§§ 1, 2, 19) (Not Requested by Affected Local Government)]~~

AN ACT relating to health care; ratifying, enacting and entering into the ~~[Recognition of Emergency Medical Services Personnel Licensure Interstate Compact and the]~~ Psychology Interjurisdictional Compact; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[~~ ~~The Recognition of Emergency Medical Services Personnel Licensure Interstate Compact is an interstate compact that allows a person who is licensed to practice as an emergency medical technician, advanced emergency medical technician or paramedic to practice in another state that is a member of the Compact under certain circumstances. Specifically, such a person may practice in a state other than the state in which he or she is licensed, referred to as the "remote state," if the state in which he or she is licensed, referred to as his or her "home state": (1) requires licensees to pass the National Registry of Emergency Medical Technicians examination and undergo a criminal background check; (2) has provisions in place for receiving and investigating complaints concerning licensees; and (3) notifies the Commission, which is the administrative body of the Compact, of any disciplinary action taken against or significant investigation of a licensee. A person who practices in a remote state under the Compact is subject to the jurisdiction and rules of the remote state while practicing there, and his or her privilege to practice in any remote state may be revoked by the authorities in a remote state in which he or she practices. The Compact specifies that a person may only practice in a remote state after entering from his or her home state, meaning that the Compact does not authorize a person to obtain regular employment with an emergency medical services agency in a remote state without obtaining a license in that state.~~

~~The Compact also requires member states to consider a veteran or member of the military, or spouse thereof, who holds an active National Registry of Emergency Medical Technicians certification at or above the level of an emergency medical technician, advanced emergency medical technician or paramedic as satisfying the minimum requirements for certification as an emergency medical technician, advanced emergency medical technician or paramedic, as applicable. Member states are required to expedite applications for licensure submitted by such persons.~~

~~The Commission is authorized to adopt rules and impose an annual assessment on each member state to fund the activities of the Commission. The Compact becomes effective upon ratification by ten states. Currently, nine states have ratified the Compact, including Utah and Idaho.~~

~~Section 2 of this bill ratifies and enacts the Compact. Sections 1, 3-5, 8, 10-13, 15, 16, 18 and 19 of this bill make conforming changes to clarify that: (1) an emergency medical technician, advanced emergency medical technician or paramedic who has not been certified by a health authority in this State is authorized to practice in this State under the conditions set forth in the Compact; and (2) a person practicing as an emergency medical technician, advanced emergency medical technician or paramedic under the conditions set forth in the Compact has the same rights and responsibilities as a person certified as such in this State. Sections 6, 7 and 9-11 of this bill provide that a veteran or member of the military, or spouse thereof, who holds an active National Registry of Emergency Medical Technicians~~

~~certification at or above the level of an emergency medical technician, advanced emergency medical technician or paramedic is not required to obtain additional training to be certified as such, in conformance with the Compact.]~~

The Psychology Interjurisdictional Compact of the Association of State and Provincial Psychology Boards is an interstate compact that allows a person who is licensed as a psychologist in a state that is a member of the Compact to provide services to patients in other states that are members of the Compact through telehealth or in person under certain conditions. Before providing such services, the Compact requires a psychologist to: (1) have a graduate degree in psychology from an accredited institution; (2) possess a full, unrestricted license to practice psychology in at least one state that is a member of the Compact; (3) have no history of disciplinary action or convictions of certain crimes; (4) make attestations and allow the governing body of the Compact, known as the Psychology Interjurisdictional Compact Commission, to access information concerning the psychologist's areas of intended practice, criminal background and knowledge of requirements in all states in which he or she intends to practice; (5) possess a valid certificate to practice either through telehealth, called an E.Passport, or in person, called an IPC Certificate, under the Compact; and (6) meet any other requirements of the Commission. The Compact only authorizes a psychologist to provide services in person in a state in which the psychologist is not licensed on a temporary basis, as defined by the Commission, and the psychologist is still required to obtain a license to provide services in person over the long term. Psychologists who provide services in states other than those in which they are licensed under the Compact are subject to the jurisdiction of the state in which they provide services, and such a state can revoke the authorization to practice in those states. The Commission is authorized to: (1) collect an annual assessment from each state that is a member of the Compact to fund the operations of the Commission; (2) make rules concerning the administration of the Compact and the practice of psychology across state lines under the Compact; and (3) resolve disputes among states that are members of the Compact related to the Compact. **Section 21** of this bill enacts the Compact.

Sections ~~[14, 17,]~~ 20, 22 and 24-29 of this bill clarify that a psychologist who is authorized to practice in this State pursuant to the Compact is authorized to engage in the same activities as a psychologist who is licensed in this State. **Section 23** of this bill exempts a psychologist who is not licensed in this State and practicing as authorized in the Compact from a prohibition on representing oneself as a psychologist or practicing psychology without a license issued by the Board of Psychological Examiners. The Compact becomes effective upon ratification by seven states. Currently, only Arizona **~~[has]~~ and Utah have** ratified the Compact.

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

Section 1. ~~[NRS 441A.195 is hereby amended to read as follows:~~

~~441A.195 1. A law enforcement officer, correctional officer, emergency medical attendant, firefighter, county coroner or medical examiner or any of their employees or volunteers, any other person who is employed by or is a volunteer for an agency of criminal justice or any other public employee or volunteer for a public agency who, in the course of his or her official duties, comes into contact with human blood or bodily fluids, or the employer of such a person or the public agency for which the person volunteers, may petition a court for an order requiring the testing of a person or decedent for exposure to a communicable disease if the person or decedent may have exposed the officer, emergency medical attendant, firefighter, county coroner or medical examiner or their employee or volunteer, other person employed by or volunteering for an agency of criminal justice or other public employee or volunteer for a public agency to a communicable disease.~~

~~2. When possible, before filing a petition pursuant to subsection 1, the person, employer or public agency for which the person volunteers, and who is petitioning shall submit information concerning the possible exposure to a communicable disease to the designated health care officer for the employer or public agency or, if there is no designated health care officer, the person designated by the employer or public agency to document and verify possible exposure to communicable diseases, for verification that there was substantial exposure. Each designated health care officer or person designated by an employer or public agency to document and verify possible exposure to communicable diseases shall establish guidelines based on current scientific information to determine substantial exposure.~~

~~3. A court shall promptly hear a petition filed pursuant to subsection 1 and determine whether there is probable cause to believe that a possible transfer of blood or other bodily fluids occurred between the person who filed the petition or on whose behalf the petition was filed and the person or decedent who possibly exposed him or her to a communicable disease. If the court determines that probable cause exists to believe that a possible transfer of blood or other bodily fluids occurred and, that a positive result from the test for the presence of a communicable disease would require the petitioner to seek medical intervention, the court shall:~~

~~(a) Order the person who possibly exposed the petitioner, or the person on whose behalf the petition was filed, to a communicable disease to submit two appropriate specimens to a local hospital or medical laboratory for testing for exposure to a communicable disease; or~~

~~(b) Order that two appropriate specimens be taken from the decedent who possibly exposed the petitioner, or the person on whose behalf the petition was filed, to a communicable disease and be submitted to a local hospital or medical laboratory for testing for exposure to the communicable disease.~~

~~. The local hospital or medical laboratory shall perform the test in accordance with generally accepted medical practices and shall disclose the results of the test in the manner set forth in NRS 629.069.~~

~~4. If a judge or a justice of the peace enters an order pursuant to this section, the judge or justice of the peace may authorize the designated health care officer or the person designated by the employer or public agency to document and verify~~

~~possible exposure to a communicable disease to sign the name of the judge or justice of the peace on a duplicate order. Such a duplicate order shall be deemed to be an order of the court. As soon as practicable after the duplicate order is signed, the duplicate order must be returned to the judge or justice of the peace who authorized the signing of it and must indicate on its face the judge or justice of the peace to whom it is to be returned. The judge or justice of the peace, upon receiving the returned order, shall endorse the order with his or her name and enter the date on which the order was returned. Any failure of the judge or justice of the peace to make such an endorsement and entry does not in and of itself invalidate the order.~~

~~5. Except as otherwise provided in NRS 629.069, all records submitted to the court in connection with a petition filed pursuant to this section and any proceedings concerning the petition are confidential and the judge or justice of the peace shall order the records and any record of the proceedings to be sealed and to be opened for inspection only upon an order of the court for good cause shown.~~

~~6. A court may establish rules to allow a judge or justice of the peace to conduct a hearing or issue an order pursuant to this section by electronic or telephonic means.~~

~~7. The employer of a person or the public agency for which the person volunteers, who files a petition or on whose behalf a petition is filed pursuant to this section or the insurer of the employer or public agency, shall pay the cost of performing the test pursuant to subsection 3.~~

~~8. As used in this section:~~

~~(a) "Agency of criminal justice" has the meaning ascribed to it in NRS 179A.030.~~

~~(b) "Emergency medical attendant" means a person licensed as an attendant or certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS~~ **[**~~.~~**.]** ~~***or authorized to practice in this State as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified and enacted in section 2 of this act.]***~~

(Deleted by amendment.)

Sec. 2. **[**~~Chapter 450B of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~***The Recognition of Emergency Medical Services Personnel Licensure Interstate Compact is hereby ratified, enacted into law and entered into***~~

~~*with all jurisdictions legally joining the Compact, in substantially the form set forth in this section:*~~

~~*EMS PERSONNEL LICENSURE INTERSTATE COMPACT*~~

~~*SECTION 1. PURPOSE*~~

~~*In order to protect the public through verification of competency and ensure accountability for patient care related activities, all states license EMS personnel, such as emergency medical technicians, advanced EMTs and paramedics. This Compact is intended to facilitate the day to day movement of EMS personnel across state boundaries in the performance of their EMS duties as assigned by an appropriate authority and to authorize state EMS authorities to afford immediate legal recognition to EMS personnel licensed in a member state. This Compact recognizes that states have a vested interest in protecting the health and safety of the public through their licensing and regulation of EMS personnel and that such state regulation shared among the member states will best protect public health and safety. This Compact is designed to achieve the following purposes and objectives:*~~

~~*A. Increase public access to EMS personnel;*~~

~~*B. Enhance the ability of the member states to protect the health and safety of the public, especially patient safety;*~~

~~*C. Encourage the cooperation of member states in the areas of EMS personnel licensure and regulation;*~~

~~*D. Support licensing of military members who are separating from an active duty tour, and their spouses;*~~

~~*E. Facilitate the exchange of information between member states regarding EMS personnel licensure, adverse action and significant investigatory information;*~~

~~*F. Promote compliance with the laws governing the practice of EMS personnel in each member state; and*~~

~~*G. Invest all member states with the authority to hold EMS personnel accountable through the mutual recognition of member state licenses.*~~

~~*SECTION 2. DEFINITIONS*~~

~~*As used in this Compact:*~~

~~*A. "Advanced emergency medical technician" or "AEMT" means an individual licensed with the cognitive knowledge and a scope of practice that corresponds to that level in the National Emergency Medical Services Education Standards and the National EMS Scope of Practice Model, published by the National Highway Traffic Safety Administration.*~~

~~*B. "Adverse action" means any administrative, civil, equitable or criminal action permitted by a state's laws which may be imposed against licensed EMS personnel by a state EMS authority or state court, including, but not limited to, actions against an individual's license such as*~~

~~*revocation, suspension, probation, consent agreement, monitoring or other limitation or encumbrance on the individual's practice, letters of reprimand or admonition, fines, criminal convictions and state court judgments enforcing adverse actions by the state EMS authority.*~~

~~*C. "Alternative program" means a voluntary, nondisciplinary substance abuse recovery program approved by a state EMS authority.*~~

~~*D. "Certification" means the successful verification of entry-level cognitive and psychomotor competency using a reliable, validated and legally defensible examination.*~~

~~*E. "Commission" means the national administrative body of which all states that have enacted this Compact are members.*~~

~~*F. "Emergency medical technician" or "EMT" means an individual licensed with the cognitive knowledge and a scope of practice that corresponds to that level in the National Emergency Medical Services Education Standards and the National EMS Scope of Practice Model published by the National Highway Traffic Safety Administration.*~~

~~*G. "EMS" means emergency medical services.*~~

~~*H. "Home state" means a member state where an individual is licensed to practice emergency medical services.*~~

~~*I. "License" means the authorization by a state for an individual to practice as an EMT, AEMT, paramedic or a level between EMT and paramedic.*~~

~~*J. "Medical director" means a physician licensed in a member state who is accountable for the care delivered by EMS personnel.*~~

~~*K. "Member state" means a state that has enacted this Compact.*~~

~~*L. "Paramedic" means an individual licensed with the cognitive knowledge and a scope of practice that corresponds to that level in the National Emergency Medical Services Education Standards and the National EMS Scope of Practice Model published by the National Highway Traffic Safety Administration.*~~

~~*M. "Privilege to practice" means an individual's authority to deliver emergency medical services in remote states as authorized under this Compact.*~~

~~*N. "Remote state" means a member state in which an individual is not licensed.*~~

~~*O. "Restricted" means the outcome of an adverse action that limits a license or the privilege to practice.*~~

~~*P. "Rule" means a written statement by the Commission promulgated pursuant to section 12 of this Compact that:*~~

~~*1. Is of general applicability;*~~

~~*2. Implements, interprets or prescribes a policy or provision of this Compact; or*~~

~~*3. Is an organizational, procedural or practice requirement of the Commission,*~~

~~" and has the force and effect of statutory law in a member state. The term includes the amendment, repeal or suspension of an existing rule.~~

~~Q. "Scope of practice" means defined parameters of various duties or services that may be provided by an individual with specific credentials. Whether regulated by rule, statute or court decision, the term tends to represent the limits of services an individual may perform.~~

~~R. "Significant investigatory information" means:~~

~~1. Investigative information that a state EMS authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proved true, would result in the imposition of an adverse action on a license or privilege to practice; or~~

~~2. Investigative information that indicates that an individual represents an immediate threat to public health and safety regardless of whether the individual has been notified and had an opportunity to respond.~~

~~S. "State" means any state, commonwealth, district or territory of the United States.~~

~~T. "State EMS authority" means the board, office or other agency with the legislative mandate to license EMS personnel.~~

~~SECTION 3. HOME STATE LICENSURE~~

~~A. Any member state in which an individual holds a current license shall be deemed a home state for purposes of this Compact.~~

~~B. Any member state may require an individual to obtain and retain a license to be authorized to practice in the member state under circumstances not authorized by the privilege to practice under the terms of this Compact.~~

~~C. A home state's license authorizes an individual to practice in a remote state under the privilege to practice only if the home state:~~

~~1. Currently requires the use of the National Registry of Emergency Medical Technicians examination as a condition of issuing initial licenses at the EMT and paramedic levels;~~

~~2. Has a mechanism in place for receiving and investigating complaints about individuals;~~

~~3. Notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding an individual;~~

~~4. Not later than 5 years after activation of the Compact, requires a criminal background check of all applicants for initial licensure, including, without limitation, the use of the results of fingerprint or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation with the exception of federal employees who have a suitability determination in accordance with 5 C.F.R. § 731.202 and submit documentation of such as promulgated in the rules of the Commission; and~~

~~*5. Complies with the rules of the Commission.*~~

~~***SECTION 4. COMPACT PRIVILEGE TO PRACTICE***~~

~~*A. Member states shall recognize the privilege to practice of an individual licensed in another member state that is in conformance with section 3 of this Compact.*~~

~~*B. To exercise the privilege to practice under the terms and provisions of this Compact, an individual must:*~~

~~*1. Be at least 18 years of age;*~~

~~*2. Possess a current unrestricted license in a member state as an EMT, AEMT, paramedic or state-recognized and licensed level with a scope of practice and authority between EMT and paramedic; and*~~

~~*3. Practice under the supervision of a medical director.*~~

~~*C. An individual providing patient care in a remote state under the privilege to practice shall function within the scope of practice authorized by the home state unless and until modified by an appropriate authority in the remote state as may be defined in the rules of the Commission.*~~

~~*D. Except as otherwise provided in subsection C of this section, an individual practicing in a remote state will be subject to the remote state's authority and laws. A remote state may, in accordance with due process and that state's laws, restrict, suspend or revoke an individual's privilege to practice in the remote state and may take any other necessary actions to protect the health and safety of its citizens. If a remote state takes action, it shall promptly notify the home state and the Commission.*~~

~~*E. If an individual's license in any home state is restricted or suspended, the individual shall not be eligible to practice in a remote state under the privilege to practice until the individual's home state license is restored.*~~

~~*F. If an individual's privilege to practice in any remote state is restricted, suspended or revoked, the individual shall not be eligible to practice in any remote state until the individual's privilege to practice is restored.*~~

~~***SECTION 5. CONDITIONS OF PRACTICE IN A REMOTE STATE***~~

~~*An individual may practice in a remote state under a privilege to practice only in the performance of the individual's EMS duties as assigned by an appropriate authority, as defined in the rules of the Commission, and under the following circumstances:*~~

~~*A. The individual originates a patient transport in a home state and transports the patient to a remote state;*~~

~~*B. The individual originates in the home state and enters a remote state to pick up a patient and provide care and transport of the patient to the home state;*~~

~~*C. The individual enters a remote state to provide patient care or transport within that remote state;*~~

~~*D. The individual enters a remote state to pick up a patient and provide care and transport to a third member state; or*~~

~~*E. Other conditions as determined by the rules promulgated by the Commission.*~~

~~*SECTION 6. RELATIONSHIP TO EMERGENCY MANAGEMENT ASSISTANCE COMPACT*~~

~~*Upon a declaration of the Governor of a member state of a state of emergency or disaster that activates the Emergency Management Assistance Compact ratified in NRS 415.010, all relevant terms and provisions of the Emergency Management Assistance Compact shall apply, and to the extent any terms or provisions of this Compact conflict with the Emergency Management Assistance Compact, the terms of the Emergency Management Assistance Compact shall prevail with respect to any individual practicing in the remote state in response to such a declaration.*~~

~~*SECTION 7. VETERANS, SERVICE MEMBERS SEPARATING FROM ACTIVE DUTY MILITARY, AND THEIR SPOUSES*~~

~~*A. Member states shall consider a veteran, active military service member and member of the National Guard and Reserves who is separating from an active duty tour, and a spouse thereof, who holds a current valid and unrestricted certification from the National Registry of Emergency Medical Technicians at or above the level of the state license being sought as satisfying the minimum training and examination requirements for such licensure.*~~

~~*B. Member states shall expedite the processing of licensure applications submitted by veterans, active military service members and members of the National Guard and Reserves separating from an active duty tour, and their spouses.*~~

~~*C. All individuals functioning with a privilege to practice under this section remain subject to the adverse actions provisions of section 8 of this Compact.*~~

~~*SECTION 8. ADVERSE ACTIONS*~~

~~*A. A home state shall have exclusive power to impose adverse action against an individual's license issued by the home state.*~~

~~*B. If an individual's license in any home state is restricted or suspended, the individual is not eligible to practice in a remote state under the privilege to practice until the individual's home state license is restored.*~~

~~*1. All home state adverse action orders shall include a statement that the individual's privileges under this Compact are inactive. The order may allow the individual to practice in remote states with prior written*~~

~~*authorization from both the home state and the state EMS authority of the remote state.*~~

~~*2. An individual currently subject to adverse action in the home state shall not practice in any remote state without prior written authorization from both the home state and the state EMS authority of the remote state.*~~

~~*C. A member state shall report adverse actions and any occurrences that the individual's privileges under this Compact are restricted, suspended or revoked to the Commission in accordance with the rules of the Commission.*~~

~~*D. A remote state may take adverse action on an individual's privilege to practice within that state.*~~

~~*E. Any member state may take adverse action against an individual's privilege to practice in that state based on the factual findings of another member state, so long as each state follows its own procedures for imposing such adverse action.*~~

~~*F. The state EMS authority of a home state shall investigate and take appropriate action with respect to reported conduct in a remote state as it would if such conduct had occurred within the home state. In such cases, the home state's law shall control in determining the appropriate adverse action.*~~

~~*G. Nothing in this Compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the member state's laws. Member states must require individuals who enter any alternative programs to agree not to practice in any other member state during the term of the alternative program without prior authorization from such other member state.*~~

~~*SECTION 9. ADDITIONAL POWERS INVESTED IN A MEMBER STATE'S EMS AUTHORITY*~~

~~*The state EMS authority of a member state, in addition to any other powers granted under state law, is authorized under this Compact to:*~~

~~*A. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by the state EMS authority of a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the remote state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing state EMS authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses or evidence are located.*~~

~~*B. Issue cease and desist orders to restrict, suspend or revoke an individual's privilege to practice in the member state.*~~

~~***SECTION 10. ESTABLISHMENT OF THE INTERSTATE COMMISSION FOR EMS PERSONNEL PRACTICE***~~

~~***A. The Compact states hereby create and establish a joint public agency known as the Interstate Commission for EMS Personnel Practice and:***~~

~~***1. The Commission is a body politic and an instrumentality of the Compact states.***~~

~~***2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.***~~

~~***3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.***~~

~~***B. Membership, voting and meetings:***~~

~~***1. Each member state shall have and be limited to one delegate. The responsible official of the state EMS authority or his or her designee shall be the delegate to this Compact for each member state. Any delegate may be removed or suspended from office as provided by the laws of the state from which the delegate is appointed. Any vacancy occurring in the Commission shall be filled in accordance with the laws of the member state in which the vacancy exists. In the event that more than one board, office or other agency with the legislative mandate to license EMS personnel at and above the level of EMT exists, the Governor of the member state will determine which entity will be responsible for assigning the delegate.***~~

~~***2. Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for the delegates' participation in meetings by telephone or other means of communication.***~~

~~***3. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.***~~

~~***4. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in section 12 of this Compact.***~~

~~***5. The Commission may convene in a closed, nonpublic meeting if the Commission must discuss:***~~

~~***a. Noncompliance of a member state with its obligations under this Compact;***~~

~~***b. The employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other***~~

~~*matters related to the Commission's internal personnel practices and procedures;*~~

~~*c. Current, threatened or reasonably anticipated litigation;*~~

~~*d. Negotiation of contracts for the purchase or sale of goods, services or real estate;*~~

~~*e. Accusing any person of a crime or formally censuring any person;*~~

~~*f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;*~~

~~*g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;*~~

~~*h. Disclosure of investigatory records compiled for law enforcement purposes;*~~

~~*i. Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to this Compact; or*~~

~~*j. Matters specifically exempted from disclosure by federal or member state statute.*~~

~~*6. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including, without limitation, a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or an order of a court of competent jurisdiction.*~~

~~*C. The Commission shall, by a majority vote of the delegates, prescribe bylaws and rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the Compact, including, but not limited to:*~~

~~*1. Establishing the fiscal year of the Commission.*~~

~~*2. Providing reasonable standards and procedures:*~~

~~*a. For the establishment and meetings of other committees; and*~~

~~*b. Governing any general or specific delegation of any authority or function of the Commission.*~~

~~*3. Providing reasonable procedures for calling and conducting meetings of the Commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals and proprietary information, including, without limitation, trade secrets. The Commission may meet in*~~

~~*closed session only after a majority of the membership votes to close a meeting in whole or in part. As soon as practicable, the Commission must make public a copy of the vote to close the meeting revealing the vote of each member with no proxy votes allowed.*~~

~~*4. Establishing the titles, duties and authority, and reasonable procedures for the election, of the officers of the Commission.*~~

~~*5. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Commission. Notwithstanding any civil service or other similar laws of any member state, such bylaws shall exclusively govern the personnel policies and programs of the Commission.*~~

~~*6. Promulgating a code of ethics to address permissible and prohibited activities of Commission members and employees.*~~

~~*7. Providing a mechanism for winding up the operations of the Commission and the equitable disposition of any surplus funds that may exist after the termination of the Compact after the payment or reserving of all of its debts and obligations, as applicable.*~~

~~*8. Publishing its bylaws and filing a copy thereof, and a copy of any amendment thereto, with the appropriate agency or officer in each of the member states, if any.*~~

~~*9. Maintaining the financial records of the Commission in accordance with the bylaws.*~~

~~*10. Meeting and taking such actions as are consistent with the provisions of this Compact and the bylaws.*~~

~~*D. The Commission shall have the following powers:*~~

~~*1. The authority to promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact. The rules shall have the force and effect of law and shall be binding in all member states;*~~

~~*2. To bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any state EMS authority or other regulatory body responsible for EMS personnel licensure to sue or be sued under applicable law shall not be affected;*~~

~~*3. To purchase and maintain insurance and bonds;*~~

~~*4. To borrow, accept or contract for services of personnel, including, but not limited to, employees of a member state;*~~

~~*5. To hire employees, elect or appoint officers, fix compensation, define duties and grant such individuals appropriate authority to carry out the purposes of this Compact and to establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters;*~~

~~*6. To accept any and all appropriate donations and grants of money, equipment, supplies, materials and services and to receive, utilize and dispose of the same, provided that at all times the Commission shall strive to avoid any appearance of impropriety or conflict of interest;*~~

~~*7. To lease, purchase or accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed, provided that at all times the Commission shall strive to avoid any appearance of impropriety;*~~

~~*8. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, real, personal or mixed;*~~

~~*9. To establish a budget and make expenditures;*~~

~~*10. To borrow money;*~~

~~*11. To appoint committees, including, without limitation, advisory committees comprised of members, state regulators, state legislators or their representatives, consumer representatives and such other interested persons as may be designated in this Compact and the bylaws;*~~

~~*12. To provide to and receive information from, and to cooperate with, law enforcement agencies;*~~

~~*13. To adopt and use an official seal; and*~~

~~*14. To perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of EMS personnel licensure and practice.*~~

~~*E. Financing of the Commission:*~~

~~*1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities.*~~

~~*2. The Commission may accept any and all appropriate revenue sources, donations and grants of money, equipment, supplies, materials and services.*~~

~~*3. The Commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a rule binding upon all member states.*~~

~~*4. The Commission shall not incur obligations of any kind before securing the funds adequate to meet the same, and the Commission shall not pledge the credit of any of the member states, except by and with the authority of that member state.*~~

~~*5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission.*~~

~~*F. Qualified Immunity, Defense and Indemnification:*~~

~~*1. The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacities, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities. Nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person.*~~

~~*2. The Commission shall defend any member, officer, executive director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities, if the actual or alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct. Nothing herein shall be construed to prohibit that person from retaining his or her own counsel.*~~

~~*3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.*~~

~~*SECTION 11. COORDINATED DATABASE*~~

~~*A. The Commission shall provide for the development and maintenance of a coordinated database and reporting system containing licensure information, adverse action information and significant investigatory information on all licensed individuals in member states.*~~

~~*B. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the coordinated database on all individuals to whom this Compact is applicable as required by the rules of the Commission, including:*~~

~~*1. Identifying information;*~~

~~*2. Licensure data;*~~

~~*3. Significant investigatory information;*~~

~~*4. Adverse actions against an individual's license;*~~

~~*5. An indicator that an individual's privilege to practice is restricted, suspended or revoked;*~~

~~*6. Nonconfidential information related to participation in an alternative program;*~~

~~*7. Any denial of an application for licensure and each reason for such denial; and*~~

~~*8. Other information that may facilitate the administration of this Compact, as determined by the rules of the Commission.*~~

~~*C. The administrator of the coordinated database shall promptly notify all member states of any adverse action taken against, or significant investigative information on, any individual in a member state.*~~

~~*D. Member states contributing information to the coordinated database may designate information that may not be shared with the public without the express permission of the contributing state.*~~

~~*E. Any information submitted to the coordinated database that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the coordinated database.*~~

~~*SECTION 12. RULEMAKING*~~

~~*A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.*~~

~~*B. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact, then such rule shall have no further force and effect in any member state.*~~

~~*C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.*~~

~~*D. Before the promulgation and adoption of a final rule or rules by the Commission, and at least 60 days in advance of the meeting at which the rule will be considered and voted upon, the Commission shall file a notice of proposed rulemaking:*~~

~~*1. On the Internet website of the Commission; and*~~

~~*2. On the Internet website of the state EMS authority of each member state or the publication in which each member state would otherwise publish proposed rules.*~~

~~*E. The notice of proposed rulemaking shall include:*~~

~~*1. The proposed time, date and location of the meeting in which the rule will be considered and voted upon;*~~

~~*2. The text of the proposed rule or amendment and the reason for the proposed rule;*~~

~~*3. A request for comments on the proposed rule from any interested person; and*~~

~~4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.~~

~~F. Before the adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.~~

~~G. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:~~

~~1. At least 25 persons;~~

~~2. A governmental subdivision or agency; or~~

~~3. An association having at least 25 members.~~

~~H. If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time and date of the scheduled public hearing and:~~

~~1. All persons wishing to be heard at the hearing shall notify the Executive Director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than 5 business days before the scheduled date of the hearing.~~

~~2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.~~

~~3. No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the Commission from making a transcript or recording of the hearing if it so chooses.~~

~~4. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.~~

~~I. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.~~

~~J. The Commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, based on the rulemaking record and the full text of the rule.~~

~~K. If no written notice of intent to attend the public hearing by an interested party is received, the Commission may proceed with promulgation of the proposed rule without a public hearing.~~

~~L. Upon the determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, an opportunity for comment or a hearing, provided that the usual rulemaking procedures provided in this Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of~~

~~*this provision, an emergency rule is one that must be adopted immediately in order to:*~~

~~*1. Meet an imminent threat to public health, safety or welfare;*~~

~~*2. Prevent a loss of Commission or member state funds;*~~

~~*3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or*~~

~~*4. Protect public health and safety.*~~

~~*M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions shall be posted on the Internet website of the Commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the Chair of the Commission before the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.*~~

~~*SECTION 13. OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT*~~

~~*A. Oversight:*~~

~~*1. The executive, legislative and judicial branches of state government in each member state shall enforce this Compact and take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of this Compact and the rules promulgated hereunder shall have standing as statutory law.*~~

~~*2. All courts shall take judicial notice of this Compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this Compact which may affect the powers, responsibilities or actions of the Commission.*~~

~~*3. The Commission shall be entitled to receive service of process in any such proceeding and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact or promulgated rules.*~~

~~*B. Default, technical assistance and termination:*~~

~~*1. If the Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated rules, the Commission shall:*~~

~~*(a) Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default and any other action to be taken by the Commission; and*~~

~~*(b) Provide remedial training and specific technical assistance regarding the default.*~~

~~*2. If a member state in default fails to cure the default, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the member states, and all rights, privileges and benefits conferred by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.*~~

~~*3. Termination of membership in this Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the Governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.*~~

~~*4. A state that has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of the termination, including, without limitation, obligations that extend beyond the effective date of the termination.*~~

~~*5. The Commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting state.*~~

~~*6. The defaulting state may appeal the action of the Commission by petitioning the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including, without limitation, reasonable attorney's fees.*~~

~~*C. Dispute Resolution:*~~

~~*1. Upon request by a member state, the Commission shall attempt to resolve disputes related to this Compact that arise among member states and between member and nonmember states.*~~

~~*2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes, as appropriate.*~~

~~*D. Enforcement:*~~

~~*1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact.*~~

~~*2. By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a member state in default to enforce compliance with the provisions of this Compact and its promulgated rules and bylaws. The relief sought may include, without limitation, both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including, without limitation, reasonable attorney's fees.*~~

~~*3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.*~~

~~*SECTION 14. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR EMS PERSONNEL PRACTICE AND ASSOCIATED RULES, WITHDRAWAL AND AMENDMENT*~~

~~*A. This Compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of this Compact.*~~

~~*B. Any state that joins the compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which this Compact becomes law in that state. Any rule that has been previously adopted by the Commission shall have the full force and effect of law on the day this Compact becomes law in that state.*~~

~~*C. Any member state may withdraw from this Compact by enacting a statute repealing the same.*~~

~~*1. A member state's withdrawal shall not take effect until 6 months after enactment of the repealing statute.*~~

~~*2. Withdrawal shall not affect the continuing requirement of the withdrawing state's EMS authority to comply with the investigative and adverse action reporting requirements of this act before the effective date of withdrawal.*~~

~~*D. Nothing contained in this Compact shall be construed to invalidate or prevent any EMS personnel licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this Compact.*~~

~~*E. This Compact may be amended by the member states. No amendment to this Compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.*~~

~~*SECTION 15. CONSTRUCTION AND SEVERABILITY*~~

~~*This Compact shall be liberally construed so as to effectuate the purposes thereof. If this Compact shall be held contrary to the constitution of any member state thereto, the Compact shall remain in full force and effect as to the remaining member states. Nothing in this Compact supersedes state law or rules related to licensure of EMS agencies.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 450B.025 is hereby amended to read as follows:~~

~~450B.025 "Advanced emergency medical technician" means a person certified by the health officer as having satisfactorily completed a program of training for certification as an advanced emergency medical technician pursuant to NRS 450B.191~~ ***[.] or authorized to practice in this State as an advanced emergency medical technician pursuant to the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified and enacted in section 2 of this act.]*** **(Deleted by amendment.)**

Sec. 4. ~~[NRS 450B.065 is hereby amended to read as follows:~~

~~450B.065 "Emergency medical technician" means a person certified by the health officer as having satisfactorily completed a program of training for certification as an emergency medical technician pursuant to NRS 450B.1905~~ ***[.] or authorized to practice in this State as an emergency medical technician pursuant to the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified and enacted in section 2 of this act.]*** **(Deleted by amendment.)**

Sec. 5. ~~[NRS 450B.095 is hereby amended to read as follows:~~

~~450B.095 "Paramedic" means a person certified by the health officer as having satisfactorily completed a program of training for certification as a paramedic pursuant to NRS 450B.195~~ ***[.] or authorized to practice in this State as a paramedic pursuant to the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified and enacted in section 2 of this act.]*** **(Deleted by amendment.)**

Sec. 6. ~~[NRS 450B.130 is hereby amended to read as follows:~~

~~450B.130 1. The board shall adopt regulations establishing reasonable minimum standards for:~~

~~(a) Sanitation in ambulances and air ambulances;~~

~~(b) Medical and nonmedical equipment and supplies to be carried in ambulances and medical equipment and supplies to be carried in air ambulances and vehicles of a fire-fighting agency;~~

~~(c) Interior configuration, design and dimensions of ambulances placed in service after July 1, 1979;~~

~~(d) Permits for operation of ambulances, air ambulances and vehicles of a fire-fighting agency;~~

~~(e) Records to be maintained by an operator of an ambulance or air ambulance or by a fire-fighting agency; and~~

~~(f) Treatment of patients who are critically ill or in urgent need of treatment.~~

~~2. Any regulations adopted by the board pursuant to subsection 1 establishing reasonable minimum standards for a permit for the operation of an air ambulance or records to be maintained by an operator of an air ambulance must:~~

~~(a) Except as otherwise provided in paragraph (b), be based on the medical aspects of the operation of an air ambulance, including, without limitation, aspects related to patient care; and~~

~~(b) Not be based on economic factors, including, without limitation, factors related to the prices, routes or nonmedical services of an air ambulance.~~

~~3. The health officers of this state shall jointly adopt regulations to establish the minimum standards for the certification or licensure of persons who provide emergency medical care.~~ ***The regulations must not require additional training for the initial licensure or initial certification as an emergency medical technician, advanced emergency medical technician or paramedic for an applicant who is a veteran or a member of the military or the National Guard, or a spouse thereof, and who holds a current valid and unrestricted certification by the National Registry of Emergency Medical Technicians as an emergency medical technician, advanced emergency medical technician or paramedic, as applicable.*** Upon adoption of the regulations, each health authority shall adopt the regulations for its jurisdiction. After each health authority adopts the regulations, the standards established constitute the minimum standards for certification or licensure of persons who provide emergency medical care in this state. Any changes to the minimum standards must be adopted jointly by the health officers and by each health authority in the manner set forth in this subsection. Any changes in the minimum standards which are not adopted in the manner set forth in this subsection are void.

~~4. A health officer may adopt regulations that impose additional requirements for the certification or licensure of persons who provide emergency medical care in the jurisdiction of the health officer, but the health officer must accept the certification or licensure of a person who provides emergency medical care from the jurisdiction of another health officer as proof that the person who provides emergency medical care has met the minimum requirements for certification or licensure.~~

~~5. As used in this section, "person who provides emergency medical care" means an emergency medical technician, advanced emergency medical technician, paramedic, attendant of an ambulance or air ambulance or firefighter employed by or serving with a fire fighting agency.~~**]** **(Deleted by amendment.)**

Sec. 7. **[**~~NRS 450B.160 is hereby amended to read as follows:~~

~~450B.160 1. The health authority may issue licenses to attendants and to firefighters employed by or serving as volunteers with a fire fighting agency.~~

~~2. Each license must be evidenced by a card issued to the holder of the license, is valid for a period not to exceed 2 years and is renewable.~~

~~3. An applicant for a license must file with the health authority:~~

~~(a) A current, valid certificate evidencing the applicant's successful completion of a program of training as an emergency medical technician, advanced emergency medical technician or paramedic, if the applicant is applying for a license as an attendant, or, if a volunteer attendant, at a level of skill determined by the board.~~

~~(b) A current valid certificate evidencing the applicant's successful completion of a program of training as an emergency medical technician, advanced emergency medical technician or paramedic, if the applicant is applying for a license as a firefighter with a fire-fighting agency.~~

~~(c) A signed statement showing:~~

~~(1) The name and address of the applicant;~~

~~(2) The name and address of the employer of the applicant; and~~

~~(3) A description of the applicant's duties.~~

~~(d) Such other certificates for training and such other items as the board may specify.~~

~~4. The board shall adopt such regulations as it determines are necessary for the issuance, suspension, revocation and renewal of licenses.~~ ***The regulations must not require additional training for an applicant for the initial licensure of an applicant who is a veteran or a member of the military or the National Guard, or a spouse thereof, and who holds a current valid and unrestricted certification by the National Registry of Emergency Medical Technicians as an emergency medical technician, advanced emergency medical technician or paramedic.***

~~5. Each operator of an ambulance or air ambulance and each fire-fighting agency shall annually file with the health authority a complete list of the licensed persons in its service.~~

~~6. Licensed physicians, registered nurses and licensed physician assistants may serve as attendants without being licensed under the provisions of this section. A registered nurse who performs emergency care in an ambulance or air ambulance shall perform the care in accordance with the regulations of the State Board of Nursing. A licensed physician assistant who performs emergency care in an ambulance or air ambulance shall perform the care in accordance with the regulations of the Board of Medical Examiners.~~

~~7. Each licensed physician, registered nurse and licensed physician assistant who serves as an attendant must have current certification of completion of training in:~~

~~(a) Advanced life support procedures for patients who require cardiac care;~~

~~(b) Life-support procedures for pediatric patients who require cardiac care; and~~

~~(c) Life support procedures for patients with trauma that are administered before the arrival of those patients at a hospital.~~

~~** The certification must be issued by the Board of Medical Examiners for a physician or licensed physician assistant or by the State Board of Nursing for a registered nurse.~~

~~8. The Board of Medical Examiners and the State Board of Nursing shall issue a certificate pursuant to subsection 7 if the licensed physician, licensed physician assistant or registered nurse attends:~~

~~(a) A course offered by a national organization which is nationally recognized for issuing such certification;~~

~~(b) Training conducted by the operator of an ambulance or air ambulance; or~~

~~(c) Any other course or training,~~

~~"~~ ~~approved by the Board of Medical Examiners or the State Board of Nursing, whichever is issuing the certification.~~**]** **(Deleted by amendment.)**

Sec. 8. **[**~~NRS 450B.171 is hereby amended to read as follows:~~

~~450B.171 Except as otherwise provided in this chapter, unlicensed relatives of a sick or injured patient and other persons may ride in an ambulance if there are two attendants in the ambulance, each of whom is licensed pursuant to this chapter~~ ***, authorized to practice in this State as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified and enacted in section 2 of this act*** ~~or exempt from licensing pursuant to subsection 6 of NRS 450B.160.~~**]** **(Deleted by amendment.)**

Sec. 9. **[**~~NRS 450B.1905 is hereby amended to read as follows:~~

~~450B.1905 1. A program of training for certification as an emergency medical technician must be:~~

~~(a) Supervised by a physician and approved by the health authority; or~~

~~(b) Presented by a national organization which is nationally recognized for providing such training and approved by the board.~~

~~2. A program of training for certification as an emergency medical technician must follow the curriculum or educational standards prepared by the United States Department of Transportation as a national standard for emergency medical technicians.~~

~~3. The board may adopt regulations which prescribe other requirements of training for certification as an emergency medical technician.~~

~~4. An owner of an ambulance shall not offer emergency medical care to a patient in urgent need of medical care or observation unless the attendant has successfully completed a program of training for certification as an emergency medical technician or is exempt, pursuant to subsection 6 of NRS 450B.160, from the requirement to obtain that training.~~

~~5. The board may by regulation prescribe additional requirements for receiving and maintaining certification as an emergency medical technician. The curriculum or educational standards for training must be:~~

~~(a) At the level of advanced first aid; or~~

~~(b) At least equivalent to any curriculum or educational standards prepared by the Department of Transportation as a national standard for emergency medical technicians.~~

~~***6. The regulations adopted pursuant to subsections 3 and 5 must not require additional training for the initial certification as an emergency medical technician of an applicant who is a veteran or a member of the military or the National Guard, or a spouse thereof, and who holds a***

~~*current valid and unrestricted certification by the National Registry of Emergency Medical Technicians as an emergency medical technician, advanced emergency medical technician or paramedic.]*~~ **(Deleted by amendment.)**

Sec. 10. ~~[NRS 450B.191 is hereby amended to read as follows:~~

~~450B.191 1. A program of training for certification as an advanced emergency medical technician must be supervised by a licensed physician and approved by the health authority.~~

~~2. A program of training for certification as an advanced emergency medical technician must include an approved curriculum in intravenous therapy and the management of a passage for air to the lungs. Only a certified emergency medical technician with experience as established by the board is eligible for this training.~~

~~3. In order to maintain certification, each advanced emergency medical technician must annually:~~

~~(a) Comply with the requirements established by the board for continuing medical education; and~~

~~(b) Demonstrate his or her skills as required by regulation of the board.~~

~~4. The board may by regulation prescribe the curriculum and other requirements for training and maintaining certification as an advanced emergency medical technician. The curriculum must be at least equivalent to any curriculum or educational standards prepared by the United States Department of Transportation as a national standard for advanced emergency medical technicians.~~ ~~*The regulations must not require additional training for the initial certification as an advanced emergency medical technician of an applicant who is a veteran or a member of the military or the National Guard, or a spouse thereof, and who holds a current valid and unrestricted certification by the National Registry of Emergency Medical Technicians as an advanced emergency medical technician or paramedic.*~~

~~5. A person shall not represent himself or herself to be an advanced emergency medical technician unless the person~~ ~~[~~has~~]~~ ~~:~~

~~*(a) Has* on file with the health authority a currently valid certificate demonstrating successful completion of the program of training required by this section~~ ~~[.] ; or~~

~~*(b) Is authorized to practice in this State as an advanced emergency medical technician pursuant to the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified and enacted in section 2 of this act.*~~

~~6. Except as authorized by subsection 6 of NRS 450B.160~~ ~~[,]~~ ~~*or the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified and enacted in section 2 of this act,* an attendant or firefighter shall not perform, and the owner, operator, director or chief officer of an ambulance or a fire fighting agency shall not offer, emergency care as an advanced emergency medical technician without fulfilling the requirements established by the board.~~] **(Deleted by amendment.)**

Sec. 11. ~~[NRS 450B.195 is hereby amended to read as follows:~~

~~450B.195 1. Only a certified emergency medical technician with experience as established by the board is eligible for training as a paramedic.~~

~~2. A program of training for certification as a paramedic must be supervised by a licensed physician and approved by the health authority.~~

~~3. To maintain certification, each paramedic must annually:~~

~~(a) Comply with the requirements established by the board for continuing medical education; and~~

~~(b) Demonstrate his or her skills as required by regulation of the board.~~

~~4. The board may by regulation prescribe the curriculum and other requirements for training and maintaining certification as a paramedic. The curriculum must be at least equivalent to any curriculum or educational standards prepared by the United States Department of Transportation as a national standard for paramedics.~~ ~~*The regulations must not require additional training for the initial certification as a paramedic of an applicant who is a veteran or a member of the military or the National Guard, or a spouse thereof, and who holds a current valid and unrestricted certification by the National Registry of Emergency Medical Technicians as a paramedic.*~~

~~5. A person shall not represent himself or herself to be a paramedic unless the person [has] :~~

~~*(a) Has* on file with the health authority a currently valid certificate evidencing the person's successful completion of the program of training required by this section [.] *; or*~~

~~*(b) Is authorized to practice in this State as a paramedic pursuant to the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified and enacted in section 2 of this act.*~~

~~6. Except as authorized by subsection 6 of NRS 450B.160 [,] *or the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified and enacted in section 2 of this act,* an attendant or firefighter shall not perform, and the owner, operator, director or chief officer of an ambulance or a fire-fighting agency shall not offer, emergency care as a paramedic without fulfilling the requirements established by the board.]~~ **(Deleted by amendment.)**

Sec. 12. ~~[NRS 450B.255 is hereby amended to read as follows:~~

~~450B.255 A person shall not represent himself or herself to be an emergency medical technician, advanced emergency medical technician or paramedic unless the person has been issued a currently valid certificate by the health authority [.] *or is authorized to practice in this State as an emergency medical technician, advanced emergency medical technician or paramedic, as applicable, pursuant to the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified and enacted in section 2 of this act.]*~~ **(Deleted by amendment.)**

Sec. 13. ~~[NRS 450B.260 is hereby amended to read as follows:~~

~~450B.260 1. Except as otherwise provided in this section, the public or private owner of an ambulance or air ambulance or a fire-fighting agency which owns a vehicle used in providing medical care to sick or injured persons at the scene of an emergency or while transporting those persons to a medical facility shall not permit its operation and use by any person not licensed under this chapter.~~

~~2. An ambulance carrying a sick or injured patient must be occupied by a driver and an attendant, each of whom is licensed as an attendant pursuant to this chapter~~ ***, authorized to practice in this State as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified and enacted in section 2 of this act*** ~~or exempt from licensing pursuant to subsection 6 of NRS 450B.160, except as otherwise provided in subsection 5 or in geographic areas which may be designated by the board and for which the board may prescribe lesser qualifications.~~

~~3. An air ambulance carrying a sick or injured patient must be occupied by a licensed attendant,~~ ***a person who is authorized to practice in this State as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified and enacted in section 2 of this act*** ~~or a person exempt from licensing pursuant to subsection 6 of NRS 450B.160, in addition to the pilot of the aircraft.~~

~~4. The pilot of an air ambulance is not required to have a license under this chapter.~~

~~5. A person who operates or uses a vehicle owned by a fire fighting agency is not required to be licensed under this chapter, except that such a vehicle may not be used to provide the level of medical care provided by an advanced emergency medical technician or paramedic to sick or injured persons:~~

~~(a) At the scene of an emergency unless at least one person in the vehicle is licensed to provide the care; or~~

~~(b) While transporting those persons to a medical facility unless at least two persons in the vehicle are licensed to provide the care.~~

~~6. Nothing in this section precludes the operation of an aircraft in this State in a manner other than as an air ambulance.~~**]** **(Deleted by amendment.)**

Sec. 14. ~~[NRS 458A.057 is hereby amended to read as follows:~~

~~458A.057 1. "Qualified mental health professional" means any of the following persons:~~

~~(a) A person who is certified as a problem gambling counselor pursuant to the provisions of chapter 641C of NRS.~~

~~(b) A person who is certified as a problem gambling counselor intern pursuant to the provisions of chapter 641C of NRS.~~

~~(c) A physician who is licensed pursuant to the provisions of chapter 630 or 633 of NRS.~~

~~(d) A nurse who is licensed pursuant to the provisions of chapter 632 of NRS and is authorized by the State Board of Nursing to engage in the practice of counseling problem gamblers.~~

~~(e) A psychologist who is licensed pursuant to the provisions of chapter 641 of NRS *or authorized to practice psychology in this State pursuant to the Psychology Interjurisdictional Compact enacted in section 21 of this act,* or a psychological assistant who is registered with the Board of Psychological Examiners pursuant to the provisions of chapter 641 of NRS and the regulations adopted pursuant thereto.~~

~~(f) A clinical professional counselor or clinical professional counselor intern who is licensed pursuant to chapter 641A of NRS.~~

~~(g) A marriage and family therapist or marriage and family therapist intern who is licensed pursuant to the provisions of chapter 641A of NRS and is authorized by the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors to engage in the practice of counseling problem gamblers.~~

~~(h) A person who is licensed as a clinical social worker pursuant to the provisions of chapter 641B of NRS and is authorized by the Board of Examiners for Social Workers to engage in the practice of counseling problem gamblers.~~

~~2. As used in this section, "practice of counseling problem gamblers" has the meaning ascribed to it in NRS 641C.105.~~**]** **(Deleted by amendment.)**

Sec. 15. ~~[The preliminary chapter of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*Except as otherwise expressly provided in a particular statute or required by the context, "licensed psychologist" means a psychologist licensed pursuant to chapter 641 of NRS or authorized to practice psychology in this State pursuant to the Psychology Interjurisdictional Compact enacted in section 21 of this act.]*~~ **(Deleted by amendment.)**

Sec. 16. ~~[NRS 41.139 is hereby amended to read as follows:~~

~~41.139 1. Except as otherwise provided in subsection 2, a peace officer, firefighter or emergency medical attendant may bring and maintain an action for damages for personal injury caused by the willful act of another person, or by another person's lack of ordinary care or skill in the management of the person's property, if the conduct causing the injury:~~

~~(a) Occurred after the person who caused the injury knew or should have known of the presence of the peace officer, firefighter or emergency medical attendant;~~

~~(b) Was intended to injure the peace officer, firefighter or emergency medical attendant;~~

~~(c) Violated a statute, ordinance or regulation:~~

~~(1) Intended to protect the peace officer, firefighter or emergency medical attendant; or~~

~~(2) Prohibiting resistance to or requiring compliance with an order of a peace officer or firefighter; or~~

~~(d) Was arson.~~

~~2. This section does not impose liability on the employer of the peace officer, firefighter or emergency medical attendant.~~

~~3. As used in this section:~~

~~(a) "Emergency medical attendant" means a person licensed as an attendant or certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS~~ **[.]** ~~***or authorized to practice in this State as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified and enacted in section 2 of this act.***

~~(b) "Peace officer" has the meaning ascribed to it in NRS 169.125.~~**]**

(Deleted by amendment.)

Sec. 17. **[**~~NRS 41.504 is hereby amended to read as follows:~~

~~41.504 1. Any physician, physician assistant or registered nurse who in good faith gives instruction or provides supervision to an emergency medical attendant, physician assistant or registered nurse, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in giving that instruction or providing that supervision.~~

~~2. An emergency medical attendant, physician assistant, registered nurse or licensed practical nurse who obeys an instruction given by a physician, physician assistant, registered nurse or licensed practical nurse and thereby renders emergency care, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in rendering that emergency care.~~

~~3. As used in this section, "emergency medical attendant" means a person licensed as an attendant or certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS~~ **[.]** ~~***or authorized to practice in this State as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified and enacted in section 2 of this act.]***~~ **(Deleted by amendment.)**

Sec. 18. **[**~~NRS 484B.767 is hereby amended to read as follows:~~

~~484B.767 1. Except as otherwise provided in this section, a peace officer, a firefighter, an emergency medical technician, an advanced emergency medical technician or a paramedic certified pursuant to chapter 450B of NRS ***or authorized to practice in this State as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to the Recognition of Emergency Medical Services Personnel***~~

~~***Licensure Interstate Compact ratified and enacted in section 2 of this act*** or an employee of a pedestrian mall, who operates a bicycle or an electric bicycle while on duty, is not required to comply with any provision of NRS or any ordinance of a local government relating to the operation of a bicycle or an electric bicycle while on duty if he or she:~~

~~(a) Is responding to an emergency call or the peace officer is in pursuit of a suspected violator of the law; or~~

~~(b) Determines that noncompliance with any such provision is necessary to carry out his or her duties.~~

~~2. The provisions of this section do not:~~

~~(a) Relieve a peace officer, firefighter, emergency medical technician, advanced emergency medical technician, paramedic or employee of a pedestrian mall from the duty to operate a bicycle or an electric bicycle with due regard for the safety of others.~~

~~(b) Protect such a person from the consequences of the person's disregard for the safety of others.~~

~~3. As used in this section, "pedestrian mall" has the meaning ascribed to it in NRS 268.811.~~**]** **(Deleted by amendment.)**

Sec. 19. **[**~~NRS 616A.035 is hereby amended to read as follows:~~

~~616A.035 1. "Accident benefits" means medical, surgical, hospital or other treatments, nursing, medicine, medical and surgical supplies, crutches and apparatuses, including prosthetic devices.~~

~~2. The term includes:~~

~~(a) Medical benefits as defined by NRS 617.130;~~

~~(b) Preventive treatment administered as a precaution to an employee who is exposed to a contagious disease while providing medical services, including emergency medical care, in the course and scope of his or her employment;~~

~~(c) Preventive treatment administered as a precaution to a police officer, a salaried or volunteer firefighter or an arson investigator who:~~

~~(1) Was exposed to a contagious disease:~~

~~(I) Upon battery by an offender; or~~

~~(II) While performing the duties of a police officer, firefighter or arson investigator,~~

~~→ if the exposure is documented by the creation and maintenance of a report concerning the exposure pursuant to subsection 1 of NRS 616C.052; or~~

~~(2) Tests positive for exposure to tuberculosis or another contagious disease under the circumstances described in subsection 2 or 3 of NRS 616C.052; and~~

~~(d) Preventive treatment for hepatitis administered as a precaution to a police officer, full-time salaried firefighter, arson investigator or emergency medical attendant employed in this State.~~

~~3. The term does not include:~~

~~(a) Exercise equipment, a hot tub or a spa for an employee's home;~~

~~(b) Membership in an athletic or health club;~~

~~(c) Except as otherwise provided in NRS 616C.245, a motor vehicle; or~~

~~(d) The costs of operating a motor vehicle provided pursuant to NRS 616C.245, fees related to the operation or licensing of the motor vehicle or insurance for the motor vehicle.~~

~~4. As used in this section:~~

~~(a) "Battery" includes, without limitation, the intentional propelling or placing, or the causing to be propelled or placed, of any human excrement or bodily fluid upon the person of an employee.~~

~~(b) "Emergency medical attendant" means a person licensed as an attendant or certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS~~ **[,] *or authorized to practice in this State as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified and enacted in section 2 of this act,*** ~~whose primary duties of employment are the provision of emergency medical services.~~

~~(c) "Hepatitis" includes hepatitis A, hepatitis B, hepatitis C and any additional diseases or conditions that are associated with or result from hepatitis A, hepatitis B or hepatitis C.~~

~~(d) "Preventive treatment" includes, without limitation:~~

~~(1) Tests to determine if an employee has contracted hepatitis or any other contagious disease to which the employee was exposed; and~~

~~(2) If an employee tests positive for exposure to tuberculosis under the circumstances described in NRS 616C.052, such medication and chest X-rays as are recommended by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.~~**] (Deleted by amendment.)**

Sec. 20. NRS 629.550 is hereby amended to read as follows:

629.550 1. If a patient communicates to a mental health professional an explicit threat of imminent serious physical harm or death to a clearly identified or identifiable person and, in the judgment of the mental health professional, the patient has the intent and ability to carry out the threat, the mental health professional shall apply for the emergency admission of the patient to a mental health facility pursuant to NRS 433A.160 or make a reasonable effort to communicate the threat in a timely manner to:

(a) The person who is the subject of the threat;

(b) The law enforcement agency with the closest physical location to the residence of the person; and

(c) If the person is a minor, the parent or guardian of the person.

2. A mental health professional shall be deemed to have made a reasonable effort to communicate a threat pursuant to subsection 1 if:

(a) The mental health professional actually communicates the threat in a timely manner; or

(b) The mental health professional makes a good faith attempt to communicate the threat in a timely manner and the failure to actually communicate the threat in a timely manner does not result from the negligence or recklessness of the mental health professional.

3. A mental health professional who exercises reasonable care in determining that he or she:

(a) Has a duty to take an action described in subsection 1 is not subject to civil or criminal liability or disciplinary action by a professional licensing board for disclosing confidential or privileged information.

(b) Does not have a duty to take an action described in subsection 1 is not subject to civil or criminal liability or disciplinary action by a professional licensing board for any damages caused by the actions of a patient.

4. The provisions of this section do not:

(a) Limit or affect the duty of the mental health professional to report child abuse or neglect pursuant to NRS 432B.220; or

(b) Modify any duty of a mental health professional to take precautions to prevent harm by a patient:

(1) Who is in the custody of a hospital or other facility where the mental health professional is employed; or

(2) Who is being discharged from such a facility.

5. As used in this section, "mental health professional" includes:

(a) A physician or psychiatrist licensed to practice medicine in this State pursuant to chapter 630 or 633 of NRS;

(b) A psychologist who is licensed to practice psychology pursuant to chapter 641 of NRS ~~[,]~~ ***or authorized to practice psychology in this State pursuant to the Psychology Interjurisdictional Compact enacted in section 21 of this act;***

(c) A social worker who:

(1) Holds a master's degree in social work;

(2) Is licensed as a clinical social worker pursuant to chapter 641B of NRS; and

(3) Is employed by the Division of Public and Behavioral Health of the Department of Health and Human Services;

(d) A registered nurse who:

(1) Is licensed to practice professional nursing pursuant to chapter 632 of NRS; and

(2) Holds a master's degree in psychiatric nursing or a related field;

(e) A marriage and family therapist licensed pursuant to chapter 641A of NRS;

(f) A clinical professional counselor licensed pursuant to chapter 641A of NRS; and

(g) A person who is working in this State within the scope of his or her employment by the Federal Government, including, without limitation, employment with the Department of Veterans Affairs, the military or the Indian Health Service, and is:

(1) Licensed or certified as a physician, psychologist, marriage and family therapist, clinical professional counselor, alcohol and drug abuse counselor or clinical alcohol and drug abuse counselor in another state;

(2) Licensed as a social worker in another state and holds a master's degree in social work; or

(3) Licensed to practice professional nursing in another state and holds a master's degree in psychiatric nursing or a related field.

Sec. 21. Chapter 641 of NRS is hereby amended by adding thereto a new section to read as follows:

The Psychology Interjurisdictional Compact, set forth in this section, is hereby enacted into law and entered into with all other jurisdictions substantially as follows:

ARTICLE I.

PURPOSE

WHEREAS, States license psychologists in order to protect the public through verification of education, training and experience and ensure accountability for professional practice; and

WHEREAS, This Compact is intended to regulate the day-to-day practice of telepsychology, including the provision of psychological services using telecommunication technologies, by psychologists across state boundaries in the performance of their psychological practice as assigned by an appropriate authority; and

WHEREAS, This Compact is intended to regulate the temporary in-person face-to-face practice of psychology by psychologists across state boundaries for 30 days within a calendar year in the performance of their psychological practice as assigned by an appropriate authority; and

WHEREAS, This Compact is intended to authorize state psychology regulatory authorities to afford legal recognition, in a manner consistent with the terms of the Compact, to psychologists licensed in another state; and

WHEREAS, This Compact recognizes that states have a vested interest in protecting the public's health and safety through the licensing and regulation of psychologists and that such state regulation will best protect the public health and safety; and

WHEREAS, This Compact does not apply when a psychologist is licensed in both the home and receiving jurisdiction; and

WHEREAS, This Compact does not apply to permanent in-person, face-to-face practice, but it does allow for the authorization of temporary psychological practice.

Consistent with these principles, this Compact is designed to achieve the following purposes and objectives:

~~[A.]~~ 1. Increase public access to professional psychological services by allowing for telepsychological practice across state lines, as well as

~~[limited]~~ temporary in-person, face-to-face services, into a ~~[jurisdiction in]~~ state which the psychologist is not licensed to practice psychology;

~~[B.]~~ 2. Enhance the states' ability to protect the public's health and safety, especially client/patient safety;

~~[C.]~~ 3. Encourage the cooperation of the compact states in the areas of psychology licensure and regulation;

~~[D.]~~ 4. Facilitate the exchange of information between the compact states regarding psychologist licensure , ~~[and]~~ adverse actions and disciplinary history;

~~[E.]~~ 5. Promote compliance with the laws governing psychological practice in each compact state; and

~~[F.]~~ 6. Invest all compact states with the authority to hold licensed psychologists accountable through the mutual recognition of compact state licenses.

ARTICLE II.

DEFINITIONS

A. "Adverse action" means any action taken by a state psychology regulatory authority which finds a violation of a statute or regulation that is identified by the state psychology regulatory authority as discipline and is a matter of public record.

B. "Association of State and Provincial Psychology Boards (ASPPB)" means the recognized membership organization composed of state and provincial psychology regulatory authorities responsible for the licensure and registration of psychologists throughout the United States and Canada.

C. "Authority to practice interjurisdictional telepsychology" means a licensed psychologist's authority to practice ~~[,]~~ telepsychology, within the limits authorized under this Compact, in another compact state.

~~[C.]~~ D. "Bylaws" means those bylaws established by the Psychology Interjurisdictional Compact Commission pursuant to Article X for its governance, or for directing and controlling its actions and conduct.

~~[D.]~~ E. "Client/patient" means the recipient of psychological services, whether psychological services are delivered in the context of healthcare, corporate, supervision ~~[or]~~ and/or consulting services.

~~[E.]~~ F. "Commissioner" means the voting representative appointed by each ~~[member board]~~ state psychology regulatory authority pursuant to Article X.

~~[F.]~~ G. "Compact state" means a state, the District of Columbia or ~~[a territory of the]~~ United States territory that has enacted this Compact and which has not withdrawn pursuant to Article XIII, section C ~~[of Article XIII]~~ or been terminated pursuant to Article XII, section B . ~~[of Article XII.~~

~~G.]~~ H. "Coordinated Licensure Information System" or "Coordinated Database" means an integrated process for collecting, storing and sharing

information on psychologists' licensure and enforcement activities related to psychology licensure laws, which is administered by ~~[a nonprofit]~~ the recognized membership organization composed of ~~[and controlled by]~~ the state psychology regulatory authorities.

~~[H.]~~ I. "Confidentiality" means the principle that data or information is not made available or disclosed to unauthorized persons or processes.

~~[I.]~~ J. "Day" means any part of a day in which psychological work is performed.

~~[J.]~~ K. "Distant ~~[jurisdiction"]~~ state" means the ~~[jurisdiction]~~ compact state where a psychologist is physically present, not through using telecommunications technologies, to provide temporary in-person, face-to-face psychological services.

~~[K.]~~ L. "E.Passport" means a certificate ~~[as referenced in section E of Article III, section E of Article IV and section B of Article VII, and as further defined by the rules of the Commission.]~~ issued by the Association of State and Provincial Psychology Boards (ASPPB) that promotes the standardization in the criteria of interjurisdictional telepsychology practice and facilitates the process for licensed psychologists to provide telepsychological services across state lines.

M. "Executive Board" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.

~~[L.]~~ N. "Home state" means a compact state where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than one compact state, and is practicing under the authorization to practice interjurisdictional telepsychology, the home state is the compact state where the psychologist was physically present when the telepsychological services were delivered. ~~[If~~

~~M.]~~ If the psychologist is licensed in more than one compact state and is practicing under the temporary authorization to practice, the home state is any compact state where the psychologist is licensed.

O. "Identity history summary" means a summary of information retained by the Federal Bureau of Investigation, or other designee with similar authority, in connection with arrests and, in some instances, federal employment, naturalization or military service.

P. "In-person ~~[."]~~ , face-to-face" means interactions in which the psychologist and the client/patient are in the same physical space and which does not include interactions that may occur through the use of telecommunication technologies.

~~[N.]~~ Q. "Interjurisdictional practice certificate ~~[" or "IPC"]~~ (IPC)" means a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that grants temporary authority to practice based on notification to the ~~[licensing board]~~ state psychology regulatory authority of the intention to practice temporarily, and verification of one's qualifications for such practice.

~~[O.]~~ R. "License" means authorization by a state psychology regulatory authority to engage in the independent practice of psychology, which would be unlawful without the authorization.

~~[P.]~~ S. "Noncompact state" means any state which is not at the time a compact state.

~~[Q.]~~ T. "Psychologist" means an individual licensed for the independent practice of psychology.

~~[R.]~~ U. "Psychology Interjurisdictional Compact Commission" or "Commission" means the national administration of which all compact states are members.

~~[S.]~~ V. "Receiving state" means a compact state where the client/patient is physically located when the telepsychological services ~~[were]~~ are delivered.

~~[T.]~~ W. "Rule" means a written statement by the Psychology Interjurisdictional Compact Commission promulgated pursuant to Article XI that is of general applicability, implements, interprets or prescribes a policy or provision of the Compact, or an organizational, procedural or practice requirement of the Commission and has the force and effect of statutory law in a compact state, and includes the amendment, repeal or suspension of an existing rule.

~~[U.]~~ X. "Significant investigatory information" means:

1. Investigative information that a state psychology regulatory authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if ~~[proved]~~ proven true, would indicate more than a violation of state statute or ethics code that would be considered more substantial than a minor infraction; or

2. Investigative information that indicates that the psychologist represents an immediate threat to the public health and safety, regardless of whether the psychologist has been notified or had an opportunity to respond.

~~[V.]~~ Y. "State" means a state, commonwealth, territory or possession of the United States or the District of Columbia.

~~[W.]~~ Z. "State psychology regulatory authority" means the board, office or other agency with the legislative mandate to license and regulate the practice of psychology.

~~[X.]~~ AA. "Telepsychology" means the provision of psychological services using telecommunication technologies.

BB. "Temporary authorization to practice" means a licensed psychologist's authority to conduct temporary in-person, face-to-face practice, within the limits authorized under this Compact, in another compact state.

~~[Y.]~~ CC. "Temporary in-person, face-to-face practice" means where a psychologist is physically present, not through using telecommunications technologies, in the distant ~~[jurisdiction]~~ state to provide for the practice of

psychology ~~[up to a limited period of time as determined by the Commission]~~ for 30 days within a calendar year and based on notification to the distant ~~[jurisdiction.]~~ state.

ARTICLE III.

HOME STATE LICENSURE

A. The home state ~~[in which a psychologist is licensed]~~ shall be a compact state where a psychologist is licensed to practice psychology.

B. A psychologist may hold one or more compact state licenses at a time. If the psychologist is licensed in more than one compact state, the home state is the compact state where the psychologist was physically present when the services were delivered ~~[.]~~ as authorized by the authority to practice interjurisdictional telepsychology under the terms of this Compact.

C. Any compact state may require a psychologist not previously licensed in a compact state to obtain and retain a license to be authorized to practice in the compact state under circumstances not authorized by the authority to practice interjurisdictional telepsychology under the terms of this Compact.

D. Any compact state may require a psychologist to obtain and retain a license to be authorized to practice in a compact state under circumstances not authorized by the temporary authorization to practice under the terms of this Compact.

E. A home state's license authorizes a psychologist to practice in a receiving state under the authority to practice interjurisdictional telepsychology only if the compact state:

1. Currently requires the psychologist to hold an active E.Passport;

2. Has a mechanism in place for receiving and investigating complaints about licensed individuals;

3. Notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;

4. Requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, or other designee with similar authority, not later than 10 years after activation of the Compact; and

5. Complies with the bylaws and rules of the Commission.

F. A home state's license grants temporary authorization to practice to a psychologist in a distant state only if the compact state:

1. Currently requires the psychologist to hold an active IPC;

2. Has a mechanism in place for receiving and investigating complaints about licensed individuals;

3. Notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;

4. Requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, or other designee with similar authority, not later than 10 years after activation of the Compact; and

5. Complies with the bylaws and rules of the Commission.

ARTICLE IV.

COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

A. Compact states shall recognize the right of a psychologist, licensed in a compact state in conformance with Article III, to practice telepsychology in other compact states (receiving states) in which the psychologist is not licensed, under the authority to practice interjurisdictional telepsychology as provided in the Compact.

B. To exercise the authority to practice interjurisdictional telepsychology under the terms and provisions of this Compact, a psychologist licensed to practice in a compact state must:

1. Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:

a. Regionally accredited by an accrediting body recognized by the United States Department of Education to grant graduate degrees or authorized by provincial statute or royal charter to grant doctoral degrees; or

b. A foreign college or university deemed to be equivalent to ~~[(a)]~~ 1(a) above by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service; and

2. Hold a graduate degree in psychology that meets the following criteria:

a. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program and such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;

b. The psychology program must stand as a recognizable, coherent organizational entity within the institution;

c. There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

d. The program must consist of an integrated, organized sequence of study;

e. There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;

f. The designated director of the program must be a psychologist and a member of the core faculty;

g. The program must have an identifiable body of students who are matriculated in that program for a degree;

h. The program must include supervised practicum, internship or field training appropriate to the practice of psychology;

i. The curriculum shall encompass a minimum of 3 academic years of full-time graduate study for doctoral degrees and a minimum of 1 academic year of full-time graduate study for master's degrees; and

j. The program must include an acceptable residency as defined by the rules of the Commission;

3. Possess a current, full and unrestricted license to practice psychology in a home state which is a compact state;

4. Have no history of adverse action that violates the rules of the Commission;

5. Have no criminal record history reported on an identity history summary that violates the rules of the Commission;

6. Possess a current, active E.Passport;

7. Provide attestations in regard to areas of intended practice, conformity with standards of practice, competence in telepsychology technology, criminal background and knowledge and adherence to legal requirements in the home and receiving states, and provide a release of information to allow for primary source verification in a manner specified by the Commission; and

8. Meet other criteria as defined by the rules of the Commission.

C. ~~[A]~~ The home state maintains authority over the license of any psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology . ~~[shall practice within the areas of competencies and the scope of practice authorized by the home state.]~~

D. A psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology will be subject to the receiving state's ~~[authority and laws.]~~ scope of practice. A receiving state may, in accordance with that state's due process law, limit or revoke a psychologist's authority to practice interjurisdictional telepsychology in the receiving state and may take any other necessary actions under the receiving state's applicable law to protect the health and safety of the receiving state's citizens. if a receiving state takes action, the state shall promptly notify the home state and the Commission.

E. If a psychologist's license in any home state or another compact state or any authority to practice interjurisdictional telepsychology in any receiving state is restricted, suspended or otherwise limited, the E.Passport shall be revoked and therefore the psychologist shall not be eligible to

practice telepsychology in a compact state under the authority to practice interjurisdictional telepsychology.

ARTICLE V.

COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

A. Compact states shall also recognize the right of a psychologist, licensed in a compact state in conformance with ~~[Articles]~~ Article III , ~~[and IV,]~~ to practice temporarily in other compact states ~~[(receiving]~~ (distant states) in which the psychologist is not licensed, as provided in the Compact.

B. To exercise the temporary authorization to practice under the terms and provisions of this Compact, a psychologist licensed to practice in a compact state must:

1. Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:

a. Regionally accredited by an accrediting body recognized by the United States Department of Education to grant graduate degrees or authorized by provincial statute or royal charter to grant doctoral degrees; or

b. A foreign college or university deemed to be equivalent to ~~[(a)]~~ 1(a) above by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service; and

2. Hold a graduate degree in psychology that meets the following criteria:

a. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program and must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;

b. The psychology program must stand as a recognizable, coherent organizational entity within the institution;

c. There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

d. The program must consist of an integrated, organized sequence of study;

e. There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;

f. The designated director of the program must be a psychologist and a member of the core faculty;

g. The program must have an identifiable body of students who are matriculated in that program for a degree;

h. The program must include supervised practicum, internship or field training appropriate to the practice of psychology;

i. The curriculum shall encompass a minimum of 3 academic years of full-time graduate study for doctoral degrees and a minimum of 1 academic year of full-time graduate study for master's degrees; and

j. The program must include an acceptable residency as defined by the rules of the Commission;

3. Possess a current, full and unrestricted license to practice psychology in a home state which is a compact state;

4. No history of adverse action that violates the rules of the Commission;

5. No criminal record history that violates the rules of the Commission;

6. Possess a current, active IPC;

7. Provide attestations in regard to areas of intended practice and work experience and provide a release of information to allow for primary source verification in a manner specified by the Commission; and

8. Meet other criteria as defined by the rules of the Commission.

C. A psychologist practicing into a ~~[receiving]~~ distant state under the temporary authorization to practice shall practice within the scope of practice authorized by the ~~[receiving]~~ distant state.

D. A psychologist practicing into a ~~[receiving]~~ distant state under the Temporary Authorization to Practice will be subject to the ~~[receiving]~~ distant state's authority and law. A ~~[receiving]~~ distant state may, in accordance with that state's due process law, limit or revoke a psychologist's temporary authorization to practice in the ~~[receiving]~~ distant state and may take any other necessary actions under the ~~[receiving]~~ distant state's applicable law to protect the health and safety of the ~~[receiving]~~ distant state's citizens. If a ~~[receiving]~~ distant state takes action, the state shall promptly notify the home state and the Commission.

E. If a psychologist's license in any home state or another compact state or any temporary authorization to practice in any distant state is restricted, suspended or otherwise limited, the IPC shall be revoked and therefore the psychologist shall not be eligible to practice in a compact state under the temporary authorization to practice.

ARTICLE VI.

CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE

A psychologist may practice in a receiving state under the authority to practice interjurisdictional telepsychology only in the performance of the scope of practice for psychology as assigned by an appropriate state psychology regulatory authority, as defined in the rules of the Commission, and under the following circumstances:

A. The psychologist initiates a client/patient contact in a home state via telecommunications technologies with a client/patient in a receiving state; or

B. Other conditions regarding telepsychology as determined by rules promulgated by the Commission.

ARTICLE VII.

ADVERSE ACTIONS

A. A home state shall have the power to impose adverse action against a psychologist's license issued by the home state and a [receiving] distant state may take adverse action on a psychologist's [authority to practice interjurisdictional telepsychology and] temporary authorization to practice within that [receiving] distant state.

B. A receiving state may take adverse action on a psychologist's authority to practice interjurisdictional telepsychology within that receiving state. a home state may take adverse action against a psychologist based on an adverse action taken by a distant state regarding temporary in-person, face-to-face practice.

[B.] C. If a home state takes adverse action against a psychologist's license, that psychologist's authority to practice interjurisdictional telepsychology is terminated and the E.Passport is revoked. [In addition,] Furthermore, that psychologist's temporary authorization to practice is terminated and the IPC is revoked.

1. All home state disciplinary orders which impose adverse action shall be reported to the Commission in accordance with the rules promulgated by the Commission. A compact state shall report adverse actions in accordance with the rules of the Commission.

2. In the event discipline is reported on a psychologist, the psychologist will not be eligible for telepsychology or temporary in-person, face-to-face practice in accordance with the rules of the Commission.

3. Other actions may be imposed as determined by the rules promulgated by the Commission.

[C.] D. A home state's psychology regulatory authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a licensee which occurred in a receiving state as it would if such conduct had occurred by a licensee within the home state. In such cases, the home state's law shall control in determining any adverse action against a psychologist's license.

[D.] E. If a license granted by a compact state is revoked, surrendered in lieu of discipline or suspended following an investigation authorized in Article VIII, the authorization to practice interjurisdictional telepsychology and the temporary authorization to practice in all compact states shall be terminated upon entry of the final order in the compact state taking the action.

[E.] F. Nothing in this Compact shall override a compact state's decision that a psychologist's participation in an alternative program may be used in lieu of adverse action and that such participation shall remain

nonpublic if required by the compact state's law. Compact states must require psychologists who enter any alternative programs to not provide telepsychology services under the authority to practice interjurisdictional telepsychology or provide temporary psychological services under the temporary authorization to practice in any other compact state during the term of the alternative program.

~~[F.]~~ G. No other judicial or administrative remedies shall be available to a psychologist in the event a compact state imposes an adverse action pursuant to section ~~[B.]~~ C, above.

ARTICLE VIII.

ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S PSYCHOLOGY REGULATORY AUTHORITY

A. In addition to any other powers granted under state law, a compact state's psychology regulatory authority shall have the authority under this Compact to:

1. Issue subpoenas, for both hearings and investigations, which require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a ~~[state]~~ compact state's psychology regulatory authority for the attendance and testimony of witnesses ~~[and]~~ and/or the production of evidence from another compact state shall be enforced in the latter state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing state psychology regulatory authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses or evidence are located ~~[.]~~ ; and

2. Issue cease and desist ~~[and]~~ and/or injunctive relief orders to revoke a psychologist's authority to practice interjurisdictional telepsychology ~~[or]~~ and/or temporary authorization to practice.

B. During the course of any investigation, a psychologist may not change his or her home state licensure. A home state psychology regulatory authority is authorized to complete any pending investigations of a psychologist and to take any actions appropriate under its law. The home state psychology regulatory authority shall promptly report the conclusions of such investigations to the Commission. Once an investigation has been completed, and pending the outcome of said investigation, the psychologist may change his or her home state licensure. The Commission shall promptly notify the new home state of any such decisions as provided in the rules of the Commission. All information provided to the Commission or distributed by compact states pursuant to the psychologist shall be confidential, filed under seal and used for investigatory or disciplinary matters. The Commission may create

additional rules for mandated or discretionary sharing of information by compact states.

ARTICLE IX.

COORDINATED LICENSURE INFORMATION SYSTEM

A. The Commission shall provide for the development and maintenance of a Coordinated Licensure Information System (Coordinated Database) and reporting system containing licensure and disciplinary action information on all [licensees of] psychologists individuals to whom this Compact is applicable in all compact states [.] as defined by the rules of the Commission.

B. Notwithstanding any other provision of state law to the contrary, a compact state shall submit a uniform data set to the Coordinated Database on all [psychologists to whom this Compact is applicable] licensees as required by the rules of the Commission, including:

1. Identifying information;

2. Licensure data;

3. Significant investigatory information;

4. Adverse actions against a psychologist's license;

5. An indicator that a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice is revoked;

6. Nonconfidential information related to alternative program participation information;

7. Any denial of application for licensure, and the reasons for such denial; and

8. Other information which may facilitate the administration of this Compact, as determined by the rules of the Commission.

C. The Coordinated Database administrator shall promptly notify all compact states of any adverse action taken against, or significant investigative information on, any licensee in a compact state.

D. Compact states reporting information to the Coordinated Database may designate information that may not be shared with the public without the express permission of the [contributing] compact state [.] reporting the information.

E. Any information submitted to the Coordinated Database that is subsequently required to be expunged by the law of the compact state reporting the information shall be removed from the Coordinated Database.

ARTICLE X.

ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION

A. The compact states hereby create and establish a joint public agency known as the Psychology Interjurisdictional Compact Commission as follows:

1. The Commission is a body politic and an instrumentality of the compact states.

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

B. Membership, Voting and Meetings.

1. The Commission shall consist of one voting representative appointed by each compact state who shall serve as that state's Commissioner. The state psychology regulatory ~~[board]~~ authority shall appoint its delegate. This delegate shall be empowered to act on behalf of the compact state. This delegate shall be limited to:

a. An executive director, executive secretary or similar executive;

b. A current member of the state psychology regulatory authority of a compact state; or

c. A designee empowered with the appropriate delegate authority to act on behalf of the compact state.

2. Any Commissioner may be removed or suspended from office as provided by the law of the state from which the Commissioner is appointed. Any vacancy occurring in the Commission shall be filled in accordance with the laws of the compact state in which the vacancy exists.

3. Each Commissioner shall be entitled to one (1) vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission. A Commissioner shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for Commissioners' participation in meetings by telephone or other means of communication.

4. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

5. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Article XI.

6. The Commission may convene in a closed, nonpublic meeting if the Commission must discuss:

a. Noncompliance of a compact state with its obligations under the Compact;

b. The employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;

c. Current, threatened or reasonable anticipated litigation against the Commission;

d. Negotiation of contracts for the purchase or sale of goods, services or real estate;

e. Accusation against any person of a crime or formally censuring any person;

f. Disclosure of trade secrets or commercial or financial information which is privileged or confidential;

g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

h. Disclosure of investigatory records compiled for law enforcement purposes;

i. Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility for investigation or determination of compliance issues pursuant to the Compact; or

j. Matters specifically exempted from disclosure by federal and state statute.

7. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The Commission shall keep minutes which fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, of any person participating in the meeting, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the Commission or order of a court of competent jurisdiction.

C. The Commission shall, by a majority vote of the Commissioners, prescribe bylaws and rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the Compact, including, but not limited to:

1. Establishing the fiscal year of the Commission.

2. Providing reasonable standards and procedures:

a. For the establishment and meetings of other committees; and

b. Governing any general or specific delegation of any authority or function of the Commission.

3. Providing reasonable procedures for calling and conducting meetings of the Commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals of such proceedings and proprietary information, including trade secrets. The Commission may meet in closed session only after a majority of the Commissioners vote to close a meeting to the public in whole or in part. As soon as practicable, the Commission must make public a copy of the vote to close the meeting revealing the vote of each Commissioner with no proxy votes allowed.

4. Establishing the titles, duties and authority and reasonable procedures for the election of the officers of the Commission.

5. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Commission. Notwithstanding any civil service or other similar law of any compact state, the bylaws shall exclusively govern the personnel policies and programs of the Commission.

6. Promulgating a code of ethics to address permissible and prohibited activities of Commission members and employees.

7. Providing a mechanism for concluding the operations of the Commission and the equitable disposition of any surplus funds that may exist after the termination of the Compact after the payment and reserving of all of its debts and obligations.

8. The Commission shall publish its bylaws in a convenient form and file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the compact states.

9. The Commission shall maintain its financial records in accordance with the bylaws.

10. The Commission shall meet and take such actions as are consistent with the provisions of this Compact and the bylaws.

D. The Commission shall have the following powers:

1. The authority to promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact which shall have the force and effect of law and shall be binding in all compact states;

2. To bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any state psychology regulatory authority or other regulatory body responsible for psychology licensure to sue or be sued under applicable law shall not be affected;

3. To purchase and maintain insurance and bonds;

4. To borrow, accept or contract for services of personnel, including, but not limited to, employees of a compact state;

5. To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact and to establish the Commission's personnel

policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters;

6. To accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same, provided that at all times the Commission shall strive to avoid any appearance of impropriety or conflict of interest;

7. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed, provided that at all times the Commission shall strive to avoid any appearance of impropriety;

8. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, real, personal or mixed;

9. To establish a budget and make expenditures;

10. To borrow money;

11. To appoint committees, including advisory committees comprised of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;

12. To provide and receive information from, and to cooperate with, law enforcement agencies;

13. To adopt and use an official seal; and

14. To perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of psychology licensure, temporary in-person, face-to-face practice and telepsychology practice.

E. The Executive Board.

The elected officers shall serve as the Executive Board, which shall have the power to act on behalf of the Commission according to the terms of this Compact.

1. The Executive Board shall be comprised of six members:

a. Five voting members who are elected from the current membership of the Commission by the Commission; and

b. One ex-officio, nonvoting member from the recognized membership organization composed of state and provincial psychology regulatory authorities.

2. The ex-officio member must have served as staff or member on a state psychology regulatory authority and will be selected by its respective organization.

3. The Commission may remove any member of the Executive Board as provided in the bylaws.

4. The Executive Board shall meet at least annually.

5. The Executive Board shall have the following duties and responsibilities:

a. Recommend to the entire Commission changes to the rules or bylaws, changes to this Compact legislation, fees paid by compact states, such as annual dues, and any other applicable fees;

b. Ensure compact administration services are appropriately provided, contractual or otherwise;

c. Prepare and recommend the budget;

d. Maintain financial records on behalf of the Commission;

e. Monitor compact compliance of member states and provide compliance reports to the Commission;

f. Establish additional committees as necessary; and

g. Other duties as provided in the rules or bylaws.

F. Financing of the Commission.

1. The Commission shall pay, or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

2. The Commission may accept any and all appropriate revenue sources, donations and grants of money, equipment, supplies, materials and services.

3. The Commission may levy on and collect an annual assessment from each compact state or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission which shall promulgate a rule binding upon all compact states.

4. The Commission shall not incur obligations of any kind before securing the funds adequate to meet the same, nor shall the Commission pledge the credit of any of the compact states, except by and with the authority of the compact state.

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Commission.

~~[F.]~~ G. Qualified Immunity, Defense and Indemnification.

1. The members, officers, Executive Director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or

responsibilities, provided that nothing in this subsection shall be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person.

2. The Commission shall defend any member, officer, Executive Director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities, provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel, and provided further, that the actual or alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, Executive Director, employee or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

ARTICLE XI.

RULEMAKING

A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Article and the rules adopted thereunder. rules and amendments shall become binding as of the date specified in each rule or amendment.

B. If a majority of the legislatures of the compact states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact, then such rule shall have no further force and effect in any compact state.

C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.

D. Before promulgation and adoption of a final rule or rules by the Commission, and at least sixty (60) days in advance of the meeting at which the rule will be considered and voted upon, the Commission shall file a notice of proposed rulemaking:

1. On the Internet website of the Commission; and

2. On the Internet website of ~~[each state]~~ the compact states' psychology regulatory authority or the publication in which each state would otherwise publish proposed rules.

E. The notice of proposed rulemaking shall include:

1. The proposed time, date and location of the meeting in which the rule will be considered and voted upon;

2. The text of the proposed rule or amendment and the reason for the proposed rule;

3. A request for comments on the proposed rule from any interested person; and

4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

F. Before adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.

G. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

1. At least twenty-five (25) persons who submit comments independently of each other;

2. A government subdivision or agency; or

3. A duly appointed person in an association that has at least twenty-five (25) members.

H. If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time and date of the scheduled public hearing and:

1. All persons wishing to be heard at the hearing shall notify the Executive Director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the Commission from making a transcript or recording of the hearing if it so chooses.

4. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

I. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

J. The Commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

K. If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed rule without a public hearing.

L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to the public health, safety, or welfare;

2. Prevent a loss of Commission or compact state funds;

3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or

4. Protect the public health and safety.

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the Internet website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the Chair of the Commission before the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

ARTICLE XII.

OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

A. Oversight.

1. The executive, legislative and judicial branches of state government in each compact state shall enforce this Compact and take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of this Compact and the rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the Compact and the rules in any judicial or administrative proceeding in a compact state pertaining to the subject matter of this Compact which may affect the powers, responsibilities or actions of the Commission.

3. The Commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the

Commission shall render a judgment or order void as to the Commission, this Compact or promulgated rules.

B. Default, Technical Assistance and Termination.

1. If the Commission determines that a compact state has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated rules, the Commission shall:

a. Provide written notice to the defaulting state and other compact states of the nature of the default, the proposed means of remedying the default and any other action to be taken by the Commission; and

b. Provide remedial training and specific technical assistance regarding the default.

2. If a state in default fails to remedy the default, the defaulting state may be terminated from the Compact upon an affirmative vote of the majority of the compact states, and all rights, privileges and benefits conferred by this Compact shall be terminated on the effective date of termination. A remedy of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

3. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be submitted by the Commission to the Governor, the majority and minority leaders of the defaulting state's legislature, and each of the compact states.

4. A compact state which has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations which extend beyond the effective date of termination.

5. The Commission shall not bear any costs incurred by the state which is found to be in default or which has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting state.

6. The defaulting state may appeal the action of the Commission by petitioning the United States District Court for the State of Georgia or the federal district where the Compact has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

C. Dispute Resolution.

1. Upon request by a compact state, the Commission shall attempt to resolve disputes related to the Compact which arise among compact states and between compact and noncompact states.

2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes that arise before the Commission.

D. Enforcement.

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact.

2. By majority vote, the Commission may initiate legal action in the United States District Court for the State of Georgia or the federal district where the Compact has its principal offices against a compact state in default to enforce compliance with the provisions of the Compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

ARTICLE XIII.

DATE OF IMPLEMENTATION OF PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL AND AMENDMENT

A. The Compact shall come into effect on the date on which the Compact is enacted into law in the seventh compact state. The provisions which become effective at that time shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the Compact.

B. Any state which joins the Compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the Compact becomes law in that state. Any rule which has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.

C. Any compact state may withdraw from this Compact by enacting a statute repealing the same, and:

1. A compact state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing state's psychology regulatory authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this Compact shall be construed to invalidate or prevent any psychology licensure agreement or other cooperative arrangement between a compact state and a noncompact state which does not conflict with the provisions of this Compact.

E. This Compact may be amended by the compact states. No amendment to this Compact shall become effective and binding upon any compact state until it is enacted into the law of all compact states.

ARTICLE XIV.

CONSTRUCTION AND SEVERABILITY

This Compact shall be liberally construed so as to effectuate the purposes thereof. If this Compact shall be held contrary to the constitution of any state member thereto, the Compact shall remain in full force and effect as to the remaining compact states.

Sec. 22. NRS 641.316 is hereby amended to read as follows:

641.316 1. The Board through its President or Secretary-Treasurer or the Attorney General may maintain in any court of competent jurisdiction a suit for an injunction against any person practicing psychology without a license ~~[.]~~ ***or authorization to practice psychology in this State pursuant to the Psychology Interjurisdictional Compact enacted in section 21 of this act.***

2. Such an injunction:

(a) May be issued without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure.

(b) Does not relieve any person from criminal prosecution for practicing without a license.

Sec. 23. NRS 641.390 is hereby amended to read as follows:

641.390 1. ~~[A]~~ ***Except as authorized by the Psychology Interjurisdictional Compact enacted in section 21 of this act, a*** person shall not represent himself or herself as a psychologist within the meaning of this chapter or engage in the practice of psychology unless he or she is licensed under the provisions of this chapter, except that any psychological scientist employed by an accredited educational institution or public agency which has set explicit standards may represent himself or herself by the title conferred upon him or her by such institution or agency.

2. This section does not grant approval for any person to offer services as a psychologist to any other person as a consultant, and to accept remuneration for such psychological services, other than that of an institutional salary, unless the psychologist has been licensed under the provisions of this chapter.

3. This chapter does not prevent the teaching of psychology or psychological research, unless the teaching or research involves the delivery or supervision of direct psychological services to a person. Persons who have earned a doctoral degree in psychology from an accredited educational institution may use the title "psychologist" in conjunction with the activities permitted by this subsection.

4. A graduate student in psychology whose activities are part of the course of study for a graduate degree in psychology at an accredited educational institution or a person pursuing postdoctoral training or experience in psychology to fulfill the requirements for licensure under the provisions of this chapter may use the terms "psychological trainee," "psychological intern," "psychological resident" or "psychological assistant"

if the activities are performed under the supervision of a licensed psychologist in accordance with the regulations adopted by the Board.

5. A person who is certified as a school psychologist by the State Board of Education may use the title "school psychologist" or "certified school psychologist" in connection with activities relating to school psychologists.

Sec. 24. NRS 641B.040 is hereby amended to read as follows:

641B.040 The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;

2. A nurse who is licensed to practice in this State;

3. A person who is licensed as a psychologist pursuant to chapter 641 of NRS ~~[,]~~ ***or authorized to practice psychology in this State pursuant to the Psychology Interjurisdictional Compact enacted in section 21 of this act;***

4. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;

5. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;

6. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive;

7. A person who is licensed as a clinical alcohol and drug abuse counselor, licensed or certified as an alcohol and drug abuse counselor, or certified as a clinical alcohol and drug abuse counselor intern, an alcohol and drug abuse counselor intern, a problem gambling counselor or a problem gambling counselor intern, pursuant to chapter 641C of NRS;

8. Any member of the clergy;

9. A county welfare director;

10. Any person who may engage in social work or clinical social work in his or her regular governmental employment but does not hold himself or herself out to the public as a social worker; or

11. A student of social work and any other person preparing for the profession of social work under the supervision of a qualified social worker in a training institution or facility recognized by the Board, unless the student or other person has been issued a provisional license pursuant to paragraph (b) of subsection 1 of NRS 641B.275. Such a student must be designated by the title "student of social work" or "trainee in social work," or any other title which clearly indicates the student's training status.

Sec. 25. NRS 641C.130 is hereby amended to read as follows:

641C.130 The provisions of this chapter do not apply to:

1. A physician who is licensed pursuant to the provisions of chapter 630 or 633 of NRS;

2. A nurse who is licensed pursuant to the provisions of chapter 632 of NRS and is authorized by the State Board of Nursing to engage in the practice of counseling alcohol and drug abusers or the practice of counseling problem gamblers;

3. A psychologist who is licensed pursuant to the provisions of chapter 641 of NRS ~~[,]~~ ***or authorized to practice psychology in this State pursuant***

to the Psychology Interjurisdictional Compact enacted in section 21 of this act;

4. A clinical professional counselor or clinical professional counselor intern who is licensed pursuant to chapter 641A of NRS;

5. A marriage and family therapist or marriage and family therapist intern who is licensed pursuant to the provisions of chapter 641A of NRS and is authorized by the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors to engage in the practice of counseling alcohol and drug abusers or the practice of counseling problem gamblers; or

6. A person who is licensed as a clinical social worker pursuant to the provisions of chapter 641B of NRS and is authorized by the Board of Examiners for Social Workers to engage in the practice of counseling alcohol and drug abusers or the practice of counseling problem gamblers.

Sec. 25.3. **The preliminary chapter of NRS is hereby amended by adding thereto a new section to read as follows:**

Except as otherwise expressly provided in a particular statute or required by the context, "licensed psychologist" means a psychologist licensed pursuant to chapter 641 of NRS or authorized to practice psychology in this State pursuant to the Psychology Interjurisdictional Compact enacted in section 21 of this act.

Sec. 25.5. **NRS 458A.057 is hereby amended to read as follows:**

458A.057 1. "Qualified mental health professional" means any of the following persons:

(a) A person who is certified as a problem gambling counselor pursuant to the provisions of chapter 641C of NRS.

(b) A person who is certified as a problem gambling counselor intern pursuant to the provisions of chapter 641C of NRS.

(c) A physician who is licensed pursuant to the provisions of chapter 630 or 633 of NRS.

(d) A nurse who is licensed pursuant to the provisions of chapter 632 of NRS and is authorized by the State Board of Nursing to engage in the practice of counseling problem gamblers.

(e) A psychologist who is licensed pursuant to the provisions of chapter 641 of NRS ***or authorized to practice psychology in this State pursuant to the Psychology Interjurisdictional Compact enacted in section 21 of this act,*** or a psychological assistant who is registered with the Board of Psychological Examiners pursuant to the provisions of chapter 641 of NRS and the regulations adopted pursuant thereto.

(f) A clinical professional counselor or clinical professional counselor intern who is licensed pursuant to chapter 641A of NRS.

(g) A marriage and family therapist or marriage and family therapist intern who is licensed pursuant to the provisions of chapter 641A of NRS and is authorized by the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors to engage in the practice of counseling problem gamblers.

(h) A person who is licensed as a clinical social worker pursuant to the provisions of chapter 641B of NRS and is authorized by the Board of Examiners for Social Workers to engage in the practice of counseling problem gamblers.

2. As used in this section, "practice of counseling problem gamblers" has the meaning ascribed to it in NRS 641C.105.

Sec. 26. NRS 689A.048 is hereby amended to read as follows:

689A.048 If any policy of health insurance provides coverage for treatment of an illness which is within the authorized scope of the practice of a qualified psychologist, the insured is entitled to reimbursement for treatments by a ***licensed*** psychologist **.** ~~[who is licensed pursuant to chapter 641 of NRS.]~~

Sec. 27. NRS 689B.038 is hereby amended to read as follows:

689B.038 If any policy of group health insurance provides coverage for treatment of an illness which is within the authorized scope of the practice of a qualified psychologist, the insured is entitled to reimbursement for treatment by a ***licensed*** psychologist **.** ~~[who is licensed pursuant to chapter 641 of NRS.]~~

Sec. 28. NRS 695B.197 is hereby amended to read as follows:

695B.197 If any contract for hospital or medical service provides coverage for treatment of an illness which is within the authorized scope of the practice of a qualified psychologist, the insured is entitled to reimbursement for treatments by a ***licensed*** psychologist **.** ~~[who is licensed pursuant to chapter 641 of NRS.]~~

Sec. 29. NRS 695C.177 is hereby amended to read as follows:

695C.177 If any evidence of coverage provides coverage for treatment of an illness which is within the authorized scope of the practice of a qualified psychologist, the insured is entitled to reimbursement for treatments by a ***licensed*** psychologist **.** ~~[who is licensed pursuant to chapter 641 of NRS.]~~

Sec. 30. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~ **(Deleted by amendment.)**

Assemblyman Sprinkle moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 431.

Bill read second time.

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

Amendment No. 541.

AN ACT relating to alcoholic beverages; revising provisions governing brew pubs; revising provisions governing a supplier of alcoholic beverages; revising provisions prohibiting a wholesaler dealer of alcoholic beverages

from investing money in a retail liquor store; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person who is licensed to operate a brew pub to operate more than one such brew pub in a county but limits the person to manufacturing not more than 15,000 barrels for all of the brew pubs the person operates in that county in any calendar year. (NRS 597.230) **Section 4** of this bill ~~[limits]~~ **authorizes** a person ~~[who operates]~~ **to operate one or more** ~~[a brew pub to two locations for the]~~ brew ~~[pub]~~ **pubs** in this State and increases the number of barrels of malt beverages that such a person may manufacture **for all the brew pubs he or she operates in this State** during a calendar year to ~~[20,000]~~ **40,000** barrels. **Section 4 additionally authorizes a person who operates one or more brew pubs in this State to transport malt beverages to a licensed person for the purpose of selling the malt beverages at a special event in this State. Section 3.5 of this bill defines a special event as an event that lasts no longer than 1 calendar day and that occurs at a farmers' market or at an event designated as a county fair.** **Section 4** further prohibits a person who operates a brew pub from selling at retail more than ~~[2,000]~~ **5,000** barrels of malt beverages per calendar year ~~[for consumption off the premises of the brew pub.]~~ **and provides that of the 5,000 barrels, not more than 1,000 barrels may be sold in kegs.**

Section 9.5 of this bill requires the Department of Taxation to adopt and enforce regulations necessary to monitor the quantity of malt beverages manufactured pursuant to section 4. **Section 10** of this bill specifies that a person licensed to operate a brew pub may not engage in any other activity **not authorized pursuant to section 4** for which a license is required unless the person holds the license for that activity.

Existing law defines the term "supplier" for the purposes of the regulation of alcoholic beverages and imposes certain requirements on a supplier of alcoholic beverages. (Chapters 369 and 597 of NRS) **Sections 1 and 9** of this bill include breweries **,** ~~[and]~~ brew pubs **and craft distilleries** located in this State within the definition of "supplier" and, thus, impose on such breweries **,** ~~[and]~~ brew pubs **and craft distilleries** the requirements of existing law applicable to a supplier. **Section 2** of this bill exempts certain smaller suppliers from the requirement to allow a wholesaler a period of 60 days to correct any failure to comply with the terms of a franchise agreement between the supplier and the wholesaler. **Section 3** of this bill revises certain prohibitions imposed on a supplier by prohibiting a supplier from engaging in certain conduct in relation to a wholesaler who sells, distributes, markets, advertises or promotes the alcoholic beverages produced by the supplier.

Existing law prohibits a wholesale dealer of alcoholic beverages from investing money, directly or indirectly in a retail liquor store. (NRS 369.485) **Section 12** of this bill prohibits the wholesale dealer from making such an investment through a subsidiary or agent.

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

Section 1. NRS 597.140 is hereby amended to read as follows:

597.140 "Supplier" means any person, partnership, corporation or other form of business enterprise engaged in business as a manufacturer, distiller, ***craft distillery,*** rectifier, brewer, ***brew pub,*** importer, vintner, broker or agent therefor, which distributes any or all of its brands of malt beverages, distilled spirits and wines, or all of them, through licensed wholesalers in this state.

Sec. 2. NRS 597.160 is hereby amended to read as follows:

597.160 1. Except as otherwise provided in subsection 4, if more than one franchise for the same brand or brands of malt beverages, distilled spirits and wines, or all of them, is granted to different wholesalers in this state, it is a violation of NRS 597.120 to 597.180, inclusive, for any supplier to discriminate between such wholesalers with respect to any of the terms, provisions and conditions of these franchises.

2. Except as otherwise provided in this subsection and notwithstanding the terms, provisions or conditions of any franchise, a supplier shall not unilaterally terminate or refuse to continue any franchise with a wholesaler or cause a wholesaler to resign from that franchise unless the supplier has first established good cause for that termination, noncontinuance or causing of that resignation. This subsection does not apply to a supplier who sells less than 2,000 barrels of malt beverages, less than 250 cases of distilled spirits or less than 2,000 cases of wine in this state in any calendar year, or who operates a winery pursuant to NRS 597.240.

3. ~~[A]~~ ***Except as otherwise provided in this subsection, a*** wholesaler may, within 60 days after he or she receives a notice required pursuant to NRS 597.155, correct any failure to comply with the terms, provisions and conditions of the franchise alleged by the supplier. ***This subsection does not apply to a supplier who sells less than 2,000 barrels of malt beverages, less than 250 cases of distilled spirits or less than 2,000 cases of wine in this State in any calendar year, or who operates a winery pursuant to NRS 597.240.***

4. Unless otherwise specified by contract between the supplier and wholesaler, a supplier shall not grant more than one franchise to a wholesaler for any brand of alcoholic beverage in a marketing area.

Sec. 3. NRS 597.162 is hereby amended to read as follows:

597.162 A supplier shall not:

1. Prohibit a wholesaler from selling an alcoholic beverage of any other supplier;

2. ***Prevent a wholesaler from using best efforts to sell, market, advertise or promote an alcoholic beverage of any other supplier;***

3. Provide any reward or penalty to, or in any other way condition its relationship with, a wholesaler based upon the amount of sales the wholesaler makes of an alcoholic beverage of any other supplier;

4. Disapprove a wholesaler's selection of a general manager or successor general manager based on the wholesaler's sales, marketing, advertising, promotion or retail placement of an alcoholic beverage of any other supplier;

5. Require a wholesaler to report to the supplier any of the wholesaler's financial information associated with the purchase, sale or distribution of an alcoholic beverage of any other supplier;

6. Fix or maintain the price at which a wholesaler may resell an alcoholic beverage purchased from the supplier;

~~[3.]~~ ***7.*** Require a wholesaler to pay to the supplier all or any portion of the difference in the suggested retail price of an alcoholic beverage and the actual price at which the wholesaler sells the alcoholic beverage;

~~[4.]~~ ***8.*** Require a wholesaler to accept delivery of any alcoholic beverage or any other item that is not voluntarily ordered by the wholesaler or otherwise not required under the franchise between the supplier and wholesaler or is in violation of any levels of inventory that are mutually agreed upon in writing by the supplier and wholesaler;

~~[5.]~~ ***9.*** Prohibit or restrain, directly or indirectly, a wholesaler from participating in an organization that represents the interests of wholesalers for any lawful purpose; ~~[or]~~

10. Discriminate against, penalize or otherwise retaliate against a wholesaler because the wholesaler raises, alleges or otherwise brings to the attention of the Department of Taxation an actual, potential or perceived violation of this chapter; or

~~[6.]~~ ***11.*** Require a wholesaler to participate in or contribute to any advertising fund or promotional activity that:

(a) Is not used for advertising or a promotional activity in the marketing area of the wholesaler; or

(b) Requires a contribution by the wholesaler that exceeds any amount specified for that purpose in the franchise.

Sec. 3.5. **NRS 597.200 is hereby amended to read as follows:**

597.200 As used in NRS 597.190 to 597.255, inclusive, unless the context otherwise requires:

1. "Alcoholic beverage" means any malt beverage or spirituous, vinous or malt liquor which contains 1 percent or more ethyl alcohol by volume.

2. "Brew pub" means an establishment which manufactures malt beverages and sells those malt beverages at retail pursuant to the provisions of NRS 597.230.

3. "Craft distillery" means an establishment which:

(a) Manufactures distilled spirits from agricultural raw materials through distillation; and

(b) Is authorized to sell those distilled spirits pursuant to the provisions of this chapter.

4. "Distillation" means the process of producing or purifying spirituous liquor by successive evaporation and condensation.

5. "Engage in" includes participation in a business as an owner or partner, or through a subsidiary, affiliate, ownership equity or in any other manner.

6. "Instructional wine-making facility" means an instructional wine-making facility operated pursuant to NRS 597.245.

7. "Legal age" means the age at which a person is legally permitted to purchase an alcoholic beverage pursuant to NRS 202.020.

8. "Malt beverage" means beer, ale, porter, stout and other similar fermented beverages of any name or description, brewed or produced from malt, wholly or in part.

9. ***"Special event" means an event that:***

(a) Lasts not longer than 1 calendar day; and

(b) Occurs at:

(1) A farmers' market, as defined in NRS 244.336; or

(2) An event designated as a county fair by a county fair and recreation board appointed pursuant to NRS 244A.599, 244A.601 or 244A.603.

10. "Supplier" has the meaning ascribed to it in NRS 597.140.

~~[10.]~~ ***11.*** "Wine" has the meaning ascribed to it in NRS 369.140.

Sec. 4. NRS 597.230 is hereby amended to read as follows:

597.230 1. In any county, a person may operate a brew pub:

(a) In any redevelopment area established in that county pursuant to chapter 279 of NRS;

(b) In any historic district established in that county pursuant to NRS 384.005;

(c) In any retail liquor store as that term is defined in NRS 369.090; or

(d) In any other area in the county designated by the board of county commissioners for the operation of brew pubs. In a city which is located in that county, a person may operate a brew pub in any area in the city designated by the governing body of that city for the operation of brew pubs.

➥ A person who operates one or more ***[two]*** brew pubs may not manufacture more than ~~[~~15,000 ***20,000]*** ***40,000*** barrels of malt beverages for all the brew pubs he or she operates in ~~[that county]~~ ***this State*** in any calendar year.

2. The premises of any brew pub operated pursuant to this section must be conspicuously identified as a "brew pub."

3. ~~***[A person who operates a brew pub pursuant to this section is limited to two locations for the brew pub in this State.***~~

~~***4.*** A]~~ ***Except as otherwise provided in subsection 4, a*** person who operates ~~[a]~~ ***one or more*** brew ~~[pub]~~ ***pubs*** pursuant to this section may, upon obtaining a license pursuant to chapter 369 of NRS and complying with any other applicable governmental requirements:

(a) Manufacture and store malt beverages on the premises ***of one or more*** of the brew ~~[pub]~~ ***pubs*** and:

(1) Sell and transport the malt beverages manufactured on the premises to a person holding a valid wholesale wine and liquor dealer's license or wholesale beer dealer's license issued pursuant to chapter 369 of NRS.

(2) Donate for charitable or nonprofit purposes and ***, for the purposes of the donation,*** transport the malt beverages manufactured on the premises in accordance with the terms and conditions of a special permit for the transportation of the malt beverages obtained from the Department of Taxation pursuant to subsection 4 of NRS 369.450.

(b) ***Manufacture and store malt beverages on the premises of one or more of the brew pubs and transport the malt beverages manufactured on the premises to a retailer, other than a person who operates a brew pub pursuant to this section, that holds a valid license pursuant to chapter 369 of NRS for the purpose of selling the malt beverages at a special event in accordance with the terms and conditions of a special permit for the transportation of the malt beverages obtained from the Department of Taxation pursuant to subsection 4 of NRS 369.450. For the purposes of this paragraph, the person who operates one or more brew pubs shall not obtain more than 20 such special permits for the transportation of the malt beverages from the Department of Taxation pursuant to subsection 4 of NRS 369.450 within a calendar year.***

(c) Sell at retail ***, not for resale,*** malt beverages manufactured on or off the premises ***of one or more*** of the brew ~~[pub]~~ ***pubs*** for consumption on the premises.

~~[(c)]~~ ***(d)*** Sell at retail ***, not for resale,*** in packages sealed on ***one or more of*** the premises of the brew ~~[pub,]~~ ***pubs,*** malt beverages, including malt beverages in unpasteurized form, manufactured on the premises for consumption off the premises.

4. The amount of malt beverages sold ~~[for consumption off the premises of the brew pub may]~~ pursuant to paragraphs (b), (c) and (d) of subsection 3 must not exceed ~~[2,000]~~ a total of 5,000 barrels in any calendar year.

~~[5. As used in this section, the term "package" does not include a keg.]~~ Of the 5,000 barrels, not more than 1,000 barrels may be sold in kegs.

Sec. 5. Chapter 369 of NRS is hereby amended by adding thereto the provisions set forth as sections 6 ~~[and 7]~~ ***to 7.7, inclusive,*** of this act.

Sec. 6. ~~["Brew]~~ As used in this chapter, "brew pub" has the meaning ascribed to it in NRS 597.200.

Sec. 7. ~~["Brewery"]~~ As used in this chapter, "brewery" means an establishment which manufactures malt beverages but does not sell those malt beverages at retail.

Sec. 7.3. As used in this chapter, "craft distillery" has the meaning ascribed to it in NRS 597.200.

Sec. 7.7. As used in this chapter, "malt beverage" has the meaning ascribed to it in NRS 597.200.

Sec. 8. NRS 369.035 is hereby amended to read as follows:

369.035 1. As used in this chapter, "instructional wine-making facility" means an instructional wine-making facility operated pursuant to NRS 597.245.

2. For the purposes of this chapter:

(a) A person who operates an instructional wine-making facility is not a wine maker or a supplier, brewer, ***brew pub,*** distiller, ***craft distillery,*** manufacturer, producer, vintner, bottler, wholesaler, wholesale dealer, retailer or retail dealer of wine.

(b) An instructional wine-making facility is not a winery or a retail liquor store.

Sec. 9. NRS 369.111 is hereby amended to read as follows:

369.111 As used in this chapter, "supplier" means, with respect to liquor which is brewed, distilled, fermented, manufactured, rectified, produced or bottled:

1. Outside the United States:

(a) The brewer, distiller, manufacturer, producer, rectifier, vintner or bottler of the liquor, or his or her designated agent; or

(b) The owner of the liquor when it is first transported into any area under the jurisdiction of the United States Government, if the brewer, distiller, manufacturer, rectifier, producer, vintner or bottler of the liquor, or a designated agent of such a person, has not designated an importer to import the liquor into this State;

2. Within the United States but outside this State, the brewer, distiller, manufacturer, rectifier, producer, vintner or bottler of the liquor, or his or her designated agent; or

3. Within this State, the ***brewery, brew pub,*** distiller, ***craft distillery,*** manufacturer, rectifier, producer or bottler of the liquor or his or her designated agent.

Sec. 9.5. **NRS 369.150 is hereby amended to read as follows:**

369.150 1. The Department is charged with the duty of administering the provisions of this chapter.

2. The Department shall:

(a) Prescribe and cause to be printed and issued free of charge all forms for applications and reports.

(b) Except as otherwise provided in NRS 369.430, issue free of charge all certificates and permits.

(c) Adopt and enforce all rules, regulations and standards necessary or convenient to carry out the provisions of this chapter.

(d) Adopt regulations to carry out the provisions of NRS 369.462 to 369.468, inclusive, 369.486 and 369.488.

(e) Adopt and enforce all rules, regulations and standards necessary or convenient to monitor or survey the quantity of malt beverages manufactured by a brew pub within a calendar year for compliance with NRS 597.230.

Sec. 10. NRS 369.180 is hereby amended to read as follows:

369.180 1. In addition to the limitations imposed by NRS 597.210 and 597.220, a person shall not:

(a) Import liquors into this State unless the person first secures an importer's license or permit from this State.

(b) Engage in business as a wholesale dealer of wines and liquors in this State unless the person first secures a wholesale wine and liquor dealer's license from this State.

(c) Engage in business as a wholesale dealer of beer in this State unless the person first secures a wholesale beer dealer's license from this State.

(d) Operate a winery in this State or export wine from this State unless the person first secures a wine-maker's license from this State.

(e) Operate an instructional wine-making facility in this State unless the person first secures a license for the instructional wine-making facility from this State.

(f) Operate a brewery in this State unless the person first secures a brewer's license from this State.

(g) Operate a brew pub in this State unless the person first secures a brew pub's license from this State.

(h) Operate a craft distillery in this State unless the person first secures a craft distiller's license from this State.

2. ***A person who holds a license for a brew pub:***

(a) May engage in any activity authorized by NRS 597.230.

(b) May not engage in any other activity for which a license is required pursuant to this chapter, unless the person holds the appropriate license for that activity.

3. A person who holds a license for an instructional wine-making facility:

(a) May engage in any activity authorized by NRS 597.245.

(b) May not engage in any other activity for which a license is required pursuant to this chapter, unless the person holds the appropriate license for that activity.

~~[3.]~~ ***4.*** A person who holds a license for a craft distillery:

(a) May engage in any activity authorized by NRS 597.235.

(b) May not engage in any other activity for which a license is required pursuant to this chapter, unless the person holds the appropriate license for that activity.

~~[4. *5.* As used in this section:~~

~~(a) "Brew pub" has the meaning ascribed to it in NRS 597.200.~~

~~(b) "Brewery" means an establishment which manufactures malt beverages but does not sell those malt beverages at retail.~~

~~(c) "Craft distillery" has the meaning ascribed to it in NRS 597.200.~~

~~(d) *(b)* "Malt beverage" has the meaning ascribed to it in NRS 597.200.]~~

Sec. 11. NRS 369.382 is hereby amended to read as follows:

369.382 Except as otherwise provided in NRS 369.386, 369.415 **,** ***597.230*** and 597.235, a supplier shall not engage in the business of importing, wholesaling or retailing alcoholic beverages in this State.

Sec. 12. NRS 369.485 is hereby amended to read as follows:

369.485 1. The Legislature hereby declares:

(a) That it is a privilege to engage in the business of selling intoxicating liquor at the wholesale or retail level in this state;

(b) That the Legislature finds it necessary to impose certain restrictions on the exercise of such privilege; and

(c) That it is the policy of this state to preclude the acquisition or control of any retail liquor store by a wholesale liquor dealer.

2. As used in this section, unless the context requires otherwise:

(a) "Delinquent payment" means the failure of a retail liquor store to make payment to a wholesale dealer for liquor on or before the 15th day of the month following delivery by the wholesale dealer.

(b) "Payment" means the full legal discharge of the debt by the wholesale dealer's receipt of cash or its equivalent, including ordinary and recognized means for discharge of indebtedness excepting notes, pledges or other promises to pay at a future date. A postdated check, a check not promptly deposited for collection or a check dishonored on presentation for payment does not constitute payment.

(c) "Payment in cash" means the full legal discharge of the debt by delivery of cash, money order, certified check or a cashier's or similar bank officer's check.

3. A wholesale dealer shall not:

(a) Loan any money or other thing of value to a retail liquor store.

(b) Invest money, directly or indirectly, ***including through a subsidiary or agent,*** in a retail liquor store.

(c) Furnish or provide any premises, building, bar or equipment to a retail liquor store.

(d) Participate, directly or indirectly, in the operation of the business of a retail liquor store.

(e) Sell liquor to a retail liquor store except for payment on or before delivery or on terms requiring payment by the retail liquor store before or on the 10th day of the month following delivery of such liquor to it by the wholesale dealer.

(f) Sell liquor to a retail liquor store which is delinquent in payment to such wholesale dealer except for payment in cash on or before delivery.

4. On the 15th day of the month following the delivery of liquor and on the 15th day of each month thereafter, the wholesale dealer shall charge a retail liquor store which is delinquent a service charge of 1.5 percent of the amount of the unpaid balance.

5. The Department may impose the following penalties on a wholesale dealer who violates any of the provisions of this section within any 24-month period:

(a) For the first violation a penalty of not more than $500.

(b) For the second violation a penalty of not more than $1,000.

(c) For the third and any subsequent violation a penalty of not more than $5,000 or by a license suspension, or by both such penalty and suspension.

6. The Department may, upon its own motion, and shall, upon the verified written complaint of any wholesale dealer, investigate the possible violation of any of the provisions of this section by any wholesale dealer.

Sec. 13. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act and on July 1, 2017, for all other purposes.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 436.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 441.

AN ACT relating to economic development; requiring the Office of Economic Development to provide businesses certified as a local emerging small business with information concerning **certain** public and private programs to obtain financing for small businesses; revising provisions governing an application for the issuance or renewal of a state business registration; requiring the Secretary of State to provide to certain businesses information concerning **certain** public and private programs to obtain financing for small businesses and the process for obtaining certification as a disadvantaged business enterprise; requiring the Regional Business Development Advisory Council for Clark County to provide to certain businesses information concerning **certain** public and private programs to obtain financing for small businesses; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) provides for the certification of eligible local emerging small businesses by the Office of Economic Development; and (2) requires the Office to establish an outreach program for local emerging small businesses to connect those businesses with state agencies seeking state purchasing contracts and contracts for public works of this State and goals concerning the participation of local emerging small businesses in those contracts. (NRS 231.1405, 231.14065, 231.1407) **Section 1** of this bill requires the Office to provide a business certified as an eligible local

emerging small business with certain information concerning public and private programs to provide financing to small businesses and the criteria for obtaining financing through such programs.

Existing law requires a person to obtain a state business registration and pay an annual fee before conducting business within this State, unless exempted from the business registration requirement. (NRS 76.100, 76.130) **Sections 2 and 4 of this bill clarify that a person may obtain or renew a state business registration by submitting a written application or applying through the state business portal established by the Secretary of State. Sections 2 and 4** ~~[of this bill]~~ **also** require the Secretary of State, upon the issuance or renewal of a state business registration, to provide to the business certain information concerning public and private programs to provide financing to small businesses and the criteria for obtaining financing through such programs. ~~[Sections]~~ **Finally, sections 2 and 4** also require the Secretary of State to include on the form for an application for the issuance or renewal of a state business registration an opportunity for the applicant to indicate whether the applicant's business is a minority-owned business **,** ~~[or]~~ a woman-owned business ~~[.]~~ **or a veteran-owned business.** If the applicant indicates that the business is a minority-owned business or a woman-owned business, **sections 2 and 4** require the Secretary of State to provide information concerning how the person may become certified as a disadvantaged business enterprise for certain purposes related to contracting for transportation projects and qualifying for loans to disadvantaged business enterprises.

Existing law creates the Regional Business Development Advisory Council for Clark County and prescribes its duties. (Sections 15 and 20 of chapter 7, Statutes of Nevada 2003, 20th Special Session, at pp. 268-69) **Section 5** of this bill requires the Council to provide to local businesses owned and operated by disadvantaged persons certain information concerning public and private programs to provide financing to small businesses and the criteria for obtaining financing through such programs.

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

Section 1. NRS 231.14055 is hereby amended to read as follows:

231.14055 1. A business may apply, on a form prescribed by regulation of the Office, to the Office for certification as a local emerging small business. The application must be accompanied by such proof as the Office requires to demonstrate that the applicant is in compliance with the criteria set forth in NRS 231.1405 and any regulations adopted pursuant to NRS 231.1408.

2. Upon receipt of the application and when satisfied that the applicant meets the requirements set forth in this section, NRS 231.1405 and any regulations adopted pursuant to NRS 231.1408, the Office shall ~~[certify]~~ ***:***

(a) Certify the business as a local emerging small business ~~[.]~~ ***; and***

(b) Provide to the business, in ~~[writing,]~~ written or electronic form, information concerning public and private programs to provide financing for small businesses and the criteria for obtaining financing through such programs. The information must include, without limitation, information concerning:

(1) Grants or loans of money from the Catalyst Account created by NRS 231.1573;

(2) The issuance of revenue bonds for industrial development pursuant to NRS 349.400 to 349.670, inclusive;

(3) The Nevada Collateral Support Program pursuant to 12 U.S.C. §§ 5701 et seq.;

(4) The Nevada Microenterprise Initiative Program pursuant to 12 U.S.C. §§ 5701 et seq.;

(5) The Nevada New Markets Jobs Act pursuant to chapter 231A of NRS;

(6) The Nevada Silver State Opportunities Fund pursuant to NRS 355.275;

(7) Loans from the Small Business Administration pursuant to 15 U.S.C. §§ 631 et seq.; and

(8) Any other ~~[public or]~~ private program to provide financing for small businesses ~~[designated]~~ approved by the Office.

3. The Office shall compile a list of the local emerging small businesses certified pursuant to this section and post the list on its Internet website.

Sec. 2. NRS 76.100 is hereby amended to read as follows:

76.100 1. A person shall not conduct a business in this State unless and until the person obtains a state business registration issued by the Secretary of State. If the person is:

(a) An entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business registration at the time of filing the initial or annual list.

(b) Not an entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business registration before conducting a business in this State.

2. An application for a state business registration ***may be submitted in writing or through the state business portal established pursuant to chapter 75A of NRS and*** must:

(a) Be made upon a form prescribed by the Secretary of State ~~[:]~~ ***, which must enable the applicant to declare whether the applicant is a minority-owned business , ~~[or]~~ a woman-owned business ~~[,]~~ or a veteran-owned business;***

(b) Set forth the name under which the applicant transacts or intends to transact business, or if the applicant is an entity organized pursuant to this title and on file with the Secretary of State, the exact name on file with the Secretary of State, the business identification number as assigned by the

Secretary of State pursuant to NRS 225.082, and the location in this State of the place or places of business;

(c) Be accompanied by a fee in the amount of $200, except that if the applicant is a corporation organized pursuant to chapter 78, 78A or 78B of NRS, or a foreign corporation required to file an initial or annual list with the Secretary of State pursuant to chapter 80 of NRS, the application must be accompanied by a fee of $500; and

(d) Include any other information that the Secretary of State deems necessary.

➥ If the applicant is an entity organized pursuant to this title and on file with the Secretary of State and the applicant has no location in this State of its place of business, the address of its registered agent shall be deemed to be the location in this State of its place of business.

3. The application must be signed pursuant to NRS 239.330 by:

(a) The owner of a business that is owned by a natural person.

(b) A member or partner of an association or partnership.

(c) A general partner of a limited partnership.

(d) A managing partner of a limited-liability partnership.

(e) A manager or managing member of a limited-liability company.

(f) An officer of a corporation or some other person specifically authorized by the corporation to sign the application.

4. If the application for a state business registration is defective in any respect or the fee required by this section is not paid, the Secretary of State may return the application for correction or payment.

5. ***Upon issuance of a state business registration, the Secretary of State shall provide to the business*** ***: ~~[, in writing:]~~***

(a) Information ***, in written or electronic form,*** ***concerning public and private programs to provide financing for small businesses and the criteria for obtaining financing through such programs. The information must include, without limitation:***

(1) Grants or loans of money from the Catalyst Account created by NRS 231.1573;

(2) The issuance of revenue bonds for industrial development issued pursuant to NRS 349.400 to 349.670, inclusive;

(3) The Nevada Collateral Support Program pursuant to 12 U.S.C. §§ 5701 et seq.;

(4) The Nevada Microenterprise Initiative Program pursuant to 12 U.S.C. §§ 5701 et seq.;

(5) The Nevada New Markets Jobs Act pursuant to chapter 231A of NRS;

(6) The Nevada Silver State Opportunities Fund pursuant to NRS 355.275;

(7) Loans from the Small Business Administration loans pursuant to 15 U.S.C. § 631 et seq.; and

(8) Any other program to provide financing for small businesses designated by the Secretary of State; and

(b) If the business indicated on its application for a state business registration that the business is a minority-owned business or a woman-owned business, information, in ~~[writing,]~~ written or electronic form, concerning the process by which the business may become certified as a disadvantaged business enterprise for the purposes of 49 C.F.R. § 26.5 or a program to provide financing for disadvantaged business enterprises.

6. A state business registration issued pursuant to this section must contain the business identification number assigned by the Secretary of State pursuant to NRS 225.082.

~~[6.]~~ ***7.*** The state business registration required to be obtained pursuant to this section is in addition to any license to conduct business that must be obtained from the local jurisdiction in which the business is being conducted.

~~[7.]~~ ***8.*** For the purposes of this chapter, a person:

(a) Shall be deemed to conduct a business in this State if a business for which the person is responsible:

(1) Is organized pursuant to this title, other than a business organized pursuant to:

(I) Chapter 82 or 84 of NRS; or

(II) Chapter 81 of NRS if the business is a nonprofit unit-owners' association or a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c);

(2) Has an office or other base of operations in this State;

(3) Except as otherwise provided in NRS 76.103, has a registered agent in this State; or

(4) Pays wages or other remuneration to a natural person who performs in this State any of the duties for which he or she is paid.

(b) Shall be deemed not to conduct a business in this State if the business for which the person is responsible:

(1) Is not organized pursuant to this title;

(2) Does not have an office or base of operations in this State;

(3) Does not have a registered agent in this State;

(4) Does not pay wages or other remuneration to a natural person who performs in this State any of the duties for which he or she is paid, other than wages or other remuneration paid to a natural person for performing duties in connection with an activity described in subparagraph (5); and

(5) Is conducting activity in this State solely to provide vehicles or equipment on a short-term basis in response to a wildland fire, a flood, an earthquake or another emergency.

~~[8.]~~ ***9.*** As used in this section ~~[, "registered]~~ ***:***

(a) "Registered agent" has the meaning ascribed to it in NRS 77.230.

(b) "Veteran" has the meaning ascribed to it in NRS 417.005.

(c) "Veteran-owned business" means a business that:

(1) Is owned by a natural person who is a veteran; or

(2) Has at least 51 percent of its ownership interest held by one or more veterans.

Sec. 3. NRS 76.103 is hereby amended to read as follows:

76.103 1. A manufacturer who maintains a registered agent in this State solely because of the requirements set forth in NRS 370.680 and who is not otherwise required to obtain a state business registration pursuant to NRS 76.100 is not deemed, pursuant to subparagraph (3) of paragraph (a) of subsection ~~[7]~~ ***8*** of NRS 76.100, to conduct a business in this State.

2. As used in this section, "manufacturer" has the meaning ascribed to it in NRS 370.0315.

Sec. 4. NRS 76.130 is hereby amended to read as follows:

76.130 1. Except as otherwise provided in subsection 2, a person who applies for renewal of a state business registration shall submit ***in writing or through the state business portal established pursuant to chapter 75A of NRS an application on a form prescribed by the Secretary of State, which must enable the applicant to declare whether the applicant is a minority-owned business , ~~[or]~~ a woman-owned business ~~[,]~~ or a veteran-owned business, and*** a fee in the amount of $200 to the Secretary of State:

(a) If the person is an entity required to file an annual list with the Secretary of State pursuant to this title, at the time the person submits the annual list to the Secretary of State, unless the person submits a certificate or other form evidencing the dissolution of the entity; or

(b) If the person is not an entity required to file an annual list with the Secretary of State pursuant to this title, on the last day of the month in which the anniversary date of issuance of the state business registration occurs in each year, unless the person submits a written statement to the Secretary of State, at least 10 days before that date, indicating that the person will not be conducting a business in this State after that date.

2. If the person applying for the renewal of a state business registration pursuant to subsection 1 is a corporation organized pursuant to chapter 78, 78A or 78B of NRS, or a foreign corporation required to file an initial or annual list with the Secretary of State pursuant to chapter 80 of NRS, the fee for the renewal of a state business registration is $500.

3. The Secretary of State shall, 90 days before the last day for filing an application for renewal of the state business registration of a person who holds a state business registration, provide to the person a notice of the state business registration fee due pursuant to this section and a reminder to file the application for renewal required pursuant to this section. Failure of any person to receive a notice does not excuse the person from the penalty imposed by law.

4. ***Upon renewal of a state business registration, the Secretary of State shall provide to the business : ~~[, in writing:]~~***

(a) Information , in written or electronic form, concerning public and private programs to provide financing for small businesses and the criteria

for obtaining financing through such programs. The information must include, without limitation:

(1) Grants or loans of money from the Catalyst Account created by NRS 231.1573;

(2) The issuance of revenue bonds for industrial development revenue bonds issued pursuant to NRS 349.400 to 349.670, inclusive;

(3) The Nevada Collateral Support Program pursuant to 12 U.S.C. §§ 5701 et seq.;

(4) The Nevada Microenterprise Initiative Program pursuant to 12 U.S.C. §§ 5701 et seq.;

(5) The Nevada New Markets Jobs Act pursuant to chapter 231A of NRS;

(6) The Nevada Silver State Opportunities Fund pursuant to NRS 355.275;

(7) Loans from the Small Business Administration loans pursuant to 15 U.S.C. § 631 et seq.; and

(8) Any other program to provide financing for small businesses ~~[designated]~~ approved by the Secretary of State; and

(b) If the business indicated on its application for a state business registration that the business is a minority-owned business or a woman-owned business, information, in ~~[writing,]~~ written or electronic form, concerning the process by which the business may become certified as a disadvantaged business enterprise for the purposes of 49 C.F.R. § 26.5 or a program to provide financing for disadvantaged business enterprises.

5. If a person fails to submit the annual state business registration fee required pursuant to this section in a timely manner and the person is:

(a) An entity required to file an annual list with the Secretary of State pursuant to this title, the person:

(1) Shall pay a penalty of $100 in addition to the annual state business registration fee;

(2) Shall be deemed to have not complied with the requirement to file an annual list with the Secretary of State; and

(3) Is subject to all applicable provisions relating to the failure to file an annual list, including, without limitation, the provisions governing default and revocation of its charter or right to transact business in this State, except that the person is required to pay the penalty set forth in subparagraph (1).

(b) Not an entity required to file an annual list with the Secretary of State, the person shall pay a penalty in the amount of $100 in addition to the annual state business registration fee. The Secretary of State shall provide to the person a written notice that:

(1) Must include a statement indicating the amount of the fees and penalties required pursuant to this section and the costs remaining unpaid.

(2) May be provided electronically, if the person has requested to receive communications by electronic transmission, by electronic mail or other electronic communication.

~~[5.]~~ ***6.*** A person who continues to do business in this State without renewing the person's state business registration before its renewal date is subject to the fees and penalties provided for in this section unless the person files a certificate of cancellation of the person's state business registration with the Secretary of State.

~~[6.]~~ ***7.*** The Secretary of State shall waive the annual state business registration fee and any related penalty imposed on a natural person or partnership if the natural person or partnership provides evidence satisfactory to the Secretary of State that the natural person or partnership conducted no business in this State during the period for which the fees and penalties would be waived.

8. As used in this section:

(a) "Veteran" has the meaning ascribed to it in NRS 417.005.

(b) "Veteran-owned business" means a business that:

(1) Is owned by a natural person who is a veteran; or

(2) Has at least 51 percent of its ownership interest held by one or more veterans.

Sec. 5. Section 20 of the Regional Business Development Advisory Council for Clark County Act, being chapter 7, Statutes of Nevada 2003, 20th Special Session, as amended by chapter 142, Statutes of Nevada 2015, at page 550, is hereby amended to read as follows:

Sec. 20. 1. The Council shall propose and implement policies, programs and procedures to encourage and promote the use of local businesses owned and operated by disadvantaged persons, particularly in the area of contracting and procurement by public agencies in Clark County.

2. On or before November 1 of each year, each public entity which has a representative on the Council pursuant to subsection 1 of section 15 of this act shall prepare and deliver a written report to the Council for the immediately preceding fiscal year which contains:

(a) The number of persons employed by the public entity, disaggregated by major ethnic and racial categories, including, without limitation, African-American, Asian, Caucasian, Hispanic and Native American.

(b) Expenditures made by the public entity during the immediately preceding fiscal year, disaggregated by discretionary and nondiscretionary expenditures.

(c) The percentage of expenditures paid by the public entity to local businesses owned and operated by disadvantaged persons, disaggregated by ethnic and racial categories and by gender.

(d) A summary of the efforts and programs used by the public entity to encourage and increase the involvement in contracting local businesses owned and operated by disadvantaged persons and any efforts or programs used by the public entity to encourage the economic

development of local businesses owned and operated by disadvantaged persons.

(e) Such other information as the Council determines is necessary to achieve its goals.

3. The Council shall encourage each public and private entity which has a representative on the Council pursuant to subsection 2 of section 15 of this act to prepare and deliver to the Council an annual report similar to the report required pursuant to subsection 2.

4. ***The Council shall provide to local businesses owned and operated by disadvantaged persons information , in ~~[writing]~~ written or electronic form, concerning public and private programs to provide financing for small businesses and the criteria for obtaining financing through such programs. The information must include, without limitation:***

(a) Grants or loans of money from the Catalyst Account created by NRS 231.1573;

(b) The issuance of revenue bonds for industrial development pursuant to NRS 349.400 to 349.670, inclusive;

(c) The Nevada Collateral Support Program pursuant to 12 U.S.C. §§ 5701 et seq.;

(d) The Nevada Microenterprise Initiative Program pursuant to 12 U.S.C. §§ 5701 et seq.;

(e) The Nevada New Markets Jobs Act pursuant to chapter 231A of NRS;

(f) The Nevada Silver State Opportunities Fund pursuant to NRS 355.275;

(g) Loans from the Small Business Administration pursuant to 15 U.S.C. § 631 et seq.; and

(h) Any other ~~[public or]~~ private lending opportunity for small businesses ~~[designated by]~~ with which the ~~[Secretary of State.]~~ Council has a working relationship.

5. On or before January 15 of each odd-numbered year, the Council shall prepare a report regarding the policies, programs and procedures that the Council proposed and implemented during the immediately preceding 2 years to encourage and promote the use of local businesses owned and operated by disadvantaged persons, using the reports received pursuant to this section, and shall submit the report to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

Sec. 6. ~~[This]~~ **1. This section and sections 1 and 5 of this** act ~~[becomes]~~ **become** effective on July 1, 2017.

2. Sections 2, 3 and 4 of this act become effective on January 1, 2018.

Assemblywoman Neal moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 438.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 419.

AN ACT relating to controlled substances; establishing the crimes of ~~[low-level drug possession, mid-level drug possession and high-level]~~ **level 1 and level 2** drug possession; revising ~~[the penalties imposed for the possession of and trafficking in certain controlled substances; establishing additional circumstances in which a court is authorized to reduce or suspend]~~ **provisions relating to the reduction or suspension of** the sentence of a person convicted of ~~[trafficking in]~~ **certain offenses involving** a controlled substance; ~~[repealing provisions relating to]~~ **reducing the penalty for a violation of** the prohibition against **using or** being under the influence of a controlled substance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law generally prohibits a person from knowingly or intentionally possessing a controlled substance and provides certain limited exceptions to such a prohibition. Existing law establishes the penalties for such an offense, which vary depending on the type of controlled substance possessed and the frequency of the occurrence of the offense. (NRS 453.336) Section 5 of this bill revises such penalties and provides that the severity of the penalty depends on the quantity of the controlled substance possessed. Section 5 also establishes the crimes of low-level drug possession, mid-level drug possession and high-level drug possession.]~~

Existing law prohibits a person from knowingly or intentionally selling, manufacturing, delivering, bringing into this State or being in actual or constructive possession of certain controlled substances other than marijuana and sets forth the penalties for the commission of any such act. (NRS 453.3385, 453.3395) ~~[Section]~~ **Sections 9 and 9.5** of this bill ~~[revises and consolidates such penalties and provides]~~ **provide** that ~~[if]~~ **a person who violates any such provision is guilty of level 1 drug possession, level 2 drug possession or trafficking in a controlled substance, depending on** the **type and** quantity of the controlled substance involved**.** ~~[is 500 grams or more, a person who commits any such act is punished for a category A felony by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served.]~~

Existing law provides that if a person is found guilty of trafficking in a controlled substance, the court is authorized to reduce or suspend the sentence of the person if the court finds that he or she rendered substantial assistance in the investigation or prosecution of any offense. (NRS 453.3405)

Section 10 of this bill ~~[additionally]~~ authorizes the court to reduce or suspend the sentence of ~~[such]~~ a person ~~[if the person proves by clear and convincing evidence that his or her only participation in the offense consisted of the transportation of a controlled substance and such participation was the result of duress because of a threat made against the person or a member of his or her family.]~~ **who is convicted of level 1 drug possession involving certain controlled substances without requiring the person to render such assistance.**

Existing law also provides that it is unlawful for a person knowingly to use or be under the influence of a controlled substance except: (1) in accordance with a lawfully issued prescription; or (2) when administered to the person at certain rehabilitation clinics or hospitals. A person who violates either such provision is generally guilty of a category E felony unless the controlled substance is listed in schedule V, in which case the person is guilty of a gross misdemeanor. (NRS 453.411) **Section ~~[14]~~ 10.5** of this bill ~~[repeals such provisions.~~

~~Sections 1-4, 6-8 and 11-13 of this bill make conforming changes.]~~ **reduces the penalty for a violation of either such provision to a misdemeanor.**

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

Section 1. ~~[NRS 453.322 is hereby amended to read as follows:~~

~~453.322 1. Except as authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to knowingly or intentionally:~~

~~(a) Manufacture or compound a controlled substance other than marijuana.~~

~~(b) Possess, with the intent to manufacture or compound a controlled substance other than marijuana, or sell, exchange, barter, supply, prescribe, dispense or give away, with the intent that the chemical be used to manufacture or compound a controlled substance other than marijuana:~~

~~(1) Any chemical identified in subsection 4; or~~

~~(2) Any other chemical which is proven by expert testimony to be commonly used in manufacturing or compounding a controlled substance other than marijuana. The district attorney may present expert testimony to provide a prima facie case that any chemical, whether or not it is a chemical identified in subsection 4, is commonly used in manufacturing or compounding such a controlled substance.~~

~~→ The provisions of this paragraph do not apply to a person who, without the intent to commit an unlawful act, possesses any chemical at a laboratory that is licensed to store the chemical.~~

~~(c) Offer or attempt to do any act set forth in paragraph (a) or (b).~~

~~2. Unless a greater penalty is provided in NRS 453.3385, [or 453.3395,] a person who violates any provision of subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a~~

~~minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $100,000.~~

~~3. The court shall not grant probation to a person convicted pursuant to this section.~~

~~4. The following chemicals are identified for the purposes of subsection 1:~~

~~(a) Acetic anhydride.~~

~~(b) Acetone.~~

~~(c) N-Acetylanthranilic acid, its esters and its salts.~~

~~(d) Anthranilic acid, its esters and its salts.~~

~~(e) Benzaldehyde, its salts, isomers and salts of isomers.~~

~~(f) Benzyl chloride.~~

~~(g) Benzyl cyanide.~~

~~(h) 1,4-Butanediol.~~

~~(i) 2-Butanone (or methyl ethyl ketone or MEK).~~

~~(j) Ephedrine, its salts, isomers and salts of isomers.~~

~~(k) Ergonovine and its salts.~~

~~(l) Ergotamine and its salts.~~

~~(m) Ethylamine, its salts, isomers and salts of isomers.~~

~~(n) Ethyl ether.~~

~~(o) Gamma-butyrolactone.~~

~~(p) Hydriodic acid, its salts, isomers and salts of isomers.~~

~~(q) Hydrochloric gas.~~

~~(r) Iodine.~~

~~(s) Isosafrole, its salts, isomers and salts of isomers.~~

~~(t) Lithium metal.~~

~~(u) Methylamine, its salts, isomers and salts of isomers.~~

~~(v) 3,4-Methylenedioxy-phenyl-2-propanone.~~

~~(w) N-Methylephedrine, its salts, isomers and salts of isomers.~~

~~(x) Methyl isobutyl ketone (MIBK).~~

~~(y) N-Methylpseudoephedrine, its salts, isomers and salts of isomers.~~

~~(z) Nitroethane, its salts, isomers and salts of isomers.~~

~~(aa) Norpseudoephedrine, its salts, isomers and salts of isomers.~~

~~(bb) Phenylacetic acid, its esters and its salts.~~

~~(cc) Phenylpropanolamine, its salts, isomers and salts of isomers.~~

~~(dd) Piperidine and its salts.~~

~~(ee) Piperonal, its salts, isomers and salts of isomers.~~

~~(ff) Potassium permanganate.~~

~~(gg) Propionic anhydride, its salts, isomers and salts of isomers.~~

~~(hh) Pseudoephedrine, its salts, isomers and salts of isomers.~~

~~(ii) Red phosphorous.~~

~~(jj) Safrole, its salts, isomers and salts of isomers.~~

~~(kk) Sodium metal.~~

~~(ll) Sulfuric acid.~~

~~(mm) Toluene.~~] **(Deleted by amendment.)**

Sec. 2. ~~[NRS 453.333 is hereby amended to read as follows:~~

~~"453.333 If the death of a person is proximately caused by a controlled substance which was sold, given, traded or otherwise made available to him or her by another person in violation of this chapter, the person who sold, gave or traded or otherwise made the substance available to him or her is guilty of murder. If convicted of murder in the second degree, the person is guilty of a category A felony and shall be punished as provided in subsection 5 of NRS 200.030. If convicted of murder in the first degree, the person is guilty of a category A felony and shall be punished as provided in subsection 4 of NRS 200.030, except that the punishment of death may be imposed only if the requirements of paragraph (a) of subsection 4 of that section have been met and if the defendant is or has previously been convicted of violating NRS 453.3385 [,] or 453.339 [or 453.3395] or a law of any other jurisdiction which prohibits the same conduct.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 453.3351 is hereby amended to read as follows:~~

~~"453.3351 1. Unless a greater penalty is provided by law, and except as otherwise provided in NRS 193.169, any person who violates NRS 453.322 [,] or 453.3385 [or 453.3395] where the violation included the manufacture of any material, compound, mixture or preparation which contains any quantity of methamphetamine:~~

~~(a) Within 500 feet of a residence, business, church, synagogue or other place of religious worship, public or private school, campus of the Nevada System of Higher Education, playground, public park, public swimming pool or recreational center for youths; or~~

~~(b) In a manner which creates a great risk of death or substantial bodily harm to another person,~~

~~" shall be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for the crime. The sentence prescribed by this section runs consecutively with the sentence prescribed by statute for the crime.~~

~~2. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.~~

~~3. For the purposes of this section:~~

~~(a) "Playground" has the meaning ascribed to it in NRS 453.3345.~~

~~(b) "Recreational center for youths" has the meaning ascribed to it in NRS 453.3345.~~

~~(c) "Residence" means any house, room, apartment, tenement, manufactured home as defined in NRS 489.113, or mobile home as defined in NRS 489.120, that is designed or intended for occupancy.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 453.3353 is hereby amended to read as follows:~~

~~"453.3353 1. Unless a greater penalty is provided by law, and except as otherwise provided in this section and NRS 193.169, if:~~

~~(a) A person violates NRS 453.322~~ **[,] *or*** ~~453.3385~~ **, [**~~or 453.3395,~~**]** ~~and the violation involves the manufacturing or compounding of any controlled substance other than marijuana; and~~

~~(b) During the discovery or cleanup of the premises at, on or in which the controlled substance was manufactured or compounded, another person suffers substantial bodily harm other than death as the proximate result of the manufacturing or compounding of the controlled substance,~~

~~→ the person who committed the offense shall be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for the offense. The sentence prescribed by this subsection runs consecutively with the sentence prescribed by statute for the offense.~~

~~2. Unless a greater penalty is provided by law, and except as otherwise provided in NRS 193.169, if:~~

~~(a) A person violates NRS 453.322~~ **[,] *or*** ~~453.3385~~ **, [**~~or 453.3395,~~**]** ~~and the violation involves the manufacturing or compounding of any controlled substance other than marijuana; and~~

~~(b) During the discovery or cleanup of the premises at, on or in which the controlled substance was manufactured or compounded, another person suffers death as the proximate result of the manufacturing or compounding of the controlled substance,~~

~~→ the offense shall be deemed a category A felony and the person who committed the offense shall be punished by imprisonment in the state prison:~~

~~(1) For life without the possibility of parole;~~

~~(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served; or~~

~~(3) For a definite term of 50 years, with eligibility for parole beginning when a minimum of 20 years has been served.~~

~~3. Subsection 1 does not create a separate offense but provides an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact. Subsection 2 does not create a separate offense but provides an alternative penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact.~~

~~4. As used in this section:~~

~~(a) "Marijuana" does not include concentrated cannabis.~~

~~(b) "Premises" means:~~

~~(1) Any temporary or permanent structure, including, without limitation, any building, house, room, apartment, tenement, shed, carport, garage, shop, warehouse, store, mill, barn, stable, outhouse or tent; or~~

~~(2) Any conveyance, including, without limitation, any vessel, boat, vehicle, airplane, glider, house trailer, travel trailer, motor home or railroad car,~~

~~→ whether located aboveground or underground and whether inhabited or not.~~**] (Deleted by amendment.)**

Sec. 5. ~~[NRS 453.336 is hereby amended to read as follows:~~

~~453.336 1. Except as otherwise provided in subsection 5, a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.~~

~~2. Except as otherwise provided in subsections 3 and 4 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160 [, 453.3385,] or 453.339 or [453.3395,] a person is otherwise subject to the penalty set forth in NRS 453.3385,~~ a person who violates this section ~~:~~

~~(a) By possessing less than 1 gram of a controlled substance~~ shall be punished ~~[:~~

~~(a) For the first or second offense, if the] for a misdemeanor.~~

~~(b) By possessing 1 gram or more but less than 14 grams of a~~ controlled substance ~~[is listed in schedule I, II, III or IV,] shall be punished~~ for a category E felony as provided in NRS 193.130.

~~[(b) For a third or subsequent offense, if the controlled substance is listed in schedule I, II, III or IV, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than $20,000.]~~

~~(c) [For the first offense, if the] By possessing 14 grams or more but less than 42 grams of a~~ controlled substance is ~~[listed in schedule V,] guilty of low level drug possession and shall be punished~~ for a category ~~[E] C~~ felony as provided in NRS 193.130.

~~(d) [For a second or subsequent offense, if the] By possessing 42 grams or more but less than 112 grams of a~~ controlled substance is ~~[listed in schedule V,] guilty of mid-level drug possession and shall be punished~~ for a category ~~[D] B~~ felony ~~[as provided in NRS 193.130.] by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.~~

~~(e) By possessing 112 grams or more but less than 500 grams of a controlled substance is guilty of high level drug possession and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years.~~

~~3. Unless a greater penalty is provided in subsection 2 or~~ NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the

~~state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.~~

~~4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana:~~

~~(a) For the first offense, is guilty of a misdemeanor and shall be:~~

~~(1) Punished by a fine of not more than $600; or~~

~~(2) Examined by a treatment provider approved by the court to determine whether the person is a drug addict and is likely to be rehabilitated through treatment and, if the examination reveals that the person is a drug addict and is likely to be rehabilitated through treatment, assigned to a program of treatment and rehabilitation pursuant to NRS 453.580. As used in this subparagraph, "treatment provider" has the meaning ascribed to it in NRS 458.010.~~

~~(b) For the second offense, is guilty of a misdemeanor and shall be:~~

~~(1) Punished by a fine of not more than $1,000; or~~

~~(2) Assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.~~

~~(c) For the third offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140.~~

~~(d) For a fourth or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.~~

~~5. It is not a violation of this section if a person possesses a trace amount of a controlled substance and that trace amount is in or on a hypodermic device obtained from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994, inclusive.~~

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

~~(a) "Controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.~~

~~(b) "Marijuana" does not include concentrated cannabis.~~

~~(c) "Sterile hypodermic device program" has the meaning ascribed to it in NRS 439.986.~~**] (Deleted by amendment.)**

Sec. 6. **[**~~NRS 453.3363 is hereby amended to read as follows:~~

~~453.3363 1. If a person who has not previously been convicted of any offense pursuant to NRS 453.011 to 453.552, inclusive, or pursuant to any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant or hallucinogenic substances tenders a plea of guilty, guilty but mentally ill, nolo contendere or similar plea to a charge pursuant to subparagraph (1) of paragraph (a) of subsection 2 of NRS 453.3325, subsection 2 or 3 of NRS 453.336~~ **[**~~, NRS 453.411~~**]** ~~or~~ ***NRS*** ~~454.351, or is found guilty or guilty but mentally ill of one of those charges, the court, without entering a judgment of conviction and with the consent of the accused, may suspend further proceedings and place the person on probation upon terms and conditions that must include attendance and successful completion of an educational program or, in the case of a person~~

~~dependent upon drugs, of a program of treatment and rehabilitation pursuant to NRS 453.580.~~

~~— 2. Upon violation of a term or condition, the court may enter a judgment of conviction and proceed as provided in the section pursuant to which the accused was charged. Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, upon violation of a term or condition, the court may order the person to the custody of the Department of Corrections.~~

~~— 3. Upon fulfillment of the terms and conditions, the court shall discharge the accused and dismiss the proceedings against him or her. A nonpublic record of the dismissal must be transmitted to and retained by the Division of Parole and Probation of the Department of Public Safety solely for the use of the courts in determining whether, in later proceedings, the person qualifies under this section.~~

~~— 4. Except as otherwise provided in subsection 5, discharge and dismissal under this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the person discharged, in the contemplation of the law, to the status occupied before the arrest, indictment or information. The person may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of the person for any purpose. Discharge and dismissal under this section may occur only once with respect to any person.~~

~~— 5. A professional licensing board may consider a proceeding under this section in determining suitability for a license or liability to discipline for misconduct. Such a board is entitled for those purposes to a truthful answer from the applicant or licensee concerning any such proceeding with respect to the applicant or licensee.~~**]** **(Deleted by amendment.)**

Sec. 7. **[**~~NRS 453.337 is hereby amended to read as follows:~~

~~— 453.337 1. Except as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to possess for the purpose of sale flunitrazepam, gamma-hydroxybutyrate, any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor or any controlled substance classified in schedule I or II.~~

~~— 2. Unless a greater penalty is provided in NRS 453.3385~~ **[**~~,~~**]** ~~or~~ ~~453.339~~ ~~,~~ **[**~~or 453.3395,~~**]** ~~a person who violates this section shall be punished:~~

~~— (a) For the first offense, for a category D felony as provided in NRS 193.130.~~

~~— (b) For a second offense, or if, in the case of a first conviction of violating this section, the offender has previously been convicted of a felony under the Uniform Controlled Substances Act or of an offense under the laws of the United States or any state, territory or district which, if committed in this~~

~~State, would amount to a felony under the Uniform Controlled Substances Act, for a category C felony as provided in NRS 193.130.~~

~~(c) For a third or subsequent offense, or if the offender has previously been convicted two or more times of a felony under the Uniform Controlled Substances Act or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, for a category B felony by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $20,000 for each offense.~~

~~3. The court shall not grant probation to or suspend the sentence of a person convicted of violating this section and punishable pursuant to paragraph (b) or (c) of subsection 2.~~**]** **(Deleted by amendment.)**

Sec. 8. **[**~~NRS 453.3383 is hereby amended to read as follows:~~

~~453.3383 For the purposes of NRS 453.3385~~ **[**~~,~~**]** ***and*** ~~453.339~~ **, [**~~and 453.3395,~~**]** ~~the weight of the controlled substance as represented by the person selling or delivering it is determinative if the weight as represented is greater than the actual weight of the controlled substance.~~**]** **(Deleted by amendment.)**

Sec. 9. NRS 453.3385 is hereby amended to read as follows:

453.3385 1. Except as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, ***and unless a greater penalty is provided in NRS 453.322,*** a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of flunitrazepam, gamma-hydroxybutyrate, any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor or ***[500 grams or more of]*** any controlled substance which is listed in schedule I, except marijuana, or any mixture which contains any such controlled substance, **[**~~shall be punished, unless a greater penalty is provided pursuant to NRS 453.322,~~**]** if the quantity involved:

(a) Is 4 grams or more, but less than 14 grams, ***is guilty of level 1 drug possession and shall be punished*** for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not more than $50,000.

(b) Is 14 grams or more, but less than 28 grams, ***is guilty of level 2 drug possession and shall be punished*** for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not more than $100,000.

(c) Is 28 grams or more, ***is guilty of trafficking in a controlled substance and shall be punished*** for a category A felony by imprisonment in the state prison :

(1) For ***[for]*** life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 ***[5]*** years has been served ***[.]*** ; or

(2) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served,

➥ and by a fine of not more than $500,000.

2. As used in this section, "marijuana" does not include concentrated cannabis.

Sec. 9.5. **NRS 453.3395 is hereby amended to read as follows:**

453.3395 Except as otherwise provided in NRS 453.011 to 453.552, inclusive, ***and unless a greater penalty is provided pursuant to NRS 453.322,*** a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of any controlled substance which is listed in schedule II or any mixture which contains any such controlled substance , ~~[~~shall be punished, unless a greater penalty is provided pursuant to NRS 453.322,~~]~~ if the quantity involved:

1. Is 28 grams or more, but less than 200 grams, ***is guilty of level 1 drug possession and shall be punished*** for a category C felony as provided in NRS 193.130 and by a fine of not more than $50,000.

2. Is 200 grams or more, but less than 400 grams, ***is guilty of level 2 drug possession and shall be punished*** for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years and by a fine of not more than $100,000.

3. Is 400 grams or more, ***is guilty of trafficking in a controlled substance and shall be punished*** for a category A felony by imprisonment in the state prison:

(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served; or

(b) For a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served,

➥ and by a fine of not more than $250,000.

Sec. 10. NRS 453.3405 is hereby amended to read as follows:

453.3405 1. Except as otherwise provided in subsection 2, the adjudication of guilt and imposition of sentence of a person found guilty of ***level 1 drug possession, level 2 drug possession or*** trafficking in a controlled substance in violation of NRS 453.3385 , ~~*[or]*~~ 453.339 or 453.3395 ***, as applicable,*** must not be suspended and the person is not eligible for parole until the person has actually served the mandatory minimum term of imprisonment prescribed by the section under which the person was convicted.

2. The court, upon an appropriate motion, may reduce or suspend the sentence of any person convicted of violating ~~[any of]~~ the provisions of **:**

(a) Paragraph (a) of subsection 1 of NRS 453.3385; or

(b) Paragraph (b) or (c) of subsection 1 of NRS 453.3385 , ~~*[or]*~~ 453.339 or 453.3395 if the court finds that the convicted person rendered substantial assistance in the investigation or prosecution of any offense , ~~*[or if the*~~

~~***person proves by clear and convincing evidence that his or her only participation in the offense consisted of the transportation of a controlled substance and such participation was the result of duress because of a threat made against the person or a member of his or her family.]***~~

➥ The arresting agency must be given an opportunity to be heard before the motion is granted. Upon good cause shown, the motion may be heard in camera.

3. Any appropriate reduction or suspension of a sentence ~~***[for rendering substantial assistance in the investigation or prosecution of any offense]***~~ pursuant to subsection 2 must be determined by the court, for reasons stated by the court that may include, without limitation, consideration of the following ~~**[:]**~~ ***, if applicable:***

(a) The court's evaluation of the significance and usefulness of the convicted person's assistance, taking into consideration the prosecuting attorney's evaluation of the assistance rendered;

(b) The truthfulness, completeness and reliability of any information or testimony provided by the convicted person;

(c) The nature and extent of the convicted person's assistance;

(d) Any injury suffered or any danger or risk of injury to the convicted person or his or her family resulting from his or her assistance; and

(e) The timeliness of the convicted person's assistance.

Sec. 10.5. **NRS 453.411 is hereby amended to read as follows:**

453.411 1. It is unlawful for a person knowingly to use or be under the influence of a controlled substance except in accordance with a lawfully issued prescription.

2. It is unlawful for a person knowingly to use or be under the influence of a controlled substance except when administered to the person at a rehabilitation clinic established or licensed by the Division of Public and Behavioral Health of the Department, or a hospital certified by the Department.

3. Unless a greater penalty is provided in NRS 212.160, a person who violates this section shall be punished ~~**[:**~~

~~(a) If the controlled substance is listed in schedule I, II, III or IV, for a category E felony as provided in NRS 193.130.~~

~~(b) If the controlled substance is listed in schedule V,**]**~~ for a ~~**[**gross**]**~~ misdemeanor**.** ~~**[**by imprisonment in the county jail for not more than 364 days, and may be further punished by a fine of not more than $1,000.**]**~~

Sec. 11. ~~**[**NRS 453C.150 is hereby amended to read as follows:~~

~~453C.150 1. Notwithstanding any other provision of law, a person who, in good faith, seeks medical assistance for a person who is experiencing a drug or alcohol overdose or other medical emergency or who seeks such assistance for himself or herself, or who is the subject of a good faith request for such assistance may not be arrested, charged, prosecuted or convicted, or have his or her property subjected to forfeiture, or be otherwise penalized for violating:~~

~~(a) Except as otherwise provided in subsection 4, a provision of chapter 453 of NRS relating to:~~

~~(1) Drug paraphernalia, including, without limitation, NRS 453.554 to 453.566, inclusive;~~

~~(2) Possession, unless it is for the purpose of sale or violates the provisions of NRS 453.3385, subsection 2 of NRS 453.3393 [, 453.3395] or *NRS* 453.3405; or~~

~~(3) Use of a controlled substance, including, without limitation, NRS 453.336;~~

~~(b) A local ordinance as described in NRS 453.3361 that establishes an offense that is similar to an offense set forth in NRS 453.336;~~

~~(c) A restraining order; or~~

~~(d) A condition of the person's parole or probation,~~

~~→ if the evidence to support the arrest, charge, prosecution, conviction, seizure or penalty was obtained as a result of the person seeking medical assistance.~~

~~2. A court, before sentencing a person who has been convicted of a violation of chapter 453 of NRS for which immunity is not provided by this section, shall consider in mitigation any evidence or information that the defendant, in good faith, sought medical assistance for a person who was experiencing a drug or alcohol overdose or other life-threatening emergency in connection with the events that constituted the violation.~~

~~3. For the purposes of this section, a person seeks medical assistance if the person:~~

~~(a) Reports a drug or alcohol overdose or other medical emergency to a member of a law enforcement agency, a 911 emergency service, a poison control center, a medical facility or a provider of emergency medical services;~~

~~(b) Assists another person making such a report;~~

~~(c) Provides care to a person who is experiencing a drug or alcohol overdose or other medical emergency while awaiting the arrival of medical assistance; or~~

~~(d) Delivers a person who is experiencing a drug or alcohol overdose or other medical emergency to a medical facility and notifies the appropriate authorities.~~

~~4. The provisions of this section do not prohibit any governmental entity from taking any actions required or authorized by chapter 432B of NRS relating to the abuse or neglect of a child.~~

~~5. As used in this section, "drug or alcohol overdose" means a condition, including, without limitation, extreme physical illness, a decreased level of consciousness, respiratory depression, coma, mania or death which is caused by the consumption or use of a controlled substance or alcohol, or another substance with which a controlled substance or alcohol was combined, or that an ordinary layperson would reasonably believe to be a drug or alcohol overdose that requires medical assistance.]~~ **(Deleted by amendment.)**

Sec. 12. ~~[NRS 179A.075 is hereby amended to read as follows:~~

~~179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the General Services Division of the Department.~~

~~2. Each agency of criminal justice and any other agency dealing with crime or delinquency of children shall:~~

~~(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and~~

~~(b) Submit the information collected to the Central Repository in the manner approved by the Director of the Department.~~

~~3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates, issues or collects, and any information in its possession relating to the DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The information must be submitted to the Division:~~

~~(a) Through an electronic network;~~

~~(b) On a medium of magnetic storage; or~~

~~(c) In the manner prescribed by the Director of the Department,~~

~~→ within 60 days after the date of the disposition of the case. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.~~

~~4. The Division shall, in the manner prescribed by the Director of the Department:~~

~~(a) Collect, maintain and arrange all information submitted to it relating to:~~

~~(1) Records of criminal history; and~~

~~(2) The DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.~~

~~(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.~~

~~(c) Upon request, provide the information that is contained in the Central Repository to the State Disaster Identification Team of the Division of Emergency Management of the Department.~~

~~(d) Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to a multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored by the Attorney General pursuant to NRS 228.495.~~

~~5. The Division may:~~

~~(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;~~

~~(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and~~

~~(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints or other biometric identifier the Central Repository submits to the Federal Bureau of Investigation and:~~

~~(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;~~

~~(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;~~

~~(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;~~

~~(4) For whom such information is required or authorized to be obtained pursuant to NRS 62B.270, 62C.223, 62C.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or~~

~~(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.~~

~~6. To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to subsection 5, the Central Repository must receive:~~

~~(a) The person's complete set of fingerprints for the purposes of:~~

~~(1) Booking the person into a city or county jail or detention facility;~~

~~(2) Employment;~~

~~(3) Contractual services; or~~

~~(4) Services related to occupational licensing;~~

~~(b) One or more of the person's fingerprints for the purposes of mobile identification by an agency of criminal justice; or~~

~~(c) Any other biometric identifier of the person as it may require for the purposes of:~~

~~(1) Arrest; or~~

~~(2) Criminal investigation,~~

~~→ from the agency of criminal justice or agency of the State of Nevada or any political subdivision thereof and submit the received data to the Federal Bureau of Investigation for its report.~~

~~7. The Central Repository shall:~~

~~(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.~~

~~(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.~~

~~(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.~~

~~(d) Investigate the criminal history of any person who:~~

~~(1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;~~

~~(2) Has applied to a county school district, charter school or private school for employment; or~~

~~(3) Is employed by a county school district, charter school or private school,~~

~~,~~ and notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385 **[**,**]** **or** 453.339 **,** **[**or 453.3395,**]** or convicted of a felony or any offense involving moral turpitude.

~~(e) Upon discovery, notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:~~

~~(1) Investigated pursuant to paragraph (d); or~~

~~(2) Employed by a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,~~

~~,~~ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385 **[**,**]** **or** 453.339 **,** **[**or 453.3395,**]** or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

~~(f) Investigate the criminal history of each person who submits one or more fingerprints or other biometric identifier or has such data submitted pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or 449.4329.~~

~~(g) On or before July 1 of each year, prepare and post on the Central Repository's Internet website an annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be posted to the Central Repository's Internet website throughout the year regarding specific areas of crime if they are approved by the Director of the Department.~~

~~(h) On or before July 1 of each year, prepare and post on the Central Repository's Internet website a report containing statistical data about domestic violence in this State.~~

~~— (i) Identify and review the collection and processing of statistical data relating to criminal justice and the delinquency of children by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.~~

~~— (j) Adopt regulations governing biometric identifiers and the information and data derived from biometric identifiers, including, without limitation:~~

~~— (1) Their collection, use, safeguarding, handling, retention, storage, dissemination and destruction; and~~

~~— (2) The methods by which a person may request the removal of his or her biometric identifiers from the Central Repository and any other agency where his or her biometric identifiers have been stored.~~

~~— 8. The Central Repository may:~~

~~— (a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime or the delinquency of children.~~

~~— (b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or the delinquency of children which is required to submit information pursuant to subsection 2 or the State Disaster Identification Team of the Division of Emergency Management of the Department. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.~~

~~— (c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.~~

~~— 9. As used in this section:~~

~~— (a) "Biometric identifier" means a fingerprint, palm print, scar, bodily mark, tattoo, voiceprint, facial image, retina image or iris image of a person.~~

~~— (b) "Mobile identification" means the collection, storage, transmission, reception, search, access or processing of a biometric identifier using a handheld device.~~

~~— (c) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:~~

~~— (1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and~~

~~— (2) A biometric identifier of a person.~~

~~— (d) "Private school" has the meaning ascribed to it in NRS 394.103.~~**]**

(Deleted by amendment.)

Sec. 13. **[**~~NRS 207.360 is hereby amended to read as follows:~~

~~— 207.360 "Crime related to racketeering" means the commission of, attempt to commit or conspiracy to commit any of the following crimes:~~

~~(1) Murder;~~
~~(2) Manslaughter, except vehicular manslaughter as described in NRS 484B.657;~~
~~(3) Mayhem;~~
~~(4) Battery which is punished as a felony;~~
~~(5) Kidnapping;~~
~~(6) Sexual assault;~~
~~(7) Arson;~~
~~(8) Robbery;~~
~~(9) Taking property from another under circumstances not amounting to robbery;~~
~~(10) Extortion;~~
~~(11) Statutory sexual seduction;~~
~~(12) Extortionate collection of debt in violation of NRS 205.322;~~
~~(13) Forgery;~~
~~(14) Any violation of NRS 199.280 which is punished as a felony;~~
~~(15) Burglary;~~
~~(16) Grand larceny;~~
~~(17) Bribery or asking for or receiving a bribe in violation of chapter 197 or 199 of NRS which is punished as a felony;~~
~~(18) Battery with intent to commit a crime in violation of NRS 200.400;~~
~~(19) Assault with a deadly weapon;~~
~~(20) Any violation of NRS 453.232, 453.316 to **[**453.3395,**]** ***453.339,*** inclusive, **[**except a violation of NRS 453.3393,**]** or NRS 453.375 to 453.401, inclusive;~~
~~(21) Receiving or transferring a stolen vehicle;~~
~~(22) Any violation of NRS 202.260, 202.275 or 202.350 which is punished as a felony;~~
~~(23) Any violation of subsection 2 or 3 of NRS 463.360 or chapter 465 of NRS;~~
~~(24) Receiving, possessing or withholding stolen goods valued at $650 or more;~~
~~(25) Embezzlement of money or property valued at $650 or more;~~
~~(26) Obtaining possession of money or property valued at $650 or more, or obtaining a signature by means of false pretenses;~~
~~(27) Perjury or subornation of perjury;~~
~~(28) Offering false evidence;~~
~~(29) Any violation of NRS 201.300, 201.320 or 201.360;~~
~~(30) Any violation of NRS 90.570, 91.230 or 686A.290, or insurance fraud pursuant to NRS 686A.291;~~
~~(31) Any violation of NRS 205.506, 205.920 or 205.930;~~
~~(32) Any violation of NRS 202.445 or 202.446;~~
~~(33) Any violation of NRS 205.377;~~
~~(34) Involuntary servitude in violation of any provision of NRS 200.463 or 200.464 or a violation of any provision of NRS 200.465; or~~

~~35. Trafficking in persons in violation of any provision of NRS 200.467 or 200.468.~~ **] (Deleted by amendment.)**

Sec. 14. ~~[NRS 453.3395 and 453.411 are hereby repealed.~~ **] (Deleted by amendment.)**

~~[~~

~~TEXT OF REPEALED SECTIONS~~

~~**453.3395 Trafficking in controlled substances: Schedule II substances.** Except as otherwise provided in NRS 453.011 to 453.552, inclusive, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of any controlled substance which is listed in schedule II or any mixture which contains any such controlled substance shall be punished, unless a greater penalty is provided pursuant to NRS 453.322, if the quantity involved:~~

~~1. Is 28 grams or more, but less than 200 grams, for a category C felony as provided in NRS 193.130 and by a fine of not more than $50,000.~~

~~2. Is 200 grams or more, but less than 400 grams, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years and by a fine of not more than $100,000.~~

~~3. Is 400 grams or more, for a category A felony by imprisonment in the state prison:~~

~~(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served; or~~

~~(b) For a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served,~~

~~*~~ and by a fine of not more than $250,000.

~~[453.411 Unlawful use of controlled substance; penalties.~~

~~1. It is unlawful for a person knowingly to use or be under the influence of a controlled substance except in accordance with a lawfully issued prescription.~~

~~2. It is unlawful for a person knowingly to use or be under the influence of a controlled substance except when administered to the person at a rehabilitation clinic established or licensed by the Division of Public and Behavioral Health of the Department, or a hospital certified by the Department.~~

~~3. Unless a greater penalty is provided in NRS 212.160, a person who violates this section shall be punished:~~

~~(a) If the controlled substance is listed in schedule I, II, III or IV, for a category E felony as provided in NRS 193.130.~~

~~(b) If the controlled substance is listed in schedule V, for a gross misdemeanor by imprisonment in the county jail for not more than 364 days, and may be further punished by a fine of not more than $1,000.~~ **]]**

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 439.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 295.

AN ACT relating to taxes on retail sales; revising provisions governing taxation of the sale, storage, use or other consumption of tangible personal property by a licensed veterinarian; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Sales and Use Tax Act and the Local School Support Tax Law impose certain taxes on the sale, storage, use or other consumption in this State of tangible personal property. The taxes must be paid by the consumer of the property. (Chapters 372 and 374 of NRS)

This bill requires the Department of Taxation, in administering the provisions of the Sales and Use Tax Act and the Local School Support Tax Law, to consider a licensed veterinarian to be a consumer and not a retailer of the tangible personal property used, furnished or dispensed by him or her in **providing medical care or treatment to animals as part of** the performance of his or her professional services in the practice of veterinary medicine.

Any amendment to the Local School Support Tax Law also applies to other sales and use taxes imposed under existing law. (NRS 354.705, 374A.020, 376A.060, 377.040, 377A.030, 377B.110, 377C.100 and various special and local acts)

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

Section 1. Chapter 372 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In administering the provisions of this chapter, the Department shall consider a licensed veterinarian to be a consumer and not a retailer of the tangible personal property used, furnished or dispensed by him or her in providing medical care or treatment to animals as part of the performance of his or her professional services in the practice of veterinary medicine.

2. As used in this section:

(a) "Licensed veterinarian" means:

(1) A person who holds a license to engage in the practice of veterinary medicine issued pursuant to chapter 638 of NRS; and

(2) An office, clinic or facility through which a licensed veterinarian engages in his or her practice.

(b) "Practice of veterinary medicine" has the meaning ascribed to it in NRS 638.008.

Sec. 2. Chapter 374 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In administering the provisions of this chapter, the Department shall consider a licensed veterinarian to be a consumer and not a retailer of the tangible personal property used, furnished or dispensed by him or her in providing medical care or treatment to animals as part of the performance of his or her professional services in the practice of veterinary medicine.

2. As used in this section:

(a) "Licensed veterinarian" means:

(1) A person who holds a license to engage in the practice of veterinary medicine issued pursuant to chapter 638 of NRS; and

(2) An office, clinic or facility through which a licensed veterinarian engages in his or her practice.

(b) "Practice of veterinary medicine" has the meaning ascribed to it in NRS 638.008.

Sec. 3. This act becomes effective on July 1, 2017.

Assemblywoman Neal moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 440.

Bill read second time.

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

Amendment No. 425.

AN ACT relating to mental health; authorizing a proceeding for the involuntary court-ordered admission of a criminal defendant to a program of community-based or outpatient services to be commenced by the district court or by motion of the defendant or the district attorney ~~[.]~~ **under certain circumstances; requiring the court to dismiss the charges against the defendant if the defendant successfully completes such a program to the satisfaction of the court;** requiring certain judges to hear proceedings for involuntary court-ordered admission; requiring a district court ~~[under certain circumstances]~~ to request an evaluation of a person alleged to be a person with mental illness by an evaluation team; ~~[providing that the district court and family court have concurrent jurisdiction over a proceeding for involuntary court-ordered admission under certain circumstances;]~~ **revising requirements concerning courses of instruction for certain judges;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a proceeding for an involuntary court-ordered admission of a person may be commenced by the filing of a petition for the involuntary admission to a mental health facility or to a program of

community-based or outpatient services with the clerk of the district court of the county where the person resides. (NRS 433A.200) **Section 1** of this bill additionally authorizes a proceeding for the involuntary court-ordered admission of a person who is the defendant in a criminal proceeding in the district court to a program of community-based or outpatient services to be commenced by the district court, on its own motion, or by motion of the defendant or the district attorney ~~[.]~~ **if certain conditions are met. Section 4.3 of this bill specifies the circumstances under which the court may suspend the criminal proceedings against a defendant and order the defendant to a program of community-based or outpatient services. Under section 4.3, if the defendant successfully completes a program of community-based or outpatient services, the district court shall dismiss the criminal charges against the defendant with prejudice.** **Sections 2-4** of this bill make conforming changes. **Section 2** provides that, if the Chief Judge of a district court has designated a district court judge or hearing master to preside over involuntary commitment hearings, that district court judge or hearing master must preside over such hearings. ~~[Section 5 of this bill provides that if the Chief Judge has assigned a judge or hearing master who is not a judge or hearing master of the family court to hear such cases, the family court does not have original, exclusive jurisdiction over such cases.~~

~~Upon the filing of a petition to commence involuntary commitment proceedings, existing law requires a district court to: (1) cause two or more physicians or psychologists, one of whom must always be a physician, to examine the person alleged to be a person with mental illness; or (2) request an evaluation by an evaluation team from the Division of Public and Behavioral Health of the Department of Health and Human Services of that person. (NRS 433A.240) Section 3 requires the district court to request an evaluation by such an evaluation team if the person who is the subject of proceedings for involuntary court-ordered admission to a program of community-based or outpatient services is also a criminal defendant.]~~

Existing law requires district judges assigned to the family court for a period of 90 or more days to attend instruction at the National Council of Juvenile and Family Court Judges in Reno, Nevada. (NRS 3.0105) Section 4.5 of this bill exempts a district judge or hearing master specifically assigned to hear certain involuntary commitment proceedings from the requirement to attend such instruction.

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

Section 1. NRS 433A.200 is hereby amended to read as follows:

433A.200 1. Except as otherwise provided in ***subsection 3 and*** NRS 432B.6075, a proceeding for an involuntary court-ordered admission of any person in the State of Nevada may be commenced by the filing of a petition for the involuntary admission to a mental health facility or to a program of

community-based or outpatient services with the clerk of the district court of the county where the person who is to be treated resides. The petition may be filed by the spouse, parent, adult children or legal guardian of the person to be treated or by any physician, physician assistant, psychologist, social worker or registered nurse, by an accredited agent of the Department or by any officer authorized to make arrests in the State of Nevada. The petition must be accompanied:

(a) By a certificate of a physician, a licensed psychologist, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160, an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 or an accredited agent of the Department stating that he or she has examined the person alleged to be a person with mental illness and has concluded that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services; or

(b) By a sworn written statement by the petitioner that:

(1) The petitioner has, based upon the petitioner's personal observation of the person alleged to be a person with mental illness, probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services; and

(2) The person alleged to be a person with mental illness has refused to submit to examination or treatment by a physician, psychiatrist or licensed psychologist.

2. Except as otherwise provided in NRS 432B.6075, if the person to be treated is a minor and the petitioner is a person other than a parent or guardian of the minor, ~~[the]~~ ***a*** petition ***submitted pursuant to subsection 1*** must, in addition to the certificate or statement required by ~~[subsection 1,]~~ ***that subsection,*** include a statement signed by a parent or guardian of the minor that the parent or guardian does not object to the filing of the petition.

3. A proceeding for the involuntary court-ordered admission of a person who is the defendant in a criminal proceeding in the district court to a program of community-based or outpatient services may be commenced by the district court, on its own motion, or by motion of the defendant or the district attorney ~~[.]~~ if:

(a) The defendant has been examined in accordance with NRS 178.415;

(b) The defendant is not eligible for commitment to the custody of the Administrator pursuant to NRS 178.461; and

(c) The Division makes a clinical determination that placement in a program of community-based or outpatient services is appropriate.

Sec. 2. NRS 433A.220 is hereby amended to read as follows:

433A.220 1. Immediately after the clerk of the district court receives any petition filed pursuant to NRS 433A.200 or 433A.210, the clerk shall transmit the petition to the appropriate district judge, who shall set a time, date and place for its hearing. ***Immediately after a motion is made pursuant to subsection 3 of NRS 433A.200, the district judge shall set a time, date and place for its hearing.*** The date must be within 5 judicial days after the date on which the petition is received by the clerk ~~[.]~~ ***or the motion is made, as applicable. If the Chief Judge, if any, of the district court has assigned a district court judge or hearing master to preside over such hearings, that judge or hearing master must preside over the hearing.***

2. The court shall give notice of the petition ***or motion*** and of the time, date and place of any proceedings thereon to the subject of the petition ~~[,]~~ ***or motion,*** his or her attorney, if known, the person's legal guardian, the petitioner, ***if applicable,*** the district attorney of the county in which the court has its principal office, the local office of an agency or organization that receives money from the Federal Government pursuant to 42 U.S.C. §§ 10801 et seq., to protect and advocate the rights of persons with mental illness and the administrative office of any public or private mental health facility in which the subject of the petition ***or motion*** is detained.

3. The provisions of this section do not preclude a facility from discharging a person before the time set pursuant to this section for the hearing concerning the person, if appropriate. If the person has a legal guardian, the facility shall notify the guardian prior to discharging the person from the facility. The legal guardian has discretion to determine where the person will be released, taking into consideration any discharge plan proposed by the facility assessment team. If the legal guardian does not inform the facility as to where the person will be released within 3 days after the date of notification, the facility shall discharge the person according to its proposed discharge plan.

Sec. 3. NRS 433A.240 is hereby amended to read as follows:

433A.240 1. After ~~***[Except as otherwise provided in this subsection, after]***~~ the filing of a petition to commence proceedings for the involuntary court-ordered admission of a person pursuant to NRS 433A.200 or 433A.210, the court shall promptly cause two or more physicians or licensed psychologists, one of whom must always be a physician, to examine the person alleged to be a person with mental illness, or request an evaluation by an evaluation team from the Division of the person alleged to be a person with mental illness. ~~***[If the person who is the subject of a petition for involuntary court-ordered admission to a program of community-based or outpatient services is also a criminal defendant, the court shall request an evaluation by an evaluation team from the Division.]***~~

2. ***After the filing of a motion pursuant to subsection 3 of NRS 433A.200, the court shall promptly request an evaluation by an evaluation***

team from the Division of the person alleged to be a person with mental illness.

3. To conduct the examination of a person who is not being detained at a mental health facility or hospital under emergency admission pursuant to an application made pursuant to NRS 433A.160, the court may order a peace officer to take the person into protective custody and transport the person to a mental health facility or hospital where the person may be detained until a hearing is had upon the petition ~~[.]~~ ***or motion, as applicable.***

~~[3.]~~ ***4.*** If the person is not being detained under an emergency admission pursuant to an application made pursuant to NRS 433A.160, the person may be allowed to remain in his or her home or other place of residence pending an ordered examination or examinations and to return to his or her home or other place of residence upon completion of the examination or examinations. The person may be accompanied by one or more of his or her relations or friends to the place of examination.

~~[4.]~~ ***5.*** Each physician and licensed psychologist who examines a person pursuant to subsection 1 ***or 2*** shall, in conducting such an examination, consider the least restrictive treatment appropriate for the person.

~~[5.]~~ ***6.*** Except as otherwise provided in this subsection, each physician and licensed psychologist who examines a person pursuant to subsection 1 shall, not later than 48 hours before the hearing set pursuant to NRS 433A.220, submit to the court in writing a summary of his or her findings and evaluation regarding the person alleged to be a person with mental illness. If the person alleged to be a person with mental illness is admitted under an emergency admission pursuant to an application made pursuant to NRS 433A.160, the written findings and evaluation must be submitted to the court not later than 24 hours before the hearing set pursuant to subsection 1 of NRS 433A.220.

Sec. 4. NRS 433A.280 is hereby amended to read as follows:

433A.280 In proceedings for involuntary court-ordered admission, the court shall hear and consider all relevant testimony, including, but not limited to, the testimony of examining personnel who participated in the evaluation of the person alleged to be a person with mental illness and the certificates of physicians or certified psychologists accompanying the petition ~~[.]~~ ***, if applicable.*** The court may consider testimony relating to any past actions of the person alleged to be a person with mental illness if such testimony is probative of the question of whether the person is presently mentally ill and presents a clear and present danger of harm to himself or herself or others.

Sec. 4.3. **NRS 433A.310 is hereby amended to read as follows:**

433A.310 1. Except as otherwise provided in ***subsection 2 and*** NRS 432B.6076 and 432B.6077, if the district court finds, after proceedings for the involuntary court-ordered admission of a person:

(a) That there is not clear and convincing evidence that the person with respect to whom the hearing was held has a mental illness or exhibits observable behavior such that the person is likely to harm himself or herself

or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services, the court shall enter its finding to that effect and the person must not be involuntarily admitted to a public or private mental health facility or to a program of community-based or outpatient services.

(b) That there is clear and convincing evidence that the person with respect to whom the hearing was held has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services, the court may order the involuntary admission of the person for the most appropriate course of treatment, including, without limitation, admission to a public or private mental health facility or participation in a program of community-based or outpatient services. The order of the court must be interlocutory and must not become final if, within 30 days after the involuntary admission, the person is unconditionally released pursuant to NRS 433A.390.

2. ***If the district court finds, after proceedings for the involuntary court-ordered admission of a defendant in a criminal proceeding pursuant to subsection 3 of NRS 433A.200:***

(a) That there is not clear and convincing evidence that the defendant with respect to whom the hearing was held has a mental illness or exhibits observable behavior such that the defendant is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services, the court shall enter its finding to that effect and the person must not be involuntarily admitted to a program of community-based or outpatient services.

(b) That there is clear and convincing evidence that the defendant with respect to whom the hearing was held has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services, except as otherwise provided in this paragraph, the court shall order the involuntary admission of the defendant for participation in a program of community-based or outpatient services and suspend further proceedings in the criminal proceeding against the defendant until the defendant completes or is removed from the program. If the offense allegedly committed by the defendant is a category A or B felony or involved the use or threatened use of force or violence, the court may not order the involuntary admission of the defendant for participation in a program pursuant to this paragraph unless the prosecuting attorney stipulates to the assignment. The order of the court must be interlocutory and must not become final if, within 30 days after the involuntary admission, the person is unconditionally released pursuant to NRS 433A.390. If the defendant successfully completes a program of community-based or outpatient services to the satisfaction of the court, the

court shall dismiss the criminal charges against the defendant with prejudice.

3. If, pursuant to NRS 176A.400, the district court issues an order granting probation to a defendant in a criminal proceeding with a condition that the defendant submit to mental health treatment and comply with instructions, admission to a program of community-based or outpatient services may be used to satisfy such a condition if the Division makes a clinical determination that placement in a program of community-based or outpatient services is appropriate.

4. A court shall not admit a person to a program of community-based or outpatient services unless:

(a) A program of community-based or outpatient services is available in the community in which the person resides or is otherwise made available to the person;

(b) The person is 18 years of age or older;

(c) The person has a history of noncompliance with treatment for mental illness;

(d) The person is capable of surviving safely in the community in which he or she resides with available supervision;

(e) The court determines that, based on the person's history of treatment for mental illness, the person needs to be admitted to a program of community-based or outpatient services to prevent further disability or deterioration of the person which is likely to result in harm to himself or herself or others;

(f) The current mental status of the person or the nature of the person's illness limits or negates his or her ability to make an informed decision to seek treatment for mental illness voluntarily or to comply with recommended treatment for mental illness;

(g) The program of community-based or outpatient services is the least restrictive treatment which is in the best interest of the person; and

(h) The court has approved a plan of treatment developed for the person pursuant to NRS 433A.315.

~~[3.]~~ ***5.*** Except as otherwise provided in NRS 432B.608, an involuntary admission pursuant to paragraph (b) of subsection 1 ***or paragraph (b) of subsection 2*** automatically expires at the end of 6 months if not terminated previously by the medical director of the public or private mental health facility as provided for in subsection 2 of NRS 433A.390 or by the professional responsible for providing or coordinating the program of community-based or outpatient services as provided for in subsection 3 of NRS 433A.390. Except as otherwise provided in NRS 432B.608, at the end of the court-ordered period of treatment, the Division, any mental health facility that is not operated by the Division or a program of community-based or outpatient services may petition to renew the involuntary admission of the person for additional periods not to exceed 6 months each. For each renewal, the petition must include evidence which meets the same standard set forth in

subsection 1 ***or 2*** that was required for the initial period of admission of the person to a public or private mental health facility or to a program of community-based or outpatient services.

~~[4.]~~ ***6.*** Before issuing an order for involuntary admission or a renewal thereof, the court shall explore other alternative courses of treatment within the least restrictive appropriate environment, including involuntary admission to a program of community-based or outpatient services, as suggested by the evaluation team who evaluated the person, or other persons professionally qualified in the field of psychiatric mental health, which the court believes may be in the best interests of the person.

~~[5.]~~ ***7.*** If the court issues an order involuntarily admitting a person to a public or private mental health facility or to a program of community-based or outpatient services pursuant to this section, the court shall, notwithstanding the provisions of NRS 433A.715, cause, within 5 business days after the order becomes final pursuant to this section, on a form prescribed by the Department of Public Safety, a record of the order to be transmitted to the Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

~~[6.]~~ ***8.*** As used in this section, "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

Sec. 4.7. **NRS 3.0105 is hereby amended to read as follows:**

3.0105 1. There is hereby established, in each judicial district that includes a county whose population is 100,000 or more, a family court as a division of the district court.

2. If the caseload of the family court so requires, the Chief Judge may assign one or more district judges of the judicial district to act temporarily as judges of the family court.

3. If for any reason a judge of the family court is unable to act, any other district judge of the judicial district may be assigned as provided in subsection 2 to act temporarily as judge of the family court.

4. A district judge assigned to the family court pursuant to subsection 2 or 3 for a period of 90 or more days ***, except for a district judge or hearing master assigned to hear proceedings brought pursuant to NRS 433A.200 to 433A.330, inclusive,*** must attend the instruction required pursuant to subsection 1 of NRS 3.028. District judges must not be assigned to the family court pursuant to subsections 2 and 3 on a rotating basis.

Sec. 5. ~~[NRS 3.223 is hereby amended to read as follows:~~

~~3.223 1. Except if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq., in each judicial district in which it is established, the family court has original, exclusive jurisdiction in any proceeding:~~

~~(a) Brought pursuant to title 5 of NRS or chapter 31A, 123, 125, 125A, 125B, 125C, 126, 127, 128, 129, 130, 159, 425 or 432B of NRS, except to~~

~~the extent that a specific statute authorizes the use of any other judicial or administrative procedure to facilitate the collection of an obligation for support.~~

~~— (b) Brought pursuant to NRS 442.255 and 442.2555 to request the court to issue an order authorizing an abortion.~~

~~— (c) For judicial approval of the marriage of a minor.~~

~~— (d) Otherwise within the jurisdiction of the juvenile court.~~

~~— (e) To establish the date of birth, place of birth or parentage of a minor.~~

~~— (f) To change the name of a minor.~~

~~— (g) For a judicial declaration of the sanity of a minor.~~

~~— (h) To approve the withholding or withdrawal of life-sustaining procedures from a person as authorized by law.~~

~~— (i)~~ **[**Brought**]** ~~*Except as otherwise provided in subsection 4, brought* pursuant to NRS 433A.200 to 433A.330, inclusive, for an involuntary court-ordered admission to a mental health facility.~~

~~— (j) Brought pursuant to NRS 441A.510 to 441A.720, inclusive, for an involuntary court-ordered isolation or quarantine.~~

~~— 2. The family court, where established and, except as otherwise provided in paragraph (m) of subsection 1 of NRS 4.370, the justice court have concurrent jurisdiction over actions for the issuance of a temporary or extended order for protection against domestic violence.~~

~~— 3. The family court, where established, and the district court have concurrent jurisdiction over any action for damages brought pursuant to NRS 41.134 by a person who suffered injury as the proximate result of an act that constitutes domestic violence.~~

~~*— 4. The family court, where established, does not have original, exclusive jurisdiction over a proceeding brought pursuant to NRS 433A.200 to 433A.330, inclusive, for an involuntary court-ordered admission to a mental health facility if the Chief Judge of the district court has assigned a judge or hearing master who is not a judge or hearing master of the family court to hear such cases as described in NRS 433A.220.]*~~ **(Deleted by amendment.)**

Assemblyman Sprinkle moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 449.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 347.

AN ACT relating to public lands; establishing the ~~[~~third~~]~~ **fourth** Saturday in ~~[~~May~~]~~ **September** of each year as "Public Lands Day" in the State of Nevada; ~~[~~requiring~~]~~ **authorizing** the Governor to issue annually a proclamation encouraging the observance of Public Lands Day; requiring the

Division of State Parks of the State Department of Conservation and Natural Resources to allow ~~[each resident]~~ **residents** of this State to enter, camp and boat in all state parks and recreational areas in this State without the payment of any fees during Public Lands Day; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, various days and weeks of observance are recognized in this State. (NRS 236.018-236.085) **Section 1** of this bill establishes the ~~[third]~~ **fourth** Saturday in ~~[May]~~ **September** of each year as "Public Lands Day" in the State of Nevada and ~~[requires]~~ **authorizes** the Governor to issue annually a proclamation encouraging the observance of Public Lands Day.

Existing law requires the Division of State Parks of the State Department of Conservation and Natural Resources to impose and collect, subject to approval by the Director of the Department, reasonable fees for entering, camping and boating in state parks and recreational areas in this State. (NRS 407.065) **Section 2** of this bill requires the Division to allow ~~[each resident]~~ **residents** of this State to enter, camp and boat in all state parks and recreational areas in this State without the payment of any fees during Public Lands Day. **Section 2 also provides that the free day of camping must include either the Friday night before Public Lands Day or overnight on the night of Public Lands Day, as determined by the Administrator of the Division for each state park and recreational area.**

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

Section 1. Chapter 236 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The ~~[third]~~ fourth Saturday in ~~[May]~~ September of each year is established as "Public Lands Day" in the State of Nevada.

2. The Governor ~~[shall]~~ may issue annually a proclamation encouraging the observance of Public Lands Day. The proclamation may, without limitation:

(a) Call upon the news media, state and local officers, private nonprofit groups and foundations, schools, businesses and other public and private entities to bring to the attention of the residents of this State the importance of public lands in the State of Nevada; and

(b) Recognize the economic, scenic and other value of public lands in this State.

Sec. 2. NRS 407.065 is hereby amended to read as follows:

407.065 1. The Administrator, subject to the approval of the Director:

(a) Except as otherwise provided in this paragraph and NRS 407.066, may establish, name, plan, operate, control, protect, develop and maintain state parks, monuments and recreational areas for the use of the general public. The name of an existing state park, monument or recreational area may not be changed unless the Legislature approves the change by statute.

(b) Shall protect state parks and property controlled or administered by the Division from misuse or damage and preserve the peace within those areas. The Administrator may appoint or designate certain employees of the Division to have the general authority of peace officers.

(c) May allow multiple use of state parks and real property controlled or administered by the Division for any lawful purpose, including, but not limited to, grazing, mining, development of natural resources, hunting and fishing, in accordance with such regulations as may be adopted in furtherance of the purposes of the Division.

(d) Except as otherwise provided in this ~~[paragraph,]~~ ***section,*** shall impose and collect reasonable fees for entering, camping and boating in state parks and recreational areas. The Division shall issue an annual permit for entering, camping and boating in all state parks and recreational areas in this State:

(1) Upon application therefor and proof of residency and age, to any person who is 65 years of age or older and has resided in this State for at least 5 years immediately preceding the date on which the application is submitted.

(2) Upon application therefor and proof of residency and proof of status as described in subsection 5 of NRS 361.091, to a bona fide resident of the State of Nevada who has incurred a permanent service-connected disability of 10 percent or more and has been honorably discharged from the Armed Forces of the United States.

➥ The permit must be issued without charge, except that the Division shall charge and collect an administrative fee for the issuance of the permit in an amount sufficient to cover the costs of issuing the permit.

(e) May conduct and operate such special services as may be necessary for the comfort and convenience of the general public, and impose and collect reasonable fees for such special services.

(f) May rent or lease concessions located within the boundaries of state parks or of real property controlled or administered by the Division to public or private corporations, to groups of natural persons, or to natural persons for a valuable consideration upon such terms and conditions as the Division deems fit and proper, but no concessionaire may dominate any state park operation.

(g) May establish such capital projects construction funds as are necessary to account for the parks improvements program approved by the Legislature. The money in these funds must be used for the construction and improvement of those parks which are under the supervision of the Administrator.

(h) In addition to any concession specified in paragraph (f), may establish concessions within the boundaries of any state park to provide for the sale of food, drinks, ice, publications, sundries, gifts and souvenirs, and other such related items as the Administrator determines are appropriately made available to visitors. Any money received by the Administrator for a concession established pursuant to this paragraph must be deposited in the

Account for State Park Interpretative and Educational Programs and Operation of Concessions created by NRS 407.0755.

2. The Administrator:

(a) Shall issue an annual permit to a person who pays a reasonable fee as prescribed by regulation which authorizes the holder of the permit to enter each state park and each recreational area in this State and, except as otherwise provided in subsection 3, use the facilities of the state park or recreational area without paying the entrance fee; and

(b) May issue an annual permit to a person who pays a reasonable fee as prescribed by regulation which authorizes the holder of the permit to enter a specific state park or specific recreational area in this State and, except as otherwise provided in subsection 3, use the facilities of the state park or recreational area without paying the entrance fee.

3. An annual permit issued pursuant to subsection 2 does not authorize the holder of the permit to engage in camping or boating, or to attend special events. The holder of such a permit who wishes to engage in camping or boating, or to attend special events, must pay any fee established for the respective activity.

4. ***During each Public Lands Day observed pursuant to section 1 of this act, and upon proof of residency in this State, the Division shall allow a resident of this State to enter, camp and boat in*** ~~***[all]***~~ ***any state*** ~~***[parks and]***~~ ***park or recreational*** ~~***[areas]***~~ ***area without the payment of any fees for those activities. The free day of camping authorized pursuant to this subsection must include either the Friday night before Public Lands Day or overnight on the night of Public Lands Day, as determined by the Administrator for each state park and recreational area. A person is not entitled to receive more than one free night of camping during each Public Lands Day pursuant to this subsection.***

5. Except as otherwise provided in subsection 1 of NRS 407.0762 and subsection 1 of NRS 407.0765, the fees collected pursuant to paragraphs (d), (e) and (f) of subsection 1 or subsection 2 must be deposited in the State General Fund.

Sec. 3. This act becomes effective on July 1, 2017.

Assemblywoman Swank moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 453.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 420.

SUMMARY— ~~[Revises provisions relating to pleas]~~ **Establishes conditional plea agreements** in criminal cases. (BDR 14-1065)

AN ACT relating to criminal procedure; establishing ~~[certain requirements and rights relating to written plea agreements in criminal cases; revising the~~

~~contents of the suggested form of a written plea agreement;~~] **the procedure for a written conditional plea agreement;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 1 of this bill provides that when a prosecuting attorney enters into a written plea agreement with a defendant, the court must either accept the agreement without modification or reject the agreement. Section 1 provides that if the court rejects the agreement, the defendant may withdraw all pleas included in the agreement and proceed to trial on the applicable charges. Section 1 also provides that a written plea agreement is void if the defendant violates the agreement.~~]

Existing law sets forth [~~suggested contents and form of a written plea agreement. (NRS 174.063) Section 2 of this bill revises the contents of that form to include the provisions of section 1 in a defendant's acknowledgment of his or her understanding of the terms of the agreement.~~] **the types of pleas and the procedure for entering pleas in criminal proceedings. (NRS 174.035) This bill establishes the procedure for a defendant and the district attorney to enter into a written conditional plea agreement.**

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

Section 1. [~~Chapter 174 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. If a prosecuting attorney enters into a written plea agreement with a defendant, the court may either:*~~

~~*(a) Accept the agreement without modification and enter an order consistent with the terms of the agreement; or*~~

~~*(b) Reject the agreement.*~~

~~*2. If the court rejects the agreement, the defendant has the right to withdraw all pleas that the defendant entered pursuant to the agreement and proceed to trial on the charges for which the defendant entered those pleas.*~~

~~*3. If the defendant violates the written plea agreement entered into pursuant to subsection 1, the agreement is void.*~~] **(Deleted by amendment.)**

Sec. 2. [~~NRS 174.063 is hereby amended to read as follows:~~

~~174.063 1. If a plea of guilty or guilty but mentally ill is made in a written plea agreement, the agreement must be substantially in the following form:~~

~~Case No. .....~~
~~Dept. No. .....~~

~~IN THE ..... JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF .....,~~

~~The State of Nevada,~~
~~PLAINTIFF,~~

~~v.~~

~~(Name of defendant),~~
~~DEFENDANT.~~

~~GUILTY OR GUILTY BUT MENTALLY ILL PLEA AGREEMENT~~

~~I hereby agree to plead guilty or guilty but mentally ill to: (List charges to which defendant is pleading guilty or guilty but mentally ill), as more fully alleged in the charging document attached hereto as Exhibit 1.~~

~~My decision to plead guilty or guilty but mentally ill is based upon the plea agreement in this case which is as follows:~~

~~(State the terms of the agreement.)~~

~~CONSEQUENCES OF THE PLEA~~

~~I understand that by pleading guilty or guilty but mentally ill I admit the facts which support all the elements of the offenses to which I now plead as set forth in Exhibit 1.~~

~~I understand that as a consequence of my plea of guilty or guilty but mentally ill I may be imprisoned for a period of not more than (maximum term of imprisonment) and that I (may or will) be fined up to (maximum amount of fine). I understand that the law requires me to pay an administrative assessment fee.~~

~~I understand that, if appropriate, I will be ordered to make restitution to the victim of the offenses to which I am pleading guilty or guilty but mentally ill and to the victim of any related offense which is being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to reimburse the State of Nevada for expenses relating to my extradition, if any.~~

~~I understand that I (am or am not) eligible for probation for the offense to which I am pleading guilty or guilty but mentally ill. (I understand that, except as otherwise provided by statute~~ **~~[,] or the recommendation of the State of~~** ~~Nevada as set forth in this agreement,~~ ~~the question of whether I receive probation is in the discretion of the sentencing judge, or I understand that I must serve a mandatory minimum term of (term of imprisonment) or pay a minimum mandatory fine of (amount of fine) or serve a mandatory minimum term (term of imprisonment) and pay a minimum mandatory fine of (amount of fine).)~~

~~I understand that if more than one sentence of imprisonment is imposed and I am eligible to serve the sentences concurrently, the sentencing judge has the discretion to order the sentences served concurrently or consecutively~~ **~~[.] , except as otherwise provided by the recommendation of the State of Nevada as set forth in this agreement.~~**

~~— I understand that information regarding charges not filed, dismissed charges or charges to be dismissed pursuant to this agreement may be considered by the judge at sentencing.~~

~~— I have not been promised or guaranteed any particular sentence by anyone. I know that my sentence is to be determined by the court within the limits prescribed by statute [. I understand that if my attorney or the State of Nevada or both recommend any specific punishment to the court, the court is not obligated to accept the recommendation.] *and the recommendation of the State of Nevada as set forth in this agreement.*~~

~~— I understand that the Division of Parole and Probation of the Department of Public Safety may or will prepare a report for the sentencing judge before sentencing. This report will include matters relevant to the issue of sentencing, including my criminal history. I understand that this report may contain hearsay information regarding my background and criminal history. My attorney (if represented by counsel) and I will each have the opportunity to comment on the information contained in the report at the time of sentencing.~~

~~*— I understand that if the court rejects this agreement, I have the right to withdraw all pleas which I entered pursuant to this agreement and proceed to trial on the charges for which I entered those pleas. I understand that if I violate this agreement, the agreement is void.*~~

~~WAIVER OF RIGHTS~~

~~— By entering my plea of guilty or guilty but mentally ill, I understand that I have waived the following rights and privileges:~~

~~— 1. The constitutional privilege against self incrimination, including the right to refuse to testify at trial, in which event the prosecution would not be allowed to comment to the jury about my refusal to testify.~~

~~— 2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the assistance of an attorney, either appointed or retained. At trial, the State would bear the burden of proving beyond a reasonable doubt each element of the offense charged.~~

~~— 3. The constitutional right to confront and cross-examine any witnesses who would testify against me.~~

~~— 4. The constitutional right to subpoena witnesses to testify on my behalf.~~

~~— 5. The constitutional right to testify in my own defense.~~

~~— 6. The right to appeal the conviction, with the assistance of an attorney, either appointed or retained, unless the appeal is based upon reasonable constitutional, jurisdictional or other grounds that challenge the legality of the proceedings and except as otherwise provided in subsection 3 of NRS 174.035.~~

VOLUNTARINESS OF PLEA

I have discussed the elements of all the original charges against me with my attorney (if represented by counsel) and I understand the nature of these charges against me.

I understand that the State would have to prove each element of the charge against me at trial.

I have discussed with my attorney (if represented by counsel) any possible defenses and circumstances which might be in my favor.

All of the foregoing elements, consequences, rights and waiver of rights have been thoroughly explained to me by my attorney (if represented by counsel).

I believe that pleading guilty or guilty but mentally ill and accepting this plea bargain is in my best interest and that a trial would be contrary to my best interest.

I am signing this agreement voluntarily, after consultation with my attorney (if represented by counsel) and I am not acting under duress or coercion or by virtue of any promises of leniency, except for those set forth in this agreement.

I am not now under the influence of intoxicating liquor, a controlled substance or other drug which would in any manner impair my ability to comprehend or understand this agreement or the proceedings surrounding my entry of this plea.

My attorney (if represented by counsel) has answered all my questions regarding this guilty or guilty but mentally ill plea agreement and its consequences to my satisfaction and I am satisfied with the services provided by my attorney.

Dated: This ..... day of the month of ……. of the year …….

.....

Defendant.

Agreed to on this ..... day of the month of ……. of the year …….

.....

Deputy District Attorney.

2. If the defendant is represented by counsel, the written plea agreement must also include a certificate of counsel that is substantially in the following form:

CERTIFICATE OF COUNSEL

I, the undersigned, as the attorney for the defendant named herein and as an officer of the court hereby certify that:

1. I have fully explained to the defendant the allegations contained in the charges to which guilty or guilty but mentally ill pleas are being entered.

~~— 2. I have advised the defendant of the penalties for each charge and the restitution that the defendant may be ordered to pay.~~

~~— 3. All pleas of guilty or guilty but mentally ill offered by the defendant pursuant to this agreement are consistent with all the facts known to me and are made with my advice to the defendant and are in the best interest of the defendant.~~

~~— 4. To the best of my knowledge and belief, the defendant:~~

~~— (a) Is competent and understands the charges and the consequences of pleading guilty or guilty but mentally ill as provided in this agreement.~~

~~— (b) Executed this agreement and will enter all guilty or guilty but mentally ill pleas pursuant hereto voluntarily.~~

~~— (c) Was not under the influence of intoxicating liquor, a controlled substance or other drug at the time of the execution of this agreement.~~

~~— Dated: This ..... day of the month of ……. of the year …….~~

~~.....~~

~~— Attorney for defendant.~~ **] (Deleted by amendment.)**

Sec. 3. **NRS 174.035 is hereby amended to read as follows:**

174.035 1. A defendant may plead not guilty, guilty, guilty but mentally ill or, with the consent of the court, nolo contendere. The court may refuse to accept a plea of guilty or guilty but mentally ill.

2. If a plea of guilty or guilty but mentally ill is made in a written plea agreement, the agreement must be in substantially the form prescribed in NRS 174.063. If a plea of guilty or guilty but mentally ill is made orally, the court shall not accept such a plea or a plea of nolo contendere without first addressing the defendant personally and determining that the plea is made voluntarily with understanding of the nature of the charge and consequences of the plea.

3. With the consent of the court and the district attorney, a defendant may enter a conditional plea of guilty, guilty but mentally ill or nolo contendere, reserving in writing the right, on appeal from the judgment, to a review of the adverse determination of any specified pretrial motion. A defendant who prevails on appeal must be allowed to withdraw the plea.

4. ***Upon an unconditional waiver of a preliminary hearing, a defendant and the district attorney may enter into a written conditional plea agreement, subject to the court accepting the recommended sentence pursuant to the agreement.***

5. A plea of guilty but mentally ill must be entered not less than 21 days before the date set for trial. A defendant who has entered a plea of guilty but mentally ill has the burden of establishing the defendant's mental illness by a preponderance of the evidence. Except as otherwise provided by specific statute, a defendant who enters such a plea is subject to the same criminal, civil and administrative penalties and procedures as a defendant who pleads guilty.

~~[5.]~~ ***6.*** The defendant may, in the alternative or in addition to any one of the pleas permitted by subsection 1, plead not guilty by reason of insanity. A plea of not guilty by reason of insanity must be entered not less than 21 days before the date set for trial. A defendant who has not so pleaded may offer the defense of insanity during trial upon good cause shown. Under such a plea or defense, the burden of proof is upon the defendant to establish by a preponderance of the evidence that:

(a) Due to a disease or defect of the mind, the defendant was in a delusional state at the time of the alleged offense; and

(b) Due to the delusional state, the defendant either did not:

(1) Know or understand the nature and capacity of his or her act; or

(2) Appreciate that his or her conduct was wrong, meaning not authorized by law.

~~[6.]~~ ***7.*** If a defendant refuses to plead or if the court refuses to accept a plea of guilty or guilty but mentally ill or if a defendant corporation fails to appear, the court shall enter a plea of not guilty.

~~[7.]~~ ***8.*** A defendant may not enter a plea of guilty or guilty but mentally ill pursuant to a plea bargain for an offense punishable as a felony for which:

(a) Probation is not allowed; or

(b) The maximum prison sentence is more than 10 years,

➥ unless the plea bargain is set forth in writing and signed by the defendant, the defendant's attorney, if the defendant is represented by counsel, and the prosecuting attorney.

~~[8.]~~ ***9.*** If the court accepts a plea of guilty but mentally ill pursuant to this section, the court shall cause, within 5 business days after acceptance of the plea, on a form prescribed by the Department of Public Safety, a record of that plea to be transmitted to the Central Repository for Nevada Records of Criminal History along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

~~[9.]~~ ***10.*** As used in this section:

(a) "Disease or defect of the mind" does not include a disease or defect which is caused solely by voluntary intoxication.

(b) "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

Sec. 4. **NRS 175.533 is hereby amended to read as follows:**

175.533 1. During a trial, upon a plea of not guilty by reason of insanity, the trier of fact may find the defendant guilty but mentally ill if the trier of fact finds all of the following:

(a) The defendant is guilty beyond a reasonable doubt of an offense;

(b) The defendant has established by a preponderance of the evidence that due to a disease or defect of the mind, the defendant was mentally ill at the time of the commission of the offense; and

(c) The defendant has not established by a preponderance of the evidence that the defendant is not guilty by reason of insanity pursuant to subsection ~~[5]~~ ***6*** of NRS 174.035.

2. Except as otherwise provided by specific statute, a defendant who is found guilty but mentally ill is subject to the same criminal, civil and administrative penalties and procedures as a defendant who is found guilty.

3. If the trier of fact finds a defendant guilty but mentally ill pursuant to subsection 1, the court shall cause, within 5 business days after the finding, on a form prescribed by the Department of Public Safety, a record of the finding to be transmitted to the Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

4. As used in this section:

(a) "Disease or defect of the mind" does not include a disease or defect which is caused solely by voluntary intoxication.

(b) "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 454.

Bill read second time.

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

Amendment No. 533.

AN ACT relating to accountants; revising provisions relating to the qualifications and appointment of members of the Nevada State Board of Accountancy; revising provisions relating to the adoption or amendment of rules of professional conduct by the Board; revising the qualifications for a certificate of certified public accountant; revising certain educational and work experience requirements for a certificate of certified public accountant; authorizing the issuance of a cease and desist order to a person believed to be engaged in the unlawful practice of accounting; repealing provisions relating to the registration of public accountants and business entities formed by public accountants; increasing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally provides for the regulation of accountants in this State. (Chapter 628 of NRS) **Sections 1, 3 and 4** of this bill revise definitions relating to services **to be** performed by accountants to conform with the seventh edition of the Uniform Accountancy Act, published by the American Institute of Certified Public Accountants and the National Association of State Boards of Accountancy.

Section 9 of this bill requires the Nevada State Board of Accountancy to provide notice of proposed new rules of professional conduct or amendments to rules of professional conduct to permit holders by electronic mail rather than by delivery by the United States Postal Service. **Section 10** of this bill removes the requirement that to qualify for a certificate of certified public accountant, the applicant must either be a resident of this State or designate an agent in this State to receive service of process for the applicant. **Sections 11-13** of this bill revise certain educational, work experience and examination requirements for a certificate of certified public accountant.

Section 28 of this bill authorizes the Board to provide another licensing board or agency with otherwise confidential **and privileged** records relating to a complaint if the Board is cooperating in an investigation by that board or agency. **Section 39** of this bill authorizes the Board to issue a cease and desist order to a person the Board believes to be engaging in certain unlawful acts relating to accounting. **Section 40** of this bill increases the penalty for committing certain unlawful acts relating to accounting from a misdemeanor to a gross misdemeanor.

Section 45 of this bill repeals provisions relating to the registration and regulation of registered public accountants and business entities formed by public accountants. **Sections 5, 6, 8, 14-27, 29-38 and 41-44** of this bill make conforming changes.

Under existing law, the Nevada Society of Certified Public Accountants is required to submit to the Governor the names of at least three persons qualified for membership on the Board for each position on the Board to be filled by a certified public accountant. (NRS 628.075) **Section 7** of this bill authorizes the Nevada Society of Certified Public Accountants to recommend to the Governor the reappointment of a current Board member who is eligible for reappointment without submitting other names for consideration.

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

Section 1. Chapter 628 of NRS is hereby amended by adding thereto a new section to read as follows:

"Report," when used with respect to any attest or compilation service, means an opinion, report or other form of language that states or implies assurance as to the reliability of the attested information or compiled financial statements, and that also includes or is accompanied by a statement or implication that the person or firm issuing it has special knowledge or competence in accounting or auditing. Such a statement or implication of special knowledge or competence may arise from use by the issuer of the report of names or titles indicating that the person or firm is an accountant or auditor, or from the language of the report itself. The term includes any form of language which disclaims an opinion when such form of language is conventionally understood to imply any positive assurance as to the reliability of the attested information or complied

financial statements referred to, or special competence on the part of the person or firm issuing such language, including, without limitation, another form of language that is conventionally understood to imply such assurance or such special knowledge or competence.

Sec. 2. NRS 628.003 is hereby amended to read as follows:

628.003 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 628.005 to 628.033, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 628.005 is hereby amended to read as follows:

628.005 "Attest," "attesting" and "attestation" mean ***providing*** the ~~[issuance of opinions, reports or other documents which state or imply assurance of the reliability of information when the opinions, reports or other documents are accompanied by or contain any name, title or wording which indicates that the person or other entity which has issued them is an accountant or auditor, or has expert knowledge in accounting or auditing. The terms include any disclaimer of an opinion when the disclaimer is in a form which is understood to imply any positive assurance of the reliability of the information and expertise on the part of the person making the disclaimer.]~~ ***following services:***

1. An audit or other engagement to be performed in accordance with the Statements on Auditing Standards (SAS) published by the American Institute of Certified Public Accountants.

2. A review of a financial statement to be performed in accordance with the Statements on Standards for Accounting and Review Services (SSARS) published by the American Institute of Certified Public Accountants.

3. An examination of prospective financial information to be performed in accordance with the Statements on Standards for Attestation Engagements (SSAE) published by the American Institute of Certified Public Accountants.

4. An engagement to be performed in accordance with the standards of the Public Company Accounting Oversight Board.

5. An examination, review or agreed upon procedures engagement to be performed in accordance with the SSAE, other than an examination described in subsection 3.

Sec. 4. NRS 628.014 is hereby amended to read as follows:

628.014 "Compilation" means ~~[the presentation, in the form of financial statements prepared]~~ ***providing a service to be performed*** in accordance with the Statements on Standards for Accounting and Review Services (SSARS) published by the American Institute of Certified Public Accountants, ~~[of information]~~ that is ~~[a representation by]~~ ***presented in*** the ~~[owner or management]~~ ***form*** of ~~[an entity]~~ ***financial statements, of information that is the representation of the owner or management*** without undertaking to ~~[state or imply assurance of the reliability of]~~ ***express any assurance on*** the ~~[information.]~~ ***statements.***

Sec. 5. NRS 628.0345 is hereby amended to read as follows:

628.0345 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a certificate issued pursuant to NRS 628.190 to 628.310, inclusive, ~~[~~any registration or license granted to a registered public accountant pursuant to NRS 628.350~~]~~ or a permit issued pursuant to NRS 628.380 shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a certificate issued pursuant to NRS 628.190 to 628.310, inclusive, ~~[~~any registration or license granted to a registered public accountant pursuant to NRS 628.350~~]~~ or a permit issued pursuant to NRS 628.380 shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certificate ~~[~~, registration, license~~]~~ or permit; or

(b) A separate form prescribed by the Board.

3. A certificate ~~[~~, registration, license~~]~~ or permit described in subsection 1 may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 6. NRS 628.045 is hereby amended to read as follows:

628.045 1. ~~[~~Except as otherwise provided in subsection 2, the~~]~~ ***The*** Governor shall appoint to the Board ~~[~~six~~]~~ ***:***

(a) Six members who are certified public accountants ~~[~~in the State of Nevada and one member who is a registered public accountant~~]~~ in the State of Nevada ~~[~~. Of the six members who are certified public accountants:~~]~~ ***of whom:***

~~[~~(a)~~]~~ ***(1)*** One member must be employed by the government or by private industry; and

~~[(b)]~~ ***(2)*** Five members must be engaged in the practice of public accounting.

~~[2. Whenever the total number of registered public accountants who practice is 10 or fewer, the Board must consist of six members who are certified public accountants and the member who is a registered public accountant until that member's term of office expires. Thereafter, the Board must consist of:~~

~~(a) Six members who are certified public accountants, one of whom must be employed by the government or by private industry.]~~

(b) One member who represents the public. This member must not be:

(1) A certified public accountant ~~[,]~~ ***or*** a public accountant ***;*** ~~[or a registered public accountant;]~~ or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a certified public accountant ~~[,]~~ ***or*** a public accountant ***.*** ~~[or a registered public accountant.~~

~~3.]~~ ***2.*** No person may be appointed to the Board unless he or she is:

(a) Engaged in active practice as a certified public accountant ~~[or registered public accountant]~~ and holds a live permit to practice public accounting in this State, or is appointed as the member who represents the public.

(b) A resident of the State of Nevada.

Sec. 7. NRS 628.075 is hereby amended to read as follows:

628.075 1. ~~[The]~~ ***Except as otherwise provided in subsection 2, the*** Nevada Society of Certified Public Accountants shall, at least 30 days before the beginning of any term, or within 30 days after a position on the Board becomes vacant, submit to the Governor the names of at least three persons qualified for membership on the Board for each position to be filled by a certified public accountant. The Governor shall appoint new members or fill the vacancy from the list, or request a new list. If the Nevada Society of Certified Public Accountants fails to submit timely nominations for a position on the Board, the Board may submit nominations to the Governor, who shall appoint members from among the nominees or request a new list.

2. ***If the term of a current member of the Board is expiring and that member is eligible for reappointment to the Board, the Nevada Society of Certified Public Accountants may recommend to the Governor the reappointment of that member without having to submit additional names for consideration to the Governor.***

3. The Governor may appoint any qualified person who is a resident of this State to the position which is to be occupied by a person who represents the public.

Sec. 8. NRS 628.130 is hereby amended to read as follows:

628.130 The Board shall:

1. Have a seal of which judicial notice must be taken.

2. Keep records of its proceedings. In any proceedings in court, civil or criminal, arising out of or founded upon any provision of this chapter, copies

of those records certified as correct under the seal of the Board are admissible in evidence as tending to prove the contents of the records.

3. Maintain a website on the Internet or its successor and post on its website:

(a) The names arranged alphabetically by classifications of all accountants and business entities holding ~~[licenses,]~~ certificates, registrations or permits under this chapter.

(b) The names of the members of the Board.

(c) Such other matter as may be deemed proper by the Board.

Sec. 9. NRS 628.160 is hereby amended to read as follows:

628.160 1. The Board may by regulation adopt and amend rules of professional conduct appropriate to establish and maintain a high standard of quality, integrity and dignity in the profession of public accountancy.

2. In addition to the requirements of chapter 233B of NRS, the Board shall ~~[, at least 60 days before the adoption of any such rule or amendment, mail copies of the]~~ ***provide notice of any such*** proposed rule or amendment to each holder of a live permit, to the ***electronic mail*** address shown in the records of the Board, ~~[together]~~ ***along*** with ~~[a notice]~~ ***information*** advising the holder of the permit of the date, time and place of the hearing on the proposed rule or amendment and requesting that he or she submit any comments thereon at least 15 days before the hearing. The comments are advisory only. ~~[Failure by inadvertence or error to mail the rule, amendment or notice to each holder of a permit does not affect the validity of any rule or amendment if the Board has made an effort in good faith to mail the notice to all holders of permits.]~~ ***The Board shall also make available on its Internet website the proposed rule or amendment.***

3. The Board may adopt regulations concerning the professional conduct of corporations, partnerships and limited-liability companies practicing certified public accounting or public accounting which it deems consistent with or required by the public welfare, including regulations:

(a) Governing the style, name and title of the corporations, partnerships and limited-liability companies.

(b) Governing the affiliation of the corporations, partnerships and limited-liability companies with any other organizations.

Sec. 10. NRS 628.190 is hereby amended to read as follows:

628.190 1. Except as otherwise provided in this section and NRS 628.310, a certificate of certified public accountant must be granted by the Board to any person who:

(a) Is ~~[a resident of this State or, if not a resident, has designated to the Board an agent who is a resident for notification and service of process;~~

~~(b) Is a person who is]~~ without any history of acts involving dishonesty or moral turpitude;

~~[(c)]~~ ***(b)*** Complies with the requirements of education and ***work*** experience as provided in NRS 628.200;

~~[(d)]~~ ***(c)*** Has submitted to the Board a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

~~[(e)]~~ ***(d)*** Has passed the examination prescribed by the Board.

2. The Board may refuse to grant a certificate of certified public accountant to an applicant if he or she has been convicted of a felony in this State or an offense in another state or jurisdiction which would be a felony if committed in this State.

3. The Board may issue a provisional certificate to an applicant until the Board receives the report from the Federal Bureau of Investigation.

Sec. 11. NRS 628.200 is hereby amended to read as follows:

628.200 1. Except as otherwise provided in subsection 4, the requirements of education for a certificate of certified public accountant are:

(a) At least 150 semester hours or an equivalent number of quarter hours; and

(b) A baccalaureate degree or an equivalent degree from a college or university recognized by the Board:

(1) With a major in accounting, or what the Board determines to be substantially the equivalent of a major in accounting; or

(2) With a major other than accounting supplemented by what the Board determines to be substantially the equivalent of an accounting major, including related courses in other areas of business administration.

2. The requirement for ***work*** experience for a certificate of certified public accountant is:

(a) Two years of public accounting experience in a partnership, corporation, limited-liability company or sole proprietorship engaged in the practice of public accounting under the direct supervision of a person who is a certified public accountant; or

(b) ~~[~~Experience~~]~~ ***Other work experience*** ~~[~~in internal auditing work or governmental ***performing the services typically provided in a firm engaged in the practice of public*** accounting and auditing work~~]~~ ***under the direct supervision of a person engaged in active practice as a certified public accountant,*** of a character and for a length of time sufficient in the opinion of the Board to be substantially equivalent to the requirements of paragraph (a).

3. The Board:

(a) Shall adopt regulations concerning:

(1) The number of semester hours or an equivalent number of quarter hours in accounting and other courses required by an applicant to satisfy the requirements of subsection 1.

(2) The public accounting experience ~~[~~, internal auditing work, and governmental accounting and auditing~~]~~ ***or other*** work ***experience*** required by an applicant to satisfy the requirements of subsection 2.

(b) May provide by regulation for the substitution of qualified programs of continuing education to satisfy partially the requirement of ***work*** experience described in paragraph (b) of subsection 2 or may add any program to the requirement of ***work*** experience.

4. Notwithstanding any provision of this section to the contrary, an applicant for a certificate of certified public accountant who has received conditional credit pursuant to NRS 628.260 for passing a section of the examination required for a certificate, and who applies that credit to subsequent passage of the examination, is subject to the educational requirements to receive a certificate that were in effect on the date on which the applicant ~~[first received the conditional credit.]~~ ***passed all sections of the examination.***

Sec. 12. NRS 628.240 is hereby amended to read as follows:

628.240 A candidate for a certificate of certified public accountant who has met the educational requirements as prescribed by the Board pursuant to NRS 628.230 is eligible to take the examination without waiting until he or she meets the requirements of ***work*** experience if the candidate also meets the requirements of ~~[paragraphs]~~ ***paragraph*** (a) ~~[and (b)]~~ of subsection 1 of NRS 628.190.

Sec. 13. NRS 628.310 is hereby amended to read as follows:

628.310 1. The Board may waive the examination, the requirements for education or the requirements for ***work*** experience, or any combination thereof, required under NRS 628.190, and may issue a certificate as a certified public accountant to any person who is the holder of a certificate as a certified public accountant then in effect issued under the laws of any state or other jurisdiction of the United States approved by the Board, constituting a recognized qualification for the practice of public accounting comparable to that of a certified public accountant of this State, if:

(a) The person has passed an examination that is substantially the same as the examination conducted pursuant to NRS 628.230 with a grade that would have been a passing grade in this State on the date on which the person received his or her original certificate;

(b) The person has experience in the practice of public accountancy, either as a certified public accountant or as a staff accountant employed by a partnership, corporation, limited-liability company or sole proprietorship engaged in the practice of public accounting and working under the direct supervision of a person who is a certified public accountant, while holding a certificate as a certified public accountant for more than 4 of the 10 years immediately preceding his or her making application pursuant to this chapter; and

(c) The requirements for education of the state or other jurisdiction from which the person received his or her original certificate are determined by the Board to satisfy the requirements for education of this State.

2. The Board may ~~[waive the examination, the requirements for education or the requirements for experience, or any combination thereof,~~

~~under NRS 628.190, and may~~] issue a certificate as a certified public accountant to any person who is the holder of an equivalent certificate then in effect issued by a foreign country if:

(a) Persons who are certified as public accountants in this State are granted similar privileges by the foreign country in which the applicant is certified;

(b) The applicant's certificate:

(1) Was issued by the appropriate authority that regulates the practice of public accountancy in the foreign country in which the certificate was issued;

(2) Has not expired or been revoked or suspended; and

(3) Authorizes the applicant to issue reports upon financial statements;

(c) The requirements for education and examination of the regulatory authority of the foreign country were substantially equivalent to the requirements for education and examination of this State on the date on which the applicant received his or her certificate;

(d) The applicant:

(1) Complied with requirements for experience in the foreign country in which the certificate was issued that are substantially equivalent to the requirements set forth in NRS 628.200; or

(2) Has completed in any state at least 4 years of public accounting experience, or equivalent experience determined to be appropriate by the Board, within the 10 years immediately preceding his or her making application for certification in this State;

(e) The applicant has passed a written examination on national standards for public accounting and ethics that is acceptable to the Board; and

(f) The applicant submits with the application a list of all jurisdictions in which he or she has applied for and received a certificate to practice public accounting.

3. A person who is granted a certificate as a certified public accountant pursuant to subsection 2 shall notify the Board, in writing, within 30 days after:

(a) The person is issued an equivalent certificate to practice public accounting by another jurisdiction or is denied the issuance of such a certificate;

(b) A certificate to practice public accounting issued to the person by another jurisdiction is revoked or suspended; or

(c) Another jurisdiction in which the person is certified to practice public accounting commences any type of disciplinary action against the person.

Sec. 14. NRS 628.325 is hereby amended to read as follows:

628.325 1. One or more natural persons may organize a corporation for the practice of public accounting under the Professional Entities and Associations Act, chapter 89 of NRS. The corporation is not required to have more directors than shareholders, but at least one director must be a shareholder. The other directors need not, but may, be shareholders.

2. One or more natural persons may:

(a) Organize a corporation pursuant to chapter 78 of NRS;

(b) Qualify to do business as a foreign corporation pursuant to chapter 80 of NRS;

(c) Organize a limited-liability company pursuant to chapter 86 of NRS; or

(d) Register as a foreign limited-liability company pursuant to chapter 86 of NRS,

➥ to practice public accounting.

3. The organization, qualification or registration of a corporation or company pursuant to subsection 2:

(a) Does not modify:

(1) The relationship between an accountant and a client;

(2) The liability arising out of that relationship; or

(3) The compliance of the corporation or company with this chapter or any regulations adopted pursuant thereto.

(b) Does not render:

(1) A person liable in tort for any act in which he or she has not personally participated.

(2) The manager, a member or an employee of a limited-liability company liable in contract for any contract which the person executes on behalf of a limited-liability company within the limits of his or her authority.

4. Notwithstanding any specific statute to the contrary, a simple majority of the ownership of a corporation, partnership or limited-liability company organized for the practice of public accounting in this State, in terms of the financial interests and voting rights of all shareholders, partners, officers, members and principals thereof, must belong to persons who are certified public accountants in any state **.** ~~[or registered public accountants in this State.]~~ Each shareholder, partner, officer, member or principal whose principal place of business is in this State and who performs professional services in this State must be ~~[:~~

~~(a) If the corporation, partnership or limited liability company registered with the Board is a corporation, partnership or limited-liability company of certified public accountants,]~~ a certified public accountant in this State in good standing **.** ~~[; and~~

~~(b) If the corporation, partnership or limited liability company registered with the Board is a corporation, partnership or limited-liability company of public accountants, a certified public accountant or registered public accountant in this State in good standing.]~~

5. A corporation, partnership or limited-liability company organized for the practice of public accounting in this State may have as a shareholder, partner, officer, member or principal any natural person who is not a certified public accountant in any state ~~[or a registered public accountant in this State]~~ if:

(a) The natural person is actively engaged in the business of the corporation, partnership or limited-liability company, or any affiliate thereof; and

(b) The corporation, partnership or limited-liability company complies with any other requirements that the Board by regulation may impose.

Sec. 15. NRS 628.370 is hereby amended to read as follows:

628.370 1. Each office established or maintained in this State for the practice of public accounting in this State by a certified public accountant or a partnership, corporation or limited-liability company composed of certified public accountants ~~[, or by a registered public accountant or a partnership, corporation or limited-liability company composed of registered public accountants,]~~ must be registered annually under this chapter with the Board. The Board may charge a fee for the registration of an office in an amount set by regulation.

2. The Board shall by regulation prescribe the procedure to be followed in registering offices.

Sec. 16. NRS 628.375 is hereby amended to read as follows:

628.375 1. Before a certified public accountant ~~[, a registered public accountant]~~ or a partnership, corporation or limited-liability company composed of certified public accountants ~~[or registered public accountants]~~ with an office in this State engages in the practice of public accounting in this State under a fictitious name, the person or entity must register the fictitious name with the Board.

2. The Board shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations that prescribe:

(a) The procedure for registering a fictitious name with the Board; and

(b) The fee for registering a fictitious name with the Board.

Sec. 17. NRS 628.380 is hereby amended to read as follows:

628.380 1. Permits to engage in the practice of public accounting in this State must be issued by the Board to holders of the certificate of certified public accountant issued under NRS 628.190 to 628.310, inclusive, ~~[and to registered public accountants registered or licensed pursuant to NRS 628.350,]~~ if all offices of the holder of a certificate ~~[or registrant]~~ are maintained and registered as required under NRS 628.370, and if the holder of a certificate ~~[or registrant]~~ has complied with the continuing education requirements provided in this chapter and in the Board's regulations.

2. All permits expire on December 31 of each year and may be renewed annually for a period of 1 year by holders of certificates ~~[and registrants]~~ in good standing upon payment of an annual renewal fee set by the Board by regulation.

3. Failure of a holder of a certificate ~~[or registrant]~~ to apply for an annual permit to practice deprives him or her of the right to a permit, unless the Board, in its discretion, determines that the failure was caused by excusable neglect.

4. The Board shall adopt a regulation specifying the fee for the renewal of a permit after January 31 of each year.

5. The Board may provide by regulation for the placing of certificates ~~[and registrations]~~ on a retired or inactive status. The regulation may provide for a procedure for applying for retired or inactive status and for applying to return to active status, and must specify fees, if any, to accompany the applications.

Sec. 18. NRS 628.385 is hereby amended to read as follows:

628.385 The Legislature finds that:

1. The explosion of knowledge and the increasing complexity of practice make it essential that certified public accountants ~~[and public accountants]~~ continue to develop their competence and maintain the general quality of the practice of their profession.

2. The public interest requires that certified public accountants ~~[and registered public accountants]~~ provide competent service in all areas of their practice.

3. Formal programs of continuing education provide certified public accountants ~~[and public accountants]~~ with the opportunity to maintain the general quality of the practice of their profession.

4. It is in the public interest to require that certified public accountants ~~[and registered public accountants]~~ who have certificates ~~[and who have been registered, respectively,]~~ under the provisions of this chapter comply with requirements for continuing education adopted by the Board as a prerequisite to the issuance or renewal of permits to engage in the practice of public accounting pursuant to NRS 628.380.

Sec. 19. NRS 628.386 is hereby amended to read as follows:

628.386 1. The Board may by regulation prescribe, amend or repeal rules, including, but not limited to:

(a) A definition of basic requirements for continuing education;

(b) A delineation of qualifying programs;

(c) A system of control and reporting; and

(d) A program to ensure that licensees ~~*[certificate holders]*~~ are maintaining the standards of the profession.

2. In exercising its power under this section, the Board shall establish standards which will assure reasonable currency of knowledge as a basis for a high standard of practice by certified public accountants **.** ~~[and registered public accountants.]~~ The standards must be established in a manner to assure that a variety of alternatives are available to certificate holders ~~[and registrants]~~ to comply with the requirements of continuing education for renewal of permits and must take cognizance of specialized areas of practice.

Sec. 20. NRS 628.387 is hereby amended to read as follows:

628.387 The Board may, in accordance with the intent of this chapter, make exceptions from continuing education requirements for certificate holders ~~[or registrants]~~ not engaged in public practice, or for reasons of health, military service or other good cause, except that if such certificate

holder ~~[or registrant]~~ returns to the practice of public accounting he or she shall meet such continuing education requirements as the Board may determine.

Sec. 21. NRS 628.388 is hereby amended to read as follows:

628.388 The Board may appoint a Committee on Continuing Education consisting of certified public accountants ~~[and registered public accountants]~~ in active practice and holding live permits. Upon assignment and as directed by the Board, the Committee shall assist the Board in the administration of the provisions of this chapter for continuing education.

Sec. 22. NRS 628.390 is hereby amended to read as follows:

628.390 1. After giving notice and conducting a hearing, the Board may revoke, or may suspend for a period of not more than 5 years, any certificate issued under NRS 628.190 to 628.310, inclusive, any practice privileges granted pursuant to NRS 628.315 or 628.335 ~~[, any registration or license granted to a registered public accountant under NRS 628.350,]~~ or any registration of a partnership, corporation, limited-liability company, sole proprietorship or office, or may revoke, suspend or refuse to renew any permit issued under NRS 628.380, or may publicly censure the holder of any permit , ~~[license]~~ ***certificate*** or registration or any natural person granted practice privileges pursuant to NRS 628.315, for any one or any combination of the following causes:

(a) Fraud or deceit in obtaining a certificate as a certified public accountant ~~[, or in obtaining registration or a license as a public accountant under this chapter]~~ or in obtaining a permit to practice public accounting under this chapter.

(b) Dishonesty, fraud or gross negligence by a certified ~~[or registered]~~ public accountant or a natural person granted practice privileges pursuant to NRS 628.315.

(c) Violation of any of the provisions of this chapter.

(d) Violation of a regulation or rule of professional conduct adopted by the Board under the authority granted by this chapter.

(e) Conviction of a felony relating to the practice of public accounting under the laws of any state or jurisdiction.

(f) Conviction of any crime:

(1) An element of which is dishonesty or fraud; or

(2) Involving moral turpitude,

➥ under the laws of any state or jurisdiction.

(g) Cancellation, revocation, suspension, placing on probation or refusal to renew authority to practice as a certified public accountant ~~[or a registered public accountant]~~ by any other state, for any cause other than failure to pay an annual registration fee or to comply with requirements for continuing education or review of his or her practice in the other state.

(h) Suspension, revocation or placing on probation of the right to practice before any state or federal agency.

(i) Unless the person has been placed on inactive or retired status, failure to obtain an annual permit under NRS 628.380, within:

(1) Sixty days after the expiration date of the permit to practice last obtained or renewed by the holder of a certificate ***;*** ~~[or registrant;]~~ or

(2) Sixty days after the date upon which the holder of a certificate ~~[or registrant]~~ was granted the certificate **,** ~~[or registration,]~~ if no permit was ever issued to the person, unless the failure has been excused by the Board.

(j) Conduct discreditable to the profession of public accounting or which reflects adversely upon the fitness of the person to engage in the practice of public accounting.

(k) Making a false or misleading statement in support of an application for a certificate ~~[, registration]~~ or permit of another person.

(l) Committing an act in another state or jurisdiction which would be subject to discipline in that state.

2. After giving notice and conducting a hearing, the Board may deny an application to take the examination prescribed by the Board pursuant to NRS 628.190, deny a person admission to such an examination, invalidate a grade received for such an examination or deny an application for a certificate issued pursuant to NRS 628.190 to 628.310, inclusive, to a person who has:

(a) Made any false or fraudulent statement, or any misleading statement or omission relating to a material fact in an application:

(1) To take the examination prescribed by the Board pursuant to NRS 628.190; or

(2) For a certificate issued pursuant to NRS 628.190 to 628.310, inclusive;

(b) Cheated on an examination prescribed by the Board pursuant to NRS 628.190 or any such examination taken in another state or jurisdiction of the United States;

(c) Aided, abetted or conspired with any person in a violation of the provisions of paragraph (a) or (b); or

(d) Committed any combination of the acts set forth in paragraphs (a), (b) and (c).

3. In addition to other penalties prescribed by this section, the Board may impose a civil penalty of not more than $5,000 for each violation of this section.

4. The Board shall not privately censure the holder of any permit ~~[, license,]~~ ***or*** certificate ~~[or registration]~~ or any natural person granted practice privileges pursuant to NRS 628.315.

5. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 23. NRS 628.393 is hereby amended to read as follows:

628.393 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a certificate issued pursuant to NRS 628.190 to

628.310, inclusive, ~~[a registration or license granted to a registered public accountant pursuant to NRS 628.350]~~ or a permit issued pursuant to NRS 628.380, the Board shall deem the certificate ~~[, registration, license]~~ or permit issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the certificate ~~[, registration, license]~~ or permit by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the certificate ~~[, registration, license]~~ or permit has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a certificate issued pursuant to NRS 628.190 to 628.310, inclusive, ~~[a registration or license granted to a registered public accountant pursuant to NRS 628.350]~~ or a permit issued pursuant to NRS 628.380 that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certificate ~~[, registration, license]~~ or permit was suspended stating that the person whose certificate ~~[, registration, license]~~ or permit was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 24. NRS 628.395 is hereby amended to read as follows:

628.395 In addition to any penalty which it may assess pursuant to NRS 628.390, the Board may suspend any of the provisions of an order issued pursuant to that section and place the certified ~~[or registered]~~ public accountant on probation, subject to limitations and conditions specified by the Board, which may include requirements for continuing education or for a review of the accountant's practice, either periodically or continuously.

Sec. 25. NRS 628.400 is hereby amended to read as follows:

628.400 1. After giving notice and conducting a hearing, the Board shall revoke the registration of a partnership, corporation or limited-liability company if at any time it does not have all the qualifications prescribed by the section of this chapter under which it qualified for registration.

2. After giving notice and conducting a hearing, the Board may revoke or suspend the registration of a partnership, corporation or limited-liability company, or may censure the partnership, corporation or limited-liability company, or impose a sanction authorized by NRS 628.390 ~~[,]~~ ***or 628.395,*** for any of the causes enumerated in subsection 1 of NRS 628.390 , ~~***[or 628.395]***~~ or for one or both of the following additional causes:

(a) The revocation or suspension of the certificate or registration or the revocation or suspension or refusal to renew the permit to practice of any partner or shareholder who is personally engaged in the practice of public accounting in this State, whether or not he or she holds a live permit in this State.

(b) The cancellation, revocation, suspension or refusal to renew the authority of the partnership, corporation or limited-liability company, or any

partner, shareholder or member thereof to practice public accounting in any other state for any cause other than failure to pay an annual registration fee or comply with a requirement for continuing education or practice review in the other state.

Sec. 26. NRS 628.410 is hereby amended to read as follows:

628.410 1. The Board may initiate proceedings under this chapter:

(a) On its own motion;

(b) On the complaint of any person; or

(c) On a complaint made by a board of accountancy of another state.

2. A written notice of the hearing must be served on the respondent not less than 30 days before the date of the hearing, either personally or by mailing a copy thereof by registered or certified mail to the address of the respondent last known to the Board.

3. If, after having been served with the notice of hearing, the respondent fails to appear at the hearing and defend, the Board may proceed to hear evidence against the respondent and may enter such order as is justified by the evidence. The order is final unless the respondent petitions for a review thereof. Within 30 days after the date of any order, upon a showing of good cause for failing to appear and defend, the Board may reopen the proceedings and may permit the respondent to submit evidence in his or her behalf.

4. At any hearing, a respondent may be represented before the Board by counsel or by a certified public accountant ~~[or registered public accountant]~~ of this State in good standing. The respondent is entitled, on application to the Board, to the issuance of subpoenas to compel the attendance of witnesses on his or her behalf.

5. The Board, or any member thereof, may issue subpoenas to compel the attendance of witnesses and the production of documents. In case of disobedience to a subpoena, the Board may invoke the aid of any court of this State in requiring the attendance and testimony of witnesses and the production of documentary evidence.

6. A hearing may be conducted by:

(a) The Board, less any member or members who have been disqualified, without the appointment of persons to hear the case in place of the disqualified members; or

(b) A member of the Board appointed by the Board as a hearing officer, with the remaining members of the Board, less any member or members who have been disqualified, to review the record, make a final decision and issue the order,

➥ unless the Board, after disqualifications, consists of less than three members to hear or review the case, in which circumstance the Governor must appoint one or more qualified persons so that the panel which hears or reviews the case consists of at least three persons.

7. A stenographic record of the hearing must be kept and a transcript thereof filed with the Board.

8. At all hearings, the Attorney General or a deputy designated by the Attorney General or such other legal counsel as may be employed shall appear and represent the Board.

9. The decision of the Board must be by majority vote thereof.

Sec. 27. NRS 628.415 is hereby amended to read as follows:

628.415 1. Any disciplinary action taken by a hearing officer or panel pursuant to NRS 628.140 is subject to the same procedural requirements which apply to disciplinary actions taken by the Board, and the officer or panel has those powers and duties given to the Board in relation thereto.

2. A decision of the hearing officer or panel relating to the imposition of a civil penalty, costs and attorney's fees is a final decision in a contested case. Any party aggrieved by a decision of the officer or panel to place a certified ~~[or registered]~~ public accountant on probation or revoke or suspend a certificate ~~[,]~~ ***or*** permit ~~[, registration or license]~~ may appeal that decision to the Board.

Sec. 28. NRS 628.418 is hereby amended to read as follows:

628.418 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential ~~[.]~~ ***and privileged.***

2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The provisions of this section do not prohibit the Board or an employee of the Board from cooperating with another licensing board or any other agency that is investigating a person who holds a certificate or a permit issued pursuant to NRS 628.380 or a partnership, corporation, limited-liability company or sole proprietorship that is registered with the Board pursuant to NRS 628.335, by providing documents or other information relating to a complaint.

Sec. 29. NRS 628.420 is hereby amended to read as follows:

628.420 Upon application in writing and after a hearing, the Board may:

1. Issue a new certificate to a certified public accountant whose certificate has been revoked;

2. ~~[Permit the reregistration of a public accountant whose registration has been revoked;~~

~~3.]~~ Reissue or modify the suspension of any permit to practice public accounting which has been revoked or suspended, unless the permit was suspended pursuant to NRS 425.540; or

~~[4.]~~ ***3.*** Modify any action taken against any person or any order which it has issued pursuant to NRS 628.390.

Sec. 30. NRS 628.430 is hereby amended to read as follows:

628.430 All statements, records, schedules, working papers and memoranda made by a certified public accountant ~~[, a registered public~~

~~accountant~~] or a natural person granted practice privileges pursuant to NRS 628.315 incident to or in the course of professional service to clients by the accountant, except reports submitted by a certified public accountant [~~, a registered public accountant~~] or a natural person granted practice privileges pursuant to NRS 628.315 to a client, are the property of the accountant, in the absence of an express agreement between the accountant and the client to the contrary. No such statement, record, schedule, working paper or memorandum may be sold, transferred or bequeathed, without the consent of the client or the client's personal representative or assignee, to anyone other than one or more surviving partners or new partners of the accountant or to his or her corporation.

Sec. 31. NRS 628.435 is hereby amended to read as follows:

628.435 1. A practitioner shall comply with all professional standards for accounting and documentation related to an attestation applicable to particular engagements.

2. Except as otherwise provided in this section and in all professional standards for accounting and documentation related to an attestation applicable to particular engagements, a practitioner shall retain all documentation related to an attestation for not less than 5 years after the date of the report containing the attestation.

3. Documentation related to an attestation that, at the end of the retention period set forth in subsections 1 and 2, is a part of or subject to a pending investigation of, or disciplinary action against, a practitioner must be retained and must not be destroyed until the practitioner has been notified in writing that the investigation or disciplinary action has been closed or concluded.

4. As used in this section:

(a) "Documentation related to an attestation" includes, without limitation:

(1) All documentation relating to consultations and resolutions of any differences of professional opinion regarding the exercise of professional judgment relating to an attestation; and

(2) Documentation of the findings or issues related to the attestation that, based on the judgment of the practitioner after an objective analysis of the facts and circumstances, is determined to be significant, regardless of whether the documentation includes information or data that is inconsistent with the final conclusions of the practitioner.

(b) "Practitioner" means:

(1) A holder of a certificate issued pursuant to NRS 628.190 to 628.310, inclusive, [~~any registration or license granted to a registered public accountant pursuant to NRS 628.350~~] or a permit issued pursuant to NRS 628.380;

(2) A partnership, corporation, limited-liability company or sole proprietorship registered pursuant to NRS 628.335; or

(3) A natural person granted practice privileges pursuant to NRS 628.315.

Sec. 32. NRS 628.440 is hereby amended to read as follows:

628.440 This chapter does not prohibit any person from serving as an employee of, or an assistant to, a certified public accountant ~~[or registered public accountant]~~ who holds a live permit, or a partnership, corporation or limited-liability company composed of certified public accountants ~~[or registered public accountants registered pursuant to NRS 628.360, 628.363 or 628.365]~~ if the employee or assistant does not issue any accounting or financial statement over his or her name.

Sec. 33. NRS 628.470 is hereby amended to read as follows:

628.470 A natural person shall not assume or use the title or designation "public ~~[accountant," "registered public]~~ accountant" or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that he or she is a public accountant unless the person:

1. ~~[Is a registered public accountant, holds a live permit and all of the person's offices in this State for the practice of public accounting are maintained and registered as required under NRS 628.370;~~

~~2.]~~ Has received a certificate as a certified public accountant under NRS 628.190 to 628.310, inclusive, holds a live permit and all of the person's offices in this State for the practice of public accounting are maintained and registered as required under NRS 628.370; or

~~[3.]~~ ***2.*** Is a natural person granted practice privileges pursuant to NRS 628.315.

Sec. 34. NRS 628.480 is hereby amended to read as follows:

628.480 A partnership, corporation, limited-liability company or sole proprietorship shall not assume or use the title or designation "public accountant" or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that the partnership, corporation, limited-liability company or sole proprietorship is composed of public accountants unless the partnership, corporation, limited-liability company or sole proprietorship is:

1. Registered as a partnership, corporation, limited-liability company or sole proprietorship of ~~[registered public accountants or as a partnership, corporation, limited liability company or sole proprietorship of]~~ certified public accountants and all offices of the partnership, corporation, limited-liability company or sole proprietorship in this State for the practice of public accounting are maintained and registered as required under NRS 628.370; or

2. Performing services within the practice of public accounting pursuant to the provisions of subsection 3 of NRS 628.335.

Sec. 35. NRS 628.510 is hereby amended to read as follows:

628.510 1. Except as otherwise provided in subsection 2, a person shall not sign or affix his or her name or the name of a partnership, corporation, limited-liability company or sole proprietorship, or any trade or assumed name used by the person or by the partnership, corporation, limited-liability company or sole proprietorship in business, with any wording indicating that he or she is an accountant or auditor, or that the partnership, corporation,

limited-liability company or sole proprietorship is authorized to practice as an accountant or auditor or with any wording indicating that the person or the partnership, corporation, limited-liability company or sole proprietorship has expert knowledge in accounting or auditing, to any accounting or financial statement, or attest to any accounting or financial statement, unless:

(a) The person holds a live permit or the partnership, corporation, limited-liability company or sole proprietorship is registered pursuant to NRS 628.335 **[**~~, 628.360, 628.363 or 628.365~~**]** and all of the person's offices in this State for the practice of public accounting are maintained and registered under NRS 628.370;

(b) The person is a natural person granted practice privileges pursuant to NRS 628.315; or

(c) The partnership, corporation, limited-liability company or sole proprietorship is performing services within the practice of public accounting pursuant to the provisions of subsection 3 of NRS 628.335.

2. The provisions of subsection 1 do not prohibit:

(a) Any officer, employee, partner, principal or member of any organization from affixing his or her signature to any statement or report in reference to the financial affairs of that organization with any wording designating the position, title or office which he or she holds in the organization.

(b) Any act of a public official or public employee in the performance of his or her duties as such.

(c) Any person who does not hold a live permit from preparing a financial statement or issuing a report if the statement or report, respectively, includes a disclosure that:

(1) The person who prepared the statement or issued the report does not hold a live permit issued by the Board; and

(2) The statement or report does not purport to have been prepared in compliance with the professional standards of accounting adopted by the Board.

Sec. 36. NRS 628.520 is hereby amended to read as follows:

628.520 A person shall not sign or affix the name of a partnership, corporation, limited-liability company or sole proprietorship with any wording indicating that it is a partnership, corporation, limited-liability company or sole proprietorship composed of accountants or auditors or persons having expert knowledge or special expertise in accounting or auditing, to any accounting or financial statement, or attest to any accounting or financial statement, unless the partnership, corporation, limited-liability company or sole proprietorship is:

1. Registered pursuant to NRS 628.335 **[**~~, 628.360, 628.363 or 628.365~~**]** and all of its offices in this State for the practice of public accounting are maintained and registered as required under NRS 628.370; or

2. Performing services within the practice of public accounting pursuant to the provisions of subsection 3 of NRS 628.335.

Sec. 37. NRS 628.540 is hereby amended to read as follows:

628.540 1. Except as otherwise provided in subsection 2, a person, partnership, corporation, limited-liability company or sole proprietorship shall not engage in the practice of public accounting or hold himself, herself or itself out to the public as an "accountant" or "auditor" by use of either or both of those words ~~[, or by use of the word "accounting,"]~~ ***in connection with any other language which implies that such a person or firm holds a certificate, permit or registration or has special competence as an accountant or auditor*** on any sign, card, letterhead or in any advertisement or directory unless:

(a) If a natural person, he or she holds a live permit or has been granted practice privileges pursuant to NRS 628.315; or

(b) If a partnership, corporation, limited-liability company or sole proprietorship, it is registered pursuant to NRS 628.335 ~~[, 628.360, 628.363 or 628.365]~~ or is performing services within the practice of public accounting pursuant to the provisions of subsection 3 of NRS 628.335.

2. The provisions of subsection 1 do not prohibit:

(a) Any officer, employee, partner, shareholder, principal or member of any organization from describing himself or herself by the position, title or office he or she holds in that organization.

(b) Any act of a public official or public employee in the performance of his or her duties as such.

Sec. 38. NRS 628.550 is hereby amended to read as follows:

628.550 1. A person shall not assume or use the title or designation "certified public accountant" or "public accountant" in conjunction with names indicating or implying that there is a partnership, corporation or limited-liability company, or in conjunction with the designation "and Company" or "and Co." or a similar designation, if there is in fact no bona fide partnership, corporation or limited-liability company:

(a) Registered under NRS 628.335 ***;*** ~~[, 628.360, 628.363 or 628.365;]~~ or

(b) Performing services within the practice of public accounting pursuant to the provisions of subsection 3 of NRS 628.335.

~~[➥ A sole proprietor or partnership lawfully using a title or designation in conjunction with any names or designation on April 1, 1960, may continue to do so if the sole proprietor or partnership otherwise complies with the provisions of this chapter.]~~

2. A person, partnership, corporation or limited-liability company shall not engage in the practice of public accounting under any name which is misleading as to:

(a) The legal form of the firm;

(b) The persons who are partners, officers, shareholders or members; or

(c) Any other matter.

➥ The names of past partners, shareholders or members may be included in the name of a firm or its successors.

Sec. 39. NRS 628.570 is hereby amended to read as follows:

628.570 Whenever in the judgment of the Board any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, a violation of NRS 628.435 or 628.450 to 628.550, inclusive, the Board may ***issue and serve on the person an order to cease and desist or*** make application to an appropriate court for an order enjoining the acts or practices, and upon a showing by the Board that the person has engaged, or is about to engage, in any of those acts or practices, an injunction, restraining order or such order as may be appropriate must be granted by the court without a bond.

Sec. 40. NRS 628.580 is hereby amended to read as follows:

628.580 1. Any person who violates any provision of NRS 628.435 or 628.450 to 628.550, inclusive, is guilty of a ***gross*** misdemeanor.

2. Whenever the Board has reason to believe that any person is liable to punishment under this section **,** it may certify the facts to the Attorney General or other appropriate enforcement officer, who may, in his or her discretion, cause appropriate proceedings to be brought.

Sec. 41. NRS 628A.010 is hereby amended to read as follows:

628A.010 As used in this chapter, unless the context otherwise requires:

1. "Client" means a person who receives advice from a financial planner.

2. "Compensation" means a fee for services provided by a financial planner to a client or a commission or other remuneration derived by a financial planner from a person other than the client as the result of the purchase of a good or service by the client.

3. "Financial planner" means a person who for compensation advises others upon the investment of money or upon provision for income to be needed in the future, or who holds himself or herself out as qualified to perform either of these functions, but does not include:

(a) An attorney and counselor at law admitted by the Supreme Court of this State;

(b) A certified public accountant ~~[or a public accountant licensed]~~ ***who holds a certificate issued*** pursuant to NRS 628.190 to 628.310, inclusive ***;*** ~~[, or 628.350;]~~

(c) A broker-dealer or sales representative licensed pursuant to NRS 90.310 or exempt under NRS 90.320;

(d) An investment adviser licensed pursuant to NRS 90.330 or exempt under NRS 90.340; or

(e) A producer of insurance licensed pursuant to chapter 683A of NRS or an insurance consultant licensed pursuant to chapter 683C of NRS,

➥ whose advice upon investment or provision of future income is incidental to the practice of his or her profession or business.

Sec. 42. NRS 172.205 is hereby amended to read as follows:

172.205 The grand jury shall have the power, with the consent of the board of county commissioners, to engage the services of an attorney other than and in addition to the district attorney, certified ~~[or registered]~~ public

accountants, and such other skilled persons as may be necessary in the performance of its inquisitorial powers.

Sec. 43. NRS 361.375 is hereby amended to read as follows:

361.375 1. The State Board of Equalization, consisting of five members appointed by the Governor, is hereby created. The Governor shall designate one of the members to serve as Chair of the Board.

2. The Governor shall appoint:

(a) One member who is a certified public accountant **.** ~~[or a registered public accountant.]~~

(b) One member who is a property appraiser with a professional designation.

(c) One member who is versed in the valuation of centrally assessed properties.

(d) Two members who are versed in business generally.

3. Only three of the members may be of the same political party and no more than two may be from the same county.

4. An elected public officer or his or her deputy, employee or any person appointed by him or her to serve in another position must not be appointed to serve as a member of the State Board of Equalization.

5. After the initial terms, members serve terms of 4 years, except when appointed to fill unexpired terms. No member may serve more than two full terms consecutively.

6. Any member of the State Board of Equalization may be removed by the Governor if, in the opinion of the Governor, that member is guilty of malfeasance in office or neglect of duty.

7. Each member of the State Board of Equalization is entitled to receive a salary of not more than $80, as fixed by the Board, for each day actually employed on the work of the Board.

8. While engaged in the business of the State Board of Equalization, each member and employee of the Board is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

9. A majority of the members of the State Board of Equalization constitutes a quorum, and a majority of the Board shall determine the action of the Board. The Board may adopt regulations governing the conduct of its business.

10. The State Board of Equalization shall comply with any applicable regulation adopted by the Nevada Tax Commission.

11. The staff of the State Board of Equalization must be provided by the Department and the Executive Director is the Secretary of the Board.

Sec. 44. NRS 678.390 is hereby amended to read as follows:

678.390 1. The board may appoint an audit committee to make an annual audit of the financial records of the credit union and any interim audits as may be deemed necessary by the board or as may be directed by the Commissioner. A copy of the report must be submitted to the board and the

Commissioner and a summary presented to the members at the next annual meeting.

2. The audit committee may by unanimous vote suspend any director, officer or member of the credit union following an audit, for any violation of this chapter, the charter or bylaws or for any other practice which the audit committee deems to be unsafe or unauthorized. In such cases, the audit committee shall call a special meeting of the members not less than 7 nor more than 21 days following the suspension and the suspension must be ratified or overturned by the members.

3. Any member of the audit committee may be suspended by the board for the same reasons and in the same manner as provided in subsection 2.

4. The audit committee may by a majority vote call a special meeting of the members to consider any violation of this chapter, the charter or bylaws or any practice of the credit union deemed by the audit committee to be unsafe or unauthorized.

5. The board of directors or the audit committee may employ the services of a certified public accountant ~~[or a registered public accountant]~~ to complete the necessary audit of the records of the credit union.

Sec. 45. NRS 628.029, 628.350, 628.360, 628.363 and 628.365 are hereby repealed.

Sec. 46. This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

628.029 "Registered public accountant" defined.

628.350 Requirements for issuance of license as public accountant.

628.360 Requirements for registration as partnership of public accountants.

628.363 Requirements for registration as corporation of public accountants.

628.365 Requirements for registration as limited-liability company of public accountants.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 457.

Bill read second time.

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

Amendment No. 600.

AN ACT relating to professional licensing; requiring the Board of Psychological Examiners, the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, the Board of Examiners for

Social Workers and the Board of Examiners for Alcohol, Drug and Gambling Counselors to report certain information to the Commission on Behavioral Health; requiring new members of those boards to complete an orientation; requiring those boards to adopt certain policies and regulations ~~[and]~~ **; authorizing those boards to** enter into certain agreements; authorizing a person aggrieved by certain actions of those boards to appeal to the Commission; requiring the Commission to review all regulations adopted by those boards; **revising the qualifications of certain members of the Commission;** prohibiting certain persons from serving on the Commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes: (1) the Board of Psychological Examiners, which regulates psychologists, behavior analysts and assistant behavior analysts; (2) the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, which regulates marriage and family therapists and clinical professional counselors; (3) the Board of Examiners for Social Workers, which regulates social workers; and (4) the Board of Examiners for Alcohol, Drug and Gambling Counselors, which regulates alcohol, drug and problem gambling counselors. (Chapters 641-641C of NRS) **Sections 2, 11, 18 and 25** of this bill require those boards to submit an annual report to the Commission on Behavioral Health concerning investigations ~~[, disciplinary actions]~~ and review of applications for the issuance or renewal of a license or certificate. **Sections 3, 12, 19 and 26** of this bill: (1) require each new member of those boards to complete an orientation within 60 days after appointment; and (2) require each board to establish policies concerning compensation and reviewing the performance of the staff of the board. **Sections 4, 13, 20 and 27** of this bill ~~[require]~~ **authorize** the boards to enter into agreements with the Department of Health and Human Services or a division thereof ~~[when necessary]~~ to carry out or improve the performance of the boards' duties.

Sections 5, 16, 21 and 28 of this bill require the same boards to adopt online application forms for the issuance or renewal of a license or certificate. **Sections 6, 14, 22, 29 and 34** of this bill ~~[: (1)]~~ authorize a person aggrieved by an order of any of those boards in refusing to issue or renew a license or certificate or imposing disciplinary action to appeal that order to the Commission on Behavioral Health **.** ~~[, and (2) allow the Commission to review and modify or rescind such orders on its own motion.]~~ **Sections 7, 15, 23 and 30** of this bill require each of the boards to adopt regulations establishing: (1) standards concerning the locations at which ~~[licensees and holders of certificates]~~ **interns** provide services; (2) standards concerning the supervision of interns working at remote sites; and (3) a manner in which the qualifications for issuance or renewal of a license will be made available to the public. **Sections 7, 15, 23, 30 and 34** also require the Commission to review **and make recommendations concerning** all regulations adopted by the boards **.** ~~[before such regulations are submitted to the Legislative~~

~~Commission for approval.]~~ **Section 32** of this bill **: (1) revises the qualifications of certain members of the Commission; and (2)** prohibits a member of any of those boards from serving concurrently as a member of the Commission **.** ~~[on Behavioral Health.]~~ **Section 35** of this bill requires each of the boards to submit a report to the Commission ~~[on Behavioral Health]~~ on or before January 1, 2018, concerning the costs of the board, the fees imposed by the board and the efforts of the board to recognize licenses, certificates and other credentials from jurisdictions outside this State and to carry out the provisions of this bill.

WHEREAS, Licensing boards that issue licenses and certificates to behavioral health professionals have an obligation to protect the safety of the public, promote the provision of high-quality behavioral health care and facilitate the licensure and certification of behavioral health professionals; and

WHEREAS, To achieve these objectives, such boards must develop and implement fair and transparent policies and procedures for the licensing, certification and regulation of behavioral health professionals; and

WHEREAS, The implementation of such policies and procedures will increase the availability and accessibility of high-quality behavioral health services to the residents of this State; now, therefore,

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

Section 1. Chapter 641 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***On or before February 1 of each year, the Board shall submit to the Commission on Behavioral Health a report which must include:***

1. The number of complaints received, ~~***[investigations initiated and]***~~ ***investigations completed*** ~~***[and the number and type of disciplinary actions imposed by the Board]***~~ ***, cases dismissed, cases settled and cases for which hearings were held within the immediately preceding calendar year; and***

2. The number of applications for the issuance or renewal of a license received by the Board during the immediately preceding calendar year and the number of those applications for which the Board conducted additional review beyond the standard review regularly conducted by the Board . ~~***[during the immediately preceding calendar year, the percentage of total applications received by the Board during the immediately preceding calendar year for which the Board conducted such additional review and the reasons such additional review was conducted.]***~~

Sec. 3. ***The Board shall:***

1. Require each new member of the Board to complete orientation within 60 days after his or her appointment to the Board. The orientation must include, without limitation, instruction concerning:

(a) The purposes of the Board and the duties of its members;

(b) Applicable laws and regulations, including, without limitation, the provisions of NRS 641.230 to 641.320, inclusive, and section 6 of this act and the importance of complying with applicable laws and regulations in a timely manner; and

(c) Requirements concerning managing the finances of the Board.

2. Establish policies concerning compensation and reviewing the performance of the staff of the Board.

Sec. 4. *The Board ~~[shall]~~ may enter into an agreement with the Department of Health and Human Services or a division thereof to provide services ~~[when necessary]~~ to carry out or improve any function of the Board. Such services may include, without limitation:*

1. Assistance in processing applications for the issuance or renewal of licenses;

2. Technical assistance;

3. Facilitating cooperation with other boards and licensing entities in this State or any other jurisdiction;

4. Recommendations to improve and standardize procedures used by the Board; and

5. Assistance in identifying resources for improving the operations of the Board.

Sec. 5. *The Board shall prescribe forms for applying for the issuance or renewal of a license. The forms must:*

1. Be available to be completed on the Internet website maintained by the Board;

2. Provide immediate, automatic feedback to the applicant concerning whether the applicant has submitted all required information; and

3. Automatically store the data submitted by the applicant upon completion of the application.

Sec. 6. *1. Not later than 30 days after the Board ~~[issues an order refusing to issue or renew]~~ denies an application for the issuance or renewal of a license or issues an order imposing disciplinary action against a licensee, the applicant or licensee aggrieved by the order may submit an appeal to the Commission on Behavioral Health. The Commission shall notify the Board not later than 10 days after receiving such an appeal.*

2. The Commission shall, upon an appeal submitted pursuant to subsection 1 , ~~[or its own motion,]~~ investigate the refusal of the Board to issue or renew a license or any disciplinary action imposed by the Board. The action of the Board remains in effect until the Commission renders a decision pursuant to subsection 3.

3. After conducting ~~[such]~~ an investigation ~~[,]~~ pursuant to subsection 2, the Commission shall render a decision on the appeal. In rendering a decision, the Commission shall presume that the action of the Board was proper and shall not substitute its judgment for that of the Board concerning the weight of evidence on a question of fact. The Commission

may order the Board to issue or renew the license or modify or ~~[rescind]~~ set aside the disciplinary action, as applicable ~~[.~~

~~3.]~~ , only if the Commission finds that the action of the Board:

(a) Violates constitutional or statutory provisions;

(b) Exceeds the statutory authority of the agency;

(c) Was made upon unlawful procedure;

(d) Is affected by other error of law;

(e) Is clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or

(f) Is arbitrary or capricious or characterized by abuse of discretion.

4. An investigation conducted by the Commission pursuant to the provisions of this section is limited to the application for the issuance or renewal of a license and any information submitted in conjunction with the application or the record of the disciplinary proceeding created by the Board, as applicable. The Board shall provide those records to the Commission upon request. Unless the information is deemed a public record under the provisions of NRS 641.090 or 641.240 or other applicable law, the Commission shall keep the information confidential.

Sec. 7. NRS 641.100 is hereby amended to read as follows:

641.100 ***1. The Board shall adopt regulations prescribing:***

(a) Uniform standards concerning the locations at which ~~[licensees]~~ interns provide services;

(b) Standards concerning the electronic supervision of interns working at remote sites; and

(c) A manner by which the qualifications for the issuance or renewal of a license under the provisions of this chapter will be made available to the public such that those qualifications are clearly defined and easily understood.

2. The Board may make and promulgate ***any other*** rules and regulations not inconsistent with the provisions of this chapter governing its procedure, the examination and licensure of applicants, the granting, refusal, revocation or suspension of licenses, the practice of psychology and the practice of applied behavior analysis.

3. ~~[Any regulation adopted by]~~ On the date that the Board ~~[must be submitted]~~ gives notice pursuant to NRS 233B.060 of its intent to adopt, amend or repeal a regulation, the Board shall submit the regulation to the Commission on Behavioral Health for review . ~~[and approved by the Commission on Behavioral Health before being submitted to the Legislative Commission for review pursuant to NRS 233B.0633 or 233B.067.]~~ The Commission shall review the regulation and make recommendations to the Board concerning the advisability of adopting, amending or repealing the regulation and any changes that the Commission deems advisable.

Sec. 8. NRS 641.160 is hereby amended to read as follows:

641.160 1. Each person desiring a license must:

(a) Make application to the Board upon a form, and in a manner, prescribed by the Board ~~[.]~~ ***pursuant to section 5 of this act.*** The application must be accompanied by the application fee prescribed by the Board and include all information required to complete the application.

(b) As part of the application and at his or her own expense:

(1) Arrange to have a complete set of fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Board; and

(2) Submit to the Board:

(I) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background, and to such other law enforcement agencies as the Board deems necessary for a report on the applicant's background; or

(II) Written verification, on a form prescribed by the Board, stating that the set of fingerprints of the applicant was taken and directly forwarded electronically or by other means to the Central Repository for Nevada Records of Criminal History and that the applicant provided written permission authorizing the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background, and to such other law enforcement agencies as the Board deems necessary for a report on the applicant's background.

2. The Board may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to sub-subparagraph (II) of subparagraph (2) of paragraph (b) of subsection 1, submit those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Board deems necessary; and

(b) Request from each agency to which the Board submits the fingerprints any information regarding the applicant's background as the Board deems necessary.

3. An application is not considered complete and received for purposes of evaluation pursuant to subsection 4 of NRS 641.170 until the Board receives a complete set of fingerprints or verification that the fingerprints have been forwarded electronically or by other means to the Central Repository for Nevada Records of Criminal History, and written authorization from the applicant pursuant to this section.

Sec. 9. NRS 641.312 is hereby amended to read as follows:

641.312 1. Any person who has been placed on probation or whose license has been limited, suspended or revoked ***, and whose appeal pursuant to section 6 of this act has been denied,*** is entitled to judicial review of the order.

2. Every order which limits the practice of psychology or suspends or revokes a license is effective from the date the Board certifies the order until the date the order is modified or reversed by ***an order of the Commission on Behavioral Health pursuant to section 6 of this act or*** a final judgment of the court.

3. The district court shall give a petition for judicial review of the order priority over other civil matters which are not expressly given priority by law.

Sec. 10. Chapter 641A of NRS is hereby amended by adding thereto the provisions set forth as sections 11 to 14, inclusive, of this act.

Sec. 11. ***On or before February 1 of each year, the Board shall submit to the Commission on Behavioral Health a report which must include:***

1. The number of complaints received, ~~[investigations initiated and]~~ investigations completed ~~[and the number and type of disciplinary actions imposed by the Board]~~ , cases dismissed, cases settled and cases for which hearings were held within the immediately preceding calendar year; and

2. The number of applications for the issuance or renewal of a license received by the Board during the immediately preceding calendar year and the number of those applications for which the Board conducted additional review beyond the standard review regularly conducted by the Board . ~~[during the immediately preceding calendar year, the percentage of total applications received by the Board during the immediately preceding calendar year for which the Board conducted such additional review and the reasons such additional review was conducted.]~~

Sec. 12. ***The Board shall:***

1. Require each new member of the Board to complete orientation within 60 days after his or her appointment to the Board. The orientation must include, without limitation, instruction concerning:

(a) The purposes of the Board and the duties of its members;

(b) Applicable laws and regulations, including, without limitation, the provisions of NRS 641A.310 to 641A.400, inclusive, and section 14 of this act and the importance of complying with applicable laws and regulations in a timely manner; and

(c) Requirements concerning managing the finances of the Board.

2. Establish policies concerning compensation and reviewing the performance of the staff of the Board.

Sec. 13. ***The Board ~~[shall]~~ may enter into an agreement with the Department of Health and Human Services or a division thereof to provide services ~~[when necessary]~~ to carry out or improve any function of the Board. Such services may include, without limitation:***

1. Assistance in processing applications for the issuance or renewal of licenses;

2. Technical assistance;

3. Facilitating cooperation with other boards and licensing entities in this State or any other jurisdiction;

4. Recommendations to improve and standardize procedures used by the Board; and

5. Assistance in identifying resources for improving the operations of the Board.

Sec. 14. ***1. Not later than 30 days after the Board ~~[issues an order refusing to issue or renew]~~ denies an application for the issuance or renewal of a license or issues an order imposing disciplinary action against a licensee, the applicant or licensee aggrieved by the order may submit an appeal to the Commission on Behavioral Health. The Commission shall notify the Board not later than 10 days after receiving such an appeal.***

2. The Commission shall, upon an appeal submitted pursuant to subsection 1 or its own motion, investigate the refusal of the Board to issue or renew a license or any disciplinary action imposed by the Board. The action of the Board remains in effect until the Commission renders a decision pursuant to subsection 3.

3. After conducting ~~[such]~~ an investigation ~~[,]~~ pursuant to subsection 2, the Commission shall render a decision on the appeal. In rendering a decision, the Commission shall presume that the action of the Board was proper and shall not substitute its judgment for that of the Board concerning the weight of evidence on a question of fact. The Commission may order the Board to issue or renew the license or modify or ~~[rescind]~~ set aside the disciplinary action, as applicable ~~[.~~

~~3.]~~ , only if the Commission finds that the action of the Board:

(a) Violates constitutional or statutory provisions;

(b) Exceeds the statutory authority of the agency;

(c) Was made upon unlawful procedure;

(d) Is affected by other error of law;

(e) Is clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or

(f) Is arbitrary or capricious or characterized by abuse of discretion.

4. An investigation conducted by the Commission pursuant to the provisions of this section is limited to the application for the issuance or renewal of a license and any information submitted in conjunction with the application or the record of the disciplinary proceeding created by the Board, as applicable. The Board shall provide those records to the Commission upon request. Unless the information is deemed a public record under the provisions of NRS 641A.191 or 641A.320 or other applicable law, the Commission shall keep the information confidential.

~~[4.]~~ 5. An order of the Board suspending or revoking a license or imposing other disciplinary action against a licensee is final for purposes of judicial review upon the denial of an appeal pursuant to this section.

Sec. 15. NRS 641A.160 is hereby amended to read as follows:

641A.160 ***1.*** The Board shall adopt regulations not inconsistent with the provisions of this chapter governing its procedure, the examination and licensing of applicants, the granting, refusal, revocation or suspension of

licenses, and the practice of marriage and family therapy and the practice of clinical professional counseling as those practices apply to this chapter.

2. The regulations adopted pursuant to subsection 1 must prescribe:

(a) Uniform standards concerning the locations at which ~~[licensees]~~ interns provide services;

(b) Standards concerning the electronic supervision of interns working at remote sites; and

(c) A manner by which the qualifications for the issuance or renewal of a license under the provisions of this chapter will be made available to the public such that those qualifications are clearly defined and easily understood.

3. ~~[Any regulation adopted by]~~ On the date that the Board ~~[must be submitted]~~ gives notice pursuant to NRS 233B.060 of its intent to adopt, amend or repeal a regulation, the Board shall submit the regulation to the Commission on Behavioral Health for review . ~~[and approved by the Commission on Behavioral Health before being submitted to the Legislative Commission for review pursuant to NRS 233B.0633 or 233B.067.]~~ The Commission shall review the regulation and make recommendations to the Board concerning the advisability of adopting, amending or repealing the regulation and any changes that the Commission deems advisable.

Sec. 16. NRS 641A.210 is hereby amended to read as follows:

641A.210 ***1.*** Each person desiring a license must apply to the Board upon a form, and in a manner, prescribed by the Board. The application must be accompanied by the application fee prescribed by the Board and all information required to complete the application.

2. The Board shall prescribe forms for applying for the issuance or renewal of a license. The forms must:

(a) Be available to be completed on the Internet website maintained by the Board;

(b) Provide immediate, automatic feedback to the applicant concerning whether the applicant has submitted all required information; and

(c) Automatically store the data submitted by the applicant upon completion of the application.

Sec. 17. Chapter 641B of NRS is hereby amended by adding thereto the provisions set forth as sections 18 to 22, inclusive, of this act.

Sec. 18. ***On or before February 1 of each year, the Board shall submit to the Commission on Behavioral Health a report which must include:***

1. The number of complaints received, ~~[investigations initiated and]~~ investigations completed ~~[and the number and type of disciplinary actions imposed by the Board]~~ , cases dismissed, cases settled and cases for which hearings were held within the immediately preceding calendar year; and

2. The number of applications for the issuance or renewal of a license received by the Board during the immediately preceding calendar year and the number of those applications for which the Board conducted additional

review beyond the standard review regularly conducted by the Board . ~~*[during the immediately preceding calendar year, the percentage of total applications received by the Board during the immediately preceding calendar year for which the Board conducted such additional review and the reasons such additional review was conducted.]*~~

Sec. 19. *The Board shall:*

1. Require each new member of the Board to complete orientation within 60 days after his or her appointment to the Board. The orientation must include, without limitation, instruction concerning:

(a) The purposes of the Board and the duties of its members;

(b) Applicable laws and regulations, including, without limitation, the provisions of NRS 641B.400 to 641B.450, inclusive, and section 22 of this act and the importance of complying with applicable laws and regulations in a timely manner; and

(c) Requirements concerning managing the finances of the Board.

2. Establish policies concerning compensation and reviewing the performance of the staff of the Board.

Sec. 20. *The Board* ~~*[shall]*~~ *may enter into an agreement with the Department of Health and Human Services or a division thereof to provide services* ~~*[when necessary]*~~ *to carry out or improve any function of the Board. Such services may include, without limitation:*

1. Assistance in processing applications for the issuance or renewal of licenses;

2. Technical assistance;

3. Facilitating cooperation with other boards and licensing entities in this State or any other jurisdiction;

4. Recommendations to improve and standardize procedures used by the Board; and

5. Assistance in identifying resources for improving the operations of the Board.

Sec. 21. *The Board shall prescribe forms for applying for the issuance or renewal of a license. The forms must:*

1. Be available to be completed on the Internet website maintained by the Board;

2. Provide immediate, automatic feedback to the applicant concerning whether the applicant has submitted all required information; and

3. Automatically store the data submitted by the applicant upon completion of the application.

Sec. 22. *1. Not later than 30 days after the Board* ~~*[issues an order refusing to issue or renew]*~~ *denies an application for the issuance or renewal of a license or issues an order imposing disciplinary action against a licensee, the applicant or licensee aggrieved by the order may submit an appeal to the Commission on Behavioral Health. The Commission shall notify the Board not later than 10 days after receiving such an appeal.*

2. The Commission shall, upon an appeal submitted pursuant to subsection 1 or its own motion, investigate the refusal of the Board to issue or renew a license or any disciplinary action imposed by the Board. The action of the Board remains in effect until the Commission renders a decision pursuant to subsection 3.

3. After conducting [such] an investigation [,] pursuant to subsection 2, the Commission shall render a decision on the appeal. In rendering a decision, the Commission shall presume that the action of the Board was proper and shall not substitute its judgment for that of the Board concerning the weight of evidence on a question of fact. The Commission may order the Board to issue or renew the license or modify or [rescind] set aside the disciplinary action, as applicable [.] 3.] , only if the Commission finds that the action of the Board:

(a) Violates constitutional or statutory provisions;

(b) Exceeds the statutory authority of the agency;

(c) Was made upon unlawful procedure;

(d) Is affected by other error of law;

(e) Is clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or

(f) Is arbitrary or capricious or characterized by abuse of discretion.

4. An investigation conducted by the Commission pursuant to the provisions of this section is limited to the application for the issuance or renewal of a license and any information submitted in conjunction with the application or the record of the disciplinary proceeding created by the Board, as applicable. The Board shall provide those records to the Commission upon request. Unless the information is deemed a public record under the provisions of NRS 641B.170 or 641B.430 or other applicable law, the Commission shall keep the information confidential.

[4.] 5. An order of the Board suspending or revoking a license or imposing other disciplinary action against a licensee is final for purposes of judicial review upon the denial of an appeal pursuant to this section.

Sec. 23. NRS 641B.160 is hereby amended to read as follows:

641B.160 ***1.*** The Board shall adopt:

[1.] ***(a)*** Such regulations as are necessary or desirable to enable it to carry out the provisions of this chapter; [and

2.] ***(b)*** Regulations establishing reasonable standards for the psychiatric training and experience necessary for a clinical social worker to be authorized to make the certifications described in NRS 433A.170, 433A.195 and 433A.200 [.] ***;***

(c) Regulations prescribing uniform standards concerning the locations at which [licensees] interns provide services;

(d) Regulations prescribing standards concerning the electronic supervision of interns working at remote sites; and

(e) Regulations prescribing the manner by which the qualifications for the issuance or renewal of a license under the provisions of this chapter

will be made available to the public such that those qualifications are clearly defined and easily understood.

2. ~~[Any regulation adopted by]~~ On the date that the Board ~~[must be submitted]~~ gives notice pursuant to NRS 233B.060 of its intent to adopt, amend or repeal a regulation, the Board shall submit the regulation to the Commission on Behavioral Health for review . ~~[and approved by the Commission on Behavioral Health before being submitted to the Legislative Commission for review pursuant to NRS 233B.0633 or 233B.067.]~~ The Commission shall review the regulation and make recommendations to the Board concerning the advisability of adopting, amending or repealing the regulation and any changes that the Commission deems advisable.

Sec. 24. Chapter 641C of NRS is hereby amended by adding thereto the provisions set forth as sections 25 to 29, inclusive, of this act.

Sec. 25. ***On or before February 1 of each year, the Board shall submit to the Commission on Behavioral Health a report which must include:***

1. The number of complaints received, ~~[investigations initiated and]~~ investigations completed ~~[and the number and type of disciplinary actions imposed by the Board]~~ , cases dismissed, cases settled and cases for which hearings were held within the immediately preceding calendar year; and

2. The number of applications for the issuance or renewal of a license or certificate received by the Board during the immediately preceding calendar year and the number of those applications for which the Board conducted additional review beyond the standard review regularly conducted by the Board . ~~[during the immediately preceding calendar year, the percentage of total applications received by the Board during the immediately preceding calendar year for which the Board conducted such additional review and the reasons such additional review was conducted.]~~

Sec. 26. ***The Board shall:***

1. Require each new member of the Board to complete orientation within 60 days after his or her appointment to the Board. The orientation must include, without limitation, instruction concerning:

(a) The purposes of the Board and the duties of its members;

(b) Applicable laws and regulations, including, without limitation, the provisions of NRS 641C.700 to 641C.760, inclusive, and section 29 of this act and the importance of complying with applicable laws and regulations in a timely manner; and

(c) Requirements concerning managing the finances of the Board.

2. Establish policies concerning compensation and reviewing the performance of the staff of the Board.

Sec. 27. ***The Board ~~[shall]~~ may enter into an agreement with the Department of Health and Human Service or a division thereof to provide services ~~[when necessary]~~ to carry out or improve any function of the Board. Such services may include, without limitation:***

1. Assistance in processing applications for the issuance or renewal of licenses and certificates;

2. Technical assistance;

3. Facilitating cooperation with other boards and licensing entities in this State or any other jurisdiction;

4. Recommendations to improve and standardize procedures used by the Board; and

5. Assistance in identifying resources for improving the operations of the Board.

Sec. 28. *The Board shall prescribe forms for applying for the issuance or renewal of a license or certificate. The forms must:*

1. Be available to be completed on the Internet website maintained by the Board;

2. Provide immediate, automatic feedback to the applicant concerning whether the applicant has submitted all required information; and

3. Automatically store the data submitted by the applicant upon completion of the application.

Sec. 29. *1. Not later than 30 days after the Board ~~[issues an order refusing to issue or renew]~~ denies an application for the issuance or renewal of a license or certificate or issues an order imposing disciplinary action against a licensee or the holder of a certificate, the applicant, licensee or holder of a certificate aggrieved by the order may submit an appeal to the Commission on Behavioral Health. The Commission shall notify the Board not later than 10 days after receiving such an appeal.*

2. The Commission shall, upon an appeal submitted pursuant to subsection 1 or its own motion, investigate the refusal of the Board to issue or renew a license or certificate or any disciplinary action imposed by the Board. The action of the Board remains in effect until the Commission renders a decision pursuant to subsection 3.

3. After conducting ~~[such]~~ an investigation ~~[,]~~ pursuant to subsection 2, the Commission shall render a decision on the appeal. In rendering a decision, the Commission shall presume that the action of the Board was proper and shall not substitute its judgment for that of the Board concerning the weight of evidence on a question of fact. The Commission may order the Board to issue or renew the license or certificate or modify or ~~[rescind]~~ set aside the disciplinary action, as applicable ~~[.~~

~~3.]~~ , only if the Commission finds that the action of the Board:

(a) Violates constitutional or statutory provisions;

(b) Exceeds the statutory authority of the agency;

(c) Was made upon unlawful procedure;

(d) Is affected by other error of law;

(e) Is clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or

(f) Is arbitrary or capricious or characterized by abuse of discretion.

4. An investigation conducted by the Commission pursuant to the provisions of this section is limited to the application for the issuance or renewal of a license or certificate and any information submitted in conjunction with the application or the record of the disciplinary proceeding created by the Board, as applicable. The Board shall provide those records to the Commission upon request. Unless the information is deemed a public record under the provisions of NRS 641C.720 or 641C.760 or other applicable law, the Commission shall keep the information confidential.

~~[4.]~~ 5. An order of the Board suspending or revoking a license or certificate or imposing other disciplinary action against a licensee or the holder of a certificate is final for purposes of judicial review upon the denial of an appeal pursuant to this section.

Sec. 30. NRS 641C.200 is hereby amended to read as follows:

641C.200 1. The Board shall adopt such regulations as are necessary to carry out the provisions of this chapter, including, without limitation, regulations that prescribe:

(a) The ethical standards for licensed and certified counselors and certified interns; ~~[and]~~

(b) The requirements for continuing education for the renewal, restoration or reinstatement of a license or certificate ~~[.]~~ ***;***

(c) Uniform standards concerning the locations at which ~~[licensees and holders of certificates]~~ interns provide services;

(d) Standards concerning the electronic supervision of interns working at remote sites; and

(e) The manner by which the qualifications for the issuance or renewal of a license or certificate under the provisions of this chapter will be made available to the public such that those qualifications are clearly defined and easily understood.

2. The Board may adopt regulations that prescribe:

(a) The contents of a written and oral examination concerning the practice of counseling problem gamblers;

(b) The grounds for initiating disciplinary action against a certified problem gambling counselor or certified problem gambling counselor intern; and

(c) Disciplinary procedures for certified problem gambling counselors and certified problem gambling counselor interns, including the suspension, revocation and reinstatement of a certificate as a problem gambling counselor or problem gambling counselor intern.

3. Any regulations adopted by the Board pursuant to this section must be consistent ~~[:***

(a) Consistent] with the provisions of chapter 622A of NRS ~~[; and***

(b) Submitted for review and approved by the Commission on Behavioral Health before being submitted to the Legislative Commission for review pursuant to NRS 233B.0633 or 233B.067.]~~

4. On the date that the Board gives notice pursuant to NRS 233B.060 of its intent to adopt, amend or repeal a regulation, the Board shall submit the regulation to the Commission on Behavioral Health for review. The Commission shall review the regulation and make recommendations to the Board concerning the advisability of adopting, amending or repealing the regulation and any changes that the Commission deems advisable.

Sec. 31. NRS 641C.260 is hereby amended to read as follows:

641C.260 Each applicant for a license or certificate must submit to the Board:

1. An application on a form ~~[provided]~~ ***prescribed*** by the Board ~~[;]~~ ***pursuant to section 28 of this act;***

2. A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

3. The application fee prescribed in NRS 641C.470.

Sec. 32. NRS 232.361 is hereby amended to read as follows:

232.361 1. There is hereby created in the Department a Commission on Behavioral Health consisting of 10 members appointed by the Governor, at least 3 of whom have training or experience in dealing with intellectual disabilities.

2. The Governor shall appoint:

(a) A psychiatrist licensed to practice medicine in this State, from a list of three candidates submitted by the Nevada Psychiatric Association;

(b) A psychologist licensed to practice in this State and experienced in clinical practice, from a list of four candidates submitted by the Nevada Psychological Association, two of whom must be from northern Nevada and two of whom must be from southern Nevada;

(c) A physician, other than a psychiatrist, licensed to practice medicine in this State and who has experience in dealing with intellectual disabilities, from a list of three candidates submitted by the Nevada State Medical Association;

(d) A ***clinical*** social worker ***licensed to practice in this State*** who ~~[has a master's degree and]~~ has experience in dealing with mental illness or intellectual disabilities, or both;

(e) A registered nurse licensed to practice in this State who has experience in dealing with mental illness or intellectual disabilities, or both, from a list of three candidates submitted by the Nevada Nurses Association;

(f) A marriage and family therapist ***or clinical professional counselor*** licensed ~~[to practice in this State, from a list of three candidates submitted by the Nevada Association for Marriage and Family Therapy;]~~ ***pursuant to chapter 641A of NRS;***

(g) A person who ~~[has knowledge and experience in the prevention of alcohol and drug abuse and the treatment and recovery of alcohol and drug abusers through a program or service provided]~~ ***is licensed or certified***

pursuant to chapter ~~[458]~~ ***641C*** of NRS ~~[, from a list of three candidates submitted by the Division of Public and Behavioral Health of the Department;]~~ ***who is not an intern;***

(h) A current or former recipient of mental health services provided by the State or any agency thereof;

(i) A representative of the general public who has a special interest in the field of mental health; and

(j) A representative of the general public who has a special interest in the field of intellectual disabilities.

3. The Governor shall appoint the Chair of the Commission from among its members.

4. After the initial terms, each member shall serve a term of 4 years. If a vacancy occurs during a member's term, the Governor shall appoint a person qualified under this section to replace that member for the remainder of the unexpired term.

5. A person may not serve concurrently as a member of the Commission and a member of the Board of Psychological Examiners, the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, the Board of Examiners for Social Workers or the Board of Examiners for Alcohol, Drug and Gambling Counselors.

Sec. 33. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085,

353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and sections 6, 14, 22 and 29 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede

or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

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

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

Sec. 34. NRS 433.314 is hereby amended to read as follows:

433.314 The Commission shall:

1. Establish policies to ensure adequate development and administration of services for persons with mental illness, persons with intellectual disabilities and persons with related conditions, persons with substance use disorders or persons with co-occurring disorders, including services to prevent mental illness, intellectual disabilities and related conditions, substance use disorders and co-occurring disorders, and services provided without admission to a facility or institution;

2. Set policies for the care and treatment of persons with mental illness, persons with intellectual disabilities and persons with related conditions, persons with substance use disorders or persons with co-occurring disorders provided by all state agencies;

3. Review the programs and finances of the Division; ~~[and]~~

4. Report at the beginning of each year to the Governor and at the beginning of each odd-numbered year to the Legislature on the quality of the care and treatment provided for persons with mental illness, persons with intellectual disabilities and persons with related conditions, persons with substance use disorders or persons with co-occurring disorders in this State and on any progress made toward improving the quality of that care and treatment ~~[.]~~ ***;***

5. Hear appeals, conduct investigations and issue orders pursuant to sections 6, 14, 22 and 29 of this act; and

6. Review and ~~[approve or reject]~~ make recommendations concerning regulations submitted to the Commission for review pursuant to NRS 641.100, 641A.160, 641B.160 and 641C.200.

Sec. 35. 1. On or before January 1, 2018, the Board of Psychological Examiners, the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, the Board of Examiners for ~~[Clinical]~~ Social Workers and the Board of Examiners for Alcohol, Drug and Gambling Counselors, respectively, shall each:

(a) Conduct an analysis of the necessity of the costs of the Board, whether the fees charged by the Board are necessary and sufficient to pay those costs, the Board's compliance with applicable law and the need for revision of the regulations of the Board. The analysis must include, without limitation, an analysis of the Board's:

(1) Recognition of licenses, certificates and other credentials from jurisdictions outside this State, including, without limitation, the number of licenses by endorsement it has issued during the 3-year period ending on December 1, 2017; and

(2) Efforts to comply with the amendatory provisions of this act.

(b) Submit to the Commission on Behavioral Health a report containing the results of the analysis conducted pursuant to paragraph (a).

2. On or before June 30, 2018, the Commission shall review the reports submitted to subsection 1 and require the Board of Psychological Examiners, the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, the Board of Examiners for ~~[Clinical]~~ Social Workers or the Board of Examiners for Alcohol, Drug and Gambling Counselors, as applicable, to take any action necessary to comply with existing law or improve the processes used by the board.

Sec. 35.5. **Not later than March 1, 2018, each person who is serving on January 1, 2018, as a member of the Board of Psychological Examiners, the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, the Board of Examiners for Social Workers or the Board of Examiners for Alcohol, Drug and Gambling Counselors, shall complete the orientation required for a new member of the Board of which he or she is a member pursuant to section 3, 12, 19 or 26 of this act, respectively.**

Sec. 36. **1. The term of any member of the Commission on Behavioral Health who is serving on the Commission pursuant to paragraph (d) or (g) of subsection 2 of NRS 232.361 on October 1, 2017, who does not meet the qualifications prescribed by paragraph (d) or (g) of subsection 2, as applicable, of NRS 232.361, as amended by section 32 of this act, expires on that date. The Governor shall appoint a person who meets the qualifications prescribed by paragraph (d) or (g) of subsection 2, as applicable, of NRS 232.361, as amended by section 32 of this act, to serve the remainder of that term.**

2. The term of any member of the Commission on Behavioral Health who is serving on the Commission in violation of **subsection 5 of** NRS 232.361, as amended by section 32 of this act, on October 1, **~~[~~2018,~~]~~ 2017,** expires on that date. The Governor shall appoint a person similarly qualified to serve the remainder of that term.

Sec. 37. 1. This section and sections 1 to 31, inclusive, 33, 34 **, ~~[~~and~~]~~** 35 **and 35.5** of this act become effective upon passage and approval for the purpose of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act and on January 1, 2018, for all other purposes.

2. Sections 32 and 36 of this act become effective on October 1, 2017.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 458.

Bill read second time.

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

Amendment No. 552.

AN ACT relating to industrial insurance; providing that certain phrases relating to a claim for compensation may be used interchangeably; authorizing an injured employee to obtain an independent medical examination under certain circumstances; setting forth the manner in which a vocational rehabilitation counselor is to be appointed; **increasing the amount of medical benefits required to be paid during the first 12 months after a claim is opened;** revising provisions relating to permanent partial disability; revising provisions concerning the payment in lump sum for a permanent partial disability; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill specifies that a physician or chiropractor may use interchangeably certain phrases that relate to a claim for compensation when determining the causation of an industrial injury or occupational disease.

Existing law authorizes a hearing officer or appeals officer to order an independent medical examination if such an examination is necessary to resolve a medical question concerning an injured employee's condition or to determine the necessity of treatment for which authorization for payment has been denied. In such situations, an injured employee may choose any physician or chiropractor, whether or not the physician or chiropractor is on the insurer's panel of providers of health care. (NRS 616C.330, 616C.360) **Section 3** of this bill sets forth that an injured employee is entitled to an independent medical examination for a claim for compensation that is open or when the closure of a claim is under dispute. **Section 3** further authorizes

the injured employee to obtain an independent medical examination: (1) when a dispute arises from a determination issued by the insurer; (2) within 30 days after the injured employee receives a certain report generated by a medical examination; or (3) by leave of a hearing officer or appeals officer. **Section 3** additionally requires an injured employee to select a physician or chiropractor from the panel of physicians or chiropractors established by the Administrator of the Division of Industrial Relations of the Department of Business and Industry. **Section 3** further requires the insurer to**: (1)** pay for an independent medical examination **;** and **(2) upon request, receive a copy of any report or other document that is generated as a result of the independent medical examination. Section 3 additionally** allows the injured employee to obtain ~~[not more than]~~ **only** one independent medical examination per **calendar** year.

Existing law provides that the primary obligation of a vocational rehabilitation counselor is to the injured employee. (NRS 616C.547) Existing law authorizes an insurer or injured employee to request a vocational rehabilitation counselor to prepare a written assessment of the injured employee. (NRS 616C.550) Existing law requires the vocational rehabilitation counselor to develop a plan for a program of vocational rehabilitation for each eligible injured employee. (NRS 616C.555) **Section 4** of this bill provides for a vocational rehabilitation counselor to be appointed by the insurer and injured employee when a written assessment is requested or when a plan for a program of vocational rehabilitation is required.

Existing law requires, where there is a previous disability, the percentage of disability for a subsequent injury to be determined by deducting from the entire disability of the person the percentage of previous disability as it existed at the time of the subsequent injury. (NRS 616C.490) The Division of Industrial Relations of the Department of Business and Industry previously implemented a regulation that required an apportionment to be made by subtracting the percentage of previous disability as it existed at the time of the previous disability from the percentage of present disability as it existed at the time of the present disability. (NAC 616C.490) The Nevada Supreme Court in *Pub. Agency Comp. Trust v. Blake*, 127 Nev. 863 (2011), found this regulation to be invalid since it was in conflict with the existing statute. **Section 8** of this bill incorporates the substance of the regulation at issue into existing law.

Existing law authorizes an insurer, after sending notice to the claimant, to close a claim if, during the first 12 months after a claim is opened, the medical benefits required to be paid for the claim are less than $300. Existing law further requires an insurer to send to a claimant who receives less than $300 in medical benefits within 6 months after the claim is opened a written notice that explains how the claim may be closed if, during the first 12 months after the claim is opened, the medical benefits required to be paid for the claim are less than $300.

(NRS 616C.235) Section 7.3 of this bill increases the amount of medical benefits required to be paid for the claim from $300 to $800.

Existing law sets forth that if an employee's claim is reopened, the employee is not entitled to vocational rehabilitation services or benefits for a temporary total disability if, before the claim was reopened, the employee retired for reasons unrelated to the injury for which the claim was originally made. (NRS 616C.390) Section 7.7 of this bill defines the term "retired" for the purposes of these existing provisions.

Existing law authorizes an award for a permanent partial disability to be paid in a lump sum. Existing law further provides how a lump sum amount is to be calculated and requires the tables used in this calculation to be reviewed annually by a consulting actuary. (NRS 616C.495) **Section 9** of this bill specifies the maximum amount of a lump sum that a person injured **on or after July 1, 1995, and before January 1, 2016, on or after January 1, 2016, and before July 1, 2017, and** on or after July 1, 2017, may elect to receive as his or her compensation. **Section 9** additionally requires the tables used to calculate the lump sum to be adjusted on July 1 of each year.

~~[Sections 5-7 of this bill make conforming changes.]~~

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

Section 1. Chapter 616C of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***Certain phrases relating to a claim for compensation for an industrial injury or occupational disease and used by a physician or chiropractor when determining the causation of an industrial injury or occupational disease are deemed to be equivalent and may be used interchangeably. Those phrases are:***

1. "Directly connect this injury or occupational disease as job incurred"; and

2. "A degree of reasonable medical probability that the condition in question was caused by the industrial injury."

Sec. 3. ***1. An injured employee may obtain an independent medical examination:***

(a) Except as otherwise provided in subsections 2 and 3, whenever a dispute arises from a determination issued by the insurer regarding the approval of care, the direction of a treatment plan or the scope of the claim;

(b) Within 30 days after an injured employee receives any report generated pursuant to a medical examination requested by the insurer pursuant to NRS 616C.140; or

(c) At any time by leave of a hearing officer or appeals officer after the denial of any therapy or treatment.

2. An injured employee is entitled to an independent medical examination pursuant to paragraph (a) of subsection 1 only:

(a) For a claim for compensation that is open;

(b) When the closure of a claim for compensation is under dispute pursuant to NRS 616C.235; or

(c) When a hearing or appeal is pending pursuant to NRS 616C.330 or 616C.360.

3. An injured employee is entitled to only one independent medical examination per calendar year pursuant to paragraph (a) of subsection 1.

4. Except as otherwise provided in subsection 5, an independent medical examination must not involve treatment and must be conducted by a physician or chiropractor selected by the injured employee from the panel of physicians and chiropractors established pursuant to subsection 1 of NRS 616C.090.

5. If the dispute concerns the rating of a permanent disability, an independent medical examination may be conducted by a rating physician or chiropractor. The injured employee must select the next rating physician or chiropractor in rotation from the list of qualified physicians and chiropractors maintained by the Administrator pursuant to subsection 2 of NRS 616C.490, unless the insurer and the injured employee otherwise agree to a rating physician or chiropractor.

6. The insurer shall ~~[pay]~~ :

(a) Pay the costs of any independent medical examination conducted pursuant to this section in accordance with NRS 616C.260 ~~[.]~~ ; and

(b) Upon request, receive a copy of any report or other document that is generated as a result of the independent medical examination.

7. The provisions of this section do not apply to an independent medical examination ordered by a hearing officer pursuant to subsection 3 of NRS 616C.330 or by an appeals officer pursuant to subsection 3 of NRS 616C.360.

Sec. 4. *Where a written assessment is requested pursuant to NRS 616C.550 or where a plan for a program of vocational rehabilitation is required pursuant to NRS 616C.555, a vocational rehabilitation counselor must be appointed as follows:*

1. The insurer and the injured employee or personal or legal representative of the injured employee shall agree on the selection of a vocational rehabilitation counselor;

2. If the insurer or injured employee or personal or legal representative of the injured employee are unable to agree on the appointment of a vocational rehabilitation counselor, the insurer shall submit a list of at least three vocational rehabilitation counselors to the injured employee or personal or legal representative of the injured employee;

3. The injured employee or personal or legal representative of the injured employee shall select a vocational rehabilitation counselor from the list provided by the insurer pursuant to subsection 2 within ~~[14]~~ 7 days after receiving the list provided by the insurer pursuant to subsection 2;

4. The vocational rehabilitation counselor that is selected by the injured employee or personal or legal representative of the injured employee pursuant to subsection 1 or 3 must be assigned to provide all vocational rehabilitation services for the claim pursuant to this section and NRS 616C.530 to 616C.600, inclusive; and

5. After a vocational rehabilitation counselor is selected and assigned pursuant to this section, an injured employee or personal or legal representative of the injured employee may only rescind the selection of the vocational rehabilitation counselor with the consent of the insurer.

Sec. 5. ~~[NRS 616C.225 is hereby amended to read as follows:~~

~~616C.225 1. Except as otherwise provided in this section, if an insurer determines that an employee has knowingly misrepresented or concealed a material fact to obtain any benefit or payment under the provisions of chapters 616A to 616D, inclusive, of NRS, the insurer may deduct from any benefits or payments due to the employee, the amount obtained by the employee because of the misrepresentation or concealment of a material fact. The employee shall reimburse the insurer for all benefits or payments received because of the willful misrepresentation or concealment of a material fact.~~

~~2. An employee who is aggrieved by a determination of an insurer made pursuant to subsection 1 may appeal that determination pursuant to NRS 616C.315 to 616C.385, inclusive~~ **~~[.] , and section 3 of this act.~~** ~~If the final decision by an appeals officer is favorable to the employee, the Administrator shall order the insurer to pay $2,000 to that employee, in addition to any benefits or payments the employee is entitled to receive, if the Administrator determines that the insurer had no reasonable basis for believing that the employee knowingly misrepresented or concealed a material fact to obtain any benefit or payment.~~

~~3. If an employee elects to receive an award for a permanent partial disability in a lump sum pursuant to NRS 616C.495 and a criminal action is brought against the employee for an alleged violation of NRS 616D.300, the insurer shall, upon receiving notice of the action and until a judgment is entered in the action, pay reasonable portions of the lump sum award in monthly installments. If the employee is not convicted of the alleged violation, the insurer shall pay the employee the balance of the award in a lump sum. The provisions of subsection 2 do not apply to require any additional payment at the conclusion of a criminal action.~~

~~4. This section does not preclude an insurer from making an investigation pursuant to, or pursuing the remedies provided by, NRS 616D.300.~~**~~]~~ (Deleted by amendment.)**

Sec. 6. ~~[NRS 616C.320 is hereby amended to read as follows:~~

~~616C.320 If an employee of a self-insured employer, an employer who is a member of an association of self-insured public or private employers or an employer insured by a private carrier is dissatisfied with a decision of his or her employer, the association or the private carrier, the employee may seek to~~

~~resolve the dispute pursuant to NRS 616C.305 and 616C.315 to 616C.385, inclusive~~ **~~[.] , and section 3 of this act.]~~** **(Deleted by amendment.)**

Sec. 7. **~~[~~**~~NRS 616C.475 is hereby amended to read as follows:~~

~~616C.475 1. Except as otherwise provided in this section, NRS 616C.175 and 616C.390, every employee in the employ of an employer, within the provisions of chapters 616A to 616D, inclusive, of NRS, who is injured by accident arising out of and in the course of employment, or his or her dependents, is entitled to receive for the period of temporary total disability, 66 2/3 percent of the average monthly wage.~~

~~2. Except as otherwise provided in NRS 616B.028 and 616B.029, an injured employee or his or her dependents are not entitled to accrue or be paid any benefits for a temporary total disability during the time the injured employee is incarcerated. The injured employee or his or her dependents are entitled to receive such benefits when the injured employee is released from incarceration if the injured employee is certified as temporarily totally disabled by a physician or chiropractor.~~

~~3. If a claim for the period of temporary total disability is allowed, the first payment pursuant to this section must be issued by the insurer within 14 working days after receipt of the initial certification of disability and regularly thereafter.~~

~~4. Any increase in compensation and benefits effected by the amendment of subsection 1 is not retroactive.~~

~~5. Payments for a temporary total disability must cease when:~~

~~(a) A physician or chiropractor determines that the employee is physically capable of any gainful employment for which the employee is suited, after giving consideration to the employee's education, training and experience;~~

~~(b) The employer offers the employee light duty employment or employment that is modified according to the limitations or restrictions imposed by a physician or chiropractor pursuant to subsection 7; or~~

~~(c) Except as otherwise provided in NRS 616B.028 and 616B.029, the employee is incarcerated.~~

~~6. Each insurer may, with each check that it issues to an injured employee for a temporary total disability, include a form approved by the Division for the injured employee to request continued compensation for the temporary total disability.~~

~~7. A certification of disability issued by a physician or chiropractor must:~~

~~(a) Include the period of disability and a description of any physical limitations or restrictions imposed upon the work of the employee;~~

~~(b) Specify whether the limitations or restrictions are permanent or temporary; and~~

~~(c) Be signed by the treating physician or chiropractor authorized pursuant to NRS 616B.527 or appropriately chosen pursuant to subsection 3 or 4 of NRS 616C.090.~~

~~8. If the certification of disability specifies that the physical limitations or restrictions are temporary, the employer of the employee at the time of the~~

~~employee's accident may offer temporary, light-duty employment to the employee. If the employer makes such an offer, the employer shall confirm the offer in writing within 10 days after making the offer. The making, acceptance or rejection of an offer of temporary, light-duty employment pursuant to this subsection does not affect the eligibility of the employee to receive vocational rehabilitation services, including compensation, and does not exempt the employer from complying with NRS 616C.545 to 616C.575, inclusive, *and section 4 of this act* and 616C.590 or the regulations adopted by the Division governing vocational rehabilitation services. Any offer of temporary, light-duty employment made by the employer must specify a position that:~~

~~(a) Is substantially similar to the employee's position at the time of his or her injury in relation to the location of the employment and the hours the employee is required to work;~~

~~(b) Provides a gross wage that is:~~

~~(1) If the position is in the same classification of employment, equal to the gross wage the employee was earning at the time of his or her injury; or~~

~~(2) If the position is not in the same classification of employment, substantially similar to the gross wage the employee was earning at the time of his or her injury; and~~

~~(c) Has the same employment benefits as the position of the employee at the time of his or her injury.~~**] (Deleted by amendment.)**

Sec. 7.3. **NRS 616C.235 is hereby amended to read as follows:**

616C.235 1. Except as otherwise provided in subsections 2, 3 and 4:

(a) When the insurer determines that a claim should be closed before all benefits to which the claimant may be entitled have been paid, the insurer shall send a written notice of its intention to close the claim to the claimant by first-class mail addressed to the last known address of the claimant and, if the insurer has been notified that the claimant is represented by an attorney, to the attorney for the claimant by first-class mail addressed to the last known address of the attorney. The notice must include, on a separate page, a statement describing the effects of closing a claim pursuant to this section and a statement that if the claimant does not agree with the determination, the claimant has a right to request a resolution of the dispute pursuant to NRS 616C.305 and 616C.315 to 616C.385, inclusive, including, without limitation, a statement which prominently displays the limit on the time that the claimant has to request a resolution of the dispute as set forth in NRS 616C.315. A suitable form for requesting a resolution of the dispute must be enclosed with the notice. The closure of a claim pursuant to this subsection is not effective unless notice is given as required by this subsection.

(b) If the insurer does not receive a request for the resolution of the dispute, it may close the claim.

(c) Notwithstanding the provisions of NRS 233B.125, if a hearing is conducted to resolve the dispute, the decision of the hearing officer may be served by first-class mail.

2. If, during the first 12 months after a claim is opened, the medical benefits required to be paid for a claim are less than ~~[$300,]~~ ***$800,*** the insurer may close the claim at any time after the insurer sends, by first-class mail addressed to the last known address of the claimant, written notice that includes a statement which prominently displays that:

(a) The claim is being closed pursuant to this subsection;

(b) The injured employee may appeal the closure of the claim pursuant to the provisions of NRS 616C.305 and 616C.315 to 616C.385, inclusive; and

(c) If the injured employee does not appeal the closure of the claim or appeals the closure of the claim but is not successful, the claim cannot be reopened.

3. In addition to the notice described in subsection 2, an insurer shall send to each claimant who receives less than ~~[$300]~~ ***$800*** in medical benefits within 6 months after the claim is opened a written notice that explains the circumstances under which a claim may be closed pursuant to subsection 2. The written notice provided pursuant to this subsection does not create any right to appeal the contents of that notice. The written notice must be:

(a) Sent by first-class mail addressed to the last known address of the claimant; and

(b) A document that is separate from any other document or form that is used by the insurer.

4. The closure of a claim pursuant to subsection 2 is not effective unless notice is given as required by subsections 2 and 3.

5. In addition to the requirements of this section, an insurer shall include in the written notice described in subsection 2:

(a) If an evaluation for a permanent partial disability has been scheduled pursuant to NRS 616C.490, a statement to that effect; or

(b) If an evaluation for a permanent partial disability will not be scheduled pursuant to NRS 616C.490, a statement explaining that the reason is because the insurer has determined there is no possibility of a permanent impairment of any kind.

Sec. 7.7. **NRS 616C.390 is hereby amended to read as follows:**

616C.390 Except as otherwise provided in NRS 616C.392:

1. If an application to reopen a claim to increase or rearrange compensation is made in writing more than 1 year after the date on which the claim was closed, the insurer shall reopen the claim if:

(a) A change of circumstances warrants an increase or rearrangement of compensation during the life of the claimant;

(b) The primary cause of the change of circumstances is the injury for which the claim was originally made; and

(c) The application is accompanied by the certificate of a physician or a chiropractor showing a change of circumstances which would warrant an increase or rearrangement of compensation.

2. After a claim has been closed, the insurer, upon receiving an application and for good cause shown, may authorize the reopening of the

claim for medical investigation only. The application must be accompanied by a written request for treatment from the physician or chiropractor treating the claimant, certifying that the treatment is indicated by a change in circumstances and is related to the industrial injury sustained by the claimant.

3. If a claimant applies for a claim to be reopened pursuant to subsection 1 or 2 and a final determination denying the reopening is issued, the claimant shall not reapply to reopen the claim until at least 1 year after the date on which the final determination is issued.

4. Except as otherwise provided in subsection 5, if an application to reopen a claim is made in writing within 1 year after the date on which the claim was closed, the insurer shall reopen the claim only if:

(a) The application is supported by medical evidence demonstrating an objective change in the medical condition of the claimant; and

(b) There is clear and convincing evidence that the primary cause of the change of circumstances is the injury for which the claim was originally made.

5. An application to reopen a claim must be made in writing within 1 year after the date on which the claim was closed if:

(a) The claimant did not meet the minimum duration of incapacity as set forth in NRS 616C.400 as a result of the injury; and

(b) The claimant did not receive benefits for a permanent partial disability.

➥ If an application to reopen a claim to increase or rearrange compensation is made pursuant to this subsection, the insurer shall reopen the claim if the requirements set forth in paragraphs (a), (b) and (c) of subsection 1 are met.

6. If an employee's claim is reopened pursuant to this section, the employee is not entitled to vocational rehabilitation services or benefits for a temporary total disability if, before the claim was reopened, the employee:

(a) Retired; or

(b) Otherwise voluntarily removed himself or herself from the workforce,

➥ for reasons unrelated to the injury for which the claim was originally made.

7. One year after the date on which the claim was closed, an insurer may dispose of the file of a claim authorized to be reopened pursuant to subsection 5, unless an application to reopen the claim has been filed pursuant to that subsection.

8. An increase or rearrangement of compensation is not effective before an application for reopening a claim is made unless good cause is shown. The insurer shall, upon good cause shown, allow the cost of emergency treatment the necessity for which has been certified by a physician or a chiropractor.

9. A claim that closes pursuant to subsection 2 of NRS 616C.235 and is not appealed or is unsuccessfully appealed pursuant to the provisions of NRS 616C.305 and 616C.315 to 616C.385, inclusive, may not be reopened pursuant to this section.

10. The provisions of this section apply to any claim for which an application to reopen the claim or to increase or rearrange compensation is

made pursuant to this section, regardless of the date of the injury or accident to the claimant. If a claim is reopened pursuant to this section, the amount of any compensation or benefits provided must be determined in accordance with the provisions of NRS 616C.425.

11. As used in this section:

(a) "Governmental program" means any program or plan under which a person receives payments from a public form of retirement. Such payments from a public form of retirement include, without limitation:

(1) Social security received as a result of the Social Security Act, as defined in NRS 287.120;

(2) Payments from the Public Employees' Retirement System, as established by NRS 286.110;

(3) Payments from the Retirees' Fund, as defined in NRS 287.04064;

(4) A disability retirement allowance, as defined in NRS 1A.040 and 286.031;

(5) A retirement allowance, as defined in NRS 218C.080; and

(6) A service retirement allowance, as defined in NRS 1A.080 and 286.080.

(b) "Retired" means a person who, on the date he or she filed for reopening a claim pursuant to this section:

(1) Is not employed or earning wages; and

(2) Receives benefits or payments for retirement from a:

(I) Pension or retirement plan;

(II) Governmental program; or

(III) Plan authorized by 26 U.S.C. § 401(a), 401(k), 403(b), 457 or 3121.

(c) "Wages" means any remuneration paid by an employer to an employee for the personal services of the employee, including, without limitation:

(1) Commissions and bonuses; and

(2) Remuneration payable in any medium other than cash.

Sec. 8. NRS 616C.490 is hereby amended to read as follows:

616C.490 1. Except as otherwise provided in NRS 616C.175, every employee, in the employ of an employer within the provisions of chapters 616A to 616D, inclusive, of NRS, who is injured by an accident arising out of and in the course of employment is entitled to receive the compensation provided for permanent partial disability. As used in this section, "disability" and "impairment of the whole person" are equivalent terms.

2. Within 30 days after receiving from a physician or chiropractor a report indicating that the injured employee may have suffered a permanent disability and is stable and ratable, the insurer shall schedule an appointment with the rating physician or chiropractor selected pursuant to this subsection to determine the extent of the employee's disability. Unless the insurer and the injured employee otherwise agree to a rating physician or chiropractor:

(a) The insurer shall select the rating physician or chiropractor from the list of qualified rating physicians and chiropractors designated by the Administrator, to determine the percentage of disability in accordance with the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted and supplemented by the Division pursuant to NRS 616C.110.

(b) Rating physicians and chiropractors must be selected in rotation from the list of qualified physicians and chiropractors designated by the Administrator, according to their area of specialization and the order in which their names appear on the list unless the next physician or chiropractor is currently an employee of the insurer making the selection, in which case the insurer must select the physician or chiropractor who is next on the list and who is not currently an employee of the insurer.

3. If an insurer contacts the treating physician or chiropractor to determine whether an injured employee has suffered a permanent disability, the insurer shall deliver to the treating physician or chiropractor that portion or a summary of that portion of the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted by the Division pursuant to NRS 616C.110 that is relevant to the type of injury incurred by the employee.

4. At the request of the insurer, the injured employee shall, before an evaluation by a rating physician or chiropractor is performed, notify the insurer of:

(a) Any previous evaluations performed to determine the extent of any of the employee's disabilities; and

(b) Any previous injury, disease or condition sustained by the employee which is relevant to the evaluation performed pursuant to this section.

➥ The notice must be on a form approved by the Administrator and provided to the injured employee by the insurer at the time of the insurer's request.

5. Unless the regulations adopted pursuant to NRS 616C.110 provide otherwise, a rating evaluation must include an evaluation of the loss of motion, sensation and strength of an injured employee if the injury is of a type that might have caused such a loss. Except in the case of claims accepted pursuant to NRS 616C.180, no factors other than the degree of physical impairment of the whole person may be considered in calculating the entitlement to compensation for a permanent partial disability.

6. The rating physician or chiropractor shall provide the insurer with his or her evaluation of the injured employee. After receiving the evaluation, the insurer shall, within 14 days, provide the employee with a copy of the evaluation and notify the employee:

(a) Of the compensation to which the employee is entitled pursuant to this section; or

(b) That the employee is not entitled to benefits for permanent partial disability.

7. Each 1 percent of impairment of the whole person must be compensated by a monthly payment:

(a) Of 0.5 percent of the claimant's average monthly wage for injuries sustained before July 1, 1981;

(b) Of 0.6 percent of the claimant's average monthly wage for injuries sustained on or after July 1, 1981, and before June 18, 1993;

(c) Of 0.54 percent of the claimant's average monthly wage for injuries sustained on or after June 18, 1993, and before January 1, 2000; and

(d) Of 0.6 percent of the claimant's average monthly wage for injuries sustained on or after January 1, 2000.

➥ Compensation must commence on the date of the injury or the day following the termination of temporary disability compensation, if any, whichever is later, and must continue on a monthly basis for 5 years or until the claimant is 70 years of age, whichever is later.

8. Compensation benefits may be paid annually to claimants who will be receiving less than $100 a month.

9. ~~[~~Where~~]~~ ***Except as otherwise provided in subsection 10, if*** there is a previous disability, as the loss of one eye, one hand, one foot, or any other previous permanent disability, the percentage of disability for a subsequent injury must be determined by computing the percentage of the entire disability and deducting therefrom the percentage of the previous disability as it existed at the time of the subsequent injury.

10. ***If a rating evaluation was completed for a previous disability involving a condition, organ or anatomical structure that is identical to the condition, organ or anatomical structure being evaluated for the present disability, the percentage of disability for a subsequent injury must be determined by deducting the percentage of the previous disability from the percentage of the present disability, regardless of the edition of the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted by the Division pursuant to NRS 616C.110 used to determine the percentage of the previous disability. The compensation awarded for a permanent disability on a subsequent injury must be reduced only by the awarded or agreed upon percentage of disability actually received by the injured employee for the previous injury regardless of the percentage of the previous disability.***

11. The Division may adopt schedules for rating permanent disabilities resulting from injuries sustained before July 1, 1973, and reasonable regulations to carry out the provisions of this section.

~~[~~11.~~]~~ ***12.*** The increase in compensation and benefits effected by the amendment of this section is not retroactive for accidents which occurred before July 1, 1973.

~~[~~12.~~]~~ ***13.*** This section does not entitle any person to double payments for the death of an employee and a continuation of payments for a permanent partial disability, or to a greater sum in the aggregate than if the injury had been fatal.

Sec. 9. NRS 616C.495 is hereby amended to read as follows:

616C.495 1. Except as otherwise provided in NRS 616C.380, an award for a permanent partial disability may be paid in a lump sum under the following conditions:

(a) A claimant injured on or after July 1, 1973, and before July 1, 1981, who incurs a disability that does not exceed 12 percent may elect to receive his or her compensation in a lump sum. A claimant injured on or after July 1, 1981, and before July 1, 1995, who incurs a disability that does not exceed 30 percent may elect to receive his or her compensation in a lump sum.

(b) The spouse, or in the absence of a spouse, any dependent child of a deceased claimant injured on or after July 1, 1973, who is not entitled to compensation in accordance with NRS 616C.505, is entitled to a lump sum equal to the present value of the deceased claimant's undisbursed award for a permanent partial disability.

(c) Any claimant injured on or after July 1, 1981, and before July 1, 1995, who incurs a disability that exceeds 30 percent may elect to receive his or her compensation in a lump sum equal to the present value of an award for a disability of 30 percent. If the claimant elects to receive compensation pursuant to this paragraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 30 percent.

(d) Any claimant injured on or after July 1, 1995, ***and before*** ~~***[July 1, 2017,***~~ may elect to receive his or her compensation in a lump sum in accordance with regulations adopted by the Administrator and approved by the Governor. The Administrator shall adopt regulations for determining the eligibility of such a claimant to receive all or any portion of his or her compensation in a lump sum. Such regulations may include the manner in which an award for a permanent partial disability may be paid to such a claimant in installments. Notwithstanding the provisions of NRS 233B.070, any regulation adopted pursuant to this paragraph does not become effective unless it is first approved by the Governor.~~]~~ ***January 1, 2016, who incurs a disability that:***

(1) Does not exceed 25 percent may elect to receive his or her compensation in a lump sum.

(2) Exceeds 25 percent may:

(I) Elect to receive his or her compensation in a lump sum equal to the present value of an award for a disability of 25 percent. If the claimant elects to receive compensation pursuant to this sub-subparagraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 25 percent.

(II) To the extent that the insurer has offered to provide compensation in a lump sum up to the present value of an award for disability of 30 percent, elect to receive his or her compensation in a lump sum up to the present value of an award for a disability of 30 percent. If the claimant elects to receive compensation pursuant to this sub-subparagraph,

the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 30 percent.

(e) ***Any claimant injured on or after January 1, 2016, and before July 1, 2017, who incurs a disability that:***

(1) Does not exceed 30 percent may elect to receive his or her compensation in a lump sum.

(2) Exceeds 30 percent may elect to receive his or her compensation in a lump sum equal to the present value of an award for a disability of 30 percent. If the claimant elects to receive compensation pursuant to this subparagraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 30 percent.

(f) Any claimant injured on or after July 1, 2017, who incurs a disability that exceeds 30 percent may elect to receive his or her compensation in a lump sum equal to the present value of an award for a disability of up to 30 percent. If the claimant elects to receive compensation pursuant to this paragraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 30 percent.

~~*[(f)]*~~ ***(g)*** If the permanent partial disability rating of a claimant seeking compensation pursuant to this section would, when combined with any previous permanent partial disability rating of the claimant that resulted in an award of benefits to the claimant, result in the claimant having a total permanent partial disability rating in excess of 100 percent, the claimant's disability rating upon which compensation is calculated must be reduced by such percentage as required to limit the total permanent partial disability rating of the claimant for all injuries to not more than 100 percent.

2. If the claimant elects to receive his or her payment for a permanent partial disability in a lump sum pursuant to subsection 1, all of the claimant's benefits for compensation terminate. The claimant's acceptance of that payment constitutes a final settlement of all factual and legal issues in the case. By so accepting the claimant waives all of his or her rights regarding the claim, including the right to appeal from the closure of the case or the percentage of his or her disability, except:

(a) The right of the claimant to:

(1) Reopen his or her claim in accordance with the provisions of NRS 616C.390; or

(2) Have his or her claim considered by his or her insurer pursuant to NRS 616C.392;

(b) Any counseling, training or other rehabilitative services provided by the insurer; and

(c) The right of the claimant to receive a benefit penalty in accordance with NRS 616D.120.

➥ The claimant, when he or she demands payment in a lump sum, must be provided with a written notice which prominently displays a statement describing the effects of accepting payment in a lump sum of an entire permanent partial disability award, any portion of such an award or any

uncontested portion of such an award, and that the claimant has 20 days after the mailing or personal delivery of the notice within which to retract or reaffirm the demand, before payment may be made and the claimant's election becomes final.

3. Any lump-sum payment which has been paid on a claim incurred on or after July 1, 1973, must be supplemented if necessary to conform to the provisions of this section.

4. Except as otherwise provided in this subsection, the total lump-sum payment for disablement must not be less than one-half the product of the average monthly wage multiplied by the percentage of disability. If the claimant received compensation in installment payments for his or her permanent partial disability before electing to receive payment for that disability in a lump sum, the lump-sum payment must be calculated for the remaining payment of compensation.

5. The lump sum payable must be equal to the present value of the compensation awarded, less any advance payment or lump sum previously paid. The present value must be calculated using monthly payments in the amounts prescribed in subsection 7 of NRS 616C.490 and actuarial annuity tables adopted by the Division. The tables must be reviewed annually by a consulting actuary ~~[.]~~ ***and must be adjusted accordingly on July 1 of each year by the Division using:***

(a) The most recent unisex "Static Mortality Tables for Defined Benefit Pension Plans" published by the Internal Revenue Service; and

(b) The average 30-Year Treasury Constant Maturity Rate for March of the current year as reported by the Board of Governors of the Federal Reserve System.

6. If a claimant would receive more money by electing to receive compensation in a lump sum than the claimant would if he or she receives installment payments, the claimant may elect to receive the lump-sum payment.

Sec. 10. This act becomes effective on July 1, 2017.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 470.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 599.

SUMMARY—Creates a preprosecution diversion ~~[program.]~~ **program for defendants charged with certain misdemeanor offenses.** (BDR 14-1062)

AN ACT relating to criminal procedure; creating a preprosecution diversion program ~~[.]~~ **for defendants charged with certain misdemeanor offenses;** establishing qualifications for participation in the program;

requiring discharge of the defendant and dismissal of the original charge upon the successful completion of the program; requiring a defendant who fails to complete the program to enter a plea on the original charge; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates a diversion program for certain offenders who have violated the terms of their probation. (NRS 209.4291) Existing law authorizes a court to assign such an offender to a program of treatment for mental illness or substance abuse issues. (NRS 209.4293) Existing law also authorizes a person who has successfully completed a preprosecution diversion program to request that any biological or DNA sample which was provided by the person to the State be destroyed. (NRS 176.09125) **Sections 2-5** of this bill create a preprosecution diversion program for certain persons who have been accused of **committing a crime which is punishable as** a misdemeanor **.** ~~[, gross misdemeanor or felony.]~~ **Section 2** provides that a defendant is eligible to complete a preprosecution diversion program if the defendant **:** ~~[is:]~~ (1) ~~[less than 30 years of age at the time of the offense; (2) has not been charged with]~~ **is charged with a misdemeanor other than** a violent ~~[or sexual]~~ crime **~~[,]~~ or** driving under the influence of intoxicating liquor or a controlled substance ~~[or the burglary of a dwelling; (3)]~~ **; (2)** has not previously been convicted of ~~[an offense that is in the same or higher classification of]~~ **a** crime ~~[;]~~ **other than a minor traffic offense;** and ~~[(4)]~~ **(3)** has not been previously ordered by a court to complete a preprosecution diversion program in this State. ~~[If the defendant is eligible for the program and the charge or charges against the defendant are based on the same incident, section 2 requires a court to order the defendant to complete a preprosecution diversion program.]~~ **Section 2** authorizes, but does not require, a **justice court or municipal** court to order a defendant to complete a preprosecution diversion program ~~[if the defendant is eligible for the program and the charge or charges against the defendant are not based on the same incident. Section 2]~~ **and** provides that the decision of the court relating to the participation of a defendant in the program may not be appealed.

Section 3 of this bill requires a **justice court or municipal** court to establish the **terms and** conditions which ~~[the]~~ **a** defendant must complete as part of a preprosecution diversion program ~~[.]~~ **, if a defendant is ordered to complete such a program pursuant to section 2. Section 3** ~~[requires a probation officer to interview the defendant to determine: (1) the nature and facts of the offense; (2) the motivation of the defendant relating to the offense; (3) the impact of the offense on the victim; and (4) the characteristics of the defendant, including, without limitation, any substance abuse issues. Section 3 requires the probation officer, the district attorney and the defendant to appear at a hearing to determine whether the defendant could be rehabilitated by]~~ **authorizes the court to include in the terms and conditions that the defendant complete** a program of treatment and to ~~[determine]~~ **impose** any appropriate sanctions ~~[to be imposed]~~ on the

defendant, which may include, without limitation, community service, restitution or a curfew. **Section 3** ~~[also]~~ requires the court to issue an order containing the terms and conditions for successful completion of the preprosecution diversion program. **Section 3** provides that the defendant must: (1) complete the program before the date established by the court in the order, which must not be more than 18 months after the date of the order; and (2) appear before the court at least once every 3 months for a status hearing. **Section 4** of this bill requires the court to dismiss the charge or charges against the defendant if he or she successfully completes the terms and conditions of the preprosecution diversion program. Finally, **section 4** of this bill requires a defendant who fails to complete the terms and conditions of the preprosecution diversion program to be dismissed from the program and be prosecuted in the normal manner provided by law.

Existing law requires **the** criminal records of a defendant to be sealed and treated as confidential if a defendant is acquitted or the charges are dropped, a certain period of time has passed since the conviction or if he or she completes a program for reentry or a program of treatment for: (1) veterans and the members of the military; (2) persons with mental illness or intellectual disabilities; or (3) substance abuse issues. (NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365, 458.330) **Sections 5 and 10-12** of this bill similarly provide that the criminal records of a defendant who has successfully completed ~~[the]~~ **a** preprosecution diversion program are sealed and confidential except as otherwise required by law. **Section 7** of this bill authorizes the defendant to request that any biological or DNA sample provided to the State by the defendant be destroyed upon the successful completion of the preprosecution diversion program.

Existing law authorizes a court to establish a program of treatment for certain offenders who are charged with specified offenses, including, without limitation, veterans and members of the military, persons with mental illness or intellectual disabilities or persons with substance abuse issues. (NRS 176A.250, 176A.280, 453.580) **Sections 3, 8, 9 and 13** of this bill authorize a **justice court or municipal** court, as part of a preprosecution diversion program, to require a defendant to complete a program of treatment. **Section 3** provides that such a program of treatment may include, without limitation, a program of treatment for veterans and members of the military, persons with mental illness or intellectual disabilities or persons with substance abuse issues, educational programs, participation in a support group, anger management therapy or counseling.

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

Section 1. Chapter 174 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***1. At the arraignment of a defendant*** ***~~[,]~~*** ***in justice court or municipal court, but before the entry of a plea, the court shall determine***

whether the defendant is eligible to complete a preprosecution diversion program.

2. A defendant is eligible to complete a preprosecution diversion program if the defendant:

(a) ~~[Was not more than 30 years of age at the time the offense was committed;~~

~~(b) Has not been charged with:~~] Is charged with a misdemeanor other than:

(1) A crime of violence as defined in NRS 200.408; or

(2) ~~[A sexual offense as defined in NRS 179D.097;~~

~~(3)~~] Driving under the influence of intoxicating liquor or a controlled substance in violation of NRS 484C.110, 484C.120 or 484C.130; ~~[or~~

~~(4) Burglary of a dwelling in violation of NRS 205.060;~~

~~(c) Has not previously been convicted in this State, or in another jurisdiction which prohibits the same or similar conduct, of an offense which is within the same classification of crime or a higher classification as described in NRS 193.120;~~] and

~~[(d)~~] (b) Has not previously been ~~[ordered]~~ :

(1) Convicted of violating any criminal law other than a minor traffic offense; or

(2) Ordered by a court to complete a preprosecution diversion program in this State.

3. If a defendant is eligible to complete a preprosecution diversion program pursuant to subsection 2 , ~~[and the charge or charges against the defendant:~~

~~(a) Are based on the same act, transaction or occurrence, the court shall immediately order the defendant to complete a preprosecution diversion program pursuant to section 3 of this act.~~

~~(b) Are not based on the same act, transaction or occurrence,~~] the justice court or municipal court may ~~[, after consultation with the district attorney and counsel for the defendant,~~] order the defendant to complete a preprosecution diversion program pursuant to section 3 of this act.

4. If a defendant is ordered to complete a preprosecution diversion program, the defendant must be immediately released from custody upon his or her own recognizance.

5. ~~[Except as otherwise provided in paragraph (a) of subsection 3, a~~] A defendant has no right to complete a preprosecution diversion program or to appeal the decision of the justice court or municipal court relating to the participation of the defendant in such program.

Sec. 3. *1. If a defendant is ordered by a justice court or municipal court to complete a preprosecution diversion program pursuant to section 2 of this act, the court shall ~~[require]~~ develop an appropriate preprosecution diversion program for the defendant . ~~[, a probation officer and]~~ The court shall receive input from the ~~[district attorney to appear for a hearing as soon as possible after the arraignment to determine]~~ prosecuting attorney,*

the attorney for the defendant and the defendant relating to the terms and conditions of the program.

2. [Before a hearing is held pursuant to subsection 1, a probation officer must interview the defendant and the victim, if any, to determine the:

(a) Nature and facts of the offense;

(b) Motivation of the defendant relating to the offense;

(c) The impact of the offense on the victim, if any, including, without limitation, any economic loss suffered by the victim; and

(d) The characteristics of the defendant, including, without limitation, any addiction to alcohol or drugs, anger management issues, education, employment status and remorse relating to the offense.

3. If the probation officer determines that the defendant may have an addiction to alcohol or drugs, the probation officer shall order the examination of the defendant by the Department of Health and Human Services or by a person or entity designated by the Director of the Department to determine whether the defendant is addicted to alcohol or drugs and is likely to be rehabilitated by a program of treatment. The probation officer shall provide a report of the examination to the court before a hearing is held pursuant to subsection 1.

4. At the hearing held pursuant to subsection 1, the court shall receive input from the defendant, the probation officer and the district attorney relating to:

(a) Any] *A preprosecution diversion program created by a justice court or municipal court pursuant to this section may include, without limitation:*

(a) A program of treatment which may rehabilitate the defendant, including, without limitation, educational programs, participation in a support group, anger management therapy, counseling or a program of treatment for veterans and members of the military, mental illness or intellectual disabilities or the abuse of alcohol or drugs;

(b) Any appropriate sanctions to impose on the defendant, which may include, without limitation, community service, restitution, prohibiting contact with certain persons or the imposition of a curfew; and

(c) Any other factor which may be relevant to determining an appropriate program of treatment or sanctions to require for participation of the defendant in the preprosecution diversion program.

[5.] *3. If the justice court or municipal court determines that the defendant may be rehabilitated by a program of treatment for veterans and members of the military, persons with mental illness or intellectual disabilities or the abuse of alcohol or drugs, the court may refer the defendant to an appropriate program of treatment established pursuant to NRS 176A.250, 176A.280 or 453.580. The court shall retain jurisdiction over the defendant while the defendant completes such a program of treatment.*

[6. At the hearing held pursuant to subsection 1, the]

4. The justice court or municipal court shall issue an order setting forth the terms and conditions for successful completion of the preprosecution diversion program, ~~[including,]~~ which may include, without limitation:

(a) Any program of treatment the defendant is required to complete;

(b) Any sanctions and the manner in which they must be carried out by the defendant;

(c) The date by which the terms and conditions must be completed by the defendant, which must not be more than 18 months after the date of the order;

(d) A requirement that the defendant appear before the court at least one time every 3 months for a status hearing on the progress of the defendant toward completion of the terms and conditions set forth in the order; and

(e) A notice relating to the provisions of subsection 3 of section 4 of this act.

~~[7.]~~ 5. The defendant shall pay the cost of any program of treatment required by this section to the extent of his or her financial resources. The court shall not refuse to place a defendant in a program of treatment if the defendant does not have the financial resources to pay any or all of the costs of such program.

~~[8. The court is not required to follow the rules of evidence contained in title 4 of NRS during a hearing required pursuant to this section.]~~

6. If restitution is ordered to be paid pursuant to subsection 4, the defendant must make a good faith effort to pay the required amount of restitution in full. If the justice court or municipal court determines that a defendant is unable to pay such restitution, the court must require the defendant to enter into a judgment by confession for the amount of restitution.

Sec. 4. *1. If the justice court or municipal court determines that a defendant has successfully completed the terms and conditions of a preprosecution diversion program ordered pursuant to subsection ~~[6]~~ 4 of section 3 of this act, the court must discharge the defendant and dismiss the indictment, information, complaint or citation.*

2. Discharge and dismissal pursuant to subsection 1 is without adjudication of guilt and is not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the indictment, information, complaint or citation. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge the indictment, information, complaint or citation in response to an inquiry made of the defendant for any purpose.

3. If the justice court or municipal court determines that a defendant has not successfully completed the terms or conditions of a preprosecution diversion program ordered pursuant to subsection [6] 4 of section 3 of this act, the court must issue an order terminating the participation of the defendant in the preprosecution diversion program and order the defendant to appear for an arraignment to enter a plea based on the original indictment, information, complaint or citation pursuant to NRS 174.015.

Sec. 5. ***1. If the defendant is discharged and the indictment, information, complaint or citation is dismissed pursuant to section 4 of this act, the justice court or municipal court must order sealed all documents, papers and exhibits in the record of the defendant, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the order of the court. The court shall order those records sealed without a hearing unless the district attorney petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.***

2. If the justice court or municipal court orders the record of a defendant sealed, the court must send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

Sec. 6. NRS 174.015 is hereby amended to read as follows:

174.015 1. ~~[~~Arraignment~~]~~ ***Except as otherwise provided in subsection 3, arraignment*** shall be conducted in open court and shall consist of reading the indictment or information to the defendant or stating the substance of the charge and calling on the defendant to plead thereto. The defendant shall be given a copy of the indictment or information before the defendant is called upon to plead.

2. In justice court ~~[,]~~ ***or municipal court,*** before the trial commences, the complaint must be distinctly read to the defendant before the defendant is called upon to plead.

3. [Before] In justice court or municipal court, before the defendant is called upon to plead, the court shall determine whether the defendant is eligible to complete a preprosecution diversion program pursuant to section 2 of this act.

Sec. 7. NRS 176.09125 is hereby amended to read as follows:

176.09125 1. A person whose record of criminal history indicates the collection of a biological specimen and whose DNA profile and DNA record have been included in the State DNA Database and CODIS pursuant to NRS 176.09123 may make a written request to the Central Repository for Nevada Records of Criminal History, using the form created pursuant to NRS 176.09165, that the biological specimen be destroyed and the DNA profile and DNA record be purged from the forensic laboratory, the State DNA Database and CODIS on the grounds that:

(a) The conviction on which the authority for keeping the biological specimen or the DNA profile or DNA record has been reversed and the case dismissed; or

(b) The arrest which led to the inclusion of the biological specimen or the DNA profile or DNA record:

(1) Has resulted in a felony charge that has been resolved by a dismissal, the successful completion of a preprosecution diversion program ~~[,]~~ ***pursuant to section 4 of this act,*** a conditional discharge, an acquittal or an agreement entered into by a prosecuting attorney and a defendant in which the defendant, in exchange for a plea of guilty, guilty but mentally ill or nolo contendere, receives a charge other than a felony; or

(2) Has not resulted in any additional criminal charge for a felony within 3 years after the date of the arrest.

2. Within 6 weeks after receiving a written request pursuant to subsection 1, the Central Repository for Nevada Records of Criminal History shall forward the request and all supporting documentation to the forensic laboratory holding the biological specimen. Except as otherwise provided in subsection 3, upon receipt of the written request, the forensic laboratory shall destroy any biological specimen from the person and purge the DNA profile of the person if the written request is accompanied by:

(a) A certified copy of the court order reversing and dismissing the conviction; or

(b) For any biological specimen obtained pursuant to an arrest for which a biological specimen must be provided pursuant to NRS 176.09123:

(1) A certified copy of the dismissal, the successful completion of a preprosecution diversion program ~~[,]~~ ***pursuant to section 4 of this act,*** a conditional discharge, an acquittal or the agreement entered into by the prosecuting attorney and the defendant in which the defendant, in exchange for a plea of guilty, guilty but mentally ill or nolo contendere, received a charge other than a felony; or

(2) A sworn affidavit from the law enforcement agency which submitted the biological specimen that no felony charges arising from the arrest have been filed within 3 years after the date of the arrest.

3. The forensic laboratory shall not destroy a biological specimen or purge the DNA profile of a person if the forensic laboratory is notified by a law enforcement agency that the person has a prior felony, a new felony arrest or a pending felony charge for which collection of a biological specimen is authorized pursuant to NRS 176.09123.

4. If a forensic laboratory:

(a) Determines that the requirements to destroy a biological specimen or purge a DNA profile or DNA record of a person have not been met, the forensic laboratory shall notify the Central Repository of Nevada Records of Criminal History of that fact. The Central Repository shall, as soon as reasonably practicable, notify the person that his or her request has been denied.

(b) Destroys a biological specimen and purges a DNA profile pursuant to this section, the forensic laboratory shall take the following actions:

(1) Notify the State DNA Database that the DNA profile and DNA record of the person must be purged from the State DNA Database and from CODIS. Upon receipt of such notification, the DNA profile and DNA record of the person must be purged from the State DNA Database and CODIS.

(2) Notify the Central Repository for Nevada Records of Criminal History that the forensic laboratory has destroyed the biological specimen and purged the DNA profile of the person and has notified the State DNA Database that the DNA profile and DNA record of the person must be purged from the State DNA Database and CODIS. Upon receipt of such notification, the Central Repository shall, as soon as reasonably practicable, notify the person that his or her request has been granted, his or her biological specimen has been destroyed by the forensic laboratory and his or her DNA profile and DNA record have been purged from the forensic laboratory, the State DNA Database and CODIS.

Sec. 8. NRS 176A.250 is hereby amended to read as follows:

176A.250 A court may establish an appropriate program for the treatment of mental illness or intellectual disabilities to which it may assign a defendant pursuant to NRS 176A.260 ~~[.]~~ ***or section 3 of this act.*** The assignment must include the terms and conditions for successful completion of the program and provide for progress reports at intervals set by the court to ensure that the defendant is making satisfactory progress towards completion of the program.

Sec. 9. NRS 176A.280 is hereby amended to read as follows:

176A.280 A court may establish an appropriate program for the treatment of veterans and members of the military to which it may assign a defendant pursuant to NRS 176A.290 ~~[.]~~ ***or section 3 of this act.*** The assignment must include the terms and conditions for successful completion of the program and provide for progress reports at intervals set by the court to ensure that the defendant is making satisfactory progress towards completion of the program.

Sec. 10. NRS 179.275 is hereby amended to read as follows:

179.275 Where the court orders the sealing of a record pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330, ***or section 5 of this act,*** a copy of the order must be sent to:

1. The Central Repository for Nevada Records of Criminal History; and

2. Each agency of criminal justice and each public or private company, agency, official or other custodian of records named in the order, and that person shall seal the records in his or her custody which relate to the matters contained in the order, shall advise the court of compliance and shall then seal the order.

Sec. 11. NRS 179.285 is hereby amended to read as follows:

179.285 Except as otherwise provided in NRS 179.301:

1. If the court orders a record sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 ~~[.]~~ ***or section 5 of this act:***

(a) All proceedings recounted in the record are deemed never to have occurred, and the person to whom the order pertains may properly answer accordingly to any inquiry, including, without limitation, an inquiry relating to an application for employment, concerning the arrest, conviction, dismissal or acquittal and the events and proceedings relating to the arrest, conviction, dismissal or acquittal.

(b) The person is immediately restored to the following civil rights if the person's civil rights previously have not been restored:

(1) The right to vote;

(2) The right to hold office; and

(3) The right to serve on a jury.

2. Upon the sealing of the person's records, a person who is restored to his or her civil rights pursuant to subsection 1 must be given:

(a) An official document which demonstrates that the person has been restored to the civil rights set forth in paragraph (b) of subsection 1; and

(b) A written notice informing the person that he or she has not been restored to the right to bear arms, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms.

3. A person who has had his or her records sealed in this State or any other state and whose official documentation of the restoration of civil rights is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has had his or her records sealed, the court shall issue an order restoring the person to the civil rights to vote, to hold office and to serve on a jury. A person must not be required to pay a fee to receive such an order.

4. A person who has had his or her records sealed in this State or any other state may present official documentation that the person has been restored to his or her civil rights or a court order restoring civil rights as proof that the person has been restored to the right to vote, to hold office and to serve as a juror.

Sec. 12. NRS 179.295 is hereby amended to read as follows:

179.295 1. The person who is the subject of the records that are sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 ***or section 5 of this act*** may petition the court that ordered the records sealed to permit inspection of the records by a person named in the petition, and the court may order such inspection. Except as otherwise provided in this section, subsection 8 of NRS 179.255 and NRS 179.259 and 179.301, the court may not order the inspection of the records under any other circumstances.

2. If a person has been arrested, the charges have been dismissed and the records of the arrest have been sealed, the court may order the inspection of

the records by a prosecuting attorney upon a showing that as a result of newly discovered evidence, the person has been arrested for the same or a similar offense and that there is sufficient evidence reasonably to conclude that the person will stand trial for the offense.

3. The court may, upon the application of a prosecuting attorney or an attorney representing a defendant in a criminal action, order an inspection of such records for the purpose of obtaining information relating to persons who were involved in the incident recorded.

4. This section does not prohibit a court from considering a conviction for which records have been sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 ***or section 5 of this act*** in determining whether to grant a petition pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 for a conviction of another offense.

Sec. 13. NRS 453.580 is hereby amended to read as follows:

453.580 1. A court may establish an appropriate treatment program to which it may assign a person pursuant to subsection 4 of NRS 453.336, NRS 453.3363 or 458.300 ~~[,]~~ or ***section 3 of this act, or*** it may assign such a person to an appropriate treatment provider. The assignment must include the terms and conditions for successful completion of the program and provide for progress reports at intervals set by the court to ensure that the person is making satisfactory progress toward completion of the program.

2. A program to which a court assigns a person pursuant to subsection 1 must include:

(a) Information and encouragement for the participant to cease abusing alcohol or using controlled substances through educational, counseling and support sessions developed with the cooperation of various community, health, substance abuse, religious, social service and youth organizations;

(b) The opportunity for the participant to understand the medical, psychological and social implications of substance abuse; and

(c) Alternate courses within the program based on the different substances abused and the addictions of participants.

3. If the offense with which the person was charged involved the use or possession of a controlled substance, in addition to the program or as a part of the program, the court must also require random testing or screening to determine that the person is not using a controlled substance.

4. Before the court assigns a person to a program pursuant to this section, the person must agree to pay the cost of the program to which the person is assigned and the cost of any additional supervision required pursuant to subsection 3, to the extent of the financial resources of the person. If the person does not have the financial resources to pay all of the related costs, the court shall, to the extent practicable, arrange for the person to be assigned to a program with a treatment provider that receives a sufficient amount of federal or state funding to offset the remainder of the costs.

5. If a court places a person under the supervision of a treatment provider to receive treatment for the abuse of alcohol or use of controlled substances pursuant to this section, the court may authorize the person to complete any period of treatment remaining under the supervision of a treatment provider in another jurisdiction if the court determines that:

(a) The person is eligible to receive treatment under a program of treatment in the other jurisdiction; and

(b) The program of treatment in the other jurisdiction is substantially similar to the program of treatment to which the person is assigned in this State.

6. As used in this section:

(a) "Treatment provider" has the meaning ascribed to it in NRS 458.010.

(b) "Treatment provider in another jurisdiction" means a person or a public or private agency, residential treatment center, facility for the treatment of abuse of alcohol or drugs, or voluntary organization which holds a license, certificate or other credential issued by a regulatory agency in another jurisdiction.

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 474.

Bill read second time.

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

Amendment No. 277.

AN ACT relating to drugs; requiring certain persons to make a report of a drug overdose or suspected drug overdose; revising provisions concerning the computerized program to track each prescription for a controlled substance; ~~[revising provisions relating to penalties for selling, manufacturing, delivering, bringing into this State or possessing certain controlled substances;]~~ revising provisions governing the accessibility of health care records in certain investigations; requiring an occupational licensing board that licenses ~~[a practitioner]~~ **certain practitioners** who ~~[is]~~ **are** authorized to prescribe controlled substances to review and evaluate information and impose disciplinary action in certain circumstances; authorizing such an occupational licensing board to suspend the authority of a practitioner to prescribe, administer or dispense a controlled substance in certain circumstances; imposing certain requirements concerning the prescription of a controlled substance; revising the required contents of certain written prescriptions; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain providers of health care to report to the local health authority if a person has or is suspected of having a communicable disease. (NRS 441A.150) Each health authority is required to make a weekly report to the Chief Medical Officer of all cases or suspected cases of communicable diseases reported to the health authority. (NRS 441A.170) **Sections ~~[1-6]~~ 1, 3, 5 and 6** of this bill require similar reports to be made **directly to the Chief Medical Officer** concerning cases or suspected cases of drug overdose. **Section 6** makes it a misdemeanor for a provider of health care to willfully fail, neglect or refuse to make such a report.

Existing law requires the State Board of Pharmacy and the Investigation Division of the Department of Public Safety to cooperatively develop a computerized program to track each prescription for a controlled substance listed in schedule II, III or IV. (NRS 453.162) **Section 7** of this bill requires that program to include certain information relating to each prescription of such a controlled substance.

Existing law requires any practitioner or person who dispenses a controlled substance or proposes to engage in such dispensing to obtain a registration from the State Board of Pharmacy. (NRS 453.226) Existing law requires each registered person to upload certain information to the database of the computerized program after dispensing a controlled substance listed in schedule II, III or IV. (NRS 453.163) **Sections 8 and 9** of this bill clarify that the requirement to upload such information applies to a controlled substance listed in schedule II, III or IV that is dispensed for human consumption. **Section 9** also authorizes **. ~~[: (1)]~~** certain occupational licensing boards to access the database to investigate the fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, dispensing or use of a controlled substance **. ~~[; and (2) paramedics to access the database to determine if the symptoms of a person the paramedic is treating may be caused by a controlled substance listed in schedule II, III or IV.]~~** **Section 11** of this bill requires a person to present proof that he or she has access to the database of the program before the Board may issue or renew a registration to prescribe a controlled substance.

~~[Existing law prescribes certain criminal penalties for persons who knowingly or intentionally sell, manufacture, deliver, bring into this State or possess a controlled substance listed in schedule II based on the quantity of the controlled substance involved. (NRS 453.3395) Section 12 of this bill provides that such penalties instead depend on the aggregate quantity involved or collected by the investigating law enforcement agency over the course of an investigation.]~~

Sections 13 and 62 of this bill revise provisions governing the accessibility of health care records in certain investigations.

Sections 15, 22, 28, 33, 40 and 45 of this bill require certain occupational licensing boards that receive a complaint or information that indicates the fraudulent, illegal, unauthorized or inappropriate prescribing or use of a

controlled substance listed in schedule II, III or IV to take certain measures to review and evaluate the information and impose disciplinary action upon a licensee if it determines that a violation has occurred. **Sections 20, 26, 38 and 49** of this bill clarify that such measures must be taken before a formal investigation commences. **Sections 16, 23, 29, 34, 41 and 46** of this bill establish procedures by which such occupational licensing boards may summarily suspend a licensee's authority to prescribe, administer or dispense a controlled substance listed in schedule II, III or IV.

Existing law authorizes certain occupational licensing boards to require licensees who are registered to dispense controlled substances to complete at least 1 hour of training relating specifically to the misuse and abuse of controlled substances. (NRS 630.2535, 631.344, 632.2375, 633.473, 635.116, 636.2881) **Sections 17, 24, 30, 35, 42 and 47** of this bill instead: (1) increase the required training to 2 hours; and (2) add to the list of authorized topics for training to satisfy that requirement training relating specifically to the prescribing of opioids or addiction.

Section 52 of this bill requires a practitioner **, other than a veterinarian,** who intends to prescribe or dispense more than certain quantities of a controlled substance listed in schedule II, III or IV for the treatment of pain to document in the medical record of the patient the reasons for prescribing or dispensing that quantity. **Section 53** of this bill requires a practitioner **, other than a veterinarian,** to have established a bona fide relationship with a patient and to take certain actions, including performing an evaluation and risk assessment, creating a treatment plan and obtaining the informed written consent of the patient, before initiating a prescription for a controlled substance listed in schedule II, III or IV for the treatment of pain for the patient. **Section 54** of this bill prescribes requirements concerning such an evaluation and risk assessment and for obtaining the informed written consent.

Section 55 of this bill requires a practitioner **, other than a veterinarian,** to take certain actions before issuing a prescription for a controlled substance listed in schedule II, III or IV to continue the treatment of pain of a patient who has used the controlled substance for 90 consecutive days or longer. **Section 56** of this bill requires a practitioner **, other than a veterinarian,** who intends to prescribe a controlled substance listed in schedule II, III or IV for more than 30 days for the treatment of pain to enter into a prescription medication agreement with the patient. **Section 57** of this bill requires a practitioner **, other than a veterinarian,** to consider certain factors before prescribing a controlled substance listed in schedule II, III or IV.

Section 58 of this bill authorizes the State Board of Pharmacy to adopt any regulations necessary to enforce the provisions of this bill concerning the prescription of a controlled substance listed in schedule II, III or IV for the treatment of pain. **Section 58** also provides that a person who violates those provisions or regulations is not guilty of a misdemeanor but is subject to professional discipline. **Sections 15, 22, 28, 33, 40 and 45** require an

occupational licensing board that licenses practitioners who prescribe controlled substances listed in schedule II, III or IV to adopt regulations establishing disciplinary action for prescribing such a controlled substance inappropriately or in violation of the provisions of this bill concerning the prescribing of such a controlled substance for the treatment of pain. **Sections 18, 25, 31, 36, 43 and 48** of this bill authorize the imposition of disciplinary action in such circumstances.

Existing law requires a practitioner to obtain a patient utilization report from the computerized program established by the Board and the Investigation Division before initiating a prescription for a controlled substance listed in schedule II, III or IV. (NRS 639.23507) **Section 60** of this bill: (1) **clarifies that this requirement does not apply to veterinarians; (2)** additionally requires a practitioner **, other than a veterinarian,** to obtain such a report at least every 90 days for the duration of the prescription; and ~~[(2)]~~ **(3)** requires a practitioner **, other than a veterinarian,** to make certain determinations based on the report. **Section 61** of this bill revises the required contents of a written prescription.

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

Section 1. NRS 441A.120 is hereby amended to read as follows:

441A.120 1. The Board shall adopt regulations governing the control of communicable diseases in this State, including regulations specifically relating to the control of such diseases in educational, medical and correctional institutions. The regulations must specify:

(a) The diseases which are known to be communicable.

(b) The communicable diseases which are known to be sexually transmitted.

(c) The procedures for investigating and reporting cases or suspected cases of communicable diseases, including the time within which these actions must be taken.

(d) For each communicable disease, the procedures for testing, treating, isolating and quarantining a person or group of persons who have been exposed to or have or are suspected of having the disease.

(e) A method for ensuring that any testing, treatment, isolation or quarantine of a person or a group of persons pursuant to this chapter is carried out in the least restrictive manner or environment that is appropriate and acceptable under current medical and public health practices.

2. ***The Board shall adopt regulations governing the procedures for reporting cases or suspected cases of drug overdose*** ~~[,]~~ ***to the Chief Medical Officer or his or her designee, including the time within which such reports must be made*** ~~[,]~~ ***and the information that such reports must include.***

3. The duties set forth in the regulations adopted by the Board pursuant to ~~[this section]~~ ***subsection 1*** must be performed by:

(a) In a district in which there is a district health officer, the district health officer or the district health officer's designee; or

(b) In any other area of the State, the Chief Medical Officer or the Chief Medical Officer's designee.

Sec. 2. ~~[NRS 441A.130 is hereby amended to read as follows:~~

~~441A.130 The Chief Medical Officer shall inform each local health officer of the regulations adopted by the Board and the procedures established for investigating and reporting cases or suspected cases of infectious diseases *, cases or suspected cases of drug overdose* and cases or suspected cases of exposure to biological, radiological or chemical agents pursuant to this chapter.~~] **(Deleted by amendment.)**

Sec. 3. NRS 441A.150 is hereby amended to read as follows:

441A.150 1. A provider of health care who knows of, or provides services to, a person who has or is suspected of having a communicable disease ~~*[or who has suffered or is suspected of having suffered a drug overdose]*~~ shall report that fact to the health authority in the manner prescribed by the regulations of the Board. If no provider of health care is providing services, each person having knowledge that another person has a communicable disease ~~*[or has suffered or is suspected of having suffered a drug overdose]*~~ shall report that fact ~~*[and, if applicable, the drug that caused the overdose]*~~ to the health authority in the manner prescribed by the regulations of the Board.

2. ***A provider of health care who knows of, or provides services to, a person who has suffered or is suspected of having suffered a drug overdose shall report that fact to the Chief Medical Officer or his or her designee in the manner prescribed by the regulations of the Board.***

3. A medical facility in which more than one provider of health care may know of, or provide services to, a person who has or is suspected of having a communicable disease ***or who has suffered or is suspected of having suffered a drug overdose*** shall establish administrative procedures to ensure that the health authority ***or Chief Medical Officer or his or her designee, as applicable,*** is notified.

~~[3.]~~ ***4.*** A laboratory director shall, in the manner prescribed by the Board, notify the health authority of the identification by his or her medical laboratory of the presence of any communicable disease in the jurisdiction of that health authority. The health authority shall not presume a diagnosis of a communicable disease on the basis of the notification received from the laboratory director.

~~[4.]~~ ***5.*** If more than one medical laboratory is involved in testing a specimen, the laboratory that is responsible for reporting the results of the testing directly to the provider of health care for the patient shall also be responsible for reporting to the health authority.

Sec. 4. ~~[NRS 441A.170 is hereby amended to read as follows:~~

~~441A.170 Each health authority shall report each week to the Chief Medical Officer [the]:~~

~~*1. The* number and types of cases or suspected cases of communicable disease reported to the health authority **[**,**]** ;~~

~~***2. The total number of cases or suspected cases of drug overdose reported to the health authority;***~~

~~***3. The name of each drug that caused a drug overdose or suspected drug overdose and the number of cases or suspected cases of drug overdose resulting from the use of each such drug;*** and **[**any**]**~~

~~*4. Any* other information required by the regulations of the Board.**]**~~ **(Deleted by amendment.)**

Sec. 5. NRS 441A.220 is hereby amended to read as follows:

441A.220 All information of a personal nature about any person provided by any other person reporting a case or suspected case of a communicable disease **[**,**]** ***or drug overdose,*** or by any person who has a communicable disease **[**,**]** ***or has suffered a drug overdose,*** or as determined by investigation of the health authority, is confidential medical information and must not be disclosed to any person under any circumstances, including pursuant to any subpoena, search warrant or discovery proceeding, except:

1. As otherwise provided in NRS 439.538.
2. For statistical purposes, provided that the identity of the person is not discernible from the information disclosed.
3. In a prosecution for a violation of this chapter.
4. In a proceeding for an injunction brought pursuant to this chapter.
5. In reporting the actual or suspected abuse or neglect of a child or elderly person.
6. To any person who has a medical need to know the information for his or her own protection or for the well-being of a patient or dependent person, as determined by the health authority in accordance with regulations of the Board.
7. If the person who is the subject of the information consents in writing to the disclosure.
8. Pursuant to subsection 4 of NRS 441A.320 or NRS 629.069.
9. If the disclosure is made to the Department of Health and Human Services and the person about whom the disclosure is made has been diagnosed as having acquired immunodeficiency syndrome or an illness related to the human immunodeficiency virus and is a recipient of or an applicant for Medicaid.
10. To a firefighter, police officer or person providing emergency medical services if the Board has determined that the information relates to a communicable disease significantly related to that occupation. The information must be disclosed in the manner prescribed by the Board.
11. If the disclosure is authorized or required by NRS 239.0115 or another specific statute.

Sec. 6. NRS 441A.920 is hereby amended to read as follows:

441A.920 Every provider of health care, medical facility or medical laboratory that willfully fails, neglects or refuses to comply with any

regulation of the Board relating to the reporting of a communicable disease ***or drug overdose*** or any requirement of this chapter is guilty of a misdemeanor and, in addition, may be subject to an administrative fine of $1,000 for each violation, as determined by the Board.

Sec. 7. NRS 453.162 is hereby amended to read as follows:

453.162 1. The Board and the Division shall cooperatively develop a computerized program to track each prescription for a controlled substance listed in schedule II, III or IV that is filled by a pharmacy that is registered with the Board or that is dispensed by a practitioner who is registered with the Board. The program must:

(a) Be designed to provide information regarding:

(1) The inappropriate use by a patient of controlled substances listed in schedules II, III and IV to pharmacies, practitioners and appropriate state and local governmental agencies, including, without limitation, law enforcement agencies and occupational licensing boards, to prevent the improper or illegal use of those controlled substances; and

(2) Statistical data relating to the use of those controlled substances that is not specific to a particular patient.

(b) Be administered by the Board, the Investigation Division, the Division of Public and Behavioral Health of the Department and various practitioners, representatives of professional associations for practitioners, representatives of occupational licensing boards and prosecuting attorneys selected by the Board and the Investigation Division.

(c) Not infringe on the legal use of a controlled substance for the management of severe or intractable pain.

(d) Include the contact information of each person who is required to access the database of the program pursuant to NRS 453.164, including, without limitation:

(1) The name of the person;

(2) The physical address of the person;

(3) The telephone number of the person; and

(4) If the person maintains an electronic mail address, the electronic mail address of the person.

(e) ***Include, for each prescription of a controlled substance listed in schedule II, III or IV:***

(1) The fewest number of days necessary to consume the quantity of the controlled substance dispensed to the patient if the patient consumes the maximum dose of the controlled substance authorized by the prescribing practitioner;

(2) Each state in which the patient to whom the controlled substance was prescribed has previously resided or filled a prescription for a controlled substance listed in schedule II, III or IV; and

(3) The code established in the International Classification of Diseases, Tenth Revision, Clinical Modification, adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid

Services, or the code used in any successor classification system adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services, that corresponds to the diagnosis for which the controlled substance was prescribed.

(f) To the extent that money is available, include:

(1) A means by which a practitioner may designate in the database of the program that he or she suspects that a patient is seeking a prescription for a controlled substance for an improper or illegal purpose. If the Board reviews the designation and determines that such a designation is warranted, the Board shall inform pharmacies, practitioners and appropriate state agencies that the patient is seeking a prescription for a controlled substance for an improper or illegal purpose as described in subparagraph (1) of paragraph (a).

(2) The ability to integrate the records of patients in the database of the program with the electronic health records of practitioners.

2. The Board, the Division and each employee thereof are immune from civil and criminal liability for any action relating to the collection, maintenance and transmission of information pursuant to this section and NRS 453.163 and 453.164 if a good faith effort is made to comply with applicable laws and regulations.

3. The Board and the Division may apply for any available grants and accept any gifts, grants or donations to assist in developing and maintaining the program required by this section.

Sec. 8. NRS 453.163 is hereby amended to read as follows:

453.163 1. Except as otherwise provided in this subsection, each person registered pursuant to this chapter to dispense a controlled substance listed in schedule II, III or IV ***for human consumption*** shall, not later than the end of the next business day after dispensing a controlled substance, upload to the database of the program established pursuant to NRS 453.162 the information described in paragraph (d) of subsection 1 of NRS 453.162. The requirements of this subsection do not apply if the controlled substance is administered directly by a practitioner to a patient in a health care facility, as defined in NRS 439.960, a child who is a resident in a child care facility, as defined in NRS 432A.024, or a prisoner, as defined in NRS 208.085. The Board shall establish by regulation and impose administrative penalties for the failure to upload information pursuant to this subsection.

2. The Board and the Division may cooperatively enter into a written agreement with an agency of any other state to provide, receive or exchange information obtained by the program with a program established in that state which is substantially similar to the program established pursuant to NRS 453.162, including, without limitation, providing such state access to the database of the program or transmitting information to and receiving information from such state. Any information provided, received or exchanged as part of an agreement made pursuant to this section may only be used in accordance with the provisions of this chapter.

3. A practitioner who is authorized to write prescriptions for and each person who is authorized to dispense controlled substances listed in schedule II, III or IV ***for human consumption*** who makes a good faith effort to comply with applicable laws and regulations when transmitting to the Board or the Division a report or information required by this section or NRS 453.162 or 453.164, or a regulation adopted pursuant thereto, is immune from civil and criminal liability relating to such action.

Sec. 9. NRS 453.164 is hereby amended to read as follows:

453.164 1. The Board shall provide Internet access to the database of the program established pursuant to NRS 453.162 to an occupational ~~***[each:***~~ ~~***(a) Occupational]***~~ licensing board that licenses any practitioner who is authorized to write prescriptions for ***human consumption of*** controlled substances listed in schedule II, III or IV. ***An occupational licensing board that is provided access to the database pursuant to this section may access the database to investigate a complaint, report or other information that indicates fraudulent, illegal, unauthorized or otherwise inappropriate activity related to the prescribing, dispensing or use of a controlled substance.***

~~***[(b) Paramedic certified pursuant to chapter 450B of NRS. A paramedic who is provided access to the database pursuant to this section may access the database to investigate the cause of symptoms experienced by a person to whom the paramedic is providing care if the paramedic determines that such symptoms may be caused by the person's use of a controlled substance listed in schedule II, III or IV.]***~~

2. The Board and the Division must have access to the program established pursuant to NRS 453.162 to identify any suspected fraudulent ***,*** ~~**[**or**]**~~ illegal ***, unauthorized or otherwise inappropriate*** activity related to the ***prescribing,*** dispensing ***or use*** of controlled substances.

3. ~~**[**The**]**~~ ***Except as otherwise provided in subsection 4, the*** Board or the Division shall report any activity it reasonably suspects may:

(a) ~~**[**Be**]**~~ ***Indicate*** fraudulent ***,*** ~~**[**or**]**~~ illegal ***, unauthorized or otherwise inappropriate activity related to the prescribing, dispensing or use of a controlled substance*** to the appropriate law enforcement agency or occupational licensing board and provide the law enforcement agency or occupational licensing board with the relevant information obtained from the program for further investigation.

(b) Indicate the inappropriate use by a patient of a controlled substance to the occupational licensing board of each practitioner who has prescribed the controlled substance to the patient. The occupational licensing board may access the database of the program established pursuant to NRS 453.162 to determine which practitioners are prescribing the controlled substance to the patient. The occupational licensing board may use this information for any purpose it deems necessary, including, without limitation, alerting a practitioner that a patient may be fraudulently obtaining a controlled substance or determining whether a practitioner is engaged in unlawful or

unprofessional conduct. ~~[This paragraph shall not be construed to require an occupational licensing board to conduct an investigation or take any action against a practitioner upon receiving information from the Board or the Division.]~~

4. ***The Board or Division may withhold any report required by subsection 3 if the Board determines that doing so is necessary to avoid interfering with any pending administrative or criminal investigation into the suspected fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, dispensing or use of a controlled substance.***

5. The Board and the Division shall cooperatively develop a course of training for persons who are required to receive access to the database of the program pursuant to subsection ~~[6]~~ ***7*** and require each such person to complete the course of training before the person is provided with Internet access to the database.

~~[5.]~~ ***6.*** Each practitioner who is authorized to write prescriptions for and each person who is authorized to dispense controlled substances listed in schedule II, III or IV ***for human consumption*** shall complete the course of instruction described in subsection ~~[4.]~~ ***5.*** The Board shall provide Internet access to the database to each such practitioner or other person who completes the course of instruction.

~~[6.]~~ ***7.*** Each practitioner who is authorized to write prescriptions for ***human consumption of*** controlled substances listed in schedule II, III or IV shall, to the extent the program allows, access the database of the program established pursuant to NRS 453.162 at least once each 6 months to:

(a) Review the information concerning the practitioner that is listed in the database ***, including, without limitation, information concerning prescriptions issued by the practitioner,*** and notify the Board if any such information is not correct; and

(b) Verify to the Board that he or she continues to have access to and has accessed the database as required by this subsection.

~~[7.]~~ ***8.*** Information obtained from the program relating to a practitioner or a patient is confidential and, except as otherwise provided by this section and NRS 239.0115, 453.162 and 453.163, must not be disclosed to any person. That information must be disclosed:

(a) Upon the request of a person about whom the information requested concerns or upon the request on behalf of that person by his or her attorney; or

(b) Upon the lawful order of a court of competent jurisdiction.

~~[8.]~~ ***9.*** If the Board, the Division or a law enforcement agency determines that the database of the program has been intentionally accessed by a person or for a purpose not authorized pursuant to NRS 453.162 to 453.165, inclusive, the Board, Division or law enforcement agency, as applicable, must notify any person whose information was accessed by an unauthorized person or for an unauthorized purpose.

Sec. 10. NRS 453.165 is hereby amended to read as follows:

453.165 1. Except as otherwise provided in this section, the Board shall allow a law enforcement officer to have Internet access to the database of the computerized program developed pursuant to NRS 453.162 if:

(a) The primary responsibility of the law enforcement officer is to conduct investigations of crimes relating to prescription drugs;

(b) The law enforcement officer has been approved by his or her employer to have such access;

(c) The law enforcement officer has completed the course of training developed pursuant to subsection ~~[4]~~ ***5*** of NRS 453.164; and

(d) The employer of the law enforcement officer has submitted the certification required pursuant to subsection 2 to the Board.

2. Before a law enforcement officer may be given access to the database pursuant to subsection 1, the employer of the officer must certify to the Board that the law enforcement officer has been approved to be given such access and meets the requirements of subsection 1. Such certification must be made on a form provided by the Board and renewed annually.

3. When a law enforcement officer accesses the database of the computerized program pursuant to this section, the officer must enter a unique user name assigned to the officer and the case number corresponding to the investigation being conducted by the officer.

4. A law enforcement officer who is given access to the database of the computerized program pursuant to subsection 1 may access the database to investigate a crime related to prescription drugs and for no other purpose.

5. The employer of a law enforcement officer who is provided access to the database of the computerized program pursuant to this section shall monitor the use of the database by the law enforcement officer and establish appropriate disciplinary action to take against an officer who violates the provisions of this section.

6. The Board or the Division may suspend or terminate access to the database of the computerized program pursuant to this section if a law enforcement officer or his or her employer violates any provision of this section.

7. As used in this section, "law enforcement officer" means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

Sec. 11. NRS 453.226 is hereby amended to read as follows:

453.226 1. Every practitioner or other person who dispenses any controlled substance within this State or who proposes to engage in the dispensing of any controlled substance within this State shall obtain biennially a registration issued by the Board in accordance with its regulations. ***A person must present proof that he or she is authorized to access the database of the program established pursuant to NRS 453.162 before the Board may issue or renew a registration.***

2. A person registered by the Board in accordance with the provisions of NRS 453.011 to 453.552, inclusive, to dispense or conduct research with controlled substances may possess, dispense or conduct research with those substances to the extent authorized by the registration and in conformity with the other provisions of those sections.

3. The following persons are not required to register and may lawfully possess and distribute controlled substances pursuant to the provisions of NRS 453.011 to 453.552, inclusive:

(a) An agent or employee of a registered dispenser of a controlled substance if he or she is acting in the usual course of his or her business or employment;

(b) A common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment;

(c) An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, advanced practice registered nurse, podiatric physician or veterinarian or in lawful possession of a schedule V substance; or

(d) A physician who:

(1) Holds a locum tenens license issued by the Board of Medical Examiners or a temporary license issued by the State Board of Osteopathic Medicine; and

(2) Is registered with the Drug Enforcement Administration at a location outside this State.

4. The Board may waive the requirement for registration of certain dispensers if it finds it consistent with the public health and safety.

5. A separate registration is required at each principal place of business or professional practice where the applicant dispenses controlled substances.

6. The Board may inspect the establishment of a registrant or applicant for registration in accordance with the Board's regulations.

Sec. 12. ~~[~~NRS 453.3395 is hereby amended to read as follows:

~~453.3395 Except as otherwise provided in NRS 453.011 to 453.552, inclusive, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of any controlled substance which is listed in schedule II or any mixture which contains any such controlled substance shall be punished, unless a greater penalty is provided pursuant to NRS 453.322, if the~~ ***aggregate*** quantity involved **[:]** ***or collected by the investigating law enforcement agency during an investigation:***

~~1. Is 28 grams or more, but less than 200 grams, for a category C felony as provided in NRS 193.130 and by a fine of not more than $50,000.~~

~~2. Is 200 grams or more, but less than 400 grams, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2~~

~~years and a maximum term of not more than 10 years and by a fine of not more than $100,000.~~

~~3. Is 400 grams or more, for a category A felony by imprisonment in the state prison:~~

~~(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served; or~~

~~(b) For a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served,~~

~~and by a fine of not more than $250,000.~~] **(Deleted by amendment.)**

Sec. 13. NRS 629.061 is hereby amended to read as follows:

629.061 1. Each provider of health care shall make the health care records of a patient available for physical inspection by:

(a) The patient or a representative with written authorization from the patient;

(b) The personal representative of the estate of a deceased patient;

(c) Any trustee of a living trust created by a deceased patient;

(d) The parent or guardian of a deceased patient who died before reaching the age of majority;

(e) An investigator for the Attorney General or a grand jury investigating an alleged violation of NRS 200.495, 200.5091 to 200.50995, inclusive, or 422.540 to 422.570, inclusive;

(f) An investigator for the Attorney General investigating an alleged violation of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive, or any fraud in the administration of chapter 616A, 616B, 616C, 616D or 617 of NRS or in the provision of benefits for industrial insurance; or

(g) Any authorized representative or investigator of a state licensing board during the course of any investigation authorized by law.

2. The records described in subsection 1 must be made available at a place within the depository convenient for physical inspection. Except as otherwise provided in subsection 3, if the records are located:

(a) Within this State, the provider shall make any records requested pursuant to this section available for inspection within 10 working days after the request.

(b) Outside this State, the provider shall make any records requested pursuant to this section available in this State for inspection within 20 working days after the request.

3. If the records described in subsection 1 are requested pursuant to paragraph (e), (f) or (g) of subsection 1 and the investigator, grand jury or authorized representative, as applicable, declares that exigent circumstances exist which require the immediate production of the records, the provider shall make any records which are located:

(a) Within this State available for inspection ~~[within 5 working days after]~~ ***at the time of*** the request ~~[.]~~ ***or at another reasonable time designated by the investigator, grand jury or authorized representative, as applicable.***

(b) Outside this State available for inspection within ~~[10]~~ ***5*** working days after the request.

4. Except as otherwise provided in subsection 5, the provider of health care shall also furnish a copy of the records to each person described in subsection 1 who requests it and pays the actual cost of postage, if any, the costs of making the copy, not to exceed 60 cents per page for photocopies and a reasonable cost for copies of X-ray photographs and other health care records produced by similar processes. No administrative fee or additional service fee of any kind may be charged for furnishing such a copy.

5. The provider of health care shall also furnish a copy of any records that are necessary to support a claim or appeal under any provision of the Social Security Act, 42 U.S.C. §§ 301 et seq., or under any federal or state financial needs-based benefit program, without charge, to a patient, or a representative with written authorization from the patient, who requests it, if the request is accompanied by documentation of the claim or appeal. A copying fee, not to exceed 60 cents per page for photocopies and a reasonable cost for copies of X-ray photographs and other health care records produced by similar processes, may be charged by the provider of health care for furnishing a second copy of the records to support the same claim or appeal. No administrative fee or additional service fee of any kind may be charged for furnishing such a copy. The provider of health care shall furnish the copy of the records requested pursuant to this subsection within 30 days after the date of receipt of the request, and the provider of health care shall not deny the furnishing of a copy of the records pursuant to this subsection solely because the patient is unable to pay the fees established in this subsection.

6. Each person who owns or operates an ambulance in this State shall make the records regarding a sick or injured patient available for physical inspection by:

(a) The patient or a representative with written authorization from the patient;

(b) The personal representative of the estate of a deceased patient;

(c) Any trustee of a living trust created by a deceased patient;

(d) The parent or guardian of a deceased patient who died before reaching the age of majority; or

(e) Any authorized representative or investigator of a state licensing board during the course of any investigation authorized by law.

➥ The records must be made available at a place within the depository convenient for physical inspection, and inspection must be permitted at all reasonable office hours and for a reasonable length of time. The person who owns or operates an ambulance shall also furnish a copy of the records to each person described in this subsection who requests it and pays the actual cost of postage, if any, and the costs of making the copy, not to exceed 60 cents per page for photocopies. No administrative fee or additional service fee of any kind may be charged for furnishing a copy of the records.

7. Records made available to a representative or investigator must not be used at any public hearing unless:

(a) The patient named in the records has consented in writing to their use; or

(b) Appropriate procedures are utilized to protect the identity of the patient from public disclosure.

8. Subsection 7 does not prohibit:

(a) A state licensing board from providing to a provider of health care or owner or operator of an ambulance against whom a complaint or written allegation has been filed, or to his or her attorney, information on the identity of a patient whose records may be used in a public hearing relating to the complaint or allegation, but the provider of health care or owner or operator of an ambulance and the attorney shall keep the information confidential.

(b) The Attorney General from using health care records in the course of a civil or criminal action against the patient or provider of health care.

9. A provider of health care or owner or operator of an ambulance and his or her agents and employees are immune from any civil action for any disclosures made in accordance with the provisions of this section or any consequential damages.

10. For the purposes of this section:

(a) "Guardian" means a person who has qualified as the guardian of a minor pursuant to testamentary or judicial appointment, but does not include a guardian ad litem.

(b) "Living trust" means an inter vivos trust created by a natural person:

(1) Which was revocable by the person during the lifetime of the person; and

(2) Who was one of the beneficiaries of the trust during the lifetime of the person.

(c) "Parent" means a natural or adoptive parent whose parental rights have not been terminated.

(d) "Personal representative" has the meaning ascribed to it in NRS 132.265.

Sec. 14. Chapter 630 of NRS is hereby amended by adding thereto the provisions set forth as sections 15 and 16 of this act.

Sec. 15. ***1. The Executive Director of the Board or his or her designee shall review and evaluate any complaint or information received from the Investigation Division of the Department of Public Safety or the State Board of Pharmacy, including, without limitation, information provided pursuant to NRS 453.164, or from a law enforcement agency, professional licensing board or any other source indicating that:***

(a) A licensee has issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV;

(b) A pattern of prescriptions issued by a licensee indicates that the licensee has issued prescriptions in the manner described in paragraph (a); or

(c) A patient of a licensee has acquired, used or possessed a controlled substance listed in schedule II, III or IV in a fraudulent, illegal, unauthorized or otherwise inappropriate manner.

2. If the Executive Director of the Board or his or her designee receives information described in subsection 1 concerning the licensee, the Executive Director or his or her designee must notify the licensee as soon as practicable after receiving the information.

3. A review and evaluation conducted pursuant to subsection 1 must include, without limitation:

(a) A review of relevant information contained in the database of the program established pursuant to NRS 453.162;

(b) A requirement that the licensee who is the subject of the review and evaluation attest that he or she has complied with the requirements of NRS 639.23507 and sections 52, 53 and 57 of this act, as applicable; and

(c) A request for additional relevant information from the licensee who is the subject of the review and evaluation.

4. If, after a review and evaluation conducted pursuant to subsection 1, the Executive Director or his or her designee determines that a licensee may have issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV, the Board must proceed as if a written complaint had been filed against the licensee. If, after conducting an investigation and a hearing in accordance with the provisions of this chapter, the Board determines that the licensee issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription, the Board must impose appropriate disciplinary action.

5. When deemed appropriate, the Executive Director of the Board may:

(a) Refer information acquired during a review and evaluation conducted pursuant to subsection 1 to another professional licensing board, law enforcement agency or other appropriate governmental entity for investigation and criminal or administrative proceedings.

(b) Postpone any notification, review or part of such a review required by this section if he or she determines that it is necessary to avoid interfering with any pending administrative or criminal investigation into the suspected fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, dispensing or use of a controlled substance.

6. The Board shall adopt regulations providing for disciplinary action against a licensee for inappropriately prescribing a controlled substance listed in schedule II, III or IV or violating the provisions of sections 52 to 58, inclusive, of this act and any regulations adopted by the State Board of Pharmacy pursuant thereto. Such disciplinary action must include, without limitation, requiring the licensee to complete additional continuing

education concerning prescribing controlled substances listed in schedules II, III and IV.

Sec. 16. ***1. If the Board determines from an investigation of a licensee that the health, safety or welfare of the public or any patient served by the licensee is at risk of imminent or continued harm because of the manner in which the licensee prescribed, administered, dispensed or used a controlled substance, the Board may summarily suspend the licensee's authority to prescribe, administer or dispense a controlled substance listed in schedule II, III or IV pending a determination upon the conclusion of a hearing to consider a formal complaint against the licensee. An order of summary suspension may be issued only by the Board, the President of the Board, the presiding officer of the investigative committee of the Board that conducted the investigation or the member of the Board who conducted the investigation.***

2. If an order to summarily suspend a licensee's authority to prescribe, administer or dispense a controlled substance listed in schedule II, III or IV is issued pursuant to subsection 1 by the presiding officer of an investigative committee of the Board or a member of the Board, that person shall not participate in any further proceedings of the Board relating to the order.

3. If the Board, the presiding officer of an investigative committee of the Board or a member of the Board issues an order summarily suspending a licensee's authority to prescribe, administer or dispense a controlled substance listed in schedule II, III or IV pursuant to subsection 1, the Board must hold a hearing to consider the formal complaint against the licensee. The Board must hold the hearing and render a decision concerning the formal complaint within ~~***[180]***~~ ***60 days after the date on which the order is issued, unless the Board and the licensee mutually agree to a longer period.***

Sec. 17. NRS 630.2535 is hereby amended to read as follows:

630.2535 The Board ~~[may,]~~ ***shall,*** by regulation, require each physician or physician assistant who is registered to dispense controlled substances pursuant to NRS 453.231 to complete at least ~~[1 hour]~~ ***2 hours*** of training relating specifically to the misuse and abuse of controlled substances ***, the prescribing of opioids or addiction*** during each period of licensure. Any licensee may use such training to satisfy ~~[1 hour]~~ ***2 hours*** of any continuing education requirement established by the Board.

Sec. 18. NRS 630.3062 is hereby amended to read as follows:

630.3062 The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. Failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient.

2. Altering medical records of a patient.

3. Making or filing a report which the licensee knows to be false, failing to file a record or report as required by law or knowingly or willfully obstructing or inducing another to obstruct such filing.

4. Failure to make the medical records of a patient available for inspection and copying as provided in NRS 629.061.

5. Failure to comply with the requirements of NRS 630.3068.

6. Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

7. Failure to comply with the requirements of NRS 453.163 ***,*** ~~[or]~~ 453.164 ~~[.]~~ ***, 453.226 and 639.23507 and sections 52 to 58, inclusive, of this act and any regulations adopted by the State Board of Pharmacy pursuant thereto.***

8. Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.

Sec. 19. NRS 630.3066 is hereby amended to read as follows:

630.3066 A physician is not subject to disciplinary action solely for:

1. Prescribing or administering to a patient under his or her care a controlled substance which is listed in schedule II, III, IV or V by the State Board of Pharmacy pursuant to NRS 453.146, if the controlled substance is lawfully prescribed or administered for the treatment of intractable pain in accordance with ***the provisions of NRS 639.23507 and sections 52 to 58, inclusive, of this act, any regulations adopted by the State Board of Pharmacy pursuant thereto and any other*** regulations adopted by the Board ~~[.]~~ ***of Medical Examiners.***

2. Engaging in any activity in accordance with the provisions of chapter 453A of NRS.

Sec. 20. NRS 630.311 is hereby amended to read as follows:

630.311 1. ~~[A]~~ ***Except as otherwise provided in section 15 of this act, a*** committee designated by the Board and consisting of members of the Board shall review each complaint and conduct an investigation to determine if there is a reasonable basis for the complaint. The committee must be composed of at least three members of the Board, at least one of whom is not a physician. The committee may issue orders to aid its investigation including, but not limited to, compelling a physician to appear before the committee.

2. If, after conducting an investigation, the committee determines that there is a reasonable basis for the complaint and that a violation of any provision of this chapter has occurred, the committee may file a formal complaint with the Board.

3. The proceedings of the committee are confidential and are not subject to the requirements of NRS 241.020. Within 20 days after the conclusion of each meeting of the committee, the Board shall publish a summary setting

forth the proceedings and determinations of the committee. The summary must not identify any person involved in the complaint that is the subject of the proceedings.

Sec. 21. Chapter 631 of NRS is hereby amended by adding thereto the provisions set forth as sections 22 and 23 of this act.

Sec. 22. ***1. The Executive Director of the Board or his or her designee shall review and evaluate any complaint or information received from the Investigation Division of the Department of Public Safety or the State Board of Pharmacy, including, without limitation, information provided pursuant to NRS 453.164, or from a law enforcement agency, professional licensing board or any other source indicating that:***

(a) A licensee has issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV;

(b) A pattern of prescriptions issued by a licensee indicates that the licensee has issued prescriptions in the manner described in paragraph (a); or

(c) A patient of a licensee has acquired, used or possessed a controlled substance listed in schedule II, III or IV in a fraudulent, illegal, unauthorized or otherwise inappropriate manner.

2. If the Executive Director of the Board or his or her designee receives information described in subsection 1 concerning the licensee, the Executive Director or his or her designee must notify the licensee as soon as practicable after receiving the information.

3. A review and evaluation conducted pursuant to subsection 1 must include, without limitation:

(a) A review of relevant information contained in the database of the program established pursuant to NRS 453.162;

(b) A requirement that the licensee who is the subject of the review and evaluation attest that he or she has complied with the requirements of NRS 639.23507 and sections 52, 53 and 57 of this act, as applicable; and

(c) A request for additional relevant information from the licensee who is the subject of the review and evaluation.

4. If, after a review and evaluation conducted pursuant to subsection 1, the Executive Director or his or her designee determines that a licensee may have issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV, the Board must proceed as if a written complaint had been filed against the licensee. If, after conducting an investigation and a hearing in accordance with the provisions of this chapter, the Board determines that the licensee issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription, the Board must impose appropriate disciplinary action.

5. When deemed appropriate, the Executive Director of the Board may:

(a) Refer information acquired during a review and evaluation conducted pursuant to subsection 1 to another professional licensing board, law enforcement agency or other appropriate governmental entity for investigation and criminal or administrative proceedings.

(b) Postpone any notification, review or part of such a review required by this section if he or she determines that it is necessary to avoid interfering with any pending administrative or criminal investigation into the suspected fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, dispensing or use of a controlled substance.

6. The Board shall adopt regulations providing for disciplinary action against a licensee for inappropriately prescribing a controlled substance listed in schedule II, III or IV or violating the provisions of sections 52 to 58, inclusive, of this act and any regulations adopted by the State Board of Pharmacy pursuant thereto. Such disciplinary action must include, without limitation, requiring the licensee to complete additional continuing education concerning prescribing controlled substances listed in schedules II, III and IV.

Sec. 23. *1. If the Board determines from an investigation of a licensee that the health, safety or welfare of the public or any patient served by the licensee is at risk of imminent or continued harm because of the manner in which the licensee prescribed, administered, dispensed or used a controlled substance, the Board may summarily suspend the licensee's authority to prescribe, administer or dispense a controlled substance listed in schedule II, III or IV pending a determination upon the conclusion of a hearing to consider a formal complaint against the licensee. An order of summary suspension may be issued only by the Board, the President of the Board, the presiding officer of an investigative committee convened by the Board to conduct the investigation or the member, employee, investigator or other agent of the Board who conducted the investigation.*

2. If an order to summarily suspend a licensee's authority to prescribe, administer or dispense a controlled substance listed in schedule II, III or IV is issued pursuant to subsection 1 by the presiding officer of an investigative committee of the Board or a member, employee, investigator or other agent of the Board, that person shall not participate in any further proceedings of the Board relating to the order.

3. If the Board, the presiding officer of an investigative committee of the Board or a member, employee, investigator or other agent of the Board issues an order summarily suspending a licensee's authority to prescribe, administer or dispense a controlled substance listed in schedule II, III or IV pursuant to subsection 1, the Board must hold a hearing to consider the formal complaint against the licensee. The Board must hold the hearing and render a decision concerning the formal complaint within 180 days after the date on which the order is issued, unless the Board and the licensee mutually agree to a longer period.

Sec. 24. NRS 631.344 is hereby amended to read as follows:

631.344 The Board ~~[may,]~~ ***shall,*** by regulation, require each holder of a license to practice dentistry who is registered to dispense controlled substances pursuant to NRS 453.231 to complete at least ~~[1 hour]~~ ***2 hours*** of training relating specifically to the misuse and abuse of controlled substances ***, the prescribing of opioids or addiction*** during each period of licensure. Any such holder of a license may use such training to satisfy ~~[1 hour]~~ ***2 hours*** of any continuing education requirement established by the Board.

Sec. 25. NRS 631.3475 is hereby amended to read as follows:

631.3475 The following acts, among others, constitute unprofessional conduct:

1. Malpractice;
2. Professional incompetence;
3. Suspension or revocation of a license to practice dentistry, the imposition of a fine or other disciplinary action by any agency of another state authorized to regulate the practice of dentistry in that state;
4. More than one act by the dentist or dental hygienist constituting substandard care in the practice of dentistry or dental hygiene;
5. Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, if it is not required to treat the dentist's patient;
6. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS;

7. Chronic or persistent inebriety or addiction to a controlled substance, to such an extent as to render the person unsafe or unreliable as a practitioner, or such gross immorality as tends to bring reproach upon the dental profession;
8. Conviction of a felony or misdemeanor involving moral turpitude or which relates to the practice of dentistry in this State, or conviction of any criminal violation of this chapter;
9. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;
10. Failure to comply with the provisions of NRS 453.163 ***,*** ~~[or]~~ 453.164 ~~[.]~~ ***, 453.226 and 639.23507 and sections 52 to 58, inclusive, of this act and any regulations adopted by the State Board of Pharmacy pursuant thereto.***

11. ***Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV;***

12. Failure to obtain any training required by the Board pursuant to NRS 631.344; or

~~[12.]~~ ***13.*** Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 26. NRS 631.360 is hereby amended to read as follows:

631.360 1. ~~[The]~~ ***Except as otherwise provided in section 22 of this act, the*** Board may, upon its own motion, and shall, upon the verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for initiating disciplinary action, investigate the actions of any person who practices dentistry or dental hygiene in this State. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.

2. The Board shall, before initiating disciplinary action, at least 10 days before the date set for the hearing, notify the accused person in writing of any charges made. The notice may be served by delivery of it personally to the accused person or by mailing it by registered or certified mail to the place of business last specified by the accused person, as registered with the Board.

3. At the time and place fixed in the notice, the Board shall proceed to hear the charges. If the Board receives a report pursuant to subsection 5 of NRS 228.420, a hearing must be held within 30 days after receiving the report.

4. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Executive Director may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

5. The Board may obtain a search warrant from a magistrate upon a showing that the warrant is needed for an investigation or hearing being conducted by the Board and that reasonable cause exists to issue the warrant.

6. If the Board is not sitting at the time and place fixed in the notice, or at the time and place to which the hearing has been continued, the Board shall continue the hearing for a period not to exceed 30 days.

7. The Board shall retain all complaints received by the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 27. Chapter 632 of NRS is hereby amended by adding thereto the provisions set forth as sections 28 and 29 of this act.

Sec. 28. ***1. The Executive Director of the Board or his or her designee shall review and evaluate any complaint or information received from the Investigation Division of the Department of Public Safety or the State Board of Pharmacy, including, without limitation, information provided pursuant to NRS 453.164, or from a law enforcement agency, professional licensing board or any other source indicating that:***

(a) A licensee has issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV;

(b) A pattern of prescriptions issued by a licensee indicates that the licensee has issued prescriptions in the manner described in paragraph (a); or

(c) A patient of a licensee has acquired, used or possessed a controlled substance listed in schedule II, III or IV in a fraudulent, illegal, unauthorized or otherwise inappropriate manner.

2. If the Executive Director of the Board or his or her designee receives information described in subsection 1 concerning the licensee, the Executive Director or his or her designee must notify the licensee as soon as practicable after receiving the information.

3. A review and evaluation conducted pursuant to subsection 1 must include, without limitation:

(a) A review of relevant information contained in the database of the program established pursuant to NRS 453.162;

(b) A requirement that the licensee who is the subject of the review and evaluation attest that he or she has complied with the requirements of NRS 639.23507 and sections 52, 53 and 57 of this act, as applicable; and

(c) A request for additional relevant information from the licensee who is the subject of the review and evaluation.

4. If, after a review and evaluation conducted pursuant to subsection 1, the Executive Director or his or her designee determines that a licensee may have issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV, the Board must proceed as if a written complaint had been filed against the licensee. If, after conducting an investigation and a hearing in accordance with the provisions of this chapter, the Board determines that the licensee issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription, the Board must impose appropriate disciplinary action.

5. When deemed appropriate, the Executive Director of the Board may:

(a) Refer information acquired during a review and evaluation conducted pursuant to subsection 1 to another professional licensing board, law enforcement agency or other appropriate governmental entity for investigation and criminal or administrative proceedings.

(b) Postpone any notification, review or part of such a review required by this section if he or she determines that it is necessary to avoid interfering with any pending administrative or criminal investigation into the suspected fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, dispensing or use of a controlled substance.

6. The Board shall adopt regulations providing for disciplinary action against a licensee for inappropriately prescribing a controlled substance listed in schedule II, III or IV or violating the provisions of sections 52 to 58, inclusive, of this act and any regulations adopted by the State Board of Pharmacy pursuant thereto. Such disciplinary action must include, without limitation, requiring the licensee to complete additional continuing education concerning prescribing controlled substances listed in schedules II, III and IV.

Sec. 29. ***1. If the Board determines from an investigation of a licensee that the health, safety or welfare of the public or any patient served by the licensee is at risk of imminent or continued harm because of the manner in which the licensee prescribed, administered, dispensed or used a controlled substance, the Board may summarily suspend the licensee's authority to prescribe, administer or dispense a controlled substance listed in schedule II, III or IV pending a determination upon the conclusion of a hearing to consider a formal complaint against the licensee. An order of summary suspension may be issued only by the Board, the President of the Board, the presiding officer of an investigative committee convened by the Board to conduct the investigation or the member of the Board who conducted the investigation.***

2. If an order to summarily suspend a licensee's authority to prescribe, administer or dispense a controlled substance listed in schedule II, III or IV is issued pursuant to subsection 1 by the presiding officer of an investigative committee of the Board or a member of the Board, that person shall not participate in any further proceedings of the Board relating to the order.

3. If the Board, the presiding officer of an investigative committee of the Board or a member of the Board issues an order summarily suspending a licensee's authority to prescribe, administer or dispense a controlled substance listed in schedule II, III or IV pursuant to subsection 1, the Board must hold a hearing to consider the formal complaint against the licensee. The Board must hold the hearing and render a decision concerning the formal complaint within ~~[180]~~ 60 days after the date on which the order is issued, unless the Board and the licensee mutually agree to a longer period.

Sec. 30. NRS 632.2375 is hereby amended to read as follows:

632.2375 The Board ~~[may,]~~ ***shall,*** by regulation, require each advanced practice registered nurse who is registered to dispense controlled substances pursuant to NRS 453.231 to complete at least ~~[1 hour]~~ ***2 hours*** of training relating specifically to the misuse and abuse of controlled substances ***, the prescribing of opioids or addiction*** during each period of licensure. An advanced practice registered nurse may use such training to satisfy ~~[1 hour]~~ ***2 hours*** of any continuing education requirement established by the Board.

Sec. 31. NRS 632.347 is hereby amended to read as follows:

632.347 1. The Board may deny, revoke or suspend any license or certificate applied for or issued pursuant to this chapter, or take other disciplinary action against a licensee or holder of a certificate, upon determining that the licensee or certificate holder:

(a) Is guilty of fraud or deceit in procuring or attempting to procure a license or certificate pursuant to this chapter.

(b) Is guilty of any offense:

(1) Involving moral turpitude; or

(2) Related to the qualifications, functions or duties of a licensee or holder of a certificate,

➥ in which case the record of conviction is conclusive evidence thereof.

(c) Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(d) Is unfit or incompetent by reason of gross negligence or recklessness in carrying out usual nursing functions.

(e) Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his or her ability to conduct the practice authorized by the license or certificate.

(f) Is a person with mental incompetence.

(g) Is guilty of unprofessional conduct, which includes, but is not limited to, the following:

(1) Conviction of practicing medicine without a license in violation of chapter 630 of NRS, in which case the record of conviction is conclusive evidence thereof.

(2) Impersonating any applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license or certificate.

(3) Impersonating another licensed practitioner or holder of a certificate.

(4) Permitting or allowing another person to use his or her license or certificate to practice as a licensed practical nurse, registered nurse, nursing assistant or medication aide - certified.

(5) Repeated malpractice, which may be evidenced by claims of malpractice settled against the licensee or certificate holder.

(6) Physical, verbal or psychological abuse of a patient.

(7) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.

(h) Has willfully or repeatedly violated the provisions of this chapter. The voluntary surrender of a license or certificate issued pursuant to this chapter is prima facie evidence that the licensee or certificate holder has committed or expects to commit a violation of this chapter.

(i) Is guilty of aiding or abetting any person in a violation of this chapter.

(j) Has falsified an entry on a patient's medical chart concerning a controlled substance.

(k) Has falsified information which was given to a physician, pharmacist, podiatric physician or dentist to obtain a controlled substance.

(l) Has knowingly procured or administered a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328;

(3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS; or

(4) Is an investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.

(m) Has been disciplined in another state in connection with a license to practice nursing or a certificate to practice as a nursing assistant or medication aide - certified, or has committed an act in another state which would constitute a violation of this chapter.

(n) Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.

(o) Has willfully failed to comply with a regulation, subpoena or order of the Board.

(p) Has operated a medical facility at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(q) Is an advanced practice registered nurse who has failed to obtain any training required by the Board pursuant to NRS 632.2375.

(r) Is an advanced practice registered nurse who has failed to comply with the provisions of NRS 453.163 ***,*** ~~[or]~~ 453.164 ~~[.]~~ ***, 453.226 and 639.23507 and sections 52 to 58, inclusive, of this act and any regulations adopted by the State Board of Pharmacy pursuant thereto.***

(s) Has engaged in the fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.

2. For the purposes of this section, a plea or verdict of guilty or guilty but mentally ill or a plea of nolo contendere constitutes a conviction of an offense. The Board may take disciplinary action pending the appeal of a conviction.

3. A licensee or certificate holder is not subject to disciplinary action solely for administering auto-injectable epinephrine pursuant to a valid order issued pursuant to NRS 630.374 or 633.707.

4. As used in this section, "investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 32. Chapter 633 of NRS is hereby amended by adding thereto the provisions set forth as sections 33 and 34 of this act.

Sec. 33. ***1. The Executive Director of the Board or his or her designee shall review and evaluate any complaint or information received from the Investigation Division of the Department of Public Safety or the State Board of Pharmacy, including, without limitation, information provided pursuant to NRS 453.164, or from a law enforcement agency, professional licensing board or any other source indicating that:***

(a) A licensee has issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV;

(b) A pattern of prescriptions issued by a licensee indicates that the licensee has issued prescriptions in the manner described in paragraph (a); or

(c) A patient of a licensee has acquired, used or possessed a controlled substance listed in schedule II, III or IV in a fraudulent, illegal, unauthorized or otherwise inappropriate manner.

2. If the Executive Director of the Board or his or her designee receives information described in subsection 1 concerning the licensee, the Executive Director or his or her designee must notify the licensee as soon as practicable after receiving the information.

3. A review and evaluation conducted pursuant to subsection 1 must include, without limitation:

(a) A review of relevant information contained in the database of the program established pursuant to NRS 453.162;

(b) A requirement that the licensee who is the subject of the review and evaluation attest that he or she has complied with the requirements of NRS 639.23507 and sections 52, 53 and 57 of this act, as applicable; and

(c) A request for additional relevant information from the licensee who is the subject of the review and evaluation.

4. If, after a review and evaluation conducted pursuant to subsection 1, the Executive Director or his or her designee determines that a licensee may have issued a fraudulent, illegal, unauthorized or otherwise

inappropriate prescription for a controlled substance listed in schedule II, III or IV, the Board must proceed as if a written complaint had been filed against the licensee. If, after conducting an investigation and a hearing in accordance with the provisions of this chapter, the Board determines that the licensee issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription, the Board must impose appropriate disciplinary action.

5. When deemed appropriate, the Executive Director of the Board may:

(a) Refer information acquired during a review and evaluation conducted pursuant to subsection 1 to another professional licensing board, law enforcement agency or other appropriate governmental entity for investigation and criminal or administrative proceedings.

(b) Postpone any notification, review or part of such a review required by this section if he or she determines that it is necessary to avoid interfering with any pending administrative or criminal investigation into the suspected fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, dispensing or use of a controlled substance.

6. The Board shall adopt regulations providing for disciplinary action against a licensee for inappropriately prescribing a controlled substance listed in schedule II, III or IV or violating the provisions of sections 52 to 58, inclusive, of this act and any regulations adopted by the State Board of Pharmacy pursuant thereto. Such disciplinary action must include, without limitation, requiring the licensee to complete additional continuing education concerning prescribing controlled substances listed in schedules II, III and IV.

Sec. 34. ***1. If the Board determines from an investigation of a licensee that the health, safety or welfare of the public or any patient served by the licensee is at risk of imminent or continued harm because of the manner in which the licensee prescribed, administered, dispensed or used a controlled substance, the Board may summarily suspend the licensee's authority to prescribe, administer or dispense a controlled substance listed in schedule II, III or IV pending a determination upon the conclusion of a hearing to consider a formal complaint against the licensee. An order of summary suspension may be issued only by the Board, the President of the Board, the presiding officer of the investigative committee of the Board that conducted the investigation or the member of the Board who conducted the investigation.***

2. If an order to summarily suspend a licensee's authority to prescribe, administer or dispense a controlled substance listed in schedule II, III or IV is issued pursuant to subsection 1 by the presiding officer of an investigative committee of the Board or a member of the Board, that person shall not participate in any further proceedings of the Board relating to the order.

3. If the Board, the presiding officer of an investigative committee of the Board or a member of the Board issues an order summarily suspending

a licensee's authority to prescribe, administer or dispense a controlled substance listed in schedule II, III or IV pursuant to subsection 1, the Board must hold a hearing to consider the formal complaint against the licensee. The Board must hold the hearing and render a decision concerning the formal complaint within 180 days after the date on which the order is issued, unless the Board and the licensee mutually agree to a longer period.

Sec. 35. NRS 633.473 is hereby amended to read as follows:

633.473 The Board ~~[may,]~~ ***shall,*** by regulation, require each osteopathic physician or physician assistant who is registered to dispense controlled substances pursuant to NRS 453.231 to complete at least ~~[1 hour]~~ ***2 hours*** of training relating specifically to the misuse and abuse of controlled substances ***, the prescribing of opioids or addiction*** during each period of licensure. Any licensee may use such training to satisfy ~~[1 hour]~~ ***2 hours*** of any continuing education requirement established by the Board.

Sec. 36. NRS 633.511 is hereby amended to read as follows:

633.511 1. The grounds for initiating disciplinary action pursuant to this chapter are:

(a) Unprofessional conduct.

(b) Conviction of:

(1) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(2) A felony relating to the practice of osteopathic medicine or practice as a physician assistant;

(3) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

(4) Murder, voluntary manslaughter or mayhem;

(5) Any felony involving the use of a firearm or other deadly weapon;

(6) Assault with intent to kill or to commit sexual assault or mayhem;

(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(8) Abuse or neglect of a child or contributory delinquency; or

(9) Any offense involving moral turpitude.

(c) The suspension of a license to practice osteopathic medicine or to practice as a physician assistant by any other jurisdiction.

(d) Malpractice or gross malpractice, which may be evidenced by a claim of malpractice settled against a licensee.

(e) Professional incompetence.

(f) Failure to comply with the requirements of NRS 633.527.

(g) Failure to comply with the requirements of subsection 3 of NRS 633.471.

(h) Failure to comply with the provisions of NRS 633.694.

(i) Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility is suspended or revoked; or

(2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(j) Failure to comply with the provisions of subsection 2 of NRS 633.322.

(k) Signing a blank prescription form.

(l) Knowingly or willfully procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328;

(3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS; or

(4) Is an investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.

(m) Attempting, directly or indirectly, by intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.

(n) Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.

(o) In addition to the provisions of subsection 3 of NRS 633.524, making or filing a report which the licensee knows to be false, failing to file a record or report that is required by law or knowingly or willfully obstructing or inducing another to obstruct the making or filing of such a record or report.

(p) Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

(q) Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

(r) Engaging in any act that is unsafe in accordance with regulations adopted by the Board.

(s) Failure to comply with the provisions of NRS 629.515.

(t) Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

(u) Failure to obtain any training required by the Board pursuant to NRS 633.473.

(v) Failure to comply with the provisions of NRS 633.6955.

(w) Failure to comply with the provisions of NRS 453.163 ***,*** ~~[or]~~ 453.164 ~~[.]~~ ***, 453.226 and 639.23507 and sections 52 to 58, inclusive, of this act and any regulations adopted by the State Board of Pharmacy pursuant thereto.***

(x) Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.

2. As used in this section, "investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 37. NRS 633.521 is hereby amended to read as follows:

633.521 An osteopathic physician is not subject to disciplinary action solely for:

1. Prescribing or administering to a patient under his or her care:

(a) Amygdalin (laetrile), if the patient has consented to the use of the substance.

(b) Procaine hydrochloride with preservatives and stabilizers (Gerovital H3).

(c) A controlled substance which is listed in schedule II, III, IV or V by the State Board of Pharmacy pursuant to NRS 453.146, if the controlled substance is lawfully prescribed or administered for the treatment of intractable pain in accordance with ***the provisions of NRS 639.23507, sections 52 to 58, inclusive, of this act and any regulations adopted by the State Board of Pharmacy pursuant thereto and the*** accepted standards for the practice of osteopathic medicine.

2. Engaging in any activity in accordance with the provisions of chapter 453A of NRS.

Sec. 38. NRS 633.541 is hereby amended to read as follows:

633.541 1. ~~[When]~~ ***Except as otherwise provided in section 33 of this act, when*** a complaint is filed with the Board, the Board shall designate a member of the Board to review the complaint.

2. If the member of the Board determines that the complaint is not frivolous, he or she shall conduct an investigation of the complaint to determine whether there is a reasonable basis for the complaint. In performing the investigation, the member of the Board may request the assistance of the Attorney General or contract with a private investigator designated by the Executive Director of the Board who is licensed pursuant to chapter 648 of NRS or any other person designated by the Executive Director of the Board.

3. If, after conducting the investigation pursuant to subsection 2, the member of the Board determines that there is a reasonable basis for the complaint and that a violation of a provision of this chapter has occurred, the member of the Board may file a formal complaint with the Board specifying the grounds for disciplinary action.

Sec. 39. Chapter 635 of NRS is hereby amended by adding thereto the provisions set forth as sections 40 and 41 of this act.

Sec. 40. ***1. The President of the Board or his or her designee shall review and evaluate any complaint or information received from the Investigation Division of the Department of Public Safety or the State Board of Pharmacy, including, without limitation, information provided pursuant to NRS 453.164, or from a law enforcement agency, professional licensing board or any other source indicating that:***

(a) A licensee has issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV;

(b) A pattern of prescriptions issued by a licensee indicates that the licensee has issued prescriptions in the manner described in paragraph (a); or

(c) A patient of a licensee has acquired, used or possessed a controlled substance listed in schedule II, III or IV in a fraudulent, illegal, unauthorized or otherwise inappropriate manner.

2. If the President of the Board or his or her designee receives information described in subsection 1 concerning the licensee, the President or his or her designee must notify the licensee as soon as practicable after receiving the information.

3. A review and evaluation conducted pursuant to subsection 1 must include, without limitation:

(a) A review of relevant information contained in the database of the program established pursuant to NRS 453.162;

(b) A requirement that the licensee who is the subject of the review and evaluation attest that he or she has complied with the requirements of NRS 639.23507 and sections 52, 53 and 57 of this act, as applicable; and

(c) A request for additional relevant information from the licensee who is the subject of the review and evaluation.

4. If, after a review and evaluation conducted pursuant to subsection 1, the President or his or her designee determines that a licensee may have issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV, the Board must proceed as if a written complaint had been filed against the licensee. If, after conducting an investigation and a hearing in accordance with the provisions of this chapter, the Board determines that the licensee issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription, the Board must impose appropriate disciplinary action.

5. When deemed appropriate, the President of the Board may:

(a) Refer information acquired during a review and evaluation conducted pursuant to subsection 1 to another professional licensing board, law enforcement agency or other appropriate governmental entity for investigation and criminal or administrative proceedings.

(b) Postpone any notification, review or part of such a review required by this section if he or she determines that it is necessary to avoid interfering with any pending administrative or criminal investigation into the suspected fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, dispensing or use of a controlled substance.

6. The Board shall adopt regulations providing for disciplinary action against a licensee for inappropriately prescribing a controlled substance listed in schedule II, III or IV or violating the provisions of sections 52 to 58, inclusive, of this act and any regulations adopted by the State Board of Pharmacy pursuant thereto. Such disciplinary action must include, without limitation, requiring the licensee to complete additional continuing education concerning prescribing controlled substances listed in schedules II, III and IV.

Sec. 41. ***1. If the Board determines from an investigation of a licensee that the health, safety or welfare of the public or any patient served by the licensee is at risk of imminent or continued harm because of the manner in which the licensee prescribed, administered, dispensed or used a controlled substance, the Board may summarily suspend the licensee's authority to prescribe, administer or dispense a controlled substance listed in schedule II, III or IV pending a determination upon the conclusion of a hearing to consider a formal complaint against the licensee. An order of summary suspension may be issued only by the Board, the President of the Board, the presiding officer of an investigative committee convened by the Board to conduct the investigation or the member of the Board who conducted the investigation.***

2. If an order to summarily suspend a licensee's authority to prescribe, administer or dispense a controlled substance listed in schedule II, III or IV is issued pursuant to subsection 1 by the presiding officer of an investigative committee of the Board or a member of the Board, that person shall not participate in any further proceedings of the Board relating to the order.

3. If the Board, the presiding officer of an investigative committee of the Board or a member of the Board issues an order summarily suspending a licensee's authority to prescribe, administer or dispense a controlled substance listed in schedule II, III or IV pursuant to subsection 1, the Board must hold a hearing to consider the formal complaint against the licensee. The Board must hold the hearing and render a decision concerning the formal complaint within ~~***[180]***~~ ***60 days after the date on which the order is issued, unless the Board and the licensee mutually agree to a longer period.***

Sec. 42. NRS 635.116 is hereby amended to read as follows:

635.116 The Board ~~[may,]~~ ***shall,*** by regulation, require each holder of a license to practice podiatry who is registered to dispense controlled substances pursuant to NRS 453.231 to complete at least ~~[1 hour]~~ ***2 hours*** of training relating specifically to the misuse and abuse of controlled

substances **,** ***the prescribing of opioids or addiction*** during each period of licensure. Any such holder of a license may use such training to satisfy ~~[1 hour]~~ ***2 hours*** of any continuing education requirement established by the Board.

Sec. 43. NRS 635.130 is hereby amended to read as follows:

635.130 1. The Board, after notice and a hearing as required by law, and upon any cause enumerated in subsection 2, may take one or more of the following disciplinary actions:

(a) Deny an application for a license or refuse to renew a license.

(b) Suspend or revoke a license.

(c) Place a licensee on probation.

(d) Impose a fine not to exceed $5,000.

2. The Board may take disciplinary action against a licensee for any of the following causes:

(a) The making of a false statement in any affidavit required of the applicant for application, examination or licensure pursuant to the provisions of this chapter.

(b) Lending the use of the holder's name to an unlicensed person.

(c) If the holder is a podiatric physician, permitting an unlicensed person in his or her employ to practice as a podiatry hygienist.

(d) Habitual indulgence in the use of alcohol or any controlled substance which impairs the intellect and judgment to such an extent as in the opinion of the Board incapacitates the holder in the performance of his or her professional duties.

(e) Conviction of a crime involving moral turpitude.

(f) Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(g) Conduct which in the opinion of the Board disqualifies the licensee to practice with safety to the public.

(h) The commission of fraud by or on behalf of the licensee regarding his or her license or practice.

(i) Gross incompetency.

(j) Affliction of the licensee with any mental or physical disorder which seriously impairs his or her competence as a podiatric physician or podiatry hygienist.

(k) False representation by or on behalf of the licensee regarding his or her practice.

(l) Unethical or unprofessional conduct.

(m) Failure to comply with the requirements of subsection 1 of NRS 635.118.

(n) Willful or repeated violations of this chapter or regulations adopted by the Board.

(o) Willful violation of the regulations adopted by the State Board of Pharmacy.

(p) Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

(q) Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility is suspended or revoked; or

(2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(r) Failure to obtain any training required by the Board pursuant to NRS 635.116.

(s) Failure to comply with the provisions of NRS 453.163 ***,*** ~~[and]~~ 453.164 ~~[.]~~ ***, 453.226 and 639.23507 and sections 52 to 58, inclusive, of this act and any regulations adopted by the State Board of Pharmacy pursuant thereto.***

(t) Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.

Sec. 44. Chapter 636 of NRS is hereby amended by adding thereto the provisions set forth as sections 45 and 46 of this act.

Sec. 45. ***1. The Executive Director of the Board or his or her designee shall review and evaluate any complaint or information received from the Investigation Division of the Department of Public Safety or the State Board of Pharmacy, including, without limitation, information provided pursuant to NRS 453.164, or from a law enforcement agency, professional licensing board or any other source indicating that:***

(a) A licensee has issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV;

(b) A pattern of prescriptions issued by a licensee indicates that the licensee has issued prescriptions in the manner described in paragraph (a); or

(c) A patient of a licensee has acquired, used or possessed a controlled substance listed in schedule II, III or IV in a fraudulent, illegal, unauthorized or otherwise inappropriate manner.

2. If the Executive Director of the Board or his or her designee receives information described in subsection 1 concerning the licensee, the

Executive Director or his or her designee must notify the licensee as soon as practicable after receiving the information.

3. A review and evaluation conducted pursuant to subsection 1 must include, without limitation:

(a) A review of relevant information contained in the database of the program established pursuant to NRS 453.162;

(b) A requirement that the licensee who is the subject of the review and evaluation attest that he or she has complied with the requirements of NRS 639.23507 and sections 52, 53 and 57 of this act, as applicable; and

(c) A request for additional relevant information from the licensee who is the subject of the review and evaluation.

4. If, after a review and evaluation conducted pursuant to subsection 1, the Executive Director or his or her designee determines that a licensee may have issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV, the Board must proceed as if a written complaint had been filed against the licensee. If, after conducting an investigation and a hearing in accordance with the provisions of this chapter, the Board determines that the licensee issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription, the Board must impose appropriate disciplinary action.

5. When deemed appropriate, the Executive Director of the Board may:

(a) Refer information acquired during a review and evaluation conducted pursuant to subsection 1 to another professional licensing board, law enforcement agency or other appropriate governmental entity for investigation and criminal or administrative proceedings.

(b) Postpone any notification, review or part of such a review required by this section if he or she determines that it is necessary to avoid interfering with any pending administrative or criminal investigation into the suspected fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, dispensing or use of a controlled substance.

6. The Board shall adopt regulations providing for disciplinary action against a licensee for inappropriately prescribing a controlled substance listed in schedule II, III or IV or violating the provisions of sections 52 to 58, inclusive, of this act and any regulations adopted by the State Board of Pharmacy pursuant thereto. Such disciplinary action must include, without limitation, requiring the licensee to complete additional continuing education concerning prescribing controlled substances listed in schedules II, III and IV.

Sec. 46. ***1. If the Board determines from an investigation of a licensee that the health, safety or welfare of the public or any patient served by the licensee is at risk of imminent or continued harm because of the manner in which the licensee prescribed, administered, dispensed or used a controlled substance, the Board may summarily suspend the licensee's authority to prescribe, administer or dispense a controlled***

substance listed in schedule II, III or IV pending a determination upon the conclusion of a hearing to consider a formal complaint against the licensee. An order of summary suspension may be issued only by the Board, the President of the Board, the presiding officer of an investigative committee convened by the Board to conduct the investigation or the member of the Board who conducted the investigation.

2. If an order to summarily suspend a licensee's authority to prescribe, administer or dispense a controlled substance listed in schedule II, III or IV is issued pursuant to subsection 1 by the presiding officer of an investigative committee of the Board or a member of the Board, that person shall not participate in any further proceedings of the Board relating to the order.

3. If the Board, the presiding officer of an investigative committee of the Board or a member of the Board issues an order summarily suspending a licensee's authority to prescribe, administer or dispense a controlled substance listed in schedule II, III or IV pursuant to subsection 1, the Board must hold a hearing to consider the formal complaint against the licensee. The Board must hold the hearing and render a decision concerning the formal complaint within ~~*[180]*~~ *60 days after the date on which the order is issued, unless the Board and the licensee mutually agree to a longer period.***

Sec. 47. NRS 636.2881 is hereby amended to read as follows:

636.2881 The Board ~~[may,]~~ ***shall,*** by regulation, require each optometrist who is certified to administer and prescribe therapeutic pharmaceutical agents pursuant to NRS 636.288 and who is registered to dispense controlled substances pursuant to NRS 453.231 to complete at least ~~[1 hour]~~ ***2 hours*** of training relating specifically to the misuse and abuse of controlled substances ***, the prescribing of opioids or addiction*** during each period of licensure. Any licensee may use such training to satisfy ~~[1 hour]~~ ***2 hours*** of any continuing education requirement established by the Board.

Sec. 48. NRS 636.295 is hereby amended to read as follows:

636.295 The following acts, conduct, omissions, or mental or physical conditions, or any of them, committed, engaged in, omitted, or being suffered by a licensee, constitute sufficient cause for disciplinary action:

1. Affliction of the licensee with any communicable disease likely to be communicated to other persons.

2. Commission by the licensee of a felony relating to the practice of optometry or a gross misdemeanor involving moral turpitude of which the licensee has been convicted and from which he or she has been sentenced by a final judgment of a federal or state court in this or any other state, the judgment not having been reversed or vacated by a competent appellate court and the offense not having been pardoned by executive authority.

3. Conviction of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

4. Commission of fraud by or on behalf of the licensee in obtaining a license or a renewal thereof, or in practicing optometry thereunder.

5. Habitual drunkenness or addiction to any controlled substance.

6. Gross incompetency.

7. Affliction with any mental or physical disorder or disturbance seriously impairing his or her competency as an optometrist.

8. Making false or misleading representations, by or on behalf of the licensee, with respect to optometric materials or services.

9. Practice by the licensee, or attempting or offering so to do, while in an intoxicated condition.

10. Perpetration of unethical or unprofessional conduct in the practice of optometry.

11. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

12. Any violation of the provisions of this chapter or any regulations adopted pursuant thereto.

13. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

14. Failure to obtain any training required by the Board pursuant to NRS 636.2881.

15. Failure to comply with the provisions of NRS 453.163 **,** ~~[or]~~ 453.164 ~~[.]~~ ***, 453.226 and 639.23507 and sections 52 to 58, inclusive, of this act and any regulations adopted by the State Board of Pharmacy pursuant thereto.***

16. Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.

Sec. 49. NRS 636.315 is hereby amended to read as follows:

636.315 1. ~~[As]~~ ***Except as otherwise provided in section 45 of this act, as*** soon as practicable after the filing of a complaint, the Board shall notify the licensee against whom the complaint is filed and fix a date for its review of the complaint. If the Board receives a report pursuant to subsection 5 of

NRS 228.420, a hearing must be held within 30 days after receiving the report. The licensee must be allowed a reasonable amount of time to respond to the allegations of the complaint. The Executive Director shall notify the licensee of the time, date and place fixed for the Board's review of the complaint.

2. After reviewing the complaint, the Board shall dismiss the complaint or file a formal charge against the licensee. If a formal charge is filed, the Executive Director shall prepare the charge in accordance with the Board's regulations and send a copy to the licensee. The licensee must be allowed a reasonable amount of time to file a response to the charge.

3. Within a reasonable time after the Executive Director sends a copy of the charge to the licensee, the Board shall fix the time, date and place for a hearing and the Executive Director shall notify the licensee thereof.

4. The Board shall retain all complaints received by the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 50. Chapter 639 of NRS is hereby amended by adding thereto the provisions set forth as sections 51 to 58, inclusive, of this act.

Sec. 51. ***"Initial prescription" means a prescription originated for a new patient of a practitioner , other than a veterinarian, or a new prescription to begin a new course of treatment for an existing patient of a practitioner [.] , other than a veterinarian. The term does not include any act concerning an ongoing prescription that is issued by a practitioner to continue a course of treatment for a new or existing patient of the practitioner.***

Sec. 52. ***1. If a practitioner , other than a veterinarian, prescribes or dispenses to a patient for the treatment of pain a quantity of controlled substance that exceeds the amount prescribed by this subsection, the practitioner must document in the medical record of the patient the reasons for prescribing that quantity. A practitioner shall document the information required by this subsection if the practitioner prescribes for or dispenses for the treatment of pain:***

(a) In any period of 365 consecutive days, a larger quantity of a controlled substance listed in schedule II, III or IV than will be used in 365 days if the patient adheres to the dose prescribed; or

(b) At any one time, a larger quantity of a controlled substance listed in schedule II, III or IV than will be used in 90 days if the patient adheres to the dose prescribed.

2. A practitioner , other than a veterinarian, shall not issue an initial prescription of a controlled substance listed in schedule II, III or IV for the treatment of acute pain that prescribes:

(a) An amount of the controlled substance that is intended to be used for more than 14 days; and

(b) If the controlled substance is an opioid and a prescription for an opioid has never been issued to the patient or the most recent prescription

issued to the patient for an opioid was issued more than 19 days before the date of the initial prescription for the treatment of acute pain, a dose of the controlled substance that exceeds 90 morphine milligram equivalents per day. For the purposes of this paragraph, the daily dose of a controlled substance must be calculated in accordance with the most recent guidelines prescribed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.

Sec. 53. ***1. Before issuing an initial prescription for a controlled substance listed in schedule II, III or IV for the treatment of pain, a practitioner , other than a veterinarian, must:***

(a) Have established a bona fide relationship, as described in subsection 4 of NRS 639.235, with the patient;

(b) Perform an evaluation and risk assessment of the patient that meets the requirements of subsection 1 of section 54 of this act;

(c) Establish a preliminary diagnosis of the patient and a treatment plan tailored toward treating the pain of the patient and the cause of that pain;

(d) Document in the medical record of the patient the reasons for prescribing the controlled substance instead of an alternative treatment that does not require the use of a controlled substance; and

(e) Obtain informed written consent to the use of the controlled substance that meets the requirements of subsection 2 of section 54 of this act from:

(1) The patient, if the patient is 18 years of age or older or legally emancipated and competent to give such consent;

(2) The parent or guardian of a patient who is less than 18 years of age and not legally emancipated; or

(3) The legal guardian of a patient of any age who has been adjudicated mentally incompetent.

2. If a practitioner , other than a veterinarian, prescribes a controlled substance listed in schedule II, III or IV for the treatment of pain, the practitioner shall not issue more than one additional prescription that increases the dose of the controlled substance unless the practitioner meets with the patient, in person or using telehealth, to reevaluate the treatment plan established pursuant to paragraph (c) of subsection 1.

Sec. 54. ***1. An evaluation and risk assessment of a patient conducted pursuant to paragraph (b) of subsection 1 of section 53 of this act must include, without limitation:***

(a) Obtaining and reviewing a medical history of the patient.

(b) Conducting a physical examination of the patient.

(c) Making a good faith effort to obtain and review the medical records of the patient from any other provider of health care who has provided care to the patient. The practitioner shall document efforts to obtain such medical records and the conclusions from reviewing any such medical records in the medical record of the patient.

(d) Assessing the mental health and risk of abuse, dependency and addiction of the patient using methods supported by peer-reviewed scientific research and validated by a nationally recognized organization.

2. The informed written consent obtained pursuant to paragraph (e) of subsection 1 of section 53 of this act must include, without limitation, information concerning:

(a) The potential risks and benefits of treatment using the controlled substance, including if a form of the controlled substance that is designed to deter abuse is available, the risks and benefits of using that form;

(b) Proper use of the controlled substance;

(c) Any alternative means of treating the symptoms of the patient and the cause of such symptoms;

(d) The important provisions of the treatment plan established for the patient pursuant to paragraph (c) of subsection 1 of section 53 of this act in a clear and simple manner;

(e) The risks of dependency, addiction and overdose during treatment using the controlled substance;

(f) Methods to safely store and legally dispose of the controlled substance;

(g) The manner in which the practitioner will address requests for refills of the prescription, including, without limitation, an explanation of the provisions of section 55 of this act, if applicable;

(h) If the patient is a woman between 15 and 45 years of age, the risk to a fetus of chronic exposure to controlled substances during pregnancy, including, without limitation, the risks of fetal dependency on the controlled substance and neonatal abstinence syndrome;

(i) If the controlled substance is an opioid, the availability of an opioid antagonist, as defined in NRS 453C.040, without a prescription; and

(j) If the patient is an unemancipated minor, the risks that the minor will abuse or misuse the controlled substance or divert the controlled substance for use by another person and ways to detect such abuse, misuse or diversion.

Sec. 55. ***1. Before prescribing a controlled substance listed in schedule II, III or IV to continue the treatment of pain of a patient who has used the controlled substance for 90 consecutive days or more, a practitioner , other than a veterinarian, must:***

(a) Require the patient to complete an assessment of the patient's risk for abuse, dependency and addiction that has been validated through peer-reviewed scientific research;

(b) Conduct an investigation, including, without limitation, appropriate hematological and radiological studies, to determine an evidence-based diagnosis for the cause of the pain;

(c) Meet with the patient, in person or using telehealth, to review the treatment plan established pursuant to paragraph (c) of subsection 1 of

section 53 of this act to determine whether continuation of treatment using the controlled substance is medically appropriate; and

(d) If the patient has been prescribed a dose of 90 morphine milligram equivalents or more of an opioid per day for 90 days or longer, consider referring the patient to a specialist.

2. If, after conducting a review of the treatment plan and considering referral of the patient to a specialist pursuant to paragraphs (c) and (d) of subsection 1, the practitioner decides to continue to prescribe a dose of 90 morphine milligram equivalents or more of the opioid per day, the practitioner must develop and document in the medical record of the patient a revised treatment plan, which must include, without limitation, an assessment of the increased risk for adverse outcomes.

3. For the purposes of this section, the daily dose of a controlled substance must be calculated in accordance with the most recent guidelines prescribed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.

Sec. 56. *1. If a practitioner , other than a veterinarian, intends to prescribe a controlled substance listed in schedule II, III or IV for more than 30 days for the treatment of pain, the practitioner must, not later than 30 days after issuing the initial prescription, enter into a prescription medication agreement with the patient, which must be:*

(a) Documented in the record of the patient; and

(b) Updated at least once every 365 days while the patient is using the controlled substance or whenever a change is made to the treatment plan established pursuant to paragraph (c) of subsection 1 of section 53 of this act.

2. A prescription medication agreement entered into pursuant to subsection 1 must include, without limitation:

(a) The goals of the treatment of the patient;

(b) Consent of the patient to testing to monitor drug use when deemed medically necessary by the practitioner;

(c) A requirement that the patient take the controlled substance only as prescribed;

(d) A prohibition on sharing medication with any other person;

(e) A requirement that the patient inform the practitioner:

(1) Of any other controlled substances prescribed to or taken by the patient;

(2) Whether the patient drinks alcohol or uses marijuana or any other cannabinoid compound while using the controlled substance;

(3) Whether the patient has been treated for side effects or complications relating to the use of the controlled substance, including, without limitation, whether the patient has experienced an overdose; and

(4) Each state in which the patient has previously resided or had a prescription for a controlled substance filled;

(f) Authorization for the practitioner to conduct random counts of the amount of the controlled substance in the possession of the patient;

(g) The reasons the practitioner may change or discontinue treatment of the patient using the controlled substance; and

(h) Any other requirements that the practitioner may impose.

Sec. 57. *Before prescribing a controlled substance listed in schedule II, III or IV, a practitioner , other than a veterinarian, must consider the following factors, when applicable:*

1. Whether there is reason to believe that the patient is not using the controlled substance as prescribed or is diverting the controlled substance for use by another person.

2. Whether the controlled substance has had the expected effect on the symptoms of the patient.

3. Whether there is reason to believe that the patient is using other drugs, including, without limitation, alcohol, controlled substances listed in schedule I or prescription drugs, that:

(a) May interact negatively with the controlled substance prescribed by the practitioner; or

(b) Have not been prescribed by a practitioner who is treating the patient.

4. The number of attempts by the patient to obtain an early refill of the prescription.

5. The number of times the patient has claimed that the controlled substance has been lost or stolen.

6. Information from the database of the program established pursuant to NRS 453.162 that is irregular or inconsistent or indicates that the patient is inappropriately using a controlled substance.

7. Whether previous blood or urine tests have indicated inappropriate use of controlled substances by the patient.

8. The necessity of verifying that controlled substances, other than those authorized under the treatment plan established pursuant to paragraph (c) of subsection 1 of section 53 of this act, are not present in the body of the patient.

9. Whether the patient has demonstrated aberrant behavior or intoxication.

10. Whether the patient has increased his or her dose of the controlled substance without authorization from the practitioner.

11. Whether the patient has been reluctant to stop using the controlled substance or has requested or demanded a controlled substance that is likely to be abused or cause dependency or addiction.

12. Whether the patient has been reluctant to cooperate with any examination, analysis or test recommended by the practitioner.

13. Whether the patient has a history of substance abuse.

14. Any major change in the health of the patient, including, without limitation, pregnancy, or any diagnosis concerning the mental health of

the patient that would affect the medical appropriateness of prescribing the controlled substance for the patient.

15. Any other evidence that the patient is chronically using opioids, misusing, abusing, illegally using or addicted to any drug or failing to comply with the instructions of the practitioner concerning the use of the controlled substance.

16. Any other factor that the practitioner determines is necessary to make an informed professional judgment concerning the medical appropriateness of the prescription.

Sec. 58. ***1. The Board may adopt any regulations necessary or convenient to enforce the provisions of NRS 639.23507 and sections 52 to 58, inclusive, of this act. Such regulations may impose additional requirements concerning the prescription of a controlled substance listed in schedule II, III or IV by a practitioner, other than a veterinarian, for the treatment of pain.***

2. A practitioner who violates any provision of NRS 639.23507 and sections 52 to 58, inclusive, of this act or any regulations adopted pursuant thereto is:

(a) Not guilty of a misdemeanor; and

(b) Subject to professional discipline.

Sec. 59. NRS 639.001 is hereby amended to read as follows:

639.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 639.0015 to 639.016, inclusive, ***and section 51 of this act*** have the meanings ascribed to them in those sections.

Sec. 60. NRS 639.23507 is hereby amended to read as follows:

639.23507 1. A practitioner ***, other than a veterinarian,*** shall, before ~~[~~initiating a~~]~~ ***issuing an initial*** prescription for a controlled substance listed in schedule II, III or IV ~~[.]~~ ***and at least once every 90 days thereafter for the duration of the*** ~~[***prescription,***]~~ ***course of treatment using the controlled substance,*** obtain a patient utilization report regarding the patient from the computerized program established by the Board and the Investigation Division of the Department of Public Safety pursuant to NRS 453.162 **.** ~~[~~if:

~~(a) The patient is a new patient of the practitioner; or~~

~~(b) The prescription is for more than 7 days and is part of a new course of treatment for the patient.~~

~~➥~~**]** The practitioner shall ~~[~~review~~]~~ ***:***

(a) Review the patient utilization report to assess whether the prescription for the controlled substance is medically necessary ~~[.]~~ ***; and***

(b) Determine whether the patient has been issued another prescription for the same controlled substance that provides for ongoing treatment using the controlled substance. If the practitioner determines from the patient utilization report or from any other source that the patient has been issued such a prescription, the practitioner shall not prescribe the controlled substance.

2. If a practitioner who attempts to obtain a patient utilization report as required by subsection 1 fails to do so because the computerized program is unresponsive or otherwise unavailable, the practitioner:

(a) Shall be deemed to have complied with subsection 1 if the practitioner documents the attempt and failure in the medical record of the patient.

(b) Is not liable for the failure.

3. The Board shall adopt regulations to provide alternative methods of compliance with subsection 1 for a physician while he or she is providing service in a hospital emergency department. The regulations must include, without limitation, provisions that allow a hospital to designate members of hospital staff to act as delegates for the purposes of accessing the database of the computerized program and obtaining patient utilization reports from the computerized program on behalf of such a physician.

~~[4. A practitioner who violates subsection 1:~~

~~(a) Is not guilty of a misdemeanor.~~

~~(b) May be subject to professional discipline if the appropriate professional licensing board determines that the practitioner's violation was intentional.~~

~~5. As used in this section, "initiating a prescription" means originating a new prescription for a new patient of a practitioner or originating a new prescription to begin a new course of treatment for an existing patient of a practitioner. The term does not include any act concerning an ongoing prescription that is written to continue a course of treatment for an existing patient of a practitioner.]~~

Sec. 61. NRS 639.2353 is hereby amended to read as follows:

639.2353 Except as otherwise provided in a regulation adopted pursuant to NRS 453.385 or 639.2357:

1. A prescription must be given:

(a) Directly from the practitioner to a pharmacist;

(b) Indirectly by means of an order signed by the practitioner;

(c) By an oral order transmitted by an agent of the practitioner; or

(d) Except as otherwise provided in subsection 5, by electronic transmission or transmission by a facsimile machine, including, without limitation, transmissions made from a facsimile machine to another facsimile machine, a computer equipped with a facsimile modem to a facsimile machine or a computer to another computer, pursuant to the regulations of the Board.

2. A written prescription must contain:

(a) Except as otherwise provided in this section, the name and signature of the practitioner, ***the registration number issued to the practitioner by the Drug Enforcement Administration*** and the address of the practitioner if ***that address is*** not immediately available to the pharmacist;

(b) The classification of his or her license;

(c) The name ***and date of birth*** of the patient, and the address of the patient if not immediately available to the pharmacist;

(d) The name, strength and quantity of the drug prescribed ~~[;]~~ ***and the number of days that the drug is to be used, beginning on the day on which the prescription is filled;***

(e) The symptom or purpose for which the drug is prescribed, if included by the practitioner pursuant to NRS 639.2352;

(f) Directions for use ~~[;]~~ ***, including, without limitation, the dose of the drug prescribed, the route of administration and the number of refills authorized, if applicable;***

(g) The code established in the International Classification of Diseases, Tenth Revision, Clinical Modification, adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services, or the code used in any successor classification system adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services, that corresponds to the diagnosis for which the controlled substance was prescribed; and

~~[(g)]~~ ***(h)*** The date of issue.

3. The directions for use must be specific in that they indicate the portion of the body to which the medication is to be applied or, if to be taken into the body by means other than orally, the orifice or canal of the body into which the medication is to be inserted or injected.

4. Each written prescription must be written in such a manner that any registered pharmacist would be able to dispense it. A prescription must be written in Latin or English and may include any character, figure, cipher or abbreviation which is generally used by pharmacists and practitioners in the writing of prescriptions.

5. A prescription for a controlled substance must not be given by electronic transmission or transmission by a facsimile machine unless authorized by federal law and NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto.

6. A prescription that is given by electronic transmission is not required to contain the signature of the practitioner if:

(a) It contains a facsimile signature, security code or other mark that uniquely identifies the practitioner;

(b) A voice recognition system, biometric identification technique or other security system approved by the Board is used to identify the practitioner; or

(c) It complies with the provisions of NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto.

Sec. 62. NRS 639.239 is hereby amended to read as follows:

639.239 ***1.*** Members, inspectors and investigators of the Board, ***authorized representatives and investigators of state licensing boards established by this chapter or chapter 630, 631, 632, 633, 635 or 636 of NRS,*** inspectors of the Food and Drug Administration, agents of the Investigation Division of the Department of Public Safety and peace officers described in paragraph (j) of subsection 1 of NRS 639.238 may ~~[remove]~~ ***:***

(a) Request, and a practitioner or pharmacist who receives such a request shall provide, a photocopy of any record required to be retained by state or federal law or regulation, including any prescription contained in the files of a practitioner ~~[,]~~ ***or pharmacy,*** if the record in question will be used as evidence in a criminal action, civil action or an administrative proceeding, or contemplated action or proceeding.

(b) Remove an original record required to be retained by state or federal law or regulation, including any prescription contained in the files of a practitioner or pharmacy, if the record in question will be used as evidence in a criminal action, a civil action or an administrative proceeding, or contemplated action or proceeding and it is necessary to use the original record, rather than a photocopy of the record, for that purpose.

2. The person who removes ~~[a]~~ ***an original*** record pursuant to ~~[this section]~~ ***paragraph (b) of subsection 1*** shall:

~~[1.]~~ ***(a)*** Affix the name and address of the practitioner ***or pharmacist*** to the back of the record;

~~[2.]~~ ***(b)*** Affix his or her initials, cause an agent of the practitioner ***or pharmacist*** to affix his or her initials and note the date of the removal of the record on the back of the record;

~~[3.]~~ ***(c)*** Affix ***to the back of the record his or her name and title and*** the name ***and address*** of the agency for which the person is removing the record ~~[to the back of the record;~~

~~4.]~~ ***; and***

(d) Provide the practitioner ***or pharmacist*** with a ~~[receipt for]~~ ***a photocopy of both sides of*** the record ~~[; and~~

~~5. Return a photostatic copy of both sides of the record to the practitioner within 15 working days after the record is removed.]~~ ***, or allow the practitioner or pharmacist to make such a photocopy, before removing the original record.***

Sec. 63. NRS 639.310 is hereby amended to read as follows:

639.310 Except as otherwise provided in ~~[NRS 639.23507,]~~ ***section 58 of this act,*** unless a greater penalty is specified, any person who violates any of the provisions of this chapter is guilty of a misdemeanor.

Sec. 64. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act and on January 1, 2018, for all other purposes.

Assemblyman Sprinkle moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 478.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 520.

SUMMARY— ~~[Changes the deadline by which a person may register to vote by mail for certain]~~ **Revises provisions relating to** elections. (BDR 24-463)

AN ACT relating to elections; changing the deadline by which a person may register to vote **by mail or computer** for a primary election, primary city election, general city election or general election; **providing that the county and city clerks are not required to distribute sample ballots for an election to certain persons;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law requires that each state ensure that an eligible voter who submits an application to register to vote by mail be registered to vote in an election for federal office if the voter registration form is postmarked not later than 30 days before the date of the election. (52 U.S.C. § 20507) Under existing Nevada law, an application to register to vote by mail must be postmarked or received by the county clerk not later than the fifth Saturday before a primary election, primary city election, general election or general city election. (NRS 293.5235, 293.560, 293C.527) This bill changes the deadline to register to vote by mail for these elections.

Sections 5 and 6 of this bill provide the last day to register to vote by mail is the ~~[fifth Monday]~~ **fourth Tuesday** preceding the primary election, primary city election, general election or general city election**.** ~~[, as applicable, unless the United States Postal Service does not provide delivery service on such day. In that case, the last day to register to vote by mail is the first day following the fifth Monday preceding the primary election, primary city election, general election or general city election on which the United States Postal Service provides delivery service. This means that an application to register to vote by mail must be postmarked or received by the county clerk not later than: (1) the fifth Monday preceding the election; or (2) if the United States Postal Service does not provide delivery service on such day, the first day following the fifth Monday preceding the election on which the United States Postal Service has delivery service.]~~ **Sections** ~~[1-4]~~ **1.5-4** of this bill make conforming changes.

Existing law provides that the last day to register to vote by computer is the third Tuesday preceding any primary or general election. (NRS 293.560, 293C.527) Sections 5 and 6 of this bill provide, with limited exception, that the last day to register to vote by computer is the Thursday before the period for early voting begins.

Existing law requires county and city clerks to distribute sample ballots before the period for early voting begins. (NRS 293.565, 293C.530) Sections 5.5 and 6.5 of this bill provide a limited exception to this requirement so that the clerks are not required to distribute sample ballots for an election to persons who register to vote less than 20 days before the election. Section 1 of this bill makes a conforming change.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 293.2546 is hereby amended to read as follows:**

293.2546 The Legislature hereby declares that each voter has the right:

1. To receive and cast a ballot that:

(a) Is written in a format that allows the clear identification of candidates; and

(b) Accurately records the voter's preference in the selection of candidates.

2. To have questions concerning voting procedures answered and to have an explanation of the procedures for voting posted in a conspicuous place at the polling place.

3. To vote without being intimidated, threatened or coerced.

4. To vote on election day if the voter is waiting in line at his or her polling place to vote before 7 p.m. and the voter has not already cast a vote in that election.

5. To return a spoiled ballot and is entitled to receive another ballot in its place.

6. To request assistance in voting, if necessary.

7. To a sample ballot which is accurate, informative and delivered in a timely manner ~~[.]~~ ***as provided by law.***

8. To receive instruction in the use of the equipment for voting during early voting or on election day.

9. To have nondiscriminatory equal access to the elections system, including, without limitation, a voter who is elderly, disabled, a member of a minority group, employed by the military or a citizen who is overseas.

10. To have a uniform, statewide standard for counting and recounting all votes accurately.

11. To have complaints about elections and election contests resolved fairly, accurately and efficiently.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 293.504 is hereby amended to read as follows:

293.504 1. The following offices shall serve as voter registration agencies:

(a) Such offices that provide public assistance as are designated by the Secretary of State;

(b) Each office that receives money from the State of Nevada to provide services to persons with disabilities in this State;

(c) The offices of the Department of Motor Vehicles;

(d) The offices of the city and county clerks;

(e) Such other county and municipal facilities as a county clerk or city clerk may designate pursuant to NRS 293.5035 or 293C.520, as applicable;

(f) Recruitment offices of the United States Armed Forces; and

(g) Such other offices as the Secretary of State deems appropriate.

2. Each voter registration agency shall:

(a) Post in a conspicuous place, in at least 12-point type, instructions for registering to vote;

(b) Except as otherwise provided in subsection 3, distribute applications to register to vote which may be returned by mail with any application for services or
assistance from the agency or submitted for any other purpose and with each application for recertification, renewal or change of address submitted to the agency that relates to such services, assistance or other purpose;

(c) Provide the same amount of assistance to an applicant in completing an application to register to vote as the agency provides to a person completing any other forms for the agency; and

(d) Accept completed applications to register to vote.

3. A voter registration agency is not required to provide an application to register to vote pursuant to paragraph (b) of subsection 2 to a person who applies for or receives services or assistance from the agency or submits an application for any other purpose if the person declines to register to vote and submits to the agency a written form that meets the requirements of 42 U.S.C. § 1973gg-5(a)(6). No information related to the declination to register to vote may be used for any purpose other than voter registration.

4. Except as otherwise provided in this subsection and NRS 293.524, any application to register to vote accepted by a voter registration agency must be transmitted to the county clerk not later than 10 days after the application is accepted. The applications must be forwarded daily during the 2 weeks immediately preceding the ~~[fifth Sunday preceding an election.]~~ ***last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable.*** The county clerk shall accept any application to register to vote which is obtained from a voter registration agency pursuant to this section and completed by the ~~[fifth Sunday preceding an election]~~ ***last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable,*** if the county clerk receives the application not later than 5 days after that date.

5. The Secretary of State shall cooperate with the Secretary of Defense to develop and carry out procedures to enable persons in this State to apply to register to vote at recruitment offices of the United States Armed Forces.

Sec. 2. NRS 293.505 is hereby amended to read as follows:

293.505 1. All justices of the peace, except those located in county seats, are ex officio field registrars to carry out the provisions of this chapter.

2. The county clerk shall appoint at least one registered voter to serve as a field registrar of voters who, except as otherwise provided in NRS 293.5055, shall register voters within the county for which the field registrar is appointed. Except as otherwise provided in subsection 1, a candidate for any office may not be appointed or serve as a field registrar. A field registrar serves at the pleasure of the county clerk and shall perform such duties as the county clerk may direct. The county clerk shall not knowingly appoint any person as a field registrar who has been convicted of a felony involving theft

or fraud. The Secretary of State may bring an action against a county clerk to collect a civil penalty of not more than $5,000 for each person who is appointed as a field registrar in violation of this subsection. Any civil penalty collected pursuant to this subsection must be deposited with the State Treasurer for credit to the State General Fund.

3. A field registrar shall demand of any person who applies for registration all information required by the application to register to vote and shall administer all oaths required by this chapter.

4. When a field registrar has in his or her possession five or more completed applications to register to vote, the field registrar shall forward them to the county clerk, but in no case may the field registrar hold any number of them for more than 10 days.

5. Each field registrar shall forward to the county clerk all completed applications in his or her possession immediately after the ~~[fifth Sunday preceding an election.]~~ ***last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable.*** Within 5 days after the ~~[fifth Sunday preceding any general election or general city election,]~~ ***last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable,*** a field registrar shall return all unused applications in his or her possession to the county clerk. If all of the unused applications are not returned to the county clerk, the field registrar shall account for the unreturned applications.

6. Each field registrar shall submit to the county clerk a list of the serial numbers of the completed applications to register to vote and the names of the electors on those applications. The serial numbers must be listed in numerical order.

7. Each field registrar shall post notices sent to him or her by the county clerk for posting in accordance with the election laws of this State.

8. A field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 shall not:

(a) Delegate any of his or her duties to another person; or

(b) Refuse to register a person on account of that person's political party affiliation.

9. A person shall not hold himself or herself out to be or attempt to exercise the duties of a field registrar unless the person has been so appointed.

10. A county clerk, field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 shall not:

(a) Solicit a vote for or against a particular question or candidate;

(b) Speak to a voter on the subject of marking his or her ballot for or against a particular question or candidate; or

(c) Distribute any petition or other material concerning a candidate or question which will be on the ballot for the ensuing election,

➥ while registering an elector.

11. When the county clerk receives applications to register to vote from a field registrar, the county clerk shall issue a receipt to the field registrar. The receipt must include:

(a) The number of persons registered; and

(b) The political party of the persons registered.

12. A county clerk, field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 shall not:

(a) Knowingly register a person who is not a qualified elector or a person who has filed a false or misleading application to register to vote; or

(b) Register a person who fails to provide satisfactory proof of identification and the address at which the person actually resides.

13. A county clerk, field registrar, employee of a voter registration agency, person assisting a voter pursuant to subsection 13 of NRS 293.5235 or any other person providing a form for the application to register to vote to an elector for the purpose of registering to vote:

(a) If the person who assists an elector with completing the form for the application to register to vote retains the form, shall enter his or her name on the duplicate copy or receipt retained by the voter upon completion of the form; and

(b) Shall not alter, deface or destroy an application to register to vote that has been signed by an elector except to correct information contained in the application after receiving notice from the elector that a change in or addition to the information is required.

14. If a field registrar violates any of the provisions of this section, the county clerk shall immediately suspend the field registrar and notify the district attorney of the county in which the violation occurred.

15. A person who violates any of the provisions of subsection 8, 9, 10, 12 or 13 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 3. NRS 293.5237 is hereby amended to read as follows:

293.5237 Any time before the ~~[fifth Sunday preceding an election,]~~ ***last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable,*** a person who because of illness, disability or for other good cause shown requires assistance to complete an application to register to vote may request the county clerk in writing or by telephone to register the person at the person's residence. Upon request, the county clerk shall direct the appropriate field registrar to go to the home of such a person to register the person to vote.

Sec. 4. NRS 293.524 is hereby amended to read as follows:

293.524 1. The Department of Motor Vehicles shall provide an application to register to vote to each person who applies for the issuance or renewal of any type of driver's license or identification card issued by the Department.

2. The county clerk shall use the applications to register to vote which are signed and completed pursuant to subsection 1 to register applicants to vote or to correct information in the registrar of voters' register. An application that is not signed must not be used to register or correct the registration of the applicant.

3. For the purposes of this section, each employee specifically authorized to do so by the Director of the Department may oversee the completion of an application. The authorized employee shall check the application for completeness and verify the information required by the application. Each application must include a duplicate copy or receipt to be retained by the applicant upon completion of the form. The Department shall, except as otherwise provided in this subsection, forward each application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. The applications must be forwarded daily during the 2 weeks immediately preceding the ~~[fifth Sunday preceding an election.]~~ ***last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable.***

4. The county clerk shall accept any application to register to vote which is obtained from the Department of Motor Vehicles pursuant to this section and completed by the ~~[fifth Sunday preceding an election]~~ ***last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable,*** if the county clerk receives the application not later than 5 days after that date. Upon receipt of an application, the county clerk or field registrar of voters shall determine whether the application is complete. If the county clerk or field registrar of voters determines that the application is complete, he or she shall notify the applicant and the applicant shall be deemed to be registered as of the date of the submission of the application. If the county clerk or field registrar of voters determines that the application is not complete, he or she shall notify the applicant of the additional information required. The applicant shall be deemed to be registered as of the date of the initial submission of the application if the additional information is provided within 15 days after the notice for the additional information is mailed. If the applicant has not provided the additional information within 15 days after the notice for the additional information is mailed, the incomplete application is void. Any notification required by this subsection must be given by mail at the mailing address on the application not more than 7 working days after the determination is made concerning whether the application is complete.

5. The county clerk shall use any form submitted to the Department to correct information on a driver's license or identification card to correct information in the registrar of voters' register, unless the person indicates on the form that the correction is not to be used for the purposes of voter registration. The Department shall forward each such form to the county clerk or, if applicable, to the registrar of voters of the county in which the person resides in the same manner provided by subsection 3 for applications to register to vote.

6. Upon receipt of a form to correct information, the county clerk shall compare the information to that contained in the registrar of voters' register. If the person is a registered voter, the county clerk shall correct the information to reflect any changes indicated on the form. After making any changes, the county clerk shall notify the person by mail that the records have been corrected.

7. The Secretary of State shall, with the approval of the Director, adopt regulations to:

(a) Establish any procedure necessary to provide an elector who applies to register to vote pursuant to this section the opportunity to do so;

(b) Prescribe the contents of any forms or applications which the Department is required to distribute pursuant to this section; and

(c) Provide for the transfer of the completed applications of registration from the Department to the appropriate county clerk for inclusion in the rosters and registrar of voters' register.

Sec. 5. NRS 293.560 is hereby amended to read as follows:

293.560 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300 ~~[, registration must close on]~~ ***:***

(a) For a primary or general election, or a recall or special election that is held on the same day as a primary or general election, the last day to register to vote:

(1) By mail is the fourth Tuesday preceding the primary or general election.

(2) By appearing in person at the office of the county clerk or, if open, a county facility designated pursuant to NRS 293.5035, is the third Tuesday preceding ~~[any]~~ ***the*** primary or general election***.*** ~~[and on]~~

(3) By computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters, is the Thursday preceding the first day of the period for early voting.

(b) If a recall or special election is not held on the same day as a primary or general election, the last day to register to vote for the recall or special election by any means is the third Saturday preceding ~~[any]~~ ***the*** recall or special election***.*** ~~[, except that if a recall or special election is held on the same day as a primary or general election, registration must close on the third Tuesday preceding the day of the elections.]~~

2. For a primary or special election, the office of the county clerk must be open until 7 p.m. during the last 2 days on which ~~[registration is open.]~~ ***a person may register to vote in person.*** In a county whose population is less than 100,000, the office of the county clerk may close at 5 p.m. during the last 2 days ~~[before registration closes]~~ ***a person may register to vote in person*** if approved by the board of county commissioners.

3. For a general election:

(a) In a county whose population is less than 100,000, the office of the county clerk must be open until 7 p.m. during the last 2 days on which ~~[registration is open.]~~ ***a person may register to vote in person.*** The office of

the county clerk may close at 5 p.m. if approved by the board of county commissioners.

(b) In a county whose population is 100,000 or more, the office of the county clerk must be open during the last 4 days on which ~~[registration is open,]~~ ***a person may register to vote in person,*** according to the following schedule:

(1) On weekdays until 9 p.m.; and

(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays.

4. Except for a special election held pursuant to chapter 306 or 350 of NRS:

(a) The county clerk of each county shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the county indicating:

(1) The day and time that registration will be closed; and

(2) If the county clerk has designated a county facility pursuant to NRS 293.5035, the location of that facility.

➥ If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest county in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

5. The offices of the county clerk, a county facility designated pursuant to NRS 293.5035 and other ex officio registrars may remain open on the last Friday in October in each even-numbered year.

6. ~~***[Except as otherwise provided in this subsection, the last day to register to vote by mail is the fifth Monday preceding any primary or general election. If the United States Postal Service does not provide delivery service on the fifth Monday preceding the primary or general election, the last day to register to vote by mail is the first day following the fifth Monday preceding the primary or general election on which the United States Postal Service has delivery service.***~~

~~***7.*** For the period beginning on the fifth Sunday preceding any primary or general election ***day after the last day to register to vote by mail pursuant to subsection 6*** and ending on the third Tuesday preceding any primary or general election, an elector may register to vote only:~~

~~(a) By appearing in person at the office of the county clerk or, if open, a county facility designated pursuant to NRS 293.5035; or~~

~~(b) By computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.~~

~~7.~~ ***8.]*** A county facility designated pursuant to NRS 293.5035 may be open during the periods described in this section for such hours of operation as the county clerk may determine, as set forth in subsection 3 of NRS 293.5035.

Sec. 5.5. **NRS 293.565 is hereby amended to read as follows:**

293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. A county clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a county clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the county clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

5. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 4, the county clerk shall distribute the sample ballot to the registered voter by mail.

6. ~~[Before]~~ ***Except as otherwise provided in subsection 7, before*** the period for early voting for any election begins, the county clerk shall

distribute to each registered voter in the county by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place. If the location of the polling place has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE HAS CHANGED SINCE THE LAST ELECTION

7. ***If a person registers to vote less than 20 days before the date of an election, the county clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.***

8. Except as otherwise provided in subsection ~~[8.]~~ ***9,*** a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN LARGE TYPE, CALL (Insert appropriate telephone number)

~~[8.]~~ ***9.*** A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

~~[9.]~~ ***10.*** The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

~~[10.]~~ ***11.*** If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots distributed to that person from the county are in large type.

~~[11.]~~ ***12.*** The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place.

~~[12.]~~ ***13.*** The cost of distributing sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

Sec. 6. NRS 293C.527 is hereby amended to read as follows:

293C.527 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300 ~~[, registration must close on]~~ ***:***

(a) For a primary city election or general city election, or a recall or special election that is held on the same day as a primary city election or general city election, the last day to register to vote:

(1) By mail is the fourth Tuesday preceding the primary city election or general city election.

(2) By appearing in person at the office of the city clerk or, if open, a municipal facility designated pursuant to NRS 293C.520, is the third Tuesday preceding ~~[any]~~ ***the*** primary city election or general city election***.*** ~~[and on]~~

(3) By computer, if the county clerk of the county in which the city is located has established a system pursuant to NRS 293.506 for using a computer to register voters and:

(I) The governing body of the city has provided for early voting by personal appearance pursuant to paragraph (b) of subsection 2 of NRS 293C.110, is the Thursday preceding the first day of the period for early voting.

(II) The governing body of the city has not provided for early voting by personal appearance pursuant to paragraph (b) of subsection 2 of NRS 293C.110, is the third Tuesday preceding any primary city election or general city election.

(b) If a recall or special election is not held on the same day as a primary city election or general city election, the last day to register to vote for the recall or special election by any means is the third Saturday preceding ~~[any]~~ recall or special election***.*** ~~[, except that if a recall or special election is held on the same day as a primary city election or general city election, registration must close on the third Tuesday preceding the day of the elections.]~~

2. For a primary city election or special city election, the office of the city clerk must be open until 7 p.m. during the last 2 days on which ~~[registration is open.]~~ ***a person may register to vote in person.*** In a city whose population is less than 25,000, the office of the city clerk may close at 5 p.m. if approved by the governing body of the city.

3. For a general election:

(a) In a city whose population is less than 25,000, the office of the city clerk must be open until 7 p.m. during the last 2 days on which ~~[registration is open.]~~ ***a person may register to vote in person.*** The office of the city clerk may close at 5 p.m. if approved by the governing body of the city.

(b) In a city whose population is 25,000 or more, the office of the city clerk must be open during the last 4 days on which ~~[registration is open,]~~ ***a person may register to vote in person,*** according to the following schedule:

(1) On weekdays until 9 p.m.; and

(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays.

4. Except for a special election held pursuant to chapter 306 or 350 of NRS:

(a) The city clerk of each city shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the city indicating:

(1) The day and time that registration will be closed; and

(2) If the city clerk has designated a municipal facility pursuant to NRS 293C.520, the location of that facility.

➥ If no newspaper is of general circulation in that city, the publication may be made in a newspaper of general circulation in the nearest city in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

5. ~~***[Except as otherwise provided in this subsection, the last day to register to vote by mail is the fifth Monday preceding any primary city election or general city election. If the United States Postal Service does not provide delivery service on the fifth Monday preceding the primary city election or general city election, the last day to register to vote by mail is the first day following the fifth Monday preceding the primary city election or general city election on which the United States Postal Service has delivery service.***~~

~~6. For the period beginning on the fifth Sunday preceding any primary city election or general city election~~ ***day after the last day to register to vote by mail pursuant to subsection 5,*** ~~and ending on the third Tuesday preceding any primary city election or general city election, an elector may register to vote only:~~

~~(a) By appearing in person at the office of the city clerk or, if open, a municipal facility designated pursuant to NRS 293C.520; or~~

~~(b) By computer, if the county clerk of the county in which the city is located has established a system pursuant to NRS 293.506 for using a computer to register voters.~~

~~6.~~ ***7.]*** A municipal facility designated pursuant to NRS 293C.520 may be open during the periods described in this section for such hours of operation as the city clerk may determine, as set forth in subsection 3 of NRS 293C.520.

Sec. 6.5. **NRS 293C.530 is hereby amended to read as follows:**

293C.530 1. A city clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a city clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the city clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

2. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 1, the city clerk shall distribute the sample ballot to the registered voter by mail.

3. ~~[Before]~~ ***Except as otherwise provided in subsection 4, before*** the period for early voting for any election begins, the city clerk shall distribute to each registered voter in the city by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place. If the location of the polling place has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

4. ***If a person registers to vote less than 20 days before the date of an election, the city clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.***

5. Except as otherwise provided in subsection ~~[6,]~~ ***7,*** a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type;

(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 295.205 or 295.217; and

(c) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

~~[5.]~~ ***6.*** The word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.

~~[6.]~~ ***7.*** A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

~~[7.]~~ ***8.*** The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

~~[8.]~~ ***9.*** If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots distributed to that person from the city are in large type.

~~[9.]~~ ***10.*** The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place.

~~[10.]~~ ***11.*** The cost of distributing sample ballots for a city election must be borne by the city holding the election.

Assemblywoman Diaz moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 486.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 442.

AN ACT relating to taxation; revising provisions relating to the allocation of a certain portion of the proceeds of the basic governmental services tax; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The State of Nevada imposes a governmental services tax for the privilege of operating any vehicle upon the highways of this State. (NRS 371.030) The annual amount of the basic governmental services tax is 4 cents on each $1 of valuation of the vehicle, as determined by the Department of Motor Vehicles,

with an exception for certain trailers. (NRS 371.040) Existing law sets forth depreciation schedules for determining the amount of the basic governmental services tax each year for used vehicles and establishes a minimum tax. (NRS 371.060)

Under existing law, a specified percentage of the proceeds of the governmental services tax, after certain deductions authorized for the Department, is required to be equally distributed to the State General Fund and the State Highway Fund. (NRS 482.180, 482.182) The remaining proceeds of the governmental services tax is distributed to each county in this State based on percentages provided by law. (NRS 482.181)

This bill revises those provisions governing the portion of the governmental services tax proceeds to be distributed to the State General Fund and the State Highway Fund to provide that **, for the Fiscal Years 2017-2018 and 2018-2019,** the State General Fund will receive 25 percent of the proceeds and the State Highway Fund will receive 75 percent of the proceeds.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 482.181 is hereby amended to read as follows:

482.181 1. Except as otherwise provided in subsection 5, after deducting the amount withheld by the Department and the amount credited to the Department pursuant to subsection 6 of NRS 482.180, and the amount transferred to the State

General Fund and the State Highway Fund pursuant to NRS 482.182, the Department shall certify monthly to the State Board of Examiners the amount of the basic and supplemental governmental services taxes collected for each county by the Department and its agents during the preceding month, and that money must be distributed monthly as provided in this section.

2. Any supplemental governmental services tax collected for a county must be distributed only to the county, to be used as provided in NRS 371.043, 371.045 and 371.047.

3. The distribution of the basic governmental services tax received or collected for each county must be made to the county school district within each county before any distribution is made to a local government, special district or enterprise district. For the purpose of calculating the amount of the basic governmental services tax to be distributed to the county school district, the taxes levied by each local government, special district and enterprise district are the product of its certified valuation, determined pursuant to subsection 2 of NRS 361.405, and its tax rate, established pursuant to NRS 361.455 for the fiscal year beginning on July 1, 1980, except that the tax rate for school districts, including the rate attributable to a district's debt service, is the rate established pursuant to NRS 361.455 for the fiscal year beginning on July 1, 1978, but if the rate attributable to a district's debt service in any fiscal year is greater than its rate for the fiscal year beginning on July 1,

1978, the higher rate must be used to determine the amount attributable to debt service.

4. After making the distributions set forth in subsection 3, the remaining money received or collected for each county must be deposited in the Local Government Tax Distribution Account created by NRS 360.660 for distribution to local governments, special districts and enterprise districts within each county pursuant to the provisions of NRS 360.680 and 360.690.

5. An amount equal to any basic governmental services tax distributed to a redevelopment agency in the Fiscal Year 1987-1988 must continue to be distributed to that agency as long as it exists but must not be increased.

6. The Department shall make distributions of the basic governmental services tax directly to county school districts.

7. As used in this section:

(a) "Enterprise district" has the meaning ascribed to it in NRS 360.620.

(b) "Local government" has the meaning ascribed to it in NRS 360.640.

(c) "Received or collected for each county" means:

(1) For the basic governmental services tax collected on vehicles subject to the provisions of chapter 706 of NRS, the amount determined for each county based on the following percentages:

Carson City	1.07 percent	Lincoln	3.12 percent
Churchill	5.21 percent	Lyon	2.90 percent
Clark	22.54 percent	Mineral	2.40 percent
Douglas	2.52 percent	Nye	4.09 percent
Elko	13.31 percent	Pershing	7.00 percent
Esmeralda	2.52 percent	Storey	0.19 percent
Eureka	3.10 percent	Washoe	12.24 percent
Humboldt	8.25 percent	White Pine	5.66 percent
Lander	3.88 percent		

(2) For all other basic and supplemental governmental services tax received or collected by the Department, the amount attributable to each county based on the county of registration of the vehicle for which the tax was paid.

(d) "Special district" has the meaning ascribed to it in NRS 360.650.

Sec. 2. NRS 482.182 is hereby amended to read as follows:

482.182 1. After deducting the amount withheld by the Department and the amount credited to the Department pursuant to subsection 6 of NRS 482.180 and before carrying out the provisions of NRS 482.181 each month, the Department shall direct the State Controller to transfer to the ***:***

(a) State General Fund from the proceeds of the basic governmental services tax collected by the Department and its agents during the preceding month, 25 percent of the amounts indicated pursuant to this section.

(b) State Highway Fund from the proceeds of the basic governmental services tax collected by the Department and its agents during the preceding month ***, 75 percent of*** the amounts indicated pursuant to this section.

2. Except as otherwise provided in subsection 3, the amount required to be transferred pursuant to subsection 1 from the proceeds of the basic governmental services tax imposed on vehicles depreciated in accordance with:

(a) Subsection 1 of NRS 371.060 based upon an age of:

(1) One year, is a sum equal to 11 percent of those proceeds;

(2) Two years, is a sum equal to 12 percent of those proceeds;

(3) Three years, is a sum equal to 13 percent of those proceeds;

(4) Four years, is a sum equal to 15 percent of those proceeds;

(5) Five years, is a sum equal to 18 percent of those proceeds;

(6) Six years, is a sum equal to 22 percent of those proceeds;

(7) Seven years, is a sum equal to 29 percent of those proceeds;

(8) Eight years, is a sum equal to 40 percent of those proceeds; and

(9) Nine years or more, is a sum equal to 67 percent of those proceeds; and

(b) Subsection 2 of NRS 371.060 based upon an age of:

(1) One year, is a sum equal to 12 percent of those proceeds;

(2) Two years, is a sum equal to 14 percent of those proceeds;

(3) Three years, is a sum equal to 18 percent of those proceeds;

(4) Four years, is a sum equal to 21 percent of those proceeds;

(5) Five years, is a sum equal to 26 percent of those proceeds;

(6) Six years, is a sum equal to 30 percent of those proceeds;

(7) Seven years, is a sum equal to 33 percent of those proceeds;

(8) Eight years, is a sum equal to 37 percent of those proceeds;

(9) Nine years, is a sum equal to 40 percent of those proceeds; and

(10) Ten years or more, is a sum equal to 43 percent of those proceeds.

3. The amount required to be transferred pursuant to subsection 1 from the proceeds of the basic governmental services tax imposed on vehicles to which the minimum amount of that tax applies pursuant to paragraph (b) of subsection 3 of NRS 371.060 is a sum equal to 63 percent of those proceeds.

Sec. 3. This act becomes effective on July 1, 2017 **~~[.]~~ , and expires by limitation on June 30, 2019.**

Assemblywoman Neal moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 491.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 481.

CONTAINS UNFUNDED MANDATE **~~[(§ 8)]~~ (§§ 7, 8)**

(Not Requested by Affected Local Government)

AN ACT relating to education; requiring, with limited exception, that a child in foster care remain enrolled in his or her school of origin; providing that the relevant agency which provides child welfare services and local education agency are jointly liable for the costs of transportation for the child in foster care to attend his or her school of origin; requiring the Department of Education and each agency which provides child welfare services and local education agency to develop certain policies and procedures relating to children in foster care; eliminating the Program of School Choice for Children in Foster Care; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In 2015, Congress passed the Every Student Succeeds Act of 2015. (20 U.S.C. §§ 6301 et seq.) This Act requires each state to adopt a plan that describes the steps the state will take to ensure the educational stability of children in foster care, including requiring, with limited exception, a child in foster care to remain enrolled in the child's school of origin, which is the public school in which he or she was enrolled before entering foster care. (20 U.S.C. § 6311)

Section 7 of this bill requires that a child ~~[in]~~ **who enters** foster care **or changes placement while in foster care** remain enrolled in the child's school of origin if the agency which provides child welfare services determines that it is in the best interests of the child. **Section 7** also **: (1)** sets forth certain criteria that must be used by the agency in making such a determination ~~[.]~~ **; (2) requires that a child remain in his or her school of origin throughout any dispute that arises as a result of an agency's decision concerning the best interests of the child; and (3) requires the agency which provides child welfare services and the local education agency to provide and pay for the costs of transportation of a child in foster care to the child's school of origin until the dispute is resolved.**

Section 7.5 of this bill requires the board of trustees of a school district or the governing body of a charter school to allow a pupil who leaves foster care to remain enrolled in his or her school of origin until the end of the school year unless the parent or guardian of the pupil elects to enroll the pupil in a different school.

Section 8 of this bill requires the agency which provides child welfare services and the local education agency to provide and pay for the costs of transportation of a child in foster care to the child's school of origin. **Section 8 also requires the agency which provides the child welfare services and the local education agency to provide and pay for the costs of transportation of a child in foster care to the child's school of origin until any dispute concerning the cost of transportation is resolved.**

Section 9 of this bill requires that the Department of Education, each local education agency and each agency which provides child welfare services to designate a single point of contact who is responsible for developing certain policies and procedures relating to children in foster care.

Section 10 of this bill requires **the State Board of Education to prepare an annual report concerning the academic progress of children in foster care who attend a public school in this State. Section 10 also requires: (1)** each education agency to submit to the Department of Education a report relating to children in foster care ~~[.]~~ **; and (2) an agency which provides child welfare services to a child enrolled in public school in this State to provide any information requested by a local education agency as soon as practicable.**

If a court finds that a child is in need of protection and places the child other than with a parent, an agency acting as the custodian of the child is required to report to the court before any hearing for a review of the placement of the child. (NRS 432B.580) Section 13.5 of this bill requires the agency to include in the report certain information about the education of the child.

Existing law establishes the Program of School Choice for Children in Foster Care. (NRS 388E.100) This program allows the legal guardian or custodian of a child who is in foster care to apply to participate in the Program so that the child may be enrolled in a public school other than the public school which the child is zoned to attend. (NRS 388E.110) **Section 15** of this bill eliminates this Program. **Section 15** also eliminates a provision which provides that a child who is in the legal or physical custody of an agency which provides child welfare services and is awaiting foster care placement is deemed to be homeless for the purposes of the federal McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 388.040 is hereby amended to read as follows:

388.040 1. Except as otherwise provided in subsection 2, the board of trustees of a school district that includes more than one school which offers instruction in the same grade or grades may zone the school district and determine which pupils must attend each school.

2. The establishment of zones pursuant to subsection 1 does not preclude a pupil from attending a:

(a) Charter school;

(b) University school for profoundly gifted pupils;

(c) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil is ~~[enrolled in the Program of School Choice for Children in Foster Care established pursuant to NRS 388E.100;]~~ ***a child in foster care who is remaining in his or her school of origin pursuant to section 7 of this act;*** or

(d) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive, or the parent or legal guardian with

whom the pupil resides has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive.

Sec. 2. Chapter 388E of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 10, inclusive, of this act.

Sec. 3. ***"Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.***

Sec. 4. ***"Foster care" ~~[means any out-of-home placement for a child.]~~ has the meaning ascribed to it in 45 C.F.R. § 1355.20.***

Sec. 5. ***"Local education agency" includes, without limitation, the board of trustees of a school district and the sponsor of a charter school.***

Sec. 6. ***"School of origin" means the public school in which a child was enrolled at the time that the child was placed in foster care ~~[,]~~ or the school in which a child who is in foster care is enrolled at the time of the most recent change in the placement of the child.***

Sec. 7. ***1. When a child enters foster care ~~[,]~~ or changes placement while in foster care, the agency which provides child welfare services to the child shall determine whether it is in the best interests of the child for the child to remain in his or her school of origin. In making this determination, there is a rebuttable presumption that it is in the best interests of the child to remain in his or her school of origin and matriculate in accordance with the feeder pattern of the school of origin.***

2. In determining whether it is in the best interests of a child in foster care to remain in his or her school of origin, the agency which provides child welfare services, in consultation with the local education agency, must consider, without limitation:

(a) The wishes of the child, if the child is of sufficient age and capacity to form an intelligent preference as to which public school he or she attends;

(b) The educational success, stability and achievement of the child;

(c) Any individualized education program or academic plan developed for the child;

(d) Whether the child has been identified as an English learner;

(e) The health and safety of the child;

(f) The availability of necessary services for the child at the school of origin; and

(g) Whether the child has a sibling enrolled in the school of origin.

➥ The costs of transporting the child to the school of origin must not be considered when determining whether it is in the best interests of the child to remain at his or her school of origin.

3. ~~[The determination as to whether it is in the best interests of a child in foster care to stay in his or her school of origin must be made in writing by the agency which provides child welfare services and provided by the agency to every interested party.~~

~~4.]~~ *If the agency which provides child welfare services determines that it is in the best interests of a child in foster care to attend a public school other than the child's school of origin:*

(a) The agency which provides child welfare services ~~[and local education agency]~~ *must* ~~[ensure]~~ **:**

(1) Provide written notice of its determination to every interested party as soon as practicable; and

(2) In collaboration with the local education agency, ensure *that the child is immediately enrolled in that public school; and*

(b) The public school may not refuse to the enroll the child on the basis that the public school does not have:

(1) A certificate stating that the child has been immunized and has received proper boosters for that immunization;

(2) A birth certificate or other document suitable as proof of the child's identity;

(3) A copy of the child's records from the school the child most recently attended; or

(4) Any other documentation required by a policy adopted by the public school or the local education agency.

4. If a determination is made as described in subsection 3 that a child is to attend a public school other than the child's school of origin and a dispute arises as a result of such a decision:

(a) The child must remain in his or her school of origin; and

(b) The agency which provides child welfare services and the local education agency must provide the child with transportation to the school of origin until the dispute is resolved.

5. The costs of transportation of a child to the child's school of origin must be paid in the manner prescribed by subsection 2 of section 8 of this act. Any dispute that arises between the agency which provides child welfare services and the local education agency that is related to the transportation of a child in foster care to the child's school of origin must be resolved in the manner prescribed in subsection 3 of section 8 of this act.

Sec. 7.5. **The board of trustees of a school district or the governing body of a charter school must allow a pupil who leaves foster care to remain enrolled in his or her school of origin until the end of the school year during which the child leaves foster care unless the parent or guardian of the pupil elects to enroll the pupil in a different school.**

Sec. 8. *1. If the agency which provides child welfare services to a child has determined pursuant to section 7 of this act that it is in the best interests of the child to remain in his or her school of origin, the agency which provides child welfare services and the local education agency must provide the child with transportation to the school of origin:*

(a) For the entire time that the child is in foster care; and

(b) Until the end of the school year during which the child leaves foster care.

2. The agency which provides child welfare services and the local education agency are jointly responsible for the costs of transportation of a child to the child's school of origin unless the agency which provides child welfare services and the local education agency mutually agree otherwise.

3. If a dispute arises between the agency which provides child welfare services and the local education agency that is related to the transportation of a child in foster care to the child's school of origin, including, without limitation, a dispute related to the costs of transportation, and the dispute is not resolved within 5 business days, the juvenile or family court with jurisdiction over the child must resolve the dispute by court order ***[.]*** ***within 5 business days.***

4. If a dispute arises between the agency which provides child welfare services and the local education agency that is related to the transportation of a child in foster care, the agency which provides child welfare services and the local education agency must provide the child with transportation to the school of origin until the dispute is resolved.

Sec. 9. ***1. The Department, each local education agency and each agency which provides child welfare services shall designate a single point of contact who is responsible for:***

(a) Developing policies and procedures necessary for the Department, local education agency or agency which provides child welfare services, as applicable, to comply with the requirements of the Every Student Succeeds Act, 20 U.S.C. §§ 6301 et seq., including, without limitation, policies and procedures relating to the:

(1) Communication of information relating to children in foster care among the Department, local education agencies and agencies which provide child welfare services; and

(2) Transportation of children in foster care to their schools of origin.

(b) Communicating and coordinating with other single points of contact designated pursuant to this section.

2. Policies and procedures relating to transportation of a child in foster care to his or her school of origin must include, without limitation, a plan for paying the costs of such transportation.

3. As used in this section, "single point of contact" means a natural person or a team of personnel, each of whom has the ability and authority to perform the responsibilities described in this section.

Sec. 10. ***1. The State Board shall prepare an annual report concerning the academic progress of children in foster care who attend a public school in this State that includes, without limitation, the information prescribed by 20 U.S.C. § 6311(h)(1)(c)(i)-(iii).***

2. Each local education agency shall, on or before the date established by the Department, and in the form prescribed by the Department, prepare and submit to the Department a report on children in foster care who

attend a public school within the jurisdiction of the local education agency. This report must include the information prescribed by 20 U.S.C. § 6311(h)(1)(c)(i)-(iii).

3. An agency which provides child welfare services to a child enrolled in public school in this State shall provide any information requested by the local education agency to the local education agency as soon as practicable.

Sec. 11. NRS 388E.010 is hereby amended to read as follows:

388E.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in ~~[NRS 388E.020, 388E.030 and 388E.040]~~ ***sections 3 to 6, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 12. NRS 392.010 is hereby amended to read as follows:

392.010 Except as to the attendance of a pupil pursuant to NRS 388.820 to 388.874, inclusive, ~~[388E.110]~~ or 392.015, ***or section 7 of this act,*** or a pupil who is ineligible for attendance pursuant to NRS 392.4675 and except as otherwise provided in NRS 392.264 and 392.268:

1. The board of trustees of any school district may, with the approval of the Superintendent of Public Instruction:

(a) Admit to the school or schools of the school district any pupil or pupils living in an adjoining school district within this State or in an adjoining state when the school district of residence in the adjoining state adjoins the receiving Nevada school district; or

(b) Pay tuition for pupils residing in the school district but who attend school in an adjoining school district within this State or in an adjoining state when the receiving district in the adjoining state adjoins the school district of Nevada residence.

2. With the approval of the Superintendent of Public Instruction, the board of trustees of the school district in which the pupil or pupils reside and the board of trustees of the school district in which the pupil or pupils attend school shall enter into an agreement providing for the payment of such tuition as may be agreed upon, but transportation costs must be paid by the board of trustees of the school district in which the pupil or pupils reside:

(a) If any are incurred in transporting a pupil or pupils to an adjoining school district within the State; and

(b) If any are incurred in transporting a pupil or pupils to an adjoining state, as provided by the agreement.

3. In addition to the provisions for the payment of tuition and transportation costs for pupils admitted to an adjoining school district as provided in subsection 2, the agreement may contain provisions for the payment of reasonable amounts of money to defray the cost of operation, maintenance and depreciation of capital improvements which can be allocated to such pupils.

Sec. 13. NRS 217.464 is hereby amended to read as follows:

217.464 1. If the Attorney General approves an application, the Attorney General shall:

(a) Designate a fictitious address for the participant; and

(b) Forward mail that the Attorney General receives for a participant to the participant.

2. The Attorney General shall not make any records containing the name, confidential address or fictitious address of a participant available for inspection or copying, unless:

(a) The address is requested by a law enforcement agency, in which case the Attorney General shall make the address available to the law enforcement agency; or

(b) The Attorney General is directed to do so by lawful order of a court of competent jurisdiction, in which case the Attorney General shall make the address available to the person identified in the order.

3. If a pupil is attending or wishes to attend ~~[a public school that is located outside the zone of attendance as authorized by paragraph (c) of subsection 2 of NRS 388.040 or]~~ a public school that is located in a school district other than the school district in which the pupil resides as authorized by NRS 392.016, the Attorney General shall, upon request of the public school that the pupil is attending or wishes to attend, inform the public school of whether the pupil is a participant and whether the parent or legal guardian with whom the pupil resides is a participant. The Attorney General shall not provide any other information concerning the pupil or the parent or legal guardian of the pupil to the public school.

Sec. 13.5. **NRS 432B.580 is hereby amended to read as follows:**

432B.580 1. Except as otherwise provided in this section and NRS 432B.513, if a child is placed pursuant to NRS 432B.550 other than with a parent, the placement must be reviewed by the court at least semiannually, and within 90 days after a request by a party to any of the prior proceedings. Unless the parent, guardian or the custodian objects to the referral, the court may enter an order directing that the placement be reviewed by a panel appointed pursuant to NRS 432B.585.

2. An agency acting as the custodian of the child shall, before any hearing for review of the placement of a child, submit a report to the court, or to the panel if it has been designated to review the matter, which includes:

(a) An evaluation of the progress of the child and the family of the child and any recommendations for further supervision, treatment or rehabilitation.

(b) Information concerning the placement of the child in relation to the child's siblings, including, without limitation:

(1) Whether the child was placed together with the siblings;

(2) Any efforts made by the agency to have the child placed together with the siblings;

(3) Any actions taken by the agency to ensure that the child has contact with the siblings; and

(4) If the child is not placed together with the siblings:

(I) The reasons why the child is not placed together with the siblings; and

(II) A plan for the child to visit the siblings, which must be approved by the court.

(c) ***Information concerning the child's education, including:***

(1) A copy of an academic plan developed for the child pursuant to NRS 388.155, 388.165 or 388.205 ~~[.]~~ ***;***

(2) The grade and school in which the child is enrolled;

(3) The name of the each school the child attended before enrolling in the school in which he or she is currently enrolled and the corresponding dates of attendance;

(4) Whether the child has not completed or passed any course of instruction that the child should have completed or passed by the time the report is submitted, which has resulted in the child having a deficiency in credits;

(5) A copy of any individualized education program developed for the child;

(6) A copy of any plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794;

(7) A summary of any special education services received by the child;

(8) Whether a request that the child receive special education services has been made and, if so, the outcome of such a request; and

(9) Whether, in the opinion of the agency, it is necessary to appoint a surrogate parent to represent the child in all matters relating to the provision of a free and appropriate public education to the child.

(d) A copy of any explanations regarding medication that has been prescribed for the child that have been submitted by a foster home pursuant to NRS 424.0383.

3. Except as otherwise provided in this subsection, a copy of the report submitted pursuant to subsection 2 must be given to the parents, the guardian ad litem and the attorney, if any, representing the parent or the child. If the child was delivered to a provider of emergency services pursuant to NRS 432B.630 and the parent has not appeared in the action, the report need not be sent to that parent.

4. After a plan for visitation between a child and the siblings of the child submitted pursuant to subparagraph (4) of paragraph (b) of subsection 2 has been approved by the court, the agency which provides child welfare services must request the court to issue an order requiring the visitation set forth in the plan for visitation. If a person refuses to comply with or disobeys an order issued pursuant to this subsection, the person may be punished as for a contempt of court.

5. The court or the panel shall hold a hearing to review the placement, unless the parent, guardian or custodian files a motion with the court to dispense with the hearing. If the motion is granted, the court or panel may

make its determination from any report, statement or other information submitted to it.

6. Except as otherwise provided in this subsection and subsection 5 of NRS 432B.520, notice of the hearing must be given by registered or certified mail to:

(a) All the parties to any of the prior proceedings;

(b) Any persons planning to adopt the child;

(c) A sibling of the child, if known, who has been granted a right to visitation of the child pursuant to NRS 127.171 and his or her attorney, if any; and

(d) Any other relatives of the child or providers of foster care who are currently providing care to the child.

7. The notice of the hearing required to be given pursuant to subsection 6:

(a) Must include a statement indicating that if the child is placed for adoption the right to visitation of the child is subject to the provisions of NRS 127.171;

(b) Must not include any confidential information described in NRS 127.140; and

(c) Need not be given to a parent whose rights have been terminated pursuant to chapter 128 of NRS or who has voluntarily relinquished the child for adoption pursuant to NRS 127.040.

8. The court or panel may require the presence of the child at the hearing and shall provide to each person to whom notice was given pursuant to subsection 6 a right to be heard at the hearing.

9. The court or panel shall review:

(a) The continuing necessity for and appropriateness of the placement;

(b) The extent of compliance with the plan submitted pursuant to subsection 2 of NRS 432B.540;

(c) Any progress which has been made in alleviating the problem which resulted in the placement of the child; and

(d) The date the child may be returned to, and safely maintained in, the home or placed for adoption or under a legal guardianship.

10. The provision of notice and a right to be heard pursuant to this section does not cause any person planning to adopt the child, any sibling of the child or any other relative, any adoptive parent of a sibling of the child or a provider of foster care to become a party to the hearing.

11. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 14. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 15. NRS 388E.020, 388E.030, 388E.040, 388E.100, 388E.110, 388E.120, 388E.130, 388E.140, 388E.150 and 432B.135 are hereby repealed.

Sec. 16. This act becomes effective on July 1, 2017.

LEADLINES OF REPEALED SECTIONS

388E.020 "Custodian" defined.

388E.030 "Foster home" defined.

388E.040 "Program" defined.

388E.100 Administration of Program; regulations; provision of information concerning Program.

388E.110 Eligibility for participation; exemption; contents of application; notice of approval or denial; consideration of best interests of child; no duty to provide transportation.

388E.120 Eligibility for continued participation in Program; request for transfer or withdrawal from Program.

388E.130 Enrollment on basis of lottery system required under certain circumstances.

388E.140 Count of pupils for State Distributive School Account.

388E.150 Contract for evaluation of Program authorized.

432B.135 Child in custody of agency which provides child welfare services deemed homeless in certain circumstances.

Assemblyman Thompson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 5.

Resolution read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 524.

SUMMARY—Proposes to amend the Nevada Constitution to remove the **constitutional** provisions ~~[relating to]~~ **governing** the election and duties of the Board of Regents ~~[.]~~ **of the State University and to authorize the Legislature to provide by statute for the governance, control and management of the State University.** (BDR C-60)

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to remove the **constitutional** provisions ~~[relating to]~~ **governing** the election and duties of the Board of Regents ~~[.]~~ **of the State University and to authorize the Legislature to provide by statute for the governance, control and management of the State University.**

Legislative Counsel's Digest:

~~[The]~~ **Article 11 of the** Nevada Constitution **, which is known as the Education Article,** requires the Nevada Legislature to provide for the establishment of a State University **that is** controlled by a Board of Regents ~~[,]~~ whose duties are prescribed by law. (Nev. Const. Art. 11, § 4) ~~[Existing law provides that]~~ **The Education Article also: (1) requires the Legislature to provide for the election of** the members of the Board of Regents of the **State** University ~~[of Nevada must be elected by the voters of~~

~~this State.]~~ **and to define their duties by law; and (2) authorizes the Board of Regents to control and manage the affairs of the State University and its funds under such regulations as may be provided by law.** (Nev. Const. Art. 11, ~~[§ 7;]~~ **§§ 7, 8)**

As required by the Education Article, the Legislature has provided by law for: (1) the establishment of the State University, which is known as the University of Nevada; and (2) the election of the members of the Board of Regents. (NRS **396.020,** 396.040) **Additionally, the Legislature has: (1) provided by law for the establishment of the Nevada System of Higher Education, which consists of the State University and other educational institutions, programs and operations; and (2) has authorized the Board of Regents to administer the System and to prescribe rules for its governance and management. (NRS 396.020, 396.110, 396.230, 396.280, 396.300, 396.420, 396.440, 396.550)**

This resolution proposes to amend the Nevada Constitution to ~~[eliminate]~~ **remove** the **constitutional** provisions ~~[concerning]~~ **governing** the Board of Regents ~~[.]~~ **and to authorize the Legislature to provide by statute for the governance, control and management of the State University. (Nev. Const. Art. 11, §§ 4, 7) However, although this resolution removes the status of the Board of Regents as a constitutional body under the Nevada Constitution, this resolution does not change the status of the Board of Regents as a statutory body under existing statutory provisions, which authorize the Board of Regents to administer the Nevada System of Higher Education and prescribe rules for its governance and management. In addition, this resolution does not repeal, either expressly or by implication, any of those existing statutory provisions relating to the Board of Regents, including the existing statutory provisions that provide for the election of the members of the Board of Regents.**

Under the federal Morrill Land Grant Act of 1862, each state was provided with certain federal land grants to be sold to support and maintain at least one college in the state that teaches both agriculture and mechanic arts, including military tactics, so long as the state agrees to certain terms and conditions regarding the preservation and use of the proceeds derived from the sale of the federal land grants. (Act of July 2, 1862, ch. 130, §§ 1-8, 12 Stat. 503-05, as amended and codified at 7 U.S.C. §§ 301 et seq.) To secure the benefits offered by the federal law, the Framers of the Nevada Constitution approved Section 8 of the Education Article to provide for the preservation and use of the proceeds derived from the sale of the federal land grants. (*Debates & Proceedings of the Nevada State Constitutional Convention of 1864*, at 586 and 589-91 (Andrew J. Marsh off. rep. 1866))

This resolution proposes to amend Section 8 of the Education Article to: (1) remove references to the Board of Regents; (2) delete obsolete provisions; (3) clarify citations to the pertinent federal law, including all

amendments thereto; and (4) specify that the proceeds derived under the federal law must be invested by the State of Nevada in the manner required by law. (Nev. Const. Art. 11, § 8)

If this resolution is passed by the 2017 Legislature, it must also be passed by the next Legislature and then approved and ratified by the voters in an election before the proposed amendments to the Nevada Constitution become effective.

WHEREAS, Article 11 of the Nevada Constitution, which is known as the Education Article, requires the Legislature to provide for the establishment of a State University that is controlled by a Board of Regents whose duties are prescribed by law (Nev. Const. Art. 11, § 4); and

WHEREAS, The Education Article also requires the Legislature to provide for the election of the members of the Board of Regents and to define their duties by law (Nev. Const. Art. 11, § 7); and

WHEREAS, The Education Article authorizes the Board of Regents to control and manage the affairs of the State University and its funds under such regulations as may be provided by law (Nev. Const. Art. 11, §§ 7, 8); and

WHEREAS, When drafting the Education Article, the Framers of the Nevada Constitution purposefully added constitutional language to ensure that the powers and duties of the Board of Regents and its members "shall be prescribed by the Legislature," in order to "not leave it to be inferred, perhaps, that they have absolute control" over the State University (*Debates & Proceedings of the Nevada State Constitutional Convention of 1864*, at 586 (Andrew J. Marsh off. rep. 1866) (statement of Delegate George A. Nourse)); and

WHEREAS, The Framers believed that the Board of Regents' control and management of the affairs of the State University should be governed by laws enacted by the Legislature (*Debates & Proceedings of the Nevada State Constitutional Convention of 1864*, at 585-87 (Andrew J. Marsh off. rep. 1866)); and

WHEREAS, The Framers did not create the Board of Regents as a constitutional body in the Education Article to give the Board of Regents unchecked autonomy from legislative oversight and control (*Debates & Proceedings of the Nevada State Constitutional Convention of 1864*, at 585-91 (Andrew J. Marsh off. rep. 1866)); and

WHEREAS, As required by the Education Article, the Legislature has provided by law for the establishment of the State University, known as the University of Nevada, and has provided by law for the election of the members of the Board of Regents (NRS 396.020, 396.040); and

WHEREAS, The Legislature has provided by law for the establishment of the Nevada System of Higher Education, which consists of the State University and other educational institutions, programs and operations,

and for the Board of Regents to administer the System and to prescribe rules for its governance and management (NRS 396.020, 396.110, 396.230, 396.280, 396.300, 396.420, 396.440, 396.550); and

WHEREAS, In cases before the Nevada Supreme Court, the Board of Regents has asserted that its "unique constitutional status" gives it "virtual autonomy and thus immunity" from particular laws and policies enacted by the Legislature (*Board of Regents v. Oakley*, 97 Nev. 605, 607 (1981)); and

WHEREAS, Although the Nevada Supreme Court has rejected the Board of Regents' broad assertion of autonomy and immunity from laws and policies enacted by the Legislature, the Nevada Supreme Court has recognized that the Board of Regents' constitutional status prevents the Legislature from enacting certain legislation that directly "interferes with the Board's essential management and control of the University." (*Board of Regents v. Oakley*, 97 Nev. 605, 608 (1981); *King v. Board of Regents*, 65 Nev. 533, 564-69 (1948)); and

WHEREAS, Under our Nation's fundamental, well-established and long-standing principles of representative government, the traditional role of the people's elected representatives in the Legislature is to serve as the people's legislative check of accountability to ensure that public bodies, agencies and officers in the other branches of government are carrying out their governmental functions for the benefit of the people and in a manner consistent with the laws and policies enacted by the Legislature; and

WHEREAS, The Board of Regents has, at various times, relied on its constitutional status and its authority to control and manage the affairs of the State University as a defensive shield and cloak against the people's legislative check of accountability, and the Board of Regents has, at various times, taken actions that have hindered, thwarted or undermined the Legislature's investigation, review and scrutiny of the institutions, programs and operations of the Nevada System of Higher Education; and

WHEREAS, Like other public bodies, agencies and officers of the State Government, the Board of Regents should be subject to the people's legislative check of accountability through legislative oversight and control, and the Board of Regents' control and management of the affairs of the State University should be governed by all laws enacted by the Legislature; and

WHEREAS, To secure accountability to the people's elected representatives in the Legislature, the Nevada Constitution should be amended to remove the Board of Regents' constitutional status so that the Board of Regents operates only as a statutory public body to ensure that it is subject to the people's legislative check of accountability through legislative oversight and control and to ensure that the Board of

Regents' control and management of the affairs of the State University are governed by all laws enacted by the Legislature; and

WHEREAS, Amending the Nevada Constitution to remove the Board of Regents' constitutional status will allow the Legislature to exercise the full extent of its legislative power to review, reform and improve the control and management of the affairs of the State University and, in doing so, the Legislature also will have more options and greater flexibility to review, reform and improve all other institutions, programs and operations of the Nevada System of Higher Education; and

WHEREAS, Amending the Nevada Constitution to remove the Board of Regents' constitutional status will not repeal, either expressly or by implication, the existing statutory provisions which apply to the Board of Regents, the State University and all other institutions, programs and operations of the Nevada System of Higher Education, including, without limitation, the existing statutory provisions that provide for the voters to elect the members of the Board of Regents; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 4 of Article 11 of the Nevada Constitution be amended to read as follows:

~~[~~Sec:~~]~~ ***Sec.*** 4. The Legislature shall provide for the establishment of a State University which shall embrace departments for Agriculture, Mechanic Arts, and Mining ~~[.~~ to be controlled by a Board of Regents whose duties shall be prescribed by Law.~~]~~ ***, and the Legislature shall provide by law for the governance, control and management of the State University.***

And be it further

RESOLVED, That Section 8 of Article 11 of the Nevada Constitution be amended to read as follows:

~~[~~Sec:~~]~~ ***Sec.*** 8. The ~~[~~Board of Regents shall, from the interest accruing from the first funds which come under their control, immediately organize and maintain the said Mining department in such manner as to make it most effective and useful, Provided, that all the~~]~~ proceeds of the public lands donated by Act of Congress approved July ~~[~~second AD. Eighteen hundred and sixty Two,~~]~~ ***2, 1862, ch. 130, 12 Stat. 503, and thereafter amended by Act of Congress,*** for a college for the benefit of Agriculture ~~[[,]~~ the Mechanics~~]~~ ***and Mechanic*** Arts, ~~[~~and~~]~~ including Military tactics **,** shall be invested by the ~~[~~said Board of Regents~~]~~ ***State ~~[Treasurer]~~ of Nevada in the manner required by law*** in a separate fund to be appropriated exclusively for the benefit of the first named departments to the ***State*** University as set forth in Section ~~[~~Four above;~~]~~ ***4 of this Article.*** And the Legislature shall provide that if through neglect or any other contingency, any portion of the fund so set apart ~~[~~, shall be~~]~~ ***is*** lost or misappropriated, the State of Nevada shall replace

said amount so lost or misappropriated in said fund so that the principal of said fund shall remain forever undiminished**.** ~~[.]~~

And be it further

RESOLVED, That Section 7 of Article 11 of the Nevada Constitution be repealed.

TEXT OF REPEALED SECTION

Sec: 7. **Board of Regents: Election and duties.** The Governor, Secretary of State, and Superintendent of Public Instruction, shall for the first four years and until their successors are elected and qualified constitute a Board of Regents to control and manage the affairs of the University and the funds of the same under such regulations as may be provided by law. But the Legislature shall at its regular session next preceding the expiration of the term of office of said Board of Regents provide for the election of a new Board of Regents and define their duties.

Assemblywoman Diaz moved the adoption of the amendment.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Assembly Bill No. 223.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 549.

AN ACT relating to energy efficiency programs; requiring an electric utility to submit to the Public Utilities Commission of Nevada an energy efficiency plan designed to be cost effective; prescribing the contents of such a plan; requiring the Commission to ~~[measure]~~ **determine** the cost effectiveness of an energy efficiency plan **or energy efficiency program** through application of ~~[the utility cost test;]~~ **a test of the cost effectiveness of the plan or program that is selected by the Commission;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each electric utility to submit to the Public Utilities Commission of Nevada every 3 years a plan to increase the utility's supply of electricity or decrease the demands made on its system by its customers. Existing law provides that the plan must include certain components, including, without limitation, an energy efficiency program for residential customers. (NRS 704.741) **Section 7** of this bill revises this requirement to require an electric utility to include in its plan an energy efficiency plan **for residential customers** which reduces the consumption of electricity through energy efficiency and conservation programs and which is designed to be cost effective. **Section 8** of this bill authorizes the Commission to accept an energy efficiency plan **that consists of energy efficiency and conservation**

programs that are not cost effective if ~~[it]~~ **the energy efficiency plan as a whole** is cost effective**.** ~~[, as measured by the utility cost test.]~~ **Section 8** further requires **, as long as an energy efficiency plan remains cost effective, that** any order of the Commission accepting or modifying an energy efficiency plan **or an amendment to such a plan** to require that at least 5 percent of the expenditures ~~[relating to]~~ **of the utility on approved** energy efficiency and conservation programs **in the energy efficiency plan** be **specifically** directed toward energy efficiency programs for low-income customers**.** ~~[unless such a requirement is not cost effective.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. As used in NRS 704.736 to 704.754, inclusive, and sections 2 to 5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.

Sec. 3. "Cost effective" means an energy efficiency plan or energy efficiency program has a benefit-cost ratio of 1.0 or greater as ~~[measured]~~ determined by the ~~[utility cost test.]~~ Commission, using a test of the cost effectiveness of the plan or program that:

1. Is selected by the Commission; and

2. Accounts for any non-energy benefits of the plan or program.

Sec. 4. 1. "Energy efficiency and conservation program" means a program designed, intended or used to improve energy efficiency by reducing the energy consumption by a ~~[retail]~~ residential customer of a utility which supplies electricity in this State.

2. The term includes, without limitation, a demand-side response program or load-limiting program that shifts the consumption of energy by a ~~[retail]~~ residential customer from one period to another period.

3. The term does not include the implementation or assessment of any rate which is based on the time of day, day of the week or time of year during which electricity is used or which otherwise varies based upon the time during which the electricity is used.

Sec. 5. ~~***[***~~***"Utility cost test" means the measurement of the cost effectiveness of an energy efficiency plan or energy efficiency program that compares the monetary costs that are borne by an electric utility or provider of electric service and that are incurred to develop, acquire and operate an energy efficiency program on a life cycle basis to the avoided monetary costs associated with developing, acquiring and operating resources to supply electricity in the absence of the energy efficiency plan or program.***~~***]***~~ **(Deleted by amendment.)**

Sec. 6. NRS 704.736 is hereby amended to read as follows:

704.736 The application of NRS 704.736 to 704.754, inclusive, ***and sections 2 to 5, inclusive, of this act*** is limited to any public utility in the business of supplying electricity which has an annual operating revenue in this state of $2,500,000 or more.

Sec. 7. NRS 704.741 is hereby amended to read as follows:

704.741 1. A utility which supplies electricity in this State shall, on or before July 1 of every third year, in the manner specified by the Commission, submit a plan to increase its supply of electricity or decrease the demands made on its system by its customers to the Commission.

2. The Commission shall, by regulation:

(a) Prescribe the contents of such a plan, including, but not limited to, the methods or formulas which are used by the utility to:

(1) Forecast the future demands; and

(2) Determine the best combination of sources of supply to meet the demands or the best method to reduce them; and

(b) Designate renewable energy zones and revise the designated renewable energy zones as the Commission deems necessary.

3. The Commission shall require the utility to include in its plan:

(a) An energy efficiency ~~[program]~~ ***plan*** for residential customers ~~***[plan]***~~ ***which is cost effective and*** which reduces the consumption of electricity or any fossil fuel ***through the implementation of energy efficiency and conservation programs. The energy efficiency plan must include, without limitation:***

(1) An energy efficiency and conservation program for residential customers which reduces the consumption of electricity or any fossil fuel and which includes, without limitation, the use of new solar thermal energy sources ~~[.]~~ ***; and***

(2) A proposal for the expenditure of not less than 5 percent of the total expenditures related to energy efficiency and conservation programs on energy efficiency and conservation programs directed to low-income customers of the electric utility.

(b) A comparison of a diverse set of scenarios of the best combination of sources of supply to meet the demands or the best methods to reduce the demands, which must include at least one scenario of low carbon intensity that includes the deployment of distributed generation.

(c) An analysis of the effects of the requirements of NRS 704.766 to 704.775, inclusive, on the reliability of the distribution system of the utility and the costs to the utility to provide electric service to all customers. The analysis must include an evaluation of the costs and benefits of addressing issues of reliability through investment in the distribution system.

(d) A list of the utility's assets described in NRS 704.7338.

(e) A surplus asset retirement plan as required by NRS 704.734.

4. The Commission shall require the utility to include in its plan a plan for construction or expansion of transmission facilities to serve renewable

energy zones and to facilitate the utility in meeting the portfolio standard established by NRS 704.7821.

5. As used in this section:

(a) "Carbon intensity" means the amount of carbon by weight emitted per unit of energy consumed.

(b) "Renewable energy zones" means specific geographic zones where renewable energy resources are sufficient to develop generation capacity and where transmission constrains the delivery of electricity from those resources to customers.

Sec. 8. NRS 704.751 is hereby amended to read as follows:

704.751 1. After a utility has filed the plan required pursuant to NRS 704.741, the Commission shall issue an order accepting or modifying the plan or specifying any portions of the plan it deems to be inadequate:

(a) Within 135 days for any portion of the plan relating to the energy supply plan for the utility for the 3 years covered by the plan; and

(b) Within 180 days for all portions of the plan not described in paragraph (a).

➥ If the Commission issues an order modifying the plan, the utility may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order. If such a notice is filed, any petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.

2. If a utility files an amendment to a plan, the Commission shall issue an order accepting or modifying the amendment or specifying any portions of the amendment it deems to be inadequate:

(a) Within 135 days after the filing of the amendment; or

(b) Within 180 days after the filing of the amendment for all portions of the amendment which contain an element of the emissions reduction and capacity replacement plan.

➥ If the Commission issues an order modifying the amendment, the utility may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order. If such a notice is filed, any petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.

3. All prudent and reasonable expenditures made to develop the utility's plan, including environmental, engineering and other studies, must be recovered from the rates charged to the utility's customers.

4. ***The Commission may accept an energy efficiency plan submitted pursuant to paragraph (a) of subsection*** ~~***[1 if the Commission determines that the plan is]***~~ ***3 of NRS 704.741 that consists of energy efficiency and conservation programs that are not*** ***cost effective*** ~~***[, as measured by the***~~

~~utility cost test. Unless the Commission determines that it is not cost effective, any~~ ***if the energy efficiency plan as a whole is cost effective. Any order issued by the Commission accepting or modifying an energy efficiency plan or an amendment to such a plan must ~~[provide]~~ , if the energy efficiency plan remains cost effective, require that not less than 5 percent of the total expenditures ~~[related to]~~ of the utility on approved energy efficiency and conservation programs in the energy efficiency plan must be specifically directed to energy efficiency programs for low-income customers of the utility. ~~[In developing the utility cost test for the purpose of measuring the cost effectiveness of energy efficiency and conservation programs directed to low-income customers, the Commission shall quantify or assign a reasonable value to reductions in working capital, reduced collection costs, lower bad debt expense, improved effectiveness of customer service and any other appropriate factors as utility system economic benefits.]~~*

5. The Commission may accept a transmission plan submitted pursuant to subsection 4 of NRS 704.741 for a renewable energy zone if the Commission determines that the construction or expansion of transmission facilities would facilitate the utility meeting the portfolio standard, as defined in NRS 704.7805.

~~[5.]~~ ***6.*** The Commission shall adopt regulations establishing the criteria for determining the adequacy of a transmission plan submitted pursuant to subsection 4 of NRS 704.741.

~~[6.]~~ ***7.*** Any order issued by the Commission accepting or modifying an element of an emissions reduction and capacity replacement plan must include provisions authorizing the electric utility to construct or acquire and own electric generating plants necessary to meet the capacity amounts approved in, and carry out the provisions of, the plan. As used in this subsection, "capacity" means an amount of firm electric generating capacity used by the electric utility for the purpose of preparing a plan filed with the Commission pursuant to NRS 704.736 to 704.754, inclusive ~~[.]~~ ***, and sections 2 to 5, inclusive, of this act.***

Sec. 9. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On July 1, 2017, for all other purposes.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 83.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 538.

AN ACT relating to insurance; providing for administrative supervision of insurers and other entities by the Commissioner of Insurance; providing for the regulation of network plans; revising provisions relating to medical malpractice insurance, the general regulation of insurers, reinsurance, motor vehicle insurance, industrial insurance, health insurance in general, health benefit plans in general, funeral and burial services, individual health insurance, group and blanket health insurance, health insurance for small employers, service contracts, credit personal property insurance, nonprofit corporations for hospital, medical and dental service, health maintenance organizations, plans for dental care, prepaid limited health service organizations and managed care organizations; ~~[exempting the Commissioner from the Nevada Administrative Procedure Act for certain purposes;]~~ revising provisions relating to the confidentiality of certain documents and other information; revising various references to insurance agents and brokers; repealing various provisions governing summaries of coverage, loss prevention, disclosures of certain information, continuation of coverage and insurance requirements for prepaid limited health service organizations; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Commissioner of Insurance to regulate insurance in this State. (NRS 679B.120) This bill adds to, revises and repeals various provisions of existing law, primarily in title 57 of NRS, relating to the regulation of insurance in this State.

Sections 2-13 of this bill authorize the Commissioner to place an insurer under administrative supervision and set forth the requirements for such supervision. **Section 6** authorizes the Commissioner to place an insurer under administrative supervision under specified circumstances, including, without limitation, when the insurer is in a hazardous financial condition, when the insurer appears to have exceeded its powers or if an insurer agrees to be placed under such supervision. **Section 6** further provides for the duration of the administrative supervision and the release of the insurer from administrative supervision. **Section 7** designates the Commissioner or an appointee thereof as the administrative supervisor of an insurer under administrative supervision, authorizes the Commissioner to limit the actions of such an insurer and lists various types of actions which the Commissioner may prohibit the insurer from taking without obtaining advance approval from the Commissioner or appointee. **Sections 3 and 4** define, for the purposes of **sections 2-13**, the terms "Commissioner" and "insurer." Both terms are currently defined for the purposes of existing law, but **sections 3 and 4** provide more expansive definitions for the purposes of **sections 2-13**. (NRS 679A.060, 679A.100) **Section 5** expressly makes **sections 2-13** apply

to insurers and other persons, including, without limitation, a person purporting to be an insurer, organizing to be an insurer or holding himself or herself out as organizing to be an insurer. **Section 8** governs the use and confidentiality of information relating to the administrative supervision of an insurer. **Section 9** establishes provisions governing the contesting or reviewing of decisions made by the Commissioner or an appointee thereof pursuant to **sections 2-13**. **Section 10** ensures that the Commissioner may institute delinquency proceedings against an insurer without regard to whether the insurer is or was under administrative supervision. **Section 11** authorizes the Commissioner, a designee of the Commissioner and an attorney or other persons to meet, for specified purposes, outside the presence of other persons. **Section 12** authorizes the Commissioner to adopt regulations and to employ various persons to carry out the administrative supervision of an insurer. **Section 12** further authorizes the Commissioner to require the insurer under administrative supervision to pay the compensation and expenses of the persons the Commissioner appoints and employs for the purposes of the administrative supervision. **Section 13** provides that the Commissioner and his or her employees and agents are not liable for actions taken pursuant to **sections 2-13**.

Section 14 of this bill revises the information the Commissioner is required to collect regarding closed claims for medical malpractice. (NRS 679B.144) **Sections 117 and 118** remove the requirement to report certain information regarding closed claims for medical malpractice. (NRS 690B.250, 690B.260) **Section 119** of this bill revises requirements concerning professional liability insurance for essential medical specialties. (NRS 690B.350) **Section 120** of this bill revises requirements concerning information to be gathered and reports to be provided by the Commissioner concerning medical malpractice insurance. (NRS 690B.360)

Sections 15, 21, 26, 27, 29-32, 164 and 165 of this bill replace various references to insurance agents, brokers and solicitors, which are undefined terms, with the term "producer of insurance," which is defined as "a person required to be licensed under the laws of this state to sell, solicit or negotiate insurance." (NRS 679A.117)

Section 16 of this bill requires an insurer to which the Commissioner has issued a certificate of authority to notify the Commissioner of material changes to the information provided by the insurer to the Commissioner in the insurer's application for a certificate of authority. **Section 18** of this bill authorizes a life insurer or multiple lines insurer to issue life or health insurance policies under its own name and under additional titles. (NRS 680A.240)

Existing law requires an authorized insurer annually to file with the Commissioner a full and true statement of the insurer's financial condition, transactions and affairs as of the previous December 31 and makes confidential certain information submitted to the Division of Insurance of the Department of Business and Industry. (NRS 680A.270) **Section 19** of this

bill expands the confidentiality provision to include all work papers, documents and materials prepared for the purpose of submitting the statement or by or on behalf of the Division. **Section 19** also authorizes the insurer to file, as an exhibit separate from the annual statement, specified disclosures of compensation paid to or on behalf of an insurer's officers, directors or employees and makes such information confidential.

Section 20 of this bill expands the applicability of the monetary penalty required to be imposed for a delay by an insurer in properly filing an annual statement. (NRS 680A.280) **Section 24** of this bill narrows the definition of the term "managing general agent" to include the management of an underwriting office. (NRS 683A.060) **Section 25** of this bill removes the willfulness requirement from one of the grounds for which the Commissioner may suspend or revoke the certificate of registration of an administrator **~~[.]~~ and replaces it with a knowingly requirement.** (NRS 683A.0892) **Section 33** of this bill revises the duties of an insurer with regard to the use of information in a consumer credit report. (NRS 686A.680)

Section 22 of this bill authorizes the Commissioner to adopt regulations governing certain arrangements for reinsurance, including, without limitation, the amounts and forms of security which must be held pursuant to those arrangements.

Section 28 of this bill provides for the automatic suspension of the license of a motor vehicle physical damage appraiser if the appraiser does not file a replacement bond for a required surety bond in the event of the cancellation of the required surety bond. (NRS 684B.030) **Section 86** of this bill revises provisions governing the cancellation, nonrenewal or increase in premiums for renewal of a policy of motor vehicle insurance as the result of the filing of certain claims. (NRS 687B.385)

Section 35 of this bill defines the term "large-deductible agreement" as certain agreements in which the policyholder must bear the risk of loss of a specified amount of $25,000 or more per claim or occurrence covered under the policy of industrial insurance. **Section 38** of this bill requires full collateralization of the outstanding obligations owed under a large-deductible agreement and limits the size of the policyholder's obligations under the large-deductible agreement. **Section 39** of this bill generally prohibits an insurer from issuing or renewing a policy of industrial insurance which includes a large-deductible agreement if the insurer is in a hazardous financial condition. **Section 37** of this bill limits the applicability of **sections 38 and 39** to policies of industrial insurance with large-deductible agreements which are issued by insurers with both ratings below specified levels and surpluses below specified amounts. **Section 37** further specifies that **sections 38 and 39** only apply to policies of industrial insurance issued or renewed on or after January 1, 2018, and which are not issued to a governmental entity. **Section 166** of this bill revises the definition of the term "tangible net worth" in relation to industrial insurance, specifically self-

insured employers and associations of self-insured employers. (NRS 616A.330)

Existing law provides for the Commissioner to consider each proposed increase or decrease in the rates of various kinds and lines of insurance. (NRS 686B.070) **Section 36** of this bill creates new procedures for the Commissioner to consider each proposed increase or decrease in the rates of health plans for individual health insurance, group and blanket health insurance, health insurance for small employers, nonprofit corporations for hospital, medical and dental services, health maintenance organizations, plans for dental care and prepaid limited health service organizations. **Section 44** of this bill clarifies that the existing procedures for considering a proposed increase or decrease do not apply to the insurers subject to the provisions of **section 36**. (NRS 686B.110)

Sections 88 and 89 of this bill revise existing provisions relating to health benefit plans by specifying that the group market and small group market being considered in these provisions must be the "small employer" group market. (NRS 687B.490, 687B.500)

Sections 51-85 of this bill establish provisions governing network plans. **Section 60** defines a network plan as a health benefit plan offered or issued by a health carrier under which the financing and delivery of health care services are provided, in whole or in part, through a defined set of providers of health care under contract with the health carrier. **Sections 52-59 and 61-64** define other terms for the regulation of network plans. **Section 65** requires a health carrier to comply with and ensure that network plans and related contracts comply with **sections 51-85**. **Sections 66, 71, 79, 81 and 84** require a health carrier to provide for notice to providers of health care concerning: (1) covered services; (2) the health carrier's policies and programs; (3) the providers' obligations to collect payments; (4) determinations of coverage; and (5) the inclusion of and status of a participating provider in the network plan. **Sections 67, 68, 70, 74 ~~[, 75]~~ and 77** require a contract between a provider of health care and a health carrier to contain provisions which: (1) prohibit the provider from collecting excess amounts from covered persons; (2) require the continuation of health care services in the event of cessation of the operations of the health carrier; (3) ~~[prohibit the provider from collecting from covered persons any amounts owed to the provider by the health carrier;]~~ **require that written notice be provided to a participating provider of health care in certain circumstances;** (4) require the provider to make health care records available under certain circumstances; **and** (5) ~~[require good faith efforts to notify covered persons when a participating provider leaves the network; and (6)]~~ prohibit the assignment or delegation of rights under the contract. **Section 69** provides that specified provisions in a contract between a provider of health care and a health carrier must be construed in favor of the covered person. **Section 72** prohibits a health carrier from offering inducement to a provider of health care to provide health care services which are less than medically necessary. **Section 73** requires that a

health carrier allow a provider of health care to discuss all treatment options with a covered person and advocate for the covered person. ~~[Section 76 sets forth requirements for the continuation of health care services for a covered person after the termination of the contract between the health carrier and the covered person's provider of health care.]~~ **Section 78** governs the furnishing of covered services to all covered persons. **Section 80** prohibits a health carrier from penalizing a provider of health care who reports to state or federal authorities certain practices of the health carrier. **Section 82** requires a health carrier to establish procedures for dispute resolution between a provider of health care and the health carrier. **Section 83** prohibits a contract between a provider of health care and a health carrier from containing any provision which conflicts with the network plan or with any provision of **sections 51-85**. **Section 85** authorizes the Commissioner to adopt regulations to carry out **sections 51-85**.

Section 90 of this bill provides for the automatic suspension of the certificate of authority of a seller of prepaid contracts for funeral services if the seller does not file a replacement bond for a required surety bond in the event of the cancellation of the required surety bond. (NRS 689.185) **Section 91** of this bill similarly provides for the automatic suspension of the permit of a seller of prepaid contracts for burial services if the seller does not file a replacement bond for a required surety bond in the event of the cancellation of the required surety bond. (NRS 689.495)

Section 92 of this bill provides, with certain exceptions, that unified rate review templates and rate filing documentation of individual carriers are considered proprietary, constitute a trade secret and are not subject to disclosure by the Commissioner. **Sections 98, 110, 112 and 114** of this bill remove the notice requirement regarding the discontinuance ~~[of a form]~~ of a product: (1) of a health benefit plan; (2) of group health insurance; (3) offered to small employers; and (4) offered to small employers or purchasers through a voluntary purchasing group. (NRS 689A.630, 689B.560, 689C.310, 689C.470) **Sections 109, 113 and 134** of this bill remove the requirement that certain policies of group health insurance, health benefit plans and group contracts for hospital, medical or dental services include a provision regarding the point at which an insured's payment of coinsurance for a provider of health care who is not preferred is no longer required to be paid. (NRS 689B.061, 689C.350, 695B.185)

Section 111 of this bill deletes provisions governing the determination of whether an employer is small or large, and the applicability of other provisions after an employer is deemed large. (NRS 689C.111)

Sections 122-124 and 127-129 of this bill revise provisions relating to service contracts which are contracts pursuant to which a provider is obligated to the purchaser of the service contract to repair, replace or perform maintenance on, or indemnify or reimburse the purchaser for the costs of repairing, replacing or performing maintenance on, goods that are described in the service contract. (NRS 690C.080) **Section 123** sets forth the

qualifications of a controlling person for the purposes of determining the controlling person of a provider of service contracts. **Section 127** adds to the requirements for a provider to apply for and obtain a certificate of registration to issue, sell or offer for sale service contracts, including providing **certain** personal and criminal history information about the controlling persons of the provider and ~~[providing an affidavit affirming]~~ **verifying** that the information in the application for a certificate of registration is accurate **~~[.]~~ to the best of his or her knowledge.** (NRS 690C.160) **Section 124** prohibits a provider from transferring its liability under a service contract except under specified conditions, including, without limitation, obtaining the approval of the Commissioner. **Section 128** revises the requirements governing the financial security which must be maintained by a provider, including, without limitation, expanded requirements concerning a reserve account. (NRS 690C.170) **Section 129** revises provisions which govern the notice required by a provider which ceases to do business in this State. (NRS 690C.240)

Section 130 of this bill deletes a requirement that the Commissioner is required to adopt regulations relating to reasonable rates for credit personal property insurance. (NRS 691C.340) However, **section 130** retains express authority for the Commissioner to adopt regulations concerning rates for credit personal property insurance an insurer may use without making certain filings. **Section 131** deletes a requirement that the Commissioner is required to adopt regulations relating to a refund of unearned premiums for credit personal property insurance. (NRS 691C.390)

Sections 132 and 142 of this bill require nonprofit corporations for hospital, medical or dental service and health maintenance organizations to contract with an insurance company to provide insurance, indemnity or reimbursement against the cost of services provided and sets forth requirements relating to the payment of claims made to insureds or enrollees, as applicable, in the case of the insolvency or impairment of such corporation or organization.

Existing law sets forth provisions regarding the insolvency of nonprofit corporation for hospital, medical or dental service. (NRS 695B.150) **Section 133** of this bill expands the requirements for determinations concerning the insolvency of such a corporation, adds provisions concerning the impairment of such a corporation and authorizes the Commissioner to adopt regulations concerning a determination that such a corporation is in a hazardous financial condition. **Sections 143, 152 and 156** of this bill establish similar provisions for health maintenance organizations, organizations for dental care and prepaid limited health service organizations.

Existing law clarifies that nonprofit hospital and medical or dental service corporations, health maintenance organizations, organizations for dental care and prepaid limited health service organizations are subject to certain other provisions of existing law. (NRS 695B.320, 695C.055, 695D.095, 695F.090) **Sections 138, 147, 154 and 157** of this bill revise such provisions to include

additional requirements for applicability. **Section 144** of this bill requires each health maintenance organization to develop, submit to the Commissioner and put into effect a plan to provide for the continuation of benefits to enrollees in the event of the insolvency or impairment of the health maintenance organization. **Section 145** of this bill authorizes the Commissioner to take certain actions regarding the operation of a health maintenance organization if the Commissioner determines that, because of the financial condition of the health maintenance organization, the continued operation of the health maintenance organization may be hazardous to its enrollees or creditors or to the general public. **Section 146** of this bill addresses the conservation, rehabilitation and liquidation of health maintenance organizations. **Section 149** of this bill revises provisions governing examinations of health maintenance organizations by the Commissioner or an examiner designated by the Commissioner. (NRS 695C.310)

Section 153 of this bill requires an organization for dental care to maintain a capital account with a minimum net worth of not less than $500,000 unless a different amount is authorized by the Commissioner. **Section 155 and 158** of this bill revise requirements for organizations for dental care and prepaid limited health service organizations to maintain surety bonds or deposits by increasing the amount of such bonds or deposits from $250,000 to $500,000 and authorizing the Commissioner to increase the amount of such bonds or deposits under certain circumstances. (NRS 695D.170, 695F.200) **Section 158** also increases the minimum net worth a prepaid limited health service organization must maintain in a capital account from $200,000 to $500,000.

Existing law requires a managed care organization to report annually to the Commissioner regarding its methods for reviewing the quality of health care services provided to its insureds. (NRS 695G.130) **Section 159** of this bill changes the timeline for submitting such a report and requires that the report be submitted on a form prescribed by the Commissioner.

~~**[** Section 162 of this bill exempts the Commissioner from the Nevada Administrative Procedure Act for the purposes of establishing and adjusting certain standards and requirements relating to health insurance. (NRS 233B.039)**]**~~

Sections 103-106, 139, 140, 148, 160 and 161 of this bill remove the State Board of Health from the provisions governing systems for resolving complaints of insureds. (NRS 689A.745, 689A.750, 689B.0285, 389B.029, 695B.380, 695B.390, 695C.080, 695G.200, 695G.220)

Section 168 repeals: (1) the requirement for certain insurers and the Commissioner to submit annual reports addressing loss prevention and control programs (NRS 680A.290, 690B.370); (2) the requirement for certain insurers to make certain disclosures (NRS 689A.390, 689A.400, 689A.690, 689B.027, 689B.028, 689C.270, 689C.280, 689C.440, 689C.450, 695B.172, 695B.174); and (3) the requirement for a prepaid limited health service

organization to contract with an insurance company for certain purposes (NRS 695F.215).

Sections 17, 23, 40-43, 45-49, 87, 93-97, 99-102, 107, 108, 115, 116, 125, 126, 135, 136, 150 and 163 of this bill make conforming changes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 57 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 13, inclusive, of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Commissioner" means the Commissioner of Insurance and, if applicable:***

1. A deputy of the Commissioner; or

2. The Division.

Sec. 4. ***"Insurer" includes, without limitation:***

1. A captive insurer that has been issued a certificate of authority pursuant to chapter 694C of NRS;

2. A fraternal benefit society that has been issued a certificate of authority pursuant to chapter 695A of NRS;

3. A health maintenance organization that has been issued a certificate of authority pursuant to chapter 695C of NRS;

4. A nonprofit corporation for hospital, medical or dental services that has been issued a certificate of authority pursuant to chapter 695B of NRS;

5. An organization for dental care that has been issued a certificate of authority pursuant to chapter 695D of NRS;

6. A prepaid limited health service organization that has been issued a certificate of authority pursuant to chapter 695F of NRS;

7. A risk retention group that has been issued a certificate of registration pursuant to chapter 695E of NRS;

8. Any person who is engaged as principal and as indemnitor, surety or contractor in the business of entering into contracts of insurance; and

9. Any person purporting to be an insurer listed in subsections 1 to 8, inclusive, or in the process of organizing, or holding himself or herself out as organizing, or proposing to organize in this State for the purpose of becoming an insurer listed in subsections 1 to 8, inclusive.

Sec. 5. ***The provisions of this chapter apply to:***

1. All domestic insurers;

2. Any foreign insurer doing business in this State regarding whom an applicable official of the foreign insurer's state of domicile has requested that the Commissioner apply the provisions of this chapter to the foreign insurer;

3. All persons purporting to be an insurer, or in the process of organizing, or holding themselves out as organizing, or proposing to organize in this State for the purpose of becoming an insurer; and

4. All other persons to whom the provisions of this chapter are otherwise expressly made applicable by law.

Sec. 6. *1. The Commissioner may place an insurer under administrative supervision if:*

(a) At any time, the Commissioner determines that:

(1) The insurer is in a hazardous financial condition as set forth in regulations adopted pursuant to NRS 680A.205 or 695B.150 or section 143, 152 or 156 of this act or any other applicable provision of this title;

(2) The insurer is in a hazardous financial condition pursuant to NRS 682A.510 or section 145 and 146 of this act or any other applicable provision of this title;

(3) The continued operation of the insurer transacting business in this State may be hazardous to the insureds or creditors of the insurer or to the general public;

(4) As described in subsection 5, the insurer appears to have exceeded its powers as granted by its license or certificate of authority, as applicable, or as granted by applicable law; or

(5) ~~[The insurer has failed or refused to comply with any applicable provision of this Code; or~~

~~(6)]~~ The insurer is conducting its business fraudulently; or

(b) The insurer agrees to be placed under administrative supervision.

2. If the Commissioner places an insurer under administrative supervision pursuant to subsection 1:

(a) The Commissioner shall promptly notify the insurer that the insurer has been placed under administrative supervision, and include with that notice:

(1) The determination, if any, made by the Commissioner pursuant to paragraph (a) of subsection 1;

(2) A written list of the actions which the insurer must take to satisfy the Commissioner that the placement of the insurer under administrative supervision pursuant to subsection 1 is no longer appropriate;

(3) The initial period of administrative supervision established pursuant to paragraph (b);

(4) The actions, if any, identified by the Commissioner pursuant to subsection 2 of section 7 of this act; and

(5) A statement that the provisions of this chapter govern the administrative supervision of the insurer.

(b) Except as otherwise provided in this paragraph, the initial period of administrative supervision begins upon the insurer's receipt of the notice described in paragraph (a) and ends 60 days after the date of the Commissioner's determination pursuant to paragraph (a) of subsection 1 or the date of the insurer's agreement pursuant to paragraph (b) of

subsection 1, as applicable. The Commissioner may designate a different date for the end of the initial period of administrative supervision, if the Commissioner determines that a different date is appropriate and includes that date in the notice required by paragraph (a).

3. The insurer remains under administrative supervision pursuant to this section from the beginning of the initial period of administrative supervision established pursuant to paragraph (b) of subsection 2 until the date on which the insurer is released from administrative supervision by the Commissioner pursuant to paragraph (a) of subsection 4.

4. At the end of the initial period of supervision established pursuant to paragraph (b) of subsection 2 and at the end of any extended period of supervision established pursuant to paragraph (b) of this subsection, the Commissioner shall provide the insurer with notice and an opportunity for a hearing to determine whether the insurer has taken the actions specified pursuant to subparagraph (2) of paragraph (a) of subsection 2 to the satisfaction of the Commissioner. If the Commissioner determines that the insurer:

(a) Has taken such actions to the satisfaction of the Commissioner, the Commissioner shall release the insurer from administrative supervision; or

(b) Has not taken such actions to the satisfaction of the Commissioner, the Commissioner shall designate an extended period of supervision during which the insurer remains under administrative supervision.

5. For the purposes of subparagraph (2) of paragraph (a) of subsection 1, an insurer shall be deemed to have exceeded its powers if the insurer:

(a) Refused to permit the Commissioner, or an examiner authorized by the Commissioner, to examine its books, papers, accounts, records or affairs;

(b) Is a domestic insurer and unlawfully removed from this State books, papers, accounts or records necessary for an examination of the insurer;

(c) Failed or refused to promptly comply with any applicable statutes or regulations relating to financial reporting or any requests of the Commissioner relating thereto;

(d) Failed or refused to comply with an order of the Commissioner to make good, within the time prescribed by law, any prohibited deficiency in its capital, capital stock or surplus;

(e) Continued to transact insurance or write business in this State after its license or certificate of authority, as applicable, has been revoked or suspended by the Commissioner;

(f) Unlawfully, in violation of an order of the Commissioner, or without first having obtained written approval of the Commissioner if written approval is required by law, and whether accomplished by contract or otherwise:

(1) Completely reinsured its entire outstanding business; or

(2) Merged or substantially consolidated its entire property or business with another insurer;

(g) Engaged in any transaction in which it is not authorized to engage under the laws of this State; or

(h) Otherwise failed or refused to comply with a lawful order of the Commissioner.

Sec. 7. *1. During the period an insurer is under administrative supervision pursuant to section 6 of this act, the Commissioner or an appointee designated by the Commissioner shall serve as the administrative supervisor of the insurer.*

2. The Commissioner may identify any one or more actions specified in subsection 3 as actions which the insurer shall not take during the period the insurer remains under administrative supervision pursuant to section 6 of this act unless the insurer obtains approval in advance from the administrative supervisor designated pursuant to subsection 1.

3. If identified by the Commissioner pursuant to subsection 2, the insurer shall not, without obtaining approval in advance from the administrative supervisor:

(a) Dispose of, convey or encumber any of its assets or its business in force;

(b) Withdraw money from any of its bank accounts;

(c) Lend any of its money;

(d) Invest any of its money;

(e) Transfer any of its property;

(f) Incur any debt, obligation or liability;

(g) Merge or consolidate with another insurer or any other business entity as defined in NRS 682A.025;

(h) Approve new premiums or renew any policies;

(i) Enter into any new reinsurance contract or treaty;

(j) Terminate, surrender, forfeit, convert or lapse any insurance policy, certificate or contract, except for nonpayment of premiums due;

(k) Release, pay or refund premium deposits, accrued cash or loan values, unearned premiums or other reserves on any insurance policy, certificate or contract;

(l) Make any material change in management; or

(m) Increase any salary or benefit of an officer or director, increase the preferential payment of a bonus or dividend or increase any other payment deemed by the Commissioner to be preferential.

Sec. 8. *1. Notwithstanding any other provision of law and except as set forth in this section and NRS 239.0115, any proceedings and hearings, and any notices, correspondence, reports, records and other information in the possession of the Commissioner, relating to the administrative supervision of any insurer pursuant to this chapter are confidential by law and privileged, are not subject to subpoena, are not subject to discovery and are not admissible in evidence in any private civil action.*

2. The Commissioner may use the information specified in subsection 1 in the furtherance of any regulatory or legal action brought as part of his

or her official duties, including, without limitation, his or her duties as a receiver pursuant to chapter 696B of NRS.

3. Neither the Commissioner nor any other person who received access to any information specified in subsection 1 while acting under the authority of the Commissioner may be permitted or required to testify in any private civil action concerning the information.

4. In order to assist in the performance of the regulatory duties of the Commissioner, the Commissioner may:

(a) Share the information specified in subsection 1 with:

(1) Other state, federal and international regulatory agencies, including, without limitation, members of any supervisory college as defined in NRS 692C.359;

(2) The National Association of Insurance Commissioners and its affiliates and subsidiaries;

(3) Third party consultants designated by the Commissioner; and

(4) State, federal and international law enforcement authorities, if the Commissioner determines that the disclosure is necessary or proper for the enforcement of the laws of this State or another state,

➥ provided that the recipient agrees to maintain the confidentiality of the applicable information specified in subsection 1. No waiver of any applicable privilege or claim of confidentiality occurs because of the sharing of information pursuant to this paragraph.

(b) Open any proceedings or hearings to the public or make public any other information specified in subsection 1 if the Commissioner determines that it is in the best interest of the public or in the best interest of the insurer, the insureds or creditors of the insurer, or the general public.

Sec. 9. ***1. During the period an insurer is under administrative supervision pursuant to section 6 of this act, the insurer may contest any action taken or proposed to be taken by the administrative supervisor designated pursuant to subsection 1 of section 7 of this act on the ground that the action would not result in improving the condition of the insurer. To contest an action taken or proposed to be taken by the administrative supervisor, the insurer must submit a request for reconsideration to the administrative supervisor. If the administrative supervisor, upon reconsideration, denies the insurer's request, the insurer may request a review of the decision of the administrative supervisor pursuant to NRS 679B.310 to 679B.370, inclusive.***

2. Any action taken by the Commissioner pursuant to this chapter is subject to:

(a) Review pursuant to NRS 679B.310 to 679B.370, inclusive, and any regulations adopted pursuant thereto; and

(b) Judicial review pursuant to chapter 233B of NRS.

Sec. 10. ***Nothing in this chapter shall be construed to limit the authority of the Commissioner to institute delinquency proceedings against an insurer pursuant to chapter 696B of NRS for the purpose of conserving,***

rehabilitating, reorganizing or liquidating the insurer, without regard to whether the Commissioner has currently or previously placed the insurer under administrative supervision pursuant to section 6 of this act.

Sec. 11. ***Notwithstanding any other provision of law, at the time of any proceeding or during the pendency of any proceeding held pursuant to this chapter, the Commissioner may meet with an administrative supervisor designated by the Commissioner pursuant to subsection 1 of section 7 of this act, and with the attorney or other representative of the administrative supervisor designated pursuant to subsection 1 of section 7 of this act, without the presence of any other person:***

1. To carry out the duties of the Commissioner under this chapter; or

2. To allow the administrative supervisor to carry out his or her duties under this chapter.

Sec. 12. ***The Commissioner may:***

1. Adopt any regulations necessary to carry out the purposes and provisions of this chapter;

2. In addition to an administrative supervisor designated by the Commissioner pursuant to subsection 1 of section 7 of this act, employ any other counsels, actuaries, clerks and assistants as the Commissioner deems necessary for the administrative supervision of an insurer; and

3. Require an insurer placed under administrative supervision to pay the compensation and expenses of the administrative supervisor designated by the Commissioner pursuant to subsection 1 of section 7 of this act and any other counsels, actuaries, clerks and assistants described in subsection 2.

Sec. 13. ***There shall be no liability on the part of, and no cause of action of any nature against, the Commissioner or any employee or agent of the Commissioner, or an administrative supervisor designated pursuant to subsection 1 of section 7 of this act, for any action taken by them in the performance of their powers and duties under this chapter.***

Sec. 14. NRS 679B.144 is hereby amended to read as follows:

679B.144 1. The Commissioner shall collect and maintain the information provided by insurers pursuant to NRS 690B.260 regarding each closed claim for medical malpractice filed against a person who is covered by a policy of insurance for medical malpractice in this state, including, without limitation:

(a) The cause of the loss;

(b) A description of the injury for which the claim was filed;

(c) The sex of the injured person;

(d) The names and number of defendants in each claim;

(e) The type of coverage provided;

(f) ~~[~~The amount of the initial, highest and last reserves of an insurer for each claim before final resolution of the claim by settlement or trial;

~~(g)~~~~]~~ The disposition of each claim;

~~[(h)]~~ ***(g)*** The amount of money awarded through settlement or by verdict;

~~[(i)]~~ ***(h)*** The sum of money paid to each claimant and the source of that sum;

~~[(j)]~~ ***(i)*** Any sum of money allocated to expenses for the adjustment of losses; and

~~[(k)]~~ ***(j)*** Any other information the Commissioner determines to be necessary or appropriate.

2. The Commissioner shall submit with the report to the Legislature required pursuant to NRS 679B.410 a summary of the information collected pursuant to this section.

3. The Commissioner ~~[shall]~~ ***may*** adopt regulations necessary to carry out the provisions of this section.

4. As used in this section, "policy of insurance for medical malpractice" means a policy that provides coverage for any medical professional liability of the insured under the policy.

Sec. 15. NRS 679B.240 is hereby amended to read as follows:

679B.240 To ascertain compliance with law, or relationships and transactions between any person and any insurer or proposed insurer, the Commissioner may, as often as he or she deems advisable, examine the accounts, records, documents and transactions relating to such compliance or relationships of:

1. Any ***producer of*** insurance ***,*** ~~[agent,]~~ solicitor, ~~[broker,]~~ surplus lines broker, general agent, adjuster, insurer representative, bail agent, motor club agent or any other licensee or any other person the Commissioner has reason to believe may be acting as or holding himself or herself out as any of the foregoing.

2. Any person having a contract under which the person enjoys in fact the exclusive or dominant right to manage or control an insurer.

3. Any insurance holding company or other person holding the shares of voting stock or the proxies of policyholders of a domestic insurer, to control the management thereof, as voting trustee or otherwise.

4. Any subsidiary of the insurer.

5. Any person engaged in this state in, or proposing to be engaged in this state in, or holding himself or herself out in this state as so engaging or proposing, or in this state assisting in, the promotion, formation or financing of an insurer or insurance holding corporation, or corporation or other group to finance an insurer or the production of its business.

6. Any independent review organization, as defined in NRS 695G.026.

Sec. 16. Chapter 680A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each insurer to which the Commissioner issues a certificate of authority shall notify the Commissioner of all material changes to the information provided by the insurer in its written application pursuant to NRS 680A.150, including, without limitation:

(a) Any change of address, such as a change to:

(1) The mailing address of the home office, or any other physical address, of the insurer; and

(2) Any other mailing address of the insurer, including, without limitation, the address used for general correspondence or for annual renewal notices;

(b) Any changes in the officers, directors or ownership of the insurer;

(c) Any changes to the manner of service of legal process against the insurer; and

(d) Any changes to the articles of incorporation, by-laws or power of attorney for the attorney-in-fact of the insurer.

2. The notice required by subsection 1 must be provided to the Commissioner within 30 days after the date on which the change occurs.

3. If an insurer changes its physical or mailing address without giving written notice and the Commissioner is unable to locate the insurer after diligent effort, the Commissioner may suspend or revoke the insurer's certificate of authority without a hearing. The mailing of a letter by certified mail, return receipt requested, addressed to the insurer at its last mailing address appearing on the records of the Division, and the return of the letter undelivered, constitutes a diligent effort by the Commissioner. In lieu of such a suspension or revocation, the Commissioner may levy upon the insurer, and the insurer shall pay forthwith, an administrative fine of not more than $2,000 for each act or violation.

Sec. 17. NRS 680A.095 is hereby amended to read as follows:

680A.095 1. Except as otherwise provided in subsection 3, an insurer which is not authorized to transact insurance in this State may not transact reinsurance with a domestic insurer in this State, by mail or otherwise, unless the insurer holds a certificate of authority as a reinsurer in accordance with the provisions of NRS 680A.010 to 680A.150, inclusive, 680A.160 to ~~[680A.290,]~~ ***680A.280,*** inclusive, ***and section 16 of this act,*** 680A.320 and 680A.330.

2. To qualify for authority only to transact reinsurance, an insurer must meet the same requirements for capital and surplus as are imposed on an insurer which is authorized to transact insurance in this State.

3. This section does not apply to the joint reinsurance of title insurance risks or to reciprocal insurance authorized pursuant to chapter 694B of NRS.

Sec. 18. NRS 680A.240 is hereby amended to read as follows:

680A.240 1. A property insurer or multiple line insurer authorized to transact insurance in Nevada shall have the right to issue property insurance policies under its own name and under additional "titles" or under additional "titles" duly registered by the insurer with the Commissioner.

2. ***A life insurer or multiple line insurer authorized to transact insurance in Nevada shall have the right to issue life or health insurance policies under its own name and under additional "titles" or under additional "titles" duly registered by the insurer with the Commissioner.***

3. The Commissioner shall, upon the insurer's request, furnish to the insurer the form required for such registration, and the insurer shall pay the fee for registration as specified in NRS 680B.010 (fee schedule). Registered titles shall be shown on the insurer's certificate of authority and shall remain in effect for so long as the insurer's certificate of authority is in effect, subject to earlier termination of the registration at the insurer's request.

~~[3.]~~ ***4.*** All business transacted by the insurer under additional titles shall be included in business and transactions of the insurer to be shown by its annual statement filed with the Commissioner, for all purposes under this Code.

Sec. 19. NRS 680A.270 is hereby amended to read as follows:

680A.270 1. Each authorized insurer shall annually on or before March 1, or within any reasonable extension of time therefor which the Commissioner for good cause may have granted on or before that date, file with the Commissioner a full and true statement of its financial condition, transactions and affairs as of December 31 preceding. The statement must be:

(a) In the general form and context of, and require information as called for by, an annual statement as is currently in general and customary use in the United States for the type of insurer and kinds of insurance to be reported upon, with any useful or necessary modification or adaptation thereof, supplemented by additional information required by the Commissioner;

(b) Prepared in accordance with:

(1) The Annual Statement Instructions for the type of insurer to be reported on as adopted by the National Association of Insurance Commissioners for the year in which the insurer files the statement; and

(2) The Accounting Practices and Procedures Manual adopted by the National Association of Insurance Commissioners and effective on January 1, 2001, and as amended by the National Association of Insurance Commissioners after that date; and

(c) Verified by the oath of the insurer's president or vice president and secretary or actuary, as applicable, or, in the absence of the foregoing, by two other principal officers, or if a reciprocal insurer, by the oath of the attorney-in-fact, or its like officers if a corporation.

2. The statement of an alien insurer must be verified by its United States manager or other officer who is authorized to do so, and may relate only to the insurer's transactions and affairs in the United States unless the Commissioner requires otherwise. If the Commissioner requires a statement as to the insurer's affairs throughout the world, the insurer shall file the statement with the Commissioner as soon as reasonably possible.

3. The Commissioner may refuse to continue, or may suspend or revoke, the certificate of authority of any insurer failing to file its annual statement when due.

4. At the time of filing, the insurer shall pay the fee for filing its annual statement as prescribed by NRS 680B.010.

5. The Commissioner may adopt regulations requiring each domestic, foreign and alien insurer which is authorized to transact insurance in this state to file the insurer's annual statement with the National Association of Insurance Commissioners or its successor organization.

6. Except as otherwise provided in NRS 239.0115, all ~~[ratios of financial analyses and synopses of examinations concerning insurers that are submitted to the Division by the National Association of Insurance Commissioners' Insurance Regulatory Information System]~~ ***work papers, documents and materials prepared pursuant to this section by or on behalf of the Division*** are confidential and ~~[may]~~ ***must*** not be disclosed by the Division.

7. To the extent that the Annual Statement Instructions referenced in subparagraph (1) of paragraph (b) of subsection 1 require the disclosure of compensation paid to or on behalf of an insurer's officers, directors or employees, the information may be filed with the Commissioner as an exhibit separate from the statement required by this section. Except as otherwise provided in NRS 239.0115, the compensation information described in this subsection is confidential and must not be disclosed by the Division.

Sec. 20. NRS 680A.280 is hereby amended to read as follows:

680A.280 1. Any insurer failing, without just cause beyond the reasonable control of the insurer, to file ~~[its]~~ ***an*** annual statement as required in NRS ***680A.265 and*** 680A.270 shall be required to pay a penalty of $100 for each day's delay, but not to exceed $3,000 in aggregate amount, to be recovered in the name of the State of Nevada by the Attorney General.

2. Any director, officer, agent or employee of any insurer who subscribes to, makes or concurs in making or publishing, any annual or other statement required by law, knowing the same to contain any material statement which is false, is guilty of a gross misdemeanor.

Sec. 21. NRS 680B.020 is hereby amended to read as follows:

680B.020 1. Notwithstanding the provisions of any general or special law, the possession of a license or certificate of authority issued under this Code shall be authorization to transact such business as indicated in such license or certificate of authority, and shall be in lieu of all licenses, whether for regulation or revenue, required to transact insurance business within the State of Nevada; but each city, town or county may require a license for revenue purposes only for any insurance ~~[agent, broker,]~~ analyst, adjuster or managing general agent ***or producer of insurance*** whose principal place of business is located within such city or town, or within the county outside the cities and towns of the county, respectively.

2. This section shall not be modified or repealed by any law of general application enacted after January 1, 1972, unless expressly referred to or expressly repealed therein.

Sec. 22. Chapter 681A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Commissioner may adopt regulations applicable to arrangements for reinsurance relating to:

(a) Life insurance policies with guaranteed non-level gross premiums or guaranteed non-level benefits;

(b) Universal life insurance policies with provisions resulting in the ability of a policyholder to keep a policy in force over a secondary guarantee period;

(c) Variable annuities with guaranteed death or living benefits;

(d) Policies for long-term care insurance; or

(e) Such other life and health insurance and annuity products as to which the National Association of Insurance Commissioners adopts model regulatory requirements with respect to credit for reinsurance.

2. A regulation adopted pursuant to this section may require the ceding insurer, in calculating the amounts or forms of security required to be held pursuant to regulations adopted pursuant to this section, to use the Valuation Manual, as defined in NRS 681B.0071, which is in effect on the date as of which the calculation is made, to the extent applicable.

3. A regulation adopted pursuant to this section must not apply to a cession to an assuming insurer that:

(a) Is certified in this State or, if this State has not adopted regulations which provide for an assuming insurer to satisfy the requirements of NRS 681A.155 for credit to be allowed, certified in a minimum of five other states; or

(b) Maintains at least $250,000,000 in capital and surplus when determined in accordance with the Accounting Practices and Procedures Manual adopted by the National Association of Insurance Commissioners, as amended, excluding the impact of any permitted or prescribed practices, and:

(1) Is licensed in at least 26 states; or

(2) Is licensed in at least 10 states, and licensed or accredited in at least 35 states.

Sec. 23. NRS 681A.140 is hereby amended to read as follows:

681A.140 As used in NRS 681A.140 to 681A.240, inclusive, ***and section 22 of this act,*** "qualified financial institution in the United States" means an institution that:

1. Is organized, or in the case of a branch or agency of a foreign banking organization in the United States licensed, under the laws of the United States or any state thereof and has been granted authority to operate with fiduciary powers;

2. Is regulated, supervised and examined by federal or state authorities having regulatory authority over banks and trust companies;

3. Is determined:

(a) By the Commissioner to meet the standards of financial condition and standing prescribed by the Commissioner; or

(b) By the National Association of Insurance Commissioners to meet the standards of financial condition and standing prescribed by the National Association of Insurance Commissioners; and

4. Is determined by the Commissioner to be otherwise acceptable.

Sec. 24. NRS 683A.060 is hereby amended to read as follows:

683A.060 1. A "managing general agent" is a person who:

(a) Negotiates and binds ceding reinsurance contracts on behalf of an insurer or manages all or part of the insurance business of an insurer, including the management of a separate division, department ~~[of]~~ ***or*** underwriting office; ~~[or]~~ ***and***

(b) Acts as an agent for the insurer and with or without the authority, either separately or together with affiliates:

(1) Produces, directly or indirectly, and underwrites an amount of gross direct written premiums equal to or more than 5 percent of the policyholder surplus as reported in the last annual statement of the insurer in any one quarter or year; and

(2) Adjusts or pays claims in excess of an amount determined by the Commissioner or negotiates reinsurance on behalf of the insurer.

2. A managing general agent includes a person with authority to appoint and to terminate the appointment of an agent for an insurer.

3. For the purposes of this chapter, the following are not managing general agents:

(a) An employee of the insurer;

(b) A manager of the United States branch of an alien insurer;

(c) An attorney authorized by and acting for the subscribers of a reciprocal insurer or interinsurance exchange; and

(d) An underwriting manager who, pursuant to a contract, manages all or part of the insurance operations of the insurer, is under common control with the insurer, is subject to the provisions of chapter 692C of NRS and whose compensation is not based on the volume of premiums written or the profit of the business written.

Sec. 25. NRS 683A.0892 is hereby amended to read as follows:

683A.0892 1. The Commissioner:

(a) Shall suspend or revoke the certificate of registration of an administrator if the Commissioner has determined, after notice and a hearing, that the administrator:

(1) Is in an unsound financial condition;

(2) Uses methods or practices in the conduct of business that are hazardous or injurious to insured persons or members of the general public; or

(3) Has failed to pay any judgment against the administrator in this State within 60 days after the judgment became final.

(b) May suspend or revoke the certificate of registration of an administrator if the Commissioner determines, after notice and a hearing, that the administrator:

(1) Has ~~[willfully]~~ ***knowingly*** violated or failed to comply with any provision of this Code, any regulation adopted pursuant to this Code or any order of the Commissioner;

(2) Has refused to be examined by the Commissioner or has refused to produce accounts, records or files for examination upon the request of the Commissioner;

(3) Has, without just cause, refused to pay claims or perform services pursuant to the administrator's contracts or has, without just cause, caused persons to accept less than the amount of money owed to them pursuant to the contracts, or has caused persons to employ an attorney or bring a civil action against the administrator to receive full payment or settlement of claims;

(4) Is affiliated with, managed by or owned by another administrator or an insurer who transacts insurance in this State without a certificate of authority or certificate of registration;

(5) Fails to comply with any of the requirements for a certificate of registration;

(6) Has been convicted of, or has entered a plea of guilty, guilty but mentally ill or nolo contendere to, a felony, whether or not adjudication was withheld;

(7) Has had his or her authority to act as an administrator in another state limited, suspended or revoked; or

(8) Has failed to file an annual report in accordance with NRS 683A.08528.

(c) May suspend or revoke the certificate of registration of an administrator if the Commissioner determines, after notice and a hearing, that a responsible person:

(1) Has refused to provide any information relating to the administrator's affairs or refused to perform any other legal obligation relating to an examination upon request by the Commissioner; or

(2) Has been convicted of, or has entered a plea of guilty, guilty but mentally ill or nolo contendere to, a felony committed on or after October 1, 2003, whether or not adjudication was withheld.

(d) May, upon notice to the administrator, suspend the certificate of registration of the administrator pending a hearing if:

(1) The administrator is impaired or insolvent;

(2) A proceeding for receivership, conservatorship or rehabilitation has been commenced against the administrator in any state; or

(3) The financial condition or the business practices of the administrator represent an imminent threat to the public health, safety or welfare of the residents of this State.

(e) May, in addition to or in lieu of the suspension or revocation of the certificate of registration of the administrator, impose a fine of $2,000 for each act or violation.

2. As used in this section, "responsible person" means any person who is responsible for or controls or is authorized to control or advise the affairs of an administrator, including, without limitation:

(a) A member of the board of directors, board of trustees, executive committee or other governing board or committee of the administrator;

(b) The president, vice president, chief executive officer, chief operating officer or any other principal officer of an administrator, if the administrator is a corporation;

(c) A partner or member of the administrator, if the administrator is a partnership, association or limited-liability company; and

(d) Any shareholder or member of the administrator who directly or indirectly holds 10 percent or more of the voting stock, voting securities or voting interest of the administrator.

Sec. 26. NRS 683A.301 is hereby amended to read as follows:

683A.301 1. An applicant for a license as a producer of insurance or a licensee who desires to use a name other than his or her true name as shown on the license shall submit a request for approval of the name and file with the Commissioner a certified copy of the certificate or any renewal certificate filed pursuant to chapter 602 of NRS. An incorporated applicant or licensee shall file with the Commissioner a document showing the corporation's true name and all fictitious names under which it conducts or intends to conduct business. A licensee shall file promptly with the Commissioner a written notice of any change in or discontinuance of the use of a fictitious name.

2. The Commissioner may disapprove in writing the use of a true name, other than the true name of a natural person who is the applicant or licensee, or a fictitious name of any applicant or licensee, on any of the following grounds:

(a) The name interferes with or is deceptively similar to a name already filed and in use by another licensee.

(b) Use of the name may mislead the public in any respect.

(c) The name states or implies that the applicant or licensee is an insurer, motor club or hospital service plan or is entitled to engage in activities related to insurance not permitted under the license applied for or held.

(d) The name states or implies that the licensee is an underwriter, but:

(1) A natural person licensed as ~~[an agent or broker]~~ ***a producer of insurance*** for life insurance may describe himself or herself as an underwriter or "chartered life underwriter" if entitled to do so;

(2) A natural person licensed for property and casualty insurance may use the designation "chartered property and casualty underwriter" if entitled thereto; and

(3) ~~[An insurance agent or brokers']~~ ***A*** trade association ***for producers of insurance*** may use a name containing the word "underwriter."

(e) The licensee submits a request to use more than one fictitious name at a single business location.

3. A licensee shall not use a name after written notice from the Commissioner indicates that its use violates the provisions of this section. If the Commissioner determines that the use is justified by mitigating circumstances, the Commissioner may permit, in writing, the use of the name to continue for a specified reasonable period upon conditions imposed by the Commissioner for the protection of the public consistent with this section.

4. Paragraphs (a), (c) and (d) of subsection 2 do not apply to the true name of an organization which on July 1, 1965, held under that name a type of license similar to those governed by this chapter, or to a fictitious name used on July 1, 1965, by a natural person or organization holding such a license, if the fictitious name was filed with the Commissioner on or before July 1, 1965.

Sec. 27. NRS 683C.020 is hereby amended to read as follows:

683C.020 1. Except as otherwise provided in subsection 2, no person may engage in the business of an insurance consultant unless a license has been issued to the person by the Commissioner.

2. An insurance consultant's license is not required for:

(a) An attorney licensed to practice law in this State who is acting in his or her professional capacity;

(b) A licensed ~~[insurance agent,]~~ ***producer of insurance,*** broker or surplus lines broker;

(c) A trust officer of a bank who is acting in the normal course of his or her employment; or

(d) An actuary or a certified public accountant who provides information, recommendations, advice or services in his or her professional capacity.

3. A person required to be licensed in this State who acts as an insurance consultant without a license is subject to an administrative fine of not more than $1,000 for each act or violation.

Sec. 28. NRS 684B.030 is hereby amended to read as follows:

684B.030 1. Before the issuance of a motor vehicle physical damage appraiser's license the applicant shall file with the Commissioner, and thereafter maintain in force while so licensed, a surety bond in the amount of $2,500 in favor of the people of the State of Nevada, executed by an authorized surety insurer approved by the Commissioner, and conditioned for the faithful performance of required duties.

2. The bond shall remain in force until the surety is released from liability by the Commissioner, or until cancelled by the surety. Without prejudice to any prior liability accrued, the surety may cancel the bond upon 30 days' advance written notice filed with the Commissioner.

3. A motor vehicle physical damage appraiser's license is automatically suspended if the appraiser does not file with the Commissioner a replacement bond before the date of cancellation of the previous bond. A

replacement bond must meet all requirements of this section for the initial bond.

Sec. 29. NRS 685A.150 is hereby amended to read as follows:

685A.150 A licensed surplus lines broker may accept surplus lines business from any ~~[agent or broker]~~ ***producer of insurance*** licensed in this state for the kind of insurance involved and may compensate the ~~[agent or broker]~~ ***producer of insurance*** therefor.

Sec. 30. NRS 686A.290 is hereby amended to read as follows:

686A.290 1. ~~[An agent, broker, solicitor,]~~ ***A producer of insurance,*** examining physician, applicant or other person shall not knowingly or willfully make any false or fraudulent statement or representation in or with reference to any application for insurance.

2. A person who violates this section is guilty of a category D felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

Sec. 31. NRS 686A.350 is hereby amended to read as follows:

686A.350 1. A license to engage in the business of a company is not required of any:

(a) State or federally chartered building association or savings and loan association.

(b) State or federally chartered bank.

(c) State or federally chartered credit union.

(d) Thrift company licensed pursuant to chapter 677 of NRS.

(e) ~~[Insurance agent]~~ ***Producer of insurance*** financing his or her own accounts.

(f) Insurer authorized to do business in this state financing its own policies or those of an affiliated company.

(g) Business, in addition to those included in paragraphs (a) to (d), inclusive, which is licensed and regulated by the Division of Financial Institutions of the Department of Business and Industry.

2. The provisions of NRS 686A.330 to 686A.520, inclusive, other than those which concern licensing, apply to persons exempt from licensing pursuant to subsection 1.

Sec. 32. NRS 686A.420 is hereby amended to read as follows:

686A.420 1. An agreement executed in this state must be dated and signed by the insured. The printed portion of the agreement must be in not less than 8-point type. The agreement must include:

(a) The name and the address and telephone number of the business of the ***producer of*** insurance ~~[agent]~~ for the insurance contract to which the agreement relates;

(b) The name and the address of the business or residence of the insured;

(c) The name, address and telephone number of the company to which payments must be made;

(d) A brief description of any insurance policy involved; and

(e) Such other information as may be required by the Commissioner.

2. An agreement must have at its top in type which is more prominent than the text of the agreement, the words "Agreement For Financing Premium" or words of similar meaning. An agreement must contain a notice in type which is more prominent than the text of the agreement which reads as follows:

Notice:

1. Do not sign this agreement before you have read it or if it contains any blank spaces.

2. You are entitled to a copy of this agreement which is complete.

Sec. 33. NRS 686A.680 is hereby amended to read as follows:

686A.680 ***1.*** An insurer that uses information from a consumer credit report shall not:

~~[1.]~~ ***(a)*** Use an insurance score that is calculated using income, gender, address, zip code, ethnic group, religion, marital status or nationality of the consumer as a factor, or would otherwise lead to unfair or invidious discrimination.

~~[2.]~~ ***(b)*** Deny, cancel or fail to renew a policy on the basis of credit information unless the insurer also considers other applicable underwriting factors that are independent of credit information and not expressly prohibited by this section.

~~[3.]~~ ***(c)*** Base renewal rates for a policy upon credit information unless the insurer also considers other applicable factors independent of credit information.

~~[4.]~~ ***(d)*** Take an adverse action against an applicant or policyholder based on the applicant or policyholder not having a credit card account unless the insurer also considers other applicable factors independent of credit information.

~~[5.]~~ ***(e)*** Consider an absence of credit information or an inability to calculate an insurance score in underwriting or rating a policy unless the insurer does any one of the following:

~~[(a)]~~ ***(1)*** Treats the applicant or policyholder as otherwise approved by the Commissioner, after the insurer presents to the Commissioner information indicating that such an absence or inability relates to the risk for the insurer.

~~[(b)]~~ ***(2)*** Treats the applicant or policyholder as if the applicant or policyholder had neutral credit information, as defined by the insurer.

~~[(c)]~~ ***(3)*** Excludes the use of credit information as a factor, and uses only underwriting criteria other than credit information.

~~[6.]~~ ***(f)*** Take an adverse action against an applicant or policyholder based on credit information, unless an insurer obtains and uses a consumer credit report issued or an insurance score calculated within 90 days from the date the policy is first written or renewal is issued.

~~[7. Except as otherwise provided in this subsection, use credit information regarding a policyholder without obtaining an updated consumer credit report regarding the policyholder and recalculating the insurance score at least once every 36 months. At the time of the annual renewal of a~~

~~policyholder's policy, the insurer shall, upon the request of the policyholder or the policyholder's agent, reunderwrite and rerate the policy based upon a current consumer credit report or insurance score. An insurer need not, at the request of a policyholder or the policyholder's agent, recalculate the insurance score of or obtain an updated consumer credit report of the policyholder more frequently than once in any 12-month period. An insurer may, at its discretion, obtain an updated consumer credit report regarding a policyholder more frequently than once every 36 months, if to do so is consistent with the underwriting guidelines of the insurer. An insurer does not need to obtain an updated consumer credit report for a policyholder if any one of the following applies:~~

~~(a) The insurer is treating the policyholder as otherwise approved by the Commissioner.~~

~~(b) The policyholder is in the most favorably priced tier of the insurer and all affiliates of the insurer. With respect to such a policyholder, the insurer may elect to obtain an updated consumer credit report if to do so is consistent with the underwriting guidelines of the insurer.~~

~~(c) Credit information was not used for underwriting or rating the policyholder when the policy was initially written. The fact that credit information was not used initially does not preclude an insurer from using such information subsequently when underwriting or rating such a policyholder upon renewal, if to do so is consistent with the underwriting guidelines of the insurer.~~

~~(d) The insurer reevaluates the policyholder at least once every 36 months based upon underwriting or rating factors other than credit information.~~

~~8.~~ ***(g)*** Use the following as a negative factor in any insurance scoring methodology or in reviewing credit information for the purpose of underwriting or rating a policy:

~~[~~(a)~~]~~ ***(1)*** Credit inquiries not initiated by the applicant or policyholder, or inquiries requested by the applicant or policyholder for his or her own credit information.

~~[~~(b)~~]~~ ***(2)*** Inquiries relating to insurance coverage, if so identified on the consumer credit report.

~~[~~(c)~~]~~ ***(3)*** Collection accounts relating to medical treatment, if so identified on the consumer credit report.

~~[~~(d)~~]~~ ***(4)*** Multiple lender inquiries, if identified on the consumer credit report as being related to home loans or mortgages and made within 30 days of one another, unless only one inquiry is considered.

~~[~~(e)~~]~~ ***(5)*** Multiple lender inquiries, if identified on the consumer credit report as being related to a loan for an automobile and made within 30 days of one another, unless only one inquiry is considered.

2. Except as otherwise provided in this subsection, at the time of the annual renewal of a policyholder's policy, an insurer that uses information from a consumer credit report shall, upon the request of the policyholder or the policyholder's agent, reunderwrite and rerate the policy based upon

a current consumer credit report or insurance score. An insurer need not, at the request of a policyholder or the policyholder's agent, recalculate the insurance score of or obtain an updated consumer credit report of the policyholder more frequently than once in any 12-month period.

Sec. 34. Chapter 686B of NRS is hereby amended by adding thereto the provisions set forth as sections 35 to 39, inclusive, of this act.

Sec. 35. ***"Large-deductible agreement" means any combination of one or more policies, endorsements, contracts or security arrangements, which provide for the policyholder to bear the risk of loss of a specified amount of $25,000 or more per claim or occurrence covered under a policy of industrial insurance and which may be subject to an aggregate limit of the policyholder's reimbursement obligations.***

Sec. 36. ***1. The Commissioner shall consider each proposed increase or decrease in the rate of a health plan issued pursuant to the provisions of chapter 689A, 689B, 689C, 695B, 695C, 695D or 695F of NRS, including, without limitation, long-term care and Medicare supplement plans, filed with the Commissioner pursuant to subsection 1 of NRS 686B.070. If the Commissioner finds that a proposed increase will result in a rate which is not in compliance with NRS 686B.050 or subsection 3 of NRS 686B.070, the Commissioner shall disapprove the proposal. The Commissioner shall approve or disapprove each proposal not later than 60 days after the proposal is determined by the Commissioner to be complete pursuant to subsection 4. If the Commissioner fails to approve or disapprove the proposal within that period, the proposal shall be deemed approved.***

2. Whenever an insurer has no legally effective rates as a result of the Commissioner's disapproval of rates or other act, the Commissioner shall on request specify interim rates for the insurer that are high enough to protect the interests of all parties and may order that a specified portion of the premiums be placed in an escrow account approved by the Commissioner. When new rates become legally effective, the Commissioner shall order the escrowed funds or any overcharge in the interim rates to be distributed appropriately, except that refunds to policyholders that are de minimis must not be required.

3. If the Commissioner disapproves a proposed rate pursuant to subsection 1, and an insurer requests a hearing to determine the validity of the action of the Commissioner, the insurer has the burden of showing compliance with the applicable standards for rates established in NRS 686B.010 to 686B.1799, inclusive, and sections 35 to 39, inclusive, of this act. Any such hearing must be held:

(a) Within 30 days after the request for a hearing has been submitted to the Commissioner; or

(b) Within a period agreed upon by the insurer and the Commissioner.

➥ If the hearing is not held within the period specified in paragraph (a) or (b), or if the Commissioner fails to issue an order concerning the proposed

rate for which the hearing is held within 45 days after the hearing, the proposed rate shall be deemed approved.

4. The Commissioner shall by regulation specify the documents or any other information which must be included in a proposal to increase or decrease a rate submitted to the Commissioner pursuant to subsection 1. Each such proposal shall be deemed complete upon its filing with the Commissioner, unless the Commissioner, within 15 business days after the proposal is filed with the Commissioner, determines that the proposal is incomplete because the proposal does not comply with the regulations adopted by the Commissioner pursuant to this subsection.

Sec. 37. ***This section and sections 38 and 39 of this act apply to any policy of industrial insurance which:***

1. Is issued by an insurer which:

(a) Has a rating of ~~***[not]***~~ ***less than "A-" from A.M. Best Company, Inc., or a substantially equivalent rating from another rating agency, as determined by the Commissioner; and***

(b) Has less than $200,000,000 in surplus, with surplus calculated as the difference between the insurer's net admitted assets and the insurer's total liabilities;

2. Contains a large-deductible agreement;

3. Is not issued to a federal, state or local governmental entity; and

4. Is issued for delivery or renewed on or after January 1, 2018.

Sec. 38. ***An insurer shall:***

1. Require full collateralization of the outstanding obligations owed under a large-deductible agreement using one of the following methods:

(a) A surety bond issued by a surety insurer authorized to transact such insurance in this State, and whose financial strength and size ratings from A.M. Best Company, Inc., are not less than "A" and "V," respectively, or are substantially equivalent ratings from another rating agency, as determined by the Commissioner;

(b) An irrevocable letter of credit issued by a financial institution with an office physically located within this State, and the deposits of which are federally insured; or

(c) Cash or securities held in trust by a third party or the insurer and subject to a trust agreement for the express purpose of securing the policyholder's obligation under a large-deductible agreement, provided that if the assets are held by the insurer, those assets may not be commingled with the insurer's other assets; and

2. Limit the size of the policyholder's obligations under a large-deductible agreement to 20 percent of the total net worth of the policyholder at the inception of the policy and again at each renewal, as determined by an audited financial statement as of the most recent fiscal year-end for which such a statement is available, with the total net worth of the policyholder calculated as the difference between the total assets and the total liabilities of the policyholder.

Sec. 39. ***Except when otherwise specifically approved by the Commissioner in writing or by electronic communication, any insurer determined to be in a hazardous financial condition pursuant to NRS 680A.205, or the equivalent provisions of law in any other state as determined by the Commissioner, is prohibited from issuing or renewing a policy that includes a large-deductible agreement.***

Sec. 40. NRS 686B.010 is hereby amended to read as follows:

686B.010 1. The Legislature intends that NRS 686B.010 to 686B.1799, inclusive, ***and sections 35 to 39, inclusive, of this act*** be liberally construed to achieve the purposes stated in subsection 2, which constitute an aid and guide to interpretation but not an independent source of power.

2. The purposes of NRS 686B.010 to 686B.1799, inclusive, ***and sections 35 to 39, inclusive, of this act*** are to:

(a) Protect policyholders and the public against the adverse effects of excessive, inadequate or unfairly discriminatory rates;

(b) Encourage, as the most effective way to produce rates that conform to the standards of paragraph (a), independent action by and reasonable price competition among insurers;

(c) Provide formal regulatory controls for use if independent action and price competition fail;

(d) Authorize cooperative action among insurers in the rate-making process, and to regulate such cooperation in order to prevent practices that tend to bring about monopoly or to lessen or destroy competition;

(e) Encourage the most efficient and economic marketing practices; and

(f) Regulate the business of insurance in a manner that will preclude application of federal antitrust laws.

Sec. 41. NRS 686B.020 is hereby amended to read as follows:

686B.020 As used in NRS 686B.010 to 686B.1799, inclusive, ***and sections 35 to 39, inclusive, of this act,*** unless the context otherwise requires:

1. "Advisory organization," except as limited by NRS 686B.1752, means any person or organization which is controlled by or composed of two or more insurers and which engages in activities related to rate making. For the purposes of this subsection, two or more insurers with common ownership or operating in this State under common ownership constitute a single insurer. An advisory organization does not include:

(a) A joint underwriting association;

(b) An actuarial or legal consultant; or

(c) An employee or manager of an insurer.

2. "Market segment" means any line or kind of insurance or, if it is described in general terms, any subdivision thereof or any class of risks or combination of classes.

3. "Rate service organization" means any person, other than an employee of an insurer, who assists insurers in rate making or filing by:

(a) Collecting, compiling and furnishing loss or expense statistics;

(b) Recommending, making or filing rates or supplementary rate information; or

(c) Advising about rate questions, except as an attorney giving legal advice.

4. "Supplementary rate information" includes any manual or plan of rates, statistical plan, classification, rating schedule, minimum premium, policy fee, rating rule, rule of underwriting relating to rates and any other information prescribed by regulation of the Commissioner.

Sec. 42. NRS 686B.030 is hereby amended to read as follows:

686B.030 1. Except as otherwise provided in subsection 2 and NRS 686B.125, the provisions of NRS 686B.010 to 686B.1799, inclusive, ***and sections 35 to 39, inclusive, of this act*** apply to all kinds and lines of direct insurance written on risks or operations in this State by any insurer authorized to do business in this State, except:

(a) Ocean marine insurance;

(b) Contracts issued by fraternal benefit societies;

(c) Life insurance and credit life insurance;

(d) Variable and fixed annuities;

(e) Credit accident and health insurance;

(f) Property insurance for business and commercial risks;

(g) Casualty insurance for business and commercial risks other than insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS;

(h) Surety insurance;

(i) Health insurance offered through a group health plan maintained by a large employer; and

(j) Credit involuntary unemployment insurance.

2. The exclusions set forth in paragraphs (f) and (g) of subsection 1 extend only to issues related to the determination or approval of premium rates.

Sec. 43. NRS 686B.040 is hereby amended to read as follows:

686B.040 1. Except as otherwise provided in subsection 2, the Commissioner may by rule exempt any person or class of persons or any market segment from any or all of the provisions of NRS 686B.010 to 686B.1799, inclusive, ***and sections 35 to 39, inclusive, of this act,*** if and to the extent that the Commissioner finds their application unnecessary to achieve the purposes of those sections.

2. The Commissioner may not, by rule or otherwise, exempt an insurer from the provisions of NRS 686B.010 to 686B.1799, inclusive, ***and sections 35 to 39, inclusive, of this act*** with regard to insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS for a breach of the practitioner's professional duty toward a patient.

Sec. 44. NRS 686B.110 is hereby amended to read as follows:

686B.110 1. ~~[The]~~ ***Except as otherwise provided in section 36 of this act, the*** Commissioner shall consider each proposed increase or decrease in

the rate of any kind or line of insurance or subdivision thereof filed with the Commissioner pursuant to subsection 1 of NRS 686B.070. If the Commissioner finds that a proposed increase will result in a rate which is not in compliance with NRS 686B.050 or subsection 3 of NRS 686B.070, the Commissioner shall disapprove the proposal. The Commissioner shall approve or disapprove each proposal no later than 30 days after it is determined by the Commissioner to be complete pursuant to subsection 6. If the Commissioner fails to approve or disapprove the proposal within that period, the proposal shall be deemed approved.

2. If the Commissioner disapproves a proposed increase or decrease in any rate pursuant to subsection 1, the Commissioner shall send a written notice of disapproval to the insurer or the rate service organization that filed the proposal. The notice must set forth the reasons the proposal is not in compliance with NRS 686B.050 or subsection 3 of NRS 686B.070 and must be sent to the insurer or the rate service organization not more than 30 days after the Commissioner determines that the proposal is complete pursuant to subsection 6.

3. Upon receipt of a written notice of disapproval from the Commissioner pursuant to subsection 2 or 6, the insurer or rate service organization may request that the Commissioner reconsider the proposed increase or decrease. The request for reconsideration must be received by the Commissioner not more than 30 days after the insurer or rate service organization receives the written notice of disapproval from the Commissioner, except that if the insurer or rate service organization requests, in writing, an extension of 30 additional days in which to request a reconsideration, the Commissioner shall grant the extension. A request for reconsideration submitted pursuant to this subsection may include, without limitation, any documents or other information for review by the Commissioner in reconsidering the proposal. The Commissioner shall approve or disapprove the proposal upon reconsideration not later than 30 days after receipt of the request for reconsideration and shall notify the insurer or rate service organization of his or her approval or disapproval.

4. Whenever an insurer has no legally effective rates as a result of the Commissioner's disapproval of rates or other act, the Commissioner shall on request specify interim rates for the insurer that are high enough to protect the interests of all parties and may order that a specified portion of the premiums be placed in an escrow account approved by the Commissioner. When new rates become legally effective, the Commissioner shall order the escrowed funds or any overcharge in the interim rates to be distributed appropriately, except that refunds to policyholders that are de minimis must not be required.

5. If the Commissioner disapproves a proposed rate pursuant to subsection 1 ~~[,]~~ ***or*** subsection 6 or upon reconsideration pursuant to subsection 3 **,** and an insurer requests a hearing to determine the validity of the action of the Commissioner, the insurer has the burden of showing

compliance with the applicable standards for rates established in NRS 686B.010 to 686B.1799, inclusive ~~[.]~~ ***, and sections 35 to 39, inclusive, of this act.*** Any such hearing must be held:

(a) Within 30 days after the request for a hearing has been submitted to the Commissioner; or

(b) Within a period agreed upon by the insurer and the Commissioner.

➥ If the hearing is not held within the period specified in paragraph (a) or (b), or if the Commissioner fails to issue an order concerning the proposed rate for which the hearing is held within 45 days after the hearing, the proposed rate shall be deemed approved.

6. The Commissioner shall by regulation specify the documents or any other information which must be included in a proposal to increase or decrease a rate submitted to the Commissioner pursuant to subsection 1. Each such proposal shall be deemed complete upon its filing with the Commissioner, unless the Commissioner, within 15 business days after the proposal is filed with the Commissioner, determines that the proposal is incomplete because the proposal does not comply with the regulations adopted by the Commissioner pursuant to this subsection. The Commissioner shall notify the insurer or rate service organization if the Commissioner determines that the proposal is incomplete. The notice must be sent within 15 business days after the proposal is filed with the Commissioner and must set forth the documents or other information that is required to complete the proposal. The Commissioner may disapprove the proposal if the insurer or rate service organization fails to provide the documents or other information to the Commissioner within 30 days after the insurer or rate service organization receives the notice that the proposal is incomplete. If the Commissioner disapproves the proposal pursuant to this subsection, the Commissioner shall notify the insurer or rate service organization of that fact in writing.

Sec. 45. NRS 686B.115 is hereby amended to read as follows:

686B.115 1. Any hearing held by the Commissioner to determine whether rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive, ***and sections 35 to 39, inclusive, of this act*** must be open to members of the public.

2. All costs for transcripts prepared pursuant to such a hearing must be paid by the insurer requesting the hearing.

3. At any hearing which is held by the Commissioner to determine whether rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive, ***and sections 35 to 39, inclusive, of this act,*** and which involves rates for insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS for a breach of the practitioner's professional duty toward a patient, if a person is not otherwise authorized pursuant to this title to become a party to the hearing by intervention, the person is entitled to provide testimony at the hearing if, not later than 2 days

before the date set for the hearing, the person files with the Commissioner a written statement which states:

(a) The name and title of the person;

(b) The interest of the person in the hearing; and

(c) A brief summary describing the purpose of the testimony the person will offer at the hearing.

4. If a person provides testimony at a hearing in accordance with subsection 3:

(a) The Commissioner may, if the Commissioner finds it necessary to preserve order, prevent inordinate delay or protect the rights of the parties at the hearing, place reasonable limitations on the duration of the testimony and prohibit the person from providing testimony that is not relevant to the issues raised at the hearing.

(b) The Commissioner shall consider all relevant testimony provided by the person at the hearing in determining whether the rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive ~~[.]~~ ***, and sections 35 to 39, inclusive, of this act.***

Sec. 46. NRS 686B.1751 is hereby amended to read as follows:

686B.1751 As used in NRS 686B.1751 to 686B.1799, inclusive, ***and sections 35, 37, 38 and 39 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 686B.1752 to 686B.1762, inclusive, ***and section 35 of this act*** have the meanings ascribed to them in those sections.

Sec. 47. NRS 686B.1763 is hereby amended to read as follows:

686B.1763 1. NRS 686B.1751 to 686B.1799, inclusive, ***and sections 35, 37, 38 and 39 of this act,*** apply to insurers providing industrial insurance and to the Advisory Organization designated by the Commissioner. The Commissioner shall administer the provisions of these sections.

2. These provisions apply to all industrial insurance issued in this state except reinsurance.

Sec. 48. NRS 686B.1789 is hereby amended to read as follows:

686B.1789 A hearing required by any of the provisions of NRS 686B.1751 to 686B.1799, inclusive, ***and sections 35, 37, 38 and 39 of this act,*** is governed by NRS 679B.310 to 679B.370, inclusive, except that any limits of time imposed by NRS 686B.1751 to 686B.1799, inclusive, ***and sections 35, 37, 38 and 39 of this act,*** control.

Sec. 49. NRS 686B.1793 is hereby amended to read as follows:

686B.1793 1. An insurer or other person who violates any provision of NRS 686B.1751 to 686B.1799, inclusive, ***and sections 35, 37, 38 and 39 of this act,*** shall, upon the order of the Commissioner, pay an administrative fine not to exceed $1,000 for each violation and not to exceed $10,000 for each willful violation. These administrative fines are in addition to any other penalty provided by law. Any insurer using a rate before it has been filed with the Commissioner as required by NRS 686B.1775, shall be deemed to have committed a separate violation for each day the insurer failed to file the rate.

2. The Commissioner may suspend or revoke the license of any advisory organization or insurer who fails to comply with an order within the time specified by the Commissioner or any extension of that time made by the Commissioner. Any suspension of a license is effective for the time stated by the Commissioner in his or her order or until the order is modified, rescinded or reversed.

3. The Commissioner, by written order, may impose a penalty or suspend a license pursuant to this section only after written notice to the insurer, organization or plan for apportioned risks and a hearing.

Sec. 50. Chapter 687B of NRS is hereby amended by adding thereto the provisions set forth as sections 51 to 85, inclusive, of this act.

Sec. 51. ***As used in sections 51 to 85, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 52 to 64, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 52. ***"Covered person" means a policyholder, subscriber, enrollee or other person participating in a network plan.***

Sec. 53. ***"Evidence of coverage" means any certificate, agreement or contract issued to a covered person by a health carrier setting forth the coverage to which the covered person is entitled pursuant to a network plan.***

Sec. 54. ***"Health benefit plan" has the meaning ascribed to it in NRS 695G.019.***

Sec. 55. ***"Health care services" has the meaning ascribed to it in NRS 695G.022.***

Sec. 56. ***"Health carrier" has the meaning ascribed to it in NRS 695G.024.***

Sec. 57. ***"Intermediary" means a person authorized to negotiate and execute a contract between a provider of health care and a health carrier entered into for the purposes of a network plan, whether the person acts on behalf of the provider of health care or the health carrier.***

Sec. 58. ***"Medically necessary" has the meaning ascribed to it in NRS 695G.055.***

Sec. 59. ***"Network" means a defined set of providers of health care who are under contract with a health carrier to provide health care services pursuant to a network plan offered or issued by the health carrier.***

Sec. 60. ***"Network plan" means a health benefit plan offered or issued by a health carrier under which the financing and delivery of health care services, including, without limitation, items and services paid for as health care services, are provided, in whole or in part, through a defined set of providers of health care under contract with the health carrier. The term does not include an arrangement for the financing of premiums.***

Sec. 61. ***"Participating provider of health care" means a provider of health care who, under a contract with a health carrier, has agreed to provide health care services to covered persons pursuant to a network plan***

with an expectation of receiving payment, other than coinsurance, copayments or deductibles, directly or indirectly from the health carrier.

Sec. 62. *"Primary care physician" has the meaning ascribed to it in NRS 695G.060.*

Sec. 63. *"Provider of health care" has the meaning ascribed to it in NRS 695G.070.*

Sec. 64. *"Utilization review" has the meaning ascribed to it in NRS 695G.080.*

Sec. 65. *If a health carrier offers or issues a network plan, the health carrier shall, with regard to that network plan:*

1. Comply with all applicable requirements set forth in sections 51 to 85, inclusive, of this act;

2. As applicable, ensure that each contract entered into for the purposes of the network plan between a participating provider of health care and the health carrier complies with the requirements set forth in sections 51 to 85, inclusive, of this act; and

3. As applicable, ensure that the network plan complies with the requirements set forth in sections 51 to 85, inclusive, of this act.

Sec. 66. *A health carrier which offers or issues a network plan shall, with regard to that network plan, establish a mechanism by which each participating provider of health care in the network will be notified on an ongoing basis of the specific health care services which are covered by the network plan and for which the participating provider of health care will be responsible, including, without limitation, any restrictions or conditions on the health care services.*

Sec. 67. *Each contract entered into for the purposes of a network plan between a participating provider of health care and the health carrier must include, without limitation, a provision which is substantially similar to the following:*

> *Provider of health care agrees that in no event, including but not limited to, nonpayment by the health carrier or intermediary, insolvency of the health carrier or intermediary or breach of this agreement, shall the provider of health care bill, charge, collect a deposit from, seek compensation, remuneration or reimbursement from, or have any recourse against, a covered person or a person (other than the health carrier or intermediary) acting on behalf of the covered person for health care services provided pursuant to this agreement. This agreement does not prohibit the provider of health care from collecting coinsurance, deductibles or copayments, as specifically provided in the evidence of coverage, or fees for uncovered services delivered on a fee-for-service basis to covered persons. This agreement does not prohibit a provider of health care (except for a provider of health care who is employed full-time on the staff of the health carrier and has agreed to provide health care services*

exclusively to the health carrier's covered persons and no others) and a covered person from agreeing to continue health care services solely at the expense of the covered person, as long as the provider of health care has clearly informed the covered person that the health carrier may not cover or continue to cover a specific health care service or health care services. Except as provided herein, this agreement does not prohibit the provider of health care from pursuing any available legal remedy.

Sec. 68. *Each contract entered into for the purposes of a network plan between a participating provider of health care and the health carrier must provide that in the event of the insolvency of the health carrier or any applicable intermediary, or in the event of any other cessation of operations of the health carrier or intermediary, the participating provider of health care must continue to deliver health care services covered by the network plan to a covered person without billing the covered person for any amount other than coinsurance, deductibles or copayments, as specifically provided in the evidence of coverage, until the earlier of:*

1. The date of the cancellation of the covered person's coverage under the network plan pursuant to NRS 687B.310, including, without limitation, any extension of coverage provided pursuant to:

(a) The terms of the contract between the covered person and the health carrier;

(b) NRS 689A.04036, 689B.0303, 695B.1901, 695C.1691 and 695G.164, as applicable; or

(c) Any applicable federal law for covered persons who are in an active course of treatment or totally disabled; or

2. The date on which the contract between the health carrier and the provider of health care would have terminated if the health carrier or intermediary, as applicable, had remained in operation, including, without limitation, any extension of coverage provided pursuant to:

(a) The terms of the contract between the covered person and the health carrier;

(b) NRS 689A.04036, 689B.0303, 695B.1901, 695C.1691 and 695G.164, as applicable; or

(c) Any applicable federal law for covered persons who are in an active course of treatment or totally disabled.

Sec. 69. *The provisions included in a contract to comply with the requirements set forth in sections 67 and 68 of this act shall be construed in favor of the covered person, shall survive the termination of the contract regardless of the reason for the termination, including, without limitation, the insolvency of the health carrier or any applicable intermediary, and shall supersede any oral or written contrary agreement between a participating provider of health care and a covered person or the representative of a covered person if the contrary agreement is inconsistent*

with provisions included in the contract to comply with the requirements set forth in sections 67 and 68 of this act.

Sec. 70. Each contract entered into for the purposes of a network plan between a participating provider of health care and the health carrier must ~~[prohibit the participating provider of health care from collecting or attempting to collect from a covered person any money owed to the participating provider of health care by the health carrier.]~~ provide that written notice must be provided to the participating provider of health care as soon as practicable in the event:

1. That a court determined the health carrier or any applicable intermediary to be insolvent; or

2. Of any other cessation of operations of the health carrier or any applicable intermediary.

Sec. 71. *A health carrier which offers or issues a network plan shall notify each participating provider of health care in the network of the responsibilities of the participating provider of health care with respect to any applicable administrative policies and programs of the health carrier including, without limitation, any applicable administrative policies and programs concerning:*

1. Terms of payment;

2. Utilization review;

3. Quality assessment and improvement;

4. Credentialing;

5. Procedures for grievances and appeals;

6. Requirements for data reporting;

7. Requirements for timely notice to the health carrier of changes in the practices of the participating provider of health care, such as discontinuance of accepting new patients;

8. Requirements for confidentiality; and

9. Any applicable federal or state programs.

Sec. 72. *A health carrier which offers or issues a network plan shall not offer an inducement to a participating provider of health care in the network that would encourage or otherwise incent the participating provider of health care to deliver health care services to a covered person which are less than those which are medically necessary.*

Sec. 73. *A health carrier which offers or issues a network plan shall not prohibit a participating provider of health care in the network from:*

1. Discussing any specific treatment option or all treatment options with a covered person irrespective of the position of the health carrier on the treatment options;

2. Advocating on behalf of a covered person within any utilization review process or any process for grievances or appeals established by the health carrier or a person contracting with the health carrier; or

3. Advocating on behalf of a covered person in accordance with any rights or remedies available under applicable state or federal law.

Sec. 74. ***Each contract entered into for the purposes of a network plan between a participating provider of health care and the health carrier must require the participating provider of health care to make health records available to appropriate state and federal authorities involved in assessing the quality of care or investigating the grievances or complaints of covered persons, and to comply with the applicable state and federal laws related to the confidentiality of medical and health records and the covered person's right to see, obtain copies of or amend their medical and health records.***

Sec. 75. ***[1. Each contract entered into for the purposes of a network plan between a participating provider of health care and the health carrier must provide that:***

(a) The health carrier shall provide notice not less than 90 days in advance to the participating provider of health care before the health carrier removes the participating provider of health care from the network without cause;

(b) The participating provider of health care shall provide notice not less than 90 days in advance to the health carrier before the participating provider of health care leaves the network without cause;

(c) The health carrier or participating provider of health care or both, as specified in the contract, shall make a good faith effort to provide written notice, within 30 days after receipt or issuance of the notice referenced in paragraph (a) or (b), as applicable, that the participating provider of health care will no longer be part of the network:

(1) To all covered persons who participate in the network plan, are patients of the participating provider of health care and have received health care services from the participating provider of health care on a regular basis; or

(2) If the participating provider of health care is a primary care physician, to all covered persons who participate in the network plan and are patients of the participating provider of health care;

(d) If the health carrier removes the participating provider of health care from the network for cause or the participating provider of health care leaves the network for cause, the health carrier or the participating provider of health care, or both, as specified in the contract, shall make a good faith effort to provide written notice within 30 days after the removal or departure, as applicable, that the participating provider of health care will no longer be part of the network:

(1) To all covered persons who participate in the network plan, are patients of the participating provider of health care and have received health care services from the participating provider of health care on a regular basis; or

(2) If the participating provider of health care is a primary care physician, to all covered persons who participate in the network plan and are patients of the participating provider of health care; and

~~*(c) The participating provider of health care shall, upon providing or receiving the notice referenced in paragraph (a) or (b), or upon leaving or being removed from the network as referenced in paragraph (d), promptly provide to the health carrier a list of the covered persons who are patients of the participating provider of health care and who participate in the network plan.*~~

~~*2. The Commissioner shall adopt regulations that define, for the purposes of this section, the terms:*~~

~~*(a) "Patients of the participating provider of health care"; and*~~

~~*(b) "Regular basis."]*~~ **(Deleted by amendment.)**

Sec. 76. ~~*[1. Except as otherwise provided in this section, if a covered person is receiving health care services pursuant to a network plan for a medical condition from a participating provider of health care in the network and the contract between the participating provider of health care and the health carrier is terminated during the course of the medical treatment, the network plan must provide that:*~~

~~*(a) The covered person may continue to obtain health care services for the medical condition from the provider of health care pursuant to this section, if:*~~

~~*(1) The covered person is actively undergoing a medically necessary course of treatment; and*~~

~~*(2) The provider of health care and the covered person agree that the continuity of care is desirable.*~~

~~*(b) The provider of health care is entitled to receive reimbursement from the health carrier for the health care services provided to the covered person pursuant to this section, if the provider of health care agrees:*~~

~~*(1) To provide health care services under the terms of the contract between the provider of health care and the health carrier with regard to the covered person, including, without limitation, the rates of payment for providing health care services, as those terms existed before the termination of the contract between the provider of health care and the health carrier; and*~~

~~*(2) Not to seek payment from the covered person for any health care services provided by the provider of health care that could not have been received from the covered person were the provider of health care still under contract with the health carrier.*~~

~~*2. The coverage required by subsection 1 must be provided until the later of:*~~

~~*(a) The 120th day after the date on which the contract is terminated; or*~~

~~*(b) If the medical condition is pregnancy, the 45th day after:*~~

~~*(1) The date of delivery; or*~~

~~*(2) If the pregnancy does not end in delivery, the date of the end of the pregnancy.*~~

~~*3. The requirements of this section do not apply to a provider of health care if:*~~

~~*(a) The provider of health care was under contract with the health carrier and the health carrier terminated that contract because of the medical incompetence or professional misconduct of the provider of health care; and*~~

~~*(b) The health carrier did not enter into another contract with the provider of health care after the contract was terminated pursuant to paragraph (a).*~~

~~*4. An evidence of coverage for a network plan subject to the provisions of sections 51 to 85, inclusive, of this act has the legal effect of including the coverage required by this section, and any provision of the evidence of coverage or renewal thereof that is in conflict with this section is void.]*~~ **(Deleted by amendment.)**

Sec. 77. *Each contract entered into for the purposes of a network plan between a participating provider of health care and the health carrier must prohibit the health carrier and the participating provider of health care from assigning or delegating the rights and responsibilities of either party under the contract without the prior written consent of the other party.*

Sec. 78. 1. ~~*[Except as otherwise provided in this section, a]*~~ *A health carrier which offers or issues a network plan shall ensure that* ~~*[each]*~~ *participating* ~~*[provider]*~~ *providers of health care in the network* ~~*[furnishes]*~~ *are responsible for furnishing covered* ~~*[benefits]*~~ *services to all covered persons without regard to the participation of the covered person in the network plan as a private purchaser of the network plan or as a participant in a publicly financed program of health care services.*

2. This section does not apply to circumstances when the participating provider of health care should not render services due to limitations arising from a lack of training, experience or skill or licensing restrictions.

Sec. 79. A health carrier which offers or issues a network plan shall notify ~~*[each]*~~ *the participating* ~~*[provider]*~~ *providers of health care in the network of his or her obligations, if any, to collect applicable coinsurance, copayments or deductibles from a covered person pursuant to the evidence of coverage, or of the obligations, if any, of the participating provider of health care to notify a covered person of the personal financial obligations of the covered person for health care services that are not covered.*

Sec. 80. *A health carrier which offers or issues a network plan shall not penalize a participating provider of health care in the network because the participating provider of health care, in good faith, reports to state or federal authorities any act or practice by the health carrier that jeopardizes the health or welfare of a covered person.*

Sec. 81. *A health carrier which offers or issues a network plan shall establish a mechanism by which a participating provider of health care in the network may, in a timely manner at the time health care services are to be provided, determine whether the person to whom the health care services are to be provided is a covered person or is within a grace period for the payment of a premium during which the health carrier may hold a*

claim for health care services pending receipt of the payment of the premium.

Sec. 82. ***A health carrier which offers or issues a network plan shall establish procedures for the resolution of administrative, payment or other disputes between a participating provider of health care in the network and the health carrier.***

Sec. 83. ***1. A contract entered into for the purposes of a network plan between a participating provider of health care and the health carrier must not contain a provision that conflicts with any provision in the network plan or any requirement set forth in sections 51 to 85, inclusive, of this act.***

2. At the time a participating provider of health care signs a contract described in subsection 1, the health carrier and, if applicable, the intermediary shall notify the participating provider of health care of all provisions of the contract and all documents incorporated by reference in the contract.

3. While a contract described in subsection 1 is in force, the health carrier shall provide timely notice to the participating provider of health care of any changes to the provisions of the contract or the documents incorporated by reference in the contract that would result in a material change in the contract.

4. For the purposes of subsection 3, the contract must define what is to be considered timely notice and what is to be considered a material change.

Sec. 84. ***A health carrier which offers or issues a network plan shall inform a participating provider of health care with whom the health carrier has contracted for the purposes of the network plan of the status of the participating provider of health care as a provider of health care in the network plan and the status and inclusion of the participating provider of health care on any list of providers of health care maintained by the health carrier. The health carrier shall provide in a timely manner the information required by this section to the participating provider of health care:***

1. Upon the request of the participating provider of health care; and

2. Upon any change to the status or inclusion of the participating provider of health care as described in this section.

Sec. 85. ***The Commissioner may adopt any regulations necessary to carry out the purposes and provisions of sections 51 to 85, inclusive, of this act.***

Sec. 86. NRS 687B.385 is hereby amended to read as follows:

687B.385 An insurer shall not ***refuse to issue,*** cancel, refuse to renew or increase the premium for renewal of a policy of motor vehicle insurance covering private passenger cars or commercial vehicles as a result of any ~~[~~claims~~]~~ ***:***

1. Claims made under ~~[~~the~~]~~ ***any*** policy ***of insurance*** with respect to which the insured was not at fault ~~[.]~~ ***;***

2. Claims made under any policy of insurance for which the insurer has not made any payment or for which the insurer recovered the entirety of the insurer's payment on the claim by means of salvage, subrogation or another mechanism; or

3. Inquiries made regarding an actual or potential claim under any policy of insurance regarding:

(a) The existence of insurance coverage for any matter; or

(b) Any hypothetical or informational matter pertaining to insurance.

Sec. 87. NRS 687B.470 is hereby amended to read as follows:

687B.470 1. ~~["Health]~~ ***As used in NRS 687B.470 to 687B.500, inclusive, "health*** benefit plan" means a policy, contract, certificate or agreement offered by a carrier to provide for, deliver payment for, arrange for the payment of, pay for or reimburse any of the costs of health care services. Except as otherwise provided in this section, the term includes catastrophic health insurance policies and a policy that pays on a cost-incurred basis.

2. The term does not include:

(a) Coverage that is only for accident or disability income insurance, or any combination thereof;

(b) Coverage issued as a supplement to liability insurance;

(c) Liability insurance, including general liability insurance and automobile liability insurance;

(d) Workers' compensation or similar insurance;

(e) Coverage for medical payments under a policy of automobile insurance;

(f) Credit insurance;

(g) Coverage for on-site medical clinics;

(h) Other similar insurance coverage specified pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, under which benefits for medical care are secondary or incidental to other insurance benefits;

(i) Coverage under a short-term health insurance policy; and

(j) Coverage under a blanket student accident and health insurance policy.

3. The term does not include the following benefits if the benefits are provided under a separate policy, certificate or contract of insurance or are otherwise not an integral part of a health benefit plan:

(a) Limited-scope dental or vision benefits;

(b) Benefits for long-term care, nursing home care, home health care or community-based care, or any combination thereof; and

(c) Such other similar benefits as are specified in any federal regulations adopted pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.

4. The term does not include the following benefits if the benefits are provided under a separate policy, certificate or contract, there is no coordination between the provisions of the benefits and any exclusion of

benefits under any group health plan maintained by the same plan sponsor, and the benefits are paid for a claim without regard to whether benefits are provided for such a claim under any group health plan maintained by the same plan sponsor:

(a) Coverage that is only for a specified disease or illness; and

(b) Hospital indemnity or other fixed indemnity insurance.

5. The term does not include any of the following, if offered as a separate policy, certificate or contract of insurance:

(a) Medicare supplemental health insurance as defined in section 1882(g)(1) of the Social Security Act, 42 U.S.C. § 1395ss, as that section existed on July 16, 1997;

(b) Coverage supplemental to the coverage provided pursuant to the Civilian Health and Medical Program of Uniformed Services, CHAMPUS, 10 U.S.C. §§ 1071 et seq.; and

(c) Similar supplemental coverage provided under a group health plan.

Sec. 88. NRS 687B.490 is hereby amended to read as follows:

687B.490 1. A carrier that offers coverage in the ***small employer*** group or individual market must, before making any network plan available for sale in this State, demonstrate the capacity to deliver services adequately by applying to the Commissioner for the issuance of a network plan and submitting a description of the procedures and programs to be implemented to meet the requirements described in subsection 2.

2. The Commissioner shall determine, within 90 days after receipt of the application required pursuant to subsection 1, if the carrier, with respect to the network plan:

(a) Has demonstrated the willingness and ability to ensure that health care services will be provided in a manner to ensure both availability and accessibility of adequate personnel and facilities in a manner that enhances availability, accessibility and continuity of service;

(b) Has organizational arrangements established in accordance with regulations promulgated by the Commissioner; and

(c) Has a procedure established in accordance with regulations promulgated by the Commissioner to develop, compile, evaluate and report statistics relating to the cost of its operations, the pattern of utilization of its services, the availability and accessibility of its services and such other matters as may be reasonably required by the Commissioner.

3. The Commissioner may certify that the carrier and the network plan meet the requirements of subsection 2, or may determine that the carrier and the network plan do not meet such requirements. Upon a determination that the carrier and the network plan do not meet the requirements of subsection 2, the Commissioner shall specify in what respects the carrier and the network plan are deficient.

4. A carrier approved to issue a network plan pursuant to this section must file annually with the Commissioner a summary of information

compiled pursuant to subsection 2 in a manner determined by the Commissioner.

5. The Commissioner shall, not less than once each year, or more often if deemed necessary by the Commissioner for the protection of the interests of the people of this State, make a determination concerning the availability and accessibility of the health care services of any network plan approved pursuant to this section.

6. The expense of any determination made by the Commissioner pursuant to this section must be assessed against the carrier and remitted to the Commissioner.

7. When making any determination concerning the availability and accessibility of the services of any network plan or proposed network plan pursuant to this section, the Commissioner shall consider services that may be provided through telehealth, as defined in NRS 629.515, pursuant to the network plan or proposed network plan to be available services.

8. As used in this section ~~[~~, "network~~]~~ ***:***

(a) "Network plan" has the meaning ascribed to it in NRS 689B.570.

(b) "Small employer" has the meaning ascribed to it in NRS 689C.095.

Sec. 89. NRS 687B.500 is hereby amended to read as follows:

687B.500 1. The premium rate charged by a health insurer for health benefit plans offered in the individual or small ***employer*** group market may vary with respect to the particular plan or coverage involved based solely on these characteristics:

(a) Whether the plan or coverage applies to an individual or a family;

(b) Geographic rating area;

(c) Tobacco use, except that the rate shall not vary by a ratio of more than 1.5 to 1 for like individuals who vary in tobacco use; and

(d) Age, except that the rate must not vary by a ratio of more than 3 to 1 for like individuals of different age who are age 21 years or older and that the variation in rate must be actuarially justified for individuals who are under the age of 21 years, consistent with the uniform age rating curve established in the Federal Act. For the purpose of identifying the appropriate age adjustment under this paragraph and the age band defined in the Federal Act to a specific enrollee, the enrollee's age as of the date of policy issuance or renewal must be used.

2. The provisions of subsection 1:

(a) Apply to a fraternal benefit society organized under chapter 695A of NRS; and

(b) Do not apply to grandfathered plans.

3. As used in this section, "small employer" has the meaning ascribed to it in NRS 689C.095.

Sec. 90. NRS 689.185 is hereby amended to read as follows:

689.185 1. Except as otherwise provided in subsection 2:

(a) Before the issuance of a certificate of authority, the seller shall post with the Commissioner and thereafter maintain in force a bond in the

principal sum of $50,000 issued by an authorized corporate surety in favor of the State of Nevada, or a deposit of cash or negotiable securities or a combination of cash and negotiable securities. If a deposit is made in lieu of a bond, the deposit must at all times have a market value of not less than the amount of the bond required by the Commissioner.

(b) The bond or deposit must be held for the benefit of buyers of prepaid contracts, and other persons as their interests may appear, who may be damaged by misuse or diversion of money by the seller or the agents of the seller, or to satisfy any judgments against the seller for failure to perform a prepaid contract. The aggregate liability of the surety for all breaches of the conditions of the bond must not exceed the sum of the bond. The surety on the bond has the right to cancel the bond upon giving 30 days' notice to the Commissioner and thereafter is relieved of liability for any breach of condition occurring after the effective date of the cancellation.

(c) ***A certificate of authority issued to a seller is automatically suspended if the seller does not file with the Commissioner a replacement bond before the date of cancellation of the previous bond. A replacement bond must meet all requirements of this subsection for the initial bond.***

(d) The Commissioner shall release the bond or deposit after the seller has ceased doing business as such and the Commissioner is satisfied of the nonexistence of any obligation or liability of the seller for which the bond or deposit was held.

2. The Commissioner may waive the requirements of subsection 1 if the seller agrees:

(a) To offer for sale only prepaid contracts that are payable solely from the proceeds of a policy of life insurance; and

(b) Not to collect any money from the purchaser of a prepaid contract.

Sec. 91. NRS 689.495 is hereby amended to read as follows:

689.495 1. Except as otherwise provided in subsection 2:

(a) Before the issuance of a permit to a seller, the seller shall post with the Commissioner and thereafter maintain in force a bond in the principal sum of $50,000 issued by an authorized corporate surety in favor of the State of Nevada, or a deposit of cash or negotiable securities or a combination of cash and negotiable securities. If a deposit is made in lieu of a bond, the deposit must at all times have a market value not less than the amount of the bond required by the Commissioner.

(b) The bond or deposit must be held for the benefit of buyers of prepaid contracts, and other persons as their interests may appear, who may be damaged by misuse or diversion of money by the seller or the agents of the seller, or to satisfy any judgments against the seller for failure to perform a prepaid contract. The aggregate liability of the surety for all breaches of the conditions of the bond must not exceed the sum of the bond. The surety on the bond has the right to cancel the bond upon giving 30 days' notice to the Commissioner and thereafter is relieved of liability for any breach of condition occurring after the effective date of the cancellation.

(c) ***A permit issued to a seller is automatically suspended if the seller does not file with the Commissioner a replacement bond before the date of cancellation of the previous bond. A replacement bond must meet all requirements of this subsection for the initial bond.***

(d) The Commissioner shall release the bond or deposit after the seller has ceased doing business as such and the Commissioner is satisfied of the nonexistence of any obligation or liability of the seller for which the bond or deposit was held.

2. The Commissioner may waive the requirements of subsection 1 if the seller agrees:

(a) To offer for sale only prepaid contracts that are payable solely from the proceeds of a policy of life insurance; and

(b) Not to collect any money from the purchaser of a prepaid contract.

Sec. 92. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An individual carrier shall make the unified rate review template and rate filing documentation used by the individual carrier and any information and documents described in any regulations adopted pursuant to 689A.700 available to the Commissioner upon request. Except in cases of violations of the provisions of this chapter, the unified rate review template and rate filing documentation used by an individual carrier are considered proprietary, constitute a trade secret and are not subject to disclosure by the Commissioner to persons outside of the Division except as agreed to by the individual carrier or as ordered by a court of competent jurisdiction.

2. As used in this section, "rate filing documentation" and "unified rate review template" have the meanings ascribed to them in 45 C.F.R. § 154.215.

Sec. 93. NRS 689A.020 is hereby amended to read as follows:

689A.020 Nothing in this chapter applies to or affects:

1. Any policy of liability or workers' compensation insurance with or without supplementary expense coverage therein.

2. Any group or blanket policy.

3. Life insurance, endowment or annuity contracts, or contracts supplemental thereto which contain only such provisions relating to health insurance as to:

(a) Provide additional benefits in case of death or dismemberment or loss of sight by accident or accidental means; or

(b) Operate to safeguard such contracts against lapse, or to give a special surrender value or special benefit or an annuity if the insured or annuitant becomes totally and permanently disabled, as defined by the contract or supplemental contract.

4. Reinsurance, except as otherwise provided in NRS 689A.470 to 689A.740, inclusive, ***and section 92 of this act,*** and 689C.610 to 689C.940, inclusive, relating to the program of reinsurance.

Sec. 94. NRS 689A.04033 is hereby amended to read as follows:

689A.04033 1. A policy of health insurance must provide coverage for medical treatment which a policyholder or subscriber receives as part of a clinical trial or study if:

(a) The medical treatment is provided in a Phase I, Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer or in a Phase II, Phase III or Phase IV study or clinical trial for the treatment of chronic fatigue syndrome;

(b) The clinical trial or study is approved by:

(1) An agency of the National Institutes of Health as set forth in 42 U.S.C. § 281(b);

(2) A cooperative group;

(3) The Food and Drug Administration as an application for a new investigational drug;

(4) The United States Department of Veterans Affairs; or

(5) The United States Department of Defense;

(c) In the case of:

(1) A Phase I clinical trial or study for the treatment of cancer, the medical treatment is provided at a facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer; or

(2) A Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer or chronic fatigue syndrome, the medical treatment is provided by a provider of health care and the facility and personnel for the clinical trial or study have the experience and training to provide the treatment in a capable manner;

(d) There is no medical treatment available which is considered a more appropriate alternative medical treatment than the medical treatment provided in the clinical trial or study;

(e) There is a reasonable expectation based on clinical data that the medical treatment provided in the clinical trial or study will be at least as effective as any other medical treatment;

(f) The clinical trial or study is conducted in this State; and

(g) The policyholder or subscriber has signed, before participating in the clinical trial or study, a statement of consent indicating that the policyholder or subscriber has been informed of, without limitation:

(1) The procedure to be undertaken;

(2) Alternative methods of treatment; and

(3) The risks associated with participation in the clinical trial or study, including, without limitation, the general nature and extent of such risks.

2. Except as otherwise provided in subsection 3, the coverage for medical treatment required by this section is limited to:

(a) Coverage for any drug or device that is approved for sale by the Food and Drug Administration without regard to whether the approved drug or device has been approved for use in the medical treatment of the policyholder or subscriber.

(b) The cost of any reasonably necessary health care services that are required as a result of the medical treatment provided in a Phase II, Phase III or Phase IV clinical trial or study or as a result of any complication arising out of the medical treatment provided in a Phase II, Phase III or Phase IV clinical trial or study, to the extent that such health care services would otherwise be covered under the policy of health insurance.

(c) The cost of any routine health care services that would otherwise be covered under the policy of health insurance for a policyholder or subscriber participating in a Phase I clinical trial or study.

(d) The initial consultation to determine whether the policyholder or subscriber is eligible to participate in the clinical trial or study.

(e) Health care services required for the clinically appropriate monitoring of the policyholder or subscriber during a Phase II, Phase III or Phase IV clinical trial or study.

(f) Health care services which are required for the clinically appropriate monitoring of the policyholder or subscriber during a Phase I clinical trial or study and which are not directly related to the clinical trial or study.

➥ Except as otherwise provided in NRS 689A.04036, the services provided pursuant to paragraphs (b), (c), (e) and (f) must be covered only if the services are provided by a provider with whom the insurer has contracted for such services. If the insurer has not contracted for the provision of such services, the insurer shall pay the provider the rate of reimbursement that is paid to other providers with whom the insurer has contracted for similar services and the provider shall accept that rate of reimbursement as payment in full.

3. Particular medical treatment described in subsection 2 and provided to a policyholder or subscriber is not required to be covered pursuant to this section if that particular medical treatment is provided by the sponsor of the clinical trial or study free of charge to the policyholder or subscriber.

4. The coverage for medical treatment required by this section does not include:

(a) Any portion of the clinical trial or study that is customarily paid for by a government or a biotechnical, pharmaceutical or medical industry.

(b) Coverage for a drug or device described in paragraph (a) of subsection 2 which is paid for by the manufacturer, distributor or provider of the drug or device.

(c) Health care services that are specifically excluded from coverage under the policyholder's or subscriber's policy of health insurance, regardless of whether such services are provided under the clinical trial or study.

(d) Health care services that are customarily provided by the sponsors of the clinical trial or study free of charge to the participants in the trial or study.

(e) Extraneous expenses related to participation in the clinical trial or study including, without limitation, travel, housing and other expenses that a participant may incur.

(f) Any expenses incurred by a person who accompanies the policyholder or subscriber during the clinical trial or study.

(g) Any item or service that is provided solely to satisfy a need or desire for data collection or analysis that is not directly related to the clinical management of the policyholder or subscriber.

(h) Any costs for the management of research relating to the clinical trial or study.

5. An insurer who delivers or issues for delivery a policy of health insurance specified in subsection 1 may require copies of the approval or certification issued pursuant to paragraph (b) of subsection 1, the statement of consent signed by the policyholder or subscriber, protocols for the clinical trial or study and any other materials related to the scope of the clinical trial or study relevant to the coverage of medical treatment pursuant to this section.

6. An insurer who delivers or issues for delivery a policy specified in subsection 1 shall:

(a) Include in ~~[the]~~ ***any*** disclosure ~~[required pursuant to NRS 689A.390]~~ ***of the coverage provided by the policy*** notice to each policyholder and subscriber under the policy of the availability of the benefits required by this section.

(b) Provide the coverage required by this section subject to the same deductible, copayment, coinsurance and other such conditions for coverage that are required under the policy.

7. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2006, has the legal effect of including the coverage required by this section, and any provision of the policy that conflicts with this section is void.

8. An insurer who delivers or issues for delivery a policy specified in subsection 1 is immune from liability for:

(a) Any injury to a policyholder or subscriber caused by:

(1) Any medical treatment provided to the policyholder or subscriber in connection with his or her participation in a clinical trial or study described in this section; or

(2) An act or omission by a provider of health care who provides medical treatment or supervises the provision of medical treatment to the policyholder or subscriber in connection with his or her participation in a clinical trial or study described in this section.

(b) Any adverse or unanticipated outcome arising out of a policyholder's or subscriber's participation in a clinical trial or study described in this section.

9. As used in this section:

(a) "Cooperative group" means a network of facilities that collaborate on research projects and has established a peer review program approved by the National Institutes of Health. The term includes:

(1) The Clinical Trials Cooperative Group Program; and

(2) The Community Clinical Oncology Program.

(b) "Facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer" means a facility or an affiliate of a facility that:

(1) Has in place a Phase I program which permits only selective participation in the program and which uses clear-cut criteria to determine eligibility for participation in the program;

(2) Operates a protocol review and monitoring system which conforms to the standards set forth in the "Policies and Guidelines Relating to the Cancer Center Support Grant" published by the Cancer Centers Branch of the National Cancer Institute;

(3) Employs at least two researchers and at least one of those researchers receives funding from a federal grant;

(4) Employs at least three clinical investigators who have experience working in Phase I clinical trials or studies conducted at a facility designated as a comprehensive cancer center by the National Cancer Institute;

(5) Possesses specialized resources for use in Phase I clinical trials or studies, including, without limitation, equipment that facilitates research and analysis in proteomics, genomics and pharmacokinetics;

(6) Is capable of gathering, maintaining and reporting electronic data; and

(7) Is capable of responding to audits instituted by federal and state agencies.

(c) "Provider of health care" means:

(1) A hospital; or

(2) A person licensed pursuant to chapter 630, 631 or 633 of NRS.

Sec. 95. NRS 689A.0427 is hereby amended to read as follows:

689A.0427 1. No policy of health insurance that provides coverage for hospital, medical or surgical expenses may be delivered or issued for delivery in this state unless the policy includes coverage for the management and treatment of diabetes, including, without limitation, coverage for the self-management of diabetes.

2. An insurer who delivers or issues for delivery a policy specified in subsection 1:

(a) Shall include in ~~[the]~~ ***any*** disclosure ~~[required pursuant to NRS 689A.390]~~ ***of the coverage provided by the policy*** notice to each policyholder and subscriber under the policy of the availability of the benefits required by this section.

(b) Shall provide the coverage required by this section subject to the same deductible, copayment, coinsurance and other such conditions for coverage that are required under the policy.

3. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 1998, has the legal effect of including the coverage required by this section, and any provision of the policy that conflicts with this section is void.

4. As used in this section:

(a) "Coverage for the management and treatment of diabetes" includes coverage for medication, equipment, supplies and appliances that are medically necessary for the treatment of diabetes.

(b) "Coverage for the self-management of diabetes" includes:

(1) The training and education provided to an insured person after the insured person is initially diagnosed with diabetes which is medically necessary for the care and management of diabetes, including, without limitation, counseling in nutrition and the proper use of equipment and supplies for the treatment of diabetes;

(2) Training and education which is medically necessary as a result of a subsequent diagnosis that indicates a significant change in the symptoms or condition of the insured person and which requires modification of the insured person's program of self-management of diabetes; and

(3) Training and education which is medically necessary because of the development of new techniques and treatment for diabetes.

(c) "Diabetes" includes type I, type II and gestational diabetes.

Sec. 96. NRS 689A.470 is hereby amended to read as follows:

689A.470 As used in NRS 689A.470 to 689A.740, inclusive, ***and section 92 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 689A.475 to 689A.600, inclusive, have the meanings ascribed to them in those sections.

Sec. 97. NRS 689A.615 is hereby amended to read as follows:

689A.615 For the purposes of NRS 689A.470 to 689A.740, inclusive ~~[:]~~ ***, and section 92 of this act:***

1. Any plan, fund or program which would not be, but for section 2721(e) of the Public Health Service Act, as amended by Public Law 104-191, as that section existed on July 16, 1997, an employee welfare benefit plan and which is established or maintained by a partnership to the extent that the plan, fund or program provides medical care to current or former partners in the partnership or to their dependents, as defined under the terms of the plan, fund or program, directly or through insurance, reimbursement or otherwise, must be treated, subject to subsection 2, as an employee welfare benefit plan which is a group health plan.

2. In the case of a group health plan, a partnership shall be deemed to be the employer of each partner.

Sec. 98. NRS 689A.630 is hereby amended to read as follows:

689A.630 1. Except as otherwise provided in this section, coverage under an individual health benefit plan must be renewed by the individual carrier that issued the plan, at the option of the individual, unless:

(a) The individual has failed to pay premiums or contributions in accordance with the terms of the health benefit plan or the individual carrier has not received timely premium payments.

(b) The individual has performed an act or a practice that constitutes fraud or has made an intentional misrepresentation of material fact under the terms of the coverage.

(c) The individual carrier decides to discontinue offering and renewing all health benefit plans delivered or issued for delivery in this state. If the individual carrier decides to discontinue offering and renewing such plans, the individual carrier shall:

(1) Provide notice of its intention to the Commissioner and the chief regulatory officer for insurance in each state in which the individual carrier is licensed to transact insurance at least 60 days before the date on which notice of cancellation or nonrenewal is delivered or mailed to the persons covered by the insurance to be discontinued pursuant to subparagraph (2).

(2) Provide notice of its intention to all persons covered by the discontinued insurance and to the Commissioner and the chief regulatory officer for insurance in each state in which such a person is known to reside. The notice must be made at least 180 days before the nonrenewal of any health benefit plan by the individual carrier.

(3) Discontinue all health insurance issued or delivered for issuance for individuals in this state and not renew coverage under any health benefit plan issued to such individuals.

(d) The Commissioner finds that the continuation of the coverage in this state by the individual carrier would not be in the best interests of the policyholders or certificate holders of the individual carrier or would impair the ability of the individual carrier to meet its contractual obligations. If the Commissioner makes such a finding, the Commissioner shall assist the persons covered by the discontinued insurance in this state in finding replacement coverage.

2. An individual carrier may discontinue ~~[the issuance and renewal of a form of]~~ a product ~~[of a health benefit plan if the Commissioner finds that the form of the product offered by the individual carrier is obsolete and is being replaced with comparable coverage. A form of a product of a health benefit plan may be discontinued by the individual carrier]~~ pursuant to this subsection only if:

(a) The individual carrier notifies the Commissioner ~~[and the chief regulatory officer for insurance in each state in which it is licensed]~~ of its decision pursuant to this subsection to discontinue ~~[the issuance and renewal of the form of]~~ the product at least 60 days before the individual carrier notifies the persons covered by the discontinued ~~[insurance]~~ ***product*** pursuant to paragraph (b).

(b) The individual carrier notifies each person covered by the discontinued ~~[insurance, the Commissioner and the chief regulatory officer for insurance in each state in which a person covered by the discontinued insurance is known to reside]~~ ***product*** of the decision of the individual carrier to discontinue offering ~~[the form of]~~ the product. The notice must be made to persons covered by the discontinued ~~[insurance]~~ ***product*** at least ~~[180]~~ ***90*** days before the date on which the individual carrier will discontinue offering ~~[the form of]~~ the product.

(c) The individual carrier offers to each person covered by the discontinued ~~[insurance]~~ ***product*** the option to purchase any other health benefit plan currently offered by the individual carrier to individuals in this state.

(d) In exercising the option to discontinue ~~[the form of]~~ the product and in offering the option to purchase other coverage pursuant to paragraph (c), the individual carrier acts uniformly without regard to the claim experience of the persons covered by the discontinued ~~[insurance]~~ ***product*** or any health status-related factor relating to those persons or beneficiaries covered by the discontinued ~~[form of the]~~ product or any persons or beneficiaries who may become eligible for such coverage.

3. An individual carrier may discontinue the issuance and renewal of a health benefit plan that is made available to individuals pursuant to this chapter only through a bona fide association if:

(a) The membership of the individual in the association was the basis for the provision of coverage;

(b) The membership of the individual in the association ceases; and

(c) The coverage is terminated pursuant to this subsection uniformly without regard to any health status-related factor relating to the covered individual.

4. An individual carrier that elects not to renew a health benefit plan pursuant to paragraph (c) of subsection 1 shall not write new business for individuals pursuant to this chapter for 5 years after the date on which notice is provided to the Commissioner pursuant to subparagraph (2) of paragraph (c) of subsection 1.

5. If an individual carrier does business in only one geographic service area of this state, the provisions of this section apply only to the operations of the individual carrier in that service area.

Sec. 99. NRS 689A.700 is hereby amended to read as follows:

689A.700 The Commissioner may adopt regulations ~~[to carry out the provisions of this section and NRS 689A.690 and]~~ to ensure that the practices used by individual carriers relating to the establishment of rates are consistent with the purposes of NRS 689A.470 to 689A.740, inclusive ~~[.]~~ ***, and section 92 of this act.***

Sec. 100. NRS 689A.715 is hereby amended to read as follows:

689A.715 1. An employee welfare benefit plan for providing benefits for employees of more than one employer under which individual health insurance coverage is provided must comply with the provisions of NRS 679B.139 and 689A.470 to 689A.740, inclusive, ***and section 92 of this act,*** and the regulations adopted by the Commissioner pursuant thereto.

2. As used in this section, the term "employee welfare benefit plan for providing benefits for employees of more than one employer" is intended to be equivalent to the term "employee welfare benefit plan which is a multiple employer welfare arrangement" as used in federal statutes and regulations.

Sec. 101. NRS 689A.725 is hereby amended to read as follows:

689A.725 For the purposes of NRS 689A.470 to 689A.740, inclusive, ***and section 92 of this act,*** a plan for coverage of a bona fide association must:

1. Conform with ***any regulations adopted pursuant to*** NRS ~~[~~689A.690 and~~]~~ 689A.700 concerning rates.

2. Provide for the renewability of coverage for members of the bona fide association, and their dependents, if such coverage meets the criteria set forth in NRS 689A.630.

Sec. 102. NRS 689A.740 is hereby amended to read as follows:

689A.740 The Commissioner shall adopt regulations as necessary to carry out the provisions of NRS 689A.470 to 689A.740, inclusive ~~[.]~~ ***, and section 92 of this act.***

Sec. 103. NRS 689A.745 is hereby amended to read as follows:

689A.745 1. Except as otherwise provided in subsection 4, each insurer that issues a policy of health insurance in this State shall establish a system for resolving any complaints of an insured concerning health care services covered under the policy. The system must be approved by the Commissioner **.** ~~[~~in consultation with the State Board of Health.~~]~~

2. A system for resolving complaints established pursuant to subsection 1 must include an initial investigation, a review of the complaint by a review board and a procedure for appealing a determination regarding the complaint. The majority of the members on a review board must be insureds who receive health care services pursuant to a policy of health insurance issued by the insurer.

3. The Commissioner ~~[~~or the State Board of Health~~]~~ may examine the system for resolving complaints established pursuant to subsection 1 at such times as ~~[~~either~~]~~ ***the Commissioner*** deems necessary or appropriate.

4. Each insurer that issues a policy of health insurance in this State that provides, delivers, arranges for, pays for or reimburses any cost of health care services through managed care shall provide a system for resolving any complaints of an insured concerning those health care services that complies with the provisions of NRS 695G.200 to 695G.310, inclusive.

Sec. 104. NRS 689A.750 is hereby amended to read as follows:

689A.750 1. Each insurer that issues a policy of health insurance in this State shall submit to the Commissioner ~~[~~and the State Board of Health~~]~~ an annual report regarding its system for resolving complaints established pursuant to subsection 1 of NRS 689A.745 on a form prescribed by the Commissioner ~~[~~in consultation with the State Board of Health~~]~~ which includes, without limitation:

(a) A description of the procedures used for resolving any complaints of an insured;

(b) The total number of complaints and appeals handled through the system for resolving complaints since the last report and a compilation of the causes underlying the complaints filed;

(c) The current status of each complaint and appeal filed; and

(d) The average amount of time that was needed to resolve a complaint and an appeal, if any.

2. Each insurer shall maintain records of complaints filed with it which concern something other than health care services and shall submit to the Commissioner a report summarizing such complaints at such times and in such format as the Commissioner may require.

Sec. 105. NRS 689B.0285 is hereby amended to read as follows:

689B.0285 1. Except as otherwise provided in subsection 4, each insurer that issues a policy of group health insurance in this State shall establish a system for resolving any complaints of an insured concerning health care services covered under the policy. The system must be approved by the Commissioner **. [**~~in consultation with the State Board of Health.~~**]**

2. A system for resolving complaints established pursuant to subsection 1 must include an initial investigation, a review of the complaint by a review board and a procedure for appealing a determination regarding the complaint. The majority of the members on a review board must be insureds who receive health care services pursuant to a policy of group health insurance issued by the insurer.

3. The Commissioner **[**~~or the State Board of Health~~**]** may examine the system for resolving complaints established pursuant to subsection 1 at such times as **[**~~either~~**]** ***the Commissioner*** deems necessary or appropriate.

4. Each insurer that issues a policy of group health insurance in this State that provides, delivers, arranges for, pays for or reimburses any cost of health care services through managed care shall provide a system for resolving any complaints of an insured concerning the health care services that complies with the provisions of NRS 695G.200 to 695G.310, inclusive.

Sec. 106. NRS 689B.029 is hereby amended to read as follows:

689B.029 1. Each insurer that issues a policy of group health insurance in this State shall submit to the Commissioner **[**~~and the State Board of Health~~**]** an annual report regarding its system for resolving complaints established pursuant to subsection 1 of NRS 689B.0285 on a form prescribed by the Commissioner **[**~~in consultation with the State Board of Health~~**]** which includes, without limitation:

(a) A description of the procedures used for resolving any complaints of an insured;

(b) The total number of complaints and appeals handled through the system for resolving complaints since the last report and a compilation of the causes underlying the complaints filed;

(c) The current status of each complaint and appeal filed; and

(d) The average amount of time that was needed to resolve a complaint and an appeal, if any.

2. Each insurer shall maintain records of complaints filed with it which concern something other than health care services and shall submit to the

Commissioner a report summarizing such complaints at such times and in such format as the Commissioner may require.

Sec. 107. NRS 689B.0306 is hereby amended to read as follows:

689B.0306 1. A policy of group health insurance must provide coverage for medical treatment which a person insured under the group policy receives as part of a clinical trial or study if:

(a) The medical treatment is provided in a Phase I, Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer or in a Phase II, Phase III or Phase IV study or clinical trial for the treatment of chronic fatigue syndrome;

(b) The clinical trial or study is approved by:

(1) An agency of the National Institutes of Health as set forth in 42 U.S.C. § 281(b);

(2) A cooperative group;

(3) The Food and Drug Administration as an application for a new investigational drug;

(4) The United States Department of Veterans Affairs; or

(5) The United States Department of Defense;

(c) In the case of:

(1) A Phase I clinical trial or study for the treatment of cancer, the medical treatment is provided at a facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer; or

(2) A Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer or chronic fatigue syndrome, the medical treatment is provided by a provider of health care and the facility and personnel for the clinical trial or study have the experience and training to provide the treatment in a capable manner;

(d) There is no medical treatment available which is considered a more appropriate alternative medical treatment than the medical treatment provided in the clinical trial or study;

(e) There is a reasonable expectation based on clinical data that the medical treatment provided in the clinical trial or study will be at least as effective as any other medical treatment;

(f) The clinical trial or study is conducted in this State; and

(g) The insured has signed, before participating in the clinical trial or study, a statement of consent indicating that the insured has been informed of, without limitation:

(1) The procedure to be undertaken;

(2) Alternative methods of treatment; and

(3) The risks associated with participation in the clinical trial or study, including, without limitation, the general nature and extent of such risks.

2. Except as otherwise provided in subsection 3, the coverage for medical treatment required by this section is limited to:

(a) Coverage for any drug or device that is approved for sale by the Food and Drug Administration without regard to whether the approved drug or

device has been approved for use in the medical treatment of the insured person.

(b) The cost of any reasonably necessary health care services that are required as a result of the medical treatment provided in a Phase II, Phase III or Phase IV clinical trial or study or as a result of any complication arising out of the medical treatment provided in a Phase II, Phase III or Phase IV clinical trial or study, to the extent that such health care services would otherwise be covered under the policy of group health insurance.

(c) The cost of any routine health care services that would otherwise be covered under the policy of group health insurance for an insured participating in a Phase I clinical trial or study.

(d) The initial consultation to determine whether the insured is eligible to participate in the clinical trial or study.

(e) Health care services required for the clinically appropriate monitoring of the insured during a Phase II, Phase III or Phase IV clinical trial or study.

(f) Health care services which are required for the clinically appropriate monitoring of the insured during a Phase I clinical trial or study and which are not directly related to the clinical trial or study.

➥ Except as otherwise provided in NRS 689B.0303, the services provided pursuant to paragraphs (b), (c), (e) and (f) must be covered only if the services are provided by a provider with whom the insurer has contracted for such services. If the insurer has not contracted for the provision of such services, the insurer shall pay the provider the rate of reimbursement that is paid to other providers with whom the insurer has contracted for similar services and the provider shall accept that rate of reimbursement as payment in full.

3. Particular medical treatment described in subsection 2 and provided to a person insured under the group policy is not required to be covered pursuant to this section if that particular medical treatment is provided by the sponsor of the clinical trial or study free of charge to the person insured under the group policy.

4. The coverage for medical treatment required by this section does not include:

(a) Any portion of the clinical trial or study that is customarily paid for by a government or a biotechnical, pharmaceutical or medical industry.

(b) Coverage for a drug or device described in paragraph (a) of subsection 2 which is paid for by the manufacturer, distributor or provider of the drug or device.

(c) Health care services that are specifically excluded from coverage under the insured's policy of group health insurance, regardless of whether such services are provided under the clinical trial or study.

(d) Health care services that are customarily provided by the sponsors of the clinical trial or study free of charge to the participants in the trial or study.

(e) Extraneous expenses related to participation in the clinical trial or study including, without limitation, travel, housing and other expenses that a participant may incur.

(f) Any expenses incurred by a person who accompanies the insured during the clinical trial or study.

(g) Any item or service that is provided solely to satisfy a need or desire for data collection or analysis that is not directly related to the clinical management of the insured.

(h) Any costs for the management of research relating to the clinical trial or study.

5. An insurer who delivers or issues for delivery a policy of group health insurance specified in subsection 1 may require copies of the approval or certification issued pursuant to paragraph (b) of subsection 1, the statement of consent signed by the insured, protocols for the clinical trial or study and any other materials related to the scope of the clinical trial or study relevant to the coverage of medical treatment pursuant to this section.

6. An insurer who delivers or issues for delivery a policy of group health insurance specified in subsection 1 shall:

(a) Include in **[**~~the~~**]** ***any*** disclosure **[**~~required pursuant to NRS 689B.027~~**]** ***of the coverage provided by the policy*** notice to each group policyholder of the availability of the benefits required by this section.

(b) Provide the coverage required by this section subject to the same deductible, copayment, coinsurance and other such conditions for coverage that are required under the policy.

7. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2006, has the legal effect of including the coverage required by this section, and any provision of the policy that conflicts with this section is void.

8. An insurer who delivers or issues for delivery a policy of group health insurance specified in subsection 1 is immune from liability for:

(a) Any injury to the insured caused by:

(1) Any medical treatment provided to the insured in connection with his or her participation in a clinical trial or study described in this section; or

(2) An act or omission by a provider of health care who provides medical treatment or supervises the provision of medical treatment to the insured in connection with his or her participation in a clinical trial or study described in this section.

(b) Any adverse or unanticipated outcome arising out of an insured's participation in a clinical trial or study described in this section.

9. As used in this section:

(a) "Cooperative group" means a network of facilities that collaborate on research projects and has established a peer review program approved by the National Institutes of Health. The term includes:

(1) The Clinical Trials Cooperative Group Program; and

(2) The Community Clinical Oncology Program.

(b) "Facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer" means a facility or an affiliate of a facility that:

(1) Has in place a Phase I program which permits only selective participation in the program and which uses clear-cut criteria to determine eligibility for participation in the program;

(2) Operates a protocol review and monitoring system which conforms to the standards set forth in the "Policies and Guidelines Relating to the Cancer Center Support Grant" published by the Cancer Centers Branch of the National Cancer Institute;

(3) Employs at least two researchers and at least one of those researchers receives funding from a federal grant;

(4) Employs at least three clinical investigators who have experience working in Phase I clinical trials or studies conducted at a facility designated as a comprehensive cancer center by the National Cancer Institute;

(5) Possesses specialized resources for use in Phase I clinical trials or studies, including, without limitation, equipment that facilitates research and analysis in proteomics, genomics and pharmacokinetics;

(6) Is capable of gathering, maintaining and reporting electronic data; and

(7) Is capable of responding to audits instituted by federal and state agencies.

(c) "Provider of health care" means:

(1) A hospital; or

(2) A person licensed pursuant to chapter 630, 631 or 633 of NRS.

Sec. 108. NRS 689B.0357 is hereby amended to read as follows:

689B.0357 1. No group policy of health insurance that provides coverage for hospital, medical or surgical expenses may be delivered or issued for delivery in this state unless the policy includes coverage for the management and treatment of diabetes, including, without limitation, coverage for the self-management of diabetes.

2. An insurer who delivers or issues for delivery a policy specified in subsection 1:

(a) Shall include in ~~[the]~~ ***any*** disclosure ~~[required pursuant to NRS 689B.027]~~ ***of the coverage provided by the policy*** notice to each policyholder and subscriber under the policy of the availability of the benefits required by this section.

(b) Shall provide the coverage required by this section subject to the same deductible, copayment, coinsurance and other such conditions for coverage that are required under the policy.

3. A policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 1998, has the legal effect of including the coverage required by this section, and any provision of the policy that conflicts with this section is void.

4. As used in this section:

(a) "Coverage for the management and treatment of diabetes" includes coverage for medication, equipment, supplies and appliances that are medically necessary for the treatment of diabetes.

(b) "Coverage for the self-management of diabetes" includes:

(1) The training and education provided to the employee or member of the insured group after the employee or member is initially diagnosed with diabetes which is medically necessary for the care and management of diabetes, including, without limitation, counseling in nutrition and the proper use of equipment and supplies for the treatment of diabetes;

(2) Training and education which is medically necessary as a result of a subsequent diagnosis that indicates a significant change in the symptoms or condition of the employee or member of the insured group and which requires modification of his or her program of self-management of diabetes; and

(3) Training and education which is medically necessary because of the development of new techniques and treatment for diabetes.

(c) "Diabetes" includes type I, type II and gestational diabetes.

Sec. 109. NRS 689B.061 is hereby amended to read as follows:

689B.061 A policy of group health insurance which offers a difference of payment between preferred providers of health care and providers of health care who are not preferred:

1. May not require an insured, another insurer who issues policies of group health insurance, a nonprofit medical service corporation or a health maintenance organization to pay any amount in excess of the deductible or coinsurance due from the insured based on the rates agreed upon with a provider.

2. Must require that the deductible and payment for coinsurance paid by the insured to a preferred provider of health care be applied to the negotiated reduced rates of that provider.

3. ~~[~~Must include for providers of health care who are not preferred a provision establishing the point at which an insured's payment for coinsurance is no longer required to be paid if such a provision is included for preferred providers of health care. Such provisions must be based on a calendar year. The point at which an insured's payment for coinsurance is no longer required to be paid for providers of health care who are not preferred must not be greater than twice the amount for preferred providers of health care, regardless of the method of payment.

~~4.]~~ Must provide that if there is a particular service which a preferred provider of health care does not provide and the provider of health care who is treating the insured requests the service and the insurer determines that the use of the service is necessary for the health of the insured, the service shall be deemed to be provided by the preferred provider of health care.

~~[5.]~~ ***4.*** Must require the insurer to process a claim of a provider of health care who is not preferred not later than 30 working days after the date on which proof of the claim is received.

Sec. 110. NRS 689B.560 is hereby amended to read as follows:

689B.560 1. Except as otherwise provided in this section, coverage under a policy of group health insurance must be renewed by the carrier at the option of the plan sponsor, unless:

(a) The plan sponsor has failed to pay premiums or contributions in accordance with the terms of the group health insurance or the carrier has not received timely premium payments;

(b) The plan sponsor has performed an act or a practice that constitutes fraud or has made an intentional misrepresentation of material fact under the terms of the coverage;

(c) The plan sponsor has failed to comply with any material provision of the group health insurance relating to employer contributions and group participation; or

(d) The carrier decides to discontinue offering coverage under group health insurance. If the carrier decides to discontinue offering and renewing such insurance, the carrier shall:

(1) Provide notice of its intention to the Commissioner and the chief regulatory officer for insurance in each state in which the carrier is licensed to transact insurance at least 60 days before the date on which notice of cancellation or nonrenewal is delivered or mailed to the persons covered by the discontinued insurance pursuant to subparagraph (2).

(2) Provide notice of its intention to all persons covered by the discontinued insurance and to the Commissioner and the chief regulatory officer for insurance in each state in which such a person is known to reside. The notice must be made at least 180 days before the discontinuance of any group health plan by the carrier.

(3) Discontinue all health insurance issued or delivered for issuance for persons in this state and not renew coverage under any group health insurance issued to such persons.

2. A carrier may discontinue ~~[the issuance and renewal of a form of]~~ a product ~~[of group health insurance if the Commissioner finds that the form of the product]~~ offered ~~[by the carrier is obsolete and is being replaced with comparable coverage. A form of a product may be discontinued by the carrier]~~ ***to employers*** pursuant to this subsection only if:

(a) The carrier notifies the Commissioner ~~[and the chief regulatory officer in each state in which it is licensed]~~ of its decision pursuant to this subsection to discontinue ~~[the issuance and renewal of the form of]~~ the product at least 60 days before the ~~[individual]~~ carrier notifies the ***affected employers and*** persons covered ~~[by the discontinued insurance]~~ pursuant to paragraph (b).

(b) The carrier notifies each ***affected employer and*** person covered ~~[by the discontinued insurance and the Commissioner and the chief regulatory officer in each state in which such a person is known to reside]~~ of the decision of the carrier to discontinue ~~[offering the form of]~~ the product. The notice must be made at least ~~[180]~~ ***90*** days before the date on which the carrier will discontinue offering ~~[the form of]~~ the product.

(c) The carrier offers to each ~~[person covered by the discontinued insurance]~~ ***affected employer*** the option to purchase any other health benefit plan currently offered by the carrier to ~~[large]~~ groups in this state.

(d) In exercising the option to discontinue ~~[the form of]~~ the product and in offering the option to purchase other coverage pursuant to paragraph (c), the carrier acts uniformly without regard to the claim experience of the persons covered by the discontinued ~~[insurance]~~ ***product*** or any health status-related factor relating to those persons or beneficiaries covered by the discontinued ~~[form of the]~~ product or any person or beneficiary who may become eligible for such coverage.

3. A carrier may discontinue the issuance and renewal of any type of group health insurance offered by the carrier in this state that is made available pursuant to this chapter only to a member of a bona fide association if:

(a) The membership of the person in the bona fide association was the basis for the provision of coverage under the group health insurance;

(b) The membership of the person in the bona fide association ceases; and

(c) Coverage is terminated pursuant to this subsection for all such former members uniformly without regard to any health status-related factor relating to the former member.

4. A carrier that elects not to renew group health insurance pursuant to paragraph (d) of subsection 1 shall not write new business pursuant to this chapter for 5 years after the date on which notice is provided to the Commissioner pursuant to subparagraph (2) of paragraph (d) of subsection 1.

5. If the carrier does business in only one geographic service area of this state, the provisions of this section apply only to the operations of the carrier in that service area.

6. As used in this section, "bona fide association" has the meaning ascribed to it in NRS 689A.485.

Sec. 111. NRS 689C.111 is hereby amended to read as follows:

689C.111 ~~[1. If an employer was not in existence throughout the entire preceding calendar year, the determination of whether the employer is a small or large employer must be based on the average number of employees reasonably expected to be employed on business days in the current calendar year.~~

~~2. Except as otherwise provided by specific statute, the provisions of this chapter that apply to a small employer at the time that a carrier issues a health benefit plan to the small employer pursuant to the provisions of this chapter continue to apply at least until the plan anniversary following the date on which the small employer no longer meets the requirements of being a small employer.~~

~~3.]~~ An employee leasing company which has more than 50 employees, including leased employees at client locations, and which sponsors a fully insured health benefit plan for those employees shall be deemed to be a large employer for the purposes of this chapter.

Sec. 112. NRS 689C.310 is hereby amended to read as follows:

689C.310 1. Except as otherwise provided in subsections 2 and 3, a carrier shall renew a health benefit plan at the option of the small employer who purchased the plan.

2. A carrier may refuse to issue or to renew a health benefit plan if:

(a) The carrier discontinues transacting insurance in this state or in the geographic service area of this state where the employer is located;

(b) The employer fails to pay the premiums or contributions required by the terms of the plan;

(c) The employer misrepresents any information regarding the employees covered under the plan or other information regarding eligibility for coverage under the plan;

(d) The plan sponsor has engaged in an act or practice that constitutes fraud to obtain or maintain coverage under the plan;

(e) The employer is not in compliance with the minimum requirements for participation or employer contribution as set forth in the plan; or

(f) The employer fails to comply with any of the provisions of this chapter.

3. A carrier may require a small employer to exclude a particular employee or a dependent of the particular employee from coverage under a health benefit plan as a condition to renewal of the plan if the employee or dependent of the employee commits fraud upon the carrier or misrepresents a material fact which affects his or her coverage under the plan.

4. A carrier shall discontinue the issuance and renewal of coverage to a small employer if the Commissioner finds that the continuation of the coverage would not be in the best interests of the policyholders or certificate holders of the carrier in this state or would impair the ability of the carrier to meet its contractual obligations. If the Commissioner makes such a finding, the Commissioner shall assist the affected small employers in finding replacement coverage.

5. A carrier may discontinue ~~[~~the issuance and renewal of a form of~~]~~ a product ~~[~~of a health benefit plan~~]~~ offered to small employers ~~[~~pursuant to this chapter if the Commissioner finds that the form of the product offered by the carrier is obsolete and is being replaced with comparable coverage. A form of a product of a health benefit plan may be discontinued by a carrier~~]~~ pursuant to this subsection only if:

(a) The carrier notifies the Commissioner ~~[~~and the chief regulatory officer for insurance in each state in which it is licensed~~]~~ of its decision pursuant to this subsection to discontinue ~~[~~the issuance and renewal of the form of~~]~~ the product at least 60 days before the carrier notifies the affected small employers pursuant to paragraph (b).

(b) The carrier notifies each affected small employer ~~[~~and the Commissioner and the chief regulatory officer for insurance in each state in which any affected small employer is located or eligible employee resides~~]~~ of the decision of the carrier to discontinue ~~[~~offering the form of~~]~~ the product.

The notice must be made at least ~~[180]~~ ***90*** days before the date on which the carrier will discontinue offering ~~[the form of]~~ the product.

(c) The carrier offers to each affected small employer the option to purchase any other health benefit plan currently offered by the carrier to small employers in this state.

(d) In exercising the option to discontinue ~~[the particular form of]~~ the product and in offering the option to purchase other coverage pursuant to paragraph (c), the carrier acts uniformly without regard to the claims experience of the affected small employers or any health status-related factor relating to any participant or beneficiary covered by the discontinued product or any new participant or beneficiary who may become eligible for such coverage.

6. A carrier may discontinue the issuance and renewal of a health benefit plan offered to a small employer or an eligible employee pursuant to this chapter only through a bona fide association if:

(a) The membership of the small employer or eligible employee in the association was the basis for the provision of coverage;

(b) The membership of the small employer or eligible employee in the association ceases; and

(c) The coverage is terminated pursuant to this subsection uniformly without regard to any health status-related factor relating to the small employer or eligible employee or dependent of the eligible employee.

7. If a carrier does business in only one geographic service area of this state, the provisions of this section apply only to the operations of the carrier in that service area.

Sec. 113. NRS 689C.350 is hereby amended to read as follows:

689C.350 A health benefit plan which offers a difference of payment between preferred providers of health care and providers of health care who are not preferred:

1. Must require that the deductible and payment for coinsurance paid by the insured to a preferred provider of health care be applied to the negotiated reduced rates of that provider.

2. ~~[Must include for providers of health care who are not preferred a provision establishing the point at which an insured's payment for coinsurance is no longer required to be paid if such a provision is included for preferred providers of health care. Such provisions must be based on a plan year. The point at which an insured's payment for coinsurance is no longer required to be paid for providers of health care who are not preferred must not be greater than twice the amount for preferred providers of health care, regardless of the method of payment.~~

~~3.~~] Must provide that if there is a particular service which a preferred provider of health care does not provide and the provider of health care who is treating the insured requests the service and the insurer determines that the use of the service is necessary for the health of the insured, the service shall be deemed to be provided by the preferred provider of health care.

Sec. 114. NRS 689C.470 is hereby amended to read as follows:

689C.470 1. Except as otherwise provided in NRS 689C.360 to 689C.600, inclusive, a carrier shall renew a contract as to all insured small employers that are members of a voluntary purchasing group and their employees and dependents at the request of the purchaser unless:

(a) Required premiums are not paid;

(b) The insured employer or other purchaser is guilty of fraud or misrepresentation;

(c) Provisions of the contract are breached;

(d) The number or percentage of employees covered under the contract is less than the number or percentage of eligible employees required by the contract;

(e) The employer or purchaser is no longer engaged in the business in which it was engaged on the effective date of the contract; or

(f) The Commissioner finds that the continuation of the coverage is not in the best interests of the persons insured under the contract or would impair the carrier's ability to meet its contractual obligations. If nonrenewal occurs as a result of findings pursuant to this subsection, the Commissioner shall assist affected persons in replacing coverage.

2. A carrier may discontinue ~~[issuance and renewal of a form of]~~ a product ~~[of a health benefit plan]~~ offered to a small employer or purchasers pursuant to NRS 689C.360 to 689C.600, inclusive, ~~[if the Commissioner finds that the form of the product offered by the carrier is obsolete and is being replaced with comparable coverage. A form of a product of a health benefit plan may be discontinued by a carrier pursuant to this subsection]~~ only if:

(a) The carrier notifies the Commissioner ~~[and the chief regulatory officer for insurance in each state in which it is licensed]~~ of its decision pursuant to this subsection to discontinue ~~[offering and renewing the form of]~~ the product at least 60 days before the carrier notifies the affected small employers and purchasers pursuant to paragraph (b).

(b) The carrier notifies each affected small employer and purchaser ~~[, and the Commissioner and the chief regulatory officer for insurance in each state in which any affected small employer is located or employee resides,]~~ of the decision of the carrier to discontinue ~~[offering the form of]~~ the product. The notice must be made at least ~~[180]~~ ***90*** days before the date on which the carrier will discontinue offering ~~[the form of]~~ the product.

(c) The carrier offers to each affected small employer and purchaser the option to purchase any other health benefit plan currently offered by the carrier to small employers in this state.

(d) In exercising the option to discontinue ~~[the particular form of]~~ the product and in offering the option to purchase other coverage pursuant to paragraph (c), the carrier acts uniformly without regard to the claim experience of the affected small employers and any health status-related factor relating to any participant or beneficiary covered by the discontinued

product or any new participant or beneficiary who may become eligible for such coverage.

3. A carrier may discontinue the issuance and renewal of a health benefit plan offered to a voluntary purchasing group pursuant to this chapter only through a bona fide association if:

(a) The membership of the small employer who employs the members of the voluntary purchasing group or the purchaser in the association was the basis for the provision of coverage;

(b) The membership of that small employer or the purchaser in the association ceases; and

(c) The coverage is terminated pursuant to this subsection uniformly without regard to any health status-related factor relating to the small employer or the purchaser or his or her dependent.

Sec. 115. NRS 689C.520 is hereby amended to read as follows:

689C.520 1. Before the issuance of a certificate of registration, each voluntary purchasing group shall, to the satisfaction of the Commissioner:

(a) Establish the conditions of membership in the group and require as a condition of membership that all employers include all their eligible employees. The group may not differentiate among classes of membership on the basis of the kind of employment, race, religion, sex, education, health or income. The group shall set reasonable fees for membership which will finance all reasonable and necessary costs incurred in administering the group.

(b) Provide to members of the group and their eligible employees ***any applicable disclosures of the coverage provided by any proposed contracts and any applicable*** information ~~[meeting the requirements of NRS 689C.440 regarding]~~ ***regarding available benefits and carriers provided by*** any proposed contracts.

2. In addition to the information required pursuant to subsection 1, a voluntary purchasing group shall provide annually to members of the group information regarding available benefits and carriers.

Sec. 116. NRS 690B.200 is hereby amended to read as follows:

690B.200 As used in NRS 690B.200 to ~~[690B.370,]~~ ***690B.360,*** inclusive, unless the context otherwise requires, the words and terms defined in NRS 690B.210 to 690B.240, inclusive, have the meanings ascribed to them in those sections.

Sec. 117. NRS 690B.250 is hereby amended to read as follows:

690B.250 Except as more is required in NRS 630.3067 and 633.526:

1. Each insurer which issues a policy of insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS for a breach of his or her professional duty toward a patient shall report to the board which licensed the practitioner within 45 days each settlement or award made or judgment rendered by reason of a claim, if the settlement, award or judgment is for more than $5,000, giving the name ~~[and address]~~ of the claimant and the practitioner and the circumstances of the case.

2. A practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS who does not have insurance covering liability for a breach of his or her professional duty toward a patient shall report to the board which issued the practitioner's license within 45 days of each settlement or award made or judgment rendered by reason of a claim, if the settlement, award or judgment is for more than $5,000, giving the practitioner's name **,** ~~[and address,]~~ the name ~~[and address]~~ of the claimant and the circumstances of the case.

3. These reports are public records and must be made available for public inspection within a reasonable time after they are received by the licensing board.

Sec. 118. NRS 690B.260 is hereby amended to read as follows:

690B.260 1. Each insurer which issues a policy of insurance covering the liability of a physician licensed under chapter 630 of NRS or an osteopathic physician licensed under chapter 633 of NRS for a breach of his or her professional duty toward a patient shall, within 45 days after the end of a calendar quarter, submit a report to the Commissioner concerning each claim that was closed during that calendar quarter under such a policy of insurance issued by the insurer and any change during that calendar quarter to any claim under such a policy of insurance issued by the insurer that was closed during a previous calendar quarter. The report must include, without limitation:

(a) The name ~~[and address]~~ of the claimant and the insured under each policy;

(b) A statement setting forth the circumstances of that case;

(c) Information indicating whether any payment was made on a claim and the amount of the payment, if any; and

(d) The information specified in subsection 1 of NRS 679B.144 for each claim.

2. An insurer who fails to comply with the provisions of subsection 1 is subject to the imposition of an administrative fine pursuant to NRS 679B.460.

3. The Commissioner shall, within 30 days after receiving a report from an insurer pursuant to this section, submit a report to the Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable, setting forth the information provided to the Commissioner by the insurer pursuant to this section.

Sec. 119. NRS 690B.350 is hereby amended to read as follows:

690B.350 1. ***The requirements of this section apply only if, after a hearing convened at the discretion of the Commissioner, the Commissioner determines that the market for professional liability insurance issued to any class, type or specialty of practitioner licensed pursuant to chapter 630, 631 or 633 of NRS is not competitive and that such insurance is unavailable or unaffordable for a substantial number of such practitioners.***

2. If the Commissioner convenes a hearing pursuant to subsection 1 and issues a finding that the market for professional liability insurance

issued to any class, type or specialty of practitioner licensed pursuant to chapter 630, 631 or 633 of NRS is not competitive, the Commissioner may designate that class, type or specialty of practitioner to be an essential medical specialty.

3. Except as otherwise provided in this section, if an insurer intends to cancel, terminate or otherwise not renew all policies of professional liability insurance that it has issued to any class, type or specialty of practitioner licensed pursuant to chapter 630, 631 or 633 of NRS, the insurer must provide 120 days' notice of its intended action to the Commissioner and the practitioners before its intended action becomes effective.

~~[2.]~~ ***4.*** If an insurer intends to cancel, terminate or otherwise not renew a specific policy of professional liability insurance that it has issued to a practitioner who is practicing in one or more of the essential medical specialties designated by the Commissioner:

(a) The insurer must provide 120 days' notice to the practitioner before its intended action becomes effective; and

(b) The Commissioner may require the insurer to delay its intended action for a period of not more than 60 days if the Commissioner determines that a replacement policy is not readily available to the practitioner.

~~[3.]~~ ***5.*** If an insurer intends to cancel, terminate or otherwise not renew all policies of professional liability insurance that it has issued to practitioners who are practicing in one or more of the essential medical specialties designated by the Commissioner:

(a) The insurer must provide 120 days' notice of its intended action to the Commissioner and the practitioners before its intended action becomes effective; and

(b) The Commissioner may require the insurer to delay its intended action for a period of not more than 60 days if the Commissioner determines that replacement policies are not readily available to the practitioners.

~~[4. On or before April 1 of each year, the Commissioner shall:~~

~~(a) Determine whether there are any medical specialties in this State which are essential as a matter of public policy and which must be protected pursuant to this section from certain adverse actions relating to professional liability insurance that may impair the availability of those essential medical specialties to the residents of this State; and~~

~~(b) Make a list containing the essential medical specialties designated by the Commissioner and provide the list to each insurer that issues policies of professional liability insurance to practitioners who are practicing in one or more of the essential medical specialties.~~

~~5.]~~ ***6.*** The Commissioner may adopt any regulations that are necessary to carry out the provisions of this section.

~~[6. Until the Commissioner determines which, if any, medical specialties are to be designated as essential medical specialties, the following medical specialties shall be deemed to be essential medical specialties for the purposes of this section:~~

~~(a) Emergency medicine.~~
~~(b) Neurosurgery.~~
~~(c) Obstetrics and gynecology.~~
~~(d) Orthopedic surgery.~~
~~(e) Pediatrics.~~
~~(f) Trauma surgery.~~**]**

Sec. 120. NRS 690B.360 is hereby amended to read as follows:

690B.360 1. The Commissioner **[**~~shall~~**]** ***may*** collect all information which is pertinent to monitoring whether an insurer that issues professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS is complying with the applicable standards for rates established in NRS 686B.010 to 686B.1799, inclusive **[**~~.~~**]** ***, and sections 35 to 39, inclusive, of this act.*** Such information **[**~~must~~**]** ***may*** include, without limitation:

(a) The amount of gross premiums collected with regard to each medical specialty;

(b) Information relating to loss ratios;

(c) Information reported pursuant to NRS **[**~~690B.250;~~**]** ***690B.260;*** and

(d) Information reported pursuant to NRS 679B.430 and 679B.440.

2. In addition to the information collected pursuant to subsection 1, the Commissioner may request any additional information from an insurer:

(a) Whose rates and credit utilization are materially different from other insurers in the market for professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS in this State;

(b) Whose credit utilization shows a substantial change from the previous year; or

(c) Whose information collected pursuant to subsection 1 indicates a potentially adverse trend.

3. If the Commissioner requests additional information from an insurer pursuant to subsection 2, the Commissioner **[**~~shall:~~**]** ***may:***

(a) Determine whether the additional information offers a reasonable explanation for the results described in paragraph (a), (b) or (c) of subsection 2; and

(b) Take any steps permitted by law that are necessary and appropriate to assure the ongoing stability of the market for professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS in this State.

4. On an ongoing basis, the Commissioner **[**~~shall:~~

~~(a) Analyze~~**]** ***may analyze*** and evaluate the information collected pursuant to this section to determine trends in and measure the health of the market for professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS in this State **. [**~~; and~~

~~(b) Prepare~~**]**

5. If the Commissioner convenes a hearing pursuant to subsection 1 of NRS 690B.350 and determines that the market for professional liability

insurance issued to any class, type or specialty of practitioner licensed pursuant to chapter 630, 631 or 633 of NRS is not competitive and that such insurance is unavailable or unaffordable for a substantial number of such practitioners, the Commissioner shall prepare and submit a report of the Commissioner's findings and recommendations to the Director of the Legislative Counsel Bureau for transmittal to members of the Legislature ***.*** ~~[on or before November 15 of each year.]~~

Sec. 121. Chapter 690C of NRS is hereby amended by adding thereto the provisions set forth as sections 122, 123 and 124 of this act.

Sec. 122. ***"Controlling person" means a person who qualifies as a controlling person of a provider pursuant to section 123 of this act.***

Sec. 123. ~~*[1.]*~~ ***A person is a controlling person of a provider if*** ~~*[:*~~

~~*(a) The]*~~ ***the person:***

1. Is an officer of the ***provider*** ~~*[is a business entity and the person possesses]*~~ ***; or***

2. Possesses ***the authority to set the policy and direct the management of the business entity*** ~~*[;*~~

~~*(b) The provider is a corporation and the person:*~~

~~*(1) Possesses direct or indirect control of 25 percent or more of the voting securities of the corporation; or*~~

~~*(2) Is the president, the secretary or a director of the corporation;*~~

~~*(c) The provider is a partnership and the person is a general partner of the partnership; or*~~

~~*(d) The provider is a limited partnership and the person is a controlling person of a business entity which is the general partner of the limited partnership.*~~

~~*2. As used in this section, "business entity" includes, without limitation, a sole proprietorship, corporation, limited liability company, association, partnership, joint stock company, joint venture, mutual fund, trust, joint tenancy or other similar form of business organization.]*~~ ***in connection with its service contract business.***

Sec. 124. ***1. Except as otherwise provided in this section, a provider shall not transfer any liability relating to a service contract to another provider or any other person, including, without limitation, another provider or other person with whom the original provider has merged or plans to merge.***

2. A provider may transfer a liability relating to a service contract to another provider or any other person if, before the liability is transferred:

(a) The original provider submits a proposal to the Commissioner to transfer the liability; and

(b) The Commissioner approves the proposal pursuant to subsection 3.

3. The Commissioner may approve a proposal made by a provider pursuant to subsection 2 if the Commissioner determines, after reviewing the financial condition of the provider or other person to whom the liability is proposed to be transferred, that the proposed recipient of the transfer has

adequate financial resources to enable the proposed recipient to pay in full and in a timely manner all liabilities proposed to be transferred to the proposed recipient.

4. The provisions of this section do not apply to any transaction relating to a contractual liability insurance policy into which the provider enters to satisfy the requirements of NRS 690C.170.

Sec. 125. NRS 690C.010 is hereby amended to read as follows:

690C.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 690C.020 to 690C.080, inclusive, ***and section 122 of this act,*** have the meanings ascribed to them in those sections.

Sec. 126. NRS 690C.100 is hereby amended to read as follows:

690C.100 1. The provisions of this title do not apply to:

(a) A warranty;

(b) A maintenance agreement;

(c) A service contract provided by a public utility on its transmission device if the service contract is regulated by the Public Utilities Commission of Nevada;

(d) A service contract sold or offered for sale to a person who is not a consumer;

(e) A service contract for goods if the purchase price of the goods is less than $250; or

(f) ~~[Except as otherwise provided in NRS 690C.240, a]~~ ***A*** service contract issued, sold or offered for sale by a vehicle dealer on vehicles sold by the dealer, if the dealer is licensed pursuant to NRS 482.325 and the service contract obligates either the dealer or the manufacturer of the vehicle, or an affiliate of the dealer or manufacturer, to provide all services under the service contract.

2. The sale of a service contract pursuant to this chapter does not constitute the business of insurance for the purposes of 18 U.S.C. §§ 1033 and 1034.

3. As used in this section:

(a) "Maintenance agreement" means a contract for a limited period that provides only for scheduled maintenance.

(b) "Warranty" means a warranty provided solely by a manufacturer, importer or seller of goods for which the manufacturer, importer or seller did not receive separate consideration and that:

(1) Is not negotiated or separated from the sale of the goods;

(2) Is incidental to the sale of the goods; and

(3) Guarantees to indemnify the consumer for defective parts, mechanical or electrical failure, labor or other remedial measures required to repair or replace the goods.

Sec. 127. NRS 690C.160 is hereby amended to read as follows:

690C.160 1. A provider who wishes to issue, sell or offer for sale service contracts in this state must submit to the Commissioner:

(a) A registration application on a form prescribed by the Commissioner;

(b) Proof that the provider has complied with the requirements for ***financial*** security set forth in NRS 690C.170;

(c) A copy of each type of service contract the provider proposes to issue, sell or offer for sale;

(d) The name, address and telephone number of each administrator with whom the provider intends to contract; ~~[and]~~

(e) A fee of $1,000 and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110 ~~[.]~~ ***; and***

(f) ~~[A completed personal information form from each controlling person of the provider on a form prescribed by the Commissioner; and~~

~~(g) A completed criminal history questionnaire from each controlling person of the provider on a form prescribed by the Commissioner.]~~ The following information for each controlling person:

(1) Whether the person, in the last 10 years, has been:

(I) Convicted of a felony or misdemeanor of which an essential element is fraud;

(II) Insolvent or adjudged bankrupt;

(III) Refused a license or registration as a service contract provider or had an existing license or registration as a service contract provider suspended or revoked by any state or governmental agency or authority; or

(IV) Fined by any state or governmental agency or authority in any matter regarding service contracts; and

(2) Whether there are any pending criminal actions against the person other than moving traffic violations.

2. In addition to the fee required by subsection 1, a provider must pay a fee of $25 for each type of service contract the provider files with the Commissioner.

3. A certificate of registration is valid for 1 year after the date the Commissioner issues the certificate to the provider. A provider may renew his or her certificate of registration if, before the certificate expires, the provider submits to the Commissioner ~~[an]~~ ***:***

(a) An application on a form prescribed by the Commissioner ~~[, a]~~ ***;***

(b) A fee of $1,000 and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110 ~~[.]~~ ***; and***

(c) ~~[A completed personal information form and completed criminal history questionnaire from each]~~ The information required by paragraph (f) of subsection 1:

(1) If an existing controlling person ~~[of the provider who]~~ has had a change in any of the information previously submitted to the Commissioner ~~[pursuant to this section]~~ ; or

(2) For a controlling person who has not previously submitted ~~[a personal]~~ the information ~~[form or criminal history questionnaire]~~ required by paragraph (f) of subsection 1 to the Commissioner . ~~[pursuant to this section.]~~

4. All fees paid pursuant to this section are nonrefundable.

5. Each application submitted pursuant to this section, including, without limitation, an application for renewal, must:

(a) Be signed by an executive officer, if any, of the provider or, if the provider does not have an executive officer, by a controlling person of the provider; and

(b) Have attached to it an affidavit signed by the person described in paragraph (a) which meets the requirements of subsection 6.

6. Before signing the application described in subsection 5, the person who signs the application shall ~~***[:***~~

~~***(a) Verify the accuracy of the information in the application; and***~~

~~***(b) Attach to the application an affidavit affirming that the information in the application is accurate and that he or she has verified the information in the application.]***~~ ***verify that the information provided is accurate to the best of his or her knowledge.***

Sec. 128. NRS 690C.170 is hereby amended to read as follows:

690C.170 ***1.*** To be issued a certificate of registration, a provider must comply with one of the following ~~[:~~

~~1.]~~ ***to provide for financial security:***

(a) Purchase a contractual liability insurance policy which ***names the Division as an additional insured and which*** insures the obligations of each service contract the provider issues, sells or offers for sale. The contractual liability insurance policy must ~~[(b)]~~ ***:***

(1) Be issued by an insurer which is licensed, registered or otherwise authorized to transact insurance in this state or pursuant to the provisions of chapter 685A of NRS.

(2) Contain a provision prohibiting the insurer from terminating the policy until a notice of termination has been mailed or delivered to the Commissioner at least 60 days prior to the termination of the policy. Any such termination shall not reduce the responsibility of the insurer for service contracts issued by the provider prior to the effective date of termination.

~~[2.]~~ ***(b)*** Maintain a reserve account ***in this State*** and deposit with the Commissioner security as provided in this subsection. The reserve account must contain at all times an amount of money equal to at least 40 percent of the unearned gross consideration received by the provider for any unexpired service contracts. ***The reserve account must be kept separate from the operating accounts of the provider and must be clearly identified as the " (Provider's Name) Nevada Service Contracts Funded Reserve Account."*** The Commissioner may examine the reserve account at any time. The provider shall also deposit with the Commissioner security in an amount that is equal to $25,000 or 10 percent of the unearned gross consideration received by the provider for any unexpired service contracts, whichever is greater. The security must be:

~~[(a)]~~ ***(1)*** A surety bond issued by a surety company authorized to do business in this State;

~~[(b)]~~ ***(2)*** Securities of the type eligible for deposit pursuant to NRS 682B.030;

~~[(c)]~~ ***(3)*** Cash;

~~[(d)]~~ ***(4)*** An irrevocable letter of credit issued by a financial institution approved by the Commissioner; or

~~[(e)]~~ ***(5)*** In any other form prescribed by the Commissioner.

~~[3.]~~ ***(c)*** Maintain, or be a subsidiary of a parent company that maintains, a net worth or stockholders' equity of at least $100,000,000. Upon request, a provider shall provide to the Commissioner a copy of the most recent Form 10-K report or Form 20-F report filed by the provider or parent company of the provider with the Securities and Exchange Commission within the previous year. If the provider or parent company is not required to file those reports with the Securities and Exchange Commission, the provider shall provide to the Commissioner a copy of the most recently audited financial statements of the provider or parent company. If the net worth or stockholders' equity of the parent company of the provider is used to comply with the requirements of this subsection, the parent company must guarantee to carry out the duties of the provider under any service contract issued or sold by the provider.

2. A provider shall not use any money in a reserve account described in paragraph (b) of subsection 1 for any purpose other than to pay an obligation of the provider under an unexpired service contract.

3. A provider shall maintain the financial security required by subsection 1 until:

(a) The provider ceases doing business in this State; and

(b) ~~[The certificate of registration of the provider expires; and~~

~~(c)]~~ The provider has performed or otherwise satisfied all liabilities and obligations under all unexpired service contracts issued by the provider.

4. If the certificate of registration of a provider has not expired and the provider fails to maintain the financial security required by subsection 1, including, without limitation, if the financial security is cancelled or lapses, the provider shall not issue or sell a service contract on or after the effective date of such failure until the provider submits to the Commissioner proof satisfactory to the Commissioner that the provider is in compliance with subsection 1.

Sec. 129. NRS 690C.240 is hereby amended to read as follows:

690C.240 1. A provider ~~[who, whether directly or through a vehicle dealer licensed pursuant to NRS 482.325, enters into a vehicle service contract with a buyer]~~ shall, within 30 days after ceasing doing business in this State, notify ~~[any buyer who purchased such a contract]~~ ***the Commissioner and each holder of an unexpired service contract*** in writing of the fact that the provider has ceased doing business in this State ***.*** ~~[if the specified period of the vehicle service contract has not yet expired.]~~

2. The provisions of this section do not:

(a) Render a service contract void pursuant to NRS 690C.250;

(b) Cancel a service contract pursuant to NRS 690C.270; or

(c) Release the provider from any liability imposed by a violation of any provision of this chapter.

~~[3. As used in this section:~~

~~(a) "Buyer" means the buyer of a vehicle service contract.~~

~~(b) "Vehicle service contract" means a contract pursuant to which a provider, in exchange for separately stated consideration, is obligated for a specified period to a buyer to repair, replace or perform maintenance on, or indemnify or reimburse the buyer for the costs of repairing, replacing or performing maintenance on, a motor vehicle which is described in the vehicle service contract and which has an operational or structural failure as a result of a defect in materials, workmanship or normal wear and tear, including, without limitation, a contract that includes a provision for incidental payment of indemnity under limited circumstances, including, without limitation, towing, rental and emergency road service.~~]

Sec. 130. NRS 691C.340 is hereby amended to read as follows:

691C.340 ~~[1. The Commissioner shall, by regulation, establish reasonable rates as described in this chapter and in accordance with the standards established in NRS 686B.050 and 686B.060. The rates must be reasonable in relation to the benefits provided and must not be excessive, inadequate or unfairly discriminatory.~~

~~2.~~] The Commissioner may, by regulation, establish rates that an insurer may use without filing pursuant to NRS 691C.320. In establishing such rates, the Commissioner shall consider and apply the following factors:

~~[(a)]~~ ***1.*** Actual and expected loss experience;

~~[(b)]~~ ***2.*** General and administrative expenses;

~~[(c)]~~ ***3.*** Loss settlement and adjustment expenses;

~~[(d)]~~ ***4.*** Reasonable creditor compensation;

~~[(e)]~~ ***5.*** The manner in which premiums are charged;

~~[(f)]~~ ***6.*** Other acquisition costs;

~~[(g)]~~ ***7.*** Reserves;

~~[(h)]~~ ***8.*** Taxes;

~~[(i)]~~ ***9.*** Regulatory license fees and fund assessments;

~~[(j)]~~ ***10.*** Reasonable insurer profit; and

~~[(k)]~~ ***11.*** Other relevant data consistent with generally accepted actuarial standards.

Sec. 131. NRS 691C.390 is hereby amended to read as follows:

691C.390 1. Each individual policy or certificate of insurance must provide for a refund of unearned premiums if the credit personal property insurance is cancelled before the scheduled date of termination of the insurance.

2. Except as otherwise provided in this section, any refund must be provided to the person to whom it is entitled as soon as practicable after the date of cancellation of the insurance.

3. ~~[The Commissioner shall, by regulation, establish the minimum amount of unearned premiums that must remain outstanding at the time of cancellation in order for a person to be entitled to a refund. If the amount of unearned premiums that remains outstanding at the time of cancellation is less than the minimum amount established by regulation, the person is not entitled to a refund.~~

~~4.]~~ The formula that an insurer uses to determine the amount of a refund must be submitted to and approved by the Commissioner before it is used.

Sec. 132. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A corporation organized under this chapter shall contract with an insurance company licensed in this State or authorized to do business in this State for the provision of insurance, indemnity or reimbursement against the cost of hospital services, medical services and dental services which are provided by the corporation.

2. The contract of insurance required by subsection 1 must include a provision that, in the case of the insolvency or impairment of the corporation, the insurance company will pay all claims made by an insured for the period for which a premium has been or will be paid to the corporation for the insured. The contract of insurance required by subsection 1 must specifically provide for the:

(a) Continuation of benefits to each insured for the period for which a premium has been or will be paid to the corporation for the insured until the expiration or termination of the insured's contract with the corporation;

(b) Continuation of benefits for each insured who is receiving inpatient services in a medical facility or facility for the dependent at the time of the insolvency or impairment of the corporation until the inpatient services are no longer medically necessary and the insured is discharged from the medical facility or facility for the dependent; and

(c) Payment of a provider of health care not affiliated with the corporation who provided medically necessary services to an insured, as described in the insured's contract with the corporation, the insured's policy or the insured's evidence of coverage.

3. As used in this section:

(a) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(b) "Impairment" means that a corporation organized under this chapter is not insolvent and has been:

(1) Deemed to be impaired pursuant to NRS 695B.150; or

(2) Placed under an order of rehabilitation or conservation by a court of competent jurisdiction.

(c) "Insolvency" or "insolvent" means that a corporation organized under this chapter has been:

(1) Deemed to be insolvent pursuant to NRS 695B.150;

(2) Declared insolvent by a court of competent jurisdiction; or

(3) Placed under an order of liquidation by a court of competent jurisdiction.

(d) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(e) "Medically necessary" has the meaning ascribed to it in NRS 695G.055.

(f) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 133. NRS 695B.150 is hereby amended to read as follows:

695B.150 ***1.*** A corporation organized under this chapter shall be deemed to be insolvent if ~~[its]~~ ***:***

(a) The corporation fails to meet its obligations as they mature;

(b) The assets of the corporation are less than the sum of its liabilities and the minimum surplus required to be maintained by the corporation under this Code for authority to transact the kinds of insurance transacted; and

(c) The reserve fund ***of the corporation*** is ~~[impaired so as to be]~~ less than the amounts set forth in NRS 695B.140.

2. In addition to the provisions of subsection 1, a corporation organized under this chapter shall be deemed to be insolvent as otherwise expressly provided in this Code.

3. For the purposes of determining ~~[such]~~ insolvency ***pursuant to subsection 1 or 2*** and the financial condition of the corporation, for the purposes of preparation of annual statements, and for all other purposes not otherwise expressly provided for in this chapter, the corporation is subject to all requirements of the laws of the State of Nevada as to assets, liabilities and reserves which are applicable to mutual nonassessable life or health insurers.

4. A corporation organized under this chapter shall be deemed to be impaired if the assets of the corporation are less than the sum of its liabilities and the minimum surplus required to be maintained by the corporation under this Code for authority to transact the kinds of insurance transacted.

5. The Commissioner may adopt regulations to define when a corporation organized under this chapter is considered to be in a hazardous financial condition and to set forth the standards to be considered by the Commissioner in determining whether the continued operation of such a corporation transacting business in this State may be considered to be hazardous to its insureds or creditors or to the general public.

6. If the Commissioner determines after a hearing that any corporation organized under this chapter is in a hazardous financial condition, the Commissioner may, instead of suspending or revoking the certificate of authority of the corporation, limit the certificate of authority as the Commissioner deems reasonably necessary to correct, eliminate or remedy

any conduct, condition or ground that is deemed to be a cause of the hazardous financial condition.

7. An order or decision of the Commissioner under this section is subject to review in accordance with NRS 679B.310 to 679B.370, inclusive, at the request of any party to the proceedings whose interests are substantially affected.

Sec. 134. NRS 695B.185 is hereby amended to read as follows:

695B.185 A group contract for hospital, medical or dental services which offers a difference of payment between preferred providers of health care and providers of health care who are not preferred:

1. May not require a deductible of more than $600 difference per admission to a facility for inpatient treatment which is not a preferred provider of health care.

2. May not require a deductible of more than $500 difference per treatment, other than inpatient treatment at a hospital, by a provider which is not preferred.

3. May not require an insured, another insurer who issues policies of group health insurance, a nonprofit medical service corporation or a health maintenance organization to pay any amount in excess of the deductible or coinsurance due from the insured based on the rates agreed upon with a provider.

4. May not provide for a difference in percentage rates of payment for coinsurance of more than 30 percentage points between the copayment required to be paid by the insured to a preferred provider of health care and the copayment required to be paid by the insured to a provider of health care who is not preferred.

5. Must require that the deductible and payment for coinsurance paid by the insured to a preferred provider of health care be applied to the negotiated reduced rates of that provider.

6. ~~[~~Must include for providers of health care who are not preferred a provision establishing the point at which an insured's payment for coinsurance is no longer required to be paid if such a provision is included for preferred providers of health care. Such provisions must be based on a calendar year. The point at which an insured's payment for coinsurance is no longer required to be paid for providers of health care who are not preferred must not be greater than twice the amount for preferred providers of health care, regardless of the method of payment.

~~7.]~~ Must provide that if there is a particular service which a preferred provider of health care does not provide and the provider of health care who is treating the insured determines that the use of the service is necessary for the health of the insured, the service shall be deemed to be provided by the preferred provider of health care.

~~[8.]~~ ***7.*** Must require the corporation to process a claim of a provider of health care who is not preferred not later than 30 working days after the date on which proof of the claim is received.

Sec. 135. NRS 695B.1903 is hereby amended to read as follows:

695B.1903 1. A policy of health insurance issued by a medical services corporation must provide coverage for medical treatment which a person insured under the policy receives as part of a clinical trial or study if:

(a) The medical treatment is provided in a Phase I, Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer or in a Phase II, Phase III or Phase IV study or clinical trial for the treatment of chronic fatigue syndrome;

(b) The clinical trial or study is approved by:

(1) An agency of the National Institutes of Health as set forth in 42 U.S.C. § 281(b);

(2) A cooperative group;

(3) The Food and Drug Administration as an application for a new investigational drug;

(4) The United States Department of Veterans Affairs; or

(5) The United States Department of Defense;

(c) In the case of:

(1) A Phase I clinical trial or study for the treatment of cancer, the medical treatment is provided at a facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer; or

(2) A Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer or chronic fatigue syndrome, the medical treatment is provided by a provider of health care and the facility and personnel for the clinical trial or study have the experience and training to provide the treatment in a capable manner;

(d) There is no medical treatment available which is considered a more appropriate alternative medical treatment than the medical treatment provided in the clinical trial or study;

(e) There is a reasonable expectation based on clinical data that the medical treatment provided in the clinical trial or study will be at least as effective as any other medical treatment;

(f) The clinical trial or study is conducted in this State; and

(g) The insured has signed, before participating in the clinical trial or study, a statement of consent indicating that the insured has been informed of, without limitation:

(1) The procedure to be undertaken;

(2) Alternative methods of treatment; and

(3) The risks associated with participation in the clinical trial or study, including, without limitation, the general nature and extent of such risks.

2. Except as otherwise provided in subsection 3, the coverage for medical treatment required by this section is limited to:

(a) Coverage for any drug or device that is approved for sale by the Food and Drug Administration without regard to whether the approved drug or device has been approved for use in the medical treatment of the insured person.

(b) The cost of any reasonably necessary health care services that are required as a result of the medical treatment provided in a Phase II, Phase III or Phase IV clinical trial or study or as a result of any complication arising out of the medical treatment provided in a Phase II, Phase III or Phase IV clinical trial or study, to the extent that such health care services would otherwise be covered under the policy of health insurance.

(c) The cost of any routine health care services that would otherwise be covered under the policy of health insurance for an insured participating in a Phase I clinical trial or study.

(d) The initial consultation to determine whether the insured is eligible to participate in the clinical trial or study.

(e) Health care services required for the clinically appropriate monitoring of the insured during a Phase II, Phase III or Phase IV clinical trial or study.

(f) Health care services which are required for the clinically appropriate monitoring of the insured during a Phase I clinical trial or study and which are not directly related to the clinical trial or study.

➥ Except as otherwise provided in NRS 695B.1901, the services provided pursuant to paragraphs (b), (c), (e) and (f) must be covered only if the services are provided by a provider with whom the medical services corporation has contracted for such services. If the medical services corporation has not contracted for the provision of such services, the medical services corporation shall pay the provider the rate of reimbursement that is paid to other providers with whom the medical services corporation has contracted for similar services and the provider shall accept that rate of reimbursement as payment in full.

3. Particular medical treatment described in subsection 2 and provided to a person insured under the policy is not required to be covered pursuant to this section if that particular medical treatment is provided by the sponsor of the clinical trial or study free of charge to the person insured under the policy.

4. The coverage for medical treatment required by this section does not include:

(a) Any portion of the clinical trial or study that is customarily paid for by a government or a biotechnical, pharmaceutical or medical industry.

(b) Coverage for a drug or device described in paragraph (a) of subsection 2 which is paid for by the manufacturer, distributor or provider of the drug or device.

(c) Health care services that are specifically excluded from coverage under the insured's policy of health insurance, regardless of whether such services are provided under the clinical trial or study.

(d) Health care services that are customarily provided by the sponsors of the clinical trial or study free of charge to the participants in the trial or study.

(e) Extraneous expenses related to participation in the clinical trial or study including, without limitation, travel, housing and other expenses that a participant may incur.

(f) Any expenses incurred by a person who accompanies the insured during the trial or study.

(g) Any item or service that is provided solely to satisfy a need or desire for data collection or analysis that is not directly related to the clinical management of the insured.

(h) Any costs for the management of research relating to the clinical trial or study.

5. A medical services corporation that delivers or issues for delivery a policy of health insurance specified in subsection 1 may require copies of the approval or certification issued pursuant to paragraph (b) of subsection 1, the statement of consent signed by the insured, protocols for the clinical trial or study and any other materials related to the scope of the clinical trial or study relevant to the coverage of medical treatment pursuant to this section.

6. A medical services corporation that delivers or issues for delivery a policy of health insurance specified in subsection 1 shall:

(a) Include in ~~[the]~~ ***any*** disclosure ~~[required pursuant to NRS 695B.172]~~ ***of the coverage provided by the policy*** notice to each person insured under the policy of the availability of the benefits required by this section.

(b) Provide the coverage required by this section subject to the same deductible, copayment, coinsurance and other such conditions for coverage that are required under the policy.

7. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2006, has the legal effect of including the coverage required by this section, and any provision of the policy that conflicts with this section is void.

8. A medical services corporation that delivers or issues for delivery a policy of health insurance specified in subsection 1 is immune from liability for:

(a) Any injury to the insured caused by:

(1) Any medical treatment provided to the insured in connection with his or her participation in a clinical trial or study described in this section; or

(2) An act or omission by a provider of health care who provides medical treatment or supervises the provision of medical treatment to the insured in connection with his or her participation in a clinical trial or study described in this section.

(b) Any adverse or unanticipated outcome arising out of an insured's participation in a clinical trial or study described in this section.

9. As used in this section:

(a) "Cooperative group" means a network of facilities that collaborate on research projects and has established a peer review program approved by the National Institutes of Health. The term includes:

(1) The Clinical Trials Cooperative Group Program; and

(2) The Community Clinical Oncology Program.

(b) "Facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer" means a facility or an affiliate of a facility that:

(1) Has in place a Phase I program which permits only selective participation in the program and which uses clear-cut criteria to determine eligibility for participation in the program;

(2) Operates a protocol review and monitoring system which conforms to the standards set forth in the "Policies and Guidelines Relating to the Cancer Center Support Grant" published by the Cancer Centers Branch of the National Cancer Institute;

(3) Employs at least two researchers and at least one of those researchers receives funding from a federal grant;

(4) Employs at least three clinical investigators who have experience working in Phase I clinical trials or studies conducted at a facility designated as a comprehensive cancer center by the National Cancer Institute;

(5) Possesses specialized resources for use in Phase I clinical trials or studies, including, without limitation, equipment that facilitates research and analysis in proteomics, genomics and pharmacokinetics;

(6) Is capable of gathering, maintaining and reporting electronic data; and

(7) Is capable of responding to audits instituted by federal and state agencies.

(c) "Provider of health care" means:

(1) A hospital; or

(2) A person licensed pursuant to chapter 630, 631 or 633 of NRS.

Sec. 136. NRS 695B.1927 is hereby amended to read as follows:

695B.1927 1. No contract for hospital or medical service that provides coverage for hospital, medical or surgical expenses may be delivered or issued for delivery in this state unless the contract includes coverage for the management and treatment of diabetes, including, without limitation, coverage for the self-management of diabetes.

2. An insurer who delivers or issues for delivery a contract specified in subsection 1:

(a) Shall include in **[**~~the~~**]** ***any*** disclosure **[**~~required pursuant to NRS 695B.172~~**]** ***of the coverage provided by the contract*** notice to each policyholder or subscriber covered under the contract of the availability of the benefits required by this section.

(b) Shall provide the coverage required by this section subject to the same deductible, copayment, coinsurance and other such conditions for coverage that are required under the contract.

3. A contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 1998, has the legal effect of including the coverage required by this section, and any provision of the contract that conflicts with this section is void.

4. As used in this section:

(a) "Coverage for the management and treatment of diabetes" includes coverage for medication, equipment, supplies and appliances that are medically necessary for the treatment of diabetes.

(b) "Coverage for the self-management of diabetes" includes:

(1) The training and education provided to a person covered under the contract after the person is initially diagnosed with diabetes which is medically necessary for the care and management of diabetes, including, without limitation, counseling in nutrition and the proper use of equipment and supplies for the treatment of diabetes;

(2) Training and education which is medically necessary as a result of a subsequent diagnosis that indicates a significant change in the symptoms or condition of the person covered under the contract and which requires modification of the person's program of self-management of diabetes; and

(3) Training and education which is medically necessary because of the development of new techniques and treatment for diabetes.

(c) "Diabetes" includes type I, type II and gestational diabetes.

Sec. 137. NRS 695B.290 is hereby amended to read as follows:

695B.290 Any agent of a nonprofit hospital or medical or dental service corporation who acts as such in the solicitation, negotiation, procurement or making of a hospital service or medical or dental care contract shall be qualified, examined and licensed in the same manner and pay the same fees as provided for **[**~~health insurance agents~~**]** ***a producer of insurance*** in NRS 680B.010 (fee schedule), chapter 683A of NRS and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110.

Sec. 138. NRS 695B.320 is hereby amended to read as follows:

695B.320 ***1.*** Nonprofit hospital and medical or dental service corporations are subject to the provisions of this chapter, and to the provisions of chapters 679A and 679B of NRS, NRS 686A.010 to 686A.315, inclusive, 687B.010 to 687B.040, inclusive, 687B.070 to 687B.140, inclusive, 687B.150, 687B.160, 687B.180, 687B.200 to 687B.255, inclusive, 687B.270, 687B.310 to 687B.380, inclusive, 687B.410, 687B.420, 687B.430, 687B.500 and chapters ***692B,*** 692C ***, 693A*** and 696B of NRS, to the extent applicable and not in conflict with the express provisions of this chapter.

2. For the purposes of this section and the provisions set forth in subsection 1, a nonprofit hospital and medical or dental service corporation is included in the meaning of the term "insurer."

Sec. 139. NRS 695B.380 is hereby amended to read as follows:

695B.380 1. Except as otherwise provided in subsection 4, each insurer that issues a contract for hospital or medical services in this State shall establish a system for resolving any complaints of an insured concerning health care services covered under the policy. The system must be approved by the Commissioner **.** **[**~~in consultation with the State Board of Health.~~**]**

2. A system for resolving complaints established pursuant to subsection 1 must include an initial investigation, a review of the complaint by a review

board and a procedure for appealing a determination regarding the complaint. The majority of the members on a review board must be insureds who receive health care services pursuant to a contract for hospital or medical services issued by the insurer.

3. The Commissioner ~~[or the State Board of Health]~~ may examine the system for resolving complaints established pursuant to subsection 1 at such times as ~~[either]~~ ***the Commissioner*** deems necessary or appropriate.

4. Each insurer that issues a contract specified in subsection 1 shall, if the contract provides, delivers, arranges for, pays for or reimburses any cost of health care services through managed care, provide a system for resolving any complaints of an insured concerning those health care services that complies with the provisions of NRS 695G.200 to 695G.310, inclusive.

Sec. 140. NRS 695B.390 is hereby amended to read as follows:

695B.390 1. Each insurer that issues a contract for hospital or medical services in this State shall submit to the Commissioner ~~[and the State Board of Health]~~ an annual report regarding its system for resolving complaints established pursuant to subsection 1 of NRS 695B.380 on a form prescribed by the Commissioner ~~[in consultation with the State Board of Health]~~ which includes, without limitation:

(a) A description of the procedures used for resolving any complaints of an insured;

(b) The total number of complaints and appeals handled through the system for resolving complaints since the last report and a compilation of the causes underlying the complaints filed;

(c) The current status of each complaint and appeal filed; and

(d) The average amount of time that was needed to resolve a complaint and an appeal, if any.

2. Each insurer shall maintain records of complaints filed with it which concern something other than health care services and shall submit to the Commissioner a report summarizing such complaints at such times and in such format as the Commissioner may require.

Sec. 141. Chapter 695C of NRS is hereby amended by adding thereto the provisions set forth as sections 142 to 146, inclusive, of this act.

Sec. 142. ***1. A health maintenance organization shall contract with an insurance company licensed in this State or authorized to do business in this State for the provision of insurance, indemnity or reimbursement against the cost of health care services which are provided by the health maintenance organization.***

2. The contract of insurance required by subsection 1 must include a provision that, in the case of the insolvency or impairment of the health maintenance organization, the insurance company will pay all claims made by an enrollee for the period for which a premium has been or will be paid to the health maintenance organization for the enrollee. The contract of insurance required by subsection 1 must specifically provide for the:

(a) Continuation of benefits to each enrollee for the period for which a premium has been or will be paid to the health maintenance organization for the enrollee until the expiration or termination of the enrollee's contract with the health maintenance organization;

(b) Continuation of benefits for each enrollee who is receiving inpatient services in a medical facility or facility for the dependent at the time of the insolvency or impairment of the health maintenance organization until the inpatient services are no longer medically necessary and the enrollee is discharged from the medical facility or facility for the dependent; and

(c) Payment of a provider of health care not affiliated with the health maintenance organization who provided medically necessary services to an enrollee, as described in the enrollee's evidence of coverage.

3. As used in this section:

(a) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(b) "Impairment" means that a health maintenance organization is not insolvent and has been:

(1) Deemed to be impaired pursuant to section 143 of this act; or

(2) Placed under an order of rehabilitation or conservation by a court of competent jurisdiction.

(c) "Insolvency" or "insolvent" means that a health maintenance organization has been:

(1) Deemed to be insolvent pursuant to section 143 of this act;

(2) Declared insolvent by a court of competent jurisdiction; or

(3) Placed under an order of liquidation by a court of competent jurisdiction.

(d) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(e) "Medically necessary" has the meaning ascribed to it in NRS 695G.055.

(f) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 143. *1. A health maintenance organization shall be deemed to be insolvent if:*

(a) The health maintenance organization fails to meet its obligations as they mature; and

(b) The assets of the health maintenance organization are less than the sum of its liabilities and the minimum surplus required to be maintained by the health maintenance organization under this Code for authority to transact business in this State.

2. In addition to the provisions of subsection 1, a health maintenance organization shall be deemed to be insolvent as otherwise expressly provided in this Code.

3. A health maintenance organization shall be deemed to be impaired if the assets of the health maintenance organization are less than the sum of its liabilities and the minimum surplus required to be maintained by the

health maintenance organization under this Code for authority to transact business in this State.

4. The Commissioner may adopt regulations to define when a health maintenance organization is considered to be in a hazardous financial condition and to set forth the standards to be considered by the Commissioner in determining whether the continued operation of a health maintenance organization transacting business in this State may be considered to be hazardous to its enrollees or creditors or to the general public.

5. If the Commissioner determines after a hearing that any health maintenance organization is in a hazardous financial condition, the Commissioner may, instead of suspending or revoking the certificate of authority of the health maintenance organization, limit the certificate of authority as the Commissioner deems reasonably necessary to correct, eliminate or remedy any conduct, condition or ground that is deemed to be a cause of the hazardous financial condition.

6. An order or decision of the Commissioner under this section is subject to review in accordance with NRS 679B.310 to 679B.370, inclusive, at the request of any party to the proceedings whose interests are substantially affected.

Sec. 144. ***1. Each health maintenance organization shall develop, submit to the Commissioner for approval and, after such approval, put into effect a plan to provide for the continuation of benefits to enrollees in the event of the insolvency or impairment of the health maintenance organization, including, without limitation, the benefits described in subsection 2 of section 142 of this act. A plan developed pursuant to this subsection must include, without limitation:***

(a) A contract of insurance which complies with the requirements of section 142 of this act; and

(b) Provisions in each contract between the health maintenance organization and a provider which obligate the provider, in the event of the health maintenance organization's insolvency or impairment, to provide all covered services as described in the contract to enrollees through the periods of time described in subsection 2 of section 142 of this act.

2. Before approving a plan submitted pursuant to subsection 1, the Commissioner may require the health maintenance organization to include in the plan:

(a) Reserves or additional reserves for protection against insolvency or impairment;

(b) Letters of credit acceptable to the Commissioner; and

(c) Any other arrangements determined by the Commissioner to be appropriate to ensure the continuation of benefits as described in subsection 2 of section 142 of this act to enrollees.

Sec. 145. ***1. If the Commissioner determines that, because of the financial condition of a health maintenance organization, the continued***

operation of the health maintenance organization is or may be hazardous to its enrollees or creditors or to the general public, or that the health maintenance organization has violated any law of this State to which the health maintenance organization is subject, the Commissioner may, after notice and a hearing, order the health maintenance organization to take any action the Commissioner deems reasonably necessary to correct, eliminate or remedy the condition or violation, including, without limitation:

(a) Reducing the total amount of the present and potential liability of the health maintenance organization for benefits by reinsurance or any other method acceptable to the Commissioner;

(b) Suspending, limiting or reducing the volume of new business being written or accepted by the health maintenance organization for any period of time specified by the Commissioner;

(c) Reducing the expenses of the health maintenance organization by any method acceptable to the Commissioner; and

(d) Increasing the capital and surplus of the health maintenance organization by contribution.

2. The Commissioner may adopt regulations to:

(a) Set standards and criteria for early warning that the continued operation of a health maintenance organization may be hazardous to its enrollees or creditors or to the general public; and

(b) For the purposes of subsection 1, set standards for evaluating the financial condition of a health maintenance organization.

3. The authority conferred upon the Commissioner pursuant to this section is in addition to the authority of the Commissioner pursuant to chapter 696B of NRS. Any order issued by the Commissioner pursuant to this section may, at the discretion of the Commissioner, be in addition to any order issued by the Commissioner pursuant to chapter 696B of NRS.

Sec. 146. ***1. Any conservation, rehabilitation or liquidation of a health maintenance organization shall be deemed to be the conservation, rehabilitation or liquidation of an insurer and must be conducted under the supervision of the Commissioner pursuant to chapter 696B of NRS.***

2. The Commissioner may apply to a court of competent jurisdiction for an order directing the Commissioner to conserve, rehabilitate or liquidate a health maintenance organization:

(a) Upon any ground provided in chapter 696B of NRS; or

(b) If, as determined by the Commissioner, the continued operation of the health maintenance organization is or may be hazardous to its enrollees or creditors or to the general public.

3. In the event of a rehabilitation or liquidation of a health maintenance organization, a claim of an enrollee or of a beneficiary of an enrollee shall be deemed to have the same priority as would be provided to a claim of a policyholder or insured of an insurer, or of a beneficiary of

such a policyholder or insured, in the event of the rehabilitation or liquidation of the insurer.

4. In the event of a distribution of the general assets of a health maintenance organization:

(a) If an enrollee is liable to a provider for health care services provided pursuant to and covered by the applicable health care plan, that liability shall be deemed to be a claim of the enrollee for distribution of the general assets of the health maintenance organization.

(b) A provider under contract with the health maintenance organization who is obligated by law or contract to hold an enrollee harmless from liability for health care services provided pursuant to and covered by the applicable health care plan shall be deemed to have a priority for distribution of the general assets of the health maintenance organization immediately following that of an enrollee as described in this section and immediately preceding any other priority for distribution which, pursuant to this section and chapter 696B of NRS, would follow that of an enrollee.

Sec. 147. NRS 695C.055 is hereby amended to read as follows:

695C.055 1. The provisions of NRS 449.465, 679A.200, 679B.700, ***subsections 6 and 7 of NRS 680A.270,*** subsections 2, 4, 18, 19 and 32 of NRS 680B.010, NRS 680B.020 to 680B.060, inclusive, chapter 686A of NRS, NRS 687B.500 and ~~[~~chapter~~]~~ ***chapters 692C and*** 695G of NRS apply to a health maintenance organization.

2. For the purposes of subsection 1, unless the context requires that a provision apply only to insurers, any reference in those sections to "insurer" must be replaced by "health maintenance organization."

Sec. 148. NRS 695C.080 is hereby amended to read as follows:

695C.080 1. The Commissioner shall determine whether the applicant for a certificate of authority, with respect to health care services to be furnished:

(a) Has demonstrated the willingness and ability to ensure that such health care services will be provided in a manner to ensure both availability and accessibility of adequate personnel and facilities and in a manner enhancing availability, accessibility and continuity of service;

(b) Has organizational arrangements, established in accordance with regulations promulgated by the Commissioner ***;*** ~~[~~and in consultation with the State Board of Health;~~]~~ and

(c) Has a procedure established in accordance with regulations of the Commissioner to develop, compile, evaluate and report statistics relating to the cost of its operations, the pattern of utilization of its services, the availability and accessibility of its services and such other matters as may be reasonably required by the Commissioner.

2. Within 90 days of receipt of the application for issuance of a certificate of authority, the Commissioner shall certify whether the proposed health maintenance organization meets the requirements of subsection 1. If

the Commissioner certifies that the health maintenance organization does not meet such requirements, it shall specify in what respects it is deficient.

Sec. 149. NRS 695C.310 is hereby amended to read as follows:

695C.310 1. The Commissioner shall make an examination of the affairs of any health maintenance organization and providers with whom such organization has contracts, agreements or other arrangements pursuant to its health care plan as often as the Commissioner deems it necessary for the protection of the interests of the people of this State ~~[. An examination must be made]~~ ***, but*** not less frequently than once every 3 years.

2. The Commissioner shall make an examination concerning ~~[the quality of health care services of any health maintenance organization and providers with whom such organization has contracts, agreements or other arrangements pursuant to its health care plan]~~ ***any compliance program used by a health maintenance organization and any report, as determined to be appropriate by the Commissioner, regarding the health maintenance organization produced by an organization which examines best practices in the insurance industry. The Commissioner shall make such an examination*** as often as ~~[it]~~ ***the Commissioner*** deems ***it*** necessary for the protection of the interests of the people of this State ~~[. An examination must be made]~~ ***, but*** not less frequently than once every 3 years.

3. ~~[Every]~~ ***In making an examination pursuant to subsection 1 or 2, the Commissioner:***

(a) Shall determine whether the health maintenance organization is in compliance with this Code, including, without limitation, whether any relationship or transaction between the health maintenance organization and any another health maintenance organization is in compliance with this Code; and

(b) May examine any account, record, document or transaction of any health maintenance organization or any provider which relates to:

(1) Compliance with this Code by the health maintenance organization which is the subject of the examination;

(2) Any relationship or transaction between the health maintenance organization which is the subject of the examination and any other health maintenance organization; or

(3) Any relationship or transaction between the health maintenance organization which is the subject of the examination and any provider.

4. Except as otherwise provided in this subsection, for the purposes of an examination pursuant to subsection 1 or 2, each health maintenance organization and provider shall ***, upon the request of the Commissioner or an examiner designated by the Commissioner,*** submit its books and records relating to ~~[the]~~ ***any applicable*** health care plan to ~~[an examination made pursuant to subsection 1 or 2 and in every way facilitate the examination.]~~ ***the Commissioner or the examiner, as applicable.*** Medical records of natural persons and records of physicians providing service pursuant to a contract ~~[to the]~~ ***with a*** health maintenance organization are not subject to

such examination, although the records ***, except privileged medical information,*** are subject to subpoena upon a showing of good cause. For the purpose of examinations, the Commissioner may administer oaths to, and examine the officers and agents of ~~[the]~~ ***a*** health maintenance organization and the principals of ~~[such]~~ providers concerning their business.

~~[4.]~~ ***5.*** The expenses of examinations pursuant to this section must be assessed against the ***health maintenance*** organization being examined and remitted to the Commissioner.

~~[5.]~~ ***6.*** In lieu of ~~[such]~~ ***an*** examination ~~[,]~~ ***pursuant to this section,*** the Commissioner may accept the report of an examination made by the insurance commissioner ~~[or the state board of health]~~ of another state ~~[.]~~ ***or an applicable regulatory agency of another state.***

Sec. 150. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees ~~[.]~~ ***or creditors or to the general public;***

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 151. Chapter 695D of NRS is hereby amended by adding thereto the provisions set forth as sections 152 and 153 of this act.

Sec. 152. ***1. The Commissioner may adopt regulations to define when an organization for dental care is considered to be in a hazardous financial condition and to set forth the standards to be considered by the Commissioner in determining whether the continued operation of an organization for dental care transacting business in this State may be considered to be hazardous to its members or creditors or to the general public.***

2. If the Commissioner determines after a hearing that any organization for dental care is in a hazardous financial condition, the Commissioner may, instead of suspending or revoking the certificate of authority of the organization, limit the certificate of authority as the Commissioner deems reasonably necessary to correct, eliminate or remedy any conduct, condition or ground that is deemed to be a cause of the hazardous financial condition.

3. An order or decision of the Commissioner under this section is subject to review in accordance with NRS 679B.310 to 679B.370, inclusive, at the request of any party to the proceedings whose interests are substantially affected.

Sec. 153. ***Each organization for dental care which receives a certificate of authority shall maintain a capital account with a net worth of not less than $500,000 unless a lesser amount is permitted in writing by the Commissioner. The account must not be obligated for any accrued liabilities and must consist of cash, securities or a combination thereof which is acceptable to the Commissioner.***

Sec. 154. NRS 695D.095 is hereby amended to read as follows:

695D.095 ***1.*** An organization for dental care is not exempt from the provisions of NRS 679B.700. If an organization is an admitted health insurer, as that term is defined in NRS 449.450, it is not exempt from the fees imposed pursuant to NRS 449.465.

2. For the purposes of this section and the provisions set forth in subsection 1, an organization for dental care is included in the meaning of the term "insurer."

Sec. 155. NRS 695D.170 is hereby amended to read as follows:

695D.170 1. ~~[~~Before~~]~~ ***Except as otherwise provided in this section, before*** a certificate of authority may be issued to an organization for dental care:

(a) The officers responsible for operating the organization must file with the Commissioner a collective fidelity bond for $1,000,000; and

(b) The organization must file with the Commissioner a surety bond in the sum of ~~[~~$250,000~~]~~ ***$500,000*** or deposit with the Commissioner cash or securities acceptable to the Commissioner in the sum of ~~[~~$250,000,~~]~~ ***$500,000,***

➥ to guarantee the organization's performance pursuant to this chapter.

2. If the bond is furnished in:

(a) Cash, the Commissioner shall deposit the money in the State Treasury for credit to the Fund for Bonds of Organizations for Dental Care which is hereby created as a trust fund.

(b) Negotiable securities, the principal must be placed without restriction at the disposal of the Commissioner, but any income must inure to the benefit of the organization.

3. The Commissioner may reduce the ***required amount of the*** organization's ***surety*** bond or deposit:

(a) To $125,000, if the obligations assumed by the organization under the plan can be satisfied for less than $125,000.

(b) To any amount if the organization demonstrates that it has commitments of money from federal, state or municipal governments or their political subdivisions or other comparable resources which are sufficient to ensure the ability of the organization to satisfy its obligations.

4. ***The Commissioner may increase the required amount of the organization's surety bond or deposit to any amount the Commissioner determines to be appropriate pursuant to subsection 5 if the Commissioner determines that the current level of the surety bond or deposit is insufficient to provide protection to the members in the event of:***

(a) Insolvency; or

(b) A determination by the Commissioner that the organization is in a hazardous financial condition.

5. When determining the appropriate amount of an increase pursuant to subsection 4, the Commissioner must base his or her determination on the type, volume and nature of premiums written and premiums assumed by the organization.

6. The amount of the organization's surety bond or deposit required pursuant to this section:

(a) Is in addition to any reserve required by this chapter and any reserve established by the organization according to good business and accounting practices for incurred but unreported claims and other similar claims;

(b) May increase the amount of net worth required pursuant to this chapter; and

(c) May increase the amount of risk-based capital required pursuant to NRS 681B.550.

7. Any final judgment against the organization which is unpaid is a lien on the ***surety*** bond or deposit and is subject to execution 30 days after entry of the judgment. Any ***surety*** bond or deposit which is reduced by this lien must be increased by the organization to the amount required by this section within 90 days after the judgment is paid.

~~[5.]~~ ***8.*** If an organization is dissolved, liquidated or otherwise terminated:

(a) That amount of the ***surety*** bond or deposit which is necessary to satisfy the outstanding obligations of the organization may not be withdrawn for at least 3 years after the certificate of authority has been terminated.

(b) Any balance remaining after money has been withheld to pay the organization's debts and liens must be paid to the organization by the Commissioner no later than 90 days after the certificate of authority has been terminated.

Sec. 156. Chapter 695F of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Commissioner may adopt regulations to define when a prepaid limited health service organization is considered to be in a hazardous financial condition and to set forth the standards to be considered by the Commissioner in determining whether the continued operation of a prepaid limited health service organization transacting business in this State may be considered to be hazardous to its enrollees or creditors or to the general public.

2. If the Commissioner determines after a hearing that any prepaid limited health service organization is in a hazardous financial condition, the Commissioner may, instead of suspending or revoking the prepaid limited health service organization's certificate of authority, limit the certificate of authority of the prepaid limited health service organization as the Commissioner deems reasonably necessary to correct, eliminate or

remedy any conduct, condition or ground that is deemed to be a cause of the hazardous financial condition.

3. An order or decision of the Commissioner under this section is subject to review in accordance with NRS 679B.310 to 679B.370, inclusive, at the request of any party to the proceedings whose interests are substantially affected.

Sec. 157. NRS 695F.090 is hereby amended to read as follows:

695F.090 ***1.*** Prepaid limited health service organizations are subject to the provisions of this chapter and to the following provisions, to the extent reasonably applicable:

~~[1.]~~ ***(a)*** NRS 687B.310 to 687B.420, inclusive, concerning cancellation and nonrenewal of policies.

~~[2.]~~ ***(b)*** NRS 687B.122 to 687B.128, inclusive, concerning readability of policies.

~~[3.]~~ ***(c)*** The requirements of NRS 679B.152.

~~[4.]~~ ***(d)*** The fees imposed pursuant to NRS 449.465.

~~[5.]~~ ***(e)*** NRS 686A.010 to 686A.310, inclusive, concerning trade practices and frauds.

~~[6.]~~ ***(f)*** The assessment imposed pursuant to NRS 679B.700.

~~[7.]~~ ***(g)*** Chapter 683A of NRS.

~~[8.]~~ ***(h)*** To the extent applicable, the provisions of NRS 689B.340 to 689B.580, inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance.

~~[9.]~~ ***(i)*** NRS 689A.035, 689A.0463, 689A.410, 689A.413 and 689A.415.

~~[10.]~~ ***(j)*** NRS 680B.025 to 680B.039, inclusive, concerning premium tax, premium tax rate, annual report and estimated quarterly tax payments. For the purposes of this subsection, unless the context otherwise requires that a section apply only to insurers, any reference in those sections to "insurer" must be replaced by a reference to "prepaid limited health service organization."

~~[11.]~~ ***(k)*** Chapter 692C of NRS, concerning holding companies.

~~[12.]~~ ***(l)*** NRS 689A.637, concerning health centers.

2. For the purposes of this section and the provisions set forth in subsection 1, a prepaid limited health service organization is included in the meaning of the term "insurer."

Sec. 158. NRS 695F.200 is hereby amended to read as follows:

695F.200 ~~[Each]~~ ***1. Except as otherwise provided in this section, each*** prepaid limited health service organization which receives a certificate of authority shall maintain a:

~~[1.]~~ ***(a)*** Capital account with a net worth of not less than ~~[$200,000]~~ ***$500,000*** unless a lesser amount is permitted in writing by the Commissioner. The account must not be obligated for any accrued liabilities and must consist of cash, securities or a combination thereof which is acceptable to the Commissioner.

~~[2.]~~ ***(b)*** Surety bond or deposit of cash or securities for the protection of enrollees of not less than ~~[$250,000.]~~ ***$500,000.***

2. The Commissioner may increase the required amount of the organization's capital account and the surety bond or deposit to any amounts the Commissioner determines to be appropriate pursuant to subsection 3 if the Commissioner determines that such an increase is necessary to:

(a) Assist the Commissioner in the performance of his or her regulatory duties;

(b) Ensure that the organization complies with the requirements of this Code; or

(c) Ensure the solvency of the organization.

3. When determining the appropriate amount of an increase pursuant to subsection 2, the Commissioner must base his or her determination on the type, volume and nature of premiums written and premiums assumed by the organization.

4. The amount of the organization's capital account and surety bond or deposit required pursuant to this section:

(a) Is in addition to any reserve required by this chapter and any reserve established by the organization according to good business and accounting practices for incurred but unreported claims and other similar claims; and

(b) May increase the amount of risk-based capital required pursuant to NRS 681B.550.

5. The amount of the organization's surety bond or deposit required pursuant to this section may increase the amount of net worth required pursuant to this section.

Sec. 159. NRS 695G.130 is hereby amended to read as follows:

695G.130 1. In addition to any other report which is required to be filed with the Commissioner, each managed care organization shall file with the Commissioner, ~~[on or before March 1 of each year,]~~ ***with its annual filing made pursuant to NRS 686B.070 of forms and rates relating to policies of insurance for individuals and small employer groups,*** a report regarding its methods for reviewing the quality of health care services provided to its insureds.

~~[2. Each managed care organization shall include in its report the criteria, data, benchmarks or studies used to:~~

~~(a) Assess the nature, scope, quality and accessibility of health care services provided to insureds; or~~

~~(b) Determine any reduction or modification of the provision of health care services to insureds.~~

~~3. Except as already required to be filed with the Commissioner, if the managed care organization is not owned and operated by a public entity and has more than 100 insureds, the report filed pursuant to subsection 1 must include:~~

~~(a) A copy of all of its quarterly and annual financial reports;~~

~~(b) A statement of any financial interest it has in any other business which is related to health care that is greater than 5 percent of that business or $5,000, whichever is less; and~~

~~(c) A description of each complaint filed with or against it that resulted in arbitration, a lawsuit or other legal proceeding, unless disclosure is prohibited by law or a court order.~~

~~4.~~**]** ***The report must be submitted on a form prescribed by the Commissioner.***

2. A report filed pursuant to this section must be made available for public inspection within a reasonable time after it is received by the Commissioner.

3. As used in this section, "small employer" has the meaning ascribed to it in NRS 689C.095.

Sec. 160. NRS 695G.200 is hereby amended to read as follows:

695G.200 1. Each managed care organization shall establish a system for resolving complaints of an insured concerning:

(a) Payment or reimbursement for covered health care services;

(b) Availability, delivery or quality of covered health care services, including, without limitation, an adverse determination made pursuant to utilization review; or

(c) The terms and conditions of a health care plan.

➥ The system must be approved by the Commissioner **.** **[**~~in consultation with the State Board of Health.~~**]**

2. If an insured makes an oral complaint, a managed care organization shall inform the insured that if the insured is not satisfied with the resolution of the complaint, the insured must file the complaint in writing to receive further review of the complaint.

3. Each managed care organization shall:

(a) Upon request, assign an employee of the managed care organization to assist an insured or other person in filing a complaint or appealing a decision of the review board;

(b) Authorize an insured who appeals a decision of the review board to appear before the review board to present testimony at a hearing concerning the appeal; and

(c) Authorize an insured to introduce any documentation into evidence at a hearing of a review board and require an insured to provide the documentation required by the health care plan of the insured to the review board not later than 5 business days before a hearing of the review board.

4. The Commissioner may examine the system for resolving complaints established pursuant to this section at such times as **[**~~either~~**]** ***the Commissioner*** deems necessary or appropriate.

Sec. 161. NRS 695G.220 is hereby amended to read as follows:

695G.220 1. Each managed care organization shall submit to the Commissioner an annual report regarding its system for resolving complaints established pursuant to NRS 695G.200 on a form prescribed by the

Commissioner ~~[in consultation with the State Board of Health]~~ which includes, without limitation:

(a) A description of the procedures used for resolving complaints of an insured;

(b) The total number of complaints and appeals handled through the system for resolving complaints since the last report and a compilation of the causes underlying the complaints filed;

(c) The current status of each complaint and appeal filed; and

(d) The average amount of time that was needed to resolve a complaint and an appeal, if any.

2. Each managed care organization shall maintain records of complaints filed with it which concern something other than health care services and shall submit to the Commissioner a report summarizing such complaints at such times and in such format as the Commissioner may require.

Sec. 162. ~~[NRS 233B.039 is hereby amended to read as follows:~~

~~233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:~~

~~(a) The Governor.~~

~~(b) Except as otherwise provided in NRS 209.221, the Department of Corrections.~~

~~(c) The Nevada System of Higher Education.~~

~~(d) The Office of the Military.~~

~~(e) The Nevada Gaming Control Board.~~

~~(f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.~~

~~(g) The Division of Welfare and Supportive Services of the Department of Health and Human Services.~~

~~(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.~~

~~(i) The State Board of Examiners acting pursuant to chapter 217 of NRS.~~

~~(j) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.~~

~~(k) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.~~

~~(l) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.~~

~~(m) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.~~

~~(n) The Silver State Health Insurance Exchange.~~

~~***(o) The Commissioner of Insurance in establishing or adjusting any standard or requirement relating to the Federal Act if, as determined by the Commissioner of Insurance, the establishment or adjustment of the standard or requirement must occur before a regulation could be adopted***~~

~~*in accordance with the provisions of this chapter. As used in this paragraph, "Federal Act" has the meaning ascribed to it in NRS 679A.092.*~~

~~2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.~~

~~3. The special provisions of:~~

~~(a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;~~

~~(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;~~

~~(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and~~

~~(d) NRS 90.800 for the use of summary orders in contested cases,~~

~~→ prevail over the general provisions of this chapter.~~

~~4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.~~

~~5. The provisions of this chapter do not apply to:~~

~~(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;~~

~~(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;~~

~~(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694; or~~

~~(d) The judicial review of decisions of the Public Utilities Commission of Nevada.~~

~~6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.~~] **(Deleted by amendment.)**

Sec. 163. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880,

118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947,

648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and sections 8 and 92 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 164. NRS 266.355 is hereby amended to read as follows:

266.355 1. Except as otherwise provided in subsections 3, 4 and 5, the city council may:

(a) Except as otherwise provided in NRS 268.0881 to 268.0888, inclusive, 598D.150 and 640C.100, regulate all businesses, trades and professions.

(b) Except as otherwise provided in NRS 576.128, fix, impose and collect a license tax for revenue upon all businesses, trades and professions.

2. The city council may establish any equitable standard to be used in fixing license taxes required to be collected pursuant to this section.

3. The city council may license insurance ~~[agents, brokers,]~~ analysts, adjusters and managing general agents ***and producers of insurance*** within the limitations and under the conditions prescribed in NRS 680B.020.

4. A city council shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

5. The city council shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060, or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

Sec. 165. NRS 269.170 is hereby amended to read as follows:

269.170 1. Except as otherwise provided in subsection 5 and NRS 576.128, 598D.150 and 640C.100, the town board or board of county commissioners may, in any unincorporated town:

(a) Fix and collect a license tax on, and regulate, having due regard to the amount of business done by each person so licensed, and all places of business and amusement so licensed, as follows:

(1) Artisans, artists, assayers, auctioneers, bakers, banks and bankers, barbers, boilermakers, cellars and places where soft drinks are kept or sold, clothes cleaners, foundries, laundries, lumberyards, manufacturers of soap, soda, borax or glue, markets, newspaper publishers, pawnbrokers, funeral directors and wood and coal dealers.

(2) Bootmakers, cobblers, dressmakers, milliners, shoemakers and tailors.

(3) Boardinghouses, hotels, lodging houses, restaurants and refreshment saloons.

(4) Barrooms, gaming, manufacturers of liquors and other beverages, and saloons.

(5) Billiard tables, bowling alleys, caravans, circuses, concerts and other exhibitions, dance houses, melodeons, menageries, shooting galleries, skating rinks and theaters.

(6) Corrals, hay yards, livery and sale stables and wagon yards.

(7) Electric light companies, illuminating gas companies, power companies, telegraph companies, telephone companies and water companies.

(8) Carts, drays, express companies, freight companies, job wagons, omnibuses and stages.

(9) Brokers, commission merchants, factors, general agents, mercantile agents, merchants, traders and stockbrokers.

(10) Drummers, hawkers, peddlers and solicitors.

(11) Insurance ~~[agents, brokers,]~~ analysts, adjusters and managing general agents ***and producers of insurance*** within the limitations and under the conditions prescribed in NRS 680B.020.

(b) Fix and collect a license tax upon all professions, trades or business within the town not specified in paragraph (a).

2. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license presents written evidence that:

(a) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(b) Another regulatory agency of the State has issued or will issue a license required for this activity.

3. Any license tax levied for the purposes of NRS 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien must be enforced in the same manner as liens for ad valorem taxes on real and personal property. The town board or other governing body of the unincorporated town may delegate the power to enforce such liens to the county fair and recreation board.

4. The governing body or the county fair and recreation board may agree with the Department of Taxation for the continuing exchange of information concerning taxpayers.

5. The town board or board of county commissioners shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060, or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

Sec. 166. NRS 616A.330 is hereby amended to read as follows:

616A.330 "Tangible net worth" means the value of all the assets, minus the value of all the liabilities, of ***a self-insured employer or*** an association of self-insured private employers ~~[or of a member of such an association]~~ except:

1. Goodwill or excess cost over the fair market value of assets.

2. Any other items listed in the assets that are deemed unacceptable by the Commissioner because they cannot be justified or because they do not

directly support the ability of the ***self-insured employer or*** association ~~[or the member]~~ to pay a claim.

Sec. 166.5. **1. The provisions of NRS 689A.630, as amended by section 98 of this act, apply to any discontinuation of a product that occurs on or after the effective date of section 98 of this act.**

2. The provisions of NRS 689B.560, as amended by section 110 of this act, apply to any discontinuation of a product offered to employers that occurs on or after the effective date of section 110 of this act.

3. The provisions of NRS 689C.310, as amended by section 112 of this act, apply to any discontinuation of a product offered to small employers that occurs on or after the effective date of section 112 of this act.

4. The provisions of NRS 689C.470, as amended by section 114 of this act, apply to any discontinuation of a product offered to a small employer or purchasers pursuant to NRS 689C.360 to 689C.600, inclusive, that occurs on or after the effective date of section 114 of this act.

Sec. 167. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 168. NRS 680A.290, 689A.390, 689A.400, 689A.690, 689B.027, 689B.028, 689C.270, 689C.280, 689C.330, 689C.440, 689C.450, 690B.370, 695B.172, 695B.174 and 695F.215 are hereby repealed.

Sec. 169. 1. **Sections 98, 110, 112 and 114 of this act become effective upon passage and approval.**

2. This section and sections 1 to **97, inclusive, 99 to 109, inclusive, 111, 113, 115 to** 152, inclusive, 154**,** ~~[and]~~ 156, 157 and 159 to 168, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2017, for all other purposes.

~~[2.]~~ ***3.*** Sections 153, 155 and 158 of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative acts that are necessary to carry out the provisions of this act; and

(b) On January 1, 2018, for all other purposes.

LEADLINES OF REPEALED SECTIONS

680A.290 Loss prevention reports and programs.

689A.390 Summary of coverage: Contents of disclosure; approval by Commissioner.

689A.400 Summary of coverage: Copy to be provided before policy issued; policy may not be offered unless summary approved by Commissioner.

689A.690 Information required to be disclosed as part of solicitation and sales materials; information required to be maintained at place of business.

689B.027 Summary of coverage: Contents of disclosure; approval by Commissioner; copy to be made available to employer or producer acting on behalf of employer.

689B.028 Summary of coverage: Copy to be provided before policy issued; policy may not be offered unless summary approved by Commissioner.

689C.270 Regulations concerning disclosures by carrier to small employer; copy of disclosure to be made available to small employer.

689C.280 Carrier to provide required disclosures to small employer before issuing policy of insurance.

689C.330 When insurer is required to allow employee to continue coverage after employee is no longer covered by health benefit plan.

689C.440 Regulations regarding required disclosures by carrier.

689C.450 Carrier to provide disclosure before issuing contract.

690B.370 Annual report on loss prevention and control programs.

695B.172 Summary of coverage: Contents of disclosure; approval by Commissioner.

695B.174 Summary of coverage: Copy to be provided before policy issued; policy not to be offered unless summary approved by Commissioner.

695F.215 Required contract with insurance company for provision of insurance, indemnity or reimbursement against cost of health care services.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 392.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 613.

SUMMARY—Revises provisions concerning certain communications relating to elections. (BDR ~~[23-85)]~~ **24-85)**

AN ACT relating to elections; ~~[prohibiting a public officer or employee from using official stationery for certain purposes relating to elections;]~~ requiring a disclosure on certain elections-related communications; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~[prohibits a public officer or employee from using governmental time, property, equipment or other facility to benefit a~~

~~significant personal or pecuniary interest of the public officer or employee, unless certain exceptions apply. (NRS 281A.400) Existing law also prohibits a public officer or employee from requesting or otherwise causing a governmental entity to incur an expense or make an expenditure to support or oppose a ballot question or candidate. (NRS 281A.520) Section 1 of this bill expressly prohibits a public officer or employee from using official stationery from a state or local governmental entity to express support for or opposition to a candidate, committee for political action, political party, committee sponsored by a political party or ballot question or to solicit a contribution or a commitment to make a contribution for any political purpose. If a~~ **requires that certain elections-related communications contain disclosures to provide the public with information relating to the source or purpose of the elections-related communications. (NRS 294A.347-294A.349)**

Section 2 of this bill provides that if an elections-related communication ~~[that]~~ is published in support of or in opposition to a candidate **and the communication** includes the **official** name and address **or other official contact information** of a governmental entity ~~[, section 2 of this bill requires that]~~ **of the State of Nevada or any political subdivision,** the communication **must** disclose in a clear and conspicuous manner that the communication ~~[was not published by the governmental entity.]~~ **is not endorsed by and is not an official publication of the State of Nevada or the political subdivision, as appropriate.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 281A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. A public officer or employee shall not use official stationery to:*~~

~~*(a) Express support for or opposition to a candidate or group of candidates, committee for political action, political party, committee sponsored by a political party or ballot question; or*~~

~~*(b) Solicit a contribution or a commitment to make such a contribution for any political purpose.*~~

~~*2. As used in this section:*~~

~~*(a) "Candidate" has the meaning ascribed to it in NRS 294A.005.*~~

~~*(b) "Committee for political action" has the meaning ascribed to it in NRS 294A.0055.*~~

~~*(c) "Committee sponsored by a political party" has the meaning ascribed to it in NRS 294A.0065.*~~

~~*(d) "Contribution" has the meaning ascribed to it in NRS 294A.007.*~~

~~*(e) "Official stationery" means stationery that contains any symbol, name, word or mark of a state or local governmental entity, including, without limitation, the Great Seal of the State of Nevada.]~~ (Deleted by amendment.)**

Sec. 2. Chapter 294A of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a communication ~~[that]~~ is published in support of or in opposition to a candidate and the communication includes the official name and address or other official contact information of a governmental entity, the communication must disclose in a clear and conspicuous manner ~~[that]~~ the following information:

(a) If the communication ~~[was not published by]~~ includes the official name and address or other official contact information of a governmental entity ~~[,]~~ of the State of Nevada, the communication must disclose:

> ***This communication is not endorsed by and is not an official publication of the State of Nevada.***

(b) If the communication includes the official name and address or other official contact information of a governmental entity of any political subdivision of the State of Nevada, the communication must disclose:

> ***This communication is not endorsed by and is not an official publication of (insert the official name of the political subdivision).***

2. As used in this section:

(a) "Governmental entity" means ~~[an]~~ the State of Nevada, any political subdivision of the State of Nevada or any agency, institution, board, commission, bureau, council, department, division, office, authority or other unit of government of ~~[this State, including, without limitation, an agency of this State or of a]~~ the State of Nevada or any political subdivision ~~[,]~~ of the State of Nevada.

(b) "Official name and address or other official contact information of a governmental entity" means the legal or commonly recognized name of a governmental entity and:

(1) The street address of any building, office or other place where the governmental entity is open for the transaction of official business; or

(2) Any other official contact information for contacting the governmental entity for the transaction of official business, including, without limitation, a telephone number, facsimile number, electronic mail address or address of the Internet website of the governmental entity.

(c) "Publish" means the act of:

(1) Printing, posting, broadcasting, mailing or otherwise disseminating; or

(2) Causing to be printed, posted, broadcasted, mailed or otherwise disseminated.

Assemblywoman Diaz moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 5.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 618.

AN ACT relating to local improvements; providing for the creation of certain local improvement districts that include an energy efficiency improvement project or a renewable energy project; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the procedures for a governing body to acquire, improve, equip, operate or maintain local improvement districts that include various types of projects, including energy efficiency improvement projects and renewable energy projects. (NRS 271.265-271.630) This bill provides for the creation by a local government, without an election, of a local improvement district that includes an energy efficiency improvement project or a renewable energy project.

Section 1.1 of this bill authorizes a local government to create such a district on certain commercial or industrial real property. Section 1.2 of this bill establishes certain requirements for a local government to create a district, including obtaining signed consent from the owner of any tract on which an energy efficiency improvement project or renewable energy project will be located and from certain lenders who hold a mortgage or other lien on a property on which such a project will be located. Section 1.4 of this bill provides certain requirements for construction in such a district. Section 1.6 of this bill requires a local government to adopt a resolution establishing the procedures for the creation of a district.

Sections 2 and 3 of this bill revise the definitions of "energy efficiency improvement project" and "renewable energy project." Section 4 of this bill provides a procedure for an owner of a tract to object to the inclusion of the tract within a district. Section 5 of this bill establishes requirements for the proceeds of bonds used to pay certain costs related to an energy efficiency improvement project or a renewable energy project. Section 6 of this bill revises requirements for the interest rate of bonds sold to defray certain costs for local improvement districts.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 271 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.1 to 1.6, inclusive, of this act.**

Sec. 1.1. 1. The governing body of a municipality, on behalf of the municipality and in its name, without an election, may create a district to

finance one or more energy efficiency improvement projects or renewable energy projects ~~[.]~~ :

(a) On qualifying commercial or industrial real property, which may include any real property other than:

(1) A residential dwelling that contains fewer than five individual dwelling units; or

(2) Property financed by a government-guaranteed financing program that prohibits the subordination of the government's interest in the property or otherwise prohibits a contract under sections 1.1 to 1.6, inclusive, of this act.

(b) That meet one of the following requirements:

(1) For an energy improvement project, the project must be determined to be appropriate through an energy audit conducted by a qualified service company. A project may be determined to be appropriate if:

(I) The energy audit includes a summary of recommendations, which for each recommendation must include existing and expected consumption and expected energy savings expressed in British thermal units, kilowatt-hours, and kilowatts, the expected annual energy savings, the cost, the payback period in years, the expected life cycle in years and the percentage of savings, as applicable; and

(II) The expected energy savings from the project exceeds the investment costs of the project.

(2) For a renewable energy project, the project must be determined to be feasible through a written feasibility study conducted by a qualified service company.

2. A bond or interim warrant issued for a district created pursuant to this section must not be secured by a pledge of the general credit or taxing power of the municipality or by the surplus and deficiency fund established pursuant to NRS 271.428.

3. The improvements to or installations within a district created pursuant to this section must not be owned by a municipality but shall be deemed to be the property of the owner of the tract upon which the improvement or installation is located.

4. The provisions of:

(a) NRS 271.275 to 271.365, inclusive, do not apply to a district which is created pursuant to this section.

(b) NRS 271.495 and 271.500 do not apply to any bonds or interim warrants issued to finance an energy efficiency improvement project or renewable energy project within a district created pursuant to this section.

5. As used in this section:

(a) "Energy audit" means a formal evaluation of the energy consumption of a permanent building or any structural improvement to real property that is consistent with the requirements of ASTM International Standard E2797, "Standard Practice for Building Energy

Performance Assessment for a Building Involved in a Real Estate Transaction," the ASHRAE Level 2 or 3 guidelines for energy audits or any comparable energy assessment guidelines.

(b) "Qualified service company" has the meaning ascribed to it in NRS 333A.060.

Sec. 1.2. [The]

1. A governing body may create [the] a district pursuant to section 1.1 of this act only if:

(a) The governing body has, pursuant to [subsection 8,] section 1.6 of this act, adopted by resolution a procedure for the creation and administration of a district for the purpose of financing one or more energy efficiency improvement projects or renewable energy projects.

(b) Each owner of each tract on which an energy efficiency improvement project or renewable energy project will be located consents in writing to the location of the project on the tract and the levy of an assessment against the tract to pay all or a portion of the cost thereof in an amount up to the estimated maximum benefit to the tract from the installation or improvement. The estimated maximum benefit may not exceed the market value of the tract as determined by the governing body.

(c) Each consent provided pursuant to paragraph (b):

(1) Describes the tract to be assessed and the improvements to be financed;

(2) States the estimated maximum benefit that the owner agrees will be conferred on the tract by virtue of the installation or improvement; and

(3) Is accompanied by:

(I) A signed copy of each contract between an owner of the tract and each contractor described in [subsection 5] section 1.4 of this act pursuant to which the contractor agrees to construct, acquire and install the installation or improvement identified in the consent at a total price which does not exceed the limitation set forth in [subsection 5] section 1.4 of this act and which contains any terms [required by the resolution adopted pursuant to subsection 8] , including, without limitation, application fees and costs, the total amount financed, annual percentage rate, total amount paid over the life of any assessment, any appraisal fees, bond-related costs, annual administrative fees, closing costs, credit reporting fees and recording fees, and such other terms not inconsistent with the provisions of [this section] sections 1.1 to 1.6, inclusive, of this act or with the resolution [,] adopted pursuant to section 1.6 of this act, as may be agreed upon by the owner of the tract and the contractor and is acceptable to the governing body; and

(II) A deposit in an amount determined in the manner specified in the resolution adopted pursuant to [subsection 8,] section 1.6 of this act, which may be refunded if the project to which the consent relates is completed and is financed with assessments levied pursuant to this chapter within the period specified in the resolution.

(d) The outstanding amount owed on all recorded instruments which are liens against any tract included in the district does not exceed 90 percent of the estimated fair market value of the property assessed, as defined by the governing body, ~~[without]~~ taking into account the imposition of the liens for assessments pursuant to ~~[this section]~~ sections 1.1 to 1.6, inclusive, of this act and the additional value added to the tract by a project financed pursuant to ~~[this section.]~~ sections 1.1 to 1.6, inclusive, of this act.

(e) Any lender who holds a senior lien on any tract on which an energy efficiency improvement project or renewable energy project will be located consents in writing to the levy of an assessment against the tract to pay all or a portion of the cost of the installation or improvement. A consent signed pursuant to this paragraph must be in a recordable form and is binding on the holder of a lien who signs the consent. A lender described in this paragraph is entitled, within 30 days after providing consent pursuant to this paragraph, to offer a loan to the owner of the tract as the primary lender on the new levy of an assessment.

2. Each consent provided pursuant to paragraph (b) of subsection 1 and each amendment thereto must be recorded in the office of the county recorder and, once recorded, is binding on the owner who signed the consent and any other person who holds any interest in the tract to which the consent relates and who signed the consent.

3. A district created pursuant to ~~[subsection 1]~~ section 1.1. of this act may be created at any time as designated by a governing body, but must only include tracts for which a consent has been recorded pursuant to subsection 2.

4. ~~[A resolution adopted pursuant to subsection 8 must contain or incorporate by reference an exhibit describing each tract to be assessed, the type of improvement or installation to be financed for each tract and the estimated maximum benefit as stated in the consent.]~~ As used in this section, "lender" means a mortgagee, the beneficiary of a deed of trust or other creditor who holds a mortgage, deed of trust or other instrument that encumbers a tract as security for the repayment of a loan used to purchase the tract.

Sec. 1.4. ~~[5.]~~ Construction within a district created pursuant to ~~[subsection 1]~~ section 1.1. of this act must be completed through independent contracts with contractors licensed in Nevada who are approved by the governing body. The municipality is not responsible for the construction, or any defects or delays thereof. The laws of this State relating to public bidding, public works or public procurement are not applicable to contracts for construction executed pursuant to this subsection. The total contract price of any improvement or installation must not exceed 80 percent of the estimated maximum benefit for the tract as stated in the consent, as it may be amended from time to time, unless the owner of the property to be assessed:

~~[(a)]~~ 1. Agrees to pay and pays, or causes another party to pay, the difference between 80 percent of the estimated maximum benefit and the total contract price from a source other than financing provided pursuant to this chapter; and

~~[(b)]~~ 2. Agrees in writing that the improvement or installation will in fact benefit the tract by an amount at least equal to the sum of the estimated maximum benefit stated in the consent and the amount to be paid from a source other than financing provided pursuant to this chapter.

~~[6. The improvements to or installations within a district created pursuant to subsection 1 must not be owned by a municipality but shall be deemed to be the property of the owner of the tract upon which the improvement or installation is located.~~

~~7. A resolution adopted pursuant to subsection 8 may be adopted as if an emergency exists by a vote of not less than two-thirds of all the voting members of the governing body.]~~

Sec. 1.6. ~~[8.]~~ 1. Before creating a district pursuant to ~~[subsection 1,]~~ section 1.1. of this act, a governing body must adopt a resolution which specifies the procedures for the creation and administration of such a district. The resolution may provide for one or more of the following:

(a) Additional notices of the proposal to create the district, notices of the opportunity to apply for inclusion in the district or any other notices;

(b) A reserve of money for bonds issued for the district, the method of funding the reserve and the disposition of any interest earned upon or the principal of the reserve that is not needed to repay any bonds or interim warrants issued for the purposes of financing an energy efficiency improvement project or renewable energy project within the district;

(c) Any other security for those bonds or interim warrants, and the method of determining the term of the bonds in compliance with NRS 271.515;

(d) Any requirements for casualty insurance, liability insurance or other types of insurance for any project within the district;

(e) The method of determining the lien-to-value ratio of the property for the purpose of complying with the limitation prescribed by paragraph (d) of subsection 1 ~~[;]~~ of section 1.2 of this act;

(f) Any limitation on the lien-to-value ratio that would result in a lower lien-to-value ratio than that prescribed by paragraph (d) of subsection 1 ~~[;]~~ of section 1.2 of this act;

(g) Any limitation on the amount of the contract price, as a percentage of the estimated maximum benefit, that is lower than the limitation prescribed by ~~[subsection 5;]~~ section 1.4 of this act;

(h) Any sources, other than the proceeds of assessments, that will be used to pay:

(1) The cost of construction and installation of improvements financed pursuant to ~~[this section;]~~ sections 1.1 to 1.6, inclusive, of this act;

(2) The cost of any reserve of money or other security for financing an energy efficiency improvement project or renewable energy project pursuant to ~~[this section;]~~ sections 1.1 to 1.6, inclusive, of this act; or

(3) The cost of engineering work, the cost to issue any bonds or provide other financing, or the cost of other incidentals pursuant to ~~[this section;]~~ sections 1.1 to 1.6, inclusive, of this act;

(i) Any other security features, covenants required of property owners, covenants required of other parties or any other covenants, guarantees, insurance or other matters which the governing body finds are necessary or desirable for the financing of an energy efficiency improvement project or renewable energy project pursuant to ~~[this section;]~~ sections 1.1 to 1.6, inclusive, of this act; and

(j) Any other matters, procedures or financing terms which the governing body, in its sole discretion, determines are necessary or desirable to carry out the purposes of ~~[this section.~~

~~9. A bond or interim warrant issued for a district created pursuant to subsection 1 must not be secured by a pledge of the general credit or taxing power of the municipality or by the surplus and deficiency fund established pursuant to NRS 271.428.~~

~~10. The provisions of:~~

~~(a) NRS 271.275 to 271.365, inclusive, do not apply to a district which is created pursuant to subsection 1.~~

~~(b) NRS 271.495 and 271.500 do not apply to any bonds or interim warrants issued to finance an energy efficiency improvement project or renewable energy project within a district created pursuant to subsection 1.]~~ sections 1.1 to 1.6, inclusive, of this act.

2. A resolution adopted pursuant to this section:

(a) Must contain or incorporate by reference an exhibit describing each tract to be assessed, the type of improvement or installation to be financed for each tract and the estimated maximum benefit as stated in the consent provided pursuant to paragraph (b) of subsection 1 of section 1.2 of this act.

(b) May be adopted as if an emergency exists by a vote of not less than two-thirds of all the voting members of the governing body.

Sec. 2. NRS 271.099 is hereby amended to read as follows:

271.099 "Energy efficiency improvement project" means the ***installation or*** modification of ~~[~~real property or the facilities or equipment on the real property that is designed to reduce the energy consumption of the real property.~~]~~ ***one or more energy efficiency improvements and incidentals which are necessary, useful or desirable for any such improvements and which installation or modification has a useful life, as estimated by a governing body, of not less than 10 years.***

Sec. 3. NRS 271.199 is hereby amended to read as follows:

271.199 "Renewable energy project" means ***any improvement to*** real property, ***and*** facilities and equipment used to generate electricity from

renewable energy to offset customer load in whole or in part on the ~~[~~premises,~~]~~ ***real property*** ***,*** ~~***[on which the renewable energy project is located,]***~~ and all appurtenances and incidentals necessary, useful or desirable for any such ~~[~~real property,~~]~~ ***improvements,*** facilities and equipment ~~[.]~~ ***, and which improvement has a useful life, as estimated by a governing body, of not less than 10 years.***

Sec. 4. NRS 271.385 is hereby amended to read as follows:

271.385 1. At the time and place designated pursuant to NRS 271.380, the governing body shall hear and determine any written complaint, protest or objection filed as provided in that section and any verbal views expressed in respect to the proposed assessments, assessment roll or assessment procedure. The governing body may adjourn the hearing from time to time.

2. The governing body, by resolution, may revise, correct, confirm or set aside any assessment and order that the assessment be made de novo.

3. Any complaint, protest or objection to:

(a) The assessment roll;

(b) The regularity, validity and correctness of each assessment;

(c) The amount of each assessment; or

(d) The regularity, validity and correctness of any other proceedings occurring after the date of the hearing described in NRS 271.310 and before the date of the hearing governed by this section,

➥ shall be deemed waived unless filed in writing within the time and in the manner provided by NRS 271.380.

4. If any owner of a tract which is assessed for the purpose of creating a district pursuant to ~~***[subsection 1 of]***~~ ***section*** ~~***[1]***~~ ***1.1 of this act objects in writing within the time and in the manner provided by NRS 271.380, the tract must be removed from the assessment roll, and the municipality shall not finance the project located on the tract unless the objecting owner withdraws his or her objection in writing within the time specified by the governing body.***

Sec. 5. NRS 271.475 is hereby amended to read as follows:

271.475 1. The governing body shall likewise have power to issue negotiable bonds in an amount not exceeding the total unpaid assessments levied to pay the cost of any project, howsoever acquired, as hereinafter provided.

2. Any ordinance pertaining to the sale, issuance or payment of bonds or other securities of the municipality, or any combination thereof, may:

(a) Be adopted as if an emergency existed. The declaration of the governing body, if any, is conclusive in the absence of fraud or gross abuse of discretion.

(b) Become effective at any time when an emergency ordinance of the municipality may go into effect.

(c) Be adopted by not less than two-thirds of all of the voting members of the governing body, excluding from any such computation any vacancy on

the governing body and any member thereon who may vote only to break a tie vote.

3. The proceeds of bonds which are to be used to pay the costs of construction, acquisition or installation of an energy efficiency improvement project or renewable energy project within a district created pursuant to subsection 1 of section ~~[1]~~ 1.1 of this act must be paid to the contractor as directed in writing by the owner of the tract on which the project is located or, if the owner has paid the contractor, must be paid to reimburse the owner, but in either case, only upon receipt of:

(a) Written evidence that the installation or improvement is complete, or verification through an inspection if so authorized in the resolution adopted pursuant to ~~[subsection 8 of]~~ section ~~[1]~~ 1.6 of this act or if the municipality otherwise determines to make an inspection;

(b) A waiver of any mechanic's or materialman's lien if so authorized in the resolution adopted pursuant to ~~[subsection 8 of]~~ section ~~[1]~~ 1.6 of this act; and

(c) Written evidence that the total contract price has been paid, unless the price is to be paid by the municipality to or at the direction of the contractor.

➥ No such inspection or review or receipt of a waiver imposes any liability on the municipality for any constructed, acquired or installed energy efficiency improvement project or renewable energy project or any unconstructed, unacquired or uninstalled item, any defect in any such item, any failure of any party to pay for any item, or any lien, including, without limitation, any mechanic's or materialman's lien.

Sec. 6. NRS 271.485 is hereby amended to read as follows:

271.485 1. Any bonds issued pursuant to this chapter may be sold in such a manner as may be approved by the governing body to defray the cost of the project, including all proper incidental expenses. The governing body may issue a single issue of bonds to defray the costs of projects in two or more improvement districts if the principal amount of those bonds does not exceed the total uncollected assessments levied in each improvement district.

2. Bonds must be sold in the manner prescribed in NRS 350.105 to 350.195, inclusive:

(a) For not less than the principal amount thereof and accrued interest thereon; or

(b) At the option of the governing body, below par at a discount not exceeding 9 percent of the principal amount and except as otherwise provided in ***this paragraph and in*** NRS 99.067, 271.487 and 271.730, at a price which will not result in an effective interest rate which exceeds by more than 3 percent the Index of Twenty Bonds which was most recently published before the bids are received or a negotiated offer is accepted if the maximum or any lesser amount of discount permitted by the governing body has been capitalized as a cost of the project. ***If the bonds bear an amount of interest that is included in gross income for the purposes of calculating***

federal income tax pursuant to the provisions of Title 26 of the United States Code, the net effective interest rate must not exceed twice the maximum interest rate as provided in this paragraph.

3. Except as otherwise provided in subsection 4 and NRS 271.487 and 271.730, the rate of interest of the bonds must not at any time exceed the rate of interest, or lower or lowest rate if more than one, borne by the special assessments, but any rate of interest of the bonds may be the same as or less than any rate of interest of the assessment, subject to the limitation provided in subsection 2, as the governing body may determine.

4. Except as otherwise provided in NRS 271.730, if a governing body creates a district pursuant to the provisions of NRS 271.710, the governing body or chief financial officer of the municipality shall, in consultation with a financial advisor or the underwriter of the bonds, fix the rate of interest of the bonds at a rate of interest such that the principal and interest due on the bonds in each year, net of any interest capitalized from the proceeds of the bonds, will not exceed the amount of principal and interest to be collected on the special assessments during that year.

5. The governing body may employ legal, fiscal, engineering and other expert services in connection with any project authorized by this chapter and the authorization, issuance and sale of bonds.

6. Any accrued interest must be applied to the payment of the interest on or the principal of the bonds, or both interest and principal.

7. Any unexpended balance of the proceeds of the bond remaining after the completion of the project for which the bonds were issued must be paid immediately into the fund created for the payment of the principal of the bonds and must be used therefor, subject to the provisions as to the times and methods for their payment as stated in the bonds and the proceedings authorizing their issuance.

8. The validity of the bonds must not be dependent on nor affected by the validity or regularity of any proceedings relating to the acquisition or improvement of the project for which the bonds are issued.

9. A purchaser of the bonds is not responsible for the application of the proceeds of the bonds by the municipality or any of its officers, agents and employees.

10. The governing body may enter into a contract to sell special assessment bonds at any time but, if the governing body so contracts before it awards a construction contract or otherwise contracts for acquiring or improving the project, the governing body may terminate the contract to sell the bonds, if:

(a) Before awarding the construction contract or otherwise contracting for the acquisition or improvement of the project, it determines not to acquire or improve the project; and

(b) It has not elected to proceed pursuant to subsection 2 or 3 of NRS 271.330, but has elected to proceed pursuant to subsection 1 of that section.

11. If the governing body ceases to have jurisdiction to proceed, because the requisite proportion of owners of the frontage to be assessed, or of the area, zone or other basis of assessment, file written complaints, protests and objections to the project, as provided in NRS 271.306, or for any other reason, any contract to sell special assessment bonds is terminated and becomes inoperative.

Sec. 7. This act becomes effective on July 1, 2017.

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 7.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 306.

AN ACT relating to education; revising certain references and terms in conformance with revisions to federal law; revising requirements for a plan to improve the achievement of pupils enrolled in a public school; repealing provisions requiring certain schools to carry out a process for peer review of a plan to improve the achievement of pupils enrolled in a school in accordance with federal law; requiring the State Board of Education to establish criteria for assessments that may be used to determine pupil achievement; ~~[providing for the selection by the State Board of more than one college and career readiness assessment;]~~ **revising provisions governing the count of pupils for purposes of calculating basic support; requiring the State Board to adopt regulations regarding end-of-course finals; revising the requirements for receipt of a standard high school diploma; providing for the creation of a pathway high school diploma; requiring a public awareness campaign concerning high school diplomas and endorsements to be conducted to the extent that money is available;** revising provisions governing the annual reports of accountability prepared by the State Board and each school district; revising provisions governing evaluations of the overall performance of teachers and paraprofessionals; ~~[requiring probationary teachers and administrators to receive certain notice regarding observations;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In 2015, Congress passed the Every Student Succeeds Act of 2015, which replaced the No Child Left Behind Act of 2001 and was a significant reauthorization of the Elementary and Secondary Education Act of 1965. (20 U.S.C. §§ 6301 et seq.) **Sections 6, 7, 56, 58, 75 and 76** of this bill replace references to the No Child Left Behind Act of 2001 with references to the Every Student Succeeds Act of 2015. **Sections 2, 32, 38, 43, 71 and 72** revise references to federal law to conform to changes made in the Every Student Succeeds Act of 2015. **Sections 1, 2, 4, 5, 11, 15, 16, 19-21, 23, 24,**

26-29, 31, 33, 35, 39, 55, 56, 71, 73, 74 and 77-82 of this bill revise terminology to conform with the revisions to the federal law.

Existing law requires the principal of each school, in consultation with the employees of the school, to prepare a plan to improve the achievement of pupils enrolled in the school and prescribes the requirements for such a plan. (NRS 385A.650) **Section 19** of this bill removes the statutory requirements concerning the contents of the plan and instead requires the State Board of Education to prescribe the contents of the plan by regulation. **Section 83** of this bill repeals a provision requiring certain schools to carry out a process for peer review of a plan to improve the achievement of pupils enrolled in the school in accordance with federal law.

Existing law requires the State Board to adopt regulations for counting enrollment of pupils for apportionment purposes. (NRS 387.123) Section 23.5 of this bill prohibits such regulations from counting a pupil enrolled in grade 12 who is not prepared for college and career success as a full-time pupil for apportionment purposes unless the pupil is enrolled in a certain number of courses or periods per day.

Section 41.3 of this bill requires the State Board to adopt regulations regarding end-of-course finals and the courses for which such finals may be administered.

Existing law requires the State Board to adopt regulations that prescribe the criteria for receipt of a standard high school diploma. (NRS 390.600) Section 52 of this bill removes the requirement that the regulations require a pupil to pass certain end-of-course examinations to receive a standard high school diploma. Section 41.5 of this bill requires the State Board to adopt regulations that prescribe the criteria for a pupil to receive a pathway high school diploma, which must include requirements that the pupil: (1) satisfy the criteria for receipt of a standard high school diploma; and (2) obtain a college-ready endorsement or a career-ready endorsement. Section 41.5 also requires the State Board to: (1) adopt regulations prescribing the criteria for a pupil to obtain each endorsement; (2) annually review and, if necessary, revise the regulations adopted relating to the pathway high school diploma; and (3) provide incentive grants and certain reimbursements relating to the pathway high school diploma, to the extent that money is available for this purpose. Finally, section 41.5 provides that a pathway high school diploma confers all the same rights, privileges and benefits as a standard high school diploma.

Section 41.7 of this bill requires the Department of Education, to the extent that money is available, to conduct a public awareness campaign to inform certain persons of the types of diplomas and endorsements on a diploma a pupil may receive upon graduation from high school and the criteria for obtaining such diplomas or endorsements.

Existing law requires the statewide performance evaluation system used to evaluate a public school employee's overall performance to

include a process for peer evaluations of teachers by qualified educational personnel. (NRS 391.465) Section 66 of this bill requires the statewide performance evaluation system to include a process for peer observations, instead of peer evaluations. Sections 65.5 and 66.5 of this bill make conforming changes.

Existing law requires the State Board to designate the assessments that may be used by a school district to determine pupil achievement. (NRS 391.465) **Section 66** of this bill instead requires: (1) the State Board to establish the criteria for the assessments that may be used by a school district; and (2) the board of trustees of a school district to select assessments that meet the criteria established by the State Board to determine pupil achievement. Existing law requires the State Board to select a college and career readiness assessment for administration to pupils enrolled in grade 11 in public schools. (NRS 390.610) **Section 53** of this bill ~~[provides for the selection of one or more such assessments. Sections 2, 8, 10-12, 14, 15, 17-19, 22, 25, 30, 34, 40-42, 44-54, 57, 65 and 70 of this bill make conforming changes.]~~ **provides that the results of a pupil on this assessment may be used in determining whether the pupil satisfies the requirements for receipt of a pathway high school diploma. Section 53 also requires the State Board to adopt regulations prescribing the manner in which a school district or charter school that enrolls pupils at a high school grade level is required to use the results of this assessment to inform the instruction provided to pupils enrolled in grade 12.**

Existing law requires ~~[probationary]~~ teachers and administrators to receive ~~[one evaluation each school year that is]~~ **certain evaluations that are** based in part upon a certain number of observations of the teacher or administrator. (NRS 391.685, ~~[391.705) Sections 67 and 68 of this bill provide that, following each observation, a probationary teacher or administrator must receive notice that he or she may request that a subsequent observation be conducted by another administrator.]~~ **391.690, 391.705, 391.710) Sections 67-68.5 of this bill require such evaluations to be based on a certain number of observation cycles of each teacher and administrator. Section 69** of this bill makes a technical correction to provisions relating to the written evaluation of a probationary teacher or administrator. **Sections 36, 37 and 59-64** of this bill revise additional provisions governing the **qualifications of certain teachers and paraprofessionals and** evaluations of the performance of teachers and paraprofessionals.

Existing law requires the board of trustees of each school district to prepare an annual report of accountability concerning the educational goals and objectives of the school district. (385A.070) Existing law also requires the State Board to prepare a single annual report of accountability for all public schools in the State that includes certain information. (NRS 385A.400) **Sections 9 and 13** of this bill **revise the contents of such annual reports of accountability and** require ~~[such annual]~~ **the** reports ~~[of~~

~~accountability~~] to include certain information concerning educational personnel.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.007 is hereby amended to read as follows:

385.007 As used in this title, unless the context otherwise requires:

1. "Achievement charter school" means a public school operated by a charter management organization, as defined in NRS 388B.020, an educational management organization, as defined in NRS 388B.030, or other person pursuant to a contract with the Achievement School District pursuant to NRS 388B.210 and subject to the provisions of chapter 388B of NRS.

2. "Department" means the Department of Education.

3. ***"English learner" has the meaning ascribed to it in 20 U.S.C. § 7801(20).***

4. "Homeschooled child" means a child who receives instruction at home and who is exempt from compulsory attendance pursuant to NRS 392.070, but does not include an opt-in child.

~~[4. "Limited English proficient" has the meaning ascribed to it in 20 U.S.C. § 7801(25).]~~

5. "Opt-in child" means a child for whom an education savings account has been established pursuant to NRS 353B.850, who is not enrolled full-time in a public or private school and who receives all or a portion of his or her instruction from a participating entity, as defined in NRS 353B.750.

6. "Public schools" means all kindergartens and elementary schools, junior high schools and middle schools, high schools, charter schools and any other schools, classes and educational programs which receive their support through public taxation and, except for charter schools, whose textbooks and courses of study are under the control of the State Board.

7. "State Board" means the State Board of Education.

8. "University school for profoundly gifted pupils" has the meaning ascribed to it in NRS 388C.040.

Sec. 2. NRS 385.112 is hereby amended to read as follows:

385.112 A plan to improve the achievement of pupils enrolled in public schools in this State prepared pursuant to NRS 385.111 must include:

1. A review and analysis of the data upon which the report required pursuant to NRS 385A.400 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

2. The identification of any problems or factors common among the school districts or charter schools in this State, as revealed by the review and analysis.

3. Strategies based upon ~~[scientifically based]~~ ***evidence-based*** research, as defined in 20 U.S.C. § ~~[7801(37),]~~ ***7801(21),*** that will strengthen the core academic subjects, as set forth in NRS 389.018.

4. Strategies to improve the academic achievement of pupils enrolled in public schools in this State, including, without limitation, strategies to:

(a) Instruct pupils who are not achieving to their fullest potential, including, without limitation:

(1) The curriculum appropriate to improve achievement;

(2) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS 390.105 ~~[and 390.600]~~ and the college and career readiness assessment ~~[assessments]~~ administered pursuant to NRS 390.610, including, without limitation, the manner in which remediation will be provided to pupils who require remediation based on the results of an examination administered pursuant to NRS ~~[390.600 and]~~ 390.610; and

(3) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each group identified in the statewide system of accountability for public schools;

(b) Improve the literacy skills of pupils;

(c) Improve the development of English language skills and academic achievement of pupils who are ~~[limited]~~ English ~~[proficient;]~~ ***learners;***

(d) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(e) Integrate technology into the instructional and administrative programs of the school districts;

(f) Manage effectively the discipline of pupils; and

(g) Enhance the professional development offered for the teachers and administrators employed at public schools in this State to include the activities set forth in 20 U.S.C. § ~~[7801(34)]~~ ***7801(42)*** and to address the specific needs of the pupils enrolled in public schools in this State, as deemed appropriate by the State Board.

5. Strategies designed to provide to the pupils enrolled in middle school, junior high school and high school, the teachers and counselors who provide instruction to those pupils, and the parents and guardians of those pupils information concerning:

(a) The requirements for admission to an institution of higher education and the opportunities for financial aid;

(b) The availability of Governor Guinn Millennium Scholarships pursuant to NRS 396.911 to 396.945, inclusive; and

(c) The need for a pupil to make informed decisions about his or her curriculum in middle school, junior high school and high school in preparation for success after graduation.

6. An identification, by category, of the employees of the Department who are responsible for ensuring that each provision of the plan is carried out effectively.

7. A timeline for carrying out the plan, including, without limitation:

(a) The rate of improvement and progress which must be attained annually in meeting the goals and benchmarks established by the State Board pursuant to NRS 385.113; and

(b) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

8. For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

9. Strategies to improve the allocation of resources from this State, by program and by school district, in a manner that will improve the academic achievement of pupils. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this subsection. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this subsection.

10. Based upon the reallocation of resources set forth in subsection 9, the resources available to the State Board and the Department to carry out the plan, including, without limitation, a budget for the overall cost of carrying out the plan.

11. A summary of the effectiveness of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

12. A 5-year strategic plan which identifies the recurring issues in improving the achievement and proficiency of pupils in this State and which establishes strategic goals to address those issues. The 5-year strategic plan must be:

(a) Based upon the data from previous years which is collected by the Department for the plan developed pursuant to NRS 385.111; and

(b) Designed to track the progress made in achieving the strategic goals established by the Department.

13. Any additional plans addressing the achievement and proficiency of pupils adopted by the Department.

Sec. 3. NRS 385.113 is hereby amended to read as follows:

385.113 The State Board shall:

1. In developing the plan to improve the achievement of pupils enrolled in public schools pursuant to NRS 385.111, establish clearly defined goals and benchmarks for improving the achievement of pupils, including, without limitation, goals for:

(a) Improving proficiency results in core academic subjects;

(b) Increasing the number of pupils enrolled in public middle schools and junior high schools, including, without limitation, charter schools, who enter public high schools with the skills necessary to succeed in high school;

(c) Improving the percentage of pupils who enroll in grade 9 and who graduate from a public high school, including, without limitation, a charter school, with a standard or higher diploma upon completion;

(d) Improving the performance of pupils on standardized college entrance examinations;

(e) Increasing the percentage of pupils enrolled in high schools who enter postsecondary educational institutions or who are career and workforce ready; and

(f) Reengaging disengaged youth who have dropped out of high school or who are at risk of dropping out of high school, including, without limitation, a mechanism for tracking and maintaining communication with those youth who have dropped out of school or who are at risk of doing so;

2. Review the plan annually to evaluate the effectiveness of the plan;

3. Examine the timeline for implementing the plan and each provision of the plan to determine whether the annual goals and benchmarks have been attained;

4. Based upon the evaluation of the plan, make revisions, as necessary, to ensure that:

(a) The goals and benchmarks set forth in the plan are being attained in a timely manner; and

(b) The plan is designed to improve the academic achievement of pupils enrolled in public schools in this State; and

5. Review the plans submitted pursuant to subsection ~~[5]~~ ***4*** of NRS 385A.650 to:

(a) Determine common problems identified by the principal of each school ***;*** ~~[pursuant to paragraph (b) of subsection 2 of NRS 385A.650;]~~ and

(b) Make recommendations to the Department concerning how the Department can best support the needs of schools.

Sec. 4. NRS 385.230 is hereby amended to read as follows:

385.230 1. The Department shall, in conjunction with the State Board, prepare an annual report of the state of public education in this State. The report must include, without limitation:

(a) An analysis of each annual report of accountability prepared by the State Board pursuant to NRS 385A.400;

(b) An update on the status of K-12 public education in this State;

(c) A description of the most recent vision and mission statements of the State Board and the Department, including, without limitation, the progress made by the State Board and Department in achieving those visions and missions;

(d) A description of the goals and benchmarks for improving the academic achievement of pupils which are included in the plan to improve the achievement of pupils required by NRS 385.111;

(e) A description of any significant changes made to the collection, maintenance or transfer of data concerning pupils by the Department, a

school district, a sponsor of a charter school or a university school for profoundly gifted pupils;

(f) Any new data elements, including, without limitation, data about individual pupils and aggregated data about pupils within a defined group, proposed for inclusion in the automated system of accountability information for Nevada established pursuant to NRS 385A.800;

(g) An analysis of the progress the public schools have made in the previous year toward achieving the goals and benchmarks for improving the academic achievement of pupils;

(h) An analysis of whether the standards and examinations adopted by the State Board adequately prepare pupils for success in postsecondary educational institutions and in career and workforce readiness;

(i) An analysis of the extent to which school districts and charter schools recruit and retain effective teachers and principals;

(j) An analysis of the ability of the automated system of accountability information for Nevada established pursuant to NRS 385A.800 to link the achievement of pupils to the performance of the individual teachers assigned to those pupils and to the principals of the schools in which the pupils are enrolled;

(k) An analysis of the extent to which the lowest performing public schools have improved the academic achievement of pupils enrolled in those schools;

(l) A summary of the innovative educational programs implemented by public schools which have demonstrated the ability to improve the academic achievement of pupils, including, without limitation:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are ~~[limited]~~ English ~~[proficient;]~~ ***learners;*** and

(5) Pupils who are migratory children, as defined by the State Board; and

(m) A description of any plan of corrective action requested by the Superintendent of Public Instruction from the board of trustees of a school district or the governing body of a charter school and the status of that plan.

2. In odd-numbered years, the Superintendent of Public Instruction shall present the report prepared pursuant to subsection 1 in person to the Governor and each standing committee of the Legislature with primary jurisdiction over matters relating to K-12 public education at the beginning of each regular session of the Legislature.

3. In even-numbered years, the Superintendent of Public Instruction shall, on or before January 31, submit a written copy of the report prepared pursuant to subsection 1 to the Governor and to the Legislative Committee on Education.

Sec. 5. NRS 385.620 is hereby amended to read as follows:

385.620 The Advisory Council shall:

1. Review the policy of parental involvement adopted by the State Board and the policy of parental involvement and family engagement adopted by the board of trustees of each school district pursuant to NRS 392.457;

2. Review the information relating to communication with and participation, involvement and engagement of parents and families that is included in the annual report of accountability for each school district pursuant to NRS 385A.320 and similar information in the annual report of accountability prepared by the State Public Charter School Authority, the Achievement School District and a college or university within the Nevada System of Higher Education that sponsors a charter school pursuant to subsection 3 of NRS 385A.070;

3. Review any effective practices carried out in individual school districts to increase parental involvement and family engagement and determine the feasibility of carrying out those practices on a statewide basis;

4. Review any effective practices carried out in other states to increase parental involvement and family engagement and determine the feasibility of carrying out those practices in this State;

5. Identify methods to communicate effectively and provide outreach to parents, legal guardians and families of pupils who have limited time to become involved in the education of their children for various reasons, including, without limitation, work schedules, single-parent homes and other family obligations;

6. Identify the manner in which the level of parental involvement and family engagement affects the performance, attendance and discipline of pupils;

7. Identify methods to communicate effectively with and provide outreach to parents, legal guardians and families of pupils who are ~~[~~limited~~]~~ English ~~[~~proficient;~~]~~ ***learners;***

8. Determine the necessity for the appointment of a statewide parental involvement and family engagement coordinator or a parental involvement and family engagement coordinator in each school district, or both;

9. Work in collaboration with the Office of Parental Involvement and Family Engagement created by NRS 385.630 to carry out the duties prescribed in NRS 385.635;

10. On or before July 1 of each year, submit a report to the Legislative Committee on Education describing the activities of the Advisory Council and any recommendations for legislation; and

11. On or before February 1 of each odd-numbered year, submit a report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature describing the activities of the Advisory Council and any recommendations for legislation.

Sec. 6. NRS 385A.040 is hereby amended to read as follows:

385A.040 "Title I school" means a public school that receives money pursuant to the ~~[~~No Child Left Behind Act of 2001,~~]~~ ***Every Student Succeeds Act of 2015,*** 20 U.S.C. §§ 6301 et seq., and is obligated to comply with the provisions of that federal law.

Sec. 7. NRS 385A.050 is hereby amended to read as follows:

385A.050 "Title I school district" means a school district that receives money pursuant to the ~~[~~No Child Left Behind Act of 2001,~~]~~ ***Every Student Succeeds Act of 2015,*** 20 U.S.C. §§ 6301 et seq., and is obligated to comply with the provisions of that federal law.

Sec. 8. NRS 385A.200 is hereby amended to read as follows:

385A.200 The annual report of accountability prepared pursuant to NRS 385A.070 must include information on pupil achievement and school performance, including, without limitation, pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 390.105 ~~[and 390.600]~~ and the college and career readiness assessment ~~[assessments]~~ administered pursuant to NRS 390.610 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school sponsored by the district, and each grade in which the examinations and assessments were administered:

1. The number of pupils who took the examinations and a record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

2. Except as otherwise provided in subsection 2 of NRS 385A.070, pupil achievement, reported separately by gender and reported separately for the groups of pupils identified in the statewide system of accountability for public schools.

3. A comparison of the achievement of pupils in each group identified in the statewide system of accountability for public schools with the performance targets established for that group.

4. The percentage of pupils who were not tested.

5. Except as otherwise provided in subsection 2 of NRS 385A.070, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in the statewide system of accountability for public schools.

6. The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 390.105 ~~[and 390.600]~~ and the college and career readiness assessment ~~[assessments]~~ administered pursuant to NRS 390.610, which may include information regarding the trend

in the achievement of pupils for more than 3 years, if such information is available.

7. The rating of each public school in the district, including, without limitation, each charter school sponsored by the district, pursuant to the statewide system of accountability for public schools.

8. Information on whether each school in the district, including, without limitation, each charter school sponsored by the district, has made progress based upon the model adopted by the Department pursuant to NRS 390.125.

9. Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools sponsored by the district, with the results of pupils throughout this State. The information required by this subsection must be provided in consultation with the Department to ensure the accuracy of the comparison.

10. For each school in the district, including, without limitation, each charter school sponsored by the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subsection must be provided in consultation with the Department to ensure the accuracy of the comparison.

Sec. 9. NRS 385A.230 is hereby amended to read as follows:

385A.230 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include information on teachers ***, other licensed educational personnel*** and paraprofessionals, including, without limitation:

(a) Information on the professional qualifications of teachers ***and other licensed educational personnel*** employed by each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The information must include, without limitation:

(1) ***The total number of :***

(I) Teachers and other licensed educational personnel employed at ~~[the]~~ each school;

(II) Vacancies at each school which are not filled by a teacher who has a contract to teach at the school on a full-time basis, as determined by the Commission on Professional Standards in Education;

(III) Teachers and other licensed educational personnel employed at each school who provide instruction in a grade level or subject area for which they do not meet the requirements for licensure or do not hold a required endorsement;

(IV) Teachers and other licensed educational personnel employed at each school who are inexperienced, as defined by the Commission on Professional Standards in Education; and

(V) Employees at each school whose overall performance was determined to be highly effective, effective, minimally effective or ineffective under the statewide performance evaluation system.

(2) The percentage of ~~[teachers]~~ ***:***

(I) Teachers and other licensed educational personnel employed by the school district who are ~~[~~:

~~(I) Providing instruction pursuant to NRS 391.125;]~~ ***employed at each school;***

(II) ~~[Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or~~

~~(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;~~

~~(2)~~ ***(3)*** ~~The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by~~ highly qualified teachers;

~~(3) teachers whose overall performance has been determined to be effective or highly effective;~~

(4) ~~The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by~~ highly qualified teachers, ~~teachers whose overall performance has been determined to be effective or highly effective,]~~ ~~[in the aggregate and disaggregated by high poverty compared to low poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;~~

~~(4) according to the percentage of pupils enrolled in the school district who:~~

~~(I) Are economically disadvantaged, as defined by the State Board;~~

~~(II) Are from major racial and ethnic groups, as defined by the State Board;~~

~~(III) Have a disability;~~

~~(IV) Are English learners; and~~

~~(V) Are migratory children, as defined by the State Board;~~

~~(5)]~~ ***Vacancies at each school which are not filled by a teacher who has a contract to teach at the school on a full-time basis, as determined by the Commission on Professional Standards in Education;***

(III) Teachers and other licensed educational personnel employed at each school who provide instruction in a grade level or subject area for which they do not meet the requirements for licensure or do not hold a required endorsement;

(IV) Teachers and other licensed educational personnel employed at each school who are inexperienced, as defined by the Commission on Professional Standards in Education; and

(V) Employees at each school whose overall performance was determined to be highly effective, effective, minimally effective or ineffective under the statewide performance evaluation system.

(3) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term

substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area **.** ~~[; and]~~

~~[~~(5)~~ *(6)]* *(4)* For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(b) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The records of attendance maintained by a school for purposes of this paragraph must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which the teacher is employed for one of the following reasons:

(1) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(2) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

(c) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school sponsored by the district. The information must include:

(1) The number of paraprofessionals employed at the school; ~~[and]~~

(2) The number ~~[and percentage of all]~~ ***of*** paraprofessionals ***employed at the school*** who do not satisfy the ~~[qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.]~~ ***requirements prescribed by the Department to comply with 20 U.S.C. § 6311(g)(2)(M);***

(3) The percentage of paraprofessionals employed by the school district who do not satisfy the requirements prescribed by the Department to comply with 20 U.S.C. § 6311(g)(2)(M) who are employed at the school; and

(4) Any other information required by regulation of the State Board.

2. As used in this section ~~[:~~

~~(a)~~ "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23). ***"Disaggregated" means the reporting of information relating to schools in the top quartile of each of the categories listed in sub-subparagraphs (I) to (V), inclusive, of subparagraph (4) of paragraph (a) of subsection 1 and the bottom quartile of each of the categories listed in sub-subparagraphs (I) to (V), inclusive, of subparagraph (4) of paragraph (a) of subsection 1 in this State.***

~~(b) "Paraprofessional"~~ ***,"paraprofessional"*** has the meaning ascribed to it in NRS 391.008.

Sec. 10. NRS 385A.270 is hereby amended to read as follows:

385A.270 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, information concerning pupils who are eligible for free or reduced-price breakfasts pursuant to 42 U.S.C. §§ 1771 et seq. and pupils who are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq., including, without limitation:

(a) The number and percentage of pupils who are eligible for free or reduced-price breakfasts;

(b) The percentage of pupils who receive free and reduced-price breakfasts;

(c) The number and percentage of pupils who are eligible for free or reduced-price lunches;

(d) The percentage of pupils who receive free and reduced-price lunches;

(e) A comparison of the achievement and proficiency of pupils, reported separately by race and ethnicity, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price lunches, pupils who receive free and reduced-price lunches and pupils who are not eligible for free or reduced-price breakfasts or lunches;

(f) A comparison of pupils, reported separately by race and ethnicity, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price lunches and pupils who receive free and reduced-price lunches for which data is required to be collected in the following areas:

(1) Retention rates;

(2) Graduation rates;

(3) Dropout rates;

(4) Grade point averages; and

(5) Scores on the examinations administered pursuant to NRS 390.105 ~~[and 390.600]~~ and the college and career readiness assessment ***[assessments]*** administered pursuant to NRS 390.610.

2. The State Board may adopt any regulations necessary to carry out the provisions of this section.

Sec. 11. NRS 385A.280 is hereby amended to read as follows:

385A.280 The annual report of accountability prepared pursuant to NRS 385A.070 must include, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, information regarding the progression of pupils who are ~~[~~limited~~]~~ English ~~[~~proficient~~]~~ ***learners*** in attaining proficiency in the English language, including, without limitation:

1. The number and percentage of pupils who were identified as ~~[~~limited~~]~~ English ~~[~~proficient~~]~~ ***learners*** at the beginning of the school year, were continually enrolled throughout the school year and were identified as proficient in English by the completion of the school year;

2. The achievement and proficiency of pupils who are ~~[~~limited~~]~~ English ~~[~~proficient~~]~~ ***learners*** in comparison to the pupils who are proficient in English;

3. A comparison of pupils who are ~~[~~limited~~]~~ English ~~[~~proficient~~]~~ ***learners*** and pupils who are proficient in the English language in the following areas:

(a) Retention rates;

(b) Graduation rates;

(c) Dropout rates;

(d) Grade point averages; and

(e) Scores on the examinations administered pursuant to NRS 390.105 ~~[~~and 390.600~~]~~ and the college and career readiness assessment ~~[~~***assessments***~~]~~ administered pursuant to NRS 390.610; and

4. Results of the assessments and reassessments of pupils who are ~~[~~limited~~]~~ English ~~[~~proficient,~~]~~ ***learners,*** reported separately by the primary language of the pupils, pursuant to the policy developed by the board of trustees of the school district pursuant to NRS 388.407.

Sec. 12. NRS 385A.410 is hereby amended to read as follows:

385A.410 The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include information on pupil achievement and school performance, including, without limitation:

1. Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 390.105 ~~[~~and 390.600~~]~~ and the college and career readiness assessment ~~[~~***assessments***~~]~~ administered pursuant to NRS 390.610, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

2. Except as otherwise provided in subsection 2 of NRS 385A.400, pupil achievement, reported separately by gender and reported separately for the groups of pupils identified in the statewide system of accountability for public schools.

3. A comparison of the achievement of pupils in each group identified in the statewide system of accountability for public schools with the performance targets established for that group.

4. The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

5. Except as otherwise provided in subsection 2 of NRS 385A.400, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in the statewide system of accountability for public schools.

6. The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 390.105 ~~[and 390.600]~~ and the college and career readiness assessment ~~*[assessments]*~~ administered pursuant to NRS 390.610, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

7. The rating of each public school, including, without limitation, each charter school, pursuant to the statewide system of accountability for public schools.

8. Information on whether each public school, including, without limitation, each charter school, has made progress based upon the model adopted by the Department pursuant to NRS 390.125, if applicable for the grade level of pupils enrolled at the school.

9. Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 390.830.

Sec. 13. NRS 385A.440 is hereby amended to read as follows:

385A.440 1. The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include information on teachers ***, other licensed personnel*** and paraprofessionals, including, without limitation:

(a) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers ***and other licensed educational personnel*** employed by the school districts and charter schools, including, without limitation:

(1) ***The total number of :***

(I) Teachers and other licensed educational personnel employed ~~[, reported for]~~ by each school district, including, without limitation, each charter school in the district, and for this State as a whole;

(II) Vacancies at each school district, including, without limitation, each charter school in the district, which are not filled by a teacher who has a contract to teach on a full-time basis, as determined by the Commission on Professional Standards in Education and for this State as a whole;

(III) Teachers and other licensed educational personnel employed by each school district, including, without limitation, each charter school

in the district, who provide instruction in a grade level or subject area for which they do not meet the requirements for licensure or do not hold a required endorsement, and for this State as a whole;

(IV) Teachers or other licensed educational personnel who are inexperienced, as defined by the Commission on Professional Standards in Education, employed by each school district, including, without limitation, each charter school in the district, and for this State as a whole; and

(V) Employees at each school district, including, without limitation, each charter school in the district, whose overall performance was determined to be highly effective, effective, minimally effective or ineffective under the statewide performance evaluation system, and for this State as a whole.

(2) The percentage of ~~[~~teachers~~]~~ ***:***

(I) Teachers and other licensed educational personnel employed in this State who are ~~[~~***:***

~~(I) Providing instruction pursuant to NRS 391.125;~~**]** ***employed by each school district, including, without limitation, each charter school in the district, and for this State as a whole;***

(II) ~~[~~Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

~~(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;~~

~~(2)~~ ***(3)*** ~~The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;~~

~~(3) teachers whose overall performance has been determined to be effective or highly effective;~~

(4) ~~The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers,~~ ***teachers whose overall performance has been determined to be effective or highly effective,*** ~~in the aggregate and disaggregated by high poverty compared to low poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;~~

~~(4) according to the percentage of pupils in each school district who:~~

~~(I) Are economically disadvantaged, as defined by the State Board;~~

~~(II) Are from major racial and ethnic groups, as defined by the State Board;~~

~~(III) Have a disability;~~

~~(IV) Are English learners; and~~

~~(V) Are migratory children, as defined by the State Board;~~

~~(5)~~**]** ***Vacancies at each school district including, without limitation, each charter school in the district, which are not filled by a teacher who has a contract to teach on a full-time basis, as determined by the***

Commission on Professional Standards in Education, and for this State as a whole;

(III) Teachers and other licensed educational personnel employed by each school district, including, without limitation, each charter school in the district, who provide instruction in a grade level or subject area in which they do not meet the requirements for licensure or do not hold a required endorsement, and for this State as a whole;

(IV) Teachers and other licensed educational personnel employed by each school district, including, without limitation, each charter school in the district, who are inexperienced, as defined by the Commission on Professional Standards in Education, and for this State as a whole; and

(V) Employees at each school district, including, without limitation, each charter school in the district, whose overall performance was determined to be highly effective, effective minimally effective or ineffective under the statewide performance evaluation system, and for this State as a whole.

(3) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area ***.*** ~~[; and]~~

~~[~~(5)~~ *(6)]* *(4)* For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(b) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(c) Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:

(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; ~~[and]~~

(2) ~~[For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.]~~ ***The number of paraprofessional employed by each school district, including, without limitation, each charter school in the district, who do not satisfy the requirements prescribed by the Department to comply with 20 U.S.C. § 6311(g)(2)(M), and for this State as a whole;***

(3) The percentage of paraprofessionals employed by each school district, including, without limitation, each charter school in the district, who do not satisfy the requirements prescribed by the Department to comply with 20 U.S.C. § 6311(g)(2)(M), and for this State as a whole; and

(4) Any other information required by regulation of the State Board.

2. As used in this section~~[:~~

~~(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).~~ ~~***"Disaggregated" means the reporting of information relating to schools in the top quartile of each of the categories listed in sub-subparagraphs (I) to (V), inclusive, of subparagraph (4) of paragraph (a) of subsection 1 and the bottom quartile of each of the categories listed in sub-subparagraphs (I) to (V), inclusive, of subparagraph (4) of paragraph (a) of subsection 1 in this State.***~~

~~(b) "Paraprofessional"]~~ **,** ***"paraprofessional"*** has the meaning ascribed to it in NRS 391.008.

Sec. 14. NRS 385A.480 is hereby amended to read as follows:

385A.480 The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include for each school district, including, without limitation, each charter school in the district, and for this State as a whole, information concerning pupils who are eligible for free or reduced-price breakfasts pursuant to 42 U.S.C. §§ 1771 et seq. and pupils who are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq., including, without limitation:

1. The number and percentage of pupils who are eligible for free or reduced-price breakfasts;

2. The number and percentage of pupils who receive free and reduced-price breakfasts;

3. The number and percentage of pupils who are eligible for free or reduced-price lunches;

4. The number and percentage of pupils who receive free and reduced-price lunches;

5. A comparison of the achievement and proficiency of pupils, reported separately by race and ethnicity, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who

are eligible for free or reduced-price lunches, pupils who receive free and reduced-price lunches and pupils who are not eligible for free or reduced-price breakfasts or lunches;

6. A comparison of pupils, reported separately by race and ethnicity, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price lunches and pupils who receive free and reduced-price lunches for which data is required to be collected in the following areas:

(a) Retention rates;

(b) Graduation rates;

(c) Dropout rates;

(d) Grade point averages; and

(e) Scores on the examinations administered pursuant to NRS 390.105 ~~[and 390.600]~~ and the college and career readiness assessment ~~***[assessments]***~~ administered pursuant to NRS 390.610.

Sec. 15. NRS 385A.490 is hereby amended to read as follows:

385A.490 The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include for each school district, including, without limitation, each charter school in the district, and for this State as a whole, information regarding the progression of pupils who are ~~[limited]~~ English ~~[proficient]~~ ***learners*** in attaining proficiency in the English language, including, without limitation:

1. The number and percentage of pupils who were identified as ~~[limited]~~ English ~~[proficient]~~ ***learners*** at the beginning of the school year, were continually enrolled throughout the school year and were identified as proficient in English by the completion of the school year;

2. The achievement and proficiency of pupils who are ~~[limited]~~ English ~~[proficient]~~ ***learners*** in comparison to the pupils who are proficient in English;

3. A comparison of pupils who are ~~[limited]~~ English ~~[proficient]~~ ***learners*** and pupils who are proficient in the English language in the following areas:

(a) Retention rates;

(b) Graduation rates;

(c) Dropout rates;

(d) Grade point averages; and

(e) Scores on the examinations administered pursuant to NRS 390.105 ~~[and 390.600]~~ and the college and career readiness assessment ~~***[assessments]***~~ administered pursuant to NRS 390.610; and

4. Results of the assessments and reassessments of pupils who are ~~[limited]~~ English ~~[proficient,]~~ ***learners,*** reported separately by the primary language of the pupils, pursuant to the policies developed by the boards of trustees of school districts pursuant to NRS 388.407.

Sec. 16. NRS 385A.600 is hereby amended to read as follows:

385A.600 1. The Department shall make every effort to obtain the approval necessary from the United States Department of Education to

ensure that the statewide system of accountability for public schools complies with all requirements for the receipt of federal money under the Elementary and Secondary Education Act of 1965, 20 U.S.C. §§ 6301 et seq., as amended.

2. The statewide system of accountability applies to all public schools, regardless of Title I status, and must:

(a) Include a method to, on an annual basis, rate each public school based upon the performance of the school and based upon whether each public school meets the ~~[annual measurable objectives]~~ ***school achievement targets*** and performance targets established pursuant to the statewide system of accountability;

(b) Include a method to implement consequences, rewards and supports for public schools based upon the ratings;

(c) Include a method to provide grants and other financial support, to the extent that money is available from legislative appropriation, to public schools receiving one of the two lowest ratings of performance pursuant to the statewide system of accountability for public schools; and

(d) Establish ~~[annual measurable objectives]~~ ***school achievement targets*** and performance targets for public schools and performance targets for specific groups of pupils, including, without limitation, pupils who are economically disadvantaged, pupils from major racial and ethnic groups, pupils with disabilities and pupils who are ~~[limited]~~ English ~~[proficient.]~~ ***learners.*** The ~~[annual measurable objectives]~~ ***school achievement targets*** and performance targets must:

(1) Be based primarily upon the measurement of the progress and proficiency of pupils on the examinations administered pursuant to NRS 390.105 ***;*** ~~[or 390.600, as applicable;]~~ and

(2) For high schools, include the rate of graduation and the rate of attendance.

3. The statewide system of accountability for public schools may include a method to:

(a) On an annual basis, rate school districts based upon the performance of the public schools within the school district and whether those public schools meet the ~~[annual measurable objectives]~~ ***school achievement targets*** and performance targets established pursuant to the statewide system of accountability; and

(b) Implement consequences, rewards and supports for school districts based upon the ratings.

Sec. 17. NRS 385A.610 is hereby amended to read as follows:

385A.610 1. The Department shall establish a monitoring system for the statewide system of accountability. The monitoring system must identify significant levels of achievement of pupils on the examinations that are administered pursuant to NRS 390.105 ~~[and 390.600]~~ and the college and career readiness assessment ~~*[assessments]*~~ administered pursuant to NRS 390.610, identified by school and by school district.

2. On or before October 1 of each year, the Department shall prepare a written summary of the findings made pursuant to subsection 1. The written summary must be provided to:

(a) The Committee; and

(b) If the findings show inconsistencies applicable to a particular school district or school within a school district, the board of trustees of that school district.

3. The Committee shall review the report submitted pursuant to subsection 2 and take such action as it deems appropriate.

Sec. 18. NRS 385A.620 is hereby amended to read as follows:

385A.620 1. The State Board shall adopt regulations that prescribe, consistent with 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, the manner in which pupils enrolled in:

(a) A program of distance education pursuant to NRS 388.820 to 388.874, inclusive;

(b) An alternative program for the education of pupils at risk of dropping out of school pursuant to NRS 388.537; or

(c) A program of education that:

(1) Primarily serves pupils with disabilities; or

(2) Is operated within a:

(I) Local, regional or state facility for the detention of children;

(II) Juvenile forestry camp;

(III) Child welfare agency; or

(IV) Correctional institution,

➥ will be included within the statewide system of accountability set forth in this chapter.

2. The regulations adopted pursuant to subsection 1 must also set forth the manner in which:

(a) The progress of pupils enrolled in a program of distance education, an alternative program or a program of education described in subsection 1 will be accounted for within the statewide system of accountability; and

(b) The results of pupils enrolled in a program of distance education, an alternative program or a program of education described in subsection 1 on the examinations administered pursuant to NRS 390.105 and, if applicable for the grade levels of the pupils enrolled, the ~~[examinations administered pursuant to NRS 390.600 and the]~~ college and career readiness assessment ~~*[assessments]*~~ administered pursuant to NRS 390.610 will be reported.

Sec. 19. NRS 385A.650 is hereby amended to read as follows:

385A.650 1. The principal of each school, including, without limitation, each charter school, shall, in consultation with the employees of the school, prepare a plan to improve the achievement of the pupils enrolled in the school.

2. The plan developed pursuant to subsection 1 must ~~[include:~~

~~(a) A review and analysis of the data pertaining to the school upon which the report required pursuant to subsection 2 or 3 of NRS 385A.070, as~~

~~applicable, is based and a review and analysis of any data that is more recent than the data upon which the report is based.~~

~~(b) The identification of any problems or factors at the school that are revealed by the review and analysis.~~

~~(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as defined in NRS 389.018.~~

~~(d) Policies and practices concerning the core academic subjects which have the greatest likelihood of ensuring that each group of pupils enrolled in the school and identified in the statewide system of accountability for public schools will meet the performance targets established for that group.~~

~~(e) Annual measurable objectives and performance targets, consistent with the annual measurable objectives and performance targets established pursuant to the statewide system of accountability for public schools, for the continuous and substantial progress by each group of pupils identified in the statewide system of accountability for public schools who are enrolled in the school to ensure that each group will meet the performance targets established for that group.~~

~~(f) Strategies and practices which:~~

~~(1) Are consistent with the policy adopted pursuant to NRS 392.457 by the board of trustees of the school district in which the school is located, to promote effective involvement by parents and families of pupils enrolled in the school in the education of their children; and~~

~~(2) Are designed to improve and promote effective involvement and engagement by parents and families of pupils enrolled in the school which are consistent with the policies and recommendations of the Office of Parental Involvement and Family Engagement made pursuant to NRS 385.635.~~

~~(g) As appropriate, programs of remedial education or tutoring to be offered before and after school, during the summer, or between sessions if the school operates on a year-round calendar for pupils enrolled in the school who need additional instructional time to pass or to reach a level considered proficient.~~

~~(h) Strategies to improve the academic achievement of pupils enrolled in the school, including, without limitation, strategies to:~~

~~(1) Instruct pupils who are not achieving to their fullest potential, including, without limitation:~~

~~(I) The curriculum appropriate to improve achievement;~~

~~(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS 390.105 and 390.600 and the college and career readiness assessment administered pursuant to NRS 390.610; and~~

~~(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in~~

~~each group identified in the statewide system of accountability for public schools;~~

~~(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;~~

~~(3) Integrate technology into the instructional and administrative programs of the school;~~

~~(4) Manage effectively the discipline of pupils; and~~

~~(5) Enhance the professional development offered for the teachers and administrators employed at the school to include the activities set forth in 20 U.S.C. § 7801(34) and to address the specific needs of pupils enrolled in the school, as deemed appropriate by the principal.~~

~~(i) An identification, by category, of the employees of the school who are responsible for ensuring that the plan is carried out effectively.~~

~~(j) In consultation with the school district or governing body, as applicable, an identification, by category, of the employees of the school district or governing body, if any, who are responsible for ensuring that the plan is carried out effectively or for overseeing and monitoring whether the plan is carried out effectively.~~

~~(k) In consultation with the Department, an identification, by category, of the employees of the Department, if any, who are responsible for overseeing and monitoring whether the plan is carried out effectively.~~

~~(l) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.~~

~~(m) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.~~

~~(n) The resources available to the school to carry out the plan. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school shall use the financial analysis program used by the school district in which the school is located in complying with this paragraph.~~

~~(o) A summary of the effectiveness of appropriations made by the Legislature that are available to the school to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.~~

~~(p) A budget of the overall cost for carrying out the plan.~~**]** ***:***

(a) Include any information prescribed by regulation of the State Board; and

(b) Comply with the provisions of 20 U.S.C. § 6311(d).

3. The principal of each school shall, in consultation with the employees of the school:

(a) Review the plan prepared pursuant to this section annually to evaluate the effectiveness of the plan; and

(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in the school.

4. ~~[On or before December 15 of each year, the principal of each school shall submit the plan or the revised plan, as applicable, to:~~

~~(a) If the school is a public school of the school district, the superintendent of schools of the school district.~~

~~(b) If the school is a charter school, the governing body of the charter school.~~

~~5.]~~ On or before ~~[January 31 of each year,]~~ ***the date prescribed by the Department,*** the principal of each school shall submit the ~~[final]~~ plan or the ~~[final]~~ revised plan, as applicable, to the:

(a) Department;

(b) Committee;

(c) Bureau; and

(d) Board of trustees of the school district in which the school is located or, if the school is a charter school, the sponsor of the charter school and the governing body of the charter school.

~~[6. A plan for the improvement of a school must be carried out expeditiously, but not later than February 15 after approval of the plan pursuant to subsection 1 or 2 of NRS 385A.660, as applicable.]~~

Sec. 20. NRS 385A.670 is hereby amended to read as follows:

385A.670 1. On or before July 31 of each year, the Department shall determine whether each public school is meeting the ~~[annual measurable objectives]~~ ***school achievement targets*** and performance targets established pursuant to the statewide system of accountability for public schools.

2. The determination pursuant to subsection 1 for a public school, including, without limitation, a charter school sponsored by the board of trustees of the school district, must be made in consultation with the board of trustees of the school district in which the public school is located. If a charter school is sponsored by the State Public Charter School Authority, the Achievement School District or a college or university within the Nevada System of Higher Education, the Department shall make a determination for the charter school in consultation with the State Public Charter School Authority, the Achievement School District or the institution within the Nevada System of Higher Education that sponsors the charter school, as applicable. The determination made for each school must be based only upon the information and data for those pupils who are enrolled in the school for a full academic year. On or before July 31 of each year, the Department shall transmit:

(a) Except as otherwise provided in paragraph (b), (c) or (d), the determination made for each public school to the board of trustees of the school district in which the public school is located.

(b) To the State Public Charter School Authority the determination made for each charter school that is sponsored by the State Public Charter School Authority.

(c) The determination made for the charter school to the Achievement School District if the charter school is sponsored by the Achievement School District.

(d) The determination made for the charter school to the institution that sponsors the charter school if a charter school is sponsored by a college or university within the Nevada System of Higher Education.

3. If the number of pupils in a particular group who are enrolled in a public school is insufficient to yield statistically reliable information:

(a) The Department shall not determine that the school has failed to meet the performance targets established pursuant to the statewide system of accountability for public schools based solely upon that particular group.

(b) The pupils in such a group must be included in the overall count of pupils enrolled in the school who took the examinations.

➥ The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the number of pupils that must be in a group for that group to yield statistically reliable information.

4. If an irregularity in testing administration or an irregularity in testing security occurs at a school and the irregularity invalidates the test scores of pupils, those test scores must be included in the scores of pupils reported for the school, the attendance of those pupils must be counted towards the total number of pupils who took the examinations and the pupils must be included in the total number of pupils who were required to take the examinations.

5. As used in this section:

(a) "Irregularity in testing administration" has the meaning ascribed to it in NRS 390.255.

(b) "Irregularity in testing security" has the meaning ascribed to it in NRS 390.260.

Sec. 21. NRS 385A.680 is hereby amended to read as follows:

385A.680 If the Department determines that a public school has failed to meet the ~~[annual measurable objectives]~~ ***school achievement targets*** and performance targets established pursuant to the statewide system of accountability for public schools, the Department or its designee shall, to the extent money is available, monitor at the school the administration of the examinations that are required pursuant to NRS 390.105 and ensure that all eligible pupils who are in attendance on the day of the administration of the examinations are given an opportunity to take the examinations.

Sec. 22. NRS 385A.730 is hereby amended to read as follows:

385A.730 1. The State Board shall adopt regulations that prescribe an alternative performance framework to evaluate public schools that are approved pursuant to NRS 385A.740. Such regulations must include, without limitation, an alternative manner in which to evaluate such a school and the

manner in which the school will be included within the statewide system of accountability set forth in this chapter.

2. The regulations adopted pursuant to subsection 1 must also set forth the manner in which:

(a) The progress of pupils enrolled in a public school for which an alternative performance framework has been approved pursuant to NRS 385A.740 will be accounted for within the statewide system of accountability; and

(b) To report the results of pupils enrolled in such a public school on the examinations administered pursuant to NRS 390.105 and, if applicable for the grade levels of the pupils enrolled, the ~~[examinations administered pursuant to NRS 390.600 and the]~~ college and career readiness assessment ~~*[assessments]*~~ administered pursuant to NRS 390.610.

Sec. 23. NRS 387.121 is hereby amended to read as follows:

387.121 1. The Legislature declares that the proper objective of state financial aid to public education is to ensure each Nevada child a reasonably equal educational opportunity. Recognizing wide local variations in wealth and costs per pupil, this State should supplement local financial ability to whatever extent necessary in each school district to provide programs of instruction in both compulsory and elective subjects that offer full opportunity for every Nevada child to receive the benefit of the purposes for which public schools are maintained. Therefore, the quintessence of the State's financial obligation for such programs can be expressed in a formula partially on a per pupil basis and partially on a per program basis as: State financial aid to school districts equals the difference between school district basic support guarantee and local available funds produced by mandatory taxes minus all the local funds attributable to pupils who reside in the county but attend a charter school or a university school for profoundly gifted pupils. This formula is designated the Nevada Plan.

2. It is the intent of the Legislature, commencing with Fiscal Year 2016-2017, to provide additional resources to the Nevada Plan expressed as a multiplier of the basic support guarantee to meet the unique needs of certain categories of pupils, including, without limitation, pupils with disabilities, pupils who are ~~[limited]~~ English ~~[proficient,]~~ ***learners,*** pupils who are at risk and gifted and talented pupils. As used in this subsection, "pupils who are at risk" means pupils who are eligible for free or reduced-price lunch pursuant to 42 U.S.C. §§ 1751 et seq., or an alternative measure prescribed by the State Board of Education.

Sec. 23.5. **NRS 387.123 is hereby amended to read as follows:**

387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district, including, without limitation, a program of distance education provided by the school district, pupils who reside in the county in which the school district is located and are enrolled in any charter school, including, without limitation, a program of distance education provided by a charter school, and

pupils who are enrolled in a university school for profoundly gifted pupils located in the county, for:

(a) Pupils in the kindergarten department.

(b) Pupils in grades 1 to 12, inclusive.

(c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.417 to 388.469, inclusive, and 388.5251 to 388.5267, inclusive.

(d) Pupils who reside in the county and are enrolled part-time in a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

(e) Children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.

(f) Pupils who are enrolled in classes pursuant to subsection 1 of NRS 388A.471, pupils who are enrolled in classes pursuant to subsection 1 of NRS 388A.474 and pupils who are enrolled in classes pursuant to subsection 1 of NRS 388B.280 or any regulations adopted pursuant to NRS 388B.060 that authorize a child who is enrolled at a public school of a school district or a private school or a homeschooled child to participate in a class at an achievement charter school.

(g) Pupils who are enrolled in classes pursuant to subsection 1 of NRS 392.074.

(h) Pupils who are enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs (d), (f) and (g).

2. The State Board shall establish uniform regulations for counting enrollment and calculating the average daily attendance of pupils. ~~[In]~~ ***Except as otherwise provided in this subsection, in*** establishing such regulations for the public schools, the State Board:

(a) Shall divide the school year into 10 school months, each containing 20 or fewer school days, or its equivalent for those public schools operating under an alternative schedule authorized pursuant to NRS 388.090.

(b) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.

(c) Shall prohibit the counting of any pupil specified in subsection 1 more than once.

(d) Except as otherwise provided in this paragraph, shall prohibit the counting of a pupil enrolled in grade 12 as a full-time pupil if the pupil is not prepared for college and career success, as defined by the Department. Such a pupil may be counted as a full-time pupil if he or she is enrolled in a minimum of six courses or the equivalent of six periods per day or the superintendent of the school district has approved enrollment in fewer courses for good cause.

Sec. 24. NRS 388.157 is hereby amended to read as follows:

388.157 1. The board of trustees of each school district and the governing body of each charter school shall prepare a plan to improve the literacy of pupils enrolled in kindergarten and grades 1, 2 and 3. Such a plan must include, without limitation:

(a) A program to provide intensive instruction to pupils who have been identified as deficient in the subject area of reading to ensure that those pupils achieve adequate proficiency in that subject area. Such a program must include, without limitation, regularly scheduled reading sessions in small groups and specific instruction on phonological and phonemic awareness, decoding skills and reading fluency;

(b) Procedures for assessing a pupil's proficiency in the subject area of reading using valid and reliable assessments that have been approved by the State Board by regulation:

(1) Within the first 30 days of school after the pupil enters kindergarten or upon enrollment in kindergarten if the pupil enrolls after that period; and

(2) During grades 1, 2 and 3;

(c) A program to improve the proficiency in reading of pupils who are ~~[~~limited~~]~~ English ~~[~~proficient;~~]~~ ***learners;*** and

(d) Procedures for facilitating collaboration between learning strategists and classroom teachers.

2. The board of trustees of each school district or the governing body of a charter school, as applicable, shall:

(a) Submit its plan to the Department for approval on or before the date prescribed by the Department on a form prescribed by the Department; and

(b) Make such revisions to the plan as the Department determines are necessary.

Sec. 25. NRS 388.283 is hereby amended to read as follows:

388.283 1. "School service" means an Internet website, online service or mobile application that:

(a) Collects or maintains personally identifiable information concerning a pupil;

(b) Is used primarily for educational purposes; and

(c) Is designed and marketed for use in public schools and is used at the direction of teachers and other educational personnel.

2. The term does not include:

(a) An Internet website, online service or mobile application that is designed or marketed for use by a general audience, even if the school service is also marketed to public schools;

(b) An internal database, system or program maintained or operated by a school district, charter school or university school for profoundly gifted pupils;

(c) A school service for which a school service provider has:

(1) Been designated by a school district, the sponsor of a charter school, the governing body of a university school for profoundly gifted pupils or the

Department as a school official pursuant to the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g;

(2) Entered into a contract with the school district, the sponsor of a charter school, the governing body of a university school for profoundly gifted pupils or the Department; and

(3) Agreed to comply with and be subject to the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, relating to personally identifiable information;

(d) Any examinations administered pursuant to NRS 390.105 ~~[and 390.600]~~ or the ~~[a]~~ college and career readiness assessment administered pursuant to NRS 390.610; or

(e) Any instructional programs purchased by a school district, a charter school, the governing body of a university school for profoundly gifted pupils or the Department.

Sec. 26. NRS 388.405 is hereby amended to read as follows:

388.405 1. The Legislature finds and declares that:

(a) It is the public policy of this State to provide every child enrolled in a public school with high-quality instruction.

(b) Children who are ~~[limited]~~ English ~~[proficient]~~ ***learners*** benefit from instruction that is designed to address the academic and linguistic needs of those children.

(c) It is the intent of the Legislature that children who are ~~[limited]~~ English ~~[proficient]~~ ***learners*** be provided with services and instruction which is designed to address the academic needs of such children so that those children attain proficiency in the English language and improve their overall academic and linguistic achievement and proficiency.

2. The State Board shall:

(a) Adopt regulations prescribing criteria for a policy for the instruction to teach English to pupils who are ~~[limited]~~ English ~~[proficient]~~ ***learners*** which is developed by the board of trustees of each school district pursuant to NRS 388.407. The Superintendent of Public Instruction shall monitor each school district's compliance with the criteria prescribed by the State Board pursuant to this paragraph.

(b) Submit all evaluations required pursuant to 20 U.S.C. §§ 6801 et seq. and the regulations adopted pursuant thereto regarding the programs for pupils who are ~~[limited]~~ English ~~[proficient]~~ ***learners*** carried out pursuant to that provision of federal law to the:

(1) Governor;

(2) Legislative Committee on Education;

(3) Director of the Legislative Counsel Bureau for transmittal to the Senate and Assembly Standing Committees on Education; and

(4) Board of trustees of each school district.

Sec. 27. NRS 388.407 is hereby amended to read as follows:

388.407 1. The board of trustees of each school district shall develop a policy for the instruction to teach English to pupils who are ~~[limited]~~ English

~~[~~proficient.~~]~~ ***learners.*** The policy must be designed to provide pupils enrolled in each public school located in the school district who are ~~[~~limited~~]~~ English ~~[~~proficient~~]~~ ***learners*** with instruction that enables those pupils to attain proficiency in the English language and improve their overall academic achievement and proficiency.

2. The policy developed pursuant to subsection 1 must:

(a) Provide for the identification of pupils who are ~~[~~limited~~]~~ English ~~[~~proficient~~]~~ ***learners*** through the use of an appropriate assessment;

(b) Provide for the periodic reassessment of each pupil who is classified as ~~[~~limited~~]~~ ***an*** English ~~[~~proficient;~~]~~ ***learner;***

(c) Be designed to eliminate any gaps in achievement, including, without limitation, in the core academic subjects and in high school graduation rates, between those pupils who are ~~[~~limited~~]~~ English ~~[~~proficient~~]~~ ***learners*** and pupils who are proficient in English;

(d) Provide opportunities for the parents or legal guardians of pupils who are ~~[~~limited~~]~~ English ~~[~~proficient~~]~~ ***learners*** to participate in the program; and

(e) Provide the parents and legal guardians of pupils who are ~~[~~limited~~]~~ English ~~[~~proficient~~]~~ ***learners*** with information regarding other programs that are designed to improve the language acquisition and academic achievement and proficiency of pupils who are ~~[~~limited~~]~~ English ~~[~~proficient~~]~~ ***learners*** and assist those parents and legal guardians in enrolling those pupils in such programs.

Sec. 28. NRS 388.409 is hereby amended to read as follows:

388.409 1. The English Mastery Council is hereby created. The English Mastery Council consists of the following 16 members:

(a) The Superintendent of Public Instruction, or his or her designee, who serves as an ex officio member of the English Mastery Council.

(b) Two members who have knowledge and expertise in language acquisition and who represent the Nevada System of Higher Education, appointed by the Chancellor of the Nevada System of Higher Education.

(c) Two members who are teachers at public schools in this State, hold a master's degree to teach English as a second language and have knowledge and expertise in providing instruction to pupils who are ~~[~~limited~~]~~ English ~~[~~proficient,~~]~~ ***learners,*** appointed by the Governor from a list of nominees submitted by the Nevada State Education Association, or its successor organization. The Governor shall ensure that the members appointed pursuant to this paragraph represent the geographic and ethnic diversity of this State.

(d) Two members who are parents or legal guardians of pupils who are ~~[~~limited~~]~~ English ~~[~~proficient,~~]~~ ***learners,*** one of whom is appointed by the Governor from a list of nominees submitted by the Speaker of the Assembly and one of whom is appointed by the Governor from a list of nominees submitted by the Majority Leader of the Senate. The Governor shall ensure that the members appointed pursuant to this paragraph represent the geographic and ethnic diversity of this State. The Nevada Parent Teacher

Association shall submit a list of names of persons that the Association would recommend for inclusion on the list of nominees submitted by the Speaker of the Assembly and the Majority Leader of the Senate.

(e) Two members who are school-level administrators, one of whom is employed by a school district in a county whose population is 100,000 or more and one of whom is employed by a school district in a county whose population is less than 100,000, appointed by the Governor from a list of nominees submitted by the Nevada Association of School Administrators.

(f) Two members who are school-district-level administrators, one of whom is employed by a school district in a county whose population is 100,000 or more and one of whom is employed by a school district in a county whose population is less than 100,000, appointed by the Governor from a list of nominees submitted by the Nevada Association of School Administrators.

(g) One member who is a member of a board of trustees of a school district, appointed by the Governor from a list of nominees submitted by the Nevada Association of School Boards.

(h) Two members who are representatives of the general public, private business and industry in this State or nonprofit organizations and who have been leaders in education reform related to pupils who are ~~[~~limited~~]~~ English ~~[~~proficient,~~]~~ ***learners,*** appointed by the Governor.

(i) Two members with expertise in the development of public policy relating to the education of pupils who are ~~[~~limited~~]~~ English ~~[~~proficient,~~]~~ ***learners,*** appointed by the Superintendent of Public Instruction upon the advice and recommendation of persons who have knowledge and expertise in providing instruction to pupils who are ~~[~~limited~~]~~ English ~~[~~proficient.~~]~~ ***learners.***

2. Each appointed member of the English Mastery Council serves a term of 2 years and may be reappointed to additional terms.

3. A vacancy on the English Mastery Council must be filled in the same manner as the original appointment.

4. The English Mastery Council shall, at its first meeting and annually thereafter, elect a Chair from among its members.

5. The English Mastery Council shall meet at least quarterly and may meet at other times upon the call of the Chair.

6. Members of the English Mastery Council serve without compensation, except that for each day or portion of a day during which a member of the Council attends a meeting of the Council or is otherwise engaged in the business of the Council, the member is entitled to receive the per diem allowances and travel expenses provided for state officers and employees generally.

7. A member of the English Mastery Council who is a public employee must be granted administrative leave from the member's duties to engage in the business of the Council without loss of his or her regular compensation. Such leave does not reduce the amount of the member's other accrued leave.

8. The English Mastery Council may apply for and accept gifts, grants, donations and contributions from any source for the purpose of carrying out its duties pursuant to NRS 388.411.

9. The Department shall provide administrative support to the English Mastery Council.

Sec. 29. NRS 388.411 is hereby amended to read as follows:

388.411 The English Mastery Council created by NRS 388.409 shall:

1. Make recommendations to the State Board for the adoption of regulations concerning criteria for the policies to teach English to pupils who are **[**~~limited~~**]** English **[**~~proficient~~**]** ***learners*** that are developed by the board of trustees of each school district pursuant to NRS 388.407.

2. Review annually each policy to teach English to pupils who are **[**~~limited~~**]** English **[**~~proficient~~**]** ***learners*** that is developed by the board of trustees of each school district pursuant to NRS 388.407 and make recommendations for improvement to the State Board and the applicable board of trustees.

3. Make recommendations to the Superintendent of Public Instruction, the Commission on Professional Standards in Education and the State Board for:

(a) The adoption of regulations pursuant to NRS 391.019 concerning the requirements for an endorsement to teach English as a second language, including, without limitation, the teachers who should be required to obtain the endorsement; and

(b) After the adoption of the regulations pursuant to paragraph (a), any revisions to those regulations as deemed necessary by the Council.

4. Develop standards and criteria for a curriculum for pupils who are **[**~~limited~~**]** English **[**~~proficient~~**]** ***learners*** and submit those standards and criteria to the State Board for consideration.

5. Review any course of study offered by the Nevada System of Higher Education for training to teach English as a second language to determine if the course of study, including, without limitation, student teaching, is sufficiently rigorous to provide teachers with the tools necessary to improve the English proficiency and academic achievement and proficiency of pupils who are **[**~~limited~~**]** English **[**~~proficient.~~**]** ***learners.***

6. Make recommendations to the Board of Regents of the University of Nevada for the improvement of any course of study described in subsection 5 and submit a copy of those recommendations to the Governor and the State Board.

Sec. 29.5. **NRS 388.593 is hereby amended to read as follows:**

388.593 A school district, charter school and university school for profoundly gifted pupils that participates in the State Seal of Biliteracy Program established pursuant to NRS 388.591 must award a pupil, upon graduation from high school, a high school diploma with a State Seal of Biliteracy if the pupil:

1. Successfully completes all courses of study in English language arts that are required for graduation with at least a 2.0 grade point average, on a 4.0 grading scale;

2. ~~[Passes the end-of-course examinations in English language arts required pursuant to NRS 390.600;~~

~~3.]~~ Demonstrates proficiency in one or more languages other than English:

(a) By passing an advanced placement examination in a world language with a score of 3 or higher or passing an international baccalaureate examination in a world language with a score of 4 or higher; or

(b) By passing an examination in a world language, if the examination is approved by the board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils, as applicable; and

~~[4.]~~ ***3.*** If the primary language of the pupil is not English, demonstrates proficiency in English on an assessment designated by the Department.

Sec. 30. NRS 388.874 is hereby amended to read as follows:

388.874 1. The State Board shall adopt regulations that prescribe:

(a) The process for submission of an application by a person or entity for inclusion of a course of distance education on the list prepared by the Department pursuant to NRS 388.834 and the contents of the application;

(b) The process for submission of an application by the board of trustees of a school district, the governing body of a charter school or a committee to form a charter school to provide a program of distance education and the contents of the application;

(c) The qualifications and conditions for enrollment that a pupil must satisfy to enroll in a program of distance education, consistent with NRS 388.850 and any other applicable statute;

(d) A method for reporting to the Department the number of pupils who are enrolled in a program of distance education and the attendance of those pupils;

(e) The requirements for assessing the achievement of pupils who are enrolled in a program of distance education, which must include, without limitation, the administration of the examinations required pursuant to NRS 390.105 and, if applicable for the grade levels of the pupils enrolled, the ~~[administration of the examinations pursuant to NRS 390.600 and the]~~ college and career readiness assessment ~~*[assessments]*~~ pursuant to NRS 390.610; and

(f) A written description of the process pursuant to which the State Board may revoke its approval for the operation of a program of distance education.

2. The State Board may adopt regulations as it determines are necessary to carry out the provisions of NRS 388.820 to 388.874, inclusive.

Sec. 31. NRS 388A.045 is hereby amended to read as follows:

388A.045 A pupil is "at risk" if the pupil has an economic or academic disadvantage such that he or she requires special services and assistance to

enable him or her to succeed in educational programs. The term includes, without limitation, pupils who are members of economically disadvantaged families, pupils who are ~~[limited]~~ English ~~[proficient,]~~ ***learners,*** pupils who are at risk of dropping out of high school and pupils who do not meet minimum standards of academic proficiency. The term does not include a pupil with a disability.

Sec. 32. NRS 388A.159 is hereby amended to read as follows:

388A.159 1. The State Public Charter School Authority is hereby deemed a local educational agency for the purpose of directing the proportionate share of any money available from federal and state categorical grant programs to charter schools which are sponsored by the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that are eligible to receive such money. A college or university within the Nevada System of Higher Education that sponsors a charter school shall enter into an agreement with the State Public Charter School Authority for the provision of any necessary functions of a local educational authority. A charter school that receives money pursuant to such a grant program shall comply with any applicable reporting requirements to receive the grant.

2. As used in this section, "local educational agency" has the meaning ascribed to it in 20 U.S.C. § ~~[7801(26)(A).]~~ ***7801(30)(A).***

Sec. 33. NRS 388A.168 is hereby amended to read as follows:

388A.168 The State Public Charter School Authority shall adopt regulations that prescribe:

1. The process for submission to the State Public Charter School Authority of an application to form a charter school, and the contents of such an application;

2. The process for submission to the State Public Charter School Authority of an application to renew a charter contract, and the contents of such an application;

3. The process for submission to the State Public Charter School Authority of an amendment to a written charter or charter contract pursuant to NRS 388A.276 and the contents of the application; ~~[and]~~

4. The procedure for the investigation that the State Public Charter School Authority will conduct of an application to form a charter school, an application to renew a charter contract or an application to request an amendment of a written charter or charter contract, and the criteria that the State Public Charter School Authority will use to evaluate such applications ~~[.]~~ ***;***

5. The process for evaluating the overall performance of a teacher, which must include, without limitation, the criteria for determining whether the overall performance of a teacher is ineffective, minimally effective , effective or highly effective; and

6. The qualifications for employment as a paraprofessional by a charter school.

Sec. 34. NRS 388A.366 is hereby amended to read as follows:

388A.366 1. A charter school shall:

(a) Comply with all laws and regulations relating to discrimination and civil rights.

(b) Remain nonsectarian, including, without limitation, in its educational programs, policies for admission and employment practices.

(c) Refrain from charging tuition or fees, except for tuition or fees that the board of trustees of a school district is authorized to charge, levying taxes or issuing bonds.

(d) Comply with any plan for desegregation ordered by a court that is in effect in the school district in which the charter school is located.

(e) Comply with the provisions of chapter 241 of NRS.

(f) Except as otherwise provided in this paragraph, schedule and provide annually at least as many days of instruction as are required of other public schools located in the same school district as the charter school is located. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction for a waiver from providing the days of instruction required by this paragraph. The Superintendent of Public Instruction may grant such a request if the governing body demonstrates to the satisfaction of the Superintendent that:

(1) Extenuating circumstances exist to justify the waiver; and

(2) The charter school will provide at least as many hours or minutes of instruction as would be provided under a program consisting of 180 days.

(g) Cooperate with the board of trustees of the school district in the administration of the examinations administered pursuant to NRS 390.105 and, if the charter school enrolls pupils at a high school grade level, the ~~[end-of-course examinations administered pursuant to NRS 390.600 and the]~~ college and career readiness assessment ***[assessments]*** administered pursuant to NRS 390.610 to the pupils who are enrolled in the charter school.

(h) Comply with applicable statutes and regulations governing the achievement and proficiency of pupils in this State.

(i) Provide instruction in the core academic subjects set forth in subsection 1 of NRS 389.018, as applicable for the grade levels of pupils who are enrolled in the charter school, and provide at least the courses of study that are required of pupils by statute or regulation for promotion to the next grade or graduation from a public high school and require the pupils who are enrolled in the charter school to take those courses of study. This paragraph does not preclude a charter school from offering, or requiring the pupils who are enrolled in the charter school to take, other courses of study that are required by statute or regulation.

(j) If the parent or legal guardian of a child submits an application to enroll in kindergarten, first grade or second grade at the charter school, comply with NRS 392.040 regarding the ages for enrollment in those grades.

(k) Refrain from using public money to purchase real property or buildings without the approval of the sponsor.

(l) Hold harmless, indemnify and defend the sponsor of the charter school against any claim or liability arising from an act or omission by the governing body of the charter school or an employee or officer of the charter school. An action at law may not be maintained against the sponsor of a charter school for any cause of action for which the charter school has obtained liability insurance.

(m) Provide written notice to the parents or legal guardians of pupils in grades 9 to 12, inclusive, who are enrolled in the charter school of whether the charter school is accredited by the Northwest Accreditation Commission.

(n) Adopt a final budget in accordance with the regulations adopted by the Department. A charter school is not required to adopt a final budget pursuant to NRS 354.598 or otherwise comply with the provisions of chapter 354 of NRS.

(o) If the charter school provides a program of distance education pursuant to NRS 388.820 to 388.874, inclusive, comply with all statutes and regulations that are applicable to a program of distance education for purposes of the operation of the program.

2. A charter school shall not provide instruction through a program of distance education to children who are exempt from compulsory attendance pursuant to NRS 392.070. As used in this subsection, "distance education" has the meaning ascribed to it in NRS 388.826.

Sec. 35. NRS 388A.405 is hereby amended to read as follows:

388A.405 1. To the extent money is available from legislative appropriation or otherwise, a charter school may apply to the Department for money for facilities if:

(a) The charter school has been operating in this State for at least 5 consecutive years and is in good financial standing;

(b) Each financial audit and each performance audit of the charter school required by the Department pursuant to NRS 388A.105 or 388A.110 contains no major notations, corrections or errors concerning the charter school for at least 5 consecutive years;

(c) The charter school has met or exceeded the ~~[annual measurable objectives]~~ ***school achievement targets*** and performance targets established pursuant to the statewide system of accountability for public schools or has demonstrated improvement in the achievement of pupils enrolled in the charter school, as indicated by those ~~[annual measurable objectives]~~ ***school achievement targets*** and performance targets, for the majority of the years of its operation; and

(d) At least 75 percent of the pupils enrolled in grade 12 in the charter school in the immediately preceding school year have satisfied the criteria prescribed by the State Board pursuant to NRS 390.600, if the charter school enrolls pupils at a high school grade level.

2. A charter school that satisfies the requirements of subsection 1 shall submit to a performance audit as required by the Department one time every 3 years. The sponsor of the charter school and the Department shall not

request a performance audit of the charter school more frequently than every 3 years without reasonable evidence of noncompliance in achieving the educational goals and objectives of the charter school based upon the annual report submitted to the Department pursuant to NRS 388A.351. If the charter school no longer satisfies the requirements of subsection 1 or if reasonable evidence of noncompliance in achieving the educational goals and objectives of the charter school exists based upon the annual report, the charter school shall, upon written notice from the sponsor, submit to an annual performance audit. Notwithstanding the provisions of paragraph (b) of subsection 1, such a charter school:

(a) May, after undergoing the annual performance audit, reapply to the sponsor to determine whether the charter school satisfies the requirements of paragraphs (a), (c) and (d) of subsection 1.

(b) Is not eligible for any available money pursuant to subsection 1 until the sponsor determines that the charter school satisfies the requirements of that subsection.

3. A charter school that does not satisfy the requirements of subsection 1 shall submit a quarterly report of the financial status of the charter school if requested by the sponsor of the charter school.

Sec. 36. NRS 388A.518 is hereby amended to read as follows:

388A.518 1. Except as otherwise provided in this subsection, at least 70 percent of the teachers who provide instruction at a charter school must ~~[be highly qualified.]~~ ***demonstrate experience and qualifications through licensure or subject matter expertise.*** If a charter school is a vocational school, the charter school shall, to the extent practicable, ensure that at least 70 percent of the teachers who provide instruction at the school ~~[are highly qualified,]~~ ***demonstrate experience and qualifications through licensure or subject matter expertise,*** but in no event may less than 50 percent of the teachers who provide instruction at the school ~~[be highly qualified.]~~ ***demonstrate experience and qualifications through licensure or subject matter expertise.***

2. If a charter school specializes in:

(a) Arts and humanities, physical education or health education, a teacher must ~~[be highly qualified]~~ ***demonstrate experience and qualifications through licensure or subject matter expertise*** to teach those courses of study.

(b) The construction industry or other building industry, teachers must ~~[be highly qualified]~~ ***demonstrate experience and qualifications through licensure or subject matter expertise*** to teach courses of study relating to the industry if those teachers are employed full-time.

(c) The construction industry or other building industry and the school offers courses of study in computer education, technology or business, teachers must ~~[be highly qualified]~~ ***demonstrate experience and qualifications through licensure or subject matter expertise*** to teach those courses of study if those teachers are employed full-time.

3. ~~[A person who is initially hired by the governing body of a charter school on or after January 8, 2002, to teach in a program supported with money from Title I must be highly qualified. For the purposes of this subsection, a person is not "initially hired" if the person has been employed as a teacher by another school district or charter school in this State without an interruption in employment before the date of hire by his or her current employer.~~

~~4.~~] A teacher who is employed by a charter school, regardless of the date of hire, must ~~[, on or before July 1, 2006, be highly qualified]~~ ***demonstrate experience and qualifications through licensure or subject matter expertise*** if the teacher teaches one or more of the following subjects:

(a) English language arts;

(b) Mathematics;

(c) Science;

(d) A foreign or world language;

(e) Civics or government;

(f) Economics;

(g) Geography;

(h) History; or

(i) The arts.

~~[5.]~~ ***4.*** Except as otherwise provided in NRS 388A.515, a charter school may employ a person who ~~[is not highly qualified]~~ ***does not demonstrate experience and qualifications through licensure or subject matter expertise*** to teach a course of study for which a teacher is not required to ~~[be highly qualified]~~ ***demonstrate such experience and qualifications*** if the person has:

(a) A degree, a license or a certificate in the field for which the person is employed to teach at the charter school; and

(b) At least 2 years of experience in that field.

~~[6.]~~ ***5.*** A teacher who is employed by a charter school to teach special education or English as a second language must be licensed to teach special education or English as a second language, as applicable.

~~[7.]~~ ***6.*** For purposes of this section, a teacher ~~[is highly qualified:]~~ ***demonstrates experience and qualifications through licensure or subject matter expertise:***

(a) If ***the teacher is*** employed by a charter school that has not received, within the immediately preceding 2 consecutive school years, one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools, or equivalent ratings in another state, as determined by the Department, ~~[if]~~ ***and*** the ***:*** ~~[teacher:]~~

(1) ~~[Meets the qualifications prescribed in 20 U.S.C. § 7801(23)(B) or (C), as applicable;]~~ ***Overall performance of the teacher has been*** ~~***[determined to be]***~~ ***reported as effective or highly effective, in accordance with the regulations adopted by the State Public Charter School Authority;*** and

(2) ~~[Is]~~ ***Teacher is*** licensed to teach pursuant to chapter 391 of NRS.

(b) If ***the teacher is*** employed by a charter school that has received, within the immediately preceding 2 consecutive school years, one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools, or equivalent ratings in another state, as determined by the Department, ~~[if]~~ ***and*** the ~~[teacher meets the qualifications prescribed in 20 U.S.C. § 7801(23)(B) or (C), as applicable,]~~ ***overall performance of the teacher has been ~~[determined to be]~~ reported as effective or highly effective, in accordance with the regulations adopted by the State Public Charter School Authority,*** regardless of whether the teacher is licensed to teach pursuant to chapter 391 of NRS.

~~[8.]~~ ***7.*** If a charter school that has received within the immediately preceding 2 consecutive school years, one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools, or equivalent ratings in another state, as determined by the Department, intends to employ persons to teach who are not licensed, the charter school shall within 3 years:

(a) Obtain approval for and offer an alternative route to licensure pursuant to NRS 391.019; or

(b) Enter into an agreement with a qualified provider of an alternative route to licensure to provide the required education and training to unlicensed teachers who are employed by the school to teach such a course of study.

Sec. 37. NRS 388A.527 is hereby amended to read as follows:

388A.527 1. ~~[A person who is initially hired as a paraprofessional by a charter school after January 8, 2002, to work in a program supported with Title I money must possess the qualifications required by 20 U.S.C. § 6319(c).~~

~~2.]~~ A person who is employed as a paraprofessional by a charter school ~~[, regardless of the date of hire,]~~ to work in a program supported with Title I money must possess ~~[, on or before January 8, 2006,]~~ the qualifications ~~[required by 20 U.S.C. § 6319(c).~~

~~3. For the purposes of this section, a person is not "initially hired" if the person has been employed as a paraprofessional by another school district, achievement charter school or charter school in this State without an interruption in employment before the date of hire by his or her current employer.~~

~~4.]~~ ***prescribed by the State Public Charter School Authority.***

2. As used in this section, "paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 38. NRS 388B.240 is hereby amended to read as follows:

388B.240 1. Each achievement charter school is hereby deemed a local educational agency for the purpose of receiving any money available from federal and state categorical grant programs. An achievement charter school that receives money pursuant to such a grant program shall comply with any applicable reporting requirements to receive the grant.

2. If an achievement charter school is eligible to receive special education program units, the Department must pay the special education program units directly to the achievement charter school.

3. As used in this section, "local educational agency" has the meaning ascribed to it in 20 U.S.C. § ~~[7801(26)(A).]~~ ***7801(30)(A).***

Sec. 39. NRS 388B.270 is hereby amended to read as follows:

388B.270 1. To the extent money is available from legislative appropriation or otherwise, an achievement charter school may apply to the Department for money for facilities if:

(a) The achievement charter school has been operating in this State for at least 5 consecutive years and is in good financial standing;

(b) The Executive Director has determined that the finances of the achievement charter school are being managed in a prudent manner;

(c) The achievement charter school has met or exceeded the ~~[annual measurable objectives]~~ ***school achievement targets*** and performance targets established pursuant to the statewide system of accountability for public schools or has demonstrated improvement in the achievement of pupils enrolled in the achievement charter school, as indicated by those ~~[annual measurable objectives]~~ ***school achievement targets*** and performance targets, for the majority of the years of its operation;

(d) At least 75 percent of the pupils enrolled in grade 12 in the achievement charter school in the immediately preceding school year have satisfied the criteria prescribed by the State Board pursuant to NRS 390.600, if the achievement charter school enrolls pupils at a high school grade level; and

(e) The achievement charter school meets the requirements prescribed by regulation of the Department.

2. An achievement charter school that does not satisfy the requirements of subsection 1 shall submit a quarterly report of the financial status of the achievement charter school if requested by the Executive Director.

Sec. 40. NRS 388G.120 is hereby amended to read as follows:

388G.120 1. Each empowerment plan for a school must:

(a) Set forth the manner by which the school will be governed;

(b) Set forth the proposed budget for the school, including, without limitation, the cost of carrying out the empowerment plan, and the manner by which the money apportioned to the school will be administered;

(c) Prescribe the academic plan for the school, including, without limitation, the manner by which courses of study will be provided to the pupils enrolled in the school and any special programs that will be offered for pupils;

(d) Prescribe the manner by which the achievement of pupils will be measured and reported for the school, including, without limitation, the results of the pupils on the examinations administered pursuant to NRS 390.105 and, if applicable for the grade levels of the empowerment school, the ~~[end-of-course examinations administered pursuant to NRS 390.600 and~~

~~the]~~ college and career readiness assessment ~~*[assessments]*~~ administered pursuant to NRS 390.610;

(e) Prescribe the manner by which teachers and other licensed educational personnel will be selected and hired for the school, which must be determined and negotiated pursuant to chapter 288 of NRS;

(f) Prescribe the manner by which all other staff for the school will be selected and hired, which must be determined and negotiated pursuant to chapter 288 of NRS;

(g) Indicate whether the empowerment plan will offer an incentive pay structure for staff and a description of that pay structure, if applicable;

(h) Indicate the intended ratio of pupils to teachers at the school, designated by grade level, which must comply with NRS 388.700 or 388.720, as applicable;

(i) Provide a description of the professional development that will be offered to the teachers and other licensed educational personnel employed at the school;

(j) Prescribe the manner by which the empowerment plan will increase the involvement of parents and legal guardians of pupils enrolled in the school;

(k) Comply with the plan to improve the achievement of the pupils enrolled in the school prepared pursuant to NRS 385A.650;

(l) Address the specific educational needs and concerns of the pupils who are enrolled in the school; and

(m) Set forth the calendar and schedule for the school.

2. If the empowerment plan includes an incentive pay structure, that pay structure must:

(a) Provide an incentive for all staff employed at the school;

(b) Set forth the standards that must be achieved by the pupils enrolled in the school and any other measurable objectives that must be met to be eligible for incentive pay; and

(c) Be in addition to the salary or hourly rate of pay negotiated pursuant to chapter 288 of NRS that is otherwise payable to the employee.

3. An empowerment plan may:

(a) Request a waiver from a statute contained in this title or a regulation of the State Board or the Department.

(b) Identify the services of the school district which the school wishes to receive, including, without limitation, professional development, transportation, food services and discretionary services. Upon approval of the empowerment plan, the school district may deduct from the total apportionment to the empowerment school the costs of such services.

4. For purposes of determining the budget pursuant to paragraph (b) of subsection 1, if a public school which converts to an empowerment school is a:

(a) Charter school, the amount of the budget is the amount equal to the apportionments and allowances from the State Distributive School Account pursuant to NRS 387.121 to 387.1245, inclusive, and its proportionate share

of any other money available from federal, state or local sources that the school or the pupils enrolled in the school are eligible to receive.

(b) Public school, other than a charter school, the empowerment team for the school shall have discretion of 90 percent of the amount of money from the state financial aid and local funds that the school district apportions for the school, without regard to any line-item specifications or specific uses determined advisable by the school district, unless the empowerment team determines that a lesser amount is necessary to carry out the empowerment plan.

Sec. 41. NRS 388G.210 is hereby amended to read as follows:

388G.210 1. Except as otherwise provided pursuant to a waiver granted in accordance with NRS 388G.130 or 388G.140, each empowerment school, each person employed by an empowerment school and each pupil enrolled in an empowerment school shall comply with the applicable requirements of state law, including, without limitation, the standards of content and performance prescribed pursuant to NRS 389.520 and the examinations that are administered pursuant to NRS 390.105 ~~[and 390.600]~~ and the college and career readiness assessment ~~*[assessments]*~~ administered pursuant to NRS 390.610.

2. Each empowerment school may accept gifts, grants and donations from any source for the support of its empowerment plan. A person who gives a gift, grant or donation may designate all or part of the gift, grant or donation specifically to carry out the incentive pay structure of the school, if applicable.

Sec. 41.2. **Chapter 390 of NRS is hereby amended by adding thereto the provisions set forth as sections 41.3, 41.5 and 41.7 of this act.**

Sec. 41.3. 1. The State Board shall adopt regulations that prescribe the:

(a) Courses of study for which an end-of-course final must be administered; and

(b) Amount, expressed as a percentage of the pupil's overall grade in the course of study or other weight, that the end-of-course final must comprise when determining the overall grade of a pupil in the course for which the end-of-course final is administered.

2. The State Board may adopt regulations that prescribe the minimum score a pupil must attain on an end-of-course final to receive credit for the course of study for which the end-of-course examination is administered.

Sec. 41.5. 1. A pupil who satisfies the criteria established by the State Board by regulation may graduate with a pathway high school diploma. A pathway high school diploma confers all the same rights, privileges and benefits as a standard high school diploma.

2. The State Board shall adopt regulations that prescribe the criteria for a pupil to receive a pathway high school diploma, which must include, without limitation, a requirement that the pupil:

(a) Satisfy the criteria for receipt of a standard high school diploma prescribed by the State Board pursuant to NRS 390.600 and any other criteria established by law; and

(b) Obtain an endorsement described in subsection 3.

3. The State Board shall adopt regulations prescribing the criteria for a pupil to obtain:

(a) A college-ready endorsement that reflects that the pupil has completed certain coursework or obtained experience that makes the pupil qualified for and prepared to succeed in college without the need for remediation.

(b) A career-ready endorsement that reflects that the pupil has completed certain coursework or obtained certain experience that makes the pupil qualified for and prepared to succeed in postsecondary job training or education in high-demand occupations.

4. The regulations adopted pursuant to subsection 3 must include, without limitation:

(a) The number of credits and courses of study that must be completed for each endorsement prescribed pursuant to subsection 3.

(b) Any assessment a pupil must pass for each endorsement prescribed pursuant to subsection 3.

(c) Any credential, certificate or certification a pupil must obtain for each endorsement prescribed pursuant to subsection 3.

5. Any assessment, credential, certificate or certification required for an endorsement must:

(a) Be established so that it is recognized and valued by industries and postsecondary educational institutions; and

(b) Require demonstration of a mastery of tasks aligned to the demands of industries and postsecondary educational institutions.

6. The State Board shall annually review and, if necessary, revise the regulations adopted pursuant to subsection 4.

7. To the extent that money is available for this purpose, the State Board shall adopt regulations to provide:

(a) Incentive grants to be awarded to public high schools for each pupil at the school who earns a pathway high school diploma.

(b) Reimbursement to a public high school or school district for any costs associated with the administration or provision of an assessment, credential, certificate or certification required for receipt of a pathway high school diploma.

Sec. 41.7. ***To the extent money is available, the Department shall conduct a public awareness campaign to inform pupils enrolled in public schools, the parents or guardian of pupils enrolled in public schools, persons involved in business and industry in this State and members of the general public of:***

1. The types of diplomas a pupil may receive upon graduation from high school and the types of endorsements a pupil may receive on a diploma, if applicable; and

2. The criteria to earn each type of diploma and endorsement.

Sec. 42. NRS 390.015 is hereby amended to read as follows:

390.015 The board of trustees of each school district shall maintain on its Internet website, and shall post in a timely manner, all pertinent information concerning the examinations and assessments available to children who reside in the school district, including, without limitation, the dates and times of, and contact information concerning, such examinations and assessments. The examinations and assessments posted must include, without limitation:

1. The college and career readiness assessment ~~*[assessments]*~~ administered pursuant to NRS 390.610.

2. ~~[The examinations required pursuant to NRS 390.600.~~

~~3.]~~ All other college entrance examinations offered in this State, including, without limitation, the Scholastic Aptitude Test, the American College Test, the Preliminary Scholastic Aptitude Test and the National Merit Scholarship Qualifying Test.

Sec. 43. NRS 390.105 is hereby amended to read as follows:

390.105 1. The State Board shall, in consultation with the Council to Establish Academic Standards for Public Schools, prescribe examinations that comply with 20 U.S.C. § ~~[6311(b)(3)]~~ ***6311(b)(2)*** and that measure the achievement and proficiency of pupils:

(a) For grades 3, 4, 5, 6, 7 and 8 in the standards of content established by the Council for the subjects of English language arts and mathematics.

(b) For grades 5 and 8, in the standards of content established by the Council for the subject of science.

(c) For grades 9, 10, 11 and 12, in the standards of content established by the Council for the subjects required to comply with 20 U.S.C. § ~~[6311(b)(3).]~~ ***6311(b)(2).***

➥ The examinations prescribed pursuant to this subsection must be written, developed, printed and scored by a nationally recognized testing company.

2. In addition to the examinations prescribed pursuant to subsection 1, the State Board shall, in consultation with the Council to Establish Academic Standards for Public Schools, prescribe a writing examination for grades 5 and 8.

3. The State Board shall prescribe:

(a) The minimum number of school days that must take place before the examinations prescribed by the State Board pursuant to subsection 1 may be administered to pupils; and

(b) The period during which the examinations prescribed by the State Board pursuant to subsection 1 must be administered.

4. The board of trustees of each school district and the governing body of each charter school shall administer the examinations prescribed by the State

Board at such times as prescribed by the State Board pursuant to subsection 3. The examinations must be:

(a) Administered in each school in accordance with uniform procedures adopted by the State Board. The Department shall monitor the school districts and individual schools to ensure compliance with the uniform procedures.

(b) Administered in each school in accordance with the plan adopted pursuant to NRS 390.270 by the Department and with the plan adopted pursuant to NRS 390.275 by the board of trustees of the school district in which the examinations are administered. The Department shall monitor the compliance of school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department.

Sec. 44. NRS 390.255 is hereby amended to read as follows:

390.255 "Irregularity in testing administration" means the failure to administer an examination to pupils pursuant to NRS 390.105 ~~[or 390.600]~~ or the ~~[a]~~ college and career readiness assessment pursuant to NRS 390.610 in the manner intended by the person or entity that created the examination or assessment.

Sec. 45. NRS 390.260 is hereby amended to read as follows:

390.260 "Irregularity in testing security" means an act or omission that tends to corrupt or impair the security of an examination administered to pupils pursuant to NRS 390.105 ~~[or 390.600]~~ or the ~~[a]~~ college and career readiness assessment administered pursuant to NRS 390.610, including, without limitation:

1. The failure to comply with security procedures adopted pursuant to NRS 390.270 or 390.275;

2. The disclosure of questions or answers to questions on an examination or assessment in a manner not otherwise approved by law; and

3. Other breaches in the security or confidentiality of the questions or answers to questions on an examination or assessment.

Sec. 46. NRS 390.270 is hereby amended to read as follows:

390.270 1. The Department shall, by regulation or otherwise, adopt and enforce a plan setting forth procedures to ensure the security of examinations that are administered to pupils pursuant to NRS 390.105 ~~[and 390.600]~~ and the college and career readiness assessment ~~[assessments]~~ administered pursuant to NRS 390.610.

2. A plan adopted pursuant to subsection 1 must include, without limitation:

(a) Procedures pursuant to which pupils, school officials and other persons may, and are encouraged to, report irregularities in testing administration and testing security.

(b) Procedures necessary to ensure the security of test materials and the consistency of testing administration.

(c) Procedures that specifically set forth the action that must be taken in response to a report of an irregularity in testing administration or testing security and the actions that must be taken during an investigation of such an irregularity. For each action that is required, the procedures must identify:

(1) By category, the employees of the school district, Achievement School District, charter school or Department, or any combination thereof, who are responsible for taking the action; and

(2) Whether the school district, Achievement School District, charter school or Department, or any combination thereof, is responsible for ensuring that the action is carried out successfully.

(d) Objective criteria that set forth the conditions under which a school, including, without limitation, a charter school or a school district, or both, is required to file a plan for corrective action in response to an irregularity in testing administration or testing security for the purposes of NRS 390.295.

3. A copy of the plan adopted pursuant to this section and the procedures set forth therein must be submitted on or before September 1 of each year to:

(a) The State Board; and

(b) The Legislative Committee on Education, created pursuant to NRS 218E.605.

Sec. 47. NRS 390.275 is hereby amended to read as follows:

390.275 1. The board of trustees of each school district shall, for each public school in the district, including, without limitation, charter schools, adopt and enforce a plan setting forth procedures to ensure the security of examinations and assessments.

2. A plan adopted pursuant to subsection 1 must include, without limitation:

(a) Procedures pursuant to which pupils, school officials and other persons may, and are encouraged to, report irregularities in testing administration and testing security.

(b) Procedures necessary to ensure the security of test materials and the consistency of testing administration.

(c) With respect to secondary schools, procedures pursuant to which the school district or charter school, as appropriate, will verify the identity of pupils taking an examination or assessment.

(d) Procedures that specifically set forth the action that must be taken in response to a report of an irregularity in testing administration or testing security and the action that must be taken during an investigation of such an irregularity. For each action that is required, the procedures must identify, by category, the employees of the school district or charter school who are responsible for taking the action and for ensuring that the action is carried out successfully.

➥ The procedures adopted pursuant to this subsection must be consistent, to the extent applicable, with the procedures adopted by the Department pursuant to NRS 390.270.

3. A copy of each plan adopted pursuant to this section and the procedures set forth therein must be submitted on or before September 1 of each year to:

(a) The State Board; and

(b) The Legislative Committee on Education, created pursuant to NRS 218E.605.

4. On or before September 30 of each school year, the board of trustees of each school district and the governing body of each charter school shall provide a written notice regarding the examinations and assessments to all teachers and educational personnel employed by the school district or governing body, all personnel employed by the school district or governing body who are involved in the administration of the examinations and assessments, all pupils who are required to take the examinations or assessments and all parents and legal guardians of such pupils. The written notice must be prepared in a format that is easily understood and must include, without limitation, a description of the:

(a) Plan adopted pursuant to this section; and

(b) Action that may be taken against personnel and pupils for violations of the plan or for other irregularities in testing administration or testing security.

5. As used in this section:

(a) "Assessment" means the ~~*[a]*~~ college and career readiness assessment administered to pupils enrolled in grade 11 pursuant to NRS 390.610.

(b) "Examination" means:

(1) The examinations that are administered to pupils pursuant to NRS 390.105 **;** ~~**[**or 390.600;**]**~~ and

(2) Any other examinations which measure the achievement and proficiency of pupils and which are administered to pupils on a district-wide basis.

(c) "Irregularity in testing administration" means the failure to administer an examination or assessment in the manner intended by the person or entity that created the examination or assessment.

(d) "Irregularity in testing security" means an act or omission that tends to corrupt or impair the security of an examination or assessment, including, without limitation:

(1) The failure to comply with security procedures adopted pursuant to this section or NRS 390.270;

(2) The disclosure of questions or answers to questions on an examination or assessment in a manner not otherwise approved by law; and

(3) Other breaches in the security or confidentiality of the questions or answers to questions on an examination or assessment.

Sec. 48. NRS 390.280 is hereby amended to read as follows:

390.280 1. If the Department:

(a) Has reason to believe that a violation of the plan adopted pursuant to NRS 390.270 may have occurred;

(b) Has reason to believe that a violation of the plan adopted pursuant to NRS 390.275 may have occurred with respect to an examination that is administered pursuant to NRS 390.105 ~~[or 390.600]~~ or the ~~[a]~~ college and career readiness assessment administered pursuant to NRS 390.610; or

(c) Receives a request pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 390.285 to investigate a potential violation of the plan adopted pursuant to NRS 390.275 with respect to an examination that is administered pursuant to NRS 390.105 ~~[or 390.600]~~ or the ~~[a]~~ college and career readiness assessment administered pursuant to NRS 390.610,

➥ the Department shall investigate the matter as it deems appropriate.

2. If the Department investigates a matter pursuant to subsection 1, the Department may issue a subpoena to compel the attendance or testimony of a witness or the production of any relevant materials, including, without limitation, books, papers, documents, records, photographs, recordings, reports and tangible objects.

3. If a witness refuses to attend, testify or produce materials as required by the subpoena, the Department may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance or testimony of the witness or the production of materials;

(b) The witness has been subpoenaed by the Department pursuant to this section; and

(c) The witness has failed or refused to attend, testify or produce materials before the Department as required by the subpoena, or has refused to answer questions propounded to him or her,

➥ and asking for an order of the court compelling the witness to attend, testify or produce materials before the Department.

4. Upon receipt of such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why the witness has not attended, testified or produced materials before the Department. A certified copy of the order must be served upon the witness.

5. If it appears to the court that the subpoena was regularly issued by the Department, the court shall enter an order that the witness appear before the Department at a time and place fixed in the order and testify or produce materials, and that upon failure to obey the order the witness must be dealt with as for contempt of court.

Sec. 49. NRS 390.285 is hereby amended to read as follows:

390.285 1. If a school official has reason to believe that a violation of the plan adopted pursuant to NRS 390.275 may have occurred, the school official shall immediately report the incident to the board of trustees of the school district. If the board of trustees of a school district has reason to

believe that a violation of the plan adopted pursuant to NRS 390.275 may have occurred, the board of trustees shall:

(a) If the violation is with respect to an examination administered pursuant to NRS 390.105 ~~[or 390.600]~~ or the ~~[a]~~ college and career readiness assessment administered pursuant to NRS 390.610, immediately report the incident to the Department orally or in writing followed by a comprehensive written report within 14 school days after the incident occurred; and

(b) Cause to be commenced an investigation of the incident. The board of trustees may carry out the requirements of this paragraph by:

(1) Investigating the incident as it deems appropriate, including, without limitation, using the powers of subpoena set forth in this section.

(2) With respect to an examination that is administered pursuant to NRS 390.105 ~~[or 390.600]~~ or the ~~[a]~~ college and career readiness assessment administered pursuant to NRS 390.610, requesting that the Department investigate the incident pursuant to NRS 390.280.

➥ The fact that a board of trustees elects initially to carry out its own investigation pursuant to subparagraph (1) of paragraph (b) does not affect the ability of the board of trustees to request, at any time, that the Department investigate the incident as authorized pursuant to subparagraph (2) of paragraph (b).

2. Except as otherwise provided in this subsection, if the board of trustees of a school district proceeds in accordance with subparagraph (1) of paragraph (b) of subsection 1, the board of trustees may issue a subpoena to compel the attendance or testimony of a witness or the production of any relevant materials, including, without limitation, books, papers, documents, records, photographs, recordings, reports and tangible objects. A board of trustees shall not issue a subpoena to compel the attendance or testimony of a witness or the production of materials unless the attendance, testimony or production sought to be compelled is related directly to a violation or an alleged violation of the plan adopted pursuant to NRS 390.275.

3. If a witness refuses to attend, testify or produce materials as required by the subpoena, the board of trustees may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance or testimony of the witness or the production of materials;

(b) The witness has been subpoenaed by the board of trustees pursuant to this section; and

(c) The witness has failed or refused to attend, testify or produce materials before the board of trustees as required by the subpoena, or has refused to answer questions propounded to him or her,

➥ and asking for an order of the court compelling the witness to attend, testify or produce materials before the board of trustees.

4. Upon receipt of such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the

order, and then and there show cause why the witness has not attended, testified or produced materials before the board of trustees. A certified copy of the order must be served upon the witness.

5. If it appears to the court that the subpoena was regularly issued by the board of trustees, the court shall enter an order that the witness appear before the board of trustees at a time and place fixed in the order and testify or produce materials, and that upon failure to obey the order the witness must be dealt with as for contempt of court.

Sec. 50. NRS 390.300 is hereby amended to read as follows:

390.300 1. The Department shall establish a program of education and training regarding the administration and security of the examinations administered pursuant to NRS 390.105 ~~[or *and* 390.600]~~ and the college and career readiness assessment ~~*[assessments]*~~ administered pursuant to NRS 390.610. Upon approval of the Department, the board of trustees of a school district or the governing body of a charter school may establish an expanded program of education and training that includes additional education and training if the expanded program complies with the program established by the Department.

2. The board of trustees of each school district and the governing body of each charter school shall ensure that:

(a) All the teachers and other educational personnel who provide instruction to pupils enrolled in a grade level that is required to be tested pursuant to NRS 390.105, 390.600 or 390.610, and all other personnel who are involved with the administration of the examinations that are administered pursuant to NRS 390.105 ~~[or 390.600]~~ or the ~~*[a]*~~ college and career readiness assessment administered pursuant to NRS 390.610, receive, on an annual basis, the program of education and training established by the Department or the expanded program, if applicable; and

(b) The training and education is otherwise available for all personnel who are not required to receive the training and education pursuant to paragraph (a).

Sec. 51. ~~[NRS 390.355 is hereby amended to read as follows:~~

~~390.355 "Assessment" means [the] *a* college and career readiness assessment administered to pupils in grade 11 pursuant to NRS 390.610.]~~ **(Deleted by amendment.)**

Sec. 51.5. **NRS 390.360 is hereby amended to read as follows:**

390.360 "Examination" means:

1. The examinations that are administered to pupils pursuant to NRS 390.105 **;** ~~[or 390.600;]~~ and

2. Any other examinations which measure the achievement and proficiency of pupils and which are administered to pupils on a district-wide basis.

Sec. 52. NRS 390.600 is hereby amended to read as follows:

390.600 1. A pupil with a disability who does not satisfy the requirements for receipt of a standard high school diploma may receive a

diploma designated as an adjusted diploma if the pupil satisfies the requirements set forth in his or her individualized education program. As used in this subsection, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

2. The State Board shall adopt regulations that prescribe the:

(a) Criteria for a pupil to receive a standard high school diploma, which must include, without limitation, the requirement that:

(1) ~~[Commencing with the 2014-2015 *2016-2017* school year and each school year thereafter, a]~~ ***A*** pupil enrolled in grade 11 take the ~~*[a]*~~ college and career readiness assessment administered pursuant to NRS 390.610; ***and***

(2) Commencing with the ~~[2014-2015 school year]~~ ***graduating class of 2022*** and each ~~[school year thereafter,]~~ ***graduating class thereafter,*** a pupil ~~[enroll in the courses]~~ ***successfully complete a course*** of study designed to prepare the pupil for graduation from high school and for readiness for college and career ***.*** ~~[; and~~

~~(3) Commencing with the 2014-2015 school year and each school year thereafter, a pupil pass at least four end-of-course examinations prescribed pursuant to paragraph (b).~~

~~(b) Courses of study in which pupils must pass the end-of-course examinations required by subparagraph (3) of paragraph (a), which must include, without limitation, the subject areas for which the State Board has adopted the common core standards and which may include any other courses of study prescribed by the State Board.~~

~~(c) The maximum number of times, if any, that a pupil is allowed to take the end-of-course examinations if the pupil fails to pass the examinations after the first administration.]~~

3. The criteria prescribed by the State Board pursuant to subsection 2 for a pupil to receive a standard high school diploma must not include the results of the pupil on the ~~*[a]*~~ college and career readiness assessment administered to the pupil in grade 11 pursuant to NRS 390.610.

4. If a pupil does not satisfy the requirements prescribed by the State Board to receive a standard high school diploma, the pupil must not be issued a certificate of attendance or any other document indicating that the pupil attended high school but did not satisfy the requirements for such a diploma. The provisions of this subsection do not apply to a pupil who receives an adjusted diploma pursuant to subsection 1.

Sec. 53. NRS 390.610 is hereby amended to read as follows:

390.610 1. The State Board shall select a ~~*[one or more]*~~ college and career readiness assessment ~~*[assessments]*~~ for administration ~~[, commencing with the 2014-2015 *2016-2017* school year and each school year thereafter,]~~ to pupils who are enrolled in grade 11 in public high schools.

2. Except as otherwise provided in this subsection, a pupil must take the ~~*[a]*~~ college and career readiness assessment to receive a standard high school diploma ***.*** ~~[. The results of a pupil on the assessment must not be used in the determination of whether the pupil satisfies the requirements for receipt of a~~

~~standard high school diploma.~~] A pupil with a disability may, in accordance with his or her individualized education program, be exempt from the requirement to take the ~~[a]~~ college and career readiness assessment.

3. ***The results of a pupil on the college and career readiness assessment:***

(a) Must not be used in the determination of whether the pupil satisfies the requirements for receipt of standard high school diploma.

(b) May be used in the determination of whether the pupil satisfies the requirements for receipt of a pathway high school diploma.

4. The ~~[For each]~~ assessment selected pursuant to subsection 1 ~~[the assessment]~~ must be:

(a) Administered at the same time during the school year by the board of trustees of each school district to pupils enrolled in grade 11 in all public high schools of the school district and by the governing body of each charter school that enrolls pupils in grade 11, as prescribed by the State Board, and in accordance with uniform procedures adopted by the State Board. The Department shall monitor the compliance of the school districts and individual schools with the uniform procedures and report to the State Board any instance of noncompliance.

(b) Administered in accordance with the plan adopted by the Department pursuant to NRS 390.270 and with the plan adopted by the board of trustees of the school district in which the assessment is administered pursuant to NRS 390.275. The Department shall monitor the compliance of the school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department,

➥ and shall report to the State Board any instance of noncompliance.

~~[4.]~~ ***5.*** The ~~[Each]~~ assessment selected pursuant to subsection 1 must:

(a) Be used to provide data and information to each pupil who takes the assessment in a manner that allows the pupil to review the areas of his or her academic strengths and weaknesses, including, without limitation, areas where additional work in the subject areas tested on the assessment is necessary to prepare for college and career success without the need for remediation; and

(b) Allow teachers and other educational personnel to use the results of a pupil on the assessment to provide appropriate interventions for the pupil to prepare for college and career success.

~~[5.]~~ ***6.*** ***The State Board shall adopt regulations prescribing the manner in which the results of a college and career readiness assessment selected pursuant to subsection 1 must be used by a school district or charter school that operates as a high school to inform the instruction provided to pupils enrolled in grade 12, including, without limitation, to determine whether to***

provide remediation in areas of academic weakness and acceleration in areas of academic strength.

7. The State Board may work in consultation with the boards of trustees of school districts and, if a charter school enrolls pupils at a high school grade level, the governing body of the charter school to develop and implement appropriate plans of remediation for pupils based upon the results of the pupils on the ***[an]*** assessment.

Sec. 54. NRS 390.620 is hereby amended to read as follows:

390.620 1. The Department shall develop an informational pamphlet concerning the ***[***end-of-course examinations required pursuant to NRS 390.600 and the***]*** college and career readiness assessment ***[assessments]*** administered pursuant to NRS 390.610 for pupils who are enrolled in junior high, middle school and high school, and their parents and legal guardians. The pamphlet must include a written explanation of the:

(a) Importance of ***[***passing the end-of-course examinations and the importance of***]*** taking the ***[a]*** college and career readiness assessment;

(b) ***[***Courses of study for which the end-of-course examinations are administered and the subject***]*** ***Subject*** areas tested on the ***[each]*** college and career readiness assessment; ***and***

(c) Format for the ***[***end-of-course examinations and the ***each]*** college and career readiness assessment, including, without limitation, the range of items that ***[***are***]*** ***is*** contained on ***[***the examinations and***]*** the assessment ***. [****; assessments;* and

~~(d) Maximum number of times, if any, that a pupil is allowed to take the end-of-course examinations if the pupil fails to pass the examinations after the first administration.~~***]***

2. The Department shall review the pamphlet on an annual basis and make such revisions to the pamphlet as it considers necessary to ensure that pupils and their parents or legal guardians fully understand the ***[***end-of-course examinations and the ***each]*** college and career readiness assessment.

3. On or before September 1, the Department shall:

(a) Provide an electronic copy of the pamphlet or revised pamphlet to the board of trustees of each school district and the governing body of each charter school that includes pupils enrolled in a junior high, middle school or high school grade level; and

(b) Post a copy of the pamphlet or revised pamphlet on the Internet website maintained by the Department.

4. The board of trustees of each school district shall provide a copy of the pamphlet to each junior high, middle school or high school within the school district for posting. The governing body of each charter school shall ensure that a copy of the pamphlet is posted at the charter school. Each principal of a junior high, middle school, high school or charter school shall ensure that the teachers, counselors and administrators employed at the school fully understand the contents of the pamphlet.

5. On or before October 1, the:

(a) Board of trustees of each school district shall provide a copy of the pamphlet to each pupil who is enrolled in a junior high, middle school or high school of the school district and to the parents or legal guardians of such a pupil.

(b) Governing body of each charter school shall provide a copy of the pamphlet to each pupil who is enrolled in the charter school at a junior high, middle school or high school grade level and to the parents or legal guardians of such a pupil.

Sec. 55. NRS 390.810 is hereby amended to read as follows:

390.810 1. The board of trustees of each school district and the governing body of each charter school shall ensure that each pupil who is ~~[limited]~~ ***an*** English ~~[proficient]~~ ***learner*** and is enrolled in the school district or charter school, as applicable, participates in the achievement and proficiency examinations administered pursuant to this chapter. The State Board shall prescribe reasonable modifications and accommodations that must be used in the administration of an examination to a pupil who is ~~[limited]~~ ***an*** English ~~[proficient]~~ ***learner*** and who is unable to take an examination under regular testing conditions. The results of each pupil who is ~~[limited]~~ ***an*** English ~~[proficient]~~ ***learner*** and who takes an examination with modifications and accommodations must be reported and included within the determination of whether the school has met the ~~[annual measurable objectives]~~ ***school achievement targets*** and performance targets established pursuant to the statewide system of accountability for public schools.

2. The board of trustees of a school district and the governing body of a charter school shall administer to a pupil who is ~~[limited English proficient:]~~ ***an English learner:***

(a) To the extent practicable, examinations in mathematics and science required by subsection 1 in the language most likely to yield accurate and reliable information on what the pupil knows.

(b) To the extent practicable, examinations in reading required by subsection 1 in the language most likely to yield accurate and reliable information on what the pupil knows if the pupil has attended public schools in the United States for less than 3 consecutive years.

(c) If the pupil has attended public schools in the United States for 3 consecutive years but less than 5 consecutive years:

(1) Examinations in reading required by subsection 1 in the English language; or

(2) Examinations in reading required by subsection 1 in the language most likely to yield accurate and reliable information on what the pupil knows if the board of trustees or the governing body, as applicable, determines that the pupil has not reached a level of English proficiency sufficient to yield valid and reliable information on what the pupil knows. The board of trustees or the governing body of a charter school, as applicable, may grant exceptions for a particular pupil pursuant to this

subparagraph, on a case-by-case basis, for a period not longer than 2 consecutive years.

(d) If the pupil has attended public schools in the United States for 5 consecutive years or more, examinations in reading required by subsection 1 in the English language.

3. The State Board shall prescribe an assessment of proficiency in the English language for pupils who are ~~[limited]~~ English ~~[proficient]~~ ***learners*** to measure oral language skills, comprehension skills, reading skills and writing skills. The board of trustees of each school district and the governing body of each charter school shall administer the assessment annually at the time prescribed by the State Board. A pupil who takes the assessment prescribed pursuant to this subsection is not exempt from the achievement and proficiency examinations administered pursuant to this chapter.

Sec. 56. NRS 390.820 is hereby amended to read as follows:

390.820 1. If a pupil with a disability is unable to take an examination administered pursuant to NRS 390.105 ~~[or 390.600]~~ under regular testing conditions, the pupil may take the examination with modifications and accommodations that the pupil's individualized education program team determines, in consultation with the Department and in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the ~~[No Child Left Behind Act of 2001,]~~ ***Every Student Succeeds Act of 2015,*** 20 U.S.C. §§ 6301 et seq., are necessary to measure the progress of the pupil. If modifications or accommodations are made in the administration of an examination for a pupil with a disability, the modifications or accommodations must be set forth in the pupil's individualized education program. The results of each pupil with a disability who takes an examination with modifications or accommodations must be reported and must be included in the determination of whether the school has met the ~~[annual measurable objectives]~~ ***school achievement targets*** and performance targets established pursuant to the statewide system of accountability for public schools.

2. The State Board shall prescribe an alternate examination for administration to a pupil with a disability if the pupil's individualized education program team determines, in consultation with the Department, that the pupil cannot participate in all or a portion of an examination administered pursuant to NRS 390.105 ~~[or 390.600]~~ even with modifications and accommodations.

3. The State Board shall prescribe, in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the ~~[No Child Left Behind Act of 2001,]~~ ***Every Student Succeeds Act of 2015,*** 20 U.S.C. §§ 6301 et seq., the modifications and accommodations that must be used in the administration of an examination to a pupil with a disability who is unable to take the examination under regular testing conditions.

4. As used in this section:

(a) "Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

(b) "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

Sec. 56.5. **NRS 390.830 is hereby amended to read as follows:**

390.830 1. The State Board shall:

(a) In accordance with guidelines established by the National Assessment Governing Board and National Center for Education Statistics and in accordance with 20 U.S.C. §§ 6301 et seq. and the regulations adopted pursuant thereto, adopt regulations requiring the schools of this State that are selected by the National Assessment Governing Board or the National Center for Education Statistics to participate in the examinations of the National Assessment of Educational Progress.

(b) Report the results of those examinations to the:

(1) Governor;

(2) Board of trustees of each school district of this State;

(3) Legislative Committee on Education created pursuant to NRS 218E.605; and

(4) Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218E.625.

(c) Include in the report required pursuant to paragraph (b) an analysis and comparison of the results of pupils in this State on the examinations required by this section with:

(1) The results of pupils throughout this country who participated in the examinations of the National Assessment of Educational Progress; and

(2) The results of pupils on the achievement and proficiency examinations administered pursuant to this chapter.

2. If the report required by subsection 1 indicates that the percentage of pupils enrolled in the public schools in this State who are proficient on the National Assessment of Educational Progress differs by more than 10 percent of the pupils who are proficient on the examinations administered pursuant to NRS 390.105**,** ~~[and the examinations administered pursuant to NRS 390.600,]~~ the Department shall prepare a written report describing the discrepancy. The report must include, without limitation, a comparison and evaluation of:

(a) The standards of content and performance for English language arts and mathematics established pursuant to NRS 389.520 with the standards for English language arts and mathematics that are tested on the National Assessment.

(b) The standards for proficiency established for the National Assessment with the standards for proficiency established for the examinations that are administered pursuant to NRS 390.105**.** ~~[and the examinations administered pursuant to NRS 390.600.]~~

3. The report prepared by the Department pursuant to subsection 2 must be submitted to the:

(a) Governor;

(b) Legislative Committee on Education;

(c) Legislative Bureau of Educational Accountability and Program Evaluation; and

(d) Council to Establish Academic Standards for Public Schools.

4. The Council to Establish Academic Standards for Public Schools shall review and evaluate the report provided to the Council pursuant to subsection 3 to identify any discrepancies in the standards of content and performance established by the Council that require revision and a timeline for carrying out the revision, if necessary. The Council shall submit a written report of its review and evaluation to the Legislative Committee on Education and Legislative Bureau of Educational Accountability and Program Evaluation.

Sec. 57. NRS 390.840 is hereby amended to read as follows:

390.840 If the Department enters into a contract with a person or entity to score the results of an examination that is administered to pupils pursuant to NRS 390.105 ~~[or 390.600]~~ or the ~~*[a]*~~ college and career readiness assessment administered pursuant to NRS 390.610, and the contract sets forth penalties or sanctions in the event that the person or entity fails to deliver the scored results to a school district or charter school on a timely basis, the Department shall ensure that any such penalties or sanctions are fully enforced.

Sec. 58. NRS 391.008 is hereby amended to read as follows:

391.008 1. "Paraprofessional" means a person who is employed by and assigned by a school district or charter school to:

(a) Provide one-on-one tutoring for a pupil;

(b) Assist with the management of a classroom, including, without limitation, organizing instructional materials;

(c) Provide assistance in a computer laboratory;

(d) Conduct parental involvement activities in conjunction with one or more duties set forth in this subsection;

(e) Provide support in a library or media center;

(f) Except as otherwise provided in subsection 2, provide services as a translator; or

(g) Provide instructional services to pupils under the direct supervision of a licensed teacher.

2. The term "paraprofessional" does not include a person who:

(a) Is proficient in the English language and a language other than English and who provides services as a translator primarily to enhance the participation of children in programs that are financially supported pursuant to the ~~[No Child Left Behind Act of 2001,]~~ ***Every Student Succeeds Act of 2015,*** 20 U.S.C. §§ 6301 et seq.

(b) Solely conducts parental involvement activities.

Sec. 59. NRS 391.094 is hereby amended to read as follows:

391.094 The State Board shall prescribe by regulation at least one examination for those paraprofessionals who desire to satisfy the

requirements ~~[of 20 U.S.C. § 6319(c) by passing an examination prescribed by this State.]~~ ***prescribed by the Department to comply with 20 U.S.C. § 6311(g)(2)(M).*** The regulations must include the passing score required to demonstrate satisfaction of ~~[the]~~ ***those*** requirements ***.*** ~~[of 20 U.S.C. § 6319(c).~~ ***qualifications for paraprofessionals.]***

Sec. 60. NRS 391.098 is hereby amended to read as follows:

391.098 1. If a pupil enrolled in a Title I school or a school that is rated as underperforming pursuant to the statewide system of accountability for public schools:

(a) Is assigned to a teacher, as the pupil's regular classroom teacher , who is not ~~[highly qualified;~~ ~~*, whose overall performance has been determined to be minimally effective or ineffective;]*~~ ***licensed to teach pursuant to chapter 391 of NRS or who does not hold an endorsement to teach in the subject area in which he or she is teaching;*** or

(b) Has been taught for 4 consecutive weeks or more by a teacher who is not the pupil's regular classroom teacher and who is not ~~[highly qualified,~~ ~~*whose overall performance has been determined to be minimally effective or ineffective,]*~~ ***licensed to teach pursuant to chapter 391 of NRS or who does not hold an endorsement to teach in the subject area in which he or she is teaching,***

➥ the principal of the school or the administrative head of the charter school, as applicable, shall provide notice of that fact to the parent or legal guardian of the pupil.

2. The State Board shall prescribe the date on which the notice required by subsection 1 must be provided. The notice must be provided in a uniform and understandable format and, to the extent practicable, in a language that parents and guardians can understand.

~~[3. As used in this section, "highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).]~~

Sec. 61. NRS 391.100 is hereby amended to read as follows:

391.100 1. The board of trustees of a school district may employ a superintendent of schools, teachers and all other necessary employees.

2. ~~[A person who is initially hired by the board of trustees of a school district on or after January 8, 2002, to teach in a program supported with money from Title I must possess the qualifications required by 20 U.S.C. § 6319(a). For the purposes of this subsection, a person is not "initially hired" if he or she has been employed as a teacher by another school district or charter school in this State without an interruption in employment before the date of hire by the person's current employer.~~

~~3. A person who is employed as a teacher, regardless of the date of hire, must possess, on or before July 1, 2006, the qualifications required by 20 U.S.C. § 6319(a) if the person teaches:~~

~~(a) English language arts;~~

~~(b) Mathematics;~~

~~(c) Science;~~

~~(d) A foreign or world language;~~
~~(e) Civics or government;~~
~~(f) Economics;~~
~~(g) Geography;~~
~~(h) History; or~~
~~(i) The arts.~~
~~4.~~**]** The board of trustees of a school district:

(a) May employ teacher aides and other auxiliary, nonprofessional personnel to assist licensed personnel in the instruction or supervision of children, either in the classroom or at any other place in the school or on the grounds thereof. **[**~~A person who is initially hired as a paraprofessional by a school district on or after January 8, 2002, to work in a program supported with Title I money must possess the qualifications required by 20 U.S.C. § 6319(c).~~**]** A person who is employed as a paraprofessional by a school district **[**~~, regardless of the date of hire,~~**]** to work in a program supported with Title I money must possess **[**~~, on or before January 8, 2006, the qualifications required by 20 U.S.C. § 6319(c). For the purposes of this paragraph, a person is not "initially hired" if he or she has been employed as a paraprofessional by another school district or charter school in this State without an interruption in employment before the date of hire~~**]** ***the requirements prescribed*** by the **[**~~person's current employer.~~**]** ***State Board pursuant to NRS 391.094.***

(b) Shall establish policies governing the duties and performance of teacher aides.

Sec. 62. NRS 391.125 is hereby amended to read as follows:

391.125 1. If the board of trustees of a school district determines that a shortage of teachers exists within the school district in a particular subject area, the board of trustees may ***, on or before September 1 of the school year for which such a determination is made,*** submit a written request to the Superintendent of Public Instruction to employ persons who are licensed teachers but who do not hold an endorsement to teach in the subject area for which there is a shortage of teachers at a public school within the school district ***.*** **[**~~that is not rated as underperforming pursuant to the statewide system of accountability for public schools.~~**]** The Superintendent of Public Instruction may grant such a request if the Superintendent determines that a shortage of teachers exists in the subject area. If the Superintendent of Public Instruction grants a request pursuant to this subsection, a person who holds a license to teach but not an endorsement in the subject area for which the request was granted may be employed by the school district for not more than **[**~~2 1~~*** 3*** school years ~~*year*~~**]** to teach in that subject area at a public school within the school district ***.*** **[**~~that is not rated as underperforming pursuant to the statewide system of accountability for public schools.~~**]**

2. If the Superintendent of Public Instruction grants a request pursuant to subsection 1, the Superintendent shall submit a written report to the Commission ***and the State Board*** that includes the name of the school

district for which the request was granted and the subject area for which the request was granted. Upon receipt of such a report, the Commission ***and the State Board*** shall consider whether to adopt revisions to the requirements for an endorsement in that subject area to address the shortage of teachers.

Sec. 63. NRS 391.170 is hereby amended to read as follows:

391.170 1. Except as otherwise provided in subsection 2, a teacher or other employee for whom a license is required is not entitled to receive any portion of public money for schools as compensation for services rendered unless he or she:

(a) Is legally employed by the board of trustees of the school district or the governing body of the charter school in which he or she is teaching or performing other educational functions.

(b) Has a license authorizing him or her to teach or perform other educational functions at the level and, except as otherwise provided in NRS 391.125, in the field for which he or she is employed, issued in accordance with law and in full force at the time the services are rendered.

2. The provisions of subsection 1 do not prohibit the payment of public money to teachers or other employees who are employed by a charter school who are not required to ~~[be highly qualified]~~ ***demonstrate experience and qualifications through licensure or subject matter expertise*** pursuant to the provisions of NRS 388A.518.

~~[3. As used in this section, "highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801.~~ ***subsection 7 of NRS 388A.518.]***

Sec. 64. NRS 391.273 is hereby amended to read as follows:

391.273 1. Except as otherwise provided in this section and except for persons who are supervised pursuant to NRS 391.096, the unlicensed personnel of a school district must be directly supervised by licensed personnel in all duties which are instructional in nature. To the extent practicable, the direct supervision must be such that the unlicensed personnel are in the immediate location of the licensed personnel and are readily available during such times when supervision is required.

2. Unlicensed personnel who are exempted pursuant to subsection 4, 5 or 6 must be under administrative supervision when performing any duties which are instructional in nature.

3. Unlicensed personnel may temporarily perform duties under administrative supervision which are not primarily instructional in nature.

4. Except as otherwise provided in subsection 7, upon application by a superintendent of schools, the Superintendent of Public Instruction may grant an exemption from the provisions of subsection 1 pursuant to subsection 5 or 6.

5. Except as otherwise provided in subsection 6, the Superintendent shall not grant an exemption from the provisions of subsection 1 unless:

(a) The duties are within the employee's special expertise or training;

(b) The duties relate to the humanities or an elective course of study, or are supplemental to the basic curriculum of a school;

(c) The performance of the duties does not result in the replacement of a licensed employee or prevent the employment of a licensed person willing to perform those duties;

(d) The secondary or combined school in which the duties will be performed has less than 100 pupils enrolled and is at least 30 miles from a school in which the duties are performed by licensed personnel; and

(e) The unlicensed employee submits his or her fingerprints for an investigation pursuant to NRS 391.033.

6. Upon application by a superintendent of schools, the Superintendent of Public Instruction may grant an exemption from the provisions of subsection 1 if:

(a) The duties of the unlicensed employee relate to the supervision of pupils attending a course of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, while the pupils are receiving instruction from a licensed employee remotely through any electronic means of communication; and

(b) The unlicensed employee submits his or her fingerprints for an investigation pursuant to NRS 391.033.

7. The exemption authorized by subsection 4, 5 or 6 does not apply to a paraprofessional if the ~~[provisions of 20 U.S.C. § 6319 and the regulations adopted]~~ ***requirements prescribed by the State Board*** pursuant ~~[thereto]~~ ***to NRS 391.094*** require the paraprofessional to be directly supervised by a licensed teacher.

8. The Superintendent of Public Instruction shall file a record of all exempt personnel with the clerk of the board of trustees of each local school district, and advise the clerk of any changes therein. The record must contain:

(a) The name of the exempt employee;

(b) The specific instructional duties the exempt employee may perform;

(c) Any terms or conditions of the exemption deemed appropriate by the Superintendent of Public Instruction; and

(d) The date the exemption expires or a statement that the exemption is valid as long as the employee remains in the same position at the same school.

9. The Superintendent of Public Instruction may adopt regulations prescribing the procedure to apply for an exemption pursuant to this section and the criteria for the granting of such exemptions.

10. Except in an emergency, it is unlawful for the board of trustees of a school district to allow a person employed as a teacher's aide to serve as a teacher unless the person is a legally qualified teacher licensed by the Superintendent of Public Instruction. As used in this subsection, "emergency" means an unforeseen circumstance which requires immediate action and includes the fact that a licensed teacher or substitute teacher is not immediately available.

11. If the Superintendent of Public Instruction determines that the board of trustees of a school district has violated the provisions of subsection 10,

the Superintendent shall take such actions as are necessary to reduce the amount of money received by the district pursuant to NRS 387.124 by an amount equal to the product when the following numbers are multiplied together:

(a) The number of days on which the violation occurred;

(b) The number of pupils in the classroom taught by the teacher's aide; and

(c) The number of dollars of basic support apportioned to the district per pupil per day pursuant to NRS 387.1223.

12. Except as otherwise provided in this subsection, a person employed as a teacher's aide or paraprofessional may monitor pupils in a computer laboratory without being directly supervised by licensed personnel. The provisions of this subsection do not apply to a paraprofessional if the ~~[~~provisions of 20 U.S.C. § 6319 and the regulations adopted~~]~~ ***requirements prescribed by the State Board*** pursuant ~~[~~thereto~~]~~ ***to NRS 391.094*** require the paraprofessional to be directly supervised by a licensed teacher.

13. The provisions of this section do not apply to unlicensed personnel who are employed by the governing body of a charter school, unless a paraprofessional employed by the governing body is required to be directly supervised by a licensed teacher pursuant to the ~~[~~provisions of 20 U.S.C. § 6319 and the regulations adopted~~]~~ ***requirements prescribed by the State Board*** pursuant ~~[~~thereto.~~]~~ ***to NRS 391.094.***

Sec. 65. NRS 391.330 is hereby amended to read as follows:

391.330 The State Board may suspend or revoke the license of any teacher, administrator or other licensed employee, after notice and an opportunity for hearing have been provided pursuant to NRS 391.322 and 391.323, for:

1. Immoral or unprofessional conduct.

2. Evident unfitness for service.

3. Physical or mental incapacity which renders the teacher, administrator or other licensed employee unfit for service.

4. Conviction of a felony or crime involving moral turpitude.

5. Conviction of a sex offense under NRS 200.366, 200.368, 201.190, 201.220, 201.230, 201.540 or 201.560 in which a pupil enrolled in a school of a county school district was the victim.

6. Knowingly advocating the overthrow of the Federal Government or of the State of Nevada by force, violence or unlawful means.

7. Persistent defiance of or refusal to obey the regulations of the State Board, the Commission or the Superintendent of Public Instruction, defining and governing the duties of teachers, administrators and other licensed employees.

8. Breaches in the security or confidentiality of the questions and answers of the examinations that are administered pursuant to NRS 390.105 ~~[~~or 390.600~~]~~ and the college and career readiness <u>assessment</u> ~~***[assessments]***~~ administered pursuant to NRS 390.610.

9. Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations and assessments adopted pursuant to NRS 390.270 or 390.275.

10. An intentional violation of NRS 388.497 or 388.499.

11. Knowingly and willfully failing to comply with the provisions of NRS 388.1351.

Sec. 65.5. **NRS 391.460 is hereby amended to read as follows:**

391.460 1. The Council shall:

(a) Make recommendations to the State Board concerning the adoption of regulations for establishing a statewide performance evaluation system to ensure that teachers, administrators who provide primarily administrative services at the school level and administrators at the district level who provide direct supervision of the principal of a school, and who do not provide primarily direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal are:

(1) Evaluated using multiple, fair, timely, rigorous and valid methods, which includes evaluations based upon pupil achievement data as required by NRS 391.465;

(2) Afforded a meaningful opportunity to improve their effectiveness through professional development that is linked to their evaluations; and

(3) Provided with the means to share effective educational methods with other teachers and administrators throughout this State.

(b) Develop and recommend to the State Board a plan, including duties and associated costs, for the development and implementation of the performance evaluation system by the Department and school districts.

(c) Consider the role of professional standards for teachers and administrators to which paragraph (a) applies and, as it determines appropriate, develop a plan for recommending the adoption of such standards by the State Board.

(d) Develop and recommend to the State Board a process for peer ~~[evaluations]~~ ***observations*** of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching.

2. The performance evaluation system recommended by the Council must ensure that:

(a) Data derived from the evaluations is used to create professional development programs that enhance the effectiveness of teachers and administrators; and

(b) A timeline is included for monitoring the performance evaluation system at least annually for quality, reliability, validity, fairness, consistency and objectivity.

3. The Council may establish such working groups, task forces and similar entities from within or outside its membership as necessary to address specific issues or otherwise to assist in its work.

4. The State Board shall consider the recommendations made by the Council pursuant to this section and shall adopt regulations establishing a statewide performance evaluation system as required by NRS 391.465.

Sec. 66. NRS 391.465 is hereby amended to read as follows:

391.465 1. The State Board shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to NRS 391.460, adopt regulations establishing a statewide performance evaluation system which incorporates multiple measures of an employee's performance. Except as otherwise provided in subsection 4, the State Board shall prescribe the tools to be used by a school district for obtaining such measures.

2. The statewide performance evaluation system must:

(a) Require that an employee's overall performance is determined to be:

(1) Highly effective;

(2) Effective;

(3) Minimally effective; or

(4) Ineffective.

(b) Include the criteria for making each designation identified in paragraph (a).

(c) Except as otherwise provided in subsections 2 and 3 of NRS 391.695 and subsections 2 and 3 of NRS 391.715, require that pupil achievement data account for at least 40 percent of the evaluation.

(d) Except as otherwise provided in subsection 3, prescribe the pupil achievement data that must be used as part of the evaluation system pursuant to paragraph (c) which must require that:

(1) Pupil achievement data derived from statewide examinations and assessments must account for at least 20 percent of the evaluation of a teacher or administrator, as applicable; and

(2) Pupil achievement data derived from assessments approved by the board of trustees of a school district that employs the teacher or administrator, as applicable, must account for at least 20 percent of the evaluation.

(e) Include an evaluation of whether the teacher, or administrator who provides primarily administrative services at the school level or administrator at the district level who provides direct supervision of the principal of a school, and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal, employs practices and strategies to involve and engage the parents and families of pupils.

(f) Include a process for peer ~~[evaluations]~~ ***observations*** of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without

limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching. The regulations must include the criteria for school districts to determine which educational personnel are qualified to conduct peer ~~[reviews]~~ ***observations*** pursuant to the process.

3. The State Board shall, by regulation, ~~[designate]~~ ***establish the criteria for*** the assessments that may be used by a school district to determine pupil achievement pursuant to subparagraph (2) of paragraph (d) of subsection 2. The board of trustees of a school district ~~[may]~~ ***shall*** select one or more ~~[of the assessments designated]~~ ***assessments that meet the criteria established*** by the State Board ~~[to determine pupil achievement, or the board of trustees may apply to the Superintendent of Public Instruction for approval to use a different assessment]~~ to determine pupil achievement.

4. A school district may apply to the State Board to use a performance evaluation system and tools that are different than the evaluation system and tools prescribed pursuant to subsection 1. The application must be in the form prescribed by the State Board and must include, without limitation, a description of the evaluation system and tools proposed to be used by the school district. The State Board may approve the use of the proposed evaluation system and tools if it determines that the proposed evaluation system and tools apply standards and indicators that are equivalent to those prescribed by the State Board.

Sec. 66.5. **NRS 391.470 is hereby amended to read as follows:**

391.470 On or before August 1 of each year, the board of trustees of each school district shall submit a report to the State Board and the Teachers and Leaders Council of Nevada created by NRS 391.455 concerning the implementation and effectiveness of the process for peer ~~[evaluations]~~ ***observations*** of teachers set forth in the regulations adopted by the State Board pursuant to paragraph (f) of subsection 2 of NRS 391.465, including, without limitation, any recommendations for revisions to the process of peer ~~[evaluations.]~~ ***observations.***

Sec. 67. NRS 391.685 is hereby amended to read as follows:

391.685 1. A probationary teacher must receive one evaluation during each school year of his or her probationary employment. The evaluation must be based in part upon at least three scheduled ~~[observations]~~ ***observation cycles*** of the teacher during the first school year of his or her probationary period as follows:

(a) The first scheduled observation ***cycle*** must occur within 40 days after the first day of instruction of the school year;

(b) The second scheduled observation ***cycle*** must occur after 40 days but within 80 days after the first day of instruction of the school year; and

(c) The third scheduled observation ***cycle*** must occur after 80 days but within 120 days after the first day of instruction of the school year.

2. ~~*[After each observation conducted pursuant to subsection 1, a probationary teacher must receive notice, on a form prescribed by the State Board, that he or she may request that a subsequent observation be conducted by another administrator. If a probationary teacher requests that his or her next observation be conducted by another administrator, the administrator conducting the observation must meet the requirements prescribed by subsection 2 of NRS 391.725.*~~

~~*— 3.]*~~ If a probationary teacher receives an evaluation designating his or her overall performance as effective or highly effective:

(a) During the first school year of his or her probationary period, the evaluation during the second school year of the probationary period must be based in part upon at least two scheduled ~~[observations]~~ ***observation cycles*** of the teacher which must occur within the times specified in paragraphs (b) and (c) of subsection 1.

(b) During the first and second school years of his or her probationary period, the evaluation during the third school year of the probationary period must be based in part upon at least one scheduled observation ***cycle*** of the teacher which must occur within 120 days after the first day of instruction of the school year.

3. ~~*[4.]*~~ If a probationary teacher receives an evaluation designating his or her overall performance as minimally effective or ineffective during the first or second school year of the probationary period, the probationary teacher must receive one evaluation during the immediately succeeding school year which is based in part upon three ~~[observations]~~ ***observation cycles*** which must occur in accordance with the observation schedule set forth in subsection 1.

Sec. 67.5. **NRS 391.690 is hereby amended to read as follows:**

391.690 1. If a postprobationary teacher receives an evaluation designating his or her overall performance as minimally effective or ineffective, the postprobationary teacher must receive one evaluation in the immediately succeeding school year which is based in part upon three ~~[observations]~~ ***observation cycles*** which must occur in accordance with the observation schedule set forth in subsection 1 of NRS 391.685. If a postprobationary teacher receives evidence from the first two ~~[observations]~~ ***observation cycles*** during the school year indicating that, unless his or her performance improves, his or her overall performance may be rated as minimally effective or ineffective on the evaluation, the postprobationary teacher may request that the third observation ***cycle*** be conducted by another administrator. If a postprobationary teacher requests that his or her third observation ***cycle*** be conducted by another administrator, that administrator must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the postprobationary teacher from a list of three candidates submitted by the superintendent.

2. If a postprobationary teacher receives an evaluation designating his or her overall performance as effective or highly effective, the postprobationary teacher must receive one evaluation in the immediately succeeding school year. The evaluation must be based in part upon at least one scheduled observation ***cycle*** which must occur within 120 days after the first day of instruction of the school year.

Sec. 68. NRS 391.705 is hereby amended to read as follows:

391.705 1. A probationary administrator must receive one evaluation during each school year of his or her probationary employment. The evaluation must be based in part upon at least three scheduled ~~[observations]~~ ***observation cycles*** of the probationary administrator during the first school year of his or her probationary period which must occur as follows:

(a) The first scheduled observation ***cycle*** must occur within 40 days after the first day of instruction of the school year;

(b) The second scheduled observation ***cycle*** must occur after 40 days but within 80 days after the first day of instruction of the school year; and

(c) The third scheduled observation ***cycle*** must occur after 80 days but within 120 days after the first day of instruction of the school year.

2. ~~*[After each observation conducted pursuant to subsection 1, a probationary administrator must receive notice, on a form prescribed by the State Board, that he or she may request that a subsequent observation be conducted by another administrator. If a probationary administrator requests that his or her next observation be conducted by another administrator, the administrator conducting the observation must meet the requirements prescribed by subsection 2 of NRS 391.725.*~~

~~*3.]*~~ If a probationary administrator receives an evaluation designating his or her overall performance as effective or highly effective:

(a) During the first school year of his or her probationary period, the evaluation during the second school year of the probationary period must be based in part upon at least two scheduled ~~[observations]~~ ***observation cycles*** of the administrator which must occur within the times specified in paragraphs (b) and (c) of subsection 1.

(b) During the first and second school year of his or her probationary period, the evaluation during the third school year of the probationary period must be based in part upon at least one scheduled observation ***cycle*** of the administrator which must occur within 120 days after the first day of instruction of the school year.

3. ~~*[4.]*~~ If a probationary administrator receives an evaluation designating his or her overall performance as minimally effective or ineffective during the first or second school year of the probationary period, the probationary administrator must receive one evaluation during the immediately succeeding school year which is based in part upon three ~~[observations]~~ ***observation cycles*** which must occur in accordance with the observation schedule set forth in subsection 1.

4. ~~[5.]~~ Each probationary administrator is subject to the provisions of NRS 391.725 and 391.820.

Sec. 68.5. **NRS 391.710 is hereby amended to read as follows:**

391.710 1. If a postprobationary administrator receives an evaluation designating his or her overall performance as minimally effective or ineffective, the postprobationary administrator must receive one evaluation in the immediately succeeding school year which is based in part upon three ~~[observations]~~ ***observation cycles*** which must occur in accordance with the observation schedule set forth in subsection 1 of NRS 391.705. If a postprobationary administrator receives evidence from the first two ~~[observations]~~ ***observation cycles*** indicating that, unless his or her performance improves, his or her overall performance may be rated as minimally effective or ineffective on the evaluation, the postprobationary administrator may request that the third observation ***cycle*** be conducted by another administrator. If a postprobationary administrator requests that his or her third observation ***cycle*** be conducted by another administrator, that administrator must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the postprobationary administrator from a list of three candidates submitted by the superintendent.

2. If a postprobationary administrator receives an evaluation designating his or her overall performance as effective or highly effective, the postprobationary administrator must receive one evaluation in the immediately succeeding school year. The evaluation must be based in part upon at least one scheduled observation ***cycle*** which must occur within 120 days after the first day of instruction of the school year.

Sec. 69. NRS 391.725 is hereby amended to read as follows:

391.725 1. If a written evaluation of a probationary teacher, or a probationary administrator who provides primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal, designates the overall performance of the teacher or administrator as "minimally effective" or "ineffective":

(a) The written evaluation must include the following statement: "Please be advised that, pursuant to Nevada law, your contract may not be renewed for the next school year. If you receive a 'minimally effective' or 'ineffective' evaluation ~~[on the first or second evaluation, or both evaluations for this school year,]~~ ***and are reemployed for a second or third year of your probationary period,*** you may request that ~~[the third]~~ ***your next*** evaluation be conducted by another administrator. You may also request, to the administrator who conducted the evaluation, reasonable assistance in improving your performance based upon the recommendations reported in

the evaluation for which you request assistance, and upon such request, a reasonable effort will be made to assist you in improving your performance."

(b) The probationary teacher or probationary administrator, as applicable, must acknowledge in writing that he or she has received and understands the statement described in paragraph (a).

2. If a probationary teacher or probationary administrator to which subsection 1 applies requests that his or her next evaluation be conducted by another administrator in accordance with the notice required by subsection 1, the administrator conducting the evaluation must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the probationary teacher or probationary administrator, as applicable, from a list of three candidates submitted by the superintendent.

3. If a probationary teacher or probationary administrator to which subsection 1 applies requests assistance in improving performance reported in his or her evaluation, the administrator who conducted the evaluation shall ensure that a reasonable effort is made to assist the probationary teacher or probationary administrator in improving his or her performance.

Sec. 70. NRS 391.750 is hereby amended to read as follows:

391.750 1. A teacher may be suspended, dismissed or not reemployed and an administrator may be demoted, suspended, dismissed or not reemployed for the following reasons:

(a) Inefficiency;

(b) Immorality;

(c) Unprofessional conduct;

(d) Insubordination;

(e) Neglect of duty;

(f) Physical or mental incapacity;

(g) A justifiable decrease in the number of positions due to decreased enrollment or district reorganization;

(h) Conviction of a felony or of a crime involving moral turpitude;

(i) Inadequate performance;

(j) Evident unfitness for service;

(k) Failure to comply with such reasonable requirements as a board may prescribe;

(l) Failure to show normal improvement and evidence of professional training and growth;

(m) Advocating overthrow of the Government of the United States or of the State of Nevada by force, violence or other unlawful means, or the advocating or teaching of communism with the intent to indoctrinate pupils to subscribe to communistic philosophy;

(n) Any cause which constitutes grounds for the revocation of a teacher's license;

(o) Willful neglect or failure to observe and carry out the requirements of this title;

(p) Dishonesty;

(q) Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations and assessments adopted pursuant to NRS 390.270 or 390.275;

(r) An intentional violation of NRS 388.497 or 388.499;

(s) Knowingly and willfully failing to comply with the provisions of NRS 388.1351;

(t) Gross misconduct; or

(u) An intentional failure to report a violation of NRS 388.135 if the teacher or administrator witnessed the violation.

2. If a teacher or administrator is found, through an investigation of a testing irregularity, to have willfully breached the security or confidentiality of the questions and answers of the examinations that are administered pursuant to NRS 390.105 ~~[or 390.600]~~ or the ~~*[a]*~~ college and career readiness assessment administered pursuant to NRS 390.610, the board of trustees of a school district, governing body of a charter school or governing body of a university school for profoundly gifted pupils, as applicable, shall:

(a) Suspend, dismiss or fail to reemploy the teacher; or

(b) Demote, suspend, dismiss or fail to reemploy the administrator.

3. In determining whether the professional performance of a licensed employee is inadequate, consideration must be given to the regular and special evaluation reports prepared in accordance with the policy of the employing school district and to any written standards of performance which may have been adopted by the board.

4. As used in this section, "gross misconduct" includes any act or omission that is in wanton, willful, reckless or deliberate disregard of the interests of a school or school district or a pupil thereof.

Sec. 71. NRS 391A.125 is hereby amended to read as follows:

391A.125 1. Based upon the priorities of programs prescribed by the State Board pursuant to subsection 4 of NRS 391A.505 and the assessment of needs for training within the region and priorities of training adopted by the governing body pursuant to NRS 391A.175, each regional training program shall provide:

(a) Training for teachers and other licensed educational personnel in the:

(1) Standards established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520;

(2) Curriculum and instruction required for the standards adopted by the State Board;

(3) Curriculum and instruction recommended by the Teachers and Leaders Council of Nevada; and

(4) Culturally relevant pedagogy, taking into account cultural diversity and demographic differences throughout this State.

(b) Through the Nevada Early Literacy Intervention Program established for the regional training program, training for teachers who teach

kindergarten and grades 1, 2 or 3 on methods to teach fundamental reading skills, including, without limitation:

(1) Phonemic awareness;

(2) Phonics;

(3) Vocabulary;

(4) Fluency;

(5) Comprehension; and

(6) Motivation.

(c) Training for administrators who conduct the evaluations required pursuant to NRS 391.685, 391.690, 391.705 and 391.710 relating to the manner in which such evaluations are conducted. Such training must be developed in consultation with the Teachers and Leaders Council of Nevada created by NRS 391.455.

(d) Training for teachers, administrators and other licensed educational personnel relating to correcting deficiencies and addressing recommendations for improvement in performance that are identified in the evaluations conducted pursuant to NRS 391.685, 391.690, 391.705 or 391.710.

(e) At least one of the following types of training:

(1) Training for teachers and school administrators in the assessment and measurement of pupil achievement and the effective methods to analyze the test results and scores of pupils to improve the achievement and proficiency of pupils.

(2) Training for teachers in specific content areas to enable the teachers to provide a higher level of instruction in their respective fields of teaching. Such training must include instruction in effective methods to teach in a content area provided by teachers who are considered masters in that content area.

(3) In addition to the training provided pursuant to paragraph (b), training for teachers in the methods to teach basic skills to pupils, such as providing instruction in reading with the use of phonics and providing instruction in basic skills of mathematics computation.

(f) In accordance with the program established by the Statewide Council pursuant to paragraph (b) of subsection 2 of NRS 391A.135 training for:

(1) Teachers on how to engage parents and families, including, without limitation, disengaged families, in the education of their children and to build the capacity of parents and families to support the learning and academic achievement of their children.

(2) Training for teachers and paraprofessionals on working with parent liaisons in public schools to carry out strategies and practices for effective parental involvement and family engagement.

2. The training required pursuant to subsection 1 must:

(a) Include the activities set forth in 20 U.S.C. § ~~[~~7801(34),~~]~~ ***7801(42),*** as deemed appropriate by the governing body for the type of training offered.

(b) Include appropriate procedures to ensure follow-up training for teachers and administrators who have received training through the program.

(c) Incorporate training that addresses the educational needs of:

(1) Pupils with disabilities who participate in programs of special education; and

(2) Pupils who are ~~[~~limited~~]~~ English ~~[~~proficient.~~]~~ ***learners.***

3. The governing body of each regional training program shall prepare and maintain a list that identifies programs for the professional development of teachers and administrators that successfully incorporate:

(a) The standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520;

(b) Fundamental reading skills; and

(c) Other training listed in subsection 1.

➥ The governing body shall provide a copy of the list on an annual basis to school districts for dissemination to teachers and administrators.

4. A regional training program may include model classrooms that demonstrate the use of educational technology for teaching and learning.

5. A regional training program may contract with the board of trustees of a school district that is served by the regional training program as set forth in NRS 391A.120 to provide professional development to the teachers and administrators employed by the school district that is in addition to the training required by this section. Any training provided pursuant to this subsection must include the activities set forth in 20 U.S.C. § ~~[~~7801(34),~~]~~ ***7801(42),*** as deemed appropriate by the governing body for the type of training offered.

6. To the extent money is available from legislative appropriation or otherwise, a regional training program may provide training to paraprofessionals.

7. As used in this section, "paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 72. NRS 391A.135 is hereby amended to read as follows:

391A.135 1. The Statewide Council shall meet not less than four times per year.

2. The Statewide Council shall:

(a) Adopt uniform standards for use by the governing body of each regional training program in the review and approval by the governing body of the training to be provided by the regional training program pursuant to NRS 391A.125 and 391A.175. The standards must ensure that the training provided by the regional training programs includes activities set forth in 20 U.S.C. § ~~[~~7801(34),~~]~~ ***7801(42),*** as appropriate for the type of training offered, is of high quality and is effective in addressing the training programs specified in subsection 1 of NRS 391A.125.

(b) In cooperation with the Office of Parental Involvement and Family Engagement created by NRS 385.630, establish a statewide program for

teachers and administrators concerning effective parental involvement and family engagement which includes:

(1) Training for teachers on how to engage parents and families, including, without limitation, disengaged families, in the education of their children and to build the capacity of parents and families to support the learning and academic achievement of their children.

(2) Training for teachers and paraprofessionals on working with parent liaisons in public schools to carry out strategies and practices for effective parental involvement and family engagement.

(c) Coordinate the dissemination of information to school districts, administrators and teachers concerning the training, programs and services provided by the regional training programs.

(d) Disseminate information to the regional training programs concerning innovative and effective methods to provide professional development.

(e) Conduct long-range planning concerning the professional development needs of teachers and administrators employed in this state.

(f) Adopt uniform procedures and criteria for use by the governing body of each regional training program to report the evaluation conducted pursuant to NRS 391A.190.

(g) Review and recommend any necessary revisions to the 5-year plan prepared by the governing body of each regional training program pursuant to NRS 391A.175.

(h) Review and recommend any necessary revisions to the annual report prepared by the governing body of each regional training program pursuant to NRS 391A.190.

(i) Ensure that the governing body of each regional training program considers the plans to improve the achievement of pupils prepared pursuant to NRS 385A.650 for the public schools within the primary jurisdiction of the regional training program and the plan to improve the achievement of pupils prepared by the State Board pursuant to NRS 385.111 and is guided by those plans in the provision of professional development for teachers and administrators.

(j) Coordinate with the Office of Parental Involvement and Family Engagement in carrying out the duties of the Office.

3. The Statewide Council may:

(a) Accept gifts and grants from any source for use by the Statewide Council in carrying out its duties pursuant to this section and accept gifts and grants from any source on behalf of one or more regional training programs to assist with the training provided pursuant to NRS 391A.125; and

(b) Comply with applicable federal laws and regulations governing the provision of federal grants to assist the Statewide Council in carrying out its duties pursuant to this section and comply with applicable federal laws and regulations governing the provision of federal grants to assist with the training provided pursuant to NRS 391A.125, including, without limitation,

providing money from the budget of the Statewide Council to match the money received from a federal grant.

4. As used in this section, "paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 73. NRS 391A.370 is hereby amended to read as follows:

391A.370 The board of trustees of each school district and the governing body of each charter school shall ensure that the teachers and administrators employed by the school district or charter school have access to high-quality, ongoing professional development training. The professional development training must include, without limitation, training concerning:

1. The academic standards adopted by the State Board, including, without limitation, the academic standards for science.

2. The academic standards and curriculum in English language development and literacy.

3. The curriculum and instruction required for courses of study in:

(a) Science, technology, engineering and mathematics.

(b) English language development and literacy.

4. The cultural competency required to meet the social, emotional and academic needs of certain categories of pupils enrolled in the school, including, without limitation, pupils who are at risk, pupils who are ~~[~~limited~~]~~ English ~~[~~proficient,~~]~~ ***learners,*** pupils with disabilities and gifted and talented pupils.

Sec. 74. NRS 391A.400 is hereby amended to read as follows:

391A.400 1. There is hereby created the Grant Fund for Incentives for Licensed Educational Personnel to be administered by the Department. The Department may accept gifts and grants from any source for deposit in the Grant Fund.

2. The board of trustees of each school district shall establish a program of incentive pay for licensed teachers, school psychologists, school librarians, school counselors and administrators employed at the school level which must be designed to attract and retain those employees. The program must be negotiated pursuant to chapter 288 of NRS, insofar as the provisions of that chapter apply to those employees, and must include, without limitation, the attraction and retention of:

(a) Licensed teachers, school psychologists, school librarians, school counselors and administrators employed at the school level who have been employed in that category of position for at least 5 years in this State or another state and who are employed in schools which are at-risk, as determined by the Department pursuant to subsection 8; and

(b) Teachers who hold a license or endorsement in the field of mathematics, science, special education, English as a second language or other area of need within the school district, as determined by the Superintendent of Public Instruction.

3. A program of incentive pay established by a school district must specify the type of financial incentives offered to the licensed educational

personnel. Money available for the program must not be used to negotiate the salaries of individual employees who participate in the program.

4. If the board of trustees of a school district wishes to receive a grant of money from the Grant Fund, the board of trustees shall submit to the Department an application on a form prescribed by the Department. The application must include a description of the program of incentive pay established by the school district.

5. The Superintendent of Public Instruction shall compile a list of the financial incentives recommended by each school district that submitted an application. On or before December 1 of each year, the Superintendent shall submit the list to the Interim Finance Committee for its approval of the recommended incentives.

6. After approval of the list of incentives by the Interim Finance Committee pursuant to subsection 5 and within the limits of money available in the Grant Fund, the Department shall provide grants of money to each school district that submits an application pursuant to subsection 4 based upon the amount of money that is necessary to carry out each program. If an insufficient amount of money is available to pay for each program submitted to the Department, the amount of money available must be distributed pro rata based upon the number of licensed employees who are estimated to be eligible to participate in the program in each school district that submitted an application.

7. An individual employee may not receive as a financial incentive pursuant to a program an amount of money that is more than $3,500 per year.

8. The Department shall, in consultation with representatives appointed by the Nevada Association of School Superintendents and the Nevada Association of School Boards, develop a formula for identifying at-risk schools for purposes of this section. The formula must be developed on or before July 1 of each year and include, without limitation, the following factors:

(a) The percentage of pupils who are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq.;

(b) The transiency rate of pupils;

(c) The percentage of pupils who are ~~[~~limited~~]~~ English ~~[~~proficient;~~]~~ ***learners;***

(d) The percentage of pupils who have individualized education programs; and

(e) The percentage of pupils who drop out of high school before graduation.

9. The board of trustees of each school district that receives a grant of money pursuant to this section shall evaluate the effectiveness of the program for which the grant was awarded. The evaluation must include, without limitation, an evaluation of whether the program is effective in recruiting and retaining the personnel as set forth in subsection 2. On or before December 1

of each year, the board of trustees shall submit a report of its evaluation to the:

(a) Governor;

(b) State Board;

(c) Interim Finance Committee;

(d) If the report is submitted in an even-numbered year, Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and

(e) Legislative Committee on Education.

Sec. 75. NRS 392.457 is hereby amended to read as follows:

392.457 1. The State Board shall, in consultation with the boards of trustees of school districts, educational personnel, local associations and organizations of parents whose children are enrolled in public schools throughout this State and individual parents and legal guardians whose children are enrolled in public schools throughout this State, adopt a policy to encourage effective involvement and engagement by parents and families in support of their children and the education of their children. The policy adopted by the State Board must be considered when the Board:

(a) Consults with the boards of trustees of school districts in the adoption of policies pursuant to subsection 3; and

(b) Interacts with school districts, public schools, educational personnel, parents, legal guardians and families of pupils, and members of the general public in carrying out its duties pursuant to this title.

2. The policy adopted by the State Board pursuant to subsection 1 must include the following elements and goals:

(a) Promotion of an atmosphere for parents and families to visit the school that their children attend and feel welcome, valued and connected to the staff of the school, other parents and families and to the education of their children.

(b) Promotion of regular, two-way, meaningful communication between parents, families and schools relating to learning by pupils.

(c) Collaboration among parents, families and schools to support learning by pupils and healthy development of pupils at home and school.

(d) Empowerment of parents and families to advocate for their children and the children of other parents and families to ensure that all pupils are treated fairly and have access to learning opportunities that support pupil achievement.

(e) Promotion of an equal partnership between parents, families and schools in making decisions that affect children, parents and families and in informing, influencing and creating school policies, practices and programs.

(f) Collaboration of parents, families and schools with the community to connect pupils, parents, families and schools with learning opportunities, community services and civic participation.

3. The board of trustees of each school district shall, in consultation with the State Board, educational personnel, local associations and organizations

of parents whose children are enrolled in public schools of the school district and individual parents and legal guardians whose children are enrolled in public schools of the school district, adopt policies to encourage effective involvement and engagement by parents and families in support of their children and the education of their children. The policies adopted pursuant to this subsection must:

(a) Be consistent, to the extent applicable, with the policy adopted by the State Board pursuant to subsection 1;

(b) Include the elements and goals specified in subsection 2; and

(c) Comply with the parental involvement policy required by the federal ~~[~~No Child Left Behind Act of 2001,~~]~~ ***Every Student Succeeds Act of 2015,*** as set forth in 20 U.S.C. § 6318.

4. The State Board and the board of trustees of each school district shall, at least once each year, review and amend their respective policies as necessary.

Sec. 76. NRS 392.4575 is hereby amended to read as follows:

392.4575 1. The Department shall prescribe a form for educational involvement accords to be used by all public schools in this State. The educational involvement accord must comply with the policy:

(a) For parental involvement required by the federal ~~[~~No Child Left Behind Act of 2001,~~]~~ ***Every Student Succeeds Act of 2015,*** as set forth in 20 U.S.C. § 6318.

(b) For parental involvement and family engagement adopted by the State Board pursuant to NRS 392.457.

2. Each educational involvement accord must include, without limitation:

(a) A description of how the parent or legal guardian will be involved in the education of the pupil, including, without limitation:

(1) Reading to the pupil, as applicable for the grade or reading level of the pupil;

(2) Reviewing and checking the pupil's homework; and

(3) Contributing 5 hours of time each school year, including, without limitation, by attending school-related activities, parent-teacher association meetings, parent-teacher conferences, volunteering at the school and chaperoning school-sponsored activities.

(b) The responsibilities of a pupil in a public school, including, without limitation:

(1) Reading each day before or after school, as applicable for the grade or reading level of the pupil;

(2) Using all school equipment and property appropriately and safely;

(3) Following the directions of any adult member of the staff of the school;

(4) Completing and submitting homework in a timely manner; and

(5) Respecting himself or herself, others and all property.

(c) The responsibilities of a public school and the administrators, teachers and other personnel employed at a school, including, without limitation:

(1) Ensuring that each pupil is provided proper instruction, supervision and interaction;

(2) Maximizing the educational and social experience of each pupil;

(3) Carrying out the professional responsibility of educators to seek the best interest of each pupil; and

(4) Making staff available to the parents and legal guardians of pupils to discuss the concerns of parents and legal guardians regarding the pupils.

3. Each educational involvement accord must be accompanied by, without limitation:

(a) Information describing how the parent or legal guardian may contact the pupil's teacher and the principal of the school in which the pupil is enrolled;

(b) The curriculum of the course or standards for the grade in which the pupil is enrolled, as applicable, including, without limitation, a calendar that indicates the dates of major examinations and the due dates of significant projects, if those dates are known by the teacher at the time that the information is distributed;

(c) The homework and grading policies of the pupil's teacher or school;

(d) Directions for finding resource materials for the course or grade in which the pupil is enrolled, as applicable;

(e) Suggestions for parents and legal guardians to assist pupils in their schoolwork at home;

(f) The dates of scheduled conferences between teachers or administrators and the parents or legal guardians of the pupil;

(g) The manner in which reports of the pupil's progress will be delivered to the parent or legal guardian and how a parent or legal guardian may request a report of progress;

(h) The classroom rules and policies;

(i) The dress code of the school, if any;

(j) The availability of assistance to parents who have limited proficiency in the English language;

(k) Information describing the availability of free and reduced-price meals, including, without limitation, information regarding school breakfast, school lunch and summer meal programs;

(l) Opportunities for parents and legal guardians to become involved in the education of their children and to volunteer for the school or class; and

(m) The code of honor relating to cheating prescribed pursuant to NRS 392.461.

4. The board of trustees of each school district shall adopt a policy providing for the development and distribution of the educational involvement accord. The policy adopted by a board of trustees must require each classroom teacher to:

(a) Distribute the educational involvement accord to the parent or legal guardian of each pupil in the teacher's class at the beginning of each school year or upon a pupil's enrollment in the class, as applicable; and

(b) Provide the parent or legal guardian with a reasonable opportunity to sign the educational involvement accord.

5. Except as otherwise provided in this subsection, the board of trustees of each school district shall ensure that the form prescribed by the Department is used for the educational involvement accord of each public school in the school district. The board of trustees of a school district may authorize the use of an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.

6. The Department and the board of trustees of each school district shall, at least once each year, review and amend their respective educational involvement accords.

Sec. 77. NRS 392.750 is hereby amended to read as follows:

392.750 If a pupil enrolled at a public elementary school in kindergarten or grade 1, 2 or 3 exhibits a deficiency in the subject area of reading based upon state or local assessments and the observations of the pupil's teacher, the principal of the school must provide written notice of the deficiency to the parent or legal guardian of the pupil within 30 days after the date on which the deficiency is discovered. The written notice must, without limitation:

1. Identify the educational programs and services that the pupil will receive to improve the pupil's proficiency in the subject area of reading, including, without limitation, the programs and services included in the plan to improve the literacy of pupils enrolled in kindergarten and grades 1, 2 and 3 that has been approved by the Department pursuant to NRS 388.157;

2. Describe, explain and, if appropriate, demonstrate the strategies which the parent or legal guardian may use at home to help improve the proficiency of the pupil in the subject area of reading;

3. Include information regarding the English literacy development of a pupil who is ~~[~~limited~~]~~ ***an*** English ~~[~~proficient;~~]~~ ***learner;*** and

4. Describe, explain and, if appropriate, demonstrate the strategies which the parent or legal guardian may use at home to help improve the English literacy of a pupil who is ~~[~~limited~~]~~ ***an*** English ~~[~~proficient.~~]~~ ***learner.***

Sec. 78. NRS 392.760 is hereby amended to read as follows:

392.760 1. Except as otherwise provided in this section, a pupil enrolled in grade 3 must be retained in grade 3 rather than promoted to grade 4 if the pupil does not obtain a score in the subject area of reading on the criterion-referenced examination administered pursuant to NRS 390.105 that meets the passing score prescribed by the State Board pursuant to subsection 7.

2. The superintendent of schools of a school district or the governing body of a charter school, as applicable, may authorize the promotion of a pupil to grade 4 who would otherwise be retained in grade 3 only if the superintendent or governing body, as applicable, approves a good-cause

exemption for the pupil upon a determination by the principal of the school pursuant to subsection 4 that the pupil is eligible for such an exemption.

3. A good-cause exemption must be approved for a pupil who previously was retained in grade 3. Any other pupil is eligible for a good-cause exemption if the pupil:

(a) Demonstrates an acceptable level of proficiency in reading on an alternative standardized reading assessment approved by the State Board;

(b) Demonstrates, through a portfolio of the pupil's work, proficiency in reading at grade level, as evidenced by demonstration of mastery of the academic standards in reading beyond the retention level;

(c) Is ~~[~~limited~~]~~ ***an*** English ~~[~~proficient~~]~~ ***learner*** and has received less than 2 years of instruction in a program of instruction that teaches English as a second language;

(d) Received intensive remediation in the subject area of reading for 2 or more years but still demonstrates a deficiency in reading and was previously retained in kindergarten or grade 1 or 2 for a total of 2 years;

(e) Is a pupil with a disability and his or her individualized education program indicates that the pupil's participation in the criterion-referenced examinations administered pursuant to NRS 390.105 is not appropriate; or

(f) Is a pupil with a disability and:

(1) He or she participates in the criterion-referenced examinations administered pursuant to NRS 390.105;

(2) His or her individualized education program or plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, documents that the pupil has received intensive remediation in reading for more than 2 years, but he or she still demonstrates a deficiency in reading; and

(3) He or she was previously retained in kindergarten or grade 1, 2 or 3.

4. The principal of a school in which a pupil who may be retained in grade 3 pursuant to subsection 1 is enrolled shall consider the factors set forth in subsection 3 and determine whether the pupil is eligible for a good-cause exemption. In making the determination, the principal must consider documentation provided by the pupil's teacher indicating whether the promotion of the pupil is appropriate based upon the record of the pupil. Such documentation must only consist of the existing plan for monitoring the progress of the pupil, the pupil's individualized education program, if applicable, and the pupil's plan in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, if applicable. If the principal determines that promotion of the pupil to grade 4 is appropriate, the principal must submit a written recommendation to the superintendent of schools of the school district or to the governing body of the charter school, as applicable. The superintendent of schools or the governing body of the charter school, as applicable, shall approve or deny the recommendation of the principal and provide written notice of the approval or denial to the principal.

5. A principal who determines that a pupil is eligible for a good-cause exemption shall notify the parent or legal guardian of the pupil whether the superintendent of schools of the school district or the governing body of the charter school, as applicable, approves the good-cause exemption.

6. The principal of a school in which a pupil for whom a good-cause exemption is approved and who is promoted to grade 4 must ensure that the pupil continues to receive intensive instruction in the subject area of reading. Such instruction must include, without limitation, strategies based upon ~~[scientifically based]~~ ***evidence-based*** research that will improve proficiency in the subject area of reading.

7. The State Board shall prescribe by regulation:

(a) The score which a pupil enrolled in grade 3 must obtain in the subject area of reading on the criterion-referenced examination administered pursuant to NRS 390.105 to be promoted to grade 4 without a good-cause exemption; and

(b) An alternate examination for administration to pupils enrolled in grade 3 who do not obtain the passing score in the subject area of reading on the criterion-referenced examination administered pursuant to NRS 390.105 and the passing score such a pupil must obtain on the alternate examination to be promoted to grade 4 without a good-cause exemption.

8. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 79. NRS 392.765 is hereby amended to read as follows:

392.765 1. If a pupil will be retained in grade 3 pursuant to NRS 392.760, the principal of the school must:

(a) Provide written notice to the parent or legal guardian of the pupil that the pupil will be retained in grade 3. The written notice must include, without limitation, a description of the intensive instructional services in the subject area of reading that the pupil will receive to improve the proficiency of the pupil in that subject area.

(b) Develop a plan to monitor the progress of the pupil in the subject area of reading.

(c) Require the teacher of the pupil to develop a portfolio of the pupil's work in the subject area of reading, which must be updated as necessary to reflect progress made by the pupil.

(d) Ensure that the pupil receives intensive instructional services in the subject area of reading that are designed to improve the pupil's proficiency in the subject area of reading, including, without limitation:

(1) Programs and services included in the plan to improve the literacy of pupils enrolled in kindergarten and grades 1, 2 and 3 approved by the Department pursuant to NRS 388.157;

(2) Instruction for at least 90 minutes each school day based upon ~~[scientifically based]~~ ***evidence-based research concerning*** reading instruction ***;*** ~~[research;]~~ and

(3) Intensive instructional services prescribed by the board of trustees of the school district pursuant to subsection 2, as determined appropriate for the pupil.

2. The board of trustees of each school district or the governing body of a charter school, as applicable, shall:

(a) Review and evaluate the plans for monitoring the progress of pupils developed pursuant to subsection 1.

(b) Prescribe the intensive instructional services in the subject area of reading which the principal of a school must implement as determined appropriate for a pupil who is retained in grade 3 pursuant to NRS 392.760, which may include, without limitation:

(1) Instruction that is provided in small groups;

(2) Instruction provided in classes with reduced pupil-teacher ratios;

(3) A timeline for frequently monitoring the progress of the pupil;

(4) Tutoring and mentoring;

(5) Classes which are designed to increase the ability of pupils to transition from grade 3 to grade 4;

(6) Instruction provided through an extended school day, school week or school year;

(7) Programs to improve a pupil's proficiency in reading which are offered during the summer; or

(8) Any combination of the services set forth in subparagraphs (1) to (7), inclusive.

3. Except as otherwise provided in subsection 4, the intensive instructional services in the subject area of reading required by this section must be provided to the pupil by a teacher:

(a) Who is different than the teacher who provided instructional services to the pupil during the immediately preceding school year; and

(b) Who has been determined to be highly effective, as demonstrated by pupil performance data and performance evaluations.

4. The intensive instructional services in the subject area of reading required by this section may be provided to the pupil by the same teacher who provided instructional services to the pupil during the immediately preceding school year if a different teacher who meets the requirements of paragraph (b) of subsection 3 is not reasonably available and the pupil:

(a) Has an individualized education program; or

(b) Is enrolled in a school district in a county whose population is less than 100,000.

5. The board of trustees of each school district and the governing body of a charter school, as applicable, shall develop a policy by which the principal of a school may promote a pupil who is retained in grade 3 pursuant to NRS 392.760 to grade 4 at any time during the school year if the pupil demonstrates adequate proficiency in the subject area of reading. The policy must include the specific criteria a pupil must satisfy to be eligible for promotion, including, without limitation, a reasonable expectation that the

pupil's progress will allow him or her to sufficiently master the requirements for a fourth-grade reading level. If a pupil is promoted after November 1 of a school year, he or she must demonstrate proficiency in reading at a level prescribed by the State Board.

6. If a principal of a school determines that a pupil is not academically ready for promotion to grade 4 after being retained in grade 3 and the pupil received intensive instructional services pursuant to this section, the school district in which the pupil is enrolled must allow the parent or legal guardian of the pupil to decide, in consultation with the principal of the school, whether to place the pupil in a transitional instructional setting which is designed to produce learning gains sufficient for the pupil to meet the performance standards required for grade 4 while continuing to receive remediation in the subject area of reading.

7. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 80. NRS 392.770 is hereby amended to read as follows:

392.770 In addition to the intensive instructional services provided to a pupil who is retained in grade 3 pursuant to NRS 392.760, the principal of the school must offer the parent or legal guardian of the pupil at least one of the following instructional options:

1. Supplemental tutoring which is based upon **[**~~scientifically based~~**]** ***evidence-based*** research concerning reading instruction;

2. Providing the parent or legal guardian with a plan for reading with the pupil at home and participating in any workshops that may be available in the school district to assist the parent or legal guardian with reading with his or her child at home, as set forth in an agreement with the parent or legal guardian; or

3. Providing the pupil with a mentor or tutor who has received specialized training in teaching pupils how to read.

Sec. 81. Section 1 of the Zoom Schools Act, being chapter 335, Statutes of Nevada 2015, at page 1870, is hereby amended to read as follows:

Section 1. 1. The Board of Trustees of the Clark County School District and the Board of Trustees of the Washoe County School District shall identify the elementary schools within the School District to operate as Zoom elementary schools based upon which elementary schools within the School District:

(a) Have the highest percentage of pupils who are limited English proficient or eligible for designation as limited English proficient; and

(b) Are the lowest performing academically.

2. The Board of Trustees of the Clark County School District and the Board of Trustees of the Washoe County School District shall distribute the money appropriated by the 2015 Legislature to the Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.1247 for each Zoom elementary school of those school districts to:

(a) Provide prekindergarten programs free of charge;

(b) Expand full-day kindergarten classes;

(c) Operate reading skills centers;

(d) Provide, free of charge, a summer academy or an intersession academy for those schools that do not operate on a traditional school calendar, including, without limitation, the provision of transportation to attend the summer academy or intersession academy;

(e) Provide professional development for teachers and other licensed educational personnel regarding effective instructional practices and strategies for children who are limited English proficient;

(f) Offer recruitment and retention incentives for the teachers and other licensed educational personnel who provide any of the programs and services set forth in this subsection from the list of incentives prescribed by the State Board of Education pursuant to subsection 12; and

(g) Engage and involve parents and families of children who are limited English proficient, including, without limitation, increasing effective, culturally appropriate communication with and outreach to parents and families to support the academic achievement of those children.

3. A Zoom elementary school that receives money pursuant to subsection 2 shall offer each of the programs and services prescribed in paragraphs (a) to (g), inclusive, of that subsection so that the Zoom elementary school may offer a comprehensive package of programs and services for pupils who are limited English proficient. A Zoom elementary school shall not use the money for any other purpose or use more than 2 percent of the money for the purposes described in paragraphs (e), (f) and (g) of subsection 2.

4. A reading skills center operated by a Zoom elementary school must provide:

(a) Support at the Zoom elementary school in the assessment of reading and literacy problems and language acquisition barriers for pupils; and

(b) Instructional intervention to enable pupils to overcome such problems and barriers by the completion of grade 3.

5. The Board of Trustees of the Clark County School District shall identify at least three middle schools, junior high schools or high schools within the school district to operate as Zoom middle schools, junior high schools or high schools. The Board of Trustees of the Washoe County School District shall identify at least one middle school, junior high school or high school within the school district to operate as a Zoom middle school, junior high school or high school. Each such board of trustees shall identify those schools based upon which middle schools, junior high schools and high schools within the school district:

(a) Have the highest percentage of pupils who are limited English proficient; and

(b) Are the lowest performing academically.

6. The Clark County School District and the Washoe County School District shall distribute the money appropriated by the 2015 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for each Zoom middle school, junior high school and high school of those school districts to carry out one or more of the following:

(a) Reduce class sizes for pupils who are limited English proficient and provide English language literacy based classes;

(b) Provide direct instructional intervention to each pupil who is limited English proficient using the data available from applicable assessments of that pupil;

(c) Provide for an extended school day;

(d) Provide, free of charge, a summer academy or an intersession academy for those schools that do not operate on a traditional school calendar, including, without limitation, the provision of transportation to attend the summer academy or intersession academy;

(e) Provide professional development for teachers and other licensed educational personnel regarding effective instructional practices and strategies for pupils who are limited English proficient;

(f) Offer recruitment and retention incentives for teachers and other licensed educational personnel who provide any of the programs and services set forth in this subsection from the list of incentives prescribed by the State Board of Education pursuant to subsection 12;

(g) Engage and involve parents and families of pupils who are limited English proficient, including, without limitation, increasing effective, culturally appropriate communication with and outreach to parents and families to support the academic achievement of those pupils; and

(h) Provide other evidence-based programs and services that are approved by the Department of Education and that are designed to meet the specific needs of pupils enrolled in the school who are limited English proficient.

➥ The Clark County School District and the Washoe County School District shall not use more than 2 percent of the money for the purposes described in paragraphs (e), (f) and (g).

7. On or before August 1, 2015, the Clark County School District and the Washoe County School District shall each provide a report to the Department of Education which includes the:

(a) Zoom elementary schools identified by the School District pursuant to subsection 1 and the plan of each such school for carrying out the programs and services prescribed by paragraphs (a) to (g), inclusive, of subsection 2; and

(b) Zoom middle schools, junior high schools and high schools identified by the School District pursuant to subsection 5 and the plan of each school for carrying out the programs and services described in paragraphs (a) to (h), inclusive, of subsection 6.

8. From the money appropriated by the 2015 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for Zoom schools or charter schools or school districts other than the Clark County School District or Washoe County School District, the Department of Education shall provide grants of money to the sponsors of such charter schools and the school districts. The sponsor of such a charter school and the board of trustees of such a school district may submit an application to the Department on a form prescribed by the Department that includes, without limitation:

(a) The number of pupils in the school district or charter school, as applicable, who are limited English proficient or eligible for designation as limited English proficient; and

(b) A description of the programs and services the school district or charter school, as applicable, will provide with a grant of money, which may include, without limitation:

(1) The creation or expansion of high-quality, developmentally appropriate prekindergarten programs, free of charge, that will increase enrollment of children who are limited English proficient;

(2) The acquisition and implementation of empirically proven assessment tools to determine the reading level of pupils who are limited English proficient and technology-based tools, such as software, designed to support the learning of pupils who are limited English proficient;

(3) Professional development for teachers and other educational personnel regarding effective instructional practices and strategies for children who are limited English proficient;

(4) The provision of programs and services for pupils who are limited English proficient, free of charge, before and after school, during the summer or intersession for those schools that do not operate on a traditional school calendar, including, without limitation, the provision of transportation to attend the summer academy or intersession academy;

(5) Engaging and involving parents and families of children who are limited English proficient, including, without limitation, increasing effective, culturally appropriate communication with and outreach to parents and families to support the academic achievement of those children;

(6) Offering recruitment and retention incentives for the teachers and other licensed educational personnel who provide any of the programs and services set forth in this subsection from the list of

incentives prescribed by the State Board of Education pursuant to subsection 12; and

(7) Provide other evidence-based programs and services that are approved by the Department and that are designed to meet the specific needs of pupils enrolled in the school who are limited English proficient.

9. The Department of Education shall award grants of money to school districts and the sponsors of charter schools that submit applications pursuant to subsection 8 based upon the number of pupils enrolled in each such school district or charter school, as applicable, who are limited English proficient or eligible for designation as limited English proficient, and not on a competitive basis.

10. A school district and a sponsor of a charter school that receives a grant of money pursuant to subsection 8:

(a) Shall not use more than 2 percent of the money for the purposes described in subparagraphs (3), (5) and (6) of paragraph (b) of subsection 8.

(b) Shall provide a report to the Department in the form prescribed by the Department with the information required for the Department's report pursuant to subsection 15.

11. On or before August 17, 2015, the Department of Education shall submit a report to the State Board of Education and the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee which includes:

(a) The information reported by the Clark County School District and the Washoe County School District pursuant to subsection 7; and

(b) The school districts and charter schools for which a grant of money is approved pursuant to subsection 9 and the plan of each such school district and charter school for carrying out programs and services with the grant money, including, without limitation, any programs and services described in subparagraphs (1) to (7), inclusive, of paragraph (b) of subsection 8.

12. The State Board of Education shall prescribe:

(a) A list of recruitment and retention incentives for the school districts and the sponsors of charter schools that receive a distribution of money pursuant to this section to offer to teachers and other licensed educational personnel pursuant to paragraph (f) of subsection 2, paragraph (f) of subsection 6 and subparagraph (6) of paragraph (b) of subsection 8; and

(b) Criteria and procedures to notify a school district or a charter school that receives money pursuant to this section if the school district or charter school is not implementing the programs and services for which the money was received in accordance with the applicable requirements of this section or in accordance with the performance levels prescribed by the State Board pursuant to subsection 13, including, without limitation, a plan of corrective action for the school

district or charter school to follow to meet the requirements of this section or the performance levels.

13. The State Board of Education shall prescribe statewide performance levels and outcome indicators to measure the effectiveness of the programs and services for which money is received by the school districts and charter schools pursuant to this section. The performance levels must establish minimum expected levels of performance on a yearly basis based upon the performance results of children who participate in the programs and services. The outcome indicators must be designed to track short-term and long-term impacts on the progress of children who participate in the programs and services, including, without limitation:

(a) The number of children who participated;

(b) The extent to which the children who participated improved their English language proficiency and literacy levels compared to other children who are limited English proficient or eligible for such a designation who did not participate in the programs and services; and

(c) To the extent that a valid comparison may be established, a comparison of the academic achievement and growth in the subject areas of English language arts and mathematics of children who participated in the programs and services to other children who are limited English proficient or eligible for such a designation who did not participate in the programs and services.

14. The Department of Education shall contract for an independent evaluation of the effectiveness of the programs and services offered by each Zoom elementary school pursuant to subsection 2, each Zoom middle school, junior high school and high school pursuant to subsection 6 and the programs and services offered by the other school districts and the charter schools pursuant to subsection 8.

15. The Clark County School District, the Washoe County School District and the Department of Education shall each prepare an annual report that includes, without limitation:

(a) An identification of the schools that received money from the School District or a grant of money from the Department, as applicable.

(b) How much money each such school received.

(c) A description of the programs or services for which the money was used by each such school.

(d) The number of children who participated in a program or received services.

(e) The average per-child expenditure per program or service that was funded.

(f) For the report prepared by the School Districts, an evaluation of the effectiveness of such programs and services, including, without limitation, data regarding the academic and linguistic achievement and

proficiency of children who participated in the programs or received services.

(g) Any recommendations for legislation, including, without limitation:

(1) For the continuation or expansion of programs and services that are identified as effective in improving the academic and linguistic achievement and proficiency of children who are limited English proficient.

(2) A plan for transitioning the funding for providing the programs and services set forth in this section to pupils who are limited English proficient from categorical funding to a weighted per pupil formula within the Nevada Plan.

(h) For the report prepared by the Department, in addition to the information reported for paragraphs (a) to (e), inclusive, and paragraph (g):

(1) The results of the independent evaluation required by subsection 14 of the effectiveness of the programs and services, including, without limitation, data regarding the academic and linguistic achievement and proficiency of children who participated in a program or received a service;

(2) Whether a school district or charter school was notified that it was not implementing the programs and services for which it received money pursuant to this section in accordance with the applicable requirements of this section or in accordance with the performance levels prescribed by the State Board of Education pursuant to subsection 13 and the status of such a school district or charter school, if any, in complying with a plan for corrective action; and

(3) Whether each school district or charter school that received money pursuant to this section met the performance levels prescribed by the State Board of Education pursuant to subsection 13.

16. The annual report prepared by the Clark County School District and the Washoe County School District pursuant to subsection 15 must be submitted to the Department of Education on or before June 1, 2016, and January 16, 2017, respectively. The Department shall submit the information reported by those school districts and the information prepared by the Department pursuant to subsection 15:

(a) On or before June 15, 2016, to the State Board of Education and the Legislative Committee on Education.

(b) On or before February 1, 2017, to the State Board of Education and the Director of the Legislative Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature.

17. The Department of Education may require a Zoom school or other public school that receives money pursuant to this section to provide a report to the Department on:

(a) The number of vacancies, if any, in full-time licensed educational personnel at the school;

(b) The number of probationary employees, if any, employed at the school;

(c) The number, if any, of persons who are employed at the school as substitute teachers for 20 consecutive days or more in the same classroom or assignment and designated as long-term substitute teachers; and

(d) Any other information relating to the personnel at the school as requested by the Department.

18. The money appropriated by the 2015 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for Zoom schools:

(a) Must be accounted for separately from any other money received by school districts or charter schools of this State and used only for the purposes specified in this section.

(b) May not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district and the school district, or to settle any negotiations.

(c) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.

19. Upon request of the Legislative Commission, the Clark County School District and the Washoe County School District shall make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money distributed by the 2015 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for Zoom schools.

20. As used in this section:

(a) "Limited English proficient" has the meaning ascribed to it in ~~[~~NRS 385.007.~~]~~ ***20 U.S.C. § 7801(25), as that section existed on July 1, 2015.***

(b) "Probationary employee" has the meaning ascribed to it in NRS 391.650.

Sec. 82. Section 2 of the Victory Schools Act, being chapter 389, Statutes of Nevada 2015, at page 2199, is hereby amended to read as follows:

Sec. 2. 1. The Department of Education shall designate a public school as a Victory school if, relative to other public schools, including charter schools, that are located in the school district in which the school is also located:

(a) A high percentage of pupils enrolled in the school live in households that have household incomes that are less than the federally designated level signifying poverty, based on the most recent data

compiled by the Bureau of the Census of the United States Department of Commerce; and

(b) The school received one of the two lowest possible ratings indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools, for the immediately preceding school year.

2. The Department shall designate each Victory school for the 2015-2016 Fiscal Year on or before June 1, 2015.

3. The Department shall transfer money from the Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.1247 to each school district in which a Victory school is designated and each sponsor of a charter school that is designated as a Victory school on a per pupil basis. The amount distributed per pupil must be determined by dividing the amount of money appropriated to the Account by the 2015 Legislature for Victory schools by the total number of pupils who are enrolled in Victory schools statewide. After receiving money from the Account pursuant to this subsection:

(a) A school district shall distribute the money to each Victory school in the school district on a per pupil basis.

(b) A sponsor of a charter school shall distribute the money to each Victory school that it sponsors on a per pupil basis.

4. The board of trustees of each school district in which a Victory school is located and the governing body of each charter school that is designated as a Victory school shall, as soon as practicable after the school is designated as a Victory school, conduct an assessment of the needs of pupils that attend the school. The assessment must include soliciting input from the community served by the Victory school and identify any barriers to improving pupil achievement and school performance and strategies to meet the needs of pupils at the school.

5. Except as otherwise provided in subsection 7, on or before August 15, 2015, the board of trustees of each school district in which a Victory school is designated for the 2015-2016 Fiscal Year and the governing body of each charter school that is designated as a Victory school for the 2015-2016 Fiscal Year shall submit to the Department a comprehensive plan for meeting the educational needs of pupils enrolled in each Victory school. The board of trustees of each school district in which a Victory school is designated and the governing body of each charter school that is designated as a Victory school shall select at least one person who is familiar with the public schools in the school district or with the charter school, respectively, to assist with the development of the plan. The plan must:

(a) Include appropriate means to determine the effectiveness of the plan;

(b) Be based on the assessment of the needs of the pupils who attend the school conducted pursuant to subsection 4;

(c) Analyze available data concerning pupil achievement and school performance, including, without limitation, data collected and maintained in the statewide system of accountability for public schools and other pupil achievement data collected and maintained by the school district or charter school;

(d) Include a description of the criteria used to select entities to provide programs and services to pupils enrolled in the Victory school;

(e) Include a description of the manner in which the school district or governing body will collaborate with selected entities so that academic programs and services and nonacademic programs and services, including, without limitation, transportation services, may be offered without charge to support pupils and their families within the region in which the school is located;

(f) Take into account the number and types of pupils who attend the school and the locations where such pupils reside;

(g) Provide for the coordination of the existing or planned engagement of other persons who provide services in the region in which the school is located;

(h) Coordinate all funding available to each school that is subject to the plan;

(i) Provide for the coordination of all available resources to each school that is subject to the plan, including, without limitation, instructional materials and textbooks;

(j) Identify, for each school or group of schools subject to the plan, which of the measures described in subsection 8 will be implemented; and

(k) Identify the person or persons selected pursuant to this subsection who assisted with the development of the plan.

6. The Department shall review each plan submitted pursuant to subsection 5 to determine whether, or the extent to which, the plan complies with the requirements of this section and either approve or request revisions to the plan.

7. If the board of trustees of a school district in which a Victory school is designated or the governing body of a charter school that is designated as a Victory school does not submit a comprehensive plan for meeting the educational needs of pupils enrolled in each Victory school on or before August 15, 2015, as required pursuant to subsection 5, the board of trustees of the school district or the governing body of the charter school, as applicable, may submit to the Department a letter of intent to meet the educational needs of pupils enrolled in each Victory school. The letter must include, without limitation:

(a) An initial assessment of the needs of the pupils who attend the school which is conducted pursuant to subsection 4;

(b) An analysis of available data concerning pupil achievement and school performance, including, without limitation, data collected and

maintained in the statewide system of accountability for public schools and data collected and maintained by the school district or charter school; and

(c) A summary of activities that the board of trustees or governing body, as applicable, will take to ensure completion of the comprehensive plan required pursuant to subsection 5 by not later than September 15, 2015.

8. A Victory school shall use the majority of the money distributed pursuant to subsection 3 to provide one or more of the following:

(a) A prekindergarten program free of charge, if such a program is not paid for by another grant.

(b) An expansion of full-day kindergarten classes, if such classes have not otherwise been paid for through legislative appropriation.

(c) A summer academy or other instruction for pupils free of charge at times during the year when school is not in session.

(d) Additional instruction or other learning opportunities free of charge at times of day when school is not in session.

(e) Professional development for teachers and other educational personnel concerning instructional practices and strategies that have proven to be an effective means to increase pupil achievement in populations of pupils similar to those served by the school.

(f) Incentives for hiring and retaining teachers and other licensed educational personnel who provide any of the programs or services set forth in this subsection from the list prescribed by the State Board of Education pursuant to subsection 14.

(g) Employment of paraprofessionals, other educational personnel and other persons who provide any of the programs or services set forth in this subsection.

(h) Reading skills centers.

9. A Victory school may use any money distributed pursuant to subsection 3 that is not used for the purposes described in subsection 8 to:

(a) Provide evidence-based social, psychological or health care services to pupils and their families, including, without limitation, wrap-around services;

(b) Provide programs and services designed to engage parents and families;

(c) Provide programs to improve school climate and culture;

(d) Provide evidence-based programs and services specifically designed to meet the needs of pupils who attend the school, as determined using the assessment conducted pursuant to subsection 4; or

(e) Any combination thereof.

10. A Victory school shall not use any money distributed pursuant to subsection 3 for a purpose not described in subsection 8 or 9.

11. Any programs offered at a Victory school pursuant to subsection 8 or 9 must:

(a) Be designed to meet the needs of pupils at the school, as determined using the assessment conducted pursuant to subsection 4 and to improve pupil achievement and school performance, as determined using the measures prescribed by the State Board of Education; and

(b) Be based on scientific research concerning effective practices to increase the achievement of pupils who live in poverty.

12. Each plan to improve the achievement of pupils enrolled in a Victory school that is prepared by the principal of the school pursuant to NRS 385A.650 must describe how the school will use the money distributed pursuant to subsection 3 to meet the needs of pupils who attend the school, as determined using the assessment described in subsection 4 and the requirements of this section.

13. The Department shall contract with an independent evaluator to evaluate the effectiveness of programs and services provided pursuant to this section. The evaluation must include, without limitation, consideration of the achievement of pupils who have participated in such programs and received such services. When complete, the evaluation must be provided contemporaneously to the Department and the Legislative Committee on Education.

14. The State Board of Education shall prescribe a list of recruitment and retention incentives that are available to the school districts and sponsors of charter schools that receive a distribution of money pursuant to this section to offer to teachers and other licensed educational personnel.

15. The State Board shall require a Victory school to take corrective action if pupil achievement and school performance at the school are unsatisfactory, as determined by the State Board. If unsatisfactory pupil achievement and school performance continue, the State Board may direct the Department to withhold any additional money that would otherwise be distributed pursuant to this section.

16. On or before November 30, 2016, and November 30, 2017, the board of trustees of each school district in which a Victory school is designated and the governing body of each charter school that is designated as a Victory school shall submit to the Department and to the Legislative Committee on Education a report, which must include, without limitation:

(a) An identification of schools to which money was distributed pursuant to subsection 3 for the previous fiscal year;

(b) The amount of money distributed to each such school;

(c) A description of the programs or services for which the money was used;

(d) The number of pupils who participated in such programs or received such services;

(e) The average expenditure per pupil for each program or service that was funded; and

(f) Recommendations concerning the manner in which the average expenditure per pupil reported pursuant to paragraph (e) may be used to determine formulas for allocating money from the State Distributive School Account in the State General Fund.

17. The Legislative Committee on Education shall consider the evaluations of the independent evaluator received pursuant to subsection 13 and the reports received pursuant to subsection 16 and advise the State Board regarding any action the Committee determines appropriate for the State Board to take based upon that information. The Committee shall also make any recommendations it deems appropriate concerning Victory schools to the next regular session of the Legislature which may include, without limitation, recommendations for legislation.

18. The money distributed pursuant to subsection 3:

(a) Must be accounted for separately from any other money received by Victory schools and used only for the purposes specified in this section;

(b) May not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district or the governing body of a charter school and the school district or governing body or to settle any negotiations; and

(c) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.

19. Upon request of the Legislative Commission, a Victory school to which money is distributed pursuant to subsection 3 shall make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of such money.

20. As used in this section:

(a) "Community" includes any person or governmental entity who resides or has a significant presence in the geographic area in which a school is located or who interacts with pupils and personnel at a school, and may include, without limitation, parents, businesses, nonprofit organizations, faith-based organizations, community groups, teachers, administrators and governmental entities.

(b) "Evidence-based programs and services" means practices, interventions and services that have been proven, through scientifically based research, as defined in 20 U.S.C. § 7801(37), ***as that section existed on June 8, 2015,*** to be effective in improving outcomes for pupils when implemented with fidelity.

(c) "Victory school" means a school that is so designated by the Department pursuant to subsection 1.

(d) "Wrap-around services" means supplemental services provided to a pupil with special needs or the family of such a pupil that are not otherwise covered by any federal or state program of assistance.

Sec. 83. NRS 385A.660 is hereby repealed.

Sec. 84. 1. This section and sections 1 to 77, inclusive, 81, 82 and 83 of this act become effective on July 1, 2017.

2. Sections 28 and 29 of this act expire by limitation on June 30, 2019.

3. Sections 78, 79 and 80 of this act become effective on July 1, 2019.

TEXT OF REPEALED SECTION

385A.660 Process for approval of plan.

1. If a Title I school is rated as underperforming pursuant to the statewide system of accountability for public schools, the superintendent of schools of the school district or the governing body, as applicable, shall carry out a process for peer review of the plan to improve the achievement of the pupils enrolled in the school prepared pursuant to NRS 385A.650 or the revised plan, as applicable, in accordance with 20 U.S.C. § 6316(b)(3)(E) and the regulations adopted pursuant thereto. Not later than 45 days after receipt of the plan, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan, as applicable, if it meets the requirements of 20 U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto and the requirements of NRS 385A.650. The superintendent of schools of the school district or the governing body, as applicable, may condition approval of the plan or the revised plan, as applicable, in the manner set forth in 20 U.S.C. § 6316(b)(3)(B) and the regulations adopted pursuant thereto. The State Board shall prescribe the requirements for the process of peer review, including, without limitation, the qualifications of persons who may serve as peer reviewers.

2. If a school is rated as meeting the annual measurable objectives and performance targets established pursuant to the statewide system of accountability for public schools, or if a school that is not a Title I school is rated as underperforming pursuant to the statewide accountability system for public schools, not later than 45 days after receipt of the plan or the revised plan, as applicable, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan if it meets the requirements of NRS 385A.650.

Assemblyman Thompson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 21.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 557.

AN ACT relating to elections; providing certain remedies and penalties in a preelection challenge to the qualifications of a candidate; revising the forms for declarations of candidacy, acceptances of candidacy and declarations of residency; requiring certain proofs of identity and residency when filing for candidacy; clarifying the deadlines for filing written challenges of the qualifications of candidates and determining if probable cause exists to support such challenges; requiring, under certain circumstances, that a candidate, committee for political action, committee sponsored by a political party and committee for the recall of a public officer open and maintain a separate account in ~~[a financial institution located in this State;]~~ **certain financial institutions;** making changes to the definition of "actual residence" for purposes of candidacy; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, **several different statutes provide that if a court finds that a candidate fails to meet certain qualifications required for office: (1) the candidate is disqualified from taking office; and (2) the name of the candidate must not appear on the ballot, except that if the candidate's name cannot be removed from the ballot because the statutory deadline for changing the ballot has passed, a sign must be posted at each polling place where the candidate's name will appear on the ballot informing voters that the candidate is disqualified from taking office. (NRS 293.177, 293.182, 293C.185, 293C.186) Existing law also sets forth the same remedies if a candidate files a declaration or acceptance of candidacy which contains a false statement. (NRS 293.184, 293C.1865) Finally, under existing law,** there are different types of preelection court actions that may be brought to challenge a candidate on grounds that the candidate fails to meet any qualification required for ~~[the]~~ office. (NRS 281.050, 293.182, 293C.186 ~~[)~~ Section 1~~]~~ **; *DeStefano v. Berkus*, 121 Nev. 627, 628-31 (2005); *Child v. Lomax*, 124 Nev. 600, 604-05 (2008))**

To ensure consistency in this existing law, this bill revises and clarifies the remedies that are available when a candidate fails to meet any qualification required for office or files a declaration or acceptance of candidacy which contains a false statement. Sections 1.3, 1.5, 3 and 5-7.5 of this bill **reorganize existing law so that the remedies available in preelection court actions are set forth clearly in section 1.3, which** provides that in any preelection action where the court finds that a candidate fails to meet any qualification required for ~~[the]~~ office: (1) the candidate is disqualified from taking office; ~~[and]~~ (2) **the name of the candidate must not appear on the ballot, except that if the candidate's name cannot be removed from the ballot because the statutory deadline for changing the ballot has passed, a sign must be posted at each polling place where the candidate's name will appear on the ballot informing voters that the candidate is disqualified from taking office; and (3)** the court may order

the candidate to pay the attorney's fees and costs of the party who brought the action, ~~[including]~~ **other than** the Attorney General or a district attorney or city attorney. **Section 1.5 provides that the amount of any attorney's fees and costs awarded must be determined under the provisions of existing law governing attorney's fees and costs and the Nevada Rules of Civil Procedure.**

Under existing constitutional law, Section 6 of Article 4 of the Nevada Constitution invests each House of the Legislature with certain plenary and exclusive constitutional powers which may be exercised only by that House and which cannot be usurped, infringed or impaired by the other House or by any other branch of Nevada's State Government. (*Heller v. Legislature*, 120 Nev. 456 (2004); *Commission on Ethics v. Hardy*, 125 Nev. 285 (2009); *Mason's Manual of Legislative Procedure* §§ 560-564 (2010)) To provide assistance to the reader of the statutes who may be unfamiliar with the existing constitutional law, section 1.7 of this bill reiterates well-established principles of constitutional law that any statutes relating to the qualifications, elections and returns of members or members-elect of the Legislature do not apply to the extent that they conflict or are otherwise inconsistent with any provision of Section 6 of Article 4 of the Nevada Constitution.

Existing law: (1) requires a candidate to file a declaration or acceptance of candidacy before his or her name may appear on a ballot; and (2) provides that a candidate who knowingly and willfully files a declaration or acceptance of candidacy which contains a false statement regarding residency is guilty of a gross misdemeanor. (NRS 293.1755, 293.177, 293C.185, 293C.200) Existing law also requires a candidate for election to the Legislature to file a declaration of residency with his or her declaration or acceptance of candidacy. (NRS 293.181) ~~[Sections]~~ **To ensure consistency in this existing law, sections 2-4, 6 and 8** of this bill **use uniform language to** provide that a candidate who knowingly and willfully files a declaration of candidacy, acceptance of candidacy or declaration of residency which contains a false statement is guilty of a gross misdemeanor.

Existing law specifies the forms for a declaration or acceptance of candidacy and a declaration of residency and requires certain information to be included on the forms. Existing law also requires a candidate to present the filing officer with one type of acceptable identification or documentation as proof of the candidate's identity and residency when the candidate files a declaration or acceptance of candidacy. (NRS 293.177, 293.181, 293C.185)

Sections 3, 4 and 6 revise the forms for a declaration or acceptance of candidacy and a declaration of residency to include a statement that the candidate understands that knowingly and willfully filing such a document which contains a false statement is a crime punishable as a gross misdemeanor and also subjects the candidate to a civil action disqualifying the candidate from taking office and making the candidate liable upon order of the court to pay the attorney's fees and costs of the party who brings the

action. **Sections 3 and 6** also require the candidate to present the filing officer with two types of acceptable identification and documentation as proof of the candidate's identity and residency. ~~[Sections 5 and 7 of this bill clarify the]~~ **However, in certain limited circumstances, sections 3 and 6 allow the candidate to present the filing officer with alternative proof of the candidate's residency when a street address has not been assigned to the candidate's residence or when the rural or remote location of the candidate's residence makes it impracticable to present any of the traditional types of documentation as proof of residency.**

Existing law establishes deadlines for filing **certain** written challenges ~~[of]~~ **to** the qualifications of candidates and **for** determining ~~[if]~~ **whether** probable cause exists to support such challenges **~~[.]~~ , but the deadlines are not consistent. (NRS 293.182, 293C.186) Sections 5 and 7 remedy the inconsistencies in the deadlines to make the deadlines uniform for all such challenges.**

Existing law defines the term "actual residence" to mean the place where a candidate is legally domiciled and maintains a permanent habitation, and when a candidate maintains more than one place of permanent habitation, the place designated by the candidate as his or her principal permanent habitation is deemed to be the candidate's actual residence. (NRS 281.050) The Nevada Supreme Court has held that the place designated by the candidate as his or her principal permanent habitation must be the place where the candidate actually resides and is legally domiciled in order for the candidate to be eligible to the office. (*Williams v. Clark County Dist. Att'y*, 118 Nev. 473, 484-86 (2002); *Chachas v. Miller*, 120 Nev. 51, 53-56 (2004)) **Section 10** of this bill amends existing **statutory** law to reflect the **holdings from the** Supreme ~~[Court's holding.]~~ **Court and also to adopt and codify the legal principles from its cases that are used for determining whether a place of permanent habitation is the place where a person actually resides and is legally domiciled.**

Existing law requires a candidate to open and maintain a separate account in a financial institution for the deposit of campaign contributions once the candidate receives minimum contributions of $100. (NRS 294A.130) **Section 9** of this bill requires that the separate account be in a financial institution located in ~~[this State.]~~ **the United States. Section 9** also requires every committee for political action, committee sponsored by a political party and committee for the recall of a public officer that receives minimum contributions the sum of which, in the aggregate, is $1,000 or more, to open a separate account in a financial institution located in ~~[this State.]~~ **the United States. Section 11** of this bill provides that every candidate, every committee for political action and committee for the recall of a public officer that is registered with the Secretary of State on July 1, 2017, and every committee sponsored by a political party that exists on July 1, 2017, must comply with the requirements of **section 9** on or before June 30, 2018.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.3, 1.5 and 1.7 of this act.**

Sec. 1.3. 1. In addition to any other remedy or penalty provided by law, but except as otherwise provided in section 1.7 of this act, if a court of competent jurisdiction finds in any preelection action that a person who is a candidate for any office fails to meet any qualification required for the office pursuant to the Constitution or laws of this State:

(a) The name of the person must not appear on any ballot for the election for which the person filed a declaration of candidacy or acceptance of candidacy, except that if the statutory deadline for making changes to the ballot has passed, the provisions of subsection 2 apply;

(b) The person is disqualified from entering upon the duties of the office for which ~~[he or she]~~ the person filed a declaration of candidacy or acceptance of candidacy; and

~~[(b)]~~ (c) The court may order the person to pay the reasonable attorney's fees and costs of the party who brought the action, ~~[including, without limitation,]~~ unless the party who brought the action is the Attorney General or a district attorney or city attorney.

2. If the name of a person who is disqualified from entering upon the duties of an office pursuant to subsection 1 appears on a ballot for the election because the statutory deadline for making changes to the ballot has passed, the appropriate election officers shall post a sign at each polling place where the person's name will appear on the ballot informing voters that the person is disqualified from entering upon the duties of the office.

3. The provisions of this section apply to any preelection action brought to challenge a person who is a candidate for any office on the grounds that the person fails to meet any qualification required for the office pursuant to the Constitution or laws of this State, including, without limitation, any action brought pursuant to NRS 281.050, 293.182 or 293C.186 or any action brought for:

(a) Declaratory or injunctive relief pursuant to chapter 30 or 33 of NRS;

(b) Writ relief pursuant to chapter 34 of NRS; or

(c) Any other legal or equitable relief.

Sec. 1.5. If any provision of this chapter provides for the payment of reasonable attorney's fees or costs, the reasonable attorney's fees or costs must be determined in accordance with chapter 18 of NRS and the Nevada Rules of Civil Procedure.

Sec. 1.7. 1. The provisions of this chapter or any other provision of law relating to the qualifications, elections and returns of members or members-elect of the Legislature do not apply to the extent that they

conflict or are otherwise inconsistent with any provision of Section 6 of Article 4 of the Nevada Constitution, including, without limitation, any provision relating to the jurisdiction and power of each House of the Legislature to judge of the qualifications, elections and returns of its members, punish its members for disorderly conduct or expel or remove its members from office.

2. Each House of the Legislature has plenary and exclusive jurisdiction and power concerning any matter relating to any provision of Section 6 of Article 4 of the Nevada Constitution, and a member or member-elect of the Legislature cannot be disqualified from entering upon, taking, holding or exercising any powers or duties of the office unless disqualified by his or her own House.

3. A person becomes a member-elect of the Legislature on the day next after his or her election pursuant to Sections 3 and 4 of Article 4 of the Nevada Constitution and, on and after that date:

(a) Each House of the Legislature has plenary and exclusive jurisdiction and power with regard to the member-elect concerning any matter relating to any provision of Section 6 of Article 4 of the Nevada Constitution; and

(b) No action may be brought or maintained against the member-elect or the House concerning any matter relating to any provision of Section 6 of Article 4 of the Nevada Constitution.

4. If there is a conflict between any other provision of law and the provisions of this section, the provisions of this section control.

Sec. 2. NRS 293.1755 is hereby amended to read as follows:

293.1755 1. In addition to any other requirement provided by law, no person may be a candidate for any office unless, for at least the 30 days immediately preceding the date of the close of filing of declarations of candidacy or acceptances of candidacy for the office which the person seeks, the person has, in accordance with NRS 281.050, actually, as opposed to constructively, resided in the State, district, county, township or other area prescribed by law to which the office pertains and, if elected, over which he or she will have jurisdiction or will represent.

2. Any person who knowingly and willfully files ~~[an acceptance of candidacy or]~~ ***a*** declaration of candidacy ***or acceptance of candidacy*** which contains a false statement ~~[in this respect]~~ ***regarding the person's residency in violation of this section*** is guilty of a gross misdemeanor.

3. The provisions of this section do not apply to candidates for ~~[the]~~ ***:***

(a) Any federal office.

(b) The office of district attorney.

Sec. 3. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165 ~~[,]~~ ***and 293.166,*** a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy or an acceptance of candidacy, and has paid the fee required by NRS 293.193 not earlier than:

(a) For a candidate for judicial office, the first Monday in January of the year in which the election is to be held ~~[nor]~~ ***and not*** later than 5 p.m. on the second Friday after the first Monday in January; and

(b) For all other candidates, the first Monday in March of the year in which the election is to be held ~~[nor]~~ ***and not*** later than 5 p.m. on the second Friday after the first Monday in March.

2. A declaration of candidacy or an acceptance of candidacy required to be filed by this section must be in substantially the following form:

(a) For partisan office:

Declaration of Candidacy of ..... for the
Office of .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot as a candidate for the ..... Party nomination for the office of ……, I, the undersigned …….., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ……., in the City or Town of ……., County of ……., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am registered as a member of the ..... Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since December 31 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the ..... Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; ***that I understand that knowingly and willfully filing a declaration of candidacy or***

acceptance of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office and making me liable upon order of the court to pay the reasonable attorney's fees and costs of the party who brings the action; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

(b) For nonpartisan office:

Declaration of Candidacy of ..... for the
Office of .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ……, in the City or Town of ……., County of ……, State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the

Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; ***that I understand that knowingly and willfully filing a declaration of candidacy or acceptance of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office and making me liable upon order of the court to pay the reasonable attorney's fees and costs of the party who brings the action;*** and ***that I understand that*** my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate which must be included in the declaration of candidacy or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if ~~[:]~~ ***the candidate fails to comply with the following*** ~~[:]~~ ***provisions of this subsection or, if applicable, the provisions of subsection 4:***

(a) The ***candidate shall not list the*** candidate's address ~~[is listed]~~ as a post office box unless a street address has not been assigned to his or her residence; ~~[or]~~ ***and***

(b) ~~[The]~~ ***Except as otherwise provided in subsection 4, the*** candidate ~~[does not]~~ ***shall*** present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; ~~[or]~~ ***and***

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.

4. ***If the candidate executes an oath or affirmation under penalty of perjury stating that the candidate is unable to present to the filing officer the proof of residency required by subsection 3 because a street address has***

not been assigned to the candidate's residence or because the rural or remote location of the candidate's residence makes it impracticable to present the proof of residency required by subsection 3, the candidate shall present to the filing officer:

(a) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate; and

(b) Alternative proof of the candidate's residential address that the filing officer determines is sufficient to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050. The Secretary of State may adopt regulations establishing the forms of alternative proof of the candidate's residential address that the filing officer may accept to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050.

5. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to ~~[paragraph (b) of]~~ subsection 3~~.[.]~~ ***or 4.*** Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number ***,*** ~~[or]~~ driver's license or identification card number ***or account number*** of the candidate.

~~[5.]~~ ***6.*** By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.

~~[6.]~~ ***7.*** If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the filing officer:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored by a court of competent jurisdiction; and

(b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.

~~[7.]~~ ***8.*** The receipt of information by the Attorney General or district attorney pursuant to subsection ~~[6]~~ ***7*** must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182~~.[. If the ballots are printed before a court of competent jurisdiction makes a determination that a~~

~~candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the filing officer must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.~~

~~8.~~] ***to which the provisions of section 1.3 of this act apply.***

9. Any person who knowingly and willfully files a declaration of candidacy or acceptance of candidacy which contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 4. NRS 293.181 is hereby amended to read as follows:

293.181 1. A candidate for the office of State Senator, Assemblyman or Assemblywoman must execute and file with his or her declaration of candidacy or acceptance of candidacy a declaration of residency which must be in substantially the following form:

> I, the undersigned, do swear or affirm under penalty of perjury that I have been a citizen resident of this State as required by NRS 218A.200 ***; that I understand that knowingly and willfully filing a declaration of residency which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office and making me liable upon order of the court to pay the reasonable attorney's fees and costs of the party who brings the action;*** and ***that I*** have actually, as opposed to constructively, resided at the following residence or residences since November 1 of the preceding year:
>
> | | |
> |---|---|
> | ..... | ..... |
> | Street Address | Street Address |
> | ..... | ..... |
> | City or Town | City or Town |
> | ..... | ..... |
> | State | State |
> | From ..... To ..... | From ..... To ..... |
> | Dates of Residency | Dates of Residency |
> | ..... | ..... |
> | Street Address | Street Address |
> | ..... | ..... |
> | City or Town | City or Town |
> | ..... | ..... |
> | State | State |
> | From ..... To ..... | From ..... To ..... |
> | Dates of Residency | Dates of Residency |
>
> (Attach additional sheet or sheets of residences as necessary)

2. Each address of a candidate which must be included in the declaration of residency pursuant to subsection 1 must be the street address of the residence where the candidate actually, as opposed to constructively, resided or resides in accordance with NRS 281.050, if one has been assigned. The declaration of residency must not be accepted for filing if any of the candidate's addresses are listed as a post office box unless a street address has not been assigned to the residence.

3. Any person who knowingly and willfully files a declaration of residency which contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 5. NRS 293.182 is hereby amended to read as follows:

293.182 1. After a person files a declaration of candidacy or an acceptance of candidacy to be a candidate for an office, and not later than 5 ~~***[working]***~~ days after the last day the person may withdraw his or her candidacy pursuant to NRS 293.202, an elector may file with the filing officer for the office a written challenge of the person on the grounds that the person fails to meet any qualification required for the office pursuant to the Constitution or ~~[~~a statute~~]~~ ***laws*** of this State **.** ~~[~~, including, without limitation, a requirement concerning age or residency.~~]~~ Before accepting the challenge from the elector, the filing officer shall notify the elector that if the challenge is found by a court to be frivolous, the elector may be required to pay the reasonable attorney's fees and ~~[~~court~~]~~ costs of the ***person who is being*** challenged **.** ~~[~~person.~~]~~

2. A challenge filed pursuant to subsection 1 must:

(a) Indicate each qualification the person fails to meet;

(b) Have attached all documentation and evidence supporting the challenge; and

(c) Be in the form of an affidavit, signed by the elector under penalty of perjury.

3. Upon receipt of a challenge pursuant to subsection 1:

(a) The Secretary of State shall immediately transmit the challenge to the Attorney General.

(b) A filing officer other than the Secretary of State shall immediately transmit the challenge to the district attorney.

4. If the Attorney General or district attorney determines that probable cause exists to support the challenge, the Attorney General or district attorney shall, not later than 5 working days after receiving the challenge, petition a court of competent jurisdiction to order the person to appear before the court. Upon receipt of such a petition, the court shall enter an order directing the person to appear before the court at a hearing, at a time and place to be fixed by the court in the order, to show cause why the challenge is not valid. A certified copy of the order must be served upon the person. The court shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

5. If, at the hearing, the court determines by a preponderance of the evidence that the challenge is valid or that the person otherwise fails to meet any qualification required for the office pursuant to the Constitution or ~~[~~a statute~~]~~ ***laws*** of this State, or if the person fails to appear at the hearing ~~[~~:

~~(a) The name of the person must not appear on any ballot for the election for the office for which the person filed the declaration of candidacy or acceptance of candidacy; and~~

~~(b) The~~~~]~~ **,** ***the*** person is ~~[~~disqualified from entering upon the duties of the office for which he or she filed the declaration of candidacy or acceptance of candidacy.~~]~~ ***subject to the provisions of section ~~1~~ 1.3 of this act.***

6. If, at the hearing, the court determines that the challenge is frivolous, the court may order the elector who filed the challenge to pay the reasonable attorney's fees and ~~[~~court~~]~~ costs of the ***person who was*** challenged **.** ~~[~~person.~~]~~

Sec. 5.5. **NRS 293.184 is hereby amended to read as follows:**

293.184 1. In addition to any other ***remedy or*** penalty provided by law, if a person ***knowingly and*** willfully files a declaration of candidacy or acceptance of candidacy ~~[~~knowing that the declaration of candidacy or acceptance of candidacy~~]~~ ***which*** contains a false statement:

(a) ~~[~~Except as otherwise provided in NRS 293.165 and 293.166, the~~]~~ ***The*** name of the person must not appear on any ballot for the election for which the person filed the declaration of candidacy or acceptance of candidacy ~~[~~;~~]~~ **,** ***except that if the statutory deadline for making changes to the ballot has passed, the provisions of subsection 2 apply;*** and

(b) The person is disqualified from entering upon the duties of the office for which ~~[~~he or she was a candidate.~~]~~ ***the person filed the declaration of candidacy or acceptance of candidacy.***

2. If the name of a person who is disqualified from entering upon the duties of an office pursuant to subsection 1 appears on a ballot for the election ~~[~~is disqualified~~]~~ because the ***statutory*** deadline ~~[~~set forth in NRS 293.165 and 293.166~~]~~ for making changes to the ballot has passed, the ~~[~~Secretary of State and county clerk must~~]~~ ***appropriate election officers shall*** post a sign at each polling place where the person's name will appear on the ballot informing voters that the person is disqualified from entering upon the duties of ***the*** office.

3. The provisions of this section may be enforced in any preelection action to which the provisions of section 1.3 of this act apply.

Sec. 6. NRS 293C.185 is hereby amended to read as follows:

293C.185 1. Except as otherwise provided in NRS 293C.115 and 293C.190, a name may not be printed on a ballot to be used at a primary city election unless the person named has filed a declaration of candidacy or an acceptance of candidacy and has paid the fee established by the governing body of the city not earlier than 70 days before the primary city election and not later than 5 p.m. on the 60th day before the primary city election.

2. A declaration of candidacy required to be filed by this section must be in substantially the following form:

Declaration of Candidacy of ..... for the
Office of .....

State of Nevada

City of.....

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, ..., the undersigned do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the city, township or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a candidate at the ensuing election I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; ***that I understand that knowingly and willfully filing a declaration of candidacy or acceptance of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office and making me liable upon order of the court to pay the reasonable attorney's fees and costs of the party who brings the action;*** and ***that I understand that*** my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate that must be included in the declaration or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if ~~[:]~~ ***the candidate fails to comply with the following*** ~~[:]~~ ***provisions of this subsection or, if applicable, the provisions of subsection 4:***

(a) The ***candidate shall not list the*** candidate's address ~~[is listed]~~ as a post office box unless a street address has not been assigned to the residence; ~~[or]~~ ***and***

(b) ~~[The]~~ ***Except as otherwise provided in subsection 4, the*** candidate ~~[does not]~~ ***shall*** present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; ~~[or]~~ ***and***

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.

4. ***If the candidate executes an oath or affirmation under penalty of perjury stating that the candidate is unable to present to the filing officer the proof of residency required by subsection 3 because a street address has not been assigned to the candidate's residence or because the rural or remote location of the candidate's residence makes it impracticable to present the proof of residency required by subsection 3, the candidate shall present to the filing officer:***

(a) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate; and

(b) Alternative proof of the candidate's residential address that the filing officer determines is sufficient to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050. The Secretary of State may adopt regulations establishing the forms of alternative proof of the candidate's residential address that the filing officer may accept to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050.

5. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to ~~[paragraph (b) of]~~ subsection 3 ~~[.]~~ ***or 4.*** Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number ***,*** ~~[or]~~ driver's license or identification card number ***or account number*** of the candidate.

~~[5.]~~ ***6.*** By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the city clerk as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293C.186. Service of such process must first be attempted at the appropriate

address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the city clerk duplicate copies of the process. The city clerk shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the city clerk a different address for that purpose, in which case the city clerk shall mail the copy to the last address so designated.

~~[6.]~~ ***7.*** If the city clerk receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the city clerk:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored by a court of competent jurisdiction; and

(b) Shall transmit the credible evidence and the findings from such investigation to the city attorney.

~~[7.]~~ ***8.*** The receipt of information by the city attorney pursuant to subsection ~~[6]~~ *7* must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293C.186 ~~[. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the city clerk must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.~~

~~8.]~~ ***to which the provisions of section 1.3 of this act apply.***

9. Any person who knowingly and willfully files a declaration of candidacy or acceptance of candidacy which contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 7. NRS 293C.186 is hereby amended to read as follows:

293C.186 1. After a person files a declaration of candidacy or an acceptance of candidacy to be a candidate for an office, and not later than 5 ~~[working]~~ days after the last day the person may withdraw his or her candidacy pursuant to NRS 293C.195, an elector may file with the city clerk a written challenge of the person on the grounds that the person fails to meet any qualification required for the office pursuant to the constitution or ~~[a statute]~~ ***laws*** of this State ***.*** ~~[, including, without limitation, a requirement concerning age or residency.]~~ Before accepting the challenge from the elector, the filing officer shall notify the elector that if the challenge is found by a court to be frivolous, the elector may be required to pay the reasonable attorney's fees and ~~[court]~~ costs of the ***person who is being*** challenged ***.*** ~~[person.]~~

2. A challenge filed pursuant to subsection 1 must:

(a) Indicate each qualification the person fails to meet;

(b) Have attached all documentation and evidence supporting the challenge; and

(c) Be in the form of an affidavit, signed by the elector under penalty of perjury.

3. Upon receipt of a challenge pursuant to subsection 1, the city clerk shall immediately transmit the challenge to the city attorney.

4. If the city attorney determines that probable cause exists to support the challenge, the city attorney shall, not later than 5 ***working*** days after receiving the challenge, petition a court of competent jurisdiction to order the person to appear before the court. Upon receipt of such a petition, the court shall enter an order directing the person to appear before the court at a hearing, at a time and place to be fixed by the court in the order, to show cause why the challenge is not valid. A certified copy of the order must be served upon the person. The court shall give priority to ~~[~~to such proceedings~~]~~ over all other matters pending with the court, except for criminal proceedings.

5. If, at the hearing, the court determines by a preponderance of the evidence that the challenge is valid or that the person otherwise fails to meet any qualification required for the office pursuant to the constitution or ~~[~~a statute~~]~~ ***laws*** of this State, or if the person fails to appear at the hearing ~~[~~:

~~(a) The name of the person must not appear on any ballot for the election for the office for which the person filed the declaration of candidacy or acceptance of candidacy; and~~

~~(b) The~~~~]~~ ***, the*** person is ~~[~~disqualified from entering upon the duties of the office for which he or she filed the declaration of candidacy or acceptance of candidacy.~~]~~ ***subject to the provisions of section ~~[1]~~ 1.3 of this act.***

6. If, at the hearing, the court determines that the challenge is frivolous, the court may order the elector who filed the challenge to pay the reasonable attorney's fees and ~~[~~court~~]~~ costs of the ***person who was*** challenged ***.*** ~~[~~person.~~]~~

Sec. 7.5. **NRS 293C.1865 is hereby amended to read as follows:**

293C.1865 1. In addition to any other ***remedy or*** penalty provided by law, if a person ***knowingly and*** willfully files a declaration of candidacy or acceptance of candidacy ~~[~~knowing that the declaration of candidacy or acceptance of candidacy~~]~~ ***which*** contains a false statement:

(a) ~~[~~Except as otherwise provided in NRS 293.165 or 293.166, the~~]~~ ***The*** name of the person must not appear on any ballot for the election for which the person filed the declaration of candidacy or acceptance of candidacy ~~[~~;~~]~~ ***, except that if the statutory deadline for making changes to the ballot has passed, the provisions of subsection 2 apply;*** and

(b) The person is disqualified from entering upon the duties of the office for which ~~[~~he or she was a candidate.~~]~~ ***the person filed the declaration of candidacy or acceptance of candidacy.***

2. If the name of a person who is disqualified from entering upon the duties of an office pursuant to subsection 1 appears on a ballot for the election ~~[~~is disqualified~~]~~ because the ***statutory*** deadline ~~[~~set forth in NRS

~~293.165 and 293.166~~] for making changes to the ballot has passed, the ~~[Secretary of State and city clerk must]~~ ***appropriate election officers shall*** post a sign at each polling place where the person's name will appear on the ballot informing voters that the person is disqualified from entering upon the duties of ***the*** office.

3. The provisions of this section may be enforced in any preelection action to which the provisions of section 1.3 of this act apply.

Sec. 8. NRS 293C.200 is hereby amended to read as follows:

293C.200 1. In addition to any other requirement provided by law, no person may be a candidate for a city office unless, for at least the 30 days immediately preceding the date of the close of filing of declarations or acceptances of candidacy for the office that the person seeks, the person has in accordance with NRS 281.050, actually, as opposed to constructively, resided in the city or other area prescribed by law to which the office pertains and, if elected, over which he or she will have jurisdiction or which he or she will represent.

2. Any person who knowingly and willfully files a declaration of candidacy or ~~[an]~~ acceptance of candidacy ~~[that]~~ ***which*** contains a false statement ~~[in this respect]~~ ***regarding the person's residency in violation of this section*** is guilty of a gross misdemeanor.

Sec. 9. NRS 294A.130 is hereby amended to read as follows:

294A.130 1. Every candidate shall, not later than 1 week after receiving minimum contributions of $100, open and maintain a separate account in a financial institution ***located in ~~[this State]~~ the United States*** for the deposit of any contributions received. The candidate shall not commingle the money in the account with money collected for other purposes.

2. The candidate may close the separate account if the candidate:

(a) Was a candidate in a special election, after that election;

(b) Lost in the primary election, after the primary election; or

(c) Won the primary election, after the general election,

➥ and as soon as all payments of money committed have been made.

3. Every committee for political action, committee sponsored by a political party and committee for the recall of a public officer shall, not later than 1 week after receiving contributions the sum of which, in the aggregate, is $1,000 or more, open and maintain a separate account in a financial institution located in ~~[this State]~~ the United States for the deposit of any contributions received. The committee for political action, committee sponsored by a political party or committee for the recall of a public officer shall not commingle the money in the account with money collected for other purposes.

Sec. 10. NRS 281.050 is hereby amended to read as follows:

281.050 1. The residence of a person with reference to ***his or her*** eligibility to ***any*** office is the person's actual residence within the State ***,*** ~~[or]~~ county ***,*** ~~[or]~~ district, ***ward, subdistrict or any other unit prescribed by law,***

as the case may be, during all the period for which residence is claimed by the person. ~~[If]~~

2. Except as otherwise provided in subsections 3 and 4, if any person absents himself or herself from the jurisdiction of that person's ***actual*** residence with the intention in good faith to return without delay and continue such ***actual*** residence, the period of absence must not be considered in determining the question of residence.

~~[2.]~~ ***3.*** If a person who has filed ~~[as a candidate]~~ ***a declaration of candidacy or acceptance of candidacy*** for ***any*** elective office moves the person's ***actual*** residence out of the State, county, district, ward, subdistrict or any other unit prescribed by law ~~[for which the person is a candidate and]~~ ***, as the case may be,*** in which the person is required actually, as opposed to constructively, to reside ~~[.]~~ ***in order for the person to be eligible to the office,*** a vacancy is created thereby and the appropriate action for filling the vacancy must be taken. ~~[A]~~

4. Once a person's actual residence is fixed, the person shall be deemed to have moved the person's ***actual*** residence for the purposes of this section if:

(a) The person has acted affirmatively ~~[to remove]~~ ***and has actually removed*** himself or herself from ~~[one place; and]~~ ***the place of permanent habitation where the person actually resided and was legally domiciled;***

(b) ***The person has an intention to abandon the place of permanent habitation where the person actually resided and was legally domiciled; and***

(c) The person has an intention to remain in another place ~~[.~~

~~3. The]~~ ***of permanent habitation where the person actually resides and is legally domiciled.***

5. Except as otherwise provided in this subsection and section 1.7 of this act, the district court has jurisdiction to determine the question of residence in ~~[an]~~ ***any preelection*** action for declaratory judgment ~~[.~~

~~4. If,]~~ ***brought against a person who has filed a declaration of candidacy or acceptance of candidacy for any elective office. If the question of residence relates to whether an incumbent meets any qualification concerning residence required for the term of office in which the incumbent is presently serving, the district court does not have jurisdiction to determine the question of residence in an action for declaratory judgment brought by a person pursuant to this section but has jurisdiction to determine the question of residence only in an action to declare the office vacant that is authorized by NRS 283.040 and brought by the Attorney General or the appropriate district attorney pursuant to that section.***

6. Except as otherwise provided in section 1.7 of this act, if in any preelection action for declaratory judgment, the district court finds that a person who has filed a declaration of candidacy or acceptance of candidacy for any elective office fails to meet any qualification concerning

residence required for the office pursuant to the Constitution or laws of this State, the person is subject to the provisions of section ~~[1]~~ 1.3 of this act.

~~[5.]~~ 7. For the purposes of this section, in determining whether a place of permanent habitation is the place where a person actually resides and is legally domiciled:

(a) It is the public policy of this State to avoid sham residences and to ensure that the person actually, as opposed to constructively, resides in the area prescribed by law for the office so the person has an actual connection with the constituents who reside in the area and has particular knowledge of their concerns.

(b) The person may have more than one residence but only one legal domicile, and the person's legal domicile requires both the fact of actual living in the place and the intention to remain there as a permanent residence. If the person temporarily leaves the person's legal domicile, or leaves for a particular purpose, and does not take up a permanent residence in another place, then the person's legal domicile has not changed. Once the person's legal domicile is fixed, the fact of actual living in another place, the intention to remain in the other place and the intention to abandon the former legal domicile must all exist before the person's legal domicile can change.

(c) Evidence of the person's legal domicile includes, without limitation:

(1) The place where the person lives the majority of the time and the length of time the person has lived in that place.

(2) The place where the person lives with the person's spouse or domestic partner, if any.

(3) The place where the person lives with the person's children, dependents or relatives, if any.

(4) The place where the person lives with any other individual whose relationship with the person is substantially similar to a relationship with a spouse, domestic partner, child, dependent or relative.

(5) The place where the person's dogs, cats or other pets, if any, live.

(6) The place listed as the person's residential address on the voter registration card issued to the person pursuant to NRS 293.517.

(7) The place listed as the person's residential address on any driver's license or identification card issued to the person by the Department of Motor Vehicles, any passport or military identification card issued to the person by the United States or any other form of identification issued to the person by a governmental agency.

(8) The place listed as the person's residential address on any registration for a motor vehicle issued to the person by the Department of Motor Vehicles or any registration for another type of vehicle or mode of transportation, including, without limitation, any aircraft, vessels or watercraft, issued to the person by a governmental agency.

(9) The place listed as the person's residential address on any applications for issuance or renewal of any license, certificate, registration, permit or similar type of authorization issued to the person by a governmental agency which has the authority to regulate an occupation or profession.

(10) The place listed as the person's residential address on any document which the person is authorized or required by law to file or record with a governmental agency, including, without limitation, any deed, declaration of homestead or other record of real or personal property, any applications for services, privileges or benefits or any tax documents, forms or returns, but excluding the person's declaration of candidacy or acceptance of candidacy.

(11) The place listed as the person's residential address on any type of check, payment, benefit or reimbursement issued to the person by a governmental agency or by any type of company that provides insurance, workers' compensation, health care or medical benefits or any self-insured employer or third-party administrator.

(12) The place listed as the person's residential address on the person's paycheck, paystub or employment records.

(13) The place listed as the person's residential address on the person's bank statements, insurance statements, mortgage statements, loan statements, financial accounts, credit card accounts, utility accounts or other billing statements or accounts.

(14) The place where the person receives mail or deliveries from the United States Postal Service or commercial carriers.

(d) The evidence listed in paragraph (c) is intended to be illustrative and is not intended to be exhaustive or exclusive. The presence or absence of any particular type of evidence listed in paragraph (c) is not, by itself, determinative of the person's legal domicile, but such a determination must be based upon all the facts and circumstances of the person's particular case.

8. As used in this section ~~[, "actual]~~ ***:***

(a) "Actual residence" means the place ***of permanent habitation*** where a person ***actually resides and*** is legally domiciled ***.*** ~~[and maintains a permanent habitation.]~~ If the person maintains more than one ~~[such]~~ ***place of permanent*** habitation, the place the person declares to be the person's principal permanent habitation when filing a declaration ***of candidacy*** or ~~[affidavit pursuant to NRS 293.177 or 293C.185 shall be deemed to]~~ ***acceptance of candidacy for any elective office must*** be the ~~[person's actual residence.]~~ ***place where the person actually resides and is legally domiciled in order for the person to be eligible to the office.***

(b) "Declaration of candidacy or acceptance of candidacy" means a declaration of candidacy or acceptance of candidacy filed pursuant to chapter 293 or 293C of NRS.

Sec. 11. 1. Every person who is a candidate on July 1, 2017, every committee for political action and committee for the recall of a public officer that is registered with the Secretary of State pursuant to NRS 294A.230 or 294A.250, as applicable, on July 1, 2017, and every committee sponsored by a political party that exists on July 1, 2017, shall comply with the requirements of NRS 294A.130, as amended by section 9 of this act, on or before June 30, 2018. If any such candidate or committee does not comply with the requirements of NRS 294A.130, as amended by section 9 of this act, on or before June 30, 2018, the Secretary of State may take action against the candidate or committee pursuant to NRS 294A.410 or 294A.420.

2. As soon as practicable after July 1, 2017, the Secretary of State shall notify each committee for political action and committee for the recall of a public officer that is registered with the Secretary of State pursuant to NRS 294A.230 or 294A.250, as applicable, on July 1, 2017, of:

(a) The requirements of NRS 294A.130, as amended by section 9 of this act; and

(b) The requirements of subsection 1.

3. As used in this section:

(a) "Candidate" has the meaning ascribed to it in NRS 294A.005.

(b) "Committee for political action" has the meaning ascribed to it in NRS 294A.0055.

(c) "Committee for the recall of a public officer" has the meaning ascribed to it in NRS 294A.006.

(d) "Committee sponsored by a political party" has the meaning ascribed to it in NRS 294A.0065.

Sec. 12. This act becomes effective:

1. Upon passage and approval for the purpose of performing any preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On July 1, 2017, for all other purposes.

Assemblywoman Diaz moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 34.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 617.

SUMMARY—Revises provisions relating to ~~[state lands.]~~ **government land.** (BDR 26-179)

AN ACT relating to ~~[state lands;]~~ **government land;** reducing the number of independent appraisals of state land required before such land may be offered for sale or lease; **revising certain restrictions on the performance of an appraisal of certain government land by an appraiser;** revising

provisions relating to the ~~[use of money in the]~~ Revolving Account for Land Management; removing an exemption from procedural requirements for the sale or lease of state land for a lease of residential property with a term of 1 year or less; revising **provisions relating to** the requirement that the Administrator of the Division of State Lands **of the State Department of Conservation and Natural Resources** develop and make certain information useful to land use planning available to cities and counties; revising provisions relating to the lease of state land for less than fair market value to certain persons who intend to locate or expand a business in this State; repealing obsolete provisions regarding the Lincoln County Pilot Land Development and Disposal Law; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Division of State Lands of the State Department of Conservation and Natural Resources must acquire and hold in the name of the State all land and interests in land owned or required by the State, with certain exceptions. (NRS 321.001) The Administrator of the Division is, ex officio, the State Land Registrar. (NRS 321.010)

Existing law requires, with certain exceptions, the State Land Registrar to obtain two independent appraisals of any state land before offering the land for sale or lease. (NRS 321.007) **Section 1** of this bill ~~[changes that requirement so]~~ **decreases to one the number of independent appraisals that** the State Land Registrar ~~[must]~~ **is required to** obtain ~~[just one independent appraisal]~~ before offering state land for sale or lease.

Existing law also prohibits an appraiser from appraising state land if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the land or an adjoining property. Section 1 expands the prohibited degree of consanguinity or affinity of the appraiser's relative to the third degree of consanguinity or affinity.

Existing law creates the Revolving Account for Land Management as a special account in the State General Fund. Money in the Account must be used to pay the expenses relating to the management of land held by the Division of State Lands, including, without limitation, expenses for appraisals and surveys, construction of fences and barriers for vehicles and the cleanup and maintenance of the land. (NRS 321.067) **Section 2** of this bill authorizes money in the Account also to be used to pay expenses relating to the acquisition of or interests in land. **Section 2** also provides that the expenses for which money in the Account may be used may include land surveys, required assessments of the land, including surveys of the biological, environmental and cultural conditions and resources of the land, and any required mitigation of the land.

Existing law authorizes the State Land Registrar to request an allocation to the Revolving Account from the Contingency Account in the State General

Fund if the balance in the Revolving Account is below $5,000. **Section 2** of this bill raises that amount to $20,000.

Existing law provides procedural requirements for the sale or lease of state land and exempts from those requirements any lease of residential property with a term of 1 year or less. (NRS 321.335) **Section 3** of this bill removes that exemption.

Existing law requires the Administrator of the Division of State Lands to: (1) administer the activities of the State Land Use Planning Agency; and (2) develop and distribute information that is useful to land use planning. Existing law also gives priority to the activities of the State Land Use Planning Agency in the provision of technical assistance in areas of this State where such assistance is requested. (NRS 321.710) Section 3.5 of this bill limits the entities to which priority in the provision of technical assistance must be given to counties and cities.

Existing law requires the Administrator of the Division of State Lands to develop and make available to cities and counties certain **specified** information useful to land use planning. (NRS 321.720) **Section 4** of this bill removes the requirement that the Administrator develop and make available to cities and counties: (1) ~~[a continuously revised inventory of the land and natural resources of the State; (2)]~~ statewide data relating to population densities and trends, economic and environmental characteristics and trends, and directions and extent of urban and rural growth; ~~[(3)]~~ **(2)** projections of the nature and quantity of land needed and suitable for various purposes; and ~~[(4)]~~ **(3)** a continuously revised inventory of the environmental, geological and physical conditions which influence the desirability of various uses of land. **Section 4 also requires the Administrator, to the extent practicable, to compile the information developed and make the compilation available to counties and cities.**

Existing law authorizes, if certain requirements are fulfilled, the lease of state land for less than the fair market value of the land for the first year of the lease if the lessee intends to locate or expand a business in this State. (NRS 322.061) **Section 5** of this bill removes a number of the requirements that must be fulfilled, including requirements relating to the number of employees of the business, the capital investment in this State by the business, the average hourly wage paid by the business to employees in this State and the benefits provided by the business.

Existing law prohibits an appraiser who appraises any real property that is offered for sale or lease by a board of county commissioners or the governing body of an incorporated city from conducting the appraisal if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the real property or an adjoining property. (NRS 244.2795, 268.059) Sections 6 and 7 of this bill expand the prohibited degree of consanguinity or affinity of the person from the first degree of consanguinity or affinity to

the third degree of consanguinity or affinity and, in certain circumstances, the second degree of consanguinity or affinity.

Section ~~[6]~~ 9 of this bill repeals obsolete provisions relating to the Lincoln County Pilot Land Development and Disposal Law. (NRS 321.540-321.590)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 321.007 is hereby amended to read as follows:

321.007 1. Except as otherwise provided in subsection 5, NRS 321.008, 322.061, 322.063, 322.065 or 322.075, except as otherwise required by federal law, except for land that is sold or leased to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for land that is sold or leased to a state or local governmental entity, except for a lease which is part of a contract entered into pursuant to chapter 333 of NRS and except for land that is sold or leased pursuant to an agreement entered into pursuant to NRS 277.080 to 277.170, inclusive, when offering any land for sale or lease, the State Land Registrar shall:

(a) ~~[~~Except as otherwise provided in this paragraph, obtain two~~]~~ ***Obtain an*** independent ~~[~~appraisals~~]~~ ***appraisal*** of the land before selling or leasing it. ~~[~~If the Interim Finance Committee grants its approval after discussion of the fair market value of the land, one independent appraisal of the land is sufficient before selling or leasing it.~~]~~ The appraisal ~~[~~or appraisals, as applicable,~~]~~ must have been prepared not more than 6 months before the date on which the land is offered for sale or lease.

(b) Notwithstanding the provisions of chapter 333 of NRS, select ~~[~~the one~~]~~ ***an*** independent appraiser ~~[~~or two independent appraisers, as applicable,~~]~~ from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of ~~[~~each~~]~~ ***an*** appraiser selected pursuant to paragraph (b). The determination of the State Land Registrar as to the qualifications of an appraiser is conclusive.

2. The State Land Registrar shall adopt regulations for the procedures for creating or amending a list of appraisers qualified to conduct appraisals of land offered for sale or lease by the State Land Registrar. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the land that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income of the appraiser that may constitute a conflict of interest and any relationship of the appraiser with the owner of the land or the owner of an adjoining property.

4. An appraiser shall not perform an appraisal on any land offered for sale or lease by the State Land Registrar if the appraiser or a person related to the appraiser within the ~~[~~first~~]~~ ***third*** degree of consanguinity or affinity has an interest in the land or an adjoining property.

5. If a lease of land is for residential property and the term of the lease is 1 year or less, the State Land Registrar shall obtain an analysis of the market value of similar rental properties prepared by a licensed real estate broker or salesperson when offering such a property for lease.

6. If land is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the land is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 2. NRS 321.067 is hereby amended to read as follows:

321.067 1. The Revolving Account for Land Management is hereby created as a special account in the State General Fund.

2. The State Land Registrar shall use the money in the ***Revolving*** Account to pay the expenses related to the management of land held by the Division ~~[,]~~ ***and the acquisition of or interests in land,*** including, without limitation, expenses for:

(a) Appraisals and ***land*** surveys;

(b) ***Required environmental assessments of the land, including, without limitation, surveys of the biological, environmental and cultural conditions and resources of the land;***

(c) Construction of fences and barriers for vehicles; ~~[land~~

~~(c)]~~ ***(d)*** The cleanup and maintenance of the land ~~[.]~~ ***; and***

(e) Any mitigation required of the land.

3. The State Land Registrar shall:

(a) Approve any disbursement from the Revolving Account; and

(b) Maintain records of any such disbursement.

4. The State Land Registrar shall deposit into the Revolving Account money received by the Division as a donation or as a reimbursement for or advance payment of an expense paid out of the Revolving Account.

5. The balance of the Revolving Account must be carried forward at the end of each fiscal year.

6. If the balance in the account is below ~~[$5,000,]~~ ***$20,000,*** the State Land Registrar may request an allocation from the Contingency Account in the State General Fund pursuant to NRS 353.266, 353.268 and 353.269.

Sec. 3. NRS 321.335 is hereby amended to read as follows:

321.335 1. Except as otherwise provided in NRS 321.008, 321.125, 322.061, 322.063, 322.065 or 322.075, except as otherwise required by federal law, except for land that is sold or leased to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for land that is sold or leased to a state or local governmental entity, except for a lease which is part of a contract entered into pursuant to chapter 333 of NRS and except for an agreement entered into pursuant to the provisions of NRS 277.080 to 277.170, inclusive, ~~[or a lease of residential property with a term of 1 year or less,]~~ after April 1, 1957, all sales or leases of any lands that the Division is required to hold pursuant to NRS 321.001, including lands subject to

contracts of sale that have been forfeited, are governed by the provisions of this section.

2. Whenever the State Land Registrar deems it to be in the best interests of the State of Nevada that any lands owned by the State and not used or set apart for public purposes be sold or leased, the State Land Registrar may, with the approval of the State Board of Examiners and the Interim Finance Committee, cause those lands to be sold or leased upon sealed bids, or oral offer after the opening of sealed bids for cash or pursuant to a contract of sale or lease, at a price not less than the highest appraised value for the lands plus the costs of appraisal and publication of notice of sale or lease.

3. Before offering any land for sale or lease, the State Land Registrar shall comply with the provisions of NRS 321.007.

4. After complying with the provisions of NRS 321.007, the State Land Registrar shall cause a notice of sale or lease to be published once a week for 4 consecutive weeks in a newspaper of general circulation published in the county where the land to be sold or leased is situated, and in such other newspapers as the State Land Registrar deems appropriate. If there is no newspaper published in the county where the land to be sold or leased is situated, the notice must be so published in a newspaper published in this State having a general circulation in the county where the land is situated.

5. The notice must contain:

(a) A description of the land to be sold or leased;

(b) A statement of the terms of sale or lease;

(c) A statement that the land will be sold pursuant to subsection 6; and

(d) The place where the sealed bids will be accepted, the first and last days on which the sealed bids will be accepted, and the time when and place where the sealed bids will be opened and oral offers submitted pursuant to subsection 6 will be accepted.

6. At the time and place fixed in the notice published pursuant to subsection 4, all sealed bids which have been received must, in public session, be opened, examined and declared by the State Land Registrar. Of the proposals submitted which conform to all terms and conditions specified in the notice published pursuant to subsection 4 and which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral offer is accepted or the State Land Registrar rejects all bids and offers. Before finally accepting any written bid, the State Land Registrar shall call for oral offers. If, upon the call for oral offers, any responsible person offers to buy or lease the land upon the terms and conditions specified in the notice, for a price exceeding by at least 5 percent the highest written bid, then the highest oral offer which is made by a responsible person must be finally accepted.

7. The State Land Registrar may reject any bid or oral offer to purchase or lease submitted pursuant to subsection 6, if the State Land Registrar deems the bid or offer to be:

(a) Contrary to the public interest.

(b) For a lesser amount than is reasonable for the land involved.

(c) On lands which it may be more beneficial for the State to reserve.

(d) On lands which are requested by the State of Nevada or any department, agency or institution thereof.

8. Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of sale specified in the notice of sale, the State Land Registrar shall convey title by quitclaim or cause a patent to be issued as provided in NRS 321.320 and 321.330.

9. Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of lease specified in the notice of lease, the State Land Registrar shall enter into a lease agreement with the person submitting the accepted bid or oral offer pursuant to the terms of lease specified in the notice of lease.

10. The State Land Registrar may require any person requesting that state land be sold pursuant to the provisions of this section to deposit a sufficient amount of money to pay the costs to be incurred by the State Land Registrar in acting upon the application, including the costs of publication and the expenses of appraisal. This deposit must be refunded whenever the person making the deposit is not the successful bidder. The costs of acting upon the application, including the costs of publication and the expenses of appraisal, must be borne by the successful bidder.

11. If land that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the land, the State Land Registrar may offer the land for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the land, the State Land Registrar must ~~[, as applicable,]~~ obtain a new appraisal ~~[or new appraisals]~~ of the land pursuant to the provisions of NRS 321.007 before offering the land for sale or lease a second time. If land that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the land, the State Land Registrar may list the land for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the land or an adjoining property.

Sec. 3.5. **NRS 321.710 is hereby amended to read as follows:**

321.710 1. The Administrator shall administer the activities of the State Land Use Planning Agency. The Administrator has authority and responsibility for the development and distribution of information useful to land use planning.

2. The activities of the State Land Use Planning Agency which have priority are:

(a) Provision of technical assistance ***to a county or city*** in areas where such assistance is requested;

(b) Activities relating to federal lands in this State; and

(c) Investigation and review of proposals for designation of areas of critical environmental concern and the development of standards and plans therefor.

3. In addition to the assistant provided by subsection 3 of NRS 321.010 the Administrator may appoint, subject to the availability of money, such professional, technical, administrative, clerical and other persons as the Administrator may require for assistance in performing his or her land use planning duties.

Sec. 4. NRS 321.720 is hereby amended to read as follows:

321.720 ***1.*** The Administrator shall develop and make available to cities and counties information useful to land use planning, including:

~~[1.]~~ ***(a)*** Preparation and continuing revision of a statewide inventory of the land and natural resources of the State;

~~[2. Compilation and continuing revision of data, on a statewide basis, related to population densities and trends, economic characteristics and projections, environmental conditions and trends, and directions and extent of urban and rural growth;~~

~~3. Projections of the nature and quantity of land needed and suitable for:~~

~~(a) Recreation and esthetic appreciation;~~

~~(b) Conservation and preservation of natural resources, agriculture, mineral development and forestry;~~

~~(c) Industry and commerce, including the development, generation and transmission of energy;~~

~~(d) Transportation;~~

~~(e) Urban development, including the revitalization of existing communities, the development of new towns, and the economic diversification of existing communities which possess a narrow economic base;~~

~~(f) Rural development, taking into consideration future demands for and limitations upon products of the land; and~~

~~(g) Health, educational, and other state and local governmental services;~~

~~4. Preparation and continuing revision of an inventory of environmental, geological and physical conditions, including types of soil, which influence the desirability of various uses of land;~~

~~5.]~~ ***(b)*** Preparation and continuing revision of an inventory of state, local government and private needs and priorities concerning the acquisition and use of federal lands within the State;

~~[6.~~ ~~*2.]*~~ ***(c)*** Preparation and continuing revision of an inventory of public and private institutional and financial resources available for land use planning and management within the State and of state and local programs and activities which have a land use impact of more than local concern;

~~[7.~~ ~~*3.]*~~ ***(d)*** Provision, where appropriate, of technical assistance and training programs for state and local agency personnel concerned with the development and implementation of state and local land use programs;

~~[~~8.~~ 4.]~~ ***(e)*** Coordination and exchange of land use planning information and data among state agencies and local governments, with the Federal Government, among the several states and interstate agencies, and with members of the public, including conducting of public hearings, preparation of reports and soliciting of comments on reports concerning information useful to land use planning;

~~[~~9.~~ 5.]~~ ***(f)*** Coordination of planning for state and local acquisition and use of federal lands within the State, except that in the case of a plan which utilizes both federal and private lands the governing body of the area where private lands are to be utilized has final authority to approve the proposal;

~~[~~10.~~ 6.]~~ ***(g)*** Provision of assistance to counties to develop programs to increase the responsibility of local governments for the management of lands in the State of Nevada that are under federal management; and

~~[~~11.~~ 7.]~~ ***(h)*** Consideration of, and consultation with, the relevant states on the interstate aspects of land use issues of more than local concern.

2. To the extent practicable, the Administrator shall:

(a) Compile any information developed pursuant to subsection 1; and

(b) Make the compilation available to cities and counties.

Sec. 5. NRS 322.061 is hereby amended to read as follows:

322.061 1. The Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources, as ex officio State Land Registrar, may lease state land pursuant to NRS 322.060 for less than the fair market value of the state land for the first year of the lease, including, without limitation, without the payment of rent for the first year of the lease, to a person who intends to locate or expand a business in this State if ~~[~~, ~~except as otherwise provided in subsection 5,]~~ the business meets the requirements of subsection 4.

2. Before state land may be leased pursuant to this section, the following persons must approve the lease and establish the recommended amount of rent to be received for the state land:

(a) The Administrator of the Division of State Lands, as ex officio State Land Registrar;

(b) The Administrator of the State Public Works Division of the Department of Administration; and

(c) The Executive Director of the Office of Economic Development.

3. Any lease entered into pursuant to this section must be for a term of at least 10 years.

4. ~~[~~Except as otherwise provided in subsection 5, the~~]~~ ***The*** lease or agreement may not include a discount to the business for the first year unless:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

(b) The business is registered pursuant to the laws of this State or the person who intends to locate or expand the business in this State commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

[(c) If the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business meets at least two of the following requirements:

(1) The business will have 75 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $1,000,000 in this State.

(3) The average hourly wage that will be paid by the new business to its new employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office.

(d) If the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000, the business meets at least two of the following requirements:

(1) The business will have 15 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $250,000 in this State.

(3) The average hourly wage that will be paid by the new business to its new employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office.

(e) If the business is an existing business, the business meets at least two of the following requirements:

(1) The business will increase the number of employees on its payroll by 10 percent more than it employed in the immediately preceding fiscal year or by six employees, whichever is greater.

(2) The business will expand by making a capital investment in this State in an amount equal to at least 20 percent of the value of the tangible

~~property possessed by the business in the immediately preceding fiscal year. The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:~~

~~(I) County assessor of the county in which the business will expand, if the business is locally assessed; or~~

~~(II) The Department of Taxation, if the business is centrally assessed.~~

~~(3) The average hourly wage that will be paid by the existing business to its new employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:~~

~~(I) The business will provide a health insurance plan for all new employees that includes an option for health insurance coverage for dependents of the employees; and~~

~~(II) The benefits the business provides to its new employees in this State will meet the minimum requirements for benefits established by the Office.~~

~~(f) In lieu of meeting the requirements of paragraph (c), (d) or (e), if the business furthers the development and refinement of intellectual property, a patent or a copyright into a commercial product, the business meets at least two of the following requirements:~~

~~(1) The business will have 10 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.~~

~~(2) Establishing the business will require the business to make a capital investment of at least $500,000 in this State.~~

~~(3) The average hourly wage that will be paid by the new business to its employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:~~

~~(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and~~

~~(II) The benefits the business provides to its employees in this State will meet with minimum requirements established by the Office.~~

~~5. The Executive Director of the Office of Economic Development may waive the requirements of subsection 4 for good cause shown if the lease is for state land of less than 25,000 square feet.~~**]**

Sec. 6. **NRS 244.2795 is hereby amended to read as follows:**

244.2795 1. Except as otherwise provided in NRS 244.189, 244.276, 244.279, 244.2815, 244.2825, 244.2833, 244.2835, 244.284, 244.287, 244.290, 278.479 to 278.4965, inclusive, and subsection 3 of NRS 496.080, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004,

except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for the sale or lease of real property to the State or another governmental entity and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election or special election, the board of county commissioners shall, when offering any real property for sale or lease:

(a) Except as otherwise provided in this paragraph, obtain two independent appraisals of the real property before selling or leasing it. If the board of county commissioners holds a public hearing on the matter of the fair market value of the real property, one independent appraisal of the real property is sufficient before selling or leasing it. The appraisal or appraisals, as applicable, must have been prepared not more than 6 months before the date on which the real property is offered for sale or lease.

(b) Select the one independent appraiser or two independent appraisers, as applicable, from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the board of county commissioners as to the qualifications of the appraiser is conclusive.

2. The board of county commissioners shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the board. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income that may constitute a conflict of interest and any relationship with the real property owner or the owner of an adjoining real property.

4. An appraiser shall not perform an appraisal on any real property for sale or lease by the board of county commissioners if ~~[the]~~ ***:***

(a) The appraiser ~~[or a person related to the appraiser within the first degree of consanguinity or affinity]~~ has an interest in the real property or an adjoining property ~~[.]~~ ***;***

(b) The real property is located in a county whose population is 45,000 or more and any person who is related to the appraiser has an interest in the real property or an adjoining property and the relationship between the appraiser and the person is within the third degree of consanguinity or affinity; or

(c) The real property is located in a county whose population is less than 45,000 and any person who is related to the appraiser has an interest in the

real property or an adjoining property and the relationship between the appraiser and the person is within the second degree of consanguinity or affinity.

5. If real property is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 7. **NRS 268.059 is hereby amended to read as follows:**

268.059 1. Except as otherwise provided in NRS 268.048 to 268.058, inclusive, 268.064, 278.479 to 278.4965, inclusive, and subsection 4 of NRS 496.080, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for the sale or lease of real property to the State or another governmental entity and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, primary or general city election or special election, the governing body shall, when offering any real property for sale or lease:

(a) Except as otherwise provided in this paragraph, obtain two independent appraisals of the real property before selling or leasing it. If the governing body holds a public hearing on the matter of the fair market value of the real property, one independent appraisal of the real property is sufficient before selling or leasing it. The appraisal or appraisals, as applicable, must be based on the zoning of the real property as set forth in the master plan for the city and must have been prepared not more than 6 months before the date on which real property is offered for sale or lease.

(b) Select the one independent appraiser or two independent appraisers, as applicable, from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the governing body as to the qualifications of the appraiser is conclusive.

2. The governing body shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the governing body. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income of the appraiser that may constitute a conflict of interest and any relationship of the appraiser with the property owner or the owner of an adjoining property.

4. An appraiser shall not perform an appraisal on any real property offered for sale or lease by the governing body if ~~[the]~~ ***:***

(a) The appraiser ~~[or a person related to the appraiser within the first degree of consanguinity or affinity]~~ has an interest in the real property or an adjoining property ~~[.]~~ ***;***

(b) The real property is located in a city in a county whose population is 45,000 or more and any person who is related to the appraiser has an interest in the real property or an adjoining property and the relationship between the appraiser and the person is within the third degree of consanguinity or affinity; or

(c) The real property is located in a city in a county whose population is less than 45,000 and any person who is related to the appraiser has an interest in the real property or an adjoining property and the relationship between the appraiser and the person is within the second degree of consanguinity or affinity.

5. If real property is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 8. **The amendatory provisions of NRS 244.2795, 268.059 and 321.007, as amended by sections 6, 7 and 1, respectively, of this act do not apply to an appraisal specified in those sections which is conducted before July 1, 2017.**

~~[Sec. 6.]~~ ***Sec. 9.*** NRS 321.540, 321.550, 321.560, 321.570, 321.580 and 321.590 are hereby repealed.

~~[Sec. 7.]~~ ***Sec. 10.*** This act becomes effective on July 1, 2017.

LEADLINES OF REPEALED SECTIONS

321.540 Short title.

321.550 "Department" defined.

321.560 Acquisition of lands by State Department of Conservation and Natural Resources authorized.

321.570 Powers of State Department of Conservation and Natural Resources concerning development of Lincoln County lands; sale of lands.

321.580 Lincoln County Pilot Land Development and Disposal Fund: Creation; use.

321.590 Lincoln County Pilot Land Development and Disposal Fund: Receipts to be credited; reimbursement of State General Fund.

Assemblywoman Swank moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 45.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 521.

AN ACT relating to public office; ~~[defining the term "voter registration drive"; establishing the deadline for a major political party to file a certificate of nomination for the offices of President and Vice President of the United States;]~~ requiring a nongovernmental entity that sends a notice relating to voter registration to include certain information in the notice; ~~[authorizing the Secretary of State to adopt by regulation qualifications to assist in a voter registration drive; amending the deadline for a minor political party to file a certificate of nomination for the offices of President and Vice President of the United States;]~~ updating citations in Nevada Revised Statutes to certain provisions of federal law; ~~[setting forth the duties of persons who participate in a voter registration drive;]~~ **revising the deadlines for registering to vote by mail or computer for a primary, primary city, general city or general election; providing that the county and city clerks are not required to distribute sample ballots for an election to certain persons; requiring a candidate to include the ending balance in his or her campaign account on reports of campaign contributions;** revising the campaign finance reporting requirements for certain candidates, persons, committees and parties relating to a special election to recall a public officer; ~~[authorizing the Secretary of State to adopt by regulation qualifications for a person to circulate a petition for initiative or referendum;]~~ **revising the categories of campaign expenses and expenditures on campaign finance reports;** setting forth the requirements to withdraw a petition for initiative or referendum; ~~[requiring a person who intends to circulate a petition for initiative or referendum to submit certain information to the Secretary of State;]~~ extending, under certain circumstances, the deadline for submitting for verification certain petitions for initiative; clarifying that a copy of a petition of candidacy of an independent candidate for the office of President of the United States must be filed with the Secretary of State before the petition is circulated for signatures; ~~[authorizing the Secretary of State to investigate and impose civil penalties for certain violations of law relating to financial disclosure statements; requiring a financial disclosure statement to be signed under an oath to God or penalty of perjury; providing penalties;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 2 of this bill defines a "voter registration drive" as an effort undertaken to: (1) distribute applications to register to vote; or (2) assist persons to complete or submit applications to register to vote or update or correct their voter registration information. Section 5 of this bill authorizes the Secretary of State to adopt by regulation qualifications for a person to assist in a voter registration drive.~~

~~Existing law prohibits a person who assists other persons in registering to vote from: (1) delegating duties to another person; (2) refusing to register a person to vote on account of that person's political party affiliation; (3) registering persons who are not qualified electors or who fail to provide proof of identification and residence; or (4) failing to deliver to county clerks by certain deadlines completed applications to register to vote. (NRS 293.505) Section 14 of this bill provides that such acts are also prohibited of persons who assist in voter registration drives.]~~

Section ~~[4]~~ 1 of this bill requires a nongovernmental entity that sends a notice to a person indicating the person is not or may not be registered to vote or requesting the person to register to vote to indicate on the notice that it is not official elections mail from the Secretary of State or a county or city clerk.

~~[Existing law requires a minor political party that wishes to place candidates for President and Vice President of the United States on the ballot to file with the Secretary of State a certificate of nomination for these offices not later than the last Tuesday in August. (NRS 293.1725) Section 7 of this bill moves that deadline to the first Tuesday in August preceding the general election. Section 3 of this bill applies the same deadline to major political parties, and section 33 of this bill makes a conforming change.]~~

Existing law relating to elections cites to various provisions of federal law, including the Voting Rights Act of 1965 (52 U.S.C. §§ 10101 to 10301 et seq.), the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. §§ 20301 et seq.), the Military and Overseas Voter Empowerment Act (52 U.S.C. §§ 20302 et seq.) and the Help America Vote Act (52 U.S.C. §§ 15482 et seq.). (NRS 293.208, 293.2699, 293.309, 293.4685, 293.502, 293.504, 293.505, 293C.305, 293D.050, 293D.110, 293D.200, 293D.230, 293D.300, 293D.320, 293D.410, 293D.530) **Sections 8-13 ~~[and 15-23]~~ , 15 and 16-23** of this bill update the citations to these federal laws.

Existing federal law requires that each state ensure that an eligible voter who submits an application to register to vote by mail be registered to vote in an election for federal office if the voter registration form is postmarked not later than 30 days before the date of the election. (52 U.S.C. § 20507) Under existing Nevada law, an application to register to vote by mail must be postmarked or received by the county clerk not later than the fifth Saturday preceding a primary election, primary city election, general election or general city election. (NRS 293.5235, 293.560, 293C.527) Sections 14.6 and 15.5 of this bill provide that the last

day to register to vote by mail is the fourth Tuesday preceding the primary election, primary city election, general election or general city election.

Existing law provides that the last day to register to vote by computer is the third Tuesday preceding any primary or general election. (NRS 293.560, 293C.527) Sections 14.6 and 15.5 provide, with limited exception, that the last day to register to vote by computer is the Thursday before the period for early voting begins.

Existing law requires county and city clerks to distribute sample ballots before the period for early voting begins. (NRS 293.565, 293C.530) Sections 14.8 and 15.7 of this bill provide a limited exception to this requirement so that the clerks are not required to distribute sample ballots for an election to persons who register to vote less than 20 days before the election. Section 8.5 of this bill makes a conforming change.

Existing law sets forth campaign finance reporting requirements for candidates and certain persons and committees that accept contributions and make expenditures related to a special election to recall a public officer. (NRS 294A.120, 294A.140, 294A.200, 294A.210) **Sections ~~[24-27]~~ 24 and 25-27** of this bill set forth the reporting requirements that apply where no such special election is held because the petition for recall is not submitted for verification or is submitted for verification but is legally insufficient.

~~[Section 29 of this bill authorizes the Secretary of State to adopt by regulation qualifications for a person to circulate a petition for initiative or referendum.]~~

Existing law sets forth campaign finance reporting requirements for candidates to report campaign contributions. (NRS 294A.120, 294A.125) Sections 24 and 24.5 of this bill require a candidate to include in his or her campaign finance reports the balance in the candidate's campaign account at the end of the reporting period.

Existing law sets forth the categories of campaign expenses and expenditures for use in reports of campaign expenses or expenditures. (NRS 294A.365) Section 27.2 of this bill adds a category for interest, credit card fees, debit card fees or penalty fees incurred in relation to campaign expenses or expenditures paid for by a credit card or debit card. Section 27.2 also requires that each report of campaign expenses or expenditures must itemize each transaction and identify the business or other entity from whom the purchase was made if the purchase was paid for with a credit card or debit card.

Existing law requires a copy of a petition for initiative or referendum to be placed on file with the Secretary of State before it may be circulated for signatures. (NRS 295.015) **Section 31** of this bill requires that the person who intends to circulate the petition must also submit to the Secretary of State a form that includes: (1) the person's name and signature; (2) the name of any committee for political action formed by the person to advocate the

passage of the initiative or referendum; and (3) the names of persons who are authorized to withdraw the petition or submit a revised petition. **Section 30** of this bill provides that a petition may be withdrawn if one of those authorized persons submits a notice of withdrawal to the Secretary of State.

Existing law provides that if a petition for initiative proposes a statute or an amendment to a statute, the petition must be submitted for verification not later than the second Tuesday in November of an even-numbered year. (NRS 295.056) **Section 32** of this bill provides that if the second Tuesday in November of an even-numbered year is the day of the general election, that deadline is instead the next working day after the election.

Existing law requires that if a person desires to be an independent candidate for President of the United States, the person must circulate a nominating petition and obtain a certain number of signatures. Existing law also requires that a copy of that petition be filed with the Secretary of State. (NRS 298.109) **Section 34** of this bill clarifies that the copy must be filed with the Secretary of State before the petition is circulated for signatures.

~~[Existing law requires certain candidates and public officers to submit financial disclosure statements to the Secretary of State. (NRS 281.556-281.581) Section 37 of this bill requires that a financial disclosure statement be signed by the candidate or public officer under an oath to God or penalty of perjury. Section 35 of this bill authorizes the Secretary of State to conduct investigations and impose civil penalties on candidates and public officers who do not comply with the statutory requirements applicable to financial disclosure statements.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto ~~[the provisions set forth as sections 2 to 5, inclusive, of this act.]~~ **a new section to read as follows:**

Any nongovernmental entity that sends a notice to a person:

1. Indicating that the person is not or may not be registered to vote in this State; or

2. Requesting that the person register to vote in this State,

➥ must indicate clearly on the notice that it is not official elections mail from the Secretary of State or a county or city clerk.

Sec. 2. ~~[*"Voter registration drive" means an effort undertaken by a person to:*~~

~~*1. Distribute applications to register to vote; or*~~

~~*2. Assist:*~~

~~*(a) Electors to complete or submit applications to register to vote; or*~~

~~*(b) Registered voters to update or correct their existing voter registration information.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~[*A major political party that wishes to place candidates for the offices of President and Vice President of the United States on the ballot*~~

~~*for the general election must file with the Secretary of State a certificate of nomination for these offices not later than the first Tuesday in August preceding the general election.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~*[Any nongovernmental entity that sends a notice to a person:*~~

~~*1. Indicating that the person is not or may not be registered to vote in this State; or*~~

~~*2. Requesting that the person register to vote in this State,*~~

~~*→ must indicate clearly on the notice that it is not official elections mail from the Secretary of State or a county or city clerk.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~*[The Secretary of State may adopt by regulation qualifications for a person to assist in a voter registration drive.]*~~ **(Deleted by amendment.)**

Sec. 6. ~~[NRS 293.010 is hereby amended to read as follows:~~

~~293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.013 to 293.121, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 7. ~~[NRS 293.1725 is hereby amended to read as follows:~~

~~293.1725 1. Except as otherwise provided in subsection 4, a minor political party that wishes to place its candidates for partisan office on the ballot for a general election and:~~

~~(a) Is entitled to do so pursuant to paragraph (a) or (b) of subsection 2 of NRS 293.1715; or~~

~~(b) Files or will file a petition pursuant to paragraph (c) of subsection 2 of NRS 293.1715,~~

~~→ must file with the Secretary of State a list of its candidates for partisan office not earlier than the first Monday in March preceding the election nor later than 5 p.m. on the second Friday after the first Monday in March. The list must be signed by the person so authorized in the certificate of existence of the minor political party before a notary public or other person authorized to take acknowledgments. The list may be amended not later than 5 p.m. on the second Friday after the first Monday in March.~~

~~2. The Secretary of State shall immediately forward a certified copy of the list of candidates for partisan office of each minor political party to the filing officer with whom each candidate must file his or her declaration of candidacy.~~

~~3. Each candidate on the list must file his or her declaration of candidacy with the appropriate filing officer and pay the fee required by NRS 293.193 not earlier than the date on which the list of candidates for partisan office of the minor political party is filed with the Secretary of State nor later than 5 p.m. on the second Friday after the first Monday in March.~~

~~4. A minor political party that wishes to place candidates for the offices of President and Vice President of the United States on the ballot and has qualified to place the names of its candidates for partisan office on the ballot~~

~~for the general election pursuant to subsection 2 of NRS 293.1715 must file with the Secretary of State a certificate of nomination for these offices not later than the [last] *first* Tuesday in August [.] *preceding the general election.]*~~ **(Deleted by amendment.)**

Sec. 8. NRS 293.208 is hereby amended to read as follows:

293.208 1. Except as otherwise provided in subsections 2, 3 and 5 and in NRS 293.206, no election precinct may be created, divided, abolished or consolidated, or the boundaries thereof changed, during the period between the third Wednesday in March of any year whose last digit is 6 and the time when the Legislature has been redistricted in a year whose last digit is 1, unless the creation, division, abolishment or consolidation of the precinct, or the change in boundaries thereof, is:

(a) Ordered by a court of competent jurisdiction;

(b) Required to meet objections to a precinct by the Attorney General of the United States pursuant to the Voting Rights Act of 1965, [~~42 U.S.C. §§ 1971 and 1973~~] ***52 U.S.C. §§ 10101 and 10301*** et seq., and any amendments thereto;

(c) Required to comply with subsection 2 of NRS 293.205;

(d) Required by the incorporation of a new city; or

(e) Required by the creation of or change in the boundaries of a special district.

➥ As used in this subsection, "special district" means any general improvement district or any other quasi-municipal corporation organized under the local improvement and service district laws of this State as enumerated in title 25 of NRS which is required by law to hold elections or any fire protection district which is required by law to hold elections.

2. If a city annexes an unincorporated area located in the same county as the city and adjacent to the corporate boundary, the annexed area may be included in an election precinct immediately adjacent to it.

3. A new election precinct may be established at any time if it lies entirely within the boundaries of any existing precinct.

4. If a change in the boundaries of an election precinct is made pursuant to this section during the time specified in subsection 1, the county clerk must:

(a) Within 15 days after the change to the boundary of a precinct is established by the county clerk or ordered by a court, send to the Director of the Legislative Counsel Bureau and the Secretary of State a copy or electronic file of a map showing the new boundaries of the precinct; and

(b) Maintain in his or her office an index providing the name of the precinct and describing all changes which were made, including any change in the name of the precinct and the name of any new precinct created within the boundaries of an existing precinct.

5. Cities of population categories two and three are exempt from the provisions of subsection 1.

6. As used in this section, "electronic file" includes, without limitation, an electronic data file of a geographic information system.

Sec. 8.5. **NRS 293.2546 is hereby amended to read as follows:**

293.2546 The Legislature hereby declares that each voter has the right:

1. To receive and cast a ballot that:

(a) Is written in a format that allows the clear identification of candidates; and

(b) Accurately records the voter's preference in the selection of candidates.

2. To have questions concerning voting procedures answered and to have an explanation of the procedures for voting posted in a conspicuous place at the polling place.

3. To vote without being intimidated, threatened or coerced.

4. To vote on election day if the voter is waiting in line at his or her polling place to vote before 7 p.m. and the voter has not already cast a vote in that election.

5. To return a spoiled ballot and is entitled to receive another ballot in its place.

6. To request assistance in voting, if necessary.

7. To a sample ballot which is accurate, informative and delivered in a timely manner ~~[.]~~ ***as provided by law.***

8. To receive instruction in the use of the equipment for voting during early voting or on election day.

9. To have nondiscriminatory equal access to the elections system, including, without limitation, a voter who is elderly, disabled, a member of a minority group, employed by the military or a citizen who is overseas.

10. To have a uniform, statewide standard for counting and recounting all votes accurately.

11. To have complaints about elections and election contests resolved fairly, accurately and efficiently.

Sec. 9. NRS 293.2699 is hereby amended to read as follows:

293.2699 1. Each voting system used by a county or city shall provide voting materials in English and other languages in compliance with the provisions of ~~[42 U.S.C. § 1973aa-1a.]~~ ***52 U.S.C. § 10503.***

2. As used in this section, the term "voting materials" has the meaning ascribed to it in ~~[42 U.S.C. § 1973aa-1a.]~~ ***52 U.S.C. § 10503.***

Sec. 10. NRS 293.309 is hereby amended to read as follows:

293.309 1. The county clerk of each county shall prepare an absent ballot for the use of registered voters who have requested absent ballots. The county clerk shall make reasonable accommodations for the use of the absent ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the absent ballot in 12-point type to a person who is elderly or disabled.

2. The ballot must be prepared and ready for distribution to a registered voter who:

(a) Resides within the State, not later than 20 days before the election in which it is to be used;

(b) Except as otherwise provided in paragraph (c), resides outside the State, not later than 40 days before a primary or general election, if possible; or

(c) Requested an absent ballot pursuant to the provisions of the Uniformed and Overseas Citizens Absentee Voting Act, ~~[42 U.S.C. §§ 1973ff]~~ ***52 U.S.C. §§ 20301*** et seq., not later than 45 days before the election.

3. Any legal action which would prevent the ballot from being issued pursuant to subsection 2 is moot and of no effect.

Sec. 11. NRS 293.4685 is hereby amended to read as follows:

293.4685 1. The Secretary of State shall:

(a) Provide information regarding voter registration and absentee voting by Armed Forces personnel and overseas voters;

(b) Within 90 days after the date of each general election and general city election in which electors voted for federal offices, submit to the Election Assistance Commission established pursuant to ~~[42 U.S.C. § 15321]~~ ***52 U.S.C. § 20921*** a report of the combined number of absentee ballots transmitted to absent Armed Forces personnel and overseas voters for the election and the combined number of such ballots that were returned by such voters and cast in the election;

(c) Make each report submitted pursuant to paragraph (b) available to the public; and

(d) Adopt any regulations which are necessary to comply with the provisions of the Help America Vote Act of 2002, Public Law 107-252, and which are not inconsistent with the provisions of this chapter to the extent the provisions of this chapter are consistent with the Help America Vote Act of 2002, Public Law 107-252.

2. Each county and city clerk shall provide such information as is requested by the Secretary of State to comply with the provisions of this section.

Sec. 12. NRS 293.502 is hereby amended to read as follows:

293.502 1. An elector:

(a) Who complies with the requirements for registration set forth in the Uniformed and Overseas Citizens Absentee Voting Act, ~~[42 U.S.C. §§ 1973ff]~~ ***52 U.S.C. §§ 20301*** et seq.;

(b) Who, not more than 60 days before an election:

(1) Is discharged from the Armed Forces of the United States or is the spouse or dependent of an elector who is discharged from the Armed Forces; or

(2) Is separated from employment outside the territorial limits of the United States or is the spouse or dependent of an elector who is separated from employment outside the territorial limits of the United States;

(c) Who presents evidence of the discharge from the Armed Forces or separation from employment described in paragraph (b) to the county clerk; and

(d) Is not registered to vote at the close of registration for that election,

➥ must be allowed to register to vote in the election.

2. Such an elector must:

(a) Register in person; and

(b) Vote in the office of the county clerk unless the elector is otherwise entitled to vote an absent ballot pursuant to federal law.

3. The Secretary of State shall adopt regulations to carry out a program of registration for such electors.

Sec. 13. NRS 293.504 is hereby amended to read as follows:

293.504 1. The following offices shall serve as voter registration agencies:

(a) Such offices that provide public assistance as are designated by the Secretary of State;

(b) Each office that receives money from the State of Nevada to provide services to persons with disabilities in this State;

(c) The offices of the Department of Motor Vehicles;

(d) The offices of the city and county clerks;

(e) Such other county and municipal facilities as a county clerk or city clerk may designate pursuant to NRS 293.5035 or 293C.520, as applicable;

(f) Recruitment offices of the United States Armed Forces; and

(g) Such other offices as the Secretary of State deems appropriate.

2. Each voter registration agency shall:

(a) Post in a conspicuous place, in at least 12-point type, instructions for registering to vote;

(b) Except as otherwise provided in subsection 3, distribute applications to register to vote which may be returned by mail with any application for services or assistance from the agency or submitted for any other purpose and with each application for recertification, renewal or change of address submitted to the agency that relates to such services, assistance or other purpose;

(c) Provide the same amount of assistance to an applicant in completing an application to register to vote as the agency provides to a person completing any other forms for the agency; and

(d) Accept completed applications to register to vote.

3. A voter registration agency is not required to provide an application to register to vote pursuant to paragraph (b) of subsection 2 to a person who applies for or receives services or assistance from the agency or submits an application for any other purpose if the person declines to register to vote and submits to the agency a written form that meets the requirements of ~~[42 U.S.C. § 1973gg-5(a)(6).]~~ ***52 U.S.C. § 20506(a)(6).*** No information related to the declination to register to vote may be used for any purpose other than voter registration.

4. Except as otherwise provided in this subsection and NRS 293.524, any application to register to vote accepted by a voter registration agency must be transmitted to the county clerk not later than 10 days after the application is accepted. The applications must be forwarded daily during the 2 weeks immediately preceding the ~~[fifth Sunday preceding an election.]~~ ***last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable.*** The county clerk shall accept any application to register to vote which is obtained from a voter registration agency pursuant to this section and completed by the ~~[fifth Sunday preceding an election]~~ ***last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable,*** if the county clerk receives the application not later than 5 days after that date.

5. The Secretary of State shall cooperate with the Secretary of Defense to develop and carry out procedures to enable persons in this State to apply to register to vote at recruitment offices of the United States Armed Forces.

Sec. 14. NRS 293.505 is hereby amended to read as follows:

293.505 1. All justices of the peace, except those located in county seats, are ex officio field registrars to carry out the provisions of this chapter.

2. The county clerk shall appoint at least one registered voter to serve as a field registrar of voters who, except as otherwise provided in NRS 293.5055, shall register voters within the county for which the field registrar is appointed. Except as otherwise provided in subsection 1, a candidate for any office may not be appointed or serve as a field registrar. A field registrar serves at the pleasure of the county clerk and shall perform such duties as the county clerk may direct. The county clerk shall not knowingly appoint any person as a field registrar who has been convicted of a felony involving theft or fraud. The Secretary of State may bring an action against a county clerk to collect a civil penalty of not more than $5,000 for each person who is appointed as a field registrar in violation of this subsection. Any civil penalty collected pursuant to this subsection must be deposited with the State Treasurer for credit to the State General Fund.

3. A field registrar shall demand of any person who applies for registration all information required by the application to register to vote and shall administer all oaths required by this chapter.

4. When a field registrar has in his or her possession five or more completed applications to register to vote, the field registrar shall forward them to the county clerk, but in no case may the field registrar hold any number of them for more than 10 days.

5. Each field registrar shall forward to the county clerk all completed applications in his or her possession immediately after the ~~[fifth Sunday preceding an election.]~~ ***last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable.*** Within 5 days after the ~~[fifth Sunday preceding any general election or general city election,]~~ ***last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable,*** a field registrar shall return all unused applications in his or her possession to the

county clerk. If all of the unused applications are not returned to the county clerk, the field registrar shall account for the unreturned applications.

6. Each field registrar shall submit to the county clerk a list of the serial numbers of the completed applications to register to vote and the names of the electors on those applications. The serial numbers must be listed in numerical order.

7. Each field registrar shall post notices sent to him or her by the county clerk for posting in accordance with the election laws of this State.

8. A field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 ~~***[or as part of a voter registration drive]***~~ shall not:

(a) Delegate any of his or her duties to another person; or

(b) Refuse to register a person on account of that person's political party affiliation.

9. A person shall not hold himself or herself out to be or attempt to exercise the duties of a field registrar unless the person has been so appointed.

10. A county clerk, field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 shall not:

(a) Solicit a vote for or against a particular question or candidate;

(b) Speak to a voter on the subject of marking his or her ballot for or against a particular question or candidate; or

(c) Distribute any petition or other material concerning a candidate or question which will be on the ballot for the ensuing election,

➥ while registering an elector.

11. When the county clerk receives applications to register to vote from a field registrar, the county clerk shall issue a receipt to the field registrar. The receipt must include:

(a) The number of persons registered; and

(b) The political party of the persons registered.

12. A county clerk, field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 ~~***[or as part of a voter registration drive]***~~ shall not:

(a) Knowingly register a person who is not a qualified elector or a person who has filed a false or misleading application to register to vote; or

(b) Register a person who fails to provide satisfactory proof of identification and the address at which the person actually resides.

13. A county clerk, field registrar, employee of a voter registration agency, person assisting a voter pursuant to subsection 13 of NRS 293.5235 ~~***[or as part of a voter registration drive]***~~ or any other person providing a form for the application to register to vote to an elector for the purpose of registering to vote:

(a) If the person who assists an elector with completing the form for the application to register to vote retains the form, shall enter his or her name on

the duplicate copy or receipt retained by the voter upon completion of the form; and

(b) Shall not alter, deface or destroy an application to register to vote that has been signed by an elector except to correct information contained in the application after receiving notice from the elector that a change in or addition to the information is required.

14. ~~*[A person who, as part of a voter registration drive, accepts a completed application to register to vote from an elector during the 2 weeks immediately preceding the fifth Sunday preceding an election shall:*~~

~~*(a) Deliver the completed application in person to the county clerk not later than the fifth Sunday preceding the election; or*~~

~~*(b) Mail the completed application to the county clerk not later than the fifth Sunday preceding the election as indicated by the date of the postmark dated by the post office on the envelope in which it is was mailed.*~~

~~*15.]*~~ If a field registrar violates any of the provisions of this section, the county clerk shall immediately suspend the field registrar and notify the district attorney of the county in which the violation occurred.

15. ~~*[16.]*~~ A person who violates any of the provisions of subsection 8, 9, 10, 12 ~~*[,]*~~ or 13 ~~*[or 14]*~~ is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 14.2. **NRS 293.5237 is hereby amended to read as follows:**

293.5237 Any time before the ~~[fifth Sunday preceding an election,]~~ ***last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable,*** a person who because of illness, disability or for other good cause shown requires assistance to complete an application to register to vote may request the county clerk in writing or by telephone to register the person at the person's residence. Upon request, the county clerk shall direct the appropriate field registrar to go to the home of such a person to register the person to vote.

Sec. 14.4. **NRS 293.524 is hereby amended to read as follows:**

293.524 1. The Department of Motor Vehicles shall provide an application to register to vote to each person who applies for the issuance or renewal of any type of driver's license or identification card issued by the Department.

2. The county clerk shall use the applications to register to vote which are signed and completed pursuant to subsection 1 to register applicants to vote or to correct information in the registrar of voters' register. An application that is not signed must not be used to register or correct the registration of the applicant.

3. For the purposes of this section, each employee specifically authorized to do so by the Director of the Department may oversee the completion of an application. The authorized employee shall check the application for completeness and verify the information required by the application. Each application must include a duplicate copy or receipt to be retained by the applicant upon completion of the form. The Department shall, except as

otherwise provided in this subsection, forward each application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. The applications must be forwarded daily during the 2 weeks immediately preceding the ~~[fifth Sunday preceding an election.]~~ ***last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable.***

4. The county clerk shall accept any application to register to vote which is obtained from the Department of Motor Vehicles pursuant to this section and completed by the ~~[fifth Sunday preceding an election]~~ ***last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable,*** if the county clerk receives the application not later than 5 days after that date. Upon receipt of an application, the county clerk or field registrar of voters shall determine whether the application is complete. If the county clerk or field registrar of voters determines that the application is complete, he or she shall notify the applicant and the applicant shall be deemed to be registered as of the date of the submission of the application. If the county clerk or field registrar of voters determines that the application is not complete, he or she shall notify the applicant of the additional information required. The applicant shall be deemed to be registered as of the date of the initial submission of the application if the additional information is provided within 15 days after the notice for the additional information is mailed. If the applicant has not provided the additional information within 15 days after the notice for the additional information is mailed, the incomplete application is void. Any notification required by this subsection must be given by mail at the mailing address on the application not more than 7 working days after the determination is made concerning whether the application is complete.

5. The county clerk shall use any form submitted to the Department to correct information on a driver's license or identification card to correct information in the registrar of voters' register, unless the person indicates on the form that the correction is not to be used for the purposes of voter registration. The Department shall forward each such form to the county clerk or, if applicable, to the registrar of voters of the county in which the person resides in the same manner provided by subsection 3 for applications to register to vote.

6. Upon receipt of a form to correct information, the county clerk shall compare the information to that contained in the registrar of voters' register. If the person is a registered voter, the county clerk shall correct the information to reflect any changes indicated on the form. After making any changes, the county clerk shall notify the person by mail that the records have been corrected.

7. The Secretary of State shall, with the approval of the Director, adopt regulations to:

(a) Establish any procedure necessary to provide an elector who applies to register to vote pursuant to this section the opportunity to do so;

(b) Prescribe the contents of any forms or applications which the Department is required to distribute pursuant to this section; and

(c) Provide for the transfer of the completed applications of registration from the Department to the appropriate county clerk for inclusion in the rosters and registrar of voters' register.

Sec. 14.6. **NRS 293.560 is hereby amended to read as follows:**

293.560 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300 ~~[~~, registration must close on~~]~~ **:**

(a) For a primary or general election, or a recall or special election that is held on the same day as a primary or general election, the last day to register to vote:

(1) By mail is the fourth Tuesday preceding the primary or general election.

(2) By appearing in person at the office of the county clerk or, if open, a county facility designated pursuant to NRS 293.5035, is the third Tuesday preceding ~~[~~any~~]~~ ***the*** primary or general election **.** ~~[~~and on~~]~~

(3) By computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters, is the Thursday preceding the first day of the period for early voting.

(b) If a recall or special election is not held on the same day as a primary or general election, the last day to register to vote for the recall or special election by any means is the third Saturday preceding ~~[~~any~~]~~ ***the*** recall or special election **.** ~~[, except that if a recall or special election is held on the same day as a primary or general election, registration must close on the third Tuesday preceding the day of the election.]~~

2. For a primary or special election, the office of the county clerk must be open until 7 p.m. during the last 2 days on which ~~[~~registration is open.~~]~~ ***a person may register to vote in person.*** In a county whose population is less than 100,000, the office of the county clerk may close at 5 p.m. during the last 2 days ~~[~~before registration closes~~]~~ ***a person may register to vote in person*** if approved by the board of county commissioners.

3. For a general election:

(a) In a county whose population is less than 100,000, the office of the county clerk must be open until 7 p.m. during the last 2 days on which ~~[~~registration is open.~~]~~ ***a person may register to vote in person.*** The office of the county clerk may close at 5 p.m. if approved by the board of county commissioners.

(b) In a county whose population is 100,000 or more, the office of the county clerk must be open during the last 4 days on which ~~[~~registration is open,~~]~~ ***a person may register to vote in person,*** according to the following schedule:

(1) On weekdays until 9 p.m.; and

(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays.

4. Except for a special election held pursuant to chapter 306 or 350 of NRS:

(a) The county clerk of each county shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the county indicating:

(1) The day and time that registration will be closed; and

(2) If the county clerk has designated a county facility pursuant to NRS 293.5035, the location of that facility.

➥ If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest county in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

5. The offices of the county clerk, a county facility designated pursuant to NRS 293.5035 and other ex officio registrars may remain open on the last Friday in October in each even-numbered year.

6. ~~[For the period beginning on the fifth Sunday preceding any primary or general election and ending on the third Tuesday preceding any primary or general election, an elector may register to vote only:~~

~~(a) By appearing in person at the office of the county clerk or, if open, a county facility designated pursuant to NRS 293.5035; or~~

~~(b) By computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.~~

~~7.]~~ A county facility designated pursuant to NRS 293.5035 may be open during the periods described in this section for such hours of operation as the county clerk may determine, as set forth in subsection 3 of NRS 293.5035.

Sec. 14.8. **NRS 293.565 is hereby amended to read as follows:**

293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the

incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. A county clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a county clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the county clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

5. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 4, the county clerk shall distribute the sample ballot to the registered voter by mail.

6. ~~[Before]~~ ***Except as otherwise provided in subsection 7, before*** the period for early voting for any election begins, the county clerk shall distribute to each registered voter in the county by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place. If the location of the polling place has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

7. ***If a person registers to vote less than 20 days before the date of an election, the county clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.***

8. Except as otherwise provided in subsection ~~[8.]~~ ***9,*** a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

~~[8.]~~ ***9.*** A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

~~[9.]~~ ***10.*** The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

~~[10.]~~ ***11.*** If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots distributed to that person from the county are in large type.

~~[11.]~~ ***12.*** The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place.

~~[12.]~~ ***13.*** The cost of distributing sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

Sec. 15. NRS 293C.305 is hereby amended to read as follows:

293C.305 1. The city clerk shall prepare an absent ballot for the use of registered voters who have requested absent ballots. The city clerk shall make reasonable accommodations for the use of the absent ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the absent ballot in 12-point type to a person who is elderly or disabled.

2. The ballot must be prepared and ready for distribution to a registered voter who:

(a) Except as otherwise provided in paragraph (b), resides within or outside this State, not later than 20 days before the election in which it will be used.

(b) Requested an absent ballot pursuant to the provisions of the Uniformed and Overseas Citizens Absentee Voting Act, ~~[42 U.S.C. §§ 1973ff]~~ ***52 U.S.C. §§ 20301*** et seq., not later than 45 days before the election.

3. Any legal action that would prevent the ballot from being issued pursuant to subsection 2 is moot and of no effect.

Sec. 15.5. **NRS 293C.527 is hereby amended to read as follows:**

293C.527 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300 ~~[, registration must close on]~~ **:**

(a) For a primary city election or general city election, or a recall or special election that is held on the same day as a primary city election or general city election, the last day to register to vote:

(1) By mail is the fourth Tuesday preceding the primary city election or general city election.

(2) By appearing in person at the office of the city clerk or, if open, a municipal facility designated pursuant to NRS 293C.520, is the third Tuesday preceding ~~[any]~~ ***the*** primary city election or general city election **.** ~~[and on]~~

(3) By computer, if the county clerk of the county in which the city is located has established a system pursuant to NRS 293.506 for using a computer to register voters and:

(I) The governing body of the city has provided for early voting by personal appearance pursuant to paragraph (b) of subsection 2 of NRS 293C.110, is the Thursday preceding the first day of the period for early voting.

(II) The governing body of the city has not provided for early voting by personal appearance pursuant to paragraph (b) of subsection 2 of NRS 293C.110, is the third Tuesday preceding any primary city election or general city election.

(b) If a recall or special election is not held on the same day as a primary city election or general city election, the last day to register to vote for the recall or special election by any means is the third Saturday preceding ~~[any]~~ ***the*** recall or special election **.** ~~[, except that if a recall or special election is held on the same day as a primary city election or general city election, registration must close on the third Tuesday preceding the day of the elections.]~~

2. For a primary city election or special city election, the office of the city clerk must be open until 7 p.m. during the last 2 days on which ~~[registration is open.]~~ ***a person may register to vote in person.*** In a city whose population is less than 25,000, the office of the city clerk may close at 5 p.m. if approved by the governing body of the city.

3. For a general election:

(a) In a city whose population is less than 25,000, the office of the city clerk must be open until 7 p.m. during the last 2 days on which ~~[registration is open.]~~ ***a person may register to vote in person.*** The office of the city clerk may close at 5 p.m. if approved by the governing body of the city.

(b) In a city whose population is 25,000 or more, the office of the city clerk must be open during the last 4 days on which ~~[registration is open,]~~ ***a person may register to vote in person,*** according to the following schedule:

(1) On weekdays until 9 p.m.; and

(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays.

4. Except for a special election held pursuant to chapter 306 or 350 of NRS:

(a) The city clerk of each city shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the city indicating:

(1) The day and time that registration will be closed; and

(2) If the city clerk has designated a municipal facility pursuant to NRS 293C.520, the location of that facility.

➥ If no newspaper is of general circulation in that city, the publication may be made in a newspaper of general circulation in the nearest city in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

5. ~~[For the period beginning on the fifth Sunday preceding any primary city election or general city election and ending on the third Tuesday preceding any primary city election or general city election, an elector may register to vote only:~~

~~(a) By appearing in person at the office of the city clerk or, if open, a municipal facility designated pursuant to NRS 293C.520; or~~

~~(b) By computer, if the county clerk of the county in which the city is located has established a system pursuant to NRS 293.506 for using a computer to register voters.~~

~~6.]~~ A municipal facility designated pursuant to NRS 293C.520 may be open during the periods described in this section for such hours of operation as the city clerk may determine, as set forth in subsection 3 of NRS 293C.520.

Sec. 15.7. **NRS 293C.530 is hereby amended to read as follows:**

293C.530 1. A city clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a city clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the city clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

2. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 1, the city clerk shall distribute the sample ballot to the registered voter by mail.

3. ~~[Before]~~ ***Except as otherwise provided in subsection 4, before*** the period for early voting for any election begins, the city clerk shall distribute

to each registered voter in the city by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place. If the location of the polling place has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE HAS CHANGED SINCE THE LAST ELECTION

4. ***If a person registers to vote less than 20 days before the date of an election, the city clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.***

5. Except as otherwise provided in subsection ~~[6.]~~ ***7.*** a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type;

(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 295.205 or 295.217; and

(c) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN LARGE TYPE, CALL (Insert appropriate telephone number)

~~[5.]~~ ***6.*** The word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.

~~[6.]~~ ***7.*** A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

~~[7.]~~ ***8.*** The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

~~[8.]~~ ***9.*** If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots distributed to that person from the city are in large type.

~~[9.]~~ ***10.*** The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place and provide reasonable assistance to the voter in casting

his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place.

~~[10.]~~ ***11.*** The cost of distributing sample ballots for a city election must be borne by the city holding the election.

Sec. 16. NRS 293D.050 is hereby amended to read as follows:

293D.050 "Military-overseas ballot" means:

1. A federal write-in absentee ballot described in section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, ~~[42 U.S.C. § 1973ff-2;]~~ ***52 U.S.C. § 20303;***

2. A ballot specifically prepared or distributed for use by a covered voter in accordance with this chapter; or

3. Any other ballot cast by a covered voter in accordance with this chapter.

Sec. 17. NRS 293D.110 is hereby amended to read as follows:

293D.110 In applying and construing this chapter, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that have enacted the Uniformed and Overseas Citizens Absentee Voting Act, ~~[42 U.S.C. § 1973ff]~~ ***52 U.S.C. §§ 20301*** et seq.

Sec. 18. NRS 293D.200 is hereby amended to read as follows:

293D.200 1. The Secretary of State shall make available to covered voters information regarding voter registration procedures for covered voters and procedures for casting military-overseas ballots.

2. The Secretary of State shall establish a system of approved electronic transmission through which covered voters may apply for, receive and send documents and other information pursuant to this chapter. The system of approved electronic transmission must include, without limitation, a method by which a covered voter may provide his or her digital signature or electronic signature on any document or other material that is necessary for the covered voter to register to vote, apply for a military-overseas ballot or cast a military-overseas ballot pursuant to this chapter.

3. The Secretary of State shall develop standardized absentee-voting materials, including, without limitation, privacy and transmission envelopes and their electronic equivalents, authentication materials and voting instructions, to be used with the military-overseas ballot of a covered voter

authorized to vote in any jurisdiction in this State and, to the extent reasonably possible, shall do so in coordination with other states.

4. The Secretary of State shall prescribe the form and content of a declaration for use by a covered voter to swear or affirm specific representations pertaining to the covered voter's identity, eligibility to vote, status as a covered voter and timely and proper completion of a military-overseas ballot. The declaration must be based on the declaration prescribed to accompany a federal write-in absentee ballot under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, ~~[42 U.S.C. § 1973ff-2,]~~ ***52 U.S.C. § 20303,*** as modified to be consistent with this chapter. The Secretary of State shall ensure that a form for the execution of the declaration, including an indication of the date of execution of the declaration, is a prominent part of all balloting materials for which the declaration is required.

5. The Secretary of State shall prescribe by regulation the duties of a local elections official upon receipt of a military-overseas ballot, including, without limitation, the procedures to be used by a local elections official in accepting, handling and counting a military-overseas ballot.

Sec. 19. NRS 293D.230 is hereby amended to read as follows:

293D.230 1. In addition to any other method of registering to vote set forth in chapter 293 of NRS, a covered voter may use a federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, ~~[42 U.S.C. § 1973ff(b)(2),]~~ ***52 U.S.C. § 20301(b)(2),*** or the application's electronic equivalent, to apply to register to vote.

2. A covered voter may use the declaration accompanying the federal write-in absentee ballot, as prescribed under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, ~~[42 U.S.C. § 1973ff-2,]~~ ***52 U.S.C. § 20303,*** to apply to register to vote simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the seventh day before the election. If the declaration is received after the seventh day before the election, it must be treated as an application to register to vote for subsequent elections.

3. The Secretary of State shall ensure that the system of approved electronic transmission described in subsection 2 of NRS 293D.200 is capable of accepting:

(a) Both a federal postcard application and any other approved electronic registration application sent to the appropriate local elections official; and

(b) A digital signature or an electronic signature of a covered voter on the documents described in paragraph (a).

4. The covered voter may use the system of approved electronic transmission or any other method set forth in chapter 293 of NRS to register to vote.

Sec. 20. NRS 293D.300 is hereby amended to read as follows:

293D.300 1. A covered voter who is registered to vote in this State may apply for a military-overseas ballot by submitting a federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, ~~[42 U.S.C. § 1973ff(b)(2),]~~ ***52 U.S.C. § 20301(b)(2),*** or the application's electronic equivalent, pursuant to this section.

2. A covered voter who is not registered to vote in this State may use the federal postcard application or the application's electronic equivalent simultaneously to apply to register to vote pursuant to NRS 293D.230 and to apply for a military-overseas ballot.

3. The Secretary of State shall ensure that the system of approved electronic transmission described in subsection 2 of NRS 293D.200 is capable of accepting the submission of:

(a) Both a federal postcard application and any other approved electronic military-overseas ballot application sent to the appropriate local elections official; and

(b) A digital signature or an electronic signature of a covered voter on the documents described in paragraph (a).

4. A covered voter may use approved electronic transmission or any other method approved by the Secretary of State to apply for a military-overseas ballot.

5. A covered voter may use the declaration accompanying the federal write-in absentee ballot, as prescribed under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, ~~[42 U.S.C. § 1973ff-2,]~~ ***52 U.S.C. § 20303,*** as an application for a military-overseas ballot simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the appropriate local elections official by the seventh day before the election.

6. To receive the benefits of this chapter, a covered voter must inform the appropriate local elections official that he or she is a covered voter. Methods of informing the appropriate local elections official that a person is a covered voter include, without limitation:

(a) The use of a federal postcard application or federal write-in absentee ballot;

(b) The use of an overseas address on an approved voting registration application or ballot application; and

(c) The inclusion on an application to register to vote or an application for a military-overseas ballot of other information sufficient to identify that the person is a covered voter.

7. This chapter does not prohibit a covered voter from applying for an absent ballot pursuant to the provisions of NRS 293.315 or voting in person.

Sec. 21. NRS 293D.320 is hereby amended to read as follows:

293D.320 1. For all covered elections for which this State has not received a waiver pursuant to section 579 of the Military and Overseas Voter

Empowerment Act, ~~[42 U.S.C. § 1973ff-1(g)(2),]~~ ***52 U.S.C. § 20302(g)(2),*** not later than 45 days before the election or, if the 45th day before the election is a weekend or holiday, not later than the business day preceding the 45th day, the local elections official in each jurisdiction charged with distributing military-overseas ballots and balloting materials shall transmit military-overseas ballots and balloting materials to all covered voters who by that date submit a valid application for military-overseas ballots.

2. A covered voter who requests that a military-overseas ballot and balloting materials be sent to the covered voter by approved electronic transmission may choose to receive the military-overseas ballot and balloting materials by:

(a) Facsimile transmission;

(b) Electronic mail delivery; or

(c) The system of approved electronic transmission that is established by the Secretary of State pursuant to subsection 2 of NRS 293D.200.

➥ The local elections official in each jurisdiction shall transmit the military-overseas ballot and balloting materials to the covered voter using the means of approved electronic transmission chosen by the covered voter.

3. If an application for a military-overseas ballot from a covered voter arrives after the jurisdiction begins transmitting ballots and balloting materials to other voters, the local elections official shall transmit the military-overseas ballot and balloting materials to the covered voter not later than 2 business days after the application arrives.

Sec. 22. NRS 293D.410 is hereby amended to read as follows:

293D.410 1. Except as otherwise provided in subsection 2, a covered voter may use the federal write-in absentee ballot, in accordance with section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, ~~[42 U.S.C. § 1973ff-2,]~~ ***52 U.S.C. § 20303,*** to vote for all offices and ballot measures in an election.

2. If the covered voter indicates on the federal write-in absentee ballot that he or she is residing overseas indefinitely, the covered voter may only use the federal write-in absentee ballot to vote for federal offices.

Sec. 23. NRS 293D.530 is hereby amended to read as follows:

293D.530 If a covered voter's mistake or omission in the completion of a document under this chapter does not prevent determining whether a covered voter is eligible to vote, the mistake or omission does not invalidate the document. Failure to satisfy a nonessential requirement, including, without limitation, using paper or envelopes of a specified size or weight, does not invalidate any document submitted under this chapter. In any write-in ballot authorized by this chapter, if the intention of the covered voter is discernable under this State's uniform definition of what constitutes a vote, as required by the Help America Vote Act of 2002, ~~[42 U.S.C. § 15481(a)(6),]~~ ***52 U.S.C. § 21081(a)(6),*** an abbreviation, misspelling or other minor variation in the form of the name of a candidate or a political party must be accepted as a valid vote.

Sec. 24. NRS 294A.120 is hereby amended to read as follows:

294A.120 1. Every candidate for office at a primary election or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report:

(a) Each contribution in excess of $100 received during the period;

(b) Contributions received during the period from a contributor which cumulatively exceed $100; ~~[and]~~

(c) The total of all contributions received during the period which are $100 or less and which are not otherwise required to be reported pursuant to paragraph (b)~~[.]~~ ***; and***

(d) The balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period.

➥ The provisions of this subsection apply to the candidate beginning the year of the general election for that office through the year immediately preceding the next general election for that office.

2. Every candidate for office at a primary election or general election shall, not later than:

(a) Twenty-one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;

(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;

(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,

➥ report each contribution described in ***paragraphs (a), (b) and (c) of*** subsection 1 received during the period ~~[.]~~ ***and the balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period.***

3. Except as otherwise provided in subsections 4 ***,*** ~~[and]~~ 5 ***and 6,*** and NRS 294A.223, every candidate for office at a special election shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➥ report each contribution described in ***paragraphs (a), (b) and (c) of*** subsection 1 received during the period ~~[.]~~ ***and the balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period.***

4. Except as otherwise provided in ~~[~~subsection~~]~~ ***subsections*** 5 ***and 6*** and NRS 294A.223, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through the 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➥ report each contribution described in ***paragraphs (a), (b) and (c) of*** subsection 1 received during the period ~~[.]~~ ***and the balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period.***

5. ***Except as otherwise provided in subsection 6, if a petition for recall is not submitted to the filing officer before the expiration of the notice of intent pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of that chapter, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the expiration of the notice of intent, for the period from the filing of the notice of intent through the date that the notice of intent expires or the petition is determined to be legally insufficient, report each contribution described in paragraphs (a), (b) and (c) of subsection 1*** ~~[.]~~ ***and the balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period. The provisions of this subsection apply to the candidate for office at a special election if the petition for recall:***

(a) Is not submitted to the filing officer as required by chapter 306 of NRS;

(b) Is submitted to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or

(c) Is otherwise legally insufficient or efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS are suspended or discontinued.

6. If a district court determines that a petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each contribution described in ***paragraphs (a), (b) and (c) of*** subsection 1 received during the period ~~[.]~~ ***and the balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period.***

~~[6.]~~ ***7.*** Except as otherwise provided in NRS 294A.3733, reports of contributions must be filed electronically with the Secretary of State.

~~[7.]~~ ***8.*** A report shall be deemed to be filed on the date that it was received by the Secretary of State.

~~[8.]~~ ***9.*** The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

Sec. 24.5. **NRS 294A.125 is hereby amended to read as follows:**

294A.125 1. In addition to complying with the requirements set forth in NRS 294A.120 and 294A.200, a candidate who receives contributions in any year before the year in which the general election in which the candidate intends to seek election to public office is held shall, for:

(a) The year in which the candidate receives contributions in excess of $10,000, list:

(1) Each of the contributions received and the expenditures in excess of $100 made in that year; ~~[and]~~

(2) The total of all contributions received and expenditures which are $100 or less ~~[.]~~ ***; and***

(3) The balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the reporting period.

(b) Each year after the year in which the candidate received contributions in excess of $10,000, until the year of the general election in which the candidate intends to seek election to public office is held, list:

(1) Each of the contributions received and the expenditures in excess of $100 made in that year; ~~[and]~~

(2) The total of all contributions received and expenditures which are $100 or less ~~[.]~~ ***; and***

(3) The balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the reporting period.

2. The name and address of the contributor and the date on which the contribution was received must be included on the list for each contribution in excess of $100 and contributions that a contributor has made cumulatively in excess of that amount.

3. Except as otherwise provided in NRS 294A.3733, the report must be filed electronically with the Secretary of State.

4. A report shall be deemed to be filed on the date it was received by the Secretary of State.

Sec. 25. NRS 294A.140 is hereby amended to read as follows:

294A.140 1. The provisions of this section apply to:

(a) Every person who makes an independent expenditure in excess of $1,000; and

(b) Every committee for political action, political party and committee sponsored by a political party which receives contributions in excess of $1,000 or makes an expenditure for or against a candidate for office or a group of such candidates.

2. Every person, committee and political party described in subsection 1 shall, not later than January 15 of each year that the provisions of this subsection apply, for the period from January 1 of the previous year through December 31 of the previous year, report each contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000. The provisions of this subsection apply to the person, committee or political party beginning the year of the general election for that office through the year immediately preceding the next general election for that office.

3. Every person, committee and political party described in subsection 1 shall, not later than:

(a) Twenty-one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;

(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;

(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,

➥ report each contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000.

4. Except as otherwise provided in subsections 5 ***,*** ~~[and]~~ 6 ***and 7*** and NRS 294A.223, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election or for or against a group of such candidates shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the nomination of the candidate

through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➥ report each contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000.

5. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 6 ***and 7*** and NRS 294A.223, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of candidates for offices at such special elections shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate a petition to recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➥ report each contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000.

6. ***Except as otherwise provided in subsection 7, if a petition for recall is not submitted to the filing officer before the expiration of the notice of intent pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of that chapter, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than 30 days after the expiration of the notice of intent, for the period from the filing of the notice of intent through the date that the notice of intent expires or the petition is determined to be legally insufficient, report each contribution in excess of $1,000 received and contributions received which cumulatively exceed $1,000. The provisions of this subsection apply to the person, committee and political party if the petition for recall:***

(a) Is not submitted to the filing officer as required by chapter 306 of NRS;

(b) Is submitted to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or

(c) Is otherwise legally insufficient or efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS are suspended or discontinued.

7. If a district court determines that a petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of candidates for offices at such a special election shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each contribution in excess of $1,000 received during the period and contributions received during the period which cumulatively exceed $1,000.

~~[7.]~~ ***8.*** Except as otherwise provided in NRS 294A.3737, the reports of contributions required pursuant to this section must be filed electronically with the Secretary of State.

~~[8.]~~ ***9.*** A report shall be deemed to be filed on the date that it was received by the Secretary of State.

~~[9.]~~ ***10.*** Every person, committee and political party described in this section shall file a report required by this section even if the person, committee or political party receives no contributions.

~~[10.]~~ ***11.*** The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $1,000 and contributions which a contributor has made cumulatively in excess of $1,000 since the beginning of the current reporting period.

Sec. 26. NRS 294A.200 is hereby amended to read as follows:

294A.200 1. Every candidate for office at a primary election or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report:

(a) Each of the campaign expenses in excess of $100 incurred during the period;

(b) Each amount in excess of $100 disposed of pursuant to NRS 294A.160 or subsection 3 of NRS 294A.286 during the period;

(c) The total of all campaign expenses incurred during the period which are $100 or less; and

(d) The total of all amounts disposed of during the period pursuant to NRS 294A.160 or subsection 3 of NRS 294A.286 which are $100 or less.

2. The provisions of subsection 1 apply to the candidate:

(a) Beginning the year of the general election for that office through the year immediately preceding the next general election for that office; and

(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160 or 294A.286.

3. Every candidate for office at a primary election or general election shall, not later than:

(a) Twenty-one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;

(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;

(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,

➥ report each of the campaign expenses described in subsection 1 incurred during the period.

4. Except as otherwise provided in subsections 5 ***,*** ~~[and]~~ 6 ***and 7*** and NRS 294A.223, every candidate for office at a special election shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➥ report each of the campaign expenses described in subsection 1 incurred during the period.

5. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 6 ***and 7*** and NRS 294A.223, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➥ report each of the campaign expenses described in subsection 1 incurred during the period.

6. ***Except as otherwise provided in subsection 7, if a petition for recall is not submitted to the filing officer before the expiration of the notice of intent pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of that chapter, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the expiration of the notice of intent, for the period from the filing of the notice of intent through the date that the notice of intent expires or the petition is determined to be legally insufficient, report each of the campaign expenses described in subsection 1 incurred during the period. The provisions of this subsection apply to the candidate for office at a special election if the petition for recall:***

(a) Is not submitted to the filing officer as required by chapter 306 of NRS;

(b) Is submitted to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or

(c) Is otherwise legally insufficient or efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS are suspended or discontinued.

7. If a district court determines that a petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the district orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each of the campaign expenses described in subsection 1 incurred during the period.

~~[7.]~~ ***8.*** Except as otherwise provided in NRS 294A.3733, reports of campaign expenses must be filed electronically with the Secretary of State.

~~[8.]~~ ***9.*** A report shall be deemed to be filed on the date that it was received by the Secretary of State.

Sec. 27. NRS 294A.210 is hereby amended to read as follows:

294A.210 1. The provisions of this section apply to:

(a) Every person who makes an independent expenditure in excess of $1,000; and

(b) Every committee for political action, political party and committee sponsored by a political party which receives contributions in excess of

$1,000 or makes an expenditure for or against a candidate for office or a group of such candidates.

2. Every person, committee and political party described in subsection 1 shall, not later than January 15 of each year that the provisions of this subsection apply to the person, committee or political party, for the period from January 1 of the previous year through December 31 of the previous year, report each independent expenditure or other expenditure, as applicable, made during the period in excess of $1,000 and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000. The provisions of this subsection apply to the person, committee or political party beginning the year of the general election for that office through the year immediately preceding the next general election for that office.

3. Every person, committee and political party described in subsection 1 shall, not later than:

(a) Twenty-one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;

(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;

(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,

➥ report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.

4. Except as otherwise provided in subsections 5 ***,*** ~~[and]~~ 6 ***and 7*** and NRS 294A.223, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election or for or against a group of such candidates shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the nomination of the candidate through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➥ report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.

5. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 6 ***and 7*** and NRS 294A.223, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➥ report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.

6. ***Except as otherwise provided in subsection 7, if a petition for recall is not submitted to the filing officer before the expiration of the notice of intent pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of that chapter, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than 30 days after the expiration of the notice of intent, for the period from the filing of the notice of intent through the date that the notice of intent expires or the petition is determined to be legally insufficient, report each of the campaign expenses described in subsection 1 incurred during the period. The provisions of this subsection apply to the person, committee and political party if the petition for recall:***

(a) Is not submitted to the filing officer as required by chapter 306 of NRS;

(b) Is submitted to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or

(c) Is otherwise legally insufficient or efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS are suspended or discontinued.

7. If a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, every person, committee and ***political*** party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.

~~[7.]~~ ***8.*** Independent expenditures and other expenditures made within the State or made elsewhere but for use within the State, including independent expenditures and other expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

~~[8.]~~ ***9.*** Except as otherwise provided in NRS 294A.3737, the reports must be filed electronically with the Secretary of State.

~~[9.]~~ ***10.*** If an independent expenditure or other expenditure, as applicable, is made for or against a group of candidates, the reports must be itemized by the candidate.

~~[10.]~~ ***11.*** A report shall be deemed to be filed on the date that it was received by the Secretary of State. Every person, committee or political party described in subsection 1 shall file a report required by this section even if the person, committee or political party receives no contributions.

Sec. 27.2. **NRS 294A.365 is hereby amended to read as follows:**

294A.365 1. Each report required pursuant to NRS 294A.210, 294A.220 and 294A.280 must consist of a list of each expenditure in excess of $100 or $1,000, as is appropriate, that was made during the periods for reporting. Each report required pursuant to NRS 294A.125 and 294A.200 must consist of a list of each campaign expense in excess of $100 that was incurred during the periods for reporting. The list in each report must state the category and amount of the campaign expense or expenditure and the date on which the campaign expense was incurred or the expenditure was made.

2. The categories of campaign expense or expenditure for use on the report of campaign expenses or expenditures are:

(a) Office expenses;

(b) Expenses related to volunteers;

(c) Expenses related to travel;

(d) Expenses related to advertising;

(e) Expenses related to paid staff;

(f) Expenses related to consultants;

(g) Expenses related to polling;

(h) Expenses related to special events;

(i) Expenses related to a legal defense fund;

(j) Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid;

(k) Contributions made to another candidate, a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225, a committee for political action that is registered or required to be registered pursuant to NRS 294A.230 or a committee for the recall of a public officer that is registered or required to be registered pursuant to NRS 294A.250;

(l) Fees for filing declarations of candidacy or acceptances of candidacy;

(m) Repayments or forgiveness of loans;

(n) The disposal of unspent contributions pursuant to NRS 294A.160; ~~[and]~~

(o) ***Interest, credit card fees, debit card fees or penalty fees incurred in relation to campaign expenses or expenditures paid for by a credit card or debit card; and***

(p) Other miscellaneous expenses.

3. Each report of campaign expenses or expenditures described in subsection 1 must ~~[list]~~ ***:***

(a) List the disposition of any unspent contributions using the categories set forth in subsection 3 of NRS 294A.160 or subsection 3 of NRS 294A.286, as applicable ~~.~~ ***; and***

(b) For any campaign expense or expenditure that is paid for using a credit card or debit card, itemize each transaction and identify the business or other entity from whom the purchase of the campaign expense or expenditure was made.

Sec. 28. ~~[Chapter 295 of NRS is hereby amended by adding thereto the provisions set forth as sections 29 and 30 of this act.]~~ **(Deleted by amendment.)**

Sec. 29. ~~[*The Secretary of State may adopt by regulation qualifications for a person to circulate a petition for initiative or referendum.]~~ **(Deleted by amendment.)**

Sec. 30. Chapter 295 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A petition for initiative or referendum may be withdrawn if a person authorized pursuant to NRS 295.015 to withdraw the petition submits a notice of withdrawal to the Secretary of State on a form prescribed by the Secretary of State.

2. Once a petition for initiative or referendum is withdrawn pursuant to subsection 1, no further action may be taken on that petition.

Sec. 31. NRS 295.015 is hereby amended to read as follows:

295.015 1. Before a petition for initiative or referendum may be presented to the registered voters for their signatures, ***the person who intends to circulate the petition must:***

(a) File a copy of the petition for initiative or referendum, including the description required pursuant to NRS 295.009, ~~[must be placed on file]~~ with the Secretary of State.

(b) Submit to the Secretary of State on a form prescribed by the Secretary of State:

(1) The name and signature of the person.

(2) If the person has formed a committee for political action for the purposes of advocating the passage of the initiative or referendum, the name of that committee for political action.

(3) The names of not more than three persons who are authorized to withdraw the petition or submit an amended petition.

2. If a petition for initiative or referendum or a description of the effect of an initiative or referendum required pursuant to NRS 295.009 is amended after the petition is placed on file with the Secretary of State pursuant to subsection 1:

(a) The revised petition must be placed on file with the Secretary of State before it is presented to the registered voters for their signatures;

(b) Any signatures that were collected on the original petition before it was amended are not valid; and

(c) The requirements for submission of the petition to each county clerk set forth in NRS 295.056 apply to the revised petition.

3. Upon receipt of a petition for initiative or referendum placed on file pursuant to subsection 1 or 2:

(a) The Secretary of State shall consult with the Fiscal Analysis Division of the Legislative Counsel Bureau to determine if the initiative or referendum may have any anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters. If the Fiscal Analysis Division determines that the initiative or referendum may have an anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters, the Division must prepare a fiscal note that includes an explanation of any such effect.

(b) The Secretary of State shall consult with the Legislative Counsel regarding the petition for initiative or referendum. The Legislative Counsel may provide technical suggestions regarding the petition for initiative or referendum.

4. Not later than 10 business days after the Secretary of State receives a petition for initiative or referendum filed pursuant to subsection 1 or 2, the Secretary of State shall post a copy of the petition, including the description required pursuant to NRS 295.009, any fiscal note prepared pursuant to subsection 3 and any suggestions made by the Legislative Counsel pursuant to subsection 3, on the Secretary of State's Internet website.

Sec. 32. NRS 295.056 is hereby amended to read as follows:

295.056 1. Before a petition for initiative or referendum is filed with the Secretary of State, the petitioners must submit to each county clerk for verification pursuant to NRS 293.1276 to 293.1279, inclusive, the document or documents which were circulated for signature within the clerk's county. The clerks shall give the person submitting a document or documents a receipt stating the number of documents and pages and the person's statement of the number of signatures contained therein.

2. If a petition for initiative proposes a statute or an amendment to a statute, the document or documents must be submitted not later than ***:***

(a) Except as otherwise provided in paragraph (b), the second Tuesday in November of an even-numbered year.

(b) If the second Tuesday in November of an even-numbered year is the day of the general election, the next working day after the general election.

3. If a petition for initiative proposes an amendment to the Constitution, the document or documents must be submitted not later than the third Tuesday in June of an even-numbered year.

4. If the petition is for referendum, the document or documents must be submitted not later than the third Tuesday in June of an even-numbered year.

5. All documents which are submitted to a county clerk for verification must be submitted at the same time. If documents concerning the same petition are submitted for verification to more than one county clerk, the documents must be submitted to each county clerk on the same day. At the time that the petition is submitted to a county clerk for verification, the petitioners may designate a contact person who is authorized by the petitioners to address questions or issues relating to the petition.

Sec. 33. ~~**[**NRS 298.035 is hereby amended to read as follows:~~

~~298.035 1. Each major political party shall, at the state convention of the major political party held in that year, select from the qualified electors who are legally registered members of the major political party:~~

~~(a) A nominee to the position of presidential elector; and~~

~~(b) An alternate to the nominee for presidential elector,~~

~~↵ for each position of presidential elector required by law.~~

~~2. Each minor political party shall choose from the qualified electors who are legally registered members of the minor political party:~~

~~(a) A nominee to the position of presidential elector; and~~

~~(b) An alternate to the nominee for presidential elector,~~

~~↵ for each position of presidential elector required by law. The person who is authorized to file the list of candidates for partisan office of the minor political party with the Secretary of State pursuant to NRS 293.1725 shall, not later than the **[**last**]** ***first*** Tuesday in August **[**,**]** ***preceding the general election,*** submit to the Secretary of State the list of nominees for presidential elector and alternates.~~

~~3. Each independent candidate nominated for the office of President pursuant to NRS 298.109 shall, at the time of filing the petition as required~~

~~pursuant to subsection 1 of NRS 298.109, or within 10 days thereafter, choose from the qualified electors:~~

~~(a) A nominee to the position of presidential elector; and~~

~~(b) An alternate to the nominee for presidential elector,~~

~~for each position of presidential elector required by law.~~**] (Deleted by amendment.)**

Sec. 34. NRS 298.109 is hereby amended to read as follows:

298.109 1. A person who desires to be an independent candidate for the office of President of the United States must, not later than 5 p.m. on the second Friday in August in each year in which a presidential election is to be held, pay a filing fee of $250 and file with the Secretary of State a declaration of candidacy and a petition of candidacy, in which the person must also designate a nominee for Vice President. The petition must be signed by a number of registered voters equal to not less than 1 percent of the total number of votes cast at the last preceding general election for candidates for the offices of Representative in Congress and must request that the names of the proposed candidates be placed on the ballot at the general election that year. The candidate shall file a copy of the petition the person intends to circulate for signatures with the Secretary of State ~~[.]~~ ***before the petition may be circulated for signatures.***

2. The petition may consist of more than one document. Each document must bear the name of a county and only registered voters of that county may sign the document. The documents which are circulated for signature in a county must be submitted to that county clerk for verification in the manner prescribed in NRS 293.1276 to 293.1279, inclusive, not later than 25 working days before the last day to file the petition of candidacy with the Secretary of State pursuant to subsection 1. Each person signing shall add to his or her signature the address of the place at which he or she resides, the date that he or she signs and the name of the county wherein he or she is registered to vote. Each document of the petition must also contain the affidavit of the person who circulated the document that all signatures thereon are genuine to the best of the person's knowledge and belief and were signed in his or her presence by persons registered to vote in that county.

3. If the candidacy of any person who seeks to qualify pursuant to this section is challenged, all affidavits and documents in support of the challenge must be filed with the First Judicial District Court not later than 5 p.m. on the fourth Tuesday in August. Any judicial proceeding relating to the challenge must be set for hearing not later than 5 days after the fourth Tuesday in August.

4. The county clerk shall not disqualify the signature of a voter who fails to provide all the information required by this section if the voter is registered in the county named on the document.

Sec. 35. ~~[Chapter 281 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. Except as otherwise provided in NRS 281.581, if it appears that a violation of any provision of this section and NRS 281.556 to 281.581, inclusive, has occurred, the Secretary of State may conduct an investigation concerning the alleged violation and cause the appropriate proceedings to be instituted in the First Judicial District Court.*~~

~~*2. A person who believes that a violation of any provision of this section and NRS 281.556 to 281.581, inclusive, has occurred may notify the Secretary of State, in writing, of the alleged violation. The notice must be signed by the person alleging the violation and include:*~~

~~*(a) The full name and address of the person alleging the violation;*~~

~~*(b) A clear and concise statement of facts sufficient to establish that the alleged violation occurred;*~~

~~*(c) Any evidence substantiating the alleged violation;*~~

~~*(d) A certification by the person alleging the violation that the facts alleged in the notice are true to the best knowledge and belief of that person; and*~~

~~*(e) Any other information in support of the alleged violation.*~~

~~*3. As soon as practicable after receiving a notice of an alleged violation pursuant to subsection 2, the Secretary of State shall provide a copy of the notice and any accompanying information to the person, if any, alleged in the notice to have committed the violation.*~~

~~*4. If the Secretary of State determines, based on a notice of an alleged violation received pursuant to subsection 2, that reasonable suspicion exists that a violation of this chapter has occurred, the Secretary of State may conduct an investigation of the alleged violation.*~~

~~*5. If a notice of an alleged violation is received pursuant to subsection 2 not later than 180 days after the submission of the financial disclosure statement to which the notice pertains, the Secretary of State, when conducting an investigation of the alleged violation pursuant to subsection 4, may subpoena witnesses and require by subpoena the production of any books, papers, correspondence, memoranda, agreements or other documents or records that the Secretary of State or a designated officer or employee of the Secretary of State determines are relevant or material to the investigation and are in the possession of:*~~

~~*(a) Any person alleged in the notice to have committed the violation; or*~~

~~*(b) If the notice does not include the name of a person alleged to have committed the violation, any person whom the Secretary of State or a designated officer or employee of the Secretary of State has reasonable cause to believe produced or disseminated the materials that are the subject of the notice.*~~

~~*6. If a person fails to testify or produce any documents or records in accordance with a subpoena issued pursuant to subsection 5, the Secretary of State or designated officer or employee may apply to the court for an*~~

~~order compelling compliance. A request for an order of compliance may be addressed to:~~

~~(a) The district court in and for the county where service may be obtained on the person refusing to testify or produce the documents or records, if the person is subject to service of process in this State; or~~

~~(b) A court of another state having jurisdiction over the person refusing to testify or produce the documents or records, if the person is not subject to service of process in this State.~~

~~7. Except as otherwise provided in this section and NRS 281.581, a person who violates an applicable provision of this section and NRS 281.556 to 281.581, inclusive, is subject to a civil penalty of not more than $5,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.~~

~~8. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. When considering whether to waive a civil penalty that would otherwise be imposed pursuant to subsection 7, the Secretary of State may consider, without limitation:~~

~~(a) The seriousness of the violation, including, without limitation, the nature, circumstances and extent of the violation;~~

~~(b) Any history of violations committed by the person against whom the civil penalty would otherwise be imposed;~~

~~(c) Any mitigating factors, including, without limitation, whether the person against whom the civil penalty would otherwise be imposed reported the violation, corrected the violation in a timely manner, attempted to correct the violation or cooperated with the Secretary of State in resolving the situation that led to the violation;~~

~~(d) Whether the violation was inadvertent;~~

~~(e) Any knowledge or experience the person has with the provisions of this section and NRS 281.556 to 281.581, inclusive; and~~

~~(f) Any other factor that the Secretary of State deems to be relevant.~~

~~9. If the Secretary of State waives a civil penalty pursuant to subsection 8, the Secretary of State shall:~~

~~(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute good cause for the waiver; and~~

~~(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.~~

~~10. The remedies and penalties provided by this section and NRS 281.556 to 281.581, inclusive, are cumulative, do not abrogate and are in addition to any other remedies and penalties that may exist at law or in equity, including, without limitation, any criminal penalty that may be~~

~~*imposed pursuant to NRS 199.120, 199.145 or 239.330.]*~~ **(Deleted by amendment.)**

Sec. 36. ~~[NRS 281.556 is hereby amended to read as follows:~~

~~281.556 As used in NRS 281.556 to 281.581, inclusive, *and section 35 of this act,* unless the context otherwise requires, the words and terms defined in NRS 281.558 to 281.5587, inclusive, have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 37. ~~[NRS 281.571 is hereby amended to read as follows:~~

~~281.571 *1.* Each financial disclosure statement must contain the following information concerning the public officer or candidate:~~

~~[1.] *(a)* The public officer's or candidate's length of residence in the State of Nevada and the district in which the public officer or candidate is registered to vote.~~

~~[2.] *(b)* Each source of the public officer's or candidate's income, or that of any member of the public officer's or candidate's household who is 18 years of age or older. No listing of individual clients, customers or patients is required, but if that is the case, a general source such as "professional services" must be disclosed.~~

~~[3.] *(c)* A list of the specific location and particular use of real estate, other than a personal residence:~~

~~[(a)] *(1)* In which the public officer or candidate or a member of the public officer's or candidate's household has a legal or beneficial interest;~~

~~[(b)] *(2)* Whose fair market value is $2,500 or more; and~~

~~[(c)] *(3)* That is located in this State or an adjacent state.~~

~~[4.] *(d)* The name of each creditor to whom the public officer or candidate or a member of the public officer's or candidate's household owes $5,000 or more, except for:~~

~~[(a)] *(1)* A debt secured by a mortgage or deed of trust of real property which is not required to be listed pursuant to *paragraph (c) of* subsection [3,] *1,* and~~

~~[(b)] *(2)* A debt for which a security interest in a motor vehicle for personal use was retained by the seller.~~

~~[5.] *(e)* If the public officer or candidate has undertaken or attended any educational or informational meetings, events or trips during the immediately preceding calendar year or other period for which the public officer or candidate is filing the financial disclosure statement, a list of all such meetings, events or trips, including:~~

~~[(a)] *(1)* The purpose and location of the meeting, event or trip and the name of the organization conducting, sponsoring, hosting or requesting the meeting, event or trip;~~

~~[(b)] *(2)* The identity of each interested person providing anything of value to the public officer or candidate or a member of the public officer's or candidate's household to undertake or attend the meeting, event or trip; and~~

~~**[**(c)**]** *(3)* The aggregate value of everything provided by those interested persons to the public officer or candidate or a member of the public officer's or candidate's household to undertake or attend the meeting, event or trip.~~

~~**[**6.**]** *(f)* If the public officer or candidate has received any gifts in excess of an aggregate value of $200 from a donor during the immediately preceding calendar year or other period for which the public officer or candidate is filing the financial disclosure statement, a list of all such gifts, including the identity of the donor and the value of each gift.~~

~~**[**7.**]** *(g)* A list of each business entity with which the public officer or candidate or a member of the public officer's or candidate's household is involved as a trustee, beneficiary of a trust, director, officer, owner in whole or in part, limited or general partner, or holder of a class of stock or security representing 1 percent or more of the total outstanding stock or securities issued by the business entity.~~

~~**[**8.**]** *(h)* A list of all public offices presently held by the public officer or candidate for which this financial disclosure statement is required.~~

~~***2. A financial disclosure statement must be signed by the public officer or candidate under an oath to God or penalty of perjury. The public officer or candidate who signs the affidavit under an oath to God is subject to the same penalties as if the public officer or candidate had signed the affidavit under penalty of perjury.]*** **(Deleted by amendment.)**

Sec. 38. ~~**[**NRS 281.5745 is hereby amended to read as follows:~~

~~281.5745 The Secretary of State may adopt regulations necessary to carry out the provisions of NRS 281.556 to 281.581, inclusive **[**.**]** , *and section 35 of this act.]*~~ **(Deleted by amendment.)**

Sec. 39. ~~**[**1.**]** This **[**section and sections 1, 3, 4, 7 to 13, inclusive, 15 to 28, inclusive, and 30 to 38, inclusive, of this**]** act **[**become**]** **becomes** effective on July 1, 2017.

~~**[**2. Sections 2, 5, 6, 14 and 29 of this act become effective on:~~

~~(a) July 1, 2017, for purposes of adopting any regulations and performing any other preparatory tasks necessary to carry out the provisions of this act; and~~

~~(b) January 1, 2018, for all other purposes.**]**~~

Assemblywoman Diaz moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 9:25 p.m.

ASSEMBLY IN SESSION

At 9:29 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Bustamante Adams moved that the Assembly reconsider the action whereby Amendment No. 538 to Assembly Bill No. 83 was adopted.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 83 be placed at the bottom of the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 80.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 506.

AN ACT relating to redevelopment; allowing certain cities to extend the date for termination of certain redevelopment plans under certain circumstances; ~~[requiring such cities to set aside a portion of the revenues from taxes imposed on property in certain redevelopment areas to be used to improve and preserve existing public educational facilities;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a redevelopment plan adopted before January 1, 1991, by a redevelopment agency of a city whose population is 500,000 or more (currently the City of Las Vegas), and any amendments to the plan must terminate at the end of the fiscal year in which the principal and interest of the last maturing of the securities issued before that date concerning the redevelopment area are fully paid or, if certain conditions are met, 60 years after the date on which the original redevelopment plan was adopted, whichever is later. Any other redevelopment plan adopted before January 1, 1991, and any amendments to the plan also must terminate upon the retirement of the last maturing securities or up to 45 years after the date on which the original redevelopment plan was adopted, whichever is later. (NRS 279.438) **Section 1** of this bill authorizes a city whose population is 220,000 or more located in a county whose population is 100,000 or more but less than 700,000 (currently the City of Reno) to extend the date of termination of a redevelopment plan adopted before January 1, 1991, to the later of the retirement of the last maturing securities or 60 years after the date on which the original redevelopment plan was adopted, whichever is later. The

extension of the termination period from 45 years to 60 years is only available if the legislative body of the city adopts an extension of the redevelopment plan by ordinance. **The adoption of an extension of a redevelopment plan has no effect on the allocation of revenues among taxing authorities within the redevelopment area.**

~~[Under existing law, if the redevelopment agency of a city whose population is 220,000 or more but less than 500,000 located in a county whose population is 700,000 or more (currently the City of Henderson) adopts an ordinance extending the date of termination of its redevelopment plan, 18 percent of the incremental revenues received from taxes on the taxable property located in the redevelopment area affected by the ordinance on or after the effective date of the ordinance are required to be set aside and used to improve and preserve existing public educational facilities which are located within the redevelopment area or which serve pupils who reside within the redevelopment area. Existing law also provides that the obligation to set aside such revenues is subordinate to any existing obligations of the agency. (NRS 279.6855) Section 2 of this bill extends the applicability of these provisions to any city whose population is 220,000 or more, regardless of the population of the county in which it is located (currently the cities of Henderson and Reno), but only if the city adopts an ordinance extending the date of termination of its redevelopment plan.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 279.438 is hereby amended to read as follows:

279.438 1. A redevelopment plan adopted before January 1, 1991, and any amendments to the plan must terminate at the end of the fiscal year in which the principal and interest of the last maturing of the securities issued before that date concerning the redevelopment area are fully paid or:

(a) ***With respect to a redevelopment plan adopted by the agency of a city whose population is 220,000 or more located in a county whose population is 100,000 or more but less than 700,000, if the legislative body adopts an extension of the redevelopment plan by ordinance, 60 years after the date on which the original redevelopment plan was adopted, whichever is later. Such an extension of a redevelopment plan has no effect on the allocation of revenues among taxing authorities within such a redevelopment area.***

(b) With respect to a redevelopment plan adopted by the agency of a city whose population is 500,000 or more, if the requirements set forth in subsection 2 are met, 60 years after the date on which the original redevelopment plan was adopted, whichever is later.

~~[(b)]~~ ***(c)*** With respect to any other redevelopment plan, including a redevelopment plan adopted by an agency of a city ~~[whose population is 500,000 or more,]~~ ***specified in paragraph (a) or (b),*** if the requirements set forth in ~~[subsection 2]~~ ***paragraph (a) or (b)*** are not met, 45 years after the

date on which the original redevelopment plan was adopted, whichever is later.

2. A redevelopment plan adopted by an agency of a city whose population is 500,000 or more may terminate on the date prescribed by paragraph ~~[(a)]~~ ***(b)*** of subsection 1 only if the legislative body adopts an extension of the redevelopment plan by ordinance and, on the date on which the extension is adopted:

(a) The assessed value of the aggregate number of redevelopment projects in the redevelopment area is not less than the assessed value of the aggregate number of redevelopment projects in the year in which the redevelopment plan was adopted; and

(b) The assessed value of the redevelopment area is not less than 75 percent of the assessed value of the redevelopment area in the year in which the redevelopment plan was adopted.

Sec. 2. ~~[NRS 279.6855 is hereby amended to read as follows:~~

~~279.6855 1. Except as otherwise provided in this section, an agency of a city whose population is 220,000 or more but less than 500,000 [located in a county whose population is 700,000 or more] that adopts an ordinance pursuant to *paragraph (a) of subsection 1 of NRS 279.438 or* subsection 4 of NRS 279.439 and which receives revenue pursuant to paragraph (b) of subsection 1 of NRS 279.676 from taxes on the taxable property located in the redevelopment area affected by the ordinance shall set aside not less than 18 percent of such revenue received on or after the effective date of the ordinance to improve and preserve existing public educational facilities which are located within the redevelopment area or which serve pupils who reside within the redevelopment area. The provisions of this subsection do not apply if such an agency is required pursuant to subsection 6 of NRS 279.676 to set aside not less than 18 percent of revenue received pursuant to paragraph (b) of subsection 1 of NRS 279.676 from taxes on the taxable property located in the redevelopment area affected by the ordinance adopted by the agency pursuant to subsection 5 of NRS 279.676 on or after the effective date of that ordinance to improve and preserve existing public educational facilities which are located within the redevelopment area or which serve pupils who reside within the redevelopment area. For each fiscal year, the agency shall prepare a written report concerning the amount of money expended for the purposes set forth in this subsection and shall, on or before November 30 of each year, submit a copy of the report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year.~~

~~2. The obligation of an agency pursuant to subsection 1 to set aside not less than 18 percent of the revenue allocated to and received by the agency pursuant to paragraph (b) of subsection 1 of NRS 279.676 from taxes on the taxable property located in the redevelopment area affected by the ordinance~~

~~adopted by the agency pursuant to *paragraph (a) of subsection 1 of NRS 279.438 or* subsection 4 of NRS 279.439 is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations" means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by the agency before the effective date of the ordinance adopted by the agency pursuant to *paragraph (a) of subsection 1 of NRS 279.438 or* subsection 4 of NRS 279.439, to finance or refinance in whole or in part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency on or after the effective date of the ordinance adopted by the agency pursuant to *paragraph (a) of subsection 1 of NRS 279.438 or* subsection 4 of NRS 279.439 shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.~~**]** **(Deleted by amendment.)**

Sec. 3. ~~**[**The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.~~**]** **(Deleted by amendment.)**

Sec. 4. This act becomes effective upon passage and approval.

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 104.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 516.

~~**[**CONTAINS UNFUNDED MANDATE (§§ 2, 10, 11, 35, 50, 72, 81, 82, 93, 99)~~

(Not Requested by Affected Local Government)**]**

AN ACT relating to elections; ~~**[**establishing procedures by which a voter registration agency must, under certain circumstances, transmit information to preregister or register a person to vote or update a person's voter registration information; requiring the Secretary of State to establish a system to allow a person, by computer, to preregister or register to vote, update preregistration or registration information, cancel his or her preregistration or registration and obtain certain information about polling places; providing for voter preregistration by certain persons who are at least 16 years of age but less than 18 years of age;~~**]** **authorizing each county and city clerk to establish polling places where any registered voter of the county or city, respectively, may vote in person on the day of certain elections;** authorizing **, under certain circumstances,** an elector to register to vote during the period for early voting and on the day of certain elections and setting forth the requirements for such registration; ~~**[**requiring a provisional ballot to include all offices, candidates and measures upon which the person casting the provisional ballot is entitled to vote; requiring that provisional~~

~~ballots be included in the unofficial election results that are reported on election night; making various other changes to provisions relating to provisional ballots; providing penalties;~~] and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 9 of this bill authorizes certain persons who are at least 16 years of age but less than 18 years of age to preregister to vote in this State. Sections 14, 17, 18, 20, 23-25, 36, 38, 41-45, 47-61, 63-69, 73, 74, 77-79, 87-89, 94, 96, 97 and 102-107 of this bill make conforming changes.~~

~~Existing law designates the offices of certain governmental entities, including the Department of Motor Vehicles, as voter registration agencies which are required to: (1) offer applications to register to vote to persons who apply for or receive certain services from the agency; (2) assist applicants in completing the applications; and (3) forward the applications to the county clerks. (NRS 293.504) Sections 2-7 and 108-113 of this bill establish procedures by which a person who applies for or receives services from a voter registration agency and who meets the qualifications to vote or preregister to vote in this State will have his or her information electronically sent to the Secretary of State and county clerks for the purpose of preregistering or registering the person to vote or updating his or her voter registration information, unless the person affirmatively declines to have his or her information transmitted. The procedures must be implemented by the Department of Motor Vehicles effective January 1, 2018, and by all other voter registration agencies effective January 1, 2019. Sections 14, 15, 20, 36, 45, 46, 55, 56, 61, 62, 64, 71 and 105-107 make conforming changes.~~

~~Existing law authorizes a county clerk, with the approval of the board of county commissioners, to establish a system for using a computer to register voters. (NRS 293.506) Section 8 of this bill requires the Secretary of State to establish a system to allow a person, by computer, to: (1) preregister or register to vote; (2) cancel his or her voter preregistration or registration; (3) update his or her voter preregistration or registration information; and (4) determine at what polling place or places he or she is entitled to vote. Section 8 also requires this system to be accessible to people with disabilities and available in languages other than English. Sections 13, 16, 18, 20, 27, 39, 50, 54, 55, 59, 60, 68, 70, 71, 85 and 98 of this bill make conforming changes.~~]

Existing law requires a county clerk to establish the boundaries of election precincts and authorizes election precincts to be combined into election districts. (NRS 293.205-293.207) Existing law prohibits a person from applying for or receiving a ballot at any election precinct or district other than the one at which the person is entitled to vote. (NRS 293.730) Section 9.2 of this bill authorizes a county clerk to establish one or more polling places in the county where any person entitled to vote in the county by personal appearance may do so on the day of a primary or general election. If any such polling place is established: (1) section 9.4 of this bill requires, with limited exception, the county clerk to publicize the

location of any such polling places; and (2) section 9.6 of this bill requires the county clerk to prepare a roster of eligible voters in the county for any such polling place. Section 9.8 of this bill sets forth the procedure for a person to vote in person at any such polling place. Sections 80.2-80.8 of this bill set forth corresponding provisions authorizing city clerks to establish polling places where any person who is entitled to vote in the city by personal appearance may do so on the day of the primary city or general city election. Sections 19, 21, 22, 23, 25, 26, 40, 72, 72.5, 75, 76, 86, 87, 89, 90, 98.5, 99 and 101 of this bill make conforming changes.

Under existing law, voter registration for any primary, primary city, general or general city election closes on the third Tuesday before the election. (NRS 293.560, 293C.527) **Sections 10, 11, 81 and 82** of this bill ~~[authorize]~~ **provide that if the board of county commissioners or the governing body of a city determines that the county or city clerk, as applicable, has certain resources,** an elector ~~[to]~~ **may** register to vote for a primary, primary city, general or general city election: (1) during the period for early voting by personal appearance; and (2) on the day of the election. Under **such circumstances sections 10, 11, 81 and 82** ~~[,]~~ **require** the county or city clerk ~~[shall]~~ **to** designate one or more polling places in the county or city as a site for registering to vote during early voting and on election day. To register to vote, an elector must appear at such a site, complete an application to register to vote and provide proof of **his or her** identity and residence. Upon completion of the application, the elector is deemed registered to vote and may vote in that election only at the polling place at which he or she registered to vote. **Sections 12, 14, 15,** ~~[19-23,]~~ **19, 21, 22, 23, 28, 35-37, 40, 55, 71, 72, 75, 76, 83, 84, 86, 87, 91-95** ~~[and 98-100]~~ **, 98, 99 and 100** of this bill make conforming changes.

~~[Existing law authorizes a person to cast a provisional ballot if the person completes a written affirmation and: (1) declares that he or she is registered to vote and is eligible to vote at the election in the jurisdiction but his or her name does not appear on the election register; (2) has registered to vote by mail or computer, has not voted in an election for federal office in this State and fails to provide certain identification to an election board officer at the polling place; or (3) declares that he or she is entitled to vote after the polling place would close as a result of certain court orders. A provisional ballot allows the person casting it to vote only for candidates for federal office. After the election, provisional ballots are kept separate from regular ballots and are only counted towards the result of the election under certain circumstances. (NRS 293.3081-293.3085) Sections 29-31 of this bill require provisional ballots to include all offices, candidates and ballot questions on which the person who is casting the provisional ballot is entitled to vote. Section 32 of this bill requires provisional ballots to be included in the unofficial results of the election that are reported on election night. Section 33 of this bill provides that if the number of provisional ballots may affect~~

~~the outcome of any race or ballot question, the county or city clerk must not include a provisional ballot in the canvass of the election unless the clerk makes certain determinations. Sections 33 and 34 of this bill make conforming changes.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. ~~*[1. The Secretary of State, the Department of Motor Vehicles and each county clerk shall cooperatively establish a system by which voter registration information that is collected pursuant to section 4 of this act by the Department from a person who submits an application for the issuance or renewal of or change of address for any type of driver's license or identification card issued by the Department must be transmitted electronically to the Secretary of State and the county clerks for the purpose of preregistering or registering the person to vote or updating the preregistration information or voter registration information of the person.*~~

~~*2. The system established pursuant to subsection 1 must:*~~

~~*(a) Ensure the secure electronic storage of information collected pursuant to section 4 of this act, the secure transmission of such information to the Secretary of State and county clerks and the secure electronic storage of such information by the Secretary of State and county clerks;*~~

~~*(b) Provide for the destruction of records by the Department as required by subsection 2 of section 5 of this act; and*~~

~~*(c) Enable the county clerks to receive, view and collate the information into individual electronic documents pursuant to paragraph (c) of subsection 1 of section 6 of this act.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~*[1. The Department of Motor Vehicles shall follow the procedures described in this section and sections 4 and 5 of this act if a person applies to the Department for the issuance or renewal of or change of address for any type of driver's license or identification card issued by the Department.*~~

~~*2. Before concluding the person's transaction with the Department, the Department shall notify each person described in subsection 1:*~~

~~*(a) Of the qualifications to preregister to vote, as provided in section 9 of this act, or the qualifications to vote in this State, as provided in NRS 293.485;*~~

~~*(b) That, unless the person affirmatively declines in writing to apply to preregister or register to vote or have his or her voter registration information updated, as applicable:*~~

~~*(1) The person is deemed to have consented to the transmission of information to the Secretary of State and the county clerks for the purpose*~~

~~*of preregistering or registering the person to vote or updating the voter registration information of the person; and*~~

~~*(2) The Department will transmit to the county clerk of the county in which the person resides all information required to preregister or register the person to vote pursuant to this chapter or to update the voter registration information of the person;*~~

~~*(c) That:*~~

~~*(1) Indicating a political party affiliation or indicating that the person is not affiliated with a political party is voluntary;*~~

~~*(2) The person may indicate a political party affiliation on a paper or electronic form provided by the Department; and*~~

~~*(3) The person will not be able to vote at a primary election or primary city election for candidates for partisan office of a major political party unless the person updates his or her voter registration information to indicate a major political party affiliation; and*~~

~~*(d) Of the provisions of subsections 2 and 3 of section 7 of this act.*~~

~~*3. The failure or refusal of the person to acknowledge that he or she has received the notice required by subsection 2:*~~

~~*(a) Is not a declination by the person to apply to preregister or register to vote or have his or her voter registration information updated; and*~~

~~*(b) Shall not be deemed to affect any duty of the Department, the Secretary of State or any county clerk:*~~

~~*(1) Relating to the application of the person to preregister or register to vote; or*~~

~~*(2) To update the voter registration information of the person.*~~

~~*4. The Secretary of State:*~~

~~*(a) Shall prescribe by regulation the form of the notice required by subsection 2 and the procedure for providing such notice; and*~~

~~*(b) Shall not require the person to acknowledge that he or she has received the notice required by subsection 2.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~*[1. Unless the person affirmatively declines in writing to apply to preregister or register to vote or have his or her voter registration information updated, as applicable, if a person applies to the Department of Motor Vehicles for the issuance or renewal of or change of address for a driver's license or identification card issued by the Department, the Department shall collect from the person:*~~

~~*(a) A paper or electronic affirmation signed under penalty of perjury that the person is eligible to vote or preregister to vote, as applicable;*~~

~~*(b) An electronic facsimile of the signature of the person, if the Department is capable of recording, storing and transmitting to the county clerk an electronic facsimile of the signature;*~~

~~*(c) Any personal information which the person has not already provided to the Department and which is required for the person to preregister or register to vote or to update the voter registration information of the person, including:*~~

~~(1) The first or given name and the surname of the person;~~

~~(2) The address at which the person actually resides as set forth in NRS 293.486 and, if different, the address at which the person may receive mail, including, without limitation, a post office box or general delivery;~~

~~(3) The date of birth of the person;~~

~~(4) Except as otherwise provided in subsection 2, one of the following:~~

~~(I) The number indicated on the person's current and valid driver's license or identification card issued by the Department of Motor Vehicles, if the person has such a driver's license or identification card; or~~

~~(II) The last four digits of the person's social security number, if the person does not have a driver's license or identification card issued by the Department and has a social security number; and~~

~~(5) The political affiliation, if any, indicated by the person; and~~

~~(d) The paper or electronic form, if any, completed by the person and indicating his or her political party affiliation.~~

~~2. If the person does not have the identification described in subparagraph (4) of paragraph (c) of subsection 1, the person must sign an affidavit stating that he or she does not have a current and valid driver's license or identification card issued by the Department or a social security number. Upon receipt of the affidavit, the county clerk shall issue an identification number to the person which must be the same number as the unique identifier assigned to the person for purposes of the statewide voter registration list.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[1. Except as otherwise provided in this subsection, the Department of Motor Vehicles shall electronically transmit to the Secretary of State and the appropriate county clerk the information and any electronic documents collected from a person pursuant to section 4 of this act:~~

~~(a) Except as otherwise provided in paragraph (b), not later than 5 working days after collecting the information; and~~

~~(b) During the 2 weeks immediately preceding the fifth Sunday preceding an election, not later than 1 working day after collecting the information.~~

~~2. The Department shall destroy any record containing information collected pursuant to section 4 of this act that is not otherwise collected by the Department in the normal course of business immediately after transmitting the information to the Secretary of State and county clerk pursuant to subsection 1.~~

~~3. The Department shall forward the following paper documents on a weekly basis to the appropriate county clerk, or daily during the 2 weeks immediately preceding the fifth Sunday preceding an election:~~

~~(a) Each signed affirmation collected pursuant to paragraph (a) of subsection 1 of section 4 of this act;~~

~~(b) Any completed form indicating a political party affiliation collected pursuant to paragraph (d) of subsection 1 of section 4 of this act; and~~

~~(c) Any affidavit signed pursuant to subsection 2 of section 4 of this act.]~~
(Deleted by amendment.)

Sec. 6. ~~[1. Unless the person affirmatively declines in writing to apply to preregister or register to vote or have his or her voter registration information updated, as applicable, if a person applies to the Department of Motor Vehicles for the issuance or renewal of or change of address for any type of driver's license or identification card issued by the Department:~~

~~(a) The person shall be deemed an applicant to preregister or register to vote, as applicable.~~

~~(b) Any action taken by the person pursuant to section 4 of this act shall be deemed an act of applying to preregister or register to vote, as applicable.~~

~~(c) Upon receipt of the information collected from the person and transmitted to a county clerk by the Department of Motor Vehicles, the county clerk shall collate the information into an individual electronic document, which shall be deemed an application to preregister or register to vote, as applicable.~~

~~(d) Unless the applicant is already preregistered or registered to vote, the date on which the person applies to preregister or register to vote pursuant to section 4 of this act shall be deemed the date on which the applicant preregistered or registered to vote, as applicable.~~

~~2. If the county clerk determines that an application to register to vote is complete and that the applicant is eligible to vote pursuant to NRS 293.485, the name of the applicant must appear on the statewide voter registration list and the appropriate roster, and the person must be provided all sample ballots and any other voter information provided to registered voters. If the county clerk determines that the application is not complete, he or she shall notify the applicant that additional information is required in accordance with the provisions of NRS 293.524.~~

~~3. For each applicant who applies to preregister or register to vote pursuant to section 4 of this act:~~

~~(a) The electronic facsimile of the signature of the applicant shall be deemed to be the facsimile of the signature on the person's application to preregister or register to vote to be used to verify the signature of the voter in the manner set forth in NRS 293.277 if:~~

~~(1) An electronic facsimile of the signature has been collected and transmitted to the county clerk of the county in which the applicant resides pursuant to sections 4 and 5 of this act, respectively; and~~

~~(2) The county clerk is capable of receiving, storing and using the facsimile of the signature for that purpose; or~~

~~(b) If the conditions described in paragraph (a) are not met, the signature of the applicant on the affirmation signed pursuant to paragraph (a) of subsection 1 of section 4 of this act shall be deemed to be the signature on the person's application to preregister or register to vote for~~

~~*the purpose of making a facsimile thereof to be used to verify the signature of the voter in the manner set forth in NRS 293.277.*~~

~~*4. If an applicant is already preregistered or registered to vote, the county clerk shall use the voter registration information of the applicant transmitted by the Department of Motor Vehicles to update the applicant's preregistration information or to correct the statewide voter registration list pursuant to NRS 293.530, if necessary.]*~~ **(Deleted by amendment.)**

Sec. 7. ~~*[1. A person who affirmatively declines in writing to apply to preregister or register to vote or have his or her voter registration information updated, as applicable, pursuant to section 4 of this act may apply to preregister or register to vote at the Department of Motor Vehicles pursuant to NRS 293.524.*~~

~~*2. Whether a person applies to preregister or register to vote or have his or her voter registration information updated, as applicable, pursuant to section 4 of this act must not affect the provision of services or assistance to the person by the Department, and the fact of a person applying to preregister or register to vote or have his or her voter registration information updated, as applicable, pursuant to section 4 of this act or declining to do so must not be disclosed to the public.*~~

~~*3. Any information collected pursuant to sections 2 to 7, inclusive, of this act must not be used for any purpose other than voter preregistration or registration.*~~

~~*4. Except as otherwise provided in this subsection, the Secretary of State shall adopt regulations necessary to carry out the provisions of sections 2 to 7, inclusive, of this act. The Secretary of State shall not require a person to provide any documentation in order to apply to preregister or register to vote or have his or her voter registration information updated, as applicable, pursuant to section 4 of this act that is not required by section 4 of this act or federal law, including, without limitation, documentation to provide the person's identity, citizenship or residence.]*~~ **(Deleted by amendment.)**

Sec. 8. ~~*[1. The Secretary of State shall establish a system to allow persons to:*~~

~~*(a) Preregister and register to vote;*~~

~~*(b) Cancel his or her preregistration or voter registration;*~~

~~*(c) Update his or her preregistration or voter registration information, including, without limitation, the person's name, address and party affiliation; and*~~

~~*(d) Determine at what polling place or places he or she is entitled to vote,*~~

~~*↦ by computer.*~~

~~*2. The Secretary of State shall ensure that the system established pursuant to subsection 1 is:*~~

~~*(a) Accessible to persons with disabilities; and*~~

~~(b) Available in languages other than English, including, without limitation, every language in which voting materials are required to be prepared in any county in the State pursuant to 52 U.S.C. § 10503.~~

~~3. The system established pursuant to subsection 1 must comply with any procedures and requirements prescribed by the Secretary of State pursuant to NRS 293.250 and section 9 of this act.~~

~~4. As used in this section, "voting materials" has the meaning ascribed to it in 52 U.S.C. § 10503.]~~ **(Deleted by amendment.)**

Sec. 9. ~~[1. Every citizen of the United States who is at least 16 years of age but less than 18 years of age and has continuously resided in this State for 30 days or longer may preregister to vote by any of the means available for a person to register to vote pursuant to this title. A person eligible to preregister to vote is deemed to be preregistered to vote upon the submission of a completed application to preregister to vote.~~

~~2. If a person preregisters to vote, he or she shall be deemed to be a registered voter on his or her 18th birthday unless:~~

~~(a) The person's preregistration has been cancelled as described in subsection 7; or~~

~~(b) Except as otherwise provided in NRS 293D.210, on the person's 18th birthday, he or she does not satisfy the voter eligibility requirements set forth in NRS 293.485.~~

~~3. The county clerk shall issue to a person who is deemed to be registered to vote pursuant to subsection 2 a voter registration card as described in subsection 6 of NRS 293.517 as soon as practicable after the person is deemed to be registered to vote.~~

~~4. On the date that a person who preregisters to vote is deemed to be registered to vote, his or her application to preregister to vote is deemed to be his or her application to register to vote.~~

~~5. If a person preregistered to vote:~~

~~(a) By mail or computer, he or she shall be deemed to have registered to vote by mail or computer, as applicable.~~

~~(b) Pursuant to section 4 of this act, he or she shall be deemed to have registered to vote pursuant to section 4 of this act.~~

~~(c) In person, he or she shall be deemed to have registered to vote in person.~~

~~6. The preregistration information of a person may be updated by any of the means for updating the voter registration information of a person pursuant to this chapter.~~

~~7. The preregistration to vote of a person may be cancelled by any of the means and for any of the reasons for cancelling voter registration pursuant to this chapter.~~

~~8. Except as otherwise provided in this subsection, all preregistration information relating to a person is confidential and is not a public record. Once a person's application to preregister to vote is deemed to be an application to register to vote, any voter registration information related to~~

~~*the person must be disclosed pursuant to any law that requires voter registration information to be disclosed.*~~

~~*9. The Secretary of State shall adopt regulations providing for preregistration to vote. The regulations:*~~

~~*(a) Must include, without limitation, provisions to ensure that once a person is deemed to be a registered voter pursuant to subsection 2 the person is immediately issued a voter registration card and added to the statewide voter registration list and the registrar of voters' register; and*~~

~~*(b) Must not require a county clerk to provide to a person who preregisters to vote sample ballots or any other voter information provided to registered voters unless the person will be eligible to vote at the election for which the sample ballots or other information is provided.]*~~ **(Deleted by amendment.)**

Sec. 9.2. ***1. A county clerk may establish one or more polling places in the county where any person entitled to vote in the county by personal appearance may do so on the day of the primary election or general election.***

2. Any person entitled to vote in the county by personal appearance may do so at any polling place established pursuant to subsection 1.

Sec. 9.4. ***1. Except as otherwise provided in subsection 2, if a county clerk establishes one or more polling places pursuant to section 9.2 of this act, the county clerk must:***

(a) Publish during the week before the election in a newspaper of general circulation a notice of the location of each such polling place.

(b) Post a list of the location of each such polling place on any bulletin board used for posting notice of meetings of the board of county commissioners. The list must be posted continuously for a period beginning not later than the fifth business day before the election and ending at 7 p.m. on the day of the election. The county clerk shall make copies of the list available to the public during the period of posting in reasonable quantities without charge.

2. The provisions of subsection 1 do not apply if every polling place in the county is a polling place where any person entitled to vote in the county by personal appearance may do so on the day of the primary election or general election.

3. No additional polling place may be established pursuant to section 9.2 of this act after the publication pursuant to this section, except in the case of an emergency and if approved by the Secretary of State.

Sec. 9.6. ***1. For each polling place established pursuant to section 9.2 of this act, if any, the county clerk shall prepare a roster that contains, for every registered voter in the county, the voter's name, the address where he or she is registered to vote, his or her voter identification number, the voter's precinct or district number and the voter's signature.***

2. The roster must be delivered or caused to be delivered by the county clerk to an election board officer of the proper polling place before the opening of the polls.

Sec. 9.8. 1. Except as otherwise provided in NRS 293.283, upon the appearance of a person to cast a ballot at a polling place established pursuant to section 9.2 of this act, the election board officer shall:

(a) Determine that the person is a registered voter in the county.

(b) Instruct the voter to sign the roster.

(c) Verify the signature of the voter in the manner set forth in NRS 293.277.

(d) Verify that the voter has not already voted in the current election.

2. If the signature of the voter does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter;

or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in the current election.

5. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place where he or she applies to vote.

6. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district and the form of the ballot are indicated on the voting receipt, if the county clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

7. A voter applying to vote at a polling place established pursuant to section 9.2 of this act may be challenged pursuant to NRS 293.303.

Sec. 10. *1.* ~~*[Each]*~~ *If a board of county commissioners determines, in consultation with the county clerk, that the county clerk has the necessary technology and resources so that electors of the county may register to vote during the period for early voting by personal appearance in a way that ensures the integrity of the registration process and the election process,*

***the** county clerk **~~[shall]~~** **must** designate one or more permanent polling places for early voting by personal appearance in the county as a site for an elector of the county to register to vote.*

2. An elector who is not registered to vote by the close of registration may register to vote during the period for early voting at any polling place designated pursuant to subsection 1 by the county clerk of the county where the elector resides.

3. To register to vote during the period for early voting, an elector must:

(a) Appear before the close of the polls at a polling place designated by the county clerk pursuant to subsection 1 as a site for registering to vote during the period for early voting;

(b) Complete the application to register to vote; and

(c) Provide proof of his or her identity and residence as described in subsections 4 and 5.

4. The following forms of identification may be used to identify an elector applying to register to vote pursuant to this section:

(a) A driver's license;

(b) An identification card issued by the Department of Motor Vehicles;

(c) A military identification card; or

(d) Any other form of identification issued by a governmental agency which contains the signature and a physical description or picture of the elector.

5. The following documents may be used to establish the residency of an elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:

(a) Any form of identification set forth in subsection 4;

(b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service;

(c) A bank or credit union statement;

(d) A paycheck;

(e) An income tax return;

(f) A statement concerning the mortgage, rental or lease of a residence;

(g) A motor vehicle registration;

(h) A property tax statement;

(i) Any other document issued by a governmental agency; or

(j) Any other official document which the county clerk, field registrar or other person designated by the county clerk to accept applications to register to vote pursuant to this section determines, in his or her discretion, to be a reliable indication of the true residential address of the elector.

6. An elector who registers to vote pursuant to this section shall be deemed to be registered upon the completion of an application to register to vote and the verification of his or her identity and residency.

7. An elector who registers to vote pursuant to this section:

(a) May vote during the period for early voting only at the polling place for early voting at which the elector registers to vote; and

(b) If the elector applies to vote at the polling place for early voting at which he or she registers to vote, must sign his or her name in the roster provided by the county clerk and designated for electors who register to vote pursuant to this section.

Sec. 11. *1. ~~[Each]~~ If a board of county commissioners determines, in consultation with the county clerk, that the county clerk has the necessary technology and resources so that electors of the county may register to vote on the day of a primary election or general election in a way that ensures the integrity of the registration process and the election process, the county clerk ~~[shall:]~~ must:*

(a) Designate one or more polling places in the county as a site for an elector of the county to register to vote on the day of a primary election or general election.

(b) Unless every polling place in the county is designated as a site for an elector of the county to register to vote on the day of a primary election or general election:

(1) Publish during the week before the election in a newspaper of general circulation a notice of the location of each polling place in the county that has been established pursuant to paragraph (a).

~~[(c)]~~ (2) Post a list of the locations established pursuant to paragraph (a) on any bulletin board used for posting notice of meetings of the board of county commissioners. The list must be posted continuously for a period beginning not later than the fifth business day before the election and ending at 7 p.m. on the day of the election. The county clerk shall make copies of the list available to the public during the period of posting in a reasonable quantity without charge.

2. An elector who is not registered to vote by the close of registration may register to vote on the day of the primary election or general election at any polling place designated pursuant to subsection 1 by the county clerk of the county where the elector resides.

3. To register to vote on the day of the primary election or general election, an elector must:

(a) Appear before the close of the polls at a polling place designated by the county clerk pursuant to subsection 1 as a site for registering to vote on the day of the election;

(b) Complete the application to register to vote; and

(c) Provide proof of his or her identity and residence as described in subsections 4 and 5.

4. The following forms of identification may be used to identify an elector applying to register to vote pursuant to this section:

(a) A driver's license;

(b) An identification card issued by the Department of Motor Vehicles;

(c) A military identification card; or

(d) Any other form of identification issued by a governmental agency which contains the signature and a physical description or picture of the elector.

5. The following documents may be used to establish the residency of an elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:

(a) Any form of identification set forth in subsection 4;

(b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service;

(c) A bank or credit union statement;

(d) A paycheck;

(e) An income tax return;

(f) A statement concerning the mortgage, rental or lease of a residence;

(g) A motor vehicle registration;

(h) A property tax statement;

(i) Any other document issued by a governmental agency; or

(j) Any other official document which the county clerk, field registrar or other person designated by the county clerk to accept applications to register to vote pursuant to this section determines, in his or her discretion, to be a reliable indication of the true residential address of the elector.

6. An elector who registers to vote pursuant to this section shall be deemed to be registered upon the completion of an application to register to vote and the verification of his or her identity and residency.

7. An elector who registers to vote pursuant to this section:

(a) May vote in the primary election or general election only at the polling place at which the elector registers to vote; and

(b) If the elector applies to vote at the polling place at which he or she registers to vote, except as otherwise provided in NRS 293.283, must sign his or her name in the roster designated for electors who register to vote pursuant to this section.

Sec. 12. NRS 293.095 is hereby amended to read as follows:

293.095 "Roster" means the record in printed or electronic form furnished to election board officers which ~~[contains a list of eligible voters and]~~ is to be used for obtaining the signature of each person applying for a ballot ~~[.]~~ ***and, except for a roster designated for electors who register to vote pursuant to section 10, 11, 81 or 82 of this act, contains a list of eligible voters.***

Sec. 13. ~~[NRS 293.1273 is hereby amended to read as follows:~~

~~293.1273 [In any county where registrations are performed and records are kept by computer, a]~~ ***A*** ~~facsimile of a voter's signature that is created by a computer may be used if a verification or comparison of the signature is required by any provision of this title.]~~ **(Deleted by amendment.)**

Sec. 14. NRS 293.12757 is hereby amended to read as follows:

293.12757 A person may sign a petition required under the election laws of this State on or after the date the person is deemed to be registered to vote pursuant to NRS 293.517 or subsection 7 of NRS 293.5235 ~~[.]~~ ***or section ~~[6, 9,]~~ 10, 11, 81 or 82 of this act.***

Sec. 15. NRS 293.1277 is hereby amended to read as follows:

293.1277 1. If the Secretary of State finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, the Secretary of State shall immediately so notify the county clerks. After the notification, each of the county clerks shall determine the number of registered voters who have signed the documents submitted in the county clerk's county and, in the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, shall tally the number of signatures for each petition district contained or fully contained within the county clerk's county. This determination must be completed within 9 days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 293.128, 295.056, 298.109, 306.035 or 306.110, and within 3 days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 293.172 or 293.200. For the purpose of verification pursuant to this section, the county clerk shall not include in his or her tally of total signatures any signature included in the incorrect petition district.

2. Except as otherwise provided in subsection 3, if more than 500 names have been signed on the documents submitted to a county clerk, the county clerk shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerk is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures, whichever is greater. If documents were submitted to the county clerk for more than one petition district wholly contained within that county, a separate random sample must be performed for each petition district.

3. If a petition district comprises more than one county and the petition is for an initiative or referendum proposing a constitutional amendment or a statewide measure, and if more than 500 names have been signed on the documents submitted for that petition district, the appropriate county clerks shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerks within the petition district is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures presented in the petition district, whichever is greater. The

Secretary of State shall determine the number of signatures that must be verified by each county clerk within the petition district.

4. In determining from the records of registration the number of registered voters who signed the documents, the county clerk may use the signatures contained in the file of applications to register to vote. If the county clerk uses that file, the county clerk shall ensure that every application in the file is examined, including any application in his or her possession which may not yet be entered into the county clerk's records. Except as otherwise provided in subsection 5, the county clerk shall rely only on the appearance of the signature and the address and date included with each signature in making his or her determination.

5. If:

(a) Pursuant to NRS 293.506, a county clerk establishes a system to allow persons to register to vote by computer; ~~[or]~~

(b) ***A person registers to vote pursuant to section ~~[6,]~~ 10, 11, 81 or 82 of this act; or***

(c) ~~[A person registers to vote using the system established by the Secretary of State pursuant to section 8 of this act; or~~

~~(d)]~~ A person registers to vote pursuant to NRS 293D.230 and signs his or her application to register to vote using a digital signature or an electronic signature,

➥ the county clerk may rely on such other indicia as prescribed by the Secretary of State in making his or her determination.

6. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, when the county clerk is determining the number of registered voters who signed the documents from each petition district contained fully or partially within the county clerk's county, he or she must use the statewide voter registration list available pursuant to NRS 293.675.

7. Except as otherwise provided in subsection 9, upon completing the examination, the county clerk shall immediately attach to the documents a certificate properly dated, showing the result of the examination, including the tally of signatures by petition district, if required, and transmit the documents with the certificate to the Secretary of State. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, if a petition district comprises more than one county, the appropriate county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section to complete the certificate. A copy of this certificate must be filed in the clerk's office. When the county clerk transmits the certificate to the Secretary of State, the county clerk shall notify the Secretary of State of the number of requests to remove a name received by the county clerk pursuant to NRS 295.055 or 306.015.

8. A person who submits a petition to the county clerk which is required to be verified pursuant to NRS 293.128, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be allowed to witness the verification of the

signatures. A public officer who is the subject of a recall petition must also be allowed to witness the verification of the signatures on the petition.

9. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not transmit to the Secretary of State the documents containing the signatures of the registered voters.

10. The Secretary of State shall by regulation establish further procedures for carrying out the provisions of this section.

Sec. 16. ~~[NRS 293.235 is hereby amended to read as follows:~~

~~293.235 1. When it appears to the satisfaction of the county clerk that an absent ballot central counting board will expedite the work of tallying the absent ballot vote of the county, the county clerk~~ **[**~~may~~**]** ***shall*** appoint such a board. ~~[In counties which use a computer to maintain records of registered voters, the county clerk shall appoint the board.~~**]**

~~2. In counties where an absent ballot central counting board has been appointed, no central election board may be appointed. The absent ballot central counting board shall perform the duties of the central election board.~~**]** **(Deleted by amendment.)**

Sec. 17. ~~[NRS 293.247 is hereby amended to read as follows:~~

~~293.247 1. The Secretary of State shall adopt regulations, not inconsistent with the election laws of this State, for the conduct of primary, general, special and district elections in all cities and counties. Permanent regulations of the Secretary of State that regulate the conduct of a primary, general, special or district election and are effective on or before the last business day of February immediately preceding a primary, general, special or district election govern the conduct of that election.~~

~~2. The Secretary of State shall prescribe the forms for a declaration of candidacy, certificate of candidacy, acceptance of candidacy and any petition which is filed pursuant to the general election laws of this State.~~

~~3. The regulations must prescribe:~~

~~(a) The manner of printing ballots and the number of ballots to be distributed to precincts and districts;~~

~~(b) The form and placement of instructions to voters;~~

~~(c) The disposition of election returns;~~

~~(d) The procedures to be used for canvasses, ties, recounts and contests, including, without limitation, the appropriate use of a paper record created when a voter casts a ballot on a mechanical voting system that directly records the votes electronically;~~

~~(e) The procedures to be used to ensure the security of the ballots from the time they are transferred from the polling place until they are stored pursuant to the provisions of NRS 293.391 or 293C.390;~~

~~(f) The procedures to be used to ensure the security and accuracy of computer programs and tapes used for elections;~~

~~(g) The procedures to be used for the testing, use and auditing of a mechanical voting system which directly records the votes electronically and which creates a paper record when a voter casts a ballot on the system;~~

~~(h) The acceptable standards for the sending and receiving of applications, forms and ballots, by approved electronic transmission, by the county clerks and the electors~~ **, [**or**]** ~~registered voters~~ ***or other persons*** ~~who are authorized to use approved electronic transmission pursuant to the provisions of this title;~~

~~(i) The forms for applications to~~ ***preregister and*** ~~register to vote and any other forms necessary for the administration of this title; and~~

~~(j) Such other matters as determined necessary by the Secretary of State.~~

~~4. The Secretary of State may provide interpretations and take other actions necessary for the effective administration of the statutes and regulations governing the conduct of primary, general, special and district elections in this State.~~

~~5. The Secretary of State shall prepare and distribute to each county and city clerk copies of:~~

~~(a) Laws and regulations concerning elections in this State;~~

~~(b) Interpretations issued by the Secretary of State's Office; and~~

~~(c) Any Attorney General's opinions or any state or federal court decisions which affect state election laws or regulations whenever any of those opinions or decisions become known to the Secretary of State.~~**]**

(Deleted by amendment.)

Sec. 18. **[**~~NRS 293.250 is hereby amended to read as follows:~~

~~293.250 1. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall, in a manner consistent with the election laws of this State, prescribe:~~

~~(a) The form of all ballots, absent ballots, diagrams, sample ballots, certificates, notices, declarations, applications to~~ ***preregister and*** ~~register to vote, lists, applications, registers, rosters, statements and abstracts required by the election laws of this State.~~

~~(b) The procedures to be followed and the requirements of~~ **[**~~a~~**]** ~~:~~

~~*(1) A* system established pursuant to NRS 293.506 for using a computer to register voters and to keep records of registration.~~

~~*(2) The system established by the Secretary of State pursuant to section 8 of this act.*~~

~~2. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall prescribe with respect to the matter to be printed on every kind of ballot:~~

~~(a) The placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State.~~

~~(b) The listing of all other candidates required to file with the Secretary of State, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his or her county.~~

~~3. The Secretary of State shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter's choice.~~

~~4. The fiscal note for, explanation of, arguments for and against, and rebuttals to such arguments of each proposed constitutional amendment or statewide measure must be included on all sample ballots.~~

~~5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Attorney General. The arguments and rebuttals for or against constitutional amendments and statewide measures proposed by initiative or referendum must be prepared in the manner set forth in NRS 293.252. The fiscal notes for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau. The condensations, explanations, arguments, rebuttals and fiscal notes must be in easily understood language and of reasonable length, and whenever feasible must be completed by August 1 of the year in which the general election is to be held. The explanations must include a digest. The digest must include a concise and clear summary of any existing laws directly related to the constitutional amendment or statewide measure and a summary of how the constitutional amendment or statewide measure adds to, changes or repeals such existing laws. For a constitutional amendment or statewide measure that creates, generates, increases or decreases any public revenue in any form, the first paragraph of the digest must include a statement that the constitutional amendment or statewide measure creates, generates, increases or decreases, as applicable, public revenue.~~

~~6. The names of candidates for township and legislative or special district offices must be printed only on the ballots furnished to voters of that township or district.~~

~~7. A county clerk:~~

~~(a) May divide paper ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.~~

~~(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.~~**] (Deleted by amendment.)**

Sec. 19. NRS 293.2546 is hereby amended to read as follows:

293.2546 The Legislature hereby declares that each voter has the right:

1. To receive and cast a ballot that:

(a) Is written in a format that allows the clear identification of candidates; and

(b) Accurately records the voter's preference in the selection of candidates.

2. To have questions concerning voting procedures answered and to have an explanation of the procedures for voting posted in a conspicuous place at the polling place.

3. To vote without being intimidated, threatened or coerced.

4. To vote on election day if the voter is waiting in line ***to vote or register to vote before 7 p.m.*** at ~~[his or her]~~ ***a*** polling place ***at which he or she is entitled*** to vote ~~[before 7 p.m.]~~ ***or register to vote*** and the voter has not already cast a vote in that election.

5. To return a spoiled ballot and is entitled to receive another ballot in its place.

6. To request assistance in voting, if necessary.

7. To a sample ballot which is accurate, informative and delivered in a timely manner ~~[.]~~ ***as provided by law.***

8. To receive instruction in the use of the equipment for voting during early voting or on election day.

9. To have nondiscriminatory equal access to the elections system, including, without limitation, a voter who is elderly, disabled, a member of a minority group, employed by the military or a citizen who is overseas.

10. To have a uniform, statewide standard for counting and recounting all votes accurately.

11. To have complaints about elections and election contests resolved fairly, accurately and efficiently.

Sec. 20. ~~[NRS 293.2725 is hereby amended to read as follows:~~

~~293.2725 1. Except as otherwise provided in subsection 2, in NRS 293.3081 and 293.3083 and in federal law, a person who registers *to vote* by mail or computer [to vote in this State] *or a person who preregisters to vote by mail or computer and is subsequently deemed to be registered to vote,* and who has not previously voted in an election for federal office in this State:~~

~~(a) May vote at a polling place only if the person presents to the election board officer at the polling place:~~

~~(1) A current and valid photo identification of the person, which shows his or her physical address; or~~

~~(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517; and~~

~~(b) May vote by mail only if the person provides to the county or city clerk:~~

~~(1) A copy of a current and valid photo identification of the person, which shows his or her physical address; or~~

~~(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517.~~

~~*~~ ~~If there is a question as to the physical address of the person, the election board officer or clerk may request additional information.~~

~~2. The provisions of subsection 1 do not apply to a person who:~~

~~(a) Registers to vote by mail~~ ***~~or computer, or preregisters to vote by mail or computer and is subsequently deemed to be registered to vote,~~*** ~~and submits with an application to~~ ***~~preregister or~~*** ~~register to vote:~~

~~(1) A copy of a current and valid photo identification; or~~

~~(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517;~~

~~(b) Except as otherwise provided in subsection 3, registers to vote by mail or computer and submits with an application to register to vote a driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;~~

~~(c) Is entitled to vote an absent ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq.;~~

~~(d) Is provided the right to vote otherwise than in person under the Voting Accessibility for the Elderly and Handicapped Act, 52 U.S.C. §§ 20101 et seq.; or~~

~~(e) Is entitled to vote otherwise than in person under any other federal law.~~

~~3. The provisions of subsection 1 apply to a person described in paragraph (b) of subsection 2 if the voter registration card issued to the person pursuant to subsection 6 of NRS 293.517 is mailed by the county clerk to the person and returned to the county clerk by the United States Postal Service.~~**] (Deleted by amendment.)**

Sec. 21. NRS 293.273 is hereby amended to read as follows:

293.273 1. Except as otherwise provided in subsection 2 and NRS 293.305, at all elections held under the provisions of this title, the polls must open at 7 a.m. and close at 7 p.m.

2. ~~[Whenever]~~ ***Except as otherwise provided in this subsection, whenever*** at any election all the votes of the ~~*[a]*~~ polling place , as shown on the roster, ~~*[not designated pursuant to section 11 of this act as a site for an elector of the county to register to vote on the day of the election]*~~ have been cast, ~~*[as shown by the roster,]*~~ the election board officers shall close the polls, ~~*[polling place,]*~~ and the counting of votes must begin and continue without unnecessary delay until the count is completed. ***The provisions of this subsection do not apply to a polling place established pursuant to section 9.2 of this act or designated pursuant to section 10 or 11 of this act.***

3. Upon opening the polls, one of the election board officers shall cause a proclamation to be made that all present may be aware of the fact that applications of registered voters to vote will be received.

4. No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this title.

Sec. 22. NRS 293.275 is hereby amended to read as follows:

293.275 No election board may perform its duty in serving registered voters at any polling place in any election provided for in this title, unless it has before it the ~~*[*~~

~~*1. The]*~~ roster ***or rosters*** for the polling place ~~*[; and*~~

~~*2. If the polling place is designated pursuant to section 11 of this act as a site for an elector of the county to register to vote on the day of the primary or general election, the roster designated for electors who register to vote pursuant to section 11 of this act.]*~~

Sec. 23. NRS 293.277 is hereby amended to read as follows:

293.277 1. Except as otherwise provided in NRS 293.283 and 293.541, if a person's name appears in the roster **,** ~~[or]~~ if the person provides an affirmation pursuant to NRS 293.525 ~~[,]~~ ***or if the person registered to vote on the day of the primary or general election pursuant to section 11 of this act,*** the person is entitled to vote and must sign his or her name in the ***correct*** roster when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's application to register to vote or one of the forms of identification listed in subsection 2.

2. Except as otherwise provided in NRS 293.2725, the forms of identification which may be used individually to identify a voter at the polling place are:

(a) The card issued to the voter at the time he or she registered to vote ; ~~*[or was deemed to be registered to vote;]*~~

(b) A driver's license;

(c) An identification card issued by the Department of Motor Vehicles;

(d) A military identification card; or

(e) Any other form of identification issued by a governmental agency which contains the voter's signature and physical description or picture.

3. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in the current election.

Sec. 24. ~~*[*NRS 293.283 is hereby amended to read as follows:~~

~~293.283 1. If, because of physical limitations, a registered voter is unable to sign his or her name in the roster as required by NRS 293.277, the voter must be identified by:~~

~~(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;~~

~~(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or~~

~~(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote~~ ~~[.]~~ ***or was deemed to be registered to vote.***

~~2. If the identity of the voter is verified, the election board officer shall indicate in the roster "Identified" by the voter's name.~~ ~~]~~ **(Deleted by amendment.)**

Sec. 25. NRS 293.285 is hereby amended to read as follows:

293.285 1. Except as otherwise provided in NRS 293.283, a registered voter applying to vote shall state his or her name to the election board officer in charge of the roster, and the officer shall immediately announce the name, instruct the voter to sign the roster , ~~[and]~~ verify the signature of the voter in the manner set forth in NRS 293.277 ~~[.]~~ ***and verify that the registered voter has not already voted in the current election.***

2. If the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote . ~~*[or was deemed to be registered to vote.]*~~

3. If the signature of the voter has changed in comparison to the signature on the application to ~~*[preregister or]*~~ register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

Sec. 26. NRS 293.296 is hereby amended to read as follows:

293.296 1. Any registered voter who by reason of a physical disability or an inability to read or write English is unable to mark a ballot or use any voting device without assistance is entitled to assistance from a consenting person of his or her own choice, except:

(a) The voter's employer or an agent of the voter's employer; or

(b) An officer or agent of the voter's labor organization.

2. A person providing assistance pursuant to this section to a voter in casting a vote shall not disclose any information with respect to the casting of that ballot.

3. The right to assistance in casting a ballot may not be denied or impaired when the need for assistance is apparent or is known to the election board or any member thereof or when the registered voter requests such assistance in any manner.

4. In addition to complying with the requirements of this section, the county clerk and election board officer shall, upon the request of a registered voter with a physical disability, make reasonable accommodations to allow the voter to vote at ~~[his or her]~~ ***a*** polling place ~~[.]~~ ***at which he or she is entitled to vote.***

Sec. 27. ~~[NRS 293.3025 is hereby amended to read as follows:~~

~~293.3025 The Secretary of State and each county and city clerk shall ensure that a copy of each of the following is posted in a conspicuous place at each polling place on election day:~~

~~1. A sample ballot;~~

~~2. Information concerning the date and hours of operation of the polling place;~~

~~3. Instructions for voting and casting a ballot, including a provisional ballot;~~

~~4. Instructions concerning the identification required for persons who registered by mail *or computer* and are first-time voters for federal office in this State;~~

~~5. Information concerning the accessibility of polling places to persons with disabilities;~~

~~6. General information concerning federal and state laws which prohibit acts of fraud and misrepresentation; and~~

~~7. Information concerning the eligibility of a candidate, a ballot question or any other matter appearing on the ballot as a result of a judicial determination or by operation of law, if any.]~~ **(Deleted by amendment.)**

Sec. 28. NRS 293.305 is hereby amended to read as follows:

293.305 1. If at the hour of closing the polls there are any ~~[registered]~~ ***:***

(a) Registered voters waiting to vote ~~[,]~~ ***; or***

(b) If the polling place has been designated pursuant to section 11 of this act as a site for an elector of the county to register to vote on the day of the election, persons waiting to register to vote,

➥ the doors of the polling place must be closed after all such ~~[voters]~~ ***persons*** have been admitted to the polling place. Voting must continue until those ~~[voters]~~ ***persons*** have voted.

2. The deputy sheriff shall allow other persons to enter the polling place after the doors have been closed for the purpose of observing or any other legitimate purpose if there is room within the polling place and such admittance will not interfere unduly with the voting ~~[.]~~ ***or voter registration.***

Sec. 29. ~~[NRS 293.3081 is hereby amended to read as follows:~~

~~293.3081 *1.* A person at a polling place may cast a provisional ballot in an election [to vote for a candidate for federal office] if the person complies with the applicable provisions of NRS 293.3082 and:~~

~~[1.] *(a)* Declares that he or she has registered to vote and is eligible to vote at that election in that jurisdiction, but his or her name does not appear on a voter registration list as a voter eligible to vote in that election in that jurisdiction or an election official asserts that the person is not eligible to vote in that election in that jurisdiction;~~

~~[2.] *(b)* Applies by mail or computer, on or after January 1, 2003, to register to vote and has not previously voted in an election for federal office in this State and fails to provide the identification required pursuant to~~

~~paragraph (a) of subsection 1 of NRS 293.2725 to the election board officer at the polling place; or~~

~~**[**3.**]** ***(c)*** Declares that he or she is entitled to vote after the polling place would normally close as a result of a court order or other order extending the time established for the closing of polls pursuant to a law of this State in effect 10 days before the date of the election.~~

~~***2. A provisional ballot must include all offices, candidates and measures upon which the person who is casting the provisional ballot would be entitled to vote if he or she were casting a regular ballot.]***~~ **(Deleted by amendment.)**

Sec. 30. ~~**[**NRS 293.3082 is hereby amended to read as follows:~~

~~293.3082 1. Before a person may cast a provisional ballot pursuant to NRS 293.3081, the person must complete a written affirmation on a form provided by an election board officer, as prescribed by the Secretary of State, at the polling place which includes:~~

~~(a) The name of the person casting the provisional ballot;~~

~~(b) The reason for casting the provisional ballot;~~

~~(c) A statement in which the person casting the provisional ballot affirms under penalty of perjury that he or she is a registered voter in the jurisdiction and is eligible to vote in the election;~~

~~(d) The date and type of election;~~

~~(e) The signature of the person casting the provisional ballot;~~

~~(f) The signature of the election board officer;~~

~~(g) A unique affirmation identification number assigned to the person casting the provisional ballot;~~

~~(h) If the person is casting the provisional ballot pursuant to ***paragraph (a) of*** subsection 1 of NRS 293.3081:~~

~~(1) An indication by the person as to whether or not he or she provided the required identification at the time the person applied to register to vote;~~

~~(2) The address of the person as listed on the application to register to vote;~~

~~(3) Information concerning the place, manner and approximate date on which the person applied to register to vote;~~

~~(4) Any other information that the person believes may be useful in verifying that the person has registered to vote; and~~

~~(5) A statement informing the voter that if the voter does not provide identification at the time the voter casts the provisional ballot, the required identification must be provided to the county or city clerk not later than 5 p.m. on the Friday following election day **;** **[**and that failure to do so will result in the provisional ballot not being counted;**]**~~

~~(i) If the person is casting the provisional ballot pursuant to ***paragraph (b) of*** subsection **[**2**]** ***1*** of NRS 293.3081:~~

~~(1) The address of the person as listed on the application to register to vote;~~

~~(2) The voter registration number, if any, issued to the person; and~~

~~(3) A statement informing the voter that the required identification must be provided to the county or city clerk not later than 5 p.m. on the Friday following election day ; and [that failure to do so will result in the provisional ballot not being counted; and]~~

~~(j) If the person is casting the provisional ballot pursuant to *paragraph (c) of* subsection [3] *1* of NRS 293.3081, the voter registration number, if any, issued to the person.~~

~~2. After a person completes a written affirmation pursuant to subsection 1:~~

~~(a) The election board officer shall provide the person with a receipt that includes the unique affirmation identification number described in subsection 1 and that explains how the person may use the free access system established pursuant to NRS 293.3086 to ascertain whether the person's vote was counted, and, if the vote was not counted, the reason why the vote was not counted; *and*~~

~~(b) The voter's name and applicable information must be entered into the roster in a manner which indicates that the voter cast a provisional ballot . [; and~~

~~(c) The election board officer shall issue a provisional ballot to the person to vote only for candidates for federal offices.]]~~ **(Deleted by amendment.)**

Sec. 31. ~~[NRS 293.3083 is hereby amended to read as follows:~~

~~293.3083 A person may cast a ballot by mail [to vote for a candidate for federal office,] which must be treated as a provisional ballot by the county or city clerk if the person:~~

~~1. Applies by mail or computer to register to vote and has not previously voted in an election for federal office in this State;~~

~~2. Fails to provide the identification required pursuant to paragraph (b) of subsection 1 of NRS 293.2725 to the county or city clerk at the time that the person mails the ballot; and~~

~~3. Completes the written affirmation set forth in subsection 1 of NRS 293.3082.]~~ **(Deleted by amendment.)**

Sec. 32. ~~[NRS 293.3084 is hereby amended to read as follows:~~

~~293.3084 Each county and city clerk shall establish procedures to:~~

~~1. Keep each provisional ballot cast pursuant to NRS 293.3081 or 293.3083 separate from other ballots until it has been determined whether or not the [voter was registered and eligible to vote] *number of provisional ballots cast* in the election [in that jurisdiction;~~

~~2. Keep each provisional ballot cast pursuant to subsection 3 of NRS 293.3081 separate from all other provisional ballots; and~~

~~3.] *may affect the outcome of any race or ballot question; and*~~

~~*2.* Inform a person whose name does not appear on a voter registration list as an eligible voter for a polling place or who an election official asserts is not eligible to vote at the polling place of the ability of the person to cast a provisional ballot.]~~ **(Deleted by amendment.)**

Sec. 33. ~~[NRS 293.3085 is hereby amended to read as follows:~~

~~293.3085 1. [Following each election, a canvass of the provisional ballots cast in the election must be conducted pursuant to NRS 293.387 and, if appropriate, pursuant to NRS 293C.387.~~

~~2.] The county and city clerk shall [not:~~

~~(a) Include any] *include every* provisional ballot in the unofficial results reported on election night . [; or~~

~~(b) Open any envelope containing a provisional ballot before 8 a.m. on the Wednesday following election day.~~

~~3. Except as otherwise provided in subsection 4, a provisional ballot must be counted if:~~

~~(a) The]~~

~~*2. If, based on the unofficial results of the election, the* county or city clerk determines that the *number of provisional ballots cast may affect the outcome of any race or ballot question, the county or city clerk must not include a provisional ballot in the canvass of the election conducted pursuant to NRS 293.387 or 293C.387, as applicable, unless the county or city clerk determines that:~~

~~*(a) The* person who cast the provisional ballot was registered to vote in the election, eligible to vote in the election and issued the appropriate ballot for the address at which the person resides; *or*~~

~~(b) A voter who failed to provide required identification at the polling place or with his or her mailed ballot [provides] *provided* the required identification to the county or city clerk not later than 5 p.m. on the Friday following election day . [; or~~

~~(c) A court order has not been issued by 5 p.m. on the Friday following election day directing that provisional ballots cast pursuant to subsection 3 of NRS 293.3081 not be counted, and the provisional ballot was cast pursuant to subsection 3 of NRS 293.3081.~~

~~4.] *3.* A provisional ballot must not be counted if [the] :~~

~~*(a) The* county or city clerk determines that the person who cast the provisional ballot cast the wrong ballot for the address at which the person resides [.] ; *or*~~

~~*(b) A court order has been issued by 5 p.m. on the Friday following election day directing that provisional ballots cast pursuant to paragraph (c) of subsection 1 of NRS 293.3081 not be counted, and the provisional ballot was cast pursuant to that paragraph.]*~~ **(Deleted by amendment.)**

Sec. 34. ~~[NRS 293.3086 is hereby amended to read as follows:~~

~~293.3086 1. The Secretary of State shall establish a free access system such as a toll-free telephone number or an Internet website to inform a person who cast a provisional ballot whether the person's vote was [counted] *included in the canvass of returns conducted pursuant to NRS 293.387 or 293C.387, as applicable,* and, if the vote was not [counted,] *included,* the reason why the vote was not [counted.] *included.*~~

~~2. The free access system must ensure secrecy of the ballot while protecting the confidentiality and integrity of personal information contained therein.~~

~~3. Access to information concerning a provisional ballot must be restricted to the person who cast the provisional ballot.~~**]** **(Deleted by amendment.)**

Sec. 35. NRS 293.3564 is hereby amended to read as follows:

293.3564 1. ~~[The]~~ ***Each*** county clerk may ~~***[shall]***~~ establish ~~***[at least]***~~ ***one or more*** permanent polling places ~~***[place]***~~ for early voting by personal appearance in the county **.** ~~[at the locations selected pursuant to NRS 293.3561.]~~

2. ~~[Except as otherwise provided in subsection 3, any]~~ ***Any*** person entitled to vote early by personal appearance may do so at any polling place for early voting.

~~[3. If it is impractical for the county clerk to provide at each polling place for early voting a ballot in every form required in the county, the county clerk may:~~

~~(a) Provide appropriate forms of ballots for all offices within a township, city, town or county commissioner election district, as determined by the county clerk; and~~

~~(b) Limit voting at that polling place to registered voters in that township, city, town or county commissioner election district.]~~

Sec. 36. NRS 293.3585 is hereby amended to read as follows:

293.3585 1. Except as otherwise provided in NRS 293.283, upon the appearance of a person to cast a ballot for early voting, an election board officer shall:

(a) Determine that the person is a registered voter in the county.

(b) Instruct the voter to sign the roster for early voting ~~[.]~~ ***or the roster designated for electors who register to vote during the period for early voting pursuant to section 10 of this act.***

(c) Verify the signature of the voter in the manner set forth in NRS 293.277.

(d) Verify that the voter has not already voted in the current election **.** ~~[pursuant to this section.]~~

2. If the signature of the voter does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote . ~~***[or was deemed to be registered to vote.]***~~

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in the current election **.** ~~[pursuant to this section.]~~

5. The roster for early voting must contain:

(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number ***[, a facsimile of the signature of the voter that is from the original application to register to vote]*** and a place for the voter's signature;

(b) The voter's precinct or voting district number, if that information is available; and

(c) The date of voting early in person.

6. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

7. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district, if that information is available, and the form of ballot are indicated on the voting receipt, if the county clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

8. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293.303.

Sec. 37. NRS 293.3604 is hereby amended to read as follows:

293.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election ***:*** ~~[other than a presidential preference primary election:]~~

1. At the close of each voting day, the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

(1) The title of the election;

(2) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;

(3) The number of ballots voted on the mechanical recording device for that day; ~~[and]~~

(4) The number of signatures in the roster for early voting for that day ~~[.]~~ ***; and***

(5) The number of signatures in the roster designated for electors who register to vote during the period for early voting pursuant to section 10 of this act, if applicable.

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293.3594; and

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293.3594.

2. At the close of the last voting day, the county clerk shall deliver to the ballot board for early voting:

(a) The statements for all polling places for early voting;

(b) The voting rosters used for early voting;

(c) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and

(d) Any other items as determined by the county clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

(a) Indicate the number of ballots on an official statement of ballots; and

(b) Place the storage devices in the container provided to transport those items to the central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the storage devices to the central counting place.

Sec. 38. ~~[NRS 293.389 is hereby amended to read as follows:~~

~~293.389 The Secretary of State, a board of county commissioners, a county clerk and any other person who prepares an abstract of votes or other report of votes pursuant to this chapter shall not include in that abstract or report a person designated as an inactive voter pursuant to *paragraph (g) of* subsection [7] *1* of NRS 293.530 when determining the percentage of voters who have voted or the total number of voters.~~] **(Deleted by amendment.)**

Sec. 39. ~~[NRS 293.440 is hereby amended to read as follows:~~

~~293.440 1. Any person who desires a copy of any list of the persons who are registered to vote in any precinct, district or county may obtain a copy by applying at the office of the county clerk and paying therefor a sum of money equal to 1 cent per name on the list, except that one copy of each original and supplemental list for each precinct, district or county must be provided both to the state central committee of any major political party and to the county central committee of any major political party, and to the executive committee of any minor political party upon request, without charge.~~

~~2. Except as otherwise provided in NRS 293.5002 and 293.558, the copy of the list provided pursuant to this section must indicate the address, date of birth, telephone number and the serial number on each application to register to vote. [If the county maintains this information in a computer database, the] *The* date of the most recent addition or revision to an entry, if made on or after July 1, 1989, must be included in the *computer* database *maintained by the county* and on any resulting list of the information. The date must be expressed numerically in the order of month, day and year.~~

~~3. A county may not pay more than 10 cents per folio or more than $6 per thousand copies for printed lists for a precinct or district.~~

~~4. A county which has a system of computers capable of recording information on magnetic tape or diskette shall, upon request of the state central committee or county central committee of any major political party or the executive committee of any minor political party which has filed a certificate of existence with the Secretary of State, record for both the state central committee and the county central committee of the major political party, if requested, and for the executive committee of the minor political party, if requested, on magnetic tape or diskette supplied by it:~~

~~(a) The list of persons who are registered to vote and the information required in subsection 2; and~~

~~(b) Not more than four times per year, as requested by the state or county central committee or the executive committee:~~

~~(1) A complete list of the persons who are registered to vote with a notation for the most recent entry of the date on which the entry or the latest change in the information was made; or~~

~~(2) A list that includes additions and revisions made to the list of persons who are registered to vote after a date specified by the state or county central committee or the executive committee.~~

~~5. If a political party does not provide its own magnetic tape or diskette, or if a political party requests the list in any other form that does not require printing, the county clerk may charge a fee to cover the actual cost of providing the tape, diskette or list.~~

~~6. Any state or county central committee of a major political party, any executive committee of a minor political party or any member or representative of such a central committee or executive committee who receives without charge a list of the persons who are registered to vote in any precinct, district or county pursuant to this section shall not:~~

~~(a) Use the list for any purpose that is not related to an election; or~~

~~(b) Sell the list for compensation or other valuable consideration.~~**]** **(Deleted by amendment.)**

Sec. 40. NRS 293.4689 is hereby amended to read as follows:

293.4689 1. If a county clerk maintains a website on the Internet for information related to elections, the website must contain public information maintained, collected or compiled by the county clerk that relates to elections, which must include, without limitation:

(a) The locations of polling places for casting a ballot on election day in such a format that a registered voter may search the list to determine the location of the polling place ***or places*** at which the registered voter is ~~[required]~~ ***entitled*** to cast a ballot; and

(b) The abstract of votes required pursuant to the provisions of NRS 293.388.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a

format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by a county clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, another county clerk or a city clerk, the county clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 41. ~~[NRS 293.486 is hereby amended to read as follows:~~

~~293.486 1. Except as otherwise provided in subsection 2, for the purposes of~~ ***preregistering or*** ~~registering to vote, the address at which the~~ ~~[~~voter~~]~~ ***person*** ~~actually resides is the street address assigned to the location at which the~~ ~~[~~voter~~]~~ ***person*** ~~actually resides.~~

~~2. For the purposes of~~ ***preregistering or*** ~~registering to vote, if the~~ ~~[~~voter~~]~~ ***person*** ~~does not reside at a location that has been assigned a street address, the address at which the~~ ~~[~~voter~~]~~ ***person*** ~~actually resides is a description of the location at which the~~ ~~[~~voter~~]~~ ***person*** ~~actually resides. The description must identify the location with sufficient specificity to allow the county clerk to assign the location to a precinct.~~

~~3. The provisions of this section do not authorize a person to~~ ***preregister or*** ~~register to vote if the person is not otherwise eligible to~~ ***preregister or*** ~~register to vote~~ ~~[.]~~ ***, as applicable.]*** **(Deleted by amendment.)**

Sec. 42. ~~[NRS 293.5002 is hereby amended to read as follows:~~

~~293.5002 1. The Secretary of State shall establish procedures to allow a person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive, to:~~

~~(a)~~ ~~[~~Register~~]~~ ***Preregister or register*** ~~to vote; and~~

~~(b) Vote by absent ballot,~~

~~without revealing the confidential address of the person.~~

~~2. In addition to establishing appropriate procedures or developing forms pursuant to subsection 1, the Secretary of State shall develop a form to allow a person for whom a fictitious address has been issued to~~ ***preregister or*** ~~register to vote or to change the address of the person's current~~ ***preregistration or*** ~~registration~~ ~~[.]~~ ***, as applicable.*** ~~The form must include:~~

~~(a) A section that contains the confidential address of the person; and~~

~~(b) A section that contains the fictitious address of the person.~~

~~3. Upon receiving a completed form from a person for whom a fictitious address has been issued, the Secretary of State shall:~~

~~(a) On the portion of the form that contains the fictitious address of the person, indicate the county and precinct in which the person will vote and forward this portion of the form to the appropriate county clerk; and~~

~~(b) File the portion of the form that contains the confidential address.~~

~~4. Notwithstanding any other provision of law, any request received by the Secretary of State pursuant to subsection 3 shall be deemed a request for a permanent absent ballot.~~

~~5. Notwithstanding any other provision of law:~~

~~(a) The Secretary of State and each county clerk shall keep the portion of the form developed pursuant to subsection 2 that he or she retains separate from other applications for ***preregistration or*** registration.~~

~~(b) The county clerk shall not make the name, confidential address or fictitious address of the person who has been issued a fictitious address available for:~~

~~(1) Inspection or copying; or~~

~~(2) Inclusion in any list that is made available for public inspection,~~

~~→ unless directed to do so by lawful order of a court of competent jurisdiction.~~**] (Deleted by amendment.)**

Sec. 43. ~~[NRS 293.503 is hereby amended to read as follows:~~

~~293.503 1. The county clerk of each county where a registrar of voters has not been appointed pursuant to NRS 244.164:~~

~~(a) Is ex officio county registrar and registrar for all precincts within the county.~~

~~(b) Shall have the custody of all books, documents and papers pertaining to ***preregistration or*** registration provided for in this chapter.~~

~~2. All books, documents and papers pertaining to ***preregistration or*** registration are official records of the office of the county clerk.~~

~~3. The county clerk shall maintain records of any program or activity that is conducted within the county to ensure the accuracy and currency of the registrar of voters' register for not less than 2 years after creation. The records must include the names and addresses of any person to whom a notice is mailed pursuant to NRS 293.5235, 293.530, or 293.535 and whether the person responded to the notice.~~

~~4. Any program or activity that is conducted within the county for the purpose of removing the name of each person who is ineligible to vote in the county from the registrar of voters' register must be complete not later than 90 days before the next primary or general election.~~

~~5. Except as otherwise provided by subsection 6, all records maintained by the county clerk pursuant to subsection 3 must be available for public inspection.~~

~~6. Except as otherwise provided in NRS 239.0115, any information relating to where a person ***preregisters or*** registers to vote must remain confidential and is not available for public inspection. Such information may only be used by an election officer for purposes related to~~ **[**~~voter~~**]** ~~***preregistration and*** registration.~~**] (Deleted by amendment.)**

Sec. 44. ~~[NRS 293.5035 is hereby amended to read as follows:~~

~~293.5035 1. The county clerk may designate any building owned or leased by the county, or any portion of such a building, as a county facility at which ***persons may preregister to vote and*** electors may register to vote.~~

~~2. A county facility designated pursuant to subsection 1 must be operated as an auxiliary county facility at which~~ **[**~~voter~~**]** ~~***preregistration and*** registration~~ **[**~~is~~**]** ~~***are*** carried out in addition to being carried out at the office of the county clerk.~~

~~3. If the county clerk designates a county facility pursuant to subsection 1, the county clerk shall determine the hours of operation for the facility and shall, in cooperation with the Secretary of State, ensure that the facility is operated, staffed and equipped in compliance with all applicable provisions of this title and all other applicable provisions of state and federal law relating to the *preregistration of persons and the* registration of electors in this State.~~ **(Deleted by amendment.)**

Sec. 45. ~~[NRS 293.504 is hereby amended to read as follows:~~

~~293.504 1. The following offices shall serve as voter registration agencies:~~

~~(a) Such offices that provide public assistance as are designated by the Secretary of State;~~

~~(b) Each office that receives money from the State of Nevada to provide services to persons with disabilities in this State;~~

~~(c) The offices of the Department of Motor Vehicles;~~

~~(d) The offices of the city and county clerks;~~

~~(e) Such other county and municipal facilities as a county clerk or city clerk may designate pursuant to NRS 293.5035 or 293C.520, as applicable;~~

~~(f) Recruitment offices of the United States Armed Forces; and~~

~~(g) Such other offices as the Secretary of State deems appropriate.~~

~~2. Each voter registration agency shall:~~

~~(a) Post in a conspicuous place, in at least 12 point type, instructions for *preregistering and* registering to vote;~~

~~(b) Except as otherwise provided in subsection 3 **[**,**]** *and sections 2 to 7, inclusive, of this act,* distribute applications to *preregister or* register to vote which may be returned by mail with any application for services or assistance from the agency or submitted for any other purpose and with each application for recertification, renewal or change of address submitted to the agency that relates to such services, assistance or other purpose;~~

~~(c) Provide the same amount of assistance to an applicant in completing an application to *preregister or* register to vote as the agency provides to a person completing any other forms for the agency; and~~

~~(d) Accept completed applications to *preregister or* register to vote.~~

~~3. A voter registration agency is not required to provide an application to *preregister or* register to vote pursuant to paragraph (b) of subsection 2 to a person who applies for or receives services or assistance from the agency or submits an application for any other purpose if the person *affirmatively* declines to *preregister or* register to vote and submits to the agency a written form that meets the requirements of **[**42**]** *52* U.S.C. § **[**1973gg-5(a)(6). No information**]** *20506(a)(6). Information* related to the declination to *preregister or* register to vote may *not* be used for any purpose other than voter registration.~~

~~4. Except as otherwise provided in this subsection and NRS 293.524, *and section 5 of this act,* any application to *preregister or* register to vote accepted by a voter registration agency must be transmitted to the county~~

~~clerk not later than 10 days after the application is accepted. The applications must be forwarded daily during the 2 weeks immediately preceding the fifth Sunday preceding an election. The county clerk shall accept any application [to register to vote] which is obtained from a voter registration agency pursuant to this section and completed by the fifth Sunday preceding an election if the county clerk receives the application not later than 5 days after that date.~~

~~5. The Secretary of State shall cooperate with the Secretary of Defense to develop and carry out procedures to enable persons in this State to apply to *preregister or* register to vote at recruitment offices of the United States Armed Forces.]~~ **(Deleted by amendment.)**

Sec. 46. ~~[NRS 293.504 is hereby amended to read as follows:~~

~~293.504 1. The following offices shall serve as voter registration agencies:~~

~~(a) Such offices that provide public assistance as are designated by the Secretary of State;~~

~~(b) Each office that receives money from the State of Nevada to provide services to persons with disabilities in this State;~~

~~(c) The offices of the Department of Motor Vehicles;~~

~~(d) The offices of the city and county clerks;~~

~~(e) Such other county and municipal facilities as a county clerk or city clerk may designate pursuant to NRS 293.5035 or 293C.520, as applicable;~~

~~(f) Recruitment offices of the United States Armed Forces; and~~

~~(g) Such other offices as the Secretary of State deems appropriate.~~

~~2. Each voter registration agency shall [:~~

~~(a) Post] *post* in a conspicuous place, in at least 12 point type, instructions for preregistering and registering to vote . [;~~

~~(b) Except as otherwise provided in subsection 3 and sections 2 to 7, inclusive, of this act, distribute applications to preregister or register to vote which may be returned by mail with any application for services or assistance from the agency or submitted for any other purpose and with each application for recertification, renewal or change of address submitted to the agency that relates to such services, assistance or other purpose;~~

~~(c) Provide the same amount of assistance to an applicant in completing an application to preregister or register to vote as the agency provides to a person completing any other forms for the agency; and~~

~~(d) Accept completed applications to preregister or register to vote.~~

~~3. A voter registration agency is not required to provide an application to preregister or register to vote pursuant to paragraph (b) of subsection 2 to a person who applies for or receives services or assistance from the agency or submits an application for any other purpose if the person affirmatively declines to preregister or register to vote and submits to the agency a written form that meets the requirements of 52 U.S.C. § 20506(a)(6). Information related to the declination to preregister or register to vote may not be used for any purpose other than voter registration.~~

~~4. Except as otherwise provided in this subsection and NRS 293.524, and section 5 of this act, any application to preregister or register to vote accepted by a voter registration agency must be transmitted to the county clerk not later than 10 days after the application is accepted. The applications must be forwarded daily during the 2 weeks immediately preceding the fifth Sunday preceding an election. The county clerk shall accept any application which is obtained from a voter registration agency pursuant to this section and completed by the fifth Sunday preceding an election if the county clerk receives the application not later than 5 days after that date.~~

~~5.~~**]** ***3.*** ~~The Secretary of State shall cooperate with the Secretary of Defense to develop and carry out procedures to enable persons in this State to apply to preregister or register to vote at recruitment offices of the United States Armed Forces.~~**]** **(Deleted by amendment.)**

Sec. 47. **[**~~NRS 293.505 is hereby amended to read as follows:~~

~~293.505 1. All justices of the peace, except those located in county seats, are ex officio field registrars to carry out the provisions of this chapter.~~

~~2. The county clerk shall appoint at least one registered voter to serve as a field registrar of voters who, except as otherwise provided in NRS 293.5055, shall~~ ***preregister and*** ~~register voters within the county for which the field registrar is appointed. Except as otherwise provided in subsection 1, a candidate for any office may not be appointed or serve as a field registrar. A field registrar serves at the pleasure of the county clerk and shall perform such duties as the county clerk may direct. The county clerk shall not knowingly appoint any person as a field registrar who has been convicted of a felony involving theft or fraud. The Secretary of State may bring an action against a county clerk to collect a civil penalty of not more than $5,000 for each person who is appointed as a field registrar in violation of this subsection. Any civil penalty collected pursuant to this subsection must be deposited with the State Treasurer for credit to the State General Fund.~~

~~3. A field registrar shall demand of any person who applies for~~ ***preregistration or*** ~~registration all information required by the application to~~ ***preregister or*** ~~register to vote~~ ***, as applicable,*** ~~and shall administer all oaths required by this chapter.~~

~~4. When a field registrar has in his or her possession five or more completed applications to~~ ***preregister or*** ~~register to vote, the field registrar shall forward them to the county clerk, but in no case may the field registrar hold any number of them for more than 10 days.~~

~~5. Each field registrar shall forward to the county clerk all completed applications in his or her possession immediately after the fifth Sunday preceding an election. Within 5 days after the fifth Sunday preceding any general election or general city election, a field registrar shall return all unused applications in his or her possession to the county clerk. If all of the unused applications are not returned to the county clerk, the field registrar shall account for the unreturned applications.~~

~~6. Each field registrar shall submit to the county clerk a list of the serial numbers of the completed applications to ***preregister or*** register to vote and the names of the electors on those applications. The serial numbers must be listed in numerical order.~~

~~7. Each field registrar shall post notices sent to him or her by the county clerk for posting in accordance with the election laws of this State.~~

~~8. A field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 shall not:~~

~~(a) Delegate any of his or her duties to another person; or~~

~~(b) Refuse to ***preregister or*** register a person on account of that person's political party affiliation.~~

~~9. A person shall not hold himself or herself out to be or attempt to exercise the duties of a field registrar unless the person has been so appointed.~~

~~10. A county clerk, field registrar, employee of a voter registration agency or person assisting **[**a voter**]** ***another person*** pursuant to subsection 13 of NRS 293.5235 shall not:~~

~~(a) Solicit a vote for or against a particular question or candidate;~~

~~(b) Speak to a **[**voter**]** ***person*** on the subject of marking his or her ballot for or against a particular question or candidate; or~~

~~(c) Distribute any petition or other material concerning a candidate or question which will be on the ballot for the ensuing election,~~

~~**"**~~ while ***preregistering or*** registering **[**an elector.**]** ***the person.***

~~11. When the county clerk receives applications to ***preregister or*** register to vote from a field registrar, the county clerk shall issue a receipt to the field registrar. The receipt must include:~~

~~(a) The number of persons ***preregistered or*** registered; and~~

~~(b) The political party of the persons ***preregistered or*** registered.~~

~~12. A county clerk, field registrar, employee of a voter registration agency or person assisting **[**a voter**]** ***another person*** pursuant to subsection 13 of NRS 293.5235 shall not:~~

~~(a) Knowingly **[**register**]** **:~~

~~***(1) Register*** a person who is not a qualified elector or a person who has filed a false or misleading application to register to vote; or~~

~~***(2) Preregister a person who does not meet the qualifications set forth in section 9 of this act; or***~~

~~(b) **[**Register**]** ***Preregister or register*** a person who fails to provide satisfactory proof of identification and the address at which the person actually resides.~~

~~13. A county clerk, field registrar, employee of a voter registration agency, person assisting **[**a voter**]** ***another person*** pursuant to subsection 13 of NRS 293.5235 or any other person providing a form for the application to ***preregister or*** register to vote to an elector for the purpose of ***preregistering or*** registering to vote:~~

~~(a) If the person who assists~~ **[**~~an elector~~**]** ***another person*** ~~with completing the form for the application to~~ ***preregister or*** ~~register to vote retains the form, shall enter his or her name on the duplicate copy or receipt retained by the~~ **[**~~voter~~**]** ***person*** ~~upon completion of the form; and~~

~~(b) Shall not alter, deface or destroy an application to~~ ***preregister or*** ~~register to vote that has been signed by~~ **[**~~an elector~~**]** ***a person*** ~~except to correct information contained in the application after receiving notice from the~~ **[**~~elector~~**]** ***person*** ~~that a change in or addition to the information is required.~~

~~14. If a field registrar violates any of the provisions of this section, the county clerk shall immediately suspend the field registrar and notify the district attorney of the county in which the violation occurred.~~

~~15. A person who violates any of the provisions of subsection 8, 9, 10, 12 or 13 is guilty of a category E felony and shall be punished as provided in NRS 193.130.~~**]** **(Deleted by amendment.)**

Sec. 48. **[**~~NRS 293.5055 is hereby amended to read as follows:~~

~~293.5055 A county clerk or field registrar may~~ ***preregister or*** ~~register, outside the boundaries of the county, any~~ **[**~~voter~~**]** ***person*** ~~who is a resident of that county~~ **[**~~.~~**]** ***and meets the qualifications to preregister or register to vote, as applicable.]*** **(Deleted by amendment.)**

Sec. 49. **[**~~NRS 293.5057 is hereby amended to read as follows:~~

~~293.5057 A person who does not maintain a residence in this State may~~ ***preregister or*** ~~register to vote for the office of President and Vice President of the United States if the person files a sworn statement with the county clerk or field registrar of voters that the person is not~~ ***preregistered or*** ~~registered to vote in any other state and provides evidence:~~

~~1. Of his or her domicile in this State in accordance with the provisions of NRS 41.191;~~

~~2. That he or she maintains an account at a financial institution located in this State; or~~

~~3. That his or her motor vehicle is registered in this State.~~**]** **(Deleted by amendment.)**

Sec. 50. **[**~~NRS 293.506 is hereby amended to read as follows:~~

~~293.506 1. A county clerk may, with approval of the board of county commissioners, establish a system for using a computer to register voters and to keep records of registration.~~

~~2. A system established pursuant to subsection 1 must~~ **[**~~comply~~**]** ***:***

~~***(a) Comply*** with any procedures and requirements prescribed by the Secretary of State pursuant to NRS 293.250~~ **[**~~.~~**]** ~~***; and***~~

~~***(b) Allow a person to preregister to vote and the county clerk to keep records of preregistration by computer.***~~

~~***3. Regardless of whether a county clerk establishes a system pursuant to subsection 1, the county clerk shall:***~~

~~***(a) Accept applications to preregister and register to vote submitted by computer to the Secretary of State through the system established by the Secretary of State pursuant to section 8 of this act; and***~~

~~*(b) Use a computer to keep records of preregistration and registration.]*~~ **(Deleted by amendment.)**

Sec. 51. ~~[~~NRS 293.507 is hereby amended to read as follows:

~~293.507 1. The Secretary of State shall prescribe:~~

~~(a) [~~A standard form~~]~~ ~~*Standard forms* for applications to *preregister or*~~ register to vote;

~~(b) [~~A special form~~]~~ ~~*Special forms* for *preregistration and*~~ registration to be used ~~[~~in a county where registrations are performed and records of registration are kept~~]~~ ~~*for preregistration or registration*~~ by computer; and

~~(c) A standard form for the affidavit described in subsection 5.~~

~~2. The county clerks shall provide forms for applications to *preregister or*~~ register to vote to field registrars in the form and number prescribed by the Secretary of State.

~~3. Each form for an application to *preregister or*~~ register to vote must include a:

~~(a) Unique control number assigned by the Secretary of State; and~~

~~(b) Receipt which:~~

~~(1) Includes a space for a person assisting an applicant in completing the form to enter the person's name; and~~

~~(2) May be retained by the applicant upon completion of the form.~~

~~4. The form for an application to *preregister or*~~ register to vote must include:

~~(a) A line for use by the applicant to enter:~~

~~(1) The number indicated on the applicant's current and valid driver's license issued by the Department of Motor Vehicles, if the applicant has such a driver's license;~~

~~(2) The last four digits of the applicant's social security number, if the applicant does not have a driver's license issued by the Department of Motor Vehicles and does have a social security number; or~~

~~(3) The number issued to the applicant pursuant to subsection 5, if the applicant does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number.~~

~~(b) A line on which to enter the address at which the applicant actually resides, as set forth in NRS 293.486.~~

~~(c) A notice that the applicant may not list a business as the address required pursuant to paragraph (b) unless the applicant actually resides there.~~

~~(d) A line on which to enter an address at which the applicant may receive mail, including, without limitation, a post office box or general delivery.~~

~~5. If an applicant does not have the identification set forth in subparagraph (1) or (2) of paragraph (a) of subsection 4, the applicant shall sign an affidavit stating that he or she does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number. Upon receipt of the affidavit, the county clerk shall issue an identification number to the applicant which must be the same number as the~~

~~unique identifier assigned to the applicant for purposes of the statewide voter registration list.~~

~~6. The Secretary of State shall adopt regulations to carry out the provisions of subsections 3, 4 and 5.~~**] (Deleted by amendment.)**

Sec. 52. ~~**[**NRS 293.508 is hereby amended to read as follows:~~

~~293.508 The Secretary of State shall include on all forms for an application to~~ ***preregister or*** ~~register to vote prescribed by the Secretary of State the following option, printed in a separate box created by bold lines, in at least 14-point bold type:~~

~~CHECK THIS BOX TO RECEIVE A SAMPLE BALLOT IN LARGER TYPE~~**] (Deleted by amendment.)**

Sec. 53. ~~**[**NRS 293.509 is hereby amended to read as follows:~~

~~293.509 1. A county clerk may provide the~~ **[**~~form for the application~~**]** ***forms for applications*** ~~to~~ ***preregister or*** ~~register to vote prescribed by the Secretary of State pursuant to NRS 293.507 to a candidate, major political party, minor political party or any other person submitting a request pursuant to subsection 2.~~

~~2. A candidate, major political party, minor political party or other person shall:~~

~~(a) Submit a request for forms for~~ **[**~~the application~~**]** ***applications*** ~~to~~ ***preregister or*** ~~register to vote to the county clerk in person, by telephone, in writing or by facsimile machine; and~~

~~(b) State the number of forms for~~ **[**~~the application~~**]** ***applications*** ~~to~~ ***preregister or*** ~~register to vote that the candidate, major political party, minor political party or other person is requesting.~~

~~3. The county clerk may record the control numbers assigned to the forms by the Secretary of State pursuant to NRS 293.507 of the forms he or she provided in response to the request. The county clerk shall maintain a request for multiple applications with the county clerk's records.~~**] (Deleted by amendment.)**

Sec. 54. ~~**[**NRS 293.510 is hereby amended to read as follows:~~

~~293.510 1.~~ **[**~~In counties where computers are not used to register voters, the county clerk shall:~~

~~(a) Segregate original applications to register to vote according to the precinct in which the registered voters reside and arrange the applications in each precinct or district in alphabetical order. The applications for each precinct or district must be kept separately for each precinct or district. These applications must be used to prepare the rosters.~~

~~(b) Arrange the duplicate applications of registration in alphabetical order for the entire county and keep them in binders or a suitable file which constitutes the registrar of voters' register.~~

~~2. In any county where a computer is used to register voters, the~~**]** ***Each*** ~~county clerk shall:~~

~~(a) Arrange the original applications to register to vote for the entire county in a manner in which an original application may be quickly located. These original applications constitute the registrar of voters' register.~~

~~(b) Segregate the applications to register to vote in a computer file according to the precinct or district in which the registered voters reside, and for each precinct or district have printed a computer listing which contains the applications to register to vote in alphabetical order. These listings of applications to register to vote must be used to prepare the rosters.~~

~~*2. Each county clerk shall keep the applications to preregister to vote separate from the applications to register to vote until such applications are deemed to be applications to register to vote pursuant to section 9 of this act.]*~~ **(Deleted by amendment.)**

Sec. 55. NRS 293.517 is hereby amended to read as follows:

293.517 1. Any ~~*[person who meets the qualifications set forth in section 9 of this act residing within the county may preregister to vote and any]*~~ elector residing within the county may register to vote:

(a) Except as otherwise provided in NRS 293.560 and 293C.527, by appearing before the county clerk, a field registrar or a voter registration agency, completing the application to ~~*[preregister or]*~~ register to vote, giving true and satisfactory answers to all questions relevant to his or her identity and right to ~~*[preregister or]*~~ vote, and providing proof of residence and identity;

(b) By completing and mailing or personally delivering to the county clerk an application to ~~*[preregister or]*~~ register to vote pursuant to the provisions of NRS 293.5235;

(c) Pursuant to the provisions of NRS 293.524 ***or section ~~[6,]~~ 10, 11, 81 or 82 of this act*** or chapter 293D of NRS;

(d) At his or her residence with the assistance of a field registrar pursuant to NRS 293.5237; or

(e) By submitting an application to ~~*[preregister or]*~~ register to vote by computer ***,*** ~~*[using the system:*~~

~~*(1) Established by the Secretary of State pursuant to section 8 of this act; or*~~

~~*(2) Established by the county clerk,]*~~ if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.

➥ The county clerk shall require a person to submit official identification as proof of residence and identity, such as a driver's license or other official document, before ~~*[preregistering or]*~~ registering the person. If the applicant ~~*[preregisters or]*~~ registers to vote pursuant to this subsection and fails to provide proof of residence and identity, the applicant must provide proof of residence and identity before casting a ballot in person or by mail or after casting a provisional ballot pursuant to NRS 293.3081 or 293.3083. For the purposes of this subsection, a voter registration card issued pursuant to subsection 6 does not provide proof of the residence or identity of a person.

2. The ~~[Except as otherwise provided in sections 2 to 7, inclusive, of this act, the]~~ application to ~~[preregister or]~~ register to vote must be signed and verified under penalty of perjury by the ~~[person preregistering or the]~~ elector registering.

3. Each elector who is or has been married must be ~~[preregistered or]~~ registered under his or her own given or first name, and not under the given or first name or initials of his or her spouse.

4. An ~~[Except as otherwise provided in sections 2 to 7, inclusive, of this act, a person or an]~~ elector who is ~~[preregistered or]~~ registered and changes his or her name must complete a new application to ~~[preregister or]~~ register to vote ~~[, as applicable.]~~ The ~~[person or]~~ elector may obtain a new application:

(a) At the office of the county clerk or field registrar;

(b) By submitting an application to ~~[preregister or]~~ register to vote pursuant to the provisions of NRS 293.5235;

(c) By submitting a written statement to the county clerk requesting the county clerk to mail an application to ~~[preregister or]~~ register to vote;

(d) At any voter registration agency; or

(e) By submitting an application to ~~[preregister or]~~ register to vote by computer ~~[using the system:~~

~~(1) Established by the Secretary of State pursuant to section 8 of this act; or~~

~~(2) Established by the county clerk,]~~ if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.

➥ If the elector fails to register under his or her new name, the elector may be challenged pursuant to the provisions of NRS 293.303 or 293C.292 and may be required to furnish proof of identity and subsequent change of name.

5. Except as otherwise provided in subsection 7 ~~[and sections 4 to 7, inclusive, of this act,]~~ an elector who registers to vote pursuant to paragraph (a) of subsection 1 shall be deemed to be registered upon the completion of an application to register to vote.

6. After the county clerk determines that the application to register to vote of a person is complete and that, except as otherwise provided in NRS 293D.210, the person is eligible to vote pursuant to NRS 293.485, the county clerk shall issue a voter registration card to the voter which contains:

(a) The name, address, political affiliation and precinct number of the voter;

(b) The date of issuance; and

(c) The signature of the county clerk.

7. If ~~[a person or]~~ an elector submits an application to ~~[preregister or]~~ register to vote or an affidavit described in paragraph (c) of subsection 1 of NRS 293.507 that contains any handwritten additions, erasures or interlineations, the county clerk may object to the application to register to vote if the county clerk believes that because of such handwritten additions, erasures or interlineations, the application to register to vote of the elector is

incomplete or that, except as otherwise provided in NRS 293D.210, the ~~***[person is not eligible to preregister pursuant to section 9 of this act or the]***~~ elector is not eligible to vote pursuant to NRS 293.485 . ~~***[, as applicable.]***~~ If the county clerk objects pursuant to this subsection, he or she shall immediately notify the ~~***[person or]***~~ elector ~~***[, as applicable]***~~ and the district attorney of the county. Not later than 5 business days after the district attorney receives such notification, the district attorney shall advise the county clerk as to whether:

(a) The application to register to vote of the elector is complete and, except as otherwise provided in NRS 293D.210, the ~~***[person is eligible to preregister pursuant to section 9 of this act or the]***~~ elector is eligible to vote pursuant to NRS 293.485; and

(b) The county clerk should proceed to process the application **.** to register to vote.

➥ If the District Attorney advises the county clerk to process the application **,** to register to vote, the county clerk shall immediately issue a voter registration card to the applicant pursuant to subsection 6 . ~~***[, if applicable.]***~~

Sec. 56. ~~**[**NRS 293.518 is hereby amended to read as follows:~~

~~293.518 1. **[**At**]** ***Except as otherwise provided in sections 3 and 4 of this act, at*** the time ~~***a person preregisters or***~~ an elector registers to vote ~~**,** the ***person or*** elector must indicate:~~

~~(a) A political party affiliation; or~~

~~(b) That he or she is not affiliated with a political party.~~

~~➥ **[**An**]** ***A person or an*** elector who indicates that he or she is "independent" shall be deemed not affiliated with a political party.~~

~~2. If ***a person or*** an elector indicates that he or she is not affiliated with a political party, or is independent, the county clerk or field registrar of voters shall list the ***person's or*** elector's political party as nonpartisan.~~

~~3. If ***a person or*** an elector indicates an affiliation with a major political party or a minor political party that has filed a certificate of existence with the Secretary of State, the county clerk or field registrar of voters shall list the ***person's or*** elector's political party as indicated by the ***person or*** elector.~~

~~4. If ***a person or*** an elector indicates an affiliation with a minor political party that has not filed a certificate of existence with the Secretary of State, the county clerk or field registrar of voters shall:~~

~~(a) List the ***person's or*** elector's political party as the party indicated in the application to ***preregister or*** register to vote **[**.**]** ***, as applicable.***~~

~~(b) When compiling data related to ***preregistration and*** voter registration for the county, report the ***person's or*** elector's political party as "other party."~~

~~5. If ***a person or*** an elector does not make any of the indications described in subsection 1, the county clerk or field registrar of voters shall:~~

~~(a) List the ***person's or*** elector's political party as nonpartisan; and~~

~~(b) Mail to the ***person or*** elector a notice setting forth that the ***person has been preregistered or the*** elector has been registered to vote ***, as applicable,***~~

~~as a nonpartisan because [the elector] *he or she* did not make any of the indications described in subsection 1.]~~ **(Deleted by amendment.)**

Sec. 57. ~~[NRS 293.520 is hereby amended to read as follows:~~

~~"293.520 Except as otherwise provided in this section, the *preregistration of persons or* registration or reregistration of electors who are unable to sign their names must be made upon personal application of those *persons or* electors at the office of the county clerk where they may be identified or in the presence of a field registrar. If such *a person or* an elector is unable to appear in person at the office of the county clerk, the county clerk shall send a field registrar or an employee of the office of the county clerk to the elector to identify the *person or* elector and *preregister the person or* register or reregister the elector , as appropriate. The *persons or* electors described in this section may use a mark or cross in place of a signature.]~~ **(Deleted by amendment.)**

Sec. 58. ~~[NRS 293.523 is hereby amended to read as follows:~~

~~"293.523 A naturalized citizen need not produce his or her certificate of naturalization in order to qualify to be *preregistered or* registered.]~~ **(Deleted by amendment.)**

Sec. 59. ~~[NRS 293.5235 is hereby amended to read as follows:~~

~~"293.5235 1. Except as otherwise provided in NRS 293.502 and chapter 293D of NRS, a person may *preregister or* register to vote by mailing an application to *preregister or* register to vote to the county clerk of the county in which the person resides or may *preregister or* register to vote by computer [,] *using the system established by the Secretary of State pursuant to section 8 of this act or the system established by the county clerk,* if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register to vote. The county clerk shall, upon request, mail an application to *preregister or* register to vote to an applicant. The county clerk shall make the applications available at various public places in the county. *An application to preregister to vote may be used to correct information in a previous application.* An application to register to vote may be used to correct information in the registrar of voters' register.~~

~~2. An application to *preregister or* register to vote which is mailed to an applicant by the county clerk or made available to the public at various locations or voter registration agencies in the county may be returned to the county clerk by mail or in person. For the purposes of this section, an application which is personally delivered to the county clerk shall be deemed to have been returned by mail.~~

~~3. The applicant must complete the application, including, without limitation, checking the boxes described in paragraphs (b) and (c) of subsection 10 and signing the application.~~

~~4. The county clerk shall, upon receipt of an application, determine whether the application is complete.~~

~~5. If the county clerk determines that the application is complete, he or she shall, within 10 days after receiving the application, mail to the applicant:~~

~~(a) A notice that the applicant is ***preregistered or*** registered to vote **[**and**]** ***, as applicable. If the applicant is registered to vote, the county clerk must also mail to the applicant*** a voter registration card as required by subsection 6 of NRS 293.517; or~~

~~(b) A notice that the ***person's application to preregister to vote or the*** registrar of voters' register has been corrected to reflect any changes indicated on the application.~~

~~6. Except as otherwise provided in subsection 5 of NRS 293.518, if the county clerk determines that the application is not complete, the county clerk shall, as soon as possible, mail a notice to the applicant that additional information is required to complete the application. If the applicant provides the information requested by the county clerk within 15 days after the county clerk mails the notice, the county clerk shall, within 10 days after receiving the information, mail to the applicant:~~

~~(a) A notice that the applicant is **[**registered**]** :~~

~~***(1) Preregistered to vote; or***~~

~~***(2) Registered*** to vote and a voter registration card as required by subsection 6 of NRS 293.517; or~~

~~(b) A notice that ***the person's application to preregister to vote or*** the registrar of voters' register has been corrected to reflect any changes indicated on the application.~~

~~***** If the applicant does not provide the additional information within the prescribed period, the application is void.~~

~~7. The applicant shall be deemed to be ***preregistered or*** registered or to have corrected the information in the ***application to preregister to vote or the registrar of voters'*** register on the date the application is postmarked or received by the county clerk, whichever is earlier.~~

~~8. If the applicant fails to check the box described in paragraph (b) of subsection 10, the application shall not be considered invalid and the county clerk shall provide a means for the applicant to correct the omission at the time the applicant appears to vote in person at the assigned polling place.~~

~~9. The Secretary of State shall prescribe the form for **[**an application**]** ***applications*** to ***preregister or*** register to vote by:~~

~~(a) Mail, which must be used to ***preregister or*** register to vote by mail in this State.~~

~~(b) Computer, which must be used to ***preregister or*** register to vote **[**in**]** :~~

~~***(1) In*** a county if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register to vote.~~

~~***(2) Using the system established by the Secretary of State pursuant to section 8 of this act.***~~

~~10. The application to ***preregister or*** register to vote by mail must include:~~

~~(a) A notice in at least 10-point type which states:~~

~~— NOTICE: You are urged to return your application **[**to register to vote**]** to the County Clerk in person or by mail. If you choose to give your completed application to another person to return to the County Clerk on your behalf, and the person fails to deliver the application to the County Clerk, you will not be ***preregistered or*** registered to vote **[**.**]** ***, as applicable.*** Please retain the duplicate copy or receipt from your application to ***preregister or*** register to vote.~~

~~— (b) The question, "Are you a citizen of the United States?" and boxes for the applicant to check to indicate whether or not the applicant is a citizen of the United States.~~

~~— (c) **[**The**]** ***If the application is to:***~~

~~***(1) Preregister to vote, the question, "Are you at least 16 years of age and not more than 18 years of age?" and boxes to indicate whether or not the applicant is at least 16 years of age and not more than 18 years of age.***~~

~~***(2) Register to vote, the*** question, "Will you be at least 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be at least 18 years of age or older on election day.~~

~~— (d) A statement instructing the applicant not to complete the application if the applicant checked "no" in response to the question set forth in **:***~~

~~***(1) If the application is to preregister to vote,*** paragraph (b) or ***subparagraph (1) of paragraph*** (c).~~

~~***(2) If the application is to register to vote, paragraph (b) or subparagraph (2) of paragraph (c).***~~

~~— (e) A statement informing the applicant that if the application is submitted by mail and the applicant is ***preregistering or*** registering to vote for the first time, the applicant must submit the information set forth in paragraph (a) of subsection 2 of NRS 293.2725 to avoid the requirements of subsection 1 of NRS 293.2725 upon voting for the first time.~~

~~— 11. Except as otherwise provided in subsection 5 of NRS 293.518, the county clerk shall not ***preregister or*** register a person to vote pursuant to this section unless that person has provided all of the information required by the application.~~

~~— 12. The county clerk shall mail, by postcard, the notices required pursuant to subsections 5 and 6. If the postcard is returned to the county clerk by the United States Postal Service because the address is fictitious or the person does not live at that address, the county clerk shall attempt to determine whether the person's current residence is other than that indicated on the application to ***preregister or*** register to vote in the manner set forth in NRS 293.530.~~

~~— 13. A person who, by mail, ***preregisters or*** registers to vote pursuant to this section may be assisted in completing the application to ***preregister or*** register to vote by any other person. The application must include the mailing address and signature of the person who assisted the applicant. The failure to~~

~~provide the information required by this subsection will not result in the application being deemed incomplete.~~

~~14. An application to *preregister or* register to vote must be made available to all persons, regardless of political party affiliation.~~

~~15. An application must not be altered or otherwise defaced after the applicant has completed and signed it. An application must be mailed or delivered in person to the office of the county clerk within 10 days after it is completed.~~

~~16. A person who willfully violates any of the provisions of subsection 13, 14 or 15 is guilty of a category E felony and shall be punished as provided in NRS 193.130.~~

~~17. The Secretary of State shall adopt regulations to carry out the provisions of this section.~~**] (Deleted by amendment.)**

Sec. 60. **[**~~NRS 293.5237 is hereby amended to read as follows:~~

~~293.5237 Any time~~ **[**~~before~~**]** ~~*:*~~

~~*1. A person who, because of illness, disability or for other good cause shown, requires assistance to complete an application to preregister to vote may request the county clerk in writing or by telephone to preregister the person at the person's residence. Upon request, the county clerk shall direct the appropriate field registrar to go to the home of such a person to preregister the person to vote.*~~

~~*2. Before* the fifth Sunday preceding an election, a person who because of illness, disability or for other good cause shown requires assistance to complete an application to register to vote may request the county clerk in writing or by telephone to register the person at the person's residence. Upon request, the county clerk shall direct the appropriate field registrar to go to the home of such a person to register the person to vote.~~**] (Deleted by amendment.)**

Sec. 61. **[**~~NRS 293.524 is hereby amended to read as follows:~~

~~293.524 1.~~ **[**~~The~~**]** ~~*Except as otherwise provided in this section, the* Department of Motor Vehicles shall provide~~ **[**~~an~~**]** ~~*a paper* application to *preregister or* register to vote to each person who~~ **[**~~applies~~**]** ~~*:*~~

~~*(a) Applies* for the issuance or renewal of any type of driver's license or identification card issued by the Department~~ **[**~~.~~**]** ~~*; and*~~

~~*(b) Does not apply to preregister or register to vote pursuant to section 4 of this act.*~~

~~2. The county clerk shall use the applications to *preregister or* register to vote which are signed and completed pursuant to subsection 1 to *preregister or* register applicants to vote or to correct information in *a person's previous application to preregister or* the registrar of voters' register.~~ **[**~~An~~**]** ~~*A paper* application that is not signed must not be used to *preregister or* register or correct the *preregistration or* registration of the applicant.~~

~~3. For the purposes of this section, each employee specifically authorized to do so by the Director of the Department may oversee the completion of~~ **[**~~an~~**]** ~~*a paper* application. The authorized employee shall check the *paper*~~

~~application for completeness and verify the information required by the ***paper*** application. Each ***paper*** application must include a duplicate copy or receipt to be retained by the applicant upon completion of the form. The Department shall, except as otherwise provided in this subsection, forward each ***paper*** application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. The ***paper*** applications must be forwarded daily during the 2 weeks immediately preceding the fifth Sunday preceding an election.~~

~~4. ***The Department is not required to provide a paper application to preregister or register to vote pursuant to subsection 1 to a person who declines to apply to preregister or register to vote pursuant to this section and submits to the Department a written form that meets the requirements of 52 U.S.C. § 20506(a)(6). Information related to the declination to apply to preregister or register to vote must not be used for any purpose other than voter registration.***~~

~~***5.*** The county clerk shall accept any ***paper*** application to **[**register**]** **:**~~

~~***(a) Preregister to vote at any time.***~~

~~***(b) Register*** to vote which is obtained from the Department of Motor Vehicles pursuant to this section and completed by the fifth Sunday preceding an election if the county clerk receives the ***paper*** application not later than 5 days after that date.~~

~~***6.*** Upon receipt of **[**an**]** ***a paper*** application, the county clerk or field registrar of voters shall determine whether the ***paper*** application is complete. If the county clerk or field registrar of voters determines that the ***paper*** application is complete, he or she shall notify the applicant and the applicant shall be deemed to be ***preregistered or*** registered as of the date of the submission of the ***paper*** application. If the county clerk or field registrar of voters determines that the ***paper*** application is not complete, he or she shall notify the applicant of the additional information required. The applicant shall be deemed to be ***preregistered or*** registered as of the date of the initial submission of the ***paper*** application if the additional information is provided within 15 days after the notice for the additional information is mailed. If the applicant has not provided the additional information within 15 days after the notice for the additional information is mailed, the incomplete ***paper*** application is void. Any notification required by this subsection must be given by mail at the mailing address on the ***paper*** application not more than 7 working days after the determination is made concerning whether the ***paper*** application is complete.~~

~~**[**5.**]** ***7.*** The county clerk shall use any form submitted to the Department to correct information on a driver's license or identification card to correct information ***on a previous application to preregister or*** in the registrar of voters' register, unless the person indicates on the form that the correction is not to be used for the purposes of voter ***preregistration or*** registration. The Department shall forward each such form to the county clerk or, if applicable, to the registrar of voters of the county in which the person resides~~

~~in the same manner provided by subsection 3 for ***paper*** applications to ***preregister or*** register to vote.~~

~~**[**6.**]** ***8.*** Upon receipt of a form to correct information, the county clerk shall compare the information to that contained in the ***application to preregister to vote or the*** registrar of voters' register **[**. If the person is a registered voter, the**]** ***, as applicable. The*** county clerk shall correct the information to reflect any changes indicated on the form. After making any changes, the county clerk shall notify the person by mail that the records have been corrected.~~

~~**[**7.**]** ***9.*** The Secretary of State shall, with the approval of the Director, adopt regulations to:~~

~~(a) Establish any procedure necessary to provide ***a person who applies to preregister to vote or*** an elector who applies to register to vote pursuant to this section the opportunity to do so;~~

~~(b) Prescribe the contents of any forms or ***paper*** applications which the Department is required to distribute pursuant to this section; and~~

~~(c) Provide for the transfer of the completed ***paper*** applications of ***preregistration or*** registration from the Department to the appropriate county clerk**.** **[**for inclusion in the rosters and registrar of voters' register.**]]** **(Deleted by amendment.)**~~

Sec. 62. ~~**[**NRS 293.524 is hereby amended to read as follows:~~

~~293.524 1. Except as otherwise provided in this section **[**, the**]** ***:***~~

~~***(a) The*** Department of Motor Vehicles shall provide a paper application to preregister or register to vote to each person who:~~

~~**[**(a)**]** ***(1)*** Applies for the issuance or renewal of any type of driver's license or identification card issued by the Department; and~~

~~**[**(b)**]** ***(2)*** Does not apply to preregister or register to vote pursuant to section 4 of this act.~~

~~***(b) Each voter registration agency other than the Department of Motor Vehicles shall provide a paper application to preregister or register to vote to each person who:***~~

~~***(1) Applies for or receives services or assistance from the agency; and***~~

~~***(2) Does not apply to preregister or register to vote pursuant to section 6 of this act.***~~

~~2. The county clerk shall use the applications to preregister or register to vote which are signed and completed pursuant to subsection 1 to preregister or register applicants to vote or to correct information in a person's previous application to preregister or the registrar of voters' register. A paper application that is not signed must not be used to preregister or register or correct the preregistration or registration of the applicant.~~

~~3. For the purposes of this section, each employee specifically authorized to do so **[**by the Director of the Department**]** may oversee the completion of a paper application. The authorized employee shall check the paper application for completeness and verify the information required by the paper application. Each paper application must include a duplicate copy or receipt~~

~~to be retained by the applicant upon completion of the form. [The Department] *A voter registration agency* shall, except as otherwise provided in this subsection, forward each paper application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. The paper applications must be forwarded daily during the 2 weeks immediately preceding the fifth Sunday preceding an election.~~

~~4. [The Department] *A voter registration agency* is not required to provide a paper application to preregister or register to vote pursuant to subsection 1 to a person who declines to apply to preregister or register to vote pursuant to this section and submits to the [Department] *voter registration agency* a written form that meets the requirements of 52 U.S.C. § 20506(a)(6). Information related to the declination to apply to preregister or register to vote must not be used for any purpose other than voter registration.~~

~~5. The county clerk shall accept any paper application to:~~

~~(a) Preregister to vote at any time.~~

~~(b) Register to vote which is obtained from [the Department of Motor Vehicles] *a voter registration agency* pursuant to this section and completed by the fifth Sunday preceding an election if the county clerk receives the paper application not later than 5 days after that date.~~

~~6. Upon receipt of a paper application, the county clerk or field registrar of voters shall determine whether the paper application is complete. If the county clerk or field registrar of voters determines that the paper application is complete, he or she shall notify the applicant and the applicant shall be deemed to be preregistered or registered as of the date of the submission of the paper application. If the county clerk or field registrar of voters determines that the paper application is not complete, he or she shall notify the applicant of the additional information required. The applicant shall be deemed to be preregistered or registered as of the date of the initial submission of the paper application if the additional information is provided within 15 days after the notice for the additional information is mailed. If the applicant has not provided the additional information within 15 days after the notice for the additional information is mailed, the incomplete paper application is void. Any notification required by this subsection must be given by mail at the mailing address on the paper application not more than 7 working days after the determination is made concerning whether the paper application is complete.~~

~~7. The county clerk shall use any form submitted to [the Department to correct information on a driver's license or identification card] *a voter registration agency* to correct information on a previous application to preregister or in the registrar of voters' register, unless the person indicates on the form that the correction is not to be used for the purposes of voter preregistration or registration. [The Department] *A voter registration agency* shall forward each such form to the county clerk or, if applicable, to the registrar of voters of the county in which the person resides in the same~~

~~manner provided by subsection 3 for paper applications to preregister or register to vote.~~

~~8. Upon receipt of a form to correct information, the county clerk shall compare the information to that contained in the application to preregister to vote or the registrar of voters' register, as applicable. The county clerk shall correct the information to reflect any changes indicated on the form. After making any changes, the county clerk shall notify the person by mail that the records have been corrected.~~

~~9. The Secretary of State shall~~ **[**~~, with the approval of the Director,~~**]** ~~adopt regulations to:~~

~~(a) Establish any procedure necessary to provide a person who applies to preregister to vote or an elector who applies to register to vote pursuant to this section the opportunity to do so;~~

~~(b) Prescribe the contents of any forms or paper applications which~~ **[**~~the Department~~**]** ***a voter registration agency*** ~~is required to distribute pursuant to this section; and~~

~~(c) Provide for the transfer of the completed paper applications of preregistration or registration from the~~ **[**~~Department~~**]** ***voter registration agency*** ~~to the appropriate county clerk.~~**] (Deleted by amendment.)**

Sec. 63. **[**~~NRS 293.527 is hereby amended to read as follows:~~

~~293.527 When~~ ***a person moves to another county and preregisters to vote therein, or*** ~~an elector moves to another county and registers to vote therein, the county clerk of the county where the~~ ***person or*** ~~elector has moved shall send a cancellation notice to the clerk of the county in which the~~ ***person or*** ~~elector previously resided. The county clerk receiving such a notice shall cancel the~~ ***preregistration or*** ~~registration of the~~ ***person or*** ~~elector and place it in a cancelled file.~~**] (Deleted by amendment.)**

Sec. 64. **[**~~NRS 293.530 is hereby amended to read as follows:~~

~~293.530~~ ***1.*** ~~Except as otherwise provided in NRS 293.541:~~

~~**[**1.**]** ***(a)*** County clerks may use any reliable and reasonable means available to correct the portions of the statewide voter registration list which are relevant to the county clerks and to determine whether a registered voter's current residence is other than that indicated on the voter's application to register to vote.~~

~~**[**2.**]** ***(b)*** A county clerk may, with the consent of the board of county commissioners, make investigations of registration in the county by census, by house to house canvass or by any other method.~~

~~**[**3.**]** ***(c)*** A county clerk shall cancel the registration of a voter pursuant to this **[**section**]** ***subsection*** if:~~

~~**[**(a)**]** ***(1)*** The county clerk mails a written notice to the voter which the United States Postal Service is required to forward;~~

~~**[**(b)**]** ***(2)*** The county clerk mails a return postcard with the notice which has a place for the voter to write his or her new address, is addressed to the county clerk and has postage guaranteed;~~

~~**[**(c)**]** ***(3)*** The voter does not respond; and~~

~~[(d)] *(4)* The voter does not appear to vote in an election before the polls have closed in the second general election following the date of the notice.~~

~~[4.] *(d)* For the purposes of this [section,] *subsection,* the date of the notice is deemed to be 3 days after it is mailed.~~

~~[5.] *(e)* The county clerk shall maintain records of:~~

~~[(a)] *(1)* Any notice mailed pursuant to [subsection 3;~~

~~(b)] *paragraph (c);*~~

~~*(2)* Any response to such notice; and~~

~~[(c)] *(3)* Whether a person to whom a notice is mailed appears to vote in an election,~~

~~↵ for not less than 2 years after creation.~~

~~[6.] *(f)* The county clerk shall use any postcards which are returned to correct the portions of the statewide voter registration list which are relevant to the county clerk.~~

~~[7.] *(g)* If a voter fails to return the postcard mailed pursuant to [subsection 3] *paragraph (c)* within 30 days, the county clerk shall designate the voter as inactive on the voter's application to register to vote.~~

~~[8.] *(h)* The Secretary of State shall adopt regulations to prescribe the method for maintaining a list of voters who have been designated as inactive pursuant to [subsection 7.] *paragraph (g).*~~

~~*(i) If:*~~

~~*(1) The name of a voter is added to the statewide voter registration list pursuant to section 6 of this act; or*~~

~~*(2) The voter registration information of a voter whose name is on the statewide voter registration list is updated pursuant to section 6 of this act,*~~

~~*↵ the county clerk shall provide written notice of the addition or change to the voter not later than 5 working days after the addition or change is made. Except as otherwise provided in this paragraph, the notice must be mailed to the current residence of the voter. The county clerk may send the notice by electronic mail if the voter confirms the validity of the electronic mail address to which the notice will be sent by responding to a confirmation inquiry sent to that electronic mail address. Such a confirmation inquiry must be sent for each notice sent pursuant to this paragraph.*~~

~~*2. A county clerk is not required to take any action pursuant to this section in relation to a person who preregisters to vote until the person is deemed to be registered to vote pursuant to section 9 of this act.]*~~ **(Deleted by amendment.)**

Sec. 65. ~~[NRS 293.535 is hereby amended to read as follows:~~

~~293.535 1. The county clerk shall notify a registrant if any elector or other reliable person files an affidavit with the county clerk stating that:~~

~~(a) The registrant is not a citizen of the United States; or~~

~~(b) The registrant has:~~

~~(1) Moved outside the boundaries of the county where he or she is registered to another county, state, territory or foreign country, with the~~

~~intention of remaining there for an indefinite time and with the intention of abandoning his or her residence in the county where registered; and~~

~~(2) Established residence in some other state, territory or foreign country, or in some other county of this state, naming the place.~~

~~➥ The affiant must state that he or she has personal knowledge of the facts set forth in the affidavit.~~

~~2. Upon the filing of an affidavit pursuant to paragraph (b) of subsection 1, the county clerk shall notify the registrant in the manner set forth in NRS 293.530 and shall enclose a copy of the affidavit. If the registrant fails to respond or appear to vote within the required time, the county clerk shall cancel the registration.~~

~~3. An affidavit filed pursuant to paragraph (a) of subsection 1 must be filed not later than 30 days before an election. Upon the filing of such an affidavit, the county clerk shall notify the registrant by registered or certified mail, return receipt requested, of the filing of the affidavit, and shall enclose a copy of the affidavit. Unless the registrant, within 15 days after the return receipt has been filed in the office of the county clerk, presents satisfactory proof of citizenship, the county clerk shall cancel the registration.~~

~~4. The provisions of this section do not prevent the challenge provided for in NRS 293.303 or 293C.292.~~

~~*5. A county clerk is not required to take any action pursuant to this section in relation to a person who is preregistered to vote until the person is deemed to be registered to vote pursuant to section 9 of this act.]*~~ **(Deleted by amendment.)**

Sec. 66. ~~[NRS 293.537 is hereby amended to read as follows:~~

~~293.537 1. The county clerk of each county shall maintain~~ **[**~~a~~**]** ~~*:*~~

~~*(a) A file of the applications to preregister to vote of persons who have cancelled their preregistration; and*~~

~~*(b) A* file of the applications to register to vote of electors who have cancelled their registration.~~

~~➥ The~~ **[**~~file~~**]** ~~*files* must be kept in alphabetical order. The county clerk shall mark the applications "Cancelled," and indicate thereon the reason for cancellation.~~

~~*2. If the county clerk finds that the preregistration of a person was cancelled erroneously, the county clerk shall reinstate the person's application to preregister to vote.*~~

~~*3.* If the county clerk finds that the registration of an elector was cancelled erroneously, the county clerk shall reregister the elector or on election day allow the elector whose registration was erroneously cancelled to vote pursuant to NRS 293.304, 293.525, 293C.295 or 293C.525.~~

~~**[**2.**]** *4.* The county clerk may:~~

~~(a) Microfilm the applications to *preregister or* register to vote of *a person or* an elector who cancels his or her *preregistration or* registration *, as applicable,* and destroy the originals at any time.~~

~~(b) Record cancelled applications to *preregister or* register to vote by computer and destroy the originals at any time.~~

~~(c) Destroy any application to *preregister or* register to vote of *a person or* an elector who cancels his or her *preregistration or* registration *, as applicable,* after the expiration of 3 years after the date of cancellation.~~**]**

(Deleted by amendment.)

Sec. 67. ~~**[**NRS 293.540 is hereby amended to read as follows:~~

~~293.540 *1. The county clerk shall cancel the preregistration of a person:*~~

~~*(a) If the county clerk has personal knowledge of the death of the person or if an authenticated certificate of the death of the person is filed in the county clerk's office.*~~

~~*(b) At the request of the person.*~~

~~*(c) If the county clerk has discovered an incorrect preregistration pursuant to the provisions of NRS 293.5235 and the person has failed to respond within the required time.*~~

~~*(d) As required by NRS 293.541.*~~

~~*(e) Upon verification that the application to preregister to vote is a duplicate if the county clerk has the original or another duplicate of the application on file in the county clerk's office.*~~

~~*2.* The county clerk shall cancel the registration **[**:**]** *of a person:*~~

~~**[**1.**]** *(a)* If the county clerk has personal knowledge of the death of the person **[**registered,**]** or if an authenticated certificate of the death of **[**any elector**]** *the person* is filed in the county clerk's office.~~

~~**[**2.**]** *(b)* If the county clerk is provided a certified copy of a court order stating that the court specifically finds by clear and convincing evidence that the person **[**registered**]** lacks the mental capacity to vote because he or she cannot communicate, with or without accommodations, a specific desire to participate in the voting process.~~

~~**[**3.**]** *(c)* Upon the determination that the person **[**registered**]** has been convicted of a felony unless:~~

~~**[**(a)**]** *(1)* If the person **[**registered**]** was convicted of a felony in this State, the right to vote of the person has been restored pursuant to the provisions of NRS 213.090, 213.155 or 213.157.~~

~~**[**(b)**]** *(2)* If the person **[**registered**]** was convicted of a felony in another state, the right to vote of the person has been restored pursuant to the laws of the state in which the person was convicted.~~

~~**[**4.**]** *(d)* Upon the production of a certified copy of the judgment of any court directing the cancellation to be made.~~

~~**[**5.**]** *(e)* Upon the request of any registered voter to affiliate with any political party or to change affiliation, if that change is made before the end of the last day to register to vote in the election.~~

~~**[**6.**]** *(f)* At the request of the person **.** **[**registered.~~

~~7.~~ ***(g)*** ~~If the county clerk has discovered an incorrect registration pursuant to the provisions of NRS 293.5235, 293.530 or 293.535 and the elector has failed to respond or appear to vote within the required time.~~

~~8.~~ ***(h)*** ~~As required by NRS 293.541.~~

~~9.~~ ***(i)*** ~~Upon verification that the application to register to vote is a duplicate if the county clerk has the original or another duplicate of the application on file in the county clerk's office.~~ **(Deleted by amendment.)**

Sec. 68. ~~NRS 293.541 is hereby amended to read as follows:~~

~~293.541 1. The county clerk shall cancel the~~ ***preregistration of a person or the*** ~~registration of a voter if:~~

~~(a) After consultation with the district attorney, the district attorney determines that there is probable cause to believe that information in the~~ **[**~~registration~~**]** ***application to preregister or register to vote*** ~~concerning the identity or residence of the~~ ***person or*** ~~voter is fraudulent;~~

~~(b) The county clerk provides a notice as required pursuant to subsection 2 or executes an affidavit of cancellation pursuant to subsection 3; and~~

~~(c) The~~ ***person or*** ~~voter fails to present satisfactory proof of identity and residence pursuant to subsection 2, 4 or 5.~~

~~2. Except as otherwise provided in subsection 3, the county clerk shall notify the~~ ***person or*** ~~voter by registered or certified mail, return receipt requested, of a determination made pursuant to subsection 1. The notice must set forth the grounds for cancellation. Unless the~~ ***person or*** ~~voter, within 15 days after the return receipt has been filed in the office of the county clerk, presents satisfactory proof of identity and residence to the county clerk, the county clerk shall cancel the~~ ***person's preregistration or the*** ~~voter's registration~~ **[**~~.~~**]** ***, as applicable.***

~~3. If insufficient time exists before a pending election to provide the notice required by subsection 2~~ **[**~~,~~**]** ***to a registered voter,*** ~~the county clerk shall execute an affidavit of cancellation and~~ **[**~~file~~**]** ~~:~~

~~***(a) File*** *the affidavit of cancellation with the registrar of voters' register ;* ~~and~~ **[**~~:~~

~~(a) In counties where records of registration are not kept by computer, the county clerk shall attach a copy of the affidavit of cancellation in the roster.~~

~~(b) In counties where records of registration are kept by computer, the county clerk shall have~~**]**

~~***(b) Have*** *the affidavit of cancellation printed on the computer entry for the registration and add a copy of it to the roster.*~~

~~4. If a voter appears to vote at the election next following the date that an affidavit of cancellation was executed for the voter pursuant to this section, the voter must be allowed to vote only if the voter furnishes:~~

~~(a) Official identification which contains a photograph of the voter, including, without limitation, a driver's license or other official document; and~~

~~(b) Satisfactory identification that contains proof of the address at which the voter actually resides and that address is consistent with the address listed on the roster.~~

~~5. If a determination is made pursuant to subsection 1 concerning information in the registration to vote of a voter and an absent ballot or a ballot voted by a voter who resides in a mailing precinct is received from the voter, the ballot must be kept separate from other ballots and must not be counted unless the voter presents satisfactory proof to the county clerk of identity and residence before such ballots are counted on election day.~~

~~6. For the purposes of this section, a voter registration card issued pursuant to NRS 293.517 does not provide proof of the:~~

~~(a) Address at which a person actually resides; or~~

~~(b) Residence or identity of a person.~~**] (Deleted by amendment.)**

Sec. 69. ~~[NRS 293.543 is hereby amended to read as follows:~~

~~293.543 1. If the registration of an elector is cancelled pursuant to~~ ***paragraph (b) of*** ~~subsection 2 of NRS 293.540, the county clerk shall reregister the elector upon notice from the clerk of the district court that the elector has been found by the district court to have the mental capacity to vote. The court must include the finding in a court order and, not later than 30 days after issuing the order, provide a certified copy of the order to the county clerk of the county in which the person is a resident and to the Office of the Secretary of State.~~

~~2. If the registration of an elector is cancelled pursuant to~~ ***paragraph (c) of*** ~~subsection~~ **[**~~3~~**]** ***2*** ~~of NRS 293.540, the elector may reregister after presenting satisfactory evidence which demonstrates that the elector's:~~

~~(a) Conviction has been overturned; or~~

~~(b) Civil rights have been restored:~~

~~(1) If the elector was convicted in this State, pursuant to the provisions of NRS 213.090, 213.155 or 213.157.~~

~~(2) If the elector was convicted in another state, pursuant to the laws of the state in which he or she was convicted.~~

~~3. If the registration of an elector is cancelled pursuant to the provisions of~~ ***paragraph (e) of*** ~~subsection~~ **[**~~5~~**]** ***2*** ~~of NRS 293.540, the elector may reregister immediately.~~

~~4. If the registration of an elector is cancelled pursuant to the provisions of~~ ***paragraph (f) of*** ~~subsection~~ **[**~~6~~**]** ***2*** ~~of NRS 293.540, after the close of registration for a primary election, the elector may not reregister until after the primary election.~~**] (Deleted by amendment.)**

Sec. 70. ~~[NRS 293.547 is hereby amended to read as follows:~~

~~293.547 1. After the 30th day but not later than the 25th day before any election, a written challenge may be filed with the county clerk.~~

~~2. A registered voter may file a written challenge if:~~

~~(a) He or she is registered to vote in the same precinct as the person whose right to vote is challenged; and~~

~~(b) The challenge is based on the personal knowledge of the registered voter.~~

~~3. The challenge must be signed and verified by the registered voter and name the person whose right to vote is challenged and the ground of the challenge.~~

~~4. A challenge filed pursuant to this section must not contain the name of more than one person whose right to vote is challenged. The county clerk shall not accept for filing any challenge which contains more than one such name.~~

~~5. The county clerk shall:~~

~~(a) File the challenge in the registrar of voters' register and~~ **[**~~:~~

~~(1) In counties where records of registration are not kept by computer, he or she shall attach a copy of the challenge to the challenged registration in the roster.~~

~~(2) In counties where records of registration are kept by computer,~~**]** ~~he or she shall have the challenge printed on the computer entry for the challenged registration and add a copy of it to the roster.~~

~~(b) Within 5 days after a challenge is filed, mail a notice in the manner set forth in NRS 293.530 to the person whose right to vote has been challenged pursuant to this section informing the person of the challenge. If the person fails to respond or appear to vote within the required time, the county clerk shall cancel the person's registration. A copy of the challenge and information describing how to reregister properly must accompany the notice.~~

~~(c) Immediately notify the district attorney. A copy of the challenge must accompany the notice.~~

~~6. Upon receipt of a notice pursuant to this section, the district attorney shall investigate the challenge within 14 days and, if appropriate, cause proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay. The court shall give such proceedings priority over other civil matters that are not expressly given priority by law. Upon court order, the county clerk shall cancel the registration of the person whose right to vote has been challenged pursuant to this section.~~**]** **(Deleted by amendment.)**

Sec. 71. NRS 293.560 is hereby amended to read as follows:

293.560 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300, ***and sections 10 and 11 of this act,*** registration must close on the third Tuesday preceding any primary or general election and on the third Saturday preceding any recall or special election, except that if a recall or special election is held on the same day as a primary or general election, registration must close on the third Tuesday preceding the day of the elections.

2. For a primary or special election, the office of the county clerk must be open until 7 p.m. during the last 2 days on which registration is open. In a county whose population is less than 100,000, the office of the county clerk

may close at 5 p.m. during the last 2 days before registration closes if approved by the board of county commissioners.

3. For a general election:

(a) In a county whose population is less than 100,000, the office of the county clerk must be open until 7 p.m. during the last 2 days on which registration is open. The office of the county clerk may close at 5 p.m. if approved by the board of county commissioners.

(b) In a county whose population is 100,000 or more, the office of the county clerk must be open during the last 4 days on which registration is open, according to the following schedule:

(1) On weekdays until 9 p.m.; and

(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays.

4. Except for a special election held pursuant to chapter 306 or 350 of NRS:

(a) The county clerk of each county shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the county indicating:

(1) The day and time that registration will be closed; and

(2) If the county clerk has designated a county facility pursuant to NRS 293.5035, the location of that facility.

➥ If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest county in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

5. The offices of the county clerk, a county facility designated pursuant to NRS 293.5035 and other ex officio registrars may remain open on the last Friday in October in each even-numbered year.

6. For the period beginning on the fifth Sunday preceding any primary or general election and ending on the third Tuesday preceding any primary or general election, an elector may register to vote only:

(a) By appearing in person at the office of the county clerk or, if open, a county facility designated pursuant to NRS 293.5035; or

(b) By computer, ~~[using the system established by the Secretary of State pursuant to section 8 of this act or the system established by the county clerk,]~~ if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.

7. A county facility designated pursuant to NRS 293.5035 may be open during the periods described in this section for such hours of operation as the county clerk may determine, as set forth in subsection 3 of NRS 293.5035.

Sec. 72. NRS 293.563 is hereby amended to read as follows:

293.563 1. During the interval between the closing of registration and the election, the county clerk shall prepare for ~~[each]~~ ***:***

(a) Each polling place a roster containing the registered voters eligible to vote at the polling place.

(b) Each polling place established pursuant to section 9.2 of this act, if any, a roster containing the registered voters eligible to vote in the county.

(c) Each polling place designated pursuant to section 10 of this act , if any, a roster designated for electors who register to vote during the period for early voting pursuant to that section.

~~[(c)]~~ (d) Each polling place designated pursuant to section 11 of this act , if any, a roster designated for electors who register to vote on the day of the election pursuant to that section.

2. The ~~[roster]~~ ***rosters*** must be delivered or caused to be delivered by the county or city clerk to an election board officer of the proper polling place before the opening of the polls.

Sec. 72.5. **NRS 293.565 is hereby amended to read as follows:**

293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. A county clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation,

electronic mail or electronic access through an Internet website. If a county clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the county clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

5. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 4, the county clerk shall distribute the sample ballot to the registered voter by mail.

6. Before the period for early voting for any election begins, the county clerk shall distribute to each registered voter in the county by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place ~~[.]~~ ***or places.*** If the location of the polling place ***or places*** has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE ***OR PLACES*** HAS CHANGED SINCE THE LAST ELECTION

7. Except as otherwise provided in subsection 8, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN LARGE TYPE, CALL (Insert appropriate telephone number)

8. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

9. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

10. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots distributed to that person from the county are in large type.

11. The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his

or her polling place ***or places*** and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place **[.]** ***or places.***

12. The cost of distributing sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

Sec. 73. ~~[NRS 293.675 is hereby amended to read as follows:~~

~~293.675 1. The Secretary of State shall establish and maintain an official statewide voter registration list, which may be maintained on the Internet, in consultation with each county and city clerk.~~

~~2. The statewide voter registration list must:~~

~~(a) Be a uniform, centralized and interactive computerized list;~~

~~(b) Serve as the single method for storing and managing the official list of registered voters in this State;~~

~~(c) Serve as the official list of registered voters for the conduct of all elections in this State;~~

~~(d) Contain the name and registration information of every legally registered voter in this State;~~

~~(e) Include a unique identifier assigned by the Secretary of State to each legally registered voter in this State;~~

~~(f) Except as otherwise provided in subsection 6, be coordinated with the appropriate databases of other agencies in this State;~~

~~(g) Be electronically accessible to each state and local election official in this State at all times;~~

~~(h) Except as otherwise provided in subsection 7, allow for data to be shared with other states under certain circumstances; and~~

~~(i) Be regularly maintained to ensure the integrity of the registration process and the election process.~~

~~3. Each county and city clerk shall:~~

~~(a) [Electronically] *Except for information related to the preregistration of persons to vote, electronically* enter into the statewide voter registration list all information related to voter registration obtained by the county or city clerk at the time the information is provided to the county or city clerk; and~~

~~(b) Provide the Secretary of State with information concerning the voter registration of the county or city and other reasonable information requested~~

~~by the Secretary of State in the form required by the Secretary of State to establish or maintain the statewide voter registration list.~~

~~— 4. In establishing and maintaining the statewide voter registration list, the Secretary of State shall enter into a cooperative agreement with the Department of Motor Vehicles to match information in the database of the statewide voter registration list with information in the appropriate database of the Department of Motor Vehicles to verify the accuracy of the information in an application to register to vote.~~

~~— 5. The Department of Motor Vehicles shall enter into an agreement with the Social Security Administration pursuant to 42 U.S.C. § [~~15483,~~] *21083,* to verify the accuracy of information in an application to register to vote.~~

~~— 6. Except as otherwise provided in NRS 481.063 or any provision of law providing for the confidentiality of information, the Secretary of State may enter into an agreement with an agency of this State pursuant to which the agency provides to the Secretary of State any information in the possession of the agency that the Secretary of State deems necessary to maintain the statewide voter registration list.~~

~~— 7. The Secretary of State may:~~

~~— (a) Request from the chief officer of elections of another state any information which the Secretary of State deems necessary to maintain the statewide voter registration list; and~~

~~— (b) Provide to the chief officer of elections of another state any information which is requested and which the Secretary of State deems necessary for the chief officer of elections of that state to maintain a voter registration list, if the Secretary of State is satisfied that the information provided pursuant to this paragraph will be used only for the maintenance of that voter registration list.~~**]** **(Deleted by amendment.)**

Sec. 74. **[**~~NRS 293.710 is hereby amended to read as follows:~~

~~— 293.710 1. It is unlawful for any person, in connection with any election, petition or~~ ***preregistration or*** ~~registration of voters, whether acting himself or herself or through another person in his or her behalf, to:~~

~~— (a) Use or threaten to use any force, intimidation, coercion, violence, restraint or undue influence;~~

~~— (b) Inflict or threaten to inflict any physical or mental injury, damage, harm or loss upon the person or property of another;~~

~~— (c) Expose or publish or threaten to expose or publish any fact concerning another in order to induce or compel such other to vote or refrain from voting for any candidate or any question;~~

~~— (d) Impede or prevent, by abduction, duress or fraudulent contrivance, the free exercise of the franchise by any voter, or thereby to compel, induce or prevail upon any elector to give or refrain from giving his or her vote; or~~

~~— (e) Discharge or change the place of employment of any employee with the intent to impede or prevent the free exercise of the franchise by such employee.~~

~~2. A person who violates a provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.]~~ **(Deleted by amendment.)**

Sec. 75. NRS 293.730 is hereby amended to read as follows:

293.730 1. A person sha ll not:

(a) Remain in or outside of any polling place so as to interfere with the conduct of the election.

(b) Except an election board officer, receive from any voter a ballot prepared by the voter.

(c) Remove a ballot from any polling place before the closing of the polls.

(d) Apply for or receive a ballot at any election precinct or district other than ~~[~~the~~]~~ one at which the person is entitled to vote.

(e) Show his or her ballot to any person, after voting, so as to reveal any of the names voted for.

(f) Inside a polling place, ask another person for whom he or she intends to vote.

(g) Except an election board officer, deliver a ballot to a voter.

(h) Except an election board officer in the course of the election board officer's official duties, inside a polling place, ask another person his or her name, address or political affiliation.

2. A voter shall not:

(a) Receive a ballot from any person other than an election board officer.

(b) Deliver to an election board or to any member thereof any ballot other than the one received.

(c) Place any mark upon his or her ballot by which it may afterward be identified as the one voted by the person.

3. Any person who violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 76. NRS 293.790 is hereby amended to read as follows:

293.790 If any person whose vote has been rejected offers to vote at the same election, at any polling place other than ~~[~~the~~]~~ one in which the person is ~~[~~registered~~]~~ ***authorized*** to vote, such person is guilty of a gross misdemeanor.

Sec. 77. ~~[~~NRS 293.800 is hereby amended to read as follows:

~~293.800 1. A person who, for himself, herself or another person, willfully gives a false answer or answers to questions propounded to the person by the registrar or field registrar of voters relating to the information called for by the application to register to vote, or who willfully falsifies the application in any particular, or who violates any of the provisions of the election laws of this State or knowingly encourages another person to violate those laws is guilty of a category E felony and shall be punished as provided in NRS 193.130.~~

~~2. A public officer or other person, upon whom any duty is imposed by this title, who willfully neglects his or her duty or willfully performs it in such a way as to hinder the objects and purposes of the election laws of this~~

~~State, except where another penalty is provided, is guilty of a category E felony and shall be punished as provided in NRS 193.130.~~

~~3. If the person is a public officer, his or her office is forfeited upon conviction of any offense provided for in subsection 2.~~

~~4. [A]~~ ***Except as otherwise provided in this subsection, a*** ~~person who causes or endeavors to cause his or her name to be registered, knowing that he or she is not an elector or will not be an elector on or before the day of the next ensuing election in the precinct or district in which he or she causes or endeavors to cause the registration to be made, and any other person who induces, aids or abets the person in the commission of either of the acts is guilty of a category E felony and shall be punished as provided in NRS 193.130.~~ ***The provisions of this subsection do not apply to a person who preregisters to vote.***

~~5. A field registrar or other person who provides to an elector an application to register to vote and who:~~

~~(a) Knowingly falsifies the application or knowingly causes an application to be falsified;~~

~~(b) Knowingly provides money or other compensation to another for a falsified application; or~~

~~(c) Intentionally fails to submit to the county clerk a completed application,~~

~~** is guilty of a category E felony and shall be punished as provided in NRS 193.130.]~~ **(Deleted by amendment.)**

Sec. 78. ~~[NRS 293.805 is hereby amended to read as follows:~~

~~293.805 1. It is unlawful for a person to provide compensation for~~ ***preregistering or*** ~~registering voters that is based upon:~~

~~(a) The total number of~~ ***persons or*** ~~voters a person~~ ***preregisters or*** ~~registers; or~~

~~(b) The total number of~~ ***persons or*** ~~voters a person~~ ***preregisters or*** ~~registers in a particular political party.~~

~~2. A person who violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.]~~ **(Deleted by amendment.)**

Sec. 79. ~~[NRS 293.810 is hereby amended to read as follows:~~

~~293.810 It is unlawful for any person to be~~ ***preregistered to vote or*** ~~registered as a voter in more than one county at one time.]~~ **(Deleted by amendment.)**

Sec. 80. Chapter 293C of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[81 and]~~ **80.2 to** 82 **, inclusive,** of this act.

Sec. 80.2. ***1. A city clerk may establish one or more polling places in the city where any person entitled to vote in the city by personal appearance may do so on the day of the primary city election or general city election.***

2. Any person entitled to vote in the city by personal appearance may do so at any polling place established pursuant to subsection 1.

Sec. 80.4. ***1. Except as otherwise provided in subsection 2, if a city clerk establishes one or more polling places pursuant to section 80.2 of this act, the city clerk must:***

(a) Publish during the week before the election in a newspaper of general circulation a notice of the location of each such polling place.

(b) Post a list of the location of each such polling place on any bulletin board used for posting notice of meetings of the governing body of the city. The list must be posted continuously for a period beginning not later than the fifth business day before the election and ending at 7 p.m. on the day of the election. The city clerk shall make copies of the list available to the public during the period of posting in reasonable quantities without charge.

2. The provisions of subsection 1 do not apply if every polling place in the city is a polling place where any person entitled to vote in the city by personal appearance may do so on the day of the primary city election or general city election.

3. No additional polling place may be established pursuant to section 80.2 of this act after the publication pursuant to this section, except in the case of an emergency and if approved by the Secretary of State.

Sec. 80.6. ***1. For each polling place established pursuant to section 80.2 of this act, if any, the city clerk shall prepare a roster that contains, for every registered voter in the city, the voter's name, the address where he or she is registered to vote, his or her voter identification number, the voter's precinct or district number and the voter's signature.***

2. The roster must be delivered or caused to be delivered by the city clerk to an election board officer of the proper polling place before the opening of the polls.

Sec. 80.8. ***1. Except as otherwise provided in NRS 293C.272, upon the appearance of a person to cast a ballot at a polling place established pursuant to section 80.2 of this act, the election board officer shall:***

(a) Determine that the person is a registered voter in the city.

(b) Instruct the voter to sign the roster.

(c) Verify the signature of the voter in the manner set forth in NRS 293C.270.

(d) Verify that the voter has not already voted in the current election.

2. If the signature of the voter does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the card issued to the voter at the time he or she registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The city clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in the current election.

5. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place where he or she applies to vote.

6. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district and the form of the ballot are indicated on the voting receipt, if the city clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

7. A voter applying to vote at a polling place established pursuant to section 80.2 of this act may be challenged pursuant to NRS 293.303

Sec. 81. *1. Except as otherwise provided in subsection 8, ~~[each]~~ if the governing body of a city determines, in consultation with the city clerk, that the city clerk has the necessary technology and resources so that electors of the city may register to vote during the period for early voting by personal appearance in a way that ensures the integrity of the registration process and the election process, the city clerk ~~[shall]~~ must designate one or more permanent polling places for early voting by personal appearance in the city as a site for an elector of the city to register to vote.*

2. An elector who is not registered to vote by the close of registration may register to vote during the period for early voting at any polling place designated pursuant to subsection 1 by the city clerk of the city where the elector resides.

3. To register to vote during the period for early voting, an elector must:

(a) Appear before the close of the polls at a polling place designated by the city clerk pursuant to subsection 1 as a site for registering to vote during the period for early voting;

(b) Complete the application to register to vote; and

(c) Provide proof of his or her residence and identity as described in subsections 4 and 5.

4. The following forms of identification may be used:

(a) A driver's license;

(b) An identification card issued by the Department of Motor Vehicles;

(c) A military identification card; or

(d) Any other form of identification issued by a governmental agency which contains the signature and a physical description or picture of the elector.

5. The following documents may be used to establish the residency of an elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:

(a) Any form of identification set forth in subsection 4;

(b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service;

(c) A bank or credit union statement;

(d) A paycheck;

(e) An income tax return;

(f) A statement concerning the mortgage, rental or lease of a residence;

(g) A motor vehicle registration;

(h) A property tax statement;

(i) Any other document issued by a governmental agency; or

(j) Any other official document which the city clerk or other person designated by the city clerk to accept applications to register to vote pursuant to this section determines, in his or her discretion, to be a reliable indication of the true residential address of the elector.

6. An elector who registers to vote pursuant to this section shall be deemed to be registered upon the completion of an application to register to vote and the verification of his or her identity and residency.

7. An elector who registers to vote pursuant to this section:

(a) May vote during the period for early voting only at the polling place for early voting at which the elector registers to vote; and

(b) If the elector applies to vote at the polling place for early voting at which he or she registers to vote, must sign his or her name in a roster provided by the city clerk and designated for electors who register to vote pursuant to this section.

8. The provisions of this section do not apply to a city election in which all ballots must be cast by mail pursuant to NRS 293C.112.

Sec. 82. *1. Except as otherwise provided in subsection 8, ~~[each]~~ if the governing body of a city determines, in consultation with the city clerk, that the county clerk has the necessary technology and resources so that electors of the city may register to vote on the day of a primary city election or general city election in a way that ensures the integrity of the registration process and the election process, the city clerk ~~[shall:]~~ must:*

(a) Designate one or more polling places in the city as a site for an elector of the city to register to vote on the day of a primary city election or general city election.

(b) Unless every polling place in the city is designated as a site for an elector of the city to register to vote on the day of a primary city election or general city election:

(1) Publish during the week before the election in a newspaper of general circulation a notice of the location of each polling place in the city that has been established pursuant to paragraph (a).

~~[(c)]~~ (2) Post a list of the locations established pursuant to paragraph (a) on any bulletin board used for posting notice of meetings of the governing body of the city. The list must be posted continuously for a period beginning not later than the fifth business day before the election and ending at 7 p.m. on the day of the election. The city clerk shall make copies of the list available to the public during the period of posting in a reasonable quantity without charge.

2. An elector who is not registered to vote by the close of registration may register to vote on the day of the primary city election or general city election at any polling place designated pursuant to subsection 1 by the city clerk of the city where the elector resides.

3. To register to vote on the day of the primary city election or general city election, an elector must:

(a) Appear before the close of the polls at a polling place designated by the city clerk pursuant to subsection 1 as a site for registering to vote on the day of the election;

(b) Complete the application to register to vote; and

(c) Provide proof of his or her residence and identity as described in subsections 4 and 5.

4. The following forms of identification may be used to identify an elector applying to register to vote pursuant to this section:

(a) A driver's license;

(b) An identification card issued by the Department of Motor Vehicles;

(c) A military identification card; or

(d) Any other form of identification issued by a governmental agency which contains the signature and a physical description or picture of the elector.

5. The following documents may be used to establish the residency of an elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:

(a) Any form of identification set forth in subsection 4;

(b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service;

(c) A bank or credit union statement;

(d) A paycheck;

(e) An income tax return;

(f) A statement concerning the mortgage, rental or lease of a residence;

(g) A motor vehicle registration;

(h) A property tax statement;

(i) Any other document issued by a governmental agency; or

(j) Any other official document which the city clerk or other person designated by the city clerk to accept applications to register to vote pursuant to this section determines, in his or her discretion, to be a reliable indication of the true residential address of the elector.

6. An elector who registers pursuant to this section shall be deemed to be registered to vote upon the completion of an application to register to vote and the verification of his or her identity and residency.

7. An elector who registers to vote pursuant to this section:

(a) May vote in the primary city election or general city election only at the polling place at which the elector registers to vote or changes his or her address, as applicable; and

(b) If the elector applies to vote at the polling place at which he or she registers to vote, must sign his or her name in the roster designated for electors who register to vote pursuant to this section.

8. The provisions of this section do not apply to a city election in which all ballots must be cast by mail pursuant to NRS 293C.112.

Sec. 83. NRS 293C.110 is hereby amended to read as follows:

293C.110 1. Except as otherwise provided in subsection 2, conduct of any city election is under the control of the governing body of the city, and it shall, by ordinance, provide for the holding of the election, appoint the necessary election officers and election boards and do all other things required to carry the election into effect.

2. Except as otherwise provided in NRS 293C.112, the governing body of the city shall provide for:

(a) Absent ballots to be voted in a city election pursuant to NRS 293C.305 to 293C.325, inclusive, and 293C.330 to 293C.340, inclusive; and

(b) The conduct of:

(1) Early voting by personal appearance in a city election pursuant to NRS 293C.355 to 293C.361, inclusive ~~[.]~~ ***, and section 81 of this act;***

(2) Voting by absent ballot in person in a city election pursuant to NRS 293C.327; or

(3) Both early voting by personal appearance as described in subparagraph (1) and voting by absent ballot in person as described in subparagraph (2).

Sec. 84. NRS 293C.112 is hereby amended to read as follows:

293C.112 1. The governing body of a city may conduct a city election in which all ballots must be cast by mail if:

(a) The election is a special election; or

(b) The election is a primary city election or general city election in which the ballot includes only:

(1) Offices and ballot questions that may be voted on by the registered voters of only one ward; or

(2) One office or ballot question.

2. The provisions of NRS 293C.265 to 293C.302, inclusive, ***and*** ~~***[section]***~~ ***sections 80.2 to 80.8, inclusive, and 82 of this act,*** 293C.305 to

293C.340, inclusive, and 293C.355 to 293C.361, inclusive, ***and section 81 of this act,*** do not apply to an election conducted pursuant to this section.

3. For the purposes of an election conducted pursuant to this section, each precinct in the city shall be deemed to have been designated a mailing precinct pursuant to NRS 293C.342.

Sec. 85. ~~[NRS 293C.240 is hereby amended to read as follows:~~

~~293C.240 1. When it appears to the satisfaction of the city clerk that an absent ballot central counting board will expedite the work of tallying the absent ballot vote of the city, the city clerk [may] *shall* appoint such a board. [If the city is located in a county that uses a computer to maintain records of registered voters, the county clerk shall appoint the board.]~~

~~2. In a city where an absent ballot central counting board has been appointed, no central election board may be appointed. The absent ballot central counting board shall perform the duties of the central election board.]~~ **(Deleted by amendment.)**

Sec. 86. NRS 293C.267 is hereby amended to read as follows:

293C.267 1. Except as otherwise provided in subsection 2 and NRS 293C.297, at all elections held pursuant to the provisions of this chapter, the polls must open at 7 a.m. and close at 7 p.m.

2. Whenever at any election all the votes of the ~~*[a]*~~ polling place , as shown on the roster, ~~*[not designated pursuant to section 82 of this act as a site for an elector of the city to register to vote on the day of the election]*~~ have been cast, ~~*[as shown by the roster,]*~~ the election board officers shall close the polls ~~*[polling place,]*~~ and the counting of votes must begin and continue without unnecessary delay until the count is completed. ***The provisions of this subsection do not apply to any polling place established pursuant to section 80.2 of this act or designated pursuant to section 81 or 82 of this act.***

3. Upon opening the polls, one of the election board officers shall cause a proclamation to be made so that all present may be aware of the fact that applications of registered voters to vote will be received.

4. No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this chapter.

Sec. 87. NRS 293C.270 is hereby amended to read as follows:

293C.270 1. Except as otherwise provided in NRS 293C.272, if a person's name appears in the roster **,** ~~[or]~~ if the person provides an affirmation pursuant to NRS 293C.525 ~~[,]~~ ***or if the person registered to vote pursuant to section 82 of this act,*** the person is entitled to vote and must sign his or her name in the roster when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's application to register to vote or one of the forms of identification listed in subsection 2.

2. The forms of identification that may be used to identify a voter at the polling place are:

(a) The card issued to the voter at the time he or she registered to vote ; ~~*[or was deemed to be registered to vote;]*~~

(b) A driver's license;

(c) An identification card issued by the Department of Motor Vehicles;

(d) A military identification card; or

(e) Any other form of identification issued by a governmental agency that contains the voter's signature and physical description or picture.

Sec. 88. ~~[NRS 293C.272 is hereby amended to read as follows:~~

~~293C.272 1. If, because of physical limitations, a registered voter is unable to sign his or her name in the roster as required by NRS 293C.270, the voter must be identified by:~~

~~(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;~~

~~(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or~~

~~(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the card issued to the voter at the time he or she registered to vote~~ ~~[.]~~ ~~*or was deemed to be registered to vote.*~~

~~2. If the identity of the voter is verified, the election board officer shall indicate in the roster "Identified" by the voter's name.]~~ **(Deleted by amendment.)**

Sec. 89. NRS 293C.275 is hereby amended to read as follows:

293C.275 1. Except as otherwise provided in NRS 293C.272, a registered voter who applies to vote must state his or her name to the election board officer in charge of the roster, and the officer shall immediately announce the name, instruct the voter to sign the roster , ~~[and]~~ verify the signature of the voter in the manner set forth in NRS 293C.270 ~~[.]~~ ***and verify that the registered voter has not already voted in the current election.***

2. If the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the card issued to the voter at the time he or she registered to vote . ~~*[or was deemed to be registered to vote.]*~~

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

Sec. 90. NRS 293C.282 is hereby amended to read as follows:

293C.282 1. Any registered voter who, because of a physical disability or an inability to read or write English, is unable to mark a ballot or use any

voting device without assistance is entitled to assistance from a consenting person of his or her own choice, except:

(a) The voter's employer or an agent of the voter's employer; or

(b) An officer or agent of the voter's labor organization.

2. A person providing assistance pursuant to this section to a voter in casting a vote shall not disclose any information with respect to the casting of that ballot.

3. The right to assistance in casting a ballot may not be denied or impaired when the need for assistance is apparent or is known to the election board or any member thereof or when the registered voter requests such assistance in any manner.

4. In addition to complying with the requirements of this section, the city clerk and election board officer shall, upon the request of a registered voter with a physical disability, make reasonable accommodations to allow the voter to vote at ~~[his or her]~~ ***a*** polling place ~~[.]~~ ***at which he or she is entitled to vote.***

Sec. 91. NRS 293C.297 is hereby amended to read as follows:

293C.297 1. If at the hour of closing the polls there are any ~~[registered]~~ ***:***

(a) Registered voters waiting to vote ~~[,]~~ ***; or***

(b) If the polling place has been designated pursuant to section 82 of this act as a site for an elector of the city to register to vote on the day of the election, persons waiting to register to vote,

➥ the doors of the polling place must be closed after all those ~~[voters]~~ ***persons*** have been admitted to the polling place. Voting must continue until those ~~[voters]~~ ***persons*** have voted.

2. The officer appointed by the chief law enforcement officer of the city shall allow other persons to enter the polling place after the doors have been closed to observe or for any other lawful purpose if there is room within the polling place and their admittance will not interfere with the voting ~~[.]~~ ***or voter registration.***

Sec. 92. NRS 293C.355 is hereby amended to read as follows:

293C.355 The provisions of NRS 293C.355 to 293C.361, inclusive, ***and section 81 of this act*** apply to a city only if the governing body of the city has provided for early voting by personal appearance pursuant to paragraph (b) of subsection 2 of NRS 293C.110.

Sec. 93. NRS 293C.3564 is hereby amended to read as follows:

293C.3564 1. The city clerk <u>may</u> ~~***[shall]***~~ establish ~~***[at least]***~~ ***one <u>or more</u>*** permanent polling <u>places</u> ~~***[place]***~~ for early voting by personal appearance in the city at the locations selected pursuant to NRS 293C.3561.

2. Any person entitled to vote early by personal appearance may do so at any polling place for early voting.

Sec. 94. NRS 293C.3585 is hereby amended to read as follows:

293C.3585 1. Except as otherwise provided in NRS 293C.272, upon the appearance of a person to cast a ballot for early voting, an election board officer shall:

(a) Determine that the person is a registered voter in the county.

(b) Instruct the voter to sign the roster for early voting ~~[.]~~ ***or the roster designated for electors who register to vote during the period for early voting pursuant to section 81 of this act.***

(c) Verify the signature of the voter in the manner set forth in NRS 293C.270.

(d) Verify that the voter has not already voted in the current election **.** ~~[pursuant to this section.]~~

2. If the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the card issued to the voter at the time he or she registered to vote **.** ~~*[or was deemed to be registered to vote.]*~~

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The city clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in the current election **.** ~~[pursuant to this section.]~~

5. The roster for early voting must contain:

(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number ~~*[, a facsimile of the signature of the voter that is from the original application to register to vote]*~~ and a place for the voter's signature;

(b) The voter's precinct or voting district number, if that information is available; and

(c) The date of voting early in person.

6. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

7. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district, if that information is available, and the form of ballot are indicated on the voting receipt, if the city clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

8. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293C.292.

Sec. 95. NRS 293C.3604 is hereby amended to read as follows:

293C.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election ***:*** ~~[other than a presidential preference primary election:]~~

1. At the close of each voting day, the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

(1) The title of the election;

(2) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;

(3) The number of ballots voted on the mechanical recording device for that day; ~~[and]~~

(4) The number of signatures in the roster for early voting for that day ~~[.]~~ ***; and***

(5) The number of signatures in the roster designated for electors who register to vote during early voting pursuant to section 81 of this act, if applicable.

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293C.3594; and

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293C.3594.

2. At the close of the last voting day, the city clerk shall deliver to the ballot board for early voting:

(a) The statements for all polling places for early voting;

(b) The voting rosters used for early voting;

(c) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and

(d) Any other items as determined by the city clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

(a) Indicate the number of ballots on an official statement of ballots; and

(b) Place the storage devices in the container provided to transport those items to the central counting place and seal the container with a number seal. The official statement of ballots must accompany the storage devices to the central counting place.

Sec. 96. ~~[NRS 293C.389 is hereby amended to read as follows:~~

~~293C.389 The governing body of a city, a city clerk and any other person who prepares an abstract of votes or other report of votes pursuant to this chapter shall not include in that abstract or report a person designated as an inactive voter pursuant to~~ ***paragraph (g) of*** ~~subsection~~ ***[7] 1*** ~~of NRS 293.530~~

~~when determining the percentage of voters who have voted or the total number of voters.~~] **(Deleted by amendment.)**

Sec. 97. ~~[NRS 293C.520 is hereby amended to read as follows:~~

~~293C.520 1. The city clerk may designate any building owned or leased by the city, or any portion of such a building, as a municipal facility at which *persons may preregister to vote or* electors may register to vote.~~

~~2. A municipal facility designated pursuant to subsection 1 must be operated as an auxiliary municipal facility at which [voter] *preregistration and* registration [is] *are* carried out in addition to being carried out at the office of the city clerk.~~

~~3. If the city clerk designates a municipal facility pursuant to subsection 1, the city clerk shall determine the hours of operation for the facility and shall, in cooperation with the Secretary of State, ensure that the facility is operated, staffed and equipped in compliance with all applicable provisions of this title and all other applicable provisions of state and federal law relating to the *preregistration of persons and* registration of electors in this State.~~] **(Deleted by amendment.)**

Sec. 98. NRS 293C.527 is hereby amended to read as follows:

293C.527 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300, ***and sections 81 and 82 of this act,*** registration must close on the third Tuesday preceding any primary city election or general city election and on the third Saturday preceding any recall or special election, except that if a recall or special election is held on the same day as a primary city election or general city election, registration must close on the third Tuesday preceding the day of the elections.

2. For a primary city election or special city election, the office of the city clerk must be open until 7 p.m. during the last 2 days on which registration is open. In a city whose population is less than 25,000, the office of the city clerk may close at 5 p.m. if approved by the governing body of the city.

3. For a general election:

(a) In a city whose population is less than 25,000, the office of the city clerk must be open until 7 p.m. during the last 2 days on which registration is open. The office of the city clerk may close at 5 p.m. if approved by the governing body of the city.

(b) In a city whose population is 25,000 or more, the office of the city clerk must be open during the last 4 days on which registration is open, according to the following schedule:

(1) On weekdays until 9 p.m.; and

(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays.

4. Except for a special election held pursuant to chapter 306 or 350 of NRS:

(a) The city clerk of each city shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the city indicating:

(1) The day and time that registration will be closed; and

(2) If the city clerk has designated a municipal facility pursuant to NRS 293C.520, the location of that facility.

➥ If no newspaper is of general circulation in that city, the publication may be made in a newspaper of general circulation in the nearest city in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

5. For the period beginning on the fifth Sunday preceding any primary city election or general city election and ending on the third Tuesday preceding any primary city election or general city election, an elector may register to vote only:

(a) By appearing in person at the office of the city clerk or, if open, a municipal facility designated pursuant to NRS 293C.520; or

(b) By computer , ~~*[using the system established by the Secretary of State pursuant to section 8 of this act or the system established by the county clerk of the county in which the city is located,]*~~ if the county clerk of the county in which the city is located has established a system pursuant to NRS 293.506 for using a computer to register voters.

6. A municipal facility designated pursuant to NRS 293C.520 may be open during the periods described in this section for such hours of operation as the city clerk may determine, as set forth in subsection 3 of NRS 293C.520.

Sec. 98.5. **NRS 293C.530 is hereby amended to read as follows:**

293C.530 1. A city clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a city clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the city clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

2. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 1, the city clerk shall distribute the sample ballot to the registered voter by mail.

3. Before the period for early voting for any election begins, the city clerk shall distribute to each registered voter in the city by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place ~~[.]~~ ***or places.*** If the location of the polling place ***or places*** has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE ***OR PLACES*** HAS CHANGED SINCE THE LAST ELECTION

4. Except as otherwise provided in subsection 6, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type;

(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 295.205 or 295.217; and

(c) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN LARGE TYPE, CALL (Insert appropriate telephone number)

5. The word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.

6. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

7. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

8. If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots distributed to that person from the city are in large type.

9. The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place ***or places*** and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place ~~[.]~~ ***or places.***

10. The cost of distributing sample ballots for a city election must be borne by the city holding the election.

Sec. 99. NRS 293C.535 is hereby amended to read as follows:

293C.535 1. Except as otherwise provided by special charter, registration of electors in incorporated cities must be accomplished in the manner provided in this chapter.

2. ~~[~~The~~]~~ ***Except as otherwise provided in subsection 3, the*** county clerk shall use the statewide voter registration list to prepare for the city clerk of each incorporated city within the county the roster of all electors eligible to vote at a regular or special city election.

3. The ***city clerk shall prepare for*** ~~***[each]***~~ ***:***

(a) Each polling place a roster containing the registered voters eligible to vote at the polling place.

(b) Each polling place established pursuant to section 80.2 of this act, if any, a roster containing the registered voters eligible to vote in the city.

(c) Each polling place designated pursuant to:

~~***[(a)]***~~ ***(1) Section 81 of this act , if any, a roster designated for electors who register to vote during the period for early voting pursuant to that section.***

~~***[(b)]***~~ ***(2) Section 82 of this act , if any, a roster designated for electors who register to vote on the day of the city election pursuant to that section.***

4. The rosters must be prepared, one for each ward or other voting district within each incorporated city. The entries in the roster must be arranged alphabetically with the surnames first.

~~**[**~~4.~~]~~ ***5.*** The county clerk shall keep duplicate originals or copies of the applications to register to vote in the county clerk's office.

Sec. 100. NRS 293C.540 is hereby amended to read as follows:

293C.540 Not later than 3 days before the day on which any regular or special city election is held, the county clerk shall deliver to the city clerk the official ~~**[**register**]**~~ ***rosters*** for the city.

Sec. 101. NRS 293C.715 is hereby amended to read as follows:

293C.715 1. If a city clerk maintains a website on the Internet for information relating to elections, the website must contain public information maintained, collected or compiled by the city clerk that relates to elections, which must include, without limitation:

(a) The locations of polling places for casting a ballot on election day in such a form that a registered voter may search the list to determine the location of the polling place ***or places*** at which the registered voter is ~~**[**required**]**~~ ***entitled*** to cast a ballot; and

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293C.387.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by a city clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, a county clerk or another city clerk, the city clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 102. ~~[NRS 293C.720 is hereby amended to read as follows:~~

~~293C.720 Each city clerk is encouraged to:~~

~~1. Not later than the earlier date of the first notice provided pursuant to subsection 4 of NRS 293.560 or NRS 293C.187, notify the public, through means designed to reach members of the public who are elderly or disabled, of the provisions of NRS 293C.281, 293C.282, 293C.310, subsection 1 of NRS 293C.312, NRS 293C.317 and 293C.318.~~

~~2. Provide in alternative audio and visual formats information concerning elections, information concerning how to ***preregister or*** register to vote and information concerning the manner of voting for use by a person who is elderly or disabled, including, without limitation, providing such information through a telecommunications device that is accessible to a person who is deaf.~~

~~3. Not later than 5 working days after receiving the request of a person who is elderly or disabled, provide to the person, in a format that can be used by the person, any requested material that is:~~

~~(a) Related to elections; and~~

~~(b) Made available by the city clerk to the public in printed form.]~~ **(Deleted by amendment.)**

Sec. 103. ~~[NRS 293D.200 is hereby amended to read as follows:~~

~~293D.200 1. The Secretary of State shall make available to covered voters information regarding voter registration procedures for covered voters and procedures for casting military-overseas ballots.~~

~~2. The Secretary of State shall establish a system of approved electronic transmission through which covered voters may apply for, receive and send documents and other information pursuant to this chapter. The system of approved electronic transmission must include, without limitation, a method by which a covered voter may provide his or her digital signature or electronic signature on any document or other material that is necessary for the covered voter to register to vote, apply for a military-overseas ballot or cast a military-overseas ballot pursuant to this chapter.~~

~~3. The Secretary of State shall develop standardized absentee voting materials, including, without limitation, privacy and transmission envelopes and their electronic equivalents, authentication materials and voting instructions, to be used with the military-overseas ballot of a covered voter authorized to vote in any jurisdiction in this State and, to the extent reasonably possible, shall do so in coordination with other states.~~

~~4. The Secretary of State shall prescribe the form and content of a declaration for use by a covered voter to swear or affirm specific representations pertaining to the covered voter's identity, eligibility to vote,~~

~~status as a covered voter and timely and proper completion of a military-overseas ballot. The declaration must be based on the declaration prescribed to accompany a federal write-in absentee ballot under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, [42] *52* U.S.C. § [1973ff-2,] *20303* as modified to be consistent with this chapter. The Secretary of State shall ensure that a form for the execution of the declaration, including an indication of the date of execution of the declaration, is a prominent part of all balloting materials for which the declaration is required.~~

~~5. The Secretary of State shall prescribe by regulation the duties of a local elections official upon receipt of a military-overseas ballot, including, without limitation, the procedures to be used by a local elections official in accepting, handling and counting a military-overseas ballot.~~

~~*6. The Secretary of State shall prescribe the form and content of an application for a United States citizen who is outside the United States to preregister to vote if:*~~

~~*(a) The person would have been able to preregister to vote pursuant to section 9 of this act except for the residency requirement; and*~~

~~*(b) The last place where a parent or legal guardian of the person was, or under this chapter would have been, eligible to vote before leaving the United States is within this State.]*~~ **(Deleted by amendment.)**

Sec. 104. ~~[NRS 293D.210 is hereby amended to read as follows:~~

~~293D.210 An overseas voter is eligible to be a covered voter if:~~

~~1. Before leaving the United States, the overseas voter was eligible to vote in this State and, except for the residency requirement, otherwise satisfies this State's voter eligibility requirements;~~

~~2. Before leaving the United States, the overseas voter would have been eligible to vote in this State had the overseas voter then been of voting age and, except for the residency requirement, otherwise satisfies this State's voter eligibility requirements; [or]~~

~~3. [Was] *Before leaving the United States, the overseas voter was preregistered to vote as described in section 9 of this act and, except for the residency requirement, otherwise satisfies this State's voter eligibility requirements; or*~~

~~*4. The overseas voter was* born outside the United States and, except for the residency requirement, otherwise satisfies the voter eligibility requirements set forth in NRS 293.485, so long as:~~

~~(a) The last place where a parent or legal guardian of the overseas voter was, or under this chapter would have been, eligible to vote before leaving the United States is within this State; and~~

~~(b) The overseas voter is not registered to vote in any other state.]~~ **(Deleted by amendment.)**

Sec. 105. ~~[NRS 239.010 is hereby amended to read as follows:~~

~~239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516,~~

~~62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400,~~

~~640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and sections 7 and 9 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.~~

~~2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.~~

~~3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.~~

~~4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:~~

~~(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.~~

~~(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.~~**] (Deleted by amendment.)**

Sec. 106. ~~[NRS 483.290 is hereby amended to read as follows:~~

~~483.290 1. An application for an instruction permit or for a driver's license must:~~

~~(a) Be made upon a form furnished by the Department.~~

~~(b) Be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.~~

~~(c) Be accompanied by the required fee.~~

~~(d) State the full legal name, date of birth, sex, address of principal residence and mailing address, if different from the address of principal residence, of the applicant and briefly describe the applicant.~~

~~(e) State whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal.~~

~~(f) Include such other information as the Department may require to determine the competency and eligibility of the applicant.~~

~~2. Every applicant must furnish proof of his or her full legal name and age by displaying:~~

~~(a) An original or certified copy of the required documents as prescribed by regulation; or~~

~~(b) A photo identification card issued by the Department of Corrections pursuant to NRS 209.511.~~

~~3. The Department shall adopt regulations prescribing the documents an applicant may use to furnish proof of his or her full legal name and age to the Department pursuant to paragraph (a) of subsection 2.~~

~~4. At the time of applying for a driver's license, an applicant may, if eligible, *preregister or* register to vote pursuant to NRS 293.524 **[.]** *or section 4 of this act.*~~

~~5. Every applicant who has been assigned a social security number must furnish proof of his or her social security number by displaying:~~

~~(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or~~

~~(b) Other proof acceptable to the Department, including, without limitation, records of employment or federal income tax returns.~~

~~6. The Department may refuse to accept a driver's license issued by another state, the District of Columbia or any territory of the United States if the Department determines that the other state, the District of Columbia or the territory of the United States has less stringent standards than the State of Nevada for the issuance of a driver's license.~~

~~7. With respect to any document presented by a person who was born outside of the United States to prove his or her full legal name and age, the Department:~~

~~(a) May, if the document has expired, refuse to accept the document or refuse to issue a driver's license to the person presenting the document, or both; and~~

~~(b) Shall issue to the person presenting the document a driver's license that is valid only during the time the applicant is authorized to stay in the United States, or if there is no definite end to the time the applicant is authorized to stay, the driver's license is valid for 1 year beginning on the date of issuance.~~

~~8. The Administrator shall adopt regulations setting forth criteria pursuant to which the Department will issue or refuse to issue a driver's license in accordance with this section to a person who is a citizen of any state, the District of Columbia, any territory of the United States or a foreign country. The criteria pursuant to which the Department shall issue or refuse to issue a driver's license to a citizen of a foreign country must be based upon the purpose for which that person is present within the United States.~~

~~9. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an instruction permit or for a driver's license. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.~~**] (Deleted by amendment.)**

Sec. 107. **[**~~NRS 483.850 is hereby amended to read as follows:~~

~~483.850 1. Every application for an identification card must be made upon a form provided by the Department and include, without limitation:~~

~~(a) The applicant's:~~

~~(1) Full legal name.~~

~~(2) Date of birth.~~

~~(3) State of legal residence.~~

~~(4) Current address of principal residence and mailing address, if different from his or her address of principal residence, in this State, unless the applicant is on active duty in the military service of the United States.~~

~~(b) A statement from:~~

~~(1) A resident stating that he or she does not hold a valid driver's license or identification card from any state or jurisdiction; or~~

~~(2) A seasonal resident stating that he or she does not hold a valid Nevada driver's license.~~

~~2. When the form is completed, the applicant must sign the form and verify the contents before a person authorized to administer oaths.~~

~~3. An applicant who has been issued a social security number must provide to the Department for inspection:~~

~~(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or~~

~~(b) Other proof acceptable to the Department bearing the social security number of the applicant, including, without limitation, records of employment or federal income tax returns.~~

~~4. At the time of applying for an identification card, an applicant may, if eligible, *preregister or* register to vote pursuant to NRS 293.524 **[**.**]** *or section 4 of this act.*~~

~~5. A person who possesses a driver's license or identification card issued by another state or jurisdiction who wishes to apply for an identification card pursuant to this section shall surrender to the Department the driver's license or identification card issued by the other state or jurisdiction at the time the person applies for an identification card pursuant to this section.**]*** **(Deleted by amendment.)**

Sec. 108. **[**~~Section 2 of this act is hereby amended to read as follows:~~

~~Sec. 2. 1.~~ ~~*The Secretary of State, each county clerk and each voter registration agency other than the Department of Motor Vehicles shall cooperatively establish a system by which voter registration information that is collected pursuant to section 4 of this act by the agency from a person who, in person, applies for or receives services or assistance at an office of the agency must be transmitted electronically to the Secretary of State and the county clerks for the purpose of preregistering or registering the person to vote or updating the voter registration information of the person.*~~

~~**2.** The Secretary of State, the Department of Motor Vehicles and each county clerk shall cooperatively establish a system by which voter registration information that is collected pursuant to section 4 of this act by the Department from a person who submits an application for the issuance or renewal of or change of address for any type of driver's license or identification card issued by the Department must be transmitted electronically to the Secretary of State and the county clerks for the purpose of preregistering or registering the person to vote or updating the voter registration information of the person.~~

~~**[**2.**]** *3.* The **[**system**]** *systems* established pursuant to **[**subsection**]** *subsections* 1 *and 2* must:~~

~~(a) Ensure the secure electronic storage of information collected pursuant to section 4 of this act, the secure transmission of such information to the Secretary of State and county clerks and the secure electronic storage of such information by the Secretary of State and county clerks;~~

~~(b) Provide for the destruction of records by **[**the Department**]** *a voter registration agency* as required by subsection 2 of section 5 of this act; and~~

~~(c) Enable the county clerks to receive, view and collate the information into individual electronic documents pursuant to paragraph (c) of subsection 1 of section 6 of this act.**]*** **(Deleted by amendment.)**

Sec. 109. **[**~~Section 3 of this act is hereby amended to read as follows:~~

~~Sec. 3. 1.~~ ~~*Each voter registration agency other than the Department of Motor Vehicles shall follow the procedures described in this section and sections 4 and 5 of this act if a person, in person,*~~

applies for or receives services or assistance at an office of the agency, services or assistance from the agency.

2. The Department of Motor Vehicles shall follow the procedures described in this section and sections 4 and 5 of this act if a person applies to the Department for the issuance or renewal of or change of address for any type of driver's license or identification card issued by the Department.

[2.**]** ***3.*** Before concluding the person's transaction with the **[**Department, the Department**]** ***voter registration agency, the agency*** shall notify each person described in **[**subsection 1:**]** ***subsection 1 or 2, as applicable:***

(a) Of the qualifications to preregister to vote, as provided in section 9 of this act, or the qualifications to vote in this State, as provided in NRS 293.485;

(b) That, unless the person affirmatively declines in writing to apply to preregister or register to vote or have his or her voter registration information updated, as applicable:

(1) The person is deemed to have consented to the transmission of information to the Secretary of State and the county clerks for the purpose of preregistering or registering the person to vote or updating the voter registration information of the person; and

(2) The **[**Department**]** ***agency*** will transmit to the county clerk of the county in which the person resides all information required to preregister or register the person to vote pursuant to this chapter or to update the voter registration information of the person;

(c) That:

(1) Indicating a political party affiliation or indicating that the person is not affiliated with a political party is voluntary;

(2) The person may indicate a political party affiliation on a paper or electronic form provided by the **[**Department;**]** ***agency;*** and

(3) The person will not be able to vote at a primary election or primary city election for candidates for partisan office of a major political party unless the person updates his or her voter registration information to indicate a major political party affiliation; and

(d) Of the provisions of subsections 2 and 3 of section 7 of this act.

[3.**]** ***4.*** The failure or refusal of the person to acknowledge that he or she has received the notice required by subsection **[**2:**]** ***3:***

(a) Is not a declination by the person to apply to preregister or register to vote or have his or her voter registration information updated; and

(b) Shall not be deemed to affect any duty of the **[**Department,**]** ***voter registration agency,*** the Secretary of State or any county clerk:

(1) Relating to the application of the person to preregister or register to vote; or

(2) To update the voter registration information of the person.

[4.**]** ***5.*** The Secretary of State:

~~(a) Shall prescribe by regulation the form of the notice required by subsection [2.] 3. and the procedure for providing such notice; and~~

~~(b) Shall not require the person to acknowledge that he or she has received the notice required by subsection [2.] 3.]~~ **(Deleted by amendment.)**

Sec. 110. ~~[Section 4 of this act is hereby amended to read as follows:~~

~~Sec. 4. 1. Unless the person affirmatively declines in writing to apply to preregister or register to vote or have his or her voter registration information updated, as applicable, *except as otherwise provided in subsection 2,* if a person *, in person,* applies [to the Department of Motor Vehicles for the issuance or renewal of or change of address for a driver's license or identification card issued by the Department, the Department] *for or receives services or assistance from a voter registration agency, the agency* shall collect from the person:~~

~~(a) A paper or electronic affirmation signed under penalty of perjury that the person is eligible to vote or preregister to vote, as applicable;~~

~~(b) An electronic facsimile of the signature of the person, if the [Department] *agency* is capable of recording, storing and transmitting to the county clerk an electronic facsimile of the signature;~~

~~(c) Any personal information which the person has not already provided to the [Department] *agency* and which is required for the person to preregister or register to vote or to update the voter registration information of the person, including:~~

~~(1) The first or given name and the surname of the person;~~

~~(2) The address at which the person actually resides as set forth in NRS 293.486 and, if different, the address at which the person may receive mail, including, without limitation, a post office box or general delivery;~~

~~(3) The date of birth of the person;~~

~~(4) Except as otherwise provided in subsection [2,] 3, one of the following:~~

~~(I) The number indicated on the person's current and valid driver's license or identification card issued by the Department of Motor Vehicles, if the person has such a driver's license or identification card; or~~

~~(II) The last four digits of the person's social security number, if the person does not have a driver's license or identification card issued by the Department *of Motor Vehicles* and has a social security number; and~~

~~(5) The political affiliation, if any, indicated by the person; and~~

~~(d) The paper or electronic form, if any, completed by the person and indicating his or her political party affiliation.~~

~~2. *The Department of Motor Vehicles is only required to collect the information described in subsection 1 if a person applies to the*~~

~~***Department for the issuance or renewal of or change of address for any type of driver's license or identification card.***~~

~~***3.*** If the person does not have the identification described in subparagraph (4) of paragraph (c) of subsection 1, the person must sign an affidavit stating that he or she does not have a current and valid driver's license or identification card issued by the Department ***of Motor Vehicles*** or a social security number. Upon receipt of the affidavit, the county clerk shall issue an identification number to the person which must be the same number as the unique identifier assigned to the person for purposes of the statewide voter registration list.~~**]** **(Deleted by amendment.)**

Sec. 111. **[**~~Section 5 of this act is hereby amended to read as follows:~~

~~Sec. 5. 1. Except as otherwise provided in this subsection,~~ **[**~~the Department of Motor Vehicles~~**]** ***each voter registration agency*** ~~shall electronically transmit to the Secretary of State and the appropriate county clerk the information and any electronic documents collected from a person pursuant to section 4 of this act:~~

~~(a) Except as otherwise provided in paragraph (b), not later than 5 working days after collecting the information; and~~

~~(b) During the 2 weeks immediately preceding the fifth Sunday preceding an election, not later than 1 working day after collecting the information.~~

~~2.~~ **[**~~The Department~~**]** ***A voter registration agency*** ~~shall destroy any record containing information collected pursuant to section 4 of this act that is not otherwise collected by the~~ **[**~~Department~~**]** ***agency*** ~~in the normal course of business immediately after transmitting the information to the Secretary of State and county clerk pursuant to subsection 1.~~

~~3.~~ **[**~~The Department~~**]** ***A voter registration agency*** ~~shall forward the following paper documents on a weekly basis to the appropriate county clerk, or daily during the 2 weeks immediately preceding the fifth Sunday preceding an election:~~

~~(a) Each signed affirmation collected pursuant to paragraph (a) of subsection 1 of section 4 of this act;~~

~~(b) Any completed form indicating a political party affiliation collected pursuant to paragraph (d) of subsection 1 of section 4 of this act; and~~

~~(c) Any affidavit signed pursuant to subsection 2 of section 4 of this act.~~**]** **(Deleted by amendment.)**

Sec. 112. **[**~~Section 6 of this act is hereby amended to read as follows:~~

~~Sec. 6. 1. Unless the person affirmatively declines in writing to apply to preregister or register to vote or have his or her voter registration information updated, as applicable :~~ **[**~~, if a person applies to the Department of Motor Vehicles for the issuance or renewal of or change of address for any type of driver's license or identification card issued by the Department:~~**]**

~~(a) The person shall be deemed an applicant to preregister or register to vote.~~

~~(b) Any action taken by the person pursuant to section 4 of this act shall be deemed an act of applying to preregister or register to vote, as applicable.~~

~~(c) Upon receipt of the information collected from the person and transmitted to a county clerk by~~ **[**~~the Department of Motor Vehicles,~~**]** ***a voter registration agency,*** ~~the county clerk shall collate the information into an individual electronic document, which shall be deemed an application to preregister or register to vote, as applicable.~~

~~(d) Unless the applicant is already preregistered or registered to vote, the date on which the person applies to preregister or register to vote pursuant to section 4 of this act shall be deemed the date on which the applicant preregistered or registered to vote, as applicable.~~

~~2. If the county clerk determines that the an application to register to vote is complete and that the applicant is eligible to vote pursuant to NRS 293.485, the name of the applicant must appear on the statewide voter registration list and the appropriate roster, and the person must be provided all sample ballots and any other voter information provided to registered voters. If the county clerk determines that the application is not complete, he or she shall notify the applicant that additional information is required in accordance with the provisions of NRS 293.524.~~

~~3. For each applicant who applies to preregister or register to vote pursuant to section 4 of this act:~~

~~(a) The electronic facsimile of the signature of the applicant shall be deemed to be the facsimile of the signature on the person's application to register to vote to be used to verify the signature of the voter in the manner set forth in NRS 293.277 if:~~

~~(1) An electronic facsimile of the signature has been collected and transmitted to the county clerk of the county in which the applicant resides pursuant to sections 4 and 5 of this act, respectively; and~~

~~(2) The county clerk is capable of receiving, storing and using the facsimile of the signature for that purpose; or~~

~~(b) If the conditions described in paragraph (a) are not met, the signature of the applicant on the affirmation signed pursuant to paragraph (a) of subsection 1 of section 4 of this act shall be deemed to be the signature on the person's application to preregister or register to vote for the purpose of making a facsimile thereof to be used to verify the signature of the voter in the manner set forth in NRS 293.277.~~

~~4. If an applicant is already preregistered or registered to vote, the county clerk shall use the voter registration information of the applicant transmitted by~~ **[**~~the Department of Motor Vehicles~~**]** ***a voter registration agency*** ~~to update the applicant's preregistration information or to correct~~

~~the statewide voter registration list pursuant to NRS 293.530, if necessary.]~~ **(Deleted by amendment.)**

Sec. 113. ~~[Section 7 of this act is hereby amended to read as follows:~~

~~"Sec. 7. 1. A person who affirmatively declines in writing to apply to preregister or register to vote or have his or her voter registration information updated, as applicable, pursuant to section 4 of this act may apply to preregister or register to vote at [the Department of Motor Vehicles]~~ ***~~a voter registration agency~~*** ~~pursuant to NRS 293.524.~~

~~2. Whether a person applies to preregister or register to vote or have his or her voter registration information updated, as applicable, pursuant to section 4 of this act must not affect the provision of services or assistance to the person by [the Department,]~~ ***~~a voter registration agency,~~*** ~~and the fact of a person applying to preregister or register to vote or have his or her voter registration information updated, as applicable, pursuant to section 4 of this act or declining to do so must not be disclosed to the public.~~

~~3. Any information collected pursuant to sections 2 to 7, inclusive, of this act must not be used for any purpose other than voter preregistration or registration.~~

~~4. Except as otherwise provided in this subsection, the Secretary of State shall adopt regulations necessary to carry out the provisions of sections 2 to 7, inclusive, of this act. The Secretary of State shall not require a person to provide any documentation in order to apply to preregister or register to vote or have his or her voter registration information updated, as applicable, pursuant to section 4 of this act that is not required by section 4 of this act or federal law, including, without limitation, documentation to provide the person's identity, citizenship or residence.]~~ **(Deleted by amendment.)**

Sec. 114. ~~[The provisions of NRS 354.599 do not apply to any additional expense of a local government that are related to the provisions of this act.]~~ **(Deleted by amendment.)**

Sec. 115. ~~[1.]~~ This ~~[section and sections 1 to 45, inclusive, 47 to 61, inclusive, 63 to 107, inclusive, and 114 of this act become]~~ **act becomes** effective:

~~[(a)]~~ **1.** Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

~~[(b)]~~ **2.** On January 1, 2018, for all other purposes.

~~[2. Sections 46, 62 and 108 to 113, inclusive, of this act, become effective:~~

~~(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and~~

~~(b) On January 1, 2019, for all other purposes.]~~

Assemblywoman Diaz moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 194.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 612.

AN ACT relating to professions; providing for the certification of behavioral healthcare peer recovery support specialists by the Board of Examiners for Alcohol, Drug and Gambling Counselors; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Board of Examiners for Alcohol, Drug and Gambling Counselors and authorizes the Board to license or certify persons engaged in the practice or clinical practice of counseling alcohol and drug abusers and problem gamblers. (Chapter 641C of NRS)

Sections 4-7 of this bill require the Board to issue a certificate as a behavioral healthcare peer recovery support specialist to authorize a person to give nonprofessional, nonclinical assistance for long-term recovery from substance use and other mental disorders by sharing appropriate portions of the person's own recovery. **Section 6** establishes the requirements for obtaining a certificate as a behavioral healthcare peer recovery support specialist which include the payment of a fee for the application, issuance or renewal of a certificate pursuant to **section 18**. **Section 7** authorizes a behavioral healthcare peer recovery support specialist to engage in the practice of providing behavioral healthcare peer recovery support specialist services only under ~~[the]~~ supervision ~~[of certain licensed or certified professionals or in accordance with a plan of supervision approved by the Board.]~~ **: (1) provided by the entity or organization for whom the behavioral healthcare peer recovery support specialist works; and (2) conducted by a documented and qualified staff member.**

Sections ~~[9-13,]~~ 9-10, 11-13, 15-17 and 19-22 of this bill make conforming changes concerning behavioral healthcare peer recovery support specialists and the practice of providing behavioral healthcare peer recovery support specialist services.

Sections 1 and 2 of this bill provide that the provisions governing psychologists, behavior analysts, assistant behavior analysts, autism behavior interventionists **,** ~~[and]~~ social workers **and clinical social workers** do not apply to a person who **: (1)** is a behavioral healthcare peer recovery support specialist ~~[.]~~ **; or (2) volunteers for a nonprofit agency or organization and, as part of his or her duties, engages in the practice of providing behavioral healthcare peer recovery support specialist services. Section 10.5 of this bill provides that the provisions governing alcohol, drug and**

gambling counselors and behavioral healthcare peer recovery support specialists do not apply to a person who volunteers for a nonprofit agency or organization and, as part of his or her duties, engages in the practice of providing behavioral healthcare peer recovery support specialist services.

Section 8 of this bill provides that the practice of providing behavioral healthcare peer recovery support specialist services is a learned profession that affects public health, safety and welfare and is subject to regulation.

Section 14 of this bill requires each applicant for a certificate as a behavioral healthcare peer recovery support specialist to pass a written ~~[and oral]~~ examination.

Section 23 of this bill prohibits a person who is not licensed or certified by the Board from engaging in the practice of providing behavioral healthcare peer recovery support specialist services.

Sections 24 and 25 of this bill require a behavioral healthcare peer recovery support specialist to report the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person and provide that a person is guilty of a misdemeanor for failing to do so.

Existing law authorizes peer support recovery organizations to provide peer supportive services relating to mental health, addiction or substance abuse to persons who are 18 years of age or older and who suffer from mental illness or addiction or identify themselves as at risk for mental illness or addiction. (NRS 449.01563) Under existing law such services do not require the person offering the supportive services to be licensed. (NRS 449.01566) Section 28 of this bill removes the language which provides that a person offering ~~[behavioral healthcare]~~ peer ~~[recovery]~~ support services does not need to be licensed. **Section 35.5 of this bill provides that a person engaging in the practice of providing behavioral healthcare peer recovery support specialist services on or before July 1, 2017, has 2 years from that date to meet the requirements for certification and obtain a certificate, as required by this bill.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 641.029 is hereby amended to read as follows:

641.029 The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;

2. A person who is licensed to practice dentistry in this State;

3. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;

4. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;

5. A person who is licensed to engage in social work ***or clinical social work*** pursuant to chapter 641B of NRS;

6. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive;

7. A person who is licensed as a clinical alcohol and drug abuse counselor, licensed or certified as an alcohol and drug abuse counselor or certified as an alcohol and drug abuse counselor intern, a clinical alcohol and drug abuse counselor intern, a problem gambling counselor **,** ~~[or]~~ a problem gambling counselor intern ~~[,]~~ ***or a behavioral healthcare peer recovery support specialist,*** pursuant to chapter 641C of NRS; ~~[or]~~

8. Any member of the clergy ~~[.]~~ ***; or***

9. A person who:

(a) Engages in volunteer services for a nonprofit agency or organization and does not receive compensation, other than a stipend, for such services; and

(b) As part of his or her duties in providing volunteer services, performs any of the activities described in subsections 1 and 2 of section 5 of this act,

➥ if such a person does not commit an act described in NRS 641.440 or represent himself or herself as a psychologist.

Sec. 2. NRS 641B.040 is hereby amended to read as follows:

641B.040 The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;

2. A nurse who is licensed to practice in this State;

3. A person who is licensed as a psychologist pursuant to chapter 641 of NRS;

4. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;

5. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;

6. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive;

7. A person who is licensed as a clinical alcohol and drug abuse counselor, licensed or certified as an alcohol and drug abuse counselor, or certified as a clinical alcohol and drug abuse counselor intern, an alcohol and drug abuse counselor intern, a problem gambling counselor **,** ~~[or]~~ a problem gambling counselor intern ~~[,]~~ ***or a behavioral healthcare peer recovery support specialist,*** pursuant to chapter 641C of NRS;

8. Any member of the clergy;

9. A county welfare director;

10. Any person who may engage in social work or clinical social work in his or her regular governmental employment but does not hold himself or herself out to the public as a social worker; ~~[or]~~

11. A student of social work and any other person preparing for the profession of social work under the supervision of a qualified social worker in a training institution or facility recognized by the Board, unless the student or other person has been issued a provisional license pursuant to paragraph (b) of subsection 1 of NRS 641B.275. Such a student must be designated by

the title "student of social work" or "trainee in social work," or any other title which clearly indicates the student's training status. ~~[.]~~ ***; or***

12. A person who:

(a) Engages in volunteer services for a nonprofit agency or organization and does not receive compensation, other than a stipend, for such services; and

(b) As part of his or her duties in providing volunteer services, performs any of the activities described in subsections 1 and 2 of section 5 of this act.

Sec. 3. Chapter 641C of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 7, inclusive, of this act.

Sec. 4. ***"Behavioral healthcare peer recovery support specialist" means a person who is certified as a behavioral healthcare peer recovery support specialist pursuant to the provisions of this chapter.***

Sec. 5. 1. "Practice of providing behavioral healthcare peer recovery support specialist services" means the practice of providing nonprofessional, nonclinical assistance to a person with a substance use or other mental disorder ~~***[, including without limitation, mentoring, coaching, educating or role modeling, with the intent of achieving long-term recovery from a substance use or other mental disorder by sharing appropriate portions of the provider's own recovery.]***~~ ***that has been diagnosed by:***

(a) A physician licensed pursuant to chapter 630 of NRS;

(b) An advanced practice registered nurse licensed pursuant to NRS 632.237;

(c) An osteopathic physician licensed pursuant to chapter 633 of NRS;

(d) A psychologist licensed pursuant to chapter 641 of NRS;

(e) A marriage and family therapist licensed pursuant to chapter 641A of NRS;

(f) A clinical professional counselor licensed pursuant to chapter 641A of NRS;

(g) A clinical social worker licensed pursuant to chapter 641B of NRS; or

(h) A person licensed pursuant to the provisions of this chapter.

2. The term includes, without limitation, the following nonprofessional, nonclinical activities that assist a person in achieving long-term recovery from a substance use disorder or other mental disorder:

(a) Mentoring;

(b) Coaching;

(c) Educating;

(d) Role modeling; or

(e) Any other nonprofessional, nonclinical assistance that the Board may prescribe by regulation.

3. The term does not include:

(a) The diagnosis or treatment of ~~***[any]***~~ ***a substance use disorder or other mental disorder*** ***;*** ~~***[, including, without limitation, a substance use disorder; or]***~~

(b) The use of a psychological or psychometric assessment test to determine intelligence, personality, aptitude or interests ~~[.]~~ *; or*

(c) Counseling or psychotherapy as practiced by a:

(1) Psychologist licensed pursuant to chapter 641 of NRS;

(2) Marriage and family therapist licensed pursuant to chapter 641A of NRS;

(3) Clinical professional counselor licensed pursuant to chapter 641A of NRS;

(4) Clinical social worker licensed pursuant to chapter 641B of NRS; or

(5) A person licensed pursuant to the provisions of this chapter.

Sec. 6. *The Board shall issue a certificate as a behavioral healthcare peer recovery support specialist to a person who:*

1. Is not less than 21 years of age;

2. Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

3. Has a high school diploma or a general equivalency diploma or an equivalent document;

4. Submits evidence satisfactory to the Board that the person has completed a training program approved by the Board which consisted of at least 46 hours of training, including, without limitation:

(a) Ten hours of training in each of the following domains, as they relate to the practice of providing behavioral healthcare peer recovery support specialist services:

(1) Advocacy;

(2) Mentoring and education; and

(3) Recovery and wellness support; and

(b) Sixteen hours of training in the domain of confidentiality and ethical responsibility, as it relates to the practice of providing behavioral healthcare peer recovery support specialist services;

5. Submits evidence satisfactory to the Board that the person has completed at least 25 hours of work in each of the domains described in subsection 4, as they relate to the practice of providing behavioral healthcare peer recovery support specialist services, under the supervision of a person who provides supervision of such work for the entity or organization for which the work is completed;

6. Submits, on a form prescribed by the Board, evidence satisfactory to the Board that the person has completed at least 500 hours of paid or volunteer work in ~~[each of]~~ *the domains described in subsection 4, as they relate to the practice of providing behavioral healthcare peer recovery support specialist services and the form is signed by a person who provides supervision or management for the entity or organization for which the work is completed, attesting that the applicant has completed the paid or volunteer work required by this subsection;*

7. ~~[If the person is in recovery from a mental disorder, including, without limitation, a substance use disorder, provides]~~ Provides to the Board a statement and, if applicable, evidence satisfactory to the Board attesting that:

(a) The person has experienced the process of recovering from a substance use disorder or other mental disorder and, as a result, is qualified to engage in the practice of providing behavioral healthcare peer recovery support specialist services;

(b) The person remains in active recovery; and

~~[(b)]~~ (c) The disorder is stable or in sustained remission;

8. Has not been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a crime involving violence or a sexual offense as that term is defined in NRS 179.245;

9. If the person has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a crime other than a crime described in subsection 8, has been released from parole, probation or custody for at least 12 months before applying for certification;

10. ~~[Provides evidence satisfactory to the Board that the person has experienced the process of recovering from a mental disorder, including, without limitation, a substance use disorder, and as a result is qualified to engage in the practice of providing behavioral healthcare peer recovery support specialist services;~~

~~11.]~~ Passes the written ~~[and oral examinations]~~ examination prescribed by the Board pursuant to NRS 641C.290;

~~[12.]~~ 11. Pays the fees required pursuant to NRS 641C.470; and

~~[13.]~~ 12. Submits all information required to complete an application for a certificate.

Sec. 7. *1. A certificate as a behavioral healthcare peer recovery support specialist is valid for 2 years and may be renewed. The Board may waive any requirement for the renewal of a certificate upon good cause shown by the holder of the certificate.*

2. A behavioral healthcare peer recovery support specialist may engage in the practice of providing behavioral healthcare peer recovery support specialist services only ~~:~~

~~(a) Under the~~ under supervision : ~~of a:~~

~~(1) Licensed clinical alcohol and drug abuse counselor;~~

~~(2) Licensed or certified alcohol and drug abuse counselor;~~

~~(3) Psychologist licensed pursuant to chapter 641 of NRS;~~

~~(4) Clinical professional counselor licensed pursuant to chapter 641A of NRS;~~

~~(5) Marriage and family therapist licensed pursuant to chapter 641A of NRS; or~~

~~(6) Social worker licensed pursuant to chapter 641B of NRS.~~

~~(b) Pursuant to a plan of supervision approved by the Board. The Board may approve a plan of supervision if:~~

~~*(1) The plan is submitted to the Board by a nonprofit organization which the Board determines has a primary function of providing services described in section 5 of this act;*~~

~~*(2) The nonprofit organization attaches to the plan an affidavit signed by a representative of the nonprofit organization which states that supervision by a professional identified in paragraph (a) would cause an undue burden on the nonprofit organization;*~~

~~*(3) The nonprofit organization does not provide any services which would require licensure or certification as a professional identified in paragraph (a); and*~~

~~*(4) The plan provides for direct supervision by a person who has at least 5 years of paid or volunteer experience in providing services described in section 5 of this act.]*~~

(a) Provided by the entity or organization for which the behavioral healthcare peer recovery support specialist works; and

(b) Conducted by a documented and qualified staff member who:

(1) Provides supervision pursuant to his or her job description; and

(2) Works for the entity or organization for which the behavioral healthcare peer recovery support specialist works.

Sec. 8. NRS 641C.010 is hereby amended to read as follows:

641C.010 The practice of counseling alcohol and drug abusers, the clinical practice of counseling alcohol and drug abusers **,** ~~[and]~~ the practice of counseling problem gamblers ***and the practice of providing behavioral healthcare peer recovery support specialist services*** are hereby declared to be learned professions affecting public health, safety and welfare and are subject to regulation to protect the public from the practice of counseling alcohol and drug abusers, the clinical practice of counseling alcohol and drug abusers **,** ~~[and]~~ the practice of counseling problem gamblers ***and the practice of providing behavioral healthcare peer recovery support specialist services*** by unqualified persons and from unprofessional conduct by persons who are licensed or certified to engage in the practice of counseling alcohol and drug abusers, licensed to engage in the clinical practice of counseling alcohol and drug abusers **,** ~~[or]~~ certified to engage in the practice of counseling problem gamblers ~~[.]~~ ***or certified to engage in the practice of providing behavioral healthcare peer recovery support specialist services.***

Sec. 9. NRS 641C.020 is hereby amended to read as follows:

641C.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 641C.030 to 641C.110, inclusive, ***and sections 4 and 5 of this act*** have the meanings ascribed to them in those sections.

Sec. 10. NRS 641C.040 is hereby amended to read as follows:

641C.040 "Certificate" means a certificate issued to a person who is certified as an alcohol and drug abuse counselor, a clinical alcohol and drug abuse counselor intern, an alcohol and drug abuse counselor intern, a

problem gambling counselor **,** ~~[or]~~ a problem gambling counselor intern ~~[.]~~ ***or a behavioral healthcare peer recovery support specialist.***

Sec. 10.5. **NRS 641C.130 is hereby amended to read as follows:**

641C.130 The provisions of this chapter do not apply to:

1. A physician who is licensed pursuant to the provisions of chapter 630 or 633 of NRS;

2. A nurse who is licensed pursuant to the provisions of chapter 632 of NRS and is authorized by the State Board of Nursing to engage in the practice of counseling alcohol and drug abusers or the practice of counseling problem gamblers;

3. A psychologist who is licensed pursuant to the provisions of chapter 641 of NRS;

4. A clinical professional counselor or clinical professional counselor intern who is licensed pursuant to chapter 641A of NRS;

5. A marriage and family therapist or marriage and family therapist intern who is licensed pursuant to the provisions of chapter 641A of NRS and is authorized by the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors to engage in the practice of counseling alcohol and drug abusers or the practice of counseling problem gamblers; ~~[or]~~

6. A person who is licensed as a clinical social worker pursuant to the provisions of chapter 641B of NRS and is authorized by the Board of Examiners for Social Workers to engage in the practice of counseling alcohol and drug abusers or the practice of counseling problem gamblers ~~[.]~~ ***; or***

7. A person who:

(a) Engages in volunteer services for a nonprofit agency or organization and does not receive compensation, other than a stipend, for such services; and

(b) As part of his or her duties in providing volunteer services, performs any of the activities described in subsections 1 and 2 of section 5 of this act.

Sec. 11. NRS 641C.150 is hereby amended to read as follows:

641C.150 1. The Board of Examiners for Alcohol, Drug and Gambling Counselors, consisting of seven members appointed by the Governor, is hereby created.

2. The Board must consist of:

(a) Three members who are licensed as clinical alcohol and drug abuse counselors or alcohol and drug abuse counselors pursuant to the provisions of this chapter.

(b) One member who is certified as an alcohol and drug abuse counselor pursuant to the provisions of this chapter.

(c) Two members who are licensed pursuant to chapter 630, 632, 641, 641A or 641B of NRS and certified as problem gambling counselors pursuant to the provisions of this chapter.

(d) One member who is a representative of the general public. This member must not be:

(1) A licensed clinical alcohol and drug abuse counselor **,** ~~[or]~~ a licensed or certified alcohol and drug abuse counselor **,** ~~[or]~~ a certified problem gambling counselor ~~[;]~~ ***or a certified behavioral healthcare peer recovery support specialist;*** or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a licensed clinical alcohol and drug abuse counselor **,** ~~[or]~~ a licensed or certified alcohol and drug abuse counselor **,** ~~[or]~~ a certified problem gambling counselor ~~[.]~~ ***or a certified behavioral healthcare peer recovery support specialist.***

3. A person may not be appointed to the Board unless he or she is:

(a) A citizen of the United States or is lawfully entitled to remain and work in the United States; and

(b) A resident of this State.

4. No member of the Board may be held liable in a civil action for any act that he or she performs in good faith in the execution of his or her duties pursuant to the provisions of this chapter.

Sec. 12. NRS 641C.200 is hereby amended to read as follows:

641C.200 1. The Board shall adopt such regulations as are necessary to carry out the provisions of this chapter, including, without limitation, regulations that prescribe:

(a) The ethical standards for licensed and certified counselors **,** ~~[and]~~ certified interns ~~[;]~~ ***and behavioral healthcare peer recovery support specialists;*** and

(b) The requirements for continuing education for the renewal, restoration or reinstatement of a license or certificate.

2. The Board may adopt regulations that prescribe:

(a) The contents of a written and oral examination concerning the practice of counseling problem gamblers;

(b) The grounds for initiating disciplinary action against a certified problem gambling counselor or certified problem gambling counselor intern; and

(c) Disciplinary procedures for certified problem gambling counselors and certified problem gambling counselor interns, including the suspension, revocation and reinstatement of a certificate as a problem gambling counselor or problem gambling counselor intern.

3. Any regulations adopted by the Board pursuant to this section must be consistent with the provisions of chapter 622A of NRS.

Sec. 13. NRS 641C.210 is hereby amended to read as follows:

641C.210 The Executive Director of the Board or his or her designee shall prepare and maintain:

1. A separate list of the names and addresses of:

(a) The applicants for a license;

(b) The applicants for a certificate;

(c) The licensed counselors;

(d) The certified counselors; ~~[and]~~

(e) The certified interns ~~[.]~~ ***; and***

(f) The behavioral healthcare peer recovery support specialists.

2. A record of each examination conducted by the Board.

3. An inventory of:

(a) The property of the Board; and

(b) The property of this State that is in the possession of the Board.

Sec. 14. NRS 641C.290 is hereby amended to read as follows:

641C.290 1. Except as otherwise provided in NRS 641C.300, 641C.3305 and 641C.3306, each applicant for a license as a clinical alcohol and drug abuse counselor must pass a written and oral examination concerning his or her knowledge of the clinical practice of counseling alcohol and drug abusers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

2. Except as otherwise provided in NRS 641C.300, 641C.355, 641C.356, 641C.395 and 641C.396, each applicant for a license or certificate as an alcohol and drug abuse counselor must pass a written and oral examination concerning his or her knowledge of the practice of counseling alcohol and drug abusers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

3. Except as otherwise provided in NRS 641C.432 and 641C.433, each applicant for a certificate as a problem gambling counselor must pass a written and oral examination concerning his or her knowledge of the practice of counseling problem gamblers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

4. ***Except as otherwise provided in NRS 641C.300, each applicant for a certificate as a behavioral healthcare peer recovery support specialist must pass a written*** ~~***[and oral]***~~ ***examination concerning his or her knowledge of the practice of providing behavioral healthcare peer recovery support specialist services, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.***

5. The Board shall:

(a) Examine applicants at least two times each year.

(b) Establish the time and place for the examinations.

(c) Provide such books and forms as may be necessary to conduct the examinations.

(d) Except as otherwise provided in NRS 622.090, establish, by regulation, the requirements for passing the examination.

~~[5.]~~ ***6.*** The Board may employ other persons to conduct the examinations.

Sec. 15. NRS 641C.300 is hereby amended to read as follows:

641C.300 The Board may issue a license or certificate without examination to a person who holds a license or certificate as a clinical

alcohol and drug abuse counselor **,** ~~[or]~~ an alcohol and drug abuse counselor ***or a behavioral healthcare peer recovery support specialist*** in another state, a territory or possession of the United States or the District of Columbia if the requirements of that jurisdiction at the time the license or certificate was issued are deemed by the Board to be substantially equivalent to the requirements set forth in the provisions of this chapter.

Sec. 16. NRS 641C.310 is hereby amended to read as follows:

641C.310 1. The Board may hold hearings and conduct investigations concerning any matter related to an application for a license or certificate. In the hearings and investigations, the Board may require the presentation of evidence.

2. The Board may refuse to issue a license or certificate to, or renew the license or certificate of, an applicant if the Board determines that the applicant:

(a) Is not of good moral character as it relates to the practice of counseling alcohol and drug abusers **,** ~~[or]~~ the clinical practice of counseling alcohol and drug abusers ~~[,]~~ ***or the practice of providing behavioral healthcare peer recovery support specialist services;***

(b) Has submitted a false credential to the Board;

(c) Has been disciplined in another state, a possession or territory of the United States or the District of Columbia in connection with the practice of counseling alcohol and drug abusers **,** ~~[or]~~ the clinical practice of counseling alcohol and drug abusers ~~[,]~~ ***or the practice of providing behavioral healthcare peer recovery support specialist services;***

(d) Has committed an act in another state, a possession or territory of the United States or the District of Columbia in connection with the practice of counseling alcohol and drug abusers **,** ~~[or]~~ the clinical practice of counseling alcohol and drug abusers ***or the practice of providing behavioral healthcare peer recovery support specialist services*** that would be a violation of the provisions of this chapter if the act were committed in this State; or

(e) Has failed to comply with any of the requirements for a license or certificate.

Sec. 17. NRS 641C.460 is hereby amended to read as follows:

641C.460 1. A license or certificate that is not renewed on or before the date on which it expires is delinquent. The Board shall, within 30 days after the license or certificate becomes delinquent, send a notice to the licensed or certified counselor **,** ~~[or]~~ certified intern ***or behavioral healthcare peer recovery support specialist*** by certified mail, return receipt requested, to the address of the counselor **,** ~~[or]~~ intern ***or specialist*** as indicated in the records of the Board.

2. A licensed or certified counselor **,** ~~[or]~~ certified intern ***or behavioral healthcare peer recovery support specialist*** may renew a delinquent license or certificate within 60 days after the license or certificate becomes delinquent by complying with the requirements of NRS 641C.450 and paying, in addition to the fee for the renewal of the license or certificate, the

fee for the renewal of a delinquent license or certificate prescribed in NRS 641C.470.

3. A license or certificate expires 60 days after it becomes delinquent if it is not renewed within that period.

4. Except as otherwise provided in NRS 641C.530, a license or certificate that has expired may be restored if the applicant:

(a) Submits to the Board an application to restore the license or certificate;

(b) Pays the renewal fees for the period during which the license or certificate was expired and the fee for the restoration of a license or certificate prescribed in NRS 641C.470;

(c) Passes the oral and written examinations prescribed by the Board;

(d) Submits to the Board evidence of completion of the continuing education required by the Board; and

(e) Submits all information required to complete the application.

Sec. 18. NRS 641C.470 is hereby amended to read as follows:

641C.470 1. The Board shall charge and collect not more than the following fees:

For the initial application for a license or certificate, including a license or certificate by endorsement ***but not including a certificate as a behavioral healthcare peer recovery support specialist*** $150

For the initial application for a certificate as a behavioral healthcare peer recovery support specialist 75

For the issuance of a provisional license or certificate 125

For the issuance of an initial license or certificate, including a license or certificate by endorsement 60

For the renewal of a license or certificate as an alcohol and drug abuse counselor, a license as a clinical alcohol and drug abuse counselor ~~***[]***~~ or a certificate as a problem gambling counselor ~~***[or a certificate as a behavioral healthcare peer recovery support specialist]***~~ 300

For the renewal of a certificate as a behavioral healthcare peer recovery support specialist 150

For the renewal of a certificate as a clinical alcohol and drug abuse counselor intern, an alcohol and drug abuse counselor intern or a problem gambling counselor intern 75

For the renewal of a delinquent license or certificate 75

For the restoration of an expired license or certificate 150

For the restoration or reinstatement of a suspended or revoked license or certificate 300

For the issuance of a license or certificate without examination 150

For an examination 150
For the approval of a course of continuing education 150

2. If an applicant submits an application for a license or certificate by endorsement pursuant to NRS 641C.3305, 641C.355, 641C.395 or 641C.432, the Board shall charge and collect not more than the fees specified in subsection 1 for the initial application for and issuance of an initial license or certificate, as applicable.

3. If an applicant submits an application for a license or certificate by endorsement pursuant to NRS 641C.3306, 641C.356, 641C.396 or 641C.433, as applicable, the Board shall collect not more than one-half of the fee specified in subsection 1 for the initial issuance of the license.

4. The fees charged and collected pursuant to this section are not refundable.

Sec. 19. NRS 641C.530 is hereby amended to read as follows:

641C.530 1. The Board may use any information included in a report of criminal history that is obtained pursuant to this section or NRS 641C.260 in determining whether:

(a) To issue, renew, restore, suspend, revoke or reinstate a license or certificate pursuant to this chapter; or

(b) Any ground for imposing any disciplinary action exists pursuant to NRS 641C.700.

2. Before renewing, restoring or reinstating the license or certificate of a licensed counselor, certified counselor ***,*** ~~[or]~~ certified intern ~~[,]~~ ***or behavioral healthcare peer recovery support specialist,*** the Board may, by regulation, require the licensed counselor, certified counselor ***,*** ~~[or]~~ certified intern ***or behavioral healthcare peer recovery support specialist*** to submit to the Board a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. Except as otherwise provided in this subsection, in reviewing the information included in a report of criminal history that is obtained pursuant to this section or NRS 641C.260, the Board may consider any original charge filed against an applicant, licensed counselor, certified counselor ***,*** ~~[or]~~ certified intern ***or behavioral healthcare peer recovery support specialist*** that alleges a particular criminal act regardless of whether the person was convicted of, or entered a plea of guilty or nolo contendere to, a lesser charge. The Board shall not consider a charge filed against an applicant, licensed counselor, certified counselor ***,*** ~~[or]~~ certified intern ***or behavioral healthcare peer recovery support specialist*** that alleges a particular criminal act for which, in the absence of a plea of guilty or nolo contendere to a lesser charge:

(a) The applicant, licensed counselor, certified counselor ***,*** ~~[or]~~ certified intern ***or behavioral healthcare peer recovery support specialist*** was found not guilty; or

(b) The charges against the applicant, licensed counselor, certified counselor ***,*** ~~[or]~~ certified intern ***or behavioral healthcare peer recovery support specialist*** were dismissed.

Sec. 20. NRS 641C.700 is hereby amended to read as follows:

641C.700 The grounds for initiating disciplinary action pursuant to the provisions of this chapter include:

1. Conviction of:

(a) A felony relating to the practice of counseling alcohol and drug abusers, the clinical practice of counseling alcohol and drug abusers ***,*** ~~[or]~~ the practice of counseling problem gamblers ~~[,]~~ ***or the practice of providing behavioral healthcare peer recovery support specialist services;***

(b) An offense involving moral turpitude; or

(c) A violation of a federal or state law regulating the possession, distribution or use of a controlled substance or dangerous drug as defined in chapter 453 of NRS;

2. Fraud or deception in:

(a) Applying for a license or certificate;

(b) Taking an examination for a license or certificate;

(c) Documenting the continuing education required to renew or reinstate a license or certificate;

(d) Submitting a claim for payment to an insurer; or

(e) The practice of counseling alcohol and drug abusers ***,*** ~~[or]~~ the clinical practice of counseling alcohol and drug abusers ~~[,]~~ ***or the practice of providing behavioral healthcare peer recovery support specialist services;***

3. Allowing the unauthorized use of a license or certificate issued pursuant to this chapter;

4. Professional incompetence;

5. The habitual use of alcohol or any other drug that impairs the ability of a licensed or certified counselor ***,*** ~~[or]~~ certified intern ***or behavioral healthcare peer recovery support specialist*** to engage in the practice of counseling alcohol and drug abusers ***,*** ~~[or]~~ the clinical practice of counseling alcohol and drug abusers ~~[,]~~ ***or the practice of providing behavioral healthcare peer recovery support specialist services, as applicable;***

6. Engaging in the practice of counseling alcohol and drug abusers ***,*** ~~[or]~~ the clinical practice of counseling alcohol and drug abusers ***or the practice of providing behavioral healthcare peer recovery support specialist services*** with an expired, suspended or revoked license or certificate;

7. Engaging in behavior that is contrary to the ethical standards as set forth in the regulations of the Board; and

8. The operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 21. NRS 641C.720 is hereby amended to read as follows:

641C.720 1. The Board or any of its members who become aware of any ground for initiating disciplinary action against a person engaging in the practice of counseling alcohol and drug abusers **,** ~~[or]~~ the clinical practice of counseling alcohol and drug abusers ***or the practice of providing behavioral healthcare peer recovery support specialist services*** in this State shall, and any other person who is so aware may, file a written complaint specifying the relevant facts with the Board. The complaint must specifically charge one or more of the grounds for initiating disciplinary action.

2. If, after notice and a hearing as required by law, the Board determines that a licensed or certified counselor **,** ~~[or]~~ certified intern ***or behavioral healthcare peer recovery support specialist*** has violated a provision of this chapter or any regulation adopted pursuant to this chapter, it may:

(a) Administer a public reprimand;

(b) Suspend the license or certificate and impose conditions for the removal of the suspension;

(c) Revoke the license or certificate and prescribe the requirements for the reinstatement of the license or certificate;

(d) If he or she is a licensed or certified counselor, require him or her to be supervised by another person while engaging in the practice of counseling alcohol and drug abusers or the clinical practice of counseling alcohol and drug abusers;

(e) Require him or her to participate in treatment or counseling and pay the expenses of that treatment or counseling;

(f) Require him or her to pay restitution to any person adversely affected by his or her acts or omissions;

(g) Impose a fine of not more than $5,000; or

(h) Take any combination of the actions authorized by paragraphs (a) to (g), inclusive.

3. If a license or certificate is revoked or suspended pursuant to subsection 2, the licensed or certified counselor **,** ~~[or]~~ certified intern ***or behavioral healthcare peer recovery support specialist*** may apply to the Board for reinstatement of the suspended license or certificate or may apply to the Board pursuant to the provisions of chapter 622A of NRS for reinstatement of the revoked license or certificate. The Board may accept or reject the application and may require the successful completion of an examination as a condition of reinstatement of the license or certificate.

4. The Board shall not administer a private reprimand.

5. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

6. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 22. NRS 641C.900 is hereby amended to read as follows:

641C.900 A person shall not engage in the practice of counseling alcohol and drug abusers, the clinical practice of counseling alcohol and drug abusers ***,*** ~~[or]~~ the practice of counseling problem gamblers ***or the practice of providing behavioral healthcare peer recovery support specialist services*** unless the person is a licensed counselor, certified counselor ***,*** ~~[or]~~ certified intern ~~[.]~~ ***or behavioral healthcare peer recovery support specialist.***

Sec. 23. NRS 641C.910 is hereby amended to read as follows:

641C.910 1. A person shall not:

(a) Hold himself or herself out to a member of the general public as a clinical alcohol and drug abuse counselor, a clinical alcohol and drug abuse counselor intern, an alcohol and drug abuse counselor, an alcohol and drug abuse counselor intern, a problem gambling counselor ***,*** ~~[or]~~ a problem gambling counselor intern ~~[;]~~ ***or a behavioral healthcare peer recovery support specialist;***

(b) Use the title "clinical alcohol and drug abuse counselor," "clinical alcohol and drug abuse counselor intern," "alcohol and drug abuse counselor," "alcohol and drug abuse counselor intern," "drug abuse counselor," "substance abuse counselor," "problem gambling counselor," "problem gambling counselor intern," "gambling counselor ~~["]~~ ***,"*** ***"behavioral healthcare peer recovery support specialist"*** or any similar title in connection with his or her work;

(c) Imply in any way that he or she is licensed or certified by the Board;

(d) Engage in the practice of counseling alcohol and drug abusers;

(e) Engage in the clinical practice of counseling alcohol and drug abusers; ~~[or]~~

(f) Engage in the practice of counseling problem gamblers ~~[,]~~ ***; or***

(g) Engage in the practice of providing behavioral healthcare peer recovery support specialist services,

➥ unless the person is licensed or certified by the Board pursuant to the provisions of this chapter.

2. If the Board believes that any person has violated or is about to violate any provision of this chapter or a regulation adopted pursuant thereto, it may bring an action in a court of competent jurisdiction to enjoin the person from engaging in or continuing the violation. An injunction:

(a) May be issued without proof of actual damage sustained by any person.

(b) Does not prevent the criminal prosecution and punishment of a person who violates a provision of this chapter or a regulation adopted pursuant thereto.

Sec. 24. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person has been abused, neglected, exploited, isolated or abandoned shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation, isolation or abandonment of the older person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office; or

(3) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited, isolated or abandoned.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or abandonment of the older person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, ***behavioral healthcare peer recovery support specialist,*** music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person who appears to have been abused, neglected, exploited, isolated or abandoned.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation, isolation or abandonment of an older person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(g) Any employee of the Department of Health and Human Services.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation, isolation or abandonment of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

(m) Every person who operates or is employed by a peer support recovery organization, as defined in NRS 449.01563.

(n) Every person who operates or is employed by a community health worker pool, as defined in NRS 449.0028, or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person has died as a result of abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

(a) Aging and Disability Services Division;

(b) Repository for Information Concerning Crimes Against Older Persons created by NRS 179A.450; and

(c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person is abused, neglected, exploited, isolated or abandoned, the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person if the older person is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 25. NRS 200.50935 is hereby amended to read as follows:

200.50935 1. Any person who is described in subsection 3 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that a vulnerable person has been abused, neglected, exploited, isolated or abandoned shall:

(a) Report the abuse, neglect, exploitation, isolation or abandonment of the vulnerable person to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the vulnerable person has been abused, neglected, exploited, isolated or abandoned.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or abandonment of the vulnerable person involves an act or omission of a law enforcement agency, the person shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.

3. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, ***behavioral healthcare peer recovery support specialist,*** music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats a vulnerable person who appears to have been abused, neglected, exploited, isolated or abandoned.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator,

manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation, isolation or abandonment of a vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide nursing in the home.

(e) Any employee of the Department of Health and Human Services.

(f) Any employee of a law enforcement agency or an adult or juvenile probation officer.

(g) Any person who maintains or is employed by a facility or establishment that provides care for vulnerable persons.

(h) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation, isolation or abandonment of a vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(i) Every social worker.

(j) Any person who owns or is employed by a funeral home or mortuary.

4. A report may be made by any other person.

5. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a vulnerable person has died as a result of abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the vulnerable person and submit to the appropriate local law enforcement agencies and the appropriate prosecuting attorney his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

6. A law enforcement agency which receives a report pursuant to this section shall immediately initiate an investigation of the report.

7. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 26. ~~[NRS 449.0045 is hereby amended to read as follows:~~

~~449.0045 "Facility for the dependent" includes:~~

~~1. A facility for the treatment of abuse of alcohol or drugs;~~

~~2. A halfway house for recovering alcohol and drug abusers;~~

~~3. A facility for the care of adults during the day;~~

~~4. A residential facility for groups;~~

~~5. An agency to provide personal care services in the home;~~

~~6. A facility for transitional living for released offenders;~~

~~7. A home for individual residential care;~~

~~8. A *behavioral healthcare* peer *recovery* support [recovery] organization; and~~

~~9. A community health worker pool.]~~ **(Deleted by amendment.)**

Sec. 27. ~~[NRS 449.01563 is hereby amended to read as follows:~~

~~449.01563 [“Peer] “*[Behavioral healthcare peer recovery* support ~~[recovery]~~ organization” means a person or agency which, for compensation, provides *[behavioral healthcare* peer *recovery* support services to persons who are 18 years of age or older and who suffer from mental illness or addiction or identify themselves as at risk for mental illness or addiction.~~]~~ **(Deleted by amendment.)**

Sec. 28. NRS 449.01566 is hereby amended to read as follows:

449.01566 “Peer *[“Behavioral healthcare peer recovery]* support services” means supportive services relating to mental health, addiction or *[disorders, including, without limitation,]* substance abuse *[use disorders]* which:

1. Do not require the person offering the supportive services to be *certified or* licensed ~~[.]~~ ***unless the person:***

(a) Is engaging in the practice of providing behavioral healthcare peer recovery support specialist services, as defined in section 5 of this act; and

(b) Is not exempt from the provisions of chapter 641C of NRS pursuant to NRS 641C.130.

2. Are offered to a person in need of such services.

3. ~~*[2.]*~~ May include, without limitation:

(a) Helping to stabilize such a person;

(b) Helping such a person with recovery;

(c) Helping such a person to access community-based behavioral health care;

(d) Assisting such a person during a crisis situation or an intervention;

(e) Providing assistance with preventive care;

(f) Providing strategies and education relating to the whole health needs of such a person; and

(g) Providing encouragement, peer mentoring and training in self-advocacy and self-direction to such a person.

Sec. 29. ~~[NRS 449.03015 is hereby amended to read as follows:~~

~~449.03015 A person who is licensed pursuant to this chapter as a facility for the dependent or a medical facility and who employs persons to provide *behavioral healthcare* peer *recovery* support services is not required to obtain an additional license as a *behavioral healthcare* peer *recovery* support ~~[recovery]~~ organization.~~]~~ **(Deleted by amendment.)**

Sec. 30. ~~[NRS 449.065 is hereby amended to read as follows:~~

~~449.065 1. Except as otherwise provided in subsections 6 and 7 and NRS 449.067, each facility for intermediate care, facility for skilled nursing, *behavioral healthcare* peer *recover* support ~~[recovery]~~ organization, residential facility for groups, home for individual residential care, agency to provide personal care services in the home and agency to provide nursing in the home shall, when applying for a license or renewing a license, file with the Administrator of the Division of Public and Behavioral Health a surety bond:~~

~~(a) If the facility, agency, organization or home employs less than 7 employees, in the amount of $5,000;~~

~~(b) If the facility, agency, organization or home employs at least 7 but not more than 25 employees, in the amount of $25,000; or~~

~~(c) If the facility, agency, organization or home employs more than 25 employees, in the amount of $50,000.~~

~~2. A bond filed pursuant to this section must be executed by the facility, agency, organization or home as principal and by a surety company as surety. The bond must be payable to the Aging and Disability Services Division of the Department of Health and Human Services and must be conditioned to provide indemnification to an older patient who the Specialist for the Rights of Elderly Persons determines has suffered property damage as a result of any act or failure to act by the facility, agency, organization or home to protect the property of the older patient.~~

~~3. Except when a surety is released, the surety bond must cover the period of the initial license to operate or the period of the renewal, as appropriate.~~

~~4. A surety on any bond filed pursuant to this section may be released after the surety gives 30 days' written notice to the Administrator of the Division of Public and Behavioral Health, but the release does not discharge or otherwise affect any claim filed by an older patient for property damaged as a result of any act or failure to act by the facility, agency, organization or home to protect the property of the older patient alleged to have occurred while the bond was in effect.~~

~~5. A license is suspended by operation of law when the facility, agency, organization or home is no longer covered by a surety bond as required by this section or by a substitute for the surety bond pursuant to NRS 449.067. The Administrator of the Division of Public and Behavioral Health shall give the facility, agency, organization or home at least 20 days' written notice before the release of the surety or the substitute for the surety, to the effect that the license will be suspended by operation of law until another surety bond or substitute for the surety bond is filed in the same manner and amount as the bond or substitute being terminated.~~

~~6. The Administrator of the Division of Public and Behavioral Health may exempt a~~ ***behavioral healthcare*** peer ***recovery*** support ~~[recovery]~~ organization, residential facility for groups or a home for individual residential care from the requirement of filing a surety bond pursuant to this section if the Administrator determines that the requirement would result in undue hardship to the ***behavioral healthcare*** peer ***recovery*** support ~~[recovery]~~ organization, residential facility for groups or home for individual residential care.

~~7. The requirement of filing a surety bond set forth in this section does not apply to a facility for intermediate care, facility for skilled nursing,~~ ***behavioral healthcare*** peer ***recovery*** support ~~[recovery]~~ organization, residential facility for groups, home for individual residential care, agency to

~~provide personal care services in the home or agency to provide nursing in the home that is operated and maintained by the State of Nevada or an agency thereof.~~

~~8. As used in this section, "older patient" means a patient who is 60 years of age or older.~~**] (Deleted by amendment.)**

Sec. 31. ~~[NRS 449.067 is hereby amended to read as follows:~~

~~449.067 1. As a substitute for the surety bond required pursuant to NRS 449.065, a facility for intermediate care, a facility for skilled nursing, a~~ ***behavioral healthcare*** ~~peer~~ ***recovery*** ~~support [recovery] organization, a residential facility for groups, a home for individual residential care, an agency to provide personal care services in the home and an agency to provide nursing in the home may deposit with any bank or trust company authorized to do business in this State, upon approval from the Administrator of the Division of Public and Behavioral Health:~~

~~(a) An obligation of a bank, savings and loan association, thrift company or credit union licensed to do business in this State;~~

~~(b) Bills, bonds, notes, debentures or other obligations of the United States or any agency or instrumentality thereof, or guaranteed by the United States; or~~

~~(c) Any obligation of this State or any city, county, town, township, school district or other instrumentality of this State, or guaranteed by this State, in an aggregate amount, based upon principal amount or market value, whichever is lower.~~

~~2. The obligations of a bank, savings and loan association, thrift company or credit union must be held to secure the same obligation as would the surety bond required by NRS 449.065. With the approval of the Administrator of the Division of Public and Behavioral Health, the depositor may substitute other suitable obligations for those deposited, which must be assigned to the Aging and Disability Services Division of the Department of Health and Human Services and are negotiable only upon approval by the Administrator of the Aging and Disability Services Division.~~

~~3. Any interest or dividends earned on the deposit accrue to the account of the depositor.~~

~~4. The deposit must be an amount at least equal to the surety bond required by NRS 449.065 and must state that the amount may not be withdrawn except by direct and sole order of the Administrator of the Aging and Disability Services Division.~~**] (Deleted by amendment.)**

Sec. 32. ~~[NRS 449.089 is hereby amended to read as follows:~~

~~449.089 1. Each license issued pursuant to NRS 449.030 to 449.2428, inclusive, expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to NRS 449.050 unless the Division finds, after an investigation, that the facility has not:~~

~~(a) Satisfactorily complied with the provisions of NRS 449.030 to 449.2428, inclusive, or the standards and regulations adopted by the Board;~~

~~(b) Obtained the approval of the Director of the Department of Health and Human Services before undertaking a project, if such approval is required by NRS 439A.100; or~~

~~(c) Conformed to all applicable local zoning regulations.~~

~~2. Each reapplication for an agency to provide personal care services in the home, an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv) which accepts payment through Medicare, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, a *behavioral healthcare* peer *recovery* support **[**recovery**]** organization, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5(b)(2), a hospital that provides swing bed services as described in 42 C.F.R. § 482.66 or, if residential services are provided to children, a medical facility or facility for the treatment of abuse of alcohol or drugs must include, without limitation, a statement that the facility, hospital, agency, program, pool, organization or home is in compliance with the provisions of NRS 449.119 to 449.125, inclusive, and 449.174.~~

~~3. Each reapplication for an agency to provide personal care services in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a facility for the care of adults during the day, a *behavioral healthcare* peer *recovery* support **[**recovery**]** organization, a residential facility for groups or a home for individual residential care must include, without limitation, a statement that the holder of the license to operate, and the administrator or other person in charge and employees of, the facility, agency, pool, organization or home are in compliance with the provisions of NRS 449.093.**]** (Deleted by amendment.)**

Sec. 33. ~~**[**NRS 449.119 is hereby amended to read as follows:~~

~~449.119 As used in NRS 449.119 to 449.125, inclusive, "facility, hospital, agency, program or home" means an agency to provide personal care services in the home, an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv) which accepts payment through Medicare, a *behavioral healthcare* peer *recovery* support **[**recovery**]** organization, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5(b)(2), a hospital that provides swing bed services as described in 42 C.F.R. § 482.66 or, if residential services are provided to children, a medical facility or facility for the treatment of abuse of alcohol or drugs.**]** (Deleted by amendment.)**

Sec. 34. ~~[NRS 449.174 is hereby amended to read as follows:~~

~~449.174 1. In addition to the grounds listed in NRS 449.160, the Division may deny a license to operate a facility, hospital, agency, program or home to an applicant or may suspend or revoke the license of a licensee to operate such a facility, hospital, agency, program or home if:~~

~~(a) The applicant or licensee has been convicted of:~~

~~(1) Murder, voluntary manslaughter or mayhem;~~

~~(2) Assault or battery with intent to kill or to commit sexual assault or mayhem;~~

~~(3) Sexual assault, statutory sexual seduction, incest, lewdness or indecent exposure, or any other sexually related crime that is punished as a felony;~~

~~(4) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punished as a misdemeanor, within the immediately preceding 7 years;~~

~~(5) A crime involving domestic violence that is punished as a felony;~~

~~(6) A crime involving domestic violence that is punished as a misdemeanor, within the immediately preceding 7 years;~~

~~(7) Abuse or neglect of a child or contributory delinquency;~~

~~(8) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS, within the immediately preceding 7 years;~~

~~(9) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;~~

~~(10) A violation of any provision of law relating to the State Plan for Medicaid or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years;~~

~~(11) A violation of any provision of NRS 422.450 to 422.590, inclusive;~~

~~(12) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;~~

~~(13) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property, within the immediately preceding 7 years;~~

~~(14) Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon; or~~

~~(15) An attempt or conspiracy to commit any of the offenses listed in this paragraph, within the immediately preceding 7 years;~~

~~(b) The licensee has, in violation of NRS 449.125, continued to employ a person who has been convicted of a crime listed in paragraph (a); or~~

~~(c) The applicant or licensee has had a substantiated report of child abuse or neglect made against him or her and if the facility, hospital, agency, program or home provides residential services to children.~~

~~2. In addition to the grounds listed in NRS 449.160, the Division may suspend or revoke the license of a licensee to operate an agency to provide personal care services in the home, an agency to provide nursing in the home, a community health worker pool or a ***behavioral healthcare*** peer ***recovery*** support **[**recovery**]** organization if the licensee has, in violation of NRS 449.125, continued to employ a person who has been convicted of a crime listed in paragraph (a) of subsection 1.~~

~~3. As used in this section:~~

~~(a) "Domestic violence" means an act described in NRS 33.018.~~

~~(b) "Facility, hospital, agency, program or home" has the meaning ascribed to it in NRS 449.119.~~

~~(c) "Medicaid" has the meaning ascribed to it in NRS 439B.120.~~

~~(d) "Medicare" has the meaning ascribed to it in NRS 439B.130.**]** **(Deleted by amendment.)**~~

Sec. 35. ~~**[**NRS 449.194 is hereby amended to read as follows:~~

~~449.194 Any person who is employed by an agency to provide personal care services in the home, a community health worker pool or a ***behavioral healthcare*** peer ***recovery*** support **[**recovery**]** organization who:~~

~~1. Has successfully completed a course in cardiopulmonary resuscitation according to the guidelines of the American National Red Cross or American Heart Association;~~

~~2. Has successfully completed the training requirements of a course in basic emergency care of a person in cardiac arrest conducted in accordance with the standards of the American Heart Association; or~~

~~3. Has successfully completed the training requirements of a course in the use and administration of first aid, including cardiopulmonary resuscitation,~~

~~**]** and who in good faith renders emergency care or assistance in accordance with the person's training, in the course of his or her regular employment or profession, to an elderly person or a person with a disability, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care.**]** **(Deleted by amendment.)**~~

Sec. 35.5. **1. Notwithstanding any provision of this act or chapter 641C of NRS to the contrary, any person who engages in the practice of providing behavioral healthcare peer recovery support specialist services for an entity or organization on a paid basis on or before July 1, 2017, must meet the requirements for certification and obtain a certificate as required by section 6 of this act and NRS 641C.900, as amended by section 22 of this act, not later than July 1, 2019.**

2. As used in this section, "practice of providing behavioral healthcare peer recovery support specialist services" has the meaning ascribed to it in section 5 of this act.

Sec. 36. This act becomes effective on July 1, 2017.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 211.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 544.

AN ACT relating to labor; ~~[authorizing a court to award treble damages in an action to recover unpaid wages;]~~ **increasing the amount of the administrative penalty that may be imposed by the Labor Commissioner for the violation of certain requirements relating to wages and compensation; authorizing the Labor Commissioner, under certain circumstances, to award money to persons harmed by such a violation; requiring the Labor Commissioner to post on an Internet website the business name and address of an employer that willfully violates certain requirements relating to wages and compensation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This bill authorizes a court to award treble damages to an employee who prevails in an action or proceeding to recover unpaid wages.]~~

Existing law establishes certain requirements and prohibitions concerning the wages and compensation that must be paid to employees. An employer who violates such a requirement or prohibition is guilty of a misdemeanor. In addition to any other penalty or remedy, the Labor Commissioner is authorized to impose an administrative penalty of not more than $5,000. (NRS 608.005-608.195, 608.250-608.290)

Sections 1.3 and 1.4 of this bill increase the maximum amount of the administrative penalty the Labor Commissioner may impose from $5,000 to $10,000 and authorize the Labor Commissioner to award money to a person who is harmed by a violation of the laws relating to wages and compensation if the Labor Commissioner determines that it is in the best interest of this State to do so. Sections 1.3 and 1.4 also limit the amount of the award to the wages and benefits lost as a result of the violation or the amount of the proceeds of the administrative penalty recovered, whichever is less. Additionally, sections 1.3 and 1.4 require the Labor Commissioner to post the business name and address of any employer determined by the Labor Commissioner to have willfully violated the requirements and prohibitions concerning the wages that must be paid to employees on the Labor Commissioner's Internet website.

This bill also requires the Labor Commissioner to post on the Internet website the name and business address of an employer who willfully

violates certain labor laws. Sections 1.3 and 1.4 also authorize the Labor Commissioner to adopt regulations to carry out the provisions of these sections.

Section 1.1 of this bill requires all money collected by the Labor Commissioner as an administrative penalty imposed pursuant to sections 1.3 and 1.4 of this bill to be accounted for separately and used only for awards to persons who were harmed by a violation of the laws governing wages and compensation. Sections 2, 2.3 and 2.5 of this bill make conforming changes to reflect the other changes in the bill. Section 3 of this bill provides that the provisions of this bill apply to any actions and proceedings brought before a final decision has been rendered in the action or proceeding.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*If an employee prevails in any action or proceeding to recover wages which are not paid in accordance with the provisions of this chapter, the employee may recover an amount that is treble the amount of the unpaid wages.]~~ **(Deleted by amendment.)**

Sec. 1.1. **NRS 607.160 is hereby amended to read as follows:**

607.160 1. The Labor Commissioner:

(a) Shall enforce all labor laws of the State of Nevada:

(1) Without regard to whether an employee or worker is lawfully or unlawfully employed; and

(2) The enforcement of which is not specifically and exclusively vested in any other officer, board or commission.

(b) May adopt regulations to carry out the provisions of paragraph (a).

2. If the Labor Commissioner has reason to believe that a person is violating or has violated a labor law or regulation, the Labor Commissioner may take any appropriate action against the person to enforce the labor law or regulation whether or not a claim or complaint has been made to the Labor Commissioner concerning the violation.

3. Before the Labor Commissioner may enforce an administrative penalty against a person who violates a labor law or regulation, the Labor Commissioner must provide the person with notice and an opportunity for a hearing as set forth in NRS 607.207.

4. In determining the amount of any administrative penalty to be imposed against a person who violates a labor law or regulation, the Labor Commissioner shall consider the person's previous record of compliance with the labor laws and regulations and the severity of the violation.

5. All money collected by the Labor Commissioner as an administrative penalty must be deposited in the State General Fund. ***Money collected as an administrative penalty imposed pursuant to section 1.3 or 1.4 of this act***

must be accounted for separately and used only for awards made by the Labor Commissioner pursuant to sections 1.3 and 1.4 of this act.

6. The actions and remedies authorized by the labor laws are cumulative. If a person violates a labor law or regulation, the Labor Commissioner may seek a civil remedy, impose an administrative penalty or take other administrative action against the person whether or not the person is prosecuted, convicted or punished for the violation in a criminal proceeding. The imposition of a civil remedy, an administrative penalty or other administrative action against the person does not operate as a defense in any criminal proceeding brought against the person.

7. If, after due inquiry, the Labor Commissioner believes that a person who is financially unable to employ counsel has a valid and enforceable claim for wages, commissions or other demands, the Labor Commissioner may present the facts to the Attorney General. The Attorney General shall prosecute the claim if the Attorney General determines that the claim is valid and enforceable.

Sec. 1.2. **Chapter 608 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.4 of this act.**

Sec. 1.3. ***1. If an employer violates any provision of NRS 608.005 to 608.195, inclusive, or any regulation adopted pursuant thereto, the Labor Commissioner, in addition to any other remedy or penalty, may impose against the employer an administrative penalty of not more than $10,000 for each such violation.***

2. Upon receipt of the proceeds of an administrative penalty imposed pursuant to subsection 1, the Labor Commissioner may, if he or she determines that it is in the best interest of this State, award to a person harmed by the violation for which the administrative penalty was imposed an amount of money that is equal to the lesser of:

(a) Three times the amount of the wages and benefits lost as a result of the violation; or

(b) The amount of the proceeds of the administrative penalty.

3. If the Labor Commissioner determines that an employer's violation of NRS 608.005 to 608.195, inclusive, or any regulation adopted pursuant thereto was willful, the Labor Commissioner shall post the business name and address of the employer on an Internet website maintained by the Labor Commissioner.

4. The Labor Commissioner may adopt regulations to carry out the provisions of this section.

Sec. 1.4. ***1. If an employer violates any provision of NRS 608.250 or any regulation adopted pursuant thereto, the Labor Commissioner, in addition to any other remedy or penalty, may impose against the employer an administrative penalty of not more than $10,000 for each such violation.***

2. Upon receipt of the proceeds of an administrative penalty imposed pursuant to subsection 1, the Labor Commissioner may, if he or she determines that it is in the best interest of this State, award to a person

harmed by the violation for which the administrative penalty was imposed an amount of money that is equal to the lesser of:

(a) Three times the amount of the wages and benefits lost as a result of the violation; or

(b) The amount of the proceeds of the administrative penalty.

3. If the Labor Commissioner determines that an employer's violation of NRS 608.250 or any regulation adopted pursuant thereto was willful, the Labor Commissioner shall post the business name and address of the employer on an Internet website maintained by the Labor Commissioner.

4. The Labor Commissioner may adopt regulations to carry out the provisions of this section.

Sec. 2. NRS 608.180 is hereby amended to read as follows:

608.180 The Labor Commissioner or the representative of the Labor Commissioner shall cause the provisions of NRS 608.005 to 608.195, inclusive, ***and section ~~[1]~~ 1.3 of this act*** to be enforced, and upon notice from the Labor Commissioner or the representative:

1. The district attorney of any county in which a violation of those sections has occurred;
2. The Deputy Labor Commissioner, as provided in NRS 607.050;
3. The Attorney General, as provided in NRS 607.160 or 607.220; or
4. The special counsel, as provided in NRS 607.065,

➥ shall prosecute the action for enforcement according to law.

Sec. 2.3. **NRS 608.195 is hereby amended to read as follows:**

608.195 ~~[1.]~~ Except as otherwise provided in NRS 608.0165, any person who violates any provision of NRS 608.005 to 608.195, inclusive, ***and section 1.3 of this act*** or any regulation adopted pursuant thereto, is guilty of a misdemeanor.

~~[2. In addition to any other remedy or penalty, the Labor Commissioner may impose against the person an administrative penalty of not more than $5,000 for each such violation.]~~

Sec. 2.5. **NRS 608.290 is hereby amended to read as follows:**

608.290 ~~[1.]~~ Any person who violates any provision of NRS 608.250 or any regulation adopted pursuant thereto is guilty of a misdemeanor.

~~[2. In addition to any other remedy or penalty, the Labor Commissioner may impose against the person an administrative penalty of not more than $5,000 for each such violation.]~~

Sec. 3. The provisions of this act apply to any action or proceeding ~~[to recover unpaid wages]~~ **brought** pursuant to chapter 608 of NRS in which a final decision has not been rendered before, on or after July 1, 2017.

Sec. 4. This act becomes effective on July 1, 2017.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 379.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 366.

SUMMARY— ~~[Amends provisions relating to general improvement districts created for the purpose of furnishing recreational facilities.]~~ **Authorizes certain local governments to create a parks, trails and open space district.** (BDR 25-211)

AN ACT relating to ~~[general improvement districts; revising provisions relating to the formation of a general improvement district that is organized to furnish recreational facilities; expanding the authority of the board of trustees of a general improvement district that is organized to furnish recreational facilities; providing that watersheds,]~~ **local governments; authorizing, under certain circumstances, the governing body of a county, city or town to create a parks,** trails ~~[,]~~ **and** open ~~[spaces, lakes, ponds and rivers are recreational facilities;]~~ **space district; setting forth the duties and authority of the board of trustees of such a district; providing penalties;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, a board of county commissioners cannot begin the organization of a general improvement district that includes any real property within 7 miles from the boundary of an incorporated city or unincorporated town unless one of five conditions is met. (NRS 318.055) Section 1 of this bill provides that these conditions do not apply to a proposed district which will furnish recreational facilities if each board of county commissioners and governing body of an incorporated city, unincorporated town and existing general improvement district with territory included within the boundaries of the proposed district consent to the formation of the district by resolution.~~

~~ Existing law authorizes the board of trustees of a general improvement district to acquire, construct, reconstruct, improve, extend and better one or more of the following types of facilities for recreation: exposition buildings, museums, skating rinks, other type rinks, fieldhouses, sports arenas, bowling alleys, swimming pools, stadiums, golf courses, tennis courts, squash courts, other courts, ball fields, other athletic fields, tracks, playgrounds, bowling greens, ball parks, public parks, promenades, beaches, marinas, levees, piers, docks, wharves, boat basins, boathouses, harborages, anchorages, gymnasiums, appurtenant shower, locker and other bathhouse facilities, amusement halls, dance halls, concert halls, theaters, auditoriums, aviaries, aquariums, zoological gardens, biological gardens and vivariums. Section 2 of this bill authorizes a board to: (1) also acquire, operate, maintain, manage and restore these recreational facilities; (2) design, compile or administer certain environmental or cultural reports; (3) take measures to reduce wildfire, restore native vegetation and conserve and manage natural resources; (4) establish or fund the establishment of educational programs at~~

~~facilities for recreation, including, without limitation, funding for personnel who provide such educational programs; (5) enter into certain agreements with a nonprofit corporation; and (6) establish a fund and accept gifts, grants and donations for deposit in the fund. Section 2 also provides that recreational facilities include watersheds, trails, open spaces, lakes, ponds and rivers.~~]

This bill authorizes, under certain circumstances, the governing body of a county, city or town to create a parks, trails and open space district.

Sections 7-12 of this bill set forth the process for such a governing body to create such a district. Section 7 provides general authority for the creation of such a district. Section 8 provides that the creation of a district is initiated by: (1) a resolution adopted by the governing body; or (2) a petition to a governing body by an owner of property within the proposed boundaries of the district. Section 9 provides that after the creation of a district is initiated, the relevant county or city clerk must mail written notice to all property owners within the proposed district. Section 10 authorizes any owner of property within the proposed district to protest the creation of the district. Section 11 sets forth certain circumstances where the creation of a district is prohibited.

Section 13 of this bill provides for the appointment of initial members of the board of trustees of a district. Sections 16 and 17 of this bill set forth how members of the board of trustees will be elected after the initial appointment of members.

Sections 19 and 20 of this bill prohibit members of the board of trustees of a district from being interested in the purchase or sale of property belonging to the district or entering into certain contracts.

Sections 25-29 of this bill set forth the various powers of a board in relation to parks, trails and open space.

Section 30 of this bill authorizes a board to establish fees or special assessments for facilities, improvements or projects of the district. Sections 34 and 35 of this bill authorize a board to impose ad valorem taxes. Sections 30, 31 and 34-38 of this bill set forth the process for imposing and collecting any such fees, special assessments or ad valorem taxes.

Sections 40-42 of this bill set forth the procedure for changing the boundaries of a district.

Sections 43-47 of this bill authorize a board, under certain circumstances, to issue bonds and borrow money.

Sections 32 and 49-51 of this bill set forth the requirements for the dissolution, merger or consolidation of a district.

WHEREAS, ~~[Recreational facilities]~~ **Parks, trails and open spaces** are essential to the health, quality of life and economic prosperity of the residents of this State; and

WHEREAS, Well-maintained ~~[recreational facilities]~~ **parks, trails and open spaces** stimulate economic growth and enhance the vitality of local and regional communities; and

WHEREAS, Protecting water quality and wildlife habitat and ensuring safety in ~~[recreational facilities]~~ **parks, trails and open spaces** encourage participation in healthy outdoor activities; and

WHEREAS, It is necessary to provide sustainable and reliable funding for the creation and maintenance of ~~[recreational facilities;]~~ **parks, trails and open spaces;** now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 3 of this bill and replace with the following new sections 1 through 54:

Section 1. **Title 25 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 53, inclusive, of this act.**

Sec. 2. This chapter shall be known and may be cited as the Nevada Parks, Trails and Open Space District Act.

Sec. 3. 1. It is hereby declared as a matter of legislative determination that:

(a) The organization of parks, trails and open space districts having the purposes, powers, rights, privileges and immunities provided in this chapter will serve a public use and will promote the health, safety, prosperity, security and general welfare of the inhabitants thereof and of the State of Nevada;

(b) The acquisition, construction, reconstruction, restoration, improvement, maintenance and operation of any facility, improvement or project authorized in this chapter is in the public interest and constitutes a part of the established and permanent policy of the State of Nevada; and

(c) Each district organized pursuant to the provisions of this chapter shall be a body corporate and politic and a quasi-municipal corporation. For the accomplishment of these purposes the provisions of this chapter shall be broadly construed.

2. It is hereby further declared that the provisions of this chapter are not intended to provide a method for financing the costs of developing private property.

3. It is hereby further declared as a matter of legislative determination that the notice provided for in this chapter for each hearing and action to be taken is reasonably calculated to inform the parties of all proceedings which may directly and adversely affect their legally protected interests.

Sec. 4. As used in this chapter, unless the context otherwise requires:

1. "Board of trustees" and "board" alone each means the board of trustees of a district.

2. "Clerk" means:

(a) If a district is created or proposed to be created by a county or town, the county clerk.

(b) If a district is created or proposed to be created by a city, the city clerk.

3. "Facility", "improvement" and "project" includes, without limitation, any structure, undertaking or system which a district is authorized to acquire, improve, equip, maintain or operate. A project may consist of all kinds of personal and real property, including, without limitation, land, elements, improvements and fixtures thereon, property of any nature appurtenant thereto or used in connection therewith, and every estate, interest and right therein, legal or equitable, including terms for years, or any combination thereof.

4. "Governing body" means the governing body of the county, city and town that creates a district pursuant to this chapter.

5. "Mail" means a single mailing first class or its equivalent, postage prepaid, by deposit in the United States mail, at least 15 days before the designated time or event.

6. "Parks, trails and open space district" and "district" each means any parks, trails and open space district organized or, in the case of organizational provisions, proposed to be organized pursuant to this chapter.

7. "Trustee" means a member of a board of trustees.

Sec. 5. For the purpose of computing any period of time prescribed in this chapter, the first day of the designated action or time must be excluded and the last day of the designated action or time must be included.

Sec. 6. 1. This chapter being necessary to secure the public health, safety, convenience and welfare, it shall be liberally construed to effect its purposes.

2. This chapter, without reference to other statutes of the State, except as specifically provided in this chapter, shall constitute full authority for the authorization and issuance of bonds hereunder. No other law with regard to the authorization or issuance of bonds that provides for an election, requires an approval, or in any way impedes or restricts the carrying out of the acts authorized by this chapter to be done shall be construed as applying to any proceedings taken under this chapter or acts done pursuant thereto, it being intended that this chapter shall provide a separate method of accomplishing its objectives, and not an exclusive one. This chapter must not be construed as repealing, amending or changing any such other law.

Sec. 7. 1. Except as otherwise provided in this chapter, the governing body of any county, city or town within this State is hereby vested with jurisdiction, power and authority to create one or more districts within the county, city or town which it serves.

2. No member of a governing body shall be disqualified to perform any duty imposed by this chapter by reason of ownership of property within any proposed district.

Sec. 8. 1. The creation of a district may be initiated by:

(a) A resolution adopted by the governing body of any county, city or town; or

(b) Except as otherwise provided in subsection 2, a petition submitted by any owner of property proposed to be located in the district to the governing body of a county, city or town.

2. If the proposed boundaries of a district include areas within more than one county, city or town and the creation of the district is initiated by petition pursuant to paragraph (b) of subsection 1, the petition must be submitted to the governing body of the county, city or town in which is located the largest proportion of the geographic area of the proposed district.

3. A resolution adopted pursuant to paragraph (a) of subsection 1 or a petition submitted pursuant to paragraph (b) of subsection 1 must set forth the proposed name, powers, purpose and boundaries of the district.

4. A district may be entirely within or entirely without, or partly within or partly without, one or more counties, cities and towns and the district may consist of noncontiguous tracts or parcels of property.

Sec. 9. After the creation of a district is initiated pursuant to section 8 of this act, the clerk shall mail written notice to all property owners within the proposed district informing the property owners of the proposed creation of a district. The notice must set forth the proposed name, powers, purpose and boundaries of the district and the time and place of the hearing that will be held by the governing body to determine whether to create the district and where the person may protest its creation.

Sec. 10. 1. Any person who owns property which is located within the proposed area of the district may, on or before the date of the hearing, submit a written protest to the creation of the district.

2. The governing body shall give full consideration to all protests which have been submitted and hear all persons desiring to be heard and, thereafter, adopt an ordinance creating the district or determining that the district must not be created.

3. Except as otherwise provided in section 11 of this act, at the hearing to consider the creation of the district or at a subsequent hearing to which the hearing is adjourned, the governing body may create the district by ordinance if the governing body makes findings that the creation of the district is economically sound and feasible.

4. Any ordinance creating a district may contain changes to the proposed name, powers, purpose or boundaries of the district as may be considered by the governing body to be equitable and necessary.

Sec. 11. A governing body shall not create a district pursuant to the provisions of this chapter:

1. If, at or before the hearing held pursuant to section 10 of this act, a majority of property owners within the proposed district submit written protests to the creation of the district pursuant to that section;

2. If the proposed boundaries of a district include areas within more than one county, city or town and the governing bodies of all such counties, cities and towns have not entered into an interlocal agreement that includes, without limitation, the consent of each governing body to the creation of the district; or

3. If the proposed boundaries of a district overlap with the boundaries of one or more general improvement districts created pursuant to chapter 318 of NRS and the board of trustees of each such general improvement district has not by resolution consented to the creation of the district.

Sec. 12. 1. Except as otherwise provided in subsection 2, the adoption of an ordinance creating a district establishes the regular organization of the district, which is a governmental subdivision of this State, a body corporate and politic and a quasi-municipal corporation.

2. Within 30 days immediately following the effective date of such ordinance any person who has filed a written protest, as provided in section 10 of this act, shall have the right to commence an action in any court of competent jurisdiction to set aside such determination. Thereafter all actions or suits attacking the regularity, validity and correctness of that ordinance and all proceedings, determinations and instruments taken, adopted or made before such ordinance's final passage, shall be perpetually barred.

3. Within 30 days immediately following the effective date of the ordinance creating the district, the governing body shall cause to be filed a copy of the ordinance in the office of the clerk and shall cause to be filed an additional copy of the ordinance in the Office of the Secretary of State, which filings shall be without fee and be otherwise in the same manner as articles of incorporation are required to be filed under chapter 78 of NRS.

Sec. 13. 1. After adopting an ordinance creating a district and before appointing the first board of trustees for the district, the governing body is, ex officio, the board of trustees for the district.

2. While acting as the board of trustees, the governing body shall establish:

(a) Accounting practices and procedures for the district;

(b) Auditing practices and procedures to be used by the district;

(c) A budget for the district; and

(d) Management standards for the district.

3. After the governing body has performed the duties required by subsection 2, it must appoint five persons to serve as the first board of trustees of the district. The persons appointed to the board of trustees pursuant to this section must be qualified electors of the district. The appointed trustees must determine by lot which three appointed trustees serve 4 year terms and which two appointed trustees serve 2 year terms.

4. The governing body may remove any appointed trustee for cause shown.

5. The members of the board of trustees must file with the clerk their oaths of office and corporate surety bonds, at the expense of the district, the bonds to be in an amount not more than $10,000 each, the form and exact amount thereof to be approved and determined, respectively, by the governing body, conditioned for the faithful performance of their duties as trustees. The governing body may from time to time, upon good cause shown, increase or decrease the amount of the bond.

Sec. 14. 1. The board shall choose one of its members as chair of the board and president of the district, and shall elect a secretary and a treasurer of the board and of the district, who may or may not be members of the board. The secretary and the treasurer may be one person.

2. The board shall adopt a seal.

3. The secretary shall keep a record of all of the board's proceedings, minutes of all meetings, any certificates, contracts, bonds given by employees and all corporate acts. Except as otherwise provided in NRS 241.035, the records must be open to inspection of all owners of real property in the district as well as to all other interested persons. A copy of the minutes or audio recordings, if any, must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.

4. The treasurer shall keep strict and accurate accounts of all money received by and disbursed for and on behalf of the district in permanent records. The treasurer shall file with the clerk, at the expense of the district, a corporate surety bond in an amount not more than $50,000, the form and exact amount thereof to be approved and determined, respectively, by the governing body, conditioned for the faithful performance of the duties of his or her office. Any other officer or trustee who actually receives or disburses money of the district shall furnish a bond as provided in this subsection. The governing body may, upon good cause shown, increase or decrease the amount of that bond.

5. Except as otherwise provided in this subsection, each member of a board of trustees of a district organized pursuant to this chapter may receive as compensation for his or her service not more than $6,000 per year. The compensation of the members of a board is payable monthly, if the budget is adequate and a majority of the members of the board vote in favor of such compensation, but no member of the board may receive any other compensation for his or her service to the district as an employee or otherwise. Each member of the board must receive the same amount of compensation. If a majority of the members of the board vote in favor of an increase in the compensation of the trustees, the increase may not become effective until January 1 of the calendar year immediately following the next biennial election of the district as set forth in section 16 of this act.

Sec. 15. 1. The board shall, by resolution, designate the place where the office or principal place of the district is to be located, which must be

within the corporate limits of the district and which may be changed by resolution of the board. Copies of all those resolutions must be filed with the clerk within 5 days after their adoption. The official records and files of the district must be kept at that office and must be open to public inspection as provided in NRS 239.010.

2. The board of trustees shall meet regularly at least once each year, and at such other times at the office or principal place of the district as provided in the bylaws.

3. Special meetings may be held on notice to each member of the board as often as, and at such places within the district as, the needs of the district require.

4. Three members of the board constitute a quorum at any meeting.

5. A vacancy on the board must be filled by a qualified elector of the district chosen by the remaining members of the board.

Sec. 16. 1. Except as otherwise provided in this section, the general election for trustees of the district must be conducted by the county clerk and held simultaneously with the general election of the county in which the district is located.

2. If a district is located:

(a) In more than one county, the general election for trustees of the district must be conducted by the county clerk of the county in which is located the largest proportion of the geographic area of the district simultaneously with the general election of that county.

(b) Wholly within the boundaries of a city, the general election for trustees of the district must be conducted by the city clerk and held simultaneously with the general city election of the city.

3. The first biennial election of the district must be held simultaneously with the first general election described in subsection 1 that is held after the creation of the district.

4. At the first biennial election, there must be elected by the qualified electors of the district three qualified electors to serve as trustees of the board. At the second biennial election, there must be elected by the qualified electors of the district two qualified electors.

5. The term of office of an elected trustees is 4 years and begins on the first Monday in January next following the biennial election.

6. The office of trustee is a nonpartisan office.

7. The general election laws of this State govern the candidacy, nominations and election of a trustee of the board.

Sec. 17. 1. If there are two regular terms which end on the first Monday in January next following the biennial election, the two qualified electors receiving the highest and next highest number of votes must be elected. If there are three regular terms so ending, the three qualified electors receiving the highest, next highest and third highest number of votes must be elected.

2. If there is a vacancy in an unexpired regular term to be filled at the biennial election, the candidate who receives the highest number of votes, after there are chosen the successful candidates to fill the vacancies in expired regular terms as provided in subsection 1, must be elected.

Sec. 18. Members of the board of trustees are subject to recall from office pursuant to the provisions of the Constitution and statutes of this State.

Sec. 19. 1. No trustee may be interested, directly or indirectly, in any property purchased for the use of the district, or in any purchase or sale of property belonging to the district.

2. Any contract made in violation of the provisions of subsection 1 may be declared void.

3. A trustee who violates the provisions of subsection 1 is guilty of a gross misdemeanor and shall be further punished as provided in NRS 197.230.

Sec. 20. 1. Except as otherwise provided in subsection 2, no trustee may:

(a) Become a contractor under any contract or order for supplies or any other kind of contract authorized by the board, or to be in any manner interested, directly or indirectly, as principal, in any kind of contract so authorized.

(b) Be interested in any contract made by the board or to be a purchaser or to be interested in any purchase or sale made by the board.

2. The board may purchase supplies or contract for services for the district from one of its members, when not to do so would be a great inconvenience, but the member from whom the supplies are to be bought or with whom the contract for services is to be made shall not vote upon the allowance of the purchase or contract. If the purchase is made or contract let by competitive bidding, the bid of a member of the board may be accepted only if the member is the lowest responsible bidder.

3. Any contract made in violation of the provisions of subsection 1 may be declared void.

4. A trustee who violates the provisions of subsection 1, directly or indirectly, is guilty of a gross misdemeanor and shall be further punished as provided in NRS 197.230.

Sec. 21. 1. A board may request, in writing, assistance from any elected or appointed officer of any county, city or town in which all or a part of the district is located.

2. The officer shall furnish the requested assistance, after an agreement has been reached concerning the amount of money which the board must pay for the assistance. The cost shall not be more than the actual additional expense necessitated by the request.

Sec. 22. A board has each of the basic powers enumerated in this chapter and designated in the organizational proceedings of the district

and other provisions supplemental thereto in this chapter, or otherwise authorized by law.

Sec. 23. 1. In any region of this State for which there has been established by interstate compact a regional planning agency, the powers of any district created pursuant to this chapter with respect to the location and construction of all facilities, improvements or projects are subordinate to the powers of such regional planning agency.

2. If the boundaries of a district overlap with the boundaries of a conservation district formed pursuant to chapter 548 of NRS, the board of the district must coordinate and consult with the board of supervisors of the conservation district on matters that may impact the conservation district.

Sec. 24. 1. Subject to the limitations of this chapter, the board shall have perpetual existence.

2. The board shall have the power to have and use a corporate seal.

3. The board shall have the power to sue and be sued, and be a party to suits, actions and proceedings.

Sec. 25. 1. Subject to the provisions of subsection 2, a board may:

(a) Acquire, construct, reconstruct, improve, operate, maintain, manage, restore, extend and better lands, works, systems and facilities, improvements and projects for parks, trails and open space.

(b) Design, compile or administer environmental or cultural reports related to parks, trails and open space.

(c) Take measures to reduce wildfire, restore native vegetation and conserve and manage natural resources.

(d) Establish or fund the establishment of educational programs at facilities, improvements and projects for parks, trails and open space, including, without limitation, granting funding for personnel who provide such educational programs.

(e) Enter into an agreement with a nonprofit corporation to take one or more of the actions described in paragraph (a), (b), (c) or (d).

(f) Establish a fund consisting of contributions from private sources, the State or the county, cities and towns in which the district is located for the purpose of matching federal money from any federal source.

(g) Accept gifts, grants and donations for deposit in any fund established pursuant to paragraph (f).

2. Such parks, trails and open space facilities, improvements and projects may include, without limitation, playgrounds, bowling greens, ball parks, public parks, promenades, beaches, marinas, levees, piers, docks, wharves, boat basins, boathouses, harborages, anchorages, gymnasiums, appurtenant shower, locker and other bathhouse facilities, concert halls, theaters, auditoriums, aviaries, aquariums, zoological gardens, biological gardens, vivariums, watersheds, trails, open spaces, lakes, ponds and rivers.

Sec. 26. 1. A board may operate, maintain and repair the facilities, improvements and projects acquired by the district.

2. The board shall have the power to acquire, dispose of and encumber real and personal property, and any interest therein, including leases, easements and revenues derived from the operation thereof.

3. The board may enter on any lands, waters and premises for the purposes of making surveys, soundings, examinations, tests and inspections.

Sec. 27. A board may:

1. Manage, control and supervise all the business and affairs of the district.

2. Acquire, improve, equip, operate and maintain any district project.

3. Hire and retain agents, employees, servants, engineers and attorneys, and any other persons necessary or desirable to effect the purposes of this chapter.

4. Adopt and amend bylaws:

(a) For carrying on the business, objects and affairs of the board and of the district.

(b) Regulating the use or right of use of any facility, improvement or project.

5. Exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this chapter.

Sec. 28. The board may exercise the power of eminent domain in the manner provided by law for the condemnation by a city of private property for public use to take any property necessary to the exercise of the powers granted within the district.

Sec. 29. 1. A board may construct and maintain works and establish and maintain facilities, improvements or projects across or along any public street or highway, and in, upon or over any vacant public lands, which public lands are, or may become, the property of this State, and to construct works and establish and maintain facilities, improvements or projects across any stream of water or watercourse.

2. The board shall promptly restore any such street or highway to its former state of usefulness as nearly as may be, and shall not use the same in such manner as to impair completely or unnecessarily the usefulness thereof.

Sec. 30. 1. A board may establish, and from time to time increase or decrease, fees or special assessments for facilities, improvements or projects and pledge the revenue for the payment of any indebtedness or special obligations of the district.

2. All fees or special assessments constitute a perpetual lien on and against the property located within the district. A perpetual lien is prior and superior to all liens, claims and titles other than liens of general taxes and other special assessments and is not subject to extinguishment by the sale of any property on account of nonpayment of any liens, claims and titles

including the liens of general taxes and other special assessments. A perpetual lien must be foreclosed in the same manner as provided by the laws of this State for the foreclosure of mechanics' liens. Before any lien is foreclosed, the board shall hold a hearing thereon after providing notice thereof by publication and by registered or certified first-class mail, postage prepaid, addressed to the last known owner at his or her last known address according to the records of the district and the real property assessment roll in the county in which the property is located.

3. The board may provide for a basic penalty for nonpayment of the charges within the time and in the manner prescribed by it. The basic penalty must not be more than 10 percent of each month's charges for the first month delinquent. In addition to the basic penalty, the board may provide for a penalty of not more than 1.5 percent per month for nonpayment of the charges and basic penalty. The board may prescribe and enforce regulations that set forth the date on which a charge becomes delinquent. The board may provide for collection of the penalties provided for in this section.

4. A lien against the property served is not effective until a notice of the lien, separately prepared for each lot affected, is:

(a) Mailed to the last known owner at his or her last known address according to the records of the district and the real property assessment roll of the county in which the property is located;

(b) Delivered by the board to the office of the county recorder of the county within which the property subject to such lien is located;

(c) Recorded by the county recorder in a book kept by the county recorder for the purpose of recording instruments encumbering land; and

(d) Indexed in the real estate index as deeds and other conveyances are required by law to be indexed.

Sec. 31. 1. Any board which has adopted fees or special assessments pursuant to this chapter may, by resolution or by separate resolutions, elect to have such charges for the forthcoming fiscal year collected on the tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, the county's general taxes. In such event, it shall cause a written report to be prepared and filed with the secretary, which shall contain a description of each parcel of real property in the district and the amount of the charge for each parcel for such year, computed in conformity with the charges prescribed by the resolution.

2. The real property may be described by reference to maps prepared by and on file in the office of the county assessor or by descriptions used by the county assessor, or by reference to plats or maps on file in the office of the secretary.

3. The secretary shall cause notice of the filing of the report and of a time and place of hearing thereon to be published once a week for 2 weeks prior to the date set for hearing, in a newspaper of general circulation printed and published within the district if there is one and if not then in

such paper printed and published in a county within which the district is located.

4. Before the board may have such charges collected on the tax roll, the secretary shall cause a notice in writing of the filing of the report proposing to have such charges for the forthcoming fiscal year collected on the tax roll and of the time and place of hearing thereon, to be mailed to each person to whom any parcel or parcels of real property described in the report is assessed in the last equalized assessment roll available on the date the report is prepared, at the address shown on the assessment roll or as known to the secretary. If the board adopts the report, then the requirements for notice in writing to the persons to whom parcels of real property are assessed does not apply to hearings on reports prepared in subsequent fiscal years but notice by publication as provided in this section is adequate.

5. At the time stated in the notice, the board shall hear and consider all objections or protests, if any, to the report referred to in the notice and may continue the hearing from time to time. If the board finds that protest is made by the owners of a majority of separate parcels of property described in the report, then the report must not be adopted and the charges must be collected separately from the tax roll and must not constitute a lien against any parcel or parcels of land.

6. Upon the conclusion of the hearing, the board may adopt, revise, change, reduce or modify any charge or overrule any or all objections and shall make its determination upon each charge as described in the report, which determination is final.

7. After the hearing, when the board has made a final decision on a fee or special assessment to be collected on the county tax roll, the secretary shall prepare and file a final report, which shall contain a description of each parcel in the district and the amount of the charge, with the county assessor for inclusion on the assessment roll. If a report is filed after the closing of the assessment roll but before the extension of the tax roll, the auditor shall insert the charges in such extension.

8. The amount of the charges shall constitute a lien against the lot or parcel of land against which the charge has been imposed as of the time when the lien of taxes on the roll attach.

9. The county treasurer shall include the amount of the charges on bills for taxes levied against the respective lots and parcels of land. Thereafter the amount of the charges shall be collected at the same time and in the same manner and by the same persons as, together with and not separately from, the general taxes for the county. The charges shall become delinquent at the same time as such taxes and are subject to the same delinquency penalties.

10. All laws applicable to the levy, collection and enforcement of general taxes of the county, including, without limitation, those pertaining

to the matters of delinquency, correction, cancellation, refund, redemption and sale, are applicable to such charges.

11. The county treasurer may issue separate bills for such charges and separate receipts for collection on account of such charges.

Sec. 32. 1. When a district is contained wholly within a city or town, the board may convey to such city or town, at the discretion of the district and with the consent of the governing body of the city or town, all of the property of the district upon the condition that such city or town:

(a) Will operate and maintain such property; and

(b) Assumes all of the indebtedness of such district upon such conditions as the governing body of the city or town and the board of the district may agree.

2. Upon such conveyance and assumption of indebtedness the district shall be dissolved and a certificate to such effect shall be signed by the clerical officer of the city or town and filed with the Secretary of State and clerk of the county or city in which the ordinance creating the district was filed.

Sec. 33. 1. Any county, city, town, special district or owner may sell, lease, grant, convey, transfer or pay over to any district, with or without consideration, any facility, improvement or project, or any part thereof, or any interest in real or personal property or any money available for the construction, improvement, maintenance or operation of any facility, improvement or project.

2. Any county, city, town or special district may transfer, assign and set over to any district any contracts which may have been awarded by the county, city, town or special district for the construction of facilities, improvements or projects not begun or completed.

Sec. 34. In addition to the other means for providing revenue for the district, a board may levy and collect ad valorem taxes on and against all taxable property within the district.

Sec. 35. 1. To levy and collect ad valorem taxes, a board shall determine, in each year, the amount of money necessary to be raised by taxation, taking into consideration other sources of revenue of the district, and shall fix a rate of levy which, when levied upon every dollar of assessed valuation of taxable property within the district, and together with other revenues, will raise the amount required by the district annually to supply money for paying:

(a) The expenses of organization and the costs of operating and maintaining the facilities, improvements and projects of the district; and

(b) The costs of facilities, improvements and projects of the district and, when due, all interest on and principal of general obligation bonds and other general obligations of the district.

➥ In the event of accruing defaults or deficiencies, an additional levy may be made as provided in section 36 of this act. The board shall identify separately the rate of tax which is levied pursuant to paragraph (a) and the

rate which is levied pursuant to paragraph (b) and shall make such information available to the public upon request. The board shall not continue to levy a rate of tax pursuant to paragraph (b) after the cost to the district of acquiring the particular facility, improvement or project for which the rate was levied has been recovered in full.

2. The board shall certify to the board of county commissioners, at the same time as fixed by law for certifying thereto tax levies of incorporated cities, the rate so fixed with directions that at the time and in the manner required by law for levying taxes for county purposes such board of county commissioners shall levy such tax upon the assessed valuation of all taxable property within the district, in addition to such other taxes as may be levied by such board of county commissioners at the rate so fixed and determined.

Sec. 36. 1. A board, in certifying annual levies, must take into account the maturing general obligation indebtedness for the ensuing year as provided in its contracts, maturing general obligation bonds and interest on such bonds, and deficiencies and defaults of prior years, and make ample provision for the payment thereof.

2. If the money produced from such levies, together with other revenues of the district, is not sufficient punctually to pay the annual installments on such obligations, and interest thereon, and to pay defaults and deficiencies, the board shall make such additional levies of taxes as may be necessary for such purposes, and such taxes must be made and continue to be levied until the general obligation indebtedness of the district is fully paid but must not continue after that date.

Sec. 37. 1. The body having authority to levy taxes within each county shall levy the taxes provided in this chapter.

2. All officials charged with the duty of collecting taxes shall collect such taxes at the time and in the same form and manner, and with like interest and penalties, as other taxes are collected and when collected shall pay the same to the district ordering its levy and collection. The payment of such collections shall be made monthly to the treasurer of the district and paid into the depository thereof to the credit of the district.

3. All taxes levied under this chapter, together with interest thereon and penalties for default in payment thereof, and all costs of collecting the same, shall constitute, until paid, a perpetual lien on and against the property taxed; and such lien shall be on a parity with the tax lien of other general taxes.

Sec. 38. If the taxes levied are not paid as provided in this chapter, the property subject to the tax lien shall be sold and the proceeds thereof shall be paid over to the district according to the provisions of the laws applicable to tax sales and redemptions.

Sec. 39. Whenever any indebtedness or other obligations have been incurred by a district, it shall be lawful for the board to levy taxes and collect revenue for the purpose of creating funds in such amount as the

board may determine, which may be used to meet the obligations of the district, for maintenance and operating charges and depreciation, and provide extension of and betterments to the improvements of the district.

Sec. 40. 1. The boundary of any district organized under the provisions of this chapter may be changed in the manner prescribed in sections 41 and 42 of this act, but the change of boundaries of the district must not impair nor affect its organization, nor shall it affect, impair or discharge any contract, obligation, lien or charge on which it or the property therein might be liable or chargeable had such change of boundaries not been made.

2. Property included within or annexed to a district shall be subject to the payment of taxes, assessments and charges, as provided in section 42 of this act. Real property excluded from a district shall thereafter be subject to the levy of taxes for the payment of its proportionate share of any indebtedness of the district outstanding at the time of such exclusion, and shall be subject to any outstanding special assessment lien thereon. Personal property may be excluded from a district on such terms and conditions as may be prescribed by the board of the district involved.

Sec. 41. 1. A fee owner of real property located in the district, or the fee owners of any real properties which are contiguous to each other and which constitute a portion of the district may file with the board a petition requesting that such lands be excluded from the district.

2. Petitions must:

(a) Describe the property which the petitioners desire to have excluded.

(b) State that the property is not capable of being served with facilities, improvements or projects of the district, or would not be benefited by remaining in the district.

(c) Be acknowledged in the same manner and form as required in case of a conveyance of land.

(d) Be accompanied by a deposit of money sufficient to pay all costs of the exclusion proceedings.

3. The secretary of the board shall cause a notice of filing of such petition to be published, which notice must:

(a) State the filing of such petition.

(b) State the names of the petitioners.

(c) Describe the property mentioned in the petition.

(d) State the request of the petitioners.

(e) Notify all persons interested to appear at the office of the board at the time named in the notice, showing cause in writing, if any they have, why the petition should not be granted.

4. The board at the time and place mentioned in the notice, or at the times to which the hearing of the petition may be adjourned, shall proceed to hear the petition and all objections thereto, presented in writing by any person showing cause why the request of the petition should not be granted.

5. The filing of such petition shall be deemed and taken as an assent by each and all such petitioners to the exclusion from the district of the property mentioned in the petition, or any part thereof.

6. The board, if it deems it not for the best interest of the district that the property mentioned in the petition, or portion thereof, be excluded from the district, must order that the petition be denied in whole or in part, as the case may be.

7. If the board deems it for the best interest of the district that the property mentioned in the petition, or some portion thereof be excluded from the district, the board must order that the petition be granted in whole or in part, as the case may be.

8. There shall be no withdrawal from a petition after consideration by the board nor shall further objection be filed except in case of fraud or misrepresentation.

9. Upon allowance of such petition, the board shall file for record a certified copy of its resolution making such change, as provided in section 12 of this act.

Sec. 42. The boundaries of a district may be enlarged by the inclusion of additional real property therein in the following manner:

1. The fee owner or owners of any real property capable of being served with facilities, improvements or projects of the district may file with the board a petition in writing requesting that such property be included in the district.

2. The petition must:

(a) Set forth an accurate legal description of the property owned by the petitioners.

(b) State that assent to the inclusion of such property in the district is given by the signers thereto, constituting all the fee owners of such property.

(c) Be acknowledged in the same manner required for a conveyance of land.

3. There shall be no withdrawal from a petition after consideration by the board nor shall further objections be filed except in case of fraud or misrepresentation.

4. The board shall hear the petition at an open meeting after publishing the notice of the filing of such petition, and of the place, time and date of such meeting, and the names and addresses of the petitioners. The board shall grant or deny the petition and the action of the board is final and conclusive. If the petition is granted as to all or any of the real property therein described, the board must make an order to that effect, and file it for record as provided in section 12 of this act.

5. If the costs of extending the facilities, improvements or projects of the district are paid by the property owners of the area to be included within the district, these property owners are entitled to receive any money

charged and collected by the district when additional property owners utilize the facilities, improvements or projects which were extended.

6. The board of trustees of the district shall pay to the property owners pro rata shares of the money charged and collected.

7. After the date of its inclusion in such district, such property is subject to all of the taxes and charges imposed by the district, and is liable for its proportionate share of existing general obligation bonded indebtedness of the district but it is not liable for any taxes or charges levied or assessed prior to its inclusion in the district, nor shall its entry into the district be made subject to or contingent upon the payment or assumption of any penalty, toll or charge, other than any reasonable annexation charge which the board may fix and uniformly assess and the tolls and charges which are uniformly made, assessed or levied for the entire district. Such charges shall be computed in such a manner as not to place a new charge against the district members nor penalize the area annexed.

Sec. 43. 1. Upon the conditions and under the circumstances set forth in this chapter, a district may borrow money and issue the following securities to evidence such borrowing:

(a) Short-term notes, warrants and interim debentures.

(b) General obligation bonds.

(c) Revenue bonds.

(d) Special assessment bonds.

2. The board of trustees of a district whose population within its boundaries is less than 5,000, shall not borrow money or issue securities to evidence such borrowing unless the board has obtained the approval of the debt management commission of the county in which the district is located.

3. The board of trustees of a district whose population within its boundaries is less than 5,000, shall not forward a resolution authorizing medium-term obligations to the Executive Director of the Department of Taxation unless such financing is approved by the debt management commission pursuant to subsection 2.

Sec. 44. A district may borrow money and incur or assume indebtedness therefor, as provided in this chapter, so long as the total of all such indebtedness, excluding revenue bonds, special assessment bonds and other securities constituting special obligations which are not debts, does not exceed an amount equal to 50 percent of the total of the last assessed valuation of taxable property, excluding motor vehicles, situated within such district.

Sec. 45. 1. A district, upon the affirmative vote of four trustees, is authorized to borrow money without an election in anticipation of the collection of taxes or other revenues, excluding special assessments, and to issue short-term notes, warrants and interim debentures to evidence the amount so borrowed.

2. Such short-term notes, warrants and interim debentures:

(a) Shall be payable from the fund for which the money was borrowed.

(b) Shall mature before the close of the fiscal year in which the money is so borrowed, except for interim debentures.

(c) Shall not be extended or funded except in compliance with the Local Government Securities Law.

Sec. 46. A district with revenues from the operation of facilities, improvements or projects of the district may issue bonds without the necessity of holding an election and as an alternative or in addition to other forms of borrowing authorized in this chapter, for the purpose of acquiring or improving the facilities, improvements or projects and such bonds must be made payable solely out of the net revenues derived from the operation of such facilities, improvements or projects. A single bond issue may be had for more than one of such facilities, improvements or projects and the revenues for any and all of the income-producing facilities, improvements and projects may be pledged to pay for any other such facilities, improvements or projects. To that end, a single fund may be established and maintained.

Sec. 47. 1. Subject to the limitations and other provisions in this chapter, a board may issue on its behalf and in its name at any time or from time to time, as the board may determine, the following types of securities in accordance with the provisions of the Local Government Securities Law, except as otherwise provided in subsection 2:

(a) General obligation bonds and other general obligation securities payable from ad valorem taxes;

(b) General obligation bonds and other general obligation securities payable from ad valorem taxes, the payment of which securities is additionally secured by a pledge of and lien on net revenues;

(c) Revenue bonds and other securities constituting special obligations and payable from net revenues, but excluding the proceeds of any ad valorem taxes or any special assessments, which payment is secured by a pledge of and lien on such net revenues; or

(d) Any combination of such securities.

2. General obligation or revenue bonds may be sold at a discount only if the amount of discount permitted by the board has been capitalized as a cost of the project.

Sec. 48. 1. Except as otherwise provided in subsection 2, such part of the expenses of making any public improvement, as the board determines by an affirmative vote of at least two-thirds of its members, may be defrayed by special assessments upon lands and premises abutting upon that part of the street or alley so improved or proposed so to be, or the lands abutting upon the improvement and the other lands as in the opinion of the board may be specially benefited by the improvement.

2. All property owned and used by a school district is exempt from any assessment made pursuant to the provisions of this chapter.

Sec. 49. ***1. Except as otherwise provided in section 32 of this act, the dissolution, merger or consolidation of a district may be initiated by resolution of a majority of the members of the governing body that created the district upon a finding that the dissolution, merger or consolidation is in the best interests of the district. Upon adoption of the resolution, the governing body must mail written notice to all property owners within the district setting forth the time and place for the hearing on the proposed dissolution, merger or consolidation.***

2. Any person who owns property which is located within the district may, on or before the date of the hearing, protest against the dissolution of such district, in writing.

3. If, at or before the hearing, written protest is filed signed by a majority of the owners of property within the district, the district may not be dissolved, merged or consolidated.

Sec. 50. ***1. At the place, date and hour specified for the hearing in the notice or at any subsequent time to which the hearing may be adjourned, the governing body must give full consideration to all protests which may have been filed, hear all persons desiring to be heard and, except as otherwise provided in subsection 2, thereafter approve the dissolution, merger or consolidation or make a determination that district may not be dissolved, merged or consolidated.***

2. Before a district that includes areas within more than one county, city or town may be dissolved, merged or consolidated, the governing bodies of the counties, cities and towns must approve the dissolution, merger or consolidation and negotiate the distribution of property and funds of the district upon dissolution, merger or consolidation.

3. Within 30 days after the effective date of the dissolution, merger or consolidation of a district, the clerk must file a copy of the action of the governing body in the clerk's office and the Office of the Secretary of State, which filings shall be without fee and be otherwise in the same manner as articles of incorporation are required to be filed under chapter 78 of NRS.

Sec. 51. ***If a district located wholly within a county, city or town is dissolved or merged into or consolidated with another district, all property and all funds remaining in the treasury of any district must be:***

1. Surrendered and transferred to the governing body of the county, city or town in which the district exists and become a part of the general fund of the county, city or town, as applicable, if the district is dissolved;

2. Transferred to the district which assumes its obligations and functions, if the district is merged; or

3. Transferred to the consolidated district, if the district is consolidated.

Sec. 52. ***1. If, at the time of the dissolution, merger or consolidation of a district there are any outstanding loans or bonded indebtedness of the district, the taxes, fees or special assessments for the payment of the bonds or other indebtedness must continue to be levied and collected in the same***

manner as if the district had not been dissolved, merged or consolidated until all outstanding indebtedness is repaid.

2. All outstanding and unpaid tax sales and levies and all special assessment liens of a dissolved district are valid and remain a lien against the property against which they are assessed or levied until paid, subject to the limitations of liens provided by general law. Taxes and special assessments paid after dissolution must be placed in the general fund of the county in which the property was assessed.

3. The governing body of the county, city or town, as applicable, has the same power to enforce the collection of all special assessments and outstanding tax sales of the district as the district had if it had not been dissolved, merged or consolidated.

Sec. 53. 1. Upon notification by the Department of Taxation or upon receipt of a petition signed by 20 percent of the qualified electors of the district, that:

(a) A district is not being properly managed by the board of trustees; or

(b) The board of trustees is not complying with the provisions of this chapter or with any other law,

➥ the governing body that created the district must hold a hearing to consider the notification or petition.

2. The clerk shall mail written notice to all persons who own property within the district and to all qualified electors of the district, which notice shall set forth the substance of the notification or petition and the time and place of the hearing.

3. At the place, date and hour specified for the hearing, or at any subsequent time to which the hearing may be adjourned, the governing body must give full consideration to all persons desiring to be heard and shall thereafter:

(a) Adopt an ordinance constituting the governing body, ex officio, as the board of trustees of the district;

(b) Adopt an ordinance providing for the merger, consolidation or dissolution of the district pursuant to sections 49 to 52, inclusive, of this act;

(c) File a petition in the district court for the county in which the district is located for the appointment of a receiver for the district; or

(d) Determine by resolution that management and organization of the district will remain unchanged.

4. The Department of Taxation or any interested person may, within 30 days immediately following the effective date of the ordinance adopted under paragraph (a) of subsection 3 or resolution adopted under paragraph (d) of subsection 3, commence an action in any court of competent jurisdiction to set aside the ordinance or resolution. After the expiration of 30 days, all actions attacking the regularity, validity and correctness of that ordinance or resolution are barred.

Sec. 54. **NRS 308.020 is hereby amended to read as follows:**

308.020 1. The Special District Control Law applies to:

(a) Any special district whose formation is initiated by a board of county commissioners; and

(b) Any petition for the formation of any proposed special district filed with any board of county commissioners.

2. As used in this chapter "special district" means any water district, sanitation district, water and sanitation district, municipal power district, mosquito abatement district, public cemetery district, swimming pool district, television maintenance district, weed control district, general improvement district, or any other quasi-municipal corporation organized under the local improvement and service district laws of this state as enumerated in title 25 of NRS, but excludes:

(a) All local improvement districts created pursuant to chapter 309 of NRS; ~~[and]~~

(b) ***All parks, trails and open space districts created pursuant to sections 2 to 53, inclusive, of this act; and***

(c) All housing authorities.

Sec. 55. **NRS 318.0954 is hereby amended to read as follows:**

318.0954 1. The governing body of any district organized or reorganized under and operating as provided in any chapter in title 25 of NRS, excluding chapters 309, 315 and 318 of NRS, must be designated a board of trustees and shall reorganize as provided in this section so that after the transitional period the board consists of five qualified electors from time to time chosen as provided in NRS 318.095 and other provisions of this chapter supplemental thereto.

2. No existing member of any such governing body may be required to resign from the board before the termination of his or her current term of office in the absence of any disqualification as a member of the governing body under such chapter in title 25 of NRS, excluding chapters 309, 315 and 318 of NRS ~~[.]~~ ***and sections 2 to 53, inclusive, of this act.*** If a regular term of office of any member of any such governing body would terminate on other than the first Monday of January next following a biennial election in the absence of the adoption of this law, the term must be extended to and terminate on the first Monday in January next following a biennial election and following the date on which the term would have ended.

3. If the members of any such governing body at any time number less than five, the number of trustees must be increased to five by appointment, or by both appointment and election, as provided in NRS 318.090, 318.095 and 318.0951.

4. In no event may any successor trustee be elected or appointed to fill any purported vacancy in any unexpired term or in any regular term which successor will increase the trustees on a board to a number exceeding five nor which will result in less than two regular terms of office or more than

three regular terms of office ending on the first Monday in January next following any biennial election.

5. Nothing in this section:

(a) Prevents the reorganization of a board by division of the district into district trustee election districts pursuant to NRS 318.0952.

(b) Supersedes the provisions of NRS 318.0953 or 318.09533.

Sec. 56. **NRS 332.015 is hereby amended to read as follows:**

332.015 1. For the purpose of this chapter, unless the context otherwise requires, "local government" means:

(a) Every political subdivision or other entity which has the right to levy or receive money from ad valorem taxes or other taxes or from any mandatory assessments, including counties, cities, towns, school districts and other districts organized pursuant to chapters 244, 309, 318, 379, 450, 474, 539, 541, 543 and 555 of NRS ~~.~~ ***and sections 2 to 53, inclusive, of this act.***

(b) The Las Vegas Valley Water District created pursuant to the provisions of chapter 167, Statutes of Nevada 1947, as amended.

(c) County fair and recreation boards and convention authorities created pursuant to the provisions of NRS 244A.597 to 244A.655, inclusive.

(d) District boards of health created pursuant to the provisions of NRS 439.362 or 439.370.

2. The term does not include the Nevada Rural Housing Authority.

Sec. 57. **NRS 338.010 is hereby amended to read as follows:**

338.010 As used in this chapter:

1. "Authorized representative" means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.

2. "Contract" means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.

3. "Contractor" means:

(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS.

(b) A design-build team.

4. "Day labor" means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing.

5. "Design-build contract" means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

6. "Design-build team" means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.

7. "Design professional" means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

8. "Division" means the State Public Works Division of the Department of Administration.

9. "Eligible bidder" means a person who is:

(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.

10. "General contractor" means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

11. "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.

12. "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, ***and sections 2 to 53, inclusive, of this act*** and any agency or department of a county or city which prepares a budget

separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.

13. "Offense" means failing to:

(a) Pay the prevailing wage required pursuant to this chapter;

(b) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;

(c) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or

(d) Comply with subsection 5 or 6 of NRS 338.070.

14. "Prime contractor" means a contractor who:

(a) Contracts to construct an entire project;

(b) Coordinates all work performed on the entire project;

(c) Uses his or her own workforce to perform all or a part of the public work; and

(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

➥ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

15. "Public body" means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.

16. "Public work" means any project for the new construction, repair or reconstruction of a project financed in whole or in part from public money for:

(a) Public buildings;

(b) Jails and prisons;

(c) Public roads;

(d) Public highways;

(e) Public streets and alleys;

(f) Public utilities;

(g) Publicly owned water mains and sewers;

(h) Public parks and playgrounds;

(i) Public convention facilities which are financed at least in part with public money; and

(j) All other publicly owned works and property.

17. "Specialty contractor" means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

18. "Stand-alone underground utility project" means an underground utility project that is not integrated into a larger project, including, without limitation:

(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and

(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

➥ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

19. "Subcontract" means a written contract entered into between:

(a) A contractor and a subcontractor or supplier; or

(b) A subcontractor and another subcontractor or supplier,

➥ for the provision of labor, materials, equipment or supplies for a construction project.

20. "Subcontractor" means a person who:

(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and

(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

21. "Supplier" means a person who provides materials, equipment or supplies for a construction project.

22. "Wages" means:

(a) The basic hourly rate of pay; and

(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the worker.

23. "Worker" means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker or unskilled worker in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.

Sec. 58. **NRS 350.115 is hereby amended to read as follows:**

350.115 "Bond" means any evidence of borrowing by a municipality that is issued pursuant to the provisions of this chapter or chapter 244, 244A, 268, 269, 271, 318 or 387 of NRS, ***and sections 2 to 53, inclusive, of this act,*** whether general or special obligations, including, without limitation, bonds, notes, debentures, warrants and certificates.

Sec. 59. **NRS 354.474 is hereby amended to read as follows:**

354.474 1. Except as otherwise provided in subsections 2 and 3, the provisions of NRS 354.470 to 354.626, inclusive, apply to all local governments. For the purpose of NRS 354.470 to 354.626, inclusive:

(a) "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318 and 379 of NRS, NRS 450.550 to 450.750, inclusive, and chapters 474, 541, 543 and 555 of NRS, ***and sections 2 to 53,***

inclusive, of this act, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision.

(b) "Local government" includes the Nevada Rural Housing Authority for the purpose of loans of money from a local government in a county whose population is less than 100,000 to the Nevada Rural Housing Authority in accordance with NRS 354.6118. The term does not include the Nevada Rural Housing Authority for any other purpose.

2. An irrigation district organized pursuant to chapter 539 of NRS shall fix rates and levy assessments as provided in NRS 539.667 to 539.683, inclusive. The levy of such assessments and the posting and publication of claims and annual financial statements as required by chapter 539 of NRS shall be deemed compliance with the budgeting, filing and publication requirements of NRS 354.470 to 354.626, inclusive, but any such irrigation district which levies an ad valorem tax shall comply with the filing and publication requirements of NRS 354.470 to 354.626, inclusive, in addition to the requirements of chapter 539 of NRS.

3. An electric light and power district created pursuant to chapter 318 of NRS shall be deemed to have fulfilled the requirements of NRS 354.470 to 354.626, inclusive, for a year in which the district does not issue bonds or levy an assessment if the district files with the Department of Taxation a copy of all documents relating to its budget for that year which the district submitted to the Rural Utilities Service of the United States Department of Agriculture.

Sec. 60. **NRS 354.760 is hereby amended to read as follows:**

354.760 1. All invoices or other notices issued by a local government to collect an account receivable must state that if the debtor wishes to pay by check or other negotiable instrument, such negotiable instrument must name as payee:

(a) The local government; or

(b) The title of the governmental official charged by law with the collection of such accounts.

➥ In no event may the invoice or other notice state that a check or other negotiable instrument may name a natural person as payee.

2. Notwithstanding the provisions of subsection 1, a local government may deposit into the appropriate account a check or other negotiable instrument which it determines is intended as payment for an account receivable.

3. As used in this section, "local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem taxes or other taxes or from any mandatory assessments, including, without limitation, counties, cities, towns, boards, authorities, school districts and other districts organized pursuant to chapters 244, 244A, 309, 318, 379, 439, 450, 474, 539, 541, 543 and 555 of NRS ~~.~~ ***and sections 2 to 53, inclusive, of this act.***

Sec. 61. **NRS 378.160 is hereby amended to read as follows:**

378.160 As used in NRS 378.150 to 378.210, inclusive:

1. "Center" means the State Publications Distribution Center created by NRS 378.170.

2. "Depository library" means a library with which the Center has entered into an agreement pursuant to NRS 378.190.

3. "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, ***and sections 2 to 53, inclusive, of this act*** and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes the Nevada Rural Housing Authority.

4. "Publication" includes any information in any format or medium that is produced pursuant to the authority of or at the total or partial expense of a state agency or local government, is required by law to be distributed by a state agency or local government, or is distributed publicly by a state agency or local government outside that state agency or local government. The term does not include:

(a) Nevada Revised Statutes with annotations;

(b) Nevada Reports;

(c) Bound volumes of the Statutes of Nevada;

(d) Items published by the University of Nevada Press and other information disseminated by the Nevada System of Higher Education which is not designed for public distribution;

(e) Official state records scheduled for retention and disposition pursuant to NRS 239.080; or

(f) Records of a local government which have been scheduled for disposition pursuant to NRS 239.124 or retention pursuant to NRS 239.125.

5. "State agency" includes the Legislature, constitutional officers or any department, division, bureau, board, commission or agency of the State of Nevada.

Sec. 62. **This act becomes effective on July 1, 2017.**

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 384.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 364.

SUMMARY—Revises provisions governing the consideration of the criminal history of an applicant for employment by the State or a county**,** ~~[or]~~ city ~~[.]~~ **or unincorporated town.** (BDR 23-33)

AN ACT relating to public employment; providing generally that the criminal history of an applicant or other qualified person under consideration for a position in the unclassified or classified service of the State may be considered only after the applicant has been certified by the Administrator of the Division of Human Resource Management of the Department of Administration or after a conditional offer of employment has been made to the applicant; prohibiting the Administrator, when examining an applicant for a position in the classified service of the State, from considering the criminal history of the applicant; providing that, except in certain circumstances, the criminal history of a person may serve as the basis for the Administrator to refuse to certify an applicant or for rescission of a conditional offer of employment in the unclassified or classified service of the State only after consideration of certain factors relating to the criminal history of the person; providing for written notice to a person if the criminal history of the person is the basis for the Administrator's refusal to certify the person or for the rescission of a conditional offer of employment; establishing similar provisions relating to the consideration by the governing body of a county**,** ~~[or]~~ incorporated city **or unincorporated town** of the criminal history of an applicant for employment by a county**,** ~~[or]~~ incorporated city ~~[.]~~ **or unincorporated town; authorizing the filing of a complaint with the Nevada Equal Rights Commission under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs generally the employment of persons in the classified and unclassified service of the State. Existing law further establishes the duties of the Administrator of the Division of Human Resource Management of the Department of Administration with regard to administering competitive examinations of persons seeking employment in the classified service of the State and maintaining a list of eligible persons for employment in the classified service. (Chapter 284 of NRS) Under existing law, the Administrator may refuse to examine an applicant or refuse to certify an eligible person if the person has been found guilty of any crime involving moral turpitude or of infamous or notoriously disgraceful conduct. (NRS 284.240)

Section 2 of this bill provides, with exceptions, that the criminal history of an applicant or other qualified person under consideration for employment in the unclassified service of the State may be considered only after an appointing authority has made a conditional offer of employment to the applicant or, if applicable, the applicant has been certified by the Administrator. **Section 3** of this bill prohibits the Administrator from considering the criminal history of an applicant in examining the applicant.

Additionally, **section 3** provides, with exceptions, that the criminal history of an applicant for a position in the classified service may be considered only after the applicant has been certified by the Administrator or an appointing authority has made a conditional offer of employment to the applicant. **Sections 2 and 3** set forth specific factors that must be considered by an appointing authority or the Administrator before the criminal history of an applicant may be used as the basis for rescinding a conditional offer of employment or for rejection of the applicant, including: (1) whether any criminal offense committed by the person directly relates to the responsibilities of the position for which the person has applied; (2) the nature and severity of each criminal offense committed by the person; (3) the age of the person at the time of the commission of each criminal offense; (4) the period of time between the commission of each criminal offense and the date of the application for employment; and (5) any information or documentation demonstrating the person's rehabilitation. **Sections 5, ~~[and]~~ 6 and 6.3** of this bill establish similar provisions relating to the consideration by the governing body of a county**, ~~[or]~~** incorporated city **or unincorporated town, respectively,** of the criminal history of an applicant for employment by the county**, ~~[or]~~** incorporated city **~~[,]~~ or unincorporated town. Sections 2, 3, 5, ~~[and]~~ 6 and 6.3** provide that if the criminal history of an applicant is used as the basis for rejecting the applicant or rescinding a conditional offer of employment extended to the applicant, the appointing authority or the governing body of the county **~~[or]~~ , incorporated** city **~~[,]~~ or unincorporated town,** as applicable, must provide to the applicant a written statement which must specifically state the evidence presented and the reason for the rejection of the applicant or rescission of the conditional offer of employment. **Sections 2, 3, 5, 6 and 6.3 also prohibit the appointing authority or the governing body of a county, incorporated city or unincorporated town from considering certain criminal records. Sections 2, 3, 5, 6 and 6.3 also require the appointing authority or the governing body of a county, incorporated city or unincorporated town to include certain information in an application for employment. Sections 2, 3, 5, 6 and 6.3 do not apply to applicants for employment with a public safety agency.**

Existing law declares certain employment practices to be unlawful and authorizes any person injured by such a practice to file a complaint with the Nevada Equal Rights Commission. Generally, the Commission has jurisdiction only over practices involving discrimination on the basis of race, color, sex and certain other enumerated characteristics. (NRS 613.330, 613.405) Section 6.5 of this bill provides that an employer that is subject to the requirements of section 2, 3, 5, 6 or 6.3 and fails to follow the procedure required by those sections in considering the criminal history of an applicant for employment thereby engages in an unlawful employment practice. Section 6.7 of this bill provides that the applicant in such a case may file a complaint with the Commission, regardless of

whether the complaint is based on race, color, sex or some other characteristic enumerated in existing law.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 284 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. Except as otherwise authorized by specific statute, the criminal history of an applicant or other qualified person for a position in the unclassified service of the State may be considered only after an appointing authority has extended to the applicant a conditional offer of employment or, if applicable, the applicant has been certified by the Administrator.***

2. An appointing authority may, before examining an applicant or extending to an applicant a conditional offer of employment, notify the applicant of any provision of state or federal law that disqualifies a person with a particular criminal history from employment in a particular position.

3. Unless, pursuant to a specific provision of state or federal law, a person is disqualified from employment in a particular position because of the particular criminal history of the person, an appointing authority may rescind a conditional offer of employment extended to an otherwise qualified person who has been convicted of a criminal offense only after considering:

(a) Whether any criminal offense committed by the person directly relates to the responsibilities of the position for which the person has applied or is being considered;

(b) The nature and severity of each criminal offense committed by the person;

(c) The age of the person at the time of the commission of each criminal offense;

(d) The period between the commission of each criminal offense and the date of the application for employment in the unclassified service; and

(e) Any information or documentation demonstrating the person's rehabilitation.

4. An appointing authority shall not consider any of the following criminal records in connection with an application for employment:

(a) An arrest of the applicant which did not result in a conviction;

(b) A record of conviction which was dismissed, expunged or sealed; or

(c) An infraction or misdemeanor for which a sentence of imprisonment in a county jail was not imposed.

5. If the criminal history of an applicant is used as a basis for rescinding a conditional offer of employment, rescission of the conditional offer of employment must ~~***[be]***~~ ***:***

(a) Be made in writing ~~[and specifically state the evidence presented and the reasons]~~ ;

(b) Include a statement indicating that the criminal history of the applicant was the basis for the rescission of the offer ~~[.]~~ ; and

(c) Provide an opportunity for the applicant to discuss the basis for the rescission of the offer with the appointing authority.

6. An application for employment must include a statement that:

(a) A record of conviction will not necessarily bar the applicant from employment; and

(b) The appointing authority will consider factors such as:

(1) The length of time that has passed since the offense;

(2) The age of the applicant at the time of the offense;

(3) The severity and nature of the offense;

(4) The relationship of the offense to the position for which the applicant has applied; and

(5) Evidence of the rehabilitation of the applicant.

7. This section does not apply to applicants for employment with a public safety agency, as defined in NRS 239B.020.

Sec. 3. *1. Except as otherwise authorized by specific statute:*

(a) The Administrator shall not consider the criminal history of an applicant in examining the applicant.

(b) The criminal history of an applicant for a position in the classified service may be considered only after the applicant has been certified by the Administrator or an appointing authority has extended to the applicant a conditional offer of employment.

2. The Administrator may, before examining an applicant or certifying an eligible person, notify the applicant or eligible person of any provision of state or federal law that disqualifies a person with a particular criminal history from employment in a particular position.

3. Unless, pursuant to a specific provision of state or federal law, a person is disqualified from employment in a particular position because of the particular criminal history of the person, the Administrator may refuse to certify an eligible person and an appointing authority may rescind a conditional offer of employment extended to an otherwise qualified person who has been convicted of a criminal offense only after considering:

(a) Whether any criminal offense committed by the person directly relates to the responsibilities of the position for which the person has applied or is being considered;

(b) The nature and severity of each criminal offense committed by the person;

(c) The age of the person at the time of the commission of each criminal offense;

(d) The period between the commission of each criminal offense and the date of the application for or consideration of employment in the classified service; and

(e) Any information or documentation demonstrating the person's rehabilitation.

4. The Administrator shall not consider any of the following criminal records in connection with an application for employment:

(a) An arrest of the applicant which did not result in a conviction;

(b) A record of conviction which was dismissed, expunged or sealed; or

(c) An infraction or misdemeanor for which a sentence of imprisonment in a county jail was not imposed.

5. If the criminal history of an applicant is used as a basis for rejecting an applicant or rescinding a conditional offer of employment, such rejection or rescission of a conditional offer of employment must ~~[be]~~ :

(a) Be made in writing ~~[and specifically state the evidence presented and the reasons]~~ ;

(b) Include a statement indicating that the criminal history of the applicant was the basis for the rejection or rescission of the offer ~~[.]~~ ; and

(c) Provide an opportunity for the applicant to discuss the basis for the rejection or rescission of the offer with the Administrator.

6. An application for employment must include a statement that:

(a) A record of conviction will not necessarily bar the applicant from employment; and

(b) The Administrator will consider factors such as:

(1) The length of time that has passed since the offense;

(2) The age of the applicant at the time of the offense;

(3) The severity and nature of the offense;

(4) The relationship of the offense to the position for which the applicant has applied; and

(5) Evidence of the rehabilitation of the applicant.

7. This section does not apply to applicants for employment with a public safety agency, as defined in NRS 239B.020.

Sec. 4. NRS 284.240 is hereby amended to read as follows:

284.240 The Administrator may refuse to examine an applicant or, after examination, may refuse to certify an eligible person who:

1. Lacks any of the preliminary requirements established for the examination for the position or employment for which the applicant or eligible person applies.

2. Submitted to a screening test administered pursuant to NRS 284.4066, the results of which indicated the presence of a controlled substance , ***~~[other than marijuana,]~~*** and the person did not provide the proof required by NRS 284.4066.

3. ~~[Has been guilty of any crime involving moral turpitude or of infamous or notoriously disgraceful conduct.~~

~~4.]~~ Has been dismissed from the public service for delinquency or misconduct.

~~[5.]~~ ***4.*** Has made a false statement of any material fact.

~~[6.]~~ ***5.*** Has, directly or indirectly, given, rendered or paid, or promised to give, render or pay, any money, service or other valuable thing to any person for, or on account of or in connection with, the examination, appointment or proposed appointment of the applicant or eligible person.

~~[7.]~~ ***6.*** Has practiced, or attempted to practice, any deception or fraud in the application, certificate or examination of the applicant or eligible person, or in securing the eligibility or appointment of the applicant or eligible person.

Sec. 5. Chapter 245 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise authorized by specific statute, the criminal history of an applicant for employment by a county may be considered only after the applicant is a finalist for a position or the county has extended to the applicant a conditional offer of employment.

2. The board of county commissioners, a county officer or any other person acting on behalf of a county may, before selecting an applicant as a finalist for a position or extending to an applicant a conditional offer of employment, notify the applicant of any provision of state or federal law that disqualifies a person with a particular criminal history from employment in a particular position.

3. Unless, pursuant to a specific provision of state or federal law, a person is disqualified from employment in a particular position because of the particular criminal history of the person, the board of county commissioners, a county officer or any other person acting on behalf of a county may decline to make an offer of employment or rescind a conditional offer of employment extended to an otherwise qualified applicant who has been convicted of a criminal offense only after considering:

(a) Whether any criminal offense committed by the applicant directly relates to the responsibilities of the position for which the applicant has applied;

(b) The nature and severity of each criminal offense committed by the applicant;

(c) The age of the applicant at the time of the commission of each criminal offense;

(d) The period between the commission of each criminal offense and the date of the application for employment; and

(e) Any information or documentation demonstrating the applicant's rehabilitation.

4. The board of county commissioners, a county officer or any other person acting on behalf of a county shall not consider any of the following criminal records in connection with an application for employment:

(a) An arrest of the applicant which did not result in a conviction;

(b) A record of conviction which was dismissed, expunged or sealed; or

(c) An infraction or misdemeanor for which a sentence of imprisonment in a county jail was not imposed.

5. If the criminal history of an applicant is used as a basis for rejecting an applicant or rescinding a conditional offer of employment, such rejection or rescission of a conditional offer of employment must ~~[be]~~ :

(a) Be made in writing ~~[and specifically state the evidence presented and the reasons]~~ ;

(b) Include a statement indicating that the criminal history of the applicant was the basis for the rejection or rescission of the offer ~~[.]~~ ; and

(c) Provide an opportunity for the applicant to discuss the basis for the rejection or rescission of the offer with the board of county commissioners, a county officer or other person acting on behalf of the county.

6. An application for employment must include a statement that:

(a) A record of conviction will not necessarily bar the applicant from employment; and

(b) The board of county commissioners, a county officer or any other person acting on behalf of the county will consider factors such as:

(1) The length of time that has passed since the offense;

(2) The age of the applicant at the time of the offense;

(3) The severity and nature of the offense;

(4) The relationship of the offense to the position for which the applicant has applied; and

(5) Evidence of the rehabilitation of the applicant.

7. This section does not apply to applicants for employment with a public safety agency, as defined in NRS 239B.020.

Sec. 6. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise authorized by specific statute, the criminal history of an applicant for employment by an incorporated city may be considered only after the applicant is a finalist for a position or the incorporated city has extended to the applicant a conditional offer of employment.

2. The governing body of an incorporated city or a city officer may, before selecting an applicant as a finalist for a position or extending to an applicant a conditional offer of employment, notify the applicant of any provision of state or federal law that disqualifies a person with a particular criminal history from employment in a particular position.

3. Unless, pursuant to a specific provision of state or federal law, a person is disqualified from employment in a particular position because of the particular criminal history of the person, the governing body or a city officer may decline to make an offer of employment or rescind a conditional offer of employment extended to an otherwise qualified applicant who has been convicted of a criminal offense only after considering:

(a) Whether any criminal offense committed by the applicant directly relates to the responsibilities of the position for which the applicant has applied;

(b) The nature and severity of each criminal offense committed by the applicant;

(c) The age of the applicant at the time of the commission of each criminal offense;

(d) The period between the commission of each criminal offense and the date of the application for employment; and

(e) Any information or documentation demonstrating the applicant's rehabilitation.

4. The governing body of an incorporated city or a city officer shall not consider any of the following criminal records in connection with an application for employment:

(a) An arrest of the applicant which did not result in a conviction;

(b) A record of conviction which was dismissed, expunged or sealed; or

(c) An infraction or misdemeanor for which a sentence of imprisonment in a county jail was not imposed.

5. If the criminal history of an applicant is used as a basis for rejecting an applicant or rescinding a conditional offer of employment, such rejection or rescission of a conditional offer of employment must ~~[be]~~ :

(a) Be made in writing ~~[and specifically state the evidence presented and the reasons]~~ ;

(b) Include a statement indicating that the criminal history of the applicant was the basis for the rejection or rescission of the offer ~~[.]~~ ; and

(c) Provide an opportunity for the applicant to discuss the basis for the rejection or rescission of the offer with the governing body of an incorporated city or a city officer.

6. An application for employment must include a statement that:

(a) A record of conviction will not necessarily bar the applicant from employment; and

(b) The governing body of an incorporated city or a city officer will consider factors such as:

(1) The length of time that has passed since the offense;

(2) The age of the applicant at the time of the offense;

(3) The severity and nature of the offense;

(4) The relationship of the offense to the position for which the applicant has applied; and

(5) Evidence of the rehabilitation of the applicant.

7. This section does not apply to applicants for employment with a public safety agency, as defined in NRS 239B.020.

Sec. 6.3. **Chapter 269 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise authorized by specific statute, the criminal history of an applicant for employment by an unincorporated town may be

considered only after the applicant is a finalist for a position or the unincorporated town has extended to the applicant a conditional offer of employment.

2. The town board, the board of county commissioners or any other person acting on behalf of an unincorporated town may, before selecting an applicant as a finalist for a position or extending to an applicant a conditional offer of employment, notify the applicant of any provision of state or federal law that disqualifies a person with a particular criminal history from employment in a particular position.

3. Unless, pursuant to a specific provision of state or federal law, a person is disqualified from employment in a particular position because of the particular criminal history of the person, the town board, the board of county commissioners or any other person acting on behalf of an unincorporated town may decline to make an offer of employment or rescind a conditional offer of employment extended to an otherwise qualified applicant who has been convicted of a criminal offense only after considering:

(a) Whether any criminal offense committed by the applicant directly relates to the responsibilities of the position for which the applicant has applied;

(b) The nature and severity of each criminal offense committed by the applicant;

(c) The age of the applicant at the time of the commission of each offense;

(d) The period between the commission of each criminal offense and the date of the application for employment; and

(e) Any information or documentation demonstrating the applicant's rehabilitation.

4. A town board, the board of county commissioners or any other person acting on behalf of an unincorporated town shall not consider any of the following criminal records in connection with an application for employment:

(a) An arrest of the applicant which did not result in a conviction;

(b) A record of conviction which was dismissed, expunged or sealed; or

(c) An infraction or misdemeanor in which a sentence of imprisonment in a county jail was not imposed.

5. If the criminal history of an applicant is used as a basis for rejecting an applicant or rescinding a conditional offer of employment, such rejection or rescission of the offer of employment must:

(a) Be made in writing;

(b) Include a statement indicating that the criminal history of the applicant was the basis for the rejection or rescission of the offer; and

(c) Provide an opportunity for the applicant to discuss the basis for the rejection or rescission of the offer with the town board, the board of county

commissioners or any other person acting on behalf of the unincorporated town.

6. An application for employment must include a statement that:

(a) A record of conviction will not necessarily bar the applicant from employment; and

(b) The town board, the board of county commissioners or any other person acting on behalf of the unincorporated town will consider factors such as:

(1) The length of time that has passed since the offense;

(2) The age of the applicant at the time of the offense;

(3) The severity and nature of the offense;

(4) The relationship of the offense to the position for which the applicant has applied; and

(5) Evidence of the rehabilitation of the applicant.

7. This section does not apply to applicants for employment with a public safety agency, as defined in NRS 239B.020.

Sec. 6.5. **NRS 613.330 is hereby amended to read as follows:**

613.330 1. Except as otherwise provided in NRS 613.350, it is an unlawful employment practice for an employer:

(a) To fail or refuse to hire or to discharge any person, or otherwise to discriminate against any person with respect to the person's compensation, terms, conditions or privileges of employment, because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin; or

(b) To limit, segregate or classify an employee in a way which would deprive or tend to deprive the employee of employment opportunities or otherwise adversely affect his or her status as an employee, because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin.

2. It is an unlawful employment practice for an employment agency to:

(a) Fail or refuse to refer for employment, or otherwise to discriminate against, any person because of the race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin of that person; or

(b) Classify or refer for employment any person on the basis of the race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin of that person.

3. It is an unlawful employment practice for a labor organization:

(a) To exclude or to expel from its membership, or otherwise to discriminate against, any person because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin;

(b) To limit, segregate or classify its membership, or to classify or fail or refuse to refer for employment any person, in any way which would deprive or tend to deprive the person of employment opportunities, or would limit the

person's employment opportunities or otherwise adversely affect the person's status as an employee or as an applicant for employment, because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin; or

(c) To cause or attempt to cause an employer to discriminate against any person in violation of this section.

4. It is an unlawful employment practice for any employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining, including, without limitation, on-the-job training programs, to discriminate against any person because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin in admission to, or employment in, any program established to provide apprenticeship or other training.

5. Except as otherwise provided in subsection 6, it is an unlawful employment practice for any employer, employment agency, labor organization or joint labor-management committee to discriminate against a person with a disability by interfering, directly or indirectly, with the use of an aid or appliance, including, without limitation, a service animal, by such a person.

6. It is an unlawful employment practice for an employer, directly or indirectly, to refuse to permit an employee with a disability to keep the employee's service animal with him or her at all times in his or her place of employment, except that an employer may refuse to permit an employee to keep a service animal that is a miniature horse with him or her if the employer determines that it is not reasonable to comply, using the assessment factors set forth in 28 C.F.R. § 36.302.

7. ***It is an unlawful employment practice for an appointing authority governed by the provisions of chapter 284 of NRS, the Administrator of the Division of Human Resource Management of the Department of Administration or the governing body of a county, incorporated city or unincorporated town to consider the criminal history of an applicant for employment without following the procedure required in section 2, 3, 5, 6 or 6.3 of this act, as applicable.***

8. As used in this section, "service animal" has the meaning ascribed to it in NRS 426.097.

Sec. 6.7. **NRS 613.405 is hereby amended to read as follows:**

613.405 ~~[Any]~~

1. Except as otherwise provided in subsection 2, any person injured by an unlawful employment practice within the scope of NRS 613.310 to 613.435, inclusive, may file a complaint to that effect with the Nevada Equal Rights Commission if the complaint is based on discrimination because of race, color, sex, sexual orientation, gender identity or expression, age, disability, religion or national origin.

2. Any person injured by an unlawful employment practice within the scope of subsection 7 of NRS 613.330 may file a complaint to that effect

with the Nevada Equal Rights Commission regardless of whether the complaint is based on discrimination because of race, color, sex, sexual orientation, gender identity or expression, age, disability, religion or national origin.

Sec. 7. This act becomes effective on January 1, 2018.

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 390.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 262.

AN ACT relating to state governmental administration; ~~[authorizing a state officer or state employee to communicate with the Legislature or a Legislator;]~~ prohibiting a state agency from taking certain actions against a state officer or ~~[state]~~ employee ~~[on account of such communication; revising provisions relating to]~~ **who makes certain** disclosures of improper governmental action ~~[; revising the salary to which a member of the Board of Regents of the University of Nevada is entitled;]~~ **to the Legislature;** creating the Spending and Government Efficiency Commission for the Nevada System of Higher Education; prescribing the membership and duties of the Commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill ~~[authorizes a state officer or employee who acts in good faith to communicate or seek to communicate, personally or in his or her official capacity, with the Legislature or a Legislator on any matter. Section 1 further]~~ prohibits a state agency which is the employer of ~~[such]~~ a state officer or employee from depriving the state officer or employee of his or her employment or taking any other reprisal or retaliatory action or other threatening or intimidating action against the state officer or employee ~~[with respect to such communication or attempted communication.]~~ **for disclosing: (1) that false information has been disseminated by or on behalf of the employing agency; or (2) evidence of illegal activity of the agency.** **Section 1** also prohibits a state agency from taking any of those actions against one state officer or employee in an attempt to affect the behavior of another state officer or employee with respect to that person's communications or attempted communications with the Legislature or a Legislator.

Existing law encourages state officers and employees to disclose improper governmental action and protects the rights of a state officer or employee who makes such a disclosure. (NRS 281.611-281.671) **Section 2** of this bill provides that making a false statement or misrepresentation of facts to the Legislature or to a Legislator is an improper governmental action if the

statement or misrepresentation is made by a state officer or employee or local governmental officer or employee in the performance of the officer's or employee's official duties.

~~[Under existing law, each member of the Board of Regents of the University of Nevada is entitled to receive a salary of $80 for each meeting of the Board that he or she attends. (NRS 396.070) Section 3 of this bill provides instead that each member of the Board of Regents is entitled to receive an annual salary of $20,000.]~~

Section 4 of this bill creates the Spending and Government Efficiency Commission for the Nevada System of Higher Education. The Commission is required to make periodic recommendations to the Governor identifying: (1) areas in which the public costs of the System may be reduced; (2) areas in which increased efficiencies in the System may be found; and (3) any means by which the System may be improved.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 281 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[A state officer or state employee, acting in good faith, may communicate or seek to communicate, personally or in his or her official capacity, with the Legislature or a Legislator on any matter.~~

~~2. It is unlawful for a state agency which is the employer of]~~ If a state officer or ~~[state]~~ employee ~~[who]~~ employed by a state agency communicates or seeks to communicate with the Legislature or a Legislator ~~[in accordance with subsection 1 to:]~~ to disclose that false information has been disseminated by or on behalf of the state agency or disclose evidence of illegal activity of the state agency, it is unlawful for the state agency to:

(a) Deprive the state officer or ~~[state]~~ employee of employment with the state agency or ~~[to]~~ take any reprisal or retaliatory action against the state officer or ~~[state]~~ employee as a consequence of the actual or attempted communication;

(b) Threaten the state officer or ~~[state]~~ employee that the actual or attempted communication will result in the termination of employment ~~[with the state agency]~~ or in any reprisal or retaliatory action against the state officer or ~~[state]~~ employee; or

(c) Directly or indirectly intimidate, threaten, coerce, command or influence or attempt to intimidate, threaten, coerce, command or influence the state officer or ~~[state]~~ employee in an effort to interfere with or prevent such actual or attempted communication by the state officer or ~~[state]~~ employee.

~~[3.]~~ 2. It is unlawful for a state agency to:

(a) Deprive or threaten to deprive a state officer or ~~[state]~~ employee of employment with the state agency;

(b) Take or threaten to take any reprisal or retaliatory action against a state officer or ~~[state]~~ employee; or

(c) Directly or indirectly intimidate, threaten, coerce, command or influence or attempt to intimidate, threaten, coerce, command or influence a state officer or ~~[state]~~ employee,

➥ in an attempt to affect the behavior of another state officer or ~~[state]~~ employee who may communicate or may seek to communicate with the Legislature or a Legislator ~~[.]~~ to disclose that false information has been disseminated by or on behalf of the state agency or disclose evidence of illegal activity of the state agency.

~~[4.]~~ 3. Any provision in a contract of employment or other agreement between a state agency and a state officer or ~~[state]~~ employee that conflicts with, or purports to waive, the provisions of this section is against public policy and is void and unenforceable.

~~[5.]~~ 4. For the purposes of this section:

(a) "Legislator" means any:

(1) Current or former member of the Senate or Assembly of the State of Nevada; or

(2) Other person who takes or performs any actions within the sphere of legitimate legislative activity that would be protected if taken or performed by any member of the Senate or Assembly, including, without limitation, any such actions taken or performed by any current or former officer or employee of the Legislature.

(b) "Legislature" means:

(1) The Legislature or either House;

(2) Any committee of either House;

(3) Any joint committee of both Houses; or

(4) Any other committee, subcommittee, commission, agency or entity created or authorized by the Legislature to perform legislative functions at the direction of the Legislature, including, without limitation, the Legislative Commission, the Legislative Counsel Bureau or any other agency or entity of the Legislative Department of State Government.

(c) "State agency" means an agency, bureau, board, commission, department, division, officer, employee or agent or any other unit of the Executive Department, including, without limitation, the Nevada System of Higher Education and the Board of Regents of the University of Nevada.

Sec. 2. NRS 281.611 is hereby amended to read as follows:

281.611 As used in NRS 281.611 to 281.671, inclusive, unless the context otherwise requires:

1. "Improper governmental action" means any action taken by a state officer or employee or local governmental officer or employee in the performance of the officer's or employee's official duties, whether or not the action is within the scope of employment of the officer or employee, which is:

(a) In violation of any state law or regulation;

(b) If the officer or employee is a local governmental officer or employee, in violation of an ordinance of the local government;

(c) An abuse of authority;

(d) Of substantial and specific danger to the public health or safety; ~~[or]~~

(e) A gross waste of public money ~~[.]~~ ***; or***

(f) A false statement or misrepresentation of facts to the Legislature or a Legislator.

2. ***"Legislator" means any:***

(a) Current or former member of the Senate or Assembly of the State of Nevada; or

(b) Other person who takes or performs any actions within the sphere of legitimate legislative activity that would be protected if taken or performed by any member of the Senate or Assembly, including, without limitation, any such actions taken or performed by any current or former officer or employee of the Legislature.

3. "Legislature" means:

(a) The Legislature or either House;

(b) Any committee of either House;

(c) Any joint committee of both Houses; or

(d) Any other committee, subcommittee, commission, agency or entity created or authorized by the Legislature to perform legislative functions at the direction of the Legislature, including, without limitation, the Legislative Commission, the Legislative Counsel Bureau or any other agency or entity of the Legislative Department of State Government.

4. "Local government" means a county in this State, an incorporated city in this State and Carson City.

~~[3.]~~ ***5.*** "Local governmental employee" means any person who performs public duties under the direction and control of a local governmental officer for compensation paid by or through a local government.

~~[4.]~~ ***6.*** "Local governmental officer" means a person elected or appointed to a position with a local government that involves the exercise of a local governmental power, trust or duty, including:

(a) Actions taken in an official capacity which involve a substantial and material exercise of administrative discretion in the formulation of local governmental policy;

(b) The expenditure of money of a local government; and

(c) The enforcement of laws and regulations of the State or a local government.

~~[5.]~~ ***7.*** "Reprisal or retaliatory action" includes:

(a) The denial of adequate personnel to perform duties;

(b) Frequent replacement of members of the staff;

(c) Frequent and undesirable changes in the location of an office;

(d) The refusal to assign meaningful work;

(e) The issuance of letters of reprimand or evaluations of poor performance;

(f) A demotion;

(g) A reduction in pay;

(h) The denial of a promotion;

(i) A suspension;

(j) A dismissal;

(k) A transfer;

(l) Frequent changes in working hours or workdays; or

(m) If the employee is licensed or certified by an occupational licensing board, the filing with that board, by or on behalf of the employer, of a complaint concerning the employee,

➥ if such action is taken, in whole or in part, because the state officer or employee or local governmental officer or employee disclosed information concerning improper governmental action.

[~~6.~~**]** ***8. "State" includes, without limitation, the Nevada System of Higher Education and the Board of Regents of the University of Nevada.***

9. "State employee" means any person who performs public duties under the direction and control of a state officer for compensation paid by or through the State.

[~~7.~~**]** ***10.*** "State officer" means a person elected or appointed to a position with the State which involves the exercise of a state power, trust or duty, including:

(a) Actions taken in an official capacity which involve a substantial and material exercise of administrative discretion in the formulation of state policy;

(b) The expenditure of state money; and

(c) The enforcement of laws and regulations of the State.

Sec. 3. **[**~~NRS 396.070 is hereby amended to read as follows:~~

~~396.070 1. Each member of the Board of Regents is entitled to receive~~ **[**~~a~~**]** ***an annual*** ~~salary of~~ **[**~~$80 for each meeting of the Board that he or she attends.~~**]** ***$20,000.***

~~2. Each member of the Board of Regents is entitled to receive in attending meetings of the Board, or while on Board of Regents' business within the State:~~

~~(a) A per diem expense allowance not to exceed the greater of:~~

~~(1) The rate of $60; or~~

~~(2) The maximum rate established by the Federal Government for the locality in which the travel is performed.~~

~~(b) The travel allowance provided for state officers and employees generally.~~

~~3. If an account is established for a member of the Board of Regents to pay for hosting expenditures of the member:~~

~~(a) The annual expenditures from the account may not exceed $2,500.~~

~~(b) The account may be used only to pay for activities that are directly related to the duties of the member of the Board of Regents, including reasonable expenses for meals, beverages and small gifts. The account must not be used to pay for expenses associated with attending a sporting event or a political fundraising event.~~

~~(c) The member of the Board of Regents must submit a monthly report of expenditures from the account to the Chancellor of the System. The report must include, without limitation, the amount of money expended from the account, the specific purpose and activity for which the money was expended and, if applicable, the person for whom the money was expended.~~

~~(d) The Chancellor of the System shall compile the monthly reports into an annual report on or before January 30 of each year. The monthly reports and annual reports are public records and must be made available for public inspection.~~

~~4. As used in this section, "hosting expenditures" means reasonable expenses by or on behalf of a member of the Board of Regents who is conducting business activities necessary to provide a benefit to the System by establishing goodwill, promoting programs of the System or otherwise advancing the mission of the System.~~**] (Deleted by amendment.)**

Sec. 4. 1. There is hereby created the Spending and Government Efficiency Commission for the Nevada System of Higher Education. The Commission consists of 12 members appointed as follows:

(a) Six members appointed by the Governor;

(b) Two members appointed by the Governor from a list of six recommendations provided by the Senate Majority Leader;

(c) Two members appointed by the Governor from a list of six recommendations provided by the Speaker of the Assembly;

(d) One member appointed by the Governor from a list of three recommendations provided by the Senate Minority Leader; and

(e) One member appointed by the Governor from a list of three recommendations provided by the Assembly Minority Leader.

➥ To the extent practicable, in appointing members to the Commission, the Governor shall ensure that the membership reflects the ethnic, gender and geographic diversity of this State.

2. The Governor shall appoint the Chair of the Commission from among its members.

3. The members of the Commission must be persons with expertise and experience in the operation of a business. A member may not have a personal or professional conflict of interest that would prevent the member from fully and objectively discharging his or her duties. A member may not derive any financial benefit from the work of the Commission, other than the general benefit received by all residents of this State from increased efficiency in the Nevada System of Higher Education.

4. Members of the Commission serve at the pleasure of the Governor.

5. Members of the Commission serve without salary or compensation for their travel or per diem expenses.

6. A majority of the members of the Commission constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Commission.

7. The Commission shall comply with the provisions of chapter 241 of NRS and all meetings must be conducted in accordance with that chapter.

8. The Department of Education shall provide administrative support to the Commission.

9. The Commission may appoint committees or subcommittees of its members to study the Nevada System of Higher Education and any means by which the Nevada System of Higher Education may be improved.

10. The Commission shall, not less frequently than every 90 days, meet and:

(a) Submit recommendations to the Governor identifying:

(1) Areas in which the public costs of the Nevada System of Higher Education may be reduced;

(2) Areas in which increased efficiencies in the Nevada System of Higher Education may be found; and

(3) Means by which the Nevada System of Higher Education may be improved; or

(b) If the Commission does not have any recommendations, submit to the Governor a status report regarding the activities of the Commission for the period from the date on which the Commission last submitted to the Governor a status report or recommendations to the date on which the status report is submitted.

11. The Commission shall, on or before February 1, 2019, prepare and submit a final report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 80th Session of the Nevada Legislature concerning its findings and recommendations.

Sec. 5. 1. This act becomes effective on July 1, 2017.

2. Section 4 of this act expires by limitation on June 30, 2019.

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 399.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 604.

SUMMARY—Establishes the Nevada State Infrastructure Bank. (BDR ~~[28-1129)]~~ **35-1129)**

AN ACT relating to ~~[public works;]~~ **transportation;** establishing the Nevada State Infrastructure Bank; providing for the governance of the Bank

by a Board of Directors; establishing the powers and duties of the Board of Directors; providing for the administration of the Bank by an Executive Director; establishing the powers and duties of the Executive Director; establishing the Nevada State Infrastructure Bank Fund; authorizing the Bank to perform certain acts in connection with the financing of certain transportation facilities and utility infrastructure projects; providing civil immunity for certain persons for certain official actions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2- ~~[37]~~ **36.5** of this bill establish the Nevada State Infrastructure Bank. The purpose of the Bank is to provide loans and other financial assistance to various units of state and local government for the development, construction, **repair,** improvement, **maintenance, decommissioning,** operation and ownership of certain transportation facilities and utility infrastructure projects. **Sections 20 and** ~~[37]~~ **37.1** of this bill create the Bank within the ~~[State Public Works Division of the]~~ Department of ~~[Administration]~~ **Transportation** and ~~[provides]~~ **provide** for its governance by a Board of Directors. **Section 21** of this bill establishes certain powers and duties of the Board of Directors. **Section 21** further authorizes the Board of Directors to issue bonds or other securities to raise money to carry out its statutory purposes and powers. **Section 22** of this bill requires the Governor to appoint an Executive Director to administer, manage and conduct the affairs of the Bank and establishes the powers and duties of the Executive Director. **Section 23** of this bill creates the Nevada State Infrastructure Bank Fund to be administered by the Board of Directors and used exclusively to capitalize and carry out the statutory powers and purpose of the Bank.

Section 24 of this bill establishes certain procedures relating to: (1) applications for a loan or other financial assistance from the Bank in connection with a project to develop, construct, **repair,** improve, operate **, maintain, decommission** or own a transportation facility or utility infrastructure project; (2) the determination by the Executive Director of eligible projects; and (3) selection by the Board of Directors of projects that qualify to obtain such a loan or assistance. **Section 25** of this bill requires a borrower whose project is qualified to receive a loan or other financial assistance to enter into a financing agreement with the Bank and, in case of a loan, to issue some kind of security to the Bank that evidences the borrower's obligation to repay the loan.

Section 26 of this bill authorizes the Bank to act as an insurer or reinsurer in connection with a loan or satisfaction of a related obligation made by the Bank. **Section 27** of this bill authorizes the Bank to provide security for any revenue bonds issued by the Bank.

Section 28 of this bill provides that any debt or obligation issued by the Bank is not a debt, liability or obligation of this State or of any political subdivision thereof, or a pledge of the faith and credit of this State or a political subdivision, other than the Bank itself.

If a borrower who has received a loan from the Bank fails to make a payment of any money owed to the Bank, **section 29** of this bill authorizes the Bank, under certain circumstances, to require other state agencies that are in possession of money of the State or other money that is allotted or appropriated to the borrower to withhold that money from that borrower and remit it to the Bank to use the money to make the necessary payment to the Bank.

Section 30 of this bill provides a grant of immunity from civil liability to the Board of Directors of the Bank or the officers and employees of the Bank for certain official acts under certain circumstances. **Section 31** of this bill exempts the Bank from certain procedural prerequisites that would otherwise be applicable to its actions. **Section 32** of this bill exempts the property of the Bank and its income from taxation. **Section 33** of this bill exempts the bonds and other securities issued by the Bank from most forms of taxation.

Section 34 of this bill provides that any authority given to a governmental borrower to issue bonds by this bill is supplemental to, and not in lieu of, any existing authority to issue bonds.

Section 35 of this bill also provides that the provisions of this bill are intended to supplement, not supplant, other existing laws concerning the development, construction, **repair,** improvement, **maintenance, decommissioning,** operation and ownership of transportation facilities and utility infrastructure and the issuance of bonds and other securities by this State and political subdivisions thereof. However, **section 35** also provides that if there is a conflict between those laws and this bill, the provisions of this bill control. **Section 35 also provides that a contract for construction on a qualified project funded in whole or in part by a loan or other financial assistance from the Bank is subject to the prevailing wage requirement.**

Section 36 of this bill requires the Bank to submit an annual report concerning its activities to the Governor and the Legislature. **Section 36.5 of this bill authorizes the divisions of the Department of Transportation, to the extent that money is available for that purpose, to provide technical advice, support and assistance to the Bank.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter ~~[341]~~ **408** of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[36,]~~ **36.5,** inclusive, of this act.

Sec. 2. ***As used in sections 2 to ~~[36,]~~ 36.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 19, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Bank" means the Nevada State Infrastructure Bank.***

Sec. 4. *"Board of Directors" means the Board of Directors of the Bank.*

Sec. 5. *"Eligible costs" means, as applied to a qualified project to be financed from:*

1. The federal highway account established by section 23 of this act, the costs that are allowed under applicable federal laws, requirements, procedures and guidelines in regard to establishing, operating and providing assistance from the Bank.

2. The state and local highway account established by section 23 of this act, costs including, without limitation, the cost of preliminary engineering, traffic and revenue studies, environmental studies, right-of-way acquisition, legal and financial services associated with the development of the qualified project, construction, construction management, facilities , sustainability certification and other costs necessary for the qualified project.

3. The federal utility infrastructure account established by section 23 of this act, costs including, without limitation, the cost of preliminary engineering, environmental studies, property right acquisition, legal and financial services associated with the development of the qualified project, construction, construction management, equipment, facilities and other nonoperating costs necessary for the qualified project.

4. A federal or state and local nonhighway account established by section 23 of this act, costs including, without limitation, the cost of preliminary engineering, traffic and revenue studies, environmental studies, right-of-way acquisition, legal and financial services associated with the development of the qualified project, construction, construction management, equipment, facilities and other nonoperating costs necessary for the qualified project.

5. The state and local utility infrastructure account established by section 23 of this act, costs including, without limitation, the cost of preliminary engineering, environmental studies, property right acquisition, legal and financial services associated with the development of the qualified project, construction, construction management, equipment, facilities , sustainability certification and other nonoperating costs necessary for the qualified project.

Sec. 6. *"Eligible project" means the development, construction, repair, improvement, operation , maintenance, decommissioning or ownership of a transportation facility project or utility infrastructure project.*

Sec. 7. *"Executive Director" means the Executive Director of the Bank.*

Sec. 8. *"Federal accounts" means the federal highway account, federal nonhighway account and federal utility infrastructure account established pursuant to section 23 of this act.*

Sec. 9. *1. "Financing agreement" means any agreement entered into between the Bank and a qualified borrower pertaining to a loan or other*

financial assistance for a qualified project, which may or may not include nonfinancial provisions relating to the qualified project, including, without limitation, terms and conditions relating to the regulation and supervision of the qualified project.

2. The term includes, without limitation:

(a) A loan agreement;

(b) A trust indenture;

(c) A security agreement;

(d) A reimbursement agreement;

(e) A guarantee agreement;

(f) A bond or note; and

(g) An ordinance or a resolution or similar instrument.

Sec. 10. *"Governmental unit" means:*

1. The State of Nevada, including, without limitation, any board, commission, agency, department, division or instrumentality thereof;

2. A political subdivision of the State of Nevada, including, without limitation, a county, city, town, school district, general or local improvement district or a combination of two or more of those entities acting jointly ~~[or in conjunction with an operator of public transit or a public utility;]~~ , including, without limitation, as a regional transportation commission as defined in NRS 482.1825; and

3. A public or private utility.

Sec. 11. *"Loan" means any form of direct financial assistance that is provided by the Bank to a qualified borrower to defray all or part of the anticipated or actual costs of a qualified project and is required to be repaid by the borrower over a period of time.*

Sec. 12. *"Loan obligation" means a bond, note or other evidence of a qualified borrower's obligation to repay a loan given by the Bank.*

Sec. 13. *"Other financial assistance" means any use of money by the Bank for the benefit of a qualified borrower, including, without limitation, a grant, contribution, credit enhancement, capital or debt reserve for bonds or other debt instrument financing, an interest rate subsidy, letter of credit or other credit instrument, security for a bond or other debt financing instrument and other lawful forms of financing and methods of leveraging funds that are approved by the Board of Directors and, in the case of money made available to the State by the Federal Government, as allowed by applicable federal law.*

Sec. 14. *"Project revenue" means any rate, rent, fee, assessment ~~[,]~~ related specifically to the project, charge or other receipt derived or to be derived by a qualified borrower from a qualified project ~~[or made available from a special source]~~ and, if so provided in the applicable financing agreement, derived from any system of which the qualified project is a part or from any other revenue producing facility under the ownership or control of the qualified borrower, including, without limitation, the proceeds of a grant, gift, appropriation or loan, including, without*

limitation, the proceeds of a loan made by the Bank, investment earnings, payments to a reserve for capital or current expenses, proceeds of insurance or condemnation and proceeds from the sale or other disposition of property . ~~[and from any other special source as may be provided by the qualified borrower.]~~

Sec. 15. *"Qualified borrower" means a governmental unit, or an entity established by an agreement between a governmental unit and a private entity, that is authorized to develop, construct, repair, improve, maintain, decommission, operate or own a qualified project.*

Sec. 16. *"Qualified project" means an eligible project that has been selected by the Bank to receive a loan or other financial assistance.*

Sec. 17. *"State and local accounts" means the state and local highway account, state and local nonhighway account and state and local utility infrastructure account established by the Bank pursuant to section 23 of this act.*

Sec. 18. *"Transportation facility" ~~[has the meaning ascribed to it in NRS 408.5471 and also includes all]~~ means any existing, enhanced, upgraded or new facility that is used or useful for the safe transport of people, information or goods via one or more modes of transport, including, without limitation, any of the following:*

1. A road, railroad, bridge, tunnel, overpass, airport, mass transit, light or commuter rail, conduit, ferry, boat, vessel, parking facility, intermodal or multimodal system or any other mode of transport, including, without limitation, those utilizing autonomous technology, and any rights of way necessary for any eligible transportation facility.

2. Related or ancillary to, or used or useful to provide, operate, maintain or generate revenue for, a facility described in subsection 1, including, without limitation, administrative buildings and other buildings, structures, rest areas, maintenance yards, rail yards, ports of entry or storage facilities, vehicles, rolling stock, energy systems, control, communications and information systems, parking facilities and similar commercial facilities used for the support of or the transportation of persons, information or goods or other related equipment, items or property, including, without limitation, any other property that is needed to operate the facility.

3. All improvements, including equipment necessary to the full utilization ~~[thereof,]~~ of a transportation facility, including, without limitation, site preparation, roads and streets, sidewalks, water supply, outdoor lighting, belt line railroad sidings and lead tracks, bridges, causeways, terminals for railroad, automotive and air transportation ~~[,]~~ and transportation facilities incidental to the project . ~~[and the dredging and improving of harbors and waterways.]~~

Sec. 19. "Utility infrastructure project" means off-site infrastructure which allows for the engineering and construction of utilities from the

point of connection of existing utilities to the boundary of a master-planned industrial or business park.

Sec. 20. *1. The Nevada State Infrastructure Bank is hereby created within the [Division.] Department.*

2. The purpose of the Bank is to provide loans and other financial assistance to various governmental units for the development, construction, repair, improvement, operation , maintenance, decommissioning and ownership of transportation facilities and utility infrastructure projects as necessary for public purposes, including, without limitation, economic development.

3. The Bank is administered by a Board of Directors consisting of:

(a) [The Administrator or his or her designee;

(b)] The Director of the Department of [Business and Industry] Transportation or his or her designee;

[(c)] (b) The State Treasurer or his or her designee;

[(d)] (c) The Director of the Department of [Transportation] Business and Industry or his or her designee;

[(e)] (d) The Executive Director of the Office of Economic Development or his or her designee; and

[(f)] (e) Two representatives of the general public, at least one of whom must reside in a county whose population is 700,000 or more, appointed by the Governor.

4. Each member of the Board of Directors who is appointed pursuant to subsection 3 serves at the pleasure of the appointing authority.

5. A vacancy on the Board of Directors in an appointed position must be filled by the appointing authority in the same manner as the original appointment.

6. The [Governor] Board of Directors shall [appoint the] elect annually from among its members a Chair [of the Board of Directors from among its members.] and a Vice Chair.

7. Four members of the Board of Directors constitute a quorum for the transaction of business, and the affirmative vote of at least four members of the Board of Directors is required to take action.

8. [The members of the Board of Directors serve without compensation but must be reimbursed the actual amounts of their reasonable and necessary expenses incurred in attending meetings and in performing the duties of their office, unless such expenses are payable by another public agency.] Each member of the Board of Directors who is not otherwise an officer or employee of this State is entitled to receive $100 for each full day of attending a meeting of the Board of Directors. Each member of the Board of Directors is entitled, while engaged in the business of the Board of Directors, to receive the per diem allowance and travel expenses provided for state officers and employees generally. The per diem allowance and travel expenses provided to a member of the Board of Directors who is an officer or employee of this State or a political

subdivision of this State must be paid by the state agency or political subdivision that employs him or her.

9. A member of the Board of Directors who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that he or she may prepare for and attend meetings of the Board of Directors and perform any work necessary to carry out the duties of the Board of Directors in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Board of Directors to:

(a) Make up the time the member is absent from work to carry out his or her duties as a member of the Board of Directors; or

(b) Take annual leave or compensatory time for the absence.

Sec. 21. *1. The Board of Directors may:*

(a) Make, and from time to time amend and repeal, bylaws not inconsistent with ~~[this chapter,]~~ sections 2 to 36.5, inclusive, of this act to carry into effect the powers and purposes of sections 2 to 36.5, inclusive, of this ~~[chapter.]~~ act.

(b) Sue and be sued ~~[,]~~ in the name of the Bank.

(c) Have a seal and alter the same at the pleasure of the Board of Directors, but the failure to affix the seal does not affect the validity of an instrument executed on behalf of the Bank.

(d) Make loans to qualified borrowers to finance all or part of the eligible costs of a qualified project.

(e) Provide qualified borrowers with other financial assistance necessary to defray all or part of the eligible costs of a qualified project.

(f) Acquire, hold and sell loan obligations at such prices and in such a manner as the Board of Directors deems advisable.

(g) Enter into contracts, arrangements and agreements with qualified borrowers and other persons and execute and deliver all financing agreements and other instruments necessary or convenient to carry out the powers and duties of the Board of Directors.

(h) Enter into agreements with a department, agency or instrumentality of the United States or governmental unit of this State or another state for the purpose of providing for the financing of qualified projects.

(i) Establish:

(1) Policies and procedures to govern the selection of qualified projects and the issuance and administration of loans and other financial assistance provided by the Bank; and

(2) Fiscal controls and accounting procedures to ensure proper accounting and reporting by the Bank and qualified borrowers.

(j) Acquire, by purchase, lease, donation or other lawful means, real or personal property and any interest therein.

(k) Sell, convey, pledge, lease, exchange, transfer and dispose of all or any part of the property and assets of the Bank.

(l) Procure insurance, guarantees, letters of credit and other forms of collateral or security or credit support for the payment of bonds or other securities issued by the Bank and the payment of premiums or fees on such insurance, guarantees, letters of credit and other forms of collateral or security or credit support.

(m) Collect or authorize the trustee under any trust indenture that secures any bonds or other securities issued by the Bank to collect amounts due from a qualified borrower under any loan obligation owned by the Bank, including, without limitation, taking any lawful action required to obtain payment of any sums in default.

(n) Unless restricted by the terms of an agreement with the holders of bonds or other securities issued by the Bank, consent to any modification of the terms of any loan obligations owned by the Bank, including, without limitation, the rate of interest, period of repayment and payment of any installment of principal or interest.

(o) Borrow money through the issuance of bonds and other securities as provided in sections 2 to [36,] 36.5, inclusive, of this act.

(p) Incur expenses to obtain accounting, management, legal or financial consulting and other professional services necessary to the operations of the Bank.

(q) Pay any costs incurred for the administration of the operations of the Bank.

(r) Establish advisory committees, which may include persons from the private sector with civil engineering, banking and financial expertise.

(s) Procure insurance against losses in connection with the Bank's property, assets or activities, including, without limitation, insurance against liability for any act of the Bank or its employees or agents, or establish cash reserves to enable the Bank to act as a self-insurer against such losses.

(t) Impose and collect fees and charges in connection with the activities of the Bank.

(u) Apply for, receive and accept from any source aid grants or contributions of money, property, labor or other things of value to be used to carry out the statutory purposes and powers of the Bank.

(v) Enter into contracts, arrangements or agreements for the servicing and processing of financial agreements.

(w) Accept and hold, with payment of interest, money deposited with the Bank.

(x) Request technical advice, support and assistance from the divisions of the Department.

(y) Do all other things necessary or convenient to exercise any power granted or reasonably implied by sections 2 to [36,] 36.5, inclusive, of this act.

2. Except as otherwise provided in sections 2 to [36,] 36.5, inclusive, of this act, the Bank may exercise any fiscal power granted to the Bank in

sections 2 to ~~[36,]~~ 36.5, inclusive, of this act, without the review or approval of any other department, division or agency of the State or any political subdivision thereof, except for the Board of Directors.

3. This section does not authorize the Bank to be or conduct business as a:

(a) Bank or trust company within the jurisdiction of title 55 of NRS or under the control of an agency of United States or this State; or

(b) Bank, banker or dealer in securities within the meaning of, or subject to the provisions of, any securities, securities exchange or securities dealers' laws of the United States or of this State.

4. The Bank must, before accepting a deposit from any person or governmental unit, provide a notice to the depositor stating that the deposit is not insured by the Federal Deposit Insurance Corporation.

5. The provisions of ~~[title]~~ titles 55 , 56 and 57 of NRS do not apply to the Bank.

Sec. 22. *1. The Governor shall appoint an Executive Director of the Bank. The Executive Director is in the unclassified service of the State and serves at the pleasure of the Governor.*

2. The Executive Director shall administer, manage and conduct the business and affairs of the Bank subject to the direction of the Board of Directors, any conditions that the Board of Directors may from time to time prescribe or as delegated by the Board of Directors. Except as otherwise provided in this subsection, the Executive Director may exercise any power, function or duty conferred by law on the Bank in connection with the administration, management and conduct of the business and affairs of the Bank, including, without limitation:

(a) Hiring such employees in either the classified or unclassified service of the State as are necessary to carry out the statutory purposes and powers of the Bank.

(b) Entering into contracts concerning investments, guarantees or credit enhancements.

(c) Establishing procedures, guidelines, criteria, terms, conditions or other requirements of any contract, bond, loan, grant or program in order to carry out the intents and purposes of the Bank in authorizing the contract, bond, loan, grant or other program.

(d) Declining to guarantee any risk or to enter into any contract.

(e) Reinsuring any risk or any part of any risk, as provided in section 26 of this act.

(f) Making rules for payments through the Bank and determining to whom and through whom the payments are to be made.

(g) Investing and reinvesting any money belonging to the Bank.

(h) Entering into any contract or agreement, executing any instrument, conducting all business and affairs and performing any act necessary or convenient to carrying out the statutory purposes and powers of the Bank.

(i) Executing any instrument or performing any act necessary or convenient to carry out his or her duties pursuant to sections 2 to ~~[36,]~~ 36.5, inclusive, of this act.

Sec. 23. *1. The Nevada State Infrastructure Bank Fund is hereby created as an enterprise fund. The Fund is a continuing fund without reversion.*

2. The Fund is administered by the Board of Directors.

3. The Board of Directors may establish accounts and subaccounts within the Fund, but shall establish, without limitation:

(a) A federal highway account;

(b) A federal nonhighway account;

(c) A state and local highway account;

(d) A state and local nonhighway account;

(e) A state and local utility infrastructure account; and

(f) A federal utility infrastructure account.

4. Except as otherwise provided in subsection 7, all money received by the Bank pursuant to sections 2 to ~~[36,]~~ 36.5, inclusive, of this act must be deposited in the Fund.

5. The Bank may accept for deposit into the Fund:

(a) Any money appropriated by the Legislature or authorized for allocation by the Interim Finance Committee;

(b) Federal funds made available to the State;

(c) Gifts, grants, donations and contributions from a governmental unit, private entity or any other source;

(d) Any money paid or credited to the Bank, by contract or otherwise, including, without limitation:

(1) Payment of principal and interest on a loan or other financial assistance provided to a qualified borrower by the Bank; and

(2) Interest earned from the investment or reinvestment of the Bank's money pursuant to section 26 of this act;

(e) Proceeds from the issuance of bonds or other securities pursuant to section 21 of this act; and

(f) Any other lawful source of money that is made available to the Bank and is not already dedicated for another purpose.

6. The Bank shall comply with all applicable federal laws governing the use of federal funds, including, without limitation, statutes and regulations governing:

(a) Any conditions or limitations on expenditures;

(b) Reporting; and

(c) The commingling of federal funds.

7. Earnings on balances in the federal accounts must be credited and invested in accordance with federal law. Earnings on state and local accounts must be deposited in the Fund to the credit of the state and local highway account, state and local nonhighway account or state and local utility infrastructure account that generates the earnings.

8. Money in the Fund may be used only:

(a) For the capitalization of the Bank; and

(b) To carry out the statutory purposes and powers of the Bank.

9. A local government may use money from any source that is made available to the local government for the purposes of developing, constructing, repairing, improving, operating , maintaining, decommissioning or owning a transportation facility or utility infrastructure project or for any other purpose set forth in sections 2 to ~~[36,]~~ 36.5, inclusive, of this act, to make a gift, grant, donation or contribution to the Bank or to satisfy any obligation owed by the local government to the Bank, including, without limitation, payments of principal and interest.

Sec. 24. *1. A governmental unit, or an entity established by agreement between a governmental unit and a private entity, that wishes to obtain a loan or other financial assistance from the Bank to develop, construct, repair, improve, operate , maintain, decommission or own an eligible project must apply to the Bank in the manner prescribed by the Bank.*

2. The Executive Director shall:

(a) Review each application and determine whether the transportation facility or utility infrastructure project described in the application is an eligible project; and

(b) At the request of the Board of Directors, submit information to the Board of Directors concerning any eligible project.

3. The Board of Directors shall, from time to time, designate qualified projects from among the eligible projects. The Board of Directors may give preference to an eligible project that has demonstrated local financial support.

4. The Bank may provide a loan and other financial assistance to a qualified borrower to pay for all or part of the eligible costs of a qualified project. The term of the loan or other financial assistance may not exceed the anticipated useful life of the qualified project. A loan or other financial assistance may be provided in anticipation of reimbursement for or direct payment of all or part of the eligible costs of a qualified project.

5. The Bank shall determine the form and content of a loan application, financing agreement or loan obligation, including, without limitation:

(a) The period for repayment and the rate or rates of interest on a loan; and

(b) Any nonfinancial provisions included in a financing statement or loan obligation, including, without limitation, terms and conditions relating to the regulation and supervision of a qualified project.

6. The terms and conditions set forth in a financing agreement or loan obligation for a loan or other financial assistance provided by the Bank

using money from a federal account must comply with all applicable federal requirements.

Sec. 25. 1. A qualified borrower that wishes to obtain a loan or other financial assistance from the Bank must enter into a financing agreement with the Bank and may be required to issue a loan obligation to the Bank. Except as otherwise provided by specific statute, a qualified borrower entering into a financing agreement with the Bank or issuing a loan obligation to the Bank may perform any act, take any action, adopt any proceedings and make and carry out any contract or agreement with the Bank as may be agreed to by the Bank and the qualified borrower for carrying out the purposes contemplated by sections 2 to 36.5, inclusive, of this act.

2. A qualified borrower may, in addition to any authorization set forth in this section, use any authorization granted by any other statute that allows the qualified borrower to borrow money and issue obligations in obtaining a loan or other financial assistance from the Bank to the extent determined necessary or useful by the qualified borrower in connection with any financing agreement or the issuance, securing or sale of a loan obligation to the Bank.

3. A qualified borrower may:

(a) Receive, apply, pledge, assign and grant security interests in its project revenues to secure its loan obligations as provided in sections 2 to ~~[36,]~~ 36.5, inclusive, of this act; and

(b) Impose and collect fees, rates, rents, assessments and other charges of general or special application for the operation of a qualified project, the system of which the qualified project is a part and any other revenue producing facilities from which the qualified borrower derives project revenues to meet its loan obligations under a financing agreement or to otherwise provide for the development, construction, repair, improvement, operation , maintenance, decommissioning or ownership of a qualified project.

Sec. 26. *1. The Bank may provide insurance or reinsurance of loans or portions thereof, or their debt service, including, without limitation, amounts payable as premiums or penalties in the event of mandatory or optional prepayment, made to finance a qualified project, and to provide insurance or reinsurance or reserves, or portions thereof, or the yield therefrom, established to secure bonds or other securities issued to fund those loans or reserves.*

2. The Bank may:

(a) Arrange an agreement for insurance or reinsurance with a user, mortgagor, lending institution, insurer or any other entity authorized to arrange such agreements in this State; and

(b) Enter into an agreement for insurance or reinsurance with any insurer authorized to reinsure or insure such risks in this State.

3. The Bank may fix a rate or rates of premium for insurance or reinsurance. The rates are not required to be uniform and may reflect any risk and classification of risk that the Bank determines to be reasonable.

4. The Bank may exercise any other power that is necessary or incidental to insurance, reinsurance and related matters.

5. The Bank shall make reasonable provisions for the security of loans made by the Bank, and any insurance, reinsurance and other financing arrangements negotiated by the Bank.

6. Any insurance or reinsurance provided by the Bank does not constitute a debt or pledge of the faith and credit of the State or any subdivision of the State.

~~*[7. For the purposes of this section, the Bank shall be deemed to be an authorized insurer, as defined in NRS 679A.030, and a reinsurer, as defined in NRS 681A.370, and authorized to transact insurance or reinsurance on the same basis as the holder of a certificate of authority issued by the Commissioner of Insurance pursuant to chapter 679B of NRS.]*~~

Sec. 27. *The Bank may provide security for any issue of revenue bonds by the Bank through any commonly accepted financial instrument, including, without limitation:*

1. A deed of trust on the resources, facilities and revenues of one or more qualified projects financed by the Bank;

2. A credit enhancement, including, without limitation, a letter of credit, bond insurance or surety bond provided by a private financial institution; and

3. Insurance, reinsurance or a guarantee provided by the Bank itself.

Sec. 28. *1. Any obligation to a third person made by the Bank, including, without limitation, a bond or other security issued by the Bank pursuant to section 21 of this act and any insurance, reinsurance or reserve provided by the Bank pursuant to section 26 of this act:*

(a) Does not constitute a debt, liability or obligation of this State or any political subdivision thereof, or a pledge of the faith and credit of this State or any political subdivision thereof, but is payable solely from the revenues or assets of the Bank; and

(b) Must contain on the face thereof a statement to the effect that the Bank is not obligated to pay the obligation or any interest thereon except from the revenues or assets, if any, pledged therefor and that neither the faith and credit nor the taxing power of this State or any political subdivision thereof is pledged to the payment of the principal of or the interest on the obligation.

2. Except as otherwise provided in subsection 3, this section does not prohibit the Bank from:

(a) Pledging the full faith and credit of the Bank for the satisfaction of any obligation to a third person made by the Bank; or

(b) Issuing a bond guarantee or credit enhancement for bonds issued by a qualified borrower.

3. Notwithstanding any provision in sections 2 to ~~[36,]~~ 36.5, inclusive, of this act to the contrary, the Bank shall not act as a surety or guarantor for a private utility or any other private company, association or corporation.

Sec. 29. *1. Except as otherwise provided in this section, if a qualified borrower that has obtained a loan or other financial assistance from the Bank fails to remit in full any amount due to the Bank on the date on which the amount is due under the terms of any note or other loan obligation given to the Bank by the qualified borrower, the Bank shall notify the appropriate state agencies or officers, including, without limitation, the State Controller, who shall withhold all or a portion of any state money or other money administered by the State and its agencies, boards and instrumentalities that is allotted or appropriated to the qualified borrower and apply an amount necessary to the payment of the amount due.*

2. This section does not authorize the State or an agency, board or instrumentality thereof, or the State Controller, to withhold any money allocated or appropriated to a qualified borrower if to do so would violate the terms of:

(a) An appropriation by the Legislature;

(b) The terms of any federal law;

(c) The terms of a contract to which the State is a party; ~~[or]~~

(d) A contract to which a governmental unit or qualified borrower is a party; or

(e) A judgment of a court that is binding upon the State.

Sec. 30. The Board of Directors and any member thereof, and any officer, employee, agent or committee member of the Bank is not liable in a civil action for any act performed on behalf of the Bank in good faith and within the scope of their duties or the exercise of their authority pursuant to sections 2 to ~~[36,]~~ 36.5, inclusive, of this act.

Sec. 31. *Except as otherwise provided in sections 2 to ~~[36,]~~ 36.5, inclusive, of this act, and notwithstanding any other provision of law, the Bank is not required to provide any notice or publication or to conduct any hearing or other proceeding before performing any act authorized in sections 2 to ~~[36,]~~ 36.5, inclusive, of this act.*

Sec. 32. *The Bank is an instrumentality of this State, and its property and income are exempt from all taxation by this State and any political subdivision thereof.*

Sec. 33. *1. Except as otherwise provided in subsection 2, bonds and other securities issued by the Bank pursuant to the provisions of sections 2 to ~~[36,]~~ 36.5, inclusive, of this act, their transfer and the income therefrom must forever be and remain free and exempt from taxation by this State or any subdivision thereof.*

2. The provisions of subsection 1 do not apply to the tax on estates imposed pursuant to the provisions of chapter 375A of NRS or the tax on generation-skipping transfers imposed pursuant to the provisions of chapter 375B of NRS.

Sec. 34. *Notwithstanding any provision in sections 2 to ~~[36,]~~ 36.5, inclusive, of this act to the contrary, sections 2 to ~~[36,]~~ 36.5, inclusive, of this act are supplemental to, and not in lieu of, the right of any qualified borrower to issue general obligation bonds or other bonds that the qualified borrower is otherwise lawfully authorized to issue.*

Sec. 35. *1. To the extent possible, the provisions of sections 2 to ~~[36,]~~ 36.5, inclusive, of this act are intended to supplement other statutory provisions governing the development, construction, repair, improvement, maintenance, decommissioning, operation and ownership of transportation facilities and utility infrastructure projects and the issuance of bonds and other securities by this State or a political subdivision thereof, and such other provisions must be given effect to the extent that those provisions do not conflict with the provisions of sections 2 to ~~[36,]~~ 36.5, inclusive, of this act. If there is a conflict between such other provisions and the provisions of sections 2 to ~~[36,]~~ 36.5, inclusive, of this act, the provisions of sections 2 to ~~[36,]~~ 36.5, inclusive, of this act control.*

2. The provisions of NRS 338.013 to 338.090, inclusive, apply to any contract for construction work on a qualified project if all or part of the costs of the qualified project are paid for using a loan or other financial assistance from the Bank. The Bank, the qualified borrower, any contractor who is awarded a contract or enters into an agreement to perform construction work on the qualified project, and any subcontractor who performs any portion of the construction work shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if a public body had undertaken the qualified project or had awarded the contract.

Sec. 36. *The Board of Directors shall, not later than 90 days after the end of each fiscal year:*

1. Prepare a report on the operations of the Bank during that year.

2. Submit the report prepared pursuant to subsection 1 to:

(a) The Governor; and

(b) The Director of the Legislative Counsel Bureau for transmittal to:

(1) If the report is prepared in an even-numbered year, the next regular session of the Legislature; or

(2) If the report is prepared in an odd-numbered year, the Legislative Commission.

Sec. 36.5. *Any division of the Department may, to the extent that money is available for that purpose, provide technical advice, support and assistance to the Bank.*

Sec. 36.6. **NRS 408.111 is hereby amended to read as follows:**

408.111 1. The Department consists of a Director, two Deputy Directors, a Chief Engineer and the following ~~[divisions:]~~ ***:***

(a) Administrative Division.

(b) Operations Division.

(c) Engineering Division.

(d) Planning Division.

(e) Nevada State Infrastructure Bank.

2. The head of a Division is an assistant director. Assistant directors are in the unclassified service of the State.

Sec. 36.7. **NRS 408.116 is hereby amended to read as follows:**

408.116 ***Except as otherwise provided in sections 2 to 36.5, inclusive, of this act:***

1. All legal notices, writs, service and process issued or ordered by a court of competent jurisdiction wherein the Department is named as a defendant must be personally served upon both the Director and the Chair of the Board or, in the absence of the Director and the Chair of the Board, the process must be served personally upon both the Secretary of State and one of the Deputy Directors.

2. All legal actions brought and defended by the Department must be in the name of the State of Nevada on relation of its Department.

3. This section is not a consent on the part of the Department to be sued.

Sec. 36.8. **NRS 408.131 is hereby amended to read as follows:**

408.131 ~~[The]~~ ***Except as otherwise provided in sections 2 to 36.5, inclusive, of this act, the*** Board shall:

1. Consider, at its meetings, all questions relating to the general policy of the Department and transact such business as properly comes before it.

2. Receive and consider, at such time as the Board selects, an annual report by the Director.

3. Except as otherwise provided in NRS 408.203, act for the Department in all matters relating to recommendations, reports and such other matters as the Board finds advisable to submit to the Legislature.

4. Maintain a record of all proceedings of the Board.

5. Execute or approve all instruments and documents in the name of the State or the Department necessary to carry out the provisions of this chapter.

6. Except as otherwise provided in NRS 408.389, delegate to the Director such authority as it deems necessary under the provisions of this chapter.

7. Act by resolution, vote or order entered in its records.

Sec. 36.9. **NRS 408.172 is hereby amended to read as follows:**

408.172 1. Subject to the approval of the Board, the Attorney General shall, immediately upon request by the Board, appoint an attorney at law as the Chief Counsel of the Department, and such assistant attorneys as are necessary. Attorneys so appointed are deputy attorneys general.

2. ~~[The]~~ ***Except as otherwise provided in sections 2 to 36.5, inclusive, of this act, the*** Chief Counsel shall act as the attorney and legal adviser of the

Department in all actions, proceedings, hearings and all matters relating to the Department and to the powers and duties of its officers.

3. Under the direction of or in the absence of the Chief Counsel, the assistant attorneys may perform any duty required or permitted by law to be performed by the Chief Counsel.

4. The Chief Counsel and assistant attorneys are in the unclassified service of the State.

5. ~~[All]~~ ***Except as otherwise provided in sections 2 to 36.5, inclusive, of this act, all*** contracts, instruments and documents executed by the Department must be first approved and endorsed as to legality and form by the Chief Counsel.

Sec. 37. ~~[NRS 341.017 is hereby amended to read as follows:~~

~~341.017 1. There is hereby created the State Public Works Division of the Department of Administration.~~

~~2. The Division consists of:~~

~~(a) The Administrator;~~

~~(b) The Buildings and Grounds Section;~~

~~(c) The Public Works - Compliance and Code Enforcement Section;~~

~~(d) The Public Works - Professional Services Section; [and]~~

~~(e) The State Public Works Board [.] ; and~~

~~*(f) The Board of Directors of the Nevada State Infrastructure Bank.*~~

~~3. The Division shall, subject to the administrative supervision of the Director of the Department, administer the provisions of this chapter and NRS 331.010 to 331.145, inclusive.]~~ **(Deleted by amendment.)**

Sec. 37.1. **NRS 408.175 is hereby amended to read as follows:**

408.175 1. The Director shall:

(a) Appoint one Deputy Director who in the absence, inability or failure of the Director has full authority to perform any duty required or permitted by law to be performed by the Director.

(b) Appoint one Deputy Director for southern Nevada whose principal office must be located in an urban area in southern Nevada.

(c) Appoint one Deputy Director with full authority to perform any duty required or allowed by law to be performed by the Director to implement, manage, oversee and enforce any environmental program of the Department. The Deputy Director described in this paragraph shall coordinate the implementation of NRS 408.441 to 408.451, inclusive, with the State Department of Conservation and Natural Resources.

(d) ~~[Employ]~~ ***Except as otherwise provided in section 22 of this act, employ*** such engineers, engineering and technical assistants, clerks and other personnel as in the Director's judgment may be necessary to the proper conduct of the Department and to carry out the provisions of this chapter.

2. Except as otherwise provided in NRS 284.143, the Deputy Directors shall devote their entire time and attention to the business of the office and shall not pursue any other business or occupation or hold any other office of profit.

3. The Director may delegate such authority as may be necessary for the Deputy Director appointed pursuant to paragraph (b) of subsection 1 to carry out his or her duties.

Sec. 37.2. **NRS 408.205 is hereby amended to read as follows:**

408.205 1. With the approval of the Board, the Director may execute all plans, specifications, contracts and instruments in the name of the State of Nevada necessary for the carrying out of the provisions of this chapter, except ***as otherwise provided in sections 2 to 36.5, inclusive, of this act and except*** those construction contracts as provided in NRS 408.327 and 408.347.

2. The Director has such other power and authority as is necessary and proper under the provisions of this chapter, or as the Board delegates to the Director.

3. The Director shall provide for the purchase of United States Savings Bonds or similar United States obligations by salary or wage deductions for officers and employees of the Department who make written requests for such deductions and purchases. To allow all Department officers and employees the opportunity of requesting salary or wage deductions for the purchase of United States obligations, the Director shall provide forms authorizing the deductions and purchases and shall make them readily available to all Department officers and employees.

Sec. 37.3. **NRS 408.215 is hereby amended to read as follows:**

408.215 1. The Director has charge of all the records of the Department, keeping records of all proceedings pertaining to the Department and keeping on file information, plans, specifications, estimates, statistics and records prepared by the Department, except ***as otherwise provided in sections 2 to 36.5, inclusive, of this act and except*** those financial statements described in NRS 408.333 and the financial or proprietary information described in paragraph (c) of subsection 6 of NRS 408.3886, which must not become matters of public record.

2. The Director may photograph, film, place an image of on microfilm, save as an image in an electronic recordkeeping system or dispose of the records of the Department referred to in subsection 1 as provided in NRS 239.051, 239.080 and 239.085.

3. The Director shall maintain an index or record of deeds or other references of title or interests in and to all lands or interests in land owned or acquired by the Department.

4. The Director shall adopt such regulations as may be necessary to carry out and enforce the provisions of this chapter.

Sec. 37.4. **NRS 408.225 is hereby amended to read as follows:**

408.225 Except as otherwise provided in NRS 408.323 ~~[,]~~ ***and in sections 2 to 36.5, inclusive, of this act,*** the Director, with the approval of the Board, may rent, lease, purchase and contract for all equipment, materials, supplies, vehicles, road machinery, tools, implements and technical services required for the purpose of this chapter. Such equipment,

supplies and services must be managed and used under the control of the Director.

Sec. 37.5. **NRS 408.265 is hereby amended to read as follows:**

408.265 ~~[All]~~ ***Except as otherwise provided in sections 2 to 36.5, inclusive, of this act, all*** money received from the Government of the United States and by virtue of the provisions of any Act of Congress for the engineering, planning, surveying, acquiring of property, constructing, reconstructing or improving of any highway in the State must be put into the State Treasury and become a part of the State Highway Fund and that Fund must not be used for any other purpose.

Sec. 37.6. **NRS 408.389 is hereby amended to read as follows:**

408.389 1. Except as otherwise provided in subsection 2 ~~[,]~~ ***and sections 2 to 36.5, inclusive, of this act,*** the Department shall not purchase any equipment which exceeds $50,000, unless the purchase is first approved by the Board.

2. Before the Board may approve the purchase of any mobile equipment which exceeds $50,000, the Department shall:

(a) Prepare and present to the Board an analysis of the costs and benefits, including, without limitation, all related personnel costs, that are associated with:

(1) Purchasing, operating and maintaining the same item of equipment;

(2) Leasing, operating and maintaining the same item of mobile equipment; or

(3) Contracting for the performance of the work which would have been performed using the mobile equipment; and

(b) Justify the need for the purchase based on that analysis.

3. The Board shall not:

(a) Delegate to the Director its authority to approve purchases of equipment pursuant to subsection 1; or

(b) Approve any purchase of mobile equipment which exceeds $50,000 and for which the Department is unable to provide justification pursuant to subsection 2.

Sec. 37.7. **NRS 338.080 is hereby amended to read as follows:**

338.080 ~~[None]~~ ***Except as otherwise provided in section 35 of this act, none*** of the provisions of NRS 338.020 to 338.090, inclusive, apply to:

1. Any work, construction, alteration, repair or other employment performed, undertaken or carried out, by or for any railroad company or any person operating the same, whether such work, construction, alteration or repair is incident to or in conjunction with a contract to which a public body is a party, or otherwise.

2. Apprentices recorded under the provisions of chapter 610 of NRS.

3. Any contract for a public work whose cost is less than $250,000. A unit of the project must not be separated from the total project, even if that unit is to be completed at a later time, in order to lower the cost of the project below $250,000.

4. Any contract for a public work or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property to which a charter school is a party, notwithstanding any other provision of law.

5. A public work of, or constructed by, a charter school, or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property of or constructed by a charter school, notwithstanding any other provision of law.

Sec. 38. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 39. 1. This act becomes effective upon passage and approval for the purposes of establishing the Nevada State Infrastructure Bank and appointing the Board of Directors.

2. For all other purposes, this act becomes effective on the date on which the ~~[~~Administrator of the Public Works Division~~]~~ **Director** of the Department of ~~[~~Administration~~]~~ **Transportation** notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient money is available to capitalize and carry out the business of the Nevada State Infrastructure Bank created by section 20 of this act.

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 421.

Bill read second time.

The following amendment was proposed by the Committee on Corrections, Parole, and Probation:

Amendment No. 621.

AN ACT relating to corrections; authorizing the residential confinement of certain offenders who have been granted parole but are not yet eligible for release on parole; requiring the ~~[~~provision of psychiatric care or other mental health~~]~~ **coordination and oversight of certain** care for a prisoner ~~[~~in the custody of~~]~~ **by** a sheriff, chief of police or town marshal in certain counties ~~[.]~~ **and the Department of Health and Human Services;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill: (1) requires the Director of the Department of Corrections, with the approval of the Board of State Prison Commissioners, to establish a program for the residential confinement of offenders who have been granted parole but are not yet eligible for release on parole; (2) authorizes the Director to assign an offender who has been granted parole but is not yet eligible for release on parole to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement under certain circumstances; (3) requires the Director to notify the Division and certain victims of the offender of the Director's

intent to assign the offender to the custody of the Division for residential confinement; (4) prohibits the Director from assigning an offender to the custody of the Division until the Division has approved the offender's proposed plan for placement upon release; (5) requires an offender to submit to the Division a signed document concerning his or her compliance with the terms or conditions of the residential confinement; and (6) sets forth certain terms, limitations and effects applicable to an offender who is assigned to the custody of the Division to serve a term of residential confinement.

Existing law imposes upon sheriffs, chiefs of police and town marshals certain duties relating to the control and care of prisoners in their custody. (NRS 211.140) **Section 4** of this bill requires, in a county whose population is 700,000 or more (currently Clark County), a sheriff, chief of police or town marshal to arrange for ~~[psychiatric care or other mental health care for a prisoner to be provided by, and at the expense of, the Division of Public and Behavioral Health of]~~ **, and** the Department of Health and Human Services ~~[.]~~ **to provide, for the purpose of maintaining continuity of care, coordination and oversight of certain care provided to a prisoner while the prisoner is in custody and after the prisoner is released from custody. Section 4 also requires each such sheriff and the Director of the Department to report to the Legislative Committee on Health Care regarding such coordination and oversight.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall, with the approval of the Board, establish a program for the residential confinement of offenders who have been granted parole but are not yet eligible for release on parole.

2. The program established pursuant to this section may authorize the payment by the State of any costs and expenses related to the residential confinement and active electronic monitoring of an offender who is placed in the program.

3. Except as otherwise provided in subsection 5, and in accordance with the program established by the Director pursuant to subsection 1, the Director may assign an offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement pursuant to NRS 213.380 if the offender:

(a) Has been granted parole by the State Board of Parole Commissioners pursuant to NRS 213.1099 or 213.1215;

(b) Does not have a consecutive sentence to serve;

(c) Is not under another jurisdiction's order to be detained; and

(d) Is not yet eligible for release on parole.

4. If the Director intends to assign an offender to the custody of the Division of Parole and Probation pursuant to this section, the Director shall notify:

(a) The Division of Parole and Probation; and

(b) In accordance with the provisions of NRS 209.521, every victim of the offender who has requested notification of the release of the offender.

5. The Director shall not assign an offender to the custody of the Division of Parole and Probation pursuant to this section until the Division has approved the offender's proposed plan for placement upon release in accordance with subsection 2 of NRS 213.140.

6. Before an offender may be assigned to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section, he or she must submit to the Division a signed document stating that:

(a) He or she will comply with the terms or conditions of the residential confinement; and

(b) If he or she fails to comply with the terms or conditions of the residential confinement and is taken into custody outside of this State, he or she waives all rights relating to extradition proceedings.

7. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his or her residential confinement or other appropriate supervision as determined by the Division:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department. If the offender is returned to the custody of the Department, the Division shall provide to the Department a copy of the allegations and findings made pursuant to NRS 213.410 within 1 business day after the return of the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits for good behavior earned by the offender before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as the Director considers proper. The decision of the Director regarding such a forfeiture is final.

8. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of the offender's imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➥ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

9. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

10. The Division of Parole and Probation may receive and distribute restitution paid by an offender assigned to the custody of the Division pursuant to this section.

Sec. 2. NRS 209.241 is hereby amended to read as follows:

209.241 1. The Director may accept money, including the net amount of any wages earned during the incarceration of an offender after any deductions made by the Director and valuables belonging to an offender at the time of his or her incarceration or afterward received by gift, inheritance or the like or earned during the incarceration of an offender, and shall deposit the money in the Prisoners' Personal Property Fund, which is hereby created as a trust fund.

2. An offender shall deposit all money that the offender receives into his or her individual account in the Prisoners' Personal Property Fund.

3. The Director:

(a) Shall keep, or cause to be kept, a full and accurate account of the money and valuables, and shall submit reports to the Board relating to the money and valuables as may be required from time to time.

(b) May permit withdrawals for immediate expenditure by an offender for personal needs.

(c) May permit the distribution of money to a governmental entity for any applicable deduction authorized pursuant to NRS 209.247 or any other deduction authorized by law from any money deposited in the individual account of an offender from any source other than the offender's wages.

(d) Shall pay over to each offender upon his or her release any remaining balance in his or her individual account.

4. The interest and income earned on the money in the Prisoners' Personal Property Fund, after deducting any applicable bank charges, must be credited each calendar quarter as follows:

(a) If an offender's share of the cost of administering the Prisoners' Personal Property Fund for the quarter is less than the amount of interest and income earned by the offender, the Director shall credit the individual account of the offender with an amount equal to the difference between the amount of interest and income earned by the offender and the offender's share of the cost of administering the Prisoners' Personal Property Fund.

(b) If an offender's share of the cost of administering the Prisoners' Personal Property Fund for the quarter is equal to or greater than the amount of interest and income earned by the offender, the Director shall credit the interest and income to the Offenders' Store Fund.

5. An offender who does not deposit all money that the offender receives into his or her individual account in the Prisoners' Personal Property Fund as required in this section is guilty of a gross misdemeanor.

6. A person who aids or encourages an offender not to deposit all money the offender receives into the individual account of the offender in the Prisoners' Personal Property Fund as required in this section is guilty of a gross misdemeanor.

7. The Director may exempt an offender from the provisions of this section if the offender is:

(a) Confined in an institution outside this State pursuant to chapter 215A of NRS; or

(b) Assigned to the custody of the Division of Parole and Probation of the Department of Public Safety to:

(1) Serve a term of residential confinement pursuant to NRS 209.392, 209.3925 or 209.429 ~~[,]~~ ***or section 1 of this act;*** or

(2) Participate in a correctional program for reentry into the community pursuant to NRS 209.4887.

Sec. 3. NRS 209.392 is hereby amended to read as follows:

209.392 1. Except as otherwise provided in NRS 209.3925 and 209.429 ~~[,]~~ ***and section 1 of this act,*** the Director may, at the request of an offender who is eligible for residential confinement pursuant to the standards adopted by the Director pursuant to subsection 3 and who has:

(a) Demonstrated a willingness and ability to establish a position of employment in the community;

(b) Demonstrated a willingness and ability to enroll in a program for education or rehabilitation; or

(c) Demonstrated an ability to pay for all or part of the costs of the offender's confinement and to meet any existing obligation for restitution to any victim of his or her crime,

➥ assign the offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of his or her sentence.

2. Upon receiving a request to serve a term of residential confinement from an eligible offender, the Director shall notify the Division of Parole and Probation. Except as otherwise provided in NRS 213.10915, if any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.131, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim of the offender's request and advise the victim that the victim may submit documents regarding the request to the Division of Parole and Probation. If a current address has not been provided as required by subsection 4 of NRS 213.131, the Division of Parole and Probation must not be held responsible if such notification is not received by the victim. All personal information, including, but not limited to, a current or former

address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.

3. The Director, after consulting with the Division of Parole and Probation, shall adopt, by regulation, standards providing which offenders are eligible for residential confinement. The standards adopted by the Director must provide that an offender who:

(a) Has recently committed a serious infraction of the rules of an institution or facility of the Department;

(b) Has not performed the duties assigned to the offender in a faithful and orderly manner;

(c) Has been convicted of:

(1) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim within the immediately preceding 3 years;

(2) A sexual offense that is punishable as a felony; or

(3) Except as otherwise provided in subsection 4, a category A or B felony;

(d) Has more than one prior conviction for any felony in this State or any offense in another state that would be a felony if committed in this State, not including a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.420, 488.425 or 488.427; or

(e) Has escaped or attempted to escape from any jail or correctional institution for adults,

➥ is not eligible for assignment to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section.

4. The standards adopted by the Director pursuant to subsection 3 must provide that an offender who has been convicted of a category B felony is eligible for assignment to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section if:

(a) The offender is not otherwise ineligible pursuant to subsection 3 for an assignment to serve a term of residential confinement; and

(b) The Director makes a written finding that such an assignment of the offender is not likely to pose a threat to the safety of the public.

5. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of the offender's residential confinement:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits for good behavior earned by the offender before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as the Director considers proper. The decision of the Director regarding such a forfeiture is final.

6. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of the offender's imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➥ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

7. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

8. The Division of Parole and Probation may receive and distribute restitution paid by an offender assigned to the custody of the Division of Parole and Probation pursuant to this section.

Sec. 4. NRS 211.140 is hereby amended to read as follows:

211.140 1. The sheriff of each county has charge and control over all prisoners committed to his or her care in the respective county jails, and the chiefs of police and town marshals in the several cities and towns throughout this State have charge and control over all prisoners committed to their respective city and town jails and detention facilities.

2. A court shall not, at the request of any prisoner in a county, city or town jail, issue an order which affects the conditions of confinement of the prisoner unless, except as otherwise provided in this subsection, the court provides the sheriff, chief of police or town marshal having control over the prisoner with:

(a) Sufficient prior notice of the court's intention to enter the order. Notice by the court is not necessary if the prisoner has filed an action with the court challenging his or her conditions of confinement and has served a copy of the action on the sheriff, chief of police or town marshal.

(b) An opportunity to be heard on the issue.

➥ As used in this subsection, "conditions of confinement" includes, but is not limited to, a prisoner's access to the law library, privileges regarding visitation and the use of the telephone, the type of meals provided to the prisoner and the provision of medical care in situations which are not emergencies.

3. The sheriffs, chiefs of police and town marshals shall see that the prisoners under their care are kept at labor for reasonable amounts of time within the jail or detention facility, on public works in the county, city or town, or as part of a program of release for work established pursuant to NRS 211.120 or 211.171 to 211.200, inclusive.

4. The sheriff, chief of police or town marshal shall arrange for the administration of medical care required by prisoners while in his or her custody. The county, city or town shall pay the cost of appropriate medical:

(a) Treatment provided to a prisoner while in custody for injuries incurred by a prisoner while the prisoner is in custody and for injuries incurred during the prisoner's arrest for commission of a public offense if the prisoner is not convicted of that offense;

(b) Treatment provided to a prisoner while in custody for any infectious, contagious or communicable disease which the prisoner contracts while the prisoner is in custody; and

(c) Examinations required by law or by court order conducted while the prisoner is in custody unless the order otherwise provides.

5. A prisoner shall pay the cost of medical treatment for:

(a) Injuries incurred by the prisoner during his or her commission of a public offense or for injuries incurred during his or her arrest for commission of a public offense if the prisoner is convicted of that offense;

(b) Injuries ~~*[Except treatment provided pursuant to subsection 8, injuries]*~~ or illnesses which existed before the prisoner was taken into custody;

(c) Self-inflicted injuries; and

(d) Except treatment provided pursuant to subsection 4 ~~*[or 8,]*~~ any other injury or illness incurred by the prisoner.

6. ~~*[Except as otherwise provided in subsection 8:*~~

~~*(a)]*~~ A medical facility furnishing treatment pursuant to subsection 5 shall attempt to collect the cost of the treatment from the prisoner or the prisoner's insurance carrier. ~~*[*~~

~~*(b)]*~~ If the facility is unable to collect the cost and certifies to the appropriate board of county commissioners that it is unable to collect the cost of the medical treatment, the board of county commissioners shall pay the cost of the medical treatment.

7. ~~*[Except as otherwise provided in subsection 8:*~~

~~*(a)]*~~ A sheriff, chief of police or town marshal who arranges for the administration of medical care pursuant to this section may attempt to collect from the prisoner or the insurance carrier of the prisoner the cost of arranging for the administration of medical care including the cost of any transportation of the prisoner for the purpose of medical care. ~~*[*~~

~~*(b)]*~~ The prisoner shall obey the requests of, and fully cooperate with the sheriff, chief of police or town marshal in collecting the costs from the prisoner or the prisoner's insurance carrier.

8. In a county whose population is 700,000 or more, a sheriff, chief of police or town marshal shall arrange for, and ~~***[the Division of Public and Behavioral Health of]***~~ ***the Department of Health and Human Services and the various divisions thereof shall provide, for the purpose of maintaining continuity of care,*** ~~***[the psychiatric care or other mental health]***~~ ***coordination and oversight of the care*** ~~***[required by]***~~ ***for mental health and***

substance abuse treatment provided to a prisoner ~~[while in the custody of the sheriff, chief of police or town marshal. The Division shall bear the cost of that care.]~~ by:

(a) All providers of such care in the county, city or town jail or detention facility while the prisoner is in custody; and

(b) All providers of such care after the prisoner is released from custody.

➥ Each such sheriff, or his or her representative, and the Director of the Department of Health and Human Services, or his or her representative, shall, at each meeting of the Legislative Committee on Health Care, appear before the Committee to report on the coordination and oversight provided pursuant to this subsection.

Sec. 5. NRS 213.10915 is hereby amended to read as follows:

213.10915 1. The Board, in consultation with the Division, may enter into an agreement with the manager of an automated victim notification system to notify victims of the information described in NRS 209.392 and 209.3925 ***and section 1 of this act*** and subsections 4 and 7 of NRS 213.131 through the system if the system is capable of:

(a) Automatically notifying by telephone or electronic means a victim registered with the system of the information described in NRS 209.392 and 209.3925 ***and section 1 of this act*** and subsections 4 and 7 of NRS 213.131 with the timeliness required by NRS 209.392 and 209.3925 ***and section 1 of this act*** and subsections 4 and 7 of NRS 213.131; and

(b) Notifying victims registered with the system, using language provided by the Board, if the Board decides that it will discontinue the use of the system to notify victims of the information described in NRS 209.392 and 209.3925 ***and section 1 of this act*** and subsections 4 and 7 of NRS 213.131. The notice must:

(1) Be provided to each victim registered with the system not less than 90 days before the date on which the Board will discontinue use of the system; and

(2) Advise each victim to submit a written request for notification pursuant to subsection 4 of NRS 213.131 if the victim wishes to receive notice of the information described in NRS 209.392 and 209.3925 ***and section 1 of this act*** and subsections 4 and 7 of NRS 213.131.

2. The Division is not required to notify the victim of an offender of the information described in NRS 209.392 and 209.3925 ***and section 1 of this act*** and the Board is not required to notify the victim of a prisoner of the information described in subsections 4 and 7 of NRS 213.131 if:

(a) The Board has entered into an agreement pursuant to subsection 1; and

(b) Before discontinuing the notification of victims pursuant to NRS 209.392 and 209.3925 ***and section 1 of this act*** and subsections 4 and 7 of NRS 213.131, the Board, not less than two times and not less than 60 days apart, has notified each victim who has requested notification pursuant to subsection 4 of NRS 213.131 and who has provided his or her current address or whose current address is otherwise known by the Board of the

change in the manner in which a victim is notified of the information described in NRS 209.392 and 209.3925 ***and section 1 of this act*** and subsections 4 and 7 of NRS 213.131. The notice must:

(1) Advise the victim that the Division will no longer notify the victim of the information described in NRS 209.392 and 209.3925 ~~[,]~~ ***and section 1 of this act,*** that the Board will no longer notify the victim of the information described in subsections 4 and 7 of NRS 213.131, and that the victim may register with the automated victim notification system if he or she wishes to be notified of the information described in NRS 209.392 and 209.3925 ***and section 1 of this act*** and subsections 4 and 7 of NRS 213.131; and

(2) Include instructions for registering with the automated victim notification system to receive notice of the information described in NRS 209.392 and 209.3925 ***and section 1 of this act*** and subsections 4 and 7 of NRS 213.131.

3. For the purposes of this section, "victim" has the meaning ascribed to it in NRS 213.005.

Sec. 6. NRS 213.371 is hereby amended to read as follows:

213.371 As used in NRS 213.371 to 213.410, inclusive, unless the context otherwise requires:

1. "Division" means the Division of Parole and Probation of the Department of Public Safety.

2. "Offender" means a prisoner assigned to the custody of the Division pursuant to NRS 209.392, 209.3925 or 209.429 ~~[.]~~ ***or section 1 of this act.***

3. "Residential confinement" means the confinement of an offender to his or her place of residence under the terms and conditions established by the Division.

Sec. 7. NRS 213.380 is hereby amended to read as follows:

213.380 1. The Division shall establish procedures for the residential confinement of offenders.

2. The Division may establish, and at any time modify, the terms and conditions of the residential confinement, except that the Division shall:

(a) Require the offender to participate in regular sessions of education, counseling and any other necessary or desirable treatment in the community, unless the offender is assigned to the custody of the Division pursuant to NRS 209.3925 ~~[,]~~ ***or section 1 of this act;***

(b) Require the offender to be confined to his or her residence during the time the offender is not:

(1) Engaged in employment or an activity listed in paragraph (a) that is authorized by the Division;

(2) Receiving medical treatment that is authorized by the Division; or

(3) Engaged in any other activity that is authorized by the Division; and

(c) Require intensive supervision of the offender, including unannounced visits to his or her residence or other locations where the offender is expected to be in order to determine whether the offender is complying with the terms and conditions of his or her confinement.

3. An electronic device approved by the Division may be used to supervise an offender. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the offender's location, including, but not limited to, the transmission of still visual images which do not concern the offender's activities, and producing, upon request, reports or records of the offender's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the offender's activities,

➥ must not be used.

Sec. 8. NRS 178.5698 is hereby amended to read as follows:

178.5698 1. The prosecuting attorney, sheriff or chief of police shall, upon the request of a victim or witness, inform the victim or witness:

(a) When the defendant is released from custody at any time before or during the trial, including, without limitation, when the defendant is released pending trial or subject to electronic supervision;

(b) If the defendant is so released, the amount of bail required, if any; and

(c) Of the final disposition of the criminal case in which the victim or witness was directly involved.

2. A request for information pursuant to subsection 1 must be made:

(a) In writing; or

(b) By telephone through an automated or computerized system of notification, if such a system is available.

3. If an offender is convicted of a sexual offense or an offense involving the use or threatened use of force or violence against the victim, the court shall provide:

(a) To each witness, documentation that includes:

(1) A form advising the witness of the right to be notified pursuant to subsection 5;

(2) The form that the witness must use to request notification in writing; and

(3) The form or procedure that the witness must use to provide a change of address after a request for notification has been submitted.

(b) To each person listed in subsection 4, documentation that includes:

(1) A form advising the person of the right to be notified pursuant to subsection 5 or 6 and NRS 176.015, 176A.630, 178.4715, 209.392, 209.3925, 209.521, 213.010, 213.040, 213.095 and 213.131 ***and section 1 of this act*** or NRS 213.10915;

(2) The forms that the person must use to request notification; and

(3) The forms or procedures that the person must use to provide a change of address after a request for notification has been submitted.

4. The following persons are entitled to receive documentation pursuant to paragraph (b) of subsection 3:

(a) A person against whom the offense is committed.

(b) A person who is injured as a direct result of the commission of the offense.

(c) If a person listed in paragraph (a) or (b) is under the age of 18 years, each parent or guardian who is not the offender.

(d) Each surviving spouse, parent and child of a person who is killed as a direct result of the commission of the offense.

(e) A relative of a person listed in paragraphs (a) to (d), inclusive, if the relative requests in writing to be provided with the documentation.

5. Except as otherwise provided in subsection 6, if the offense was a felony and the offender is imprisoned, the warden of the prison shall, if the victim or witness so requests in writing and provides a current address, notify the victim or witness at that address when the offender is released from the prison.

6. If the offender was convicted of a violation of subsection 3 of NRS 200.366 or a violation of subsection 1, paragraph (a) of subsection 2 or subparagraph (2) of paragraph (b) of subsection 2 of NRS 200.508, the warden of the prison shall notify:

(a) The immediate family of the victim if the immediate family provides their current address;

(b) Any member of the victim's family related within the third degree of consanguinity, if the member of the victim's family so requests in writing and provides a current address; and

(c) The victim, if the victim will be 18 years of age or older at the time of the release and has provided a current address,

➥ before the offender is released from prison.

7. The warden must not be held responsible for any injury proximately caused by the failure to give any notice required pursuant to this section if no address was provided to the warden or if the address provided is inaccurate or not current.

8. As used in this section:

(a) "Immediate family" means any adult relative of the victim living in the victim's household.

(b) "Sexual offense" means:

(1) Sexual assault pursuant to NRS 200.366;

(2) Statutory sexual seduction pursuant to NRS 200.368;

(3) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(4) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;

(5) Incest pursuant to NRS 201.180;

(6) Open or gross lewdness pursuant to NRS 201.210;

(7) Indecent or obscene exposure pursuant to NRS 201.220;

(8) Lewdness with a child pursuant to NRS 201.230;

(9) Sexual penetration of a dead human body pursuant to NRS 201.450;

(10) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540;

(11) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550;

(12) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;

(13) An offense that, pursuant to a specific statute, is determined to be sexually motivated; or

(14) An attempt to commit an offense listed in this paragraph.

Sec. 9. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720,

453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 1 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the

confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 10. This act becomes effective on July 1, 2017.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer, Assembly Bills Nos. 16, 29, 41, 49, 94, 97, 104, 106, 109, 122, 130, 159, 186, 266, 278, 303, 309, 348, 354, 362, 382, 399, 402, 404, 406, 407, 409, 413, 414, 416, 421, 422, 423, 434, 436, 440, 447, 449, 458, 474, 486, and 491 be rereferred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 83.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 619.

AN ACT relating to insurance; providing for administrative supervision of insurers and other entities by the Commissioner of Insurance; providing for the regulation of network plans; revising provisions relating to medical malpractice insurance, the general regulation of insurers, reinsurance, motor vehicle insurance, industrial insurance, health insurance in general, health benefit plans in general, funeral and burial services, individual health insurance, group and blanket health insurance, health insurance for small employers, service contracts, credit personal property insurance, nonprofit corporations for hospital, medical and dental service, health maintenance organizations, plans for dental care, prepaid limited health service organizations and managed care organizations; ~~[exempting the Commissioner from the Nevada Administrative Procedure Act for certain purposes;]~~ revising provisions relating to the confidentiality of certain documents and other information; revising various references to insurance

agents and brokers; repealing various provisions governing summaries of coverage, loss prevention, disclosures of certain information, continuation of coverage and insurance requirements for prepaid limited health service organizations; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Commissioner of Insurance to regulate insurance in this State. (NRS 679B.120) This bill adds to, revises and repeals various provisions of existing law, primarily in title 57 of NRS, relating to the regulation of insurance in this State.

Sections 2-13 of this bill authorize the Commissioner to place an insurer under administrative supervision and set forth the requirements for such supervision. **Section 6** authorizes the Commissioner to place an insurer under administrative supervision under specified circumstances, including, without limitation, when the insurer is in a hazardous financial condition, when the insurer appears to have exceeded its powers or if an insurer agrees to be placed under such supervision. **Section 6** further provides for the duration of the administrative supervision and the release of the insurer from administrative supervision. **Section 7** designates the Commissioner or an appointee thereof as the administrative supervisor of an insurer under administrative supervision, authorizes the Commissioner to limit the actions of such an insurer and lists various types of actions which the Commissioner may prohibit the insurer from taking without obtaining advance approval from the Commissioner or appointee. **Sections 3 and 4** define, for the purposes of **sections 2-13**, the terms "Commissioner" and "insurer." Both terms are currently defined for the purposes of existing law, but **sections 3 and 4** provide more expansive definitions for the purposes of **sections 2-13**. (NRS 679A.060, 679A.100) **Section 5** expressly makes **sections 2-13** apply to insurers and other persons, including, without limitation, a person purporting to be an insurer, organizing to be an insurer or holding himself or herself out as organizing to be an insurer. **Section 8** governs the use and confidentiality of information relating to the administrative supervision of an insurer. **Section 9** establishes provisions governing the contesting or reviewing of decisions made by the Commissioner or an appointee thereof pursuant to **sections 2-13**. **Section 10** ensures that the Commissioner may institute delinquency proceedings against an insurer without regard to whether the insurer is or was under administrative supervision. **Section 11** authorizes the Commissioner, a designee of the Commissioner and an attorney or other persons to meet, for specified purposes, outside the presence of other persons. **Section 12** authorizes the Commissioner to adopt regulations and to employ various persons to carry out the administrative supervision of an insurer. **Section 12** further authorizes the Commissioner to require the insurer under administrative supervision to pay the compensation and expenses of the persons the Commissioner appoints and employs for the purposes of the administrative supervision. **Section 13** provides that the

Commissioner and his or her employees and agents are not liable for actions taken pursuant to **sections 2-13**.

Section 14 of this bill revises the information the Commissioner is required to collect regarding closed claims for medical malpractice. (NRS 679B.144) **Sections 117 and 118** remove the requirement to report certain information regarding closed claims for medical malpractice. (NRS 690B.250, 690B.260) **Section 119** of this bill revises requirements concerning professional liability insurance for essential medical specialties. (NRS 690B.350) **Section 120** of this bill revises requirements concerning information to be gathered and reports to be provided by the Commissioner concerning medical malpractice insurance. (NRS 690B.360)

Sections 15, 21, 26, 27, 29-32, 164 and 165 of this bill replace various references to insurance agents, brokers and solicitors, which are undefined terms, with the term "producer of insurance," which is defined as "a person required to be licensed under the laws of this state to sell, solicit or negotiate insurance." (NRS 679A.117)

Section 16 of this bill requires an insurer to which the Commissioner has issued a certificate of authority to notify the Commissioner of material changes to the information provided by the insurer to the Commissioner in the insurer's application for a certificate of authority. **Section 18** of this bill authorizes a life insurer or multiple lines insurer to issue life or health insurance policies under its own name and under additional titles. (NRS 680A.240)

Existing law requires an authorized insurer annually to file with the Commissioner a full and true statement of the insurer's financial condition, transactions and affairs as of the previous December 31 and makes confidential certain information submitted to the Division of Insurance of the Department of Business and Industry. (NRS 680A.270) **Section 19** of this bill expands the confidentiality provision to include all work papers, documents and materials prepared for the purpose of submitting the statement or by or on behalf of the Division. **Section 19** also authorizes the insurer to file, as an exhibit separate from the annual statement, specified disclosures of compensation paid to or on behalf of an insurer's officers, directors or employees and makes such information confidential.

Section 20 of this bill expands the applicability of the monetary penalty required to be imposed for a delay by an insurer in properly filing an annual statement. (NRS 680A.280) **Section 24** of this bill narrows the definition of the term "managing general agent" to include the management of an underwriting office. (NRS 683A.060) **Section 25** of this bill removes the willfulness requirement from one of the grounds for which the Commissioner may suspend or revoke the certificate of registration of an administrator **~~[.]~~ and replaces it with a knowingly requirement.** (NRS 683A.0892) **Section 33** of this bill revises the duties of an insurer with regard to the use of information in a consumer credit report. (NRS 686A.680)

Section 22 of this bill authorizes the Commissioner to adopt regulations governing certain arrangements for reinsurance, including, without limitation, the amounts and forms of security which must be held pursuant to those arrangements.

Section 28 of this bill provides for the automatic suspension of the license of a motor vehicle physical damage appraiser if the appraiser does not file a replacement bond for a required surety bond in the event of the cancellation of the required surety bond. (NRS 684B.030) **Section 86** of this bill revises provisions governing the cancellation, nonrenewal or increase in premiums for renewal of a policy of motor vehicle insurance as the result of the filing of certain claims. (NRS 687B.385)

Section 35 of this bill defines the term "large-deductible agreement" as certain agreements in which the policyholder must bear the risk of loss of a specified amount of $25,000 or more per claim or occurrence covered under the policy of industrial insurance. **Section 38** of this bill requires full collateralization of the outstanding obligations owed under a large-deductible agreement and limits the size of the policyholder's obligations under the large-deductible agreement. **Section 39** of this bill generally prohibits an insurer from issuing or renewing a policy of industrial insurance which includes a large-deductible agreement if the insurer is in a hazardous financial condition. **Section 37** of this bill limits the applicability of **sections 38 and 39** to policies of industrial insurance with large-deductible agreements which are issued by insurers with both ratings below specified levels and surpluses below specified amounts. **Section 37** further specifies that **sections 38 and 39** only apply to policies of industrial insurance issued or renewed on or after January 1, 2018, and which are not issued to a governmental entity. **Section 166** of this bill revises the definition of the term "tangible net worth" in relation to industrial insurance, specifically self-insured employers and associations of self-insured employers. (NRS 616A.330)

Existing law provides for the Commissioner to consider each proposed increase or decrease in the rates of various kinds and lines of insurance. (NRS 686B.070) **Section 36** of this bill creates new procedures for the Commissioner to consider each proposed increase or decrease in the rates of health plans for individual health insurance, group and blanket health insurance, health insurance for small employers, nonprofit corporations for hospital, medical and dental services, health maintenance organizations, plans for dental care and prepaid limited health service organizations. **Section 44** of this bill clarifies that the existing procedures for considering a proposed increase or decrease do not apply to the insurers subject to the provisions of **section 36**. (NRS 686B.110)

Sections 88 and 89 of this bill revise existing provisions relating to health benefit plans by specifying that the group market and small group market being considered in these provisions must be the "small employer" group market. (NRS 687B.490, 687B.500)

Sections 51-85 of this bill establish provisions governing network plans. **Section 60** defines a network plan as a health benefit plan offered or issued by a health carrier under which the financing and delivery of health care services are provided, in whole or in part, through a defined set of providers of health care under contract with the health carrier. **Sections 52-59 and 61-64** define other terms for the regulation of network plans. **Section 65** requires a health carrier to comply with and ensure that network plans and related contracts comply with **sections 51-85**. **Sections 66, 71, 79, 81 and 84** require a health carrier to provide for notice to providers of health care concerning: (1) covered services; (2) the health carrier's policies and programs; (3) the providers' obligations to collect payments; (4) determinations of coverage; and (5) the inclusion of and status of a participating provider in the network plan. **Sections 67, 68, 70, 74 ~~[~~, 75~~]~~ and 77** require a contract between a provider of health care and a health carrier to contain provisions which: (1) prohibit the provider from collecting excess amounts from covered persons; (2) require the continuation of health care services in the event of cessation of the operations of the health carrier; (3) ~~[prohibit the provider from collecting from covered persons any amounts owed to the provider by the health carrier;]~~ **require that written notice be provided to a participating provider of health care in certain circumstances;** (4) require the provider to make health care records available under certain circumstances; **and** (5) ~~[require good faith efforts to notify covered persons when a participating provider leaves the network; and (6)]~~ prohibit the assignment or delegation of rights under the contract. **Section 69** provides that specified provisions in a contract between a provider of health care and a health carrier must be construed in favor of the covered person. **Section 72** prohibits a health carrier from offering inducement to a provider of health care to provide health care services which are less than medically necessary. **Section 73** requires that a health carrier allow a provider of health care to discuss all treatment options with a covered person and advocate for the covered person. ~~[Section 76 sets forth requirements for the continuation of health care services for a covered person after the termination of the contract between the health carrier and the covered person's provider of health care.]~~ **Section 78** governs the furnishing of covered services to all covered persons. **Section 80** prohibits a health carrier from penalizing a provider of health care who reports to state or federal authorities certain practices of the health carrier. **Section 82** requires a health carrier to establish procedures for dispute resolution between a provider of health care and the health carrier. **Section 83** prohibits a contract between a provider of health care and a health carrier from containing any provision which conflicts with the network plan or with any provision of **sections 51-85**. **Section 85** authorizes the Commissioner to adopt regulations to carry out **sections 51-85**.

Section 90 of this bill provides for the automatic suspension of the certificate of authority of a seller of prepaid contracts for funeral services if the seller does not file a replacement bond for a required surety bond in the

event of the cancellation of the required surety bond. (NRS 689.185) **Section 91** of this bill similarly provides for the automatic suspension of the permit of a seller of prepaid contracts for burial services if the seller does not file a replacement bond for a required surety bond in the event of the cancellation of the required surety bond. (NRS 689.495)

Section 92 of this bill provides, with certain exceptions, that unified rate review templates and rate filing documentation of individual carriers are considered proprietary, constitute a trade secret and are not subject to disclosure by the Commissioner. **Sections 98, 110, 112 and 114** of this bill remove the notice requirement regarding the discontinuance ~~[of a form]~~ of a product: (1) of a health benefit plan; (2) of group health insurance; (3) offered to small employers; and (4) offered to small employers or purchasers through a voluntary purchasing group. (NRS 689A.630, 689B.560, 689C.310, 689C.470) **Sections 109, 113 and 134** of this bill remove the requirement that certain policies of group health insurance, health benefit plans and group contracts for hospital, medical or dental services include a provision regarding the point at which an insured's payment of coinsurance for a provider of health care who is not preferred is no longer required to be paid. (NRS 689B.061, 689C.350, 695B.185)

Section 111 of this bill deletes provisions governing the determination of whether an employer is small or large, and the applicability of other provisions after an employer is deemed large. (NRS 689C.111)

Sections 122-124 and 127-129 of this bill revise provisions relating to service contracts which are contracts pursuant to which a provider is obligated to the purchaser of the service contract to repair, replace or perform maintenance on, or indemnify or reimburse the purchaser for the costs of repairing, replacing or performing maintenance on, goods that are described in the service contract. (NRS 690C.080) **Section 123** sets forth the qualifications of a controlling person for the purposes of determining the controlling person of a provider of service contracts. **Section 127** adds to the requirements for a provider to apply for and obtain a certificate of registration to issue, sell or offer for sale service contracts, including providing **certain** personal and criminal history information about the controlling persons of the provider and ~~[providing an affidavit affirming]~~ **verifying** that the information in the application for a certificate of registration is accurate **~~[.]~~ to the best of his or her knowledge.** (NRS 690C.160) **Section 124** prohibits a provider from transferring its liability under a service contract except under specified conditions, including, without limitation, obtaining the approval of the Commissioner. **Section 128** revises the requirements governing the financial security which must be maintained by a provider, including, without limitation, expanded requirements concerning a reserve account. (NRS 690C.170) **Section 129** revises provisions which govern the notice required by a provider which ceases to do business in this State. (NRS 690C.240)

Section 130 of this bill deletes a requirement that the Commissioner is required to adopt regulations relating to reasonable rates for credit personal property insurance. (NRS 691C.340) However, **section 130** retains express authority for the Commissioner to adopt regulations concerning rates for credit personal property insurance an insurer may use without making certain filings. **Section 131** deletes a requirement that the Commissioner is required to adopt regulations relating to a refund of unearned premiums for credit personal property insurance. (NRS 691C.390)

Sections 132 and 142 of this bill require nonprofit corporations for hospital, medical or dental service and health maintenance organizations to contract with an insurance company to provide insurance, indemnity or reimbursement against the cost of services provided and sets forth requirements relating to the payment of claims made to insureds or enrollees, as applicable, in the case of the insolvency or impairment of such corporation or organization.

Existing law sets forth provisions regarding the insolvency of nonprofit corporation for hospital, medical or dental service. (NRS 695B.150) **Section 133** of this bill expands the requirements for determinations concerning the insolvency of such a corporation, adds provisions concerning the impairment of such a corporation and authorizes the Commissioner to adopt regulations concerning a determination that such a corporation is in a hazardous financial condition. **Sections 143, 152 and 156** of this bill establish similar provisions for health maintenance organizations, organizations for dental care and prepaid limited health service organizations.

Existing law clarifies that nonprofit hospital and medical or dental service corporations, health maintenance organizations, organizations for dental care and prepaid limited health service organizations are subject to certain other provisions of existing law. (NRS 695B.320, 695C.055, 695D.095, 695F.090) **Sections 138, 147, 154 and 157** of this bill revise such provisions to include additional requirements for applicability. **Section 144** of this bill requires each health maintenance organization to develop, submit to the Commissioner and put into effect a plan to provide for the continuation of benefits to enrollees in the event of the insolvency or impairment of the health maintenance organization. **Section 145** of this bill authorizes the Commissioner to take certain actions regarding the operation of a health maintenance organization if the Commissioner determines that, because of the financial condition of the health maintenance organization, the continued operation of the health maintenance organization may be hazardous to its enrollees or creditors or to the general public. **Section 146** of this bill addresses the conservation, rehabilitation and liquidation of health maintenance organizations. **Section 149** of this bill revises provisions governing examinations of health maintenance organizations by the Commissioner or an examiner designated by the Commissioner. (NRS 695C.310)

Section 153 of this bill requires an organization for dental care to maintain a capital account with a minimum net worth of not less than $500,000 unless a different amount is authorized by the Commissioner. **Section 155 and 158** of this bill revise requirements for organizations for dental care and prepaid limited health service organizations to maintain surety bonds or deposits by increasing the amount of such bonds or deposits from $250,000 to $500,000 and authorizing the Commissioner to increase the amount of such bonds or deposits under certain circumstances. (NRS 695D.170, 695F.200) **Section 158** also increases the minimum net worth a prepaid limited health service organization must maintain in a capital account from $200,000 to $500,000.

Existing law requires a managed care organization to report annually to the Commissioner regarding its methods for reviewing the quality of health care services provided to its insureds. (NRS 695G.130) **Section 159** of this bill changes the timeline for submitting such a report and requires that the report be submitted on a form prescribed by the Commissioner.

~~**[** Section 162 of this bill exempts the Commissioner from the Nevada Administrative Procedure Act for the purposes of establishing and adjusting certain standards and requirements relating to health insurance. (NRS 233B.039)**]**~~

Sections 103-106, 139, 140, 148, 160 and 161 of this bill remove the State Board of Health from the provisions governing systems for resolving complaints of insureds. (NRS 689A.745, 689A.750, 689B.0285, 389B.029, 695B.380, 695B.390, 695C.080, 695G.200, 695G.220)

Section 168 repeals: (1) the requirement for certain insurers and the Commissioner to submit annual reports addressing loss prevention and control programs (NRS 680A.290, 690B.370); (2) the requirement for certain insurers to make certain disclosures (NRS 689A.390, 689A.400, 689A.690, 689B.027, 689B.028, 689C.270, 689C.280, 689C.440, 689C.450, 695B.172, 695B.174); and (3) the requirement for a prepaid limited health service organization to contract with an insurance company for certain purposes (NRS 695F.215).

Sections 17, 23, 40-43, 45-49, 87, 93-97, 99-102, 107, 108, 115, 116, 125, 126, 135, 136, 150 and 163 of this bill make conforming changes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 57 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 13, inclusive, of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Commissioner" means the Commissioner of Insurance and, if applicable:***

1. A deputy of the Commissioner; or

2. The Division.

Sec. 4. *"Insurer" includes, without limitation:*

1. A captive insurer that has been issued a certificate of authority pursuant to chapter 694C of NRS;

2. A fraternal benefit society that has been issued a certificate of authority pursuant to chapter 695A of NRS;

3. A health maintenance organization that has been issued a certificate of authority pursuant to chapter 695C of NRS;

4. A nonprofit corporation for hospital, medical or dental services that has been issued a certificate of authority pursuant to chapter 695B of NRS;

5. An organization for dental care that has been issued a certificate of authority pursuant to chapter 695D of NRS;

6. A prepaid limited health service organization that has been issued a certificate of authority pursuant to chapter 695F of NRS;

7. A risk retention group that has been issued a certificate of registration pursuant to chapter 695E of NRS;

8. Any person who is engaged as principal and as indemnitor, surety or contractor in the business of entering into contracts of insurance; and

9. Any person purporting to be an insurer listed in subsections 1 to 8, inclusive, or in the process of organizing, or holding himself or herself out as organizing, or proposing to organize in this State for the purpose of becoming an insurer listed in subsections 1 to 8, inclusive.

Sec. 5. *The provisions of this chapter apply to:*

1. All domestic insurers;

2. Any foreign insurer doing business in this State regarding whom an applicable official of the foreign insurer's state of domicile has requested that the Commissioner apply the provisions of this chapter to the foreign insurer;

3. All persons purporting to be an insurer, or in the process of organizing, or holding themselves out as organizing, or proposing to organize in this State for the purpose of becoming an insurer; and

4. All other persons to whom the provisions of this chapter are otherwise expressly made applicable by law.

Sec. 6. *1. The Commissioner may place an insurer under administrative supervision if:*

(a) At any time, the Commissioner determines that:

(1) The insurer is in a hazardous financial condition as set forth in regulations adopted pursuant to NRS 680A.205 or 695B.150 or section 143, 152 or 156 of this act or any other applicable provision of this title;

(2) The insurer is in a hazardous financial condition pursuant to NRS 682A.510 or section 145 and 146 of this act or any other applicable provision of this title;

(3) The continued operation of the insurer transacting business in this State may be hazardous to the insureds or creditors of the insurer or to the general public;

(4) As described in subsection 5, the insurer appears to have exceeded its powers as granted by its license or certificate of authority, as applicable, or as granted by applicable law; or

(5) ~~[The insurer has failed or refused to comply with any applicable provision of this Code; or~~

~~(6)]~~ The insurer is conducting its business fraudulently; or

(b) The insurer agrees to be placed under administrative supervision.

2. If the Commissioner places an insurer under administrative supervision pursuant to subsection 1:

(a) The Commissioner shall promptly notify the insurer that the insurer has been placed under administrative supervision, and include with that notice:

(1) The determination, if any, made by the Commissioner pursuant to paragraph (a) of subsection 1;

(2) A written list of the actions which the insurer must take to satisfy the Commissioner that the placement of the insurer under administrative supervision pursuant to subsection 1 is no longer appropriate;

(3) The initial period of administrative supervision established pursuant to paragraph (b);

(4) The actions, if any, identified by the Commissioner pursuant to subsection 2 of section 7 of this act; and

(5) A statement that the provisions of this chapter govern the administrative supervision of the insurer.

(b) Except as otherwise provided in this paragraph, the initial period of administrative supervision begins upon the insurer's receipt of the notice described in paragraph (a) and ends 60 days after the date of the Commissioner's determination pursuant to paragraph (a) of subsection 1 or the date of the insurer's agreement pursuant to paragraph (b) of subsection 1, as applicable. The Commissioner may designate a different date for the end of the initial period of administrative supervision, if the Commissioner determines that a different date is appropriate and includes that date in the notice required by paragraph (a).

3. The insurer remains under administrative supervision pursuant to this section from the beginning of the initial period of administrative supervision established pursuant to paragraph (b) of subsection 2 until the date on which the insurer is released from administrative supervision by the Commissioner pursuant to paragraph (a) of subsection 4.

4. At the end of the initial period of supervision established pursuant to paragraph (b) of subsection 2 and at the end of any extended period of supervision established pursuant to paragraph (b) of this subsection, the Commissioner shall provide the insurer with notice and an opportunity for a hearing to determine whether the insurer has taken the actions specified

pursuant to subparagraph (2) of paragraph (a) of subsection 2 to the satisfaction of the Commissioner. If the Commissioner determines that the insurer:

(a) Has taken such actions to the satisfaction of the Commissioner, the Commissioner shall release the insurer from administrative supervision; or

(b) Has not taken such actions to the satisfaction of the Commissioner, the Commissioner shall designate an extended period of supervision during which the insurer remains under administrative supervision.

5. For the purposes of subparagraph (2) of paragraph (a) of subsection 1, an insurer shall be deemed to have exceeded its powers if the insurer:

(a) Refused to permit the Commissioner, or an examiner authorized by the Commissioner, to examine its books, papers, accounts, records or affairs;

(b) Is a domestic insurer and unlawfully removed from this State books, papers, accounts or records necessary for an examination of the insurer;

(c) Failed or refused to promptly comply with any applicable statutes or regulations relating to financial reporting or any requests of the Commissioner relating thereto;

(d) Failed or refused to comply with an order of the Commissioner to make good, within the time prescribed by law, any prohibited deficiency in its capital, capital stock or surplus;

(e) Continued to transact insurance or write business in this State after its license or certificate of authority, as applicable, has been revoked or suspended by the Commissioner;

(f) Unlawfully, in violation of an order of the Commissioner, or without first having obtained written approval of the Commissioner if written approval is required by law, and whether accomplished by contract or otherwise:

(1) Completely reinsured its entire outstanding business; or

(2) Merged or substantially consolidated its entire property or business with another insurer;

(g) Engaged in any transaction in which it is not authorized to engage under the laws of this State; or

(h) Otherwise failed or refused to comply with a lawful order of the Commissioner.

Sec. 7. *1. During the period an insurer is under administrative supervision pursuant to section 6 of this act, the Commissioner or an appointee designated by the Commissioner shall serve as the administrative supervisor of the insurer.*

2. The Commissioner may identify any one or more actions specified in subsection 3 as actions which the insurer shall not take during the period the insurer remains under administrative supervision pursuant to section 6 of this act unless the insurer obtains approval in advance from the administrative supervisor designated pursuant to subsection 1.

3. If identified by the Commissioner pursuant to subsection 2, the insurer shall not, without obtaining approval in advance from the administrative supervisor:

(a) Dispose of, convey or encumber any of its assets or its business in force;

(b) Withdraw money from any of its bank accounts;

(c) Lend any of its money;

(d) Invest any of its money;

(e) Transfer any of its property;

(f) Incur any debt, obligation or liability;

(g) Merge or consolidate with another insurer or any other business entity as defined in NRS 682A.025;

(h) Approve new premiums or renew any policies;

(i) Enter into any new reinsurance contract or treaty;

(j) Terminate, surrender, forfeit, convert or lapse any insurance policy, certificate or contract, except for nonpayment of premiums due;

(k) Release, pay or refund premium deposits, accrued cash or loan values, unearned premiums or other reserves on any insurance policy, certificate or contract;

(l) Make any material change in management; or

(m) Increase any salary or benefit of an officer or director, increase the preferential payment of a bonus or dividend or increase any other payment deemed by the Commissioner to be preferential.

Sec. 8. ***1. Notwithstanding any other provision of law and except as set forth in this section and NRS 239.0115, any proceedings and hearings, and any notices, correspondence, reports, records and other information in the possession of the Commissioner, relating to the administrative supervision of any insurer pursuant to this chapter are confidential by law and privileged, are not subject to subpoena, are not subject to discovery and are not admissible in evidence in any private civil action.***

2. The Commissioner may use the information specified in subsection 1 in the furtherance of any regulatory or legal action brought as part of his or her official duties, including, without limitation, his or her duties as a receiver pursuant to chapter 696B of NRS.

3. Neither the Commissioner nor any other person who received access to any information specified in subsection 1 while acting under the authority of the Commissioner may be permitted or required to testify in any private civil action concerning the information.

4. In order to assist in the performance of the regulatory duties of the Commissioner, the Commissioner may:

(a) Share the information specified in subsection 1 with:

(1) Other state, federal and international regulatory agencies, including, without limitation, members of any supervisory college as defined in NRS 692C.359;

(2) The National Association of Insurance Commissioners and its affiliates and subsidiaries;

(3) Third party consultants designated by the Commissioner; and

(4) State, federal and international law enforcement authorities, if the Commissioner determines that the disclosure is necessary or proper for the enforcement of the laws of this State or another state,

➥ provided that the recipient agrees to maintain the confidentiality of the applicable information specified in subsection 1. No waiver of any applicable privilege or claim of confidentiality occurs because of the sharing of information pursuant to this paragraph.

(b) Open any proceedings or hearings to the public or make public any other information specified in subsection 1 if the Commissioner determines that it is in the best interest of the public or in the best interest of the insurer, the insureds or creditors of the insurer, or the general public.

Sec. 9. *1. During the period an insurer is under administrative supervision pursuant to section 6 of this act, the insurer may contest any action taken or proposed to be taken by the administrative supervisor designated pursuant to subsection 1 of section 7 of this act on the ground that the action would not result in improving the condition of the insurer. To contest an action taken or proposed to be taken by the administrative supervisor, the insurer must submit a request for reconsideration to the administrative supervisor. If the administrative supervisor, upon reconsideration, denies the insurer's request, the insurer may request a review of the decision of the administrative supervisor pursuant to NRS 679B.310 to 679B.370, inclusive.*

2. Any action taken by the Commissioner pursuant to this chapter is subject to:

(a) Review pursuant to NRS 679B.310 to 679B.370, inclusive, and any regulations adopted pursuant thereto; and

(b) Judicial review pursuant to chapter 233B of NRS.

Sec. 10. *Nothing in this chapter shall be construed to limit the authority of the Commissioner to institute delinquency proceedings against an insurer pursuant to chapter 696B of NRS for the purpose of conserving, rehabilitating, reorganizing or liquidating the insurer, without regard to whether the Commissioner has currently or previously placed the insurer under administrative supervision pursuant to section 6 of this act.*

Sec. 11. *Notwithstanding any other provision of law, at the time of any proceeding or during the pendency of any proceeding held pursuant to this chapter, the Commissioner may meet with an administrative supervisor designated by the Commissioner pursuant to subsection 1 of section 7 of this act, and with the attorney or other representative of the administrative supervisor designated pursuant to subsection 1 of section 7 of this act, without the presence of any other person:*

1. To carry out the duties of the Commissioner under this chapter; or

2. To allow the administrative supervisor to carry out his or her duties under this chapter.

Sec. 12. ***The Commissioner may:***

1. Adopt any regulations necessary to carry out the purposes and provisions of this chapter;

2. In addition to an administrative supervisor designated by the Commissioner pursuant to subsection 1 of section 7 of this act, employ any other counsels, actuaries, clerks and assistants as the Commissioner deems necessary for the administrative supervision of an insurer; and

3. Require an insurer placed under administrative supervision to pay the compensation and expenses of the administrative supervisor designated by the Commissioner pursuant to subsection 1 of section 7 of this act and any other counsels, actuaries, clerks and assistants described in subsection 2.

Sec. 13. ***There shall be no liability on the part of, and no cause of action of any nature against, the Commissioner or any employee or agent of the Commissioner, or an administrative supervisor designated pursuant to subsection 1 of section 7 of this act, for any action taken by them in the performance of their powers and duties under this chapter.***

Sec. 14. NRS 679B.144 is hereby amended to read as follows:

679B.144 1. The Commissioner shall collect and maintain the information provided by insurers pursuant to NRS 690B.260 regarding each closed claim for medical malpractice filed against a person who is covered by a policy of insurance for medical malpractice in this state, including, without limitation:

(a) The cause of the loss;

(b) A description of the injury for which the claim was filed;

(c) The sex of the injured person;

(d) The names and number of defendants in each claim;

(e) The type of coverage provided;

(f) ~~[~~The amount of the initial, highest and last reserves of an insurer for each claim before final resolution of the claim by settlement or trial;

~~(g)~~~~]~~ The disposition of each claim;

~~[(h)]~~ ***(g)*** The amount of money awarded through settlement or by verdict;

~~[(i)]~~ ***(h)*** The sum of money paid to each claimant and the source of that sum;

~~[(j)]~~ ***(i)*** Any sum of money allocated to expenses for the adjustment of losses; and

~~[(k)]~~ ***(j)*** Any other information the Commissioner determines to be necessary or appropriate.

2. The Commissioner shall submit with the report to the Legislature required pursuant to NRS 679B.410 a summary of the information collected pursuant to this section.

3. The Commissioner ~~[shall]~~ ***may*** adopt regulations necessary to carry out the provisions of this section.

4. As used in this section, "policy of insurance for medical malpractice" means a policy that provides coverage for any medical professional liability of the insured under the policy.

Sec. 15. NRS 679B.240 is hereby amended to read as follows:

679B.240 To ascertain compliance with law, or relationships and transactions between any person and any insurer or proposed insurer, the Commissioner may, as often as he or she deems advisable, examine the accounts, records, documents and transactions relating to such compliance or relationships of:

1. Any ***producer of*** insurance ***,*** ~~[agent,]~~ solicitor, ~~[broker,]~~ surplus lines broker, general agent, adjuster, insurer representative, bail agent, motor club agent or any other licensee or any other person the Commissioner has reason to believe may be acting as or holding himself or herself out as any of the foregoing.

2. Any person having a contract under which the person enjoys in fact the exclusive or dominant right to manage or control an insurer.

3. Any insurance holding company or other person holding the shares of voting stock or the proxies of policyholders of a domestic insurer, to control the management thereof, as voting trustee or otherwise.

4. Any subsidiary of the insurer.

5. Any person engaged in this state in, or proposing to be engaged in this state in, or holding himself or herself out in this state as so engaging or proposing, or in this state assisting in, the promotion, formation or financing of an insurer or insurance holding corporation, or corporation or other group to finance an insurer or the production of its business.

6. Any independent review organization, as defined in NRS 695G.026.

Sec. 16. Chapter 680A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each insurer to which the Commissioner issues a certificate of authority shall notify the Commissioner of all material changes to the information provided by the insurer in its written application pursuant to NRS 680A.150, including, without limitation:

(a) Any change of address, such as a change to:

(1) The mailing address of the home office, or any other physical address, of the insurer; and

(2) Any other mailing address of the insurer, including, without limitation, the address used for general correspondence or for annual renewal notices;

(b) Any changes in the officers, directors or ownership of the insurer;

(c) Any changes to the manner of service of legal process against the insurer; and

(d) Any changes to the articles of incorporation, by-laws or power of attorney for the attorney-in-fact of the insurer.

2. The notice required by subsection 1 must be provided to the Commissioner within 30 days after the date on which the change occurs.

3. If an insurer changes its physical or mailing address without giving written notice and the Commissioner is unable to locate the insurer after diligent effort, the Commissioner may suspend or revoke the insurer's certificate of authority without a hearing. The mailing of a letter by certified mail, return receipt requested, addressed to the insurer at its last mailing address appearing on the records of the Division, and the return of the letter undelivered, constitutes a diligent effort by the Commissioner. In lieu of such a suspension or revocation, the Commissioner may levy upon the insurer, and the insurer shall pay forthwith, an administrative fine of not more than $2,000 for each act or violation.

Sec. 17. NRS 680A.095 is hereby amended to read as follows:

680A.095 1. Except as otherwise provided in subsection 3, an insurer which is not authorized to transact insurance in this State may not transact reinsurance with a domestic insurer in this State, by mail or otherwise, unless the insurer holds a certificate of authority as a reinsurer in accordance with the provisions of NRS 680A.010 to 680A.150, inclusive, 680A.160 to ~~[~~680A.290,~~]~~ ***680A.280,*** inclusive, ***and section 16 of this act,*** 680A.320 and 680A.330.

2. To qualify for authority only to transact reinsurance, an insurer must meet the same requirements for capital and surplus as are imposed on an insurer which is authorized to transact insurance in this State.

3. This section does not apply to the joint reinsurance of title insurance risks or to reciprocal insurance authorized pursuant to chapter 694B of NRS.

Sec. 18. NRS 680A.240 is hereby amended to read as follows:

680A.240 1. A property insurer or multiple line insurer authorized to transact insurance in Nevada shall have the right to issue property insurance policies under its own name and under additional "titles" or under additional "titles" duly registered by the insurer with the Commissioner.

2. ***A life insurer or multiple line insurer authorized to transact insurance in Nevada shall have the right to issue life or health insurance policies under its own name and under additional "titles" or under additional "titles" duly registered by the insurer with the Commissioner.***

3. The Commissioner shall, upon the insurer's request, furnish to the insurer the form required for such registration, and the insurer shall pay the fee for registration as specified in NRS 680B.010 (fee schedule). Registered titles shall be shown on the insurer's certificate of authority and shall remain in effect for so long as the insurer's certificate of authority is in effect, subject to earlier termination of the registration at the insurer's request.

~~[~~3.~~]~~ ***4.*** All business transacted by the insurer under additional titles shall be included in business and transactions of the insurer to be shown by its annual statement filed with the Commissioner, for all purposes under this Code.

Sec. 19. NRS 680A.270 is hereby amended to read as follows:

680A.270 1. Each authorized insurer shall annually on or before March 1, or within any reasonable extension of time therefor which the

Commissioner for good cause may have granted on or before that date, file with the Commissioner a full and true statement of its financial condition, transactions and affairs as of December 31 preceding. The statement must be:

(a) In the general form and context of, and require information as called for by, an annual statement as is currently in general and customary use in the United States for the type of insurer and kinds of insurance to be reported upon, with any useful or necessary modification or adaptation thereof, supplemented by additional information required by the Commissioner;

(b) Prepared in accordance with:

(1) The Annual Statement Instructions for the type of insurer to be reported on as adopted by the National Association of Insurance Commissioners for the year in which the insurer files the statement; and

(2) The Accounting Practices and Procedures Manual adopted by the National Association of Insurance Commissioners and effective on January 1, 2001, and as amended by the National Association of Insurance Commissioners after that date; and

(c) Verified by the oath of the insurer's president or vice president and secretary or actuary, as applicable, or, in the absence of the foregoing, by two other principal officers, or if a reciprocal insurer, by the oath of the attorney-in-fact, or its like officers if a corporation.

2. The statement of an alien insurer must be verified by its United States manager or other officer who is authorized to do so, and may relate only to the insurer's transactions and affairs in the United States unless the Commissioner requires otherwise. If the Commissioner requires a statement as to the insurer's affairs throughout the world, the insurer shall file the statement with the Commissioner as soon as reasonably possible.

3. The Commissioner may refuse to continue, or may suspend or revoke, the certificate of authority of any insurer failing to file its annual statement when due.

4. At the time of filing, the insurer shall pay the fee for filing its annual statement as prescribed by NRS 680B.010.

5. The Commissioner may adopt regulations requiring each domestic, foreign and alien insurer which is authorized to transact insurance in this state to file the insurer's annual statement with the National Association of Insurance Commissioners or its successor organization.

6. Except as otherwise provided in NRS 239.0115, all ~~[ratios of financial analyses and synopses of examinations concerning insurers that are submitted to the Division by the National Association of Insurance Commissioners' Insurance Regulatory Information System]~~ ***work papers, documents and materials prepared pursuant to this section by or on behalf of the Division*** are confidential and ~~[may]~~ ***must*** not be disclosed by the Division.

7. To the extent that the Annual Statement Instructions referenced in subparagraph (1) of paragraph (b) of subsection 1 require the disclosure of compensation paid to or on behalf of an insurer's officers, directors or

employees, the information may be filed with the Commissioner as an exhibit separate from the statement required by this section. Except as otherwise provided in NRS 239.0115, the compensation information described in this subsection is confidential and must not be disclosed by the Division.

Sec. 20. NRS 680A.280 is hereby amended to read as follows:

680A.280 1. Any insurer failing, without just cause beyond the reasonable control of the insurer, to file ~~[its]~~ ***an*** annual statement as required in NRS ***680A.265 and*** 680A.270 shall be required to pay a penalty of $100 for each day's delay, but not to exceed $3,000 in aggregate amount, to be recovered in the name of the State of Nevada by the Attorney General.

2. Any director, officer, agent or employee of any insurer who subscribes to, makes or concurs in making or publishing, any annual or other statement required by law, knowing the same to contain any material statement which is false, is guilty of a gross misdemeanor.

Sec. 21. NRS 680B.020 is hereby amended to read as follows:

680B.020 1. Notwithstanding the provisions of any general or special law, the possession of a license or certificate of authority issued under this Code shall be authorization to transact such business as indicated in such license or certificate of authority, and shall be in lieu of all licenses, whether for regulation or revenue, required to transact insurance business within the State of Nevada; but each city, town or county may require a license for revenue purposes only for any insurance ~~[agent, broker,]~~ analyst, adjuster or managing general agent ***or producer of insurance*** whose principal place of business is located within such city or town, or within the county outside the cities and towns of the county, respectively.

2. This section shall not be modified or repealed by any law of general application enacted after January 1, 1972, unless expressly referred to or expressly repealed therein.

Sec. 22. Chapter 681A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Commissioner may adopt regulations applicable to arrangements for reinsurance relating to:

(a) Life insurance policies with guaranteed non-level gross premiums or guaranteed non-level benefits;

(b) Universal life insurance policies with provisions resulting in the ability of a policyholder to keep a policy in force over a secondary guarantee period;

(c) Variable annuities with guaranteed death or living benefits;

(d) Policies for long-term care insurance; or

(e) Such other life and health insurance and annuity products as to which the National Association of Insurance Commissioners adopts model regulatory requirements with respect to credit for reinsurance.

2. A regulation adopted pursuant to this section may require the ceding insurer, in calculating the amounts or forms of security required to be held

pursuant to regulations adopted pursuant to this section, to use the Valuation Manual, as defined in NRS 681B.0071, which is in effect on the date as of which the calculation is made, to the extent applicable.

3. A regulation adopted pursuant to this section must not apply to a cession to an assuming insurer that:

(a) Is certified in this State or, if this State has not adopted regulations which provide for an assuming insurer to satisfy the requirements of NRS 681A.155 for credit to be allowed, certified in a minimum of five other states; or

(b) Maintains at least $250,000,000 in capital and surplus when determined in accordance with the Accounting Practices and Procedures Manual adopted by the National Association of Insurance Commissioners, as amended, excluding the impact of any permitted or prescribed practices, and:

(1) Is licensed in at least 26 states; or

(2) Is licensed in at least 10 states, and licensed or accredited in at least 35 states.

Sec. 23. NRS 681A.140 is hereby amended to read as follows:

681A.140 As used in NRS 681A.140 to 681A.240, inclusive, ***and section 22 of this act,*** "qualified financial institution in the United States" means an institution that:

1. Is organized, or in the case of a branch or agency of a foreign banking organization in the United States licensed, under the laws of the United States or any state thereof and has been granted authority to operate with fiduciary powers;

2. Is regulated, supervised and examined by federal or state authorities having regulatory authority over banks and trust companies;

3. Is determined:

(a) By the Commissioner to meet the standards of financial condition and standing prescribed by the Commissioner; or

(b) By the National Association of Insurance Commissioners to meet the standards of financial condition and standing prescribed by the National Association of Insurance Commissioners; and

4. Is determined by the Commissioner to be otherwise acceptable.

Sec. 24. NRS 683A.060 is hereby amended to read as follows:

683A.060 1. A "managing general agent" is a person who:

(a) Negotiates and binds ceding reinsurance contracts on behalf of an insurer or manages all or part of the insurance business of an insurer, including the management of a separate division, department ~~[of]~~ ***or*** underwriting office; ~~[or]~~ ***and***

(b) Acts as an agent for the insurer and with or without the authority, either separately or together with affiliates:

(1) Produces, directly or indirectly, and underwrites an amount of gross direct written premiums equal to or more than 5 percent of the policyholder

surplus as reported in the last annual statement of the insurer in any one quarter or year; and

(2) Adjusts or pays claims in excess of an amount determined by the Commissioner or negotiates reinsurance on behalf of the insurer.

2. A managing general agent includes a person with authority to appoint and to terminate the appointment of an agent for an insurer.

3. For the purposes of this chapter, the following are not managing general agents:

(a) An employee of the insurer;

(b) A manager of the United States branch of an alien insurer;

(c) An attorney authorized by and acting for the subscribers of a reciprocal insurer or interinsurance exchange; and

(d) An underwriting manager who, pursuant to a contract, manages all or part of the insurance operations of the insurer, is under common control with the insurer, is subject to the provisions of chapter 692C of NRS and whose compensation is not based on the volume of premiums written or the profit of the business written.

Sec. 25. NRS 683A.0892 is hereby amended to read as follows:

683A.0892 1. The Commissioner:

(a) Shall suspend or revoke the certificate of registration of an administrator if the Commissioner has determined, after notice and a hearing, that the administrator:

(1) Is in an unsound financial condition;

(2) Uses methods or practices in the conduct of business that are hazardous or injurious to insured persons or members of the general public; or

(3) Has failed to pay any judgment against the administrator in this State within 60 days after the judgment became final.

(b) May suspend or revoke the certificate of registration of an administrator if the Commissioner determines, after notice and a hearing, that the administrator:

(1) Has ~~[~~willfully~~]~~ ***knowingly*** violated or failed to comply with any provision of this Code, any regulation adopted pursuant to this Code or any order of the Commissioner;

(2) Has refused to be examined by the Commissioner or has refused to produce accounts, records or files for examination upon the request of the Commissioner;

(3) Has, without just cause, refused to pay claims or perform services pursuant to the administrator's contracts or has, without just cause, caused persons to accept less than the amount of money owed to them pursuant to the contracts, or has caused persons to employ an attorney or bring a civil action against the administrator to receive full payment or settlement of claims;

(4) Is affiliated with, managed by or owned by another administrator or an insurer who transacts insurance in this State without a certificate of authority or certificate of registration;

(5) Fails to comply with any of the requirements for a certificate of registration;

(6) Has been convicted of, or has entered a plea of guilty, guilty but mentally ill or nolo contendere to, a felony, whether or not adjudication was withheld;

(7) Has had his or her authority to act as an administrator in another state limited, suspended or revoked; or

(8) Has failed to file an annual report in accordance with NRS 683A.08528.

(c) May suspend or revoke the certificate of registration of an administrator if the Commissioner determines, after notice and a hearing, that a responsible person:

(1) Has refused to provide any information relating to the administrator's affairs or refused to perform any other legal obligation relating to an examination upon request by the Commissioner; or

(2) Has been convicted of, or has entered a plea of guilty, guilty but mentally ill or nolo contendere to, a felony committed on or after October 1, 2003, whether or not adjudication was withheld.

(d) May, upon notice to the administrator, suspend the certificate of registration of the administrator pending a hearing if:

(1) The administrator is impaired or insolvent;

(2) A proceeding for receivership, conservatorship or rehabilitation has been commenced against the administrator in any state; or

(3) The financial condition or the business practices of the administrator represent an imminent threat to the public health, safety or welfare of the residents of this State.

(e) May, in addition to or in lieu of the suspension or revocation of the certificate of registration of the administrator, impose a fine of $2,000 for each act or violation.

2. As used in this section, "responsible person" means any person who is responsible for or controls or is authorized to control or advise the affairs of an administrator, including, without limitation:

(a) A member of the board of directors, board of trustees, executive committee or other governing board or committee of the administrator;

(b) The president, vice president, chief executive officer, chief operating officer or any other principal officer of an administrator, if the administrator is a corporation;

(c) A partner or member of the administrator, if the administrator is a partnership, association or limited-liability company; and

(d) Any shareholder or member of the administrator who directly or indirectly holds 10 percent or more of the voting stock, voting securities or voting interest of the administrator.

Sec. 26. NRS 683A.301 is hereby amended to read as follows:

683A.301 1. An applicant for a license as a producer of insurance or a licensee who desires to use a name other than his or her true name as shown on the license shall submit a request for approval of the name and file with the Commissioner a certified copy of the certificate or any renewal certificate filed pursuant to chapter 602 of NRS. An incorporated applicant or licensee shall file with the Commissioner a document showing the corporation's true name and all fictitious names under which it conducts or intends to conduct business. A licensee shall file promptly with the Commissioner a written notice of any change in or discontinuance of the use of a fictitious name.

2. The Commissioner may disapprove in writing the use of a true name, other than the true name of a natural person who is the applicant or licensee, or a fictitious name of any applicant or licensee, on any of the following grounds:

(a) The name interferes with or is deceptively similar to a name already filed and in use by another licensee.

(b) Use of the name may mislead the public in any respect.

(c) The name states or implies that the applicant or licensee is an insurer, motor club or hospital service plan or is entitled to engage in activities related to insurance not permitted under the license applied for or held.

(d) The name states or implies that the licensee is an underwriter, but:

(1) A natural person licensed as ~~[an agent or broker]~~ ***a producer of insurance*** for life insurance may describe himself or herself as an underwriter or "chartered life underwriter" if entitled to do so;

(2) A natural person licensed for property and casualty insurance may use the designation "chartered property and casualty underwriter" if entitled thereto; and

(3) ~~[An insurance agent or brokers']~~ ***A*** trade association ***for producers of insurance*** may use a name containing the word "underwriter."

(e) The licensee submits a request to use more than one fictitious name at a single business location.

3. A licensee shall not use a name after written notice from the Commissioner indicates that its use violates the provisions of this section. If the Commissioner determines that the use is justified by mitigating circumstances, the Commissioner may permit, in writing, the use of the name to continue for a specified reasonable period upon conditions imposed by the Commissioner for the protection of the public consistent with this section.

4. Paragraphs (a), (c) and (d) of subsection 2 do not apply to the true name of an organization which on July 1, 1965, held under that name a type of license similar to those governed by this chapter, or to a fictitious name used on July 1, 1965, by a natural person or organization holding such a license, if the fictitious name was filed with the Commissioner on or before July 1, 1965.

Sec. 27. NRS 683C.020 is hereby amended to read as follows:

683C.020 1. Except as otherwise provided in subsection 2, no person may engage in the business of an insurance consultant unless a license has been issued to the person by the Commissioner.

2. An insurance consultant's license is not required for:

(a) An attorney licensed to practice law in this State who is acting in his or her professional capacity;

(b) A licensed ~~[insurance agent,]~~ ***producer of insurance,*** broker or surplus lines broker;

(c) A trust officer of a bank who is acting in the normal course of his or her employment; or

(d) An actuary or a certified public accountant who provides information, recommendations, advice or services in his or her professional capacity.

3. A person required to be licensed in this State who acts as an insurance consultant without a license is subject to an administrative fine of not more than $1,000 for each act or violation.

Sec. 28. NRS 684B.030 is hereby amended to read as follows:

684B.030 1. Before the issuance of a motor vehicle physical damage appraiser's license the applicant shall file with the Commissioner, and thereafter maintain in force while so licensed, a surety bond in the amount of $2,500 in favor of the people of the State of Nevada, executed by an authorized surety insurer approved by the Commissioner, and conditioned for the faithful performance of required duties.

2. The bond shall remain in force until the surety is released from liability by the Commissioner, or until cancelled by the surety. Without prejudice to any prior liability accrued, the surety may cancel the bond upon 30 days' advance written notice filed with the Commissioner.

3. A motor vehicle physical damage appraiser's license is automatically suspended if the appraiser does not file with the Commissioner a replacement bond before the date of cancellation of the previous bond. A replacement bond must meet all requirements of this section for the initial bond.

Sec. 29. NRS 685A.150 is hereby amended to read as follows:

685A.150 A licensed surplus lines broker may accept surplus lines business from any ~~[agent or broker]~~ ***producer of insurance*** licensed in this state for the kind of insurance involved and may compensate the ~~[agent or broker]~~ ***producer of insurance*** therefor.

Sec. 30. NRS 686A.290 is hereby amended to read as follows:

686A.290 1. ~~[An agent, broker, solicitor,]~~ ***A producer of insurance,*** examining physician, applicant or other person shall not knowingly or willfully make any false or fraudulent statement or representation in or with reference to any application for insurance.

2. A person who violates this section is guilty of a category D felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

Sec. 31. NRS 686A.350 is hereby amended to read as follows:

686A.350 1. A license to engage in the business of a company is not required of any:

(a) State or federally chartered building association or savings and loan association.

(b) State or federally chartered bank.

(c) State or federally chartered credit union.

(d) Thrift company licensed pursuant to chapter 677 of NRS.

(e) ~~[~~Insurance agent~~]~~ ***Producer of insurance*** financing his or her own accounts.

(f) Insurer authorized to do business in this state financing its own policies or those of an affiliated company.

(g) Business, in addition to those included in paragraphs (a) to (d), inclusive, which is licensed and regulated by the Division of Financial Institutions of the Department of Business and Industry.

2. The provisions of NRS 686A.330 to 686A.520, inclusive, other than those which concern licensing, apply to persons exempt from licensing pursuant to subsection 1.

Sec. 32. NRS 686A.420 is hereby amended to read as follows:

686A.420 1. An agreement executed in this state must be dated and signed by the insured. The printed portion of the agreement must be in not less than 8-point type. The agreement must include:

(a) The name and the address and telephone number of the business of the ***producer of*** insurance ~~[~~agent~~]~~ for the insurance contract to which the agreement relates;

(b) The name and the address of the business or residence of the insured;

(c) The name, address and telephone number of the company to which payments must be made;

(d) A brief description of any insurance policy involved; and

(e) Such other information as may be required by the Commissioner.

2. An agreement must have at its top in type which is more prominent than the text of the agreement, the words "Agreement For Financing Premium" or words of similar meaning. An agreement must contain a notice in type which is more prominent than the text of the agreement which reads as follows:

Notice:

1. Do not sign this agreement before you have read it or if it contains any blank spaces.

2. You are entitled to a copy of this agreement which is complete.

Sec. 33. NRS 686A.680 is hereby amended to read as follows:

686A.680 ***1.*** An insurer that uses information from a consumer credit report shall not:

~~[~~1.~~]~~ ***(a)*** Use an insurance score that is calculated using income, gender, address, zip code, ethnic group, religion, marital status or nationality of the

consumer as a factor, or would otherwise lead to unfair or invidious discrimination.

~~[~~2.~~]~~ ***(b)*** Deny, cancel or fail to renew a policy on the basis of credit information unless the insurer also considers other applicable underwriting factors that are independent of credit information and not expressly prohibited by this section.

~~[~~3.~~]~~ ***(c)*** Base renewal rates for a policy upon credit information unless the insurer also considers other applicable factors independent of credit information.

~~[~~4.~~]~~ ***(d)*** Take an adverse action against an applicant or policyholder based on the applicant or policyholder not having a credit card account unless the insurer also considers other applicable factors independent of credit information.

~~[~~5.~~]~~ ***(e)*** Consider an absence of credit information or an inability to calculate an insurance score in underwriting or rating a policy unless the insurer does any one of the following:

~~[~~(a)~~]~~ ***(1)*** Treats the applicant or policyholder as otherwise approved by the Commissioner, after the insurer presents to the Commissioner information indicating that such an absence or inability relates to the risk for the insurer.

~~[~~(b)~~]~~ ***(2)*** Treats the applicant or policyholder as if the applicant or policyholder had neutral credit information, as defined by the insurer.

~~[~~(c)~~]~~ ***(3)*** Excludes the use of credit information as a factor, and uses only underwriting criteria other than credit information.

~~[~~6.~~]~~ ***(f)*** Take an adverse action against an applicant or policyholder based on credit information, unless an insurer obtains and uses a consumer credit report issued or an insurance score calculated within 90 days from the date the policy is first written or renewal is issued.

~~[7. Except as otherwise provided in this subsection, use credit information regarding a policyholder without obtaining an updated consumer credit report regarding the policyholder and recalculating the insurance score at least once every 36 months. At the time of the annual renewal of a policyholder's policy, the insurer shall, upon the request of the policyholder or the policyholder's agent, reunderwrite and rerate the policy based upon a current consumer credit report or insurance score. An insurer need not, at the request of a policyholder or the policyholder's agent, recalculate the insurance score of or obtain an updated consumer credit report of the policyholder more frequently than once in any 12 month period. An insurer may, at its discretion, obtain an updated consumer credit report regarding a policyholder more frequently than once every 36 months, if to do so is consistent with the underwriting guidelines of the insurer. An insurer does not need to obtain an updated consumer credit report for a policyholder if any one of the following applies:~~

~~(a) The insurer is treating the policyholder as otherwise approved by the Commissioner.~~

~~(b) The policyholder is in the most favorably priced tier of the insurer and all affiliates of the insurer. With respect to such a policyholder, the insurer may elect to obtain an updated consumer credit report if to do so is consistent with the underwriting guidelines of the insurer.~~

~~(c) Credit information was not used for underwriting or rating the policyholder when the policy was initially written. The fact that credit information was not used initially does not preclude an insurer from using such information subsequently when underwriting or rating such a policyholder upon renewal, if to do so is consistent with the underwriting guidelines of the insurer.~~

~~(d) The insurer reevaluates the policyholder at least once every 36 months based upon underwriting or rating factors other than credit information.~~

~~8.~~ ***(g)*** Use the following as a negative factor in any insurance scoring methodology or in reviewing credit information for the purpose of underwriting or rating a policy:

~~[(a)]~~ ***(1)*** Credit inquiries not initiated by the applicant or policyholder, or inquiries requested by the applicant or policyholder for his or her own credit information.

~~[(b)]~~ ***(2)*** Inquiries relating to insurance coverage, if so identified on the consumer credit report.

~~[(c)]~~ ***(3)*** Collection accounts relating to medical treatment, if so identified on the consumer credit report.

~~[(d)]~~ ***(4)*** Multiple lender inquiries, if identified on the consumer credit report as being related to home loans or mortgages and made within 30 days of one another, unless only one inquiry is considered.

~~[(e)]~~ ***(5)*** Multiple lender inquiries, if identified on the consumer credit report as being related to a loan for an automobile and made within 30 days of one another, unless only one inquiry is considered.

2. Except as otherwise provided in this subsection, at the time of the annual renewal of a policyholder's policy, an insurer that uses information from a consumer credit report shall, upon the request of the policyholder or the policyholder's agent, reunderwrite and rerate the policy based upon a current consumer credit report or insurance score. An insurer need not, at the request of a policyholder or the policyholder's agent, recalculate the insurance score of or obtain an updated consumer credit report of the policyholder more frequently than once in any 12-month period.

Sec. 34. Chapter 686B of NRS is hereby amended by adding thereto the provisions set forth as sections 35 to 39, inclusive, of this act.

Sec. 35. ***"Large-deductible agreement" means any combination of one or more policies, endorsements, contracts or security arrangements, which provide for the policyholder to bear the risk of loss of a specified amount of $25,000 or more per claim or occurrence covered under a policy of industrial insurance and which may be subject to an aggregate limit of the policyholder's reimbursement obligations.***

Sec. 36. *1. The Commissioner shall consider each proposed increase or decrease in the rate of a health plan issued pursuant to the provisions of chapter 689A, 689B, 689C, 695B, 695C, 695D or 695F of NRS, including, without limitation, long-term care and Medicare supplement plans, filed with the Commissioner pursuant to subsection 1 of NRS 686B.070. If the Commissioner finds that a proposed increase will result in a rate which is not in compliance with NRS 686B.050 or subsection 3 of NRS 686B.070, the Commissioner shall disapprove the proposal. The Commissioner shall approve or disapprove each proposal not later than 60 days after the proposal is determined by the Commissioner to be complete pursuant to subsection 4. If the Commissioner fails to approve or disapprove the proposal within that period, the proposal shall be deemed approved.*

2. Whenever an insurer has no legally effective rates as a result of the Commissioner's disapproval of rates or other act, the Commissioner shall on request specify interim rates for the insurer that are high enough to protect the interests of all parties and may order that a specified portion of the premiums be placed in an escrow account approved by the Commissioner. When new rates become legally effective, the Commissioner shall order the escrowed funds or any overcharge in the interim rates to be distributed appropriately, except that refunds to policyholders that are de minimis must not be required.

3. If the Commissioner disapproves a proposed rate pursuant to subsection 1, and an insurer requests a hearing to determine the validity of the action of the Commissioner, the insurer has the burden of showing compliance with the applicable standards for rates established in NRS 686B.010 to 686B.1799, inclusive, and sections 35 to 39, inclusive, of this act. Any such hearing must be held:

(a) Within 30 days after the request for a hearing has been submitted to the Commissioner; or

(b) Within a period agreed upon by the insurer and the Commissioner.

➥ If the hearing is not held within the period specified in paragraph (a) or (b), or if the Commissioner fails to issue an order concerning the proposed rate for which the hearing is held within 45 days after the hearing, the proposed rate shall be deemed approved.

4. The Commissioner shall by regulation specify the documents or any other information which must be included in a proposal to increase or decrease a rate submitted to the Commissioner pursuant to subsection 1. Each such proposal shall be deemed complete upon its filing with the Commissioner, unless the Commissioner, within 15 business days after the proposal is filed with the Commissioner, determines that the proposal is incomplete because the proposal does not comply with the regulations adopted by the Commissioner pursuant to this subsection.

Sec. 37. *This section and sections 38 and 39 of this act apply to any policy of industrial insurance which:*

1. Is issued by an insurer which:

(a) Has a rating of ~~[not]~~ less than "A-" from A.M. Best Company, Inc., or a substantially equivalent rating from another rating agency, as determined by the Commissioner; and

(b) Has less than $200,000,000 in surplus, with surplus calculated as the difference between the insurer's net admitted assets and the insurer's total liabilities;

2. Contains a large-deductible agreement;

3. Is not issued to a federal, state or local governmental entity; and

4. Is issued for delivery or renewed on or after January 1, 2018.

Sec. 38. ***An insurer shall:***

1. Require full collateralization of the outstanding obligations owed under a large-deductible agreement using one of the following methods:

(a) A surety bond issued by a surety insurer authorized to transact such insurance in this State, and whose financial strength and size ratings from A.M. Best Company, Inc., are not less than "A" and "V," respectively, or are substantially equivalent ratings from another rating agency, as determined by the Commissioner;

(b) An irrevocable letter of credit issued by a financial institution with an office physically located within this State, and the deposits of which are federally insured; or

(c) Cash or securities held in trust by a third party or the insurer and subject to a trust agreement for the express purpose of securing the policyholder's obligation under a large-deductible agreement, provided that if the assets are held by the insurer, those assets may not be commingled with the insurer's other assets; and

2. Limit the size of the policyholder's obligations under a large-deductible agreement to 20 percent of the total net worth of the policyholder at the inception of the policy and again at each renewal, as determined by an audited financial statement as of the most recent fiscal year-end for which such a statement is available, with the total net worth of the policyholder calculated as the difference between the total assets and the total liabilities of the policyholder.

Sec. 39. ***Except when otherwise specifically approved by the Commissioner in writing or by electronic communication, any insurer determined to be in a hazardous financial condition pursuant to NRS 680A.205, or the equivalent provisions of law in any other state as determined by the Commissioner, is prohibited from issuing or renewing a policy that includes a large-deductible agreement.***

Sec. 40. NRS 686B.010 is hereby amended to read as follows:

686B.010 1. The Legislature intends that NRS 686B.010 to 686B.1799, inclusive, ***and sections 35 to 39, inclusive, of this act*** be liberally construed to achieve the purposes stated in subsection 2, which constitute an aid and guide to interpretation but not an independent source of power.

2. The purposes of NRS 686B.010 to 686B.1799, inclusive, ***and sections 35 to 39, inclusive, of this act*** are to:

(a) Protect policyholders and the public against the adverse effects of excessive, inadequate or unfairly discriminatory rates;

(b) Encourage, as the most effective way to produce rates that conform to the standards of paragraph (a), independent action by and reasonable price competition among insurers;

(c) Provide formal regulatory controls for use if independent action and price competition fail;

(d) Authorize cooperative action among insurers in the rate-making process, and to regulate such cooperation in order to prevent practices that tend to bring about monopoly or to lessen or destroy competition;

(e) Encourage the most efficient and economic marketing practices; and

(f) Regulate the business of insurance in a manner that will preclude application of federal antitrust laws.

Sec. 41. NRS 686B.020 is hereby amended to read as follows:

686B.020 As used in NRS 686B.010 to 686B.1799, inclusive, ***and sections 35 to 39, inclusive, of this act,*** unless the context otherwise requires:

1. "Advisory organization," except as limited by NRS 686B.1752, means any person or organization which is controlled by or composed of two or more insurers and which engages in activities related to rate making. For the purposes of this subsection, two or more insurers with common ownership or operating in this State under common ownership constitute a single insurer. An advisory organization does not include:

(a) A joint underwriting association;

(b) An actuarial or legal consultant; or

(c) An employee or manager of an insurer.

2. "Market segment" means any line or kind of insurance or, if it is described in general terms, any subdivision thereof or any class of risks or combination of classes.

3. "Rate service organization" means any person, other than an employee of an insurer, who assists insurers in rate making or filing by:

(a) Collecting, compiling and furnishing loss or expense statistics;

(b) Recommending, making or filing rates or supplementary rate information; or

(c) Advising about rate questions, except as an attorney giving legal advice.

4. "Supplementary rate information" includes any manual or plan of rates, statistical plan, classification, rating schedule, minimum premium, policy fee, rating rule, rule of underwriting relating to rates and any other information prescribed by regulation of the Commissioner.

Sec. 42. NRS 686B.030 is hereby amended to read as follows:

686B.030 1. Except as otherwise provided in subsection 2 and NRS 686B.125, the provisions of NRS 686B.010 to 686B.1799, inclusive, ***and sections 35 to 39, inclusive, of this act*** apply to all kinds and lines of direct

insurance written on risks or operations in this State by any insurer authorized to do business in this State, except:

(a) Ocean marine insurance;

(b) Contracts issued by fraternal benefit societies;

(c) Life insurance and credit life insurance;

(d) Variable and fixed annuities;

(e) Credit accident and health insurance;

(f) Property insurance for business and commercial risks;

(g) Casualty insurance for business and commercial risks other than insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS;

(h) Surety insurance;

(i) Health insurance offered through a group health plan maintained by a large employer; and

(j) Credit involuntary unemployment insurance.

2. The exclusions set forth in paragraphs (f) and (g) of subsection 1 extend only to issues related to the determination or approval of premium rates.

Sec. 43. NRS 686B.040 is hereby amended to read as follows:

686B.040 1. Except as otherwise provided in subsection 2, the Commissioner may by rule exempt any person or class of persons or any market segment from any or all of the provisions of NRS 686B.010 to 686B.1799, inclusive, ***and sections 35 to 39, inclusive, of this act,*** if and to the extent that the Commissioner finds their application unnecessary to achieve the purposes of those sections.

2. The Commissioner may not, by rule or otherwise, exempt an insurer from the provisions of NRS 686B.010 to 686B.1799, inclusive, ***and sections 35 to 39, inclusive, of this act*** with regard to insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS for a breach of the practitioner's professional duty toward a patient.

Sec. 44. NRS 686B.110 is hereby amended to read as follows:

686B.110 1. ~~[The]~~ ***Except as otherwise provided in section 36 of this act, the*** Commissioner shall consider each proposed increase or decrease in the rate of any kind or line of insurance or subdivision thereof filed with the Commissioner pursuant to subsection 1 of NRS 686B.070. If the Commissioner finds that a proposed increase will result in a rate which is not in compliance with NRS 686B.050 or subsection 3 of NRS 686B.070, the Commissioner shall disapprove the proposal. The Commissioner shall approve or disapprove each proposal no later than 30 days after it is determined by the Commissioner to be complete pursuant to subsection 6. If the Commissioner fails to approve or disapprove the proposal within that period, the proposal shall be deemed approved.

2. If the Commissioner disapproves a proposed increase or decrease in any rate pursuant to subsection 1, the Commissioner shall send a written notice of disapproval to the insurer or the rate service organization that filed

the proposal. The notice must set forth the reasons the proposal is not in compliance with NRS 686B.050 or subsection 3 of NRS 686B.070 and must be sent to the insurer or the rate service organization not more than 30 days after the Commissioner determines that the proposal is complete pursuant to subsection 6.

3. Upon receipt of a written notice of disapproval from the Commissioner pursuant to subsection 2 or 6, the insurer or rate service organization may request that the Commissioner reconsider the proposed increase or decrease. The request for reconsideration must be received by the Commissioner not more than 30 days after the insurer or rate service organization receives the written notice of disapproval from the Commissioner, except that if the insurer or rate service organization requests, in writing, an extension of 30 additional days in which to request a reconsideration, the Commissioner shall grant the extension. A request for reconsideration submitted pursuant to this subsection may include, without limitation, any documents or other information for review by the Commissioner in reconsidering the proposal. The Commissioner shall approve or disapprove the proposal upon reconsideration not later than 30 days after receipt of the request for reconsideration and shall notify the insurer or rate service organization of his or her approval or disapproval.

4. Whenever an insurer has no legally effective rates as a result of the Commissioner's disapproval of rates or other act, the Commissioner shall on request specify interim rates for the insurer that are high enough to protect the interests of all parties and may order that a specified portion of the premiums be placed in an escrow account approved by the Commissioner. When new rates become legally effective, the Commissioner shall order the escrowed funds or any overcharge in the interim rates to be distributed appropriately, except that refunds to policyholders that are de minimis must not be required.

5. If the Commissioner disapproves a proposed rate pursuant to subsection 1 ~~[,]~~ ***or*** subsection 6 or upon reconsideration pursuant to subsection 3 **,** and an insurer requests a hearing to determine the validity of the action of the Commissioner, the insurer has the burden of showing compliance with the applicable standards for rates established in NRS 686B.010 to 686B.1799, inclusive ~~[.]~~ ***, and sections 35 to 39, inclusive, of this act.*** Any such hearing must be held:

(a) Within 30 days after the request for a hearing has been submitted to the Commissioner; or

(b) Within a period agreed upon by the insurer and the Commissioner.

➥ If the hearing is not held within the period specified in paragraph (a) or (b), or if the Commissioner fails to issue an order concerning the proposed rate for which the hearing is held within 45 days after the hearing, the proposed rate shall be deemed approved.

6. The Commissioner shall by regulation specify the documents or any other information which must be included in a proposal to increase or

decrease a rate submitted to the Commissioner pursuant to subsection 1. Each such proposal shall be deemed complete upon its filing with the Commissioner, unless the Commissioner, within 15 business days after the proposal is filed with the Commissioner, determines that the proposal is incomplete because the proposal does not comply with the regulations adopted by the Commissioner pursuant to this subsection. The Commissioner shall notify the insurer or rate service organization if the Commissioner determines that the proposal is incomplete. The notice must be sent within 15 business days after the proposal is filed with the Commissioner and must set forth the documents or other information that is required to complete the proposal. The Commissioner may disapprove the proposal if the insurer or rate service organization fails to provide the documents or other information to the Commissioner within 30 days after the insurer or rate service organization receives the notice that the proposal is incomplete. If the Commissioner disapproves the proposal pursuant to this subsection, the Commissioner shall notify the insurer or rate service organization of that fact in writing.

Sec. 45. NRS 686B.115 is hereby amended to read as follows:

686B.115 1. Any hearing held by the Commissioner to determine whether rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive, ***and sections 35 to 39, inclusive, of this act*** must be open to members of the public.

2. All costs for transcripts prepared pursuant to such a hearing must be paid by the insurer requesting the hearing.

3. At any hearing which is held by the Commissioner to determine whether rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive, ***and sections 35 to 39, inclusive, of this act,*** and which involves rates for insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS for a breach of the practitioner's professional duty toward a patient, if a person is not otherwise authorized pursuant to this title to become a party to the hearing by intervention, the person is entitled to provide testimony at the hearing if, not later than 2 days before the date set for the hearing, the person files with the Commissioner a written statement which states:

(a) The name and title of the person;

(b) The interest of the person in the hearing; and

(c) A brief summary describing the purpose of the testimony the person will offer at the hearing.

4. If a person provides testimony at a hearing in accordance with subsection 3:

(a) The Commissioner may, if the Commissioner finds it necessary to preserve order, prevent inordinate delay or protect the rights of the parties at the hearing, place reasonable limitations on the duration of the testimony and prohibit the person from providing testimony that is not relevant to the issues raised at the hearing.

(b) The Commissioner shall consider all relevant testimony provided by the person at the hearing in determining whether the rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive ~~[.]~~ ***, and sections 35 to 39, inclusive, of this act.***

Sec. 46. NRS 686B.1751 is hereby amended to read as follows:

686B.1751 As used in NRS 686B.1751 to 686B.1799, inclusive, ***and sections 35, 37, 38 and 39 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 686B.1752 to 686B.1762, inclusive, ***and section 35 of this act*** have the meanings ascribed to them in those sections.

Sec. 47. NRS 686B.1763 is hereby amended to read as follows:

686B.1763 1. NRS 686B.1751 to 686B.1799, inclusive, ***and sections 35, 37, 38 and 39 of this act,*** apply to insurers providing industrial insurance and to the Advisory Organization designated by the Commissioner. The Commissioner shall administer the provisions of these sections.

2. These provisions apply to all industrial insurance issued in this state except reinsurance.

Sec. 48. NRS 686B.1789 is hereby amended to read as follows:

686B.1789 A hearing required by any of the provisions of NRS 686B.1751 to 686B.1799, inclusive, ***and sections 35, 37, 38 and 39 of this act,*** is governed by NRS 679B.310 to 679B.370, inclusive, except that any limits of time imposed by NRS 686B.1751 to 686B.1799, inclusive, ***and sections 35, 37, 38 and 39 of this act,*** control.

Sec. 49. NRS 686B.1793 is hereby amended to read as follows:

686B.1793 1. An insurer or other person who violates any provision of NRS 686B.1751 to 686B.1799, inclusive, ***and sections 35, 37, 38 and 39 of this act,*** shall, upon the order of the Commissioner, pay an administrative fine not to exceed $1,000 for each violation and not to exceed $10,000 for each willful violation. These administrative fines are in addition to any other penalty provided by law. Any insurer using a rate before it has been filed with the Commissioner as required by NRS 686B.1775, shall be deemed to have committed a separate violation for each day the insurer failed to file the rate.

2. The Commissioner may suspend or revoke the license of any advisory organization or insurer who fails to comply with an order within the time specified by the Commissioner or any extension of that time made by the Commissioner. Any suspension of a license is effective for the time stated by the Commissioner in his or her order or until the order is modified, rescinded or reversed.

3. The Commissioner, by written order, may impose a penalty or suspend a license pursuant to this section only after written notice to the insurer, organization or plan for apportioned risks and a hearing.

Sec. 50. Chapter 687B of NRS is hereby amended by adding thereto the provisions set forth as sections 51 to 85, inclusive, of this act.

Sec. 51. ***As used in sections 51 to 85, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 52 to***

64, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 52. ***"Covered person" means a policyholder, subscriber, enrollee or other person participating in a network plan.***

Sec. 53. ***"Evidence of coverage" means any certificate, agreement or contract issued to a covered person by a health carrier setting forth the coverage to which the covered person is entitled pursuant to a network plan.***

Sec. 54. ***"Health benefit plan" has the meaning ascribed to it in NRS 695G.019.***

Sec. 55. ***"Health care services" has the meaning ascribed to it in NRS 695G.022.***

Sec. 56. ***"Health carrier" has the meaning ascribed to it in NRS 695G.024.***

Sec. 57. ***"Intermediary" means a person authorized to negotiate and execute a contract between a provider of health care and a health carrier entered into for the purposes of a network plan, whether the person acts on behalf of the provider of health care or the health carrier.***

Sec. 58. ***"Medically necessary" has the meaning ascribed to it in NRS 695G.055.***

Sec. 59. ***"Network" means a defined set of providers of health care who are under contract with a health carrier to provide health care services pursuant to a network plan offered or issued by the health carrier.***

Sec. 60. ***"Network plan" means a health benefit plan offered or issued by a health carrier under which the financing and delivery of health care services, including, without limitation, items and services paid for as health care services, are provided, in whole or in part, through a defined set of providers of health care under contract with the health carrier. The term does not include an arrangement for the financing of premiums.***

Sec. 61. ***"Participating provider of health care" means a provider of health care who, under a contract with a health carrier, has agreed to provide health care services to covered persons pursuant to a network plan with an expectation of receiving payment, other than coinsurance, copayments or deductibles, directly or indirectly from the health carrier.***

Sec. 62. ***"Primary care physician" has the meaning ascribed to it in NRS 695G.060.***

Sec. 63. ***"Provider of health care" has the meaning ascribed to it in NRS 695G.070.***

Sec. 64. ***"Utilization review" has the meaning ascribed to it in NRS 695G.080.***

Sec. 65. ***If a health carrier offers or issues a network plan, the health carrier shall, with regard to that network plan:***

1. Comply with all applicable requirements set forth in sections 51 to 85, inclusive, of this act;

2. As applicable, ensure that each contract entered into for the purposes of the network plan between a participating provider of health care and the health carrier complies with the requirements set forth in sections 51 to 85, inclusive, of this act; and

3. As applicable, ensure that the network plan complies with the requirements set forth in sections 51 to 85, inclusive, of this act.

Sec. 66. *A health carrier which offers or issues a network plan shall, with regard to that network plan, establish a mechanism by which each participating provider of health care in the network will be notified on an ongoing basis of the specific health care services which are covered by the network plan and for which the participating provider of health care will be responsible, including, without limitation, any restrictions or conditions on the health care services.*

Sec. 67. *Each contract entered into for the purposes of a network plan between a participating provider of health care and the health carrier must include, without limitation, a provision which is substantially similar to the following:*

> *Provider of health care agrees that in no event, including but not limited to, nonpayment by the health carrier or intermediary, insolvency of the health carrier or intermediary or breach of this agreement, shall the provider of health care bill, charge, collect a deposit from, seek compensation, remuneration or reimbursement from, or have any recourse against, a covered person or a person (other than the health carrier or intermediary) acting on behalf of the covered person for health care services provided pursuant to this agreement. This agreement does not prohibit the provider of health care from collecting coinsurance, deductibles or copayments, as specifically provided in the evidence of coverage, or fees for uncovered services delivered on a fee-for-service basis to covered persons. This agreement does not prohibit a provider of health care (except for a provider of health care who is employed full-time on the staff of the health carrier and has agreed to provide health care services exclusively to the health carrier's covered persons and no others) and a covered person from agreeing to continue health care services solely at the expense of the covered person, as long as the provider of health care has clearly informed the covered person that the health carrier may not cover or continue to cover a specific health care service or health care services. Except as provided herein, this agreement does not prohibit the provider of health care from pursuing any available legal remedy.*

Sec. 68. *Each contract entered into for the purposes of a network plan between a participating provider of health care and the health carrier must provide that in the event of the insolvency of the health carrier or any applicable intermediary, or in the event of any other cessation of*

operations of the health carrier or intermediary, the participating provider of health care must continue to deliver health care services covered by the network plan to a covered person without billing the covered person for any amount other than coinsurance, deductibles or copayments, as specifically provided in the evidence of coverage, until the earlier of:

1. The date of the cancellation of the covered person's coverage under the network plan pursuant to NRS 687B.310, including, without limitation, any extension of coverage provided pursuant to:

(a) The terms of the contract between the covered person and the health carrier;

(b) NRS 689A.04036, 689B.0303, 695B.1901, 695C.1691 and 695G.164, as applicable; or

(c) Any applicable federal law for covered persons who are in an active course of treatment or totally disabled; or

2. The date on which the contract between the health carrier and the provider of health care would have terminated if the health carrier or intermediary, as applicable, had remained in operation, including, without limitation, any extension of coverage provided pursuant to:

(a) The terms of the contract between the covered person and the health carrier;

(b) NRS 689A.04036, 689B.0303, 695B.1901, 695C.1691 and 695G.164, as applicable; or

(c) Any applicable federal law for covered persons who are in an active course of treatment or totally disabled.

Sec. 69. ***The provisions included in a contract to comply with the requirements set forth in sections 67 and 68 of this act shall be construed in favor of the covered person, shall survive the termination of the contract regardless of the reason for the termination, including, without limitation, the insolvency of the health carrier or any applicable intermediary, and shall supersede any oral or written contrary agreement between a participating provider of health care and a covered person or the representative of a covered person if the contrary agreement is inconsistent with provisions included in the contract to comply with the requirements set forth in sections 67 and 68 of this act.***

Sec. 70. Each contract entered into for the purposes of a network plan between a participating provider of health care and the health carrier must ~~***[prohibit the participating provider of health care from collecting or attempting to collect from a covered person any money owed to the participating provider of health care by the health carrier.]***** provide that. written notice must be provided to the participating provider of health care as soon as practicable in the event:**

1. That a court determined the health carrier or any applicable intermediary to be insolvent; or

2. Of any other cessation of operations of the health carrier or any applicable intermediary.

Sec. 71. ***A health carrier which offers or issues a network plan shall notify each participating provider of health care in the network of the responsibilities of the participating provider of health care with respect to any applicable administrative policies and programs of the health carrier including, without limitation, any applicable administrative policies and programs concerning:***

1. Terms of payment;

2. Utilization review;

3. Quality assessment and improvement;

4. Credentialing;

5. Procedures for grievances and appeals;

6. Requirements for data reporting;

7. Requirements for timely notice to the health carrier of changes in the practices of the participating provider of health care, such as discontinuance of accepting new patients;

8. Requirements for confidentiality; and

9. Any applicable federal or state programs.

Sec. 72. ***A health carrier which offers or issues a network plan shall not offer an inducement to a participating provider of health care in the network that would encourage or otherwise incent the participating provider of health care to deliver health care services to a covered person which are less than those which are medically necessary.***

Sec. 73. ***A health carrier which offers or issues a network plan shall not prohibit a participating provider of health care in the network from:***

1. Discussing any specific treatment option or all treatment options with a covered person irrespective of the position of the health carrier on the treatment options;

2. Advocating on behalf of a covered person within any utilization review process or any process for grievances or appeals established by the health carrier or a person contracting with the health carrier; or

3. Advocating on behalf of a covered person in accordance with any rights or remedies available under applicable state or federal law.

Sec. 74. ***Each contract entered into for the purposes of a network plan between a participating provider of health care and the health carrier must require the participating provider of health care to make health records available to appropriate state and federal authorities involved in assessing the quality of care or investigating the grievances or complaints of covered persons, and to comply with the applicable state and federal laws related to the confidentiality of medical and health records and the covered person's right to see, obtain copies of or amend their medical and health records.***

Sec. 75. ~~***[1. Each contract entered into for the purposes of a network plan between a participating provider of health care and the health carrier must provide that:***~~

~~***(a) The health carrier shall provide notice not less than 90 days in advance to the participating provider of health care before the health***~~

~~*carrier removes the participating provider of health care from the network without cause;*~~

~~*(b) The participating provider of health care shall provide notice not less than 90 days in advance to the health carrier before the participating provider of health care leaves the network without cause;*~~

~~*(c) The health carrier or participating provider of health care or both, as specified in the contract, shall make a good faith effort to provide written notice, within 30 days after receipt or issuance of the notice referenced in paragraph (a) or (b), as applicable, that the participating provider of health care will no longer be part of the network:*~~

~~*(1) To all covered persons who participate in the network plan, are patients of the participating provider of health care and have received health care services from the participating provider of health care on a regular basis; or*~~

~~*(2) If the participating provider of health care is a primary care physician, to all covered persons who participate in the network plan and are patients of the participating provider of health care;*~~

~~*(d) If the health carrier removes the participating provider of health care from the network for cause or the participating provider of health care leaves the network for cause, the health carrier or the participating provider of health care, or both, as specified in the contract, shall make a good faith effort to provide written notice within 30 days after the removal or departure, as applicable, that the participating provider of health care will no longer be part of the network:*~~

~~*(1) To all covered persons who participate in the network plan, are patients of the participating provider of health care and have received health care services from the participating provider of health care on a regular basis; or*~~

~~*(2) If the participating provider of health care is a primary care physician, to all covered persons who participate in the network plan and are patients of the participating provider of health care; and*~~

~~*(e) The participating provider of health care shall, upon providing or receiving the notice referenced in paragraph (a) or (b), or upon leaving or being removed from the network as referenced in paragraph (d), promptly provide to the health carrier a list of the covered persons who are patients of the participating provider of health care and who participate in the network plan.*~~

~~*2. The Commissioner shall adopt regulations that define, for the purposes of this section, the terms:*~~

~~*(a) "Patients of the participating provider of health care"; and*~~

~~*(b) "Regular basis."]*~~ **(Deleted by amendment.)**

Sec. 76. ~~*[1. Except as otherwise provided in this section, if a covered person is receiving health care services pursuant to a network plan for a medical condition from a participating provider of health care in the network and the contract between the participating provider of health care*~~

~~*and the health carrier is terminated during the course of the medical treatment, the network plan must provide that:*~~

~~*(a) The covered person may continue to obtain health care services for the medical condition from the provider of health care pursuant to this section, if:*~~

~~*(1) The covered person is actively undergoing a medically necessary course of treatment; and*~~

~~*(2) The provider of health care and the covered person agree that the continuity of care is desirable.*~~

~~*(b) The provider of health care is entitled to receive reimbursement from the health carrier for the health care services provided to the covered person pursuant to this section, if the provider of health care agrees:*~~

~~*(1) To provide health care services under the terms of the contract between the provider of health care and the health carrier with regard to the covered person, including, without limitation, the rates of payment for providing health care services, as those terms existed before the termination of the contract between the provider of health care and the health carrier; and*~~

~~*(2) Not to seek payment from the covered person for any health care services provided by the provider of health care that could not have been received from the covered person were the provider of health care still under contract with the health carrier.*~~

~~*2. The coverage required by subsection 1 must be provided until the later of:*~~

~~*(a) The 120th day after the date on which the contract is terminated; or*~~

~~*(b) If the medical condition is pregnancy, the 45th day after:*~~

~~*(1) The date of delivery; or*~~

~~*(2) If the pregnancy does not end in delivery, the date of the end of the pregnancy.*~~

~~*3. The requirements of this section do not apply to a provider of health care if:*~~

~~*(a) The provider of health care was under contract with the health carrier and the health carrier terminated that contract because of the medical incompetence or professional misconduct of the provider of health care; and*~~

~~*(b) The health carrier did not enter into another contract with the provider of health care after the contract was terminated pursuant to paragraph (a).*~~

~~*4. An evidence of coverage for a network plan subject to the provisions of sections 51 to 85, inclusive, of this act has the legal effect of including the coverage required by this section, and any provision of the evidence of coverage or renewal thereof that is in conflict with this section is void.]*~~ **(Deleted by amendment.)**

Sec. 77. *Each contract entered into for the purposes of a network plan between a participating provider of health care and the health carrier must*

prohibit the health carrier and the participating provider of health care from assigning or delegating the rights and responsibilities of either party under the contract without the prior written consent of the other party.

Sec. 78. 1. ~~[Except as otherwise provided in this section, a]~~ A health carrier which offers or issues a network plan shall ensure that ~~[each]~~ participating ~~[provider]~~ providers of health care in the network ~~[furnishes]~~ are responsible for furnishing covered ~~[benefits]~~ services to all covered persons without regard to the participation of the covered person in the network plan as a private purchaser of the network plan or as a participant in a publicly financed program of health care services.

2. This section does not apply to circumstances when the participating provider of health care should not render services due to limitations arising from a lack of training, experience or skill or licensing restrictions.

Sec. 79. A health carrier which offers or issues a network plan shall notify ~~[each]~~ the participating ~~[provider]~~ providers of health care in the network of his or her obligations, if any, to collect applicable coinsurance, copayments or deductibles from a covered person pursuant to the evidence of coverage, or of the obligations, if any, of the participating provider of health care to notify a covered person of the personal financial obligations of the covered person for health care services that are not covered.

Sec. 80. *A health carrier which offers or issues a network plan shall not penalize a participating provider of health care in the network because the participating provider of health care, in good faith, reports to state or federal authorities any act or practice by the health carrier that jeopardizes the health or welfare of a covered person.*

Sec. 81. *A health carrier which offers or issues a network plan shall establish a mechanism by which a participating provider of health care in the network may, in a timely manner at the time health care services are to be provided, determine whether the person to whom the health care services are to be provided is a covered person or is within a grace period for the payment of a premium during which the health carrier may hold a claim for health care services pending receipt of the payment of the premium.*

Sec. 82. *A health carrier which offers or issues a network plan shall establish procedures for the resolution of administrative, payment or other disputes between a participating provider of health care in the network and the health carrier.*

Sec. 83. *1. A contract entered into for the purposes of a network plan between a participating provider of health care and the health carrier must not contain a provision that conflicts with any provision in the network plan or any requirement set forth in sections 51 to 85, inclusive, of this act.*

2. At the time a participating provider of health care signs a contract described in subsection 1, the health carrier and, if applicable, the intermediary shall notify the participating provider of health care of all

provisions of the contract and all documents incorporated by reference in the contract.

3. While a contract described in subsection 1 is in force, the health carrier shall provide timely notice to the participating provider of health care of any changes to the provisions of the contract or the documents incorporated by reference in the contract that would result in a material change in the contract.

4. For the purposes of subsection 3, the contract must define what is to be considered timely notice and what is to be considered a material change.

Sec. 84. ***A health carrier which offers or issues a network plan shall inform a participating provider of health care with whom the health carrier has contracted for the purposes of the network plan of the status of the participating provider of health care as a provider of health care in the network plan and the status and inclusion of the participating provider of health care on any list of providers of health care maintained by the health carrier. The health carrier shall provide in a timely manner the information required by this section to the participating provider of health care:***

1. Upon the request of the participating provider of health care; and

2. Upon any change to the status or inclusion of the participating provider of health care as described in this section.

Sec. 85. ***The Commissioner may adopt any regulations necessary to carry out the purposes and provisions of sections 51 to 85, inclusive, of this act.***

Sec. 86. NRS 687B.385 is hereby amended to read as follows:

687B.385 An insurer shall not ***refuse to issue,*** cancel, refuse to renew or increase the premium for renewal of a policy of motor vehicle insurance covering private passenger cars or commercial vehicles as a result of any ~~[~~claims~~]~~ ***:***

1. Claims made under ~~[~~the~~]~~ ***any*** policy ***of insurance*** with respect to which the insured was not at fault ~~[~~.~~]~~ ***;***

2. Claims made under any policy of insurance for which the insurer has not made any payment or for which the insurer recovered the entirety of the insurer's payment on the claim by means of salvage, subrogation or another mechanism; or

3. Inquiries made regarding an actual or potential claim under any policy of insurance regarding:

(a) The existence of insurance coverage for any matter; or

(b) Any hypothetical or informational matter pertaining to insurance.

Sec. 87. NRS 687B.470 is hereby amended to read as follows:

687B.470 1. ~~[~~"Health~~]~~ ***As used in NRS 687B.470 to 687B.500, inclusive, "health*** benefit plan" means a policy, contract, certificate or agreement offered by a carrier to provide for, deliver payment for, arrange for the payment of, pay for or reimburse any of the costs of health care services. Except as otherwise provided in this section, the term includes

catastrophic health insurance policies and a policy that pays on a cost-incurred basis.

2. The term does not include:

(a) Coverage that is only for accident or disability income insurance, or any combination thereof;

(b) Coverage issued as a supplement to liability insurance;

(c) Liability insurance, including general liability insurance and automobile liability insurance;

(d) Workers' compensation or similar insurance;

(e) Coverage for medical payments under a policy of automobile insurance;

(f) Credit insurance;

(g) Coverage for on-site medical clinics;

(h) Other similar insurance coverage specified pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, under which benefits for medical care are secondary or incidental to other insurance benefits;

(i) Coverage under a short-term health insurance policy; and

(j) Coverage under a blanket student accident and health insurance policy.

3. The term does not include the following benefits if the benefits are provided under a separate policy, certificate or contract of insurance or are otherwise not an integral part of a health benefit plan:

(a) Limited-scope dental or vision benefits;

(b) Benefits for long-term care, nursing home care, home health care or community-based care, or any combination thereof; and

(c) Such other similar benefits as are specified in any federal regulations adopted pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.

4. The term does not include the following benefits if the benefits are provided under a separate policy, certificate or contract, there is no coordination between the provisions of the benefits and any exclusion of benefits under any group health plan maintained by the same plan sponsor, and the benefits are paid for a claim without regard to whether benefits are provided for such a claim under any group health plan maintained by the same plan sponsor:

(a) Coverage that is only for a specified disease or illness; and

(b) Hospital indemnity or other fixed indemnity insurance.

5. The term does not include any of the following, if offered as a separate policy, certificate or contract of insurance:

(a) Medicare supplemental health insurance as defined in section 1882(g)(1) of the Social Security Act, 42 U.S.C. § 1395ss, as that section existed on July 16, 1997;

(b) Coverage supplemental to the coverage provided pursuant to the Civilian Health and Medical Program of Uniformed Services, CHAMPUS, 10 U.S.C. §§ 1071 et seq.; and

(c) Similar supplemental coverage provided under a group health plan.

Sec. 88. NRS 687B.490 is hereby amended to read as follows:

687B.490 1. A carrier that offers coverage in the ***small employer*** group or individual market must, before making any network plan available for sale in this State, demonstrate the capacity to deliver services adequately by applying to the Commissioner for the issuance of a network plan and submitting a description of the procedures and programs to be implemented to meet the requirements described in subsection 2.

2. The Commissioner shall determine, within 90 days after receipt of the application required pursuant to subsection 1, if the carrier, with respect to the network plan:

(a) Has demonstrated the willingness and ability to ensure that health care services will be provided in a manner to ensure both availability and accessibility of adequate personnel and facilities in a manner that enhances availability, accessibility and continuity of service;

(b) Has organizational arrangements established in accordance with regulations promulgated by the Commissioner; and

(c) Has a procedure established in accordance with regulations promulgated by the Commissioner to develop, compile, evaluate and report statistics relating to the cost of its operations, the pattern of utilization of its services, the availability and accessibility of its services and such other matters as may be reasonably required by the Commissioner.

3. The Commissioner may certify that the carrier and the network plan meet the requirements of subsection 2, or may determine that the carrier and the network plan do not meet such requirements. Upon a determination that the carrier and the network plan do not meet the requirements of subsection 2, the Commissioner shall specify in what respects the carrier and the network plan are deficient.

4. A carrier approved to issue a network plan pursuant to this section must file annually with the Commissioner a summary of information compiled pursuant to subsection 2 in a manner determined by the Commissioner.

5. The Commissioner shall, not less than once each year, or more often if deemed necessary by the Commissioner for the protection of the interests of the people of this State, make a determination concerning the availability and accessibility of the health care services of any network plan approved pursuant to this section.

6. The expense of any determination made by the Commissioner pursuant to this section must be assessed against the carrier and remitted to the Commissioner.

7. When making any determination concerning the availability and accessibility of the services of any network plan or proposed network plan pursuant to this section, the Commissioner shall consider services that may be provided through telehealth, as defined in NRS 629.515, pursuant to the network plan or proposed network plan to be available services.

8. As used in this section ~~[, "network]~~ ***:***

(a) "Network plan" has the meaning ascribed to it in NRS 689B.570.

(b) "Small employer" has the meaning ascribed to it in NRS 689C.095.

Sec. 89. NRS 687B.500 is hereby amended to read as follows:

687B.500 1. The premium rate charged by a health insurer for health benefit plans offered in the individual or small ***employer*** group market may vary with respect to the particular plan or coverage involved based solely on these characteristics:

(a) Whether the plan or coverage applies to an individual or a family;

(b) Geographic rating area;

(c) Tobacco use, except that the rate shall not vary by a ratio of more than 1.5 to 1 for like individuals who vary in tobacco use; and

(d) Age, except that the rate must not vary by a ratio of more than 3 to 1 for like individuals of different age who are age 21 years or older and that the variation in rate must be actuarially justified for individuals who are under the age of 21 years, consistent with the uniform age rating curve established in the Federal Act. For the purpose of identifying the appropriate age adjustment under this paragraph and the age band defined in the Federal Act to a specific enrollee, the enrollee's age as of the date of policy issuance or renewal must be used.

2. The provisions of subsection 1:

(a) Apply to a fraternal benefit society organized under chapter 695A of NRS; and

(b) Do not apply to grandfathered plans.

3. As used in this section, "small employer" has the meaning ascribed to it in NRS 689C.095.

Sec. 90. NRS 689.185 is hereby amended to read as follows:

689.185 1. Except as otherwise provided in subsection 2:

(a) Before the issuance of a certificate of authority, the seller shall post with the Commissioner and thereafter maintain in force a bond in the principal sum of $50,000 issued by an authorized corporate surety in favor of the State of Nevada, or a deposit of cash or negotiable securities or a combination of cash and negotiable securities. If a deposit is made in lieu of a bond, the deposit must at all times have a market value of not less than the amount of the bond required by the Commissioner.

(b) The bond or deposit must be held for the benefit of buyers of prepaid contracts, and other persons as their interests may appear, who may be damaged by misuse or diversion of money by the seller or the agents of the seller, or to satisfy any judgments against the seller for failure to perform a prepaid contract. The aggregate liability of the surety for all breaches of the conditions of the bond must not exceed the sum of the bond. The surety on the bond has the right to cancel the bond upon giving 30 days' notice to the Commissioner and thereafter is relieved of liability for any breach of condition occurring after the effective date of the cancellation.

(c) ***A certificate of authority issued to a seller is automatically suspended if the seller does not file with the Commissioner a replacement bond before the date of cancellation of the previous bond. A replacement bond must meet all requirements of this subsection for the initial bond.***

(d) The Commissioner shall release the bond or deposit after the seller has ceased doing business as such and the Commissioner is satisfied of the nonexistence of any obligation or liability of the seller for which the bond or deposit was held.

2. The Commissioner may waive the requirements of subsection 1 if the seller agrees:

(a) To offer for sale only prepaid contracts that are payable solely from the proceeds of a policy of life insurance; and

(b) Not to collect any money from the purchaser of a prepaid contract.

Sec. 91. NRS 689.495 is hereby amended to read as follows:

689.495 1. Except as otherwise provided in subsection 2:

(a) Before the issuance of a permit to a seller, the seller shall post with the Commissioner and thereafter maintain in force a bond in the principal sum of $50,000 issued by an authorized corporate surety in favor of the State of Nevada, or a deposit of cash or negotiable securities or a combination of cash and negotiable securities. If a deposit is made in lieu of a bond, the deposit must at all times have a market value not less than the amount of the bond required by the Commissioner.

(b) The bond or deposit must be held for the benefit of buyers of prepaid contracts, and other persons as their interests may appear, who may be damaged by misuse or diversion of money by the seller or the agents of the seller, or to satisfy any judgments against the seller for failure to perform a prepaid contract. The aggregate liability of the surety for all breaches of the conditions of the bond must not exceed the sum of the bond. The surety on the bond has the right to cancel the bond upon giving 30 days' notice to the Commissioner and thereafter is relieved of liability for any breach of condition occurring after the effective date of the cancellation.

(c) ***A permit issued to a seller is automatically suspended if the seller does not file with the Commissioner a replacement bond before the date of cancellation of the previous bond. A replacement bond must meet all requirements of this subsection for the initial bond.***

(d) The Commissioner shall release the bond or deposit after the seller has ceased doing business as such and the Commissioner is satisfied of the nonexistence of any obligation or liability of the seller for which the bond or deposit was held.

2. The Commissioner may waive the requirements of subsection 1 if the seller agrees:

(a) To offer for sale only prepaid contracts that are payable solely from the proceeds of a policy of life insurance; and

(b) Not to collect any money from the purchaser of a prepaid contract.

Sec. 92. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An individual carrier shall make the unified rate review template and rate filing documentation used by the individual carrier and any information and documents described in any regulations adopted pursuant to 689A.700 available to the Commissioner upon request. Except in cases of violations of the provisions of this chapter, the unified rate review template and rate filing documentation used by an individual carrier are considered proprietary, constitute a trade secret and are not subject to disclosure by the Commissioner to persons outside of the Division except as agreed to by the individual carrier or as ordered by a court of competent jurisdiction.

2. As used in this section, "rate filing documentation" and "unified rate review template" have the meanings ascribed to them in 45 C.F.R. § 154.215.

Sec. 93. NRS 689A.020 is hereby amended to read as follows:

689A.020 Nothing in this chapter applies to or affects:

1. Any policy of liability or workers' compensation insurance with or without supplementary expense coverage therein.

2. Any group or blanket policy.

3. Life insurance, endowment or annuity contracts, or contracts supplemental thereto which contain only such provisions relating to health insurance as to:

(a) Provide additional benefits in case of death or dismemberment or loss of sight by accident or accidental means; or

(b) Operate to safeguard such contracts against lapse, or to give a special surrender value or special benefit or an annuity if the insured or annuitant becomes totally and permanently disabled, as defined by the contract or supplemental contract.

4. Reinsurance, except as otherwise provided in NRS 689A.470 to 689A.740, inclusive, ***and section 92 of this act,*** and 689C.610 to 689C.940, inclusive, relating to the program of reinsurance.

Sec. 94. NRS 689A.04033 is hereby amended to read as follows:

689A.04033 1. A policy of health insurance must provide coverage for medical treatment which a policyholder or subscriber receives as part of a clinical trial or study if:

(a) The medical treatment is provided in a Phase I, Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer or in a Phase II, Phase III or Phase IV study or clinical trial for the treatment of chronic fatigue syndrome;

(b) The clinical trial or study is approved by:

(1) An agency of the National Institutes of Health as set forth in 42 U.S.C. § 281(b);

(2) A cooperative group;

(3) The Food and Drug Administration as an application for a new investigational drug;

(4) The United States Department of Veterans Affairs; or

(5) The United States Department of Defense;

(c) In the case of:

(1) A Phase I clinical trial or study for the treatment of cancer, the medical treatment is provided at a facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer; or

(2) A Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer or chronic fatigue syndrome, the medical treatment is provided by a provider of health care and the facility and personnel for the clinical trial or study have the experience and training to provide the treatment in a capable manner;

(d) There is no medical treatment available which is considered a more appropriate alternative medical treatment than the medical treatment provided in the clinical trial or study;

(e) There is a reasonable expectation based on clinical data that the medical treatment provided in the clinical trial or study will be at least as effective as any other medical treatment;

(f) The clinical trial or study is conducted in this State; and

(g) The policyholder or subscriber has signed, before participating in the clinical trial or study, a statement of consent indicating that the policyholder or subscriber has been informed of, without limitation:

(1) The procedure to be undertaken;

(2) Alternative methods of treatment; and

(3) The risks associated with participation in the clinical trial or study, including, without limitation, the general nature and extent of such risks.

2. Except as otherwise provided in subsection 3, the coverage for medical treatment required by this section is limited to:

(a) Coverage for any drug or device that is approved for sale by the Food and Drug Administration without regard to whether the approved drug or device has been approved for use in the medical treatment of the policyholder or subscriber.

(b) The cost of any reasonably necessary health care services that are required as a result of the medical treatment provided in a Phase II, Phase III or Phase IV clinical trial or study or as a result of any complication arising out of the medical treatment provided in a Phase II, Phase III or Phase IV clinical trial or study, to the extent that such health care services would otherwise be covered under the policy of health insurance.

(c) The cost of any routine health care services that would otherwise be covered under the policy of health insurance for a policyholder or subscriber participating in a Phase I clinical trial or study.

(d) The initial consultation to determine whether the policyholder or subscriber is eligible to participate in the clinical trial or study.

(e) Health care services required for the clinically appropriate monitoring of the policyholder or subscriber during a Phase II, Phase III or Phase IV clinical trial or study.

(f) Health care services which are required for the clinically appropriate monitoring of the policyholder or subscriber during a Phase I clinical trial or study and which are not directly related to the clinical trial or study.

➥ Except as otherwise provided in NRS 689A.04036, the services provided pursuant to paragraphs (b), (c), (e) and (f) must be covered only if the services are provided by a provider with whom the insurer has contracted for such services. If the insurer has not contracted for the provision of such services, the insurer shall pay the provider the rate of reimbursement that is paid to other providers with whom the insurer has contracted for similar services and the provider shall accept that rate of reimbursement as payment in full.

3. Particular medical treatment described in subsection 2 and provided to a policyholder or subscriber is not required to be covered pursuant to this section if that particular medical treatment is provided by the sponsor of the clinical trial or study free of charge to the policyholder or subscriber.

4. The coverage for medical treatment required by this section does not include:

(a) Any portion of the clinical trial or study that is customarily paid for by a government or a biotechnical, pharmaceutical or medical industry.

(b) Coverage for a drug or device described in paragraph (a) of subsection 2 which is paid for by the manufacturer, distributor or provider of the drug or device.

(c) Health care services that are specifically excluded from coverage under the policyholder's or subscriber's policy of health insurance, regardless of whether such services are provided under the clinical trial or study.

(d) Health care services that are customarily provided by the sponsors of the clinical trial or study free of charge to the participants in the trial or study.

(e) Extraneous expenses related to participation in the clinical trial or study including, without limitation, travel, housing and other expenses that a participant may incur.

(f) Any expenses incurred by a person who accompanies the policyholder or subscriber during the clinical trial or study.

(g) Any item or service that is provided solely to satisfy a need or desire for data collection or analysis that is not directly related to the clinical management of the policyholder or subscriber.

(h) Any costs for the management of research relating to the clinical trial or study.

5. An insurer who delivers or issues for delivery a policy of health insurance specified in subsection 1 may require copies of the approval or certification issued pursuant to paragraph (b) of subsection 1, the statement of consent signed by the policyholder or subscriber, protocols for the clinical trial or study and any other materials related to the scope of the clinical trial

or study relevant to the coverage of medical treatment pursuant to this section.

6. An insurer who delivers or issues for delivery a policy specified in subsection 1 shall:

(a) Include in ~~[the]~~ ***any*** disclosure ~~[required pursuant to NRS 689A.390]~~ ***of the coverage provided by the policy*** notice to each policyholder and subscriber under the policy of the availability of the benefits required by this section.

(b) Provide the coverage required by this section subject to the same deductible, copayment, coinsurance and other such conditions for coverage that are required under the policy.

7. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2006, has the legal effect of including the coverage required by this section, and any provision of the policy that conflicts with this section is void.

8. An insurer who delivers or issues for delivery a policy specified in subsection 1 is immune from liability for:

(a) Any injury to a policyholder or subscriber caused by:

(1) Any medical treatment provided to the policyholder or subscriber in connection with his or her participation in a clinical trial or study described in this section; or

(2) An act or omission by a provider of health care who provides medical treatment or supervises the provision of medical treatment to the policyholder or subscriber in connection with his or her participation in a clinical trial or study described in this section.

(b) Any adverse or unanticipated outcome arising out of a policyholder's or subscriber's participation in a clinical trial or study described in this section.

9. As used in this section:

(a) "Cooperative group" means a network of facilities that collaborate on research projects and has established a peer review program approved by the National Institutes of Health. The term includes:

(1) The Clinical Trials Cooperative Group Program; and

(2) The Community Clinical Oncology Program.

(b) "Facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer" means a facility or an affiliate of a facility that:

(1) Has in place a Phase I program which permits only selective participation in the program and which uses clear-cut criteria to determine eligibility for participation in the program;

(2) Operates a protocol review and monitoring system which conforms to the standards set forth in the "Policies and Guidelines Relating to the Cancer Center Support Grant" published by the Cancer Centers Branch of the National Cancer Institute;

(3) Employs at least two researchers and at least one of those researchers receives funding from a federal grant;

(4) Employs at least three clinical investigators who have experience working in Phase I clinical trials or studies conducted at a facility designated as a comprehensive cancer center by the National Cancer Institute;

(5) Possesses specialized resources for use in Phase I clinical trials or studies, including, without limitation, equipment that facilitates research and analysis in proteomics, genomics and pharmacokinetics;

(6) Is capable of gathering, maintaining and reporting electronic data; and

(7) Is capable of responding to audits instituted by federal and state agencies.

(c) "Provider of health care" means:

(1) A hospital; or

(2) A person licensed pursuant to chapter 630, 631 or 633 of NRS.

Sec. 95. NRS 689A.0427 is hereby amended to read as follows:

689A.0427 1. No policy of health insurance that provides coverage for hospital, medical or surgical expenses may be delivered or issued for delivery in this state unless the policy includes coverage for the management and treatment of diabetes, including, without limitation, coverage for the self-management of diabetes.

2. An insurer who delivers or issues for delivery a policy specified in subsection 1:

(a) Shall include in ~~[the]~~ ***any*** disclosure ~~[required pursuant to NRS 689A.390]~~ ***of the coverage provided by the policy*** notice to each policyholder and subscriber under the policy of the availability of the benefits required by this section.

(b) Shall provide the coverage required by this section subject to the same deductible, copayment, coinsurance and other such conditions for coverage that are required under the policy.

3. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 1998, has the legal effect of including the coverage required by this section, and any provision of the policy that conflicts with this section is void.

4. As used in this section:

(a) "Coverage for the management and treatment of diabetes" includes coverage for medication, equipment, supplies and appliances that are medically necessary for the treatment of diabetes.

(b) "Coverage for the self-management of diabetes" includes:

(1) The training and education provided to an insured person after the insured person is initially diagnosed with diabetes which is medically necessary for the care and management of diabetes, including, without limitation, counseling in nutrition and the proper use of equipment and supplies for the treatment of diabetes;

(2) Training and education which is medically necessary as a result of a subsequent diagnosis that indicates a significant change in the symptoms or

condition of the insured person and which requires modification of the insured person's program of self-management of diabetes; and

(3) Training and education which is medically necessary because of the development of new techniques and treatment for diabetes.

(c) "Diabetes" includes type I, type II and gestational diabetes.

Sec. 96. NRS 689A.470 is hereby amended to read as follows:

689A.470 As used in NRS 689A.470 to 689A.740, inclusive, ***and section 92 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 689A.475 to 689A.600, inclusive, have the meanings ascribed to them in those sections.

Sec. 97. NRS 689A.615 is hereby amended to read as follows:

689A.615 For the purposes of NRS 689A.470 to 689A.740, inclusive ~~[.]~~ ***, and section 92 of this act:***

1. Any plan, fund or program which would not be, but for section 2721(e) of the Public Health Service Act, as amended by Public Law 104-191, as that section existed on July 16, 1997, an employee welfare benefit plan and which is established or maintained by a partnership to the extent that the plan, fund or program provides medical care to current or former partners in the partnership or to their dependents, as defined under the terms of the plan, fund or program, directly or through insurance, reimbursement or otherwise, must be treated, subject to subsection 2, as an employee welfare benefit plan which is a group health plan.

2. In the case of a group health plan, a partnership shall be deemed to be the employer of each partner.

Sec. 98. NRS 689A.630 is hereby amended to read as follows:

689A.630 1. Except as otherwise provided in this section, coverage under an individual health benefit plan must be renewed by the individual carrier that issued the plan, at the option of the individual, unless:

(a) The individual has failed to pay premiums or contributions in accordance with the terms of the health benefit plan or the individual carrier has not received timely premium payments.

(b) The individual has performed an act or a practice that constitutes fraud or has made an intentional misrepresentation of material fact under the terms of the coverage.

(c) The individual carrier decides to discontinue offering and renewing all health benefit plans delivered or issued for delivery in this state. If the individual carrier decides to discontinue offering and renewing such plans, the individual carrier shall:

(1) Provide notice of its intention to the Commissioner and the chief regulatory officer for insurance in each state in which the individual carrier is licensed to transact insurance at least 60 days before the date on which notice of cancellation or nonrenewal is delivered or mailed to the persons covered by the insurance to be discontinued pursuant to subparagraph (2).

(2) Provide notice of its intention to all persons covered by the discontinued insurance and to the Commissioner and the chief regulatory

officer for insurance in each state in which such a person is known to reside. The notice must be made at least 180 days before the nonrenewal of any health benefit plan by the individual carrier.

(3) Discontinue all health insurance issued or delivered for issuance for individuals in this state and not renew coverage under any health benefit plan issued to such individuals.

(d) The Commissioner finds that the continuation of the coverage in this state by the individual carrier would not be in the best interests of the policyholders or certificate holders of the individual carrier or would impair the ability of the individual carrier to meet its contractual obligations. If the Commissioner makes such a finding, the Commissioner shall assist the persons covered by the discontinued insurance in this state in finding replacement coverage.

2. An individual carrier may discontinue ~~[the issuance and renewal of a form of]~~ a product ~~[of a health benefit plan if the Commissioner finds that the form of the product offered by the individual carrier is obsolete and is being replaced with comparable coverage. A form of a product of a health benefit plan may be discontinued by the individual carrier]~~ pursuant to this subsection only if:

(a) The individual carrier notifies the Commissioner ~~[and the chief regulatory officer for insurance in each state in which it is licensed]~~ of its decision pursuant to this subsection to discontinue ~~[the issuance and renewal of the form of]~~ the product at least 60 days before the individual carrier notifies the persons covered by the discontinued ~~[insurance]~~ ***product*** pursuant to paragraph (b).

(b) The individual carrier notifies each person covered by the discontinued ~~[insurance, the Commissioner and the chief regulatory officer for insurance in each state in which a person covered by the discontinued insurance is known to reside]~~ ***product*** of the decision of the individual carrier to discontinue offering ~~[the form of]~~ the product. The notice must be made to persons covered by the discontinued ~~[insurance]~~ ***product*** at least ~~[180]~~ ***90*** days before the date on which the individual carrier will discontinue offering ~~[the form of]~~ the product.

(c) The individual carrier offers to each person covered by the discontinued ~~[insurance]~~ ***product*** the option to purchase any other health benefit plan currently offered by the individual carrier to individuals in this state.

(d) In exercising the option to discontinue ~~[the form of]~~ the product and in offering the option to purchase other coverage pursuant to paragraph (c), the individual carrier acts uniformly without regard to the claim experience of the persons covered by the discontinued ~~[insurance]~~ ***product*** or any health status-related factor relating to those persons or beneficiaries covered by the discontinued ~~[form of the]~~ product or any persons or beneficiaries who may become eligible for such coverage.

3. An individual carrier may discontinue the issuance and renewal of a health benefit plan that is made available to individuals pursuant to this chapter only through a bona fide association if:

(a) The membership of the individual in the association was the basis for the provision of coverage;

(b) The membership of the individual in the association ceases; and

(c) The coverage is terminated pursuant to this subsection uniformly without regard to any health status-related factor relating to the covered individual.

4. An individual carrier that elects not to renew a health benefit plan pursuant to paragraph (c) of subsection 1 shall not write new business for individuals pursuant to this chapter for 5 years after the date on which notice is provided to the Commissioner pursuant to subparagraph (2) of paragraph (c) of subsection 1.

5. If an individual carrier does business in only one geographic service area of this state, the provisions of this section apply only to the operations of the individual carrier in that service area.

Sec. 99. NRS 689A.700 is hereby amended to read as follows:

689A.700 The Commissioner may adopt regulations ~~[to carry out the provisions of this section and NRS 689A.690 and]~~ to ensure that the practices used by individual carriers relating to the establishment of rates are consistent with the purposes of NRS 689A.470 to 689A.740, inclusive ~~[.]~~ ***, and section 92 of this act.***

Sec. 100. NRS 689A.715 is hereby amended to read as follows:

689A.715 1. An employee welfare benefit plan for providing benefits for employees of more than one employer under which individual health insurance coverage is provided must comply with the provisions of NRS 679B.139 and 689A.470 to 689A.740, inclusive, ***and section 92 of this act,*** and the regulations adopted by the Commissioner pursuant thereto.

2. As used in this section, the term "employee welfare benefit plan for providing benefits for employees of more than one employer" is intended to be equivalent to the term "employee welfare benefit plan which is a multiple employer welfare arrangement" as used in federal statutes and regulations.

Sec. 101. NRS 689A.725 is hereby amended to read as follows:

689A.725 For the purposes of NRS 689A.470 to 689A.740, inclusive, ***and section 92 of this act,*** a plan for coverage of a bona fide association must:

1. Conform with ***any regulations adopted pursuant to*** NRS ~~[689A.690 and]~~ 689A.700 concerning rates.

2. Provide for the renewability of coverage for members of the bona fide association, and their dependents, if such coverage meets the criteria set forth in NRS 689A.630.

Sec. 102. NRS 689A.740 is hereby amended to read as follows:

689A.740 The Commissioner shall adopt regulations as necessary to carry out the provisions of NRS 689A.470 to 689A.740, inclusive ~~[.]~~ ***, and section 92 of this act.***

Sec. 103. NRS 689A.745 is hereby amended to read as follows:

689A.745 1. Except as otherwise provided in subsection 4, each insurer that issues a policy of health insurance in this State shall establish a system for resolving any complaints of an insured concerning health care services covered under the policy. The system must be approved by the Commissioner **.** ~~[in consultation with the State Board of Health.]~~

2. A system for resolving complaints established pursuant to subsection 1 must include an initial investigation, a review of the complaint by a review board and a procedure for appealing a determination regarding the complaint. The majority of the members on a review board must be insureds who receive health care services pursuant to a policy of health insurance issued by the insurer.

3. The Commissioner ~~[or the State Board of Health]~~ may examine the system for resolving complaints established pursuant to subsection 1 at such times as ~~[either]~~ ***the Commissioner*** deems necessary or appropriate.

4. Each insurer that issues a policy of health insurance in this State that provides, delivers, arranges for, pays for or reimburses any cost of health care services through managed care shall provide a system for resolving any complaints of an insured concerning those health care services that complies with the provisions of NRS 695G.200 to 695G.310, inclusive.

Sec. 104. NRS 689A.750 is hereby amended to read as follows:

689A.750 1. Each insurer that issues a policy of health insurance in this State shall submit to the Commissioner ~~[and the State Board of Health]~~ an annual report regarding its system for resolving complaints established pursuant to subsection 1 of NRS 689A.745 on a form prescribed by the Commissioner ~~[in consultation with the State Board of Health]~~ which includes, without limitation:

(a) A description of the procedures used for resolving any complaints of an insured;

(b) The total number of complaints and appeals handled through the system for resolving complaints since the last report and a compilation of the causes underlying the complaints filed;

(c) The current status of each complaint and appeal filed; and

(d) The average amount of time that was needed to resolve a complaint and an appeal, if any.

2. Each insurer shall maintain records of complaints filed with it which concern something other than health care services and shall submit to the Commissioner a report summarizing such complaints at such times and in such format as the Commissioner may require.

Sec. 105. NRS 689B.0285 is hereby amended to read as follows:

689B.0285 1. Except as otherwise provided in subsection 4, each insurer that issues a policy of group health insurance in this State shall establish a system for resolving any complaints of an insured concerning health care services covered under the policy. The system must be approved by the Commissioner **.** ~~[in consultation with the State Board of Health.]~~

2. A system for resolving complaints established pursuant to subsection 1 must include an initial investigation, a review of the complaint by a review board and a procedure for appealing a determination regarding the complaint. The majority of the members on a review board must be insureds who receive health care services pursuant to a policy of group health insurance issued by the insurer.

3. The Commissioner ~~[or the State Board of Health]~~ may examine the system for resolving complaints established pursuant to subsection 1 at such times as ~~[either]~~ ***the Commissioner*** deems necessary or appropriate.

4. Each insurer that issues a policy of group health insurance in this State that provides, delivers, arranges for, pays for or reimburses any cost of health care services through managed care shall provide a system for resolving any complaints of an insured concerning the health care services that complies with the provisions of NRS 695G.200 to 695G.310, inclusive.

Sec. 106. NRS 689B.029 is hereby amended to read as follows:

689B.029 1. Each insurer that issues a policy of group health insurance in this State shall submit to the Commissioner ~~[and the State Board of Health]~~ an annual report regarding its system for resolving complaints established pursuant to subsection 1 of NRS 689B.0285 on a form prescribed by the Commissioner ~~[in consultation with the State Board of Health]~~ which includes, without limitation:

(a) A description of the procedures used for resolving any complaints of an insured;

(b) The total number of complaints and appeals handled through the system for resolving complaints since the last report and a compilation of the causes underlying the complaints filed;

(c) The current status of each complaint and appeal filed; and

(d) The average amount of time that was needed to resolve a complaint and an appeal, if any.

2. Each insurer shall maintain records of complaints filed with it which concern something other than health care services and shall submit to the Commissioner a report summarizing such complaints at such times and in such format as the Commissioner may require.

Sec. 107. NRS 689B.0306 is hereby amended to read as follows:

689B.0306 1. A policy of group health insurance must provide coverage for medical treatment which a person insured under the group policy receives as part of a clinical trial or study if:

(a) The medical treatment is provided in a Phase I, Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer or in a Phase II,

Phase III or Phase IV study or clinical trial for the treatment of chronic fatigue syndrome;

(b) The clinical trial or study is approved by:

(1) An agency of the National Institutes of Health as set forth in 42 U.S.C. § 281(b);

(2) A cooperative group;

(3) The Food and Drug Administration as an application for a new investigational drug;

(4) The United States Department of Veterans Affairs; or

(5) The United States Department of Defense;

(c) In the case of:

(1) A Phase I clinical trial or study for the treatment of cancer, the medical treatment is provided at a facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer; or

(2) A Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer or chronic fatigue syndrome, the medical treatment is provided by a provider of health care and the facility and personnel for the clinical trial or study have the experience and training to provide the treatment in a capable manner;

(d) There is no medical treatment available which is considered a more appropriate alternative medical treatment than the medical treatment provided in the clinical trial or study;

(e) There is a reasonable expectation based on clinical data that the medical treatment provided in the clinical trial or study will be at least as effective as any other medical treatment;

(f) The clinical trial or study is conducted in this State; and

(g) The insured has signed, before participating in the clinical trial or study, a statement of consent indicating that the insured has been informed of, without limitation:

(1) The procedure to be undertaken;

(2) Alternative methods of treatment; and

(3) The risks associated with participation in the clinical trial or study, including, without limitation, the general nature and extent of such risks.

2. Except as otherwise provided in subsection 3, the coverage for medical treatment required by this section is limited to:

(a) Coverage for any drug or device that is approved for sale by the Food and Drug Administration without regard to whether the approved drug or device has been approved for use in the medical treatment of the insured person.

(b) The cost of any reasonably necessary health care services that are required as a result of the medical treatment provided in a Phase II, Phase III or Phase IV clinical trial or study or as a result of any complication arising out of the medical treatment provided in a Phase II, Phase III or Phase IV clinical trial or study, to the extent that such health care services would otherwise be covered under the policy of group health insurance.

(c) The cost of any routine health care services that would otherwise be covered under the policy of group health insurance for an insured participating in a Phase I clinical trial or study.

(d) The initial consultation to determine whether the insured is eligible to participate in the clinical trial or study.

(e) Health care services required for the clinically appropriate monitoring of the insured during a Phase II, Phase III or Phase IV clinical trial or study.

(f) Health care services which are required for the clinically appropriate monitoring of the insured during a Phase I clinical trial or study and which are not directly related to the clinical trial or study.

➥ Except as otherwise provided in NRS 689B.0303, the services provided pursuant to paragraphs (b), (c), (e) and (f) must be covered only if the services are provided by a provider with whom the insurer has contracted for such services. If the insurer has not contracted for the provision of such services, the insurer shall pay the provider the rate of reimbursement that is paid to other providers with whom the insurer has contracted for similar services and the provider shall accept that rate of reimbursement as payment in full.

3. Particular medical treatment described in subsection 2 and provided to a person insured under the group policy is not required to be covered pursuant to this section if that particular medical treatment is provided by the sponsor of the clinical trial or study free of charge to the person insured under the group policy.

4. The coverage for medical treatment required by this section does not include:

(a) Any portion of the clinical trial or study that is customarily paid for by a government or a biotechnical, pharmaceutical or medical industry.

(b) Coverage for a drug or device described in paragraph (a) of subsection 2 which is paid for by the manufacturer, distributor or provider of the drug or device.

(c) Health care services that are specifically excluded from coverage under the insured's policy of group health insurance, regardless of whether such services are provided under the clinical trial or study.

(d) Health care services that are customarily provided by the sponsors of the clinical trial or study free of charge to the participants in the trial or study.

(e) Extraneous expenses related to participation in the clinical trial or study including, without limitation, travel, housing and other expenses that a participant may incur.

(f) Any expenses incurred by a person who accompanies the insured during the clinical trial or study.

(g) Any item or service that is provided solely to satisfy a need or desire for data collection or analysis that is not directly related to the clinical management of the insured.

(h) Any costs for the management of research relating to the clinical trial or study.

5. An insurer who delivers or issues for delivery a policy of group health insurance specified in subsection 1 may require copies of the approval or certification issued pursuant to paragraph (b) of subsection 1, the statement of consent signed by the insured, protocols for the clinical trial or study and any other materials related to the scope of the clinical trial or study relevant to the coverage of medical treatment pursuant to this section.

6. An insurer who delivers or issues for delivery a policy of group health insurance specified in subsection 1 shall:

(a) Include in ~~[~~the~~]~~ ***any*** disclosure ~~[~~required pursuant to NRS 689B.027~~]~~ ***of the coverage provided by the policy*** notice to each group policyholder of the availability of the benefits required by this section.

(b) Provide the coverage required by this section subject to the same deductible, copayment, coinsurance and other such conditions for coverage that are required under the policy.

7. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2006, has the legal effect of including the coverage required by this section, and any provision of the policy that conflicts with this section is void.

8. An insurer who delivers or issues for delivery a policy of group health insurance specified in subsection 1 is immune from liability for:

(a) Any injury to the insured caused by:

(1) Any medical treatment provided to the insured in connection with his or her participation in a clinical trial or study described in this section; or

(2) An act or omission by a provider of health care who provides medical treatment or supervises the provision of medical treatment to the insured in connection with his or her participation in a clinical trial or study described in this section.

(b) Any adverse or unanticipated outcome arising out of an insured's participation in a clinical trial or study described in this section.

9. As used in this section:

(a) "Cooperative group" means a network of facilities that collaborate on research projects and has established a peer review program approved by the National Institutes of Health. The term includes:

(1) The Clinical Trials Cooperative Group Program; and

(2) The Community Clinical Oncology Program.

(b) "Facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer" means a facility or an affiliate of a facility that:

(1) Has in place a Phase I program which permits only selective participation in the program and which uses clear-cut criteria to determine eligibility for participation in the program;

(2) Operates a protocol review and monitoring system which conforms to the standards set forth in the "Policies and Guidelines Relating to the Cancer Center Support Grant" published by the Cancer Centers Branch of the National Cancer Institute;

(3) Employs at least two researchers and at least one of those researchers receives funding from a federal grant;

(4) Employs at least three clinical investigators who have experience working in Phase I clinical trials or studies conducted at a facility designated as a comprehensive cancer center by the National Cancer Institute;

(5) Possesses specialized resources for use in Phase I clinical trials or studies, including, without limitation, equipment that facilitates research and analysis in proteomics, genomics and pharmacokinetics;

(6) Is capable of gathering, maintaining and reporting electronic data; and

(7) Is capable of responding to audits instituted by federal and state agencies.

(c) "Provider of health care" means:

(1) A hospital; or

(2) A person licensed pursuant to chapter 630, 631 or 633 of NRS.

Sec. 108. NRS 689B.0357 is hereby amended to read as follows:

689B.0357 1. No group policy of health insurance that provides coverage for hospital, medical or surgical expenses may be delivered or issued for delivery in this state unless the policy includes coverage for the management and treatment of diabetes, including, without limitation, coverage for the self-management of diabetes.

2. An insurer who delivers or issues for delivery a policy specified in subsection 1:

(a) Shall include in ~~[the]~~ ***any*** disclosure ~~[required pursuant to NRS 689B.027]~~ ***of the coverage provided by the policy*** notice to each policyholder and subscriber under the policy of the availability of the benefits required by this section.

(b) Shall provide the coverage required by this section subject to the same deductible, copayment, coinsurance and other such conditions for coverage that are required under the policy.

3. A policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 1998, has the legal effect of including the coverage required by this section, and any provision of the policy that conflicts with this section is void.

4. As used in this section:

(a) "Coverage for the management and treatment of diabetes" includes coverage for medication, equipment, supplies and appliances that are medically necessary for the treatment of diabetes.

(b) "Coverage for the self-management of diabetes" includes:

(1) The training and education provided to the employee or member of the insured group after the employee or member is initially diagnosed with diabetes which is medically necessary for the care and management of diabetes, including, without limitation, counseling in nutrition and the proper use of equipment and supplies for the treatment of diabetes;

(2) Training and education which is medically necessary as a result of a subsequent diagnosis that indicates a significant change in the symptoms or condition of the employee or member of the insured group and which requires modification of his or her program of self-management of diabetes; and

(3) Training and education which is medically necessary because of the development of new techniques and treatment for diabetes.

(c) "Diabetes" includes type I, type II and gestational diabetes.

Sec. 109. NRS 689B.061 is hereby amended to read as follows:

689B.061 A policy of group health insurance which offers a difference of payment between preferred providers of health care and providers of health care who are not preferred:

1. May not require an insured, another insurer who issues policies of group health insurance, a nonprofit medical service corporation or a health maintenance organization to pay any amount in excess of the deductible or coinsurance due from the insured based on the rates agreed upon with a provider.

2. Must require that the deductible and payment for coinsurance paid by the insured to a preferred provider of health care be applied to the negotiated reduced rates of that provider.

3. ~~[Must include for providers of health care who are not preferred a provision establishing the point at which an insured's payment for coinsurance is no longer required to be paid if such a provision is included for preferred providers of health care. Such provisions must be based on a calendar year. The point at which an insured's payment for coinsurance is no longer required to be paid for providers of health care who are not preferred must not be greater than twice the amount for preferred providers of health care, regardless of the method of payment.~~

~~4.]~~ Must provide that if there is a particular service which a preferred provider of health care does not provide and the provider of health care who is treating the insured requests the service and the insurer determines that the use of the service is necessary for the health of the insured, the service shall be deemed to be provided by the preferred provider of health care.

~~[5.]~~ ***4.*** Must require the insurer to process a claim of a provider of health care who is not preferred not later than 30 working days after the date on which proof of the claim is received.

Sec. 110. NRS 689B.560 is hereby amended to read as follows:

689B.560 1. Except as otherwise provided in this section, coverage under a policy of group health insurance must be renewed by the carrier at the option of the plan sponsor, unless:

(a) The plan sponsor has failed to pay premiums or contributions in accordance with the terms of the group health insurance or the carrier has not received timely premium payments;

(b) The plan sponsor has performed an act or a practice that constitutes fraud or has made an intentional misrepresentation of material fact under the terms of the coverage;

(c) The plan sponsor has failed to comply with any material provision of the group health insurance relating to employer contributions and group participation; or

(d) The carrier decides to discontinue offering coverage under group health insurance. If the carrier decides to discontinue offering and renewing such insurance, the carrier shall:

(1) Provide notice of its intention to the Commissioner and the chief regulatory officer for insurance in each state in which the carrier is licensed to transact insurance at least 60 days before the date on which notice of cancellation or nonrenewal is delivered or mailed to the persons covered by the discontinued insurance pursuant to subparagraph (2).

(2) Provide notice of its intention to all persons covered by the discontinued insurance and to the Commissioner and the chief regulatory officer for insurance in each state in which such a person is known to reside. The notice must be made at least 180 days before the discontinuance of any group health plan by the carrier.

(3) Discontinue all health insurance issued or delivered for issuance for persons in this state and not renew coverage under any group health insurance issued to such persons.

2. A carrier may discontinue ~~[the issuance and renewal of a form of]~~ a product ~~[of group health insurance if the Commissioner finds that the form of the product]~~ offered ~~[by the carrier is obsolete and is being replaced with comparable coverage. A form of a product may be discontinued by the carrier]~~ ***to employers*** pursuant to this subsection only if:

(a) The carrier notifies the Commissioner ~~[and the chief regulatory officer in each state in which it is licensed]~~ of its decision pursuant to this subsection to discontinue ~~[the issuance and renewal of the form of]~~ the product at least 60 days before the ~~[individual]~~ carrier notifies the ***affected employers and*** persons covered ~~[by the discontinued insurance]~~ pursuant to paragraph (b).

(b) The carrier notifies each ***affected employer and*** person covered ~~[by the discontinued insurance and the Commissioner and the chief regulatory officer in each state in which such a person is known to reside]~~ of the decision of the carrier to discontinue ~~[offering the form of]~~ the product. The notice must be made at least ~~[180]~~ ***90*** days before the date on which the carrier will discontinue offering ~~[the form of]~~ the product.

(c) The carrier offers to each ~~[person covered by the discontinued insurance]~~ ***affected employer*** the option to purchase any other health benefit plan currently offered by the carrier to ~~[large]~~ groups in this state.

(d) In exercising the option to discontinue ~~[the form of]~~ the product and in offering the option to purchase other coverage pursuant to paragraph (c), the carrier acts uniformly without regard to the claim experience of the persons covered by the discontinued ~~[insurance]~~ ***product*** or any health status-related

factor relating to those persons or beneficiaries covered by the discontinued ~~[form of the]~~ product or any person or beneficiary who may become eligible for such coverage.

3. A carrier may discontinue the issuance and renewal of any type of group health insurance offered by the carrier in this state that is made available pursuant to this chapter only to a member of a bona fide association if:

(a) The membership of the person in the bona fide association was the basis for the provision of coverage under the group health insurance;

(b) The membership of the person in the bona fide association ceases; and

(c) Coverage is terminated pursuant to this subsection for all such former members uniformly without regard to any health status-related factor relating to the former member.

4. A carrier that elects not to renew group health insurance pursuant to paragraph (d) of subsection 1 shall not write new business pursuant to this chapter for 5 years after the date on which notice is provided to the Commissioner pursuant to subparagraph (2) of paragraph (d) of subsection 1.

5. If the carrier does business in only one geographic service area of this state, the provisions of this section apply only to the operations of the carrier in that service area.

6. As used in this section, "bona fide association" has the meaning ascribed to it in NRS 689A.485.

Sec. 111. NRS 689C.111 is hereby amended to read as follows:

689C.111 ~~[1. If an employer was not in existence throughout the entire preceding calendar year, the determination of whether the employer is a small or large employer must be based on the average number of employees reasonably expected to be employed on business days in the current calendar year.~~

~~2. Except as otherwise provided by specific statute, the provisions of this chapter that apply to a small employer at the time that a carrier issues a health benefit plan to the small employer pursuant to the provisions of this chapter continue to apply at least until the plan anniversary following the date on which the small employer no longer meets the requirements of being a small employer.~~

~~3.]~~ An employee leasing company which has more than 50 employees, including leased employees at client locations, and which sponsors a fully insured health benefit plan for those employees shall be deemed to be a large employer for the purposes of this chapter.

Sec. 112. NRS 689C.310 is hereby amended to read as follows:

689C.310 1. Except as otherwise provided in subsections 2 and 3, a carrier shall renew a health benefit plan at the option of the small employer who purchased the plan.

2. A carrier may refuse to issue or to renew a health benefit plan if:

(a) The carrier discontinues transacting insurance in this state or in the geographic service area of this state where the employer is located;

(b) The employer fails to pay the premiums or contributions required by the terms of the plan;

(c) The employer misrepresents any information regarding the employees covered under the plan or other information regarding eligibility for coverage under the plan;

(d) The plan sponsor has engaged in an act or practice that constitutes fraud to obtain or maintain coverage under the plan;

(e) The employer is not in compliance with the minimum requirements for participation or employer contribution as set forth in the plan; or

(f) The employer fails to comply with any of the provisions of this chapter.

3. A carrier may require a small employer to exclude a particular employee or a dependent of the particular employee from coverage under a health benefit plan as a condition to renewal of the plan if the employee or dependent of the employee commits fraud upon the carrier or misrepresents a material fact which affects his or her coverage under the plan.

4. A carrier shall discontinue the issuance and renewal of coverage to a small employer if the Commissioner finds that the continuation of the coverage would not be in the best interests of the policyholders or certificate holders of the carrier in this state or would impair the ability of the carrier to meet its contractual obligations. If the Commissioner makes such a finding, the Commissioner shall assist the affected small employers in finding replacement coverage.

5. A carrier may discontinue ~~[the issuance and renewal of a form of]~~ a product ~~[of a health benefit plan]~~ offered to small employers ~~[pursuant to this chapter if the Commissioner finds that the form of the product offered by the carrier is obsolete and is being replaced with comparable coverage. A form of a product of a health benefit plan may be discontinued by a carrier]~~ pursuant to this subsection only if:

(a) The carrier notifies the Commissioner ~~[and the chief regulatory officer for insurance in each state in which it is licensed]~~ of its decision pursuant to this subsection to discontinue ~~[the issuance and renewal of the form of]~~ the product at least 60 days before the carrier notifies the affected small employers pursuant to paragraph (b).

(b) The carrier notifies each affected small employer ~~[and the Commissioner and the chief regulatory officer for insurance in each state in which any affected small employer is located or eligible employee resides]~~ of the decision of the carrier to discontinue ~~[offering the form of]~~ the product. The notice must be made at least ~~[180]~~ ***90*** days before the date on which the carrier will discontinue offering ~~[the form of]~~ the product.

(c) The carrier offers to each affected small employer the option to purchase any other health benefit plan currently offered by the carrier to small employers in this state.

(d) In exercising the option to discontinue ~~[the particular form of]~~ the product and in offering the option to purchase other coverage pursuant to

paragraph (c), the carrier acts uniformly without regard to the claims experience of the affected small employers or any health status-related factor relating to any participant or beneficiary covered by the discontinued product or any new participant or beneficiary who may become eligible for such coverage.

6. A carrier may discontinue the issuance and renewal of a health benefit plan offered to a small employer or an eligible employee pursuant to this chapter only through a bona fide association if:

(a) The membership of the small employer or eligible employee in the association was the basis for the provision of coverage;

(b) The membership of the small employer or eligible employee in the association ceases; and

(c) The coverage is terminated pursuant to this subsection uniformly without regard to any health status-related factor relating to the small employer or eligible employee or dependent of the eligible employee.

7. If a carrier does business in only one geographic service area of this state, the provisions of this section apply only to the operations of the carrier in that service area.

Sec. 113. NRS 689C.350 is hereby amended to read as follows:

689C.350 A health benefit plan which offers a difference of payment between preferred providers of health care and providers of health care who are not preferred:

1. Must require that the deductible and payment for coinsurance paid by the insured to a preferred provider of health care be applied to the negotiated reduced rates of that provider.

2. **[**~~Must include for providers of health care who are not preferred a provision establishing the point at which an insured's payment for coinsurance is no longer required to be paid if such a provision is included for preferred providers of health care. Such provisions must be based on a plan year. The point at which an insured's payment for coinsurance is no longer required to be paid for providers of health care who are not preferred must not be greater than twice the amount for preferred providers of health care, regardless of the method of payment.~~

~~3.~~**]** Must provide that if there is a particular service which a preferred provider of health care does not provide and the provider of health care who is treating the insured requests the service and the insurer determines that the use of the service is necessary for the health of the insured, the service shall be deemed to be provided by the preferred provider of health care.

Sec. 114. NRS 689C.470 is hereby amended to read as follows:

689C.470 1. Except as otherwise provided in NRS 689C.360 to 689C.600, inclusive, a carrier shall renew a contract as to all insured small employers that are members of a voluntary purchasing group and their employees and dependents at the request of the purchaser unless:

(a) Required premiums are not paid;

(b) The insured employer or other purchaser is guilty of fraud or misrepresentation;

(c) Provisions of the contract are breached;

(d) The number or percentage of employees covered under the contract is less than the number or percentage of eligible employees required by the contract;

(e) The employer or purchaser is no longer engaged in the business in which it was engaged on the effective date of the contract; or

(f) The Commissioner finds that the continuation of the coverage is not in the best interests of the persons insured under the contract or would impair the carrier's ability to meet its contractual obligations. If nonrenewal occurs as a result of findings pursuant to this subsection, the Commissioner shall assist affected persons in replacing coverage.

2. A carrier may discontinue ~~[issuance and renewal of a form of]~~ a product ~~[of a health benefit plan]~~ offered to a small employer or purchasers pursuant to NRS 689C.360 to 689C.600, inclusive, ~~[if the Commissioner finds that the form of the product offered by the carrier is obsolete and is being replaced with comparable coverage. A form of a product of a health benefit plan may be discontinued by a carrier pursuant to this subsection]~~ only if:

(a) The carrier notifies the Commissioner ~~[and the chief regulatory officer for insurance in each state in which it is licensed]~~ of its decision pursuant to this subsection to discontinue ~~[offering and renewing the form of]~~ the product at least 60 days before the carrier notifies the affected small employers and purchasers pursuant to paragraph (b).

(b) The carrier notifies each affected small employer and purchaser ~~[, and the Commissioner and the chief regulatory officer for insurance in each state in which any affected small employer is located or employee resides,]~~ of the decision of the carrier to discontinue ~~[offering the form of]~~ the product. The notice must be made at least ~~[180]~~ ***90*** days before the date on which the carrier will discontinue offering ~~[the form of]~~ the product.

(c) The carrier offers to each affected small employer and purchaser the option to purchase any other health benefit plan currently offered by the carrier to small employers in this state.

(d) In exercising the option to discontinue ~~[the particular form of]~~ the product and in offering the option to purchase other coverage pursuant to paragraph (c), the carrier acts uniformly without regard to the claim experience of the affected small employers and any health status-related factor relating to any participant or beneficiary covered by the discontinued product or any new participant or beneficiary who may become eligible for such coverage.

3. A carrier may discontinue the issuance and renewal of a health benefit plan offered to a voluntary purchasing group pursuant to this chapter only through a bona fide association if:

(a) The membership of the small employer who employs the members of the voluntary purchasing group or the purchaser in the association was the basis for the provision of coverage;

(b) The membership of that small employer or the purchaser in the association ceases; and

(c) The coverage is terminated pursuant to this subsection uniformly without regard to any health status-related factor relating to the small employer or the purchaser or his or her dependent.

Sec. 115. NRS 689C.520 is hereby amended to read as follows:

689C.520 1. Before the issuance of a certificate of registration, each voluntary purchasing group shall, to the satisfaction of the Commissioner:

(a) Establish the conditions of membership in the group and require as a condition of membership that all employers include all their eligible employees. The group may not differentiate among classes of membership on the basis of the kind of employment, race, religion, sex, education, health or income. The group shall set reasonable fees for membership which will finance all reasonable and necessary costs incurred in administering the group.

(b) Provide to members of the group and their eligible employees ***any applicable disclosures of the coverage provided by any proposed contracts and any applicable*** information **[**~~meeting the requirements of NRS 689C.440 regarding~~**]** ***regarding available benefits and carriers provided by*** any proposed contracts.

2. In addition to the information required pursuant to subsection 1, a voluntary purchasing group shall provide annually to members of the group information regarding available benefits and carriers.

Sec. 116. NRS 690B.200 is hereby amended to read as follows:

690B.200 As used in NRS 690B.200 to **[**~~690B.370,~~**]** ***690B.360,*** inclusive, unless the context otherwise requires, the words and terms defined in NRS 690B.210 to 690B.240, inclusive, have the meanings ascribed to them in those sections.

Sec. 117. NRS 690B.250 is hereby amended to read as follows:

690B.250 Except as more is required in NRS 630.3067 and 633.526:

1. Each insurer which issues a policy of insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS for a breach of his or her professional duty toward a patient shall report to the board which licensed the practitioner within 45 days each settlement or award made or judgment rendered by reason of a claim, if the settlement, award or judgment is for more than $5,000, giving the name **[**~~and address~~**]** of the claimant and the practitioner and the circumstances of the case.

2. A practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS who does not have insurance covering liability for a breach of his or her professional duty toward a patient shall report to the board which issued the practitioner's license within 45 days of each settlement or award made or judgment rendered by reason of a claim, if the settlement, award or judgment

is for more than $5,000, giving the practitioner's name **,** ~~[and address,]~~ the name ~~[and address]~~ of the claimant and the circumstances of the case.

3. These reports are public records and must be made available for public inspection within a reasonable time after they are received by the licensing board.

Sec. 118. NRS 690B.260 is hereby amended to read as follows:

690B.260 1. Each insurer which issues a policy of insurance covering the liability of a physician licensed under chapter 630 of NRS or an osteopathic physician licensed under chapter 633 of NRS for a breach of his or her professional duty toward a patient shall, within 45 days after the end of a calendar quarter, submit a report to the Commissioner concerning each claim that was closed during that calendar quarter under such a policy of insurance issued by the insurer and any change during that calendar quarter to any claim under such a policy of insurance issued by the insurer that was closed during a previous calendar quarter. The report must include, without limitation:

(a) The name ~~[and address]~~ of the claimant and the insured under each policy;

(b) A statement setting forth the circumstances of that case;

(c) Information indicating whether any payment was made on a claim and the amount of the payment, if any; and

(d) The information specified in subsection 1 of NRS 679B.144 for each claim.

2. An insurer who fails to comply with the provisions of subsection 1 is subject to the imposition of an administrative fine pursuant to NRS 679B.460.

3. The Commissioner shall, within 30 days after receiving a report from an insurer pursuant to this section, submit a report to the Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable, setting forth the information provided to the Commissioner by the insurer pursuant to this section.

Sec. 119. NRS 690B.350 is hereby amended to read as follows:

690B.350 1. ***The requirements of this section apply only if, after a hearing convened at the discretion of the Commissioner, the Commissioner determines that the market for professional liability insurance issued to any class, type or specialty of practitioner licensed pursuant to chapter 630, 631 or 633 of NRS is not competitive and that such insurance is unavailable or unaffordable for a substantial number of such practitioners.***

2. If the Commissioner convenes a hearing pursuant to subsection 1 and issues a finding that the market for professional liability insurance issued to any class, type or specialty of practitioner licensed pursuant to chapter 630, 631 or 633 of NRS is not competitive, the Commissioner may designate that class, type or specialty of practitioner to be an essential medical specialty.

3. Except as otherwise provided in this section, if an insurer intends to cancel, terminate or otherwise not renew all policies of professional liability insurance that it has issued to any class, type or specialty of practitioner licensed pursuant to chapter 630, 631 or 633 of NRS, the insurer must provide 120 days' notice of its intended action to the Commissioner and the practitioners before its intended action becomes effective.

~~[2.]~~ ***4.*** If an insurer intends to cancel, terminate or otherwise not renew a specific policy of professional liability insurance that it has issued to a practitioner who is practicing in one or more of the essential medical specialties designated by the Commissioner:

(a) The insurer must provide 120 days' notice to the practitioner before its intended action becomes effective; and

(b) The Commissioner may require the insurer to delay its intended action for a period of not more than 60 days if the Commissioner determines that a replacement policy is not readily available to the practitioner.

~~[3.]~~ ***5.*** If an insurer intends to cancel, terminate or otherwise not renew all policies of professional liability insurance that it has issued to practitioners who are practicing in one or more of the essential medical specialties designated by the Commissioner:

(a) The insurer must provide 120 days' notice of its intended action to the Commissioner and the practitioners before its intended action becomes effective; and

(b) The Commissioner may require the insurer to delay its intended action for a period of not more than 60 days if the Commissioner determines that replacement policies are not readily available to the practitioners.

~~[4. On or before April 1 of each year, the Commissioner shall:~~

~~(a) Determine whether there are any medical specialties in this State which are essential as a matter of public policy and which must be protected pursuant to this section from certain adverse actions relating to professional liability insurance that may impair the availability of those essential medical specialties to the residents of this State; and~~

~~(b) Make a list containing the essential medical specialties designated by the Commissioner and provide the list to each insurer that issues policies of professional liability insurance to practitioners who are practicing in one or more of the essential medical specialties.~~

~~5.]~~ ***6.*** The Commissioner may adopt any regulations that are necessary to carry out the provisions of this section.

~~[6. Until the Commissioner determines which, if any, medical specialties are to be designated as essential medical specialties, the following medical specialties shall be deemed to be essential medical specialties for the purposes of this section:~~

~~(a) Emergency medicine.~~

~~(b) Neurosurgery.~~

~~(c) Obstetrics and gynecology.~~

~~(d) Orthopedic surgery.~~

~~(e) Pediatrics.~~

~~(f) Trauma surgery.~~]

Sec. 120. NRS 690B.360 is hereby amended to read as follows:

690B.360 1. The Commissioner [~~shall~~] ***may*** collect all information which is pertinent to monitoring whether an insurer that issues professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS is complying with the applicable standards for rates established in NRS 686B.010 to 686B.1799, inclusive [~~.~~] ***, and sections 35 to 39, inclusive, of this act.*** Such information [~~must~~] ***may*** include, without limitation:

(a) The amount of gross premiums collected with regard to each medical specialty;

(b) Information relating to loss ratios;

(c) Information reported pursuant to NRS [~~690B.250;~~] ***690B.260;*** and

(d) Information reported pursuant to NRS 679B.430 and 679B.440.

2. In addition to the information collected pursuant to subsection 1, the Commissioner may request any additional information from an insurer:

(a) Whose rates and credit utilization are materially different from other insurers in the market for professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS in this State;

(b) Whose credit utilization shows a substantial change from the previous year; or

(c) Whose information collected pursuant to subsection 1 indicates a potentially adverse trend.

3. If the Commissioner requests additional information from an insurer pursuant to subsection 2, the Commissioner [~~shall:~~] ***may:***

(a) Determine whether the additional information offers a reasonable explanation for the results described in paragraph (a), (b) or (c) of subsection 2; and

(b) Take any steps permitted by law that are necessary and appropriate to assure the ongoing stability of the market for professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS in this State.

4. On an ongoing basis, the Commissioner [~~shall:~~

~~(a) Analyze~~] ***may analyze*** and evaluate the information collected pursuant to this section to determine trends in and measure the health of the market for professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS in this State **.** [~~; and~~

~~(b) Prepare~~]

5. If the Commissioner convenes a hearing pursuant to subsection 1 of NRS 690B.350 and determines that the market for professional liability insurance issued to any class, type or specialty of practitioner licensed pursuant to chapter 630, 631 or 633 of NRS is not competitive and that such insurance is unavailable or unaffordable for a substantial number of such practitioners, the Commissioner shall prepare and submit a report of

the Commissioner's findings and recommendations to the Director of the Legislative Counsel Bureau for transmittal to members of the Legislature **.** ~~[on or before November 15 of each year.]~~

Sec. 121. Chapter 690C of NRS is hereby amended by adding thereto the provisions set forth as sections 122, 123 and 124 of this act.

Sec. 122. ***"Controlling person" means a person who qualifies as a controlling person of a provider pursuant to section 123 of this act.***

Sec. 123. ~~*[1.]*~~ ***A person is a controlling person of a provider if*** ~~*[:*~~

~~*(a) The]*~~ ***the person:***

1. Is an officer of the *provider* ~~*[is a business entity and the person possesses]*~~ ***; or***

2. Possesses ***the authority to set the policy and direct the management of the business entity*** ~~*[;*~~

~~*(b) The provider is a corporation and the person:*~~

~~*(1) Possesses direct or indirect control of 25 percent or more of the voting securities of the corporation; or*~~

~~*(2) Is the president, the secretary or a director of the corporation;*~~

~~*(c) The provider is a partnership and the person is a general partner of the partnership; or*~~

~~*(d) The provider is a limited partnership and the person is a controlling person of a business entity which is the general partner of the limited partnership.*~~

~~*2. As used in this section, "business entity" includes, without limitation, a sole proprietorship, corporation, limited liability company, association, partnership, joint stock company, joint venture, mutual fund, trust, joint tenancy or other similar form of business organization.]*~~ ***in connection with its service contract business.***

Sec. 124. ***1. Except as otherwise provided in this section, a provider shall not transfer any liability relating to a service contract to another provider or any other person, including, without limitation, another provider or other person with whom the original provider has merged or plans to merge.***

2. A provider may transfer a liability relating to a service contract to another provider or any other person if, before the liability is transferred:

(a) The original provider submits a proposal to the Commissioner to transfer the liability; and

(b) The Commissioner approves the proposal pursuant to subsection 3.

3. The Commissioner may approve a proposal made by a provider pursuant to subsection 2 if the Commissioner determines, after reviewing the financial condition of the provider or other person to whom the liability is proposed to be transferred, that the proposed recipient of the transfer has adequate financial resources to enable the proposed recipient to pay in full and in a timely manner all liabilities proposed to be transferred to the proposed recipient.

4. The provisions of this section do not apply to any transaction relating to a contractual liability insurance policy into which the provider enters to satisfy the requirements of NRS 690C.170.

Sec. 125. NRS 690C.010 is hereby amended to read as follows:

690C.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 690C.020 to 690C.080, inclusive, ***and section 122 of this act,*** have the meanings ascribed to them in those sections.

Sec. 126. NRS 690C.100 is hereby amended to read as follows:

690C.100 1. The provisions of this title do not apply to:

(a) A warranty;

(b) A maintenance agreement;

(c) A service contract provided by a public utility on its transmission device if the service contract is regulated by the Public Utilities Commission of Nevada;

(d) A service contract sold or offered for sale to a person who is not a consumer;

(e) A service contract for goods if the purchase price of the goods is less than $250; or

(f) ~~[Except as otherwise provided in NRS 690C.240, a]~~ ***A*** service contract issued, sold or offered for sale by a vehicle dealer on vehicles sold by the dealer, if the dealer is licensed pursuant to NRS 482.325 and the service contract obligates either the dealer or the manufacturer of the vehicle, or an affiliate of the dealer or manufacturer, to provide all services under the service contract.

2. The sale of a service contract pursuant to this chapter does not constitute the business of insurance for the purposes of 18 U.S.C. §§ 1033 and 1034.

3. As used in this section:

(a) "Maintenance agreement" means a contract for a limited period that provides only for scheduled maintenance.

(b) "Warranty" means a warranty provided solely by a manufacturer, importer or seller of goods for which the manufacturer, importer or seller did not receive separate consideration and that:

(1) Is not negotiated or separated from the sale of the goods;

(2) Is incidental to the sale of the goods; and

(3) Guarantees to indemnify the consumer for defective parts, mechanical or electrical failure, labor or other remedial measures required to repair or replace the goods.

Sec. 127. NRS 690C.160 is hereby amended to read as follows:

690C.160 1. A provider who wishes to issue, sell or offer for sale service contracts in this state must submit to the Commissioner:

(a) A registration application on a form prescribed by the Commissioner;

(b) Proof that the provider has complied with the requirements for ***financial*** security set forth in NRS 690C.170;

(c) A copy of each type of service contract the provider proposes to issue, sell or offer for sale;

(d) The name, address and telephone number of each administrator with whom the provider intends to contract; ~~[and]~~

(e) A fee of $1,000 and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110 ~~[.]~~ ***; and***

(f) ~~[A completed personal information form from each controlling person of the provider on a form prescribed by the Commissioner; and~~

~~(g) A completed criminal history questionnaire from each controlling person of the provider on a form prescribed by the Commissioner.]~~ The following information for each controlling person:

(1) Whether the person, in the last 10 years, has been:

(I) Convicted of a felony or misdemeanor of which an essential element is fraud;

(II) Insolvent or adjudged bankrupt;

(III) Refused a license or registration as a service contract provider or had an existing license or registration as a service contract provider suspended or revoked by any state or governmental agency or authority; or

(IV) Fined by any state or governmental agency or authority in any matter regarding service contracts; and

(2) Whether there are any pending criminal actions against the person other than moving traffic violations.

2. In addition to the fee required by subsection 1, a provider must pay a fee of $25 for each type of service contract the provider files with the Commissioner.

3. A certificate of registration is valid for 1 year after the date the Commissioner issues the certificate to the provider. A provider may renew his or her certificate of registration if, before the certificate expires, the provider submits to the Commissioner ~~[an]~~ ***:***

(a) An application on a form prescribed by the Commissioner ~~[, a]~~ ***;***

(b) A fee of $1,000 and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110 ~~[.]~~ ***; and***

(c) ~~[A completed personal information form and completed criminal history questionnaire from each]~~ The information required by paragraph (f) of subsection 1:

(1) If an existing controlling person ~~[of the provider who]~~ has had a change in any of the information previously submitted to the Commissioner ~~[pursuant to this section]~~ ; or

(2) For a controlling person who has not previously submitted ~~[a personal]~~ the information ~~[form or criminal history questionnaire]~~ required by paragraph (f) of subsection 1 to the Commissioner . ~~[pursuant to this section.]~~

4. All fees paid pursuant to this section are nonrefundable.

5. Each application submitted pursuant to this section, including, without limitation, an application for renewal, must:

(a) Be signed by an executive officer, if any, of the provider or, if the provider does not have an executive officer, by a controlling person of the provider; and

(b) Have attached to it an affidavit signed by the person described in paragraph (a) which meets the requirements of subsection 6.

6. Before signing the application described in subsection 5, the person who signs the application shall ~~***[:***~~

~~***(a) Verify the accuracy of the information in the application; and***~~

~~***(b) Attach to the application an affidavit affirming that the information in the application is accurate and that he or she has verified the information in the application.]***~~ ***verify that the information provided is accurate to the best of his or her knowledge.***

Sec. 128. NRS 690C.170 is hereby amended to read as follows:

690C.170 ***1.*** To be issued a certificate of registration, a provider must comply with one of the following ~~[:~~

~~1.]~~ ***to provide for financial security:***

(a) Purchase a contractual liability insurance policy which ~~***[names the Division as an additional insured and which]***~~ insures the obligations of each service contract the provider issues, sells or offers for sale. The contractual liability insurance policy must ~~[be]~~ ***:***

(1) Be issued by an insurer which is licensed, registered or otherwise authorized to transact insurance in this state or pursuant to the provisions of chapter 685A of NRS.

(2) Contain a provision prohibiting the insurer from terminating the policy until a notice of termination has been mailed or delivered to the Commissioner at least 60 days prior to the termination of the policy. Any such termination shall not reduce the responsibility of the insurer for service contracts issued by the provider prior to the effective date of termination.

~~[2.]~~ ***(b)*** Maintain a reserve account ***in this State*** and deposit with the Commissioner security as provided in this subsection. The reserve account must contain at all times an amount of money equal to at least 40 percent of the unearned gross consideration received by the provider for any unexpired service contracts. ***The reserve account must be kept separate from the operating accounts of the provider and must be clearly identified as the " (Provider's Name) Nevada Service Contracts Funded Reserve Account."*** The Commissioner may examine the reserve account at any time. The provider shall also deposit with the Commissioner security in an amount that is equal to $25,000 or 10 percent of the unearned gross consideration received by the provider for any unexpired service contracts, whichever is greater. The security must be:

~~[(a)]~~ ***(1)*** A surety bond issued by a surety company authorized to do business in this State;

~~[(b)]~~ ***(2)*** Securities of the type eligible for deposit pursuant to NRS 682B.030;

~~[(c)]~~ ***(3)*** Cash;

~~[(d)]~~ ***(4)*** An irrevocable letter of credit issued by a financial institution approved by the Commissioner; or

~~[(e)]~~ ***(5)*** In any other form prescribed by the Commissioner.

~~[3.]~~ ***(c)*** Maintain, or be a subsidiary of a parent company that maintains, a net worth or stockholders' equity of at least $100,000,000. Upon request, a provider shall provide to the Commissioner a copy of the most recent Form 10-K report or Form 20-F report filed by the provider or parent company of the provider with the Securities and Exchange Commission within the previous year. If the provider or parent company is not required to file those reports with the Securities and Exchange Commission, the provider shall provide to the Commissioner a copy of the most recently audited financial statements of the provider or parent company. If the net worth or stockholders' equity of the parent company of the provider is used to comply with the requirements of this subsection, the parent company must guarantee to carry out the duties of the provider under any service contract issued or sold by the provider.

2. A provider shall not use any money in a reserve account described in paragraph (b) of subsection 1 for any purpose other than to pay an obligation of the provider under an unexpired service contract.

3. A provider shall maintain the financial security required by subsection 1 until:

(a) The provider ceases doing business in this State; and

(b) ~~[The certificate of registration of the provider expires; and~~

~~(c)]~~ The provider has performed or otherwise satisfied all liabilities and obligations under all unexpired service contracts issued by the provider.

4. If the certificate of registration of a provider has not expired and the provider fails to maintain the financial security required by subsection 1, including, without limitation, if the financial security is cancelled or lapses, the provider shall not issue or sell a service contract on or after the effective date of such failure until the provider submits to the Commissioner proof satisfactory to the Commissioner that the provider is in compliance with subsection 1.

Sec. 129. NRS 690C.240 is hereby amended to read as follows:

690C.240 1. A provider ~~[who, whether directly or through a vehicle dealer licensed pursuant to NRS 482.325, enters into a vehicle service contract with a buyer]~~ shall, within 30 days after ceasing doing business in this State, notify ~~[any buyer who purchased such a contract]~~ ***the Commissioner and each holder of an unexpired service contract*** in writing of the fact that the provider has ceased doing business in this State **.** ~~[if the specified period of the vehicle service contract has not yet expired.]~~

2. The provisions of this section do not:

(a) Render a service contract void pursuant to NRS 690C.250;

(b) Cancel a service contract pursuant to NRS 690C.270; or

(c) Release the provider from any liability imposed by a violation of any provision of this chapter.

~~[3. As used in this section:~~

~~(a) "Buyer" means the buyer of a vehicle service contract.~~

~~(b) "Vehicle service contract" means a contract pursuant to which a provider, in exchange for separately stated consideration, is obligated for a specified period to a buyer to repair, replace or perform maintenance on, or indemnify or reimburse the buyer for the costs of repairing, replacing or performing maintenance on, a motor vehicle which is described in the vehicle service contract and which has an operational or structural failure as a result of a defect in materials, workmanship or normal wear and tear, including, without limitation, a contract that includes a provision for incidental payment of indemnity under limited circumstances, including, without limitation, towing, rental and emergency road service.~~]

Sec. 130. NRS 691C.340 is hereby amended to read as follows:

691C.340 ~~[1. The Commissioner shall, by regulation, establish reasonable rates as described in this chapter and in accordance with the standards established in NRS 686B.050 and 686B.060. The rates must be reasonable in relation to the benefits provided and must not be excessive, inadequate or unfairly discriminatory.~~

~~2.~~] The Commissioner may, by regulation, establish rates that an insurer may use without filing pursuant to NRS 691C.320. In establishing such rates, the Commissioner shall consider and apply the following factors:

~~[(a)]~~ ***1.*** Actual and expected loss experience;

~~[(b)]~~ ***2.*** General and administrative expenses;

~~[(c)]~~ ***3.*** Loss settlement and adjustment expenses;

~~[(d)]~~ ***4.*** Reasonable creditor compensation;

~~[(e)]~~ ***5.*** The manner in which premiums are charged;

~~[(f)]~~ ***6.*** Other acquisition costs;

~~[(g)]~~ ***7.*** Reserves;

~~[(h)]~~ ***8.*** Taxes;

~~[(i)]~~ ***9.*** Regulatory license fees and fund assessments;

~~[(j)]~~ ***10.*** Reasonable insurer profit; and

~~[(k)]~~ ***11.*** Other relevant data consistent with generally accepted actuarial standards.

Sec. 131. NRS 691C.390 is hereby amended to read as follows:

691C.390 1. Each individual policy or certificate of insurance must provide for a refund of unearned premiums if the credit personal property insurance is cancelled before the scheduled date of termination of the insurance.

2. Except as otherwise provided in this section, any refund must be provided to the person to whom it is entitled as soon as practicable after the date of cancellation of the insurance.

3. ~~[The Commissioner shall, by regulation, establish the minimum amount of unearned premiums that must remain outstanding at the time of~~

~~cancellation in order for a person to be entitled to a refund. If the amount of unearned premiums that remains outstanding at the time of cancellation is less than the minimum amount established by regulation, the person is not entitled to a refund.~~

~~4.~~] The formula that an insurer uses to determine the amount of a refund must be submitted to and approved by the Commissioner before it is used.

Sec. 132. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A corporation organized under this chapter shall contract with an insurance company licensed in this State or authorized to do business in this State for the provision of insurance, indemnity or reimbursement against the cost of hospital services, medical services and dental services which are provided by the corporation.

2. The contract of insurance required by subsection 1 must include a provision that, in the case of the insolvency or impairment of the corporation, the insurance company will pay all claims made by an insured for the period for which a premium has been or will be paid to the corporation for the insured. The contract of insurance required by subsection 1 must specifically provide for the:

(a) Continuation of benefits to each insured for the period for which a premium has been or will be paid to the corporation for the insured until the expiration or termination of the insured's contract with the corporation;

(b) Continuation of benefits for each insured who is receiving inpatient services in a medical facility or facility for the dependent at the time of the insolvency or impairment of the corporation until the inpatient services are no longer medically necessary and the insured is discharged from the medical facility or facility for the dependent; and

(c) Payment of a provider of health care not affiliated with the corporation who provided medically necessary services to an insured, as described in the insured's contract with the corporation, the insured's policy or the insured's evidence of coverage.

3. As used in this section:

(a) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(b) "Impairment" means that a corporation organized under this chapter is not insolvent and has been:

(1) Deemed to be impaired pursuant to NRS 695B.150; or

(2) Placed under an order of rehabilitation or conservation by a court of competent jurisdiction.

(c) "Insolvency" or "insolvent" means that a corporation organized under this chapter has been:

(1) Deemed to be insolvent pursuant to NRS 695B.150;

(2) Declared insolvent by a court of competent jurisdiction; or

(3) Placed under an order of liquidation by a court of competent jurisdiction.

(d) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(e) "Medically necessary" has the meaning ascribed to it in NRS 695G.055.

(f) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 133. NRS 695B.150 is hereby amended to read as follows:

695B.150 ***1.*** A corporation organized under this chapter shall be deemed to be insolvent if ~~[its]~~ ***:***

(a) The corporation fails to meet its obligations as they mature;

(b) The assets of the corporation are less than the sum of its liabilities and the minimum surplus required to be maintained by the corporation under this Code for authority to transact the kinds of insurance transacted; and

(c) The reserve fund ***of the corporation*** is ~~[impaired so as to be]~~ less than the amounts set forth in NRS 695B.140.

2. In addition to the provisions of subsection 1, a corporation organized under this chapter shall be deemed to be insolvent as otherwise expressly provided in this Code.

3. For the purposes of determining ~~[such]~~ insolvency ***pursuant to subsection 1 or 2*** and the financial condition of the corporation, for the purposes of preparation of annual statements, and for all other purposes not otherwise expressly provided for in this chapter, the corporation is subject to all requirements of the laws of the State of Nevada as to assets, liabilities and reserves which are applicable to mutual nonassessable life or health insurers.

4. A corporation organized under this chapter shall be deemed to be impaired if the assets of the corporation are less than the sum of its liabilities and the minimum surplus required to be maintained by the corporation under this Code for authority to transact the kinds of insurance transacted.

5. The Commissioner may adopt regulations to define when a corporation organized under this chapter is considered to be in a hazardous financial condition and to set forth the standards to be considered by the Commissioner in determining whether the continued operation of such a corporation transacting business in this State may be considered to be hazardous to its insureds or creditors or to the general public.

6. If the Commissioner determines after a hearing that any corporation organized under this chapter is in a hazardous financial condition, the Commissioner may, instead of suspending or revoking the certificate of authority of the corporation, limit the certificate of authority as the Commissioner deems reasonably necessary to correct, eliminate or remedy any conduct, condition or ground that is deemed to be a cause of the hazardous financial condition.

7. An order or decision of the Commissioner under this section is subject to review in accordance with NRS 679B.310 to 679B.370, inclusive, at the request of any party to the proceedings whose interests are substantially affected.

Sec. 134. NRS 695B.185 is hereby amended to read as follows:

695B.185 A group contract for hospital, medical or dental services which offers a difference of payment between preferred providers of health care and providers of health care who are not preferred:

1. May not require a deductible of more than $600 difference per admission to a facility for inpatient treatment which is not a preferred provider of health care.

2. May not require a deductible of more than $500 difference per treatment, other than inpatient treatment at a hospital, by a provider which is not preferred.

3. May not require an insured, another insurer who issues policies of group health insurance, a nonprofit medical service corporation or a health maintenance organization to pay any amount in excess of the deductible or coinsurance due from the insured based on the rates agreed upon with a provider.

4. May not provide for a difference in percentage rates of payment for coinsurance of more than 30 percentage points between the copayment required to be paid by the insured to a preferred provider of health care and the copayment required to be paid by the insured to a provider of health care who is not preferred.

5. Must require that the deductible and payment for coinsurance paid by the insured to a preferred provider of health care be applied to the negotiated reduced rates of that provider.

6. ~~[Must include for providers of health care who are not preferred a provision establishing the point at which an insured's payment for coinsurance is no longer required to be paid if such a provision is included for preferred providers of health care. Such provisions must be based on a calendar year. The point at which an insured's payment for coinsurance is no longer required to be paid for providers of health care who are not preferred must not be greater than twice the amount for preferred providers of health care, regardless of the method of payment.~~

~~7.]~~ Must provide that if there is a particular service which a preferred provider of health care does not provide and the provider of health care who is treating the insured determines that the use of the service is necessary for the health of the insured, the service shall be deemed to be provided by the preferred provider of health care.

~~[8.]~~ ***7.*** Must require the corporation to process a claim of a provider of health care who is not preferred not later than 30 working days after the date on which proof of the claim is received.

Sec. 135. NRS 695B.1903 is hereby amended to read as follows:

695B.1903 1. A policy of health insurance issued by a medical services corporation must provide coverage for medical treatment which a person insured under the policy receives as part of a clinical trial or study if:

(a) The medical treatment is provided in a Phase I, Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer or in a Phase II, Phase III or Phase IV study or clinical trial for the treatment of chronic fatigue syndrome;

(b) The clinical trial or study is approved by:

(1) An agency of the National Institutes of Health as set forth in 42 U.S.C. § 281(b);

(2) A cooperative group;

(3) The Food and Drug Administration as an application for a new investigational drug;

(4) The United States Department of Veterans Affairs; or

(5) The United States Department of Defense;

(c) In the case of:

(1) A Phase I clinical trial or study for the treatment of cancer, the medical treatment is provided at a facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer; or

(2) A Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer or chronic fatigue syndrome, the medical treatment is provided by a provider of health care and the facility and personnel for the clinical trial or study have the experience and training to provide the treatment in a capable manner;

(d) There is no medical treatment available which is considered a more appropriate alternative medical treatment than the medical treatment provided in the clinical trial or study;

(e) There is a reasonable expectation based on clinical data that the medical treatment provided in the clinical trial or study will be at least as effective as any other medical treatment;

(f) The clinical trial or study is conducted in this State; and

(g) The insured has signed, before participating in the clinical trial or study, a statement of consent indicating that the insured has been informed of, without limitation:

(1) The procedure to be undertaken;

(2) Alternative methods of treatment; and

(3) The risks associated with participation in the clinical trial or study, including, without limitation, the general nature and extent of such risks.

2. Except as otherwise provided in subsection 3, the coverage for medical treatment required by this section is limited to:

(a) Coverage for any drug or device that is approved for sale by the Food and Drug Administration without regard to whether the approved drug or device has been approved for use in the medical treatment of the insured person.

(b) The cost of any reasonably necessary health care services that are required as a result of the medical treatment provided in a Phase II, Phase III or Phase IV clinical trial or study or as a result of any complication arising out of the medical treatment provided in a Phase II, Phase III or Phase IV clinical trial or study, to the extent that such health care services would otherwise be covered under the policy of health insurance.

(c) The cost of any routine health care services that would otherwise be covered under the policy of health insurance for an insured participating in a Phase I clinical trial or study.

(d) The initial consultation to determine whether the insured is eligible to participate in the clinical trial or study.

(e) Health care services required for the clinically appropriate monitoring of the insured during a Phase II, Phase III or Phase IV clinical trial or study.

(f) Health care services which are required for the clinically appropriate monitoring of the insured during a Phase I clinical trial or study and which are not directly related to the clinical trial or study.

➥ Except as otherwise provided in NRS 695B.1901, the services provided pursuant to paragraphs (b), (c), (e) and (f) must be covered only if the services are provided by a provider with whom the medical services corporation has contracted for such services. If the medical services corporation has not contracted for the provision of such services, the medical services corporation shall pay the provider the rate of reimbursement that is paid to other providers with whom the medical services corporation has contracted for similar services and the provider shall accept that rate of reimbursement as payment in full.

3. Particular medical treatment described in subsection 2 and provided to a person insured under the policy is not required to be covered pursuant to this section if that particular medical treatment is provided by the sponsor of the clinical trial or study free of charge to the person insured under the policy.

4. The coverage for medical treatment required by this section does not include:

(a) Any portion of the clinical trial or study that is customarily paid for by a government or a biotechnical, pharmaceutical or medical industry.

(b) Coverage for a drug or device described in paragraph (a) of subsection 2 which is paid for by the manufacturer, distributor or provider of the drug or device.

(c) Health care services that are specifically excluded from coverage under the insured's policy of health insurance, regardless of whether such services are provided under the clinical trial or study.

(d) Health care services that are customarily provided by the sponsors of the clinical trial or study free of charge to the participants in the trial or study.

(e) Extraneous expenses related to participation in the clinical trial or study including, without limitation, travel, housing and other expenses that a participant may incur.

(f) Any expenses incurred by a person who accompanies the insured during the trial or study.

(g) Any item or service that is provided solely to satisfy a need or desire for data collection or analysis that is not directly related to the clinical management of the insured.

(h) Any costs for the management of research relating to the clinical trial or study.

5. A medical services corporation that delivers or issues for delivery a policy of health insurance specified in subsection 1 may require copies of the approval or certification issued pursuant to paragraph (b) of subsection 1, the statement of consent signed by the insured, protocols for the clinical trial or study and any other materials related to the scope of the clinical trial or study relevant to the coverage of medical treatment pursuant to this section.

6. A medical services corporation that delivers or issues for delivery a policy of health insurance specified in subsection 1 shall:

(a) Include in ~~[the]~~ ***any*** disclosure ~~[required pursuant to NRS 695B.172]~~ ***of the coverage provided by the policy*** notice to each person insured under the policy of the availability of the benefits required by this section.

(b) Provide the coverage required by this section subject to the same deductible, copayment, coinsurance and other such conditions for coverage that are required under the policy.

7. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2006, has the legal effect of including the coverage required by this section, and any provision of the policy that conflicts with this section is void.

8. A medical services corporation that delivers or issues for delivery a policy of health insurance specified in subsection 1 is immune from liability for:

(a) Any injury to the insured caused by:

(1) Any medical treatment provided to the insured in connection with his or her participation in a clinical trial or study described in this section; or

(2) An act or omission by a provider of health care who provides medical treatment or supervises the provision of medical treatment to the insured in connection with his or her participation in a clinical trial or study described in this section.

(b) Any adverse or unanticipated outcome arising out of an insured's participation in a clinical trial or study described in this section.

9. As used in this section:

(a) "Cooperative group" means a network of facilities that collaborate on research projects and has established a peer review program approved by the National Institutes of Health. The term includes:

(1) The Clinical Trials Cooperative Group Program; and

(2) The Community Clinical Oncology Program.

(b) "Facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer" means a facility or an affiliate of a facility that:

(1) Has in place a Phase I program which permits only selective participation in the program and which uses clear-cut criteria to determine eligibility for participation in the program;

(2) Operates a protocol review and monitoring system which conforms to the standards set forth in the "Policies and Guidelines Relating to the Cancer Center Support Grant" published by the Cancer Centers Branch of the National Cancer Institute;

(3) Employs at least two researchers and at least one of those researchers receives funding from a federal grant;

(4) Employs at least three clinical investigators who have experience working in Phase I clinical trials or studies conducted at a facility designated as a comprehensive cancer center by the National Cancer Institute;

(5) Possesses specialized resources for use in Phase I clinical trials or studies, including, without limitation, equipment that facilitates research and analysis in proteomics, genomics and pharmacokinetics;

(6) Is capable of gathering, maintaining and reporting electronic data; and

(7) Is capable of responding to audits instituted by federal and state agencies.

(c) "Provider of health care" means:

(1) A hospital; or

(2) A person licensed pursuant to chapter 630, 631 or 633 of NRS.

Sec. 136. NRS 695B.1927 is hereby amended to read as follows:

695B.1927 1. No contract for hospital or medical service that provides coverage for hospital, medical or surgical expenses may be delivered or issued for delivery in this state unless the contract includes coverage for the management and treatment of diabetes, including, without limitation, coverage for the self-management of diabetes.

2. An insurer who delivers or issues for delivery a contract specified in subsection 1:

(a) Shall include in **[**~~the~~**]** ***any*** disclosure **[**~~required pursuant to NRS 695B.172~~**]** ***of the coverage provided by the contract*** notice to each policyholder or subscriber covered under the contract of the availability of the benefits required by this section.

(b) Shall provide the coverage required by this section subject to the same deductible, copayment, coinsurance and other such conditions for coverage that are required under the contract.

3. A contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 1998, has the legal effect of including the coverage required by this section, and any provision of the contract that conflicts with this section is void.

4. As used in this section:

(a) "Coverage for the management and treatment of diabetes" includes coverage for medication, equipment, supplies and appliances that are medically necessary for the treatment of diabetes.

(b) "Coverage for the self-management of diabetes" includes:

(1) The training and education provided to a person covered under the contract after the person is initially diagnosed with diabetes which is medically necessary for the care and management of diabetes, including, without limitation, counseling in nutrition and the proper use of equipment and supplies for the treatment of diabetes;

(2) Training and education which is medically necessary as a result of a subsequent diagnosis that indicates a significant change in the symptoms or condition of the person covered under the contract and which requires modification of the person's program of self-management of diabetes; and

(3) Training and education which is medically necessary because of the development of new techniques and treatment for diabetes.

(c) "Diabetes" includes type I, type II and gestational diabetes.

Sec. 137. NRS 695B.290 is hereby amended to read as follows:

695B.290 Any agent of a nonprofit hospital or medical or dental service corporation who acts as such in the solicitation, negotiation, procurement or making of a hospital service or medical or dental care contract shall be qualified, examined and licensed in the same manner and pay the same fees as provided for ~~[health insurance agents]~~ ***a producer of insurance*** in NRS 680B.010 (fee schedule), chapter 683A of NRS and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110.

Sec. 138. NRS 695B.320 is hereby amended to read as follows:

695B.320 ***1.*** Nonprofit hospital and medical or dental service corporations are subject to the provisions of this chapter, and to the provisions of chapters 679A and 679B of NRS, NRS 686A.010 to 686A.315, inclusive, 687B.010 to 687B.040, inclusive, 687B.070 to 687B.140, inclusive, 687B.150, 687B.160, 687B.180, 687B.200 to 687B.255, inclusive, 687B.270, 687B.310 to 687B.380, inclusive, 687B.410, 687B.420, 687B.430, 687B.500 and chapters ***692B,*** 692C ***, 693A*** and 696B of NRS, to the extent applicable and not in conflict with the express provisions of this chapter.

2. For the purposes of this section and the provisions set forth in subsection 1, a nonprofit hospital and medical or dental service corporation is included in the meaning of the term "insurer."

Sec. 139. NRS 695B.380 is hereby amended to read as follows:

695B.380 1. Except as otherwise provided in subsection 4, each insurer that issues a contract for hospital or medical services in this State shall establish a system for resolving any complaints of an insured concerning health care services covered under the policy. The system must be approved by the Commissioner **.** ~~[in consultation with the State Board of Health.]~~

2. A system for resolving complaints established pursuant to subsection 1 must include an initial investigation, a review of the complaint by a review

board and a procedure for appealing a determination regarding the complaint. The majority of the members on a review board must be insureds who receive health care services pursuant to a contract for hospital or medical services issued by the insurer.

3. The Commissioner ~~[or the State Board of Health]~~ may examine the system for resolving complaints established pursuant to subsection 1 at such times as ~~[either]~~ ***the Commissioner*** deems necessary or appropriate.

4. Each insurer that issues a contract specified in subsection 1 shall, if the contract provides, delivers, arranges for, pays for or reimburses any cost of health care services through managed care, provide a system for resolving any complaints of an insured concerning those health care services that complies with the provisions of NRS 695G.200 to 695G.310, inclusive.

Sec. 140. NRS 695B.390 is hereby amended to read as follows:

695B.390 1. Each insurer that issues a contract for hospital or medical services in this State shall submit to the Commissioner ~~[and the State Board of Health]~~ an annual report regarding its system for resolving complaints established pursuant to subsection 1 of NRS 695B.380 on a form prescribed by the Commissioner ~~[in consultation with the State Board of Health]~~ which includes, without limitation:

(a) A description of the procedures used for resolving any complaints of an insured;

(b) The total number of complaints and appeals handled through the system for resolving complaints since the last report and a compilation of the causes underlying the complaints filed;

(c) The current status of each complaint and appeal filed; and

(d) The average amount of time that was needed to resolve a complaint and an appeal, if any.

2. Each insurer shall maintain records of complaints filed with it which concern something other than health care services and shall submit to the Commissioner a report summarizing such complaints at such times and in such format as the Commissioner may require.

Sec. 141. Chapter 695C of NRS is hereby amended by adding thereto the provisions set forth as sections 142 to 146, inclusive, of this act.

Sec. 142. ***1. A health maintenance organization shall contract with an insurance company licensed in this State or authorized to do business in this State for the provision of insurance, indemnity or reimbursement against the cost of health care services which are provided by the health maintenance organization.***

2. The contract of insurance required by subsection 1 must include a provision that, in the case of the insolvency or impairment of the health maintenance organization, the insurance company will pay all claims made by an enrollee for the period for which a premium has been or will be paid to the health maintenance organization for the enrollee. The contract of insurance required by subsection 1 must specifically provide for the:

(a) Continuation of benefits to each enrollee for the period for which a premium has been or will be paid to the health maintenance organization for the enrollee until the expiration or termination of the enrollee's contract with the health maintenance organization;

(b) Continuation of benefits for each enrollee who is receiving inpatient services in a medical facility or facility for the dependent at the time of the insolvency or impairment of the health maintenance organization until the inpatient services are no longer medically necessary and the enrollee is discharged from the medical facility or facility for the dependent; and

(c) Payment of a provider of health care not affiliated with the health maintenance organization who provided medically necessary services to an enrollee, as described in the enrollee's evidence of coverage.

3. As used in this section:

(a) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(b) "Impairment" means that a health maintenance organization is not insolvent and has been:

(1) Deemed to be impaired pursuant to section 143 of this act; or

(2) Placed under an order of rehabilitation or conservation by a court of competent jurisdiction.

(c) "Insolvency" or "insolvent" means that a health maintenance organization has been:

(1) Deemed to be insolvent pursuant to section 143 of this act;

(2) Declared insolvent by a court of competent jurisdiction; or

(3) Placed under an order of liquidation by a court of competent jurisdiction.

(d) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(e) "Medically necessary" has the meaning ascribed to it in NRS 695G.055.

(f) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 143. *1. A health maintenance organization shall be deemed to be insolvent if:*

(a) The health maintenance organization fails to meet its obligations as they mature; and

(b) The assets of the health maintenance organization are less than the sum of its liabilities and the minimum surplus required to be maintained by the health maintenance organization under this Code for authority to transact business in this State.

2. In addition to the provisions of subsection 1, a health maintenance organization shall be deemed to be insolvent as otherwise expressly provided in this Code.

3. A health maintenance organization shall be deemed to be impaired if the assets of the health maintenance organization are less than the sum of its liabilities and the minimum surplus required to be maintained by the

health maintenance organization under this Code for authority to transact business in this State.

4. The Commissioner may adopt regulations to define when a health maintenance organization is considered to be in a hazardous financial condition and to set forth the standards to be considered by the Commissioner in determining whether the continued operation of a health maintenance organization transacting business in this State may be considered to be hazardous to its enrollees or creditors or to the general public.

5. If the Commissioner determines after a hearing that any health maintenance organization is in a hazardous financial condition, the Commissioner may, instead of suspending or revoking the certificate of authority of the health maintenance organization, limit the certificate of authority as the Commissioner deems reasonably necessary to correct, eliminate or remedy any conduct, condition or ground that is deemed to be a cause of the hazardous financial condition.

6. An order or decision of the Commissioner under this section is subject to review in accordance with NRS 679B.310 to 679B.370, inclusive, at the request of any party to the proceedings whose interests are substantially affected.

Sec. 144. ***1. Each health maintenance organization shall develop, submit to the Commissioner for approval and, after such approval, put into effect a plan to provide for the continuation of benefits to enrollees in the event of the insolvency or impairment of the health maintenance organization, including, without limitation, the benefits described in subsection 2 of section 142 of this act. A plan developed pursuant to this subsection must include, without limitation:***

(a) A contract of insurance which complies with the requirements of section 142 of this act; and

(b) Provisions in each contract between the health maintenance organization and a provider which obligate the provider, in the event of the health maintenance organization's insolvency or impairment, to provide all covered services as described in the contract to enrollees through the periods of time described in subsection 2 of section 142 of this act.

2. Before approving a plan submitted pursuant to subsection 1, the Commissioner may require the health maintenance organization to include in the plan:

(a) Reserves or additional reserves for protection against insolvency or impairment;

(b) Letters of credit acceptable to the Commissioner; and

(c) Any other arrangements determined by the Commissioner to be appropriate to ensure the continuation of benefits as described in subsection 2 of section 142 of this act to enrollees.

Sec. 145. ***1. If the Commissioner determines that, because of the financial condition of a health maintenance organization, the continued***

operation of the health maintenance organization is or may be hazardous to its enrollees or creditors or to the general public, or that the health maintenance organization has violated any law of this State to which the health maintenance organization is subject, the Commissioner may, after notice and a hearing, order the health maintenance organization to take any action the Commissioner deems reasonably necessary to correct, eliminate or remedy the condition or violation, including, without limitation:

(a) Reducing the total amount of the present and potential liability of the health maintenance organization for benefits by reinsurance or any other method acceptable to the Commissioner;

(b) Suspending, limiting or reducing the volume of new business being written or accepted by the health maintenance organization for any period of time specified by the Commissioner;

(c) Reducing the expenses of the health maintenance organization by any method acceptable to the Commissioner; and

(d) Increasing the capital and surplus of the health maintenance organization by contribution.

2. The Commissioner may adopt regulations to:

(a) Set standards and criteria for early warning that the continued operation of a health maintenance organization may be hazardous to its enrollees or creditors or to the general public; and

(b) For the purposes of subsection 1, set standards for evaluating the financial condition of a health maintenance organization.

3. The authority conferred upon the Commissioner pursuant to this section is in addition to the authority of the Commissioner pursuant to chapter 696B of NRS. Any order issued by the Commissioner pursuant to this section may, at the discretion of the Commissioner, be in addition to any order issued by the Commissioner pursuant to chapter 696B of NRS.

Sec. 146. *1. Any conservation, rehabilitation or liquidation of a health maintenance organization shall be deemed to be the conservation, rehabilitation or liquidation of an insurer and must be conducted under the supervision of the Commissioner pursuant to chapter 696B of NRS.*

2. The Commissioner may apply to a court of competent jurisdiction for an order directing the Commissioner to conserve, rehabilitate or liquidate a health maintenance organization:

(a) Upon any ground provided in chapter 696B of NRS; or

(b) If, as determined by the Commissioner, the continued operation of the health maintenance organization is or may be hazardous to its enrollees or creditors or to the general public.

3. In the event of a rehabilitation or liquidation of a health maintenance organization, a claim of an enrollee or of a beneficiary of an enrollee shall be deemed to have the same priority as would be provided to a claim of a policyholder or insured of an insurer, or of a beneficiary of

such a policyholder or insured, in the event of the rehabilitation or liquidation of the insurer.

4. In the event of a distribution of the general assets of a health maintenance organization:

(a) If an enrollee is liable to a provider for health care services provided pursuant to and covered by the applicable health care plan, that liability shall be deemed to be a claim of the enrollee for distribution of the general assets of the health maintenance organization.

(b) A provider under contract with the health maintenance organization who is obligated by law or contract to hold an enrollee harmless from liability for health care services provided pursuant to and covered by the applicable health care plan shall be deemed to have a priority for distribution of the general assets of the health maintenance organization immediately following that of an enrollee as described in this section and immediately preceding any other priority for distribution which, pursuant to this section and chapter 696B of NRS, would follow that of an enrollee.

Sec. 147. NRS 695C.055 is hereby amended to read as follows:

695C.055 1. The provisions of NRS 449.465, 679A.200, 679B.700, ***subsections 6 and 7 of NRS 680A.270,*** subsections 2, 4, 18, 19 and 32 of NRS 680B.010, NRS 680B.020 to 680B.060, inclusive, chapter 686A of NRS, NRS 687B.500 and ~~[~~chapter~~]~~ ***chapters 692C and*** 695G of NRS apply to a health maintenance organization.

2. For the purposes of subsection 1, unless the context requires that a provision apply only to insurers, any reference in those sections to "insurer" must be replaced by "health maintenance organization."

Sec. 148. NRS 695C.080 is hereby amended to read as follows:

695C.080 1. The Commissioner shall determine whether the applicant for a certificate of authority, with respect to health care services to be furnished:

(a) Has demonstrated the willingness and ability to ensure that such health care services will be provided in a manner to ensure both availability and accessibility of adequate personnel and facilities and in a manner enhancing availability, accessibility and continuity of service;

(b) Has organizational arrangements, established in accordance with regulations promulgated by the Commissioner ***;*** ~~[~~and in consultation with the State Board of Health;~~]~~ and

(c) Has a procedure established in accordance with regulations of the Commissioner to develop, compile, evaluate and report statistics relating to the cost of its operations, the pattern of utilization of its services, the availability and accessibility of its services and such other matters as may be reasonably required by the Commissioner.

2. Within 90 days of receipt of the application for issuance of a certificate of authority, the Commissioner shall certify whether the proposed health maintenance organization meets the requirements of subsection 1. If

the Commissioner certifies that the health maintenance organization does not meet such requirements, it shall specify in what respects it is deficient.

Sec. 149. NRS 695C.310 is hereby amended to read as follows:

695C.310 1. The Commissioner shall make an examination of the affairs of any health maintenance organization and providers with whom such organization has contracts, agreements or other arrangements pursuant to its health care plan as often as the Commissioner deems it necessary for the protection of the interests of the people of this State ~~[. An examination must be made]~~ ***, but*** not less frequently than once every 3 years.

2. The Commissioner shall make an examination concerning ~~[the quality of health care services of any health maintenance organization and providers with whom such organization has contracts, agreements or other arrangements pursuant to its health care plan]~~ ***any compliance program used by a health maintenance organization and any report, as determined to be appropriate by the Commissioner, regarding the health maintenance organization produced by an organization which examines best practices in the insurance industry. The Commissioner shall make such an examination*** as often as ~~[it]~~ ***the Commissioner*** deems ***it*** necessary for the protection of the interests of the people of this State ~~[. An examination must be made]~~ ***, but*** not less frequently than once every 3 years.

3. ~~[Every]~~ ***In making an examination pursuant to subsection 1 or 2, the Commissioner:***

(a) Shall determine whether the health maintenance organization is in compliance with this Code, including, without limitation, whether any relationship or transaction between the health maintenance organization and any another health maintenance organization is in compliance with this Code; and

(b) May examine any account, record, document or transaction of any health maintenance organization or any provider which relates to:

(1) Compliance with this Code by the health maintenance organization which is the subject of the examination;

(2) Any relationship or transaction between the health maintenance organization which is the subject of the examination and any other health maintenance organization; or

(3) Any relationship or transaction between the health maintenance organization which is the subject of the examination and any provider.

4. Except as otherwise provided in this subsection, for the purposes of an examination pursuant to subsection 1 or 2, each health maintenance organization and provider shall ***, upon the request of the Commissioner or an examiner designated by the Commissioner,*** submit its books and records relating to ~~[the]~~ ***any applicable*** health care plan to ~~[an examination made pursuant to subsection 1 or 2 and in every way facilitate the examination.]~~ ***the Commissioner or the examiner, as applicable.*** Medical records of natural persons and records of physicians providing service pursuant to a contract ~~[to the]~~ ***with a*** health maintenance organization are not subject to

such examination, although the records ***, except privileged medical information,*** are subject to subpoena upon a showing of good cause. For the purpose of examinations, the Commissioner may administer oaths to, and examine the officers and agents of ~~[the]~~ ***a*** health maintenance organization and the principals of ~~[such]~~ providers concerning their business.

~~[4.]~~ ***5.*** The expenses of examinations pursuant to this section must be assessed against the ***health maintenance*** organization being examined and remitted to the Commissioner.

~~[5.]~~ ***6.*** In lieu of ~~[such]~~ ***an*** examination ~~[,]~~ ***pursuant to this section,*** the Commissioner may accept the report of an examination made by the insurance commissioner ~~[or the state board of health]~~ of another state ~~[.]~~ ***or an applicable regulatory agency of another state.***

Sec. 150. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees ~~[.]~~ ***or creditors or to the general public;***

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 151. Chapter 695D of NRS is hereby amended by adding thereto the provisions set forth as sections 152 and 153 of this act.

Sec. 152. ***1. The Commissioner may adopt regulations to define when an organization for dental care is considered to be in a hazardous financial condition and to set forth the standards to be considered by the Commissioner in determining whether the continued operation of an organization for dental care transacting business in this State may be considered to be hazardous to its members or creditors or to the general public.***

2. If the Commissioner determines after a hearing that any organization for dental care is in a hazardous financial condition, the Commissioner may, instead of suspending or revoking the certificate of authority of the organization, limit the certificate of authority as the Commissioner deems reasonably necessary to correct, eliminate or remedy any conduct, condition or ground that is deemed to be a cause of the hazardous financial condition.

3. An order or decision of the Commissioner under this section is subject to review in accordance with NRS 679B.310 to 679B.370, inclusive, at the request of any party to the proceedings whose interests are substantially affected.

Sec. 153. ***Each organization for dental care which receives a certificate of authority shall maintain a capital account with a net worth of not less than $500,000 unless a lesser amount is permitted in writing by the Commissioner. The account must not be obligated for any accrued liabilities and must consist of cash, securities or a combination thereof which is acceptable to the Commissioner.***

Sec. 154. NRS 695D.095 is hereby amended to read as follows:

695D.095 ***1.*** An organization for dental care is not exempt from the provisions of NRS 679B.700. If an organization is an admitted health insurer, as that term is defined in NRS 449.450, it is not exempt from the fees imposed pursuant to NRS 449.465.

2. For the purposes of this section and the provisions set forth in subsection 1, an organization for dental care is included in the meaning of the term "insurer."

Sec. 155. NRS 695D.170 is hereby amended to read as follows:

695D.170 1. ~~[~~Before~~]~~ ***Except as otherwise provided in this section, before*** a certificate of authority may be issued to an organization for dental care:

(a) The officers responsible for operating the organization must file with the Commissioner a collective fidelity bond for $1,000,000; and

(b) The organization must file with the Commissioner a surety bond in the sum of ~~[~~$250,000~~]~~ ***$500,000*** or deposit with the Commissioner cash or securities acceptable to the Commissioner in the sum of ~~[~~$250,000,~~]~~ ***$500,000,***

➥ to guarantee the organization's performance pursuant to this chapter.

2. If the bond is furnished in:

(a) Cash, the Commissioner shall deposit the money in the State Treasury for credit to the Fund for Bonds of Organizations for Dental Care which is hereby created as a trust fund.

(b) Negotiable securities, the principal must be placed without restriction at the disposal of the Commissioner, but any income must inure to the benefit of the organization.

3. The Commissioner may reduce the ***required amount of the*** organization's ***surety*** bond or deposit:

(a) To $125,000, if the obligations assumed by the organization under the plan can be satisfied for less than $125,000.

(b) To any amount if the organization demonstrates that it has commitments of money from federal, state or municipal governments or their political subdivisions or other comparable resources which are sufficient to ensure the ability of the organization to satisfy its obligations.

4. ***The Commissioner may increase the required amount of the organization's surety bond or deposit to any amount the Commissioner determines to be appropriate pursuant to subsection 5 if the Commissioner determines that the current level of the surety bond or deposit is insufficient to provide protection to the members in the event of:***

(a) Insolvency; or

(b) A determination by the Commissioner that the organization is in a hazardous financial condition.

5. When determining the appropriate amount of an increase pursuant to subsection 4, the Commissioner must base his or her determination on the type, volume and nature of premiums written and premiums assumed by the organization.

6. The amount of the organization's surety bond or deposit required pursuant to this section:

(a) Is in addition to any reserve required by this chapter and any reserve established by the organization according to good business and accounting practices for incurred but unreported claims and other similar claims;

(b) May increase the amount of net worth required pursuant to this chapter; and

(c) May increase the amount of risk-based capital required pursuant to NRS 681B.550.

7. Any final judgment against the organization which is unpaid is a lien on the ***surety*** bond or deposit and is subject to execution 30 days after entry of the judgment. Any ***surety*** bond or deposit which is reduced by this lien must be increased by the organization to the amount required by this section within 90 days after the judgment is paid.

~~[5.]~~ ***8.*** If an organization is dissolved, liquidated or otherwise terminated:

(a) That amount of the ***surety*** bond or deposit which is necessary to satisfy the outstanding obligations of the organization may not be withdrawn for at least 3 years after the certificate of authority has been terminated.

(b) Any balance remaining after money has been withheld to pay the organization's debts and liens must be paid to the organization by the Commissioner no later than 90 days after the certificate of authority has been terminated.

Sec. 156. Chapter 695F of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Commissioner may adopt regulations to define when a prepaid limited health service organization is considered to be in a hazardous financial condition and to set forth the standards to be considered by the Commissioner in determining whether the continued operation of a prepaid limited health service organization transacting business in this State may be considered to be hazardous to its enrollees or creditors or to the general public.

2. If the Commissioner determines after a hearing that any prepaid limited health service organization is in a hazardous financial condition, the Commissioner may, instead of suspending or revoking the prepaid limited health service organization's certificate of authority, limit the certificate of authority of the prepaid limited health service organization as the Commissioner deems reasonably necessary to correct, eliminate or

remedy any conduct, condition or ground that is deemed to be a cause of the hazardous financial condition.

3. An order or decision of the Commissioner under this section is subject to review in accordance with NRS 679B.310 to 679B.370, inclusive, at the request of any party to the proceedings whose interests are substantially affected.

Sec. 157. NRS 695F.090 is hereby amended to read as follows:

695F.090 ***1.*** Prepaid limited health service organizations are subject to the provisions of this chapter and to the following provisions, to the extent reasonably applicable:

~~[1.]~~ ***(a)*** NRS 687B.310 to 687B.420, inclusive, concerning cancellation and nonrenewal of policies.

~~[2.]~~ ***(b)*** NRS 687B.122 to 687B.128, inclusive, concerning readability of policies.

~~[3.]~~ ***(c)*** The requirements of NRS 679B.152.

~~[4.]~~ ***(d)*** The fees imposed pursuant to NRS 449.465.

~~[5.]~~ ***(e)*** NRS 686A.010 to 686A.310, inclusive, concerning trade practices and frauds.

~~[6.]~~ ***(f)*** The assessment imposed pursuant to NRS 679B.700.

~~[7.]~~ ***(g)*** Chapter 683A of NRS.

~~[8.]~~ ***(h)*** To the extent applicable, the provisions of NRS 689B.340 to 689B.580, inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance.

~~[9.]~~ ***(i)*** NRS 689A.035, 689A.0463, 689A.410, 689A.413 and 689A.415.

~~[10.]~~ ***(j)*** NRS 680B.025 to 680B.039, inclusive, concerning premium tax, premium tax rate, annual report and estimated quarterly tax payments. For the purposes of this subsection, unless the context otherwise requires that a section apply only to insurers, any reference in those sections to "insurer" must be replaced by a reference to "prepaid limited health service organization."

~~[11.]~~ ***(k)*** Chapter 692C of NRS, concerning holding companies.

~~[12.]~~ ***(l)*** NRS 689A.637, concerning health centers.

2. For the purposes of this section and the provisions set forth in subsection 1, a prepaid limited health service organization is included in the meaning of the term "insurer."

Sec. 158. NRS 695F.200 is hereby amended to read as follows:

695F.200 ~~[Each]~~ ***1. Except as otherwise provided in this section, each*** prepaid limited health service organization which receives a certificate of authority shall maintain a:

~~[1.]~~ ***(a)*** Capital account with a net worth of not less than ~~[$200,000]~~ ***$500,000*** unless a lesser amount is permitted in writing by the Commissioner. The account must not be obligated for any accrued liabilities and must consist of cash, securities or a combination thereof which is acceptable to the Commissioner.

~~[2.]~~ ***(b)*** Surety bond or deposit of cash or securities for the protection of enrollees of not less than ~~[$250,000.]~~ ***$500,000.***

2. The Commissioner may increase the required amount of the organization's capital account and the surety bond or deposit to any amounts the Commissioner determines to be appropriate pursuant to subsection 3 if the Commissioner determines that such an increase is necessary to:

(a) Assist the Commissioner in the performance of his or her regulatory duties;

(b) Ensure that the organization complies with the requirements of this Code; or

(c) Ensure the solvency of the organization.

3. When determining the appropriate amount of an increase pursuant to subsection 2, the Commissioner must base his or her determination on the type, volume and nature of premiums written and premiums assumed by the organization.

4. The amount of the organization's capital account and surety bond or deposit required pursuant to this section:

(a) Is in addition to any reserve required by this chapter and any reserve established by the organization according to good business and accounting practices for incurred but unreported claims and other similar claims; and

(b) May increase the amount of risk-based capital required pursuant to NRS 681B.550.

5. The amount of the organization's surety bond or deposit required pursuant to this section may increase the amount of net worth required pursuant to this section.

Sec. 159. NRS 695G.130 is hereby amended to read as follows:

695G.130 1. In addition to any other report which is required to be filed with the Commissioner, each managed care organization shall file with the Commissioner, ~~[on or before March 1 of each year,]~~ ***with its annual filing made pursuant to NRS 686B.070 of forms and rates relating to policies of insurance for individuals and small employer groups,*** a report regarding its methods for reviewing the quality of health care services provided to its insureds.

~~[2. Each managed care organization shall include in its report the criteria, data, benchmarks or studies used to:~~

~~(a) Assess the nature, scope, quality and accessibility of health care services provided to insureds; or~~

~~(b) Determine any reduction or modification of the provision of health care services to insureds.~~

~~3. Except as already required to be filed with the Commissioner, if the managed care organization is not owned and operated by a public entity and has more than 100 insureds, the report filed pursuant to subsection 1 must include:~~

~~(a) A copy of all of its quarterly and annual financial reports;~~

~~(b) A statement of any financial interest it has in any other business which is related to health care that is greater than 5 percent of that business or $5,000, whichever is less; and~~

~~(c) A description of each complaint filed with or against it that resulted in arbitration, a lawsuit or other legal proceeding, unless disclosure is prohibited by law or a court order.~~

~~4.~~**]** ***The report must be submitted on a form prescribed by the Commissioner.***

2. A report filed pursuant to this section must be made available for public inspection within a reasonable time after it is received by the Commissioner.

3. As used in this section, "small employer" has the meaning ascribed to it in NRS 689C.095.

Sec. 160. NRS 695G.200 is hereby amended to read as follows:

695G.200 1. Each managed care organization shall establish a system for resolving complaints of an insured concerning:

(a) Payment or reimbursement for covered health care services;

(b) Availability, delivery or quality of covered health care services, including, without limitation, an adverse determination made pursuant to utilization review; or

(c) The terms and conditions of a health care plan.

➥ The system must be approved by the Commissioner **.** **[**~~in consultation with the State Board of Health.~~**]**

2. If an insured makes an oral complaint, a managed care organization shall inform the insured that if the insured is not satisfied with the resolution of the complaint, the insured must file the complaint in writing to receive further review of the complaint.

3. Each managed care organization shall:

(a) Upon request, assign an employee of the managed care organization to assist an insured or other person in filing a complaint or appealing a decision of the review board;

(b) Authorize an insured who appeals a decision of the review board to appear before the review board to present testimony at a hearing concerning the appeal; and

(c) Authorize an insured to introduce any documentation into evidence at a hearing of a review board and require an insured to provide the documentation required by the health care plan of the insured to the review board not later than 5 business days before a hearing of the review board.

4. The Commissioner may examine the system for resolving complaints established pursuant to this section at such times as **[**~~either~~**]** ***the Commissioner*** deems necessary or appropriate.

Sec. 161. NRS 695G.220 is hereby amended to read as follows:

695G.220 1. Each managed care organization shall submit to the Commissioner an annual report regarding its system for resolving complaints established pursuant to NRS 695G.200 on a form prescribed by the

Commissioner ~~[in consultation with the State Board of Health]~~ which includes, without limitation:

(a) A description of the procedures used for resolving complaints of an insured;

(b) The total number of complaints and appeals handled through the system for resolving complaints since the last report and a compilation of the causes underlying the complaints filed;

(c) The current status of each complaint and appeal filed; and

(d) The average amount of time that was needed to resolve a complaint and an appeal, if any.

2. Each managed care organization shall maintain records of complaints filed with it which concern something other than health care services and shall submit to the Commissioner a report summarizing such complaints at such times and in such format as the Commissioner may require.

Sec. 162. ~~[NRS 233B.039 is hereby amended to read as follows:~~

~~233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:~~

~~(a) The Governor.~~

~~(b) Except as otherwise provided in NRS 209.221, the Department of Corrections.~~

~~(c) The Nevada System of Higher Education.~~

~~(d) The Office of the Military.~~

~~(e) The Nevada Gaming Control Board.~~

~~(f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.~~

~~(g) The Division of Welfare and Supportive Services of the Department of Health and Human Services.~~

~~(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.~~

~~(i) The State Board of Examiners acting pursuant to chapter 217 of NRS.~~

~~(j) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.~~

~~(k) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.~~

~~(l) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.~~

~~(m) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.~~

~~(n) The Silver State Health Insurance Exchange.~~

~~***(o) The Commissioner of Insurance in establishing or adjusting any standard or requirement relating to the Federal Act if, as determined by the Commissioner of Insurance, the establishment or adjustment of the standard or requirement must occur before a regulation could be adopted***~~

~~*in accordance with the provisions of this chapter. As used in this paragraph, "Federal Act" has the meaning ascribed to it in NRS 679A.092.*~~

~~2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.~~

~~3. The special provisions of:~~

~~(a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;~~

~~(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;~~

~~(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and~~

~~(d) NRS 90.800 for the use of summary orders in contested cases,~~

~~" prevail over the general provisions of this chapter.~~

~~4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.~~

~~5. The provisions of this chapter do not apply to:~~

~~(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;~~

~~(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;~~

~~(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694; or~~

~~(d) The judicial review of decisions of the Public Utilities Commission of Nevada.~~

~~6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.~~] **(Deleted by amendment.)**

Sec. 163. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880,

118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947,

648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and sections 8 and 92 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 164. NRS 266.355 is hereby amended to read as follows:

266.355 1. Except as otherwise provided in subsections 3, 4 and 5, the city council may:

(a) Except as otherwise provided in NRS 268.0881 to 268.0888, inclusive, 598D.150 and 640C.100, regulate all businesses, trades and professions.

(b) Except as otherwise provided in NRS 576.128, fix, impose and collect a license tax for revenue upon all businesses, trades and professions.

2. The city council may establish any equitable standard to be used in fixing license taxes required to be collected pursuant to this section.

3. The city council may license insurance ~~[agents, brokers,]~~ analysts, adjusters and managing general agents ***and producers of insurance*** within the limitations and under the conditions prescribed in NRS 680B.020.

4. A city council shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

5. The city council shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060, or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

Sec. 165. NRS 269.170 is hereby amended to read as follows:

269.170 1. Except as otherwise provided in subsection 5 and NRS 576.128, 598D.150 and 640C.100, the town board or board of county commissioners may, in any unincorporated town:

(a) Fix and collect a license tax on, and regulate, having due regard to the amount of business done by each person so licensed, and all places of business and amusement so licensed, as follows:

(1) Artisans, artists, assayers, auctioneers, bakers, banks and bankers, barbers, boilermakers, cellars and places where soft drinks are kept or sold, clothes cleaners, foundries, laundries, lumberyards, manufacturers of soap, soda, borax or glue, markets, newspaper publishers, pawnbrokers, funeral directors and wood and coal dealers.

(2) Bootmakers, cobblers, dressmakers, milliners, shoemakers and tailors.

(3) Boardinghouses, hotels, lodging houses, restaurants and refreshment saloons.

(4) Barrooms, gaming, manufacturers of liquors and other beverages, and saloons.

(5) Billiard tables, bowling alleys, caravans, circuses, concerts and other exhibitions, dance houses, melodeons, menageries, shooting galleries, skating rinks and theaters.

(6) Corrals, hay yards, livery and sale stables and wagon yards.

(7) Electric light companies, illuminating gas companies, power companies, telegraph companies, telephone companies and water companies.

(8) Carts, drays, express companies, freight companies, job wagons, omnibuses and stages.

(9) Brokers, commission merchants, factors, general agents, mercantile agents, merchants, traders and stockbrokers.

(10) Drummers, hawkers, peddlers and solicitors.

(11) Insurance ~~[agents, brokers,]~~ analysts, adjusters and managing general agents ***and producers of insurance*** within the limitations and under the conditions prescribed in NRS 680B.020.

(b) Fix and collect a license tax upon all professions, trades or business within the town not specified in paragraph (a).

2. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license presents written evidence that:

(a) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(b) Another regulatory agency of the State has issued or will issue a license required for this activity.

3. Any license tax levied for the purposes of NRS 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien must be enforced in the same manner as liens for ad valorem taxes on real and personal property. The town board or other governing body of the unincorporated town may delegate the power to enforce such liens to the county fair and recreation board.

4. The governing body or the county fair and recreation board may agree with the Department of Taxation for the continuing exchange of information concerning taxpayers.

5. The town board or board of county commissioners shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060, or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

Sec. 166. NRS 616A.330 is hereby amended to read as follows:

616A.330 "Tangible net worth" means the value of all the assets, minus the value of all the liabilities, of ***a self-insured employer or*** an association of self-insured private employers ~~[or of a member of such an association]~~ except:

1. Goodwill or excess cost over the fair market value of assets.

2. Any other items listed in the assets that are deemed unacceptable by the Commissioner because they cannot be justified or because they do not

directly support the ability of the ***self-insured employer or*** association ~~[or the member]~~ to pay a claim.

Sec. 166.5. **1. The provisions of NRS 689A.630, as amended by section 98 of this act, apply to any discontinuation of a product that occurs on or after the effective date of section 98 of this act.**

2. The provisions of NRS 689B.560, as amended by section 110 of this act, apply to any discontinuation of a product offered to employers that occurs on or after the effective date of section 110 of this act.

3. The provisions of NRS 689C.310, as amended by section 112 of this act, apply to any discontinuation of a product offered to small employers that occurs on or after the effective date of section 112 of this act.

4. The provisions of NRS 689C.470, as amended by section 114 of this act, apply to any discontinuation of a product offered to a small employer or purchasers pursuant to NRS 689C.360 to 689C.600, inclusive, that occurs on or after the effective date of section 114 of this act.

Sec. 167. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 168. NRS 680A.290, 689A.390, 689A.400, 689A.690, 689B.027, 689B.028, 689C.270, 689C.280, 689C.330, 689C.440, 689C.450, 690B.370, 695B.172, 695B.174 and 695F.215 are hereby repealed.

Sec. 169. 1. **Sections 98, 110, 112 and 114 of this act become effective upon passage and approval.**

2. This section and sections 1 to **97, inclusive, 99 to 109, inclusive, 111, 113, 115 to** 152, inclusive, 154**, ~~[and]~~** 156, 157 and 159 to 168, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2017, for all other purposes.

~~[2.]~~ *3.* Sections 153, 155 and 158 of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative acts that are necessary to carry out the provisions of this act; and

(b) On January 1, 2018, for all other purposes.

LEADLINES OF REPEALED SECTIONS

680A.290 Loss prevention reports and programs.

689A.390 Summary of coverage: Contents of disclosure; approval by Commissioner.

689A.400 Summary of coverage: Copy to be provided before policy issued; policy may not be offered unless summary approved by Commissioner.

689A.690 Information required to be disclosed as part of solicitation and sales materials; information required to be maintained at place of business.

689B.027 Summary of coverage: Contents of disclosure; approval by Commissioner; copy to be made available to employer or producer acting on behalf of employer.

689B.028 Summary of coverage: Copy to be provided before policy issued; policy may not be offered unless summary approved by Commissioner.

689C.270 Regulations concerning disclosures by carrier to small employer; copy of disclosure to be made available to small employer.

689C.280 Carrier to provide required disclosures to small employer before issuing policy of insurance.

689C.330 When insurer is required to allow employee to continue coverage after employee is no longer covered by health benefit plan.

689C.440 Regulations regarding required disclosures by carrier.

689C.450 Carrier to provide disclosure before issuing contract.

690B.370 Annual report on loss prevention and control programs.

695B.172 Summary of coverage: Contents of disclosure; approval by Commissioner.

695B.174 Summary of coverage: Copy to be provided before policy issued; policy not to be offered unless summary approved by Commissioner.

695F.215 Required contract with insurance company for provision of insurance, indemnity or reimbursement against cost of health care services.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 272.

Bill read third time.

The following amendment was proposed by Assemblyman Frierson:

Amendment No. 556.

AN ACT relating to elections; authorizing each county and city clerk to establish polling places where any registered voter of the county or city, respectively, may vote in person on the day of certain elections; requiring, under certain circumstances, county and city clerks to establish polling places within the boundaries of Indian reservations and colonies; requiring the preparation and use of electronic rosters; authorizing voting materials to be provided in certain languages; authorizing county and city clerks to extend

the period for early voting; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a county clerk to establish the boundaries of election precincts and authorizes election precincts to be combined into election districts. (NRS 293.205-293.209) Existing law prohibits a person from applying for or receiving a ballot at any election precinct or district other than the one at which the person is entitled to vote. (NRS 293.730) **Section 2** of this bill authorizes a county clerk to establish one or more polling places in the county where any person entitled to vote in the county by personal appearance may do so on the day of a primary or general election. If any such polling place is established: (1) **section 3** of this bill requires, with limited exception, the county clerk to publicize the location of such polling places; and (2) **section 4** of this bill requires the county clerk to prepare a roster of eligible voters in the county for any such polling place. **Section 5** of this bill sets forth the procedure for a person to vote in person at any such polling place. **Sections 27-30** of this bill set forth corresponding provisions authorizing city clerks to establish polling places where any person who is entitled to vote in the city by personal appearance may do so on the day of the primary city or general city election. **Sections 8, 10-15, 18, 22-25, 33-37 and 40-42** of this bill make conforming changes.

Sections 6 and 31 of this bill require, under certain circumstances, county and city clerks, respectively, to establish at least one polling place within the boundaries of an Indian reservation or Indian colony at a location or locations approved by the Indian tribe.

Existing law generally requires a voter to sign his or her name in a roster when the voter applies to vote in person. (NRS 293.277, 293.285, 293C.270, 293C.275) Existing law also provides that a roster may be in printed or electronic form. **Section 7** of this bill requires a roster to be in electronic form. **Sections 19 and 21** of this bill make conforming changes. **Sections 5, 12, 12.5, 13, 17.5, 17.7, 30, 34, 34.5 and 35** of this bill allow a person to sign a signature card rather than the roster.

Existing law requires voting materials to be provided in English and any other languages necessary to be in compliance with federal law. (NRS 293.2699) **Section 9** of this bill authorizes a county or city clerk to provide voting materials in additional languages if the clerk determines that there is a significant and substantial need for such.

Existing law authorizes a county or city clerk to establish permanent polling places for early voting by personal appearance and provides that the period for early voting begins the third Saturday preceding an election and extends through the Friday before election day, Sundays and federal holidays excepted. (NRS 293.3564, 293.3568, 293C.3564, 293C.3568) **Sections 15 and 37** of this bill require a county or city clerk to establish at least one permanent polling place for early voting. **Sections 16 and 38** of this bill authorize a county or city clerk to extend the period for early voting through

the Sunday before election day. **Sections 17 and 39** of this bill require, under certain circumstances, a county or city clerk to establish at least one temporary place for early voting within the boundaries of an Indian reservation or Indian colony.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***1. A county clerk may establish one or more polling places in the county where any person entitled to vote in the county by personal appearance may do so on the day of the primary election or general election.***

2. Any person entitled to vote in the county by personal appearance may do so at any polling place established pursuant to subsection 1.

Sec. 3. ***1. Except as otherwise provided in subsection 2, if a county clerk establishes one or more polling places pursuant to section 2 of this act, the county clerk must:***

(a) Publish during the week before the election in a newspaper of general circulation a notice of the location of each such polling place.

(b) Post a list of the location of each such polling place on any bulletin board used for posting notice of meetings of the board of county commissioners. The list must be posted continuously for a period beginning not later than the fifth business day before the election and ending at 7 p.m. on the day of the election. The county clerk shall make copies of the list available to the public during the period of posting in reasonable quantities without charge.

2. The provisions of subsection 1 do not apply if every polling place in the county is a polling place where any person entitled to vote in the county by personal appearance may do so on the day of the primary election or general election.

3. No additional polling place may be established pursuant to section 2 of this act after the publication pursuant to this section, except in the case of an emergency and if approved by the Secretary of State.

Sec. 4. ***1. For each polling place established pursuant to section 2 of this act, if any, the county clerk shall prepare a roster that contains, for every registered voter in the county, the voter's name, the address where he or she is registered to vote, his or her voter identification number, the voter's precinct or district number and the voter's signature.***

2. The roster must be delivered or caused to be delivered by the county clerk to an election board officer of the proper polling place before the opening of the polls.

Sec. 5. ***1. Except as otherwise provided in NRS 293.283, upon the appearance of a person to cast a ballot at a polling place established pursuant to section 2 of this act, the election board officer shall:***

(a) Determine that the person is a registered voter in the county and has not already voted in that county in the election;

(b) Instruct the voter to sign the roster or a signature card; and

(c) Verify the signature of the voter in the manner set forth in NRS 293.277.

2. If the signature of the voter does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that county in the current election.

5. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place where he or she applies to vote.

6. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical voting device for the voter;

(b) Ensure that the voter's precinct or voting district and the form of the ballot are indicated on the voting receipt, if the county clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

7. A voter applying to vote at a polling place established pursuant to section 2 of this act may be challenged pursuant to NRS 293.303.

Sec. 6. *1. If an Indian reservation or Indian colony is located in whole or in part within a county, the Indian tribe may submit a request to the county clerk for the establishment of a polling place within the boundaries of the Indian reservation or Indian colony.*

2. A request for the establishment of a polling place within the boundaries of an Indian reservation or Indian colony ~~[must]~~ :

(a) Must be submitted to the county clerk by the Indian tribe on or before:

~~[(a)]~~ (1) If the request is for a primary election, the first Friday in January of the year in which the primary election is to be held.

~~[(b)]~~ (2) If the request is for a general election, the first Friday in July of the year in which the general election is to be held.

(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the polling place. Any proposed location must satisfy the criteria the county clerk uses for the establishment of any other polling place.

3. ~~If~~ Except as otherwise provided in this subsection, if the county clerk receives a request that satisfies the requirements set forth in subsection 2, the county clerk must establish at least one polling place within the boundaries of the Indian reservation or Indian colony at a location or locations, as applicable, approved by the Indian tribe. The county clerk is not required to establish a polling place within the boundaries of an Indian reservation or Indian colony if the county clerk established a temporary branch polling place within the boundaries of the Indian reservation or Indian colony for the same election.

Sec. 7. NRS 293.095 is hereby amended to read as follows:

293.095 "Roster" means the record in ~~[printed or]~~ electronic form furnished to election board officers which contains a list of eligible voters and is to be used for obtaining the signature of each person applying for a ballot.

Sec. 8. NRS 293.2546 is hereby amended to read as follows:

293.2546 The Legislature hereby declares that each voter has the right:

1. To receive and cast a ballot that:

(a) Is written in a format that allows the clear identification of candidates; and

(b) Accurately records the voter's preference in the selection of candidates.

2. To have questions concerning voting procedures answered and to have an explanation of the procedures for voting posted in a conspicuous place at the polling place.

3. To vote without being intimidated, threatened or coerced.

4. To vote on election day if the voter is waiting in line at ~~[his or her]~~ ***a*** polling place ***at which he or she is entitled*** to vote before 7 p.m. and the voter has not already cast a vote in that election.

5. To return a spoiled ballot and is entitled to receive another ballot in its place.

6. To request assistance in voting, if necessary.

7. To a sample ballot which is accurate, informative and delivered in a timely manner.

8. To receive instruction in the use of the equipment for voting during early voting or on election day.

9. To have nondiscriminatory equal access to the elections system, including, without limitation, a voter who is elderly, disabled, a member of a minority group, employed by the military or a citizen who is overseas.

10. To have a uniform, statewide standard for counting and recounting all votes accurately.

11. To have complaints about elections and election contests resolved fairly, accurately and efficiently.

Sec. 9. NRS 293.2699 is hereby amended to read as follows:

293.2699 1. Each voting system used by a county or city shall provide voting materials in ***:***

(a) English ~~[and other languages]~~ ***; and***

(b) Every language in which voting materials are required to be prepared in ~~[compliance with the provisions of 42 U.S.C. § 1973aa-1a.]~~ ***the county or city pursuant to 52 U.S.C. § 10503.***

2. ***In addition to the requirements set forth in subsection 1, if a county clerk or city clerk determines that there is a significant and substantial need for voting materials of the county or city, as applicable, to be provided in the language or languages of a minority group, the county clerk or city clerk may prepare voting materials in such language or languages. For the purposes of this subsection, there is a significant and substantial need for voting materials to be provided in the language or languages of a minority group if, without limitation, the minority group has been subject to historical discrimination and unequal educational opportunities, and, as a result, members of the minority group are of limited-English proficiency.***

3. As used in this section ~~[, the term "voting]~~ ***:***

(a) "Limited-English proficiency" means being unable to speak or understand English adequately to participate in the electoral process.

(b) "Minority group" includes, without limitation, United States citizens of Chinese heritage.

(c) "Voting materials" has the meaning ascribed to it in ~~[42]~~ ***52*** U.S.C. § ~~[1973aa-1a.]~~ ***10503.***

Sec. 10. NRS 293.273 is hereby amended to read as follows:

293.273 1. Except as otherwise provided in subsection 2 and NRS 293.305, at all elections held under the provisions of this title, the polls must open at 7 a.m. and close at 7 p.m.

2. ~~[Whenever]~~ ***Except as otherwise provided in this subsection, whenever*** at any election all the votes of the polling place, as shown on the roster, have been cast, the election board officers shall close the polls, and the counting of votes must begin and continue without unnecessary delay until the count is completed. ***This subsection does not apply to a polling place established pursuant to section 2 of this act.***

3. Upon opening the polls, one of the election board officers shall cause a proclamation to be made that all present may be aware of the fact that applications of registered voters to vote will be received.

4. No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this title.

Sec. 11. NRS 293.275 is hereby amended to read as follows:

293.275 ~~[No]~~

1. Except as otherwise provided in subsection 2, an election board may ***not*** perform its duty in serving registered voters at any polling place in any election provided for in this title, unless it has before it the roster for the polling place.

2. For a polling place established pursuant to section 2 or 27 of this act, an election board may perform its duty in serving registered voters at the polling place in an election if the election board has before it the roster for the county or city, as applicable.

Sec. 12. NRS 293.277 is hereby amended to read as follows:

293.277 1. Except as otherwise provided in NRS 293.283 and 293.541, if a person's name appears in the roster or if the person provides an affirmation pursuant to NRS 293.525, the person is entitled to vote and must sign his or her name in the roster ***or on a signature card*** when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's application to register to vote or one of the forms of identification listed in subsection 2.

2. Except as otherwise provided in NRS 293.2725, the forms of identification which may be used individually to identify a voter at the polling place are:

(a) The card issued to the voter at the time he or she registered to vote;

(b) A driver's license;

(c) An identification card issued by the Department of Motor Vehicles;

(d) A military identification card; or

(e) Any other form of identification issued by a governmental agency which contains the voter's signature and physical description or picture.

3. The county clerk shall prescribe a procedure, approved by the Secretary of State, to determine that the voter has not already voted in that county in the election.

Sec. 12.5. NRS 293.283 is hereby amended to read as follows:

293.283 1. If, because of physical limitations, a registered voter is unable to sign his or her name in the roster ***or on a signature card*** as required by NRS 293.277, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote.

2. If the identity of the voter is verified, the election board officer shall indicate in the roster "Identified" by the voter's name.

Sec. 13. NRS 293.285 is hereby amended to read as follows:

293.285 1. Except as otherwise provided in NRS 293.283, a registered voter applying to vote shall state his or her name to the election board officer in charge of the roster, and the officer shall immediately announce the name,

instruct the voter to sign the roster ~~[and]~~ ***or signature card,*** verify the signature of the voter in the manner set forth in NRS 293.277 ~~[.]~~ ***and verify that the registered voter has not already voted in that county in the current election.***

2. If the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

Sec. 14. NRS 293.296 is hereby amended to read as follows:

293.296 1. Any registered voter who by reason of a physical disability or an inability to read or write English is unable to mark a ballot or use any voting device without assistance is entitled to assistance from a consenting person of his or her own choice, except:

(a) The voter's employer or an agent of the voter's employer; or

(b) An officer or agent of the voter's labor organization.

2. A person providing assistance pursuant to this section to a voter in casting a vote shall not disclose any information with respect to the casting of that ballot.

3. The right to assistance in casting a ballot may not be denied or impaired when the need for assistance is apparent or is known to the election board or any member thereof or when the registered voter requests such assistance in any manner.

4. In addition to complying with the requirements of this section, the county clerk and election board officer shall, upon the request of a registered voter with a physical disability, make reasonable accommodations to allow the voter to vote at ~~[his or her]~~ ***a*** polling place ~~[.]~~ ***at which he or she is entitled to vote.***

Sec. 15. NRS 293.3564 is hereby amended to read as follows:

293.3564 1. ~~[The]~~ ***Each*** county clerk ~~[may]~~ ***shall*** establish ***at least one*** permanent polling ~~[places]~~ ***place*** for early voting by personal appearance in the county ***.*** ~~[at the locations selected pursuant to NRS 293.3561.~~

~~2. Except as otherwise provided in subsection 3, any~~]

2. ***Any*** person entitled to vote early by personal appearance may do so at any polling place for early voting.

~~[3. If it is impractical for the county clerk to provide at each polling place for early voting a ballot in every form required in the county, the county clerk may:~~

~~(a) Provide appropriate forms of ballots for all offices within a township, city, town or county commissioner election district, as determined by the county clerk; and~~

~~(b) Limit voting at that polling place to registered voters in that township, city, town or county commissioner election district.~~]

Sec. 16. NRS 293.3568 is hereby amended to read as follows:

293.3568 1. The period for early voting by personal appearance begins the third Saturday preceding a primary or general election and ***, except as otherwise provided in this subsection,*** extends through the Friday before election day, Sundays and federal holidays excepted. ***A county clerk may extend the period for early voting by personal appearance through the Sunday before election day.***

2. The county clerk may:

(a) ~~[~~Include~~]~~ ***Except as otherwise provided in subsection 3, include*** any Sunday or federal holiday that falls within the period for early voting by personal appearance.

(b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.

3. A permanent polling place for early voting must remain open:

(a) On Monday through Friday:

(1) During the first week of early voting, from 8 a.m. until 6 p.m.

(2) During the second week of early voting, from 8 a.m. until 6 p.m., or until 8 p.m. if the county clerk so requires.

(b) On any Saturday that falls within the period for early voting, for at least 4 hours between 10 a.m. and 6 p.m.

(c) ***If a county clerk extends the period for early voting by personal appearance through the Sunday before election day pursuant to subsection 1, on the Sunday before election day during such hours as the clerk may establish.***

(d) If the county clerk includes a Sunday that falls within the period for early voting pursuant to subsection 2, during such hours as the county clerk may establish.

Sec. 17. NRS 293.3572 is hereby amended to read as follows:

293.3572 1. In addition to permanent polling places for early voting, ***except as otherwise provided in subsection 3,*** the county clerk may establish temporary branch polling places for early voting which may include, without limitation, the clerk's office pursuant to NRS 293.3561.

2. ***If an Indian reservation or Indian colony is located in whole or in part within a county, the Indian tribe may submit a request to the county clerk for the establishment of a temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony.***

3. A request for the establishment of a temporary branch polling place for early voting within the boundaries of an Indian reservation or Indian colony ~~***[must]***~~ ***:***

(a) Must be submitted to the county clerk by the Indian tribe on or before:

[(a)] (1) If the request is for a primary election, the first Friday in January of the year in which the primary election is to be held.

[(b)] (2) If the request is for a general election, the first Friday in July of the year in which the general election is to be held.

(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the temporary branch polling place and proposed hours of operation thereof. Any proposed location must satisfy the criteria established by the county clerk for the selection of temporary branch polling places pursuant to NRS 293.3561.

4. [If] Except as otherwise provided in this subsection, if the county clerk receives a request that satisfies the requirements set forth in subsection 3, the county clerk must establish at least one temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony. The location and hours of operation of such a temporary branch polling place for early voting must be approved by the Indian tribe. The county clerk is not required to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony if the county clerk determines that it is not logistically feasible to establish a temporary branch polling place within the boundaries of the Indian Reservation or colony.

5. The provisions of subsection 3 of NRS 293.3568 do not apply to a temporary ***branch*** polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the county clerk.

[3.] ***6.*** The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

[4.] ***7.*** The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.

Sec. 17.5. NRS 293.3585 is hereby amended to read as follows:

293.3585 1. Except as otherwise provided in NRS 293.283, upon the appearance of a person to cast a ballot for early voting, an election board officer shall:

(a) Determine that the person is a registered voter in the county.

(b) Instruct the voter to sign the roster for early voting **[.]** ***or a signature card.***

(c) Verify the signature of the voter in the manner set forth in NRS 293.277.

(d) Verify that the voter has not already voted ***in that county*** in the current election pursuant to this section.

2. If the signature of the voter does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted ***in that county*** in the current election pursuant to this section.

5. The roster for early voting ***or signature card, as applicable,*** must contain:

(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number, if that information is available; and

(c) The date of voting early in person.

6. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

7. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district, if that information is available, and the form of ballot are indicated on the voting receipt, if the county clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

8. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293.303.

Sec. 17.7. NRS 293.3604 is hereby amended to read as follows:

293.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election other than a presidential preference primary election:

1. At the close of each voting day, the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

(1) The title of the election;

(2) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;

(3) The number of ballots voted on the mechanical recording device for that day; ~~[and]~~

(4) The number of signatures in the roster for early voting for that day ~~[.]~~ ***; and***

(5) The number of signatures on signature cards for that day.

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293.3594; and

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293.3594.

2. At the close of the last voting day, the county clerk shall deliver to the ballot board for early voting:

(a) The statements for all polling places for early voting;

(b) The voting rosters used for early voting;

(c) ***The signature cards used for early voting;***

(d) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and

~~[(d)]~~ ***(e)*** Any other items as determined by the county clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

(a) Indicate the number of ballots on an official statement of ballots; and

(b) Place the storage devices in the container provided to transport those items to the central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the storage devices to the central counting place.

Sec. 18. NRS 293.4689 is hereby amended to read as follows:

293.4689 1. If a county clerk maintains a website on the Internet for information related to elections, the website must contain public information maintained, collected or compiled by the county clerk that relates to elections, which must include, without limitation:

(a) The locations of polling places for casting a ballot on election day in such a format that a registered voter may search the list to determine the location of the polling place ***or places*** at which the registered voter is ~~[required]~~ ***entitled*** to cast a ballot; and

(b) The abstract of votes required pursuant to the provisions of NRS 293.388.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by a county clerk pursuant to subsection 1 may be obtained by the public from a website on the

Internet maintained by the Secretary of State, another county clerk or a city clerk, the county clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 19. NRS 293.511 is hereby amended to read as follows:

293.511 ~~[If a]~~ ***The*** registrar of voters' register or ~~[roster is kept by computer, the register or]~~ roster, as applicable, must include the name, address, precinct, political affiliation and signature or facsimile thereof of each voter and any additional information required by the county clerk.

Sec. 20. NRS 293.541 is hereby amended to read as follows:

293.541 1. The county clerk shall cancel the registration of a voter if:

(a) After consultation with the district attorney, the district attorney determines that there is probable cause to believe that information in the registration concerning the identity or residence of the voter is fraudulent;

(b) The county clerk provides a notice as required pursuant to subsection 2 or executes an affidavit of cancellation pursuant to subsection 3; and

(c) The voter fails to present satisfactory proof of identity and residence pursuant to subsection 2, 4 or 5.

2. Except as otherwise provided in subsection 3, the county clerk shall notify the voter by registered or certified mail, return receipt requested, of a determination made pursuant to subsection 1. The notice must set forth the grounds for cancellation. Unless the voter, within 15 days after the return receipt has been filed in the office of the county clerk, presents satisfactory proof of identity and residence to the county clerk, the county clerk shall cancel the voter's registration.

3. If insufficient time exists before a pending election to provide the notice required by subsection 2, the county clerk shall execute an affidavit of cancellation and file the affidavit of cancellation with the registrar of voters' register and ~~[:~~

~~(a) In counties where records of registration are not kept by computer, the county clerk shall attach a copy of the affidavit of cancellation in the roster.~~

~~(b) In counties where records of registration are kept by computer, the county clerk shall have the affidavit of cancellation printed on the computer entry for the registration and]~~ add a copy of ~~[it]~~ ***the affidavit*** to the roster.

4. If a voter appears to vote at the election next following the date that an affidavit of cancellation was executed for the voter pursuant to this section, the voter must be allowed to vote only if the voter furnishes:

(a) Official identification which contains a photograph of the voter, including, without limitation, a driver's license or other official document; and

(b) Satisfactory identification that contains proof of the address at which the voter actually resides and that address is consistent with the address listed on the roster.

5. If a determination is made pursuant to subsection 1 concerning information in the registration to vote of a voter and an absent ballot or a ballot voted by a voter who resides in a mailing precinct is received from the

voter, the ballot must be kept separate from other ballots and must not be counted unless the voter presents satisfactory proof to the county clerk of identity and residence before such ballots are counted on election day.

6. For the purposes of this section, a voter registration card issued pursuant to NRS 293.517 does not provide proof of the:

(a) Address at which a person actually resides; or

(b) Residence or identity of a person.

Sec. 21. NRS 293.547 is hereby amended to read as follows:

293.547 1. After the 30th day but not later than the 25th day before any election, a written challenge may be filed with the county clerk.

2. A registered voter may file a written challenge if:

(a) He or she is registered to vote in the same precinct as the person whose right to vote is challenged; and

(b) The challenge is based on the personal knowledge of the registered voter.

3. The challenge must be signed and verified by the registered voter and name the person whose right to vote is challenged and the ground of the challenge.

4. A challenge filed pursuant to this section must not contain the name of more than one person whose right to vote is challenged. The county clerk shall not accept for filing any challenge which contains more than one such name.

5. The county clerk shall:

(a) File the challenge in the registrar of voters' register and ~~[~~:

~~(1) In counties where records of registration are not kept by computer, he or she shall attach a copy of the challenge to the challenged registration in the roster.~~

~~(2) In counties where records of registration are kept by computer, he or she shall have the challenge printed on the computer entry for the challenged registration and~~~~]~~ add a copy of ~~[~~it~~]~~ ***the challenge*** to the roster.

(b) Within 5 days after a challenge is filed, mail a notice in the manner set forth in NRS 293.530 to the person whose right to vote has been challenged pursuant to this section informing the person of the challenge. If the person fails to respond or appear to vote within the required time, the county clerk shall cancel the person's registration. A copy of the challenge and information describing how to reregister properly must accompany the notice.

(c) Immediately notify the district attorney. A copy of the challenge must accompany the notice.

6. Upon receipt of a notice pursuant to this section, the district attorney shall investigate the challenge within 14 days and, if appropriate, cause proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay. The court shall give such proceedings priority over other civil matters that are not expressly given priority by law. Upon

court order, the county clerk shall cancel the registration of the person whose right to vote has been challenged pursuant to this section.

Sec. 22. NRS 293.563 is hereby amended to read as follows:

293.563 1. During the interval between the closing of registration and the election, the county clerk shall prepare for ~~[each]~~ ***:***

(a) Each polling place a roster containing the registered voters eligible to vote at the polling place.

(b) Each polling place established pursuant to section 2 or 27 of this act, if any, a roster containing the registered voters eligible to vote in the county or city, respectively.

2. The ~~[roster]~~ ***rosters*** must be delivered or caused to be delivered by the county or city clerk to an election board officer of the proper polling place before the opening of the polls.

Sec. 23. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. A county clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a county clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the county clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

5. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 4, the county clerk shall distribute the sample ballot to the registered voter by mail.

6. Before the period for early voting for any election begins, the county clerk shall distribute to each registered voter in the county by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place ~~[.]~~ ***or places.*** If the location of the polling place ***or places*** has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE ***OR PLACES*** HAS CHANGED SINCE THE LAST ELECTION

7. Except as otherwise provided in subsection 8, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN LARGE TYPE, CALL (Insert appropriate telephone number)

8. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

9. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

10. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots distributed to that person from the county are in large type.

11. The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place ***or places*** and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place ~~[.]~~ ***or places.***

12. The cost of distributing sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

Sec. 24. NRS 293.730 is hereby amended to read as follows:

293.730 1. A person shall not:

(a) Remain in or outside of any polling place so as to interfere with the conduct of the election.

(b) Except an election board officer, receive from any voter a ballot prepared by the voter.

(c) Remove a ballot from any polling place before the closing of the polls.

(d) Apply for or receive a ballot at any election precinct or district other than ~~[the]~~ one at which the person is entitled to vote.

(e) Show his or her ballot to any person, after voting, so as to reveal any of the names voted for.

(f) Inside a polling place, ask another person for whom he or she intends to vote.

(g) Except an election board officer, deliver a ballot to a voter.

(h) Except an election board officer in the course of the election board officer's official duties, inside a polling place, ask another person his or her name, address or political affiliation.

2. A voter shall not:

(a) Receive a ballot from any person other than an election board officer.

(b) Deliver to an election board or to any member thereof any ballot other than the one received.

(c) Place any mark upon his or her ballot by which it may afterward be identified as the one voted by the person.

3. Any person who violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 25. NRS 293.790 is hereby amended to read as follows:

293.790 If any person whose vote has been rejected offers to vote at the same election, at any polling place other than ~~[the]~~ one in which the person is ~~[registered]~~ ***entitled*** to vote, such person is guilty of a gross misdemeanor.

Sec. 26. Chapter 293C of NRS is hereby amended by adding thereto the provisions set forth as sections 27 to 31, inclusive, of this act.

Sec. 27. ***1. A city clerk may establish one or more polling places in the city where any person entitled to vote in the city by personal appearance may do so on the day of the primary city election or general city election.***

2. Any person entitled to vote in the city by personal appearance may do so at any polling place established pursuant to subsection 1.

Sec. 28. ***1. Except as otherwise provided in subsection 2, if a city clerk establishes one or more polling places pursuant to section 27 of this act, the city clerk must:***

(a) Publish during the week before the election in a newspaper of general circulation a notice of the location of each such polling place.

(b) Post a list of the location of each such polling place on any bulletin board used for posting notice of meetings of the governing body of the city. The list must be posted continuously for a period beginning not later than the fifth business day before the election and ending at 7 p.m. on the day of the election. The city clerk shall make copies of the list available to the public during the period of posting in reasonable quantities without charge.

2. The provisions of subsection 1 do not apply if every polling place in the city is designated as a polling place where any person entitled to vote in the city by personal appearance may do so on the day of the primary city election or general city election.

3. No additional polling place may be established pursuant to section 27 of this act after the publication pursuant to this section, except in the case of an emergency and if approved by the Secretary of State.

Sec. 29. ***1. For each polling place established pursuant to section 27 of this act, if any, the city clerk shall prepare a roster that contains, for every registered voter in the city, the voter's name, the address where he or she is registered to vote, his or her voter identification number, the voter's precinct or district number and the voter's signature.***

2. The roster must be delivered or caused to be delivered by the city clerk to an election board officer of the proper polling place before the opening of the polls.

Sec. 30. ***1. Except as otherwise provided in NRS 293C.272, upon the appearance of a person to cast a ballot at a polling place established pursuant to section 27 of this act, if any, the election board officer shall:***

(a) Determine that the person is a registered voter in the city and has not already voted in that city in the election;

(b) Instruct the voter to sign the roster or a signature card; and

(c) Verify the signature of the voter in the manner set forth in NRS 293C.270.

2. If the signature of the voter does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the card issued to the voter at the time he or she registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The city clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that city in the current election.

5. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place where he or she applies to vote.

6. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical voting device for the voter;

(b) Ensure that the voter's precinct or voting district and the form of the ballot are indicated on the voting receipt, if the city clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

7. A voter applying to vote at a polling place established pursuant to section 27 of this act, if any, may be challenged pursuant to NRS 293C.292.

Sec. 31. *1. If an Indian reservation or Indian colony is located in whole or in part within a city, the Indian tribe may request to the city clerk for the establishment of a polling place within the boundaries of the Indian reservation or Indian colony.*

2. A request for the establishment of a polling place within the boundaries of an Indian reservation or Indian colony ~~[must]~~ :

(a) Must be submitted to the city clerk by the Indian tribe on or before:

~~[(a)]~~ (1) If the request is for a primary city election that is held:

~~[(1)]~~ (I) On the dates set forth for primary elections pursuant to the provisions of chapter 293 of NRS, the first Friday in January of the year in which the primary city election is to be held.

~~[(2)]~~ (II) On the dates set forth for primary city elections pursuant to the provisions of this chapter, the first Friday in December of the year immediately preceding the year in which the primary city election is to be held.

~~[(b)]~~ *(2) If the request is for a general city election that is held:*

~~[(1)]~~ *(I) On the dates set forth for general elections pursuant to the provisions of chapter 293 of NRS, the first Friday in July of the year in which the general city election is to be held.*

~~[(2)]~~ *(II) On the dates set forth for general city elections pursuant to the provisions of this chapter, the first Friday in January of the year in which the general city election is to be held.*

(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the polling place. Any proposed location for a polling place must satisfy the criteria the city clerk uses for the establishment of any other polling place.

3. ~~*[If]*~~ *Except as otherwise provided in this subsection, if the city clerk receives a request that satisfies the requirements set forth in subsection 2, the city clerk must establish at least one polling place within the boundaries of the Indian reservation or Indian colony at a location or locations, as applicable, approved by the Indian tribe. The city clerk is not required to establish a polling place within the boundaries of the Indian reservation or Indian colony if the city clerk established a temporary branch polling place within the boundaries of the Indian reservation or Indian colony for the same election.*

Sec. 32. NRS 293C.112 is hereby amended to read as follows:

293C.112 1. The governing body of a city may conduct a city election in which all ballots must be cast by mail if:

(a) The election is a special election; or

(b) The election is a primary city election or general city election in which the ballot includes only:

(1) Offices and ballot questions that may be voted on by the registered voters of only one ward; or

(2) One office or ballot question.

2. The provisions of NRS 293C.265 to 293C.302, inclusive, ***and section 31 of this act,*** 293C.305 to 293C.340, inclusive, and 293C.355 to 293C.361, inclusive, do not apply to an election conducted pursuant to this section.

3. For the purposes of an election conducted pursuant to this section, each precinct in the city shall be deemed to have been designated a mailing precinct pursuant to NRS 293C.342.

Sec. 33. NRS 293C.267 is hereby amended to read as follows:

293C.267 1. Except as otherwise provided in subsection 2 and NRS 293C.297, at all elections held pursuant to the provisions of this chapter, the polls must open at 7 a.m. and close at 7 p.m.

2. Whenever at any election all the votes of the polling place, as shown on the roster, have been cast, the election board officers shall close the polls and the counting of votes must begin and continue without unnecessary delay until the count is completed. ***The provisions of this subsection do not apply to any polling place established pursuant to section 27 of this act where any***

person entitled to vote in the city by personal appearance on the day of the election may do so.

3. Upon opening the polls, one of the election board officers shall cause a proclamation to be made so that all present may be aware of the fact that applications of registered voters to vote will be received.

4. No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this chapter.

Sec. 34. NRS 293C.270 is hereby amended to read as follows:

293C.270 1. Except as otherwise provided in NRS 293C.272, if a person's name appears in the roster or if the person provides an affirmation pursuant to NRS 293C.525, the person is entitled to vote and must sign his or her name in the roster ***or on a signature card*** when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's application to register to vote or one of the forms of identification listed in subsection 2.

2. The forms of identification that may be used to identify a voter at the polling place are:

(a) The card issued to the voter at the time he or she registered to vote;

(b) A driver's license;

(c) An identification card issued by the Department of Motor Vehicles;

(d) A military identification card; or

(e) Any other form of identification issued by a governmental agency that contains the voter's signature and physical description or picture.

3. The city clerk shall prescribe a procedure, approved by the Secretary of State, to determine that the voter has not already voted in that city in the current election.

Sec. 34.5. NRS 293C.272 is hereby amended to read as follows:

293C.272 1. If, because of physical limitations, a registered voter is unable to sign his or her name in the roster ***or on a signature card*** as required by NRS 293C.270, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the card issued to the voter at the time he or she registered to vote.

2. If the identity of the voter is verified, the election board officer shall indicate in the roster "Identified" by the voter's name.

Sec. 35. NRS 293C.275 is hereby amended to read as follows:

293C.275 1. Except as otherwise provided in NRS 293C.272, a registered voter who applies to vote must state his or her name to the election board officer in charge of the roster, and the officer shall immediately

announce the name, instruct the voter to sign the roster ~~[and]~~ ***or signature card,*** verify the signature of the voter in the manner set forth in NRS 293C.270 ~~[.]~~ ***and verify that the registered voter has not already voted in that city in the current election.***

2. If the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the card issued to the voter at the time he or she registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

Sec. 36. NRS 293C.282 is hereby amended to read as follows:

293C.282 1. Any registered voter who, because of a physical disability or an inability to read or write English, is unable to mark a ballot or use any voting device without assistance is entitled to assistance from a consenting person of his or her own choice, except:

(a) The voter's employer or an agent of the voter's employer; or

(b) An officer or agent of the voter's labor organization.

2. A person providing assistance pursuant to this section to a voter in casting a vote shall not disclose any information with respect to the casting of that ballot.

3. The right to assistance in casting a ballot may not be denied or impaired when the need for assistance is apparent or is known to the election board or any member thereof or when the registered voter requests such assistance in any manner.

4. In addition to complying with the requirements of this section, the city clerk and election board officer shall, upon the request of a registered voter with a physical disability, make reasonable accommodations to allow the voter to vote at ~~[his or her]~~ ***a*** polling place ~~[.]~~ ***at which he or she is entitled to vote.***

Sec. 37. NRS 293C.3564 is hereby amended to read as follows:

293C.3564 1. The city clerk ~~[may]~~ ***in a city providing for early voting pursuant to subparagraph (1) of paragraph (b) of subsection 2 of NRS 293C.110 shall*** establish ***at least one*** permanent polling ~~[places]~~ ***place*** for early voting by personal appearance in the city at the locations selected pursuant to NRS 293C.3561.

2. Any person entitled to vote early by personal appearance may do so at any polling place for early voting.

Sec. 38. NRS 293C.3568 is hereby amended to read as follows:

293C.3568 1. The period for early voting by personal appearance begins the third Saturday preceding a primary city election or general city

election, and ***, except as otherwise provided in this subsection,*** extends through the Friday before election day, ~~[~~Sundays and~~]~~ federal holidays excepted. ***A city clerk may extend the period for early voting by personal appearance through the Sunday before election day.***

2. The city clerk may:

(a) ~~[~~Include~~]~~ ***Except as otherwise provided in subsection 3, include*** any Sunday or federal holiday that falls within the period for early voting by personal appearance.

(b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.

3. A permanent polling place for early voting must remain open:

(a) On Monday through Friday:

(1) During the first week of early voting, from 8 a.m. until 6 p.m.

(2) During the second week of early voting, from 8 a.m. until 6 p.m., or until 8 p.m. if the city clerk so requires.

(b) On any Saturday that falls within the period for early voting, for at least 4 hours between 10 a.m. and 6 p.m.

(c) ***If a city clerk extends the period for early voting by personal appearance through the Sunday before election day pursuant to subsection 1, on the Sunday before election day during such hours as the clerk may establish.***

(d) If the city clerk includes a Sunday that falls within the period for early voting pursuant to subsection 2, during such hours as the city clerk may establish.

Sec. 39. NRS 293C.3572 is hereby amended to read as follows:

293C.3572 1. In addition to permanent polling places for early voting, ***except as otherwise provided in subsection 3,*** the city clerk may establish temporary branch polling places for early voting pursuant to NRS 293C.3561.

2. ***If an Indian reservation or Indian colony is located in whole or in part within a city, the Indian tribe may submit a request to the city clerk for the establishment of a temporary branch polling place within the boundaries of the Indian reservation or Indian colony.***

3. A request for the establishment of a temporary branch polling place within the boundaries of an Indian reservation or Indian colony ~~[must]~~ :

(a) Must be submitted to the city clerk by the Indian tribe on or before:

~~[(a)]~~ (1) If the request is for a primary city election that is held:

~~[(1)]~~ (I) On the dates set forth for primary elections pursuant to the provisions of chapter 293 of NRS, the first Friday in January of the year in which the primary city election is to be held.

~~[(2)]~~ (II) On the dates set forth for primary city elections pursuant to the provisions of this chapter, the first Friday in December of the year immediately preceding the year in which the primary city election is to be held.

~~[(b)]~~ (2) If the request is for a general city election that is held:

~~[(1)]~~ ***(I) On the dates set forth for general elections pursuant to the provisions of chapter 293 of NRS, the first Friday in July of the year in which the general city election is to be held.***

~~[(2)]~~ ***(II) On the dates set forth for general city elections pursuant to the provisions of this chapter, the first Friday in January of the year in which the general city election is to be held.***

(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the temporary branch polling place and proposed hours thereof. Any proposed location must satisfy the criteria established by the city clerk pursuant to NRS 293C.3561.

4. ~~If~~ Except as otherwise provided in this subsection, if the city clerk receives a request that satisfies the requirements set forth in subsection 3, the city clerk must establish at least one temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony. The location and hours of operation of such a temporary branch polling place for early voting must be approved by the Indian tribe. The city clerk is not required to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony if the city clerk determines that it is not logistically feasible to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony.

5. The provisions of subsection 3 of NRS 293C.3568 do not apply to a temporary ***branch*** polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the city clerk.

~~[3.]~~ ***6.*** The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

~~[4.]~~ ***7.*** The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.

Sec. 39.5. NRS 293C.3585 is hereby amended to read as follows:

293C.3585 1. Except as otherwise provided in NRS 293C.272, upon the appearance of a person to cast a ballot for early voting, an election board officer shall:

(a) Determine that the person is a registered voter in the county.

(b) Instruct the voter to sign the roster for early voting ~~[.]~~ ***or a signature card.***

(c) Verify the signature of the voter in the manner set forth in NRS 293C.270.

(d) Verify that the voter has not already voted ***in that city*** in the current election pursuant to this section.

2. If the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the card issued to the voter at the time he or she registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The city clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted ***in that city*** in the current election pursuant to this section.

5. The roster for early voting ***or signature card, as applicable,*** must contain:

(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number, if that information is available; and

(c) The date of voting early in person.

6. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

7. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district, if that information is available, and the form of ballot are indicated on the voting receipt, if the city clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

8. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293C.292.

Sec. 39.7. NRS 293C.3604 is hereby amended to read as follows:

293C.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election other than a presidential preference primary election:

1. At the close of each voting day, the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

(1) The title of the election;

(2) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;

(3) The number of ballots voted on the mechanical recording device for that day; ~~[and]~~

(4) The number of signatures in the roster for early voting for that day ~~[.]~~ ***; and***

(5) The number of signatures on signature cards for that day.

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293C.3594; and

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293C.3594.

2. At the close of the last voting day, the city clerk shall deliver to the ballot board for early voting:

(a) The statements for all polling places for early voting;

(b) The voting rosters used for early voting;

(c) ***The signature cards used for early voting;***

(d) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and

~~[(d)]~~ ***(e)*** Any other items as determined by the city clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

(a) Indicate the number of ballots on an official statement of ballots; and

(b) Place the storage devices in the container provided to transport those items to the central counting place and seal the container with a number seal. The official statement of ballots must accompany the storage devices to the central counting place.

Sec. 40. NRS 293C.530 is hereby amended to read as follows:

293C.530 1. A city clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a city clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the city clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

2. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 1, the city clerk shall distribute the sample ballot to the registered voter by mail.

3. Before the period for early voting for any election begins, the city clerk shall distribute to each registered voter in the city by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place ~~[.]~~ ***or places.*** If the location of the polling place ***or places*** has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE ***OR PLACES*** HAS CHANGED SINCE THE LAST ELECTION

4. Except as otherwise provided in subsection 6, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type;

(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 295.205 or 295.217; and

(c) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN LARGE TYPE, CALL (Insert appropriate telephone number)

5. The word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.

6. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

7. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

8. If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots distributed to that person from the city are in large type.

9. The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place ***or places*** and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place ~~[.]~~ ***or places.***

10. The cost of distributing sample ballots for a city election must be borne by the city holding the election.

Sec. 41. NRS 293C.535 is hereby amended to read as follows:

293C.535 1. Except as otherwise provided by special charter, registration of electors in incorporated cities must be accomplished in the manner provided in this chapter.

2. The county clerk shall use the statewide voter registration list to prepare for the city clerk of each incorporated city within the county the roster of all electors eligible to vate at a regular or special city election.

3. ~~[The]~~ ***Except as otherwise provided in section 27 of this act, the*** rosters must be prepared, one for each ward or other voting district within each incorporated city. The entries in the roster must be arranged alphabetically with the surnames first.

4. The county clerk shall keep duplicate originals or copies of the applications to register to vote in the county clerk's office.

Sec. 42. NRS 293C.715 is hereby amended to read as follows:

293C.715 1. If a city clerk maintains a website on the Internet for information relating to elections, the website must contain public information maintained, collected or compiled by the city clerk that relates to elections, which must include, without limitation:

(a) The locations of polling places for casting a ballot on election day in such a form that a registered voter may search the list to determine the location of the polling place ***or places*** at which the registered voter is ~~[required]~~ ***entitled*** to cast a ballot; and

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293C.387.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by a city clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, a county clerk or another city clerk, the city clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 43. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 44. This act becomes effective:

1. On July 1, 2017, for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2018, for all other purposes.

Assemblywoman Diaz moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 120, 228, 231, 232, 235, 241, 244, 246, 255, 286, 297, 299, 304, 310, 316, 317, 321, 324, 340, 341, 346, 347, 350, 356, 372, 376, 393, 408, 410, 412, 424, 427, 444, 445, 455, 459, 485, 26, 101, 242, 253, and 298; Assembly Joint Resolutions Nos. 4, 9, 11, and 13; Assembly Joint Resolution No. 10 of the 78th Session be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Brooks, the privilege of the floor of the Assembly Chamber for this day was extended to Judy Miller Barrett and Jeff Treslley.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Chuck Searle and Larry Bradley.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Tuesday, April 25, 2017, at 11 a.m.

Motion carried.

Assembly adjourned at 9:49 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

The

Journal of the Assembly

OF THE

SEVENTY-NINTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2017

BEGUN ON MONDAY, THE SIXTH DAY OF FEBRUARY, AND ENDED ON MONDAY, THE FIFTH DAY OF JUNE

VOLUME 3

THE SEVENTY-NINTH DAY—THE ONE HUNDRED AND EIGHTH DAY

SEE VOLUME 1 FOR TABLE OF CONTENTS
SEE VOLUME 6 FOR INDEX

ARRANGEMENT AND CONTENTS OF VOLUME 3

Page

ASSEMBLY PROCEEDINGS 3753

THE SEVENTY-NINTH DAY

CARSON CITY (Tuesday), April 25, 2017

Assembly called to order at 2:04 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Chase Ward.

Lord, Your Word says, "Let every person be subject to the governing authorities. For there is no authority except from God, and those that exist have been instituted by God."

This morning we come and ask for clarity that You would lead these men and women as they seek to do what is best for this state. May You give them insight and wisdom beyond their experience, bring them into agreement and peace. It's in Jesus' name I pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 24, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 19; Senate Bills Nos. 408, 410.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 131, 169, 182, 204, 209, 250, 252, 274, 305, 338, 339, 411, 413, 416, 464, 477, 492.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 9.

Assemblyman Yeager moved the adoption of the resolution.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Assembly Concurrent Resolution No. 9 directs the Legislative Commission to appoint an interim committee to study certain violations of traffic laws. The committee shall also consider existing laws relating to licensing of drivers and registering and insuring motor vehicles. The committee would consider the following: existing laws that treat such violations as criminal offenses; the elements of a system that treats these violations as civil infractions; and the anticipated fiscal impact on the state and its political subdivisions. The committee would provide a report to the 2019 Session of the Legislature.

Resolution adopted as amended and ordered transmitted to the Senate.

NOTICE OF EXEMPTION

April 24, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 49.

CINDY JONES
Fiscal Analysis Division

April 24, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 212.

MARK KRMPOTIC
Fiscal Analysis Division

Assemblywoman Carlton moved that Assembly Bill No. 7 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 131.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 169.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 182.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 204.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 209.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 250.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 252.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 274.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 305.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 338.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 339.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 408.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 410.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 411.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 413.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 416.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 464.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 477.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 492.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 52, 175, 181, and 276 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 34, 120, 211, and 226 be taken from their positions on the General File and placed at the bottom of the General File after Assembly Bill No. 298.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 328, 346, and 372 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 114 and 119 be taken from the Chief Clerk's desk and placed at the bottom of the General File after Assembly Bill No. 226.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 328.

Bill read third time.

The following amendment was proposed by Assemblyman Daly:

Amendment No. 620.

AN ACT relating to professions; establishing limitations on the employment or retention of attorneys by certain regulatory bodies; requiring attorneys who contract with certain regulatory bodies to act as legal counsel for the regulatory body to carry professional liability insurance that satisfies certain criteria; requiring the Department of Administration to adopt regulations relating to the financial operation and administration of certain

regulatory bodies; revising the qualifications for the executive director or executive secretary of certain regulatory bodies; revising the disciplinary process for certain regulatory bodies which administer occupational licensing; ~~[providing certain immunity for independent contractors who act as legal counsel for certain regulatory bodies;]~~ revising requirements for certain regulatory bodies of this State to prepare a balance sheet or hire a public accountant or accounting firm to conduct an audit of the body for a fiscal year; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally imposes certain requirements on regulatory bodies that regulate professions in this State. (Chapter 622 of NRS) **Section 2** of this bill prohibits an attorney from being employed as legal counsel by more than one regulatory body. **Section 2** further requires an attorney who contracts with a regulatory body to act as legal counsel as an independent contractor to carry a policy of professional liability insurance that names the State as an additional insured in the insurance policy. ~~[Section 30 of this bill extends the sovereign immunity of the State to an attorney who contracts with a regulatory body to act as legal counsel.]~~ **Section 4** of this bill prohibits a person from being employed as an executive director or executive secretary by more than one regulatory body and requires a person employed by a regulatory body as an executive director or executive secretary to be a resident of this State. **Section 3** of this bill requires the Department of Administration to adopt regulations that establish standards for the financial operation and administration of regulatory bodies.

Existing law requires regulatory bodies to comply with certain administrative procedures governing the disciplinary process for licensees. (Chapter 622A of NRS) Existing law also provides an exemption for certain regulatory bodies from having to comply with the uniform disciplinary process. (NRS 622A.120) **Section 8** of this bill removes the exemption for regulatory bodies that issue professional licenses and are not under the direct supervision of a department of the Executive Branch of State Government. **Section 6** of this bill prohibits a deputy attorney general from acting as legal counsel for a regulatory body in a contested case if he or she prosecuted the contested case before the regulatory body. **Section 7** of this bill prohibits an attorney who is employed or retained as legal counsel to a regulatory body from prosecuting a contested case before the regulatory body at any time while employed or retained by the regulatory body. ~~[Section 10 of this bill provides immunity from civil liability for persons who contract with regulatory bodies as independent contractors to act as legal counsel for a regulatory body and who participate in the disciplinary process of a regulatory body.]~~

Existing law, with certain exceptions, requires certain regulatory bodies of this State which: (1) receive less than $75,000 in revenue during a fiscal year to prepare a balance sheet for that fiscal year; or (2) receive $75,000 or more in revenue during any fiscal year to hire a public accountant or accounting

firm to conduct an audit of the regulatory body's fiscal records for that fiscal year. Upon completion of the balance sheet or audit, existing law requires the regulatory body to file the balance sheet or a report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year. (NRS 218G.400) **Section 30.5** of this bill increases from $75,000 to $200,000 the amount of revenue received in any fiscal year for the purpose of determining whether a regulatory body is required to prepare a balance sheet or hire a public accountant or accounting firm to conduct the audit and subsequently file a report of the audit with the Legislative Auditor and the Chief of the Budget Division.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 622 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. Each regulatory body shall contribute to the Fund for Insurance Premiums as required by NRS 331.187.***

2. If a regulatory body employs an attorney as legal counsel, the attorney may not be employed as legal counsel of another regulatory body.

3. If a regulatory body retains an attorney to act as legal counsel for the regulatory body as an independent contractor, the attorney:

(a) May contract with more than one regulatory body to act as legal counsel as an independent contractor.

(b) Shall obtain or otherwise carry, before acting as legal counsel for a regulatory body, a policy of professional liability insurance which:

(1) Insures the attorney against any liability arising from acting as legal counsel for the regulatory body; and

(2) Names this State as an additional insured in the insurance policy.

Sec. 3. ***The Department of Administration shall adopt regulations establishing standards for the financial operation and administration of regulatory bodies. The regulations must include, without limitation, provisions which establish the minimum level of professional liability insurance that an attorney who contracts with a regulatory body to act as legal counsel must carry pursuant to subsection 3 of section 2 of this act.***

Sec. 4. NRS 622.220 is hereby amended to read as follows:

622.220 If a regulatory body employs a person as an executive director or executive secretary or in a position with powers and duties similar to those of an executive director or executive secretary, the person:

1. Must possess a level of education or experience, or a combination of both, to qualify the person to perform the administrative and managerial tasks required of the position;

2. Must be a resident of this State;

3. Must not be employed by another regulatory body as an executive director or executive secretary or in a position with powers and duties similar to those of an executive director or executive secretary; and

~~[2.]~~ ***4.*** Must not be the immediate relative of:

(a) A member or employee of the regulatory body; or

(b) A licensee of the regulatory body.

Sec. 5. Chapter 622A of NRS is hereby amended by adding thereto the provisions set forth as sections 6 and 7 of this act.

Sec. 6. ***If a deputy attorney general prosecutes a contested case for a regulatory body, he or she may not also act as legal counsel for the regulatory body when the regulatory body considers or makes decisions concerning the contested case.***

Sec. 7. ***If a regulatory body employs or retains an attorney to serve as legal counsel for and advise the regulatory body on any and all matters, and the attorney prosecutes a contested case for the regulatory body, the attorney may not also act as legal counsel for the regulatory body when the regulatory body considers or makes a decision regarding the contested case.***

Sec. 8. NRS 622A.120 is hereby amended to read as follows:

622A.120 1. The following regulatory bodies are exempted from the provisions of this chapter:

(a) ~~[State Contractors' Board.~~

~~(b) State Board of Professional Engineers and Land Surveyors.~~

~~(c) Nevada State Board of Accountancy.~~

~~(d) Board of Medical Examiners.~~

~~(e) Board of Dental Examiners of Nevada.~~

~~(f) State Board of Nursing.~~

~~(g) Chiropractic Physicians' Board of Nevada.~~

~~(h) Nevada State Board of Optometry.~~

~~(i) State Board of Pharmacy.~~

~~(j) Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors.~~

~~(k)]~~ Real Estate Commission, Real Estate Administrator and Real Estate Division of the Department of Business and Industry.

~~[(l)]~~ ***(b)*** Commission of Appraisers of Real Estate.

~~[(m)]~~ ***(c)*** Commissioner of Mortgage Lending and Division of Mortgage Lending of the Department of Business and Industry.

~~[(n)]~~ ***(d)*** Commissioner of Financial Institutions and Division of Financial Institutions of the Department of Business and Industry.

~~[(o) Private Investigator's Licensing Board.~~

~~(p)]~~ ***(e)*** State Board of Health and Division of Public and Behavioral Health of the Department of Health and Human Services.

2. Any regulatory body which is exempted from the provisions of this chapter pursuant to subsection 1 may elect by regulation to follow the provisions of this chapter or any portion thereof.

Sec. 9. NRS 622A.130 is hereby amended to read as follows:

622A.130 1. The provisions of this chapter must be interpreted so as to effectuate their general purpose to make uniform among the regulatory bodies that are subject to the provisions of this chapter the procedures used to prosecute contested cases and take administrative action against a person who violates any law or regulation governing occupational licensing.

2. To the extent possible, the provisions of this chapter are intended to supplement other statutory provisions governing administrative procedure, occupational licensing and regulatory bodies, and such other provisions must be given effect to the extent that those provisions do not conflict with the provisions of this chapter. If there is a conflict between such other provisions and the provisions of this chapter, the provisions of this chapter control.

3. The provisions of this chapter do not prohibit a regulatory body from adopting procedures used to prosecute contested cases that:

(a) Impose stricter requirements on the regulatory body relating to such prosecution; or

(b) Provide greater due process protections for licensees,

➥ so long as such procedures do not hinder the duty of the regulatory body to protect the public.

Sec. 10. ~~[NRS 622A.150 is hereby amended to read as follows:~~

~~622A.150 1. A person who provides a governmental entity, officer or employee with any information relating to a contested case is immune from any civil liability for providing that information if the person acted in good faith and without malicious intent.~~

~~2. A governmental entity, officer~~ **, [**~~or~~**]** ~~employee~~ ***or independent contractor who contracts to act as legal counsel to a regulatory body in accordance with the provisions of subsection 3 of section 2 of this act*** ~~is immune from any civil liability for:~~

~~(a) Any decision or action taken in good faith and without malicious intent in carrying out the provisions of this chapter or any law or regulation governing occupational licensing; or~~

~~(b) Communicating or cooperating with or providing any documents or other information to any other governmental entity, officer or employee conducting an investigation, disciplinary proceeding or civil or criminal prosecution.~~**]** **(Deleted by amendment.)**

Sec. 11. NRS 623.133 is hereby amended to read as follows:

623.133 1. The Attorney General is hereby designated as the legal adviser of the Board.

2. **[**~~Nothing~~**]** ***Subject to the provisions of sections 6 and 7 of this act, nothing*** in this section shall be construed so as to prevent the Board from employing legal counsel as provided elsewhere in this chapter.

Sec. 12. NRS 623A.160 is hereby amended to read as follows:

623A.160 The Attorney General is the legal adviser of the Board, but the Board may employ legal counsel **[**~~.~~**]** ***subject to the provisions of sections 6 and 7 of this act.***

Sec. 13. NRS 628.410 is hereby amended to read as follows:

628.410 1. The Board may initiate proceedings under this chapter:

(a) On its own motion;

(b) On the complaint of any person; or

(c) On a complaint made by a board of accountancy of another state.

2. A written notice of the hearing must be served on the respondent not less than 30 days before the date of the hearing, either personally or by mailing a copy thereof by registered or certified mail to the address of the respondent last known to the Board.

3. If, after having been served with the notice of hearing, the respondent fails to appear at the hearing and defend, the Board may proceed to hear evidence against the respondent and may enter such order as is justified by the evidence. The order is final unless the respondent petitions for a review thereof. Within 30 days after the date of any order, upon a showing of good cause for failing to appear and defend, the Board may reopen the proceedings and may permit the respondent to submit evidence in his or her behalf.

4. At any hearing, a respondent may be represented before the Board by counsel or by a certified public accountant or registered public accountant of this State in good standing. The respondent is entitled, on application to the Board, to the issuance of subpoenas to compel the attendance of witnesses on his or her behalf.

5. The Board, or any member thereof, may issue subpoenas to compel the attendance of witnesses and the production of documents. In case of disobedience to a subpoena, the Board may invoke the aid of any court of this State in requiring the attendance and testimony of witnesses and the production of documentary evidence.

6. A hearing may be conducted by:

(a) The Board, less any member or members who have been disqualified, without the appointment of persons to hear the case in place of the disqualified members; or

(b) A member of the Board appointed by the Board as a hearing officer, with the remaining members of the Board, less any member or members who have been disqualified, to review the record, make a final decision and issue the order,

➥ unless the Board, after disqualifications, consists of less than three members to hear or review the case, in which circumstance the Governor must appoint one or more qualified persons so that the panel which hears or reviews the case consists of at least three persons.

7. A stenographic record of the hearing must be kept and a transcript thereof filed with the Board.

8. At all hearings, the Attorney General or a deputy designated by the Attorney General or such other legal counsel as may be employed shall appear and represent the Board ~~[.]~~ ***subject to the provisions of sections 6 and 7 of this act.***

9. The decision of the Board must be by majority vote thereof.

Sec. 14. NRS 630.346 is hereby amended to read as follows:

630.346 In any disciplinary hearing:

1. The Board, a panel of the members of the Board and a hearing officer are not bound by formal rules of evidence ***, except that evidence must be taken and considered in the hearing pursuant to NRS 233B.123,*** and a witness must not be barred from testifying solely because the witness was or is incompetent.

2. A finding of the Board must be supported by a preponderance of the evidence.

3. Proof of actual injury need not be established.

4. A certified copy of the record of a court or a licensing agency showing a conviction or plea of nolo contendere or the suspension, revocation, limitation, modification, denial or surrender of a license to practice medicine, perfusion or respiratory care is conclusive evidence of its occurrence.

Sec. 15. NRS 630.352 is hereby amended to read as follows:

630.352 1. Any member of the Board, other than a member of an investigative committee of the Board who participated in any determination regarding a formal complaint in the matter or any member serving on a panel of the Board at the hearing of the matter, may participate in an adjudication to obtain the final order of the Board. At the adjudication, the Board shall consider any findings of fact and conclusions of law submitted after the hearing and shall allow:

(a) Counsel for the Board to present a disciplinary recommendation and argument in support of the disciplinary recommendation ~~[;]~~ ***subject to the provisions of sections 6 and 7 of this act;***

(b) The respondent or counsel of the respondent to present a disciplinary recommendation and argument in support of the disciplinary recommendation; and

(c) The complainant in the matter to make a statement to the Board regarding the disciplinary recommendations by the parties and to address the effect of the respondent's conduct upon the complainant or the patient involved, if other than the complainant.

➥ The Board may limit the time within which the parties and the complainant may make their arguments and statements.

2. At the conclusion of the presentations of the parties and the complainant, the Board shall deliberate and may by a majority vote impose discipline based upon the findings of fact and conclusions of law and the presentations of the parties and the complainant.

3. If, in the findings of fact and conclusions of law, the Board, hearing officer or panel of the Board determines that no violation has occurred, the Board shall dismiss the charges, in writing, and notify the respondent that the charges have been dismissed.

4. Except as otherwise provided in subsection 5, if the Board finds that a violation has occurred, it shall by order take one or more of the following actions:

(a) Place the person on probation for a specified period on any of the conditions specified in the order;

(b) Administer a written public reprimand to the person;

(c) Limit the person's practice or exclude one or more specified branches of medicine from his or her practice;

(d) Suspend the person's license for a specified period or until further order of the Board;

(e) Revoke the person's license;

(f) Require the person to participate in a program to correct alcohol or drug dependence or any other impairment;

(g) Require supervision of the person's practice;

(h) Impose a fine not to exceed $5,000 for each violation;

(i) Require the person to perform community service without compensation;

(j) Require the person to take a physical or mental examination or an examination testing his or her competence; and

(k) Require the person to fulfill certain training or educational requirements.

5. If the Board finds that the respondent has violated the provisions of NRS 439B.425, the Board shall suspend the respondent's license for a specified period or until further order of the Board.

6. The Board shall not administer a private reprimand if the Board finds that a violation has occurred.

7. Within 30 days after the hearing before the Board, the Board shall issue a final order, certified by the Secretary-Treasurer of the Board, that imposes discipline and incorporates the findings of fact and conclusions of law obtained from the hearing. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 16. NRS 631.190 is hereby amended to read as follows:

631.190 In addition to the powers and duties provided in this chapter, the Board shall:

1. Adopt rules and regulations necessary to carry out the provisions of this chapter.

2. Appoint such committees, examiners, officers, employees, agents, attorneys, investigators and other professional consultants and define their duties and incur such expense as it may deem proper or necessary to carry out the provisions of this chapter, the expense to be paid as provided in this chapter. ~~[Notwithstanding the provisions of this subsection, the Attorney General in his or her sole discretion may, but is not required to, serve as legal counsel for the Board at any time and in any and all matters.]~~

3. Fix the time and place for and conduct examinations for the granting of licenses to practice dentistry and dental hygiene.

4. Examine applicants for licenses to practice dentistry and dental hygiene.

5. Collect and apply fees as provided in this chapter.

6. Keep a register of all dentists and dental hygienists licensed in this State, together with their addresses, license numbers and renewal certificate numbers.

7. Have and use a common seal.

8. Keep such records as may be necessary to report the acts and proceedings of the Board. Except as otherwise provided in NRS 631.368, the records must be open to public inspection.

9. Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

10. Have discretion to examine work authorizations in dental offices or dental laboratories.

Sec. 17. NRS 636.090 is hereby amended to read as follows:

636.090 1. The Board may employ:

(a) Agents and inspectors to secure evidence of, and report on, violations of this chapter.

(b) Attorneys, investigators and other professional consultants and clerical personnel necessary to administer this chapter.

2. The Attorney General may act as counsel for the Board ~~[.]~~ ***subject to the provisions of section 6 of this act.***

Sec. 18. NRS 636.330 is hereby amended to read as follows:

636.330 If the Board makes a decision which is adverse to the licensee, the licensee may apply for a rehearing within ~~[10]~~ ***15*** days after the Board announces its decision. The Board shall grant or deny the application within a reasonable time thereafter.

Sec. 19. NRS 636.340 is hereby amended to read as follows:

636.340 Unless a license is suspended pursuant to NRS 425.540, on or after the expiration of ~~[6 months]~~ ***1 year*** following the revocation or suspension of a license, an application may be made for the restoration of the license and the Board may, in the exercise of reasonable discretion, restore the license absolutely or upon specified conditions.

Sec. 19.5. NRS 639.070 is hereby amended to read as follows:

639.070 1. The Board may:

(a) Adopt such regulations, not inconsistent with the laws of this State, as are necessary for the protection of the public, appertaining to the practice of pharmacy and the lawful performance of its duties.

(b) Adopt regulations requiring that prices charged by retail pharmacies for drugs and medicines which are obtained by prescription be posted in the pharmacies and be given on the telephone to persons requesting such information.

(c) Adopt regulations, not inconsistent with the laws of this State, authorizing the Executive Secretary of the Board to issue certificates, licenses and permits required by this chapter and chapters 453 and 454 of NRS.

(d) Adopt regulations governing the dispensing of poisons, drugs, chemicals and medicines.

(e) Regulate the practice of pharmacy.

(f) Regulate the sale and dispensing of poisons, drugs, chemicals and medicines.

(g) Regulate the means of recordkeeping and storage, handling, sanitation and security of drugs, poisons, medicines, chemicals and devices, including, but not limited to, requirements relating to:

(1) Pharmacies, institutional pharmacies and pharmacies in correctional institutions;

(2) Drugs stored in hospitals; and

(3) Drugs stored for the purpose of wholesale distribution.

(h) Examine and register, upon application, pharmacists and other persons who dispense or distribute medications whom it deems qualified.

(i) Charge and collect necessary and reasonable fees for the expedited processing of a request or for any other incidental service the Board provides, other than those specifically set forth in this chapter.

(j) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(k) Employ ~~[an attorney,]~~ ***attorneys,*** inspectors, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

(l) Enforce the provisions of NRS 453.011 to 453.552, inclusive, and enforce the provisions of this chapter and chapter 454 of NRS.

(m) Adopt regulations concerning the information required to be submitted in connection with an application for any license, certificate or permit required by this chapter or chapter 453 or 454 of NRS.

(n) Adopt regulations concerning the education, experience and background of a person who is employed by the holder of a license or permit issued pursuant to this chapter and who has access to drugs and devices.

(o) Adopt regulations concerning the use of computerized mechanical equipment for the filling of prescriptions.

(p) Participate in and expend money for programs that enhance the practice of pharmacy.

2. The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

3. This section does not authorize the Board to prohibit open-market competition in the advertising and sale of prescription drugs and pharmaceutical services.

Sec. 20. NRS 639.252 is hereby amended to read as follows:

639.252 1. If the respondent wishes to contest or appeal the decision of the Board, the order or any part thereof, the respondent may, not later than ~~[10]~~ ***15*** days after the time the order becomes effective, apply in writing to

the Board for a rehearing. The application must set forth with particularity the part or parts of the decision or order to which the respondent objects and the basis of the objection.

2. The Executive Secretary of the Board shall, within 10 days after receipt of a written application for rehearing, notify the respondent and the respondent's attorney of record in writing, by registered or certified mail, of his or her action, either granting or denying the application. If the application is granted, the notice must contain the date, time and place of the rehearing. The rehearing must be held at the next regularly scheduled meeting of the Board. Granting of the application by the Executive Secretary does not serve as an automatic stay of execution of the order pending conclusion of the rehearing.

Sec. 21. NRS 640C.190 is hereby amended to read as follows:

640C.190 ***Subject to the provisions of sections 6 and 7 of this act:***

1. The Attorney General and his or her deputies are hereby designated as the attorneys for the Board.

2. The provisions of this section do not prevent the Board from employing or retaining other attorneys as it may deem necessary to carry out the provisions of this chapter.

Sec. 22. NRS 641A.370 is hereby amended to read as follows:

641A.370 If the Board revokes or suspends a license for a fixed time, the licensee may apply for a rehearing within ~~[10]~~ ***15*** days after the date of the suspension or revocation and the Board may grant the application upon the terms and conditions it deems appropriate within 30 days after the application.

Sec. 23. NRS 645A.193 is hereby amended to read as follows:

645A.193 ***1.*** The Attorney General shall act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to any of the provisions of this chapter.

2. Notwithstanding the provision of paragraph (c) of subsection 1 of NRS 622A.120, representation of the Division pursuant to subsection 1 shall be conducted in a manner consistent with the provisions of sections 6 and 7 of this act.

Sec. 24. NRS 645A.235 is hereby amended to read as follows:

645A.235 1. A person who engages in an activity for which a license as an escrow agent or escrow agency is required pursuant to this chapter, without regard to whether such a person is licensed pursuant to this chapter, may be required by the Commissioner to pay restitution to any person who has suffered an economic loss as a result of a violation of the provisions of this chapter or any regulation adopted pursuant thereto.

2. Notwithstanding the provision of paragraph ~~[(m)]~~ ***(c)*** of subsection 1 of NRS 622A.120, payment of restitution pursuant to subsection 1 shall be done in a manner consistent with the provisions of chapter 622A of NRS.

Sec. 25. NRS 645B.955 is hereby amended to read as follows:

645B.955 1. A person who engages in an activity for which a license as a mortgage broker or mortgage agent is required pursuant to this chapter, without regard to whether such a person is licensed pursuant to this chapter, may be required by the Commissioner to pay restitution to any person who has suffered an economic loss as a result of a violation of the provisions of this chapter or any regulation adopted pursuant thereto.

2. Notwithstanding the provision of paragraph ~~[(m)]~~ ***(c)*** of subsection 1 of NRS 622A.120, payment of restitution pursuant to subsection 1 shall be done in a manner consistent with the provisions of chapter 622A of NRS.

Sec. 26. NRS 645C.250 is hereby amended to read as follows:

645C.250 1. The Attorney General shall render to the Division opinions upon questions of law relating to the construction or interpretation of this chapter, or arising in the administration thereof, submitted to the Attorney General by the Division or the Commission.

2. The Attorney General shall act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to any of the provisions of this chapter ~~[.]~~ ***subject to the provisions of sections 6 and 7 of this act.***

Sec. 27. NRS 645D.150 is hereby amended to read as follows:

645D.150 1. The Attorney General shall render to the Division opinions upon questions of law relating to the construction or interpretation of this chapter, or arising in the administration thereof, submitted to the Attorney General by the Division.

2. The Attorney General shall act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to any of the provisions of this chapter ~~[.]~~ ***subject to the provisions of sections 6 and 7 of this act.***

Sec. 28. NRS 645E.955 is hereby amended to read as follows:

645E.955 1. A person who engages in an activity for which a license as a mortgage banker is required pursuant to this chapter, without regard to whether such a person is licensed pursuant to this chapter, may be required by the Commissioner to pay restitution to any person who has suffered an economic loss as a result of a violation of the provisions of this chapter or any regulation adopted pursuant thereto.

2. Notwithstanding the provision of paragraph ~~[(m)]~~ ***(c)*** of subsection 1 of NRS 622A.120, payment of restitution pursuant to subsection 1 shall be done in a manner consistent with the provisions of chapter 622A of NRS.

Sec. 29. NRS 645H.370 is hereby amended to read as follows:

645H.370 1. The Attorney General shall render to the Division opinions upon questions of law relating to the construction or interpretation of this chapter, or arising in the administration thereof, submitted to the Attorney General by the Division.

2. The Attorney General shall act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to any of

the provisions of this chapter ~~[.]~~ ***subject to the provisions of sections 6 and 7 of this act.***

Sec. 30. ~~[NRS 41.0307 is hereby amended to read as follows:~~

~~41.0307 As used in NRS 41.0305 to 41.039, inclusive:~~

~~1. "Employee" includes an employee of a:~~

~~(a) Part-time or full-time board, commission or similar body of the State or a political subdivision of the State which is created by law.~~

~~(b) Charter school.~~

~~(c) University school for profoundly gifted pupils described in chapter 388C of NRS.~~

~~2. "Employment" includes any services performed by an immune contractor.~~

~~3. "Immune contractor" means any natural person, professional corporation or professional association which:~~

~~(a) Is an independent contractor with the State pursuant to NRS 333.700; and~~

~~(b) Contracts to provide medical services for the Department of Corrections~~ ***[.] or contracts to act as legal counsel to a regulatory body in accordance with the provisions of subsection 3 of section 2 of this act.***

~~. As used in this subsection, "professional corporation" and "professional association" have the meanings ascribed to them in NRS 89.020.~~

~~4. "Public officer" or "officer" includes:~~

~~(a) A member of a part-time or full-time board, commission or similar body of the State or a political subdivision of the State which is created by law.~~

~~(b) A public defender and any deputy or assistant attorney of a public defender or an attorney appointed to defend a person for a limited duration with limited jurisdiction.~~

~~(c) A district attorney and any deputy or assistant district attorney or an attorney appointed to prosecute a person for a limited duration with limited jurisdiction.~~**]** **(Deleted by amendment.)**

Sec. 30.5. NRS 218G.400 is hereby amended to read as follows:

218G.400 1. Except as otherwise provided in subsection 2, each board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS shall:

(a) If the revenue of the board from all sources is less than ~~[$75,000]~~ ***$200,000*** for any fiscal year and, if the board is a regulatory body pursuant to NRS 622.060, the board has submitted to the Director of the Legislative Counsel Bureau for each quarter of that fiscal year the information required by NRS 622.100, prepare a balance sheet for that fiscal year on the form provided by the Legislative Auditor and file the balance sheet with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year. The Legislative Auditor shall prepare and make available a form that must be used by a board to prepare such a balance sheet.

(b) If the revenue of the board from all sources is ~~[~~$75,000~~]~~ ***$200,000*** or more for any fiscal year, or if the board is a regulatory body pursuant to NRS 622.060 and has failed to submit to the Director of the Legislative Counsel Bureau for each quarter of that fiscal year the information required by NRS 622.100, engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for that fiscal year and file a report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year.

2. In lieu of preparing a balance sheet or having an audit conducted for a single fiscal year, a board may engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for a period covering two successive fiscal years. If such an audit is conducted, the board shall file the report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of the second fiscal year.

3. The cost of each audit conducted pursuant to subsection 1 or 2 must be paid by the board that is audited. Each such audit must be conducted in accordance with generally accepted auditing standards, and all financial statements must be prepared in accordance with generally accepted principles of accounting for special revenue funds.

4. Whether or not a board is required to have its fiscal records audited pursuant to subsection 1 or 2, the Legislative Auditor shall audit the fiscal records of any such board whenever directed to do so by the Legislative Commission. When the Legislative Commission directs such an audit, the Legislative Commission shall also determine who is to pay the cost of the audit.

5. A person who is a state officer or employee of a board is guilty of nonfeasance if the person:

(a) Is responsible for preparing a balance sheet or having an audit conducted pursuant to this section or is responsible for preparing or maintaining the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section; and

(b) Knowingly fails to prepare the balance sheet or have the audit conducted pursuant to this section or knowingly fails to prepare or maintain the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section.

6. In addition to any other remedy or penalty, a person who is guilty of nonfeasance pursuant to this section forfeits the person's state office or employment and may not be appointed to a state office or position of state employment for a period of 2 years following the forfeiture. The provisions of this subsection do not apply to a state officer who may be removed from office only by impeachment pursuant to Article 7 of the Nevada Constitution.

Sec. 31. This act becomes effective on July 1, 2017.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 346.

Bill read third time.

The following amendment was proposed by Assemblywoman Joiner:

Amendment No. 573.

AN ACT relating to child care; ~~[requiring]~~ **authorizing** the operator of a small child care establishment to register with the Division of Welfare and Supportive Services of the Department of Health and Human Services; requiring certain persons who are employed at or otherwise present at a **registered** small child care establishment to undergo a criminal background check ~~[,]~~ **under certain circumstances;** authorizing the Division of Public and Behavioral Health of the Department to collect from a child care facility or small child care establishment the costs relating to an investigation of a violation; requiring the licensee of a child care facility **or the operator of a registered small child care establishment** to ensure that each child at the ~~[child care]~~ facility **or establishment** wears a helmet while using certain devices; providing for the inspection of such an establishment; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term "child care facility" to mean an establishment that provides child care to five or more children for compensation and certain other child care establishments. (NRS 432A.024) **Section 2** of this bill defines the term "small child care establishment" to mean an establishment that furnishes child care to not more than four children unrelated to the operator for compensation, outside the home and the presence of the parent or guardian of any of the children and on a regular basis for at least 3 weeks. **Section 3** of this bill ~~[requires]~~ **authorizes** a person or governmental entity that wishes to operate **or operates** a small child care establishment to register with the Division of Welfare and Supportive Services of the Department of Health and Human Services and submit certain information to the Division concerning employees and certain residents of the establishment. ~~[Section 9 of this bill authorizes the Division of Public and Behavioral Health of the Department to seek an injunction against any person or governmental entity that operates a small child care establishment without registering with the Division of Welfare and Supportive Services. Section 10 of this bill makes it a misdemeanor to operate a small child care establishment without registering with the Division of Welfare and Supportive Services.]~~

Existing law requires every applicant for and holder of a license to operate a child care facility, employee of such an applicant or licensee and certain adult residents of a child care facility to undergo a criminal background

check conducted by the Division at least once every 5 years. (NRS 432A.170, 432A.175) If a criminal background check reveals that such a person has been convicted of certain crimes, the person must be terminated or otherwise prevented from having direct contact with children at the facility. (NRS 432A.1775) **Sections 7.2-7.6** of this bill make these requirements applicable to operators, employees and certain adult residents of small child care establishments ~~[,]~~ **that are registered with the Division of Welfare and Supportive Services.** **Section 7.8** of this bill also requires an operator of ~~[a]~~ **such a** small child care establishment to maintain certain records relating to those background checks. ~~[Section 3 prohibits a person who has been convicted of certain crimes from operating a small child care establishment.]~~

Section 7 of this bill authorizes the State Board of Health to adopt regulations to enforce the ~~[requirements for]~~ **provisions relating to** registration and background checks and to ensure the safe operation of **registered** small child care establishments. The Division of Public and Behavioral Health is authorized to impose a fine against any **registered** small child care establishment that violates the requirements or regulations. (NRS 432A.190)

Section 5 of this bill requires the licensee of a child care facility or the operator of a **registered** small child care establishment to ensure that each child at the facility or establishment wears a helmet while riding a bicycle, tricycle, skateboard, scooter, roller skates or any other similar device or toy that renders the child mobile.

Existing law authorizes any authorized member or employee of the Division to enter and inspect any building or premises of a child care facility or the area of operation of an outdoor youth program at any time to secure compliance with or prevent a violation of applicable law. **Section 8** of this bill extends those inspection provisions to include small child care establishments ~~[,]~~ **, whether registered or not.** If a complaint against a child care facility or small child care establishment is substantiated, **section 4.5** of this bill authorizes the Division to collect from the facility or establishment the costs of the Division relating to the violation, including the costs of any necessary inspection or investigation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 432A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***"Small child care establishment" means an establishment that furnishes care to not more than four children under 18 years of age who are not related to the operator of the establishment within the fourth degree of consanguinity or affinity:***

1. For monetary compensation;

2. Outside the home and the presence of the parents or guardians of any of the children; and

3. For at least 6 hours each day, at least 4 days each week and more than 3 consecutive weeks.

Sec. 3. ***1. A person, state or local government unit or agency thereof that wishes to operate or operates a small child care establishment [must, before furnishing care to any children,] may register the small child care establishment with the Division of Welfare and Supportive Services of the Department by submitting to the Division of Welfare and Supportive Services on the Internet website of the Division of Welfare and Supportive Services the following information:***

(a) The name, address and contact information of the [prospective] operator of the small child care establishment;

(b) The name and address of the small child care establishment;

(c) An affirmation that the operator of the small child care establishment is in compliance with subsection 2; and

(d) Such additional information as the Division of Welfare and Supportive Services deems necessary.

2. A person shall not serve as the operator of a registered small child care establishment if the person has been convicted of a crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect made against him or her.

Sec. 4. (Deleted by amendment.)

Sec. 4.5. ***1. If a complaint against a child care facility, a small child care establishment [,] or a person who operates a child care facility without a license , or a person who operates a small child care establishment [without registering in accordance with section 3 of this act] , whether registered or not, is substantiated, the Division may charge and collect from the facility, establishment or person the actual cost incurred by the Division relating to the violation, including the actual cost of conducting an inspection or investigation of the facility, establishment or person.***

2. Any money collected pursuant to subsection 1 may be used by the Division to administer and carry out the provisions of this chapter and the regulations adopted pursuant thereto.

Sec. 5. ***The licensee of a child care facility or the operator of a registered small child care establishment shall ensure that each child at the facility or establishment, as applicable, wears a helmet while using a bicycle, tricycle, skateboard, scooter, roller skates or any other similar device or toy that renders the child mobile.***

Sec. 6. NRS 432A.020 is hereby amended to read as follows:

432A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 432A.0205 to 432A.029, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 7. NRS 432A.077 is hereby amended to read as follows:

432A.077 1. The Board shall adopt:

(a) Licensing standards for child care facilities.

(b) In consultation with the State Fire Marshal, plans and requirements to ensure that each child care facility and its staff is prepared to respond to emergencies, including, without limitation:

(1) The conducting of fire drills on a monthly basis;

(2) The adoption of plans to respond to natural disasters and emergencies other than those involving fire; and

(3) The adoption of plans to provide for evacuation of child care facilities in an emergency.

(c) ***Any regulations necessary to carry out the provisions of section 3 of this act or to ensure the safe operation of small child care establishments.***

(d) Such other regulations as it deems necessary or convenient to carry out the provisions of this chapter.

2. The Board shall require that the practices and policies of each child care facility provide adequately for the protection of the health and safety and the physical, moral and mental well-being of each child accommodated in the facility.

3. If the Board finds that the practices and policies of a child care facility are substantially equivalent to those required by the Board in its regulations, it may waive compliance with a particular standard or other regulation by that facility.

Sec. 7.2. NRS 432A.170 is hereby amended to read as follows:

432A.170 1. The Division may, upon receipt of an application for a license to operate a child care facility, conduct an investigation into the:

(a) Buildings or premises of the facility and, if the application is for an outdoor youth program, the area of operation of the program;

(b) Qualifications and background of the applicant or the employees of the applicant;

(c) Method of operation for the facility; and

(d) Policies and purposes of the applicant.

2. ~~[The]~~ ***Subject to the provisions of subsection 7, the*** Division shall secure from appropriate law enforcement agencies information on the background and personal history of every applicant, licensee ~~[or]~~ ***, operator of a small child care establishment,*** employee of an applicant ***,*** ~~[or]~~ licensee ~~[,]~~ or ~~[every]~~ ***small child care establishment,*** resident of a child care facility ***or small child care establishment*** who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, to determine whether the person has been convicted of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Any other felony involving the use of a firearm or other deadly weapon;

(c) Assault with intent to kill or to commit sexual assault or mayhem;

(d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(e) Abuse or neglect of a child or contributory delinquency;

(f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(g) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or

(h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years.

3. ~~[The]~~ ***Subject to the provisions of subsection 7, the*** Division shall request information concerning every applicant, licensee ~~[or]~~ ***, operator of a small child care establishment,*** employee of an applicant ***,*** ~~[or]~~ licensee ~~[,]~~ or ~~[every]~~ ***small child care establishment,*** resident of a child care facility ***or small child care establishment*** who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, from:

(a) The Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report pursuant to NRS 432A.175; and

(b) The Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 to determine whether there has been a substantiated report of child abuse or neglect made against any of them.

4. The Division may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

5. The information required to be obtained pursuant to subsections 2 and 3 must be requested concerning an:

(a) Employee of an applicant ***,*** ~~[or]~~ licensee ~~[,]~~ ***or small child care establishment,*** resident of a child care facility ***or small child care establishment*** who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older not later than 3 days after the employee is hired, the residency begins or the participant begins participating in the program, and then at least once every 5 years thereafter.

(b) Applicant at the time that an application is submitted for licensure, and then at least once every 5 years after the license is issued.

(c) Operator of a small child care establishment before the operator begins operating the establishment, and then at least once every 5 years after the establishment begins operating.

6. A person who is required to submit to an investigation required pursuant to this section shall not have contact with a child in a child care

facility without supervision before the investigation of the background and personal history of the person has been conducted.

7. The provisions of subsections 2 and 3 apply to a small child care establishment and an operator of a small child care establishment if the operator of such an establishment has applied or registered with the Division of Welfare and Supportive Services of the Department pursuant to section 3 of this act.

Sec. 7.4. NRS 432A.175 is hereby amended to read as follows:

432A.175 1. ***Subject to the provisions of subsection 2:***

(a) Every applicant for a license to operate a child care facility, licensee ~~[and]~~ ***, operator of a small child care establishment,*** employee of ~~[such]~~ an applicant ***,*** ~~[or]~~ licensee ~~[, and every]~~ ***or small child care establishment,*** resident of a child care facility ***or small child care establishment*** who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, shall submit to the Division, or to the person or agency designated by the Division, to enable the Division to conduct an investigation pursuant to NRS 432A.170, a:

~~[(a)]~~ ***(1)*** Complete set of fingerprints and a written authorization for the Division or its designee to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

~~[(b)]~~ ***(2)*** Written statement detailing any prior criminal convictions; and

~~[(c)]~~ ***(3)*** Written authorization for the Division to obtain any information that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100.

~~[2.]~~ ***(b)*** If an employee of an applicant for a license to operate a child care facility ***,*** ~~[or]~~ licensee ~~[,]~~ or ***small child care establishment,*** a resident of a child care facility ***or small child care establishment*** who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, has been convicted of any crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect filed against him or her, the Division shall immediately notify the applicant ***,*** ~~[or]~~ licensee ~~[,]~~ ***or small child care establishment*** who shall then comply with the provisions of NRS 432A.1755.

~~[3.]~~ ***(c)*** An applicant for a license to operate a child care facility ***,*** ~~[or]~~ licensee ***or operator of a small child care establishment*** shall notify the Division as soon as practicable but not later than 24 hours after hiring an employee, beginning the residency of a resident who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or beginning the participation of a participant in an outdoor youth program who is 18 years of age or older.

~~[4.]~~ ***(d)*** An applicant for a license to operate a child care facility **,** ~~[or]~~ licensee ***or operator of a small child care establishment*** shall notify the Division within 2 days after receiving notice that:

~~[(a)]~~ ***(1)*** The applicant, licensee or ***operator,*** an employee of the applicant **,** ~~[or]~~ licensee ~~[,]~~ or ***small child care establishment,*** a resident of the child care facility ***or small child care establishment*** who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, or a facility **,** ***establishment*** or program operated by the applicant **,** ~~[or]~~ licensee ~~[,]~~ ***or operator*** is the subject of a lawsuit or any disciplinary proceeding; or

~~[(b)]~~ ***(2)*** The applicant **,** ~~[or]~~ licensee ~~[,]~~ ***or operator or*** an employee, a resident or ***a*** participant has been charged with a crime listed in subsection 2 of NRS 432A.170 or is being investigated for child abuse or neglect.

2. The provisions of this section apply to a small child care establishment and an operator of a small child care establishment if the operator of such an establishment has applied or registered with the Division of Welfare and Supportive Services of the Department pursuant to section 3 of this act.

Sec. 7.6. NRS 432A.1755 is hereby amended to read as follows:

432A.1755 1. ***Subject to the provisions of subsection 2:***

(a) Upon receiving information pursuant to NRS 432A.175 from the Central Repository for Nevada Records of Criminal History or the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 or evidence from any other source that an employee of an applicant for a license to operate a child care facility **,** ~~[or]~~ a licensee ~~[,]~~ or ***a small child care establishment,*** a resident of a child care facility ***or small child care establishment*** who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older has been convicted of a crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect made against him or her, the applicant **,** ~~[or]~~ licensee ***or operator of the small child care establishment*** shall terminate the employment of the employee or remove the resident from the facility ***or establishment*** or participant from the outdoor youth program after allowing the employee, resident or participant time to correct the information as required pursuant to ~~[subsection 2.~~ ~~2.]~~ ***paragraph (b).***

(b) If an employee, resident or participant believes that the information provided to the applicant **,** ~~[or]~~ licensee ***or operator*** pursuant to ~~[subsection 1]~~ ***paragraph (a)*** is incorrect, the employee, resident or participant must inform the applicant **,** ~~[or]~~ licensee ***or operator*** immediately. The applicant **,** ~~[or]~~ licensee ***or operator*** shall give any such employee, resident or participant 30 days to correct the information.

~~[3.]~~ ***(c)*** During any period in which an employee, resident or participant seeks to correct information pursuant to ~~[subsection 2,]~~ ***paragraph (b),*** it is within the discretion of the applicant ***,*** ~~[or]~~ licensee ***or operator*** whether to allow the employee, resident or participant to continue to work for or reside at the child care facility ***or small child care establishment*** or participate in the outdoor youth program, as applicable, except that the employee, resident or participant shall not have contact with a child without supervision during such a period.

2. The provisions of this section apply to a small child care establishment and an operator of a small child care establishment if the operator of such an establishment has applied or registered with the Division of Welfare and Supportive Services of the Department pursuant to section 3 of this act.

Sec. 7.8. NRS 432A.1785 is hereby amended to read as follows:

432A.1785 1. ~~[Each]~~ ***Subject to the provisions of subsection 3, each*** applicant for a license to operate a child care facility ***,*** ~~[and]~~ licensee ***and operator of a small child care establishment*** shall maintain records of the information concerning ~~[its]~~ employees ***of the child care facility or small child care establishment*** and any residents of the child care facility ***or small child care establishment*** who are 18 years of age or older, other than residents who remain under the jurisdiction of a court pursuant to NRS 432B.594, or participants in any outdoor youth program who are 18 years of age or older that is collected pursuant to NRS 432A.170 and 432A.175, including, without limitation:

(a) A copy of the fingerprints that were submitted to the Central Repository for Nevada Records of Criminal History;

(b) Proof that the applicant ***,*** ~~[or]~~ licensee ***or operator*** submitted fingerprints to the Central Repository for Nevada Records of Criminal History; and

(c) The written authorization to obtain information from the Central Repository and the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100.

2. The records maintained pursuant to subsection 1 must be:

(a) Maintained for the period of the employee's employment with or the resident's presence at the child care facility ***or small child care establishment*** or the participant's presence in the outdoor youth program; and

(b) Made available for inspection by the Division at any reasonable time and copies thereof must be furnished to the Division upon request.

3. The provisions of this section apply to a small child care establishment and an operator of a small child care establishment if the operator of such an establishment has registered with the Division of Welfare and Supportive Services of the Department pursuant to section 3 of this act.

Sec. 8. NRS 432A.180 is hereby amended to read as follows:

432A.180 1. Any authorized member or employee of the Division may enter and inspect any building or premises of a child care facility ***or a small child care establishment , whether registered or not,*** or the area of operation of an outdoor youth program at any time to secure compliance with or prevent a violation of any provision of this chapter.

2. The State Fire Marshal or a designee of the State Fire Marshal shall, at least annually:

(a) Enter and inspect every building or premises of a child care facility, on behalf of the Division; and

(b) Observe and make recommendations regarding the drills conducted pursuant to NRS 432A.077,

➥ to secure compliance with standards for safety from fire and other emergencies.

3. The Chief Medical Officer or a designee of the Chief Medical Officer shall enter and inspect at least annually, every building or premises of a child care facility and area of operation of an outdoor youth program, on behalf of the Division, to secure compliance with standards for health and sanitation.

4. The annual inspection of any child care facility which occasionally or regularly has physical custody of children pursuant to the order of a court must include, without limitation, an inspection of all areas where food is prepared and served, bathrooms, areas used for sleeping, common areas and areas located outdoors that are used by children at the child care facility. The Chief Medical Officer shall publish reports of the inspections and make them available for public inspection upon request.

Sec. 9. ~~[NRS 432A.210 is hereby amended to read as follows:~~

~~432A.210 1. Except as *otherwise* provided in subsection 1 of NRS 432A.131, the Division may bring an action in the name of the State to enjoin any person, state or local government unit or agency thereof from operating or maintaining any~~ **[**~~child~~**]** ***:***

~~*(a) Child* care facility~~ **[**~~:~~

~~(a) Without~~**]** ***without*** ~~first obtaining a license therefor~~ **[**~~; or~~

~~(b) After~~**]** ***or after*** ~~his or her license has been revoked or suspended by the Division.~~

~~*(b) Small child care establishment without registering with the Division of Welfare and Supportive Services of the Department pursuant to section 3 of this act.*~~

~~2. It is sufficient in such an action to allege that the defendant did, on a certain date and in a certain place, operate and maintain the facility *or establishment* without a license~~ **[**~~.~~**]** ~~*or the proper registration, as applicable.]*~~ **(Deleted by amendment.)**

Sec. 10. NRS 432A.220 is hereby amended to read as follows:

432A.220 Any person who operates a child care facility without a license issued pursuant to NRS 432A.131 to 432A.220, inclusive, ***and sections 3, 4.5***

and 5 of this act ~~[or a small child care establishment without registering pursuant to section 3 of this act]~~ is guilty of a misdemeanor.

Sec. 11. (Deleted by amendment.)

Sec. 12. This act becomes effective on July 1, 2017.

Assemblyman Sprinkle moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 372.

Bill read third time.

The following amendment was proposed by Assemblywoman Bilbray-Axelrod:

Amendment No. 575.

AN ACT relating to intercollegiate athletics; enacting the Revised Uniform Athlete Agents Act (2015); repealing the Uniform Athletes' Agents Act; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law enacted and subsequently amended the Uniform Athletes' Agents Act. Generally, the Uniform Athletes' Agent Act requires an athlete agent to register with the Secretary of State and prohibits certain conduct by athlete agents. (NRS 398.400-398.620) This bill repeals the Uniform Athletes' Agents Act and enacts the Revised Uniform Athlete Agents Act (2015), except that **section 20.3** maintains existing law governing the applicability of the provisions of law governing athlete agents and **section 20.**7 maintains existing law governing the confidentiality of certain information or documents obtained by, or filed with, the Secretary of State.

Section 5 of this bill generally defines an athlete agent subject to the provisions of the Revised Uniform Athlete Agents Act (2015) as an individual who: (1) directly or indirectly induces or attempts to induce a student athlete to enter an agency contract; (2) for compensation procures or attempts to procure employment for a student athlete as a professional athlete; (3) for compensation or the anticipation of compensation advises a student athlete on his or her finance or business affairs; or (4) in anticipation of representing a student athlete gives something of value to the athlete or another person.

Section 22 of this bill prohibits an individual from acting as an athlete agent without registering with the Secretary of State. **Section 23** of this bill requires an applicant for such registration to disclose certain information including, without limitation, training, experience and education, any conviction of a felony**_ ~~[~~**~~or crime of moral turpitude,~~**~~]~~** any administrative or judicial determination that the applicant has made a false or deceptive representation and whether the applicant's license as an athlete agent has been denied, suspended or revoked in any state or has been the subject or cause of any sanction, suspension or declaration of ineligibility.

Sections 23 and 24 of this bill require reciprocal registration of an athlete agent if: (1) the agent is issued a certificate of registration by another state and the registration has not been suspended or revoked; (2) no action involving the athlete agent's conduct as an athlete agent is pending in any state; and (3) the application and registration requirements of the other state are substantially similar to or more restrictive than the law in this State.

Section 29 of this bill maintains existing law by requiring the Secretary of State to establish by regulation fees for the registration or renewal of registration as an athlete agent.

Sections 30-32 of this bill contain the requirements for entering an agency contract. **Section 30** requires such a contract to include, without limitation, a statement that the athlete agent is registered in the state in which the contract is signed, list any other state in which the agent is registered and set forth compensation of the athlete agent. The contract must be accompanied by a separate record signed by the student athlete acknowledging that signing the contract may result in the loss of eligibility to participate in the athlete's sport. **Section 31** requires both the agent and the student athlete to give notice of the contract to the athletic director of the affected educational institution within 72 hours of signing the agreement or before the athlete's next scheduled event, whichever occurs first. **Section 31** further specifies additional circumstances under which an athlete agent or student athlete must notify an athletic director or educational institution of information concerning the relationship between the athlete agent and the student athlete. **Section 32** provides a student athlete with a right to cancel an agency contract not more than 14 days after the contract is signed.

Section 33 of this bill requires athlete agents to maintain executed contracts and other specified records for a period of 5 years, including information about represented individuals and recruitment.

Section 34 of this bill prohibits an athlete agent from: (1) providing materially false or misleading information, promises or representations with the intent of influencing a student athlete to enter into an agency contract; (2) furnishing anything of value to a student athlete before that athlete enters into an agency contract; (3) furnishing anything of value to an individual other than a student athlete; (4) initiating contact with a student athlete unless registered under the Revised Uniform Athlete Agents Act (2015); (5) failing to create, retain or permit inspection of required records; (6) failing to register where required; (7) providing materially false or misleading information in an application for registration or renewal thereof; (8) predating or postdating an agency contract; (9) failing to notify a student athlete that signing an agency contract may make the student athlete ineligible to participate as a student athlete in that sport; or (10) encouraging another individual to take on behalf of the agent an action the agent is prohibited from taking. **Section 35** of this bill provides that a person who violates any provision of **section 34** of this bill is guilty of a misdemeanor and must be required to pay restitution. **Section 36** of this bill authorizes a

student athlete or educational institution to bring a civil action against an athlete agent for damages, and authorizes the student athlete or educational institution to be awarded actual damages, as well as costs and reasonable attorney's fees.

Sections 39-41 of this bill revise provisions governing the enforcement of the Uniform Athletes' Agents Act so that those provisions apply to the enforcement of the provisions of this bill. **Section 40** further increases the maximum administrative fine that may be imposed by the Secretary of State from $25,000 to $50,000.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 34 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 38, inclusive, of this act.

Sec. 2. ***NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act may be cited as the Revised Uniform Athlete Agents Act (2015).***

Sec. 3. ***As used in NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 20, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Agency contract" means an agreement in which a student athlete authorizes a person to negotiate or solicit on behalf of the athlete a professional sports services contract or endorsement contract.***

Sec. 5. ***"Athlete agent":***

1. Means an individual, whether or not registered under NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act who:

(a) Directly or indirectly recruits or solicits a student athlete to enter into an agency contract or, for compensation, procures employment or offers, promises, attempts or negotiates to obtain employment for a student athlete as a professional athlete or member of a professional sports team or organization;

(b) For compensation or in anticipation of compensation related to a student athlete's participation in athletics:

(1) Serves the athlete in an advisory capacity on a matter related to finances, business pursuits or career management decisions, unless the individual is an employee of an educational institution acting exclusively as an employee of the institution for the benefit of the institution; or

(2) Manages the business affairs of the athlete by providing assistance with bills, payments, contracts or taxes; or

(c) In anticipation of representing a student athlete for a purpose related to the athlete's participation in athletics:

(1) Gives consideration to the student athlete or another person;

(2) Serves the athlete in an advisory capacity on a matter related to finances, business pursuits or career management decisions; or

(3) Manages the business affairs of the athlete by providing assistance with bills, payments, contracts or taxes; but

2. Does not include an individual who:

(a) Acts solely on behalf of a professional sports team or organization; or

(b) Is a licensed, registered or certified professional and offers or provides services to a student athlete customarily provided by members of the profession, unless the individual:

(1) Also recruits or solicits the athlete to enter into an agency contract;

(2) Also, for compensation, procures employment or offers, promises, attempts or negotiates to obtain employment for the athlete as a professional athlete or member of a professional sports team or organization; or

(3) Receives consideration for providing the services calculated using a different method than for an individual who is not a student athlete.

Sec. 6. *"Athletic director" means the individual responsible for administering the overall athletic program of an educational institution or, if an educational institution has separately administered athletic programs for male students and female students, the athletic program for males or the athletic program for females, as appropriate.*

Sec. 7. *"Educational institution" includes a public or private elementary school, secondary school, technical or vocational school, community college, college and university.*

Sec. 8. *"Endorsement contract" means an agreement under which a student athlete is employed or receives consideration to use on behalf of the other party any value that the athlete may have because of publicity, reputation, following or fame obtained because of athletic ability or performance.*

Sec. 9. *"Enrolled" means registered for courses and attending athletic practice or class. "Enrolls" has a corresponding meaning.*

Sec. 10. *"Intercollegiate sport" means a sport played at the collegiate level for which eligibility requirements for participation by a student athlete are established by a national association that promotes or regulates collegiate athletics.*

Sec. 11. *"Interscholastic sport" means a sport played between educational institutions that are not community colleges, colleges or universities.*

Sec. 12. *"Licensed, registered or certified professional" means an individual licensed, registered or certified as an attorney, dealer in securities, financial planner, insurance agent, real estate broker or sales agent, tax consultant, accountant or member of a profession, other than that of athlete agent, who is licensed, registered or certified by the state or a*

nationally recognized organization that licenses, registers or certifies members of the profession on the basis of experience, education or testing.

Sec. 13. ***"Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency or instrumentality or other legal entity.***

Sec. 14. ***"Professional sports services contract" means an agreement under which an individual is employed as a professional athlete or agrees to render services as a player on a professional sports team or with a professional sports organization.***

Sec. 15. ***"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.***

Sec. 16. ***"Recruit or solicit" means attempt to influence the choice of an athlete agent by a student athlete or, if the athlete is a minor, a parent or guardian of the athlete. The term does not include giving advice on the selection of a particular agent in a family, coaching or social situation unless the individual giving the advice does so because of the receipt or anticipated receipt of an economic benefit, directly or indirectly, from the agent.***

Sec. 17. ***"Registration" means registration as an athlete agent under NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act.***

Sec. 18. ***"Sign" means, with present intent to authenticate or adopt a record:***

1. To execute or adopt a tangible symbol; or

2. To attach to or logically associate with the record an electronic symbol, sound or process.

Sec. 19. ***"State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.***

Sec. 20. ***"Student athlete" means an individual who is eligible to attend an educational institution and engages in, is eligible to engage in, or may be eligible in the future to engage in, any interscholastic or intercollegiate sport. The term does not include an individual permanently ineligible to participate in a particular interscholastic or intercollegiate sport for that sport.***

Sec. 20.3. ***1. The provisions of NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act apply to a person who sells or offers to sell his or her services as an athlete agent if the offer is:***

(a) Made in this State;

(b) Accepted in this State;

(c) Accepted by a resident of this State; or

(d) Accepted by a student athlete who is enrolled at an educational institution.

2. For the purpose of this section, an offer is made in this State, whether or not either party is present in this State, if the offer:

(a) Originates in this State; or

(b) Is directed by the offeror to a destination in this State and received where it is directed, or at a post office in this State if the offer is mailed.

3. For the purpose of this section, an offer is accepted in this State if the acceptance:

(a) Is communicated to the offeror in this State; and

(b) Has not previously been communicated to the offeror, orally or in writing, outside this State.

➥ Acceptance is communicated to the offeror in this State, whether or not either party is present in this State, if the offeree directs it to the offeror in this State reasonably believing the offeror to be in this State and it is received where it is directed, or at any post office in this State if the acceptance is mailed.

Sec. 20.7. *1. Except as otherwise provided in subsections 2 and 3 and NRS 239.0115, the following information and documents do not constitute public information and are confidential:*

(a) Information or documents obtained by the Secretary of State in connection with an investigation conducted pursuant to NRS 398.600 concerning possible violations of NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act; and

(b) Information or documents filed with the Secretary of State in connection with an application for registration filed pursuant to NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act that constitute commercial or financial information, or business practices, of a person for which that person is entitled to and has asserted a claim of privilege or confidentiality authorized by law.

2. The Secretary of State may submit any information or evidence obtained in connection with an investigation conducted pursuant to NRS 398.600 to the Attorney General or appropriate district attorney for the purpose of prosecuting a criminal action pursuant to NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act.

3. The Secretary of State may disclose any information obtained in connection with an investigation conducted pursuant to NRS 398.600 to any other governmental agency if the disclosure is provided for the purpose of a civil, administrative or criminal investigation or proceeding and the receiving agency represents in writing that, under applicable law, protections exist to preserve the integrity, confidentiality and security of the information.

4. The provisions of NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act do not create any privilege and do not diminish any privilege existing pursuant to common law, a specific statute or regulation, or otherwise.

Sec. 21. *1. The Secretary of State may adopt regulations to carry out the provisions of NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act.*

2. By acting as an athlete agent in this State, a nonresident individual appoints the Secretary of State as the individual's agent for service of process in any civil action in this State related to the individual acting as an athlete agent in this State.

3. The Secretary of State may issue a subpoena for material that is relevant to the administration of NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act.

Sec. 22. *1. Except as otherwise provided in subsection 2, an individual may not act as an athlete agent in this State without holding a certificate of registration under NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act.*

2. Before being issued a certificate of registration under NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act, an individual may act as an athlete agent in this State for all purposes except signing an agency contract if:

(a) A student athlete or another person acting on behalf of the athlete initiates communication with the individual; and

(b) Not later than 7 days after an initial act that requires the individual to register as an athlete agent, the individual submits an application for registration as an athlete agent in this State.

3. An agency contract resulting from conduct in violation of this section is void, and the athlete agent shall return any consideration received under the contract.

Sec. 23. *1. An applicant for registration as an athlete agent shall submit an application for registration to the Secretary of State in a form prescribed by the Secretary of State. The applicant must be an individual, and the application must be signed by the applicant under penalty of perjury. The application must contain at least the following:*

(a) The name and date and place of birth of the applicant and the following contact information for the applicant:

(1) The address of the applicant's principal place of business;

(2) Work and mobile telephone numbers; and

(3) Any means of communicating electronically, including a facsimile number, electronic mail address, and personal and business or employer websites;

(b) The name of the applicant's business or employer, if applicable, including for each business or employer, its mailing address, telephone number, organization form and the nature of the business;

(c) Each social media account with which the applicant or the applicant's business or employer is affiliated;

(d) Each business or occupation in which the applicant engaged within 5 years before the date of the application, including self-employment and

employment by others, and any professional or occupational license, registration or certification held by the applicant during that time;

(e) A description of the applicant's:

(1) Formal training as an athlete agent;

(2) Practical experience as an athlete agent; and

(3) Educational background relating to the applicant's activities as an athlete agent;

(f) The name of each student athlete for whom the applicant acted as an athlete agent within 5 years before the date of the application or, if the individual is a minor, the name of the parent or guardian of the minor, together with the athlete's sport and last known team;

(g) The name and address of each person that:

(1) Is a partner, member, officer, manager, associate or profit sharer or directly or indirectly holds an equity interest of 5 percent or greater of the athlete agent's business if it is not a corporation; and

(2) Is an officer or director of a corporation employing the athlete agent or a shareholder having an interest of 5 percent or greater in the corporation;

(h) A description of the status of any application by the applicant, or any person named under paragraph (g), for a state or federal business, professional or occupational license, other than as an athlete agent, from a state or federal agency, including any denial, refusal to renew, suspension, withdrawal or termination of the license and any reprimand or censure related to the license;

(i) Whether the applicant, or any person named under paragraph (g), has pleaded guilty or no contest to, has been convicted of, or has charges pending for, a crime that would ~~[involve moral turpitude or]~~ be a felony if committed in this State and, if so, identification of:

(1) The crime;

(2) The law enforcement agency involved; and

(3) If applicable, the date of the conviction and the fine or penalty imposed;

(j) Whether, within 15 years before the date of application, the applicant, or any person named under paragraph (g), has been a defendant or respondent in a civil proceeding, including a proceeding seeking an adjudication of incompetence and, if so, the date and a full explanation of each proceeding;

(k) Whether the applicant, or any person named under paragraph (g), has an unsatisfied judgment or a judgment of continuing effect, including spousal support or a domestic order in the nature of child support, which is not current at the date of the application;

(l) Whether, within 10 years before the date of application, the applicant, or any person named under paragraph (g), was adjudicated bankrupt or was an owner of a business that was adjudicated bankrupt;

(m) Whether there has been any administrative or judicial determination that the applicant, or any person named under paragraph (g), made a false, misleading, deceptive or fraudulent representation;

(n) Each instance in which conduct of the applicant, or any person named under paragraph (g), resulted in the imposition of a sanction, suspension or declaration of ineligibility to participate in an interscholastic, intercollegiate or professional athletic event on a student athlete or a sanction on an educational institution;

(o) Each sanction, suspension or disciplinary action taken against the applicant, or any person named under paragraph (g), arising out of occupational or professional conduct;

(p) Whether there has been a denial of an application for, suspension or revocation of, refusal to renew, or abandonment of, the registration of the applicant, or any person named under paragraph (g), as an athlete agent in any state;

(q) Each state in which the applicant currently is registered as an athlete agent or has applied to be registered as an athlete agent;

(r) If the applicant is certified or registered by a professional league or players association:

(1) The name of the league or association;

(2) The date of certification or registration, and the date of expiration of the certification or registration, if any; and

(3) If applicable, the date of any denial of an application for, suspension or revocation of, refusal to renew, withdrawal of, or termination of, the certification or registration or any reprimand or censure related to the certification or registration; and

(s) Any additional information required by the Secretary of State.

2. Instead of proceeding under subsection 1, an individual registered as an athlete agent in another state may apply for registration as an athlete agent in this State by submitting to the Secretary of State:

(a) A copy of the application for registration in the other state;

(b) A statement that identifies any material change in the information on the application or verifies there is no material change in the information, signed under penalty of perjury;

(c) A copy of the certificate of registration from the other state; and

(d) The information required by section 25 of this act.

3. Except as otherwise provided in section 25 of this act, the Secretary of State shall issue a certificate of registration to an individual who applies for registration under subsection 2 if the Secretary of State determines:

(a) The application and registration requirements of the other state are substantially similar to or more restrictive than NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act; and

(b) The registration has not been revoked or suspended and no action involving the individual's conduct as an athlete agent is pending against the individual or the individual's registration in any state.

4. For purposes of implementing subsection 3, the Secretary of State may:

(a) Cooperate with national organizations concerned with athlete agent issues and agencies in other states which register athlete agents to develop a common registration form and determine which states have laws that are substantially similar to or more restrictive than NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act; and

(b) Exchange information, including information related to actions taken against registered athlete agents or their registrations, with those organizations and agencies.

Sec. 24. ***1. Except as otherwise provided in subsection 2 and section 25 of this act, the Secretary of State shall issue a certificate of registration to an applicant for registration who complies with subsection 1 of section 23 of this act.***

2. The Secretary of State may refuse to issue a certificate of registration to an applicant for registration under subsection 1 of section 23 of this act if the Secretary of State determines that the applicant has engaged in conduct that significantly adversely reflects on the applicant's fitness to act as an athlete agent. In making the determination, the Secretary of State may consider whether the applicant has:

(a) Pleaded guilty or no contest to, has been convicted of, or has charges pending for, a crime that would ~~[involve moral turpitude or]~~ be a felony if committed in this State;

(b) Made a materially false, misleading, deceptive or fraudulent representation in the application or as an athlete agent;

(c) Engaged in conduct that would disqualify the applicant from serving in a fiduciary capacity;

(d) Engaged in conduct prohibited by section 34 of this act;

(e) Had a registration as an athlete agent suspended, revoked or denied in any state;

(f) Been refused renewal of registration as an athlete agent in any state;

(g) Engaged in conduct resulting in imposition of a sanction, suspension or declaration of ineligibility to participate in an interscholastic, intercollegiate or professional athletic event on a student athlete or a sanction on an educational institution; or

(h) Engaged in conduct that adversely reflects on the applicant's credibility, honesty or integrity.

3. In making a determination under subsection 2, the Secretary of State shall consider:

(a) How recently the conduct occurred;

(b) The nature of the conduct and the context in which it occurred; and

(c) Other relevant conduct of the applicant.

4. An athlete agent registered under subsection 1 may apply to renew the registration by submitting an application for renewal in a form prescribed by the Secretary of State. The applicant shall sign the

application for renewal under penalty of perjury and include current information on all matters required in an original application for registration.

5. An athlete agent registered under subsection 3 of section 23 of this act may renew the registration by proceeding under subsection 4 or, if the registration in the other state has been renewed, by submitting to the Secretary of State copies of the application for renewal in the other state, the renewed registration from the other state and the information required by section 25 of this act. Except as otherwise provided in section 25 of this act, the Secretary of State shall renew the registration if the Secretary of State determines:

(a) The registration requirements of the other state are substantially similar to or more restrictive than NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act; and

(b) The renewed registration has not been suspended or revoked and no action involving the individual's conduct as an athlete agent is pending against the individual or the individual's registration in any state.

6. A certificate of registration or renewal of registration under NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act is valid for 2 years.

Sec. 25. ***1. In addition to any other requirements set forth in this chapter:***

(a) An individual who applies for registration or the renewal of registration as an athlete agent pursuant to section 23 or 24 of this act, respectively, must include the social security number of the applicant in the application submitted to the Secretary of State.

(b) An applicant described in paragraph (a) shall submit to the Secretary of State the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Secretary of State shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for registration or the renewal of registration as an athlete agent; or

(b) A separate form prescribed by the Secretary of State.

3. Registration as an athlete agent may not be issued or renewed by the Secretary of State if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Secretary of State shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 26. ***1. If the Secretary of State receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to an individual who is registered as an athlete agent, the Secretary of State shall deem the registration to be suspended at the end of the 30th day after the date on which the court order was issued unless the Secretary of State receives a letter issued to the registrant by the district attorney or other public agency pursuant to NRS 425.550 stating that the registrant has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.***

2. The Secretary of State shall reinstate a registration as an athlete agent that has been suspended by a district court pursuant to NRS 425.540 if the Secretary of State receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the individual whose registration was suspended stating that the person whose registration was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 27. ***1. The Secretary of State may limit, suspend, revoke or refuse to renew a registration of an individual registered under subsection 1 of section 24 of this act for conduct that would have justified refusal to issue a certificate of registration under subsection 2 of section 24 of this act.***

2. The Secretary of State may suspend or revoke the registration of an individual registered under subsection 3 of section 23 of this act or renewed under subsection 5 of section 24 of this act for any reason for which the Secretary of State could have refused to grant or renew registration or for conduct that would justify refusal to issue a certificate of registration under subsection 2 of section 24 of this act.

Sec. 28. ***The Secretary of State may issue a temporary certificate of registration as an athlete agent while an application for registration or renewal of registration is pending.***

Sec. 29. ***The Secretary of State shall adopt regulations establishing fees for:***

1. An initial application for registration.

2. Registration based on a certificate of registration issued by another state.

3. An application for renewal of registration.

4. Renewal of registration based on a renewal of registration in another state.

Sec. 30. ***1. An agency contract must be in a record signed by the parties.***

2. An agency contract must contain:

(a) A statement that the athlete agent is registered as an athlete agent in this State and a list of any other states in which the agent is registered as an athlete agent;

(b) The amount and method of calculating the consideration to be paid by the student athlete for services to be provided by the agent under the contract and any other consideration the agent has received or will receive from any other source for entering into the contract or providing the services;

(c) The name of any person not listed in the agent's application for registration or renewal of registration which will be compensated because the athlete signed the contract;

(d) A description of any expenses the athlete agrees to reimburse;

(e) A description of the services to be provided to the athlete;

(f) The duration of the contract; and

(g) The date of execution.

3. Subject to subsection 7, an agency contract must contain a conspicuous notice in boldface type and in substantially the following form:

WARNING TO STUDENT ATHLETE
IF YOU SIGN THIS CONTRACT:

(a) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT ATHLETE IN YOUR SPORT;

(b) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER SIGNING THIS CONTRACT OR BEFORE THE NEXT SCHEDULED ATHLETIC EVENT IN WHICH YOU PARTICIPATE, WHICHEVER OCCURS FIRST, BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR THAT YOU HAVE ENTERED INTO THIS CONTRACT AND PROVIDE THE NAME AND CONTACT INFORMATION OF THE ATHLETE AGENT; AND

(c) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY AS A STUDENT ATHLETE IN YOUR SPORT.

4. An agency contract must be accompanied by a separate record signed by the student athlete or, if the athlete is a minor, the parent or guardian of the athlete acknowledging that signing the contract may result in the loss of the athlete's eligibility to participate in the athlete's sport.

5. A student athlete or, if the athlete is a minor, the parent or guardian of the athlete may void an agency contract that does not conform to this section. If the contract is voided, any consideration received from the athlete agent under the contract to induce entering into the contract is not required to be returned.

6. At the time an agency contract is executed, the athlete agent shall give the student athlete or, if the athlete is a minor, the parent or guardian of the athlete a copy in a record of the contract and the separate acknowledgment required by subsection 4.

7. If a student athlete is a minor, an agency contract must be signed by the parent or guardian of the minor and the notice required by subsection 3 must be revised accordingly.

Sec. 31. ***1. Not later than 72 hours after entering into an agency contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first, the athlete agent shall give notice in a record of the existence of the contract to the athletic director of the educational institution at which the athlete is enrolled or at which the agent has reasonable grounds to believe the athlete intends to enroll.***

2. Not later than 72 hours after entering into an agency contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first, the athlete shall inform the athletic director of the educational institution at which the athlete is enrolled that the athlete has entered into an agency contract and the name and contact information of the athlete agent.

3. If an athlete agent enters into an agency contract with a student athlete and the athlete subsequently enrolls at an educational institution, the agent shall notify the athletic director of the institution of the existence of the contract not later than 72 hours after the agent knew or should have known the athlete enrolled.

4. If an athlete agent has a relationship with a student athlete before the athlete enrolls in an educational institution and receives an athletic scholarship from the institution, the agent shall notify the institution of the relationship not later than 10 days after the enrollment if the agent knows or should have known of the enrollment and:

(a) The relationship was motivated in whole or part by the intention of the agent to recruit or solicit the athlete to enter an agency contract in the future; or

(b) The agent directly or indirectly recruited or solicited the athlete to enter an agency contract before the enrollment.

5. An athlete agent shall give notice in a record to the athletic director of any educational institution at which a student athlete is enrolled before the agent communicates or attempts to communicate with:

(a) The athlete or, if the athlete is a minor, a parent or guardian of the athlete, to influence the athlete or parent or guardian to enter into an agency contract; or

(b) Another individual to have that individual influence the athlete or, if the athlete is a minor, the parent or guardian of the athlete to enter into an agency contract.

6. If a communication or attempt to communicate with an athlete agent is initiated by a student athlete or another individual on behalf of the athlete, the agent shall notify in a record the athletic director of any educational institution at which the athlete is enrolled. The notification must be made not later than 10 days after the communication or attempt.

7. An educational institution that becomes aware of a violation of NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act by an athlete agent shall notify the Secretary of State and any professional league or players association with which the institution is aware the agent is licensed or registered of the violation.

8. As used in this section, "communicating or attempting to communicate" means contacting or attempting to contact by an in-person meeting, a record or any other method that conveys or attempts to convey a message.

Sec. 32. *1. A student athlete or, if the athlete is a minor, the parent or guardian of the athlete may cancel an agency contract by giving notice in a record of cancellation to the athlete agent not later than 14 days after the contract is signed.*

2. A student athlete or, if the athlete is a minor, the parent or guardian of the athlete may not waive the right to cancel an agency contract.

3. If a student athlete, parent or guardian cancels an agency contract, the athlete, parent or guardian is not required to pay any consideration under the contract or return any consideration received from the athlete agent to influence the athlete to enter into the contract.

Sec. 33. *1. An athlete agent shall create and retain for 5 years records of the following:*

(a) The name and address of each individual represented by the agent;

(b) Each agency contract entered into by the agent; and

(c) The direct costs incurred by the agent in the recruitment or solicitation of each student athlete to enter into an agency contract.

2. Records described in subsection 1 are open to inspection by the Secretary of State during normal business hours.

Sec. 34. *1. An athlete agent, with the intent to influence a student athlete or, if the athlete is a minor, a parent or guardian of the athlete to enter into an agency contract, may not take any of the following actions or encourage any other individual to take or assist any other individual in taking any of the following actions on behalf of the agent:*

(a) Give materially false or misleading information or make a materially false promise or representation;

(b) Furnish anything of value to the athlete before the athlete enters into the contract; or

(c) Furnish anything of value to an individual other than the athlete or another registered athlete agent.

2. An athlete agent may not intentionally do any of the following or encourage any other individual to do any of the following on behalf of the agent:

(a) Initiate contact, directly or indirectly, with a student athlete or, if the athlete is a minor, a parent or guardian of the athlete, to recruit or solicit the athlete, parent or guardian to enter an agency contract unless registered under NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act;

(b) Fail to create or retain or to permit inspection of the records required by section 33 of this act;

(c) Fail to register when required by section 22 of this act;

(d) Provide materially false or misleading information in an application for registration or renewal of registration;

(e) Predate or postdate an agency contract; or

(f) Fail to notify a student athlete or, if the athlete is a minor, a parent or guardian of the athlete, before the athlete, parent or guardian signs an agency contract for a particular sport that the signing may make the athlete ineligible to participate as a student athlete in that sport.

3. The provisions of NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act do not limit the power of the State of Nevada to punish a person for conduct that constitutes a crime pursuant to any other law.

Sec. 35. *An athlete agent who violates section 34 of this act is guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more than 6 months, or by a fine of not more than $50,000 or by both fine and imprisonment. In addition to any other penalty, the court shall order the person to pay restitution.*

Sec. 36. *1. An educational institution or student athlete may bring an action for damages against an athlete agent if the institution or athlete is adversely affected by an act or omission of the agent in violation of NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act. An educational institution or student athlete is adversely affected by an act or omission of the agent only if, because of the act or omission, the institution or an individual who was a student athlete at the time of the act or omission and enrolled in the institution:*

(a) Is suspended or disqualified from participation in an interscholastic or intercollegiate sports event by or under the rules of a state or national federation or association that promotes or regulates interscholastic or intercollegiate sports; or

(b) Suffers financial damage.

2. A plaintiff that prevails in an action under this section may recover actual damages and costs and reasonable attorney's fees. An athlete agent found liable under this section forfeits any right of payment for anything of

benefit or value provided to the student athlete and shall refund any consideration paid to the agent by or on behalf of the athlete.

Sec. 37. ***In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.***

Sec. 38. ***NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act modify, limit or supersede the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq., but do not modify, limit or supersede Section 101(c) of that Act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that Act, 15 U.S.C. § 7003(b).***

Sec. 39. NRS 398.600 is hereby amended to read as follows:

398.600 1. The Secretary of State may, within or outside this state:

(a) Investigate any violation of:

(1) A provision of NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive;]~~ ***and sections 2 to 38, inclusive, of this act;***

(2) A regulation adopted by the Secretary of State pursuant to NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive;]~~ ***and sections 2 to 38, inclusive, of this act;*** or

(3) An order denying, suspending or revoking the effectiveness of a registration, or an order to cease and desist, issued by the Secretary of State pursuant to NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive.]~~ ***and sections 2 to 38, inclusive, of this act.***

(b) Conduct such other investigations as the Secretary of State finds necessary to aid in the enforcement of NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive,]~~ ***and sections 2 to 38, inclusive, of this act*** and any regulation or order adopted or issued by the Secretary of State pursuant thereto.

2. If the Secretary of State determines that a violation specified in paragraph (a) of subsection 1 has occurred, the Attorney General may prosecute the violation at the request of the Secretary of State.

3. If the Attorney General declines to prosecute such a violation, the district attorney of the appropriate county may prosecute the violation at the request of the Secretary of State.

Sec. 40. NRS 398.610 is hereby amended to read as follows:

398.610 1. If the Secretary of State reasonably believes, whether or not based upon an investigation conducted pursuant to NRS 398.600, that a person has violated, or is about to violate, any provision of NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive,]~~ ***and sections 2 to 38, inclusive, of this act*** or any regulation or order of the Secretary of State adopted or issued pursuant to NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive,]~~ ***and sections 2 to 38, inclusive, of this act,*** the Secretary of State, in addition to any specific power granted by NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive,]~~ ***and sections 2 to 38, inclusive, of this act*** may, without a prior hearing, issue a summary order against the person,

directing the person to cease and desist from any further acts that constitute or would constitute such a violation until he or she is in compliance with NRS ~~[~~398.400 to~~]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive.]~~ ***and sections 2 to 38, inclusive, of this act.*** The summary order to cease and desist must specify the section of NRS ~~[~~398.400 to~~]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive,]~~ ***and sections 2 to 38, inclusive, of this act*** or the regulation or order of the Secretary of State adopted or issued pursuant to NRS ~~[~~398.400 to~~]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive,]~~ ***and sections 2 to 38, inclusive, of this act*** which the Secretary of State reasonably believes has been or is about to be violated.

2. If the Secretary of State reasonably believes, whether or not based upon an investigation conducted pursuant to NRS 398.600, that a person has violated any provision of NRS ~~[~~398.400 to~~]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive,]~~ ***and sections 2 to 38, inclusive, of this act*** or any regulation or order of the Secretary of State adopted or issued pursuant to NRS ~~[~~398.400 to~~]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive,]~~ ***and sections 2 to 38, inclusive, of this act,*** the Secretary of State, in addition to any specific power granted by NRS ~~[~~398.400 to~~]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive,]~~ ***and sections 2 to 38, inclusive, of this act*** after giving notice by registered or certified mail and conducting a hearing in an administrative proceeding, unless the right to notice and hearing is waived by the person against whom the sanction is imposed, may:

(a) Issue an order against the person to cease and desist;

(b) Censure the person if he or she is a registered ~~[~~athlete's~~]~~ ***athlete*** agent;

(c) Suspend, revoke or refuse to renew the registration of the person as an ~~[~~athlete's~~]~~ ***athlete*** agent; or

(d) If it is determined that the violation was willful, issue an order against the person imposing an administrative fine of not more than ~~[~~$25,000.~~]~~ ***$50,000.***

3. If the person to whom notice is given pursuant to subsection 2 does not request a hearing within 45 days after receipt of the notice, the person waives his or her right to a hearing and the Secretary of State shall issue a permanent order. If the person requests a hearing, the Secretary of State shall set the matter for hearing not less than 15 or more than 60 days after the Secretary of State receives the request for a hearing. The Secretary of State shall promptly notify the parties by registered or certified mail of the time and place set for the hearing.

4. The imposition of the sanctions provided in this section is limited as follows:

(a) If the Secretary of State revokes the registration of an ~~[~~athlete's~~]~~ ***athlete*** agent, the imposition of that sanction precludes the imposition of an administrative fine pursuant to subsection 2; and

(b) The imposition by the Secretary of State of one or more sanctions pursuant to subsection 2 with respect to a specific violation precludes the

Secretary of State from later imposing any other sanction pursuant to subsection 2 with respect to that violation.

5. For the purpose of determining any sanction to be imposed pursuant to subsection 2, the Secretary of State shall consider, among other factors, how recently the conduct occurred, the nature of the conduct and the context in which it occurred, and any other relevant conduct of the applicant.

6. If a sanction is imposed pursuant to this section, the Secretary of State may recover the costs of the proceeding, including, without limitation, investigative costs and attorney's fees, from the person against whom the sanction is imposed.

Sec. 41. NRS 398.620 is hereby amended to read as follows:

398.620 1. For the purposes of an investigation or proceeding pursuant to NRS ~~[~~398.400 to~~]~~ ***398.600, 398.610 and*** 398.620 ~~[~~, inclusive,~~]~~ ***and sections 2 to 38, inclusive, of this act,*** the Secretary of State or any officer or employee designated by the Secretary of State by regulation, order or written direction may conduct hearings, administer oaths and affirmations, render findings of fact and conclusions of law, subpoena witnesses and compel their attendance, take evidence and require the production, by subpoena or otherwise, of books, papers, correspondence, memoranda, agreements or other documents or records which the Secretary of State or the Secretary of State's designated officer or employee determines to be relevant or material to the investigation or proceeding. A person whom the Secretary of State or a designated officer or employee does not consider to be the subject of an investigation is entitled to reimbursement at the rate of 25 cents per page for copies of documents which he or she is required by subpoena to produce. The Secretary of State or a designated officer or employee may require or permit a person to file a statement, under oath or otherwise as the Secretary of State or a designated officer or employee determines, as to the facts and circumstances concerning the matter to be investigated.

2. If the activities constituting an alleged violation for which the information is sought would be a violation of NRS ~~[~~398.400 to~~]~~ ***398.600, 398.610 and*** 398.620 ~~[~~, inclusive,~~]~~ ***and sections 2 to 38, inclusive, of this act*** had the activities occurred in this state, the Secretary of State may issue and apply to enforce subpoenas in this state at the request of an agency or Secretary of State of another state.

3. If a person does not testify or produce the documents required by the Secretary of State or a designated officer or employee pursuant to subpoena, the Secretary of State or designated officer or employee may apply to the court for an order compelling compliance. A request for an order of compliance may be addressed to:

(a) The district court in and for the county where service may be obtained on the person refusing to testify or produce the documents, if the person is subject to service of process in this state; or

(b) A court of another state having jurisdiction over the person refusing to testify or produce the documents, if the person is not subject to service of process in this state.

Sec. 42. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, ~~[398.403,]~~ 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015,

616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 20.7 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 43. A person who holds a certificate of registration as an athlete's agent which was issued pursuant to NRS 398.400 to 398.620, inclusive, before July 1, 2017, and which is not expired or revoked must be deemed to hold a certificate of registration as an athlete agent issued pursuant to sections 2 to 38, inclusive, of this act.

Sec. 43.5. The regulation of the Secretary of State which is codified as NAC 398.100 remains in effect and may be enforced until the Secretary of State adopts a regulation to repeal or replace that regulation.

Sec. 44. NRS 398.400, 398.402, 398.403, 398.404, 398.408, 398.412, 398.416, 398.420, 398.424, 398.428, 398.432, 398.436, 398.440, 398.444, 398.446, 398.448, 398.452, 398.456, 398.460, 398.464, 398.468, 398.472, 398.476, 398.480, 398.482, 398.484, 398.488, 398.490, 398.492 and 398.496 are hereby repealed.

Sec. 45. 1. This act becomes effective on July 1, 2017.

2. Sections 25 and 26 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

LEADLINES OF REPEALED SECTIONS

398.400 Short title.

398.402 Applicability of provisions to person who sells or offers to sell services as athlete's agent.

398.403 Confidentiality of information obtained in connection with application or investigation; exceptions; effect on privilege.

398.404 Definitions.

398.408 "Athlete's agent" defined.

398.412 "Athletic director" defined.

398.416 "Contract for endorsement" defined.

398.420 "Contract for professional sports services" defined.

398.424 "Contract of agency" defined.

398.428 "Intercollegiate sport" defined.

398.432 "Person" defined.

398.436 "Record" defined.

398.440 "Registration" defined.

398.444 "State" defined.

398.446 "Student athlete" defined.

398.448 Registration required to act as athlete's agent; limited exception; contract of agency void if in violation of section.

398.452 Submission of application for registration to Secretary of State; application is public record; required contents and disclosures of application.

398.456 Submission of application by person who holds registration or licensure in another state.

398.460 Issuance of certificate of registration; grounds for denial by Secretary of State.

398.464 Renewal of registration; period for which initial certificate and renewal are valid.

398.468 Grounds for suspension, revocation or refusal to renew registration; issuance of temporary certificate of registration authorized.

398.472 Adoption of regulations establishing fees; authority of Secretary of State to adopt other regulations.

398.476 Secretary of State appointed agent for service of process for nonresident athlete's agent; issuance of subpoenas by Secretary of State.

398.480 Retention and inspection of records; duty to file updated information.

398.482 Required contents of contract; contract void if does not contain required warning; athlete's agent required to give record of contract to student athlete.

398.484 Athlete's agent and student athlete required to give notice of entering into contract.

398.488 Cancellation of contract by student athlete.

398.490 Liability of athlete's agent or student athlete to institution for damages caused by violation; award of attorney's fees and costs; accrual of right of action; joint and several liability; section does not restrict other rights and remedies.

398.492 Liability of person other than athlete's agent or student athlete to institution for damages caused by violation; award of attorney's fees and costs.

398.496 Prohibition on certain conduct by athlete's agent; penalties for violation of Act, regulations and certain orders.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 5.

Bill read third time.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Assembly Bill 5 authorizes a local government to create a local improvement district that includes an energy efficiency improvement project or a renewable energy project on certain commercial or industrial real property.

Roll call on Assembly Bill No. 5:

YEAS—34.

NAYS—Daly, Hansen, Krasner, Marchant, McArthur, Oscarson, Titus, Wheeler—8.

Assembly Bill No. 5 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 12.

Bill read third time.

Remarks by Assemblyman Brooks.

ASSEMBLYMAN BROOKS:

Assembly Bill 12 makes changes to the regulation of insurance adjusters. The bill requires individuals and employees of insurers and third-party administrators who adjust workers' compensation claims to obtain a license as an adjuster. It also requires certain adjusters to obtain continuing education in order to renew a license and to adhere to certain standards of conduct. The measure provides for the issuance of a nonresident license as an adjuster and a temporary emergency license in the event of a catastrophe.

This bill is effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks and on July 1, 2018, for all other purposes.

Roll call on Assembly Bill No. 12:

YEAS—42.

NAYS—None.

Assembly Bill No. 12 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 21.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Assembly Bill 21 relates to candidate qualifications and residency requirements. If a candidate fails to meet qualifications required for office or knowingly and willfully files a declaration or acceptance of candidacy that contains a false statement, remedies include omitting the name of a candidate from a ballot unless the deadline for revising the ballot has passed, in which case a sign must be posted at each polling place informing voters the candidate is disqualified from taking office; disqualifying the person from entering into the duties of the office; and assessing reasonable attorney's fees and costs, unless the action is brought by the Attorney General or a district or city attorney.

Forms are revised to include a statement that a candidate understands that filing a false statement is a gross misdemeanor. A person's actual and legal domicile is clarified. The Secretary of State may establish forms of alternative proof of residence.

Certain provisions do not apply to candidates for federal office. The Legislature's authority to act with regard to its own members is not subject to certain provisions. Campaign accounts must be established in financial institutions located in the United States.

This bill is effective upon passage and approval for the purpose of performing any preparatory administrative tasks and on July 1, 2017, for all other purposes.

Roll call on Assembly Bill No. 21:

YEAS—42.

NAYS—None.

Assembly Bill No. 21 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 32.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Assembly Bill 32 authorizes the State Department of Agriculture to issue a certificate to a governmental entity and a license to a "government applicator" to engage in pest control using general- and restricted-use pesticides.

Roll call on Assembly Bill No. 32:

YEAS—42.

NAYS—None.

Assembly Bill No. 32 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 45.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Assembly Bill 45 revises provisions relating to election administration, including voter registration and campaign practices. To vote in an election, the last day that an elector may register is determined by the method of registration, as follows: by mail, the fourth Tuesday before an election day, and by computer, the Thursday before the early voting period begins. Clerks are not required to distribute sample ballots to persons who register to vote less than 20 days before an election. A nongovernmental entity that sends a notice to a person indicating the person is not registered to vote must indicate that the notice is not an official mailing from the Secretary of State or a county or city clerk.

Every candidate for office at a primary or general election shall report the balance in an account maintained for contributions. Campaign finance reporting requirements relating to a special election to recall a public officer apply even if the special election is not held. Campaign expenses must be reported for credit and debit card transactions, including fees.

A petition for initiative or referendum may be withdrawn by an authorized person. Before circulating a petition, the person must submit certain information to the Secretary of State.

Roll call on Assembly Bill No. 45:

YEAS—41.

NAYS—Neal.

Assembly Bill No. 45 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 62.

Bill read third time.

Remarks by Assemblyman Pickard.

ASSEMBLYMAN PICKARD:

Assembly Bill 62, in its first reprint, revises existing procedures and adds additional requirements for wholesale and retail tobacco dealers to aid in the statutory enforcement of the Tobacco Master Settlement Agreement. This act becomes effective on July 1, 2017.

Roll call on Assembly Bill No. 62:

YEAS—42.

NAYS—None.

Assembly Bill No. 62 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 68.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 68 removes the requirement that the photograph on a driver's license be in color. It adds to current acts or practices for which the Department of Motor Vehicles [DMV] can refuse to issue a license for operating a driving school. The bill clarifies the fees for a person 65 years of age or older who applies for an identification card. The bill removes the authorization for the DMV to issue a nonresident commercial driver's license or learner's permit to a resident of a foreign jurisdiction that the Federal Highway Administrator has determined does not test drivers and issue commercial drivers' licenses in accordance with federal standards.

Roll call on Assembly Bill No. 68:

YEAS—42.

NAYS—None.

Assembly Bill No. 68 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 77.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Assembly Bill 77 revises various provisions concerning teachers and other educational personnel. Among other provisions, the bill provides that a teacher who has an endorsement to teach English as a second language qualifies to serve on the English Mastery Council.

Roll call on Assembly Bill No. 77:

YEAS—37.

NAYS—Ellison, Krasner, Marchant, McArthur, Titus—5.

Assembly Bill No. 77 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 80.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 80 authorizes, if adopted by ordinance, a city whose population is 220,000 or more located in a county whose population is 100,000 or more but less than 700,000, currently the City of Reno, to extend the date of termination of a redevelopment plan adopted before January 1, 1991, to the later of the retirement of the last maturing securities or 60 years after the date on which the original redevelopment plan was adopted, whichever is later.

Roll call on Assembly Bill No. 80:

YEAS—32.

NAYS—Edwards, Ellison, Hansen, Krasner, Marchant, McArthur, Oscarson, Titus, Wheeler, Woodbury—10.

Assembly Bill No. 80 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 83.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 83 is the omnibus bill of the Division of Insurance, Department of Business and Industry. The bill makes numerous changes to provisions governing insurance, including establishing provisions concerning the administrative supervision of insurers whose financial condition may be hazardous to insureds or creditors of the insurer or to the general public; providing for the regulation of network plans under which the financing and delivery of health care services are provided through a defined set of providers of health care under contract with a health carrier; revising various provisions related to insurance producers; revising various provisions concerning the discontinuation of certain insurance products; providing for certain consumer protections to purchasers of service contracts; revising minimum net worth and surety bond requirements for dental care organizations and prepaid limited health service organizations; and making various other technical changes affecting the regulation of insurance.

Roll call on Assembly Bill No. 83:

YEAS—35.

NAYS—Ellison, Krasner, Marchant, McArthur, Oscarson, Titus, Wheeler—7.

Assembly Bill No. 83 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 100.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Assembly Bill 100 prohibits a provision in contracts for public works that requires a prime contractor to waive, release, or extinguish a claim or right for damages or an extension of time that the prime contractor may otherwise possess or acquire as a result of delay, acceleration, disruption, or an impact event that is unreasonable under the circumstances, that was not within the contemplation of the parties at the time the agreement was entered into, or for which the prime contractor is not responsible.

Roll call on Assembly Bill No. 100:

YEAS—42.

NAYS—None.

Assembly Bill No. 100 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 102.

Bill read third time.

Remarks by Assemblyman Pickard.

ASSEMBLYMAN PICKARD:

Assembly Bill 102 authorizes a court that has continuing jurisdiction to remove certain civil proceedings, such as divorce, separate maintenance, parentage or child custody, to a court in another county after a final order, judgment, or decree has been issued. The bill also allows the respondent to request in writing before the filing time expires that the petition or motion be heard in the county where either party resides or where the child named in the proceeding resides.

Roll call on Assembly Bill No. 102:

YEAS—42.

NAYS—None.

Assembly Bill No. 102 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 105.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Assembly Bill 105 requires certain health care providers to obtain continuing education in suicide prevention and awareness every four years.

I want to thank the many professions that came to the table to produce a bill that everyone could value. Ultimately, this bill will save lives and get help for those that are struggling, contemplating, and in need.

Roll call on Assembly Bill No. 105:

YEAS—39.

NAYS—Krasner, McArthur, Titus—3.

Assembly Bill No. 105 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 113.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 113 requires each public and private employer in this state—other than the Department of Corrections, certain small employers, and certain licensed contractors—to provide reasonable break time and an appropriate place for an employee who is a nursing mother to express breast milk.

This bill will not only help hardworking Nevadans, it will also help their children improve their health outcomes and I urge your support.

Roll call on Assembly Bill No. 113:

YEAS—33.

NAYS—Edwards, Ellison, Hambrick, Hansen, Krasner, Marchant, McArthur, Titus, Wheeler—9.

Assembly Bill No. 113 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 123.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Assembly Bill 123 revises provisions governing the creation of a series by a limited-liability company, LLC. If the LLC's articles of organization that are filed with the Secretary of State or the operating agreement authorize the creation of a series, then the registered agent of the company is deemed to be the registered agent for each series. Each series may be served with any legal process, notice, or demand required or authorized by law by serving the registered agent of the limited-liability company that authorized the creation of the series. In addition, a series may be created without the filing of articles of organization with the Secretary of State by the adoption of an operating agreement by the members of the series. A series may sue and be sued; make contracts; and purchase, own, and convey property in the name of the series.

If the series name does not indicate it is a series and does not contain the name of the LLC that created the series, then the series is deemed to be doing business under an assumed or fictitious name. Such a series is required to file a certificate with the county clerk stating the name and address of the LLC authorized to create the series. This bill is effective on October 1, 2017.

Roll call on Assembly Bill No. 123:

YEAS—42.

NAYS—None.

Assembly Bill No. 123 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 132.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 132 revises the definition of "officer" to include certain civilian employees and volunteers of law enforcement agencies, fire-fighting agencies, and political subdivisions of this state for the purpose of enhancing the penalties for the crimes of assault and battery against such a person.

For the body's edification, this is just adding these personnel into existing law. Even certain classes such as taxi drivers are in that law, and I think that if taxi drivers are in it—in the line of duty—there is no reason why these folks should not be.

Roll call on Assembly Bill No. 132:

YEAS—42.

NAYS—None.

Assembly Bill No. 132 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 136.

Bill read third time.

Remarks by Assemblyman Fumo.

ASSEMBLYMAN FUMO:

Assembly Bill 136 allows the court to use an evidence-based risk assessment tool in deciding whether there is good cause to release a person without bail. In addition, the court must consider other factors for releasing a person without bail, including imposing one or more conditions on the person to mitigate the risk of failure to appear or the risk to public safety. Lastly, the measure provides that after the defendant has personally appeared before the magistrate, the magistrate may not rely solely on any standardized bail schedule to set the amount of bail. This bill is effective on October 1, 2017.

Roll call on Assembly Bill No. 136:

YEAS—36.

NAYS—Ellison, Krasner, Marchant, McArthur, Titus, Wheeler—6.

Assembly Bill No. 136 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 161.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 161 requires any written rental agreement for a single-family residence to include a disclosure advising the tenant that the lack of notarization of the agreement, one, creates a rebuttable presumption that the tenant does not have a right to lawful occupancy of the dwelling unit or premises, and two, does not render the agreement invalid.

Roll call on Assembly Bill No. 161:

YEAS—42.

NAYS—None.

Assembly Bill No. 161 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 163 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 165.

Bill read third time.

Remarks by Assemblyman Hambrick.

ASSEMBLYMAN HAMBRICK:

Assembly Bill 165 creates a new category of licensure, a health services executive, for persons who act as both an administrator of a residential facility for groups and a nursing facility administrator.

This bill is effective upon passage and approval for the purpose of adopting regulations and performing other necessary administrative tasks and on January 1, 2018, for all other purposes.

Roll call on Assembly Bill No. 165:

YEAS—41.

NAYS—Titus.

Assembly Bill No. 165 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 179.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 179 makes various changes to the Board of Massage Therapists and the types of professions regulated by the Board. It authorizes the Board to issue licenses in two new practice areas, structural integration and reflexology. The measure changes the name of the Board to the Board of Massage Therapy and modifies the composition of the Board to include a member licensed to practice in each of the two new areas. It also allows local governments to regulate a massage, reflexology, and structural integration establishment in a manner that is more stringent than regulations adopted by the Board.

Finally, A.B. 179 provides that licenses issued by the Board are valid for two years and allows the Board to, by regulation, charge up to $350 for a license renewal. This bill is effective upon passage and approval for the purpose of adopting regulations and performing other necessary administrative tasks and on July 1, 2018, for all other purposes.

Roll call on Assembly Bill No. 179:

YEAS—37.

NAYS—Ellison, Hambrick, Krasner, McArthur, Titus—5.

Assembly Bill No. 179 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 188.

Bill read third time.

Remarks by Assemblymen Diaz, Pickard, Miller, and Edwards.

ASSEMBLYWOMAN DIAZ:

Assembly Bill 188 makes various changes to provisions governing the Silver State Opportunity Grant Program. Specifically, the bill changes from 15 to 12 the minimum number of credit hours in which a student must enroll in order to be eligible for the Program; extends eligibility to students who are enrolled in fewer than 12 credit hours during their final semester of study in a program; allows a student to request from his or her college a waiver from the credit-hour requirement in cases of hardship; allows a student who has lost eligibility due to the credit-hour requirement to regain eligibility if he or she satisfies that requirement in a subsequent semester while not receiving the grant; specifies that if a student who has lost eligibility due to the credit-hour requirement fails to meet the requirement a second time, he or she is no longer eligible; and provides that money allocated to a college for the Program does not revert and any remaining amount must be carried forward to provide future grants for students.

For those that do not sit on the Education Committee, Mr. Speaker, I do have some statistics from the College of Southern Nevada regarding the 82 out of 191 students who lost access to this grant funding. Sixty-seven percent of them said they underestimated the amount of time it would take to take a full load of 15 credits. Eighty-two percent said they had children under the age of 18 years in the home. Sixty-eight percent said they worked either full-time or part-time, and the vast majority of students who worked full-time were minority students.

Basically with this bill, Mr. Speaker, I am seeking to hear to needs of hardworking Nevadans in our state who are working, having families, and making sure they are staying in school so they can get retrained or they can move up the economic ladder. We are making this investment so they can continue to strive and make progress and take care of their families.

ASSEMBLYMAN PICKARD:

I rise today in opposition to Assembly Bill 188 for a simple reason: There are simply not the resources available to expand what was originally targeted to a narrow set of students who are attempting to graduate on time. At some point we may have to look at what we can realistically do, and I think this is that time. The simple fact is, we do not have the resources to do this now. The Silver State Opportunity Grant has provided many young people opportunities they might not otherwise have had, and I cannot, in good conscience, risk putting these students in a place where we cannot financially follow through on the promises we have made. I urge my colleagues to vote no.

ASSEMBLYWOMAN MILLER:

I rise in support of Assembly Bill 188 because I feel that we need to do whatever we can to enable people to complete college. It is about reducing barriers, and if we look at the reduction down to 12 credits, 12 credits is what colleges and universities consider full time. It is also what is considered full time by the federal government in order to obtain financial aid and loans and such. We are not minimizing the requirements, but we are understanding that community colleges and universities, especially here in Nevada—many students are commuting to schools. They are also working, raising families, working other jobs, and so I stand in support. It is about helping more students get through the process. It is not about the sprint; it is about the marathon.

ASSEMBLYMAN EDWARDS:

I rise in opposition to this for a simple reason: The Silver State Opportunity Grant Program is not meant for everyone. It is meant for those who can get up to 15 credit hours and graduate on time. The statistics from NSHE [Nevada System of Higher Education] have been absolutely clear; using the program as it is now, 200 percent more people graduate on time. This is a program that is working. It is working to help kids graduate and graduate on time and get into the workforce. Let us not mess with something that is working. So many other things in the educational field are not; this one does. Please vote no.

Roll call on Assembly Bill No. 188:

YEAS—27.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.

Assembly Bill No. 188 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 194.

Bill read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Assembly Bill 194 requires the Board of Examiners for Alcohol, Drug and Gambling Counselors to issue a certificate as a behavioral healthcare peer recovery support specialist to a

person who provides nonprofessional, nonclinical assistance for long-term recovery from substance abuse and other mental disorders by sharing appropriate portions of the person's own recovery. The bill establishes the requirements for obtaining a certificate and provides that behavioral healthcare peer recovery support specialists may provide services under the supervision of certain entities or organizations and conducted by qualified professionals. This bill is effective on July 1, 2017.

Roll call on Assembly Bill No. 194:

YEAS—37.

NAYS—Krasner, Marchant, McArthur, Pickard, Titus—5.

Assembly Bill No. 194 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 199.

Bill read third time.

Remarks by Assemblywoman Tolles.

ASSEMBLYWOMAN TOLLES:

Assembly Bill 199 changes the name of a "Physician Order for Life-Sustaining Treatment" to a "Provider Order for Life-Sustaining Treatment," otherwise known as POLST, throughout *Nevada Revised Statutes* and authorizes a physician assistant or an advance practice registered nurse to make certain determinations regarding the completion and execution of such a form. The bill also provides for surrogates to request and execute a POLST on a patient's behalf and revises the standard for determining whether a patient has the capacity to execute or revoke the form. The bill further requires a health care provider to honor a POLST under certain circumstances. This bill is effective on July 1, 2017.

Roll call on Assembly Bill No. 199:

YEAS—41.

NAYS—Carlton.

Assembly Bill No. 199 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 203.

Bill read third time.

Remarks by Assemblywoman Joiner.

ASSEMBLYWOMAN JOINER:

Assembly Bill 203 clarifies that a cemetery authority is not permitted to order the disinterment and removal of human remains from certain burial plots. The bill removes a cemetery authority's ability to determine unilaterally that the further maintenance of all or any part of the cemetery as a burial place is not in accordance with the health, safety, comfort, or welfare of the public.

Roll call on Assembly Bill No. 203:

YEAS—38.

NAYS—Carrillo, Edwards, Watkins, Yeager—4.

Assembly Bill No. 203 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 209.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Assembly Bill 209 revises the criteria considered by the State Engineer for an extension of time to work a forfeiture of groundwater rights. In certain groundwater basins, the State Engineer may grant an extension of up to three years and may grant multiple extensions.

Roll call on Assembly Bill No. 209:

YEAS—41.

NAYS—Ellison.

Assembly Bill No. 209 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 223.

Bill read third time.

Remarks by Assemblyman McCurdy.

ASSEMBLYMAN MCCURDY:

Assembly Bill 223 requires an electric utility to include in its resource plan an energy efficiency plan that reduces the consumption of electricity through energy efficiency and conservation programs and is designed to be cost effective. The bill allows the Public Utilities Commission of Nevada [PUCN] to accept an energy efficiency plan or program if it determines the plan is cost effective. It specifies that any order of the PUCN accepting or modifying an energy efficiency plan requires at least 5 percent of the expenditures relating to energy efficiency and conservation programs in the plan must be directed toward energy efficiency programs for low-income customers unless such a requirement is not cost effective.

This bill is effective upon passage and approval for the purpose of adopting regulations and performing other preparatory administrative tasks and on July 1, 2017, for all other purposes.

Roll call on Assembly Bill No. 223:

YEAS—42.

NAYS—None.

Assembly Bill No. 223 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 228.

Bill read third time.

Remarks by Assemblyman Pickard.

ASSEMBLYMAN PICKARD:

Assembly Bill 228 revises provisions regarding the termination of parental rights. The measure requires personal service to be attempted on a parent or legal custodian or guardian, regardless of where the person resides. Before notice of hearing for the termination of parental rights is published, the clerk of the court is required to replace the name of the child with the initials of the child. The hearing may take place any time after the birth of the child and service on the father or putative father, if known, is completed. The hearings, files, and records of the court relating to a proceeding to terminate parental rights are confidential with certain exceptions. Lastly, this measure provides that the conviction of the natural parent of a child for a sexual assault that results in the conception of the child is grounds for terminating their rights. This bill is effective on October 1, 2017.

Roll call on Assembly Bill No. 228:

YEAS—42.

NAYS—None.

Assembly Bill No. 228 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 3:19 p.m.

ASSEMBLY IN SESSION

At 3:47 p.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 231.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 231, in its first reprint, revises the date of the annual report that the Governor's Office of Economic Development must submit to the Governor and the Legislative Counsel Bureau relating to local emerging small businesses from September 15 to December 1. The bill additionally eliminates the requirement that the Office aid in the development of inland ports in Nevada.

Roll call on Assembly Bill No. 231:

YEAS—42.

NAYS—None.

Assembly Bill No. 231 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 232.

Bill read third time.

Remarks by Assemblyman Watkins.

ASSEMBLYMAN WATKINS:

Assembly Bill 232 revises the procedure for changing the name of a minor. A parent of an unemancipated minor may file a verified petition with the clerk of the district court where the minor resides. The measure sets forth steps a parent must take if there is not consent of the other parent.

Roll call on Assembly Bill No. 232:

YEAS—42.

NAYS—None.

Assembly Bill No. 232 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 235.

Bill read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Assembly Bill 235 enacts the Uniform Commercial Real Estate Receivership Act to establish provisions governing the appointment and powers of a receiver for real property that is used for certain commercial purposes and any personal property related to or used in operating that real property. This bill is effective on October 1, 2017.

Roll call on Assembly Bill No. 235:

YEAS—42.

NAYS—None.

Assembly Bill No. 235 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 241.

Bill read third time.

Remarks by Assemblyman Watkins.

ASSEMBLYMAN WATKINS:

Assembly Bill 241 requires each governmental entity to include in its building code a requirement that every permanent building or facility used by the public and constructed on or after the effective date of this bill must be equipped with one or more baby changing tables accessible to men and women. The bill provides that the building code or ordinance, as applicable, must provide an exception for any building or facility that is not lawfully accessible by persons under 18 years of age.

Roll call on Assembly Bill No. 241:

YEAS—36.

NAYS—Edwards, Hambrick, Hansen, Marchant, McArthur, Titus—6.

Assembly Bill No. 241 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 243.

Bill read third time.

Remarks by Assemblywoman Tolles.

ASSEMBLYWOMAN TOLLES:

Assembly Bill 243 allows a court to grant a motion to vacate a judgment of conviction and seal the records of a victim of sex trafficking or involuntary servitude. The measure sets forth the procedure for vacating the judgment of conviction and requires the court to notify the Central Repository for Nevada Records of Criminal History, the Office of the Attorney General, and each office of the district attorney and law enforcement agency in this state before deciding to grant a petition.

The court is authorized to enter an interim order to vacate a judgment of conviction if the petitioner satisfies all requirements necessary for the judgment to be vacated but the petition is deficient with respect to the sealing of the petitioner's record. If the court enters such an interim order, then the court is also required to order the sealing of the petitioner's records that relate to the judgment being vacated. This bill is effective on October 1, 2017.

Roll call on Assembly Bill No. 243:

YEAS—42.

NAYS—None.

Assembly Bill No. 243 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 244.

Bill read third time.

Remarks by Assemblyman Kramer.

ASSEMBLYMAN KRAMER:

Assembly Bill 244 allows certain insurance companies and their employees and agents to provide goods, prizes, gifts, and other items not to exceed $100 in value per customer or prospective customer in any one year. This bill is effective on July 1, 2017.

Roll call on Assembly Bill No. 244:

YEAS—40.

NAYS—Watkins, Yeager—2.

Assembly Bill No. 244 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 245.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 245 requires a pharmacist, including a certified Internet pharmacy, to dispense an interchangeable biological product in substitution for a prescribed biological product under certain circumstances. The dispensing pharmacist must also provide certain information to a patient's prescribing practitioner concerning the specific product dispensed.

Roll call on Assembly Bill No. 245:

YEAS—42.

NAYS—None.

Assembly Bill No. 245 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 246.

Bill read third time.

Remarks by Assemblyman Kramer.

ASSEMBLYMAN KRAMER:

Assembly Bill 246 extends the authority of two or more counties to create an improvement district for the acquisition of certain projects, including a park project, street project, or commercial area vitalization project, and to finance the cost of any such project through the issuance of bonds and the levy of assessments upon property in the improvement district. The bill similarly authorizes the governing bodies of two or more municipalities whose boundaries are contiguous to enter into an agreement to create a tax increment area for the acquisition or improvement of a project whose boundaries encompass all or part of each municipality. This bill is effective on July 1, 2017.

Roll call on Assembly Bill No. 246:

YEAS—41.

NAYS—Neal.

Assembly Bill No. 246 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 249.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 249 requires the State Plan for Medicaid to provide certain benefits relating to contraception. The measure also requires all public and private health insurance plans in the state to provide coverage for certain benefits relating to contraception without any copay, coinsurance, or a higher deductible.

Roll call on Assembly Bill No. 249:

YEAS—40.

NAYS—Ellison, Krasner—2.

Assembly Bill No. 249 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 25, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 100.

CINDY JONES
Fiscal Analysis Division

Assemblywoman Benitez-Thompson moved that the Assembly reconsider the action whereby Assembly Bill No. 100 was passed.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 100 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 255.

Bill read third time.

Remarks by Assemblyman Hambrick.

ASSEMBLYMAN HAMBRICK:

Assembly Bill 255 exempts from regulation as a deferred deposit, high-interest, or payday lender or as an installment lender a person who exclusively lends credit for business, commercial, or agricultural purposes outside of this state to persons who are not residents of this state. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 255:

YEAS—42.

NAYS—None.

Assembly Bill No. 255 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 258.

Bill read third time.

Remarks by Assemblymen Carrillo and Tolles.

ASSEMBLYMAN CARRILLO:

Assembly Bill 258 declares the legislative intent for the creation of the Nevada Commission for Women as the advancement of women toward full equality in all areas. The bill also requires appointments to the Commission to reflect the diversity of the state insofar as practicable. The measure also allows the Chair, Vice Chair, and other officers to serve one additional term in that capacity beyond the initial one-year term. This bill is effective on July 1, 2017.

ASSEMBLYWOMAN TOLLES:

I wanted to begin today by thanking Governor Sandoval for all he has done on behalf of Nevada women, reactivating this Commission in 2015. It was an inspired move to bring together women from different walks of life, but who have in common a passion to help other Nevadans. I rise in support and urge others to join me.

Roll call on Assembly Bill No. 258:

YEAS—33.

NAYS—Ellison, Hambrick, Hansen, Kramer, Marchant, McArthur, Titus, Wheeler, Woodbury—9.

Assembly Bill No. 258 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 259.

Bill read third time.

Remarks by Assemblymen Thompson, Pickard, Wheeler, and McCurdy.

ASSEMBLYMAN THOMPSON:

Assembly Bill 259 provides for the vacating of certain judgments of conviction and sealing of records related to marijuana. If a person is convicted of a misdemeanor for the possession of one ounce or less of marijuana or other certain offenses involving marijuana, the person may petition the court to vacate the judgment and seal all documents relating to that case.

ASSEMBLYMAN PICKARD:

I rise in reluctant opposition to Assembly Bill 259. I am sympathetic to issues of addiction and recovery, but as an attorney practicing family law, I have seen firsthand the effects that drug abuse has on our families and our young people. Removing consequences of conduct known at the time to be wrong does not help anyone overcome anything. I do not believe it helps those convicted learn from their mistakes, so I am encouraging my colleagues to vote no.

ASSEMBLYMAN WHEELER:

I rise in opposition to Assembly Bill 259. As a former law enforcement officer, let me assure you that retroactively lessening criminal drug offenses will do nothing to make our streets safer. From day one of this legislative session, I have been outspoken on the importance of fighting those who are hooking up our young people on drugs. This legislation only gives them the

opportunity to spend more time prowling our streets and less time thinking about the effects of their actions. I urge my colleagues to vote no.

ASSEMBLYMAN MCCURDY:

We are all familiar with the war on drugs, mandatory minimum sentencing and the effect on our nation's prison population. According to the National Conference of State Legislatures, between 1980 and 2009, there was a 138 percent increase in the arrest rate for possessing or using drugs and a 77 percent increase on the arrest rate for selling or manufacturing drugs. Let us be clear: A.B. 259 lays out the legislative groundwork for the changing times in our state. Nevada voted in November to legalize recreational marijuana, and our laws must reflect those results. We have an opportunity to make our criminal justice system fair and equitable for everyone, and I urge all my colleagues to please vote in support of A.B. 259.

Roll call on Assembly Bill No. 259:

YEAS—27.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.

Assembly Bill No. 259 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 260.

Bill read third time.

Remarks by Assemblywoman Tolles.

ASSEMBLYWOMAN TOLLES:

Assembly Bill 260 revises the provisions and penalties for certain acts relating to prostitution. A customer who is found guilty of engaging in prostitution or soliciting prostitution is guilty of a misdemeanor and must pay a mandatory fine. In addition, the court is required to impose a civil penalty on a customer who is found guilty of such an offense. All civil penalties collected are to be used for enforcement and certified treatment programs. Community service may be performed in lieu of all or partial payment of the civil penalty. The court is authorized to discharge the person and dismiss the proceedings against the person upon the person's fulfilling the terms and conditions of the treatment program. The discharge and dismissal may only occur once. This bill is effective on October 1, 2017.

The purpose of this bill is to propose graduated penalties, for the existing crime of solicitation of prostitution, on the customer and allows funds for fines to be used for enforcement and prevention programs. Nevada had the highest number of calls per capita to the National Human Trafficking Hotline in 2015. Although there is much more that needs to be done to assist victims and prosecute traffickers, much of the attention in recent years has been on those two aspects, but little has been done to address the demand side of the equation. Efforts to reduce the demand for the illegal sex trade industry are necessary if the end goal is to reduce the amount of victims that are targeted, recruited, and sold by traffickers. I would urge this body to please support A.B. 260.

Roll call on Assembly Bill No. 260:

YEAS—42.

NAYS—None.

Assembly Bill No. 260 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 262.
Bill read third time.
Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:
Assembly Bill 262 provides that a person who repossesses a vehicle before default or commits any act against a consumer in violation of the Uniform Commercial Code has committed a deceptive trade practice.

The bill also makes changes to provisions related to surety bonds for vehicle and off-highway vehicle sellers and manufacturers. It requires the surety to appoint the Commissioner of Insurance as its agent. Additionally, the bill expands the uses for which a consumer may make a claim against a surety bond of a motor vehicle broker.

Roll call on Assembly Bill No. 262:
YEAS—42.
NAYS—None.
Assembly Bill No. 262 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 267.
Bill read third time.
Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:
Assembly Bill 267 modifies certain provisions relating to claims for occupational illness or disease. The bill allows a claimant with an occupational disease of cancer, lung disease, or heart disease to obtain temporary total disability benefits, regardless of whether the claimant was incapacitated for at least 5 cumulative days within a 20-day period. The bill also provides that if an employer, insurer, or third-party administrator denies an occupational disease claim for lung disease or heart disease and the claimant ultimately prevails, the employer, insurer, or administrator must pay the claimant's reasonable attorney's fees and associated costs. Finally, A.B. 267 restricts the dissemination and use of certain information from physical examinations required to be obtained by firefighters, arson investigators, and police officers.

Roll call on Assembly Bill No. 267:
YEAS—42.
NAYS—None.
Assembly Bill No. 267 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 268.
Bill read third time.
Remarks by Assemblyman Watkins.

ASSEMBLYMAN WATKINS:
Assembly Bill 268 authorizes a person convicted of a felony to file a postconviction petition requesting to pay the cost of a genetic marker analysis. If such a petition is filed, the court is required to order a genetic marker analysis. The petition is subject to the same requirements imposed for a postconviction petition for genetic marker analysis; however, there is no requirement for a hearing on the petition. The petitioner is required to indicate in the petition whether he or she prefers to have a specific forensic laboratory conduct the analysis and to select from certain forensic laboratories in certain circumstances. If the court selects a forensic

laboratory operated outside Nevada to conduct or oversee the genetic marker analysis, the state is authorized to charge the petitioner a reasonable fee for the cataloging of evidence and transferring the evidence to the forensic laboratory. The petitioner who files the petition requesting to pay the cost of the genetic marker analysis is required to pay the cost before the analysis is performed and is not eligible for an exemption from payment.

Roll call on Assembly Bill No. 268:

YEAS—30.

NAYS—Paul Anderson, Ellison, Hambrick, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—12.

Assembly Bill No. 268 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 272.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Assembly Bill 272 authorizes county and city clerks to establish polling places where any registered voter may vote in person on the day of a primary or general election. These sites must be published unless all sites accommodate any eligible voter. For any such polling place, the clerk shall prepare a roster of all eligible voters in the county or city, as applicable.

The clerk may extend the period for early voting through the Sunday before the election day and determine the hours of operation during that time. Election materials may be prepared in the language of a minority group if the clerk determines there is a significant need.

If a tribe submits a request by the deadlines as provided, at least one polling place must be established on an Indian reservation or colony for a primary or general election as well as a temporary branch polling place for early voting. A clerk is not required to establish a polling place under certain circumstances. Any proposed location must satisfy criteria established by the clerk to locate any other polling place. A voter whose signature does not match the roster or signature card may verify identity through other procedures. This bill is effective on July 1, 2017, for the purpose of adopting regulations and performing other preparatory administrative tasks and on January 1, 2018, for all other purposes.

Your hardworking committee on Legislative Operations and Elections worked very hard on the current iteration of your bill to make sure that it was palatable and workable by every stakeholder that we were involving. We worked with the Deputy Secretary of State, Mr. Thorley, and we also worked with the rural clerks as well as the urban clerks of Washoe and Clark Counties. I urge this body to support the measure.

Roll call on Assembly Bill No. 272:

YEAS—31.

NAYS—Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Titus, Wheeler—11.

Assembly Bill No. 272 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 275.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 275 requires Nevada's Department of Education, to the extent money is available, to establish a statewide framework for providing and coordinating integrated student supports for public school students and their families. The bill also makes certain requirements of school districts and charter schools related to integrated student supports.

Roll call on Assembly Bill No. 275:

YEAS—37.

NAYS—Ellison, Krasner, Marchant, McArthur, Titus—5.

Assembly Bill No. 275 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 277.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Assembly Bill 277, in its first reprint, establishes uniform statewide standards for land use planning and zoning with regard to certain lands within or surrounding any national conservation areas in Nevada. Among other provisions, the bill also, one, creates a "Natural Resource Overlay," defined as all parcels located within the boundary of any national conservation area as well as areas of land not more than one-half mile outside the boundary; two, requires a developer to prepare an environmental impact statement for proposed developments; and three, requires a local government to post that impact statement on its website 15 calendar days prior to holding a public hearing to take final action. Finally, the bill repeals certain provisions of two acts, the Spring Mountains National Recreation Area Act and Red Rock Canyon Conservation Area and Adjacent Lands Act.

Roll call on Assembly Bill No. 277:

YEAS—30.

NAYS—Edwards, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Pickard, Titus, Tolles, Wheeler, Woodbury—12.

Assembly Bill No. 277 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 279.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 279 requires the Commissioner of Financial Institutions to adjust by regulation the rates paid by banks and other financial institutions based on a review of the proportional utilization of the resources of the Division of Financial Institutions by banks and other financial institutions as compared to the annual budget approved by the Legislature. Further, the measure requires the Commissioner to publish on the Internet website of the Division by December 31 of each year the amount of the fee for the following year. The bill defines the term "financial institution" to include a depository institution and any other institution or business regulated by the Division. Finally, the bill also requires the Commissioner to examine the accounts of the holder of a license to engage in the business of lending so far as they pertain to the business that is licensed.

Roll call on Assembly Bill No. 279:

YEAS—42.

NAYS—None.

Assembly Bill No. 279 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 282.

Bill read third time.

Remarks by Assemblyman Brooks.

ASSEMBLYMAN BROOKS:

Assembly Bill 282 allows a service member and the spouse of a service member to terminate or suspend contracts for certain services if he or she receives military orders for a change of station or to deploy for 30 days or more and prohibits a service provider from charging penalties or other charges and provides for the reinstatement of these contracts under certain circumstances. Finally, A.B. 282 authorizes a right of action by the service member or the Office of the Attorney General for violations of the provisions of the bill.

Roll call on Assembly Bill No. 282:

YEAS—42.

NAYS—None.

Assembly Bill No. 282 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 286.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 286 authorizes a justice court or municipal court to establish a program for the treatment of veterans and members of the military who are charged with first misdemeanor offenses of battery that constitute domestic violence or driving under the influence of alcohol or drugs. The court must attempt to determine whether a defendant qualifies for the program as soon as possible after the person is arrested or cited.

We do have the support of at least some of the district attorneys on this and we have worked very hard to get this bill into a place where everyone can support it.

Roll call on Assembly Bill No. 286:

YEAS—42.

NAYS—None.

Assembly Bill No. 286 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 292.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 292 requires notification of the parents or guardians of a student before any interview of the student is conducted in relation to an investigation of a report of bullying. The

bill also requires a principal or his or her designee to submit a monthly report to the principal's direct supervisor regarding bullying incidents. A similar report must be submitted each quarter by the principal's supervisor to the Office for a Safe and Respectful Learning Environment. Finally, A.B. 292 requires a school district board of trustees to assign a bullied student to another school upon request from the student's parent or guardian. This bill is effective on July 1, 2017.

The notification of the parents or guardians of a pupil that precedes an interview is only to advise the parents or guardians that the pupil will be interviewed.

Roll call on Assembly Bill No. 292:

YEAS—31.

NAYS—Edwards, Ellison, Hambrick, Hansen, Kramer, Marchant, McArthur, Oscarson, Pickard, Titus, Woodbury—11.

Assembly Bill No. 292 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 294.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

In the first reprint, the bill requires that an accommodations facilitator who arranges for the rental of transient lodging as defined under county or city ordinances and who collects the charge for the rental must additionally collect and remit the applicable room taxes to the applicable county or city where the rental occurs.

This is enabling language for local governments, and if they decide to pass the ordinance, then it creates uniformity statewide on how the taxes are collected.

Roll call on Assembly Bill No. 294:

YEAS—29.

NAYS—Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler—13.

Assembly Bill No. 294 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 297.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 297 requires each board of county commissioners to designate at least one sheriff's office, and each city and town to designate at least one police station, as a site at which two or more persons may meet to complete the sale of personal property that was initiated on the Internet. The bill bars any action against a county, a city, a law enforcement agency, or any employee of those entities based on any incident that occurs when two or more persons meet at a designated location to complete such a sale.

Roll call on Assembly Bill No. 297:

YEAS—42.

NAYS—None.

Assembly Bill No. 297 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 299.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Assembly Bill 299 requires the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs to conduct a study during the 2017-2018 interim concerning standards of training for unlicensed persons who provide care at certain facilities or homes or through certain agencies. In addition, the bill requires the Committee to study the creation of a competency evaluation for a person who receives such training concerning the provision of care.

Roll call on Assembly Bill No. 299:

YEAS—42.

NAYS—None.

Assembly Bill No. 299 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 301.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 301 provides, with limited exceptions, that communications made between parties during a peer support counseling session are confidential. The bill creates a testimonial privilege allowing, with limited exceptions, a counselor or participant in a peer support counseling session to refuse to disclose or prevent another party from disclosing any communication made during a peer support counseling session.

Roll call on Assembly Bill No. 301:

YEAS—42.

NAYS—None.

Assembly Bill No. 301 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 304.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 304 requires the Autism Treatment Assistance Program within the Aging and Disabilities Services Division of the Department of Health and Human Services to provide and coordinate services for certain individuals who are “diagnosed or determined” to have an autism spectrum disorder. In addition, the measure revises the definition of the term “autism spectrum disorder.”

Roll call on Assembly Bill No. 304:

YEAS—42.

NAYS—None.

Assembly Bill No. 304 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 307.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Assembly Bill 307 requires a host organization in Clark and Washoe Counties to obtain a special event permit or approval from the local governmental entity with jurisdiction where the special event is to be held. Before issuing a special event permit or order, the local governmental entity is required to hold a hearing to determine the emergency medical resources that must be made available at the special event and to establish any standards to assist the host organization in complying with the requirements. The special event permit or order issued must specify emergency medical resources that are required to be provided by the host organization and any services that the local governmental entity will provide. In addition, the host organization is required to pay the local governmental entity a reasonable fee for processing and issuing a special event permit or order and for providing certain services specified in the special event permit or order. Finally, the bill establishes additional emergency medical resources that must be provided for certain special events that are expected to attract a certain number of people. The bill is effective on July 1, 2017.

Roll call on Assembly Bill No. 307:

YEAS—42.

NAYS—None.

Assembly Bill No. 307 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 310.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Assembly Bill 310 requires the board of county commissioners in certain counties where the salary of a public administrator is not set by law to set and pay the annual compensation of a public administrator for certain costs and expenses. This bill also authorizes such public administrators to retain all fees provided by law.

Roll call on Assembly Bill No. 310:

YEAS—41.

NAYS—Carrillo.

Assembly Bill No. 310 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 312.

Bill read third time.

Remarks by Assemblywoman Miller.

ASSEMBLYWOMAN MILLER:

Assembly Bill 312 requires the State Board of Education to develop certain nonbinding recommendations for student-to-teacher ratios for kindergarten through grade 12. A school district board of trustees must consider the recommendations in establishing the student-to-teacher ratio in the district. This bill is effective on July 1, 2017.

Roll call on Assembly Bill No. 312:

YEAS—39.

NAYS—Marchant, McArthur, Titus—3.

Assembly Bill No. 312 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 314.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 314 makes various changes to provisions concerning estates and trusts. Among the topics addressed in this bill are the disposition of assets in a trust; expenses of administration of estates; revival of a prior will; probating a lost or destroyed will; no contest clauses in wills or trusts; heir finders; special administrators and personal representatives of estates; timeframes for closing an estate; inventories and appraisals of estates; noncharitable trusts; and my favorite, the rule against perpetuities. This bill is effective on October 1, 2017.

Roll call on Assembly Bill No. 314:

YEAS—42.

NAYS—None.

Assembly Bill No. 314 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 316.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Assembly Bill 316 revises provisions governing the services provided to an offender prior to an offender's release from prison. The Director of the Department of Corrections is authorized to provide mediation services to the offender and the offender's supporting family and friends and evidence-based or promising practice reentry programs to certain offenders within three months of the offender's release. Lastly, the measure encourages the Director to work with the Governor's Nevada Community Re-Entry Task Force to align statewide reentry strategies and their implementation.

Thousands of inmates are released from our prison system annually. Assembly Bill 316 provides discharge planning that is necessary so we do not further contribute to our homeless population. It gives inmates resources and options to be successful in reintegrating into our communities and, most importantly, in reducing recidivism. I urge your support of Assembly Bill 316.

Roll call on Assembly Bill No. 316:

YEAS—42.

NAYS—None.

Assembly Bill No. 316 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 317.

Bill read third time.

Remarks by Assemblyman McArthur.

ASSEMBLYMAN MCARTHUR:

Assembly Bill 317 prohibits a person from adopting a fictitious name that imitates or causes another person to reasonably believe the fictitious name is the name of, or a name associated with, a government, governmental agency, political subdivision of a government, federally recognized Indian tribe or nation, or any other governmental entity found within this state, another state, or the United States.

Roll call on Assembly Bill No. 317:

YEAS—42.

NAYS—None.

Assembly Bill No. 317 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 319.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 319 creates a new chapter in *Nevada Revised Statutes* relating to guardianships of minors and carries over provisions from existing law, but with certain revisions. The measure sets forth the procedures for the appointment of a guardian, the powers and duties of a guardian, and the termination of the guardianship. This bill is effective on July 1, 2017.

Roll call on Assembly Bill No. 319:

YEAS—42.

NAYS—None.

Assembly Bill No. 319 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that Assembly Bill No. 328 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Benitez-Thompson moved that the Assembly recess until 6:30 p.m.

Motion carried.

Assembly in recess at 4:56 p.m.

ASSEMBLY IN SESSION

At 7 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 452, 202, 364, and 50 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 226 and 242 be taken from their positions on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 452.

Bill read third time.

Remarks by Assemblyman Brooks.

ASSEMBLYMAN BROOKS:

Assembly Bill 452 requires the Legislative Committee on Energy to conduct a study during the 2017-2018 interim concerning energy choice. The study must include consideration of any issue, policy, or requirement identified in Ballot Question No. 3, the Energy Choice Initiative, approved by the voters at the 2016 General Election, and a review of the work of the Governor's Committee on Energy Choice established by the Governor after the voters' approval of the Energy Choice Initiative.

Roll call on Assembly Bill No. 452:

YEAS—41.

NAYS—McArthur.

Assembly Bill No. 452 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 202.

Bill read third time.

Remarks by Assemblywoman Joiner.

ASSEMBLYWOMAN JOINER:

Assembly Bill 202 requires the Legislative Commission to appoint a committee to conduct an interim study concerning the cost and affordability of higher education in Nevada.

Roll call on Assembly Bill No. 202:

YEAS—41.

NAYS—McArthur.

Assembly Bill No. 202 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 364.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 364 directs Nevada's Department of Transportation, in cooperation with Clark County, the City of Las Vegas, the City of Henderson, and the Regional Transportation

Commission of Southern Nevada, to conduct an interim study concerning traffic and safety on the roads, highways, and freeways in the urban eastern part of Clark County. The bill also requires the Department to submit a report of the findings to the Legislature and the Office of the Governor.

Roll call on Assembly Bill No. 364:

YEAS—41.

NAYS—McArthur.

Assembly Bill No. 364 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 50.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 50 increases the amount of fines and civil penalties that may be imposed for violations related to community and public water systems. The cap on civil penalties that may be recovered on behalf of Nevada's Division of Environmental Protection [NDEP] is raised from $5,000 to $25,000 per day. The cap on administrative fines imposed by NDEP is increased from $2,500 to $5,000 per day.

The State Environmental Commission is also authorized to establish regulations for fees necessary to carry out the state's oversight of public water systems and for review of tentative and final subdivision maps by NDEP.

Roll call on Assembly Bill No. 50:

YEAS—31.

NAYS—Bustamante Adams, Edwards, Ellison, Hansen, Krasner, Marchant, McArthur, Neal, Oscarson, Titus, Wheeler—11.

Assembly Bill No. 50 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 320.

Bill read third time.

Remarks by Assemblymen Fumo and Tolles.

ASSEMBLYMAN FUMO:

Assembly Bill 320 requires that certain pupil achievement data must account for 20 percent of an educator's performance evaluation. Such data must be generated from a school or school district where the employee was employed during the period covered by the evaluation. The bill also requires that a postprobationary teacher or administrator who is evaluated as "highly effective" for two consecutive years receive one evaluation in the next two years. Furthermore, with respect to the statewide performance evaluation system, it replaces the performance designation of "minimally effective" with a designation of "developing." Additionally, it provides for peer observations rather than peer evaluations of teachers. Moreover, it adds a member to the Teachers and Leaders Council of Nevada and prohibits the use of the statewide performance evaluation system to evaluate a district administrator who provides direct supervision of a school principal and who also serves as district superintendent. Lastly, the effective date of this bill is July 1, 2017.

ASSEMBLYWOMAN TOLLES:

I want to thank the sponsors of this bill for the intent of this bill. I voted yes in the work session with the hope that some of the concerns of key stakeholders would be addressed. It is

my understanding that the parties are very close, but without the assurance on the agreed upon version, I am reluctantly voting no. I remain hopeful that we will get a second chance to concur after those changes are addressed on the Senate side because I do agree that there need to be changes to the current system.

Roll call on Assembly Bill No. 320:

YEAS—27.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.

Assembly Bill No. 320 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 321.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Assembly Bill 321 authorizes a local government to adopt an ordinance requiring the submission of quarterly reports by an online hosting platform that facilitates the rental of a residential unit or a room or space within a residential unit for the purposes of transient lodging.

Roll call on Assembly Bill No. 321:

YEAS—31.

NAYS—Ellison, Hambrick, Hansen, Kramer, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler—11.

Assembly Bill No. 321 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Assembly Bill No. 324.

Bill read third time.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Assembly Bill 324 amends the provisions governing document preparation services by clarifying the definition of such a service, requiring registration with the Secretary of State. A person who provides document preparation services is prohibited from advertising or representing himself or herself as a paralegal or legal assistant unless they are operating under the direction or supervision of an attorney.

In this building, we often have the conversation about educating the community on how we have a lot of predatory businesses out there. We continuously put in place parameters to protect the community against these predatory businesses, but we did not have a mechanism to go after them because we did not have enough resources at the Secretary of State level. What we are doing now is creating a fund. All the money that is paid into it by document preparation services will automatically and forcefully be used to educate the community and to go after these predatory businesses. Beyond that, we have a lot of people out there in the community advertising themselves as paralegals—they use the word "legal" within the title of their business—but they are not working under the supervision of an attorney, and we are cleaning that up. We are going to get rid of this garbage in the state and hopefully this bill is getting us a step closer to that.

Roll call on Assembly Bill No. 324:

YEAS—41.

NAYS—Titus.

Assembly Bill No. 324 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 211 and 34 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 211.

Bill read third time.

The following amendment was proposed by Assemblywoman Jauregui:

Amendment No. 626.

AN ACT relating to labor; increasing the amount of the administrative penalty that may be imposed by the Labor Commissioner for the violation of certain requirements relating to wages and compensation; authorizing the Labor Commissioner, under certain circumstances, to award money to persons harmed by such a violation; requiring the Labor Commissioner to post on an Internet website the business name and address of an employer that willfully violates certain requirements relating to wages and compensation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain requirements and prohibitions concerning the wages and compensation that must be paid to employees. An employer who violates such a requirement or prohibition is guilty of a misdemeanor. In addition to any other penalty or remedy, the Labor Commissioner is authorized to impose an administrative penalty of not more than $5,000. (NRS 608.005-608.195, 608.250-608.290)

Sections 1.3 and 1.4 of this bill increase the maximum amount of the administrative penalty the Labor Commissioner may impose from $5,000 to $10,000 and authorize the Labor Commissioner to award money to a person who is harmed by a violation of the laws relating to wages and compensation if the Labor Commissioner determines that it is in the best interest of this State to do so. **Sections 1.3 and 1.4** also ~~[limit]~~ **provide that** the **person harmed may be awarded an** amount of ~~[the award to]~~ **money deemed appropriate to compensate for** the wages and benefits lost as a result of the violation ~~[or the amount of the proceeds of]~~ **, but not to exceed the amount of** the administrative penalty recovered **.** ~~[, whichever is less.]~~ Additionally, **sections 1.3 and 1.4** require the Labor Commissioner to post the business name and address of any employer determined by the Labor Commissioner to have willfully violated the requirements and prohibitions concerning the wages that must be paid to employees on the Labor Commissioner's Internet website.

This bill also requires the Labor Commissioner to post on the Internet website the name and business address of an employer who willfully violates certain labor laws. **Sections 1.3 and 1.4** also authorize the Labor Commissioner to adopt regulations to carry out the provisions of these sections.

Section 1.1 of this bill requires all money collected by the Labor Commissioner as an administrative penalty imposed pursuant to **sections 1.3 and 1.4** of this bill to be accounted for separately and used only for awards to persons who were harmed by a violation of the laws governing wages and compensation. **Sections 2, 2.3 and 2.5** of this bill make conforming changes to reflect the other changes in the bill. **Section 3** of this bill provides that the provisions of this bill apply to any actions and proceedings brought before a final decision has been rendered in the action or proceeding.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 1.1. NRS 607.160 is hereby amended to read as follows:

607.160 1. The Labor Commissioner:

(a) Shall enforce all labor laws of the State of Nevada:

(1) Without regard to whether an employee or worker is lawfully or unlawfully employed; and

(2) The enforcement of which is not specifically and exclusively vested in any other officer, board or commission.

(b) May adopt regulations to carry out the provisions of paragraph (a).

2. If the Labor Commissioner has reason to believe that a person is violating or has violated a labor law or regulation, the Labor Commissioner may take any appropriate action against the person to enforce the labor law or regulation whether or not a claim or complaint has been made to the Labor Commissioner concerning the violation.

3. Before the Labor Commissioner may enforce an administrative penalty against a person who violates a labor law or regulation, the Labor Commissioner must provide the person with notice and an opportunity for a hearing as set forth in NRS 607.207.

4. In determining the amount of any administrative penalty to be imposed against a person who violates a labor law or regulation, the Labor Commissioner shall consider the person's previous record of compliance with the labor laws and regulations and the severity of the violation.

5. All money collected by the Labor Commissioner as an administrative penalty must be deposited in the State General Fund. ***Money collected as an administrative penalty imposed pursuant to section 1.3 or 1.4 of this act must be accounted for separately and used only for awards made by the Labor Commissioner pursuant to sections 1.3 and 1.4 of this act.***

6. The actions and remedies authorized by the labor laws are cumulative. If a person violates a labor law or regulation, the Labor Commissioner may

seek a civil remedy, impose an administrative penalty or take other administrative action against the person whether or not the person is prosecuted, convicted or punished for the violation in a criminal proceeding. The imposition of a civil remedy, an administrative penalty or other administrative action against the person does not operate as a defense in any criminal proceeding brought against the person.

7. If, after due inquiry, the Labor Commissioner believes that a person who is financially unable to employ counsel has a valid and enforceable claim for wages, commissions or other demands, the Labor Commissioner may present the facts to the Attorney General. The Attorney General shall prosecute the claim if the Attorney General determines that the claim is valid and enforceable.

Sec. 1.2. Chapter 608 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.4 of this act.

Sec. 1.3. ***1. If an employer violates any provision of this section and NRS 608.005 to 608.195, inclusive, or any regulation adopted pursuant thereto, the Labor Commissioner, in addition to any other remedy or penalty, may impose against the employer an administrative penalty of not more than $10,000 for each such violation.***

2. Upon receipt of the proceeds of an administrative penalty imposed pursuant to subsection 1, the Labor Commissioner may, if he or she determines that it is in the best interest of this State, award to a person harmed by the violation for which the administrative penalty was imposed an amount of money [that is equal to the lesser of:

(a) Three times the amount of] deemed appropriate by the Labor Commissioner to compensate the person for the wages and benefits lost as a result of the violation [; or

(b) The] , but not to exceed the amount of [the proceeds of] the administrative penalty.

3. If the Labor Commissioner determines that an employer's violation of NRS 608.005 to 608.195, inclusive, or any regulation adopted pursuant thereto was willful, the Labor Commissioner shall post the business name and address of the employer on an Internet website maintained by the Labor Commissioner.

4. The Labor Commissioner may adopt regulations to carry out the provisions of this section.

Sec. 1.4. ***1. If an employer violates any provision of NRS 608.250 or any regulation adopted pursuant thereto, the Labor Commissioner, in addition to any other remedy or penalty, may impose against the employer an administrative penalty of not more than $10,000 for each such violation.***

2. Upon receipt of the proceeds of an administrative penalty imposed pursuant to subsection 1, the Labor Commissioner may, if he or she determines that it is in the best interest of this State, award to a person harmed by the violation for which the administrative penalty was imposed an amount of money [that is equal to the lesser of:

~~*(a) Three times the amount of]*~~ *deemed appropriate by the Labor Commissioner to compensate the person for the wages and benefits lost as a result of the violation* ~~*[; or*~~

~~*(b) The]*~~ *, but not to exceed the amount of* ~~*[the proceeds of]*~~ *the administrative penalty.*

3. If the Labor Commissioner determines that an employer's violation of NRS 608.250 or any regulation adopted pursuant thereto was willful, the Labor Commissioner shall post the business name and address of the employer on an Internet website maintained by the Labor Commissioner.

4. The Labor Commissioner may adopt regulations to carry out the provisions of this section.

Sec. 2. NRS 608.180 is hereby amended to read as follows:

608.180 The Labor Commissioner or the representative of the Labor Commissioner shall cause the provisions of NRS 608.005 to 608.195, inclusive, ***and section 1.3 of this act*** to be enforced, and upon notice from the Labor Commissioner or the representative:

1. The district attorney of any county in which a violation of those sections has occurred;
2. The Deputy Labor Commissioner, as provided in NRS 607.050;
3. The Attorney General, as provided in NRS 607.160 or 607.220; or
4. The special counsel, as provided in NRS 607.065,

➥ shall prosecute the action for enforcement according to law.

Sec. 2.3. NRS 608.195 is hereby amended to read as follows:

608.195 ~~[1.]~~ Except as otherwise provided in NRS 608.0165, any person who violates any provision of NRS 608.005 to 608.195, inclusive, ***and section 1.3 of this act*** or any regulation adopted pursuant thereto, is guilty of a misdemeanor.

~~[2. In addition to any other remedy or penalty, the Labor Commissioner may impose against the person an administrative penalty of not more than $5,000 for each such violation.]~~

Sec. 2.5. NRS 608.290 is hereby amended to read as follows:

608.290 ~~[1.]~~ Any person who violates any provision of NRS 608.250 or any regulation adopted pursuant thereto is guilty of a misdemeanor.

~~[2. In addition to any other remedy or penalty, the Labor Commissioner may impose against the person an administrative penalty of not more than $5,000 for each such violation.]~~

Sec. 3. The provisions of this act apply to any action or proceeding brought pursuant to chapter 608 of NRS in which a final decision has not been rendered before, on or after July 1, 2017.

Sec. 4. This act becomes effective on July 1, 2017.

Assemblywoman Jauregui moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 34.

Bill read third time.

The following amendment was proposed by Assemblywoman Swank:

Amendment No. 627.

AN ACT relating to government land; reducing the number of independent appraisals of state land required before such land may be offered for sale or lease; revising certain restrictions on the performance of an appraisal of certain government land by an appraiser; revising provisions relating to the Revolving Account for Land Management; removing an exemption from procedural requirements for the sale or lease of state land for a lease of residential property with a term of 1 year or less; revising provisions relating to the requirement that the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources develop and make certain information useful to land use planning available to cities and counties; ~~[revising provisions relating to the lease of state land for less than fair market value to certain persons who intend to locate or expand a business in this State;]~~ repealing obsolete provisions regarding the Lincoln County Pilot Land Development and Disposal Law; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Division of State Lands of the State Department of Conservation and Natural Resources must acquire and hold in the name of the State all land and interests in land owned or required by the State, with certain exceptions. (NRS 321.001) The Administrator of the Division is, ex officio, the State Land Registrar. (NRS 321.010)

Existing law requires, with certain exceptions, the State Land Registrar to obtain two independent appraisals of any state land before offering the land for sale or lease. (NRS 321.007) **Section 1** of this bill decreases to one the number of independent appraisals that the State Land Registrar is required to obtain before offering state land for sale or lease.

Existing law also prohibits an appraiser from appraising state land if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the land or an adjoining property. **Section 1** expands the prohibited degree of consanguinity or affinity of the appraiser's relative to the third degree of consanguinity or affinity.

Existing law creates the Revolving Account for Land Management as a special account in the State General Fund. Money in the Account must be used to pay the expenses relating to the management of land held by the Division of State Lands, including, without limitation, expenses for appraisals and surveys, construction of fences and barriers for vehicles and the cleanup and maintenance of the land. (NRS 321.067) **Section 2** of this bill authorizes money in the Account also to be used to pay expenses relating to the acquisition of or interests in land. **Section 2** also provides that the expenses for which money in the Account may be used may include land surveys, required assessments of the land, including surveys of the

biological, environmental and cultural conditions and resources of the land, and any required mitigation of the land.

Existing law authorizes the State Land Registrar to request an allocation to the Revolving Account from the Contingency Account in the State General Fund if the balance in the Revolving Account is below $5,000. **Section 2** of this bill raises that amount to $20,000.

Existing law provides procedural requirements for the sale or lease of state land and exempts from those requirements any lease of residential property with a term of 1 year or less. (NRS 321.335) **Section 3** of this bill removes that exemption.

Existing law requires the Administrator of the Division of State Lands to: (1) administer the activities of the State Land Use Planning Agency; and (2) develop and distribute information that is useful to land use planning. Existing law also gives priority to the activities of the State Land Use Planning Agency in the provision of technical assistance in areas of this State where such assistance is requested. (NRS 321.710) **Section 3.5** of this bill limits the entities to which priority in the provision of technical assistance must be given to counties and cities.

Existing law requires the Administrator of the Division of State Lands to develop and make available to cities and counties certain specified information useful to land use planning. (NRS 321.720) **Section 4** of this bill removes the requirement that the Administrator develop and make available to cities and counties: (1) statewide data relating to population densities and trends, economic and environmental characteristics and trends, and directions and extent of urban and rural growth; (2) projections of the nature and quantity of land needed and suitable for various purposes; and (3) a continuously revised inventory of the environmental, geological and physical conditions which influence the desirability of various uses of land. **Section 4** also requires the Administrator, to the extent practicable, to compile the information developed and make the compilation available to counties and cities.

~~**[**Existing law authorizes, if certain requirements are fulfilled, the lease of state land for less than the fair market value of the land for the first year of the lease if the lessee intends to locate or expand a business in this State. (NRS 322.061) Section 5 of this bill removes a number of the requirements that must be fulfilled, including requirements relating to the number of employees of the business, the capital investment in this State by the business, the average hourly wage paid by the business to employees in this State and the benefits provided by the business.**]**~~

Existing law prohibits an appraiser who appraises any real property that is offered for sale or lease by a board of county commissioners or the governing body of an incorporated city from conducting the appraisal if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the real property or an adjoining property. (NRS 244.2795, 268.059) **Sections 6 and 7** of this bill expand the prohibited

degree of consanguinity or affinity of the person from the first degree of consanguinity or affinity to the third degree of consanguinity or affinity and, in certain circumstances, the second degree of consanguinity or affinity.

Section 9 of this bill repeals obsolete provisions relating to the Lincoln County Pilot Land Development and Disposal Law. (NRS 321.540-321.590)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 321.007 is hereby amended to read as follows:

321.007 1. Except as otherwise provided in subsection 5, NRS 321.008, 322.061, 322.063, 322.065 or 322.075, except as otherwise required by federal law, except for land that is sold or leased to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for land that is sold or leased to a state or local governmental entity, except for a lease which is part of a contract entered into pursuant to chapter 333 of NRS and except for land that is sold or leased pursuant to an agreement entered into pursuant to NRS 277.080 to 277.170, inclusive, when offering any land for sale or lease, the State Land Registrar shall:

(a) ~~[~~Except as otherwise provided in this paragraph, obtain two~~]~~ ***Obtain an*** independent ~~[~~appraisals~~]~~ ***appraisal*** of the land before selling or leasing it. ~~[~~If the Interim Finance Committee grants its approval after discussion of the fair market value of the land, one independent appraisal of the land is sufficient before selling or leasing it.~~]~~ The appraisal ~~[~~or appraisals, as applicable,~~]~~ must have been prepared not more than 6 months before the date on which the land is offered for sale or lease.

(b) Notwithstanding the provisions of chapter 333 of NRS, select ~~[~~the one~~]~~ ***an*** independent appraiser ~~[~~or two independent appraisers, as applicable,~~]~~ from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of ~~[~~each~~]~~ ***an*** appraiser selected pursuant to paragraph (b). The determination of the State Land Registrar as to the qualifications of an appraiser is conclusive.

2. The State Land Registrar shall adopt regulations for the procedures for creating or amending a list of appraisers qualified to conduct appraisals of land offered for sale or lease by the State Land Registrar. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the land that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income of the appraiser that may constitute a conflict of interest and any relationship of the appraiser with the owner of the land or the owner of an adjoining property.

4. An appraiser shall not perform an appraisal on any land offered for sale or lease by the State Land Registrar if the appraiser or a person related to

the appraiser within the ~~[first]~~ ***third*** degree of consanguinity or affinity has an interest in the land or an adjoining property.

5. If a lease of land is for residential property and the term of the lease is 1 year or less, the State Land Registrar shall obtain an analysis of the market value of similar rental properties prepared by a licensed real estate broker or salesperson when offering such a property for lease.

6. If land is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the land is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 2. NRS 321.067 is hereby amended to read as follows:

321.067 1. The Revolving Account for Land Management is hereby created as a special account in the State General Fund.

2. The State Land Registrar shall use the money in the ***Revolving*** Account to pay the expenses related to the management of land held by the Division ~~[,]~~ ***and the acquisition of or interests in land,*** including, without limitation, expenses for:

(a) Appraisals and ***land*** surveys;

(b) ***Required environmental assessments of the land, including, without limitation, surveys of the biological, environmental and cultural conditions and resources of the land;***

(c) Construction of fences and barriers for vehicles; ~~[and~~

~~(c)]~~ ***(d)*** The cleanup and maintenance of the land ~~[.]~~ ***; and***

(e) Any mitigation required of the land.

3. The State Land Registrar shall:

(a) Approve any disbursement from the Revolving Account; and

(b) Maintain records of any such disbursement.

4. The State Land Registrar shall deposit into the Revolving Account money received by the Division as a donation or as a reimbursement for or advance payment of an expense paid out of the Revolving Account.

5. The balance of the Revolving Account must be carried forward at the end of each fiscal year.

6. If the balance in the account is below ~~[$5,000,]~~ ***$20,000,*** the State Land Registrar may request an allocation from the Contingency Account in the State General Fund pursuant to NRS 353.266, 353.268 and 353.269.

Sec. 3. NRS 321.335 is hereby amended to read as follows:

321.335 1. Except as otherwise provided in NRS 321.008, 321.125, 322.061, 322.063, 322.065 or 322.075, except as otherwise required by federal law, except for land that is sold or leased to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for land that is sold or leased to a state or local governmental entity, except for a lease which is part of a contract entered into pursuant to chapter 333 of NRS and except for an agreement entered into pursuant to the provisions of NRS 277.080 to 277.170, inclusive, ~~[or a lease of residential property with a term of 1 year or~~

~~less,~~] after April 1, 1957, all sales or leases of any lands that the Division is required to hold pursuant to NRS 321.001, including lands subject to contracts of sale that have been forfeited, are governed by the provisions of this section.

2. Whenever the State Land Registrar deems it to be in the best interests of the State of Nevada that any lands owned by the State and not used or set apart for public purposes be sold or leased, the State Land Registrar may, with the approval of the State Board of Examiners and the Interim Finance Committee, cause those lands to be sold or leased upon sealed bids, or oral offer after the opening of sealed bids for cash or pursuant to a contract of sale or lease, at a price not less than the highest appraised value for the lands plus the costs of appraisal and publication of notice of sale or lease.

3. Before offering any land for sale or lease, the State Land Registrar shall comply with the provisions of NRS 321.007.

4. After complying with the provisions of NRS 321.007, the State Land Registrar shall cause a notice of sale or lease to be published once a week for 4 consecutive weeks in a newspaper of general circulation published in the county where the land to be sold or leased is situated, and in such other newspapers as the State Land Registrar deems appropriate. If there is no newspaper published in the county where the land to be sold or leased is situated, the notice must be so published in a newspaper published in this State having a general circulation in the county where the land is situated.

5. The notice must contain:

(a) A description of the land to be sold or leased;

(b) A statement of the terms of sale or lease;

(c) A statement that the land will be sold pursuant to subsection 6; and

(d) The place where the sealed bids will be accepted, the first and last days on which the sealed bids will be accepted, and the time when and place where the sealed bids will be opened and oral offers submitted pursuant to subsection 6 will be accepted.

6. At the time and place fixed in the notice published pursuant to subsection 4, all sealed bids which have been received must, in public session, be opened, examined and declared by the State Land Registrar. Of the proposals submitted which conform to all terms and conditions specified in the notice published pursuant to subsection 4 and which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral offer is accepted or the State Land Registrar rejects all bids and offers. Before finally accepting any written bid, the State Land Registrar shall call for oral offers. If, upon the call for oral offers, any responsible person offers to buy or lease the land upon the terms and conditions specified in the notice, for a price exceeding by at least 5 percent the highest written bid, then the highest oral offer which is made by a responsible person must be finally accepted.

7. The State Land Registrar may reject any bid or oral offer to purchase or lease submitted pursuant to subsection 6, if the State Land Registrar deems the bid or offer to be:

(a) Contrary to the public interest.

(b) For a lesser amount than is reasonable for the land involved.

(c) On lands which it may be more beneficial for the State to reserve.

(d) On lands which are requested by the State of Nevada or any department, agency or institution thereof.

8. Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of sale specified in the notice of sale, the State Land Registrar shall convey title by quitclaim or cause a patent to be issued as provided in NRS 321.320 and 321.330.

9. Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of lease specified in the notice of lease, the State Land Registrar shall enter into a lease agreement with the person submitting the accepted bid or oral offer pursuant to the terms of lease specified in the notice of lease.

10. The State Land Registrar may require any person requesting that state land be sold pursuant to the provisions of this section to deposit a sufficient amount of money to pay the costs to be incurred by the State Land Registrar in acting upon the application, including the costs of publication and the expenses of appraisal. This deposit must be refunded whenever the person making the deposit is not the successful bidder. The costs of acting upon the application, including the costs of publication and the expenses of appraisal, must be borne by the successful bidder.

11. If land that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the land, the State Land Registrar may offer the land for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the land, the State Land Registrar must **[**~~, as applicable,~~**]** obtain a new appraisal **[**~~or new appraisals~~**]** of the land pursuant to the provisions of NRS 321.007 before offering the land for sale or lease a second time. If land that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the land, the State Land Registrar may list the land for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the land or an adjoining property.

Sec. 3.5. NRS 321.710 is hereby amended to read as follows:

321.710 1. The Administrator shall administer the activities of the State Land Use Planning Agency. The Administrator has authority and responsibility for the development and distribution of information useful to land use planning.

2. The activities of the State Land Use Planning Agency which have priority are:

(a) Provision of technical assistance ***to a county or city*** in areas where such assistance is requested;

(b) Activities relating to federal lands in this State; and

(c) Investigation and review of proposals for designation of areas of critical environmental concern and the development of standards and plans therefor.

3. In addition to the assistant provided by subsection 3 of NRS 321.010 the Administrator may appoint, subject to the availability of money, such professional, technical, administrative, clerical and other persons as the Administrator may require for assistance in performing his or her land use planning duties.

Sec. 4. NRS 321.720 is hereby amended to read as follows:

321.720 ***1.*** The Administrator shall develop and make available to cities and counties information useful to land use planning, including:

~~[~~1.~~]~~ ***(a)*** Preparation and continuing revision of a statewide inventory of the land and natural resources of the State;

~~[~~2. Compilation and continuing revision of data, on a statewide basis, related to population densities and trends, economic characteristics and projections, environmental conditions and trends, and directions and extent of urban and rural growth;

3. Projections of the nature and quantity of land needed and suitable for:

(a) Recreation and esthetic appreciation;

(b) Conservation and preservation of natural resources, agriculture, mineral development and forestry;

(c) Industry and commerce, including the development, generation and transmission of energy;

(d) Transportation;

(e) Urban development, including the revitalization of existing communities, the development of new towns, and the economic diversification of existing communities which possess a narrow economic base;

(f) Rural development, taking into consideration future demands for and limitations upon products of the land; and

(g) Health, educational, and other state and local governmental services;

4. Preparation and continuing revision of an inventory of environmental, geological and physical conditions, including types of soil, which influence the desirability of various uses of land;

5.~~]~~ ***(b)*** Preparation and continuing revision of an inventory of state, local government and private needs and priorities concerning the acquisition and use of federal lands within the State;

~~[~~6.~~]~~ ***(c)*** Preparation and continuing revision of an inventory of public and private institutional and financial resources available for land use planning

and management within the State and of state and local programs and activities which have a land use impact of more than local concern;

~~[7.]~~ ***(d)*** Provision, where appropriate, of technical assistance and training programs for state and local agency personnel concerned with the development and implementation of state and local land use programs;

~~[8.]~~ ***(e)*** Coordination and exchange of land use planning information and data among state agencies and local governments, with the Federal Government, among the several states and interstate agencies, and with members of the public, including conducting of public hearings, preparation of reports and soliciting of comments on reports concerning information useful to land use planning;

~~[9.]~~ ***(f)*** Coordination of planning for state and local acquisition and use of federal lands within the State, except that in the case of a plan which utilizes both federal and private lands the governing body of the area where private lands are to be utilized has final authority to approve the proposal;

~~[10.]~~ ***(g)*** Provision of assistance to counties to develop programs to increase the responsibility of local governments for the management of lands in the State of Nevada that are under federal management; and

~~[11.]~~ ***(h)*** Consideration of, and consultation with, the relevant states on the interstate aspects of land use issues of more than local concern.

2. To the extent practicable, the Administrator shall:

(a) Compile any information developed pursuant to subsection 1; and

(b) Make the compilation available to cities and counties.

Sec. 5. ~~[~~NRS 322.061 is hereby amended to read as follows:

~~322.061 1. The Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources, as ex officio State Land Registrar, may lease state land pursuant to NRS 322.060 for less than the fair market value of the state land for the first year of the lease, including, without limitation, without the payment of rent for the first year of the lease, to a person who intends to locate or expand a business in this State if [, except as otherwise provided in subsection 5,] the business meets the requirements of subsection 4.~~

~~2. Before state land may be leased pursuant to this section, the following persons must approve the lease and establish the recommended amount of rent to be received for the state land:~~

~~(a) The Administrator of the Division of State Lands, as ex officio State Land Registrar;~~

~~(b) The Administrator of the State Public Works Division of the Department of Administration; and~~

~~(c) The Executive Director of the Office of Economic Development.~~

~~3. Any lease entered into pursuant to this section must be for a term of at least 10 years.~~

~~4. [Except as otherwise provided in subsection 5, the]~~ ***The*** ~~lease or agreement may not include a discount to the business for the first year unless:~~

~~(a) The business is consistent with:~~

~~(1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and~~

~~(2) Any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.~~

~~(b) The business is registered pursuant to the laws of this State or the person who intends to locate or expand the business in this State commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.~~

~~[(c) If the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business meets at least two of the following requirements:~~

~~(1) The business will have 75 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.~~

~~(2) Establishing the business will require the business to make a capital investment of at least $1,000,000 in this State.~~

~~(3) The average hourly wage that will be paid by the new business to its new employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:~~

~~(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and~~

~~(II) The benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office.~~

~~(d) If the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000, the business meets at least two of the following requirements:~~

~~(1) The business will have 15 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.~~

~~(2) Establishing the business will require the business to make a capital investment of at least $250,000 in this State.~~

~~(3) The average hourly wage that will be paid by the new business to its new employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:~~

~~(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and~~

~~(II) The benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office.~~

~~(e) If the business is an existing business, the business meets at least two of the following requirements:~~

~~(1) The business will increase the number of employees on its payroll by 10 percent more than it employed in the immediately preceding fiscal year or by six employees, whichever is greater.~~

~~(2) The business will expand by making a capital investment in this State in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the immediately preceding fiscal year. The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:~~

~~(I) County assessor of the county in which the business will expand, if the business is locally assessed; or~~

~~(II) The Department of Taxation, if the business is centrally assessed.~~

~~(3) The average hourly wage that will be paid by the existing business to its new employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:~~

~~(I) The business will provide a health insurance plan for all new employees that includes an option for health insurance coverage for dependents of the employees; and~~

~~(II) The benefits the business provides to its new employees in this State will meet the minimum requirements for benefits established by the Office.~~

~~(f) In lieu of meeting the requirements of paragraph (c), (d) or (e), if the business furthers the development and refinement of intellectual property, a patent or a copyright into a commercial product, the business meets at least two of the following requirements:~~

~~(1) The business will have 10 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.~~

~~(2) Establishing the business will require the business to make a capital investment of at least $500,000 in this State.~~

~~(3) The average hourly wage that will be paid by the new business to its employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:~~

~~(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and~~

~~(II) The benefits the business provides to its employees in this State will meet with minimum requirements established by the Office.~~

~~5. The Executive Director of the Office of Economic Development may waive the requirements of subsection 4 for good cause shown if the lease is for state land of less than 25,000 square feet.~~**]]** **(Deleted by amendment.)**

Sec. 6. NRS 244.2795 is hereby amended to read as follows:

244.2795 1. Except as otherwise provided in NRS 244.189, 244.276, 244.279, 244.2815, 244.2825, 244.2833, 244.2835, 244.284, 244.287, 244.290, 278.479 to 278.4965, inclusive, and subsection 3 of NRS 496.080, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for the sale or lease of real property to the State or another governmental entity and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election or special election, the board of county commissioners shall, when offering any real property for sale or lease:

(a) Except as otherwise provided in this paragraph, obtain two independent appraisals of the real property before selling or leasing it. If the board of county commissioners holds a public hearing on the matter of the fair market value of the real property, one independent appraisal of the real property is sufficient before selling or leasing it. The appraisal or appraisals, as applicable, must have been prepared not more than 6 months before the date on which the real property is offered for sale or lease.

(b) Select the one independent appraiser or two independent appraisers, as applicable, from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the board of county commissioners as to the qualifications of the appraiser is conclusive.

2. The board of county commissioners shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the board. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income that may constitute a conflict of interest and any relationship with the real property owner or the owner of an adjoining real property.

4. An appraiser shall not perform an appraisal on any real property for sale or lease by the board of county commissioners if ~~[~~the~~]~~ ***:***

(a) The appraiser ~~[~~or a person related to the appraiser within the first degree of consanguinity or affinity~~]~~ has an interest in the real property or an adjoining property ~~[.]~~ ***;***

(b) The real property is located in a county whose population is 45,000 or more and any person who is related to the appraiser has an interest in the real property or an adjoining property and the relationship between the appraiser and the person is within the third degree of consanguinity or affinity; or

(c) The real property is located in a county whose population is less than 45,000 and any person who is related to the appraiser has an interest in the real property or an adjoining property and the relationship between the appraiser and the person is within the second degree of consanguinity or affinity.

5. If real property is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 7. NRS 268.059 is hereby amended to read as follows:

268.059 1. Except as otherwise provided in NRS 268.048 to 268.058, inclusive, 268.064, 278.479 to 278.4965, inclusive, and subsection 4 of NRS 496.080, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for the sale or lease of real property to the State or another governmental entity and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, primary or general city election or special election, the governing body shall, when offering any real property for sale or lease:

(a) Except as otherwise provided in this paragraph, obtain two independent appraisals of the real property before selling or leasing it. If the governing body holds a public hearing on the matter of the fair market value of the real property, one independent appraisal of the real property is sufficient before selling or leasing it. The appraisal or appraisals, as applicable, must be based on the zoning of the real property as set forth in the master plan for the city and must have been prepared not more than 6 months before the date on which real property is offered for sale or lease.

(b) Select the one independent appraiser or two independent appraisers, as applicable, from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the governing body as to the qualifications of the appraiser is conclusive.

2. The governing body shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the governing body. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income of the appraiser that may constitute a conflict of interest and any relationship of the appraiser with the property owner or the owner of an adjoining property.

4. An appraiser shall not perform an appraisal on any real property offered for sale or lease by the governing body if ~~[~~the~~]~~ ***:***

(a) The appraiser ~~[~~or a person related to the appraiser within the first degree of consanguinity or affinity~~]~~ has an interest in the real property or an adjoining property ~~[.]~~ ***;***

(b) The real property is located in a city in a county whose population is 45,000 or more and any person who is related to the appraiser has an interest in the real property or an adjoining property and the relationship between the appraiser and the person is within the third degree of consanguinity or affinity; or

(c) The real property is located in a city in a county whose population is less than 45,000 and any person who is related to the appraiser has an interest in the real property or an adjoining property and the relationship between the appraiser and the person is within the second degree of consanguinity or affinity.

5. If real property is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 8. The amendatory provisions of NRS 244.2795, 268.059 and 321.007, as amended by sections 6, 7 and 1, respectively, of this act do not apply to an appraisal specified in those sections which is conducted before July 1, 2017.

Sec. 9. NRS 321.540, 321.550, 321.560, 321.570, 321.580 and 321.590 are hereby repealed.

Sec. 10. This act becomes effective on July 1, 2017.

LEADLINES OF REPEALED SECTIONS

321.540 Short title.

321.550 "Department" defined.

321.560 Acquisition of lands by State Department of Conservation and Natural Resources authorized.

321.570 Powers of State Department of Conservation and Natural Resources concerning development of Lincoln County lands; sale of lands.

321.580 Lincoln County Pilot Land Development and Disposal Fund: Creation; use.

321.590 Lincoln County Pilot Land Development and Disposal Fund: Receipts to be credited; reimbursement of State General Fund.

Assemblywoman Swank moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 334.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Assembly Bill 334, with exceptions, prohibits a driver on a controlled-access highway with two or more lanes for traffic traveling in the same direction to continue to operate a motor vehicle in the extreme left lane if the driver is traveling below the posted speed limits. Exceptions: a vehicle in the left lane for the purpose of overtaking another vehicle preparing for a left turn; a vehicle lawfully operating in a lane designated for a high-occupancy vehicle; a vehicle engaged in the construction—weather, obstruction, hazard, or compliance with official traffic control devices; an authorized emergency vehicle in the course of an officer's duties; a vehicle within the limits of a city or township.

Roll call on Assembly Bill No. 334:

YEAS—35.

NAYS—Fumo, McCurdy, Miller, Monroe-Moreno, Neal, Ohrenschall, Yeager—7.

Assembly Bill No. 334 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 335.

Bill read third time.

Remarks by Assemblyman Edwards.

ASSEMBLYMAN EDWARDS:

Assembly Bill 335 requires, with exceptions, that a person driving a moped travel in the extreme right-hand lane unless making a left-hand turn.

Roll call on Assembly Bill No. 335:

YEAS—42.

NAYS—None.

Assembly Bill No. 335 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 339.

Bill read third time.

Remarks by Assemblyman Marchant.

ASSEMBLYMAN MARCHANT:

Assembly Bill 339 makes changes to certain requirements of the Board of Medical Examiners and the professionals it regulates. The bill authorizes the Board to take possession of a licensee's records in the event of the death, disability, incarceration, or other incapacitation leaving the licensee unable to continue to practice.

The bill requires the Board to adopt policies and procedures relating to the placement of information on its website and clarifies that each applicant for a license must submit a complete set of fingerprints to the Board. Finally, A.B. 339 revises certain requirements related to the reporting of sentinel events arising from certain surgeries. This bill is effective on July 1, 2017.

Roll call on Assembly Bill No. 339:

YEAS—42.

NAYS—None.

Assembly Bill No. 339 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 340.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 340 requires the Director of the Department of Health and Human Services to appoint a committee to research opportunities to increase the availability of diapers and diapering supplies to certain recipients of public assistance and low-income families. The committee is required to submit a report of the results of such research and certain recommendations to the Legislature.

Roll call on Assembly Bill No. 340:

YEAS—41.

NAYS—Krasner.

Assembly Bill No. 340 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 341.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 341 authorizes an attorney who represents a child in a juvenile proceeding to consult and seek appointment from a social worker, a mental health professional, an educator, or any other expert the attorney deems appropriate. In addition, this measure urges the Nevada Supreme Court to adopt rules for attorneys who represent juveniles to ensure effective assistance of counsel in proceedings. These rules may include, but are not limited to, minimum requirements for courses, programs, and continuing legal education in order to provide effective representation of juveniles; standards for professional conduct specific to juvenile justice; and minimum requirements for attorneys who represent juveniles and are employed by the Office of the State Public Defender.

Two thousand seventeen marks the fiftieth anniversary of the United States Supreme Court's decision *In re Gault*. As most of us know, a young man named Gerald Gault was accused of making obscene phone calls to a neighbor's house. His parents came home and he was gone; they did not know where he was. They had to search around and found out he was in a juvenile detention facility. There were no transcripts of his hearing, no attorney. The United States

Supreme Court *In re Gault* ruled that children have the same constitutional rights as an adult would have when there is a chance of deprivation of their liberty. This bill is meant to recognize that fiftieth anniversary of *In re Gault* and to try to seek to provide further protections of juveniles who find themselves in that situation here in our state.

Roll call on Assembly Bill No. 341:

YEAS—42.

NAYS—None.

Assembly Bill No. 341 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 347.

Bill read third time.

Remarks by Assemblywoman Joiner.

ASSEMBLYWOMAN JOINER:

Assembly Bill 347 prohibits a hospital, independent center for emergency care, psychiatric hospital, or surgical center for ambulatory patients from employing a person as a surgical technologist who is not a certified surgical technologist or does not meet certain other qualifications or exemptions.

Roll call on Assembly Bill No. 347:

YEAS—42.

NAYS—None.

Assembly Bill No. 347 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 350.

Bill read third time.

Remarks by Assemblymen Fumo, Edwards, and Carlton.

ASSEMBLYMAN FUMO:

Assembly Bill 350 requires employers within the executive department of state government to provide an in-person orientation to a new employee during the employee's regular work hours within 30 days after the employee's date of hire or within a reasonable time thereafter. Additionally, the bill requires an employing state agency to allow an employee organization that has at least 100 paying members to give a presentation of at least 30 minutes during the orientation. Finally, the bill requires an employing state agency to provide such an employee organization with certain information concerning a newly hired employee and to allow such an employee organization to meet with an employee who is unable to attend the employee orientation within the required time. This bill is effective on July 1, 2017.

ASSEMBLYMAN EDWARDS:

I rise today in opposition to Assembly Bill 350 for a simple reason. This legislation permits an existing public employee union to pitch employees on the perks of joining the union, all on the taxpayer's dime. These types of activities should not be done on the people's time. We in the Legislature should not promote the misuse of our employees' work hours like this. I urge all my colleagues to vote no.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 350. To my colleague from Mesquite, in reference to pitching something on the taxpayer's dime, there are numerous times when for-profit businesses come in to an employees' hall, and they pitch health insurance, care insurance, all different types

of things. So if we are going to allow for-profit businesses to come in and pitch their business to employees, I believe the employees have the right to hear from someone who might actually represent their interests.

Roll call on Assembly Bill No. 350:

YEAS—27.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.

Assembly Bill No. 350 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 356.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 356 Assembly Bill 356 authorizes a prosecuting attorney or an attorney for a defendant to issue subpoenas for an evidentiary hearing. In addition, the measure provides that the production of books, papers, documents, or other objects designated in a subpoena may be utilized as an alternative to an actual appearance before the court. Finally, the measure clarifies that when either party presents to the court any written charges for the jury, the court must provide the charge to the jury if it is determined to be both pertinent and an accurate statement of the law. This measure is effective on July 1, 2017.

Roll call on Assembly Bill No. 356:

YEAS—37.

NAYS—Ellison, Krasner, Marchant, Titus, Wheeler—5.

Assembly Bill No. 356 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 359.

Bill read third time.

Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

Assembly Bill 359 exempts from licensure and regulation as a contractor a nonprofit entity that enters into a contract with the state of Nevada or any political corporation or subdivision of this state to facilitate the repair or maintenance of a property. This bill is effective on July 1, 2017.

Roll call on Assembly Bill No. 359:

YEAS—28.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Wheeler, Woodbury—14.

Assembly Bill No. 359 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 361.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 361 specifies that a person commits a deceptive trade practice if in the course of his or her business or occupation the person charges a fee to update or change a person's records, including billing or credit information. Additionally, A.B. 361 specifies that gift certificates or gift cards issued as part of a promotion must conform to certain requirements related to the expiration date and may not expire less than 90 days after the promotional offer is made. This bill is effective on July 1, 2017.

Roll call on Assembly Bill No. 361:

YEAS—42.

NAYS—None.

Assembly Bill No. 361 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 365.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Assembly Bill 365 grants marriage officiants the authorization and responsibility to perform a marriage. A marriage officiant is defined as a person other than a minister, other church or religious official authorized to solemnize a marriage, or notary public who obtains a certificate of permission to perform marriages. A county clerk is prohibited from authorizing a marriage officiant to solemnize a marriage until the applicant who desires to be a marriage officiant successfully completes a course established by the clerk as provided for in this bill. A county clerk is authorized to establish a program to provide a couple who renew their marriage vows a certificate of vow renewal. The civil penalty is revised for performing marriages that are not authorized by law.

Roll call on Assembly Bill No. 365:

YEAS—41.

NAYS—Titus.

Assembly Bill No. 365 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 375.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 375 authorizes the governing body of a flood management authority, under certain specified circumstances, to adopt a resolution establishing a flood control project needs committee to recommend an imposition of one or more taxes to fund the flood management projects of the flood management authority. If such a committee is established and submits its recommendations to the board of county commissioners no later than April 2, 2018, the board of county commissioners is required to submit a ballot question to the voters at the November 2018 General Election seeking approval of the tax or taxes recommended.

Roll call on Assembly Bill No. 375:

YEAS—39.

NAYS—Marchant, McArthur, Titus—3.

Assembly Bill No. 375 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 376.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 376 requires a criminal complaint to be filed within 72 hours after a person is arrested without an arrest warrant. The measure authorizes 48-hour extensions that could be granted by the magistrate, but only for good cause shown.

During the hearing in front of your Judiciary Committee, there were examples of persons who were arrested on low-level charges and a complaint had not been filed, sometimes for over a week, sometimes longer. This bill will go a long way to remedy that and to make sure that if a charge is going to be filed, it is going to be filed promptly. Prior to this, the definition in statute was "forthwith" and even though forthwith seems very quick to me, it was not always quick in practice.

I do want to thank the Chairman of your Judiciary Committee because he did get everybody together in The Wood Shed and worked out a compromise that was agreeable to all sides.

Roll call on Assembly Bill No. 376:

YEAS—42.

NAYS—None.

Assembly Bill No. 376 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 377.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 377 prohibits a prosecuting attorney from seeking an indictment of a defendant for any offense while competency proceedings are pending except upon application to the chief judge of the district court and with leave of the court. The prosecuting attorney must demonstrate that adequate cause exists for the court to grant leave to seek an indictment. The prosecuting attorney must give notice of an application to the attorney for the defendant at least 24 hours before the hearing on the application.

The measure also provides for the refiling of charges in cases where the prosecuting attorney applied for and was granted leave of the court and where the state has a good faith belief that the defendant has regained competency and a compelling interest in bringing charges again and the period for commencing the criminal action has not lapsed. Finally, the prosecuting attorney is required to give at least 24 hours' notice of the application to the defendant's attorney.

Roll call on Assembly Bill No. 377:

YEAS—28.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Wheeler, Woodbury—14.

Assembly Bill No. 377 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 379.
Bill read third time.
Remarks by Assemblywoman Joiner.

ASSEMBLYWOMAN JOINER:
Assembly Bill 379 authorizes, under certain circumstances, the governing body of a local government to create a parks, trails, and open space district.

Roll call on Assembly Bill No. 379:
YEAS—34.
NAYS—Ellison, Hansen, Krasner, Marchant, McArthur, Oscarson, Titus, Wheeler—8.
Assembly Bill No. 379 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 380.
Bill read third time.
Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:
Assembly Bill 380 allows an owner of real property to record a notice in the office of any county recorder providing that any use of the owner's real property is with the permission of and subject to the control of the owner. An owner of land may post certain notice stating that the right to pass over such land is by permission and subject to the control of the owner. In addition, the measure prohibits a person from maintaining an action constituting an easement by prescription, regardless of whether the owner posts certain notice on the property or records a notice. Lastly, a governing body of a city or county is authorized to adopt ordinances governing a sign posted by an owner of land under certain circumstances.

Roll call on Assembly Bill No. 380:
YEAS—30.
NAYS—Bilbray-Axelrod, Daly, Ellison, Hansen, Krasner, Marchant, McArthur, Miller, Ohrenschall, Titus, Watkins, Wheeler—12.
Assembly Bill No. 380 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 381.
Bill read third time.
Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:
Assembly Bill 381 prohibits certain health insurers from moving a prescription drug from a lower cost tier to a higher cost tier within their formulary under certain circumstances. The bill provides that for individual plans, a drug may be moved from a lower tier to a higher tier on January 1 of a calendar year, and for small employer plans, on January 1 and July 1 of a calendar year with certain exceptions. Such an insurer may add or remove a drug from a formulary at any time.

Roll call on Assembly Bill No. 381:
YEAS—38.
NAYS—Hambrick, Krasner, McArthur, Titus—4.

Assembly Bill No. 381 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 384.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Assembly Bill 384 provides, with exceptions, that the criminal history of an applicant or other qualified person under consideration for employment in a state agency or local government may be considered only after an appointing authority has made a conditional offer of employment. The bill also sets forth specific factors that must be considered by an appointing authority or the administrator before the criminal history of an applicant may be used as the basis for rescinding a conditional offer of employment or for rejection of the applicant. Additionally, if an appointing authority rejects an applicant based on his or her criminal history, the appointing authority must provide a written statement specifying the reason for the rejection.

Assembly Bill 384 is our opportunity to get on the map to truly be a state that allows fair chances and second chances for people. This is also known nationally as Ban the Box. I do want to clarify some things that some of my colleagues have come to me and asked. Is this just a re-entry bill for people that are immediately coming out of our prison system? That is part of it. I want to share with you that we all have people in our communities that have made bad choices at a younger age, and they are adults with families and they need to provide for their families just like anyone else. Good, bad, or indifferent, they did some bad things in the past, but they have rehabilitated themselves and they are looking to do better. This is going to be an opportunity for them to fairly compete for a job in state, county, or city government and be able to get good benefits for their families. I would truly urge your support to help us Ban the Box in the state of Nevada.

Roll call on Assembly Bill No. 384:

YEAS—27.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.

Assembly Bill No. 384 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 390.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 390 prohibits a state agency from taking any retaliatory, threatening, or intimidating action against a state officer or employee who communicates or seeks to communicate with the Legislature or a legislator to disclose that false information was disseminated by or on behalf of the employer or disclose evidence of illegal activity of the employer.

The bill also creates the Spending and Government Efficiency Commission for the Nevada System of Higher Education.

Roll call on Assembly Bill No. 390:

YEAS—42.

NAYS—None.

Assembly Bill No. 390 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 391.

Bill read third time.

Remarks by Assemblymen Carrillo and Elliot Anderson.

ASSEMBLYMAN CARRILLO:

Assembly Bill 391 creates the crime of bestiality punishable as a gross misdemeanor or a category D felony, depending upon the circumstances. The bill defines the elements of the crime, requires relinquishment of the animal, and prohibits a person convicted of bestiality from owning, residing, or working in a location where animals are present. The court may also require persons convicted of the crime to undergo psychiatric counseling at their expense and payment of any costs associated with care or maintenance of an animal involved in the crime. Finally the bill defines "sexual conduct" and excludes veterinary medical procedures, animal husbandry practices, or similar activities from the definition.

This bill is effective on October 1, 2017.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise under Order of Business 12 to ask the sponsor a question. To my colleague from District 18, I had some concerns about the rule of lenity in criminal law. If you are not aware of that, it is basically the tie-goes-to-the-runner provision of criminal law. We need to ensure that the statutory language is very clear and understandable so that this law is enforced. Could you just help me understand exactly what conduct is covered, and specifically in section 1, subsection 5(a), the definition of an "animal"? It says any living thing. Does that include the other kingdoms such as plants, fungi, protista, and monera?

ASSEMBLYMAN CARRILLO:

To my colleague from Assembly District 15, that is no.

ASSEMBLYMAN ELLIOT ANDERSON:

I just think we should hold our horses a bit, Mr. Speaker. I appreciate the follow-up.

I think the record should reflect that our colleague weaseled out of that question that I just asked. I think it is very important to have a clear record. The legal world is a dog-eat-dog world, and constituent letters in support have rained in like cats and dogs. We need to make sure that attorneys do not engage in any monkey business with this law that we are proposing. We need to grab the bull by the horns rather than wing it to ensure that the citizens of Nevada do not have a cow, man.

Roll call on Assembly Bill No. 391:

YEAS—42.

NAYS—None.

Assembly Bill No. 391 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 392.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Assembly Bill 392 revises provisions relating to communications published in support of or in opposition to a candidate in an election. If a communication includes the name and address or other official contact information of a governmental entity, the communication must disclose

that it was not endorsed by and is not an official publication of the state of Nevada or a political subdivision, as applicable. A governmental entity includes the state of Nevada or any agency, board, commission, or similar entity, as well as a public officer of the state or a political subdivision. The official name and address or other official contact information of a governmental entity is defined. This bill is effective on October 1, 2017.

Roll call on Assembly Bill No. 392:

YEAS—39.

NAYS—Daly, Hansen, McArthur—3.

Assembly Bill No. 392 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 393.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 393 sets forth legislative findings relating to proposed changes in zoning and hillside development standards on the undeveloped lands adjacent to the Sunrise and Frenchman Mountains in Clark County. The bill declares that it is consistent with the Legislature's intent that the Clark County Board of Commissioners strengthen, as necessary in order to promote responsible development and preserve important natural resources, the existing zoning and hillside development standards on the undeveloped desert lands adjacent to the western faces of Sunrise and Frenchman Mountains.

For those of us who come from southern Nevada, I think we realize what a treasure Sunrise and Frenchman Mountains are. It is natural desert landscape very close to the city and to urban areas. There are opportunities for hiking and camping up there. There is a geological treasure there called the Frenchman Mountain Great Unconformity, which is one of the few places in the world you can see billions of years of geologic age there. Development is an issue there. This aims to try to urge the Clark County Board of Commissioners that development needs to be done responsibly to try to preserve that natural treasure we have. For those not from Clark County, I urge you to try to visit Sunrise Mountain and Frenchman Mountain when you get a chance. It is a treasure and the area touches a lot of different Assembly and Senate districts, and I urge its passage.

Roll call on Assembly Bill No. 393:

YEAS—26.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Watkins, Wheeler, Woodbury—16.

Assembly Bill No. 393 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 163 be taken from its position on the General File and be placed at the top of the General File.

Motion carried.

Assembly Bill No. 163.

Bill read third time.

The following amendment was proposed by Assemblyman Flores:

Amendment No. 628.

AN ACT relating to financial services; requiring a person who is licensed to operate certain loan services to verify a customer's ability to repay the loan before making certain short-term loans to the customer; requiring a person who makes a deferred deposit loan to offer an extended payment plan under certain circumstances; revising provisions governing defaults, lengths of term and grace periods relating to certain short-term loans; requiring certain notices to be posted by a person who is licensed to operate certain loan services; revising the requirements for making a title loan; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes standards and procedures governing the making of certain short-term loans, commonly referred to as "payday loans," "high-interest loans" and "title loans." (Chapter 604A of NRS) **Section 1.3** of this bill: (1) prohibits a person from making such a loan unless the person has determined that the customer has the ability to repay the loan; and (2) establishes the factors that the person making the loan must consider when determining whether a customer has the ability to repay the loan. **Section 1.3 also requires that the loan comply with the statutory requirements applicable to the type of loan involved.** **Section 1.7** of this bill requires a person who makes a deferred deposit loan to offer an extended payment plan to the customer under certain circumstances.

Existing law allows for a person making a payday loan, high-interest loan or title loan to offer the customer a grace period concerning repayment of the loan. (NRS 604A.210) **Section 3** of this bill distinguishes a grace period from an extension of a loan ~~[.]~~ **that complies with certain statutory requirements.** **Section 4** of this bill prohibits a person making the loan from granting a grace period for the purpose of artificially increasing the amount a customer qualifies to borrow ~~[.]~~ **, or, with certain exceptions, from conditioning the grace period on the customer's agreement to a new loan or a modification of the terms of the existing loan or the charging of interest at a rate in excess of that provided by the existing loan agreement.**

Existing law requires a person making a payday loan, high-interest loan or title loan to post certain notices in a conspicuous place in every location at which the person conducts business. (NRS 604A.405) **Section 5** of this bill provides that the person must post a notice of the existing requirement that the person must offer a repayment plan to a customer who defaults on a loan before the person commences specified collection actions. **Section 5** also provides that the person must post a notice that states the process for

customers to file a complaint with the Office of the Commissioner of Financial Institutions.

Existing law sets forth certain restrictions on the actions of a person licensed to operate certain loan services. (NRS 604A.440) **Section 6** of this bill adds to those restrictions a limitation on the reinitiation of electronic debit transactions.

Existing law provides restrictions on the making of title loans. (NRS 604A.450) **Section 7** of this bill adds to those restrictions by specifying that the customer must legally own the vehicle which secures the loan and that the person making the loan cannot consider the income, except for the customer's community income, of anyone who is not a legal owner of the vehicle who enters into a loan agreement with the licensee when determining whether the customer has the ability to repay the loan.

Section 8 of this bill makes conforming changes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 604A of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.7 of this act.

Sec. 1.3. ***1. A licensee shall not make a loan pursuant to this chapter unless the licensee determines pursuant to subsection 2 that the customer has the ability to repay the loan*** ~~***[.]***~~ ***and that the loan complies with the provisions of NRS 604A.425, 604A.450 or subsection 2 of NRS 604A.480, as applicable.***

2. For the purposes of subsection 1, a customer has the ability to repay a loan if the customer has a reasonable ability to repay the loan, as determined by the licensee after considering the following underwriting factors:

(a) The current or reasonably expected income of the customer;

(b) The current employment status of the customer based on evidence including, without limitation, a pay stub or bank deposit;

(c) The credit history of the customer;

(d) The amount due under the original term of the loan, the monthly payment on the loan, if the loan is an installment loan, or the potential repayment plan if the customer defaults on the loan; and

(e) Other evidence, including, without limitation, bank statements, electronic bank statements and written representations to the licensee.

3. For the purposes of subsection 1, a licensee shall not consider the ability of any person other than the customer to repay the loan.

Sec. 1.7. ***1. A licensee shall allow a customer with an outstanding deferred deposit loan to enter into an extended payment plan if the customer:***

(a) Has not entered into an extended payment plan for the ~~***[original]***~~ ***deferred deposit loan during the immediately preceding 12-month period; and***

(b) Requests an extended repayment plan before the time the ~~[original]~~ deferred deposit loan is due.

2. An extended payment plan entered into pursuant to subsection 1 must:

(a) Be in writing and be signed by the licensee and customer; and

(b) Provide a payment schedule of at least four payments over a period of at least 60 days.

3. An extended payment plan entered into pursuant to subsection 1 must not:

(a) Increase or decrease the amount owed under the ~~[original]~~ deferred deposit loan.

(b) Include any interest or fees in addition to those charged under the terms of the ~~[original]~~ deferred deposit loan.

4. If a customer defaults under an extended payment plan entered into pursuant to this section, the licensee may terminate the extended payment plan and accelerate the requirement to pay the amount owed.

Sec. 2. NRS 604A.045 is hereby amended to read as follows:

604A.045 1. "Default" means the failure of a customer to:

(a) Make a scheduled payment on a loan on or before the due date for the payment under the terms of a lawful loan agreement ***that complies with the provisions of NRS 604A.408, 604A.445 or subsection 2 of NRS 604A.480, as applicable,*** and any grace period that complies with the provisions of NRS 604A.210 ***;*** **[**~~or under the terms of any lawful extension or repayment plan relating to the loan, and any grace period that complies with the provisions of NRS 604A.210;~~**]** or

(b) Pay a loan in full on or before **[**~~:~~

~~(1) The~~**]** ***the*** expiration of the **[**~~initial~~**]** loan period as set forth in a lawful loan agreement ***that complies with the provisions of NRS 604A.408, 604A.445 or subsection 2 of NRS 604A.480, as applicable,*** and any grace period that complies with the provisions of NRS 604A.210 **.** **[**~~; or~~

~~(2) The due date of any lawful extension or repayment plan relating to the loan and any grace period that complies with the provisions of NRS 604A.210, provided that the due date of the extension or repayment plan does not violate the provisions of this chapter.~~**]**

2. A default occurs on the day immediately following the date of the customer's failure to perform as described in subsection 1.

Sec. 3. NRS 604A.070 is hereby amended to read as follows:

604A.070 ***1.*** "Grace period" means any period of deferment offered gratuitously by a licensee to a customer if the licensee complies with the provisions of NRS 604A.210.

2. The term does not include an extension of a loan ~~[.]~~ that complies with the provisions of NRS 604A.408, 604A.445 or subsection 2 of NRS 604A.480, as applicable.

Sec. 3.5. NRS 604A.0703 is hereby amended to read as follows:

604A.0703 1. "High-interest loan" means a loan made to a customer pursuant to a loan agreement which, under its original terms, charges an annual percentage rate of more than 40 percent.

2. The term includes, without limitation, any single-payment loan, installment loan ***,*** ~~[or]~~ open-ended loan ***or contract for the lease of an animal for a purpose other than a business, commercial or agricultural purpose*** which, under ~~[its]~~ ***the*** original terms ~~[,]~~ ***of the loan or contract,*** charges an annual percentage rate of more than 40 percent.

3. The term does not include:

(a) A deferred deposit loan;

(b) A refund anticipation loan; or

(c) A title loan.

Sec. 4. NRS 604A.210 is hereby amended to read as follows:

604A.210 The provisions of this chapter do not prohibit a licensee from offering a customer a grace period on the repayment of a loan or an extension of a loan, except that the licensee shall not ~~[charge the customer:~~

~~1. Any fees for granting such a grace period; or~~

~~2. Any additional fees or additional interest on the outstanding loan during such a grace period.~~***grant]*** **:**

1. Except for a loan agreement governed by NRS 604A.408, 604A.445 or subsection 2 of NRS 604A.480:

(a) Condition the granting of the grace period on the customer making any new loan agreement or adding any addendum or term to an existing loan agreement; or

(b) Charge the customer interest at a rate in excess of that described in the existing loan agreement; or

2. Grant a grace period for the purpose of artificially increasing the amount which a customer would otherwise qualify to borrow.

Sec. 5. NRS 604A.405 is hereby amended to read as follows:

604A.405 1. A licensee shall post in a conspicuous place in every location at which the licensee conducts business under his or her license:

(a) A notice that states the fees the licensee charges for providing check-cashing services, deferred deposit loan services, high-interest loan services or title loan services.

(b) ***A notice that states that if the customer defaults on a loan, the licensee must offer a repayment plan to the customer before the licensee commences any civil action or process of alternative dispute resolution or repossesses a vehicle.***

(c) A notice that states a toll-free telephone number to the Office of the Commissioner to handle concerns or complaints of customers.

(d) A notice that states the process for filing a complaint with the Commissioner.

➥ The Commissioner shall adopt regulations prescribing the form and size of the notices required by this subsection.

2. If a licensee offers loans to customers at a kiosk, through the Internet, through any telephone, facsimile machine or other telecommunication device or through any other machine, network, system, device or means, except for an automated loan machine prohibited by NRS 604A.400, the licensee shall, as appropriate to the location or method for making the loan, post in a conspicuous place where customers will see it before they enter into a loan, or disclose in an open and obvious manner to customers before they enter into a loan, a notice that states:

(a) The types of loans the licensee offers and the fees he or she charges for making each type of loan; and

(b) A list of the states where the licensee is licensed or authorized to conduct business from outside this State with customers located in this State.

3. A licensee who provides check-cashing services shall give written notice to each customer of the fees he or she charges for cashing checks. The customer must sign the notice before the licensee provides the check-cashing service.

Sec. 5.5. NRS 604A.408 is hereby amended to read as follows:

604A.408 1. Except as otherwise provided in this chapter, the original term of a deferred deposit loan or high-interest loan must not exceed 35 days.

2. The original term of a high-interest loan may be up to 90 days if:

(a) The loan provides for payments in installments;

(b) The payments are calculated to ratably and fully amortize the entire amount of principal and interest payable on the loan;

(c) The loan is not subject to any extension; ~~[and]~~

(d) The loan does not require a balloon payment of any kind ~~[.]~~ ***; and***

(e) The loan is not a deferred deposit loan.

3. Notwithstanding the provisions of NRS 604A.480, a licensee shall not agree to establish or extend the period for the repayment, renewal, refinancing or consolidation of an outstanding deferred deposit loan or high-interest loan for a period that exceeds 90 days after the date of origination of the loan.

Sec. 6. NRS 604A.440 is hereby amended to read as follows:

604A.440 A licensee shall not:

1. Use or threaten to use the criminal process in this State or any other state, or any civil process not available to creditors generally, to collect on a loan made to a customer.

2. Commence a civil action or any process of alternative dispute resolution or repossess a vehicle before the customer defaults under the original term of a loan agreement or before the customer defaults under any repayment plan ~~[,]~~ ***or*** extension ~~[or grace period]~~ negotiated and agreed to by the licensee and customer, unless otherwise authorized pursuant to this chapter.

3. Take any confession of judgment or any power of attorney running to the licensee or to any third person to confess judgment or to appear for the customer in a judicial proceeding.

4. Include in any written agreement:

(a) A promise by the customer to hold the licensee harmless;

(b) A confession of judgment by the customer;

(c) An assignment or order for the payment of wages or other compensation due the customer; or

(d) A waiver of any claim or defense arising out of the loan agreement or a waiver of any provision of this chapter. The provisions of this paragraph do not apply to the extent preempted by federal law.

5. Engage in any deceptive trade practice, as defined in chapter 598 of NRS, including, without limitation, making a false representation.

6. Advertise or permit to be advertised in any manner any false, misleading or deceptive statement or representation with regard to the rates, terms or conditions for loans.

7. ***Reinitiate an electronic debit transaction that has been returned by a customer's bank except in accordance with the rules prescribed by the National Automated Clearing House Association or its successor organization.***

8. Use or attempt to use any agent, affiliate or subsidiary to avoid the requirements or prohibitions of this chapter.

Sec. 6.5. NRS 604A.445 is hereby amended to read as follows:

604A.445 Notwithstanding any other provision of this chapter to the contrary:

1. The original term of a title loan must not exceed 30 days.

2. The title loan may be extended for not more than six additional periods of extension, with each such period not to exceed 30 days, if:

(a) Any interest or charges accrued during the original term of the title loan or any period of extension of the title loan are not capitalized or added to the principal amount of the title loan during any subsequent period of extension;

(b) The annual percentage rate charged on the title loan during any period of extension is not more than the annual percentage rate charged on the title loan during the original term; and

(c) No additional origination fees, set-up fees, collection fees, transaction fees, negotiation fees, handling fees, processing fees, late fees, default fees or any other fees, regardless of the name given to the fees, are charged in connection with any extension of the title loan.

3. The original term of a title loan may be up to 210 days if:

(a) The loan provides for payments in installments;

(b) The payments are calculated to ratably and fully amortize the entire amount of principal and interest payable on the loan;

(c) The loan is not subject to any extension; ~~[and]~~

(d) The loan does not require a balloon payment of any kind ~~[.]~~ ***; and***

(e) The loan is not a deferred deposit loan.

Sec. 7. NRS 604A.450 is hereby amended to read as follows:

604A.450 A licensee who makes title loans shall not:

1. Make a title loan that exceeds the fair market value of the vehicle securing the title loan.

2. ***Make a title loan to a customer secured by a vehicle which is not legally owned by the customer.***

3. Make a title loan without ~~[regard to the ability of the customer seeking the title loan to repay the title loan, including the customer's current and expected income, obligations and employment.~~

~~3.]~~ ***] determining that the customer has the ability to repay the title loan, as required by section 1.3 of this act. In complying with this subsection, the licensee shall not consider the income of any person who is not a legal owner of the vehicle securing the title loan but may consider a customer's community income and the income of any other customers who consent to the loan pursuant to subsection 5 and enter into a loan agreement with the licensee.***

4. Make a title loan without requiring the customer to sign an affidavit which states that:

(a) The customer has provided the licensee with true and correct information concerning the customer's income, obligations, employment and ownership of the vehicle; and

(b) The customer has the ability to repay the title loan.

5. Make a title loan secured by a vehicle with multiple legal owners without the consent of each owner.

Sec. 8. NRS 604A.930 is hereby amended to read as follows:

604A.930 1. Subject to the affirmative defense set forth in subsection 3, in addition to any other remedy or penalty, if a person violates any provision of NRS 604A.400, 604A.410 to 604A.500, inclusive, ***and sections 1.3 and 1.7 of this act,*** 604A.610, 604A.615, 604A.650 or 604A.655 or any regulation adopted pursuant thereto, the customer may bring a civil action against the person for:

(a) Actual and consequential damages;

(b) Punitive damages, which are subject to the provisions of NRS 42.005;

(c) Reasonable attorney's fees and costs; and

(d) Any other legal or equitable relief that the court deems appropriate.

2. Subject to the affirmative defense set forth in subsection 3, in addition to any other remedy or penalty, the customer may bring a civil action against a person pursuant to subsection 1 to recover an additional amount, as statutory damages, which is equal to $1,000 for each violation if the person knowingly:

(a) Operates a check-cashing service, deferred deposit loan service, high-interest loan service or title loan service without a license, in violation of NRS 604A.400;

(b) Fails to include in a loan agreement a disclosure of the right of the customer to rescind the loan, in violation of NRS 604A.410;

(c) Violates any provision of NRS 604A.420;

(d) Accepts collateral or security for a deferred deposit loan, in violation of NRS 604A.435, except that a check or written authorization for an electronic transfer of money shall not be deemed to be collateral or security for a deferred deposit loan;

(e) Uses or threatens to use the criminal process in this State or any other state to collect on a loan made to the customer, in violation of NRS 604A.440;

(f) Includes in any written agreement a promise by the customer to hold the person harmless, a confession of judgment by the customer or an assignment or order for the payment of wages or other compensation due the customer, in violation of NRS 604A.440;

(g) Violates any provision of NRS 604A.485;

(h) Violates any provision of NRS 604A.490; or

(i) Violates any provision of NRS 604A.442.

3. A person may not be held liable in any civil action brought pursuant to this section if the person proves, by a preponderance of evidence, that the violation:

(a) Was not intentional;

(b) Was technical in nature; and

(c) Resulted from a bona fide error, notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

4. For the purposes of subsection 3, a bona fide error includes, without limitation, clerical errors, calculation errors, computer malfunction and programming errors and printing errors, except that an error of legal judgment with respect to the person's obligations under this chapter is not a bona fide error.

Sec. 9. Any contract or agreement entered into pursuant to chapter 604A of NRS before July 1, 2017, remains in effect in accordance with the provisions of the contract or agreement.

Sec. 10. This act becomes effective on July 1, 2017.

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 400.

Bill read third time.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

Assembly Bill 400 requires Nevada's Department of Education to establish a database of instructional materials created by employees of Nevada school districts and charter schools. The database must be accessible to any employee of a Nevada school district or charter school upon request.

The bill also requires the governing body of a school district or charter school to transfer to an employee the copyright for any instructional materials created by the employee outside of the scope of his or her employment or otherwise relinquish any claim to the copyright for such materials.

This bill is effective upon passage and approval for the purposes of adopting regulations and performing necessary administrative tasks and on January 1, 2018, for all other purposes.

Roll call on Assembly Bill No. 400:

YEAS—30.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler—12.

Assembly Bill No. 400 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 403.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 403 authorizes the Legislative Commission to suspend or nullify a regulation of a state agency under certain circumstances. Judicial review of such actions is precluded. The Subcommittee to Review Regulations is abolished. The Legislative Commission must review and approve permanent regulations with limited exceptions. The Legislative Commission shall adopt regulations as necessary to carry out the provisions of the Nevada Administrative Procedure Act.

A state agency must submit its proposed regulation to the Legislative Commission for review within a specified period. A state agency must also hold a public hearing on a proposed regulation, whether the proposed regulation is substantive or not, but if no one appears who will be directly affected by the proposed regulation and requests an oral hearing, the agency may proceed immediately to act upon any written submissions. The Legislative Counsel is no longer required to publish a paper copy of the Register. A copy of a written statement of emergency, endorsed by the Governor, must be filed with the Secretary of State before an emergency regulation becomes effective.

Roll call on Assembly Bill No. 403:

YEAS—33.

NAYS—Paul Anderson, Ellison, Kramer, Krasner, Marchant, McArthur, Pickard, Titus, Woodbury—9.

Assembly Bill No. 403 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 408.

Bill read third time.

Remarks by Assemblywoman Joiner.

ASSEMBLYWOMAN JOINER:

Assembly Bill 408 aligns Nevada law with certain provisions of the Patient Protection and Affordable Care Act.

Roll call on Assembly Bill No. 408:

YEAS—27.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.

Assembly Bill No. 408 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 410.
Bill read third time.
Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:
Assembly Bill 410 authorizes a new vehicle dealer that is franchised to sell vehicles of the manufacturer to apply to the manufacturer for compensation for each month that the dealer possesses a used vehicle that is subject to a stop-sale order or do-not-drive order. The bill requires the new vehicle dealer to file a claim for compensation with the manufacturer.

Roll call on Assembly Bill No. 410:
YEAS—42.
NAYS—None.
Assembly Bill No. 410 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 411.
Bill read third time.
Remarks by Assemblyman Watkins.

ASSEMBLYMAN WATKINS:
Assembly Bill 411 allows, rather than requires, a department of juvenile justice services to terminate an employee who has been convicted of certain crimes or against whom certain criminal charges are pending. Before terminating the employee, the department is required to allow the employee a reasonable amount of time to correct the information obtained from the background investigation and a reasonable time of not more than 180 days to resolve the pending charges. Upon request from the employee and good cause shown, the department may allow the employee additional time to resolve the pending charges. This bill is effective on October 1, 2017.

Roll call on Assembly Bill No. 411:
YEAS—42.
NAYS—None.
Assembly Bill No. 411 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 412.
Bill read third time.
Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:
Assembly Bill 412, in its first reprint, requires that certain misdemeanors that would otherwise be under the jurisdiction of municipal courts must be joined with related felonies and gross misdemeanors in district courts unless the misdemeanor is based solely on the violation of municipal ordinance.

Roll call on Assembly Bill No. 412:
YEAS—42.
NAYS—None.

Assembly Bill No. 412 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 415.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Assembly Bill 415 authorizes state and local governmental entities to accept a tribal identification card that is issued by a tribal government for the purpose of identifying a person if the tribal identification card meets certain requirements. Further, a business that accepts a driver's license or identification card issued by the Department of Motor Vehicles for the purpose of identifying a person is required to accept a tribal identification card for the same purpose.

Roll call on Assembly Bill No. 415:

YEAS—42.

NAYS—None.

Assembly Bill No. 415 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 418.

Bill read third time.

Remarks by Assemblywoman Bilbray-Axelrod.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Assembly Bill 418 revises provisions relating to recounting ballots in contested elections. The bill replaces existing provisions that require an initial recount of ballots be conducted in 5 percent of precincts or at least three precincts that voted in the election and replaces them with a requirement that in future contested elections, all ballots must be recounted.

Roll call on Assembly Bill No. 418:

YEAS—29.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Wheeler, Woodbury—13.

Assembly Bill No. 418 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 420.

Bill read third time.

Remarks by Assemblymen Ohrenschall, Ellison, Carlton, and Pickard.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 420 adds exceptions to the current prohibition on access by offenders to telecommunications devices, for conducting allowable visits or correspondence; facilitating or participating in correctional activities; or performing educational, vocational, or legal research. The bill also authorizes the Nevada Department of Corrections to impose a charge on offenders for videoconferencing visits to defray the costs of the service. The charge would be established by regulation, with the approval of the Board of State Prison Commissioners.

The Director of Nevada's Department of Corrections, James Dzurenda, testified before the Committee on Corrections, Parole, and Probation on this measure. Some of the benefits of this

measure that were brought out by Director Dzurenda in the Committee were trying to increase contact between offenders and their families through these video visits. Many of our state Nevada Department of Corrections facilities are very far from our urban centers, and travel for families is often very difficult, if not impossible. As to the communications devices that would be given to offenders in someone's cell, they would only be allowed to work on an intranet system. They would have no access to the outside and they would be used for educational purposes, for filing a kite for medical reasons—letting the authorities there at the facility know if a prisoner might be suicidal, might have a health issue—and it would save a lot on the current paper system. I urge your support.

ASSEMBLYMAN ELLISON:

I stand in opposition to Assembly Bill 420. I have serious concerns about the security protections in place when giving electronic devices to inmates. I am joined in these concerns by law enforcement across Nevada and by good, hard-working people in my home town of Elko. Safer streets for Nevada families do not begin by giving special privileges to felons. They begin by making sure they are properly rehabilitated and then that they are getting the help and training they need. I urge my colleagues to vote no.

ASSEMBLYWOMAN CARLTON:

A question to the sponsor of Assembly Bill 420: Was there any indication of what the cost might be? I support the idea that we are allowing folks to get educational issues dealt with and stay in touch with family, because we know family can be one of the most important things in the success as folks get ready to leave the institution. I am just curious if there was any indication on the cost, because I always have a problem when we are asking for folks to pay for part of their incarceration.

ASSEMBLYMAN OHRENSCHALL:

Certainly there is a fiscal note on the bill; the fiscal note is zero. Testimony at the committee hearing was that as to the video visits with family that would be allowed, which would be a supplement to the current phone call system, there would be a cost and that would be assessed to the offender, or the family of the offender would have to try to put money on their books, although I think there is now a new system where they would put money on the third-party contractor's system in the name of that loved one or relative so they can contact the family member.

As to the electronic tablets that would be allowed for educational purposes that are only to be used internally for communication with the officials in the prison, what I have learned from the Director is that he is expecting that these will be donated, as has recently been done in Colorado. I am not foreseeing a cost there in terms of the electronic communication devices that would be used internally—and only internally—but as to the external devices that would allow communication with family for video visits, that cost would be assessed to the offenders, as I understand it.

ASSEMBLYWOMAN CARLTON:

Thank you, Mr. Speaker, and I know it is unusual to have a second but I do support this. If they do not know how to operate some type of computer device as they come out of the institution, they are going to be way behind, so just being able to put your hands on one and be familiar with one is great. I know that the dollar amount will come through regulations, so the body will have a chance through the regulatory process to look at those dollar amounts. I just want to send the message that I want to make sure this is fair and equitable and we do not price people out of an opportunity to succeed.

MR. SPEAKER:

Thank you, Assemblywoman. Assemblyman Ohrenschall, I believe you convinced her. Do you want to add to that?

ASSEMBLYMAN OHRENSCHALL:

In front of your Committee on Corrections, Parole, and Probation, there was testimony about how things have changed for many offenders. Many offenders might have gone in to NDOC

[Nevada Department of Corrections] when you sat down with a pen and filled out an application for a job. Now, it is almost impossible to find a place where you sit down with a pen; most of the time you have to do it online. If we release offenders once they are paroled or expire their sentence and they have no idea how to do that, we are certainly, I don't think, helping set them up for success. Again, I urge your support.

ASSEMBLYMAN PICKARD:

I appreciate the intent of this bill. I certainly understand Director Dzurenda's intention. In fact, I believe his testimony was that he provides the videoconferencing for visits as it is, and so I support that piece. After recent discussions, however, with law enforcement, there are some concerns about how this might be used. In talking to the Division Director, he suggested that this could be more appropriately dealt with in regulation, so I am going to reluctantly change to a no on this and encourage this to occur within the regulation.

Roll call on Assembly Bill No. 420:

YEAS—27.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.

Assembly Bill No. 420 having failed to receive a two-thirds majority, Mr. Speaker declared it lost.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 8:22 p.m.

ASSEMBLY IN SESSION

At 8:34 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Hansen moved that the Assembly reconsider the action whereby Assembly Bill No. 420 was refused passage.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 420.

Bill read third time.

Remarks by Assemblymen Ohrenschall and Hansen.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of Assembly Bill 420. I already made my comments. I do urge the body's support.

ASSEMBLYMAN HANSEN:

I failed to tell the chairman of the committee that I was changing my vote. I voted in favor of this bill in committee without the realization that this was a two-thirds vote. I am now going to switch my vote and vote for it to honor my commitment to the chairman.

Roll call on Assembly Bill No. 420:

YEAS—29.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Wheeler, Woodbury—13.

Assembly Bill No. 420 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 424.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 424 requires that a determination of brain death be made in accordance with the guidelines set forth in "Evidence-based Guideline Update: Determining Brain Death in Adults: Report of the Quality Standards Subcommittee of the American Academy of Neurology," published by the American Academy of Neurology on June 8, 2010, or subsequent revisions approved by the Academy; or "Guidelines for the Determination of Brain Death in Infants and Children: An Update of the 1987 Task Force Recommendations," published by the Pediatric Section of the Society of Critical Care Medicine, or subsequent revisions approved by the Pediatric Section.

Roll call on Assembly Bill No. 424:

YEAS—41.

NAYS—Krasner.

Assembly Bill No. 424 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 425.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 425 makes various changes to the regulation of alcohol, drug and gambling counselors. The bill authorizes the Board of Examiners for Alcohol, Drug and Gambling Counselors to place licensees on inactive status in certain circumstances, while prohibiting a licensee who has requested inactive status from practicing and providing a penalty for failure to comply. Finally, the bill allows a certified alcohol and drug abuse counselor who meets certain requirements to supervise a certified intern.

Roll call on Assembly Bill No. 425:

YEAS—42.

NAYS—None.

Assembly Bill No. 425 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 427.

Bill read third time.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Assembly Bill 427 removes the requirement that a person who has been convicted of certain felony drug offenses complete a drug treatment program before becoming eligible for Temporary Assistance for Needy Families or Supplemental Nutrition Assistance Program benefits. The measure requires a person convicted of such an offense to demonstrate that he or she is not currently possessing, using, or distributing controlled substances in order to be eligible for these programs.

Roll call on Assembly Bill No. 427:

YEAS—32.

NAYS—Ellison, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—10.

Assembly Bill No. 427 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 429.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Assembly Bill 429 enacts the Psychology Interjurisdictional Compact of the Association of State and Provincial Psychology Boards. The interstate compact allows a person who is licensed as a psychologist in a state that is a member of the Compact to provide services to patients in other states that are members of the Compact through telehealth or in person under certain conditions. Before providing such services, the Compact requires a psychologist to meet certain specified requirements.

The governing body of the Compact, the Psychology Interjurisdictional Compact Commission, is authorized to access certain information and make certain determinations regarding the provision of services by a psychologist in a state that is a member of the Compact under certain circumstances. Psychologists who provide services in states other than those in which they are licensed under the Compact are subject to the jurisdiction of the state in which they provide services, and such a state can revoke the authorization to practice in that state. The Commission is authorized to, one, collect an annual assessment from each state that is a member of the Compact to fund the operations of the Commission; two, make rules concerning the administration of the Compact and the practice of psychology across state lines under the Compact; and three, resolve disputes among states that are members of the Compact related to the Compact.

Finally, the measure clarifies that a psychologist who is authorized to practice in this state pursuant to the Compact is authorized to engage in the same activities as a psychologist who is licensed in this state.

This bill is effective on October 1, 2017, but the Compact is effective upon ratification by seven states. Currently, only Arizona and Utah have ratified the Compact.

Roll call on Assembly Bill No. 429:

YEAS—41.

NAYS—Carlton.

Assembly Bill No. 429 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 431.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 431 makes various changes to the regulation of brew pubs, craft distilleries, suppliers, and wholesalers. The bill removes the restriction on the number of brew pubs a licensee may operate and increases to 40,000 barrels the amount of malt beverages a brew pub may manufacture in this state in a calendar year. The bill prohibits a person who operates a brew pub from selling at retail more than 5,000 barrels annually for consumption off premises; of this, no more than 1,000 per year may be sold in kegs.

Roll call on Assembly Bill No. 431:

YEAS—42.

NAYS—None.

Assembly Bill No. 431 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 438.

Bill read third time.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Assembly Bill 438 provides that the court is authorized to reduce or suspend the sentence of a person who is convicted of a level 2 drug possession involving certain controlled substances without requiring the person to render substantial assistance in the investigation or prosecution of any offense.

Roll call on Assembly Bill No. 438:

YEAS—31.

NAYS—Paul Anderson, Ellison, Hambrick, Hansen, Krasner, Marchant, McArthur, Oscarson, Titus, Wheeler, Woodbury—11.

Assembly Bill No. 438 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 439.

Bill read third time.

Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

Assembly Bill 439, in its first reprint, provides that for the purposes of state and local sales and use taxes, the Department of Taxation shall consider a licensed veterinarian to be a consumer rather than a retailer of tangible personal property that is used, furnished, or dispensed by him or her in providing medical care or treatment to animals as part of the performance of his or her professional services in the practice of veterinary medicine.

Roll call on Assembly Bill No. 439:

YEAS—42.

NAYS—None.

Assembly Bill No. 439 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 444.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 444 allows for a search warrant to be issued by a magistrate to search and seize the property of an attorney under certain circumstances. The measure requires the search warrant to be executed in a manner that minimizes the scrutiny of the property that is subject to the attorney-client privilege and authorizes a team of certain officers and attorneys to review property during the search to determine whether the property is covered by that search warrant. A district attorney or the Attorney General is required to ensure that any property seized during a search conducted pursuant to such a search warrant is reviewed to determine whether the attorney-client privilege is applicable and returned to the attorney from whom the property was seized if the seized property is subject to the attorney-client privilege.

Assembly Bill 444 is modeled after the federal procedure whenever there is a search warrant executed against someone actively practicing law. The bill did pass out of your Judiciary Committee unanimously.

Roll call on Assembly Bill No. 444:

YEAS—42.

NAYS—None.

Assembly Bill No. 444 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 445.

Bill read third time.

Remarks by Assemblyman Watkins.

ASSEMBLYMAN WATKINS:

Assembly Bill 445 prohibits an insurer from denying a claim that arises under a policy of motor vehicle insurance for any accident or motor vehicle crash that occurs during the personal use of the motor vehicle because the insured, claimant, or group of insured or claimants is a driver for a transportation network company. The bill reduces the minimum amount of coverage required for certain transportation network company insurance and requires transportation network company insurance to provide for the medical payment coverage of any occupant of the motor vehicle.

Roll call on Assembly Bill No. 445:

YEAS—38.

NAYS—Bustamante Adams, Carlton, Diaz, Neal—4.

Assembly Bill No. 445 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 453.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Assembly Bill 453, in its first reprint, provides that upon an unconditional waiver of a preliminary hearing, a defendant and the district attorney may enter into a written conditional plea agreement. Such an agreement is subject to the court accepting the recommended sentence pursuant to the agreement.

Roll call on Assembly Bill No. 453:

YEAS—42.

NAYS—None.

Assembly Bill No. 453 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 454.

Bill read third time.

Remarks by Assemblywoman Tolles.

ASSEMBLYWOMAN TOLLES:

Assembly Bill 454 revises definitions related to the service of accountants. It requires the Nevada State Board of Accountancy to provide certain notices by electronic mail. The measure also removes a qualification that in order to obtain a certificate, the applicant must be a resident of this state or designate an agent in this state to receive service of process and makes other changes to the educational, work experience, and examination requirements.

Further, A.B. 454 allows the Board to cooperate with other agencies in investigating a certificate holder and to issue a cease and desist order in certain circumstances. It also repeals provisions relating to the regulation of registered public accountants and business entities formed by accountants. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 454:

YEAS—42.

NAYS—None.

Assembly Bill No. 454 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 455.

Bill read third time.

Remarks by Assemblyman Watkins.

ASSEMBLYMAN WATKINS:

Assembly Bill 455 allows a notice or other document required by law to be provided as part of an insurance transaction or which serves as evidence of insurance to be delivered by electronic means.

Roll call on Assembly Bill No. 455:

YEAS—42.

NAYS—None.

Assembly Bill No. 455 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 457.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 457 requires the Board of Psychological Examiners, Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, Board of Examiners for Social Workers, and the Board of Examiners for Alcohol, Drug and Gambling Counselors to

submit certain reports to the Commission on Behavioral Health. This bill also requires each new member of these behavioral health care boards to complete an orientation and requires these boards to establish policies concerning compensation and reviewing staff performance. Further, A.B. 457 allows these boards to enter into agreements with the Department of Health and Human Services to carry out or improve the performance of their duties.

These behavioral health care boards are also required to adopt online application forms for the issuance or renewal of a license or certificate, and the bill provides an appeals process for persons aggrieved by a determination of a board in refusing to issue or renew a license or certificate or imposing discipline. Additionally, A.B. 457 requires these boards to adopt certain regulations and further requires the Commission on Behavioral Health to review the regulations before they are submitted to the Legislative Commission for approval.

Finally, the bill alters the composition of the Commission on Behavioral Health. The provisions of the bill revising the qualifications and terms of certain members of the Commission on Behavioral Health are effective on October 1, 2017. The remaining provisions are effective upon passage and approval for the purpose of adopting regulations and performing other necessary administrative tasks and on January 1, 2018, for all other purposes.

I read that as quickly as possible. I have received guarantees that this will not have a fiscal impact on the state. I plan to follow that. This bill this session is the definition of "do not let the perfect be the enemy of the good." I rise in pseudo-support of the bill.

Roll call on Assembly Bill No. 457:

YEAS—42.

NAYS—None.

Assembly Bill No. 457 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 459.

Bill read third time.

Remarks by Assemblyman Fumo.

ASSEMBLYMAN FUMO:

Assembly Bill 459, in its first reprint, authorizes a court to order tests for the typing of blood or taking of specimens for the genetic identification of a child who may be in need of protection. This bill is effective on July 1, 2017.

Roll call on Assembly Bill No. 459:

YEAS—42.

NAYS—None.

Assembly Bill No. 459 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 470.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Assembly Bill 470 creates a preprosecution diversion program for certain persons who have been accused of committing a misdemeanor and establishes conditions for eligibility, such as being a first time offender. A preprosecution diversion program may include a program of treatment to rehabilitate the defendant such as educational programs, anger management therapy, counseling, or a program of treatment for veterans and members of the military, mental illness, or the abuse of drugs and alcohol. A justice court or municipal court is authorized to order the

defendant to complete this program. The decision of the court relating to the participation of the defendant in the program may not be appealed.

If the participant is successful, the court would dismiss the charge. If the participant is not successful, the prosecution would start from the beginning and the person would be prosecuted in the normal manner.

Roll call on Assembly Bill No. 470:

YEAS—30.

NAYS—Paul Anderson, Ellison, Hambrick, Hansen, Krasner, Marchant, McArthur, Oscarson, Titus, Tolles, Wheeler, Woodbury—12.

Assembly Bill No. 470 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 478.

Bill read third time.

Remarks by Assemblyman Hambrick.

ASSEMBLYMAN HAMBRICK:

Assembly Bill 478 revises provisions relating to election administration. To vote in an election, the last day to register is determined by the method of registration as follows: by mail, the fourth Tuesday before an election day; and by computer, the Thursday before the early voting period begins. Clerks are not required to distribute sample ballots to persons who register to vote less than 20 days before an election. Should this bill pass, the effective date is October 1, 2017.

Roll call on Assembly Bill No. 478:

YEAS—42.

NAYS—None.

Assembly Bill No. 478 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 485.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 485 requires that certain new school buses be equipped with federally approved shoulder-harness-type safety belts for each permanent seating position for passengers. The bill transfers from the Department of Motor Vehicles to the Department of Public Safety the requirement to semiannually inspect school buses. Lastly, with certain exceptions, the bill revises the definition of “school bus” to more closely comport with the definition in the Federal Motor Carrier Safety Regulations and makes conforming changes to laws related to school buses. The measure is effective on July 1, 2017.

Roll call on Assembly Bill No. 485:

YEAS—40.

NAYS—Carlton, Krasner—2.

Assembly Bill No. 485 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 26.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Assembly Bill 26 revises provisions related to a service within the Central Repository for Nevada Records of Criminal History that is a name-based search of records of criminal history. This bill allows an authorized employment screening service to inquire about, obtain, and provide records of criminal history of an employee, prospective employee, volunteer, or prospective volunteer if the service maintains records of its dissemination of the records of criminal history. In addition the measure allows out-of-state employers access to the service.

Roll call on Assembly Bill No. 26:

YEAS—42.

NAYS—None.

Assembly Bill No. 26 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 101.

Bill read third time.

Remarks by Assemblymen Sprinkle and Hansen.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 101 removes the requirement that 80 percent of the Wildlife Account be spent on lethal management and control of predatory wildlife and the mandate for consultation with the State Predatory Animal and Rodent Committee in the management of predatory wildlife. The measure expands the uses of the Wildlife Account to include the management and enhancement of game mammals and other activities related to the protection of wildlife habitat. Finally, the bill requires submittal of a report to the Legislature no later than August 31 of each even-numbered year on expenditures from the Wildlife Account and information on the effectiveness and outcomes of the programs and activities funded by the Account.

ASSEMBLYMAN HANSEN:

I rise in opposition to Assembly Bill 101. I was actually involved with this in 2001 and helped get this program in place. Since its inception back in 2001, the sportsmen of Nevada have put almost $6.5 million into this program. Those fees were very specifically paid with a very specific intention. What we are doing with this bill is diluting that, at best. You cannot mix funds; when it comes to predator control, you cannot use those dollars to enhance big game programs. It is not allowed under the Pittman-Robertson rules. I would urge us all to vote no.

We had to pass, last session, a requirement that the Department of Wildlife use 80 percent of those funds to actually do what the program was intended to do. The reason we had to do that was that this particular agency is very hesitant, and in many cases actually opposed to the very programs that the Legislature has tried to put into place. On behalf of the hundreds of thousands of Nevada sportsmen, including myself, I would like to urge this body to keep those fees for the programs they were very specifically intended for.

Thank you, Mr. Speaker, and I urge everyone to vote no on Assembly Bill 101.

Roll call on Assembly Bill No. 101:

YEAS—26.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Watkins, Wheeler, Woodbury—16.

Assembly Bill No. 101 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 253.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Assembly Bill 253, in its first reprint, revises the provisions governing mental health adjudications. If an application for a writ of habeas corpus is filed by or on behalf of a person who has or is alleged to have mental illness, then the court is required to conduct a hearing on the application as soon as practicable. The physician or psychologist who examines and evaluates a person who has been involuntarily admitted is required to submit the written summary of findings and evaluation 24 hours before the hearing on the petition. The bill requires the court to transmit a record of the order to each law enforcement agency of this state with which the court has entered into an agreement for such transmission for inclusion in certain databases.

Roll call on Assembly Bill No. 253:

YEAS—42.

NAYS—None.

Assembly Bill No. 253 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 226 and 242; Assembly Joint Resolution No. 10 of the 78th Session be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 298.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 298 sets forth in detail the process to be followed by the State Engineer when soliciting, reviewing, approving, and amending monitoring, management, and mitigation plans, so-called 3M Plans. The measure adds definitions for related terms and delineates the components of a 3M Plan.

The bill adds statements of legislative policy to encourage applicants for a permit to appropriate water or change the point of diversion to work with affected parties prior to the hearing by the State Engineer and to encourage the use of 3M Plans. Legislative declarations are included to support the State Engineer's use of existing law on 3M Plans and to state that the bill is intended to clarify, but not change, existing interpretations of water law. The bill also provides that it applies to appropriation or point of diversion applications retroactively and prospectively. The bill is effective upon passage and approval.

Assembly Bill 298 is the result of months of work and a wide array of interested water stakeholders from all over the state. As we might all guess, with any bill relating to water, there is a lot of interest in changes to this bill after it was introduced. Assembly Bill 298 clarifies

Nevada water law as it relates to monitoring, management, and mitigation plans. The term already exists in the statutes and the State Engineer currently uses these plans as a tool in management of our resources. As was so aptly put by former Assemblywoman Marcia de Braga years ago, the saying that has been said in this state about water: Whiskey is for drinking and water is for fighting. I hope that you support Assembly Bill 298 so that this discussion can continue.

Roll call on Assembly Bill No. 298:

YEAS—26.

NAYS—Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Neal, Ohrenschall, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—16.

Assembly Bill No. 298 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 120.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 120 requires the board of trustees of the school district in any county to provide to the board of county commissioners a statement of the impact on a school district of the proposed construction or development of an apartment house, five or more residential dwelling units, or five or more lots of mobile homes within the school district. The bill also extends the authority to request the imposition of the residential construction tax for all school districts and requires the board of county commissioners to approve such a request unless the board finds that the request was not justified. Additionally, among other provisions, the measure one, expands the purposes for which the proceeds of the residential construction tax may be used to include modernization of school buildings and necessary appurtenances; two, restricts the area or areas in which proceeds are authorized to be used to only those areas specified in the request for the imposition of the tax; and three, specifies a deadline for the collection of the tax. Finally, the bill exempts the construction or development of certain low-income housing from the residential construction tax and the requirement of an impact statement.

Roll call on Assembly Bill No. 120:

YEAS—24.

NAYS—Paul Anderson, Carlton, Carrillo, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, McCurdy, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—18.

Assembly Bill No. 120 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 114.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Assembly Bill 114 increases the cap on indebtedness of an irrigation district from $1 million to $1.055 million. The bill also expands the scope of indebtedness that may be incurred in connection with the federal Reclamation Safety of Dams Act to include compliance with any federal statute or regulation. The cap on the annual assessment levied on property in an irrigation district for the payment of ordinary expenses is raised from $1.50 to $1.70 per acre,

and the cap on the annual assessment for capital improvements is raised from $5.00 to $5.70 per acre.

The measure provides for indexing of both the caps on indebtedness and the annual assessments by an amount equal to the lesser of 4.5 percent or the average percentage increase of the Consumer Price Index for West Urban Consumers for the preceding five years.

Roll call on Assembly Bill No. 114:

YEAS—39.

NAYS—Carrillo, Monroe-Moreno, Wheeler—3.

Assembly Bill No. 114 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 119.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Assembly Bill 119 revises provisions governing writs of garnishment as they relate to spousal and child support. Specifically, the measure gives the collection of spousal support priority over certain other claims when a garnishee is the subject of multiple writs of garnishment. However, writs of garnishment to satisfy judgments for the collection of child support retain priority over writs of garnishment to satisfy judgments for the collection of spousal support.

Roll call on Assembly Bill No. 119:

YEAS—41.

NAYS—Watkins.

Assembly Bill No. 119 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 4.

Resolution read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Assembly Joint Resolution No. 4 urges the National Research Council of the National Academy of Sciences to conduct a scientific and economic analysis of the management practices for the Colorado River.

Roll call on Assembly Joint Resolution No. 4:

YEAS—30.

NAYS—Paul Anderson, Carlton, Edwards, Ellison, Hansen, Kramer, Marchant, McArthur, Oscarson, Pickard, Titus, Woodbury—12.

Assembly Joint Resolution No. 4 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 5.

Resolution read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Joint Resolution 5 proposes to amend the *Nevada Constitution* to remove the constitutional provisions relating to the election and duties of the Board of Regents of the University of Nevada. The Legislature shall provide by law for the governance, control, and management of the University. Proceeds of public lands donated for the support of the institution shall be invested by the state of Nevada as required by law.

Constitutional governance serves as an antiquated way to govern higher education, and Nevada is the only state that has its entire system governed by a single elected board with constitutional status. Although there are several variations among states, some of which are in constitutions, we are the only state that has the exact combination of higher education governance characteristics as we do. We are an outlier.

The only reason the Board of Regents is in the *Constitution* in the first place was to access the Morrill Land Grant Act upon statehood without any action on the part of the Legislature. The notion that the Legislature does not have a role in higher education governance persists despite the plain language of the *Constitution* and prevents us from really adapting to the state's demographic, economic, and workforce needs. These interpretations fly in the face of the plain language and the attempt of the framers—there was, in fact, a Washoe County lawyer and a delegate to the Second Constitutional Convention that added in that language to ensure that it would not be inferred, that we would have the situation that we have now. Unfortunately, in 1948 we had some case law that has gone contrary to that. Assembly Joint Resolution 5 is just seeking to put it back in that place.

I want to address one argument that I have heard a few times in opposition in regards to A.J.R. 5. I have heard a few people say that this is too strong a measure or the wrong message. I disagree with that because what this does is put the Board of Regents in the Nevada System of Higher Education in the same place as every other governing body and agency in the state. I do not think that is too strong or too much to ask. They would simply be in the same shoes as every other Executive Branch board and agency. I have also discussed with colleagues some other middle ground options. My colleague in the Senate who is cosponsoring the bill and I have tried a few other options, and we were not able to do that because of this language. That is what I am seeking to do, what we are seeking to do, and I would appreciate the body's support.

Roll call on Assembly Joint Resolution No. 5:

YEAS—38.

NAYS—Benitez-Thompson, Joiner, Krasner, Tolles—4.

Assembly Joint Resolution No. 5 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 9.

Resolution read third time.

Remarks by Assemblywoman Joiner.

ASSEMBLYWOMAN JOINER:

Assembly Joint Resolution 9 urges the United States Congress to not repeal the Patient Protection and Affordable Care Act and to fully preserve the benefits the Act affords many Nevadans.

Roll call on Assembly Joint Resolution No. 9:

YEAS—27.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.

Assembly Joint Resolution No. 9 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 11.

Resolution read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Assembly Joint Resolution 11 urges the United States Congress to ensure that the Intermountain West Corridor will follow the existing U.S. Route 95 corridor through Mineral County.

Roll call on Assembly Joint Resolution No. 11:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 11 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 13.

Resolution read third time.

Remarks by Assemblymen Swank, Hansen, and Edwards.

ASSEMBLYWOMAN SWANK:

Assembly Joint Resolution 13 expresses the support of the Nevada Legislature for the designation of the Basin and Range National Monument and Gold Butte National Monument under the federal Antiquities Act of 1906. The resolution cites the myriad natural and cultural resources within the area of the two National Monuments and the support of Nevadans for such designations. The resolution also urges Congress to oppose efforts to weaken the Antiquities Act or to reverse the designations of the two National Monuments in Nevada.

ASSEMBLYMAN HANSEN:

I rise in opposition to Assembly Joint Resolution 13. This act, these two new monuments, in fact, are a gross abuse of the Antiquities Act. The Antiquities Act was passed in the age of Theodore Roosevelt with the specific purpose of protecting Anasazi and the Indian ruins in the canyons mainly in Arizona. The idea of using this now to essentially lock up over a million acres in Nevada is absolutely something this body should oppose. It is a gross abuse of federal executive authority. I would just add up: You have 1 million acres now that is basically blocked off from any uses; you have 3 million in the nuclear test site; you have 2.5 million in wilderness study areas; you have 900,000 acres now with the naval test range.

We are slowly but surely allowing the federal government to lock our people off the use of its own public domain. As a sportsman, and I know for a lot of sportsman organizations, their biggest fear is the loss of access to the public domain. I would encourage this body to not allow the federal abuse of power through the Executive Branch. We should say no to this. If, in fact, we wanted to have this monument, it should be just like the Yucca Mountain situation. We should be able to discuss it and vote on it right here in this Chamber.

ASSEMBLYMAN EDWARDS:

Gold Butte is in my district. I and my constituents are not happy with the Obama Administration's designation of Gold Butte as a national monument. The history of the government's handling of the Gold Butte area has been anti-ranching, anti-agriculture, and anti-public. It has consistently reduced grazing, shut off more roads, and this designation will only make more restrictions.

As for the Antiquities Act of 1906, it actually requires the government to take the minimal amount of land to protect things of historical value. In the case of Gold Butte, there are about a hundred acres of land to protect but the Obama Administration cordoned off 300,000 acres. That is like saying the entire Las Vegas metropolitan area needs to be cordoned off to protect the Mormon Fort. Suffice it to say that the feds did a gross overreach in my district, and I hope the Legislature will not turn around and thank them for it. I ask all of you to vote no.

Roll call on Assembly Joint Resolution No. 13:

YEAS—27.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.

Assembly Joint Resolution No. 13 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 346.

Bill read third time.

Remarks by Assemblywoman Joiner.

ASSEMBLYWOMAN JOINER:

Assembly Bill 346 requires a person or governmental entity that wishes to operate or operates a small child care establishment to register with the Department of Health and Human Services and submit to a criminal history background check.

Roll call on Assembly Bill No. 346:

YEAS—29.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Titus, Wheeler, Woodbury—13.

Assembly Bill No. 346 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 372.

Bill read third time.

Remarks by Assemblywoman Bilbray-Axelrod.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Assembly Bill 372 repeals the Uniform Athletes' Agent Act that is currently in statute and enacts the Revised Uniform Athlete Agents Act. Among other provisions, A.B. 372 requires an athlete agent to hold a certificate of registration issued by the Secretary of State.

Assembly Bill 372 further sets standards for the behavior of an athlete agent and provides that an agent who violates these standards is guilty of a misdemeanor and must pay restitution.

Roll call on Assembly Bill No. 372:

YEAS—42.

NAYS—None.

Assembly Bill No. 372 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 34.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Assembly Bill 34 reduces the number of appraisals required when selling or leasing state land from two to one. When selling or leasing state land or land owned by an incorporated city or county in a county with a population of 45,000 or more, the bill prohibits using an appraiser if a relative of the appraiser within the third degree of consanguinity or affinity has an interest in the land or an adjoining property. For counties with a population less than 45,000 and cities within

those counties, the applicable degree of consanguinity and affinity is increased to the second degree.

Roll call on Assembly Bill No. 34:

YEAS—42.

NAYS—None.

Assembly Bill No. 34 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 211.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 211 revises provisions governing penalties for the violation of certain requirements relating to the payment of compensation and wages. Specifically, the bill increases the maximum amount of the administrative penalty the Labor Commissioner can assess for an employer found to have violated certain wage and compensation laws from $5,000 to $10,000. It also allows the Labor Commissioner to award some or all of the administrative penalty to a person harmed by a violation in certain circumstances and requires the Labor Commissioner to publish on its website a list of those found to have willfully violated requirements related to the payment of wages and compensation.

Roll call on Assembly Bill No. 211:

YEAS—27.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.

Assembly Bill No. 211 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 163.

Bill read third time.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Assembly Bill 163 requires a deferred deposit, high-interest, or title lender to determine whether a person has the ability to repay a loan before the loan is made and establishes the factors that the lender must use to make that determination. The bill also specifies that a lender, with certain exceptions, may not consider the income of any other person who is not the person taking out the loan when making a determination of the person's ability to repay a loan. In addition, it prohibits a title lender from making a loan to a person who does not legally own the vehicle being used to secure the loan.

This bill was the by-product of issues that were identified in the industry and constituents coming forth with ways that they had been taken advantage of. In the true spirit of this bill, the good actors came to the table, we worked for weeks and hours with sometimes not very much progress, but we finally got there. In the true spirit of the bad actors, they did not come to the table and, in fact, came to this building and played games. Their *modus operandi* was to continue that and I wanted to point that out. I look forward to continuing to work with the stakeholders. I am incredibly grateful for everybody who came to the table. We are going to take people off the treadmill of debt, and I am incredibly honored to have had the opportunity to sponsor this.

Roll call on Assembly Bill No. 163:

YEAS—42.

NAYS—None.

Assembly Bill No. 163 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Barbee, Paul Anderson, and David Stix, Sr.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from O'Brien STEM Academy: Alondra Gomez Ramirez, Kathleen Leslie, Kaitlyn McEnaney, Jaidunn McKenzie, Samantha Wright, Kelsi Davis, Niviam Gomez Lucas, Sonali Kopp, Rolando Chavez, Breanna Dowdell, Daisy Gonzalez Murillo, Jazmin Pantoja Aguilar, Rafael Sunga, Annika Wiechers, Raven Yanez, Esmeralda Coria Flores, Emma Rhew, Tonantzin Sanchez Contreras, Breanna Stack, Alexis Bautista, Josh Soules, Mariana Alquiza, Isabella Camargo, Mariana Gracian Vences, Liberty Martinez, Vanessa Ramirez Rios, Michel Hernandez Andrade, Paris Acosta, Brock Aime, Amyr Crispen-Ramirez, Anthony Ganz-Walker, Crystal Marquez Orozco, Jacqueline Mayorga, Isaiah Rogers, Trenton Mlaker, Erick Yanas-Perez, Latu Tuipulotu, Laura Bernabe, Avery Burt, Dayanara Hernandez, Jose Hernandez, Hannah Igbekoyi, Deandrea Mason, Madysen McKenzie, Enrique Olivares, Noemi Ortega-Sanchez, Fraeya Delladio, Sarahy Guzman Lara, Ivan Pinto, Hope Carnes, Victoria Gomez, Alejandro Martinez, Lesly Gonzalez, Jayden Taylor, Daniela Recinos, Ariela Gonzales, and Michelle Buelna.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Wednesday, April 26, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 9:45 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE EIGHTIETH DAY

CARSON CITY (Wednesday), April 26, 2017

Assembly called to order at 12:22 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Benitez-Thompson, Brooks, and Oscarson, who were excused.

Prayer by the Chaplain, Reverend Charlie Colleton.

Lord God, we humbly and graciously come before You. I thank You for each man and woman in this room. I pray for Your hand to be on them, guiding them through every decision placed before them. I ask for Your will to be done and Your presence to be felt and known in the midst of these people.

We ask for boldness and courage to stand for the things in which You have called us to stand. We call to You, Lord, because You are worthy of our praise. May our wisdom and truths be found in the words that You have already so written. As the psalmist says, Lord God, You are our Rock, You are our Deliverer, You are our Stronghold, and it is in You that we place our trust.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Araujo moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 25, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 469; Senate Joint Resolution No. 12.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 18, 47, 59, 65, 79, 84, 101, 107, 122, 144, 146, 150, 156, 175, 236, 253, 262, 273, 281, 282, 287, 314, 322, 344, 350, 352, 357, 360, 364, 369, 374, 375, 386, 387, 396, 398, 407, 409, 420, 433, 437, 442, 447, 449, 462, 471, 472, 484, 491, 499, 509; Senate Joint Resolutions Nos. 3, 4.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 3.

Assemblywoman Diaz moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Joint Resolution No. 4.

Assemblywoman Diaz moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Joint Resolution No. 12.

Assemblywoman Swank moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 18.

Assemblyman Araujo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 47.

Assemblyman Araujo moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 59.

Assemblyman Araujo moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 65.

Assemblyman Araujo moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 79.

Assemblyman Araujo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 84.

Assemblyman Araujo moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 101.

Assemblyman Araujo moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 107.

Assemblyman Araujo moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 122.

Assemblyman Araujo moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 144.

Assemblyman Araujo moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 146.

Assemblyman Araujo moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 150.

Assemblyman Araujo moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 156.

Assemblyman Araujo moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 175.

Assemblyman Araujo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 236.

Assemblyman Araujo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 253.

Assemblyman Araujo moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 262.

Assemblyman Araujo moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 273.

Assemblyman Araujo moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 281.

Assemblyman Araujo moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 282.

Assemblyman Araujo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 287.

Assemblyman Araujo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 314.

Assemblyman Araujo moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 322.

Assemblyman Araujo moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 344.

Assemblyman Araujo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 350.

Assemblyman Araujo moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 352.

Assemblyman Araujo moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 357.

Assemblyman Araujo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 360.

Assemblyman Araujo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 364.

Assemblyman Araujo moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 369.

Assemblyman Araujo moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 374.

Assemblyman Araujo moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 375.

Assemblyman Araujo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 386.

Assemblyman Araujo moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 387.

Assemblyman Araujo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 396.

Assemblyman Araujo moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 398.

Assemblyman Araujo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 407.

Assemblyman Araujo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 409.

Assemblyman Araujo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 420.

Assemblyman Araujo moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 433.

Assemblyman Araujo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 437.

Assemblyman Araujo moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 442.

Assemblyman Araujo moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 447.

Assemblyman Araujo moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 449.

Assemblyman Araujo moved that the bill be referred to the Committee on Corrections, Parole, and Probation.

Motion carried.

Senate Bill No. 462.

Assemblyman Araujo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 471.

Assemblyman Araujo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 472.

Assemblyman Araujo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 484.

Assemblyman Araujo moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 491.

Assemblyman Araujo moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 499.

Assemblyman Araujo moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 509.

Assemblyman Araujo moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from O'Brien STEM Academy: Cambell Erlendson, Alec Harlow, Simardeep Jhattu, Emily McGaffey, Helena Alquiza, Kyle Morrow, Xavier Wilson, Lily Carrara, Aaliyah Enciso, Vanessa Izquierdo, Chelsea Tieg, Jennifer Ruiz-Martinez, Tiare Santella, Travis Bickell, Crystal Padilla, Michael Caguiat, Saray Diaz Rubio, Damaris Aragon Barajas, Elizabeth Ruiz Ramirez, R'Jay Lumba, Joshua Murphy, Andres Perez-Ramirez, Emily Buster, Lovelyn Hernandez, Xoie Holler, Adam McCown, Adalberto Chavez, Sarah Whitmore, Ashaln Rumbaugh, Richelle Beltejar, Cynthia Parra, Anahi Hernandez, Sirada Kringkarthok, Heaven Mora, Kelly Dekker, Andrew Flores-Emery, Aaron Perez, Ellisabeth Thorp, Kelepi Tu'akalau, Anthony Auguiano, Angel Wence, Lyanette Cordero, Devin Diaz, Brithany Guel, Maludia Onyeagolu, Gaberiel Orozco, Kevana Woodcox, Taynisha Adams, Jimena Corona, Mikenzy Griep, Darci Guerra, Joshua Waltman, Jason Perez, Sheccid Sanchez, Kyler Sandoval, Erica Chavez, Sarah Chew, Robert Moffitt, Angel Rubio, and Heavyn Williams.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Joe Neal.

Assemblyman Araujo moved that the Assembly adjourn until Thursday, April 27, 2017, at 11 a.m.

Motion carried.

Assembly adjourned at 1:01 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE EIGHTY-FIRST DAY

CARSON CITY (Thursday), April 27, 2017

Assembly called to order at 11:31 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Monroe-Moreno, Sprinkle, and Swank, who were excused.

Prayer by the Chaplain, Pastor Chase Ward.

Lord, Your word tells us, "For rulers are not a terror to good conduct, but to bad. Would you have no fear of the one who is in authority? Then do what is good, and you will receive his approval, for he is God's servant for your good."

Thank You for these men and women who seek to do good through law. We thank You for the alumni who are present today. We thank You for their past service and for their current concern for our state. Today, we ask for wisdom that they may address today's agenda with direct fervor. Lead them in truth and in the well-being of our state. In Jesus' name I pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 413 and 448 be withdrawn from the Committee on Government Affairs.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 413 be rereferred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 448 be rereferred to the Committee on Transportation.

Motion carried.

By Assemblymen Frierson, Paul Anderson, Elliot Anderson, Araujo, Benitez-Thompson, Bilbray-Axelrod, Brooks, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Edwards, Ellison, Flores, Fumo, Hambrick, Hansen, Jauregui, Joiner, Kramer, Krasner, Marchant, McArthur, McCurdy, Miller, Monroe-Moreno, Neal, Ohrenschall, Oscarson, Pickard, Spiegel, Sprinkle, Swank, Thompson, Titus, Tolles, Watkins, Wheeler, Woodbury and Yeager; Senators Ford, Roberson, Atkinson, Cancela, Cannizzaro, Denis, Farley, Gansert, Goicoechea, Gustavson, Hammond, Hardy, Harris,

Kieckhefer, Manendo, Parks, Ratti, Segerblom, Settelmeyer, Spearman and Woodhouse:

Assembly Concurrent Resolution No. 10—Honoring the contributions of former members of the Nevada Legislature.

WHEREAS, Section 1 of Article 4 of the Nevada Constitution provides that the legislative authority of the State of Nevada is vested in a Senate and Assembly which shall be designated as the Legislature of the State of Nevada; and

WHEREAS, From the time the first Nevada Territorial Legislature met in 1861 until the present day, over 2,100 Legislators have served the people of Nevada; and

WHEREAS, The Legislature is comprised of 21 Senators and 42 Assemblymen, each representing the geographic and cultural diversity of this State; and

WHEREAS, Nevada is one of only six states that has a true citizen legislature, with its members representing many different occupations, including ranchers, miners, doctors, school teachers, plumbers, lawyers, casino dealers, business owners and retirees; and

WHEREAS, Such Legislators have ranged in age from 21 to 81 years of age, and have served terms from as little as a few days up to 40 years; and

WHEREAS, Each member of the Nevada Legislature has brought his or her unique perspective, understanding and expertise to this role, reflecting the rich and varied life experiences of such persons; and

WHEREAS, Over the last 156 years, the members of the Nevada Legislature have been asked to solve complex and difficult policy issues, making vital decisions that have profoundly affected the lives of the residents of this State and shaping the future of this State; and

WHEREAS, Many members of the Nevada Legislature have gone on to serve as United States Senators and Representatives, Governors and state and federal judges, as well as becoming leaders in commerce and various other professions; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That April 27, 2017, is designated as Alumni Day at the Nevada Legislature; and be it further

RESOLVED, That on this day we honor all the former Legislators who have served as members of this great institution and reflect on the sacrifices they made to serve the people of this State.

Assemblywoman Benitez-Thompson moved the adoption of the resolution.

Resolution adopted and ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Araujo, the privilege of the floor of the Assembly Chamber for this day was extended to Roger Bremner and Maureen Brower.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to David Bobzien, Holly Valentine, Steve Karambis, Sr., Steve Karambis, Jr., and Artie Valentine.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to April LaLone.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Kelly Thomas.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Kristopher Dahir and Ron Smith.

On request of Assemblyman Edwards, the privilege of the floor of the Assembly Chamber for this day was extended to Jerry Fairchild and Jean Fairchild.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Mandy Simons and Shanell Owens.

On request of Assemblyman Fumo, the privilege of the floor of the Assembly Chamber for this day was extended to Jose Pallares.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Stephen Silberkraus.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Benkovich, Harold Jacobsen, and Alice Jacobsen.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Eleanor Joiner Davis.

On request of Assemblyman Kramer, the privilege of the floor of the Assembly Chamber for this day was extended to Alan Glover, Harle Glover, Bob Price, and Nancy Price.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Heaney and David Humke.

On request of Assemblyman Marchant, the privilege of the floor of the Assembly Chamber for this day was extended to Victoria Seaman and Tatiana Seaman.

On request of Assemblyman McCurdy, the privilege of the floor of the Assembly Chamber for this day was extended to Gerri Schroder.

On request of Assemblywoman Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Marilyn Dondero Loop and Kyle Stephens.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Lawrence Weekly.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Joel Oscarson, Sean Sever, and Noah Sever.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Jay Craddock and the following students, teachers, and chaperones from St. Viator Catholic School: Taylor Bair, Andrew Banuelos, Vincent Bodnar, Alexander Boehmer, Cooper Boynton, Dylan Brinkmeyer, Sebastien Cabrea, Roger Cadena, Abigail Carrera, Alexander Cheda, Marcos Coronel, Ariana Cortez, Arwen Cudiamat, Kylie Curran, Aiden Decania, Joseph Demilliano, Alexa Dornak, Joseph Ermias, Aaron Estaban, Michael Fury, Delise Fusaro, Ethan Guillem, Madison Gust, George Holt, Braden Houston, Oriana Israel, Zachary Jensen, Peri Jones, Thomas Keating, Liberty Leano, Nerys Lee, Evan Litt, Logan Martinez, Lauren May, Sophia McEvoy, Derek McKnight, Ryan Nguyen, Samantha Orris, Taurean Otto, Gabriel Pabaira, Vincent Palacio, Hunter Philbeck, Diantha Priputen, Tara Quintero, Ruby Raphael Thekkudan, David Riede, Kevin Rozzano Strain, Mackenzie Ryan, Natalya Sayegh, Christopher Snyder, Ryan Unkelbach, Finnagin Wantland, Alexandra Witucki, and Jin Yu.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Ricki Barlow, Harry Williams, and Joe Mitchell.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Jill Dickman, Tom Grady, and Greg Hunewill.

On request of Assemblywoman Tolles, the privilege of the floor of the Assembly Chamber for this day was extended to Patricia Cafferata, Jan Riherd, and the following students, teachers, and chaperones from Caughlin Ranch Elementary: Zoa Clayton, Keelyn Cole, Levy Francisco, Dain Im, Rory Kerr, Conrad Mullins, Martin Peralta, Brett Prather, Rithik Rajesh, Brandon Rodriguez, Protiti Sarker, Matthew Telliano, Lillian Thompson, Elijah Joseph, Molly Volpp, Adam Weisenberger, Matthias Willans, John Williamson, Trent Crawford, Eleanor Davis, Simryn Desai, Harper Gomez, Laurel Johnson, Ethan Joy, Casey Kuang, Sofia Laitinen, Sydney Means, Braden O'Grady, Emmanuel Peace, Owen Prioreschi, Sophia Sautto-Cedillo, Dylan Schemenauer, Katelyn Steele-Gage, Elijah Thompson, Alexander Weaver, and Reese Williams.

On request of Assemblyman Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to Andrew Martin.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Friday, April 28, 2017, at 11 a.m.

Motion carried.

Assembly adjourned at 12:07 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE EIGHTY-SECOND DAY

CARSON CITY (Friday), April 28, 2017

Assembly called to order at 11:29 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Monroe-Moreno, Swank, Watkins, and Woodbury, who were excused.

Prayer by the Chaplain, Pastor Chase Ward.

Lord, Your Word says, "Be subject for the Lord's sake to every human institution, whether it be to the emperor as supreme, or to governors as sent by him to punish those who do evil and to praise those who do good."

Again Lord, we ask for wisdom. I ask for Your guidance, for discussion and decisions that are for the good of the people, and the betterment of our state. May Your hand direct and bring about Your will. In Jesus' name.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 201, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MICHAEL C. SPRINKLE, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 27, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 10.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Ellison, Elliot Anderson, Paul Anderson, Araujo, Benitez-Thompson, Bilbray-Axelrod, Brooks, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Edwards, Flores, Frierson, Fumo, Hambrick, Hansen, Jauregui, Joiner, Kramer, Krasner, Marchant, McArthur, McCurdy, Miller, Monroe-Moreno, Neal, Ohrenschall, Oscarson, Pickard, Spiegel, Sprinkle, Swank, Thompson, Titus, Tolles, Watkins, Wheeler, Woodbury and Yeager; Senators Goicoechea, Atkinson, Cancela, Cannizzaro, Denis,

Farley, Ford, Gansert, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Manendo, Parks, Ratti, Roberson, Segerblom, Settelmeyer, Spearman and Woodhouse:

Assembly Concurrent Resolution No. 11—Celebrating the life of former Assemblyman John C. Carpenter Jr.

WHEREAS the members of the Nevada Legislature on this day remember and celebrate the life of an esteemed colleague and dedicated public servant, former State Assemblyman John C. Carpenter; and

WHEREAS, John Carpenter was a true, native Nevadan, born to John and Lucille Carpenter in Fallon, Nevada, on October 13, 1930, and raised in Ely, Nevada, where he graduated from White Pine High School; and

WHEREAS, In 1957, after finishing high school, John Carpenter married his sweetheart, Roseann Slater and together they moved to Elko County, where they purchased a sheep ranch and lived for the next 60 years, working hard, raising seven successful children and actively participating in the community; and

WHEREAS, John Carpenter's distinguished career in state and local government included serving for 14 years on the Elko County Board of Commissioners, and thereafter being elected to serve in the Nevada State Assembly, representing District 33 for 24 years, generally winning elections by large margins and running four times unopposed; and

WHEREAS, John Carpenter tirelessly advocated for ranchers and ensured that the voice of rural Nevada was heard in the Nevada Legislature; and

WHEREAS, John Carpenter was known among his colleagues in the Assembly for his cowboy drawl, his political shrewdness, his kind heart and his lively sense of humor; and

WHEREAS, During the most difficult days of the legislative session, John Carpenter would relieve the tension by serving as the master of ceremonies when his fellow legislators donned cowboy hats and a chosen few, those with the character of a real cowboy or cowgirl, were inducted into the Cowboy Hall of Fame, or would regale the Assembly with a recitation of the adventures of Susie Q, a plastic tugboat that made arduous journeys down the rivers of rural Nevada; and

WHEREAS, In 2000, John returned to his activist roots by leading the Shovel Brigade, a resolute band of shovel-wielding protesters who defied the United States Forest Service and reopened a road near Jarbidge, Nevada; and

WHEREAS, John Carpenter was involved in every aspect of the community in which he lived and has been credited with helping to bring the Great Basin College and a convention center to Elko; and

WHEREAS, John C. Carpenter was universally respected and admired by all of the members of the Legislature who had the privilege to know and work with him; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That on this day, the members of the 79th Session of the Nevada Legislature remember and celebrate the life of John C. Carpenter and extend their deepest condolences to his beloved wife Roseann Carpenter and their children John, Scott, Elizabeth, Susan, Doug, Lois and Linda; and be it further;

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Assemblyman Carpenter's wife and children.

Assemblyman Ellison moved the adoption of the resolution.

Remarks by Assemblymen Ellison, Spiegel, Elliot Anderson, Ohrenschall, Hambrick, Hansen, Daly, and Mr. Speaker.

ASSEMBLYMAN ELLISON:

Today I am honored to show respect for a great statesman, a friend, a colleague, and my mentor. I am sorry. This is emotional. I watched this man do so much for Elko, rural Nevada, and the state, and this country. A lot of you do not know that State Assemblyman John Carpenter—put on your hats if you have them—State Assemblyman John Carpenter was one of the leading proponents of PILT [payment in lieu of taxes] and it was important. A lot of people

do not realize that without that, some of these counties would not have survived through the years.

Mr. Carpenter, as we just read, had 19 grandchildren, 7 great-grandchildren. One of them is Kayla who will graduate from West Point this month. She was flown in for this service from the Marshall Islands. There are also three other grandchildren that will graduate from college this month: Kensie, Brittany, and Stephanie.

In addition to the service in this body, John Carpenter also served 14 years as Elko County Commissioner and is also known as the "Assemblyman of Humor and Love" of Nevada. State Assemblyman Carpenter served 27 years in this body, and his friends and family are here today to show respect and honor for what Mr. Carpenter did. I cannot go on about what his accomplishments were, there were so many. The college would not have been built; the convention center would not have been built; a lot of the facilities in Elko would not have been built if it was not for his force and how the people felt about him and the gratitude he had. He went door to door, he and his colleagues, knocking on doors to try to get the convention center enough votes. People said it was going to cost too much; they called it the white elephant. But they pushed and pushed and pushed and he got that facility built.

A lot of people know John Carpenter from the Jarbidge Shovel Brigade. That was a big fight. His heart was into this so much after what they did in South Canyon. Mr. Carpenter and his colleague, Mr. Gerber, went out there and brought this giant shovel into Elko. It was kind of funny because everybody that sponsored this could put their names on this shovel. There were thousands of names on this. I put my wife, my children, and it got to the point where I said they are going to retire my horses. So I got the markers and put my horses' names on this shovel. It was a good deal and they had a large parade and people showed up in South Canyon to protest them closing that road up in Jarbidge.

That was just one of the things he did. I could go on and on about his accomplishments. I am just so proud, Mr. Speaker, that you allowed us to do this today in honor of Mr. Carpenter. I do not think this would have happened if it was not for you allowing us to do this. There are a lot of friends here on the floor that would like to say a few words.

ASSEMBLYWOMAN SPIEGEL:

I am really delighted to be able to say these words to Mr. Carpenter's family. I was really pleased and privileged to serve with him. Early in my legislative career, I learned an awful lot from him. I was inducted into the Cowboy Hall of Fame, and I still proudly have the certificate on the wall of my office. But the most important thing I learned from Mr. Carpenter was the cowboy code of ethics and the cowboy code of honor. The thing is, he did not just teach it to me by giving me words on a piece of paper, he taught it by example. He was absolutely somebody that we could all learn from, and respect, and admire. I am privileged to have known him and I am glad we are doing this today. I thank you all for sharing him with the state of Nevada; we are a much better place because of him.

ASSEMBLYMAN ELLIOT ANDERSON:

I did not get a chance to serve with Mr. Carpenter but I did get to work in the building when he was here and got to spend some time talking with him. He said the same advice to everyone but I will never forget the best advice that I have ever heard in this building. I think it is worth sharing today—Never ask your barber if you need a haircut. It was an impactful thing for me. It helped me sort through the information I get in this building, which is a really important thing for all of us. It is profound advice yet delivered in such a simple way that makes you think. I thought that was pretty impressive to be able to convey such important information in very simplistic words. That is, to me, the mark of someone who is really good—to be able to express so much in so few words. I wanted to leave the body with that because I think it is a very important thing to remember as you are in this building.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of Assembly Concurrent Resolution 11. I had the privilege of getting to know Assemblyman Carpenter; both I and my mom got to serve with him. When my mom was a freshman in the 1995 Session, the house was evenly divided. John was probably the ranking

member on most of the committees she served on, and he was always very kind to her. They stayed friends even when she left the Legislature and after he left the Legislature.

He was a great friend to me when I got elected in 2006 and would always take time to listen to me and my concerns about bills. There were times where I would go and talk to him about a bill that came from the prosecutorial bar and I would give him my bleeding heart liberal pitch. Every now and then he would listen, and he became a bleeding heart liberal. There were many bills that I didn't get a chance to talk to him on and he would, in Judiciary Committee—that is where I got to know him the best—he would play devil's advocate. He would champion the civil libertarian cause, and he would say Well, what would happen if I were arrested and a complaint was not filed in 24 hours or 48 hours? What kind of recourse would I have? He would really put himself in the shoes of our constituents and see how bills would affect our constituents. Back when I first got elected, before computers, we still had bill books. Very often, long after floor ended or in the morning after committee ended before floor started, he would be here sitting, reading word for word every bill. He was so serious about his job and wanted to make sure he did not cast a wrong vote and he did not just go along to get along and cast an erroneous vote that would hurt his constituents.

I think back to the Judiciary Committee when Chairman Anderson chaired it and former Speaker Buckley was on that committee that I served on. They used to joke about the CAB law firm—Carpenter, Anderson, Buckley—because if you could get all three of them to agree on something, you would be okay. You would probably get that bill through Judiciary Committee. But if C, A, or B did not agree on that, you would probably have some trouble.

No disrespect to anyone who is in the Chamber, but I certainly think he was probably the most thoughtful, hardworking legislator I ever met. I think if you could go back and ask former Speaker Buckley, former Chairman Anderson, people from Clark County and Washoe County if they would have been comfortable with John Carpenter being governor, being he was from one of the pioneer counties, not from one of the urban centers, I think that they would have said yes. In many ways I think he might be the last—at least the last person I have met from one of the pioneer counties—that you talk to leaders from Clark and Washoe, and they would say Yeah, he would be very fair if he were governor. He would have treated all parts of the state fairly.

I miss him dearly and give my regards to his family for sharing him with us. I know that after he left the Legislature he served on the Ethics Commission and continued his public service. His last session of the Legislature I remember coincided with Senator Dean Rhodes retiring and I asked John, You are going to run for Senate, right? You have to run for Senate. We cannot not have you in this building, not have someone like you. He said No, I think it is time for me to go. It is time to let some new people take over. I always wondered—Roseann had a lot of health problems and needed a lot of surgery, and I thought that maybe was it—but I did not expect us to lose him so soon. He certainly has always been the kind of legislator I have aspired to be, have not attained that yet, but I have always aspired to be like Assemblyman Carpenter because he is truly the most hardworking legislator I ever served with.

ASSEMBLYMAN HAMBRICK:

Mr. Carpenter, former Assemblyman Carpenter, was not necessarily known for his poetry. My colleague from Assembly District 4 and I were freshmen, and I can remember where Mr. Carpenter sat right on the front up here. We would walk over and ask him a question. He would look at us very thoughtfully and say Just read the damn bill. So we did not ask him that very often.

He served this state with honor and distinction. Former Assemblyman Stewart and Mr. Carpenter are rare commodities these days, because when they would shake your hand and say a deal is a deal, you could take that to the bank. Sadly, in today's environment—not in this body, of course, but in today's environment—that is not always the case. I am sure he is looking down on us right now and saying Just get the damn work done.

ASSEMBLYMAN HANSEN:

What I remember most about Mr. Carpenter is the fact that he was such an ardent proponent of the *United States Constitution*. John Carpenter was an ardent believer in the idea that Nevada should control its public lands. He was probably the most dedicated Nevadan that you could ever meet; I don't think there was anybody that stood up more for the state of Nevada and had

more respect on all sides of the aisle. He had that kind of commonsense way that you find in people that are working out on the land all of the time, and you just have a natural respect for people like him.

I do not remember when I first met him, but I do remember the last time I saw him. In my district we had a problem with some ranchers who, frankly, were getting treated very badly by the Bureau of Land Management, and John Carpenter helped put together a whole group of people to go up there and actually see what was going on out on the range and help explain to everybody what the actual conditions of the forage were, in this case, for these ranchers. I think he had to be at least 84 or 85 years old on that tour.

My remembrances of him—I was on the shovel brigade; I actually raised 500 shovels. I think John and Senator Rhodes were the founders of the Sagebrush Rebellion. These are hard-core people who spent their whole lives living on the range in Nevada and had more common sense than all of us in this room combined, frankly.

So I just want to say to his family, thank you for sharing him with us for those 86 years, and thank you for all of the great work he did for the state of Nevada. Hopefully some of you will carry on that tradition.

ASSEMBLYMAN DALY:

I, like my colleague, did not get a chance to serve with Mr. Carpenter. He was termed out my first session. But I did get to work with John on a couple of bills and various things, and I remember one bill in particular that I was working on. Assembly Bill 444—I remember the number—was for double penalties in work zones. It was trying to protect construction workers out on the road. I do remember at the time John Carpenter put an amendment on that bill, and I thought it was a good amendment; I thought it would help me get a few votes. The amendment was to put the blue lights—at the time it was against the law to have blue lights on anything other than a police official car—so we put the blue lights on the back of the NDOT [Nevada Department of Transportation] truck and the other vehicles. Every time I go by one of those blue lights, I think of John. Now I hope the rest of you will as well. Double penalties in work zones, I am sure saved lives, and helped people from getting injured. But I will tell you, every time in a snowstorm, you see those blue lights a lot quicker than you see amber or red or anything else. I can guarantee you that that change also saved lives. That was one of the things that you might not have known about some of the work that he did. He made a bill I was working on better and made the state better too.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I was not able to serve with the Assemblyman but I was able to advocate on behalf of Clark County and that is how I met Mr. Carpenter. I will say this: Everybody knows how much I care about the institution and the integrity of this process, and he was the perfect example of the integrity of this process. I will also say whether it was in his office, in committee, or on this floor, nothing that he did or said let me know what party he was. He voted how he voted and did what he thought was the right thing but it never, ever—on this floor, in committee, or in his office—came from him with a partisan slant. I think that was my example of being a true statesman. We miss him and we carry on his spirit because he did it the right way.

ASSEMBLYMAN ELLISON:

I thank my colleagues for the remarks. There will be a lot more shared today with the family, I am sure. I would like all the family members to stand. You can see they have flown sons and daughters and grandchildren and great-grandchildren from all over the country to be here today to show respect to their father and grandfather. I think it is so important.

I would like to hand the resolution to Linda. As we were growing up when Mr. Carpenter had the gas station at Cimarron West, we gave her a nickname, Dipstick. She was always asking how to check the oil in the cars. He taught his kids work ethics. I am so proud to have known him; John was like a father to me. Mr. Speaker, I stand with these great people. Please show them your honor and respect for them being here today.

Resolution adopted and ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:55 p.m.

ASSEMBLY IN SESSION

At 12:01 p.m.
Mr. Speaker presiding.
Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 19.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Brooks, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Carpenter, Doug Carpenter, and Kristen Carpenter.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Scott Carpenter, Darryl Carpenter, and Kelsey Larsen.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Lois Carpenter, Doug DeForest, Kayla Carpenter, Cindy Ellison, Tina Reminger, John B. Carpenter, John T. Carpenter, Roseann Carpenter, and Linda Meo.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Rochelle Carpenter, Charlie Wellemeyer, Elizabeth Carpenter, and Eve Nybe.

On request of Assemblyman Kramer, the privilege of the floor of the Assembly Chamber for this day was extended to Cidney Hinds, Kristina DeForest, and Dawn Ayarbe.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Elizabeth Lenz Elementary: Hailey Bandelin, Natalia Black, Connor Borgna, Ian Brockelsby, Tony Caramella, Kylie Chalmers, Dustin Cochran, Aiden Craig, Kennedi Edmunds, Megan Flatt, Sophia Hansen, Vance Hatt, Leah Kinne, Landon Martin, Maclain McBride, Niah Morris, Milton Muniz, Keegan Nichols, Taylor Noel, Jolie Parra, Caleb Richter, Keeyan Searcy, Shanen Swanger, Laurel Tushbant, Nolan Bader, Colt Coehlo, Bella Brintnall, Takeo Cervantez, Ryan Dolan, Ammi Duenas

Mercado, Ashley Dunbar, Joe Fix, Annie Forshey, Ayden Grace, Madelyn Hadwick, Kaylee Harper, Carmine Khoshaba, Katie Landa Iboa, Tyler Larsen, Samatha Lowe, Crystayle Magers Morales, Mason Miller, Manvi Mummalanai, Malia Nakamura, Brooklyn Parkhurst, Christian Park, Jacob Soleman, Kayden Sturtevant, Bridger Weide, and Dorian Villagrana Suarez.

On request of Assemblywoman Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Charemon R. Cooks.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Candace Merchant, Rylee Carpenter, and Tyler Carpenter.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Grady.

On request of Assemblywoman Tolles, the privilege of the floor of the Assembly Chamber for this day was extended to Gage Koler.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Terry Sullivan.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Tuesday, May 2, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:05 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE EIGHTY-SIXTH DAY

CARSON CITY (Tuesday), May 2, 2017

Assembly called to order at 12:02 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Bishop Ruwolf Hrothulf.

I would like to ask that you not bow your heads today. Instead, take this moment to look around the room at all of the men and women here, in this moment, sharing together this extraordinary universal gift of life and of dedicating ourselves to working toward improving the lives of the people in our state.

This is a room in which there are many challenging debates, many moments of tension, of ideological division, of frustration. But this is also a room where, by the very fact of being human, we have much more in common than we have differences. We share the same spectrum of potential for care, for compassion, for fear, for joy, for love. We respect this universal gift of life.

In this room, let us therefore cherish and celebrate our shared humanness, our shared capacity for reason and compassion, our shared love for the people of our state, for our constitution, for our democracy—and let us root our policymaking process in these values that are relevant to all Nevadans, regardless of religious belief or nonbelief. In gratitude and in love, in reason and in compassion, let us work together for a better Nevada.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 28, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 11.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 1, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 35, 54, 162, 387, 476.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Joint Resolution No. 2, Amendment No. 515, and respectfully requests your honorable body to concur in said amendment.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 493—AN ACT making a supplemental appropriation to the Department of Corrections for a projected shortfall related to outside medical expenditures; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 494—AN ACT making a supplemental appropriation to the Division of Health Care Financing and Policy of the Department of Health and Human Services for a projected shortfall resulting from an increase in the Medicaid caseload over the amount legislatively approved for Fiscal Years 2015-2016 and 2016-2017; authorizing the expenditure of certain money for the same purposes; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 495—AN ACT making a supplemental appropriation to the Division of Emergency Management of the Department of Public Safety for a projected shortfall for activities related to reimbursements for the 2017 floods; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 496—AN ACT making a supplemental appropriation to the Office of the Secretary of State for a projected shortfall related to credit card processing fees; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 497—AN ACT making a supplemental appropriation to the Division of Administrative Services of the Department of Motor Vehicles for a projected shortfall related to credit card processing fees; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 201.

Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Joint Resolution No. 2.

The following Senate amendment was read:

Amendment No. 515.

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to require the recognition of all marriages regardless of gender.

Legislative Counsel's Digest:

Section 21 of Article 1 of the Nevada Constitution provides that only a marriage between a male and a female person may be recognized and given effect in this State. The United States Supreme Court, however, held in 2015 that the right to marry is guaranteed by the Fourteenth Amendment to the United States Constitution and that same-sex couples may not be deprived of that right. *See Obergefell v. Hodges*, 135 S. Ct. 2584 (2015). Under the Supremacy Clause of the United States Constitution, federal constitutional law supersedes state constitutional law in most cases. (U.S. Const. Art. VI, cl. 2) As a result, Section 21 of Article 1 of the Nevada Constitution is not enforceable.

This resolution amends Section 21 of Article 1 of the Nevada Constitution to require the State of Nevada and its political subdivisions to recognize all marriages regardless of gender. **In addition, this resolution establishes the rights of religious organizations and members of the clergy to refuse to perform marriages on the basis of gender or other factors, and specifically provides that a person does not have a right to make a claim against a religious organization or member of the clergy for refusing to perform a marriage.** This resolution further provides that all legally valid marriages must be treated equally under the law.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 21 of Article 1 of the Nevada Constitution be amended to read as follows:

~~[~~Sec:~~]~~ ***Sec.*** 21. ~~[~~Limitation on recognition~~]~~ ***Recognition*** of marriage. ~~[Only a marriage between a male and female person shall be recognized and given effect in this state.]~~

1. The State of Nevada and its political subdivisions shall recognize marriages and issue marriage licenses to couples regardless of gender.

2. Religious organizations and members of the clergy have the right to refuse to solemnize a marriage, and no person has the right to make any claim against a religious organization or member of the clergy for such a refusal.

3. All legally valid marriages must be treated equally under the law.

Assemblywoman Diaz moved that the Assembly concur in the Senate Amendment No. 515 to Assembly Joint Resolution No. 2.

Remarks by Assemblywoman Diaz.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 469; Assembly Concurrent Resolution No. 10.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Marcia Bollea, Katherine Lorenzo, and Eric Young.

On request of Assemblyman Brooks, the privilege of the floor of the Assembly Chamber for this day was extended to Rosalie Marrujo, Karolina Renteria, and Donna West.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Sondra Cosgrove.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Cinthia Zermeno.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Ivan Ramirez, Tobi Tyler, and Joseph Shalev.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Lera and Lisa Foley.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Lilian Chicas and Larry Fosgate.

On request of Assemblyman Fumo, the privilege of the floor of the Assembly Chamber for this day was extended to Daniel Hofstein, Richard Lester, and Elizabeth Ramey.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Teresa Elk.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Stephanie Curry.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Sharon Ingram-Bevans, Cassy Rivas, and Miriam Smith.

On request of Assemblyman Kramer, the privilege of the floor of the Assembly Chamber for this day was extended to George Grover and Jill Mueller.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to Jeff Carlton, Judith Saum, and David VonSeggern.

On request of Assemblyman Marchant, the privilege of the floor of the Assembly Chamber for this day was extended to Bertha Robledo, Juan Robledo, and Loretta Tancredi.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to Jerry Holliday, Lena Paola, and Shawana Rhodes.

On request of Assemblyman McCurdy, the privilege of the floor of the Assembly Chamber for this day was extended to Ken Evans, Richard Munk, and Connie Munk.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Ralph E. Williamson.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Noa Peri-Jensch, Yohanan Lowie, and Neville Pokroy.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Denise Gerdes and Andrea Martinez-Jimenez.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Lior Gal, Rebecca Avera, and Dillion Hosier.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Maria Guadalupe Areola, Leonard Jackson, and Carolyn McClure.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Rafael Lopez, Dinisha Mingo, and Ender Austin III.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Carol Muir and Ralph Williamson.

On request of Assemblywoman Tolles, the privilege of the floor of the Assembly Chamber for this day was extended to Melissa Holland and Jen Robinson.

On request of Assemblyman Watkins, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Roys and Kanani Espinoza.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Sigal Chattah, Hannah Alterwitz, and Matthew Levin.

On request of Assemblyman Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to Cielo Gumabon and Asha Jones.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Friday, May 5, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:21 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE EIGHTY-NINTH DAY

CARSON CITY (Friday), May 5, 2017

Assembly called to order at 12:10 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen McCurdy and Woodbury, who were excused.

Prayer by the Chaplain, Reverend Charlie Colleton.

Lord God, it's with honor and gratitude that we come before You today with our prayers and our petitions. We come to You, Lord, and ask for Your guidance and Your clarity concerning the decisions that need to be made today. Remembering the instruction You have given in scripture, "God resists the proud, but He gives grace to the humble," let that be us today, Lord, humble servants ready and willing to do Your work.

Lord, as we celebrated the National Day of Prayer yesterday, I was reminded to pray every day for this great Nation and for the men and women in this room who give their time and service to be the voice of the people, in our home state of Nevada. Heavenly Father, be in their midst today, may they be refreshed and renewed in You.

Lastly, God bless America, land that I love. Stand beside her and guide her through the night with the light from above.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Senate Joint Resolution No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

OLIVIA DIAZ, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 2, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 1, 85, 385, 451, 490; Senate Bills Nos. 37, 38, 72.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 498—AN ACT making an appropriation to the Division of Emergency Management of the Department of Public Safety for

a joint field office to work with the Federal Emergency Management Agency on certain flood reimbursements; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 499—AN ACT making appropriations to restore the balances in the Stale Claims Account, Reserve for Statutory Contingency Account and Contingency Account; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 500—AN ACT making an appropriation to the Account for the Governor's Portrait for the preparation and framing of a portrait of Governor Brian Sandoval; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 501—AN ACT making an appropriation to the Legislative Fund for dues and registration costs for national organizations and for computer hardware replacements; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 502—AN ACT making an appropriation to the Account for Pensions for Silicosis, Diseases Related to Asbestos and Other Disabilities; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 503—AN ACT making an appropriation to the Office of the Secretary of State for the second phase of the replacement of the Electronic Secretary of State System (ESOS) software and hardware; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 504—AN ACT making an appropriation to the Office of Finance to replace the existing financial and human resource management information technology system; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 505—AN ACT making appropriations to the Department of Corrections for a new telephone system and for certain information system projects; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 506—AN ACT making appropriations to the Nevada Gaming Control Board for certain costs relating to the Alpha Migration Project; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 507—AN ACT making appropriations to the Department of Public Safety for the replacement of vehicles, pickup trucks and motorcycles for the Nevada Highway Patrol; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 508—AN ACT making an appropriation to the Department of Public Safety for the replacement of dispatch center consoles and portable hand-held radios; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 509—AN ACT making an appropriation to the Department of Business and Industry for the implementation of an electronic management system for public works and prevailing wage surveys in the Office of the Labor Commissioner; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 510—AN ACT making appropriations to the Bureau of Services to the Blind and Visually Impaired of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation and the Bureau of Vocational Rehabilitation of the Rehabilitation Division of the Department for the enhancement of client information systems; authorizing the expenditure of certain money by those Bureaus for the same purposes; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 511—AN ACT making an appropriation to the Millennium Scholarship Trust Fund; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 37.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 38.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 72.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 201.

Bill read third time.

The following amendment was proposed by Assemblyman Araujo:

Amendment No. 640.

AN ACT relating to health care professionals; prohibiting certain health care professionals from providing sexual orientation or gender identity conversion therapy to a minor; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[~~Existing law regulates~~]~~ **Under existing law, the Legislature has the power to regulate licensed health care professionals for the benefit of the public's health, safety and welfare and to protect the well-being of patients from ineffective or harmful professional services. (*Dent v. West Virginia*, 129 U.S. 114, 122-23 (1889); *Hawker v. New York*, 170 U.S. 189, 191-95 (1898); *State ex rel. Kassabian v. State Bd. of Med. Exam'rs*, 68 Nev. 455, 463-65 (1951)) In exercising that power, the Legislature has enacted existing laws that regulate** homeopathic physicians, advanced practitioners of homeopathy, homeopathic assistants and certain mental health professionals including psychiatrists, psychologists, licensed marriage and family therapists, certain registered nurses and certain licensed clinical or independent social workers. (Chapters 630, 630A, 632, 633 and 641-641B of NRS) ~~[~~This~~]~~

The purpose of this bill is to protect the well-being of children who are under 18 years of age by prohibiting such licensed health care professionals from providing children with conversion therapies, which are any practices or treatments that seek to change the sexual orientation or gender identity of the children. In section 1 of this bill, the Legislature finds and declares that there is a legitimate and compelling need to protect the well-being of children from the harmful and destructive effects of conversion therapies because such therapies have not been proven to be medically or clinically effective but have been shown to have a high potential to cause substantial harm to the physical and psychological well-being of children who are much more vulnerable to the potentially traumatic effects of such intensive conversion therapies.

To carry out the Legislature's objectives, section 1.5 of this bill prohibits homeopathic physicians, advanced practitioners of homeopathy, homeopathic assistants and certain mental health professionals from providing sexual orientation or gender identity conversion ~~[therapy to a person who is]~~ **therapies to children who are** under 18 years of age. **However, there is nothing in this bill that regulates or prohibits licensed health care professionals from engaging in expressive speech or religious counseling with such children if the licensed health care professionals:**

(1) are acting in their pastoral or religious capacity as members of the clergy or as religious counselors; and (2) do not hold themselves out as operating pursuant to their professional licenses when so acting in their pastoral or religious capacity.

This bill is modeled on similar laws enacted in California and New Jersey. (Cal. Bus. & Prof. Code §§ 865 et seq.; N.J. Stat. Ann. §§ 45:1-54 et seq.) In interpreting those laws, courts have determined that the laws do not regulate or prohibit licensed health care professionals from engaging in expressive speech or religious counseling with children who are under 18 years of age if the licensed health care professionals: (1) are acting in their pastoral or religious capacity as members of the clergy or as religious counselors; and (2) do not hold themselves out as operating pursuant to their professional licenses when so acting in their pastoral or religious capacity. In addition, courts have also held that the laws: (1) are a constitutional exercise of the legislative power to regulate licensed health care professionals for the benefit of the public's health, safety and welfare and to protect the well-being of children from ineffective or harmful professional services; (2) do not violate any rights to freedom of speech, association or religion and are not unconstitutionally overbroad or vague under the First and Fourteenth Amendments to the United States Constitution; and (3) do not violate any other fundamental or substantive due process rights of licensed health care professionals or the parents or children who seek their professional services. (*Pickup v. Brown*, 740 F.3d 1208 (9th Cir. 2014), *cert. denied*, 134 S.Ct. 2871 and 2881 (2014); *Welch v. Brown*, 834 F.3d 1041 (9th Cir. 2016), *cert. denied*, No. 16-845, --- S.Ct. --- (May 1, 2017); *King v. Governor of New Jersey*, 767 F.3d 216 (3d Cir. 2014), *cert. denied*, 135 S.Ct. 2048 (2015); *Doe v. Governor of New Jersey*, 783 F.3d 150 (3d Cir. 2015), *cert. denied*, 136 S.Ct. 1155 (2016))

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **1. The Legislature hereby finds that:**

(a) For the past several decades, there has been a growing consensus among medical and mental health professionals that conversion therapies, which involve any practices or treatments that seek to change the sexual orientation or gender identity of a patient, also known as reparative therapies or sexual orientation change efforts:

(1) Have been based on developmental theories whose scientific validity is questionable;

(2) Have relied on anecdotal reports of cures that have not been tested, substantiated or verified by any rigorous scientific research or peer-reviewed studies; and

(3) Have not been proven to be medically or clinically effective but have been shown to have a high potential to cause substantial harm to

the physical and psychological well-being of the patient, especially children under 18 years of age because they are much more vulnerable to the potentially traumatic effects of such intensive conversion therapies.

(b) A significant number of well-known and well-respected professional and scientific organizations have publicly denounced or disavowed conversion therapies because of the highly doubtful effectiveness and highly probable harmfulness of such therapies. Such organizations include, without limitation, the American Psychological Association, American Psychiatric Association, American Psychoanalytic Association, American Counseling Association Governing Council, American Medical Association Council on Scientific Affairs, American Academy of Child and Adolescent Psychiatry, American Academy of Pediatrics, American School Counselor Association, National Association of Social Workers and Pan American Health Organization.

(c) Such organizations have determined that conversion therapies may be particularly harmful or destructive to children because such therapies:

(1) Aggravate and intensify harmful or destructive feelings, including, without limitation, confusion, depression, guilt, shame, stress, loneliness, helplessness, hopelessness, pointlessness, disappointment, self-blame, self-hatred, low self-esteem, marginalization, dehumanization, hostility, anger, betrayal or loss of faith, belief, interest, concern or motivation; and

(2) Increase the risk of harmful or destructive behaviors, including, without limitation, social withdrawal, isolation, substance abuse, suicide, deception, high-risk sexual behaviors and unlawful behaviors.

2. The Legislature hereby declares that there is a legitimate and compelling need to protect the well-being of children who are under 18 years of age from the harmful and destructive effects of conversion therapies by prohibiting certain licensed health care professionals from providing children with conversion therapies because such therapies have not been proven to be medically or clinically effective but have been shown to have a high potential to cause substantial harm to the physical and psychological well-being of children, who are much more vulnerable to the potentially traumatic effects of such intensive conversion therapies.

Sec. 1.5. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A psychotherapist shall not provide any conversion therapy to a person who is under 18 years of age regardless of the willingness of the person or his or her parent or legal guardian to authorize such therapy.

2. Any violation of subsection 1 is a ground for disciplinary action by a state board that licenses a psychotherapist as defined in subsection 3.

3. As used in this section:

(a) "Conversion therapy" means any practice or treatment that seeks to change the sexual orientation or gender identity of a person, including, without limitation, a practice or treatment that seeks to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward persons of the same gender. The term does not include counseling that:

(1) Provides assistance to a person undergoing gender transition; or

(2) Provides acceptance, support and understanding of a person or facilitates a person's ability to cope, social support and identity exploration and development, including, without limitation, an intervention to prevent or address unlawful conduct or unsafe sexual practices that is neutral as to the sexual-orientation of the person receiving the intervention and does not seek to change the sexual orientation or gender identity of the person receiving the intervention.

(b) "Psychotherapist" means:

(1) A psychiatrist licensed to practice medicine in this State pursuant to chapter 630;

(2) A homeopathic physician, advanced practitioner of homeopathy or homeopathic assistant licensed or certified pursuant to chapter 630A or NRS;

(3) A psychiatrist licensed to practice medicine in this State pursuant to chapter 633;

(4) A psychologist licensed to practice in this State pursuant to chapter 641 of NRS;

(5) A social worker licensed in this State as an independent social worker or a clinical social worker pursuant to chapter 641B of NRS;

(6) A registered nurse holding a master's degree in the field of psychiatric nursing and licensed to practice professional nursing in this State pursuant to chapter 632 of NRS;

(7) A marriage and family therapist or clinical professional counselor licensed in this State pursuant to chapter 641A of NRS; or

(8) A person who provides counseling services as part of his or her training for any of the professions listed in subparagraphs (1) to (7), inclusive.

Sec. 2. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2018, for all other purposes.

Assemblyman Araujo moved the adoption of the amendment.

Remarks by Assemblymen Araujo, Hansen, and Wheeler.

Assemblywoman Benitez-Thompson requested that the remarks made by Assemblyman Araujo be entered in the journal.

ASSEMBLYMAN ARAUJO:

Amendment No. 640 amends the Legislative Counsel's Digest to add citations to recent case law which upholds the regulatory and constitutional concepts on which the bill's provisions are modeled. It adds findings related to the lack of scientific evidence supporting the use of conversion therapies and the number of professional organizations who have disavowed or denounced such therapies. It also adds a legislative declaration regarding the legitimate and compelling needs to protect the well-being of children under the age of 18 from the harmful effects of conversion therapies. Lastly, it clarifies that there is nothing in Senate Bill 201 that regulates or prohibits licensed health care professionals from engaging in expressive speech or religious counseling with such children if the licensed health care professionals are acting in their pastoral or religious capacity as members of the clergy or as religious counselors and do not hold themselves out as operating pursuant to their professional licenses when so acting in their pastoral or religious capacity.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:24 p.m.

ASSEMBLY IN SESSION

At 12:28 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 35, 54, 162, 387, 476; Assembly Joint Resolution No. 2; Assembly Concurrent Resolution No. 11.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Elliot Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Michael J. Lanahan and Elizabeth A. Lanahan.

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Tiffany Jones.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Charlene Frost, Roslyn Timmerman, Cheri Day, and Lori Robertson.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Sheri Williams and Samantha Hager.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Hambrick.

On request of Assemblyman Kramer, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Sutton, Barbara Nicholas, Donna Schultz, and Chris Chrystal.

On request of Assemblyman Marchant, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Merryhill Elementary School: Keelilyn Mitchell, Jeanilyn Mitchell, Mya Libatique, Paulette Simpson, Aiden Smith, Richard Smith, Devin Toney, Chris Zirpoli, Noreen Alspach, Joanna Liu, Anthony Bruscia, Liliana Bruscia, Jordan Reece, Tasha Alycia Reece, Carrie Worsley, and Alexandra Worsley.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Green Valley Christian School: Rachel Ackerman, Kira Bielich, Anna Brandon, Mirella Bush, Diego Calderon, Thomas Callahan, Sara Carbajal, Benjamin Dixon, Zoey Enfield, Rachel Rose Ferraz, Kaleb Foley, Molly Gilbert, Annabella Hargrove, William Hayes-Medina, Divjit Heera, Kennedy Hunter, Kaleb Kahler, Ceaulei Lamb Jones, Caleb Lange, Bella Lebario, Bryce Mendoza, Nicholas Nowak, Ulysses Ramirez, Haley Smith, Maddex Thornton, Zoie Thornton, Ellie Thurman, Aidan Vasquez, Cierra Ware, Emily Anderson, Abigail Barnhart, Christian Broecker, Brody Brown, Tayshawn Caesar, Samantha Charron, Morgan Cook, Hannah Dumond, Caroline Ewing, Jack Garlick, Martina Gell, Ryan Hanna, Cade Johnson, Aubrey Knorr, Bailey Lawrence, Tristan Leonard, Justin Newcomer, Thomas Pulcini, Tiffany Stattman, Christian Walker, Isaac Ward-Brown, JW Watson, Eleanor Watts, Megan Weir, Colin Weyrauch, Judah Withey, Lauren Woolsey, Kahaku Yamashita, Allison Young, and Lucas Zyla.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Monday, May 8, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:39 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE NINETY-SECOND DAY

CARSON CITY (Monday), May 8, 2017

Assembly called to order at 12:33 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Woodbury, who was excused.

Prayer by the Chaplain, Father Mike Patterson.

Creator God, we Your people know You by many names, and we know that You hear us when we call on You.

Today we ask Your gracious love and guidance on our state legislators as they do the tough work of governing. We ask that You give insight to the deliberations that need to be undertaken. We ask that You intervene to temper any animosity or anger that may occur between our members and give them the wisdom to reach compromises when possible. Strength, real strength, can always find compromise. Working together, may we find a common ground; enable us to move forward with a shared purpose.

We also ask for comfort for these hard working men and women as they encounter the long, hard days ahead. Keep them all well and under Your protection.

Please share a little of Your wisdom with us to help us do right by all concerned. Thank You for Your Heavenly blessing.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 412, 466, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

IRENE BUSTAMANTE ADAMS, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 7, 16, 22, 44, 45, 57, 105, 148, 160, 175, 202, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 322, 477, 481, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 29, 309, 449, 458, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 468, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and rerefer to the Committee on Commerce and Labor.

MAGGIE CARLTON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 201 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

By Assemblymen Frierson, Benitez-Thompson and Paul Anderson:

Assembly Resolution No. 5—Adding former Assemblyman John E. (Jack) Jeffrey to the Assembly Wall of Distinction.

WHEREAS, The Assembly of the Legislature of the State of Nevada has established a Wall of Distinction for those past members of the Assembly, selected by leadership, who served with great distinction and who made exemplary contributions to the State of Nevada; and

WHEREAS, John E. (Jack) Jeffrey was born in Sioux City, Iowa, in 1938, and then moved to Henderson, Nevada, with his family in 1941; and

WHEREAS, Assemblyman Jeffrey worked as an electrician for many years and served as Secretary for the Southern Nevada Building and Construction Trades Council, experiences that gave him a deep understanding of the concerns and interests of the working men and women in this State; and

WHEREAS, Jack Jeffrey became involved in politics at an early age, before he was even old enough to vote, and went on to serve as a member of the Henderson City Council and as Mayor pro tem; and

WHEREAS, In 1974, Jack Jeffrey was elected to the Nevada Assembly where he represented the Henderson area for the next 16 years; and

WHEREAS, During his tenure in the Legislature, Assemblyman Jeffrey filled many leadership roles, serving as Assembly Majority Floor Leader during the 1983, 1987 and 1989 Regular Sessions and the 1984 and 1989 Special Sessions, as Majority Whip in 1977 and as Assistant Minority Floor Leader in 1985; and

WHEREAS, Jack Jeffrey served on the Assembly Committee on Commerce for 12 years and served as Chair of that Committee in 1979, 1983, 1987 and 1989, Chair of the Assembly Committee on Economic Development and Natural Resources in 1981, and Chair of the Legislative Commission in 1989 and 1990, as well as serving as a member of many other standing and interim committees; and

WHEREAS, Assemblyman Jeffrey successfully sponsored many significant pieces of legislation on subjects including fire safety, workers' compensation, preference for Nevada contractors on public works projects, occupational diseases, workplace health and safety and local government; and

WHEREAS, After his service in the Legislature, Jack Jeffrey returned to the Legislature as a lobbyist for an additional 20 years, working tirelessly to protect the rights of the working men and women in Nevada; and

WHEREAS, Jack Jeffrey will long be remembered as an astute and powerful political leader, a vigorous advocate of the rights of the common citizen and a soft-spoken, kind and compassionate colleague and friend; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That, for his 16 years of dedicated service to the Assembly, John E. (Jack) Jeffrey is hereby added to the Assembly Wall of Distinction; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the family of former Assemblyman John E. (Jack) Jeffrey.

Assemblywoman Carlton moved the adoption of the resolution.
Remarks by Assemblymen Carlton, Spiegel, and Ohrenschall.

ASSEMBLYWOMAN CARLTON:

I rise today to speak on behalf of this resolution inducting former Assemblyman John E.—affectionately known as Jack—Jeffrey into the Assembly Wall of Distinction. Jack Jeffrey was deeply involved in the business of the Assembly for 36 years. He was a member of this body for 16 years, from 1974 through 1990. Then for 20 more years, from 1990 to 2010, he was a lobbyist for the workers in this state. Few were associated with this institution for so long a time or had so much influence on all of its decisions.

Jack's entire career had one central theme; he was an advocate for the rights and interests of the working men and women of this state. He was intimately familiar with their problems and their needs because he was one of them. Jack worked for many years as an electrician in the construction industry. He had served as secretary-treasurer of the Southern Nevada Building and Construction Trades Council. Jack understood the important place that unions play in our society and our economy. He knew the importance of collective bargaining. Jack knew from personal experience the devastating effect that workplace accidents and diseases have on workers and on their families.

During his legislative career, Jack was successful in enacting laws on workplace safety, workers compensation, industrial diseases, and group insurance. He sponsored legislation granting bidding preferences on public works projects for Nevada contractors who hire local workers. Because of his efforts, the workers in our state are happier, healthier, safer, and more secure. I remember one instance personally in my first year in the Legislature where a committee member that I served with in Commerce and Labor asked Mr. Jeffrey, So what would you say if by enacting this it means a guy loses his job? Jack responded without hesitation saying, I would rather knock on the door of that wife and say your husband lost his job than knock on that door and say your husband is not coming home.

In ancient Rome, there was a special officer called a tribune. A tribune was charged with the responsibility of protecting the rights of the common people. He could intervene on their behalf to block laws that were unfavorable to their interests or to stop legal proceedings that might harm them. We do not have such an officer in our government, but Jack Jeffrey took that responsibility upon himself.

On a personal level, those of us who had the opportunity to work with this great man can attest to his kindness and his concern for others. I was a beneficiary of that kindness. He spoke softly, but when it was time to speak up for fairness and decency, he used his voice. We love him, and we miss him.

By placing Jack on the Wall of Distinction, we are saying something important about the kind of men and women that we revere and admire. No one deserves this honor more. I urge you to vote for this resolution.

ASSEMBLYWOMAN SPIEGEL:

I rise in support of Assembly Resolution 5. During my first term, my first session, the first bill that I had was a bidding preference bill. Jack Jeffrey came out to testify in support of my bill. He told everyone, and me, that he had introduced the very first bidding preference bill in this body. He worked with me on that bill; he worked with me through that session. He taught me a lot about the legislative process and shared the institutional knowledge that he had in serving the people of Nevada for decades. Given that we were both from Henderson, I felt this special affinity for Mr. Jeffrey and the work that he did. He actually helped to make me a much, much better legislator. I am indebted to him for his service, as I think we all are, either directly or indirectly, and I urge everyone's support of this resolution.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of Assembly Resolution No. 5. There are a few people I have met in my life that I truly think I was so lucky to meet. Jack Jeffrey is one of those people. I am sure I must have met him as a kid growing up in the Democratic Party, but I first really remember meeting him in 1994 when he was chairman of the Southern Nevada Central Labor Council. I was just in

awe of this man who was very quiet but fought so hard for the workers he represented. He was a workhorse not a show horse; he got things done. If you look at Jack Jeffrey, at his time in the Assembly from 1974 up to 1990, and if you think back to the 1940s and '50s, there was a time in southern Nevada when Pittman was a bigger city than Henderson. He really helped put Henderson on the map. In the '80s, he was Majority Leader for about three different sessions. With Senator Gibson in the Senate, he really fought hard to make Henderson grow.

He certainly would have given the shirt off his back to help someone; he was a true humanitarian. My family has been touched by the Jeffreys and by his acts of kindness. I would like to say, like my colleague from Henderson, that he helped to make me a better legislator, but I think I have given up on that. He did help me become a better person. He helped me try to make sure I always think of how I can try to help people. He taught me loyalty to my friends and family. He was an exceptional man. I told his widow today that they broke the mold when they made Jack and I wish he were with us today. I feel honored to have known him. He was a tremendous labor leader, a tremendous legislative leader; I wish we had been able to keep him longer.

Resolution adopted unanimously.

By Assemblymen Frierson, Benitez-Thompson and Paul Anderson:

Assembly Resolution No. 6—Adding former Assemblyman Lynn Hettrick to the Assembly Wall of Distinction.

WHEREAS, The Assembly of the Legislature of the State of Nevada has established a Wall of Distinction for those past members of the Assembly, selected by leadership, who served with great distinction and who made exemplary contributions to the State of Nevada; and

WHEREAS, Lynn C. Hettrick was born in Carmel, California, in 1944 and attended Claremont Men's College before pursuing a career as an entrepreneur and investment manager; and

WHEREAS, After moving to Gardnerville, Nevada, in 1970, Lynn Hettrick became deeply involved in the community and civic affairs; and

WHEREAS, In 1992, Lynn Hettrick was elected to the Nevada Assembly representing District 39 where he served with distinction for 14 years; and

WHEREAS, During the 1995 Session, the Assembly, for the first time in the history of Nevada, was evenly divided with 21 Republicans and 21 Democrats and Lynn Hettrick was elected as Co-Speaker, sharing that office with Assemblyman Joseph E. (Joe) Dini Jr.; and

WHEREAS, Despite the great potential for conflict, Lynn Hettrick led his party in a manner that made the 1995 Session become regarded as one of the least contentious and smoothest running sessions; and

WHEREAS, Lynn Hettrick went on to serve as Assembly Minority Floor Leader from 1997 to 2005; and

WHEREAS, During his service in the Assembly, Lynn Hettrick served on numerous standing committees, including 12 years on the Committee on Ways and Means and the Interim Finance Committee; and

WHEREAS, Lynn Hettrick represented Nevada on several national organizations, serving as Chair of the Council of State Governments (CSG) and of CSG West where he was instrumental in establishing the Western Legislative Academy to provide training for new legislators; and

WHEREAS, After leaving the Legislature, Lynn Hettrick went on to serve as Deputy Chief of Staff for former Governor Jim Gibbons; and

WHEREAS, Lynn Hettrick was selected in 2008 by the Board of Regents of the University of Nevada to receive the Distinguished Nevadan award, an honor bestowed on prominent individuals for significant achievements in the cultural, scientific or social advancement of Nevada; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That, for his 14 years of dedicated service to the Assembly, Lynn C. Hettrick is hereby added to the Assembly Wall of Distinction; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to former Assemblyman Lynn C. Hettrick.

Assemblyman Paul Anderson moved the adoption of the resolution.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

It is a pleasure for me to speak today about one of the most capable and distinguished legislators to have served in the Nevada State Assembly. Lynn Hettrick was born in Carmel, California, and in honor of my birth year, he moved to Gardnerville, Nevada. Lynn soon established himself as a proficient and successful businessman and a concerned and involved member of his community.

When he was elected to the Assembly in 1992, Lynn brought with him a wealth of experience, an encyclopedic knowledge of business and commerce, and a rich supply of entrepreneurial energy. Assemblyman Hettrick served for 14 years and for 12 of those years, he led the Republican caucus.

When the Legislature convened for the 1995 Session, Nevada faced a situation that was unique in the history of our state. The Assembly was evenly divided between the two parties. This division could have led to gridlock, political paralysis, and intensified partisanship, but to his credit, Lynn Hettrick and former Speaker Joe Dini, Jr., his counterpart across the aisle, made the 1995 Session one of the smoothest running and least contentious sessions in our history.

William Blackstone, the great 18th century expositor of the English common law, called "the science of legislation the noblest and most difficult of any." There has been much discussion over the years of what makes a truly great legislator. A great legislator must be honest and trustworthy. He must be energetic and diligent. He must have a talent for getting things done. He must be able to hold in his mind a multitude of details while at the same time never losing sight of his ultimate goals. He must be fair, reasonable, and courteous even in the face of provocation and pressure. He must be principled without being dogmatic. He must be firm, and at the same time, flexible. He must be both a tactician and a strategist.

Lynn Hettrick possessed all these qualities in the highest degree. Nevada is a better place and the Nevada Legislature is a stronger institution because of him. It is fitting and proper that he should take his place on the Assembly Wall of Distinction.

Resolution adopted unanimously.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 8, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 7.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 7.

Assemblyman Oscarson moved the adoption of the resolution.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Nevada has a long history and close relationship with the Republic of China, Taiwan. In 1979, the Nevada Legislature adopted Senate Concurrent Resolution No. 10, which recognized the Republic of China, Taiwan, for its democratic way of life, high standard of living, and respect for fundamental human rights. These are Taiwanese values, Mr. Speaker, and they are also American values.

In 1985, with Senate Joint Resolution No. 33, Nevada invited Taiwan to become a sister state and the invitation to our gratitude was accepted. Since that year, our already close relationship has only deepened. Trade has not only expanded, but flourished. For a testament to our friendship, look no further than the building we stand in today. The seals that decorate the

outside façade of each Chamber were a gift from the Taiwanese people. In addition, cultural exchanges and visits by officials have further strengthened our mutual admiration and respect.

Mr. Speaker, for their commitment to democratic principles, their longtime loyalty to the great state of Nevada, and our shared passion for human rights, I urge my colleagues to join me in welcoming the Taiwanese people today and giving their favorable consideration to this resolution.

Resolution adopted and ordered transmitted to the Senate.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 468 be rereferred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Senate Joint Resolution No. 10.

Resolution read second time and ordered to third reading.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Lynn Hettrick, Arla Hettrick, Iris Hettrick, and Stacey Perez.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Elmcrest Elementary School: Melenuti Afoa, Diego Aguilar, Robert Beccera, Cicely Capozzi, Ava Cossman, Danielle Curren, Aldo De La Cruz, Deon Edwards, Rion Elliott, Anai Espinoza, Laura Field, Anthony Geraci, Jameson Gilley, Gabriel Hansen, Angel Hernandez, Tyler Hunt-Hilliard, Jeremiah Johnson, Gennesis Juarez, Peyton Montez, Emma Nava, Silvina Oliver, Jacob Pangelinan, Peter Parker, Natalie Portillo, Alexzander Riccomini, Justin Rickett, Paige Shipp, Collin Soto, Erik Alvarez, Maria Amador, Ariyana Barajas, Micah Campbell, Malory Carrara, Rebeka Contreras, Francisco Estrada-Marquez, Ryan Florido, Anthony Gibson, Robert Gray, Cheyenne Howerton, David Janes, Hope Leih, Elijah Mitchell, Emily Mosher-Abreu, Isaac Munoz, Luis Orellana, Kimberly Ortiz, Mia Peguese, Celeste Soto, Tu'imana Talanoa, Emma Taylor, John Thomas, Thomas Varela, Omar Vazquez Bustos, Gabriela Vivar Carranza, Marrio Williams, Zoey Wilson, and Lucia Zuniga de Alba.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Betty Jeffrey, John Jeffrey, and Paul Jeffrey.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Rachel Roland-Alger, Danny Thompson, and Barbara Gruenwald.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Kianna Hettrick and Gaven Hettrick.

On request of Assemblyman Kramer, the privilege of the floor of the Assembly Chamber for this day was extended to Sonya Sistare, Ryan Shane, and Joe Bruner.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to Andrew Hettrick, Andy Hettrick, and Grace Hettrick.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Joseph Ma, Jessie Chin, and En-Kuang Huang.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Heather Giger.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Dean Daugherty.

On request of Assemblywoman Tolles, the privilege of the floor of the Assembly Chamber for this day was extended to Jamie Roice-Gomes, Ann Grant, and Tyler Ellis.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Holly Hettrick, Tiffany Ruby, and Jim Silva.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Tuesday, May 9, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 1:08 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE NINETY-THIRD DAY

CARSON CITY (Tuesday), May 9, 2017

Assembly called to order at 12:21 p.m.

Mr. Speaker presiding.

Roll call.

All present except Assemblymen Neal, Pickard, and Woodbury, who were excused.

Prayer by the Chaplain, Rabbi Evon J. Yakar.

I am honored to be here this morning. I am grateful for this opportunity to share words of prayer with all of you and certainly for your efforts on behalf of the citizens of the state of Nevada.

At this time of year, in the Jewish tradition, we are in the period of time called the *counting of the Omer*. In both the Biblical books of Leviticus and Deuteronomy, we are charged to count the seven weeks between the festivals of Passover and that of Shavuot. Passover marks our freedom from Egyptian bondage, and Shavuot, seven weeks later, points to the time the Israelites stood at Mt. Sinai receiving Torah. In synagogues the world over, there is a ritual of announcing the number of the day in this period of counting every evening, and today marks the twenty-eighth day of the *Omer*.

You all engage in this practice in your own way. Today marks the ninety-third day of the 79th Session. And while this may be a simple banal practice on the outside, there is an opportunity to be seized here. An 11th century sage, Rabbi Bachya Ibn Pakuda wrote, "Days are like scrolls; write on them only what you want to be remembered."

May the One who blessed our ancestors continue to bless us. May this Presence of the Divine, the Source of Creation, the Mystery of the Universe, whatever is our belief, encourage us to choose our words and our actions wisely, for they become the ink on our scrolls of each day. May each of us use the discernment to march on our own journey from the freedoms with which we are blessed to our own moments of learning and discovery symbolized by Sinai.

We pray: *HaMakom*—May the One Who is Ever Present grant each of us the ability to live up to our responsibilities and to ensure the ink we choose to write with on each day honors all those we serve.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Corrections, Parole, and Probation, to which was referred Senate Bill No. 140, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES OHRENSCHALL, *Chair*

Mr. Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 20, 241, 252, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TYRONE THOMPSON, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 2, 27, 324, 326, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MICHAEL C. SPRINKLE, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 32, 35, 40, 42, 110, 362, 454, 515, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

STEVE YEAGER, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 9, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 8.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 8.

Assemblywoman Carlton moved the adoption of the resolution.

Remarks by Assemblymen Carlton and Ohrenschall.

ASSEMBLYWOMAN CARLTON:

It is with affection and sadness mingled together that I rise today to speak about my friend, Gary Gray. Though Gary's name is not a household word in Nevada, very few people have made a deeper and more lasting impression on the Nevada Legislature.

Many of you will remember Gary as the spouse of our fellow legislator and Clark County Commissioner, affectionately known as Chris G. Others will remember his stellar and astonishingly successful career as a political consultant. Still others will remember the role he played in the Assembly Democratic Caucus.

Gary was born in South Dakota in 1946. His father, who worked for the United States Department of Agriculture, whetted Gary's appetite for politics by introducing him to such notable political leaders as Hubert H. Humphrey and George McGovern.

This early introduction helped to launch him toward a career as a truly great political consultant. As Jon Ralston put it, "Gary mastered the art of targeting voters, mobilizing special interests and electing political candidates, especially Democratic legislators." In the mid-1980s, he formed the Assembly Democratic Caucus, a well-oiled electoral machine that kept the people's house of the Legislature in Democratic hands for more than two decades. Gary also helped elect Bob Miller twice as Governor. Many other political consultants have taken a page or two from his playbook, but none can boast such a proud record.

Gary was an adventurous world traveler, having visited 135 countries on all 7 continents. In his travel blog, "Gray on the Road," he urged his readers to "break the tether of organized tours, cruises and tight planning and launch out on your own." He said in over 50 years of travel on every continent—and usually without reservations or really much of a plan, as I am sure his wife can attest, other than a loose outline—he only spent one night on the street, and he said that was one of the best nights of his life.

Gary has been called a renaissance man. He had many talents. He was a great teacher with a passionate love for English literature, especially Shakespeare. He could write a poem or cook a delicious meal. Gary could design a house or make a stained glass window. He loved good music, good stories, good conversation, and good friends. Gary enjoyed life to the fullest. In fact, he used to like to quote Rosalind Russell, "Life is a banquet, and most poor suckers are starving to death."

Gary was also an idealist. He believed in the essential goodness of human beings and he tried to make the world a better place, not only through his political work, but also through personal kindness and service. Whether he was mentoring high school students or sitting on the board for a senior housing project, he gave freely of his time to help others.

In short, Gary was one helluva guy. He was an exceptional person. I will always cherish my memories of his association and friendship. My heart goes out to his wife and my friend and to his many friends.

The resolution that is before us is a small token of our esteem and a fitting tribute to this great and good Nevadan. I urge all of you to give it your enthusiastic support.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of Senate Concurrent Resolution No. 8. The first time I remember meeting Gary was in 1994 when my mom was running for Assembly. Former Assemblyman David Goldwater, who is in the gallery, former Speaker Buckley, and my mom were all first-time candidates running for Democratic seats. I was 21 years old and I was going to be my mom's campaign manager. I dearly wanted to see her win and get elected.

I remember a training that the Assembly Democratic Caucus threw and I realized that this man, Gary Gray, could teach me how. He taught me how to run a campaign, how to talk to voters. He told some wonderful stories that day during the training about campaigning with some greats who were in this building like Norman Ty Hilbrecht. He tells a story of walking door to door with Assemblyman Hilbrecht and a big German shepherd rushing through the screen door and attacking them. Gary said From now on whenever you knock on a door, if there is a screen door, put your foot on the corner and then knock on the door. Then you can talk to the voter. He told stories about the naked constituent who would come to the door sans clothing and how you handle that situation. I remember the story he told about Eileen Brookman and how much he loved her. He would show up at 8 a.m. to walk precincts with her and it would be noon before they ever got out. That is one thing we do not want to do to our volunteers.

I remember Gary always said that elections are not won, they are lost. I think about that every election; I try to live by his words. He was a great political strategist but he was also a great friend. He always encouraged me as I got to get him more through the years. Whenever I would go to a Democratic event I would see his pickup truck with his 1982 Harry Reid bumper sticker on the back and I would say Oh, good, Gary is here; I will get to talk to him—somebody I like I get to talk to. I miss seeing that truck and that bumper sticker when I go to Democratic events now. He was a wonderful man and I wish he were still with us. I am glad I got to know him. I urge support of this resolution.

Resolution adopted unanimously.

SECOND READING AND AMENDMENT

Senate Bill No. 7.
Bill read second time and ordered to third reading.

Senate Bill No. 16.
Bill read second time and ordered to third reading.

Senate Bill No. 22.
Bill read second time and ordered to third reading.

Senate Bill No. 44.
Bill read second time and ordered to third reading.

Senate Bill No. 45.
Bill read second time and ordered to third reading.

Senate Bill No. 57.
Bill read second time and ordered to third reading.

Senate Bill No. 105.
Bill read second time and ordered to third reading.

Senate Bill No. 148.
Bill read second time and ordered to third reading.

Senate Bill No. 160.
Bill read second time and ordered to third reading.

Senate Bill No. 175.
Bill read second time and ordered to third reading.

Senate Bill No. 202.
Bill read second time and ordered to third reading.

Senate Bill No. 412.
Bill read second time and ordered to third reading.

Senate Bill No. 466.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 29.
Bill read third time.
Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Assembly Bill 29, as amended, places the Commission on Off-Highway Vehicles within the State Department of Conservation and Natural Resources. The bill also creates the Off-Highway Vehicles Program within the Department to provide assistance to the Commission and to administer the Account for Off-Highway Vehicles. It further requires the Director to include in his or her budget the money necessary, within the limits of legislative appropriations, for the Account; certain expenses of the Program and the Commission; and a reserve amount.

The bill revises the membership of the Commission and provides that if money is available, that a member who is not an officer or employee of the state is entitled to receive a salary of not more than $80 per day for each day of attendance. The bill requires the director of the Department to prepare a biennial report of the general and fiscal activities of the Commission for review and approval by the chair of the Commission and submittal to the Legislature.

Lastly, the bill reduces from $25 to $10 the late fee for reinstating the registration of a lapsed off-highway vehicle. The measure is effective upon passage and approval for the purpose of adopting regulations and on July 1, 2017, for all other purposes.

Roll call on Assembly Bill No. 29:

YEAS—26.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Titus, Tolles, Wheeler—13.

EXCUSED—Neal, Pickard, Woodbury—3.

Assembly Bill No. 29 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 309.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 309, as amended, requires the Administrator of the Division of Human Resource Management to certify the name of any veteran on the list of eligible persons and requires state agencies to interview any veteran certified for a position. The Administrator must ensure that the percentage of officers and employees in state employment who are veterans and widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces is proportional to the percentage of veterans and widows and widowers residing in this state, to the extent practicable.

Additionally, the bill provides additional preference points to any open competitive examination in the classified service. The bill also removes the restriction on applying such points to more than one promotional examination.

Roll call on Assembly Bill No. 309:

YEAS—39.

NAYS—None.

EXCUSED—Neal, Pickard, Woodbury—3.

Assembly Bill No. 309 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 322.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Assembly Bill 322 eliminates the annual expiration requirement for driver authorization cards. Assembly Bill 322 also requires the Department of Motor Vehicles to develop regulations regarding the expiration date of a driver authorization card. The regulations must also ensure the period between the issuance and expiration of a driver authorization card is equal to the period between the issuance and expiration of a driver's license, except as otherwise required by federal law. This bill would be effective on July 1, 2017.

Roll call on Assembly Bill No. 322:

YEAS—26.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Titus, Tolles, Wheeler—13.

EXCUSED—Neal, Pickard, Woodbury—3.

Assembly Bill No. 322 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 449.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 449, as amended, declares the fourth Saturday of each September to be "Public Lands Day" and requests the Governor to issue a proclamation every year encouraging the observance of Public Lands Day. The bill directs the Division of State Parks, upon proof of residency, to waive for residents of the state the entry, camping, and boating fees in state parks and recreational areas on Public Lands Day. This bill is effective on July 1, 2017.

Roll call on Assembly Bill No. 449:

YEAS—38.

NAYS—Krasner.

EXCUSED—Neal, Pickard, Woodbury—3.

Assembly Bill No. 449 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 458.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 458, as amended, allows an injured employee to obtain an independent medical examination under various circumstances one time per calendar year. The bill requires a vocational rehabilitation counselor be appointed provided a written assessment or a plan for a program of vocational rehabilitation is required.

Roll call on Assembly Bill No. 458:

YEAS—33.

NAYS—Ellison, Krasner, Marchant, McArthur, Titus, Wheeler—6.

EXCUSED—Neal, Pickard, Woodbury—3.

Assembly Bill No. 458 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 477.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 477 authorizes the Administrator of the Purchasing Division of the Department of Administration to appoint a General Counsel of the Division in the unclassified service who must be an attorney in good standing, licensed, and admitted to practice law in Nevada.

Roll call on Assembly Bill No. 477:

YEAS—39.

NAYS—None.

EXCUSED—Neal, Pickard, Woodbury—3.

Assembly Bill No. 477 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 481.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 481 eliminates the statutory requirement that the Administrator of the Division of Internal Audits of the Governor's Office of Finance appoint a Manager of Internal Controls, as required by NRS [*Nevada Revised Statutes*].

Roll call on Assembly Bill No. 481:

YEAS—39.

NAYS—None.

EXCUSED—Neal, Pickard, Woodbury—3.

Assembly Bill No. 481 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 201.

Bill read third time.

The following amendment was proposed by Assemblyman Hansen:

Amendment No. 644.

AN ACT relating to health care professionals; prohibiting certain health care professionals from providing **certain types of** sexual orientation or gender identity conversion ~~[therapy]~~ **therapies** to a minor; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Legislature has the power to regulate licensed health care professionals for the benefit of the public's health, safety and welfare and to protect the well-being of patients from ineffective or harmful professional services. (*Dent v. West Virginia*, 129 U.S. 114, 122-23 (1889); *Hawker v. New York*, 170 U.S. 189, 191-95 (1898); *State ex rel. Kassabian v. State Bd. of Med. Exam'rs*, 68 Nev. 455, 463-65 (1951)) In exercising that power, the Legislature has enacted existing laws that regulate homeopathic physicians, advanced practitioners of homeopathy, homeopathic assistants and certain mental health professionals including psychiatrists, psychologists, licensed marriage and family therapists, certain registered nurses and certain licensed clinical or independent social workers. (Chapters 630, 630A, 632, 633 and 641-641B of NRS)

The purpose of this bill is to protect the well-being of children who are under 18 years of age by prohibiting such licensed health care professionals from providing children with **aversive** conversion therapies, which are any practices or treatments that seek to change the sexual orientation or gender identity of the children ~~[.]~~ **and which involve application of any type of behavioral conditioning or modification in which noxious or painful stimuli, confinement, isolation or deprivation are used, in whole or in part, for the purpose of changing, eliminating or reducing behaviors or gender expressions.** In **section 1** of this bill, the Legislature finds and

declares that there is a legitimate and compelling need to protect the well-being of children from the harmful and destructive effects of **aversive** conversion therapies because such therapies ~~[have not been proven to be medically or clinically effective but have been shown to]~~ have a high potential to cause substantial harm to the physical and psychological well-being of children who are much more vulnerable to the potentially traumatic effects of such ~~[intensive]~~ **aversive** conversion therapies.

To carry out the Legislature's objectives, **section 1.5** of this bill prohibits homeopathic physicians, advanced practitioners of homeopathy, homeopathic assistants and certain mental health professionals from providing ~~[sexual orientation or gender identity]~~ **aversive** conversion therapies to children who are under 18 years of age. However, ~~[there is nothing in this bill that regulates or prohibits licensed health care professionals from engaging in expressive speech or religious counseling with such children if the licensed health care professionals: (1) are acting in their pastoral or religious capacity as members of the clergy or as religious counselors; and (2) do not hold themselves out as operating pursuant to their professional licenses when so acting in their pastoral or religious capacity.~~

~~This bill is modeled on similar laws enacted in California and New Jersey. (Cal. Bus. & Prof. Code §§ 865 et seq.; N.J. Stat. Ann. §§ 45:1-54 et seq.) In interpreting those laws, courts have determined that the laws do not regulate or prohibit licensed health care professionals from engaging in expressive speech or religious counseling with children who are under 18 years of age if the licensed health care professionals: (1) are acting in their pastoral or religious capacity as members of the clergy or as religious counselors; and (2) do not hold themselves out as operating pursuant to their professional licenses when so acting in their pastoral or religious capacity. In addition, courts have also held that the laws: (1) are a constitutional exercise of the legislative power to regulate licensed health care professionals for the benefit of the public's health, safety and welfare and to protect the well-being of children from ineffective or harmful professional services; (2) do not violate any rights to freedom of speech, association or religion and are not unconstitutionally overbroad or vague under the First and Fourteenth Amendments to the United States Constitution; and (3) do not violate any other fundamental or substantive due process rights of licensed health care professionals or the parents or children who seek their professional services. (Pickup v. Brown, 740 F.3d 1208 (9th Cir. 2014), cert. denied, 134 S.Ct. 2871 and 2881 (2014); Welch v. Brown, 834 F.3d 1041 (9th Cir. 2016), cert. denied, No. 16-845, --- S.Ct. --- (May 1, 2017); King v. Governor of New Jersey, 767 F.3d 216 (3d Cir. 2014), cert. denied, 135 S.Ct. 2048 (2015); Doe v. Governor of New Jersey, 783 F.3d 150 (3d Cir. 2015), cert. denied, 136 S.Ct. 1155 (2016))~~ **this bill does not apply to any non-aversive conversion therapies, including any counseling that provides spiritual or other support and guidance to such children and uses speech alone to**

assist the children in discussing or achieving the desired sexual orientation or gender identity.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. The Legislature hereby finds that:

(a) For the past several decades, there has been a growing consensus among medical and mental health professionals that **aversive** conversion therapies, which involve any practices or treatments that seek to change the sexual orientation or gender identity of a patient, also known as reparative therapies or sexual orientation change efforts ~~[~~:

~~(1) Have been based on developmental theories whose scientific validity is questionable;~~

~~(2) Have relied on anecdotal reports of cures that have not been tested, substantiated or verified by any rigorous scientific research or peer-reviewed studies; and~~

~~(3) Have not been proven to be medically or clinically effective but have been shown to~~] **, and which involve application to the patient of any type of behavioral conditioning or modification in which noxious or painful stimuli, confinement, isolation or deprivation are used, in whole or in part, for the purpose of changing, eliminating or reducing behaviors or gender expressions,** have a high potential to cause substantial harm to the physical and psychological well-being of the patient, especially children under 18 years of age because they are much more vulnerable to the potentially traumatic effects of such ~~[intensive]~~ **aversive** conversion therapies.

(b) A significant number of well-known and well-respected professional and scientific organizations have publicly denounced or disavowed **aversive** conversion therapies because of the ~~[highly doubtful effectiveness and]~~ highly probable harmfulness of such therapies. Such organizations include, without limitation, the American Psychological Association, American Psychiatric Association, American Psychoanalytic Association, American Counseling Association Governing Council, American Medical Association Council on Scientific Affairs, American Academy of Child and Adolescent Psychiatry, American Academy of Pediatrics, American School Counselor Association, National Association of Social Workers and Pan American Health Organization.

(c) Such organizations have determined that **aversive** conversion therapies may be particularly harmful or destructive to children because such therapies:

(1) Aggravate and intensify harmful or destructive feelings, including, without limitation, confusion, depression, guilt, shame, stress, loneliness, helplessness, hopelessness, pointlessness, disappointment, self-blame, self-hatred, low self-esteem, marginalization, dehumanization, hostility, anger, betrayal or loss of faith, belief, interest, concern or motivation; and

(2) Increase the risk of harmful or destructive behaviors, including, without limitation, social withdrawal, isolation, substance abuse, suicide, deception, high-risk sexual behaviors and unlawful behaviors.

2. The Legislature hereby declares that there is a legitimate and compelling need to protect the well-being of children who are under 18 years of age from the harmful and destructive effects of **aversive** conversion therapies by prohibiting certain licensed health care professionals from providing children with **aversive** conversion therapies because such therapies ~~[have not been proven to be medically or clinically effective but have been shown to]~~ have a high potential to cause substantial harm to the physical and psychological well-being of children, who are much more vulnerable to the potentially traumatic effects of such ~~[intensive]~~ **aversive** conversion therapies.

Sec. 1.5. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A psychotherapist shall not provide any aversive conversion therapy to a person who is under 18 years of age regardless of the willingness of the person or his or her parent or legal guardian to authorize such therapy.

2. Any violation of subsection 1 is a ground for disciplinary action by a state board that licenses a psychotherapist as defined in subsection 3.

3. As used in this section:

(a) ~~[“Conversion]~~ “Aversive conversion therapy” means any practice or treatment that ~~[seeks]~~ :

(1) Seeks to change the sexual orientation or gender identity of a person, including, without limitation, a practice or treatment that seeks to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward persons of the same gender ~~[.]~~ ; and

(2) Involves application to the person of any type of behavioral conditioning or modification in which noxious or painful stimuli, confinement, isolation or deprivation are used, in whole or in part, for the purpose of changing, eliminating or reducing behaviors or gender expressions, including, without limitation:

(I) Inducing nausea, vomiting or paralysis, administering electric shocks, targeting parts of the body with any snaps, slaps, pinches, hits, intrusions or other noxious or painful stimuli or using any noxious or painful light, images, video, audio, noise, sounds, odors, smells or other stimuli;

(II) Confining or isolating the person in any small space, darkened area, locked room or other confining or isolating situation; or

(III) Depriving the person of food, water, sleep, medicine or other essentials.

(b) The term “aversive conversion therapy” does not include any non-aversive conversion therapy, including, without limitation, counseling that:

(1) Provides spiritual or other support and guidance to a person which uses speech alone to assist the person in discussing or achieving the desired sexual orientation or gender identity;

(2) Provides assistance to a person undergoing gender transition; or

~~[(2)]~~ (3) Provides acceptance, support and understanding of a person or facilitates a person's ability to cope, social support and identity exploration and development, including, without limitation, an intervention to prevent or address unlawful conduct or unsafe sexual practices that is neutral as to the sexual-orientation of the person receiving the intervention and does not seek to change the sexual orientation or gender identity of the person receiving the intervention.

~~[(b)]~~ (c) "Psychotherapist" means:

(1) A psychiatrist licensed to practice medicine in this State pursuant to chapter 630;

(2) A homeopathic physician, advanced practitioner of homeopathy or homeopathic assistant licensed or certified pursuant to chapter 630A or NRS;

(3) A psychiatrist licensed to practice medicine in this State pursuant to chapter 633;

(4) A psychologist licensed to practice in this State pursuant to chapter 641 of NRS;

(5) A social worker licensed in this State as an independent social worker or a clinical social worker pursuant to chapter 641B of NRS;

(6) A registered nurse holding a master's degree in the field of psychiatric nursing and licensed to practice professional nursing in this State pursuant to chapter 632 of NRS;

(7) A marriage and family therapist or clinical professional counselor licensed in this State pursuant to chapter 641A of NRS; or

(8) A person who provides counseling services as part of his or her training for any of the professions listed in subparagraphs (1) to (7), inclusive.

Sec. 2. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2018, for all other purposes.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Amendment No. 644 be placed on the Chief Clerk's desk.

Assemblymen Hansen, Marchant, and Titus requested a roll call vote on Assemblywoman Benitez-Thompson's motion.

Roll call on Assemblywoman Benitez-Thompson's motion:

YEAS—27.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Titus, Wheeler—12.

EXCUSED—Neal, Pickard, Woodbury—3.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 201.

Remarks by Assemblymen Thompson, Edwards, Tolles, Bilbray-Axelrod, and Araujo.

ASSEMBLYMAN THOMPSON:

Senate Bill 201 prohibits a psychotherapist from providing sexual orientation or gender identity conversion therapy to a person who is under 18 years of age. The measure does not include provisions that regulate or prohibit licensed health care professionals from engaging in expressive speech or religious counseling with a person who is under 18 years of age if the licensed health care professionals are acting in their pastoral or religious capacity as members of the clergy or as religious counselors and do not hold themselves out as operating pursuant to their professional licenses when so acting in their pastoral or religious capacity.

Conversion therapy is dangerous and an unethical practice that has been openly discredited and scrutinized by health care professionals across the country due to the devastating consequences on our young people. Due to the lack of sound data and scientific validity, the American Psychiatric Association recommends that ethical practitioners refrain from attempts to change individuals' sexual orientation. This form of therapy is an inhumane practice that targets some of our most vulnerable populations and groups in society, causing harm to our minors and leaving of lifetime of negative consequences that can lead to increased depression, homelessness, substance abuse, and negative self-image, ultimately leading to self-destructive behavior and higher rates of suicide. Senate Bill 201 protects the well-being of our minors by prohibiting health care professionals from using sexual orientation change efforts on persons under age 18. I urge our body to support Senate Bill 201.

ASSEMBLYMAN EDWARDS:

Conversion therapy is a terrible thing, and no one should have to undergo it. Not only has it been totally disproven as an effective form of therapy, it is simply dangerous, and I had hoped to be able to vote to ban it. But we also have an obligation to look at how broad this bill is written. We cannot ban those questioning their sexuality from having conversations with people they trust, whether they be those in religious life, parents, or counselors. That is effectively what this bill leads to.

I had hoped that we could see some amendments to tighten up the legislation and ensure that the proper protections were in place. In fact, I know that several people have tried to add in reasonable language that would have done exactly that. I commend them and thank them for their efforts. Sadly, they were not successful. Without clear language that protects parents, clergy, doctors, and patients and does not clearly preserve unfettered dialogue and parental rights, we should not adopt this. As I read this bill, we solve one problem but create three more. Without clear legislative language to prevent those problems, I cannot vote for this bill and must urge my colleagues not to vote for it either.

ASSEMBLYWOMAN TOLLES:

I want to restate the amended language. As the preamble states, which according to LCB [Legislative Counsel Bureau] would be used by the courts to determine free speech and religious liberty protections, there is nothing in this bill that regulates or prohibits licensed health care professionals from engaging in expressive speech or religious counseling with such children if the licensed health care professionals are acting in their pastoral or religious capacity as members of the clergy or as religious counselors and do not hold themselves out as operating pursuant to their professional licenses when so acting in their pastoral or religious capacity.

The American Medical Association, American Psychological Association, American Psychiatric Association, American Academy of Pediatrics, American Association of Marriage and Family Therapists, American Counseling Organization, National Association of Social Workers, World Health Organization, and others have opposed conversion therapy practices along with a growing number of religious and evangelical leaders and organizations who have joined in the dismissal of the effectiveness of these programs. Additionally, many of the leaders of ex-gay ministries have since apologized to the LGBT community and closed the door on their organizations.

I understand that there have been concerns raised about broader interpretations of this legislation and unintended consequences for individuals seeking counsel relating to their faith and questions about sexuality and gender. But after listening to the testimony of the sponsor on record, reviewing the scholarly research on conversion therapy as it is traditionally understood, looking at the other states that have already enacted similar legislation without incident, and examining the protections laid out both in this bill and by courts specifically addressing concerns of free speech and religious counseling regarding this topic, I feel reassured that the concerns raised do not warrant the opposition to the stated intentions of this legislation.

I want to take just a moment to thank the sponsor and the Assemblyman from District 3 for the amended language. The culture wars have left a great deal of damage to all sides engaged in these debates, and oftentimes, between the political posturing and the rhetoric, we forget that there are real people, families, individuals, and organizations that are impacted by these political debates. I believe that by offering the amended language on this, as well as on other legislation we have heard like A.J.R. 2 and A.B. 99, this bill has made space for individuals to remain protected from the harmful effects without impeding on free speech and religious liberty. I want to personally thank the Assemblyman for bringing that amended language, and I will support.

ASSEMBLYWOMAN BILBRAY-AXELROD:

I rise in support of Senate Bill 201. As has been stated by my colleagues from Assembly Districts 11 and 25, conversion therapy is dangerous and has been widely discredited by mainstream medical and mental health organizations for decades. Kids are especially vulnerable to conversion therapy, and it can lead to depression, drug use, homelessness, and suicide. Despite its danger, some practitioners continue to push this terrible, terrible practice, and they use it in a socially biased way against the members of the LGBTQ communities.

On a personal note, I think if my daughter was a child in this position, it would be love and support that she would need, not me or anyone else telling her to be different. I am glad this body will take steps to prevent licensed medical providers from offering these services and urge you to support S.B. 201.

ASSEMBLYMAN ARAUJO:

I rise in support of Senate Bill 201. For many years now I have had the honor and privilege of working directly with youth in Nevada that identify as LGBTQ. Some are too scared to come out. Some are out but are scared of the consequences of coming out. We in Nevada have a unique position we can currently take. We have made a lot of progress this session already with passage of Assembly Bill 99 and passage of other measures to ensure that our youth are feeling protected. This is going to take us another step forward.

I want to be able to say that I serve in the Legislature in a state that offers nothing but love and support to our youth, regardless of who they are. I want us to be able to stand proudly and say that we are becoming a model state for what progress should look like. I want us to be able to stand proudly and look at our youth, our future, and tell them that they are beautiful and that we love them regardless, and that we want to see them thrive. We can only do that if we take these steps forward to ensure that we are not hurting them, but instead we are helping them and offering them nothing but love and nurturing.

I urge this body to please look beyond the politics and think of these youth. Think of what they have to go through. Think of the fears that consume their lives every single day. Sit on that and please consider supporting Senate Bill 201. It is good for our youth, it is good for our future, and it is good for Nevada.

Roll call on Senate Bill No. 201:

YEAS—31.

NAYS—Edwards, Ellison, Hambrick, Hansen, Kramer, Marchant, Oscarson, Wheeler—8.

EXCUSED—Neal, Pickard, Woodbury—3.

Senate Bill No. 201 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 10.

Resolution read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Senate Joint Resolution No. 10 repeals, rescinds, cancels, and nullifies each previous resolution passed by the Nevada Legislature that requested the Congress of the United States to convene a constitutional convention pursuant to Article V of the *United States Constitution*. The resolution urges other state legislatures to do the same.

Our *Constitution* is far from perfect, but an Article V constitutional convention is not in the Nation's interest at this time. I do not need to tell anyone that there is high-pitched partisan warfare going on in our nation's capital and about the influence of money and politics. The *Constitution*, for all its imperfections, is a rock of stability in an uncertain time. Therefore, I would urge you to support this to rescind our calls for an Article V constitutional convention to ensure that our *Constitution* continues to be that rock.

Roll call on Senate Joint Resolution No. 10:

YEAS—39.

NAYS—None.

EXCUSED—Neal, Pickard, Woodbury—3.

Senate Joint Resolution No. 10 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 1, 85, 385, 451, and 490.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Guinchigliani, Stephen Gray, Lindsey Jydstrup, and Doug Jydstrup.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Buckley, John Oceguera, and Richard Perkins.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Faunie Jones, Jackie Naughton, Leslie Cortes, Randy Jones, Cheri Galloway, Adrian Deherrera, and Terry Naughton.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Jacqueline Low.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to Gerard Mager and Illona Mager.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from the Academy for Career Education: Adam Bumgarner, Estephany Cruz, Michael Rodriguez Campos, Luis Alfredo Salazar Lozano, Isaac Urena, Oswaldo Enriquez, Evan Fehr, Moises Henriquez, Matthew Ketring, Pauline May, Jestin Ogle, Lucas Reccelle, Yessenia Santiago Cruz, Alexis Santos, Roderick Steiner, Dayne Wells, and Ryan Wood.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Pam Ertel, Steve Canavero, Greg Bortolin, Kelly Nicolls, Brett Barley, and Kelee Dupuis.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Thursday, May 11, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 1:20 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE NINETY-FIFTH DAY

CARSON CITY (Thursday), May 11, 2017

Assembly called to order at 12:15 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Hambrick, Thompson, and Woodbury, who were excused.

Prayer by the Chaplain, Pastor Harvey Turner.

Heavenly Father, I come to You in the Name of the Lord Jesus Christ and by the power of the Holy Spirit. I come to You on behalf of these leaders who are present in this room that You would grant them wisdom and insight that is beyond them.

Father, I ask that You would lead them in such a way that they give a voice to the voiceless. Guard them from the temptation of making decisions out of self-interest and let them make decisions that will cause human flourishing for those they've been elected to serve. May they always be mindful of the poor, the unborn, the oppressed, the immigrant, and the marginalized. Guard them from the temptation of making decisions that will benefit special interests or favor those who are in a position to advance their political career.

May justice be at the forefront of their minds and may the law that You have written on their hearts be their guide. Thank You that You have given us rulers and authorities, I know that Your Word says that they are ministers of Your common grace to all people. Enlighten their work with divine light.

I pray this in the name of Your Son, the Lord Jesus, who is the King above all Kings, and because his kingdom reigns above all empires of men including the state of Nevada.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 206, 311, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 256, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRENE BUSTAMANTE ADAMS, *Chair*

Mr. Speaker:

Your Committee on Corrections, Parole, and Probation, to which was referred Senate Bill No. 177, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES OHRENSCHALL, *Chair*

Mr. Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 19, 112, 173, 247, 301, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TYRONE THOMPSON, *Chair*

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 182, 313, 464, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 91, 131, 237, 295, 318, 483, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MICHAEL C. SPRINKLE, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 29, 133, 230, 240, 277, 279, 338, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 267, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Senate Bill No. 43; Senate Joint Resolution No. 13, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HEIDI SWANK, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 13, 15, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RICHARD CARRILLO, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 495, 496, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 49, 414, 474, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 41, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 11, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 17.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 9.

CLAIRE CLIFT
Secretary of the Senate

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:22 p.m.

ASSEMBLY IN SESSION

At 12:22 p.m.
Madam Speaker pro Tempore presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 9.
Assemblyman Frierson moved the adoption of the resolution.
Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Today we remember Robert S. Ferraro; a native Nevadan, who had one of the longest and most successful careers in public service in Nevada's history. Bob was born and grew up in Paradise Valley, a beautiful desert oasis about 40 miles north of Winnemucca. He attended a one room school house for his early education and graduated from Humboldt County High School, in Winnemucca, making the eighty mile round trip every day, and earning the reputation of having the fastest car on the road. Bob attended the University of Nevada, Reno, where he earned a Bachelor's Degree in Agriculture and a Master's Degree in Agronomy and Range Management and was President of the Young Democrats Club.

In 1966, he moved his young family to Pakistan, working for the United States Agency for International Development. Three years later he took a position as a chemical engineer at PEPCON [Pacific Engineering and Production Company of Nevada] in Boulder City. In 1976, he was elected to the Boulder City Council and began his 31 years of public service that included six terms as Mayor, serving on various boards, including the Las Vegas Convention and Visitors Authority; the Bolder City Hospital Foundation; Nevada Development Authority; and the Clark, County District Board of Health.

Those who were fortunate enough to know Bob will always remember him as a happy, optimistic, gregarious person, and a complete joy to be around. We will all certainly miss him, and the State of Nevada will certainly miss him, and I urge you all to join me in supporting this resolution.

Resolution adopted and ordered transmitted to the Senate.

Madam Speaker pro Tempore announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:29 p.m.

ASSEMBLY IN SESSION

At 12:31 p.m.
Mr. Speaker presiding.
Quorum present.

SECOND READING AND AMENDMENT

Senate Bill No. 2.
Bill read second time and ordered to third reading.

Senate Bill No. 20.
Bill read second time and ordered to third reading.

Senate Bill No. 27.
Bill read second time and ordered to third reading.

Senate Bill No. 32.
Bill read second time and ordered to third reading.

Senate Bill No. 35.
Bill read second time and ordered to third reading.

Senate Bill No. 40.
Bill read second time and ordered to third reading.

Senate Bill No. 42.
Bill read second time and ordered to third reading.

Senate Bill No. 110.
Bill read second time and ordered to third reading.

Senate Bill No. 140.
Bill read second time and ordered to third reading.

Senate Bill No. 241.
Bill read second time and ordered to third reading.

Senate Bill No. 252.
Bill read second time and ordered to third reading.

Senate Bill No. 324.
Bill read second time and ordered to third reading.

Senate Bill No. 326.
Bill read second time and ordered to third reading.

Senate Bill No. 362.
Bill read second time and ordered to third reading.

Senate Bill No. 454.
Bill read second time and ordered to third reading.

Senate Bill No. 515.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 7.

Bill read third time.

Remarks by Assemblyman Kramer.

ASSEMBLYMAN KRAMER:

Senate Bill 7 revises the Nevada Code of Military Justice to provide that in order to be tried or punished for certain offenses committed under the Code, the offense must have been committed while the person was subject to jurisdiction under the Code, whether the person was in duty status or not

Roll call on Senate Bill No. 7:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Thompson, Woodbury—3.

Senate Bill No. 7 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 197 and 198 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 197.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 197 extends the June 30, 2020, deadline by which the State Board of Finance can issue general obligation bonds to carry out certain projects to improve the environment in the Lake Tahoe Basin until June 30, 2030.

Roll call on Senate Bill No. 197:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Thompson, Woodbury—3.

Senate Bill No. 197 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 198.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 198 extends the June 30, 2019, deadline by which the State Board of Finance can issue general obligation bonds to protect, preserve, and obtain the benefits of the property and natural resources of this state, Question 1 bonds, until June 30, 2024, under the same terms and conditions approved by the voters at the General Election held on November 5, 2002.

Roll call on Senate Bill No. 198:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Thompson, Woodbury—3.

Senate Bill No. 198 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 16.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Senate Bill 16 changes the name of the General Services Division of the Department of Public Safety to the Records, Communications and Compliance Division. Testimony indicates that this change more accurately describes the duties and responsibilities of the Division. This bill is effective on July 1, 2017.

Roll call on Senate Bill No. 16:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Thompson, Woodbury—3.

Senate Bill No. 16 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 22.

Bill read third time.

Remarks by Assemblywoman Bilbray-Axelrod.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Senate Bill 22 makes various changes relating to the powers and duties of the Department of Administration and the Office of Finance. This bill is effective upon passage and approval.

Roll call on Senate Bill No. 22:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Thompson, Woodbury—3.

Senate Bill No. 22 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 44.

Bill read third time.

Remarks by Assemblyman Marchant.

ASSEMBLYMAN MARCHANT:

Senate Bill 44 authorizes the Deputy Administrator of the Public Works - Compliance and Code Enforcement Section of the State Public Works Division of the Department of Administration to issue to a person certain permits for the planning, maintenance, or construction of buildings and structures on property of the state or held in trust for the state. This bill is effective on July 1, 2017.

Roll call on Senate Bill No. 44:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Thompson, Woodbury—3.

Senate Bill No. 44 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 45.

Bill read third time.

Remarks by Assemblyman Brooks.

ASSEMBLYMAN BROOKS:

Senate Bill 45 eliminates the requirement that the State Public Works Division, Department of Administration, periodically inspect all buildings at the state universities and specifically exempts all buildings and physical plant facilities owned by any part of the Nevada System of Higher Education [NSHE] from the requirement of periodic inspections by the Division. Testimony indicated that NSHE had its own personnel perform the work on all of its campuses since 1995.

Roll call on Senate Bill No. 45:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Thompson, Woodbury—3.

Senate Bill No. 45 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 57.

Bill read third time.

Remarks by Assemblyman Kramer.

ASSEMBLYMAN KRAMER:

Senate Bill 57 revises provisions governing the Nevada Commission for the Reconstruction of the V & T Railway. Specifically, the bill removes the Board of County Commissioners of Douglas, Lyon, and Washoe Counties from the governing bodies of the Commission and relieves Douglas, Lyon, and Washoe Counties from any requirement to fund the Commission's budget. However, the provisions of this bill do not apply to impair any existing bond or bond obligations if a county has issued bonds to fund its share of the Commission's budget before October 1, 2017.

It reduces the number of members of the Commission from nine to five; eliminates the authority of the Commission to enter into an agreement with the district attorney or treasurer of Douglas, Lyon, and Washoe Counties as of October 1, 2017; and terminates any agreement between the Commission and those persons as of that date.

This bill is effective on October 1, 2017.

Roll call on Senate Bill No. 57:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Thompson, Woodbury—3.

Senate Bill No. 57 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 105.

Bill read third time.

Remarks by Assemblyman McArthur.

ASSEMBLYMAN MCARTHUR:

Senate Bill 105 authorizes and requests the Governor to annually proclaim August 9 as "Indigenous Peoples Day" to celebrate the thriving culture and significant value that indigenous people add to the state of Nevada. This bill is effective upon passage and approval.

Roll call on Senate Bill No. 105:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Thompson, Woodbury—3.

Senate Bill No. 105 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 148.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Senate Bill 148 requires the Director of the Department of Veterans Services to provide assistance and information relating to aid, benefits, and services to veterans and members of the military who are lesbian, gay, bisexual, or transgender [LGBT] and their spouses and dependents. The Director is further required to assist a veteran who is LGBT in applying for an upgrade to the character of the veteran's discharge from service or a change in the narrative reason for the discharge.

Finally, the measure prohibits the denial of a veteran's eligibility for any program, service, benefit, activity, or facility in Nevada for which the veteran would otherwise be eligible solely based on a veteran's status as a discharged veteran who is LGBT. This bill is effective on July 1, 2017.

Roll call on Senate Bill No. 148:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Thompson, Woodbury—3.

Senate Bill No. 148 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 160, 175, 202, 412, and 466 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolutions Nos. 5, 6; Senate Bill No. 201; Senate Concurrent Resolution No. 7.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:56 p.m.

ASSEMBLY IN SESSION

At 1:02 p.m.
Mr. Speaker presiding.
Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Carolyn Ferraro, Greg Ferraro, Joe Ferraro, Tommy Ferraro, Christi Matteoni, Dominic Matteoni, Anthony Matteoni, Allison Matteoni, and Eric Osgood.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Robin Camacho.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Faith Baptist Academy: Adam Breeden, Jonathan Clinger, Rebecca Easley, Mason Hamburger, Matthew Hickey, Monique Knackstedt, Christopher Robinson, and Matt Ransom.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Brad Fiene and Ken Marty.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Friday, May 12, 2017, at 11:30 a.m., and that it do so in memory of Robert Stanley Ferraro, and with thoughts and prayers for Gary Milliken.
Motion carried.

Assembly adjourned at 1:02 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE NINETY-SIXTH DAY

CARSON CITY (Friday), May 12, 2017

Assembly called to order at 11:43 a.m.
Mr. Speaker presiding.
Quorum not present.

Mr. Speaker announced that the Assembly would adjourn until Monday, May 15, 2017, at 11:30 a.m.

Assembly adjourned at 11:43 a.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE NINETY-NINTH DAY

CARSON CITY (Monday), May 15, 2017

Assembly called to order at 1:32 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Daly, who was excused.

Prayer by the Chaplain, Reverend Chad Adamik.

Loving God, our source of being, first let me say Thank You on behalf of all who are gathered here today.

Thank You for Your many and abundant blessings. Thank You for life itself, for the measure of health that we need to fulfill our callings, for sustenance, and for friendship. Thank You for the ability to be involved in useful work and for the honor of bearing appropriate responsibilities. Thanks as well for the freedom to embrace You or the freedom to reject You. Thank You for loving us even so—from Your boundless and gracious nature.

I pray for the leaders of our state government, for the leaders of this chamber, and for all those assembled here. I pray for the agenda set before them today. Please give an assurance of what would please You and what would benefit those who live and work in and around our beloved state of Nevada.

It is in Your many Names I pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Corrections, Parole, and Probation, to which was referred Senate Bill No. 268, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OHRENSCHALL, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 108, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TYRONE THOMPSON, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 53, 384, 422, 493, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Senate Bills Nos. 176, 188, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 122, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 123, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL C. SPRINKLE, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 116, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were referred Senate Bills Nos. 255, 376, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Senate Bills Nos. 117, 447, 491; Senate Joint Resolutions Nos. 5, 8, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

OLIVIA DIAZ, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Senate Bills Nos. 51, 75, 411, 513, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HEIDI SWANK, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 141, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which was referred Senate Bill No. 31, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD CARRILLO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 11, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 4, 6, 11, 14, 27, 28, 32, 33, 37, 38, 50, 63, 64, 74, 75, 102, 107, 118, 132, 133, 135, 147, 184, 191, 203, 221, 227, 239, 252, 282, 297, 391, 482; Senate Bills Nos. 3, 510.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 212.

CLAIRE CLIFT
Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 512—AN ACT relating to driving under the influence; temporarily extending the prospective expiration of the fee for the provision

of specialty court programs; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 513—AN ACT relating to gaming; revising provisions governing legal counsel for certain state agencies that regulate gaming; creating the position of General Counsel for such state agencies; revising the role of the Office of the Attorney General as legal counsel and adviser for such state agencies; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 3.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 212.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 510.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 495.

Bill read second time and ordered to third reading.

Assembly Bill No. 496.

Bill read second time and ordered to third reading.

Senate Bill No. 13.

Bill read second time and ordered to third reading.

Senate Bill No. 15.

Bill read second time and ordered to third reading.

Senate Bill No. 19.

Bill read second time and ordered to third reading.

Senate Bill No. 29.

Bill read second time and ordered to third reading.

Senate Bill No. 43.

Bill read second time and ordered to third reading.

Senate Bill No. 91.

Bill read second time.

The following amendment was proposed by Assemblyman Sprinkle:

Amendment No. 712.

AN ACT relating to prescription drugs; combining the HIV/AIDS Drug Donation Program and the Cancer Drug Donation Program to create the Prescription Drug Donation Program; authorizing a person or governmental entity to donate prescription drugs to the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the HIV/AIDS Drug Donation Program and the Cancer Drug Donation Program. (NRS 453B.010-453B.130, 453B.150-453B.240) This bill: (1) combines those Programs to create the Prescription Drug Donation Program; and (2) additionally allows a person or governmental entity to donate to the Prescription Drug Donation Program any prescription drug, with limited exceptions.

Section 2 of this bill authorizes a person or governmental entity to donate to the Prescription Drug Donation Program any prescription drug, other than marijuana and certain other drugs for which the patient must be registered with the manufacturer. **Section 2** also authorizes a pharmacy, medical facility, health clinic or provider of health care to impose a handling fee upon a patient who receives a donated prescription drug and imposes requirements concerning the acceptance, distribution or dispensing of a donated prescription drug. **Section 2 also reduces the minimum number of days before a prescription drug expires for the drug to be accepted, distributed or dispensed pursuant to the program from 180 to 60 days or more after the date on which the drug is donated.**

Section 3 of this bill prescribes certain recordkeeping requirements relating to donated prescription drugs and the storage of donated prescription drugs. **Section 4** of this bill requires a donated prescription drug to be dispensed by a registered pharmacist, pursuant to a prescription, to a recipient who is eligible under regulations adopted by the State Board of Pharmacy. **Section 5** of this bill requires a pharmacy, medical facility, health clinic or provider of health care that participates in the Program to comply with all applicable state and federal laws. **Section 5** also authorizes such a pharmacy, medical facility, health clinic or provider of health care to distribute a donated prescription drug to another pharmacy, medical facility, health clinic or provider of health care that participates in the Program. **Section 6** of this bill requires the Board to adopt regulations to carry out the Program. **Section 7** of this bill: (1) provides immunity from liability for certain actions relating to the Program; and (2) requires a person to whom a

donated prescription drug is dispensed to sign a waiver of liability for such actions.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 453B.060 is hereby amended to read as follows:

453B.060 "Program" means the ~~[~~HIV/AIDS~~]~~ ***Prescription*** Drug Donation Program established pursuant to NRS 453B.080.

Sec. 2. NRS 453B.080 is hereby amended to read as follows:

453B.080 1. The Board shall establish and maintain the ~~[~~HIV/AIDS~~]~~ ***Prescription*** Drug Donation Program to accept, distribute and dispense ~~[~~HIV/AIDS~~]~~ ***prescription*** drugs donated to the Program.

2. ~~[~~Any~~]~~ ***Except as otherwise provided in this section, a*** person or governmental entity may donate ~~[~~an HIV/AIDS~~]~~ ***any prescription*** drug to the Program. ~~[~~An HIV/AIDS~~]~~

3. A prescription drug may be donated ***to the Program*** at a pharmacy, medical facility, health clinic or provider of health care that participates in the Program.

~~[~~3.~~]~~ ***4.*** A pharmacy, medical facility, health clinic or provider of health care that participates in the Program may charge a patient who receives ~~[~~an HIV/AIDS~~]~~ ***a donated prescription*** drug a handling fee in accordance with the regulations adopted by the Board pursuant to NRS 453B.120.

~~[~~4.~~]~~ ***5.*** A pharmacy, medical facility, health clinic or provider of health care that participates in the Program must establish written procedures for receiving and inspecting donated ~~[~~HIV/AIDS~~]~~ ***prescription*** drugs **.** ~~[~~which are approved by the Board.

~~5. An HIV/AIDS~~]

6. A prescription drug may be accepted, distributed or dispensed pursuant to the Program only if the ~~[~~HIV/AIDS~~]~~ drug:

(a) Is in its original, unopened, sealed and tamper-evident unit dose packaging or, if packaged in single-unit doses, the single-unit dose packaging is unopened;

(b) Is not adulterated or misbranded; and

(c) Bears an expiration date that is ~~[~~180~~]~~ ***60*** days or more after the date on which the drug is donated.

~~[~~6. An HIV/AIDS~~]~~

7. A prescription drug donated to the Program may not be:

(a) Resold; or

(b) Designated by the donor for a specific person.

~~[~~7.~~]~~ ***8.*** The provisions of this section do not require a pharmacy, medical facility, health clinic or provider of health care to participate in the Program.

9. Marijuana, as defined in NRS 453.096, or any drug that may only be dispensed to a patient registered with the manufacturer of the drug pursuant to requirements of the United States Food and Drug

Administration may not be donated, accepted, distributed or dispensed pursuant to the Program.

10. A prescription drug donated to the Program that does not include a lot number shall be deemed to have been recalled if the prescription drug has the same National Drug Code assigned by the United States Food and Drug Administration as a recalled prescription drug.

Sec. 3. NRS 453B.090 is hereby amended to read as follows:

453B.090 A pharmacy, medical facility, health clinic or provider of health care that participates in the Program shall:

1. Maintain the records for any ~~[~~HIV/AIDS~~]~~ ***prescription*** drug that is donated to the Program separate from all other records kept by the pharmacy, medical facility, health clinic or provider of health care. Records for any ~~[~~HIV/AIDS~~]~~ ***prescription*** drug donated to the Program must include, without limitation:

(a) The date the pharmacy, medical facility, health clinic or provider of health care received the drug;

(b) ~~[~~The~~]~~ ***If donated by the person for whom the drug was prescribed, the*** date the drug was dispensed pursuant to the original prescription;

(c) ~~[~~The~~]~~ ***If donated by the person for whom the drug was prescribed, the*** original prescription number of the drug;

(d) The name of the drug;

(e) The dosage of the drug;

(f) The quantity of the drug that is donated;

(g) The date of expiration of the drug;

(h) ~~[~~The~~]~~ ***If donated by the person for whom the drug was prescribed, the*** name, address and telephone number of the person who originally dispensed the drug;

(i) The name, address and telephone number of the person who donated the drug; and

(j) The lot number of the drug.

2. Maintain the record of ~~[~~an HIV/AIDS~~]~~ ***a donated prescription*** drug that is distributed to another pharmacy, medical facility, health clinic or provider of health care which is participating in the Program separate from all other records kept by the pharmacy, medical facility, health clinic or provider of health care. The records for any ~~[~~HIV/AIDS~~]~~ ***donated prescription*** drug distributed to another pharmacy, medical facility, health clinic or provider of health care must include, without limitation:

(a) The information required by subsection 1;

(b) The name, address and telephone number of the pharmacy, medical facility, health clinic or provider of health care that is distributing the drug;

(c) The quantity of the drug that is being distributed; and

(d) The name, address and telephone number of the pharmacy, medical facility, health clinic or provider of health care to which the drug is distributed.

3. Record and retain the name and telephone number of any person to whom a donated ~~[~~HIV/AIDS~~]~~ ***prescription*** drug is dispensed.

4. Store ~~[~~an HIV/AIDS~~]~~ ***a prescription*** drug that is donated to the Program:

(a) Pursuant to the recommendations of the manufacturer of the drug concerning the storage conditions;

(b) Separate from all other drugs; and

(c) In a locked storage area.

Sec. 4. NRS 453B.100 is hereby amended to read as follows:

453B.100 ~~[~~An HIV/AIDS~~]~~ ***A prescription*** drug donated for use in the Program may only be dispensed:

1. By a pharmacist who is registered pursuant to chapter 639 of NRS; ~~[~~and~~]~~

2. ***Pursuant to a prescription written by a person who is authorized to write prescriptions; and***

3. To a person who is eligible to receive ~~[~~HIV/AIDS~~]~~ ***prescription*** drugs dispensed pursuant to the Program.

Sec. 5. NRS 453B.110 is hereby amended to read as follows:

453B.110 A pharmacy, medical facility, health clinic or provider of health care that participates in the Program:

1. Shall comply with all applicable state and federal laws concerning the storage, distribution and dispensing of any ~~[~~HIV/AIDS~~]~~ ***prescription*** drugs donated to the Program; and

2. May distribute ~~[~~an HIV/AIDS~~]~~ ***a prescription*** drug donated to the Program to another pharmacy, medical facility, health clinic or provider of health care for use in the Program.

Sec. 6. NRS 453B.120 is hereby amended to read as follows:

453B.120 The Board shall adopt regulations to carry out the provisions of this chapter. The regulations must prescribe, without limitation:

1. The requirements for the participation of pharmacies, medical facilities, health clinics and providers of health care in the Program ~~[~~**.** ~~[~~:~~]~~ ***For medical facilities or providers of health care who participate in the Program by accepting, distributing or dispensing a prescription drug used to treat cancer, the requirements prescribed pursuant to this subsection must include a requirement that any such medical facility or provider of health care provide, as a regular course of practice, medical services and goods to persons with cancer.***

2. The criteria for determining the eligibility of persons to receive ~~[~~HIV/AIDS~~]~~ ***prescription*** drugs dispensed pursuant to the Program ~~[~~**.** ~~[~~, including, without limitation, a requirement that a person apply to the Board on a form prescribed by the Board for eligibility to receive HIV/AIDS ***prescription*** drugs dispensed or distributed pursuant to the Program **.** ;~~]~~

3. ~~[~~The categories of HIV/AIDS drugs that may be accepted for distribution or dispensing pursuant to the Program;

~~4.~~] The maximum fee that a pharmacy, medical facility, health clinic or provider of health care may charge to distribute or dispense [~~HIV/AIDS~~] ***prescription*** drugs pursuant to the Program **.** [~~; and~~

~~5.~~] ***4.*** The requirements for the written procedures established by a pharmacy, medical facility, health clinic or provider of health care for receiving and inspecting [~~donated HIV/AIDS~~] ***prescription*** drugs ***donated to the Program*** and the manner in which a pharmacy, medical facility, health clinic or provider of health care must submit such procedures for approval [~~.~~] ***, including, without limitation, a requirement that a pharmacy, medical facility, health clinic or provider of health care that dispenses prescription drugs donated to the Program verify and record the eligibility of persons to receive such prescription drugs in the manner set forth in regulations adopted pursuant to subsection 2.***

Sec. 7. NRS 453B.130 is hereby amended to read as follows:

453B.130 1. A person who exercises reasonable care in the donation of [~~an HIV/AIDS~~] ***a prescription*** drug in accordance with the provisions of this chapter and the regulations adopted pursuant thereto is not subject to any civil or criminal liability or disciplinary action by a professional licensing board for any loss, injury or death that results from the donation of the [~~HIV/AIDS~~] ***prescription*** drug.

2. A pharmacy, medical facility, health clinic or provider of health care which participates in the Program and which exercises reasonable care in the acceptance, distribution or dispensation of [~~an HIV/AIDS~~] ***a prescription*** drug ***donated to the Program*** is not subject to civil or criminal liability or disciplinary action by a professional licensing board for any loss, injury or death that results from the acceptance, distribution or dispensation of the [~~HIV/AIDS~~] ***prescription*** drug.

3. A manufacturer of [~~an HIV/AIDS~~] ***a prescription*** drug ***donated to the Program*** is not subject to civil or criminal liability for any claim or injury arising from the donation, acceptance, distribution or dispensation of the [~~HIV/AIDS~~] ***prescription*** drug pursuant to this chapter and the regulations adopted pursuant thereto.

4. [~~An HIV/AIDS~~] ***A prescription*** drug may not be dispensed pursuant to the Program unless the person to whom the drug is dispensed has signed a waiver of liability for any action described in this section performed by any person, pharmacy, medical facility, health clinic, provider of health care or manufacturer of the [~~HIV/AIDS~~] ***prescription*** drug.

Sec. 8. NRS 453B.030, 453B.150, 453B.160, 453B.170, 453B.180, 453B.190, 453B.200, 453B.210, 453B.220, 453B.230 and 453B.240 are hereby repealed.

Sec. 9. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and on January 1, 2018, for all other purposes.

LEADLINES OF REPEALED SECTIONS

453B.030 "HIV/AIDS drug" defined.
453B.150 Definitions.
453B.160 "Cancer drug" defined.
453B.170 "Medical facility" defined.
453B.180 "Program" defined.
453B.190 "Provider of health care" defined.
453B.200 Establishment of Program; handling fee; conditions for acceptance, distribution and dispensing of donated drugs; certain restrictions.
453B.210 Dispensing of donated drug.
453B.220 Compliance with applicable laws; authority to distribute donated drug to another participant in Program.
453B.230 Regulations.
453B.240 Limitation on civil and criminal liability; limitation on disciplinary action by professional licensing board.

Assemblyman Sprinkle moved the adoption of the amendment.
Remarks by Assemblyman Sprinkle.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 112.
Bill read second time and ordered to third reading.

Senate Bill No. 131.
Bill read second time and ordered to third reading.

Senate Bill No. 133.
Bill read second time and ordered to third reading.

Senate Bill No. 173.
Bill read second time and ordered to third reading.

Senate Bill No. 177.
Bill read second time and ordered to third reading.

Senate Bill No. 182.
Bill read second time and ordered to third reading.

Senate Bill No. 206.
Bill read second time and ordered to third reading.

Senate Bill No. 230.
Bill read second time and ordered to third reading.

Senate Bill No. 237.
Bill read second time and ordered to third reading.

Senate Bill No. 240.

Bill read second time and ordered to third reading.

Senate Bill No. 247.

Bill read second time and ordered to third reading.

Senate Bill No. 256.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 658.

AN ACT relating to dentistry; requiring the Board of Dental Examiners of Nevada to appoint a panel to review investigations and informal hearings conducted by an investigator of the Board; requiring the review and consideration of the findings and recommendations of a review panel before disciplinary action is taken against a person; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of Dental Examiners of Nevada, upon its own motion, and requires the Board, upon a verified complaint by any person, to investigate a person who practices dentistry in this State for allegations of actions that would support disciplinary action. (NRS 631.360) Existing law also authorizes the Board to appoint one of its members, employees, investigators or other agents to conduct an investigation and informal hearing relating to a person who is alleged to have violated the provisions of chapter 631 of NRS. (NRS 631.363)

Section 1 of this bill requires the Board to appoint a panel of three people, consisting of two members of the Board and one holder of a license to practice dentistry or dental hygiene in this State, to review an investigation and informal hearing conducted by an investigator appointed by the Board. **Section 1** requires such a panel to review: (1) all files and records collected or produced by the investigator; (2) findings of fact and conclusions prepared by the investigator and submitted to the Board; and (3) any other information deemed necessary by the panel. **Section 1** further requires: (1) a review panel to submit a recommendation to the Board as to whether the findings and recommendations of the investigation should be accepted by the Board; and (2) the Board to review and consider the findings and recommendations of the review panel before taking any disciplinary action against a person or taking any other action relating to a complaint filed with the Board. **Section 3** of this bill requires a hearing officer or panel to review and consider the findings and recommendations of a review panel before taking disciplinary action against a person. **Section 5** of this bill provides that any records or information obtained by a review panel are deemed confidential. **Section 6** of this bill extends to members of a review panel the immunity from civil liability provided under existing law to members and employees of the Board.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 631 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board shall appoint a panel to review an investigation or informal hearing conducted pursuant to NRS 631.363. Such a panel must consist of:

(a) If the subject of the investigation or informal hearing is a holder of a license to practice dental hygiene, ~~[two members]~~ one member of the Board ~~[other than a member appointed pursuant to NRS 631.363 to conduct the investigation and informal hearing]~~ who is a holder of a license to practice dentistry, one member of the Board who is a holder of a license to practice dental hygiene and one holder of a license to practice dental hygiene who is not a member of the Board and is not the subject of the investigation or informal hearing.

(b) If the subject of the investigation or informal hearing is a holder of a license to practice dentistry or any other person not described in paragraph (a), ~~[two members]~~ one member of the Board ~~[other than a member appointed pursuant to NRS 631.363 to conduct the investigation and informal hearing]~~ who is a holder of a license to practice dentistry, one member of the Board who is a holder of a license to practice dental hygiene and one holder of a license to practice dentistry who is not a member of the Board and is not the subject of the investigation or informal hearing.

2. A review panel appointed pursuant to subsection 1 shall, in conducting a review of an investigation or informal hearing conducted pursuant to NRS 631.363, review and consider, without limitation:

(a) All files and records collected or produced by the investigator;

(b) Any written findings of fact and conclusions prepared by the investigator; and

(c) Any other information deemed necessary by the review panel.

3. The investigator who conducted the investigation or informal hearing pursuant to NRS 361.363 shall not participate in a review conducted pursuant to subsection 1.

4. Before the Board takes any action or makes any disposition relating to a complaint, the review panel appointed pursuant to subsection 1 to conduct a review of the investigation or informal hearing relating to the complaint shall present to the Board its findings and recommendation relating to the investigation or informal hearing, and the Board shall review and consider those findings and recommendations.

5. Meetings held by a review panel appointed pursuant to subsection 1 are not subject to the provisions of chapter 241 of NRS.

Sec. 2. NRS 631.190 is hereby amended to read as follows:

631.190 In addition to the powers and duties provided in this chapter, the Board shall:

1. Adopt rules and regulations necessary to carry out the provisions of this chapter.

2. Appoint such committees, ***review panels,*** examiners, officers, employees, agents, attorneys, investigators and other professional consultants and define their duties and incur such expense as it may deem proper or necessary to carry out the provisions of this chapter, the expense to be paid as provided in this chapter. Notwithstanding the provisions of this subsection, the Attorney General in his or her sole discretion may, but is not required to, serve as legal counsel for the Board at any time and in any and all matters.

3. Fix the time and place for and conduct examinations for the granting of licenses to practice dentistry and dental hygiene.

4. Examine applicants for licenses to practice dentistry and dental hygiene.

5. Collect and apply fees as provided in this chapter.

6. Keep a register of all dentists and dental hygienists licensed in this State, together with their addresses, license numbers and renewal certificate numbers.

7. Have and use a common seal.

8. Keep such records as may be necessary to report the acts and proceedings of the Board. Except as otherwise provided in NRS 631.368, the records must be open to public inspection.

9. Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

10. Have discretion to examine work authorizations in dental offices or dental laboratories.

Sec. 3. NRS 631.355 is hereby amended to read as follows:

631.355 1. Any disciplinary action taken by a hearing officer or panel pursuant to NRS 631.350 is subject to the same procedural requirements which apply to disciplinary actions taken by the Board, and the officer or panel has those powers and duties given to the Board in relation thereto. ***Before taking disciplinary action, the hearing officer or panel shall review and consider the findings and recommendations of a review panel appointed pursuant to section 1 of this act.***

2. Any decision of the hearing officer or panel relating to the imposition of any disciplinary action pursuant to this chapter is a final decision in a contested case.

Sec. 4. NRS 631.363 is hereby amended to read as follows:

631.363 1. The Board may appoint one of its members and any of its employees, investigators or other agents to conduct an investigation and informal hearing concerning any practice by a person constituting a violation of the provisions of this chapter or the regulations of the Board.

2. The investigator designated by the Board to conduct a hearing shall notify the person being investigated at least 10 days before the date set for the hearing. The notice must describe the reasons for the investigation and

must be served personally on the person being investigated or by mailing it by registered or certified mail to his or her last known address.

3. If, after the hearing, the investigator determines that the Board should take further action concerning the matter, the investigator shall prepare written findings of fact and conclusions and submit them to the Board. A copy of the report must be sent to the person being investigated.

4. If the Board, after receiving the report of its investigator pursuant to this section, holds its own hearing on the matter pursuant to NRS 631.360, it may consider the investigator's report but is not bound by his or her findings or conclusions. The investigator ***and any member of a review panel appointed pursuant to section 1 of this act*** shall not participate in the hearing conducted by the Board.

5. If the person who was investigated agrees in writing to the findings and conclusions of the investigator, the Board may adopt that report as its final order and take such action as is necessary without conducting its own hearing on the matter.

Sec. 5. NRS 631.368 is hereby amended to read as follows:

631.368 1. Except as otherwise provided in this section and NRS 239.0115, any records or information obtained during the course of an investigation by the Board ***or a review panel appointed pursuant to section 1 of this act*** and any record of the investigation ***or review*** are confidential.

2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The Board shall, to the extent feasible, communicate or cooperate with or provide any record or information described in subsection 1 to any other licensing board or any other agency that is investigating a person, including a law enforcement agency.

Sec. 6. NRS 631.378 is hereby amended to read as follows:

631.378 1. Any person who furnishes information to the Board concerning a licensee or an applicant for licensure, in good faith and without malicious intent, is immune from any civil action for furnishing that information.

2. The Board, ***a review panel,*** any member, employee or committee of the Board ~~[,]~~ ***or a review panel,*** counsel, investigator, expert, hearing officer, licensee or other person who assists the Board in the investigation or prosecution of an alleged violation of a provision of this chapter, a proceeding concerning licensure or reissuance of a license or a criminal prosecution is immune from any civil liability for:

(a) Any decision or action taken in good faith and without malicious intent in response to information acquired by the Board.

(b) Disseminating information concerning a licensee or an applicant for licensure to any member of the public, other licensing board, national association of registered boards, an agency of the Federal Government or of the State, the Attorney General or any law enforcement agency.

3. A defendant who is the prevailing party in a civil action brought pursuant to subsection 2 may recover the attorney's fees and costs incurred in defending the action.

Sec. 6.5. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 239C.140, 281A.350, 281A.440, 281A.550, 284.3629, 286.150, 287.0415, 288.220, 289.387, 295.121, 360.247, 388.261, 388A.495, 388C.150, 392.147, 392.467, 394.1699, 396.3295, 433.534, 435.610, 463.110, 622.320, 622.340, 630.311, 630.336, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, ***and section 1 of this act,*** which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

➥ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 7. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2018, for all other purposes.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 267.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 662.

AN ACT relating to real property; revising provisions governing the auction of property pursuant to the power of sale under a deed of trust; **revising provisions requiring certain mortgagees and beneficiaries of a deed of trust to provide certain contact information to the Division of Financial Institutions of the Department of Business and Industry;** providing for the continuation of certain provisions relating to an expedited process for the foreclosure of abandoned residential property; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the trustee under a deed of trust concerning owner-occupied housing has the power to sell the property to which the deed of trust applies, subject to certain restrictions. (NRS 107.080, 107.085, 107.086) Existing law requires such a sale to be made: (1) in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties), at the courthouse in the county in which the property or some part thereof is situated; or (2) in a county whose population is 100,000 or more (currently Clark and Washoe Counties), at the public location in the county designated by the governing body of the county for that purpose. (NRS 107.081) **Section 1** of this bill removes the population cap to require any such sale to be made at a public location in the county designated by the governing body of the county for that purpose.

Existing law requires a financial institution that is a mortgagee or beneficiary of a deed of trust under certain residential mortgage loans to provide to the Division of Financial Institutions of the Department of Business and Industry the name and certain contact information of a person to whom: (1) a borrower or a representative of a borrower must send information and notices to facilitate a mediation under the Foreclosure Mediation Program; and (2) a unit-owners' association must mail notices concerning the foreclosure of the association's lien on a unit. Existing law further requires the Division to maintain this information on its Internet website and provide a prominent display of, or a link to, this information on the home page of its Internet website. (NRS 657.110) Section 1.5 of this bill requires any mortgagee or beneficiary of a deed of trust under a residential mortgage loan to provide the Division with such contact information.

Senate Bill No. 278 of the 2013 Legislative Session (S.B. 278): (1) established an expedited process for the foreclosure of abandoned residential property; and (2) authorized a board of county commissioners or the governing body of an incorporated city to establish by ordinance a registry of abandoned residential real property and a registry of real property in danger of becoming abandoned. (Chapter 330, Statutes of Nevada 2013, p. 1543) The provisions of S.B. 278 expire by limitation on June 30, 2017. **Section 2** of this bill extends the prospective expiration of the provisions of S.B. 278 to June 30, 2021.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 107.081 is hereby amended to read as follows:

107.081 1. All sales of property pursuant to NRS 107.080 must be made at auction to the highest bidder and must be made between the hours of 9 a.m. and 5 p.m. The agent holding the sale must not become a purchaser at the sale or be interested in any purchase at such a sale.

2. All sales of real property must be made ~~[:~~

~~(a) In a county with a population of less than 100,000, at the courthouse in the county in which the property or some part thereof is situated.~~

~~(b) In a county with a population of 100,000 or more,]~~ at the public location in the county designated by the governing body of the county for that purpose.

Sec. 1.5. **NRS 657.110 is hereby amended to read as follows:**

657.110 1. ~~[A]~~ ***Each mortgagee or beneficiary of a deed of trust under a residential mortgage loan, including, without limitation, a*** bank, credit union, savings bank, savings and loan association, thrift company or other financial institution which is licensed, registered or otherwise authorized to do business in this State ~~[and which is the mortgagee or beneficiary of a deed of trust under a residential mortgage loan]~~ shall provide to the Division of Financial Institutions the name, street address and any other contact information of a person to whom:

(a) A borrower or a representative of a borrower must send any document, record or notification necessary to facilitate a mediation conducted pursuant to NRS 40.437 or 107.086.

(b) A unit-owners' association must send any notice required to be given pursuant to NRS 116.3116 to 116.31168, inclusive.

2. The Division of Financial Institutions shall maintain on its Internet website the information provided to the Division pursuant to subsection 1 and provide a prominent display of, or a link to, the information described in subsection 1, on the home page of its Internet website.

3. As used in this section:

(a) "Borrower" means a person who is a mortgagor or grantor of a deed of trust under a residential mortgage loan.

(b) "Residential mortgage loan" means a loan which is primarily for personal, family or household use and which is secured by a mortgage or deed of trust on owner-occupied housing as defined in NRS 107.086.

Sec. 2. Section 7 of chapter 330, Statutes of Nevada 2013, at page 1555, is hereby amended to read as follows:

Sec. 7. This act becomes effective on July 1, 2013, and expires by limitation on June 30, ~~[2017.]~~ ***2021.***

Sec. 3. This act becomes effective upon passage and approval.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 277.
Bill read second time and ordered to third reading.

Senate Bill No. 279.
Bill read second time and ordered to third reading.

Senate Bill No. 295.
Bill read second time and ordered to third reading.

Senate Bill No. 301.
Bill read second time and ordered to third reading.

Senate Bill No. 311.
Bill read second time and ordered to third reading.

Senate Bill No. 313.
Bill read second time and ordered to third reading.

Senate Bill No. 318.
Bill read second time and ordered to third reading.

Senate Bill No. 338.
Bill read second time and ordered to third reading.

Senate Bill No. 464.
Bill read second time and ordered to third reading.

Senate Bill No. 483.
Bill read second time and ordered to third reading.

Senate Joint Resolution No. 13.
Resolution read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 175 be taken from its position on the General File and placed at the top of the General File.
Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 414 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 175.
Bill read third time.
Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Senate Bill 175 requires the Governor to annually proclaim May 18 as "Asian Culture Day" in the state of Nevada. The proclamation must call upon the news media, educators, business and labor leaders, and appropriate governmental officers to bring to the attention of Nevada residents the important contributions of Asians and Asian-Americans to the state of Nevada and the United States of America. This measure is effective upon passage and approval.

Roll call on Senate Bill No. 175.

YEAS—41.

NAYS—None.

EXCUSED—Daly.

Senate Bill No. 175 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 41.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 647.

AN ACT relating to State Government; revising qualifications for certain members of the State Public Works Board; revising qualifications for administrators of certain divisions of State Government; providing that the State Library, Archives and Public Records Administrator is in the unclassified service of the State; authorizing the Chief Medical Officer to maintain a clinical practice under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, certain members appointed to the State Public Works Board must be licensed in this State as a general building contractor or general engineering contractor. **Section 1** of this bill provides that such members may also be appointed if they were licensed in the past.

Existing law requires the Administrator of the State Public Works Division of the Department of Administration to have a master's degree or doctoral degree in certain subjects and certain experience. Existing law also requires the Deputy Administrator of the Public Works - Professional Services Section to be a licensed professional engineer or a registered architect if the Administrator is not. Section 2.5 of this bill provides that the Administrator may be a licensed professional engineer or a registered architect in lieu of having a master's degree or doctoral degree in the specified fields and the required experience. Section 2.5 also requires the Deputy Administrator of the Public Works - Professional Services Section to be a licensed professional engineer or a registered architect, regardless of the Administrator's qualifications.

Existing law requires the Administrator of the Division of Internal Audits of the Office of Finance to be a certified public accountant licensed in this State or a public accountant qualified under existing law. The Administrator

must also have at least 5 years of certain professional experience. (NRS 353A.041) **Section 3** of this bill provides that in order to qualify for the position, the Administrator may instead be a certified internal auditor or government auditing professional or have a master's degree in business administration, accounting, finance or a closely related field. **Section 3** also requires the Administrator to have at least 6 years of certain professional experience.

Section 4 of this bill provides that the State Library, Archives and Public Records Administrator is in the unclassified service rather than the classified service of the State.

Existing law requires the Administrator of the Division of Health Care Financing and Policy of the Department of Health and Human Services to have a degree in public administration, business administration or a similar field of study. (NRS 422.2354) **Section 5** of this bill instead, requires the Director of the Department to give preference to a person who has a degree in these fields.

Existing law prohibits the Chief Medical Officer from engaging in any other business or occupation. (NRS 439.110) **Section 10** of this bill removes this restriction and authorizes the Chief Medical Officer, with the approval of the Director, to maintain a clinical practice.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 341.020 is hereby amended to read as follows:

341.020 1. The State Public Works Board is hereby created.

2. The Board consists of the Director of the Department and six members appointed as follows:

(a) The Governor shall appoint:

(1) One member who has education or experience, or both, regarding the principles of engineering or architecture;

(2) One member who is licensed to practice law in this State and who has experience in the practice of construction law; and

(3) Two members who are ***or have been*** licensed in this State as a general building contractor or general engineering contractor pursuant to chapter 624 of NRS.

(b) The Majority Leader of the Senate shall appoint one member who is ***or has been*** licensed in this State as a general building contractor or general engineering contractor pursuant to chapter 624 of NRS.

(c) The Speaker of the Assembly shall appoint one member who is ***or has been*** licensed in this State as a general building contractor or general engineering contractor pursuant to chapter 624 of NRS.

3. Each member of the Board who is appointed serves at the pleasure of the appointing authority.

4. A vacancy on the Board in an appointed position must be filled by the appointing authority in the same manner as the original appointment.

Sec. 2. (Deleted by amendment.)

Sec. 2.5. **NRS 341.100 is hereby amended to read as follows:**

341.100 1. The Administrator and the Deputy Administrator of the Public Works - Compliance and Code Enforcement Section serve at the pleasure of the Director of the Department.

2. The Administrator shall appoint:

(a) A Deputy Administrator of the Public Works - Professional Services Section; and

(b) A Deputy Administrator of the Buildings and Grounds Section.

➥ Each deputy administrator appointed pursuant to this subsection serves at the pleasure of the Administrator.

3. The Administrator shall recommend and the Director shall appoint a Deputy Administrator of the Public Works - Compliance and Code Enforcement Section. The Deputy Administrator appointed pursuant to this subsection has the
final authority in the interpretation and enforcement of any applicable building codes.

4. The Administrator may appoint such other technical and clerical assistants as may be necessary to carry into effect the provisions of this chapter.

5. The Administrator and each deputy administrator are in the unclassified service of the State. Except as otherwise provided in NRS 284.143, the Administrator and each deputy administrator shall devote his or her entire time and attention to the business of the office and shall not pursue any other business or occupation or hold any other office of profit.

6. The Administrator must ~~[have]~~ **:**

(a) Have a master's degree or doctoral degree in civil or environmental engineering, architecture, public administration or a related field and ~~[must have]~~ experience in management, public administration or public policy. ~~[. If the Administrator is not a licensed professional engineer pursuant to the provisions of chapter 625 of NRS or an architect registered pursuant to the provisions of chapter 623 of NRS, the]~~ ***; or***

(b) Be a licensed professional engineer pursuant to the provisions of chapter 625 of NRS or an architect registered pursuant to the provisions of chapter 623 of NRS.

7. The Deputy Administrator of the **:**

(a) Public Works - Professional Services Section must be a licensed professional engineer pursuant to the provisions of chapter 625 of NRS or an architect registered pursuant to the provisions of chapter 623 of NRS.

~~[7. The Deputy Administrator of the]~~

(b) Public Works - Compliance and Code Enforcement Section must have a comprehensive knowledge of building codes and a working knowledge of the principles of engineering or architecture as determined by the Administrator.

8. The Administrator shall:

(a) Serve as the Secretary of the Board.

(b) Manage the daily affairs of the Division.

(c) Represent the Board and the Division before the Legislature.

(d) Prepare and submit to the Board, for its approval, the recommended priority for proposed capital improvement projects and provide the Board with an estimate of the cost of each project.

(e) Select architects, engineers and contractors.

(f) Accept completed projects.

(g) Submit in writing to the Director of the Department, the Governor and the Interim Finance Committee a monthly report regarding all public works projects which are a part of the approved capital improvement program. For each such project, the monthly report must include, without limitation, a detailed description of the progress of the project which highlights any specific events, circumstances or factors that may result in:

(1) Changes in the scope of the design or construction of the project or any substantial component of the project which increase or decrease the total square footage or cost of the project by 10 percent or more;

(2) Increased or unexpected costs in the design or construction of the project or any substantial component of the project which materially affect the project;

(3) Delays in the completion of the design or construction of the project or any substantial component of the project; or

(4) Any other problems which may adversely affect the design or construction of the project or any substantial component of the project.

(h) Have final authority to approve the architecture of all buildings, plans, designs, types of construction, major repairs and designs of landscaping.

9. The Deputy Administrator of the Public Works - Compliance and Code Enforcement Section shall:

(a) Serve as the building official for all buildings and structures on property of the State or held in trust for any division of the State Government; and

(b) Consult with an agency or official that is considering adoption of a regulation described in NRS 446.942, 449.345, 455C.115, 461.173, 472.105 or 477.0325 and provide recommendations regarding how the regulation, as it applies to buildings and structures on property of this State or held in trust for any division of the State Government, may be made consistent with other regulations which apply to such buildings or structures.

Sec. 3. NRS 353A.041 is hereby amended to read as follows:

353A.041 1. The Administrator must:

(a) Be a certified public accountant licensed by this state or a public accountant qualified pursuant to chapter 628 of NRS to practice public accounting in this state; ~~[and]~~

(b) ***Be a certified internal auditor or government auditing professional; or***

(c) Have ***a master's degree in business administration, accounting, finance or a closely related field.***

2. The Administrator must have at least ~~[5]~~ ***6*** years of progressively responsible experience in professional auditing and performing internal audits or postaudits. The experience must include, without limitation, the performance of audits of governmental entities or of private business organizations, whether or not organized for profit.

~~[2.]~~ ***3.*** The Administrator may employ, within the limits of legislative appropriations, such staff as is necessary to the performance of his or her duties.

Sec. 4. NRS 378.010 is hereby amended to read as follows:

378.010 The State Library, Archives and Public Records Administrator:

1. Is appointed by, responsible to, and serves at the pleasure of the Director.

2. Must be appointed on the basis of merit.

3. Is in the ~~[classified]~~ ***unclassified*** service ~~[, except for the purposes of removal.]~~ ***of the State.***

Sec. 5. NRS 422.2354 is hereby amended to read as follows:

422.2354 The Administrator must:

1. Be appointed on the basis of his or her training, education, experience and interest in the financing of programs for public health, including, without limitation, the financing of Medicaid.

~~[2. Be a graduate in public administration, business administration or a similar area of study from an accredited college or university.~~

~~3.]~~ ***In appointing the Administrator, the Director shall, to the extent practicable, give preference to a person who has a degree in a field of public administration, business administration or a related field.***

2. Have not less than 3 years of demonstrated successful experience in the financing of health care or other public programs, and not less than 1 year of experience relating to Medicaid, or any equivalent combination of training and experience.

~~[4.]~~ ***3.*** Possess qualities of leadership in the fields of health care and the financing of health care.

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. NRS 439.110 is hereby amended to read as follows:

439.110 1. Except as otherwise provided in ~~[subsection 2]~~ ***this section*** and NRS 284.143, the Chief Medical Officer shall devote his or her full time to the official duties of the Chief Medical Officer and shall not engage in any other business or occupation.

2. Notwithstanding the provisions of NRS 281.127, the Chief Medical Officer may cooperate with the Nevada System of Higher Education in the preparation and teaching of preservice professional workers in public health

and in a program providing additional professional preparation for behavioral health workers and public health workers employed by the State of Nevada.

3. With the approval of the Director, the Chief Medical Officer may maintain a clinical practice that is not established through the University of Nevada in order to retain expertise and remain current in his or her specialized field.

Sec. 11. This act becomes effective on July 1, 2017.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 49.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Assembly Bill 49, as amended, revises various provisions concerning charter schools and the State Public Charter School Authority [SPCSA], including, among other things, the following: establishes additional eligibility requirements for a charter school to be rated using the alternative framework; provides that a written charter or charter contract is not assignable or transferrable and may not be delegated to a third party or used as security for a loan; requires the SPCSA to determine whether certain information submitted by charter schools should be declared confidential; provides for the filing, investigation, and resolution of complaints regarding charter schools that are sponsored by the SPCSA; requires a charter school to notify the parent or legal guardian of each pupil and take certain actions upon the occurrence of certain events; requires the Department of Education to satisfy certain requirements before submitting an application for a grant which may result in the distribution of money to a charter school or a sponsor of a charter school; authorizes a qualified charter school or charter management organization to request an expedited review of an application from the Commission on Professional Standards in Education to become a qualified provider of an alternate route to licensure; prohibits a member of the SPCSA from engaging in certain actions; revises the process for appointment and the qualification requirements of the Executive Director of the SPCSA; and requires the identity of each member of the team of reviewers assembled by a proposed sponsor of a charter school to review an application to form a charter school is confidential for five years after the review of the application.

The bill becomes effective on July 1, 2017, for sections 1; 3 to 17, inclusive; 19; 20; 22 to 29, inclusive; and 35 and on January 1, 2020, for sections 2; 18; 21; and 30 to 34 and 34.5, inclusive.

Roll call on Assembly Bill No. 49:

YEAS—41.

NAYS—None.

EXCUSED—Daly.

Assembly Bill No. 49 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 474.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 474, as amended, revises certain provisions concerning the prescription drug monitoring program for controlled substances. The bill authorizes certain occupational licensing boards to access the prescription drug monitoring program database and requires such boards to review and evaluate certain information and impose disciplinary action.

The bill requires a practitioner other than a veterinarian who intends to prescribe or dispense a controlled substance listed in schedule II, III, or IV to consider certain factors, take certain actions, and document certain information before initiating such a prescription.

Finally, the bill increases the required training of the misuse and abuse of controlled substances for certain licensees who dispense controlled substances from one hour to two hours.

Roll call on Assembly Bill No. 474:

YEAS—41.

NAYS—None.

EXCUSED—Daly.

Assembly Bill No. 474 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 2, 20, 27, 32, 35, 40, 42, 110, 140, 160, 202, 241, 252, 324, 326, 362, 412, 454, 466, and 515 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 17; Senate Joint Resolution No. 10; Senate Concurrent Resolution No. 8.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Mekhi Overton.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Riana Durrett and Maggie McLetchie.

On request of Assemblyman Pickard, the privilege of the floor of the Assembly Chamber for this day was extended to Lynn Stewart.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Stephanie Mahler.

On request of Assemblywoman Tolles, the privilege of the floor of the Assembly Chamber for this day was extended to Melissa Holland and Jen Robinson.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Tuesday, May 16, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 2:21 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDREDTH DAY

CARSON CITY (Tuesday), May 16, 2017

Assembly called to order at 12:51 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Hambrick, who was excused.

Prayer by the Chaplain, Reverend Chad Adamik.

God of justice and mercy, thank You for the gift of life and the opportunity to serve the people of this state. Help us to act with character and conviction; help us to listen with understanding and good will; help us to speak with charity and restraint.

Give us a spirit of service. Remind us that we are stewards of Your authority. Guide us to be the leaders Your people need.

Help us see the humanity and dignity of those who disagree with us and to treat all persons, no matter how weak or poor, with the reverence Your creation deserves.

And finally, Creator God, renew us with the strength of Your presence and the joy of helping to build a community worthy of the human person. We ask this as Your daughters and sons, confident in Your goodness and love.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 107, 273, 322, 369, 386, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TYRONE THOMPSON, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 50, 366, 374, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL C. SPRINKLE, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 195, 305, 473, 476, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 33, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 110, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 15, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 12, 247, 279, 452; Senate Bill No. 501.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 246.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that the Assembly suspend Assembly Standing Rule No. 52.5 and subsection 4 of Assembly Standing Rule No. 57.

Remarks by Assemblywoman Benitez-Thompson.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 246.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 501.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 31.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 675.

AN ACT relating to motor vehicles; revising the requirements for registering certain commercial motor vehicles; revising procedures for registration, renewal of registration and revocation of registration by the Department of Motor Vehicles relating to certain commercial motor vehicles and motor carriers who are subject to certain out-of-service orders; authorizing a peace officer to impound or seize the license plates from certain commercial motor vehicles operated by a motor carrier who is subject to

certain out-of-service orders; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, most motor vehicles, trailers and semitrailers intended to be operated upon any highway in this State must be registered with the Department of Motor Vehicles. (NRS 482.205) **Section 5** of this bill requires a motor carrier operating in intrastate commerce and registering a commercial motor vehicle, other than a farm vehicle, that weighs in excess of 26,000 pounds to: (1) obtain an identification number from the United States Department of Transportation, known as a "USDOT number"; (2) display the USDOT number on each commercial vehicle weighing in excess of 26,000 pounds that is operated by the motor carrier in intrastate commerce; and (3) notify the Department of Motor Vehicles of the name of the motor carrier who is responsible for the safety of each such vehicle. **Sections 8, 10 and 11** of this bill authorize the Department to refuse to register, refuse to renew the registration of or revoke the registration of any such commercial motor vehicle if the motor carrier does not comply with the requirements of **section 5** or if the motor carrier responsible for the safety of the commercial motor vehicle is subject to an out-of-service order, as that term is defined in certain regulations of the Federal Motor Carrier Safety Administration of the United States Department of Transportation. (49 C.F.R. Parts 385 and 386) The Department of Motor Vehicles may, pursuant to **sections 8, 10 and 11**, refuse to register, refuse to renew the registration of or revoke the registration of all such commercial motor vehicles being operated by the motor carrier in intrastate commerce. **Section 5** also requires a motor carrier operating a motor vehicle registered in this State to transport hazardous material to: (1) obtain a USDOT number from the United States Department of Transportation; (2) display the USDOT number on each commercial motor vehicle that is operated by the motor carrier in intrastate commerce; and (3) notify the Department of Motor Vehicles of the name of the motor carrier who is responsible for the safety of each such vehicle. Existing law makes it a misdemeanor to violate the requirements of **section 5**. (NRS 482.555) **Section 6** of this bill requires the Department of Transportation to adopt regulations setting forth each provision of certain federal regulations which, when a violation of those regulations is the basis for a temporary prohibition, qualifies the temporary prohibition as an out-of-service order. **Section 7** of this bill requires any application for registration or renewal of registration of any commercial motor vehicle that is required to obtain a USDOT number from the United States Department of Transportation to be submitted to the Motor Carrier Division of the Department of Motor Vehicles.

Existing law authorizes the Department of Motor Vehicles to enter into an agreement with a motor carrier or a service provider which authorizes the motor carrier or service provider to register, transfer or renew the registration of certain motor vehicles owned or operated by the motor carrier and to issue registration credentials on behalf of the Motor Carrier Division of the

Department. (NRS 482.217, 706.188) **Sections 10 and 19** of this bill authorize the Department to revoke the registration of a commercial motor vehicle weighing over 26,000 pounds, operating in intrastate commerce and registered by a motor carrier or service provider if the Department determines that the motor carrier responsible for the safety of the commercial motor vehicle is subject to an out-of-service order. The Department may also, pursuant to **sections 10 and 19**: (1) revoke the registration of all the commercial motor vehicles weighing over 26,000 pounds, operating in intrastate commerce and registered by a motor carrier who is subject to an out-of-service order; and (2) revoke the motor carrier or service provider's authority to register motor vehicles. **Section 10 also provides that a motor carrier who has entered into an agreement with the Department which allows the motor carrier to register and transfer or renew the registration of any vehicle of the motor carrier is only obligated to provide a bond if required by the Department.**

Existing law requires, for every motortruck, truck-tractor or bus, the payment of an additional fee for registration that is based on the weight of the vehicle. Such a vehicle which weighs not less than 26,001 pounds and not more than 80,000 pounds must pay a fee of $17 for each 1,000 pounds, with a maximum fee of $1,360. (NRS 482.482) **Section 13.5** of this bill increases the weight limit for such a vehicle, to the extent authorized by federal law, from a minimum of not less than 80,001 pounds to a maximum of not more than 83,000 pounds, ~~[and increases the]~~ **but does not increase the** maximum fee ~~[commensurately to $1,411.]~~ **of $1,360.**

Existing law provides that under the Interstate Highway User Fee Apportionment Act the Department of Motor Vehicles may enter into agreements with certain departments or agencies of other states or countries to provide for certain exemptions and the proration of certain fees and taxes for certain commercial motor vehicles used in interstate commerce. (NRS 706.801, 706.826) **Section 23** of this bill requires an operator applying to register a commercial motor vehicle to operate in this State under such an apportionment agreement to provide the Department of Motor Vehicles with the operator's USDOT number issued by the United States Department of Transportation and to identify the motor carrier responsible for the safety of each commercial motor vehicle registered. **Section 18** of this bill authorizes the Department of Motor Vehicles to refuse to register or refuse to renew the registration of any such commercial motor vehicle that weighs more than 10,000 pounds if the operator does not comply with the requirements to provide a USDOT number or to identify a motor carrier responsible for the safety of the commercial motor vehicle, or if the motor carrier responsible for the safety of the commercial motor vehicle is subject to an out-of-service order. **Section 18** authorizes the Department to revoke the registration and plates, licenses, emblems, certificates or other devices of any such commercial motor vehicle registered to the motor carrier responsible for the

safety of the commercial motor vehicle that is subject to an out-of-service order.

Section 14 of this bill authorizes a peace officer to seize the license plates from a commercial motor vehicle if the motor carrier responsible for the safety of the commercial motor vehicle is subject to an out-of-service order and the commercial motor vehicle is: (1) registered or operating as an apportioned vehicle in interstate commerce and weighs in excess of 10,000 pounds; (2) registered in this State, operating in intrastate commerce and weighs in excess of 26,000 pounds; or (3) transporting hazardous material. If the motor carrier responsible for the safety of the commercial motor vehicle is not the registered owner of the vehicle, the peace officer may impound the commercial motor vehicle, and must notify the registered owner of the impoundment. Upon seizing any license plates based on an out-of-service order, **section 14** requires the peace officer to send the license plates to the Department of Motor Vehicles, which must follow existing procedures to revoke the registration of the commercial motor vehicle. (NRS 482.465)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 482 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. ***"Combined gross vehicle weight" means the actual weight of a commercial motor vehicle, including any load the vehicle is carrying, combined with the actual weight of any trailer or load the vehicle is towing.***

Sec. 3. ***"Gross vehicle weight" means the actual weight of a commercial motor vehicle, including any load the vehicle is carrying.***

Sec. 4. ***"Out-of-service order" means a temporary prohibition on operation by a motor carrier that is issued:***

1. By a federal or state entity with authority to issue such a temporary prohibition; and

2. Pursuant to a provision of 49 C.F.R. Part 385 or 386 that is specified in regulations adopted pursuant to section 6 of this act.

Sec. 5. ***1. Except as otherwise provided in subsection 4, each motor carrier operating a commercial motor vehicle in intrastate commerce with a gross vehicle weight rating, a combined gross vehicle weight rating, a gross vehicle weight or a combined gross vehicle weight in excess of 26,000 pounds must:***

(a) Register with the Federal Motor Carrier Safety Administration of the United States Department of Transportation and obtain a USDOT number issued by the United States Department of Transportation;

(b) Display the USDOT number as required pursuant to 49 C.F.R. § 390.21 on each commercial motor vehicle with a gross vehicle weight rating, a combined gross vehicle weight rating, a gross vehicle weight or a combined gross vehicle weight in excess of 26,000 pounds operated by the motor carrier in intrastate commerce; and

(c) Notify the Department of Motor Vehicles at the time of registration or renewal of registration of each such commercial motor vehicle of:

(1) The USDOT number of the motor carrier; and

(2) The name of the motor carrier responsible for the safety of the commercial motor vehicle.

2. A motor carrier operating a commercial motor vehicle which is registered in this State and is being used to transport hazardous material must, in addition to the requirements of chapter 459 of NRS:

(a) Register with the Federal Motor Carrier Safety Administration and obtain a USDOT number issued by the United States Department of Transportation;

(b) Display the USDOT number as required pursuant to 49 C.F.R. § 390.21 on each commercial motor vehicle used to transport hazardous material; and

(c) Notify the Department of Motor Vehicles at the time of registration and renewal of registration of each such commercial motor vehicle of:

(1) The USDOT number of the motor carrier; and

(2) The name of the motor carrier responsible for the safety of the commercial motor vehicle.

3. A motor carrier must notify the Department of Motor Vehicles within 10 days after a change in the name of the motor carrier responsible for the safety of a commercial motor vehicle reported to the Department pursuant to subparagraph (2) of paragraph (c) of subsection 1 or subparagraph (2) of paragraph (c) of subsection 2.

4. The provisions of subsection 1 do not apply to a farm vehicle or a covered farm vehicle.

5. As used in this section:

(a) "Covered farm vehicle" has the meaning ascribed to it in 49 C.F.R. § 390.5.

(b) "Hazardous material" has the meaning ascribed to it in NRS 459.7024.

Sec. 6. *The Department shall adopt regulations which set forth each provision of 49 C.F.R. Parts 385 and 386 which, when a violation of the provision is the basis for a temporary prohibition against operation by a motor carrier, qualifies that temporary prohibition as an out-of-service order for the purposes of section 4 of this act.*

Sec. 7. *An applicant for the registration or renewal of registration of any commercial motor vehicle who is required by any provision of NRS to register with the Federal Motor Carrier Administration and obtain a USDOT number from the United States Department of Transportation must submit the application to the Motor Carrier Division of the Department of Motor Vehicles.*

Sec. 8. *1. The Department may refuse to renew the registration of a commercial motor vehicle operating in intrastate commerce which is registered pursuant to this chapter and which has a gross vehicle weight*

rating, a combined gross vehicle weight rating, a gross vehicle weight or a combined gross vehicle weight in excess of 26,000 pounds if:

(a) The motor carrier applying for renewal has not complied with the requirements of section 5 of this act; or

(b) The motor carrier responsible for the safety of the commercial motor vehicle is subject to an out-of-service order.

2. The Department shall mail a notice to the holder of a certificate of registration for a commercial motor vehicle if the Department refuses to renew the registration pursuant to subsection 1. The notice must be mailed as soon as practicable after the Department refuses to renew the registration and must include, without limitation:

(a) The reason for the refusal to renew the registration;

(b) The name of the federal or state entity which issued the out-of-service order, if applicable; and

(c) The procedure by which the holder of the certificate of registration for the commercial motor vehicle may renew the registration by providing evidence satisfactory to the Department that, as applicable:

(1) The motor carrier operating the commercial motor vehicle has complied with the requirements of section 5 of this act; or

(2) The motor carrier responsible for the safety of the commercial motor vehicle is no longer subject to an out-of-service order.

3. A motor carrier applying for the renewal of the registration of a commercial motor vehicle who receives a notice pursuant to this section is not entitled to operate or permit operation of that commercial motor vehicle upon the highways as provided in subsection 5 of NRS 482.280 until the Department notifies the motor carrier that the registration of the commercial motor vehicle is renewed.

Sec. 9. NRS 482.010 is hereby amended to read as follows:

482.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 482.0105 to 482.137, inclusive, ***and sections 2, 3 and 4 of this act*** have the meanings ascribed to them in those sections.

Sec. 9.5. NRS 482.206 is hereby amended to read as follows:

482.206 1. Except as otherwise provided in this section and NRS 482.2065, every motor vehicle, except for a motor vehicle that is registered pursuant to the provisions of NRS 706.801 to 706.861, inclusive, ***and section 18 of this act,*** and except for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 or a moped registered pursuant to NRS 482.2155, must be registered for a period of 12 consecutive months beginning the day after the first registration by the owner in this State.

2. Except as otherwise provided in subsections 7 and 8 and NRS 482.2065, every vehicle registered by an agent of the Department or a registered dealer must be registered for 12 consecutive months beginning the first day of the month after the first registration by the owner in this State.

3. Except as otherwise provided in subsection 7 and NRS 482.2065, a vehicle which must be registered through the Motor Carrier Division of the Department, or a motor vehicle which has a declared gross weight in excess of 26,000 pounds, must be registered for a period of 12 consecutive months beginning on the date established by the Department by regulation.

4. Upon the application of the owner of a fleet of vehicles, the Director may permit the owner to register the fleet on the basis of a calendar year.

5. Except as otherwise provided in subsections ***3,*** 6, 7 and 8, when the registration of any vehicle is transferred pursuant to NRS 482.399, the expiration date of each regular license plate, special license plate or substitute decal must, at the time of the transfer of registration, be advanced for a period of 12 consecutive months beginning:

(a) The first day of the month after the transfer, if the vehicle is transferred by an agent of the Department; or

(b) The day after the transfer in all other cases,

➥ and a credit on the portion of the fee for registration and the governmental services tax attributable to the remainder of the current period of registration must be allowed pursuant to the applicable provisions of NRS 482.399.

6. When the registration of any trailer that is registered for a 3-year period pursuant to NRS 482.2065 is transferred pursuant to NRS 482.399, the expiration date of each license plate or substitute decal must, at the time of the transfer of the registration, be advanced, if applicable pursuant to NRS 482.2065, for a period of 3 consecutive years beginning:

(a) The first day of the month after the transfer, if the trailer is transferred by an agent of the Department; or

(b) The day after the transfer in all other cases,

➥ and a credit on the portion of the fee for registration and the governmental services tax attributable to the remainder of the current period of registration must be allowed pursuant to the applicable provisions of NRS 482.399.

7. A full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 is registered until the date on which the owner of the full trailer or semitrailer:

(a) Transfers the ownership of the full trailer or semitrailer; or

(b) Cancels the registration of the full trailer or semitrailer and surrenders the license plates to the Department.

8. A moped that is registered pursuant to NRS 482.2155 is registered until the date on which the owner of the moped:

(a) Transfers the ownership of the moped; or

(b) Cancels the registration of the moped and surrenders the license plate to the Department.

Sec. 10. NRS 482.217 is hereby amended to read as follows:

482.217 1. Upon the request of a motor carrier or a service provider, the Department may enter into an agreement with the motor carrier or service provider which authorizes the motor carrier or service provider:

(a) Without applying to the Department, to register or transfer or renew the registration of any vehicle:

(1) Owned solely by the motor carrier or service provider; or

(2) Leased solely by the motor carrier or service provider, if the lease is a long-term lease; and

(b) To issue registration credentials on behalf of the Motor Carrier Division of the Department for any vehicle registered pursuant to paragraph (a) and for any vehicle with a registration that has been renewed or transferred pursuant to paragraph (a).

2. Before registering or transferring or renewing the registration of any vehicle pursuant to subsection 1:

(a) A motor carrier who enters into an agreement with the Department pursuant to this section shall ***, if required by the Department,*** file with the Department a bond of a surety company authorized to transact business in this State for the benefit of this State in an amount not less than $25,000; and

(b) A service provider who enters into an agreement with the Department pursuant to this section shall file with the Department a bond of a surety company authorized to transact business in this State for the benefit of this State in an amount not less than $50,000.

3. If a motor carrier or service provider provides a savings certificate, certificate of deposit or investment certificate pursuant to NRS 100.065 in lieu of ~~[the]~~ ***a*** bond ~~[required]~~ ***filed*** pursuant to subsection 2, the certificate must state that the amount is not available for withdrawal except upon the approval of the Director.

4. If at any time a motor carrier or service provider is unable to account for an unissued license plate ~~[or decal,]~~ the motor carrier or service provider must immediately pay to the Department an amount established by the Department.

5. ***If the Department determines that the motor carrier responsible for the safety of a commercial motor vehicle with a gross vehicle weight rating, a combined gross vehicle weight rating, a gross vehicle weight or a combined gross vehicle weight in excess of 26,000 pounds which is operating in intrastate commerce and which is registered pursuant to this section is subject to an out-of-service order, the Department may:***

(a) Revoke the registration of each commercial motor vehicle with a gross vehicle weight rating, a combined gross vehicle weight rating, a gross vehicle weight or a combined gross vehicle weight in excess of 26,000 pounds which is operating in intrastate commerce and which is registered to the motor carrier responsible for the safety of the commercial motor vehicles who is subject to the out-of-service order; and

(b) Revoke or refuse to grant the authority to register or transfer or renew any registration granted pursuant to this section.

6. The Department, in revoking a registration pursuant to paragraph (a) of subsection 5, shall comply with the requirements of subsections 4 and 5 of NRS 482.465.

7. The Director shall adopt such regulations as are necessary to carry out the provisions of this section.

~~[6.]~~ ***8.*** As used in this section:

(a) "Long-term lease" means a lease for a fixed period of more than ~~[31]~~ ***30*** days.

(b) "Motor carrier" means a common, contract or private motor carrier registered through the Motor Carrier Division of the Department.

(c) "Registration credentials" includes, without limitation, license plates, registration cab cards ~~[, decals]~~ and temporary authority permits.

(d) "Service provider" means a business or organization authorized by the Department to register or transfer or renew the registration of vehicles on behalf of motor carriers.

Sec. 11. NRS 482.230 is hereby amended to read as follows:

482.230 The Department or a registered dealer shall not grant an application for the registration of a vehicle in any of the following events:

1. When the applicant therefor is not entitled thereto pursuant to the provisions of this chapter.

2. When the applicant has neglected or refused to furnish the Department or registered dealer with the information required in the appropriate official form or reasonable additional information required by the Department or registered dealer.

3. When the fees required therefor by law have not been paid.

4. When the applicant for the registration of a commercial motor vehicle with a gross vehicle weight rating, a combined gross vehicle weight rating, a gross vehicle weight or a combined gross vehicle weight in excess of 26,000 pounds and which is intended to operate in intrastate commerce is a motor carrier who:

(a) Has not complied with section 5 of this act; or

(b) Is subject to an out-of-service order.

Sec. 12. NRS 482.280 is hereby amended to read as follows:

482.280 1. Except as otherwise provided in NRS 482.2155, the registration of every vehicle expires at midnight on the day specified on the receipt of registration, unless the day specified falls on a Saturday, Sunday or legal holiday. If the day specified on the receipt of registration is a Saturday, Sunday or legal holiday, the registration of the vehicle expires at midnight on the next judicial day. The Department shall mail to each holder of a certificate of registration a notification for renewal of registration for the following period of registration. The notifications must be mailed by the Department in sufficient time to allow all applicants to mail the notifications to the Department or to renew the certificate of registration at a kiosk or authorized inspection station or via the Internet or an interactive response system and to receive new certificates of registration and license plates, stickers, tabs or other suitable devices by mail before the expiration of their registrations. An applicant may present or submit the notification to any agent or office of the Department.

2. A notification:

(a) Mailed or presented to the Department or to a county assessor pursuant to the provisions of this section;

(b) Submitted to the Department pursuant to NRS 482.294; or

(c) Presented to an authorized inspection station or authorized station pursuant to the provisions of NRS 482.281,

➥ must include, if required, evidence of compliance with standards for the control of emissions.

3. The Department shall include with each notification mailed pursuant to subsection 1:

(a) The amount of the governmental services tax to be collected pursuant to the provisions of NRS 482.260.

(b) The amount set forth in a notice of nonpayment filed with the Department by a local authority pursuant to NRS 484B.527.

(c) A statement which informs the applicant:

(1) That, pursuant to NRS 485.185, the applicant is legally required to maintain insurance during the period in which the motor vehicle is registered which must be provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State; and

(2) Of any other applicable requirements set forth in chapter 485 of NRS and any regulations adopted pursuant thereto.

(d) A statement which informs the applicant that, if the applicant renews a certificate of registration at a kiosk or via the Internet, he or she may make a nonrefundable monetary contribution of $2 for each vehicle registration renewed for the Complete Streets Program, if any, created pursuant to NRS 244.2643, 277A.285 or 403.575, as applicable, based on the declaration made pursuant to paragraph (c) of subsection 3 of NRS 482.215. The notification must state in a clear and conspicuous manner that a contribution for a Complete Streets Program is nonrefundable and voluntary and is in addition to any fees required for registration.

(e) Any amount due for reissuance of a license plate or a plate reissued pursuant to subsection 2 of NRS 482.265, if applicable.

4. An application for renewal of a certificate of registration submitted at a kiosk or via the Internet must include a statement which informs the applicant that he or she may make a nonrefundable monetary contribution of $2, for each vehicle registration which is renewed at a kiosk or via the Internet, for the Complete Streets Program, if any, created pursuant to NRS 244.2643, 277A.285 or 403.575, as applicable, based on the declaration made pursuant to paragraph (c) of subsection 3 of NRS 482.215. The application must state in a clear and conspicuous manner that a contribution for a Complete Streets Program is nonrefundable and voluntary and is in addition to any fees required for registration, and must include a method by which the applicant must indicate his or her intention to opt in or opt out of making such a contribution.

5. ~~[An]~~ ***Except as otherwise provided in section 8 of this act, an*** owner who has made proper application for renewal of registration before the expiration of the current registration but who has not received the license plate or plates or card of registration for the ensuing period of registration is entitled to operate or permit the operation of that vehicle upon the highways upon displaying thereon the license plate or plates issued for the preceding period of registration for such a time as may be prescribed by the Department as it may find necessary for the issuance of the new plate or plates or card of registration.

Sec. 13. NRS 482.465 is hereby amended to read as follows:

482.465 1. The Department shall rescind and cancel the registration of a vehicle whenever the person to whom the certificate of registration or license plates therefor have been issued makes or permits to be made any unlawful use of the certificate or plates or permits the use thereof by a person not entitled thereto.

2. The Department shall cancel a certificate of title or certificate of registration and license plates which have been issued erroneously or improperly, or obtained illegally.

3. In addition to any other penalty set forth in this chapter and chapters 366 ***, 459, 484A, 484D*** and 706 of NRS, the Department may revoke a certificate of title or a certificate of registration and license plates for a vehicle with a declared gross weight in excess of 26,000 pounds if the Department determines that:

(a) The licensee of the vehicle has violated one or more of the provisions of this chapter or chapter 366 ***, 459, 484A, 484D*** or 706 of NRS ~~[,]~~ and

~~[~~(b) There~~]~~ ***there*** is reasonable cause for the revocation ~~[.]~~ ***; or***

(b) The motor carrier responsible for the safety of the vehicle is subject to an out-of-service order.

4. Before revoking a certificate of title or a certificate of registration and license plates pursuant to subsection 3, ***subsection 5 of NRS 482.217 or subsection 5 of NRS 706.188,*** the Department must send a written notice by certified mail to the licensee ***or motor carrier, as applicable,*** at his or her last known address ordering the licensee ***or motor carrier*** to appear before the Department at a time not less than 10 days after the mailing of the notice to show cause why the certificate of title or the certificate of registration and license plates should not be revoked pursuant to this section.

5. Upon rescission, revocation or cancellation of the certificate of title or of the certificate of registration and license plates, the affected certificate or certificate and plates must be returned to the Department upon receipt of notice of rescission, revocation or cancellation.

Sec. 13.5. NRS 482.482 is hereby amended to read as follows:

482.482 1. In addition to any other applicable fee listed in NRS 482.480, there must be paid to the Department for the registration of every motortruck, truck-tractor or bus which has a declared gross weight of:

(a) Less than 6,000 pounds, a fee of $33.

(b) Not less than 6,000 pounds and not more than 8,499 pounds, a fee of $38.

(c) Not less than 8,500 pounds and not more than 10,000 pounds, a fee of $48.

(d) Not less than 10,001 pounds and not more than 26,000 pounds, a fee of $12 for each 1,000 pounds or fraction thereof.

(e) Not less than 26,001 pounds and not more than 80,000 pounds, a fee of $17 for each 1,000 pounds or fraction thereof. The maximum fee is $1,360.

(f) To the extent authorized by federal law, not less than 80,001 pounds and not more than 83,000 pounds, a fee of $17 for each 1,000 pounds or fraction thereof ***~~[. The]~~*** ***, except that the maximum fee is ~~[$1,411.]~~ $1,360.***

2. Except as otherwise provided in subsection 6, the original or renewal registration fees for fleets of vehicles with a declared gross weight in excess of 26,000 pounds and the governmental services tax imposed by the provisions of chapter 371 of NRS for the privilege of operating those vehicles may be paid in installments, the amount of which must be determined by regulation. The Department shall not allow installment payments for a vehicle added to a fleet after the original or renewal registration is issued.

3. If the due date of any installment falls on a Saturday, Sunday or legal holiday, that installment is not due until the next following business day.

4. Any payment required by subsection 2 shall be deemed received by the Department on the date shown by the post office cancellation mark stamped on an envelope containing payment properly addressed to the Department, if that date is earlier than the actual receipt of that payment.

5. A person who fails to pay any fee pursuant to subsection 2 or governmental services tax when due shall pay to the Department a penalty of 10 percent of the amount of the unpaid fee, plus interest on the unpaid fee at the rate of 1 percent per month or fraction of a month from the date the fee and tax were due until the date of payment.

6. If a person fails to pay any fee pursuant to subsection 2 or governmental services tax when due, the Department may, in addition to the penalty provided for in subsection 5, require that person to pay:

(a) The entire amount of the unpaid registration fee and governmental services tax owed by that person for the remainder of the period of registration; and

(b) On an annual basis, any registration fee and governmental services tax set forth in subsection 2 which may be incurred by that person in any subsequent period of registration.

7. A person who is convicted of, or who pleads guilty, guilty but mentally ill or nolo contendere to, a violation of NRS 484D.630 must reregister the vehicle with a declared gross weight equal to:

(a) The gross vehicle weight rating; or

(b) The combined gross vehicle weight rating, if the vehicle was operated in combination at the time of the violation.

➥ The registration fee owed pursuant to this subsection is incurred from the date the person was convicted of, or pled guilty, guilty but mentally ill or nolo contendere to, a violation of NRS 484D.630.

Sec. 14. Chapter 484A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 4, a peace officer may seize the license plates from a commercial motor vehicle which is:

(a) Registered or operating in this State pursuant to the provisions of NRS 706.801 to 706.861, inclusive, and section 18 of this act and has a gross vehicle weight rating, a combined gross vehicle weight rating, a gross vehicle weight or a combined gross vehicle weight in excess of 10,000 pounds;

(b) Registered in this State pursuant to chapter 482 of NRS, operating in intrastate commerce and has a gross vehicle weight rating, a combined gross vehicle weight rating, a gross vehicle weight or a combined gross vehicle weight in excess of 26,000 pounds; or

(c) Transporting hazardous material,

➥ if the peace officer determines that the motor carrier responsible for the safety of the commercial motor vehicle is subject to an out-of-service order.

2. Upon the seizure of any license plates pursuant to subsection 1, a peace officer shall immediately:

(a) Provide the motor carrier responsible for the safety of the commercial motor vehicle, if present, or the driver of the commercial motor vehicle if the motor carrier responsible for the safety of the commercial motor vehicle is not present, a notice which explains the procedures required pursuant to this section and NRS 482.465; and

(b) Transmit the license plates to the Department.

3. The Department, upon the receipt of the license plates pursuant to subsection 2, shall proceed as provided in NRS 482.465.

4. A peace officer may impound a commercial motor vehicle which meets the requirements of paragraph (a), (b) or (c) of subsection 1 if the peace officer determines that:

(a) The motor carrier responsible for the safety of the commercial motor vehicle is subject to an out-of-service order; and

(b) The motor carrier responsible for the safety of the commercial motor vehicle is not the registered owner of the vehicle.

5. Upon the impounding of a commercial motor vehicle pursuant to subsection 4, the peace officer who impounded the vehicle or the law enforcement agency for which he or she is employed shall notify the registered owner of the commercial motor vehicle of the impoundment as soon as practicable.

6. As used in this section:

(a) "Combined gross vehicle weight" has the meaning ascribed to it in section 2 of this act.

(b) "Combined gross vehicle weight rating" has the meaning ascribed to it in NRS 482.0153.

(c) "Gross vehicle weight" has the meaning ascribed to it in section 3 of this act.

(d) "Gross vehicle weight rating" has the meaning ascribed to it in NRS 482.0445.

(e) "Hazardous material" has the meaning ascribed to it in NRS 459.7024.

(f) "Out-of-service order" has the meaning ascribed to it in section 4 of this act.

Sec. 15. NRS 484D.570 is hereby amended to read as follows:

484D.570 1. Except as otherwise provided in subsection 2 and NRS 706.235 ~~[.]~~ ***and section 14 of this act:***

(a) A person shall not operate any vehicle after notice of an unsafe condition or that the vehicle is not equipped as required by this chapter, unless it is necessary to return the vehicle to the residence or place of business of the owner or driver or to a garage and operation of the vehicle is not further limited by NRS 706.246.

(b) If any peace officer or vehicle safety inspector finds that any vehicle is unsafe to a degree that continued operation would endanger the driver, any other occupant or any person on a public highway, the officer or inspector may require that the driver cease operation of the vehicle or that the vehicle be taken to the nearest garage or other safe place.

2. ~~[If]~~ ***Except as otherwise provided in section 14 of this act, if*** the vehicle is transporting wet concrete or other perishable cargo and does not pose an immediate threat to the life of the driver or any other person upon a public highway, and if the destination of the vehicle is within a distance of not more than 15 miles, the peace officer or vehicle safety inspector shall permit the vehicle to proceed to its destination and unload its cargo. Upon the arrival of the vehicle at its destination, the officer or inspector may order that the vehicle be taken, after the cargo of the vehicle has been unloaded, to the nearest garage or other place where the vehicle may be safely repaired.

Sec. 16. NRS 459.250 is hereby amended to read as follows:

459.250 1. Peace officers of the Nevada Highway Patrol shall enforce those provisions of NRS 459.221 and 459.7052 to 459.728, inclusive, which govern the transport and handling of radioactive waste as they affect the safety of drivers or vehicles, the leakage or spill of radioactive waste from its package or the emission of ionizing radiation in an unsafe amount as established by the regulations of the State Board of Health.

2. The peace officer may:

(a) Impound a vehicle with unsafe equipment; ~~[or]~~

(b) Detain a vehicle, if any waste has leaked or spilled from its package or if the peace officer has detected the emission of ionizing radiation in an

unsafe amount, and order the driver of the vehicle to park it in a safe place, as determined by an officer designated by the Division, pending remedial action by that Division ~~[.]~~ ***; or***

(c) Impound the vehicle or seize the license plates of the vehicle pursuant to the provisions of section 14 of this act.

3. After a vehicle has been so detained, an officer designated by the Division may order:

(a) The vehicle to be impounded;

(b) The leaked or spilled waste to be cleaned up;

(c) The contents of any unsafe or leaking package to be repackaged; or

(d) Any other appropriate precaution or remedy,

➥ at the expense of the shipper or broker, carrier or other person who is responsible as determined by the Division.

Sec. 17. NRS 459.7052 is hereby amended to read as follows:

459.7052 Except as otherwise ***provided in section 5 of this act or*** required by federal law, before transporting a hazardous material upon a public highway of this State, a motor carrier shall register with and obtain a permit for the transportation of hazardous materials:

1. From the Department; or

2. If the motor carrier has designated another participating state as its base state pursuant to the uniform program, from the base state.

Sec. 18. Chapter 706 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department may refuse to register or renew the registration of a commercial motor vehicle operated by a motor carrier pursuant to the provisions of this section and NRS 706.801 to 706.861, inclusive, and which has a gross vehicle weight rating, a combined gross vehicle weight rating, a gross vehicle weight or a combined gross vehicle weight in excess of 10,000 pounds if:

(a) The motor carrier applying for registration or renewal has not complied with the requirements of NRS 706.841; or

(b) The motor carrier responsible for the safety of the commercial motor vehicle is subject to an out-of-service order.

2. The Department shall mail a notice to the applicant for registration or the holder of a certificate of registration for a commercial motor vehicle if the Department refuses to register or renew the registration pursuant to subsection 1. The notice must be mailed as soon as practicable after the Department refuses to register or renew the registration and must include, without limitation:

(a) The reason for the refusal to register or renew registration;

(b) The name of the federal or state entity which issued the out-of-service order, if applicable;

(c) The procedure by which the applicant may register the commercial motor vehicle or the holder of the certificate of registration for the

commercial motor vehicle may renew the registration by providing evidence satisfactory to the Department that, as applicable:

(1) The motor carrier operating the commercial motor vehicle has complied with the requirements of NRS 706.841; or

(2) The motor carrier responsible for the safety of the commercial motor vehicle is no longer subject to an out-of-service order.

3. In addition to any other penalty set forth in this chapter and chapter 366 of NRS, the Department may revoke the registration and plates, licenses, emblems, certificates or other devices of the vehicle pursuant to NRS 706.846 for a commercial motor vehicle operated by a motor carrier pursuant to the provisions of this section and NRS 706.801 to 706.861, inclusive, and which has a gross vehicle weight rating, a combined gross vehicle weight rating, a gross vehicle weight or a combined gross vehicle weight in excess of 10,000 pounds if the motor carrier responsible for the safety of the commercial motor vehicle is subject to an out-of-service order.

4. Before revoking the registration and plates, licenses, emblems, certificates or other devices of a vehicle pursuant to subsection 3, the Department must send a written notice by certified mail to the operator of the vehicle at his or her last known address ordering the operator to appear before the Department not less than 10 days after the mailing of the notice to show cause why the registration and plates, licenses, emblems, certificates or other devices should not be revoked pursuant to this section.

5. Upon the revocation of the registration and plates, licenses, emblems, certificates or other devices of a vehicle pursuant to this section, the affected plates, licenses, emblems, certificates or other devices must be returned to the Department upon receipt of the notice of revocation.

6. As used in this section:

(a) "Combined gross vehicle weight" has the meaning ascribed to it in section 2 of this act.

(b) "Combined gross vehicle weight rating" has the meaning ascribed to it in NRS 482.0153.

(c) "Commercial motor vehicle" has the meaning ascribed to it in 49 C.F.R. § 390.5.

(d) "Gross vehicle weight" has the meaning ascribed to it in section 3 of this act.

(e) "Gross vehicle weight rating" has the meaning ascribed to it in NRS 482.0445.

Sec. 19. NRS 706.188 is hereby amended to read as follows:

706.188 1. Upon the request of a motor carrier or a service provider, the Department may enter into an agreement with the motor carrier or service provider which authorizes the motor carrier or service provider:

(a) Without applying to the Department, to register or transfer or renew the registration of any vehicle:

(1) Owned solely by the motor carrier or service provider; or

(2) Leased solely by the motor carrier or service provider, if the lease is a long-term lease; and

(b) To issue registration credentials on behalf of the Motor Carrier Division of the Department for any vehicle registered pursuant to paragraph (a) and for any vehicle with a registration that has been renewed or transferred pursuant to paragraph (a).

2. Before registering or transferring or renewing the registration of any vehicle pursuant to subsection 1:

(a) A motor carrier who enters into an agreement with the Department pursuant to this section shall file with the Department a bond of a surety company authorized to transact business in this State for the benefit of this State in an amount not less than $25,000; and

(b) A service provider who enters into an agreement with the Department pursuant to this section shall file with the Department a bond of a surety company authorized to transact business in this State for the benefit of this State in an amount not less than $50,000.

3. If a motor carrier or service provider provides a savings certificate, certificate of deposit or investment certificate pursuant to NRS 100.065 in lieu of the bond required pursuant to subsection 2, the certificate must state that the amount is not available for withdrawal except upon the approval of the Director of the Department.

4. If at any time a motor carrier or service provider is unable to account for an unissued license plate ***,*** ~~[or decal,]~~ the motor carrier or service provider must immediately pay to the Department an amount established by the Department.

5. ***If the Department determines that the motor carrier responsible for the safety of a commercial motor vehicle with a gross vehicle weight rating, a combined gross vehicle weight rating, a gross vehicle weight or a combined gross vehicle weight in excess of 26,000 pounds which is operating in intrastate commerce and which is registered pursuant to this section is subject to an out-of-service order, the Department may:***

(a) Revoke the registration of each commercial motor vehicle with a gross vehicle weight rating, a combined gross vehicle weight rating, a gross vehicle weight or a combined gross vehicle weight in excess of 26,000 pounds which is operating in intrastate commerce and which is registered to the motor carrier responsible for the safety of the motor vehicles who is subject to the out-of-service order; and

(b) Revoke or refuse to grant the authority to register or transfer or renew any registration granted pursuant to this section.

6. The Department, in revoking a registration pursuant to paragraph (a) of subsection 5, shall comply with the provisions of subsections 4 and 5 of NRS 482.465.

7. The Director of the Department shall adopt such regulations as are necessary to carry out the provisions of this section.

~~[6.]~~ ***8.*** As used in this section:

(a) ***"Commercial motor vehicle" has the meaning ascribed to it in 49 C.F.R. § 390.5.***

(b) "Lease" has the meaning ascribed to it in NRS 482.053.

~~[(b)]~~ ***(c)*** "Long-term lease" means a lease for a fixed period of more than ~~[31]~~ ***30*** days.

~~[(c)]~~ ***(d)*** "Motor carrier" means a common, contract or private motor carrier registered through the Motor Carrier Division of the Department.

~~[(d)]~~ ***(e) "Out-of-service order" has the meaning ascribed to it in section 4 of this act.***

(f) "Registration credentials" includes, without limitation, license plates, registration cab cards ~~[, decals]~~ and temporary authority permits.

~~[(e)]~~ ***(g)*** "Service provider" means a business or organization authorized by the Department to register or transfer or renew the registration of vehicles on behalf of motor carriers.

Sec. 20. NRS 706.235 is hereby amended to read as follows:

706.235 1. ~~[Whenever]~~ ***Except as otherwise provided in section 14 of this act, whenever*** a peace officer detains the driver of a heavy-duty motor vehicle for a violation of any provision of this chapter or any other specific statute or regulation relating to the equipment, lights, brakes, tires, mechanisms or safety appliances required of such a vehicle, the peace officer shall, in lieu of arresting the driver, prepare manually or electronically and issue a citation, a notice of correction, or both. If a notice of correction is issued, it must set forth the violation with particularity and specify the corrective action which must be taken.

2. ~~[If,]~~ ***Except as otherwise provided in section 14 of this act, if,*** at the time of the issuance of a citation or a notice of correction, the peace officer determines that the vehicle is unsafe and poses an immediate threat to the life of the driver or any other person upon a public highway, the peace officer may require that the vehicle be taken to the nearest garage or other place where the vehicle may be safely repaired. If the vehicle is transporting wet concrete or other perishable cargo and does not pose an immediate threat to life, and if the destination of the vehicle is within a distance of not more than 15 miles, the peace officer shall not delay the vehicle for more than 15 minutes and shall permit the vehicle to proceed to its destination and unload its cargo. Upon the arrival of the vehicle at its destination, the peace officer may order that the vehicle be taken, after the cargo of the vehicle has been unloaded, to the nearest garage or other place where the vehicle may be safely repaired.

3. As used in this section:

(a) "Heavy-duty motor vehicle" means a motor vehicle which:

(1) Has a manufacturer's gross vehicle weight rating of 10,000 pounds or more; and

(2) Is owned or leased by or otherwise used in the regular course of the business of a common, contract or private motor carrier.

(b) "Peace officer" means:

(1) A peace officer or an inspector of the Department of Motor Vehicles or Department of Public Safety; or

(2) A sheriff, peace officer or traffic officer assisting in the enforcement of the provisions of this chapter.

Sec. 21. NRS 706.806 is hereby amended to read as follows:

706.806 As used in NRS 706.801 to 706.861, inclusive, ***and section 18 of this act,*** unless the context otherwise requires:

1. "Country" includes any political subdivision thereof.

2. "Department" means the Department of Motor Vehicles.

3. "Fee" means each fee for registration and tax imposed by this State, except motor vehicle fuel taxes and motor carrier licensing fees.

4. "Mileage" includes mileage in this State and in all other states and countries.

5. "Motor vehicle" includes every motor vehicle with a declared gross weight in excess of 26,000 pounds required to be registered under the laws of this State.

6. "Operator" includes the owner or operator of any motor vehicle.

7. ***"Out-of-service order" has the meaning ascribed to it in section 4 of this act.***

8. "Plan" means a plan adopted by any state or country for the proration of fees on a basis to effectuate the principles set forth in NRS 706.826.

~~[8.]~~ ***9.*** "State" includes the states of the United States, the District of Columbia and the territories of the United States.

~~[9.]~~ ***10.*** "Vehicle" includes every vehicle of a type required to be registered under the laws of this State.

Sec. 22. NRS 706.813 is hereby amended to read as follows:

706.813 The provisions of NRS 706.801 to 706.861, inclusive, ***and section 18 of this act*** do not apply to:

1. Vehicles which are exempt from special fuel tax requirements under NRS 366.221.

2. Vehicles having a gross vehicle weight rating or gross combined vehicle weight rating of 26,000 pounds or less unless the vehicle meets the definition of "commercial motor vehicle" set forth in 49 C.F.R. § 350.105, and except that such vehicles are eligible for apportionment under the provisions of this chapter upon application by the operator.

Sec. 23. NRS 706.841 is hereby amended to read as follows:

706.841 1. Each operator shall qualify to operate pursuant to the provisions of NRS 706.801 to 706.861, inclusive, ***and section 18 of this act*** by filing an application for that purpose with the Department:

(a) If the application is an initial application for registration, before the time any fee becomes delinquent; and

(b) If the application is for the renewal of a registration, on or before December 1.

2. The application must:

(a) Show the total mileage of motor vehicles operated by the person in this State and all states and countries during the next preceding 12 months ending June 30 and describe and identify each ~~[motor]~~ vehicle to be operated during the period of registration in such detail as the Department may require ~~[.]~~ ***, including, without limitation, the name of the motor carrier responsible for the safety of each vehicle.***

(b) ***Include the USDOT number issued to the operator by the United States Department of Transportation.***

(c) Be accompanied by a fee, unless the Department ***of Motor Vehicles*** is satisfied that the fee is secured, to be computed as follows:

(1) Divide the number of in-state miles by the total number of fleet miles;

(2) Determine the total amount of money necessary to register each motor vehicle in the fleet for which registration is requested; and

(3) Multiply the amount determined under subparagraph (2) by the fraction obtained pursuant to subparagraph (1).

Sec. 24. NRS 706.846 is hereby amended to read as follows:

706.846 ~~[Upon]~~

1. Except as otherwise provided in section 18 of this act, upon the payment of all fees required pursuant to the provisions of NRS 706.801 to 706.861, inclusive, ***and section 18 of this act,*** or upon being satisfied that the fee is secured and upon compliance with the laws of this State in order to register the vehicles, the Department shall register them, and issue plates, licenses, emblems, certificates or other devices for the vehicles in the same manner as otherwise provided by law.

2. A motor carrier operating pursuant to the provisions of NRS 706.801 to 706.861, inclusive, and section 18 of this act must notify the Department within 10 days after a change in the name of the motor carrier responsible for the safety of a vehicle included in an application submitted to the Department pursuant to NRS 706.841.

Sec. 25. As soon as practicable after January 1, 2018, upon determining that sufficient resources are available to enable the Department of Motor Vehicles to carry out the amendatory provisions of this act, the Director of the Department shall notify the Governor and the Director of the Legislative Counsel Bureau of that fact, and shall publish on the Internet website of the Department notice to the public of that fact.

Sec. 26. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. For all other purposes, on the earlier of:

(a) July 1, 2020; or

(b) The date on which the Director of the Department of Motor Vehicles, pursuant to section 25 of this act, notifies the Governor that sufficient resources are available to enable the Department to carry out the amendatory provisions of this act.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 51.

Bill read second time and ordered to third reading.

Senate Bill No. 53.

Bill read second time and ordered to third reading.

Senate Bill No. 75.

Bill read second time and ordered to third reading.

Senate Bill No. 108.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 659.

AN ACT relating to education; requiring the State Board of Education to create a subcommittee to study the manner in which to include certain instruction in criminal law in the social studies courses required for graduation from a public high school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each pupil enrolled in a public high school to enroll in at least three units of credit in social studies. (NRS 389.018) This bill requires the State Board of Education to create a subcommittee to study the manner in which to include certain instruction in criminal law in the required units of credit in social studies and specifies certain crimes which frequently involve persons under the age of 18 years that must be included in the instruction. In addition, this bill requires that such instruction emphasize personal responsibility for understanding and complying with the law and lists specific topics to be included as part of this instruction. In addition, the instruction must include information to assist victims and witnesses of such crimes and lists specific topics for this instruction. This bill requires: (1) the State Board of Education to report the findings of the subcommittee to the Legislative Committee on Education, including any actions it has taken or intends to take to include the instruction in the social studies courses; and (2) the Legislative Committee on Education to consider the report and transmit any recommendations for legislation to ensure the instruction is included in

the curriculum for social studies to the 80th Session of the Nevada Legislature.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 1.5. 1. The State Board of Education shall create a subcommittee to study the manner in which to include, in one of the three units of credit in social
studies required pursuant to NRS 389.018 instruction concerning crimes that frequently involve persons under the age of 18 years. Such instruction must include, without limitation, crimes involving:

(a) Sexual conduct, including, without limitation, sexual assault, statutory sexual seduction **, sex trafficking** and sexting;

(b) Alcohol and controlled substances, including, without limitation, driving under the influence and the possession, use and distribution of alcohol and controlled substances;

(c) Domestic violence;

(d) Stalking; and

(e) Destruction of property.

2. The instruction described in subsection 1 must emphasize personal responsibility for understanding and complying with the law and must include, without limitation, instruction on:

(a) The elements of the various crimes;

(b) Appropriate conduct necessary to avoid being accused of such crimes, including, without limitation, specific instruction concerning the legal requirements for finding consent with respect to sexual conduct;

(c) The consequences of engaging in such crimes;

(d) The rights of a person alleged to have committed any such crime; and

(e) The criminal justice system.

3. The instruction described in subsection 1 must provide information to assist victims and witnesses of such crimes, including, without limitation:

(a) The rights of victims;

(b) Resources available to victims;

(c) The rights and responsibilities of a person who witnesses any such crime; and

(d) Information concerning how to report such a crime and where to seek assistance.

4. The study conducted by the subcommittee created pursuant to subsection 1 must include, without limitation:

(a) The manner in which to modify the curriculum of the relevant course in social studies to include the instruction described in subsections 1, 2 and 3;

(b) Any appropriate revision to the requirements for licensure or endorsement that may be necessary or appropriate for a teacher who provides the instruction described in subsections 1, 2 and 3;

(c) The professional development that may be necessary or appropriate for a teacher who provides the instruction described in subsections 1, 2 and 3; and

(d) Consideration of any similar instruction provided in another state or school district.

5. The subcommittee created pursuant to subsection 1 shall report its findings to the State Board of Education on or before April 1, 2018. The State Board of Education shall, on or before July 1, 2018, submit a report to the Legislative Committee on Education which includes its recommendations to carry out the instruction described in subsections 1, 2 and 3, as well as any actions the State Board has taken or intends to take to include the instruction in the relevant social studies course.

6. The Legislative Committee on Education shall consider the report submitted by the State Board of Education and, on or before September 1, 2018, prepare and submit a written report to the Director of the Legislative Counsel Bureau, for transmittal to the 80th Session of the Nevada Legislature, concerning the Committee's consideration of the matters described in this section and any recommendations for legislation to ensure the instruction described in subsections 1, 2 and 3 are included in the curriculum for social studies that is required to be taken in high school.

Sec. 2. This act becomes effective on July 1, 2017.

Assemblyman Thompson moved the adoption of the amendment.

Remarks by Assemblyman Thompson.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 116.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 661.

AN ACT relating to trespassing; revising provisions governing warning against trespassing; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it a misdemeanor for a person to go upon the land or into any building of another in certain circumstances, including willfully going or remaining on land or in a building after being warned by the owner or occupant thereof not to trespass. For the purposes of determining whether a person has been given sufficient warning not to trespass, the owner or occupant of land may: (1) paint the area in a certain manner depending on the use of the land; (2) fence the area; or (3) make an oral or written demand to vacate the land or building. (NRS 207.200)

This bill: (1) revises provisions governing the requirements for painting certain posts, structures or natural objects to remove the distinction based on the use of the land; (2) **provides that posting "no trespassing" signs in**

certain areas provides sufficient warning against trespass; (3) provides that using an area as cultivated land provides sufficient warning against trespass; and ~~[(3)]~~ **(4)** defines "cultivated land" for such purposes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 207.200 is hereby amended to read as follows:

207.200 1. Unless a greater penalty is provided pursuant to NRS 200.603, any person who, under circumstances not amounting to a burglary:

(a) Goes upon the land or into any building of another with intent to vex or annoy the owner or occupant thereof, or to commit any unlawful act; or

(b) Willfully goes or remains upon any land or in any building after having been warned by the owner or occupant thereof not to trespass,

➥ is guilty of a misdemeanor. The meaning of this subsection is not limited by subsections 2 and 4.

2. A sufficient warning against trespassing, within the meaning of this section, is given by any of the following methods:

(a) ~~[If the land is used for agricultural purposes or for herding or grazing livestock, by painting]~~ ***Painting*** with fluorescent orange paint:

(1) Not less than 50 square inches ~~[of the exterior portion]~~ of a structure or natural object or the top 12 inches ~~[of the exterior portion]~~ of a post, whether made of wood, metal or other material, at:

(I) Intervals of such a distance as is necessary to ensure that at least one such structure, natural object or post would be within the direct line of sight of a person standing next to another such structure, natural object or post, but at intervals of not more than 1,000 feet; and

(II) Each corner of the land, upon or near the boundary; and

(2) Each side of all gates, cattle guards and openings that are designed to allow human ingress to the area;

(b) ~~[If the land is not used in the manner specified in paragraph (a), by painting with fluorescent orange paint not less than 50 square inches of the exterior portion of a structure or natural object or the top 12 inches of the exterior portion of a post, whether made of wood, metal or other material, at:~~

~~(1) Intervals of such a distance as is necessary to ensure that at least one such structure, natural object or post would be within the direct line of sight of a person standing next to another such structure, natural object or post, but at intervals of not more than 200 feet; and~~

~~(2) Each corner of the land, upon or near the boundary;~~

~~(c)]~~ Fencing the area; ~~[or~~

~~(d)]~~ ***(c) Posting "no trespassing" signs or other notice of like meaning at:***

(1) Intervals of such a distance as is necessary to ensure that at least one such sign would be within the direct line of sight of a person standing next to another such sign, but at intervals of not more than 1,000 feet; and

(2) Each corner of the land, upon or near the boundary;

(d) Using the area as cultivated land; or

~~[(d)]~~ ***(e)*** By the owner or occupant of the land or building making an oral or written demand to any guest to vacate the land or building.

3. It is prima facie evidence of trespass for any person to be found on private or public property which is posted or fenced as provided in subsection 2 without lawful business with the owner or occupant of the property.

4. An entryman on land under the laws of the United States is an owner within the meaning of this section.

5. As used in this section:

(a) ***"Cultivated land" means land that has been cleared of its natural vegetation and is presently planted with a crop, orchard, grove, pasture or trees or is fallow land as part of a crop rotation.***

(b) "Fence" means a barrier sufficient to indicate an intent to restrict the area to human ingress, including, but not limited to, a wall, hedge or chain link or wire mesh fence. The term does not include a barrier made of barbed wire.

~~[(b)]~~ ***(c)*** "Guest" means any person entertained or to whom hospitality is extended, including, but not limited to, any person who stays overnight. The term does not include a tenant as defined in NRS 118A.170.

Sec. 2. This act becomes effective on July 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 117.

Bill read second time and ordered to third reading.

Senate Bill No. 122.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 649.

AN ACT relating to family planning; establishing a program to award grants to local governmental entities and nonprofit organizations for the purpose of providing certain services relating to family planning; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Division of Health Care Financing and Policy of the Department of Health and Human Services to: (1) conduct a family planning service in any county of this State; and (2) establish a policy of referral of certain persons for family planning services. (NRS 422.308) **Section 5** of this bill establishes the Account for Family Planning in the State General Fund and requires the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services to

administer the Account. **Section 5** requires the money in the Account to be expended to award grants of money to local governmental entities and nonprofit organizations to be used to provide certain services relating to family planning to persons who would otherwise have difficulty obtaining those services. **Section 5** authorizes a local government that is awarded a grant to provide such family planning services through a contract with another person or entity. **Section 6** of this bill authorizes the Administrator to accept gifts, grants and donations for the purpose of awarding such grants. **Section 7** of this bill requires the recipient of a grant to provide certain information to a person to whom the recipient provides ~~[counseling]~~ **education** that is funded by a grant. **Sections 7 and 9** of this bill provide that any personally identifiable information concerning a person to whom a grant recipient provides services is confidential. **Section 8** of this bill requires the State Board of Health to adopt regulations concerning the award of grants.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 442 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 8, inclusive of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Account" means the Account for Family Planning created by section 5 of this act.***

Sec. 4. ***"Administrator" means the Administrator of the Division.***

Sec. 5. ***1. The Account for Family Planning is hereby created in the State General Fund. The Administrator shall administer the Account.***

2. Except as otherwise provided in subsection 5, the money in the Account must be expended to award grants of money to local governmental entities and nonprofit organizations to provide the family planning services described in this section to persons who would otherwise have difficulty obtaining such services because of poverty, lack of insurance or transportation or any other reason. Grants of money awarded pursuant to this section may only be used to fund:

(a) The provision of ~~[counseling]~~ education by trained personnel concerning family planning;

(b) The distribution of information concerning family planning;

(c) The referral of persons to appropriate agencies, organizations and providers of health care for consultation, examination, treatment, genetic counseling and prescriptions for the purpose of family planning;

(d) The distribution of contraceptives, the installation of contraceptive devices and the performance of contraceptive procedures approved by the United States Food and Drug Administration, which must be limited to:

(1) Sterilization surgery for women;

(2) Surgical sterilization implants for women;

(3) Implantable rods;

(4) Copper intrauterine devices and intrauterine devices with progestin;

(5) Contraceptive injections and patches;

(6) Combined oral contraceptive pills, progestin only oral contraceptives and oral contraceptives for extended or continuous use;

(7) Vaginal contraceptive rings;

(8) Diaphragms;

(9) Contraceptive sponges;

(10) Cervical caps;

(11) Female condoms;

(12) Spermicide; and

(13) Levonorgestrel and ulipristal acetate;

(e) The provision of or referral of persons for preconception health services and assistance to achieve pregnancy; and

(f) The provision of or referral of persons for testing for and treatment of sexually transmitted infections.

3. Family planning services funded by a local governmental entity using a grant awarded pursuant to this section may be provided wholly or partially through a contract between the local governmental entity and another local governmental entity, an agency of the State, a community health nurse, a consultant or any other person or entity.

4. Family planning services funded using a grant awarded pursuant to this section must be ~~[provided:]~~ made available to persons requesting such services:

(a) In a manner that protects the dignity of the recipient;

(b) Without regard to religion, race, color, national origin, physical or mental disability, age, sex, gender identity or expression, sexual orientation, number of previous pregnancies or marital status;

(c) In accordance with ~~[:~~

~~(1) Written]~~ written clinical protocols that are in accordance with nationally recognized standards of care;

~~[(2) The provisions of 42 U.S.C. § 300(a) requiring a grantee to encourage family participation, to the extent practical, in family planning projects; and~~

~~(3) The provisions of Program Policy Notice 2014-01 issued by the Office of Population Affairs of the United States Department of Health and Human Services on June 5, 2014, prohibiting a grantee from requiring the consent of parents or guardians for the provision of services to a minor or notifying the parent or guardian of a minor before or after the minor has requested or received family planning services, regardless of whether that Program Policy Notice is superseded or revoked;]~~ and

(d) By persons who are required by NRS 432B.220 to report the abuse or neglect of a child.

5. The Administrator may not use more than 10 percent of the money in the Account to administer the Account.

6. The Administrator shall award grants of money from the Account based entirely on the need for family planning services in the community served by the local governmental entity or the nonprofit organization and the ability of the local governmental entity or nonprofit organization to effectively deliver family planning services.

7. The existence of the Account does not create a right in any local government or nonprofit organization to receive money from the Account.

8. As used in this section, "preconception health services" means the promotion of proper health practices, screenings and interventions conducted before pregnancy to identify and modify biomedical, behavioral and social risks to a woman's health or pregnancy outcome through prevention and management.

Sec. 6. *1. The Administrator may apply for and accept any gift, donation, bequest, grant or other source of money for the purpose of awarding grants pursuant to section 5 of this act. Any money so received must be deposited in the Account.*

2. The interest and income earned on money in the Account from any gift, donation or bequest, after deducting any applicable charges, must be credited to the Account.

3. Money from any gift, donation or bequest that remains in the Account at the end of the fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

Sec. 7. *1. A local governmental entity or nonprofit organization that receives a grant pursuant to section 5 of this act shall:*

(a) Inform a person to whom the entity or organization provides ~~[counseling]~~ education concerning family planning which is funded by a grant of any methods or procedures that may be used to assist the person to achieve his or her goals concerning family planning. The information must include:

(1) A clear explanation of family planning services, procedures, prescriptions and devices available directly from the entity or organization and those for which referral is required;

(2) A description of any risks of the method or procedure, including possible negative outcomes and discomfort or pain that may result from using the method or procedure;

(3) A description of the likely outcome and benefits of using the method or procedure;

(4) A description of any alternative methods or procedures designed to accomplish the same goal; and

(5) Answers to any questions the person has concerning the method or procedure.

(b) Notify a person to whom the entity or organization provides ~~[counseling]~~ education concerning family planning which is funded by a grant that the person is free to refuse any method or procedure about which the entity or organization informs the person pursuant to paragraph (a).

2. Any personally identifiable information concerning a person to whom services funded by a grant pursuant to section 5 of this act are provided is confidential. A local governmental entity or nonprofit organization that receives such a grant shall comply with all laws concerning the privacy of information, including, without limitation, the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended, and applicable regulations.

Sec. 8. ***1. The State Board of Health shall adopt any regulations necessary to carry out the provisions of sections 2 to 8, inclusive, of this act. The regulations must establish, without limitation:***

(a) The manner in which a local governmental entity or nonprofit organization may apply for a grant pursuant to section 5 of this act; and

(b) A requirement that the recipient of a grant pursuant to section 5 of this act must submit any information that the State Board of Health determines is necessary for the Administrator to determine the purposes for which such a grant was used and evaluate the outcomes of services provided using such grants.

2. The regulations adopted pursuant to this section must not require a local governmental entity or nonprofit organization to apply for a grant pursuant to section 5 of this act.

Sec. 9. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095,

268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 7 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or

an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 10. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act and on January 1, 2018, for all other purposes.

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 123.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 650.

AN ACT relating to long-term care; **revising provisions governing the State Long-Term Care Ombudsman;** revising the authority of the ~~[State Long-Term Care]~~ Ombudsman to review and recommend changes to certain governmental policies relating to facilities for long-term care; revising provisions governing the appointment of advocates and the creation of a

volunteer advocacy program; revising provisions relating to certain inspections of long-term care facilities by the Ombudsman; revising provisions concerning the reporting of the abuse, neglect, exploitation, isolation or abandonment of an older person; repealing certain provisions governing the investigation of certain complaints; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Administrator of the Aging and Disability Services Division of the Department of Health and Human Services to appoint the State Long-Term Care Ombudsman to advocate for the protection of the health, safety, welfare and rights of residents of facilities for long-term care. (NRS 427A.125) **Existing law defines "resident" as a person who is 60 years of age or older. (NRS 427A.0295) Section 1 of this bill revises the definition of "resident" to mean any resident of a facility for long-term care and thus enables the Ombudsman to advocate for any resident of a long-term care facility.**

Existing law ~~[also]~~ requires the Ombudsman, under the direction of the Administrator, to review, recommend and provide advice concerning governmental policies which affect long-term care facilities. (NRS 427A.145) **Section ~~[1]~~ 1.5** of this bill revises this provision to authorize the Ombudsman to independently analyze, monitor and provide recommendations for changes to federal, state and local governmental actions and policies relating to facilities for long-term care.

Existing law authorizes the Administrator to appoint one or more advocates to assist the Ombudsman. Existing law further authorizes the Administrator to: (1) create a volunteer advocacy program within the Division to be administered by the Ombudsman under the direction of the Administrator; and (2) appoint volunteer advocates. (NRS 427A.127) Existing federal regulations require the Ombudsman to determine the designation of representatives of the Office of the Ombudsman. (45 C.F.R. § 1324.13(c)) **Section 2** of this bill transfers to the Ombudsman the authority to: (1) appoint advocates; and (2) create and administer a volunteer advocacy program.

Existing law authorizes the Ombudsman and his or her advocates to inspect the records of a facility for long-term care. Under certain circumstances, the Ombudsman is required to obtain the informed consent of the resident or his or her guardian or representative before inspecting certain records relating to the resident. (NRS 427A.145) **Section 3** of this bill requires the Ombudsman and his or her advocates to comply with certain federal regulations relating to consent before inspecting the medical and personal financial records of the resident. **Section 3** further provides that, in accordance with federal regulations, informed consent may be obtained orally, visually, in writing or through the use of auxiliary aids.

Existing law requires certain professionals, including any employee of the Department of Health and Human Services, who know or have reasonable

cause to believe that an older person has been abused, neglected, exploited, isolated or abandoned to report, in certain circumstances, such abuse, neglect, exploitation, isolation or abandonment to: (1) the local office of the Aging and Disability Services Division of the Department; (2) a police department or sheriff's office; or (3) a toll-free telephone service designated by the Aging and Disability Services Division. (NRS 200.5093) Existing federal regulations require the Ombudsman and certain representatives of the Ombudsman to be exempted from this reporting requirement. (45 C.F.R. § 1324.11(e)(3)(iv)) **Section 4** of this bill exempts the Ombudsman and his or her advocates and volunteers from the requirement to report the abuse, neglect, exploitation, isolation or abandonment of an older person when federal regulations require the Ombudsman and his or her advocates and volunteers to be exempted from that requirement.

Existing law authorizes the Administrator of the Division to direct the Ombudsman or his or her advocate to investigate a complaint involving a person who is less than 60 years of age. **Section 5** of this bill repeals this provision **~~[.]~~ as section 1 revises the definition of "resident" to include any person who resides in a facility for long-term care.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 427A.0295 is hereby amended to read as follows:**

427A.0295 "Resident" means a person who ~~[is 60 years of age or older.]~~ ***resides in a facility for long-term care.***

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 427A.125 is hereby amended to read as follows:

427A.125 1. The Office of the State Long-Term Care Ombudsman is hereby created within the Division.

2. The Administrator shall appoint the State Long-Term Care Ombudsman to advocate for the protection of the health, safety, welfare and rights of residents of facilities for long-term care. The Ombudsman is in the classified service of the State. The Ombudsman shall, under direction of the Administrator:

(a) Train advocates to:

(1) Receive, investigate and attempt to resolve complaints made by or on behalf of residents of facilities for long-term care.

(2) Investigate acts, practices, policies or procedures of any facility for long-term care or any governmental agency which relates to such care and may adversely affect the health, safety, welfare or civil rights of residents of such facilities, and report the results of the investigations to the Ombudsman and the Administrator.

(3) Record and analyze information and complaints about facilities for long-term care to identify problems affecting their residents.

(4) Provide for the support and development of resident and family councils to protect the well-being and rights of residents of facilities for long-term care.

(5) Assist facilities for long-term care to provide services to residents in the manner set forth in paragraph (b).

(b) Develop a course of training to be made available to officers, directors and employees of a facility for long-term care to encourage such facilities to provide services to their residents in a manner that allows the residents to follow their own routine and make their own decisions concerning the daily activities in which to participate. The course must also provide information concerning how to provide services in that manner.

(c) Coordinate services within the Department which may affect residents and prospective residents of facilities for long-term care to ensure that such services are made available to eligible persons.

(d) ~~[Recommend and review policies, legislation and regulations, both in effect and proposed, which affect facilities for long-term care.~~

~~(e) Upon request, advise and assist the Governor, the Legislature and public and private groups in formulating and putting into effect policies which affect facilities for long-term care and their residents.~~

~~(f)]~~ Provide information to interested persons and to the general public concerning the functions and activities of the Ombudsman.

~~[(g)]~~ ***(e)*** Report annually to the Administrator.

3. The Ombudsman may:

(a) Analyze, provide comment on and monitor the development and implementation of any federal, state or local governmental action, activity or program that relate to the protection of the health, safety, welfare and rights of residents of facilities for long-term care; and

(b) Recommend changes to any federal, state or local governmental action, activity or program described in paragraph (a) without the prior approval of the Administrator.

Sec. 2. NRS 427A.127 is hereby amended to read as follows:

427A.127 1. The ~~[Administrator]~~ ***Ombudsman*** may appoint one or more advocates to assist the Ombudsman who are within the Division and in the classified service of the State. Each advocate shall perform his or her duties at the direction of the Ombudsman.

2. The ~~[Administrator]~~ ***Ombudsman*** may:

(a) Create a volunteer advocacy program within the ~~[Division]~~ ***Office of the Ombudsman*** to be administered by the Ombudsman ***;*** ~~[under the direction of the Administrator;]~~ and

(b) Appoint volunteer advocates who may act as representatives of the Ombudsman.

Sec. 3. NRS 427A.145 is hereby amended to read as follows:

427A.145 In conducting an investigation, the Ombudsman or an advocate may:

1. Inspect any facility for long-term care and any records maintained by the facility. Except as otherwise provided in this subsection, the medical and personal financial records may be inspected only with the informed consent of the resident, the legal guardian of the resident or the person or persons designated as responsible for decisions regarding the resident. ***Such consent must be obtained in accordance with the provisions of 45 C.F.R. § 1324.11(e)(2) and may be obtained orally, visually, in writing or through the use of auxiliary aids and services, as long as such consent is documented by the Ombudsman or the advocate.*** If ~~[the resident is unable to consent to the inspection and has no legal guardian,]~~ ***the provisions of 45 C.F.R. § 1324.11(e)(2) authorize records to be inspected without the consent of the resident, the legal guardian of the resident or the person or persons designated as responsible for decisions regarding the resident,*** the inspection may be conducted without consent.

2. Interview:

(a) Officers, directors and employees of any facility for long-term care, including any licensed provider of health care as defined in NRS 629.031, who renders services to the facility or its residents.

(b) Any resident of the facility and the legal guardian of the resident, if any, and the family of the resident or the person or persons designated as responsible for decisions regarding his or her care if the resident consents to the interview.

3. Obtain such assistance and information from any agency of the State or its political subdivisions as is necessary properly to perform the investigation.

Sec. 4. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person has been abused, neglected, exploited, isolated or abandoned shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation, isolation or abandonment of the older person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office; or

(3) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited, isolated or abandoned.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or abandonment of the older person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the

person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person who appears to have been abused, neglected, exploited, isolated or abandoned.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation, isolation or abandonment of an older person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(g) Any employee of the Department of Health and Human Services ~~[.]~~ ***, except the State Long-Term Care Ombudsman appointed pursuant to NRS 427A.125 and any of his or her advocates or volunteers where prohibited from making such a report pursuant to 45 C.F.R. § 1321.11.***

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation, isolation or abandonment of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

(m) Every person who operates or is employed by a peer support recovery organization, as defined in NRS 449.01563.

(n) Every person who operates or is employed by a community health worker pool, as defined in NRS 449.0028, or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person has died as a result of abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

(a) Aging and Disability Services Division;

(b) Repository for Information Concerning Crimes Against Older Persons created by NRS 179A.450; and

(c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person is abused, neglected, exploited, isolated or abandoned, the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person if the older person is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 5. NRS 427A.136 is hereby repealed.

Sec. 6. This act becomes effective on July 1, 2017.

TEXT OF REPEALED SECTION

427A.136 Investigation of complaint involving person who is less than 60 years of age. The Administrator may direct the Ombudsman or an advocate to investigate a complaint involving a person who is less than 60 years of age.

Assemblyman Sprinkle moved the adoption of the amendment.
Remarks by Assemblyman Sprinkle.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 141.
Bill read second time and ordered to third reading.

Senate Bill No. 176.
Bill read second time and ordered to third reading.

Senate Bill No. 188.
Bill read second time and ordered to third reading.

Senate Bill No. 255.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 683.
AN ACT relating to common-interest communities; ~~[revises]~~ **revising the manner in which an association is required to provide notice of a change in the governing documents of the association; revising** provisions governing the cancellation of a resale of a home or unit in a common-interest community; and providing other matters properly relating thereto.
Legislative Counsel's Digest:
Existing law prescribes the manner in which a unit-owners' association must generally provide certain notices to a unit's owner when the manner of notice is not otherwise specified by another particular statutory provision. (NRS 116.31068) Existing law further sets forth specific methods which are required for delivery of a copy of a change to the governing documents of an association. (NRS 116.12065) Section 1 of this bill eliminates the specific methods of delivery in this provision, thus providing for the delivery of a copy of a change to the governing documents of an association in the manner generally required under other provisions of law. (NRS 116.31068)
Existing law requires an owner of a home or unit in a common-interest community or his or her authorized agent to furnish a purchaser of the home or unit in a resale transaction with certain information, included in a resale package. Existing law also requires a purchaser of a home or unit in a common-interest community to hand-deliver or mail to the unit's owner or his or her authorized agent a notice of cancellation of the contract of

purchase. (NRS 116.4109) **Section ~~[1]~~ 1.5** of this bill authorizes the purchaser to deliver a notice of cancellation by electronic transmission.

Section 2 of this bill amends existing law to add to the information statement provided as part of a purchase of a unit in a common-interest community a statement relating to a purchaser's option to deliver a notice of cancellation of a contract of purchase by electronic transmission. (NRS 116.41095)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 116.12065 is hereby amended to read as follows:**

116.12065 If any change is made to the governing documents of an association, the secretary or other officer specified in the bylaws of the association shall, within 30 days after the change is made, prepare and cause to be ~~[hand-delivered or sent prepaid by United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit's owner,]~~ ***delivered*** a copy of the change that was made.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 116.4109 is hereby amended to read as follows:

116.4109 1. Except in the case of a sale in which delivery of a public offering statement is required, or unless exempt under subsection 2 of NRS 116.4101, a unit's owner or his or her authorized agent shall, at the expense of the unit's owner, furnish to a purchaser a resale package containing all of the following:

(a) A copy of the declaration, other than any plats, the bylaws, the rules or regulations of the association and the information statement required by NRS 116.41095.

(b) A statement from the association setting forth the amount of the monthly assessment for common expenses and any unpaid obligation of any kind, including, without limitation, management fees, transfer fees, fines, penalties, interest, collection costs, foreclosure fees and attorney's fees currently due from the selling unit's owner.

(c) A copy of the current operating budget of the association and current year-to-date financial statement for the association, which must include a summary of the reserves of the association required by NRS 116.31152 and which must include, without limitation, a summary of the information described in paragraphs (a) to (e), inclusive, of subsection 3 of NRS 116.31152.

(d) A statement of any unsatisfied judgments or pending legal actions against the association and the status of any pending legal actions relating to the common-interest community of which the unit's owner has actual knowledge.

(e) A statement of any transfer fees, transaction fees or any other fees associated with the resale of a unit.

(f) In addition to any other document, a statement describing all current and expected fees or charges for each unit, including, without limitation, association fees, fines, assessments, late charges or penalties, interest rates on delinquent assessments, additional costs for collecting past due fines and charges for opening or closing any file for each unit.

2. The purchaser may, by written notice, cancel the contract of purchase until midnight of the fifth calendar day following the date of receipt of the resale package described in subsection 1, and the contract for purchase must contain a provision to that effect. If the purchaser elects to cancel a contract pursuant to this subsection, the purchaser must hand deliver the notice of cancellation to the unit's owner or his or her authorized agent ***,*** ~~[or]~~ mail the notice of cancellation by prepaid United States mail to the unit's owner or his or her authorized agent ~~[.]~~ ***or deliver the notice of cancellation by electronic transmission to the unit's owner or his or her authorized agent.*** Cancellation is without penalty, and all payments made by the purchaser before cancellation must be refunded promptly. If the purchaser has accepted a conveyance of the unit, the purchaser is not entitled to:

(a) Cancel the contract pursuant to this subsection; or

(b) Damages, rescission or other relief based solely on the ground that the unit's owner or his or her authorized agent failed to furnish the resale package, or any portion thereof, as required by this section.

3. Within 10 days after receipt of a written request by a unit's owner or his or her authorized agent, the association shall furnish all of the following to the unit's owner or his or her authorized agent for inclusion in the resale package:

(a) Copies of the documents required pursuant to paragraphs (a) and (c) of subsection 1; and

(b) A certificate containing the information necessary to enable the unit's owner to comply with paragraphs (b), (d), (e) and (f) of subsection 1.

4. If the association furnishes the documents and certificate pursuant to subsection 3:

(a) The unit's owner or his or her authorized agent shall include the documents and certificate in the resale package provided to the purchaser, and neither the unit's owner nor his or her authorized agent is liable to the purchaser for any erroneous information provided by the association and included in the documents and certificate.

(b) The association may charge the unit's owner a reasonable fee to cover the cost of preparing the certificate furnished pursuant to subsection 3. Such a fee must be based on the actual cost the association incurs to fulfill the requirements of this section in preparing the certificate. The Commission shall adopt regulations establishing the maximum amount of the fee that an association may charge for preparing the certificate.

(c) The other documents furnished pursuant to subsection 3 must be provided in electronic format to the unit's owner. The association may charge the unit's owner a fee, not to exceed $20, to provide such documents in

electronic format. If the association is unable to provide such documents in electronic format, the association may charge the unit's owner a reasonable fee, not to exceed 25 cents per page for the first 10 pages, and 10 cents per page thereafter, to cover the cost of copying.

(d) Except for the fees allowed pursuant to paragraphs (b) and (c), the association may not charge the unit's owner any other fees for preparing or furnishing the documents and certificate pursuant to subsection 3.

5. Neither a purchaser nor the purchaser's interest in a unit is liable for any unpaid assessment or fee greater than the amount set forth in the documents and certificate prepared by the association. If the association fails to furnish the documents and certificate within the 10 days allowed by this section, the purchaser is not liable for the delinquent assessment.

6. Upon the request of a unit's owner or his or her authorized agent, or upon the request of a purchaser to whom the unit's owner has provided a resale package pursuant to this section or his or her authorized agent, the association shall make the entire study of the reserves of the association which is required by NRS 116.31152 reasonably available for the unit's owner, purchaser or authorized agent to inspect, examine, photocopy and audit. The study must be made available at the business office of the association or some other suitable location within the county where the common-interest community is situated or, if it is situated in more than one county, within one of those counties.

7. A unit's owner, the authorized agent of the unit's owner or the holder of a security interest on the unit may request a statement of demand from the association. Not later than 10 days after receipt of a written request from the unit's owner, the authorized agent of the unit's owner or the holder of a security interest on the unit for a statement of demand, the association shall furnish a statement of demand to the person who requested the statement. The association may charge a fee of not more than $150 to prepare and furnish a statement of demand pursuant to this subsection and an additional fee of not more than $100 to furnish a statement of demand within 3 days after receipt of a written request for a statement of demand. The statement of demand:

(a) Must set forth the amount of the monthly assessment for common expenses and any unpaid obligation of any kind, including, without limitation, management fees, transfer fees, fines, penalties, interest, collection costs, foreclosure fees and attorney's fees currently due from the selling unit's owner; and

(b) Remains effective for the period specified in the statement of demand, which must not be less than 15 business days after the date of delivery by the association to the unit's owner, the authorized agent of the unit's owner or the holder of a security interest on the unit, whichever is applicable.

8. If the association becomes aware of an error in a statement of demand furnished pursuant to subsection 7 during the period in which the statement of demand is effective but before the consummation of a resale for which a

resale package was furnished pursuant to subsection 1, the association must deliver a replacement statement of demand to the person who requested the statement of demand. Unless the person who requested the statement of demand receives a replacement statement of demand, the person may rely upon the accuracy of the information set forth in the statement of demand provided by the association for the resale. Payment of the amount set forth in the statement of demand constitutes full payment of the amount due from the selling unit's owner.

Sec. 2. NRS 116.41095 is hereby amended to read as follows:

116.41095 The information statement required by NRS 116.4103 and 116.4109 must be in substantially the following form:

BEFORE YOU PURCHASE PROPERTY IN A
COMMON-INTEREST COMMUNITY
DID YOU KNOW . . .

1. YOU GENERALLY HAVE 5 DAYS TO CANCEL THE PURCHASE AGREEMENT?

When you enter into a purchase agreement to buy a home or unit in a common-interest community, in most cases you should receive either a public offering statement, if you are the original purchaser of the home or unit, or a resale package, if you are not the original purchaser. The law generally provides for a 5-day period in which you have the right to cancel the purchase agreement. The 5-day period begins on different starting dates, depending on whether you receive a public offering statement or a resale package. Upon receiving a public offering statement or a resale package, you should make sure you are informed of the deadline for exercising your right to cancel. In order to exercise your right to cancel, the law generally requires that you hand deliver the notice of cancellation to the seller within the 5-day period, or mail the notice of cancellation to the seller by prepaid United States mail within the 5-day period. ***Alternatively, if you are not the original purchaser and received a resale package, you may deliver the notice of cancellation by electronic transmission to the seller within the 5-day period in order to exercise your right to cancel.*** For more information regarding your right to cancel, see Nevada Revised Statutes 116.4108, if you received a public offering statement, or Nevada Revised Statutes 116.4109, if you received a resale package.

2. YOU ARE AGREEING TO RESTRICTIONS ON HOW YOU CAN USE YOUR PROPERTY?

These restrictions are contained in a document known as the Declaration of Covenants, Conditions and Restrictions. The CC&Rs become a part of the title to your property. They bind you and every future owner of the property whether or not you have read them or had them explained to you. The CC&Rs, together with other "governing documents" (such as association bylaws and rules and regulations), are intended to

preserve the character and value of properties in the community, but may also restrict what you can do to improve or change your property and limit how you use and enjoy your property. By purchasing a property encumbered by CC&Rs, you are agreeing to limitations that could affect your lifestyle and freedom of choice. You should review the CC&Rs, and other governing documents before purchasing to make sure that these limitations and controls are acceptable to you. Certain provisions in the CC&Rs and other governing documents may be superseded by contrary provisions of chapter 116 of the Nevada Revised Statutes. The Nevada Revised Statutes are available at the Internet address **http://www.leg.state.nv.us/nrs/**.

3. YOU WILL HAVE TO PAY OWNERS' ASSESSMENTS FOR AS LONG AS YOU OWN YOUR PROPERTY?

As an owner in a common-interest community, you are responsible for paying your share of expenses relating to the common elements, such as landscaping, shared amenities and the operation of any homeowners' association. The obligation to pay these assessments binds you and every future owner of the property. Owners' fees are usually assessed by the homeowners' association and due monthly. You have to pay dues whether or not you agree with the way the association is managing the property or spending the assessments. The executive board of the association may have the power to change and increase the amount of the assessment and to levy special assessments against your property to meet extraordinary expenses. In some communities, major components of the common elements of the community such as roofs and private roads must be maintained and replaced by the association. If the association is not well managed or fails to provide adequate funding for reserves to repair, replace and restore common elements, you may be required to pay large, special assessments to accomplish these tasks.

4. IF YOU FAIL TO PAY OWNERS' ASSESSMENTS, YOU COULD LOSE YOUR HOME?

If you do not pay these assessments when due, the association usually has the power to collect them by selling your property in a nonjudicial foreclosure sale. If fees become delinquent, you may also be required to pay penalties and the association's costs and attorney's fees to become current. If you dispute the obligation or its amount, your only remedy to avoid the loss of your home may be to file a lawsuit and ask a court to intervene in the dispute.

5. YOU MAY BECOME A MEMBER OF A HOMEOWNERS' ASSOCIATION THAT HAS THE POWER TO AFFECT HOW YOU USE AND ENJOY YOUR PROPERTY?

Many common-interest communities have a homeowners' association. In a new development, the association will usually be controlled by the developer until a certain number of units have been sold. After the period of developer control, the association may be controlled by

property owners like yourself who are elected by homeowners to sit on an executive board and other boards and committees formed by the association. The association, and its executive board, are responsible for assessing homeowners for the cost of operating the association and the common or shared elements of the community and for the day to day operation and management of the community. Because homeowners sitting on the executive board and other boards and committees of the association may not have the experience or professional background required to understand and carry out the responsibilities of the association properly, the association may hire professional community managers to carry out these responsibilities.

Homeowners' associations operate on democratic principles. Some decisions require all homeowners to vote, some decisions are made by the executive board or other boards or committees established by the association or governing documents. Although the actions of the association and its executive board are governed by state laws, the CC&Rs and other documents that govern the common-interest community, decisions made by these persons will affect your use and enjoyment of your property, your lifestyle and freedom of choice, and your cost of living in the community. You may not agree with decisions made by the association or its governing bodies even though the decisions are ones which the association is authorized to make. Decisions may be made by a few persons on the executive board or governing bodies that do not necessarily reflect the view of the majority of homeowners in the community. If you do not agree with decisions made by the association, its executive board or other governing bodies, your remedy is typically to attempt to use the democratic processes of the association to seek the election of members of the executive board or other governing bodies that are more responsive to your needs. If you have a dispute with the association, its executive board or other governing bodies, you may be able to resolve the dispute through the complaint, investigation and intervention process administered by the Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels, the Nevada Real Estate Division and the Commission for Common-Interest Communities and Condominium Hotels. However, to resolve some disputes, you may have to mediate or arbitrate the dispute and, if mediation or arbitration is unsuccessful, you may have to file a lawsuit and ask a court to resolve the dispute. In addition to your personal cost in mediation or arbitration, or to prosecute a lawsuit, you may be responsible for paying your share of the association's cost in defending against your claim.

6. YOU ARE REQUIRED TO PROVIDE PROSPECTIVE PURCHASERS OF YOUR PROPERTY WITH INFORMATION ABOUT LIVING IN YOUR COMMON-INTEREST COMMUNITY?

The law requires you to provide a prospective purchaser of your property with a copy of the community's governing documents, including the CC&Rs, association bylaws, and rules and regulations, as well as a copy of this document. You are also required to provide a copy of the association's current year-to-date financial statement, including, without limitation, the most recent audited or reviewed financial statement, a copy of the association's operating budget and information regarding the amount of the monthly assessment for common expenses, including the amount set aside as reserves for the repair, replacement and restoration of common elements. You are also required to inform prospective purchasers of any outstanding judgments or lawsuits pending against the association of which you are aware. For more information regarding these requirements, see Nevada Revised Statutes 116.4109.

7. YOU HAVE CERTAIN RIGHTS REGARDING OWNERSHIP IN A COMMON-INTEREST COMMUNITY THAT ARE GUARANTEED YOU BY THE STATE?

Pursuant to provisions of chapter 116 of Nevada Revised Statutes, you have the right:

(a) To be notified of all meetings of the association and its executive board, except in cases of emergency.

(b) To attend and speak at all meetings of the association and its executive board, except in some cases where the executive board is authorized to meet in closed, executive session.

(c) To request a special meeting of the association upon petition of at least 10 percent of the homeowners.

(d) To inspect, examine, photocopy and audit financial and other records of the association.

(e) To be notified of all changes in the community's rules and regulations and other actions by the association or board that affect you.

8. QUESTIONS?

Although they may be voluminous, you should take the time to read and understand the documents that will control your ownership of a property in a common-interest community. You may wish to ask your real estate professional, lawyer or other person with experience to explain anything you do not understand. You may also request assistance from the Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels, Nevada Real Estate Division, at (telephone number).

Buyer or prospective buyer's initials:_____

Date:_____

Sec. 3. This act becomes effective on July 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 268.

Bill read second time.

The following amendment was proposed by the Committee on Corrections, Parole, and Probation:

Amendment No. 663.

AN ACT relating to corrections; requiring the Director of the Department of Corrections to verify the full legal name and age of an offender who is to be released by obtaining certain documents before providing a photo identification card to the offender; authorizing a sheriff, chief of police **[,] or** town marshal **, [or director of a facility for the detention of children,]** upon request, to provide certain information and assistance to a person who is to be released from a jail or detention facility; revising provisions governing the allowance of credits to a prisoner of a local detention facility who successfully completes a program of education, a program of vocational education and training, a program of treatment for alcohol or drug abuse or another approved program; revising the documents which may be furnished to the Department of Motor Vehicles as proof of the full legal name and age of the offender to apply for a driver's license or identification card; providing for the waiver of certain fees relating to driver's licenses and identification cards for certain persons who are released from a jail or detention facility; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Corrections to provide to an offender upon the offender's release from prison and if the offender requests it: (1) a photo identification card containing the name, the date of birth and a color picture of the offender; and (2) information and reasonable assistance relating to acquiring a valid driver's license or identification card to enable the offender to obtain employment if the offender is eligible to acquire a driver's license or identification card from the Department of Motor Vehicles. (NRS 209.511) **Section 1** of this bill requires the Director to verify the full legal name and age of the offender by obtaining certain documents to prove the name and age of the offender before providing the photo identification card. **Section 2** of this bill authorizes the sheriff of a county, the chief of police of a city **[,] or** a town marshal **, [or a director of a facility for the detention of children,]** if requested, to provide a prisoner **[or child, as applicable,]** with certain information and assistance upon the person's release from the county, city or town jail or detention facility because of the expiration of the person's sentence or term of detention **. [or commitment.]**

Existing law requires the deduction of 5 days from a prisoner's term of imprisonment in a county or municipal detention facility if the prisoner earns a general educational development certificate or an equivalent document for successfully completing an educational program for adults that is conducted jointly by the local detention facility and the school district in which the facility is located. (NRS 211.330) **Section 3** of this bill provides that, under certain circumstances, a prisoner of a county, city or town jail or detention facility must be allowed a deduction of not more than 5 days from his or her term of imprisonment for: (1) earning a general educational development certificate or an equivalent document for successfully completing an educational program for adults; or (2) successfully completing a program of vocational education and training or another approved program.

Existing law authorizes the deduction of not more than 5 days from a prisoner's term of imprisonment in a county or municipal detention facility if the prisoner is awarded a certificate for successfully completing a program of treatment for the abuse of alcohol or drugs which is conducted jointly by the local detention facility and a person who holds a license or certificate as an alcohol and drug abuse counselor or counselor intern. (NRS 211.340) **Section 4** of this bill provides that, under certain circumstances, a prisoner of a county, city or town jail or detention facility must be allowed a deduction of 5 days from his or her term of imprisonment for receiving a certificate for successfully completing a program of treatment for the abuse of alcohol or drugs.

Sections 3 and 4 also provide that if the prisoner completes the applicable program with meritorious or exceptional achievement, the prisoner may be allowed up to an additional 5 days of credit.

~~[Existing law sets forth the documents that an applicant is required to present to the Department of Motor Vehicles as proof of his or her full legal name and age to apply for an instruction permit, driver's license or identification card. (NRS 483.290, 483.860) Sections 5 and 8 of this bill revise these provisions to authorize as such proof the presentation of the photo identification card issued to a person by a county, city or town jail or facility for the detention of children in this State upon the person's release from a county, city or town jail or detention facility as set forth in section 2.]~~

Existing law provides for the waiver of: (1) certain fees for furnishing a duplicate driver's license for a person who was released from prison within the 90 days immediately preceding the person's application for the driver's license or identification card; and (2) the cost of producing a photograph for a driver's license or identification card. (NRS 483.417, 483.825) **Sections 6 and 7** of this bill authorize the waiver of the fees for a person who was released from a county, city or town jail or a detention facility within the immediately preceding 90 days.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 209.511 is hereby amended to read as follows:

209.511 1. ~~[When]~~ ***Except as otherwise provided in subsection 2, when*** an offender is released from prison by expiration of his or her term of sentence, by pardon or by parole, the Director:

(a) May furnish the offender with a sum of money not to exceed $100, the amount to be based upon the offender's economic need as determined by the Director;

(b) Shall give the offender notice of the provisions of chapter 179C of NRS and NRS 202.357 and 202.360;

(c) Shall require the offender to sign an acknowledgment of the notice required in paragraph (b);

(d) Shall give the offender notice of the provisions of NRS 179.245 and the provisions of NRS 213.090, 213.155 or 213.157, as applicable;

(e) Shall provide the offender with information relating to obtaining employment, including, without limitation, any programs which may provide bonding for an offender entering the workplace and any organizations which may provide employment or bonding assistance to such a person;

(f) Shall provide the offender with a photo identification card issued by the Department and information and reasonable assistance relating to acquiring a valid driver's license or identification card to enable the offender to obtain employment, if the offender:

(1) Requests a photo identification card; or

(2) Requests such information and assistance and is eligible to acquire a valid driver's license or identification card from the Department of Motor Vehicles;

(g) May provide the offender with clothing suitable for reentering society;

(h) May provide the offender with the cost of transportation to his or her place of residence anywhere within the continental United States, or to the place of his or her conviction;

(i) May, but is not required to, release the offender to a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS; and

(j) Shall require the offender to submit to at least one test for exposure to the human immunodeficiency virus.

2. ***The Director shall not provide an offender with a photo identification card pursuant to paragraph (f) of subsection 1 unless the Director has verified the full legal name and age of the offender by obtaining an original or certified copy of the documents required by the Department of Motor Vehicles pursuant to NRS 483.290 or 483.860, as applicable, furnished as proof of the full legal name and age of an applicant for a driver's license or identification card.***

3. The costs authorized in paragraphs (a), (f), (g), (h) and (j) of subsection 1 must be paid out of the appropriate account within the State General Fund for the use of the Department as other claims against the State are paid to the extent that the costs have not been paid in accordance with subsection 5 of NRS 209.221 and NRS 209.246.

~~[3.]~~ ***4.*** As used in this section:

(a) "Facility for transitional living for released offenders" has the meaning ascribed to it in NRS 449.0055.

(b) "Photo identification card" means a document which includes the name, date of birth and a color picture of the offender.

Sec. 2. Chapter 211 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, when a prisoner is released from a county, city or town jail or detention facility ~~[or when a child is released from a juvenile detention facility]~~ by expiration of his or her term of imprisonment, ~~[detention or commitment, as applicable,]~~ the sheriff, chief of police ~~[,]~~ or town marshal , ~~[or director of the juvenile detention facility,]~~ as applicable, may provide the prisoner ~~[or child, as applicable,]~~ with information and reasonable assistance relating to acquiring a valid driver's license or identification card to enable the prisoner ~~[or child]~~ to obtain employment or participate in transitional programming, if the prisoner ~~[or child]~~ requests such information and assistance and ~~[, if applicable,]~~ is eligible to acquire a valid driver's license or identification card from the Department of Motor Vehicles.

2. The sheriff, chief of police ~~[,]~~ or town marshal , ~~[or director of a juvenile detention facility,]~~ as applicable, shall not provide a prisoner ~~[or child]~~ with information or assistance relating to acquiring a driver's license or a photo identification card pursuant to subsection 1 unless he or she has verified the full legal name and age of the prisoner ~~[or child]~~ by obtaining an original or certified copy of the documents required by the Department of Motor Vehicles pursuant to NRS 483.290 or 483.860, as applicable, furnished as proof of the full legal name and age of an applicant for a driver's license or identification card.

3. As used in this section ~~[:~~

~~(a) "Juvenile detention facility" means:~~

~~(1) A local facility for the detention of children as defined in NRS 62A.190; or~~

~~(2) A regional facility for the detention of children as defined in NRS 62A.280.~~

~~(b) "Photo]~~ , "photo identification card" means a document which includes the name, the date of birth and a color picture of the prisoner . ~~[or child.]~~

Sec. 3. NRS 211.330 is hereby amended to read as follows:

211.330 1. ~~[In]~~ ***A prisoner who has no serious infraction of the regulations of the county, city or town jail or detention facility in which the***

prisoner is incarcerated or detained, the terms and conditions of his or her residential confinement or the laws of this State recorded against the prisoner must be allowed, in addition to the credits on a term of imprisonment provided for in NRS 211.310, 211.320 and 211.340, ~~[the sheriff of the county or the chief of police of the municipality in which a prisoner is incarcerated shall deduct]~~ ***a deduction of not more than*** 5 days from the prisoner's term of imprisonment for ~~[earning]~~ ***:***

(a) Earning a general educational development certificate or an equivalent document by successfully completing an educational program for adults ~~[. conducted jointly by the local detention facility in which the prisoner is incarcerated and the school district in which the facility is located.]~~ ***; or***

(b) Successfully completing:

(1) A program of vocational education and training; or

(2) Any other program approved by the sheriff of the county, the chief of police of the municipality or the director, as applicable, for the county, city or town jail or detention facility, as applicable, in which the prisoner is incarcerated or detained.

2. ~~[The provisions of this section apply to any prisoner who is sentenced on or after October 1, 1991, to a term of imprisonment of 90 days or more.]~~ ***If the prisoner completes such a program with meritorious or exceptional achievement, the prisoner may be allowed not more than 5 days of credit for each such program in addition to the days allowed for the successful completion of the program pursuant to subsection 1.***

Sec. 4. NRS 211.340 is hereby amended to read as follows:

211.340 1. ~~[In]~~ ***A prisoner who has no serious infraction of the regulations of the county, city or town jail or detention facility in which the prisoner is incarcerated or detained, the terms and conditions of his or her residential confinement or the laws of this State recorded against the prisoner must be allowed, in*** addition to the credits on a term of imprisonment provided for in NRS 211.310, 211.320 and 211.330, ~~[the sheriff of the county or the chief of police of the municipality in which a prisoner is incarcerated may deduct]~~ not more than 5 days from the prisoner's term of imprisonment if the prisoner:

(a) Successfully completes a program of treatment for the abuse of alcohol or drugs ***;*** ~~[which is conducted jointly by the local detention facility in which the prisoner is incarcerated and a person who is licensed as a clinical alcohol and drug abuse counselor, licensed or certified as an alcohol and drug abuse counselor or certified as an alcohol and drug abuse counselor intern or a clinical alcohol and drug abuse counselor intern, pursuant to chapter 641C of NRS;]~~ and

(b) Is awarded a certificate evidencing the prisoner's successful completion of the program.

2. ~~[The provisions of this section apply to any prisoner who is sentenced on or after October 1, 1991, to a term of imprisonment of 90 days or more.]~~

If the prisoner completes such a program with meritorious or exceptional achievement, the prisoner may be allowed not more than 5 days of credit in addition to the days allowed for the successful completion of the program pursuant to subsection 1.

Sec. 5. ~~[NRS 483.290 is hereby amended to read as follows:~~

~~483.290 1. An application for an instruction permit or for a driver's license must:~~

~~(a) Be made upon a form furnished by the Department.~~

~~(b) Be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.~~

~~(c) Be accompanied by the required fee.~~

~~(d) State the full legal name, date of birth, sex, address of principal residence and mailing address, if different from the address of principal residence, of the applicant and briefly describe the applicant.~~

~~(e) State whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal.~~

~~(f) Include such other information as the Department may require to determine the competency and eligibility of the applicant.~~

~~2. Every applicant must furnish proof of his or her full legal name and age by displaying:~~

~~(a) An original or certified copy of the required documents as prescribed by regulation; or~~

~~(b) A photo identification card issued by~~ **[**the**]** ***:***

~~***(1) The*** Department of Corrections pursuant to NRS 209.511 **[**.**]** ***; or***

~~***(2) A county, city or town jail or detention facility or a juvenile detention facility in this State pursuant to section 2 of this act.***

~~3. The Department shall adopt regulations prescribing the documents an applicant may use to furnish proof of his or her full legal name and age to the Department pursuant to paragraph (a) of subsection 2.~~

~~4. At the time of applying for a driver's license, an applicant may, if eligible, register to vote pursuant to NRS 293.524.~~

~~5. Every applicant who has been assigned a social security number must furnish proof of his or her social security number by displaying:~~

~~(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or~~

~~(b) Other proof acceptable to the Department, including, without limitation, records of employment or federal income tax returns.~~

~~6. The Department may refuse to accept a driver's license issued by another state, the District of Columbia or any territory of the United States if the Department determines that the other state, the District of Columbia or~~

~~the territory of the United States has less stringent standards than the State of Nevada for the issuance of a driver's license.~~

~~— 7. With respect to any document presented by a person who was born outside of the United States to prove his or her full legal name and age, the Department:~~

~~— (a) May, if the document has expired, refuse to accept the document or refuse to issue a driver's license to the person presenting the document, or both; and~~

~~— (b) Shall issue to the person presenting the document a driver's license that is valid only during the time the applicant is authorized to stay in the United States, or if there is no definite end to the time the applicant is authorized to stay, the driver's license is valid for 1 year beginning on the date of issuance.~~

~~— 8. The Administrator shall adopt regulations setting forth criteria pursuant to which the Department will issue or refuse to issue a driver's license in accordance with this section to a person who is a citizen of any state, the District of Columbia, any territory of the United States or a foreign country. The criteria pursuant to which the Department shall issue or refuse to issue a driver's license to a citizen of a foreign country must be based upon the purpose for which that person is present within the United States.~~

~~— 9. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an instruction permit or for a driver's license. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.~~ **(Deleted by amendment.)**

Sec. 6. NRS 483.417 is hereby amended to read as follows:

483.417 1. The Department shall waive the fee prescribed by NRS 483.410 and the increase in the fee required by NRS 483.347 not more than one time for furnishing a duplicate driver's license to:

(a) A homeless person who submits a signed affidavit on a form prescribed by the Department stating that the person is homeless.

(b) A person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding 90 days.

(c) A person who submits documentation from a county, city or town jail or detention facility ~~[or a juvenile detention facility]~~ verifying that the person was released from the county, city or town jail or detention facility , ~~[or the juvenile detention facility,]~~ as applicable, within the immediately preceding 90 days.

2. A vendor that has entered into an agreement with the Department to produce photographs for drivers' licenses pursuant to NRS 483.347 may waive the cost it charges the Department to produce the photograph of a homeless person or person released from prison ***or a county, city or town jail or detention facility ~~[or a juvenile detention facility]~~*** for a duplicate driver's license.

3. If the vendor does not waive pursuant to subsection 2 the cost it charges the Department and the Department has waived the increase in the fee required by NRS 483.347 for a duplicate driver's license furnished to a person pursuant to subsection 1, the person shall reimburse the Department in an amount equal to the increase in the fee required by NRS 483.347 if the person:

(a) Applies to the Department for the renewal of his or her driver's license; and

(b) Is employed at the time of such application.

4. The Department may accept gifts, grants and donations of money to fund the provision of duplicate drivers' licenses without a fee to persons pursuant to subsection 1.

~~***[5. As used in this section, "juvenile detention facility" means:***~~

~~***(a) A local facility for the detention of children as defined in NRS 62A.190; or***~~

~~***(b) A regional facility for the detention of children as defined in NRS 62A.280.]***~~

Sec. 7. NRS 483.825 is hereby amended to read as follows:

483.825 1. The Department shall waive the fee prescribed by NRS 483.820 and the increase in the fee required by NRS 483.347 not more than one time for furnishing a duplicate identification card to:

(a) A homeless person who submits a signed affidavit on a form prescribed by the Department stating that the person is homeless.

(b) A person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding 90 days.

(c) A person who submits documentation from a county, city or town jail or detention facility ~~***[or a juvenile detention facility]***~~ ***verifying that the person was released from the county, city or town jail*** ***,*** ~~***[for the juvenile detention facility,]***~~ ***as applicable, within the immediately preceding 90 days.***

2. A vendor that has entered into an agreement with the Department to produce photographs for identification cards pursuant to NRS 483.347 may waive the cost it charges the Department to produce the photograph of a homeless person or person released from prison ***, a county, city or town jail or detention facility*** ~~***[or a juvenile detention facility]***~~ for a duplicate identification card.

3. If the vendor does not waive pursuant to subsection 2 the cost it charges the Department and the Department has waived the increase in the fee required by NRS 483.347 for a duplicate identification card furnished to a person pursuant to subsection 1, the person shall reimburse the Department in an amount equal to the increase in the fee required by NRS 483.347 if the person:

(a) Applies to the Department for the renewal of his or her identification card; and

(b) Is employed at the time of such application.

4. The Department may accept gifts, grants and donations of money to fund the provision of duplicate identification cards without a fee to persons pursuant to subsection 1.

5. As used in this section , "photograph" ~~*[:*~~

~~*(a) "Juvenile detention facility" means:*~~

~~*(1) A local facility for the detention of children as defined in NRS 62A.190; or*~~

~~*(2) A regional facility for the detention of children as defined in NRS 62A.280.*~~

~~*(b) "Photograph"]*~~ has the meaning ascribed to it in NRS 483.125.

Sec. 8. ~~[~~NRS 483.860 is hereby amended to read as follows:~~

483.860 1. Every applicant for an identification card must furnish proof of his or her full legal name and age by presenting:~~

~~(a) An original or certified copy of the required documents as prescribed by regulation; or~~

~~(b) A photo identification card issued by~~ **[**the**]** ~~*.*~~

~~*(1) The* Department of Corrections pursuant to NRS 209.511~~ **[.]** ~~*; or*~~

~~*(2) A county, city or town jail or detention facility or juvenile detention facility in this State pursuant to section 2 of this act.*~~

~~2. The Director shall adopt regulations:~~

~~(a) Prescribing the documents an applicant may use to furnish proof of his or her full legal name and age to the Department pursuant to paragraph (a) of subsection 1; and~~

~~(b) Setting forth criteria pursuant to which the Department will issue or refuse to issue an identification card in accordance with this section to a person who is a citizen of a state, the District of Columbia, any territory of the United States or a foreign country. The criteria pursuant to which the Department shall issue or refuse to issue an identification card to a citizen of a foreign country must be based upon the purpose for which that person is present within the United States.~~

~~3. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an identification card. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.~~**]** **(Deleted by amendment.)**

Sec. 9. (Deleted by amendment.)

Sec. 10. This act becomes effective:

1. Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On October 1, 2017, for all other purposes.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 376.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 682.

AN ACT relating to estates; revising provisions relating to certain agreements between heir finders and apparent heirs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that an agreement between an heir finder and an apparent heir, the primary purpose of which is to locate, recover or assist in the recovery of an estate for which the public administrator has petitioned for letters of administration, is void and unenforceable if it is entered into during the period beginning with the death of the person whose estate is in probate until 90 days thereafter. (NRS 139.135) This bill ~~[extends]~~ **authorizes a court, upon a showing of good cause, to extend** the period of unenforceability ~~[to 1 year]~~ **until 180 days** after the death of such a person.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 139.135 is hereby amended to read as follows:

139.135 1. An agreement between an heir finder and an apparent heir, the primary purpose of which is to locate, recover or assist in the recovery of an estate for which the public administrator has petitioned for letters of administration, is void and unenforceable if the agreement is entered into during the period beginning with the death of the person whose estate is in probate until 90 days ~~*[1 year]*~~ thereafter. ***Upon a showing of good cause, the court may extend such a period until 180 days after the death of the person.***

2. As used in this section, "heir finder" means a person who, for payment of a fee, assignment of a portion of any interest in a decedent's estate or other consideration, provides information, assistance, forensic genealogy research or other efforts related to another person's right to or interest in a decedent's estate. The term does not include:

(a) A person acting in the capacity of a personal representative or guardian ad litem;

(b) A person appointed to perform services by a probate court in which a proceeding in connection with a decedent's estate is pending; or

(c) An attorney providing legal services to a decedent's family member if the attorney has not agreed to pay to any other person a portion of the fees received from the family member or the family member's interest in the decedent's estate.

Sec. 2. The amendatory provisions of this act apply to agreements described in this act that are entered into on or after October 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.
Remarks by Assemblyman Yeager.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 384.
Bill read second time and ordered to third reading.

Senate Bill No. 411.
Bill read second time and ordered to third reading.

Senate Bill No. 422.
Bill read second time and ordered to third reading.

Senate Bill No. 447.
Bill read second time and ordered to third reading.

Senate Bill No. 491.
Bill read second time and ordered to third reading.

Senate Bill No. 493.
Bill read second time and ordered to third reading.

Senate Bill No. 513.
Bill read second time and ordered to third reading.

Senate Joint Resolution No. 5.
Resolution read second time and ordered to third reading.

Senate Joint Resolution No. 8.
Resolution read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 13, 15, 19, 20, 27, 29, 32, 35, 40, 42, 110, 112, 131, 177, 202, 241, 256, 267, 277, 301, 313, 326, 362, and 412 be taken from their positions on the General File and placed after Assembly Bill No. 496 on the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 41.
Bill read third time.
Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 41 had an extensive amendment adopted yesterday and I read all the different changes of positions in the amendment on Assembly Bill 41. I would be happy to stand for any questions. I am sure you do not want to hear that two-page description again. I urge the passage of Assembly Bill 41.

Roll call on Assembly Bill No. 41:

YEAS—36.

NAYS—Edwards, Ellison, Marchant, Wheeler—4.

EXCUSED—Paul Anderson, Hambrick—2.

Assembly Bill No. 41 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 495.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 495 makes an appropriation of $70,387 not included in the Executive Budget to the Division of Emergency Management for the cost associated with setting up a joint field office with the Federal Emergency Management Agency on flood reimbursements related to the 2017 floods. I urge its passage.

Roll call on Assembly Bill No. 495:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Hambrick—2.

Assembly Bill No. 495 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 496.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 496 makes a supplemental appropriation from the General Fund to the Office of the Secretary of State for a projected shortfall related to credit card processing fees. The supplemental appropriation is for $598,200. In the future they may need another supplement, and they will be coming to the IFC [Interim Finance Committee] for the balance of the money due.

Roll call on Assembly Bill No. 496:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Hambrick—2.

Assembly Bill No. 496 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 13.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Senate Bill 13 abolishes the Advisory Board on Motorcycle Safety. This measure is effective on July 1, 2017.

Roll call on Senate Bill No. 13:
YEAS—40.
NAYS—None.
EXCUSED—Paul Anderson, Hambrick—2.
Senate Bill No. 13 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:28 p.m.

ASSEMBLY IN SESSION

At 1:30 p.m.
Mr. Speaker presiding.
Quorum present.

Senate Bill No. 15.
Bill read third time.
Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:
Senate Bill 15 clarifies the difference between duplicate license plates and replacement license plates by defining "replacement number plate" to mean a license plate that previously was issued but has been expired for a continuous period of more than 18 months. The bill also provides that certain plates which are substantially in the same color and form as plates commonly referred to as old-style blue license plates, which were manufactured between January 1, 1982, and June 30, 2015, are not subject to the requirement that the Department of Motor Vehicles reissue the plates every eight years.
The measure further provides that the 125th and 150th commemorative license plates also are exempt from that reissuance requirement. Finally, the bill revises the citation for a "hunter's permit" to conform to the newly amended version of the International Registration Plan.

Roll call on Senate Bill No. 15:
YEAS—41.
NAYS—None.
EXCUSED—Hambrick.
Senate Bill No. 15 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 19.
Bill read third time.
Remarks by Assemblyman McCurdy.

ASSEMBLYMAN MCCURDY:
Senate Bill 19 establishes certain requirements for students who wish to enroll in dual credit courses. This bill requires each school district and charter school to enter into a cooperative agreement with at least one community college, state college, or university to offer dual credit courses to students. A student who successfully completes a workforce development program from an authorized post-secondary institution must be allowed to apply the credit received toward a related credential, certificate, or degree.

The bill requires a school district board of trustees to prepare a written notice identifying dual credit courses available to students enrolled within the district, including charter schools. It also requires each academic plan for a student enrolled in a dual credit course to address how the course will enable the student to achieve post-graduation goals.

Finally, Senate Bill 19 prohibits the State Board of Education from unreasonably limiting the number of dual credit courses in which a student may enroll.

The effective date will be January 1, 2018.

Roll call on Senate Bill No. 19:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Senate Bill No. 19 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 20.

Bill read third time.

Remarks by Assemblyman Fumo.

ASSEMBLYMAN FUMO:

Senate Bill 20 repeals provisions requiring teachers and other educational personnel to demonstrate knowledge of the *Constitution of the United States* and the *Constitution of the State of Nevada* for initial licensure. Instead, the bill requires teachers new to Nevada or the profession to be trained and demonstrate proficiency in certain aspects of the *Constitution of the State of Nevada* and Nevada's school laws as prescribed through regulations to be adopted by the Commission on Professional Standards in Education. Substitute teachers are excluded from this training requirement.

This bill is effective upon passage and approval.

Roll call on Senate Bill No. 20:

YEAS—35.

NAYS—Hansen, Krasner, Marchant, McArthur, Oscarson, Wheeler—6.

EXCUSED—Hambrick.

Senate Bill No. 20 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 27.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Senate Bill 27 revises the definition of "mental illness" to mean a clinically significant disorder of thought, mood, perception, orientation, memory, or behavior that seriously limits the capacity of a person to function in the primary aspects of daily living, including, without limitation, personal relations, living arrangements, employment, and recreation. The term does not include other mental disorders that result in diminished capacity, including, without limitation, epilepsy, intellectual disability, dementia, delirium, brief periods of intoxication caused by alcohol or drugs, or dependence upon or addiction to alcohol or drugs. This measure is effective on July 1, 2017.

Roll call on Senate Bill No. 27:
YEAS—41.
NAYS—None.
EXCUSED—Hambrick.
Senate Bill No. 27 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 29.
Bill read third time.
Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:
Senate Bill 29 authorizes a justice or municipal court, upon its own motion, to transfer a criminal case to another justice or municipal court or to a district court if the transfer is necessary to achieve justice for the defendant, a plea deal or final disposition has been reached in the case, and the court enters its findings regarding the necessity for the transfer into the record.
If a district court declines to accept a case on transfer, the case must be returned to the court of original jurisdiction.

Roll call on Senate Bill No. 29:
YEAS—41.
NAYS—None.
EXCUSED—Hambrick.
Senate Bill No. 29 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 32.
Bill read third time.
Remarks by Assemblywoman Tolles.

ASSEMBLYWOMAN TOLLES:
Senate Bill 32 revises in two ways provisions governing securities transactions that may be exempted from registration requirements. First, this exemption provision is revised to apply to a sale of securities if certain other conditions are met, not just an offer to sell securities. Second, the transaction must be part of an issue in which there are not more than 35 purchasers in this state during any 12 consecutive months, instead of just 25 purchasers. This bill is effective on October 1, 2017.

Roll call on Senate Bill No. 32:
YEAS—41.
NAYS—None.
EXCUSED—Hambrick.
Senate Bill No. 32 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 35.
Bill read third time.
Remarks by Assemblywoman Miller.

ASSEMBLYWOMAN MILLER:

Senate Bill 35 creates the Subcommittee on Criminal Justice Information Sharing of the Advisory Commission on the Administration of Justice for the purpose of reviewing issues related to the Nevada Criminal Justice Information System.

The bill requires the Advisory Commission to make recommendations regarding the sharing of criminal justice information in this state and provide those recommendations to the Legislature and the Director of the Department of Public Safety. The bill adds to the Advisory Commission a representative of the Central Repository for Nevada Records of Criminal History. Statutory provisions pertaining to the current Advisory Committee on Nevada Criminal Justice Information Sharing are repealed.

Roll call on Senate Bill No. 35:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Senate Bill No. 35 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 40.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Senate Bill 40 amends the Uniform Child Custody Jurisdiction and Enforcement Act to provide that a person seeking registration of an out-of-state custody determination in this state is required to serve notice via registered or certified mail upon any parent or other person who has custody or visitation rights.

Roll call on Senate Bill No. 40:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Senate Bill No. 40 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 42.

Bill read third time.

Remarks by Assemblyman Fumo.

ASSEMBLYMAN FUMO:

Senate Bill 42 revises the date for a board of county commissioners to fix the compensation for justices of the peace from July to December in any year in which a justice of the peace election is held. This bill is effective upon passage and approval.

Roll call on Senate Bill No. 42:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Senate Bill No. 42 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 110.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Senate Bill 110 waives the requirement for a person to publish personal information in a newspaper for several weeks concerning a petition to change the person's name if the stated reason for the change is to conform the person's name to their gender identity.

Roll call on Senate Bill No. 110:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Senate Bill No. 110 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 112.

Bill read third time.

Remarks by Assemblywoman Tolles.

ASSEMBLYWOMAN TOLLES:

Senate Bill 112 requires a course of study in health for students enrolled in middle school, junior high school, or high school to incorporate instruction on organ and tissue donation, including how to register as a donor and the rules governing donor gifts in Nevada, the societal and individual benefits of organ and tissue donation, and facts about organ and tissue donation. This bill is effective on July 1, 2017.

I have had several students over the years in my classes give speeches about how they were the recipients of donated organs and they were standing before our class alive because of those who donated. I believe this will help save lives and I am proud to support it.

Roll call on Senate Bill No. 112:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Senate Bill No. 112 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 131.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Senate Bill 131 requires a retail community pharmacy that dispenses a drug to notify the person to whom the drug is dispensed of the availability of a prescription reader, and upon request, provide to that person a prescription reader or directions or advice on obtaining a prescription reader.

Roll call on Senate Bill No. 131:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Senate Bill No. 131 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 177.

Bill read third time.

Remarks by Assemblywoman Tolles.

ASSEMBLYWOMAN TOLLES:

Senate Bill 177 amends the definition of "mental illness" to include hoarding disorder, as described in the fifth edition of the *Diagnostic and Statistical Manual of Mental Disorders*, for the purpose of assigning certain offenders to programs for the treatment of mental illness.

This bill is effective on October 1, 2017.

Roll call on Senate Bill No. 177:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Senate Bill No. 177 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 202.

Bill read third time.

Remarks by Assemblymen Daly and Hansen.

ASSEMBLYMAN DALY:

Senate Bill 202 amends the Charter of the City of Sparks to require ward-only voting in a general election for each member of the Council; it requires that regardless of the number of candidates for an office at the primary election. If one candidate receives a majority of the votes at the primary election, he or she must be declared elected to the office, and no general election for the office need be held.

It requires that newly elected municipal judges be licensed members of the State Bar of Nevada. This measure is effective on October 1, 2017.

ASSEMBLYMAN HANSEN:

I rise in opposition to Senate Bill 202. I was born and raised in Sparks and represent a section of it still. I am very concerned about two sections of the bill. First, municipal court judges only deal with misdemeanors and things under that. There is no reason they have to be the highly trained lawyers that we need. I do not think the citizens of Sparks are improperly served by allowing people who are not necessarily judges to run for that office.

The other thing that really disturbs me is section 3 of the bill which says that if a candidate receives a majority in the primary election, they are automatically the winner of the election cycle. The problem with that is primaries are done in tandem with the other primaries where there are, in fact, partisan races. What happens is that people in Nevada, one-third of which are nonpartisan registered—we are down to 33 percent Republican and 39 percent Democrat. The rest of them will essentially be eliminated from selecting their own people. We had a bill last session, which I am sad to say I voted for, that I am trying to correct. We are slowly but surely eliminating the ability of people who are nonpartisan or a member of a small third party to be able to make certain selections. I think we have to be very careful. I think both parties are very anxious to try to court the vote of people who are not registered with either of the two major parties, and this bill actually disenfranchises them to a certain extent. I strongly urge my colleagues, especially those who believe so strongly that everybody in this state should have the right to vote, to say no to this bill.

ASSEMBLYMAN DALY:

I would like to clarify for the record that the election for city council members are nonpartisan. Every voter in the City of Sparks is allowed to vote for those nonpartisan races in the primary, and you have to get over 50 percent in that race in order to be declared the winner. No one is disenfranchised; everyone has the right to vote in every party, because it is a nonpartisan race.

Roll call on Senate Bill No. 202:

YEAS—29.

NAYS—Edwards, Ellison, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Titus, Tolles, Wheeler, Woodbury—12.

EXCUSED—Hambrick.

Senate Bill No. 202 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 241.

Bill read third time.

Remarks by Assemblywoman Miller.

ASSEMBLYWOMAN MILLER:

Senate Bill 241 establishes the State Seal of Science, Technology, Engineering, and Mathematics [STEM] Program and the State Seal of Science, Technology, Engineering, Arts, and Mathematics [STEAM] Program. The programs provide that a special seal be affixed to the high school diploma and noted on the transcript of a student who has achieved it.

School districts, charter schools, and university schools for profoundly gifted students may choose to participate in the programs. Further, the measure specifies the academic performance criteria required for a student to qualify for the programs.

Roll call on Senate Bill No. 241:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Senate Bill No. 241 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 256.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Senate Bill 256 requires the Board of Dental Examiners of Nevada to appoint a three-person panel to review investigations and informal hearings conducted by an investigator of the Board. The panel must consist of one member of the Board who is licensed to practice dentistry, one member of the Board who is licensed to practice dental hygiene, and one person who is not a member of the Board who is licensed to practice in the same profession as the subject of the investigation or informal hearing.

Roll call on Senate Bill No. 256:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Senate Bill No. 256 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 267.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Senate Bill 267 removes an existing population cap so that a foreclosure sale in a county with a population of less than 100,000 people can be held at a location designated by the governing body of the county rather than at the county courthouse. A mortgagee or beneficiary of a deed of trust under a residential mortgage loan is required to provide the Division of Financial Institutions with certain contact information. The bill also extends to June 30, 2021, the expiration date of provisions governing the expedited process for the foreclosure of abandoned residential property.

Roll call on Senate Bill No. 267:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Senate Bill No. 267 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 277.

Bill read third time.

Remarks by Assemblyman Fumo.

ASSEMBLYMAN FUMO:

Senate Bill 277 creates the Subcommittee on Criminal Justice Information Sharing of the Advisory Commission on the Administration of Justice, prescribes the duties thereof, and authorizes the Subcommittee to appoint working groups that are not subject to the Open Meeting Law for reasons of confidentiality. Additionally, the membership of the Advisory Commission on the Administration of Justice is revised to include a representative of the Central Repository for Nevada Records of Criminal History.

The bill authorizes the Division of Public and Behavioral Health to release the name and other identifying information of a person who has applied for a medical marijuana registry identification card to the Division of Parole and Probation if the Division of Public and Behavioral Health has been notified that the applicant is on parole or probation.

Finally, the bill repeals the Advisory Committee on Nevada Criminal Justice Information Sharing. This bill is effective on October 1, 2017.

Roll call on Senate Bill No. 277:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Senate Bill No. 277 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 301.

Bill read third time.

Remarks by Assemblywoman Krasner.

ASSEMBLYWOMAN KRASNER:

Senate Bill 301 abolishes the State Board for Career and Technical Education and transfers its duties to the State Board of Education and the Superintendent of Public Instruction. It requires that the Department of Education include in its annual report of the state of public education certain information related to career and technical education and repeals a duplicate report. It changes the name of the Advisory Council on Parental Involvement and Family Engagement to the Advisory Council for Family Engagement and modifies its annual reporting requirements, and it abolishes the Interagency Panel responsible for making recommendations concerning certain students with disabilities.

This bill is effective on July 1, 2017.

Roll call on Senate Bill No. 301:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Senate Bill No. 301 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 313.

Bill read third time.

Remarks by Assemblywoman Bilbray-Axelrod.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Senate Bill 313 authorizes trustees or the governing authority of a public library to establish a gift fund with a financial institution and to transfer money from the gift fund to a tax-exempt library foundation operated for the support of the library. Trustees are authorized to enter into a lease or lease-purchase agreement for real or personal property for a library and to convey property for that purpose.

Roll call on Senate Bill No. 313:

YEAS—31.

NAYS—Paul Anderson, Ellison, Hansen, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Wheeler—10.

EXCUSED—Hambrick.

Senate Bill No. 313 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 326.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Senate Bill 326 requires a child care facility, to the extent authorized by federal law, to give priority admission to a child whose parent or guardian is serving on active duty in the Armed Forces, whose parent was killed or died as a direct result of injuries received while serving honorably on active duty, or whose parent is currently or was recently missing in action or a prisoner of war.

This measure is effective on July 1, 2017.

Roll call on Senate Bill No. 326:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Senate Bill No. 326 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 362.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Senate Bill 362 provides that a crime related to racketeering includes the three following new crimes to be added: forgery of a credit card or debit card, obtaining and using the personal information of another person, and establishing or possessing a financial forgery laboratory.

Roll call on Senate Bill No. 362:

YEAS—40.

NAYS—Fumo.

EXCUSED—Hambrick.

Senate Bill No. 362 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 412.

Bill read third time.

Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

Senate Bill 412 revises provisions related to the certification of eligibility of certain customers of telecommunications companies for discounted lifeline service rates. Specifically, the bill authorizes the Public Utilities Commission of Nevada to terminate the certification service of an independent administrator when the National Lifeline Eligibility Verifier established by the Federal Communications Commission is able to provide such certification or recertification service to telecommunications companies in Nevada. The measure provides the National Lifeline Eligibility Verifier access to the database created and maintained by the Department of Health and Human Services for the exclusive purpose of determining or verifying the status of an eligible customer.

Roll call on Senate Bill No. 412:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Senate Bill No. 412 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 2, 43, 91, 133, 140, 160, 173, 182, 206, 230, 237, 240, 247, 252, 279, 295, 311, 318, 324, 338, 454, 464, 466, 483, and 515; Senate Joint Resolution No. 13

be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 7—Designating certain members of the Assembly as regular and alternate members of the Legislative Commission for the 2017-2019 biennium.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That, pursuant to the provisions of NRS 218E.150 and the Joint Standing Rules of the Legislature, the following members of the Assembly are designated regular and alternate members of the Legislative Commission to serve until their successors are designated: Mr. Jason Frierson, Ms. Teresa Benitez-Thompson, Ms. Maggie Carlton, Mr. Paul Anderson, Mr. Jim Wheeler and Mr. Keith Pickard are designated as the regular Assembly members; Mr. Nelson Araujo and Ms. Daniele Monroe-Moreno are designated as the first and second alternate members, respectively, for Mr. Jason Frierson; Mr. Mike Sprinkle and Mr. Skip Daly are designated as the first and second alternate members, respectively, for Ms. Teresa Benitez-Thompson; Ms. Olivia Diaz and Mr. Steve Yeager are designated as the first and second alternate members, respectively, for Ms. Maggie Carlton; Mr. James Oscarson and Mr. Chris Edwards are designated as the first and second alternate members, respectively, for Mr. Paul Anderson; Mr. John Hambrick and Ms. Jill Tolles are designated as the first and second alternate members, respectively, for Mr. Jim Wheeler; and Mr. Al Kramer and Ms. Robin Titus are designated as the first and second alternate members, respectively, for Mr. Keith Pickard.

Assemblywoman Benitez-Thompson moved adoption of the resolution.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Brooks, the privilege of the floor of the Assembly Chamber for this day was extended to Elsa Roe and Bernice Borak.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Esther Bennett Elementary School: Sassha Andrade, Fatima Bernal, Cody Bests, John Brandt, Aubreigh Brown, Johnney Carlos Martinez, Hannah Cooley, Gissell Cortez, Caleb Dewald, Jonathon Flores, John Carlo Gregorio, Marcos Hilliard-Heredia, Esmeralda Jaramillo Martinez, Steven Lopez, Juan Martinez Rodriguez, Annamaria Olivas, Rubi Ramos Villalvazo, Alan Reyes, Deanna Sirotek, Emely Solano Montes, Kyle Thornhill, Lindsey Turner, Nancy Velasquez Quezada, Yajaira Zarate Rios, Gwen Schmierer, Adam Abed, Rylan Beeler, Megan Burdette, Abraham Chavez Guzman, Natalie Corona-Ayala, Zakarih Crosson, Genesis Cummins, Erika De La Torre, Lukas Green, Cesar Gudino Landeros, Wan Lee, Jayde Medeiros, Rosalyn Murillo, Quintin Neal, Mia Nunez, Nicholas Orozco, Noly Orozco, Guizlow Partida, Jesus Piedra-Flores, Elisett Pinedo, Ivelyn Reyes Lopez, Cali Surtees, Lilly Zelaya Perez, Jonathan Aguilar Varela, Brayden Arny, Sasha Bayless, Bilder Carias Meza, Skylar Dillon, Dayana Garcia Navarro, Nathan Garcia-Johnson, Haloh Glosen Quinones,

Sakura Heath, Hailey Kennedy, Dennis Heemer, Tryston Keeney, Luke Lipkowitz, Diana Maldonado Lemus, Emely Perez Aguilar, Ricardo Ramirez Pineda, Noe Rios-Rodrogiez, Noe Salazar Romero, Rosa Salinas Lemus, Jaime Santiago Rangel, Jennifer Tavares Diaz, Haleigh Thompson, and Gael Virgen Morelos.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Mallory Reed and Evelyn Trevino.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Bailey Charter Elementary School: Sage Blacketer, Lilly Buddin, Carlos Burgos Gil, David Chinas, Shayla Cook, Miguel Diaz Solis, Steven Duron, Elisabet Garrido, Yasmin Gomez Diaz, Alexis Hernandez Marquez, America Hidalgo, Kylie Kingsley, Jordyn Lujan, Armando Martinez, Tucker Moore, Juan Munoz Sanchez, Marvin Negrete, Anayeli Ochoa-Sanchez, Jezmeirr Rash, Brandon Rodriguez, Juan Salas, Adolfo Saucedo, Melissa Tapia Neri, Isaiah Villatore, Brenda Benitez Pacheco, Faith Bordenaro, Eduardo Campos Del La Cruz, Jackie Chamberlain, Noelia Cisneros Villa, Cody Cloud, Darren Crisostomo, Leslie De La Trinidad, Marco Horta Valdivia, Gabriel Ibarra, Alijah Kane, Janvi Kaur, Samuel Machado-Inocence, Juan Marquez, Isaiah Moreno, Ashley Ochoa Carmona, Neveah Offret, Victor Preciado, Rachel Preciado Hernandez, Chelsea Rodriguez Carrillo, Iseigha Smith, and Ezekiel Valdez.

On request of Assemblyman Kramer, the privilege of the floor of the Assembly Chamber for this day was extended to Bryan Avila.

On request of Assemblyman Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to Abbi Silver, Maggie Christiansen, and Sydney Murdock.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Wednesday, May 17, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 2:09 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIRST DAY

CARSON CITY (Wednesday), May 17, 2017

Assembly called to order at 12:26 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Chad Adamik.

Creator God, we give sincere thanks for this opportunity to meet in this Assembly Chamber to conduct the business of our state. May we listen to one another intently, with the purpose of bettering ourselves and our community.

May we humbly accept the responsibilities assigned to us. May we carry out each of these responsibilities to the best of our capabilities.

This Chamber is composed of many old and fast friends, acquaintances of a very brief time, those who strive together and some who have never met. Permit no one to leave here a stranger or less of a person than when arriving.

Since each of us is a part of all we have ever witnessed, let what we have observed be to Your good and available to all.

There are those among us who have come many miles to either witness or to be a part of today's proceedings. Grant that they may return safely to their homes and their families.

All of these things, and whaterver else you see that we need, be granted to us. In Your many Holy Names we pray.

AMEN.

Pledge of allegiance to the Flag led by Messiah Smith.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 145, 146, 204, 314, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

IRENE BUSTAMANTE ADAMS, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 280, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which were referred Senate Bills Nos. 78, 127, 191, 236, 245, 429, 469, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 159, 416, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which were referred Senate Bills Nos. 46, 101, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL C. SPRINKLE, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 183, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 510, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Senate Bill No. 118; Senate Joint Resolution No. 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

OLIVIA DIAZ, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which were referred Senate Bills Nos. 54, 64, 442, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DINA NEAL, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 156, 215, 312, 339, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RICHARD CARRILLO, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 498, 500, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 483, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 278, 447, 471, 473, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 16, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 8, 20, 22, 31, 79, 95, 96, 98, 108, 134, 151, 170, 236, 258, 305, 324, 337, 340, 347, 478; Senate Bill No. 415.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 25, 136, 323, 502.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 227, 514.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

WAIVER OF JOINT STANDING RULES

A Waiver requested by: Assembly Committee on Legislative Operations and Elections.
For: A New BDR No. C-1218. Proposes to amend the Nevada Constitution to ensure access to affordable health care in an emergency to all persons in this State.
To Waive:

Subsection 1 of Joint Standing Rule No. 14 (Committee requests of each house must be requested by 15th day).

Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: May 10, 2017.

SENATOR AARON D. FORD
Senate Majority Leader

ASSEMBLYMAN JASON FRIERSON
Speaker of the Assembly

A Waiver requested by: Assemblywoman Benitez-Thompson.
For: Senate Bill No. 442.
To Waive:

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: May 16, 2017.

SENATOR AARON D. FORD
Senate Majority Leader

ASSEMBLYMAN JASON FRIERSON
Speaker of the Assembly

By the Committee on Legislative Operations and Elections:

Assembly Joint Resolution No. 14—Proposing to amend the Nevada Constitution to ensure access to affordable emergency medical care to all persons in this State.

WHEREAS, The charges for health care services rendered as a result of an emergency are often exorbitant; and

WHEREAS, Persons in the State of Nevada, some of whom are not indigent but do not have health insurance or are underinsured are often made to pay highly inflated prices for emergency medical care; and

WHEREAS, Such exorbitant pricing discourages persons from seeking necessary care and can be devastating financially to those who do seek such care; and

WHEREAS, It is of the utmost importance that all persons in this State have access to affordable health care services when needed as a result of an emergency; and

WHEREAS, It is unconscionable for hospitals and independent facilities for emergency medical care to charge inflated rates for health care services provided as a result of an emergency to middle and lower income persons to subsidize the lower rates paid by public and private insurers; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 17, be added to Article 15 of the Nevada Constitution to read as follows:

Sec. 17. 1. No hospital or independent facility for emergency medical care shall deny treatment or services to a person who arrives at the hospital or facility seeking medically necessary emergency services, regardless of whether the person has health insurance and regardless of the ability of the person to pay for such services.

2. All persons in this State have a right to receive emergency medical care and services at a reasonable cost, and no hospital or independent facility for emergency medical care shall charge for any treatment, service or medication or other product provided to a person who arrives at a hospital or facility seeking medically necessary emergency services, whether or not the person has insurance, an amount which is greater than 150 percent of the lowest rate which the hospital or facility has agreed to accept from a federal public insurer for the treatment, service or medication or other product.

3. The provisions of subsections 1 and 2 are self-executing. The Legislature may provide by law for a different rate than provided in subsection 2 if the Legislature establishes, by law, a commission to ensure that hospitals and independent facilities for emergency medical care provide medically necessary emergency services at a reasonable cost. If such a commission is established, the Legislature shall provide for the appointment of the members and fix, by law, their duties consistent with the provisions of this section.

Assemblywoman Diaz moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 25.

Assemblyman Flores moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 136.

Assemblyman Sprinkle moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 227.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 323.

Assemblyman Sprinkle moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 415.

Assemblywoman Neal moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 502.

Assemblyman Flores moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 514.

Assemblywoman Swank moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 33.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 684.

AN ACT relating to real property; prohibiting the foreclosure of real property owned by certain military personnel or their dependents in certain circumstances; prohibiting the foreclosure of a lien against a unit in a common-interest community owned by certain military personnel or their dependents in certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The federal Servicemembers Civil Relief Act, 50 U.S.C. § 3901 et seq., generally provides for the temporary suspension of certain judicial and administrative proceedings and transactions that could adversely affect the civil rights of a servicemember during his or her military service. (50 U.S.C. § 3902) The Act provides that in any action filed during, or within 1 year after, a servicemember's period of military service to enforce an obligation on real or personal property owned by a servicemember that: (1) originated before the period of such military service and for which the servicemember is still obligated; and (2) is secured by a mortgage, trust deed or other security in the nature of a mortgage, a court is generally authorized or required, depending on the circumstances, to stay the proceedings or adjust the obligation to preserve the interests of all parties. The Act further provides that absent a court order or agreement, a sale, foreclosure or seizure of property for a breach of any such obligation is not valid if it is made during or within 1 year after the period of the servicemember's military service. Any person who knowingly makes or causes to be made a sale, foreclosure or seizure of property in violation of such a provision, or knowingly attempts to do so, is guilty of a misdemeanor. (50 U.S.C. § 3953) Additionally, the Act provides that upon application to a court, a dependent of a servicemember is entitled to the protections offered to a servicemember if the ability of the dependent to comply with certain obligations is materially affected by the servicemember's military service. (50 U.S.C. § 3959)

The provisions of the Act that grant protection from a sale, foreclosure or seizure of property for a period of 1 year after a servicemember's military service currently remain effective until December 31, 2017, and on January 1, 2018, the period of protection will decrease to 90 days. (Section 710(d) of the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012, Public Law 112-154, 126 Stat. 1208; section 2 of the Foreclosure Relief and Extension for Servicemembers Act of 2015, Public Law 114-142, 130 Stat. 326)

Section 1 of this bill grants under Nevada law the period of protection currently provided under federal law. **Section 1** provides that if a mortgagor or grantor of a deed of trust under a residential mortgage loan is a servicemember or, in certain circumstances, a dependent of a servicemember, a person is generally prohibited from initiating or directing or authorizing another person to initiate a foreclosure sale during any period the servicemember is on active duty or deployment or for a period of 1 year immediately following the end of such active duty or deployment. **Section 1** also provides that in any civil action for a foreclosure sale that is filed against a servicemember or, if applicable, a dependent of a servicemember while the servicemember is on active duty or deployment or during the 1-year period immediately following the end of such active duty or deployment, the court is authorized or required, depending on the circumstances, to stay the proceedings in the action for a certain period or adjust the obligation to preserve the interests of the parties unless the court determines that the ability of the servicemember or dependent to comply with the terms of the obligation secured by the residential mortgage loan is not materially affected by the servicemember's active duty or deployment. **Section 1** additionally provides that any such protection against foreclosure only applies to a residential mortgage loan that was secured before the servicemember was called to active duty or deployment. **Section 1** further provides that any person who knowingly initiates or directs or authorizes another person to initiate a foreclosure sale in violation of the provisions of **section 1**, other than a trustee who initiates a foreclosure sale pursuant to the direction or authorization of another person, is guilty of a misdemeanor and may be liable for actual damages, reasonable attorney's fees and costs incurred by the injured party. In imposing any such liability and determining whether to reduce such liability, a court is required to take into consideration any due diligence used by the person before he or she initiated or directed or authorized another person to initiate the foreclosure sale. Finally, **section 1** provides that any applicable statute of limitations or period within which a servicemember is required to submit proof of service that is prescribed by state law is tolled during the period of protection provided pursuant to **section 1**.

Section 5.3 of this bill applies the applicable provisions set forth in **section 1** to the foreclosure of a lien of a unit-owners' association against a unit in a common-interest community and provides that if a unit's owner or

his or her successor in interest is a servicemember or, in certain circumstances, a dependent of a servicemember, an association is generally prohibited from initiating the foreclosure of a lien by sale during any period the servicemember is on active duty or deployment or for a period of 1 year immediately following the end of such active duty or deployment. **Section 5.3** also requires a unit-owners' association to: (1) inform each unit's owner or his or her successor in interest that if the person is a servicemember or a dependent of a servicemember, he or she may be entitled to certain protections pursuant to **section 5.3**; and (2) give the person the opportunity to provide any information required to enable the association to verify whether the person is entitled to the protections set forth in **section 5.3**, including, without limitation, the social security number and date of birth of the person. **Section 5.3** also requires that before an association takes certain action relating to the foreclosure of a lien by sale, the association must, if such information is provided, verify whether a unit's owner or his or her successor in interest is entitled to the protections set forth in **section 5.3** or, if such information is not provided, make a good faith effort to verify whether a unit's owner or his or her successor in interest is entitled to such protections.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 40 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of law and except as otherwise ordered by a court of competent jurisdiction, if a borrower is a servicemember or, in accordance with subsection 5, a dependent of a servicemember, a person shall not initiate or direct or authorize another person to initiate a foreclosure sale during any period that the servicemember is on active duty or deployment or for a period of 1 year immediately following the end of such active duty or deployment.

2. Except as otherwise provided in subsection 3, in any civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan that is filed against a servicemember or, in accordance with subsection 5, a dependent of a servicemember, while the servicemember is on active duty or deployment or during the 1-year period immediately following the end of such active duty or deployment, the court may, on its own motion after a hearing, or shall, on a motion or on behalf of the servicemember or dependent of the servicemember, as applicable, do one or both of the following:

(a) Stay the proceedings in the action until at least 1 year after the end of the servicemember's active duty or deployment; or

(b) Adjust the obligation to preserve the interests of the parties.

3. The provisions of subsection 2 do not apply if the court determines that the ability of the servicemember or dependent of the servicemember to comply with the terms of the obligation secured by the residential mortgage

loan is not materially affected by the servicemember's active duty or deployment.

4. The provisions of this section apply only to a residential mortgage loan that was secured by a servicemember or, in accordance with subsection 5, a dependent of a servicemember, before the servicemember was called to active duty or deployment.

5. Upon application to the court, a dependent of a servicemember is entitled to the protections provided to a servicemember pursuant to this section if the ability of the dependent to make payments required by a residential mortgage loan is materially affected by the servicemember's active duty or deployment.

6. Except as otherwise provided in subsection 7, any person who knowingly initiates or directs or authorizes another person to initiate a foreclosure sale in violation of this section:

(a) Is guilty of a misdemeanor; and

(b) May be liable for actual damages, reasonable attorney's fees and costs incurred by the injured party.

7. The provisions of subsection 6 do not apply to a trustee who initiates a foreclosure sale pursuant to the direction or authorization of another person.

8. In imposing liability pursuant to paragraph (b) of subsection 6, a court shall, when determining whether to reduce such liability, take into consideration any due diligence used by the person before he or she initiated or directed or authorized another person to initiate the foreclosure sale.

9. Notwithstanding any other provision of law, any applicable statute of limitations or period within which a servicemember is required to submit proof of service that is prescribed by state law is tolled during the period of protection provided to a servicemember or dependent of a servicemember pursuant to this section.

10. As used in this section:

(a) "Active duty" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. §§ 1209 and 1211.

(b) "Borrower" has the meaning ascribed to it in NRS 107.410.

(c) "Dependent" has the meaning ascribed to it in 50 U.S.C. § 3911.

(d) "Deployment" means the movement or mobilization of a servicemember from his or her home station to another location for more than 90 days pursuant to military orders.

(e) "Initiate a foreclosure sale" means to commence a civil action for a foreclosure sale pursuant to NRS 40.430 or, in the case of the exercise of a trustee's power of sale pursuant to NRS 107.080, to execute and cause to be recorded in the office of the county recorder a notice of the breach and of the election to sell or cause to be sold the property pursuant to paragraph (c) of subsection 2 of NRS 107.080.

(f) "Military" means the Armed Forces of the United States, a reserve component thereof or the National Guard.

(g) "Residential mortgage loan" has the meaning ascribed to it in NRS 107.450.

(h) "Servicemember" means a member of the military.

(i) "Trustee" means a person described in NRS 107.028.

Sec. 2. NRS 40.426 is hereby amended to read as follows:

40.426 As used in NRS 40.426 to 40.495, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 40.427, 40.428 and 40.429 have the meanings ascribed to them in those sections.

Sec. 3. NRS 40.430 is hereby amended to read as follows:

40.430 1. Except in cases where a person proceeds under subsection 2 of NRS 40.495 or subsection 1 of NRS 40.512, and except as otherwise provided in NRS 118C.220, there may be but one action for the recovery of any debt, or for the enforcement of any right secured by a mortgage or other lien upon real estate. That action must be in accordance with the provisions of NRS 40.426 to 40.459, inclusive ~~[.]~~ ***, and section 1 of this act.*** In that action, the judgment must be rendered for the amount found due the plaintiff, and the court, by its decree or judgment, may direct a sale of the encumbered property, or such part thereof as is necessary, and apply the proceeds of the sale as provided in NRS 40.462.

2. This section must be construed to permit a secured creditor to realize upon the collateral for a debt or other obligation agreed upon by the debtor and creditor when the debt or other obligation was incurred.

3. At any time not later than 5 business days before the date of sale directed by the court, if the deficiency resulting in the action for the recovery of the debt has arisen by failure to make a payment required by the mortgage or other lien, the deficiency may be made good by payment of the deficient sum and by payment of any costs, fees and expenses incident to making the deficiency good. If a deficiency is made good pursuant to this subsection, the sale may not occur.

4. A sale directed by the court pursuant to subsection 1 must be conducted in the same manner as the sale of real property upon execution, by the sheriff of the county in which the encumbered land is situated, and if the encumbered land is situated in two or more counties, the court shall direct the sheriff of one of the counties to conduct the sale with like proceedings and effect as if the whole of the encumbered land were situated in that county.

5. Within 30 days after a sale of property is conducted pursuant to this section, the sheriff who conducted the sale shall record the sale of the property in the office of the county recorder of the county in which the property is located.

6. As used in this section, an "action" does not include any act or proceeding:

(a) To appoint a receiver for, or obtain possession of, any real or personal collateral for the debt or as provided in NRS 32.015.

(b) To enforce a security interest in, or the assignment of, any rents, issues, profits or other income of any real or personal property.

(c) To enforce a mortgage or other lien upon any real or personal collateral located outside of the State which does not, except as required under the laws of that jurisdiction, result in a personal judgment against the debtor.

(d) For the recovery of damages arising from the commission of a tort, including a recovery under NRS 40.750, or the recovery of any declaratory or equitable relief.

(e) For the exercise of a power of sale pursuant to NRS 107.080.

(f) For the exercise of any right or remedy authorized by chapter 104 of NRS or by the Uniform Commercial Code as enacted in any other state, including, without limitation, an action for declaratory relief pursuant to chapter 30 of NRS to ascertain the identity of the person who is entitled to enforce an instrument pursuant to NRS 104.3309.

(g) For the exercise of any right to set off, or to enforce a pledge in, a deposit account pursuant to a written agreement or pledge.

(h) To draw under a letter of credit.

(i) To enforce an agreement with a surety or guarantor if enforcement of the mortgage or other lien has been automatically stayed pursuant to 11 U.S.C. § 362 or pursuant to an order of a federal bankruptcy court under any other provision of the United States Bankruptcy Code for not less than 120 days following the mailing of notice to the surety or guarantor pursuant to subsection 1 of NRS 107.095.

(j) To collect any debt, or enforce any right, secured by a mortgage or other lien on real property if the property has been sold to a person other than the creditor to satisfy, in whole or in part, a debt or other right secured by a senior mortgage or other senior lien on the property.

(k) Relating to any proceeding in bankruptcy, including the filing of a proof of claim, seeking relief from an automatic stay and any other action to determine the amount or validity of a debt.

(l) For filing a claim pursuant to chapter 147 of NRS or to enforce such a claim which has been disallowed.

(m) Which does not include the collection of the debt or realization of the collateral securing the debt.

(n) Pursuant to NRS 40.507 or 40.508.

(o) Pursuant to an agreement entered into pursuant to NRS 361.7311 between an owner of the property and the assignee of a tax lien against the property, or an action which is authorized by NRS 361.733.

(p) Which is exempted from the provisions of this section by specific statute.

(q) To recover costs of suit, costs and expenses of sale, attorneys' fees and other incidental relief in connection with any action authorized by this subsection.

Sec. 4. NRS 107.480 is hereby amended to read as follows:

107.480 1. In addition to the requirements of NRS 107.085 and 107.086, ***and section 1 of this act,*** the exercise of a trustee's power of sale pursuant to NRS 107.080 with respect to a deed of trust securing a residential mortgage loan is subject to the provisions of NRS 107.400 to 107.560, inclusive.

2. In addition to the requirements of NRS 40.430 to 40.4639, inclusive, ***and section 1 of this act,*** a civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan is subject to the requirements of NRS 107.400 to 107.560, inclusive.

Sec. 5. NRS 107.500 is hereby amended to read as follows:

107.500 1. At least 30 calendar days before recording a notice of default and election to sell pursuant to subsection 2 of NRS 107.080 or commencing a civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan and at least 30 calendar days after the borrower's default, the mortgage servicer, mortgagee or beneficiary of the deed of trust shall mail, by first-class mail, a notice addressed to the borrower at the borrower's primary address as indicated in the records of the mortgage servicer, mortgagee or beneficiary of the deed of trust, which contains:

(a) A statement that if the borrower is a servicemember or a dependent of a servicemember, he or she may be entitled to certain protections under the federal Servicemembers Civil Relief Act, 50 U.S.C. ~~[Appx.]~~ §§ ~~[501]~~ ***3901*** et seq., ***and section 1 of this act,*** regarding the servicemember's interest rate and the risk of foreclosure, and counseling for covered servicemembers that is available from Military OneSource and the United States Armed Forces Legal Assistance or any other similar agency.

(b) A summary of the borrower's account which sets forth:

(1) The total amount of payment necessary to cure the default and reinstate the residential mortgage loan or to bring the residential mortgage loan into current status;

(2) The amount of the principal obligation under the residential mortgage loan;

(3) The date through which the borrower's obligation under the residential mortgage loan is paid;

(4) The date of the last payment by the borrower;

(5) The current interest rate in effect for the residential mortgage loan, if the rate is effective for at least 30 calendar days;

(6) The date on which the interest rate for the residential mortgage loan may next reset or adjust, unless the rate changes more frequently than once every 30 calendar days;

(7) The amount of the prepayment fee charged under the residential mortgage loan, if any;

(8) A description of any late payment fee charged under the residential mortgage loan;

(9) A telephone number or electronic mail address that the borrower may use to obtain information concerning the residential mortgage loan; and

(10) The names, addresses, telephone numbers and Internet website addresses of one or more counseling agencies or programs approved by the United States Department of Housing and Urban Development.

(c) A statement of the facts establishing the right of the mortgage servicer, mortgagee or beneficiary of the deed of trust to cause the trustee to exercise the trustee's power of sale pursuant to NRS 107.080 or to commence a civil action for the recovery of any debt, or for the enforcement of any right, under a residential mortgage loan that is not barred by NRS 40.430.

(d) A statement of the foreclosure prevention alternatives offered by, or through, the mortgage servicer, mortgagee or beneficiary of the deed of trust.

(e) A statement that the borrower may request:

(1) A copy of the borrower's promissory note or other evidence of indebtedness;

(2) A copy of the borrower's mortgage or deed of trust;

(3) A copy of any assignment, if applicable, of the borrower's mortgage or deed of trust required to demonstrate the right of the mortgage servicer, mortgagee or beneficiary of the deed of trust to cause the trustee to exercise the trustee's power of sale pursuant to NRS 107.080 or to commence a civil action for the recovery of any debt, or for the enforcement of any right, under a residential mortgage loan that is not barred by NRS 40.430; and

(4) A copy of the borrower's payment history since the borrower was last less than 60 calendar days past due.

2. Unless a borrower has exhausted the process described in NRS 107.520 and 107.530 for applying for a foreclosure prevention alternative offered by, or through, the mortgage servicer, mortgagee or beneficiary of the deed of the trust, not later than 5 business days after a notice of default and election to sell is recorded pursuant to subsection 2 of NRS 107.080 or a civil action for the recovery of any debt, or for the enforcement of any right, under a residential mortgage loan that is not barred by NRS 40.430 is commenced, the mortgage servicer, mortgagee or beneficiary of the deed of trust that offers one or more foreclosure prevention alternatives must send to the borrower a written statement:

(a) That the borrower may be evaluated for a foreclosure prevention alternative or, if applicable, foreclosure prevention alternatives;

(b) Whether a complete application is required to be submitted by the borrower if the borrower wants to be considered for a foreclosure prevention alternative; and

(c) Of the means and process by which a borrower may obtain an application for a foreclosure prevention alternative.

Sec. 5.3. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of law and except as otherwise provided in subsection 2 or ordered by a court of competent jurisdiction, if a unit's owner or his or her successor in interest is a servicemember or, in accordance with subsection 3, a dependent of a servicemember, an association shall not initiate the foreclosure of a lien by sale during any period that the servicemember is on active duty or deployment or for a period of 1 year immediately following the end of such active duty or deployment.

2. The provisions of subsection 1 do not apply if a court determines that the ability of the servicemember or dependent of the servicemember to comply with the terms of the obligation secured by the lien of a unit-owners' association is not materially affected by the servicemember's active duty or deployment.

3. Upon application to the court, a dependent of a servicemember is entitled to the protections provided to a servicemember pursuant to this section if the ability of the dependent to make payments required by a lien of a unit-owners' association is materially affected by the servicemember's active duty or deployment.

4. An association shall:

(a) Inform each unit's owner or his or her successor in interest that if the person is a servicemember or a dependent of a servicemember, he or she may be entitled to certain protections pursuant to this section; and

(b) Give the person the opportunity to provide any information required to enable the association to verify whether he or she is entitled to the protections set forth in this section, including, without limitation, the social security number and date of birth of the person.

5. Before an association takes any action pursuant to paragraph (a) of subsection 4 of NRS 116.31162, if information required to verify whether a unit's owner or his or her successor in interest is entitled to the protections set forth in this section:

(a) Has been provided to the association pursuant to subsection 4, the association must verify whether the person is entitled to the protections set forth in this section.

(b) Has not been provided to the association pursuant to subsection 4, the association must make a good faith effort to verify whether the person is entitled to the protections set forth in this section.

6. Any person who knowingly initiates the foreclosure of a lien by sale in violation of this section:

(a) Is guilty of a misdemeanor; and

(b) May be liable for actual damages, reasonable attorney's fees and costs incurred by the injured party.

7. In imposing liability pursuant to paragraph (b) of subsection 6, a court shall, when determining whether to reduce such liability, take into

consideration any due diligence used by the person before he or she initiated the foreclosure of the lien by sale.

8. Notwithstanding any other provision of law, any applicable statute of limitations or period within which a servicemember is required to submit proof of service that is prescribed by state law is tolled during the period of protection provided to a servicemember or dependent of a servicemember pursuant to this section.

9. As used in this section:

(a) "Active duty" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. §§ 1209 and 1211.

(b) "Dependent" has the meaning ascribed to it in 50 U.S.C. § 3911.

(c) "Deployment" means the movement or mobilization of a servicemember from his or her home station to another location for more than 90 days pursuant to military orders.

(d) "Good faith effort" means that an association acts honestly and fairly when trying to verify whether a unit's owner or his or her successor in interest is entitled to the protections set forth in this section, as evidenced by the following actions:

(1) The association informs the unit's owner or his or her successor in interest of the information required pursuant to paragraph (a) of subsection 4;

(2) The association makes reasonable efforts to give the unit's owner or his or her successor in interest the opportunity to provide any information required to enable the association to verify whether the person is entitled to the protections set forth in this section pursuant to paragraph (b) of subsection 4; and

(3) The association makes reasonable efforts to utilize all resources available to the association to verify whether the unit's owner or his or her successor in interest is a servicemember, including, without limitation, the Internet website maintained by the United States Department of Defense.

(e) "Initiate the foreclosure of a lien by sale" means to take any action in furtherance of foreclosure of a lien by sale after taking the actions set forth in paragraph (a) of subsection 4 of NRS 116.31162.

~~[(e)]~~ (f) "Military" means the Armed Forces of the United States, a reserve component thereof or the National Guard.

~~[(f)]~~ (g) "Servicemember" means a member of the military.

Sec. 5.7. NRS 116.31162 is hereby amended to read as follows:

116.31162 1. Except as otherwise provided in subsection 5, 6 or 7, in a condominium, in a planned community, in a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, or in a cooperative where the owner's interest in a unit is personal property under NRS 116.1105 and the declaration provides that a lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive, ***and section 5.3 of this act,*** the association may foreclose its lien by sale after all of the following occur:

(a) The association has mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest, at his or her address, if known, and at the address of the unit, a notice of delinquent assessment which states the amount of the assessments and other sums which are due in accordance with subsection 1 of NRS 116.3116, a description of the unit against which the lien is imposed and the name of the record owner of the unit.

(b) Not less than 30 days after mailing the notice of delinquent assessment pursuant to paragraph (a), the association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, a notice of default and election to sell the unit to satisfy the lien which must contain the same information as the notice of delinquent assessment and which must also comply with the following:

(1) Describe the deficiency in payment.

(2) State the total amount of the deficiency in payment, with a separate statement of:

(I) The amount of the association's lien that is prior to the first security interest on the unit pursuant to subsection 3 of NRS 116.3116 as of the date of the notice;

(II) The amount of the lien described in sub-subparagraph (I) that is attributable to assessments based on the periodic budget adopted by the association pursuant to NRS 116.3115 as of the date of the notice;

(III) The amount of the lien described in sub-subparagraph (I) that is attributable to amounts described in NRS 116.310312 as of the date of the notice; and

(IV) The amount of the lien described in sub-subparagraph (I) that is attributable to the costs of enforcing the association's lien as of the date of the notice.

(3) State that:

(I) If the holder of the first security interest on the unit does not satisfy the amount of the association's lien that is prior to that first security interest pursuant to subsection 3 of NRS 116.3116, the association may foreclose its lien by sale and that the sale may extinguish the first security interest as to the unit; and

(II) If, not later than 5 days before the date of the sale, the holder of the first security interest on the unit satisfies the amount of the association's lien that is prior to that first security interest pursuant to subsection 3 of NRS 116.3116 and, not later than 2 days before the date of the sale, a record of such satisfaction is recorded in the office of the recorder of the county in which the unit is located, the association may foreclose its lien by sale but the sale may not extinguish the first security interest as to the unit.

(4) State the name and address of the person authorized by the association to enforce the lien by sale.

(5) Contain, in 14-point bold type, the following warning:

WARNING! IF YOU FAIL TO PAY THE AMOUNT SPECIFIED IN THIS NOTICE, YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE!

(c) The unit's owner or his or her successor in interest has failed to pay the amount of the lien, including costs, fees and expenses incident to its enforcement, for 90 days following the recording of the notice of default and election to sell.

(d) The unit's owner or his or her successor in interest, or the holder of a recorded security interest on the unit, has, for a period which commences in the manner and subject to the requirements described in subsection 3 and which expires 5 days before the date of sale, failed to pay the assessments and other sums that are due to the association in accordance with subsection 1 of NRS 116.3116.

(e) The association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, an affidavit which states, based on the direct, personal knowledge of the affiant, the personal knowledge which the affiant acquired by a review of a trustee sale guarantee or a similar product or the personal knowledge which the affiant acquired by a review of the business records of the association or other person conducting the sale, which business records must meet the standards set forth in NRS 51.135, the following:

(1) The name of each holder of a security interest on the unit to which the notice of default and election to sell and the notice of sale was mailed, as required by subsection 2 of NRS 116.31163 and paragraph (d) of subsection 1 of NRS 116.311635; and

(2) The address at which the notices were mailed to each such holder of a security interest.

2. The notice of default and election to sell must be signed by the person designated in the declaration or by the association for that purpose or, if no one is designated, by the president of the association.

3. The period of 90 days described in paragraph (c) of subsection 1 begins on the first day following:

(a) The date on which the notice of default and election to sell is recorded; or

(b) The date on which a copy of the notice of default and election to sell is mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest at his or her address, if known, and at the address of the unit,

➥ whichever date occurs later.

4. An association may not mail to a unit's owner or his or her successor in interest a letter of its intent to mail a notice of delinquent assessment pursuant to paragraph (a) of subsection 1, mail the notice of delinquent assessment or take any other action to collect a past due obligation from a

unit's owner or his or her successor in interest unless ~~[:]~~ ***the association has complied with the provisions of subsections 4 and 5 of section 5.3 of this act and:***

(a) Not earlier than 60 days after the obligation becomes past due, the association mails to the address on file for the unit's owner:

(1) A schedule of the fees that may be charged if the unit's owner fails to pay the past due obligation;

(2) A proposed repayment plan; and

(3) A notice of the right to contest the past due obligation at a hearing before the executive board and the procedures for requesting such a hearing; and

(b) Within 30 days after the date on which the information described in paragraph (a) is mailed, the past due obligation has not been paid in full or the unit's owner or his or her successor in interest has not entered into a repayment plan or requested a hearing before the executive board. If the unit's owner or his or her successor in interest requests a hearing or enters into a repayment plan within 30 days after the date on which the information described in paragraph (a) is mailed and is unsuccessful at the hearing or fails to make a payment under the repayment plan within 10 days after the due date, the association may take any lawful action pursuant to subsection 1 to enforce its lien.

5. The association may not foreclose a lien by sale if the association has not mailed a copy of the notice of default and election to sell and a copy of the notice of sale to each holder of a security interest on the unit in the manner and subject to the requirements set forth in subsection 2 of NRS 116.31163 and paragraph (d) of subsection 1 of NRS 116.311635.

6. The association may not foreclose a lien by sale based on a fine or penalty for a violation of the governing documents of the association unless:

(a) The violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community; or

(b) The penalty is imposed for failure to adhere to a schedule required pursuant to NRS 116.310305.

7. The association may not foreclose a lien by sale if the association has received notice pursuant to NRS 107.086 that the unit is subject to foreclosure mediation pursuant to that section, unless:

(a) The trustee of record has recorded the certificate provided to the trustee pursuant to subparagraph (1) or (2) of paragraph (e) of subsection 2 of NRS 107.086; or

(b) The unit's owner has failed to pay to the association any amounts enforceable as assessments pursuant to subsection 1 of NRS 116.3116 that become due during the pendency of foreclosure mediation pursuant to NRS 107.086, other than past due obligations as described in subsection 10 of NRS 107.086.

Sec. 6. This act becomes effective upon passage and approval.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 50.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 717.

AN ACT relating to health care; establishing a procedure for a person to execute an advance directive for psychiatric care to direct a physician or other provider of health care in the event that the person is incapable of making or communicating decisions regarding psychiatric care; requiring a physician or provider of health care to make a reasonable inquiry to determine whether a person has executed such an advance directive under certain circumstances; requiring a physician or provider of health care to comply with such an advance directive under certain circumstances; providing immunity from civil or criminal liability, or discipline for unprofessional conduct, to a physician or provider of health care under certain circumstances relating to compliance with such an advance directive; authorizing a person to register an advance directive for psychiatric care with the Secretary of State for deposit in the Registry of Advance Directives for Health Care; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person may provide an advance directive concerning his or her health care in the form of a durable power of attorney for health care decisions, a declaration governing the withholding or withdrawal of life-sustaining treatment, a Physician Order for Life-Sustaining Treatment form or a do-not-resuscitate order. (NRS 162A.700-162A.865, 449.535-449.690, 449.694, 449.800-449.860, 450B.420) Existing law also provides for a Registry of Advance Directives for Health Care, in which certain health records of a patient may be deposited to facilitate treatment of that patient by any health care provider. (NRS 449.900-449.965)

Section 8 of this bill authorizes a person who is of sound mind and who is 18 or more years of age or an emancipated minor to execute an advance directive for psychiatric care to direct any provider of health care on how he or she wishes psychiatric care to be provided in the event that he or she is incapable of making decisions concerning such care or communicating such decisions. **Section 8** also authorizes a person to designate another person to make decisions for him or her in the event that he or she is incapable of making such decisions. **Section 9** of this bill sets forth a sample form that may be used by a person wishing to execute an advance directive for psychiatric care. **Sections 10 and 11** of this bill establish the circumstances under which an advance directive for psychiatric care becomes operative.

Section 13 of this bill provides that a person may revoke his or her advance directive for psychiatric care at any time, as long as he or she is capable of making such a decision at the time. **Sections 12 and 13** of this bill require a physician or other provider of health care to enter an advance directive for psychiatric care or a revocation of such an advance directive into the medical record of the person executing the advance directive or revocation. **Section 17** of this bill provides that an advance directive for psychiatric care validly executed pursuant to the laws of another state is valid in this State.

Section 14 of this bill sets forth the following circumstances under which a physician or other provider of health care may not comply with an advance directive for psychiatric care: (1) compliance with the advance directive is not consistent with generally accepted standards of care; (2) compliance is not consistent with the availability of treatments requested in the advance directive; (3) compliance would violate applicable laws; (4) the person executing the advance directive is involuntarily admitted to a mental health facility and a course of treatment is required by law; or (5) compliance would endanger the life of the person executing the advance directive or any other person. **Section 15** of this bill requires a physician or other provider of health care to promptly transfer the care of a person executing an advance directive if the provider is unable to comply with his or her advance directive.

Section 16 of this bill: (1) requires a physician or other provider of health care to make a reasonable inquiry as to whether a person determined to be incapable of making decisions relating to his or her psychiatric care has executed an advance directive for psychiatric care; and (2) shields a physician or other provider of health care from civil or criminal liability, or discipline for unprofessional conduct, under certain circumstances for actions taken or not taken relating to a person's psychiatric care.

Section 18 of this bill adds an advance directive for psychiatric care to the definition of "advance directive" for purposes of registering such an advance directive with the Secretary of State for deposit in the Registry of Advance Directives for Health Care.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Advance directive for psychiatric care" or "advance directive" means a writing executed in accordance with the requirements of section 8 of this act pursuant to which the principal makes a declaration of instructions, information and preferences regarding his or her psychiatric care.***

Sec. 4. *"Attending physician" has the meaning ascribed to it in NRS 449.550.*

Sec. 5. *"Principal" means the person who has executed an advance directive for psychiatric care.*

Sec. 6. *"Provider of health care" has the meaning ascribed to it in NRS 449.581.*

Sec. 7. *"Psychiatric care" means the provision of psychiatric services and psychiatric treatment and the administration of psychotropic medication.*

Sec. 8. *1. A person of sound mind who is 18 or more years of age or who has been declared emancipated pursuant to NRS 129.080 to 129.140, inclusive, may execute at any time an advance directive for psychiatric care. The principal may designate another natural person of sound mind and 18 or more years of age to make decisions governing the provision of psychiatric care. The advance directive must be signed by the principal, or another at the principal's direction, and attested by two witnesses. Neither of the witnesses may be:*

(a) The attending physician or provider of health care;

(b) An employee of the attending physician or provider of health care;

(c) An owner or operator of a medical facility in which the principal is a patient or resident or an employer of such an owner or operator; or

(d) A person appointed as an attorney-in-fact by the advance directive.

2. An advance directive becomes effective upon its proper execution and remains valid for a period of 2 years after the date of its execution unless revoked.

Sec. 9. *The form of an advance directive for psychiatric care may be substantially in the following form, and must be witnessed or executed in the same manner as the following form:*

NOTICE TO PERSON MAKING AN ADVANCE DIRECTIVE FOR PSYCHIATRIC CARE

THIS IS AN IMPORTANT LEGAL DOCUMENT. IT CREATES AN ADVANCE DIRECTIVE FOR PSYCHIATRIC CARE. BEFORE SIGNING THIS DOCUMENT YOU SHOULD KNOW THESE IMPORTANT FACTS:

THIS DOCUMENT ALLOWS YOU TO MAKE DECISIONS IN ADVANCE ABOUT CERTAIN TYPES OF PSYCHIATRIC CARE. THE INSTRUCTIONS YOU INCLUDE IN THIS ADVANCE DIRECTIVE WILL BE FOLLOWED IF TWO PROVIDERS OF HEALTH CARE, ONE OF WHOM MUST BE A PHYSICIAN OR LICENSED PSYCHOLOGIST AND THE OTHER OF WHOM MUST BE A PHYSICIAN, A PHYSICIAN ASSISTANT, A LICENSED PSYCHOLOGIST, A PSYCHIATRIST OR AN ADVANCED PRACTICE REGISTERED NURSE WHO HAS THE PSYCHIATRIC TRAINING AND EXPERIENCE PRESCRIBED BY

THE STATE BOARD OF NURSING PURSUANT TO NRS 632.120, DETERMINES THAT YOU ARE INCAPABLE OF MAKING OR COMMUNICATING TREATMENT DECISIONS. OTHERWISE YOU WILL BE CONSIDERED CAPABLE TO GIVE OR WITHHOLD CONSENT FOR THE TREATMENTS. YOUR INSTRUCTIONS MAY BE OVERRIDDEN IF YOU ARE BEING HELD IN ACCORDANCE WITH CIVIL COMMITMENT LAW. BY EXECUTING A DURABLE POWER OF ATTORNEY FOR HEALTH CARE AS SET FORTH IN NRS 162A.700 TO 162A.865, INCLUSIVE, YOU MAY ALSO APPOINT A PERSON AS YOUR AGENT TO MAKE TREATMENT DECISIONS FOR YOU IF YOU BECOME INCAPABLE. THIS DOCUMENT IS VALID FOR TWO YEARS FROM THE DATE YOU EXECUTE IT UNLESS YOU REVOKE IT. YOU HAVE THE RIGHT TO REVOKE THIS DOCUMENT AT ANY TIME YOU HAVE NOT BEEN DETERMINED TO BE INCAPABLE. YOU MAY NOT REVOKE THIS ADVANCE DIRECTIVE WHEN YOU ARE FOUND INCAPABLE BY TWO PROVIDERS OF HEALTH CARE, ONE OF WHOM MUST BE A PHYSICIAN OR LICENSED PSYCHOLOGIST AND THE OTHER OF WHOM MUST BE A PHYSICIAN, A PHYSICIAN ASSISTANT, A LICENSED PSYCHOLOGIST, A PSYCHIATRIST OR AN ADVANCED PRACTICE REGISTERED NURSE WHO HAS THE PSYCHIATRIC TRAINING AND EXPERIENCE PRESCRIBED BY THE STATE BOARD OF NURSING PURSUANT TO NRS 632.120. A REVOCATION IS EFFECTIVE WHEN IT IS COMMUNICATED TO YOUR ATTENDING PHYSICIAN OR OTHER HEALTH CARE PROVIDER. THE PHYSICIAN OR OTHER PROVIDER SHALL NOTE THE REVOCATION IN YOUR MEDICAL RECORD. TO BE VALID, THIS ADVANCE DIRECTIVE MUST BE SIGNED BY TWO QUALIFIED WITNESSES, PERSONALLY KNOWN TO YOU, WHO ARE PRESENT WHEN YOU SIGN OR ACKNOWLEDGE YOUR SIGNATURE. IT MUST ALSO BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC.

NOTICE TO PHYSICIAN OR OTHER PROVIDER OF HEALTH CARE

Under Nevada law, a person may use this advance directive to provide consent or refuse to consent to future psychiatric care if the person later becomes incapable of making or communicating those decisions. By executing a durable power of attorney for health care as set forth in NRS 162A.700 to 162A.865, inclusive, the person may also appoint an agent to make decisions regarding psychiatric care for the person when incapable. A person is "incapable" for the purposes of this advance directive when in the opinion of two providers of health

care, one of whom must be a physician or licensed psychologist and the other of whom must be a physician, a physician assistant, a licensed psychologist, a psychiatrist or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120, the person currently lacks sufficient understanding or capacity to make or communicate decisions regarding psychiatric care. If a person is determined to be incapable, the person may be found capable when, in the opinion of the person's attending physician or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 and has an established relationship with the person, the person has regained sufficient understanding or capacity to make or communicate decisions regarding psychiatric care. This document becomes effective upon its proper execution and remains valid for a period of 2 years after the date of its execution unless revoked. Upon being presented with this advance directive, the physician or other provider of health care must make it a part of the person's medical record. The physician or other provider must act in accordance with the statements expressed in the advance directive when the person is determined to be incapable, except as otherwise provided in section 14 of this act. The physician or other provider shall promptly notify the principal and, if applicable, the agent of the principal, and document in the principal's medical record any act or omission that is not in compliance with any part of an advance directive. A physician or other provider may rely upon the authority of a signed, witnessed, dated and notarized advance directive.

ADVANCE DIRECTIVE FOR PSYCHIATRIC CARE

I,....., being an adult of sound mind or an emancipated minor, willfully and voluntarily make this advance directive for psychiatric care to be followed if it is determined by two providers of health care, one of whom must be my attending physician or a licensed psychologist and the other of whom must be a physician, a physician assistant, a licensed psychologist, a psychiatrist or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120, that my ability to receive and evaluate information effectively or communicate decisions is impaired to such an extent that I lack the capacity to refuse or consent to psychiatric care. I understand that psychiatric care may not be administered without my express and informed consent or, if I am incapable of giving my informed consent, the express and informed consent of my legally responsible person, my agent named pursuant to a valid durable power of attorney for health care or my consent expressed in this advance

directive for psychiatric care. I understand that I may become incapable of giving or withholding informed consent or refusal for psychiatric care due to the symptoms of a diagnosed mental disorder. These symptoms may include:

.....

PSYCHOACTIVE MEDICATIONS

If I become incapable of giving or withholding informed consent for psychiatric care, my instructions regarding psychoactive medications are as follows: (Place initials beside choice.)

I consent to the administration of the following medications: [.....]

.....

I do not consent to the administration of the following medications: [.....]

.....

Conditions or limitations:

.....

ADMISSION TO AND RETENTION IN FACILITY

If I become incapable of giving or withholding informed consent for psychiatric care, my instructions regarding admission to and retention in a medical facility for psychiatric care are as follows: (Place initials beside choice.)

I consent to being admitted to a medical facility for psychiatric care. [.....]

My facility preference is:

.....

I do not consent to being admitted to a medical facility for psychiatric care. [.....]

This advance directive cannot, by law, provide consent to retain me in a facility beyond the specific number of days, if any, provided in this advance directive.

Conditions or limitations:

.....

ADDITIONAL INSTRUCTIONS

These instructions shall apply during the entire length of my incapacity.

In case of a mental health crisis, please contact:

1.

Name: .....

Address: .....

Home Telephone Number: .....

Work Telephone Number: .....
Relationship to Me: .....

2.

Name: .....
Address: .....
Home Telephone Number: .....
Work Telephone Number: .....
Relationship to Me: .....

3. My physician:

Name: .....
Work Telephone Number: .....

4. My therapist or counselor:

Name: .....
Work Telephone Number: .....

The following may cause me to experience a mental health crisis:

.....

The following may help me avoid a hospitalization:

.....

I generally react to being hospitalized as follows:

.....

Staff of the hospital or crisis unit can help me by doing the following:

.....

I give permission for the following person or people to visit me:

.....

Instructions concerning any other medical interventions, such as electroconvulsive (ECT) treatment (commonly referred to as "shock treatment"):

.....

Other instructions:

.....

I have attached an additional sheet of instructions to be followed and considered part of this advance directive. [.....]

SHARING OF INFORMATION BY PROVIDERS

I understand that the information in this document may be shared by my provider of mental health care with any other provider who may serve me when necessary to provide treatment in accordance with this advance directive.

Other instructions about sharing of information:

.....

SIGNATURE OF PRINCIPAL

By signing here, I indicate that I am mentally alert and competent, fully informed as to the contents of this document, and understand the full impact of having made this advance directive for psychiatric care.

..... ***.....***

Signature of Principal ***Date***

AFFIRMATION OF WITNESSES

We affirm that the principal is personally known to us, that the principal signed or acknowledged the principal's signature on this advance directive for psychiatric care in our presence, that the principal appears to be of sound mind and not under duress, fraud, or undue influence, and that neither of us is:

1. A person appointed as an attorney-in-fact by this document;

2. The principal's attending physician or provider of health care or an employee of the physician or provider; or

3. The owner or operator, or employee of the owner or operator, of a medical facility in which the principal is a patient or resident.

Witnessed by:

Witness: ....

Signature ***Date***

Witness: ....

Signature ***Date***

STATE OF NEVADA
COUNTY OF .....

CERTIFICATION OF NOTARY PUBLIC

STATE OF NEVADA
COUNTY OF .....

I,....., a Notary Public for the County cited above in the State of Nevada, hereby certify that..... appeared before me and swore or affirmed to me and to the witnesses in my presence that this instrument is an advance directive for psychiatric care and that he or she willingly and voluntarily made and executed it as his or her free act and deed for the purposes expressed in it.

I further certify that..... and....., witnesses, appeared before me and swore or affirmed that each witnessed..... sign the attached advance directive for psychiatric care believing him or her to be of sound mind and also swore that at the time each witnessed the signing, each person was: (1) not the attending physician or provider of health care, or an employee of the physician or provider, of the principal; (2) not the owner or operator, or employee of the owner or operator, of a medical

facility in which the principal is a patient or resident; and (3) not a person appointed as an attorney-in-fact by the attached advance directive for psychiatric care. I further certify that I am satisfied as to the genuineness and due execution of the instrument.

This is the..... day of.....,.....

.....

Notary Public

My Commission expires: .....

Sec. 10. *An advance directive for psychiatric care becomes operative when it is communicated to a physician or any other provider of health care and the principal is determined by two providers of health care, one of whom must be the attending physician or a licensed psychologist and the other of whom must be a physician, a physician assistant, a licensed psychologist, a psychiatrist or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120, to be no longer able to make or communicate decisions regarding the provision of psychiatric care. If the principal is determined to be no longer able to make or communicate decisions regarding the provision of psychiatric care and subsequently the principal's attending physician or an advance practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 and has an established relationship with the principal determines that the principal has regained the ability to make or communicate decisions regarding the provision of psychiatric care, the advance directive is no longer operative. When the advance directive is operative, a physician and any other provider of health care shall act in accordance with the provisions of the advance directive and with the instructions of a person designated pursuant to section 8 of this act, or comply with the requirements of section 15 of this act to transfer the care of the principal.*

Sec. 11. *Sections 2 to 17, inclusive, of this act create no presumption concerning the intention of a person who has revoked or has not executed an advance directive for psychiatric care.*

Sec. 12. *Upon being presented with an advance directive for psychiatric care, an attending physician or other provider of health care shall make the advance directive a part of the principal's medical record.*

Sec. 13. *1. A principal may revoke an advance directive for psychiatric care at any time and in any manner, as long as the principal is capable of making such a decision. The principal may exercise this right of revocation in any manner by which the principal is able to communicate an intent to revoke and by notifying the attending physician or other provider of health care of the revocation.*

2. The attending physician or other provider of health care shall make the revocation part of the principal's medical record.

Sec. 14. *1. When acting under the authority of an advance directive for psychiatric care, an attending physician or other provider of health care shall comply with the advance directive unless:*

(a) Compliance, in the opinion of the attending physician or other provider, is not consistent with generally accepted standards of care for the provision of psychiatric care for the benefit of the principal;

(b) Compliance is not consistent with the availability of psychiatric care requested;

(c) Compliance is not consistent with applicable law;

(d) The principal is admitted to a mental health facility or hospital pursuant to NRS 433A.145 to 433A.330, inclusive, and a course of treatment is required pursuant to those provisions; or

(e) Compliance, in the opinion of the attending physician or other provider, is not consistent with appropriate psychiatric care in case of an emergency endangering the life or health of the principal or another person.

2. In the event that one part of the advance directive is unable to be followed because of any of the circumstances set forth in subsection 1, all other parts of the advance directive must be followed.

Sec. 15. *A physician or other provider of health care who is unable to comply with sections 2 to 17, inclusive, of this act shall take all reasonable steps as promptly as practicable to transfer the psychiatric care of the principal to another physician or provider of health care.*

Sec. 16. *1. If two providers of health care, one of whom is a physician or a licensed psychologist and the other of whom is a physician, a physician assistant, a licensed psychologist, a psychiatrist or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120, determine that a person is incapable of consenting or refusing to consent to psychiatric care, a physician or other provider of health care treating the person must make a reasonable inquiry as to whether the person has executed an advance directive for psychiatric care.*

2. A physician or other provider of health care <u>acting in accord with reasonable medical standards</u> is not subject to civil or criminal liability, or discipline for unprofessional conduct, for:

(a) Complying with a direction given or a decision made by a person that the physician or other provider believes, in good faith, has authority to act as an agent for a principal concerning decisions relating to psychiatric care;

(b) Refusing to comply with a direction given or a decision made by a person based on a good faith belief that the person lacks the authority to act as an agency for a principal concerning decisions relating to psychiatric care;

(c) Giving effect to an advance directive for psychiatric care that the physician or other provider assumed was valid;

(d) Disclosing information concerning psychiatric care to another person based on a good faith belief that such disclosure was either authorized or required;

(e) Refusing to comply with a direction given or a decision made by a person because of conflicts with the physician's or other provider's contractual network or payment policy restrictions;

(f) Refusing to comply with a direction given or a decision made by a person if such direction or decision violates accepted medical or clinical standards of care;

(g) Making a determination that causes an advance directive to become effective; or

(h) Failing to determine that a person lacks sufficient understanding or capacity to make or communicate decisions regarding psychiatric care, thereby preventing an advance directive from becoming effective.

3. A physician or other provider of health care whose action pursuant to sections 2 to 17, inclusive, of this act is in accord with reasonable medical standards is not subject to civil or criminal liability, or discipline for unprofessional conduct, with respect to that action.

4. A person designated in an advance directive for psychiatric care pursuant to section 8 of this act whose decision is made in good faith pursuant to sections 2 to 17, inclusive, of this act is not subject to civil or criminal liability, or discipline for unprofessional conduct, with respect to that decision.

Sec. 17. ***1. An advance directive for psychiatric care executed in another state in compliance with the law of that state or of this State is valid for purposes of sections 2 to 17, inclusive, of this act.***

2. An instrument executed anywhere before the effective date of this act which clearly expresses the intent of the person executing the instrument to direct the provision of psychiatric care for the person when the person is otherwise rendered incapable of communicating with his or her attending physician, if executed in a manner which attests voluntary execution and has not been subsequently revoked, is effective under sections 2 to 17, inclusive, of this act.

3. As used in this section, "state" includes the District of Columbia, the Commonwealth of Puerto Rico and a territory or insular possession subject to the jurisdiction of the United States.

Sec. 18. NRS 449.905 is hereby amended to read as follows:

449.905 "Advance directive" means an advance directive for health care. The term includes:

1. A declaration governing the withholding or withdrawal of life-sustaining treatment as set forth in NRS 449.535 to 449.690, inclusive;

2. A durable power of attorney for health care as set forth in NRS 162A.700 to 162A.865, inclusive;

3. ***An advance directive for psychiatric care as set forth in sections 2 to 17, inclusive, of this act;***

4. A do-not-resuscitate order as defined in NRS 450B.420; and

~~[4.]~~ ***5.*** A Physician Order for Life-Sustaining Treatment form as defined in NRS 449.693.

Sec. 19. NRS 449.945 is hereby amended to read as follows:

449.945 1. The provisions of NRS 449.900 to 449.965, inclusive, do not require a provider of health care to inquire whether a patient has an advance directive registered on the Registry or to access the Registry to determine the terms of the advance directive.

2. A provider of health care who relies in good faith on the provisions of an advance directive retrieved from the Registry is immune from criminal and civil liability as set forth in:

(a) NRS 449.630, if the advance directive is a declaration governing the withholding or withdrawal of life-sustaining treatment executed pursuant to NRS 449.535 to 449.690, inclusive, or a durable power of attorney for health care executed pursuant to NRS 162A.700 to 162A.865, inclusive;

(b) ***Section 16 of this act, if the advance directive is an advance directive for psychiatric care executed pursuant to sections 2 to 17, inclusive, of this act;***

(c) NRS 449.691 to 449.697, inclusive, if the advance directive is a Physician Order for Life-Sustaining Treatment form; or

~~[(c)]~~ ***(d)*** NRS 450B.540, if the advance directive is a do-not-resuscitate order as defined in NRS 450B.420.

Sec. 20. This act becomes effective upon passage and approval.

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 107.

Bill read second time and ordered to third reading.

Senate Bill No. 195.

Bill read second time and ordered to third reading.

Senate Bill No. 273.

Bill read second time and ordered to third reading.

Senate Bill No. 305.

Bill read second time and ordered to third reading.

Senate Bill No. 322.

Bill read second time and ordered to third reading.

Senate Bill No. 366.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 714.

AN ACT relating to health care; requiring the preparation of a report relating to Medicaid recipients and access to employer-based health insurance; creating the Advisory Committee on Medicaid Innovation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill requires the Director of the Department of Health and Human Services to prepare ~~[a semiannual]~~ **an annual** report which ~~[discloses certain]~~ **lists all** employers in this State ~~[that]~~ **which** have 50 or more employees **and the number of full-time employees of such an employer** who are enrolled in Medicaid **.** ~~[and whether or not the employees have access to an employer-based health care plan.]~~ **Section 2** also requires **: (1) the report to include information relating to whether the employees of such an employer have access to an employer-based health care plan; and (2)** the Director to ~~[post this report on the Internet website of the Department and to provide it]~~ **submit this report** to the Governor and the Legislature. **Section 2** further requires that this report must not contain any individually identifiable health information and must comply with certain privacy provisions of federal law.

Section 4 of this bill creates the Advisory Committee on Medicaid Innovation within the Division of Health Care Financing and Policy of the Department. **Section 5** requires the Advisory Committee to provide certain recommendations to the Director, including, without limitation, public and private prescription purchasing coalitions, encouraging access to health insurance and, finally, any waivers the State may apply for from the Federal Government relating to Medicaid. **Section 4** authorizes the Director to appoint as many members to the Advisory Committee as he or she deems necessary or appropriate and requires the voting members of the Advisory Committee to be officers or employees of the Executive Branch of State Government. **Section 4** also authorizes the Director to appoint others to serve on the Advisory Committee as nonvoting members. Finally, **section 4** requires the members of the Advisory Committee to serve 2-year terms without additional compensation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***1. On or before January 1 ~~[and July 1]~~ of each year, the Director shall prepare, in consultation with the Director of the Department of Business and Industry, a report which includes, without limitation:***

(a) The name, street address of the office of the registered agent and the principal place of business of an employer in this State that employs 50 or more ~~[persons who are enrolled in Medicaid]~~ employees and whether the employer offers health benefits to its employees;

(b) The total number of persons enrolled in Medicaid who are employed on a full-time basis by such an employer;

(c) The number of persons enrolled in Medicaid who are married to or the dependent of an employee of such an employer; and

(d) The cost of providing coverage through Medicaid to the persons described in paragraphs (b) and (c).

2. The report prepared pursuant to subsection 1 must not contain any individually identifiable health information and must comply with the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended.

3. The Director shall [post the report required pursuant to subsection 1 on the Internet website of the Department and] submit the report required pursuant to subsection 1 to:

(a) The Governor; and

(b) The Director of the Legislative Counsel Bureau for transmittal to the Legislature.

4. The report required pursuant to this section must not include any personally identifiable information of a person whose information is included in the report.

5. As used in this section, "individually identifiable health information" has the meaning ascribed to it in 45 C.F.R. § 160.103.

Sec. 3. (Deleted by amendment.)

Sec. 4. ***1. The Advisory Committee on Medicaid Innovation is hereby created in the Division. The Director shall appoint the members to serve on the Advisory Committee.***

2. The Director shall appoint officers and employees of the Executive Branch of State Government to serve as voting members of the Advisory Committee and may appoint such other persons as the Director deems necessary or appropriate to serve as nonvoting members.

3. The Director shall appoint each member to serve for a term of 2 years.

4. At its first meeting and annually thereafter, the Advisory Committee shall elect a Chair from among its voting members.

5. Members of the Advisory Committee serve without any additional compensation.

6. A member of the Advisory Committee who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that he or she may prepare for and attend meetings of the Advisory Committee and perform any work necessary to carry out the duties of the Advisory Committee in the most timely manner practicable. A State agency or political subdivision of this State shall not require an officer or employee who is a member of the Advisory Committee to:

(a) Make up the time the member is absent from work to carry out his or her duties as a member of the Advisory Committee; or

(b) Take annual leave or compensatory time for the absence.

Sec. 5. ***1. The Advisory Committee on Medicaid Innovation created by section 4 of this act shall study:***

(a) The manner in which to create or expand public or private prescription purchasing coalitions.

(b) The manner in which to encourage access to employer-based health insurance plans, including, without limitation:

(1) Coordinating coverage provided by the State Plan for Medicaid and private health insurance which may be provided by an employer to a person eligible for Medicaid; and

(2) Providing assistance to a person who is eligible for Medicaid to allow the person to purchase private health insurance.

(c) Opportunities to apply to the Secretary of the United States Department of Health and Human Services for certain waivers pursuant to 42 U.S.C. §§ 1315 and 18052.

2. At least once each year, the Advisory Committee shall make such recommendations to the Director as it deems appropriate relating to opportunities to improve Medicaid or to increase access to health insurance.

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 12. This act becomes effective on July 1, 2017.

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 369.

Bill read second time and ordered to third reading.

Senate Bill No. 374.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 713.

~~[~~SENATOR~~]~~ SENATORS SEGERBLOM **AND SPEARMAN**

AN ACT relating to cannabis; revising the medical conditions for which a person may obtain a registry identification card; prohibiting a professional licensing board from taking disciplinary action against a licensee who holds a

registry identification card or engages in certain lawful activities relating to marijuana; authorizing the use of a marijuana-infused product or product containing industrial hemp by a provider of health care or massage therapist on a patient or client; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person to obtain a registry identification card to engage in the medical use of marijuana if, in addition to other requirements, the person submits valid, written documentation from the person's attending physician stating that the person has been diagnosed with a chronic or debilitating medical condition. (NRS 453A.210) **Section 1** of this bill includes opioid addiction within the definition of "chronic or debilitating medical condition." (NRS 453A.050)

Existing law prohibits a professional licensing board from taking disciplinary action against a person licensed by the board on the basis that the person engages in the medical use of marijuana or acts as a designated primary caregiver for a person who holds a registry identification card or letter of approval. (NRS 453A.510) **Section 1.5** of this bill prohibits a professional licensing board from taking disciplinary action against a person licensed by the board on the basis that the person holds a validly issued registry identification card or engages in lawful activity, pursuant to the person's licensed profession, relating to the medical use of marijuana or to a registered medical marijuana establishment. **Section 2** of this bill prohibits a professional licensing board from taking disciplinary action on the basis that the person engages in lawful activity, pursuant to the person's licensed profession, relating to: (1) the recreational use of marijuana; or (2) a licensed marijuana establishment.

Existing law exempts a person who holds a valid registry identification card from state prosecution for possession, delivery and production of marijuana. (NRS 453A.200) **Section 3.3** of this bill authorizes a provider of health care or massage therapist to: (1) administer a marijuana-infused product or a similar product containing industrial hemp for topical use on human skin to a patient or client if the patient or client provides the product for administration; (2) maintain a supply of products containing industrial hemp for topical use on human skin and administer such a product to a patient or client upon request; and (3) recommend the use of marijuana or industrial hemp by a patient or client to treat a condition. **Section 3.3** also prohibits a professional licensing board from taking disciplinary action against a provider of health care or massage therapist for making such an administration or recommendation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 453A.050 is hereby amended to read as follows:

453A.050 "Chronic or debilitating medical condition" means:

1. Acquired immune deficiency syndrome;

2. Cancer;

3. Glaucoma;

4. ***Opioid addiction;***

5. A medical condition or treatment for a medical condition that produces, for a specific patient, one or more of the following:

(a) Cachexia;

(b) Persistent muscle spasms, including, without limitation, spasms caused by multiple sclerosis;

(c) Seizures, including, without limitation, seizures caused by epilepsy;

(d) Severe nausea; or

(e) Severe pain; or

~~[5.]~~ ***6.*** Any other medical condition or treatment for a medical condition that is:

(a) Classified as a chronic or debilitating medical condition by regulation of the Division; or

(b) Approved as a chronic or debilitating medical condition pursuant to a petition submitted in accordance with NRS 453A.710.

Sec. 1.5. NRS 453A.510 is hereby amended to read as follows:

453A.510 A professional licensing board shall not take any disciplinary action against a person licensed by the board on the basis that:

1. The person engages in or has engaged in the medical use of marijuana in accordance with the provisions of this chapter; ~~[or]~~

2. ***The person holds a registry identification card issued to him or her pursuant to paragraph (a) of subsection 1 of NRS 453A.220;***

3. The person engages in any lawful activity, pursuant to the person's licensed profession, which:

(a) Is authorized by this chapter; or

(b) Relates to a medical marijuana establishment which is registered with the Division pursuant to this chapter;

4. If the person is a provider of health care, as defined in NRS 629.031, the person advises a patient about the possible risks and benefits of the medical use of marijuana or that the medical use of marijuana may mitigate the symptoms or effects of the patient's chronic or debilitating medical condition, if the advice is based on the person's personal assessment of the patient's medical history and current medical condition; or

5. The person acts as or has acted as the designated primary caregiver of a person who holds a registry identification card or letter of approval issued to him or her pursuant to paragraph (a) of subsection 1 of NRS 453A.220.

Sec. 2. Chapter 453D of NRS is hereby amended by adding thereto a new section to read as follows:

A professional licensing board shall not take any disciplinary action against any person licensed by the board on the basis that, pursuant to the person's licensed profession, the person engages in or has engaged in any lawful activity which:

1. Is authorized by this chapter; or

2. Relates to a marijuana establishment which is licensed pursuant to this chapter.

Sec. 3. (Deleted by amendment.)

Sec. 3.3. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A provider of health care or massage therapist may:

(a) Administer a marijuana-infused product or a product containing industrial hemp which is intended for topical use on human skin, including, without limitation, an ointment, oil or lotion, to a patient or client if the patient or client provides the product to the provider of health care or massage therapist to administer to the patient or client;

(b) Maintain a supply of products containing industrial hemp which are intended for topical use on human skin and administer such a product to a patient or client upon request; and

(c) Recommend to a patient or client the use of marijuana or industrial hemp to treat a condition.

2. A professional licensing board shall not take any disciplinary action against a provider of health care or massage therapist licensed by the board on the basis that the person has administered a marijuana-infused product or a product containing industrial hemp or recommended the use of marijuana or industrial hemp pursuant to subsection 1.

3. As used in this section:

(a) "Industrial hemp" has the meaning ascribed to it in NRS 557.040.

(b) "Marijuana" has the meaning ascribed to it in NRS 453.096.

(c) "Marijuana-infused product" has the meaning ascribed to it in NRS 453A.112.

(d) "Massage therapist" means a person who is licensed to engage in the practice of massage therapy pursuant to chapter 640C of NRS.

Sec. 3.7. NRS 629.580 is hereby amended to read as follows:

629.580 1. A person who provides wellness services in accordance with this section, but who is not licensed, certified or registered in this State as a provider of health care, is not in violation of any law based on the unlicensed practice of health care services or a health care profession unless the person:

(a) Performs surgery or any other procedure which punctures the skin of any person;

(b) Sets a fracture of any bone of any person;

(c) Prescribes or administers X-ray radiation to any person;

(d) ~~[~~Prescribes~~]~~ ***Except as otherwise provided in section 3.3 of this act, prescribes*** or administers a prescription drug or device or a controlled substance to any person;

(e) Recommends to a client that he or she discontinue or in any manner alter current medical treatment prescribed by a provider of health care licensed, certified or registered in this State;

(f) Makes a diagnosis of a medical disease of any person;

(g) Performs a manipulation or a chiropractic adjustment of the articulations of joints or the spine of any person;

(h) Treats a person's health condition in a manner that intentionally or recklessly causes that person recognizable and imminent risk of serious or permanent physical or mental harm;

(i) Holds out, states, indicates, advertises or implies to any person that he or she is a provider of health care;

(j) Engages in the practice of medicine in violation of chapter 630 or 633 of NRS, the practice of homeopathic medicine in violation of chapter 630A of NRS or the practice of podiatry in violation of chapter 635 of NRS, unless otherwise expressly authorized by this section;

(k) Performs massage therapy as that term is defined in NRS 640C.060; or

(l) Provides mental health services that are exclusive to the scope of practice of a psychiatrist licensed pursuant to chapter 630 or 633 of NRS, or a psychologist licensed pursuant to chapter 641 of NRS.

2. Any person providing wellness services in this State who is not licensed, certified or registered in this State as a provider of health care and who is advertising or charging a fee for wellness services shall, before providing those services, disclose to each client in a plainly worded written statement:

(a) The person's name, business address and telephone number;

(b) The fact that he or she is not licensed, certified or registered as a provider of health care in this State;

(c) The nature of the wellness services to be provided;

(d) The degrees, training, experience, credentials and other qualifications of the person regarding the wellness services to be provided; and

(e) A statement in substantially the following form:

It is recommended that before beginning any wellness plan, you notify your primary care physician or other licensed providers of health care of your intention to use wellness services, the nature of the wellness services to be provided and any wellness plan that may be utilized. It is also recommended that you ask your primary care physician or other licensed providers of health care about any potential drug interactions, side effects, risks or conflicts between any medications or treatments prescribed by your primary care physician or other licensed providers of health care and the wellness services you intend to receive.

➥ A person who provides wellness services shall obtain from each client a signed copy of the statement required by this subsection, provide the client with a copy of the signed statement at the time of service and retain a copy of the signed statement for a period of not less than 5 years.

3. A written copy of the statement required by subsection 2 must be posted in a prominent place in the treatment location of the person providing wellness services in at least 12-point font. Reasonable accommodations must be made for clients who:

(a) Are unable to read;

(b) Are blind or visually impaired;

(c) Have communication impairments; or

(d) Do not read or speak English or any other language in which the statement is written.

4. Any advertisement for wellness services authorized pursuant to this section must disclose that the provider of those services is not licensed, certified or registered as a provider of health care in this State.

5. A person who violates any provision of this section is guilty of a misdemeanor. Before a criminal proceeding is commenced against a person for a violation of a provision of this section, a notification, educational or mediative approach must be utilized by the regulatory body enforcing the provisions of this section to bring the person into compliance with such provisions.

6. This section does not apply to or control:

(a) Any health care practice by a provider of health care pursuant to the professional practice laws of this State, or prevent such a health care practice from being performed.

(b) Any health care practice if the practice is exempt from the professional practice laws of this State, or prevent such a health care practice from being performed.

(c) A person who provides health care services if the person is exempt from the professional practice laws of this State, or prevent the person from performing such a health care service.

(d) A medical assistant, as that term is defined in NRS 630.0129 and 633.075, an advanced practitioner of homeopathy, as that term is defined in NRS 630A.015, or a homeopathic assistant, as that term is defined in NRS 630A.035.

7. As used in this section, "wellness services" means healing arts therapies and practices, and the provision of products, that are based on the following complementary health treatment approaches and which are not otherwise prohibited by subsection 1:

(a) Anthroposophy.

(b) Aromatherapy.

(c) Traditional cultural healing practices.

(d) Detoxification practices and therapies.

(e) Energetic healing.

(f) Folk practices.

(g) Gerson therapy and colostrum therapy.

(h) Healing practices using food, dietary supplements, nutrients and the physical forces of heat, cold, water and light.

(i) Herbology and herbalism.

(j) Reflexology and Reiki.

(k) Mind-body healing practices.

(l) Nondiagnostic iridology.

(m) Noninvasive instrumentalities.
(n) Holistic kinesiology.
Sec. 4. This act becomes effective on July 1, 2017.

Assemblyman Sprinkle moved the adoption of the amendment.
Remarks by Assemblymen Sprinkle and Ohrenschall.
Potential conflict of interest declared by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:
I would like to advise the Chamber that my wife is currently employed as the Executive Director of the Nevada Dispensary Association, a trade association consisting of medical marijuana dispensaries and medical marijuana cultivators which actively lobbies the Legislature and other governmental entities on issues affecting its members. I have sought the advice of our Legislative Counsel and although Senate Bill 374 does not affect the members of the trade association that my wife is employed with any differently than any other medical marijuana dispensary owners and medical marijuana cultivators, I am making this disclosure, and I am abstaining from voting on the amendment to Senate Bill 374 out of an abundance of caution.

Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 386.
Bill read second time and ordered to third reading.

Senate Bill No. 473.
Bill read second time and ordered to third reading.

Senate Bill No. 476.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 31, 43, 53, 108, 122, 123, 160, 206, and 491 be taken from their positions on the General File and placed after Assembly Bill No. 110 on the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 110.
Bill read third time.
The following amendment was proposed by the Committee on Ways and Means:
Amendment No. 679.
AN ACT relating to education; requiring the Department of Education to establish a pilot program to provide competency-based education; requiring the State Board of Education to adopt regulations relating to the pilot program; establishing the Competency-Based Education Network; revising provisions governing the requirements for a pupil to receive credit for a course of study without attending the classes for the course; requiring the Department of Education to conduct a public awareness campaign regarding competency-based education; authorizing the Department to distribute

certain money through a competitive grants program to carry out the pilot program to provide competency-based education; requiring the Competency-Based Education Network to prepare a comprehensive report relating to competency-based education; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1.2 of this bill requires the Department of Education to establish a pilot program to provide competency-based education and requires the State Board of Education to adopt regulations that prescribe the process for submission of an application by a school district or charter school to participate in the pilot program and the qualifications and conditions for participation by a school in the pilot program. **Section 1.1** of this bill defines "competency-based education" to mean a system of instruction by which a pupil advances to a higher level of learning when the pupil demonstrates mastery of a concept or skill, regardless of the time, place or pace at which the pupil progresses.

Section 1.4 of this bill requires the Department to establish a Competency-Based Education Network and prescribes the membership and duties of the Network, including a requirement that the Network submit a report to the Governor and the Legislature on the implementation of competency-based education once each biennium.

Section 1.6 of this bill requires the Department of Education to: (1) conduct a public campaign to raise awareness about competency-based education; and (2) conduct at least one meeting with the superintendents of the school districts relating to competency-based education. **Section 3.5 of this bill appropriates money to the Department for the cost of travel associated with such a meeting with the superintendents of the school districts. Section 1.6** also authorizes the Department to ~~[use]~~ **distribute through a competitive grants program** money appropriated ~~[by the 2017 Legislature]~~ to the ~~[Account for Programs for Innovation and the Prevention of Remediation]~~ **Department** to carry out the pilot program to provide competency-based education.

Existing law provides that a pupil may be granted credit for certain courses in lieu of course attendance if the pupil: (1) demonstrates proficiency on certain examinations; and (2) applies to the board of trustees of the school district in which the pupil attends school to be granted credit. (NRS 389.171) **Section 1.8** of this bill provides that a pupil may also be granted credit in lieu of course attendance if the pupil demonstrates proficiency to meet the objectives of a course or of a particular area or areas of a course: (1) through a portfolio of the pupil's work; (2) through the pupil's performance of a task that is designed to measure the proficiency of the pupil; or (3) as measured by criteria prescribed by the State Board of Education. **Section 1.8** also requires the State Board to adopt regulations that: (1) provide that a pupil may apply to the governing body of the charter school in which the pupil is enrolled to be granted credit in lieu of course attendance; and (2) prescribe

other criteria that may be used to determine whether a pupil has achieved proficiency in a course.

Section 4 of this bill requires the Competency-Based Education Network to prepare a comprehensive report with its findings and recommendations on or before April 1, 2022, which must be posted on the Internet website of the Department of Education and submitted to the Governor, the Legislative Committee on Education and the Director of the Legislative Counsel Bureau for distribution to the next regular session of the Legislature.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 389 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.1 to 1.6, inclusive, of this act.

Sec. 1.1. ***As used in sections 1.1 to 1.6, inclusive, of this act, "competency-based education" means a system of instruction by which a pupil advances to a higher level of learning when the pupil demonstrates mastery of a concept or skill, regardless of the time, place or pace at which the pupil progresses.***

Sec. 1.2. ***1. The Department shall establish a pilot program to provide competency-based education.***

2. The State Board shall adopt regulations that prescribe:

(a) The process for submission of an application by the board of trustees of a school district or the governing body of a charter school to participate in the pilot program; and

(b) The qualifications and conditions for participation by a school in the pilot program, including, without limitation:

(1) A commitment by the school district or charter school to implement competency-based education for not less than 5 years;

(2) Evidence of support for the implementation of competency-based education by the community served by the school district or charter school; and

(3) A commitment to participate in the Competency-Based Education Network established by section 1.4 of this act.

3. A school selected to participate in the pilot program to provide competency-based education shall:

(a) Implement a system of instruction by which a pupil advances to a higher level of learning when the pupil demonstrates mastery of a concept or skill;

(b) Establish concrete skills on which a pupil will be evaluated that include explicit, measurable and transferable learning objectives;

(c) Ensure that assessment is a meaningful and positive learning experience for pupils;

(d) Ensure that pupils receive timely and differentiated support based upon their individual learning needs; and

(e) Ensure that pupils are able to apply knowledge learned, create new knowledge and develop important skills and dispositions relating to such knowledge.

Sec. 1.4. ***1. The Department shall establish a Competency-Based Education Network.***

2. The Competency-Based Education Network must consist of the following members:

(a) The principal of each school selected to participate in the pilot program established pursuant to section 1.2 of this act.

(b) At least one teacher who teaches in each school selected to participate in the pilot program established pursuant to section 1.2 of this act, selected by the principal of the school.

(c) The Chancellor of the Nevada System of Higher Education or his or her designee.

(d) The Chancellor of Western Governors University Nevada or his or her designee.

(e) One teacher who does not teach in a school selected to participate in the pilot program established pursuant to section 1.2 of this act, selected by the Nevada State Education Association to represent the Association.

(f) One parent or guardian of a pupil who is enrolled in a school selected to participate in the pilot program established pursuant to section 1.2 of this act, selected by the Nevada Parent Teacher Association to represent the Association.

(g) One parent or guardian of a pupil who is not enrolled in a school selected to participate in the pilot program established pursuant to section 1.2 of this act, selected by the Nevada Parent Teacher Association to represent the Association.

3. The Competency-Based Education Network shall:

(a) Study approaches to converting requirements regarding the amount of time a pupil is required to spend in a classroom into competency measures;

(b) Study tools for use in personalized learning and competency-based education;

(c) Study approaches to ensure appropriate examinations are prescribed by the State Board pursuant to NRS 389.171;

(d) Study strategies for improving competency-based education through the use of technology;

(e) Study professional development relating to competency-based education and other support to assist educators in transitioning to a system of competency-based education;

(f) Provide support and share data and best practices among schools participating in the pilot program established pursuant to section 1.2 of this act;

(g) Identify barriers and possible solutions to implementing a statewide system of competency-based education;

(h) Develop evidence-based recommendations for the continued implementation of a system of competency-based education; and

(i) On or before January 31 of every even-numbered year, submit a report to the Governor and the Legislature on the implementation of a system of competency-based education in this State.

4. The Competency-Based Education Network shall initially meet at the call of the Superintendent of Public Instruction. After the first meeting, the Network shall meet at the call of the Chair.

5. At the first meeting of the Competency-Based Education Network, the members of the Network shall elect a Chair by majority vote.

6. A majority of the members of the Competency-Based Education Network constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Network.

7. The Department of Education shall provide the Competency-Based Education Network with such staff as is necessary to carry out the duties of the Network.

8. Members of the Competency-Based Education Network serve without compensation, and travel and per diem expenses may not be reimbursed.

Sec. 1.6. ***1. The Department of Education shall:***

(a) Conduct a public campaign to raise awareness about competency-based education.

(b) Conduct one or more meetings with the superintendents of the school districts for the purpose of increasing:

(1) Understanding of competency-based education; and

(2) Interest in implementing a system of competency-based education.

2. To the extent that money is available for that purpose, the Department of Education may, through a competitive grants program, distribute any money appropriated ~~[by the 2017 Legislature]~~ to the ~~[Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.1247]~~ Department to carry out the pilot program to provide competency-based education established pursuant to section 1.2 of this act. Grants must be awarded by the Department to schools selected to participate in the program based upon money available ~~[.]~~ for this purpose.

Sec. 1.8. NRS 389.171 is hereby amended to read as follows:

389.171 1. A pupil may be granted credit for a specific course of study without having attended the regularly scheduled classes in the course if the pupil demonstrates his or her proficiency to meet the:

(a) Objectives of the course through the pupil's performance on an examination prescribed by the State Board;

(b) Objectives of a particular area or areas of the course in which the pupil is deficient through the pupil's performance on an examination developed by the principal and the pupil's teacher who provides instruction in the course

that is designed to measure the proficiency of the pupil in that particular area or areas; ~~[or]~~

(c) Objectives of the course through the pupil's performance on an examination that the principal determines is as rigorous or more rigorous than the examination prescribed by the State Board pursuant to paragraph (a), including, without limitation, an advanced placement examination in the subject area of the course ~~[.]~~ ***;***

(d) Objectives of the course through a portfolio of the pupil's work;

(e) Objectives of a particular area or areas of the course through the pupil's performance of a task that is designed to measure the proficiency of the pupil in that particular area or areas; or

(f) Objectives of the course as measured against the criteria prescribed by the State Board pursuant to paragraph (d) of subsection 2.

2. The State Board shall adopt regulations that prescribe the:

(a) Form on which a pupil may apply to the board of trustees of a school district in which the pupil attends school ***or the governing body of the charter school in which the pupil is enrolled*** to be granted credit pursuant to subsection 1;

(b) Courses of study for which pupils may be granted credit pursuant to subsection 1; ~~[and]~~

(c) Minimum score on the examination prescribed pursuant to paragraph (a) of subsection 1 that is required to demonstrate proficiency in a course ~~[.]~~ ***; and***

(d) Criteria, other than the criteria described in paragraphs (a) to (e), inclusive, of subsection 1, that may be used to determine whether a pupil has achieved proficiency in a course.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 3.5. **1. There is hereby appropriated from the State General Fund to the Department of Education for the cost of travel related to meetings with the superintendents of the school districts required by section 1.6 of this act the following sums:**

For the Fiscal Year 2017-2018..... $1,500

For the Fiscal Year 2018-2019..... $1,500

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 21, 2018, and September 20, 2019, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 21, 2018, and September 20, 2019, respectively.

Sec. 4. In addition to the report required by section 1.4 of this act, the Competency-Based Education Network shall, on or before April 1, 2022:

1. Complete a comprehensive report with its findings and any recommendations relating to competency-based education;

2. Post a copy of the report on the Internet website maintained by the Department of Education; and

3. Submit a copy of the report to the Governor, the Legislative Committee on Education and the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

Sec. 5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 6. This act becomes effective upon passage and approval for the purposes of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act, and on July 1, 2017, for all other purposes.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 31.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Senate Bill 31 requires certain intrastate commercial motor vehicles that are required to register with the Department of Motor Vehicles [DMV] to do so through the Motor Carrier Division and to obtain a United States Department of Transportation [USDOT] number. This requirement applies to intrastate commercial motor vehicles, other than farm vehicles, over 26,000 pounds or commercial motor vehicles transporting hazardous materials, regardless of weight. If the motor carrier responsible for any vehicles that are required to obtain a USDOT number are subject to certain out-of-service orders issued by a federal or state entity, the DMV may refuse to register vehicles of the carrier, revoke the registration of vehicles of the motor carrier, or refuse to renew the registration of vehicles of the motor carrier.

A peace officer may seize the license plates of an intrastate vehicle if the motor carrier is subject to certain out-of-service orders, send the plates to the DMV, and notify the motor carrier. If the motor carrier is not the registered owner of the vehicle, a peace officer may impound the vehicle and notify the owner of the impoundment.

Finally, S.B. 31 adds an authorization for DMV to register a commercial motor vehicle up to 83,000 pounds if operation of the truck is authorized by federal law.

This measure is effective upon passage and approval for the purposes of adopting regulations and performing other preparatory tasks. For all other purposes, S.B. 31 is effective on July 1, 2020.

Roll call on Senate Bill No. 31:

YEAS—42.

NAYS—None.

Senate Bill No. 31 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 43.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Senate Bill 43 adds a representative from the United States National Park Service to the Nevada State Board on Geographic Names.

Roll call on Senate Bill No. 43:

YEAS—42.

NAYS—None.

Senate Bill No. 43 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 53.

Bill read third time.

Remarks by Assemblyman Marchant.

ASSEMBLYMAN MARCHANT:

Senate Bill 53 revises provisions relating to the installation, operation, and maintenance of telecommunications facilities. Among other things, the bill authorizes the Department of Transportation to grant longitudinal access and wireless access to certain rights-of-way owned by the Department to telecommunications providers to construct and install telecommunications facilities. The measure also provides for monetary and in-kind compensation to the Department for longitudinal access and wireless access to certain rights-of-way. Finally, S.B. 53 creates the Telecommunications Advisory Council to assist the Department in administering access to rights-of-way to telecommunications providers and to provide other assistance as requested by the Department.

This measure is effective upon passage and approval for the purposes of appointing members of the Telecommunications Advisory Council, adopting regulations, and performing other preparatory tasks. For all other purposes, the bill is effective on July 1, 2017.

Roll call on Senate Bill No. 53:

YEAS—42.

NAYS—None.

Senate Bill No. 53 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 108.

Bill read third time.

Remarks by Assemblywoman Tolles.

ASSEMBLYWOMAN TOLLES:

Senate Bill 108 requires the State Board of Education to create a subcommittee to study the manner in which to include in high school social studies coursework instruction in criminal law related to certain crimes that frequently involve persons less than 18 years of age. It requires such instruction to emphasize personal responsibility for understanding and complying with the

law and lists specific topics to be covered. The instruction must also include relevant information to assist victims and witnesses of such crimes.

The bill requires the State Board of Education to submit a report to the Legislative Committee on Education on or before July 1, 2018, outlining recommendations and any actions the Board has taken or intends to take to include the instruction described in the bill. The committee must then make a related report to the Legislature.

This bill is effective on July 1, 2017.

Roll call on Senate Bill No. 108:

YEAS—42.

NAYS—None.

Senate Bill No. 108 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 122.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Senate Bill 122 establishes the Account for Family Planning in the State General Fund. The Account is administered by the Division of Public and Behavioral Health, Department of Health and Human Services. Money in the Account must be used to award grants to local governmental entities and nonprofit organizations to provide certain family planning services. Grants must be awarded based on a community's need and the local government's or nonprofit organization's ability to deliver services effectively.

Roll call on Senate Bill No. 122:

YEAS—29.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Krasner, Marchant, McArthur, Oscarson, Pickard, Tolles, Wheeler, Woodbury—13.

Senate Bill No. 122 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 123.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 123 makes various changes to provisions governing the State Long-Term Care Ombudsman within the Aging and Disability Services Division of the Department of Health and Human Services.

Roll call on Senate Bill No. 123:

YEAS—42.

NAYS—None.

Senate Bill No. 123 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 160.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Senate Bill 160 revises notice requirements affecting the adoption of administrative regulations by agencies of the Executive Department of state government that are not exempt from the Nevada Administrative Procedure Act. Specifically, the bill provides that an agency must ensure that a regulation to be considered at a public hearing is posted on the agency's website three working days before the hearing.

Similarly, the measure requires an agency to provide at least three working days' notice of its intent to approve a revision to a regulation before holding a second or subsequent hearing on that regulation, including, without limitation, a subsequent hearing on an adopted regulation that has not been approved by the Legislative Commission or the Subcommittee to Review Regulations.

Roll call on Senate Bill No. 160:

YEAS—42.

NAYS—None.

Senate Bill No. 160 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 206.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Senate Bill 206 increases from three years to four years the length of a term for appointed members of the State Barbers' Health and Sanitation Board and prohibits the appointed members of the Board from serving more than three terms. Any term commencing on or after January 3, 2011, counts toward the limitation on the number of terms that may be served.

The measure requires the Board to place its budget and all financial reports prepared by the Board on its Internet website. The Board must post licensing examination dates on its Internet website not less than 60 days before the date of the examination.

Roll call on Senate Bill No. 206:

YEAS—42.

NAYS—None.

Senate Bill No. 206 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 491.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Senate Bill 491 authorizes counties whose population is less than 100,000—currently all counties other than Clark and Washoe Counties—to lease mechanical voting systems and mechanical recording devices from the Secretary of State without the option to purchase such systems and devices. Under the bill, the county would agree to maintain and insure the machines for the duration of the lease agreement, but the state would retain ownership. Like existing provisions authorizing a lease-purchase option for voting systems, this option would require a two-year agreement between the county and the Secretary of State, with an

exclusive option for the county to extend the term of the agreement for like periods of two years at a time. The measure provides that the aggregate of rental payments under the two-year agreement must not exceed 10 percent of the purchase price of the systems and devices described in the agreement. Only those mechanical voting systems and mechanical recording devices approved by the Secretary of State may be purchased, leased, or used in Nevada.

Roll call on Senate Bill No. 491:

YEAS—42.

NAYS—None.

Senate Bill No. 491 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 2, 51, 75, 91, 116, 117, 133, 140, 141, 173, 176, 182, 188, 230, 237, 240, 247, 252, 255, 268, 279, 295, 311, 318, 324, 338, 376, 384, 411, 422, 447, 454, 464, 466, 483, 493, 513, and 515; Senate Joint Resolutions Nos. 5, 8, and 13 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 4, 6, 11, 14, 27, 28, 32, 33, 37, 38, 50, 63, 64, 74, 75, 102, 107, 118, 132, 133, 135, 147, 184, 191, 203, 221, 227, 239, 252, 282, 297, 391, 482; Senate Bills Nos. 7, 16, 22, 44, 45, 57, 105, 148, 197, 198; Senate Concurrent Resolution No. 9.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from McQueen High School: Charmagne de Diego, Amber Rieger, Skyler Dohr, Jessica Rivera, Dalten Smith, Maleah Milner, Kayla Quintana, Jenna Wang, Haley Webbert, Valeria Savage, Heather Gonzales, “Goose” Sweet, Anna Zimmerman, Isabelle Richards, Ali Zoller, Watson Jia, Julie Roser, Zach Murphy, Betzania Ocampo, Mariah Lopez, Sam Dietrich, Anna Supple, Rachel Young, Samuel Bischopink, Vanessa Suratos, Amit Bhanver, Jeff Hurrle, Kiera Italiano, Elaine McQuillan, Will Ionno, Megan Fisher, Ericka Logan, Dylan Marchand, Alea Martin, Jon Mayer, Austin Grush, McKenzie Satmary, Madeleine Stuart, Annika Wevers, Ben Cleymaet, William Na, Anthony Florez, Gabi Zbella, Jaeden Cowell, Gracy Ruiz-Cota, Celia Arnold, Alex Pereyra, and Mariah Moss.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Justin Allen.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Ruth Bunce.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Delvon Howard.

On request of Assemblyman Kramer, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Empire Elementary School: Bryan Avila, Connor Cooley-Nichols, Luis Cervantes, Austin Doer, Ezequiel Flores-Moran, Riley Gatlin, Arianna Gutierrez, Salvador Juarez-Bravo, Jasmine Melendez, Steven Mendoza-Silverio, Uravis Montero, Jazmin Munoz-Landa, Leanessa Petrini, Alan Rendon, Nohely Rivera, Alexa Robles-Ruiz, Sophia Rojas - Nungary, Alan Medina-Ramirez, Yael Salazar-Cortes, Emilyanne Williams, Salvador Zaragoza-Diaz, Jesse Anaya, Lilly Broon , Helery Cervantes, Janessa Cuevas, Fabian Curt, Dezel Dejesus, Gracie Escobedo, Julian Hernandez, Alicia Ibarra, Luis Leyva, Tyrus Mejorado, Britney Montero, Dayanara Pacheco, Elijah Presswood, Derrick Schneider, Oscar Vargas, Anahi Villeda, Gabriauna Wilson, Moises Aguilar, Julie Altamirano, Hannah Anaya, Eilyn Angulo, Jennifer Arambula, Evelyn Beltran, Troy Bruhn, Trigo Burciaga-Hernades, Donny Chappell, Rebecca Crowe, Alvaro Flores, Milton Franco, Monserrath Garcia-Castaneda, Giovanni Gutierrez, Cecelia Laguna, Angelo Macias, Carlos Mejia, Angel Munoz-Ortega, Ryah Newton, Marelly Paredes, Omar Rubio, Serena Simas, Giselle Alcantara, Anthony Aviles-Martinez, Darron Bishop, Reghan Burdett-Wanamaker, Victor Calderon Ruiz, Vivianne Canedo Pinzon, Yocelin Delgado-Castaneda, Cordelia Dobbs, Constantine Furrow, Kimberly Herrera-Sanchez, Arely Infante, Jorge Leyva-Landa, Isaac Mays, Jessica Medina Rojas, Angel Munoz-Archuleta, Jenay Rambeau, Sariah Skenandore, Joselyn Tapia, Jaysen Vargas, Gustavo Velazquez, Melanie Dietz, Austin Bianchi, Saul Arteaga Almarez, Gabby Brewer, Garrett Burton-Abbott, Karla Calles Ramirez, Ana Cazares, Leo Eich, Michelle Escobar, Evelynne Espindola-Rios, Damien Fred, Alexa Gaxiola, Annie Goodlander, Cyrus Harper, Morgan Malen, Evelyn Mariscal Bravo, Justin Montiel Castro, Alejandro Munoz Avalos, Elayna Quintero, Erik Rodriguez Davalos, and Francisco Zambrano.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to Ty Maurer and Lavonne Brooks.

On request of Assemblyman McCurdy, the privilege of the floor of the Assembly Chamber for this day was extended to Messiah Smith.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Ronnie Fahnestock and Joanne Fahnestock.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Nixon and Devon Day.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Leslie Ross.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Thursday, May 18, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 1:15 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND SECOND DAY

CARSON CITY (Thursday), May 18, 2017

Assembly called to order at 12:39 p.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by the Chaplain, Reverend Chad Adamik.
The following is a prayer attributed to Saint Francis of Assisi:

> Lord, make me an instrument of Your peace: where there is hatred, let me sow love; where there is injury, pardon; where there is doubt, faith; where there is despair, hope; where there is darkness, light; where there is sadness, joy.
>
> O divine Master, grant that I may not so much seek to be consoled as to console, to be understood as to understand, to be loved as to love. For it is in giving that we receive, it is in pardoning that we are pardoned, and it is in dying that we are born to eternal life. Amen.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 150, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 162, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRENE BUSTAMANTE ADAMS, *Chair*

Mr. Speaker:

Your Committee on Corrections, Parole, and Probation, to which was referred Senate Bill No. 393, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OHRENSCHALL, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 38, 375, 400, 434, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bill No. 374; Senate Bill No. 59, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 480, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 163, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL C. SPRINKLE, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 258, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 494, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 17, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 34, 60, 65, 70, 89, 114, 128, 136, 165, 173, 180, 190, 195, 199, 228, 229, 231, 232, 245, 271, 310, 316, 317, 335, 392, 393, 435, 438, 445, 459, 465, 466; Assembly Joint Resolutions Nos. 7, 9, 10, 13; Senate Bills Nos. 106, 525, 526; Senate Joint Resolution No. 14.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 57, Amendment No. 677; Assembly Bill No. 214, Amendment No. 671; Assembly Bill No. 255, Amendment No. 737, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 516.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 519; Senate Joint Resolution No. 11.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

May 17, 2017

Pursuant to paragraph (a) of subsection 4 of Joint Standing Rule No. 14.6, Assembly Bill No. 396 is not subject to the provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3.

RICHARD S. COMBS
Director

Senate Joint Resolution No. 11.

Assemblywoman Benitez-Thompson moved that the resolution be referred to the Committee on Legislative Operations and Election.

Motion carried.

Senate Joint Resolution No. 14.

Assemblywoman Benitez-Thompson moved that the resolution be referred to the Committee on Taxation.

Motion carried

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 236 and 442 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 471; Senate Bills Nos. 311, 322, 324, and 384 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 181 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 116, 230, 268, 369, and 386 be taken from their positions on the General File and placed at the bottom of the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 106.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 516.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 519.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 525.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 526.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 183.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 685.

AN ACT relating to hospitals; ~~[restricting the enforcement by a hospital of certain statutory liens;]~~ limiting the amount that a hospital may collect or attempt to collect from a patient or other responsible party under certain circumstances; **establishing provisions relating to statutory liens on a judgment or settlement; requiring a hospital to provide notice of intent to file such a lien in certain circumstances; providing for an award of damages for improperly asserting or perfecting such a lien;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[A hospital has statutory liens for any amount due to the hospital for the reasonable value of the care rendered to a patient. The liens apply to any award of damages or settlement obtained by the patient or the patient's personal representative from a person responsible for the injury causing the hospitalization or, in the case of a county or district hospital, any real property of the patient or other responsible party. (NRS 108.590, 108.662) If a hospital provides care to a person who is covered by a policy of health insurance or may be eligible for coverage under Medicaid, the Children's Health Insurance Program or any other public program which may pay all or part of the hospital bill, existing law generally requires the hospital to submit its bill to the insurer or public program and await a determination concerning payment of the bill before proceeding with any efforts to collect the bill from the patient or other responsible party. (NRS 449.757) Section 1 of this bill provides that the hospital is likewise barred during this period from asserting, perfecting, foreclosing or otherwise enforcing its statutory liens.]~~

Existing law ~~[additionally]~~ limits the collection rights of a hospital if a patient is covered by a policy of health insurance issued by a third party and the hospital has a contract with that party. The hospital may not collect or attempt to collect its charges from an insurer other than a health insurer, including an insurer that provides coverage under a policy of casualty or property insurance. These limitations currently do not apply to Medicaid, the

Children's Health Insurance Program or any other public program which may pay all or part of the hospital bill. (NRS 449.758) **Section 2** of this bill limits the amount that the hospital may collect or attempt to collect from the patient or other responsible party to the lesser of: (1) the amounts payable by or on behalf of the patient under the policy; or (2) the amount provided in the contract between the hospital and the third party. **Section 2** also deletes the specific ~~[references]~~ **reference** to ~~[casualty and]~~ property insurance and removes the exemption for Medicaid, the Children's Health Insurance Program and other public programs.

~~[Finally, where the amount that the hospital may collect or attempt to collect from the patient or other responsible party is limited as described above, sections]~~ **Section 2 additionally requires a hospital that collects or receives any payments from an insurer that provides medical payment coverage under a policy of casualty insurance to return to the patient or the person identified in the hospital bill as the responsible party any amount collected or received that is in excess of the deductible, copayment or coinsurance payable by or on behalf of the patient under the policy of health insurance not later than 30 days after a determination is made concerning coverage.**

Existing law provides that a hospital has statutory liens for any amount due to the hospital for the reasonable value of the care rendered to an injured person. The liens apply to any award of damages or settlement obtained by the injured person or the personal representative of the injured person from a person responsible for the injury causing the hospitalization or, in the case of a county or district hospital, any real property of the injured person or other responsible party. (NRS 108.590, 108.662) Under section 2.5 of this bill, if a hospital provides care to an injured person who has a policy of health insurance issued by a third party and the hospital has a contract with that party and wishes to be able to perfect a statutory lien on a judgment or settlement, the hospital is required to send a notice of intent to file a lien to certain persons after the hospital submits a claim to the third party but not later than 90 days after the termination of the hospitalization of the injured person. After the claim is accepted by the third party or, if the claim is denied, all available appeals have been exhausted, the hospital is required to mail written notice to the injured person or the personal representative of the injured person, specifying the amount due. Section 2.5 authorizes a hospital to perfect the statutory lien for any amount due if, within 30 days after such written notice is mailed, the amount due is not paid or an agreement for a payment plan is not entered into. Section 2.5 additionally provides that if a hospital provides notice of intent to file a lien, the hospital must be provided notice of any judgment, settlement or compromise.

Section 2.7 of this bill provides that a statutory lien on a judgment or settlement is the exclusive method of collection against an injured person

and any amount received pursuant to the lien constitutes complete satisfaction of any debt owed by the injured person to the hospital for the care provided.

Section 2.9 of this bill provides that if a hospital improperly asserts or perfects a statutory lien on a judgment or settlement, the injured person is entitled to damages equal to twice the amount of the lien.

Under section 3.7 of this bill, if a hospital perfects a lien and subsequently receives information that the injured person has a policy of health insurance issued by a third party and the hospital has a contract with that party, the hospital is required to file a claim with the third party and wait for the claim to be adjudicated and all available appeals to be exhausted before the hospital is able to collect any amount under the lien.

Sections 3 and 4 of this bill limit the amount of ~~[the]~~ **a** hospital's statutory liens ~~[accordingly.]~~ **in certain circumstances.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 449.757 is hereby amended to read as follows:~~

~~449.757 1. When a person receives hospital care, the hospital must not~~ ***assert, perfect, foreclose or otherwise enforce or attempt to enforce any lien pursuant to NRS 108.590 or 108.662 or otherwise*** ~~proceed with any efforts to collect on any amount owed to the hospital for the hospital care from the responsible party, other than for any copayment or deductible, if the responsible party has health insurance or may be eligible for Medicaid, the Children's Health Insurance Program or any other public program which may pay all or part of the bill, until the hospital has submitted a bill to the health insurance company or public program and the health insurance company or public program has made a determination concerning payment of the claim.~~

~~2. Collection efforts may begin and interest may begin to accrue on any amount owed to the hospital for hospital care which remains unpaid by the responsible party not sooner than 30 days after the responsible party is sent a bill by mail stating the amount that he or she is responsible to pay which has been established after receiving a determination concerning payment of the claim by any insurer or public program and after applying any discounts. Interest must accrue at a rate which does not exceed the prime rate at the largest bank in Nevada as ascertained by the Commissioner of Financial Institutions on January 1 or July 1, as the case may be, immediately preceding the date on which the payment becomes due, plus 2 percent. The rate must be adjusted accordingly on each January 1 and July 1 thereafter until the payment is satisfied.~~

~~3. Except for the interest authorized pursuant to subsection 2 and any court costs and attorney's fees awarded by a court, no other fees may be charged concerning the amount that remains unpaid, including, without~~

~~limitation, collection fees, other attorney's fees or any other fees or costs.]~~ **(Deleted by amendment.)**

Sec. 2. NRS 449.758 is hereby amended to read as follows:

449.758 1. Except as otherwise provided in subsection ~~[2,]~~ ***3,*** if a hospital provides hospital care to a person who has a policy of health insurance issued by a third party that provides health coverage for care provided at that hospital and the hospital has a contractual agreement with the third party, the hospital ~~[shall]~~ ***:***

(a) Shall proceed with any efforts to collect on any amount owed to the hospital for the hospital care in accordance with the provisions of NRS 449.757 **.** ~~[and shall]~~

(b) Shall not collect or attempt to collect from the patient or other responsible party more than the lesser of:

(1) The sum of the amounts of any deductible, copayment or coinsurance payable by or on behalf of the patient under the policy of health insurance; or

(2) The amount provided in the contractual agreement between the hospital and the third party.

(c) Shall not collect or attempt to collect that amount from:

~~[(a)]~~ ***(1)*** Any proceeds or potential proceeds of a civil action brought by or on behalf of the patient, including, without limitation, any amount awarded for medical expenses; or

~~[(b)]~~ ***(2)*** An insurer other than ~~[a health]~~ ***an*** insurer ~~[, including, without limitation,]~~ ***that provides coverage under a policy of health insurance or*** an insurer that provides coverage ***for medical payments*** under a policy of casualty ~~[or property *health]*~~ insurance.

2. ***If the hospital collects or receives any payments from an insurer that provides coverage for medical payments under a policy of casualty insurance, the hospital shall, not later than 30 days after a determination is made concerning coverage, return to the patient or the person identified in the hospital bill as the responsible party any amount collected or received that is in excess of the deductible, copayment or coinsurance payable by or on behalf of the patient or person under the policy of health insurance.***

3. This section does not apply to ~~[:~~

~~(a) Amounts]~~ ***amounts*** owed to the hospital under the policy of health insurance that are not collectible **.** ~~[; or~~

~~(b) Medicaid, the Children's Health Insurance Program or any other public program which may pay all or part of the bill.~~

~~3.]~~ ***4.*** This section does not limit any rights of a patient to contest an attempt to collect an amount owed to a hospital, including, without limitation, contesting a lien obtained by a hospital.

~~[4.]~~ ***5.*** As used in this section, "third party" ~~[has the meaning ascribed to it in NRS 439B.260.]~~ ***means:***

(a) An insurer, as defined in NRS 679B.540;

(b) A health benefit plan, as defined in NRS 689A.540, for employees which provides coverage for services and care at a hospital;

(c) A participating public agency, as defined in NRS 287.04052, and any other local governmental agency of the State of Nevada which provides a system of health insurance for the benefit of its officers and employees, and the dependents of officers and employees, pursuant to chapter 287 of NRS; or

(d) Any other insurer or organization providing health coverage or benefits in accordance with state or federal law.

Sec. 2.1. **Chapter 108 of NRS is hereby amended by adding thereto the provisions set forth as sections 2.3 to 2.9, inclusive, of this act.**

Sec. 2.3. ***As used in NRS 108.590 to 108.660, inclusive, and sections 2.3 to 2.9, inclusive, of this act, unless the context otherwise requires, "third party" has the meaning ascribed to it in subsection 5 of NRS 449.758.***

Sec. 2.5. ***1. If a hospital provides hospital care to an injured person who has a policy of health insurance issued by a third party that provides health coverage for care provided at the hospital and the hospital has a contractual agreement with the third party and wishes to be able to perfect a lien pursuant to NRS 108.610, the hospital shall, after submitting a claim to the third party but not later than 90 days after the termination of hospitalization, send a notice of intent to file a lien by registered or certified mail to:***

(a) The insurance carrier, if known, which has insured against liability of the person alleged to be responsible for causing the injury and liable on account thereof and from which damages are claimed and any legal representative of that person; and

(b) The injured person or personal representative of the injured person, as applicable, and any legal representative of the injured person or personal representative.

2. The notice sent pursuant to subsection 1 must contain the following information:

(a) The charges billed by the hospital for the services provided to the injured person;

(b) The reasonable estimate by the hospital of the amount to be paid by the third party; and

(c) The reasonable estimate by the hospital of the amount of any deductible, copayment or coinsurance to be paid by the injured person.

3. After a claim is submitted to a third party and the claim is accepted or, if the claim is denied, all available appeals have been exhausted, the hospital shall deliver written notice by first-class mail to the injured person or the personal representative of the injured person, as applicable, specifying the total amount due.

4. If, within 30 days after the date that written notice is mailed pursuant to subsection 3, the total amount due is not paid or the injured person or the personal representative of the injured person does not enter into an agreement with the hospital to make payments toward the amount due, the hospital may perfect the lien for any amount due in accordance with the provisions of NRS 108.610.

5. If an injured person or the personal representative of an injured person is awarded by judgment or obtains by a settlement or compromise a sum of money after a notice of intent to file a lien is received pursuant to this section:

(a) Any person receiving such notice shall provide written notice to the hospital of the judgment, settlement or compromise; and

(b) The insurance carrier and any attorney holding the money in trust shall proceed as if the lien is perfected pursuant to NRS 108.610.

Sec. 2.7. A lien asserted pursuant to NRS 108.590 to 108.660, inclusive, and sections 2.3 to 2.9, inclusive, of this act is the exclusive method of collection against an injured person, and any amount received pursuant to the lien constitutes complete satisfaction of any debt owed by the injured person to the hospital for the hospital care provided.

Sec. 2.9. If a hospital asserts or perfects a lien in violation of NRS 108.590 to 108.660, inclusive, and sections 2.3 to 2.9, inclusive, of this act, the injured person is entitled to damages equal to twice the amount of the lien.

Sec. 3. NRS 108.590 is hereby amended to read as follows:

108.590 1. ~~[~~Whenever~~]~~ ***Except as otherwise provided in ~~[this]~~ subsection ~~1~~ 2, whenever*** any person receives hospitalization on account of any injury, and the injured person, or a personal representative after the person's death, claims damages from the person responsible for causing the injury, the hospital has a lien upon any sum awarded the injured person or the personal representative by judgment or obtained by a settlement or compromise to the extent of the amount due the hospital for the reasonable value of the hospitalization rendered before the date of judgment, settlement or compromise. ***~~[If the provisions of NRS 449.757 or 449.758 are applicable, the amount of the lien is limited to the amount the hospital is entitled to collect pursuant to those sections.]~~***

2. ***Except as otherwise provided in subsection 3, if a hospital provides hospital care to an injured person who has a policy of health insurance issued by a third party that provides health coverage for care provided at the hospital and the hospital has a contractual agreement with the third party, the reasonable value of the hospitalization rendered is limited to the lesser of:***

(a) The sum of the amounts of any deductible, copayment or coinsurance payable by or on behalf of the injured person under the policy of health insurance; or

(b) The amount provided in the contractual agreement between the hospital and the third party.

3. The provisions of subsection 2 do not apply if the third party denies coverage for the services provided to the injured person and all available appeals provided pursuant to the policy of health insurance have been exhausted. For the purposes of this subsection, a claims adjudication by a third party that another person is responsible for payment is not a denial of coverage.

4. The lien provided by this section is:

(a) Not valid against anyone coming under the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS.

(b) In addition to the lien provided by NRS 108.662.

Sec. 3.3. **NRS 108.600 is hereby amended to read as follows:**

108.600 1. No rights or claims for liens under NRS 108.590 to 108.660, inclusive, ***and sections 2.3 to 2.9, inclusive, of this act*** shall be allowed for hospitalization rendered an injured person after a settlement has been effected by or on behalf of the party causing the injury.

2. No lien shall apply or be allowed against any sum incurred by the injured party for necessary attorney fees, costs and expenses incurred by the injured party in securing a settlement, compromise or recovering damages by an action at law.

Sec. 3.7. **NRS 108.610 is hereby amended to read as follows:**

108.610 ***1.*** In order to perfect ~~[the]~~ ***a*** lien ~~[,]~~ ***provided by NRS 108.590,*** the hospital or the owner or operator thereof ~~[shall:~~

~~1.]~~ ***must comply with the provisions of section 2.5 of this act, if applicable, and:***

(a) Before the payment of any money to the injured person ***, the personal representative of the injured person*** or to a legal representative as compensation for injuries received, record a notice of lien, substantially in the form prescribed in NRS 108.620, containing an itemized statement of the amount claimed. The notice of lien must be filed with:

~~[(a)]~~ ***(1)*** The county recorder of the county wherein the hospital is located; and

~~[(b)]~~ ***(2)*** The county recorder of the county wherein the injury was suffered, if the injury was suffered in a county other than that wherein the hospital is located.

~~[2.]~~ ***(b)*** Before the date of judgment, settlement or compromise, serve a certified copy of the notice of lien by registered or certified mail upon the person alleged to be responsible for causing the injury and liable for damages on account thereof and from which damages are claimed.

~~[3.]~~ ***(c)*** Before the date of judgment, settlement or compromise, serve a certified copy of the notice of lien by registered or certified mail upon the insurance carrier, if known, which has insured against liability of the person alleged to be responsible for causing the injury and liable for damages on account thereof and from which damages are claimed.

2. If a hospital perfects a lien and, before collecting any amount under the lien, receives information that the injured person has a policy of health insurance issued by a third party that provides health coverage for care provided at the hospital and the hospital has a contractual agreement with the third party, the hospital must file a claim with the third party and wait for the claim to be adjudicated and all available appeals to be exhausted before the hospital may collect any amount under the lien.

Sec. 4. NRS 108.662 is hereby amended to read as follows:

108.662 1. Except as otherwise provided in subsection 4, a county or district hospital has a lien upon the real property of a person for charges incurred and unpaid for the care of the owner of the property or a person for whose support the owner is legally responsible. ***If the provisions of NRS 449.757 or 449.758 are applicable, the amount of the lien is limited to the amount the hospital is entitled to collect pursuant to those sections.***

2. The notice of the lien must be served upon the owner by certified or registered mail and filed in the office of the county recorder of the county where the real property is located not sooner than 90 days nor later than:

(a) Three years after the patient's discharge; or

(b) One year after the patient defaults on payments made pursuant to a written contract,

➥ whichever is later, except that the notice may be served and filed within 6 months after any default pursuant to a written contract.

3. The notice of the lien must contain:

(a) The amount due;

(b) The name of the owner of record of the property; and

(c) A description of the property sufficient for identification.

4. If the amount due as stated in the notice of lien is reduced by payments and any person listed in subsection 2 of NRS 108.665 gives written notice of that reduction to the county or district hospital which recorded the lien, the county or district hospital shall amend the notice of lien stating the amount then due, within 10 days after it receives the written notice.

5. A county or district hospital shall not assign, sell or transfer the interest of the hospital in a lien created pursuant to this section.

Sec. 4.5. **The amendatory provisions of this act apply to a person who is admitted to a hospital on or after July 1, 2017.**

Sec. 5. This act becomes effective on July 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 280.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 738.

AN ACT relating to procurement; establishing provisions relating to preferences in bidding for certain contracts with Nevada-based businesses for state purchasing; revising provisions relating to ~~[preferences in bidding]~~ **the disclosure of the weight assigned to certain factors used to evaluate proposals** for **certain state purchasing** contracts **; ~~[for certain public works projects;]~~** providing **~~[penalties;]~~ a penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law grants a preference of 5 percent for a bid or proposal for a state purchasing contract which is submitted by a local business owned and operated by a veteran with a service-connected disability. (NRS 333.3361-333.3369) **Sections 2-8** of this bill create a preference of 5 percent for a bid or proposal for a state purchasing contract which is submitted by a Nevada-based business. To qualify for this preference, **section 3** requires such a business to certify that: (1) ~~[at least 50 percent of all workers employed for the state purchasing contract will hold a valid Nevada driver's license or identification card;]~~ **its principal place of business is in this State; or** (2) ~~[all vehicles used primarily for the]~~ **a majority of the goods provided for in a** state purchasing contract ~~[will be either registered]~~ **are produced** in this State **.** ~~[or partially apportioned to this State; and (3) certain records will be maintained and made available for inspection within this State.]~~ **Section 5** establishes that a bid or proposal which qualifies for the preference will be deemed to be 5 percent lower than the bid or proposal actually submitted. **Section 5 also prohibits granting the preference for the award of any contract which uses federal money, unless such a preference is authorized by federal law. Section 6** imposes certain penalties and restrictions upon a business that makes a material misrepresentation or commits a fraudulent act in applying for a preference or fails to comply with the requirements for a preference. **Sections 9 and 10 of this bill make conforming changes.**

Existing law requires each proposal submitted for certain state purchasing contracts to be evaluated based on certain factors to determine whether the proposal is in the best interest of the State. Each factor is assigned a relative weight which must not be disclosed before the proposals are submitted. (NRS 333.335) Section 9.5 of this bill removes the requirement that the weight of each factor must not be disclosed before the proposals are submitted.

~~[Existing law requires that a contractor, applicant to serve as a construction manager at risk or design-build team that wishes to receive a preference in bidding for a contract for a public work submit an affidavit to the public body sponsoring or financing the public work certifying that: (1) at least 50 percent of all workers employed on the public work will hold a valid Nevada driver's license or identification card; (2) all vehicles used primarily for the public work will be either registered in this State or partially apportioned to this~~

~~State; (3) at least 50 percent of all design professionals working on the public work will hold a valid Nevada driver's license or identification card; and (4) certain records will be maintained and made available for inspection within this State. (NRS 338.0117) Sections 12-16 of this bill revise the bidding preference that a contractor, applicant to serve as a construction manager at risk or design-build team who meets these requirements receives for certain public works contracts from 5 percent to 10 percent.~~

~~Existing law prohibits a contractor from being qualified to bid on certain state and local public works if the contractor has, within the preceding year, materially breached a contract for a public work that cost more than $25,000,000 and prohibits a contractor who has materially breached a contract for a public work which exceeds $5,000,000 from receiving a preference in bidding for public works for 5 years. (NRS 338.1379, 338.1382, 338.1389, 338.1415, 338.147, 408.333) Existing law also imposes a penalty of 1 percent of the cost of the contract upon a contractor, applicant or design-build team who is awarded a contract as a result of a bidding preference and subsequently fails to comply with the requirements to receive that preference. (NRS 338.0117) Section 11 of this bill makes a willful failure to comply with the requirements to receive a bidding preference a misdemeanor and creates a separate violation for each worker, vehicle or design professional by which the contractor, applicant or design-build team falls below the requirements. Section 7 creates a similar misdemeanor for a business that receives a preference on a state purchasing contract as a Nevada-based business and willfully fails to comply with the requirements for such a preference.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 333 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Nevada-based business" means a business which certifies that*** ~~***[, for the duration of a state purchasing contract, collectively, and not on any specific day:***~~

~~***1. At least 50 percent of the workers employed by the business for the state purchasing contract will hold a valid driver's license or identification card issued by the Department of Motor Vehicles of the State of Nevada;***~~

~~***2. All vehicles used primarily for the state purchasing contract will be:***~~

~~***(a) Registered and partially apportioned to Nevada pursuant to the International Registration Plan, as adopted by the Department of Motor Vehicles pursuant to NRS 706.826; or***~~

~~***(b) Registered in this State; and***~~

~~*3. The business will maintain and make available for inspection within this State its records concerning payroll relating to the]*~~ **:**

1. ***Its principal place of business is in this State; or***

2. ***The majority of goods provided for in a state purchasing contract*** ~~*.]*~~ ***are produced in this State.***

Sec. 4. ***"State purchasing contract" means a contract awarded pursuant to the provisions of this chapter.***

Sec. 5. ***1. For the purposes of awarding a formal contract solicited pursuant to subsection 2 of NRS 333.300, if a business qualifies as a Nevada-based business and submits a bid or proposal and is a responsive and responsible bidder, the bid or proposal shall be deemed to be 5 percent lower than the bid or proposal actually submitted.***

2. The preference described in subsection 1 may not be ~~*[combined]*~~ **:**

(a) Combined with any other preference.

(b) Granted for the award of any contract which uses federal money unless such a preference is authorized by federal law.

Sec. 6. ***1. In addition to any other remedy or penalty provided by law, if the Purchasing Division determines that a business has made a material misrepresentation or otherwise committed a fraudulent act in applying for a preference described in section 5 of this act or has failed to comply with the requirements of that section, the business:***

(a) Shall pay to the Purchasing Division, if awarded a state purchasing contract, a penalty in the amount of 1 percent of the cost of the state purchasing contract;

(b) Shall not bid on a state purchasing contract or a contract awarded by any local government for 1 year after the date upon which the Purchasing Division makes such a determination; and

(c) Shall not apply for or receive a preference described in section 5 of this act for 5 years after the date upon which the Purchasing Division makes such a determination.

2. If the Purchasing Division determines, as described in subsection 1, that a business has made a material misrepresentation or otherwise committed a fraudulent act in applying for a preference described in section 5 of this act or has failed to comply with the requirements of that section, the business may apply to the Administrator to review the decision pursuant to chapter 233B of NRS.

Sec. 7. ~~*[In addition to any other remedy or penalty provided by law, any person who willfully makes a material misrepresentation or otherwise commits a fraudulent act in applying for a preference described in section 5 of this act or who willfully fails to comply with the requirements of that section is guilty of a misdemeanor and shall be punished by a fine of not more than $10,000. For the purposes of this section, a separate violation occurs for each:*~~

~~*1. Worker who would need to hold a valid driver's license or identification card issued by the Department of Motor Vehicles of the State*~~

~~*of Nevada in order for at least 50 percent of the workers employed by the business for the state purchasing contract to hold such a license or card; and*~~

~~*2. Vehicle used primarily for the state purchasing contract which is not registered and partially apportioned to Nevada pursuant to the International Registration Plan, as adopted by the Department of Motor Vehicles pursuant to NRS 706.826, or registered in this State.]*~~ **(Deleted by amendment.)**

Sec. 8. ***The Purchasing Division may adopt such regulations as it determines to be necessary or advisable to carry out the provisions of sections 2 to 8, inclusive, of this act. The regulations may include, without limitation, provisions setting forth:***

1. The method by which a business may apply to receive a preference described in section 5 of this act;

2. The documentation or other proof that a business must submit to demonstrate that it qualifies for a preference described in section 5 of this act; and

3. Such other matters as the Purchasing Division deems relevant.

Sec. 9. NRS 333.310 is hereby amended to read as follows:

333.310 1. An advertisement must contain a general description of the classes of commodities or services for which a bid or proposal is wanted and must state:

(a) The name and location of the department, agency, local government, district or institution for which the purchase is to be made.

(b) Where and how specifications and quotation forms may be obtained.

(c) If the advertisement is for bids, whether the Administrator is authorized by the using agency to be supplied to consider a bid for an article that is an alternative to the article listed in the original request for bids if:

(1) The specifications of the alternative article meet or exceed the specifications of the article listed in the original request for bids;

(2) The purchase of the alternative article results in a lower price; and

(3) The Administrator deems the purchase of the alternative article to be in the best interests of the State of Nevada.

(d) Notice of the ~~[~~preference~~]~~ ***preferences*** set forth in NRS 333.3366 ~~[.]~~ ***and section 5 of this act.***

(e) The date and time not later than which responses must be received by the Purchasing Division.

(f) The date and time when responses will be opened.

➥The Administrator or a designated agent of the Administrator shall approve the copy for the advertisement.

2. Each advertisement must be published:

(a) In at least one newspaper of general circulation in the State. The selection of the newspaper to carry the advertisement must be made in the manner provided by this chapter for other purchases, on the basis of the lowest price to be secured in relation to the paid circulation; and

(b) On the Internet website of the Purchasing Division.

Sec. 9.5. **NRS 333.335 is hereby amended to read as follows:**

333.335 1. Each proposal must be evaluated by:

(a) The chief of the using agency, or a committee appointed by the chief of the using agency in accordance with the regulations adopted pursuant to NRS 333.135, if the proposal is for a using agency; or

(b) The Administrator of the Purchasing Division, or a committee appointed by the Administrator in accordance with the regulations adopted pursuant to NRS 333.135, if the Administrator is responsible for administering the proposal.

2. A committee appointed pursuant to subsection 1 must consist of not less than two members. A majority of the members of the committee must be state officers or employees. The committee may include persons who are not state officers or employees and possess expert knowledge or special expertise that the chief of the using agency or the Administrator of the Purchasing Division determines is necessary to evaluate a proposal. The members of the committee are not entitled to compensation for their service on the committee, except that members of the committee who are state officers or employees are entitled to receive their salaries as state officers and employees. No member of the committee may have a financial interest in a proposal. If the contract is being awarded for the Public Employees' Benefits Program, the Executive Officer of the Program may observe the activities of the committee, but may not vote or otherwise participate in the evaluation.

3. In making an award, the chief of the using agency, the Administrator of the Purchasing Division or each member of the committee, if a committee is established, shall consider and assign a score for each of the following factors for determining whether the proposal is in the best interests of the State of Nevada:

(a) The experience and financial stability of the person submitting the proposal;

(b) Whether the proposal complies with the requirements of the request for proposals as prescribed in NRS 333.311;

(c) The price of the proposal; and

(d) Any other factor disclosed in the request for proposals.

4. The chief of the using agency, the Administrator of the Purchasing Division or the committee, if a committee is established, shall determine the relative weight of each factor set forth in subsection 3 before a request for proposals is advertised. ~~[The weight of each factor must not be disclosed before the date proposals are required to be submitted.]~~

5. Except as otherwise provided in this subsection, the chief of the using agency, the Administrator of the Purchasing Division or the committee, if a committee is established, shall award the contract based on the best interests of the State, as determined by the total scores assigned pursuant to subsection 3, and is not required to accept the lowest-priced proposal. If the contract is being awarded for the Public Employees' Benefits Program, the

Administrator of the Purchasing Division or the committee, if a committee is established, shall submit recommendations for awarding the contract to the Board for the Public Employees' Benefits Program, which shall award the contract in accordance with NRS 287.04345.

6. Except as otherwise provided in NRS 239.0115, each proposal evaluated pursuant to the provisions of this section is confidential and may not be disclosed until the contract is awarded.

Sec. 10. NRS 333.340 is hereby amended to read as follows:

333.340 1. Every contract or order for goods must be awarded to the lowest responsible bidder. To determine the lowest responsible bidder, the Administrator:

(a) Shall consider, if applicable:

(1) The granting of the preference described in NRS 333.3366.

(2) ***The granting of the preference described in section 5 of this act.***

(3) The required standards adopted pursuant to NRS 333.4611.

(b) May consider:

(1) The location of the using agency to be supplied.

(2) The qualities of the articles to be supplied.

(3) The total cost of ownership of the articles to be supplied.

(4) Except as otherwise provided in subparagraph (5), the conformity of the articles to be supplied with the specifications.

(5) If the articles are an alternative to the articles listed in the original request for bids, whether the advertisement for bids included a statement that bids for an alternative article will be considered if:

(I) The specifications of the alternative article meet or exceed the specifications of the article listed in the original request for bids;

(II) The purchase of the alternative article results in a lower price; and

(III) The Administrator deems the purchase of the alternative article to be in the best interests of the State of Nevada.

(6) The purposes for which the articles to be supplied are required.

(7) The dates of delivery of the articles to be supplied.

2. If a contract or an order is not awarded to the lowest bidder, the Administrator shall provide the lowest bidder with a written statement which sets forth the specific reasons that the contract or order was not awarded to him or her.

3. As used in this section, "total cost of ownership" includes, but is not limited to:

(a) The history of maintenance or repair of the articles;

(b) The cost of routine maintenance and repair of the articles;

(c) Any warranties provided in connection with the articles;

(d) The cost of replacement parts for the articles; and

(e) The value of the articles as used articles when given in trade on a subsequent purchase.

Sec. 11. NRS 338.0117 is hereby amended to read as follows:

338.0117 1. To qualify to receive a preference in bidding pursuant to subsection 2 of NRS 338.1389, subsection 2 of NRS 338.147, subsection 3 of NRS 338.1693, subsection 3 of NRS 338.1727 or subsection 2 of NRS 408.3886, a contractor, an applicant or a design-build team, respectively, must submit to the public body sponsoring or financing a public work a signed affidavit which certifies that, for the duration of the project, collectively, and not on any specific day:

(a) At least 50 percent of the workers employed on the public work, including, without limitation, any employees of the contractor, applicant or design-build team and of any subcontractor engaged on the public work, will hold a valid driver's license or identification card issued by the Department of Motor Vehicles of the State of Nevada;

(b) All vehicles used primarily for the public work will be:

(1) Registered and partially apportioned to Nevada pursuant to the International Registration Plan, as adopted by the Department of Motor Vehicles pursuant to NRS 706.826; or

(2) Registered in this State;

(c) If applying to receive a preference in bidding pursuant to subsection 3 of NRS 338.1727 or subsection 2 of NRS 408.3886, at least 50 percent of the design professionals working on the public work, including, without limitation, employees of the design-build team and of any subcontractor or consultant engaged in the design of the public work, will have a valid driver's license or identification card issued by the Department of Motor Vehicles of the State of Nevada; and

(d) The contractor, applicant or design-build team and any subcontractor engaged on the public work will maintain and make available for inspection within this State his or her records concerning payroll relating to the public work.

2. Any contract for a public work that is awarded to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 as a result of the contractor, applicant or design-build team receiving a preference in bidding described in subsection 1 must:

(a) Include a provision in the contract that substantially incorporates the requirements of paragraphs (a) to (d), inclusive, of subsection 1; and

(b) Provide that a failure to comply with any requirement of paragraphs (a) to (d), inclusive, of subsection 1 entitles the public body to a penalty only as provided in subsections 5 and 6.

3. A person who submitted a bid on the public work or an entity who believes that a contractor, applicant or design-build team has obtained a preference in bidding as described in subsection 1 but has failed to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1 may file, before the substantial completion of the public work, a written objection with the public body for which the contractor, applicant or design-build team is performing the public work. A written objection authorized pursuant to this

subsection must set forth proof or substantiating evidence to support the belief of the person or entity that the contractor, applicant or design-build team has failed to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1.

4. If a public body receives a written objection pursuant to subsection 3, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection. If the public body determines that the objection is accompanied by the required proof or substantiating evidence or if the public body determines on its own initiative that proof or substantiating evidence of a failure to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1 exists, the public body shall determine whether the contractor, applicant or design-build team has failed to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1 and the public body or its authorized representative may proceed to award the contract accordingly or, if the contract has already been awarded, seek the remedy authorized in subsection 5.

5. ~~[A]~~ ***In addition to any other remedy or penalty provided by law, a*** public body may recover, by civil action against the party responsible for a failure to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1, a penalty as described in subsection 6 for a failure to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1. If a public body recovers a penalty pursuant to this subsection, the public body shall report to the State Contractors' Board the date of the failure to comply, the name of each entity which failed to comply and the cost of the contract to which the entity that failed to comply was a party. The Board shall maintain this information for not less than 6 years. Upon request, the Board shall provide this information to any public body or its authorized representative.

6. If a contractor, applicant or design-build team submits the affidavit described in subsection 1, receives a preference in bidding described in subsection 1 and is awarded the contract as a result of that preference, the contract between the contractor, applicant or design-build team and the public body, each contract between the contractor, applicant or design-build team and a subcontractor and each contract between a subcontractor and a lower tier subcontractor must provide that:

(a) If a party to the contract causes the contractor, applicant or design-build team to fail to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1, the party is liable to the public body for a penalty in the amount of 1 percent of the cost of the largest contract to which he or she is a party;

(b) The right to recover the amount determined pursuant to paragraph (a) by the public body pursuant to subsection 5 may be enforced by the public body directly against the party that caused the failure to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1; and

(c) No other party to the contract is liable to the public body for a penalty.

7. A public body that awards a contract for a public work to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1 shall, on or before July 31 of each year, submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission. The report must include information on each contract for a public work awarded to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1, including, without limitation, the name of the contractor, applicant or design-build team who was awarded the contract, the cost of the contract, a brief description of the public work and a description of the degree to which the contractor, applicant or design-build team and each subcontractor complied with the requirements of paragraphs (a) to (d), inclusive, of subsection 1.

8. ~~*[In addition to any other remedy or penalty provided by law, any person who willfully fails to comply with the requirements of paragraphs (a), (b) and (c) of subsection 1 is guilty of a misdemeanor and shall be punished by a fine of not more than $10,000. For the purpose of this subsection, a separate violation occurs for:*~~

~~*— (a) Each worker who would need to hold a valid driver's license or identification card issued by the Department of Motor Vehicles of the State of Nevada in order for at least 50 percent of the workers employed on the public work to hold such a license or card;*~~

~~*— (b) Each vehicle used primarily for the public work which is not registered and partially apportioned to Nevada pursuant to the International Registration Plan, as adopted by the Department of Motor Vehicles pursuant to NRS 706.826, or registered in this State; and*~~

~~*— (c) If receiving a preference in bidding pursuant to subsection 3 of NRS 338.1727 or subsection 2 of NRS 408.3886, each design professional who would need to hold a valid driver's license or identification card issued by the Department of Motor Vehicles of the State of Nevada in order for at least 50 percent of the design professionals working on the public work to hold such a license or card.*~~

~~*— 9.]*~~ As used in this section:

(a) "Lower tier subcontractor" means a subcontractor who contracts with another subcontractor to provide labor, materials or services to the other subcontractor for a construction project.

(b) "Vehicle used primarily for the public work" does not include any vehicle that is present at the site of the public work only occasionally and for a purpose incidental to the public work including, without limitation, the delivery of materials. Notwithstanding the provisions of this paragraph, the term includes any vehicle which is:

(1) Owned or operated by the contractor or any subcontractor who is engaged on the public work; and

(2) Present at the site of the public work.

Sec. 12. ~~[NRS 338.1389 is hereby amended to read as follows:~~

~~338.1389 1. Except as otherwise provided in subsection 10 and NRS 338.1385, 338.1386 and 338.13864, a public body or its authorized representative shall award a contract for a public work for which the estimated cost exceeds $250,000 to the contractor who submits the best bid.~~

~~2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:~~

~~(a) Submitted by a responsive and responsible contractor who:~~

~~(1) Has been determined by the public body to be a qualified bidder pursuant to NRS 338.1379 or 338.1382;~~

~~(2) At the time the contractor submits his or her bid, provides a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and~~

~~(3) Within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and~~

~~(b) Not more than 5~~ ***10*** percent higher than the bid submitted by the ~~lowest responsive and responsible bidder who:~~

~~(1) Does not provide, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or~~

~~(2) Does not submit, within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to (d), inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,~~

~~➡ shall be deemed to be the best bid for the purposes of this section.~~

~~3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:~~

~~(a) Paid directly, on his or her own behalf:~~

~~(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately~~

~~preceding the submission of the affidavit from the certified public accountant;~~

~~(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or~~

~~(3) Any combination of such sales and use taxes and governmental services tax; or~~

~~(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:~~

~~(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and~~

~~(2) Certificate of eligibility to receive a preference in bidding on public works.~~

~~4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:~~

~~(a) Paid directly, on his or her own behalf:~~

~~(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;~~

~~(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or~~

~~(3) Any combination of such sales and use taxes and governmental services tax; or~~

~~(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:~~

~~(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and~~

~~(2) Certificate of eligibility to receive a preference in bidding on public works.~~

~~— 5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:~~

~~— (a) Sales and use taxes and governmental services taxes that were paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and~~

~~— (b) Sales and use taxes that were paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.~~

~~— 6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.~~

~~— 7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.~~

~~— 8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.~~

~~— 9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:~~

~~— (a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or~~

~~— (b) Is found by the Board to have, within the preceding 5 years, materially breached a contract for a public work for which the cost exceeds $5,000,000, the contractor is not eligible to receive a preference in bidding on public works.~~

~~— 10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.~~

~~— 11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may receive a preference in~~

~~bidding only if both or all of the joint venturers separately meet the requirements of subsection 2.~~

~~— 12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.~~

~~— 13. A person who submitted a bid on the public work or an entity who believes that the contractor who was awarded the contract for the public work wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the public body to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:~~

~~— (a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and~~

~~— (b) Be filed with the public body not later than 3 business days after the opening of the bids by the public body or its authorized representative.~~

~~— 14. If a public body receives a written objection pursuant to subsection 13, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection and the public body or its authorized representative may proceed immediately to award the contract. If the public body determines that the objection is accompanied by the required proof or substantiating evidence, the public body shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the public body or its authorized representative may proceed to award the contract accordingly.~~**]** **(Deleted by amendment.)**

Sec. 13. **[**~~NRS 338.147 is hereby amended to read as follows:~~

~~— 338.147 1. Except as otherwise provided in subsection 10 and NRS 338.143, 338.1442 and 338.1446, a local government or its authorized representative shall award a contract for a public work for which the estimated cost exceeds $250,000 to the contractor who submits the best bid.~~

~~— 2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:~~

~~— (a) Submitted by a contractor who:~~

~~— (1) Has been found to be a responsible and responsive contractor by the local government or its authorized representative;~~

~~— (2) At the time the contractor submits his or her bid, provides a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and~~

~~(3) Within 2 hours after the completion of the opening of the bids by the local government or its authorized representative, submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and~~

~~(b) Not more than 5~~ ***10*** ~~percent higher than the bid submitted by the lowest responsive and responsible bidder who:~~

~~(1) Does not provide, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or~~

~~(2) Does not submit, within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to (d), inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,~~

~~➡ shall be deemed to be the best bid for the purposes of this section.~~

~~3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:~~

~~(a) Paid directly, on his or her own behalf:~~

~~(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;~~

~~(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or~~

~~(3) Any combination of such sales and use taxes and governmental services tax; or~~

~~(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:~~

~~(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and~~

~~(2) Certificate of eligibility to receive a preference in bidding on public works.~~

~~4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who~~

~~is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:~~

~~— (a) Paid directly, on his or her own behalf:~~

~~— (1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;~~

~~— (2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or~~

~~— (3) Any combination of such sales and use taxes and governmental services tax; or~~

~~— (b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:~~

~~— (1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and~~

~~— (2) Certificate of eligibility to receive a preference in bidding on public works.~~

~~— 5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:~~

~~— (a) Sales and use taxes and governmental services taxes paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and~~

~~— (b) Sales and use taxes paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.~~

~~— 6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.~~

~~— 7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public~~

~~works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.~~

~~8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.~~

~~9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:~~

~~(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or~~

~~(b) Is found by the Board to have, within the preceding 5 years, materially breached a contract for a public work for which the cost exceeds $5,000,000, the contractor is not eligible to receive a preference in bidding on public works.~~

~~10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.~~

~~11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may receive a preference in bidding only if both or all of the joint venturers separately meet the requirements of subsection 2.~~

~~12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.~~

~~13. A person who submitted a bid on the public work or an entity who believes that the contractor who was awarded the contract for the public work wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the local government to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:~~

~~(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and~~

~~(b) Be filed with the local government not later than 3 business days after the opening of the bids by the local government or its authorized representative.~~

~~14. If a local government receives a written objection pursuant to subsection 13, the local government shall determine whether the objection is~~

~~accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the local government determines that the objection is not accompanied by the required proof or substantiating evidence, the local government shall dismiss the objection and the local government or its authorized representative may proceed immediately to award the contract. If the local government determines that the objection is accompanied by the required proof or substantiating evidence, the local government shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the local government or its authorized representative may proceed to award the contract accordingly.~~**]** **(Deleted by amendment.)**

Sec. 14. **[**~~NRS 338.1693 is hereby amended to read as follows:~~

~~338.1693 1. The public body or its authorized representative shall appoint a panel consisting of at least three but not more than seven members, a majority of whom must have experience in the construction industry, to rank the proposals submitted to the public body by evaluating the proposals as required pursuant to subsections 2 and 3.~~

~~2. The panel appointed pursuant to subsection 1 shall rank the proposals by:~~

~~(a) Verifying that each applicant satisfies the requirements of NRS 338.1691; and~~

~~(b) Evaluating and assigning a score to each of the proposals received by the public body based on the factors and relative weight assigned to each factor that the public body specified in the request for proposals.~~

~~3. When ranking the proposals, the panel appointed pursuant to subsection 1 shall assign a relative weight of 5~~ ***10*** ~~percent to the applicant's possession of a certificate of eligibility to receive a preference in bidding on public works if the applicant submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that work.~~

~~4. After the panel appointed pursuant to subsection 1 ranks the proposals, the public body or its authorized representative shall, except as otherwise provided in subsection 8, select at least the two but not more than the five applicants whose proposals received the highest scores for interviews.~~

~~5. The public body or its authorized representative may appoint a separate panel to interview and rank the applicants selected pursuant to subsection 4. If a separate panel is appointed pursuant to this subsection, the panel must consist of at least three but not more than seven members, a majority of whom must have experience in the construction industry.~~

~~6. During the interview process, the panel conducting the interview may require the applicants to submit a preliminary proposed amount of compensation for managing the preconstruction and construction of the~~

~~public work, but in no event shall the proposed amount of compensation exceed 20 percent of the scoring for the selection of the most qualified applicant. All presentations made at any interview conducted pursuant to this subsection or subsection 5 may be made only by key personnel employed by the applicant, as determined by the applicant, and the employees of the applicant who will be directly responsible for managing the preconstruction and construction of the public work.~~

~~7. After conducting such interviews, the panel that conducted the interviews shall rank the applicants by using a ranking process that is separate from the process used to rank the applicants pursuant to subsection 2 and is based only on information submitted during the interview process. The score to be given for the proposed amount of compensation, if any, must be calculated by dividing the lowest of all the proposed amounts of compensation by the applicant's proposed amount of compensation multiplied by the total possible points available to each applicant. When ranking the applicants, the panel that conducted the interviews shall assign a relative weight of 5 percent to the applicant's possession of a certificate of eligibility to receive a preference in bidding on public works if the applicant submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that work.~~

~~8. If the public body did not receive at least two proposals, the public body may not contract with a construction manager at risk.~~

~~9. Upon receipt of the final rankings of the applicants from the panel that conducted the interviews, the public body or its authorized representative shall enter into negotiations with the most qualified applicant determined pursuant to the provisions of this section for a contract for preconstruction services, unless the public body required the submission of a proposed amount of compensation, in which case the proposed amount of compensation submitted by the applicant must be the amount offered for the contract. If the public body or its authorized representative is unable to negotiate a contract with the most qualified applicant for an amount of compensation that the public body or its authorized representative and the most qualified applicant determine to be fair and reasonable, the public body or its authorized representative shall terminate negotiations with that applicant. The public body or its authorized representative may then undertake negotiations with the next most qualified applicant in sequence until an agreement is reached and, if the negotiation is undertaken by an authorized representative of the public body, approved by the public body or until a determination is made by the public body to reject all applicants.~~

~~10. The public body or its authorized representative shall:~~

~~(a) Make available to all applicants and the public the following information, as determined by the panel appointed pursuant to subsection 1 and the panel that conducted the interviews, as applicable:~~

~~(1) The final rankings of the applicants;~~

~~(2) The score assigned to each proposal received by the public body; and~~

~~(3) For each proposal received by the public body, the score assigned to each factor that the public body specified in the request for proposals; and~~

~~(b) Provide, upon request, an explanation to any unsuccessful applicant of the reasons why the applicant was unsuccessful.~~] **(Deleted by amendment.)**

Sec. 15. ~~[~~NRS 338.1727 is hereby amended to read as follows:

~~338.1727 1. After selecting the finalists pursuant to NRS 338.1725, the public body shall provide to each finalist a request for final proposals for the public work. The request for final proposals must:~~

~~(a) Set forth the factors that the public body will use to select a design-build team to design and construct the public work, including the relative weight to be assigned to each factor; and~~

~~(b) Set forth the date by which final proposals must be submitted to the public body.~~

~~2. If one or more of the finalists selected pursuant to NRS 338.1725 is disqualified or withdraws, the public body may select a design-build team from the remaining finalist or finalists.~~

~~3. Except as otherwise provided in this subsection, in assigning the relative weight to each factor for selecting a design-build team pursuant to subsection 1, the public body shall assign, without limitation, a relative weight of 5~~ ***10*** ~~percent to the possession of both a certificate of eligibility to receive a preference in bidding on public works by all contractors on the design-build team if the contractors submit signed affidavits that meet the requirements of subsection 1 of NRS 338.0117, and a certificate of eligibility to receive a preference when competing for public works by all design professionals on the design-build team, and a relative weight of at least 30 percent to the proposed cost of design and construction of the public work. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection relating to a preference in bidding on public works, or a preference when competing for public works, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that public work.~~

~~4. A final proposal submitted by a design-build team pursuant to this section must be prepared thoroughly and be responsive to the criteria that the public body will use to select a design-build team to design and construct the public work described in subsection 1. A design-build team that submits a final proposal which is not responsive shall not be awarded the contract and shall not be eligible for the partial reimbursement of costs provided for in subsection 7.~~

~~5. A final proposal is exempt from the requirements of NRS 338.141.~~

~~6. After receiving and evaluating the final proposals for the public work, the public body or its authorized representative shall enter into negotiations with the most qualified applicant, as determined pursuant to the criteria set forth pursuant to subsections 1 and 3, and award the design-build contract to the design-build team whose proposal is selected. If the public body or its authorized representative is unable to negotiate with the most qualified applicant a contract that is determined by the parties to be fair and reasonable, the public body may terminate negotiations with that applicant. The public body or its authorized representative may then undertake negotiations with the next most qualified applicant in sequence until an agreement is reached and, if the negotiation is undertaken by an authorized representative of the public body, approved by the public body or until a determination is made by the public body to reject all applicants.~~

~~7. If a public body selects a final proposal and awards a design-build contract pursuant to subsection 6, the public body shall:~~

~~(a) Partially reimburse the unsuccessful finalists if partial reimbursement was provided for in the request for preliminary proposals pursuant to paragraph (j) of subsection 2 of NRS 338.1723. The amount of reimbursement must not exceed, for each unsuccessful finalist, 3 percent of the total amount to be paid to the design-build team as set forth in the design-build contract.~~

~~(b) Make available to the public the results of the evaluation of final proposals that was conducted and the ranking of the design-build teams who submitted final proposals. The public body shall not release to a third party, or otherwise make public, financial or proprietary information submitted by a design-build team.~~

~~8. A contract awarded pursuant to this section:~~

~~(a) Must comply with the provisions of NRS 338.020 to 338.090, inclusive.~~

~~(b) Must specify:~~

~~(1) An amount that is the maximum amount that the public body will pay for the performance of all the work required by the contract, excluding any amount related to costs that may be incurred as a result of unexpected conditions or occurrences as authorized by the contract;~~

~~(2) An amount that is the maximum amount that the public body will pay for the performance of the professional services required by the contract; and~~

~~(3) A date by which performance of the work required by the contract must be completed.~~

~~(c) May set forth the terms by which the design-build team agrees to name the public body, at the cost of the public body, as an additional insured in an insurance policy held by the design-build team.~~

~~(d) Except as otherwise provided in paragraph (e), must not require the design professional to defend, indemnify or hold harmless the public body or~~

~~the employees, officers or agents of that public body from any liability, damage, loss, claim, action or proceeding caused by the negligence, errors, omissions, recklessness or intentional misconduct of the employees, officers and agents of the public body.~~

~~(e) May require the design-build team to defend, indemnify and hold harmless the public body, and the employees, officers and agents of the public body from any liabilities, damages, losses, claims, actions or proceedings, including, without limitation, reasonable attorneys' fees, that are caused by the negligence, errors, omissions, recklessness or intentional misconduct of the design-build team or the employees or agents of the design-build team in the performance of the contract.~~

~~(f) Must require that the design-build team to whom a contract is awarded assume overall responsibility for ensuring that the design and construction of the public work is completed in a satisfactory manner.~~

~~9. Upon award of the design-build contract, the public body shall make available to the public copies of all preliminary and final proposals received.~~**]**

(Deleted by amendment.)

Sec. 16. **[**~~NRS 408.3886 is hereby amended to read as follows:~~

~~408.3886 1. After selecting the finalists pursuant to NRS 408.3885, the Department shall provide to each finalist a request for final proposals for the project. The request for final proposals must:~~

~~(a) Set forth the factors that the Department will use to select a design-build team to design and construct the project, including the relative weight to be assigned to each factor; and~~

~~(b) Set forth the date by which final proposals must be submitted to the Department.~~

~~2. Except as otherwise provided in this subsection, in assigning the relative weight to each factor for selecting a design-build team pursuant to subsection 1, the Department shall assign, without limitation, a relative weight of 5~~ ***10*** ~~percent to the design-build team's possession of both a certificate of eligibility to receive a preference in bidding on public works by the prime contractor on the design-build team, if the design-build team submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117, and a certificate of eligibility to receive a preference when competing for public works by all persons who hold a certificate of registration to practice architecture or a license as a professional engineer on the design-build team, and a relative weight of at least 30 percent for the proposed cost of design and construction of the project. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular project because of the provisions of this subsection relating to a preference in bidding on public works or a preference when competing for public works, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that project.~~

~~3. A final proposal submitted by a design-build team pursuant to this section must be prepared thoroughly, be responsive to the criteria that the Department will use to select a design-build team to design and construct the project described in subsection 1 and comply with the provisions of NRS 338.141.~~

~~4. After receiving the final proposals for the project, the Department shall:~~

~~(a) Select the most cost-effective and responsive final proposal, using the criteria set forth pursuant to subsections 1 and 2;~~

~~(b) Reject all the final proposals; or~~

~~(c) Request best and final offers from all finalists in accordance with subsection 5.~~

~~5. If the Department determines that no final proposal received is cost-effective or responsive and the Department further determines that requesting best and final offers pursuant to this subsection will likely result in the submission of a satisfactory offer, the Department may prepare and provide to each finalist a request for best and final offers for the project. In conjunction with preparing a request for best and final offers pursuant to this subsection, the Department may alter the scope of the project, revise the estimates of the costs of designing and constructing the project, and revise the selection factors and relative weights described in paragraph (a) of subsection 1. A request for best and final offers prepared pursuant to this subsection must set forth the date by which best and final offers must be submitted to the Department. After receiving the best and final offers, the Department shall:~~

~~(a) Select the most cost-effective and responsive best and final offer, using the criteria set forth in the request for best and final offers; or~~

~~(b) Reject all the best and final offers.~~

~~6. If the Department selects a final proposal pursuant to paragraph (a) of subsection 4 or selects a best and final offer pursuant to paragraph (a) of subsection 5, the Department shall hold a public meeting to:~~

~~(a) Review and ratify the selection.~~

~~(b) Partially reimburse the unsuccessful finalists if partial reimbursement was provided for in the request for preliminary proposals pursuant to paragraph (f) of subsection 3 of NRS 408.3883. The amount of reimbursement must not exceed, for each unsuccessful finalist, 3 percent of the total amount to be paid to the design-build team as set forth in the design-build contract.~~

~~(c) Make available to the public a summary setting forth the factors used by the Department to select the successful design-build team and the ranking of the design-build teams who submitted final proposals and, if applicable, best and final offers. The Department shall not release to a third party, or otherwise make public, financial or proprietary information submitted by a design-build team.~~

~~7. A contract awarded pursuant to this section:~~

~~(a) Must comply with the provisions of NRS 338.020 to 338.090, inclusive; and~~

~~(b) Must specify:~~

~~(1) An amount that is the maximum amount that the Department will pay for the performance of all the work required by the contract, excluding any amount related to costs that may be incurred as a result of unexpected conditions or occurrences as authorized by the contract;~~

~~(2) An amount that is the maximum amount that the Department will pay for the performance of the professional services required by the contract; and~~

~~(3) A date by which performance of the work required by the contract must be completed.~~

~~8. A design-build team to whom a contract is awarded pursuant to this section shall:~~

~~(a) Assume overall responsibility for ensuring that the design and construction of the project is completed in a satisfactory manner; and~~

~~(b) Use the workforce of the prime contractor on the design-build team to construct at least 15 percent of the project.~~**] (Deleted by amendment.)**

Sec. 17. This act becomes effective on July 1, 2017.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 498.

Bill read second time and ordered to third reading.

Assembly Bill No. 500.

Bill read second time and ordered to third reading.

Senate Bill No. 46.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 718.

AN ACT relating to public welfare; revising provisions governing background checks of operators, employees and certain adult residents of a child care facility; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Division of Public and Behavioral Health of the Department of Health and Human Services to identify, as part of a background check, whether an applicant for a license to operate a child care facility, an employee of the facility**,** ~~[or]~~ certain adult residents of the facility **or a participant in an outdoor youth program** have been convicted of certain offenses. (NRS 432A.170) A person who has been convicted of any

of the listed offenses must not be issued a license to operate a child care facility or, in the case of employees**,** ~~[or]~~ residents of the facility ~~[.]~~ **or participants,** must be terminated or removed from the facility ~~[.]~~ **or program.** (NRS 432A.160, 432A.1755)

The federal Child Care and Development Block Grant Act of 2014 prohibits child care facilities from employing persons convicted of certain additional offenses ~~[.]~~ **unless a review process is established by the State that allows the State to determine whether a person convicted of such crimes may continue to be eligible for employment at a child care facility.** (42 U.S.C. ~~[§ 9858f(c))]~~ **§§ 9858f(c), 9858f(e))** This bill adds those offenses to align Nevada law with federal standards.

In addition, this bill authorizes the Division of Public and Behavioral Health to adopt regulations to establish a process to review evidence upon request to determine whether an employee or resident of a child care facility or certain participants in an outdoor youth program may remain employed, continue to reside or participate in the program, as applicable, despite such a conviction.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 432A.170 is hereby amended to read as follows:

432A.170 1. The Division may, upon receipt of an application for a license to operate a child care facility, conduct an investigation into the:

(a) Buildings or premises of the facility and, if the application is for an outdoor youth program, the area of operation of the program;

(b) Qualifications and background of the applicant or the employees of the applicant;

(c) Method of operation for the facility; and

(d) Policies and purposes of the applicant.

2. The Division shall secure from appropriate law enforcement agencies information on the background and personal history of every applicant, licensee or employee of an applicant or licensee, or every resident of a child care facility who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, to determine whether the person has been convicted of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Any other felony involving the use of a firearm or other deadly weapon;

(c) Assault with intent to kill or to commit sexual assault or mayhem;

(d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(e) ~~[Abuse or]~~ ***Any crime against a child, including, without limitation, abuse,*** neglect ***or endangerment*** of a child **,** ~~[or]~~ contributory delinquency ~~[;]~~ ***or pornography involving a minor;***

(f) ~~[A violation of any federal or state law regulating]~~ ***Arson;***

(g) Assault;

(h) Battery, including, without limitation, battery which constitutes domestic violence;

(i) Kidnapping;

(j) Any offense relating to the possession or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS within the immediately preceding 5 years;

(k) Any offense relating to the ~~[possession,]~~ distribution or ~~[use]~~ ***manufacture*** of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

~~[(g)]~~ ***(l)*** Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or

~~[(h)]~~ ***(m)*** Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years.

3. The Division shall request information concerning every applicant, licensee or employee of an applicant or licensee, or every resident of a child care facility who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, from:

(a) The Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report pursuant to NRS 432A.175; and

(b) The Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 to determine whether there has been a substantiated report of child abuse or neglect made against any of them.

4. The Division may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

5. The information required to be obtained pursuant to subsections 2 and 3 must be requested concerning an:

(a) Employee of an applicant or licensee, resident of a child care facility who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older not later than 3 days after the employee is hired, the residency begins or the participant begins participating in the program, and then at least once every 5 years thereafter.

(b) Applicant at the time that an application is submitted for licensure, and then at least once every 5 years after the license is issued.

6. A person who is required to submit to an investigation required pursuant to this section shall not have contact with a child in a child care

facility without supervision before the investigation of the background and personal history of the person has been conducted.

Sec. 1.5. **NRS 432A.1755 is hereby amended to read as follows:**

432A.1755 1. ~~[Upon]~~ ***Except as otherwise provided in subsection 3, upon*** receiving information pursuant to NRS 432A.175 from the Central Repository for Nevada Records of Criminal History or the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 or evidence from any other source that an employee of an applicant for a license to operate a child care facility or a licensee, or a resident of a child care facility who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older has been convicted of a crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect made against him or her, the applicant or licensee shall terminate the employment of the employee or remove the resident from the facility or participant from the outdoor youth program after allowing the employee, resident or participant time to correct the information as required pursuant to subsection 2.

2. If an employee, resident or participant believes that the information provided to the applicant or licensee pursuant to subsection 1 is incorrect, the employee, resident or participant must inform the applicant or licensee immediately. The applicant or licensee shall give any such employee, resident or participant 30 days to correct the information.

3. ***The Division may establish by regulation a process by which it may review evidence upon request to determine whether an employee of an applicant for a license to operate a child care facility or a licensee, or a resident of a child care facility who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or a participant in an outdoor youth program who is 18 years of age or older has been convicted of a crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect made against him or her may remain employed or continue to reside in the facility, as applicable, despite the conviction. Any such review must be conducted in a manner which does not discriminate against a person in violation of 42 U.S.C. § 2000e et seq.***

4. If a process for review is established pursuant to subsection 3, an employee, resident or participant, as applicable, may request such a review in the manner established by the Division. Any determination made by the Division is final for purposes of judicial review.

5. During any period in which an employee, resident or participant seeks to correct information pursuant to subsection 2 ~~[,]~~ ***or requests a review of information pursuant to subsection 4,*** it is within the discretion of the applicant or licensee whether to allow the employee, resident or participant to continue to work for or reside at the child care facility or participate in the

outdoor youth program, as applicable, except that the employee, resident or participant shall not have contact with a child without supervision during such a period.

Sec. 2. This act becomes effective on July 1, 2017.

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 54.

Bill read second time and ordered to third reading.

Senate Bill No. 64.

Bill read second time and ordered to third reading.

Senate Bill No. 78.

Bill read second time and ordered to third reading.

Senate Bill No. 101.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 666.

SUMMARY—Restricts the authority to ~~[administer]~~ **inject** neuromodulators derived from *Clostridium botulinum* and dermal and soft tissue fillers to certain medical professionals. (BDR 40-677)

AN ACT relating to professions; prohibiting the injection of neuromodulators derived from *Clostridium botulinum*, neuromodulators that are biosimilar to or the bioequivalent of such neuromodulators and dermal and soft tissue fillers by certain persons and under certain conditions; authorizing the imposition of professional discipline against persons who violate such a prohibition; requiring certain persons to receive training before injecting neuromodulators derived from *Clostridium botulinum*, neuromodulators that are biosimilar to or the bioequivalent of such neuromodulators or dermal or soft tissue fillers; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a medical assistant who is directed and supervised by a physician or physician assistant or a licensed dental hygienist who is directed and supervised by a dentist to possess and administer dangerous drugs under certain circumstances. (NRS 454.213) Existing law further requires the Board of Medical Examiners to adopt regulations governing the administration of botulinum toxin, commonly known as Botox, by a medical assistant or any person under the jurisdiction of the Board. (NRS ~~[630.047,]~~ 630.138)

This bill: (1) replaces the term "botulinum toxin" with references to neuromodulators derived from *Clostridium botulinum* or **neuromodulators** that are biosimilar to or the bioequivalent of such neuromodulators; and (2) revises provisions governing the injection of such neuromodulators and dermal or soft tissue fillers. **Section 2** of this bill removes the requirement for the Board of Medical Examiners to adopt regulations governing the administration of botulinum toxin by a medical assistant. Instead, **sections 1 and 1.8** of this bill prohibit: (1) any person other than a physician, physician assistant, dentist, registered nurse, advanced practice registered nurse or podiatric physician ~~[who has received training prescribed by his or her licensing board from injecting]~~ **from injecting** a neuromodulator derived from *Clostridium botulinum*, a neuromodulator that is biosimilar to or the bioequivalent of such a neuromodulator or dermal or soft tissue fillers; (2) such persons from delegating such injection to an unauthorized person; and (3) any person from injecting a neuromodulator derived from *Clostridium botulinum*, a neuromodulator that is biosimilar to or the bioequivalent of such a neuromodulator or dermal or soft tissue fillers outside his or her scope of practice or in a location other than a medical facility or the office of an authorized medical professional. **Sections 1.3, 4 and 6.6** of this bill make conforming changes to clarify that unauthorized medical professionals are prohibited from injecting such neuromodulators and dermal or soft tissue fillers. **Sections ~~[1.9,]~~ 3.3 ~~[, 6.4, 6.9]~~ and 7.2** of this bill require the ~~[Board of Medical Examiners,]~~ Board of Dental Examiners of Nevada ~~[, State Board of Nursing, State Board of Osteopathic Medicine]~~ and **the** State Board of Podiatry, respectively, to prescribe training for ~~[physicians and physician assistants,]~~ dentists ~~[, registered nurses, advanced practice registered nurses, osteopathic physicians and physician assistants]~~ and podiatric physicians, as applicable, ~~[who wish]~~ **which must be completed before a dentist or podiatric physician is authorized** to inject such neuromodulators or dermal or soft tissue fillers.

Existing law generally provides that a violation of the provisions of law governing dangerous drugs is a misdemeanor and grounds for the suspension or revocation of certain professional licenses. (NRS 454.356, 454.361) Existing law further provides that a person who violates a provision of law governing dangerous drugs by using a minor as an agent or who illegally provides a dangerous drug to a minor is guilty of a category B felony. (NRS 454.306) **Sections 1.4-1.6** of this bill make these provisions applicable to the unauthorized injection of or delegation of the injection of a neuromodulator derived from *Clostridium botulinum* or a neuromodulator that is biosimilar to or the bioequivalent of such a neuromodulator. **Section 1.8** of this bill similarly makes the unauthorized injection of or delegation of the injection of dermal or soft tissue fillers a misdemeanor. **Sections 3, 6, 6.8, 7, 7.5 and 7.8** of this bill authorize the Board of Medical Examiners, Board of Dental Examiners of Nevada, State Board of Nursing, State Board of Osteopathic Medicine, State Board of Podiatry and State Board of Cosmetology to

impose disciplinary action against licensees who violate prohibitions on the unauthorized injection of or delegation of the injection of a neuromodulator derived from *Clostridium botulinum* or a neuromodulator that is biosimilar to or the bioequivalent of such a neuromodulator or dermal or soft tissue fillers.

Section 1.2 of this bill updates the definition of the term "dangerous drug" to reflect the current terminology used in federal regulations.

WHEREAS, Neuromodulators derived from *Clostridium botulinum* or that are biosimilar to or the bioequivalent of such neuromodulators are considered dangerous drugs in this State; and

WHEREAS, Only certain medical professionals are authorized under the law of this State to administer dangerous drugs; and

WHEREAS, The improper injection of neuromodulators derived from *Clostridium botulinum*, neuromodulators that are biosimilar to or the bioequivalent of such neuromodulators and dermal and soft tissue fillers can cause significant harmful side effects; and

WHEREAS, Persons who lack the necessary training or proper credentials are currently not restricted from injecting neuromodulators derived from *Clostridium botulinum*, neuromodulators that are biosimilar to or the bioequivalent of such neuromodulators and dermal and soft tissue fillers in this State; and

WHEREAS, To promote the health, safety and welfare of the residents of this State, it is the intent of the Legislature to clearly define the persons who are authorized to inject neuromodulators derived from *Clostridium botulinum*, neuromodulators that are biosimilar to or the bioequivalent of such neuromodulators and dermal and soft tissue fillers, and the conditions under which such injections may occur; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 454 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person shall not inject a neuromodulator that is derived from Clostridium botulinum or is biosimilar to or the bioequivalent of such a neuromodulator:

(a) Unless the person is:

(1) A physician or physician assistant licensed pursuant to chapter 630 of NRS ; ~~[who has successfully completed the training prescribed by the Board of Medical Examiners pursuant to section 1.9 of this act;]~~

(2) A dentist who has successfully completed the training prescribed by the Board of Dental Examiners of Nevada pursuant to section 3.3 of this act;

(3) A registered nurse or advanced practice registered nurse ; ~~[who has successfully completed the training prescribed by the State Board of Nursing pursuant to section 6.4 of this act;]~~

(4) A physician or physician assistant licensed pursuant to chapter 633 of NRS ; ~~[who has successfully completed the training prescribed by the State Board of Osteopathic Medicine pursuant to 6.9 of this act;]~~ or

(5) A podiatric physician who has successfully completed the training prescribed by the State Board of Podiatry pursuant to section 7.2 of this act.

(b) Outside his or her scope of practice.

(c) At a location other than a medical facility, as defined in NRS 449.0151, or the office of a physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, advanced practice registered nurse or podiatric physician.

2. A person who is authorized by subsection 1 to inject a neuromodulator described in that subsection shall not delegate such injection to a person who is prohibited by subsection 1 from injecting such a neuromodulator.

Sec. 1.1. NRS 454.181 is hereby amended to read as follows:

454.181 Definitions of words and terms in NRS 454.00922, 454.191, 454.201 and 454.211 apply only to NRS 454.181 to 454.371, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 1.15. NRS 454.191 is hereby amended to read as follows:

454.191 "Administer" means the direct application of a drug or medicine referred to in NRS 454.181 to 454.371, inclusive, ***and section 1 of this act,*** whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject.

Sec. 1.2. NRS 454.201 is hereby amended to read as follows:

454.201 "Dangerous drug" means any drug, other than a controlled substance, unsafe for self-medication or unsupervised use, and includes the following:

1. Any drug which has been approved by the Food and Drug Administration for general distribution and bears the legend ~~[: "Caution: Federal law prohibits dispensing without prescription";]~~ ***"Rx only";***

2. Procaine hydrochloride with preservatives and stabilizers (Gerovital H3) in injectable doses and amygdalin (laetrile) which have been licensed by the State Board of Health for manufacture in this State but have not been approved as drugs by the Food and Drug Administration; or

3. Any drug which, pursuant to the Board's regulations, may be sold only by prescription because the Board has found those drugs to be dangerous to public health or safety.

Sec. 1.3. NRS 454.213 is hereby amended to read as follows:

454.213 1. ~~[A]~~ ***Except as otherwise provided in section 1 of this act, a*** drug or medicine referred to in NRS 454.181 to 454.371, inclusive, ***and section 1 of this act*** may be possessed and administered by:

(a) A practitioner.

(b) A physician assistant licensed pursuant to chapter 630 or 633 of NRS, at the direction of his or her supervising physician or a licensed dental hygienist acting in the office of and under the supervision of a dentist.

(c) Except as otherwise provided in paragraph (d), a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician or advanced practice registered nurse, or pursuant to a chart order, for administration to a patient at another location.

(d) In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

(1) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

(2) Acting under the direction of the medical director of that agency or facility who works in this State.

(e) A medication aide - certified at a designated facility under the supervision of an advanced practice registered nurse or registered nurse and in accordance with standard protocols developed by the State Board of Nursing. As used in this paragraph, "designated facility" has the meaning ascribed to it in NRS 632.0145.

(f) Except as otherwise provided in paragraph (g), an advanced emergency medical technician or a paramedic, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

(1) The State Board of Health in a county whose population is less than 100,000;

(2) A county board of health in a county whose population is 100,000 or more; or

(3) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

(g) An advanced emergency medical technician or a paramedic who holds an endorsement issued pursuant to NRS 450B.1975, under the direct supervision of a local health officer or a designee of the local health officer pursuant to that section.

(h) A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

(i) A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

(j) A medical student or student nurse in the course of his or her studies at an accredited college of medicine or approved school of professional or practical nursing, at the direction of a physician and:

(1) In the presence of a physician or a registered nurse; or

(2) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

➥ A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

(k) Any person designated by the head of a correctional institution.

(l) An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

(m) A nuclear medicine technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

(n) A radiologic technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

(o) A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

(p) A physical therapist, but only if the drug or medicine is a topical drug which is:

(1) Used for cooling and stretching external tissue during therapeutic treatments; and

(2) Prescribed by a licensed physician for:

(I) Iontophoresis; or

(II) The transmission of drugs through the skin using ultrasound.

(q) In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

(r) A veterinary technician or a veterinary assistant at the direction of his or her supervising veterinarian.

(s) In accordance with applicable regulations of the Board, a registered pharmacist who:

(1) Is trained in and certified to carry out standards and practices for immunization programs;

(2) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(3) Administers immunizations in compliance with the "Standards for Immunization Practices" recommended and approved by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

(t) A registered pharmacist pursuant to written guidelines and protocols developed and approved pursuant to NRS 639.2809.

(u) A person who is enrolled in a training program to become a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist,

physical therapist or veterinary technician if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

(v) A medical assistant, in accordance with applicable regulations of the:

(1) Board of Medical Examiners, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

(2) State Board of Osteopathic Medicine, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

2. As used in this section, "accredited college of medicine" has the meaning ascribed to it in NRS 453.375.

Sec. 1.4. NRS 454.306 is hereby amended to read as follows:

454.306 A person who violates any provision of NRS 454.181 to 454.371, inclusive, ***and section 1 of this act*** by use of a minor as an agent or by unlawfully furnishing any dangerous drug to a minor is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 20 years, or by a fine of not more than $20,000, or by both fine and imprisonment.

Sec. 1.5. NRS 454.356 is hereby amended to read as follows:

454.356 Except as otherwise specifically provided, every person who violates any provision of NRS 454.181 to 454.371, inclusive, ***and section 1 of this act*** is guilty of a misdemeanor.

Sec. 1.6. NRS 454.361 is hereby amended to read as follows:

454.361 A conviction of the violation of any of the provisions of NRS 454.181 to 454.371, inclusive, ***and section 1 of this act*** constitutes grounds for the suspension or revocation of any license issued to such person pursuant to the provisions of chapters 630, 631, 633, 635, 636, 638 or 639 of NRS.

Sec. 1.7. NRS 454.366 is hereby amended to read as follows:

454.366 The Board shall administer and enforce NRS 454.181 to 454.371, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 1.8. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person shall not inject dermal or soft tissue fillers:

(a) Unless the person is:

(1) A physician or physician assistant licensed pursuant to chapter 630 of NRS ***;*** ~~***[who has successfully completed the training prescribed by the Board of Medical Examiners pursuant to section 1.9 of this act;]***~~

(2) A dentist who has successfully completed the training prescribed by the Board of Dental Examiners of Nevada pursuant to section 3.3 of this act;

(3) A registered nurse or advanced practice registered nurse ; [who has successfully completed the training prescribed by the State Board of Nursing pursuant to section 6.4 of this act;]

(4) A physician or physician assistant licensed pursuant to chapter 633 of NRS ; [who has successfully completed the training prescribed by the State Board of Osteopathic Medicine pursuant to 6.9 of this act;] or

(5) A podiatric physician who has successfully completed the training prescribed by the State Board of Podiatry pursuant to section 7.2 of this act.

(b) Outside his or her scope of practice.

(c) At a location other than a medical facility or the office of a physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, advanced practice registered nurse or podiatric physician.

2. A person who is authorized by subsection 1 to inject dermal or soft tissue fillers shall not delegate such injection to a person who is prohibited by subsection 1 from injecting dermal or soft tissue fillers.

3. A person who violates any provision of this section is guilty of a misdemeanor.

4. As used in this section, "dermal or soft tissue filler" means a material that is injected into the skin to fill in wrinkles or into the soft tissue to alter the contour of the soft tissue.

Sec. 1.9. ~~[Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The Board shall adopt regulations prescribing the training that a physician or physician assistant must receive before injecting:*~~

~~*(a) A neuromodulator that is derived from Clostridium botulinum;*~~

~~*(b) A neuromodulator that is biosimilar to or the bioequivalent of a neuromodulator described in paragraph (a); or*~~

~~*(c) Dermal or soft tissue fillers.*~~

~~*2. A physician or physician assistant who has received the training prescribed pursuant to subsection 1 shall present proof of such training upon the request of a patient or any state or local governmental agency or agent thereof.*~~

~~*3. As used in this section "dermal or soft tissue filler" has the meaning ascribed to it in section 1.8 of this act.]~~ (Deleted by amendment.)**

Sec. 2. NRS 630.138 is hereby amended to read as follows:

630.138 The Board ~~[:~~

~~1. May]~~ ***may*** adopt regulations governing the supervision of a medical assistant, including, without limitation, regulations which prescribe limitations on the possession and administration of a dangerous drug by a medical assistant.

~~[2. Shall adopt regulations governing the possession and administration of botulinum toxin, commonly known as Botox, by a medical assistant or any other person, including, without limitation:~~

~~(a) The qualifications and training required for administration; and~~

~~(b) The manner and place of administration.]~~

Sec. 3. NRS 630.306 is hereby amended to read as follows:

630.306 1. The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

(a) Inability to practice medicine with reasonable skill and safety because of illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any other substance.

(b) Engaging in any conduct:

(1) Which is intended to deceive;

(2) Which the Board has determined is a violation of the standards of practice established by regulation of the Board; or

(3) Which is in violation of a regulation adopted by the State Board of Pharmacy.

(c) Administering, dispensing or prescribing any controlled substance, or any dangerous drug as defined in chapter 454 of NRS, to or for himself or herself or to others except as authorized by law.

(d) Performing, assisting or advising the injection of any substance containing liquid silicone into the human body, except for the use of silicone oil to repair a retinal detachment.

(e) Practicing or offering to practice beyond the scope permitted by law or performing services which the licensee knows or has reason to know that he or she is not competent to perform or which are beyond the scope of his or her training.

(f) Performing, without first obtaining the informed consent of the patient or the patient's family, any procedure or prescribing any therapy which by the current standards of the practice of medicine is experimental.

(g) Continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field.

(h) Habitual intoxication from alcohol or dependency on controlled substances.

(i) Making or filing a report which the licensee or applicant knows to be false or failing to file a record or report as required by law or regulation.

(j) Failing to comply with the requirements of NRS 630.254.

(k) Failure by a licensee or applicant to report in writing, within 30 days, any disciplinary action taken against the licensee or applicant by another state, the Federal Government or a foreign country, including, without limitation, the revocation, suspension or surrender of a license to practice medicine in another jurisdiction.

(l) Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or

applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

(m) Failure to be found competent to practice medicine as a result of an examination to determine medical competency pursuant to NRS 630.318.

(n) Operation of a medical facility at any time during which:

(1) The license of the facility is suspended or revoked; or

(2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(o) Failure to comply with the requirements of NRS 630.373.

(p) Engaging in any act that is unsafe or unprofessional conduct in accordance with regulations adopted by the Board.

(q) Knowingly or willfully procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328;

(3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS; or

(4) Is an investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.

(r) Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

(s) Failure to comply with the provisions of NRS 630.3745.

(t) Failure to obtain any training required by the Board pursuant to NRS 630.2535.

(u) Failure to comply with the provisions of section 1 or 1.8 of this act.

2. As used in this section, "investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 3.3. Chapter 631 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board shall adopt regulations prescribing the training that a dentist must receive before injecting:

(a) A neuromodulator that is derived from Clostridium botulinum;

(b) A neuromodulator that is biosimilar to or the bioequivalent of a neuromodulator described in paragraph (a); or

(c) Dermal or soft tissue fillers.

2. A dentist who has received the training prescribed pursuant to subsection 1 shall present proof of such training upon the request of a patient or any state or local governmental agency or agent thereof.

3. As used in this section "dermal or soft tissue filler" has the meaning ascribed to it in section 1.8 of this act.

Sec. 4. NRS 631.313 is hereby amended to read as follows:

631.313 1. ~~[A]~~ ***Except as otherwise provided in sections 1 and 1.8 of this act, a*** licensed dentist may assign to a person in his or her employ who is a dental hygienist, dental assistant or other person directly or indirectly involved in the provision of dental care only such intraoral tasks as may be permitted by a regulation of the Board or by the provisions of this chapter.

2. The performance of these tasks must be:

(a) If performed by a dental assistant or a person, other than a dental hygienist, who is directly or indirectly involved in the provision of dental care, under the supervision of the licensed dentist who made the assignment.

(b) If performed by a dental hygienist, authorized by the licensed dentist of the patient for whom the tasks will be performed, except as otherwise provided in NRS 631.287.

3. No such assignment is permitted that requires:

(a) The diagnosis, treatment planning, prescribing of drugs or medicaments, or authorizing the use of restorative, prosthodontic or orthodontic appliances.

(b) Surgery on hard or soft tissues within the oral cavity or any other intraoral procedure that may contribute to or result in an irremediable alteration of the oral anatomy.

(c) The administration of general anesthesia, minimal sedation, moderate sedation or deep sedation except as otherwise authorized by regulations adopted by the Board.

(d) The performance of a task outside the authorized scope of practice of the employee who is being assigned the task.

4. A dental hygienist may, pursuant to regulations adopted by the Board, administer local anesthesia or nitrous oxide in a health care facility, as defined in NRS 162A.740, if:

(a) The dental hygienist is so authorized by the licensed dentist of the patient to whom the local anesthesia or nitrous oxide is administered; and

(b) The health care facility has licensed medical personnel and necessary emergency supplies and equipment available when the local anesthesia or nitrous oxide is administered.

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 631.3475 is hereby amended to read as follows:

631.3475 The following acts, among others, constitute unprofessional conduct:

1. Malpractice;

2. Professional incompetence;

3. Suspension or revocation of a license to practice dentistry, the imposition of a fine or other disciplinary action by any agency of another state authorized to regulate the practice of dentistry in that state;

4. More than one act by the dentist or dental hygienist constituting substandard care in the practice of dentistry or dental hygiene;

5. Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, if it is not required to treat the dentist's patient;

6. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS;

7. ***Failure to comply with the provisions of section 1 or 1.8 of this act;***

8. Chronic or persistent inebriety or addiction to a controlled substance, to such an extent as to render the person unsafe or unreliable as a practitioner, or such gross immorality as tends to bring reproach upon the dental profession;

~~[8.]~~ ***9.*** Conviction of a felony or misdemeanor involving moral turpitude or which relates to the practice of dentistry in this State, or conviction of any criminal violation of this chapter;

~~[9.]~~ ***10.*** Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

~~[10.]~~ ***11.*** Failure to comply with the provisions of NRS 453.163 or 453.164;

~~[11.]~~ ***12.*** Failure to obtain any training required by the Board pursuant to NRS 631.344; or

~~[12.]~~ ***13.*** Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 6.2. Chapter 632 of NRS is hereby amended by adding thereto the provisions set forth as sections 6.3 and 6.4 of this act.

Sec. 6.3. ***"Dermal or soft tissue filler" has the meaning ascribed to it in section 1.8 of this act.***

Sec. 6.4. ~~*[1. The Board shall adopt regulations prescribing the training that a registered nurse or advanced practice registered nurse must receive before injecting:*~~

~~*(a) A neuromodulator that is derived from Clostridium botulinum;*~~

~~*(b) A neuromodulator that is biosimilar to or the bioequivalent of a neuromodulator described in paragraph (a); or*~~

~~*(c) Dermal or soft tissue fillers.*~~

~~*2. A registered nurse or advanced practice registered nurse who has received the training prescribed pursuant to subsection 1 shall present proof of such training upon the request of a patient or any state or local governmental agency or agent thereof.]*~~ **(Deleted by amendment.)**

Sec. 6.5. NRS 632.010 is hereby amended to read as follows:

632.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 632.011 to 632.0195, inclusive, ***and section 6.3 of this act*** have the meanings ascribed to them in those sections.

Sec. 6.6. NRS 632.294 is hereby amended to read as follows:

632.294 1. A medication aide - certified may only administer authorized medications and perform related tasks at a designated facility under the supervision of an advanced practice registered nurse or a registered nurse and in accordance with standard protocols developed by the Board.

2. Except as otherwise provided by subsection 4, a medication aide - certified may only administer authorized medications by the following methods:

(a) Orally;

(b) Topically;

(c) By the use of drops in the eye, ear or nose;

(d) Vaginally;

(e) Rectally;

(f) Transdermally; and

(g) By the use of an oral inhaler.

3. Except as otherwise provided by subsection 4, a medication aide - certified shall not:

(a) Receive, have access to or administer any controlled substance;

(b) Administer parenteral or enteral medications;

(c) Administer any substances by nasogastric or gastronomy tubes;

(d) Calculate drug dosages;

(e) Destroy medication;

(f) Receive orders, either in writing or verbally, for new or changed medication;

(g) Transcribe orders from medical records;

(h) Order or administer initial medications;

(i) Evaluate reports of medication errors;

(j) Perform treatments;

(k) Conduct patient assessments or evaluations;

(l) Engage in teaching activities for patients; ~~[or]~~

(m) ***Inject a neuromodulator that is derived from Clostridium botulinum or a neuromodulator that is biosimilar to or the bioequivalent of such a neuromodulator;***

(n) Inject a dermal or soft tissue filler; or

(o) Engage in any activity prohibited pursuant to subsection 4.

4. ~~[The]~~ ***Except as otherwise provided in this subsection, the*** Board may adopt regulations authorizing or prohibiting any additional activities of a medication aide - certified. ***The Board shall not adopt regulations authorizing a medication aide - certified to perform the tasks described in paragraph (m) or (n) of subsection 3.***

5. As used in this section, "supervision" means active oversight of the patient care services provided by a medication aide - certified while on the premises of a designated facility.

Sec. 6.8. NRS 632.347 is hereby amended to read as follows:

632.347 1. The Board may deny, revoke or suspend any license or certificate applied for or issued pursuant to this chapter, or take other disciplinary action against a licensee or holder of a certificate, upon determining that the licensee or certificate holder:

(a) Is guilty of fraud or deceit in procuring or attempting to procure a license or certificate pursuant to this chapter.

(b) Is guilty of any offense:

(1) Involving moral turpitude; or

(2) Related to the qualifications, functions or duties of a licensee or holder of a certificate,

➥ in which case the record of conviction is conclusive evidence thereof.

(c) Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(d) Is unfit or incompetent by reason of gross negligence or recklessness in carrying out usual nursing functions.

(e) Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his or her ability to conduct the practice authorized by the license or certificate.

(f) Is a person with mental incompetence.

(g) Is guilty of unprofessional conduct, which includes, but is not limited to, the following:

(1) Conviction of practicing medicine without a license in violation of chapter 630 of NRS, in which case the record of conviction is conclusive evidence thereof.

(2) Impersonating any applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license or certificate.

(3) Impersonating another licensed practitioner or holder of a certificate.

(4) Permitting or allowing another person to use his or her license or certificate to practice as a licensed practical nurse, registered nurse, nursing assistant or medication aide - certified.

(5) Repeated malpractice, which may be evidenced by claims of malpractice settled against the licensee or certificate holder.

(6) Physical, verbal or psychological abuse of a patient.

(7) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.

(h) Has willfully or repeatedly violated the provisions of this chapter. The voluntary surrender of a license or certificate issued pursuant to this chapter is prima facie evidence that the licensee or certificate holder has committed or expects to commit a violation of this chapter.

(i) Is guilty of aiding or abetting any person in a violation of this chapter.

(j) Has falsified an entry on a patient's medical chart concerning a controlled substance.

(k) Has falsified information which was given to a physician, pharmacist, podiatric physician or dentist to obtain a controlled substance.

(l) Has knowingly procured or administered a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328;

(3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS; or

(4) Is an investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.

(m) Has been disciplined in another state in connection with a license to practice nursing or a certificate to practice as a nursing assistant or medication aide - certified, or has committed an act in another state which would constitute a violation of this chapter.

(n) Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.

(o) Has willfully failed to comply with a regulation, subpoena or order of the Board.

(p) Has operated a medical facility at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(q) ***Has violated the provisions of section 1 or 1.8 of this act.***

(r) Is an advanced practice registered nurse who has failed to obtain any training required by the Board pursuant to NRS 632.2375.

~~[(r)]~~ ***(s)*** Is an advanced practice registered nurse who has failed to comply with the provisions of NRS 453.163 or 453.164.

2. For the purposes of this section, a plea or verdict of guilty or guilty but mentally ill or a plea of nolo contendere constitutes a conviction of an offense. The Board may take disciplinary action pending the appeal of a conviction.

3. A licensee or certificate holder is not subject to disciplinary action solely for administering auto-injectable epinephrine pursuant to a valid order issued pursuant to NRS 630.374 or 633.707.

4. As used in this section, "investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 6.9. ~~[Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The Board shall adopt regulations prescribing the training that an osteopathic physician or physician assistant must receive before injecting:*~~

~~*(a) A neuromodulator that is derived from Clostridium botulinum;*~~

~~*(b) A neuromodulator that is biosimilar to or the bioequivalent of a neuromodulator described in paragraph (a); or*~~

~~*(c) Dermal or soft tissue fillers.*~~

~~*2. An osteopathic physician or physician assistant who has received the training prescribed pursuant to subsection 1 shall present proof of such training upon the request of a patient or any state or local governmental agency or agent thereof.*~~

~~*3. As used in this section "dermal or soft tissue filler" has the meaning ascribed to it in section 1.8 of this act.]*~~ **(Deleted by amendment.)**

Sec. 7. NRS 633.511 is hereby amended to read as follows:

633.511 1. The grounds for initiating disciplinary action pursuant to this chapter are:

(a) Unprofessional conduct.

(b) Conviction of:

(1) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(2) A felony relating to the practice of osteopathic medicine or practice as a physician assistant;

(3) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

(4) Murder, voluntary manslaughter or mayhem;

(5) Any felony involving the use of a firearm or other deadly weapon;

(6) Assault with intent to kill or to commit sexual assault or mayhem;

(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(8) Abuse or neglect of a child or contributory delinquency; or

(9) Any offense involving moral turpitude.

(c) The suspension of a license to practice osteopathic medicine or to practice as a physician assistant by any other jurisdiction.

(d) Malpractice or gross malpractice, which may be evidenced by a claim of malpractice settled against a licensee.

(e) Professional incompetence.

(f) Failure to comply with the requirements of NRS 633.527.

(g) Failure to comply with the requirements of subsection 3 of NRS 633.471.

(h) Failure to comply with the provisions of NRS 633.694.

(i) Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility is suspended or revoked; or

(2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(j) Failure to comply with the provisions of subsection 2 of NRS 633.322.

(k) Signing a blank prescription form.

(l) Knowingly or willfully procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328;

(3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS; or

(4) Is an investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.

(m) Attempting, directly or indirectly, by intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.

(n) Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.

(o) In addition to the provisions of subsection 3 of NRS 633.524, making or filing a report which the licensee knows to be false, failing to file a record or report that is required by law or knowingly or willfully obstructing or inducing another to obstruct the making or filing of such a record or report.

(p) Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

(q) Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

(r) Engaging in any act that is unsafe in accordance with regulations adopted by the Board.

(s) Failure to comply with the provisions of NRS 629.515.

(t) Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

(u) Failure to obtain any training required by the Board pursuant to NRS 633.473.

(v) Failure to comply with the provisions of NRS 633.6955.

(w) Failure to comply with the provisions of NRS 453.163 or 453.164.

(x) Failure to comply with the provisions of section 1 or 1.8 of this act.

2. As used in this section, "investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 7.2. Chapter 635 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board shall adopt regulations prescribing the training that a podiatric physician must receive before injecting:

(a) A neuromodulator that is derived from Clostridium botulinum;

(b) A neuromodulator that is biosimilar to or the bioequivalent of a neuromodulator described in paragraph (a); or

(c) Dermal or soft tissue fillers.

2. A podiatric physician who has received the training prescribed pursuant to subsection 1 shall present proof of such training upon the request of a patient or any state or local governmental agency or agent thereof.

3. As used in this section "dermal or soft tissue filler" has the meaning ascribed to it in section 1.8 of this act.

Sec. 7.5. NRS 635.130 is hereby amended to read as follows:

635.130 1. The Board, after notice and a hearing as required by law, and upon any cause enumerated in subsection 2, may take one or more of the following disciplinary actions:

(a) Deny an application for a license or refuse to renew a license.

(b) Suspend or revoke a license.

(c) Place a licensee on probation.

(d) Impose a fine not to exceed $5,000.

2. The Board may take disciplinary action against a licensee for any of the following causes:

(a) The making of a false statement in any affidavit required of the applicant for application, examination or licensure pursuant to the provisions of this chapter.

(b) Lending the use of the holder's name to an unlicensed person.

(c) If the holder is a podiatric physician, permitting an unlicensed person in his or her employ to practice as a podiatry hygienist.

(d) Habitual indulgence in the use of alcohol or any controlled substance which impairs the intellect and judgment to such an extent as in the opinion of the Board incapacitates the holder in the performance of his or her professional duties.

(e) Conviction of a crime involving moral turpitude.

(f) Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(g) Conduct which in the opinion of the Board disqualifies the licensee to practice with safety to the public.

(h) The commission of fraud by or on behalf of the licensee regarding his or her license or practice.

(i) Gross incompetency.

(j) Affliction of the licensee with any mental or physical disorder which seriously impairs his or her competence as a podiatric physician or podiatry hygienist.

(k) False representation by or on behalf of the licensee regarding his or her practice.

(l) Unethical or unprofessional conduct.

(m) Failure to comply with the requirements of subsection 1 of NRS 635.118.

(n) Willful or repeated violations of this chapter or regulations adopted by the Board.

(o) Willful violation of the regulations adopted by the State Board of Pharmacy.

(p) Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

(q) Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility is suspended or revoked; or

(2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(r) Failure to obtain any training required by the Board pursuant to NRS 635.116.

(s) Failure to comply with the provisions of NRS 453.163 and 453.164.

(t) Failure to comply with the provisions of section 1 or 1.8 of this act.

Sec. 7.8. NRS 644.430 is hereby amended to read as follows:

644.430 1. The following are grounds for disciplinary action by the Board:

(a) Failure of an owner of an establishment for hair braiding, a cosmetological establishment, a licensed or registered, as applicable, aesthetician, cosmetologist, hair designer, shampoo technologist, hair braider, electrologist, instructor, nail technologist, demonstrator of cosmetics, makeup artist or school of cosmetology to comply with the requirements of this chapter or the applicable regulations adopted by the Board.

(b) Failure of a cosmetologist's apprentice, electrologist's apprentice, aesthetician's apprentice, hair designer's apprentice or nail technologist's apprentice to comply with the requirements of this chapter or the applicable regulations adopted by the Board.

(c) Obtaining practice in cosmetology or any branch thereof, for money or any thing of value, by fraudulent misrepresentation.

(d) Gross malpractice.

(e) Continued practice by a person knowingly having an infectious or contagious disease.

(f) Drunkenness or the use or possession, or both, of a controlled substance or dangerous drug without a prescription, while engaged in the practice of cosmetology.

(g) Advertising in violation of any of the provisions of NRS 644.422 or 644.478.

(h) Permitting a license to be used where the holder thereof is not personally, actively and continuously engaged in business.

(i) Failure to display the license or a duplicate of the license as provided in NRS 644.290, 644.360, 644.3774 and 644.410.

(j) Failure to display the certificate of registration or a duplicate of the certificate of registration as provided in NRS 644.2175.

(k) Entering, by a school of cosmetology, into an unconscionable contract with a student of cosmetology.

(l) Continued practice of cosmetology or operation of a cosmetological establishment or school of cosmetology after the license therefor has expired.

(m) ***Failure to comply with the provisions of section 1 or 1.8 of this act.***

(n) Any other unfair or unjust practice, method or dealing which, in the judgment of the Board, may justify such action.

2. If the Board determines that a violation of this section has occurred, it may:

(a) Refuse to issue or renew a license or certificate of registration;

(b) Revoke or suspend a license or certificate of registration;

(c) Place the licensee or holder of a certificate of registration on probation for a specified period;

(d) Impose a fine not to exceed $2,000; or

(e) Take any combination of the actions authorized by paragraphs (a) to (d), inclusive.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 8. This act becomes effective on July 1, 2017.

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 118.

Bill read second time and ordered to third reading.

Senate Bill No. 127.

Bill read second time and ordered to third reading.

Senate Bill No. 145.

Bill read second time and ordered to third reading.

Senate Bill No. 146.

Bill read second time and ordered to third reading.

Senate Bill No. 156.

Bill read second time and ordered to third reading.

Senate Bill No. 159.

Bill read second time and ordered to third reading.

Senate Bill No. 191.

Bill read second time and ordered to third reading.

Senate Bill No. 204.

Bill read second time and ordered to third reading.

Senate Bill No. 215.

Bill read second time and ordered to third reading.

Senate Bill No. 245.

Bill read second time and ordered to third reading.

Senate Bill No. 312.

Bill read second time and ordered to third reading.

Senate Bill No. 314.

Bill read second time and ordered to third reading.

Senate Bill No. 339.
Bill read second time and ordered to third reading.

Senate Bill No. 416.
Bill read second time and ordered to third reading.

Senate Bill No. 429.
Bill read second time and ordered to third reading.

Senate Bill No. 469.
Bill read second time and ordered to third reading.

Senate Bill No. 510.
Bill read second time and ordered to third reading.

Senate Joint Resolution No. 4.
Resolution read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer, Assembly Bill No. 280 be rereferred to the Committee on Ways and Means.
Motion carried.

Assemblywoman Carlton moved that Senate Bill No. 146 be taken from the General File and rereferred to the Committee on Ways and Means.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 181.
Bill read third time.
The following amendment was proposed by Assemblyman Frierson:
Amendment No. 760.
SUMMARY—Revises provisions governing the restoration of civil rights for **certain** ex-felons. (BDR 14-720)
AN ACT relating to civil rights; revising provisions governing the restoration of civil rights to certain persons who have been convicted of felonies; and providing other matters properly relating thereto.
Legislative Counsel's Digest:
Under existing law, unless a person has been convicted of certain specified felonies, a person who has been convicted of a felony is restored to his or her civil rights by operation of law upon: (1) an honorable discharge from probation; (2) an honorable discharge from parole; or (3) the completion of his or her sentence and release from prison. Conversely, a person must petition a court for the restoration of his or her civil rights if the person was convicted: (1) of a category A felony; (2) of an offense that would constitute a category A felony if committed as of the date of discharge from probation, discharge from parole or release from prison; (3) of a category B felony involving the use of force or violence that resulted in substantial bodily harm;

(4) of an offense involving the use of force or violence that resulted in substantial bodily harm and that would constitute a category B felony if committed as of the date of discharge from probation, discharge from parole or release from prison; or (5) two or more times of a felony, except under certain circumstances. (NRS 176A.850, 213.155, 213.157) **Sections 1-3** of this bill provide, respectively, that **a probationer, parolee or person who completed his or her sentence and was released from prison is, with certain exceptions, immediately restored to the right: (1) to serve as a juror in a civil action; and (2) to vote. Sections 1-3 provide, respectively, that** if the probationer, parolee or person who completed his or her sentence and was released from prison was convicted ~~[: (1) two or more times]~~ of a **category B** felony ~~[, his or her right to vote must be restored immediately after discharge from probation, discharge from parole or release from prison; and (2) of any of the other offenses enumerated above,]~~ **involving the use of force or violence that did not result in substantial bodily harm to the victim or of an offense involving the use of force or violence that did not result in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of discharge from probation, discharge from parole or release from prison,** his or her right to vote must be restored 2 years after discharge from probation, discharge from parole or release from prison.

Existing law sets forth circumstances under which a person whose term of probation has expired must be given a dishonorable discharge and precludes the probationer from obtaining the restoration of certain civil rights. (NRS 176A.870) **Section 1** maintains the requirement that such a probationer be given a dishonorable discharge, but **section 5** of this bill eliminates the prohibition on the restoration of civil rights.

Section 4 of this bill provides for the restoration of civil rights to **certain** residents of this State who: (1) have not had their civil rights restored; (2) are not on probation or parole or serving a sentence of imprisonment on ~~[October]~~ **January** 1, ~~[2017,]~~ **2019;** and (3) before ~~[October]~~ **January** 1, ~~[2017,]~~ **2019,** were discharged from probation or parole or released from prison after serving their sentences.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 176A.850 is hereby amended to read as follows:

176A.850 1. A person who:

(a) Has fulfilled the conditions of probation for the entire period thereof;

(b) Is recommended for earlier discharge by the Division; or

(c) Has demonstrated fitness for honorable discharge but because of economic hardship, verified by the Division, has been unable to make restitution as ordered by the court,

➥ may be granted an honorable discharge from probation by order of the court.

2. ***A person whose term of probation has expired and:***

(a) Whose whereabouts are unknown;

(b) Who has failed to make restitution in full as ordered by the court, without a verified showing of economic hardship; or

(c) Who has otherwise failed to qualify for an honorable discharge as provided in subsection 1,

➥ is not eligible for an honorable discharge and must be given a dishonorable discharge. A dishonorable discharge releases the person from any further obligation, except as otherwise provided in subsection 3.

3. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of discharge and is enforceable pursuant to NRS 176.275.

~~[3.]~~ ***4.*** Except as otherwise provided in subsection ~~[4,]~~ ***5,*** a ~~[***4. A***]~~ person who has been ~~[honorably]~~ discharged from probation:

(a) Is free from the terms and conditions of probation.

(b) Is immediately restored to the ~~[following civil rights:~~

~~(1) The right to vote; and~~

~~(2) The]~~ right to serve as a juror in a civil action.

(c) ***Except as otherwise provided in paragraph (d), is immediately restored to the right to vote.***

(d) Two years after the date of discharge from probation, is restored to the right to vote if the person has previously been convicted in this State:

(1) ~~[Of a category A felony.~~

~~(2) Of an offense that would constitute a category A felony if committed as of the date of discharge from probation.~~

~~(3)]~~ Of a category B felony involving the use of force or violence . ~~[that resulted in substantial bodily harm to the victim.~~

~~(4)]~~ (2) Of an offense involving the use of force or violence ~~[that resulted in substantial bodily harm to the victim and]~~ that would constitute a category B felony if committed as of the date of discharge from probation.

(e) Four years after the date of ~~[honorable]~~ discharge from probation, is restored to the right to hold office.

~~[(d)]~~ ***(f)*** Six years after the date of ~~[honorable]~~ discharge from probation, is restored to the right to serve as a juror in a criminal action.

~~[(e)]~~ ***(g)*** If the person meets the requirements of NRS 179.245, may apply to the court for the sealing of records relating to the conviction.

~~[(f)]~~ ***(h)*** Must be informed of the provisions of this section and NRS 179.245 in the person's probation papers.

~~[(g)]~~ ***(i)*** Is exempt from the requirements of chapter 179C of NRS, but is not exempt from the requirements of chapter 179D of NRS.

~~[(h)]~~ ***(j)*** Shall disclose the conviction to a gaming establishment and to the State and its agencies, departments, boards, commissions and political subdivisions, if required in an application for employment, license or other

permit. As used in this paragraph, "establishment" has the meaning ascribed to it in NRS 463.0148.

~~[(i)]~~ ***(k)*** Except as otherwise provided in paragraph ~~[(h),]~~ ***(j),*** need not disclose the conviction to an employer or prospective employer.

~~[4.]~~ ***5.*** Except as otherwise provided in this subsection, the civil rights set forth in subsection ~~[3]~~ ***4*** are not restored to a person ~~[honorably]~~ discharged from probation if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of ~~[the honorable]~~ discharge from probation.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of ~~[honorable]~~ discharge from probation.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

➥ A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of civil rights as set forth in subsection ~~[3.]~~ ***4.***

~~[5.]~~ ***6.*** The prior conviction of a person who has been ~~[honorably]~~ discharged from probation may be used for purposes of impeachment. In any subsequent prosecution of the person, the prior conviction may be pleaded and proved if otherwise admissible.

~~[6.]~~ ***7.*** Except for a person subject to the limitations set forth in subsection ~~[4,]~~ ***5,*** upon ~~[honorable ***Upon]***~~ discharge from probation, the person so discharged must be given an official document which provides:

(a) That the person has received an honorable discharge ***or dishonorable discharge, as applicable,*** from probation;

(b) That the person ~~[has been]~~ ***is*** restored to his or her civil rights to vote and to serve as a juror in a civil action as of the ~~[date of honorable discharge from probation;]~~ ***applicable dates set forth in paragraphs (b), (c) and (d) of subsection 4;***

(c) The date on which the person's civil right to hold office will be restored pursuant to paragraph ~~[(c)]~~ ***(e)*** of subsection ~~[3;]~~ ***4;*** and

(d) The date on which the person's civil right to serve as a juror in a criminal action will be restored pursuant to paragraph ~~[(d)]~~ ***(f)*** of subsection ~~[3.]~~ ***4.***

~~[7.]~~ ***8.*** Subject to the limitations set forth in subsection ~~[4,]~~ ***5,*** a ~~***[A]***~~ person who has been ~~[honorably]~~ discharged from probation in this State or elsewhere and whose official documentation of ~~[honorable]~~ discharge from probation is lost, damaged or destroyed may file a written request with a

court of competent jurisdiction to restore the person's civil rights pursuant to this section. Upon verification that the person has been ~~[~~honorably~~]~~ discharged from probation and is eligible to be restored to the civil rights set forth in subsection ~~[~~3,~~]~~ ***4,*** the court shall issue an order restoring the person to the civil rights set forth in subsection ~~[~~3.~~]~~ ***4.*** A person must not be required to pay a fee to receive such an order.

~~[~~8.~~]~~ ***9.*** A person who has been ~~[~~honorably~~]~~ discharged from probation in this State or elsewhere may present:

(a) Official documentation of ~~[~~honorable~~]~~ discharge from probation, if it contains the provisions set forth in subsection ~~[~~6;~~]~~ ***7;*** or

(b) A court order restoring the person's civil rights,

➥ as proof that the person has been restored to the civil rights set forth in subsection ~~[~~3.~~]~~ ***4.***

Sec. 2. NRS 213.155 is hereby amended to read as follows:

213.155 1. Except as otherwise provided in subsection 2, a ~~[~~***A***~~]~~ person who receives ~~[~~an honorable~~]~~ ***a*** discharge from parole pursuant to NRS 213.154:

(a) Is immediately restored to the ~~[~~following civil rights:

~~(1) The right to vote; and~~

~~(2) The~~] right to serve as a juror in a civil action.

(b) ***Except as otherwise provided in paragraph (c), is immediately restored to the right to vote.***

(c) Two years after the date of his or her discharge from parole, is restored to the right to vote if the person has previously been convicted in this State:

(1) ~~[Of a category A felony.~~

~~(2) Of an offense that would constitute a category A felony if committed as of the date of discharge from parole.~~

~~(3)~~] Of a category B felony involving the use of force or violence ~~. [that resulted in substantial bodily harm to the victim.~~

~~(4)~~] (2) Of an offense involving the use of force or violence ~~[that resulted in substantial bodily harm to the victim and]~~ that would constitute a category B felony if committed as of the date of discharge from parole.

(d) Four years after the date of his or her ~~[~~honorable~~]~~ discharge from parole, is restored to the right to hold office.

~~[~~(c)~~]~~ ***(e)*** Six years after the date of his or her ~~[~~honorable~~]~~ discharge from parole, is restored to the right to serve as a juror in a criminal action.

2. Except as otherwise provided in this subsection, the civil rights set forth in subsection 1 are not restored to a person who has received ~~[~~an honorable~~]~~ ***a*** discharge from parole if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of ~~[~~his or her honorable~~]~~ discharge from parole.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of **[**~~his or her honorable~~**]** discharge from parole.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

➥ A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of his or her civil rights as set forth in subsection 1.

3. Except for a person subject to the limitations set forth in subsection 2, upon ***[Upon]*** his or her **[**~~honorable~~**]** discharge from parole, a person so discharged must be given an official document which provides:

(a) That the person has received an honorable discharge ***or dishonorable discharge, as applicable,*** from parole;

(b) That the person **[**~~has been~~**]** ***is*** restored to his or her civil rights to vote and to serve as a juror in a civil action as of the **[**~~date of his or her honorable discharge from parole;~~**]** ***applicable dates set forth in paragraphs (a), (b) and (c) of subsection 1;***

(c) The date on which his or her civil right to hold office will be restored to the person pursuant to paragraph **[**~~(b)~~**]** ***(d)*** of subsection 1; and

(d) The date on which his or her civil right to serve as a juror in a criminal action will be restored to the person pursuant to paragraph **[**~~(c)~~**]** ***(e)*** of subsection 1.

4. Subject to the limitations set forth in subsection 2, a ***[3. A]*** person who has been **[**~~honorably~~**]** discharged from parole in this State or elsewhere and whose official documentation of his or her **[**~~honorable~~**]** discharge from parole is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has been **[**~~honorably~~**]** discharged from parole and is eligible to be restored to the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 1. A person must not be required to pay a fee to receive such an order.

5. ***[4.]*** A person who has been **[**~~honorably~~**]** discharged from parole in this State or elsewhere may present:

(a) Official documentation of his or her **[**~~honorable~~**]** discharge from parole, if it contains the provisions set forth in subsection 3; ***[2;]*** or

(b) A court order restoring his or her civil rights,

➥ as proof that the person has been restored to the civil rights set forth in subsection 1.

6. ~~*[5.]*~~ The Board may adopt regulations necessary or convenient for the purposes of this section.

Sec. 3. NRS 213.157 is hereby amended to read as follows:

213.157 1. Except as otherwise provided in subsection 2, a ~~*[A]*~~ person convicted of a felony in the State of Nevada who has served his or her sentence and has been released from prison:

(a) Is immediately restored to the ~~[following civil rights:~~

~~(1) The right to vote; and~~

~~(2) The]~~ right to serve as a juror in a civil action.

(b) ***Except as otherwise provided in paragraph (c), is immediately restored to the right to vote.***

(c) Two years after the date of his or her release from prison, is restored to the right to vote if the person has previously been convicted in this State:

(1) ~~***[Of a category A felony.***~~

~~***(2) Of an offense that would constitute a category A felony if committed as of the date of his or her release from prison.***~~

~~***(3)]***~~ ***Of a category B felony involving the use of force or violence*** ~~***.***~~ ~~***[that resulted in substantial bodily harm to the victim.***~~

~~***(4)]***~~ ***(2) Of an offense involving the use of force or violence*** ~~***[that resulted in substantial bodily harm to the victim and]***~~ ***that would constitute a category B felony if committed as of the date of his or her release from prison.***

(d) Four years after the date of his or her release from prison, is restored to the right to hold office.

~~[(c)]~~ ***(e)*** Six years after the date of his or her release from prison, is restored to the right to serve as a juror in a criminal action.

2. Except as otherwise provided in this subsection, the civil rights set forth in subsection 1 are not restored to a person who has been released from prison if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of his or her release from prison.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his or her release from prison.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

➥ A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of his or her civil rights as set forth in subsection 1.

3. Except for a person subject to the limitations set forth in subsection 2, upon ~~***[Upon]***~~ his or her release from prison, a person so released must be given an official document which provides:

(a) That the person has been released from prison;

(b) That the person ~~[has been]~~ ***is*** restored to his or her civil rights to vote and to serve as a juror in a civil action as of the ~~[date of his or her release from prison;]~~ ***applicable dates set forth in paragraphs (a), (b) and (c) of subsection 1;***

(c) The date on which his or her civil right to hold office will be restored to the person pursuant to paragraph ~~[(b)]~~ ***(d)*** of subsection 1; and

(d) The date on which his or her civil right to serve as a juror in a criminal action will be restored to the person pursuant to paragraph ~~[(c)]~~ ***(e)*** of subsection 1.

4. Subject to the limitations set forth in subsection 2, a ~~***[3. A]***~~ person who has been released from prison in this State or elsewhere and whose official documentation of his or her release from prison is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has been released from prison and is eligible to be restored to the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 1. A person must not be required to pay a fee to receive such an order.

5. ~~***[4.]***~~ A person who has been released from prison in this State or elsewhere may present:

(a) Official documentation of his or her release from prison, if it contains the provisions set forth in subsection 3; ~~***[2,]***~~ or

(b) A court order restoring his or her civil rights,

➥ as proof that the person has been restored to the civil rights set forth in subsection 1.

Sec. 4. 1. Any person residing in this State who:

(a) Is not subject to the provisions of subsection 2;

(b) Before ~~[October]~~ **January** 1, ~~[2017,]~~ **2019,** was discharged from probation pursuant to NRS 176A.850 or 176A.870, discharged from parole pursuant to NRS 213.155 or released from prison pursuant to NRS 213.157, as those sections existed before ~~[October]~~ **January** 1, ~~[2017,]~~ **2019;**

(c) Is not on probation or parole or serving a sentence of imprisonment on ~~[October]~~ **January** 1, ~~[2017,]~~ **2019;** and

(d) Has not already had his or her civil rights restored,

➥ is immediately restored to the right to serve as a juror in a civil action and the right to vote. Four years after the date on which the person was discharged from probation, discharged from parole or released from prison, as applicable, he or she is restored to the right to hold office. Six years after the date on which the person was discharged from probation, discharged from parole or released from prison, as applicable, he or she is restored to the right to serve as a juror in a criminal action.

2. Any person residing in this State who:

(a) Before **[**October**]** **January** 1, **[**2017,**]** **2019:**

(1) Was discharged from probation pursuant to NRS 176A.850 or 176A.870, discharged from parole pursuant to NRS 213.155 or released from prison pursuant to NRS 213.157, as those sections existed before **[**October**]** **January** 1, **[**2017; and**]** **2019;**

(2) Was previously convicted in this State:

(I) Of a category B felony involving the use of force or violence; or

(II) Of an offense involving the use of force or violence that would constitute a category B felony if committed as of the date of discharge from probation, discharge from parole or release from prison, as applicable; and

(3) Was not previously convicted in this State:

(I) Of a category A felony;

(II) Of an offense that would constitute a category A felony if committed as of the date of discharge from probation, discharge from parole or release from prison, as applicable;

(III) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim;

(IV) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of discharge from probation, discharge from parole or release from prison, as applicable; or

(V) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this sub-subparagraph;

(b) Is not on probation or parole or serving a sentence of imprisonment on **[**October**]** **January** 1, **[**2017,**]** **2019;** and

(c) Has not already had his or her civil rights restored,

➥ is immediately restored to the right to serve as a juror in a civil action. Two years after the date on which the person was discharged from probation, discharged from parole or released from prison, as applicable, he or she is restored to the right to vote. Four years after the date on which the person was discharged from probation, discharged from parole or released from prison, as applicable, he or she is restored to the right to hold office. Six years after the date on which the person was discharged from probation, discharged from parole or released from prison, as applicable, he or she is restored to the right to serve as a juror in a criminal action.

3. A person who is restored to his or her civil rights pursuant to this section and whose official documentation which demonstrates that the person qualifies to have his or her civil rights restored pursuant to this section is lost, damaged or destroyed may file a written request with a court of competent

jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person qualifies to have his or her civil rights restored pursuant to this section, the court shall issue an order restoring the person to the civil rights set forth in this section. A person must not be required to pay a fee to receive such an order.

4. A person who is restored to his or her civil rights pursuant to this section may present official documentation that he or she qualifies to have his or her civil rights restored pursuant to this section or a court order restoring his or her civil rights as proof that he or she has been restored to the civil rights set forth in this section.

Sec. 5. NRS 176A.870 is hereby repealed.

Sec. 6. **This act becomes effective on January 1, 2019.**

TEXT OF REPEALED SECTION

176A.870 Dishonorable discharge. A defendant whose term of probation has expired and:

1. Whose whereabouts are unknown;

2. Who has failed to make restitution in full as ordered by the court, without a verified showing of economic hardship; or

3. Who has otherwise failed to qualify for an honorable discharge as provided in NRS 176A.850,

➥ is not eligible for an honorable discharge and must be given a dishonorable discharge. A dishonorable discharge releases the probationer from any further obligation, except a civil liability arising on the date of discharge for any unpaid restitution which is enforceable pursuant to NRS 176.275, but does not entitle the probationer to any privilege conferred by NRS 176A.850.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 110.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 110, as amended, requires the Department of Education to establish a pilot program to provide competency-based education and conduct one or more meetings with school districts and a public campaign to raise awareness of the program. The bill also appropriates $1,500 in each year of the biennium to the Department for travel-related costs associated with meetings conducted with superintendents of the school districts and authorizes the Department to establish a competitive grant program to carry out the pilot program to provide competency-based education to the extent funding is available.

The bill further revises provisions related to the requirements for a pupil to receive credit for certain courses in lieu of course attendance. Lastly, the bill requires the Department of

Education to establish a Competency-Based Education Network and prescribes the membership and duties of the network, including reporting requirements.

The bill becomes effective upon passage and approval for the purpose of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act and on July 1, 2017, for all other purposes.

Roll call on Assembly Bill No. 110:

YEAS—42.

NAYS—None.

Assembly Bill No. 110 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 278.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 278, as amended, creates the Committee to Review Child Support Guidelines and requires the Committee to review the existing child support guidelines established in this state and provide any recommendations for revisions to the Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services by July 1, 2018. The Committee must review the guidelines at least once every four years.

The Administrator is required to review and consider any recommendations of the Committee and adopt regulations establishing the child support guidelines. The child support guidelines that are adopted by the Administrator are required to be adopted in accordance with the Nevada Administrative Procedures Act and codified in the Nevada Administrative Code.

Roll call on Assembly Bill No. 278:

YEAS—42.

NAYS—None.

Assembly Bill No. 278 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 447.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Assembly Bill 447, as amended, continues the Victory schools program for the 2017-19 biennium, requires the Department of Education to consult with the board of trustees of a school district when designating Victory schools, removes the requirement to provide an expansion of full-day kindergarten classes, and adds evidence-based programs and integrated student supports to the list of items eligible for Victory schools program funding.

The bill becomes effective upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of the act and on July 1, 2017, for all other purposes.

Roll call on Assembly Bill No. 447:

YEAS—34.

NAYS—Ellison, Hambrick, Hansen, Krasner, Marchant, McArthur, Titus, Wheeler—8.

Assembly Bill No. 447 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 473.

Bill read third time.

Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

Assembly Bill 473, as amended, extends the prospective expiration of the requirement to exclude certain atypical and typical antipsychotic medications, anticonvulsant medications, and antidiabetic medications from the restrictions that are imposed on drugs that are on the list of preferred prescription drugs. This extension has the effect of continuing the inclusion of those types of medications in the restrictions that are imposed on drugs that are on the list of preferred prescription drugs until June 30, 2019.

Roll call on Assembly Bill No. 473:

YEAS—42.

NAYS—None.

Assembly Bill No. 473 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 483.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 483 transfers the duty to administer the Program to Encourage and Facilitate Purchases by Agencies of Commodities and Services From Organizations from the Rehabilitation Division of the Department of Employment, Training, and Rehabilitation to the Purchasing Division of the Department of Administration. The Program aids in the purchase by public agencies of commodities and services from certain nonprofit organizations which train and employ persons with mental or physical disabilities.

Roll call on Assembly Bill No. 483:

YEAS—42.

NAYS—None.

Assembly Bill No. 483 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 2.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Senate Bill 2 provides anonymity to a parent who delivers a child to a provider of emergency services under the Safe Haven Law unless there is reasonable cause to believe that the child has been abused or neglected. The bill also removes the right of such a parent to notice that the child has been placed in protective custody and to proceedings related to the termination of parental rights. The nondelivering parent retains the right to such notice if the parent's location is known and to notice by publication if unknown. This measure is effective on October 1, 2017.

Roll call on Senate Bill No. 2:

YEAS—42.

NAYS—None.

Senate Bill No. 2 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 33.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Senate Bill 33 prohibits the foreclosure of a military servicemember's residential mortgage loan, including the foreclosure of a lien against a unit in a common-interest community, while the member is on active duty and for one year immediately following active duty so long as the loan was entered into before the servicemember was called to active duty or deployed. These protections also apply to a servicemember's dependent in certain circumstances. A person who knowingly violates these provisions is guilty of a misdemeanor and is liable for damages. This bill is effective upon passage and approval.

Roll call on Senate Bill No. 33:

YEAS—42.

NAYS—None.

Senate Bill No. 33 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Senate Bill No. 50.

Bill read third time.

Remarks by Assemblyman Edwards.

ASSEMBLYMAN EDWARDS:

Senate Bill 50 authorizes a person who is of sound mind and at least 18 years of age or an emancipated minor to execute an advance directive for psychiatric care to direct any provider of health care on how he or she wishes psychiatric care to be provided if incapable of making or communicating decisions concerning such care. The bill also authorizes a person to designate another person to make decisions for him or her if incapable of making such decisions.

Roll call on Senate Bill No. 50:

YEAS—42.

NAYS—None.

Senate Bill No. 50 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 51.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Senate Bill 51 makes various revisions to the process of adjudication of vested water rights, including removing the requirement that the State Engineer determine the relative rights of claimants in order of the importance of the stream for irrigation. It requires that the State Engineer provide notice of the pendency of the proceedings as soon as practicable after the State Engineer enters an order granting a petition to determine the relative rights of claimants. The

notice must set forth the date the State Engineer will commence taking proofs of appropriation, the date by which all proofs must be filed, and that all proofs must be accompanied by maps depicting required information. It revises information that must be included in proofs of appropriation and provides a process for return and correction of defective proofs of appropriation. It authorizes the State Engineer to make a copy of the preliminary order and the order of determination available on the Internet and to send a notice to each person who has filed a proof of appropriation that the order is available on the State Engineer's website. The bill provides that the State Engineer must hold a hearing on objections to the preliminary order and that notice of the hearing may be sent or served upon persons to be affected by the objections. Finally, it provides that all testimony at the hearings must be transcribed by a court reporter and that claimants objecting to the preliminary order shall pay the fees and expenses of the court reporter.

Roll call on Senate Bill No. 51:

YEAS—26.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Neal, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—16.

Senate Bill No. 51 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 75.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Senate Bill 75 makes confidential any information concerning a person who has requested assistance from the Department of Wildlife or has reported any information concerning potentially dangerous wildlife or wildlife causing a nuisance. The measure also provides that certain reports the Department is required to submit to various entities may instead be posted on the Department's website.

Roll call on Senate Bill No. 75:

YEAS—27.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.

Senate Bill No. 75 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 91.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 91 creates the Prescription Drug Donation Program by combining the HIV/AIDS Drug Donation Program and the Cancer Drug Donation Program. The new Prescription Drug Donation Program authorizes a person or governmental entity to donate any prescription drug, except marijuana and certain drugs for which a patient must register with the manufacturer, at a pharmacy, medical facility, health clinic, or other provider of health care that participates in the Program. Such participants may impose a handling fee upon patients who receive a donated prescription drug and must comply with specific requirements regarding the acceptance, distribution, and dispensing of these drugs.

Roll call on Senate Bill No. 91:

YEAS—42.

NAYS—None.

Senate Bill No. 91 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 107.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Senate Bill 107 requires the Council to Establish Academic Standards for Public Schools to establish content and performance standards for ethnic and diversity studies in public high schools. It also authorizes high schools to offer instruction in ethnic and diversity studies. This bill is effective upon passage and approval for purposes of adopting regulations and performing preparatory administrative tasks and on July 1, 2018, for all other purposes.

Roll call on Senate Bill No. 107:

YEAS—32.

NAYS—Edwards, Ellison, Hambrick, Hansen, Kramer, Marchant, McArthur, Oscarson, Titus, Wheeler—10.

Senate Bill No. 107 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 117.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Senate Bill 117 requires each polling place to have a separate line for voters with disabilities or who are not physically able to wait in line to vote. Voters in this line must be permitted to vote before any voter who is not disabled and is physically able to wait in line. The bill sets forth an alternative to these provisions by requiring an election board officer at each polling place to allow voters with disabilities or who are not physically able to wait in line to move to the front of the line in order to vote. The bill is effective on October 1, 2017.

Roll call on Senate Bill No. 117:

YEAS—42.

NAYS—None.

Senate Bill No. 117 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 133.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Senate Bill 133 revises the Uniform Deployed Parents Custody and Visitation Act to apply to civilian employees of the Department of Defense regarding when a court in this state has jurisdiction to issue orders in custodial matters.

Roll call on Senate Bill No. 133:

YEAS—42.

NAYS—None.

Senate Bill No. 133 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 140.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Senate Bill 140 authorizes the Director of the Department of Corrections to assign certain offenders to the custody of the Division of Parole and Probation to serve a term of residential confinement or other appropriate supervision for the remainder of the offender's sentence. To qualify for such an assignment, an offender must be at least 65 years of age and must have served at least a majority of the maximum term or maximum aggregate term of his or her sentence.

An offender is not eligible for this assignment if the offender has been sentenced to death, to life without the possibility of parole, or has been convicted of any of the following offenses: a sexual offense, certain crimes against children, a violent offense, vehicular homicide, or driving under the influence of drugs or alcohol causing death or substantial bodily harm to another person.

Roll call on Senate Bill No. 140:

YEAS—32.

NAYS—Paul Anderson, Edwards, Ellison, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Wheeler—10.

Senate Bill No. 140 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 141.

Bill read third time.

Remarks by Assemblyman Watkins.

ASSEMBLYMAN WATKINS:

Senate Bill 141 expands the conditions under which a veteran of the United States Armed Forces who has suffered a service-connected disability may qualify for certain specially designed license plates and makes various conforming changes.

Roll call on Senate Bill No. 141:

YEAS—42.

NAYS—None.

Senate Bill No. 141 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 173.

Bill read third time.

The following amendment was proposed by Assemblyman Pickard:

Amendment No. 758.

AN ACT relating to education; revising provisions concerning the applicability of the prevailing wage requirements and certain building standards and requirements to construction projects relating to achievement charter schools; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Achievement School District within the Department of Education and authorizes the conversion of certain public schools which demonstrate unsatisfactory pupil achievement and school performance into achievement charter schools. (NRS 388B.100, 388B.200) With certain exceptions, existing law requires that mechanics and workers employed on public works be paid at least the wage prevailing for the type of work that the mechanic or worker performs in the locale in which the public work is located, as determined by the Labor Commissioner. (NRS 338.020) The Labor Commissioner is required to set the prevailing wage on public works of school districts and the Nevada System of Higher Education at 90 percent of the rate of prevailing wage that other public bodies are required to pay. (NRS 338.030) Existing law exempts charter schools, including achievement charter schools, from compliance with prevailing wage requirements. (NRS 338.080, 388A.635, 388B.250)

This bill eliminates the exemption of achievement charter schools from the prevailing wage requirements and specifically makes those requirements applicable to a contract or other agreement for the construction of, improvement of, repair to, demolition of or reconstruction of an improvement to any building, structure or property that is used or will be used by an achievement charter school ~~[.]~~ **if the construction, improvement, repair, demolition or reconstruction is paid in whole or in part from money in the capital improvement fund of a school district.** Any such contract or agreement is required to include the contractual provisions and stipulations that are required to be included in a contract for a public work relating to prevailing wage requirements. Any person or governmental entity that enters into such a contract or agreement and the contractor who is awarded the contract or enters into the agreement to perform the construction, improvement, repair, demolition or reconstruction, and any subcontractor who performs any portion of the contract or agreement is required to comply with the prevailing wage requirements in the same manner as if a public body had undertaken the construction, improvement, repair, demolition or reconstruction or had awarded the contract.

Under existing law, school districts are required to comply with various requirements with respect to the design, construction and alteration of school buildings and facilities. (NRS 278.585, 393.110) This bill requires that any construction of, improvement of, repair to, demolition of or reconstruction of an improvement to any building, structure or property that is used by or will be used by an achievement charter school must comply with the same

engineering, design, safety and other building standards and requirements with which school buildings and facilities in the same county must comply.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 388B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The provisions of NRS 338.013 to 338.090, inclusive, apply to a contract or other agreement for the construction of, improvement of, repair to, demolition of or reconstruction of an improvement to any building, structure or property that is used or will be used by an achievement charter school ~~*[.]*~~ ***if the construction, improvement, repair, demolition or reconstruction is paid in whole or in part from money in the capital improvement fund of a school district.***

2. If the Achievement School District, a governing body of an achievement charter school, a charter management organization, educational management organization or other person who operates an achievement charter school or any other person or governmental entity enters into any contract or other agreement for the construction of, improvement of, repair to, demolition of or reconstruction of an improvement to any building, structure or property that is used or will be used by an achievement charter school ~~*[:]*~~ ***and the construction, improvement, repair, demolition or reconstruction is paid in whole or in part from money in the capital improvement fund of a school district:***

(a) The Achievement School District, governing body of the achievement charter school, charter management organization, educational management organization or other person who operates the achievement charter school or other person or governmental entity shall include in the contract or other agreement the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to the provisions of NRS 338.013 to 338.090, inclusive.

(b) The Achievement School District, governing body of the achievement charter school, charter management organization, educational management organization or other person who operates the achievement charter school or other person or governmental entity and the contractor who is awarded the contract or enters into the agreement to perform the construction, improvement, repair, demolition or reconstruction, and any subcontractor who performs any portion of the contract or agreement, shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if a public body had undertaken the construction, improvement, repair, demolition or reconstruction or had awarded the contract.

3. Any construction of, improvement of, repair to, demolition of or reconstruction of an improvement to any building, structure or property that is used by or will be used by an achievement charter school must

comply with the same engineering, design, safety and other building standards and requirements with which school buildings and facilities in the same county must comply.

Sec. 2. NRS 388B.250 is hereby amended to read as follows:

388B.250 1. Except as otherwise provided in this section, the provisions of chapter 388A of NRS are not applicable to an achievement charter school.

2. The provisions of NRS 388A.090, 388A.095, 388A.100, 388A.171, 388A.226, 388A.345, 388A.348, 388A.351, 388A.363, 388A.366, 388A.369, 388A.384, 388A.408 to 388A.420, inclusive, 388A.478 to 388A.527, inclusive, 388A.547 ***,*** ~~[and]~~ 388A.550 to ***388A.630, inclusive, and 388A.640 to*** 388A.695,
inclusive, apply to an achievement charter school. ***Except as otherwise provided in section 1 of this act, the provisions of NRS 388A.635 apply to an achievement charter school.***

3. The governing body of an achievement charter school may submit a written request to the Superintendent of Public Instruction for a waiver from the requirements of paragraphs (f) to (k), inclusive, of subsection 1 of NRS 388A.366 or subsection 2 of that section or, except with regard to a program supported with Title I money, NRS 388A.518, 388A.521 or 388A.524. The Executive Director may grant such a request if the governing body demonstrates to the satisfaction of the Superintendent of Public Instruction that circumstances justify the waiver and that granting the waiver is in the best interest of the pupils enrolled in the achievement charter school.

Sec. 3. NRS 338.080 is hereby amended to read as follows:

338.080 ***1.*** None of the provisions of NRS 338.020 to 338.090, inclusive, apply to:

~~[1.]~~ ***(a)*** Any work, construction, alteration, repair or other employment performed, undertaken or carried out, by or for any railroad company or any person operating the same, whether such work, construction, alteration or repair is incident to or in conjunction with a contract to which a public body is a party, or otherwise.

~~[2.]~~ ***(b)*** Apprentices recorded under the provisions of chapter 610 of NRS.

~~[3.]~~ ***(c)*** Any contract for a public work whose cost is less than $250,000. A unit of the project must not be separated from the total project, even if that unit is to be completed at a later time, in order to lower the cost of the project below $250,000.

~~[4.]~~ ***(d)*** Any contract for a public work or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property to which a charter school is a party, notwithstanding any other provision of law.

~~[5.]~~ ***(e)*** A public work of, or constructed by, a charter school, or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property of or constructed by a charter school, notwithstanding any other provision of law.

(f) Except as otherwise provided in section 1 of this act, the construction of, improvement of, repair to, demolition of or reconstruction of an improvement to any building, structure or property that is used or will be used by an achievement charter school.

2. As used in this section, "charter school" does not include an achievement charter school as defined in NRS 385.007.

Sec. 4. The amendatory provisions of this act do not apply to a contract or other agreement entered into before July 1, 2017.

Sec. 5. This act becomes effective on July 1, 2017.

Assemblyman Pickard moved the adoption of the amendment.

Remarks by Assemblyman Pickard.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 176.

Bill read third time.

Remarks by Assemblymen Bilbray-Axelrod, Tolles, and Flores.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Senate Bill 176 expands to all law enforcement agencies the requirement that certain peace officers wear a portable event recording device while on duty and requires that video recordings be retained by the law enforcement agency for not less than 15 days.

The bill also expands to all counties the authority of the respective boards of county commissioners to impose a surcharge to be used for the enhancement of the telephone system for reporting an emergency in the county and authorizes the surcharge to also be used to purchase and maintain portable event recording devices and vehicular event recording devices. The maximum amount of the surcharge that may be imposed is increased from 25 cents to $1 each month for each access line to the local exchange of a telecommunications provider.

This measure is effective upon passage and approval for the purpose of adopting regulations and performing any necessary preliminary administrative tasks and on July 1, 2018, for all other purposes.

ASSEMBLYWOMAN TOLLES:

I received a lot of emails in regards to 9-1-1 funds being possibly diverted. I wondered if the sponsor could help me answer that question about the 9-1-1 funds, because I am certainly supportive of the concept.

ASSEMBLYMAN FLORES:

That is correct; that is my understanding. This is permissive language that will allow the counties to impose whatever fee they think is necessary. It will be used through what we pay now in our cell phones for 9-1-1. What that amount may be is yet to be known. It is permissive, so we do not know until the counties take it upon themselves to do it.

Roll call on Senate Bill No. 176:

YEAS—33.

NAYS—Edwards, Hambrick, Hansen, Kramer, McArthur, Oscarson, Tolles, Wheeler, Woodbury—9.

Senate Bill No. 176 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 182.

Bill read third time.

Remarks by Assemblywoman Joiner.

ASSEMBLYWOMAN JOINER:

Senate Bill 182 authorizes a sheriff to charge and collect the same $21 fee that a constable is entitled to collect for each service in a summary eviction, except service of any notice required by law before commencement of the proceeding, and for serving notice of and executing a writ of restitution. The bill further authorizes a constable to collect the same $2 fee that a sheriff is entitled to collect for mailing a notice of a writ of execution.

Finally, the bill prohibits a deputy constable from being a bail agent, bail enforcement agent, or bail solicitor.

Roll call on Senate Bill No. 182:

YEAS—42.

NAYS—None.

Senate Bill No. 182 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 188.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Senate Bill 188 defines the terms "gender identity or expression" and "sexual orientation" and makes these definitions applicable to the *Nevada Revised Statutes* as a whole. Further, the bill revises provisions of existing law that prohibit various types of discrimination and discriminatory practices to include gender identity or expression and sexual orientation.

Among other provisions, the bill revises the circumstances under which murder of the first degree may be aggravated by adding the circumstance if the murder was committed upon the person because of his or her actual or perceived gender identity or expression. It prohibits a polygraph examiner or intern from inquiring about the sexual orientation or gender identity or expression of the person examined unless such information is germane to the issue under investigation and the inquiries are made at the request of the examinee and prohibits an insurer that uses a consumer credit report from calculating an insurance score based on a person's sexual orientation or gender identity or expression.

This bill is effective on July 1, 2017.

Roll call on Senate Bill No. 188:

YEAS—37.

NAYS—Edwards, Ellison, Hansen, Marchant, McArthur—5.

Senate Bill No. 188 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 195.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Senate Bill 195 revises the methods by which executive board vacancies are filled, elections conducted, and by which a special declarant's rights are transferred in an involuntary sale. It also requires an association to maintain directors and officers insurance and grants boards

additional powers to manage the parking and storage of recreational vehicles. Depending on the purpose for which an executive session is being held, notice for an executive board session must either be given only to the person who may be the subject of a hearing for that meeting or be posted within the common elements of the association and be provided electronically to all unit owners who have provided an electronic mail address.

The bill requires additional disclosures be made regarding both the purchase and resale of a time share and requires a time-share manager to disclose to the association and make available upon request a report describing all fees, compensation, or other property the manager is entitled to receive for services rendered.

Roll call on Senate Bill No. 195:

YEAS—42.

NAYS—None.

Senate Bill No. 195 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 237.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 237 requires a court to consider whether a child welfare agency has created an in-home safety plan for the protection of a child as part of its efforts to preserve and reunify a child with his or her family.

Roll call on Senate Bill No. 237:

YEAS—42.

NAYS—None.

Senate Bill No. 237 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 240.

Bill read third time.

Remarks by Assemblyman Pickard.

ASSEMBLYMAN PICKARD:

Senate Bill 240 allows the Nevada Gaming Commission and the Nevada Gaming Control Board to establish by regulation which types of events other than sporting events, horse races, or dog races may be suitable for pari-mutuel wagering.

This bill is effective on July 1, 2017.

Roll call on Senate Bill No. 240:

YEAS—42.

NAYS—None.

Senate Bill No. 240 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 247.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Senate Bill 247 makes several revisions to education reporting requirements, including changing the due date for each school district's report of accountability from September 30 to December 31, requiring a school to post its progressive discipline plan on its website and distribute it to staff, and removing the requirement that the Superintendent of Public Instruction submit a separate report on district compliance in adopting school discipline plans.

Senate Bill 247 also reduces from 15 to 13 days the public notice required for policy changes being proposed by the school boards in Clark and Washoe Counties.

Roll call on Senate Bill No. 247:

YEAS—42.

NAYS—None.

Senate Bill No. 247 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 252.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Senate Bill 252 authorizes the Nevada Interscholastic Activities Association to, by regulation, allow a student who is enrolled in a charter, private, parochial, or public school to participate in a sanctioned sport or other interscholastic event at another public school. To be eligible to participate in an event at another school, a student's school must enroll not more than 30 students collectively in grades 9 through 12, the student must reside in the school district or zone of attendance of the public school offering the event, the event must not be offered at the student's school, and the board of trustees of the school district must provide approval.

This bill is effective upon passage and approval for the purpose of adopting regulations and performing any other administrative tasks and on July 1, 2017, for all other purposes.

Roll call on Senate Bill No. 252:

YEAS—42.

NAYS—None.

Senate Bill No. 252 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 116, 230, 255, 268, 273, 279, 295, 305, 318, 338, 366, 369, 374, 376, 386, 411, 422, 447, 454, 464, 466, 473, 476, 483, 493, 513, and 515; Senate Joint Resolutions Nos. 5, 8, and 13 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 8, 12, 20, 22, 31, 79, 95, 96, 98, 108, 134, 151, 170, 236, 247, 258, 279, 305, 324, 337, 340, 347, 452, and 478; Assembly Resolution No. 7;

Senate Bills Nos. 13, 15, 19, 20, 27, 29, 32, 35, 40, 42, 110, 112, 131, 175, 177, 202, 241, 277, 301, 313, 326, 362, and 412.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 57.

The following Senate amendment was read:

Amendment No. 677.

AN ACT relating to coroners; requiring coroners to make a reasonable effort to notify the next of kin who is authorized to order the burial or cremation of a decedent of the decedent's death; authorizing a coroner to notify certain other persons of the death of the decedent; authorizing a coroner to provide a coroner's report to such persons; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a coroner to notify the next of kin of a decedent of the decedent's death. (NRS 259.045) Existing law also establishes the order of priority of persons authorized to order the burial or cremation of the human remains of a deceased person. (NRS 451.024) **Section 3** of this bill requires a coroner to make a reasonable effort to notify the next of kin who is authorized to order the burial or cremation of the human remains of a decedent of the death of the decedent. **Section 3** also authorizes a coroner to notify the parents, guardians, adult children or custodians of the decedent of the decedent's death and provide a copy of the report of the coroner to the parents, guardians, adult children or custodians, as applicable. **Sections 1 and 2** of this bill make conforming changes. **This bill is known as "Veronica's Law" after Veronica Caldwell.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 244.163 is hereby amended to read as follows:

244.163 1. The boards of county commissioners in their respective counties may create by ordinance the office of the county coroner, prescribe the qualifications and duties of the county coroner and make appointments to the office.

2. Any coroner so appointed is governed by the ordinances pertaining to such office which may be enacted by the board of county commissioners, and the provisions of NRS 259.025 ***, 259.045*** and 259.150 to 259.180, inclusive.

3. The boards of county commissioners shall require that the county coroner ***make a reasonable effort to*** notify a decedent's next of kin ***who is authorized to order the burial or cremation of the human remains of the decedent pursuant to NRS 451.024 of the fact of the decedent's death*** without unreasonable delay.

4. For any offense relating to the violation or willful disregard of such duties or trusts of office as may be specified by the respective boards of county commissioners, all coroners holding office by appointment pursuant

to this section are subject to such fines and criminal penalties, including misdemeanor penalties and removal from office by indictment, accusation or otherwise, as the ordinance prescribes. This subsection applies to all deputies, agents, employees and other persons employed by or exercising the powers and functions of the coroner.

Sec. 2. NRS 259.010 is hereby amended to read as follows:

259.010 1. Every county in this State constitutes a coroner's district, except a county where a coroner is appointed pursuant to the provisions of NRS 244.163.

2. The provisions of this chapter, except NRS 259.025 ***, 259.045*** and 259.150 to 259.180, inclusive, do not apply to any county where a coroner is appointed pursuant to the provisions of NRS 244.163.

Sec. 3. NRS 259.045 is hereby amended to read as follows:

259.045 ***1.*** The coroner shall ***make a reasonable effort to*** notify a decedent's next of kin ***who is authorized to order the burial or cremation of the human remains of the decedent pursuant to NRS 451.024*** of the fact of ***the*** decedent's death without unreasonable delay.

2. The coroner may notify the parents, guardians, adult children or custodians of a decedent of the fact of the decedent's death and provide a copy of the report of the coroner to the parents, guardians, adult children or custodians regardless of whether they are the next of kin authorized to order the burial or cremation of the human remains of the decedent pursuant to NRS 451.024.

3. As used in this section, "custodian" has the meaning ascribed to it in NRS 432B.060.

Sec. 4. This act becomes effective on July 1, 2017.

Assemblyman Flores moved that the Assembly concur in Senate Amendment No. 677 to Assembly Bill No. 57.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

The amendment allows AB 57 to be known as Veronica's Law in honor of Veronica Caldwell and Veronica's daughter who both died on March 3, 2015 as a result of a domestic violence incident.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 214.

The following Senate amendment was read:

Amendment No. 671.

AN ACT relating to clinical trials; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to establish a program to encourage participation in clinical trials of drugs and medical devices by certain groups; requiring certain state and local governmental entities to adopt a policy concerning the identification and

recruitment of members of those groups to participate in such trials; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Division of Public and Behavioral Health of the Department of Health and Human Services to establish various programs relating to the provision of health care and the improvement of public health in this State. (NRS 439.495, 439.501, 439.517, 439.5295) This bill requires the Division to establish a program to encourage participation in clinical trials of drugs and medical devices by persons who are members of demographic groups that are underrepresented in such trials. This bill also requires each state or local governmental entity that conducts such trials to adopt a policy concerning the identification and recruitment of such persons to participate in those trials.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. It is the policy of this State to:

(a) Improve the completeness and quality of data concerning diverse demographic groups that is collected, reported and analyzed for the purposes of clinical trials of drugs and medical devices;

(b) Identify barriers to participation in clinical trials by persons who are members of demographic groups that are underrepresented in such trials and employ strategies recognized by the United States Food and Drug Administration to encourage greater participation in clinical trials by such persons; and

(c) Make data concerning demographic groups that is collected, reported and analyzed for the purposes of clinical trials more available and transparent.

2. To assist in carrying out this policy:

(a) The Division shall review the most recent version of "Collection of Race and Ethnicity Data in Clinical Trials—Guidance for Industry and Food and Drug Administration Staff," published by the United States Food and Drug Administration, and establish, using existing infrastructure and tools, a program to encourage participation in clinical trials of drugs and medical devices by persons who are members of demographic groups that are underrepresented in such clinical trials. The program must include, without limitation:

(1) Collaboration with medical facilities, health authorities and other local governmental entities, nonprofit organizations and scientific investigators and institutions that are performing research relating to drugs or medical devices to assist such investigators and institutions in identifying and recruiting persons who are members of underrepresented demographic groups to participate in clinical trials; and

(2) The establishment and maintenance of an Internet website that:

(I) Provides information concerning methods recognized by the United States Food and Drug Administration for identifying and recruiting persons who are members of underrepresented demographic groups to participate in clinical trials; and

(II) Contains links to Internet websites maintained by medical facilities, health authorities and other local governmental entities, nonprofit organizations and scientific investigators and institutions that are performing research relating to drugs or medical devices in this State.

(b) With the assistance of the Office of Grant Procurement, Coordination and Management of the Department of Administration, the Division shall apply for grants from any source, including, without limitation, the Federal Government, to fund the program established pursuant to paragraph (a).

(c) Not later than May 1 of each even-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report concerning the status and results of the program established pursuant to paragraph (a).

(d) Each state or local governmental entity that conducts clinical trials of drugs or medical devices, including, without limitation, the Board of Regents of the University of Nevada, shall adopt a policy concerning the identification and recruitment of persons who are members of underrepresented demographic groups to participate in those clinical trials. Such a policy must include, without limitation, requirements that investigators who are conducting clinical trials collaborate with community-based organizations and use methods recognized by the United States Food and Drug Administration to identify and recruit such persons to participate in those clinical trials.

3. For the purposes of this section, demographic groups that are underrepresented in clinical trials may include, without limitation, persons who are underrepresented by race, sex, sexual orientation, socioeconomic status and age.

4. <u>The Division may accept gifts, grants and donations from any source for the purpose of carrying out the provisions of this section.</u>

5. As used in this section, "medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 1.5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 2. This act becomes effective on July 1, 2017.

Assemblyman Sprinkle moved that the Assembly concur in Senate Amendment No. 671 to Assembly Bill No. 214.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Amendment No. 671 revises Assembly Bill 214 to authorize the Division of Public and Behavioral Health of the Department of Health and Human Services to accept gifts, grants, and donations from any source for the purpose of carrying out the provisions of the bill.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 255.

The following Senate amendment was read:

Amendment No. 737.

ASSEMBLYMAN HAMBRICK

JOINT SPONSOR: SENATOR CANNIZZARO

AN ACT relating to financial services; providing that provisions governing the licensing and regulation of certain short-term loans and installment loans do not apply to the extension of credit to any person who is not a resident of this State for any business, commercial or agricultural purpose that is located outside of this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes standards and procedures for the licensing and regulations of certain short-term loans, commonly referred to as "payday loans," high-interest loans and title loans. (Chapter 604A of NRS)

Existing law sets forth the standards and procedures for the licensing and regulations of loans repayable in installments, which include loans that may or may not be made on substantial security and loans for indefinite terms. (Chapter 675 of NRS) This bill provides that these provisions do not apply to a person who exclusively extends credit to any person who is not a resident of this State for any business, commercial or agricultural purpose that is located outside of this State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 3.3. NRS 604A.250 is hereby amended to read as follows:

604A.250 The provisions of this chapter do not apply to:

1. Except as otherwise provided in NRS 604A.200, a person doing business pursuant to the authority of any law of this State or of the United States relating to

banks, national banking associations, savings banks, trust companies, savings and loan associations, credit unions, mortgage brokers, mortgage bankers, thrift companies or insurance companies, including, without limitation, any affiliate or subsidiary of such a person regardless of whether the affiliate or subsidiary is a bank.

2. A person who is primarily engaged in the retail sale of goods or services who:

(a) As an incident to or independently of a retail sale or service, from time to time cashes checks for a fee or other consideration of not more than $2; and

(b) Does not hold himself or herself out as a check-cashing service.

3. A person while performing any act authorized by a license issued pursuant to chapter 671 of NRS.

4. A person who holds a nonrestricted gaming license issued pursuant to chapter 463 of NRS while performing any act in the course of that licensed operation.

5. A person who is exclusively engaged in a check-cashing service relating to out-of-state checks.

6. A corporation organized pursuant to the laws of this State that has been continuously and exclusively engaged in a check-cashing service in this State since July 1, 1973.

7. A pawnbroker, unless the pawnbroker operates a check-cashing service, deferred deposit loan service, high-interest loan service or title loan service.

8. A real estate investment trust, as defined in 26 U.S.C. § 856.

9. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

10. An attorney at law rendering services in the performance of his or her duties as an attorney at law if the loan is secured by real property.

11. A real estate broker rendering services in the performance of his or her duties as a real estate broker if the loan is secured by real property.

12. Any firm or corporation:

(a) Whose principal purpose or activity is lending money on real property which is secured by a mortgage;

(b) Approved by the Federal National Mortgage Association as a seller or servicer; and

(c) Approved by the Department of Housing and Urban Development and the Department of Veterans Affairs.

13. A person who provides money for investment in loans secured by a lien on real property, on his or her own account.

14. A seller of real property who offers credit secured by a mortgage of the property sold.

15. A person who makes a refund anticipation loan, unless the person operates a check-cashing service, deferred deposit loan service, high-interest loan service or title loan service.

16. A person who exclusively extends credit to any person who is not a resident of this State for any business, commercial or agricultural purpose that is located outside of this State.

Sec. 3.7. NRS 675.040 is hereby amended to read as follows:

675.040 This chapter does not apply to:

1. Except as otherwise provided in NRS 675.035, a person doing business under the authority of any law of this State or of the United States relating to banks, national banking associations, savings banks, trust companies, savings and loan associations, credit unions, mortgage brokers, mortgage bankers, thrift companies, pawnbrokers or insurance companies.

2. A real estate investment trust, as defined in 26 U.S.C. § 856.

3. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

4. An attorney at law rendering services in the performance of his or her duties as an attorney at law if the loan is secured by real property.

5. A real estate broker rendering services in the performance of his or her duties as a real estate broker if the loan is secured by real property.

6. Except as otherwise provided in this subsection, any firm or corporation:

(a) Whose principal purpose or activity is lending money on real property which is secured by a mortgage;

(b) Approved by the Federal National Mortgage Association as a seller or servicer; and

(c) Approved by the Department of Housing and Urban Development and the Department of Veterans Affairs.

7. A person who provides money for investment in loans secured by a lien on real property, on his or her own account.

8. A seller of real property who offers credit secured by a mortgage of the property sold.

9. A person holding a nonrestricted state gaming license issued pursuant to the provisions of chapter 463 of NRS.

10. A person licensed to do business pursuant to chapter 604A of NRS with regard to those services regulated pursuant to chapter 604A of NRS.

11. A person who exclusively extends credit to any person who is not a resident of this State for any business, commercial or agricultural purpose that is located outside of this State.

Sec. 4. This act becomes effective upon passage and approval.

Assemblywoman Bustamante Adams moved that the Assembly concur in Senate Amendment No. 737 to Assembly Bill No. 255.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:
The amendment adds a cosponsor to the bill, Senator Cannizzaro.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REMARKS FROM THE FLOOR

Assemblyman Thompson requested that the following remarks be entered in the Journal.

ASSEMBLYMAN THOMPSON:

I am so pleased to announce that Nevadans will be coming together this month to begin a study focusing on senior nutrition services. They seek to address the fundamental question: How do we prevent seniors from falling through the cracks as they seek services for their health and nutritional needs today and in the future?

Joining me today and being very patient, by the way, are three people who have been instrumental to the development of this study: Jodi Tyson, Three Square Food Bank of Nevada; Shane Piccinini, Food Bank of Northern Nevada; and Laura Urban, Department of Health and Human Services' Office of Food Security. Laura also serves as staff for the Governor's Council on Food Security. Our First Lady, Kathleen Sandoval, chairs the Governor's Council on Food Security, and while she could not be here with us today, we express our gratitude to her for including this study as one of the top projects under her leadership.

Why is a study needed to streamline nutrition services for seniors? Nutrition is a vital health service, and the connections between nutrition and health services have not been a focus. As we plan for a growing senior population in Nevada, now is the time to address this issue.

In 2016, according to the America's Health Rankings Report, approximately 14 percent of senior adults in Nevada aged 60 years and older struggled because they lacked the financial and social resources needed to secure an adequate supply of food to remain healthy and independent, otherwise known as food insecurity. Seniors at risk of hunger are 60 percent more likely to experience depression, 53 percent more likely to report a heart attack, and 40 percent more likely to report an experience of congestive heart failure.

In Nevada, food pantries are supplementing the nutrition needs of more than 46,000 seniors each year. More than 17,000 congregate meals are served to seniors each year, mostly through senior centers, to increase nutrition access as well as daily social interaction. Home-delivered meals attend to the needs of more than 6,600 homebound seniors and the disabled with two nutritious meals a day.

Projections suggest senior food insecurity will continue to be a crisis for the United States. Estimates from the Nevada State Demographer's Office illustrate much of Nevada's population growth over the next ten years will be among the 60-years-and-older age groups. Nevada's shifting demographics and population projections indicate that Nevada needs a focused plan to address senior food insecurity, health, and independent living among this population. Nevada senior nutrition programs need a plan to ensure sustainable programming, infrastructure, and resources to meet the impending need for services.

Please look out for this report, which will be delivered in November of 2017, and hopefully we can make some strong policy recommendations for the next legislative session.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Luke Juden.

On request of Assemblyman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Diana Gurrola.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Cindy Southerland.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Tahoe Expedition Academy: Aidan Osti, Ty Chapman, Ozzie Kroop, Gavin Caron, Carter McCay-Moran, Nina Bolen, Dakota Cooke, Kate Geis, Lily Kaplan, Tailor Knight, Summer LaFleur, Kaya Marshall, Madison Racich, and Kalea Root.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Jodi Tyson, Shane Piccinini, and Laura Urban.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Friday, May 19, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 2:08 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND THIRD DAY

CARSON CITY (Friday), May 19, 2017

Assembly called to order at 1:11 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Chad Adamik.

God of all Creation, we come before You today to give You honor and praise. You are worthy of praise. You are the source of all that is good. You are the source of all of our blessings. Thank You for every gift that we have been given.

We thank You for the opportunity to come and gather together this day. We ask for Your hand of blessing on today's session. We ask that You would guide and direct the Assembly so that it is full of wisdom, productivity, and respect for one another.

Thank You for helping us to accomplish our work and our goals this day.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bill No. 405; Senate Bills Nos. 81, 171, 437, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 292, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRENE BUSTAMANTE ADAMS, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 138, 356, 462, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 165, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL C. SPRINKLE, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Senate Concurrent Resolution No. 1, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

OLIVIA DIAZ, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Senate Bills Nos. 396, 499; Senate Joint Resolution No. 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HEIDI SWANK, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 37, 308, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RICHARD CARRILLO, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 505, 506, 507, 509, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 141, 480, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 486, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 18, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 61, 62, 202, 209, 262, 319, 425, 429, 439, 455.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 101, Amendment No. 678; Assembly Bill No. 145, Amendment No. 702; Assembly Bill No. 146, Amendment No. 639; Assembly Bill No. 154, Amendment No. 741; Assembly Bill No. 341, Amendment No. 705; Assembly Bill No. 365, Amendment No. 706; Assembly Bill No. 464, Amendment No. 694, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 105, Amendment No. 762, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 233.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 503.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 662 to Senate Bill No. 267.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

May 18, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 146.

CINDY JONES
Fiscal Analysis Division

May 19, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 150.

CINDY JONES
Fiscal Analysis Division

WAIVER OF JOINT STANDING RULES

A Waiver requested by Senator Ford.
For: Assembly Bill No. 21.
To Waive:

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: May 19, 2017.

SENATOR AARON D. FORD
Senate Majority Leader

ASSEMBLYMAN JASON FRIERSON
Speaker of the Assembly

A Waiver requested by Senator Ford.
For: Senate Bill No. 344.
To Waive:

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: May 19, 2017.

SENATOR AARON D. FORD
Senate Majority Leader

ASSEMBLYMAN JASON FRIERSON
Speaker of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 233.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 503.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 374.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 745.

SUMMARY—Requires the Department of Health and Human Services **, if authorized by federal law,** to ~~[make coverage through the Medicaid managed care program available]~~ **establish a health care plan within Medicaid** for purchase ~~[.]~~ **by persons who are not otherwise eligible for Medicaid.** (BDR 38-881)

AN ACT relating to health care; requiring the Department of Health and Human Services **, if authorized by federal law,** to ~~[make coverage through the]~~ **establish a health care plan within** Medicaid ~~[managed care program]~~ **which is** available for purchase ~~[.]~~ **by certain persons;** requiring the Director of the Department to seek any necessary waivers from the Federal Government to ~~[provide]~~ **establish** such ~~[coverage]~~ **a plan** and to provide certain incentives to persons who purchase ~~[such]~~ coverage ~~[; authorizing the Department to make such coverage]~~ **through such a plan; including the Nevada Care Plan within the qualified health plans that are** available ~~[on]~~ **through** the Silver State Health Insurance Exchange ~~[in certain circumstances;]~~ **; making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Patient Protection and Affordable Care Act (Public Law 111-148, as amended) provides a refundable federal income tax credit and cost-sharing reductions to certain eligible persons who earn not more than 400 percent of the federally designated poverty level in order to offset the cost of certain health care plan premiums. (26 U.S.C. § 36B, 42 U.S.C. § 18071; 45 C.F.R. § 155.305) The Act further requires that such credits and cost-sharing reductions only be made available to purchase health insurance which is offered on a state health insurance exchange, which includes, without limitation, the Silver State Health Insurance Exchange established by this State in 2011. (26 U.S.C. § 36B, 42 U.S.C. § 18071; NRS 695I.200) Existing federal law authorizes the Secretary of the United States Department of Health and Human Services to waive certain Medicaid requirements or provisions of the Act to promote state health care innovation. (42 U.S.C. §§ 1315, 18052)

Existing federal law states that the purpose of the Medicaid program is to promote access to health insurance for certain low-income persons. (42 U.S.C. § 1396) Existing law authorizes this State to enroll Medicaid recipients in a managed care program provided by a health maintenance organization pursuant to a contract with the Nevada Department of Health and Human Services. (42 U.S.C. § 1396u-2; NRS 422.273) Existing federal law also authorizes a state to receive its Federal Medical Assistance Percentage (FMAP) allotment of money from the Federal Government to reimburse providers of health care for medical services which are provided as part of a managed care program. (42 U.S.C. §§ 1396d, 1396u-2) Existing law requires this State to develop a State Plan for Medicaid which includes, without limitation, a list of the medical services provided to Medicaid

recipients. (42 U.S.C. § 1396a; NRS 422.063) Existing law also prohibits a state from using FMAP or other federal Medicaid money to reimburse a provider of health care for medical services which are provided to a person who earns more than 138 percent of the federally designated poverty level or for other expenses which are unrelated to the administration of Medicaid. (42 U.S.C. §§ 1396a, 1396b(a)(7); 42 C.F.R. 433.15(b))

Section 2 of this bill requires the Director of the Nevada Department of Health and Human Services to seek any necessary waiver of certain provisions of federal law to allow ~~[a Medicaid managed care program]~~ **the Nevada Care Plan, if established pursuant to section 3 of this bill,** to be offered **by certain insurers or** for purchase through the Silver State Health Insurance Exchange to persons who are otherwise ineligible for Medicaid. Additionally, **section 2** ~~[of this bill]~~ requires the Director to seek any necessary federal waiver to allow persons to use the federal income tax credits and cost-sharing reductions authorized by the Act to purchase coverage through ~~[a Medicaid managed care program which is made available for purchase from the Department or on the Silver State Health Insurance Exchange.]~~ **the Nevada Care Plan. Section 5** of this bill revises the definition of "qualified health plan" to include the ~~[Medicaid managed care program]~~ **Nevada Care Plan** so that it may be offered for purchase in the same manner as other health plans through the Silver State Health Insurance Exchange ~~[.]~~ **, if established.**

Section 3 of this bill requires the Department, to the extent allowed by federal law, to **establish the Nevada Care Plan within Medicaid and** make coverage through the ~~[Medicaid managed care program]~~ **Plan** available for purchase to any person who is not otherwise eligible for Medicaid. ~~[To purchase such coverage, the person must apply to the Division or may purchase coverage through the Silver State Health Insurance Exchange if the waiver has been obtained from the Secretary of the United States Department of Health and Human Services. Section 3 requires the annual premium charged for such coverage to be set at an amount which represents 150 percent of the median expenditure paid on behalf of a Medicaid recipient during the immediately preceding fiscal year.]~~ **Section 3** further requires the benefits offered ~~[in such a managed care program]~~ **by the Nevada Care Plan** to be the same as those provided to ~~[other]~~ Medicaid recipients ~~[. Finally, section 3 prohibits the Nevada Department of Health and Human Services from using any federal money to carry out the provisions of that section.]~~ **who do not participate in the Medicaid managed care program, except that transportation services that are provided when there is not an emergency are not required to be covered.**

Section 5.5 of this bill makes an appropriation to the Division of Health Care Financing and Policy of the Department for costs associated with establishing and administering the Nevada Care Plan.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***The Director shall apply to the Secretary of the United States Department of Health and Human Services for any necessary waiver pursuant to 42 U.S.C. § 1315 or § 18052, as applicable, to:***

1. Allow the ~~[Medicaid managed care program authorized by NRS 422.273 to be]~~ Director to enter into a contract with one or more insurers to provide coverage to persons who enroll in the Nevada Care Plan established pursuant to section 3 of this act and which may be made available for purchase through the Silver State Health Insurance Exchange established by NRS 695I.200 ; ~~[to a person who is otherwise ineligible for Medicaid;]~~ and

2. Allow a person who is determined eligible for advance payments of the premium tax credit and cost-sharing reductions pursuant to 45 C.F.R. § 155.305 to use such credits and reductions to purchase coverage through the ~~[Medicaid managed care program.]~~ Nevada Care Plan.

Sec. 3. ***1. To the extent allowed by federal law, the Director shall establish the Nevada Care Plan within Medicaid and make coverage ~~[through the Medicaid managed care program]~~ available for purchase through the Plan to any person who is not otherwise eligible for Medicaid . ~~[:~~***

~~(a) Through an application made to the Division in the manner established by the Department by regulation; or~~

~~(b) If the Secretary of the United States Department of Health and Human Services grants any necessary waiver described in section 2 of this act, through the Silver State Health Insurance Exchange.]~~

2. The ~~[amount to be charged for the annual premium to a person who purchases coverage through the Medicaid managed care program must be set at an amount which represents 150 percent of the median expenditure that was paid on behalf of a recipient of Medicaid during the immediately preceding fiscal year.~~

~~3. A]~~ coverage provided to a person who enrolls in ~~[a Medicaid managed care program pursuant to this section]~~ the Nevada Care Plan must ~~[receive]~~ be the same ~~[benefits]~~ as ~~[those received by other]~~ the coverage provided to recipients of Medicaid ~~[~~.

~~4. The Department must not use any federal money to carry out the requirements of this section.~~

~~5.]~~ who do not participate in a Medicaid managed care program, except that transportation services that are provided when there is not an emergency, including, without limitation, pursuant to NRS 422.27495, are not required to be included in such coverage.

3. If the Secretary of the United States Department of Health and Human Services grants any necessary waiver described in section 2 of this act:

(a) The Director may enter into a contract with one or more providers of insurance to provide the coverage described in this section to persons who enroll in the Nevada Care Plan; and

(b) May make the Nevada Care Plan available for purchase through the Silver State Health Insurance Exchange established by NRS 695I.200.

4. The Director shall , in consultation with the Commissioner of Insurance and the Executive Director of the Silver State Health Insurance Exchange, adopt such regulations as necessary to carry out the provisions of this section.

5. As used in this section, "provider of insurance" has the meaning ascribed to it in NRS 679A.118.

Sec. 4. ~~[NRS 422.273 is hereby amended to read as follows:~~

~~422.273 1. For any Medicaid managed care program established in the State of Nevada, the Department shall contract only with a health maintenance organization that has:~~

~~(a) Negotiated in good faith with a federally qualified health center to provide health care services for the health maintenance organization;~~

~~(b) Negotiated in good faith with the University Medical Center of Southern Nevada to provide inpatient and ambulatory services to recipients of Medicaid; and~~

~~(c) Negotiated in good faith with the University of Nevada School of Medicine to provide health care services to recipients of Medicaid.~~

~~2. Nothing in this section shall be construed as exempting a federally qualified health center, the University Medical Center of Southern Nevada or the University of Nevada School of Medicine from the requirements for contracting with the health maintenance organization.~~

~~2. During the development and implementation of any Medicaid managed care program, the Department shall cooperate with the University of Nevada School of Medicine by assisting in the provision of an adequate and diverse group of patients upon which the school may base its educational programs.~~

~~3. The University of Nevada School of Medicine may establish a nonprofit organization to assist in any research necessary for the development of a Medicaid managed care program, receive and accept gifts, grants and donations to support such a program and assist in establishing educational services about the program for recipients of Medicaid.~~

~~4. For the purpose of contracting with a Medicaid managed care program pursuant to this section, a health maintenance organization is exempt from the provisions of NRS 695C.123.~~

~~5. The provisions of this section apply to any managed care organization, including a health maintenance organization, that provides health care services to recipients of Medicaid under the State Plan for Medicaid or the~~

~~Children's Health Insurance Program pursuant to a contract with the Division~~ ~~[.]~~ ***or pursuant to section 2 of this act.*** ~~Such a managed care organization or health maintenance organization is not required to establish a system for conducting external reviews of adverse determinations in accordance with chapter 695B, 695C or 695G of NRS. This subsection does not exempt such a managed care organization or health maintenance organization for services provided pursuant to any other contract.~~

~~6. As used in this section, unless the context otherwise requires:~~

~~(a) "Federally-qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).~~

~~(b) "Health maintenance organization" has the meaning ascribed to it in NRS 695C.030.~~

~~(c) "Managed care organization" has the meaning ascribed to it in NRS 695G.050.~~ ~~]~~ **(Deleted by amendment.)**

Sec. 5. NRS 695I.080 is hereby amended to read as follows:

695I.080 Except as otherwise provided in NRS 695I.370, "qualified health plan" ~~[~~~~has the meaning ascribed to it in~~~~]~~ ***means:***

1. A health plan which meets the requirements of § 1301 of the Federal Act ~~[.]~~ ***; or***

2. The ~~***[Medicaid managed care program to the extent that it is made available as described in section 2 of this act.]***~~ ***Nevada Care Plan if established pursuant to section 3 of this act.***

Sec. 5.5. **1. There is hereby appropriated from the State General Fund to the Division of Health Care Financing and Policy of the Department of Health and Human Services for the administrative expenses to establish and administer the Nevada Care Plan pursuant to sections 2 and 3 of this act the following sums:**

For the Fiscal Year 2017-2018..... $89,540

For the Fiscal Year 2018-2019..... $89,540

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of appropriated money remaining must not be spent for any purpose after September 21, 2018, and September 20, 2019, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 21, 2018, and September 20, 2019, respectively.

Sec. 6. 1. This section and sections 1 and 2 of this act become effective upon passage and approval.

2. **Section 5.5 of this act becomes effective on July 1, 2017.**

3. Sections 3, 4 and 5 of this act become effective upon passage and approval for the purpose of adopting regulations and performing any other

preparatory administrative tasks that are necessary to carry out the provisions of this act and on January 1, ~~[2018,]~~ **2019,** for all other purposes.

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 494.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 669.

AN ACT making a supplemental appropriation to the Division of Health Care Financing and Policy of the Department of Health and Human Services for a projected shortfall resulting from an increase in the Medicaid caseload over the amount legislatively approved for Fiscal Years 2015-2016 and 2016-2017; authorizing the expenditure of certain money for the same purposes; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Division of Health Care Financing and Policy of the Department of Health and Human Services the sum of ~~[$16,391,696]~~ **$5,800,224** for a projected shortfall resulting from an increase in the Medicaid caseload over the amount legislatively approved for Fiscal Years 2015-2016 and 2016-2017. This appropriation is supplemental to that made by section 20 of chapter 534, Statutes of Nevada 2015, at page 3672.

Sec. 2. Expenditure of ~~[$130,930,190]~~ **$124,074,692** not appropriated from the State General Fund or the State Highway Fund is hereby authorized during the fiscal year beginning on July 1, 2016, and ending on June 30, 2017, by the Division for the same purposes as set forth as section 1 of this act. This authorization is supplemental to that made by section 1 of chapter 484, Statutes of Nevada 2015, at page 2854.

Sec. 3. This act becomes effective upon passage and approval.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 38.

Bill read second time and ordered to third reading.

Senate Bill No. 59.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 743.

AN ACT relating to controlled substances; requiring the uploading of certain information to the database of the program developed by the State Board of Pharmacy and the Investigation Division of the Department of Public Safety to monitor prescriptions for certain controlled substances; authorizing **an employee of a law enforcement agency or** a coroner, medical examiner or deputy thereof who meets certain requirements to access the database of the program; expanding the scope of the program to include certain additional controlled substances; requiring a practitioner to obtain a patient utilization report before prescribing certain controlled substances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Pharmacy and the Investigation Division of the Department of Public Safety to develop a computerized program to track each prescription for a controlled substance listed in schedule II, III or IV filled by a pharmacy or dispensed by a practitioner registered with the Board. The program is required to be designed to provide information regarding: (1) the inappropriate use by a patient of certain controlled substances to pharmacies, practitioners and appropriate state and local governmental agencies to prevent the improper or illegal use of such controlled substances; and (2) statistical data relating to the use of those controlled substances. (NRS 453.162) **Sections 2-3** of this bill expand the scope of the program to also track each prescription for a controlled substance listed in schedule V.

Existing law requires the Board to allow certain law enforcement officers to have Internet access to the database of the program only for the purpose of investigating a crime related to prescription drugs. (NRS 453.165) **Section 4 of this bill instead requires the Board to allow an employee of a law enforcement agency to have Internet access to the database of the program under certain circumstances only for certain purposes.**

Section 1.3 of this bill requires a law enforcement officer who ~~[encounters certain situations involving]~~ **has probable cause to believe that a violation of chapter 453 of NRS concerning** prescribed controlled substances **has occurred** or who receives a report of a stolen prescription for a controlled substance while acting in his or her official capacity and in the regular course of an investigation to report certain information to his or her employer. **Section 1.3** requires a coroner, medical examiner or deputy thereof who determines, as the result of an investigation of the death of a person, that the person died as the result of using a prescribed controlled substance, to upload certain information to the database of the program or, if the coroner, medical examiner or deputy thereof does not have such access, report such information to a coroner, medical examiner or deputy thereof who has access to the database. **Section 1.3** also requires the employer of the law

enforcement officer or a coroner, medical examiner or deputy thereof to upload such reported information to the database of the program as soon as practicable after receiving the information except where the employer of a law enforcement officer determines that uploading the information will interfere with an active criminal investigation. In that case, the employer may postpone uploading the information until after the conclusion of the investigation. **Section 1.3** further provides that each law enforcement officer, employer of a law enforcement officer, coroner, medical examiner or deputy of a coroner or medical examiner who makes a good faith effort to comply with **section 1.3**, or a regulation adopted pursuant thereto, is immune from civil and criminal liability for any act or omission relating to the transmission of information pursuant to **section 1.3**. **Section 1.6** of this bill authorizes a coroner, medical examiner or deputy thereof who meets certain requirements to access the database of the computerized program to: (1) upload information concerning the death of a person due to using a prescribed controlled substance; or (2) investigate the death of a person. **Section 4 authorizes an employee of a law enforcement agency to access the database of the program to upload the information required by section 1.3.**

Existing law requires a practitioner to obtain a patient utilization report from the computerized program before initiating a prescription for a controlled substance listed in schedule II, III or IV. **Section 5.5** of this bill additionally requires a practitioner to obtain such a report before initiating a prescription for an opioid that is a controlled substance listed in schedule V.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 453 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.6 of this act.

Sec. 1.3. ***1. If a law enforcement officer, while acting in his or her official capacity and in the regular course of an investigation:***

(a) Encounters a situation in which the law enforcement officer has probable cause to believe that a violation of this chapter involving a prescription for a controlled substance is occurring or has occurred; or

(b) [Encounters a deceased person who the law enforcement officer believes died as a result of using a prescribed controlled substance; or

(c)] Receives a report of a stolen prescription for a controlled substance,

➥ the law enforcement officer shall report to his or her employer the information required by subsection 3.

2. A coroner, medical examiner or deputy thereof who, as the result of an investigation into the cause of a death determines that a person died as the result of using a prescribed controlled substance, shall:

(a) If the coroner, medical examiner or deputy thereof has access to the database of the computerized program developed pursuant to NRS 453.162, upload the information required by subsection 3 as soon as practicable; or

(b) If the coroner, medical examiner or deputy thereof does not have access to the database of the computerized program developed pursuant to NRS 453.162, report the information to a coroner, medical examiner or deputy thereof who has such access.

3. A law enforcement officer or a coroner, medical examiner or deputy thereof who is required to report or upload, as applicable, information pursuant to subsection 1 or 2 shall report or upload, as applicable, the following information, to the extent such information is available and applicable:

(a) The name of the person who:

(1) Is believed to have violated this chapter;

(2) ~~[Is believed to have experienced an overdose as a result of using a prescribed controlled substance;~~

~~(3) Is believed to have died]~~ Died as a result of using a prescribed controlled substance; or

~~[(4)]~~ (3) Filed the report of a stolen prescription for a controlled substance.

(b) The name of the person to whom the controlled substance involved in an event described in subsection 1 or 2 is or was prescribed.

(c) If a prescription container for the controlled substance is found in the vicinity of the location of an event described in paragraph (a) ~~[or (b)]~~ of subsection 1 or subsection 2 or if a prescription for a controlled substance is reported stolen:

(1) The name of the prescribing practitioner;

(2) The prescription number; and

(3) The name of the controlled substance as it appears on the prescription container or prescription order.

4. Except as otherwise provided in subsection 5, an employer of a law enforcement officer or a coroner, medical examiner or deputy thereof who receives a report pursuant to subsection 1 or 2 shall, as soon as practicable after receiving that report, upload to the database of the program established pursuant to NRS 453.162 notice of the occurrence of an event described in subsection 1 or 2, as applicable, and the information received pursuant to subsection 3. The employer of a law enforcement officer or a coroner, medical examiner or deputy thereof shall ensure that only a person who is authorized to access the database of the program pursuant to NRS 453.165 or section 1.6 of this act uploads such information.

5. If an employer of a law enforcement officer determines that uploading any information to the database of the program pursuant to subsection 4 will interfere with an active criminal investigation, the employer may postpone uploading such information until after the conclusion of the investigation.

6. Each law enforcement officer or employer of a law enforcement officer and each coroner, medical examiner and deputy thereof who makes a good faith effort to comply with this section, or a regulation adopted

pursuant thereto, is immune from civil and criminal liability for any act or omission relating to the transmission of information pursuant to this section.

7. As used in this section, "law enforcement officer" ~~[has the meaning ascribed to it in NRS 453.165.]~~ means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

Sec. 1.6. ***1. Except as otherwise provided in this section, the Board shall allow:***

(a) A coroner or medical examiner to have Internet access to the database of the computerized program developed pursuant to NRS 453.162 if the coroner or medical examiner has completed the course of training developed pursuant to subsection 4 of NRS 453.164.

(b) A deputy of a coroner or medical examiner to have Internet access to the database of the computerized program developed pursuant to NRS 453.162 if:

(1) The deputy has completed the course of training developed pursuant to subsection 4 of NRS 453.164; and

(2) The coroner or medical examiner who employs the deputy has submitted the certification required pursuant to subsection 2 to the Board.

2. Before the deputy of a coroner or medical examiner may be given access to the database pursuant to subsection 1, the coroner or medical examiner who employs the deputy must certify to the Board that the deputy has been approved to have such access and meets the requirements of subsection 1. Such certification must be made on a form provided by the Board and renewed annually.

3. When a coroner, medical examiner or deputy thereof accesses the database of the computerized program pursuant to this section, the ~~[officer]~~ coroner, medical examiner or deputy thereof must enter a unique user name assigned to the coroner, medical examiner or deputy thereof and, if applicable, the case number corresponding to the investigation being conducted by the coroner, medical examiner or deputy thereof.

4. A coroner, medical examiner or deputy thereof who has access to the database of the computerized program pursuant to subsection 1 may access the database only to:

(a) Investigate the death of a person; or

(b) Upload information to the database pursuant to section 1.3 of this act.

5. The Board or the Division may suspend or terminate access to the database of the computerized program pursuant to this section if a coroner, medical examiner or deputy thereof violates any provision of this section.

Sec. 2. NRS 453.162 is hereby amended to read as follows:

453.162 1. The Board and the Division shall cooperatively develop a computerized program to track each prescription for a controlled substance listed in schedule II, III ~~[or]~~ , IV ***or V*** that is filled by a pharmacy that is

registered with the Board or that is dispensed by a practitioner who is registered with the Board. The program must:

(a) Be designed to provide information regarding:

(1) The inappropriate use by a patient of controlled substances listed in schedules II, III ~~[and]~~ ***,*** IV ***and V*** to pharmacies, practitioners and appropriate state and local governmental agencies, including, without limitation, law enforcement agencies and occupational licensing boards, to prevent the improper or illegal use of those controlled substances; and

(2) Statistical data relating to the use of those controlled substances that is not specific to a particular patient.

(b) Be administered by the Board, the Investigation Division, the Division of Public and Behavioral Health of the Department and various practitioners, representatives of professional associations for practitioners, representatives of occupational licensing boards and prosecuting attorneys selected by the Board and the Investigation Division.

(c) Not infringe on the legal use of a controlled substance for the management of severe or intractable pain.

(d) Include the contact information of each person who is required to access the database of the program pursuant to NRS 453.164, including, without limitation:

(1) The name of the person;

(2) The physical address of the person;

(3) The telephone number of the person; and

(4) If the person maintains an electronic mail address, the electronic mail address of the person.

(e) To the extent that money is available, include:

(1) A means by which a practitioner may designate in the database of the program that he or she suspects that a patient is seeking a prescription for a controlled substance for an improper or illegal purpose. If the Board reviews the designation and determines that such a designation is warranted, the Board shall inform pharmacies, practitioners and appropriate state agencies that the patient is seeking a prescription for a controlled substance for an improper or illegal purpose as described in subparagraph (1) of paragraph (a).

(2) The ability to integrate the records of patients in the database of the program with the electronic health records of practitioners.

2. The Board, the Division and each employee thereof are immune from civil and criminal liability for any action relating to the collection, maintenance and transmission of information pursuant to this section and NRS 453.163 and 453.164 ***and sections 1.3 and 1.6 of this act*** if a good faith effort is made to comply with applicable laws and regulations.

3. The Board and the Division may apply for any available grants and accept any gifts, grants or donations to assist in developing and maintaining the program required by this section.

Sec. 2.5. NRS 453.163 is hereby amended to read as follows:

453.163 1. Except as otherwise provided in this subsection, each person registered pursuant to this chapter to dispense a controlled substance listed in schedule II, III ~~[or]~~ **,** IV ***or V*** shall, not later than the end of the next business day after dispensing a controlled substance, upload to the database of the program established pursuant to NRS 453.162 the information described in paragraph (d) of subsection 1 of NRS 453.162. The requirements of this subsection do not apply if the controlled substance is administered directly by a practitioner to a patient in a health care facility, as defined in NRS 439.960, a child who is a resident in a child care facility, as defined in NRS 432A.024, or a prisoner, as defined in NRS 208.085. The Board shall establish by regulation and impose administrative penalties for the failure to upload information pursuant to this subsection.

2. The Board and the Division may cooperatively enter into a written agreement with an agency of any other state to provide, receive or exchange information obtained by the program with a program established in that state which is substantially similar to the program established pursuant to NRS 453.162, including, without limitation, providing such state access to the database of the program or transmitting information to and receiving information from such state. Any information provided, received or exchanged as part of an agreement made pursuant to this section may only be used in accordance with the provisions of this chapter.

3. A practitioner who is authorized to write prescriptions for and each person who is authorized to dispense controlled substances listed in schedule II, III ~~[or]~~ **,** IV ***or V*** who makes a good faith effort to comply with applicable laws and regulations when transmitting to the Board or the Division a report or information required by this section or NRS 453.162 or 453.164, or a regulation adopted pursuant thereto, is immune from civil and criminal liability relating to such action.

Sec. 3. NRS 453.164 is hereby amended to read as follows:

453.164 1. The Board shall provide Internet access to the database of the program established pursuant to NRS 453.162 to an occupational licensing board that licenses any practitioner who is authorized to write prescriptions for controlled substances listed in schedule II, III ~~[or]~~ **,** IV ~~[.]~~ ***or V.***

2. The Board and the Division must have access to the program established pursuant to NRS 453.162 to identify any suspected fraudulent or illegal activity related to the dispensing of controlled substances.

3. The Board or the Division shall report any activity it reasonably suspects may:

(a) Be fraudulent or illegal to the appropriate law enforcement agency or occupational licensing board and provide the law enforcement agency or occupational licensing board with the relevant information obtained from the program for further investigation.

(b) Indicate the inappropriate use by a patient of a controlled substance to the occupational licensing board of each practitioner who has prescribed the controlled substance to the patient. The occupational licensing board may access the database of the program established pursuant to NRS 453.162 to determine which practitioners are prescribing the controlled substance to the patient. The occupational licensing board may use this information for any purpose it deems necessary, including, without limitation, alerting a practitioner that a patient may be fraudulently obtaining a controlled substance or determining whether a practitioner is engaged in unlawful or unprofessional conduct. This paragraph shall not be construed to require an occupational licensing board to conduct an investigation or take any action against a practitioner upon receiving information from the Board or the Division.

4. The Board and the Division shall cooperatively develop a course of training for persons who are required ***or authorized*** to receive access to the database of the program pursuant to subsection 6 ***or NRS 453.165 and section 1.6 of this act*** and require each such person to complete the course of training before the person is provided with Internet access to the database.

5. Each practitioner who is authorized to write prescriptions for and each person who is authorized to dispense controlled substances listed in schedule II, III ~~[or]~~ ***,*** IV ***or V*** shall complete the course of instruction described in subsection 4. The Board shall provide Internet access to the database to each such practitioner or other person who completes the course of instruction.

6. Each practitioner who is authorized to write prescriptions for controlled substances listed in schedule II, III ~~[or]~~ ***,*** IV ***or V*** shall, to the extent the program allows, access the database of the program established pursuant to NRS 453.162 at least once each 6 months to:

(a) Review the information concerning the practitioner that is listed in the database and notify the Board if any such information is not correct; and

(b) Verify to the Board that he or she continues to have access to and has accessed the database as required by this subsection.

7. Information obtained from the program relating to a practitioner or a patient is confidential and, except as otherwise provided by this section and NRS 239.0115, 453.162 and 453.163, must not be disclosed to any person. That information must be disclosed:

(a) Upon ~~[the]~~ ***a*** request ~~[of]~~ ***made on a notarized form prescribed by the Board by*** a person about whom the information requested concerns or upon ~~[the]~~ ***such a*** request on behalf of that person by his or her attorney; or

(b) Upon the lawful order of a court of competent jurisdiction.

8. If the Board, the Division or a law enforcement agency determines that the database of the program has been intentionally accessed by a person or for a purpose not authorized pursuant to NRS 453.162 to 453.165, inclusive, ***and sections 1.3 and 1.6 of this act,*** the Board, Division or law enforcement agency, as applicable, must notify any person whose

information was accessed by an unauthorized person or for an unauthorized purpose.

Sec. 4. NRS 453.165 is hereby amended to read as follows:

453.165 1. Except as otherwise provided in this section, the Board shall allow ***an employee of*** a law enforcement ~~[officer]~~ ***agency*** to have Internet access to the database of the computerized program developed pursuant to NRS 453.162 if:

(a) ~~[The primary responsibility of the law enforcement officer is to conduct investigations of crimes relating to prescription drugs;~~

~~(b)]~~ The ~~[law enforcement officer]~~ ***employee*** has been approved by his or her employer to have such access;

~~[(c)]~~ ***(b)*** The ~~[law enforcement officer]~~ ***employee*** has completed the course of training developed pursuant to subsection 4 of NRS 453.164; and

~~[(d)]~~ ***(c)*** The ~~[employer of the]~~ law enforcement ~~[officer]~~ ***agency*** has submitted the certification required pursuant to subsection 2 to the Board.

2. Before ~~[a]~~ ***an employee of a*** law enforcement ~~[officer]~~ ***agency*** may be given access to the database pursuant to subsection 1, the ~~[employer of the officer]~~ ***law enforcement agency*** must certify to the Board that the ~~[law enforcement officer]~~ ***employee*** has been approved to be given such access and meets the requirements of subsection 1. Such certification must be made on a form provided by the Board and renewed annually.

3. When ***an employee of*** a law enforcement ~~[officer]~~ ***agency*** accesses the database of the computerized program pursuant to this section, the ~~[officer]~~ ***employee*** must enter a unique user name assigned to the ~~[officer]~~ ***employee*** and ***, if applicable,*** the case number corresponding to the investigation ~~[being conducted by the officer.]~~ ***pursuant to which the employee is accessing the database.***

4. ~~[A]~~ ***An employee of a*** law enforcement ~~[officer]~~ ***agency*** who is given access to the database of the computerized program pursuant to subsection 1 may access the database ***for no other purpose than*** to ~~[investigate]~~ ***:***

(a) Investigate a crime related to prescription drugs ~~[and for no other purpose.]~~ ***; or***

(b) Upload information to the database pursuant to section 1.3 of this act.

5. ~~[The employer of a]~~ ***A*** law enforcement ~~[officer who is]~~ ***agency whose employees are*** provided access to the database of the computerized program pursuant to this section shall monitor the use of the database by the ***employees of the*** law enforcement ~~[officer]~~ ***agency*** and establish appropriate disciplinary action to take against an ~~[officer]~~ ***employee*** who violates the provisions of this section.

6. The Board or the Division may suspend or terminate access to the database of the computerized program pursuant to this section if a law enforcement ~~[officer]~~ ***agency*** or ~~[his or her employer]~~ ***employee thereof*** violates any provision of this section.

~~[7. As used in this section, "law enforcement officer" means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.]~~

Sec. 5. NRS 453.552 is hereby amended to read as follows:

453.552 1. Any penalty imposed for violation of NRS 453.011 to 453.551, inclusive, ***and sections 1.3 and 1.6 of this act,*** is in addition to, and not in lieu of, any civil or administrative penalty or sanction otherwise authorized by law.

2. Any violation of the provisions of NRS 453.011 to 453.551, inclusive, ***and sections 1.3 and 1.6 of this act,*** where no other penalty is specifically provided, is a misdemeanor.

Sec. 5.5. NRS 639.23507 is hereby amended to read as follows:

639.23507 1. A practitioner shall, before initiating a prescription for a controlled substance listed in schedule II, III or IV ~~[.]~~ ***or an opioid that is a controlled substance listed in schedule V,*** obtain a patient utilization report regarding the patient from the computerized program established by the Board and the Investigation Division of the Department of Public Safety pursuant to NRS 453.162 if:

(a) The patient is a new patient of the practitioner; or

(b) The prescription is for more than 7 days and is part of a new course of treatment for the patient.

➥ The practitioner shall review the patient utilization report to assess whether the prescription for the controlled substance is medically necessary.

2. If a practitioner who attempts to obtain a patient utilization report as required by subsection 1 fails to do so because the computerized program is unresponsive or otherwise unavailable, the practitioner:

(a) Shall be deemed to have complied with subsection 1 if the practitioner documents the attempt and failure in the medical record of the patient.

(b) Is not liable for the failure.

3. The Board shall adopt regulations to provide alternative methods of compliance with subsection 1 for a physician while he or she is providing service in a hospital emergency department. The regulations must include, without limitation, provisions that allow a hospital to designate members of hospital staff to act as delegates for the purposes of accessing the database of the computerized program and obtaining patient utilization reports from the computerized program on behalf of such a physician.

4. A practitioner who violates subsection 1:

(a) Is not guilty of a misdemeanor.

(b) May be subject to professional discipline if the appropriate professional licensing board determines that the practitioner's violation was intentional.

5. As used in this section, "initiating a prescription" means originating a new prescription for a new patient of a practitioner or originating a new prescription to begin a new course of treatment for an existing patient of a practitioner. The term does not include any act concerning an ongoing

prescription that is written to continue a course of treatment for an existing patient of a practitioner.

Sec. 6. This act becomes effective on July 1, 2017.

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 150.

Bill read second time and ordered to third reading.

Senate Bill No. 162.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 725.

AN ACT relating to psychology; requiring the registration of psychological assistants by the Board of Psychological Examiners; authorizing the registration of psychological interns and psychological trainees by the Board; requiring an applicant for such a registration to submit an application, an application fee and his or her fingerprints; prescribing the fee for the initial registration and ~~[annual]~~ renewal of such a registration; requiring a licensed psychologist to supervise any activity or service provided by a psychological assistant, psychological intern or psychological trainee; authorizing a psychologist who supervises the performance of certain services by a **registered** psychological assistant, psychological intern or psychological trainee to be reimbursed for such services under the State Plan for Medicaid, to the extent authorized by federal law; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure of psychologists by the Board of Psychological Examiners. (NRS 641.160, 641.170) Under existing regulations: (1) a person who wishes to obtain certain postdoctoral experience in psychology must register with the Board as a psychological assistant and perform certain activities only under the supervision of a licensed psychologist; and (2) a person who is in a doctoral program in psychology and who is engaged in an internship is not required to register with the Board but may perform certain activities under the supervision of a licensed psychologist. (NAC 641.1507-641.161)

Sections 1-10 of this bill provide for the registration of psychological assistants, psychological interns and psychological trainees. **Section 5** of this bill: (1) requires a person who wishes to obtain certain postdoctoral experience in psychology to register with the Board as a psychological assistant; (2) authorizes a person who is in a doctoral program or certain doctorate-level training in psychology and who wishes to engage in an

internship to register with the Board as a psychological intern; and (3) authorizes a person who is in a doctoral program or certain doctorate-level training and who wishes to perform certain activities or services which are not part of an internship program to register with the Board as a psychological trainee. **Section 5** further requires an applicant for such a registration to submit to the Board: (1) an application; (2) an application fee; and (3) a complete set of fingerprints and a fee for obtaining a criminal background check on the applicant. ~~[Under]~~ **Finally, section 5** ~~[, a person registered]~~ **sets forth the period for which a registration** as a psychological assistant, psychological intern or psychological trainee ~~[must renew his or her registration annually. However, the registration may not be renewed if the renewal would cause the psychological assistant, psychological intern or psychological trainee to be registered for more than 3 years.]~~ **is valid and the circumstances under which such a registration may be renewed.**

Section 9.5 of this bill establishes a fee of not more than $250 for the initial registration of a psychological assistant, psychological intern or psychological trainee and a fee of not more than $150 for the ~~[annual]~~ renewal of such a registration. However, under **section 9.5**, the Board is required to waive the fee for the initial registration as a psychological assistant, psychological intern or psychological trainee if the applicant has previously been registered as a psychological assistant, psychological intern or psychological trainee.

Section 9 of this bill requires an applicant for a registration to include in the application his or her social security number and a statement relating to compliance with certain child support orders. **Section 10** of this bill requires the Board to suspend a registration if the registered person fails to comply with certain requirements related to child support orders. Under **section 5**, a person registered as a psychological assistant, psychological intern or psychological trainee is authorized to perform professional activities and services only under the supervision of a licensed psychologist. **Section 7** of this bill authorizes the Board to adopt regulations relating to the registration of persons as psychological assistants, psychological interns and psychological trainees, and to suspend or revoke such a registration under certain circumstances.

Existing law requires the Director of the Department of Health and Human Services to adopt a State Plan for Medicaid, to be implemented by the Division of Health Care Financing and Policy of the Department. (NRS 422.063) Existing law also requires that various services rendered by certain providers of health care be reimbursable under the State Plan for Medicaid. (NRS 422.2717-422.27241) **Section 11** of this bill authorizes the Department, through the Division and to the extent authorized by federal law, to reimburse a psychologist for certain services rendered by a registered psychological assistant, psychological intern or psychological trainee under the supervision of the psychologist.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 641 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***"Psychological assistant" means a person registered with the Board as a psychological assistant pursuant to subsection 1 of section 5 of this act.***

Sec. 3. ***"Psychological intern" means a person registered with the Board as a psychological intern pursuant to subsection 2 of section 5 of this act.***

Sec. 4. ***"Psychological trainee" means a person registered with the Board as a psychological trainee pursuant to subsection 3 of section 5 of this act.***

Sec. 5. ***1. A person who wishes to obtain any postdoctoral supervised experience that is required for licensure as a psychologist pursuant to paragraph (e) of subsection 1 of NRS 641.170 must register with the Board as a psychological assistant.***

2. A person who:

(a) Is in a doctoral training program in psychology at an accredited educational institution approved by the Board or in doctorate-level training from an accredited educational institution deemed equivalent by the Board in both subject matter and extent of training; and

(b) Wishes to engage in a predoctoral internship pursuant to the requirements of the training program,

↪ may register with the Board as a psychological intern.

3. A person who:

(a) Is in a doctoral training program in psychology at an accredited educational institution approved by the Board or in doctorate-level training from an accredited educational institution deemed equivalent by the Board in both subject matter and extent of training; and

(b) Wishes to perform professional activities or services under the supervision of a psychologist,

↪ may register with the Board as a psychological trainee.

4. A person desiring to register as a psychological assistant, psychological intern or psychological trainee must:

(a) Make application to the Board on a form, and in a manner, prescribed by the Board. The application must be accompanied by the application fee prescribed by the Board and include all information required to complete the application.

(b) As part of the application and at his or her own expense:

(1) Arrange to have a complete set of fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Board; and

(2) Submit to the Board:

(I) A complete set of fingerprints, a fee for the processing of fingerprints established by the Board and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background, and to such other law enforcement agencies as the Board deems necessary for a report on the applicant's background; or

(II) Written verification, on a form prescribed by the Board, stating that the set of fingerprints of the applicant was taken and directly forwarded electronically or by other means to the Central Repository for Nevada Records of Criminal History and that the applicant provided written permission authorizing the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background, and to such other law enforcement agencies as the Board deems necessary for a report on the applicant's background.

5. The Board may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to sub-subparagraph (II) of subparagraph (2) of paragraph (b) of subsection 4, submit those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Board deems necessary; and

(b) Request from each agency to which the Board submits the fingerprints any information regarding the applicant's background as the Board deems necessary.

6. An application for initial registration as a psychological assistant, psychological intern or psychological trainee is not considered complete and received until the Board receives a complete set of fingerprints or verification that the fingerprints have been forwarded electronically or by other means to the Central Repository for Nevada Records of Criminal History, and written authorization from the applicant pursuant to this section.

7. ~~[The]~~ A registration ~~[of]~~ as a ~~[psychological]~~ :

(a) Psychological assistant ~~[, psychological intern or psychological trainee]~~ expires 1 year after the date of registration unless the registration is renewed pursuant to ~~[this]~~ subsection ~~[. The Board may not renew such a]~~ 8. A registration as a psychological assistant may not be renewed if the renewal would cause the psychological assistant ~~[, psychological intern or psychological trainee]~~ to be registered as a psychological assistant for more than 3 years ~~[.]~~ unless otherwise approved by the Board.

(b) Psychological intern expires 2 years after the date of registration and may not be renewed unless otherwise approved by the Board.

(c) Psychological trainee expires 2 years after the date of registration unless the registration is renewed pursuant to subsection 8. A registration as a psychological trainee may not be renewed if the renewal would cause the psychological trainee to be registered as a psychological trainee for more than 5 years unless otherwise approved by the Board.

8. To renew a registration [,] as a psychological assistant, psychological intern or psychological trainee , the registrant must, on or before the expiration of the registration:

(a) Apply to the Board for renewal;

(b) Pay the fee prescribed by the Board pursuant to NRS 641.228 for the [annual] renewal of a registration as a psychological assistant, psychological intern or psychological trainee; and

(c) Submit all information required to complete the renewal.

[8.] 9. Any activity or service performed by a psychological assistant, psychological intern or psychological trainee must be performed under the supervision of a psychologist in accordance with regulations adopted by the Board.

Sec. 6. NRS 641.020 is hereby amended to read as follows:

641.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 641.0202 to 641.027, inclusive, ***and sections 2, 3 and 4 of this act*** and 689A.0435 have the meanings ascribed to them in those sections.

Sec. 7. NRS 641.100 is hereby amended to read as follows:

641.100 The Board may make and promulgate rules and regulations not inconsistent with the provisions of this chapter governing its procedure, the examination and licensure of applicants, the granting, refusal, revocation or suspension of licenses, ***the registration of persons as psychological assistants, psychological interns or psychological trainees,*** the practice of psychology and the practice of applied behavior analysis.

Sec. 8. NRS 641.110 is hereby amended to read as follows:

641.110 1. The Board may, under the provisions of this chapter:

(a) Examine and pass upon the qualifications of the applicants for licensure.

(b) License qualified applicants.

(c) ***Register a person as a psychological assistant, psychological intern or psychological trainee.***

(d) Revoke or suspend licenses ~~[.]~~ ***and registrations.***

~~[(d)]~~ ***(e)*** Collect all fees and make disbursements pursuant to this chapter.

2. The member of the Board who is a representative of the general public shall not participate in preparing, conducting or grading any examination required by the Board.

Sec. 9. NRS 641.175 is hereby amended to read as follows:

641.175 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license ***or registration*** shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license ***or registration*** shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license ~~[.]~~ ***or registration;*** or

(b) A separate form prescribed by the Board.

3. A license ***or registration*** may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 9.5. NRS 641.228 is hereby amended to read as follows:

641.228 1. The Board shall charge and collect not more than the following fees respectively:

For the national examination, in addition to the actual cost to the Board of the examination	$100
For any other examination required pursuant to the provisions of subsection 1 of NRS 641.180, in addition to the actual costs to the Board of the examination	100
For the issuance of an initial license, including a license by endorsement	25
For the biennial renewal of a license of a psychologist	500
For the biennial renewal of a license of a licensed behavior analyst	400

For the biennial renewal of a license of a licensed assistant behavior analyst..... 275
For the restoration of a license suspended for the nonpayment of the biennial fee for the renewal of a license..... 100
For the registration of a firm, partnership or corporation which engages in or offers to engage in the practice of psychology..... 300
For the registration of a nonresident to practice as a consultant..... 100
For the initial registration of a psychological assistant, psychological intern or psychological trainee..... 250
For the ~~[annual]~~ renewal of a registration of a psychological assistant, psychological intern or psychological trainee..... 150

2. An applicant who passes the national examination and any other examination required pursuant to the provisions of subsection 1 of NRS 641.180 and who is eligible for a license as a psychologist shall pay the biennial fee for the renewal of a license, which must be prorated for the period from the date the license is issued to the end of the biennium.

3. An applicant who passes the examination and is eligible for a license as a behavior analyst or assistant behavior analyst shall pay the biennial fee for the renewal of a license, which must be prorated for the period from the date the license is issued to the end of the biennium.

4. Except as otherwise provided in subsections 5 and 6 and NRS 641.195, in addition to the fees set forth in subsection 1, the Board may charge and collect a fee for the expedited processing of a request or for any other incidental service it provides. The fee must not exceed the cost to provide the service.

5. If an applicant submits an application for a license by endorsement pursuant to NRS 641.195, the Board shall charge and collect not more than the fee specified in subsection 1 for the issuance of an initial license.

6. If an applicant submits an application for a license by endorsement pursuant to NRS 641.196, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license.

7. If an applicant submits an application for initial registration as a psychological assistant, psychological intern or psychological trainee pursuant to section 5 of this act and the applicant has previously been registered as a psychological assistant, psychological intern or psychological trainee, the Board must waive the fee set forth in subsection 1 for the initial registration.

Sec. 10. NRS 641.242 is hereby amended to read as follows:

641.242 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional,

occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license ***or registration*** issued pursuant to this chapter, the Board shall deem the license ***or registration*** issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license ***or registration*** has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license ***or registration*** issued pursuant to this chapter that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license ***or registration*** was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 11. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department, through the Division, may reimburse, under the State Plan for Medicaid and to the extent authorized by the Federal Government, any psychologist licensed pursuant to chapter 641 of NRS who supervises a psychological assistant, psychological intern or psychological trainee for such services rendered under the authorized scope of practice of the psychological assistant, psychological intern or psychological trainee to persons eligible to receive that assistance if another provider of health care would be reimbursed for providing those same services.

2. As used in this section:

(a) "Psychological assistant" has the meaning ascribed to it in section 2 of this act.

(b) "Psychological intern" has the meaning ascribed to it in section 3 of this act.

(c) "Psychological trainee" has the meaning ascribed to it in section 4 of this act.

Sec. 12. This act becomes effective on July 1, 2017.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 163.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 715.

AN ACT relating to professional entities; **prohibiting owners of certain professional entities from engaging in certain acts relating to the professional services provided by persons engaged in the practice of medicine, homeopathic medicine, osteopathic medicine or psychology;** revising provisions governing the formation of professional entities to provide specific types of professional services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a professional entity may be organized only for the purpose of rendering one specific type of professional service. Existing law also provides certain exceptions to the requirement that a professional entity only provide one type of professional service. (NRS 89.050) ~~[This]~~ **Section 2 of this** bill expands the exception of forming a professional entity for the provision of services relating to medicine, homeopathy and osteopathy to include ~~[mental health services, which includes]~~ **services relating to** the practice of psychology **.** ~~[, clinical social work, psychiatric nursing, marriage and family therapy and clinical professional counseling.]~~ Such a professional entity may be composed of persons engaged in the practice of medicine, homeopathic medicine**,** ~~[and]~~ osteopathic medicine and ~~[providing mental health services.]~~ **psychology. Section 1 of this bill prohibits an owner of such a professional entity from engaging in certain acts relating to the professional services provided by persons engaged in those professions, including an act that interferes with the professional judgment of such persons.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 89 of NRS is hereby amended by adding thereto a new section to read as follows:**

An owner of a professional entity organized pursuant to paragraph (b) of subsection 2 of NRS 89.050 shall not:

1. Create a policy or contract, written or otherwise, to restrict or prohibit the good faith communication between a patient and a person licensed pursuant to chapter 630, 630A, 633 or 641 of NRS, concerning the patient's medical records, health care, risks or benefits of such health care or treatment options.

2. Influence or interfere with the professional judgment of a person licensed pursuant to chapter 630, 630A, 633 or 641 of NRS, including, without limitation, the professional judgment of such a person concerning:

(a) The care of a patient;

(b) The custodian of the medical records of a patient;

(c) Employment decisions, including hiring or terminating an employee; or

(d) Coding or billing procedures.

3. Terminate a contract or refuse to renew a contract with a person licensed pursuant to 630, 630A, 633 or 641 of NRS because the person:

(a) Advocates on behalf of a patient in private or public;

(b) Assists a patient in seeking reconsideration of a denial of coverage of health care services; or

(c) Reports a violation of law to an appropriate authority.

4. Require a person licensed pursuant to chapter 630, 630A, 633 or 641 of NRS to:

(a) Provide professional services to a specified number of patients within a particular amount of time; or

(b) Work a certain number of hours in a specified period of time.

5. Require a person licensed pursuant to chapter 630, 630A, 633 or 641 of NRS to obtain the approval or review of a contract by a third party, including, without limitation, a provider of insurance.

~~[Section 1.]~~ ***Sec. 2.*** NRS 89.050 is hereby amended to read as follows:

89.050 1. Except as otherwise provided in subsection 2, a professional entity may be organized only for the purpose of rendering one specific type of professional service and may not engage in any business other than rendering the professional service for which it was organized and services reasonably related thereto, except that a professional entity may own real and personal property appropriate to its business and may invest its money in any form of real property, securities or any other type of investment.

2. A professional entity may be organized to render a professional service relating to:

(a) Architecture, interior design, residential design, engineering and landscape architecture, or any combination thereof, and may be composed of persons:

(1) Engaged in the practice of architecture as provided in chapter 623 of NRS;

(2) Practicing as a registered interior designer as provided in chapter 623 of NRS;

(3) Engaged in the practice of residential design as provided in chapter 623 of NRS;

(4) Engaged in the practice of landscape architecture as provided in chapter 623A of NRS; and

(5) Engaged in the practice of professional engineering as provided in chapter 625 of NRS.

(b) Medicine, homeopathy ***,*** ~~[~~and~~]~~ osteopathy ~~[,]~~ ***and*** ~~*[mental health,]*~~ ***psychology, or any combination thereof,*** and may be composed of persons engaged in the practice of ~~[~~medicine~~]~~ ***:***

(1) Medicine as provided in chapter 630 of NRS ~~[, persons engaged in the practice of homeopathic]~~ ***;***

(2) Homeopathic medicine as provided in chapter 630A of NRS ~~[and persons engaged in the practice of osteopathic]~~ ***;***

(3) Osteopathic medicine as provided in chapter 633 of NRS ~~[.]~~ ***; and***

(4) Psychology and licensed to provide services pursuant to chapter 641 of NRS.

➥ Such a professional entity may market and manage additional professional entities which are organized to render a professional service relating to medicine, homeopathy **, [**~~and~~**]** osteopathy **[.]** ***and psychology.***

(c) Mental health services, and may be composed of the following persons, in any number and in any combination:

(1) ~~***[; and***~~

~~***(4) Providing mental health services, which includes:***~~

~~***(I)]***~~ Any psychologist who is licensed to practice in this State;

(2) ~~***[(II)]***~~ Any social worker who holds a master's degree in social work and who is licensed by this State as a clinical social worker;

(3) ~~***[(III)]***~~ Any registered nurse who is licensed to practice professional nursing in this State and who holds a master's degree in the field of psychiatric nursing;

(4) ~~***[(IV)]***~~ Any marriage and family therapist who is licensed by this State pursuant to chapter 641A of NRS; and

(5) ~~***[(V)]***~~ Any clinical professional counselor who is licensed by this State pursuant to chapter 641A of NRS.

➥ Such a professional entity may market and manage additional professional entities which are organized to render a professional service relating to ~~***[medicine, homeopathy, osteopathy and]***~~ mental health services pursuant to this paragraph.

3. A professional entity may render a professional service only through its officers, managers and employees who are licensed or otherwise authorized by law to render the professional service.

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 258.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 765.

AN ACT relating to common-interest communities; establishing the requirements for a written notice to request ~~[an owner or a tenant to cure]~~ **the curing of** a violation of the governing documents of an association without imposition of a fine; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

If an owner or a tenant or an invitee of the owner or tenant violates a provision of the governing documents of an association, existing law allows the executive board of the common-interest community to prohibit the owner, tenant or invitee from voting on matters related to the common-interest community or using the common elements. Existing law also permits

the executive board to impose a fine on the owner, tenant or invitee for each such violation under certain circumstances. (NRS 116.31031) This bill authorizes an executive board to send a written notice to cure an alleged violation of a provision of the governing documents to an owner and ~~[a tenant]~~ **, if different, a person responsible for curing the alleged violation,** without the imposition of a fine. This bill also requires that any such written notice meet certain requirements.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 116.31031 is hereby amended to read as follows:

116.31031 1. Except as otherwise provided in this section, if a unit's owner or a tenant or an invitee of a unit's owner or a tenant violates any provision of the governing documents of an association, the executive board may, if the governing documents so provide:

(a) Prohibit, for a reasonable time, the unit's owner or the tenant or the invitee of the unit's owner or the tenant from:

(1) Voting on matters related to the common-interest community.

(2) Using the common elements. The provisions of this subparagraph do not prohibit the unit's owner or the tenant or the invitee of the unit's owner or the tenant from using any vehicular or pedestrian ingress or egress to go to or from the unit, including any area used for parking.

(b) Impose a fine against the unit's owner or the tenant or the invitee of the unit's owner or the tenant for each violation, except that:

(1) A fine may not be imposed for a violation that is the subject of a construction penalty pursuant to NRS 116.310305; and

(2) A fine may not be imposed against a unit's owner or a tenant or invitee of a unit's owner or a tenant for a violation of the governing documents which involves a vehicle and which is committed by a person who is delivering goods to, or performing services for, the unit's owner or tenant or invitee of the unit's owner or the tenant.

➥ If the violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community, the amount of the fine must be commensurate with the severity of the violation and must be determined by the executive board in accordance with the governing documents. If the violation does not pose an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community, the amount of the fine must be commensurate with the severity of the violation and must be determined by the executive board in accordance with the governing documents, but the amount of the fine must not exceed $100 for each violation or a total amount of $1,000, whichever is less. The limitations on the amount of the fine do not apply to any charges or costs that may be collected by the association pursuant to this section if the fine becomes past due.

(c) Send a written notice to cure an alleged violation, without the imposition of a fine, to the unit's owner and, if different, the ~~[tenant of the unit's owner requesting]~~ person responsible for curing the alleged violation . ~~[be cured without the imposition of a fine.]~~ Any such written notice must:

(1) Include an explanation of the applicable provisions of the governing documents that form the basis of the alleged violation;

(2) Specify in detail the alleged violation and the proposed action to cure the alleged violation;

(3) Provide a clear and detailed photograph of the alleged violation, if the alleged violation relates to the physical condition of the unit or the grounds of the unit or an act or a failure to act of which it is possible to obtain a photograph; and

(4) Provide the unit's owner or the tenant a reasonable opportunity to cure the alleged violation before the executive board may take additional actions, including, without limitation, other remedies available pursuant to this section.

2. The executive board may not impose a fine pursuant to subsection 1 against a unit's owner for a violation of any provision of the governing documents of an association committed by an invitee of the unit's owner or the tenant unless the unit's owner:

(a) Participated in or authorized the violation;

(b) Had prior notice of the violation; or

(c) Had an opportunity to stop the violation and failed to do so.

3. If the association adopts a policy imposing fines for any violations of the governing documents of the association, the secretary or other officer specified in the bylaws shall prepare and cause to be hand-delivered or sent prepaid by United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit's owner, a schedule of the fines that may be imposed for those violations.

4. The executive board may not impose a fine pursuant to subsection 1 unless:

(a) Not less than 30 days before the alleged violation, the unit's owner and, if different, the person against whom the fine will be imposed had been provided with written notice of the applicable provisions of the governing documents that form the basis of the alleged violation; and

(b) Within a reasonable time after the discovery of the alleged violation, the unit's owner and, if different, the person against whom the fine will be imposed has been provided with:

(1) Written notice:

(I) Specifying in detail the alleged violation, the proposed action to cure the alleged violation, the amount of the fine, and the date, time and location for a hearing on the alleged violation; and

(II) Providing a clear and detailed photograph of the alleged violation, if the alleged violation relates to the physical condition of the unit

or the grounds of the unit or an act or a failure to act of which it is possible to obtain a photograph; and

(2) A reasonable opportunity to cure the alleged violation or to contest the alleged violation at the hearing.

➥ For the purposes of this subsection, a unit's owner shall not be deemed to have received written notice unless written notice is mailed to the address of the unit and, if different, to a mailing address specified by the unit's owner.

5. The executive board must schedule the date, time and location for the hearing on the alleged violation so that the unit's owner and, if different, the person against whom the fine will be imposed is provided with a reasonable opportunity to prepare for the hearing and to be present at the hearing.

6. The executive board must hold a hearing before it may impose the fine, unless the fine is paid before the hearing or unless the unit's owner and, if different, the person against whom the fine will be imposed:

(a) Executes a written waiver of the right to the hearing; or

(b) Fails to appear at the hearing after being provided with proper notice of the hearing.

7. If a fine is imposed pursuant to subsection 1 and the violation is not cured within 14 days, or within any longer period that may be established by the executive board, the violation shall be deemed a continuing violation. Thereafter, the executive board may impose an additional fine for the violation for each 7-day period or portion thereof that the violation is not cured. Any additional fine may be imposed without providing the opportunity to cure the violation and without the notice and an opportunity to be heard required by paragraph (b) of subsection 4.

8. If the governing documents so provide, the executive board may appoint a committee, with not less than three members, to conduct hearings on alleged violations and to impose fines pursuant to this section. While acting on behalf of the executive board for those limited purposes, the committee and its members are entitled to all privileges and immunities and are subject to all duties and requirements of the executive board and its members.

9. A member of the executive board shall not participate in any hearing or cast any vote relating to a fine imposed pursuant to subsection 1 if the member has not paid all assessments which are due to the association by the member. If a member of the executive board:

(a) Participates in a hearing in violation of this subsection, any action taken at the hearing is void.

(b) Casts a vote in violation of this subsection, the vote is void.

10. The provisions of this section establish the minimum procedural requirements that the executive board must follow before it may impose a fine. The provisions of this section do not preempt any provisions of the governing documents that provide greater procedural protections.

11. Any past due fine must not bear interest, but may include any costs incurred by the association during a civil action to enforce the payment of the past due fine.

12. If requested by a person upon whom a fine was imposed, not later than 60 days after receiving any payment of a fine, an association shall provide to the person upon whom the fine was imposed a statement of the remaining balance owed.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 375.

Bill read second time and ordered to third reading.

Senate Bill No. 393.

Bill read second time.

The following amendment was proposed by the Committee on Corrections, Parole, and Probation:

Amendment No. 686.

SENATORS PARKS, SPEARMAN, SEGERBLOM, CANCELA; ATKINSON, DENIS, GOICOECHEA, MANENDO, RATTI AND WOODHOUSE

JOINT SPONSORS: ASSEMBLYMEN OHRENSCHALL **[,]AND** OSCARSON ~~[AND WHEELER]~~

AN ACT relating to prisons; ~~[requiring the Director of the Department of Corrections to develop standards for acquiring certain goods and services provided by programs for offenders without complying with certain state purchasing requirements; authorizing the Director to purchase those goods and services in accordance with certain state purchasing requirements; deleting]~~ **revising** certain provisions which prohibit an offender from engaging in telemarketing or conducting opinion polls by telephone; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, the provisions of chapter 333 of NRS, known as the State Purchasing Act, set forth general procedures and requirements for the purchase of supplies, materials, equipment and services by agencies of the State. (Chapter 333 of NRS) The Administrator of the Purchasing Division of the Department of Administration is responsible for developing standard specifications for supplies, materials and equipment purchased for the various agencies. (NRS 333.210) Section 1 of this bill requires the Director of the Department of Corrections to develop and establish standard specifications for acquiring supplies, materials, equipment and services used or required by the Department which may be provided by programs conducted by the prisons within the Department which provide services and manufacturing by offenders. Section 1 also authorizes the Director to~~

~~purchase from those programs, subject to the provisions of the State Purchasing Act, supplies, materials, equipment and services used or required by the Department for which standard specifications have been established by the Director, if the supplies, materials, equipment and services meet the applicable specifications.]~~

Existing law requires the Director of the Department of Corrections, to the extent practicable, to require each offender to spend 40 hours each week in vocational training or employment, with certain exceptions for offenders whose behavior is found to preclude participation, offenders who have medical concerns and offenders who attend educational classes. An offender may not engage in vocational training, employment or a business that requires or permits the offender to telemarket or conduct opinion polls by telephone. (NRS 209.461) **Section 2** of this bill ~~[deletes]~~ **revises** the prohibition on telemarketing and conducting **opinion polls to provide that an offender may not telemarket or conduct** opinion polls by telephone ~~[. Section 2 also requires the Director to pay for services provided by offenders to the Department and purchase goods manufactured by offenders for the Department as are newly authorized in section 1, and to not include the costs to the Department of paying for such services and goods when calculating the profit and loss determination regarding the programs for the employment of offenders that is required of the Department.]~~ **unless the offender is supervised and such telephone calls are monitored.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. Notwithstanding the provisions of chapter 333 of NRS, the Director shall develop and establish standard specifications for acquiring supplies, materials, equipment and services used or required by the Department which may be provided by programs for services and manufacturing by offenders which are conducted by the institutions.*~~

~~*2. The Director may, in accordance with the provisions of chapter 333 of NRS, purchase from programs specified in subsection 1 any supplies, materials, equipment and services used or required by the Department for which standard specifications have been established pursuant to subsection 1, if the supplies, materials, equipment and services meet the applicable specifications.]*~~ **(Deleted by amendment.)**

Sec. 2. NRS 209.461 is hereby amended to read as follows:

209.461 1. The Director shall:

(a) To the greatest extent possible, approximate the normal conditions of training and employment in the community.

(b) Except as otherwise provided in this section, to the extent practicable, require each offender, except those whose behavior is found by the Director to preclude participation, to spend 40 hours each week in vocational training

or employment, unless excused for a medical reason or to attend educational classes in accordance with NRS 209.396. The Director shall require as a condition of employment that an offender sign an authorization for the deductions from his or her wages made pursuant to NRS 209.463. Authorization to make the deductions pursuant to NRS 209.463 is implied from the employment of an offender and a signed authorization from the offender is not required for the Director to make the deductions pursuant to NRS 209.463.

(c) Use the earnings from services and manufacturing conducted by the institutions and the money paid by private employers who employ the offenders to offset the costs of operating the prison system and to provide wages for the offenders being trained or employed.

(d) Provide equipment, space and management for services and manufacturing by offenders.

(e) Employ craftsmen and other personnel to supervise and instruct offenders.

(f) Contract with governmental agencies and private employers for the employment of offenders, including their employment on public works projects under contracts with the State and with local governments.

(g) Contract for the use of offenders' services and for the sale of goods manufactured by offenders.

(h) ~~*[Pay for services provided to the Department by offenders and purchase goods manufactured by offenders for the Department that meet the standard specifications established pursuant to section 1 of this act.*~~

~~*(i)]*~~ On or before January 1, 2014, and every 5 years thereafter, submit a report to the Director of the Legislative Counsel Bureau for distribution to the Committee on Industrial Programs. The report must include, without limitation, an analysis of existing contracts with private employers for the employment of offenders and the potential impact of those contracts on private industry in this State.

(i) ~~*[(j)]*~~ Submit a report to each meeting of the Interim Finance Committee identifying any accounts receivable related to a program for the employment of offenders.

2. Every program for the employment of offenders established by the Director must:

(a) Employ the maximum number of offenders possible;

(b) Except as otherwise provided in NRS 209.192, provide for the use of money produced by the program to reduce the cost of maintaining the offenders in the institutions;

(c) Have an insignificant effect on the number of jobs available to the residents of this State; and

(d) Provide occupational training for offenders.

3. An offender may not engage in vocational training, employment or a business that requires or permits the offender to :

(a) Telemarket or conduct opinion polls by telephone ~~[,]~~ **unless the offender is supervised and telephone calls are monitored;** or

(b) Acquire, ~~***[acquire,]***~~ review, use or have control over or access to personal information concerning any person who is not incarcerated.

4. Each fiscal year, the cumulative profits and losses, if any, of the programs for the employment of offenders established by the Director must result in a profit for the Department. The following must not be included in determining whether there is a profit for the Department:

(a) Fees credited to the Fund for Prison Industries pursuant to NRS 482.268, any revenue collected by the Department for the leasing of space, facilities or equipment within the institutions or facilities of the Department, and any interest or income earned on the money in the Fund for Prison Industries.

(b) The selling expenses of the Central Administrative Office of the programs for the employment of offenders. As used in this paragraph, "selling expenses" means delivery expenses, salaries of sales personnel and related payroll taxes and costs, the costs of advertising and the costs of display models.

(c) The general and administrative expenses of the Central Administrative Office of the programs for the employment of offenders. As used in this paragraph, "general and administrative expenses" means the salary of the Deputy Director of Industrial Programs and the salaries of any other personnel of the Central Administrative Office and related payroll taxes and costs, the costs of telephone usage, and the costs of office supplies used and postage used.

~~***[(d) The costs to the Department of purchasing services provided by offenders and goods manufactured by offenders pursuant to section 1 of this act.]***~~

5. If any state-sponsored program incurs a net loss for 2 consecutive fiscal years, the Director shall appear before the Committee on Industrial Programs to explain the reasons for the net loss and provide a plan for the generation of a profit in the next fiscal year. If the program does not generate a profit in the third fiscal year, the Director shall take appropriate steps to resolve the issue.

6. Except as otherwise provided in subsection 3, the Director may, with the approval of the Board:

(a) Lease spaces and facilities within any institution of the Department to private employers to be used for the vocational training and employment of offenders.

(b) Grant to reliable offenders the privilege of leaving institutions or facilities of the Department at certain times for the purpose of vocational training or employment.

7. Before entering into any contract with a private employer for the employment of offenders pursuant to subsection 1, the Director shall obtain from the private employer:

(a) A personal guarantee to secure an amount fixed by the Director but not less than 100 percent of the prorated annual amount of the contract, a surety bond made payable to the State of Nevada in an amount fixed by the Director but not less than 100 percent of the prorated annual amount of the contract and conditioned upon the faithful performance of the contract in accordance with the terms and conditions of the contract, or a security agreement to secure any debt, obligation or other liability of the private employer under the contract, including, without limitation, lease payments, wages earned by offenders and compensation earned by personnel of the Department.

(b) A detailed written analysis on the estimated impact of the contract on private industry in this State. The written analysis must include, without limitation:

(1) The number of private companies in this State currently providing the types of products and services offered in the proposed contract.

(2) The number of residents of this State currently employed by such private companies.

(3) The number of offenders that would be employed under the contract.

(4) The skills that the offenders would acquire under the contract.

8. The provisions of this chapter do not create a right on behalf of the offender to employment or to receive the federal or state minimum wage for any employment and do not establish a basis for any cause of action against the State or its officers or employees for employment of an offender or for payment of the federal or state minimum wage to an offender.

9. As used in this section, "state-sponsored program" means a program for the vocational training or employment of offenders which does not include a contract of employment with a private employer.

Sec. 3. (Deleted by amendment.)

Sec. 4. This act becomes effective on July 1, 2017.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 400.

Bill read second time and ordered to third reading.

Senate Bill No. 434.

Bill read second time and ordered to third reading.

Senate Bill No. 480.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer, Assembly Bill No. 374 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Carlton moved that Senate Bill No. 150 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 375 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 173 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 322 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 276 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 276.

Bill read third time.

The following amendment was proposed by Assemblywoman Spiegel:

Amendment No. 646.

AN ACT relating to employment; prohibiting an employer, employment agency or labor organization from discriminating against certain persons for inquiring about, discussing or voluntarily disclosing information about wages under certain circumstances; **revising provisions governing noncompetition covenants;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain employment practices as unlawful and prohibits certain employers, employment agencies and labor organizations from engaging in such practices. (NRS 613.330) With certain exceptions, this prohibition only applies to employers who have 15 or more employees for each working day in each of 20 or more calendar weeks, either in the same or the preceding calendar year as when an unlawful employment practice occurred. (NRS 613.310) ~~[This]~~ **Section 3 of this** bill prohibits such an employer, an employment agency or a labor organization from discriminating against a person with respect to employment or membership, as applicable,

for inquiring about, discussing or voluntarily disclosing information about wages. This provision does not apply to any person who has access to information about the wages of other persons as part of his or her essential job functions and discloses the information to a person who does not have access to that information, except as ordered by the Labor Commissioner or a court of competent jurisdiction.

Existing law also prohibits a person, association, company or corporation, or agent or officer thereof, from preventing any person who for any cause left or was discharged from their employ from obtaining employment elsewhere in this State. However, under existing law, a person, association, company or corporation, or agent or officer thereof, is not prohibited from negotiating, executing and enforcing an agreement with an employee which, upon termination of employment, prohibits the former employee from pursuing a similar vocation in competition with or becoming employed by a competitor of the former employer. (NRS 613.200) Section 2 of this bill removes this provision from existing law, allowing for noncompetition agreements. Section 1 of this bill adds requirements governing noncompetition covenants, providing that such covenants are void and unenforceable unless the covenant: (1) is supported by valuable consideration; (2) does not impose any restraint that is greater than is required for the protection of the employer; (3) does not impose any undue hardship on the employee; and (4) imposes restrictions that are appropriate in relation to the valuable consideration supporting the covenant. Section 1 further provides that a noncompetition covenant may not restrict a former employee of an employer from providing service to a former customer or client if: (1) the former employee did not solicit the former customer or client; (2) the customer or client voluntarily chose to leave and seek the services of the former employee; and (3) the former employee is otherwise complying with the noncompetition covenant. Section 1 also provides that if an employee is terminated because of a reduction in force, reorganization or similar restructuring, a noncompetition covenant is only enforceable during the time in which the employer is paying the employee's salary, benefits or equivalent compensation. Finally, section 1 provides that if an employer brings an action to enforce a noncompetition covenant and the court finds the covenant contains limitations that are not reasonable and impose a greater restraint than is necessary, the court shall revise the covenant to the extent necessary and enforce the covenant as revised.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 613 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A noncompetition covenant is void and unenforceable unless the noncompetition covenant:

(a) Is supported by valuable consideration;

(b) Does not impose any restraint that is greater than is required for the protection of the employer for whose benefit the restraint is imposed;

(c) Does not impose any undue hardship on the employee; and

(d) Imposes restrictions that are appropriate in relation to the valuable consideration supporting the noncompetition covenant.

2. A noncompetition covenant may not restrict a former employee of an employer from providing service to a former customer or client if:

(a) The former employee did not solicit the former customer or client;

(b) The customer or client voluntarily chose to leave and seek services from the former employee; and

(c) The former employee is otherwise complying with the limitations in the covenant as to time, geographical area and scope of activity to be restrained, other than any limitation on providing services to a former customer or client who seeks the services of the former employee without any contact instigated by the former employee.

➥ Any provision in a noncompetition covenant which violates the provisions of this subsection is void and unenforceable.

3. An employer in this State who negotiates, executes or attempts to enforce a noncompetition covenant that is void and unenforceable under this section does not violate the provisions of NRS 613.200.

4. If the termination of the employment of an employee is the result of a reduction of force, reorganization or similar restructuring of the employer, a noncompetition covenant is only enforceable during the period in which the employer is paying the employee's salary, benefits or equivalent compensation, including, without limitation, severance pay.

5. If an employer brings an action to enforce a noncompetition covenant and the court finds the covenant is supported by valuable consideration but contains limitations as to time, geographical area or scope of activity to be restrained that are not reasonable, impose a greater restraint than is necessary for the protection of the employer for whose benefit the restraint is imposed and impose undue hardship on the employee, the court shall revise the covenant to the extent necessary and enforce the covenant as revised. Such revisions must cause the limitations contained in the covenant as to time, geographical area and scope of activity to be restrained to be reasonable and to impose a restraint that is not greater than is necessary for the protection of the employer for whose benefit the restraint is imposed.

6. As used in this section:

(a) "Employer" means every person having control or custody of any employment, place of employment or any employee.

(b) "Noncompetition covenant" means an agreement between an employer and employee which, upon termination of the employment of the employee, prohibits the employee from pursuing a similar vocation in competition with or becoming employed by a competitor of the employer.

Sec. 2. **NRS 613.200 is hereby amended to read as follows:**

613.200 1. Except as otherwise provided in this section ~~[,]~~ ***and section 1 of this act,*** any person, association, company or corporation within this State, or any agent or officer on behalf of the person, association, company or corporation, who willfully does anything intended to prevent any person who for any cause left or was discharged from his, her or its employ from obtaining employment elsewhere in this State is guilty of a gross misdemeanor and shall be punished by a fine of not more than $5,000.

2. In addition to any other remedy or penalty, the Labor Commissioner may impose against each culpable party an administrative penalty of not more than $5,000 for each such violation.

3. If a fine or an administrative penalty is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the Labor Commissioner.

4. The provisions of this section do not prohibit a person, association, company, corporation, agent or officer from negotiating, executing and enforcing an agreement with an employee of the person, association, company or corporation which, upon termination of the employment, prohibits the employee from ~~[:~~

~~(a) Pursuing a similar vocation in competition with or becoming employed by a competitor of the person, association, company or corporation; or~~

~~(b) Disclosing]~~ ***disclosing*** any trade secrets, business methods, lists of customers, secret formulas or processes or confidential information learned or obtained during the course of his or her employment with the person, association, company or corporation ~~[,~~

~~"~~] if the agreement is supported by valuable consideration and is otherwise reasonable in its scope and duration.

~~[Section 1.]~~ ***Sec. 3.*** NRS 613.330 is hereby amended to read as follows:

613.330 1. Except as otherwise provided in NRS 613.350, it is an unlawful employment practice for an employer:

(a) To fail or refuse to hire or to discharge any person, or otherwise to discriminate against any person with respect to the person's compensation, terms, conditions or privileges of employment, because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin; ~~[or]~~

(b) To limit, segregate or classify an employee in a way which would deprive or tend to deprive the employee of employment opportunities or otherwise adversely affect his or her status as an employee, because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin ~~[.]~~ ***; or***

(c) Except as otherwise provided in subsection 7, to discriminate against any employee because the employee has inquired about, discussed or voluntarily disclosed his or her wages or the wages of another employee.

2. It is an unlawful employment practice for an employment agency ***:*** ~~[to:]~~

(a) ~~[~~Fail~~]~~ ***To fail*** or refuse to refer for employment, or otherwise to discriminate against, any person because of the race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin of that person; ~~[~~or~~]~~

(b) ~~[~~Classify~~]~~ ***To classify*** or refer for employment any person on the basis of the race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin of that person ~~[~~.~~]~~ ***; or***

(c) Except as otherwise provided in subsection 7, to discriminate against any person because the person has inquired about, discussed or voluntarily disclosed his or her wages or the wages of another person.

3. It is an unlawful employment practice for a labor organization:

(a) To exclude or to expel from its membership, or otherwise to discriminate against, any person because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin;

(b) To limit, segregate or classify its membership, or to classify or fail or refuse to refer for employment any person, in any way which would deprive or tend to deprive the person of employment opportunities, or would limit the person's employment opportunities or otherwise adversely affect the person's status as an employee or as an applicant for employment, because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin; ~~[~~or~~]~~

(c) ***Except as otherwise provided in subsection 7, to discriminate or take any other action prohibited by this section against any member thereof or any applicant for membership because the member or applicant has inquired about, discussed or voluntarily disclosed his or her wages or the wages of another member or applicant; or***

(d) To cause or attempt to cause an employer to discriminate against any person in violation of this section.

4. It is an unlawful employment practice for any employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining, including, without limitation, on-the-job training programs, to discriminate against any person because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin in admission to, or employment in, any program established to provide apprenticeship or other training.

5. Except as otherwise provided in subsection 6, it is an unlawful employment practice for any employer, employment agency, labor organization or joint labor-management committee to discriminate against a person with a disability by interfering, directly or indirectly, with the use of an aid or appliance, including, without limitation, a service animal, by such a person.

6. It is an unlawful employment practice for an employer, directly or indirectly, to refuse to permit an employee with a disability to keep the employee's service animal with him or her at all times in his or her place of

employment, except that an employer may refuse to permit an employee to keep a service animal that is a miniature horse with him or her if the employer determines that it is not reasonable to comply, using the assessment factors set forth in 28 C.F.R. § 36.302.

7. ***The provisions of paragraph (c) of subsection 1, paragraph (c) of subsection 2 and paragraph (c) of subsection 3, as applicable, do not apply to any person who has access to information about the wages of other persons as part of his or her essential job functions and discloses that information to a person who does not have access to that information unless the disclosure is ordered by the Labor Commissioner or a court of competent jurisdiction.***

8. As used in this section, "service animal" has the meaning ascribed to it in NRS 426.097.

~~[Sec. 2.]~~ ***Sec. 4.*** This act becomes effective upon passage and approval.

Assemblywoman Spiegel moved the adoption of the amendment.

Remarks by Assemblywoman Spiegel.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 173.

Bill read third time.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Senate Bill 173 eliminates the prevailing wage exemption for charter schools operating within the Achievement School District. It specifically makes prevailing wage requirements applicable to a contract or other agreement for the construction, improvement, repair, or demolition of any building, structure, or property that is or will be used by an achievement charter school if such a project is paid for in whole or in part from money in the capital improvement fund of the school district.

Roll call on Senate Bill No. 173:

YEAS—27.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.

Senate Bill No. 173 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 181.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 181 revises provisions governing the restoration of civil rights to resident offenders in this state. A probationer, parolee, or person who has completed his or her sentence and was released from prison, with certain exceptions is immediately restored his or her right to serve as a juror in a civil case and to vote after discharge from probation, discharge from parole, or release from prison unless the person was previously convicted of a category A felony or

certain category B felonies, in which case the person's right to vote is restored two years after discharge from probation, discharge from parole, or release from prison. The bill also allows for the restoration of the civil rights of a probationer or a parolee who receives a dishonorable discharge.

Roll call on Assembly Bill No. 181:

YEAS—29.

NAYS—Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Titus, Tolles, Wheeler, Woodbury—13.

Assembly Bill No. 181 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 183.

Bill read third time.

Remarks by Assemblymen Ohrenschall and Watkins.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 183 makes various changes to provisions concerning the collection of amounts payable to a hospital for patient care. Among other things, the bill limits the amount that a hospital may collect or attempt to collect from a patient or other responsible party under certain circumstances; requires a hospital to collect from a person's health insurance before collecting from a statutory lien; requires a hospital to provide notification to the injured person under certain circumstances prior to filing a lien; specifies the procedures a hospital must follow before perfecting a lien and provides that if the lien is perfected in violation of these procedures, the injured person is entitled to damages equal to twice the amount of the lien; and provides that any amount received from a lien constitutes the complete satisfaction of any debt owed by the injured person to the hospital for the care provided.

In your Judiciary Committee, there was testimony about patients who had been injured, in many cases in an auto accident, and would have a contract for insurance with the hospital that treated them. Testimony during the committee hearing was that often they were being billed, not at the contracted rate they had through the medical insurance they worked so hard to keep, but at the noncontracted rate. The chairman of your Judiciary Committee was kind enough to lend us the Wood Shed, and my colleagues from Assembly District 35 and from the double-deuce down in Henderson, and all the stakeholders got together. I cannot say we made everybody happy, but I think we tried to address a lot of the problems that are hurting injured parties. I want to thank my two colleagues from southern Nevada and the chairman of Judiciary, and I urge your support of this bill. I believe it will protect injured people in our state.

ASSEMBLYMAN WATKINS:

I rise in support of A.B. 183 and I want to add a few comments for clarification. What this bill would do is help to protect all Nevadans who are playing by the rules, who obtained health insurance. Their health insurance has a contract with the hospital and ensures that the hospital will bill their health insurance rather than take money out of their pocket. Currently, hospitals are allowed to file a lien—record a lien—against somebody who is involved in a car accident, even though it is not their fault. It goes on their credit; they have problems refinancing their house; they have problems refinancing their car or getting a loan. I do not think that is good policy. This bill seeks to protect those people and ensure that the hospital bills the health insurance.

We worked endless hours to find consensus on this bill, and unfortunately, we were not able to find it. What the opposition would like you to believe is that all we have to do is remove Medicare, Medicaid, and TRICARE from this and then this would be a good bill. I cannot disagree more with that. We have to protect our elderly. We have to protect our active duty military. We have to protect the veterans. If we allow those exceptions, we have to go back to

our constituents, to our parents, to our grandparents, and say You have to pay more than we do for the same service. I do not think that is right and I urge your support.

Roll call on Assembly Bill No. 183:

YEAS—27.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.

Assembly Bill No. 183 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 498.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 498 makes an appropriation of $351,938 from the State General Fund to the Division of Emergency Management of the Department of Public Safety for a joint field office to work with the Federal Emergency Management Agency on flood reimbursements related to the 2017 floods.

Roll call on Assembly Bill No. 498:

YEAS—42.

NAYS—None.

Assembly Bill No. 498 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 500.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Assembly Bill 498 makes an appropriation of $351,938 from the State General Fund to the Division of Emergency Management of the Department of Public Safety for a joint field office to work with the Federal Emergency Management Agency on flood reimbursements related to the 2017 floods.

Roll call on Assembly Bill No. 500:

YEAS—42.

NAYS—None.

Assembly Bill No. 500 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 46.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Senate Bill 46 expands the list of offenses the Division of Public and Behavioral Health, Department of Health and Human Services, must identify as part of a background check for an applicant for a license to operate a child care facility, for employees or certain adult residents of such facilities, or a participant in an outdoor youth program. Offenses newly required to be

included in background checks include any crime against a child, arson, assault, battery, kidnapping, and certain drug-related offenses.

Roll call on Senate Bill No. 46:

YEAS—42.

NAYS—None.

Senate Bill No. 46 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 54.

Bill read third time.

Remarks by Assemblyman Kramer.

ASSEMBLYMAN KRAMER:

Senate Bill 54 authorizes all counties except Clark and Washoe to approve additional types of infrastructure projects for which the proceeds from a current one-quarter of 1 percent sales tax for infrastructure may be used. Specifically, the bill expands the authorized uses of the proceeds from this tax to include the acquisition, establishment, construction, expansion, improvement, or equipping of facilities related to health and welfare. The bill additionally authorizes these counties to use the infrastructure sales tax proceeds to pay the ongoing costs of operating and maintaining certain governmental facilities if such costs are related to services and supplies only and may not include any costs related to salaries and benefits. Finally, Senate Bill 54 specifies that if a county uses these proceeds for the additional purposes authorized by the bill, the county must conduct a review of its existing plan for the expenditure of these proceeds every four years. The act becomes effective on July 1, 2017.

Roll call on Senate Bill No. 54:

YEAS—42.

NAYS—None.

Senate Bill No. 54 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 64.

Bill read third time.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Senate Bill 64 implements provisions required to comply with a Federal Aviation Administration directive concerning the use of airport revenue. Specifically, Senate Bill 64 requires the proceeds from taxes imposed on aviation fuel and fuel for jet or turbine-powered aircraft which are collected at privately owned airports to be transferred from the local county government to the private airport itself.

Roll call on Senate Bill No. 64:

YEAS—42.

NAYS—None.

Senate Bill No. 64 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 78.
Bill read third time.
Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:
Senate Bill 78 authorizes a local government to transfer money from an enterprise fund to the general fund of the local government on or after July 1, 2021, for the purpose of subsidizing the general fund if on or before July 1, 2018, the Committee on Local Government Finance has approved a plan adopted by the governing body of the local government to eliminate such transfers, which includes, without limitation, a plan to reduce the amount of such transfers by at least 3.3 percent each fiscal year during the term of the plan, and the local government reduces the amount of the transfers in accordance with the plan. Each approved plan is subject to annual review by the Committee. This measure is effective on July 1, 2017.

Roll call on Senate Bill No. 78:
YEAS—42.
NAYS—None.
Senate Bill No. 78 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:52 p.m.

ASSEMBLY IN SESSION

At 1:56 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that the Assembly reconsider the vote whereby Senate Bill No. 173 was passed.
Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 173 be taken from its position on the General File and placed at the top of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 173.
Bill read third time.
Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:
Senate Bill 173 eliminates the prevailing wage exemption for charter schools operating within the Achievement School District. It specifically makes prevailing wage requirements applicable to a contract or other agreement for the construction, improvement, repair, or demolition of any building, structure, or property that is or will be used by an achievement charter school if such a

project is paid for in whole or in part from money in the capital improvement fund of the school district.

Roll call on Senate Bill No. 173:

YEAS—33.

NAYS—Ellison, Hambrick, Kramer, Krasner, McArthur, Titus, Wheeler, Woodbury—8.

EXCUSED—Swank.

Senate Bill No. 173 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 101, 116, 118, 127, 145, 156, 159, 191, 204, 215, 230, 245, 255, 268, 273, 279, 295, 305, 312, 314, 318, 322, 338, 339, 366, 369, 374, 376, 386, 411, 416, 422, 429, 447, 454, 464, 466, 469, 473, 476, 483, 493, 510, 513, and 515; Senate Joint Resolutions Nos. 4, 5, 8, and 13 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 145.

The following Senate amendment was read:

Amendment No. 702.

ASSEMBLYMEN KRASNER, BUSTAMANTE ADAMS; BILBRAY-AXELROD, CARRILLO, JOINER, KRAMER, **TITUS,** TOLLES, WATKINS **, WHEELER** AND WOODBURY

JOINT ~~[SPONSOR: SENATOR]~~ **SPONSORS: SENATORS** DENIS **; CANNIZZARO, GANSERT, GUSTAVSON, HARRIS AND KIECKHEFER**

AN ACT relating to civil actions; extending the statute of limitations for certain civil actions for damages to a person for injuries incurred as a child as a result of sexual abuse or pornography; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill extends the time by which a civil action to recover damages arising from the sexual abuse of a person who is less than 18 years of age must be commenced from 10 years to 20 years after the person reaches 18 years of age or discovers or should have discovered that an injury was caused by the sexual abuse, whichever is later. This bill also extends the time by which a civil action to recover damages arising from the appearance of a person who is less than 16 years of age in pornographic material must be commenced from 3 years to 20 years after the person reaches 18 years of age or after a court enters a verdict in a related criminal case, whichever is later.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 11.215 is hereby amended to read as follows:

11.215 1. Except as otherwise provided in subsection 2 and NRS 217.007, an action to recover damages for an injury to a person arising from the sexual abuse
of the plaintiff which occurred when the plaintiff was less than 18 years of age must be commenced within ~~[10]~~ ***20*** years after the plaintiff:

(a) Reaches 18 years of age; or

(b) Discovers or reasonably should have discovered that his or her injury was caused by the sexual abuse,

➥ whichever occurs later.

2. An action to recover damages pursuant to NRS 41.1396 must be commenced within ~~[3]~~ ***20*** years after the occurrence of the following, whichever is later:

(a) The court enters a verdict in a related criminal case; or

(b) The victim reaches the age of 18 years.

3. As used in this section, "sexual abuse" has the meaning ascribed to it in NRS 432B.100.

Sec. 2. The period of limitations on actions set forth in NRS 11.215, as amended by section 1 of this act:

1. Applies to a cause of action that accrued before the effective date of this act, if the applicable period of limitations has commenced but not yet expired on the effective date of this act.

2. Must not be construed to revive any claim barred by a period of limitations.

Sec. 3. This act becomes effective upon passage and approval.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 702 to Assembly Bill No. 145.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:
The amendment adds sponsors to the bill.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 105.

The following Senate amendment was read:

Amendment No. 762.

AN ACT relating to public health; revising continuing education requirements relating to suicide prevention and awareness for certain providers of health care; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires or encourages certain providers of health care, including physicians, physician assistants, advanced practice registered nurses, psychologists, behavior analysts, assistant behavior analysts, marriage and family therapists, clinical professional counselors, social workers, alcohol and drug abuse counselors and problem gambling counselors and certain interns related to these professions to receive at least 1 or 2 hours of continuing education in certain topics related to suicide prevention and awareness. (NRS 630.253, 632.343, 633.471, 641.220, 641A.260, 641B.280, 641C.450) **Sections 1-6** of this bill make mandatory continuing education requirements relating to suicide prevention and awareness for each of these providers of health care and requires the completion of a course of instruction on suicide prevention and awareness ~~[every 4 years.]~~ **at regular intervals.**

~~[Section]~~ **Sections 1 and 2.5** also ~~[removes]~~ **remove** the authority for certain persons who hold a license to practice medicine, including, without limitation, physicians **, osteopathic physicians** and psychiatrists, to substitute not more than 2 hours of continuing education in certain topics related to suicide prevention for an equivalent continuing education requirement in ethics. (NRS 630.253 ~~(1)~~ **, 633.471)**

Section 9 of this bill repeals the prospective expiration of the existing requirement for a physician and osteopathic physician to complete a course of instruction on suicide prevention and awareness. **Section 9** also repeals a provision to remove the prospective expiration of the requirement for psychologists, behavior analysts and assistant behavior analysts to complete a course of instruction on suicide prevention and awareness.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 630.253 is hereby amended to read as follows:

630.253 1. The Board shall, as a prerequisite for the:

(a) Renewal of a license as a physician assistant; or

(b) Biennial registration of the holder of a license to practice medicine,

➥ require each holder to submit evidence of compliance with the requirements for continuing education as set forth in regulations adopted by the Board.

2. These requirements:

(a) May provide for the completion of one or more courses of instruction relating to risk management in the performance of medical services.

(b) Must provide for the completion of a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(1) An overview of acts of terrorism and weapons of mass destruction;

(2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use of, the Health Alert Network.

(c) Must provide for the completion by a holder of a license to practice medicine ~~[who is a psychiatrist]~~ of a course of instruction ***within 2 years after initial licensure*** that provides at least 2 hours of instruction on ~~[clinically based]~~ ***evidence-based*** suicide prevention and awareness ~~[.]~~ ***as described in subsection 5.***

➥ The Board may thereafter determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

3. The Board shall encourage each holder of a license who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

4. The Board shall encourage each holder of a license to practice medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

5. The Board shall ~~[encourage]~~ ***require*** each holder of a license to practice medicine ~~[, other than a psychiatrist,]~~ to receive as a portion of his or her continuing education ~~[training concerning suicide, including,]~~ ***at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness, which may include,*** without limitation, ~~[such topics as:]~~ ***instruction concerning:***

(a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;

(b) Approaches to engaging other professionals in suicide intervention; and

(c) The detection of suicidal thoughts and ideations and the prevention of suicide.

6. A holder of a license to practice medicine may ***not*** substitute ~~[not more than 2 hours of]~~ ***the*** continuing education credits ~~[in the detection of suicidal thoughts and ideations, and the intervention and prevention of suicide, pain management or addiction care]~~ ***relating to suicide prevention and awareness required by this section*** for the purposes of satisfying an equivalent requirement for continuing education in ethics.

7. ***A holder of a license to practice medicine may substitute not more than 2 hours of continuing education credits in pain management or addiction care for the purposes of satisfying an equivalent requirement for continuing education in ethics***.

8. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

(e) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 2. NRS 632.343 is hereby amended to read as follows:

632.343 1. The Board shall not renew any license issued under this chapter until the licensee has submitted proof satisfactory to the Board of completion, during the 2-year period before renewal of the license, of 30 hours in a program of continuing education approved by the Board in accordance with regulations adopted by the Board. ~~[The]~~ ***Except as otherwise provided in subsection 3, the*** licensee is exempt from this provision for the first biennial period after graduation from:

(a) An accredited school of professional nursing;

(b) An accredited school of practical nursing;

(c) An approved school of professional nursing in the process of obtaining accreditation; or

(d) An approved school of practical nursing in the process of obtaining accreditation.

2. The Board shall review all courses offered to nurses for the completion of the requirement set forth in subsection 1. The Board may approve nursing and other courses which are directly related to the practice of nursing as well as others which bear a reasonable relationship to current developments in the field of nursing or any special area of practice in which a licensee engages. These may include academic studies, workshops, extension studies, home study and other courses.

3. The program of continuing education required by subsection 1 must include ***:***

(a) For a person licensed as an advanced practice registered nurse, a course of instruction to be completed within 2 years after initial licensure that provides at least 2 hours of instruction on suicide prevention and awareness as described in subsection 5.

(b) For each person licensed pursuant to this chapter, a course of instruction, to be completed within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

~~[(a)]~~ ***(1)*** An overview of acts of terrorism and weapons of mass destruction;

~~[(b)]~~ ***(2)*** Personal protective equipment required for acts of terrorism;

~~[(c)]~~ ***(3)*** Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

~~[(d)]~~ ***(4)*** Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

~~[(e)]~~ ***(5)*** An overview of the information available on, and the use of, the Health Alert Network.

➥ The Board may thereafter determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

4. The Board shall encourage each licensee who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

5. The Board shall ~~[encourage]~~ ***require*** each person licensed as an advanced practice registered nurse to receive as a portion of his or her continuing education at least 2 hours of instruction ***every 4 years*** on ~~[clinically based]~~ ***evidence-based*** suicide prevention and awareness ~~[.]~~ ***or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.***

6. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

(e) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 2.5. NRS 633.471 is hereby amended to read as follows:

633.471 1. Except as otherwise provided in subsection ~~[8]~~ ***9*** and NRS 633.491, every holder of a license issued under this chapter, except a temporary or a special license, may renew the license on or before January 1 of each calendar year after its issuance by:

(a) Applying for renewal on forms provided by the Board;

(b) Paying the annual license renewal fee specified in this chapter;

(c) Submitting a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against the holder during the previous year;

(d) Submitting evidence to the Board that in the year preceding the application for renewal the holder has attended courses or programs of continuing education approved by the Board in accordance with regulations adopted by the Board totaling a number of hours established by the Board which must not be less than 35 hours nor more than that set in the requirements for continuing medical education of the American Osteopathic Association; and

(e) Submitting all information required to complete the renewal.

2. The Secretary of the Board shall notify each licensee of the requirements for renewal not less than 30 days before the date of renewal.

3. The Board shall request submission of verified evidence of completion of the required number of hours of continuing medical education annually from no fewer than one-third of the applicants for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant. Upon a request from the Board, an applicant for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant shall submit verified evidence satisfactory to the Board that in the year preceding the application for renewal the applicant attended courses or programs of continuing medical education approved by the Board totaling the number of hours established by the Board.

4. ***The Board shall require each holder of a license to practice osteopathic medicine to complete a course of instruction within*** ~~***[1 year]***~~ ***2 years after initial licensure that provides at least 2 hours of instruction on evidence-based suicide prevention and awareness as described in subsection 7.***

5. The Board shall encourage each holder of a license to practice osteopathic medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

~~[5.]~~ ***6.*** The Board shall require, as part of the continuing education requirements approved by the Board, the biennial completion by a holder of a license to practice osteopathic medicine of ~~[:~~

~~(a) At]~~ ***at*** least 2 hours of continuing education credits in ethics, pain management or addiction care **.** ~~[, and~~

~~(b) If the holder of a license to practice osteopathic medicine is a psychiatrist, at least 2 hours of continuing education credits on clinically-based suicide prevention and awareness.~~

~~6.]~~ ***7.*** The Board shall ~~[encourage]~~ ***require*** each holder of a license to practice osteopathic medicine ~~[, other than a psychiatrist,]~~ to receive as a portion of his or her continuing education ~~[training concerning suicide, including,]~~ ***at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness which may include,*** without limitation, ~~[such topics as:]~~ ***instruction concerning:***

(a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;

(b) Approaches to engaging other professionals in suicide intervention; and

(c) The detection of suicidal thoughts and ideations and the prevention of suicide.

~~[7.]~~ ***8.*** A holder of a license to practice osteopathic medicine may ***not*** substitute ~~[not more than 2 hours of]~~ ***the*** continuing education credits ~~[in the detection of suicidal thoughts and ideations, and the intervention and prevention of suicide]~~ ***relating to suicide prevention and awareness required by this section*** for the purposes of satisfying an equivalent requirement for continuing education in ethics.

~~[8.]~~ ***9.*** Members of the Armed Forces of the United States and the United States Public Health Service are exempt from payment of the annual license renewal fee during their active duty status.

Sec. 3. NRS 641.220 is hereby amended to read as follows:

641.220 1. To renew a license issued pursuant to this chapter, each person must, on or before the first day of January of each odd-numbered year:

(a) Apply to the Board for renewal;

(b) Pay the biennial fee for the renewal of a license;

(c) Submit evidence to the Board of completion of the requirements for continuing education as set forth in regulations adopted by the Board; and

(d) Submit all information required to complete the renewal.

2. Upon renewing his or her license, a psychologist shall declare his or her areas of competence, as determined in accordance with NRS 641.112.

3. The Board shall, as a prerequisite for the renewal of a license, require each holder to comply with the requirements for continuing education adopted by the Board **.** ~~[, which]~~

4. The requirements for continuing education adopted by the Board pursuant to subsection 3 must include, without limitation, a requirement that the holder of a license receive at least 2 hours of instruction on evidence-based suicide prevention and awareness ~~[.]~~ ***or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate. The hours of instruction required by this subsection must be completed within 2 years after initial licensure and at least every 4 years thereafter.***

Sec. 4. NRS 641A.260 is hereby amended to read as follows:

641A.260 1. To renew a license issued pursuant to this chapter, each person must, on or before the date of expiration of the current license:

(a) Apply to the Board for renewal;

(b) Pay the fee for renewal set by the Board;

(c) Submit evidence to the Board of completion of the requirements for continuing education as set forth in regulations adopted by the Board; and

(d) Submit all information required to complete the renewal.

2. The Board shall, as a prerequisite for the renewal of a license, require each holder to comply with the requirements for continuing education adopted by the Board, which must include, without limitation, a requirement that the holder receive at least 2 hours of instruction on evidence-based suicide prevention and awareness ~~[.]~~ ***or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.***

Sec. 5. NRS 641B.280 is hereby amended to read as follows:

641B.280 1. Every holder of a license issued pursuant to this chapter may renew his or her license annually by:

(a) Applying to the Board for renewal;

(b) Paying the annual renewal fee set by the Board;

(c) Submitting evidence to the Board of completion of the required continuing education as set forth in regulations adopted by the Board; and

(d) Submitting all information required to complete the renewal.

2. The Board shall, as a prerequisite for the renewal of a license, require the holder to comply with the requirements for continuing education adopted by the Board, which must include, without limitation, a requirement that the holder receive at least 2 hours of instruction on evidence-based suicide prevention and awareness ~~[.]~~ ***or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.***

Sec. 6. NRS 641C.450 is hereby amended to read as follows:

641C.450 Except as otherwise provided in NRS 641C.310, 641C.320, 641C.440 and 641C.530, a person may renew his or her license or certificate by submitting to the Board:

1. An application for the renewal of the license or certificate;

2. The fee for the renewal of a license or certificate prescribed in NRS 641C.470;

3. Evidence of completion of the continuing education required by the Board, which must include, without limitation, a requirement that the applicant receive at least 1 hour of instruction on evidence-based suicide prevention and awareness ***or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate*** for each year of the term of the applicant's licensure or certification;

4. If the applicant is a certified intern, the name of the licensed or certified counselor who supervises the applicant; and

5. All information required to complete the renewal.

Sec. 7. Section 6 of chapter 403, Statutes of Nevada 2015, at page 2289, is hereby amended to read as follows:

Sec. 6. 1. This section and sections 1, 1.5, 2, 3, 4, 5, 5.3 and 5.7 of this act become effective on July 1, 2016.

2. Sections 5.3 and 5.7 of this act expire by limitation on June 30, 2026.

3. Sections ~~[1.3, 2.5, 3.5,]~~ 4.5 and 5.1 of this act become effective on July 1, 2026.

Sec. 8. A person who is:

1. Licensed to practice medicine pursuant to the provisions of chapter 630 of NRS;

2. Licensed as an advanced practice registered nurse pursuant to the provisions of chapter 632 of NRS;

3. Licensed to practice osteopathic medicine pursuant to the provisions of chapter 633 of NRS; or

4. Licensed pursuant to the provisions of chapter 641 of NRS,

➥ and who has previously renewed his or her license before July 1, 2017, shall complete a course of instruction on suicide prevention and awareness as required pursuant to NRS 630.253, 632.343, 633.471 or 641.220, as amended by sections 1, 2, 2.5 and 3 of this act, as applicable, by July 1, 2018, or before the date on which the license of the person must next be renewed, whichever is later.

Sec. 9. Sections 1.3, 2.5 and 3.5 of chapter 403, Statutes of Nevada 2015, at pages 2281, 2285 and 2287, respectively, are hereby repealed.

Sec. 10. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2017, for all other purposes.

TEXT OF REPEALED SECTIONS

Section 1.3 of chapter 403, Statutes of Nevada 2015:

Sec. 1.3. NRS 630.253 is hereby amended to read as follows:

630.253 1. The Board shall, as a prerequisite for the:

(a) Renewal of a license as a physician assistant; or

(b) Biennial registration of the holder of a license to practice medicine,

➥ require each holder to submit evidence of compliance with the requirements for continuing education as set forth in regulations adopted by the Board.

2. These requirements:

(a) May provide for the completion of one or more courses of instruction relating to risk management in the performance of medical services.

(b) Must provide for the completion of a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(1) An overview of acts of terrorism and weapons of mass destruction;

(2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use of, the Health Alert Network.

➥ The Board may thereafter determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

3. The Board shall encourage each holder of a license who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

4. The Board shall encourage each holder of a license to practice medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a

drug is prescribed included on the label attached to the container of the drug.

5. The Board shall encourage each holder of a license to practice medicine to receive as a portion of his or her continuing education training concerning suicide, including, without limitation, such topics as:

(a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;

(b) Approaches to engaging other professionals in suicide intervention; and

(c) The detection of suicidal thoughts and ideations and the prevention of suicide.

6. A holder of a license to practice medicine may substitute not more than 2 hours of continuing education credits in the detection of suicidal thoughts and ideations, and the intervention and prevention of suicide, pain management or addiction care for the purposes of satisfying an equivalent requirement for continuing education in ethics.

7. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

(e) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Section 2.5 of chapter 403, Statutes of Nevada 2015:

Sec. 2.5. NRS 633.471 is hereby amended to read as follows:

633.471 1. Except as otherwise provided in subsection 8 and NRS 633.491, every holder of a license issued under this chapter, except a temporary or a special license, may renew the license on or before January 1 of each calendar year after its issuance by:

(a) Applying for renewal on forms provided by the Board;

(b) Paying the annual license renewal fee specified in this chapter;

(c) Submitting a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against the holder during the previous year;

(d) Submitting evidence to the Board that in the year preceding the application for renewal the holder has attended courses or programs of continuing education approved by the Board in accordance with regulations adopted by the Board totaling a number of hours established by the Board which must not be less than 35 hours nor more than that set

in the requirements for continuing medical education of the American Osteopathic Association; and

(e) Submitting all information required to complete the renewal.

2. The Secretary of the Board shall notify each licensee of the requirements for renewal not less than 30 days before the date of renewal.

3. The Board shall request submission of verified evidence of completion of the required number of hours of continuing medical education annually from no fewer than one-third of the applicants for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant. Upon a request from the Board, an applicant for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant shall submit verified evidence satisfactory to the Board that in the year preceding the application for renewal the applicant attended courses or programs of continuing medical education approved by the Board totaling the number of hours established by the Board.

4. The Board shall encourage each holder of a license to practice osteopathic medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

5. The Board shall require, as part of the continuing education requirements approved by the Board, the biennial completion by a holder of a license to practice osteopathic medicine of at least 2 hours of continuing education credits in ethics, pain management or addiction care.

6. The Board shall encourage each holder of a license to practice osteopathic medicine to receive as a portion of his or her continuing education training concerning suicide, including, without limitation, such topics as:

(a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;

(b) Approaches to engaging other professionals in suicide intervention; and

(c) The detection of suicidal thoughts and ideations and the prevention of suicide.

7. A holder of a license to practice osteopathic medicine may substitute not more than 2 hours of continuing education credits in the detection of suicidal thoughts and ideations, and the intervention and prevention of suicide for the purposes of satisfying an equivalent requirement for continuing education in ethics.

8. Members of the Armed Forces of the United States and the United States Public Health Service are exempt from payment of the annual license renewal fee during their active duty status.

Section 3.5 of chapter 403, Statutes of Nevada 2015:

Sec. 3.5. NRS 641.220 is hereby amended to read as follows:

641.220 1. To renew a license or certificate issued pursuant to this chapter, each person must, on or before the first day of January of each odd-numbered year:

(a) Apply to the Board for renewal;

(b) Pay the biennial fee for the renewal of a license or certificate;

(c) Submit evidence to the Board of completion of the requirements for continuing education as set forth in regulations adopted by the Board; and

(d) Submit all information required to complete the renewal.

2. Upon renewing his or her license, a psychologist shall declare his or her areas of competence, as determined in accordance with NRS 641.112.

3. The Board shall, as a prerequisite for the renewal of a license or certificate, require each holder to comply with the requirements for continuing education adopted by the Board.

Assemblywoman Bustamante Adams moved that the Assembly concur in the Senate Amendment No. 762 to Assembly Bill No. 105.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

The amendment increases from one to two years the amount of time a newly licensed osteopathic doctor has to obtain evidence-based suicide prevention and awareness training.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 154.

The following Senate amendment was read:

Amendment No. 741.

AN ACT relating to prevailing wages; revising provisions governing the payment of prevailing wages; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, with certain exceptions, the prevailing wage in a county for each craft or type of work, as determined by the Labor Commissioner, is required to be paid on a project in the county involving new construction, repair or reconstruction that is financed in whole or in part with public money and for which the estimated cost is $250,000 or more. (NRS 338.010, 338.020-338.080) Sections 1, 3 and 4 of this bill decrease the minimum threshold for the applicability of the prevailing wage requirements from $250,000 to $100,000.]~~

School districts and the Nevada System of Higher Education are required under existing law to pay on their public works and certain other construction projects 90 percent of the prevailing wage rates that are otherwise required to be paid by other public bodies. (NRS 338.030) **Section 2** of this bill eliminates this exception and therefore requires school districts and the Nevada System of Higher Education to pay the same prevailing wage rates on their public works and other construction projects as other public bodies are required to pay.

~~**[** Under existing law, charter schools are exempt from the requirement in existing law to pay prevailing wage rates on their public works and certain other construction projects. (NRS 338.080) Section 4 eliminates this exemption and therefore requires charter schools to pay prevailing wage rates on their public works and other construction projects.**]**~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~**[**NRS 338.018 is hereby amended to read as follows:~~

~~338.018 The provisions of NRS 338.013 to 338.018, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds **[**$250,000**]** ***$100,000*** even if the construction work does not qualify as a public work, as defined in **[**subsection 16 of**]** NRS 338.010.**]**~~ **(Deleted by amendment.)**

Sec. 2. NRS 338.030 is hereby amended to read as follows:

338.030 1. The public body awarding any contract for public work, or otherwise undertaking any public work, shall ascertain from the Labor Commissioner the prevailing wage in the county in which the public work is to be performed for each craft or type of work.

2. The prevailing wage in each county, including Carson City, must be established as follows:

(a) The Labor Commissioner shall, annually, survey contractors who have performed work in the county.

(b) Based on the survey conducted pursuant to paragraph (a), where the rate of wages is the same for more than 50 percent of the total hours worked by each craft or type of work in that county on construction similar to the proposed construction, that rate will be determined as the prevailing wage.

(c) Where no such rate can be determined, the prevailing wage for a craft or type of work will be determined as the average rate of wages paid per hour based on the number of hours worked per rate, to that craft or type of work.

~~**[**(d) The Labor Commissioner shall determine the prevailing wage to be 90 percent of the rate determined pursuant to paragraphs (a), (b) and (c) for:~~

~~(1) Any contract for a public work or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property to which a school district or the Nevada System of Higher Education is a party; and~~

~~(2) A public work of, or constructed by, a school district or the Nevada System of Higher Education, or any other construction, alteration, repair,~~

~~remodeling or reconstruction of an improvement or property of or constructed by a school district or the Nevada System of Higher Education.]~~

3. Within 30 days after the determination is issued:

(a) A public body or person entitled under subsection 6 to be heard may submit an objection to the Labor Commissioner with evidence to substantiate that a different wage prevails; and

(b) Any person may submit information to the Labor Commissioner that would support a change in the prevailing wage of a craft or type of work by 50 cents or more per hour in any county.

4. The Labor Commissioner shall hold a hearing in the locality in which the work is to be executed if the Labor Commissioner:

(a) Is in doubt as to the prevailing wage; or

(b) Receives an objection or information pursuant to subsection 3.

➥ The Labor Commissioner may hold only one hearing a year on the prevailing wage of any craft or type of work in any county.

5. Notice of the hearing must be advertised in a newspaper nearest to the locality of the work once a week for 2 weeks before the time of the hearing.

6. At the hearing, any public body, the crafts affiliated with the State Federation of Labor or other recognized national labor organizations, and the contractors of the locality or their representatives must be heard. From the evidence presented, the Labor Commissioner shall determine the prevailing wage.

7. The wages so determined must be filed by the Labor Commissioner and must be available to any public body which awards a contract for any public work.

8. Nothing contained in NRS 338.020 to 338.090, inclusive, may be construed to authorize the fixing of any wage below any rate which may now or hereafter be established as a minimum wage for any person employed upon any public work, or employed by any officer or agent of any public body.

Sec. 3. ~~[NRS 338.075 is hereby amended to read as follows:~~

~~"338.075 The provisions of NRS 338.020 to 338.090, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds [$250,000] *$100,000* even if the construction work does not qualify as a public work, as defined in [subsection 16 of] NRS 338.010.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 338.080 is hereby amended to read as follows:~~

~~"338.080 None of the provisions of NRS 338.020 to 338.090, inclusive, apply to:~~

~~1. Any work, construction, alteration, repair or other employment performed, undertaken or carried out, by or for any railroad company or any person operating the same, whether such work, construction, alteration or repair is incident to or in conjunction with a contract to which a public body is a party, or otherwise.~~

~~2. Apprentices recorded under the provisions of chapter 610 of NRS.~~

~~3. Any contract for a public work whose cost is less than~~ **[**~~$250,000.~~**]** ***$100,000.*** ~~A unit of the project must not be separated from the total project, even if that unit is to be completed at a later time, in order to lower the cost of the project below~~ **[**~~$250,000.~~**]** ***$100,000.***

~~**[**4. Any contract for a public work or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property to which a charter school is a party, notwithstanding any other provision of law.~~

~~5. A public work of, or constructed by, a charter school, or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property of or constructed by a charter school, notwithstanding any other provision of law.~~**]** **(Deleted by amendment.)**

Sec. 5. 1. The amendatory provisions of this act do not apply to a public work or other project of construction, alteration, repair, remodeling or reconstruction of an improvement or property of a public body that is awarded before July 1, 2017.

2. As used in this section:

(a) "Public body" has the meaning ascribed to it in NRS 338.010.

(b) "Public work" has the meaning ascribed to it in NRS 338.010.

Sec. 6. This act becomes effective on July 1, 2017.

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 741 to Assembly Bill No. 154.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

The amendment deletes the sections of the bill that lower the cost threshold for the applicability of prevailing wages and eliminates the prevailing wage exemption for charter schools.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 101.

The following Senate amendment was read:

Amendment No. 678.

AN ACT relating to wildlife; requiring the Board of Wildlife Commissioners to establish policies for the conservation of certain wildlife; revising the authorized uses of the fees for the processing of an application for a game tag; **requiring the Commission to establish policies for certain programs, activities and research relating to predatory wildlife; requiring the Department of Wildlife to submit a report on certain programs, activities and research relating to predatory wildlife;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Board of Wildlife Commissioners is required, after first considering the recommendations of the Department of Wildlife, the county advisory boards to manage wildlife and other persons, to establish

policies for the management of big and small game mammals, upland and migratory game birds, fur-bearing mammals, game fish, and protected and unprotected mammals, birds, fish, reptiles and amphibians. (NRS 501.181) **Section 1** of this bill requires those policies to also include the conservation of those mammals, birds, fish, reptiles and amphibians.

Existing law requires a person applying for a game tag to pay an additional fee of $3 for processing the application. The money collected from those fees is required to be deposited in the Wildlife Account in the State General Fund and used by the Department of Wildlife for costs related to: (1) developing and implementing an annual program for the management and control of predatory wildlife; (2) wildlife management activities relating to the protection of nonpredatory game animals and sensitive wildlife species; and (3) conducting research necessary to determine successful techniques for managing and controlling predatory wildlife. **Any program developed or wildlife management activity or research conducted must be developed or conducted under the guidance of the Board of Wildlife Commissioners.** (NRS 502.253) **Section 3** of this bill expands the purposes for which the proceeds from those fees are required to be used by ~~[adding programs for the management and enhancement of game mammals,]~~ adding wildlife management activities related to wildlife habitat and authorizing obtaining matching money from the Federal Government which is available for use for those programs and activities. **Section 3** also requires **the Commission, in providing guidance to the Department, to establish policies for the development of any programs to control species of predatory wildlife or to conduct any wildlife management activities or research concerning species of predatory wildlife. Section 3 further requires** the Department ~~[of Wildlife]~~ to submit a report, on or before ~~[August]~~ **December** 31 of each ~~[even-numbered]~~ year, to the Director of the Legislative Counsel Bureau for transmittal to the Legislature ~~[setting forth]~~ **summarizing** the ~~[expenditures for the]~~ **results of certain** programs **,** ~~[and]~~ activities ~~[carried out using the proceeds from those fees.]~~ **and research related to predatory wildlife. Section 4** of this bill specifies that the proceeds from those fees which are deposited for credit to the Wildlife Account on or after July 1, 2017, are only authorized to be used for the new purposes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 501.181 is hereby amended to read as follows:

501.181 The Commission shall:

1. Establish broad policies for:

(a) The protection, propagation, restoration, transplanting, introduction and management of wildlife in this State.

(b) The promotion of the safety of persons using or property used in the operation of vessels on the waters of this State.

(c) The promotion of uniformity of laws relating to policy matters.

2. Guide the Department in its administration and enforcement of the provisions of this title and of chapter 488 of NRS by the establishment of such policies.

3. Establish policies for areas of interest including:

(a) The ***conservation and*** management of big and small game mammals, upland and migratory game birds, fur-bearing mammals, game fish, and protected and unprotected mammals, birds, fish, reptiles and amphibians.

(b) The management and control of predatory wildlife.

(c) The acquisition of lands, water rights and easements and other property for the management, propagation, protection and restoration of wildlife.

(d) The entry, access to, and occupancy and use of such property, including leases of grazing rights, sales of agricultural products and requests by the Director to the State Land Registrar for the sale of timber if the sale does not interfere with the use of the property on which the timber is located for wildlife management or for hunting or fishing thereon.

(e) The control of nonresident hunters.

(f) The introduction, transplanting or exporting of wildlife.

(g) Cooperation with federal, state and local agencies on wildlife and boating programs.

(h) The revocation of licenses issued pursuant to this title to any person who is convicted of a violation of any provision of this title or any regulation adopted pursuant thereto.

4. Establish regulations necessary to carry out the provisions of this title and of chapter 488 of NRS, including:

(a) Seasons for hunting game mammals and game birds, for hunting or trapping fur-bearing mammals and for fishing, the daily and possession limits, the manner and means of taking wildlife, including, but not limited to, the sex, size or other physical differentiation for each species, and, when necessary for management purposes, the emergency closing or extending of a season, reducing or increasing of the bag or possession limits on a species, or the closing of any area to hunting, fishing or trapping. If, in establishing any regulations pursuant to this subsection, the Commission rejects the recommendations of a county advisory board to manage wildlife with regard to the length of seasons for fishing, hunting and trapping or the bag or possession limits applicable within the respective county, the Commission shall provide to the county advisory board to manage wildlife at the meeting an explanation of the Commission's decision to reject the recommendations and, as soon as practicable after the meeting, a written explanation of the Commission's decision to reject the recommendations. Any regulations relating to the closure of a season must be based upon scientific data concerning the management of wildlife. The data upon which the regulations are based must be collected or developed by the Department.

(b) The manner of using, attaching, filling out, punching, inspecting, validating or reporting tags.

(c) The delineation of game management units embracing contiguous territory located in more than one county, irrespective of county boundary lines.

(d) The number of licenses issued for big game and, if necessary, other game species.

5. Adopt regulations requiring the Department to make public, before official delivery, its proposed responses to any requests by federal agencies for its comment on drafts of statements concerning the environmental effect of proposed actions or regulations affecting public lands.

6. Adopt regulations:

(a) Governing the provisions of the permit required by NRS 502.390 and for the issuance, renewal and revocation of such a permit.

(b) Establishing the method for determining the amount of an assessment, and the time and manner of payment, necessary for the collection of the assessment required by NRS 502.390.

7. Designate those portions of wildlife management areas for big game mammals that are of special concern for the regulation of the importation, possession and propagation of alternative livestock pursuant to NRS 576.129.

8. Adopt regulations governing the trapping of fur-bearing mammals in a residential area of a county whose population is 100,000 or more.

9. Adopt regulations prescribing the circumstances under which a person, regardless of whether the person has obtained a valid tag issued by the Department, may assist in the killing and retrieval of a wounded big game mammal by another person who:

(a) Is a paraplegic, has had one or both legs amputated or has suffered a paralysis of one or both legs which severely impedes the person's walking; and

(b) Has obtained a valid tag issued by the Department for hunting that animal.

10. In establishing any policy or adopting any regulations pursuant to this section, first consider the recommendations of the Department, the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission.

Sec. 2. NRS 501.356 is hereby amended to read as follows:

501.356 1. Money received by the Department from:

(a) The sale of licenses;

(b) Fees pursuant to the provisions of NRS 488.075 and 488.1795;

(c) Remittances from the State Treasurer pursuant to the provisions of NRS 365.535;

(d) Appropriations made by the Legislature; and

(e) All other sources, including, without limitation, the Federal Government, except money derived from the forfeiture of any property described in NRS 501.3857 or money deposited in the Wildlife Heritage

Account pursuant to NRS 501.3575, the Wildlife Trust Fund pursuant to NRS 501.3585, the Energy Planning and Conservation Account created by NRS 701.630 or the Account for the Recovery of Costs created by NRS 701.640,

➥ must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund.

2. The interest and income earned on the money in the Wildlife Account, after deducting any applicable charges, must be credited to the Account.

3. Except as otherwise provided in subsection 4 and NRS 503.597, the Department may use money in the Wildlife Account only to carry out the provisions of this title and chapter 488 of NRS and as provided in NRS 365.535, and the money must not be diverted to any other use.

4. Except as otherwise provided in NRS 502.250, ***502.253,*** 502.410 and 504.155, all fees for the sale or issuance of stamps, tags, permits and licenses that are required to be deposited in the Wildlife Account pursuant to the provisions of this title and any matching money received by the Department from any source must be accounted for separately and must be used:

(a) Only for the protection, propagation and management of wildlife; and

(b) If the fee is for the sale or issuance of a license, permit or tag other than a tag specified in subsection 5 or 6 of NRS 502.250, under the guidance of the Commission pursuant to subsection 2 of NRS 501.181.

Sec. 3. NRS 502.253 is hereby amended to read as follows:

502.253 1. In addition to any fee charged and collected pursuant to NRS 502.250, a fee of $3 must be charged for processing each application for a game tag, the revenue from which must be accounted for separately, deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund and used by the Department for costs related ***solely*** to:

(a) Developing and implementing an annual program for the management and control of predatory wildlife ; ~~***[and the management and enhancement of game mammals;]***~~

(b) Wildlife management activities relating to the protection of nonpredatory game animals ***,*** ~~[and]~~ sensitive wildlife species ~~[.]~~ and ***related wildlife habitat;***

(c) Conducting research necessary to determine successful techniques for managing and controlling predatory wildlife ~~[.]~~ ***;*** ~~***[and]***~~ ***or***

(d) Obtaining matching money from the Federal Government which is available for use in developing and carrying out the programs and activities described in paragraphs (a) and (b).

2. The Department of Wildlife is hereby authorized to expend a portion of the money collected pursuant to subsection 1 to enable the State Department of Agriculture to develop and carry out the programs described in subsection 1.

3. Any program developed or wildlife management activity or research conducted pursuant to this section must be developed or conducted under the guidance of the Commission in accordance with the ~~[provisions of subsection~~

~~4 and the~~] policies adopted by the Commission pursuant to NRS 501.181. ***In providing guidance for the development of a program to control any species of predatory wildlife or for conducting any wildlife management activity or research concerning that species, the Commission shall establish a policy for the program, activity or research. Each policy must specify the goals and required results of the program, activity or research, including, without limitation, provisions:***

(a) Setting forth a specific geographic area in this State in which the program, activity or research must be conducted;

(b) Setting forth the reasons for conducting the program, activity or research in the geographic area;

(c) Setting forth the estimated population or density of each species of predatory wildlife and the location of the estimated population or density in the geographic area which must be included in the program, activity or research; and

(d) Requiring the submission of a report to the Commission upon the completion of the program, activity or research setting forth the results of the program, activity or research and the extent to which the program, activity or research achieved the goals and required results established for the program, activity or research.

4. The Department ~~[~~:

~~(a) In~~] ***, in*** adopting any program ~~[~~for the management and control of predatory wildlife~~]~~ developed pursuant to this section, shall first consider the recommendations of the Commission ***.*** ~~[~~and the State Predatory Animal and Rodent Committee created by NRS 567.020.

~~(b) Shall not adopt any program for the management and control of predatory wildlife developed pursuant to this section that provides for the expenditure of less than 80 percent of the amount of money collected pursuant to subsection 1 in the most recent fiscal year for which the Department has complete information for the purposes of lethal management and control of predatory wildlife.~~]

5. The money in the Wildlife Account credited pursuant to this section remains in the Account and does not revert to the State General Fund at the end of any fiscal year.

6. On or before ~~[August]~~ December 31 of each ~~[even-numbered]~~ year, the Department shall submit a report ~~[setting forth the expenditures from the proceeds of the fee collected pursuant to this section and credited to the Wildlife Account pursuant to this section]~~ summarizing the results of any program to control any species of predatory wildlife or for conducting any wildlife management activity or research concerning that species and the extent to which the program, activity or research achieved the goals and required results established pursuant to subsection 3 for the program, activity or research to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

~~*[7. The report submitted pursuant to subsection 6 must, for each program or activity implemented pursuant to paragraphs (a) and (b) of subsection 1, specify:*~~

~~*(a) The expenditures made for the program or activity;*~~

~~*(b) The number and species of any wildlife killed as a result of the program or activity;*~~

~~*(c) Any benefit from the program or activity which is statistically significant;*~~

~~*(d) The performance and outcome indicators used to evaluate and measure the effectiveness of the program or activity, including, without limitation, the methods used to track the performance and outcome indicators; and*~~

~~*(e) A summary of the effectiveness of the program or activity in achieving the goals of the program or activity.]*~~

Sec. 4. Any money deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund pursuant to NRS 502.253 before July 1, 2017, may only be used on or after that date for a purpose specified in NRS 502.253, as amended by section 3 of this act.

Sec. 4.5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 5. This act becomes effective on July 1, 2017.

Assemblywoman Swank moved that the Assembly concur in the Senate Amendment No. 678 to Assembly Bill No. 101.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

This amendment requires the Wildlife Commission to establish policies for programs, activities, and research related to predatory wildlife and requires the Department of Wildlife to submit a report on such programs related to predatory wildlife.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 146.

The following Senate amendment was read:

Amendment No. 639.

AN ACT relating to domestic violence; enacting the Uniform Recognition and Enforcement of Canadian Domestic-Violence Protection Orders Act; **requiring the enforcement of Canadian domestic-violence protection orders under certain circumstances;** requiring the Central Repository for Nevada Records of Criminal History to include Canadian domestic-violence protection orders registered in this State in the Repository for Information Concerning Orders for Protection Against Domestic Violence; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the enforcement and registration of an order for protection against domestic violence issued by the court of another state, territory or Indian tribe within the United States and requires certain persons to transmit certain information regarding such orders to the Central Repository for Nevada Records of Criminal History. (NRS 33.085, 33.090, 33.095) **Sections 2-18** of this bill enact the Uniform Recognition and Enforcement of Canadian Domestic-Violence Protection Orders Act.

Section 13 requires a law enforcement officer to enforce a Canadian domestic-violence protection order ~~[and prescribes the minimum requirements for such enforcement.]~~ **in the same manner that an officer enforces an order for protection issued by a court of this State unless it is apparent to the officer that the order is not authentic on its face.** **Section 13** further requires a law enforcement officer to inform the protected person of local victims' services.

Section 14 requires certain courts and agencies in this State to enforce a Canadian domestic-violence protection order and prescribes the minimum requirements for such enforcement.

Section 15 provides immunity from civil or criminal liability for this State and its agencies and political subdivisions and certain persons who: (1) enforce a Canadian domestic-violence protection order based upon a reasonable belief that the order is valid; or (2) refuse to enforce such an order based upon a reasonable belief that the order is not valid.

Section 19 of this bill provides for the registration of Canadian domestic-violence protection orders with the clerk of the court in the judicial district in which the person believes enforcement may be necessary. **Section 20** of this bill requires certain persons to transmit certain information regarding such orders to the Central Repository for Nevada Records of Criminal History. **Section 21** of this bill requires the Central Repository to include such orders in the Repository for Information Concerning Orders for Protection Against Domestic Violence.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 33 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 18, inclusive, of this act.

Sec. 2. ***Sections 2 to 18, inclusive, of this act may be cited as the Uniform Recognition and Enforcement of Canadian Domestic-Violence Protection Orders Act.***

Sec. 3. ***As used in sections 2 to 18, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 12, inclusive of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Adverse party" means a natural person against whom a Canadian domestic-violence protection order is issued.***

Sec. 5. *"Canadian domestic-violence protection order" means a judgment or part of a judgment or order issued in a civil proceeding by a court of Canada under the laws of the issuing jurisdiction that relates to domestic violence and prohibits an adverse party from:*

1. Being in physical proximity to a protected person or following a protected person;

2. Directly or indirectly contacting or communicating with a protected person or other person described in the order;

3. Being within a certain distance of a specified place or location associated with a protected person; or

4. Molesting, annoying, harassing or engaging in threatening conduct directed at a protected person.

Sec. 6. *"Domestic protection order" means an injunction or other order issued by a tribunal which relates to domestic or family violence laws to prevent a person from engaging in violent or threatening acts against, harassment of, direct or indirect contact or communication with or being in physical proximity to another person.*

Sec. 7. *"Issuing court" means the court that issues a Canadian domestic-violence protection order.*

Sec. 8. *"Law enforcement officer" means a person authorized by the laws of this State, other than sections 2 to 18, inclusive, of this act, to enforce a domestic protection order.*

Sec. 9. *"Person" means a natural person, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality or other legal entity.*

Sec. 10. *"Protected person" means a natural person protected by a Canadian domestic-violence protection order.*

Sec. 11. *"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.*

Sec. 12. *"Tribunal" means a court, agency or other entity authorized by the laws of this State other than sections 2 to 18, inclusive, of this act to establish, enforce or modify a domestic protection order.*

Sec. 13. *1. ~~[If a law enforcement officer determines under subsection 2 or 3 that there is probable cause to believe that a valid Canadian domestic violence protection order exists and the order has been violated, the officer shall enforce the terms of the Canadian domestic violence protection order as if the terms were in an order of a tribunal. Presentation to a law enforcement officer of a certified copy of a Canadian domestic violence protection order is not required for enforcement.~~*

~~2. Presentation to a law enforcement officer of a record of a Canadian domestic violence protection order that identifies both a protected individual and an adverse party and on its face is in effect constitutes probable cause to believe that a valid order exists.~~

~~*3. If a record of a Canadian domestic-violence protection order is not presented as provided in subsection 2, a law enforcement officer may consider other information in determining whether there is probable cause to believe that a valid Canadian domestic-violence protection order exists.]*~~ ***Except as otherwise provided in subsection 4 and section 14 of this act, a law enforcement officer shall enforce a Canadian domestic-violence protection order and shall make an arrest for a violation thereof in the same manner that a law enforcement officer would make an arrest for a violation of a temporary or extended order issued by a court of this State unless it is apparent to the officer that the order is not authentic on its face. An officer shall determine that an order is authentic on its face if the order contains:***

(a) The names of the parties;

(b) Information indicating that the order has not expired; and

(c) Information indicating that the court which issued the order had legal authority to issue the order as evidenced by a certified copy of the order, a file-stamped copy of the order, an authorized signature or stamp of the court which issued the order or another indication of the authority of the court which issued the order.

➥ An officer may determine that any other order is authentic on its face.

2. In enforcing a Canadian domestic-violence protection order or arresting a person for a violation of such an order, a law enforcement officer may rely upon:

(a) A copy of the order that has been provided to the officer;

(b) An order that is included in the Repository for Information Concerning Orders for Protection Against Domestic Violence pursuant to NRS 33.095 or in any national crime information database;

(c) Oral or written confirmation from a law enforcement agency or court in which the order was issued that the order is valid and effective; or

(d) An examination of the totality of the circumstances concerning the existence of a valid and effective order, including, without limitation, the statement of a person protected by the order that the order remains in effect.

3. The fact that a Canadian domestic-violence protection order has not been registered or included in the Repository for Information Concerning Orders for Protection Against Domestic Violence in the Central Repository for Nevada Records of Criminal History pursuant to NRS 33.095 or in any national crime information database is not grounds for a law enforcement officer to refuse to enforce the terms of the order unless it is apparent to the officer that the order is not authentic on its face.

4. If a law enforcement officer determines that an otherwise valid Canadian domestic-violence protection order cannot be enforced because the adverse party has not been notified of or served with the order, the officer shall notify the protected person that the officer will make reasonable efforts to contact the adverse party, consistent with the safety of

the protected person. After notice to the protected person and consistent with the safety of the protected person, the law enforcement officer shall make a reasonable effort to inform the adverse party of the order, notify the adverse party of the terms of the order, provide a record of the order, if available, to the adverse party and allow the adverse party a reasonable opportunity to comply with the order before the officer enforces the order.

5. If a law enforcement officer determines that a person is a protected person, the officer shall inform him or her of available local victims' services.

Sec. 14. *1. A tribunal may issue an order enforcing or refusing to enforce a Canadian domestic-violence protection order on application of:*

(a) A person authorized by the laws of this State, other than sections 2 to 18, inclusive, of this act, to seek enforcement of a domestic protection order; or

(b) An adverse party.

2. In a proceeding under subsection 1, the tribunal shall follow the procedures of this State for the enforcement of a domestic protection order. An order entered under this section is limited to the enforcement of the terms of the Canadian domestic-violence protection order.

3. A Canadian domestic-violence protection order is enforceable under this section if:

(a) The order identifies the parties;

(b) The order is valid and has not expired;

(c) The issuing court had jurisdiction over the parties and the subject matter under the laws of the jurisdiction of the issuing court; and

(d) The adverse party was given reasonable notice and an opportunity to be heard before the order was issued or, in the case of an ex parte order, the adverse party was given reasonable notice and had or will have an opportunity to be heard within a reasonable time after the order was issued and, in any event, in a manner consistent with the right of the adverse party to due process.

4. A Canadian domestic-violence protection order valid on its face is prima facie evidence of enforceability under this section.

5. A claim that a Canadian domestic-violence protection order does not comply with subsection 3 is an affirmative defense in a proceeding seeking enforcement of the order. If the tribunal determines that the order is not enforceable, the tribunal shall issue an order that the Canadian domestic-violence protection order is not enforceable under this section and section 13 of this act and may not be registered pursuant to NRS 33.090.

6. If the Canadian domestic-violence protection order is a mutual order for protection against domestic violence and:

(a) No counter or cross-petition or other pleading was filed by the adverse party; or

(b) A counter or cross-petition or other pleading was filed and the court did not make a specific finding of domestic violence by both parties,

➥ the court shall refuse to enforce the order against the protected person and may determine whether to issue its own temporary or extended order.

Sec. 15. ***This State, an agency or political subdivision of this State, a law enforcement officer, prosecuting attorney, clerk of court and any other state or local governmental official acting in an official capacity are immune from civil and criminal liability for an act or omission arising out of the registration or enforcement of a Canadian domestic-violence protection order or the detention or arrest of an alleged violator of a Canadian domestic-violence protection order if the act or omission was a good faith effort to comply with sections 2 to 18, inclusive, of this act or the provisions of NRS 33.090 or 33.095 relating to the registration of a Canadian domestic-violence protection order.***

Sec. 16. ***The rights and remedies provided by sections 2 to 18, inclusive, of this act are in addition to any other rights or remedies that may exist at law or in equity.***

Sec. 17. ***In applying and construing the Uniform Recognition and Enforcement of Canadian Domestic-Violence Protection Orders Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.***

Sec. 18. ***Sections 2 to 18, inclusive, of this act modify, limit or supersede the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001 et seq., but do not modify, limit or supersede Section 101(c) of that act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. § 7003(b).***

Sec. 19. NRS 33.090 is hereby amended to read as follows:

33.090 1. A person may register an order for protection against domestic violence issued by the court of another state, territory or Indian tribe within the United States ***or a Canadian domestic-violence protection order*** by presenting a certified copy of the order to the clerk of a court of competent jurisdiction in a judicial district in which the person believes that enforcement may be necessary.

2. The clerk of the court shall:

(a) Maintain a record of each order registered pursuant to this section;

(b) Provide the protected party with a copy of the order registered pursuant to this section bearing proof of registration with the court;

(c) Forward, by conventional or electronic means, by the end of the next business day, a copy of an order registered pursuant to this section to the appropriate law enforcement agency which has jurisdiction over the residence, school, child care facility or other provider of child care, or place of employment of the protected party or the child of the protected party; and

(d) Inform the protected party upon the successful transfer of information concerning the registration to the Central Repository for Nevada Records of Criminal History as required pursuant to NRS 33.095.

3. The clerk of the court shall not:

(a) Charge a fee for registering an order or for providing a certified copy of an order pursuant to this section.

(b) Notify the party against whom the order has been made that an order for protection against domestic violence issued by the court of another state, territory or Indian tribe has been registered in this State.

4. A person who registers an order pursuant to this section must not be charged to have the order served in this State.

5. As used in this section, "Canadian domestic-violence protection order" has the meaning ascribed to it in section 5 of this act.

Sec. 20. NRS 33.095 is hereby amended to read as follows:

33.095 ***1.*** Any time that a court issues a temporary or extended order and any time that a person serves such an order, registers such an order ***, registers a Canadian domestic-violence protection order*** or receives any information or takes any other action pursuant to NRS 33.017 to 33.100, inclusive, ***~~[and]~~ or sections 2 to 18, inclusive, of this act,*** the person shall cause to be transmitted, in the manner prescribed by the Central Repository for Nevada Records of Criminal History, any information required by the Central Repository in a manner which ensures that the information is received by the Central Repository by the end of the next business day.

2. As used in this section, "Canadian domestic-violence protection order" has the meaning ascribed to it in section 5 of this act.

Sec. 20.5. **NRS 125A.465 is hereby amended to read as follows:**

125A.465 1. A child custody determination issued by a court of another state may be registered in this state, with or without a simultaneous request for enforcement, by sending to a court of this state which is competent to hear custody matters:

(a) A letter or other document requesting registration;

(b) Two copies, including one certified copy, of the determination sought to be registered, and a statement under penalty of perjury that to the best of the knowledge and belief of the person seeking registration the order has not been modified; and

(c) Except as otherwise provided in NRS 125A.385, the name and address of the person seeking registration and any parent or person acting as a parent who has been awarded custody or visitation in the child custody determination sought to be registered.

2. On receipt of the documents required by subsection 1, the registering court shall:

(a) Cause the determination to be filed as a foreign judgment, together with one copy of any accompanying documents and information, regardless of their form; and

(b) Serve notice upon the persons named pursuant to paragraph (c) of subsection 1 and provide them with an opportunity to contest the registration in accordance with this section.

3. The notice required by paragraph (b) of subsection 2 must state that:

(a) A registered determination is enforceable as of the date of the registration in the same manner as a determination issued by a court of this state;

(b) A hearing to contest the validity of the registered determination must be requested within 20 days after service of notice; and

(c) Failure to contest the registration will result in confirmation of the child custody determination and preclude further contest of that determination with respect to any matter that could have been asserted.

4. A person seeking to contest the validity of a registered order must request a hearing within 20 days after service of the notice. At that hearing, the court shall confirm the registered order unless the person contesting registration establishes that:

(a) The issuing court did not have jurisdiction pursuant to NRS 125A.305 to 125A.395, inclusive;

(b) The child custody determination sought to be registered has been vacated, stayed or modified by a court having jurisdiction to do so pursuant to NRS 125A.305 to 125A.395, inclusive; or

(c) The person contesting registration was entitled to notice, but notice was not given in accordance with the standards of NRS 125A.255, in the proceedings before the court that issued the order for which registration is sought.

5. If a timely request for a hearing to contest the validity of the registration is not made, the registration is confirmed as a matter of law and the person requesting registration and all persons served must be notified of the confirmation.

6. Confirmation of a registered order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

7. The provisions of this section do not apply to an order for protection against domestic violence issued by the court of another state, territory or Indian tribe within the United States ***, or a Canadian domestic-violence protection order,*** which is registered pursuant to NRS 33.090.

Sec. 21. NRS 179A.350 is hereby amended to read as follows:

179A.350 1. The Repository for Information Concerning Orders for Protection Against Domestic Violence is hereby created within the Central Repository.

2. Except as otherwise provided in subsection 6, the Repository for Information Concerning Orders for Protection Against Domestic Violence must contain a complete and systematic record of all temporary and extended orders for protection against domestic violence issued or registered in the State of Nevada ~~[,]~~ ***and all Canadian domestic-violence protection orders registered in the State of Nevada,*** in accordance with regulations adopted by the Director of the Department, including, without limitation, any information received pursuant to NRS 33.095. Information received by the Central Repository pursuant to NRS 33.095 must be entered in the

Repository for Information Concerning Orders for Protection Against Domestic Violence not later than 8 hours after it is received by the Central Repository.

3. The information in the Repository for Information Concerning Orders for Protection Against Domestic Violence must be accessible by computer at all times to each agency of criminal justice.

4. On or before July 1 of each year, the Director of the Department shall submit to the Director of the Legislative Counsel Bureau a written report concerning all temporary and extended orders for protection against domestic violence issued pursuant to NRS 33.020 during the previous calendar year that were transmitted to the Repository for Information Concerning Orders for Protection Against Domestic Violence. The report must include, without limitation, information for each court that issues temporary or extended orders for protection against domestic violence concerning:

(a) The total number of temporary and extended orders that were granted by the court pursuant to NRS 33.020 during the calendar year to which the report pertains;

(b) The number of temporary and extended orders that were granted to women;

(c) The number of temporary and extended orders that were granted to men;

(d) The number of temporary and extended orders that were vacated or expired;

(e) The number of temporary orders that included a grant of temporary custody of a minor child; and

(f) The number of temporary and extended orders that were served on the adverse party.

5. The information provided pursuant to subsection 4 must include only aggregate information for statistical purposes and must exclude any identifying information relating to a particular person.

6. The Repository for Information Concerning Orders for Protection Against Domestic Violence must not contain any information concerning an event that occurred before October 1, 1998.

7. As used in this section, "Canadian domestic-violence protection order" has the meaning ascribed to it in section 5 of this act.

Sec. 22. This act becomes effective on July 1, 2017, and applies to a Canadian domestic-violence protection order issued before, on or after July 1, 2017, and to a continuing action for enforcement of a Canadian domestic-violence protection order commenced before, on or after July 1, 2017.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 639 to Assembly Bill No. 146.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

The amendment adds conforming language from similar provisions in statute as to the method of how law enforcement is to verify the existence of a Canadian protection order.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 341.

The following Senate amendment was read:

Amendment No. 705.

AN ACT relating to juvenile justice; authorizing an attorney who represents a child in juvenile proceedings to consult with and seek appointment of certain persons; urging the Nevada Supreme Court to adopt certain court rules relating to juvenile justice; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides a procedure for adjudicating a child who is alleged to be delinquent or in need of supervision under certain circumstances. (NRS 62D.010) **Section 1** of this bill authorizes an attorney who represents a child in such juvenile proceedings to consult with and seek appointment of certain persons.

Section 4 of this bill urges the Nevada Supreme Court to adopt court rules for attorneys who represent juveniles in juvenile proceedings.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 62D of NRS is hereby amended by adding thereto a new section to read as follows:

~~[Each]~~ Subject to the provisions of subsection 7 of NRS 62D.030 and chapter 260 of NRS, a public defender or any other attorney who represents a child in proceedings pursuant to the provisions of this title may consult with and seek appointment of : ~~[, without limitation and when appropriate:]~~

1. Any social worker licensed pursuant to chapter 641B of NRS;

2. Any qualified mental health professional, as defined in NRS 458A.057;

3. Any educator; and

4. Any other expert the attorney deems appropriate.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. The Legislature hereby finds and declares that:

1. In the case of *In re Gault*, 387 U.S. 1 (1967), the United States Supreme Court guaranteed a juvenile's constitutional right to due process under the Fourteenth Amendment, including, without limitation, the right to counsel and the privilege against self-incrimination.

2. Under the existing Nevada Supreme Court Rules:

(a) Rules 205-215 govern the State of Nevada Board of Continuing Legal Education whose powers and duties include, without limitation, providing for programs of continuing legal education.

(b) Rule 250 provides minimum requirements required for defense counsel in cases in which the death penalty is or may be sought or has been imposed, including proceedings for postconviction relief from a judgment of conviction and sentence of death.

3. The Nevada Supreme Court Rules, however, do not specify minimum requirements for attorneys who represent juveniles in proceedings related to juvenile justice.

4. Therefore the Legislature urges the Nevada Supreme Court to adopt appropriate rules for attorneys who represent juveniles to ensure effective assistance of counsel in proceedings related to juvenile justice. These requirements may include, without limitation:

(a) Minimum requirements for courses, programs and continuing legal education in order to provide effective representation of juveniles;

(b) Standards for professional conduct specific to juvenile justice; and

(c) Minimum requirements for attorneys who represent juveniles and are employed by the State Public Defender.

Sec. 5. This act becomes effective upon passage and approval.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 705 to Assembly Bill No. 341.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

The amendment seeks to ensure that an attorney's request for services under the bill's provisions comport with existing statute.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 43, 53, 160, 206, 267 and 491.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Lake Mead Christian Academy: Tristan Oudman, Aliyah Harris, Ania Beasley, Bailey Fore, Brooke Flynn, Christian Marrs, Dakota Cast, Eden Berhe, Hailey Newton, Hailey Perkins, Halle Hoperich, Hunter Zierleyn, James Bernstein, Joel Stewart, Jordan Ramos, Kenzie Crowl, Kian Cox, Morgan Weinhold, Sarah Corrigan, Sawyer Funes, Soleil Sanchez, Sydney Maddox, Tenoch Rodriguez, Wyatt Rollins, and Zaire Wade.

On request of Assemblyman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Andrew Diss, Frank Perez, Steve Jimenez and the following students, teachers, and chaperones from Sandy Searles Miller Elementary School: Fatima Aguilar, Jose Amaya, Abigail April, Isabella April, Ariana Araiza, Renata Arciga, Yoselynn Avila, Matthew Awa-Moppert, Aubrey Blight, Daniel Budde, Jemyra Cain-Lightfoot, Anthony Calderon Tovar, Lisa Carter, Johnathan Cedillos Guevara, Monserrat Chairez, Francisco Chavero, James Clark, Hannah Copeland, Michael Covarrubias, Lilyanna Crawford-Abeita, Liam Creque, Emma Crossman, Natalie Cruz, Nestor Cruz, Valery Deschamps, Alani Falcon, Rodolfo Fernandez Gonzalez, Xitlaly Figueroa-Soto, Gessica Foss, Alyssa Freeman, Nadia Fulton, Alexa Gallman, Jared Garcia, Noah Garcia, Valarie Garcia, Vanesska Gjabel, Florencia Gomes, Diana Gomez, Lucas Heinrich, Javen Jacinto, Nohelany Jimenez, Ria Veronica Karagdag, Isabella Lacaze, Ryan Leal, Nolan Lopez Corona, Jonathan Lopez-Sanchez, Vincent Mancini, Israel Martinez, Liliana Martinez, Aranza Medina-Fregoso, Sarahi Medrano-Sevilla, Evelyn Mendoza-Martinez, Gabriela Mihaere, Mauricio Millan, William Miranda-Ortiz, Annzuraya Monarrez, Liam Munoz, Amare Oba, Amanda Ochoa, Asia Ortiz, Nathaniel Overocker, Jose Palacios Vallecillo, Dayanara Paredes, Jose Paz, Alberto Perez, Dario Perez, Matthew Perez, Angel Portillo Bernal, Renato Racine, Paulo Ramirez, Zarel Ramos, Kenneth Reyes, Giovanni Rios Gallegos, Rachel Rivera, Emilio Romero, Moises Salazar Cueto, Savannah Sandoval, Brady Semer, Hailey Shadoff-Phang, Nadiya Simmons, Andrew Solano Ponce, Christian Solis, Trinity Spencer, Alana Kate Timbol, Bryan Torres, Jordan Tran, Vivian Vo, Gemma Welcher, Ivy White, Kyson Wu, and Michelle Zepeda Ochoa.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Ashley Garza.

On request of Assemblyman Kramer, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Edith W. Fritsch Elementary School: Xavier Arcila, Aiden Baraza, Landen Anderson, Uriel Delgado, Keira Favero, Carlos Garcia, Brooke Hinton, Victor Kurpicz, Larissa Rupert, Shayleigh Masters, Charlie Moto, Drew Olson, Keilani Parrish, Addi Paxton, Thomas Raab, Makena Rice, Shane Robinson, Maliyaha Roque, Peter Woodbury, Xavier Hall, Jazelyn Avila, Maria Benshoof, August Campbell-Richards, Betsy Campbell-Richards, Leah Card, Adeline Carlson, Isaac Chambers, Avery Coleman, Ethan Cook, Camille Cuneo, Maxwell Gold, Madison Hager, Nicholas Heald, Gabriel Juarez, Abby Luis, Vivi Miner, Matthew Robinson, Kaden Sa, Azul Soto, Sean Thornton, Chloe Woodbury, Eddie Young, Ryder Beardsley, Linda Chaidez Vargas, Kaiden Cook, Marion Daniels, Aaliyah Depew, Santino Ferretti, Joshua Flores Garcia, Nathan Freed, Alexandria Fulton, Aubree Kaifesh, Nevaeh Kaylor, Trenton Leon, Jeremy Marino, Zoey McMenamy, Malena Oakie, Daryl Rudolph, Peyton

Siegmann, Laila Smith, Faith Stock, Jaren Thornburg, Sophie Wahl, Brayden Welch, Xyleah Callahan, Christian Carrasco, Joel Delgado, Audreyana Eldredge, Kyla Fratis, Giana Llamas, Anthony Martinez, Angelina Mendez-Zeron, Cordelia Mills, Wyatt Moline, Ryan Nguyen, Alexa Ortega, Jozahia Rodriguez, Brianna Rodriguez-Nunez, Daniel Rojas, Ryker Russell, Julian Salazar, Logan Veatch, Melissa Lopez, Karlee Skinner, Valerie Sotelo-Angel, and Hailey Thiel.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Chloe Woodbury and Betsy Campbell-Richards.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Niki Gomoluh.

On request of Assemblywoman Tolles, the privilege of the floor of the Assembly Chamber for this day was extended to Marissa Crook.

On request of Assemblyman Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to Sean Thornton, Isaac Chambers, and August Campbell-Richards.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Monday, May 22, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 2:14 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTH DAY

CARSON CITY (Monday), May 22, 2017

Assembly called to order at 1:12 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Ellison, who was excused.

Prayer by the Chaplain, Reverend Richard Snyder.

Creator God, we give You thanks for all You are and all You bring to us for our visit within Your creation. You show us the way to live a generous and compassionate life. Give us Your strength to live together with respect and commitment as we grow in Your spirit, for You are God, now and forever.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 227, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 185, 199, 383, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 209, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRENE BUSTAMANTE ADAMS, *Chair*

Mr. Speaker:

Your Committee on Corrections, Parole, and Probation, to which was referred Senate Bill No. 125, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OHRENSCHALL, *Chair*

Mr. Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 164, 420, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TYRONE THOMPSON, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 26, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 151, 388, 509, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MICHAEL C. SPRINKLE, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 41, 470, 472, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 239, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 343, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Legislative Operations and Elections, to which was referred Assembly Concurrent Resolution No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

Also, your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 492, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

OLIVIA DIAZ, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Senate Bills Nos. 47, 251, 270, 364, 370, 371, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was rereferred Senate Bill No. 413, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HEIDI SWANK, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 226, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which was referred Senate Bill No. 149, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which was rereferred Senate Bill No. 448, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD CARRILLO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 19, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 192, 233, 261, 301, 334, 364.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 169, Amendment No. 742; Assembly Bill No. 176, Amendment No. 750; Assembly Bill No. 223, Amendment No. 696; Assembly Bill No. 272, Amendment No. 773, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 203, 488.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 213, 265; Senate Concurrent Resolution No. 4.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 659 to Senate Bill No. 108; Assembly Amendment No. 649 to Senate Bill No. 122; Assembly Amendment No. 650 to Senate Bill No. 123; Assembly Amendment No. 658 to Senate Bill No. 256.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

May 22, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 267.

MARK KRMPOTIC
Fiscal Analysis Division

Senate Concurrent Resolution No. 1

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:22 p.m.

ASSEMBLY IN SESSION

At 12:24 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblywoman Benitez-Thompson moved that Senate Concurrent Resolution No. 1 be taken from the Resolution File and placed on the Chief Clerk's desk.

Motion carried.

Senate Concurrent Resolution No. 4.

Assemblywoman Benitez-Thompson moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 203.

Assemblyman Yeager moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 213.

Assemblyman Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 265.

Assemblyman Sprinkle moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 488.

Assemblyman Yeager moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 405.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 723.

~~[~~ASSEMBLYMAN~~]~~ ASSEMBLYMEN BROOKS **, WATKINS, FRIERSON, YEAGER, MCCURDY; ARAUJO, BILBRAY-AXELROD, CARRILLO, COHEN, DIAZ, FUMO, JAUREGUI, JOINER, MILLER, MONROE-MORENO, NEAL, SWANK AND THOMPSON**

JOINT SPONSOR: SENATOR SEGERBLOM

SUMMARY—Establishes certain protections for and ensures the rights of a person who uses renewable energy in this State **~~[.]~~ and revises provisions governing net metering.** (BDR 52-959)

AN ACT relating to renewable energy; creating the contractual requirements for an agreement for the lease or purchase of a distributed generation system and a power purchase agreement; describing utility rates; establishing the minimum warranty requirements for an agreement concerning a distributed generation system; providing certain immunity for solar installation companies; creating the Renewable Energy Bill of Rights; **requiring certain electric utilities to file a request with the Public Utilities Commission of Nevada to establish an optional time-variant rate schedule for customers; requiring a utility to charge a net metering adjustment charge to certain customer-generators; requiring the Legislative Committee on Energy to make certain recommendations to**

the Legislature; revising provisions governing the eligibility of certain customers of electric utilities in this State to participate in net metering; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 9-11 of this bill ~~[prescribe]~~ **set forth** the requirements for the cover page, provisions and summary disclosure statement of agreements for the lease of a distributed generation system. **Sections 12-14** of this bill ~~[prescribe]~~ **set forth** the requirements for the cover page, provisions and summary disclosure statement of agreements for the purchase of a distributed generation system. **Sections 15-17** of this bill ~~[prescribe]~~ **set forth** the requirements for the cover page, provisions and summary disclosure statement of agreements for the sale of the output of a distributed generation system, known as a power purchase agreement.

Section 18 of this bill ~~[provides]~~ **sets forth** the ~~[description of]~~ **disclosure relating to** utility rates that must be included with an agreement created pursuant to **sections 9-17** if the agreement makes a written reference to the price of electricity that is provided by an electric utility. **Section 19** of this bill sets forth the minimum warranty requirements for an agreement created pursuant to **sections 9-17** concerning a distributed generation system.

Section 20 of this bill ~~[makes]~~ **establishes that** it **is** a deceptive trade practice if a person fails to comply with **sections 2-20** of this bill. **Section 20** additionally ~~[provides immunity from legal action for good faith action by solar installation companies in the installation, maintenance and operation of a distributed generation system.]~~ **establishes that it is consumer fraud if a person violates any provision of sections 2-20. Section 20 further requires that any document described in sections 9-19 be provided in: (1) English; or (2) Spanish, if any person so requests.**

Sections 22-25 of this bill create the Renewable Energy Bill of Rights that applies to each natural person who is a resident of this State.

Existing law defines "net metering" as the measure of the difference between the electricity supplied by an electric utility and the electricity generated by a customer-generator that is fed back to the utility. (NRS 704.769) Section 27 of this bill requires electric utilities to file a request with the Public Utilities Commission of Nevada to establish an optional time-variant rate schedule for customers, including customer-generators that acquire an energy storage system. Section 27 further requires that such a request be designed to expand and accelerate the development and use of energy storage systems in this State. Section 27 additionally authorizes the Commission to approve any such request that the Commission finds to be in the public interest.

Section 28 of this bill requires a utility to charge a net metering adjustment charge to each customer-generator who accepts the offer of a utility for net metering. Section 28 requires that this net metering adjustment charge: (1) applies to each kilowatt-hour of excess electricity that is generated by a customer-generator; and (2) equals a percentage

of the rate the customer-generator would have paid for a kilowatt-hour of electricity supplied by the utility at the time the customer-generator fed the kilowatt-hour of excess electricity back to the utility. Section 28 further provides that this percentage be tiered based on the amount of cumulative installed capacity and peak demand for electricity in this State.

Section 29 of this bill requires the Legislative Committee on Energy, in consultation with the Commission, to make certain recommendations to the Legislature within 6 months of the Commission determining that the cumulative installed capacity of all net metering systems in this State exceeds 800 megawatts and 10 percent of the peak demand for electricity in this State for the previous year.

Existing law requires each electric utility in this State to offer net metering to customer-generators operating in the service area of the utility until the date on which the cumulative capacity of all net metering systems in this State for which electric utilities have accepted completed applications is 235 megawatts. (NRS 704.773)

Section 31 of this bill amends existing law to require each electric utility to offer net metering to customer-generators operating within the service area of the utility. Section 31 further requires the utility to not: (1) charge the customer-generator any fee or charge that is different than that charged to other customers of the utility to which the customer-generator would belong if he or she did not have a net metering system; and (2) reduce the amount of the minimum monthly charge of the customer-generator based on the electricity the customer-generator feeds back to the utility. Section 31 additionally requires the Commission and a utility to allow the customer-generator to continue net metering at the location at which the system is originally installed for the life of the net metering system or for 20 years, whichever is longer.

Existing law sets forth that after the date on which the cumulative capacity is 235 megawatts, electric utilities are to offer net metering to customer-generators in accordance with a tariff filed by the utility and approved by the Commission. (NRS 704.7735) Section 33 of this bill repeals this provision.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 20, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 20, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Commission" means the Public Utilities Commission of Nevada.***

Sec. 3.5. ***"Disclosure" means a written statement.***

Sec. 4. *"Distributed generation system" means a system or facility for the generation of electricity:*

1. ~~[The]~~ That uses solar energy to generate electricity;

2. That is located on the property of a customer of an electric utility;

3. That is connected on the customer's side of the electricity meter;

4. That provides electricity primarily to offset customer load on that property; and

5. The excess generation from which is periodically exported to the grid in accordance with the provisions governing net metering systems used by customer-generators pursuant to NRS 704.766 to 704.775, inclusive.

Sec. 5. *"Host customer" means either:*

1. The customer of record of an electric utility at the location where an energy system that uses photovoltaic cells and solar energy to generate electricity will be located; or

2. A person who has been designated by the customer of record of an electric utility in a letter to the utility explaining the relationship between that person and the customer of record.

Sec. 6. *"Portfolio energy credit" has the meaning ascribed to it in NRS 704.7803.*

Sec. 7. *"Power purchase agreement" means an agreement in which ~~[:~~ ~~1. A]~~ a solar installation company:*

~~[(a)]~~ 1. Arranges for the design, installation, maintenance ~~[,]~~ and energy output ~~[and displacement standards]~~ of a distributed generation system; and

~~[(b)]~~ 2. Sells the electricity generated from a distributed generation system to the host customer . ~~[; and~~

~~2. The host customer receives compensation from the solar installation company for use of the property of the host customer for the distributed generation system.]~~

Sec. 8. *1. "Solar installation company" means any form of business organization or any other nongovernmental legal entity, including, without limitation, a corporation, partnership, association, trust or unincorporated organization, that ~~[installs, maintains and operates a]~~ transacts business directly with a residential customer of an electric utility to:*

(a) Sell and install a distributed generation system; or

(b) Install a distributed generation system owned by a third party from whom the customer:

(1) Leases a distributed generation system; or

(2) Purchases electricity generated by a distributed generation system.

2. The term does not include entities that are third party:

(a) Owners of a distributed generation system; or

(b) Financiers of a distributed generation system who do not sell or install the distributed generation system.

Sec. 9. *An agreement for the lease of a distributed generation system must include a cover page that provides the following information in at least 10-point font:*

1. The amounts due at the signing for and at the completion of the installation or any inspection of the distributed generation system.

2. An estimated timeline for the installation of the distributed generation system.

3. The estimated amount of the monthly payments due under the lease in the first year of operation of the distributed generation system.

4. The length of the term of the lease.

5. A description of any warranties.

6. The rate of any payment increases.

7. The identification of any state or federal tax incentives that are ~~[available for leasing the distributed generation system.]~~ included in calculating the amount of the monthly payments due under the lease.

8. The estimated production of the distributed generation system in the first year of operation.

9. A description of the terms for renewal or any other options available at the end of the term of the lease.

10. A description of any option to purchase the distributed generation system before the end of the term of the lease.

11. Notice of the existence of the Recovery Fund administered by the State Contractors' Board pursuant to NRS 624.470.

12. Notice that a person financially damaged by a licensed contractor who performs work on a residence may be eligible to recover certain financial damages from the Recovery Fund.

13. Contact information for the State Contractors' Board, including, without limitation, a telephone number.

Sec. 10. *An agreement for the lease of a distributed generation system must include, without limitation, the following information in at least 10-point font:*

1. The name, mailing address, telephone number and number of the contractor's license of the solar installation company.

2. The name, mailing address and telephone number of:

(a) The lessor of the distributed generation system; and

(b) The name, mailing address and telephone number of the person responsible for all maintenance of the distributed generation system, if different from the solar installation company.

3. An estimated timeline for the installation of the distributed generation system.

4. The length of the term of the lease.

5. A general description of the distributed generation system.

6. The amounts due at the signing for and at the completion of the installation or any inspection of the distributed generation system.

7. A description of any warranties.

8. The amount of the:

(a) Monthly payments due under the lease; and

(b) Total payments due under the lease, excluding taxes.

9. A description of any other one-time or recurring charges, including, without limitation, a description of the circumstances that trigger any late fees.

10. A description of any obligation the lessor has regarding the installation, repair or removal of the distributed generation system.

11. A description of any obligation the lessor has regarding construction of and insurance for the distributed generation system.

12. ~~[The estimated amount]~~ A description of any:

(a) Taxes due at the commencement of the lease; and

(b) Estimation of taxes ~~[over]~~ known to be applicable during the term of the lease ~~[.]~~ , subject to any change in the state or local tax rate or tax structure.

13. A copy of the warranty for the distributed generation system.

14. A disclosure notifying the lessee of the transferability of the obligations under the warranty to a subsequent lessee.

15. The identification of any state or federal tax incentives that are ~~[available for leasing the distributed generation system.]~~ included in calculating the amount of the monthly payments due under the lease.

16. A description of the ownership of any tax credits, tax rebates, tax incentives or portfolio energy credits in connection with the distributed generation system.

17. Any terms for renewal of the lease.

18. A description of any option to purchase the distributed generation system before the end of the term of the lease.

19. A description of all options available to the host customer in connection with the continuation, termination or transfer of the lease in the event of the:

(a) Sale of the property to which the distributed generation system is affixed; or

(b) Death of the lessee.

20. A description of any restrictions that the lease imposes on the modification or transfer of the property to which the distributed generation system is affixed.

21. The granting to the lessee of the right to rescind the lease for a period ending not less than 3 business days after the lease is signed.

22. An estimate of the amount of electricity that could be generated by the distributed generation system ~~[.]~~ in the first year of operation.

23. A signature block that is signed and dated by the lessor and the lessee of the distributed generation system.

Sec. 11. *1. An agreement for the lease of a distributed generation system must include a ~~[written statement,]~~ disclosure that is not more than 3 pages in length and is in at least 10-point font.*

2. The ~~[written statement]~~ disclosure described in subsection 1 must be separate from the cover page and agreement described in sections 9 and 10 of this act.

3. The ~~[written statement]~~ disclosure described in subsection 1 must include, without limitation:

(a) The name, mailing address, telephone number and electronic mail address of the lessor;

(b) The name, mailing address, telephone number, electronic mail address and number of the contractor's license of the person who installed the distributed generation system, if different from the solar installation company;

(c) The name, mailing address, telephone number, electronic mail address and the number of the contractor's license of the person responsible for all maintenance of the distributed generation system, if different from the solar installation company;

(d) The length of the term of the lease;

(e) The amount of the monthly payments due under the lease in the first year of operation;

(f) The amounts due at the signing for and at the completion of the installation of the distributed generation system;

(g) The estimated amount of the total payments due under the lease, including, without limitation, any incentives that are included in the estimated lease payments;

(h) A description of any one-time or recurring fees, including, without limitation, a description of the circumstances that trigger:

(1) Any late fees;

(2) Estimated fees for the removal of the distributed generation system;

(3) Fees for a notice of removal and refiling pursuant to the Uniform Commercial Code;

(4) Fees for connecting to the Internet; and

(5) Fees for not enrolling in a program in which payments are made through an electronic transfer of money cleared through an automated clearinghouse;

(i) The total number of payments to be made under the lease;

(j) The due date of any payment and the manner in which the consumer will receive an invoice for such payments;

(k) The rate of any payment increases and the date on which the first increase in the rate may occur, if applicable;

(l) Assumptions concerning the design of the distributed generation system, including, without limitation:

(1) The size of the distributed generation system;

(2) The estimated amount of production for the distributed generation system in the first year of operation;

(3) The estimated annual degradation to the distributed generation system; and

(4) ~~[Eligibility for net metering;]~~ As specified by the lease at the time of installation, whether or not an electric utility must credit a customer of the electric utility for any excess energy that is generated by the distributed energy system;

(m) A disclosure notifying the lessee of the intent of the lessor to file a fixture filing, as defined in NRS 104A.2309, on the distributed generation system;

(n) A disclosure notifying the lessee if maintenance and repairs of the distributed generation system are included in the lease;

(o) A disclosure describing any warranty for the repair of any damage to the roof of the property owned by the lessee in connection with the installation or removal of the distributed generation system;

(p) A disclosure describing:

(1) The transferability of the lease; and

(2) Any conditions on transferring the lease in connection with the lessee selling his or her property;

(q) A description of any guarantees of the performance of the distributed generation system;

(r) A description of the basis for any estimates of savings that were provided to the lessee, if applicable; and

(s) A disclosure concerning the retention of any portfolio energy credits, if applicable.

Sec. 12. *An agreement for the purchase of a distributed generation system must include a cover page that provides the following information in at least 10-point font:*

1. The size of the distributed generation system.

2. ~~[The length of the term of the agreement.~~

~~3.]~~ The length of the term of the warranty for the distributed generation system.

~~[4.]~~ 3. An estimated timeline for the installation of the distributed generation system.

~~[5.]~~ 4. A description of any warranties.

~~[6.]~~ 5. The total cost of the distributed generation system.

~~[7.]~~ 6. The estimated value of any portfolio energy credits and rebates of any incentives ~~[that the consumer may be eligible for.~~

~~8.]~~ included in the calculation of the total cost of the distributed generation system.

7. The amounts due at the signing for and at the completion of the installation of the distributed generation system.

~~[9.]~~ 8. The estimated production of the distributed generation system in the first year of operation.

9. Notice of the existence of the Recovery Fund administered by the State Contractors' Board pursuant to NRS 624.470.

10. Notice that a person financially damaged by a licensed contractor who performs work on a residence may be eligible to recover certain financial damages from the Recovery Fund.

11. Contact information for the State Contractors' Board, including, without limitation, a telephone number.

Sec. 13. *An agreement for the purchase of a distributed generation system must include, without limitation, the following information in at least 10-point font:*

1. The name, mailing address, telephone number, electronic mail address and number of the contractor's license of the solar installation company.

2. The name, mailing address, telephone number and electronic mail address of:

(a) The purchaser of the distributed generation system; and

(b) The name, mailing address, telephone number and electronic mail address of the person responsible for all maintenance of the distributed generation system, if different from the solar installation company.

3. ~~[The length of the term of the agreement.~~

~~4.]~~ A description ~~[of]~~ , which includes, without limitation, any assumptions, concerning the design and installation ~~[, including,]~~ of the distributed generation system. Such a description must include, without limitation ~~[, the]~~ :

(a) The size of the distributed generation system ~~[.]~~ ;

(b) The estimated amount of production for the distributed generation system in the first year of operation; and

(c) The estimated annual degradation to the distributed generation system.

~~[5.]~~ 4. The total cost of the distributed generation system.

~~[6.]~~ 5. An estimated timeline for the installation of the distributed generation system.

~~[7.]~~ 6. A payment schedule, including, without limitation:

(a) The due dates for any deposit; and

(b) Any subsequent payments that are not to exceed the total system cost stated on the cover page pursuant to section 12 of this act.

~~[8. A description of any other one-time or recurring charges, including, without limitation, a description of the circumstances that trigger any late fees.~~

~~9.]~~ 7. The granting to the purchaser the right to rescind the agreement for a period ending not less than 3 business days after the agreement is signed.

~~[10.]~~ 8. A copy of the warranty for the distributed generation system.

~~[11.]~~ 9. A disclosure notifying the purchaser of the transferability of the obligations under the warranty to a subsequent purchaser.

~~[12. A description of the eligibility of the purchaser for any tax credits, tax rebates, tax]~~

10. The identification of any incentives ~~[or portfolio energy credits]~~ included in ~~[connection with]~~ the calculation of the total cost of the distributed generation system.

~~[13.]~~ 11. A description of any guarantee of the performance of the distributed generation system.

~~[14.]~~ 12. A signature block that is signed and dated by the purchaser of the distributed generation system and the solar installation company.

13. A description of the basis for any estimates of savings that were provided to the purchaser, if applicable.

14. A disclosure concerning the retention of any portfolio energy credits, if applicable.

Sec. 14. *1. An agreement for the purchase of a distributed generation system must include a ~~[written statement]~~ disclosure that is not more than 3 pages in length and is in at least 10-point font.*

2. The ~~[written statement]~~ disclosure described in subsection 1 must be separate from the cover page and agreement described in sections 12 and 13 of this act.

3. The ~~[written statement]~~ disclosure described in subsection 1 must include, without limitation:

(a) The name, mailing address, telephone number and electronic mail address of the solar installation company;

(b) The name, mailing address, telephone number, electronic mail address and number of the contractor's license of the person who installed the distributed generation system, if different from the solar installation company;

(c) The name, mailing address, telephone number, electronic mail address and the number of the contractor's license of the person responsible for all maintenance of the distributed generation system, if different from the solar installation company;

(d) The purchase price of the distributed generation system;

(e) The payment schedule for the distributed generation system;

(f) The approximate start and completion dates for the installation of the distributed generation system;

(g) A disclosure notifying the purchaser of the responsible party for obtaining approval for connecting the distributed generation system to the electricity meter on the host customer's side;

(h) Assumptions concerning the design of the distributed generation system, including, without limitation:

(1) The size of the distributed generation system;

(2) The estimated amount of production for the distributed generation system in the first year of operation;

(3) The estimated annual degradation to the distributed generation system; and

(4) ~~[Eligibility for net metering;]~~ As specified by the agreement at the time of installation, whether or not an electric utility must credit a

customer of the electric utility for any excess energy that is generated by the distributed energy system;

(i) A disclosure notifying the purchaser if maintenance and repairs of the distributed generation system are included in the purchase;

(j) A disclosure describing any warranty for the repair of any damage to the roof of the property owned by the purchaser in connection with the installation or removal of the distributed generation system;

(k) ~~[A disclosure describing the transferability of the distributed generation system in connection with the purchaser selling his or her property;~~

~~(l)]~~ A description of any guarantees of the performance of the distributed generation system;

~~[(m)]~~ (l) A description of the basis for any estimates of savings that were provided to the purchaser, if applicable; and

~~[(n)]~~ (m) A disclosure concerning the retention of any portfolio energy credits, if applicable.

Sec. 15. *A power purchase agreement for the sale of the output of a distributed generation system must include a cover page that provides the following information in at least 10-point font:*

1. ~~[Any factor that might cause an escalation in the price per kilowatt hour;]~~ The rate of any increase in the payments to be made during the term of the agreement and, if applicable, the date of the first such increase.

2. An estimated timeline for the installation of the distributed generation system.

3. The rate of electricity per ~~[kilowatt hour]~~ kilowatt-hour of electricity for the first year of the agreement.

4. The length of the term of the agreement.

5. The amounts due at the signing for and at the completion of the installation or any inspection of the distributed generation system.

6. The estimated production of the distributed generation system in the first year of operation.

7. A description of the options available at the end of the term of the agreement.

8. A description of any option to purchase the distributed generation system before the end of the term of the agreement.

9. Notice of the existence of the Recovery Fund administered by the State Contractors' Board pursuant to NRS 624.470.

10. Notice that a person financially damaged by a licensed contractor who performs work on a residence may be eligible to recover certain financial damages from the Recovery Fund.

11. Contact information for the State Contractors' Board, including, without limitation, a telephone number.

Sec. 16. *A power purchase agreement for the sale of the output of a distributed generation system must include, without limitation, the following information in at least 10-point font:*

1. The name, mailing address, telephone number, electronic mail address and number of the contractor's license of the solar installation company.

2. The name, mailing address, telephone number and electronic mail address of:

(a) The ~~[lessor]~~ provider of the distributed generation system; and

(b) The name, mailing address, telephone number and electronic mail address of the person responsible for all maintenance of the distributed generation system, if different from the solar installation company.

3. The length of the term of the agreement.

4. An estimated timeline for the installation of the distributed generation system.

5. The ~~[price per kilowatt hour for]~~ payments made during the first year of the agreement ~~[.]~~ for the price of electricity, which includes, without limitation, the price per kilowatt-hour of electricity and the price per monthly system electrical output.

6. The estimated annual electrical output of the distributed generation system.

7. ~~[Any factor that might cause an escalation in the price per kilowatt hour.]~~ The rate of any increase in the payments to be made during the term of the agreement and, if applicable, the date of the first such increase.

8. A description of any obligation the solar installation company has regarding construction and repair of and insurance for the distributed generation system.

9. A description of any one-time or recurring fees, including, without limitation, a description of the circumstances that trigger any late fees.

10. A description of any :

(a) Taxes due at the commencement of the agreement; and

(b) Estimation of taxes ~~[that would apply to]~~ known to be applicable during the term of the agreement ~~[.]~~ , subject to a change in the state or local tax rate or tax structure.

11. A copy of the warranty for the distributed generation system.

12. A description of the ownership of any tax credits, tax rebates, tax incentives or portfolio energy credits in connection with the distributed generation system.

13. Any terms for renewal of the agreement.

14. A description of any option to purchase the distributed generation system before the end of the term of the agreement.

15. A description of all options available to the host customer in connection with the continuation, termination or transfer of the agreement in the event of the:

(a) Sale of the property to which the distributed generation system is affixed; or

(b) Death of the purchaser.

16. The granting to the purchaser of the right to rescind the agreement for a period ending not less than 3 business days after the agreement is signed.

17. A description of any restrictions that the agreement imposes on the modification or transfer of the property to which the distributed generation system is affixed.

18. A description of any guarantees of the performance of the distributed generation system.

19. A disclosure notifying the host customer of the transferability of the obligations under the warranty to a subsequent purchaser.

20. A signature block that is signed and dated by the purchaser and the solar installation company.

21. A statement describing the due dates of any payments.

Sec. 17. *1. A power purchase agreement for the sale of output of a distributed generation system must include a ~~[written statement]~~ disclosure that is not more than 3 pages in length and is in at least 10-point font.*

2. The ~~[written statement]~~ disclosure described in subsection 1 must be separate from the cover page and agreement described in sections 15 and 16 of this act.

3. The ~~[written statement]~~ disclosure described in subsection 1 must include, without limitation:

(a) The name, mailing address, telephone number and electronic mail address of the solar installation company;

(b) The name, mailing address, telephone number, electronic mail address and number of the contractor's license of the person who installed the distributed generation system, if different from the solar installation company;

(c) The name, mailing address, telephone number, electronic mail address and the number of the contractor's license of the person responsible for all maintenance of the distributed generation system if different from the solar installation company;

(d) The payment schedule for the distributed generation system, including, without limitation, any payments that are due, if applicable, at:

(1) Signing for the distributed generation system;

(2) Commencement of installation of the distributed generation system; and

(3) Completion of installation of the distributed generation system;

(e) A description of any one-time or recurring fees, including, without limitation, a description of the circumstances that trigger:

(1) Any late fees;

(2) Estimated fees for the removal of the distributed generation system;

(3) Fees for a notice of removal and refiling pursuant to the Uniform Commercial Code;

(4) Fees for connecting to the Internet; and

(5) Fees for ***not enrolling in a program in which payments are made through an electronic transfer of money cleared through*** *an automated clearinghouse;*

(f) A statement that describes when payments are due;

(g) The rate of any payment increases and the date on which the first increase in the rate may occur, if applicable;

(h) Assumptions concerning the design of the distributed generation system, including, without limitation:

(1) The size of the distributed generation system;

(2) The estimated amount of production for the distributed generation system in the first year of operation;

(3) The estimated annual degradation to the distributed generation system; and

(4) ~~*[Eligibility for net metering;]*~~ ***As specified by the agreement at the time of installation, whether or not an electric utility must credit a customer of the electric utility for any excess energy that is generated by the distributed energy system;***

(i) A disclosure notifying the purchaser of the intent of the owner of the distributed generation system to file a fixture filing, as defined in NRS 104A.2309, on the distributed generation system;

(j) A disclosure notifying the purchaser if maintenance and repairs of the distributed generation system are included in the agreement;

(k) A disclosure describing any warranty for the repair of any damage to the roof of the property owned by the purchaser in connection with the installation or removal of the distributed generation system;

(l) A disclosure describing the transferability of the distributed generation system in connection with the purchaser selling his or her property;

(m) A description of any guarantees of the performance of the distributed generation system;

(n) A description of the basis for any estimates of savings that were provided to the purchaser, if applicable; and

(o) A disclosure concerning the retention of any portfolio energy credits, if applicable.

Sec. 18. *If an agreement for the lease or purchase of a distributed generation system or if a power purchase agreement makes a written reference to the price of electricity that is provided by an electric utility, the agreement or power purchase agreement, as applicable, must also provide, in 12-point font, a* ~~*[written statement]*~~ ***disclosure*** *in substantially the following form:*

> *Actual utility rates may go up or down and actual savings may vary. For further information regarding rates, you may contact your local utility or the Public Utilities Commission of Nevada.*

Sec. 19. *1. An agreement for the lease or purchase of a distributed generation system and a power purchase agreement must include an express warranty for the installation of the distributed generation system and the penetration into the roof by the distributed generation system. Such warranties must:*

(a) Be express and in writing; and

(b) Expire not earlier than 10 years after the installation of the distributed generation system.

2. An agreement for the lease of a distributed generation system and a power purchase agreement must include an express warranty that:

(a) Is in writing; and

(b) Does not expire earlier than 10 years after the installation of the distributed generation system.

3. An agreement for the purchase of a distributed generation system must include the following express warranties in writing for the component parts, including parts and labor, of the distributed generation system, either directly from the solar installation company or passed through from the manufacturer of the component parts:

(a) For collectors and storage units, not less than a 10-year warranty; and

(b) For inverters, not less than a 7-year warranty.

4. The provisions of this section that relate to a person who installs a distributed generation system do not apply to a person who installs a system on his or her own property.

Sec. 20. *1. The failure of a person to comply with sections 2 to 20, inclusive, of this act constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.*

2. ~~[No cause of action may be brought against a solar installation company for installing, maintaining and operating a distributed generation system while the solar installation company acted in good faith and in accordance with the provisions of sections 2 to 20, inclusive, of this act.]~~ A violation of any provision of sections 2 to 20, inclusive, of this act constitutes consumer fraud for the purposes of NRS 41.600.

3. Any document described in sections 9 to 19, inclusive, of this act must be provided in:

(a) English; or

(b) Spanish, if any person so requests.

Sec. 21. Chapter 701 of NRS is hereby amended by adding thereto the provisions set forth as sections 22 to 25, inclusive, of this act.

Sec. 22. ~~*[As used in sections 22 to 25, inclusive, of this act, unless the context otherwise requires, "community solar facility" means any shared facility at which electricity is generated using renewable energy.]*~~ **(Deleted by amendment.)**

Sec. 23. *Sections 22 to 25, inclusive, of this act may be cited as the Renewable Energy Bill of Rights.*

Sec. 24. *The Legislature hereby declares that each natural person who is a resident of this State has the right to:*

1. Generate, consume and ~~[store]~~ export renewable energy ~~[,]~~ and reduce his or her use of electricity that is obtained from the grid.

2. Use technology to store energy at his or her residence.

3. If the person generates renewable energy pursuant to subsection 1, or stores energy pursuant to subsection 2, or any combination thereof, be allowed to connect his or her system that generates renewable energy or stores energy, or any combination thereof, with the electricity meter on the customer's side that is provided by an electric utility or any other person named and defined in chapters 704, 704A and 704B of NRS:

(a) In a timely manner; ~~[and]~~

(b) Without any unnecessary, burdensome or restrictive requirement ~~[.~~ ~~3. Equitable treatment of]~~ ; and

(c) Without the permission of an electric utility or any other person named and defined in chapters 704, 704A and 704B of NRS if the system:

(1) Is not used for exporting renewable energy past the electric utility meter on the customer's side; and

(2) Meets reasonable safety requirements.

4. Fair credit for any energy exported to the grid.

~~[4.]~~ 5. Consumer protections in contracts for renewable energy pursuant to sections 2 to 20, inclusive, of this act.

~~[5. Certainty of the terms for interconnection and treatment of exported energy for the duration of the system.]~~

6. Have his or her generation of renewable energy ~~[be a resource of first choice for this State by giving it]~~ given priority in planning and acquisition of energy resources by an electric utility.

7. ~~[Have access to a community solar facility.~~

~~8.]~~ Remain within the existing broad rate class to which the resident would belong in the absence of a net metering system or a system that generates renewable energy or stores energy, or any combination thereof, without any fees or charges that are different than the fees and charges assessed to customers of the same rate class, regardless of the technologies on the customer's side of the electricity meter, including, without limitation, energy production, energy savings, energy consumption , energy storage or energy shifting technologies, provided that such technologies do not compromise the safety and reliability of the utility grid.

Sec. 25. ~~*[The Director shall cause:*~~

~~*1. To be prepared in simple, nontechnical terms a pamphlet setting forth the Renewable Energy Bill of Rights.*~~

~~*2. A copy of the pamphlet to be:*~~

~~*(a) Posted on the Internet website maintained by the Office of Energy; and*~~

~~*(b) Made available to any person upon request at the offices of the Office of Energy and the public libraries in each county of this State.]*~~ **(Deleted by amendment.)**

Sec. 26. **Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 27, 28 and 29 of this act.**

Sec. 27. ***1. An electric utility that primarily serves densely populated counties shall, on or before August 1, 2017, file with the Commission in a manner authorized by NRS 704.110 a request that the Commission establish an optional time-variant rate schedule for customers, including, without limitation, customer-generators who acquire an energy storage system.***

2. An electric utility that primarily serves less densely populated counties shall, on or before January 16, 2018, file with the Commission in a manner authorized by NRS 704.100 a request that the Commission establish an optional time-variant rate schedule for customers, including, without limitation, customer-generators who acquire an energy storage system.

3. A request filed pursuant to subsection 1 or 2 must be designed to expand and accelerate the development and use of energy storage systems in this State.

4. The Commission:

(a) Shall review each request filed pursuant to subsection 1 or 2;

(b) May approve each request that the Commission finds to be in the public interest; and

(c) Not later than March 15, 2018, shall issue a written order approving or denying each request filed pursuant to subsection 1 or 2.

5. As used in this section:

(a) "Electric utility that primarily serves densely populated counties" has the meaning ascribed to it in NRS 704.110.

(b) "Electric utility that primarily serves less densely populated counties" has the meaning ascribed to it in NRS 704.110.

(c) "Energy storage system" means any commercially available technology that is capable of retaining energy, storing the energy for a period of time and delivering the energy after storage, including, without limitation, by chemical, thermal or mechanical means.

(d) "Time-variant rate schedule" means a rate schedule that incorporates different rates for different times of day during which electricity may be used by a customer or fed back to the utility by the customer.

Sec. 28. ***1. A utility shall charge a net metering adjustment charge pursuant to this section to each customer-generator who, on or after the effective date of this section, accepts the offer of the utility for net metering.***

2. The net metering adjustment charge required by this section applies to each kilowatt-hour of excess electricity governed by paragraph (c) of

subsection 2 of NRS 704.775 that is generated by a customer-generator described in subsection 1.

3. The net metering adjustment charge on each kilowatt-hour of excess electricity described in subsection 2 must equal a percentage, as set forth in subsection 4, of the rate the customer-generator would have paid for a kilowatt-hour of electricity supplied by the utility at the time the customer-generator fed the kilowatt-hour of excess electricity back to the utility.

4. The percentage to be used to determine the net metering adjustment charge pursuant to subsection 3 on each kilowatt-hour of excess electricity must equal:

(a) Five percent, if the customer-generator accepts the offer of the utility for net metering:

(1) On or after the effective date of this section; and

(2) Before the date on which the Commission determines and posts to its Internet website its determination that the cumulative installed capacity of all net metering systems in this State equals or exceeds:

(I) Four hundred and eighty megawatts; and

(II) Six percent of the peak demand for electricity in this State for the previous calendar year, as determined by the Commission pursuant to subsection 6;

(b) Ten percent, if the customer-generator accepts the offer of the utility for net metering:

(1) On or after the date the Commission determines, pursuant to subsection 6, that the conditions set forth in sub-subparagraphs (I) and (II) of subparagraph (2) of paragraph (a) have been met; and

(2) Before the date on which the Commission determines and posts to its Internet website its determination that the cumulative installed capacity of all net metering systems in this State equals or exceeds:

(I) Six hundred and forty megawatts; and

(II) Eight percent of the peak demand for electricity in this State for the previous calendar year, as determined by the Commission pursuant to subsection 6;

(c) Fifteen percent, if the customer-generator accepts the offer of the utility for net metering:

(1) On or after the date the Commission determines, pursuant to subsection 6, that the conditions set forth in sub-subparagraphs (I) and (II) of subparagraph (2) of paragraph (b) have been met; and

(2) Before the date on which the Commission determines and posts to its Internet website its determination that the cumulative installed capacity of all net metering systems in this State equals or exceeds:

(I) Eight hundred megawatts; and

(II) Ten percent of the peak demand for electricity in this State for the previous calendar year, as determined by the Commission pursuant to subsection 6; or

(d) Twenty percent, if the customer-generator accepts the offer of the utility for net metering on or after the date the Commission determines, pursuant to subsection 6, that the conditions set forth in sub-subparagraphs (I) and (II) of subparagraph (2) of paragraph (c) have been met.

5. Each utility shall:

(a) On or before January 15 of each calendar year, report to the Commission the peak demand for electricity experienced by that utility each day of the immediately preceding calendar year; and

(b) On or before the 15th day of each calendar month, post on its Internet website and report to the Commission the cumulative installed capacity of the net metering systems for which a customer-generator has accepted the offer of that utility as of the close of business of the utility on the last business day of the immediately preceding calendar month.

6. The Commission shall:

(a) After January 15 of each calendar year and on or before the immediately succeeding January 31 of each calendar year, determine and post on its Internet website the peak demand for electricity in this State for the immediately preceding calendar year, based upon the information the Commission most recently received pursuant to paragraph (a) of subsection 5;

(b) For the purposes of subsection 4, during January of each calendar year, until the Commission determines and posts on its Internet website pursuant to paragraph (a) a new peak demand for electricity in this State, deem the peak demand for electricity in this State to continue to be the same peak demand for electricity in this State as was applicable during the immediately preceding December;

(c) On the first business day of each calendar month, determine and post on its Internet website the cumulative installed capacity of all net metering systems in this State, based upon the information the Commission most recently received pursuant to paragraph (b) of subsection 5; and

(d) Based upon the peak demand for electricity in this State determined pursuant to paragraph (a) or (b), as applicable, and the cumulative installed capacity of all net metering systems in this State determined pursuant to paragraph (c):

(1) On the first business day of each calendar month before the Commission determines that the conditions set forth in sub-subparagraphs (I) and (II) of subparagraph (2) of paragraph (a) of subsection 4 have been met, determine and post on its Internet website the remaining capacity of net metering systems which may be installed in this State before those conditions are met;

(2) On the first business day of the calendar month on which the Commission determines that the conditions set forth in sub-subparagraphs (I) and (II) of subparagraph (2) of paragraph (a) of subsection 4 have been met, post on its Internet website:

(I) A statement indicating that those conditions have been met; and

(II) A statement indicating that all offers for net metering accepted on or after this business day are governed by paragraph (b), (c) or (d) of subsection 4, as applicable, and are not governed by paragraph (a) of subsection 4;

(3) On the first business day of each calendar month after the date described in subparagraph (2) and before the Commission determines that the conditions set forth in sub-subparagraphs (I) and (II) of subparagraph (2) of paragraph (b) of subsection 4 have been met, determine and post on its Internet website the remaining capacity of net metering systems which may be installed in this State before those conditions are met;

(4) On the first business day of the calendar month on which the Commission determines that the conditions set forth in sub-subparagraphs (I) and (II) of subparagraph (2) of paragraph (b) of subsection 4 have been met, post on its Internet website:

(I) A statement indicating that those conditions have been met; and

(II) A statement indicating that all offers for net metering accepted on or after this business day are governed by paragraph (c) or (d) of subsection 4, as applicable, and are not governed by paragraph (a) or (b) of subsection 4;

(5) On the first business day of each calendar month after the date described in subparagraph (4) and before the Commission determines that the conditions set forth in sub-subparagraphs (I) and (II) of subparagraph (2) of paragraph (c) of subsection 4 have been met, determine and post on its Internet website the remaining capacity of net metering systems which may be installed in this State before those conditions are met; and

(6) On the first business day of the calendar month on which the Commission determines that the conditions set forth in sub-subparagraphs (I) and (II) of subparagraph (2) of paragraph (c) of subsection 4 have been met, post on its Internet website:

(I) A statement indicating that those conditions have been met; and

(II) A statement indicating that all offers for net metering accepted on or after this business day are governed by paragraph (d) of subsection 4 and are not governed by paragraph (a), (b) or (c) of subsection 4.

7. Except as otherwise provided in this subsection, a customer-generator shall be deemed to accept the offer of the utility for net metering on the date the customer-generator submits to the utility a complete application to install a net metering system within the service area of the utility. A customer-generator who accepted the offer of the utility for net metering before the effective date of this section may, but is not required to, submit a request to be treated for all purposes, including, without limitation, for the purposes of subsection 4, as a customer-generator who accepted the offer of the utility for net metering on the date of the request.

Sec. 29. Within 6 months after the date the Commission determines that the conditions set forth in sub-subparagraphs (I) and (II) of

subparagraph (2) of paragraph (c) of subsection 4 of section 28 of this act have been met, the Legislative Committee on Energy created by NRS 218E.805 shall, in consultation with the Commission, make recommendations to the Legislature concerning:

1. Whether the net metering adjustment charge required by section 28 of this act is adequate to offset any known impacts of customer-generators on the electricity grid, the system for distribution of electricity and the rates for electricity. The Legislative Committee on Energy, in consultation with the Commission, shall take into account any benefits to the electricity grid and any benefits to society that it determines are caused by the net metering systems of customer-generators.

2. Any revision to the net metering adjustment charge that is determined by the Legislative Committee on Energy to be appropriate.

3. Whether a different rate design or different compensation for excess electricity that is fed back to the utility by customer-generators would increase any benefits caused by the net metering systems of customer-generators to the electricity grid and to all customers of utilities in this State.

4. Any revision to the rate design or the compensation for excess electricity that is fed back to the utility by customer-generators that the Legislative Committee on Energy determines to be appropriate.

Sec. 30. **NRS 704.767 is hereby amended to read as follows:**

704.767 As used in NRS 704.766 to 704.775, inclusive, ***and sections 27, 28 and 29 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 704.7675 to 704.772, inclusive, have the meanings ascribed to them in those sections.

Sec. 31. **NRS 704.773 is hereby amended to read as follows:**

704.773 1. A utility shall offer net metering ~~[:~~

~~(a) In~~ ***in*** accordance with the provisions of ~~[~~~~this section, NRS 704.774 and 704.775,~~~~]~~ ***NRS 704.766 to 704.775, inclusive, and sections 27, 28 and 29 of this act*** to the customer-generators operating within its service area ~~.~~ ~~[until the date on which the cumulative capacity of all net metering systems for which all utilities in this State have accepted or approved completed applications for net metering is equal to 235 megawatts.~~

~~(b) After the date on which the cumulative capacity requirement described in paragraph (a) is met, in accordance with a tariff filed by the utility and approved by the Commission pursuant to NRS 704.7735.~~~~]~~

2. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of not more than 25 kilowatts, the utility:

(a) Shall offer to make available to the customer-generator an energy meter that is capable of registering the flow of electricity in two directions.

(b) May, at its own expense and with the written consent of the customer-generator, install one or more additional meters to monitor the flow of electricity in each direction.

(c) Except as otherwise provided in subsection ~~[5,]~~ ***7 and section 28 of this act,*** shall not charge ~~[a]~~ ***the*** customer-generator any fee or charge that ~~[would increase the customer-generator's minimum monthly charge to an amount greater]~~ ***is different*** than that ~~[of]~~ ***charged to*** other customers of the utility in the ~~[same]~~ rate class ~~[as]~~ ***to which*** the customer-generator ~~[,]~~ ***would belong if the customer-generator did not have a net metering system.***

(d) Shall not reduce the minimum monthly charge of the customer-generator based on the electricity generated by the customer-generator and fed back to the utility.

3. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of more than 25 kilowatts, the utility:

(a) May require the customer-generator to install at its own cost:

(1) An energy meter that is capable of measuring generation output and customer load; and

(2) Any upgrades to the system of the utility that are required to make the net metering system compatible with the system of the utility.

(b) Except as otherwise provided in paragraph ~~[(c) and]~~ ***(d),*** subsection ~~[5, may]~~ ***7 and section 28 of this act, shall not*** charge the customer-generator any ~~[applicable]~~ fee or charge ***that is different than that*** charged to other customers of the utility in the ~~[same]~~ rate class ~~[as]~~ ***to which*** the customer-generator ~~[,]~~ ***would belong if the customer-generator did not have a net metering system,*** including, without limitation, customer, demand and facility charges.

(c) ***Shall not reduce the minimum monthly charge of the customer-generator based on the electricity generated by the customer-generator and fed back to the utility.***

(d) Shall not charge the customer-generator any standby charge.

~~[~~

4. At the time of installation or upgrade of any portion of a net metering system, the utility must allow a customer-generator governed by ~~[this]~~ subsection ***3*** to pay the entire cost of the installation or upgrade of the portion of the net metering system.

~~[4.]~~ ***5. Except as otherwise provided in subsections 2, 3 and 6 and section 28 of this act, the utility shall not for any purpose assign a customer-generator to a rate class other than the rate class to which the customer-generator would belong if the customer-generator did not have a net metering system, including, without limitation, for the purpose of any fee or charge.***

6. If the net metering system of a customer-generator is a net metering system described in paragraph (b) or (c) of subsection 1 of NRS 704.771 and:

(a) The system is intended primarily to offset part or all of the customer-generator's requirements for electricity on property contiguous to the property on which the net metering system is located; and

(b) The customer-generator sells or transfers his or her interest in the contiguous property,

➥ the net metering system ceases to be eligible to participate in net metering.

~~[5.]~~ ***7.*** A utility shall assess against a customer-generator:

(a) If applicable, the universal energy charge imposed pursuant to NRS 702.160; ***and***

(b) Any charges imposed pursuant to chapter 701B of NRS or NRS 704.7827 or 704.785 which are assessed against other customers in the same rate class as the customer-generator***.*** ~~[; and~~

~~(c) The charges or rates, if any, which the Commission determines must be assessed against the customer-generator pursuant to any tariff submitted to and approved by the Commission pursuant to NRS 704.7735.]~~

➥ For any such charges calculated on the basis of a kilowatt-hour rate, the customer-generator must only be charged with respect to kilowatt-hours of energy delivered by the utility to the customer-generator.

~~[6.]~~ ***8. The Commission and the utility must allow a customer-generator who accepts the offer of the utility for net metering to continue net metering pursuant to NRS 704.766 to 704.775, inclusive, and sections 27, 28 and 29 of this act at the location at which the net metering system is originally installed for the life of the net metering system that is originally installed or for 20 years, whichever is longer. For the purposes of this subsection, "to continue net metering" includes, without limitation:***

(a) Retaining the percentage set forth in subsection 4 of section 28 of this act to be used to determine the net metering adjustment charge applicable to the customer-generator; and

(b) Replacing the originally installed net metering system, as needed, at any time before 20 years after the date of the installation of the originally installed net metering system.

9. The Commission shall adopt regulations prescribing the form and substance for a net metering tariff and a standard net metering contract. The regulations must include, without limitation:

(a) The particular provisions, limitations and responsibilities of a customer-generator which must be included in a net metering tariff with regard to:

(1) Metering equipment;

(2) Net energy metering and billing; and

(3) Interconnection,

➥ based on the allowable size of the net metering system.

(b) The particular provisions, limitations and responsibilities of a customer-generator and the utility which must be included in a standard net metering contract.

(c) A timeline for processing applications and contracts for net metering applicants.

(d) Any other provisions the Commission finds necessary to carry out the provisions of NRS 704.766 to 704.775, inclusive **~~[.]~~ , *and sections 27, 28 and 29 of this act.***

Sec. 32. **1. For the purposes of compliance with section 28 of this act, from the effective date of section 28 of this act until the date in January 2018 on which the Public Utilities Commission of Nevada first determines the peak demand for electricity in this State pursuant to paragraph (a) of subsection 6 of section 28 of this act, the Commission shall deem the peak demand for electricity in this State for the previous calendar year to be 8,000 megawatts.**

2. For the purposes of compliance with paragraph (a) of subsection 5 of section 28 of this act in January 2018, a utility to which section 28 of this act applies may, on or before January 15, 2018, report the peak demand for electricity experienced by the utility each day of calendar year 2017 beginning on the effective date of section 28 of this act and ending on December 31, 2017.

Sec. 33. **NRS 704.7735 is hereby repealed.**

~~[~~Sec. 26.~~]~~ ***Sec. 34.*** **1.** This **section and sections 26 to 33, inclusive, of this** act **~~[~~becomes~~]~~ become** effective **upon passage and approval.**

2. Sections 1 through 24 of this act become effective on **~~[~~July~~]~~ September** 1, 2017.

TEXT OF REPEALED SECTION

704.7735 Utility required to offer net metering in accordance with tariff after certain cumulative capacity requirements are met.

1. Except as otherwise provided in subsection 3, each utility shall, in accordance with a tariff filed by the utility and approved by the Commission, offer net metering to customer-generators who submit applications to install net metering systems within its service territory after the date on which the cumulative capacity requirement described in paragraph (a) of subsection 1 of NRS 704.773 is met.

2. For the purposes of evaluating and approving any tariff filed with the Commission pursuant to subsection 1 and otherwise carrying out the provisions of this section, the Commission:

(a) May establish one or more rate classes for customer-generators.

(b) May establish terms and conditions for the participation by customer-generators in net metering, including, without limitation, limitations on enrollment in net metering which the Commission determines are appropriate to further the public interest.

(c) May close to new customer-generators a tariff filed pursuant to subsection 1 and approved by the Commission if the Commission determines that closing the tariff to new customer-generators is in the public interest.

(d) May authorize a utility to establish just and reasonable rates and charges to avoid, reduce or eliminate an unreasonable shifting of costs from customer-generators to other customers of the utility.

(e) Shall not approve a tariff filed pursuant to subsection 1 or authorize any rates or charges for net metering that unreasonably shift costs from customer-generators to other customers of the utility.

3. In approving any tariff submitted pursuant to subsection 1, the Commission shall determine whether and the extent to which any tariff approved or rates or charges authorized pursuant to this section are applicable to customer-generators who, on or before the date on which the cumulative capacity requirement described in paragraph (a) of subsection 1 of NRS 704.773 is met, submitted a complete application to install a net metering system within the service territory of a utility.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 505.

Bill read second time and ordered to third reading.

Assembly Bill No. 506.

Bill read second time and ordered to third reading.

Assembly Bill No. 507.

Bill read second time and ordered to third reading.

Assembly Bill No. 509.

Bill read second time and ordered to third reading.

Senate Bill No. 37.

Bill read second time and ordered to third reading.

Senate Bill No. 81.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 724.

AN ACT relating to financial institutions; converting state-chartered savings and loan associations to savings banks; providing for the oversight and regulation of savings banks by the Commissioner of Financial Institutions and the Division of Financial Institutions of the Department of Business and Industry; establishing requirements for the operation of savings banks; establishing the powers of savings banks; providing for the liquidation, reopening and reorganization of savings banks; providing for the conversion of certain types of financial institutions to savings banks and of

savings banks to certain types of financial institutions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the creation, operation and oversight of state-chartered savings and loan associations. (Chapter 673 of NRS) While savings and loan associations were generally subject to federal oversight by the Office of Thrift Supervision of the United States Department of the Treasury, the Dodd-Frank Wall Street Reform and Consumer Protection Act abolished that office and generally transferred the responsibility for oversight of savings and loan associations to the Office of the Comptroller of the Currency of the United States Department of the Treasury. (Pub. L. No. 111-203) This bill revises existing law to eliminate state-chartered savings and loan associations and instead provide for the creation, operation and oversight of state-chartered savings banks.

Section 34 of this bill converts all savings and loan associations or other depository institutions chartered under chapter 673 of NRS to savings banks upon passage and approval of this bill. **Section 34** also requires the Commissioner of Financial Institutions to immediately issue a savings bank charter to each such entity. **Section 35** of this bill grants to each such converted entity the same powers, privileges, immunities and exceptions provided by this bill to savings banks.

Section 52 of this bill prohibits carrying on the business of a savings bank without being incorporated as a state-chartered savings bank. **Sections 11 and 53-59** of this bill provide for the formation and organization of a savings bank and the establishment of its main office and any branch offices or service offices in a manner generally consistent with the existing provisions for a savings and loan association. **Sections 60-72** of this bill establish certain requirements relating to the officers, directors, employees and capital stockholders of a savings bank in a manner generally consistent with the existing provisions for a savings and loan association. **Sections 12 and 73-75** of this bill establish the powers and privileges of a savings bank. **Sections 76-78** of this bill establish requirements for the stocks and certificates of a savings bank in a manner generally consistent with the existing provisions for a savings and loan association. **Section 79** of this bill requires a savings bank to maintain a reserve for losses in a manner generally consistent with the existing provisions for a savings and loan association. **Sections 80-91** of this bill establish provisions relating to the investments and borrowing of a savings bank in a manner generally consistent with the existing provisions for a savings and loan association. In addition, **section 13** of this bill authorizes a savings bank to become a member of the Federal Reserve System, engage in certain related investments and borrowing, and exercise certain related powers. **Sections 93-98** of this bill establish provisions relating to loans issued by a savings bank. **Sections 101-110** of this bill establish provisions relating to the reports, examinations and audits of a savings bank. **Section 111** of this bill provides for the suspension or

revocation of the charter of a savings bank by the Commissioner. **Section 112** of this bill provides for the reorganization, merger or consolidation of a savings bank with another financial institution.

Sections 14-31 of this bill provide for the liquidation of a savings bank. **Sections 32 and 33** of this bill provide for the reopening and reorganization of a savings bank. **Sections 114 and 115** of this bill establish provisions relating to the treatment of foreign savings banks which do business in this State. **Sections 116-128** of this bill establish provisions relating to the conversion of a savings bank into certain other financial institutions or the conversion of certain other financial institutions into a savings bank. **Section 129** of this bill grants federal savings banks and holders of shares or share accounts issued by a federal savings bank the same powers, privileges, exemptions and immunities granted to savings banks and holders of shares or share accounts issued by a savings bank. **Sections 130-132** of this bill establish prohibitions against the exploitation of older or vulnerable persons by a savings bank in a manner generally consistent with the existing provisions for a savings and loan association. **Sections 133-136** of this bill prohibit certain acts by a savings bank in a manner generally consistent with the existing provisions for a savings and loan association.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 673 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 35, inclusive, of this act.

Sec. 2. ***"Deposit account" means an account that holds deposits, whether in a commercial, demand, time, checking, savings or similar type of account, or which is evidenced by a certificate of deposit, investment certificate, certificate of indebtedness or other similar name, for which the savings bank is primarily liable.***

Sec. 3. ***"Depository institution" means any state bank or savings bank, association, limited-liability company, corporation or other person organized for the purpose of conducting a banking business, whether chartered by this State, another state or the Federal Government, which:***

1. Holds or receives deposits, savings or share accounts;

2. Issues certificates of deposit; or

3. Provides to its customers other deposit accounts which are subject to withdrawal by checks, drafts or other instruments or by electronic means to effect payment to a third party.

Sec. 4. ***"Division of Financial Institutions" means the Division of Financial Institutions of the Department of Business and Industry.***

Sec. 5. ***"Federal savings bank" means any type of federal savings association organized pursuant to the Home Owners' Loan Act of 1933, 12 U.S.C. §§ 1461 to 1468, inclusive.***

Sec. 6. ***"Insolvency" or "insolvent" means one or more of the following:***

1. When a savings bank cannot meet its deposit liabilities as they become due in the regular course of business.

2. When the actual cash market value of the assets of a savings bank is insufficient to pay its liabilities to depositors and other creditors.

3. When the reserves of a savings bank fall under the amount required by this chapter, and the savings bank fails to make good such reserve within 30 days after being required to do so by the Commissioner.

4. When the undivided profits and surplus of a savings bank are inadequate to cover losses of the savings bank and the stockholders' or members' equity in the savings bank has been reduced below the requirements of law.

Sec. 7. *"Main office" means the office of a savings bank identified as such in the application submitted pursuant to subsection 4 of NRS 673.080 or the location to which the main office is changed pursuant to subsection 14 of NRS 673.080 or other applicable law.*

Sec. 8. *"Savings association" means a savings association, savings and loan association or other depository institution chartered under this chapter before the effective date of this act.*

Sec. 9. *"State bank" or "commercial bank" means a limited-liability company, corporation or other person organized for the purpose of conducting a banking business that is chartered by this State to conduct the business of banking and is organized pursuant to the provisions of chapter 659 of NRS.*

Sec. 10. *The Commissioner may, ~~[for good cause, which will be determined at his or her sole discretion,]~~ by regulation, waive, modify or alter any requirement of this chapter.*

Sec. 11. *Before a savings bank begins business, the savings bank must file with the Commissioner:*

1. A statement, under oath by the president or a manager, containing the names of all the directors, managers and officers, with the date of their election or appointment, terms of office, primary residence and post office address of each, the amount of stock of which each is the owner in good faith and the amount of money paid in on account of the stock, or the contribution made. Nothing may be received in payment of stock or contribution except money.

2. Proof that the savings bank has obtained the approval of the Federal Deposit Insurance Corporation to insure its deposit accounts.

Sec. 12. *1. In addition to all powers, express or implied, that a savings bank has under this chapter, a savings bank has the powers, privileges and authorities that:*

(a) A state bank has under title 55 of NRS; and

(b) A national bank has,

➥ *except as may be expressly denied or limited by the Commissioner after notice and a hearing.*

2. Any restriction, limitation or requirement applicable to a specific power, privilege or authority of a state bank or national bank applies to a savings bank exercising such a power, privilege or authority pursuant to this section to the extent that a savings bank exercises such a power, privilege or authority.

Sec. 13. *1. Any savings bank licensed pursuant to this chapter may subscribe to the stock of a Federal Reserve Bank and become a member of the Federal Reserve System.*

2. Any savings bank licensed pursuant to this chapter which is, or which becomes, a member bank is, by this section, vested with all powers conferred upon member banks of the Federal Reserve System by the terms of the Federal Reserve Act as fully and completely as if such powers were specifically enumerated and described in this section, and all such powers must be exercised subject to all restrictions and limitations imposed by the Federal Reserve Act, or by regulations of the Board of Governors of the Federal Reserve System made pursuant thereto. The right, however, is expressly reserved to revoke or to amend the powers conferred in this section.

3. Compliance on the part of any such savings bank with the reserve requirements of the Federal Reserve Act shall be deemed to be full compliance with those provisions of the laws of this State which require savings banks to maintain cash balances in their vaults or with other banks, and no such savings bank need carry or maintain a reserve other than such as is required under the terms of the Federal Reserve Act.

4. Any such savings bank continues to be subject to supervision and examinations required by the laws of this State, except that the Board of Governors of the Federal Reserve System may, if it deems necessary, make examinations of the savings bank. The authorities of this State having supervision over such savings bank may disclose to the Board of Governors of the Federal Reserve System, or to examiners appointed by it, all information in reference to the affairs of any savings bank which has become, or desires to become, a member bank of the Federal Reserve System.

5. The provisions of this section shall not be construed to limit the ability of a savings bank to engage in any activity authorized by NRS 673.300.

6. As used in this section:

(a) "Board of Governors of the Federal Reserve System" means the Board of Governors of the Federal Reserve System created and described in the Federal Reserve Act.

(b) "Federal Reserve Act" means the Act of Congress, approved December 23, 1913, being c. 6, 38 Stat. 251, as amended.

(c) "Federal Reserve Bank" means the Federal Reserve Banks created and organized under authority of the Federal Reserve Act.

(d) "Federal Reserve System" means, collectively, the Federal Reserve Banks and the Board of Governors of the Federal Reserve System.

(e) "Member bank" means any national bank, state bank, savings bank or banking and trust company which has become or which becomes a member of the Federal Reserve System.

Sec. 14. ***1. Except as otherwise provided in this section, a savings bank may go into voluntary liquidation pursuant to the provisions of NRS 78.580 or 86.491.***

2. If the voluntary liquidation of the savings bank results from a vote or agreement of the stockholders or members of the savings bank, a certified copy of all proceedings of the meeting at which that action is taken, verified by the oath of the president or a manager, must be transmitted to the Commissioner for the Commissioner's approval. If the Commissioner approves the liquidation, the Commissioner shall issue to the savings bank, under the Commissioner's seal, a permit for that purpose. No permit may be issued by the Commissioner until the Commissioner is satisfied that provision has been made by the savings bank to satisfy and pay off all depositors and all creditors of the savings bank. If the Commissioner is not satisfied, the Commissioner shall not issue a permit, but the Commissioner may take possession of the savings bank, its assets and business, and liquidate the savings bank in the manner provided by this chapter.

3. When the Commissioner approves the voluntary liquidation of a savings bank pursuant to subsection 2, the directors or managers of the savings bank shall cause to be published, in a newspaper in the city, town or county in which the main office of the savings bank is located, a notice that the savings bank is closing its affairs and going into liquidation, and that its depositors and creditors are to present their claims for payment.

4. When any savings bank is in the process of voluntary liquidation, it is subject to examination by the Commissioner, and the savings bank shall furnish such reports, from time to time, as may be called for by the Commissioner.

5. All unclaimed deposits and dividends remaining in the hands of the savings bank are subject to the provisions of this chapter.

6. Any savings bank that is in the process of voluntary liquidation may sell and transfer to any other state bank, national bank or federal savings bank all or any portion of its assets of every kind upon such terms as may be agreed upon and approved by the Commissioner and by a majority vote of the savings bank's board of directors or of its managers. A certified copy of the minutes of any meeting at which that action is taken, under the oath of the president or a manager, and a copy of the contract of sale and transfer must be filed with the Commissioner.

7. If a voluntary liquidation or the sale and transfer of the assets of any savings bank is approved by the Commissioner, a certified copy of that approval under seal of the Commissioner, filed in the Office of the

Secretary of State, authorizes the cancellation of the articles of incorporation or organization of the savings bank, subject to its continued existence, as provided by law.

Sec. 15. *1. The Federal Deposit Insurance Corporation created by the Federal Deposit Insurance Act, 12 U.S.C. § 1811, may act without bond as receiver or liquidator of any savings bank which:*

(a) Has been closed because of inability to meet the demands of its depositors; or

(b) Is insured by the Federal Deposit Insurance Corporation and has been taken possession of by the Commissioner pursuant to NRS 658.151.

2. The appropriate state authority having the right to appoint a receiver or liquidator of a savings bank may, upon such closing, tender to the Federal Deposit Insurance Corporation the appointment as receiver or liquidator of such savings bank. If the Federal Deposit Insurance Corporation accepts the appointment, it shall have and possess all the powers and privileges provided by the laws of this State with respect to a receiver or liquidator, respectively, of a savings bank, its depositors and other creditors, and is subject to all the duties of such receiver or liquidator, except insofar as such powers, privileges or duties are in conflict with the provisions of the Federal Deposit Insurance Act.

Sec. 16. *Upon the acceptance of the appointment as receiver or liquidator by the Federal Deposit Insurance Corporation, the possession of and title to all the assets, business and property of such savings bank of every kind and nature shall pass to and vest in the Federal Deposit Insurance Corporation without the execution of any instruments of conveyance, assignment, transfer or endorsement.*

Sec. 17. *Among its other powers, the Federal Deposit Insurance Corporation, in the performance of its powers and duties as receiver or liquidator, may, upon the order of a court of record of competent jurisdiction, enforce the individual liability of the stockholders or members and directors or managers of any such savings bank.*

Sec. 18. *1. When any state savings bank has been closed as provided in section 15 of this act, and the Federal Deposit Insurance Corporation pays, or makes available for payment, the insured deposit liabilities of such closed savings bank, the Federal Deposit Insurance Corporation, whether or not it has become receiver or liquidator of such closed savings bank, must be subrogated to all rights against such closed bank of the owners of such deposits in the same manner and to the same extent as subrogation of the Federal Deposit Insurance Corporation is provided for in the Federal Deposit Insurance Act in the case of the closing of a national bank.*

2. The rights of depositors and other creditors of such closed savings bank will be determined in accordance with the applicable provisions of the laws of this State.

Sec. 19. *1. Any savings bank which is, or may hereafter be, closed on account of inability to meet the demands of its depositors, by action of the*

Commissioner, by action of a court, by action of its directors or due to its insolvency or suspension, the Commissioner, or the receiver or liquidator of the savings bank with the permission of the Commissioner, may borrow from the Federal Deposit Insurance Corporation and furnish any part or all of the assets of the savings bank to the Federal Deposit Insurance Corporation as security for a loan from it, but where the Federal Deposit Insurance Corporation is acting as the receiver or liquidator, the order of a court of record of competent jurisdiction must be first obtained approving the loan.

2. The Commissioner, or the receiver or liquidator of any savings bank with the permission of the Commissioner, upon the order of a court of record of competent jurisdiction, may sell to the Federal Deposit Insurance Corporation any part or all of the assets of the savings bank.

3. The provisions of this section do not limit the power of any savings bank, the Commissioner, receivers or liquidators to pledge or sell assets in accordance with any other existing law.

Sec. 20. ***1. The Commissioner shall furnish to the Federal Deposit Insurance Corporation, or to any official or examiner thereof, a copy of all examinations made of any savings bank and of all reports made by the savings bank. The Commissioner shall give access to and disclose to the Federal Deposit Insurance Corporation, or to any official or examiner thereof, all information possessed by the office of the Division of Financial Institutions with reference to the conditions or affairs of any savings bank.***

2. Nothing in this section limits:

(a) The duty of any savings bank in this State from complying with the provisions of the Federal Deposit Insurance Act, its amendments or substitutions, or the requirements of the Federal Deposit Insurance Corporation relative to examinations and reports; or

(b) The powers of the Commissioner with reference to examinations and reports pursuant to the provisions of title 55 of NRS.

Sec. 21. ***All books, papers and records of a savings bank which has been finally liquidated must be deposited by the receiver in the Office of the Commissioner.***

Sec. 22. ***1. Except as otherwise provided in subsections 2 and 3, after the expiration of 10 years from the filing by the Commissioner of a final report of liquidation of any insolvent savings bank, the Commissioner, with the consent of the State Board of Finance, may destroy the records of any insolvent savings bank held in the Office of the Commissioner in connection with the liquidation of the savings bank.***

2. If there are any unpaid dividends of the insolvent savings bank, the Commissioner shall preserve the deposit ledger or other evidence of indebtedness of the savings bank which refers to the unpaid dividends until the dividends have been paid.

3. The Commissioner may not destroy any of the formal records of liquidation or any of the records made in the Commissioner's office with reference to the liquidation of any insolvent savings bank.

Sec. 23. *1. Except as otherwise provided in subsection 2, if any savings bank has been or is appointed trustee in any indenture, deed of trust or other instrument of like character, executed to secure the payment of any bonds, notes or other evidences of indebtedness, is taken over for liquidation by the Commissioner, by the Federal Deposit Insurance Corporation or by any other legally constituted authority, the powers and duties of the savings bank as trustee cease upon the entry of an order of the district court appointing a successor trustee pursuant to a petition as provided for in sections 24 to 30, inclusive, of this act.*

2. If an indenture, deed of trust or other instrument of like character that appoints a savings bank as trustee pursuant to subsection 1 includes a provision which provides for the appointment of a successor trustee if the savings bank is taken over for liquidation, the powers and duties of the savings bank as trustee cease upon being taken over by the Commissioner, the Federal Deposit Insurance Corporation or any other legally constituted authority and the successor trustee named, or whose selection is provided for, in the instrument immediately assumes the duties as trustee without appointment by the district court pursuant to sections 24 to 30, inclusive, of this act.

Sec. 24. *In all cases to which subsection 1 of section 23 of this act is applicable, the district court for the county in which such indenture, deed of trust or other instrument of like character is recorded shall, upon the verified petition of any person interested in any such trust, either as trustee, beneficiary or otherwise, which interest must be set out in the petition, issue its order directing service on all interested parties, personally or by the publication in a newspaper published in the county, or in some adjoining county if no newspaper is published in the county where the application is made, of a notice directed to all persons concerned, commanding and requiring all persons having any interest in the trust, to appear in court on a day designated in the order and notice, not less than 30 days after the date of the order and notice, to show cause why a new trustee should not be appointed.*

Sec. 25. *Such notice must be published in the manner required by the Nevada Rules of Civil Procedure for service of summons by publication, and shall set forth the names of the parties to the indenture, deed of trust or other such instrument, the date thereof, and the place or places where such instrument is recorded.*

Sec. 26. *If, upon the day fixed in the order and notice, no person appears and objects to the appointment of a substitute trustee, the district court shall, upon such terms as it deems advisable to serve the best interest of all interested parties, appoint some competent person, or corporation authorized to act as a trustee, as a substitute trustee. Such appointed*

trustee is vested with and shall exercise all the powers conferred upon the trustee named in the instrument.

Sec. 27. *If, upon the day fixed in the order and notice, objection is made to the appointment of a new trustee, the court shall hear and determine the matter. An appeal may be taken from the decision of the court by any party who made an appearance in the proceeding.*

Sec. 28. *The final order of appointment of any such new trustee upon its entry must be recorded in the office of the county recorder in the county or counties in which the instrument under which such appointment has been made is recorded, and a minute of the same must be entered by the county recorder on the margin of the record where the original instrument is recorded.*

Sec. 29. *The petition and the order appointing such new trustee may include, relate to and apply to any number of indentures, deeds of trust or other instruments, wherein the same trustee is named.*

Sec. 30. *Sections 23 to 29, inclusive, of this act are in addition to and not in substitution for any other remedy provided by law.*

Sec. 31. *If the Commissioner, the Federal Deposit Insurance Corporation or any liquidating agent appointed pursuant to the provisions of sections 15 to 20, inclusive, of this act exercises the power of sale set up in any mortgage, deed of trust or other written instrument for the security of the payment of money in which any savings bank then in liquidation was named trustee, the exercise of the power of sale and the acts of resigning the trust, of the Commissioner, the Federal Deposit Insurance Corporation or the appointed liquidating agent have the same effect as if done by the savings bank named as trustee in the mortgage, deed of trust or other instrument.*

Sec. 32. *When the Commissioner or the Federal Deposit Insurance Corporation has taken possession of any savings bank, the savings bank may, with the consent of the Commissioner, resume business upon such terms and conditions as may be approved by the Commissioner and the Federal Deposit Insurance Corporation.*

Sec. 33. *1. When any savings bank is authorized to dissolve and has taken the necessary steps to effect dissolution in accordance with the laws of this State or the laws of the United States, but before actual dissolution, a majority of the directors or managers of the savings bank, upon authority in writing of the owners of two-thirds of its stock or two-thirds of the members' interests and with the approval of the Commissioner, may execute articles of incorporation or organization as provided in this chapter for the organization of a new savings bank. The articles must further set forth the authority derived from the stockholders or members of the savings bank.*

2. Upon the filing of articles of incorporation or organization in the same manner as provided for the organization of new savings banks, the reorganized savings bank is a savings bank under the laws of this State.

Upon reorganization, all assets, real and personal, of the dissolved savings bank, by operation of law, vest in and become the property of the reorganized savings bank, subject to all liabilities of the savings bank existing before the reorganization.

Sec. 34. ***Every savings association chartered under the laws of this State in existence on the effective date of this act is automatically converted, by operation of law, into a savings bank licensed under the laws of this State. The Commissioner shall issue a savings bank charter to each such entity immediately after the effective date of this act.***

Sec. 35. ***Every savings bank that is converted from a savings association pursuant to section 34 of this act shall have all of the rights, powers, privileges, immunities and exceptions provided by this chapter to a savings bank.***

Sec. 36. NRS 673.001 is hereby amended to read as follows:

673.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 673.002 to 673.034, inclusive, ***and sections 2 to 9, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 37. NRS 673.002 is hereby amended to read as follows:

673.002 ~~[~~"Association"~~]~~ ***"Savings bank"*** means a ~~[~~savings and loan association~~]~~ ***depository institution*** subject to the provisions of this chapter ~~[.]~~ ***to conduct the business of a savings bank.***

Sec. 38. NRS 673.0056 is hereby amended to read as follows:

673.0056 "Cooperative housing corporation" means a corporation organized under the laws of this ***State or any other*** state for the purpose of the cooperative ownership of real estate whereby each of the stockholders or members is entitled, through ownership of stock or a certificate of membership in the corporation, to occupy a house, apartment or other dwelling unit on real estate owned by the corporation.

Sec. 39. NRS 673.0057 is hereby amended to read as follows:

673.0057 "Deposit" means that part of the ~~[~~savings~~]~~ liability of ~~[~~an association~~]~~ ***a savings bank*** which is credited to the account of the holder thereof ~~[.]~~ ***and is eligible to be insured by the Federal Deposit Insurance Corporation.***

Sec. 40. NRS 673.008 is hereby amended to read as follows:

673.008 "Foreign," used in connection with an association, ***limited-liability*** company ***,*** ~~[~~or~~]~~ corporation ~~[,]~~ ***or other person organized for the purpose of conducting a banking business,*** means an association, ***limited-liability*** company ***,*** ~~[~~or~~]~~ corporation ***or person organized for the purpose of conducting a banking business that is*** organized or incorporated under the laws of some government other than that of the State of Nevada. ***The term includes any savings association, savings and loan association or other depository institution that specializes in accepting deposits and making mortgage and other loans pursuant to its charter, which is organized under the laws of another state or the United States.***

Sec. 41. NRS 673.016 is hereby amended to read as follows:

673.016 "Insured ~~[association"]~~ ***depository institution"*** means ~~[an association]~~ ***a depository institution*** the ~~[savings]~~ ***deposit*** accounts of which are insured wholly or in part by the Federal Deposit Insurance Corporation.

Sec. 42. NRS 673.017 is hereby amended to read as follows:

673.017 1. "Investment certificate" means any certificate or contract, either paid up or purchasable on an installment basis, which is issued for the purpose of providing a means of investment or savings.

2. An accumulative investment certificate is an investment certificate, not full-paid and without an expressed date of maturity, upon which the holder has the option of making payments at such times and in such amounts as the holder elects and as the ~~[association]~~ ***savings bank*** permits.

3. A full-paid investment certificate is an investment certificate, with or without an expressed date of maturity, for which the ~~[association]~~ ***savings bank*** has received the principal amount thereof at or prior to the time of the issuance of the certificate.

4. A minimum term investment certificate is an investment certificate for which the ~~[association]~~ ***savings bank*** has received a single payment equal to the principal amount thereof and which has a date expressed therein before which notice of intention to withdraw cannot be given, or which requires written notice from the holder to the ~~[association]~~ ***savings bank*** for a period specified therein before the expiration of which period notice of intention to withdraw cannot be given. On and after such date, or upon and after the expiration of the specified period following such written notice, each such certificate ceases to be a minimum term investment certificate and becomes a full-paid investment certificate, subject to the same withdrawal rights and restrictions as a full-paid investment certificate.

Sec. 43. NRS 673.0185 is hereby amended to read as follows:

673.0185 "Merger" means that consolidation of corporate structures which results in the uniting of substantially all the assets and liabilities of one state-chartered ~~[association]~~ ***savings bank*** with those of another such ~~[association]~~ ***savings bank or state bank*** or with those of a federal ~~[association.]~~ ***savings bank or national bank, or other insured depository institution.***

Sec. 44. NRS 673.0321 is hereby amended to read as follows:

673.0321 "Service office" means any office or other place of business in this ~~[state operated by one or more savings and loan associations other than the principal office or a branch of an association, where activities are confined to processing and storing data and records, accounting, printing, storing of supplies, and such other activities as the Commissioner approves which involve no personal contact with the public. At a service office, payment on account of savings or loan may be processed, but the association shall have all payments which are initially received at a service office, rather than at the principal office or branch of the association, made by mail only and directed to a post office box and not to the address or location of the~~

~~service office. The Commissioner may require that an association's name not be displayed at or near a service office.~~] ***State where the functions of a savings bank that do not involve receiving deposits, paying checks or lending money are performed.***

Sec. 45. NRS 673.034 is hereby amended to read as follows:

673.034 "Withdrawal value" means the amount credited to a [~~savings~~] ***deposit*** account, less lawful deductions therefrom, as shown by the records of the [~~association.~~] ***savings bank.***

Sec. 46. NRS 673.03531 is hereby amended to read as follows:

673.03531 1. Except as provided in subsections 3 and 4, an officer or employee of the Division of Financial Institutions shall not:

(a) Be directly or indirectly interested in or act on behalf of any [~~association;~~] ***savings bank;***

(b) Receive, directly or indirectly, any payment from [~~an association;~~] ***a savings bank;***

(c) Be indebted to any [~~association;~~] ***savings bank;***

(d) Engage in the negotiation of loans for others with any [~~association;~~] ***savings bank;*** or

(e) Obtain credit or services from [~~an association~~] ***a savings bank*** conditioned upon a fraudulent practice or undue or unfair preference over other customers.

2. An employee of the Division ***of Financial Institutions*** in the unclassified service of the State shall not obtain new extensions of credit from [~~an association~~] ***a savings bank*** while in office.

3. Any officer or employee of the Division of Financial Institutions may be indebted to [~~an association~~] ***a savings bank*** on the same terms as are available to the public generally upon:

(a) A mortgage loan upon his or her own real property.

(b) A secured installment debt.

(c) An unsecured debt.

4. Any officer or employee of the Division of Financial Institutions may establish and maintain savings deposits with [~~associations~~] ***savings banks*** to the greatest amount insured, receive interest on those deposits and borrow money secured by a pledge of those deposits.

5. If an officer or employee of the Division of Financial Institutions has a service, a preferred consideration, an interest or a relationship prohibited by this section at the time of his or her appointment or employment, or obtains it during his or her employment, he or she shall terminate it within 120 days after the date of his or her appointment or employment or the discovery of the prohibited act.

Sec. 47. NRS 673.039 is hereby amended to read as follows:

673.039 The Commissioner shall:

1. Keep in his or her office:

(a) For no less than 5 years, every report made by [~~an association.~~] ***a savings bank.***

(b) The original application of every ~~[association]~~ ***savings bank*** in a permanent file.

(c) Other administrative documents in the manner provided by law or by appropriate regulations.

2. Provide a complete stenographic record of every hearing and proceeding conducted by his or her office and maintain, for no less than 5 years, a transcript of the hearing or proceeding, together with any regulation, order, decision, determination or consent entered in connection with the hearing or proceeding.

Sec. 48. NRS 673.040 is hereby amended to read as follows:

673.040 The Commissioner shall supervise and make all policy with regard to all foreign and domestic ~~[associations,]~~ ***savings banks,*** companies and corporations governed by this chapter and doing business in this state.

Sec. 49. NRS 673.043 is hereby amended to read as follows:

673.043 ~~[1.]~~ The Commissioner may adopt such regulations as may be reasonable or necessary to carry out the purposes of this chapter.

~~[2. The regulations as originally drafted, and as amended from time to time, must be printed and distributed by the Commissioner to all associations, and become effective not earlier than 30 days from the date of issuance, but before the regulations become effective and within that 30-day period any association may appeal to the Director as to the reasonableness and necessity of any of or all of the regulations.]~~

Sec. 50. NRS 673.045 is hereby amended to read as follows:

673.045 The Commissioner may, for reasonable cause and upon 15 days' notice, amend or alter any license issued by him or her, but the ~~[association]~~ ***savings bank*** may appeal the order of the Commissioner in the manner provided in this chapter.

Sec. 51. NRS 673.060 is hereby amended to read as follows:

673.060 Except as otherwise provided in NRS 673.080, 673.112 and ~~[673.595:]~~ ***673.2176:***

1. All fees, charges for expenses, assessments and other money collected under the provisions of this chapter from foreign and domestic ~~[associations,]~~ ***savings banks,*** companies and corporations governed by this chapter must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

2. The compensation provided for by this chapter and all expenses incurred under this chapter must be paid from the money deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 52. NRS 673.070 is hereby amended to read as follows:

673.070 1. Savings ~~[and loan associations,]~~ ***banks,*** except ***state*** banks ~~[,]~~ ***and*** trust companies ~~[,]~~ ***organized pursuant to title 55 of NRS,*** licensed brokers, small loan companies, thrift companies and credit unions, whose principal and primary business is to borrow, loan and invest money, shall be incorporated under the provisions of this chapter. For that purpose all of the provisions of chapter 78 of NRS (Private Corporations) which are not in conflict with this chapter are hereby adopted as parts of this chapter, and all

the rights, privileges and powers and all the duties and obligations of such domestic corporations and of the officers and stockholders thereof shall be as provided in chapter 78 of NRS except as otherwise provided in this chapter.

2. A person, firm, partnership, association or corporation except a savings ~~[and loan association]~~ ***bank*** incorporated under this chapter ***, an affiliate of a savings bank or an entity otherwise lawfully conducting business in this State pursuant to this chapter,*** shall not conduct or carry on the business of soliciting or advertising ~~[for savings deposits and loaning of such]~~ ***the products or services of a*** savings ~~[.]~~ ***bank.*** This subsection does not apply to banks, trust companies, licensed brokers, thrift companies, credit unions and licensees under chapter 675 of NRS.

Sec. 53. NRS 673.080 is hereby amended to read as follows:

673.080 1. The Secretary of State shall not issue any certificate to ~~[an association]~~ ***a savings bank*** or company authorizing it to do business until the articles of association, agreement or incorporation are approved by the Commissioner.

2. No amendment to the articles of the organization may be filed by the Secretary of State without the written approval of the articles by the Commissioner.

3. No ~~[association]~~ ***savings bank*** may sell, offer for sale, negotiate for the sale of, take subscriptions for, or issue any of its common or preferred stock until it has first applied for and secured from the Commissioner approval of an application for permission to organize as provided for in this section.

4. Persons who desire to organize ~~[an association]~~ ***a savings bank*** in accordance with this chapter shall first execute in triplicate an application, in the form prescribed by the Commissioner, for permission to organize ~~[an association]~~ ***a savings bank*** before taking any other action in connection with the organization. Upon execution of an application for permission to organize by ~~[seven]~~ ***one or more*** responsible ~~[citizens,]~~ ***natural persons,*** referred to in this section as "applicants," the original and two copies of the application must be submitted to the Commissioner. The applicants shall submit with their application the names and addresses of the applicants, the location of the proposed ***main*** office, an itemized account of the financial condition of the proposed ~~[association]~~ ***savings bank*** and of the applicants, the amount and character of the proposed stock, statements, exhibits, maps and such additional information as the Commissioner requires, together with an affidavit that the representations made thereby are consistent with the facts to the best of the applicants' information and belief. This data must be sufficiently detailed and comprehensive to enable the Commissioner to pass upon the application as to:

(a) The character and responsibility of the applicants;

(b) The need for the ~~[association]~~ ***savings bank*** in the community to be served;

(c) The reasonable probability of its usefulness and success; and

(d) Whether such ~~[an association]~~ ***a savings bank*** can be established without undue injury to any properly conducted existing savings ~~[and loan institutions.]~~ ***banks.***

5. If the Commissioner approves the application he or she shall, within 30 days, notify all ~~[associations]~~ ***savings banks*** within 100 miles of the community where the applicant intends to establish ~~[an association.]~~ ***a savings bank.*** Any ~~[association]~~ ***savings bank*** so notified may, within 20 days, protest in writing the granting of the application. Within 30 days after receipt by the Commissioner of a written protest, the Commissioner shall fix a date for a hearing upon the protest, and the hearing must be held not earlier than 30 days nor more than 60 days after the date of receipt of written notice by registered or certified mail by the parties. The Commissioner shall approve or deny the application within 90 days after the date of the conclusion of the hearing and give all parties written notice of his or her decision on or before that date.

6. If the Commissioner approves the application, he or she shall establish as conditions to be met before the issuance of a charter requirements as to:

(a) The minimum number of shares of common or preferred stock to be subscribed to the ~~[association's]~~ permanent capital ~~[;]~~ ***of the savings bank;***

(b) The minimum amount of paid-in surplus;

(c) The minimum amount of investment certificates to be paid into the ~~[association's savings]~~ ***deposit*** accounts ***of the savings bank*** upon issuance of a charter to it; and

(d) Such other requirements as he or she deems necessary or desirable.

➥ At least 75 percent of the capital must be subscribed by bona fide residents of this State or a depository institution or holding company qualified ***to control the savings bank*** pursuant to the provisions of ***this chapter or*** chapter 666 ***or 666A*** of NRS **.** ~~[or NRS 666A.010 to 666A.400, inclusive.]~~ Approval of an application for permission to organize ~~[an association]~~ ***a savings bank*** does not in any manner obligate the Commissioner to issue a charter, except that when all requirements of this chapter and of the Commissioner have been fulfilled, he or she shall issue a charter.

7. The charter expires 180 days after issuance, unless, within that time, the ~~[association]~~ ***savings bank*** has obtained insurance of accounts from the Federal Deposit Insurance Corporation. The Commissioner may, for good cause, extend the time of the conditional expiration of the charter for an additional period or periods not exceeding 360 days in the aggregate.

8. ~~[An association]~~ ***A savings bank*** shall not sell or issue any of its permanent stock until it has first applied for and secured from the Commissioner a license authorizing it to operate as a savings ~~[and loan association]~~ ***bank*** pursuant to the laws of this State and until it has applied for and secured insurance of accounts in accordance with the regulations of the Federal Deposit Insurance Corporation. This insurance of accounts must be maintained at all times.

9. The Commissioner may extend the time for any hearing provided for in this section, to the time agreed upon by the parties.

10. The filing fees are:

(a) For filing an original application, not more than $4,000 for the ~~[~~principal~~]~~ ***main*** office. The applicant shall also pay such additional expenses incurred in the process of investigation as the Commissioner deems necessary. All money received by the Commissioner pursuant to this paragraph must be placed in the Investigative Account ***for Financial Institutions*** created by NRS 232.545.

(b) If the license is approved for issuance, not more than $2,000 for the ~~[~~principal~~]~~ ***main*** office before issuance.

11. The Commissioner may impose conditions requiring the impoundment of proceeds from the sale of any stock, limiting the expense in connection with the sale of stock, and such other conditions as are reasonable and necessary or advisable to insure the disposition of the proceeds from the sale of the stock in the manner and for the purposes provided in the permission to organize.

12. Every permission to organize issued by the Commissioner must recite in bold type that its issuance is permissive only and does not constitute a recommendation or endorsement of the organization or of the stock permitted to be issued.

13. Any corporation applying pursuant to this section or authorized to organize or authorized to establish a savings ~~[~~and loan association~~]~~ ***bank*** shall provide for a minimum par value of its permanent capital stock of at least $1 in its articles of incorporation. Par value of permanent capital stock may not be reduced below $1 without written permission of the Commissioner.

14. The removal of the ~~[~~home~~]~~ ***main*** office or of any branch office of ~~[~~an association~~]~~ ***a savings bank*** to any other location from its then existing location requires ~~[~~prior approval of~~]~~ ***submission of written notice at least 30 days before relocation to*** the Commissioner ~~[~~.~~]~~ ***and, if the Commissioner determines that his or her approval is necessary, approval of the Commissioner.*** An application seeking approval ***, if required by the Commissioner,*** must be delivered to the Commissioner, together with a fee to cover expenses attendant upon the investigation required for the approval, which must be not less than $200. All money received by the Commissioner pursuant to this subsection must be placed in the Investigative Account ***for Financial Institutions*** created by NRS 232.545.

15. ~~[~~An association~~]~~ ***A savings bank*** shall not pay any commissions or other compensation for the subscription to or sale of the original issue of its stock.

16. The Commissioner shall adopt regulations establishing the amount of the fees required pursuant to this section.

17. The Commissioner shall consider an application to be withdrawn if the Commissioner has not received all information and fees required to

complete the application within 12 months after the date the application is first submitted to the Commissioner or within such later period as the Commissioner determines in accordance with any existing policies of joint regulatory partners. If an application is deemed to be withdrawn pursuant to this subsection or if the applicant otherwise withdraws the application, the Commissioner may not issue a license to the applicant unless the applicant submits a new application and pays any required fees.

Sec. 54. NRS 673.090 is hereby amended to read as follows:

673.090 The powers, privileges, duties and restrictions conferred and imposed upon any such ~~[association,]~~ ***savings bank,*** company or corporation, whether foreign or domestic, existing or doing business under the laws of this state are hereby abridged, enlarged or modified, as each particular case may require, to conform to the provisions of this chapter, notwithstanding anything to the contrary in their respective articles of incorporation or charters.

Sec. 55. NRS 673.112 is hereby amended to read as follows:

673.112 1. A branch office is a legally established place of business of ~~[an association,]~~ ***a savings bank,*** other than the ~~[home]~~ ***main*** office, which is authorized by the board of directors and approved by the Commissioner and at which any of the ~~[association's]~~ business ***of the savings bank*** may be conducted.

2. All branch offices are subject to direction from the ~~[home]~~ ***main*** office.

3. No ~~[association]~~ ***savings bank*** may establish or maintain a branch office without prior written approval of the Commissioner. Each application for approval of the establishment and maintenance of a branch office must:

(a) State the proposed location thereof, the need therefor, the functions to be performed therein, the estimated annual expense thereof and the mode of payment therefor.

(b) Be accompanied by a budget of the ~~[association]~~ ***savings bank*** for the current semiannual period and for the next succeeding semiannual period, which reflects the estimated additional expense of the maintenance of the branch office.

4. After receipt of an application the Commissioner shall determine:

(a) Whether the establishment and maintenance of the branch office will unduly injure any properly conducted existing ~~[association]~~ ***savings bank*** in the community where the branch office is proposed to be established or in any neighboring community; and

(b) Whether or not the establishment and maintenance of the branch office will serve the public interest.

5. Before issuance of a charter for a branch office, the Commissioner shall notify all ~~[associations]~~ ***savings banks*** doing business within a radius of 100 miles of the principal place of business of the applicant, and within a radius of 100 miles of the proposed branch office. Any ~~[association]~~ ***savings bank*** so notified may, within 20 days, protest in writing the granting of the

application. Within 30 days after receipt by the Commissioner of a written protest, the Commissioner shall fix a date for a hearing upon the protest. The hearing must be held not earlier than 60 days nor more than 90 days after the date of receipt of written notice by registered or certified mail by the parties.

6. If the Commissioner finds that no undue injury is likely to result, that the establishment and maintenance of the branch office is advisable and will serve the public interest, he or she may approve the application.

7. Approval of ~~[an association's]~~ ***a savings bank's*** application for a branch office charter permits the ~~[association]~~ ***savings bank*** to establish an operating office in a temporary or a permanent building, if the building is placed on or erected at the approved location within 12 months after the approval.

8. For good cause and after notice to the ~~[association,]~~ ***savings bank,*** the Commissioner may revoke his or her approval for the maintenance of a branch office. Failure to establish a branch office in the manner and within the time permitted under this section constitutes a good cause for revocation, unless a prior, written request for a waiver of the time limitation is sought by the ~~[association]~~ ***savings bank*** and an extension, in writing, is granted by the Commissioner.

9. ~~[An association]~~ ***A savings bank*** which maintains one or more branch offices shall give each branch office a specific designation by name and include in the designation the word "branch" and shall prominently display the designation at the place of business of the branch. When ~~[an association]~~ ***a savings bank*** is operating a branch office, all advertising of or by the branch office must state clearly the location of the ~~[principal]~~ ***main*** office of the ~~[association.]~~ ***savings bank.***

10. The filing fees are:

(a) For filing an original application, not more than $400 for each branch office. The applicant shall also pay such additional expenses incurred in the process of investigation as the Commissioner deems necessary. All money received by the Commissioner pursuant to this subsection must be placed in the Investigative Account ***for Financial Institutions*** created by NRS 232.545.

(b) If the license is approved for issuance, not more than $200 for each branch office before issuance.

11. The Commissioner shall adopt regulations establishing the amount of the filing fees required pursuant to this section.

Sec. 56. NRS 673.113 is hereby amended to read as follows:

673.113 1. Every ~~[association]~~ ***savings bank*** shall maintain bond coverage ~~[with a bonding company]~~ ***in such amounts and form*** which is acceptable to the Commissioner and the Federal Deposit Insurance Corporation ***.*** ~~[for an amount to be determined by the Commissioner not to exceed 5 percent of the total assets of the association, nor for an amount greater than $3,000,000, covering all directors, officers, employees, agents, data processing service firms and all other operating hazards that are~~

~~normally covered under the bond. The bond must be in the form known as Standard Form No. 22, its equivalent or some other form which may be acceptable to the Federal Deposit Insurance Corporation and the Commissioner.]~~ The bond coverage may allow for a deductible amount or provision adopted under ~~[Title 12, Code of Federal Regulations, Section 563.19(a), (b) and (c), and under any subsequent amendments thereto.]~~ ***federal regulations applicable to federal savings banks.***

2. ~~[A true copy of the surety bond must be placed in the custody of the Commissioner and the original maintained in the office of the association at all times.~~

~~3. The surety bond must provide that a cancellation thereof, either by the surety company or by the insured, does not become effective until 10 days' notice in writing is first given to the Commissioner, or unless he or she earlier approves the cancellation in writing.~~

~~4.]~~ When requested by the Commissioner, the ~~[association]~~ ***savings bank*** shall provide a duplicate copy of the invoice showing that the bond premium has been paid or satisfied.

~~[5.]~~ ***3.*** The face amount of the surety bond must comply with the requirements of the Federal Deposit Insurance Corporation.

Sec. 57. NRS 673.114 is hereby amended to read as follows:

673.114 1. ~~[No association may open,]~~ ***A savings bank organized under this chapter may establish and*** maintain ***one*** or ~~[conduct a service office without approval from the Commissioner.]~~ ***more service offices within or outside this State according to the needs of the savings bank.***

2. ~~[For good cause, and after notice to the association,]~~ ***A savings bank shall notify*** the Commissioner ~~[may revoke his or her approval for the maintenance of a]~~ ***in writing of the location of any*** service office ~~[.]~~ ***not later than 30 days after establishment of the service office.***

3. A service office does not constitute a branch office and is not subject to the issuance of any license, certificate or prior approval of the Commissioner, the Department of Business and Industry or the Division of Financial Institutions before establishment.

Sec. 58. NRS 673.115 is hereby amended to read as follows:

673.115 1. ~~[An association]~~ ***A savings bank*** shall not issue or publish, or cause or permit to be issued or published, any advertisement that it is doing or is permitted to do any business which is prohibited by law to ~~[an association,]~~ ***a savings bank,*** or which misrepresents the nature of its stock, investment certificates, savings deposits or the right of investors or depositors in respect thereto.

2. ~~[An association]~~ ***A savings bank*** may set forth in any of its advertisements any of the purposes for which it is organized.

3. ~~[An association]~~ ***A savings bank*** shall not issue, circulate or publish any advertisement after notice in writing from the Commissioner that in his or her opinion the advertisement is unauthorized, false, misleading or likely to deceive the public.

4. ~~[An association]~~ ***A savings bank*** shall not:

(a) State in any advertisement that it is under state supervision or control.

(b) Include in any advertisement or in any instrument used by it a replica of the Great Seal of the State of Nevada.

(c) ~~[State or imply in any advertisement that money may be invested with the association at any place other than the principal office or branch of the association.~~

~~(d)]~~ Use the word "deposit" or "deposits" in any form of advertising ~~[, unless the use of that word is authorized in the advertising of a federal savings and loan association pursuant to]~~ ***that would be prohibited under*** federal law.

~~[5. No association may offer or deliver any gift or premium to any investor or saver of an investment certificate or to any savings depositor in excess of basic cost to the association of $2.50.]~~

Sec. 59. NRS 673.117 is hereby amended to read as follows:

673.117 1. ~~[Except as otherwise provided in NRS 673.110, a]~~ ***A*** licensee must obtain the approval of the Commissioner before using or changing a business name.

2. A licensee shall not:

(a) Use any business name which is identical or similar to a business name used by another licensee under this chapter ~~[or]~~ which may mislead or confuse the public.

(b) Use any printed forms which may mislead or confuse the public.

Sec. 60. NRS 673.207 is hereby amended to read as follows:

673.207 1. The business and affairs of every ~~[association]~~ ***savings bank*** must be managed and controlled by a board of not less than five nor more than 25 directors, ***a majority*** of which ***must*** not ~~[more than a minority, but not more than three, may]~~ be full-time officers of the ~~[association.]~~ ***savings bank.*** The persons designated in the articles of incorporation are the first directors.

2. Vacancies in the board of directors must be filled by vote of the stockholders at the annual meetings or at a special meeting called for that purpose. The board of directors may fill vacancies occurring on the board, such appointees to serve until the next annual meeting of the stockholders.

3. The board of directors of ~~[any association]~~ ***a savings bank*** may amend the bylaws of the ~~[association.]~~ ***savings bank.***

Sec. 61. NRS 673.208 is hereby amended to read as follows:

673.208 No person is eligible to serve as a director of ~~[an association]~~ ***a savings bank*** without the written permission of the Commissioner if he or she:

1. Has been adjudicated ~~[a]~~ bankrupt or has taken the benefit of any assignment for the benefit of creditors or has suffered a judgment recovered against him or her for a sum of money to remain unsatisfied of record or not safeguarded by supersedeas bond on appeal for a period of more than 3 months.

2. Is a director, officer or employee of any other ***unaffiliated*** savings ~~[and loan association.]~~ ***bank.***

3. Is an officer or employee of ~~[a]~~ ***an unaffiliated*** commercial bank in this state.

4. Is not an investor in the ~~[association,]~~ ***savings bank or its holding company, if applicable,*** owning in his or her own right or in a representative capacity as an executor, administrator, guardian or trustee stock in the ~~[association]~~ ***savings bank or its holding company, if applicable,*** of the par value of at least $1,000, or full-paid investment certificates in the ~~[association]~~ ***savings bank or its holding company, if applicable,*** of the value of at least $1,000. For the purpose of this chapter, a person who owns stock or investment certificates as a joint tenant with one other person shall be deemed to own, in his or her own right, one-half of the stock or investment certificates.

5. Sells or hypothecates all the stock or investment certificates owned by him or her, or so much thereof that he or she ceases to be the owner, free from encumbrances, of the amount of stock or investment certificates required by subsection 4.

Sec. 62. NRS 673.209 is hereby amended to read as follows:

673.209 If the Commissioner notifies the board of directors of any ~~[association,]~~ ***savings bank,*** in writing, that he or she has information that any director, officer or employee of the ~~[association]~~ ***savings bank*** is failing in the performance of his or her duties, the board of directors shall meet and consider the matter forthwith. The Commissioner must have notice of the time and place of the meeting. If the board of directors finds the Commissioner's objection to be well founded, the director, officer or employee shall be removed immediately.

Sec. 63. NRS 673.212 is hereby amended to read as follows:

673.212 Directors and officers of ~~[an association shall be deemed to stand in a fiduciary relation to the association and]~~ ***a savings bank*** shall discharge the duties of their respective positions in good faith and with the diligence, care and skill which ordinary, prudent persons would exercise under similar circumstances in a similar position.

Sec. 64. NRS 673.214 is hereby amended to read as follows:

673.214 ~~[1.]~~ The board of directors of ~~[the association]~~ ***a savings bank*** shall elect the officers named in the bylaws of the ~~[association,]~~ ***savings bank,*** which officers shall serve at the pleasure of the board of directors.

~~[2. The principal officers' salaries shall be set by the board of directors.]~~

Sec. 65. NRS 673.215 is hereby amended to read as follows:

673.215 1. The board of directors of each ~~[association]~~ ***savings bank*** shall hold a regular meeting at least once each quarter, at a time to be designated by it in accordance with its bylaws.

2. Special meetings of the board of directors may be held upon notice to each director sufficient to permit his or her attendance. The president or any

three members of the board of directors may call a meeting of the board of directors by giving notice to all of the directors.

3. At any meeting of the board of directors, a majority of the members constitutes a quorum for the transaction of business.

Sec. 66. NRS 673.216 is hereby amended to read as follows:

673.216 Every official communication by the Commissioner directed to the board of directors of ~~[an association]~~ ***a savings bank*** must be ~~[read]~~ ***presented*** at the next meeting of the board of directors and made a part of the minutes of the meeting.

Sec. 67. NRS 673.2176 is hereby amended to read as follows:

673.2176 1. ~~[An association]~~ ***A savings bank*** shall immediately notify the Commissioner of any change or proposed change in ownership of the ~~[association's]~~ stock ***of the savings bank*** which would result in any person, including a business trust, obtaining 5 percent or more of the ~~[association's]~~ outstanding capital stock ~~[.]~~ ***of the savings bank.***

2. An application must be submitted to the Commissioner, pursuant to NRS 673.080, by a person who acquires:

(a) At least 25 percent of ~~[an association's]~~ ***the*** outstanding stock ~~[;]~~ ***of the savings bank;*** or

(b) Any outstanding stock of ~~[an association]~~ ***a savings bank*** if the change will result in a change in the control of the ~~[association.]~~ ***savings bank.***

➥ Except as otherwise provided in subsection 4, the Commissioner shall conduct an investigation to determine whether the character and responsibility of the applicant is such as to command the confidence of the community in which the ~~[association]~~ ***main office of the savings bank*** is located. If the Commissioner denies the application, he or she may forbid the applicant from participating in the business of the ~~[association.]~~ ***savings bank.***

3. The ~~[association]~~ ***savings bank*** with which the applicant is affiliated shall pay such a portion of the cost of the investigation as the Commissioner requires. All money received by the Commissioner pursuant to this section must be placed in the Investigative Account ***for Financial Institutions*** created by NRS 232.545.

4. A savings ~~[and loan association]~~ ***bank*** may submit a written request to the Commissioner to waive an investigation pursuant to subsection 2. The Commissioner may grant a waiver if the applicant has undergone a similar investigation by a state or federal agency in connection with the licensing of or his or her employment with a financial institution.

Sec. 68. NRS 673.218 is hereby amended to read as follows:

673.218 ~~[An association]~~ ***A savings bank*** may provide for pensions, retirement plans and other benefits for its officers and employees, and may contribute to the cost thereof in accordance with the plan adopted by its board of directors.

Sec. 69. NRS 673.219 is hereby amended to read as follows:

673.219 The board of directors shall approve the depositary or depositaries for funds of the ~~[association.]~~ ***savings bank.***

Sec. 70. NRS 673.221 is hereby amended to read as follows:

673.221 1. It is unlawful for an officer, director, employee or capital stockholder of ~~[an association:]~~ ***a savings bank:***

(a) To solicit, accept or agree to accept, directly or indirectly, from any person other than the ~~[association,]~~ ***savings bank or an affiliate of the savings bank,*** any gratuity, compensation or other personal benefit for any action taken by the ~~[association]~~ ***savings bank*** or for endeavoring to procure any such action.

(b) To have any interest, direct or indirect, in the purchase at less than its face value of any evidence of a ~~[savings]~~ ***deposit*** account or other indebtedness issued by the ~~[association,]~~ ***savings bank,*** excluding stock certificates and junior capital notes.

2. It is unlawful for any stockholder with more than 5 percent of the outstanding capital stock of ~~[an association,]~~ ***a savings bank*** or any director or principal officer, to have any interest, direct or indirect, in the proceeds of a loan or of a purchase or sale made by the ~~[association,]~~ ***savings bank,*** unless the loan, purchase or sale ***complies with the provisions of NRS 673.3244 or*** is ***otherwise*** authorized expressly by this chapter or by a resolution of the board of directors of the ~~[association.]~~ ***savings bank.*** The resolution must be approved by a vote of at least two-thirds of all the directors of the ~~[association,]~~ ***savings bank,*** and an interested director may not take part in the vote. The loan must also conform to federal regulations for the insurance of accounts.

3. Any violation of the provisions of this section is a misdemeanor.

Sec. 71. NRS 673.2211 is hereby amended to read as follows:

673.2211 Any ~~[association]~~ ***savings bank*** director, officer or other person who knowingly and willingly participates in any violation of the laws of this state relative to savings ~~[and loan associations]~~ ***banks*** is liable for all damage which the savings ~~[and loan association,]~~ ***bank,*** its stockholders, savings depositors or creditors sustain in consequence of such violation.

Sec. 72. NRS 673.222 is hereby amended to read as follows:

673.222 ~~[1. An association shall pay on behalf of or reimburse an officer, director or employee for the expenses of defending an action brought on behalf of the association or the savings account holders, other creditors or borrowers thereof, founded upon any act or acts performed or omitted by such person acting as such officer, director or employee under the following conditions:~~

~~(a) If the person is adjudicated to be not liable, then all reasonable expenses of such litigation shall be paid by the association.~~

~~(b) If the person is held to be liable on certain items and not liable on others, the association shall pay the proportion of the total reasonable~~

~~expense of the litigation which the items on which he or she is held to be not liable bear to all the items alleged.~~

~~— 2. If, in the opinion of the association, any such person is not liable upon the substantive issues alleged, the association is authorized to compromise and settle such claim or litigation in its discretion and to pay the entire expense thereof, including the compromise settlement, if the expense is reasonable. Any action taken by the association under this subsection requires approval by a vote of at least two-thirds of all the directors of the association (an interested director taking no part in the vote), or by a majority vote of the stockholders.~~**]** ***Nothing in this chapter limits the authority of a savings bank to indemnify and defend, or to provide reimbursement for expenses of defending an action to, officers, directors, employees, agents or other parties as such authority may be provided under the laws of this State, if such indemnification does not violate the limitations on indemnification imposed by section 18(k) of the Federal Deposit Insurance Act, 12 U.S.C. § 1828(k), and the regulations issued thereunder by the Federal Deposit Insurance Corporation.***

Sec. 73. NRS 673.225 is hereby amended to read as follows:

673.225 1. Notwithstanding any other provision of this chapter, every **[**~~company, association or corporation~~**]** ***savings bank*** licensed under the provisions of this chapter whose accounts are insured by the Federal Deposit Insurance Corporation or its successor, **[**~~or which is a member of a Federal Home Loan Bank or its successor as an insured association,~~**]** has the same rights, powers, privileges, immunities and exceptions which are possessed by any **[**~~federally chartered association unless~~**]** ***federal savings bank, including all such fiduciary powers that a federal savings bank is authorized to exercise, except as may be*** expressly denied ***or limited*** by the Commissioner **[**~~.~~**]** ***after notice and a hearing.***

2. Whenever additional rights, powers, privileges or exceptions are granted to any **[**~~federally chartered association, every company, association or corporation~~**]** ***federal savings bank, including under principles of federal preemption, every savings bank*** licensed under the provisions of this chapter whose accounts are federally insured has those additional rights, powers, privileges or exceptions **[**~~unless~~**]** ***, except as may be*** expressly denied ***or limited*** by the Commissioner **[**~~.~~**]** ***after notice and a hearing.***

3. If federal law conflicts with any of the provisions of this chapter, except as otherwise provided by the Commissioner, the provisions of federal law shall prevail as to such conflict, and satisfaction of any obligations imposed under federal law by the savings bank shall be deemed to also satisfy the obligations of the savings bank under state law.

4. In addition to all powers otherwise granted by this chapter, every savings bank licensed under the provisions of this chapter has the powers, privileges and authorities granted by regulations promulgated under the Federal Deposit Insurance Act for foreign savings banks, except as may be expressly denied or limited by the Commissioner after notice and hearing.

5. A savings bank shall have any power reasonably incident, convenient or useful to the accomplishment of the powers conferred upon the savings bank by this chapter.

Sec. 74. NRS 673.227 is hereby amended to read as follows:

673.227 1. ~~[An association]~~ ***A savings bank*** may purchase or lease property for its office buildings or construct its office buildings on property purchased or leased by it, if the total cost of land and improvements does not exceed 70 percent of the sum of the ~~[association's]~~ capital, surplus and reserves ~~[.]~~ ***of the savings bank.***

2. With the approval of the Commissioner, senior capital notes of the Federal Deposit Insurance Corporation may be included in capital for the purposes of this section.

Sec. 75. NRS 673.228 is hereby amended to read as follows:

673.228 1. ~~[An association may act as a trustee or custodian as provided by the Federal Employee Retirement Security Act of 1974, as amended or supplemented.~~

~~2. An association]~~ ***A savings bank shall have the powers, privileges and authorities to engage in trust company business, including engaging in custodial activities and establishing common trust funds, either directly or indirectly through a subsidiary, that any state bank, foreign bank, foreign savings bank, national bank or federal savings bank may exercise, subject to the requirements and conditions for engaging in such business of a trust company set forth in this section.***

2. Before engaging in trust company business, a savings bank shall apply to the Commissioner on such form as he or she shall determine and pay the same fee as required for a state bank to engage in trust company business. In considering such an application, the Commissioner shall determine whether:

(a) The management and personnel of the savings bank are qualified to conduct trust company business;

(b) Trust company business will be adequately conducted in compliance with the law; and

(c) The financial and managerial resources of the savings bank are sufficient to support the conduct of trust company business.

3. A savings bank subscribing to trustee and custodial power authorized by this section shall be required to segregate all funds held in such fiduciary capacity from the general assets of the ~~[association]~~ ***savings bank*** and keep a separate set of books and records showing in proper detail all transactions engaged in under the authority of this section.

~~[3.]~~ ***4.*** If individual records are kept of each self-employed individual retirement plan, all funds held in such trust or custodial capacity by the ~~[association]~~ ***savings bank*** may be commingled for appropriate purposes of investment.

~~[4.]~~ ***5.*** No funds held in ~~[such]~~ ***a*** fiduciary capacity ***by a savings bank*** may be used by the ~~[association]~~ ***savings bank*** in the conduct of its business,

although such funds may be invested in the ~~[savings]~~ ***deposit*** accounts of the ~~[institution]~~ ***savings bank*** if the trust or custodial retirement plan does not prohibit the investment.

6. As used in this section, "business of a trust company" or "trust company business" has the meaning ascribed to it in NRS 669.029.

Sec. 76. NRS 673.250 is hereby amended to read as follows:

673.250 1. No ~~[association]~~ ***savings bank*** may sell or issue any of its common or preferred stock until it has first applied for and secured from the Commissioner a license authorizing it so to do as provided in NRS 673.080.

2. Every license must recite in bold type that the issuance of the license is permissive only and does not constitute a recommendation or endorsement of the stock permitted to be issued.

3. Before the sale of, or option to buy, any additional authorized but unissued common or preferred stock, the ~~[association]~~ ***savings bank*** must have the written approval of the Commissioner.

4. The Commissioner may impose conditions requiring the impoundment of the proceeds from the sale of any stock, limiting the expense in connection with the sale and such other conditions as are reasonable and necessary or advisable to ensure the disposition of the proceeds from the sale of the stock in the manner and for the purposes provided in the license.

Sec. 77. NRS 673.260 is hereby amended to read as follows:

673.260 1. The license specified in NRS 673.250 authorizes the company, ~~[association]~~ ***savings bank*** or corporation to whom it is issued to sell its approved securities and contracts within this State for the remainder of the fiscal year ending on June 30 next succeeding. Each license is renewable, under like restrictions, annually thereafter.

2. For the issuing of any license provided for in NRS 673.250 and for any renewal thereof, the fee of the Commissioner is:

(a) For ~~[each home]~~ ***the main*** office, not more than $400; and

(b) For each branch office, not more than $200.

3. The fees must accompany the license renewal application. A penalty of 10 percent of the fee payable must be charged for each month or part thereof that the fees are not paid after June 30 of each year.

4. The Commissioner shall adopt regulations establishing the amount of the fees required pursuant to this section. ~~[All sums received by the Commissioner pursuant to this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.]~~

Sec. 78. NRS 673.2755 is hereby amended to read as follows:

673.2755 1. ~~[An association]~~ ***A savings bank*** may issue investment certificates, with or without passbooks. The holders of investment certificates are not liable for debts or assessments, and are entitled upon liquidation of ~~[an association]~~ ***a savings bank*** to receive payment in full before any payment or distribution is made to stockholders. The holders of investment certificates have no right to participate in the profits of the ~~[association.]~~ ***savings bank.***

2. Investment certificates may be issued as fully paid investment certificates, accumulative investment certificates, minimum term investment certificates or other types of certificates approved by the Commissioner. The Commissioner shall not approve any certificates whose issuance would impair the insurance of the ~~[association's]~~ accounts ***of the savings bank*** by the Federal Deposit Insurance Corporation.

Sec. 79. NRS 673.2758 is hereby amended to read as follows:

673.2758 A reserve for losses shall be maintained by each ~~[association,]~~ ***savings bank,*** which shall allow for the write-down of assets to their fair market value in accordance with generally accepted accounting principles ~~[.]~~ ***to the same extent that such principles are used to determine compliance with federal regulations applicable to federal savings banks.***

Sec. 80. NRS 673.276 is hereby amended to read as follows:

673.276 ~~[An association]~~ ***A savings bank*** may invest in:

1. Without limit, obligations of, or obligations guaranteed as to principal and interest by, the United States or any state.

2. Obligations of the United States Postal Service, whether or not guaranteed as to principal and interest by the United States.

3. Stock of a Federal Home Loan Bank ***or Federal Reserve Bank*** of which the ~~[association]~~ ***savings bank*** is eligible to be a member.

4. Any obligations or consolidated obligations of any Federal Home Loan Bank or Banks ~~[.]~~ ***or any Federal Reserve Bank or Banks.***

5. Stock or obligations of the Federal Deposit Insurance Corporation.

6. Stock or obligations of a national mortgage association or any successor or successors thereto, including the Federal National Mortgage Association ~~[.]~~ ***or the Federal Home Loan Mortgage Corporation.***

7. Demand, time or savings deposits with any bank, credit union or trust company whose deposits are insured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund or a private insurer approved pursuant to NRS 678.755.

8. Stock or obligations of any corporation or agency of the United States or any state, or in deposits therewith to the extent that such a corporation or agency assists in furthering or facilitating the ~~[association's]~~ purposes or powers ~~[.]~~ ***of the savings bank.***

9. ~~[Savings]~~ ***Deposit*** accounts of any insured ~~[association]~~ ***depository institution*** licensed by the State and of any ~~[federal savings and loan association,]~~ ***federally chartered depository institution,*** if the accounts of ~~[the savings and loan association]~~ ***such institution*** are insured by the Federal Deposit Insurance Corporation.

10. Bonds, notes or other evidences of indebtedness which are general obligations of any city, town, county, school district or other municipal corporation or political subdivision of any state.

11. Any other investment at the discretion of the ~~[association's]~~ directors ***of the savings bank*** if, after the investment is made, the ~~[association's]~~

accounts ***of the savings bank*** remain insurable by the Federal Deposit Insurance Corporation.

Sec. 81. NRS 673.2765 is hereby amended to read as follows:

673.2765 ~~[1. An association]~~ ***A savings bank*** may invest in the capital stock, obligations or other securities of a related service ~~[corporation organized under the laws of this state, except a corporation organized for the underwriting or sale of insurance,]~~ ***company, operating subsidiary or financial subsidiary,*** subject to any regulations concerning the insurability of the ~~[association's]~~ accounts ***of the savings bank*** by the Federal Deposit Insurance Corporation and to whatever regulations the Commissioner may impose in this regard, if the entire capital stock of the corporation is available for purchase by ~~[associations organized under the laws of this state only.~~

~~2. No association may make the investment if its aggregate, outstanding investments, pursuant to subsection 1, would then be in excess of 1 percent of its assets.]~~ ***insured depository institutions under any federal or state law.***

Sec. 82. NRS 673.2766 is hereby amended to read as follows:

673.2766 1. Any investment in real property for purposes of subdivision or for residential development must not exceed the market value or appraisal valuation as evidenced by an appraisal report prepared within 120 days of the investment by a member of the ~~[American Institute of Real Estate Appraisers, the Society of Real Estate Appraisers,]~~ ***Appraisal Institute*** or the ***National Association of*** Independent Fee Appraisers ***,*** ~~[Society,]~~ or by such other appraiser as may be approved by the Commissioner.

2. ~~[Within 30 days after the investment is made, the association shall provide the Commissioner with a certified copy of one or more appraisal reports on the real property involved and with a title insurance company report, reflecting the chain of title for a period of at least 3 years and the amount of consideration, as available, given for each title transfer that may have occurred during the reported period.~~

~~3.]~~ The Commissioner may require a statement from the ~~[association]~~ ***savings bank*** disclosing whether any director, officer or employee of the ~~[association]~~ ***savings bank*** has a direct or indirect interest in the real property involved or has had an interest at any time during the past 3 years. Stock ownership in an interested corporation may be considered the direct or indirect interest of the investor. Failure to make a required disclosure is unlawful.

Sec. 83. NRS 673.278 is hereby amended to read as follows:

673.278 The power of ~~[an association]~~ ***a savings bank*** to make loans shall include:

1. The power to purchase loans of any type that the ~~[association]~~ ***savings bank*** may make.

2. The power to make loans upon the security of loans of any type that the ~~[association]~~ ***savings bank*** may make.

Sec. 84. NRS 673.279 is hereby amended to read as follows:

673.279 ~~[An association]~~ ***A savings bank*** may invest its funds in the purchase of real property contracts under the following conditions only:

1. That it must acquire the merchantable title to the property covered by such contracts.

2. That the type of property be such as would be eligible for a mortgage or deed of trust loan under this chapter.

3. Before making any such purchase, the property shall be appraised ***or evaluated*** and the purchase approved ~~[,]~~ ***in the same manner*** as in the case of ***the purchase of loans secured using a mortgage or*** deed of trust ~~[loans, by the board or the executive committee of the association.]~~ ***on real estate.***

Sec. 85. NRS 673.280 is hereby amended to read as follows:

673.280 Any savings ~~[and loan association]~~ ***bank*** may invest its funds, or money in its custody, ~~[in the bonds of the Home Owners' Loan Corporation or]~~ in the bonds of any Federal Home Loan Bank ~~[,]~~ ***or Federal Reserve Bank,*** or in consolidated Federal Home Loan Bank ***or Federal Reserve Bank*** bonds, debentures or notes, or in farm loan bonds, consolidated farm loan bonds, debentures, consolidated debentures and other obligations issued by federal land banks and federal intermediate credit banks under the authority of ~~[the Federal Farm Loan Act, formerly 12 U.S.C. §§ 636 to 1012, inclusive, and §§ 1021 to 1129, inclusive, and]~~ the Farm Credit Act of 1971, 12 U.S.C. §§ 2001 to 2259, inclusive, as amended or supplemented, and the bonds, debentures, consolidated debentures and other obligations issued by banks for cooperatives under the authority of the Farm Credit Act, formerly 12 U.S.C. §§ 1131 to 1138e, inclusive, and the Farm Credit Act of 1971, 12 U.S.C. §§ 2001 to 2259, inclusive, as amended or supplemented.

Sec. 86. NRS 673.300 is hereby amended to read as follows:

673.300 1. Any savings ~~[and loan association]~~ ***bank*** which may now or hereafter be eligible to become a member of any Federal Home Loan Bank according to the terms of the Federal Home Loan Bank Act of 1932, 12 U.S.C. §§ 1421 to 1449, inclusive, as amended or supplemented, may:

(a) Subscribe for, purchase, own and hold stock in such Federal Home Loan Bank, and become a member thereof.

(b) Borrow money from any Federal Home Loan Bank pursuant to the Federal Home Loan Bank Act, as amended or supplemented.

(c) Invest in the bonds of any Federal Home Loan Bank.

(d) Give its obligations and pledge securities and conform to the provisions of the Federal Home Loan Bank Act, and to the rules and regulations from time to time fixed and prescribed either by the Federal Home Loan Bank Board or the Federal Home Loan Bank of which it is a member.

(e) Perform any acts and execute any instruments authorized or required by the Federal Home Loan Bank Act, as amended or supplemented, or by rules and regulations adopted pursuant to the Act.

2. All acts authorized by subsection 1 performed prior to March 18, 1935, are hereby validated and confirmed.

Sec. 87. NRS 673.301 is hereby amended to read as follows:

673.301 The power of ~~[an association]~~ ***a savings bank*** to borrow money and contract debts shall include the power to issue capital notes evidencing such borrowings and to subordinate the same to investment certificates and other liabilities. ~~[An association]~~ ***A savings bank*** may confer upon the holders of any capital notes, issued or to be issued by the ~~[association,]~~ ***savings bank,*** such rights to vote in the election of directors and on any other matters as shall be stated and expressed in the articles of incorporation, or in any amendment thereto.

Sec. 88. NRS 673.302 is hereby amended to read as follows:

673.302 The aggregate amount of all borrowings of any ~~[association in force at any one time, excluding borrowings from the Federal Home Loan Banks, the Federal Deposit Insurance Corporation or other similar federal agencies, must not exceed 5 percent of the total assets of the association without the approval of the Commissioner. The Commissioner shall not approve any borrowing]~~ ***savings bank shall not exceed an amount*** which would impair the insurance of the ~~[association's]~~ accounts ***of the savings bank*** by the Federal Deposit Insurance Corporation.

Sec. 89. NRS 673.310 is hereby amended to read as follows:

673.310 1. Subject to such regulations as may be prescribed by the Federal Housing ~~[Administrator]~~ ***Administration*** or Department of Veterans Affairs, savings ~~[and loan associations]~~ ***banks*** may:

(a) Make such loans and advances of credit, and purchases of obligations representing the loans and advances of credit, as are eligible for insurance by the Federal Housing ~~[Administrator]~~ ***Administration*** or are guaranteed by the Department of Veterans Affairs, and to obtain such insurance.

(b) Make such loans secured by mortgages on real property as are eligible for insurance by the Federal Housing ~~[Administrator]~~ ***Administration*** or are guaranteed by the Department of Veterans Affairs, and to obtain such insurance.

(c) Purchase, invest in and dispose of notes or bonds secured by mortgages insured by the Federal Housing ~~[Administrator]~~ ***Administration*** or guaranteed by the Department of Veterans Affairs, securities of national mortgage associations, and debentures issued by the Department of Veterans Affairs or the Federal Housing ~~[Administrator.]~~ ***Administration.***

2. No law of this State, nor any articles of incorporation or bylaws of any savings ~~[and loan associations,]~~ ***bank,*** prescribing the nature, amount or form of security or requiring security upon which loans or advances of credit may be made, prescribing or limiting interest rates upon loans or advances of credit, or prescribing or limiting the period for which loans or advances of credit may be made, applies to loans, advances of credit or purchases made pursuant to subsection 1.

3. All loans, advances of credit, and purchases of obligations described in this section made and insured pursuant to the terms of the National Housing Act ~~[or Servicemen's Readjustment Act of 1944]~~ ***, 12 U.S.C. §§ 1701 et seq.,*** are hereby validated and confirmed.

Sec. 90. NRS 673.315 is hereby amended to read as follows:

673.315 ***1.*** Notwithstanding any other provision of law, any savings ~~[and loan association]~~ ***bank*** organized under the laws of this State, which has as one of its principal purposes the making or purchasing of loans secured by real property mortgages, is authorized to sell such mortgage loans to the Federal National Mortgage Association ~~[,]~~ ***or the Federal Home Loan Mortgage Corporation,*** a corporation chartered by an Act of Congress, or any successor thereof, and in connection therewith to make payments of any capital contributions, required pursuant to law, in the nature of subscriptions for stock of the Federal National Mortgage Association ***or the Federal Home Loan Mortgage Corporation, or any successor thereof, to receive stock evidencing such capital contributions, and to hold or dispose of such stock.***

2. Any savings bank organized under the laws of this State, which engages in the making or purchasing of federally guaranteed student loans is authorized to sell such student loans to SLM Corporation, or any successor thereof, and in connection therewith to make payments of any capital contributions, required pursuant to law, in the nature of subscriptions for stock of SLM Corporation, or any successor thereof, to receive stock evidencing such capital contributions, and to hold or dispose of such stock.

Sec. 91. NRS 673.316 is hereby amended to read as follows:

673.316 1. ~~[Nothing in this chapter requires any association to sell, transfer or dispose of any investment or loan made or purchased by the association before March 30, 1959. Any association may:~~

~~(a) Renew, extend the time of payment of, or rewrite any loan made before that date.~~

~~(b)]~~ ***Any savings bank may:***

(a) Make additional advances or loans for the purpose of preserving the security of the loan or for the purpose of protecting the property securing the loan.

~~[(c)]~~ ***(b)*** Make any renewal, extension, advance or loan to the borrower or to any successor in interest in the property securing the loan.

~~[(d)]~~ ***(c)*** Make loans on property sold by ~~[an association]~~ ***a savings bank*** or extend credit thereon for the purpose of facilitating the sale of the property regardless of any other provision of this chapter.

2. No advance or loan may be made under the provisions of this section if the advance or loan would increase the total liability to the ~~[association]~~ ***savings bank*** making the advance or loan to ~~[more than 2 percent of total assets, except with the approval of the Commissioner.]~~ ***a level that would be prohibited pursuant to regulations applicable to federally chartered banks as set forth by the Office of the Comptroller of the Currency.***

3. For the purpose of preserving the security of any loan or of protecting the property securing any loan made in compliance with this chapter, ~~[an association]~~ ***a savings bank*** may make additional advances or loans to the borrower or any successor in interest in the property securing the loan. Regardless of any other provision of this chapter ~~[an association]~~ ***, a savings bank*** may make loans or extend credit for the purpose of facilitating the sale of property acquired by repossession, foreclosure or conveyance in lieu of foreclosure if that activity conforms to generally accepted accounting practices.

Sec. 92. NRS 673.318 is hereby amended to read as follows:

673.318 Every ~~[association]~~ ***savings bank*** shall appraise ***or evaluate*** each parcel of real estate at the time of acquisition thereof ~~[. The report of each appraisal must be submitted in writing to the board of directors and must be kept in the records of the association. The Commissioner may require the appraisal of real estate securing loans by an appraiser selected by the Commissioner. The association whose securities are appraised under this section shall pay the expense of the appraisal to the Commissioner upon demand. Money so received must be deposited in the State Treasury pursuant to the provisions of NRS 658.091. Copies of appraisals must be furnished to the association.]~~ ***, except where such appraisal or evaluation is not required under federal law.***

Sec. 93. NRS 673.324 is hereby amended to read as follows:

673.324 1. ~~[An association]~~ ***A savings bank*** may make any loan which:

(a) Is secured by real property;

(b) Is secured by personal property ~~[;]~~ ***, including, without limitation, stock or other securities;***

(c) Results from a credit card issued by the ~~[association;]~~ ***savings bank;***

(d) Is unsecured;

(e) Is made to the United States, its agencies or any governmental agency of the State of Nevada; or

(f) Is made at the discretion of the ~~[association's]~~ directors ~~[,]~~ ***, of the savings bank*** if the loan will not impair the insurability of the ~~[association's]~~ accounts ***of the savings bank*** by the Federal Deposit Insurance Corporation.

2. Additional loans or advances on the same property, without intervening liens, shall be deemed to be first liens for the purpose of this chapter.

Sec. 94. NRS 673.3244 is hereby amended to read as follows:

673.3244 ~~[1. No association may make any loans to a:~~

~~(a) Corporation if the majority of the stock is owned or controlled individually or collectively by any one or more of the directors, officers or majority stockholders of the association; or~~

~~(b) Partnership if the limited or general partner is a director, officer or the majority owner of the association,~~

~~➥ unless the loan is expressly authorized by this chapter or by a resolution of the board of directors of the association. The resolution must be approved by~~

~~a vote of at least two-thirds of all the disinterested directors of the association.~~

~~2. An association may make loans to any corporation or partnership in which a director or officer of the association is a minority stockholder or partner if the loan is authorized or confirmed, at a meeting held within 30 days after the loan is made, by the affirmative vote of all the disinterested directors of the association present at the meeting and if the affirmative vote constitutes a majority of all the directors of the association. The interested director or officer shall not vote or participate in any manner in the action of the board of directors upon the loan. The authorization or confirmation must be entered in the minutes of the association. The loan must in all other respects comply with the provisions covering the granting of loans.~~

~~3. If a loan is made to a corporation or partnership as set forth in subsection 2, and if the director or officer of the association owns more than 10 percent of the paid in capital of the corporation, or if any two or more officers or directors own more than 20 percent of the paid in capital of the corporation or if any one or more of the directors is a general partner, the association shall file reports with the Commissioner showing the following:~~

~~(a) The fact of making the loan.~~

~~(b) The names of the directors authorizing or confirming the loan.~~

~~(c) The corporate or partnership name of the borrower.~~

~~(d) The name of each director or officer of the association who is a stockholder, officer, director or partner of the corporation or partnership to which the loan was made.~~

~~(e) The amount of stock held by the officer or director in the corporation.~~

~~(f) The amount of the loan, the rate of interest thereon, the time when the loan becomes due, the amount, character and value of the security given therefor, and the fact of final payment when made.~~

~~4. All officers, directors or stockholders holding more than 10 percent of the paid in capital of the association shall disclose annually to the Commissioner their investments in any partnership or corporation to which a loan is made. If any changes in those investments occur, the Commissioner must be notified.~~**]** ***No savings bank may make any loan to a director, officer or principal shareholder of the savings bank or any company owned or controlled by the savings bank if such a loan would be prohibited for a bank that is subject to 12 C.F.R. Part 215, commonly known as Regulation O.***

Sec. 95. NRS 673.3255 is hereby amended to read as follows:

673.3255 1. **[**~~An association~~**]** ***A savings bank*** may ***make or*** invest **[**~~any of its money~~**]** in a loan to finance a borrower's interest in or to refinance his or her existing interest in a cooperative housing corporation if the loan is secured by:

(a) A first security interest in stock or a certificate of membership in the cooperative housing corporation; and

(b) An assignment of or lien on the borrower's interest in the lease or other right of tenancy to a dwelling unit of the cooperative housing corporation.

2. A first security interest may exist even though a mortgage or deed of trust encumbers the property owned by the cooperative housing corporation if the stock or certificate of membership in the corporation and the borrower's lease or other right of tenancy are not encumbered with a prior security interest. For purposes of this chapter, additional loans or advances on the same interest in a cooperative housing corporation, without intervening liens, shall be deemed to be first security interests. For purposes of this chapter, the interest in a cooperative housing corporation which is encumbered by a security interest shall be deemed to be real property and security interest shall be deemed to be a mortgage on real property.

Sec. 96. NRS 673.3271 is hereby amended to read as follows:

673.3271 ~~[1. An association]~~ ***A savings bank*** shall not make at one time loans to any one borrower, or under any one transaction, or applicable to any one project, or tract, if the ~~[loans in the aggregate are in excess of whichever of the following is the lesser:~~

~~(a) Ten percent of its total savings accounts, unless that requirement is waived by written approval of the Commissioner.~~

~~(b) An amount equal to the sum of its capital, surplus, undivided profits, loan reserve, federal insurance reserve, capital notes and such other reserves as the Commissioner may prescribe.~~

~~2. For the purpose of this section, the term "one borrower" means:~~

~~(a) Any person or entity that is, or that upon the making of a loan will become, obligor on a loan.~~

~~(b) Nominees of the obligor.~~

~~(c) All persons, trusts, partnerships, syndicates and corporations of which the obligor is a nominee or a beneficiary, partner, member, or stockholder of record or beneficial interest stockholder owning 10 percent or more of the capital stock of any corporation.~~

~~(d) If the obligor is a trust, partnership, syndicate or corporation, all trusts, partnerships, syndicates and corporations of which any beneficiary, partner, member, or stockholder of record or beneficial interest stockholder owning 10 percent or more of the capital stock is also a beneficiary, partner, member or stockholder of record or beneficial interest stockholder owning 10 percent or more of the capital stock of the association.~~

~~3. For the purpose of this section, the term "loans to any one borrower" means the amount of the new loan plus the total balances of all outstanding loans owed to the association by the borrower. Notwithstanding any other limitations of this section, the loan may be made if the new loan when added to the total balances of all outstanding loans owed to the association by the borrower does not exceed $250,000.~~

~~4. For the purpose of this section, the term "balances of all outstanding loans" means the original amounts loaned by the association plus any~~

~~additional advances and interest due and unpaid, less repayments and participating interests sold and exclusive of any loan on the security of real estate the title to which has been conveyed to a bona fide purchaser of the real estate.~~

~~5. If an association makes a loan to any one borrower in an amount which, when added to the total balances of all outstanding loans owed to the association by the borrower, exceeds $250,000, the records of the association with respect to the loan must include documentation showing that the loan was made within the limitations of this chapter. For the purpose of that documentation, the association may require, and may accept in good faith, a certification by the borrower identifying the persons, entities and interests described in the definition of one borrower in subsection 2.~~] ***savings bank would be prohibited from making such a loan under federal law applicable to federal savings banks pursuant to 12 C.F.R. § 32.3.***

Sec. 97. NRS 673.3272 is hereby amended to read as follows:

673.3272 1. [~~An association~~] ***A savings bank*** may pay:

(a) Current or past-due taxes **,** [~~or~~] assessments ***or other applicable fees*** levied upon secured property;

(b) Insurance premiums;

(c) Life insurance premiums on policies that [~~an association~~] ***a savings bank*** may require to be assigned as additional collateral; or

(d) [~~Other~~] ***Any*** similar ***or other*** charges required for the protection ***or preservation*** of its investments [~~.~~] ***or as necessary to discharge any lien.***

➥ Such payments shall be added to the unpaid loan balance and shall have the same secured status under the deed of trust provisions as the loan itself. No [~~association~~] ***savings bank*** may require, as a condition of loan approval or in the extension of any other service, that any kind of insurance coverage be purchased from or through the [~~association~~] ***savings bank*** or from any agency in which a director or officer of the corporation has any interest.

2. [~~An association~~] ***A savings bank*** may require advance monthly payments on:

(a) Principal.

(b) Interest.

(c) Taxes.

(d) Assessments.

(e) Insurance premiums.

(f) Other statutory charges accruing upon the secured property.

➥ [~~Each~~] ***The amount of each such payment and the period over which payment will be made may be agreed upon by the parties. In the absence of such an agreement, each*** such payment may be equivalent to one-twelfth of the estimated annual amount due. Monthly charges may be adjusted to provide a reasonable method for the payment of estimated taxes, assessments, insurance premiums and other charges. Upon receipt thereof such payments may be carried in a separate trust account or they may be applied to the loan account as a credit upon receipt and debit when disbursed.

Sec. 98. NRS 673.332 is hereby amended to read as follows:

673.332 1. ~~[An association]~~ ***A savings bank*** may hold, manage and convey real property, including apartments and other buildings:

(a) Acquired ***at or*** by foreclosure ***of the real property*** or a conveyance in lieu of foreclosure; or

(b) Developed or built by the ~~[association.]~~ ***savings bank.***

➥ Unless the ~~[association]~~ ***savings bank*** has received a written waiver from the Commissioner, the total of money which it has advanced or committed for property which it has developed or built may not exceed twice the sum of its capital, surplus, undivided profits, loan reserve, federal insurance reserve and any other reserves specified by the Commissioner.

2. When ~~[an association]~~ ***a savings bank*** acquires title to any real property pursuant to subsection 1, the document representing the transaction must be recorded ***.*** ~~[immediately.]~~ This subsection does not require recordation of the evidences of any transfer of stock resulting from foreclosure of an interest in a cooperative housing corporation.

~~[3. An appropriate real estate owned account must be set up for the property acquired and a separate subsidiary ledger or other appropriate record must be maintained therefor. The amount carried in the account must be the sum of the unpaid principal balance of the loan plus foreclosure costs, less any advance payments and any money held in the loans in process account at the time of acquisition, together with:~~

~~(a) Any amounts paid after acquisition for real property taxes which have accrued before acquisition;~~

~~(b) Assessments due or delinquent at the time of acquisition; and~~

~~(c) Necessary acquisition costs and costs of insurance premiums.~~

~~4. The subsidiary ledger record or other appropriate record on each property acquired must indicate:~~

~~(a) The type and character of the property acquired.~~

~~(b) All capitalized items of investment with related costs.~~

~~(c) Former loan or contract of sale account numbers.]~~

Sec. 99. NRS 673.340 is hereby amended to read as follows:

673.340 1. Any savings ~~[and loan association and any federal savings and loan association operating in this state]~~ ***bank*** may issue ~~[savings]~~ ***deposit*** accounts or investment certificates to minors with the written consent of their parents, trustees or guardians, and to married persons, each in their own right.

2. Any payment thereon, or delivery thereof, or of any rights thereunder, to a minor of the age of 14 years or over, or to a married person, or a receipt or acquittance signed by the minor and parent, trustee or guardian or by a married person who holds such ~~[savings]~~ ***deposit*** accounts or investment certificates, is a valid and sufficient release and discharge of the ~~[association]~~ ***savings bank*** for any such payment or delivery.

Sec. 100. NRS 673.360 is hereby amended to read as follows:

673.360 1. A ~~[savings]~~ ***deposit*** account or investment certificate of any ~~[association, including a federal savings and loan association,]~~ ***savings bank***

may be purchased and held by any person as administrator, executor, guardian, or as trustee or other fiduciary, in trust for a named beneficiary or beneficiaries.

2. Any person holding a ~~[savings]~~ ***deposit*** account as a fiduciary may make payments upon, and withdraw, in whole or in part, the ~~[savings]~~ ***deposit*** account or investment certificate.

3. The withdrawal value of any such ~~[savings]~~ ***deposit*** account or investment certificate and interest thereon, or other rights relating thereto, may be paid or delivered to the fiduciary, and the payment or delivery to the fiduciary or a receipt or acquittance signed by the fiduciary, to whom any payment or delivery of rights is made, is a valid and sufficient release and discharge of the ~~[association]~~ ***savings bank*** for the payment or delivery so made.

Sec. 101. NRS 673.430 is hereby amended to read as follows:

673.430 1. Each ~~[association]~~ ***savings bank*** doing business in this State shall file annually with the Commissioner on or before March 1, a ~~[sworn statement in two sections.]~~ ***report containing the information set forth in subsection 2.***

2. ~~[One section of the]~~ ***The*** annual report must contain, in such form and detail as the Commissioner may prescribe, the following:

(a) The amount of authorized capital by classes and the par value of each class of stock.

(b) A statement of its assets, liabilities and capital accounts as of the immediately preceding December 31.

(c) Any other facts which the Commissioner requires.

~~[➥ This section must be furnished in duplicate, one certified copy to be returned for publication at least two times in a newspaper having a general circulation in each county in which the association maintains an office. Publication must be completed on or before May 1, and proof of publication must be filed in the Office of the Commissioner.~~

~~3. One section of the annual report must contain such other information as the Commissioner may require to be furnished. This section need not be published and, except as otherwise provided in NRS 239.0115, must be treated as confidential by the Commissioner.~~

~~4.]~~ ***3.*** The Commissioner may impose and collect a fee of not more than $10 for each day the annual report is overdue. The Commissioner shall adopt regulations establishing the amount of the fee that may be imposed pursuant to this subsection. Every ~~[association]~~ ***savings bank*** shall pay to the Commissioner for supervision and examination a fee based on the rate established pursuant to NRS 658.101.

~~[5. All sums received by the Commissioner pursuant to this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.]~~

Sec. 102. NRS 673.440 is hereby amended to read as follows:

673.440 Each such foreign or domestic ***savings bank,*** association, company or corporation shall cause to be supplied to the Commissioner at any time, upon his or her demand, any information which he or she may require as to its condition, affairs or methods.

Sec. 103. NRS 673.450 is hereby amended to read as follows:

673.450 1. The Commissioner may conduct or cause to be conducted such hearings, investigations or examinations of the books and records, wherever they may be, relating to the affairs of such organizations as he or she may deem expedient and in aid of the proper administration of the provisions of this chapter.

2. ***Except as otherwise provided in NRS 673.480, all examination reports and all information obtained by the Commissioner in conducting hearings, investigations or examinations under the provisions of this chapter, including all related correspondence and memoranda, and information obtained by the Commissioner from other state or federal bank regulatory authorities with whom the Commissioner has entered into agreements for the confidential sharing of such information, and information obtained by the Commissioner relating to the examination and supervision of any corporation which is an affiliate of a savings bank is confidential and privileged information and must not be made public or otherwise disclosed to any person, firm, corporation, agency, association, governmental body, court or other entity.***

3. Any information submitted by a person to the Commissioner for any purpose under this chapter shall not be construed as waiving, destroying or otherwise affecting any privilege such person may claim with respect to such information under federal or state law as to any person or entity other than the Commissioner.

4. In connection with the conduct of any hearing, investigation or examination, the Commissioner or other person designated by him or her to conduct it may:

(a) Compel the attendance of any person by subpoena.

(b) Administer oaths.

(c) Examine any person under oath concerning the business and conduct of affairs of any ~~[association]~~ ***savings bank*** subject to the provisions of this chapter, and require the production of any books, papers, records, money and securities relevant to the inquiry. Any willful false swearing is perjury and is punishable as such.

~~[3.]~~ ***5.*** The Commissioner shall conduct at least once every 2 years an examination of the books and records of each ~~[association]~~ ***savings bank*** licensed under this chapter.

Sec. 104. NRS 673.451 is hereby amended to read as follows:

673.451 1. For the purpose of discovering violations of this chapter or of securing information lawfully required under this chapter, the Commissioner or his or her duly authorized representatives may at any time

investigate the business and examine the books, accounts, papers and records used therein of:

(a) Any ~~[association;]~~ ***savings bank;***

(b) Any other person engaged in an activity regulated pursuant to the provisions of this chapter; and

(c) Any person whom the Commissioner has reasonable cause to believe is violating or is about to violate any provision of this chapter, whether or not the person claims to be within the authority or beyond the scope of this chapter.

2. For the purpose of examination, the Commissioner or his or her authorized representatives must have and be given free access to the offices and places of business, files, safes and vaults of such persons.

3. The Commissioner may require the attendance of any person and examine him or her under oath regarding:

(a) Any transaction or business regulated pursuant to the provisions of this chapter; or

(b) The subject matter of any audit, examination, investigation or hearing.

Sec. 105. NRS 673.455 is hereby amended to read as follows:

673.455 1. The Commissioner may, at the time of examining a savings ~~[and loan association,]~~ ***bank,*** inspect the books, ledgers and minutes of any corporation which is registered or required to be registered under section ~~[408 of the National Housing Act]~~ ***5 of the Bank Holding Company Act of 1956, 12 U.S.C. § 1844, or section 10 of the Home Owners' Loan Act of 1933, 12 U.S.C. § 1467a,*** as a holding company whenever, in his or her discretion, he or she considers it advisable to ascertain facts which may relate to transactions between the holding company and the affiliated ~~[association.]~~ ***savings bank.*** The provisions of NRS 673.450 apply to the examination of such corporation.

2. Upon making findings to that end, the Commissioner may order the discontinuance of borrowing or lending, selling or buying of assets, extending credit or guaranteeing obligations of the holding company which has been undertaken without the written approval of the Commissioner.

3. No unreasonable supervisory fees may be imposed upon any ~~[association]~~ ***savings bank*** by a holding company which controls ~~[an association.]~~ ***the savings bank.***

Sec. 106. NRS 673.460 is hereby amended to read as follows:

673.460 1. Whenever in connection with an examination it is necessary or expedient that the Commissioner or his or her ~~[deputy,]~~ ***designee,*** or both, leave this State, there must be assessed against the organization under examination a fee of not more than ~~[$50 per day]~~ ***the per diem allowance and travel expenses provided for state officers and employees generally*** for each person while ~~[without]~~ ***outside*** the State in connection with an examination, together with all actual and necessary expenses.

2. The fee charged must be remitted to the Commissioner **.** ~~[, who shall deposit the fees in the State Treasury pursuant to the provisions of NRS 658.091.~~

~~— 3.]~~ The Commissioner shall adopt regulations establishing the amount of the fee required pursuant to this section.

Sec. 107. NRS 673.470 is hereby amended to read as follows:

673.470 In lieu of making any examination, the Commissioner may accept any examination of any ~~[association]~~ ***savings bank*** made by the ***Board of Governors of the Federal Reserve System, any*** Federal Home Loan Bank ~~[Board, any Federal Home Loan]~~ ***or Federal Reserve*** Bank, or the Federal Deposit Insurance Corporation, or may examine any such institution in conjunction with the ***Board of Governors of the Federal Reserve System, a*** Federal Home Loan Bank ~~[Board, a Federal Home Loan]~~ ***or Federal Reserve*** Bank, or the Federal Deposit Insurance Corporation.

Sec. 108. NRS 673.480 is hereby amended to read as follows:

673.480 ***1. Before disclosing or furnishing any document, report or information under this section, the Commissioner must determine that such document, report or information shall receive protection from further disclosure comparable to the protections provided by this chapter.***

2. The Commissioner, his or her agents and employees may furnish ~~[to the Federal Home Loan Bank Board, or to any Federal Home Loan Bank, or to examiners appointed by the Federal Home Loan Bank Board or any Federal Home Loan Bank, or to any federal loan agency, copies of any instruments concerning, and may disclose any information with reference to, the conditions or affairs of any such foreign or domestic association, company or corporation.]~~ ***all or any part of an examination report, work paper, supervisory agreement or directive, order or other information obtained in the conduct of a hearing, investigation or examination under the provisions of this chapter to:***

(a) An agency of the Federal Government or of another state empowered to examine or supervise a savings bank, a bank holding company or savings and loan holding company owning a savings bank, or a subsidiary of such holding company;

(b) An official empowered to investigate criminal charges subject to legal process, valid search warrant or subpoena, provided that the Commissioner may only furnish that part of any document or report which is necessary and pertinent to the investigation, and the Commissioner may do this only after notifying the affected savings bank and any customer of the savings bank who is named in such part of the document or report ordered to be furnished unless the official requesting the document or report first obtains a waiver of the notice requirement from a court of competent jurisdiction for good cause;

(c) The examined savings bank or holding company thereof;

(d) A receiver or liquidator appointed pursuant to this chapter; or

(e) The court in a proceeding initiated by the Commissioner concerning the savings bank if the Commissioner first provides such notice to the savings bank as will afford the savings bank an opportunity to object or to seek a protective order.

3. Except as otherwise provided in subsections 4 and 5, all documents, reports and information furnished by the Commissioner pursuant to this section remain the property of the Division of Financial Institutions, and no person, agency or authority to whom such documents, reports or information are made available, or any officer, director or employee thereof, may disclose any of the documents, reports or information contained therein, except in published statistical material that does not disclose the affairs of any natural person or corporation.

4. An examination report made by the Division of Financial Institutions is designed for use in the supervision of a savings bank. The report shall remain the property of the Commissioner and will be furnished to the savings bank solely for its confidential use. The savings bank may disclose the report or relevant portions thereof to any of its directors, officers, employees, agents or affiliates as necessary and appropriate in the conduct of its affairs. Under no circumstances may the savings bank or any of its directors, officers, employees, agents or affiliates disclose or make public in any manner the report or any portion thereof to any person or organization not connected with the savings bank as officer, director, employee, attorney, auditor or candidate for executive office with the savings bank or its holding company. The savings bank may also, after execution of an agreement not to disclose information in the report, disclose the report or relevant portions thereof to a party proposing to acquire or merge with the savings bank.

5. Except for an examination report as provided in subsection 4, a savings bank may disclose any document, report or information provided by the savings bank to the Commissioner and any document, report or information received by the savings bank from the Commissioner to any of its directors, officers, employees, agents or affiliates as necessary and appropriate in the conduct of its affairs.

6. A savings bank, a bank holding company or a savings and loan holding company owning a savings bank, or a subsidiary of such a holding company, does not violate this section by complying with a duty to report to the Securities and Exchange Commission, including, without limitation, by disclosing any order of the Commissioner pursuant to such a duty.

Sec. 109. NRS 673.483 is hereby amended to read as follows:

673.483 1. Each ~~[association]~~ ***savings bank*** shall, at least once each year, cause its books and accounts to be audited at its own expense by a certified public accountant or firm of such accountants selected by the ~~[association]~~ ***savings bank*** and approved by the Commissioner.

2. The Commissioner may prescribe the scope of the audit.

3. A certified copy of the audit, including the management and internal control letters relating to the audit, must be furnished to the Commissioner.

Sec. 110. NRS 673.4835 is hereby amended to read as follows:

673.4835 Each ~~[association]~~ ***savings bank*** shall pay the assessment levied pursuant to NRS 658.055 and cooperate fully with the audits and examinations performed pursuant thereto.

Sec. 111. NRS 673.484 is hereby amended to read as follows:

673.484 The Commissioner may after notice and hearing suspend or revoke the charter of any ~~[association]~~ ***savings bank*** for:

1. Repeated failure to abide by the provisions of this chapter or the regulations adopted thereunder.

2. Failure to pay a tax as required pursuant to the provisions of chapter 363A or 363C of NRS.

Sec. 112. NRS 673.4845 is hereby amended to read as follows:

673.4845 1. ~~[An association]~~ ***A savings bank*** may reorganize, merge or consolidate with another state or federal ~~[association,]~~ ***savings bank, national bank, state bank or other insured depository institution,*** if the reorganization, merger or consolidation is based upon a plan which has been adopted by the board of directors and approved at a regular or special stockholders' meeting which has been called to consider the action. The approval must rest on a favorable vote of a majority of the voting power of the ~~[association]~~ ***savings bank*** as established by its articles.

2. Any such plan for reorganization, merger or consolidation must be approved by the Commissioner, who shall satisfy himself or herself that the plan, if approved, would be equitable for the stockholders of the affected ~~[association or associations]~~ ***savings bank and other institutions subject to his or her jurisdiction*** and would not impair the usefulness or success of other properly conducted ~~[associations]~~ ***savings banks*** in the community. In submitting an application for approval of any such plan, each ~~[association]~~ ***savings bank*** proposing to reorganize, merge or consolidate must provide a comprehensive review of its present financial statement and a projected view of the financial statement of the reorganized, merged or consolidated ~~[association.]~~ ***savings bank, bank or other depository institution.***

3. Unless its action is specifically authorized by or taken in conformity with this chapter, no ~~[association]~~ ***savings bank*** may, directly or indirectly:

(a) Reorganize, merge or consolidate.

(b) Assume liability to pay ~~[savings]~~ ***deposit*** accounts or other liabilities of any financial institution or any other organization, person or entity.

(c) Transfer assets to any financial institution or any other organization, person or entity in consideration of the transferee's assumption of liability for any portion of the transferor's ~~[savings]~~ ***deposit*** accounts, deposits or other liability.

(d) Acquire the assets of any financial institution or any other organization, person or entity.

4. Each application which is made under this section must be accompanied by a fee payment of not more than $300. The responsibility for payment of the fee must be shared equally by the ~~[associations]~~ ***savings bank*** participating in each proposed plan.

5. The Commissioner shall adopt regulations establishing the amount of the fee required pursuant to this section.

Sec. 113. NRS 673.485 is hereby amended to read as follows:

673.485 1. If the Commissioner finds as the result of any examination or from any report made to him or her or to any ~~[association]~~ ***savings bank*** doing business in this state or from any report made to any of its investors that the ~~[association]~~ ***savings bank*** is violating the provisions of its articles of incorporation, charter, bylaws, or any law of this state, or is conducting its business in an unsafe or injurious manner, he or she may by an order addressed to such ~~[association]~~ ***savings bank*** direct a discontinuance of such violations or unsafe or injurious practices and a conformity with all the requirements of law.

2. If ~~[an association]~~ ***a savings bank*** does not comply with such order, the Commissioner may order the corporate secretary to call a special directors' meeting to consider the matter of noncompliance.

3. The meeting must be held no later than 60 days after issuance of the order to hold the meeting, unless otherwise restrained by court order or by the board. The business of the meeting must be limited to the matter of noncompliance and remedies therefor and the notice of such meeting must set forth in detail the Commissioner's discontinuance order and order to call a directors' meeting.

4. Action taken at the meeting is binding upon the officers of the ~~[association.]~~ ***savings bank.***

Sec. 114. NRS 673.595 is hereby amended to read as follows:

673.595 1. ~~[A foreign association]~~ ***Except as otherwise provided in this section, a foreign savings bank shall be considered a savings bank subject to the provisions of this chapter for the purpose of engaging in any activities for which a license or other approval by the Commissioner is required pursuant to this chapter, except that a foreign savings bank*** whose activities are limited to any one or more of those enumerated in NRS 80.015 need not be licensed under this chapter.

2. ~~[Except as otherwise provided in chapter 666 of NRS and NRS 666A.010 to 666A.400, inclusive, a foreign association may not solicit or accept deposits in this state, but if it was licensed before July 1, 1985, under the provisions of this section then in force, it may renew that license annually subject to all the provisions, and upon payment of the fee, then in force.]~~ ***A foreign savings bank organized under the laws of another state or the United States which is insured by the Federal Deposit Insurance Corporation may operate in this State in accordance with the provisions of this chapter on the same terms as a savings bank organized under this chapter, but only to the extent that the laws of the state under which the***

foreign savings bank is organized permit a savings bank organized under this chapter to operate in accordance with the laws of that state on the same terms as the foreign savings bank.

3. A foreign savings bank organized under the laws of another state or the United States which is insured by the Federal Deposit Insurance Corporation may establish one or more service offices within this State as allowed by this chapter, but only to the same extent, and subject to the same restrictions, that the laws of the state under which the foreign savings bank is organized allows a savings bank organized under this chapter to establish and maintain one or more service offices within that state.

Sec. 115. NRS 673.597 is hereby amended to read as follows:

673.597 1. If any ***savings bank,*** association, company or corporation organized or incorporated under the laws of any governing body other than the State of Nevada is doing business in this state under the provisions of this chapter, and the laws of the other governing body conflict with any of the provisions of this chapter, the provisions of the laws of this governing body prevail as to each conflict.

2. Whenever any foreign organization follows a course or performs any act which is forbidden to any domestic organization under the terms of this chapter, it shall report to the Commissioner all of the facts relating thereto.

Sec. 116. NRS 673.600 is hereby amended to read as follows:

673.600 Any savings ~~[and loan association eligible to become a member of the Federal Home Loan Bank,]~~ ***bank*** may convert itself into a federal savings ~~[and loan association]~~ ***bank*** pursuant to the Home Owners' Loan Act of 1933, 12 U.S.C. §§ 1461 to 1468, inclusive, ***a national bank pursuant to the National Bank Act, 12 U.S.C. §§ 214 to 214d, inclusive, or a state bank pursuant to title 55 of NRS,*** with the same effect as though originally incorporated under ~~[that]~~ ***the*** act ~~[,]~~ ***or title, as applicable,*** and the proceedings to effect the conversion shall be as outlined in NRS 673.610 to 673.640, inclusive.

Sec. 117. NRS 673.620 is hereby amended to read as follows:

673.620 1. At a meeting of the stockholders held as provided in NRS 673.610, the stockholders may, by the affirmative vote of the majority of the stockholders present, in person or by proxy, declare by resolution the determination to convert the ~~[state company, association or corporation]~~ ***savings bank*** into a federal savings ~~[and loan association.]~~ ***bank, national bank or state bank.***

2. A copy of the minutes of the meeting, verified by the affidavit of the president or vice president and the secretary of the meeting, must be filed in the Office of the Commissioner within 10 days after the date of the meeting. The sworn copy of the proceedings of the meeting, when so filed, is presumptive evidence of the holding and the action of the meeting.

Sec. 118. NRS 673.630 is hereby amended to read as follows:

673.630 1. After the holding of the meeting of stockholders, the ~~[state company, association or corporation]~~ ***savings bank*** shall take such action, in

the manner prescribed or authorized by the laws of the United States or the rules and regulations promulgated pursuant thereto, as shall make it a federal savings ~~[and loan association,]~~ ***bank, national bank or state bank,*** and there shall thereupon be filed in the Office of the Commissioner a copy of the charter of authorization issued to the ~~[association]~~ ***institution*** by the ***appropriate*** supervising ~~[federal]~~ regulatory body or a certificate showing the organization of the ~~[association]~~ ***institution*** as a federal savings ~~[and loan association,]~~ ***bank, national bank or state bank, as applicable,*** certified by the ***appropriate*** supervising ~~[federal]~~ regulatory body. Upon filing with the Commissioner, the ~~[association]~~ ***institution*** ceases to be a ~~[state]~~ savings ~~[and loan association,]~~ ***bank,*** but retains all rights, privileges and exemptions of a domestic ~~[association]~~ ***institution*** of the same kind and character ~~[.]~~ ***of its resulting charter.***

2. A fee of not more than ~~[$40]~~ ***$100*** must accompany the copy of the charter of authorization.

3. Federal ~~[associations]~~ ***savings banks*** so converted and their members are subject to the same form of taxation and on the same basis as ~~[state associations]~~ ***savings banks and their stockholders, and national banks so converted and their members are subject to the same form of taxation and on the same basis as state banks*** and their stockholders.

4. The Commissioner shall adopt regulations establishing the amount of the fee required pursuant to this section.

Sec. 119. NRS 673.640 is hereby amended to read as follows:

673.640 1. At the time when the conversion becomes effective, the ~~[company, association or corporation]~~ ***savings bank*** shall cease to be supervised by this state ~~[,]~~ ***pursuant to this chapter,*** but shall continue as a body corporate converted pursuant to the provisions of the Home Owners' Loan Act of 1933 ***, the National Bank Act or title 55 of NRS, as applicable,*** and subject to examination and regulation pursuant to ~~[that act.]~~ ***the act or title, as applicable.***

2. All the property of the ~~[state company, association or corporation,]~~ ***savings bank,*** including all its right, title and interest in and to all property of whatever kind, whether real, personal or mixed, and things in action, and every right, privilege, interest and asset of any conceivable value of benefit then existing, belonging or pertaining to it, or which would inure to it, shall immediately by operation of law, and without any conveyance or transfer, and without any further act or deed be vested in and become the property of the federal savings ~~[and loan association. The federal savings and loan association]~~ ***bank, national bank or state bank, as applicable. Such institution*** shall have, hold and enjoy the same in its own right as fully and to the same extent as the same was possessed, held and enjoyed by the ~~[state company, association or corporation.]~~ ***savings bank.***

3. The federal savings ~~[and loan association]~~ ***bank, national bank or state bank, as applicable,*** as of the time of taking effect of such conversion

shall succeed to all the rights, obligations and relations of the ~~[state company, association or corporation.]~~ ***savings bank.***

Sec. 120. NRS 673.650 is hereby amended to read as follows:

673.650 ~~[Any]~~ ***A*** federal savings ~~[and loan association]~~ ***bank, national bank or state bank*** may convert itself into a savings ~~[and loan association]~~ ***bank*** under the laws of this State upon a vote of 51 percent or more of the votes of members of the ~~[federal savings and loan association]~~ ***converting institution*** cast at any regular or special meeting called to consider the action.

Sec. 121. NRS 673.660 is hereby amended to read as follows:

673.660 At the meeting the members shall also vote upon the directors who shall be the directors of the savings ~~[and loan association]~~ ***bank*** after conversion takes effect, to hold office until the next annual meeting and until their successors are elected and qualified.

Sec. 122. NRS 673.670 is hereby amended to read as follows:

673.670 Copies of the minutes of the proceedings of the meeting, verified by the affidavit of the president or vice president and the secretary or an assistant secretary, must be filed in the Office of the Commissioner and, in duplicate, with the Federal Home Loan Bank ***or Federal Reserve Bank*** of which the ~~[association is a member,]~~ ***savings bank is a member and, for a federal savings bank or national bank which converts to a savings bank, the Office of the Comptroller of the Currency,*** within 10 days after the meeting.

Sec. 123. NRS 673.690 is hereby amended to read as follows:

673.690 1. After the meeting, the ~~[federal association]~~ ***converting institution*** shall take such action in the manner prescribed and authorized by the laws of this state as shall make it a savings ~~[and loan association]~~ ***bank*** of this state, and the directors elected at the meeting shall file such documents and follow such procedures as are required by the laws of this state in the case of the original incorporation of a savings ~~[and loan association.]~~ ***bank.***

2. A savings ~~[and loan association]~~ ***bank*** incorporated by conversion from a federal savings ~~[and loan association]~~ ***bank, national bank or state bank*** shall not be required to comply with any of the provisions of law or any regulation adopted by the Commissioner relating to the minimum amounts of capital required to be subscribed in connection with the original incorporation of a savings ~~[and loan association]~~ ***bank*** under the laws of this state.

Sec. 124. NRS 673.700 is hereby amended to read as follows:

673.700 The directors may, if they so desire, insert in the articles of incorporation the following statement: "This ~~[association]~~ ***savings bank*** (company or corporation) is incorporated by conversion from a federal savings ~~[and loan association."]~~ ***bank, national bank or state bank, as applicable."***

Sec. 125. NRS 673.710 is hereby amended to read as follows:

673.710 Within 10 days after the filing of the articles of incorporation with the Secretary of State, there shall be filed with the Federal Home Loan

Bank ***or Federal Reserve Bank*** of which such ~~[association]~~ ***savings bank*** is a member two copies of the articles of incorporation, certified by the Secretary of State.

Sec. 126. NRS 673.720 is hereby amended to read as follows:

673.720 Upon the filing of the articles of incorporation with the Secretary of State, the ~~[association]~~ ***institution*** ceases to be a federal savings ~~[and loan association]~~ ***bank, national bank or state bank, as applicable,*** and thereafter is a savings ~~[and loan association.]~~ ***bank.*** All of the property of the ~~[association,]~~ ***savings bank,*** including all of its right, title and interest in and to all property of every kind and character, whether real, personal or mixed, immediately by operation of law, without any conveyance or transfer and without any further act or deed, vests in the ~~[association]~~ ***savings bank*** under its new name and style as a savings ~~[and loan association,]~~ ***bank,*** and under its new jurisdiction.

Sec. 127. NRS 673.730 is hereby amended to read as follows:

673.730 The savings ~~[and loan association]~~ ***bank*** shall have, hold and enjoy the property mentioned in NRS 673.720 in its own right as fully and to the same extent as the property was possessed, held and enjoyed by it as a federal savings ~~[and loan association,]~~ ***bank, national bank or state bank,*** and the savings ~~[and loan association]~~ ***bank*** continues to be responsible for all of the obligations of the ~~[federal savings and loan association]~~ ***institution before its conversion*** to the same extent as though the conversion had not taken place. It is expressly declared that the savings ~~[and loan association]~~ ***bank*** is merely a continuation of the ~~[federal savings and loan association]~~ ***institution before its conversion*** under a new name, a new jurisdiction and such revision of its corporate structure as may be considered necessary for its proper operation under the new jurisdiction.

Sec. 128. NRS 673.740 is hereby amended to read as follows:

673.740 Every executor, administrator, trustee, guardian, receiver, fiduciary, public corporation, political subdivision, public instrumentality, charitable, educational and eleemosynary institution, bank, savings bank, trust company, financial institution, insurance company, or cemetery association, without the necessity of obtaining court approval, may:

1. Vote in person or by proxy in favor of converting a federal savings ~~[and loan association]~~ ***bank, national bank or state bank*** into a savings ~~[and loan association,]~~ ***bank,*** or may approve the determination so to convert.

2. Exchange any shares, share accounts or other rights or claims for securities issued by the savings ~~[and loan association,]~~ ***bank,*** and may continue to hold as a legal investment any securities so received.

Sec. 129. NRS 673.750 is hereby amended to read as follows:

673.750 Every federal savings ~~[and loan association]~~ ***bank*** incorporated under the provisions of the Home Owners' Loan Act of 1933, 12 U.S.C. §§ 1461 to 1468, inclusive, as amended or supplemented, having its principal place of business in the State of Nevada, and the holders of shares or share accounts issued by the ~~[association,]~~ ***federal savings bank,*** respectively, have

all the rights, powers and privileges, and are entitled to the same exemptions and immunities granted, respectively, to savings ~~[and loan associations]~~ ***banks*** organized under the laws of this State and to the holders of ~~[savings]~~ ***deposit*** accounts, investment certificates or guaranty stock of ~~[state associations.]~~ ***savings banks.***

Sec. 130. NRS 673.777 is hereby amended to read as follows:

673.777 "Designated reporter" means a person designated by ~~[an association]~~ ***a savings bank*** to receive reports of known or suspected exploitation of an older person or vulnerable person pursuant to NRS 673.807.

Sec. 131. NRS 673.803 is hereby amended to read as follows:

673.803 1. Each ~~[association]~~ ***savings bank*** shall provide training concerning the identification and reporting of the suspected exploitation of an older person or vulnerable person to each director, officer and employee of the ~~[association]~~ ***savings bank*** who:

(a) May, as part of his or her regular duties for the ~~[association,]~~ ***savings bank,*** come into direct contact with an older person or vulnerable person; or

(b) May review or approve the financial documents, records or transactions of an older person or vulnerable person in connection with providing financial services to the older person or vulnerable person.

2. The training required pursuant to subsection 1 must be provided as soon as reasonably practicable, but not later than 6 months after the director, officer or employee is employed by the ~~[association]~~ ***savings bank*** or assumes the position.

3. The training required pursuant to subsection 1 must include, without limitation:

(a) An explanation of the conduct which constitutes exploitation of an older person or vulnerable person;

(b) The manner in which exploitation of an older person or vulnerable person may be recognized;

(c) Information concerning the manner in which reports of exploitation are investigated; and

(d) Instruction concerning when and how to report known or suspected exploitation of an older person or vulnerable person.

4. A director, officer or employee who has observed or has knowledge of an incident that is directly related to a transaction or matter which is within his or her scope of practice and which reasonably appears to be exploitation of an older person or vulnerable person shall report the known or suspected exploitation to the designated reporter.

Sec. 132. NRS 673.807 is hereby amended to read as follows:

673.807 1. Each ~~[association]~~ ***savings bank*** shall designate a person or persons to whom a director, officer or employee of the ~~[association]~~ ***savings bank*** must report known or suspected exploitation of an older person or vulnerable person.

2. If a director, officer or employee reports known or suspected exploitation of an older person to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that an older person has been exploited, the designated reporter shall:

(a) Except as otherwise provided in subsection 3, report the known or suspected exploitation of the older person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable.

3. If the designated reporter knows or has reasonable cause to believe that the exploitation of the older person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the designated reporter shall make the report to an agency other than the one alleged to have committed the act or omission.

4. If a director, officer or employee reports known or suspected exploitation of a vulnerable person to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that a vulnerable person has been exploited, the designated reporter shall:

(a) Except as otherwise provided in subsection 5, report the known or suspected exploitation of the vulnerable person to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable.

5. If the designated reporter knows or has reasonable cause to believe that the exploitation of the vulnerable person involves an act or omission of a law enforcement agency, the designated reporter shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.

6. In accordance with the provisions of subsection 3 of NRS 239A.070, in making a report pursuant to this section, a designated reporter may:

(a) Disclose any facts or information that form the basis of the determination that the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, including, without limitation, the identity of any person believed to be involved in the exploitation of the older person or vulnerable person; and

(b) Provide any financial records or other documentation relating to the exploitation of the older person or vulnerable person.

7. A director, officer, employee and the designated reporter are entitled to the immunity from liability set forth in NRS 200.5096 for making a report in good faith.

Sec. 133. NRS 673.810 is hereby amended to read as follows:

673.810 Any person who knowingly makes, utters, circulates or transmits to another, or others, any statement untrue in fact, derogatory to the financial condition of any such ~~[association]~~ ***savings bank*** doing business in this state, with intent to injure the ~~[association,]~~ ***savings bank,*** or who counsels, aids, procures or induces another to originate, make, utter, transmit or circulate any such statement or rumor, with like intent, is guilty of a misdemeanor.

Sec. 134. NRS 673.820 is hereby amended to read as follows:

673.820 In addition to any other remedy or penalty:

1. Any ~~[association]~~ ***savings bank*** which violates any provisions of this chapter or fraudulently misrepresents the terms of any contract or of any securities, and thereby secures a sale therefor, shall be punished by an administrative fine of not more than $10,000 and forfeiture and revocation of all licenses issued to it under the provisions of this chapter.

2. The Commissioner may impose an administrative fine of not more than $10,000 upon a person who:

(a) Without a license, conducts any business or activity for which a license is required pursuant to the provisions of this chapter; or

(b) Violates any provision of this chapter or any regulation adopted pursuant thereto.

Sec. 135. NRS 673.840 is hereby amended to read as follows:

673.840 Any person doing business in this state, as described in NRS 673.070, who:

1. Sells or offers for sale within this state any securities of any company, ~~[association]~~ ***savings bank*** or corporation which has not received the license provided for in NRS 673.080 and 673.250; ***or***

2. ~~[Fails to secure the license provided for in NRS 673.270; or~~

~~3.]~~ Fails to pay a fee or penalty as provided in NRS 673.430,

➥ is guilty of a misdemeanor for each such violation.

Sec. 136. NRS 673.850 is hereby amended to read as follows:

673.850 The revocation of any license issued under any of the provisions of this chapter shall, from the date of such revocation, place the ~~[association]~~ ***savings bank*** to whom it was issued in the same legal status and subject to the same prohibitions and penalties as one to whom no license has been issued.

Sec. 137. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345,

88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135,

645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, ~~[673.430,]~~ ***673.450, 673.480,*** 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 138. NRS 659.125 is hereby amended to read as follows:

659.125 1. A business entity may not be organized under the laws of this State with the words "bank" or "banking" as part of its name except corporations or limited-liability companies subject to regulation pursuant to chapters 657 to 668, inclusive, ***673 or 677*** of NRS, or corporations under the

regulation of the Commissioner of Insurance. A corporate or company name must not be amended to include the words "bank" or "banking" unless the corporation or company is under such regulation.

2. Except as otherwise provided in ~~[subsections]~~ ***subsection*** 3 ***,*** ~~[and 4]~~ a natural person, association, firm or corporation domiciled within this State, except a national bank or a banking corporation subject to regulation pursuant to chapters 657 to 668, inclusive, ***673 or 677*** of NRS, or under the regulation of the Commissioner of Insurance, may not advertise or put forth any sign as bank, banking or banker or use the word "bank," "banking" or "banker" as part of its name and title.

~~3. [A savings and loan association subject to the provisions of chapter 673 of NRS may use the words "savings bank" or "bank" as part of its name and title if the use of those words is permitted by the Federal Home Loan Bank Board.~~

~~4.]~~ A thrift company subject to the provisions of chapter 677 of NRS may use the words "savings bank" as part of its name if its deposits are federally insured.

~~[5.]~~ ***4.*** Any person who violates any of the provisions of this section shall be fined not more than $500 for each offense.

Sec. 139. Section 11 of the Las Vegas Valley Water District Act, being chapter 167, Statutes of Nevada 1947, as last amended by chapter 368, Statutes of Nevada 1987, at page 842, is hereby amended to read as follows:

Sec. 11. 1. All money belonging to or in the custody of the Water District, other than money in the pension fund, must, so far as possible, be deposited in such state or national bank or banks in this state as the Treasurer or other officer of the Water District having legal custody of the money selects. The money is subject to withdrawal at any time on demand of the treasurer or other authorized officer, subject to his or her compliance with any order, directive or policy established by the Board.

2. To secure those deposits the depositary shall deliver to the Treasurer of the Water District a bond of a corporate surety qualified to act as sole surety on bonds or undertakings required by the laws of this state, and approved by the insurance commissioner as a company possessing the qualifications required for the purpose of the transacting a surety business within this state. The penal amount of the bond must at no time be less than the amount of money deposited by the Water District with the depositary. The bond must guarantee the full repayment to the water district or the payment to its order of all money so deposited, together with interest thereon. The premium for the bond may be paid out of the money so deposited or the Board of directors may require that it be paid by the depositary.

3. The depositary may, in lieu of corporate surety bond:

(a) Deposit with the Treasurer of the Water District treasury notes or United States bonds, or other securities which are legal investments for banks in this state, the market value of which must at all times equal the

amount of money deposited and the securities must be placed by the Treasurer in escrow in a bank other than the depositary of the money of the District; or

(b) With the prior approval of the Board of Directors, pool the District's securities with those from other public agencies, to secure deposits if adequate securities are provided for the entire deposit.

4. If the depositary fails to repay the money to the District on demand, or to pay the money to its order, the securities placed in escrow must be redelivered to the Treasurer and may be sold by the Treasurer with or without notice, and the proceeds thereof used to reimburse the District. The Treasurer, or other officer of the District having legal custody of its money, may deposit the money, in whole or in part, in any bank, ~~[or]~~ savings and loan association ~~[,]~~ ***or savings bank,*** whose deposits are insured by an agency of the Federal Government. The Treasurer may deposit the money in the same manner and under the same conditions as may be applicable to the deposit of state, county or municipal money by the legal custodians thereof. The Treasurer or other officer shall at all times comply with any order, directive or policy determination with respect to those deposits which may be established by the Board.

Sec. 140. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to the term "savings and loan association" to include "or savings bank."

2. In preparing supplements to the Nevada Administrative Code, appropriately:

(a) Substitute the term "savings bank" for the terms "savings and loan association" and "association" as previously used in chapter 673 of NAC; and

(b) Change any references to the term "savings and loan association" to include "or savings bank" in the remainder of the Nevada Administrative Code.

Sec. 141. NRS 673.005, 673.007, 673.009, 673.011, 673.012, 673.013, 673.014, 673.015, 673.0165, 673.019, 673.021, 673.022, 673.023, 673.024, 673.025, 673.026, 673.027, 673.031, 673.032, 673.042, 673.050, 673.110, 673.213, 673.217, 673.270, 673.273, 673.274, 673.275, 673.281, 673.317, 673.3171, 673.319, 673.3191, 673.320, 673.330, 673.331, 673.333, 673.336, 673.377, 673.380, 673.390, 673.420, 673.495, 673.497, 673.499, 673.515, 673.525, 673.535, 673.545, 673.565, 673.575, 673.576, 673.577, 673.580 and 673.590 are hereby repealed.

Sec. 142. This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

673.005 "Combination home and business structure" defined.
673.007 "Dividend" defined.

673.009 "Gross income" defined.
673.011 "Home" defined.
673.012 "Home loan" defined.
673.013 "Home property" defined.
673.014 "Impaired condition" defined.
673.015 "Improved real estate" defined.
673.0165 "Interest" defined.
673.019 "Net earnings" defined.
673.021 "Net earnings available for dividends" defined.
673.022 "Operating expenses" defined.
673.023 "Operating income" defined.
673.024 "Other real estate loan" defined.
673.025 "Real estate expenses" defined.
673.026 "Real estate income" defined.
673.027 "Real estate loan" defined.
673.031 "Savings account" defined.
673.032 "Savings liability" defined.
673.042 Biennial report of Commissioner: Contents; distribution.
673.050 Proceedings in court to test validity of action by Commissioner or Director.
673.110 Procedure for removing "and loan" from name of domestic association.
673.213 Directors: Compensation and expenses.
673.217 Statement of purchases and sales of real estate and loans made or purchased to be considered at regular meeting and made part of minutes.
673.270 Licensing of salespersons and solicitors; fees; regulations; withdrawal of applications.
673.273 Stock, surplus, undivided profits and reserves to include percentage of value of outstanding investment certificates; dividends on permanent stock; stock dividends.
673.274 Acts prohibited when stock, surplus, undivided profits and reserves below amount specified.
673.275 Impairment of stock; levy of assessment to repair deficiency; reduction of stock.
673.281 Restrictions on transfer or encumbrance of note and other obligations held by association.
673.317 Approval of appraiser by Commissioner required; limitations; revocation; notice of termination of services.
673.3171 Appraisal of real estate required before granting loan; requirements.
673.319 Specific loss reserve; determination of values by Commissioner.
673.3191 Reserve for uncollected interest.
673.320 Associations empowered to insure accounts.

673.330 Limitation on charge for prepayment of loan.

673.331 Loans prohibited on security of association's own stock.

673.333 Apportionment of earnings and payment of interest; determination of percentage rate of declaration; classes of savings accounts; notice of change in method of calculating interest.

673.336 Restrictions on declaration of dividends.

673.377 Minimum required available cash, deposits and securities; making and purchasing loans prohibited when minimum not met.

673.380 Procedure when requests for withdrawals exceed amount available.

673.390 Order of payment of withdrawals.

673.420 Notice to Commissioner of inability to pay request for withdrawal on file more than 60 days.

673.495 Conservator: Appointment by Commissioner; district court confirmation.

673.497 Powers of conservator; limitations; expenses; compensation.

673.499 Receiver: Appointment by Commissioner; court confirmation; powers and authority; compensation.

673.515 Appeal from judgment enjoining Commissioner or dismissing action to enjoin; bond.

673.525 Penalty for failure to comply with Commissioner's demand for possession of property, business and assets.

673.535 Enforcement by sheriff of demand for possession of property, business and assets; written demand for assistance; duty to enforce.

673.545 Delivery of schedule of property, assets and collateral to Commissioner; examination of directors, officers or employees by Commissioner.

673.565 Appointment of custodian; bond.

673.575 Collection of money; preservation of assets.

673.576 Powers of Commissioner when in possession of business, property and assets.

673.577 Claims for damages from disaffirmance of executory contract or lease.

673.580 Procedure upon taking possession of insured association: Federal Deposit Insurance Corporation as liquidator or coliquidator.

673.590 Delivery of remaining assets to stockholders.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 138.

Bill read second time and ordered to third reading.

Senate Bill No. 165.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 746.

SENATOR DENIS

JOINT SPONSOR: ASSEMBLYMAN OSCARSON

AN ACT relating to public health; defining the term "obesity" as a chronic disease; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to prepare an annual report on obesity; requiring certain school districts to collect data concerning the height and weight of pupils; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law uses the term "obesity" in listing the benefits of breast-feeding, mandating training for child care providers and mandating public information and prevention programs of the Division of Public and Behavioral Health of the Department of Health and Human Services. (NRS 201.232, 432A.1775, 439.517, 439.521) **Section 1** of this bill defines the term "obesity" in the preliminary chapter of NRS as a chronic disease having certain characteristics. **Sections 2 and 4-6** of this bill define the term "obesity" as used in those provisions of existing law. **Section 5** also requires the Division to prepare an annual report on obesity statistics in this State and the efforts to reduce obesity.

Existing law requires certain school nurses to conduct or supervise certain examinations of pupils in certain grades for scoliosis, visual and auditory problems or any gross physical defects. School authorities must provide notice of those examinations to the parent or guardian of a child before performing the examination, and each school nurse or designee of the nurse must report the results of those examinations to the Chief Medical Officer. (NRS 392.420) **Section 3** of this bill: (1) requires the board of trustees of each school district in a county whose population is 100,000 or more (currently Clark and Washoe counties) to use school nurses, health personnel and certain teachers and other personnel to conduct examinations of the height and weight of certain pupils; and (2) provides that, under certain circumstances, the school authorities are not required to provide notice to the parent or guardian of a child before conducting the examination. **Section 3** also requires the Division to: (1) compile a report of the results of those examinations specific to each region of this State for which the information is collected; (2) publish and disseminate the reports; and (3) submit a copy of the report to the superintendent of each school district located in a county whose population is 100,000 or more (currently Clark and Washoe Counties).

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The preliminary chapter of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided by specific statute or required by context, "obesity" means a chronic disease characterized by an abnormal and unhealthy accumulation of body fat which is statistically correlated with premature mortality, hypertension, heart disease, diabetes, cancer and other health conditions, and may be indicated by:

(a) A body mass index of 30 or higher in adults;

(b) A body mass index that is greater than two standard deviations above the World Health Organization's growth standard for children who are at least 5 but less than 19 years of age, or greater than three standard deviations above the standard for children who are less than 5 years of age;

(c) A body fat percentage greater than 25 percent for men or 32 percent for women; or

(d) A waist size of 40 inches or more for men or 35 inches or more for women.

2. As used in this section, "chronic disease" means a health condition or disease which presents for a period of 3 months or more or is persistent, indefinite or incurable.

Sec. 2. NRS 201.232 is hereby amended to read as follows:

201.232 1. The Legislature finds and declares that:

(a) The medical profession in the United States recommends that children from birth to the age of 1 year should be breast fed, unless under particular circumstances it is medically inadvisable.

(b) Despite the recommendation of the medical profession, statistics reveal a declining percentage of mothers who are choosing to breast feed their babies.

(c) Many new mothers are now choosing to use formula rather than to breast feed even before they leave the hospital, and only a small percentage of all mothers are still breast feeding when their babies are 6 months old.

(d) In addition to the benefit of improving bonding between mothers and their babies, breast feeding offers better nutrition, digestion and immunity for babies than does formula feeding, and it may increase the intelligence quotient of a child. Babies who are breast fed have lower rates of death, meningitis, childhood leukemia and other cancers, diabetes, respiratory illnesses, bacterial and viral infections, diarrheal diseases, otitis media, allergies, obesity and developmental delays.

(e) Breast feeding also provides significant benefits to the health of the mother, including protection against breast cancer and other cancers, osteoporosis and infections of the urinary tract. The incidence of breast cancer in the United States might be reduced by 25 percent if every woman breast fed all her children until they reached the age of 2 years.

(f) The World Health Organization and the United Nations Children's Fund have established as one of their major goals for the decade the encouragement of breast feeding.

(g) The social constraints of modern society weigh against the choice of breast feeding and lead new mothers with demanding time schedules to opt for formula feeding to avoid embarrassment, social ostracism or criminal prosecution.

(h) Any genuine promotion of family values should encourage public acceptance of this most basic act of nurture between a mother and her baby, and no mother should be made to feel incriminated or socially ostracized for breast feeding her child.

2. Notwithstanding any other provision of law, a mother may breast feed her child in any public or private location where the mother is otherwise authorized to be, irrespective of whether the nipple of the mother's breast is uncovered during or incidental to the breast feeding.

3. As used in this section:

(a) "Chronic disease" means a health condition or disease which presents for a period of 3 months or more or is persistent, indefinite or incurable.

(b) "Obesity" means a chronic disease characterized by an abnormal and unhealthy accumulation of body fat which is statistically correlated with premature mortality, hypertension, heart disease, diabetes, cancer and other health conditions, and may be indicated by:

(1) A body mass index of 30 or higher in adults;

(2) A body mass index that is greater than two standard deviations above the World Health Organization's growth standard for children who are at least 5 but less than 19 years of age, or greater than three standard deviations above the standard for children who are less than 5 years of age;

(3) A body fat percentage greater than 25 percent for men or 32 percent for women; or

(4) A waist size of 40 inches or more for men or 35 inches or more for women.

Sec. 3. NRS 392.420 is hereby amended to read as follows:

392.420 1. In each school at which a school nurse is responsible for providing nursing services, the school nurse shall plan for and carry out, or supervise qualified health personnel in carrying out, a separate and careful observation and examination of every child who is regularly enrolled in a grade specified by the board of trustees or superintendent of schools of the school district in accordance with this subsection to determine whether the child has scoliosis, any visual or auditory problem, or any gross physical defect. The grades in which the observations and examinations must be carried out are as follows:

(a) For visual and auditory problems:

(1) Before the completion of the first year of initial enrollment in elementary school;

(2) In at least one additional grade of the elementary schools; and

(3) In one grade of the middle or junior high schools and one grade of the high schools; and

(b) For scoliosis, in at least one grade of schools below the high schools.

➥ Any person other than a school nurse, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, who performs an observation or examination pursuant to this subsection must be trained by a school nurse to conduct the observation or examination.

2. ***In addition to the requirements of subsection 1, the board of trustees of each school district in a county whose population is 100,000 or more shall direct school nurses, qualified health personnel employed pursuant to subsection 6, teachers who teach physical education or health or other licensed educational personnel who have completed training in measuring the height and weight of a pupil provided by the school district, to measure the height and weight of a representative sample of pupils who are enrolled in grades 4, 7 and 10 in the schools within the school district. The Division of Public and Behavioral Health of the Department of Health and Human Services , in consultation with the board of trustees of each school district and each local health district, as applicable, shall determine the number of pupils necessary to include in the representative sample.***

3. If any child is attending school in a grade above one of the specified grades and has not previously received such an observation and examination, the child must be included in the current schedule for observation and examination. Any child who is newly enrolled in the district must be examined for any medical condition for which children in a lower grade are examined.

~~[3.]~~ ***4.*** A special examination for a possible visual or auditory problem must be provided for any child who:

(a) Is enrolled in a special program;

(b) Is repeating a grade;

(c) Has failed an examination for a visual or auditory problem during the previous school year; or

(d) Shows in any other way that the child may have such a problem.

~~[4.]~~ ***5.*** The school authorities shall notify the parent or guardian of any child who is found or believed to have scoliosis, any visual or auditory problem, or any gross physical defect, and shall recommend that appropriate medical attention be secured to correct it. Any written notice provided to the parent or guardian of a child pursuant to this subsection must include, to the extent that information is available, a list of any resources that may be available in the community to provide such medical attention, including, without limitation, resources available at no charge or at a reduced cost. If such a list is provided, the principal, his or her designee, or any employee of the school or the school district is not responsible for providing such resources to the pupil or ensuring that the pupil receives such resources.

~~[5.]~~ ***6.*** In any school district in which state, county or district public health services are available or conveniently obtainable, those services may be used to meet the responsibilities assigned under the provisions of this section. The board of trustees of the school district may employ qualified personnel to perform them. Any nursing services provided by such qualified personnel must be performed in compliance with chapter 632 of NRS.

~~[6.]~~ ***7.*** The board of trustees of a school district may adopt a policy which encourages the school district and schools within the school district to collaborate with:

(a) Qualified health care providers within the community to perform, or assist in the performance of, the services required by this section; and

(b) Postsecondary educational institutions for qualified students enrolled in such an institution in a health-related program to perform, or assist in the performance of, the services required by this section.

~~[7. The]~~

8. Except as otherwise provided in subsection 9, the school authorities shall provide notice to the parent or guardian of a child before performing on the child the examinations required by this section. The notice must inform the parent or guardian of the right to exempt the child from all or part of the examinations. Any child must be exempted from an examination if the child's parent or guardian files with the teacher a written statement objecting to the examination.

~~[8.]~~ ***9. The school authorities are not required to provide notice to the parent or guardian of a child before measuring the child's height or weight pursuant to subsection 2 if it is not practicable to do so.***

10. Each school nurse or a designee of a school nurse, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, shall report the results of the examinations conducted pursuant to this section in each school at which he or she is responsible for providing services to the Chief Medical Officer in the format prescribed by the Chief Medical Officer. Each such report must exclude any identifying information relating to a particular child. The Chief Medical Officer shall compile all such information the Officer receives to monitor the health status of children and shall retain the information.

11. The Division of Public and Behavioral Health of the Department of Health and Human Services shall:

(a) Compile a report relating to each region of this State for which data is collected regarding the height and weight of pupils measured pursuant to subsection 2 and reported to the Chief Medical Officer pursuant to subsection 10;

(b) Publish and disseminate the reports not later than 12 months after receiving the results of the examinations pursuant to subsection 10; and

(c) Submit a copy of the report disseminated pursuant to paragraph (b) to the superintendent of each school district located in a county whose population is 100,000 or more.

Sec. 4. NRS 432A.1775 is hereby amended to read as follows:

432A.1775 1. Each person who is employed in a child care facility that provides care for more than 12 children, other than in a facility that provides care for ill children, shall complete:

(a) Before January 1, 2014, at least 15 hours of training;

(b) On or after January 1, 2014, and before January 1, 2015, at least 18 hours of training;

(c) On or after January 1, 2015, and before January 1, 2016, at least 21 hours of training; and

(d) On or after January 1, 2016, 24 hours of training each year.

2. Except as otherwise provided in subsection 1, each person who is employed in any child care facility, other than in a facility that provides care for ill children, shall complete at least 15 hours of training each year.

3. At least 2 hours of the training required by subsections 1 and 2 each year must be devoted to the lifelong wellness, health and safety of children and must include training relating to childhood obesity, nutrition and physical activity.

4. As used in this section:

(a) "Chronic disease" means a health condition or disease which presents for a period of 3 months or more or is persistent, indefinite or incurable.

(b) "Obesity" means a chronic disease characterized by an abnormal and unhealthy accumulation of body fat which is statistically correlated with premature mortality, hypertension, heart disease, diabetes, cancer and other health conditions, and may be indicated by:

(1) A body mass index of 30 or higher in adults;

(2) A body mass index that is greater than two standard deviations above the World Health Organization's growth standard for children who are at least 5 but less than 19 years of age, or greater than three standard deviations above the standard for children who are less than 5 years of age;

(3) A body fat percentage greater than 25 percent for men or 32 percent for women; or

(4) A waist size of 40 inches or more for men or 35 inches or more for women.

Sec. 5. NRS 439.517 is hereby amended to read as follows:

439.517 ***1.*** Within the limits of available money, the Division shall establish the State Program for Wellness and the Prevention of Chronic Disease to increase public knowledge and raise public awareness relating to wellness and chronic diseases and to educate the residents of this State about:

~~[1.]~~ ***(a)*** Wellness, including, without limitation, behavioral health, proper nutrition, maintaining oral health, increasing physical fitness, preventing obesity and tobacco use; and

~~[2.]~~ ***(b)*** The prevention of chronic diseases, including, without limitation, arthritis, asthma, cancer, diabetes, cardiovascular disease, stroke, heart disease and oral disease.

2. As used in this section:

(a) "Chronic disease" means a health condition or disease which presents for a period of 3 months or more or is persistent, indefinite or incurable.

(b) "Obesity" means a chronic disease characterized by an abnormal and unhealthy accumulation of body fat which is statistically correlated with premature mortality, hypertension, heart disease, diabetes, cancer and other health conditions, and may be indicated by:

(1) A body mass index of 30 or higher in adults;

(2) A body mass index that is greater than two standard deviations above the World Health Organization's growth standard for children who are at least 5 but less than 19 years of age, or greater than three standard deviations above the standard for children who are less than 5 years of age;

(3) A body fat percentage greater than 25 percent for men or 32 percent for women; or

(4) A waist size of 40 inches or more for men or 35 inches or more for women.

Sec. 6. NRS 439.521 is hereby amended to read as follows:

439.521 ***1.*** To carry out the provisions of NRS 439.514 to 439.525, inclusive, the Division shall, within the limits of available money, and with the advice and recommendations of the Advisory Council:

~~[1.]~~ ***(a)*** Periodically prepare burden reports concerning health problems and diseases, including, without limitation, a lack of physical fitness, poor nutrition, tobacco use and exposure to tobacco smoke, ~~[obesity,]~~ chronic diseases ***, including, without limitation, obesity and diabetes,*** and other diseases, as determined by the Division, using the most recent information obtained through surveillance, epidemiology and research. As used in this ~~[subsection,]~~ ***paragraph,*** "burden report" means a calculation of the impact of a particular health problem or chronic disease on this State, as measured by financial cost, mortality, morbidity or other indicators specified by the Division.

~~[2.]~~ ***(b) Prepare an annual report on obesity pursuant to paragraph (a) which must:***

(1) Include, without limitation:

(I) Current obesity rates in this State;

(II) Information regarding obesity with regard to specific demographics;

(III) Actions taken by the Division regarding obesity; and

(IV) The State's goals and achievements regarding obesity rates.

(2) On or before March 15 of each year, be submitted to the Director of the Legislative Counsel Bureau for transmittal to:

(I) The Legislative Committee on Health Care during even-numbered years; and

(II) The Legislature during odd-numbered years.

(c) Identify, review and encourage, in coordination with the Department of Education, the Nevada System of Higher Education and other appropriate state agencies, existing evidence-based programs related to nutrition, physical fitness and tobacco prevention and cessation, including, without limitation, programs of state and local governments, educational institutions, businesses and the general public.

~~[~~3.~~]~~ ***(d)*** Develop, promote and coordinate recommendations for model and evidence-based programs that contribute to reductions in the incidence of chronic disease in this State. The programs should encourage:

~~[~~(a)~~]~~ ***(1)*** Proper nutrition, physical fitness and health among the residents of this State, including, without limitation, parents and children, senior citizens, high-risk populations and persons with special needs; and

~~[~~(b)~~]~~ ***(2)*** Work-site wellness policies that include, without limitation, tobacco-free and breast feeding-friendly environments, healthy food and beverage choices and physical activity opportunities in schools, businesses and public buildings.

~~[~~4.~~]~~ ***(e)*** Assist on projects within this State as requested by, and in coordination with, the President's Council on Fitness, Sports and Nutrition.

~~[~~5.~~]~~ ***(f)*** Identify and review methods for reducing health care costs associated with tobacco use and exposure to tobacco smoke, ~~[~~obesity,~~]~~ chronic diseases ***, including, without limitation, obesity and diabetes,*** and other diseases, as determined by the Division.

~~[~~6.~~]~~ ***(g)*** Maintain a website to provide information and resources on nutrition, physical fitness, health, wellness and the prevention of ~~[~~obesity and~~]~~ chronic diseases ~~[~~.

~~7.~~~~]~~ ***, including, without limitation, obesity and diabetes.***

(h) Solicit information from and, to the extent feasible, coordinate its efforts with:

~~[~~(a)~~]~~ ***(1)*** Other governmental agencies;

~~[~~(b)~~]~~ ***(2)*** National health organizations and their local and state chapters;

~~[~~(c)~~]~~ ***(3)*** Community and business leaders;

~~[~~(d)~~]~~ ***(4)*** Community organizations;

~~[~~(e)~~]~~ ***(5)*** Providers of health care;

~~[~~(f)~~]~~ ***(6)*** Private schools; and

~~[~~(g)~~]~~ ***(7)*** Other persons who provide services relating to tobacco use and exposure, physical fitness and wellness and the prevention of ~~[~~obesity,~~]~~ chronic diseases ***, including, without limitation, obesity and diabetes,*** and other diseases.

~~[~~8.~~]~~ ***(i)*** Establish, maintain and enhance statewide chronic disease surveillance systems.

~~[~~9.~~]~~ ***(j)*** Translate surveillance, evaluation and research information into press releases, briefs, community education and advocacy materials and other publications that highlight chronic diseases and the key risk factors of those diseases.

~~[~~10.~~]~~ ***(k)*** Identify, assist and encourage the growth of, through funding, training, resources and other support, the community's capacity to assist persons who have a chronic disease.

~~[~~11.~~]~~ ***(l)*** Encourage relevant community organizations to effectively recruit key population groups to receive clinical preventative services, including, without limitation:

~~[~~(a)~~]~~ ***(1)*** Screening and early detection of breast, cervical and colorectal cancer, diabetes, high blood pressure and obesity;

~~[~~(b)~~]~~ ***(2)*** Oral screenings; and

~~[~~(c)~~]~~ ***(3)*** Tobacco cessation counseling.

~~[~~12.~~]~~ ***(m)*** Promote positive policy, system and environmental changes within communities and the health care system based on, without limitation, the Chronic Care Model developed by the MacColl Center for Health Care Innovation and the Patient-Centered Medical Home Recognition Program of the National Committee for Quality Assurance.

~~[~~13.~~]~~ ***(n)*** Review and revise the Program as needed.

2. As used in this section:

(a) "Chronic disease" means a health condition or disease which presents for a period of 3 months or more or is persistent, indefinite or incurable.

(b) "Obesity" means a chronic disease characterized by an abnormal and unhealthy accumulation of body fat which is statistically correlated with premature mortality, hypertension, heart disease, diabetes, cancer and other health conditions, and may be indicated by:

(1) A body mass index of 30 or higher in adults;

(2) A body mass index that is greater than two standard deviations above the World Health Organization's growth standard for children who are at least 5 but less than 19 years of age, or greater than three standard deviations above the standard for children who are less than 5 years of age;

(3) A body fat percentage greater than 25 percent for men or 32 percent for women; or

(4) A waist size of 40 inches or more for men or 35 inches or more for women.

Sec. 7. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 8. This act becomes effective on July 1, 2017.

Assemblyman Sprinkle moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 171.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 726.

AN ACT relating to pharmacies; requiring certain pharmacies in this State to post or provide written instructions for the safe disposal of unused drugs; **providing a penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides, in certain institutional settings, for the return of certain unused drugs to the dispensing pharmacy and the reissue or transfer of such drugs. (NRS 433.801, 435.700, 449.2485, 639.2675, 639.2676) Existing law also establishes programs for the donation, distribution and dispensing of drugs to treat HIV/AIDS and cancer. (Chapter 453B of NRS) This bill requires each retail community pharmacy in this State to post in a conspicuous place on the premises of the pharmacy or provide, upon request, written instructions for safely disposing of unused drugs. **This bill additionally provides that, upon violating such a requirement, the holder of a license of a retail community pharmacy and any pharmacist working for such a pharmacy are not: (1) guilty of a misdemeanor or felony; or (2) subject to suspension, revocation or probation of a certificate, license or permit held by such a licensee or pharmacist. This bill further authorizes the State Board of Pharmacy to discipline the holder of a license of a retail community pharmacy upon a violation of the requirement for posting or providing information concerning the disposal of unused drugs by one or both of the following methods: (1) public reprimand; or (2) a fine not to exceed $200 that may be imposed not more than once every 6 months.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each retail community pharmacy in this State shall post in a conspicuous place on the premises of the pharmacy or provide, upon the request of any person, written instructions concerning the safe disposal of unused drugs.

2. Notwithstanding any provision of this chapter to the contrary, upon a violation of subsection 1, the holder of a license of a retail community pharmacy and any pharmacist employed by the pharmacy are not:

(a) Guilty of a misdemeanor or felony; or

(b) Subject to:

(1) The suspension or revocation of a certificate, license or permit issued to the retail community pharmacy or pharmacist; or

(2) Probation.

3. Notwithstanding any provision of this chapter to the contrary, upon a violation of subsection 1, only the holder of a license of a retail community pharmacy may be disciplined by the Board, and only by one or both of the following methods:

(a) Public reprimand; or

(b) Imposition of a fine not to exceed $200 against the licensee. A fine may be imposed against the holder of a license of a retail community pharmacy pursuant to this section not more than once every 6 months.

4. As used in this section, "retail community pharmacy" means a pharmacy that is licensed by the Board and dispenses drugs directly to the general public at retail prices. The term does not include:

(a) A pharmacy that dispenses prescription medications to patients solely through the mail;

(b) A nonprofit pharmacy designated by the Board pursuant to NRS 639.2676;

(c) An institutional pharmacy;

(d) A pharmacy in a correctional institution; or

(e) A pharmacy owned or operated by a governmental entity.

Sec. 2. (Deleted by amendment.)

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 292.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 729.

SUMMARY—Exempts ~~[physicians]~~ **certain professionals** who are licensed in another jurisdiction from provisions governing the practice of ~~[medicine]~~ **those professions** for certain purposes relating to athletics. (BDR 54-319)

AN ACT relating to ~~[physicians;]~~ **professions;** exempting ~~[physicians and osteopathic physicians]~~ **certain professionals** who hold a valid and unrestricted license to practice in another jurisdiction from provisions governing the practice of ~~[medicine or osteopathic medicine]~~ **those professions** for certain purposes relating to athletics; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person to be licensed by the Board of Medical Examiners **,** ~~[or the]~~ State Board of Osteopathic Medicine **, Chiropractic Physicians' Board of Nevada, State Board of Oriental Medicine, State Board of Physical Therapy Examiners or Board of Athletic Trainers** before practicing ~~[medicine]~~ **the profession regulated by the applicable board** in this State. (NRS 630.160, 633.741 ~~[)]~~ **, 634.227, 634A.230, 640.169, 640B.700) Sections 1 ,** ~~[and]~~ **3 , 5, 7, 9 and 11** of this bill provide for a temporary exemption from this requirement for a ~~[physician]~~

professional who holds a valid and unrestricted license to practice in another jurisdiction and is practicing ~~[medicine or osteopathic medicine]~~ **his or her profession** for certain purposes relating to athletic competition or training. Such an exemption lasts for 10 days, but may be extended for not more than 20 additional days upon application to the ~~[Board of Medical Examiners or the State Board of Osteopathic Medicine, as]~~ applicable **~~[.]~~ board.** A ~~[physician]~~ **professional** who is practicing under such an exemption is prohibited from: (1) practicing ~~[medicine]~~ at a medical facility; ~~[or]~~ (2) providing services to persons outside the scope of the exemption **~~[.]~~ ; or (3) practicing his or her profession under such an exemption for more than 60 days in a calendar year. Sections 2 ~~[and]~~ 4 , 6, 8, 10 and 12** of this bill provide that a person practicing ~~[medicine or osteopathic medicine]~~ **his or her profession** under such an exemption is not subject to regulation under chapter 630 **~~[or]~~** 633 **, 634, 634A, 640 or 640B** of NRS while practicing within the scope of the exemption.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[If]~~ Except as otherwise provided in subsection 5, if a physician who holds a valid and unrestricted license to practice medicine in another state or territory of the United States or another country has entered into a written or oral agreement to provide services to members of ~~[an]~~ a visiting athletic team or organization , ~~[and other persons affiliated with the team or organization,]~~ the physician is temporarily exempt from licensure and may practice medicine in this State while providing services pursuant to the agreement to members of the visiting athletic team or organization ~~[or other persons affiliated with the team or organization]~~ who are present in this State for the purpose of engaging in ~~[, coaching, facilitating or traveling to or from]~~ competition or training.

2. ~~[If]~~ Except as otherwise provided in subsection 5, if a physician who holds a valid and unrestricted license to practice medicine in another state or territory of the United States or another country has been invited by the governing body of a national organization to provide services to persons participating in ~~[, coaching at or otherwise facilitating]~~ an athletic event or training sanctioned or operated by the organization, the physician is temporarily exempt from licensure and may practice medicine in this State while providing services to such persons.

3. Except as otherwise provided in this subsection ~~[,]~~ and subsection 4, an exemption described in this section is valid for a period of not more than 10 days for each competition or training session. Upon the application of a physician, the Board may grant an exemption of not more than 20 additional days for each competition or training session.

4. A physician who is practicing medicine under an exemption described in this section shall not:

(a) Practice medicine at a medical facility; ~~[or]~~

(b) Provide services to persons who are not described in subsection 1 or 2, as applicable ~~[.]~~ ; or

(c) Practice medicine under such an exemption for more than 60 days in a calendar year.

5. The provisions of this section do not apply to any contest or exhibition of unarmed combat conducted pursuant to chapter 467 of NRS.

6. As used in this section, "visiting athletic team or organization" means an athletic team or organization which is primarily based at a location outside of this State.

Sec. 2. NRS 630.047 is hereby amended to read as follows:

630.047 1. This chapter does not apply to:

(a) A medical officer or perfusionist or practitioner of respiratory care of the Armed Forces or a medical officer or perfusionist or practitioner of respiratory care of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455;

(b) Physicians who are called into this State, other than on a regular basis, for consultation with or assistance to a physician licensed in this State, and who are legally qualified to practice in the state where they reside;

(c) Physicians who are legally qualified to practice in the state where they reside and come into this State on an irregular basis to:

(1) Obtain medical training approved by the Board from a physician who is licensed in this State; or

(2) Provide medical instruction or training approved by the Board to physicians licensed in this State;

(d) ***Physicians who are temporarily exempt from licensure pursuant to section 1 of this act and are practicing medicine within the scope of the exemption;***

(e) Any person permitted to practice any other healing art under this title who does so within the scope of that authority, or healing by faith or Christian Science;

~~[(e)]~~ ***(f)*** The practice of respiratory care by a student as part of a program of study in respiratory care that is approved by the Board, or is recognized by a national organization which is approved by the Board to review such programs, if the student is enrolled in the program and provides respiratory care only under the supervision of a practitioner of respiratory care;

~~[(f)]~~ ***(g)*** The practice of respiratory care by a student who:

(1) Is enrolled in a clinical program of study in respiratory care which has been approved by the Board;

(2) Is employed by a medical facility, as defined in NRS 449.0151; and

(3) Provides respiratory care to patients who are not in a critical medical condition or, in an emergency, to patients who are in a critical medical condition and a practitioner of respiratory care is not immediately available to provide that care and the student is directed by a physician to provide respiratory care under the supervision of the physician until a practitioner of respiratory care is available;

~~[(g)]~~ ***(h)*** The practice of respiratory care by a person on himself or herself or gratuitous respiratory care provided to a friend or a member of a person's family if the provider of the care does not represent himself or herself as a practitioner of respiratory care;

~~[(h)]~~ ***(i)*** A person who is employed by a physician and provides respiratory care or services as a perfusionist under the supervision of that physician;

~~[(i)]~~ ***(j)*** The maintenance of medical equipment for perfusion or respiratory care that is not attached to a patient; and

~~[(j)]~~ ***(k)*** A person who installs medical equipment for respiratory care that is used in the home and gives instructions regarding the use of that equipment if the person is trained to provide such services and is supervised by a provider of health care who is acting within the authorized scope of his or her practice.

2. This chapter does not repeal or affect any statute of Nevada regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services outside of a medical school or medical facility by a person who is not a physician, perfusionist, physician assistant or practitioner of respiratory care in cases of emergency.

(b) The domestic administration of family remedies.

Sec. 3. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[If]~~ Except as otherwise provided in subsection 5, if an osteopathic physician who holds a valid and unrestricted license to practice osteopathic medicine in another state or territory of the United States or another country has entered into a written or oral agreement to provide services to members of ~~[an]~~ a visiting athletic team or organization , ~~[and other persons affiliated with the team or organization,]~~ the osteopathic physician is temporarily exempt from licensure and may practice osteopathic medicine in this State while providing services pursuant to the agreement to members of the visiting athletic team or organization ~~[or other persons affiliated with the team or organization]~~ who are present in this State for the purpose of engaging in ~~[, coaching, facilitating or traveling to or from]~~ competition or training.

2. ~~[If]~~ Except as otherwise provided in subsection 5, if an osteopathic physician who holds a valid and unrestricted license to practice osteopathic medicine in another state or territory of the United States or another country has been invited by the governing body of a national organization

to provide services to persons participating in ~~[, coaching at or otherwise facilitating]~~ an athletic event or training sanctioned or operated by the organization, the osteopathic physician is temporarily exempt from licensure and may practice osteopathic medicine in this State while providing services to such persons.

3. Except as otherwise provided in this subsection ~~[,]~~ and subsection 4, an exemption described in this section is valid for a period of not more than 10 days for each competition or training session. Upon the application of an osteopathic physician, the Board may grant an exemption of not more than 20 additional days for each competition or training session.

4. An osteopathic physician who is practicing osteopathic medicine under an exemption described in this section shall not:

(a) Practice osteopathic medicine at a medical facility; ~~[or]~~

(b) Provide services to persons who are not described in subsection 1 or 2, as applicable ~~[.]~~ ; or

(c) Practice osteopathic medicine under such an exemption for more than 60 days in a calendar year.

5. The provisions of this section do not apply to any contest or exhibition of unarmed combat conducted pursuant to chapter 467 of NRS.

6. As used in this section, "visiting athletic team or organization" means an athletic team or organization which is primarily based at a location outside of this State.

Sec. 4. NRS 633.171 is hereby amended to read as follows:

633.171 1. This chapter does not apply to:

(a) The practice of medicine or perfusion pursuant to chapter 630 of NRS, dentistry, chiropractic, podiatry, optometry, respiratory care, faith or Christian Science healing, nursing, veterinary medicine or fitting hearing aids.

(b) A medical officer of the Armed Forces or a medical officer of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

(c) Osteopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to a physician licensed in this State, and who are legally qualified to practice in the state where they reside.

(d) Osteopathic physicians who are temporarily exempt from licensure pursuant to section 3 of this act and are practicing osteopathic medicine within the scope of the exemption.

2. This chapter does not repeal or affect any law of this State regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services of a person in cases of emergency.

(b) The domestic administration of family remedies.

Sec. 5. **Chapter 634 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in subsection 5, if a chiropractic physician who holds a valid and unrestricted license to practice chiropractic in another state or territory of the United States or another country has entered into a written or oral agreement to provide services to members of a visiting athletic team or organization, the chiropractic physician is temporarily exempt from licensure and may practice chiropractic in this State while providing services pursuant to the agreement to members of the visiting athletic team or organization who are present in this State for the purpose of engaging in competition or training.

2. Except as otherwise provided in subsection 5, if a chiropractic physician who holds a valid and unrestricted license to practice chiropractic in another state or territory of the United States or another country has been invited by the governing body of a national organization to provide services to persons participating in an athletic event or training sanctioned or operated by the organization, the chiropractic physician is temporarily exempt from licensure and may practice chiropractic in this State while providing services to such persons.

3. Except as otherwise provided in this subsection and subsection 4, an exemption described in this section is valid for a period of not more than 10 days for each competition or training session. Upon the application of a chiropractor, the Board may grant an exemption of not more than 20 additional days for each competition or training session.

4. A chiropractic physician who is practicing chiropractic under an exemption described in this section shall not:

(a) Practice chiropractic at a medical facility;

(b) Provide services to persons who are not described in subsection 1 or 2, as applicable; or

(c) Practice chiropractic under such an exemption for more than 60 days in a calendar year.

5. The provisions of this section do not apply to any contest or exhibition of unarmed combat conducted pursuant to chapter 467 of NRS.

6. As used in this section, "visiting athletic team or organization" means an athletic team or organization which is primarily based at a location outside of this State.

Sec. 6. **NRS 634.227 is hereby amended to read as follows:**

634.227 1. A person who:

(a) Presents to the Board as his or her own the diploma, license or credentials of another;

(b) Gives false or forged evidence of any kind to the Board; or

(c) Practices chiropractic under a false or assumed name or falsely personates another licensee,

➥ is guilty of a misdemeanor.

2. Except as otherwise provided in NRS 634.105 and 634.1375, ***and section 5 of this act,*** a person who does not hold a license issued pursuant to this chapter and:

(a) Practices chiropractic in this State;

(b) Holds himself or herself out as a chiropractor;

(c) Uses any combination, variation or abbreviation of the terms "chiropractor," "chiropractic" or "chiropractic physician" as a professional or commercial representation; or

(d) Uses any means which directly or indirectly conveys to another person the impression that he or she is qualified or licensed to practice chiropractic,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130, unless a greater penalty is provided pursuant to NRS 200.830 or 200.840.

3. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 2, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or certificate or otherwise demonstrates that he or she is no longer in violation of subsection 2. An order to cease and desist must include a telephone number with which the person may contact the Board.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 7. **Chapter 634A of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in subsection 5, if a doctor of Oriental medicine who holds a valid and unrestricted license to practice Oriental medicine in another state or territory of the United States or another country has entered into a written or oral agreement to provide services to members of a visiting athletic team or organization, the doctor of Oriental medicine is temporarily exempt from licensure and may practice Oriental medicine in this State while providing services pursuant to the agreement to members of the visiting athletic team or organization who are present in this State for the purpose of engaging in competition or training.

2. Except as otherwise provided in subsection 5, if a doctor of Oriental medicine who holds a valid and unrestricted license to practice Oriental

medicine in another state or territory of the United States or another country has been invited by the governing body of a national organization to provide services to persons participating in an athletic event or training sanctioned or operated by the organization, the doctor of Oriental medicine is temporarily exempt from licensure and may practice Oriental medicine in this State while providing services to such persons.

3. Except as otherwise provided in this subsection and subsection 4, an exemption described in this section is valid for a period of not more than 10 days for each competition or training session. Upon the application of a doctor of Oriental medicine, the Board may grant an exemption of not more than 20 additional days for each competition or training session.

4. A doctor of Oriental medicine who is practicing Oriental medicine under an exemption described in this section shall not:

(a) Practice Oriental medicine at a medical facility;

(b) Provide services to persons who are not described in subsection 1 or 2, as applicable; or

(c) Practice Oriental medicine under such an exemption for more than 60 days in a calendar year.

5. The provisions of this section do not apply to any contest or exhibition of unarmed combat conducted pursuant to chapter 467 of NRS.

6. As used in this section, "visiting athletic team or organization" means an athletic team or organization which is primarily based at a location outside of this State.

Sec. 8. **NRS 634A.025 is hereby amended to read as follows:**

634A.025 1. This chapter does not apply to Oriental physicians who are ~~[called]~~ ***:***

(a) Called into this State for consultation ~~[.]~~ ***; or***

(b) Temporarily exempt from licensure pursuant to section 7 of this act and are practicing Oriental medicine within the scope of the exemption.

2. This chapter does not apply to a practitioner of acupuncture:

(a) Who is employed by an accredited school of Oriental medicine located in this State;

(b) Who is licensed to practice acupuncture in another state or jurisdiction; and

(c) Whose practice of acupuncture in this State:

(1) Is limited to teaching, supervising or demonstrating the methods and practices of acupuncture to students in a clinical setting; and

(2) Does not involve the acceptance of payment from any patient for services relating to his or her practice of acupuncture.

3. This chapter does not prohibit:

(a) Gratuitous services of druggists or other persons in cases of emergency.

(b) The domestic administration of family remedies.

(c) Any person from assisting any person in the practice of the healing arts licensed under this chapter, except that such person may not insert needles into the skin or prescribe herbal medicine.

4. For the purposes of this section, "accredited school of Oriental medicine" means a school that has received at least candidacy status for institutional accreditation from the Accreditation Commission for Acupuncture and Oriental Medicine, or its successor organization.

Sec. 9. **Chapter 640 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in subsection 5, if a physical therapist who holds a valid and unrestricted license to practice physical therapy in another state or territory of the United States or another country has entered into a written or oral agreement to provide services to members of a visiting athletic team or organization, the physical therapist is temporarily exempt from licensure and may practice physical therapy in this State while providing services pursuant to the agreement to members of the visiting athletic team or organization who are present in this State for the purpose of engaging in competition or training.

2. Except as otherwise provided in subsection 5, if a physical therapist who holds a valid and unrestricted license to practice physical therapy in another state or territory of the United States or another country has been invited by the governing body of a national organization to provide services to persons participating in an athletic event or training sanctioned or operated by the organization, the physical therapist is temporarily exempt from licensure and may practice physical therapy in this State while providing services to such persons.

3. Except as otherwise provided in this subsection and subsection 4, an exemption described in this section is valid for a period of not more than 10 days for each competition or training session. Upon the application of a physical therapist, the Board may grant an exemption of not more than 20 additional days for each competition or training session.

4. A physical therapist who is practicing physical therapy under an exemption described in this section shall not:

(a) Practice physical therapy at a medical facility;

(b) Provide services to persons who are not described in subsection 1 or 2, as applicable; or

(c) Practice physical therapy under such an exemption for more than 60 days in a calendar year.

5. The provisions of this section do not apply to any contest or exhibition of unarmed combat conducted pursuant to chapter 467 of NRS.

6. As used in this section, "visiting athletic team or organization" means an athletic team or organization which is primarily based at a location outside of this State.

Sec. 10. **NRS 640.029 is hereby amended to read as follows:**

640.029 This chapter does not apply to ~~[an]~~ **:**

1. An occupational therapist, occupational therapy assistant or athletic trainer who:

~~[1.]~~ ***(a)*** Is licensed to practice in this state;

~~[2.]~~ ***(b)*** Practices within the scope of that license; and

~~[3.]~~ ***(c)*** Does not represent that he or she is a physical therapist or physical therapist's assistant, or that he or she practices physical therapy ~~[.]~~ ***; or***

2. A physical therapist who is temporarily exempt from licensure pursuant to section 9 of this act and is practicing physical therapy within the scope of the exemption.

Sec. 11. **Chapter 640B of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in subsection 5, if an athletic trainer who holds a valid and unrestricted license to practice athletic training in another state or territory of the United States or another country has entered into a written or oral agreement to provide services to members of a visiting athletic team or organization, the athletic trainer is temporarily exempt from licensure and may practice athletic training in this State while providing services pursuant to the agreement to members of the visiting athletic team or organization who are present in this State for the purpose of engaging in competition or training.

2. Except as otherwise provided in subsection 5, if an athletic trainer who holds a valid and unrestricted license to practice athletic training in another state or territory of the United States or another country has been invited by the governing body of a national organization to provide services to persons participating in an athletic event or training sanctioned or operated by the organization, the athletic trainer is temporarily exempt from licensure and may practice athletic training in this State while providing services to such persons.

3. Except as otherwise provided in this subsection and subsection 4, an exemption described in this section is valid for a period of not more than 10 days for each competition or training session. Upon the application of an athletic trainer, the Board may grant an exemption of not more than 20 additional days for each competition or training session.

4. An athletic trainer who is practicing athletic training under an exemption described in this section shall not:

(a) Practice athletic training at a medical facility;

(b) Provide services to persons who are not described in subsection 1 or 2, as applicable; or

(c) Practice athletic training under such an exemption for more than 60 days in a calendar year.

5. The provisions of this section do not apply to any contest or exhibition of unarmed combat conducted pursuant to chapter 467 of NRS.

6. As used in this section, "visiting athletic team or organization" means an athletic team or organization which is primarily based at a location outside of this State.

Sec. 12. **NRS 640B.145 is hereby amended to read as follows:**

640B.145 The provisions of this chapter do not apply to:

1. A person who is licensed pursuant to chapters 630 to 637, inclusive, or chapter 640 or 640A of NRS, when acting within the scope of that license.

2. A person who is employed by the Federal Government and engages in the practice of athletic training within the scope of that employment.

3. A person who is ~~[employed as an]~~ ***temporarily exempt from licensure pursuant to section 11 of this act and is practicing*** athletic ~~[trainer outside this State when engaging in the practice of athletic]~~ training within the scope of ~~[that employment in connection with an athletic event held in this State.]~~ ***the exemption.***

~~[Sec. 5.]~~ ***Sec. 13.*** This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and on January 1, 2018, for all other purposes.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 308.

Bill read second time and ordered to third reading.

Senate Bill No. 356.

Bill read second time and ordered to third reading.

Senate Bill No. 396.

Bill read second time and ordered to third reading.

Senate Bill No. 437.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 732.

AN ACT relating to physical therapy; changing the name of the State Board of Physical Therapy Examiners to the Nevada Physical Therapy Board; authorizing the Board to appoint nonvoting advisory members to the Board; authorizing the Board to issue citations for certain violations; changing the designation of physical therapists' assistants and physical therapists' technicians; revising the membership and duties of the Board; requiring the Board to elect certain officers annually; amending provisions governing the supervision and authorized activities of physical therapist

technicians; **revising provisions governing the supervision of physical therapist assistants;** exempting certain providers of health care from the provisions governing the practice of physical therapy; revising terminology concerning the education of physical therapists and physical therapist assistants; combining similar provisions governing physical therapists and physical therapist assistants; authorizing the licensure by endorsement of physical therapist assistants; removing the requirement that the Board administer an examination to applicants for a license as a physical therapist; revising provisions prohibiting the use of certain names, titles and initials related to the practice of physical therapy; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the State Board of Physical Therapy Examiners to regulate physical therapists and physical therapist assistants. (NRS 640.030) **Section 29** of this bill repeals the requirement of existing law that the Board itself examine applicants for licensure as physical therapists, but **sections 10 and 23** of this bill leave in place existing requirements that applicants for licensure as physical therapists or physical therapist assistants pass an examination designated by the Board. (NRS 640.080, 640.230) **Section 1.5** of this bill changes the name of the Board to the Nevada Physical Therapy Board to reflect that the Board no longer administers, but merely designates, the examinations.

Sections 1.2 and 4 of this bill authorize the Board to appoint nonvoting advisory members. Additionally, **section 4**: (1) revises the membership of the Board to include a physical therapist assistant; and (2) clarifies that the Board is subject to the provisions of law governing meetings of public bodies. **Section 5** of this bill requires the Board to elect new officers annually and specifies the officers whom the Board is required to elect. **Section 6** of this bill clarifies that only voting members of the Board are entitled to compensation. **Section 7** of this bill revises the duties of the Board. **Section 9** of this bill removes a requirement that the Board deposit administrative fines with the State Treasurer for credit in the State General Fund and instead requires the Board to deposit such fines directly in the State General Fund.

Existing law authorizes the Board to impose disciplinary action, after notice and a hearing, against a licensee who commits certain violations. (NRS 640.160) **Section 1.3** of this bill authorizes the Board to issue a citation for certain violations of statute or regulation. **Section 1.4** of this bill allows a person to whom a citation has been issued to contest the citation in a hearing conducted according to the provisions of law governing contested cases.

Existing law exempts from the law governing the licensure and regulation of physical therapists an occupational therapist, occupational therapy assistant and athletic trainer who is licensed to practice his or her profession in this State, practices within the scope of his or her profession and does not represent that he or she is a physical therapist or physical therapist assistant or is practicing physical therapy. (NRS 640.029) **Section 3** of this bill

extends this exemption to any provider of health care who is licensed to practice his or her profession in this State, who acts within the scope of his or her profession and who does not represent that he or she is a physical therapist or physical therapist assistant or is practicing physical therapy.

Existing law authorizes the Board to adopt regulations concerning treatments and other regulated procedures which may be performed by a physical therapist technician. (NRS 640.050) A physical therapist must provide immediate supervision of a physical therapist technician while the technician performs treatments related to physical therapy. (NRS 640.310) **Sections 7 and 26** of this bill instead require the Board to adopt regulations prescribing the activities that a physical therapist technician may perform only under the immediate supervision of a physical therapist. **Section 1.6** of this bill clarifies that a physical therapist who is supervising a physical therapist technician must be present on-site.

Section 1.7 of this bill clarifies the definition of the term "physical therapist." **Sections 1.8, 1.9, 2.5-4, 7, 18, 19, 21 and 23-26** of this bill standardize the terminology used to refer to physical therapist assistants and physical therapist technicians.

Existing law requires an applicant for a license as a physical therapist or physical therapist assistant to have completed an educational curriculum approved by the Board. (NRS 640.080, 640.230) **Sections 10 and 23** of this bill instead require the applicant to have completed a program of professional education for physical therapists or physical therapist assistants, as applicable, that has been approved by the Board.

Existing law provides similar procedures for licensing physical therapists and physical therapist assistants. (NRS 640.090-640.110, 640.150, 640.250-640.270, 640.280) Existing law also authorizes a person to: (1) obtain a temporary license to practice as a physical therapist or physical therapist assistant to assist in a medical emergency without examination; and (2) work without a license under the supervision of a physical therapist while satisfying clinical education requirements. (NRS 640.120, 640.275) **Sections 11-14, 17 and 29** of this bill combine and remove the duplication of those provisions.

Existing law prescribes the requirements for licensure by endorsement of a physical therapist who is licensed in another state. (NRS 640.145, 640.146) **Sections 15 and 16** of this bill extend those provisions to physical therapist assistants. **Section 29** repeals duplicative provisions authorizing the Board to license without examination a physical therapist or physical therapist assistant who is licensed in another state.

Existing law provides that a person who does not hold a license issued by the Board is guilty of a misdemeanor if he or she practices physical therapy or holds himself or herself out as a physical therapist or physical therapist assistant. (NRS 640.169, 640.170, 640.175) **Section 20** of this bill provides that a business entity that holds itself out as providing services constituting the practice of physical therapy is guilty of a misdemeanor unless those

services are provided by or under the supervision of a licensed physical therapist. **Sections 20 and 21** of this bill further authorize the Board to impose certain penalties on a person who violates this provision, including, without limitation, an administrative penalty of not more than $5,000. Finally, **sections 20 and 21** require physical therapists and physical therapist assistants to use a certain designation.

Existing law authorizes the Board to seek an injunction in district court against a person who has engaged or is about to engage in an act that violates or will violate a provision of existing law governing physical therapists. (NRS 640.210) **Section 22** of this bill provides that if the Board is seeking an injunction against a person improperly holding himself or herself out as a licensed physical therapist or physical therapist assistant or as practicing physical therapy, the Board must only show that the person violated existing law to establish that immediate and irreparable injury, loss or damage will result from the person's continued action.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. "Provider of health care" means:

(a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS;

(b) A physician assistant;

(c) A dentist;

(d) A licensed nurse;

(e) A person who holds a license as an attendant or who is certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS;

(f) A dispensing optician;

(g) An optometrist;

(h) A speech-language pathologist;

(i) An audiologist;

(j) A practitioner of respiratory care;

(k) A ~~[registered]~~ ***licensed*** physical therapist;

(l) An occupational therapist;

(m) A podiatric physician;

(n) A licensed psychologist;

(o) A licensed marriage and family therapist;

(p) A licensed clinical professional counselor;

(q) A music therapist;

(r) A chiropractor;

(s) An athletic trainer;

(t) A perfusionist;

(u) A doctor of Oriental medicine in any form;

(v) A medical laboratory director or technician;

(w) A pharmacist;

(x) A licensed dietitian;

(y) An associate in social work, a social worker, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS;

(z) An alcohol and drug abuse counselor or a problem gambling counselor who is certified pursuant to chapter 641C of NRS;

(aa) An alcohol and drug abuse counselor or a clinical alcohol and drug abuse counselor who is licensed pursuant to chapter 641C of NRS; or

(bb) A medical facility as the employer of any person specified in this subsection.

2. For the purposes of NRS 629.051, 629.061, 629.065 and 629.077, the term includes a facility that maintains the health care records of patients.

3. For the purposes of NRS 629.400 to 629.490, inclusive, the term includes:

(a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and

(b) A person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.

Sec. 1.1. Chapter 640 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.2, 1.3 and 1.4 of this act.

Sec. 1.2. ***The Board may, by majority vote, select any person, including, without limitation, a physical therapist or physical therapist assistant, to serve as an advisory member of the Board. The Board shall prescribe the term and duties of any advisory member it selects pursuant to this section. An advisory member may not vote on any matter before the Board. Advisory members serve without compensation.***

Sec. 1.3. ***1. After conducting an inspection pursuant to NRS 640.050, a member or agent of the Board may issue a citation to a licensee if the member or agent concludes that, based on a preponderance of the evidence, the licensee has violated:***

(a) Subsection 3 of NRS 640.110;

(b) Any regulation of the Board that requires a licensee to provide his or her address to the Board, display his or her license or a copy thereof, practice only under the name listed on his or her license or document in the record of a patient any treatment provided to the patient; or

(c) Any regulation of the Board establishing requirements for the supervision of an unlicensed person by a physical therapist or limiting the number of persons who may be supervised by a physical therapist.

2. A citation issued pursuant to this section may include, without limitation, an order to:

(a) Take action to correct any condition resulting from any act that constitutes a violation of a provision set forth in subsection 1, at the cost of the person who committed the violation. If the citation contains such an order, the citation must:

(1) State the time permitted for compliance, which must be not less than 5 business days after the date the person receives the citation; and

(2) Specifically describe the corrective action to be taken.

(b) Pay an administrative fine not to exceed the amount prescribed pursuant to subsection 3.

(c) Reimburse the Board for any expenses incurred to investigate the violation, in an amount not to exceed $150.

3. Any administrative fine imposed pursuant to this section must be:

(a) For a first violation, in the amount prescribed by regulation of the Board, which must be not less than $100 or more than $500;

(b) For a second violation, in the amount prescribed by regulation of the Board, which must be not less than $250 or more than $1,000; and

(c) For a third violation and for each additional violation, in the amount determined by the Board after the licensee appears before the Board.

4. The sanctions authorized by this section are separate from, and in addition to, any other remedy, civil or criminal, authorized by this chapter.

Sec. 1.4. *1. Except as otherwise provided in this subsection, to contest a citation issued pursuant to section 1.3 of this act, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation. The Board may, for good cause shown, extend the time to submit a request for a hearing.*

2. If the person to whom a citation is issued files a timely written request for a hearing to contest the citation:

(a) The Board shall provide notice of and conduct the hearing in accordance with this chapter and the provisions of chapters 233B and 622A of NRS governing the adjudication of contested cases.

(b) At the hearing, the licensee may contest, without limitation:

(1) The facts forming the basis for the determination that the licensee has committed an act which constitutes a violation of a provision described in section 1.3 of this act;

(2) The time allowed to take any corrective action ordered;

(3) The amount of any administrative fine ordered;

(4) The amount of any payment ordered to reimburse the Board for the expenses incurred to investigate the violation; and

(5) Whether any corrective action described in the citation is reasonable.

3. If a person to whom a citation is issued pursuant to section 1.3 of this act does not file timely a written request for a hearing to contest the citation, the citation shall be deemed a final order of the Board and any assessed fine deemed due and payable and any corrective action deemed required.

4. For the purposes of this section, a citation issued pursuant to section 1.3 of this act shall be deemed to have been received by a person:

(a) On the date on which the citation is personally delivered to the person; or

(b) If the citation is mailed, 3 business days after the date on which the citation is mailed by certified mail to the last known business or residential address of the person.

Sec. 1.5. NRS 640.013 is hereby amended to read as follows:

640.013 "Board" means the ~~[State Board of]~~ ***Nevada*** Physical Therapy ~~[Examiners.]~~ ***Board.***

Sec. 1.6. NRS 640.016 is hereby amended to read as follows:

640.016 "Immediate supervision" means that a person is present ***on-site*** and immediately available within the treatment area to give aid, direction and instruction to the person he or she is supervising.

Sec. 1.7. NRS 640.021 is hereby amended to read as follows:

640.021 "Physical therapist" means a person who is licensed ***as such*** in accordance with the provisions of this chapter.

Sec. 1.8. NRS 640.0213 is hereby amended to read as follows:

640.0213 "Physical ~~[therapist's]~~ ***therapist*** assistant" means a person who assists in the practice of physical therapy under the supervision of a licensed physical therapist and who is licensed under the provisions of this chapter. ~~[The term is synonymous with "physical therapist assistant."]~~

Sec. 1.9. NRS 640.0216 is hereby amended to read as follows:

640.0216 "Physical ~~[therapist's]~~ ***therapist*** technician" means an unlicensed person who performs certain limited activities at the direction of the physical therapist.

Sec. 2. (Deleted by amendment.)

Sec. 2.5. NRS 640.026 is hereby amended to read as follows:

640.026 "Supervising physical therapist" means a physical therapist who supervises a physical ~~[therapist's]~~ ***therapist*** assistant ~~[or]~~ ***, a*** physical ~~[therapist's]~~ ***therapist*** technician ~~[.]~~ ***, a student who is completing a program for physical therapists or physical therapist assistants or a graduate of such a program.***

Sec. 3. NRS 640.029 is hereby amended to read as follows:

640.029 ***1.*** This chapter does not apply to ~~[an occupational therapist, occupational therapy assistant or athletic trainer]~~ ***a provider of health care*** who:

~~[1.]~~ ***(a)*** Is licensed to practice in this state;

~~[2.]~~ ***(b)*** Practices within the scope of that license; and

~~[3.]~~ ***(c)*** Does not ***use any letters, words or insignia listed in NRS 640.170 or 640.175 in connection with his or her name or otherwise*** represent that he or she is a physical therapist or physical ~~[therapist's]~~ ***therapist*** assistant, or that he or she practices physical therapy.

2. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 4. NRS 640.030 is hereby amended to read as follows:

640.030 1. The ~~[State Board of]~~ ***Nevada*** Physical Therapy ~~[Examiners,]~~ ***Board,*** consisting of five members appointed by the Governor,

and any nonvoting advisory members appointed by the Board pursuant to section 1.2 of this act, is hereby created.

2. The Governor shall appoint:

(a) ~~[~~Four~~]~~ ***Three*** members who are licensed physical therapists in the State of Nevada.

(b) ***One member who is a licensed physical therapist assistant in the State of Nevada.***

(c) One member who is a representative of the general public. This member must not be:

(1) A physical therapist ~~[~~,~~]~~ ***or*** a physical ~~[~~therapist's~~]~~ ***therapist*** assistant ***;*** ~~[~~or a physical therapist's technician;~~]~~ or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a physical therapist ~~[~~,~~]~~ ***or*** a physical ~~[~~therapist's~~]~~ ***therapist*** assistant ***.*** ~~[~~or a physical therapist's technician.~~]~~

3. No member of the Board may serve more than two consecutive terms.

4. The Governor may remove any ***voting*** member of the Board for incompetency, neglect of duty, gross immorality or malfeasance in office.

5. A majority of the ***voting*** members of the Board constitutes a quorum.

6. No member of the Board may be held liable in a civil action for any act which he or she has performed in good faith in the execution of his or her duties under this chapter.

7. The Board shall comply with the provisions of chapter 241 of NRS, and all meetings of the Board must be conducted in accordance with that chapter.

Sec. 5. NRS 640.035 is hereby amended to read as follows:

640.035 ~~[~~The~~]~~ ***At the first meeting of each fiscal year, the*** Board shall elect a Chair ~~[~~and other officers~~]~~ ***, a Vice Chair and a Secretary-Treasurer*** from among its members.

Sec. 6. NRS 640.045 is hereby amended to read as follows:

640.045 1. Each ***voting*** member of the Board is entitled to receive:

(a) A salary of not more than $150 per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

Sec. 7. NRS 640.050 is hereby amended to read as follows:

640.050 1. The Board shall ~~[~~examine and license qualified physical therapists and qualified physical therapist's assistants.~~]~~ ***:***

(a) Enforce the provisions of this chapter and any regulations adopted pursuant thereto;

(b) Evaluate the qualifications and determine the eligibility of an applicant for a license as a physical therapist or physical therapist assistant and, upon payment of the applicable fee, issue the appropriate license to a qualified applicant;

(c) Investigate any complaint filed with the Board against a licensee; and

(d) Unless the Board determines that extenuating circumstances exist, forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices as a physical therapist or physical therapist assistant without a license.

2. The Board may adopt reasonable regulations to carry this chapter into effect, including, but not limited to, regulations concerning the:

(a) Issuance and display of licenses.

(b) Supervision of physical ~~[~~therapist's~~]~~ ***therapist*** assistants and physical ~~[~~therapist's~~]~~ ***therapist*** technicians.

~~[~~(c) Treatments and other regulated procedures which may be performed by physical therapist's technicians.~~]~~

3. The Board shall ~~[~~keep~~]~~ ***prepare and maintain*** a record of its proceedings ~~[~~and a register of all persons licensed under the provisions of this chapter. The register must show:

~~(a) The name of every living licensee.~~

~~(b) The last known place of business and residence of each licensee.~~

~~(c) The date and number of each license issued as a physical therapist or physical therapist's assistant.~~] ***, including, without limitation, any disciplinary proceedings.***

4. ~~[~~During September of every year in which renewal of a license is required, the~~]~~ ***The*** Board shall ~~[~~compile~~]~~ ***maintain*** a list of licensed physical therapists authorized to practice physical therapy and physical ~~[~~therapist's~~]~~ ***therapist*** assistants licensed to assist in the practice of physical therapy in this State. ~~[~~Any interested person in the State may obtain a copy of the list upon application to the Board and the payment of such amount as may be fixed by the Board, which amount must not exceed the cost of the list so furnished.~~]~~

5. The Board may:

(a) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(b) Employ attorneys, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

(c) Adopt a seal of which a court may take judicial notice.

6. Any member or agent of the Board may enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices physical therapy or as a physical ~~[~~therapist's~~]~~ ***therapist*** assistant and inspect ~~[~~it~~]~~ ***the premises*** to determine whether a violation of any provision of this chapter ***or any regulation adopted pursuant thereto*** has occurred, including, without limitation, an inspection to determine whether

any person at the premises is practicing physical therapy or as a physical ~~[~~therapist's~~]~~ ***therapist*** assistant without the appropriate license issued pursuant to the provisions of this chapter.

7. Any ***voting*** member of the Board may administer an oath to a person testifying in a matter that relates to the duties of the Board.

Sec. 8. NRS 640.060 is hereby amended to read as follows:

640.060 For the ~~[~~purpose~~]~~ ***purposes*** of NRS 640.080 ~~[,]~~ ***and 640.230,*** the Board shall approve any school or ~~[~~educational curriculum~~]~~ ***program of professional education for physical therapists and physical therapist assistants*** taught at a school if the school is accredited by an accrediting agency recognized by the Board.

Sec. 9. NRS 640.070 is hereby amended to read as follows:

640.070 1. All fees collected under this chapter must be deposited by the Board in banks, credit unions or savings and loan associations in the State of Nevada.

2. All expenses incident to the operation of this chapter must be paid from the revenue derived therefrom.

3. In a manner consistent with the provisions of chapter 622A of NRS, the Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter and impose and collect administrative fines therefor. If the Board so delegates its authority, the Board may deposit the money from the fines in banks, credit unions or savings and loan associations in this State for the support of the Board. In addition, the hearing officer or panel may assess a licensee against whom disciplinary action is taken any costs and fees incurred by the Board as a result of the hearing. The money from the reimbursed costs and fees may also be deposited for use by the Board.

4. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 3, the Board shall deposit the money collected from the imposition of administrative fines ~~[~~with the State Treasurer for credit to~~]~~ ***in*** the State General Fund. The Board may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 10. NRS 640.080 is hereby amended to read as follows:

640.080 Except as otherwise provided in NRS 640.145 and 640.146, to be eligible for licensure by the Board as a physical therapist, an applicant must:

1. Be of good moral character;

2. Have graduated from a school in which he or she completed a ~~[~~curriculum of~~]~~ ***program of professional education for*** physical ~~[~~therapy~~]~~ ***therapists*** approved by the Board; and

3. Pass to the satisfaction of the Board an examination designated by the Board, unless he or she is entitled to licensure without examination as provided in NRS 640.120 **.** ~~[~~or 640.140.~~]~~

Sec. 11. NRS 640.090 is hereby amended to read as follows:

640.090 1. Unless he or she is entitled to licensure under NRS 640.120, ~~[~~640.140,~~]~~ 640.145 or 640.146, a person who desires to be licensed as a physical therapist ***or physical therapist assistant*** must:

(a) Apply to the Board, in ~~[~~writing, on a~~]~~ ***the*** form ~~[~~furnished~~]~~ ***prescribed*** by the Board;

(b) Include in the application evidence, under oath, satisfactory to the Board, that the person possesses the qualifications required by NRS 640.080 ***or 640.230, as applicable,*** other than having passed the examination;

(c) Pay to the Board at the time of filing the application a fee set by a regulation of the Board in an amount not to exceed $300 ~~[.]~~ ***for a license as a physical therapist or $200 for a license as a physical therapist assistant;***

(d) Submit to the Board with the application a complete set of fingerprints which the Board may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(e) Submit other documentation and proof the Board may require; and

(f) Submit all other information required to complete the application.

2. If an applicant submits an application for a license by endorsement pursuant to NRS 640.146, the Board shall collect not more than one-half of the fee specified in paragraph (c) of subsection 1 for the initial issuance of the license.

Sec. 12. NRS 640.095 is hereby amended to read as follows:

640.095 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license as a physical therapist ***or physical therapist assistant*** shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license as a physical therapist ***or physical therapist assistant*** shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license as a physical therapist ***or physical therapist assistant*** may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other

public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 13. NRS 640.110 is hereby amended to read as follows:

640.110 1. The Board shall license as a physical therapist ***or physical therapist assistant*** each applicant who proves to the satisfaction of the Board his or her qualifications for licensure.

2. The Board shall issue to each applicant who proves to the satisfaction of the Board his or her qualification for licensure ~~[.]~~ ***:***

(a) As a physical therapist, a license as a physical therapist. The license authorizes the applicant to represent himself or herself as a licensed physical therapist and to practice physical therapy in the State of Nevada subject to the conditions and limitations of this chapter.

(b) As a physical therapist assistant, a license as a physical therapist assistant. The license authorizes the applicant to represent himself or herself as a licensed physical therapist assistant and to practice as a licensed physical therapist assistant subject to the conditions and limitations of this chapter.

3. Each physical therapist shall display his or her current license in a location which is accessible to the public.

4. The Board may charge a fee, not to exceed $25, ~~[to replace a lost license or]~~ to change a name on a license.

5. A license as a physical therapist assistant remains valid while a supervising physical therapist continues to supervise the physical therapist assistant.

Sec. 14. NRS 640.120 is hereby amended to read as follows:

640.120 1. The Board may issue, without examination, a license to practice ***as a*** physical ~~[therapy]~~ ***therapist or physical therapist assistant*** for a period not to exceed 6 months to any person who meets ***all*** the ***other*** qualifications set forth in NRS 640.080 ~~[, except subsection 3 thereof,]~~ ***or 640.230, as applicable,*** upon certification that the person has been assigned to the State of Nevada on a temporary basis to assist in a medical emergency. Issuance of the temporary license is subject to such fees, not to exceed $100, and conditions as the Board may require.

2. A student ~~[of physical therapy is not required to be licensed during his or her clinical training if the work is done under the direct supervision of a licensed physical therapist.]~~ ***who is enrolled in a program of professional education for physical therapists or physical therapist assistants approved***

by the Board is not required to be licensed to work under the supervision of a physical therapist who is present on-site to satisfy a requirement of that program.

3. A person who has applied for licensure as a physical therapist ***or physical therapist assistant*** and who meets the qualifications set forth in NRS 640.080 ~~[,]~~ ***or 640.230,*** except subsection 3 ~~[thereof,]~~ ***of NRS 640.080 or subsection 4 of NRS 640.230, as applicable,*** is temporarily exempt from licensure and may practice physical therapy ***or as a physical therapist assistant, as applicable,*** during the period of the temporary exemption if:

(a) The person has submitted a completed application for licensure for the first time and the application has been approved by the Board;

(b) The Board has approved the person to sit for the examination required ~~[pursuant to]~~ ***by*** NRS ~~[640.100;]~~ ***640.080 or 640.230, as applicable;***

(c) The person has not previously failed an examination for licensure as a physical therapist ~~[.]~~ ***or physical therapist assistant;***

(d) The person practices physical therapy ***or as a physical therapist assistant, as applicable,*** under the supervision of a licensed physical therapist and in accordance with the provisions of this chapter and the regulations of the Board; and

(e) The person complies with any other requirements of the Board to practice physical therapy ***or as a physical therapist assistant, as applicable,*** during the period of the temporary exemption.

4. The temporary exemption authorized by subsection 3 begins on the date on which the Board notifies the person that he or she may practice physical therapy ***or as a physical therapist assistant, as applicable,*** under the temporary exemption and continues until the date of the examination if the person does not take the examination or until the date on which the Board notifies the person of the results of the examination. During the period of the temporary exemption, the person:

(a) Shall not use as his or her title or professional credentials any words, letters or insignia except for the words "graduate of physical therapy ~~[."]~~ ***," "P.T.A." or "Physical Therapist Assistant," as applicable.***

(b) Is subject to the regulatory and disciplinary authority of the Board to the same extent as a licensed physical therapist ~~[.]~~ ***or licensed physical therapist assistant, as applicable.***

Sec. 15. NRS 640.145 is hereby amended to read as follows:

640.145 1. The Board may issue a license by endorsement as a physical therapist ***or physical therapist assistant*** to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as a physical therapist ***or physical therapist assistant, as applicable,*** in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined ~~[or]~~ ***and is not currently being*** investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license as a physical therapist ~~[;]~~ ***or physical therapist assistant;*** and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 640.090;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) A fee in the amount of the fee set by a regulation of the Board pursuant to paragraph (c) of subsection 1 of NRS 640.090 for an application for a license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement ~~[as a physical therapist]~~ pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement ~~[as a physical therapist]~~ to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement ~~[as a physical therapist]~~ may be issued at a meeting of the Board or between its meetings by the Chair of the Board ~~[.]~~ ***or his or her designee.*** Such an action shall be deemed to be an action of the Board.

Sec. 16. NRS 640.146 is hereby amended to read as follows:

640.146 1. The Board may issue a license by endorsement as a physical therapist ***or physical therapist assistant*** to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license as a physical therapist ***or physical therapist assistant*** in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined ~~[or]~~ ***and is not currently being*** investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a physical therapist ~~[.]~~ ***or physical therapist assistant;*** and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 640.090;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) A fee in the amount set by a regulation of the Board pursuant to paragraph (c) of subsection 1 of NRS 640.090 for an application for a license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement ~~[as a physical therapist]~~ pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement ~~[as a physical therapist]~~ to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement ~~[as a physical therapist]~~ may be issued at a meeting of the Board or between its meetings by the Chair of the Board ~~[.]~~ ***or his or her designee.*** Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a physical therapist ***or physical therapist assistant, as applicable,*** in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 17. NRS 640.150 is hereby amended to read as follows:

640.150 1. A license to practice ***as a*** physical ~~[therapy]~~ ***therapist or physical therapist assistant*** expires ~~[on July 31 of each year. A]~~ ***1 year after the date of its issuance or on the date prescribed by the Board, whichever is later. Except as otherwise provided in subsection 2, a*** physical therapist ***or physical therapist assistant*** may renew a license before its expiration upon:

(a) Presentation of proof of completion of a program of continuing ~~[education]~~ ***competency*** as required by subsection 3;

(b) Payment of a renewal fee established by the Board; and

(c) Submission of all information required to complete the renewal.

2. A license ~~[that is not renewed before July 31 of each year]~~ ***may be renewed within 30 days after the date it*** expires. An expired license ***that is not renewed in a timely manner*** may be reinstated, at the discretion of the Board, upon:

(a) Payment of the ~~[annual renewal fee and the annual expiration]~~ ***reinstatement*** fee established by ***regulation of*** the Board for each year ***or portion thereof that*** the license is expired; and

(b) ~~[Submission]~~ ***Satisfaction*** of ~~[all information required to complete]~~ the ***requirements for*** renewal ~~[.]~~ ***prescribed by subsection 1.***

3. The Board shall require licensed physical therapists ***and physical therapist assistants*** to complete a program of continuing ~~[education]~~ ***competency*** as a requirement for the renewal of licenses. The Board shall, by regulation ~~[:~~

~~(a) Prescribe the curriculum;~~

~~(b) Approve the courses of study or training; and~~

~~(c) Establish the fees,~~

~~➥]~~ ***, establish requirements*** for the program ~~[.]~~ ***of continuing competency, which may include a requirement that any provider of such a program must be approved by the Board.***

4. The Board ~~[may, pursuant to subsection 3,]~~ ***:***

(a) Shall establish a fee for reinstatement of an expired license, to be paid for each year or portion thereof that the license is expired.

(b) May establish a fee of not more than $150 to consider approval of a ~~[course]~~ ***program*** of ~~[study or training.]~~ ***continuing competency.***

Sec. 18. NRS 640.1605 is hereby amended to read as follows:

640.1605 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license as a physical therapist or physical ~~[therapist's]~~ ***therapist*** assistant, the Board shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license as a physical therapist or physical ~~[~~therapist's~~]~~ ***therapist*** assistant that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 19. NRS 640.1695 is hereby amended to read as follows:

640.1695 Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice physical therapy or as a physical ~~[~~therapist's~~]~~ ***therapist*** assistant without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 20. NRS 640.170 is hereby amended to read as follows:

640.170 ***1. A person who is licensed under this chapter as a physical therapist shall use the words or letters "P.T." or "Physical Therapist" immediately following his or her name when representing himself or herself as a licensed physical therapist.***

2. A person who is not licensed under this chapter as a physical therapist, or whose license has been suspended, revoked or has expired and who uses in connection with his or her name the words or letters "L.P.T.," "Licensed Physical Therapist," "R.P.T.," "Registered Physical Therapist," "P.T.," "Physical Therapist," or any other letters, words or insignia indicating or implying that the person is a licensed physical therapist, or who in any other way, orally, or in writing, or in print, by sign, directly or by implication, represents himself or herself as a licensed physical therapist, is guilty of a misdemeanor.

3. A sole proprietorship, corporation, limited-liability company, association, partnership or other form of business organization shall not:

(a) Use in connection with its name or business activities the words or letters "L.P.T.," "Licensed Physical Therapist," "R.P.T.," "Registered Physical Therapist," "P.T.," "Physical Therapist," "physical therapy," or any other letters, words or insignia indicating or implying that the sole proprietorship, corporation, limited-liability company, association, partnership or other form of business organization provides, through employees, agents, independent contractors or representatives, services constituting the practice of physical therapy; or

(b) Represent in any other way, orally, or in writing, or in print, by sign, directly or by implication, that the sole proprietorship, corporation, limited-liability company, association or partnership provides services constituting the practice of physical therapy,

➥ unless the services constituting the practice of physical therapy are provided by or under the supervision of a licensed physical therapist. A sole proprietorship, corporation, limited-liability company, association,

partnership or other form of business organization that violates this subsection is guilty of a misdemeanor.

4. In addition to any criminal penalty that may be imposed for a violation of subsection 2 or 3, the Board, after notice and hearing, may:

(a) Issue an order against any person who has violated subsection 2 or 3 imposing an administrative penalty of not more than $5,000 for each violation. Any administrative penalty collected pursuant to this paragraph must be deposited in the State General Fund.

(b) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 2 or 3. An order to cease and desist must include a telephone number with which the person may contact the Board.

(c) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 21. NRS 640.175 is hereby amended to read as follows:

640.175 ***1. A person who is licensed under NRS 640.230 to 640.290, inclusive, as a physical therapist assistant shall use the words or letters "P.T.A." or "Physical Therapist Assistant" immediately following his or her name when representing himself or herself as a licensed physical therapist assistant.***

2. Any person:

~~[1.]~~ ***(a)*** Who is not licensed ~~[under NRS 640.230 to 640.290, inclusive,]~~ as a physical ~~[therapist's]~~ ***therapist*** assistant;

~~[2.]~~ ***(b)*** Whose license has been suspended or revoked; or

~~[3.]~~ ***(c)*** Whose license has expired and has not been reinstated,

➥ and who uses in connection with his or her name the words or letters "P.T.A." or "Physical ~~[Therapist's]~~ ***Therapist*** Assistant," or any other letters, words or insignia indicating or implying that he or she is a licensed physical ~~[therapist's]~~ ***therapist*** assistant, or who in any other way, orally, or in writing, or in print, by sign, directly, or by implication, represents himself or herself as a licensed physical ~~[therapist's]~~ ***therapist*** assistant, is guilty of a misdemeanor.

3. In addition to any criminal penalty that may be imposed for a violation of subsection 2, the Board, after notice and hearing, may:

(a) Issue an order against any person who has violated subsection 2 imposing an administrative penalty of not more than $5,000 for each

violation. Any administrative penalty collected pursuant to this paragraph must be deposited in the State General Fund.

(b) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 2. An order to cease and desist must include a telephone number with which the person may contact the Board.

(c) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 22. NRS 640.210 is hereby amended to read as follows:

640.210 1. The Board shall investigate every supposed violation of this chapter coming to its notice and shall report to the proper district attorney all cases that in the judgment of the Board warrant prosecution.

2. Whenever any person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter, the district court of any county, on application of the Board, may issue an injunction or any other order restraining such conduct. **[**~~Proceedings~~**]** ***Except as otherwise provided in subsection 3, proceedings*** under this subsection shall be governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking shall be required in any action commenced by the Board.

3. In obtaining an injunction or any other order to restrain any conduct which constitutes or will constitute a violation of subsection 2 or 3 of NRS 640.170 or subsection 2 of NRS 640.175, the Board must only show that the person engaging or about to engage in the conduct violated subsection 2 or 3 of NRS 640.170 or subsection 2 of NRS 640.175 to establish that immediate and irreparable injury, loss or damage will result from the continued action of the person.

Sec. 23. NRS 640.230 is hereby amended to read as follows:

640.230 **[**~~To~~**]** ***Except as otherwise provided in NRS 640.145 and 640.146, to*** be eligible for licensing by the Board as a physical **[**~~therapist's~~**]** ***therapist*** assistant, an applicant must:

1. Be at least 18 years old.
2. Be of good moral character.
3. **[**~~Have graduated from an approved high school.~~

~~4.~~**]** Have completed **[**~~an educational curriculum~~**]** ***a program of professional education*** approved by the Board for a physical **[**~~therapist's~~**]** ***therapist*** assistant.

~~[5.]~~ ***4.*** Pass an examination designated by the Board or be entitled to licensing without examination as provided in NRS ~~[640.270 or 640.275.]~~ ***640.120.***

Sec. 24. NRS 640.240 is hereby amended to read as follows:

640.240 1. For the purposes of NRS 640.230, the Board shall not approve any ~~[educational curriculum]~~ ***program of professional education*** for a physical ~~[therapist's]~~ ***therapist*** assistant unless the ~~[curriculum]~~ ***program*** includes elementary or intermediate courses in clinical, anatomical, biological and physical sciences and is:

(a) At least a 2-year program requiring a minimum of 60 academic semester credits at a college accredited by a recognized accrediting agency; or

(b) A ~~[curriculum]~~ ***program*** which is provided by the Armed Forces of the United States.

2. The Board may refuse to approve any ~~[educational curriculum]~~ ***program of professional education*** for physical ~~[therapist's]~~ ***therapist*** assistants if the ~~[curriculum]~~ ***program*** does not include such courses in theory and procedures as determined by the Board to be necessary for these assistants.

Sec. 25. NRS 640.290 is hereby amended to read as follows:

640.290 A person licensed as a physical ~~[therapist's]~~ ***therapist*** assistant may assist in the practice of physical therapy only under the ~~[direct]~~ supervision of a supervising physical therapist, as regulated by the Board and subject to the conditions and limitations of ~~[NRS 640.175]~~ ***this chapter*** and ~~[640.230 to 640.290, inclusive.]~~ ***any regulations adopted pursuant thereto.***

Sec. 26. NRS 640.310 is hereby amended to read as follows:

640.310 ~~[1.]~~ ***The Board shall adopt regulations prescribing the activities that a physical therapist technician may perform only under the immediate supervision of a physical therapist.*** A physical therapist shall provide immediate supervision of a physical ~~[therapist's]~~ ***therapist*** technician while the technician performs ~~[treatments related to physical therapy which have been directed by the physical therapist.~~

~~2. As used in this section, "treatment" does not include secretarial, clerical or housekeeping activities, the transportation of a patient or the dressing or undressing of a patient.]~~ ***any such activity.***

Sec. 27. Any regulations adopted before October 1, 2017, by the State Board of Physical Therapy Examiners pursuant to NRS 640.050 concerning the treatments and other regulated procedures which may be performed by a physical therapist technician remain in effect until the Nevada Physical Therapy Board adopts regulations pursuant to NRS 640.310, as amended by section 26 of this act, to replace those regulations.

Sec. 28. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately the name of any agency, officer or instrumentality of the State whose name is changed by this

act for the name which the agency, officer or instrumentality previously used; and

2. In preparing supplements to the Nevada Administrative Code, substitute appropriately the name of any agency, officer or instrumentality of the State whose name is charged by this act for the name which the agency, officer or instrumentality previously used.

Sec. 29. NRS 640.100, 640.140, 640.250, 640.255, 640.260, 640.270, 640.275 and 640.280 are hereby repealed.

LEADLINES OF REPEALED SECTIONS

640.100 Examination and reexamination of applicants; prohibition on participation in preparing, conducting or grading examination.

640.140 Licensing of physical therapist licensed in another state or territory.

640.250 Application for license: Contents; fees.

640.255 Payment of child support: Submission of certain information by applicant; grounds for denial of license; duty of Board.

640.260 Issuance and display of license; fee for replacement of lost license or to change name; duration of validity of license.

640.270 Licensing of physical therapist's assistant licensed in another state or territory.

640.275 Temporary license for medical emergency; temporary exemptions from licensing for certain students and applicants.

640.280 Renewal, expiration and reinstatement of license; continuing education; fees.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 462.

Bill read second time and ordered to third reading.

Senate Bill No. 499.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 12.

Resolution read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 52 and 471; Senate Bill No. 375 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 156, 162, and 400 be taken from their positions on the General File and placed at the bottom of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 127, 464, and 483 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 52.

Bill read third time.

The following amendment was proposed by Assemblyman Frierson:

Amendment No. 825.

AN ACT relating to water; defining certain terms relating to dissolved mineral resources; setting forth certain provisions relating to **the** drilling and operation of a dissolved mineral resource exploration well **; [**~~and the operation of a dissolved mineral resource exploration project;~~**]** establishing certain requirements for an application to drill **[**~~or operate~~**]** a dissolved mineral resource exploration well **; [**~~or wells;~~**]** providing that certain losses of water by a dissolved mineral exploration well or wells are not subject to certain appropriation procedures; requiring the Commission on Mineral Resources to establish a fee for the issuance of a permit to drill **[**~~or operate~~**]** a dissolved mineral resource exploration well; requiring the Commission, in coordination with the Division of Water Resources **and the Division of Environmental Protection** of the State Department of Conservation and Natural Resources, to adopt certain regulations; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill establishes provisions governing exploration for dissolved mineral resources. **Section 1.4** of this bill provides that the provisions of this bill apply only to the exploration for dissolved mineral resources and not the ownership of such resources. **Sections 3 [**~~and 12-14~~**] , 12 and 14** of this bill define the terms "dissolved mineral resource," "dissolved mineral resource exploration borehole **" [**~~," "dissolved mineral resource exploration project"~~**]** and "dissolved mineral resource exploration well." **Sections 16 and 17** of this bill provide for the issuance by the Administrator of the Division of Minerals of the Commission on Mineral Resources of a permit to drill a dissolved mineral resource exploration well **. [**~~or operate a dissolved mineral resource exploration project.~~**]** **Section 18** of this bill provides that the reasonable loss of water of not more than 5 acre-feet during the testing and sampling of water pumped by a dissolved mineral resource exploration well or dissolved mineral resource exploration project is not subject to the appropriation procedures of chapters 533 and 534 of NRS, but a dissolved mineral resource exploration well or a dissolved mineral resource exploration

project that pumps more than 5 acre-feet of water is required to follow such procedures. **Section 18 also defines the term "dissolved mineral resource exploration project." Section 19** of this bill requires the Commission on Mineral Resources to establish a fee of not more than $1,500 for the issuance of a permit to drill a dissolved mineral resource exploration well **.** ~~[or operate a dissolved mineral resource exploration project.]~~ **Section 20** of this bill requires the Commission, in coordination with the Division of Water Resources **and the Division of Environmental Protection** of the State Department of Conservation and Natural Resources, to adopt regulations to carry out a program for regulating the drilling or operation of dissolved mineral resource exploration boreholes **,** ~~[,]~~ **and** dissolved mineral resource exploration wells **.** ~~[and dissolved mineral resource exploration projects.]~~ **Section 21** of this bill provides that a person who violates any provision of this bill or any regulations adopted pursuant thereto or an order of the Division of Minerals is subject to a penalty.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 1.2. Title 48 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 1.4 to 21, inclusive, of this act.

Sec. 1.4. ***1. The provisions of this chapter govern exploration for dissolved mineral resources.***

2. Ownership of dissolved mineral resources is determined by the applicable federal and state laws or regulations.

3. Except as expressly provided, nothing in this chapter shall be construed to abrogate the provisions of chapter 445A, 519A, 533, 534 or 534A of NRS.

Sec. 1.6. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 2 to 15, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 2. ***"Administrator" means the Administrator of the Division of Minerals of the Commission on Mineral Resources.***

Sec. 3. ***"Dissolved mineral resource" means all dissolved or entrained minerals that may be obtained from the naturally occurring liquid or brine in which they are found, including, without limitation, lithium. The term does not include a geothermal resource as defined in NRS 534A.010.***

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. ***"Dissolved mineral resource exploration borehole" means a penetration in the ground that is made to sample or obtain water or chemical, geologic, geophysical or geotechnical information about a dissolved mineral resource and which cannot be pumped as a well.***

Sec. 13. ~~***[***~~***"Dissolved mineral resource exploration project" means a project, which may consist of one or more dissolved mineral resource exploration wells, that is conducted on:***~~

~~***1. Private land owned or controlled by a natural person or an exploration or mining company; or***~~

~~***2. Public land in relation to a mining claim.]***~~ **(Deleted by amendment.)**

Sec. 14. ***"Dissolved mineral resource exploration well" means a well drilled to measure, test or sample water, including, without limitation, pumping tests, to determine whether dissolved mineral resources are present in concentrations and volumes sufficient to justify production.***

Sec. 15. ***"Division" means the Division of Minerals of the Commission on Mineral Resources.***

Sec. 16. ***1. A person may not drill a dissolved mineral resource exploration well*** ~~***[or operate a dissolved mineral resource exploration project]***~~ ***without first obtaining a permit from the Administrator and complying with the conditions of the permit.***

2. To obtain a permit to drill a dissolved mineral resource exploration well ***,*** ~~***[or operate a dissolved mineral resource exploration project,]***~~ ***a person must submit an application for a permit to the Administrator in the form and containing such information as prescribed by the Administrator*** ~~***[.]***~~ ***in accordance with regulations adopted pursuant to this chapter.***

3. An application submitted pursuant to subsection 2 must include:

(a) The location, design and expected depth of the well ***;*** ~~***[or wells;]***~~

(b) The materials of construction for the well ***;*** ~~***[or wells;]***~~

(c) The status of the land on which the well ~~***[or wells]***~~ ***will be constructed;*** ~~***[and]***~~

(d) A plan for monitoring the well ~~***[or wells]***~~ ***and a plan for plugging and abandoning the well*** ~~***[or wells]***~~ ***in accordance with any regulations adopted pursuant to this chapter*** ~~***[.]***~~ ***;***

(e) A plan for managing any fluids generated as part of testing or sampling, which must include, without limitation, a description of how the fluids will be managed in accordance with the requirements of chapter 445A of NRS and as required by the Division of Environmental Protection of the State Department of Conservation and Natural Resources; and

(f) Any other reporting, information or analysis necessary to prevent the migration of fluids between aquifers and the degradation of the water quality in accordance with any regulations adopted pursuant to this chapter.

4. In addition to any other requirement of this section, a dissolved mineral resource exploration well or a dissolved mineral resource

exploration borehole must be drilled by a person who is licensed to drill wells pursuant to NRS 534.140.

5. A person ~~[does]~~ may not ~~[need to obtain a permit pursuant to this section to]~~ drill a dissolved mineral resource exploration borehole ~~[.]~~ without first obtaining a permit to drill a dissolved mineral resource exploration well.

6. The issuance of a permit pursuant to section 17 of this act does not authorize a person to produce dissolved mineral resources without a water right.

Sec. 17. *1. The Administrator shall approve or reject an application for a permit to drill a dissolved mineral resource exploration well ~~[or operate a dissolved mineral resource exploration project]~~ within 30 days after the Administrator receives an application in proper form, unless the Administrator determines that the application conflicts with the requirements of NRS 445A.300 to 445A.730, inclusive, and any regulations adopted pursuant thereto, or any other laws and regulations administered by the Division of Environmental Protection of the State Department of Conservation and Natural Resources.*

2. A permit issued pursuant to this section must not be effective for more than 2 years, but may be extended one time by the Administrator for an additional 2 years if he or she determines that the permit complies with the requirements of this chapter and any regulations adopted pursuant thereto.

3. The Administrator and the Division of Minerals of the Commission on Mineral Resources may hold public hearings jointly or separately to gather such evidence or information as they deem necessary for a full understanding of all the rights involved and to properly guard the public interest. The Administrator must notify the applicant and the Administrators of the Division of Water Resources and the Division of Environmental Protection of the State Department of Conservation and Natural Resources in advance of any hearing held pursuant to this section.

4. A permit issued pursuant to this section must include any conditions and reporting requirements deemed necessary by the Administrator.

5. The holder of any permit issued pursuant to this section must comply with the requirements of NRS 445A.300 to 445A.730, inclusive, and any regulations adopted pursuant thereto.

6. The Administrator shall post any permit which has been approved pursuant to this section on the Internet website of the Division of Minerals within 5 days after the permit has been approved.

Sec. 18. *1. The appropriation procedures of chapters 533 and 534 of NRS do not apply to the reasonable loss of water of not more than 5 acre-feet during the testing and sampling of water pumped by a dissolved mineral resource exploration well or dissolved mineral resource exploration project . ~~[which is subject to the terms of a permit issued pursuant to section 17 of this act.]~~*

2. Any water pumped in excess of 5 acre-feet by a dissolved mineral resource exploration well or within a dissolved mineral resource exploration project is subject to the appropriation procedures of chapters 533 and 534 of NRS. An operator of a dissolved mineral resource exploration well or dissolved mineral resource exploration project must ensure that the well or project is in compliance with the appropriation requirements of chapters 533 and 534 of NRS before the well or project exceeds the threshold of 5-acre-feet.

3. As used in this section, "dissolved mineral resource exploration project" means a project, which may consist of one or more dissolved mineral resource exploration wells or boreholes or both, that is conducted on:

(a) Private land owned or controlled by a natural person or an exploration or mining company; or

(b) A mining claim on public land that is identified in an approved notice or plan required pursuant to 43 C.F.R §§ 3809.300 to 3809.336, inclusive, or 3809.400 to 3809.434, inclusive.

Sec. 19. ***1. The Commission on Mineral Resources shall, by regulation, establish a fee to be collected by the Division for examining and filing an application for a permit to drill a dissolved mineral exploration well . [for operate a dissolved mineral resource exploration project.] The fee must not exceed $1,500.***

2. The money collected pursuant to this section:

(a) Must be deposited with the State Treasurer for credit to the Account for the Division of Minerals created in the State General Fund pursuant to 513.103.

(b) May be used only to administer the provisions of this chapter.

Sec. 20. ***The Commission on Mineral Resources:***

1. Shall, in coordination with the Division of Water Resources and the Division of Environmental Protection of the State Department of Conservation and Natural Resources, adopt regulations to carry out a program for regulating the drilling and operation of dissolved mineral resource exploration wells [, dissolved mineral resource exploration projects] and dissolved mineral resource exploration boreholes; and

2. May adopt any other regulations necessary to carry out the provisions of this chapter.

Sec. 21. ***Any person who willfully violates any provision of this chapter or any regulation adopted pursuant thereto or an order of the Division issued pursuant to this chapter is subject to a penalty of not more than $1,000 for each act or violation and for each day that the violation continues.***

Sec. 22. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2018, for all other purposes.

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblywoman Swank.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 471.

Bill read third time.

The following amendment was proposed by Assemblyman Yeager:

Amendment No. 819.

AN ACT relating to cybersecurity; creating the Nevada Office of Cyber Defense Coordination within the Department of Public Safety; providing for the powers and duties of the Office; requiring the Nevada Commission on Homeland Security to consider a certain report of the Office when performing certain duties; providing for the confidentiality of certain information regarding cybersecurity; requiring certain state agencies to comply with the provisions of certain regulations adopted by the Office; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates the Nevada Office of Cyber Defense Coordination within the Department of Public Safety, to be headed by an Administrator, who is appointed by the Director of the Department and is ex officio a nonvoting member of the Nevada Commission on Homeland Security. Under **section 10** of this bill, the Office must: (1) periodically review the information systems of state agencies; (2) identify risks to the security of those systems; and (3) develop strategies, standards and guidelines for preparing for and mitigating risks to, and otherwise protecting, the security of those systems. The Office must also: (1) coordinate performance audits and assessments of state agencies; and (2) coordinate statewide programs for awareness and training regarding risks to the security of information systems of state agencies.

Under **section 11** of this bill, the Office must establish partnerships with local governments, agencies of the Federal Government, the Nevada System of Higher Education and private entities that have expertise in cybersecurity or information systems, must consult with the Division of Emergency Management of the Department of Public Safety and the Division of Enterprise Information Technology Services of the Department of Administration regarding strategies to prepare for and mitigate risks to, and otherwise protect, the security of information systems and must coordinate with the Investigation Division of the Department of Public Safety regarding gathering intelligence on and initiating investigations of cyber threats and incidents.

Section 12 of this bill requires the Office to establish policies and procedures for notifications to and by the Office of specific threats to information systems. **Section 12** also requires the Administrator of the Office to appoint a cybersecurity incident response team or teams and requires the Office to establish policies and procedures for the Administrator to convene such a team in the event of a specific threat to the security of an information system.

Section 13 of this bill requires the Office to prepare and make publicly available a statewide strategic plan that outlines policies, procedures, best practices and recommendations for preparing for and mitigating risks to, and otherwise protecting, the security of information systems in this State. Under **section 22** of this bill, the first such plan must be prepared and made available not later than January 1, 2018, and under **section 13**, the plan must be updated every 2 years. Under **section 21** of this bill, the Nevada Commission on Homeland Security must consider the most recent plan when performing certain duties.

Section 14 of this bill requires the Office to prepare an annual report on the activities of the Office.

Section 15 of this bill provides that certain information of any state agency, including the Office, or local government which identifies the detection of, the investigation of or a response to a suspected or confirmed threat to or attack on the security of an information system is not a public record and may be disclosed **by the Administrator** only under certain circumstances.

Section 16 of this bill authorizes the Office to adopt any regulations necessary to carry out the provisions of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 480 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this act.

Sec. 2. ***The Legislature hereby finds and declares that:***

1. The protection and security of information systems, and the coordination of efforts to promote the protection and security of information systems, are essential to protecting the health, safety and welfare of the people of this State.

2. The continued development of technologies relating to information systems and the expanding and diverse applications of those technologies pose significant implications for the functioning of any infrastructure in this State that is critical to the health, safety and welfare of the people of this State, particularly in the areas of transportation, health care, energy, education, law enforcement and commercial enterprises.

3. Information systems and the application of information systems relating to the operation of State Government and local governments make up a statewide cyberinfrastructure that is integral to the delivery of

essential services to the people of this State and the essential functions of government that ensure the protection of the health, safety and welfare of the people of this State.

4. Protecting and securing the statewide cyberinfrastructure requires the identification of the areas in which information systems may be vulnerable to attack, unauthorized use or misuse or other dangerous, harmful or destructive acts.

5. Protecting and securing the statewide cyberinfrastructure requires an ability to identify and eliminate threats to information systems in both the public and private sectors.

6. Protecting and securing the statewide cyberinfrastructure requires a strategic statewide plan for responding to incidents in which information systems are compromised, breached or damaged, including, without limitation, actions taken to:

(a) Minimize the harmful impacts of such incidents on the health, safety and welfare of the people of this State;

(b) Minimize the disruptive effects of such incidents on the delivery of essential services to the people of this State and on the essential functions of government that ensure the protection of the health, safety and welfare of the people of this State; and

(c) Ensure the uninterrupted and continuous delivery of essential services to the people of this State and the uninterrupted and continuous operations of the essential functions of government that ensure the protection of the health, safety and welfare of the people of this State.

7. Protecting and securing the statewide cyberinfrastructure depends on collaboration and cooperation, including the voluntary sharing of information and analysis regarding cybersecurity threats, among local, state and federal agencies and across a broad spectrum of the public and private sectors.

8. Institutions of higher education play a critical role in protecting and securing statewide cyberinfrastructure by developing programs that support a skilled workforce, promote innovation and contribute to a more secure statewide cyberinfrastructure.

9. It is therefore in the public interest that the Legislature enact provisions to enable the State to prepare for and mitigate risks to, and otherwise protect, information systems and statewide cyberinfrastructure.

Sec. 3. ***As used in sections 2 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 8, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Administrator" means the Administrator of the Office of Cyber Defense Coordination appointed pursuant to section 9 of this act.***

Sec. 5. ***"Information system" means any computer equipment, computer software, procedures or technology used to communicate, collect, process, distribute or store information.***

Sec. 6. *"Office" means the Nevada Office of Cyber Defense Coordination of the Department of Public Safety.*

Sec. 7. *"Security of an information system" includes, without limitation, the security of:*

1. The physical infrastructure of an information system; and

2. Information, including, without limitation, personal information, that is stored on, transmitted to, from or through, or generated by an information system.

Sec. 8. *"State agency" means every public agency, bureau, board, commission, department or division of the Executive Branch of State Government.*

Sec. 9. *The Nevada Office of Cyber Defense Coordination is hereby created and is composed of:*

1. The Administrator of the Office, who is appointed by the Director; and

2. Within the limits of legislative appropriations, a number of employees which the Director determines to be sufficient to carry out the duties of the Office.

Sec. 10. *1. The Office shall:*

(a) Periodically review the information systems that are operated or maintained by state agencies.

(b) Identify risks to the security of information systems that are operated or maintained by state agencies.

(c) Develop and update, as necessary, strategies, standards and guidelines for preparing for and mitigating risks to, and otherwise protecting, the security of information systems that are operated or maintained by state agencies.

(d) Coordinate performance audits and assessments of the information systems of state agencies to determine, without limitation, adherence to the regulations, standards, practices, policies and conventions of the Division of Enterprise Information Technology Services of the Department of Administration that are identified by the Division as security-related.

(e) Coordinate statewide programs for awareness and training regarding risks to the security of information systems that are operated or maintained by state agencies.

2. Upon review of an information system that is operated or maintained by a state agency, the Office may make recommendations to the state agency and the Division of Enterprise Information Technology Services regarding the security of the information system.

Sec. 11. *The Office shall:*

1. Establish partnerships with:

(a) Local governments;

(b) The Nevada System of Higher Education; and

(c) Private entities that have expertise in cyber security or information systems,

↪ to encourage the development of strategies to prepare for and mitigate risks to, and otherwise protect, the security of information systems that are operated or maintained by a public or private entity in this State.

2. Establish partnerships to assist and receive assistance from local governments and appropriate agencies of the Federal Government regarding the development of strategies to prepare for and mitigate risks to, and otherwise protect, the security of information systems.

3. Consult with the Division of Emergency Management of the Department and the Division of Enterprise Information Technology Services of the Department of Administration regarding the development of strategies to prepare for and mitigate risks to, and otherwise protect, the security of information systems.

4. Coordinate with the Investigation Division of the Department regarding gathering intelligence on and initiating investigations of cyber threats and incidents.

Sec. 12. *1. The Office shall establish policies and procedures for:*

(a) A state agency to notify the Office of any specific threat to the security of an information system operated or maintained by the state agency;

(b) Any other public or private entity to voluntarily notify the Office of any specific threat to the security of an information system;

(c) The Office to notify state agencies, appropriate law enforcement and prosecuting authorities and any other appropriate public or private entity of any specific threat to the security of an information system of which the Office has been notified; and

(d) The Administrator to convene a cybersecurity incident response team appointed pursuant to subsection 2 upon notification of the Office of a specific threat to the security of an information system.

2. In consultation with appropriate state agencies, local governments and agencies of the Federal Government, the Administrator shall appoint a cybersecurity incident response team or teams.

3. A cybersecurity incident response team appointed pursuant to subsection 2 shall convene at the call of the Administrator and, subject to the direction of the Administrator, shall assist the Office and any appropriate state agencies, local governments or agencies of the Federal Government in responding to the threat to the security of an information system.

4. A private entity may, in its discretion, use the services of a cybersecurity incident response team appointed pursuant to subsection 2.

Sec. 13. *1. The Office shall prepare and make publicly available a statewide strategic plan that outlines policies, procedures, best practices and recommendations for preparing for and mitigating risks to, and otherwise protecting, the security of information systems in this State and for recovering from and otherwise responding to threats to or attacks on the security of information systems in this State.*

2. The statewide strategic plan must include, without limitation, policies, procedures, best practices and recommendations for:

(a) Identifying, preventing and responding to threats to and attacks on the security of information systems in this State;

(b) Ensuring the safety of, and the continued delivery of essential services to, the people of this State in the event of a threat to or attack on the security of an information system in this State;

(c) Protecting the confidentiality of personal information that is stored on, transmitted to, from or through, or generated by an information system in this State;

(d) Investing in technologies, infrastructure and personnel for protecting the security of information systems; and

(e) Enhancing the voluntary sharing of information and any other collaboration among state agencies, local governments, agencies of the Federal Government and appropriate private entities regarding protecting the security of information systems.

3. The statewide strategic plan must be updated at least every 2 years.

4. A private entity may, in its discretion, make use of the information set forth in the statewide strategic plan.

Sec. 14. *1. The Office shall annually prepare a report that includes, without limitation:*

(a) A summary of the progress made by the Office during the previous year in executing, administering and enforcing the provisions of sections 2 to 16, inclusive, of this act and performing such duties and exercising such powers as are conferred upon it pursuant to sections 2 to 16, inclusive, of this act and any other specific statute;

(b) A general description of any threat during the previous year to the security of an information system that prompted the Administrator to convene a cybersecurity incident response team pursuant to section 12 of this act, and a summary of the response to the threat;

(c) A summary of the goals and objectives of the Office for the upcoming year;

(d) A summary of any issues presenting challenges to the Office; and

(e) Any other information that the Administrator determines is appropriate to include in the report.

2. The report required pursuant to subsection 1 must be submitted not later than July 1 of each year to the Governor [, to the Information Technology Advisory Board created by NRS 242.122] and to the [Director of Legislative Counsel Bureau.] Nevada Commission on Homeland Security created by NRS 239C.120.

Sec. 15. *1. Any record of a state agency, including the Office, or a local government which identifies the detection of, the investigation of or a response to a suspected or confirmed threat to or attack on the security of an information system is not a public record and may be disclosed by the Administrator only to another state agency or local government, a*

cybersecurity incident response team appointed pursuant to section 12 of this act and appropriate law enforcement or prosecuting authorities and only for the purposes of preparing for and mitigating risks to, and otherwise protecting, the security of information systems or as part of a criminal investigation.

2. The Office shall not require any private entity to provide any information or data that, in the sole discretion of the private entity, would compromise any information system of the private entity if such information or data were made public.

Sec. 16. ***1. The Office may adopt any regulations necessary to carry out the provisions of sections 2 to 16, inclusive, of this act.***

2. Every state agency shall, to the extent practicable, comply with the provisions of any regulations adopted by the Office pursuant to sections 2 to 16, inclusive, of this act.

Sec. 17. NRS 480.130 is hereby amended to read as follows:

480.130 The Department consists of:

1. An Investigation Division;
2. A Nevada Highway Patrol Division;
3. A Division of Emergency Management;
4. A State Fire Marshal Division;
5. A Division of Parole and Probation;
6. A Capitol Police Division;
7. ***A Nevada Office of Cyber Defense Coordination;***
8. A Training Division; and
~~[8.]~~ ***9.*** A General Services Division.

Sec. 18. NRS 480.140 is hereby amended to read as follows:

480.140 The primary functions and responsibilities of the divisions of the Department are as follows:

1. The Investigation Division shall:

(a) Execute, administer and enforce the provisions of chapter 453 of NRS relating to controlled substances and chapter 454 of NRS relating to dangerous drugs;

(b) Assist the Secretary of State in carrying out an investigation pursuant to NRS 293.124; and

(c) Perform such duties and exercise such powers as may be conferred upon it pursuant to this chapter and any other specific statute.

2. The Nevada Highway Patrol Division shall, in conjunction with the Department of Motor Vehicles, execute, administer and enforce the provisions of chapters 484A to 484E, inclusive, of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to NRS 480.360 and any other specific statute.

3. The Division of Emergency Management shall execute, administer and enforce the provisions of chapters 414 and 414A of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapters 414 and 414A of NRS and any other specific statute.

4. The State Fire Marshal Division shall execute, administer and enforce the provisions of chapter 477 of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 477 of NRS and any other specific statute.

5. The Division of Parole and Probation shall execute, administer and enforce the provisions of chapters 176A and 213 of NRS relating to parole and probation and perform such duties and exercise such powers as may be conferred upon it pursuant to those chapters and any other specific statute.

6. The Capitol Police Division shall assist in the enforcement of subsection 1 of NRS 331.140.

7. ***The Nevada Office of Cyber Defense Coordination shall:***

(a) Serve as the strategic planning, facilitating and coordinating office for cybersecurity policy and planning in this State; and

(b) Execute, administer and enforce the provisions of sections 2 to 16, inclusive, of this act and perform such duties and exercise such powers as may be conferred upon it pursuant to sections 2 to 16, inclusive, of this act and any other specific statute.

8. The Training Division shall provide training to the employees of the Department.

~~[8.]~~ ***9.*** The General Services Division shall:

(a) Execute, administer and enforce the provisions of chapter 179A of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 179A of NRS and any other specific statute;

(b) Provide dispatch services for the Department and other agencies as determined by the Director;

(c) Maintain records of the Department as determined by the Director; and

(d) Provide support services to the Director, the divisions of the Department and the Nevada Criminal Justice Information System as may be imposed by the Director.

Sec. 19. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350,

228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 15 of this act,*** sections 35, 38 and 41 of chapter 478,

Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 20. NRS 239C.120 is hereby amended to read as follows:

239C.120 1. The Nevada Commission on Homeland Security is hereby created.

2. The Governor shall appoint to the Commission 16 voting members that the Governor determines to be appropriate and who serve at the Governor's pleasure, which must include at least:

(a) The sheriff of each county whose population is 100,000 or more.

(b) The chief of the county fire department in each county whose population is 100,000 or more.

(c) A member of the medical community in a county whose population is 700,000 or more.

(d) An employee of the largest incorporated city in each county whose population is 700,000 or more.

(e) A representative of the broadcaster community. As used in this paragraph, "broadcaster" has the meaning ascribed to it in NRS 432.310.

(f) A representative recommended by the Inter-Tribal Council of Nevada, Inc., or its successor organization, to represent tribal governments in Nevada.

3. The Governor shall appoint:

(a) An officer of the United States Department of Homeland Security whom the Department of Homeland Security has designated for this State;

(b) The agent in charge of the office of the Federal Bureau of Investigation in this State; ~~[and]~~

(c) The Chief of the Division ~~[.]~~ ***; and***

(d) The Administrator of the Nevada Office of Cyber Defense Coordination appointed pursuant to section 9 of this act,

➥ as nonvoting members of the Commission.

4. The Senate Majority Leader shall appoint one member of the Senate as a nonvoting member of the Commission.

5. The Speaker of the Assembly shall appoint one member of the Assembly as a nonvoting member of the Commission.

6. The term of office of each member of the Commission who is a Legislator is 2 years.

7. The Governor or his or her designee shall:

(a) Serve as Chair of the Commission; and

(b) Appoint a member of the Commission to serve as Vice Chair of the Commission.

Sec. 21. NRS 239C.160 is hereby amended to read as follows:

239C.160 The Commission shall, within the limits of available money:

1. Make recommendations to the Governor, the Legislature, agencies of this State, political subdivisions, tribal governments, businesses located within this State and private persons who reside in this State with respect to actions and measures that may be taken to protect residents of this State and visitors to this State from potential acts of terrorism and related emergencies.

2. ~~[Make]~~ ***Upon consideration of the most recent statewide strategic plan prepared by the Nevada Office of Cyber Defense Coordination pursuant to section 13 of this act, make*** recommendations to the Governor, through the Division, on the use of money received by the State from any homeland security grant or related program, including, without limitation, the State Homeland Security Grant Program and Urban Area Security Initiative, in accordance with the following:

(a) The Division shall provide the Commission with program guidance and briefings;

(b) The Commission must be provided briefings on existing and proposed projects, and shall consider statewide readiness capabilities and priorities for the use of money, administered by the Division, from any homeland security grant or related program;

(c) The Commission shall serve as the public body which reviews and makes recommendations for the State's applications to the Federal Government for homeland security grants or related programs, as administered by the Division; and

(d) The Commission shall serve as the public body which recommends, subject to approval by the Governor, the distribution of money from any homeland security grant or related program for use by state, local and tribal government agencies and private sector organizations.

3. Propose goals and programs that may be set and carried out, respectively, to counteract or prevent potential acts of terrorism and related emergencies before such acts of terrorism and related emergencies can harm or otherwise threaten residents of this State and visitors to this State.

4. With respect to buildings, facilities, geographic features and infrastructure that must be protected from acts of terrorism and related emergencies to ensure the safety of the residents of this State and visitors to this State, including, without limitation, airports other than international airports, the Capitol Complex, dams, gaming establishments, governmental buildings, highways, hotels, information technology infrastructure, lakes, places of worship, power lines, public buildings, public utilities, reservoirs, rivers and their tributaries, and water facilities:

(a) Identify and categorize such buildings, facilities, geographic features and infrastructure according to their susceptibility to and need for protection from acts of terrorism and related emergencies; and

(b) Study and assess the security of such buildings, facilities, geographic features and infrastructure from acts of terrorism and related emergencies.

5. Examine the use, deployment and coordination of response agencies within this State to ensure that those agencies are adequately prepared to protect residents of this State and visitors to this State from acts of terrorism and related emergencies.

6. Assess, examine and review the use of information systems and systems of communication used by response agencies within this State to determine the degree to which such systems are compatible and interoperable. After conducting the assessment, examination and review, the Commission shall:

(a) Establish a state plan setting forth criteria and standards for the compatibility and interoperability of those systems when used by response agencies within this State; and

(b) Advise and make recommendations to the Governor relative to the compatibility and interoperability of those systems when used by response agencies within this State, with particular emphasis upon the compatibility and interoperability of public safety radio systems.

7. Assess, examine and review the operation and efficacy of telephone systems and related systems used to provide emergency 911 service.

8. To the extent practicable, cooperate and coordinate with the Division to avoid duplication of effort in developing policies and programs for preventing and responding to acts of terrorism and related emergencies.

9. Submit an annual briefing to the Governor assessing the preparedness of the State to counteract, prevent and respond to potential acts of terrorism and related emergencies, including, but not limited to, an assessment of

response plans and vulnerability assessments of utilities, public entities and private business in this State. The briefing must be based on information and documents reasonably available to the Commission and must be compiled with the advice of the Division after all utilities, public entities and private businesses assessed have a reasonable opportunity to review and comment on the Commission's findings.

10. Perform any other acts related to their duties set forth in subsections 1 to 9, inclusive, that the Commission determines are necessary to protect or enhance:

(a) The safety and security of the State of Nevada;

(b) The safety of residents of the State of Nevada; and

(c) The safety of visitors to the State of Nevada.

Sec. 22. The Nevada Office of Cyber Defense Coordination shall prepare and make available to the public the statewide strategic plan required pursuant to section 13 of this act not later than January 1, 2018.

Sec. 23. ~~[The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.]~~ **(Deleted by amendment.)**

Sec. 24. This act becomes effective on July 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 375.

Bill read third time.

Remarks by Assemblymen Bilbray-Axelrod and Ohrenschall.

Potential conflict of interest declared by Assemblyman Ohrenschall.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Senate Bill 375 authorizes the Governor or his or her designee to enter into agreements with tribal governments within this state to facilitate cooperation in the implementation of state laws and tribal laws governing the use of marijuana. An agreement may address matters including, but not limited to criminal law and law enforcement; regulatory matters concerning possession, delivery, production, processing, or use of marijuana products; medical and pharmaceutical research; taxation; immunity, preemption, or conflicts of law; and dispute resolution. This bill is effective upon passage and approval.

ASSEMBLYMAN OHRENSCHALL:

Under Order of Business 15, I have a disclosure to make. Because we are considering Senate Bill 375 which proposes to make changes relating to medical marijuana and marijuana establishments, I would like to advise this Chamber that my wife is employed as the executive director of the Nevada Dispensary Association, a trade association consisting of medical marijuana dispensaries and medical marijuana cultivators, which actively lobbies the Legislature and other governmental entities on issues affecting its members. I have sought the advice of our Legislative Counsel, and although Senate Bill 375 does not affect the members of the trade association that my wife is employed with any differently than other medical marijuana dispensary owners and medical marijuana cultivators, I am making this disclosure and I am abstaining from voting on Senate Bill 375 out of an abundance of caution.

Roll call on Senate Bill No. 375:

YEAS—37.

NAYS—Krasner, McArthur, Wheeler—3.

NOT VOTING—Ohrenschall.

EXCUSED—Ellison.

Senate Bill No. 375 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 141.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 141 renames the Office of Minority Health to the Office of Minority Health and Equity and moves the Office from the Office of Consumer Health Assistance to the Department of Health and Human Services.

Assembly Bill 141 places the manager of the office in the unclassified service of the state and requires the manager to provide administrative support to the advisory committee established. Assembly Bill 141 defines the membership of the advisory committee and expands its duties and further defines the term "minority group."

Roll call on Assembly Bill No. 141:

YEAS—41.

NAYS—None.

EXCUSED—Ellison.

Assembly Bill No. 141 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 276.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 276 prohibits an employer with 15 or more employees, an employment agency, or a labor organization from discriminating against a person's employment or membership for inquiring about, discussing, or voluntarily disclosing information about his or her wages. This provision does not apply to any person who has access to wage information of other persons as part of their job function and discloses such information to a person who does not have access, except as ordered by the Labor Commissioner or a court of competent jurisdiction. Finally, the measure adds requirements governing noncompetition covenants, including when the covenant is considered void and unenforceable.

Roll call on Assembly Bill No. 276:

YEAS—37.

NAYS—Krasner, Marchant, McArthur, Titus—4.

EXCUSED—Ellison.

Assembly Bill No. 276 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 480.

Bill read third time.

Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

Assembly Bill 480 authorizes the Administrator of the Purchasing Division of the Department of Administration to assess an administrative fee, not to exceed 4 percent of the total cost, to be paid by vendors from whom the Administrator has obtained supplies, materials, equipment, and services.

The bill also authorizes the Purchasing Division to use this fee to offset operating expenses, including the cost of establishing and maintaining an online bidding system or a computer system to assist with the procurement process.

Roll call on Assembly Bill No. 480:

YEAS—39.

NAYS—Krasner, Wheeler—2.

EXCUSED—Ellison.

Assembly Bill No. 480 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 486.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 486, as amended, revises the provisions governing the Governmental Services Tax state proceeds to be distributed in the 2017-2019 biennium. Assembly Bill 486, as amended, would revise this distribution by providing the State General Fund with 25 percent of the proceeds and the State Highway Fund with 75 percent of the proceeds in the 2017-2019 biennium.

Roll call on Assembly Bill No. 486:

YEAS—40.

NAYS—McArthur.

EXCUSED—Ellison.

Assembly Bill No. 486 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 494.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 494 makes a supplemental appropriation to the Division of Health Care Financing and Policy of the Department of Health and Human Services for a projected shortfall resulting from the increase in the Medicaid caseload over the amount approved for Fiscal Years 2015-2016 and 2016-2017. The numbers, as amended, are $5,800,224 from the General Fund and authorizes $124,074,692 not appropriated from the General Fund or Highway Fund for a projected shortfall.

Roll call on Assembly Bill No. 494:

YEAS—41.

NAYS—None.

EXCUSED—Ellison.

Assembly Bill No. 494 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 38.

Bill read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Senate Bill 38 authorizes local and other government entities to use the services of the Central Mailing Room operated by the Division of State Library, Archives and Public Records. A government entity choosing to use these services must pay the cost of such services. This bill is effective upon passage and approval.

Roll call on Senate Bill No. 38:

YEAS—30.

NAYS—Paul Anderson, Hambrick, Hansen, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler—11.

EXCUSED—Ellison.

Senate Bill No. 38 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 59.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Senate Bill 59 requires a law enforcement officer who has probable cause to believe that any of certain violations concerning prescribed controlled substances has occurred or who receives a report of a stolen prescription for a controlled substance while acting in an official capacity in the regular course of an investigation to report certain information to his or her employer. A coroner, medical examiner, or chief deputy who determines a person died as the result of using a prescribed controlled substance must upload certain information to the state's prescription monitoring program database or report such information to someone who can upload it. The employer of a law enforcement officer, coroner, or medical examiner who receives such a report must upload the report to the database as soon as practicable and may postpone uploading it if such action will interfere with an active criminal investigation. A law enforcement officer, coroner, or medical examiner who makes a good faith effort to comply with these requirements is immune from civil and criminal liability for any act or omission relating to the transmission of this information. Finally, the bill expands the scope of the prescription monitoring program to also track each prescription for a controlled substance listed in schedule V. This measure is effective on July 1, 2017.

Roll call on Senate Bill No. 59:

YEAS—34.

NAYS—Kramer, Krasner, Marchant, McArthur, Titus, Wheeler, Woodbury—7.

EXCUSED—Ellison.

Senate Bill No. 59 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 101.

Bill read third time.

Remarks by Assemblyman Hambrick.

ASSEMBLYMAN HAMBRICK:

The bill addresses whether or not medical assistants or anyone other than a physician or a physician assistant will be allowed to inject Botox—in hearing they did not want to use that term, and I am not about to try and pronounce the technical term for Botox. The bill would limit who can and cannot inject Botox into the face in dental practice. I urge the body to support the bill.

Roll call on Senate Bill No. 101:

YEAS—30.

NAYS—Paul Anderson, Benitez-Thompson, Bilbray-Axelrod, Frierson, Hansen, Kramer, Marchant, McArthur, Pickard, Titus, Wheeler—11.

EXCUSED—Ellison.

Senate Bill No. 101 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 118.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Senate Bill 118 creates the Nevada Task Force on Financial Security, consisting of nine voting members, to conduct a comprehensive examination during the 2017-2018 Legislative Interim of the financial security of individuals and families in Nevada, including their opportunities to build assets and reduce debt. The costs of the Task Force will be paid only from gifts, grants, and donations received by the Task Force. Additionally, the Task Force must submit a report of its findings and recommendations to the Legislative Counsel Bureau on or before September 1, 2018.

This bill is effective upon passage and approval for the purpose of appointing the voting members to the Task Force and on July 1, 2017, for all other purposes. The bill expires by limitation on June 30

Roll call on Senate Bill No. 118:

YEAS—39.

NAYS—Marchant, McArthur—2.

EXCUSED—Ellison.

Senate Bill No. 118 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 145.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Senate Bill 145 establishes as part of the Solar Energy Systems Incentive Program an incentive program for the installation of energy storage systems, which include (1) energy storage systems by a customer of an electric utility and (2) energy storage systems that have a nameplate capacity of at least 100 kilowatts but not more than 1,000 kilowatts. The measure also creates the Electric Vehicle Infrastructure Demonstration Program and requires the Public Utilities Commission of Nevada [PUC] to adopt regulations concerning the Program. Each utility is authorized to recover the costs of carrying out the Program.

The available money for the existing Solar Energy Systems Incentive Program, the Wind Energy Systems Demonstration Program, and the Waterpower Energy Systems Demonstration Program are combined into a single pool of money from which the PUC may authorize the payment of an incentive to a Program.

For the period beginning on January 1, 2018, and ending on December 31, 2023, the PUC must authorize the payment of incentives in an amount of not more than $1 million per year for the installation of solar energy systems and distributed generation systems at locations throughout the service territories of electric utilities that benefit low-income customers. The measure also repeals the provisions requiring each electric utility to create a Lower Income Solar Energy Pilot Program.

Roll call on Senate Bill No. 145:

YEAS—36.

NAYS—Hansen, Marchant, McArthur, Titus, Wheeler—5.

EXCUSED—Ellison.

Senate Bill No. 145 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 159.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 159 prohibits a person from knowingly selling or offering to sell a substance containing dextromethorphan, a common ingredient in cough syrup, to a minor under certain circumstances. It also prohibits a minor from knowingly purchasing a substance containing the drug. A retail establishment must, before selling such a substance, demand a valid identification if the purchaser appears to be under 25 years of age.

Roll call on Senate Bill No. 159:

YEAS—29.

NAYS—Bustamante Adams, Carlton, Diaz, Hansen, Kramer, Krasner, Marchant, McArthur, Neal, Pickard, Titus, Wheeler—12.

EXCUSED—Ellison.

Senate Bill No. 159 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 163.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Senate Bill 163 expands upon the current exceptions to the requirement that a professional entity only provide one type of professional service by authorizing practitioners in the fields of

medicine, homeopathy, osteopathy, and psychology to join together in any combination to offer their services through a single entity. Further, the measure prohibits an owner of such a professional entity from engaging in certain acts relating to the professional services provided by practitioners, including any act that interferes with their professional judgment. This bill is effective on October 1, 2017.

Roll call on Senate Bill No. 163:

YEAS—29.

NAYS—Bustamante Adams, Carlton, Diaz, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Titus, Wheeler, Woodbury—12.

EXCUSED—Ellison.

Senate Bill No. 163 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 191.

Bill read third time.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Senate Bill 191 establishes a standard for evidence of eligibility for any benefit, program, or assistance provided to a veteran with a military service-connected disability. The bill makes conforming changes to relevant chapters of the *Nevada Revised Statutes* concerning bid preferences for purchasing and public works contracts, certain special license plates, hunting and fishing licenses, and tax exemptions.

Roll call on Senate Bill No. 191:

YEAS—41.

NAYS—None.

EXCUSED—Ellison.

Senate Bill No. 191 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 204.

Bill read third time.

Remarks by Assemblyman Brooks.

ASSEMBLYMAN BROOKS:

Senate Bill 204 requires the Public Utilities Commission of Nevada [PUCN] to investigate and determine, on or before October 1, 2018, whether it is in the public interest to establish by regulation biennial targets for the procurement of energy storage systems by an electric utility. In making this determination, the PUCN must consider whether energy storage systems will achieve certain purposes. The measure further provides that in measuring the benefits and costs of energy storage systems, the PUCN be required to consider all known and measurable benefits and costs. If the PUCN determines the benefits of the procurement of energy storage systems exceed the costs, the PUCN must establish by regulation biennial targets for the procurement of energy storage systems by an electric utility.

Roll call on Senate Bill No. 204:

YEAS—39.

NAYS—Carlton, Diaz—2.

EXCUSED—Ellison.

Senate Bill No. 204 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 215.

Bill read third time.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:

Senate Bill 215 sets forth various events under which a person must and may change his or her full legal name on a driver's license or identification card. The bill provides the types of documentation required as evidence of an applicable event. To assist in implementing these changes, the bill removes the requirement for the Director of the Department of Motor Vehicles to define the term "full legal name" and instead defines the term in statutes for purposes of obtaining driver's licenses, instruction permits, driver authorization cards, identification cards, and motorcycle driver's licenses.

Roll call on Senate Bill No. 215:

YEAS—41.

NAYS—None.

EXCUSED—Ellison.

Senate Bill No. 215 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 245.

Bill read third time.

Remarks by Assemblyman McArthur.

ASSEMBLYMAN MCARTHUR:

Senate Bill 245 expands the method by which the facsimile signature of a county treasurer is authorized to be produced to allow use of the most efficient device or other method of facsimile reproduction reasonably available and imposes requirements for the safekeeping of any facsimile image or impression or any registered key, password, or other securing device or procedure if severable from the device or other method of facsimile reproduction.

Roll call on Senate Bill No. 245:

YEAS—41.

NAYS—None.

EXCUSED—Ellison.

Senate Bill No. 245 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 255.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Senate Bill 255 eliminates the specific methods for delivering to unit owners in a common-interest community a copy of a change to the governing documents of a unit-owners' association and instead allows delivery in a manner generally required by other provisions of law.

The measure authorizes a purchaser of a unit in a common-interest community to deliver a notice of cancellation of sale to a seller by electronic transmission. It also adds to the information statement provided as part of a purchase of a unit in a common-interest community a statement concerning a purchaser's option to deliver a notice of cancellation of a contract of purchase by electronic transmission.

Roll call on Senate Bill No. 255:

YEAS—41.

NAYS—None.

EXCUSED—Ellison.

Senate Bill No. 255 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 258.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Senate Bill 258 authorizes an executive board of a common-interest community to send a written notice to cure a violation without imposing a fine and requires that the notice meet several requirements. Specifically, the notice must explain any applicable provisions that form the basis for the alleged violation, describe the alleged violation and proposed cure, provide a clear photograph of the violation, if applicable, and provide the unit owner and, if different, the person responsible for curing the alleged violation a reasonable opportunity to cure the violation before taking further action.

Roll call on Senate Bill No. 258:

YEAS—41.

NAYS—None.

EXCUSED—Ellison.

Senate Bill No. 258 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 273.

Bill read third time.

Remarks by Assemblyman Edwards.

ASSEMBLYMAN EDWARDS:

I hope everyone enjoyed and appreciated the preview I gave you of this bill last week. I will start by simply saying that Senate Bill 273 provides additional procedures for the dismissal of a probationary school district employee.

Following arbitration, if the superintendent files a recommendation to dismiss the employee, the board of trustees must determine whether to accept this recommendation. The board of trustees must then provide written notice of its decision and realize the decision is not subject to judicial review or appeal.

Roll call on Senate Bill No. 273:

YEAS—39.

NAYS—Daly, Neal—2.

EXCUSED—Ellison.

Senate Bill No. 273 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 279.

Bill read third time.

Remarks by Assemblywoman Tolles.

ASSEMBLYWOMAN TOLLES:

Senate Bill 279 authorizes a mayor of a city that is organized under general law to perform a marriage, and for a mayor of a city that is organized under special charter to perform a marriage, if authorized to do so by the city's governing body. Aside from a gift of nominal value, a mayor may not accept any fee, gift, honorarium, or anything of value for performing a marriage. A mayor who violates these provisions is guilty of a misdemeanor.

This bill is effective on July 1, 2017.

Roll call on Senate Bill No. 279:

YEAS—41.

NAYS—None.

EXCUSED—Ellison.

Senate Bill No. 279 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 295.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Senate Bill 295 makes various changes to cemetery endowment care funds. It provides that each cemetery required to establish and maintain an endowment care fund must also operate as an endowment care cemetery and adhere to requirements applicable to such a cemetery. The trustee of an endowment care fund must make monthly distributions from the fund if no other instruction is provided by the cemetery authority. In addition, the bill authorizes a cemetery authority to (1) operate an endowment care fund as a unitrust or to cease operating the fund as such and (2) change the method, rate, or frequency of the distributions from the fund.

Roll call on Senate Bill No. 295:

YEAS—41.

NAYS—None.

EXCUSED—Ellison.

Senate Bill No. 295 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 305.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Senate Bill 305 requires the court to appoint an attorney to represent a child who is alleged to have been abused or neglected in civil child protection proceedings and in proceedings to terminate parental rights. A child is deemed to be a party to such proceedings. The bill provides for the compensation of the appointed attorney and prohibits the court from appointing

an attorney who also serves as the child's guardian ad litem. In addition, S.B. 305 increases from $3 to $6 the maximum fee a board of county commissioners may impose for recording certain documents to fund the provision of legal services to abused and neglected children.

Roll call on Senate Bill No. 305:

YEAS—33.

NAYS—Paul Anderson, Hansen, Krasner, Marchant, McArthur, Oscarson, Titus, Wheeler—8.

EXCUSED—Ellison.

Senate Bill No. 305 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 312.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 312 changes provisions of law related to driving and public safety. Among other things, the bill revises the duties of a driver upon approaching or being approached by certain emergency vehicles and other vehicles displaying flashing lights and upon approaching a traffic incident; a law enforcement officer providing for the removal of a vehicle; any spilled cargo of a vehicle or other property that is obstructing traffic, interfering with the normal flow of traffic, or otherwise endangering public safety; and a driver moving his or her vehicle if the vehicle is able to be moved and is creating a hazard or obstructing traffic.

Roll call on Senate Bill No. 312:

YEAS—41.

NAYS—None.

EXCUSED—Ellison.

Senate Bill No. 312 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 314.

Bill read third time.

Remarks by Assemblyman Kramer.

ASSEMBLYMAN KRAMER:

Senate Bill 314 deletes the provision that specifies that the governing body of a city or county may impose reasonable restrictions on the use of a system for obtaining wind energy that are related to the height of the system. Instead, a governing body of a city or county is not precluded from denying an application for a permit for the installation of a system for obtaining wind energy if it determines, based on the size, height, or configuration of the system, that installation of the system represents a danger to the health, safety, or welfare of the public or is not compatible with the character of the area in which the system is located. This bill is effective on October 1, 2017.

Roll call on Senate Bill No. 314:

YEAS—41.

NAYS—None.

EXCUSED—Ellison.

Senate Bill No. 314 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 318.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 318 authorizes an employee of an agency that provides personal care services in the home who is required to be on duty for 24 hours or more to agree not to be paid for a sleeping period of up to 8 hours if adequate sleeping facilities are provided. If the sleeping period is interrupted to provide personal care services, the interruption must be counted as hours worked. If the sleeping period is less than five hours, the employee must be paid for the entire sleeping period.

Roll call on Senate Bill No. 318:

YEAS—41.

NAYS—None.

EXCUSED—Ellison.

Senate Bill No. 318 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 338.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Senate Bill 338 changes the term "prime contractor" to "original contractor" and increases the statute of limitations on commencing an action against an original contractor from one to two years. The bill also deletes statutory provisions that include "laborer" within the definition of "lien claimant" and provides that a potential claimant is a lien claimant.

Language regarding notification requirements that apply to a prime contractor or subcontractor who participates in a health or welfare fund as related to potential lien rights is also deleted, and the bill creates new notification requirements and penalties that a potential claimant must provide to an original contractor or subcontractor. The bill requires an original contractor to be liable for the indebtedness for labor incurred by a subcontractor or other contractor and repeals existing provisions that impose a duty of delinquency notification on the administrator of a Taft-Hartley trust.

Roll call on Senate Bill No. 338:

YEAS—39.

NAYS—Daly, Neal—2.

EXCUSED—Ellison.

Senate Bill No. 338 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 339.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Senate Bill 339 extends the manufactured date of a vehicle to qualify for a vintage license plate from not later than 1942 to not later than 1961.

Roll call on Senate Bill No. 339:

YEAS—41.

NAYS—None.

EXCUSED—Ellison.

Senate Bill No. 339 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 366.

Bill read third time.

Remarks by Assemblymen Thompson and Oscarson.

ASSEMBLYMAN THOMPSON:

Senate Bill 366 requires the director of the Department of Health and Human Services to prepare an annual report that lists all employers in the state that have 50 or more employees, the number of their full-time employees who are enrolled in Medicaid, and whether their employees have access to an employer-based health plan. The report must not contain individually identifiable health information, must comply with the federal Health Insurance Portability and Accountability Act, and must be submitted to the Governor and the Legislature.

In addition, the bill creates the Advisory Committee on Medicaid Innovation within the Department's Division of Health Care Financing and Policy.

ASSEMBLYMAN OSCARSON:

I rise in opposition to Senate Bill 366. I appreciate the sponsors for bringing this forward and the conversation we have been able to have. My concerns revolve around the onerous requirement this puts on businesses to obtain information already collected by the state, which I cannot vote to put on them. I urge my colleagues to consider a no vote.

Roll call on Senate Bill No. 366:

YEAS—28.

NAYS—Paul Anderson, Edwards, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Wheeler, Woodbury—13.

EXCUSED—Ellison.

Senate Bill No. 366 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 374.

Bill read third time.

Remarks by Assemblymen Carrillo, Ohrenschall, and Titus.

Potential conflict of interest declared by Assemblyman Ohrenschall.

ASSEMBLYMAN CARRILLO:

Senate Bill 374 prohibits a professional licensing board from taking disciplinary action against a licensee for holding a valid marijuana registry card or for engaging in lawful actions pursuant to the licensee's profession that relate to the use of medical marijuana. The bill sets forth similar provisions related to the use of recreational marijuana.

The bill also includes opioid addiction within the definition of "chronic or debilitating medical condition" for the purpose of obtaining a medical marijuana registry identification card. Additionally, the bill authorizes a provider of health care or a massage therapist to(a) administer a marijuana-infused product or a similar product containing industrial hemp for topical use on human skin to a patient or client if the patient or client provides the product; (b) maintain a supply of products containing industrial hemp for topical use on human skin and administer such

a product to a patient or client upon request; and (c) recommend to a patient or client the use of marijuana or industrial hemp to treat a condition.

The effective date is July 1, 2017.

ASSEMBLYMAN OHRENSCHALL:

Under Order of Business 15 I have a disclosure to make. Because we are considering Senate Bill 374 which proposes to make changes relating to medical marijuana and marijuana establishments, I would like to advise this Chamber that my wife is employed as the executive director of the Nevada Dispensary Association, a trade association consisting of medical marijuana dispensaries and medical marijuana cultivators, which actively lobbies the Legislature and other governmental entities on issues affecting its members. I have sought the advice of our Legislative Counsel and although Senate Bill 374 does not affect the members of the trade association that my wife is employed with any differently than other medical marijuana dispensary owners and medical marijuana cultivators, I am making this disclosure and I am abstaining from voting on Senate Bill 374 out of an abundance of caution.

ASSEMBLYMAN TITUS:

I rise in opposition to Senate Bill 374. While I am not against the use of certain hemp oils, I have unresolved concerns about the purchase and application under this legislation. This has not been made clear to me. In addition, this places a huge liability on small businesses that are often already struggling. With those and other lingering questions unresolved by this legislation, I urge my colleagues to vote no.

Roll call on Senate Bill No. 374:

YEAS—26.

NAYS—Paul Anderson, Edwards, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—14.

NOT VOTING—Ohrenschall.

EXCUSED—Ellison.

Senate Bill No. 374 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 116, 156, 162, 230, 268, 322, 369, 376, 386, 393, 400, 411, 416, 422, 429, 434, 447, 454, 466, 469, 473, 476, 480, 493, 510, 513, and 515; Senate Joint Resolutions Nos. 4, 5, 8, and 13 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 223.

The following Senate amendment was read:

Amendment No. 696.

ASSEMBLYMEN MCCURDY II; BROOKS, JAUREGUI, MONROE-MORENO, **TOLLES,** WATKINS AND YEAGER

JOINT SPONSORS: SENATORS CANNIZZARO AND SEGERBLOM

AN ACT relating to energy efficiency programs; requiring **an integrated resource plan filed by** an electric utility ~~[to submit to]~~ **with** the Public

Utilities Commission of Nevada ~~[an energy efficiency plan designed to be cost effective; prescribing the contents of such a plan; requiring the Commission to determine the cost effectiveness of an energy efficiency plan or energy efficiency program through application of a test of the cost effectiveness of the plan or program that is selected by the Commission;]~~ **to include a proposal for the expenditure of certain amounts on energy efficiency and conservation programs directed to low-income customers of the electric utility; revising provisions relating to the approval by the Commission of certain energy efficiency and conservation programs;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each electric utility to submit to the Public Utilities Commission of Nevada every 3 years ~~[a]~~ **an integrated resource** plan to increase the utility's supply of electricity or decrease the demands made on its system by its customers. Existing law provides that the **integrated resource** plan must include certain components, including, without limitation, an energy efficiency program for residential customers. (NRS 704.741) **Section 7** of this bill revises this requirement to require an electric utility to include in its **integrated resource** plan ~~[an energy efficiency plan for residential customers which reduces the consumption of electricity through]~~ **a proposal for the expenditure of not less than 5 percent of the total expenditures related to** energy efficiency and conservation programs ~~[and which is designed to be cost effective.]~~ **on programs directed to low-income customers of the electric utility.** **Section 8** of this bill authorizes the Commission to accept an energy efficiency plan that consists of **energy efficiency programs and** energy efficiency and conservation programs that are not cost effective if the energy efficiency plan as a whole is cost effective ~~[.]~~ **according to the definition of "cost effective" set forth in section 3 of this bill.** **Section 8** further requires, as long as an energy efficiency plan remains cost effective, that any order of the Commission accepting or modifying an energy efficiency plan or an amendment to such a plan to require that at least 5 percent of the expenditures of the utility on approved energy efficiency and conservation programs in the energy efficiency plan be specifically directed toward energy efficiency programs for low-income customers.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***As used in NRS 704.736 to 704.754, inclusive, and sections 2 to 5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Cost effective" means an energy efficiency plan or energy efficiency program has a benefit-cost ratio of 1.0 or greater as determined by the Commission, using a test of the cost effectiveness of the plan or program that:***

1. Is selected by the Commission; and

2. Accounts for any non-energy benefits of the plan or program.

Sec. 4. ***1. "Energy efficiency and conservation program" means a program designed, intended or used to improve energy efficiency by reducing the energy consumption by a [residential] retail customer of a utility which supplies electricity in this State.***

2. The term includes, without limitation, a demand-side response program or load-limiting program that shifts the consumption of energy by a [residential] retail customer from one period to another period.

3. The term does not include the implementation or assessment of any rate which is based on the time of day, day of the week or time of year during which electricity is used or which otherwise varies based upon the time during which the electricity is used.

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 704.736 is hereby amended to read as follows:

704.736 The application of NRS 704.736 to 704.754, inclusive, ***and sections 2 to 5, inclusive, of this act*** is limited to any public utility in the business of supplying electricity which has an annual operating revenue in this state of $2,500,000 or more.

Sec. 7. NRS 704.741 is hereby amended to read as follows:

704.741 1. A utility which supplies electricity in this State shall, on or before July 1 of every third year, in the manner specified by the Commission, submit a plan to increase its supply of electricity or decrease the demands made on its system by its customers to the Commission.

2. The Commission shall, by regulation:

(a) Prescribe the contents of such a plan, including, but not limited to, the methods or formulas which are used by the utility to:

(1) Forecast the future demands; and

(2) Determine the best combination of sources of supply to meet the demands or the best method to reduce them; and

(b) Designate renewable energy zones and revise the designated renewable energy zones as the Commission deems necessary.

3. The Commission shall require the utility to include in its plan:

(a) An energy efficiency program ***[plan]*** for residential customers ***[which is cost-effective and]*** which reduces the consumption of electricity or any fossil fuel ***[through the implementation of energy efficiency and conservation programs. The energy efficiency plan must include, without limitation:***

(1) An energy efficiency and conservation program for residential customers which reduces the consumption of electricity or any fossil fuel]

and which includes, without limitation, the use of new solar thermal energy sources . ~~*[; and*~~

~~*(2)]*~~

(b) A proposal for the expenditure of not less than 5 percent of the total expenditures related to energy efficiency and conservation programs on energy efficiency and conservation programs directed to low-income customers of the electric utility.

~~[(b)]~~ ***(c)*** A comparison of a diverse set of scenarios of the best combination of sources of supply to meet the demands or the best methods to reduce the demands, which must include at least one scenario of low carbon intensity that includes the deployment of distributed generation.

~~[(c)]~~ ***(d)*** An analysis of the effects of the requirements of NRS 704.766 to 704.775, inclusive, on the reliability of the distribution system of the utility and the costs to the utility to provide electric service to all customers. The analysis must include an evaluation of the costs and benefits of addressing issues of reliability through investment in the distribution system.

~~[(d)]~~ ***(e)*** A list of the utility's assets described in NRS 704.7338.

~~[(e)]~~ ***(f)*** A surplus asset retirement plan as required by NRS 704.734.

4. The Commission shall require the utility to include in its plan a plan for construction or expansion of transmission facilities to serve renewable energy zones and to facilitate the utility in meeting the portfolio standard established by NRS 704.7821.

5. As used in this section:

(a) "Carbon intensity" means the amount of carbon by weight emitted per unit of energy consumed.

(b) "Renewable energy zones" means specific geographic zones where renewable energy resources are sufficient to develop generation capacity and where transmission constrains the delivery of electricity from those resources to customers.

Sec. 8. NRS 704.751 is hereby amended to read as follows:

704.751 1. After a utility has filed the plan required pursuant to NRS 704.741, the Commission shall issue an order accepting or modifying the plan or specifying any portions of the plan it deems to be inadequate:

(a) Within 135 days for any portion of the plan relating to the energy supply plan for the utility for the 3 years covered by the plan; and

(b) Within 180 days for all portions of the plan not described in paragraph (a).

➥ If the Commission issues an order modifying the plan, the utility may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order. If such a notice is filed, any petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.

2. If a utility files an amendment to a plan, the Commission shall issue an order accepting or modifying the amendment or specifying any portions of the amendment it deems to be inadequate:

(a) Within 135 days after the filing of the amendment; or

(b) Within 180 days after the filing of the amendment for all portions of the amendment which contain an element of the emissions reduction and capacity replacement plan.

➥ If the Commission issues an order modifying the amendment, the utility may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order. If such a notice is filed, any petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.

3. All prudent and reasonable expenditures made to develop the utility's plan, including environmental, engineering and other studies, must be recovered from the rates charged to the utility's customers.

4. ***The Commission may accept an energy efficiency plan <u>containing an energy efficiency program</u> submitted pursuant to paragraph (a) of subsection 3 of NRS 704.741 ~~[that consists of]~~ <u>and</u> energy efficiency and conservation programs <u>submitted pursuant to paragraph (b) of subsection 3 of NRS 704.741</u> that are not cost effective if the energy efficiency plan as a whole is cost effective. Any order issued by the Commission accepting or modifying an energy efficiency plan or an amendment to such a plan must, if the energy efficiency plan remains cost effective, require that not less than 5 percent of the total expenditures of the utility on approved energy efficiency and conservation programs in the energy efficiency plan must be specifically directed to energy efficiency <u>and conservation</u> programs for low-income customers of the utility.***

5. The Commission may accept a transmission plan submitted pursuant to subsection 4 of NRS 704.741 for a renewable energy zone if the Commission determines that the construction or expansion of transmission facilities would facilitate the utility meeting the portfolio standard, as defined in NRS 704.7805.

~~[5.]~~ ***6.*** The Commission shall adopt regulations establishing the criteria for determining the adequacy of a transmission plan submitted pursuant to subsection 4 of NRS 704.741.

~~[6.]~~ ***7.*** Any order issued by the Commission accepting or modifying an element of an emissions reduction and capacity replacement plan must include provisions authorizing the electric utility to construct or acquire and own electric generating plants necessary to meet the capacity amounts approved in, and carry out the provisions of, the plan. As used in this subsection, "capacity" means an amount of firm electric generating capacity used by the electric utility for the purpose of preparing a plan filed with the

Commission pursuant to NRS 704.736 to 704.754, inclusive ~~[.]~~ , ***and sections 2 to 5, inclusive, of this act.***

Sec. 9. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On July 1, 2017, for all other purposes.

Assemblywoman Bustamante Adams moved that the Assembly concur in the Senate Amendment No. 696 to Assembly Bill No. 223.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

The amendment adds Assemblywoman Tolles as a cosponsor of the bill, amends section 4 of the bill to change "residential customer" to "retail customer"; amends section 3(a) of section 7 to retain the existing energy efficiency program for residential customers; and lastly, amends section 8 of the bill to update references to the energy efficiency program for residential customers as they now appear in subsection 3(a) and subsection 3(b) of section 7 of the bill.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 365.

The following Senate amendment was read:

Amendment No. 706.

AN ACT relating to marriage; providing for the issuance of a certificate of vow renewal; authorizing certain persons to perform a marriage; authorizing a county clerk to establish a course for certain persons authorized to perform a marriage; revising various provisions governing the performance of marriages; increasing the penalty for certain crimes related to performing marriages; revising provisions related to certain fees for the issuance of a marriage license; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the following persons to obtain a certificate of permission to perform marriages: (1) any licensed, ordained or appointed minister or other church or religious official authorized to solemnize a marriage; (2) certain notaries public; (3) a temporary replacement for a licensed, ordained or appointed minister or other church or religious official, after receiving a written authorization from the minister or other church or religious official and the county clerk; and (4) any chaplain who is assigned to duty in this State by the Armed Forces of the United States. Existing law also authorizes certain ministers or other church or religious officials or certain notaries public to perform not more than five marriages per year in the county upon receiving a separate written authorization from the county clerk for each marriage performed. (NRS 122.062) **Sections 2, 5, 6 and 8-17** of this bill amend existing law to grant the same authorization and responsibilities for performing a marriage to marriage officiants as the

statutes do for other authorized persons. **Section 2** defines the term "marriage officiant" as a person, other than a minister, other church or religious official authorized to solemnize a marriage or notary public, who obtains a certificate of permission to perform marriages. **Section 8** prohibits a county clerk from authorizing a marriage officiant to solemnize a marriage unless the county clerk first establishes a course for marriage officiants. **Sections 8 and 9** authorize a county clerk to establish a course for marriage officiants and requires an applicant who desires to be a marriage officiant to successfully complete the course. **Section 9** authorizes a county clerk to charge a fee of not more than $100 for the course to persons who desire to be a marriage officiant and requires any fees collected to be used only for establishing and maintaining such a course. **Section 10**: (1) provides for the inclusion of marriage officiants who obtain or renew a certificate of permission to perform marriages in the statewide database of certain persons authorized to perform marriages which is maintained by the Secretary of State under existing law; (2) requires marriage officiants to comply with Nevada laws pertaining to persons who perform marriages; and (3) provides for the expiration and revocation of the certificate of permission to perform marriages issued to a marriage officiant.

Existing law provides that a certificate of permission to perform marriages expires when: (1) a minister, other person who is authorized to solemnize a marriage or notary public, to whom the certificate has been issued, moves from the county in which his or certificate was issued; (2) a minister or other religious official's authority to solemnize marriages is removed; or (3) the expiration, cancellation, revocation or suspension of an appointment of a notary public. (NRS 122.066) **Section 10** provides that if a county clerk establishes a policy providing for the expiration of a certificate of permission to perform marriages, unless certain exceptions apply, any certificate of permission to perform marriages expires 5 years after the date the certificate was issued or renewed. **Section 9** requires all applicants for renewal of a certificate to complete an application and pay to the county clerk a fee of $25. **Section 9 also authorizes a county clerk to revoke a certificate of permission to perform marriages if a minister, other church or religious official authorized to solemnize a marriage or marriage officiant fails to notify the county clerk within 30 days of changing his or her address.**

Section 3 of this bill authorizes a county clerk to establish a program to provide for a couple who renews their marriage vows to request a certificate of vow renewal from the county clerk. **Section 3** sets forth the requirements for such a request as well as the requirements concerning the contents of such a certificate. Finally, **section 3** prohibits the use of a certificate of vow renewal to establish a record of marriage and exempts such a certificate from any requirement for the retention of records by the office of the county clerk.

Existing law provides that a person is guilty of a misdemeanor if he or she performs a marriage and he or she knows that he or she is not lawfully authorized or knows of any legal impediment to the proposed marriage.

(NRS 122.260) **Section 17** revises the penalty by providing that such an act is punishable by a civil penalty of not more than $1,500. **Section 17** also authorizes a board of county commissioners to enact an ordinance delegating to a hearing officer the authority to determine such violations and levy civil penalties for those violations.

Under existing law, the county clerk may place an affidavit of application for a marriage license, a certificate of marriage license and a marriage license on a single form, on the reverse of which the county clerk must have printed or stamped instructions for obtaining a certified copy or certified abstract of the certificate of marriage. (NRS 122.055) **Section 7** of this bill requires the county clerk to include on the form certain language that the certificate is not a certified copy. Existing law also requires a person who solemnizes a marriage to give each couple being married a certificate of marriage. **Section 15** clarifies that the certificate the couple receives from the person who solemnizes the marriage is an uncertified copy of a certificate of marriage.

Existing law authorizes a board of county commissioners in a county whose population is 700,000 or more (currently Clark County) to adopt an ordinance imposing an additional fee of not more than $14 for the issuance of a marriage license. If a board of county commissioners adopts such an ordinance: (1) the fee must be deposited in a special revenue fund designated as the fund for the promotion of marriage tourism; (2) money in the fund must be used by the county clerk to promote marriage tourism in the county; and (3) the county clerk is required to submit to the board of county commissioners a report of the projected expenditures of the money in the fund for the following fiscal year. (NRS 246.075) **Section 18** of this bill requires the county clerk to report to the board rather than submitting a report to the board of the projected expenditures of the money in the fund for the following fiscal year.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 122 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***"Marriage officiant" means a person, other than a minister, other church or religious official authorized to solemnize a marriage or notary public, who obtains a certificate of permission to perform marriages as provided in NRS 122.062 to 122.073, inclusive.***

Sec. 3. ***1. A county clerk may, in his or her discretion, establish a program to provide for the issuance of a certificate of vow renewal. If a county clerk establishes such a program, upon the request of a couple who desires to renew their marriage vows, the county clerk shall issue a certificate of vow renewal.***

2. The request for a certificate of vow renewal must be made on a form prescribed by the county clerk and must include the date of the vow renewal and the county in which the vow renewal occurred.

3. The certificate of vow renewal must contain:

(a) The date of the vow renewal;

(b) The county in which the vow renewal occurred;

(c) The name of the persons to whom the certificate of vow renewal is issued; and

(d) A statement that the certificate of vow renewal is not a record of marriage.

4. This section may not be used to establish a record of marriage.

5. A county clerk may charge and collect a fee in the same amount as the fee collected for the issuance of a marriage license pursuant to NRS 122.060 to cover the cost of preparing the certificate furnished pursuant to this section.

6. Notwithstanding any other provision of law to the contrary, a certificate of vow renewal is exempt from any schedule for the retention of records that applies to records in the office of the county clerk.

Sec. 4. NRS 122.001 is hereby amended to read as follows:

122.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 122.0015, 122.002 and 122.006 ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 5. NRS 122.030 is hereby amended to read as follows:

122.030 1. With respect to any marriage solemnized before January 1, 1971, the original certificate and records of marriage made by the judge, justice or minister, as prescribed in this chapter, and the record thereof by the recorder of the county, or a copy or abstract of the record certified by the recorder, must be received in all courts and places as presumptive evidence of the fact of the marriage.

2. With respect to any marriage solemnized on or after January 1, 1971, the original certificate and records of marriage made by the judge, justice, minister or other church or religious official authorized to solemnize a marriage, notary public, commissioner of civil marriages **,** ~~[or]~~ deputy commissioner of civil marriages ~~[,]~~ ***or marriage officiant,*** as prescribed in this chapter, and the record thereof by the county recorder or the county clerk, as the case may be, or a copy or abstract of the record certified by the county recorder or the county clerk, as the case may be, must be received in all courts and places as presumptive evidence of the fact of the marriage.

Sec. 6. NRS 122.050 is hereby amended to read as follows:

122.050 The marriage license must contain the name of each applicant as shown in the documents presented pursuant to subsection 2 of NRS 122.040 and must be substantially in the following form:

MARRIAGE LICENSE
(EXPIRES 1 YEAR AFTER ISSUANCE)

State of Nevada }
}ss.
County of..... }

These presents are to authorize any minister, other church or religious official authorized to solemnize a marriage **,** ~~**[or]**~~ notary public ***or marriage officiant*** who has obtained a certificate of permission to perform marriages, any Supreme Court justice, judge of the Court of Appeals or district judge within this State, or justice of the peace within a township wherein the justice of the peace is permitted to solemnize marriages or if authorized pursuant to subsection 3 of NRS 122.080, or a municipal judge if authorized pursuant to subsection 4 of NRS 122.080 or any commissioner of civil marriages or his or her deputy within a commissioner township wherein they are permitted to solemnize marriages, to join in marriage ..... of (City, town or location) ....., State of ..... State of birth (If not in U.S.A., name of country) .....; Date of birth ..... Father's name ..... Father's state of birth (If not in U.S.A., name of country) ..... Mother's maiden name ..... Mother's state of birth (If not in U.S.A., name of country) ..... Number of this marriage (1st, 2nd, etc.) ..... Wife deceased ..... Divorced ..... Annulled ..... When ..... Where ..... And ..... of (City, town or location) ....., State of ..... State of birth (If not in U.S.A., name of country) .....; Date of birth ..... Father's name ..... Father's state of birth (If not in U.S.A., name of country) ..... Mother's maiden name ..... Mother's state of birth (If not in U.S.A., name of country) ..... Number of this marriage (1st, 2nd, etc.) ..... Husband deceased ..... Divorced ..... Annulled ..... When ..... Where .....; and to certify the marriage according to law.

Witness my hand and the seal of the county, this ..... day of the month of ……. of the year .....

.....

(Seal) Clerk

.....

Deputy clerk

Sec. 7. NRS 122.055 is hereby amended to read as follows:

122.055 1. The county clerk may place the affidavit of application for a marriage license, the certificate of marriage and the marriage license on a single form.

2. The county clerk shall have printed or stamped on the reverse of the form:

(a) Instructions for obtaining a certified copy or certified abstract of the certificate of marriage.

(b) Language in black ink and at least 16-point bold type in a font that is easy to read and that is in substantially the following form:

This is ***a duplicate of*** your certificate. This is not a certified copy. ***After the certificate has been recorded by the county recorder or filed by the county clerk, you may obtain a certified copy.*** For name changes and other legal matters, you will need to obtain a certified copy.

3. Nothing may be printed, stamped or written on the reverse of the form other than the instructions and language described in subsection 2 and a time stamp used by the county clerk to signify that the form has been filed.

Sec. 8. NRS 122.062 is hereby amended to read as follows:

122.062 1. Any licensed, ordained or appointed minister or other church or religious official authorized to solemnize a marriage in good standing within his or her church or religious organization, or either of them, incorporated, organized or established in this State, ~~[or]~~ a notary public appointed by the Secretary of State pursuant to chapter 240 of NRS and in good standing with the Secretary of State, ***or a marriage officiant*** may join together as husband and wife persons who present a marriage license obtained from any county clerk of the State, if the minister, other church or religious official authorized to solemnize a marriage ***,*** ~~[or]~~ notary public ***or marriage officiant*** first obtains ***or renews*** a certificate of permission to perform marriages as provided in NRS 122.062 to 122.073, inclusive. The fact that a minister or other church or religious official authorized to solemnize a marriage is retired does not disqualify him or her from obtaining a certificate of permission to perform marriages if, before retirement, the minister or other church or religious official authorized to solemnize a marriage had active charge of a church or religious organization for a period of at least 3 years.

2. A temporary replacement for a licensed, ordained or appointed minister or other church or religious official authorized to solemnize a marriage certified pursuant to NRS 122.062 to 122.073, inclusive, may solemnize marriages pursuant to subsection 1 for a period not to exceed 90 days, if the requirements of this subsection are satisfied. The minister or other church or religious official authorized to solemnize a marriage whom he or she temporarily replaces shall provide him or her with a written authorization which states the period during which it is effective, and the temporary replacement shall obtain from the county clerk in the county in which he or she is a temporary replacement a written authorization to solemnize marriage and submit to the county clerk an application fee of $25.

3. Any chaplain who is assigned to duty in this State by the Armed Forces of the United States may solemnize marriages if the chaplain obtains a certificate of permission to perform marriages from the county clerk of the county in which his or her duty station is located. The county clerk shall issue such a certificate to a chaplain upon proof of his or her military status as a chaplain and of his or her assignment.

4. A licensed, ordained or appointed minister, other church or religious official authorized to solemnize a marriage, active or retired, ~~[or]~~ a notary public ***or person who desires to be a marriage officiant*** may submit to the county clerk in the county in which a marriage is to be performed an application to perform a specific marriage in the county. The application must:

(a) Include the full names and addresses of the persons to be married;

(b) Include the date and location of the marriage ceremony;

(c) Include the information and documents required pursuant to subsection 1 of NRS 122.064; ~~[and]~~

(d) ***If the applicant is a person who desires to be a marriage officiant, include verification that the applicant has satisfied the requirements of paragraph (d) of subsection 1 of NRS 122.064; and***

(e) Be accompanied by an application fee of $25.

5. A county clerk may grant authorization to perform a specific marriage to a person who submitted an application pursuant to subsection 4 if the county clerk is satisfied that the minister or other church or religious official authorized to solemnize a marriage, whether he or she is active or retired, is in good standing with his or her church or religious organization or, in the case of a notary public, if the notary public is in good standing with the Secretary of State ~~[.]~~ ***, or in the case of a person who desires to be a marriage officiant, that the person satisfied the requirements of paragraph (d) of subsection 1 of NRS 122.064.*** The authorization must be in writing and need not be filed with any other public officer. A separate authorization is required for each marriage performed. A person may not obtain more than five authorizations to perform a specific marriage pursuant to this section in any calendar year and must acknowledge that he or she is subject to the jurisdiction of the county clerk with respect to the provisions of this chapter governing the conduct of ministers, other church or religious officials authorized to solemnize a marriage ***,*** ~~[or]~~ notaries public ***or marriage officiants*** to the same extent as if he or she had obtained a certificate of permission to perform marriages.

6. This section must not be construed to allow a county clerk to authorize a marriage officiant to solemnize a marriage unless the county clerk has established a course for marriage officiants.

Sec. 9. NRS 122.064 is hereby amended to read as follows:

122.064 1. A certificate of permission to perform marriages ***or a renewal of such a certificate*** may be obtained only from the county clerk of the county in which the minister, other church or religious official authorized to solemnize a marriage ***,*** ~~[or]~~ notary public ***or person who desires to be a marriage officiant*** resides, after the filing of a proper application. The initial application ***or application for renewal*** must:

(a) Be in writing and be verified by the applicant.

(b) If the applicant is a minister or other church or religious official authorized to solemnize a marriage:

(1) Include the date of licensure, ordination or appointment of the minister or other church or religious official authorized to solemnize a marriage, and the name of the church or religious organization with which he or she is affiliated; and

(2) Be accompanied by one copy of the affidavit of authority to solemnize marriages described in subsection 5.

(c) If the applicant is a notary public:

(1) Include the date of the appointment of the notary public by the Secretary of State; and

(2) Be accompanied by a verification issued by the Secretary of State within the 3 months immediately preceding the date of the application which states that the applicant has been appointed as a notary public by the Secretary of State pursuant to chapter 240 of NRS and is in good standing with the Secretary of State. The county clerk must refuse to issue a certificate of permission if the appointment of the notary public is suspended or revoked and may refuse to issue a certificate of permission if the notary public has committed any violations of chapter 240 of NRS.

(d) ***If the applicant is not a minister, other church or religious official authorized to solemnize a marriage or notary public but a person who desires to be a marriage officiant:***

(1) Include an additional fee not to exceed $100 for a course for marriage officiants established by the county clerk; and

(2) Be accompanied by verification that the applicant successfully completed a course for marriage officiants established by the county clerk.

(e) Include the social security number of the applicant.

~~[(e)]~~ ***(f)*** Be accompanied by an application fee of $25.

2. To determine the qualifications of any minister, other church or religious official authorized to solemnize a marriage ***,*** ~~[or]~~ notary public ***or person who desires to be a marriage officiant*** who has filed an application for a certificate of permission, the county clerk with whom the application has been filed may require:

(a) The church or religious organization of the minister or other church or religious official authorized to solemnize a marriage to furnish any evidence which the county clerk considers necessary or helpful.

(b) An investigation of the background and present activities of the minister ***,*** ~~[or]~~ other ***church or religious official*** ~~[person]~~ authorized to solemnize a marriage ~~[.]~~ ***, notary public or person who desires to be a marriage officiant.*** The cost of an investigation conducted pursuant to this paragraph must be charged to the applicant.

3. In addition to the requirement of good standing, the county clerk shall, before approving an initial application, satisfy himself or herself that:

(a) If the applicant is a minister or other church or religious official authorized to solemnize a marriage, the applicant's ministry is one of service to his or her church or religious organization or, in the case of a retired minister or other church or religious official authorized to solemnize a marriage, that his or her active ministry was of such a nature.

(b) No certificate previously issued to the applicant has been cancelled for a knowing violation of the laws of this State or of the United States.

(c) The applicant has not been convicted of a felony, released from confinement or completed his or her parole or probation, whichever occurs later, within 10 years before the date of the application.

4. The county clerk may require any applicant to submit information in addition to that required by this section.

5. The affidavit of authority to solemnize marriages required by subparagraph (2) of paragraph (b) of subsection 1 must be in substantially the following form:

AFFIDAVIT OF AUTHORITY TO
SOLEMNIZE MARRIAGES FOR
CHURCHES AND RELIGIOUS
ORGANIZATIONS

State of Nevada }
}ss.
County of..... }

The..... (name of church or religious organization) is organized and carries on its work in the State of Nevada. Its active meetings are located at..... (street address, city or town). The..... (name of church or religious organization) hereby finds that..... (name of minister or other person authorized to solemnize marriages) is in good standing and is authorized by the..... (name of church or religious organization) to solemnize a marriage.

I am duly authorized by..... (name of church or religious organization) to complete and submit this affidavit.

.....
Signature of Official

.....
Name of Official
(type or print name)

.....
Title of Official

.....
Address

.....
City, State and Zip Code

.....
Telephone Number

Signed and sworn to (or affirmed) before me this..... day of the month of..... of the year.....

.....
Notary Public for
..... County, Nevada.

My appointment expires.....

6. Not later than 30 days after issuing ***or renewing*** a certificate of permission to perform marriages to a notary public, the county clerk must submit to the Secretary of State the name of the notary public to whom the certificate has been issued.

7. If a licensed, ordained or appointed minister **,** ~~[or]~~ other church or religious official authorized to solemnize a marriage ***or marriage officiant*** who holds a certificate of permission to perform marriages changes his or her mailing address, the minister **,** ~~[or]~~ other church or religious official authorized to solemnize a marriage ***or marriage officiant*** must notify the county clerk who issued the certificate of his or her new mailing address not later than 30 days after the change. ***Pursuant to NRS 122.068, a county clerk may revoke the certificate of permission to perform marriages of a licensed, ordained or appointed minister, other church or religious official authorized to solemnize a marriage or marriage officiant who fails to notify the county clerk of his or her new mailing within 30 days after the change.*** If a notary public who holds a certificate of permission to perform marriages changes his or her mailing address, the notary public must submit to the Secretary of State a request for an amended certificate of appointment pursuant to NRS 240.036.

8. The fees collected by the county clerk pursuant to paragraph (d) of subsection 1 must be deposited in the county treasury to be used for establishing and maintaining a course for marriage officiants.

Sec. 10. NRS 122.066 is hereby amended to read as follows:

122.066 1. The Secretary of State shall establish and maintain a statewide database of ministers, other church or religious officials authorized to solemnize a marriage **,** ~~[or]~~ notaries public ***or marriage officiants*** who have been issued a certificate of permission to perform marriages ~~[.]~~ ***or whose certificate has been renewed.*** The database must:

(a) Serve as the official list of ministers, other church or religious officials authorized to solemnize a marriage **,** ~~[or]~~ notaries public ***or marriage officiants*** approved to perform marriages in this State;

(b) Provide for a single method of storing and managing the official list;

(c) Be a uniform, centralized and interactive database;

(d) Be electronically secure and accessible to each county clerk in this State;

(e) Contain the name, mailing address and other pertinent information of each minister, other church or religious official authorized to solemnize a marriage **,** ~~[or]~~ notary public ***or marriage officiant*** as prescribed by the Secretary of State; and

(f) Include a unique identifier assigned by the Secretary of State to each minister, other church or religious official authorized to solemnize a marriage ***,*** ~~[or]~~ notary public ~~[.]~~ ***or marriage officiant.***

2. If the county clerk approves an application for a certificate of permission to perform marriages ~~[,]~~ ***or for the renewal of a certificate,*** the county clerk shall:

(a) Enter all information contained in the application into the electronic statewide database of ministers, other church or religious officials authorized to solemnize a marriage ***,*** ~~[or]~~ notaries public ***or marriage officiants*** maintained by the Secretary of State not later than 10 days after the certificate of permission to perform marriages ***or the renewal of a certificate*** is approved by the county clerk; and

(b) Provide to the Secretary of State all information related to the minister, other church or religious official authorized to solemnize a marriage ***,*** ~~[or]~~ notary public ***or marriage officiant*** pursuant to paragraph (e) of subsection 1.

3. Upon approval of an application pursuant to subsection 2, the minister, other church or religious official authorized to solemnize a marriage ***,*** ~~[or]~~ notary public ~~[.]~~ ***or marriage officiant:***

(a) Shall comply with the laws of this State governing the solemnization of marriage and conduct of ministers, other church or religious officials authorized to solemnize a marriage ***,*** ~~[or]~~ notaries public ~~[,]~~ ***or marriage officiants;***

(b) Is subject to further review or investigation by the county clerk to ensure that he or she continues to meet the statutory requirements for a person authorized to solemnize a marriage; and

(c) Shall provide the county clerk with any changes to his or her status or information, including, without limitation, the address or telephone number of the church or religious organization, if applicable, or any other information pertaining to certification within 30 days after such a change. If a notary public to whom a certificate of permission to perform marriages has been issued ***or renewed*** changes his or her address, the notary public must submit to the Secretary of State a request for an amended certificate of appointment in accordance with NRS 240.036.

4. ***In addition to the circumstances set forth in this section in which a certificate of permission to perform marriages is no longer valid or expires, a county clerk may, in his or her discretion, establish a policy providing that a certificate of permission expires 5 years after the date it was issued or renewed. If a county clerk does not establish such a policy, the certificate of permission remains valid unless and until it becomes invalid or expires pursuant to this section.***

5. A certificate of permission is valid until:

(a) If the certificate is issued to a minister or other church or religious official authorized to solemnize a marriage, the county clerk has received an affidavit of removal of authority to solemnize marriages pursuant to NRS

122.0665 or the certificate of permission is revoked pursuant to NRS 122.068.

(b) If the certificate is issued to a notary public, the appointment as a notary public has expired or has been cancelled, revoked or suspended. If, after the expiration of his or her appointment, a notary public receives a new appointment, the notary public may reapply for a certificate of permission to perform marriages **.** ~~[, without charge, if the reapplication occurs within 3 months after the expiration of the previous notary public appointment.~~

~~5.]~~ ***6.*** An affidavit of removal of authority to solemnize marriages that is received pursuant to paragraph (a) of subsection ~~[4]~~ ***5*** must be sent to the county clerk within 5 days after the minister or other church or religious official authorized to solemnize a marriage ceased to be a member of the church or religious organization in good standing or ceased to be a minister or other church or religious official authorized to solemnize a marriage for the church or religious organization.

~~[6.]~~ ***7.*** If the county clerk in the county where the certificate of permission was issued has reason to believe that:

(a) The minister or other church or religious official authorized to solemnize a marriage is no longer in good standing within his or her church or religious organization, or that he or she is no longer a minister or other church or religious official authorized to solemnize a marriage, or that such church or religious organization no longer exists; ~~[or]~~

(b) The notary public is no longer in good standing with the Secretary of State or that the appointment of the notary public has expired ~~[,]~~ ***; or***

(c) The marriage officiant is no longer in good standing with the county clerk,

➥ the county clerk may require satisfactory proof of the good standing of the minister, other church or religious official authorized to solemnize a marriage **,** ~~[or]~~ notary public ~~[.]~~ ***or marriage officiant.*** If such proof is not presented within 15 days, the county clerk shall remove the certificate of permission by amending the electronic record of the minister, other church or religious official authorized to solemnize a marriage **,** ~~[or]~~ notary public ***or marriage officiant*** in the statewide database pursuant to subsection 1.

~~[7.]~~ ***8.*** Except as otherwise provided in subsection ~~[8,]~~ ***9,*** if any minister or other church or religious official authorized to solemnize a marriage to whom a certificate of permission has been issued severs ties with his or her church or religious organization or moves from the county in which his or her certificate was issued, the certificate shall expire immediately upon such severance or move, and the church or religious organization shall, within 5 days after the severance or move, file an affidavit of removal of authority to solemnize marriages pursuant to NRS 122.0665. If the minister or other church or religious official authorized to solemnize a marriage voluntarily advises the county clerk of the county in which his or her certificate was issued of his or her severance with his or her church or religious organization, or that he or she has moved from the county, the certificate

shall expire immediately upon such severance or move without any notification to the county clerk by the church or religious organization.

~~[8.]~~ ***9.*** If any minister or other church or religious official authorized to solemnize a marriage, who is retired and to whom a certificate of permission has been issued, moves from the county in which his or her certificate was issued to another county in this State, the certificate remains valid until such time as the certificate otherwise expires or is removed or revoked as prescribed by law. The minister or other church or religious official authorized to solemnize a marriage must provide his or her new address to the county clerk in the county to which the minister or other church or religious official authorized to solemnize a marriage has moved.

~~[9.]~~ ***10.*** If any notary public ***or marriage officiant*** to whom a certificate of permission has been issued ***or renewed*** moves from the county in which his or her certificate was issued, the certificate shall expire immediately upon such move.

~~[10.]~~ ***11.*** The Secretary of State may adopt regulations concerning the creation and administration of the statewide database. This section does not prohibit the Secretary of State from making the database publicly accessible for the purpose of viewing ministers, other church or religious officials who are authorized to solemnize a marriage ***,*** ~~[or]~~ notaries public ***or marriage officiants*** to whom a certificate of permission to perform marriages has been issued ***or renewed*** in this State.

Sec. 11. NRS 122.068 is hereby amended to read as follows:

122.068 1. Any county clerk who has issued ***or renewed*** a certificate of permission to perform marriages to a minister, other church or religious official authorized to solemnize a marriage ***,*** ~~[or]~~ notary public ***or marriage officiant*** pursuant to NRS 122.062 to 122.073, inclusive, may revoke the certificate for good cause shown after a hearing.

2. If the certificate of permission to perform marriages of any minister, other church or religious official authorized to solemnize a marriage ***,*** ~~[or]~~ notary public ***or marriage officiant*** is revoked or if the county clerk has received an affidavit of removal of authority to solemnize marriages pursuant to NRS 122.0665, the county clerk shall inform the Secretary of State of that fact, and the Secretary of State shall immediately remove the name of the minister, other church or religious official authorized to solemnize a marriage ***,*** ~~[or]~~ notary public ***or marriage officiant*** from the official list contained in the database of ministers, other church or religious officials authorized to solemnize a marriage ***,*** ~~[or]~~ notaries public ***or marriage officiants*** and shall notify each county clerk and county recorder in the State of the revocation or removal of authority.

Sec. 12. NRS 122.071 is hereby amended to read as follows:

122.071 Any minister, other church or religious official authorized to solemnize a marriage ***,*** ~~[or]~~ notary public ***or marriage officiant*** whose application for a certificate of permission to perform marriages or renewal of such certificate is denied, or whose certificate of permission is revoked, is

entitled to judicial review of such action in the district court of the county in which such action was taken.

Sec. 13. NRS 122.090 is hereby amended to read as follows:

122.090 No marriage solemnized before any person professing to be a judge, justice, minister or other church or religious official authorized to solemnize a marriage, notary public ***or marriage officiant*** to whom a certificate of permission to perform marriages ***or a renewal of a certificate*** has been issued, commissioner of civil marriages or deputy commissioner of civil marriages shall be deemed or adjudged to be void, nor shall the validity thereof be in any way affected on account of any want of jurisdiction or authority, provided it be consummated with a full belief on the part of the persons so married, or either of them, that they have been lawfully joined in marriage.

Sec. 14. NRS 122.110 is hereby amended to read as follows:

122.110 1. In the solemnization of marriage, no particular form is required except that the parties shall declare, in the presence of the justice, judge, minister or other church or religious official authorized to solemnize a marriage, notary public ***or marriage officiant*** to whom a certificate of permission to perform marriages ***or a renewal of a certificate*** has been issued, justice of the peace, commissioner of civil marriages or deputy commissioner of civil marriages, and the attending witness, that they take each other as husband and wife.

2. In every case, there shall be at least one witness present besides the person performing the ceremony.

Sec. 15. NRS 122.120 is hereby amended to read as follows:

122.120 1. After a marriage is solemnized, the person solemnizing the marriage shall give to each couple being married ~~[a]~~ ***an uncertified copy of a*** certificate of marriage.

2. The certificate of marriage must contain the date of birth of each applicant as contained in the form of marriage license pursuant to NRS 122.050. If a male and female person who are the husband and wife of each other are being rejoined in marriage pursuant to subsection 2 of NRS 122.020, the certificate of marriage must state that the male and female person were rejoined in marriage and that the certificate is replacing a record of marriage which was lost or destroyed or is otherwise unobtainable. The certificate of marriage must be in substantially the following form:

STATE OF NEVADA
MARRIAGE CERTIFICATE

State of Nevada }
}ss.
County of..... }

This is to certify that the undersigned, ... (a minister or other church or religious official authorized to solemnize a marriage,

notary public, judge, justice of the peace of ..... County, commissioner of civil marriages **,** ~~[or]~~ deputy commissioner of civil marriages ~~[,]~~ ***or marriage officiant,*** as the case may be), did on the ..... day of the month of ……. of the year ....., at ..... (address or church), ... (city), Nevada, join or rejoin, as the case may be, in lawful wedlock ..... (name), of ..... (city), State of ....., date of birth ....., and ..... (name), of .....(city), State of ....., date of birth ....., with their mutual consent, in the presence of ..... and ..... (witnesses). (If a male and female person who are the husband and wife of each other are being rejoined in marriage pursuant to subsection 2 of NRS 122.020, this certificate replaces the record of the marriage of the male and female person who are being rejoined in marriage.)

.....
Signature of person performing
(Seal of County Clerk) the marriage

.....
Name under signature typewritten
or printed in black ink

.....
County Clerk

.....
Official title of person performing
the marriage

.....

.....
Couple's mailing address

3. All information contained in the certificate of marriage must be typewritten or legibly printed in black ink, except the signatures. The signature of the person performing the marriage must be an original signature.

Sec. 16. NRS 122.220 is hereby amended to read as follows:

122.220 1. It is unlawful for any Supreme Court justice, judge of the Court of Appeals, judge of a district court, justice of the peace, municipal judge, minister or other church or religious official authorized to solemnize a marriage, notary public, commissioner of civil marriages **,** ~~[or]~~ deputy commissioner of civil marriages ***or marriage officiant*** to join together as husband and wife persons allowed by law to be joined in marriage, until the persons proposing such marriage exhibit to him or her a license from the county clerk as provided by law.

2. Any Supreme Court justice, judge of the Court of Appeals, judge of a district court, justice of the peace, municipal judge, minister or other church or religious official authorized to solemnize a marriage, notary public, commissioner of civil marriages **,** ~~[or]~~ deputy commissioner of civil marriages ***or marriage officiant*** who violates the provisions of subsection 1 is guilty of a misdemeanor.

Sec. 17. NRS 122.260 is hereby amended to read as follows:

122.260 If any person ~~[shall undertake]~~ ***undertakes*** to join others in marriage, knowing that he or she is not lawfully authorized so to do, or knowing of the existence of any legal impediment to the proposed marriage, the person ~~[is guilty of a misdemeanor.]~~ ***shall be punished by a civil penalty of not more than $1,500. A board of county commissioners may enact an ordinance delegating to a hearing officer the authority to determine violations of this section and to levy civil penalties for those violations.***

Sec. 18. NRS 246.075 is hereby amended to read as follows:

246.075 1. In a county whose population is 700,000 or more, the board of county commissioners may impose by ordinance an additional fee of not more than $14 for the issuance of a marriage license.

2. An ordinance adopted pursuant to subsection 1 must include a provision creating a special revenue fund designated as the fund for the promotion of marriage tourism. Any money collected from a fee imposed pursuant to subsection 1 must be paid by the county clerk to the county treasurer, and the county treasurer shall deposit the money received in the fund.

3. Any interest earned on money in the fund, after deducting any applicable charges, must be credited to the fund.

4. Any money remaining in the fund at the end of a fiscal year must not revert to the county general fund, and the balance in the fund must be carried forward to the next fiscal year.

5. The money in the fund:

(a) Must be used by the county clerk only to promote wedding tourism in the county.

(b) Must not be used to replace or supplant any money available to fund the regular operations of the office of the county clerk.

6. If a board of county commissioners adopts an ordinance pursuant to subsection 1, on or before July 1 of each year, the county clerk shall ~~[submit]~~ ***report*** to the board of county commissioners ~~[a report of]~~ the projected expenditures of the money in the fund for the following fiscal year.

Sec. 19. If, pursuant to NRS 122.066, as amended by section 10 of this act, a county clerk establishes a policy providing that a certificate of permission to perform marriages expires 5 years after the certificate of permission is issued or renewed, a certificate of permission issued by the county clerk to a minister or other church or religious official authorized to solemnize a marriage or a notary public before July 1, 2017, expires on June

30, 2022, and may be renewed pursuant to NRS 122.064, as amended by section 9 of this act.

Sec. 20. This act becomes effective on July 1, 2017.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 706 to Assembly Bill No. 365.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:
The amendment allows licensure revocation for certain marriage officiants.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 176.

The following Senate amendment was read:

Amendment No. 750.

AN ACT relating to care of children; establishing certain requirements for the operation of ~~[a]~~ **certain** seasonal or temporary recreation ~~[program;]~~ **programs; requiring the termination of certain staff members of such a program who have been convicted of certain crimes or who have had a substantiated report of child abuse or neglect made against them;** providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a local government that operates an out-of-school recreation program to comply with certain health and safety standards and to comply with other requirements relating to the safety of participants in the program. (NRS 432A.610) Certain requirements for the staff of an out-of-school recreation program are set forth in existing law. (NRS 432A.620) Existing law further requires an out-of-school recreation program to maintain certain records regarding participants in the program. (NRS 432A.630) **Sections 2-4** of this bill make certain requirements imposed on an out-of-school recreation program applicable to a nongovernmental person or entity that operates a program that primarily functions as a seasonal or temporary recreation program. **Section 3.5 further requires a person or entity that operates such a program to terminate the employment of a staff member who has been convicted of certain crimes or has had a substantiated report of child abuse or neglect filed against him or her, after affording the staff member an opportunity to correct the information. Section 5** of this bill subjects a person who operates such a seasonal or temporary recreation program to a civil penalty not to exceed $500 for failure to comply with ~~[such]~~ **the** requirements ~~[.]~~ **of this bill.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 432A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***A person who operates a program that primarily functions as a seasonal or temporary recreation program shall ensure that each site upon which the program is conducted:***

1. Has a complete first-aid kit accessible on-site that complies with the requirements of the Occupational Safety and Health Administration of the United States Department of Labor;

2. Has an emergency exit plan posted on-site in a conspicuous place; and

3. Has at least one staff member or volunteer on-site and available during the hours of operation who is certified and receives annual training in the use and administration of first aid, including, without limitation, cardiopulmonary resuscitation.

Sec. 3. ***A person who operates a program that primarily functions as a seasonal or temporary recreation program shall complete, for each member of the staff of the program:***

1. A background and personal history check [.] not later than 3 days after the staff member is hired and once every 5 years thereafter; and

2. A child abuse and neglect screening through the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 to determine whether there has been a substantiated report of child abuse or neglect made against the staff member.

Sec. 3.5. 1. Upon receiving the results of the background and personal history check performed pursuant to subsection 1 of section 3 of this act, the results of the child abuse and neglect screening pursuant to subsection 2 of section 3 of this act or evidence from any other source that a staff member of a person who operates a program that primarily functions as a seasonal or temporary recreation program has been convicted of a crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect made against him or her, the person shall terminate the employment of the staff member after allowing the staff member time to correct the information as required pursuant to subsection 2.

2. If a staff member believes that the information provided to the person who operates a program that primarily functions as a seasonal or temporary recreation program pursuant to subsection 1 is incorrect, the staff member must inform the person immediately. The person shall give any such staff member 30 days to correct the information.

3. During any period in which a staff member seeks to correct information pursuant to subsection 2, it is within the discretion of the person who operates a program that primarily functions as a seasonal or temporary recreation program whether to allow the staff member to

continue to work for the program, except that the staff member shall not have contact with a child without supervision during such a period.

Sec. 4. ***1. A person who operates a program that primarily functions as a seasonal or temporary recreation program shall maintain records containing pertinent information regarding each staff member of the program.***

2. The distribution of any information maintained pursuant to this section is subject to the limitations set forth in NRS 239.0105.

Sec. 5. ***A person who operates a program that primarily functions as a seasonal or temporary recreation program and who fails to comply with any provision of section 2, 3 , 3.5 or 4 of this act is subject to a civil penalty not to exceed $500 for each failure to comply. The Attorney General or any district attorney of this State may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction.***

Assemblyman Sprinkle moved that the Assembly concur in the Senate Amendment No. 750 to Assembly Bill No. 176.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

This amendment requires a person who operates a seasonal or temporary recreation program to ensure that each program has at least one staff member or volunteer onsite and available who is trained in first aid and CPR. In addition, the amendment requires the termination of a staff member who has been convicted of certain crimes or who has had a substantiated report of child abuse or neglect filed against him or her after affording the staff member an opportunity to correct the information.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 169.

The following Senate amendment was read:

Amendment No. 742.

AN ACT relating to county recorders; providing that a county recorder has discretion to accept and record a document that does not meet certain formatting requirements; revising certain fees collected by a county recorder; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, certain documents submitted to a county recorder must meet certain formatting requirements and the county recorder is authorized to charge and collect a fee for documents which do not meet those formatting requirements. (NRS 247.110, 247.305) **Section 1** of this bill provides that a county recorder has the discretion to accept and record a document that does not meet formatting requirements. **Section 2** of this bill removes the fee charged for documents which do not comply with the formatting requirements.

Existing law requires the county recorder to charge and collect certain other fees for recording a document, including fees based on the number of pages in the document, certain indexing fees and an additional fee. (NRS 247.305) **Section 2** revises the fees collected for recording certain documents ~~[.]~~ **and eliminates the additional fee for recording documents that are more than one page.** **Section 2** also increases the additional fee collected for recording certain documents from $3 to $5.

Existing law requires the county recorder to charge certain fees for recording certain documents relating to a mining claim. (NRS 247.310) Section 2.5 of this bill provides that the fee for recording a notice or certificate of location of a mining claim, or an amended notice or certificate of the location of a mining claim is $10 and eliminates the additional fee for recording such documents that are more than one page.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 247.110 is hereby amended to read as follows:

247.110 1. When a document authorized, entitled or required by law to be recorded is deposited in the county recorder's office for recording, the county recorder shall:

(a) Endorse upon it the time when it was received, noting:

(1) The year, month, day, hour and minute of its reception;

(2) The document number; and

(3) The amount of fees collected for recording the document.

(b) Record the document without delay, together with the acknowledgments, proofs and certificates, written upon or annexed to it, with the plats, surveys, schedules and other papers thereto annexed, in the order in which the papers are received for recording.

(c) Note at the upper right corner of the record and upon the document, except a map, so recorded the exact time of its reception and the name of the person at whose request it was recorded.

(d) Upon request, place a stamp or other notation upon one copy of the document presented at the time of recording to reflect the information endorsed upon the original pursuant to subparagraphs (1) and (2) of paragraph (a) and as evidence that the county recorder received the original, and return the copy to the person who presented it.

2. In addition to the information described in paragraph (a) of subsection 1, a county recorder may endorse upon a document the book and page where the document is recorded.

3. Except as otherwise provided in this section ~~[, subsection 5 of NRS 247.305]~~ and NRS 111.366 to 111.3697, inclusive, a document, except a map, certificate or affidavit of death, military discharge or document regarding taxes that is issued by the Internal Revenue Service of the United States Department of the Treasury, that is submitted for recording must be on

a form authorized by NRS 104.9521 for the type of filing or ***, except as otherwise provided in subsection 5,*** must:

(a) Be on white, 20-pound paper that is 8 1/2 inches by 11 inches in size.

(b) Have a margin of 1 inch on the left and right sides and at the bottom of each page.

(c) Have a space of 3 inches by 3 inches at the upper right corner of the first page and have a margin of 1 inch at the top of each succeeding page.

(d) Not be on sheets of paper that are bound together at the side, top or bottom.

(e) Not contain printed material on more than one side of each page.

(f) Not have any documents or other materials physically attached to the paper.

(g) Not contain:

(1) Colored markings to highlight text or any other part of the document;

(2) A stamp or seal that overlaps with text or a signature on the document, except in the case of a validated stamp or seal of a professional engineer or land surveyor who is licensed pursuant to chapter 625 of NRS;

(3) Text that is smaller than a 10-point Times New Roman font and is printed in any ink other than black; or

(4) More than nine lines of text per vertical inch.

4. The provisions of subsection 3 do not apply to a document submitted for recording that has been filed with a court and which conforms to the formatting requirements established by the court.

5. ***A county recorder has the discretion to accept and record a document that does not meet the formatting requirements set forth in paragraphs (a) to (g), inclusive, of subsection 3.***

6. A document is recorded when the information required pursuant to this section is placed on the document and is entered in the record of the county recorder.

Sec. 2. NRS 247.305 is hereby amended to read as follows:

247.305 1. If another statute specifies the fee to be charged for a service, county recorders shall charge and collect only the fee specified. Otherwise, unless prohibited by NRS 375.060, county recorders shall charge and collect the following fees:

(a) ~~***[For any document specified in paragraphs (k), (l) and (m) of section 1 of NRS 247.120, or any amendments thereto:***~~

~~***(1)*** For recording any ***a*** document, for the first page..... $10~~

~~(b) ***(2)*** For each additional page..... $1~~

~~(c) For recording each portion of a document which must be separately indexed, after the first indexing..... $3~~

~~(d) ***(3)*** For copying any ***a*** record, for each page..... $1~~

~~***(b) For any other document:***~~

~~***(1)]*** *For recording a document..... $25*~~

~~***[(2)]*** *(b) For copying a record, for each page..... $1*~~

~~[~~(e) ~~*(3)]*~~ ***(c)*** For certifying, including certificate and seal..... $4
~~[~~(f) ~~*(4)]*~~ ***(d)*** For a certified copy of a certificate of marriage $10
~~[~~(g) ~~*(5)]*~~ ***(e)*** For a certified abstract of a certificate of marriage $10
~~[~~(h) ~~*(6)]*~~ ***(f)*** For a certified copy of a certificate of marriage or for a certified abstract of a certificate of marriage, the additional sum of $5 for the Account for Aid for Victims of Domestic Violence in the State General Fund. The fees collected for this purpose must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and must be credited to that Account. The county treasurer shall, on or before the 15th day of each month, remit those fees deposited by the recorder to the State Controller for credit to that Account.

2. Except as otherwise provided in this subsection and NRS 375.060, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed ~~[~~$3~~]~~ ***$5*** for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder may not charge the additional fee authorized in this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer for credit to the account established pursuant to NRS 247.306.

3. Except as otherwise provided in this subsection and NRS 375.060, a county recorder shall charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee of $1 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized in this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer. On or before the 15th day of each month, the county treasurer shall remit the money received by him or her pursuant to this subsection to the State Treasurer for credit to the Account to Assist Persons Formerly in Foster Care established pursuant to NRS 432.017.

4. Except as otherwise provided in this subsection and NRS 375.060, a board of county commissioners may, in addition to any fee that a county recorder is otherwise authorized to charge and collect, impose by ordinance a fee of not more than $3 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized by this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer. On or before the 15th day of each month, the county treasurer shall

remit the money received by him or her pursuant to this subsection to the organization operating the program for legal services for the indigent that receives the fees charged pursuant to NRS 19.031 to be used to provide legal services for abused and neglected children.

5. ~~[Except as otherwise provided in this subsection or subsection 6 or by specific statute, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed $25 for recording any document that does not meet the standards set forth in subsection 3 of NRS 247.110. A county recorder shall not charge the additional fee authorized by this subsection for recording a document that is exempt from the provisions of subsection 3 of NRS 247.110.~~

~~6.]~~ Except as otherwise provided in subsection ~~[7,]~~ ***6,*** a county recorder shall not charge or collect any fees for any of the services specified in this section when rendered by the county recorder to:

(a) The county in which the county recorder's office is located.

(b) The State of Nevada or any city or town within the county in which the county recorder's office is located, if the document being recorded:

(1) Conveys to the State, or to that city or town, an interest in land;

(2) Is a mortgage or deed of trust upon lands within the county which names the State or that city or town as beneficiary;

(3) Imposes a lien in favor of the State or that city or town; or

(4) Is a notice of the pendency of an action by the State or that city or town.

~~[7.]~~ ***6.*** A county recorder shall charge and collect the fees specified in this section for copying any document at the request of the State of Nevada, and any city or town within the county. For copying, and for his or her certificate and seal upon the copy, the county recorder shall charge the regular fee.

~~[8.]~~ ***7.*** If the amount of money collected by a county recorder for a fee pursuant to this section:

(a) Exceeds by $5 or less the amount required by law to be paid, the county recorder shall deposit the excess payment with the county treasurer for credit to the county general fund.

(b) Exceeds by more than $5 the amount required by law to be paid, the county recorder shall refund the entire amount of the excess payment.

~~[9.]~~ ***8.*** Except as otherwise provided in subsection 2, 3, 4 or ~~[8]~~ ***7*** or by an ordinance adopted pursuant to the provisions of NRS 244.207, county recorders shall, on or before the fifth working day of each month, account for and pay to the county treasurer all such fees collected during the preceding month.

~~[10.]~~ ***9.*** For the purposes of this section, "State of Nevada," "county," "city" and "town" include any department or agency thereof and any officer thereof in his or her official capacity.

Sec. 2.5. **NRS 247.310 is hereby amended to read as follows:**

247.310 1. Except as otherwise provided by law, county recorders shall charge the following fees for recording affidavits of proof of labor on mining claims and for recording, pursuant to subsection 3 of NRS 517.230, affidavits of intent to hold mining claims:

For recording any such affidavits that embrace therein one claim $2
For each additional mining claim embraced in the affidavit..... 2

2. ***Except as otherwise provided by law, county recorders shall charge $10 for recording:***

(a) A notice or certificate of location of a mining claim; or

(b) An amended notice or certificate of location of a mining claim.

3. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, county recorders shall, on or before the 5th working day of each month, account for and pay to the county treasurer all such fees collected during the preceding month.

Sec. 3. (Deleted by amendment.)

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 742 to Assembly Bill No. 169.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

The amendment deletes the first two sections of the bill in order to keep the single reporting requirement for the Committee on Domestic Violence.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 464.

The following Senate amendment was read:

Amendment No. 694.

SUMMARY—Revises provisions governing certain reports required to be submitted by or to certain governmental entities. (BDR ~~[18-542)]~~ **22-542)**

AN ACT relating to reports; eliminating requirements to submit certain reports by or to certain governmental entities; requiring certain information be posted on the Internet websites of the Public Employee's Retirement System and the Housing Division of the Department of Business and Industry; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 1 of this bill eliminates the requirement that the Committee on Domestic Violence submit to the Legislature a biennial report summarizing the work of the Committee and providing recommendations for any necessary legislation concerning domestic violence. Instead, section 2 of this bill requires the Nevada Council for the Prevention of Domestic Violence to solicit comments and recommendations from the Committee on Domestic Violence to be included in a report that the Council is required to submit biennially to the Legislature.]~~

Section 3 of this bill requires that a regional rapid transit authority established in a county whose population is 700,000 or more (currently Clark County) submit to the Legislature a biennial report instead of an annual report regarding certain activities, findings and plans of the authority.

Section 4 of this bill eliminates the requirement that the Housing Division of the Department of Business and Industry submit to the Legislature an annual report that includes a compilation of reports submitted to the Housing Division by the governing bodies of certain cities and counties regarding the maintenance and development of affordable housing. Instead, the Housing Division must post the compilation on its Internet website.

Section 5 requires the Merit Award Board to submit a biennial report instead of an annual report to the Budget Division of the Office of Finance in the Office of the Governor and to the Interim Finance Committee summarizing employee suggestions rejected and adopted by state agencies and any legislation required to be enacted before an employee suggestion is adopted.

Section 6 of this bill eliminates the requirement that the Public Employees' Retirement Board submit to the Governor and the Legislature an annual report regarding investments of money from the Public Employees' Retirement System in certain scrutinized companies. Instead, the Board must post the report on the Internet website of the System.

Section 7 of this bill eliminates the requirement that a copy of the capital improvement plan that is submitted by each local government to the Department of Taxation and the appropriate debt management commission also be submitted to the Legislature. **Section 8** of this bill eliminates the requirement that a report concerning capital improvements of local governments that is submitted to the Department of Taxation also be submitted to the Legislature. Instead, in each instance, the Department must provide a copy of the plan or the report, as applicable, to the Director of the Legislative Counsel Bureau upon his or her request.

Section 9 of this bill eliminates the requirement that the Commissioner of Insurance report to the Legislature changes in certain insurance rates or to certain uniform plans regarding insurance.

Section 10 of this bill eliminates the requirement that: (1) the board of county commissioners of each county whose population is 700,000 or more (currently Clark County) submit to the Legislature and to the Legislative Committee on Health Care a quarterly report providing information relating to persons transported to medical facilities by each fire department and ambulance service operating in the county; (2) the Board of Regents of the University of Nevada submit to the Legislature a biennial report concerning the activities of the Police Department of the Nevada System of Higher Education; (3) the Board of Regents submit to the Legislature an annual report concerning the capital improvements owned, leased or operated by the System; and (4) the State Fire Marshall submit to the Legislature a biennial report concerning the effectiveness of provisions of law establishing

standards for fire safety for cigarettes and including any recommendations for legislation to improve the effectiveness of such provisions of law.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 228.470 is hereby amended to read as follows:~~

~~228.470 1. The Attorney General shall appoint a Committee on Domestic Violence comprised of:~~

~~(a) One staff member of a program for victims of domestic violence;~~

~~(b) One staff member of a program for the treatment of persons who commit domestic violence;~~

~~(c) One representative from an office of the district attorney with experience in prosecuting criminal offenses;~~

~~(d) One representative from an office of the city attorney with experience in prosecuting criminal offenses;~~

~~(e) One law enforcement officer;~~

~~(f) One provider of mental health care;~~

~~(g) Two victims of domestic violence; and~~

~~(h) One justice of the peace or municipal judge.~~

~~*** At least two members of the Committee must be residents of a county whose population is less than 100,000.~~

~~2. The Committee shall:~~

~~(a) Adopt regulations for the evaluation, certification and monitoring of programs for the treatment of persons who commit domestic violence;~~

~~(b) Review, monitor and certify programs for the treatment of persons who commit domestic violence;~~

~~(c) Review and evaluate existing programs provided to peace officers for training related to domestic violence and make recommendations to the Peace Officers' Standards and Training Commission regarding such training;~~ ~~*and*~~

~~(d) To the extent that money is available, arrange for the provision of legal services, including, without limitation, assisting a person in an action for divorce~~ **.** ~~**[**; and~~

~~(e) Submit on or before March 1 of each odd-numbered year a report to the Director of the Legislative Counsel Bureau for distribution to the regular session of the Legislature. The report must include, without limitation, a summary of the work of the Committee and recommendations for any necessary legislation concerning domestic violence.**]**~~

~~3. The regulations governing certification of programs for the treatment of persons who commit domestic violence adopted pursuant to paragraph (a) of subsection 2 must include, without limitation, provisions allowing a program that is located in another state to become certified in this State to provide treatment to persons who:~~

~~(a) Reside in this State; and~~

~~(b) Are ordered by a court in this State to participate in a program for the treatment of persons who commit domestic violence.~~

~~4. The Committee shall, at its first meeting and annually thereafter, elect a Chair from among its members.~~

~~5. The Committee shall meet regularly at least semiannually and may meet at other times upon the call of the Chair. Any five members of the Committee constitute a quorum for the purpose of voting. A majority vote of the quorum is required to take action with respect to any matter.~~

~~6. The Attorney General shall provide the Committee with such staff as is necessary to carry out the duties of the Committee.~~

~~7. While engaged in the business of the Committee, each member and employee of the Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.~~**]** **(Deleted by amendment.)**

Sec. 2. **[**~~NRS 228.490 is hereby amended to read as follows:~~

~~228.490 1. For the purpose of preventing and eliminating domestic violence in this State, the Council shall:~~

~~(a) Increase awareness of the existence and unacceptability of domestic violence in this State;~~

~~(b) Make recommendations for any necessary legislation relating to domestic violence to the Office of the Attorney General; and~~

~~(c) Provide financial support to programs for the prevention of domestic violence in this State.~~

~~2. The Council shall:~~

~~(a) Study and review all appropriate issues related to the administration of the criminal justice system in rural Nevada with respect to offenses involving domestic violence, including, without limitation, the availability of counseling services; and~~

~~(b) With the assistance of the Court Administrator, based upon the study and review conducted pursuant to paragraph (a), prepare and submit a report of its findings and recommendations to the Director of the Legislative Counsel Bureau, on or before February 1 of each odd-numbered year, for transmittal to the next regular session of the Legislature. In preparing the report, the Council shall solicit comments and recommendations from~~ ***the Committee on Domestic Violence created pursuant to NRS 228.470 and from*** ~~district judges, municipal judges and justices of the peace in rural Nevada and include in its report, as a separate section, all comments and recommendations that are received by the Council.~~

~~3. The Council may apply for and accept gifts, grants, donations and contributions from any source for the purpose of carrying out its duties pursuant to this section. Any money that the Council receives pursuant to this subsection must be deposited in and accounted for separately in the Account for Programs Related to Domestic Violence created pursuant to NRS 228.460 for use by the Council in carrying out its duties.~~**]** **(Deleted by amendment.)**

Sec. 3. NRS 277A.345 is hereby amended to read as follows:

277A.345 1. In a county whose population is 700,000 or more, the commission shall establish a regional rapid transit authority. The membership of the regional rapid transit authority must consist of:

(a) The general manager of the commission, who shall act as chair of the authority;

(b) One member appointed by the board of county commissioners;

(c) Three members, one from each of the three largest cities within the county, who are appointed by the respective governing bodies of each city;

(d) One member selected by the association of gaming establishments whose membership collectively paid the most gaming license fees to the State pursuant to NRS 463.370 in the county in the preceding year;

(e) One member who is selected by the economic development authority in the county;

(f) One member selected by the Department of Transportation; and

(g) One member who has expertise in urban planning and design or architecture selected by the Nevada Arts Council.

2. The regional rapid transit authority shall develop a plan for the establishment of a regional rapid transit system:

(a) In cooperation with economic development, engineering, planning, tourism and utility interests in the county; and

(b) With the goal of quantifying the implications of introducing an exclusive rapid transit system in identified corridors in the county.

3. In carrying out its duties pursuant to subsection 2, the regional rapid transit authority shall:

(a) Hold public meetings to, without limitation:

(1) Evaluate the need for and desirability of a regional rapid transit system;

(2) Assess corridor and route feasibility and desirability; and

(3) Review existing mass transit options to determine how to incorporate such options into a regional rapid transit system;

(b) Undertake an analysis of various considerations involved with introducing and implementing a regional rapid transit system in the county, including, without limitation:

(1) An assessment of the available rapid transit technologies, including, without limitation, technologies that use solar power or other renewable energy sources to minimize or eliminate the use of carbon-based fuels;

(2) An assessment of the opportunities, costs and constraints of corridor options, including, without limitation:

(I) An examination and evaluation of existing rail corridors and transit routes for inclusion in the regional rapid transit system;

(II) An evaluation of potential sites for stations and facilities for the regional rapid transit system; and

(III) Identification of locations in the county that would benefit most from proximity to a regional rapid transit system, including, without

limitation, airports and existing or proposed special event venues such as stadiums and racetracks;

(3) Estimates as to capital and operating costs;

(4) An assessment of potential ridership and passenger demand;

(5) An assessment of the environmental impact;

(6) A potential project schedule; and

(7) An assessment of financing options and funding sources, including, without limitation:

(I) Processes for securing federal funding; and

(II) The potential for voter approval for bonds to support any portion of the regional rapid transit system.

4. On or before February 1 of each ***odd-numbered*** year, the regional rapid transit authority shall submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the appropriate committee or committees of the Legislature. The report must set forth, without limitation:

(a) The activities and meetings of the authority;

(b) Any findings made by the authority regarding the analysis required by subsection 3; and

(c) The plan or current draft of the plan developed by the authority pursuant to subsection 2.

Sec. 4. NRS 278.235 is hereby amended to read as follows:

278.235 1. If the governing body of a city or county is required to include the housing element in its master plan pursuant to NRS 278.150, the governing body, in carrying out the plan for maintaining and developing affordable housing to meet the housing needs of the community, which is required to be included in the housing element pursuant to subparagraph (8) of paragraph (c) of subsection 1 of NRS 278.160, shall adopt at least six of the following measures:

(a) At the expense of the city or county, as applicable, subsidizing in whole or in part impact fees and fees for the issuance of building permits collected pursuant to NRS 278.580.

(b) Selling land owned by the city or county, as applicable, to developers exclusively for the development of affordable housing at not more than 10 percent of the appraised value of the land, and requiring that any such savings, subsidy or reduction in price be passed on to the purchaser of housing in such a development. Nothing in this paragraph authorizes a city or county to obtain land pursuant to the power of eminent domain for the purposes set forth in this paragraph.

(c) Donating land owned by the city or county to a nonprofit organization to be used for affordable housing.

(d) Leasing land by the city or county to be used for affordable housing.

(e) Requesting to purchase land owned by the Federal Government at a discounted price for the creation of affordable housing pursuant to the provisions of section 7(b) of the Southern Nevada Public Land Management Act of 1998, Public Law 105-263.

(f) Establishing a trust fund for affordable housing that must be used for the acquisition, construction or rehabilitation of affordable housing.

(g) Establishing a process that expedites the approval of plans and specifications relating to maintaining and developing affordable housing.

(h) Providing money, support or density bonuses for affordable housing developments that are financed, wholly or in part, with low-income housing tax credits, private activity bonds or money from a governmental entity for affordable housing, including, without limitation, money received pursuant to 12 U.S.C. § 1701q and 42 U.S.C. § 8013.

(i) Providing financial incentives or density bonuses to promote appropriate transit-oriented housing developments that would include an affordable housing component.

(j) Offering density bonuses or other incentives to encourage the development of affordable housing.

(k) Providing direct financial assistance to qualified applicants for the purchase or rental of affordable housing.

(l) Providing money for supportive services necessary to enable persons with supportive housing needs to reside in affordable housing in accordance with a need for supportive housing identified in the 5-year consolidated plan adopted by the United States Department of Housing and Urban Development for the city or county pursuant to 42 U.S.C. § 12705 and described in 24 C.F.R. Part 91.

2. On or before January 15 of each year, the governing body shall submit to the Housing Division of the Department of Business and Industry a report, in the form prescribed by the Division, of how the measures adopted pursuant to subsection 1 assisted the city or county in maintaining and developing affordable housing to meet the needs of the community for the preceding year. The report must include an analysis of the need for affordable housing within the city or county that exists at the end of the reporting period.

3. On or before February 15 of each year, the Housing Division shall compile the reports submitted pursuant to subsection 2 and ~~[~~transmit~~]~~ ***post*** the compilation ~~[~~to the Legislature, or the Legislative Commission if the Legislature is not in regular session.~~]~~ ***on the Internet website of the Housing Division.***

Sec. 5. NRS 285.060 is hereby amended to read as follows:

285.060 1. Upon receiving an employee suggestion pursuant to NRS 285.050, the Secretary of the Board shall:

(a) Record and acknowledge receipt of the employee suggestion;

(b) Notify the state employee or each state employee of a group of state employees who made the employee suggestion of any undue delays in the consideration of the employee suggestion; and

(c) Refer the employee suggestion at once to the head of the state agency or agencies affected, or his or her designee, for consideration.

2. Within 30 days after receiving an employee suggestion that is referred pursuant to subsection 1, the head of the state agency, or his or her designee, shall report his or her findings and recommendations to the Board. The report must indicate:

(a) Whether the employee suggestion has been adopted.

(b) If adopted:

(1) The day on which the employee suggestion was placed in effect.

(2) The actual or estimated reduction, elimination or avoidance of expenditures or any improvement in operations made possible by the employee suggestion.

(3) If the employee suggestion was made by a group of state employees, a recommendation of the distribution of any potential award made pursuant to NRS 285.070 to each state employee in the group. Such a distribution must be proportionate, fair and equitable based on the contributions by each state employee to the employee suggestion.

(c) If rejected, the reasons for rejection.

(d) If applicable, whether legislation will be required before the employee suggestion may be adopted.

3. The Board shall:

(a) Review the findings and recommendations of the state agency and may obtain additional information or take such other action as is necessary for prompt, thorough and impartial consideration of each employee suggestion.

(b) Evaluate each employee suggestion, taking into consideration any action by the state agency, staff recommendations and the objectives of the Merit Award Program.

(c) Monitor the efficacy and progress of employee suggestions that have been adopted and placed into effect.

(d) Provide a report to the Budget Division of the Office of Finance and the Interim Finance Committee not later than 30 days after the end of each fiscal year ***ending on June 30 of an even-numbered year*** summarizing, for that fiscal year **~~[.]~~** ***and the previous fiscal year:***

(1) The employee suggestions that were rejected by state agencies.

(2) The employee suggestions that were adopted by state agencies and detailing any actual reduction, elimination or avoidance of expenditures or any improvement in operations made possible by the employee suggestion.

(3) Any legislation required to be enacted before an employee suggestion may be adopted.

Sec. 6. NRS 286.723 is hereby amended to read as follows:

286.723 1. Except as otherwise provided in NRS 286.725, the Board shall prepare an annual report of investments of money from the System in scrutinized companies as identified pursuant to NRS 286.721. The report must include the amount of money allocated in such investments and other data and statistics designed to explain the past and current extent to which funds from the System are invested in scrutinized companies.

2. The Board shall ~~[submit]~~ ***post*** a copy of the report ~~[to the Governor and the Director of the Legislative Counsel Bureau for distribution to the Legislature]~~ ***on the Internet website of the System*** on or before February 1 of each year which must cover all investments during the previous calendar year.

Sec. 7. NRS 354.5945 is hereby amended to read as follows:

354.5945 1. Except as otherwise provided in subsection 7, each local government shall annually prepare, on a form prescribed by the Department of Taxation for use by local governments, a capital improvement plan for the fiscal year ending on June 30 of that year and the ensuing 5 fiscal years.

2. On or before August 1 of each year, each local government shall submit a copy of the capital improvement plan of the local government to the:

(a) Department of Taxation; ***and***

(b) Debt management commission of the county in which the local government is located **.** ~~[; and~~

~~(c) Director of the Legislative Counsel Bureau.]~~

➥ ***The Department of Taxation shall provide a copy of a capital improvement plan of a local government to the Director of the Legislative Counsel Bureau upon his or her request.***

3. Each local government shall file a copy of the capital improvement plan of the local government for public record and inspection by the public in the offices of:

(a) The clerk or secretary of the governing body; and

(b) The county clerk.

4. The total amount of the expenditures contained in the capital improvement plan of the local government for the next ensuing fiscal year must equal the total amount of expenditures for capital outlay set forth in the final budget of the local government for each fund listed in that budget.

5. The capital improvement plan must include the estimated or actual revenues and expenditures for each capital project and the estimated or actual date for completion of each capital project.

6. The capital improvement plan must reconcile the capital outlay in each fund in the final budget for the first year of the capital improvement plan to the final budget in the next ensuing fiscal year. The reconciliation must identify the minimum level of expenditure for items classified as capital assets in the final budget and the minimum level of expenditure for items classified as capital projects in the capital improvement plan. The reconciliation of capital outlay items in the capital improvement plan must be presented on forms created and distributed by the Department of Taxation.

7. Local governments that are exempt from the requirements of the Local Government Budget and Finance Act pursuant to subsection 1 of NRS 354.475 are not required to file a capital improvement plan.

Sec. 8. NRS 354.5947 is hereby amended to read as follows:

354.5947 1. In addition to the records and inventory controls established and maintained pursuant to NRS 354.625, the governing body of each local government shall, for each fiscal year, compile a report concerning the capital improvements owned, leased or operated by the local government.

2. The report of the capital improvements required pursuant to subsection 1 must be prepared in such detail as is required by generally accepted accounting principles.

3. The governing body shall submit, in any format including an electronic format, a copy of the report compiled pursuant to subsection 1 on or before February 1 of the year next succeeding the period to which the report pertains to the Department of Taxation **.** ~~[and the Director of the Legislative Counsel Bureau for distribution to each regular session of the Legislature.]~~ ***The Department of Taxation shall provide a copy of the report compiled pursuant to subsection 1 to the Director of the Legislative Counsel Bureau upon his or her request.***

Sec. 9. NRS 686B.177 is hereby amended to read as follows:

686B.177 ~~[1.]~~ The Advisory Organization shall file with the Commissioner a copy of every prospective loss cost, every manual of rating rules, every rating schedule and every change, amendment or modification to them which is proposed for use in this state at least 60 days before they are distributed to the organization's members, subscribers or other persons. The rates shall be deemed to be approved unless they are disapproved by the Commissioner within 60 days after they are filed.

~~[2. The Commissioner shall report any changes in rates or in the Uniform Plan for Rating Experience, the Uniform Statistical Plan or the Uniform System of Classification, when approved, to the Director of the Legislative Counsel Bureau.]~~

Sec. 10. NRS 244.2962, 396.329, 396.4355 and 477.212 are hereby repealed.

Sec. 11. This act becomes effective on July 1, 2017.

TEXT OF REPEALED SECTIONS

244.2962 County commissioners in certain counties to submit reports to Legislature with certain information concerning transport of person to medical facility by each fire department and ambulance service in county. The board of county commissioners of a county whose population is 700,000 or more shall, each calendar quarter, submit a report to the Legislative Committee on Health Care and the Director of the Legislative Counsel Bureau for transmittal to the Legislature, if the Legislature is in session, or to the Legislative Commission, if the Legislature is not in session. The report must include, without limitation, the following information related to each fire department and ambulance service operating in the county:

1. The total number of transports of sick or injured persons to a medical facility that were made by the fire department or ambulance service during that calendar quarter.

2. For each person transported by the fire department or ambulance service during the calendar quarter:

(a) The fees charged to transport the person to a medical facility;

(b) Whether the person had health insurance at the time of transport; and

(c) The name of the medical facility where the fire department or ambulance service transported the person to or from.

396.329 Report concerning activities of Police Department.

1. The Board of Regents of the University of Nevada shall, not later than April 15 of each odd-numbered year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, a report concerning the activities of the Police Department for the System.

2. The report must include, without limitation:

(a) A copy of each of the annual security reports compiled for the immediately preceding 2 years pursuant to 20 U.S.C. § 1092, including the executive summary and statistics regarding crimes on campus; and

(b) A statement of:

(1) The policy of each police department regarding the use of force and the equipment authorized for use by its officers in carrying out that policy;

(2) The activities performed by each police department during the reporting period to improve or maintain public relations between the campus and the community;

(3) The number of full-time and reserve officers in each police department;

(4) The programs held in each police department during the reporting period in which training was given to its officers and the rates of participation in those programs; and

(5) The number, itemized by each police department, of incidents during the reporting period in which an excessive use of force was alleged and the number of those allegations which were sustained.

396.4355 Annual report concerning capital improvements; submission to Legislature.

1. The Board of Regents shall, for each fiscal year, compile a report concerning the capital improvements owned, leased or operated by the System.

2. The report of the capital improvements required pursuant to subsection 1 must be prepared in such detail as is required by generally accepted accounting principles.

3. The Board of Regents shall, on or before February 1 of each year, submit, in any format, including an electronic format, a copy of the report compiled pursuant to subsection 1 to the Director of the Legislative Counsel Bureau for distribution to each regular session of the Legislature.

477.212 Submission of written report by State Fire Marshal. On or before January 30 of each odd-numbered year, the State Fire Marshal shall submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report concerning the effectiveness of the provisions of NRS 477.172 to 477.214, inclusive, and any recommendations for legislation to improve the effectiveness of NRS 477.172 to 477.214, inclusive.

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 694 to Assembly Bill No. 464.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

The amendment deletes the first two sections of the bill in order to keep the single reporting requirement for the Committee on Domestic Violence.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 272.

The following Senate amendment was read:

Amendment No. 773.

AN ACT relating to elections; authorizing each county and city clerk to establish polling places where any registered voter of the county or city, respectively, may vote in person on the day of certain elections; requiring, under certain circumstances, county and city clerks to establish polling places within the boundaries of Indian reservations and colonies; ~~[requiring the preparation and use of electronic rosters;]~~ authorizing voting materials to be provided in certain languages; authorizing county and city clerks to extend the period for early voting; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a county clerk to establish the boundaries of election precincts and authorizes election precincts to be combined into election districts. (NRS 293.205-293.209) Existing law prohibits a person from applying for or receiving a ballot at any election precinct or district other than the one at which the person is entitled to vote. (NRS 293.730) **Section 2** of this bill authorizes a county clerk to establish one or more polling places in the county where any person entitled to vote in the county by personal appearance may do so on the day of a primary or general election. If any such polling place is established: (1) **section 3** of this bill requires, with limited exception, the county clerk to publicize the location of such polling places; and (2) **section 4** of this bill requires the county clerk to prepare a roster of eligible voters in the county for any such polling place. **Section 5** of this bill sets forth the procedure for a person to vote in person at any such polling place. **Sections 27-30** of this bill set forth corresponding provisions authorizing city clerks to establish polling places where any person who is

entitled to vote in the city by personal appearance may do so on the day of the primary city or general city election. **Sections 8, 10-15, 18, 22-25, 33-37 and 40-42** of this bill make conforming changes.

Sections 6 and 31 of this bill require, under certain circumstances, county and city clerks, respectively, to establish at least one polling place **for the day of a primary election, general election, primary city election or general city election, as applicable,** within the boundaries of an Indian reservation or Indian colony at a location or locations approved by the Indian tribe.

Existing law generally requires a voter to sign his or her name in a roster when the voter applies to vote in person. (NRS 293.277, 293.285, 293C.270, 293C.275) ~~[Existing law also provides that a roster may be in printed or electronic form. Section 7 of this bill requires a roster to be in electronic form. Sections 19 and 21 of this bill make conforming changes.]~~ **Sections 5, 12, 12.5, 13, 17.5, 17.7, 30, 34, 34.5 and 35** of this bill allow a person to sign a signature card rather than the roster.

Existing law requires voting materials to be provided in English and any other languages necessary to be in compliance with federal law. (NRS 293.2699) **Section 9** of this bill authorizes a county or city clerk to provide voting materials in additional languages if the clerk determines that there is a significant and substantial need for such.

Existing law authorizes a county or city clerk to establish permanent polling places for early voting by personal appearance and provides that the period for early voting begins the third Saturday preceding an election and extends through the Friday before election day, Sundays and federal holidays excepted. (NRS 293.3564, 293.3568, 293C.3564, 293C.3568) **Sections 15 and 37** of this bill require a county or city clerk to establish at least one permanent polling place for early voting. **Sections 16 and 38** of this bill authorize a county or city clerk to extend the period for early voting through the Sunday before election day. **Sections 17 and 39** of this bill require, under certain circumstances, a county or city clerk to establish at least one temporary place for early voting within the boundaries of an Indian reservation or Indian colony.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***1. A county clerk may establish one or more polling places in the county where any person entitled to vote in the county by personal appearance may do so on the day of the primary election or general election.***

2. Any person entitled to vote in the county by personal appearance may do so at any polling place established pursuant to subsection 1.

Sec. 3. *1. Except as otherwise provided in subsection 2, if a county clerk establishes one or more polling places pursuant to section 2 of this act, the county clerk must:*

(a) Publish during the week before the election in a newspaper of general circulation a notice of the location of each such polling place.

(b) Post a list of the location of each such polling place on any bulletin board used for posting notice of meetings of the board of county commissioners. The list must be posted continuously for a period beginning not later than the fifth business day before the election and ending at 7 p.m. on the day of the election. The county clerk shall make copies of the list available to the public during the period of posting in reasonable quantities without charge.

2. The provisions of subsection 1 do not apply if every polling place in the county is a polling place where any person entitled to vote in the county by personal appearance may do so on the day of the primary election or general election.

3. No additional polling place may be established pursuant to section 2 of this act after the publication pursuant to this section, except in the case of an emergency and if approved by the Secretary of State.

Sec. 4. *1. For each polling place established pursuant to section 2 of this act, if any, the county clerk shall prepare a roster that contains, for every registered voter in the county, the voter's name, the address where he or she is registered to vote, his or her voter identification number, the voter's precinct or district number and the voter's signature.*

2. The roster must be delivered or caused to be delivered by the county clerk to an election board officer of the proper polling place before the opening of the polls.

Sec. 5. *1. Except as otherwise provided in NRS 293.283, upon the appearance of a person to cast a ballot at a polling place established pursuant to section 2 of this act, the election board officer shall:*

(a) Determine that the person is a registered voter in the county and has not already voted in that county in the election;

(b) Instruct the voter to sign the roster or a signature card; and

(c) Verify the signature of the voter in the manner set forth in NRS 293.277.

2. If the signature of the voter does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that county in the current election.

5. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place where he or she applies to vote.

6. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical voting device for the voter;

(b) Ensure that the voter's precinct or voting district and the form of the ballot are indicated on the voting receipt, if the county clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

7. A voter applying to vote at a polling place established pursuant to section 2 of this act may be challenged pursuant to NRS 293.303.

Sec. 6. *1. If an Indian reservation or Indian colony is located in whole or in part within a county, the Indian tribe may submit a request to the county clerk for the establishment of a polling place within the boundaries of the Indian reservation or Indian colony ~~[.]~~ for the day of a primary election or general election.*

2. A request for the establishment of a polling place within the boundaries of an Indian reservation or Indian colony ~~[.]~~ for the day of a primary election or general election:

(a) Must be submitted to the county clerk by the Indian tribe on or before:

(1) If the request is for a primary election, the first Friday in January of the year in which the primary election is to be held.

(2) If the request is for a general election, the first Friday in July of the year in which the general election is to be held.

(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the polling place. Any proposed location must satisfy the criteria the county clerk uses for the establishment of any other polling place.

3. Except as otherwise provided in this subsection, if the county clerk receives a request that satisfies the requirements set forth in subsection 2, the county clerk must establish at least one polling place within the boundaries of the Indian reservation or Indian colony at a location or locations, as applicable, approved by the Indian tribe ~~[.]~~ for the day of a primary election or general election. The county clerk is not required to establish a polling place within the boundaries of an Indian reservation or Indian colony for the day of a primary election or general election if the

county clerk established a temporary branch polling place for early voting pursuant to NRS 293.3572 within the boundaries of the Indian reservation or Indian colony for the same election.

Sec. 7. ~~[NRS 293.095 is hereby amended to read as follows:~~

~~293.095 "Roster" means the record in [printed or] electronic form furnished to election board officers which contains a list of eligible voters and is to be used for obtaining the signature of each person applying for a ballot.]~~ **(Deleted by amendment.)**

Sec. 8. NRS 293.2546 is hereby amended to read as follows:

293.2546 The Legislature hereby declares that each voter has the right:

1. To receive and cast a ballot that:

(a) Is written in a format that allows the clear identification of candidates; and

(b) Accurately records the voter's preference in the selection of candidates.

2. To have questions concerning voting procedures answered and to have an explanation of the procedures for voting posted in a conspicuous place at the polling place.

3. To vote without being intimidated, threatened or coerced.

4. To vote on election day if the voter is waiting in line at ~~[his or her]~~ ***a*** polling place ***at which he or she is entitled*** to vote before 7 p.m. and the voter has not already cast a vote in that election.

5. To return a spoiled ballot and is entitled to receive another ballot in its place.

6. To request assistance in voting, if necessary.

7. To a sample ballot which is accurate, informative and delivered in a timely manner.

8. To receive instruction in the use of the equipment for voting during early voting or on election day.

9. To have nondiscriminatory equal access to the elections system, including, without limitation, a voter who is elderly, disabled, a member of a minority group, employed by the military or a citizen who is overseas.

10. To have a uniform, statewide standard for counting and recounting all votes accurately.

11. To have complaints about elections and election contests resolved fairly, accurately and efficiently.

Sec. 9. NRS 293.2699 is hereby amended to read as follows:

293.2699 1. Each voting system used by a county or city shall provide voting materials in ***:***

(a) English ~~[and other languages]~~ ***; and***

(b) Every language in which voting materials are required to be prepared in ~~[compliance with the provisions of 42 U.S.C. § 1973aa 1a.]~~ ***the county or city pursuant to 52 U.S.C. § 10503.***

2. ***In addition to the requirements set forth in subsection 1, if a county clerk or city clerk determines that there is a significant and substantial***

need for voting materials of the county or city, as applicable, to be provided in the language or languages of a minority group, the county clerk or city clerk may prepare voting materials in such language or languages. For the purposes of this subsection, there is a significant and substantial need for voting materials to be provided in the language or languages of a minority group if, without limitation, the minority group has been subject to historical discrimination and unequal educational opportunities, and, as a result, members of the minority group are of limited-English proficiency.

3. As used in this section ~~[~~*, the term "voting*~~]~~ ***:***

(a) "Limited-English proficiency" means being unable to speak or understand English adequately to participate in the electoral process.

(b) "Minority group" includes, without limitation, United States citizens of Chinese heritage.

(c) "Voting materials" has the meaning ascribed to it in ~~[~~42~~]~~ ***52*** U.S.C. § ~~[~~1973aa-1a.~~]~~ ***10503.***

Sec. 10. NRS 293.273 is hereby amended to read as follows:

293.273 1. Except as otherwise provided in subsection 2 and NRS 293.305, at all elections held under the provisions of this title, the polls must open at 7 a.m. and close at 7 p.m.

2. ~~[~~Whenever~~]~~ ***Except as otherwise provided in this subsection, whenever*** at any election all the votes of the polling place, as shown on the roster, have been cast, the election board officers shall close the polls, and the counting of votes must begin and continue without unnecessary delay until the count is completed. ***This subsection does not apply to a polling place established pursuant to section 2 of this act.***

3. Upon opening the polls, one of the election board officers shall cause a proclamation to be made that all present may be aware of the fact that applications of registered voters to vote will be received.

4. No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this title.

Sec. 11. NRS 293.275 is hereby amended to read as follows:

293.275 ~~[~~No~~]~~

1. Except as otherwise provided in subsection 2, an election board may ***not*** perform its duty in serving registered voters at any polling place in any election provided for in this title, unless it has before it the roster for the polling place.

2. For a polling place established pursuant to section 2 or 27 of this act, an election board may perform its duty in serving registered voters at the polling place in an election if the election board has before it the roster for the county or city, as applicable.

Sec. 12. NRS 293.277 is hereby amended to read as follows:

293.277 1. Except as otherwise provided in NRS 293.283 and 293.541, if a person's name appears in the roster or if the person provides an

affirmation pursuant to NRS 293.525, the person is entitled to vote and must sign his or her name in the roster ***or on a signature card*** when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's application to register to vote or one of the forms of identification listed in subsection 2.

2. Except as otherwise provided in NRS 293.2725, the forms of identification which may be used individually to identify a voter at the polling place are:

(a) The card issued to the voter at the time he or she registered to vote;

(b) A driver's license;

(c) An identification card issued by the Department of Motor Vehicles;

(d) A military identification card; or

(e) Any other form of identification issued by a governmental agency which contains the voter's signature and physical description or picture.

3. The county clerk shall prescribe a procedure, approved by the Secretary of State, to determine that the voter has not already voted in that county in the election.

Sec. 12.5. NRS 293.283 is hereby amended to read as follows:

293.283 1. If, because of physical limitations, a registered voter is unable to sign his or her name in the roster ***or on a signature card*** as required by NRS 293.277, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote.

2. If the identity of the voter is verified, the election board officer shall indicate in the roster "Identified" by the voter's name.

Sec. 13. NRS 293.285 is hereby amended to read as follows:

293.285 1. Except as otherwise provided in NRS 293.283, a registered voter applying to vote shall state his or her name to the election board officer in charge of the roster, and the officer shall immediately announce the name, instruct the voter to sign the roster ~~[and]~~ ***or signature card,*** verify the signature of the voter in the manner set forth in NRS 293.277 ~~[.]~~ ***and verify that the registered voter has not already voted in that county in the current election.***

2. If the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

Sec. 14. NRS 293.296 is hereby amended to read as follows:

293.296 1. Any registered voter who by reason of a physical disability or an inability to read or write English is unable to mark a ballot or use any voting device without assistance is entitled to assistance from a consenting person of his or her own choice, except:

(a) The voter's employer or an agent of the voter's employer; or

(b) An officer or agent of the voter's labor organization.

2. A person providing assistance pursuant to this section to a voter in casting a vote shall not disclose any information with respect to the casting of that ballot.

3. The right to assistance in casting a ballot may not be denied or impaired when the need for assistance is apparent or is known to the election board or any member thereof or when the registered voter requests such assistance in any manner.

4. In addition to complying with the requirements of this section, the county clerk and election board officer shall, upon the request of a registered voter with a physical disability, make reasonable accommodations to allow the voter to vote at ~~[his or her]~~ ***a*** polling place ~~[.]~~ ***at which he or she is entitled to vote.***

Sec. 15. NRS 293.3564 is hereby amended to read as follows:

293.3564 1. ~~[The]~~ ***Each*** county clerk ~~[may]~~ ***shall*** establish ***at least one*** permanent polling ~~[places]~~ ***place*** for early voting by personal appearance in the county ***.*** ~~[at the locations selected pursuant to NRS 293.3561.~~

~~2. Except as otherwise provided in subsection 3, any~~]

2. ***Any*** person entitled to vote early by personal appearance may do so at any polling place for early voting.

~~[3. If it is impractical for the county clerk to provide at each polling place for early voting a ballot in every form required in the county, the county clerk may:~~

~~(a) Provide appropriate forms of ballots for all offices within a township, city, town or county commissioner election district, as determined by the county clerk; and~~

~~(b) Limit voting at that polling place to registered voters in that township, city, town or county commissioner election district.~~]

Sec. 16. NRS 293.3568 is hereby amended to read as follows:

293.3568 1. The period for early voting by personal appearance begins the third Saturday preceding a primary or general election and ***, except as otherwise provided in this subsection,*** extends through the Friday before election day, Sundays and federal holidays excepted. ***A county clerk may***

extend the period for early voting by personal appearance through the Sunday before election day.

2. The county clerk may:

(a) ~~[~~Include~~]~~ ***Except as otherwise provided in subsection 3, include*** any Sunday or federal holiday that falls within the period for early voting by personal appearance.

(b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.

3. A permanent polling place for early voting must remain open:

(a) On Monday through Friday:

(1) During the first week of early voting, from 8 a.m. until 6 p.m.

(2) During the second week of early voting, from 8 a.m. until 6 p.m., or until 8 p.m. if the county clerk so requires.

(b) On any Saturday that falls within the period for early voting, for at least 4 hours between 10 a.m. and 6 p.m.

(c) ***If a county clerk extends the period for early voting by personal appearance through the Sunday before election day pursuant to subsection 1, on the Sunday before election day during such hours as the clerk may establish.***

(d) If the county clerk includes a Sunday that falls within the period for early voting pursuant to subsection 2, during such hours as the county clerk may establish.

Sec. 17. NRS 293.3572 is hereby amended to read as follows:

293.3572 1. In addition to permanent polling places for early voting, ***except as otherwise provided in subsection 3,*** the county clerk may establish temporary branch polling places for early voting which may include, without limitation, the clerk's office pursuant to NRS 293.3561.

2. ***If an Indian reservation or Indian colony is located in whole or in part within a county, the Indian tribe may submit a request to the county clerk for the establishment of a temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony.***

3. A request for the establishment of a temporary branch polling place for early voting within the boundaries of an Indian reservation or Indian colony:

(a) Must be submitted to the county clerk by the Indian tribe on or before:

(1) If the request is for a primary election, the first Friday in January of the year in which the primary election is to be held.

(2) If the request is for a general election, the first Friday in July of the year in which the general election is to be held.

(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the temporary branch polling place and proposed hours of operation thereof. Any proposed location must satisfy the criteria established by the county clerk for the selection of temporary branch polling places pursuant to NRS 293.3561.

4. Except as otherwise provided in this subsection, if the county clerk receives a request that satisfies the requirements set forth in subsection 3, the county clerk must establish at least one temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony. The location and hours of operation of such a temporary branch polling place for early voting must be approved by the Indian tribe. The county clerk is not required to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony if the county clerk determines that it is not logistically feasible to establish a temporary branch polling place within the boundaries of the Indian Reservation or colony.

5. The provisions of subsection 3 of NRS 293.3568 do not apply to a temporary ***branch*** polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the county clerk.

~~[3.]~~ ***6.*** The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

~~[4.]~~ ***7.*** The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.

Sec. 17.5. NRS 293.3585 is hereby amended to read as follows:

293.3585 1. Except as otherwise provided in NRS 293.283, upon the appearance of a person to cast a ballot for early voting, an election board officer shall:

(a) Determine that the person is a registered voter in the county.

(b) Instruct the voter to sign the roster for early voting ~~[.]~~ ***or a signature card.***

(c) Verify the signature of the voter in the manner set forth in NRS 293.277.

(d) Verify that the voter has not already voted ***in that county*** in the current election pursuant to this section.

2. If the signature of the voter does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted ***in that county*** in the current election pursuant to this section.

5. The roster for early voting ***or signature card, as applicable,*** must contain:

(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number, if that information is available; and

(c) The date of voting early in person.

6. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

7. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district, if that information is available, and the form of ballot are indicated on the voting receipt, if the county clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

8. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293.303.

Sec. 17.7. NRS 293.3604 is hereby amended to read as follows:

293.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election other than a presidential preference primary election:

1. At the close of each voting day, the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

(1) The title of the election;

(2) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;

(3) The number of ballots voted on the mechanical recording device for that day; ~~[and]~~

(4) The number of signatures in the roster for early voting for that day ~~[.]~~ ***; and***

(5) The number of signatures on signature cards for that day.

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293.3594; and

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293.3594.

2. At the close of the last voting day, the county clerk shall deliver to the ballot board for early voting:

(a) The statements for all polling places for early voting;

(b) The voting rosters used for early voting;

(c) ***The signature cards used for early voting;***

(d) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and

~~[(d)]~~ ***(e)*** Any other items as determined by the county clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

(a) Indicate the number of ballots on an official statement of ballots; and

(b) Place the storage devices in the container provided to transport those items to the central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the storage devices to the central counting place.

Sec. 18. NRS 293.4689 is hereby amended to read as follows:

293.4689 1. If a county clerk maintains a website on the Internet for information related to elections, the website must contain public information maintained, collected or compiled by the county clerk that relates to elections, which must include, without limitation:

(a) The locations of polling places for casting a ballot on election day in such a format that a registered voter may search the list to determine the location of the polling place ***or places*** at which the registered voter is ~~[required]~~ ***entitled*** to cast a ballot; and

(b) The abstract of votes required pursuant to the provisions of NRS 293.388.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by a county clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, another county clerk or a city clerk, the county clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 19. ~~[NRS 293.511 is hereby amended to read as follows:~~

~~293.511 [If a] *The* registrar of voters' register or [roster is kept by computer, the register or] roster, as applicable, must include the name, address, precinct, political affiliation and signature or facsimile thereof of each voter and any additional information required by the county clerk.]~~ **(Deleted by amendment.)**

Sec. 20. ~~[NRS 293.541 is hereby amended to read as follows:~~

~~293.541 1. The county clerk shall cancel the registration of a voter if:~~

~~— (a) After consultation with the district attorney, the district attorney determines that there is probable cause to believe that information in the registration concerning the identity or residence of the voter is fraudulent;~~

~~— (b) The county clerk provides a notice as required pursuant to subsection 2 or executes an affidavit of cancellation pursuant to subsection 3; and~~

~~— (c) The voter fails to present satisfactory proof of identity and residence pursuant to subsection 2, 4 or 5.~~

~~— 2. Except as otherwise provided in subsection 3, the county clerk shall notify the voter by registered or certified mail, return receipt requested, of a determination made pursuant to subsection 1. The notice must set forth the grounds for cancellation. Unless the voter, within 15 days after the return receipt has been filed in the office of the county clerk, presents satisfactory proof of identity and residence to the county clerk, the county clerk shall cancel the voter's registration.~~

~~— 3. If insufficient time exists before a pending election to provide the notice required by subsection 2, the county clerk shall execute an affidavit of cancellation and file the affidavit of cancellation with the registrar of voters' register and~~ **[**~~:~~

~~— (a) In counties where records of registration are not kept by computer, the county clerk shall attach a copy of the affidavit of cancellation in the roster.~~

~~— (b) In counties where records of registration are kept by computer, the county clerk shall have the affidavit of cancellation printed on the computer entry for the registration and~~**]** ~~add a copy of~~ **[**~~it~~**]** ***the affidavit*** ~~to the roster.~~

~~— 4. If a voter appears to vote at the election next following the date that an affidavit of cancellation was executed for the voter pursuant to this section, the voter must be allowed to vote only if the voter furnishes:~~

~~— (a) Official identification which contains a photograph of the voter, including, without limitation, a driver's license or other official document; and~~

~~— (b) Satisfactory identification that contains proof of the address at which the voter actually resides and that address is consistent with the address listed on the roster.~~

~~— 5. If a determination is made pursuant to subsection 1 concerning information in the registration to vote of a voter and an absent ballot or a ballot voted by a voter who resides in a mailing precinct is received from the voter, the ballot must be kept separate from other ballots and must not be counted unless the voter presents satisfactory proof to the county clerk of identity and residence before such ballots are counted on election day.~~

~~— 6. For the purposes of this section, a voter registration card issued pursuant to NRS 293.517 does not provide proof of the:~~

~~— (a) Address at which a person actually resides; or~~

~~— (b) Residence or identity of a person.~~**]** **(Deleted by amendment.)**

Sec. 21. **[**~~NRS 293.547 is hereby amended to read as follows:~~

~~— 293.547 1. After the 30th day but not later than the 25th day before any election, a written challenge may be filed with the county clerk.~~

~~2. A registered voter may file a written challenge if:~~

~~(a) He or she is registered to vote in the same precinct as the person whose right to vote is challenged; and~~

~~(b) The challenge is based on the personal knowledge of the registered voter.~~

~~3. The challenge must be signed and verified by the registered voter and name the person whose right to vote is challenged and the ground of the challenge.~~

~~4. A challenge filed pursuant to this section must not contain the name of more than one person whose right to vote is challenged. The county clerk shall not accept for filing any challenge which contains more than one such name.~~

~~5. The county clerk shall:~~

~~(a) File the challenge in the registrar of voters' register and [:~~

~~(1) In counties where records of registration are not kept by computer, he or she shall attach a copy of the challenge to the challenged registration in the roster.~~

~~(2) In counties where records of registration are kept by computer, he or she shall have the challenge printed on the computer entry for the challenged registration and]~~ add a copy of ~~[it]~~ ***the challenge*** ~~to the roster.~~

~~(b) Within 5 days after a challenge is filed, mail a notice in the manner set forth in NRS 293.530 to the person whose right to vote has been challenged pursuant to this section informing the person of the challenge. If the person fails to respond or appear to vote within the required time, the county clerk shall cancel the person's registration. A copy of the challenge and information describing how to reregister properly must accompany the notice.~~

~~(c) Immediately notify the district attorney. A copy of the challenge must accompany the notice.~~

~~6. Upon receipt of a notice pursuant to this section, the district attorney shall investigate the challenge within 14 days and, if appropriate, cause proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay. The court shall give such proceedings priority over other civil matters that are not expressly given priority by law. Upon court order, the county clerk shall cancel the registration of the person whose right to vote has been challenged pursuant to this section.]~~ **(Deleted by amendment.)**

Sec. 22. NRS 293.563 is hereby amended to read as follows:

293.563 1. During the interval between the closing of registration and the election, the county clerk shall prepare for ~~[each]~~ ***:***

(a) Each polling place a roster containing the registered voters eligible to vote at the polling place.

(b) Each polling place established pursuant to section 2 or 27 of this act, if any, a roster containing the registered voters eligible to vote in the county or city, respectively.

2. The ~~[roster]~~ ***rosters*** must be delivered or caused to be delivered by the county or city clerk to an election board officer of the proper polling place before the opening of the polls.

Sec. 23. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. A county clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a county clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the county clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

5. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 4, the county clerk shall distribute the sample ballot to the registered voter by mail.

6. Before the period for early voting for any election begins, the county clerk shall distribute to each registered voter in the county by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place ~~[.]~~ ***or places.*** If the location of the polling place ***or places*** has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE ***OR PLACES*** HAS CHANGED SINCE THE LAST ELECTION

7. Except as otherwise provided in subsection 8, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN LARGE TYPE, CALL (Insert appropriate telephone number)

8. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

9. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

10. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots distributed to that person from the county are in large type.

11. The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place ***or places*** and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place ~~[.]~~ ***or places.***

12. The cost of distributing sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

Sec. 24. NRS 293.730 is hereby amended to read as follows:

293.730 1. A person shall not:

(a) Remain in or outside of any polling place so as to interfere with the conduct of the election.

(b) Except an election board officer, receive from any voter a ballot prepared by the voter.

(c) Remove a ballot from any polling place before the closing of the polls.

(d) Apply for or receive a ballot at any election precinct or district other than ~~[the]~~ one at which the person is entitled to vote.

(e) Show his or her ballot to any person, after voting, so as to reveal any of the names voted for.

(f) Inside a polling place, ask another person for whom he or she intends to vote.

(g) Except an election board officer, deliver a ballot to a voter.

(h) Except an election board officer in the course of the election board officer's official duties, inside a polling place, ask another person his or her name, address or political affiliation.

2. A voter shall not:

(a) Receive a ballot from any person other than an election board officer.

(b) Deliver to an election board or to any member thereof any ballot other than the one received.

(c) Place any mark upon his or her ballot by which it may afterward be identified as the one voted by the person.

3. Any person who violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 25. NRS 293.790 is hereby amended to read as follows:

293.790 If any person whose vote has been rejected offers to vote at the same election, at any polling place other than ~~[the]~~ one in which the person is ~~[registered]~~ ***entitled*** to vote, such person is guilty of a gross misdemeanor.

Sec. 26. Chapter 293C of NRS is hereby amended by adding thereto the provisions set forth as sections 27 to 31, inclusive, of this act.

Sec. 27. ***1. A city clerk may establish one or more polling places in the city where any person entitled to vote in the city by personal appearance may do so on the day of the primary city election or general city election.***

2. Any person entitled to vote in the city by personal appearance may do so at any polling place established pursuant to subsection 1.

Sec. 28. *1. Except as otherwise provided in subsection 2, if a city clerk establishes one or more polling places pursuant to section 27 of this act, the city clerk must:*

(a) Publish during the week before the election in a newspaper of general circulation a notice of the location of each such polling place.

(b) Post a list of the location of each such polling place on any bulletin board used for posting notice of meetings of the governing body of the city. The list must be posted continuously for a period beginning not later than the fifth business day before the election and ending at 7 p.m. on the day of the election. The city clerk shall make copies of the list available to the public during the period of posting in reasonable quantities without charge.

2. The provisions of subsection 1 do not apply if every polling place in the city is designated as a polling place where any person entitled to vote in the city by personal appearance may do so on the day of the primary city election or general city election.

3. No additional polling place may be established pursuant to section 27 of this act after the publication pursuant to this section, except in the case of an emergency and if approved by the Secretary of State.

Sec. 29. *1. For each polling place established pursuant to section 27 of this act, if any, the city clerk shall prepare a roster that contains, for every registered voter in the city, the voter's name, the address where he or she is registered to vote, his or her voter identification number, the voter's precinct or district number and the voter's signature.*

2. The roster must be delivered or caused to be delivered by the city clerk to an election board officer of the proper polling place before the opening of the polls.

Sec. 30. *1. Except as otherwise provided in NRS 293C.272, upon the appearance of a person to cast a ballot at a polling place established pursuant to section 27 of this act, if any, the election board officer shall:*

(a) Determine that the person is a registered voter in the city and has not already voted in that city in the election;

(b) Instruct the voter to sign the roster or a signature card; and

(c) Verify the signature of the voter in the manner set forth in NRS 293C.270.

2. If the signature of the voter does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the card issued to the voter at the time he or she registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The city clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that city in the current election.

5. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place where he or she applies to vote.

6. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical voting device for the voter;

(b) Ensure that the voter's precinct or voting district and the form of the ballot are indicated on the voting receipt, if the city clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

7. A voter applying to vote at a polling place established pursuant to section 27 of this act, if any, may be challenged pursuant to NRS 293C.292.

Sec. 31. ***1. If an Indian reservation or Indian colony is located in whole or in part within a city, the Indian tribe may request to the city clerk for the establishment of a polling place within the boundaries of the Indian reservation or Indian colony*** ~~***[.]***~~ ***for the day of a primary city election or general city election.***

2. A request for the establishment of a polling place within the boundaries of an Indian reservation or Indian colony ~~***[.]***~~ ***for the day of a primary city election or general city election:***

(a) Must be submitted to the city clerk by the Indian tribe on or before:

(1) If the request is for a primary city election that is held:

(I) On the dates set forth for primary elections pursuant to the provisions of chapter 293 of NRS, the first Friday in January of the year in which the primary city election is to be held.

(II) On the dates set forth for primary city elections pursuant to the provisions of this chapter, the first Friday in December of the year immediately preceding the year in which the primary city election is to be held.

(2) If the request is for a general city election that is held:

(I) On the dates set forth for general elections pursuant to the provisions of chapter 293 of NRS, the first Friday in July of the year in which the general city election is to be held.

(II) On the dates set forth for general city elections pursuant to the provisions of this chapter, the first Friday in January of the year in which the general city election is to be held.

(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the polling place. Any

proposed location for a polling place must satisfy the criteria the city clerk uses for the establishment of any other polling place.

3. Except as otherwise provided in this subsection, if the city clerk receives a request that satisfies the requirements set forth in subsection 2, the city clerk must establish at least one polling place within the boundaries of the Indian reservation or Indian colony at a location or locations, as applicable, approved by the Indian tribe ~~***[.]***~~ ***for the day of a primary city election or general city election. The city clerk is not required to establish a polling place within the boundaries of the Indian reservation or Indian colony for the day of a primary city election or general city election if the city clerk established a temporary branch polling place for early voting pursuant to NRS 293C.3572 within the boundaries of the Indian reservation or Indian colony for the same election.***

Sec. 32. NRS 293C.112 is hereby amended to read as follows:

293C.112 1. The governing body of a city may conduct a city election in which all ballots must be cast by mail if:

(a) The election is a special election; or

(b) The election is a primary city election or general city election in which the ballot includes only:

(1) Offices and ballot questions that may be voted on by the registered voters of only one ward; or

(2) One office or ballot question.

2. The provisions of NRS 293C.265 to 293C.302, inclusive, ***and section 31 of this act,*** 293C.305 to 293C.340, inclusive, and 293C.355 to 293C.361, inclusive, do not apply to an election conducted pursuant to this section.

3. For the purposes of an election conducted pursuant to this section, each precinct in the city shall be deemed to have been designated a mailing precinct pursuant to NRS 293C.342.

Sec. 33. NRS 293C.267 is hereby amended to read as follows:

293C.267 1. Except as otherwise provided in subsection 2 and NRS 293C.297, at all elections held pursuant to the provisions of this chapter, the polls must open at 7 a.m. and close at 7 p.m.

2. Whenever at any election all the votes of the polling place, as shown on the roster, have been cast, the election board officers shall close the polls and the counting of votes must begin and continue without unnecessary delay until the count is completed. ***The provisions of this subsection do not apply to any polling place established pursuant to section 27 of this act where any person entitled to vote in the city by personal appearance on the day of the election may do so.***

3. Upon opening the polls, one of the election board officers shall cause a proclamation to be made so that all present may be aware of the fact that applications of registered voters to vote will be received.

4. No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during

the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this chapter.

Sec. 34. NRS 293C.270 is hereby amended to read as follows:

293C.270 1. Except as otherwise provided in NRS 293C.272, if a person's name appears in the roster or if the person provides an affirmation pursuant to NRS 293C.525, the person is entitled to vote and must sign his or her name in the roster ***or on a signature card*** when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's application to register to vote or one of the forms of identification listed in subsection 2.

2. The forms of identification that may be used to identify a voter at the polling place are:

(a) The card issued to the voter at the time he or she registered to vote;

(b) A driver's license;

(c) An identification card issued by the Department of Motor Vehicles;

(d) A military identification card; or

(e) Any other form of identification issued by a governmental agency that contains the voter's signature and physical description or picture.

3. The city clerk shall prescribe a procedure, approved by the Secretary of State, to determine that the voter has not already voted in that city in the current election.

Sec. 34.5. NRS 293C.272 is hereby amended to read as follows:

293C.272 1. If, because of physical limitations, a registered voter is unable to sign his or her name in the roster ***or on a signature card*** as required by NRS 293C.270, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the card issued to the voter at the time he or she registered to vote.

2. If the identity of the voter is verified, the election board officer shall indicate in the roster "Identified" by the voter's name.

Sec. 35. NRS 293C.275 is hereby amended to read as follows:

293C.275 1. Except as otherwise provided in NRS 293C.272, a registered voter who applies to vote must state his or her name to the election board officer in charge of the roster, and the officer shall immediately announce the name, instruct the voter to sign the roster ~~[and]~~ ***or signature card,*** verify the signature of the voter in the manner set forth in NRS 293C.270 ~~[.]~~ ***and verify that the registered voter has not already voted in that city in the current election.***

2. If the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the card issued to the voter at the time he or she registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

Sec. 36. NRS 293C.282 is hereby amended to read as follows:

293C.282 1. Any registered voter who, because of a physical disability or an inability to read or write English, is unable to mark a ballot or use any voting device without assistance is entitled to assistance from a consenting person of his or her own choice, except:

(a) The voter's employer or an agent of the voter's employer; or

(b) An officer or agent of the voter's labor organization.

2. A person providing assistance pursuant to this section to a voter in casting a vote shall not disclose any information with respect to the casting of that ballot.

3. The right to assistance in casting a ballot may not be denied or impaired when the need for assistance is apparent or is known to the election board or any member thereof or when the registered voter requests such assistance in any manner.

4. In addition to complying with the requirements of this section, the city clerk and election board officer shall, upon the request of a registered voter with a physical disability, make reasonable accommodations to allow the voter to vote at ~~[his or her]~~ ***a*** polling place ~~[.]~~ ***at which he or she is entitled to vote.***

Sec. 37. NRS 293C.3564 is hereby amended to read as follows:

293C.3564 1. The city clerk ~~[may]~~ ***in a city providing for early voting pursuant to subparagraph (1) of paragraph (b) of subsection 2 of NRS 293C.110 shall*** establish ***at least one*** permanent polling ~~[places]~~ ***place*** for early voting by personal appearance in the city at the locations selected pursuant to NRS 293C.3561.

2. Any person entitled to vote early by personal appearance may do so at any polling place for early voting.

Sec. 38. NRS 293C.3568 is hereby amended to read as follows:

293C.3568 1. The period for early voting by personal appearance begins the third Saturday preceding a primary city election or general city election, and ***, except as otherwise provided in this subsection,*** extends through the Friday before election day, ~~[Sundays and]~~ federal holidays excepted. ***A city clerk may extend the period for early voting by personal appearance through the Sunday before election day.***

2. The city clerk may:

(a) ~~[~~Include~~]~~ ***Except as otherwise provided in subsection 3, include*** any Sunday or federal holiday that falls within the period for early voting by personal appearance.

(b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.

3. A permanent polling place for early voting must remain open:

(a) On Monday through Friday:

(1) During the first week of early voting, from 8 a.m. until 6 p.m.

(2) During the second week of early voting, from 8 a.m. until 6 p.m., or until 8 p.m. if the city clerk so requires.

(b) On any Saturday that falls within the period for early voting, for at least 4 hours between 10 a.m. and 6 p.m.

(c) ***If a city clerk extends the period for early voting by personal appearance through the Sunday before election day pursuant to subsection 1, on the Sunday before election day during such hours as the clerk may establish.***

(d) If the city clerk includes a Sunday that falls within the period for early voting pursuant to subsection 2, during such hours as the city clerk may establish.

Sec. 39. NRS 293C.3572 is hereby amended to read as follows:

293C.3572 1. In addition to permanent polling places for early voting, ***except as otherwise provided in subsection 3,*** the city clerk may establish temporary branch polling places for early voting pursuant to NRS 293C.3561.

2. ***If an Indian reservation or Indian colony is located in whole or in part within a city, the Indian tribe may submit a request to the city clerk for the establishment of a temporary branch polling place within the boundaries of the Indian reservation or Indian colony.***

3. A request for the establishment of a temporary branch polling place within the boundaries of an Indian reservation or Indian colony:

(a) Must be submitted to the city clerk by the Indian tribe on or before:

(1) If the request is for a primary city election that is held:

(I) On the dates set forth for primary elections pursuant to the provisions of chapter 293 of NRS, the first Friday in January of the year in which the primary city election is to be held.

(II) On the dates set forth for primary city elections pursuant to the provisions of this chapter, the first Friday in December of the year immediately preceding the year in which the primary city election is to be held.

(2) If the request is for a general city election that is held:

(I) On the dates set forth for general elections pursuant to the provisions of chapter 293 of NRS, the first Friday in July of the year in which the general city election is to be held.

(II) On the dates set forth for general city elections pursuant to the provisions of this chapter, the first Friday in January of the year in which the general city election is to be held.

(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the temporary branch polling place and proposed hours thereof. Any proposed location must satisfy the criteria established by the city clerk pursuant to NRS 293C.3561.

4. Except as otherwise provided in this subsection, if the city clerk receives a request that satisfies the requirements set forth in subsection 3, the city clerk must establish at least one temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony. The location and hours of operation of such a temporary branch polling place for early voting must be approved by the Indian tribe. The city clerk is not required to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony if the city clerk determines that it is not logistically feasible to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony.

5. The provisions of subsection 3 of NRS 293C.3568 do not apply to a temporary ***branch*** polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the city clerk.

~~[3.]~~ ***6.*** The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

~~[4.]~~ ***7.*** The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.

Sec. 39.5. NRS 293C.3585 is hereby amended to read as follows:

293C.3585 1. Except as otherwise provided in NRS 293C.272, upon the appearance of a person to cast a ballot for early voting, an election board officer shall:

(a) Determine that the person is a registered voter in the county.

(b) Instruct the voter to sign the roster for early voting ~~[.]~~ ***or a signature card.***

(c) Verify the signature of the voter in the manner set forth in NRS 293C.270.

(d) Verify that the voter has not already voted ***in that city*** in the current election pursuant to this section.

2. If the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the card issued to the voter at the time he or she registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The city clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted ***in that city*** in the current election pursuant to this section.

5. The roster for early voting ***or signature card, as applicable,*** must contain:

(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number, if that information is available; and

(c) The date of voting early in person.

6. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

7. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district, if that information is available, and the form of ballot are indicated on the voting receipt, if the city clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

8. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293C.292.

Sec. 39.7. NRS 293C.3604 is hereby amended to read as follows:

293C.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election other than a presidential preference primary election:

1. At the close of each voting day, the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

(1) The title of the election;

(2) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;

(3) The number of ballots voted on the mechanical recording device for that day; ~~[~~and~~]~~

(4) The number of signatures in the roster for early voting for that day ~~[.]~~ ***; and***

(5) The number of signatures on signature cards for that day.

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293C.3594; and

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293C.3594.

2. At the close of the last voting day, the city clerk shall deliver to the ballot board for early voting:

(a) The statements for all polling places for early voting;

(b) The voting rosters used for early voting;

(c) ***The signature cards used for early voting;***

(d) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and

~~[(d)]~~ ***(e)*** Any other items as determined by the city clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

(a) Indicate the number of ballots on an official statement of ballots; and

(b) Place the storage devices in the container provided to transport those items to the central counting place and seal the container with a number seal. The official statement of ballots must accompany the storage devices to the central counting place.

Sec. 40. NRS 293C.530 is hereby amended to read as follows:

293C.530 1. A city clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a city clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the city clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

2. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 1, the city clerk shall distribute the sample ballot to the registered voter by mail.

3. Before the period for early voting for any election begins, the city clerk shall distribute to each registered voter in the city by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place ~~[.]~~ ***or places.*** If the location of the polling place ***or places*** has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE ***OR PLACES*** HAS CHANGED SINCE THE LAST ELECTION

4. Except as otherwise provided in subsection 6, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type;

(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 295.205 or 295.217; and

(c) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

5. The word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.

6. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

7. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

8. If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots distributed to that person from the city are in large type.

9. The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place ***or places*** and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place ~~[.]~~ ***or places.***

10. The cost of distributing sample ballots for a city election must be borne by the city holding the election.

Sec. 41. NRS 293C.535 is hereby amended to read as follows:

293C.535 1. Except as otherwise provided by special charter, registration of electors in incorporated cities must be accomplished in the manner provided in this chapter.

2. The county clerk shall use the statewide voter registration list to prepare for the city clerk of each incorporated city within the county the roster of all electors eligible to vote at a regular or special city election.

3. ~~[The]~~ ***Except as otherwise provided in section 27 of this act, the*** rosters must be prepared, one for each ward or other voting district within each incorporated city. The entries in the roster must be arranged alphabetically with the surnames first.

4. The county clerk shall keep duplicate originals or copies of the applications to register to vote in the county clerk's office.

Sec. 42. NRS 293C.715 is hereby amended to read as follows:

293C.715 1. If a city clerk maintains a website on the Internet for information relating to elections, the website must contain public information maintained, collected or compiled by the city clerk that relates to elections, which must include, without limitation:

(a) The locations of polling places for casting a ballot on election day in such a form that a registered voter may search the list to determine the location of the polling place ***or places*** at which the registered voter is ~~[required]~~ ***entitled*** to cast a ballot; and

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293C.387.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by a city clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, a county clerk or another city clerk, the city clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 43. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 44. This act becomes effective:

1. On July 1, 2017, for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2018, for all other purposes.

Assemblywoman Diaz moved that the Assembly concur in the Senate Amendment No. 773 to Assembly Bill No. 272.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

This amendment adopts technical revisions and amendments adjusted by the Secretary of State.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Jesus Marquez.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Michaelene Bilbray.

On request of Assemblyman Brooks, the privilege of the floor of the Assembly Chamber for this day was extended to Catherine Polyak.

On request of Assemblyman Edwards, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Purdy and Frank Holland.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to Hilda R. Espadas.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to Jorge Eduardo Sanchez.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Joel Menchaca, Kelly Marchello, Marina Acosta-Fowlkes, and Jeffrey Neal Berkey Jr.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Juan Miguel Sclafani.

On request of Assemblywoman Tolles, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Roy Gomm Elementary School: Luke Allison, Ascher Averett, Josh Boyden, Emma Brown, Noah Buchell Patchin, Ashleigh Burke, Travis Erd, Christian Follett, Thomas Grant, Noah Hackbusch, Ryan Hayes, Jackson Hazlett-Stevens, Ava Holliday, Burton Iles, James Kirkpatrick, Layla Kohler, Evan Lamerdin, Jaydon Loose, Ella Michitsch, Kaylyn Mitchell, Eric Ortega Gammill, Kate Pagni, Brock Prokop, Adeline Ragar, Sasha Raydon, Nisa Rodriguez, Cormac Spiares, Jillian Terlemezian, Kay Allfree, Taylor Anderson, Kai Angermann, Jace Brayman, Benjamin Cisneros, Cole Cochran, Elise Evans, Emmie Fishell, Cooper Friedrichsen, Kayley Gallagher, Alexander Gals, Carmella Green, Matthew Guevin, Ava Gularte, Brianna Hammett, Gavin Hemenway, Luke Keenan, Braden Kerr, Jaden Laramie, Regina Martinez, Kyle Mead, Shane Ohalloran, Caleb Oster, Lucy Platz, Cameon Ravera Nairn, Gianna Rosaia, Jackson Shorts, Blake Wallace, and Aidan Wallmann.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Tuesday, May 23, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 2:51 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND SEVENTH DAY

CARSON CITY (Tuesday), May 23, 2017

Assembly called to order at 1:17 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Ellison, who was excused.

Prayer by the Chaplain, Reverend Richard Snyder.

Loving God, guide us this day with Your Spirit in all our doings and give to us Your continual help for our work begun, continued, and ended in You. Refresh us and give us clear minds and open spirits.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 22, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 26, 117, 125, 177, 196, 218, 235, 275, 312, 411, 412, 444, 453, 458.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 142, Amendment No. 672; Assembly Bill No. 254, Amendment No. 704; Assembly Bill No. 314, Amendment No. 707; Assembly Bill No. 350, Amendment No. 653; Assembly Bill No. 454, Amendment No. 697, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 286, 361, 368.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 512.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 675 to Senate Bill No. 31; Assembly Amendment No. 684 to Senate Bill No. 33; Assembly Amendment No. 717 to Senate Bill No. 50; Assembly Amendment No. 712 to Senate Bill No. 91; Assembly Amendment No. 758 to Senate Bill No. 173.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Concurrent Resolution No. 7 be taken from the Resolution File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 175 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 311 be taken from the Chief Clerk's desk and placed on General File after Senate Bill No. 515.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 505, 506, 507, and 509; Senate Bills Nos. 356 and 393 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 52; Senate Bills Nos. 138, 292, and 411 be taken from their positions on the General File and placed at the bottom of the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 286.

Assemblyman Sprinkle moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 361.

Assemblyman Yeager moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 368.

Assemblyman Yeager moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 512.

Assemblywoman Swank moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 343.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 763.

SUMMARY—Requiring the Legislative Committee on Health Care to study certain issues concerning **the** group homes ~~[in this State.]~~ **contracted with Southern Nevada Adult Mental Health Services.** (BDR S-1114)

AN ACT relating to group homes; requiring the Legislative Committee on Health Care to conduct an interim study concerning the rates ~~[charged by]~~ **paid by the State to the** group homes ~~[in this State ;]~~ **contracted with Southern Nevada Adult Mental Health Services;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires the Legislative Committee on Health Care to conduct an interim study concerning the rates ~~[charged by]~~ **paid by the State to the** group homes ~~[in this State.]~~ **contracted with Southern Nevada Adult Mental Health Services.** In relevant part, the Committee must review and evaluate the current rates that are ~~[charged by]~~ **paid by the State to the** group homes **contracted with Southern Nevada Adult Mental Health Services** and whether any changes in the rates may be necessary.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. The Legislative Committee on Health Care shall conduct an interim study concerning the rates ~~[charged by]~~ **paid by the State to the** group homes ~~[in this State.]~~ **contracted with Southern Nevada Adult Mental Health Services.**

2. The study must include, without limitation:

(a) A comprehensive review and evaluation of the rates ~~[charged by]~~ **paid by the State to the** group homes ~~[in this State]~~ **contracted with Southern Nevada Adult Mental Health Services** and whether any changes in the rates may be necessary;

(b) A comprehensive evaluation of the impact a change in such rates would have on group homes **contracted with Southern Nevada Adult Mental Health Services** as well as on any person who uses the services provided by **such** group homes **;** ~~[in this State;]~~

(c) A comprehensive evaluation of state and federal funding for **the** group homes ~~[in this State]~~ **contracted with Southern Nevada Adult Mental Health Services** and the impact a change in the rates ~~[charged by]~~ **paid by the State to such** group homes would have on such funding;

(d) Consideration of the applicable provisions of federal law; and

(e) An examination of any other matter that the Legislative Committee on Health Care determines to be relevant to the study.

3. The Legislative Committee on Health Care shall ensure that the persons and entities that manage **the** group homes **contracted with Southern Nevada Adult Mental Health Services** or provide services on behalf of group homes ~~[in this State]~~ **contracted with Southern Nevada Adult Mental Health Services** are involved in the study.

4. The Legislative Committee on Health Care shall submit a report of the results of the study conducted pursuant to subsection 2 and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 80th Session of the Nevada Legislature.

5. As used in this section, "group homes" includes, without limitation, the facilities, homes, houses and institutions ~~[described]~~ **that are:**

(a) Contracted with Southern Nevada Adult Mental Health Services; and

(b) Described in subsection 1 of NRS 244.3549.

Sec. 2. This act becomes effective on July 1, 2017.

Assemblywoman Diaz moved the adoption of the amendment.

Remarks by Assemblywoman Diaz.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 26.

Bill read second time and ordered to third reading.

Senate Bill No. 41.

Bill read second time and ordered to third reading.

Senate Bill No. 47.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 832.

AN ACT relating to water; requiring the State Engineer to prepare a water budget and inventory of groundwater for each basin in this State; declaring the policy of this State to manage conjunctively all sources of water in this State; revising provisions relating to certain applications to appropriate water; revising provisions relating to certain fees collected by the State Engineer; revising the provisions governing the procedures for the State Engineer to declare a forfeiture of certain water rights; revising provisions relating to the Program for the Management of Groundwater in the Las Vegas Valley Groundwater Basin; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Engineer is charged with managing the appropriation of water in this State. (Title 48 of NRS) **Section 1** of this bill requires the State Engineer to prepare a water budget and calculate and maintain an inventory of groundwater for each basin located in whole or in part in this State. **Section 1.3** of this bill declares the policy of this State to manage conjunctively the appropriation, use and administration of all water in the State, regardless of the source.

Existing law requires any person who wishes to appropriate public waters to apply to the State Engineer for a permit to do so. (NRS 533.325) **Section 1.7** of this bill revises the requirements for an application for a permit to appropriate water. **Section 2** of this bill requires the State Engineer to publish notice of an application to appropriate water in a newspaper of general circulation where the point of diversion is located.

Existing law requires the State Engineer to conduct an inventory of a basin from which water is to be exported before approving an application for an interbasin transfer of more than 250 acre-feet of groundwater if the basin has not previously been studied or inventoried. (NRS 533.364) **Section 3** of this bill authorizes the applicant to waive the time limit for completion of the inventory by the State Engineer.

Upon approving an application for a permit to appropriate water, existing law authorizes the State Engineer to extend the deadline by which construction related to the appropriation of water or the application of water to a beneficial use must be completed or made. A single extension for a municipal or quasi-municipal use for a public water system may not exceed 5 years and an extension for any other use may not exceed 1 year. (NRS 533.380) **Section 4** of this bill increases to 5 years the period of a single extension for a use other than for a municipal or quasi-municipal use for a public water system and requires an application to extend the deadline to include evidence of good faith on the part of the applicant in pursuing the perfection of the application.

Section 5 of this bill eliminates the requirement that a certificate of appropriation set forth the post office address of each holder of the permit.

Section 6 of this bill revises provisions relating to certain fees collected by the State Engineer.

Existing law recognizes a subsisting right to water livestock which may be proved by the owner of livestock by submitting certain evidence to the State Engineer. (NRS 533.492) **Section 7** of this bill revises the scale required for a topographic map showing the location of a subsisting right to water livestock from not less than 1:100,000 to not less than 1:24,000. ~~[Section 7 also provides that a subsisting right to water livestock is a pre-statutory vested right.]~~

Existing law prohibits the denial of an application to change the point of diversion under an existing water right on the basis that the proposed point of diversion is situated in another state. **Section 8** of this bill adds the same restriction for applications to change the manner of use or place of use.

Existing law requires, under certain circumstances, the State Engineer to notify the owner of a water right that the owner has 1 year after the date of the notice to either: (1) use the water right beneficially and provide proof of such use to the State Engineer; or (2) apply to the State Engineer for an extension of time to work a forfeiture of the water right. If, after 1 year after the date of the notice, the owner of the water right has not taken either action, the State Engineer is required to declare the right forfeited within 30 days.

(NRS 534.090) **Section 9** of this bill requires the State Engineer to send a final notice to the owner of the water right before the 30-day period begins. **Section 9** also provides certain additional factors which the State Engineer is required to consider when deciding whether to grant an extension of time to work a forfeiture.

Existing law creates the Advisory Committee for the Management of Groundwater in the Las Vegas Valley Groundwater Basin and provides for the membership, meetings and duties of the Advisory Committee. (Sections 8 and 9, Chapter 572, Statutes of Nevada 1997, p. 2800, as amended by chapter 180, Statutes of Nevada 2011, p. 820) **Section 16** of this bill makes creation of the Advisory Committee discretionary by the Southern Nevada Water Authority and reduces the term of the members of such an Advisory Committee to 2 years. **Section 19** of this bill removes the requirement that the Advisory Committee meet at least once every year.

Under existing law, the Southern Nevada Water Authority and the Advisory Committee are required to hold at least annually a joint workshop to discuss issues related to the basin and the management program. (Section 11 of chapter 572, Statutes of Nevada 1997, p. 2801) **Section 17** of this bill eliminates the required participation of the Advisory Committee in the workshop. **Section 18** of this bill makes a conforming change.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 532 of NRS is hereby amended by adding thereto a new section to read as follows:

For each basin located in whole or in part in the State, the State Engineer shall prepare a water budget and calculate and maintain an inventory of water which includes, without limitation:

1. The total amount of groundwater appropriated in the basin in accordance with decreed, certified and permitted rights regardless of whether the water appropriations are temporary in nature;

2. An estimate of the amount of groundwater used by domestic wells in the basin; and

3. An estimate of the amount of all groundwater that is available for appropriation in the basin.

Sec. 1.3. NRS 533.024 is hereby amended to read as follows:

533.024 The Legislature declares that:

1. It is the policy of this State:

(a) To encourage and promote the use of effluent, where that use is not contrary to the public health, safety or welfare, and where that use does not interfere with federal obligations to deliver water of the Colorado River.

(b) To recognize the importance of domestic wells as appurtenances to private homes, to create a protectable interest in such wells and to protect their supply of water from unreasonable adverse effects which are caused by

municipal, quasi-municipal or industrial uses and which cannot reasonably be mitigated.

(c) To encourage the State Engineer to consider the best available science in rendering decisions concerning the available surface and underground sources of water in Nevada.

(d) To encourage and promote the use of water to prevent or reduce the spread of wildfire or to rehabilitate areas burned by wildfire, including, without limitation, through the establishment of vegetative cover that is resistant to fire.

(e) To manage conjunctively the appropriation, use and administration of all waters of this State, regardless of the source of the water.

2. The procedures in this chapter for changing the place of diversion, manner of use or place of use of water, and for confirming a report of conveyance, are not intended to have the effect of quieting title to or changing ownership of a water right and that only a court of competent jurisdiction has the power to determine conflicting claims to ownership of a water right.

Sec. 1.7. NRS 533.335 is hereby amended to read as follows:

533.335 Each application for a permit to appropriate water shall contain the following information:

1. The name and post office address of the applicant and, if the applicant is a corporation, the date and place of incorporation.

2. The name of the source from which the appropriation is to be made.

3. The amount of water which it is desired to appropriate, expressed in terms of cubic feet per second ~~[,]~~ ***and acre-feet per year,*** except in ~~[an]~~ ***:***

(a) An application for a permit to store water, where the amount shall be expressed in acre-feet ~~[.]~~ ***; and***

(b) An application for generating hydroelectric power or a diversion rate only application, where the amount shall be expressed in cubic feet per second.

4. The purpose for which the application is to be made.

5. A substantially accurate description of the location of the place at which the water is to be diverted from its source and, if any of such water is to be returned to the source, a description of the location of the place of return.

6. A description of the proposed works.

7. The estimated cost of such works.

8. The estimated time required to construct the works, and the estimated time required to complete the application of the water to beneficial use.

9. The signature of the applicant or a properly authorized agent thereof.

Sec. 2. NRS 533.360 is hereby amended to read as follows:

533.360 1. Except as otherwise provided in subsection 4, NRS 533.345 and subsection 2 of NRS 533.370, when an application is filed in compliance with this chapter, the State Engineer shall, within 30 days, publish or cause to be published once a week for 4 consecutive weeks in a newspaper of general

circulation ~~[and printed and published]~~ in the county where the ~~[water is sought to be appropriated,]~~ ***point of diversion is located,*** a notice of the application which sets forth:

(a) That the application has been filed.

(b) The date of the filing.

(c) The name and address of the applicant.

(d) The name of the source from which the appropriation is to be made.

(e) The location of the place of diversion, described by legal subdivision or metes and bounds and by a physical description of that place of diversion.

(f) The purpose for which the water is to be appropriated.

➥ The publisher shall add thereto the date of the first publication and the date of the last publication.

2. Except as otherwise provided in subsection 4, proof of publication must be filed within 30 days after the final day of publication. The State Engineer shall pay for the publication from the application fee. If the application is cancelled for any reason before publication, the State Engineer shall return to the applicant that portion of the application fee collected for publication.

3. If the application is for a proposed well:

(a) For municipal, quasi-municipal or industrial use; and

(b) Whose reasonably expected rate of diversion is one-half cubic foot per second or more,

➥ the applicant shall mail a copy of the notice of application to each owner of real property containing a domestic well that is within 2,500 feet of the proposed well, to the owner's address as shown in the latest records of the county assessor. If there are not more than six such wells, notices must be sent to each owner by certified mail, return receipt requested. If there are more than six such wells, at least six notices must be sent to owners by certified mail, return receipt requested. The return receipts from these notices must be filed with the State Engineer before the State Engineer may consider the application.

4. The provisions of this section do not apply to an environmental permit or a temporary permit issued pursuant to NRS 533.436 or 533.504.

Sec. 3. NRS 533.364 is hereby amended to read as follows:

533.364 1. In addition to the requirements of NRS 533.370, before approving an application for an interbasin transfer of more than 250 acre-feet of groundwater from a basin which the State Engineer has not previously inventoried or for which the State Engineer has not conducted, or caused to be conducted, a study pursuant to NRS 532.165 or 533.368, the State Engineer or a person designated by the State Engineer shall conduct an inventory of the basin from which the water is to be exported. The inventory must include:

(a) The total amount of surface water and groundwater appropriated in accordance with a decreed, certified or permitted right;

(b) An estimate of the amount and location of all surface water and groundwater that is available for appropriation in the basin; and

(c) The name of each owner of record set forth in the records of the Office of the State Engineer for each decreed, certified or permitted right in the basin.

2. The provisions of this section do not:

(a) Require the State Engineer to initiate or complete a determination of the surface water or groundwater rights pursuant to NRS 533.090 to 533.320, inclusive, or to otherwise quantify any vested claims of water rights in the basin before approving an application for an interbasin transfer of groundwater from the basin; or

(b) Prohibit the State Engineer from considering information received from or work completed by another person to include in the inventory, if the inventory is otherwise conducted in accordance with the provisions of subsection 1.

3. The State Engineer shall charge the applicant a fee to cover the cost of the inventory. The amount of the fee must not exceed the cost to the State Engineer of conducting the inventory.

4. The State Engineer shall complete any inventory conducted pursuant to subsection 1 within 1 year after commencing the inventory ~~[.]~~ ***, unless the time limit is waived by the applicant.***

Sec. 4. NRS 533.380 is hereby amended to read as follows:

533.380 1. Except as otherwise provided in subsection 5, in an endorsement of approval upon any application, the State Engineer shall:

(a) Set a time before which the construction of the work must be completed, which must be within 5 years after the date of approval.

(b) Except as otherwise provided in this paragraph, set a time before which the complete application of water to a beneficial use must be made, which must not exceed 10 years after the date of the approval. The time set under this paragraph respecting an application for a permit to apply water to a municipal or quasi-municipal use on any land:

(1) For which a final subdivision map has been recorded pursuant to chapter 278 of NRS;

(2) For which a plan for the development of a project has been approved by the local government pursuant to NRS 278.010 to 278.460, inclusive; or

(3) On any land for which a plan for the development of a planned unit development has been recorded pursuant to chapter 278A of NRS,

➥ must not be less than 5 years.

2. The State Engineer may limit the applicant to a smaller quantity of water, to a shorter time for the completion of work, and, except as otherwise provided in paragraph (b) of subsection 1, to a shorter time for the perfecting of the application than named in the application.

3. Except as otherwise provided in subsection 4 and NRS 533.395 and 533.4377, the State Engineer may, for good cause shown, grant any number of extensions of time within which construction work must be completed, or

water must be applied to a beneficial use under any permit therefor issued by the State Engineer, but a single extension of time ~~[for a municipal or quasi-municipal use for a public water system, as defined in NRS 445A.235,]~~ must not exceed 5 years **.** ~~[, and any other single extension of time must not exceed 1 year.]~~ An application for the extension must in all cases be:

(a) Made within 30 days following notice by registered or certified mail that proof of the work is due as provided for in NRS 533.390 and 533.410; and

(b) Accompanied by proof and evidence of the ***good faith and*** reasonable diligence with which the applicant is pursuing the perfection of the application.

➥ The State Engineer shall not grant an extension of time unless the State Engineer determines from the proof and evidence so submitted that the applicant is proceeding in good faith and with reasonable diligence to perfect the application. The failure to provide the proof and evidence required pursuant to this subsection is prima facie evidence that the holder is not proceeding in good faith and with reasonable diligence to perfect the application.

4. Except as otherwise provided in subsection 5 and NRS 533.395, whenever the holder of a permit issued for any municipal or quasi-municipal use of water on any land referred to in paragraph (b) of subsection 1, or for any use which may be served by a county, city, town, public water district or public water company, requests an extension of time to apply the water to a beneficial use, the State Engineer shall, in determining whether to grant or deny the extension, consider, among other factors:

(a) Whether the holder has shown good cause for not having made a complete application of the water to a beneficial use;

(b) The number of parcels and commercial or residential units which are contained in or planned for the land being developed or the area being served by the county, city, town, public water district or public water company;

(c) Any economic conditions which affect the ability of the holder to make a complete application of the water to a beneficial use;

(d) Any delays in the development of the land or the area being served by the county, city, town, public water district or public water company which were caused by unanticipated natural conditions; and

(e) The period contemplated in the:

(1) Plan for the development of a project approved by the local government pursuant to NRS 278.010 to 278.460, inclusive; or

(2) Plan for the development of a planned unit development recorded pursuant to chapter 278A of NRS,

➥ if any, for completing the development of the land.

5. The provisions of subsections 1 and 4 do not apply to an environmental permit or a temporary permit issued pursuant to NRS 533.436 or 533.504.

6. For the purposes of this section, the measure of reasonable diligence is the steady application of effort to perfect the application in a reasonably expedient and efficient manner under all the facts and circumstances. When a project or integrated system is composed of several features, work on one feature of the project or system may be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system.

Sec. 5. NRS 533.425 is hereby amended to read as follows:

533.425 1. Except as otherwise provided in NRS 533.503, as soon as practicable after satisfactory proof has been made to the State Engineer that any application to appropriate water or any application for permission to change the place of diversion, manner or place of use of water already appropriated has been perfected in accordance with the provisions of this chapter, the State Engineer shall issue to the holder or holders of the permit a certificate setting forth:

(a) The name ~~[and post office address]~~ of each holder of the permit.

(b) The date, source, purpose and amount of appropriation.

(c) If for irrigation, a description of the irrigated lands by legal subdivisions, when possible, to which the water is appurtenant.

(d) The number of the permit under which the certificate is issued.

2. If the water is appropriated from an underground source, the State Engineer shall issue with the certificate a notice of the provisions governing the forfeiture and abandonment of such water rights. The notice must set forth the provisions of NRS 534.090.

Sec. 6. NRS 533.435 is hereby amended to read as follows:

533.435 1. The State Engineer shall collect the following fees:

For examining and filing an application for a permit to appropriate water $360.00
This fee includes the cost of publication, which is $50.

For reviewing a corrected application or map, or both, in connection with an application for a water right permit 100.00

For examining and acting upon plans and specifications for construction of a dam 1,200.00

For examining and filing an application for each permit to change the point of diversion, manner of use or place of use of an existing right 240.00
This fee includes the cost of publication, which is $50.

For examining and filing an application for a temporary permit to change the point of diversion, manner of use or place of use of an existing right 180.00

For issuing and recording each permit to appropriate water for any purpose, except for generating

hydroelectric power which results in nonconsumptive use of the water ***, watering livestock*** or wildlife purposes 360.00
plus $3 per acre-foot approved or fraction thereof.

Except for generating hydroelectric power ***, watering livestock*** or wildlife purposes, for issuing and recording each permit to change an existing water right whether temporary or permanent for any purpose 300.00
plus $3 per acre-foot approved or fraction thereof.

For issuing and recording each permit for additional rate of diversion ***from a well*** where no additional volume of water is granted 1,000.00

For issuing and recording each permit to change the point of diversion or place of use ~~[only]~~ of an existing right whether temporary or permanent for ~~[irrigational]~~ ***irrigation*** purposes, a maximum fee of 750.00

For issuing and recording each permit to appropriate or change the point of diversion or place of use of an existing right whether temporary or permanent for watering livestock or wildlife purposes 240.00
plus $50 for each ***cubic*** foot of water ***per second*** approved or fraction thereof.

For issuing and recording each permit to appropriate or change an existing right whether temporary or permanent for water for generating hydroelectric power which results in nonconsumptive use of the water 480.00
plus $50 for each ~~[second]~~ ***cubic*** foot ***per second*** of water approved or fraction thereof.

For ~~[issuing]~~ ***filing and examining a request for*** a waiver in connection with an application to drill a well 120.00

For filing and examining a notice of intent to drill a well 25.00

For filing and examining an affidavit to relinquish water rights in favor of use of water for domestic wells 300.00

For filing a secondary application under a reservoir permit 300.00

For approving and recording a secondary permit under a reservoir permit 540.00

For reviewing each tentative subdivision map 180.00
plus $1 per lot.

For reviewing and approving each final subdivision map 120.00

For storage approved under a dam permit for privately owned nonagricultural dams which store more than 50 acre-feet 480.00

plus $1.25 per acre-foot storage capacity. This fee includes the cost of inspection and must be paid annually.

For flood control detention basins 480.00

plus $1.25 per acre-foot storage capacity. This fee includes the cost of inspection and must be paid annually.

For filing proof of completion of work 60.00

For filing proof of beneficial use 60.00

For issuing and recording a certificate upon approval of the proof of beneficial use 350.00

For filing proof of resumption of a water right 360.00

For filing any protest 30.00

For filing any application for extension of time within which to file proofs, of completion or beneficial use, for each year for which the extension of time is sought 120.00

For filing any application for extension of time to prevent a forfeiture, for each year for which the extension of time is sought 120.00

For reviewing a cancellation of a water right pursuant to a petition for review 360.00

For examining and filing a report of conveyance filed pursuant to paragraph (a) of subsection 1 of NRS 533.384 ..... 120.00

plus $20 per conveyance document.

For filing any other instrument 10.00

For making a copy of any document recorded or filed in the Office of the State Engineer, for the first page 1.00

For each additional page ..... .20

For certifying to copies of documents, records or maps, for each certificate 6.00

For each copy of any full size drawing or map 6.00

For each color copy of any full size drawing or map (2′ x 3′) 12.00

~~[The minimum charge for a blueprint copy, per print ..... 3.00]~~

For colored mylar plots 10.00

2. When fees are not specified in subsection 1 for work required of the Office of the State Engineer, the State Engineer shall collect the actual cost of the work.

3. Except as otherwise provided in this subsection, all fees collected by the State Engineer under the provisions of this section must be deposited in the State Treasury for credit to the Water Distribution Revolving Account created pursuant to NRS 532.210. All fees received for ~~[~~blueprint~~]~~ copies of any drawing or map must be kept by the State Engineer and used only to pay the costs of printing, replacement and maintenance of printing equipment.

Any publication fees received which are not used by the State Engineer for publication expenses must be returned to the persons who paid the fees. If, after exercising due diligence, the State Engineer is unable to make the refunds, the State Engineer shall deposit the fees in the State Treasury for credit to the Water Distribution Revolving Account created pursuant to NRS 532.210.

Sec. 7. NRS 533.492 is hereby amended to read as follows:

533.492 1. A subsisting right to water livestock ~~*[, which is a pre-statutory vested right for watering livestock,]*~~ may be proven by an owner of livestock by one or more of the following items of evidence for the number of livestock and date of priority:

(a) As to water rights on open range, whether public lands or unfenced private lands or a combination of these:

(1) A statement of priority of use submitted to the Taylor Grazing Service, predecessor to the Bureau of Land Management, to show the numbers of livestock grazed upon the open range, for years from 1928 to 1934, inclusive, if accompanied by evidence of changes or absence of change since the date of the statement;

(2) A license issued by the Taylor Grazing Service for use upon the open range; or

(3) A statement of priority of use, or a license, issued by the United States Forest Service for the grazing of livestock before 1950.

(b) As to water rights on other privately owned land:

(1) An affidavit concerning the number and kind of livestock by a person familiar with the use made of the lands;

(2) A record of livestock assessed to the claimant of the right, or the claimant's predecessor, by a county assessor;

(3) A count of livestock belonging to the claimant or the claimant's predecessor made by a lender; or

(4) An affidavit of a disinterested person.

2. The location of a subsisting right to water livestock and its extent along a stream may be shown by marking upon a topographic map whose scale is not less than ~~[1:100,000]~~ ***1:24,000*** or a map prepared by the United States Geological Survey covering a quadrangle of 7 1/2 minutes of latitude and longitude and by further identifying the location or extent by one-sixteenth sections within a numbered section, township and range as certified by a registered state water right surveyor.

Sec. 8. NRS 533.515 is hereby amended to read as follows:

533.515 1. No permit for the appropriation of water or application to change the point of diversion ***, manner of use or place of use*** under an existing water right may be denied because of the fact that the point of diversion described in the application for the permit, or any portion of the works in the application described and to be constructed for the purpose of storing, conserving, diverting or distributing the water are situated in any other state; but in all such cases where the place of intended use, or the lands,

or part of the lands ~~[to be irrigated by means of the water,]~~ ***identified as the place of use,*** are situated within this state, the permit must be issued as in other cases, pursuant to the provisions of NRS 533.324 to 533.450, inclusive, and chapter 534 of NRS.

2. The permit must not purport to authorize the doing or refraining from any act or thing, in connection with the system of appropriation, not properly within the scope of the jurisdiction of this state and the State Engineer to grant.

Sec. 9. NRS 534.090 is hereby amended to read as follows:

534.090 1. Except as otherwise provided in this section, failure for 5 successive years after April 15, 1967, on the part of the holder of any right, whether it is an adjudicated right, an unadjudicated right or a right for which a certificate has been issued pursuant to NRS 533.425, and further whether the right is initiated after or before March 25, 1939, to use beneficially all or any part of the underground water for the purpose for which the right is acquired or claimed, works a forfeiture of both undetermined rights and determined rights to the use of that water to the extent of the nonuse.

2. If the records of the State Engineer or any other documents ~~[specified]~~ ***obtained*** by ***or provided to*** the State Engineer indicate ~~[at least]~~ 4 ***or more*** consecutive years ~~[, but less than 5 consecutive years,]~~ of nonuse of all or any part of a water right which is governed by this chapter ~~[, the]~~ ***:***

(a) The State Engineer shall notify the owner of the water right, as determined in the records of the Office of the State Engineer, by registered or certified mail ***of the nonuse and*** that the owner has 1 year after the date of the notice ***of nonuse*** in which to use the water right beneficially and to provide proof of such use to the State Engineer or apply for relief pursuant to subsection ~~[2]~~ ***3*** to avoid forfeiting the water right.

(b) If, after 1 year after the date of the notice ~~[,]~~ ***of nonuse pursuant to paragraph (a),*** proof of resumption of beneficial use is not filed in the Office of the State Engineer, the State Engineer shall, unless the State Engineer has granted a request to extend the time necessary to work a forfeiture of the water right, ***send a final notice to the owner of the water right, as determined in the records of the Office of the State Engineer, by registered or certified mail, that the water right is held for forfeiture. If the owner of the water right, within 30 days after the date of such final notice, fails to file the required proof of resumption of beneficial use or an application for an extension of time to prevent forfeiture, the State Engineer shall*** declare the right ***, or the portion of the right not returned to beneficial use,*** forfeited ***.*** ~~[within 30 days. Upon the forfeiture of a right to the use of groundwater, the water reverts to the public and is available for further appropriation, subject to existing rights. If, upon]~~ ***The State Engineer shall send*** notice ***of the declaration of forfeiture,*** by registered or certified mail ***,*** to the owner of record ~~[whose]~~ ***, as determined in the records of the Office of the State Engineer, of the water*** right ***that*** has been declared forfeited ***.*** ~~[,]~~

(c) If, after receipt of a notice of the declaration of forfeiture pursuant to paragraph (b), the owner of record ***of the water right*** fails to appeal the ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the forfeiture becomes final. ~~[The failure to receive a notice pursuant to this subsection does not nullify the forfeiture or extend the time necessary to work the forfeiture of a water right.~~

~~2.~~] ***Upon the forfeiture of the water right, the water reverts to the public and is available for further appropriation, subject to existing rights.***

3. The State Engineer may, upon the request of the holder of any right described in subsection 1, extend the time necessary to work a forfeiture under ~~[that]~~ subsection ***2*** if the request is made before the expiration of the time necessary to work a forfeiture. The State Engineer may grant, upon request and for good cause shown, any number of extensions, but a single extension must not exceed 1 year. In determining whether to grant or deny a request, the State Engineer shall, among other reasons, consider:

(a) Whether the holder has ~~[shown good cause for]~~ ***submitted proof and evidence that*** the ~~[holder's failure to use all or any part of the]~~ ***holder is proceeding in good faith and with reasonable diligence to resume use of the*** water beneficially for the purpose for which the holder's right is acquired or claimed;

(b) The ~~[unavailability of]~~ ***number of years during which the*** water ~~[to]~~ ***has not been*** put to ~~[a]~~ ***the*** beneficial use ***for*** which ***the right*** is ~~[beyond the control of the holder;]~~ ***acquired or claimed;***

(c) Any economic conditions or natural disasters which made the holder unable to put the water to that use;

(d) ~~[Any prolonged period in which precipitation in the basin where]~~ ***Whether*** the water right is located ~~[is below the average for that basin or in which indexes that measure soil moisture show that a deficit in soil moisture has occurred in that basin;]~~ ***within a county under a declaration of drought by the Governor, United States Secretary of Agriculture or the President of the United States;***

(e) Whether a groundwater management plan has been approved for the basin ***where the water right is located*** pursuant to NRS 534.037; ~~[and]~~

(f) Whether the holder has demonstrated ~~[efficient ways of using the]~~ ***efforts to conserve*** water ~~[for agricultural purposes, such as center pivot irrigation.]~~ ***which have resulted in a reduction in water consumption;***

(g) The date of priority of the water right as it relates to the potential curtailment of water use in the basin;

(h) The availability of water in the basin, including, without limitation, whether withdrawals of water consistently exceed the perennial yield of the basin; and

(i) Any orders restricting use or appropriation of water in the basin.

➥ The State Engineer shall notify, by registered or certified mail, the owner of the water right, as determined in the records of the Office of the State Engineer, of whether the State Engineer has granted or denied the holder's

request for an extension pursuant to this subsection. If the State Engineer grants an extension pursuant to this subsection and, before the expiration of that extension, proof of resumption of beneficial use or another request for an extension is not filed in the Office of the State Engineer, the State Engineer shall ***send a final notice to the owner of the water right, by registered or certified mail, that the water right will be declared forfeited if the owner of the water right fails to file the required proof of resumption of beneficial use or an application for an extension of time to prevent forfeiture within 30 days after the date of the final notice. If the owner of the water right fails to file the required proof of resumption of beneficial use or an application for an extension of time to prevent forfeiture within 30 days after the date of such final notice, the State Engineer shall*** declare the water right ***, or the portion of the right not returned to beneficial use,*** forfeited ***.*** ~~[within 30 days after the expiration of the extension granted pursuant to this subsection.~~

~~3. If the failure to use the water pursuant to subsection 1 is because of the use of center pivot irrigation before July 1, 1983, and such use could result in a forfeiture of a portion of a right, the State Engineer shall, by registered or certified mail, send to the owner of record a notice of intent to declare a forfeiture. The notice must provide that the owner has at least 1 year after the date of the notice to use the water beneficially or apply for additional relief pursuant to subsection 2 before forfeiture of the owner's right is declared by the State Engineer.]~~

4. ***The failure to receive a notice pursuant to subsection 2 or 3 does not nullify the forfeiture or extend the time necessary to work the forfeiture of a water right.***

5. A right to use underground water whether it is vested or otherwise may be lost by abandonment. If the State Engineer, in investigating a groundwater source, upon which there has been a prior right, for the purpose of acting upon an application to appropriate water from the same source, is of the belief from his or her examination that an abandonment has taken place, the State Engineer shall so state in the ruling approving the application. If, upon notice by registered or certified mail to the owner of record who had the prior right, the owner of record of the prior right fails to appeal the ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the alleged abandonment declaration as set forth by the State Engineer becomes final.

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. Section 8 of the Southern Nevada Water Authority Act being chapter 572, Statutes of Nevada 1997, as amended by chapter 180, Statutes of Nevada 2011, at page 820, is hereby amended to read as follows:

Sec. 8. 1. The ***Southern Nevada Water Authority may create an*** Advisory Committee for the Management of Groundwater in the Las Vegas Valley Groundwater Basin **.** ~~[is hereby created. The]~~ ***If created, the*** Advisory Committee consists of:

(a) Seven members to be appointed by the Board of Directors, including:

(1) Two persons who own and operate domestic wells located in the Basin;

(2) One representative of an organization that owns and operates a quasi-municipal well located in the Basin;

(3) One representative of an industrial or commercial user of groundwater which is located in the Basin;

(4) One representative of a private water company which operates in the Basin;

(5) One consumer whose water service is provided entirely by a municipal water purveyor which is located in the Basin; and

(6) One representative of a municipal water purveyor that owns and operates wells located in the Basin;

(b) The State Engineer, or a designated representative of the State Engineer, who is an ex officio nonvoting member of the Advisory Committee; and

(c) The Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources, or a designated representative of the Administrator, who is an ex officio nonvoting member of the Advisory Committee.

2. Members of the Advisory Committee serve without compensation **.** ~~[, except that while engaged in the business of the Advisory Committee, each member is entitled to the per diem allowance and travel expenses provided for state officers and employees generally, to be paid by the Southern Nevada Water Authority.]~~

3. ~~[After the initial term, the]~~ ***The*** term of each appointed member is ~~[4]~~ ***2*** years. Members may be reappointed. ~~[At the expiration of the term of a member, or if]~~ ***If*** a member resigns or is otherwise unable to ~~[complete his or her term,]~~ ***serve,*** the Board of Directors shall, not later than 90 days after the vacancy occurs, appoint a person pursuant to subsection 4 to fill the vacancy.

4. In ~~[replacing a member]~~ ***appointing the members*** described in:

(a) Subparagraph (1), (2) or (3) of paragraph (a) of subsection 1, the Board of Directors shall consider recommendations solicited from a representative sampling of owners of domestic wells, persons and organizations associated with quasi-municipal wells, and industrial and commercial users of groundwater, respectively.

(b) Subparagraph (4), (5) or (6) of paragraph (a) of subsection 1, the Board of Directors shall consider recommendations solicited from the various entities that comprise the Southern Nevada Water Authority.

Sec. 17. Section 11 of the Southern Nevada Water Authority Act, being chapter 572, Statutes of Nevada 1997, at page 2801, is hereby amended to read as follows:

Sec. 11. 1. At least once each calendar year, the ~~[advisory committee and the]~~ Southern Nevada Water Authority shall conduct a ~~[joint]~~ workshop to discuss issues related to the basin and the management program. The Southern Nevada Water Authority shall give public notice of the workshop in accordance with NRS 241.020. ~~[Members of the general public, owners of wells and other interested persons must be encouraged to attend the joint workshop.]~~

2. The issues and concerns expressed on the record by persons attending the ~~[joint]~~ workshop must be recorded in writing and appended to the summary and ~~[joint]~~ reports prepared pursuant to section 12 of this act.

Sec. 18. Section 12 of the Southern Nevada Water Authority Act, being chapter 572, Statutes of Nevada 1997, as amended by chapter 180, Statutes of Nevada 2011, at page 821, is hereby amended to read as follows:

Sec. 12. On or before December 31 of each even-numbered year, the Southern Nevada Water Authority shall prepare a report and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the Nevada Legislature. The report must include, without limitation:

1. A summary of all of the activities, studies and research conducted on behalf of the Management Program during the previous 2 calendar years;

2. A detailed assessment of the ~~[joint]~~ public workshops conducted by the Southern Nevada Water Authority ~~[and the Advisory Committee]~~ during the previous 2 calendar years, including documentation of the comments made on the record by the members of the general public who attended the workshops;

3. A statement of income and expenditures related to the Management Program; and

4. An assessment from the Advisory Committee ***, if created,*** concerning the status of the groundwater in the Basin and the activities related to the management of the Basin, including any recommendations concerning:

(a) Whether activities, fees and other aspects of the Management Program should be continued, modified or terminated; and

(b) Plans for additional activities for the management of groundwater in the Basin, and for the protection of the aquifer in which the Basin is located.

Sec. 19. Section 9 of chapter 572, Statutes of Nevada 1997, as amended by chapter 180, Statutes of Nevada 2011, at page 821, is hereby repealed.

Sec. 20. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

Section 9 of Chapter 572, Statutes of Nevada 1997:

Sec. 9. The Advisory Committee shall meet at least once every year.

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblywoman Swank.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 125.

Bill read second time.

The following amendment was proposed by the Committee on Corrections, Parole, and Probation:

Amendment No. 793.

SUMMARY—Revises provisions governing the ~~[restoration of certain civil rights for ex-felons.]~~ **sealing of criminal records.** (BDR 14-20)

AN ACT relating to ~~[civil rights; revising provisions governing the restoration of certain civil rights to certain persons who have been convicted of felonies;]~~ **criminal records;** revising provisions governing the sealing of the criminal records of a person; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, unless a person has been convicted of certain specified felonies, a person who has been convicted of a felony is restored to his or her civil rights upon: (1) an honorable discharge from probation; (2) the sealing of his or her records by a court; (3) the granting of a pardon with the restoration of the right to vote; (4) an honorable discharge from parole; or (5) the completion of his or her sentence and release from prison. (NRS 176A.850, 179.285, 213.090, 213.155, 213.157) Section 1 of this bill provides that unless a probationer was convicted of certain specified felonies, the probationer's right to vote, right to serve as a juror in a civil action and right to serve as a juror in a criminal action must be restored to the probationer upon completion of 1 year of his or her term of probation. Similarly, section 7 of this bill provides that unless a parolee was convicted of certain specified felonies, the parolee's right to vote, right to serve as a juror in a civil action and right to serve as a juror in a criminal action must be restored to the parolee upon: (1) completion of his or her term of parole, if his or her term of parole is less than 1 year; or (2) completion of 1 year of parole, if his or her term of parole is 1 year or longer.]~~

Existing law ~~[also]~~ authorizes a person to petition the court in certain circumstances for the sealing of all records of criminal history relating to a conviction of a crime. (NRS 179.245) **Section 4** of this bill revises the waiting period for a person convicted of certain crimes before being authorized to petition the court for sealing of his or her records of criminal history relating to the conviction.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[~~Chapter 176A of NRS is hereby amended by adding thereto a new section to read as follows:

~~1. Except as otherwise provided in subsection 4, a person who has completed 1 year of his or her term of probation is immediately restored to the following civil rights:~~

~~(a) The right to vote;~~

~~(b) The right to serve as a juror in a civil action; and~~

~~(c) The right to serve as a juror in a criminal action,~~

~~" and must be provided an official document which states that the person has been restored to the civil rights set forth in this subsection.~~

~~2. A person whose official documentation of the restoration to the civil rights set forth in subsection 1 is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore the person's civil rights pursuant to this section. Upon verification that the person has completed 1 year of his or her term of probation and is eligible to be restored to the civil rights set forth in subsection 1, the court shall issue an order restoring the person to those civil rights. A person must not be required to pay a fee to receive such an order.~~

~~3. A person whose civil rights have been restored pursuant to subsection 1 may present, as proof that the person has been restored to those civil rights:~~

~~(a) The official documentation received pursuant to subsection 1; or~~

~~(b) A court order restoring the person's civil rights pursuant to this section.~~

~~4. Except as otherwise provided in this subsection, the civil rights to vote, to serve as a juror in a civil action and to serve as a juror in a criminal action are not restored to a person upon completion of 1 year of his or her term of probation if the person has previously been convicted in this State:~~

~~(a) Of a category A felony.~~

~~(b) Of an offense that would constitute a category A felony if committed as of the date of completion of 1 year of his or her term of probation.~~

~~(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.~~

~~(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category~~

~~*B felony if committed as of the date of completion of 1 year of his or her term of probation.*~~

~~*(c) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.*~~

~~*5. A person described in subsection 4 may petition a court of competent jurisdiction for an order granting the restoration of the following civil rights:*~~

~~*(a) The right to vote;*~~

~~*(b) The right to serve as a juror in a civil action; and*~~

~~*(c) The right to serve as a juror in a criminal action.]*~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 176A.850 is hereby amended to read as follows:~~

~~176A.850 1. A person who:~~

~~(a) Has fulfilled the conditions of probation for the entire period thereof;~~

~~(b) Is recommended for earlier discharge by the Division; or~~

~~(c) Has demonstrated fitness for honorable discharge but because of economic hardship, verified by the Division, has been unable to make restitution as ordered by the court,~~

~~may be granted an honorable discharge from probation by order of the court.~~

~~2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of discharge and is enforceable pursuant to NRS 176.275.~~

~~3. Except as otherwise provided in subsection 4, a person who has been honorably discharged from probation:~~

~~(a) Is free from the terms and conditions of probation.~~

~~(b) [Is immediately restored to the following civil rights:~~

~~(1) The right to vote; and~~

~~(2) The right to serve as a juror in a civil action.~~

~~(c)] Four years after the date of honorable discharge from probation, is restored to the *civil* right to hold office.~~

~~[(d) Six years after the date of honorable discharge from probation, is restored to the right to serve as a juror in a criminal action.~~

~~(e)] *(c)* If the person meets the requirements of NRS 179.245, may apply to the court for the sealing of records relating to the conviction.~~

~~[(f)] *(d)* Must be informed of the provisions of this section and NRS 179.245 in the person's probation papers.~~

~~[(g)] *(e)* Is exempt from the requirements of chapter 179C of NRS, but is not exempt from the requirements of chapter 179D of NRS.~~

~~[(h)] *(f)* Shall disclose the conviction to a gaming establishment and to the State and its agencies, departments, boards, commissions and political subdivisions, if required in an application for employment, license or other~~

~~permit. As used in this paragraph, "establishment" has the meaning ascribed to it in NRS 463.0148.~~

~~[(i)]~~ ***(g)*** ~~Except as otherwise provided in paragraph [(h),]~~ ***(f),*** ~~need not disclose the conviction to an employer or prospective employer.~~

~~4. Except as otherwise provided in this subsection, the civil [rights set forth in subsection 3 are]~~ ***right to hold office is*** ~~not restored to a person honorably discharged from probation if the person has previously been convicted in this State:~~

~~(a) Of a category A felony.~~

~~(b) Of an offense that would constitute a category A felony if committed as of the date of the honorable discharge from probation.~~

~~(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.~~

~~(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of honorable discharge from probation.~~

~~(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.~~

~~*~~ ~~A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of~~ ***the*** ~~civil [rights as set forth in subsection 3.]~~ ***right to hold office.***

~~5. The prior conviction of a person who has been honorably discharged from probation may be used for purposes of impeachment. In any subsequent prosecution of the person, the prior conviction may be pleaded and proved if otherwise admissible.~~

~~6. Except for a person subject to the limitations set forth in subsection 4, upon honorable discharge from probation, the person so discharged must be given an official document which provides:~~

~~(a) That the person has received an honorable discharge from probation;~~ ***and***

~~(b) [That the person has been restored to his or her civil rights to vote and to serve as a juror in a civil action as of the date of honorable discharge from probation;~~

~~(c)]~~ ~~The date on which the person's civil right to hold office will be restored pursuant to paragraph [(c)]~~ ***(b)*** ~~of subsection 3. [; and~~

~~(d) The date on which the person's civil right to serve as a juror in a criminal action will be restored pursuant to paragraph (d) of subsection 3.]~~

~~7. Subject to the limitations set forth in subsection 4, a person who has been honorably discharged from probation in this State or elsewhere and whose official documentation of honorable discharge from probation is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore the person's civil [rights]~~ ***right to hold office*** ~~pursuant to this section. Upon verification that the person has been honorably~~

~~discharged from probation and is eligible to be restored to the civil~~ **[**~~rights set forth~~**]** ***right to hold office as provided*** ~~in subsection 3, the court shall issue an order restoring the person to the civil~~ **[**~~rights set forth~~**]** ***right to hold office as provided*** ~~in subsection 3. A person must not be required to pay a fee to receive such an order.~~

~~8. A person who has been honorably discharged from probation in this State or elsewhere may present:~~

~~(a) Official documentation of honorable discharge from probation, if it contains the provisions set forth in subsection 6; or~~

~~(b) A court order restoring the person's civil~~ **[**~~rights,~~**]** ***right to hold office,***

~~➥ as proof that the person has been restored to the civil~~ **[**~~rights set forth~~**]** ***right to hold office as provided*** ~~in subsection 3.~~**]** **(Deleted by amendment.)**

Sec. 3. **[**~~NRS 176A.870 is hereby amended to read as follows:~~

~~176A.870 A defendant whose term of probation has expired and:~~

~~1. Whose whereabouts are unknown;~~

~~2. Who has failed to make restitution in full as ordered by the court, without a verified showing of economic hardship; or~~

~~3. Who has otherwise failed to qualify for an honorable discharge as provided in NRS 176A.850,~~

~~➥ is not eligible for an honorable discharge and must be given a dishonorable discharge. A dishonorable discharge releases the probationer from any further obligation, except a civil liability arising on the date of discharge for any unpaid restitution which is enforceable pursuant to NRS 176.275, but does not entitle the probationer to any privilege conferred by NRS 176A.850~~ **[**~~.~~**]** ***or section 1 of this act.]*** **(Deleted by amendment.)**

Sec. 4. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 5 and NRS 176A.265, 176A.295, 179.259, 453.3365 and 458.330, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

(a) A category A ~~**[**or B**]**~~ felony ***, a crime of violence or a burglary of a residence,*** after ~~**[**15**]**~~ ***10*** years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(b) ~~**[**A**]**~~ ***Except as otherwise provided in paragraphs (a) and (e), a*** category ***B,*** C or D felony after ~~**[**12**]**~~ ***5*** years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after ~~**[**7**]**~~ ***2*** years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Except as otherwise provided in paragraph (e), any gross misdemeanor after ~~**[**5**]**~~ ***2*** years from the date of release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 422.540 to 422.570, inclusive, ~~**[**other than a felony,**]**~~ a violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or

from the date when the person is no longer under a suspended sentence, whichever occurs later; ~~[or]~~

(f) ***Except as otherwise provided in paragraph (e), a misdemeanor for battery pursuant to NRS 200.481, a misdemeanor for harassment, a misdemeanor for stalking or a misdemeanor for a violation of a temporary or extended order for protection against harassment or stalking, 2 years after the date of release from actual custody or after the date when the person is no longer under a suspended sentence, whichever occurs later; or***

(g) Any other misdemeanor after ~~[2 years]~~ ***1 year*** from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by the petitioner's current, verified records received from:

(1) The Central Repository for Nevada Records of Criminal History; and

(2) All agencies of criminal justice which maintain such records within the city or county in which the conviction was entered;

(b) If the petition references NRS 453.3365 or 458.330, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(c) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(d) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific conviction to which the records to be sealed pertain; and

(3) Date of arrest relating to the specific conviction to which the records to be sealed pertain.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and the prosecuting attorney, including, without limitation, the Attorney General, who prosecuted the petitioner for the crime. The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of

records in the State of Nevada, and may also order all such records of the petitioner returned to the file of the court where the proceeding was commenced from, including, without limitation, the Federal Bureau of Investigation ~~[, the California Bureau of Criminal Identification and Information]~~ and all other agencies of criminal justice which maintain such records and which are reasonably known by either the petitioner or the court to have possession of such records.

5. A person may not petition the court to seal records relating to a conviction of:

(a) A crime against a child;

(b) A sexual offense;

(c) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;

(d) A violation of NRS 484C.430;

(e) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;

(f) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or

(g) A violation of NRS 488.420 or 488.425.

6. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

7. As used in this section ~~[,]~~ ***, unless the context otherwise requires:***

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) ***"Crime of violence" means any felony for which there is a substantial risk that force or violence may be used against the person or property of another in the commission of the felony.***

(c) "Harassment" means a violation of NRS 200.571.

(d) "Residence" means any house, room, apartment, tenement or other building, vehicle, vehicle trailer, semitrailer, house trailer or boat designed or intended for occupancy as a residence.

(e) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(12) Lewdness with a child pursuant to NRS 201.230.

(13) Sexual penetration of a dead human body pursuant to NRS 201.450.

(14) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(15) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

(16) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

(17) An attempt to commit an offense listed in this paragraph.

(f) "Stalking" means a violation of NRS 200.575.

Sec. 5. **[**~~NRS 179.259 is hereby amended to read as follows:~~

~~179.259 1. Except as otherwise provided in subsections 3, 4 and 5, 5 years after an eligible person completes a program for reentry, the court may order sealed all documents, papers and exhibits in the eligible person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court may order those records sealed without a hearing unless the Division of Parole and Probation of the Department of Public Safety petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.~~

~~2. If the court orders sealed the record of an eligible person, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.~~

~~3. A professional licensing board is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.~~

~~4. The Division of Insurance of the Department of Business and Industry is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.~~

~~5. A person may not petition the court to seal records relating to a conviction of a crime against a child or a sexual offense.~~

~~6. As used in this section:~~

~~(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.~~

~~(b) "Eligible person" means a person who has:~~

~~(1) Successfully completed a program for reentry, which the person participated in pursuant to NRS 209.4886, 209.4888, 213.625 or 213.632; and~~

~~(2) Been convicted of a single offense which was punishable as a felony and which did not involve the use or threatened use of force or violence against the victim. For the purposes of this subparagraph, multiple convictions for an offense punishable as a felony shall be deemed to constitute a single offense if those offenses arose out of the same transaction or occurrence.~~

~~(c) "Program for reentry" means:~~

~~(1) A correctional program for reentry of offenders and parolees into the community that is established by the Director of the Department of Corrections pursuant to NRS 209.4887; or~~

~~(2) A judicial program for reentry of offenders and parolees into the community that is established in a judicial district pursuant to NRS 209.4883.~~

~~(d) "Sexual offense" has the meaning ascribed to it in paragraph~~ **[**~~(b)~~**]** ***(c)*** ~~of subsection 7 of NRS 179.245.~~**]** **(Deleted by amendment.)**

Sec. 5.5. **[**~~NRS 6.010 is hereby amended to read as follows:~~

~~6.010 Except as otherwise provided in this section, every qualified elector of the State, whether registered or not, who has sufficient knowledge of the English language, and who has not been convicted of treason, a felony, or other infamous crime, and who is not rendered incapable by reason of physical or mental infirmity, is a qualified juror of the county in which the person resides. A person who has been convicted of a felony is not a qualified juror of the county in which the person resides until the person's civil right to serve as a juror has been restored pursuant to NRS~~ **[**~~176A.850,~~**]** ~~179.285, 213.090~~ **[**~~, 213.155~~**]** ~~or 213.157.~~**]** **(Deleted by amendment.)**

Sec. 6. **[**~~NRS 209.511 is hereby amended to read as follows:~~

~~209.511 1. When an offender is released from prison by expiration of his or her term of sentence, by pardon or by parole, the Director:~~

~~(a) May furnish the offender with a sum of money not to exceed $100, the amount to be based upon the offender's economic need as determined by the Director;~~

~~(b) Shall give the offender notice of the provisions of chapter 179C of NRS and NRS 202.357 and 202.360;~~

~~(c) Shall require the offender to sign an acknowledgment of the notice required in paragraph (b);~~

~~(d) Shall give the offender notice of the provisions of NRS 179.245 and the provisions of NRS 213.090, 213.155~~ **, [**or**]** ~~213.157~~ **[,] *or section 7 of this act,*** ~~as applicable;~~

~~(e) Shall provide the offender with information relating to obtaining employment, including, without limitation, any programs which may provide bonding for an offender entering the workplace and any organizations which may provide employment or bonding assistance to such a person;~~

~~(f) Shall provide the offender with a photo identification card issued by the Department and information and reasonable assistance relating to acquiring a valid driver's license or identification card to enable the offender to obtain employment, if the offender:~~

~~(1) Requests a photo identification card; or~~

~~(2) Requests such information and assistance and is eligible to acquire a valid driver's license or identification card from the Department of Motor Vehicles;~~

~~(g) May provide the offender with clothing suitable for reentering society;~~

~~(h) May provide the offender with the cost of transportation to his or her place of residence anywhere within the continental United States, or to the place of his or her conviction;~~

~~(i) May, but is not required to, release the offender to a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS; and~~

~~(j) Shall require the offender to submit to at least one test for exposure to the human immunodeficiency virus.~~

~~2. The costs authorized in paragraphs (a), (f), (g), (h) and (j) of subsection 1 must be paid out of the appropriate account within the State General Fund for the use of the Department as other claims against the State are paid to the extent that the costs have not been paid in accordance with subsection 5 of NRS 209.221 and NRS 209.246.~~

~~3. As used in this section:~~

~~(a) "Facility for transitional living for released offenders" has the meaning ascribed to it in NRS 449.0055.~~

~~(b) "Photo identification card" means a document which includes the name, date of birth and a color picture of the offender.~~**]** **(Deleted by amendment.)**

Sec. 7. **[**~~Chapter 213 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~***1. Except as otherwise provided in subsection 4, a person who completes:***~~

~~***(a) A term of parole of less than 1 year; or***~~

~~***(b) One year of his or her term of parole,***~~

~~***↵ is immediately restored to the civil rights to vote, to serve as a juror in a civil action and to serve as a juror in a criminal action. A person whose***~~

~~*civil rights are restored pursuant to this subsection must be provided an official document which states that the person has been restored to the civil rights set forth in this subsection.*~~

~~*— 2. A person whose official documentation of the restoration to the civil rights set forth in subsection 1 is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore the civil rights pursuant to this section. Upon verification that the person has completed a term of parole of less than 1 year or completed 1 year of his or her term of parole and is eligible to be restored to the civil rights set forth in subsection 1, the court shall issue an order restoring the person to those civil rights. A person must not be required to pay a fee to receive such an order.*~~

~~*— 3. A person whose civil rights have been restored pursuant to subsection 1 may present, as proof that the person has been restored to those civil rights:*~~

~~*— (a) The official documentation received pursuant to subsection 1; or*~~

~~*— (b) A court order restoring the person's civil rights pursuant to this section.*~~

~~*— 4. Except as otherwise provided in this subsection, the civil rights to vote, to serve as a juror in a civil action and to serve as a juror in a criminal action are not restored to a person upon completion of a term of parole of less than 1 year or completion of 1 year of his or her term of parole if the person has previously been convicted in this State:*~~

~~*— (a) Of a category A felony.*~~

~~*— (b) Of an offense that would constitute a category A felony if committed as of the date of completion of a term of parole of less than 1 year or completion of 1 year of his or her term of parole.*~~

~~*— (c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.*~~

~~*— (d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of completion of a term of parole of less than 1 year or completion of 1 year of his or her term of parole.*~~

~~*— (e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.*~~

~~*— 5. A person described in subsection 4 may petition a court of competent jurisdiction for an order granting the restoration of the following civil rights:*~~

~~*— (a) The right to vote;*~~

~~*— (b) The right to serve as a juror in a civil action; and*~~

~~*— (c) The right to serve as a juror in a criminal action.*~~

~~*— 6. The Board may adopt regulations necessary or convenient for the purposes of this section.]*~~ **(Deleted by amendment.)**

Sec. 8. ~~[NRS 213.107 is hereby amended to read as follows:~~

~~213.107 As used in NRS 213.107 to 213.157, inclusive, *and section 7 of this act,* unless the context otherwise requires:~~

~~1. "Board" means the State Board of Parole Commissioners.~~

~~2. "Chief" means the Chief Parole and Probation Officer.~~

~~3. "Division" means the Division of Parole and Probation of the Department of Public Safety.~~

~~4. "Residential confinement" means the confinement of a person convicted of a crime to his or her place of residence under the terms and conditions established by the Board.~~

~~5. "Sex offender" means any person who has been or is convicted of a sexual offense.~~

~~6. "Sexual offense" means:~~

~~(a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;~~

~~(b) An attempt to commit any offense listed in paragraph (a); or~~

~~(c) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.~~

~~7. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the Board or the Chief.~~**]** **(Deleted by amendment.)**

Sec. 9. ~~[NRS 213.155 is hereby amended to read as follows:~~

~~213.155 1. Except as otherwise provided in subsection 2, a person who receives an honorable discharge from parole pursuant to NRS 213.154~~ **[**~~:~~

~~(a) Is immediately restored to the following civil rights:~~

~~(1) The right to vote; and~~

~~(2) The right to serve as a juror in a civil action.~~

~~(b) Four~~**]** ***4*** ~~years after the date of~~ **[**~~his or her~~**]** ~~honorable discharge from parole~~ **[**~~,~~**]** ~~is restored to the~~ ***civil*** ~~right to hold office.~~

~~**[**(c) Six years after the date of his or her honorable discharge from parole, is restored to the right to serve as a juror in a criminal action.~~**]**

~~2. Except as otherwise provided in this subsection, the civil~~ **[**~~rights set forth in subsection 1 are~~**]** ***right to hold office is*** ~~not restored to a person who has received an honorable discharge from parole if the person has previously been convicted in this State:~~

~~(a) Of a category A felony.~~

~~(b) Of an offense that would constitute a category A felony if committed as of the date of~~ **[**~~his or her~~**]** ~~honorable discharge from parole.~~

~~(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.~~

~~(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of [his or her] honorable discharge from parole.~~

~~(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.~~

~~➥ A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of [his or her] *the* civil [rights] *right to hold office* as [set forth] *provided* in subsection 1.~~

~~3. Except for a person subject to the limitations set forth in subsection 2, upon [his or her] honorable discharge from parole, a person so discharged must be given an official document which provides:~~

~~(a) That the person has received an honorable discharge from parole; *and*~~

~~(b) [That the person has been restored to his or her civil rights to vote and to serve as a juror in a civil action as of the date of his or her honorable discharge from parole;~~

~~(c)] The date on which [his or her] *the person's* civil right to hold office will be restored [to the person] pursuant to [paragraph (b) of] subsection 1 . [; and~~

~~(d) The date on which his or her civil right to serve as a juror in a criminal action will be restored to the person pursuant to paragraph (c) of subsection 1.]~~

~~4. Subject to the limitations set forth in subsection 2, a person who has been honorably discharged from parole in this State or elsewhere and whose official documentation of [his or her] honorable discharge from parole is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore [his or her] *the person's* civil [rights] *right to hold office* pursuant to this section. Upon verification that the person has been honorably discharged from parole and is eligible to be restored to the civil [rights set forth] *right to hold office as provided* in subsection 1, the court shall issue an order restoring the person to the civil [rights set forth] *right to hold office as provided* in subsection 1. A person must not be required to pay a fee to receive such an order.~~

~~5. A person who has been honorably discharged from parole in this State or elsewhere may present:~~

~~(a) Official documentation of [his or her] honorable discharge from parole, if it contains the provisions set forth in subsection 3; or~~

~~(b) A court order restoring [his or her] *the person's* civil [rights,] *right to hold office,*~~

~~➥ as proof that the person has been restored to the civil [rights set forth] *right to hold office as provided* in subsection 1.~~

~~6. The Board may adopt regulations necessary or convenient for the purposes of this section.]~~ **(Deleted by amendment.)**

Sec. 10. **[**~~NRS 213.157 is hereby amended to read as follows:~~

~~213.157 1. Except as otherwise provided in subsection 2, a person convicted of a felony in the State of Nevada who has served his or her sentence and has been released from prison:~~

~~(a) Is immediately restored to the following civil rights:~~

~~(1) The right to vote;~~ **[**~~and~~**]**

~~(2) The right to serve as a juror in a civil action~~ **[**~~.~~**]** ***; and***

~~***(3) The right to serve as a juror in a criminal action.***~~

~~(b) Four years after the date of his or her release from prison, is restored to the right to hold office.~~

~~**[**(c) Six years after the date of his or her release from prison, is restored to the right to serve as a juror in a criminal action.~~**]**

~~2. Except as otherwise provided in this subsection, the civil rights set forth in subsection 1 are not restored to a person who has been released from prison if the person has previously been convicted in this State:~~

~~(a) Of a category A felony.~~

~~(b) Of an offense that would constitute a category A felony if committed as of the date of his or her release from prison.~~

~~(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.~~

~~(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his or her release from prison.~~

~~(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.~~

~~** A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of his or her civil rights as set forth in subsection 1.~~

~~3. Except for a person subject to the limitations set forth in subsection 2, upon his or her release from prison, a person so released must be given an official document which provides:~~

~~(a) That the person has been released from prison;~~

~~(b) That the person has been restored to his or her civil rights to vote~~ **[**~~,~~ **[**~~and~~**]** ~~to serve as a juror in a civil action~~ ***and to serve as a juror in a criminal action*** ~~as of the date of his or her release from prison;~~ ***and***

~~(c) The date on which his or her civil right to hold office will be restored to the person pursuant to paragraph (b) of subsection 1~~ **[**~~; and~~

~~(d) The date on which his or her civil right to serve as a juror in a criminal action will be restored to the person pursuant to paragraph (c) of subsection 1.~~**]**

~~4. Subject to the limitations set forth in subsection 2, a person who has been released from prison in this State or elsewhere and whose official documentation of his or her release from prison is lost, damaged or destroyed~~

~~may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has been released from prison and is eligible to be restored to the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 1. A person must not be required to pay a fee to receive such an order.~~

~~5. A person who has been released from prison in this State or elsewhere may present:~~

~~(a) Official documentation of his or her release from prison, if it contains the provisions set forth in subsection 3; or~~

~~(b) A court order restoring his or her civil rights,~~

~~to as proof that the person has been restored to the civil rights set forth in subsection 1.~~**] (Deleted by amendment.)**

Sec. 11. ~~[NRS 293.540 is hereby amended to read as follows:~~

~~293.540 The county clerk shall cancel the registration:~~

~~1. If the county clerk has personal knowledge of the death of the person registered, or if an authenticated certificate of the death of any elector is filed in the county clerk's office.~~

~~2. If the county clerk is provided a certified copy of a court order stating that the court specifically finds by clear and convincing evidence that the person registered lacks the mental capacity to vote because he or she cannot communicate, with or without accommodations, a specific desire to participate in the voting process.~~

~~3. Upon the determination that the person registered has been convicted of a felony unless:~~

~~(a) If the person registered was convicted of a felony in this State, the right to vote of the person has been restored pursuant to the provisions of NRS 213.090~~ **[,** ~~213.155~~**]** ~~or 213.157~~ **[.]** ***or section 7 of this act.***

~~(b) If the person registered was convicted of a felony in another state, the right to vote of the person has been restored pursuant to the laws of the state in which the person was convicted.~~

~~4. Upon the production of a certified copy of the judgment of any court directing the cancellation to be made.~~

~~5. Upon the request of any registered voter to affiliate with any political party or to change affiliation, if that change is made before the end of the last day to register to vote in the election.~~

~~6. At the request of the person registered.~~

~~7. If the county clerk has discovered an incorrect registration pursuant to the provisions of NRS 293.5235, 293.530 or 293.535 and the elector has failed to respond or appear to vote within the required time.~~

~~8. As required by NRS 293.541.~~

~~9. Upon verification that the application to register to vote is a duplicate if the county clerk has the original or another duplicate of the application on file in the county clerk's office.~~**] (Deleted by amendment.)**

Sec. 12. ~~[NRS 293.543 is hereby amended to read as follows:~~

~~293.543 1. If the registration of an elector is cancelled pursuant to subsection 2 of NRS 293.540, the county clerk shall reregister the elector upon notice from the clerk of the district court that the elector has been found by the district court to have the mental capacity to vote. The court must include the finding in a court order and, not later than 30 days after issuing the order, provide a certified copy of the order to the county clerk of the county in which the person is a resident and to the Office of the Secretary of State.~~

~~2. If the registration of an elector is cancelled pursuant to subsection 3 of NRS 293.540, the elector may reregister after presenting satisfactory evidence which demonstrates that the elector's:~~

~~(a) Conviction has been overturned; or~~

~~(b) Civil rights have been restored:~~

~~(1) If the elector was convicted in this State, pursuant to the provisions of NRS 213.090 [, 213.155] or 213.157 [.] *or section 7 of this act.*~~

~~(2) If the elector was convicted in another state, pursuant to the laws of the state in which he or she was convicted.~~

~~3. If the registration of an elector is cancelled pursuant to the provisions of subsection 5 of NRS 293.540, the elector may reregister immediately.~~

~~4. If the registration of an elector is cancelled pursuant to the provisions of subsection 6 of NRS 293.540, after the close of registration for a primary election, the elector may not reregister until after the primary election.]~~ **(Deleted by amendment.)**

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 149.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 767.

AN ACT relating to regional transportation commissions; authorizing a regional transportation commission to provide grants of money for the research, development or implementation of transportation projects that use new technologies; authorizing a regional transportation commission to enter into agreements with private entities for certain projects; authorizing a regional transportation commission to recommend the imposition of certain taxes to fund the transportation projects of the commission; authorizing the board of county commissioners to submit the recommendation for the imposition of such taxes to the voters of the county; requiring the board of county commissioners to adopt an ordinance imposing any such taxes that are approved by the voters; revising provisions governing the composition of

regional transportation commissions; authorizing a regional transportation commission to develop and maintain high-capacity transit systems; authorizing a regional transportation commission to adopt rules for the parking of unauthorized vehicles at facilities of the commission and the imposition of fees for the use of services or facilities of the commission; repealing provisions requiring certain regional transportation commissions to establish a regional rapid transit authority; revising various provisions relating to the powers and duties of regional transportation commissions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a county may, by ordinance, create a regional transportation commission if a streets and highways plan has been adopted by the county or regional planning commission. (NRS 277A.170) Existing law also provides a regional transportation commission the exclusive right to operate a system of public transportation within its jurisdiction, as well as enter into contracts, leases and agreements with state agencies and local governments to perform its functions. (NRS 277A.270)

Section 3 of this bill authorizes a regional transportation commission to: (1) provide grants of money to conduct research for and otherwise develop and implement certain transportation projects; and (2) enter into agreements with private entities for certain transportation projects in accordance with federal law.

Section 13 of this bill authorizes a regional transportation commission to construct, develop and operate a high-capacity transit system with the approval of the county or city which owns any public right-of-way. **Section 3.5** of this bill requires a regional transportation commission to enter into agreements with other local governments to coordinate and collaborate on the development of a project or high-capacity transit system and to share the costs related to such projects. If a regional transportation commission enters into such an agreement, **section 4** of this bill requires the commission to create and administer an account that will hold any money appropriated by the commission or a local government in accordance with the agreement. **Section 14** of this bill authorizes a regional transportation commission to use a turnkey procurement process or competitive negotiation process in connection with a high-capacity transit project.

Sections 5 and 6 of this bill provide that a regional transportation commission in certain larger counties (currently Clark and Washoe Counties) may recommend the imposition of an additional tax on the gross receipts of any retailer from the sale of all tangible personal property sold at retail. The recommendations of the commission must specify the rate of the recommended tax, the period during which the recommended tax will be imposed and the **type and location of the** transportation projects the recommended tax would support, if the commission submits its recommendations to the board of county commissioners, the board of county commissioners may submit a question to the voters at the next general

election asking whether the tax recommended by the commission should be imposed in the county. If a majority of the voters approve the question, the board of county commissioners is required to impose the approved tax at the rate specified in the question submitted to the voters. **Section 7** of this bill provides that the proceeds resulting from the imposition of such taxes must be remitted to the commission for its use in accordance with the provisions of existing law governing regional transportation commissions.

Existing law generally sets forth the authority and powers of a regional transportation commission. (NRS 277A.160, 277A.210, 277A.250) **Section 10** of this bill requires that the provisions of existing law governing regional transportation commissions be liberally construed as to allow a regional transportation commission to meet any of its objectives.

Existing law requires a regional transportation commission in certain larger counties (currently Clark and Washoe Counties) to be composed of members of the board of county commissioners and the governing body of each city in the county. **Section 10.5** of this bill provides that if a mayor of a city in such a county is not a member of the governing body of the city, the governing body may appoint the mayor to be a member of the regional transportation commission.

Section 12 of this bill authorizes a regional transportation commission to impose: (1) civil penalties for the unauthorized parking of a vehicle at a transportation facility; and (2) fees for the use of commission services or facilities.

Existing law requires the regional transportation commission in any county whose population is 700,000 or more (currently Clark County) to establish a regional rapid transit authority. **Section 18** of this bill repeals that provision.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 277A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ***"High-capacity transit" means a public transit system that may provide a higher level of passenger capacity by increasing, without limitation, the number of vehicles utilized by the system, the size of the vehicles, the frequency of vehicle rides, travel speed or any combination thereof, and that operates in conjunction with public transit stations. The term includes, without limitation, bus rapid transit, fixed guideway, light rail transit, commuter rail, streetcar and heavy rail.***

Sec. 3. ***A commission may:***

1. Provide grants of money to conduct research for and otherwise develop and implement transportation projects that promote innovative transportation and transit technology, including, without limitation, autonomous technology as defined in NRS 482A.025.

2. Enter into agreements in accordance with 49 U.S.C. § 5315 and any guidelines adopted pursuant thereto.

Sec. 3.5. *1. Except as otherwise provided in subsection 2, before constructing a transportation project or high-capacity transit system, a commission shall enter into agreements with any county, city, town and other political subdivision to coordinate and collaborate on the development of the transportation project or high-capacity transit system, including, without limitation, the use of public rights-of-way and the sharing of costs related to such a project.*

2. A commission may make changes to bus schedules and bus routes and relocate bus stops within the public right-of-way without executing an agreement pursuant to subsection 1.

Sec. 4. *If a commission enters into an agreement with a county, city, town or other political subdivision to share costs relating to a transportation project pursuant to section 3.5 of this act, the commission shall create an account administered by the commission and deposit into such account any money appropriated by each participating entity in accordance with the amounts established under the agreement. The money in the account, including any interest and income earned on the money in the account, must not be transferred to any other fund or account or used for any purpose other than the purposes set forth in the agreement entered into pursuant to section 3.5 of this act.*

Sec. 5. *1. In a county whose population is 100,000 or more, a commission may:*

(a) Prepare recommendations for the imposition of the tax described in section 6 of this act in the county to provide funding for the commission for the purposes set forth in this chapter. The recommendations must specify the proposed rate for the recommended tax, the period during which the recommended tax will be imposed and the type and location of the transportation ~~[project]~~ projects the recommended tax will support.

(b) Submit the recommendations to the board of county commissioners.

2. Upon the receipt of recommendations pursuant to subsection 1, the board of county commissioners may, at the next general election, submit a question to the voters of the county asking whether the recommended tax should be imposed in the county. The question submitted to the voters of the county must specify the proposed rate for the recommended tax, the period during which the recommended tax will be imposed, if the period was specified in the recommendations submitted pursuant to subsection 1, and the type and location of the transportation ~~[project]~~ projects the recommended tax will support.

3. If a majority of the voters voting on the question submitted to the voters pursuant to subsection 2 vote affirmatively on the question:

(a) The board of county commissioners shall impose the recommended tax in accordance with the provisions of section 6 of this act at the rate specified in the question submitted to the voters pursuant to subsection 2.

(b) The tax must be imposed notwithstanding the provisions of any specific statute to the contrary and, except as otherwise specifically

provided in this section and sections 6 and 7 of this act, such tax is not subject to any limitations set forth in any statute which authorizes the board of county commissioners to impose such tax, including, without limitation, any limitations on the maximum rate which may be imposed or the duration of the period during which such tax may be imposed.

Sec. 6. ***Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 5 of this act recommending the imposition of a tax on the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed, in the county, the board of county commissioners shall impose a tax by ordinance on the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed, in the county. The tax must be imposed throughout the county, including all cities within the county, upon all retailers in the business of selling tangible personal property. Any ordinance enacted under this subsection must include provisions in substance as follows:***

1. Provisions substantially identical to those contained in chapter 374 of NRS, insofar as applicable.

2. A provision that all amendments to chapter 374 of NRS after the date of enactment of the ordinance, not inconsistent with this chapter, automatically become a part of the ordinance.

3. A provision that the county shall, before the effective date of the ordinance, contract with the Department to perform all functions incident to the administration or operation of the tax in the county.

4. A provision that a purchaser is entitled to a refund, in accordance with the provisions of NRS 374.635 to 374.720, inclusive, of the amount of the tax required to be paid that is attributable to the tax imposed upon the sale of, and the storage, use or other consumption in a county of, tangible personal property used for the performance of a written contract for the construction of an improvement to real property, entered into on or before the effective date of the tax or the increase in the tax, or for which a binding bid was submitted before the date if the bid was afterward accepted, if under the terms of the contract or bid the contract price or bid amount cannot be adjusted to reflect the imposition of the tax or the increase in the tax.

Sec. 7. ***The proceeds of any tax imposed pursuant to sections 5 and 6 of this act must be remitted by the Department of Taxation to the commission for use in accordance with the provisions of this chapter.***

Sec. 8. NRS 277A.020 is hereby amended to read as follows:

277A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 277A.030 to 277A.150, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 9. NRS 277A.120 is hereby amended to read as follows:

277A.120 "Public transit system" means a system employing motor buses, rails ***, high-capacity transit*** or any other means of conveyance, by

whatever type of power, operated for public use in the conveyance of persons.

Sec. 10. NRS 277A.160 is hereby amended to read as follows:

277A.160 This chapter ***, being necessary to secure and preserve the public health, safety, convenience and welfare,*** shall be so interpreted and ***liberally*** construed as to ~~[~~make~~]~~ ***:***

1. Make uniform so far as possible the laws and regulations of this State and other states and of the government of the United States having to do with the subject of transportation ~~[.]~~ ***; and***

2. Effect any other purpose and objective for which this chapter is intended.

Sec. 10.5. NRS 277A.180 is hereby amended to read as follows:

277A.180 1. In counties whose population is 100,000 or more, the commission must be composed of representatives selected by the following entities ***:*** ~~[~~from among their members:~~]~~

(a) Two by the board ~~[.]~~ ***from among its members.***

(b) Two by the governing body of the largest city in the county ~~[.]~~ ***from among its members or, if the mayor of the city is not a member of the governing body, from among its members and the mayor of the city.***

(c) One by the governing body of each additional city in the county ~~[.]~~ ***from among its members or, if the mayor of the city is not a member of the governing body, from among its members and the mayor of the city.***

2. In counties whose population is less than 100,000, the commission must be composed of representatives selected as follows:

(a) If the county contains three or more cities:

(1) Two by the board.

(2) One by the governing body of the largest city.

(b) If the county contains only two cities:

(1) Three by the board, at least one of whom is a representative of the public who is a resident of the county.

(2) One by the governing body of each city in the county.

(c) If the county contains only one city:

(1) Two by the board.

(2) One by the governing body of the city.

(d) If the county contains no city, the board shall select:

(1) Two members of the board; and

(2) One representative of the public, who is a resident of the largest town, if any, in the county.

3. In Carson City, the commission must be composed of representatives selected by the Board of Supervisors as follows:

(a) Two members of the Board of Supervisors, one of whom must be designated by the commission to serve as chair of the commission.

(b) Three representatives of the city at large.

4. The first representatives must be selected within 30 days after passage of the ordinance creating the commission, and, except as otherwise provided

in subsections 5, 6 and 7, must serve until the next ensuing December 31 of an even-numbered year. The representative of any city incorporated after passage of the ordinance must be selected within 30 days after the first meeting of the governing body, and, except as otherwise provided in subsection 7, must serve until the next ensuing December 31 of an even-numbered year. Their successors must serve for terms of 2 years, and vacancies must be filled for the unexpired term.

5. In Carson City:

(a) One representative of the commission who is a member of the Board of Supervisors and one representative of the commission who is a representative of the city at large must serve until the next ensuing December 31 of an even-numbered year; and

(b) One representative of the commission who is a member of the Board of Supervisors and two representatives of the commission who are representatives of the city at large must serve until the next ensuing December 31 of an odd-numbered year.

6. In counties whose population is 100,000 or more, but less than 700,000:

(a) One representative selected by the board and one representative selected by the governing body of the largest city in the county must serve until the next ensuing December 31 of an even-numbered year; and

(b) One representative selected by the board and one representative selected by the governing body of the largest city in the county must serve until the next ensuing December 31 of an odd-numbered year.

7. In counties whose population is 700,000 or more, the first representatives and the representative of any city incorporated after passage of the ordinance must serve until the next ensuing June 30 of an odd-numbered year.

Sec. 11. NRS 277A.210 is hereby amended to read as follows:

277A.210 ***1.*** A commission may:

~~[1.]~~ ***(a)*** Sue and be sued.

~~[2.]~~ ***(b)*** Prepare and approve budgets for the regional street and highway fund, the public transit fund and money it receives from any source.

~~[3.]~~ ***(c)*** Adopt bylaws for the administration of its affairs and rules for the administration and operation of facilities under its control.

~~[4.]~~ ***(d)*** Conduct studies, develop plans and conduct public hearings to establish and approve short-range and regional plans for transportation.

~~[5.]~~ ***(e)*** Purchase insurance or establish a reserve or fund for self-insurance, or adopt any combination of these, to insure against loss by reason of:

~~[(a)]~~ ***(1)*** Damages resulting from fire, theft, accident or other casualty; or

~~[(b)]~~ ***(2)*** The commission's liability for other damages to persons or property which occur in the construction or operation of facilities or equipment under its control or in the conduct of its activities.

2. A commission shall have a perpetual succession, subject to termination in accordance with statute.

Sec. 12. NRS 277A.250 is hereby amended to read as follows:

277A.250 A commission may:

1. Acquire and own both real and personal property.

2. Exercise the power of eminent domain, if the city or county which has jurisdiction over the property approves, for the acquisition, construction, repair or maintenance of public roads, or for any other purpose related to public mass transportation.

3. Sell, lease or convey or otherwise dispose of rights, interests or properties.

4. Adopt regulations for:

(a) Financing eligible activities; ~~[and]~~

(b) ***Unauthorized parking of vehicles at a transportation facility within the jurisdiction of the commission, including, without limitation, the imposition of a civil penalty for a violation of such regulations;***

(c) The imposition of fees for the use of the facilities or services of the commission and the use of such fees for the construction or operation of transportation facilities; and

(d) The operation of systems or services provided by the commission.

Sec. 13. NRS 277A.270 is hereby amended to read as follows:

277A.270 1. A commission may:

(a) Operate ***, develop and maintain*** a system of public transportation ***, including, without limitation, a high-capacity transit system,*** to the exclusion of any other publicly owned system of transportation within its area of jurisdiction.

(b) ***Construct high-capacity transit systems in the county or a city within the county which owns a public right-of-way if the county or city within the county approves of such construction.***

(c) Use streets, roads, highways and other public rights-of-way for public transportation.

~~[(c)]~~ ***(d)*** Enter into agreements for the joint use of facilities, installations and properties and the joint exercise of statutory powers.

~~[(d)]~~ ***(e)*** Prohibit the use of any facility, installation or property owned, operated or leased by the commission, including, without limitation, a transit stop or bus turnout, by any person other than the commission or its agents.

~~[(e)]~~ ***(f)*** Enter into contracts, leases and agreements with and accept grants and loans from federal and state agencies, counties, cities, towns, other political subdivisions, public or private corporations and other persons, and may perform all acts necessary for the full exercise of the powers vested in the commission.

2. The powers and duties of a commission set forth in this chapter do not apply to any monorail for which a franchise has been granted pursuant to NRS 705.695 or an agreement has been entered into pursuant to NRS 705.695.

3. As used in this section, "bus turnout" means a fixed area that is:

(a) Adjacent or appurtenant to, or within a reasonable proximity of, a public highway; and

(b) To be occupied exclusively by buses in receiving or discharging passengers.

Sec. 14. NRS 277A.280 is hereby amended to read as follows:

277A.280 1. A commission, a county whose population is less than 100,000 or a city within such a county may establish or operate a public transit system consisting of:

(a) Regular routes and fixed schedules to serve the public;

(b) Nonemergency medical transportation of persons to facilitate their participation in jobs and day training services as defined in NRS 435.176, if the transportation is available upon request and without regard to regular routes or fixed schedules;

(c) Nonmedical transportation of persons with disabilities without regard to regular routes or fixed schedules; or

(d) In a county whose population is less than 100,000 or a city within such a county, nonmedical transportation of persons if the transportation is available by reservation 1 day in advance of the transportation and without regard to regular routes or fixed schedules.

2. A commission may lease vehicles to or from or enter into other contracts with a private operator for the provision of such a system.

3. In a county whose population is less than 700,000, such a system may also provide service which includes:

(a) Minor deviations from the regular routes and fixed schedules required by paragraph (a) of subsection 1 on a recurring basis to serve the public transportation needs of passengers. The deviations must not exceed one-half mile from the regular routes.

(b) The transporting of persons other than those specified in paragraph (b), (c) or (d) of subsection 1 upon request without regard to regular routes or fixed schedules, if the service is provided by a common motor carrier which has a certificate of public convenience and necessity issued by the Nevada Transportation Authority pursuant to NRS 706.386 to 706.411, inclusive, and the service is subject to the rules and regulations adopted by the Nevada Transportation Authority for a fully regulated carrier.

4. Notwithstanding the provisions of chapter 332 of NRS or NRS 625.530, a commission may utilize a turnkey procurement process to select a person to design, build, ***finance,*** operate and maintain, or any combination thereof, a **[**~~fixed guideway~~**]** ***high-capacity transit*** system, including, without limitation, any minimum operable segment thereof. The commission shall determine whether to utilize turnkey procurement for a **[**~~fixed guideway~~**]** ***high-capacity transit*** project before the completion of the preliminary engineering phase of the project. In making that determination, the commission shall evaluate whether turnkey procurement is the most cost-

effective method of constructing the project on schedule and in satisfaction of its transportation objectives.

5. Notwithstanding the provisions of chapter 332 of NRS, a commission may utilize a competitive negotiation procurement process to procure rolling stock for a ~~[~~fixed guideway~~]~~ ***high-capacity transit*** project, rolling stock for a public transit system, facilities and any other equipment that is related to public transportation. The award of a contract under such a process must be made to the person whose proposal is determined to be the most advantageous to the commission, based on price and other factors specified in the procurement documents.

6. If a commission develops a ~~[~~fixed guideway~~]~~ ***high-capacity transit*** project, the Department of Transportation is hereby designated to serve as the oversight agency to ensure compliance with the federal safety regulations for rail fixed guideway systems set forth in 49 C.F.R. Part 659.

7. As used in this section:

(a) "Fully regulated carrier" means a common carrier or contract carrier of passengers or household goods who is required to obtain from the Nevada Transportation Authority a certificate of public convenience and necessity or a contract carrier's permit and whose rates, routes and services are subject to regulation by the Nevada Transportation Authority.

(b) "Minimum operable segment" means the shortest portion of a ~~[~~fixed guideway~~]~~ ***high-capacity transit*** system that is technically capable of providing viable public transportation between two end points.

(c) "Turnkey procurement" means a competitive procurement process by which a person is selected by a commission, based on evaluation criteria established by the commission, to design, build, operate and maintain, or any combination thereof, a ~~[~~fixed guideway~~]~~ ***high-capacity transit*** system, or a portion thereof, in accordance with performance criteria and technical specifications established by the commission.

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. NRS 277A.345 is hereby repealed.

Sec. 19. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

277A.345 Counties whose population is 700,000 or more: Establishment of regional rapid transit authority; development of plan for establishment of regional rapid transit system by authority.

1. In a county whose population is 700,000 or more, the commission shall establish a regional rapid transit authority. The membership of the regional rapid transit authority must consist of:

(a) The general manager of the commission, who shall act as chair of the authority;

(b) One member appointed by the board of county commissioners;

(c) Three members, one from each of the three largest cities within the county, who are appointed by the respective governing bodies of each city;

(d) One member selected by the association of gaming establishments whose membership collectively paid the most gaming license fees to the State pursuant to NRS 463.370 in the county in the preceding year;

(e) One member who is selected by the economic development authority in the county;

(f) One member selected by the Department of Transportation; and

(g) One member who has expertise in urban planning and design or architecture selected by the Nevada Arts Council.

2. The regional rapid transit authority shall develop a plan for the establishment of a regional rapid transit system:

(a) In cooperation with economic development, engineering, planning, tourism and utility interests in the county; and

(b) With the goal of quantifying the implications of introducing an exclusive rapid transit system in identified corridors in the county.

3. In carrying out its duties pursuant to subsection 2, the regional rapid transit authority shall:

(a) Hold public meetings to, without limitation:

(1) Evaluate the need for and desirability of a regional rapid transit system;

(2) Assess corridor and route feasibility and desirability; and

(3) Review existing mass transit options to determine how to incorporate such options into a regional rapid transit system;

(b) Undertake an analysis of various considerations involved with introducing and implementing a regional rapid transit system in the county, including, without limitation:

(1) An assessment of the available rapid transit technologies, including, without limitation, technologies that use solar power or other renewable energy sources to minimize or eliminate the use of carbon-based fuels;

(2) An assessment of the opportunities, costs and constraints of corridor options, including, without limitation:

(I) An examination and evaluation of existing rail corridors and transit routes for inclusion in the regional rapid transit system;

(II) An evaluation of potential sites for stations and facilities for the regional rapid transit system; and

(III) Identification of locations in the county that would benefit most from proximity to a regional rapid transit system, including, without limitation, airports and existing or proposed special event venues such as stadiums and racetracks;

(3) Estimates as to capital and operating costs;

(4) An assessment of potential ridership and passenger demand;

(5) An assessment of the environmental impact;

(6) A potential project schedule; and

(7) An assessment of financing options and funding sources, including, without limitation:

(I) Processes for securing federal funding; and

(II) The potential for voter approval for bonds to support any portion of the regional rapid transit system.

4. On or before February 1 of each year, the regional rapid transit authority shall submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the appropriate committee or committees of the Legislature. The report must set forth, without limitation:

(a) The activities and meetings of the authority;

(b) Any findings made by the authority regarding the analysis required by subsection 3; and

(c) The plan or current draft of the plan developed by the authority pursuant to subsection 2.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 151.

Bill read second time and ordered to third reading.

Senate Bill No. 164.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 789.

AN ACT relating to education; authorizing a school district to lease school buses or vehicles belonging to the school district in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the board of trustees of a school district to allow school buses or vehicles belonging to the school district to be used for the transportation of public school pupils and children in certain circumstances. (NRS 386.790, 386.815) This bill authorizes a board of trustees to enter into a written agreement to lease school buses or vehicles belonging to the school district for special events taking place within the county in which the school district is located when a commercial bus is not reasonably available under certain circumstances. This bill also requires that any such agreement include provisions requiring the lessee to: (1) provide a security deposit; (2) pay a fee for the use of the school bus or vehicle; (3) accept responsibility for any damage to the bus or vehicle; (4) provide indemnification to the lessor school district and the school district's bus driver against any claim; (5) provide proof that each driver is licensed under the laws of this State and proof of insurance; (6) provide proof of a permit or other approval for the special event, if required by a governmental entity; ~~[and]~~ (7) give preference to

hiring a driver who is employed by the school district ~~[.]~~ **; and (8) acknowledge that the lessee is not entitled to the limitation on damages that applies to government employees and entities (NRS 41.035).** Additionally, this bill limits the number of school buses and vehicles a school district may lease during any period of time to not more than 8.5 percent of the total number of school buses and vehicles belonging to that school district.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of a school district may, except as otherwise provided in subsections 5 and 6, authorize the school district to enter into a written agreement to lease school buses or vehicles belonging to the school district for special events that take place within the county in which the school district is located, provided that such an agreement will not interfere with or prevent the school district from furnishing transportation for pupils for the purposes described in NRS 386.790 and 386.815.

2. If a school district enters into an agreement pursuant to this section, the agreement must include, without limitation, a provision requiring the lessee to:

(a) Provide a security deposit in an amount which is not less than 20 percent of the estimated total amount of the fee set forth in the agreement;

(b) Pay a fee in an amount which is not less than the total cost per mile for the use of a school bus or vehicle to the school district, as determined by the transportation department of the school district, if the school district has such a department, or by the board of trustees, if the school district does not have such a department, and any additional costs or expenses related to the use of the school bus or vehicle, including, without limitation, fuel, wear and tear, maintenance, appropriate staffing, administrative costs and an additional rental service fee;

(c) Indemnify and hold the school district harmless against any claim, demand, judgment or legal action, whatsoever, including, without limitation, any losses, damages, legal costs or expenses incident thereto;

(d) Indemnify and hold the driver of a school bus or vehicle harmless against any claim, demand, judgment or legal action, whatsoever, including, without limitation, any losses, damages, legal costs or expenses incident thereto incurred when acting in the scope of his or her employment;

(e) Accept responsibility for any damage to the school bus or vehicle while leased as determined by the transportation department of the school district, if the school district has such a department, or by the board of trustees, if the school district does not have such a department;

(f) Provide proof that the school bus or vehicle leased will be operated by a person licensed under the laws of this State to operate the particular type of bus or vehicle leased;

(g) Provide proof of insurance which covers the school bus or vehicle while operated by the lessee up to an amount determined by the transportation department of the school district, if the school district has such a department, or by the board of trustees, if the school district does not have such a department;

(h) Provide proof of a permit or other approval for the special event, if required by a governmental entity; ~~[and]~~

(i) Give preference to a driver of a school bus or vehicle who is employed by the school district before hiring another driver who is not employed by the school district ~~[.]~~ ; and

(j) Acknowledge that by entering into such an agreement, the lessee does not become an agent or employee of the school district and is not entitled to the limitation on damages set forth in NRS 41.032 to 41.038, inclusive, for any act or failure to act by the lessee or an agent or employee of the lessee.

3. Except as otherwise provided in this subsection, whenever any school bus or vehicle belonging to a school district is leased, any lettering on the school bus or vehicle designating the vehicle as a school bus or vehicle must be covered and concealed, no signs or wording may be affixed to the school bus or vehicle and any system of flashing red lights or a mechanical device attached to the front of the school bus or vehicle must not be used in the operation of the school bus or vehicle by the lessee except in the case of an emergency. A system of flashing red lights or a mechanical device attached to the front of the school bus or vehicle may be used in the operation of a school bus or vehicle only during an emergency.

4. A school district shall separately account for any money collected as a result of an agreement to lease a school bus or vehicle which exceeds the actual cost to the school district and , except as otherwise provided in this subsection, such money ~~[must]~~ may be used ~~[for the replacement of school buses and vehicles belonging to]~~ at the discretion of the school district. A school district may not use any money collected as a result of an agreement to lease a school bus or vehicle to:

(a) Settle or arbitrate disputes between a recognized organization representing employees of the school district and the school district, or to settle any negotiations; or

(b) Adjust the district-wide schedules of salaries and benefits of the employees of the school district.

5. A school district may not enter into an agreement pursuant to this section:

(a) For special events that take place outside the county in which the school district is located.

(b) If the school district determines that transportation by a commercial bus is reasonably available for a special event.

6. A school district may not lease during any period of time more than 8.5 percent of the total number of school buses and vehicles belonging to the school district.

7. For the purposes of this section, "special event" means an event or series of events that does not take place during the regular school day and is not an interscholastic contest, school festival or other activity properly a part of a school program.

Sec. 2. NRS 386.815 is hereby amended to read as follows:

386.815 1. A board of trustees of a school district may permit school buses or vehicles belonging to the school district to be used for the transportation of public school pupils to and from:

(a) Interscholastic contests;

(b) School festivals; or

(c) Other activities properly a part of a school program.

2. In addition to the use of school buses and vehicles authorized pursuant to subsection 1, the board of trustees of a school district may permit school buses and vehicles belonging to the school district to be used for the transportation of children to and from:

(a) Programs for the supervision of children before and after school; and

(b) Other programs or activities that the board of trustees deems appropriate,

➥ regardless of whether such programs or activities are part of a school program.

3. The use of school buses or vehicles belonging to the school district for the purposes enumerated in subsections 1 and 2 is governed by regulations made by the board of trustees, which must not conflict with regulations of the State Board. Proper supervision for each vehicle so used must be furnished by school authorities, and each school bus must be operated by a driver qualified under the provisions of NRS 386.790 to 386.840, inclusive ~~[.]~~ ***, and section 1 of this act.***

4. A driver shall not operate a vehicle for the purposes enumerated in subsections 1 and 2 for more than 10 hours in a 15-hour period. The time spent operating, inspecting, loading, unloading, repairing and servicing the vehicle and waiting for passengers must be included in determining the 15-hour period. After 10 hours of operating a vehicle, the driver must rest for 10 hours before he or she again operates a vehicle for such purposes.

5. Before January 1, 1984, the State Board shall adopt regulations to carry out the provisions of subsection 4.

Sec. 3. This act becomes effective upon passage and approval.

Assemblyman Thompson moved the adoption of the amendment.

Remarks by Assemblyman Thompson.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 185.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 727.

SENATORS PARKS; MANENDO AND SEGERBLOM

JOINT SPONSORS: ASSEMBLYMEN **COHEN,** NEAL, SPIEGEL AND YEAGER

SUMMARY— ~~[Prohibits form contracts for consumer goods or services from including provisions that interfere with a consumer's rights to provide certain information to others.]~~ **Makes various changes relating to trade regulations.** (BDR 52-27)

AN ACT relating to trade regulations; prohibiting a seller or lessor of consumer goods or services from including certain provisions in form contracts with consumers; authorizing a consumer and certain governmental entities to bring an action for the recovery of civil penalties for violating the prohibition; **prohibiting a person from offering certain types of leases; requiring that certain retail installment contracts be subject to the federal Truth in Lending Act;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law regulates trade practices and other commercial activities. (Title 52 of NRS) ~~[This]~~ **Section 2 of this** bill prohibits a seller or lessor of consumer goods or services who uses a form contract, which is a contract that has standardized terms and is imposed on a consumer without a meaningful opportunity for negotiation by the consumer concerning the standardized terms, from including in the contract a provision that: (1) limits or requires the consumer to waive his or her rights to provide a review, comment or other statement concerning the seller or lessor or the goods or services; (2) imposes a penalty on the consumer for providing such a review, comment or other statement; or (3) declares that the provision of such a review, comment or other statement by the consumer is a breach of the contract. ~~[This bill]~~ **Section 2** provides that any such provision included in a form contract is unenforceable. ~~[This bill]~~ **Section 2** further provides that any person who violates its provisions is guilty of a misdemeanor and, in addition to any criminal penalty, is liable for civil penalties of up to $2,500 for the person's first violation, up to $5,000 for each subsequent violation and an additional penalty of up to $10,000 if the court finds that the violation is reckless, willful or wanton. ~~[The bill]~~ **Section 2** authorizes the consumer, the Attorney General, a district attorney or city attorney to bring an action to recover the civil penalty and to retain any money awarded by the court. ~~[The bill]~~ **Section 2** does not prohibit a person who maintains an online forum, such as an Internet website, from removing from the forum any statement or information that the person is lawfully entitled to remove.

Section 3 of this bill prohibits a person from leasing any living animal or goods intended for personal, family or household use if the living

animal or good is expected to have not more than a minimal residual financial value at the end of the term of the lease or contract. Section 3 further requires that any retail installment contract for the sale of any living animal or goods intended for personal, family or household use be subject to the federal Truth in Lending Act. Section 3 additionally sets forth that a failure to comply with or a violation of section 3 constitutes a deceptive trade practice or consumer fraud, respectively. Finally, section 3 exempts any lease or contract on furniture or household electronics from the provisions of section 3.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 597 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 2 and 3 of this act.**

Sec. 2. 1. A seller or lessor of consumer goods or services shall not:

(a) Include in any form contract or proposed form contract with a consumer for the purchase, lease or rental of consumer goods or services any provision that:

(1) Limits or requires the consumer to waive his or her rights to provide a review, comment or other statement concerning the consumer goods or services or the seller or lessor;

(2) Imposes a penalty on the consumer for providing such a review, comment or other statement; or

(3) Declares that the provision of such a review, comment or other statement by the consumer is a breach of the form contract;

(b) Enforce or threaten to enforce a provision described in paragraph (a); or

(c) Refuse or threaten to refuse to enter into a form contract with a consumer solely because the consumer does not agree to the inclusion in the form contract of a provision described in paragraph (a).

2. Any provision that is included in a form contract with a consumer for the purchase, lease or rental of consumer goods or services in violation of subsection 1, with or without consideration, is against public policy and is void and unenforceable.

3. Any person who violates subsection 1 is guilty of a misdemeanor and, in addition to any criminal penalty, is liable for:

(a) A civil penalty of not more than:

(1) For the first violation, $2,500;

(2) For the second or subsequent violation, $5,000 for each violation; and

(3) If the court finds that the violation is reckless, willful or wanton, $10,000, in addition to the civil penalty set forth in subparagraph (1) or (2); and

(b) The costs incurred to recover the civil penalty, including, without limitation:

(1) The costs, if any, of conducting an investigation into the violation;

(2) Reasonable costs specified in NRS 18.005; and

(3) Reasonable attorney's fees.

4. An action to recover the civil penalty may be brought by the consumer, the Attorney General or a district attorney or city attorney, as appropriate. The action may be instituted in any court of competent jurisdiction in the city or county in which either party resides, the defendant can be found or in which the violation occurred.

5. Any money awarded by a court pursuant to this section must be awarded to the person or governmental entity that brought the action.

6. The civil remedy provided by this section is in addition to, and not exclusive of, any other available remedy or penalty.

7. This section does not prohibit a person who maintains an online forum, including, without limitation, an Internet website, from removing from the forum any statement that the person is lawfully entitled to remove.

8. Nothing in this section shall be construed as affecting:

(a) Any duty of confidentiality imposed by law; or

(b) Any civil cause of action for defamation, libel, slander or any similar cause of action.

9. As used in this section:

(a) "Consumer" means a natural person.

(b) "Consumer goods or services" has the meaning ascribed to it in NRS 598.170.

(c) "Form contract" means a contract or agreement with standardized terms that is:

(1) Used by a seller or lessor in the course of selling, leasing or renting consumer goods or services of the seller or lessor; and

(2) Imposed on a consumer without a meaningful opportunity for the consumer to negotiate the standardized terms.

(d) "Lessor" means a lessor and any agent or employee of the lessor.

(e) "Seller" means a seller and any agent or employee of the seller.

Sec. 3. 1. A person shall not offer to lease any living animal or goods intended for personal, family or household use, including, without limitation, pets, tires, batteries and hearing aids, if the living animal or good is expected to have not more than a de minimis residual financial value at the end of the term of the lease or contract.

2. Any retail installment contract for the sale of any living animal or goods intended for personal, family or household use, including, without limitation, pets, tires, batteries and hearing aids, is subject to the provisions of the Truth in Lending Act, 15 U.S.C. §§ 1601 et seq., and any regulations adopted pursuant thereto.

3. The failure of a person to comply with this section constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

4. A violation of this section constitutes consumer fraud for the purposes of NRS 41.600.

5. The provisions of this section do not apply to any lease or contract on furniture or household electronics.

6. As used in this section:

(a) "Goods" has the meaning ascribed to it in NRS 104.2105.

(b) "Household electronics" means electronic devices, personal effects and property of an electronic nature used or to be used in a dwelling.

(c) "Residual financial value" means the amount the living animal or good is worth at the end of the term of the lease or contract and includes, without limitation, the salvage value of the living animal or good.

(d) "Retail installment contract" has the meaning ascribed to it in NRS 97.105.

(e) "Salvage value" means the amount expected to be obtained when the living animal or good is disposed of at the end of its useful life.

~~[Sec. 2.]~~ ***Sec. 4.*** This act becomes effective on July 1, 2017.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 199.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 728.

AN ACT relating to alcoholic beverages; providing for the licensing and operation of estate distilleries in this State; setting forth the conditions under which spirits manufactured at such estate distilleries may be sold; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the operation of craft distilleries. (NRS 597.235) Under existing law, craft distilleries must be licensed, a fee is imposed for the license and a person who engages in business in this State without having the appropriate permit or license for the business is guilty of a misdemeanor. (NRS 360.490, 369.180, 369.300) Existing law further sets forth the scope of operation of a craft distillery, including, without limitation, authorizing a craft distillery to sell and transport not more than 10,000 cases of spirits each calendar year to a wholesale dealer of liquor within this State and to manufacture for exportation to another state not more than 40,000 cases of spirits each calendar year. (NRS 597.235)

This bill provides for the operation of estate distilleries. **Section 2** of this bill defines an "estate distillery" as a distillery where at least 85 percent of the agricultural raw materials from which distilled spirits are manufactured, in the aggregate, were grown on land **within this State which is** owned or controlled by the owner of the distillery. **Sections 1, 3, 4 and 8** of this bill authorize a person to operate an estate distillery if the person is licensed. **Sections 1 and 2** further set forth the permissible scope of operation of an estate distillery, which includes, without limitation, an authorization to sell and transport not more than 75,000 cases of spirits each calendar year to a wholesale dealer of liquor within this State and to manufacture for exportation to another state not more than 400,000 cases of spirits each calendar year. Under **section 1**, the amount of spirits manufactured on the premises of the estate distillery which may be sold at retail for off-premises consumption is limited to 7,500 cases or less per year. **Section 9** of this bill imposes a licensing fee of $75.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 597 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person may operate an estate distillery if the person:

(a) Obtains a license for the facility pursuant to chapter 369 of NRS;

(b) Complies with the requirements of this chapter; and

(c) Complies with any other applicable governmental requirements.

2. A person who operates an estate distillery pursuant to this section may:

(a) In addition to manufacturing spirits from agricultural raw materials through distillation, blend, age, store and bottle the spirits so manufactured. The person operating the estate distillery shall ensure that none of the spirits manufactured at the estate distillery are derived from neutral or distilled spirits manufactured by another manufacturer.

(b) Except as otherwise provided in paragraphs (f) and (g), in any calendar year, sell and transport in Nevada not more than a combined total of 75,000 cases of spirits at ~~[all]~~ the estate ~~[distilleries that the person operates]~~ distillery to a person who holds a license to engage in business as a wholesale dealer of liquor pursuant to chapter 369 of NRS.

(c) In any calendar year, manufacture for exportation to another state, not more than a combined total of 400,000 cases of spirits at all the estate distilleries the person operates.

(d) On the premises of the estate distillery, serve samples of the spirits manufactured at the estate distillery. Any such samples must not exceed, per person, per day, 4 fluid ounces in volume.

(e) On the premises of the estate distillery, sell the spirits manufactured at the estate distillery at retail for consumption on or off the premises. Any such spirits sold at retail for off-premises consumption must not exceed,

per person, per month, 1 case of spirits and not exceed, per person, per year, 6 cases of spirits. The total amount of such spirits sold at retail for off-premises consumption must not exceed 7,500 cases per year. Spirits purchased on the premises of an estate distillery must not be resold by the purchaser or any retail liquor store. A person who operates an estate distillery shall prominently display on the premises a notice that the resale of spirits purchased on the premises is prohibited.

(f) Donate for charitable or nonprofit purposes and transport neutral or distilled spirits manufactured at the estate distillery in accordance with the terms and conditions of a special permit for the transportation of the neutral or distilled spirits obtained from the Department of Taxation pursuant to subsection 4 of NRS 369.450.

(g) Transfer in bulk neutral or distilled spirits manufactured at the estate distillery to a supplier. Any such transfer:

(1) Is taxable only when the neutral or distilled spirits are rectified and bottled in original packages for sale within this State; and

(2) Is not a sale for the purposes of paragraph (b) or manufacturing for exportation for the purposes of paragraph (c).

Sec. 2. NRS 597.200 is hereby amended to read as follows:

597.200 As used in NRS 597.190 to 597.255, inclusive, ***and section 1 of this act,*** unless the context otherwise requires:

1. "Alcoholic beverage" means any malt beverage or spirituous, vinous or malt liquor which contains 1 percent or more ethyl alcohol by volume.

2. "Brew pub" means an establishment which manufactures malt beverages and sells those malt beverages at retail pursuant to the provisions of NRS 597.230.

3. ***"Case of spirits" means 12 bottles, each containing 750 milliliters of distilled spirits.***

4. "Craft distillery" means an establishment which:

(a) Manufactures distilled spirits from agricultural raw materials through distillation; and

(b) Is authorized to sell those distilled spirits pursuant to the provisions of this chapter.

~~[4.]~~ ***5. "Estate distillery" means an establishment which:***

(a) Manufactures distilled spirits from agricultural raw materials through distillation, provided that 85 percent of such agricultural raw materials, in the aggregate, were grown on land <u>within this State which is</u> owned or controlled by the owner of the distillery; and

(b) Is authorized to sell those distilled spirits pursuant to the provisions of this chapter.

6. "Distillation" means the process of producing or purifying spirituous liquor by successive evaporation and condensation.

~~[5.]~~ ***7.*** "Engage in" includes participation in a business as an owner or partner, or through a subsidiary, affiliate, ownership equity or in any other manner.

~~[6.]~~ ***8.*** "Instructional wine-making facility" means an instructional wine-making facility operated pursuant to NRS 597.245.

~~[7.]~~ ***9.*** "Legal age" means the age at which a person is legally permitted to purchase an alcoholic beverage pursuant to NRS 202.020.

~~[8.]~~ ***10.*** "Malt beverage" means beer, ale, porter, stout and other similar fermented beverages of any name or description, brewed or produced from malt, wholly or in part.

~~[9.]~~ ***11.*** "Supplier" has the meaning ascribed to it in NRS 597.140.

~~[10.]~~ ***12.*** "Wine" has the meaning ascribed to it in NRS 369.140.

Sec. 3. NRS 597.210 is hereby amended to read as follows:

597.210 1. Except as otherwise provided in subsection 2, a person engaged in business as a supplier or engaged in the business of manufacturing, blending or bottling alcoholic beverages within or without this State shall not:

(a) Engage in the business of importing, wholesaling or retailing alcoholic beverages; or

(b) Operate or otherwise locate his or her business on the premises or property of another person engaged in the business of importing, wholesaling or retailing alcoholic beverages.

2. This section does not:

(a) Preclude any person engaged in the business of importing, wholesaling or retailing alcoholic beverages from owning less than 2 percent of the outstanding ownership equity in any organization which manufactures, blends or bottles alcoholic beverages.

(b) Prohibit a person engaged in the business of rectifying or bottling alcoholic beverages from importing neutral or distilled spirits in bulk only for the express purpose of rectification pursuant to NRS 369.415.

(c) Prohibit a person from operating a brew pub pursuant to NRS 597.230.

(d) Prohibit a person from operating an instructional wine-making facility pursuant to NRS 597.245.

(e) Prohibit a person from operating a craft distillery pursuant to NRS 597.235.

(f) ***Prohibit a person from operating an estate distillery pursuant to section 1 of this act.***

(g) Prohibit a person from operating a winery pursuant to NRS 597.240.

Sec. 4. NRS 597.220 is hereby amended to read as follows:

597.220 1. Except as otherwise provided in NRS 597.235, ***and section 1 of this act,*** a person who is engaged in the business of importing or wholesaling alcoholic beverages in the State of Nevada shall not:

(a) Engage in the business of retailing alcoholic beverages in this state; or

(b) Operate or otherwise locate his or her business on the premises or other property of any supplier.

2. For the purposes of this section, a person who transfers or receives alcoholic beverages in the manner described in NRS 369.4865 must not be

considered to be engaged in the business of wholesaling alcoholic beverages based solely upon those transfers.

Sec. 5. NRS 597.235 is hereby amended to read as follows:

597.235 1. A person may operate a craft distillery if the person:

(a) Obtains a license for the facility pursuant to chapter 369 of NRS;

(b) Complies with the requirements of this chapter; and

(c) Complies with any other applicable governmental requirements.

2. A person who operates a craft distillery pursuant to this section may:

(a) In addition to manufacturing spirits from agricultural raw materials through distillation, blend, age, store and bottle the spirits so manufactured. The person operating the craft distillery shall ensure that none of the spirits manufactured at the craft distillery are derived from neutral or distilled spirits manufactured by another manufacturer.

(b) Except as otherwise provided in paragraphs (f) and (g), in any calendar year, sell and transport in Nevada not more than a combined total of 10,000 cases of spirits at all the craft distilleries that the person operates to a person who holds a license to engage in business as a wholesale dealer of liquor pursuant to chapter 369 of NRS.

(c) In any calendar year, manufacture for exportation to another state, not more than a combined total of 40,000 cases of spirits at all the craft distilleries the person operates.

(d) On the premises of the craft distillery, serve samples of the spirits manufactured at the craft distillery. Any such samples must not exceed, per person, per day, 4 fluid ounces in volume.

(e) On the premises of the craft distillery, sell the spirits manufactured at the craft distillery at retail for consumption on or off the premises. Any such spirits sold at retail for off-premises consumption must not exceed, per person, per month, 1 case of spirits and not exceed, per person, per year, 6 cases of spirits. Spirits purchased on the premises of a craft distillery must not be resold by the purchaser or any retail liquor store.

(f) Donate for charitable or nonprofit purposes and transport neutral or distilled spirits manufactured at the craft distillery in accordance with the terms and conditions of a special permit for the transportation of the neutral or distilled spirits obtained from the Department of Taxation pursuant to subsection 4 of NRS 369.450.

(g) Transfer in bulk neutral or distilled spirits manufactured at the craft distillery to a supplier. Any such transfer:

(1) Is taxable only when the neutral or distilled spirits are rectified and bottled in original packages for sale within this State; and

(2) Is not a sale for the purposes of paragraph (b) or manufacturing for exportation for the purposes of paragraph (c).

[~~3. As used in this section:~~

~~(a) "Case of spirits" means 12 bottles, each containing 750 milliliters of distilled spirits.~~

~~(b) "Supplier" has the meaning ascribed to it in NRS 597.140.~~**]**

Sec. 6. NRS 597.250 is hereby amended to read as follows:

597.250 The license of any person who violates the provisions of NRS 597.210, 597.220, 597.230, 597.235 or 597.245 ***or section 1 of this act*** must be suspended or revoked in the manner provided in chapter 369 of NRS.

Sec. 7. NRS 597.255 is hereby amended to read as follows:

597.255 1. A person who has suffered injury, including, without limitation, economic damage, as the proximate result of a violation of the provisions of this section and NRS 597.190 to 597.245, inclusive, ***and section 1 of this act*** may bring a civil action against the person who committed the violation to recover:

(a) For the first violation, $100 plus the injured person's actual damages, attorney's fees and costs, if any.

(b) For the second violation, $250 plus the injured person's actual damages, attorney's fees and costs, if any.

(c) For the third and any subsequent violation, $500 plus the injured person's actual damages, attorney's fees and costs, if any, and any punitive damages that the facts may warrant.

2. Any person, including, without limitation, a director, officer, agent or employee of the person, who knowingly violates or knowingly aids or assists in the violation of any provision of this section and NRS 597.190 to 597.245, inclusive, ***and section 1 of this act*** is liable under this section.

3. Except as otherwise provided in NRS 597.157, 597.170 and 597.260, and in addition to any legal action brought pursuant to NRS 597.262, the provisions of this section do not preclude a person from seeking any other legal remedy available.

Sec. 8. NRS 369.180 is hereby amended to read as follows:

369.180 1. In addition to the limitations imposed by NRS 597.210 and 597.220, a person shall not:

(a) Import liquors into this State unless the person first secures an importer's license or permit from this State.

(b) Engage in business as a wholesale dealer of wines and liquors in this State unless the person first secures a wholesale wine and liquor dealer's license from this State.

(c) Engage in business as a wholesale dealer of beer in this State unless the person first secures a wholesale beer dealer's license from this State.

(d) Operate a winery in this State or export wine from this State unless the person first secures a wine-maker's license from this State.

(e) Operate an instructional wine-making facility in this State unless the person first secures a license for the instructional wine-making facility from this State.

(f) Operate a brewery in this State unless the person first secures a brewer's license from this State.

(g) Operate a brew pub in this State unless the person first secures a brew pub's license from this State.

(h) Operate a craft distillery in this State unless the person first secures a craft distiller's license from this State.

(i) Operate an estate distillery in this State unless the person first secures an estate distiller's license from this State.

2. A person who holds a license for an instructional wine-making facility:

(a) May engage in any activity authorized by NRS 597.245.

(b) May not engage in any other activity for which a license is required pursuant to this chapter, unless the person holds the appropriate license for that activity.

3. A person who holds a license for a craft distillery:

(a) May engage in any activity authorized by NRS 597.235.

(b) May not engage in any other activity for which a license is required pursuant to this chapter, unless the person holds the appropriate license for that activity.

4. ***A person who holds a license for an estate distillery:***

(a) May engage in any activity authorized by section 1 of this act.

(b) May not engage in any other activity for which a license is required pursuant to this chapter unless the person holds the appropriate license for that activity.

5. As used in this section:

(a) "Brew pub" has the meaning ascribed to it in NRS 597.200.

(b) "Brewery" means an establishment which manufactures malt beverages but does not sell those malt beverages at retail.

(c) "Craft distillery" has the meaning ascribed to it in NRS 597.200.

(d) ***"Estate distillery" has the meaning ascribed to it in NRS 597.200.***

(e) "Malt beverage" has the meaning ascribed to it in NRS 597.200.

Sec. 9. NRS 369.300 is hereby amended to read as follows:

369.300 The following is a schedule of fees to be charged for licenses:

Importer's wine, beer and liquor license	$500
Importer's beer license	150
Wholesale wine, beer and liquor license	250
Wholesale beer dealer's license	75
Wine-maker's license	75
License for an instructional wine-making facility	75
Brew pub's license	75
Brewer's license	75
Craft distiller's license	75
Estate distiller's license	***75***

Sec. 10. NRS 369.382 is hereby amended to read as follows:

369.382 Except as otherwise provided in NRS 369.386, 369.415 and 597.235, ***and section 1 of this act,*** a supplier shall not engage in the business of importing, wholesaling or retailing alcoholic beverages in this State.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 209.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 756.

SUMMARY—Revises provisions relating to insurance. (BDR ~~[53-485)]~~ **57-485)**

AN ACT relating to insurance; ~~[authorizing an insurer to process claims of industrial insurance at an office located outside of this State; requiring that persons processing claims of industrial insurance be accessible to an employer and his or her employees who are located in this State; removing the requirement that an insurer who provides industrial insurance provide an office in this State;]~~ authorizing the Commissioner of Insurance to accept an independent audit in lieu of an examination of a nonprofit organization of surplus lines brokers; limiting when a surplus lines broker may charge a fee; authorizing the Commissioner to adopt regulations for the charging and collection of certain fees for the purchase of individual or group life or health insurance or an individual or group annuity; authorizing an employee or authorized representative of a vendor to receive compensation for selling or offering portable electronics insurance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires an insurer who provides industrial insurance to provide an office in this State that is operated by the insurer or its third-party administrator. Such an office must have persons authorized to act for the insurer who may receive information related to a claim and provide services to an employer and his or her employees. Additionally, an insurer shall provide a statewide toll-free telephone service to its in-state office or accept collect calls from injured employees. (NRS 616B.027) Section 1 of this bill authorizes persons who are authorized to act for the insurer to handle, at an office located outside of this State, a claim of industrial insurance that is filed in this State. Section 1 further requires that such persons located outside of this State be accessible: (1) through electronic communications, videoconferencing, teleconferencing or other available technology that is provided by the insurer; and (2) by a statewide toll-free telephone service provided by the insurer or by the insurer accepting collect calls from injured employees on all days other than Saturdays, Sundays and legal holidays in the jurisdiction in which the office is located from 9 a.m. to 5 p.m. Pacific time. Section 1 additionally sets forth that such persons located outside of~~

~~this State are subject to the jurisdiction of the courts of this State and to service of process. Section 1 additionally authorizes the Administrator of the Division of Industrial Relations of the Department of Business and Industry to adopt regulations concerning: (1) the handling of a claim that is filed in this State at an office located outside of this State; and (2) the accessibility to persons located outside of this State who are working on such claims.~~

~~Section 3 of this bill amends existing law by removing the requirement that an insurer who provides industrial insurance provide an office in this State that is operated by the insurer or its third-party administrator. Sections 2, 4 and 5 of this bill make conforming changes.]~~

Existing law requires the Commissioner of Insurance to make an examination of the affairs, transactions, accounts, records and assets of a nonprofit organization of surplus lines brokers. (NRS 685A.075) **Section 7** of this bill authorizes the Commissioner to accept the report of an independent audit in lieu of an examination if the Commissioner deems an independent audit to be in the best interest of the residents of this State.

Existing law authorizes a surplus lines broker to charge a fee for procuring surplus lines coverage. (NRS 685A.155) **Section 8** of this bill limits existing law by only authorizing a broker who places any insurance coverage with an authorized insurer to charge a fee for procuring surplus lines coverage.

Existing law authorizes the Commissioner to adopt regulations to allow for the charging and collection of a fee by an insurance broker, consultant or financial planner for consultation or related advice on the purchase of life or health insurance or an annuity. (NRS 686A.230) **Section 11** of this bill clarifies existing law by authorizing the Commissioner to adopt regulations to allow for the charging and collection of a fee by an insurance broker, consultant or financial planner for consultation or related advice on the purchase of individual or group life or health insurance or an individual or group annuity.

Section 12 of this bill authorizes an employee or authorized representative of a vendor to receive from the vendor compensation for the selling or offering of coverage under a policy of portable electronics insurance. **Section 6** of this bill makes conforming changes.

Existing law authorizes the Commissioner, with the approval of the State Board of Examiners, to enter into a multi-state agreement to preserve the ability of this State to collect premium tax on multi-state risks. (NRS 685A.185) **Section 13** of this bill repeals this provision. **Sections 9 and 10** of this bill make conforming changes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 616B of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. Persons authorized to act for an insurer at an office located outside of this State may process a claim filed in this State.*~~

~~*— 2. In processing a claim filed in this State, persons authorized to act for an insurer at an office located outside of this State may receive information related to that claim and provide the services to an employer and his or her employees required by chapters 616A to 617, inclusive, of NRS. Such persons must be accessible:*~~

~~*— (a) Through electronic communications, videoconferencing, teleconferencing or other available technology that is provided by the insurer; and*~~

~~*— (b) By a statewide toll free telephone service provided by the insurer or by the insurer accepting collect calls from injured employees on all days, other than Saturdays, Sundays and legal holidays in the jurisdiction in which the office is located, from 9 a.m. to 5 p.m. Pacific time.*~~

~~*— 3. In processing a claim filed in this State pursuant to this section, persons authorized to act for an insurer at an office located outside of this State are, to the extent not inconsistent with the Nevada Constitution or the United States Constitution, subject to the jurisdiction of the courts of this State and to service of process as provided in NRS 14.065.*~~

~~*— 4. The Administrator may adopt regulations concerning the:*~~

~~*— (a) Processing of a claim filed in this State at an office located outside of this State pursuant to subsection 1; and*~~

~~*— (b) Access required by subsection 2 to persons who are authorized to act for an insurer pursuant to subsection 1.*~~

~~*— 5. As used in this section, "Pacific time" means the actual measure of time that is used and observed by the general population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the seat of government of this State as designated by Section 1 of Article 15 of the Nevada Constitution.]*~~ **(Deleted by amendment.)**

Sec. 2. **[**~~NRS 616B.021 is hereby amended to read as follows:~~

~~— 616B.021 1. An insurer shall provide access to the files of claims in its offices.~~

~~— 2. The physical records in a file concerning a claim filed in this State may be kept at an office located outside this State if all records in the file are accessible at~~ ***its*** ~~offices~~ **[**~~located in this State~~**]** ~~on computer in a microphotographic, electronic or other similar format that produces an accurate reproduction of the original. If a claim filed in this State is open, the records in the file must be reproduced and available for inspection during regular business hours within 24 hours after requested by the employee or the employee's designated agent, the employer or the employer's designated agent, or the Administrator or the Administrator's designated agent. If a claim filed in this State is closed, the records in the file must be reproduced and available for inspection during regular business hours within 14 days after requested by such persons.~~

~~— 3. Upon request, the insurer shall make copies or other reproductions of anything in the file and may charge a reasonable fee for this service. Copies~~

~~or other reproductions of materials in the file which are requested by the Administrator or the Administrator's designated agent, or the Nevada Attorney for Injured Workers or his or her designated agent must be provided free of charge.~~

~~4. The Administrator may adopt regulations concerning the:~~

~~(a) Maintenance of records in a file on claims that are open or closed; and~~

~~(b) Preservation, examination and use of records which have been stored on computer or in a microphotographic, electronic or similar format by an insurer.~~

~~5. This section does not require an insurer to allow inspection or reproduction of material regarding which a legal privilege against disclosure has been conferred.~~**]** **(Deleted by amendment.)**

Sec. 3. **[**~~NRS 616B.027 is hereby amended to read as follows:~~

~~616B.027 1. Every insurer~~ ***and third-party administrator*** ~~shall:~~

~~(a) Provide~~ **[**~~an office~~**]** ~~in this State~~ **:** **[**~~operated by the insurer or its third-party administrator in which:~~**]**

~~(1) A complete file of~~ **[**~~each~~**]** ***a*** ~~claim~~ **[**~~is accessible,~~**]** ***filed by the employee or the representative of the employee,*** ~~in accordance with the provisions of NRS 616B.021~~ **[**~~;~~**]** ***, upon request of the employee or his or her representative; and***

~~(2) Persons authorized to act for the insurer and, if necessary, licensed pursuant to chapter 683A of NRS,~~ ***including, without limitation, persons authorized pursuant to section 1 of this act, who*** ~~may receive information related to a claim and provide the services to an employer and his or her employees required by chapters 616A to 617, inclusive, of NRS~~ **.** **[**~~; and~~

~~(3) An employee or his or her employer, upon request, is provided with information related to a claim filed by the employee or a copy or other reproduction of the information from the file for that claim, in accordance with the provisions of NRS 616B.021.~~**]**

~~(b) Provide statewide toll-free telephone service~~ **[**~~to the office maintained pursuant to paragraph (a)~~**]** ~~or accept collect calls from injured employees.~~

~~2. Each private carrier shall provide:~~

~~(a) Adequate services to its insured employers in controlling losses; and~~

~~(b) Adequate information on the prevention of industrial accidents and occupational diseases.~~**]** **(Deleted by amendment.)**

Sec. 4. **[**~~NRS 616B.500 is hereby amended to read as follows:~~

~~616B.500 1. An insurer may enter into a contract to have his or her plan of insurance administered by a third-party administrator.~~

~~2. An insurer shall not enter into a contract with any person for the administration of any part of the plan of insurance unless that person~~ **[**~~maintains an office in this State and~~**]** ~~has a certificate issued by the Commissioner pursuant to NRS 683A.08524.~~**]** **(Deleted by amendment.)**

Sec. 5. ~~[NRS 616B.503 is hereby amended to read as follows:~~

~~616B.503 1. A person shall not act as a third-party administrator for an insurer without a certificate issued by the Commissioner pursuant to NRS 683A.08524.~~

~~2. A person who acts as a third-party administrator pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS shall:~~

~~(a) Administer from one or more offices [located in this State] all of the claims arising under each plan of insurance that the person administers and maintain in those offices all of the records concerning those claims;~~

~~(b) Administer each plan of insurance directly, without subcontracting with another third-party administrator; and~~

~~(c) Upon the termination of the person's contract with an insurer, transfer forthwith to a certified third-party administrator chosen by the insurer all of the records in the person's possession concerning claims arising under the plan of insurance.~~

~~3. The Commissioner may, under exceptional circumstances, waive the requirements of subsection 2.~~] **(Deleted by amendment.)**

Sec. 6. NRS 683A.325 is hereby amended to read as follows:

683A.325 1. Except as otherwise provided in NRS 683A.3687 ~~[,]~~ ***or 691D.220,*** a producer of insurance who is appointed as an agent may pay a commission or compensation for or on account of the selling, soliciting, procuring or negotiating of insurance in this State only to a licensed and appointed producer of insurance of the insurer with whom insurance was placed or to a licensed producer acting as a broker.

2. A licensee shall not accept any commission or compensation to which the licensee is not entitled pursuant to the provisions of this title.

Sec. 7. NRS 685A.075 is hereby amended to read as follows:

685A.075 1. A nonprofit organization of surplus lines brokers may be formed to:

(a) Facilitate and encourage compliance by its members with the laws of this State and the rules and regulations of the Commissioner concerning surplus lines insurance;

(b) Provide a means for the review of all surplus lines coverage written in this State;

(c) Communicate with organizations of admitted insurers with respect to the proper use of the surplus lines market;

(d) Receive and disseminate to brokers information relative to surplus lines coverages; and

(e) Charge members a filing fee, approved by the Commissioner, for the review of surplus lines coverages.

2. Every such organization shall exercise its powers through a board of directors and shall file with the Commissioner:

(a) A copy of its constitution, articles of agreement or association or certificate of incorporation;

(b) A copy of its bylaws, rules and regulations governing its activities;

(c) A copy of its plan of operations established and approved by the Commissioner;

(d) A current list of its members;

(e) The name and address of a resident of this State upon whom notices or orders of the Commissioner or processes issued at the direction of the Commissioner may be served; and

(f) An agreement that the Commissioner may examine the organization in accordance with the provisions of this section.

3. The Commissioner shall make an examination of the affairs, transactions, accounts, records and assets of such an organization and any of its members as often as the Commissioner deems necessary for the protection of the interests of the people of this State, but no less frequently than once every 3 years. The officers, managers, agents and employees of such an organization may be examined at any time, under oath, and shall provide to the Commissioner all books, records, accounts, documents or agreements governing its method of operation. The Commissioner shall furnish two copies of the examination report to the organization examined and shall notify the organization that it may, within 20 days thereof, request a hearing on the report or on any facts or recommendations set forth therein. If the Commissioner finds such an organization or any member thereof to be in violation of this chapter, the Commissioner may, in addition to any administrative fine or penalty imposed pursuant to this Code, issue an order requiring the discontinuance of such violations. ***In lieu of an examination conducted pursuant to this subsection, the Commissioner may accept the report of an independent audit of such an organization if the Commissioner deems that an independent audit is in the best interest of the residents of this State.***

4. The board of directors of such an organization must consist of not fewer than five persons. The members of the board must be appointed by the Commissioner and serve at the pleasure of the Commissioner.

5. A broker must be a member of such an organization as a condition of continued licensure under this chapter.

Sec. 8. NRS 685A.155 is hereby amended to read as follows:

685A.155 A broker ***who places any insurance coverage with an authorized insurer pursuant to subsection 3 of NRS 685A.060*** may charge a fee for procuring surplus lines coverage. Except as otherwise provided by agreement between the insurer and broker, the fee must not exceed 20 percent of the premium charged, after deduction of any other commissions, fees and charges payable to the broker.

Sec. 9. NRS 685A.175 is hereby amended to read as follows:

685A.175 1. A broker who has written coverage for which this State is the insured's home state shall pay, by the date described in subsection 2, the tax for each calendar quarter as directed by the Commissioner and shall file as directed by the Commissioner a copy of a quarterly report which includes an accounting of:

(a) The aggregate gross premiums for the quarter;

(b) The aggregate of the return premiums received; ***and***

(c) The amount of tax remitted to the Commissioner **.** ~~**[**; and~~

~~(d) The distribution of the exposures of insureds by state in accordance with the requirements of any multi-state agreement entered into by the Commissioner pursuant to NRS 685A.185.**]**~~

➥ The report must be on a form approved by the Commissioner.

2. The tax filings and payments required by subsection 1 must be submitted by:

(a) February 15 for the calendar quarter ending the preceding December 31.

(b) May 15 for the calendar quarter ending the preceding March 31.

(c) August 15 for the calendar quarter ending the preceding June 30.

(d) November 15 for the calendar quarter ending the preceding September 30.

Sec. 10. NRS 685A.180 is hereby amended to read as follows:

685A.180 1. ~~**[**Except as otherwise provided in subsection 6, on**]**~~ ***On*** or before the date described in subsection 2 of NRS 685A.175 for each quarter, each broker shall pay as directed by the Commissioner a tax on surplus lines coverages for which this State is the insured's home state written by the broker in unauthorized insurers during the preceding calendar quarter at the same rate of tax as imposed by law on the premiums of similar coverages written by authorized insurers, in addition to any fees imposed pursuant to NRS 685A.075.

2. ~~**[**Except as otherwise provided in subsection 6, on**]**~~ ***On*** or before the date described in subsection 2 of NRS 685A.175 for each quarter, each insured for which this State is the home state shall pay as directed by the Commissioner a tax on independently procured insurance written for the insured by an unauthorized insurer during the preceding calendar quarter at the same rate of tax as imposed by law on the premiums of similar coverages written by authorized insurers, in addition to any fees imposed pursuant to NRS 685A.075.

3. For the purposes of this section, the "premium" on surplus lines coverages includes:

(a) The gross amount charged by the insurer for the insurance, less any return premium;

(b) Any fee allowed by NRS 685A.155;

(c) Any policy fee;

(d) Any membership fee;

(e) Any inspection fee; and

(f) Any other fees or assessments charged by the insurer as consideration for the insurance.

➥ Premium does not include any additional amount charged for state or federal tax, or for executing or completing affidavits or reports of coverage.

4. All taxes collected as directed by the Commissioner pursuant to this section ~~[and not intended for disbursement to other states by a clearinghouse established through any multi-state agreement entered into by the Commissioner pursuant to NRS 685A.185]~~ must be promptly deposited with the State Treasurer ~~[,]~~ to the credit of the State General Fund.

5. A broker who receives a credit for tax paid shall refund to each insured the amount of the credit attributable to the insured when the insurer pays a return premium or within 30 days, whichever is earlier.

~~[6. If the Commissioner has entered into a multi-state agreement pursuant to NRS 685A.185, the Commissioner may require that each broker who has written surplus line coverages for multi-state risks for which this State is the insured's home state and each insured for which this State is the home state who has obtained independently procured insurance for multi-state risks pay a premium tax:~~

~~(a) For the portion of the premium allocated to Nevada, at the tax rate applicable to nonadmitted insurance pursuant to this chapter;~~

~~(b) For the portion of the premium allocated to any other state that also participates in the multi-state agreement, at the tax rate applicable to nonadmitted insurance as established by that state; and~~

~~(c) For the portion of the premium allocated to any other state that does not participate in the multi-state agreement, at the tax rate applicable to nonadmitted insurance pursuant to this chapter. The tax for this portion of the premium must be deposited with the State Treasurer, to the credit of the State General Fund, after it is processed by the clearinghouse established through the multi-state agreement.]~~

Sec. 11. NRS 686A.230 is hereby amended to read as follows:

686A.230 1. A person shall not willfully collect any sum as a premium or charge for insurance which is not then provided or is not in due course to be provided, subject to acceptance of the risk by the insurer, by an insurance policy issued by an insurer as authorized by this Code.

2. Except as otherwise provided in subsection 3, a person shall not willfully collect as a premium or charge for insurance any sum in excess of the premium or charge applicable to the insurance and as specified in the policy, in accordance with the applicable classifications and rates as filed with and approved by the Commissioner. In cases where classifications, premiums or rates are not required by this Code to be so filed and approved, the premiums and charges must not be in excess of those specified in the policy and as fixed by the insurer. This subsection does not prohibit:

(a) The charging and collection by surplus lines brokers licensed under chapter 685A of NRS of the amount permitted by chapter 685A of NRS and regulations adopted by the Commissioner.

(b) The charging and collection by a life insurer of amounts actually to be expended for the medical examination of any applicant for life insurance or for reinstatement of a life insurance policy.

3. The Commissioner may adopt regulations to allow the charging and collection of a fee by an insurance broker, consultant or financial planner:

(a) In lieu of any other charge or commission for solicitation, negotiation or procurement of a policy of insurance which covers commercial or business risks;

(b) For consultation or any related advice on the insuring of commercial or business risks which does not result in the procurement of a policy of insurance; and

(c) For consultation or related advice on the purchase of ***individual or group*** life or health insurance or an ***individual or group*** annuity, whether or not it results in the purchase of a policy of insurance or annuity. In such a case, the fee must be set forth in a written contract signed by the client before the consultation begins.

4. An agent or broker who provides consultation or related advice pursuant to this section shall do so pursuant to a written contract specifying the compensation the agent or broker will receive. The compensation may be in addition to or in lieu of a commission and is not a premium as defined in NRS 679A.115.

Sec. 12. NRS 691D.220 is hereby amended to read as follows:

691D.220 1. Notwithstanding any other provision of law, an employee or authorized representative of a vendor that holds a license as a producer of insurance in portable electronics insurance issued by the Commissioner pursuant to NRS 683A.261 or 683A.271 may, without a license issued by the Commissioner, sell or offer coverage under a policy of portable electronics insurance at any location at which the vendor does business if:

(a) The employee or authorized representative of the vendor sells or offers coverage under a policy of portable electronics insurance only on behalf of, and under the supervision of, the vendor; and

(b) Before the employee or authorized representative of the vendor sells or offers coverage under a policy of portable electronics insurance, he or she completes a program of training provided by the vendor pursuant to NRS 691D.300.

2. An employee or authorized representative of a vendor who sells or offers coverage under a policy of portable electronics insurance pursuant to this section shall not advertise, represent or otherwise hold himself or herself out as a licensed producer of insurance unless the person is licensed as a producer of insurance.

3. An employee or authorized representative of a vendor who sells or offers coverage under a policy of portable electronics insurance pursuant to this section may receive from that vendor compensation related to the selling or offering of coverage under a policy of portable electronics insurance.

Sec. 13. NRS 685A.185 is hereby repealed.

Sec. 14. This act becomes effective on July 1, 2017.

TEXT OF REPEALED SECTION

685A.185 Multi-state agreement to collect premium tax on multi-state risks.

1. The Commissioner may, with the approval of the State Board of Examiners, on behalf of the State enter into a multi-state agreement to preserve the ability of this State to collect premium tax on multi-state risks.

2. If, within 18 months after the Commissioner enters into a multi-state agreement pursuant to subsection 1, the Commissioner conducts a hearing pursuant to the provisions of chapter 233B of NRS concerning participation in the multi-state agreement, the Commissioner shall submit to the State Board of Examiners and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report concerning the findings of the Commissioner pursuant to the hearing.

3. The State Board of Examiners shall review and may accept the findings of the Commissioner. If the Commissioner finds and the State Board of Examiners accepts that because of the effect of the multi-state agreement on the gross receipt of premiums collected in this State:

(a) It is in the best interest of the State to continue to participate in the multi-state agreement, the State Board of Examiners may approve the State's continued participation in the multi-state agreement.

(b) It is not in the best interest of the State to continue to participate in the multi-state agreement, the State Board of Examiners may approve the State's withdrawal from the multi-state agreement.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

The following amendment was proposed by the Assemblywoman Bustamante Adams:

Amendment No. 757.

AN ACT relating to insurance; authorizing an insurer to process claims of industrial insurance at an office located outside of this State; requiring that persons processing claims of industrial insurance be accessible to an employer and his or her employees who are located in this State; removing the requirement that an insurer who provides industrial insurance provide an office in this State; authorizing the Commissioner of Insurance to accept an independent audit in lieu of an examination of a nonprofit organization of surplus lines brokers; limiting when a surplus lines broker may charge a fee; authorizing the Commissioner to adopt regulations for the charging and collection of certain fees for the purchase of individual or group life or health insurance or an individual or group annuity; authorizing an employee or authorized representative of a vendor to receive **certain** compensation ~~[for~~

~~selling or~~] **relating to** offering portable electronics insurance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an insurer who provides industrial insurance to provide an office in this State that is operated by the insurer or its third-party administrator. Such an office must have persons authorized to act for the insurer who may receive information related to a claim and provide services to an employer and his or her employees. Additionally, an insurer shall provide a statewide toll-free telephone service to its in-state office or accept collect calls from injured employees. (NRS 616B.027) **Section 1** of this bill authorizes persons who are authorized to act for the insurer to handle, at an office located outside of this State, a claim of industrial insurance that is filed in this State. **Section 1** further requires that such persons located outside of this State be accessible: (1) through electronic communications, videoconferencing, teleconferencing or other available technology that is provided by the insurer; and (2) by a statewide toll-free telephone service provided by the insurer or by the insurer accepting collect calls from injured employees on all days other than Saturdays, Sundays and legal holidays in the jurisdiction in which the office is located from 9 a.m. to 5 p.m. Pacific time. **Section 1** additionally sets forth that such persons located outside of this State are subject to the jurisdiction of the courts of this State and to service of process. **Section 1** additionally authorizes the Administrator of the Division of Industrial Relations of the Department of Business and Industry to adopt regulations concerning: (1) the handling of a claim that is filed in this State at an office located outside of this State; and (2) the accessibility to persons located outside of this State who are working on such claims.

Section 3 of this bill amends existing law by removing the requirement that an insurer who provides industrial insurance provide an office in this State that is operated by the insurer or its third-party administrator. **Sections 2, 4 and 5** of this bill make conforming changes.

Existing law requires the Commissioner of Insurance to make an examination of the affairs, transactions, accounts, records and assets of a nonprofit organization of surplus lines brokers. (NRS 685A.075) **Section 7** of this bill authorizes the Commissioner to accept the report of an independent audit in lieu of an examination if the Commissioner deems an independent audit to be in the best interest of the residents of this State.

Existing law authorizes a surplus lines broker to charge a fee for procuring surplus lines coverage. (NRS 685A.155) **Section 8** of this bill limits existing law by only authorizing a broker who places any insurance coverage with an authorized insurer to charge a fee for procuring surplus lines coverage.

Existing law authorizes the Commissioner to adopt regulations to allow for the charging and collection of a fee by an insurance broker, consultant or financial planner for consultation or related advice on the purchase of life or health insurance or an annuity. (NRS 686A.230) **Section 11** of this bill clarifies existing law by authorizing the Commissioner to adopt regulations

to allow for the charging and collection of a fee by an insurance broker, consultant or financial planner for consultation or related advice on the purchase of individual or group life or health insurance or an individual or group annuity.

Section 12 of this bill authorizes an employee or authorized representative of a vendor to receive from the vendor **certain incidental** compensation ~~[for the selling or]~~ **relating to** offering ~~[of]~~ coverage **and enrolling a customer** under a policy of portable electronics insurance. **Section 6** of this bill makes conforming changes.

Existing law authorizes the Commissioner, with the approval of the State Board of Examiners, to enter into a multi-state agreement to preserve the ability of this State to collect premium tax on multi-state risks. (NRS 685A.185) **Section 13** of this bill repeals this provision. **Sections 9 and 10** of this bill make conforming changes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 616B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Persons authorized to act for an insurer at an office located outside of this State may process a claim filed in this State.

2. In processing a claim filed in this State, persons authorized to act for an insurer at an office located outside of this State may receive information related to that claim and provide the services to an employer and his or her employees required by chapters 616A to 617, inclusive, of NRS. Such persons must be accessible:

(a) Through electronic communications, videoconferencing, teleconferencing or other available technology that is provided by the insurer; and

(b) By a statewide toll-free telephone service provided by the insurer or by the insurer accepting collect calls from injured employees on all days, other than Saturdays, Sundays and legal holidays in the jurisdiction in which the office is located, from 9 a.m. to 5 p.m. Pacific time.

3. In processing a claim filed in this State pursuant to this section, persons authorized to act for an insurer at an office located outside of this State are, to the extent not inconsistent with the Nevada Constitution or the United States Constitution, subject to the jurisdiction of the courts of this State and to service of process as provided in NRS 14.065.

4. The Administrator may adopt regulations concerning the:

(a) Processing of a claim filed in this State at an office located outside of this State pursuant to subsection 1; and

(b) Access required by subsection 2 to persons who are authorized to act for an insurer pursuant to subsection 1.

5. As used in this section, "Pacific time" means the actual measure of time that is used and observed by the general population as the uniform

time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the seat of government of this State as designated by Section 1 of Article 15 of the Nevada Constitution.

Sec. 2. NRS 616B.021 is hereby amended to read as follows:

616B.021 1. An insurer shall provide access to the files of claims in its offices.

2. The physical records in a file concerning a claim filed in this State may be kept at an office located outside this State if all records in the file are accessible at ***its*** offices ~~[located in this State]~~ on computer in a microphotographic, electronic or other similar format that produces an accurate reproduction of the original. If a claim filed in this State is open, the records in the file must be reproduced and available for inspection during regular business hours within 24 hours after requested by the employee or the employee's designated agent, the employer or the employer's designated agent, or the Administrator or the Administrator's designated agent. If a claim filed in this State is closed, the records in the file must be reproduced and available for inspection during regular business hours within 14 days after requested by such persons.

3. Upon request, the insurer shall make copies or other reproductions of anything in the file and may charge a reasonable fee for this service. Copies or other reproductions of materials in the file which are requested by the Administrator or the Administrator's designated agent, or the Nevada Attorney for Injured Workers or his or her designated agent must be provided free of charge.

4. The Administrator may adopt regulations concerning the:

(a) Maintenance of records in a file on claims that are open or closed; and

(b) Preservation, examination and use of records which have been stored on computer or in a microphotographic, electronic or similar format by an insurer.

5. This section does not require an insurer to allow inspection or reproduction of material regarding which a legal privilege against disclosure has been conferred.

Sec. 3. NRS 616B.027 is hereby amended to read as follows:

616B.027 1. Every insurer ***and third-party administrator*** shall:

(a) Provide ~~[an office]~~ in this State ***:*** ~~[operated by the insurer or its third-party administrator in which:]~~

(1) A complete file of ~~[each]~~ ***a*** claim ~~[is accessible,]~~ ***filed by the employee or the representative of the employee,*** in accordance with the provisions of NRS 616B.021 ~~[.]~~ ***, upon request of the employee or his or her representative; and***

(2) Persons authorized to act for the insurer and, if necessary, licensed pursuant to chapter 683A of NRS, ***including, without limitation, persons authorized pursuant to section 1 of this act, who*** may receive information

related to a claim and provide the services to an employer and his or her employees required by chapters 616A to 617, inclusive, of NRS **.** ~~[; and~~

~~(3) An employee or his or her employer, upon request, is provided with information related to a claim filed by the employee or a copy or other reproduction of the information from the file for that claim, in accordance with the provisions of NRS 616B.021.~~**]**

(b) Provide statewide toll-free telephone service ~~[to the office maintained pursuant to paragraph (a)]~~ or accept collect calls from injured employees.

2. Each private carrier shall provide:

(a) Adequate services to its insured employers in controlling losses; and

(b) Adequate information on the prevention of industrial accidents and occupational diseases.

Sec. 4. NRS 616B.500 is hereby amended to read as follows:

616B.500 1. An insurer may enter into a contract to have his or her plan of insurance administered by a third-party administrator.

2. An insurer shall not enter into a contract with any person for the administration of any part of the plan of insurance unless that person ~~[maintains an office in this State and]~~ has a certificate issued by the Commissioner pursuant to NRS 683A.08524.

Sec. 5. NRS 616B.503 is hereby amended to read as follows:

616B.503 1. A person shall not act as a third-party administrator for an insurer without a certificate issued by the Commissioner pursuant to NRS 683A.08524.

2. A person who acts as a third-party administrator pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS shall:

(a) Administer from one or more offices ~~[located in this State]~~ all of the claims arising under each plan of insurance that the person administers and maintain in those offices all of the records concerning those claims;

(b) Administer each plan of insurance directly, without subcontracting with another third-party administrator; and

(c) Upon the termination of the person's contract with an insurer, transfer forthwith to a certified third-party administrator chosen by the insurer all of the records in the person's possession concerning claims arising under the plan of insurance.

3. The Commissioner may, under exceptional circumstances, waive the requirements of subsection 2.

Sec. 6. NRS 683A.325 is hereby amended to read as follows:

683A.325 1. Except as otherwise provided in NRS 683A.3687 ~~[,]~~ ***or 691D.220,*** a producer of insurance who is appointed as an agent may pay a commission or compensation for or on account of the selling, soliciting, procuring or negotiating of insurance in this State only to a licensed and appointed producer of insurance of the insurer with whom insurance was placed or to a licensed producer acting as a broker.

2. A licensee shall not accept any commission or compensation to which the licensee is not entitled pursuant to the provisions of this title.

Sec. 7. NRS 685A.075 is hereby amended to read as follows:

685A.075 1. A nonprofit organization of surplus lines brokers may be formed to:

(a) Facilitate and encourage compliance by its members with the laws of this State and the rules and regulations of the Commissioner concerning surplus lines insurance;

(b) Provide a means for the review of all surplus lines coverage written in this State;

(c) Communicate with organizations of admitted insurers with respect to the proper use of the surplus lines market;

(d) Receive and disseminate to brokers information relative to surplus lines coverages; and

(e) Charge members a filing fee, approved by the Commissioner, for the review of surplus lines coverages.

2. Every such organization shall exercise its powers through a board of directors and shall file with the Commissioner:

(a) A copy of its constitution, articles of agreement or association or certificate of incorporation;

(b) A copy of its bylaws, rules and regulations governing its activities;

(c) A copy of its plan of operations established and approved by the Commissioner;

(d) A current list of its members;

(e) The name and address of a resident of this State upon whom notices or orders of the Commissioner or processes issued at the direction of the Commissioner may be served; and

(f) An agreement that the Commissioner may examine the organization in accordance with the provisions of this section.

3. The Commissioner shall make an examination of the affairs, transactions, accounts, records and assets of such an organization and any of its members as often as the Commissioner deems necessary for the protection of the interests of the people of this State, but no less frequently than once every 3 years. The officers, managers, agents and employees of such an organization may be examined at any time, under oath, and shall provide to the Commissioner all books, records, accounts, documents or agreements governing its method of operation. The Commissioner shall furnish two copies of the examination report to the organization examined and shall notify the organization that it may, within 20 days thereof, request a hearing on the report or on any facts or recommendations set forth therein. If the Commissioner finds such an organization or any member thereof to be in violation of this chapter, the Commissioner may, in addition to any administrative fine or penalty imposed pursuant to this Code, issue an order requiring the discontinuance of such violations. ***In lieu of an examination conducted pursuant to this subsection, the Commissioner may accept the report of an independent audit of such an organization if the***

Commissioner deems that an independent audit is in the best interest of the residents of this State.

4. The board of directors of such an organization must consist of not fewer than five persons. The members of the board must be appointed by the Commissioner and serve at the pleasure of the Commissioner.

5. A broker must be a member of such an organization as a condition of continued licensure under this chapter.

Sec. 8. NRS 685A.155 is hereby amended to read as follows:

685A.155 A broker ***who places any insurance coverage with an authorized insurer pursuant to subsection 3 of NRS 685A.060*** may charge a fee for procuring surplus lines coverage. Except as otherwise provided by agreement between the insurer and broker, the fee must not exceed 20 percent of the premium charged, after deduction of any other commissions, fees and charges payable to the broker.

Sec. 9. NRS 685A.175 is hereby amended to read as follows:

685A.175 1. A broker who has written coverage for which this State is the insured's home state shall pay, by the date described in subsection 2, the tax for each calendar quarter as directed by the Commissioner and shall file as directed by the Commissioner a copy of a quarterly report which includes an accounting of:

(a) The aggregate gross premiums for the quarter;

(b) The aggregate of the return premiums received; ***and***

(c) The amount of tax remitted to the Commissioner **.** ~~[, and~~

~~(d) The distribution of the exposures of insureds by state in accordance with the requirements of any multi-state agreement entered into by the Commissioner pursuant to NRS 685A.185.]~~

➥ The report must be on a form approved by the Commissioner.

2. The tax filings and payments required by subsection 1 must be submitted by:

(a) February 15 for the calendar quarter ending the preceding December 31.

(b) May 15 for the calendar quarter ending the preceding March 31.

(c) August 15 for the calendar quarter ending the preceding June 30.

(d) November 15 for the calendar quarter ending the preceding September 30.

Sec. 10. NRS 685A.180 is hereby amended to read as follows:

685A.180 1. ~~[Except as otherwise provided in subsection 6, on]~~ ***On*** or before the date described in subsection 2 of NRS 685A.175 for each quarter, each broker shall pay as directed by the Commissioner a tax on surplus lines coverages for which this State is the insured's home state written by the broker in unauthorized insurers during the preceding calendar quarter at the same rate of tax as imposed by law on the premiums of similar coverages written by authorized insurers, in addition to any fees imposed pursuant to NRS 685A.075.

2. ~~[Except as otherwise provided in subsection 6, on]~~ ***On*** or before the date described in subsection 2 of NRS 685A.175 for each quarter, each insured for which this State is the home state shall pay as directed by the Commissioner a tax on independently procured insurance written for the insured by an unauthorized insurer during the preceding calendar quarter at the same rate of tax as imposed by law on the premiums of similar coverages written by authorized insurers, in addition to any fees imposed pursuant to NRS 685A.075.

3. For the purposes of this section, the "premium" on surplus lines coverages includes:

(a) The gross amount charged by the insurer for the insurance, less any return premium;

(b) Any fee allowed by NRS 685A.155;

(c) Any policy fee;

(d) Any membership fee;

(e) Any inspection fee; and

(f) Any other fees or assessments charged by the insurer as consideration for the insurance.

➥ Premium does not include any additional amount charged for state or federal tax, or for executing or completing affidavits or reports of coverage.

4. All taxes collected as directed by the Commissioner pursuant to this section ~~[and not intended for disbursement to other states by a clearinghouse established through any multi-state agreement entered into by the Commissioner pursuant to NRS 685A.185]~~ must be promptly deposited with the State Treasurer ~~[,]~~ to the credit of the State General Fund.

5. A broker who receives a credit for tax paid shall refund to each insured the amount of the credit attributable to the insured when the insurer pays a return premium or within 30 days, whichever is earlier.

~~[6. If the Commissioner has entered into a multi-state agreement pursuant to NRS 685A.185, the Commissioner may require that each broker who has written surplus line coverages for multi-state risks for which this State is the insured's home state and each insured for which this State is the home state who has obtained independently procured insurance for multi-state risks pay a premium tax:~~

~~(a) For the portion of the premium allocated to Nevada, at the tax rate applicable to nonadmitted insurance pursuant to this chapter;~~

~~(b) For the portion of the premium allocated to any other state that also participates in the multi-state agreement, at the tax rate applicable to nonadmitted insurance as established by that state; and~~

~~(c) For the portion of the premium allocated to any other state that does not participate in the multi-state agreement, at the tax rate applicable to nonadmitted insurance pursuant to this chapter. The tax for this portion of the premium must be deposited with the State Treasurer, to the credit of the State General Fund, after it is processed by the clearinghouse established through the multi-state agreement.]~~

Sec. 11. NRS 686A.230 is hereby amended to read as follows:

686A.230 1. A person shall not willfully collect any sum as a premium or charge for insurance which is not then provided or is not in due course to be provided, subject to acceptance of the risk by the insurer, by an insurance policy issued by an insurer as authorized by this Code.

2. Except as otherwise provided in subsection 3, a person shall not willfully collect as a premium or charge for insurance any sum in excess of the premium or charge applicable to the insurance and as specified in the policy, in accordance with the applicable classifications and rates as filed with and approved by the Commissioner. In cases where classifications, premiums or rates are not required by this Code to be so filed and approved, the premiums and charges must not be in excess of those specified in the policy and as fixed by the insurer. This subsection does not prohibit:

(a) The charging and collection by surplus lines brokers licensed under chapter 685A of NRS of the amount permitted by chapter 685A of NRS and regulations adopted by the Commissioner.

(b) The charging and collection by a life insurer of amounts actually to be expended for the medical examination of any applicant for life insurance or for reinstatement of a life insurance policy.

3. The Commissioner may adopt regulations to allow the charging and collection of a fee by an insurance broker, consultant or financial planner:

(a) In lieu of any other charge or commission for solicitation, negotiation or procurement of a policy of insurance which covers commercial or business risks;

(b) For consultation or any related advice on the insuring of commercial or business risks which does not result in the procurement of a policy of insurance; and

(c) For consultation or related advice on the purchase of ***individual or group*** life or health insurance or an ***individual or group*** annuity, whether or not it results in the purchase of a policy of insurance or annuity. In such a case, the fee must be set forth in a written contract signed by the client before the consultation begins.

4. An agent or broker who provides consultation or related advice pursuant to this section shall do so pursuant to a written contract specifying the compensation the agent or broker will receive. The compensation may be in addition to or in lieu of a commission and is not a premium as defined in NRS 679A.115.

Sec. 12. NRS 691D.220 is hereby amended to read as follows:

691D.220 1. Notwithstanding any other provision of law, an employee or authorized representative of a vendor that holds a license as a producer of insurance in portable electronics insurance issued by the Commissioner pursuant to NRS 683A.261 or 683A.271 may, without a license issued by the Commissioner, sell or offer coverage under a policy of portable electronics insurance at any location at which the vendor does business if:

(a) The employee or authorized representative of the vendor sells or offers coverage under a policy of portable electronics insurance only on behalf of, and under the supervision of, the vendor; and

(b) Before the employee or authorized representative of the vendor sells or offers coverage under a policy of portable electronics insurance, he or she completes a program of training provided by the vendor pursuant to NRS 691D.300.

2. An employee or authorized representative of a vendor who sells or offers coverage under a policy of portable electronics insurance pursuant to this section shall not advertise, represent or otherwise hold himself or herself out as a licensed producer of insurance unless the person is licensed as a producer of insurance.

3. An employee or authorized representative of a vendor who ~~[sells or]~~ offers to a customer coverage under a policy of portable electronics insurance pursuant to this section and enrolls the customer under the policy may receive from ~~[that]~~ the vendor compensation ~~[related]~~ that is:

(a) Incidental to the overall compensation received by the employee or authorized representative of the vendor; and

(b) Relating to the ~~[selling or]~~ offering of the coverage and the enrolling of the customer under ~~[a]~~ the policy of portable electronics insurance.

Sec. 13. NRS 685A.185 is hereby repealed.

Sec. 14. This act becomes effective on July 1, 2017.

TEXT OF REPEALED SECTION

685A.185 Multi-state agreement to collect premium tax on multi-state risks.

1. The Commissioner may, with the approval of the State Board of Examiners, on behalf of the State enter into a multi-state agreement to preserve the ability of this State to collect premium tax on multi-state risks.

2. If, within 18 months after the Commissioner enters into a multi-state agreement pursuant to subsection 1, the Commissioner conducts a hearing pursuant to the provisions of chapter 233B of NRS concerning participation in the multi-state agreement, the Commissioner shall submit to the State Board of Examiners and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report concerning the findings of the Commissioner pursuant to the hearing.

3. The State Board of Examiners shall review and may accept the findings of the Commissioner. If the Commissioner finds and the State Board of Examiners accepts that because of the effect of the multi-state agreement on the gross receipt of premiums collected in this State:

(a) It is in the best interest of the State to continue to participate in the multi-state agreement, the State Board of Examiners may approve the State's continued participation in the multi-state agreement.

(b) It is not in the best interest of the State to continue to participate in the multi-state agreement, the State Board of Examiners may approve the State's withdrawal from the multi-state agreement.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 226.

Bill read second time and ordered to third reading.

Senate Bill No. 227.

Bill read second time and ordered to third reading.

Senate Bill No. 239.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 791.

AN ACT relating to common-interest communities; revising provisions authorizing an employee, agent or community manager of a unit-owner's association to enter the grounds of certain units under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law assigns the responsibility for the maintenance, repair and replacement of a unit in a common-interest community to the owner of the unit and the maintenance, repair and replacement of a common element in the community to the unit-owners' association. (NRS 116.3107) Existing law further provides that the association may, without liability for trespass, enter on the grounds of a unit that is vacant or in the foreclosure process, whether vacant or not, to maintain the exterior of the unit or abate a public nuisance on the exterior of the unit if, after notice and a hearing, the unit's owner refuses or fails to do so. (NRS 116.310312) Under existing law, the association is authorized to charge the unit's owner for the costs of such maintenance or abatement services and any such costs which are not paid by the unit's owner are a lien against the unit. (NRS 116.3102, 116.310312, 116.3116)

This bill revises the definition of "exterior of the unit" for the purpose of determining the areas of a unit that may be maintained by a unit-owners' association that enters the grounds of a unit in accordance with existing law. Under the revised definition, the "exterior of the unit" would include the exterior of any property that a unit owner is obligated to maintain pursuant to the declaration under which the common-interest community was created. Thus, under this bill, an association would be authorized to enter the grounds

of a unit to maintain such areas of the unit if the conditions specified in existing law were satisfied.

In addition, this bill sets forth additional circumstances under which a unit-owners' association may, without liability for trespass, enter on the grounds **or interior** of a unit that is located in a building that contains units divided by horizontal boundaries or vertical boundaries comprised of common walls between units. Under this bill, the association may enter ~~[on]~~ the grounds **and interior** of such a unit that is vacant ~~[or in the foreclosure process, whether vacant or not,]~~ to abate a water or sewage leak in the unit that is causing damage or, if not immediately abated, may cause damage to the common elements or another unit and to ~~[remediate or]~~ remove any water or ~~[mold damage resulting from the leak]~~ **sewage from the unit that is causing damage** if ~~[, after notice but before a hearing,]~~ the unit's owner refuses or fails to do so. **After notice but before a hearing, the association may enter the grounds and interior of such a unit that is vacant to remove damaged components of the unit and to remediate or remove any water or mold damage resulting from a water or sewage leak if the unit's owner refuses or fails to do so.**

Under this bill, if the association or its employee, agent or community manager enter ~~[on]~~ the grounds **or interior** of a unit to **remove damaged components or to** remediate or remove any water or mold damage resulting from a water or sewage leak, **the damaged components may be removed and** the water or mold damage may be remediated or removed only to the extent reasonably necessary because the water or mold damage: (1) threatens the health or safety of the residents of the common-interest community; (2) results in blighting or deterioration of the unit or the surrounding area; ~~[or]~~ **and** (3) adversely affects the use and enjoyment of nearby units. ~~[In addition,]~~

This bill also provides that if ~~[the]~~ **a** unit is **vacant and not** in the foreclosure process, the association or its employees, agents or community manager are not authorized to ~~[remediate or remove such damage]~~ **maintain the exterior of the unit or abate a public nuisance** unless ~~[: (1)]~~ the association notifies each holder of a recorded security interest of its intent to ~~[remediate the damage; and (2) within 14 days after the mailing of that notice, each holder of a recorded security interest to whom the notice is mailed notifies the association that the holder does not intend to remediate the damage or fails to remediate the damage.]~~ **maintain the exterior of the unit or abate a public nuisance.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 116.310312 is hereby amended to read as follows:

116.310312 1. A person who holds a security interest in a unit must provide the association with the person's contact information as soon as reasonably practicable, but not later than 30 days after the person:

(a) Files an action for recovery of a debt or enforcement of any right secured by the unit pursuant to NRS 40.430; or

(b) Records or has recorded on his or her behalf a notice of a breach of obligation secured by the unit and the election to sell or have the unit sold pursuant to NRS 107.080.

2. If an action or notice described in subsection 1 has been filed or recorded regarding a unit and the association has provided the unit's owner with notice and an opportunity for a hearing in the manner provided in NRS 116.31031, the association, including its employees, agents and community manager, may, but is not required to, enter the grounds of the unit, whether or not the unit is vacant, to take any of the following actions if the unit's owner refuses or fails to take any action or comply with any requirement imposed on the unit's owner within the time specified by the association as a result of the hearing:

(a) Maintain the exterior of the unit in accordance with the standards set forth in the governing documents, including, without limitation, any provisions governing maintenance, standing water or snow removal.

(b) Remove or abate a public nuisance on the exterior of the unit which:

(1) Is visible from any common area of the community or public streets;

(2) Threatens the health or safety of the residents of the common-interest community;

(3) Results in blighting or deterioration of the unit or surrounding area; and

(4) Adversely affects the use and enjoyment of nearby units.

[(c) If the unit is in a building that contains units divided by horizontal boundaries described in the declaration, or vertical boundaries that comprise common walls between units:

(1) Abate any water or sewage leak in the unit that is causing damage or, if not immediately abated, may cause damage to the common elements or another unit.

(2) Remediate or remove any water or mold damage resulting from the water or sewage leak to the extent such remediation or removal is reasonably necessary because the water or mold damage threatens the health or safety of the residents of the common-interest community, results in blighting or deterioration of the unit or the surrounding area or adversely affects the use and enjoyment of nearby units. An association, including its employees, agents and community manager, may not enter the grounds of the unit or incur any expense to remediate water or mold damage pursuant to this subparagraph unless:

(I) The association or its employee, agent or community manager mails a notice of the intent of the association, including its employees, agents and community manager, to remediate water or mold damage pursuant to this subparagraph by certified mail to each holder of a recorded security interest encumbering the interest of the unit's owner, at the address of the holder that is provided pursuant to NRS 657.110 on the

~~*Internet website maintained by the Division of Financial Institutions of the Department of Business and Industry; and*~~

~~*(II) Within 14 days after the mailing of such notice, each holder of a recorded security interest to whom a notice is sent pursuant to sub-subparagraph (I) has notified the association or its employee, agent or community manager that the holder does not intend to remediate the water or mold damage or has failed to remediate such water or mold damage.]*~~

3. If ~~[a]~~ ***;***

(a) A unit is vacant ~~[and the]~~ ***;***

(b) The association has provided the unit's owner with notice and an opportunity for a hearing in the manner provided in NRS 116.31031 ~~[,]~~ ***; and***

(c) The association or its employee, agent or community manager mails a notice of the intent of the association, including its employees, agents and community manager, to maintain the exterior of the unit or abate a public nuisance, as described in subsection 2, by certified mail to each holder of a recorded security interest encumbering the interest of the unit's owner, at the address of the holder that is provided pursuant to NRS 657.110 on the Internet website maintained by the Division of Financial Institutions of the Department of Business and Industry,

➥ the association, including its employees, agents and community manager, may enter the grounds of the unit to maintain the exterior of the unit or abate a public nuisance **,** as described in ~~***[paragraphs (a) and (b) of]***~~ subsection 2 **,** if the unit's owner refuses or fails to do so.

4. ***If a unit is in a building that contains units divided by horizontal boundaries described in the declaration, or vertical boundaries that comprise common walls between units, and the unit is vacant, the association, including its employees, agents and community manager, may*** ~~***[, after providing the unit's owner notice but before a hearing,]***~~ ***enter the grounds and interior of the unit to:***

(a) Abate a water or sewage leak in the unit and remove any water or sewage from the unit that is causing damage or, if not immediately abated, may cause damage to the common elements or another unit if the unit's owner refuses or fails to abate the water or sewage leak.

(b) After providing the unit's owner with notice but before a hearing in accordance with the provisions of NRS 116.31031:

(1) Remove any furniture, fixtures, appliances and components of the unit, including, without limitation, flooring, baseboards and drywall, that were damaged as a result of water or mold damage resulting from a water or sewage leak to the extent such removal is reasonably necessary because water or mold damage threatens the health or safety of the residents of the common-interest community, results in blighting or deterioration of the unit or the surrounding area and adversely affects the use and enjoyment of nearby units, if the unit's owner refuses or fails to remediate or remove the water or mold damage.

(2) Remediate or remove any water or mold damage in the unit resulting from the water or sewage leak to the extent such remediation or removal is reasonably necessary because the water or mold damage threatens the health or safety of the residents of the common-interest community, results in blighting or deterioration of the unit or the surrounding area [, or] and adversely affects the use and enjoyment of nearby units, if the unit's owner refuses or fails to remediate or remove the water or mold damage. [An association, including its employees, agents and community manager, may not enter the ground of the unit or incur any expense to remediate water or mold damage pursuant to this subparagraph unless:

(1) The association or its employee, agent or community manager mails a notice of the intent of the association, including its employees, agents and community manager, to remediate water or mold damage pursuant to this subparagraph by certified mail to each holder of a recorded security interest encumbering the interest of the unit's owner, at the address of the holder that is provided pursuant to NRS 657.110 on the Internet website maintained by the Division of Financial Institutions of the Department of Business and Industry; and

(2) Within 14 days after the mailing of such notice, each holder of a recorded security interest to whom a notice is sent pursuant to subparagraph (1) has notified the association or its employee, agent or community manager that the holder does not intend to remediate the water or mold damage or has failed to remediate such water or mold damage.]

5. [The] ***After the association has provided the unit's owner with notice and an opportunity for a hearing in the manner provided in NRS 116.31031, the*** association may order that the costs of any maintenance ***[,]*** or abatement ***[,]*** ***or the reasonable costs of remediation or removal*** conducted pursuant to subsection 2 ***,*** [or] 3 [,] ***or 4,*** including, without limitation, reasonable inspection fees, notification and collection costs and interest, be charged against the unit. The association shall keep a record of such costs and interest charged against the unit and has a lien on the unit for any unpaid amount of the charges. The lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive.

[5.] ***6.*** A lien described in subsection [4] ***5*** bears interest from the date that the charges become due at a rate determined pursuant to NRS 17.130 until the charges, including all interest due, are paid.

[6.] ***7.*** Except as otherwise provided in this subsection, a lien described in subsection [4] ***5*** is prior and superior to all liens, claims, encumbrances and titles other than the liens described in paragraphs (a) and (c) of subsection 2 of NRS 116.3116. If the federal regulations of the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of priority for the lien, the period during which the lien is prior and superior to other security interests shall be determined in accordance with those federal regulations. Notwithstanding the federal

regulations, the period of priority of the lien must not be less than the 6 months immediately preceding the institution of an action to enforce the lien.

~~[7.]~~ ***8.*** A person who purchases or acquires a unit at a foreclosure sale pursuant to NRS 40.430 or a trustee's sale pursuant to NRS 107.080 is bound by the governing documents of the association and shall maintain the exterior of the unit in accordance with the governing documents of the association. Such a unit may only be removed from a common-interest community in accordance with the governing documents pursuant to this chapter.

~~[8.]~~ ***9.*** Notwithstanding any other provision of law, an association, its directors or members of the executive board, employees, agents or community manager who enter the grounds ***or interior*** of a unit pursuant to this section are not liable for trespass.

~~[9.]~~ ***10.*** As used in this section:

(a) "Exterior of the unit" includes, without limitation, all landscaping outside of a unit ***,*** ~~[and]~~ the exterior of all property exclusively owned by the unit owner ~~[.]~~ ***and the exterior of all property that the unit owner is obligated to maintain pursuant to the declaration.***

(b) ***"Remediation" does not include restoration.***

(c) "Vacant" means a unit:

(1) Which reasonably appears to be unoccupied;

(2) On which the owner has failed to maintain the exterior to the standards set forth in the governing documents of the association; and

(3) On which the owner has failed to pay assessments for more than 60 days.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 251.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 834.

AN ACT relating to storage tanks; requiring the Board to Review Claims to adopt regulations for the administration of a program to award grants of money from the Fund for Cleaning Up Discharges of Petroleum to certain operators of storage tanks; authorizing the Division of Environmental Protection of the State Department of Conservation and Natural Resources to award grants of money to those operators under certain circumstances; requiring the Board to adopt regulations for the administration of a program to provide assistance in complying with certain laws or regulations to any operator; requiring the Division to administer the program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law: (1) the State Department of Conservation and Natural Resources is required to impose fees on the importation of certain fuels into this State; and (2) the Division of Environmental Protection of the Department is required to impose an annual fee for the registration of certain storage tanks used to store petroleum in this State. (NRS 445C.330, 445C.340) The money collected by the Division from such fees is deposited into the Fund for Cleaning Up Discharges of Petroleum, and used to reimburse the Division for the costs of cleaning up discharges involving petroleum, heating oil and certain petrochemicals from storage tanks and mobile tanks. (NRS 445C.320, 445C.360-445C.380) The Board to Review Claims is required to adopt regulations for the investigation and payment of claims against the Fund and to review each claim and authorize payment if warranted. (NRS 445C.310)

This bill requires the Board to adopt regulations for the administration by the Division of a grant program to award grants of money from the Fund to assist operators of petroleum storage tanks who have a demonstrated financial need for assistance in defraying the costs of any infrastructure required by the operator to comply with any law or regulation relating to preventing discharge of petroleum from a storage tank. The Division is required to report annually to the Board concerning the grants, if any, awarded by the Division.

This bill also requires the Board to adopt regulations for the administration by the Division of a program to provide assistance to operators in complying with any law or regulation relating to the prevention of discharges which are applicable to storage tanks.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 445C.310 is hereby amended to read as follows:

445C.310 1. The Fund for Cleaning Up Discharges of Petroleum is hereby created as a special revenue fund in the State Treasury. The Division shall administer the Fund for the purposes prescribed in NRS 445C.150 to 445C.410, inclusive, and the Board shall adopt appropriate regulations for the **[**~~investigation~~**]** ***:***

(a) Investigation and payment of claims against the Fund. The Board shall review each claim presented and authorize payment to the extent warranted by the facts of the case.

(b) Administration by the Division of a grant program described in subsection 2, which must include, without limitation:

(1) The manner in which an operator may apply for a grant of money from the program;

(2) The criteria that the Division must consider in determining whether to award a grant of money from the program;

(3) The methods by which the Division must , in the following order, prioritize the award of available money for grants from the program, including, without limitation, consideration of:

(I) The financial need of an operator who applies for a grant of money from the program;

(II) [The availability and proximity of other petroleum dispensing locations, if any, in the same geographical area as an operator who applies for a grant of money from the program; and

(III)] The total volume of petroleum dispensed on an annual basis from each storage tank of an operator who applies for a grant of money from the program; and

(III) The availability and proximity of other petroleum dispensing locations, if any, in the same geographical area as an operator who applies for a grant of money from the program; and

(4) The manner in which the Division:

(I) Must distribute and administer the grant program;

(II) May audit and inspect relevant records of an operator who receives a grant of money from the program;

(III) May, upon good cause shown, seek repayment of any unauthorized expenditures by an operator who receives a grant of money from the program; and

(IV) May seek to recover from an operator who receives a grant of money from the program the costs incurred by the Division in seeking repayment of any unauthorized expenditures by the operator.

(c) Administration by the Division of the program of assistance described in subsection 3.

2. ***The Division may award a grant of money from the Fund to an operator who has a demonstrated financial need for assistance in defraying the costs of any infrastructure required by the operator to comply with any law or regulation relating to the prevention of discharges. The Division shall:***

(a) Administer the grant program in accordance with the regulations adopted by the Board pursuant to paragraph (b) of subsection 1; and

(b) Submit to the Board an annual report concerning the grants, if any, awarded pursuant to this subsection.

3. The Division shall, in accordance with the regulations adopted pursuant to paragraph (c) of subsection 1, administer a program to provide assistance to an operator in complying with any law or regulation relating to the prevention of discharges which are applicable to storage tanks.

4. The expenses incurred by the Division in performing its duties pursuant to NRS 445C.150 to 445C.410, inclusive, are a charge against the Fund. The interest earned on money in the Fund must be credited to the Fund.

~~[3.]~~ ***5.*** The Board shall transmit a copy of any resolution that the Board has adopted in carrying out its duties pursuant to this section to the

Legislative Counsel within 5 working days after the adoption of the resolution for inclusion in the register of administrative regulations published pursuant to NRS 233B.0653.

6. As used in this section, "petroleum dispensing location" means a facility where a member of the public can obtain petroleum products of the same type as those offered by an operator who has applied for a grant pursuant to subsection 2.

Sec. 2. As soon as practicable after the effective date of this act, the Board to Review Claims shall adopt the regulations required pursuant to paragraphs (b) and (c) of subsection 1 of NRS 445C.310, as amended by section 1 of this act.

Sec. 3. This act becomes effective upon passage and approval.

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblywoman Swank.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 270.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 835.

AN ACT relating to water; requiring a claimant of pre-statutory water rights to submit proof of the claim to the State Engineer on or before a certain date; requiring the State Engineer to provide certain notice of this requirement; eliminating the procedure for taking proofs of claims on and after a certain date; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, water rights for surface water, artesian groundwater and percolating groundwater that were initiated by applying water to beneficial use before the statutes regulating those water sources were enacted by the Nevada Legislature in 1905, 1913 and 1939, respectively, are known as vested water rights. Existing law provides a procedure for determining the extent of all vested water rights on a water source, which is called an adjudication. As part of that procedure, claimants of vested rights are required to file proofs of appropriation with the State Engineer, which is known in existing law as the procedure of taking proofs. (NRS 533.090-533.320)

Section 1 of this bill requires any claimant of a pre-statutory water right to submit proof of the claim to the State Engineer on or before December 31, 2027, regardless of whether an adjudication has been ordered for a water source. If a claimant fails to submit such proof, the claim is deemed to be abandoned. **Section 1** requires the State Engineer to provide notice of this requirement in various manners during the 10-year period before the deadline. **Sections 2 and 5-8** of this bill conform provisions in existing law

governing the procedures of the State Engineer taking proofs to reflect the submission of any proofs pursuant to **section 1** to the State Engineer before an adjudication has been ordered. **Sections 3, 4, 9 and 11** of this bill eliminate the procedure of the State Engineer taking proofs in an adjudication on and after January 1, 2028, **except for proofs of federal agencies claiming reserved rights,** because **section 1** requires proofs of all pre-statutory water rights to be on file with the State Engineer by December 31, 2027, or such claims are deemed to be abandoned.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 533 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A claimant of any vested water right must submit, on a form prescribed by the State Engineer, proof of the claim to the State Engineer on or before December 31, 2027. If a claimant fails to file such proof on or before December 31, 2027, the claim shall be deemed to be abandoned.

2. Until December 31, 2027, the State Engineer shall cause notice of the provisions of subsection 1 to be:

(a) Published annually for 4 consecutive weeks in at least one newspaper of general circulation within the boundaries of each groundwater basin throughout the State.

(b) Posted on the Internet website maintained by the State Engineer.

Sec. 2. NRS 533.095 is hereby amended to read as follows:

533.095 1. As soon as practicable after the State Engineer shall make and enter the order granting the petition or selecting the streams upon which the determination of rights is to begin, the State Engineer shall prepare a notice setting forth the fact of the entry of the order and of the pendency of the proceedings.

2. The notice shall:

(a) Name a date when the State Engineer or the State Engineer's assistants shall begin the examination.

(b) Set forth that all claimants to rights in the waters of the stream system are required, as provided in this chapter, to make proof of their claims ~~[.]~~ ***, except claimants who submitted proof of their claims pursuant to section 1 of this act.***

3. The notice shall be published for a period of 4 consecutive weeks in one or more newspapers of general circulation within the boundaries of the stream system.

Sec. 3. NRS 533.095 is hereby amended to read as follows:

533.095 1. As soon as practicable after the State Engineer shall make and enter the order granting the petition or selecting the streams upon which the determination of rights is to begin, the State Engineer shall prepare a notice setting forth the fact of the entry of the order and of the pendency of the proceedings.

2. The notice shall :

(a) Name ~~[*name*]~~ a date when the State Engineer or the State Engineer's assistants shall begin the examination.

(b) Set forth that ~~[all claimants to]~~ ***any federal agencies claiming reserved*** rights in the waters of the stream system are required, as ~~[provided in this chapter,]~~ ***prescribed by the State Engineer,*** to make proof of their claims **.** ~~[, except claimants who submitted proof of their claims pursuant to section 1 of this act.]~~

3. The notice shall be published for a period of 4 consecutive weeks in one or more newspapers of general circulation within the boundaries of the stream system.

Sec. 4. NRS 533.105 is hereby amended to read as follows:

533.105 1. If satisfactory data are available from the measurements and areas compiled by the United States Geological Survey or other persons, the State Engineer may dispense with the execution of such surveys and the preparation of such maps and stream measurements, except insofar as is necessary to prepare them to conform with the rules and regulations, as provided in NRS 533.100.

2. If the surveys are executed and maps are prepared and filed with the State Engineer at the instance of the person claiming a right to the use of water, the proportionate cost thereof, as determined by the State Engineer, to be assessed and collected for the adjudication of the relative rights, as provided in this chapter, shall be remitted to the claimant after the completion of the determination; but the map must conform with the rules and regulations of the State Engineer and shall be accepted only after the State Engineer is satisfied that the data shown thereon are substantially correct. Such measurements, maps and determinations shall be exhibited for inspection ~~[at the time of taking proofs and]~~ during the period during which ~~[such]~~ proofs ***of claims*** and evidence are kept open for inspection in accordance with the provisions of this chapter.

Sec. 5. NRS 533.110 is hereby amended to read as follows:

533.110 1. Upon the filing of such measurements, maps and determinations, the State Engineer shall prepare a notice setting forth the date when the State Engineer is to commence the taking of proofs ***, except proofs submitted pursuant to section 1 of this act,*** as to the rights in and to the waters of the stream system, and the date prior to which the same must be filed. The date set prior to which the proofs must be filed shall not be less than 60 days from the date set for the commencement of the taking of proofs. The notice shall be deemed to be an order of the State Engineer as to its contents. The State Engineer shall cause the notice to be published for a period of 4 consecutive weeks in one or more newspapers of general circulation within the boundaries of the stream system, the date of the last publication of the notice to be not less than 15 days prior to the date fixed for the commencement of the taking of proofs by the State Engineer.

2. At or near the time of the first publication of the notice, the State Engineer shall send by registered or certified mail to each person, or deliver to each person, in person, hereinafter designated as claimant, claiming rights in or to the waters of the stream system, insofar as such claimants can be reasonably ascertained, ***who has not submitted proof pursuant to section 1 of this act,*** a notice equivalent in terms to the published notice setting forth the date when the State Engineer will commence the taking of proofs, and the date prior to which proofs must be filed with the State Engineer. The notice must be mailed at least 30 days prior to the date fixed for the commencement of the taking of proofs.

Sec. 6. NRS 533.115 is hereby amended to read as follows:

533.115 The State Engineer shall, in addition, enclose with the notice to be mailed as provided in NRS 533.110, blank forms upon which ~~[the]~~ ***a*** claimant ***who has not submitted proof pursuant to section 1 of this act*** shall present in writing all particulars necessary for the determination of the claimant's right in or to the waters of the stream system, the statement to include the following:

1. The name and post office address of the claimant.
2. The nature of the right or use on which the claim for appropriation is based.
3. The time of the initiation of such right and a description of works of diversion and distribution.
4. The date of beginning of construction.
5. The date when completed.
6. The dates of beginning and completion of enlargements.
7. The dimensions of the ditch as originally constructed and as enlarged.
8. The date when water was first used for irrigation or other beneficial purposes and, if used for irrigation, the amount of land reclaimed the first year, the amount in subsequent years, with the dates of reclamation, and the area and location of the lands which are intended to be irrigated.
9. The character of the soil and the kind of crops cultivated, the number of acre-feet of water per annum required to irrigate the land, and such other facts as will show the extent and nature of the right and compliance with the law in acquiring the same, as may be required by the State Engineer.

Sec. 7. NRS 533.120 is hereby amended to read as follows:

533.120 1. Each claimant shall be required to certify to his or her statement ***presented pursuant to NRS 533.115*** under oath. The State Engineer and the State Engineer's assistants authorized to take proofs are hereby authorized to administer such oaths.

2. Oaths shall be administered and blank forms furnished by the State Engineer and the State Engineer's assistants without charge.

Sec. 8. NRS 533.125 is hereby amended to read as follows:

533.125 1. The State Engineer shall commence the taking of ***any*** proofs ***not submitted pursuant to section 1 of this act*** on the date fixed and named in the notice provided for in NRS 533.110 for the commencement of

the taking of proofs. The State Engineer shall proceed therewith during the period fixed by the State Engineer and named in the notice, after which no proofs shall be received by or filed by the State Engineer. The State Engineer may, in his or her discretion, for cause shown, extend the time in which proofs may be filed.

2. Upon neglect or refusal of any person to make proof of his or her claim or rights in or to the waters of such stream system, as required by this chapter, prior to the expiration of the period fixed by the State Engineer during which proofs may be filed, the State Engineer shall determine the right of such person from such evidence as the State Engineer may obtain or may have on file in the Office of the State Engineer in the way of maps, plats, surveys and transcripts, and exceptions to such determination may be filed in court, as provided in this chapter.

Sec. 9. NRS 533.140 is hereby amended to read as follows:

533.140 1. As soon as practicable **,** ~~[after the expiration of the period fixed in which proofs may be filed,]~~ the State Engineer shall assemble all proofs ***related to the stream or stream system*** which have been filed with the State Engineer ~~[,]~~ and prepare, certify and have printed an abstract of all such proofs. The State Engineer shall also prepare from the proofs and evidence taken or given before the State Engineer, or obtained by the State Engineer, a preliminary order of determination establishing the several rights of claimants to the waters of the stream.

2. When the abstract of proofs and the preliminary order of determination is completed, the State Engineer shall then prepare a notice fixing and setting a time and place when and where the evidence taken by or filed with the State Engineer and the proofs of claims must be open to the inspection of all interested persons, the period of inspection to be not less than 20 days. The notice shall be deemed an order of the State Engineer as to the matters contained therein.

3. A copy of the notice, together with a printed copy of the preliminary order of determination and a printed copy of the abstract of proofs, must be delivered by the State Engineer, or sent by registered or certified mail, at least 30 days before the first day of such period of inspection, to each person who has ~~[appeared and]~~ filed proof ~~[, as provided in this section.]~~ ***related to the stream or stream system.***

4. The State Engineer shall be present at the time and place designated in the notice and allow, during that period, any persons interested to inspect such evidence and proof as have been filed with ~~[or taken by]~~ the State Engineer in accordance with this chapter.

Sec. 10. NRS 533.250 is hereby amended to read as follows:

533.250 1. Any and all maps, plats, surveys and evidence on file in the Office of the State Engineer relating to any proof of appropriation involved in the proceeding for the determination of the relative rights in and to the waters of any stream system, obtained or filed under the provisions of this chapter or any preceding act relating to the Office of State Engineer, shall be

admissible in court and shall have the same force and effect as though obtained and submitted under the provisions of this chapter.

2. At least 90 days prior to the rendering of his or her order of determination of the relative rights in and to the waters of any stream system, the State Engineer shall notify all parties in interest of his or her intention to consider such maps, plats and evidence, and of his or her intention to submit the findings of the State Engineer to the court under the provisions of this chapter. ~~[The notice shall be given in the manner prescribed in NRS 533.110.]~~

3. Within 60 days after such notice, any party in interest may file with the State Engineer any additional or supplementary maps, plats, surveys or evidence, or objections to the admissibility of any evidence hitherto presented and on file in the office of the State Engineer, in relation to his or her claim of water right or adverse to the claim or claims of the water right of any other party or parties in interest, in order so to perfect his or her claim in accordance with the provisions of this chapter, and the State Engineer shall consider the whole thereof in rendering such order of determination, and the same shall become a part of the record which shall be submitted to the court as provided by NRS 533.165 to 533.235, inclusive.

Sec. 11. NRS 533.364 is hereby amended to read as follows:

533.364 1. In addition to the requirements of NRS 533.370, before approving an application for an interbasin transfer of more than 250 acre-feet of groundwater from a basin which the State Engineer has not previously inventoried or for which the State Engineer has not conducted, or caused to be conducted, a study pursuant to NRS 532.165 or 533.368, the State Engineer or a person designated by the State Engineer shall conduct an inventory of the basin from which the water is to be exported. The inventory must include:

(a) The total amount of surface water and groundwater appropriated in accordance with a decreed, certified or permitted right;

(b) An estimate of the amount and location of all surface water and groundwater that is available for appropriation in the basin; and

(c) The name of each owner of record set forth in the records of the Office of the State Engineer for each decreed, certified or permitted right in the basin.

2. The provisions of this section do not:

(a) Require the State Engineer to initiate or complete a determination of the surface water or groundwater rights pursuant to NRS 533.090 to 533.320, inclusive, ***and section 1 of this act,*** or to otherwise quantify any vested claims of water rights in the basin before approving an application for an interbasin transfer of groundwater from the basin; or

(b) Prohibit the State Engineer from considering information received from or work completed by another person to include in the inventory, if the inventory is otherwise conducted in accordance with the provisions of subsection 1.

3. The State Engineer shall charge the applicant a fee to cover the cost of the inventory. The amount of the fee must not exceed the cost to the State Engineer of conducting the inventory.

4. The State Engineer shall complete any inventory conducted pursuant to subsection 1 within 1 year after commencing the inventory.

Sec. 12. NRS 533.110, 533.115, 533.120 and 533.125 are hereby repealed.

Sec. 13. 1. This section and sections 1, 2, 5 to 8, inclusive, and 11 of this act become effective on July 1, 2017.

2. Sections 3, 4, 9, 10 and 12 of this act become effective on January 1, 2028.

LEADLINES OF REPEALED SECTIONS

533.110 Notice of commencement of taking of proofs as to rights; time for filing; publication and mailing of notice.

533.115 Blank forms enclosed with notice; contents of statement.

533.120 Statements to be certified under oath; no fee for administering or furnishing blank form.

533.125 Commencement of taking of proofs; extension of time; determination of rights if claimant neglects or refuses to make proof.

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblywoman Swank.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 364.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 836.

SUMMARY—Revises provisions governing the trapping ~~[or taking]~~ of certain animals. (BDR 45-107)

AN ACT relating to wildlife; amending the definition of "trap" to exclude certain devices; requiring the Department of Wildlife to develop standard language for certain signs required to be posted in areas in which trapping may occur; requiring, with limited exception, each trap, snare or similar device used by a person in the taking of wild animals which is not registered with the Department, to bear the name and address of the owner; revising the fee to register a trap, snare or similar device; ~~[deleting provisions which declare that any information in the possession of the Department concerning the registration of a trap, snare or similar device is confidential;]~~ authorizing a person to remove or disturb a trap, snare or similar device under certain circumstances; ~~[requiring a person who takes or causes to be taken any wild mammals by means of a trap, snare or similar device to visit or cause to be~~

~~visited the trap, snare or similar device at least once every 96 hours; revoking the authority of the Board of Wildlife Commissioners to establish regulations setting forth the frequency a trap, snare or similar device must be visited;~~] **revising the circumstances under which a person is prohibited from placing or setting a trap, snare or similar device within 200 feet of any public road or highway;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term "trap" for purposes of title 45 of NRS governing wildlife to mean a device that is designed, built or made to close upon or hold fast any portion of an animal. (NRS 501.089) **Section 1** of this bill specifies that the term does not include: (1) any cage or box trap, net or suitcase-type live beaver trap; or (2) any device that is designed, built or made to close upon or hold fast certain vertebrate pests, such as mice and rats.

Existing law defines the terms "to trap," "trapping" and "trapped" for purposes of title 45 of NRS governing wildlife to mean to set or operate any device, mechanism or contraption that is designed, built or made to close upon or hold fast any wildlife and every act of assistance to any person in so doing. (NRS 501.090) Existing law defines the term "wildlife" to mean any wild mammal, wild bird, fish, reptile, amphibian, mollusk or crustacean found naturally in a wild state, whether indigenous to Nevada or not and whether raised in captivity or not. (NRS 501.097) **Section 2** of this bill amends the definition of the words "to trap," "trapping" and "trapped" to delete the term "wildlife" and substitute the term "animal."

Section 3 of this bill requires the Department of Wildlife to develop standard language for inclusion in any sign that is used to warn a person that trapping may occur in any area of this State. **Section 3** also requires each state agency which manages any public land in this State in which trapping may occur to ensure that each sign: (1) includes any standard language developed by the Department; and (2) is posted in certain locations specified by the Department.

Existing law authorizes each trap, snare or similar device used by a person in the taking of wild mammals to be registered with the Department of Wildlife before it is used. Existing law also requires each registered trap, snare or similar device to bear a number which is assigned by the Department. A registration fee of $10 for each registrant is payable only once by each person who registers a trap, snare or similar device. ~~[Any information in the possession of the Department concerning the registration of a trap, snare or similar device is confidential.]~~ (NRS 503.452) **Section 5** of this bill requires, with limited exception, that a trap, snare or similar device used by a person in the taking of wild mammals that is not registered with the Department must bear the name and address of the person who owns the trap, snare or similar device. **Section 5** also ~~[: (1)]~~ requires the number assigned by the Department for a registered trap, snare or similar device or the name and

address of the person who owns an unregistered trap, snare or similar device to be clearly stamped on the trap, snare or similar device or on a metal tag which is attached to the trap, snare or similar device**.** ~~[; and (2) deletes the provisions of existing law which declare that any information in the possession of the Department concerning the registration of a trap, snare or similar device is confidential.]~~ **Section 5** further revises the fee to register a trap, snare or similar device from $10 per person who registers a trap to $5 per trap, snare or similar device. ~~[Section 8 of this bill makes a conforming change.]~~

Existing law makes it unlawful to remove or disturb the trap, snare or similar device of a holder of a trapping license while the trap, snare or similar device is being legally used by the holder. (NRS 503.454) **Section 6** of this bill authorizes a person to: (1) remove or disturb the trap, snare or similar device if it creates an immediate risk of physical injury or death to a person or animal; and (2) release any person or animal accompanying the person from a trap, snare or similar device in which the person or animal is caught. **Section 4** of this bill makes a conforming change.

Existing law ~~[requires]~~ **prohibits** a person ~~[who takes or causes to be taken any wild mammals by means of a]~~ **, company or corporation from placing or setting a certain type of large steel** trap**.** ~~[,]~~ **within 200 feet of any public road or highway, unless the trap is placed or set inside, along or near a fence upon privately owned land. (NRS 503.580) Section 7.5 of this bill expands this prohibition to include any trap,** snare or similar device ~~[which does not, or is not designed to, cause immediate death to the mammals to visit the trap, snare or similar device at a frequency specified in regulations adopted by the Board of Wildlife Commissioners. (NRS 503.570) Section 7 of this bill requires a person who takes or causes to be taken any wild mammals by means of any trap, snare or similar device, regardless of whether the trap, snare or similar device causes immediate death to the mammals, to visit the trap, snare or similar device at least once every 96 hours. Section 7 also eliminates the authority of the Board of Wildlife Commissioners to establish regulations setting forth the frequency at which a person must visit a trap, snare or similar device. Section 8.5 of this bill provides that until the Legislature acts to change the frequency by which a person must visit a trap, snare or similar device, the regulation established by the Board of Wildlife Commissioners as it exists on July 1, 2017, shall remain in effect. (NAC 503.152)]~~ **used for the purpose of trapping mammals.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 501.089 is hereby amended to read as follows:

501.089 "Trap" means a device that is designed, built or made to close upon or hold fast any portion of an animal. ***The term does not include:***

1. Any cage or box trap, net or suitcase-type live beaver trap; or

2. Any device that is designed, built or made to close upon or hold fast any vertebrate pest as defined in NRS 555.005.

Sec. 2. NRS 501.090 is hereby amended to read as follows:

501.090 The words "to trap" and their derivatives, "trapping" and "trapped," mean to set or operate any device, mechanism or contraption that is designed, built or made to close upon or hold fast any ~~[~~wildlife~~]~~ ***animal*** and every act of assistance to any person in so doing.

Sec. 3. Chapter 503 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each state agency which manages any public land in this State in which trapping may occur shall ensure that each sign for which the Department develops standard language pursuant to subsection 2 includes that language and is posted:

(a) At each visitor center, kiosk, trailhead or other location specified by the Department; and

(b) In a place in which the sign is readily observable by members of the public at the visitor center, kiosk, trailhead or other location.

2. The Department shall:

(a) Develop standard language for inclusion in any sign that is used to warn a person that trapping may occur in any area in this State; and

(b) Develop the standard language specified in paragraph (a) in cooperation with each federal or state agency which manages any public land in this State in which trapping may occur.

Sec. 4. NRS 503.015 is hereby amended to read as follows:

503.015 1. ~~[~~It~~]~~ ***Except as otherwise provided in NRS 503.454, it*** is unlawful for a person, or a group of people acting together, to intentionally interfere with another person who is lawfully hunting or trapping. For the purpose of this subsection, hunting or trapping is "lawful" only if permitted by the owner or person in possession of the land, other than the government, in addition to any requirement of license or permit from a public authority.

2. The provisions of subsection 1 do not apply to any incidental interference arising from lawful activity by users of the public land, including without limitation ranchers, miners or persons seeking lawful recreation.

Sec. 5. NRS 503.452 is hereby amended to read as follows:

503.452 1. Except as otherwise provided in ~~[~~subsection 2,~~]~~ ***subsections 2 and 3,*** each trap, snare or similar device used by a person in the taking of wild mammals ~~[~~may~~]~~ ***must*** be registered with the Department before it is used. Each registered trap, snare or similar device must bear a number which is assigned by the Department and is ~~[~~affixed to or marked~~]~~ ***clearly stamped*** on the trap, snare or similar device ~~[~~in the manner specified by regulations adopted by the Commission.~~]~~ ***or on a metal tag that is attached to the trap, snare or similar device.*** The registration of a trap, snare or similar device is valid until the trap, snare or similar device is sold or ownership of the trap, snare or similar device is otherwise transferred. ***For each trap, snare or***

similar device registered with the Department, the person registering the trap, snare or similar device must pay a registration fee of $5.

2. ***Except as otherwise provided in subsection 3, if a trap, snare or similar device is not registered with the Department pursuant to subsection 1, before it can be used in the taking of wild animals, it must have the name and address of the person who owns the trap, snare or similar device:***

(a) Clearly stamped upon the trap, snare or similar device; or

(b) On a metal tag that is attached to the trap, snare or similar device.

3. The provisions of ~~[subsection]~~ ***subsections*** 1 ***and 2*** do not apply to a trap, snare or similar device used:

(a) Exclusively on private property which is posted or fenced in accordance with the provisions of NRS 207.200 by the owner or occupant of the property or with the permission of the owner or occupant;

(b) For the control of rodents by an institution of the Nevada System of Higher Education;

(c) By any federal, state or local governmental agency; or

(d) For the taking of wild mammals for scientific or educational purposes under a permit issued by the Department pursuant to NRS 503.650.

~~[3. A registration fee of $10 for each registrant is payable only once by each person who registers a trap, snare or similar device. The fee must be paid at the time the first trap, snare or similar device is registered.]~~

4. It is unlawful:

(a) For a person to whom a trap, snare or similar device is registered to allow another person to possess or use the trap, snare or similar device without providing to that person written authorization to possess or use the trap, snare or similar device.

(b) For a person to possess or use a trap, snare or similar device registered to another person without obtaining the written authorization required pursuant to paragraph (a). If a person obtains written authorization to possess or use a trap, snare or similar device pursuant to paragraph (a), the person shall ensure that the written authorization, together with his or her trapping license, is in his or her possession during any period in which he or she uses the trap, snare or similar device to take fur-bearing mammals.

5. ~~*[4.]*~~ A person to whom a trap, snare or similar device is registered pursuant to this section shall report any theft of the trap, snare or similar device to the Department as soon as it is practical to do so after the person discovers the theft.

6. Any information in the possession of the Department concerning the registration of a

~~*[5. If a]*~~ trap, snare or similar device is confidential and the Department shall not disclose that information unless required to do so by law or court order.

7. If a trap, snare or similar device has been used exclusively on private property pursuant to paragraph (a) of subsection 3, before the trap, snare

or similar device is used on any public land in this State, the owner of the trap, snare or similar device must:

(a) Register the trap, snare or similar device pursuant to subsection 1; or

(b) Pursuant to subsection 2, have his or her name and address:

(1) Clearly stamped on the trap, snare or similar device; or

(2) On a metal tag that is attached to the trap, snare or similar device.

Sec. 6. NRS 503.454 is hereby amended to read as follows:

503.454 1. Every person who takes fur-bearing mammals by trap, snare or similar device or unprotected mammals by trapping or sells raw furs for profit shall procure a trapping license.

2. ~~[It]~~ ***Except as otherwise provided in subsection 3, it*** is unlawful to remove or disturb the trap, snare or similar device of any holder of a trapping license while the trap, snare or similar device is being legally used by the holder on public land or on land where the holder has permission to trap.

3. A person may:

(a) Remove or disturb a trap, snare or similar device if the trap, snare or similar device creates an immediate risk of physical injury or death to any person or animal accompanying a person.

(b) Release any person or animal accompanying a person from a trap, snare or similar device in which the person or animal is caught.

Sec. 7. ~~[NRS 503.570 is hereby amended to read as follows:~~

~~503.570 1. A person taking or causing to be taken wild mammals by means of traps, snares or similar devices [which do not, or are not designed to, cause immediate death to the mammals, shall, if the traps, snares or similar devices are placed or set to take mammals,] *shall* visit or cause to be visited each trap, snare or similar device [at a frequency specified in regulations adopted by the Commission pursuant to subsection 3] *at least once every 96 hours beginning at and* during all of the time the trap, snare or similar device is placed, set or used to take wild mammals, and remove therefrom any [mammals] *animal* caught therein.~~

~~2. The provisions of subsection 1 do not apply to employees of the State Department of Agriculture or the United States Department of Agriculture when acting in their official capacities.~~

~~3. The Commission [shall] *may not* adopt regulations setting forth the frequency at which a person who takes or causes to be taken wild mammals by means of traps, snares or similar devices [which do not, or are not designed to, cause immediate death to the mammals] must visit a trap, snare or similar device. [The regulations must require the person to visit a trap, snare or similar device at least once each 96 hours. In adopting the regulations, the Commission shall consider requiring a trap, snare or similar device placed in close proximity to a populated or heavily used area by persons to be visited more frequently than a trap, snare or similar device which is not placed in close proximity to such an area.]]~~ **(Deleted by amendment.)**

Sec. 7.5. **NRS 503.580 is hereby amended to read as follows:**

503.580 1. For the purposes of this section, "public road or highway" means:

(a) A highway designated as a United States highway.

(b) A highway designated as a state highway pursuant to the provisions of NRS 408.285.

(c) A main or general county road as defined by NRS 403.170.

2. It is unlawful for any person, company or corporation to place or set any ~~[steel]~~ trap, ***snare or similar device*** used for the purpose of trapping mammals ~~[, larger than a No. 1 Newhouse trap,]~~ within 200 feet of any public road or highway within this State.

3. This section does not prevent the placing or setting of any ~~[steel]~~ trap **,** ***snare or similar device*** inside, along or near a fence which may be situated less than 200 feet from any public road or highway upon privately owned lands.

Sec. 8. ~~[NRS 239.010 is hereby amended to read as follows:~~

~~239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295,~~

~~396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, [503.452,] 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.~~

~~2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.~~

~~3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.~~

~~4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:~~

~~(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.~~

~~(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.~~**] (Deleted by amendment.)**

Sec. 8.5. ~~[1. Until the Legislature amends NRS 503.570 to change the frequency a person who takes or causes to be taken wild mammals by means of traps, snares or similar devices is required visit a trap, snare or similar device, the regulation adopted by the Board of Wildlife Commissioners pursuant to NRS 503.570 as it exists on July 1, 2017, setting forth the frequency a person must visit a trap, snare or similar device shall remain in effect.~~

~~2. The text of the regulation which shall remain in effect pursuant to subsection 1 is codified as NAC 503.152 and is as follows:~~

> ~~A person who is required pursuant to NRS 503.570 to visit or cause to be visited a trap, snare or similar device shall ensure that the trap, snare or similar device is visited:~~
>
> ~~1. At least once every other calendar day in the following units for wildlife, as designated in NAC 504.210, or portions of those units specified in this subsection other than any private property located within those units or if a box or cage trap is used:~~
>
> ~~(a) All of Unit 194;~~
>
> ~~(b) The following portions of Unit 195:~~
>
> ~~(1) West of Lagomarsino Canyon-Lousetown Road from its intersection with Interstate Highway No. 80 to its intersection with State Route No. 341; and~~
>
> ~~(2) West of State Route No. 341 from its intersection with Lousetown Road to its intersection with U.S. Highway No. 50;~~
>
> ~~(c) All of Unit 196; and~~
>
> ~~(d) The portion within the Clark County Illegal Firearms Discharge Area created by the Clark County Geographic Information Systems Management Office on September 11, 2013;~~

~~2. At least once each 96 hours in all other units for wildlife, as designated in NAC 504.210, or portions of those units not specified in subsection 1, including any private property located within those units;~~

~~3. At least once each 96 hours if a box or cage trap is used;~~

~~4. By a person who is a holder of a trapping license issued by the Department; and~~

~~5. In a manner which ensures that any mammal caught in the trap, snare or similar device is removed from the trap, snare or similar device.~~**] (Deleted by amendment.)**

Sec. 9. This act becomes effective on July 1, 2017.

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblywoman Swank.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 370.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 837.

AN ACT relating to hunting; **[**~~making it unlawful to use an aircraft to transport game, hunters or hunting equipment under certain circumstances;~~**]** requiring certain airports, airplane landing fields or heliports used in the transportation of game, hunters or hunting equipment to be accessible by a public road; **[**~~providing a penalty;~~**]** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it unlawful to use a helicopter to transport game, hunters or hunting equipment except when: (1) the cargo or passengers are loaded and unloaded at an airport, airplane landing field or heliport which has been established by a department or agency of the Federal or State Government or by a county or municipal government; or (2) the loading or unloading is done in the course of an emergency or search and rescue operation. (NRS 503.010) A person who violates those provisions is guilty of a misdemeanor. (NRS 501.385) This bill **[**~~expands existing law by making it unlawful to use any aircraft to transport game, hunters or hunting equipment except under those circumstances. This bill also~~**]** requires any airport, airplane landing field or heliport used to transport game, hunters or hunting equipment to be accessible by a public road.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 503.010 is hereby amended to read as follows:

503.010 1. Except as otherwise provided in this section or subsection 2 of NRS 503.005, it is unlawful to harass any game mammals or game birds with an aircraft, helicopter or motor-driven vehicle, including a motorboat or sailboat.

2. Except as otherwise provided in this subsection, it is unlawful to shoot at any game mammals or game birds with a weapon from an aircraft, helicopter or motor-driven vehicle. A person who is a paraplegic, has had one or both legs amputated or has suffered a paralysis of one or both legs which severely impedes the person's walking may shoot from a stopped motor vehicle which is not parked on the traveled portion of a public highway, but the person may not shoot from, over or across a highway or road specified in NRS 503.175.

3. It is unlawful to spot or locate game mammals or game birds with any kind of aircraft or helicopter and communicate that information, within 24 hours after the aircraft or helicopter has landed or in violation of a regulation of the Commission, by any means to a person on the ground for the purpose of hunting or trapping. The provisions of this subsection do not prohibit an employee or agent of the Department from providing general information to the public concerning the location of game birds or game mammals.

4. It is unlawful to use any information obtained in violation of the provisions of subsection 3 to hunt or kill game mammals or game birds.

5. It is unlawful to use a helicopter ~~***[or any other aircraft]***~~ to transport game, hunters or hunting equipment, except when ~~[~~the~~]~~ ***:***

(a) The cargo or passengers, or both, are loaded and unloaded at airports, airplane landing fields or heliports, which have been established by a department or agency of the Federal or State Government or by a county or municipal government ***and which are accessible by a public road;*** or ~~[~~when the~~]~~

(b) The loading or unloading is done in the course of an emergency or search and rescue operation.

6. It is unlawful to:

(a) Use any information obtained from a radio signal or other transmission received from any transmitting device;

(b) Make use of equipment designed to receive a radio signal or other transmission from a transmitting device; or

(c) Use any location information obtained from records maintained by the Department within 1 year after the date on which the information was collected, including, without limitation, records of information received from a transmitting device,

➥ to harass or take any game mammal, game bird or other wildlife.

7. It is unlawful to make use of equipment designed to receive a radio signal or other transmission from a transmitting device for any purpose without written authorization of the Department.

8. The provisions of subsection 1 do not apply to an employee or agent of the Department who, while carrying out his or her duties, conducts a survey of wildlife with the use of an aircraft.

9. As used in this section:

(a) "Aircraft" includes, without limitation, any device that is used for navigation of, or flight in, the air.

(b) "Game bird" does not include a raven, even if classified as a game bird pursuant to NRS 501.110.

(c) "Harass" means to molest, chase, rally, concentrate, herd, intercept, torment or drive.

(d) "Transmitting device" means any collar or other device which is attached to any game mammal, game bird or other wildlife or which is placed for the express purpose of detecting any game mammal, game bird or other wildlife and emits an electronic signal or uses radio telemetry or a satellite transmission to determine the location of the game mammal, game bird or other wildlife.

Sec. 2. This act becomes effective on July 1, 2017.

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblywoman Swank.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 371.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 838.

AN ACT relating to animals; authorizing a county to recover the reasonable cost of care and shelter furnished to an animal impounded by the county under certain circumstances; authorizing a county to take certain other actions relating to an impounded animal; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the board of county commissioners of a county to enact ordinances: (1) governing the control and protection of animals; (2) regulating or prohibiting the running at large and disposal of animals; and (3) prohibiting cruelty to animals. (NRS 244.189, 244.359) **Section 2** of this bill expands existing law by providing that, if a person is lawfully arrested and detained in a county for more than 7 days, and if the county impounds any animal owned or possessed by the person, the county must: (1) notify the person of the impoundment and request that the person provide to the county the name of any person who is authorized to care for the animal; (2) transfer, under certain circumstances, the animal to any such person; and (3) if the county is unable to transfer the animal to such a person, allow ~~[a]~~ **another** person to **care for the animal temporarily and, with the consent of the**

person who is arrested and detained, adopt the animal. **Section 2** also authorizes, under certain circumstances, the county to bring an appropriate legal action to recover the reasonable cost of care and shelter of the animal.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. Chapter 171 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a person is lawfully arrested and detained in a county for more than 7 days, and if any animal owned or possessed by the person is impounded by the county after the arrest, the county must notify the person of the impoundment of the animal and request that the person provide to the county the name of any person who is authorized to care for the animal. The county must transfer the animal to such a person if the county determines that the person is able to provide adequate care and shelter to the animal. If there is no authorized person who is able to provide adequate care and shelter to the animal, the county may allow another person who is able to provide adequate care and shelter to care for the animal temporarily and, with the consent of the person who is arrested and detained, allow the other person to adopt the animal.

2. If a person is convicted of the crime for which he or she was lawfully arrested, the county may by appropriate legal action recover the reasonable cost of any care and shelter furnished to the animal by the county, including, without limitation, imposing a lien on the animal for the cost of such care and shelter.

3. As used in this section, "animal" means any dog, cat, horse or other domesticated animal. The term :

(a) Includes any chicken, pig, rabbit or other domesticated animal which is maintained as a pet.

(b) Except as otherwise provided in paragraph (a), does not include any cattle, sheep, goats, swine or poultry.

Sec. 3. This act becomes effective upon passage and approval.

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblywoman Swank.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 383.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 813.

AN ACT relating to financial planners; ~~[revising the definition of "financial planner" for certain purposes;]~~ **imposing a fiduciary duty on broker-dealers, sales representatives and investment advisers who for compensation advise other persons concerning the investment of money; authorizing the Administrator of the Securities Division of the Office of the Secretary of State to adopt regulations concerning such fiduciary duty; providing penalties;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) defines a "financial planner" as a person who for compensation, among other activities, advises others as to the investment of money, but excludes certain persons from the definition; (2) provides that a financial planner has the duty of a fiduciary toward a client; and (3) provides for civil liability of a financial planner under certain circumstances. (Chapter 628A of NRS) **Section 1** of this bill revises the definition of financial planner to remove the exclusions for a broker-dealer ~~[and]~~ **, a sales representative and** an investment adviser, thereby making such persons subject to the provisions of existing law governing financial planners. **Section 1.3 of this bill provides that the requirement for a financial planner to maintain certain insurance or a surety bond does not apply to broker-dealers, sales representatives and investment advisers included in the definition of "financial planner" pursuant to section 1.**

Existing law provides that certain persons defined as a financial planner must be licensed as insurance consultants for certain purposes related to viatical settlements. (NRS 688C.212) **Section 2** of this bill maintains the existing definition of financial planner for such purposes.

Existing law generally provides that the Administrator of the Securities Division of the Office of the Secretary of State licenses and regulates broker-dealers, sales representatives, investment advisers and representatives of investment advisers. (Chapter 90 of NRS) If a person violates a provision of law administered by the Administrator, the Administrator may impose certain sanctions on that person, including, without limitation, the imposition of a civil penalty of not more than $25,000 for a willful violation of such a provision of law. (NRS 90.630, 90.640) Section 1.7 of this bill: (1) enacts a provision to enable the Administrator to enforce the fiduciary duty imposed on broker-dealers, sales representatives, investment advisers and representatives of investment advisers pursuant to section 1; and (2) authorizes the Administrator to adopt regulations defining or excluding acts, practices or courses of business as violations of that fiduciary duty and prescribing means to prevent violations of that fiduciary duty.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 628A.010 is hereby amended to read as follows:

628A.010 As used in this chapter, unless the context otherwise requires:

1. "Client" means a person who receives advice from a financial planner.

2. "Compensation" means a fee for services provided by a financial planner to a client or a commission or other remuneration derived by a financial planner from a person other than the client as the result of the purchase of a good or service by the client.

3. "Financial planner" means a person who for compensation advises others upon the investment of money or upon provision for income to be needed in the future, or who holds himself or herself out as qualified to perform either of these functions, but does not include:

(a) An attorney and counselor at law admitted by the Supreme Court of this State;

(b) A certified public accountant or a public accountant licensed pursuant to NRS 628.190 to 628.310, inclusive, or 628.350; ***or***

(c) ~~[A broker-dealer or sales representative licensed pursuant to NRS 90.310 or exempt under NRS 90.320; **or**~~

~~(d) An investment adviser licensed pursuant to NRS 90.330 or exempt under NRS 90.340; or~~

~~(e)~~**]** A producer of insurance licensed pursuant to chapter 683A of NRS or an insurance consultant licensed pursuant to chapter 683C of NRS,

➥ whose advice upon investment or provision of future income is incidental to the practice of his or her profession or business.

Sec. 1.3. **NRS 628A.040 is hereby amended to read as follows:**

628A.040 ~~[A]~~

1. Except as otherwise provided in subsection 2, a financial planner shall maintain insurance covering liability for errors or omissions, or a surety bond to compensate clients for losses actionable pursuant to this chapter, in an amount of $1,000,000 or more.

2. The provisions of subsection 1 do not apply to:

(a) A broker-dealer or sales representative licensed pursuant to NRS 90.310 or exempt under NRS 90.320; or

(b) An investment adviser licensed pursuant to NRS 90.330 or exempt under NRS 90.340.

Sec. 1.7. **Chapter 90 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A broker-dealer, sales representative, investment adviser or representative of an investment adviser shall not violate the fiduciary duty toward a client imposed by NRS 628A.020.

2. The Administrator may by regulation:

(a) Define or exclude an act, practice or course of business of a broker-dealer, sales representative, investment adviser or representative of an

investment adviser as a violation of the fiduciary duty toward a client imposed by NRS 628A.020; and

(b) Prescribe means reasonably designed to prevent broker-dealers, sales representatives, investment advisers and representatives of investment advisers from engaging in acts, practices and courses of business defined as a violation of such fiduciary duty.

Sec. 2. NRS 688C.212 is hereby amended to read as follows:

688C.212 ***1.*** A financial planner ~~[, as defined in subsection 3 of NRS 628A.010,]~~ who, on behalf of a viator and for a fee, commission or other valuable consideration not paid by a provider or purchaser of viatical settlements, offers or attempts to negotiate a viatical settlement between the viator and one or more providers or brokers of viatical settlements must be licensed as an insurance consultant pursuant to NRS 683C.020.

2. As used in this section, "financial planner" means a person who for compensation advises others upon the investment of money or upon provision for income to be needed in the future, or who holds himself or herself out as qualified to perform either of these functions, but does not include:

(a) An attorney and counselor at law admitted by the Supreme Court of this State;

(b) A certified public accountant or a public accountant licensed pursuant to NRS 628.190 to 628.310, inclusive, or 628.350;

(c) A broker-dealer or sales representative licensed pursuant to NRS 90.310 or exempt under NRS 90.320;

(d) An investment adviser licensed pursuant to NRS 90.330 or exempt under NRS 90.340; or

(e) A producer of insurance licensed pursuant to chapter 683A of NRS or an insurance consultant licensed pursuant to chapter 683C of NRS,

➥ whose advice upon investment or provision of future income is incidental to the practice of his or her profession or business.

Sec. 3. This act becomes effective on July 1, 2017.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 388.

Bill read second time and ordered to third reading.

Senate Bill No. 413.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 839.

AN ACT relating to public lands; establishing the last Saturday in September of each year as "Public Lands Day" in the State of Nevada; ~~[requiring]~~ **authorizing** the Governor to issue annually a proclamation encouraging the observance of Public Lands Day; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, various days and weeks of observance are recognized in this State. (NRS 236.018-236.085) **Section 1** of this bill establishes the last Saturday in September of each year as "Public Lands Day" in the State of Nevada and ~~[requires]~~ **authorizes** the Governor to issue annually a proclamation encouraging the observance of Public Lands Day.

WHEREAS, In 1994, National Public Lands Day was established, with 700 volunteers working at three sites and, since then, the activities relating to National Public Lands Day have expanded to include new places, projects and persons; and

WHEREAS, More than 80 percent of the public lands in this State are owned by the people of the United States and are managed by various federal agencies for the benefit of all persons living in the United States; and

WHEREAS, The public lands in this State include national parks, national monuments, national conservation areas, national forests, national wildlife refuges, wilderness areas and public lands managed by the Bureau of Land Management, the United States Forest Service, the United States Fish and Wildlife Service, the National Park Service and other federal agencies; and

WHEREAS, All public lands located in this State feature a diverse array of landscapes, from sculpted desert sandstone to dramatic limestone cliffs with caves and fossils, from colorful volcanic ranges to the high peaks with ancient bristlecone pine and lush oases that stand in sharp contrast to open sagebrush valleys; and

WHEREAS, The public lands in this State protect vital pieces of our region's past and important cultural heritages, including the remnants of ancient civilizations that once thrived in the region and whose ancestors still protect their legacy, deserted mining settlements where riches were made and lost and contemporary works of art, all waiting to be discovered by current and future generations of Nevadans; and

WHEREAS, The public lands in this State reflect many noble democratic ideals because they are open and accessible to all persons, regardless of whether those persons are rich or poor; and

WHEREAS, The public lands in this State provide many benefits to the residents of this State and support a wide variety of activities, including recreational pursuits and the development of natural resources; and

WHEREAS, Outdoor recreation is dependent on access to public lands and is an essential part of the economy of this State, generating $14.9 billion in

consumer spending, $1 billion in state and local tax revenue and 148,000 direct Nevada jobs in this State; and

WHEREAS, Large-scale transfers of the federal public lands in this State from the people of the United States into state or private control are contrary to the democratic values of the United States and jeopardize activities such as hiking, camping, hunting, fishing and off-road pursuits; and

WHEREAS, In 1864, Congress enacted a law (13 United States Statutes at Large (1864), pp. 30-32), commonly referred to as the Enabling Act, which authorized the people of the Territory of Nevada to form a constitution and state government, and provided for the admission of the State of Nevada into the Union; and

WHEREAS, As required by the Enabling Act, the Nevada Constitution includes an ordinance, immediately preceding the preamble to the Nevada Constitution, which states, in part, that the "people inhabiting [this State] do agree and declare, that they forever disclaim all right and title to the unappropriated public lands lying within [this State], and that the same shall be and remain at the sole and entire disposition of the United States"; and

WHEREAS, At the general election held in 1996, those provisions of the Nevada Constitution were repealed, effective on the date Congress consents to the amendment or on a legal determination that the consent of Congress is not necessary; and

WHEREAS, The residents of this State support national efforts to promote the stewardship and celebration of all public lands in this State: now therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 236 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The last Saturday in September of each year is established as "Public Lands Day" in the State of Nevada.

2. The Governor ~~[shall]~~ may issue annually a proclamation encouraging the observance of Public Lands Day. The proclamation shall, without limitation:

(a) Call upon the news media, state and local officers, private nonprofit groups and foundations, schools, businesses and other public and private entities to bring to the attention of the residents of this State the importance of the public lands in the State of Nevada;

(b) Recognize the economic, scenic, historical, scientific, aesthetic and other values of the public lands in the State of Nevada; and

(c) Encourage the residents of the State of Nevada to engage in volunteer stewardship activities which contribute to the conservation of the unique public lands which are only found in the State of Nevada.

Sec. 2. This act becomes effective on July 1, 2017.

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblywoman Swank.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 420.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 747.

AN ACT relating to education; requiring the board of trustees of each school district, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils to adopt a written policy relating to the distribution of and right of expression for pupils working as journalists on pupil publications; requiring the Board of Regents of the University of Nevada to adopt a similar policy for student publications; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that each pupil of a public school, including a pupil enrolled in a charter school or a university school for profoundly gifted pupils, is entitled to express himself or herself in a manner consistent with the rights guaranteed by the First and Fourteenth Amendments to the United States Constitution. (NRS 388.077) **Section 1** of this bill requires the board of trustees of each school district, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils to adopt a written policy for pupil publications which: (1) establishes reasonable provisions governing the time, place and manner for the distribution of those publications; (2) protects the right of expression for pupils working on those publications as journalists; (3) prohibits restrictions on the publication of any content in a pupil publication unless the content would substantially disrupt the performance of the school's educational mission ~~[or taking certain adverse actions against a pupil or adviser relating to pupil publications; (4) includes procedures for disciplining pupils, and persons acting as advisers on pupil publications who violate the policy; and (5)]~~ **; and (4)** includes a disclaimer indicating that any content published in a pupil publication is not endorsed by the public school. **Section 2** of this bill requires the Board of Regents of the University of Nevada to adopt a similar written policy for student publications. ~~[In addition, section 1 requires the written policy for pupil publications adopted by the board of trustees of a school district, the governing body of a charter school or the governing body of a university school for profoundly gifted pupils to include procedures for determining before publication whether any content would substantially disrupt the performance of the school's educational mission.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 388.077 is hereby amended to read as follows:

388.077 1. Each pupil of a public school, including, without limitation, each pupil of a university school for profoundly gifted pupils, is entitled to express himself or herself in a manner consistent with the rights guaranteed by the First and Fourteenth Amendments to the United States Constitution.

2. Any expression described in subsection 1 must not be disruptive of instruction at a public school, including, without limitation, a university school for profoundly gifted pupils, must not be used to ~~[bully]~~ ***engage in bullying or cyber-bullying*** or intimidate any person and must not be organized, broadcast or endorsed by a public school, including, without limitation, a university school for profoundly gifted pupils.

3. ***The board of trustees of each school district, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils shall adopt a written policy for pupil publications which:***

(a) Establishes reasonable provisions governing the time, place and manner for the distribution of pupil publications;

(b) Protects the right of expression described in subsection 1 for pupils working on pupil publications as journalists in their determination of the news, opinions, feature content, advertising content and other content of the pupil publications;

(c) ~~[Includes procedures for determining before publication whether the content would substantially disrupt the ability of the public school to perform its educational mission if published in a pupil publication;~~

~~(d) Includes procedures for disciplining a pupil, employee or other person acting as an adviser for a pupil publication or as an adviser of pupils working as journalists on a pupil publication who violates the policy;~~

~~(e)]~~ Prohibits, without limitation, the following:

(1) Restricting the publication of any content in pupil publications unless the content would substantially disrupt the ability of the public school to perform its educational mission;

(2) Dismissing, suspending, disciplining or retaliating against an employee or other person acting as an adviser for a pupil publication or as an adviser for pupils working as journalists on a pupil publication for acting within the scope of that position, including, without limitation, taking responsible and appropriate action to protect a pupil engaged in conduct protected pursuant to the written policy or refusing to perform an action which violates the written policy; and

(3) Expelling, suspending or otherwise disciplining a pupil for engaging in conduct in accordance with the policy, ~~[even if]~~ unless such

conduct substantially disrupts the ability of the public school to perform its educational mission ~~[;]~~ and the disruption was intentional; and

~~[(f)]~~ (d) Includes a disclaimer indicating that any content published in a pupil publication is not endorsed by the public school.

4. The board of trustees of each school district, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils ~~[must]~~ ***shall*** adopt a policy prescribing procedures for the resolution of a complaint by a pupil of the school district, charter school or university school for profoundly gifted pupils that the rights of the pupil described in subsection 1 ***or 3*** have been violated. The policy required by this subsection may be part of a comprehensive discrimination grievance policy of the school district, charter school or university school for profoundly gifted pupils or may be a separate policy.

5. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

Sec. 2. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board of Regents shall adopt a written policy for the Universities, state colleges and community colleges within the System for student publications which:

1. Establishes reasonable provisions governing the time, place and manner for the distribution of student publications;

2. Protects the right of expression in a manner consistent with the rights guaranteed by the First and Fourteenth Amendments to the United States Constitution for students working on student publications as journalists in their determination of the news, opinions, feature content, advertising content and other content of the student publications;

3. ~~[Includes procedures for disciplining a student, faculty member, employee or other person acting as an adviser for a student publication or as an adviser for students working as journalists on a student publication who violates the policy;~~

~~4.]~~ Prohibits, without limitation, the following:

(a) Restricting the publication of any content in student publications unless the content would substantially disrupt the ability of the institution to perform its educational mission;

(b) Dismissing, suspending, disciplining or retaliating against a faculty member, employee or other person acting as an adviser for a student publication or as an adviser to students working as journalists on a student publication for acting within the scope of that position, including, without limitation, taking responsible and appropriate action to protect a student engaged in conduct protected pursuant to the written policy or refusing to perform an action which violates the written policy; and

(c) Expelling, suspending or otherwise disciplining a student for engaging in conduct in accordance with the policy, ~~[even if]~~ unless such

conduct substantially disrupts the ability of the institution to perform its educational mission ~~[;]~~ and the disruption was intentional; and

~~[5.]~~ 4. Includes a disclaimer indicating that any content published in a student publication is not endorsed by the Board of Regents, the System or a university, state college or community college within the System.

Sec. 3. ~~[This act becomes effective on July 1, 2017.]~~ **(Deleted by amendment.)**

Assemblyman Thompson moved the adoption of the amendment.

Remarks by Assemblyman Thompson.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 448.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 769.

AN ACT relating to public works, revising provisions concerning the authorization of a private entity to undertake certain public works; authorizing a public body to enter into a public-private partnership in connection with certain eligible facilities; providing for the financing of certain eligible facilities; providing for the disposition of money which is received and is to be retained by a public body pursuant to a public-private partnership; providing for the confidentiality of certain information submitted to a public body; revising provisions concerning agreements between a public body and a person concerning certain eligible facilities; exempting property used for certain eligible facilities from all real property and ad valorem taxes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a public body is authorized to accept a request from a person who wishes to develop, construct, improve, maintain or operate a transportation facility. If the public body determines that the facility serves a public purpose, the public body may authorize the requestor to carry out the facility or may request other persons to submit proposals to develop, construct, improve, maintain or operate the facility. (NRS 338.162, 338.163, 338.164) This bill extends those provisions to also apply to certain other facilities, including certain tourism improvement projects.

This bill also provides for the use of a public-private partnership to plan, finance, design, construct, improve, maintain, operate or acquire the rights-of-way for an eligible facility. **Section 9** of this bill authorizes a public body to enter into such a partnership. **Section 10** of this bill establishes various alternatives in which a public body may procure a public-private partnership, including the use of solicitations, requests for proposals and negotiations. **Section 11** of this bill provides that an eligible facility may be financed in whole or in part with money from any lawful source. **Section 12** of this bill

authorizes a public body to accept all such money and, with certain exceptions, to combine money from federal, state, local and private sources for the purposes of such a facility. **Section 13** of this bill requires that all money which is received and retained by a public body pursuant to a public-private partnership be: (1) deposited in the State Highway Fund; (2) accounted for separately; (3) used first to defray the obligations of the public body under the public-private partnership; and (4) except for costs of administration, used exclusively for the design, construction, operation, maintenance, financing and repair of the public highways in the county from which the money was received. **Section 13.5 of this bill prohibits the imposition of a fee for the use of certain roadways. Section 14** of this bill provides that all information submitted to a public body in connection with a request, proposal or other submission concerning an eligible facility is confidential until a notice of intent to award the contract or agreement is issued. **Section 14** also establishes the procedures that a person who has submitted such information must follow to maintain the confidentiality of any trade secrets or confidential commercial, financial or proprietary information included in the submission. **Section 15** of this bill provides that the power of eminent domain may be exercised with respect to any property necessary for an eligible facility.

Existing law establishes the provisions that must be included in an agreement between a public body and a person with respect to the development, construction, improvement, maintenance or operation of a transportation facility. (NRS 338.166) **Section 21** of this bill imposes additional requirements applicable to such an agreement for an eligible facility and authorizes various other provisions that may be included in such an agreement. **Section 21** also provides that an eligible facility that is developed, operated or held by a person pursuant to such an agreement is exempt from all state and local ad valorem and property taxes. **Sections 17-20 and 22-25** of this bill make various conforming changes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this act.

Sec. 2. ***As used in NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 338.161 and sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Concession" means any lease, ground lease, franchise, easement, permit, right of entry, operating agreement or other binding agreement transferring rights for the use or control, in whole or in part, of an eligible facility by a public body to a private partner.***

Sec. 4. ***"Eligible facility" means:***

1. A transportation facility; and

2. A project as defined in NRS 271A.050.

Sec. 5. (Deleted by amendment.)

Sec. 6. ***"Private partner" means a person with whom a public body enters into a public-private partnership.***

Sec. 7. ***"Public-private partnership" means a contract entered into by a public body and a private partner.***

Sec. 8. ***"User fee" means a fee, toll, fare or other similar charge, including, without limitation, any incidental, account maintenance, administrative, credit card or video tolling fee or charge, imposed on a person for his or her use of an eligible facility by a public body or by a private partner pursuant to a public-private partnership.***

Sec. 9. ***1. A public body may enter into a public-private partnership to plan, finance, design, construct, improve, maintain, operate or acquire the rights-of-way for, or any combination thereof, an eligible facility.***

2. A public-private partnership may include, without limitation:

(a) A predevelopment agreement leading to another implementing agreement for an eligible facility as described in this subsection;

(b) A design-build contract;

(c) A design-build contract that includes the financing, maintenance or operation, or any combination thereof, of the eligible facility;

(d) A contract involving a construction manager at risk;

(e) A concession, including, without limitation, a toll concession and an availability payment concession;

(f) A construction agreement that includes the financing, maintenance or operation, or any combination thereof, of the eligible facility;

(g) An operation and maintenance agreement for an eligible facility;

(h) Any other method or agreement for completion of the eligible facility that the public body determines will serve the public interest; or

(i) Any combination of paragraphs (a) to (h), inclusive.

Sec. 10. ***1. A public body may procure a public-private partnership by means of:***

(a) Requests for project proposals in which the public body describes a class of eligible facilities or a geographic area in which private entities are invited to submit proposals to develop eligible facilities.

(b) Solicitations using requests for qualifications, short-listings of qualified proposers, requests for proposals, negotiations, best and final offers or other procurement procedures.

(c) Procurements seeking from the private sector development and finance plans most suitable for the project.

(d) Best value selection procurements based on price or financial proposals, or both, or other factors.

(e) Other procedures that the public body determines may further the implementation of a public-private partnership.

2. For any procurement in which the public body issues a request for qualifications, request for proposals or similar solicitation document, the request must generally set forth the factors that will be evaluated and the manner in which responses will be evaluated. Such factors may include, without limitation:

(a) The ability of the eligible facility to promote economic growth and, in the case of a transportation facility, to improve safety, reduce congestion or increase capacity.

(b) The proposed cost and a proposed financial plan for the eligible facility.

(c) The general reputation, qualifications, industry experience and financial capacity of the proposer.

(d) The proposed design, operation and feasibility of the eligible facility.

(e) Comments from users, local citizens and affected jurisdictions.

(f) Benefits to the public.

(g) The safety record of the proposer.

(h) Other criteria that the public body deems appropriate.

3. In evaluating proposals, the public body may give such relative weight to factors such as cost, financial commitment, innovative financing, technical, scientific, technological or socioeconomic merit and other factors as the public body deems appropriate.

4. The public body may procure services, award agreements and administer revenues as authorized in this section notwithstanding any requirements of any other state or local statute, regulation or ordinance relating to public bidding or other procurement procedures or other provisions otherwise applicable to public works, services or utilities.

5. The public body may expend money from any lawful source reasonably necessary for the development of procurements, evaluation of concepts or proposals, negotiation of agreements and implementation of agreements for the development or operation of transportation facilities pursuant to this chapter.

6. Any state agency or any county, municipality or other public agency may sell, lease, grant, transfer or convey to the public body, with or without consideration, any facility or any part or parts thereof or any real or personal property or interest therein which may be useful to the public body for any authorized purpose. In any case where the construction of a facility has not been completed, the public agency concerned may also transfer, sell, assign, and set over to the public body, with or without consideration, any existing contract for the construction of the facility.

Sec. 11. *1. An eligible facility may be financed, in whole or in part, with money from any lawful source, including, without limitation:*

(a) Any public or private funding, loan, grant, line of credit, loan guarantee, credit instrument, private activity bond allocation, grant anticipation revenue bond, credit assistance from the government of this

State or the Federal Government or other type of assistance that is available for the purposes of the eligible facility.

(b) Any grant, donation, gift or other form of conveyance of land, money, other real or personal property or other thing of value made to the public body for the purposes of the eligible facility.

(c) A contribution of money or property made by any private entity or public sector partner that is a party to any agreement entered into pursuant to NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act.

(d) Money appropriated for the eligible facility by the State or by the public body.

(e) User fees, lease proceeds, rents, availability payments, gross or net receipts from sales, proceeds from the sale of development rights, franchise charges, permit charges, rents, advertising and sponsorship charges, service charges or any other lawful form of consideration.

(f) Private activity bonds as described in 26 U.S.C. § 141.

(g) Any other form of public or private capital that is available for the purposes of the eligible facility.

(h) Any combination of paragraphs (a) to (g), inclusive.

2. If a public body, in accordance with applicable law, issues a note, bond or other debt obligation to finance an eligible facility that is expected to generate revenue of any kind, the revenue from the eligible facility may be pledged as security for the payment of the obligation, but the bonds or notes are special, limited obligations of the public body payable solely from the revenues specifically pledged to the payment of those obligations, as specified in the resolution for the issuance of the bonds or notes, and do not create a debt of the State for the purposes of Section 3 of Article 9 of the Nevada Constitution.

3. Any financing issued by a public body pursuant to this section may be structured on a senior, parity or subordinate basis to any other financing.

4. A public body may issue revenue bonds or notes to provide money for any transportation facility.

Sec. 12. ***1. A public body, either directly or through a designated party, may:***

(a) Accept from the United States or any of its agencies money that is available to the public body for carrying out the purposes of NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act, whether the money is made available by grant, loan or other financing arrangement.

(b) Enter into agreements and other arrangements with the United States or any of its agencies as may be necessary, proper and convenient for carrying out the provisions of NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act.

(c) Accept from any source any grant, donation, gift or other form of conveyance of land, money, other real or personal property or other valuable thing made to the public body for carrying out the provisions of NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act.

2. Except as otherwise provided in section 13 of this act or applicable federal law, and notwithstanding any other provision of law, money from federal, state and local sources may be combined with money from any private source for carrying out the purposes of NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act.

Sec. 13. ***All money which is received and is to be retained by a public body pursuant to a public-private partnership and which is derived from the imposition of any charge with respect to the operation of any motor vehicle upon any public highway in this State must be deposited in the State Highway Fund, accounted for separately and, except for costs of administration, be used exclusively for the design, construction, operation, maintenance, financing and repair of the public highways of the county from which the money is received. The money must first be used to defray the obligations for which the public body is responsible under the public-private partnership, including, without limitation, the costs of administration, design, construction, operation, maintenance, financing and repair of the eligible transportation facility from which the money is derived.***

Sec. 13.5. ***No user fee may be charged, because of any project undertaken as part of a public-private partnership authorized by NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act, for the use of any portion of any roadway in existence on July 1, 2017.***

Sec. 14. ***1. Notwithstanding any other provision of law, any information obtained by or disclosed to a public body in connection with a request or proposal pursuant to NRS 338.163 or 338.164 or during the procurement or negotiation of a public-private partnership pursuant to section 10 of this act must be kept confidential until a notice of intent to award the contract, agreement or public-private partnership is issued, absent an administrative or judicial order requiring release or disclosure.***

2. Except as otherwise provided in NRS 239.0115, a public body may exempt from release to the public any trade secrets or confidential commercial, financial or proprietary information included in a request or proposal submitted to the public body pursuant to subsection 1 if the submitter:

(a) Specifies the portions of the proposal or other submission that the submitter considers to be trade secrets or confidential commercial, financial or proprietary information;

(b) Invokes exclusion upon submission of the information or other materials for which protection is sought;

(c) Identifies the data or other materials for which protection is sought with conspicuous labeling;

(d) States the reasons why protection is necessary; and

(e) Fully complies with all applicable state law with respect to information that the submitter contends should be exempt from disclosure.

Sec. 15. ***This State, or any public agency so authorized under chapter 37 of NRS, may exercise the power of eminent domain to acquire property, rights-of-way or other rights in property for projects that are necessary to develop, operate or hold an eligible facility regardless of whether the property will be owned in fee simple by this State or applicable public body or whether the property will be leased according to the terms of an agreement executed pursuant to NRS 338.166.***

Sec. 16. ***If no federal money is used on an eligible facility, the laws of this State govern. Notwithstanding any other provision of NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act, if federal money is used on an eligible facility and applicable federal laws conflict with NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act, or require provisions or procedures inconsistent with those statutes, the applicable federal laws govern.***

Sec. 17. NRS 338.161 is hereby amended to read as follows:

338.161 ~~[As used in NRS 338.161 to 338.168, inclusive, unless the context otherwise requires, "transportation]~~ ***"Transportation*** facility" means ~~[a]~~ ***any existing, enhanced, upgraded or new facility used or useful for the safe transport of persons, information or goods by one or more modes of transport, including, without limitation, a*** road, railroad, bridge, tunnel, overpass, ~~[airport,]~~ mass transit ~~[facility,]~~ ***, light rail, commuter rail, conduit, ferry, boat, vessel, intermodal or multimodal system, a system using autonomous technology, as defined in NRS 482A.025, and any rights-of-way necessary for the facility. The term includes:***

1. Related or ancillary facilities used or useful for providing, operating, maintaining or generating revenue for a transportation facility, including, without limitation, administrative buildings, structures, rest areas, maintenance yards and buildings, rail yards, rolling stock, storage facilities, ports of entry, vehicles, control systems, communication systems, information systems, energy systems, parking ~~[facility for vehicles or similar commercial facility used for the support of or the transportation of persons or goods, including, without limitation, any]~~ ***facilities and*** other ***related equipment or*** property ~~[. that is]~~ needed ***or used*** to ~~[operate]~~ ***support*** the ***transportation*** facility ~~[. The term does not include a toll bridge or toll road.]~~ ***or the transportation of persons, information or goods; and***

2. All improvements, including equipment, necessary to the full utilization of a transportation facility, including, without limitation, site preparation, roads and streets, sidewalks, water supply, outdoor lighting, belt line railroad sidings and lead tracks, bridges, causeways, terminals for

railroad, automotive and air transportation and transportation facilities incidental to the project.

Sec. 18. NRS 338.162 is hereby amended to read as follows:

338.162 A public body may authorize a person to ***design, finance, lease, repair, acquire, extend, expand, plan, equip, replace,*** develop, construct, improve, maintain or operate, or any combination thereof, ~~[~~a transportation~~]~~ ***an eligible*** facility pursuant to NRS 338.163 or 338.164.

Sec. 19. NRS 338.163 is hereby amended to read as follows:

338.163 1. A person may submit a request to a public body to ***design, finance, lease, repair, acquire, extend, expand, plan, equip, replace,*** develop, construct, improve, maintain or operate, or any combination thereof, ~~[~~a transportation~~]~~ ***an eligible*** facility.

2. The request must be accompanied by the following information:

(a) A topographic map indicating the location of the ~~[~~transportation~~]~~ ***eligible*** facility.

(b) A description of the ~~[~~transportation~~]~~ ***eligible*** facility, including, without limitation, the conceptual design of the ~~[~~transportation~~]~~ ***eligible*** facility ***.*** ~~[~~and all proposed interconnections with other transportation facilities.~~]~~

(c) The projected total cost of the ~~[~~transportation~~]~~ ***eligible*** facility over its life and the proposed date for the development of or the commencement of the construction of, or improvements to, the ~~[~~transportation~~]~~ ***eligible*** facility.

(d) A statement setting forth the method by which the person submitting the request proposes to secure all property interests required for the ~~[~~transportation~~]~~ ***eligible*** facility. The statement must include, without limitation:

(1) The names and addresses, if known, of the current owners of any property needed for the ~~[~~transportation~~]~~ ***eligible*** facility;

(2) The nature of the property interests to be acquired; and

(3) Any property that the person submitting the request proposes that the public body condemn.

(e) ~~[~~Information relating to the current transportation plans, if any, of any governmental entity in the jurisdiction of which any portion of the transportation facility is located.

~~(f)~~~~]~~ A list of all permits and approvals required for the development or construction of or improvement to the ~~[~~transportation~~]~~ ***eligible*** facility from local, state or federal agencies and a projected schedule for obtaining those permits and approvals.

~~[~~(g) A list of the facilities of any utility or existing transportation facility that will be crossed by the transportation facility and a statement of the plans of the person submitting the request to accommodate such crossings.

~~(h)~~~~]~~ ***(f)*** A statement setting forth the general plans of the person submitting the request for financing and operating the ~~[~~transportation~~]~~ ***eligible*** facility, which must include, without limitation:

(1) A plan for the development, financing and operation of the ~~[~~transportation~~]~~ ***eligible*** facility, including, without limitation, an indication of the proposed sources of money for the development and operation of the ~~[~~transportation~~]~~ ***eligible*** facility, the anticipated use of such money and the anticipated schedule for the receipt of such money;

(2) A list of any assumptions made by the person about the anticipated use of the ~~[~~transportation~~]~~ ***eligible*** facility, including, without limitation, the fees that will be charged for the use of the ~~[~~transportation~~]~~ ***eligible*** facility, and a discussion of those assumptions;

(3) The identification of any risk factors identified by the person that are associated with developing, constructing or improving the ~~[~~transportation~~]~~ ***eligible*** facility and the plan for addressing those risk factors;

(4) The identification of any local, state or federal resources that the person anticipates requesting for development and operation of the ~~[~~transportation~~]~~ ***eligible*** facility, including, without limitation, an anticipated schedule for the receipt of those resources and the effect of those resources on any statewide or regional program for the improvement of transportation; and

(5) The identification and analysis of any costs or benefits associated with the proposed facility, performed by a professional engineer who is licensed pursuant to chapter 625 of NRS.

~~[~~(i)~~]~~ ***(g)*** The names and addresses of the persons who may be contacted for further information concerning the request.

~~[~~(j)~~]~~ ***(h)*** Any additional material and information that the public body may request.

3. If the eligible facility is a transportation facility, the request must also include:

(a) Information relating to the current transportation plans, if any, of any governmental entity in the jurisdiction of which any portion of the transportation facility is located.

(b) A list of the facilities of any utility or existing transportation facility that will be impacted by the transportation facility and a statement of the plans of the person submitting the request to accommodate such crossings.

Sec. 20. NRS 338.164 is hereby amended to read as follows:

338.164 If a public body receives a request regarding ~~[~~a transportation~~]~~ ***an eligible*** facility pursuant to NRS 338.163 and the public body determines that the ~~[~~transportation~~]~~ ***eligible*** facility serves a public purpose, the public body may request other persons to submit proposals to ***design, finance, lease, repair, acquire, extend, expand, plan, equip, replace,*** develop, construct, improve, maintain or operate, or any combination thereof, the ~~[~~transportation~~]~~ ***eligible*** facility.

Sec. 21. NRS 338.166 is hereby amended to read as follows:

338.166 1. A public body may approve a request ***,*** ~~[~~or~~]~~ proposal ***or other submission*** submitted pursuant to NRS 338.163 or 338.164 ***or section 10 of this act*** if the public body determines that the ~~[~~transportation~~]~~ ***eligible***

facility serves a public purpose. In determining whether the ~~[~~transportation~~]~~ ***eligible*** facility serves a public purpose, the public body shall consider whether:

(a) There is a public need for the type of ~~[~~transportation~~]~~ ***eligible*** facility that is proposed;

(b) ~~[~~The~~]~~ ***If the eligible facility is a transportation facility, the*** proposed interconnections between the transportation facility and existing transportation facilities and the plans of the person submitting the request for the operation of the transportation facility are reasonable and compatible with any statewide or regional program for the improvement of transportation and with the transportation plans of any other governmental entity in the jurisdiction of which any portion of the transportation facility will be located;

(c) The estimated cost of the ~~[~~transportation~~]~~ ***eligible*** facility is reasonable in relation to similar ~~[~~transportation~~]~~ facilities, as determined by an analysis of the cost performed by a professional engineer who is licensed pursuant to chapter 625 of NRS;

(d) The plans of the person submitting the request will result in the timely development or construction of, or improvement to, the ~~[~~transportation~~]~~ ***eligible*** facility or its more efficient operation;

(e) The plans of the person submitting the request contain any penalties for the failure of the person submitting the request to meet any deadline which results in the untimely development or construction of, or improvement to, the ~~[~~transportation~~]~~ ***eligible*** facility or failure to meet any deadline for its more efficient operation; and

(f) The long-term quality of the ~~[~~transportation~~]~~ ***eligible*** facility will meet a level of performance established by the public body over a sufficient duration of time to provide value to the public.

2. In evaluating a request ***,*** ~~[~~or~~]~~ proposal ***or other submission*** submitted pursuant to NRS 338.163 or 338.164, ***or section 10 of this act,*** the public body may consider internal staff reports prepared by personnel of the public body who are familiar with the operation of similar ~~[~~transportation~~]~~ ***eligible*** facilities or the advice of outside advisors or consultants with relevant experience.

3. The public body shall ~~[request that a person who submitted a request or proposal pursuant to NRS 338.163 or 338.164]~~ furnish a copy of ~~[~~the~~]~~ ***a*** request ***,*** ~~[~~or~~]~~ proposal ***or other submission submitted pursuant to NRS 338.163, 338.164 or section 10 of this act*** to each governmental entity that has jurisdiction over an area in which any part of the ~~[~~transportation~~]~~ ***eligible*** facility is located. Within 30 days after receipt of such a request or proposal, the governmental entity shall submit in writing to the public body, for consideration by the public body, any comments that the governmental entity has concerning the ~~[~~transportation~~]~~ ***eligible*** facility and shall indicate whether the ~~[~~transportation~~]~~ ***eligible*** facility is compatible with any local, regional or statewide ~~[~~transportation~~]~~ plan or program that is applicable to the governmental entity.

4. A public body shall charge a reasonable fee to cover the costs of processing, reviewing and evaluating a request ***,*** ~~[or]~~ proposal ***or other submission*** submitted pursuant to NRS 338.163 or 338.164, ***or section 10 of this act,*** including, without limitation, reasonable fees for the services of an attorney or a financial or other consultant or advisor, to be collected before the public body accepts the request ***,*** ~~[or]~~ proposal ***or other submission*** for processing, review and evaluation.

5. The approval of a request ***,*** ~~[or]~~ proposal ***or other submission*** by the public body is contingent on the person who submitted the request ***,*** ~~[or]~~ proposal ***or other submission*** entering into an agreement with the public body. In such an agreement, the public body shall include, without limitation:

(a) Criteria that address the long-term quality of the ~~[transportation]~~ ***eligible*** facility.

(b) The date ***, if any,*** of termination of the authority and duties pursuant to NRS 338.161 to 338.168, inclusive, ***and sections 2 to 16, inclusive, of this act*** of the person whose request ***,*** ~~[or]~~ proposal ***or other submission*** was approved by the public body with respect to the ~~[transportation]~~ ***eligible*** facility and for the dedication of the ~~[transportation]~~ ***eligible*** facility to the public body ***.*** ~~[on that date.]~~

(c) Provision ~~[for the imposition]~~ by ***which*** the person whose request ***,*** ~~[or]~~ proposal ***or other submission*** was approved by the public body ~~[of such rates, fees or other charges as may be established from time to time by agreement of the parties for use of all or a portion of a transportation facility, other than a bridge or road.]~~ ***expressly agrees that the person is prohibited from seeking injunctive or other equitable relief to delay, prevent or otherwise hinder the public body or any other jurisdiction from developing, constructing or maintaining any facility that was planned and that would or might impact the revenue that the person would or might derive from the facility developed under the agreement, except that the agreement may provide for reasonable compensation to the person for the adverse effect on user fee revenues resulting from the development, construction and maintenance of an unplanned revenue impacting facility.***

(d) A provision requiring all plans and specifications for any eligible facility constructed, operated or maintained pursuant to NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act to comply with state standards and any applicable federal standards.

(e) If the eligible facility is a transportation facility, a provision requiring all user fee revenues generated from the transportation facility to be used for right-of-way acquisition, planning, design, construction, reconstruction, operation, maintenance and enforcement of transportation facilities within the same county in which the user fee revenues are generated, except to the extent such user fee revenues are otherwise pledged or allocated pursuant to the financial terms of an agreement entered into pursuant to NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act.

6. ***In any agreement between a public body and a person whose request, proposal or other submission for an eligible facility pursuant to NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act, was approved by the public body, the public body may also include provisions that:***

(a) Authorize the public body or the person to establish and collect user fees, rents, advertising and sponsorship charges, service charges or similar charges, including provisions related to traffic management strategies, if applicable.

(b) Specify technology to be used in the eligible facility.

(c) Establish circumstances under which the public body may receive all or a share of revenues from such charges.

(d) Govern enforcement of tolls, if applicable, including provisions for use of cameras or other mechanisms to ensure that users have paid tolls that are due and provisions that allow the person access to relevant databases for enforcement purposes.

(e) Authorize the public body to continue or cease collection of user charges, tolls, fares or similar charges after the end of the term of the agreement.

(f) Allow for payments to be made to the person, including, without limitation, availability payments or performance based payments.

(g) Allow the public body to accept payments of monies and share revenues with the person.

(h) Address how the person and public body will share management of the risks of the project.

(i) Specify how the person and public body will share development costs.

(j) Allocate financial responsibility for cost overruns.

(k) Establish the damages to be assessed for nonperformance.

(l) Establish performance criteria or incentives, or both.

(m) Address the acquisition of rights-of-way and other property interests that may be required, including provisions that address the exercise of eminent domain as provided in section 15 of this act.

(n) Establish recordkeeping, accounting and auditing standards to be used.

(o) For an eligible facility that reverts to public ownership, address responsibility for reconstruction or renovations that are required in order for the eligible facility to meet all applicable government standards upon reversion of the facility.

(p) Provide for patrolling and law enforcement on public facilities.

(q) Identify any specifications that must be satisfied.

(r) Require the person to provide performance and payment bonds ~~[,]~~ for design and construction pursuant to chapter 339 of NRS, surety bonds, if required by the public body, parent company guarantees, letters of credit or other acceptable forms of security or a combination of those.

(s) Allow the public body to acquire real property that is needed for and related to the eligible facility, including acquisition by exchange for other real property that is owned by the public body.

(t) Allow the public body to sell or lease naming rights with regard to any eligible facility.

7. Notwithstanding any other provision of law, an eligible facility that is developed, operated or held by a person pursuant to an agreement pursuant to this section is exempt from all state and local ad valorem and property taxes that might otherwise apply.

8. In connection with the approval of ~~[a transportation]~~ ***an eligible*** facility, the public body shall establish a date for the development of or the commencement of the construction of, or improvements to, the ~~[transportation]~~ ***eligible*** facility. The public body may extend the date from time to time.

Sec. 22. NRS 338.167 is hereby amended to read as follows:

338.167 A public body may contract with a person whose request or proposal ***submitted pursuant to NRS 338.163 or 338.164*** is approved pursuant to NRS 338.166 for ~~[transportation]~~ services to be provided by the ~~[transportation]~~ ***eligible*** facility in exchange for such payments for service and other consideration as the public body may deem appropriate.

Sec. 23. NRS 338.168 is hereby amended to read as follows:

338.168 The public body may take any action necessary to obtain federal, state or local assistance for ~~[a transportation]~~ ***an eligible*** facility that it approves and may enter into any contracts required to receive such assistance. The public body shall, by resolution, determine if it serves the public purpose for all or a portion of the costs of the ~~[transportation]~~ ***eligible*** facility to be paid, directly or indirectly, from the proceeds of a grant or loan made by the local, state or Federal Government or any agency or instrumentality thereof.

Sec. 24. NRS 338.1711 is hereby amended to read as follows:

338.1711 1. Except as otherwise provided in this section and NRS 338.161 to ~~[338.16995,]~~ ***338.168,*** inclusive, ***and sections 2 to 16, inclusive, of this act,*** a public body shall contract with a prime contractor for the construction of a public work for which the estimated cost exceeds $100,000.

2. A public body may contract with a design-build team for the design and construction of a public work that is a discrete project if the public body has approved the use of a design-build team for the design and construction of the public work and the public work has an estimated cost which exceeds $5,000,000.

Sec. 25. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345,

88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135,

645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 14 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 26. This act becomes effective on July 1, 2017.

Assemblyman Carrillo moved the adoption of the amendment.
Remarks by Assemblyman Carrillo.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 470.
Bill read second time and ordered to third reading.

Senate Bill No. 472.
Bill read second time and ordered to third reading.

Senate Bill No. 492.
Bill read second time and ordered to third reading.

Senate Bill No. 509.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that for the balance of the session, all rules be suspended, reading so far had considered first or second reading, as appropriate, and all measures reported out of committee without second reading be declared emergency measures under the constitution and placed on General File.
Motion carried.

Assemblywoman Benitez-Thompson moved that for the balance of the session, all bills reported out of committee with amendment be placed at the top of General File.
Motion carried.

Assemblywoman Benitez-Thompson moved to dispense with the reprinting of all measures for the balance of the session.
Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bill No. 206; Senate Bills Nos. 65, 468, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 232, 260, 337, 406, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRENE BUSTAMANTE ADAMS, *Chair*

Mr. Speaker:

Your Committee on Corrections, Parole, and Probation, to which was rereferred Senate Joint Resolution No. 1, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OHRENSCHALL, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 10, 12, 250, 282, 397, 471, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 56, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which were referred Senate Bills Nos. 79, 407, 477, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 136, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which were referred Senate Bills Nos. 71, 253, 274, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which were referred Senate Bills Nos. 291, 481, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL C. SPRINKLE, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 169, 287, 409, 432, 433, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 430, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 144, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

OLIVIA DIAZ, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 194, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HEIDI SWANK, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 492, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 519, 525, 526, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 106, 303, 327, 366, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 402, 421, 428, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 472, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

GENERAL FILE AND THIRD READING

Assembly Bill No. 175.

Bill read third time.

The following amendment was proposed by Assemblyman Frierson:

Amendment No. 903.

AN ACT relating to employment; prescribing certain requirements for health benefits for the purpose of determining the minimum wage paid to employees in private employment in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 16 of article 15 of the Nevada Constitution requires each employer in this State to pay a certain minimum wage to each employee of the employer. Under this provision of the Nevada Constitution, if an employer offers health benefits to an employee and his or her dependents, the minimum wage required to be paid to the employee is lower than the minimum wage otherwise required to be paid to the employee. (Nev. Const. Art. 15, § 16) This bill establishes the minimum level of health benefits that an employer must make available to an employee and his or her dependents for the purpose of determining whether the employer is authorized to pay the lower minimum wage to the employee.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:

For the purpose of determining the minimum wage that may be paid per hour to an employee in private employment pursuant to Section 16 of Article 15 of the Nevada Constitution and NRS 608.250, an employer ~~[provides]~~ :

1. Provides health benefits as described in Section 16 of Article 15 of the Nevada Constitution only if the employer makes available to the employee and the employee's dependents ~~[health benefits that:~~

~~1. Comply with the essential health benefits requirements set forth in 42 U.S.C. § 18022(a)(1) and (2), as those provisions exist on the effective date of this act, and provide a level of coverage that is described in 42 U.S.C. § 18022(d), as that provision exists on the effective date of this act; or~~

~~2. Provide health]~~ :

(a) At least one health insurance plan that provides:

(1) Coverage for services in the following categories and the items and services covered within the following categories:

(I) Ambulatory patient services;

(II) Emergency services;

(III) Hospitalization;

(IV) Maternity and newborn care;

(V) Mental health and substance use disorder services, including, without limitation, behavioral health treatment;

(VI) Prescription drugs;

(VII) Rehabilitative and habilitative services and devices;

(VIII) Laboratory services;

(IX) Preventive and wellness services and chronic disease management;

(X) Pediatric services, including, without limitation, oral and vision care; and

(XI) Any other health care service or coverage level required to be included in an individual or group health insurance plan pursuant to any applicable provision of chapter 689A or 689B of NRS; and

(2) Provides a level of coverage that is designed to provide benefits that are actuarially equivalent to 60 percent of the full actuarial value of the benefits provided under the plan; or

(b) Health benefits pursuant to a Taft-Hartley trust which is formed pursuant to 29 U.S.C. § 186(c)(5) and qualifies as an employee welfare benefits plan pursuant to:

~~[(a)]~~ (1) The Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 et seq.; or

~~[(b)]~~ (2) The provisions of the Internal Revenue Code ~~[.]~~ ; and

2. Does not provide health benefits as described in Section 16 of Article 15 of the Nevada Constitution if the employer makes available to the employee and the employee's dependents a hospital-indemnity insurance plan or fixed-indemnity insurance plan unless the employer separately makes available to the employee and the employee's dependents at least one health insurance plan that complies with the requirements of subsection 1.

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 405.

Bill read third time.

Remarks by Assemblymen Brooks and Carlton.

ASSEMBLYMAN BROOKS:

Assembly Bill 405 creates a Renewable Energy Bill of Rights that applies to each natural person who is a resident of Nevada. The bill also creates the contractual requirements for an agreement for the lease or purchase of a distributed generation system and a power purchase agreement. It establishes the minimum warranty requirements for an agreement concerning a distributed generation system. Failure to comply with these provisions constitutes a deceptive trade practice and consumer fraud.

Assembly Bill 405 also makes changes to net metering provisions in the law. The bill requires a utility to file a request with the Public Utilities Commission of Nevada to establish an optional time-variant rate schedule for customers. It also requires a utility to impose a net metering adjustment charge on each customer-generator who accepts the offer of utility for net metering and establishes the adjustment charges, which are tiered based on the amount of cumulative installed capacity and peak demand for electricity in this state. Further, Assembly Bill 405 sets forth the procedures for determining the peak demand for electricity for the previous calendar year and repeals provisions that had established a new net metering tariff pursuant to Senate Bill 374 of the 2015 Legislature.

ASSEMBLYWOMAN CARLTON:

I would like to ask my colleague from District 10 to make sure that something is on the record. A lot of discussion on the consumer protection portion of this was centered around a private right of action so that it would not have to go through the normal channels. Consumers themselves would have the right to pursue recourse. Also included was the Recovery Fund. I just want to make sure that it is clear to everyone and on the record of legislative intent that those do not bar each other—that the consumer can have a private right of action and also go to the Recovery Fund. It is not either/or; it is and.

ASSEMBLYMAN BROOKS:

Section 21 of the bill establishes that any violation of sections 2 through 20 makes the Nevadan, the natural person, have all of the rights under NRS 41.600 for consumer fraud as well as having the ability to claim against the contractors' Recovery Fund.

Roll call on Assembly Bill No. 405:

YEAS—38.

NAYS—Daly, Hansen—2.

EXCUSED—Ellison, Hambrick—2.

Assembly Bill No. 405 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 471.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Section 21 of the bill establishes that any violation of sections 2 through 20 makes the Nevadan, the natural person, have all of the rights under NRS [*Nevada Revised Statutes*] 41.600 for consumer fraud as well as having the ability to claim against the contractors recovery fund.

Roll call on Assembly Bill No. 471:

YEAS—40.

NAYS—None.

EXCUSED—Ellison, Hambrick—2.

Assembly Bill No. 471 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 37.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Senate Bill 37 makes various changes relating to the issuance and renewal of license plates commemorating the 150th anniversary of Nevada's admission into the Union. The bill clarifies that the Department of Motor Vehicles [DMV] may no longer issue this commemorative license plate. Senate Bill 37 also removes the prohibition on the DMV to charge the $20 fee for renewal of the commemorative license plates after October 31, 2016, and it requires this money to be divided equally between the Division of Museums and History of the Department of Tourism and Cultural Affairs and the Division of State Parks of the State Department of Conservation and Natural Resources for educational and preservation projects.

This bill is effective on July 1, 2017.

Roll call on Senate Bill No. 37:

YEAS—40.

NAYS—None.

EXCUSED—Ellison, Hambrick—2.

Senate Bill No. 37 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 81.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Senate Bill 81 revises existing law to eliminate state-chartered savings and loan associations and instead provide for the creation, operation, and oversight of state-chartered savings banks. Specifically, the bill converts each savings and loan association and any other depository institution chartered under Chapter 673 of the *Nevada Revised Statutes* into a savings bank. Each such converted entity has the same powers, privileges, immunities, and exceptions as a savings bank. Additionally, the bill establishes various organizational, operational, and regulatory provisions for savings banks in a manner generally consistent with the existing provisions for a savings and loan association.

The Commissioner of Financial Institutions must immediately issue a savings bank charter to each converted entity. An entity is prohibited from carrying on the business of a savings bank without being incorporated as a state-chartered savings bank.

The bill authorizes a savings bank to become a member of the Federal Reserve System and provides that a savings bank that becomes a member has the powers granted to member banks under the Federal Reserve Act. A savings bank that becomes a member of the Federal Reserve System remains subject to supervision by the Division of Financial Institutions, and information concerning the affairs of the savings bank may be shared with the Board of Governors of the Federal Reserve System.

Roll call on Senate Bill No. 81:

YEAS—40.

NAYS—None.

EXCUSED—Ellison, Hambrick—2.

Senate Bill No. 81 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 165.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Senate Bill 165 defines, for the first time in *Nevada Revised Statutes*, the term "obesity" as a chronic disease. In addition, S.B. 165 requires the board of trustees in each school district in a county whose population is 100,000 or more, currently Clark and Washoe Counties, to measure the height and weight of a representative sample of pupils enrolled in grades 4, 7, and 10 in schools within the school district. The bill requires the Division of Public and Behavioral Health, Department of Health and Human Services, to compile a report of the results of the height and weight measurements by region and publish and disseminate the report. A copy must be submitted to the superintendent of each school district in a county whose population is 100,000 or more. The Division must also submit an annual report regarding obesity to the Nevada Legislature.

This measure is effective on July 1, 2017.

Roll call on Senate Bill No. 165:

YEAS—29.

NAYS—Paul Anderson, Edwards, Hansen, Kramer, Krasner, Marchant, McArthur, Pickard, Titus, Wheeler, Woodbury—11.

EXCUSED—Ellison, Hambrick—2.

Senate Bill No. 165 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 171.

Bill read third time.

Remarks by Assemblywoman Tolles.

ASSEMBLYWOMAN TOLLES:

Senate Bill 171 requires a retail community pharmacy to post in a conspicuous place on the premises of the pharmacy or provide upon request written instructions for safely disposing of unused drugs.

This bill is effective on October 1, 2017.

Roll call on Senate Bill No. 171:

YEAS—40.

NAYS—None.

EXCUSED—Ellison, Hambrick—2.

Senate Bill No. 171 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 308.

Bill read third time.

Remarks by Assemblyman Watkins.

ASSEMBLYMAN WATKINS:

Senate Bill 308 increases the minimum amount of coverage that must be provided by a policy of motor vehicle insurance.

Roll call on Senate Bill No. 308:

YEAS—32.

NAYS—Paul Anderson, Benitez-Thompson, Carrillo, Hansen, Krasner, Neal, Oscarson, Titus—8.

EXCUSED—Ellison, Hambrick—2.

Senate Bill No. 308 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 376.

Bill read third time.

Remarks by Assemblywoman Miller.

ASSEMBLYWOMAN MILLER:

Senate Bill 376 authorizes a court, upon a showing of good cause, to extend from 90 days to 180 days after the death of a person whose estate is in probate the period during which an agreement entered into by an apparent heir and an heir finder is void and unenforceable.

Roll call on Senate Bill No. 376:

YEAS—40.

NAYS—None.

EXCUSED—Ellison, Hambrick—2.

Senate Bill No. 376 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 396.

Bill read third time.

Remarks by Assemblymen Watkins and Ohrenschall.

Potential conflict of interest declared by Assemblyman Ohrenschall.

ASSEMBLYMAN WATKINS:

Senate Bill 396 creates a program for the growth and handling of industrial hemp and agricultural hemp seed that is separate from the existing agricultural hemp pilot research program. The bill establishes registration requirements for hemp growers, handlers, and producers through the Department of Agriculture; requires testing of hemp products by an independent laboratory; and allows existing marijuana establishments to acquire and use hemp in certain products.

ASSEMBLYMAN OHRENSCHALL:

I have a disclosure to make. Because we are considering Senate Bill 396, which proposes to make changes relating to medical marijuana and marijuana establishments, I would like to advise this Chamber that my wife is employed as the executive director of the Nevada Dispensary Association, a trade association consisting of medical marijuana dispensaries and medical marijuana cultivators, which actively lobbies the Legislature and other governmental entities on issues affecting its members. I have sought the advice of our Legislative Counsel, and although Senate Bill 396 does not affect the members of the trade association that my wife is employed with any differently than other medical marijuana dispensary owners and medical marijuana cultivators, I am making this disclosure and I am abstaining from voting on Senate Bill 396 out of an abundance of caution.

Roll call on Senate Bill No. 396:

YEAS—34.

NAYS—Hansen, Krasner, Marchant, McArthur, Wheeler—5.

NOT VOTING—Ohrenschall.

EXCUSED—Ellison, Hambrick—2.

Senate Bill No. 396 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 416.

Bill read third time.

Remarks by Assemblymen Sprinkle and Ohrenschall.

Potential conflict of interest declared by Assemblyman Ohrenschall.

ASSEMBLYMAN SPRINKLE:

Senate Bill 416 authorizes a medical marijuana establishment, an association of medical marijuana establishments, or a joint committee consisting of representatives of one or more medical marijuana establishments and a labor organization to propose and enter into an agreement to carry out an apprenticeship program for medical marijuana establishment agents.

ASSEMBLYMAN OHRENSCHALL:

I have a disclosure to make. Because we are considering Senate Bill 416, which proposes to make changes relating to medical marijuana and marijuana establishments, I would like to advise this Chamber that my wife is employed as the executive director of the Nevada Dispensary Association, a trade association consisting of medical marijuana dispensaries and medical marijuana cultivators, which actively lobbies the Legislature and other governmental entities on issues affecting its members. I have sought the advice of our Legislative Counsel, and although Senate Bill 416 does not affect the members of the trade association that my wife is employed with any differently than other medical marijuana dispensary owners and medical marijuana cultivators, I am making this disclosure and I am abstaining from voting on Senate Bill 416 out of an abundance of caution.

Roll call on Senate Bill No. 416:

YEAS—26.

NAYS—Paul Anderson, Edwards, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—13.

NOT VOTING—Ohrenschall.

EXCUSED—Ellison, Hambrick—2.

Senate Bill No. 416 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 422.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Senate Bill 422 provides that a regional planning coalition may designate the regional transportation commission to administer the comprehensive regional policy plan. The Southern Nevada Regional Planning Coalition Act is repealed. This bill is effective on July 1, 2017.

Roll call on Senate Bill No. 422:

YEAS—40.

NAYS—None.

EXCUSED—Ellison, Hambrick—2.

Senate Bill No. 422 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 429.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Senate Bill 429 authorizes a governing body of a city or county to establish by ordinance an urban agriculture zone for the purpose of promoting the development and operation of urban agriculture. This bill provides that a master plan may also include an urban agricultural element, which must include a plan to inventory any vacant lands owned by the city or county and blighted lands in the city or county to determine if such lands may be suitable for urban farming or gardening.

A governing body of a city or county is authorized to establish by ordinance the terms and conditions for the use of vacant or blighted land owned by the city or county for the purpose of community gardening.

I just want to say that I hope with the passage of this bill that we will see in our urban areas strawberry fields forever. I will say in honor of my colleague to the left, anything further I sayeth not.

Roll call on Senate Bill No. 429:

YEAS—40.

NAYS—None.

EXCUSED—Ellison, Hambrick—2.

Senate Bill No. 429 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 434.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Senate Bill 434 requires the city councils of Reno and Sparks to appoint the City Attorney. The City Attorney serves under the direction and supervision of the City Council and may be removed by a majority vote of the City Council at any time. This bill is effective on July 1, 2017.

Roll call on Senate Bill No. 434:

YEAS—22.

NAYS—Paul Anderson, Daly, Edwards, Hansen, Kramer, Krasner, Marchant, McArthur, McCurdy, Neal, Ohrenschall, Oscarson, Pickard, Spiegel, Titus, Tolles, Wheeler, Woodbury—18.

EXCUSED—Ellison, Hambrick—2.

Senate Bill No. 434 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 437.

Bill read third time.

Remarks by Assemblyman Brooks.

ASSEMBLYMAN BROOKS:

Senate Bill 437 changes the name of the State Board of Physical Therapy Examiners to the Nevada Physical Therapy Board. The measure also revises the composition and duties of the Board. The Board must also adopt regulations prescribing the activities a physical therapist technician may perform only under the immediate supervision of a physical therapist.

The measure also combines similar provisions governing physical therapists and physical therapist assistants. The bill also revises the way the Board can seek an injunction against a person improperly holding himself or herself out as a licensed physical therapist or physical therapist assistant or practicing physical therapy.

Roll call on Senate Bill No. 437:

YEAS—39.

NAYS—None.

EXCUSED—Ellison, Hambrick, Yeager—3.

Senate Bill No. 437 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 447.

Bill read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Senate Bill 447 authorizes a registered voter with a physical disability or who is 65 years of age or older to submit a written request to the appropriate county or city clerk for receipt of an absent ballot for all elections at which the registered voter is eligible to vote. Upon receiving such a request, the voter will be issued an absent ballot for each election that is conducted after the date the written request is submitted. The measure specifies that if the county clerk receives the request, he or she must also inform the city clerk, and if the city clerk receives the request, he or she must inform the county clerk.

The bill also permits any registered voter to request and vote an absent ballot for all elections held during the year he or she requests the absent ballot. A written request for an absent ballot may be made by mail or via an approved electronic transmission.

Senate Bill 447 clarifies existing provisions relating to the written statement of a person who, at the request of the registered voter, either marks and signs an absent ballot or assists the voter in marking and signing his or her absent ballot. Finally, S.B. 447 provides that if a requester of a permanent absentee ballot becomes inactive or is removed from the voter rolls at some point after the request is made, the county clerk shall no longer mail that voter an absent ballot.

The measure is effective on July 1, 2017.

Roll call on Senate Bill No. 447:

YEAS—39.

NAYS—None.

EXCUSED—Ellison, Hambrick, Yeager—3.

Senate Bill No. 447 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 454.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Senate Bill 454 enacts the Uniform Powers of Appointment Act, which codifies common law with regard to powers of appointment in estate planning. The bill provides definitions and sets forth provisions governing the creation, revocation, and amendment of powers of appointment; the exercise of a power of appointment; the disclaimer or release of a power of appointment; and the right of a creditor of a holder of a power of appointment with respect to property subject to that power.

This bill is effective on October 1, 2017.

Roll call on Senate Bill No. 454:

YEAS—39.

NAYS—None.

EXCUSED—Ellison, Hambrick, Yeager—3.

Senate Bill No. 454 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 462.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Senate Bill 462 authorizes a board of county commissioners to create a committee to review the existing general improvement districts in the county to determine if the districts should be continued, modified, consolidated, merged, or dissolved. Each committee is limited to reviewing not more than six general improvement districts in a county per year and must submit a report to the Legislative Commission on or before July 1 of each year.

Roll call on Senate Bill No. 462:

YEAS—39.

NAYS—None.

EXCUSED—Ellison, Hambrick, Yeager—3.

Senate Bill No. 462 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 466.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Senate Bill 466 exempts a person licensed as an allopathic or osteopathic physician from registration under the provisions governing the State Board of Oriental Medicine. The bill provides that Board members serve at the pleasure of the Governor, which means the Governor may remove a member with or without cause. The bill increases the membership of the Board from five to seven members. Finally, the Board must submit a biannual report to the Sunset Subcommittee of the Legislative Commission containing certain information relating to the proceedings and duties of the Board.

Roll call on Senate Bill No. 466:

YEAS—39.

NAYS—None.

EXCUSED—Ellison, Hambrick, Yeager—3.

Senate Bill No. 466 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 469.

Bill read third time.

Remarks by Assemblymen Bilbray-Axelrod and Edwards.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Senate Bill 469 reduces from 25 percent to 16.67 percent of the budgeted ending fund balance of a local government other than a school district the amount that must be excluded from collective bargaining negotiations and cannot be considered by a fact finder or arbitrator in determining the local government employer's ability to pay. This bill is effective on July 1, 2017.

ASSEMBLYMAN EDWARDS:

I rise today in opposition to Senate Bill 469. My district and those of many of my colleagues have a number of small municipalities. This legislation would have a very negative net impact on those smaller communities. Oftentimes those communities are still struggling to overcome the recent economic downturn. We need to keep in mind when legislating that not all Nevadans live in thriving urban areas. Many live in small towns or rural areas. Legislation that works for the big cities likely is not going to work in a place like Mesquite, Overton, or the Moapa Valley. I urge my colleagues to join me in voting no to protect these communities from the unintended fiscal harm.

Roll call on Senate Bill No. 469:

YEAS—26.

NAYS—Paul Anderson, Edwards, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—13.

EXCUSED—Ellison, Hambrick, Yeager—3.

Senate Bill No. 469 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 473.

Bill read third time.

Remarks by Assemblyman Watkins.

ASSEMBLYMAN WATKINS:

Senate Bill 473 provides that an increased penalty for committing certain sexual offenses in the presence of a child under 18 years of age or a vulnerable person does not apply if the person committing the offense is under 18 years of age.

Roll call on Senate Bill No. 473:

YEAS—39.

NAYS—None.

EXCUSED—Ellison, Hambrick, Yeager—3.

Senate Bill No. 473 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 476.

Bill read third time.

Remarks by Assemblyman Pickard.

ASSEMBLYMAN PICKARD:

Senate Bill 476 requires certain members of the Commission for Common-Interest Communities and Condominium Hotels to not only be unit owners, but also reside in a unit within Nevada. This measure is effective on October 1, 2017.

Roll call on Senate Bill No. 476:

YEAS—39.

NAYS—None.

EXCUSED—Ellison, Hambrick, Yeager—3.

Senate Bill No. 476 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 480.

Bill read third time.

Remarks by Assemblywoman Joiner.

ASSEMBLYWOMAN JOINER:

Senate Bill 480 requires certain health care providers to notify a child welfare agency if the provider knows or has reasonable cause to believe that an infant is affected by a fetal alcohol spectrum disorder or prenatal substance abuse, regardless of whether the substance use was legal or illegal. The bill amends existing state law to align it with certain requirements of the federal Child Abuse Prevention and Treatment Act.

Roll call on Senate Bill No. 480:

YEAS—39.

NAYS—None.

EXCUSED—Ellison, Hambrick, Yeager—3.

Senate Bill No. 480 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 493.

Bill read third time.

Remarks by Assemblyman Brooks.

ASSEMBLYMAN BROOKS:

Senate Bill 493 eliminates the use of salary to determine which school administrators are to be excluded from membership in a bargaining unit and instead excludes from such membership any school district administrator above the rank of principal, regardless of salary.

Roll call on Senate Bill No. 493:

YEAS—39.

NAYS—None.

EXCUSED—Ellison, Hambrick, Yeager—3.

Senate Bill No. 493 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 499.

Bill read third time.

Remarks by Assemblywoman Krasner.

ASSEMBLYWOMAN KRASNER:

Senate Bill 499 clarifies that certain requirements of forest practices and procedures only apply to logging operations, including the requirement for obtaining a variance for the felling of trees within 200 feet from a body of water. The measure is effective on July 1, 2017.

Roll call on Senate Bill No. 499:

YEAS—38.

NAYS—None.

EXCUSED—Ellison, Hambrick, Joiner, Yeager—4.

Senate Bill No. 499 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 510.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Senate Bill 510 revises eligibility requirements for the Kinship Guardian Assistance Program. It eliminates the provision requiring a child to be eligible to receive maintenance payments pursuant to Part E of Title IV of the Social Security Act while residing with a relative for at least six months as a condition of receiving assistance. The bill also clarifies that the relative with whom the child resides must be a licensed provider of foster care.

Roll call on Senate Bill No. 510:

YEAS—38.

NAYS—None.

EXCUSED—Ellison, Hambrick, Joiner, Yeager—4.

Senate Bill No. 510 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 513.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Senate Bill 513 increases the cap on the assessment for water distribution expenses where a system stream irrigates more than 200,000 acres of land from $.30 to $1 per acre-foot of water decreed.

Roll call on Senate Bill No. 513:

YEAS—34.

NAYS—Krasner, Marchant, McArthur, Titus—4.

EXCUSED—Ellison, Hambrick, Joiner, Yeager—4.

Senate Bill No. 513 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 515.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Senate Bill 515 repeals the current requirement that all money received by the Administrator of the Securities Division of the Office of the Secretary of State as the result of an enforcement action be deposited in the State General Fund for credit to the Secretary of State's Operating General Fund Budget Account. Instead, this money is to be deposited with the State Treasurer for credit to the State General Fund for unrestricted use.

Roll call on Senate Bill No. 515:

YEAS—38.

NAYS—None.

EXCUSED—Ellison, Hambrick, Joiner, Yeager—4.

Senate Bill No. 515 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 311.

Bill read third time.

Remarks by Assemblyman Kramer.

ASSEMBLYMAN KRAMER:

Senate Bill 311 makes permanent the repeal of provisions requiring certain sellers of travel to register and deposit a security with the Consumer Affairs Division of the Department of Business and Industry. This bill is effective upon passage and approval.

Roll call on Senate Bill No. 311:

YEAS—38.

NAYS—None.

EXCUSED—Ellison, Hambrick, Joiner, Yeager—4.

Senate Bill No. 311 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 52, 106, 206, 303, 327, 366, 402, 421, 428, 430, 472, and 492; Senate Bills Nos. 10, 12, 56, 65, 71, 79, 116, 136, 138, 144, 156, 162, 169, 194, 230, 232, 250, 253, 260, 268, 274, 282, 287, 291, 292, 322, 337, 369, 386, 397, 400, 406, 407, 409, 411, 432, 433, 468, 471, 477, 481, 519, 525, and 526; Senate Joint Resolutions Nos. 1, 4, 5, 8, 12, and 13 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 34, 57, 60, 61, 62, 65, 70, 89, 101, 105, 114, 128, 136, 145, 146,

154, 165, 173, 180, 190, 195, 199, 202, 209, 214, 228, 229, 231, 232, 245, 255, 262, 271, 310, 316, 317, 319, 335, 341, 392, 393, 425, 429, 435, 438, 439, 445, 455, 459, 465, and 466; Assembly Joint Resolutions Nos. 7, 9, 10, and 13; Senate Bills Nos. 2, 51, 75, 107, 108, 117, 122, 123, 133, 140, 141, 176, 182, 188, 195, 237, 240, 247, 252, and 256.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 350.

The following Senate amendment was read:

Amendment No. 653.

AN ACT relating to state employment; requiring certain state agencies to provide an employee orientation to new employees, to allow certain employee organizations to ~~[participate in]~~ **provide a presentation during** such an orientation or meet with a new employee under certain circumstances and to provide such an employee organization with certain information concerning new employees; requiring certain state agencies to allow certain employee organizations to meet with employees at certain locations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth various requirements concerning employment with a department, commission, board, bureau, office or other agency of the Executive Department of the State Government, with certain exceptions. (Chapter 284 of NRS; chapter 284 of NAC) **Section 2** of this bill requires such an employing state agency to provide an ~~[in-person]~~ orientation to a new employee during the employee's regular work hours within 30 days after the employee's date of hire or within a reasonable time thereafter. Additionally, **section 2** requires an employing state agency to allow an employee organization which has at least 100 members who make payments to the employee organization pursuant to payroll withholdings to give ~~[a]~~ **an in-person** presentation of at least 30 minutes during the orientation. The employee organization is authorized to designate a representative to attend the orientation during paid time. **Sections 2 and 3** of this bill require an employing state agency to provide such an employee organization with certain information concerning a newly hired employee and to allow such an employee organization to meet with an employee who is unable to ~~[attend]~~ **receive** the employee orientation within the required time.

Section 4 of this bill requires an employing state agency to allow such an employee organization to meet with an employee outside regular work hours or during breaks in designated areas on the premises of the employee's work location.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 284 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.2 to 4, inclusive, of this act.

Sec. 1.2. *As used in sections 1.2 to 4, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 1.4, 1.6 and 1.8 of this act have the meanings ascribed to them in those sections.*

Sec. 1.4. *"Employee organization" means an organization of any kind consisting of one or more units or groups that:*

1. Has the improvement of the terms and conditions of employment of state employees as one of its purposes; and

2. Has at least 100 members who have amounts withheld from their salaries or wages for payment to the organization pursuant to NRS 281.129.

Sec. 1.6. *"Employing state agency" means a department, commission, board, bureau, office or other agency of the Executive Department of the State Government to which this chapter applies.*

Sec. 1.8. *"State employee" means a person employed by an employing state agency.*

Sec. 2. *1. Within 30 days after the date on which a state employee is hired or within a reasonable time thereafter, the employing state agency shall provide to the state employee an orientation during the regular work hours of the state employee which consists of:*

(a) A presentation containing information related to employment with the employing state agency, including, without limitation:

~~[(a)]~~ (1) The personnel policies of the employing state agency;

~~[(b)]~~ (2) Any rules concerning ethics, conflicts of interest and civil service to which the state employee is subject; and

~~[(c)]~~ (3) Any benefits programs for which the state employee is eligible.

(b) A presentation by an employee organization, in person, of at least 30 minutes.

2. The ~~[orientation]~~ presentation required by paragraph (a) of subsection 1 ~~[must]~~ may be conducted ~~[in]~~ :

(a) In person ~~[and during the regular work hours of the state employee.]~~ ;

(b) By video conference; or

(c) Through a prerecorded video or electronic method.

3. ~~[The employing state agency shall allow an employee organization to make a presentation of at least 30 minutes during the orientation required by subsection 1.]~~ An employing state agency shall give ~~[the]~~ an employee organization notice of the date and time of ~~[the]~~ an orientation required by subsection 1 not later than 10 days before the orientation.

4. An employee organization may designate a state employee who is a member of the employee organization as a representative to attend the orientation required by subsection 1 on paid time. An employing state agency may not deny the representative the opportunity to attend the orientation required by subsection 1 unless the absence of the representative from work would significantly inhibit or disrupt the functioning of the employing state agency. If an employing state agency

denies the representative's attendance, the employee organization may designate another state employee who is a member of the employee organization as the representative.

5. Within 7 days after the date on which a state employee is hired, the employing state agency shall provide an employee organization with the name, job title, department, work ~~[location,]~~ telephone number and ~~[home]~~ work address of the state employee. The employing state agency shall comply with this subsection regardless of whether the state employee who is hired was previously employed by an employing state agency.

Sec. 3. ***An employing state agency shall provide an employee organization with the name and work location of any state employee who was unable to ~~[attend]~~ receive the orientation required by section 2 of this act within the period set forth in that section. The employing state agency shall allow the employee organization to meet with any such employee for at least 30 minutes during the regular work hours of the state employee to introduce the employee organization and explain its role and functions.***

Sec. 4. ***An employing state agency shall allow an employee organization to meet with a state employee outside of or during breaks in regular work hours in areas at the state employee's work location designated by the employing state agency.***

Sec. 5. (Deleted by amendment.)

Sec. 6. ~~[~~NRS 289.025 is hereby amended to read as follows:

~~289.025 1. Except as otherwise provided in subsections 2 and 3 and NRS 239.0115, *and section 2 of this act,* the home address and any photograph of a peace officer in the possession of a law enforcement agency are not public information and are confidential.~~

~~2. The photograph of a peace officer may be released:~~

~~(a) If the peace officer authorizes the release; or~~

~~(b) If the peace officer has been arrested.~~

~~3. The home address of a peace officer may be released if a peace officer has been arrested and the home address is included in any of the following:~~

~~(a) A report of a 911 telephone call.~~

~~(b) A police report, investigative report or complaint which a person filed with a law enforcement agency.~~

~~(c) A statement made by a witness.~~

~~(d) A report prepared pursuant to NRS 432B.540 by an agency which provides child welfare services, which report details a plan for the placement of a child.~~~~]~~ **(Deleted by amendment.)**

Sec. 7. This act becomes effective on July 1, 2017.

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 653 to Assembly Bill No. 350.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

The amendment provides that the new employee orientation may be conducted via videoconference or by prerecorded training video or electronic method. It also specifies that a state agency shall supply to an employee organization a new state employee's work address rather than his or her home address.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 142.

The following Senate amendment was read:

Amendment No. 672.

SUMMARY—Establishes provisions concerning children seeking federal status as special immigrant juveniles. (BDR ~~[38-739)]~~ **1-739)**

AN ACT relating to children; requiring a court to enter an order setting forth certain findings that enable a child to apply for status as a special immigrant juvenile with the United States Citizenship and Immigration Services of the Department of Homeland Security upon a determination that evidence exists to support such findings; **authorizing a court to appoint or extend the appointment of a guardian of the person for a ward or proposed ward seeking such status in certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law authorizes the issuance of an immigrant visa to a special immigrant upon satisfactory proof that the applicant is entitled to status as a special immigrant. (8 U.S.C. § 1204) Existing federal law defines the term "special immigrant" to include a juvenile immigrant who is present in the United States and: (1) has been declared dependent on a juvenile court or has been legally committed to, or placed under the custody of, an agency or department of a state or an individual or entity appointed by a state or juvenile court; (2) whose reunification with one or both of his or her parents is not viable due to abuse, neglect, abandonment or a similar basis found under state law; (3) for whom it has been determined in administrative or judicial proceedings that it would not be in his or her best interest to be returned to the previous country of nationality or last habitual residence of the child or his or her parents; and (4) who is granted status as a special immigrant juvenile by the Secretary of Homeland Security through the United States Citizenship and Immigration Services. (8 U.S.C. § 1101(a)(27)(J)) Existing federal regulations: (1) provide that a person is eligible for classification as a special immigrant if, in addition to satisfying other requirements, the person is less than 21 years of age and is unmarried; and (2) define the term "juvenile court" as a court located in the United States having jurisdiction under state law to make judicial determinations about the custody and care of juveniles. (8 C.F.R. § 204.11)

~~[This]~~ **Section 1 of this** bill authorizes the district court to make the factual findings necessary to enable a child to apply for status as a special immigrant juvenile with the United States Citizenship and Immigration Services of the

Department of Homeland Security at any time during ~~[a proceeding held in the district court or a division of the district court having jurisdiction to make judicial determinations regarding the custody and care of juveniles. This bill]~~ **certain proceedings. Section 1** sets forth the factual findings necessary to enable a child to apply for such status and **: (1)** requires the court to issue an order setting forth such findings upon a determination by the court that evidence exists to support such findings ~~[. This bill]~~ **; and (2) prohibits the court from making any additional findings regarding the asserted, purported or perceived motivation of the child seeking status as a special immigrant juvenile or of the person requesting that the court make such findings. Section 1** also provides that any records containing information concerning the immigration status of such a child that are not otherwise confidential must be sealed and made available for inspection only by certain persons. ~~[This bill]~~ **Section 1** further requires the Supreme Court to adopt any rules and procedures necessary to implement the provisions of the section.

Section 2 of this bill provides that if a person includes in a petition filed or motion made in a guardianship proceeding a request that the court make the findings necessary to enable a child to apply for status as a special immigrant juvenile, the court may, in certain circumstances, appoint or extend the appointment of a guardian of the person for a ward or proposed ward seeking such status. Section 3 of this bill provides that such a guardianship is terminated on the date on which the ward reaches 21 years of age unless the ward petitions the court to terminate the guardianship before he or she reaches 21 years of age and the court grants the petition.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter ~~[432B]~~ **3** of NRS is hereby amended by adding thereto a new section to read as follows:

1. The district court has jurisdiction to make judicial determinations regarding the custody and care of juveniles within the meaning of the federal Immigration and Nationality Act, 8 U.S.C. §§ 1101 et seq., and the regulations adopted pursuant thereto, and therefore may make the factual findings necessary to enable a child to apply for status as a special immigrant juvenile with the United States Citizenship and Immigration Services of the Department of Homeland Security, as described in 8 U.S.C. § 1101(a)(27)(J).

2. The factual findings set forth in subsection 3 may be made by the district court at any time during a proceeding held ~~[in the district court or a division of the district court having jurisdiction to make judicial determinations regarding the custody and care of juveniles.]~~ pursuant to chapter 62B, 125, 159 or 432B of NRS.

3. A person may ~~[file]~~ include in a petition ~~[with the district court requesting]~~ filed or motion made pursuant to chapter 62B, 125, 159 or 432B of NRS a request that the court make the following findings to enable a child to apply for status as a special immigrant juvenile with the United States Citizenship and Immigration Services:

(a) The child has been declared dependent on the court or has been legally committed to, or placed under the custody of, a state agency or department or a person appointed by the court;

(b) The reunification of the child with one or both of his or her parents was determined not to be viable because of abandonment, abuse ~~[,]~~ or neglect ~~[, abandonment]~~ or a similar basis ~~[,]~~ under the laws of this State; and

(c) It is not in the best interests of the child to be returned to the previous country of nationality or last habitual residence of the child or his or her parents.

4. If the court determines that there is evidence to support the findings set forth in subsection 3, including , without limitation, a declaration by the child who is the subject of the petition, the court shall issue an order setting forth such findings. The court shall include in the order the date on which the:

(a) Dependency, commitment or custody of the child was ordered; and

(b) Reunification of the child with one or both of his or her parents was determined not to be viable.

5. The court ~~[may make]~~ shall not:

(a) Make any additional findings ~~[that are supported by evidence upon the request of a party to]~~ regarding the ~~[proceeding. The]~~ asserted, purported or perceived motivation of the child seeking status as a special immigrant juvenile ~~[is not admissible for the purpose of making any findings pursuant to this section, and the court shall not include]~~ or the person requesting that the court make the findings set forth in subsection 3; or

(b) Include or reference any such asserted, purported or perceived motivation of any such person as a part of its findings pursuant to this section.

6. In any proceeding held regarding a petition filed pursuant to subsection 3, any records containing information concerning the immigration status of a child that are not otherwise confidential pursuant to any provision of law must be sealed and made available for inspection only by:

(a) The court;

(b) The child who is the subject of the proceeding and his or her attorney and guardian; and

(c) Any party to the proceeding and his or her attorney.

7. The Supreme Court shall adopt any rules and procedures necessary to implement the provisions of this section.

8. As used in this section:

(a) "Abandonment" has the meaning ascribed to "abandonment of a child" in NRS 128.012.

(b) "Abuse or neglect" has the meaning ascribed to "abuse or neglect of a child" in NRS 432B.020.

(c) "Child" means an unmarried person who is less than 21 years of age.

~~[(b)]~~ (d) "Special immigrant juvenile" means a person described in 8 U.S.C. § 1101(a)(27)(J).

Sec. 2. **Chapter 159 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If a person includes a request that the court make the findings set forth in subsection 3 of section 1 of this act in a petition filed or motion made pursuant to this chapter, the court may appoint or extend the appointment of a guardian of the person for a ward or proposed ward seeking status as a special immigrant juvenile with the United States Citizenship and Immigration Services of the Department of Homeland Security if the ward or proposed ward:

(a) Is an unmarried person who is 18 years of age or older but less than 21 years of age; and

(b) Consents to the appointment or the extension of the appointment.

2. The appointment or the extension of the appointment of a guardian of the person pursuant to subsection 1 does not authorize the guardian to abrogate any rights that the ward or proposed ward may have pursuant to the laws of this State, including, without limitation, the right to make decisions regarding his or her medical treatment, education or residence, without the express consent of the ward or proposed ward.

Sec. 3. **NRS 159.191 is hereby amended to read as follows:**

159.191 1. ~~[A]~~ ***Except as otherwise provided in subsection 2, a*** guardianship of the person is terminated:

(a) By the death of the ward;

(b) Upon the ward's change of domicile to a place outside this state and the transfer of jurisdiction to the court having jurisdiction in the new domicile;

(c) Upon order of the court, if the court determines that the guardianship no longer is necessary; or

(d) If the ward is a minor:

(1) On the date on which the ward reaches 18 years of age; or

(2) On the date on which the ward graduates from high school or becomes 19 years of age, whichever occurs sooner, if:

(I) The ward will be older than 18 years of age upon graduation from high school; and

(II) The ward and the guardian consent to continue the guardianship and the consent is filed with the court at least 14 days before the date on which the ward will become 18 years of age.

2. ***If a court appoints or extends the appointment of a guardian of the person pursuant to section 2 of this act, the guardianship is terminated on the date on which the ward reaches 21 years of age, unless the ward petitions the court to terminate the guardianship before he or she reaches 21 years of age pursuant to NRS 159.1905 and the court grants the petition.***

3. A guardianship of the estate is terminated:

(a) If the court removes the guardian or accepts the resignation of the guardian and does not appoint a successor guardian;

(b) If the court determines that the guardianship is not necessary and orders the guardianship terminated; or

(c) By the death of the ward, subject to the provisions of NRS 159.193.

~~[3.]~~ ***4.*** If the guardianship is of the person and estate, the court may order the guardianship terminated as to the person, the estate, or the person and estate.

~~[4.]~~ ***5.*** The guardian shall notify the court, all interested parties, the trustee, and the named executor or appointed personal representative of the estate of the ward of the death of the ward within 30 days after the death.

~~[5.]~~ ***6.*** Immediately upon the death of the ward:

(a) The guardian of the estate shall have no authority to act for the ward except to wind up the affairs of the guardianship pursuant to NRS 159.193, and to distribute the property of the ward as provided in NRS 159.195 and 159.197; and

(b) No person has standing to file a petition pursuant to NRS 159.078.

~~[Sec. 2.]~~ ***Sec. 4.*** NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550,

284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 1 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and

public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 672 to Assembly Bill No. 142.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

The amendment revises provisions relating to applying for status as a special immigrant juvenile, including allowing the court to appoint a guardian for such a juvenile.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 254.

The following Senate amendment was read:

Amendment No. 704.

AN ACT relating to guardianships; authorizing ~~[the assumption]~~ **a court having jurisdiction** of **the guardianship of a ward to assume** jurisdiction of a trust of which ~~[a]~~ **the** ward is currently ~~[an income]~~ **a** beneficiary ~~[by the court having jurisdiction of the guardianship of the ward]~~ **who is receiving or is entitled to receive distributions** in certain circumstances; revising provisions relating to the filing of a verified inventory by a general or special guardian of the estate; **requiring a guardian of the estate to obtain court**

approval before submitting an irrevocable trust to the jurisdiction of the court in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a court having jurisdiction of a trust to transfer supervision of the trust to another court, upon petition by a trustee or beneficiary, when the convenience of certain persons makes a transfer desirable. (NRS 164.130) **Section 3** of this bill additionally authorizes such a court to transfer supervision of the trust to a district court having jurisdiction of the guardianship of a ward who is currently ~~[an income]~~ **a** beneficiary of the trust ~~[.]~~ **and is receiving or is entitled to receive distributions.**

Existing law requires a general or special guardian of the estate to make and file in a guardianship proceeding, not later than 60 days after the date of his or her appointment, a verified inventory of all of the property of a ward which comes to the possession or knowledge of the guardian. (NRS 159.085) **Section 2** of this bill specifies that such an inventory must include the existence of any trust of which the ward is **currently** a beneficiary ~~[.]~~ **who is receiving or is entitled to receive distributions.** **Section 1** of this bill provides that if such an inventory includes the existence of **such** a trust **,** ~~[of which the ward is currently an income beneficiary,]~~ the trustee must be served with a copy of the inventory. **Section 1** authorizes the guardian or attorney of the ward ~~[or any interested person]~~ to demand ~~[that]~~ a copy of the trust and an accounting of the assets of the trust ~~[be filed with the court having jurisdiction of the guardianship.]~~ **from the trustee. If the trustee fails to comply with the demand within a certain period, section 1 authorizes the guardian or attorney of the ward to petition the court to assume jurisdiction of the trust.** **Section 1** ~~[also provides that]~~ **authorizes** the court ~~[will]~~ **to** assume jurisdiction of the trust if: (1) no objection to the court assuming jurisdiction of the trust is filed; or (2) the court does not find good cause as to why it should not ~~[have]~~ **assume** jurisdiction of the trust. **Section 1** further requires the trustee to file **a copy of the trust and** an ~~[inventory]~~ **accounting** of the assets of the trust with the court not later than 30 days after the court assumes jurisdiction of the trust or supervision of the trust is transferred pursuant to **section 3**.

Existing law requires a guardian of the estate to petition the court for an order authorizing the guardian to submit a revocable trust to the jurisdiction of the court in certain circumstances. (NRS 159.113) Section 2.5 of this bill additionally requires a guardian of the estate to petition the court for an order authorizing the guardian to submit an irrevocable trust to the jurisdiction of the court in such circumstances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 159 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the inventory filed pursuant to NRS 159.085 includes the existence of a trust of which the ward is currently ~~[an income]~~ a beneficiary ~~[,]~~ who is receiving or is entitled to receive distributions, the trustee must be served with a copy of the inventory for the purpose of alerting the trustee that the court may assume jurisdiction of the trust pursuant to this section or that supervision of the trust may be transferred to the court pursuant to NRS 164.130.

2. The guardian of the ward ~~[,]~~ or attorney of the ward ~~[or any interested person]~~ may demand ~~[that]~~ a copy of the trust and an accounting of the assets of the trust ~~[be filed with the court.]~~ from the trustee. Such a demand must be served on the trustee and all parties and include notice that failure to comply with the demand may result in the court ~~[may assume]~~ assuming jurisdiction of the trust . ~~[pursuant to this section.]~~

3. If the trustee fails to comply with the demand made pursuant to subsection 2 within 30 days after being served with the demand, the guardian of the ward or attorney of the ward may petition the court to assume jurisdiction of the trust. Such a petition must be served on the trustee and all parties.

4. Not later than 30 days after being served with a ~~[demand]~~ petition pursuant to subsection ~~[2, a party]~~ 3, the trustee may object to the court assuming jurisdiction of the trust. ~~[If]~~ Except as otherwise provided in subsection 3 of NRS 164.045, if no objection is filed or if the court does not find good cause as to why it should not ~~[have]~~ assume jurisdiction of the trust, the court ~~[will]~~ may assume jurisdiction of the trust.

~~[4.]~~ 5. Not later than 30 days after the court assumes jurisdiction of the trust pursuant to this section or supervision of the trust is transferred to the court pursuant to NRS 164.130, the trustee shall file a copy of the trust and an ~~[inventory]~~ accounting of the assets of the trust with the court.

~~[5.]~~ 6. The provisions of chapters 162 to 167, inclusive, of NRS apply to a trust of which a court has jurisdiction.

~~[6. As used in this section, "income beneficiary" has the meaning ascribed to it in NRS 164.785.]~~

Sec. 2. NRS 159.085 is hereby amended to read as follows:

159.085 1. Not later than 60 days after the date of the appointment of a general or special guardian of the estate or, if necessary, such further time as the court may allow, the guardian shall make and file in the guardianship proceeding a verified inventory of all of the property of the ward ***~~[,~~ ~~including, without limitation, the existence of any trust of which the ward is a beneficiary,]~~*** which comes to the possession or knowledge of the guardian ***~~[.]~~ , including, without limitation, the existence of any trust of which the ward is currently a beneficiary who is receiving or is entitled to receive distributions.***

2. A temporary guardian of the estate who is not appointed as the general or special guardian shall file an inventory with the court by not later than the

date on which the temporary guardian files a final accounting as required pursuant to NRS 159.177.

3. The guardian shall take and subscribe an oath, which must be endorsed or attached to the inventory, before any person authorized to administer oaths, that the inventory contains a true statement of:

(a) All of the estate of the ward which has come into the possession of the guardian;

(b) All of the money that belongs to the ward; and

(c) All of the just claims of the ward against the guardian.

4. Whenever any property of the ward not mentioned in the inventory comes to the possession or knowledge of a guardian of the estate, the guardian shall:

(a) Make and file in the proceeding a verified supplemental inventory not later than 30 days after the date the property comes to the possession or knowledge of the guardian; or

(b) Include the property in the next accounting.

5. The court may order which of the two methods described in subsection 4 the guardian shall follow.

6. The court may order all or any part of the property of the ward appraised as provided in NRS 159.0865 and 159.305.

7. If the guardian neglects or refuses to file the inventory within the time required pursuant to subsection 1, the court may, for good cause shown and upon such notice as the court deems appropriate:

(a) Revoke the letters of guardianship and the guardian shall be liable on the bond for any loss or injury to the estate caused by the neglect of the guardian; or

(b) Enter a judgment for any loss or injury to the estate caused by the neglect of the guardian.

Sec. 2.5. **NRS 159.113 is hereby amended to read as follows:**

159.113 1. Before taking any of the following actions, the guardian of the estate shall petition the court for an order authorizing the guardian to:

(a) Invest the property of the ward pursuant to NRS 159.117.

(b) Continue the business of the ward pursuant to NRS 159.119.

(c) Borrow money for the ward pursuant to NRS 159.121.

(d) Except as otherwise provided in NRS 159.079, enter into contracts for the ward or complete the performance of contracts of the ward pursuant to NRS 159.123.

(e) Make gifts from the ward's estate or make expenditures for the ward's relatives pursuant to NRS 159.125.

(f) Sell, lease or place in trust any property of the ward pursuant to NRS 159.127.

(g) Exchange or partition the ward's property pursuant to NRS 159.175.

(h) Release the power of the ward as trustee, personal representative or custodian for a minor or guardian.

(i) Exercise or release the power of the ward as a donee of a power of appointment.

(j) Exercise the right of the ward to take under or against a will.

(k) Transfer to a trust created by the ward any property unintentionally omitted from the trust.

(l) Submit a revocable trust ***or an irrevocable trust*** to the jurisdiction of the court if:

(1) The ward or the spouse of the ward, or both, are the grantors and sole beneficiaries of the income of the trust; or

(2) The trust was created by the court.

(m) Pay any claim by the Department of Health and Human Services to recover benefits for Medicaid correctly paid to or on behalf of the ward.

(n) Transfer money in a minor ward's blocked account to the Nevada Higher Education Prepaid Tuition Trust Fund created pursuant to NRS 353B.140.

2. Before taking any of the following actions, unless the guardian has been otherwise ordered by the court to petition the court for permission to take specified actions or make specified decisions in addition to those described in subsection 1, the guardian may petition the court for an order authorizing the guardian to:

(a) Obtain advice, instructions and approval of any other proposed act of the guardian relating to the ward's property.

(b) Take any other action which the guardian deems would be in the best interests of the ward.

3. The petition must be signed by the guardian and contain:

(a) The name, age, residence and address of the ward.

(b) A concise statement as to the condition of the ward's estate.

(c) A concise statement as to the advantage to the ward of or the necessity for the proposed action.

(d) The terms and conditions of any proposed sale, lease, partition, trust, exchange or investment, and a specific description of any property involved.

4. Any of the matters set forth in subsection 1 may be consolidated in one petition, and the court may enter one order authorizing or directing the guardian to do one or more of those acts.

5. A petition filed pursuant to paragraphs (b) and (d) of subsection 1 may be consolidated in and filed with the petition for the appointment of the guardian, and if the guardian is appointed, the court may enter additional orders authorizing the guardian to continue the business of the ward, enter contracts for the ward or complete contracts of the ward.

Sec. 3. NRS 164.130 is hereby amended to read as follows:

164.130 ***[1.]*** Upon petition by any trustee or beneficiary, a court having jurisdiction of a trust may transfer supervision of the trust to ~~[any]~~ ***:***

[(a)] ***1.*** ***Any*** district court within the State, or to any court outside Nevada which accepts jurisdiction over the trust, when the convenience of

beneficiaries, trustees, attorneys or other interested persons makes a transfer desirable.

~~[(b)]~~ 2. A district court within this State having jurisdiction of the guardianship of a ward who is currently ~~[an income]~~ a beneficiary of the trust and is receiving or is entitled to receive distributions, if the district court has not assumed jurisdiction pursuant to section 1 of this act.

~~[2. As used in this section, "income beneficiary" has the meaning ascribed to it in NRS 164.785.]~~

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 704 to Assembly Bill No. 254.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

The amendment changes "ward" to "protected person," revises language concerning disbursements from a trust providing that certain persons may petition the court to assume jurisdiction of the trust, and adds an irrevocable trust to the trusts that may be submitted to the court's jurisdiction in certain circumstances.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 314.

The following Senate amendment was read:

Amendment No. 707.

AN ACT relating to estates; revising provisions relating to property exempt from a writ of execution; revising provisions relating to nonprobate transfers of property; establishing provisions relating to community property or separate property transferred into an irrevocable trust; revising certain definitions applicable to the administration of an estate; revising provisions relating to the revival of a will and the proving of a will as lost or destroyed; revising provisions concerning contests of wills; authorizing the extension of the period during which an agreement between an heir finder and apparent heir is void and unenforceable; revising provisions concerning special administrators and personal representatives; revising provisions relating to the filing of an inventory and appraisement or record of value of the assets of a decedent; revising provisions governing the presentation of claims against and the sale of real property of an estate; revising provisions relating to the period within which certain actions are performed; authorizing notice to be served by certified mail; revising provisions concerning fiduciaries; revising various provisions governing trusts and trustees; authorizing a person to provide for the burial or cremation of his or her remains in a will or durable power of attorney; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that money not exceeding $500,000 and nonexempt personal property not exceeding $1,000 in value that is held in a certain manner is exempt from a writ of execution. (NRS 21.090) **Section 1** of this

bill increases the amount of money to $1,000,000, revises provisions relating to the manner in which such money is held and increases the amount of nonexempt personal property to $10,000.

Existing law establishes provisions relating to nonprobate transfers of property. (NRS 111.700-111.815) **Section 2** of this bill revises the definition of the term "nonprobate transfer" to exclude certain property, and **section 3** of this bill revises provisions relating to: (1) the procedure to proceed against a nonprobate transferee if there are insufficient assets in the estate to pay a valid creditor; and (2) the property against which a creditor does not have a claim to include certain property transferred pursuant to a beneficiary designation by a decedent.

Section 4 of this bill authorizes a trust instrument to provide that community property or separate property transferred into an irrevocable trust of which both spouses are current permissible beneficiaries remains community property or separate property, as applicable, during the marriage, and **section 5** of this bill specifies that in granting a divorce, a court is required to make an equal distribution of community property transferred into such an irrevocable trust to the extent practicable.

Sections 6 and 7 of this bill revise the definitions of the terms "expenses of administration" and "fiduciary," respectively, for the purposes of the administration of an estate.

Section 8 of this bill revises provisions relating to the revival of a first will after the destruction, cancellation or revocation of a second will, and **section 9** of this bill revises provisions relating to the proving of a will as a lost or destroyed will.

Sections 10 and 41 of this bill revise: (1) provisions relating to no-contest clauses in a will or trust, respectively; and (2) the circumstances under which the share of a devisee or beneficiary, respectively, must not be reduced or eliminated. **Section 11** of this bill revises provisions relating to the issuance of a citation after a petition is filed that contests the admission of a will to probate or the validity of such a will.

Section 12 of this bill authorizes a court to extend the period during which an agreement between an heir finder and apparent heir is void and unenforceable.

Section 13 of this bill revises provisions relating to the appointment of a special administrator for the estate of a decedent. **Sections 14 and 15** of this bill revise provisions relating to the giving of a bond by a special administrator or personal representative, respectively.

Existing law establishes provisions governing the administration of estates by personal representatives. (NRS 143.010-143.210) **Sections 16-19** of this bill revise various provisions governing personal representatives. **Section 20** of this bill revises provisions relating to the issuance of a temporary order to restrain a personal representative from performing certain actions and the setting of a hearing on the matter.

Existing law establishes provisions relating to the filing by a personal representative of an inventory and appraisement or record of value of all the estate of the decedent that has come to the possession or knowledge of the personal representative. (Chapter 144 of NRS) **Section 21** of this bill extends the time within which a personal representative is required to file such documents and authorizes the filing of a redacted inventory in certain circumstances, and **section 22** of this bill authorizes the personal representative to file a verified record of value in lieu of the appraisement in certain circumstances. **Section 23** of this bill revises provisions relating to the satisfaction of the fees and costs incurred by a person seeking to enforce the filing of an inventory.

Existing law establishes provisions governing the presentation of claims against the estate of a decedent. (NRS 147.010-147.190) **Section 24** of this bill authorizes any creditor of a decedent to petition the court for a determination of the validity of a rejected claim in lieu of bringing suit against the personal representative. **Section 25** of this bill authorizes the holder of any lien against the property of an estate to bring an action enforcing the lien against the property in certain circumstances.

Existing law establishes provisions governing the sale of real property of an estate. (NRS 148.220-148.320) **Sections 26-28** of this bill revise provisions relating to such a sale.

Sections 29-33 of this bill revise provisions relating to a court's jurisdiction over and trustees of a testamentary trust.

Section 34 of this bill provides that the specified period within which an act authorized or required to be performed pursuant to the provisions of law concerning notices, transfers, orders, procedure and appeals relating to the wills and estates of deceased persons may be extended in certain circumstances or the court may authorize a person to perform the act after the specified period expires if the failure to perform the action was the result of excusable neglect. **Section 35** of this bill authorizes notice to any person in the matter of an estate or testamentary trust to be served by certified mail.

Existing law establishes miscellaneous provisions relating to fiduciaries. (NRS 162.260-162.310) **Section 36** of this bill authorizes a fiduciary to withhold from the beneficiaries of an estate or trust any property that the fiduciary determines may be subject to claims of offset held by the fiduciary in his or her fiduciary capacity, and **section 37** of this bill authorizes a fiduciary to establish a trust for certain purposes.

Existing law establishes various provisions governing trusts. (Chapter 163 of NRS) **Section 39** of this bill authorizes a trust to be created for a noncharitable purpose without a definite ascertainable beneficiary or for a noncharitable but otherwise valid purpose. Under **section 39**, the noncharitable purpose must be stated with sufficient particularity in the trust instrument to enable a finder of fact to ascertain the noncharitable purpose for which the trust was created. **Section 40** of this bill establishes provisions relating to the effect of the divorce, annulment of the marriage or termination

of the domestic partnership of the descendant of a settlor on the former spouse or domestic partner of the descendant. **Sections 42-44** of this bill revise provisions relating to the creation of a trust.

Section 46 of this bill authorizes a court to enter a temporary order restraining a trustee from performing specified acts in certain circumstances, and **section 47** of this bill provides that a trustee is entitled to be exonerated or reimbursed for a tort committed in the administration of a trust in certain circumstances. **Section 49** of this bill revises provisions relating to the power of a trustee to appoint property of one trust to a second trust. **Section 50** of this bill establishes the circumstances in which a trustee is authorized to include capital gains from the sale or exchange of capital assets in distributable net income for purposes of taxation. **Section 53** of this bill requires a trustee to provide a list of the assets of the trust estate to an interested person upon a written request in certain circumstances.

Sections 51 and 52 of this bill revise provisions governing jurisdiction over a trust.

Section 54 of this bill authorizes a person who is 18 years of age or older and who wishes to authorize another person to order the burial or cremation of his or her human remains in the event of his or her death to do so by including such an authorization in a validly executed will or durable power of attorney.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 21.090 is hereby amended to read as follows:

21.090 1. The following property is exempt from execution, except as otherwise specifically provided in this section or required by federal law:

(a) Private libraries, works of art, musical instruments and jewelry not to exceed $5,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor, and all family pictures and keepsakes.

(b) Necessary household goods, furnishings, electronics, wearing apparel, other personal effects and yard equipment, not to exceed $12,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor.

(c) Farm trucks, farm stock, farm tools, farm equipment, supplies and seed not to exceed $4,500 in value, belonging to the judgment debtor to be selected by the judgment debtor.

(d) Professional libraries, equipment, supplies, and the tools, inventory, instruments and materials used to carry on the trade or business of the judgment debtor for the support of the judgment debtor and his or her family not to exceed $10,000 in value.

(e) The cabin or dwelling of a miner or prospector, the miner's or prospector's cars, implements and appliances necessary for carrying on any

mining operations and the mining claim actually worked by the miner or prospector, not exceeding $4,500 in total value.

(f) Except as otherwise provided in paragraph (p), one vehicle if the judgment debtor's equity does not exceed $15,000 or the creditor is paid an amount equal to any excess above that equity.

(g) For any workweek, 75 percent of the disposable earnings of a judgment debtor during that week, or 50 times the minimum hourly wage prescribed by section ~~[6(a)(1)]~~ ***206(a)(1)*** of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), and in effect at the time the earnings are payable, whichever is greater. Except as otherwise provided in paragraphs (o), (s) and (t), the exemption provided in this paragraph does not apply in the case of any order of a court of competent jurisdiction for the support of any person, any order of a court of bankruptcy or of any debt due for any state or federal tax. As used in this paragraph:

(1) "Disposable earnings" means that part of the earnings of a judgment debtor remaining after the deduction from those earnings of any amounts required by law to be withheld.

(2) "Earnings" means compensation paid or payable for personal services performed by a judgment debtor in the regular course of business, including, without limitation, compensation designated as income, wages, tips, a salary, a commission or a bonus. The term includes compensation received by a judgment debtor that is in the possession of the judgment debtor, compensation held in accounts maintained in a bank or any other financial institution or, in the case of a receivable, compensation that is due the judgment debtor.

(h) All fire engines, hooks and ladders, with the carts, trucks and carriages, hose, buckets, implements and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under the laws of this State.

(i) All arms, uniforms and accouterments required by law to be kept by any person, and also one gun, to be selected by the debtor.

(j) All courthouses, jails, public offices and buildings, lots, grounds and personal property, the fixtures, furniture, books, papers and appurtenances belonging and pertaining to the courthouse, jail and public offices belonging to any county of this State, all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by the town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this State and all lots, buildings and other school property owned by a school district and devoted to public school purposes.

(k) All money, benefits, privileges or immunities accruing or in any manner growing out of any life insurance.

(l) The homestead as provided for by law, including a homestead for which allodial title has been established and not relinquished and for which a waiver executed pursuant to NRS 115.010 is not applicable.

(m) The dwelling of the judgment debtor occupied as a home for himself or herself and family, where the amount of equity held by the judgment debtor in the home does not exceed $550,000 in value and the dwelling is situated upon lands not owned by the judgment debtor.

(n) All money reasonably deposited with a landlord by the judgment debtor to secure an agreement to rent or lease a dwelling that is used by the judgment debtor as his or her primary residence, except that such money is not exempt with respect to a landlord or the landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.

(o) All property in this State of the judgment debtor where the judgment is in favor of any state for failure to pay that state's income tax on benefits received from a pension or other retirement plan.

(p) Any vehicle owned by the judgment debtor for use by the judgment debtor or the judgment debtor's dependent that is equipped or modified to provide mobility for a person with a permanent disability.

(q) Any prosthesis or equipment prescribed by a physician or dentist for the judgment debtor or a dependent of the debtor.

(r) Money, not to exceed ~~[$500,000]~~ ***$1,000,000*** in present value, held in:

(1) An individual retirement arrangement which conforms with ***or is maintained pursuant to*** the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A ~~[.]~~ ***, including, without limitation, an inherited individual retirement arrangement;***

(2) A written simplified employee pension plan which conforms with ***or is maintained pursuant to*** the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408 ~~[.]~~ ***, including, without limitation, an inherited simplified employee pension plan;***

(3) A cash or deferred arrangement ***plan*** which is ~~[a]~~ qualified ~~[plan]~~ ***and maintained*** pursuant to the Internal Revenue Code ~~[.]~~ ***, including, without limitation, an inherited cash or deferred arrangement plan;***

(4) A trust forming part of a stock bonus, pension or profit-sharing plan which is ~~[a]~~ qualified ~~[plan]~~ ***and maintained*** pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(5) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

(s) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

(t) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

(u) Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

(v) Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(w) Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(x) Payments received as restitution for a criminal act.

(y) Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

(z) Any personal property not otherwise exempt from execution pursuant to this subsection belonging to the judgment debtor, including, without limitation, the judgment debtor's equity in any property, money, stocks, bonds or other funds on deposit with a financial institution, not to exceed ~~[~~$1,000~~]~~ ***$10,000*** in total value, to be selected by the judgment debtor.

(aa) Any tax refund received by the judgment debtor that is derived from the earned income credit described in section 32 of the Internal Revenue Code, 26 U.S.C. § 32, or a similar credit provided pursuant to a state law.

(bb) Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

(cc) Regardless of whether a trust contains a spendthrift provision:

(1) A distribution interest in the trust as defined in NRS 163.4155 that is a contingent interest, if the contingency has not been satisfied or removed;

(2) A distribution interest in the trust as defined in NRS 163.4155 that is a discretionary interest as described in NRS 163.4185, if the interest has not been distributed;

(3) A power of appointment in the trust as defined in NRS 163.4157 regardless of whether the power has been exercised;

(4) A power listed in NRS 163.5553 that is held by a trust protector as defined in NRS 163.5547 or any other person regardless of whether the power has been exercised; and

(5) A reserved power in the trust as defined in NRS 163.4165 regardless of whether the power has been exercised.

(dd) If a trust contains a spendthrift provision:

(1) A distribution interest in the trust as defined in NRS 163.4155 that is a mandatory interest as described in NRS 163.4185, if the interest has not been distributed; and

(2) Notwithstanding a beneficiary's right to enforce a support interest, a distribution interest in the trust as defined in NRS 163.4155 that is a support interest as described in NRS 163.4185, if the interest has not been distributed.

(ee) Proceeds received from a private disability insurance plan.

(ff) Money in a trust fund for funeral or burial services pursuant to NRS 689.700.

(gg) Compensation that was payable or paid pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS as provided in NRS 616C.205.

(hh) Unemployment compensation benefits received pursuant to NRS 612.710.

(ii) Benefits or refunds payable or paid from the Public Employees' Retirement System pursuant to NRS 286.670.

(jj) Money paid or rights existing for vocational rehabilitation pursuant to NRS 615.270.

(kk) Public assistance provided through the Department of Health and Human Services pursuant to NRS 422.291 and 422A.325.

(ll) Child welfare assistance provided pursuant to NRS 432.036.

2. Except as otherwise provided in NRS 115.010, no article or species of property mentioned in this section is exempt from execution issued upon a judgment to recover for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

3. Any exemptions specified in subsection (d) of section 522 of the Bankruptcy Act of 1978, 11 U.S.C. § 522(d), do not apply to property owned by a resident of this State unless conferred also by subsection 1, as limited by subsection 2.

Sec. 2. NRS 111.721 is hereby amended to read as follows:

111.721 1. "Nonprobate transfer" means a transfer of any property or interest in property from a decedent to one or more other persons by operation of law or by contract that is effective upon the death of the decedent and includes, without limitation:

(a) A transfer by right of survivorship, including a transfer pursuant to subsection 1 of NRS 115.060;

(b) A transfer by deed upon death pursuant to NRS 111.655 to 111.699, inclusive; and

(c) A security registered as transferable on the death of a person.

2. The term does not include:

(a) Property that is subject to administration in probate of the estate of the decedent;

(b) Property that is set aside, without administration, pursuant to NRS 146.070; ~~[and]~~

(c) Property transferred pursuant to an affidavit as authorized by NRS 146.080 ~~[.]~~ ***; and***

(d) Property transferred from an estate or a trust pursuant to a power of appointment granted under a will or trust, as applicable.

Sec. 3. NRS 111.779 is hereby amended to read as follows:

111.779 1. Except as otherwise provided in NRS 21.090 and other applicable law, a transferee of a nonprobate transfer is liable to the probate estate of the decedent for allowed claims against that decedent's probate estate to the extent the estate is insufficient to satisfy those claims.

2. The liability of a nonprobate transferee may not exceed the value of nonprobate transfers received or controlled by that transferee.

3. Nonprobate transferees are liable for the insufficiency described in subsection 1 in the following order of priority:

(a) A transferee specified in the decedent's will or any other governing instrument as being liable for such an insufficiency, in the order of priority provided in the will or other governing instrument;

(b) The trustee of a trust serving as the principal nonprobate instrument in the decedent's estate plan as shown by its designation as devisee of the decedent's residuary estate or by other facts or circumstances, to the extent of the value of the nonprobate transfer received or controlled; and

(c) Other nonprobate transferees, in proportion to the values received.

4. Unless otherwise provided by the trust instrument, interests of beneficiaries in all trusts incurring liabilities under this section abate as necessary to satisfy the liability, as if all the trust instruments were a single will and the interests were devises under it.

5. If a nonprobate transferee is a spouse or a minor child, the nonprobate transferee may petition the court to be excluded from the liability imposed by this section as if the nonprobate property received by the spouse or minor child were part of the decedent's estate. Such a petition may be made pursuant to the applicable provisions of chapter 146 of NRS, including, without limitation, the provisions of NRS 146.010, NRS 146.020 without regard to the filing of an inventory and subsection 2 of NRS 146.070.

6. A provision made in one instrument may direct the apportionment of the liability among the nonprobate transferees taking under that or any other governing instrument. If a provision in one instrument conflicts with a provision in another, the later one prevails.

7. Upon due notice to a nonprobate transferee, the liability imposed by this section is enforceable in probate proceedings in this State, whether or not the transferee is located in this State.

8. If a probate proceeding is pending ~~[,]~~ ***at the time of filing and it has been determined by a final order issued by the probate court that there are insufficient assets to pay a valid creditor,*** a proceeding under this section may be commenced by ***one of*** the ***following persons:***

(a) The personal representative of the decedent's estate **.** ~~[or, if the personal representative declines to do so, by a]~~ ***A personal representative***

who declines in good faith to commence a proceeding incurs no personal liability for declining.

(b) A creditor ~~[in the name]~~ of the ~~[decedent's]~~ estate, ***if the personal representative has declined or refused to commence an action within 30 days after receiving a written demand by a creditor. Such demand must identify the nonprobate transfers known to the creditor. If the creditor is unaware of any nonprobate transfers, in the probate proceeding, the creditor may, pursuant to NRS 155.170, obtain discovery, perpetuate testimony or conduct examinations in any manner authorized by law or by the Nevada Rules of Civil Procedure to ascertain whether any nonprobate transfers exist. If the creditor is unable to identify any nonprobate transfers within a reasonable time after conducting discovery, the creditor may not proceed under this section. If a creditor commences an action under this section:***

(1) The creditor must proceed at the expense of the creditor and not of the estate.

(2) If a creditor successfully establishes an entitlement to payment under this section ~~[,]~~ ***and collects nonprobate transfers,*** the court must order the reimbursement of the costs reasonably incurred by the creditor, including attorney's fees, from the transferee from whom the payment is to be made, subject to the limitations of subsection 2, or from the estate as a cost of administration, or partially from each, as the court deems just. ~~[A personal representative who declines in good faith to commence a requested proceeding incurs no personal liability for declining.]~~

9. If a probate proceeding is not pending, a proceeding under this section may be commenced as a civil action by a creditor at the expense of the creditor.

10. If a proceeding is commenced pursuant to this section, it must be commenced:

(a) ~~[As to a creditor whose claim was allowed after proceedings challenging disallowance of the claim by the personal representative,]~~ ***If a probate proceeding is pending in which notice to creditors has been given at the time of filing a proceeding under this section:***

(1) As to a creditor whose claim was properly and timely filed, allowed by the personal representative or partially allowed by the personal representative, and accepted by the creditor pursuant to NRS 147.160, within 60 days after the probate court enters an order confirming the amount of payment of the approved claim that is final and no longer subject to reconsideration or appeal or within 1 year after the decedent's death, whichever is later.

(2) As to a creditor:

(I) Whose claim was rejected by the personal representative, partially allowed by the personal representative and rejected by the creditor pursuant to NRS 147.160, or deemed rejected by the personal representative pursuant to NRS 147.110;

(II) Who adjudicated the creditor's claims in the proper court or by a summary adjudication; and

(III) Who obtained a favorable final judgment on its claim from the proper court,

➥ within 60 days after the probate court enters an order confirming the amount of payment of the approved claim that is final and no longer subject to reconsideration or appeal or within 1 year after the decedent's death, whichever is later.

(b) If an action had been commenced against the decedent before the decedent's death, the creditor receives a judgment against the decedent's estate and the creditor has filed a proper and timely creditor's claim against the estate, within 60 days after ~~[final allowance of the claim by]~~ the probate court ***enters an order confirming the amount of payment of the adjudicated claim that is final and no longer subject to reconsideration or appeal*** or within 1 year after the decedent's death, whichever is later.

~~[(b) As to a creditor whose claim against the decedent is being adjudicated in a separate proceeding that is still pending 1 year after the decedent's death, within 60 days after the adjudication of the claim in favor of the creditor is final and no longer subject to reconsideration or appeal.]~~

(c) As to the recovery of benefits paid for Medicaid, within 3 years after the decedent's death.

(d) As to all other creditors, within 1 year after the decedent's death.

11. Unless a written notice asserting that a decedent's probate estate is nonexistent or insufficient to pay allowed claims and statutory allowances has been received from the decedent's personal representative, the following rules apply:

(a) Payment or delivery of assets by a financial institution, registrar or other obligor to a nonprobate transferee in accordance with the terms of the governing instrument controlling the transfer releases the obligor from all claims for amounts paid or assets delivered.

(b) A trustee receiving or controlling a nonprobate transfer is released from liability under this section with respect to any assets distributed to the trust's beneficiaries. Each beneficiary to the extent of the distribution received becomes liable for the amount of the trustee's liability attributable to assets received by the beneficiary.

12. ~~[Notwithstanding]~~ ***Except as otherwise provided in subsection 13, notwithstanding*** any provision of this section to the contrary:

(a) A creditor has no claim against ~~[property]~~ ***:***

(1) Property transferred pursuant to a power of appointment exercised by a decedent unless it was exercisable in favor of the decedent or the decedent's estate.

(2) Property transferred pursuant to a beneficiary designation by a decedent which transfers money held by any of the following:

(I) An individual retirement arrangement which conforms with or is maintained pursuant to the applicable limitations and requirements of

section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A, including, without limitation, an inherited individual retirement arrangement;

(II) A written simplified employee pension plan which conforms with or is maintained pursuant to the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408, including, without limitation, an inherited simplified employee pension plan;

(III) A cash or deferred arrangement plan which is qualified and maintained pursuant to the Internal Revenue Code, including, without limitation, an inherited cash or deferred arrangement plan;

(IV) A trust forming part of a stock bonus, pension or profit-sharing plan which is qualified and maintained pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(V) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

(3) Property transferred pursuant to a beneficiary designation by a decedent which transfers money, benefits or privileges that accrue in any manner out of life insurance.

(4) Proceeds of any wages of the decedent which were exempt from execution during the decedent's lifetime pursuant to paragraph (g) of subsection 1 of NRS 21.090.

(5) A trust, a beneficial interest of the decedent under a trust or amount payable from a trust if the trust was created by someone other than the decedent, except to enforce a valid assignment of the decedent's beneficial interest under a trust that is not a spendthrift trust.

(6) An irrevocable trust or amounts payable from a trust if the trust was properly created as a valid spendthrift trust under chapter 166 of NRS, except with respect to property transferred to the trust by the decedent to the extent permitted under subsections 1, 2 and 3 of NRS 166.170.

(b) A purchaser for value of property or a lender who acquires a security interest in the property from a beneficiary of a nonprobate transfer after the death of the owner, in good faith:

(1) Takes the property free of any claims or of liability to the owner's estate, creditors of the owner's estate, persons claiming rights as beneficiaries under the nonprobate transfer or heirs of the owner's estate, in absence of actual knowledge that the transfer was improper; and

(2) Has no duty to verify sworn information relating to the nonprobate transfer. The protection provided by this subparagraph applies to information that relates to the ownership interest of the beneficiary in the property and the beneficiary's right to sell, encumber and transfer good title to a purchaser or

lender and does not relieve a purchaser or lender from the notice imparted by instruments of record respecting the property.

13. ***Nothing in this section exempts any real or personal property from any statute of this State that authorizes the recovery of money owed to the Department of Health and Human Services as a result of the payment of benefits from Medicaid.***

14. As used in this section, "devise" has the meaning ascribed to it in NRS 132.095.

Sec. 4. Chapter 123 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A trust instrument may provide that community property or separate property transferred into an irrevocable trust of which both spouses are current permissible beneficiaries remains community property or separate property, as applicable, during the marriage. Any community property or separate property, including, without limitation, any income, appreciation and proceeds thereof, that is distributed or withdrawn from a trust instrument containing such a provision remains community property or separate property, as applicable.

2. The provisions of this section do not affect the character of community property or separate property that is transferred into a trust in any manner other than as described in this section.

Sec. 5. NRS 125.150 is hereby amended to read as follows:

125.150 Except as otherwise provided in NRS 125.155 and 125.165, and unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS:

1. In granting a divorce, the court:

(a) May award such alimony to the wife or to the husband, in a specified principal sum or as specified periodic payments, as appears just and equitable; and

(b) Shall, to the extent practicable, make an equal disposition of the community property of the parties, ***including, without limitation, any community property transferred into an irrevocable trust pursuant to section 4 of this act over which the court acquires jurisdiction pursuant to NRS 164.010,*** except that the court may make an unequal disposition of the community property in such proportions as it deems just if the court finds a compelling reason to do so and sets forth in writing the reasons for making the unequal disposition.

2. Except as otherwise provided in this subsection, in granting a divorce, the court shall dispose of any property held in joint tenancy in the manner set forth in subsection 1 for the disposition of community property. If a party has made a contribution of separate property to the acquisition or improvement of property held in joint tenancy, the court may provide for the reimbursement of that party for his or her contribution. The amount of reimbursement must not exceed the amount of the contribution of separate property that can be traced to the acquisition or improvement of property

held in joint tenancy, without interest or any adjustment because of an increase in the value of the property held in joint tenancy. The amount of reimbursement must not exceed the value, at the time of the disposition, of the property held in joint tenancy for which the contribution of separate property was made. In determining whether to provide for the reimbursement, in whole or in part, of a party who has contributed separate property, the court shall consider:

(a) The intention of the parties in placing the property in joint tenancy;

(b) The length of the marriage; and

(c) Any other factor which the court deems relevant in making a just and equitable disposition of that property.

➥ As used in this subsection, "contribution" includes, without limitation, a down payment, a payment for the acquisition or improvement of property, and a payment reducing the principal of a loan used to finance the purchase or improvement of property. The term does not include a payment of interest on a loan used to finance the purchase or improvement of property, or a payment made for maintenance, insurance or taxes on property.

3. A party may file a postjudgment motion in any action for divorce, annulment or separate maintenance to obtain adjudication of any community property or liability omitted from the decree or judgment as the result of fraud or mistake. A motion pursuant to this subsection must be filed within 3 years after the discovery by the aggrieved party of the facts constituting the fraud or mistake. The court has continuing jurisdiction to hear such a motion and shall equally divide the omitted community property or liability between the parties unless the court finds that:

(a) The community property or liability was included in a prior equal disposition of the community property of the parties or in an unequal disposition of the community property of the parties which was made pursuant to written findings of a compelling reason for making that unequal disposition; or

(b) The court determines a compelling reason in the interests of justice to make an unequal disposition of the community property or liability and sets forth in writing the reasons for making the unequal disposition.

➥ If a motion pursuant to this subsection results in a judgment dividing a defined benefit pension plan, the judgment may not be enforced against an installment payment made by the plan more than 6 years after the installment payment.

4. Except as otherwise provided in NRS 125.141, whether or not application for suit money has been made under the provisions of NRS 125.040, the court may award a reasonable attorney's fee to either party to an action for divorce.

5. In granting a divorce, the court may also set apart such portion of the husband's separate property for the wife's support, the wife's separate property for the husband's support or the separate property of either spouse for the support of their children as is deemed just and equitable.

6. In the event of the death of either party or the subsequent remarriage of the spouse to whom specified periodic payments were to be made, all the payments required by the decree must cease, unless it was otherwise ordered by the court.

7. If the court adjudicates the property rights of the parties, or an agreement by the parties settling their property rights has been approved by the court, whether or not the court has retained jurisdiction to modify them, the adjudication of property rights, and the agreements settling property rights, may nevertheless at any time thereafter be modified by the court upon written stipulation signed and acknowledged by the parties to the action, and in accordance with the terms thereof.

8. If a decree of divorce, or an agreement between the parties which was ratified, adopted or approved in a decree of divorce, provides for specified periodic payments of alimony, the decree or agreement is not subject to modification by the court as to accrued payments. Payments pursuant to a decree entered on or after July 1, 1975, which have not accrued at the time a motion for modification is filed may be modified upon a showing of changed circumstances, whether or not the court has expressly retained jurisdiction for the modification. In addition to any other factors the court considers relevant in determining whether to modify the order, the court shall consider whether the income of the spouse who is ordered to pay alimony, as indicated on the spouse's federal income tax return for the preceding calendar year, has been reduced to such a level that the spouse is financially unable to pay the amount of alimony the spouse has been ordered to pay.

9. In addition to any other factors the court considers relevant in determining whether to award alimony and the amount of such an award, the court shall consider:

(a) The financial condition of each spouse;

(b) The nature and value of the respective property of each spouse;

(c) The contribution of each spouse to any property held by the spouses pursuant to NRS 123.030;

(d) The duration of the marriage;

(e) The income, earning capacity, age and health of each spouse;

(f) The standard of living during the marriage;

(g) The career before the marriage of the spouse who would receive the alimony;

(h) The existence of specialized education or training or the level of marketable skills attained by each spouse during the marriage;

(i) The contribution of either spouse as homemaker;

(j) The award of property granted by the court in the divorce, other than child support and alimony, to the spouse who would receive the alimony; and

(k) The physical and mental condition of each party as it relates to the financial condition, health and ability to work of that spouse.

10. In granting a divorce, the court shall consider the need to grant alimony to a spouse for the purpose of obtaining training or education

relating to a job, career or profession. In addition to any other factors the court considers relevant in determining whether such alimony should be granted, the court shall consider:

(a) Whether the spouse who would pay such alimony has obtained greater job skills or education during the marriage; and

(b) Whether the spouse who would receive such alimony provided financial support while the other spouse obtained job skills or education.

11. If the court determines that alimony should be awarded pursuant to the provisions of subsection 10:

(a) The court, in its order, shall provide for the time within which the spouse who is the recipient of the alimony must commence the training or education relating to a job, career or profession.

(b) The spouse who is ordered to pay the alimony may, upon changed circumstances, file a motion to modify the order.

(c) The spouse who is the recipient of the alimony may be granted, in addition to any other alimony granted by the court, money to provide for:

(1) Testing of the recipient's skills relating to a job, career or profession;

(2) Evaluation of the recipient's abilities and goals relating to a job, career or profession;

(3) Guidance for the recipient in establishing a specific plan for training or education relating to a job, career or profession;

(4) Subsidization of an employer's costs incurred in training the recipient;

(5) Assisting the recipient to search for a job; or

(6) Payment of the costs of tuition, books and fees for:

(I) The equivalent of a high school diploma;

(II) College courses which are directly applicable to the recipient's goals for his or her career; or

(III) Courses of training in skills desirable for employment.

12. For the purposes of this section, a change of 20 percent or more in the gross monthly income of a spouse who is ordered to pay alimony shall be deemed to constitute changed circumstances requiring a review for modification of the payments of alimony. As used in this subsection, "gross monthly income" has the meaning ascribed to it in NRS 125B.070.

Sec. 6. NRS 132.135 is hereby amended to read as follows:

132.135 "Expenses of administration" means funeral expenses and expenses actually and properly incurred by a personal representative in the administration of an estate, ***including, without limitation, expenses incurred for the maintenance or preservation of the assets of an estate,*** plus the fees of the personal representative, any attorney retained by the personal representative and any other consultant engaged by him or her.

Sec. 7. NRS 132.145 is hereby amended to read as follows:

132.145 ***1.*** "Fiduciary" includes ***, without limitation,*** a personal representative, guardian ***,*** ~~[and]~~ trustee ~~[.]~~ ***under any trust, whether express,***

implied, resulting or constructive, bailee, conservator, curator, receiver or trustee in bankruptcy or an attorney in fact, assignee for the benefit of creditors or agent. The term does not include:

(a) A trust protector or trust adviser, except under the terms and conditions expressly provided in the written instrument appointing the trust protector or trust adviser; or

(b) A holder of a power of appointment under the terms of a trust.

2. As used in this section:

(a) "Trust adviser" has the meaning ascribed to it in NRS 163.5545.

(b) "Trust protector" has the meaning ascribed to it in NRS 163.5547.

Sec. 8. NRS 133.130 is hereby amended to read as follows:

133.130 If, after the making of any will, the testator executes a ***valid*** second will ~~[,]~~ ***that includes provisions revoking the first will,*** the destruction, cancellation or revocation of the second will does not revive the first will ~~[,]~~ unless ~~[it]~~ ***:***

1. It appears by the terms of the revocation ***or the manner in which the revocation occurred*** that it was the intention to revive and give effect to the first will ***;*** ~~[,]~~ or ~~[unless, after]~~

2. After the destruction, cancellation or revocation, the first will is reexecuted.

Sec. 9. NRS 136.240 is hereby amended to read as follows:

136.240 1. The petition for the probate of a lost or destroyed will must include a copy of the will, or if no copy is available state, or be accompanied by a written statement of, the testamentary words, or the substance thereof.

2. If offered for probate, a lost or destroyed will must be proved in the same manner as other wills are proved under this chapter.

3. In addition, no will may be proved as a lost or destroyed will unless ***its provisions are clearly and distinctly proved by two or more credible witnesses and*** it is ~~[proved]~~ ***:***

(a) Proved to have been in ***legal*** existence at the death of the person whose will it is claimed to be ~~[,]~~ ***and has not otherwise been revoked or destroyed without the knowledge, consent or ratification of such person;*** or ~~[is shown]~~

(b) Shown to have been fraudulently destroyed in the lifetime of that person ***.*** ~~[, nor unless its provisions are clearly and distinctly proved by at least two credible witnesses.]~~

4. The testimony of each witness must be reduced to writing, signed by the witness and filed, and is admissible in evidence in any contest of the will if the witness has died or permanently moved from the State.

5. Notwithstanding any provision of this section to the contrary:

(a) The production of a person's lost or destroyed will, whose primary beneficiary is a nontestamentary trust established by the person and in existence at his or her death, creates a rebuttable presumption that the will had not been revoked.

(b) If the proponent of a lost or destroyed will makes a prima facie showing that it was more likely than not left unrevoked by the person whose will it is claimed to be before his or her death, then the will must be admitted to probate in absence of an objection. If such prima facie showing has been made, the court shall accept a copy of such a will as sufficient proof of the terms thereof without requiring further evidence in the absence of any objection.

6. If the will is established, its provisions must be set forth specifically in the order admitting it to probate, or a copy of the will must be attached to the order.

Sec. 10. NRS 137.005 is hereby amended to read as follows:

137.005 1. Except as otherwise provided in subsections 3 and 4, a no-contest clause in a will must be enforced by the court ~~[.]~~ ***because public policy favors enforcing the intent of the testator. However, because public policy does not favor forfeitures, a no-contest clause must be strictly construed by the court and must not be extended beyond the plain meaning of the express provisions of the will.***

2. A no-contest clause must be construed to carry out the testator's intent ~~[. Except]~~ to the extent ~~[the will is vague or ambiguous,]~~ ***such intent is clear and unambiguous. No*** extrinsic evidence is ~~[not]~~ admissible to establish the testator's intent concerning the no-contest clause. The provisions of this subsection do not prohibit ~~[such]~~ ***extrinsic*** evidence from being admitted for any other purpose authorized by law. Except as otherwise provided in subsections 3 and 4, a devisee's share may be reduced or eliminated under a no-contest clause based upon conduct that is set forth by the testator in the will, including, without limitation, any testamentary trust established in the will. Such conduct may include, without limitation:

(a) Conduct other than formal court action; and

(b) Conduct which is unrelated to the will itself, including, without limitation:

(1) The commencement of civil litigation against the testator's probate estate or family members;

(2) Interference with the administration of a trust or a business entity;

(3) Efforts to frustrate the intent of the testator's power of attorney; and

(4) Efforts to frustrate the designation of beneficiaries related to a nonprobate transfer by the testator.

3. Notwithstanding any provision to the contrary in the will, a devisee's share must not be reduced or eliminated ~~[if]~~ ***because of any action taken by*** the devisee ~~[seeks]~~ ***seeking*** only to:

(a) Enforce the terms of the will or any document referenced in or affected by the will;

(b) Enforce the devisee's legal rights in the probate proceeding; ~~[or]~~

(c) Obtain ~~[a]~~ court ~~[ruling]~~ ***instruction*** with respect to the ***proper administration of the estate or the*** construction or legal effect of the will ~~[.]~~ ***or the provisions thereof; or***

(d) Enforce the fiduciary duties of the personal representative.

4. Notwithstanding any provision to the contrary in the will, a devisee's share must not be reduced or eliminated under a no-contest clause because the devisee institutes legal action seeking to invalidate a will if the legal action is instituted ***and maintained*** in good faith and based on probable cause that would have led a reasonable person, properly informed and advised, to conclude that the will is invalid.

5. ***As to any testamentary trust, the testator is the settlor. Unless the will expressly provides otherwise, a no-contest clause in a will applies to a testamentary trust created under that will and the provisions of NRS 163.00195 apply to that trust.***

6. As used in this section, "no-contest clause" means one or more provisions in a will that express a directive to reduce or eliminate the share allocated to a devisee or to reduce or eliminate the distributions to be made to a devisee if the devisee takes action to frustrate or defeat the testator's intent as expressed in the will.

Sec. 11. NRS 137.090 is hereby amended to read as follows:

137.090 Upon filing ~~[the]~~ ***a*** petition ~~[, and within the time allowed for filing the petition,]~~ ***pursuant to NRS 137.080, the court shall order the issuance of*** a citation ***,*** ~~[must be issued,]~~ directed to the personal representative and to all the devisees mentioned in the will, and the heirs, so far as known to the petitioner, including minors and incapacitated persons, or the personal representative of any such person who is dead, directing them to plead to the contest within 30 days after service of the citation.

Sec. 12. NRS 139.135 is hereby amended to read as follows:

139.135 1. An agreement between an heir finder and an apparent heir, the primary purpose of which is to locate, recover or assist in the recovery of an estate for which the public administrator has petitioned for letters of administration, is void and unenforceable if the agreement is entered into during the period beginning with the death of the person whose estate is in probate until 90 days thereafter. ***Upon a showing of good cause, the court may extend such a period until 180 days after the death of the person.***

2. As used in this section, "heir finder" means a person who, for payment of a fee, assignment of a portion of any interest in a decedent's estate or other consideration, provides information, assistance, forensic genealogy research or other efforts related to another person's right to or interest in a decedent's estate. The term does not include:

(a) A person acting in the capacity of a personal representative or guardian ad litem;

(b) A person appointed to perform services by a probate court in which a proceeding in connection with a decedent's estate is pending; or

(c) An attorney providing legal services to a decedent's family member if the attorney has not agreed to pay to any other person a portion of the fees received from the family member or the family member's interest in the decedent's estate.

Sec. 13. NRS 140.010 is hereby amended to read as follows:

140.010 The court shall appoint a special administrator to collect and take charge of the estate of the decedent, in whatever county or counties the estate may be found, and to exercise such other powers as may be necessary to preserve the estate ~~[:]~~ ***or any rights or privileges belonging to the decedent:***

1. If there is a delay in granting letters testamentary or letters of administration, from any cause.
2. If letters are granted irregularly.
3. If no sufficient bond is filed as required by the court.
4. If no petition is filed for letters.
5. If an executor or administrator dies or is suspended or removed, and the circumstances of the estate require the immediate appointment of a personal representative.
6. If there may be no assets subject to administration but good cause exists for the appointment of a personal representative of the decedent.
7. In any other proper case.

Sec. 14. NRS 140.030 is hereby amended to read as follows:

140.030 Before letters issue to a person as a special administrator, the person must:

1. Give bond in such sum as the court directs, with sureties to the satisfaction of the court, conditioned for the faithful performance of the duties, unless the court waives bond ~~[;]~~ ***, with or without conditions, or dispenses the bond and alternatively requires the establishment of a blocked account;*** and
2. Take the usual oath of office.

Sec. 15. NRS 142.020 is hereby amended to read as follows:

142.020 1. The requirement of a bond of a personal representative is discretionary with the court. Whether a bond is expressly required by the will or not, the court may:

(a) Require a bond if it determines a bond is desirable; or

(b) Dispense with the requirement of a bond if ~~[it]~~ ***:***

(1) The court determines a bond is unnecessary ~~[.]~~ ***; or***

(2) The assets of the estate are deposited with a financial institution pursuant to subsection 3.

2. The bond must be conditioned so that the personal representative will faithfully execute the duties of the office according to law, and the bond must be filed by the clerk.

3. Personal assets of an estate may be deposited with a domestic credit union or other domestic financial institution upon such terms as may be prescribed by order of the court having jurisdiction of the estate. The deposit is subject to the further order of the court. ~~[The bond of the personal representative may be reduced accordingly.]~~ The personal representative shall file with the clerk the acknowledgment of an authorized representative

of the financial institution that holds the assets deposited, which may be in the following form:

PROOF OF BLOCKED ACCOUNT

The undersigned affirms that ....., as personal representative of the estate of ....., deceased, has established an account, number ....., entitled "....." in the amount of $.....

The undersigned acknowledges that this account bears a blocked/frozen designation, and that no money may be removed without first presenting an order from the court authorizing the withdrawal.

Dated on ..... (date). By: .....

Title: .....

4. During the pendency of the administration, any person, including a creditor, having an interest in an estate whose value exceeds $10,000 may file a petition requesting that the personal representative submit additional bond. Upon the filing of the petition, the clerk shall set it for hearing, and the petitioner shall give notice for the period and in the manner provided in NRS 155.010. Upon hearing the petition, the court may require the personal representative to file additional bond in the amount of the claim of the petitioner, unless it determines that bond should be dispensed with or set in a different amount.

5. The amount of the bond is the estimated value of all personal property plus income for 1 year from both real and personal property, unless the amount of the bond is expressly mentioned in the will, changed by the court or required pursuant to subsection 4.

6. If a banking corporation, as defined in NRS 657.016, or trust company, as defined in NRS 669.070, doing business in this State is appointed the personal representative of the estate of a decedent, no bond is required unless otherwise specifically required by the court.

Sec. 16. NRS 143.020 is hereby amended to read as follows:

143.020 Except as otherwise provided in NRS 143.030 and 146.010, a personal representative has a right to the possession of all the real, as well as personal, property of the decedent and may receive the rents and profits of the property until the estate is settled, or until delivered over by order of the court to the heirs or devisees, and shall make a reasonable effort to ~~[keep]~~ ***preserve and maintain all such property, including, without limitation, by keeping*** in good tenantable repair all houses, buildings and appurtenances thereon which are under the control of the personal representative.

Sec. 17. NRS 143.035 is hereby amended to read as follows:

143.035 1. A personal representative shall use reasonable diligence in performing the duties of the personal representative and in pursuing the administration of the estate.

2. ~~[A]~~ ***In the absence of pending litigation or a contested proceeding involving the estate, a*** personal representative in charge of an estate that has not been closed shall:

(a) Within 6 months after the personal representative's appointment, where no federal estate tax return is required to be filed for the estate; or

(b) Within ~~[15]~~ ***18*** months after the personal representative's appointment, where a federal estate tax return is required to be filed for the estate,

➥ file with the court a report explaining why the estate has not been closed.

3. Upon receiving the report, the clerk shall set a time and place for a hearing of the report. The personal representative shall send a copy of the report and shall give notice of the hearing, for the period and in the manner provided in NRS 155.010, to:

(a) Each person whose interest is affected as an heir or devisee; and

(b) The Department of Health and Human Services, if the Department has filed a claim against the estate.

4. At the hearing, the court shall determine whether or not the personal representative has used reasonable diligence in the administration of the estate, and if the personal representative has not, the court may:

(a) Subject to the provisions of NRS 143.037:

(1) Prescribe the time within which the estate must be closed; or

(2) Allow the personal representative additional time for closing and order a subsequent report; or

(b) Revoke the letters of the personal representative, appoint a successor and prescribe a reasonable time within which the successor shall close the estate.

Sec. 18. NRS 143.037 is hereby amended to read as follows:

143.037 1. Except as otherwise provided in this section, a personal representative shall close an estate within 18 months after appointment.

2. If ~~[a]~~ ***an estate is not closed within 18 months after the appointment of a personal representative and:***

(a) A claim against the estate is in litigation or in summary determination pursuant to subsection 5 of NRS 145.060 ~~[or]~~ ***, a petition for determination of the validity of the claim has been filed pursuant to*** subsection 2 of NRS 147.130 or the amount of federal estate tax has not been determined, ~~[the court, upon petition of]~~ a devisee, creditor or heir ~~[, shall]~~ ***may file a petition seeking an*** order that:

~~[(a)]~~ ***(1)*** A certain amount of money, or certain other assets, be retained by the personal representative to:

~~[(1)]~~ ***(I)*** Satisfy the claim or tax; and

~~[(2)]~~ ***(II)*** Pay any fees or costs related to the claim or tax, including fees for appraisals, attorney's fees and court costs; and

~~[(b)]~~ ***(2)*** The remainder of the estate be distributed.

~~[3. If a]~~

(b) A contest of the will or a proceeding to determine heirship is pending, ***a devisee, creditor or heir may file a petition requesting*** the court which appointed the personal representative ~~[~~:

~~(a) Shall~~] ***to*** order that ~~[a]~~ ***:***

(1) A certain amount of money, or certain other assets, be retained and the remainder of the estate distributed; or

~~[(b) May, for good cause shown, order that the~~]

(2) The entire distributable estate be retained pending disposition of the contest or proceeding.

3. A court shall not enter an order distributing the assets of an estate pursuant to this section if such a distribution will result in there being insufficient assets to enable the personal representative to discharge any tax liability, claims of creditors, administrative expenses or any other just obligation of the estate.

Sec. 19. NRS 143.050 is hereby amended to read as follows:

143.050 ***1.*** Except as otherwise provided in NRS 143.520, after notice given as provided in NRS 155.010 or in such other manner as the court directs, the court may authorize the personal representative to continue the operation of the decedent's business to such an extent and subject to such restrictions as may seem to the court to be for the best interest of the estate and any interested persons.

2. The provisions of subsection 1 do not apply to passive investments or the exercise of any shareholder or membership rights to which the personal representative has succeeded.

3. Unless specifically authorized by the will or by the court, the personal representative may not receive any separate compensation for continuing the operation of the decedent's business pursuant to this section.

Sec. 20. NRS 143.165 is hereby amended to read as follows:

143.165 1. On petition ***or ex parte application*** of an interested person, the court by temporary order ***, with or without bond,*** may restrain a personal representative from performing specified acts of administration, disbursement or distribution, or exercising any powers or discharging any duties of the office, or enter any other order to secure proper performance of the duties of the office ***.*** ~~[,]~~ ***Notwithstanding any other provision of law,*** if it appears to the court that the personal representative otherwise may take some action that would jeopardize unreasonably the interest of the petitioner or of some other interested person ~~[,]~~ ***or the estate, the court may enter the temporary order.*** A person with whom the personal representative may transact business may be made a party to the temporary order.

2. The matter must be set for hearing within 10 days after entry of the temporary order ***,*** unless the parties otherwise agree ~~[,]~~ ***, or on a date the court otherwise determines is in the best interest of the estate.*** Notice as the court directs must be given by the petitioner to the personal representative

and the attorney of record of the personal representative, if any, and to any other party named as a party in the temporary order.

Sec. 21. NRS 144.010 is hereby amended to read as follows:

144.010 1. Except as otherwise provided in this ~~[~~subsection,~~]~~ ***section,*** every personal representative shall ~~[~~make~~]~~ ***prepare*** and file with the clerk ~~[~~,~~]~~ ***a true inventory and appraisement or record of value of all the assets of the decedent that have come to the possession or knowledge of the personal representative,*** within ~~[~~60~~]~~ ***120*** days after ~~[~~appointment,~~]~~ ***the issuance of letters of administration,*** unless the court extends the time ~~[~~, a true inventory and appraisement or record of value of all the estate of the decedent that has come to the possession or knowledge of the personal representative.~~]~~ ***for good cause shown.*** The requirement of ***preparing and*** filing an inventory or ~~[~~the requirement of filing~~]~~ an appraisement or ***a*** verified record of value, or both, may be waived by the unanimous written consent of all interested persons.

2. ~~[~~The~~]~~ ***Notwithstanding the provisions of this subsection, an interested person may provide a written request to the personal representative at any time 60 days or more after the issuance of letters of administration which seeks a list of the assets of the estate known to the personal representative. The personal representative shall provide such information to the requesting interested party within 10 days after receipt of the written request.***

3. Unless an interested heir requested and was provided a list of assets pursuant to subsection 2, the personal representative, within 10 days after filing the inventory with the clerk, shall mail a copy to all the interested heirs of an intestate estate, or to the devisees of a testate estate, or to both interested heirs and devisees, if a contest of the will of the decedent is pending. Proof of the mailing of the copies must be made and filed in the proceeding.

4. Notwithstanding the requirements set forth in this section, a personal representative may file a redacted inventory to protect the decedent or his or her estate or an interested person. Such an inventory may redact any account numbers, social security numbers and values. Upon request by the court or an interested person, the personal representative shall make the full inventory without redaction available for inspection.

5. This section must not be construed to interfere with the authority of a court to order a personal representative to provide the court with information sufficient to identify the assets of an estate and the value thereof that is subject to probate administration, including, without limitation, requiring the personal representative to submit an inventory to the court in camera, as the court deems necessary and appropriate.

Sec. 22. NRS 144.020 is hereby amended to read as follows:

144.020 1. A personal representative may engage a qualified and disinterested appraiser to ascertain the fair market value, as of the decedent's

death, of any asset the value of which is subject to reasonable doubt. Different persons may be engaged to appraise different kinds of assets included in the estate.

2. Any such appraiser is entitled to a reasonable compensation for the appraisal and may be paid the compensation by the personal representative out of the estate at any time after completion of the appraisal.

3. Except as otherwise provided in NRS 144.010, if there is no reasonable doubt as to the value of assets, such as money, deposits in banks or credit unions, bonds, policies of life insurance, or securities for money or evidence of indebtedness, and the asset is equal in value to cash, the personal representative shall file a verified record of value in lieu of the appraisement.

4. If it appears beyond reasonable doubt that there will be no need to sell assets of the estate to pay the debts of the estate or expenses of administration, or to divide assets for distribution in kind to the devisees or heirs, the personal representative may petition the court for an order allowing a verified record of value to be filed in lieu of the appraisement or, if no interested person is prejudiced thereby, an order waiving the requirement for filing an appraisement or verified record of value, and the court may enter such an order with or without notice.

5. If the personal representative reasonably believes that the value of the household furniture and furnishings of the estate is less than $30,000, the personal representative may file a verified record of value in lieu of the appraisement. Notwithstanding the provisions of this subsection, any interested person may petition the court to require the personal representative to obtain an appraisement on some or all of such household furniture and furnishings. Upon a showing of good cause, the court shall order the appraisement.

Sec. 23. NRS 144.080 is hereby amended to read as follows:

144.080 If a personal representative neglects or refuses to file the inventory within the time prescribed by law or extended by the court, the court may, upon such notice as it deems appropriate ~~[, revoke]~~ ***:***

1. Revoke the letters of the personal representative ~~[, and]~~ ***;***

2. Order that the fees and costs incurred by the interested person seeking to enforce the provisions of this subsection be satisfied by the bond of the personal representative or, in the absence of a bond, be paid personally by the personal representative; or

3. Hold the personal representative ~~[is]~~ liable on the bond of the personal representative for any injuries sustained by the estate through his or her ~~[neglect.]~~ ***gross negligence or willful misconduct.***

Sec. 24. NRS 147.130 is hereby amended to read as follows:

147.130 1. If a claim is rejected by the personal representative or the court, in whole or in part, the claimant must be immediately notified by the personal representative, and the claimant must bring suit in the proper court against the personal representative within 60 days after the notice or file a timely petition for ~~[summary]~~ determination ***of the validity of the claim***

pursuant to subsection 2, whether the claim is due or not, or the claim is forever barred. A claimant must be informed of the rejection of the claim by written notice forwarded to the claimant's mailing address by registered or certified mail.

2. If a claim ~~[filed by the Department of Health and Human Services]~~ is rejected by the personal representative, ~~[the Director of the Department]~~ ***a creditor*** may, within 20 days after receipt of the written notice of rejection, petition the court for ~~[summary]~~ determination of ***the validity of*** the claim ~~[.]~~ ***in lieu of bringing suit against the personal representative pursuant to subsection 1.*** A petition for ~~[summary]~~ determination ***of the validity of the claim*** must be filed with the clerk, who shall set the petition for hearing, and notice must be given for the period and in the manner required by NRS 155.010. Allowance of the claim by the court is sufficient evidence of its correctness, and it must be paid as if previously allowed by the personal representative.

3. In any action brought upon a claim rejected in whole or in part by the personal representative, if the personal representative resides out of the State or has departed from the State, or cannot, after due diligence, be found within the State, or conceals himself or herself to avoid the service of summons, the summons, together with a copy of the complaint, must be mailed directly to the last address given by the personal representative, with a copy to the attorney for the estate, and proof of the mailing must be filed with the clerk where the administration of the estate is pending. This service is the equivalent of personal service upon the personal representative, but he or she has 30 days from the date of service within which to answer.

4. If the personal representative defaults after such service, the default is sufficient grounds for his or her removal as personal representative by the court without notice. Upon petition and notice, in the manner provided for an application for letters of administration, an administrator or an administrator with the will annexed must be appointed by the court and, upon his or her qualification as such, letters of administration or letters of administration with the will annexed must be issued.

Sec. 25. NRS 147.150 is hereby amended to read as follows:

147.150 No holder of a claim against an estate may maintain an action thereon unless the claim is first filed with the clerk and the claim is rejected in whole or in part, except in the following case: An action may be brought by the holder of a ***lien or*** mortgage to enforce the ***lien or*** mortgage against the property of the estate subject thereto if all recourse against any other property of the estate is expressly waived in the complaint.

Sec. 26. NRS 148.220 is hereby amended to read as follows:

148.220 1. Notice of the time and place of sale of real property must be published in a newspaper published in the county in which the property, or some portion of the property, is located, if there is one so published, and if not, then in such paper as the court directs, for 2 weeks, being three publications, 1 week apart, before the day of sale or, in the case of a private

sale, before the day on or after which the sale is to be made. For good cause shown, the court may decrease the number of publications to one and shorten the time for publication to a period not less than 8 days.

2. ~~[If the]~~ ***The court may waive the requirement of publication if:***

(a) The personal representative is the sole devisee or heir of the estate, or if all devisees or heirs of the estate consent in writing ~~[, the court may waive the requirement of publication.]~~ ***;***

(b) The personal representative provides proof that the property has been publicly listed in a public property listing service for a period of not less than 30 days; or

(c) The estate is subject to a lien or mortgage on the property in excess of the value of the real property and the estate has entered into an agreement with the holder of the lien or mortgage to waive the deficiency and accept the net sales proceeds.

3. If it appears from the inventory and appraisement that the value of the property to be sold does not exceed $5,000, the personal representative may waive the requirement of publication and, in lieu thereof, post a notice of the time and place of sale in three of the most public places in the county in which the property, or some portion of the property, is located, for 2 weeks before the day of the sale or, in the case of a private sale, before the day on or after which the sale is to be made.

4. The property proposed to be sold must be described with common certainty in the notice.

Sec. 27. NRS 148.260 is hereby amended to read as follows:

148.260 1. Except as otherwise provided in subsection 2, ~~[no]~~ ***a*** sale of real property at ***a*** private sale ~~[may]~~ ***must not*** be confirmed by the court unless the court is satisfied that the sum offered represents the fair market value of the property sold ~~[, nor unless]~~ ***and*** the real property has been appraised within 1 year before the time of sale. If ~~[it]~~ ***the property*** has not been appraised, a new appraisement must be ~~[had,]~~ ***performed,*** as in the case of an original appraisement of an estate ***,*** ~~[. This may be done]~~ at any time before the sale or confirmation ~~[thereof.]~~ ***of the property.***

2. ***The court may waive the requirement of an appraisement:***

(a) For good cause shown; or

(b) If the personal representative is the sole devisee or heir of the estate, or if all devisees or heirs consent in writing to sale without an appraisal, ~~[the requirement of an appraisal may be dispensed with and]~~ ***, in which case*** the personal representative may rely on the assessed value of the property for taxation in obtaining confirmation of the sale.

Sec. 28. NRS 148.270 is hereby amended to read as follows:

148.270 1. At the hearing, the court shall consider the necessity for the sale, or the advantage, benefit and interest of the estate in having the sale made, and must examine the return and the evidence in relation to the sale.

2. If it appears to the court that good reason existed for the sale, that the sale was legally made and fairly conducted, and complied with the

requirements of NRS 148.260, that the sum bid is not disproportionate to the value, and it does not appear that a sum exceeding the bid by at least 5 percent if the bid is not more than $100,000, or by at least $5,000 if the bid is $100,000 or more, may be obtained, the court shall enter an order confirming the sale and directing conveyances to be executed. Otherwise, it shall vacate the sale. If the court directs that the property be resold, notice must be given and the sale in all respects conducted as if no previous sale had taken place.

3. If a written offer of 5 percent or $5,000 more in amount than that named in the return is made to the court by a responsible person, as provided in subsection 2, and the bid complies with all provisions of the law, the court may accept the offer and confirm the sale to that person, order a new sale or conduct a public auction in open court.

4. If a higher bid is received at the time of a hearing to confirm the sale, the court may continue the hearing if it finds that the original bidder was not notified of the hearing and might desire to increase his or her bid, but failure to notify the original bidder or to continue the hearing is not grounds to void an order confirming a sale.

5. If the court accepts a higher bid at the time of a hearing to confirm the sale, the court shall confirm the original purchase contract and include in the order confirming the sale the substitution of the new sale price and purchaser. The order confirming the sale is a sufficient addendum to the original contract to allow escrow to close.

6. Notwithstanding the provisions of this section, if the estate is subject to a lien or mortgage that exceeds the value of the property and the estate has entered into an agreement with the holder of the lien or mortgage to waive any deficiency as to other estate property and accept the net sales proceeds as full satisfaction of the lien or mortgage, the court shall confirm the sale without accepting bids on the property.

Sec. 29. NRS 153.020 is hereby amended to read as follows:

153.020 ***1.*** If a ~~[~~~trust,~~]~~ life estate or estate for years is created by or under any will to continue after distribution ~~[~~~,~~]~~ ***of the estate,*** the court does not lose jurisdiction of the estate ***, life estate or estate for years*** by final distribution ~~[~~~,~~]~~ ***of the estate,*** but retains jurisdiction of it until the distribution of the residue ***of the life estate or estate for years*** to those entitled to it ~~[~~~. The~~]~~ ***is complete. Proof of*** distribution ***of the residue*** may be ***made*** upon petition of ~~[~~~the trustee, his or her successor in interest or of~~]~~ any person entitled to share in the distribution ~~[~~~,~~]~~ ***of the life estate or estate for years, which terminates the jurisdiction of the court upon decree of the court. The court does not retain jurisdiction over a testamentary trust created by or under a will after distribution of that portion of the estate to such a testamentary trust.***

2. Notwithstanding the provisions of subsection 1, before the entry of an order granting final distribution of the estate, the court may consider a petition filed by the trustee or any beneficiary of the testamentary trust requesting the court to retain jurisdiction of the testamentary trust and,

upon good cause shown, the court may order such continued jurisdiction. Such a petition must be filed with the clerk of the court before the hearing on the petition for final distribution of the estate and must be served on all interested persons in accordance with NRS 155.010.

3. This section must not be construed to limit the ability of an interested person to subsequently seek submission of a testamentary trust to the jurisdiction of the court pursuant to NRS 164.010.

Sec. 30. NRS 153.031 is hereby amended to read as follows:

153.031 1. A trustee or beneficiary may petition the court regarding any aspect of the affairs of the trust, including:

(a) Determining the existence of the trust;

(b) Determining the construction of the trust instrument;

(c) Determining the existence of an immunity, power, privilege, right or duty;

(d) Determining the validity of a provision of the trust;

(e) Ascertaining beneficiaries and determining to whom property is to pass or be delivered upon final or partial termination of the trust, to the extent not provided in the trust instrument;

(f) Settling the accounts and reviewing the acts of the trustee, including the exercise of discretionary powers;

(g) Instructing the trustee;

(h) ~~[~~Compelling~~]~~ ***Subject to the requirements of chapter 165 of NRS, compelling*** the trustee to report information about the trust or account, to the beneficiary;

(i) Granting powers to the trustee;

(j) Fixing or allowing payment of the trustee's compensation, or reviewing the reasonableness of the trustee's compensation;

(k) Appointing or removing a trustee;

(l) Accepting the resignation of a trustee;

(m) Compelling redress of a breach of the trust;

(n) Approving or directing the modification or termination of the trust;

(o) Approving or directing the combination or division of trusts;

(p) Amending or conforming the trust instrument in the manner required to qualify the estate of a decedent for the charitable estate tax deduction under federal law, including the addition of mandatory requirements for a charitable-remainder trust;

(q) Compelling compliance with the terms of the trust or other applicable law; and

(r) Permitting the division or allocation of the aggregate value of community property assets in a manner other than on a pro rata basis.

2. A petition under this section must state the grounds of the petition and the name and address of each interested person, including the Attorney General if the petition relates to a charitable trust, and the relief sought by the petition. Except as otherwise provided in this chapter, the clerk shall set the petition for hearing and the petitioner shall give notice for the period and in

the manner provided in NRS 155.010. The court may order such further notice to be given as may be proper.

3. If the court grants any relief to the petitioner, the court may, in its discretion, order any or all of the following additional relief if the court determines that such additional relief is appropriate to redress or avoid an injustice:

(a) Order a reduction in the trustee's compensation.

(b) Order the trustee to pay to the petitioner or any other party all reasonable costs incurred by the party to adjudicate the affairs of the trust pursuant to this section, including, without limitation, reasonable attorney's fees. The trustee may not be held personally liable for the payment of such costs unless the court determines that the trustee was negligent in the performance of or breached his or her fiduciary duties.

Sec. 31. NRS 153.041 is hereby amended to read as follows:

153.041 The trustee ~~[may, upon petition of a beneficiary or the guardian of a beneficiary, be ordered to appear at a hearing and render an account. The trustee must be served with a citation]~~ ***of a testamentary trust shall account in accordance with the provisions of chapter 165 of NRS. This section must not be interpreted to abridge the authority of a court having jurisdiction over a testamentary trust pursuant to NRS 153.020 or 164.010 to order a trustee of a testamentary trust to account, upon good cause, to the persons and*** in the manner ~~[provided in NRS 155.050. Unless otherwise]~~ ordered by the court ***.*** ~~[, the citation must be served at least 30 days before the day of the hearing. The petition may not be denied unless an account has been filed with the court within 1 year before the petition if filed.]~~

Sec. 32. NRS 153.070 is hereby amended to read as follows:

153.070 ~~[On the settlement of each account]~~ ***The expenses and compensation*** of a trustee ~~[,]~~ ***of a testamentary trust must initially be governed by the terms of the will which created the testamentary trust or as otherwise ordered by the court at the time the testamentary trust is established. Thereafter, subject to any contrary terms of the testamentary trust or an order of the court,*** the court shall allow the trustee his or her proper expenses and such compensation for services as ~~[the court may deem]~~ ***are*** just and reasonable. Where there are several trustees, ~~[it shall apportion the]~~ compensation ***must be apportioned*** among ~~[them]~~ ***the trustees*** according to the respective services rendered ~~[. It]~~ ***, and such compensation*** may ~~[fix]~~ ***be*** a ***fixed*** yearly compensation for each trustee, ~~[in]~~ a set amount ***for the term of service, an hourly rate for services rendered*** or pursuant to a standard schedule of fees ***.*** ~~[, to continue as long as the]~~ ***The provisions of this section must not be interpreted to abridge the authority of a*** court ~~[may deem proper.]~~ ***having jurisdiction over a testamentary trust pursuant to NRS 153.020 or 164.010 to review and settle the expenses and compensation of the trustee of a testamentary trust upon the petition of any interested person.***

Sec. 33. NRS 153.090 is hereby amended to read as follows:

153.090 1. A person named or designated as a trustee ***of a testamentary trust*** in a will may, at any time before distribution of any of the estate to the person, decline to act as trustee, and an order of court must be entered accepting the resignation, but the declination of any person who has qualified as trustee may not be accepted by the court unless ***the testamentary trust is subject to ongoing court jurisdiction pursuant to NRS 153.020 and*** a petition to accept the declination is filed in the proceeding for administration of the ~~[~~estate.~~]~~ ***testamentary trust.*** Upon the filing of the petition, the clerk shall set it for hearing and the petitioner shall give notice to all interested persons for the period and in the manner provided in NRS 155.010.

2. ***A person named or designated as a trustee of a testamentary trust in a will that is no longer subject to ongoing court jurisdiction may resign as trustee in accordance with the terms of the testamentary trust or will which created the testamentary trust or, if the testamentary trust or will is silent on the matter, may seek court approval of such resignation in conjunction with a petition under NRS 164.010 or 164.030.***

3. In accepting a declination ~~[~~,~~]~~ ***or resignation,*** the court may enter and enforce any order which may be necessary for the preservation of the estate.

Sec. 34. Chapter 155 of NRS is hereby amended by adding thereto a new section to read as follows:

Notwithstanding any provision in this title, if an act is authorized or required to be performed at or within a specified period pursuant to this chapter:

1. The period may be extended upon the agreement of all interested persons, by written stipulation of counsel filed in the action; or

2. The court, for good cause shown, may at any time:

(a) Regardless of whether there has been a motion, petition or notice, order that the period be extended if a request for the extension is made before the expiration of the specified period as originally prescribed or as extended by a previous order; or

(b) Upon a motion made after the expiration of the specified period, authorize a person to perform the act if the failure to perform the act in a timely manner was the result of excusable neglect.

Sec. 35. NRS 155.050 is hereby amended to read as follows:

155.050 ***1.*** The citation described in NRS 155.040 ~~[~~is to~~]~~ ***must*** be served ~~[~~in the same manner as the personal~~]~~ ***by:***

(a) Certified mail, with a return receipt requested, on each person required to be served; or

(b) Personal service ~~[~~of summons.~~]~~ ***in the manner provided pursuant to Rule 4(d) of the Nevada Rules of Civil Procedure.***

2. If ~~[~~personal~~]~~ ***, after due diligence,*** service cannot be made upon the person to be served, ***service of*** the citation may be ~~[~~served~~]~~ ***made by publication in the manner provided by Rule 4(e) of the Nevada Rules of***

Civil Procedure, by leaving a copy with the person's attorney of record or in such other manner as the court may direct.

Sec. 36. NRS 162.280 is hereby amended to read as follows:

162.280 At the time for distribution of any property of an estate or trust, the fiduciary may withhold any part or all of the property from the beneficiaries if the fiduciary determines that the property may be subject to ***claims of offset held by the fiduciary in his or her fiduciary capacity,*** conflicting claims, tax deficiencies or other liabilities, contingent or otherwise, relating to the estate or trust.

Sec. 37. NRS 162.300 is hereby amended to read as follows:

162.300 1. A fiduciary may ***establish a trust or*** form a corporation, limited-liability company or other entity, and transfer, assign and convey to the ***trust,*** corporation, limited-liability company or entity all or any part of an estate or of any trust property in exchange for the stock, securities or obligations of the ***trust,*** corporation, limited-liability company or entity, and continue to hold the stock and securities and obligations.

2. A ***trust established or a*** corporation, limited-liability company or other entity incorporated, organized or registered under the laws of this State that acts as a fiduciary or trustee of an estate or trust administered under the laws of this State may be owned or controlled by the trust if the trust instrument authorizes the trust to own an affiliate.

3. As used in this section, "affiliate" has the meaning ascribed to it in NRS 163.020.

Sec. 38. Chapter 163 of NRS is hereby amended by adding thereto the provisions set forth as sections 39 and 40 of this act.

Sec. 39. ***Except as otherwise provided in NRS 163.0075 or another provision of law:***

1. A trust may be created for a noncharitable purpose without a definite ascertainable beneficiary or for a noncharitable but otherwise valid purpose. The noncharitable purpose for which a trust is created must be stated with sufficient particularity in the trust instrument as to be ascertainable by a finder of fact.

2. A trust authorized by this section may be enforced by a trustee, trust adviser, trust protector or person appointed under the terms of the trust or, if no such person is appointed, by the court.

3. Except to the extent the court determines that the value of the trust property exceeds the amount required for the intended use, property of a trust authorized by this section may be applied only to its intended use, including, without limitation, appointing trust property to or for the benefit of an existing or new trust whose purposes are limited to one or more purposes of the original trust. Except as otherwise provided by the terms of the trust, property not required for the intended use must be distributed to the settlor, if living, or otherwise to the settlor's successors in interest.

4. As used in this section:

(a) "Trust adviser" has the meaning ascribed to it in NRS 163.5545.

(b) "Trust protector" has the meaning ascribed to it in NRS 163.5547.

(c) "Valid purpose" means any purpose that is not illegal or against public policy.

Sec. 40. ***Unless otherwise ordered or provided for in a property or separation agreement approved by the court in a proceeding for a divorce or annulment, the divorce, annulment of the marriage or termination of the domestic partnership of the descendant of a settlor revokes:***

1. Every devise, beneficial interest or designation to serve as trustee that was given by the settlor to the former spouse or domestic partner of the descendant in a revocable inter vivos trust executed before the entry of the decree of divorce or annulment or the termination of the domestic partnership, unless otherwise provided in the trust instrument, and the provisions of the trust take effect in the same manner as if the spouse or domestic partner of the descendant predeceased the settlor; and

2. The appointment of the spouse or domestic partner of the descendant as a trust protector, trust adviser or consultant.

Sec. 41. NRS 163.00195 is hereby amended to read as follows:

163.00195 1. Except as otherwise provided in subsections 3 and 4, a no-contest clause in a trust must be enforced by the court ~~[.]~~ ***because public policy favors enforcing the intent of the settlor. However, because public policy does not favor forfeitures, a no-contest clause must be strictly construed by the court and must not be extended beyond the plain meaning of the express provisions of the trust.***

2. A no-contest clause must be construed to carry out the settlor's intent ~~[. Except]~~ to the extent ~~[the no-contest clause in the trust is vague or ambiguous,]~~ ***such intent is clear and unambiguous. No*** extrinsic evidence is ~~[not]~~ admissible to establish the settlor's intent concerning the no-contest clause. The provisions of this subsection do not prohibit ~~[such]~~ ***extrinsic*** evidence from being admitted for any other purpose authorized by law. Except as otherwise provided in subsections 3 and 4, a beneficiary's share may be reduced or eliminated under a no-contest clause based upon conduct that is set forth by the settlor in the trust. Such conduct may include, without limitation:

(a) Conduct other than formal court action; and

(b) Conduct which is unrelated to the trust itself, including, without limitation:

(1) The commencement of civil litigation against the settlor's probate estate or family members;

(2) Interference with the administration of another trust or a business entity;

(3) Efforts to frustrate the intent of the settlor's power of attorney; and

(4) Efforts to frustrate the designation of beneficiaries related to a nonprobate transfer by the settlor.

3. Notwithstanding any provision to the contrary in the trust, a beneficiary's share must not be reduced or eliminated ~~[if]~~ ***because of any action taken by*** the beneficiary ~~[seeks]~~ ***seeking*** only to:

(a) Enforce the terms of the trust, any document referenced in or affected by the trust, or any other trust-related instrument;

(b) Enforce the beneficiary's legal rights related to the trust, any document referenced in or affected by the trust, or any trust-related instrument; ~~[or]~~

(c) Obtain ~~[a]~~ court ~~[ruling]~~ ***instruction*** with respect to the ***proper administration of the trust or the*** construction or legal effect of the trust, ***the provisions thereof or*** any document referenced in or affected by the trust, or any other trust-related instrument ~~[.]~~ ***; or***

(d) Enforce the fiduciary duties of the trustee.

4. Notwithstanding any provision to the contrary in the trust, a beneficiary's share must not be reduced or eliminated under a no-contest clause in a trust because the beneficiary institutes legal action seeking to invalidate a trust, any document referenced in or affected by the trust, or any other trust-related instrument if the legal action is instituted ***and maintained*** in good faith and based on probable cause that would have led a reasonable person, properly informed and advised, to conclude that the trust, any document referenced in or affected by the trust, or other trust-related instrument is invalid.

5. ***Unless the trust expressly provides otherwise, a no-contest clause must not be applied to a settlor who is also a beneficiary of the trust.***

6. As used in this section:

(a) "No-contest clause" means one or more provisions in a trust that express a directive to reduce or eliminate the share allocated to a beneficiary or to reduce or eliminate the distributions to be made to a beneficiary if the beneficiary takes action to frustrate or defeat the settlor's intent as expressed in the trust or in a trust-related instrument.

(b) "Trust" means the original trust instrument and each amendment made pursuant to the terms of the original trust instrument.

(c) "Trust-related instrument" means any document purporting to transfer property to or from the trust or any document made pursuant to the terms of the trust purporting to direct the distribution of trust assets or to affect the management of trust assets, including, without limitation, documents that attempt to exercise a power of appointment.

Sec. 42. NRS 163.002 is hereby amended to read as follows:

163.002 ***1.*** Except as otherwise provided by specific statute, a trust may be created by any of the following methods:

~~[1.]~~ ***(a)*** A declaration by the owner of property that he or she ***or another person*** holds the property as trustee. In the absence of a contrary declaration by the owner of the property or of a transfer of the property to a third party and regardless of formal title to the property:

~~[(a)]~~ ***(1)*** Property declared to be trust property, together with all income therefrom and the reinvestment thereof, must remain trust property; and

~~[(b)]~~ ***(2)*** If the property declared to be trust property includes an account, contract, certificate, note, judgment, business interest, contents of a safe deposit box or other property interest that is subject to additions or contributions, all subsequent additions and contributions to the property are also trust property.

~~[2.]~~ ***(b)*** A transfer of property by the owner during his or her lifetime to another person as trustee.

~~[3.]~~ ***(c)*** A testamentary transfer of property by the owner to another person as trustee.

~~[4.]~~ ***(d)*** An exercise of a power of appointment in trust.

~~[5.]~~ ***(e)*** An enforceable promise to create a trust.

2. A declaration pursuant to paragraph (a) of subsection 1 may include a schedule or list of trust assets that is signed by the owner of the property or that is incorporated by reference into a document that is signed by the owner of the property.

Sec. 43. NRS 163.006 is hereby amended to read as follows:

163.006 A trust is created only if there is a beneficiary. This requirement is satisfied if the trust instrument provides for:

1. A beneficiary or class of beneficiaries that is ascertainable with reasonable certainty or that is sufficiently described so that it can be determined whether a person meets the description or is within the class;

2. A grant of power to the trustee or some other person to select the beneficiary based on a standard or in the discretion of the trustee or other person;

3. A charitable trust as defined in NRS 163.460;

4. A trust for the care of one or more animals created pursuant to NRS 163.0075; ~~[or]~~

5. A public benefit trust as defined in NRS 163.551 ~~[.]~~ ***; or***

6. A noncharitable trust without an ascertainable beneficiary pursuant to section 39 of this act.

Sec. 44. NRS 163.008 is hereby amended to read as follows:

163.008 1. A trust created in relation to real property is not valid unless it is created by operation of law or is evidenced by:

(a) A written instrument signed by the trustee, or by the agent of the trustee if the agent is authorized in writing to do so; or

(b) A written instrument, including, without limitation, an electronic trust, conveying the trust property and signed by the settlor, or by the agent of the settlor if the agent is authorized in writing to do so.

2. Such a trust may be recorded in the office of the county recorder in the county where all or a portion of the real property is located.

3. This section must not be construed to require a declaration by an owner of property pursuant to NRS 163.002 that specifically identified real property is held in trust to be in writing. As used in this subsection,

"specifically identified real property" includes property that is identified by legal description, street address or the applicable assessor's parcel number.

Sec. 45. NRS 163.027 is hereby amended to read as follows:

163.027 1. Except as otherwise provided in subsection 2 or in the trust, a trustee may distribute property and money:

(a) In divided or undivided interests; and

(b) With or without proration.

2. Each affected beneficiary must consent before property or money is distributed without proration ~~[,]~~ unless the trust specifically authorizes the trustee to make that distribution ~~[.]~~ ***or the distribution is otherwise authorized by law.***

Sec. 46. NRS 163.115 is hereby amended to read as follows:

163.115 1. If a trustee commits or threatens to commit a breach of trust, a beneficiary or cotrustee of the trust may maintain a proceeding for any of the following purposes that is appropriate:

(a) To compel the trustee to perform his or her duties.

(b) To enjoin the trustee from committing the breach of trust.

(c) To compel the trustee to redress the breach of trust by payment of money or otherwise.

(d) To appoint a receiver or temporary trustee to take possession of the trust property and administer the trust.

(e) To remove the trustee.

(f) To set aside acts of the trustee.

(g) To reduce or deny compensation of the trustee.

(h) To impose an equitable lien or a constructive trust on trust property.

(i) To trace trust property that has been wrongfully disposed of and recover the property or its proceeds.

2. ***On petition or ex parte application of a beneficiary or trustee, the court by temporary order, with or without bond, may restrain a trustee from performing specified acts of administration, disbursement or distribution, or exercising any powers or discharging any duties of the office, or enter any other order to secure proper performance of the duties of the office. Notwithstanding any other provision of law governing temporary injunctions, if it appears to the court that the trustee otherwise may take some action that would jeopardize unreasonably the interest of the petitioner, another beneficiary or the trust, the court may enter the temporary order. A person with whom the trustee may transact business may be made a party to the temporary order.***

3. Any temporary order entered pursuant to subsection 2 must be set for hearing within 10 days after entry of the temporary order, unless the parties otherwise agree, or on a date the court otherwise determines is in the best interests of the trust. Notice of entry of the temporary order must be given by the petitioner to the trustee and the attorney of record of the trustee, if any, to any other party named as a party in the temporary order and as otherwise directed by the court.

4. The provision of remedies in ~~[subsection 1]~~ ***this section*** does not preclude resort to any other appropriate remedy provided by statute or common law.

~~[3.]~~ ***5.*** A proceeding under this section must be commenced by filing ***or bringing in conjunction with the filing of*** a petition under NRS 164.010 and 164.015.

Sec. 47. NRS 163.130 is hereby amended to read as follows:

163.130 1. A trustee who has incurred personal liability for a tort committed in the administration of the trust is entitled to exoneration therefor from the trust property if the trustee has not discharged the claim, or to be reimbursed therefor out of trust funds if the trustee has paid the claim, if:

(a) The tort was a common incident of the kind of business activity in which the trustee was properly engaged for the trust; ~~[or]~~

(b) Although the tort was not a common incident of such activity, neither the trustee nor any officer or employee of the trustee was guilty of personal fault in incurring the liability ~~[.]~~ ***; or***

(c) The trust instrument authorizes the exoneration or reimbursement of a trustee and the actions of the trustee did not constitute willful misconduct or gross negligence.

2. If a trustee commits a tort which increases the value of the trust property, the trustee shall be entitled to exoneration or reimbursement with respect thereto to the extent of such increase in value, even though the trustee would not otherwise be entitled to exoneration or reimbursement.

3. Nothing in this section shall be construed to change the existing law with regard to the liability of trustees of charitable trusts for torts of themselves or their employees.

Sec. 48. NRS 163.4185 is hereby amended to read as follows:

163.4185 1. A distribution interest may be classified as:

(a) A mandatory interest if the trustee has no discretion to determine whether a distribution should be made, when a distribution should be made or the amount of the distribution.

(b) A support interest if the ~~[distribution of a support interest contains a standard for distribution for the support of a person which may be interpreted by the trustee or a court, as necessary. A provision in a trust which provides a support interest may contain mandatory language which a]~~ trustee ~~[must follow.]~~ ***is required to make distributions to the beneficiary pursuant to an ascertainable standard.***

(c) A discretionary interest if the trustee has discretion to determine whether a distribution should be made, when a distribution should be made and the amount of the distribution.

2. If a trust contains a combination of a mandatory interest, a support interest or a discretionary interest, the trust must be separated as:

(a) A mandatory interest only to the extent of the mandatory language provided in the trust;

(b) A support interest only to the extent of the support language provided in the trust; and

(c) A discretionary interest for any remaining trust property.

3. If a trust provides for a support interest that also includes mandatory language but the mandatory language is qualified by discretionary language, the support interest must be classified and separated as a discretionary interest.

4. As used in this section, "ascertainable standard" means a standard relating to a person's health, education, support or maintenance within the meaning of section 2041(b)(1)(A) or 2514(c)(1) of the Internal Revenue Code, 26 U.S.C. § 2041(b)(1)(A) or 2514(c)(1), and any regulations of the United States Treasury promulgated thereunder.

Sec. 49. NRS 163.556 is hereby amended to read as follows:

163.556 1. Except as otherwise provided in this section, unless the terms of a testamentary instrument or irrevocable trust provide otherwise, a trustee with discretion or authority to distribute trust income or principal to or for a beneficiary of the trust may exercise such discretion or authority by appointing the property subject to such discretion or authority in favor of a second trust as provided in this section.

2. The second trust to which a trustee appoints property of the first trust may only have as beneficiaries one or more of the beneficiaries of the original trust:

(a) To or for whom a distribution of income or principal may be made from the original trust;

(b) To or for whom a distribution of income or principal may be made in the future from the original trust at a time or upon the happening of an event specified under the first trust; or

(c) Both paragraphs (a) and (b).

➥ For purposes of this subsection, a permissible appointee of a power of appointment exercised by a beneficiary of the second trust is not considered a beneficiary of the second trust.

3. A trustee may not appoint property of the original trust to a second trust if:

(a) Appointing the property will reduce any income interest of any income beneficiary of the original trust if the original trust is:

(1) A trust for which a marital deduction has been taken for federal or state income, gift or estate tax purposes;

(2) A trust for which a charitable deduction has been taken for federal or state income, gift or estate tax purposes; or

(3) A grantor-retained annuity trust or unitrust under ~~[27]~~ ***26*** C.F.R. § 25.2702-3(b) and (c).

➥ As used in this paragraph, "unitrust" has the meaning ascribed to it in NRS 164.700.

(b) The property to be appointed is subject to a power of withdrawal which is held by a beneficiary of the original trust and may be executed at the time of the proposed appointment, unless after the exercise of such appointment, the beneficiary of the original trust's power of withdrawal is unchanged with respect to the trust property.

(c) Property specifically allocated for one beneficiary of the original trust is no longer allocated for that beneficiary under either or both trusts, unless the beneficiary consents in writing.

(d) Property held for the benefit of one or more beneficiaries under both the original and the second trust has a lower value than the value of the property held for the benefit of the same beneficiaries under only the original trust, unless:

(1) The benefit provided is limited to a specific amount or periodic payments of a specific amount; and

(2) The value of the property held in either or both trusts for the benefit of one or more beneficiaries is actuarially adequate to provide the benefit.

(e) A contribution made to the original trust qualified for a gift tax exclusion as described in section 2503(b) of the Internal Revenue Code, 26 U.S.C. § 2503(b), by reason of the application of section 2503(c) of the Internal Revenue Code, 26 U.S.C. § 2503(c), unless the second trust provides that the beneficiary's remainder interest must vest not later than the date upon which such interest would have vested under the terms of the original trust.

4. A trustee who is a beneficiary of the original trust may not exercise the authority to appoint property of the original trust to a second trust if:

(a) Under the terms of the original trust or pursuant to law governing the administration of the original trust:

(1) The trustee does not have discretion to make distributions to himself or herself;

(2) The trustee's discretion to make distributions to himself or herself is limited by an ascertainable standard, and under the terms of the second trust, the trustee's discretion to make distributions to himself or herself is not limited by the same ascertainable standard; or

(3) The trustee's discretion to make distributions to himself or herself can only be exercised with the consent of a cotrustee or a person holding an adverse interest and under the terms of the second trust the trustee's discretion to make distributions to himself or herself is not limited by an ascertainable standard and may be exercised without consent; or

(b) Under the terms of the original trust or pursuant to law governing the administration of the original trust, the trustee of the original trust does not have discretion to make distributions that will discharge the trustee's legal support obligations but under the second trust the trustee's discretion is not limited.

5. Notwithstanding the provisions of subsection 1, a trustee who may be removed by the beneficiary or beneficiaries of the original trust and replaced with a trustee that is related to or subordinate, as described in section 672 of the Internal Revenue Code, 26 U.S.C. § 672(c), to a beneficiary, may not exercise the authority to appoint property of the original trust to a second trust to the extent that the exercise of the authority by such trustee would have the effect of increasing the distributions that can be made from the second trust to such beneficiary or group of beneficiaries that held the power to remove the trustee of the original trust and replace such trustee with a related or subordinate person, unless the distributions that may be made from the second trust to such beneficiary or group of beneficiaries described in paragraph (a) of subsection 4 are limited by an ascertainable standard.

6. The provisions of subsections 4 and 5 do not prohibit a trustee who is not a beneficiary of the original trust or who may not be removed by the beneficiary or beneficiaries and replaced with a trustee that is related to or subordinate to a beneficiary from exercising the authority to appoint property of the original trust to a second trust pursuant to the provisions of subsection 1.

7. Before appointing property pursuant to subsection 1, a trustee may give notice of a proposed action pursuant to NRS 164.725 or may petition a court for approval pursuant to NRS 153.031, 164.015 or 164.725. Any notice of a proposed action or a petition for a court's approval must include the trustee's opinion of how the appointment of property will affect the trustee's compensation and the administration of other trust expenses.

8. The trust instrument of the second trust may:

(a) Grant a general or limited power of appointment to one or more of the beneficiaries of the second trust who are beneficiaries of the original trust.

(b) Provide that, at a time or occurrence of an event specified in the trust instrument, the remaining trust assets in the second trust must be held for the beneficiaries of the original trust upon terms and conditions that are substantially identical to the terms and conditions of the original trust.

9. The power to appoint the property of the original trust pursuant to subsection 1 must be exercised by a writing, signed by the trustee and filed with the records of the trust.

10. The exercise of the power to invade principal of the original trust pursuant to subsection 1 is considered the exercise of a power of appointment, other than power to appoint the property to the trustee, the trustee's creditors, the trustee's estate or the creditors of the trustee's estate and the provisions of NRS 111.1031 apply to such power of appointment.

11. The provisions of this section do not abridge the right of any trustee who has the power to appoint property which arises under any other law.

12. The provisions of this section do not impose upon a trustee a duty to exercise the power to appoint property pursuant to subsection 1.

13. The power to appoint property to another trust pursuant to subsection 1 is not a power to amend the trust and a trustee is not prohibited

from appointing property to another trust pursuant to subsection 1 if the original trust is irrevocable or provides that it may not be amended.

14. A trustee's power to appoint property to another trust pursuant to subsection 1 is not limited by the existence of a spendthrift provision in the original trust.

15. A trustee exercising any power granted pursuant to this section may designate himself or herself or any other person permitted to act as a trustee as the trustee of the second trust.

16. The trustee of a second trust, resulting from the exercise of the power to appoint property to another trust pursuant to subsection 1, may also exercise the powers granted pursuant to this section with respect to the second trust.

17. ~~[For the purposes of this section, "second trust" means an irrevocable trust that receives trust income or principal appointed by the trustee of the original trust, and may be established by any person, including, without limitation, a new trust created by the trustee, acting in that capacity, of the original trust. If the trustee of the original trust establishes the second trust, then for purposes of creating the new second trust, the requirement of NRS 163.008 that the instrument be signed by the settlor shall be deemed to be satisfied by the signature of the trustee of the second original trust. The second trust may be a trust created under the same trust instrument as the original trust or under a different trust instrument.~~

~~18. As used in this section, "ascertainable standard" means a standard relating to an individual's health, education, support or maintenance within the meaning of section 2041(b)(1)(A) or 2514(c)(1) of the Internal Revenue Code, 26 U.S.C. § 2041(b)(1)(A) or 2514(c)(1), and any regulations of the United States Treasury promulgated thereunder.~~

~~19.]~~ This section applies to a trust that is governed by, situsted in or administered under the laws of this State, whether the trust is initially governed by, situsted in or administered under the laws of this State pursuant to the terms of the trust instrument or whether the governing law, situs or administration of the trust is moved to this State from another state or foreign jurisdiction.

18. The power to appoint to a second trust pursuant to this section may be exercised to appoint to a second trust that is a special needs trust, pooled trust or third-party trust.

19. As used in this section:

(a) "Ascertainable standard" means a standard relating to a person's health, education, support or maintenance within the meaning of section 2041(b)(1)(A) or 2514(c)(1) of the Internal Revenue Code, 26 U.S.C. § 2041(b)(1)(A) or 2514(c)(1), and any regulations of the United States Treasury promulgated thereunder.

(b) "Pooled trust" means a trust described in 42 U.S.C. § 1396p(d)(4)(C) that meets the requirements for such a trust under any law or regulation of

this State relating to the treatment of trusts for purposes of eligibility for Medicaid or other needs-based public assistance.

(c) "Second trust" means an irrevocable trust that receives trust income or principal appointed by the trustee of the original trust, and may be established by any person, including, without limitation, a new trust created by the trustee, acting in that capacity, of the original trust. If the trustee of the original trust establishes the second trust, then for purposes of creating the new second trust, the requirement of NRS 163.008 that the instrument be signed by the settlor shall be deemed to be satisfied by the signature of the trustee of the second original trust. The second trust may be a trust created under the same trust instrument as the original trust or under a different trust instrument.

(d) "Special needs trust" means a trust under 42 U.S.C. § 1396p(d)(4)(A) that meets the requirements for such a trust under any law or regulation of this State relating to the treatment of trusts for purposes of eligibility for Medicaid or other needs-based public assistance.

(e) "Third-party trust" means a trust that is:

(1) Established by a third party with the assets of the third party to provide for the supplemental needs of a person who is eligible for needs-based public assistance at or after the time of the creation of the trust; and

(2) Exempt from the provisions of any law or regulation of this State relating to the treatment of trusts for purposes of eligibility for Medicaid.

Sec. 50. NRS 163.610 is hereby amended to read as follows:

163.610 ~~[A fiduciary]~~ ***Unless otherwise provided by the trust instrument, a trustee*** may ~~[take such actions as are necessary to cause]~~ ***include capital*** gains from the sale or exchange of ~~[trust assets, as determined for federal income tax purposes, to be taxed for federal income tax purposes as part of a distribution of income, including, without limitation, income which has been increased by an adjustment from principal to income under NRS 164.795, a unitrust distribution or a distribution of principal]~~ ***capital assets in distributable net income to the extent the gains are, in a reasonable and impartial exercise of discretion by the trustee, allocated to:***

1. Income pursuant to the power of the trustee to adjust between principal and income pursuant to NRS 164.795;

2. Principal and treated consistently by the trustee in the books, records and tax returns of the trust as part of the distribution to a beneficiary; or

3. Principal but distributed to a beneficiary or utilized by the trustee in determining the amount that is distributed or required to be distributed to a beneficiary.

Sec. 51. NRS 164.010 is hereby amended to read as follows:

164.010 1. Upon petition of any person appointed as trustee of an express trust by any written instrument other than a will, or upon petition of a settlor or beneficiary of the trust, the district court of the county in which ~~[the]~~ ***any*** trustee resides or conducts business ~~[,]~~ ***at the time of the filing of the petition*** or in which the trust has been domiciled ~~[,]~~ ***as of the time of the***

filing of the petition shall ~~[consider the application to]~~ assume jurisdiction of the trust as a proceeding in rem ~~[.]~~ ***unless another court has properly assumed continuing jurisdiction in rem in accordance with the laws of that jurisdiction and the district court determines that it is not appropriate for the district court to assume jurisdiction under the circumstances.***

2. ~~[If]~~ ***For the purposes of this section, a trust is domiciled in this State notwithstanding that the trustee neither resides nor conducts business in this State if:***

(a) The trust instrument expressly provides that the situs of the trust is in this State or that a court in this State has jurisdiction over the trust;

(b) A person has designated for the trust that this State is the situs or has jurisdiction, if such person made the designation at a time during which he or she held the power to make such a designation under the express terms of the trust instrument;

(c) The trust owns an interest in real property located in this State;

(d) The trust owns personal property, wherever situated, if the trustee is:

(1) Incorporated or authorized to do business in this State;

(2) A trust company licensed under chapter 669 of NRS;

(3) A family trust company, as defined in NRS 669A.080; or

(4) A national association having an office in this State;

(e) One or more beneficiaries of the trust reside in this State; or

(f) At least part of the administration of the trust occurs in this State.

3. Notwithstanding the provisions of this section, if a court of a jurisdiction other than this State has jurisdiction over a trust and grants an order authorizing a transfer of jurisdiction over that trust to this State, the district court has the power to assume jurisdiction over the trust and to otherwise supervise the administration of that trust in accordance with the procedures set forth in this title.

4. For the purposes of determining venue, preference is given in the following order:

(a) To the county in which the situs or domicile was most recently declared by a person granted the power to make such a declaration under the terms of the trust instrument at the time of the filing of the petition;

(b) To the county in which the situs or domicile is declared in the trust instrument; and

(c) To the county in which the situs or domicile is declared by the trustee at the time of the filing of the petition in a certification of the trust which complies with subsection 2 of NRS 164.400 and subsection 2 of NRS 164.410 and which contains a declaration of the trust's situs or domicile as authorized in subsection 1 of NRS 164.410.

5. When the court ~~[grants the petition,]~~ ***assumes jurisdiction pursuant to this section,*** the court:

(a) Has jurisdiction of the trust as a proceeding in rem ~~[;]~~ ***as of the date of the filing of the petition;***

(b) Shall be deemed to have personal jurisdiction over ***any trustee confirmed by the court and*** any person ~~[pursuant to NRS 164.045;]~~ ***appearing in the matter, unless such an appearance is made solely for the purpose of objecting to the jurisdiction of the court;***

(c) May confirm at the same time the appointment of the trustee and specify the manner in which the trustee must qualify; and

(d) May consider at the same time granting orders on other matters relating to the trust, including, without limitation, matters that might be addressed in a declaratory judgment relating to the trust under subsection 2 of NRS 30.040 or petitions filed pursuant to NRS 153.031 or 164.015 whether such matters are raised in the petition to assume jurisdiction pursuant to this section or in one or more separate petitions that are filed concurrently with the petition to assume jurisdiction.

~~[3.]~~ ***6.*** At any time, the trustee may petition the court for removal of the trust from continuing jurisdiction of the court.

~~[4. For the purposes of this section, a trust is domiciled:~~

~~(a) In this State if there is a clear and sufficient nexus between the trust and this State pursuant to subsection 4 of NRS 164.045.~~

~~(b) In a county of this State that provides the nexus required pursuant to paragraph (a) giving preference:~~

~~(1) First, to the situs or domicile most recently declared by a person granted the power to make such a declaration under the terms of the trust instrument;~~

~~(2) Second, to the situs or domicile declared in the trust instrument; and~~

~~(3) Finally, to the situs or domicile declared by the trustee in a certification of the trust which complies with subsection 2 of NRS 164.400 and subsection 2 of NRS 164.410 and which contains a declaration of the trust's situs or domicile as authorized in subsection 1 of NRS 164.410.~~

~~5.]~~ ***7.*** As used in this section, "written instrument" includes, without limitation, an electronic trust as defined in NRS 163.0015.

Sec. 52. NRS 164.045 is hereby amended to read as follows:

164.045 1. The laws of this State govern the validity and construction of a trust if:

(a) The trust instrument so provides;

(b) Designated by a person who, under the terms of the trust instrument, has the right to designate the laws that govern the validity and construction of the trust, at the time the designation is made; or

(c) The trust instrument does not provide for the law that governs the validity and construction of the trust, a person designated under the terms of the trust instrument to designate the law that governs the validity and construction of the trust, if any, has not made such a designation and the settlor or the trustee of the trust was a resident of this State at the time the trust was created or at the time the trust became irrevocable.

➥ ***A trust instrument or designation cannot extend the duration of the trust beyond the rule against perpetuities otherwise applicable to the trust at the time of its creation.***

2. A person not domiciled in this State may have the right to designate the laws that govern the validity and construction of a trust if properly designated under the trust instrument.

3. ~~[If the district court, as defined in NRS 132.116, determines that there is a clear and sufficient nexus between a trust and this State, the court may assume jurisdiction during a proceeding conducted pursuant to NRS 164.010 unless:~~

~~(a) Another court has properly assumed jurisdiction in accordance with the laws of that jurisdiction;~~

~~(b) The trust instrument expressly provides that the situs of the trust is outside of this State or that a court of a jurisdiction other than this State has jurisdiction over the trust; or~~

~~(c) A person has designated for the trust a situs or jurisdiction other than this State, if such person made the designation at a time during which he or she held the power to make such a designation under the express terms of the trust instrument.~~

~~4. For the purposes of this section, there is a clear and sufficient nexus between a trust and this State if:~~

~~(a) The trust owns an interest in real property located in this State;~~

~~(b) The trust owns personal property, wherever situated, if the trustee or cotrustee is:~~

~~(1) A resident of this State;~~

~~(2) Incorporated or authorized to do business in this State;~~

~~(3) A trust company licensed under chapter 669 of NRS;~~

~~(4) A family trust company, as defined in NRS 669A.080; or~~

~~(5) A national association having an office in this State;~~

~~(c) One or more beneficiaries of the trust reside in this State; or~~

~~(d) At least part of the administration of the trust occurs in this State.~~

~~5. For paragraphs (c) and (d) of subsection 4 to apply with respect to a cotrustee, such cotrustee must have the authority to maintain records for the trust and to prepare income tax returns for the trust, even if such authority may also be exercised by another cotrustee.~~

~~6. Notwithstanding the provisions of this section, if a court of a jurisdiction other than this State has jurisdiction over a trust and grants an order authorizing a transfer of jurisdiction over the trust to this State, the district court has the power to assume jurisdiction over that trust and to otherwise supervise the administration of that trust in accordance with the procedures set forth in this title if the requirements of subsection 4 are satisfied.~~

~~— 7.]~~ A trust, the situs of which is outside this State, that moves its situs to this State is valid whether or not the trust complies with the laws of this State at the time of its creation or after its creation.

Sec. 53. NRS 165.030 is hereby amended to read as follows:

165.030 ~~[Within 75]~~ ***An interested person to whom a trustee is required to account pursuant to this chapter may provide a written request to the trustee at any time 60*** days ***or more*** after ~~[a]~~ ***the appointment of the*** trustee ~~[receives possession of trust property, the trustee shall serve a copy of an inventory setting forth all the trust property which has come into the possession or knowledge of]~~ ***which seeks a list of the assets of the trust estate known to*** the trustee. The trustee shall serve the ~~[notice]~~ ***information to the requesting interested party*** in the ***same*** manner ***required for notice, as*** set forth in NRS 155.010 ~~[to each interested person and beneficiary to whom the trustee is required to account pursuant to this chapter.]~~ ***within 15 days after receipt of the written request.***

Sec. 54. NRS 451.024 is hereby amended to read as follows:

451.024 1. The following persons, in the following order of priority, may order the burial or cremation of human remains of a deceased person:

(a) A person designated as the person with authority to order the burial or cremation of the human remains of the decedent in a legally valid document or in an affidavit executed in accordance with subsection 9;

(b) If the decedent was, at the time of death, on active duty as a member of the Armed Forces of the United States, a reserve component thereof or the National Guard, a person designated by the decedent in the United States Department of Defense Record of Emergency Data, DD Form 93, or its successor form, as the person authorized to direct disposition of the human remains of the decedent;

(c) The spouse of the decedent;

(d) An adult son or daughter of the decedent;

(e) Either parent of the decedent;

(f) An adult brother or sister of the decedent;

(g) A grandparent of the decedent;

(h) A guardian of the person of the decedent at the time of death; and

(i) A person who meets the requirements of subsection 2.

2. Any other person may order the burial or cremation of the human remains of the decedent if the person:

(a) Is at least 18 years of age; and

(b) Executes an affidavit affirming:

(1) That he or she knew the decedent;

(2) The length of time that he or she knew the decedent;

(3) That he or she does not know the whereabouts of any of the persons specified in paragraphs (a) to (h), inclusive, of subsection 1; and

(4) That he or she willingly accepts legal and financial responsibility for the burial or cremation of the human remains of the decedent.

3. If a person with authority to order the burial or cremation of the human remains of a decedent pursuant to paragraphs (c) to (h), inclusive, of subsection 1 has been arrested for or charged with murder, as defined in NRS 200.010, or voluntary manslaughter, as defined in NRS 200.050, in connection with the death of the decedent, the authority of the person to order the disposition of the human remains of the decedent is automatically relinquished and passes to the next person in order of priority pursuant to subsection 1.

4. If there is more than one person authorized to order the burial or cremation of the human remains of a decedent within a particular priority class pursuant to paragraphs (d) to (h), inclusive, of subsection 1, a funeral establishment or direct cremation facility may require a majority of the members of the priority class to agree upon a disposition of the remains of the decedent.

5. A person who accepts legal and financial responsibility for the burial or cremation of the human remains of a decedent as described in subparagraph (4) of paragraph (b) of subsection 2 does not have a claim against the estate of the decedent or against any other person for the cost of the burial or cremation.

6. If the deceased person was an indigent or other person for whom the final disposition of the decedent's remains is a responsibility of a county or the State, the appropriate public officer may order the burial or cremation of the remains and provide for the respectful disposition of the remains.

7. If the deceased person donated his or her body for scientific research or, before the person's death, a medical facility was made responsible for the final disposition of the person, a representative of the scientific institution or medical facility may order the burial or cremation of his or her remains.

8. A living person may order the burial or cremation of human remains removed from his or her body or the burial or cremation of his or her body after death. In the latter case, any person acting pursuant to his or her instructions is an authorized agent.

9. A person 18 years of age or older wishing to authorize another person to order the burial or cremation of his or her human remains in the event of the person's death ***may include such an authorization in a validly executed will or durable power of attorney or*** may execute an affidavit before a notary public in substantially the following form:

State of Nevada }
}ss
County of ..... }

(Date) .....

I, ..., (person authorizing another person to order the burial or cremation of his or her human remains in the event of his or her death) do hereby designate ..... (person who is being authorized to order the burial or cremation of the human remains of a

person in the event of his or her death) to order the disposition of my human remains upon my death.

Subscribed and sworn to before me this .....

day of the month of ..... of the year .....

.....

(Notary Public)

10. If the authorized person is not reasonably available or is unable to act as the authorized person, the right of the person to be the authorized person shall pass to the next person or category of persons in the order of priority pursuant to subsection 1.

11. It shall be presumed that an authorized person is not reasonably available to act as an authorized person in accordance with subsection 10 if the crematory, cemetery, funeral establishment or direct cremation facility, after exercising due diligence, has been unable to contact the person, or if the person has been unwilling or unable to make final arrangements for the burial or cremation of the human remains of the decedent, within 30 days after the initial contact or attempt to contact by the crematory, cemetery, funeral establishment or direct cremation facility.

12. If a person with a lower authorization priority than another person pursuant to subsection 1 has been authorized to order the burial or cremation of the human remains of a decedent and, subsequently, a person with a higher authorization priority makes an initial contact with the crematory, cemetery, funeral establishment or direct cremation facility and is available to perform the duties of an authorized person pursuant to this section before the final disposition of the decedent, the person with the higher authorization priority is the authorized person to order the burial or cremation of the human remains of the decedent.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 707 to Assembly Bill No. 314.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

The amendment clarifies provisions relating Medicaid benefits and conforms a provision regarding heir finders.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 3:03 p.m.

ASSEMBLY IN SESSION

At 3:05 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Yeager withdrew the motion that the Assembly concur in the Senate Amendment No. 707 to Assembly Bill No. 314.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from John W. Bonner Elementary School: Gavin Brown, Lauren Clark, Emma Daniels, Diego Diaz, John Dorcey, Natasha Flore, Matthew Frankot, Brodie Millsop, Jacey Phillips, Scarlett Pignatello, Logan Santos, Alexander Schmidt, Fynn Wedl, Jack Wisan, Delylah Wright, Lianxi Yang, Jayden Jackson, Maura Jaros, Slade Knoch, Kevin Lee, Alyson Holden, Anthony Howard, Isabella Soto, Christiana Stefanovsky, Kailee Barrera, Jade Douglas, Hakan Rudd, Ty Yamachika, Anya Fainer, Sara Kelemen, Gabriella Moss, Alexa Nunez-Alvarez, Jaidon O'Neal, Hailey Colman, Dana Dabney, Isabella Delibassis, Morgan Drew-Flanagan, Dylan Feeny, Eliana Gewelber-Williams, Justus Giovacchini, Nicholas Laines, Nathaniel Lovering, Addison Lynch, Jaelynn Olvera, Tristan Jeannest, Gavin Tucker, Brooke Webb, Justin Christensen, Noah Altman , Aubreanah Madrid Tabet, Saldon Song, Robert Taylor, Skye Meznarich, Xuechen Qu, Jackson Gould, Emma Herpin, Xander Simms, Abbe Rodriguez, Lucas Turner, Moriah Wayman, Ansley Yousfi, Brannon Serna, Sophia Antonio, Tatum Baker, Bailey Ballejos, Adrian Carlo Calazan, Riley Char, Aaron Ching, Katie Davis, Martin Dimov, Gia Gencarelli, Tatiana Hatem, Ethan Hidalgo, Alexander Hosszu, Quinn Johnson, Dylan Khoury, Grace Laguna, Princillia Hina Lundmark Then, Saffiya Mackelprang, Christian Schuck, Joleen Schwalb, Emmy Waid, Caymen Wimmer, Joseph Nicci, Andressa Nival, and Werner Randon.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Dungan and the following students, teachers, and chaperones from John R. Hummel Elementary School: Emily Nguyen, Trinity Cross, Justin Perez-Avil, Dakota Garcia, Capri Moser, Aden Behrns, Miranda Martinez, Jaelynn Medina, Pax Haven Davila, Mario Godoy, Gabrielle Collette, Megan Pedot, Zayden Nave, Sehaj Natt, Hayden Legg, Liberty Macias Fitzgerald, Thomas Lauguico, Ryan Lee, and Tamanah Babee.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to William Contine.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Ashley Graham.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Janise Wiggins.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Wednesday, May 24, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 3:09 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND EIGHTH DAY

CARSON CITY (Wednesday), May 24, 2017

Assembly called to order at 12:04 p.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by the Chaplain, Rajan Zed.

Om
bhur bhuvah svah
tat Savitur varenyam
bhargo devasya dhimahi
dhiyo you nah prachodayat

We meditate on the transcendental glory of the Deity Supreme, who is inside the heart of the earth, inside the life of the sky, and inside the soul of the heaven. May He stimulate and illuminate our minds.

Asato ma sad gamaya
Tamaso ma jyotir gamaya
Mrityor mamrtam gamaya

Lead us from the unreal to the Real.
Lead us from darkness to Light.
Lead us from death to immortality.

tasmadasaktah satatam karyam karma samacara
asakto hyacarankarma paramapnoti purusah

karmanaiva hi samsiddhimasthita janakadayah
lokasangrahamevapi sampasyankartumarhasi

Strive constantly to serve the welfare of the world; by devotion to selfless, one attains the supreme goal of life. Do your work with the welfare of others always in mind.

Om saha naavavatu
Saha nau bhunaktu
Saha viiryan karavaavahai
Tejasvi naavadhiitamastu
Maa vidhvishhaavahai

May we be protected together.
May we be nourished together.
May we work together with great vigor.
May our study be enlightening.
May no obstacle arise between us.

samani va akutih
samana hrdayani vah
samanam astu vo mano
yatha vah susahasti

United your resolve, united your hearts, my your spirits be at one, that you may long together dwell in unity and concord!

Om Shanti, Shanti, Shanti.
Peace, Peace, Peace be unto all.
Om.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 502, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Senate Bills Nos. 183, 357, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 233, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL C. SPRINKLE, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 360, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 281, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DINA NEAL, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 23, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 41, 188, 204, 246, 251, 260, 477, 481, 483.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 5, Amendment No. 799; Assembly Bill No. 46, Amendment No. 748; Assembly Bill No. 68, Amendment No. 810; Assembly Bill No. 76, Amendment No. 785; Assembly Bill No. 126, Amendment No. 820; Assembly Bill No. 148, Amendment No. 798; Assembly Bill No. 219, Amendment No. 871; Assembly Bill No. 241, Amendment No. 797; Assembly Bill No. 243, Amendment No. 786; Assembly Bill No. 253, Amendment No. 761; Assembly Bill No. 259, Amendment No. 787; Assembly Bill No. 277, Amendment No. 796; Assembly Bill No. 292, Amendment No. 850; Assembly Bill No. 299,

Amendment No. 752; Assembly Bill No. 304, Amendment No. 753; Assembly Bill No. 339, Amendment No. 781; Assembly Bill No. 356, Amendment No. 826; Assembly Bill No. 361, Amendment No. 782; Assembly Bill No. 372, Amendment No. 852; Assembly Bill No. 381, Amendment No. 859; Assembly Bill No. 410, Amendment No. 811; Assembly Bill No. 424, Amendment No. 754; Assembly Joint Resolution No. 11, Amendment No. 803, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 69, 124, 189, 261, 427, 518.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 221.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 718 to Senate Bill No. 46; Assembly Amendment No. 743 to Senate Bill No. 59; Assembly Amendment No. 666 to Senate Bill No. 101; Assembly Amendment No. 714 to Senate Bill No. 366.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that persons as set forth on the Nevada Legislature's Press Accreditation List of May 24, 2017, be accepted as accredited press representatives, assigned space at the press table in the Assembly Chamber, allowed use of appropriate broadcasting facilities, and that the list be included in this day's Journal:

CHARTER COMMUNICATIONS: Dan Cowley; ENTRAVISION-UNIVISION: Carolina Lopez; KOLO-TV: Andrew Fox, Neil Healy; KRNV-TV: Miles J. Buergin, Olivia Degennaro; KTVN-TV: Liz Olveda; LAHONTAN VALLEY NEWS: Steve Ranson; LAS VEGAS REVIEW-JOURNAL: Meghin Delaney, Colton Lochhead; MESQUITE WEEKLY: Rudy Moertl; NOW REPORT, THE: Don Lyle; SPARKS TRIBUNE, U-NEWS: Andrew Barbano

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 430; Senate Bills Nos. 149, 164, 251, 253, 282, 413, 448, 470, 472, and 492 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 169, be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 514—AN ACT relating to prisoners; authorizing the Division of Parole and Probation of the Department of Public Safety to provide money for transitional housing for indigent prisoners released on parole under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 69.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 124.

Assemblyman Yeager moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 189.

Assemblyman Sprinkle moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 221.

Assemblywoman Swank moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 261.

Assemblyman Sprinkle moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 427.

Assemblyman Carrillo moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 518.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 470 and 472 be taken from the Chief Clerk's desk and placed on the General File after Assembly Bill No. 206.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 226 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 183.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 909.

AN ACT relating to local financial administration; making the provisions of the Local Government Budget and Finance Act applicable to **certain** housing authorities; revising requirements for certain commissioners **and reducing the number of commissioners** of a regional housing authority in certain counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the governing body of any town, city or county to create by resolution a housing authority to provide various types of housing services for persons of low income in such town, city or county. (NRS 315.140-315.780) Existing law also authorizes two or more housing authorities in a county whose population is 700,000 or more (currently Clark County) to form a regional housing authority. (NRS 315.7805) Existing law further creates the Nevada Rural Housing Authority to provide various types of housing services for persons of low and moderate income in areas of the State which are not included within the corporate limits of a city or town having a population of 150,000 or more. (NRS 315.961-315.99874)

The Local Government Budget and Finance Act sets forth various requirements, procedures and limitations relating to the financial administration of local governments. (NRS 354.470-354.626) Under existing law, the Act applies to the Nevada Rural Housing Authority for the sole purpose of requiring the Authority to hold a public hearing before making an interfund loan or loaning money to another local government but does not apply to any other type of housing authority. (NRS 315.420, 315.983, 354.474, 354.6118)

Section 1 of this bill amends the definition of "local government" so that the Local Government Budget and Finance Act applies to ~~[all]~~ **a regional** housing ~~[authorities.]~~ **authority.** ~~[Sections]~~ **Section 2** ~~[and 3]~~ of this bill ~~[make]~~ **makes** conforming changes.

~~[Existing law authorizes two or more housing authorities in a county whose population is 700,000 or more (currently Clark County), to form a regional housing authority. (NRS 315.7805)]~~ If ~~[such]~~ a regional housing authority is formed, existing law requires 13 persons be appointed to serve as commissioners to the authority for terms of office of 4 years and sets forth qualifications for commissioners. (NRS 315.7809) **Section 2.5** of this bill requires that certain persons appointed to the regional housing authority be ~~[elected]~~ members of the governing bodies making the appointments. **Section 2.5** further ~~[provides that a commissioner may not serve more than two terms.]~~ **reduces the number of persons appointed to serve as commissioners from 13 to 9. Section 3.5 of this bill provides that the terms of office of certain commissioners appointed to the regional housing authority by certain cities expire on July 1, 2017.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 354.474 is hereby amended to read as follows:

354.474 1. Except as otherwise provided in subsections 2 and 3, the provisions of NRS 354.470 to 354.626, inclusive, apply to all local governments. For the purpose of NRS 354.470 to 354.626, inclusive :

(a) "Local ~~*[, "local]*~~ government" means every ~~*[:*~~ ~~*(a) Every]*~~ political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318 and 379 of NRS, NRS 450.550 to 450.750, inclusive, and chapters 474, 541, 543 and 555 of NRS, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision .

(b) "Local government" includes ~~[the]~~ ***:***

(1) The Nevada Rural Housing Authority for the purpose of loans of money from a local government in a county whose population is less than 100,000 to the Nevada Rural Housing Authority in accordance with NRS 354.6118. The term does not include the Nevada Rural Housing Authority for any other purpose. ~~*[; and*~~

~~*(b) Every housing authority created by or pursuant to chapter 315 of NRS.]*~~

(2) A regional authority formed pursuant to NRS 315.7805 but, except as otherwise provided in subparagraph (1), does not include any other housing authority created by or pursuant to chapter 315 of NRS.

2. An irrigation district organized pursuant to chapter 539 of NRS shall fix rates and levy assessments as provided in NRS 539.667 to 539.683, inclusive. The levy of such assessments and the posting and publication of claims and annual financial statements as required by chapter 539 of NRS shall be deemed compliance with the budgeting, filing and publication requirements of NRS 354.470 to 354.626, inclusive, but any such irrigation district which levies an ad valorem tax shall comply with the filing and publication requirements of NRS 354.470 to 354.626, inclusive, in addition to the requirements of chapter 539 of NRS.

3. An electric light and power district created pursuant to chapter 318 of NRS shall be deemed to have fulfilled the requirements of NRS 354.470 to 354.626, inclusive, for a year in which the district does not issue bonds or levy an assessment if the district files with the Department of Taxation a copy of all documents relating to its budget for that year which the district submitted to the Rural Utilities Service of the United States Department of Agriculture.

Sec. 2. NRS 354.536 is hereby amended to read as follows:

354.536 "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of the local government are vested. ***The term includes, without limitation, ~~[a housing]~~ the commissioners of a regional authority ~~[created by or]~~ formed pursuant to ~~[chapter 315 of]~~ NRS ~~[.]~~ 315.7805, if the general legislative and fiscal powers of the regional authority are vested in the commissioners.***

Sec. 2.5. NRS 315.7809 is hereby amended to read as follows:

315.7809 1. Upon the adoption of a resolution pursuant to NRS 315.7805 forming a regional authority, ~~[13]~~ ***nine*** persons must be appointed to serve as commissioners of the authority as follows:

(a) The governing body of the county shall appoint two persons to serve as commissioners of the authority ~~[:]~~ ***, one of whom must be ~~[an elected]~~ a member of the governing body of the county;***

(b) The governing body of the largest city in the county that participates in the regional authority shall appoint ~~[three persons to serve as commissioners]~~ ***one of its members to serve as a commissioner*** of the authority ***~~[, one of whom must be an elected member of the governing body of such a city;]~~***

(c) The governing body of the second largest city in the county that participates in the regional authority shall appoint ~~[two persons to serve as commissioners]~~ ***one of its members to serve as a commissioner*** of the authority ***~~[, one of whom must be an elected member of the governing body of such a city;]~~***

(d) The governing body of the third largest city in the county that participates in the regional authority shall appoint ~~[two persons to serve as commissioners]~~ ***one of its members to serve as a commissioner*** of the authority ***~~[, one of whom must be an elected member of the governing body of such a city;]~~*** and

(e) Four commissioners who serve on behalf of tenants must be selected as described in subsection 3, including:

(1) One commissioner who serves on behalf of tenants of the county, appointed by the governing body of the county;

(2) One commissioner who serves on behalf of tenants of the largest city in the county that participates in the regional authority, appointed by the governing body of that city;

(3) One commissioner who serves on behalf of tenants of the second largest city in the county that participates in the regional authority, appointed by the governing body of that city; and

(4) One commissioner who serves on behalf of tenants of the third largest city in the county that participates in the regional authority, appointed by the governing body of that city.

~~[➥ None of the persons appointed to serve as commissioners of the authority may be elected officials of any governmental entity.]~~

2. Each commissioner must be appointed for a term of office of 4 years. ***~~[A commissioner may not serve more than two terms.]~~***

3. Each commissioner who serves on behalf of tenants must be a current recipient of assistance from the authority who resides in the county or in the city from which he or she is appointed, as applicable, and who is selected from a list of at least five eligible nominees submitted for this purpose by an organization which represents tenants of housing projects in the county or city, as applicable. If no such organization exists, each such commissioner must be selected from a list of nominees submitted for this purpose from persons who currently receive assistance from the authority and who reside in the county or in the city for which the list of nominees is prepared, as applicable. Thereafter, at least four commissioners must be such recipients who were nominated and appointed in the same manner. If, during his or her term, any such commissioner ceases to be a recipient of assistance, the commissioner must be replaced in the manner set forth in this subsection by a person who is a recipient of assistance.

4. In making the ~~[appointments]~~ ***appointment of a person who is not a member of the governing body of the county*** described in ~~[paragraphs]~~ ***paragraph*** (a) ~~[to (d), inclusive,]~~ of subsection 1, ~~[***of persons who are not elected members of the governing bodies of*** the relevant local governments ~~, ***the relevant local governments]***~~ ***the governing body*** shall seek recommendations for appointment from a diverse background of interests with a view toward:

(a) Balancing gender and ethnicity; and

(b) Soliciting appointees who have ***education and*** experience in fields such as, without limitation:

(1) Real estate;

(2) Financial planning;

(3) Legal aid;

(4) Education;

(5) Public safety;

(6) The provision of public services; and

(7) The assistance of persons of low income.

5. All vacancies must be filled for the unexpired term.

Sec. 3. ~~**[**NRS 315.983 is hereby amended to read as follows:~~

~~315.983 1. Except as otherwise provided in NRS **[**354.474 and**]** 377.057, the Authority:~~

~~(a) Shall be deemed to be a public body corporate and politic, and an instrumentality, local government and political subdivision of the State, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out the purposes and provisions of NRS 315.961 to 315.99874, inclusive, but not the power to levy and collect taxes or special assessments.~~

~~(b) Is not an agency, board, bureau, commission, council, department, division, employee or institution of the State.~~

~~2. The Authority may:~~

~~(a) Sue and be sued.~~

~~(b) Have a seal.~~

~~(c) Have perpetual succession.~~

~~(d) Make and execute contracts and other instruments necessary or convenient to the exercise of its powers.~~

~~(e) Deposit money it receives in any insured state or national bank, insured credit union, insured savings and loan association, or in the Local Government Pooled Long-Term Investment Account created by NRS 355.165 or the Local Government Pooled Investment Fund created by NRS 355.167.~~

~~(f) Adopt bylaws, rules and regulations to carry into effect the powers and purposes of the Authority.~~

~~(g) Create a nonprofit organization which is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3) and which has as its principal purpose the development of housing projects.~~

~~(h) Enter into agreements or other transactions with, and accept grants from and cooperate with, any governmental agency or other source in furtherance of the purposes of NRS 315.961 to 315.99874, inclusive.~~

~~(i) Enter into an agreement with a local government in a county whose population is less than 100,000 to receive a loan of money from the local government in accordance with NRS 354.6118.~~

~~(j) Acquire real or personal property or any interest therein, by gift, purchase, foreclosure, deed in lieu of foreclosure, lease, option or otherwise.~~] **(Deleted by amendment.)**

Sec. 3.5. **The term of office of any person who:**

1. Has been appointed pursuant to paragraph (b), (c) or (d) of subsection 1 of NRS 315.7809, as that section existed before July 1, 2017, to serve as a commissioner of a regional authority formed pursuant to NRS 315.7805; and

2. Is serving as a commissioner on July 1, 2017,

➥ expires on that date.

Sec. 4. This act becomes effective on July 1, 2017.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 233.

Bill read third time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 913.

SENATORS RATTI, CANCELA, SPEARMAN, CANNIZZARO, WOODHOUSE; ATKINSON, DENIS, FORD, MANENDO, PARKS AND SEGERBLOM

JOINT SPONSOR: ~~[ASSEMBLYWOMAN]~~ **ASSEMBLYMEN** BENITEZ-THOMPSON **AND FRIERSON**

AN ACT relating to health care; requiring the State Plan for Medicaid and certain health insurance plans to provide certain benefits relating to reproductive health care, hormone replacement therapy and preventative health care; revising provisions relating to dispensing of contraceptives; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires most health insurance plans which cover prescription drugs and outpatient care to also include coverage for contraceptive drugs and devices without an additional copay, coinsurance or a higher deductible than that which may be charged for other prescription drugs and outpatient care under the plan. (NRS 689A.0415, 689A.0417, 689B.0376, 689B.0377, 695B.1916, 695B.1918, 695C.1694, 695C.1695) Existing law also requires most health insurance plans to include coverage for certain preventative services, including the human papillomavirus vaccine, cytological screenings and mammograms. (NRS 287.0272, 689A.0405, 689A.044, 689B.0313, 689B.0374, 695B.1912, 695B.1925, 695C.1735, 695C.1745, 695G.171) Certain plans, including small employer plans, benefit contracts provided by fraternal benefit societies, plans issued by a managed care organization and certain plans offered by governmental entities of this State are not currently subject to some of these requirements. (Chapters 287, 689C, 695A and 695G of NRS)

The federal Patient Protection and Affordable Care Act (Public Law 111-148, as amended) requires certain preventative services to be covered by every health insurance plan without any copay, coinsurance or higher deductible, including, without limitation, certain contraceptive drugs, devices and services, certain vaccinations, mammograms, counseling concerning interpersonal and domestic violence, screenings for certain diseases and well-woman preventative visits. (42 U.S.C. § 300gg-13(a)(4); 45 C.F.R. § 147.130) This bill places those requirements in Nevada law, requiring all private health insurance plans and certain public health insurance plans made available in this State to provide coverage for certain preventative services without any copay, coinsurance or a higher deductible. **Sections 7, 8 and 11-57** of this bill allow an insurer to require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refused to accept a therapeutic equivalent of the contraceptive drug. In addition, a health insurance plan must include for each listed method of contraception which is approved by the Food and Drug Administration at least one contraceptive drug or device for which no deductible, copayment or coinsurance may be charged to the insured. **Sections 7, 8 and 11-57** authorize an insurer to use medical management techniques, including step therapy and prior authorization, to determine the frequency of the preventative services required by this bill or the type of provider of health care who will provide such services. **Sections 7, 8 and 11-57** also require

certain contraceptive drugs, devices and services to be covered by a health insurance plan, including up to a 12-month supply of contraceptives or a therapeutic equivalent, insertion or removal of a contraceptive device, education and counseling relating to contraception and voluntary sterilization for women. **Sections 12, 18, 27, 33, 38, 45 and 54**: (1) prohibit the use of medical management techniques to require an insured to use a method of contraception other than that prescribed or ordered by a provider of health care; and (2) require an insurer to provide a process by which an insured can request an exemption from a medical management technique required by an insurer to obtain contraception.

Existing law authorizes an insurer which is affiliated with a religious organization and which objects on religious grounds to providing coverage for contraceptive drugs and devices to exclude coverage in its policies, plans or contracts for such drugs and devices. (NRS 689A.0415, 689A.0417, 689B.0376, 689B.0377, 695B.1916, 695B.1918, 695C.1694, 695C.1695) **Sections 12, 20, 27, 33, 38, 45 and 54** of this bill move the religious exemption to the new provisions relating to coverage of contraception.

Existing law requires most health insurance plans which cover prescription drugs and outpatient care to also include coverage for hormone replacement therapy without an additional copay, coinsurance or a higher deductible than that which may be charged for other prescription drugs and outpatient care under the plan. (NRS 689A.0415, 689A.0417, 689B.0376, 689B.0377, 695B.1916, 695B.1918, 695C.1694, 695C.1695) **Sections 7, 8 and 11-57** of this bill expand this requirement to private health insurance plans and certain public health insurance plans made available in this State and require such health insurance plans to provide coverage for hormone replacement therapy without any copay, coinsurance or higher deductible.

Existing law requires this State to develop a State Plan for Medicaid which includes, without limitation, a list of the medical services provided to Medicaid recipients. (42 U.S.C. § 1396a; NRS 422.063) Existing federal law authorizes a state to charge a copay, coinsurance or deductible for most Medicaid services, but prohibits any copay, coinsurance or deductible for certain contraceptive drugs, devices and services. (42 U.S.C. § 1396o-1) Existing federal law also authorizes a state to define the parameters of contraceptive coverage provided under Medicaid. (42 U.S.C. § 1396u-7) Existing law requires a number of specific medical services to be covered under Medicaid. (NRS 422.2717-422.27241) **Sections 2-5.5** of this bill require the State Plan for Medicaid to include ~~[the]~~ **certain** preventative services currently required to be covered by private health insurance plans pursuant to existing Nevada law, the Patient Protection and Affordable Care Act (Public Law 111-148 as amended) as well as the additional drugs, devices, supplies and services required by **sections 7, 8 and 11-57** without any copay, coinsurance or deductible in most cases. The benefits relating to contraceptive drugs which are provided by **section 2** of this bill are subject to step therapy and prior authorization requirements pursuant to existing law.

Existing law authorizes a pharmacist to dispense up to a 90-day supply of a drug pursuant to a valid prescription or order in certain circumstances. (NRS 639.2396) **Section 8.5** of this bill requires a pharmacist to dispense up to a 12-month or the balance of the plan year, whichever is shorter, supply of contraceptives or their therapeutic equivalent pursuant to a valid prescription or order if: (1) the patient has previously received a 3-month supply of the same drug; (2) the patient has previously received a 9-month supply of the same drug or a supply of the same drug for the balance of the plan year in which the 3-month supply was prescribed or ordered, whichever is shorter; (3) the patient is insured by the same health insurance plan; and (4) a provider of health care has not specified in the prescription or order that a different supply of the drug is necessary.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 4.5, inclusive, of this act.

Sec. 2. ***1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:***

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Dispensed in accordance with section 8.5 of this act.

(b) Any type of device for contraception which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;

(c) Insertion or removal of a device for contraception;

(d) Education and counseling relating to the initiation of the use of contraceptives and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. Except as otherwise provided in subsections 4 and 5, to obtain any benefit provided in the Plan pursuant to subsection 1, a person enrolled in Medicaid must not be required to:

(a) Pay a higher deductible, any copayment or coinsurance; or

(b) Be subject to a longer waiting period or any other condition.

3. The Director shall ensure that the provisions of this section are carried out in a manner which complies with the requirements established by the Drug Use Review Board and set forth in the list of preferred prescription drugs established by the Department pursuant to NRS 422.4025.

4. The Plan may require a person enrolled in Medicaid to pay a higher deductible, copayment or coinsurance for a drug for contraception if the person refuses to accept a therapeutic equivalent of the contraceptive drug.

5. For each method of contraception which is approved by the Food and Drug Administration, the Plan must include at least one contraceptive drug or device for which no deductible, copayment or coinsurance may be charged to the person enrolled in Medicaid, but the Plan may charge a deductible, copayment or coinsurance for any other contraceptive drug or device that provides the same method of contraception.

6. As used in this section, "therapeutic equivalent" means a drug which:

(a) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(b) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(c) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 3. *1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:*

(a) Counseling and support for breastfeeding;

(b) Screening and counseling for interpersonal and domestic violence;

(c) Counseling for sexually transmitted diseases;

(d) Screening for blood pressure abnormalities and diabetes, including gestational diabetes;

(e) An annual screening for cervical cancer;

(f) Screening for depression;

(g) Screening and counseling for the human immunodeficiency virus;

(h) Smoking cessation programs ; ~~[, including not more than two cessation attempts per year and four counseling sessions of not more than 10 minutes each per year;]~~

(i) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and

(j) Such well-woman preventative visits as recommended by the Health Resources and Services Administration . ~~[; and~~

~~(k) Hormone replacement therapy.]~~

2. To obtain any benefit provided in the Plan pursuant to subsection 1, a recipient of Medicaid must not be required to:

(a) Pay a higher deductible, any copayment or coinsurance; or

(b) Be subject to a longer waiting period or any other condition.

Sec. 4. *~~[1.]~~ The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures*

incurred for a mammogram . ~~*[not less than once every 2 years, or annually if ordered by a provider of health care, for women 40 years of age or older.*~~

~~*— 2. To obtain any benefit provided in the Plan pursuant to subsection 1, a recipient of Medicaid must not be required to:*~~

~~*— (a) Pay a higher deductible, any copayment or coinsurance; or*~~

~~*— (b) Be subject to a longer waiting period or any other condition.*~~

~~*— 3. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.]*~~

Sec. 4.5. ***The Director may include in the State Plan for Medicaid a requirement that, to the extent money is available, the State pay the nonfederal share of expenditures incurred for:***

1. Supplies for breastfeeding; and

2. Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization.

Sec. 5. NRS 422.2718 is hereby amended to read as follows:

422.2718 1. The Director shall include in the State Plan for Medicaid a requirement that the State shall pay the nonfederal share of expenses incurred for ~~[~~administering~~]~~ ***:***

(a) Testing for ~~*[high-risk strains of]*~~ ***human papillomavirus ;*** ~~*[every 3 years for women 30 years of age or older;]*~~ ***and***

(b) Administering the human papillomavirus vaccine ~~[~~to women and girls~~]~~ at such ages as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. ~~*[To obtain the services listed in subsection 1, a person enrolled in Medicaid must not be required to:*~~

~~*— (a) Pay a higher deductible, any copayment or coinsurance; or*~~

~~*— (b) Be subject to a longer waiting period or any other condition.*~~

~~*— 3.]*~~ For the purposes of this section, "human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration to be used for the prevention of human papillomavirus infection and cervical cancer.

Sec. 5.5. NRS 422.401 is hereby amended to read as follows:

422.401 As used in NRS 422.401 to 422.406, inclusive, ***and sections 2 to 4.5, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 422.4015 and 422.402 have the meanings ascribed to them in those sections.

Sec. 5.7. NRS 422.406 is hereby amended to read as follows:

422.406 1. The Department may, to carry out its duties set forth in NRS 422.401 to 422.406, inclusive, ***and sections 2 to 4.5, inclusive, of this act,*** and to administer the provisions of NRS 422.401 to 422.406, inclusive ~~[.]~~ ***, and sections 2 to 4.5, inclusive, of this act:***

(a) Adopt regulations; and

(b) Enter into contracts for any services.

2. Any regulations adopted by the Department pursuant to NRS 422.401 to 422.406, inclusive, ***and sections 2 to 4.5, inclusive, of this act,*** must be adopted in accordance with the provisions of chapter 241 of NRS.

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 687B.408, 689B.030 to 689B.050, inclusive, ***and sections 20 and 21 of this act*** and 689B.287 apply to coverage provided pursuant to this paragraph ~~[.]~~ ***, except that the provisions of sections 20 and 21 of this act only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.***

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school

district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 8. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 689B.255, 695G.150, 695G.160, 695G.162, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.170 to 695G.173, inclusive, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, ***and sections 54,***

55 and 56 of this act in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 8.5. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsections 2 and 3, pursuant to a valid prescription or order for a drug to be used for contraception or its therapeutic equivalent which has been approved by the Food and Drug Administration a pharmacist shall:

(a) The first time dispensing the drug or therapeutic equivalent to the patient, dispense up to a 3-month supply of the drug or therapeutic equivalent.

(b) The second time dispensing the drug or therapeutic equivalent to the patient, dispense up to a 9-month supply of the drug or therapeutic equivalent, or any amount which covers the remainder of the plan year if the patient is covered by a health care plan, whichever is less.

(c) For a refill in a plan year following the initial dispensing of a drug or therapeutic equivalent pursuant to paragraphs (a) and (b), dispense up to a 12-month supply of the drug or therapeutic equivalent or any amount which covers the remainder of the plan year if the patient is covered by a health care plan, whichever is less.

2. The provisions of paragraphs (b) and (c) of subsection 1 only apply if:

(a) The drug for contraception or the therapeutic equivalent of such drug is the same drug or therapeutic equivalent which was previously prescribed or ordered pursuant to paragraph (a) of subsection 1; and

(b) The patient is covered by the same health care plan.

3. If a prescription or order for a drug for contraception or its therapeutic equivalent limits the dispensing of the drug or therapeutic equivalent to a quantity which is less than the amount otherwise authorized to be dispensed pursuant to subsection 1, the pharmacist must dispense the drug or therapeutic equivalent in accordance with the quantity specified in the prescription or order.

4. As used in this section:

(a) "Health care plan" means a policy, contract, certificate or agreement offered or issued by an insurer, including without limitation, the State Plan for Medicaid, to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services.

(b) "Plan year" means the year designated in the evidence of coverage of a health care plan in which a person is covered by such plan.

(c) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 9. NRS 639.2396 is hereby amended to read as follows:

639.2396 1. Except as otherwise provided by subsection 2, a prescription which bears specific authorization to refill, given by the prescribing practitioner at the time he or she issued the original prescription, or a prescription which bears authorization permitting the pharmacist to refill the prescription as needed by the patient, may be refilled for the number of times authorized or for the period authorized if it was refilled in accordance with the number of doses ordered and the directions for use.

2. ~~[A]~~ ***Except as otherwise provided in section 8.5 of this act, a*** pharmacist may, in his or her professional judgment and pursuant to a valid prescription that specifies an initial amount of less than a 90-day supply of a drug other than a controlled substance followed by periodic refills of the initial amount of the drug, dispense not more than a 90-day supply of the drug if:

(a) The patient has used an initial 30-day supply of the drug or the drug has previously been prescribed to the patient in a 90-day supply;

(b) The total number of dosage units that are dispensed pursuant to the prescription does not exceed the total number of dosage units, including refills, that are authorized on the prescription by the prescribing practitioner; and

(c) The prescribing practitioner has not specified on the prescription that dispensing the prescription in an initial amount of less than a 90-day supply followed by periodic refills of the initial amount of the drug is medically necessary.

3. Nothing in this section shall be construed to alter the coverage provided under any contract or policy of health insurance, health plan or program or other agreement arrangement that provides health coverage.

Sec. 10. (Deleted by amendment.)

Sec. 11. Chapter 689A of NRS is hereby amended by adding thereto the provisions set forth as sections 12 and 13 of this act.

Sec. 12. ***1. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of health insurance shall include in the policy coverage for:***

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 8; and

(4) Dispensed in accordance with section 8.5 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 8;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same policy of health insurance;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use; and

(e) Voluntary sterilization for women.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsections 6, 7 and 9, an insurer that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. Except as otherwise provided in subsection 5, a policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. An insurer that offers or issues a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance and before the renewal of such a policy, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

6. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

7. For each of the 18 methods of contraception listed in subsection 8 that has been approved by the Food and Drug Administration, a policy of

health insurance must include at least one drug or device for contraception for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

8. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Antiprogestin-based drugs for emergency contraception.

9. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

10. An insurer shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

11. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

12. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior

authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 13. ***1. An insurer that offers or issues a policy of health insurance shall include in the policy coverage for:***

(a) Counseling, support and supplies for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually with intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active women who are at increased risk for such diseases;

(d) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(e) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(f) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(g) Screening for depression;

(h) Screening and counseling for the human immunodeficiency virus consisting of a risk assessment, annual education relating to prevention and at least one screening for the virus during the lifetime of the insured or as ordered by a provider of health care;

(i) Smoking cessation programs for an insured who is 18 years of age or older consisting of not more than two cessation attempts per year and four counseling sessions per year;

(j) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and

(k) Such well-woman preventative visits as recommended by the Health Resources and Services Administration, which must include at least one such visit per year beginning at 14 years of age.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 14. NRS 689A.0405 is hereby amended to read as follows:

689A.0405 1. A policy of health insurance must provide coverage for benefits payable for expenses incurred for ~~[~~:

~~(a) An annual cytologic screening test for women 18 years of age or older;~~

~~(b) A baseline mammogram for women between the ages of 35 and 40; and~~

~~(c) An annual~~] ***a*** mammogram ***every 2 years, or annually if ordered by a provider of health care,*** for women 40 years of age or older.

2. ~~[A policy of health insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.]~~ ***An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.***

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~[3.]~~ ***4.*** A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[October 1, 1989,]~~ ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with ~~[subsection 1]~~ ***this section*** is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 15. NRS 689A.0415 is hereby amended to read as follows:

689A.0415 1. ~~[~~Except as otherwise provided in subsection 5, an~~]~~ ***An*** insurer that offers or issues a policy of health insurance which provides coverage for prescription drugs or devices shall include in the policy coverage for ~~[~~:

~~(a) Any type of drug or device for contraception; and~~

~~(b) Any~~~~]~~ ***any*** type of hormone replacement therapy ~~[~~, ~~➥]~~ which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. An insurer that offers or issues a policy of health insurance that provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, ***any*** copayment or coinsurance or require a longer waiting period or other condition for coverage for a prescription for ~~[~~a contraceptive or~~]~~ hormone replacement therapy ***;*** ~~[~~than is required for other prescription drugs covered by the policy;~~]~~

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use in the future ~~[~~any of the services listed in subsection 1;~~]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~[~~any of the services listed in subsection 1;~~]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[~~any of the services listed in subsection 1~~]~~ ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[~~any of the services listed in subsection 1~~]~~ ***hormone replacement therapy*** to an insured.

3. ~~[~~Except as otherwise provided in subsection 5, a~~]~~ ***A*** policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. The provisions of this section do not ~~[~~:

~~(a) Require~~~~]~~ ***require*** an insurer to provide coverage for fertility drugs.

~~[(b) Prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by paragraphs (a) and (b) of subsection 1 that is the same as the insured is required to pay for other prescription drugs covered by the policy.]~~

5. ~~[An insurer which offers or issues a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance and before the renewal of such a policy, provide to the prospective insured, written notice of the coverage that the insurer refuses to provide pursuant to this subsection.~~

~~6.]~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 16. NRS 689A.0417 is hereby amended to read as follows:

689A.0417 1. ~~[~~Except as otherwise provided in subsection 5, an~~]~~ ***An*** insurer that offers or issues a policy of health insurance which provides coverage for outpatient care shall include in the policy coverage for any health care service related to ~~[~~contraceptives or~~]~~ hormone replacement therapy.

2. An insurer that offers or issues a policy of health insurance that provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, ***any*** copayment or coinsurance or require a longer waiting period or other condition for coverage for outpatient care related to ~~[~~contraceptives or~~]~~ hormone replacement therapy ***;*** ~~[~~than is required for other outpatient care covered by the policy;~~]~~

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use in the future ~~[~~any of the services listed in subsection 1;~~]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~[~~any of the services listed in subsection 1;~~]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured.

3. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. ~~[The provisions of this section do not prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by subsection 1 that is the same as the insured is required to pay for other outpatient care covered by the policy.~~

~~5. An insurer which offers or issues such a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives required by this section if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance and before the renewal of such a policy, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.~~

~~6.]~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 17. NRS 689A.044 is hereby amended to read as follows:

689A.044 1. A policy of health insurance must provide coverage for benefits payable for expenses incurred for ~~[administering]~~ ***:***

(a) Deoxyribonucleic acid testing for high-risk strains of human papillomavirus every 3 years for women 30 years of age or older; and

(b) Administering the human papillomavirus vaccine as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. ~~[A policy of health insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.]~~ ***An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.***

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain

any benefit provided in the policy of health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~[3.]~~ ***4.*** A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[July 1, 2007,]~~ ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with ~~[subsection 1]~~ ***this section*** is void.

~~[4. For the purposes of]~~

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section ~~[, "human]~~ ***:***

(a) "Human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(c) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 18. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[.]~~ ***, and sections 12 and 13 of this act.***

Sec. 19. Chapter 689B of NRS is hereby amended by adding thereto the provisions set forth as sections 20 and 21 of this act.

Sec. 20. ***1. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:***

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 9; and

(4) Dispensed in accordance with section 8.5 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 9;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same policy of group health insurance;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use; and

(e) Voluntary sterilization for women.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsections 7, 8 and 10, an insurer that offers or issues a policy of group health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of group health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. Except as otherwise provided in subsection 5, a policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. An insurer that offers or issues such a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

7. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

8. For each of the 18 methods of contraception listed in subsection 9 that has been approved by the Food and Drug Administration, a policy of group health insurance must include at least one drug or device for contraception for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

9. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Antiprogestin-based drugs for emergency contraception.

10. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

11. An insurer shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

12. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

13. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 21. ***1. An insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:***

(a) Counseling, support and supplies for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually with initial intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active women who are at increased risk for such diseases;

(d) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(e) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(f) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(g) Screening for depression;

(h) Screening and counseling for the human immunodeficiency virus consisting of a risk assessment, annual education relating to prevention and at least one screening for the virus during the lifetime of the insured or as ordered by a provider of health care;

(i) Smoking cessation programs for an insured who is 18 years of age or older consisting of not more than two cessation attempts per year and four counseling sessions per year;

(j) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and

(k) Such well-woman preventative visits as recommended by the Health Resources and Services Administration, which must include at least one such visit per year beginning at 14 years of age.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of group health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain

any benefit provided in the policy of group health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 22. NRS 689B.0313 is hereby amended to read as follows:

689B.0313 1. A policy of group health insurance must provide coverage for benefits payable for expenses incurred for ~~[~~administering~~]~~ ***:***

(a) Deoxyribonucleic acid testing for high-risk strains of human papillomavirus every 3 years for women 30 years of age or older; and

(b) Administering the human papillomavirus vaccine as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. ~~[A policy of group health insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.]~~ ***An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.***

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of group health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of group health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~[3.]~~ ***4.*** A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[July 1, 2007,]~~ ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with ~~[subsection 1]~~ ***this section*** is void.

~~[4. For the purposes of]~~

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section ~~[, "human]~~ ***:***

(a) "Human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(c) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 23. NRS 689B.0374 is hereby amended to read as follows:

689B.0374 1. A policy of group health insurance must provide coverage for benefits payable for expenses incurred for ~~[:~~

~~(a) An annual cytologic screening test for women 18 years of age or older;~~

~~(b) A baseline mammogram for women between the ages of 35 and 40;and~~

~~(c) An annual~~] ***a*** mammogram ***every 2 years, or annually if ordered by provider of health care,*** for women 40 years of age or older.

2. ~~[A policy of group health insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.]~~ ***An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.***

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of group health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of group health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~[3.]~~ ***4.*** A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[October 1, 1989,]~~ ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with ~~[subsection 1]~~ ***this section*** is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 24. NRS 689B.0376 is hereby amended to read as follows:

689B.0376 1. ~~[Except as otherwise provided in subsection 5, an]~~ ***An*** insurer that offers or issues a policy of group health insurance which provides coverage for prescription drugs or devices shall include in the policy coverage for ~~[:~~

~~(a) Any type of drug or device for contraception; and~~

~~(b) Any]~~ ***any*** type of hormone replacement therapy ~~[,~~ ~~➥]~~ which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. An insurer that offers or issues a policy of group health insurance that provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, ***any*** copayment or coinsurance or require a longer waiting period or other condition for coverage for a prescription for ~~[a contraceptive or]~~ hormone replacement therapy ***;*** ~~[than is required for other prescription drugs covered by the policy;]~~

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured.

3. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. The provisions of this section do not ~~[:~~

~~(a) Require]~~ ***require*** an insurer to provide coverage for fertility drugs.

~~[(b) Prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by paragraphs (a) and (b) of subsection 1 that is the same as the insured is required to pay for other prescription drugs covered by the policy.]~~

5. ~~[An insurer which offers or issues a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection. The insurer shall provide notice to each insured, at the time the insured receives his or her certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.~~

~~6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.]~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 25. NRS 689B.0377 is hereby amended to read as follows:

689B.0377 1. ~~[Except as otherwise provided in subsection 5, an]~~ ***An*** insurer that offers or issues a policy of group health insurance which provides coverage for outpatient care shall include in the policy coverage for any health care service related to ~~[contraceptives or]~~ hormone replacement therapy.

2. An insurer that offers or issues a policy of group health insurance that provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, ***any*** copayment or coinsurance or require a longer waiting period or other condition for coverage for outpatient care related to ~~[contraceptives or]~~ hormone replacement therapy ***;*** ~~[than is required for other outpatient care covered by the policy;]~~

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured.

3. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

~~4. [The provisions of this section do not prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by subsection 1 that is the same as the insured is required to pay for other outpatient care covered by the policy.~~

~~5. An insurer which offers or issues a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives required by this section if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection. The insurer shall provide notice to each insured, at the time the insured receives his or her certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.~~

~~6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.]~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 26. Chapter 689C of NRS is hereby amended by adding thereto the provisions set forth as sections 27 to 30, inclusive, of this act.

Sec. 27. ***1. Except as otherwise provided in subsection 5, a carrier that offers or issues a health benefit plan shall include in the plan coverage for:***

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 8; and

(4) Dispensed in accordance with section 8.5 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 8;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same health benefit plan;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use; and

(e) Voluntary sterilization for women.

2. A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

3. Except as otherwise provided in subsections 6, 7 and 9, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. Except as otherwise provided in subsection 5, a health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including

the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. A carrier that offers or issues a health benefit plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the carrier objects on religious grounds. Such a carrier shall, before the issuance of a health benefit plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the carrier refuses to provide pursuant to this subsection.

6. A carrier may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

7. For each of the 18 methods of contraception listed in subsection 8 that has been approved by the Food and Drug Administration, a health benefit plan must include at least one drug or device for contraception for which no deductible, copayment or coinsurance may be charged to the insured, but the carrier may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

8. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Antiprogestin-based drugs for emergency contraception.

9. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

10. A carrier shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

11. A carrier must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the carrier to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

12. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 28. *1. A carrier that offers or issues a health benefit plan shall include in the plan coverage for:*

(a) Counseling, support and supplies for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually, with initial intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active women who are at increased risk for such diseases;

(d) Hormone replacement therapy;

(e) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(f) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(g) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(h) Screening for depression;

(i) Screening and counseling for the human immunodeficiency virus consisting of a risk assessment, annual education relating to prevention and at least one screening for the virus during the lifetime of the insured or as ordered by a provider of health care;

(j) Smoking cessation programs for an insured who is 18 years of age or older consisting of not more than two cessation attempts per year and four counseling sessions per year;

(k) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and

(l) Such well-woman preventative visits as recommended by the Health Resources and Services Administration, which must include at least one such visit per year beginning at 14 years of age.

2. A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

3. Except as otherwise provided in subsection 5, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any

provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 29. ***1. A health benefit plan must provide coverage for benefits payable for expenses incurred for:***

(a) Deoxyribonucleic acid testing for high-risk strains of human papillomavirus every 3 years for women 30 years of age or older; and

(b) Administering the human papillomavirus vaccine as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

3. Except as otherwise provided in subsection 5, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A plan subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(c) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 30. *1. A health benefit plan must provide coverage for benefits payable for expenses incurred for a mammogram every 2 years, or annually if ordered by a provider of health care, for women 40 years of age or older.*

2. A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

3. Except as otherwise provided in subsection 5, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A plan subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 31. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, ***and sections 27 to 30, inclusive, of this act*** to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 32. Chapter 695A of NRS is hereby amended by adding thereto the provisions set forth as sections 33 to 36, inclusive, of this act.

Sec. 33. ***1. Except as otherwise provided in subsection 5, a society that offers or issues a benefit contract which provides coverage for prescription drugs or devices shall include in the contract coverage for:***

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 8; and

(4) Dispensed in accordance with section 8.5 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 8;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same benefit contract;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use; and

(e) Voluntary sterilization for women.

2. A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

3. Except as otherwise provided in subsections 6, 7 and 9, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. Except as otherwise provided in subsection 5, a benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including

the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

5. A society that offers or issues a benefit contract and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the society objects on religious grounds. Such a society shall, before the issuance of a benefit contract and before the renewal of such a contract, provide to the prospective insured written notice of the coverage that the society refuses to provide pursuant to this subsection.

6. A society may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

7. For each of the 18 methods of contraception listed in subsection 8 that has been approved by the Food and Drug Administration, a benefit contract must include at least one drug or device for contraception for which no deductible, copayment or coinsurance may be charged to the insured, but the society may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

8. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Antiprogestin-based drugs for emergency contraception.

9. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

10. A society shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

11. A society must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the society to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

12. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 34. ***1. A society that offers or issues a benefit contract shall include in the contract coverage for:***

(a) Counseling, support and supplies for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually with initial intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active women who are at increased risk for such diseases;

(d) Hormone replacement therapy;

(e) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(f) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(g) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(h) Screening for depression;

(i) Screening and counseling for the human immunodeficiency virus consisting of a risk assessment, annual education relating to prevention and at least one screening for the virus during the lifetime of the insured or as ordered by a provider of health care;

(j) Smoking cessation programs for an insured who is 18 years of age or older consisting of not more than two cessation attempts per year and four counseling sessions per year;

(k) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and

(l) Such well-woman preventative visits as recommended by the Health Resources and Services Administration, which must include at least one such visit per year beginning at 14 years of age.

2. A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

3. Except as otherwise provided in subsection 5, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any

provision of the benefit contract or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 35. ***1. A benefit contract must provide coverage for benefits payable for expenses incurred for:***

(a) Deoxyribonucleic acid testing for high-risk strains of human papillomavirus every 3 years for women 30 years of age and older; and

(b) Administering the human papillomavirus vaccine, as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

3. Except as otherwise provided in subsection 5, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage to obtain any benefit provided in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A benefit contract subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the benefit contract or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(c) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 36. *1. A benefit contract must provide coverage for benefits payable for expenses incurred for a mammogram every 2 years, or annually if ordered by a provider of health care, for women 40 years of age or older.*

2. A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

3. Except as otherwise provided in subsection 5, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage to obtain any benefit provided in a benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A benefit contract subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the benefit contract or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 37. Chapter 695B of NRS is hereby amended by adding thereto the provisions set forth as sections 38 and 39 of this act.

Sec. 38. ***1. Except as otherwise provided in subsection 5, an insurer that offers or issues a contract for hospital or medical service shall include in the contract coverage for:***

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 9; and

(4) Dispensed in accordance with section 8.5 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 9;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same contract for hospital or medical service;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use; and

(e) Voluntary sterilization for women.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsections 7, 8 and 10, an insurer that offers or issues a contract for hospital or medical service shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. Except as otherwise provided in subsection 5, a contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

5. An insurer that offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

7. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

8. For each of the 18 methods of contraception listed in subsection 9 that has been approved by the Food and Drug Administration, a contract for hospital or medical service must include at least one drug or device for contraception for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

9. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Antiprogestin-based drugs for emergency contraception.

10. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or

treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

11. An insurer shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

12. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

13. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a contract for hospital or medical service offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 39. *1. An insurer that offers or issues a contract for hospital or medical service shall include in the contract coverage for:*

(a) Counseling, support and supplies for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually with initial intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active women who are at increased risk for such diseases;

(d) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(e) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(f) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(g) Screening for depression;

(h) Screening and counseling for the human immunodeficiency virus consisting of a risk assessment, annual education relating to prevention and at least one screening for the virus during the lifetime of the insured or as ordered by a provider of health care;

(i) Smoking cessation programs for an insured who is 18 years of age or older consisting of not more than two cessation attempts per year and four counseling sessions per year;

(j) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and

(k) Such well-woman preventative visits as recommended by the Health Resources and Services Administration, which must include at least one such visit per year beginning at 14 years of age.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a contract for hospital or medical service shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a contract for hospital or medical service offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 40. NRS 695B.1912 is hereby amended to read as follows:

695B.1912 1. ~~[A policy of health insurance issued by a hospital or medical service corporation]~~ ***An insurer that offers or issues a contract for hospital or medical service*** must provide coverage for benefits payable for expenses incurred for ~~[:~~

~~(a) An annual cytologic screening test for women 18 years of age or older;~~

~~(b) A baseline mammogram for women between the ages of 35 and 40; and~~

~~(c) An annual]~~ ***a*** mammogram ***every 2 years, or annually if ordered by a provider of health care,*** for women 40 years of age or older.

2. ~~[A policy of health insurance issued by a hospital or medical service corporation must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.]~~ ***An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.***

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a contract for hospital or medical service shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain

any benefit provided in a contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~[3.]~~ ***4.*** A ~~[policy]~~ ***contract for hospital or medical service*** subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[October 1, 1989,]~~ ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the ~~[policy]~~ ***contract*** or the renewal which is in conflict with ~~[subsection 1]~~ ***this section*** is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a contract for hospital or medical service offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 41. NRS 695B.1916 is hereby amended to read as follows:

695B.1916 1. ~~[Except as otherwise provided in subsection 5, an]~~ ***An*** insurer that offers or issues a contract for hospital or medical service which provides coverage for prescription drugs or devices shall include in the contract coverage for ~~[:~~

~~(a) Any type of drug or device for contraception; and~~

~~(b) Any~~**]** ***any*** type of hormone replacement therapy **[**~~,~~

~~"~~**]** which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. An insurer that offers or issues a contract for hospital or medical service that provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, ***any*** copayment or coinsurance or require a longer waiting period or other condition for coverage for a prescription for **[**~~a contraceptive or~~**]** hormone replacement therapy ***;*** **[**~~than is required for other prescription drugs covered by the contract;~~**]**

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use in the future **[**~~any of the services listed in subsection 1;~~**]** ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing **[**~~any of the services listed in subsection 1;~~**]** ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides **[**~~any of the services listed in subsection 1~~**]** ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay **[**~~any of the services listed in subsection 1~~**]** ***hormone replacement therapy*** to an insured.

3. **[**~~Except as otherwise provided in subsection 5, a~~**]** ***A*** contract ***for hospital or medical service*** subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

4. The provisions of this section do not **[**~~:~~

~~(a) Require~~**]** ***require*** an insurer to provide coverage for fertility drugs.

[~~(b) Prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by paragraphs (a) and (b) of subsection 1 that is the same as the insured is required to pay for other prescription drugs covered by the contract.~~**]**

5. **[**~~An insurer which offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide~~

~~pursuant to this subsection. The insurer shall provide notice to each insured, at the time the insured receives his or her certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.~~

~~6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.~~**]** As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 42. NRS 695B.1918 is hereby amended to read as follows:

695B.1918 1. **[**~~Except as otherwise provided in subsection 5, an~~**]** ***An*** insurer that offers or issues a contract for hospital or medical service which provides coverage for outpatient care shall include in the contract coverage for any health care service related to **[**~~contraceptives or~~**]** hormone replacement therapy.

2. An insurer that offers or issues a contract for hospital or medical service that provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, ***any*** copayment or coinsurance or require a longer waiting period or other condition for coverage for outpatient care related to **[**~~contraceptives or~~**]** hormone replacement therapy ***;*** **[**~~than is required for other outpatient care covered by the contract;~~**]**

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use in the future **[**~~any of the services listed in subsection 1;~~**]** ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing **[**~~any of the services listed in subsection 1;~~**]** ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides **[**~~any of the services listed in subsection 1~~**]** ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay **[**~~any of the services listed in subsection 1~~**]** ***hormone replacement therapy*** to an insured.

3. **[**~~Except as otherwise provided in subsection 5, a~~**]** ***A*** contract ***for hospital or medical service*** subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

4. **[**~~The provisions of this section do not prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the~~

~~coverage required by subsection 1 that is the same as the insured is required to pay for other outpatient care covered by the contract.~~

~~— 5. An insurer which offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives required by this section if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection. The insurer shall provide notice to each insured, at the time the insured receives his or her certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.~~

~~— 6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~— 7.~~**]** As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 43. NRS 695B.1925 is hereby amended to read as follows:

695B.1925 1. **[**~~A policy of health insurance issued by a hospital or medical service corporation~~**]** ***An insurer that offers or issues a contract for hospital or medical service*** must provide coverage for benefits payable for expenses incurred for **[**~~administering~~**]** ***:***

(a) Deoxyribonucleic acid testing for high-risk strains of human papillomavirus every 3 years for women 30 years of age and older; and

(b) Administering the human papillomavirus vaccine **[**~~to women and girls~~**]** at such ages as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. **[**~~A policy of health insurance issued by a hospital or medical service corporation must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.~~**]** ***An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.***

3. Except as otherwise required by subsection 5, an insurer that offers or issues a contract for hospital or medical service shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~[3.]~~ ***4.*** A ~~[policy]~~ ***contract for hospital or medical service*** subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[July 1, 2007,]~~ ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the ~~[policy]~~ ***contract*** or the renewal which is in conflict with ~~[subsection 1]~~ ***this section*** is void.

~~[4. For the purposes of]~~

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section ~~[, "human]~~ ***:***

(a) "Human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(c) "Network plan" means a contract for hospital or medical service offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 44. Chapter 695C of NRS is hereby amended by adding thereto the provisions set forth as sections 45 and 46 of this act.

Sec. 45. ***1. Except as otherwise provided in subsection 5, a health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:***

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 9; and

(4) Dispensed in accordance with section 8.5 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 9;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the enrollee was covered by the same health care plan;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use; and

(e) Voluntary sterilization for women.

2. A health maintenance organization must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

3. Except as otherwise provided in subsections 7, 8 and 10, a health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

4. Except as otherwise provided in subsection 5, a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. A health maintenance organization that offers or issues a health care plan and which is affiliated with a religious organization is not

required to provide the coverage required by subsection 1 if the health maintenance organization objects on religious grounds. Such an organization shall, before the issuance of a health care plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection.

6. If a health maintenance organization refuses, pursuant to subsection 5, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

7. A health maintenance organization may require an enrollee to pay a higher deductible, copayment or coinsurance for a drug for contraception if the enrollee refuses to accept a therapeutic equivalent of the drug.

8. For each of the 18 methods of contraception listed in subsection 9 that has been approved by the Food and Drug Administration, a health care plan must include at least one drug or device for contraception for which no deductible, copayment or coinsurance may be charged to the enrollee, but the health maintenance organization may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

9. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Antiprogestin-based drugs for emergency contraception.

10. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required

by this section or the type of provider of health care to use for such treatment.

11. A health maintenance organization shall not use medical management techniques to require an enrollee to use a method of contraception other than the method prescribed or ordered by a provider of health care.

12. A health maintenance organization must provide an accessible, transparent and expedited process which is not unduly burdensome by which an enrollee, or the authorized representative of the enrollee, may request an exception relating to any medical management technique used by the health maintenance organization to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

13. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 46. *1. A health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:*

(a) Counseling, support and supplies for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually with initial intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active women who are at increased risk for such diseases;

(d) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(e) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(f) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(g) Screening for depression;

(h) Screening and counseling for the human immunodeficiency virus consisting of a risk assessment, annual education relating to prevention and at least one screening for the virus during the lifetime of the enrollee or as ordered by a provider of health care;

(i) Smoking cessation programs for an enrollee who is 18 years of age or older not more than two cessation attempts per year and four counseling sessions per year;

(j) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and

(k) Such well-woman preventative visits as recommended by the Health Resources and Services Administration, which must include at least one such visit per year beginning at 14 years of age.

2. A health maintenance organization must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

3. Except as otherwise provided in subsection 5, a health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

4. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 47. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, ~~[695C.1735 to]~~ ***695C.1751,*** 695C.1755, ~~[inclusive,]~~ 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan

for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694, 695C.1695, 695C.1708, 695C.1731, 695C.17345 ~~[and]~~ ***, 695C.1735, 695C.1745 and*** 695C.1757 ***and sections 45 and 46 of this act*** apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 48. NRS 695C.1694 is hereby amended to read as follows:

695C.1694 1. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** health maintenance organization which offers or issues a health care plan that provides coverage for prescription drugs or devices shall include in the plan coverage for ~~[:~~

~~(a) Any type of drug or device for contraception; and~~

~~(b) Any]~~ ***any*** type of hormone replacement therapy ~~[,~~

~~➞]~~ which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. A health maintenance organization that offers or issues a health care plan that provides coverage for prescription drugs shall not:

(a) Require an enrollee to pay a higher deductible, ***any*** copayment or coinsurance or require a longer waiting period or other condition for coverage for ~~[a prescription for a contraceptive or]~~ hormone replacement therapy ***;*** ~~[than is required for other prescription drugs covered by the plan;]~~

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an enrollee.

3. ~~[Except as otherwise provided in subsection 5, evidence]~~ ***Evidence*** of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the

evidence of coverage or the renewal which is in conflict with this section is void.

4. The provisions of this section do not ~~[~~:

~~(a) Require~~] ***require*** a health maintenance organization to provide coverage for fertility drugs.

~~[~~(b) Prohibit a health maintenance organization from requiring an enrollee to pay a deductible, copayment or coinsurance for the coverage required by paragraphs (a) and (b) of subsection 1 that is the same as the enrollee is required to pay for other prescription drugs covered by the plan.]

5. ~~[~~A health maintenance organization which offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the health maintenance organization objects on religious grounds. The health maintenance organization shall, before the issuance of a health care plan and before renewal of enrollment in such a plan, provide to the group policyholder or prospective enrollee, as applicable, written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection. The health maintenance organization shall provide notice to each enrollee, at the time the enrollee receives his or her evidence of coverage, that the health maintenance organization refused to provide coverage pursuant to this subsection.

~~6. If a health maintenance organization refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.~~] As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 49. NRS 695C.1695 is hereby amended to read as follows:

695C.1695 1. ~~[~~Except as otherwise provided in subsection 5, a] ***A*** health maintenance organization that offers or issues a health care plan which provides coverage for outpatient care shall include in the plan coverage for any health care service related to ~~[~~contraceptives or] hormone replacement therapy.

2. A health maintenance organization that offers or issues a health care plan that provides coverage for outpatient care shall not:

(a) Require an enrollee to pay a higher deductible, ***any*** copayment or coinsurance or require a longer waiting period or other condition for coverage for outpatient care related to ~~[~~contraceptives or] hormone replacement therapy ***;*** ~~[~~than is required for other outpatient care covered by the plan;]

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use in the future ~~[~~any of the services listed in subsection 1;] ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an enrollee.

3. ~~[Except as otherwise provided in subsection 5, evidence]~~ ***Evidence*** of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

4. ~~[The provisions of this section do not prohibit a health maintenance organization from requiring an enrollee to pay a deductible, copayment or coinsurance for the coverage required by subsection 1 that is the same as the enrollee is required to pay for other outpatient care covered by the plan.~~

~~5. A health maintenance organization which offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives required by this section if the health maintenance organization objects on religious grounds. The health maintenance organization shall, before the issuance of a health care plan and before renewal of enrollment in such a plan, provide to the group policyholder or prospective enrollee, as applicable, written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection. The health maintenance organization shall provide notice to each enrollee, at the time the enrollee receives his or her evidence of coverage, that the health maintenance organization refused to provide coverage pursuant to this subsection.~~

~~6. If a health maintenance organization refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.]~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 50. NRS 695C.1735 is hereby amended to read as follows:

695C.1735 1. A health ~~[maintenance]~~ ***care*** plan ***of a health maintenance organization*** must provide coverage for benefits payable for expenses incurred for ~~[:~~

~~(a) An annual cytologic screening test for women 18 years of age or older;~~
~~(b) A baseline mammogram for women between the ages of 35 and 40;and~~
~~(c) An annual~~] ***a*** mammogram ***every 2 years, or annually if ordered by a provider of health care,*** for women 40 years of age or older.

2. ~~[A health maintenance plan must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.]~~ ***A health maintenance organization must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.***

3. Except as otherwise provided in subsection 5, a health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any benefit provided in the health care plan pursuant to subsection 1;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

~~[3.]~~ ***4.*** A ~~[policy]~~ ***health care plan*** subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[October 1, 1989,]~~ ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the ~~[policy]~~ ***plan*** or the renewal which is in conflict with ~~[subsection 1]~~ ***this section*** is void.

5. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior

authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 51. NRS 695C.1745 is hereby amended to read as follows:

695C.1745 1. A health care plan of a health maintenance organization must provide coverage for benefits payable for expenses incurred for ~~[~~administering~~]~~ ***:***

(a) Deoxyribonucleic acid testing for high-risk strains of human papillomavirus every 3 years for women 30 years of age and older; and

(b) Administering the human papillomavirus vaccine as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. ~~[~~A health care plan of a health maintenance organization must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.~~]~~ ***A health maintenance organization must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.***

3. Except as otherwise provided in subsection 5, a health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

~~[~~3.~~]~~ ***4.*** Any evidence of coverage subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[~~July 1, 2007,~~]~~ ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with ~~[~~subsection 1~~]~~ ***this section*** is void.

~~[~~4. For the purposes of~~]~~

5. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section ~~[~~, "human~~]~~ ***:***

(a) "Human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(c) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 52. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, ***and sections 45 and 46 of this act*** or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 53. Chapter 695G of NRS is hereby amended by adding thereto the provisions set forth as sections 54, 55 and 56 of this act.

Sec. 54. ***1. Except as otherwise provided in subsection 5, a managed care organization that offers or issues a health care plan shall include in the plan coverage for:***

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 8; and

(4) Dispensed in accordance with section 8.5 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 8;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same health care plan;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(e) Voluntary sterilization for women; and

(f) Hormone replacement therapy.

2. A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

3. Except as otherwise provided in subsections 6, 7 and 9, a managed care organization that offers or issues a health care plan which provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. Except as otherwise provided in subsection 5, a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. A managed care organization that offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the managed care organization objects on religious grounds. Such an organization shall, before the issuance of a health care plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the managed care organization refuses to provide pursuant to this subsection.

6. A managed care organization may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

7. For each of the 18 methods of contraception listed in subsection 8 that has been approved by the Food and Drug Administration, a health care plan must include at least one drug or device for contraception for which no deductible, copayment or coinsurance may be charged to the insured, but the managed care organization may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

8. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Antiprogestin-based drugs for emergency contraception.

9. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

10. A managed care organization shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

11. A managed care organization must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the managed care organization to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

12. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug;

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 55. ***1. A managed care organization that offers or issues a health care plan shall include in the plan coverage for:***

(a) Counseling, support and supplies for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually with initial intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active women who are at increased risk for such diseases;

(d) Hormone replacement therapy;

(e) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(f) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(g) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(h) Screening for depression;

(i) Screening and counseling for the human immunodeficiency virus consisting of a risk assessment, annual education relating to prevention and at least one screening for the virus during the lifetime of the insured or as ordered by a provider of health care;

(j) Smoking cessation programs for an insured who is 18 years of age or older consisting of not more than two cessation attempts per year and four counseling sessions per year;

(k) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and

(l) Such well-woman preventative visits as recommended by the Health Resources and Services Administration, which must include at least one such visit per year beginning at 14 years of age.

2. A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

3. Except as otherwise provided in subsection 5, a managed care organization that offers or issues a health care plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 56. *1. A health care plan issued by a managed care organization must provide coverage for benefits payable for expenses incurred for a mammogram every 2 years, or annually if ordered by a provider of health care, for women 40 years of age or older.*

2. A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

3. Except as otherwise provided in subsection 5, a managed care organization that offers or issues a health care plan which provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 57. NRS 695G.171 is hereby amended to read as follows:

695G.171 1. A health care plan issued by a managed care organization must provide coverage for benefits payable for expenses incurred for ~~[~~administering~~]~~ ***:***

(a) Deoxyribonucleic acid testing for high-risk strains of human papillomavirus every 3 years for women 30 years of age and older; and

(b) Administering the human papillomavirus vaccine as recommended for vaccination by a competent authority, including, without limitation, the

Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. ~~[A health care plan must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.]~~ ***A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.***

3. Except as otherwise provided in subsection 5, a managed care organization that offers or issues a health care plan which provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in a health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~[3.]~~ ***4.*** An evidence of coverage for a health care plan subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[July 1, 2007,]~~ ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal thereof which is in conflict with ~~[subsection 1]~~ ***this section*** is void.

~~[4. For the purposes of]~~

5. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section ~~[, "human]~~ ***:***

(a) "Human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(c) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 58. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 59. This act becomes effective on January 1, 2018.

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 281.

Bill read third time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 784.

AN ACT relating to real property; revising provisions relating to the disposition of excess proceeds received from the sale of real property by a county treasurer for delinquent taxes; **revising provisions governing agreements to locate, deliver, recover or assist in the recovery of such excess proceeds;** revising provisions governing the assessment of common expenses in a common-interest community; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a county tax receiver to execute and deliver a deed of a property in trust to the county treasurer under certain circumstances when the taxes on the property are delinquent. (NRS 361.585) After the deed has been delivered to the county treasurer, the county treasurer is authorized to make certain dispositions of the property, including, without limitation: (1) reconveying the property to certain persons upon payment of the amount of property taxes accrued, plus any costs, penalties and interest, if such payment is made within a certain time before the sale of the property by the county treasurer; or (2) selling the property to recover the delinquent taxes. (NRS 361.585, 361.595) If the county treasurer sells the property and excess proceeds remain after the county treasurer has applied the proceeds of the sale to the delinquent taxes and certain other payments, existing law provides

for the distribution of the excess proceeds from the sale to certain persons holding securing interests in the order of priority of their recorded liens. (NRS 361.610)

Section 2 of this bill **revises provisions relating to the distribution of excess proceeds from the sale of property to recover delinquent taxes. Section 2** authorizes the following persons to receive a distribution of excess proceeds from ~~[the]~~ **such a** sale **:** ~~[of such property to recover delinquent taxes:]~~ (1) **a person who has a lien on the property for certain waste management fees or charges; (2)** the unit-owners' association of a common-interest community if the association has caused to be recorded a notice of default and election to sell a property to satisfy its lien on the property and that notice has not been rescinded; and ~~[(2)]~~ **(3)** the unit-owners' association of a condominium hotel or an owner of a unit of a condominium hotel if the association or owner has caused to be recorded a notice of default and election to sell a property to satisfy the association's or owner's lien on the property and that notice has not been rescinded. **Under section 2, if a unit-owners' association of a common-interest community recovers excess proceeds from the sale of a residential unit in the common-interest community, the association may not collect any amount remaining due to the association from the owner of the residential unit after receiving the excess proceeds. Finally, section 2 provides that the cap on the amount of the fee that may be charged by a person who assists another person in recovering excess proceeds from a sale of property for delinquent taxes applies only to a fee charged to a natural person who owned and occupied the property as his or her primary residence at the time of the sale.**

Generally, existing law requires the expenses of a unit-owners' association to be paid by imposing assessments against the units that are part of the association. (NRS 116.019, 116.3115) However, under existing law, expenses benefitting fewer than all of the units' owners may be assessed only against the units or units' owners benefited by the expenses. (NRS 116.3115) **Section 2.5** of this bill specifies that if a unit-owners' association pays, on behalf of a unit's owner, delinquent property taxes or utility charges owed by the unit's owner, those expenses may be assessed against the unit or the unit's owner.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. NRS 361.610 is hereby amended to read as follows:

361.610 1. Out of the sale price or rents of any property of which he or she is trustee, the county treasurer shall pay the costs due any officer for the enforcement of the tax upon the parcel of property and all taxes owing thereon, and upon the redemption of any property from the county treasurer as trustee, he or she shall pay the redemption money over to any officers

having fees due them from the parcels of property and pay the tax for which it was sold and pay the redemption percentage according to the proportion those fees respectively bear to the tax.

2. In no case may:

(a) Any service rendered by any officer under this chapter become or be allowed as a charge against the county; or

(b) The sale price or rent or redemption money of any one parcel of property be appropriated to pay any cost or tax upon any other parcel of property than that so sold, rented or redeemed.

3. After paying all the tax and costs upon any one parcel of property, the county treasurer shall pay into the general fund of the county, from the excess proceeds of the sale:

(a) The first $300 of the excess proceeds; and

(b) Ten percent of the next $10,000 of the excess proceeds.

4. The amount remaining after the county treasurer has paid the amounts required by subsection 3 must be deposited in an interest-bearing account maintained for the purpose of holding excess proceeds separate from other money of the county. If no claim is made for the excess proceeds within 1 year after the deed given by the county treasurer is recorded, the county treasurer shall pay the money into the general fund of the county, and it must not thereafter be refunded to the former property owner or his or her successors in interest. All interest paid on money deposited in the account required by this subsection is the property of the county.

5. If a person ~~[who would have been entitled to receive reconveyance of the property pursuant to NRS 361.585]~~ ***listed in subsection 6*** makes a claim in writing for the excess proceeds within 1 year after the deed is recorded, the county treasurer shall pay the claim or the proper portion of the claim over to the person if the county treasurer is satisfied that the person is entitled to it.

6. A claim for excess proceeds must be paid out in the following order of priority to:

(a) The ***following*** persons ~~[specified in paragraphs (b), (c), (d), (g), (h) and (i) of subsection 4 of NRS 361.585]~~ in the order of priority of the ~~[recorded]~~ liens ~~[;]~~ ***recorded or perfected before the sale:***

(1) A person holding a valid lien under subsection 3 of NRS 444.520;

(2) Persons specified in paragraphs (b), (c), (d), (g), (h) and (i) of subsection 4 of NRS 361.585;

~~[(2)]~~ (3) An association, as defined in NRS 116.011, that has caused to be recorded a notice of default and election to sell the property pursuant to paragraph (b) of subsection 1 of NRS 116.31162 that has not been rescinded; and

~~[(3)]~~ (4) An association, as defined in NRS 116B.030, or a hotel unit owner, as defined in NRS 116B.125, that has caused to be recorded a notice of default and election to sell the property pursuant to paragraph (b) of subsection 1 of NRS 116B.635 that has not been rescinded; and

(b) Any person specified in paragraphs (a), (e) and (f) of subsection 4 of NRS 361.585.

7. The county treasurer shall approve or deny a claim within 30 days after the period described in subsection 4 for filing a claim has expired. Any records or other documents concerning a claim shall be deemed the working papers of the county treasurer and are confidential. If more than one person files a claim, and the county treasurer is not able to determine who is entitled to the excess proceeds, the matter must be submitted to mediation.

8. If the mediation is not successful, the county treasurer shall:

(a) Conduct a hearing to determine who is entitled to the excess proceeds; or

(b) File an action for interpleader.

9. A person who is aggrieved by a determination of the county treasurer pursuant to this section may, within 90 days after the person receives notice of the determination, commence an action for judicial review of the determination in district court.

10. ***If an association, as defined in NRS 116.011, recovers any amount of excess proceeds of a sale of a residential unit, as defined in NRS 116.332, the amount recovered by the association shall be deemed to have satisfied the debt owed by the owner of the residential unit to the association and the association may not recover in a civil action or otherwise collect any deficiency remaining due to the association from the owner.***

11. Any agreement to locate, deliver, recover or assist in the recovery of remaining excess proceeds of a sale which is entered into by a person ~~[who would have been entitled to receive reconveyance of the property pursuant to]~~ ***listed in*** subsection ~~[4 of NRS 361.585]~~ ***6*** must:

(a) Be in writing.

(b) Be signed by the person ~~[who would have been entitled to receive reconveyance.]~~ ***listed in subsection 6.***

(c) ~~[Not]~~ ***If the agreement is entered into by a natural person for assistance in the recovery of excess proceeds remaining from a sale of a residence that was occupied by that natural person as his or her primary residence at the time of the sale, not*** provide for a fee of more than 10 percent of the total remaining excess proceeds of the sale due that person.

~~[11.]~~ ***12.*** In addition to authorizing a person pursuant to an agreement described in subsection 10 to file a claim and collect from the county treasurer any property owed to the person, a person ~~[described]~~ ***listed*** in subsection ~~[4 of NRS 361.585]~~ ***6*** may authorize a person pursuant to a power of attorney, assignment or any other legal instrument to file a claim and collect from the county treasurer any property owed to him or her. The county is not liable for any losses resulting from the approval of the claim if the claim is paid by the county treasurer in accordance with the provisions of the legal instrument.

Sec. 2.5. NRS 116.3115 is hereby amended to read as follows:

116.3115 1. Until the association makes an assessment for common expenses, the declarant shall pay all common expenses. After an assessment has been made by the association, assessments must be made at least annually, based on a budget adopted at least annually by the association in accordance with the requirements set forth in NRS 116.31151. Unless the declaration imposes more stringent standards, the budget must include a budget for the daily operation of the association and a budget for the reserves required by paragraph (b) of subsection 2.

2. Except for assessments under subsections 4 to 7, inclusive, or as otherwise provided in this chapter:

(a) All common expenses, including the reserves, must be assessed against all the units in accordance with the allocations set forth in the declaration pursuant to subsections 1 and 2 of NRS 116.2107.

(b) The association shall establish adequate reserves, funded on a reasonable basis, for the repair, replacement and restoration of the major components of the common elements and any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore. The reserves may be used only for those purposes, including, without limitation, repairing, replacing and restoring roofs, roads and sidewalks, and must not be used for daily maintenance. The association may comply with the provisions of this paragraph through a funding plan that is designed to allocate the costs for the repair, replacement and restoration of the major components of the common elements and any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore over a period of years if the funding plan is designed in an actuarially sound manner which will ensure that sufficient money is available when the repair, replacement and restoration of the major components of the common elements or any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore are necessary. Notwithstanding any provision of the governing documents to the contrary, to establish adequate reserves pursuant to this paragraph, including, without limitation, to establish or carry out a funding plan, the executive board may, without seeking or obtaining the approval of the units' owners, impose any necessary and reasonable assessments against the units in the common-interest community. Any such assessments imposed by the executive board must be based on the study of the reserves of the association conducted pursuant to NRS 116.31152.

3. Any assessment for common expenses or installment thereof that is 60 days or more past due bears interest at a rate equal to the prime rate at the largest bank in Nevada as ascertained by the Commissioner of Financial Institutions on January 1 or July 1, as the case may be, immediately preceding the date the assessment becomes past due, plus 2 percent. The rate must be adjusted accordingly on each January 1 and July 1 thereafter until the balance is satisfied.

4. Except as otherwise provided in the governing documents:

(a) Any common expense associated with the maintenance, repair, restoration or replacement of a limited common element must be assessed against the units to which that limited common element is assigned, equally, or in any other proportion the declaration provides;

(b) Any common expense benefiting fewer than all of the units or their owners ***, including, without limitation, common expenses consisting of the payment, on behalf of a unit's owner, of delinquent property taxes or utility charges owed by the unit's owner,*** may be assessed exclusively against the units or units' owners benefited; and

(c) The costs of insurance must be assessed in proportion to risk and the costs of utilities must be assessed in proportion to usage.

5. Assessments to pay a judgment against the association may be made only against the units in the common-interest community at the time the judgment was entered, in proportion to their liabilities for common expenses.

6. If damage to a unit or other part of the common-interest community, or if any other common expense is caused by the willful misconduct or gross negligence of any unit's owner, tenant or invitee of a unit's owner or tenant, the association may assess that expense exclusively against his or her unit, even if the association maintains insurance with respect to that damage or common expense, unless the damage or other common expense is caused by a vehicle and is committed by a person who is delivering goods to, or performing services for, the unit's owner, tenant or invitee of the unit's owner or tenant.

7. The association of a common-interest community created before January 1, 1992, is not required to make an assessment against a vacant lot located within the community that is owned by the declarant.

8. If liabilities for common expenses are reallocated, assessments for common expenses and any installment thereof not yet due must be recalculated in accordance with the reallocated liabilities.

9. The association shall provide written notice to each unit's owner of a meeting at which an assessment for a capital improvement is to be considered or action is to be taken on such an assessment at least 21 calendar days before the date of the meeting.

Sec. 3. This act becomes effective on July 1, 2017.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 357.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 934.

SUMMARY—Revises provisions governing ~~[the use of]~~ apprentices**.** ~~[on public works.]~~ (BDR 28-534)

AN ACT relating to apprentices; ~~[requiring]~~ **prohibiting a public body from awarding certain contracts for a public work to** a contractor ~~[or subcontractor on a public work to ensure an apprentice performs a certain percentage of the total hours of labor]~~ **unless the contractor complies with certain requirements relating to the use of apprentices** on ~~[the]~~ public ~~[work in certain circumstances;]~~ **works or pays a monetary penalty; prohibiting a contractor on certain public works from awarding subcontracts for more than 5 percent of the value of the public work to a subcontractor unless the subcontractor complies with certain requirements relating to the use of apprentices on public works or pays a monetary penalty; revising provisions relating to apprenticeship programs;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the State Apprenticeship Council and requires the Council to establish standards for programs of apprenticeship. (NRS 610.030, 610.090, 610.095) The purposes of such programs include, without limitation: (1) the creation of the opportunity for persons to obtain training that will equip those persons for profitable employment and citizenship; and (2) the establishment of an organized program for the voluntary training of those persons by providing facilities for training and guidance in the arts and crafts of industry and trade. (NRS 610.020) Existing law sets forth the requirements for a public body which sponsors or finances a public work to award a contract to a contractor for the construction of the public work. (Chapter 338 of NRS) Such requirements include, without limitation: (1) the payment of the prevailing wage in the county in which the public work is located; and (2) the establishment of certain fair employment practices for contractors in connection with the performance of work under the contract awarded by the public body. (NRS 338.020, 338.125)

Section 4 of this bill ~~[requires each contractor and subcontractor on]~~ **prohibits a public body from, on or after February 1, 2019, awarding a contract for** a public work for which the estimated cost exceeds $1,000,000 to ~~[ensure]~~ **a contractor unless the contractor: (1) ensured** that ~~[an apprentice performs]~~ **in the immediately preceding calendar year, apprentices of that contractor performed** not less than ~~[a certain percentage]~~ **3 percent, or a higher percentage established by regulation of the Labor Commissioner,** of the total hours of labor ~~[on the public work, starting at 3 percent for a contract for horizontal construction and 7 percent for a contract for vertical construction awarded in or after calendar year 2019,]~~ **performed in each recognized class of worker for all contracts for public works awarded to the contractor; or (2) paid a monetary penalty imposed by the Labor Commissioner. Section 4 also prohibits a contractor awarded a contract for a public work on or after February 1,**

2019, for which the estimated cost exceeds $1,000,000 from awarding a subcontract for more than 5 percent of the value of that public work to a subcontractor unless the subcontractor satisfied the same requirement for the use of apprentices on public works or paid a monetary penalty imposed by the Labor Commissioner. Section 4 authorizes the Labor Commissioner to ~~[: (1) adopt, with the approval of the State Apprenticeship Council, regulations revising such percentage requirements each calendar year; and (2) impose a monetary penalty for the failure of a contractor or subcontractor to comply with the requirement to use apprentices on a public work for the minimum percentage of hours.]~~ **grant an exemption from this requirement if a public work is performed in a county whose population is less than 100,000 or a city whose population is less than 60,000 and the Labor Commissioner finds that there is a lack of qualified apprentices in a recognized class of worker from any available source in the geographic area in which the public work will be performed. Section 4 also excludes from those requirements contractors and subcontractors who employ fewer than a specified number of employees at the site of a public work.**

Section 4 also ~~[:]~~ **requires:** (1) ~~[requires]~~ **the Labor Commissioner to issue a certificate of compliance to contractors and subcontractors who complied with the requirements of that section relating to the use of apprentices; and (2)** a public body to verify a contractor's compliance with the requirements for apprentice labor before awarding a contract for certain public works ~~[; (2) requires the public body to grant a preference in bidding for certain bidders who exceed such requirements; and (3) prohibits the award of certain contracts to a contractor or subcontractor who fails to comply with such requirements and to pay all monetary penalties imposed by the Labor Commissioner. In addition,]~~ **by obtaining the identification number included on the certificate of compliance issued to the contractor or subcontractor.**

Finally, section 4 requires all ~~[money which is collected by the Labor Commissioner for]~~ monetary penalties imposed **on a contractor or subcontractor for failure to comply with the requirements of that section** to be **paid to the State Director of Apprenticeships and** distributed to ~~[certain]~~ programs ~~[of apprenticeship that are approved by the State Apprenticeship Council.]~~ **for the recruitment, education and training of construction workers and the placement of such workers in employment.**

Section 6.85 of this bill requires an apprenticeship program to submit a quarterly report to the State Apprenticeship Council which contains the: (1) number of apprentices enrolled in the program; (2) enrollment capacity of the program; and (3) number of apprentices who completed the program in the period covered by the report. Section 6.85 further provides that on or before February 1, 2021, the State Apprenticeship Council is required to submit to the Director of the Legislative Counsel Bureau a report on the availability and use of apprentices for transmission to the 2021 Legislative Session.

Section 6.9 requires an apprenticeship program in which the number of apprentices enrolled is less than 40 percent of the enrollment capacity of the program to submit to the State Apprenticeship Council a strategic plan to recruit and retain apprentices and a monthly report concerning the progress of the program in recruiting and retaining apprentices.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection ~~[6,]~~ 4 or 5, on or after February 1, 2019, a ~~[contractor or subcontractor who performs labor on a public work pursuant to]~~ public body shall not award a contract for a public work for which the estimated cost exceeds $1,000,000 ~~[shall ensure that an apprentice performs:]~~ to a contractor unless:

(a) For ~~[a contract or subcontract]~~ the immediately preceding calendar year the contractor ensured that for each recognized class of worker an apprentice performed:

(1) Not less than 3 percent, or such other percentage as the Labor Commissioner may require pursuant to regulations adopted pursuant to subsection 9, of the total hours of labor performed by that recognized class of worker and reported by the contractor to public bodies for all contracts or subcontracts for horizontal construction on a public work in this State which were awarded ~~[in calendar year 2019 and each calendar year thereafter, not less than 3 percent, or such other percentage as the Labor Commissioner may require pursuant to regulations adopted pursuant to subsection 9, of the total hours of labor on the public work.~~

~~(b) For a contract or subcontract]~~ to the contractor and to which the provisions of NRS 338.020 to 338.090, inclusive, apply; or

(2) Not less than 3 percent, or such other percentage as the Labor Commissioner may require pursuant to regulations adopted pursuant to subsection 9, of the total hours of labor performed by that recognized class of worker and reported by the contractor to public bodies for all contracts or subcontracts for vertical construction on a public work in this State which were awarded ~~[in calendar year 2019 and each calendar year thereafter, not less than 7 percent, or such other percentage as the Labor Commissioner may require pursuant to regulations adopted pursuant to subsection 9, of the total hours of labor on the public work.]~~ to the contractor and to which the provisions of NRS 338.020 to 338.090, inclusive, apply; or

(b) The contractor has paid all monetary penalties imposed by the Labor Commissioner pursuant to subsection 6.

2. Except as otherwise provided in subsection 4 or 5, a contractor awarded a contract for a public work on or after February 1, 2019, for which the estimated cost exceeds $1,000,000 may not award a subcontract for more than 5 percent of the value of that public work to a subcontractor unless:

(a) For the immediately preceding calendar year the subcontractor ensured that for each recognized class of worker an apprentice performed:

(1) Not less than 3 percent, or such other percentage as the Labor Commissioner may require pursuant to regulations adopted pursuant to subsection 9, of the total hours of labor performed by that recognized class of worker and reported by the subcontractor to public bodies for all contracts or subcontracts for horizontal construction on a public work in this State which were awarded to the subcontractor and to which the provisions of NRS 338.020 to 338.090, inclusive, apply; or

(2) Not less than 3 percent, or such other percentage as the Labor Commissioner may require pursuant to regulations adopted pursuant to subsection 9, of the total hours of labor performed by that recognized class of worker and reported by the subcontractor to public bodies for all contracts or subcontracts for vertical construction on a public work in this State which were awarded to the subcontractor and to which the provisions of NRS 338.020 to 338.090, inclusive, apply; or

(b) The subcontractor has paid all monetary penalties imposed by the Labor Commissioner pursuant to subsection 6.

3. Except as otherwise provided in subsection ~~[6,]~~ 4 or 5, before awarding a contract for a public work for which the estimated cost exceeds $1,000,000, a public body must obtain the identification number of the certificate of compliance issued to each contractor pursuant to subsection 8 submitting a bid for the contract and verify whether ~~[each contractor who bids on the contract:~~

~~(a) For the preceding year, complied with the requirements of subsection 1 or of any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable; or~~

~~(b) Has paid all monetary penalties imposed by the Labor Commissioner pursuant to subsection 7.~~

~~3. Except as otherwise provided in subsection 6, for the purpose of awarding a contract for a public work for which the estimated cost exceeds $1,000,000, the bid submitted by a contractor shall be deemed to be 1 percent lower than the bid actually submitted for every percentage point by which the contractor, for the preceding year, exceeded the requirements of subsection 1 or of any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable. The preference described in this subsection may not exceed a total of 5 percent.]~~ the award of the contract would comply with the provisions of subsection 1.

~~*4. [Except as otherwise provided in subsection 6, a public body may not award a contract for a public work for which the estimated cost exceeds $1,000,000 to a contractor unless the contractor:*~~

~~*(a) For the preceding year, complied with the requirements of subsection 1 or of any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable; or*~~

~~*(b) Has paid all monetary penalties imposed by the Labor Commissioner pursuant to subsection 7.*~~

~~*5. Except as otherwise provided in subsection 6, on or after January 1, 2020, a contractor on a public work for which the estimated cost exceeds $1,000,000 may not award a subcontract on that public work to a subcontractor if:*~~

~~*(a) The project which the subcontractor is proposing to perform is estimated to constitute 5 percent or more of the total hours of labor of the public work; and*~~

~~*(b) The subcontractor failed to:*~~

~~*(1) For the preceding year, comply with the requirements of subsection 1 or of any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable; or*~~

~~*(2) Pay all monetary penalties imposed by the Labor Commissioner pursuant to subsection 7.*~~

~~*6.]*~~ ***A public body may submit a written request to the Labor Commissioner for an exemption from the requirements of subsection 1 for a public work. If a public body submits such a request, the public body shall not request bids for or enter into a contract for which the public body submitted the request until the Labor Commissioner approves or denies the request pursuant to this subsection. Not later than 90 days after receiving a request pursuant to this subsection, the Labor Commissioner shall approve or deny the request in writing and notify the public body of the approval or denial of the request. The Labor Commissioner shall conduct a public hearing on each request, at which any interested party may appear and provide evidence, and issue a written decision to approve or deny a request. The written decision of the Labor Commissioner is a public record and a copy of the decision must be included in any bid documents furnished by the public body. The Labor Commissioner may grant a request for an exemption submitted pursuant to this subsection only if the Labor Commissioner finds that the public work will be performed in a county whose population is less than 100,000 or a city whose population is less than 60,000 and there is a demonstrated lack of qualified apprentices in a recognized class of worker from any available source in the specific geographic area in which the public work for which an exemption is requested will be performed. If the Labor Commissioner grants an exemption to a public body pursuant to this subsection, the work performed by a contractor or subcontractor on the public work for which the exemption was granted must not be considered when determining whether***

the contractor or subcontractor satisfied the criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, as applicable.

5. The ~~[provisions of subsections 1 to 5, inclusive,]~~ criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, as applicable, do not apply to:

(a) A contractor or subcontractor which proposes to perform, or has been awarded a contract to perform, horizontal construction on a public work and which employs fewer than 25 employees ~~[;]~~ to perform work on the site of the public work; or

(b) A contractor or subcontractor which proposes to perform, or has been awarded a contract to perform, vertical construction on a public work and which employs fewer than 6 employees ~~[.~~ ~~7.]~~ to perform work on the site of the public work.

➥ Any work performed by a contractor or subcontractor on a public work described in paragraph (a) or (b), as applicable, must not be considered in determining whether the contractor or subcontractor satisfied the criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, as applicable.

6. Each calendar year, the Labor Commissioner shall:

(a) Determine the percentage of total hours of labor which were performed by apprentices during the calendar year on each public work ~~[for which the estimated cost exceeded $1,000,000;]~~ to which the provisions of NRS 338.020 to 338.090, inclusive, apply;

(b) Determine whether ~~[each applicable]~~ a contractor or subcontractor ~~[who performed labor pursuant to a contract for a public work described in paragraph (a) complied with]~~ satisfies the requirements of subsection 1 or 2, as applicable, or of any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable;

(c) If applicable, determine the number of hours by which each contractor or subcontractor failed to comply with those requirements; and

(d) ~~[Impose on]~~ If a contractor or subcontractor does not satisfy the criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, as applicable, establish the amount of a monetary penalty which must be paid by a contractor or subcontractor ~~[a]~~ to remain qualified to be awarded a contract for a public work for which the estimated cost exceeds $1,000,000. The monetary penalty ~~[,]~~ must be payable to the ~~[Labor Commissioner, for any failure of the contractor or subcontractor, as applicable, to comply with those requirements]~~ State Director of Apprenticeship and must be established as follows:

(1) For a contract to perform horizontal construction on a public work on or after ~~[February]~~ January 1, ~~[2019:~~

*~~(I) A]~~ 2018, a contractor or subcontractor ~~[for whom apprentices performed 2 percent or more, but less than 3 percent, of the total hours of labor on the public work]~~ that failed to comply with the criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, as

applicable, or in any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable, is required to pay a monetary penalty of not less than $2 but not more than $6 for each hour of labor by which the contractor or subcontractor, as applicable, failed to comply with the [requirements of subsection 1 or of any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable

(II) A contractor or subcontractor for whom apprentices performed 1 percent or more, but less than 2 percent, of the total hours of labor on the public work is required to pay $4 for each hour of labor by which the contractor or subcontractor, as applicable, failed to comply with the requirements of subsection 1 or of any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable.

(III) A contractor or subcontractor for whom apprentices performed less than 1 percent of the total hours of labor on the public work is required to pay $6 for each hour of labor by which the contractor or subcontractor, as applicable, failed to comply with the requirements of subsection 1 or of any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as] applicable [.] criteria. In determining the amount of the monetary penalty imposed on a contractor or subcontractor pursuant to this subparagraph, the Labor Commissioner shall consider all relevant facts and circumstances, including, without limitation, the amount by which the contractor or subcontractor failed to comply with the applicable criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, or in any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, and whether the contractor or subcontractor has willfully or repeatedly failed to comply with such applicable criteria.

(2) For a contract to perform vertical construction on a public work on or after [February] January 1, [2019:

(I) A] 2018, a contractor or subcontractor [for whom apprentices performed 4 percent or more, but less than 7 percent, of the total hours of labor on the public work,] that failed to comply with the criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, as applicable, or in any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable, is required to pay a monetary penalty of not less than $2 but not more than $6 for each hour of labor by which the contractor or subcontractor, as applicable, failed to comply with the [requirements of subsection 1 or of any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable.

(II) A contractor or subcontractor for whom apprentices performed 2 percent or more, but less than 4 percent, of the total hours of labor on the public work is required to pay $4 for each hour of labor by which the contractor or subcontractor, as applicable, failed to comply with subsection

~~*1 or of any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable.*~~

~~*(III) A contractor or subcontractor for whom apprentices performed less than 2 percent of the total hours of labor on the public work is required to pay $6 for each hour of labor by which the contractor or subcontractor, as applicable, failed to comply with subsection 1 or of any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as]* applicable *[.*

8.] *criteria. In determining the amount of the monetary penalty imposed on a contractor or subcontractor pursuant to this subparagraph, the Labor Commissioner shall consider all relevant facts and circumstances, including, without limitation, the amount by which the contractor or subcontractor failed to comply with the applicable criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, or in any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, and whether the contractor or subcontractor has willfully or repeatedly failed to comply with such applicable criteria.*

➥ Any decision of the Labor Commissioner pursuant to this paragraph is subject to judicial review pursuant to chapter 233B of NRS.

7. All money which is collected by the [Labor Commissioner] State Director of Apprenticeship for monetary penalties imposed pursuant to subsection [7] 6 must be [:

(a) Distributed] distributed only to programs [of apprenticeship that are registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS; and

(b) Used only] *for the recruitment, education and training of [apprentices]* *construction workers and placement of [apprentices]* *such workers in employment.*

[9.] *8. The Labor Commissioner shall:*

(a) Issue a certificate of compliance containing an identification number to each contractor or subcontractor who complies with the applicable criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, or in any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, or who pays the monetary penalty imposed on the contractor or subcontractor pursuant to subsection 6.

(b) Maintain on the Internet website of the Labor Commissioner a list of contractors and subcontractors who have been issued a certificate of compliance.

9. During each calendar year beginning on or after January 1, 2020, the Labor Commissioner may, with the approval of the State Apprenticeship Council, adopt regulations to revise by not [less] more than 2 percentage points the percentage of total hours of labor on a public work which must be performed by apprentices for the following calendar year.

10. As used in this section:

(a) "Apprentice" has the meaning ascribed to it in NRS 610.010.

(b) "Horizontal construction" means the construction of any fixed work other than vertical construction except as specifically provided herein, including, without limitation, fixed work relating to irrigation, drainage, water supply, flood control, a harbor, a railroad, a highway, a tunnel, a sewer, a sewage disposal plant or water treatment facility and any ancillary vertical construction which is a component thereof, a bridge, an inland waterway, a pipeline for the transmission of petroleum or any other liquid or gaseous substance, a pier and any fixed work incidental thereto. The term includes the construction of an airport or airway, but does not include the construction of any terminal or other building of an airport or airway.

(c) "Recognized class of worker" means a class of worker recognized by the Labor Commissioner as being a distinct craft or type of work for purposes of establishing prevailing rates of wages pursuant to NRS 338.020 to 338.090, inclusive. The term includes a class of worker for which the Labor Commissioner has traditionally established a prevailing rate of wages pursuant to NRS 338.020 to 338.090, inclusive, and any other class of worker the Labor Commissioner determines to be a distinct craft or type of work either on his or her own accord or after conducting a hearing pursuant to NRS 338.030.

(d) "Vertical construction" means the construction or remodeling of any building, structure or other improvement which is predominantly vertical, including, without limitation, a building, structure or improvement for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind and any improvement appurtenant thereto.

Sec. 5. ~~[NRS 338.010 is hereby amended to read as follows:~~

~~338.010 As used in this chapter:~~

~~1. "Authorized representative" means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.~~

~~2. "Contract" means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.~~

~~3. "Contractor" means:~~

~~(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS.~~

~~(b) A design-build team.~~

~~4. "Day labor" means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing.~~

~~5. "Design-build contract" means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.~~

~~6. "Design-build team" means an entity that consists of:~~

~~(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and~~

~~(b) For a public work that consists of:~~

~~(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.~~

~~(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.~~

~~7. "Design professional" means:~~

~~(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;~~

~~(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;~~

~~(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;~~

~~(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or~~

~~(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.~~

~~8. "Division" means the State Public Works Division of the Department of Administration.~~

~~9. "Eligible bidder" means a person who is:~~

~~(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or~~

~~(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.~~

~~10. "General contractor" means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:~~

~~(a) General engineering contracting, as described in subsection 2 of NRS 624.215.~~

~~(b) General building contracting, as described in subsection 3 of NRS 624.215.~~

~~11. "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.~~

~~12. "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to~~

~~chapters 244A, 309, 318, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.~~

~~13. "Offense" means failing to:~~

~~(a) Pay the prevailing wage required pursuant to this chapter;~~

~~(b) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;~~

~~(c) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; **[**or**]**~~

~~(d) Comply with subsection 5 or 6 of NRS 338.070 **[**.**]** ; or~~

~~***(e) Ensure that an apprentice is used on a public work for the minimum amount of hours of labor required pursuant to section 4 of this act.***~~

~~14. "Prime contractor" means a contractor who:~~

~~(a) Contracts to construct an entire project;~~

~~(b) Coordinates all work performed on the entire project;~~

~~(c) Uses his or her own workforce to perform all or a part of the public work; and~~

~~(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.~~

~~The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.~~

~~15. "Public body" means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.~~

~~16. "Public work" means any project for the new construction, repair or reconstruction of a project financed in whole or in part from public money for:~~

~~(a) Public buildings;~~

~~(b) Jails and prisons;~~

~~(c) Public roads;~~

~~(d) Public highways;~~

~~(e) Public streets and alleys;~~

~~(f) Public utilities;~~

~~(g) Publicly owned water mains and sewers;~~

~~(h) Public parks and playgrounds;~~

~~(i) Public convention facilities which are financed at least in part with public money; and~~

~~(j) All other publicly owned works and property.~~

~~17. "Specialty contractor" means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.~~

~~18. "Stand-alone underground utility project" means an underground utility project that is not integrated into a larger project, including, without limitation:~~

~~(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and~~

~~(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,~~

~~→ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.~~

~~19. "Subcontract" means a written contract entered into between:~~

~~(a) A contractor and a subcontractor or supplier; or~~

~~(b) A subcontractor and another subcontractor or supplier,~~

~~→ for the provision of labor, materials, equipment or supplies for a construction project.~~

~~20. "Subcontractor" means a person who:~~

~~(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and~~

~~(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.~~

~~21. "Supplier" means a person who provides materials, equipment or supplies for a construction project.~~

~~22. "Wages" means:~~

~~(a) The basic hourly rate of pay; and~~

~~(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the worker.~~

~~23. "Worker" means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker or unskilled worker in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.~~**] (Deleted by amendment.)**

Sec. 6. NRS 338.015 is hereby amended to read as follows:

338.015 1. The Labor Commissioner shall enforce the provisions of NRS 338.010 to 338.130, inclusive ~~.~~**] ,** ***and section 4 of this act.***

2. In addition to any other remedy or penalty provided in this chapter, if any person, including, without limitation, a public body, violates any provision of NRS 338.010 to 338.130, inclusive, ***except section 4 of this act,*** or any regulation adopted pursuant thereto, the Labor Commissioner may, after providing the person with notice and an opportunity for a hearing, impose against the person an administrative penalty of not more than $5,000 for each such violation.

3. The Labor Commissioner may, by regulation, establish a sliding scale based on the severity of the violation to determine the amount of the administrative penalty to be imposed against the person pursuant to this section.

4. The Labor Commissioner shall report the violation to the Attorney General, and the Attorney General may prosecute the person in accordance with law.

Sec. 6.3. NRS 338.1389 is hereby amended to read as follows:

338.1389 1. Except as otherwise provided in subsection 10 and NRS 338.1385, 338.1386 and 338.13864 ~~[,]~~ ***and section 4 of this act,*** a public body or its authorized representative shall award a contract for a public work for which the estimated cost exceeds $250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:

(a) Submitted by a responsive and responsible contractor who:

(1) Has been determined by the public body to be a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(2) At the time the contractor submits his or her bid, provides a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(3) Within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and

(b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who:

(1) Does not provide, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or

(2) Does not submit, within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to (d), inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,

➥ shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including,

without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes that were paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes that were paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:

(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or

(b) Is found by the Board to have, within the preceding 5 years, materially breached a contract for a public work for which the cost exceeds $5,000,000, the contractor is not eligible to receive a preference in bidding on public works.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may receive a preference in bidding only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person who submitted a bid on the public work or an entity who believes that the contractor who was awarded the contract for the public work wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the public body to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the public body not later than 3 business days after the opening of the bids by the public body or its authorized representative.

14. If a public body receives a written objection pursuant to subsection 13, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection and the public body or its authorized representative may proceed immediately to award the contract. If the public body determines that the objection is accompanied by the required proof or substantiating evidence, the public body shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the public body or its authorized representative may proceed to award the contract accordingly.

Sec. 6.7. NRS 338.147 is hereby amended to read as follows:

338.147 1. Except as otherwise provided in subsection 10 and NRS 338.143, 338.1442 and 338.1446 ~~[.]~~ ***and section 4 of this act,*** a local government or its authorized representative shall award a contract for a public work for which the estimated cost exceeds $250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:

(a) Submitted by a contractor who:

(1) Has been found to be a responsible and responsive contractor by the local government or its authorized representative;

(2) At the time the contractor submits his or her bid, provides a valid certificate of eligibility to receive a preference in bidding on public works

issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(3) Within 2 hours after the completion of the opening of the bids by the local government or its authorized representative, submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and

(b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who:

(1) Does not provide, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or

(2) Does not submit, within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to (d), inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,

➥ shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:

(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or

(b) Is found by the Board to have, within the preceding 5 years, materially breached a contract for a public work for which the cost exceeds $5,000,000, the contractor is not eligible to receive a preference in bidding on public works.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may receive a preference in bidding only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person who submitted a bid on the public work or an entity who believes that the contractor who was awarded the contract for the public work wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the local government to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the local government not later than 3 business days after the opening of the bids by the local government or its authorized representative.

14. If a local government receives a written objection pursuant to subsection 13, the local government shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the local government determines that the objection is not accompanied by the required proof or substantiating evidence, the local government shall dismiss the objection and the local government or its authorized representative may proceed immediately to award the contract. If the local government determines that the objection is accompanied by the required proof or substantiating evidence, the local government shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the local government or its authorized representative may proceed to award the contract accordingly.

Sec. 6.8. **Chapter 610 of NRS is hereby amended by adding thereto the provisions set forth as sections 6.85 and 6.9 of this act.**

Sec. 6.85. ***1. A program shall submit a quarterly report to the State Apprenticeship Council which contains the following information:***

(a) The number of apprentices enrolled in the program;

(b) The enrollment capacity of the program; and

(c) The number of apprentices who completed the program in the period covered by the report.

2. Not later than February 1, 2021, the State Apprenticeship Council shall submit to the Director of the Legislative Counsel Bureau a report on the availability and use of apprentices for transmission to the next regular session of the Legislature. The report must include a summary of the information collected by the State Apprenticeship Council and any recommendations for legislation.

Sec. 6.9. ***1. If, at any time, the number of apprentices enrolled in a program is less than 40 percent of the enrollment capacity of the program, the program must submit to the State Apprenticeship Council:***

(a) A strategic plan to recruit and retain apprentices; and

(b) A monthly report concerning the progress of the program in recruiting and retaining apprentices until such time as the State Apprenticeship Council determines that such monthly reports are not necessary.

2. The State Apprenticeship Council may revoke the registration of a program that fails to comply with any requirement of subsection 1.

Sec. 7. ~~[The amendatory provisions of this act do not apply to a contract for a public work that is awarded before February 1, 2019.]~~ **(Deleted by amendment.)**

Sec. 8. This act becomes effective on January 1, 2018.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 360.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 880.

SENATORS CANNIZZARO, FORD, SPEARMAN, WOODHOUSE, RATTI; ATKINSON, CANCELA, DENIS, FARLEY, MANENDO, PARKS AND SEGERBLOM

JOINT SPONSORS: ASSEMBLYMEN JOINER, FRIERSON, BENITEZ-THOMPSON, CARRILLO, DIAZ; ARAUJO, CARLTON, FUMO, JAUREGUI, MONROE-MORENO, SWANK AND YEAGER

AN ACT relating to the protection of certain persons; revising ~~[the definitions of the terms "abuse" and "exploitation" as they relate to prohibited acts]~~ **provisions relating to the imposition of an additional penalty upon a person who commits certain crimes or criminal violations of law** against an older person or a vulnerable person; revising provisions relating to immunity from civil or criminal liability for certain acts; increasing the maximum term of imprisonment for a person who commits certain acts against an older person or a vulnerable person that result in substantial bodily or mental harm to or the death of the person; revising the penalties for ~~[committing certain subsequent acts against]~~ **the abuse, neglect, exploitation, isolation or abandonment of** an older person or a vulnerable person; establishing the Wards' Bill of Rights; requiring each court having jurisdiction of the persons and estates of minors, incompetent persons or persons of limited capacity to perform certain actions to ensure the Wards' Bill of Rights is available to the public; **establishing provisions relating to certain arbitration clauses included in contracts used by facilities for long-term care;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~[defines various terms for purposes of the provisions of law relating to the abuse, neglect, exploitation, isolation or abandonment of]~~ **provides for the imposition of an additional penalty upon a person who commits certain crimes or criminal violations of law against** an older person or a vulnerable person ~~[.]~~ **, and provides that the sentence prescribed runs consecutively with the sentence prescribed by statute for the crime or criminal violation.** (NRS ~~[200.5092)]~~ **193.167) Section** ~~[1]~~ **1.5** of this bill ~~[revises the definitions of the terms "abuse" and "exploitation" to include additional acts which constitute an offense.]~~ **additionally provides that the sentence prescribed must not exceed the sentence imposed for the crime or criminal violation.**

Existing law extends immunity from civil or criminal liability to every person who, in good faith: (1) participates in the making of a report concerning the abuse, neglect, exploitation, isolation or abandonment of an

older person or a vulnerable person; (2) submits information contained in such a report to the licensing board; or (3) causes or conducts an investigation of alleged abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person. (NRS 200.5096) **Section 2** of this bill provides that such immunity does not extend to any person who abused, neglected, exploited, isolated or abandoned the older person or vulnerable person who is the subject of the report or investigation or any person who committed certain other acts relating to the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person.

Existing law establishes the penalties to be imposed upon a person who abuses, neglects, exploits, isolates or abandons an older person or a vulnerable person. Any person who has assumed responsibility to care for an older person or a vulnerable person and who neglects the older person or vulnerable person or commits certain other related acts, thereby causing substantial bodily or mental harm to or the death of the older person or vulnerable person, is guilty of a category B felony and must be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years. (NRS 200.5099) **Section 3** of this bill increases the maximum term of imprisonment for the commission of such acts from 6 years to 20 years. **Section 3** also revises the penalties for ~~[certain offenses relating to]~~ the **abuse,** neglect ~~[or exploitation]~~ **, isolation or abandonment** of an older person or a vulnerable person and provides that **: (1) the commission of a first offense is punishable as a category C felony or a gross misdemeanor, as determined by the court; and (2)** the commission of a second or subsequent offense is punishable as a category B felony. **Section 3 additionally revises the penalties for the exploitation of an older person or a vulnerable person and provides that a person who commits such an offense is guilty of: (1) either a category C felony or gross misdemeanor, as determined by the court, for the first offense, or if the monetary value involved is less than $650 or cannot be determined; or (2) a category B felony for the second and all subsequent offenses, or if the monetary value is $650 or more.**

Existing law also establishes the penalties to be imposed upon a person who conspires with another to commit abuse, exploitation or isolation of an older person or a vulnerable person. Such a person must be punished for a gross misdemeanor for the first offense and for a category C felony for the second or subsequent offense. (NRS 200.50995) Section 3.5 of this bill increases the penalty for the commission of a second or subsequent offense to a category B felony punishable by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not less than 20 years.

Existing law establishes provisions governing the appointment of a guardian for a ward. (Chapter 159 of NRS) **Section 6** of this bill establishes the Wards' Bill of Rights, which sets forth certain specific rights of wards.

Section 7 of this bill requires each court having jurisdiction of the persons and estates of minors, incompetent persons or persons of limited capacity to: (1) make the Wards' Bill of Rights readily available to the public; (2) maintain a copy of the Wards' Bill of Rights in the court for reproduction and distribution to the public; and (3) ensure that the Wards' Bill of Rights is posted in a conspicuous place in the court and on the court's Internet website.

Section 7.5 of this bill: (1) provides that if a facility for long-term care wishes to include as part of any contract relating to the provision of care a clause providing that the parties to the contract agree to resolve any dispute through arbitration, the clause must be included as an addendum to the contract; and (2) establishes requirements pertaining to the form and content of such an addendum.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 200.5092 is hereby amended to read as follows:~~

~~200.5092 As used in NRS 200.5091 to 200.50995, inclusive, unless the context otherwise requires:~~

~~1. "Abandonment" means:~~

~~(a) Desertion of an older person or a vulnerable person in an unsafe manner by a caretaker or other person with a legal duty of care; or~~

~~(b) Withdrawal of necessary assistance owed to an older person or a vulnerable person by a caretaker or other person with an obligation to provide services to the older person or vulnerable person.~~

~~2. "Abuse" means willful:~~

~~(a) Infliction of pain or injury on an older person or a vulnerable person;~~

~~(b) Deprivation of food, shelter, clothing or services which are necessary to maintain the physical or mental health of an older person or a vulnerable person;~~

~~(c) Infliction of psychological or emotional anguish, pain or distress on an older person or a vulnerable person through any act, including, without limitation:~~

~~(1) Threatening, controlling or socially isolating the older person or vulnerable person;~~

~~(2) Disregarding the needs of the older person or vulnerable person; or~~

~~(3) Harming, damaging or destroying any property of the older person or vulnerable person, including, without limitation, pets;~~

~~(d) Nonconsensual sexual contact with an older person or a vulnerable person, including, without limitation:~~

~~(1) An act that the older person or vulnerable person is unable to understand or to which the older person or vulnerable person is unable to communicate his or her objection; or~~

~~(2) Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of the older person or vulnerable person; or~~

~~(c) Permitting any of the acts described in paragraphs (a) to (d), inclusive, to be committed against an older person or a vulnerable person~~ **[.] *; or***

~~*(f) Permitting an older person or a vulnerable person to be placed in a situation in which any of the acts described in paragraphs (a) to (d), inclusive, are likely to occur.*~~

~~3. "Exploitation" means any act taken by a person who has the trust and confidence of an older person or a vulnerable person or any use of the power of attorney or guardianship of an older person or a vulnerable person to:~~

~~(a) Obtain control, through deception, intimidation or undue influence, over the older person's or vulnerable person's money, assets or property with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his or her money, assets or property;~~ **[**~~or~~**]**

~~(b) Convert money, assets or property of the older person or vulnerable person with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his or her money, assets or property~~ **[.] *; or***

~~*(c) Deny adequate food, shelter, clothing or services which are necessary to maintain the physical or mental health of the older person or vulnerable person.*~~

~~➥ As used in this subsection, "undue influence" means the improper use of power or trust in a way that deprives a person of his or her free will and substitutes the objectives of another person. The term does not include the normal influence that one member of a family has over another.~~

~~4. "Isolation" means preventing an older person or a vulnerable person from having contact with another person by:~~

~~(a) Intentionally preventing the older person or vulnerable person from receiving visitors, mail or telephone calls, including, without limitation, communicating to a person who comes to visit the older person or vulnerable person or a person who telephones the older person or vulnerable person that the older person or vulnerable person is not present or does not want to meet with or talk to the visitor or caller knowing that the statement is false, contrary to the express wishes of the older person or vulnerable person and intended to prevent the older person or vulnerable person from having contact with the visitor;~~

~~(b) Physically restraining the older person or vulnerable person to prevent the older person or vulnerable person from meeting with a person who comes to visit the older person or vulnerable person; or~~

~~(c) Permitting any of the acts described in paragraphs (a) and (b) to be committed against an older person or a vulnerable person.~~

~~➥ The term does not include an act intended to protect the property or physical or mental welfare of the older person or vulnerable person or an act performed pursuant to the instructions of a physician of the older person or vulnerable person.~~

~~5. "Neglect" means the failure of a person or a manager of a facility who has assumed legal responsibility or a contractual obligation for caring for an older person or a vulnerable person or who has voluntarily assumed responsibility for his or her care to provide food, shelter, clothing or services which are necessary to maintain the physical or mental health of the older person or vulnerable person.~~

~~6. "Older person" means a person who is 60 years of age or older.~~

~~7. "Protective services" means services the purpose of which is to prevent and remedy the abuse, neglect, exploitation, isolation and abandonment of older persons. The services may include:~~

~~(a) The investigation, evaluation, counseling, arrangement and referral for other services and assistance; and~~

~~(b) Services provided to an older person or a vulnerable person who is unable to provide for his or her own needs.~~

~~8. "Vulnerable person" means a person 18 years of age or older who:~~

~~(a) Suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or~~

~~(b) Has one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living.~~**] (Deleted by amendment.)**

Sec. 1.5. **NRS 193.167 is hereby amended to read as follows:**

193.167 1. Except as otherwise provided in NRS 193.169, any person who commits the crime of:

(a) Murder;

(b) Attempted murder;

(c) Assault;

(d) Battery;

(e) Kidnapping;

(f) Robbery;

(g) Sexual assault;

(h) Embezzlement of, or attempting or conspiring to embezzle, money or property of a value of $650 or more;

(i) Obtaining, or attempting or conspiring to obtain, money or property of a value of $650 or more by false pretenses; or

(j) Taking money or property from the person of another,

➥ against any person who is 60 years of age or older or against a vulnerable person shall, in addition to the term of imprisonment prescribed by statute for the crime, be punished, if the crime is a misdemeanor or gross misdemeanor, by imprisonment in the county jail for a term equal to the term of imprisonment prescribed by statute for the crime, and, if the crime is a felony, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.

2. Except as otherwise provided in NRS 193.169, any person who commits a criminal violation of the provisions of chapter 90 or 91 of NRS against any person who is 60 years of age or older or against a vulnerable

person shall, in addition to the term of imprisonment prescribed by statute for the criminal violation, be punished, if the criminal violation is a misdemeanor or gross misdemeanor, by imprisonment in the county jail for a term equal to the term of imprisonment prescribed by statute for the criminal violation, and, if the criminal violation is a felony, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.

3. In determining the length of the additional penalty imposed pursuant to this section, the court shall consider the following information:

(a) The facts and circumstances of the crime or criminal violation;

(b) The criminal history of the person;

(c) The impact of the crime or criminal violation on any victim;

(d) Any mitigating factors presented by the person; and

(e) Any other relevant information.

➥ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

4. The sentence prescribed by this section ~~[must run]~~ ***:***

(a) Must not exceed the sentence imposed for the crime or criminal violation; and

(b) Must run consecutively with the sentence prescribed by statute for the crime or criminal violation.

5. This section does not create any separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

6. As used in this section, "vulnerable person" has the meaning ascribed to it in NRS 200.5092.

Sec. 2. NRS 200.5096 is hereby amended to read as follows:

200.5096 ~~[Immunity]~~

1. Except as otherwise provided in subsection 2, immunity from civil or criminal liability extends to every person who, pursuant to NRS 200.5091 to 200.50995, inclusive, in good faith:

~~[1.]~~ ***(a)*** Participates in the making of a report;

~~[2.]~~ ***(b)*** Causes or conducts an investigation of alleged abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person; or

~~[3.]~~ ***(c)*** Submits information contained in a report to a licensing board pursuant to subsection 4 of NRS 200.5095.

2. The immunity provided in subsection 1 does not extend to any person who has:

(a) Abused, neglected, exploited, isolated or abandoned the older person or vulnerable person who is the subject of the report or investigation as prohibited by NRS 200.5099;

(b) Conspired with another to commit abuse, exploitation or isolation of the older person or vulnerable person who is the subject of the report or investigation as prohibited by NRS 200.50995; or

(c) Aided and abetted in or was an accessory to the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person who is the subject of the report or investigation or the conspiracy to commit abuse, exploitation or isolation of the older person or vulnerable person.

Sec. 3. NRS 200.5099 is hereby amended to read as follows:

200.5099 1. Except as otherwise provided in subsection 6, any person who abuses an older person or a vulnerable person is guilty:

(a) For the first offense, of ~~[a gross]~~ ***either of the following, as determined by the court:***

(1) A category C felony and shall be punished as provided in NRS 193.130; or

(2) A gross misdemeanor ~~[.]~~ ***and shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $2,000, or by both fine and imprisonment;*** or

(b) For ~~[any]~~ ***the second and all*** subsequent ~~[offense]~~ ***offenses*** or if the person has been previously convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years,

➥ unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.

2. Except as otherwise provided in subsection 7, any person who has assumed responsibility, legally, voluntarily or pursuant to a contract, to care for an older person or a vulnerable person and who ~~[:~~

~~(a) Neglects]~~ ***neglects*** the older person or vulnerable person, causing the older person or vulnerable person to suffer physical pain or mental suffering ~~[;~~

~~(b) Permits]~~ ***, permits*** or allows the older person or vulnerable person to suffer unjustifiable physical pain or mental suffering ~~[;]~~ or

~~[(c) Permits]~~ ***permits*** or allows the older person or vulnerable person to be placed in a situation where the older person or vulnerable person may suffer physical pain or mental suffering as the result of abuse or neglect ~~[,~~

~~➥]~~ is guilty ***:***

(a) For the first offense, of ~~[a gross]~~ ***either of the following, as determined by the court:***

(1) A category C felony and shall be punished as provided in NRS 193.130; or

(2) A gross misdemeanor ~~[.]~~ ***and shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $2,000, or by both fine and imprisonment; or***

(b) For the second and all subsequent offenses, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years,

➥ unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.

3. Except as otherwise provided in subsection 4, any person who exploits an older person or a vulnerable person shall be punished ~~[,]~~ ***:***

(a) For the first offense, if the value of any money, assets and property obtained or used:

~~[(a)]~~ ***(1)*** Is less than $650, ~~[for a gross]~~ ***of either of the following, as determined by the court:***

(I) A category C felony as provided in NRS 193.130; or

(II) A gross misdemeanor by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $2,000, or by both fine and imprisonment;

~~[(b)]~~ ***(2)*** Is at least $650, but less than $5,000, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment; or

~~[(c)]~~ ***(3)*** Is $5,000 or more, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than $25,000, or by both fine and imprisonment ~~[,]~~ ***; or***

(b) For the second and all subsequent offenses, regardless of the value of any money, assets and property obtained or used, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than $25,000, or by both fine and imprisonment,

➥ unless a more severe penalty is prescribed by law for the act which brought about the exploitation. The monetary value of all of the money, assets and property of the older person or vulnerable person which have been obtained or used, or both, may be combined for the purpose of imposing punishment for an offense charged pursuant to this subsection.

4. If a person exploits an older person or a vulnerable person and the monetary value of any money, assets and property obtained cannot be determined, the person shall be punished ***:***

(a) For the first offense, ~~[for a gross]~~ ***of either of the following, as determined by the court:***

(1) A category C felony as provided in NRS 193.130; or

(2) A gross misdemeanor by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $2,000, or by both fine and imprisonment ~~[,]~~ ***; or***

(b) For the second and all subsequent offenses, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2

years and a maximum term of not more than 20 years, or by a fine of not more than $25,000, or by both fine and imprisonment,

➥ unless a more severe penalty is prescribed by law for the act which brought about the exploitation.

5. Any person who isolates or abandons an older person or a vulnerable person is guilty:

(a) For the first offense, of ~~[a gross]~~ ***either of the following, as determined by the court:***

(1) A category C felony and shall be punished as provided in NRS 193.130; or

(2) A gross misdemeanor ~~[,]~~ ***and shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $2,000, or by both fine and imprisonment;*** or

(b) For ~~[any]~~ ***the second and all*** subsequent ~~[offense,]~~ ***offenses,*** of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $5,000 ~~[.]~~ ***,***

➥ unless a more severe penalty is prescribed by law for the act or omission which brings about the isolation or abandonment.

6. A person who violates any provision of subsection 1, if substantial bodily or mental harm or death results to the older person or vulnerable person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.

7. A person who violates any provision of subsection 2, if substantial bodily or mental harm or death results to the older person or vulnerable person, shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than ~~[6]~~ ***20*** years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.

8. In addition to any other penalty imposed against a person for a violation of any provision of NRS 200.5091 to 200.50995, inclusive, the court shall order the person to pay restitution.

9. As used in this section:

(a) "Allow" means to take no action to prevent or stop the abuse or neglect of an older person or a vulnerable person if the person knows or has reason to know that the older person or vulnerable person is being abused or neglected.

(b) "Permit" means permission that a reasonable person would not grant and which amounts to a neglect of responsibility attending the care and custody of an older person or a vulnerable person.

(c) "Substantial mental harm" means an injury to the intellectual or psychological capacity or the emotional condition of an older person or a

vulnerable person as evidenced by an observable and substantial impairment of the ability of the older person or vulnerable person to function within his or her normal range of performance or behavior.

Sec. 3.5. **NRS 200.50995 is hereby amended to read as follows:**

200.50995 ***1.*** A person who conspires with another to commit abuse, exploitation or isolation of an older person or a vulnerable person as prohibited by NRS 200.5099 shall be punished:

~~[1.]~~ ***(a)*** For the first offense, for a gross misdemeanor ~~[.~~ ~~2.]~~ ***by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $2,000, or by both fine and imprisonment; or***

(b) For the second and all subsequent offenses, for a category ~~[C]~~ ***B*** felony ~~[as provided in NRS 193.130.~~ ~~]~~ ***by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years.***

2. Each person found guilty of such a conspiracy is jointly and severally liable for the restitution ordered by the court pursuant to NRS 200.5099 with each other person found guilty of the conspiracy.

Sec. 4. Chapter 159 of NRS is hereby amended by adding thereto the provisions set forth as sections 5, 6 and 7 of this act.

Sec. 5. ***~~[Section]~~ This section and section 6 of this act may be cited as the Wards' Bill of Rights.***

Sec. 6. ***1. The Legislature hereby declares that, except as otherwise specifically provided by law, each proposed ward has the right to have an attorney before a guardianship is imposed to ask the court for relief, and each ward has the right to:***

(a) Have an attorney at any time during a guardianship to ask the court for relief.

(b) Receive notice of all guardianship proceedings and all proceedings relating to a determination of capacity unless the court determines that the ward lacks the capacity to comprehend such notice.

(c) Receive a copy of all documents filed in a guardianship proceeding.

(d) Have a family member, an interested party , a person of natural affection, an advocate for the ward or a medical provider speak or raise any issues of concern on behalf of the ward during a court hearing, either orally or in writing, including, without limitation, issues relating to a conflict with a guardian. As used in this paragraph, "person of natural affection" means a person who is not a family member of a ward but who shares a relationship with the ward that is similar to the relationship between family members.

(e) Be educated about guardianships and ask questions and express concerns and complaints about a guardian and the actions of a guardian, either orally or in writing.

(f) Participate in developing a plan for his or her care, including, without limitation, managing his or her assets and personal property and

determining his or her residence and the manner in which he or she will receive services.

(g) Have due consideration given to his or her current and previously stated personal desires, preferences for health care and medical treatment and religious and moral beliefs.

(h) Remain as independent as possible, including, without limitation, to have his or her preference honored regarding his or her residence and standard of living, either as expressed or demonstrated before a determination was made relating to capacity or as currently expressed, if the preference is reasonable under the circumstances.

(i) Be granted the greatest degree of freedom possible, consistent with the reasons for a guardianship, and exercise control of all aspects of his or her life that are not delegated to a guardian specifically by a court order.

(j) Engage in any activity that the court has not expressly reserved for a guardian, including, without limitation, voting, marrying or entering into a domestic partnership, traveling, working and having a driver's license.

(k) Be treated with respect and dignity.

(l) Be treated fairly by his or her guardian.

(m) Maintain privacy and confidentiality in personal matters.

(n) Receive telephone calls and personal mail and have visitors, unless his or her guardian and the court determine that particular correspondence or a particular visitor will cause harm to the ward.

(o) Receive timely, effective and appropriate health care and medical treatment that does not violate his or her rights.

(p) Have all services provided by a guardian at a reasonable rate of compensation and have a court review any requests for payment to avoid excessive or unnecessary fees or duplicative billing.

(q) Receive prudent financial management of his or her property and regular detailed reports of financial accounting, including, without limitation, reports on any investments or trusts that are held for his or her benefit and any expenditures or fees charged to his or her estate.

(r) Receive and control his or her salary, maintain a bank account and manage his or her personal money.

(s) Ask the court to:

(1) Review the management activity of a guardian if a dispute cannot be resolved.

(2) Continually review the need for a guardianship or modify or terminate a guardianship.

(3) Replace the guardian.

(4) Enter an order restoring his or her capacity at the earliest possible time.

2. The rights of a ward set forth in subsection 1 do not abrogate any remedies provided by law. All such rights may be addressed in a guardianship proceeding or be enforced through a private right of action.

Sec. 7. ***Each court shall:***

1. Make the Wards' Bill of Rights readily available to the public;

2. Maintain a copy of the Wards' Bill of Rights in the court for reproduction and distribution to the public; and

3. Ensure that the Wards' Bill of Rights is posted:

(a) In a conspicuous place, in at least 12-point type, in the court; and

(b) On the Internet website of the court.

Sec. 7.5. **Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If a facility for long-term care wishes to include as part of any contract relating to the provision of care a clause providing that the parties to the contract agree to resolve any dispute through arbitration, the clause must be included as an addendum to the contract and:

(a) Be printed in large font on a separate page with a separate signature line;

(b) Fully explain the effect of signing the addendum, including, without limitation, that any dispute will be resolved through the arbitration process instead of in court; and

(c) Clearly state that the person signing the contract is not required to sign the addendum.

2. As used in this section, "facility for long-term care" means:

(a) A residential facility for groups;

(b) A facility for intermediate care;

(c) A facility for skilled nursing;

(d) A home for individual residential care; and

(e) Any unlicensed establishment that provides food, shelter, assistance and limited supervision to a resident.

Sec. 8. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 9. 1. This section becomes effective upon passage and approval.

2. Sections 4 to ~~[8,]~~ **7,** inclusive, **and 8** of this act become effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of those sections; and

(b) On January 1, 2018, for all other purposes.

3. Sections 1 ~~[, 2 and 3]~~ **to 3.5, inclusive, and 7.5** of this act become effective on October 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 206.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 817.

AN ACT relating to renewable energy; declaring the policy of this State concerning renewable energy; ~~[requiring an assessment of technically feasible and economically viable pathways for achieving the goals in the policy to be included in the comprehensive state energy plan; requiring the comprehensive state energy plan to be updated at least once every 2 years;]~~ revising the portfolio standard for providers of electric service in this State; **revising the manner in which providers of electric service may comply with the portfolio standard; expanding the definition of "provider of electric service" for the purposes of the portfolio standard;** requiring the Public Utilities Commission of Nevada to revise any existing portfolio standard applicable to a provider of new electric resources to comply with the portfolio standard established by this act; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill sets forth findings and declarations of the Legislature that it is the policy of this State to: (1) encourage and accelerate the development of new renewable energy projects for the economic, health and environmental benefits provided to the people of this State; and (2) become a leading producer and consumer of clean and renewable energy, with a goal of achieving by 2040 an amount of renewable energy production of at least 80 percent of the electricity sold by providers of electric service in this State.

~~[Existing law requires the Director of the Office of Energy to prepare a comprehensive state energy plan which, in part, provides for the promotion of the use of renewable energy and the use of energy conservation and energy efficiency measures. (NRS 701.190) Section 1 of this bill requires the Director to update the comprehensive state energy plan at least once every 2 years and to include in the plan provisions for the assessment of technically feasible and economically viable pathways for achieving by 2040 the goal of generating or acquiring an amount of annual renewable energy production of at least 80 percent of the electricity sold by providers of electric service in this State. Section 1 also requires the Director to submit to the Governor and the Legislature a biennial report of the most recent update to the comprehensive state energy plan.]~~

Existing law requires the Public Utilities Commission of Nevada to establish a portfolio standard which requires each provider of electric service in this State to generate, acquire or save electricity from renewable energy systems or efficiency measures a certain percentage of the total amount of electricity sold by the provider to its retail customers in this State during a calendar year. (NRS 704.7821) **Section 3** of this bill revises the portfolio standard for calendar year 2018 and each calendar year thereafter so that by calendar year 2030 and for each calendar year thereafter, each provider of electric service will be required to generate, acquire or save electricity from renewable energy systems or efficiency measures not less than 50 percent of the total amount of electricity sold by the provider to its retail customers in

this State during that calendar year. **Section 3** also **: (1)** eliminates the requirement that a minimum percentage of the amount of electricity that the provider is required to generate, acquire or save be generated or acquired from solar renewable energy systems ~~[.]~~ **; and (2) revises, for the purposes of compliance with the portfolio standard, the provisions governing the calculation of the total amount of electricity sold by a provider to its retail customers in this State.**

Sections 1.5, 1.7, 2.2 and 2.7 of this bill provide for qualified energy storage systems to be used for compliance with the portfolio standard. Section 3 limits the use of such qualified energy storage systems to not more than 10 percent of the total amount of electricity that the provider is required to generate, acquire or save from portfolio energy systems.

Sections 2.1 and 2.9 of this bill limit the facilities or energy systems that qualify as a renewable energy system for the purposes of the portfolio standard.

Section 2.3 and 4.3 of this bill revise provisions governing the use of geothermal energy to comply with the portfolio standard.

Section 2.8 of this bill expands the definition of "provider of electric service" for the purposes of compliance with the portfolio standard. Sections 2.5 and 4.7 of this bill provide that these additional entities which are providers of electric service for the purposes of the portfolio standard are not subject to the jurisdiction of the Commission and are not required to provide certain reports to the Commission. Sections 2.4 and 7 of this bill provide that these additional entities must, beginning on July 1, 2020, and each year thereafter, provide reports to the Director of the Office of Energy.

Sections 3 and 4 of this bill provide that the portfolio standard established by NRS 704.7821 is applicable to providers of new electric resources, and ~~[section]~~ **also revises the limits on energy efficiency measures used to comply with the portfolio standard. Section 5** of this bill requires the Commission ~~[, before July 1, 2017,]~~ to revise ~~[any]~~ **certain** portfolio ~~[standard]~~ **standards** established for a provider of new electric resources to comply with the revised portfolio standard established by **section 3**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 701.190 is hereby amended to read as follows:~~

~~701.190 1. The Director shall prepare a comprehensive state energy plan which provides for the promotion of:~~

~~(a) Energy projects that enhance the economic development of the State;~~

~~(b) The use of renewable energy;~~

~~(c) The use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy; and~~

~~(d) A program for the safe disposal and recycling of electronic waste, electrical equipment and other waste, including, without limitation, a~~

~~program for the safe disposal and recycling of compact fluorescent light bulbs.~~

~~2. The comprehensive state energy plan must~~ ***be updated at least once every 2 years and*** ~~include provisions for:~~

~~(a)~~ ***The assessment of technically feasible and economically viable pathways for providers of electric service within this State to achieve by 2040 the goal of generating or acquiring an amount of annual renewable energy production equal to at least 80 percent of the total amount of electricity sold by providers of electric service in this State. The Director may consult with, contract with or employ one or more knowledgeable and independent third parties to assist in the preparation of the assessment required by this paragraph.***

~~***(b)*** The assessment of the potential benefits of proposed energy projects on the economic development of the State.~~

~~**[**(b)**]** ***(c)*** The education of persons and entities concerning renewable energy and measures which conserve or reduce the demand for energy or which result in more efficient use of energy.~~

~~**[**(c)**]** ***(d)*** The creation of incentives for investment in and the use of renewable energy and measures which conserve or reduce the demand for energy or which result in more efficient use of energy.~~

~~**[**(d)**]** ***(e)*** Grants and other money to establish programs and conduct activities which promote:~~

~~(1) Energy projects that enhance the economic development of the State;~~

~~(2) The use of renewable energy;~~

~~(3) The use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy; and~~

~~(4) The recycling of electronic waste, electrical equipment and other waste, including, without limitation, a program for the safe disposal and recycling of compact fluorescent light bulbs.~~

~~**[**(e)**]** ***(f)*** The development or incorporation by reference of model and uniform building and energy codes and standards which are written in language that is easy to understand and which include performance standards for conservation of energy and efficient use of energy.~~

~~**[**(f)**]** ***(g)*** The promotion of the development in this State of a curriculum for a program of renewable energy education and recycling education in kindergarten through grade 12.~~

~~**[**(g)**]** ***(h)*** The promotion of the development by institutions of higher education in this State of research and educational programs relating to renewable energy.~~

~~**[**(h)**]** ***(i)*** Oversight and accountability with respect to all programs and activities described in this subsection.~~

~~**[**(i)**]** ***(j)*** Any other matter that the Director determines to be relevant to the issues of energy resources, energy use, energy conservation and energy efficiency.~~

~~*3. The Director shall, on or before November 30 of each even-numbered year, prepare a report concerning the most recent version of the comprehensive state energy plan and submit it to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.]*~~ **(Deleted by amendment.)**

Sec. 1.3. **Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 to 2.5, inclusive, of this act.**

Sec. 1.5. ***"Energy storage system" means commercially available technology that is capable of retaining energy, storing the energy for a period of time and delivering the energy after storage, including, without limitation, by chemical, thermal or mechanical means.***

Sec. 1.7. ***"Qualified energy storage system" means an energy storage system that is used to:***

1. Store electricity which is generated by renewable energy and which is delivered during a peak load period; or

2. Provide ancillary services for integrating electricity which is generated by renewable energy into the electricity grid. Such ancillary services include, without limitation, providing reserve electricity, reserve capacity, frequency regulation, reactive power and voltage support.

Sec. 2. ~~**[**Chapter 704 of NRS is hereby amended by adding thereto a new section to read as follows:**]**~~

The Legislature finds and declares that it is the policy of this State to:

1. Encourage and accelerate the development of new renewable energy projects for the economic, health and environmental benefits provided to the people of this State; and

2. Become a leading producer and consumer of clean and renewable energy, with a goal of achieving by 2040 an amount of renewable energy production equal to at least 80 percent of the total amount of electricity sold by providers of electric service in this State.

Sec. 2.1. ***1. The Legislature finds and declares that the requirements set forth in this section are necessary to ensure that the benefits of the increased use of renewable energy systems are received by the residents of this State. Such benefits include, without limitation, improved air quality, reduced water use, a more diverse portfolio of resources for generating electricity, reduced fossil fuel consumption and more stable rates for retail customers of electricity.***

2. To qualify as a renewable energy system for the purposes of paragraph (b) of subsection 1 of NRS 704.7815, a facility or energy system must:

(a) Have its first point of interconnection with:

(1) A Nevada balancing authority;

(2) A distribution facility which serves retail customers located within an area controlled by a Nevada balancing authority; or

(3) An entity described in paragraph (a), (b), (c), (d) or (e) of subsection 3 of NRS 704.7808;

(b) Subject to the limitations set forth in subsection 3, generate electricity that is scheduled for transmission or distribution into a Nevada balancing authority without substitution of electricity from another source; or

(c) Generate electricity that is dynamically transferred into a Nevada balancing authority.

3. For the purpose of determining whether a facility or energy system qualifies as a renewable energy system pursuant to paragraph (b) of subsection 2, electricity may be substituted from another source if:

(a) Both:

(1) The substitution is limited to the amount of electricity from another source which is required to provide ancillary services necessary to maintain the scheduled transmission or distribution of electricity into the Nevada balancing authority; and

(2) The amount of electricity substituted pursuant to paragraph (a) is not included in the amount of electricity generated by the facility or energy system; or

(b) Both:

(1) The substitution is limited to the amount of electricity from another source which is required for firming and shaping the electricity that is scheduled for transmission or distribution into the Nevada balancing authority; and

(2) The electricity which is substituted is incremental electricity.

4. As used in this section, "Nevada balancing authority" means an entity:

(a) With control over the electricity loads and electricity resources for an area which includes the majority of the territory of this State;

(b) Which maintains in real time the balance between electricity loads and electricity resources within the area the entity controls; and

(c) Is responsible for keeping the actual interchange of electricity equal to the scheduled interchange of electricity for the area the entity controls.

Sec. 2.2. 1. Subject to the limitations set forth in this section and paragraph (b) of subsection 2 of NRS 704.7821, for the purpose of complying with a portfolio standard established pursuant to NRS 704.7821 or 704.78213, a provider shall be deemed to have generated or acquired 2.0 kilowatt-hours of electricity from a renewable energy system for each 1.0 kilowatt-hour of actual electricity delivered by or acquired from a qualified energy storage system, if the owner or operator of the qualified energy storage system demonstrates to the Commission:

(a) For the purposes of subsection 1 of section 1.7 of this act, that the electricity:

(1) Stored in the qualified energy storage system was generated by renewable energy; and

(2) Delivered by the qualified energy storage system was delivered during a peak load period.

(b) For the purposes of subsection 2 of section 1.7 of this act, that the ancillary services provided by the qualified energy storage system were used to integrate into the grid electricity which was generated by renewable energy.

2. For the purposes of subsection 1, a provider shall not be deemed to have generated or acquired more than 2.0 kilowatt-hours of electricity from a renewable energy system per day for each 1.0 kilowatt-hour of installed capacity of the qualified energy storage system.

3. For the purposes of subsection 1, the owner or operator of the qualified energy storage system must make his or her demonstration to the Commission using the operating algorithms, rules and schedules and market participation of the qualified energy storage system, to the extent applicable.

Sec. 2.3. For the purpose of complying with a portfolio standard established pursuant to NRS 704.7821 or 704.78213, a provider shall be deemed to have generated or acquired 1.5 kilowatt-hours of electricity from a renewable energy system for each 1.0 kilowatt-hour of actual electricity generated or acquired from a portfolio energy system that generates electricity from geothermal energy, if the system was placed into operation on or after January 1, 2018.

Sec. 2.4. A provider of electric service described in subsection 3 of NRS 704.7808 shall, on or before July 1 of each year, submit to the Director of the Office of Energy appointed pursuant to NRS 701.150 a report which contains the information described in subsection 4 of NRS 704.7825.

Sec. 2.5. Notwithstanding any provision of law to the contrary, a provider of electric service described in subsection 3 of NRS 704.7808 is not subject to the jurisdiction of the Commission.

Sec. 2.6. **NRS 704.7801 is hereby amended to read as follows:**

704.7801 As used in NRS 704.7801 to 704.7828, inclusive, ***and sections 1.5 to 2.5, inclusive, of this act*** unless the context otherwise requires, the words and terms defined in NRS 704.7802 to 704.7819, inclusive, ***and sections 1.5 and 1.7 of this act*** have the meanings ascribed to them in those sections.

Sec. 2.7. **NRS 704.7804 is hereby amended to read as follows:**

704.7804 "Portfolio energy system or efficiency measure" means:

1. Any renewable energy system:

(a) Placed into operation before July 1, 1997, if a provider of electric service used electricity generated or acquired from the renewable energy system to satisfy its portfolio standard before July 1, 2009; or

(b) Placed into operation on or after July 1, 1997; ~~[or]~~

2. Any energy efficiency measure installed on or before December 31, 2019 ~~[.]~~ ***; or***

3. Any qualified energy storage system.

Sec. 2.8. **NRS 704.7808 is hereby amended to read as follows:**

704.7808 1. "Provider of electric service" and "provider" mean any person or entity that is in the business of selling electricity to retail customers for consumption in this State, regardless of whether the person or entity is otherwise subject to regulation by the Commission.

2. The term includes, without limitation, a provider of new electric resources that is selling electricity to an eligible customer for consumption in this State pursuant to the provisions of chapter 704B of NRS.

3. ~~[The]~~ ***Except as otherwise provided in this subsection, the*** term does not include:

(a) This State or an agency or instrumentality of this State.

(b) A rural electric cooperative established pursuant to chapter 81 of NRS.

(c) A general improvement district established pursuant to chapter 318 of NRS.

(d) A utility established pursuant to chapter 709 or 710 of NRS.

(e) A cooperative association, nonprofit corporation, nonprofit association or provider of electric service which is declared to be a public utility pursuant to NRS 704.673 and which provides service only to its members.

~~[(f)]~~

➥ For calendar year 2018 and for each calendar year thereafter, the term includes an entity identified in this subsection during the entirety of any calendar year in which the total amount of electricity sold by the entity to its retail customers in this State during that calendar year equals or exceeds 1,000,000 megawatt-hours.

4. The term does not include:

(a) A landlord of a manufactured home park or mobile home park or owner of a company town who is subject to any of the provisions of NRS 704.905 to 704.960, inclusive.

~~[(g)]~~ ***(b)*** A landlord who pays for electricity that is delivered through a master meter and who distributes or resells the electricity to one or more tenants for consumption in this State.

Sec. 2.9. **NRS 704.7815 is hereby amended to read as follows:**

704.7815 "Renewable energy system" means:

1. A facility or energy system that uses renewable energy or energy from a qualified energy recovery process to generate electricity and:

(a) Uses the electricity that it generates from renewable energy or energy from a qualified recovery process in this State; or

(b) ~~[Transmits]~~ ***Satisfies the requirements of section 2.1 of this act and transmits*** or distributes the electricity that it generates from renewable energy or energy from a qualified energy recovery process to a provider of electric service for delivery into and use in this State.

2. A solar energy system that reduces the consumption of electricity or any fossil fuel.

3. A net metering system used by a customer-generator pursuant to NRS 704.766 to 704.775, inclusive.

Sec. 3. NRS 704.7821 is hereby amended to read as follows:

704.7821 1. For each provider of electric service, the Commission shall establish a portfolio standard. ~~[The]~~ ***Except as otherwise provided in subsection 8, the*** portfolio standard must require each provider to generate, acquire or save electricity from portfolio energy systems or efficiency measures in an amount that is:

(a) For calendar years 2005 and 2006, not less than 6 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(b) For calendar years 2007 and 2008, not less than 9 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(c) For calendar years 2009 and 2010, not less than 12 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(d) For calendar years 2011 and 2012, not less than 15 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(e) For calendar years 2013 and 2014, not less than 18 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(f) For calendar years 2015 through ~~[2019,]~~ ***2017,*** inclusive, not less than 20 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(g) For calendar years ~~[2020 through 2024, inclusive,]~~ ***2018 and 2019,*** not less than ~~[22 26]~~ ***[26] 24*** percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(h) For calendar years 2020 and 2021, not less than [30] 28 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(i) For calendar years 2022 and 2023, not less than [34] 32 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(j) For calendar years 2024 and 2025, not less than [38] 36 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(k) For calendar years 2026 and 2027, not less than [42] 40 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(l) For calendar years 2028 and 2029, not less than 46 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(m) For calendar year ~~[2025]~~ ***2030*** and for each calendar year thereafter, not less than ~~[25]~~ ***50*** percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

2. In addition to the requirements set forth in subsection 1, the portfolio standard for each provider must require that:

(a) ~~[Of the total amount of electricity that the provider is required to generate, acquire or save from portfolio energy systems or efficiency measures during each calendar year, not less than:~~

~~(1) For calendar years 2009 through 2015, inclusive, 5 percent of that amount must be generated or acquired from solar renewable energy systems.~~

~~(2) For calendar year 2016 and for each calendar year thereafter, 6 percent of that amount must be generated or acquired from solar renewable energy systems.~~

~~(b)]~~ Of the total amount of electricity that the provider is required to generate, acquire or save from portfolio energy systems or efficiency measures:

(1) During calendar years 2013 and 2014, not more than 25 percent of that amount may be based on energy efficiency measures;

(2) During each calendar year 2015 to 2019, inclusive, not more than 20 percent of that amount may be based on energy efficiency measures;

(3) During each calendar year 2020 to 2024, inclusive, not more than 10 percent of that amount may be based on energy efficiency measures; and

(4) For calendar year 2025 and each calendar year thereafter, no portion of that amount may be based on energy efficiency measures.

➥ If the provider intends to use energy efficiency measures to comply with its portfolio standard during any calendar year, of the total amount of electricity saved from energy efficiency measures for which the provider seeks to obtain portfolio energy credits pursuant to this paragraph, at least 50 percent of that amount must be saved from energy efficiency measures installed at service locations of residential customers of the provider, unless a different percentage is approved by the Commission.

~~[(c)]~~ ***(b)*** ***Of the total amount of electricity that the provider is required to generate, acquire or save from portfolio energy systems or efficiency measures, for calendar year 2018 and each calendar year thereafter, not more than 10 percent of that amount may be based on qualified energy storage systems.***

(c) If the provider acquires or saves electricity from a portfolio energy system or efficiency measure pursuant to a renewable energy contract or energy efficiency contract with another party:

(1) The term of the contract must be not less than 10 years, unless the other party agrees to a contract with a shorter term; and

(2) The terms and conditions of the contract must be just and reasonable, as determined by the Commission. If the provider is a utility provider and the Commission approves the terms and conditions of the contract between the utility provider and the other party, the contract and its terms and conditions shall be deemed to be a prudent investment and the utility provider may recover all just and reasonable costs associated with the contract.

3. If, for the benefit of one or more retail customers in this State, the provider has paid for or directly reimbursed, in whole or in part, the costs of the acquisition or installation of a solar energy system which qualifies as a renewable energy system and which reduces the consumption of electricity, the total reduction in the consumption of electricity during each calendar year that results from the solar energy system shall be deemed to be electricity that the provider generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard.

4. The Commission shall adopt regulations that establish a system of portfolio energy credits that may be used by a provider to comply with its portfolio standard.

5. Except as otherwise provided in subsection 6, each provider shall comply with its portfolio standard during each calendar year.

6. If, for any calendar year, a provider is unable to comply with its portfolio standard through the generation of electricity from its own renewable energy systems or, if applicable, through the use of portfolio energy credits, the provider shall take actions to acquire or save electricity pursuant to one or more renewable energy contracts or energy efficiency contracts. If the Commission determines that, for a calendar year, there is not or will not be a sufficient supply of electricity or a sufficient amount of energy savings made available to the provider pursuant to renewable energy contracts and energy efficiency contracts with just and reasonable terms and conditions, the Commission shall exempt the provider, for that calendar year, from the remaining requirements of its portfolio standard or from any appropriate portion thereof, as determined by the Commission.

7. The Commission shall adopt regulations that establish:

(a) Standards for the determination of just and reasonable terms and conditions for the renewable energy contracts and energy efficiency contracts that a provider must enter into to comply with its portfolio standard.

(b) Methods to classify the financial impact of each long-term renewable energy contract and energy efficiency contract as an additional imputed debt of a utility provider. The regulations must allow the utility provider to propose an amount to be added to the cost of the contract, at the time the contract is approved by the Commission, equal to a compensating component in the capital structure of the utility provider. In evaluating any proposal made by a utility provider pursuant to this paragraph, the Commission shall consider the effect that the proposal will have on the rates paid by the retail customers of the utility provider.

8. ~~[Except as otherwise provided in NRS 704.78213, the provisions of this section do not apply to a provider of new electric resources as defined in NRS 704B.130.]~~ ***For the purposes of subsection 1, for calendar year 2018 and for each calendar year thereafter, the total amount of electricity sold by a provider:***

(a) Described in subsection 3 of NRS 704.7808 to its retail customers in this State during a calendar year does not include the first 1,000,000

megawatt-hours of electricity sold by the provider to such customers during that calendar year.

(b) To its retail customers in this State during a calendar year does not include the amount of electricity sold by the provider as part of a program of optional pricing authorized by the Commission pursuant to NRS 704.738.

9. As used in this section:

(a) "Energy efficiency contract" means a contract to attain energy savings from one or more energy efficiency measures owned, operated or controlled by other parties.

(b) "Renewable energy contract" means a contract to acquire electricity from one or more renewable energy systems owned, operated or controlled by other parties.

(c) "Terms and conditions" includes, without limitation, the price that a provider must pay to acquire electricity pursuant to a renewable energy contract or to attain energy savings pursuant to an energy efficiency contract.

Sec. 4. NRS 704.78213 is hereby amended to read as follows:

704.78213 1. If the Commission issues an order approving an application that is filed pursuant to NRS 704B.310 or a request that is filed pursuant to NRS 704B.325 regarding a provider of new electric resources and an eligible customer, the Commission must establish in the order a portfolio standard applicable to the electricity sold by the provider of new electric resources to the eligible customer in accordance with the order. The portfolio standard must require the provider of new electric resources to generate, acquire or save electricity from portfolio energy systems or efficiency measures in the amounts described in the portfolio standard set forth in NRS 704.7821 **.** ~~[which is effective on the date on which the order approving the application or request is approved.]~~

2. ~~[Of]~~ ***Except as otherwise provided in this subsection, of*** the total amount of electricity that a provider of new electric resources is required to generate, acquire or save from portfolio energy systems or efficiency measures during each calendar year, not more than 25 percent of that amount may be based on energy efficiency measures. ***Subject to the provisions of paragraphs (a) and (b), the provisions of this subsection apply to an order of the Commission approving an application that is filed pursuant to NRS 704B.310 or a request that is filed pursuant to NRS 704B.325 regarding a provider of new electric resources and an eligible customer only if the order is issued by the Commission before July 1, 2017. If such an order was issued by the Commission:***

(a) Before July 1, 2012, the provisions of this subsection apply for all calendar years.

(b) On or after July 1, 2012, and before July 1, 2017, the provisions of this subsection apply only for calendar years before calendar year 2025.

3. ~~*[2.]*~~ If, for the benefit of one or more eligible customers, the eligible customer of a provider of new electric resources has paid for or directly

reimbursed, in whole or in part, the costs of the acquisition or installation of a solar energy system which qualifies as a renewable energy system and which reduces the consumption of electricity, the total reduction in the consumption of electricity during each calendar year that results from the solar energy system shall be deemed to be electricity that the provider of new electric resources generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard.

4. ~~***[3.]***~~ As used in this section:

(a) "Eligible customer" has the meaning ascribed to it in NRS 704B.080.

(b) "Provider of new electric resources" has the meaning ascribed to it in NRS 704B.130.

Sec. 4.3. **NRS 704.78215 is hereby amended to read as follows:**

704.78215 1. Except as otherwise provided in this section or by specific statute, a provider is entitled to one portfolio energy credit for each kilowatt-hour of electricity that the provider generates, acquires or saves from a portfolio energy system or efficiency measure.

2. The Commission may adopt regulations that give a provider more than one portfolio energy credit for each kilowatt-hour of electricity saved by the provider during its peak load period from energy efficiency measures.

3. Except as otherwise provided in this subsection, for portfolio energy systems placed into operation on or after January 1, 2016, the amount of electricity generated or acquired from a portfolio energy system does not include the amount of any electricity used by the portfolio energy system for its basic operations that reduce the amount of renewable energy delivered to the transmission grid for distribution and sale to customers of the provider. The provisions of this subsection do not apply to a portfolio energy system placed into operation on or after January 1, 2016, if a provider entered into a contract for the purchase of electricity generated by the portfolio energy system on or before December 31, 2012. For the purposes of this subsection, the amount of any electricity used by a portfolio energy system for its basic operations:

(a) Except as otherwise provided in paragraph (b), includes electricity used for the heating, lighting, air-conditioning and equipment of a building located on the site of the portfolio energy system, and for operating any other equipment located on such site.

(b) ~~[Does]~~ ***If the portfolio energy system is placed into operation on or before December 31, 2017, does*** not include the electricity used by a portfolio energy system that generates electricity from geothermal energy for the extraction and transportation of geothermal brine or used to pump or compress geothermal brine.

Sec. 4.7. **NRS 704.7825 is hereby amended to read as follows:**

704.7825 1. Each provider of electric service shall submit to the Commission an annual report that provides information relating to the actions taken by the provider to comply with its portfolio standard.

2. Each provider shall submit the annual report to the Commission after the end of each calendar year and within the time prescribed by the Commission. The report must be submitted in a format approved by the Commission.

3. The Commission may adopt regulations that require providers to submit to the Commission additional reports during each calendar year.

4. Each annual report and each additional report must include clear and concise information that sets forth:

(a) The amount of electricity which the provider generated, acquired or saved from portfolio energy systems or efficiency measures during the reporting period and, if applicable, the amount of portfolio energy credits that the provider acquired, sold or traded during the reporting period to comply with its portfolio standard;

(b) The capacity of each renewable energy system owned, operated or controlled by the provider, the total amount of electricity generated by each such system during the reporting period and the percentage of that total amount which was generated directly from renewable energy;

(c) Whether, during the reporting period, the provider began construction on, acquired or placed into operation any renewable energy system and, if so, the date of any such event;

(d) Whether, during the reporting period, the provider participated in the acquisition or installation of any energy efficiency measures and, if so, the date of any such event; and

(e) Any other information that the Commission by regulation may deem relevant.

5. Based on the reports submitted by providers pursuant to this section, the Commission shall compile information that sets forth whether any provider has used energy efficiency measures to comply with its portfolio standard and, if so, the type of energy efficiency measures used and the amount of energy savings attributable to each such energy efficiency measure. The Commission shall report such information to:

(a) The Legislature, not later than the first day of each regular session; and

(b) The Legislative Commission, if requested by the Chair of the Commission.

6. The provisions of this section do not apply to a provider of electric service described in subsection 3 of NRS 704.7808.

Sec. 5. Notwithstanding the provisions of any other law or any ruling or order issued by or portfolio standard established by the Public Utilities Commission of Nevada to the contrary, for any portfolio standard established by the Commission pursuant to the provisions of subsection 1 of NRS 704.78213 **, as that section existed before July 1, 2017, on or after July 1, 2012, and** before July 1, 2017, the Commission shall, for ~~[the period beginning on July 1, 2017,]~~ **calendar year 2018 and for each calendar year thereafter,** revise the portfolio standard to require the provider of new electric resources as defined in NRS 704B.130 to generate, acquire or save

electricity from portfolio energy systems or energy efficiency measures in the amounts described in the portfolio standard set forth in NRS 704.7821, as amended by section 3 of this act.

Sec. 6. ~~[The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.]~~ **(Deleted by amendment.)**

Sec. 7. **1.** This **section and sections 1 to 2.3, inclusive, and 2.5 to 6, inclusive, of this** act ~~[becomes]~~ **become** effective on July 1, 2017.

2. Section 2.4 of this act becomes effective on July 1, 2020.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 206 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 206.

Bill read third time.

Remarks by Assemblyman Brooks.

ASSEMBLYMAN BROOKS:

Assembly Bill 206 revises the portfolio standard for calendar year 2018 and each calendar year thereafter so that by calendar year 2030 and for each calendar year thereafter, each provider of electric service will be required to generate, acquire, or save electricity from renewable energy systems or efficiency measures not less than 50 percent of the total amount of electricity sold by the provider to its retail customers during that calendar year. The bill eliminates the minimum percentage required to be generated or acquired from solar renewable energy systems and revises, for the purposes of complying with the portfolio standard, certain provisions relating to the calculation of the total amount of electricity sold by a provider to retail customers in this state. The measure also modifies the qualifications of a renewable energy system for purposes of the portfolio standard.

Additionally, A.B. 206 allows certain providers of new electric resources to satisfy up to 25 percent of their portfolio standard requirement using energy efficiency measures. It further allows energy storage systems to generate credits that can be used for compliance with the portfolio standard; electricity providers subject to the portfolio standard can only use storage systems to meet 10 percent of their compliance obligation. Assembly Bill 206 also makes changes to the way geothermal plants gain portfolio energy credits.

Finally, A.B. 206 requires certain providers of electric service to submit annual reports demonstrating progress toward compliance with the portfolio standard to the Director of the Office of Energy. It specifies that compliance with the portfolio standard will not make certain providers subject to the jurisdiction of the Public Utilities Commission of Nevada [PUCN], and requires the PUCN to revise certain portfolio standards established for a provider of new electric resources to comply with the revised portfolio standard.

Roll call on Assembly Bill No. 206.

YEAS—30.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Titus, Wheeler, Woodbury—12.

Assembly Bill No. 206 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 470.

Bill read third time.

The following amendment was proposed by Assemblyman Yeager:

Amendment No. 912.

AN ACT relating to children; revising provisions concerning the release of certain information relating to a child subject to the jurisdiction of the juvenile court; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a director of juvenile services and the Youth Parole Bureau to release certain information concerning a child who is within the purview of the juvenile court to certain other persons involved in the juvenile justice system. To release such information to a school district, a director of juvenile services or the Youth Parole Bureau must enter into a written agreement with the school district for the sharing of the information. (NRS 62H.025) This bill: (1) revises the list of persons to whom a director of juvenile services and the Youth Parole Bureau may release information to include a law enforcement agency engaged in a criminal investigation or delinquency proceeding or involved in a situation concerning a child who is a threat to himself or herself or to the safety of others; and (2) authorizes a director of juvenile services and the Youth Parole Bureau to release information to a school district only if the written agreement with the school district provides for the sharing of data from the educational record of the child.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 62H.025 is hereby amended to read as follows:

62H.025 1. Juvenile justice information is confidential and may only be released in accordance with the provisions of this section or as expressly authorized by other federal or state law.

2. For the purpose of ensuring the safety, permanent placement, rehabilitation, educational success and well-being of a child or the safety of the public, a juvenile justice agency may release juvenile justice information to:

(a) A director of juvenile services or his or her designee;

(b) The Chief of the Youth Parole Bureau or his or her designee;

(c) A district attorney or his or her designee;

(d) An attorney representing the child;

(e) The director of a state agency which administers juvenile justice or his or her designee;

(f) A director of a state, regional or local facility for the detention of children or his or her designee;

(g) The director of an agency which provides child welfare services or his or her designee;

(h) A guardian ad litem or court appointed special advocate who represents the child;

(i) A parent or guardian of the child;

(j) The child to whom the juvenile justice information pertains if the child has reached the age of majority, or a person who presents a release that is signed by the child who has reached the age of majority and which specifies the juvenile justice information to be released and the purpose for the release;

(k) A school district, if the juvenile justice agency and the school district have entered into a written agreement to share juvenile justice information ***and data from an educational record of a child maintained by the school district*** for a purpose consistent with the purposes of this section;

(l) A person or organization who has entered into a written agreement with the juvenile justice agency to provide assessments or juvenile justice services;

(m) A person engaged in bona fide research that may be used to improve juvenile justice services or secure additional funding for juvenile justice services if the juvenile justice information is provided in the aggregate and without any personal identifying information; ~~[or]~~

(n) A person who is authorized by a court order to receive the juvenile justice information, if the juvenile justice agency was provided with notice and opportunity to be heard before the issuance of the order ~~[.]~~ ***; or***

(o) A law enforcement agency in the course of a criminal investigation, a delinquency proceeding conducted pursuant to the provisions of this title or a situation involving a child who is subject to the jurisdiction of the juvenile court and who poses a threat to himself or herself or to the safety or well-being of others.

3. A juvenile justice agency may deny a request for juvenile justice information if:

(a) The request does not, in accordance with the purposes of this section, demonstrate good cause for the release of the information; or

(b) The release of the information would cause material harm to the child or would prejudice any court proceeding to which the child is subject.

➥ A denial pursuant to this subsection must be made in writing to the person requesting the information not later than 5 business days after receipt of the request.

4. Any juvenile justice information provided pursuant to this section may not be used to deny a child access to any service for which the child would otherwise be eligible, including, without limitation:

(a) Educational services;
(b) Social services;
(c) Mental health services;
(d) Medical services; or
(e) Legal services.

5. Except as otherwise provided in this subsection, any person who is provided with juvenile justice information pursuant to this section and who further disseminates the information or makes the information public is guilty of a gross misdemeanor. This subsection does not apply to:

(a) A district attorney who uses the information solely for the purpose of initiating legal proceedings; or

(b) A person or organization described in subsection 2 who provides a report concerning juvenile justice information to a court or other party pursuant to this title or chapter 432B of NRS.

6. As used in this section:

(a) "Juvenile justice agency" means the Youth Parole Bureau or a director of juvenile services.

(b) "Juvenile justice information" means any information which is directly related to a child in need of supervision, a delinquent child or any other child who is otherwise subject to the jurisdiction of the juvenile court.

Sec. 2. This act becomes effective ~~[on July 1, 2017.]~~ **upon passage and approval.**

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 472.

Bill read third time.

The following amendment was proposed by Assemblyman Yeager:

Amendment No. 911.

AN ACT relating to crimes; revising provisions governing registration and community notification of juveniles adjudicated delinquent for committing certain sexual offenses; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a child who is adjudicated delinquent for committing certain sexual offenses and who was 14 years of age or older at the time of the commission of the sexual offense is required to register as a sex offender in the same manner as an adult and is subject to community notification. (NRS 62F.220, 179D.0559, 179D.095) In addition, existing law prohibits the sealing of records relating to a child while the child is subject to registration and community notification as a juvenile sex offender. (NRS 62F.260) **Sections 18, 19 and 22** of this bill remove and repeal those provisions, and **sections 4-14** of this bill enact provisions governing the registration and community notification of juvenile sex offenders.

Sections 5 and 8 include certain offenses, called "aggravated sexual offenses," in the list of sexual offenses for which registration and community notification as a juvenile sex offender is required. **Section 9** provides that a child who is adjudicated delinquent for committing certain sexual offenses and who was 14 years of age or older at the time of the commission of the sexual offense must: (1) register as a sex offender with the juvenile court, the juvenile probation department or the Youth Parole Bureau of the Division of Child and Family Services of the Department of Health and Human Services, whichever entity is determined to be the appropriate entity by the juvenile court; and (2) update his or her registration information not later than 48 hours after certain changes to that information. **Section 9** also requires: (1) the juvenile court to order the parent or guardian of the child to ensure that the child complies with the requirements for registration as a sex offender; and (2) the parent or guardian of the child to notify the entity with which the child is registered as a sex offender and, if appropriate, the local law enforcement agency if the child runs away or otherwise leaves the placement for the child approved by the juvenile court.

Under **section 10**, the juvenile court is required to: (1) notify the Central Repository for Nevada Records of Criminal History when a child is adjudicated delinquent for certain sexual offenses so that the Central Repository may carry out the provisions of law governing the registration of the child as a sex offender; and (2) inform the child and his or her parent or guardian that the child is subject to certain requirements for registration and community notification applicable to sex offenders. **Section 10** further prohibits the juvenile court from terminating its jurisdiction over the child until the juvenile court relieves the child from the requirement to register as a sex offender or orders that the child continue to be subject to registration and community notification after the child becomes 21 years of age.

Section 11 provides that upon a motion by a child, a judge of the juvenile court may exempt the child from the requirements for community notification applicable to sex offenders or exclude the child from placement on the community notification website, or both. Under **section 11**, the judge may not exempt a child from community notification or exclude the child from the community notification website if the child is adjudicated delinquent for certain aggravated sexual offenses. The judge must hold a hearing on such a motion and must not exempt the child from community notification or exclude the child from the community notification website unless, at the hearing, the judge finds by clear and convincing evidence that the child is not likely to pose a threat to the safety of others. **Section 11** further authorizes the judge to reconsider its decision on a motion after considering certain factors. Finally, if the judge exempts a child from community notification or excludes the child from placement on the community notification website, or both, the judge must notify the Central Repository and the child must not be subject to community notification or be placed on the community notification website.

Section 12 requires a judge of the juvenile court to hold a hearing when the child reaches 21 years of age or on a date reasonably near that date. If the judge finds by clear and convincing evidence that the child has been rehabilitated and does not pose a threat to the safety of others, the judge must relieve the child from the requirement for registration and community notification as a sex offender. However, if the judge determines that the child has not been rehabilitated or poses a threat to the safety of others, the judge must order that the child is subject to registration and community notification in the manner provided for adult sex offenders.

Section 13 provides that the juvenile court may not refer to a master any finding, determination or other act required to be made by the juvenile court pursuant to **sections 11 and 12**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 62A.030 is hereby amended to read as follows:

62A.030 1. "Child" means:

(a) A person who is less than 18 years of age;

(b) A person who is less than 21 years of age and subject to the jurisdiction of the juvenile court for an unlawful act that was committed before the person reached 18 years of age; or

(c) A person who is otherwise subject to the jurisdiction of the juvenile court as a juvenile sex offender pursuant to the provisions of ~~[~~NRS 62F.200, 62F.220 and 62F.260.~~]~~ ***sections 4 to 14, inclusive, of this act.***

2. The term does not include:

(a) A person who is excluded from the jurisdiction of the juvenile court pursuant to NRS 62B.330;

(b) A person who is transferred to the district court for criminal proceedings as an adult pursuant to NRS 62B.335; or

(c) A person who is certified for criminal proceedings as an adult pursuant to NRS 62B.390 or 62B.400.

Sec. 2. NRS 62B.410 is hereby amended to read as follows:

62B.410 Except as otherwise provided in NRS 62F.110 and ~~[~~62F.220,~~]~~ ***sections 10 and 12 of this act,*** if a child is subject to the jurisdiction of the juvenile court, the juvenile court:

1. May terminate its jurisdiction concerning the child at any time, either on its own volition or for good cause shown; or

2. May retain jurisdiction over the child until the child reaches 21 years of age.

Sec. 3. Chapter 62F of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 14, inclusive, of this act.

Sec. 4. ***As used in sections 4 to 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5 to 8, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 5. ***"Aggravated sexual offense" means:***

1. Battery with intent to commit sexual assault pursuant to NRS 200.400;

2. An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is listed in NRS 179D.097;

3. An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is listed in NRS 179D.097;

4. An offense listed in NRS 179D.097, if the offense is subject to the additional penalty set forth in NRS 193.165;

5. An offense listed in NRS 179D.097, if the offense results in substantial bodily harm to the victim;

6. Any sexual offense if the juvenile has previously been adjudicated delinquent, or placed under the supervision of the juvenile court pursuant to NRS 62C.230, for a sexual offense; or

7. An attempt or conspiracy to commit an offense listed in this section.

Sec. 6. *"Community notification" means notification of a community pursuant to the provisions of NRS 179D.475.*

Sec. 7. *"Community notification website" has the meaning ascribed to it in NRS 179B.023.*

Sec. 8. *1. "Sexual offense" means:*

(a) Sexual assault pursuant to NRS 200.366;

(b) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;

(c) Lewdness with a child pursuant to NRS 201.230;

(d) An attempt or conspiracy to commit an offense listed in paragraph (a), (b) or (c), if punishable as a felony;

(e) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193; or

(f) An aggravated sexual offense.

2. The term does not include an offense involving consensual sexual conduct if the victim was:

(a) An adult, unless the adult was under the custodial authority of the offender at the time of the offense; or

(b) At least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

Sec. 9. *1. Notwithstanding any other provision of law, a child who is adjudicated delinquent for an unlawful act that would have been a sexual offense if committed by an adult and who was 14 years of age or older at the time of the commission of the unlawful act shall:*

(a) Register initially, as required by NRS 179D.445, with the juvenile court, the director of juvenile services or the Youth Parole Bureau in the jurisdiction in which the child was adjudicated, as determined by the juvenile court; and

(b) Not later than 48 hours after a change of his or her name, residence or employment or student status, the issuance of or a change to the driver's license or identification card issued to the child by this State or any other jurisdiction or a change in the description of the motor vehicle registered to or frequently driven by the child, if any, update the juvenile court, the director of juvenile services or the Youth Parole Bureau, as applicable, of such a change.

2. The juvenile court shall order the parent or guardian of a child who is subject to the requirements of subsection 1 to:

(a) Ensure that while the child is subject to the jurisdiction of the juvenile court, the child complies with the requirements of subsection 1; and

(b) If the child runs away or otherwise leaves the placement for the child approved by the juvenile court, inform the juvenile court, the director of juvenile services or the Youth Parole Bureau, as applicable, that the child has run away or otherwise left the placement and, if appropriate, make a report to the local law enforcement agency of the jurisdiction in which the child was placed.

3. The juvenile court, director of juvenile services or Youth Parole Bureau, as applicable, shall immediately provide the information provided by a child or the parent or guardian of a child pursuant to subsection 1 or 2 to the Central Repository.

Sec. 10. ***1. In addition to any other action authorized or required pursuant to the provisions of this title, if a child is adjudicated delinquent for an unlawful act that would have been a sexual offense if committed by an adult and was 14 years of age or older at the time of the commission of the unlawful act, the juvenile court shall:***

(a) Notify the Central Repository of the adjudication so that the Central Repository may carry out the provisions for registration and community notification of the child pursuant to NRS 179D.010 to 179D.550, inclusive, and sections 4 to 14, inclusive, of this act.

(b) Inform the child and the parent or guardian of the child that the child is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive, and sections 4 to 14, inclusive, of this act.

2. The juvenile court may not terminate its jurisdiction over the child for the purposes of carrying out the provisions of sections 4 to 14, inclusive, of this act until the juvenile court, pursuant to section 12 of this act, has relieved the child from being subject to the requirements for registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive, or ordered that the child is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive.

Sec. 11. ***1. Notwithstanding any other provision of law and except as otherwise provided in this subsection, upon a motion by a child, the juvenile court may exempt the child from community notification or exclude the child from placement on the community notification website, or***

both, if the juvenile court finds by clear and convincing evidence that the child is not likely to pose a threat to the safety of others. The juvenile court shall not exempt a child from community notification or exclude the child from placement on the community notification website if the child is adjudicated delinquent for committing an aggravated sexual offense.

2. At the hearing held on a motion pursuant to this section, the juvenile court may consider any evidence, reports, statements or other material which the juvenile court determines is relevant and helpful to determine whether to grant the motion.

3. In determining at the hearing whether the child is likely to pose a threat to the safety of others, the juvenile court shall consider the following factors:

(a) The number, date, nature and gravity of the act or acts committed by the child, including, without limitation, whether the act or acts were characterized by repetitive and compulsive behavior.

(b) The family controls in place over the child.

(c) The plan for providing counseling, therapy or treatment to the child.

(d) The history of the child with the juvenile court, including, without limitation, reports concerning any unlawful acts which the child has admitted committing, any acts for which the juvenile court placed the child under a supervision and consent decree pursuant to NRS 62C.230 and any prior adjudication of delinquency or need of supervision.

(e) The results of any psychological or psychiatric profiles of the child and whether those profiles indicate a risk of recidivism.

(f) Any physical conditions that minimize the risk of recidivism, including, without limitation, physical disability or illness.

(g) The impact of the unlawful act on the victim and any statements made by the victim.

(h) The safety of the community and the need to protect the public.

(i) The impact that registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive, and sections 4 to 14, inclusive, of this act will have on the treatment of the child.

(j) Any other factor that the juvenile court finds relevant to the determination of whether the child is likely to pose a threat to the safety of others.

4. If the juvenile court exempts a child from community notification or excludes a child from placement on the community notification website, or both, the juvenile court shall notify the Central Repository so that the Central Repository may carry out the determination of the juvenile court.

5. Upon good cause shown, the juvenile court may reconsider the granting or denial of a motion pursuant to this section, and reverse, modify or affirm its determination. In determining whether to reverse, modify or affirm its determination, the juvenile court:

(a) Shall consider:

(1) The factors set forth in subsection 3;

(2) The extent to which the child has received counseling, therapy or treatment and the response of the child to any such counseling, therapy or treatment; and

(3) The behavior of the child while subject to the jurisdiction of the juvenile court, including, without limitation, the behavior of the child during any period of confinement.

(b) Shall not exempt a child from community notification or exclude a child from placement on the community notification website unless the juvenile court finds by clear and convincing evidence that the child is not likely to pose a threat to the safety of others.

Sec. 12. *Except as otherwise provided in sections 4 to 14, inclusive, of this act:*

1. If a child has been adjudicated delinquent for a sexual offense, the juvenile court shall hold a hearing when the child reaches 21 years of age, or at a time reasonably near the date on which the child reaches 21 years of age, to determine whether the child should be subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive.

2. At the hearing pursuant to this section, the juvenile court may consider any evidence, reports, statements or other material which the juvenile court determines is relevant and helpful to determine whether to grant the motion.

3. If the juvenile court finds by clear and convincing evidence at the hearing that the child has been rehabilitated to the satisfaction of the juvenile court and that the child is not likely to pose a threat to the safety of others, the juvenile court may relieve the child from being subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive.

4. If the juvenile court does not find by clear and convincing evidence at the hearing that the child has been rehabilitated to the satisfaction of the juvenile court and that the child is not likely to pose a threat to the safety of others, the juvenile court shall:

(a) Order that the child is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive;

(b) Notify the Central Repository of the adjudication of the child and the determination of the juvenile court that the child should be subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive, so that the Central Repository may carry out the provisions for registration and community notification pursuant to those sections; and

(c) Inform the child that he or she is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive.

5. In determining at the hearing whether the child has been rehabilitated to the satisfaction of the juvenile court or is likely to pose a

threat to the safety of others, the juvenile court shall consider the following factors:

(a) The number, date, nature and gravity of the act or acts committed by the child, including, without limitation, whether the act or acts were characterized by repetitive and compulsive behavior.

(b) The extent to which the child has received counseling, therapy or treatment, and the response of the child to any such counseling, therapy or treatment.

(c) Whether psychological or psychiatric profiles indicate a risk of recidivism.

(d) The behavior of the child while subject to the jurisdiction of the juvenile court, including, without limitation, the behavior of the child during any period of confinement.

(e) Whether the child has made any recent threats against a person or expressed any intent to commit any crimes in the future.

(f) Any physical conditions that minimize the risk of recidivism, including, without limitation, physical disability or illness.

(g) The impact of the unlawful act on the victim and any statements made by the victim.

(h) The safety of the community and the need to protect the public.

(i) Any other factor that the juvenile court finds relevant to the determination of whether the child has been rehabilitated to the satisfaction of the juvenile court and whether the child is likely to pose a threat to the safety of others.

6. The juvenile court shall file written findings of fact and conclusions of law setting forth the basis and legal support for any decision pursuant to this section.

7. If, pursuant to this section, the juvenile court orders that a child is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive, the jurisdiction of the juvenile court terminates, and the child is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive, for the period specified in NRS 179D.490.

Sec. 13. ***1. The juvenile court may not refer to a master any finding, determination or other act required to be made by the juvenile court pursuant to sections 11 and 12 of this act.***

2. As used in this section, "master" has the meaning ascribed to it in Rule 53 of the Nevada Rules of Civil Procedure.

Sec. 14. ***The records relating to a child must not be sealed pursuant to the provisions of NRS 62H.100 to 62H.170, inclusive, while the child is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive.***

Sec. 15. NRS 62H.110 is hereby amended to read as follows:

62H.110 The provisions of NRS 62H.100 to 62H.170, inclusive, do not apply to:

1. Information maintained in the standardized system established pursuant to NRS 62H.200;

2. Information that must be collected by the Division of Child and Family Services pursuant to NRS 62H.220;

3. Records that are subject to the provisions of ~~[~~NRS 62F.260;~~]~~ ***section 14 of this act;*** or

4. Records relating to a traffic offense that would have been a misdemeanor if committed by an adult.

Sec. 16. NRS 62H.120 is hereby amended to read as follows:

62H.120 Any decree or order entered concerning a child within the purview of this title must contain, for the benefit of the child, an explanation of the contents of NRS 62H.100 to 62H.170, inclusive, and, if applicable, ~~[~~NRS 62F.260.~~]~~ ***section 14 of this act.***

Sec. 17. NRS 179D.035 is hereby amended to read as follows:

179D.035 ***1.*** "Convicted" includes, but is not limited to, an adjudication of delinquency by a court having jurisdiction over juveniles if:

~~[~~1.~~]~~ ***(a)*** The adjudication of delinquency is for the commission of a sexual offense that is listed in ~~[~~NRS 62F.200;~~]~~ ***section 8 of this act;*** and

~~[~~2.~~]~~ ***(b)*** The offender was 14 years of age or older at the time of the offense.

2. The term does not include an adjudication of delinquency by a court having jurisdiction over juveniles if, pursuant to section 12 of this act, the court has relieved the juvenile from being subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive.

Sec. 18. NRS 179D.0559 is hereby amended to read as follows:

179D.0559 1. "Offender convicted of a crime against a child" or "offender" means a person who, after July 1, 1956, is or has been ~~[~~:

~~(a) Convicted~~~~]~~ ***convicted*** of a crime against a child that is listed in NRS 179D.0357 **.** ~~[~~; or

~~(b) Adjudicated delinquent by a court having jurisdiction over juveniles of a crime against a child that is listed in NRS 62F.200 if the offender was 14 years of age or older at the time of the crime.~~~~]~~

2. The term includes, without limitation, an offender who is a student or worker within this State but who is not otherwise deemed a resident offender pursuant to subsection 2 or 3 of NRS 179D.460.

Sec. 19. NRS 179D.095 is hereby amended to read as follows:

179D.095 1. "Sex offender" means a person who, after July 1, 1956, is or has been ~~[~~:

~~(a) Convicted~~~~]~~ ***convicted*** of a sexual offense listed in NRS 179D.097 **.** ~~[~~; or

~~(b) Adjudicated delinquent by a court having jurisdiction over juveniles of a sexual offense listed in NRS 62F.200 if the offender was 14 years of age or older at the time of the offense.~~~~]~~

2. The term includes, without limitation, a sex offender who is a student or worker within this State but who is not otherwise deemed a resident offender pursuant to subsection 2 or 3 of NRS 179D.460.

Sec. 20. NRS 179D.450 is hereby amended to read as follows:

179D.450 1. If the Central Repository receives notice from a court pursuant to NRS 176.0926 that an offender has been convicted of a crime against a child, pursuant to NRS 176.0927 that a sex offender has been convicted of a sexual offense or pursuant to ~~[~~NRS 62F.220~~]~~ ***section 10 of this act*** that a juvenile has been adjudicated delinquent for an offense for which the juvenile is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive, ***and sections 4 to 14, inclusive, of this act,*** the Central Repository shall:

(a) If a record of registration has not previously been established for the offender or sex offender, notify the local law enforcement agency so that a record of registration may be established; or

(b) If a record of registration has previously been established for the offender or sex offender, update the record of registration for the offender or sex offender and notify the appropriate local law enforcement agencies.

2. If the offender or sex offender named in the notice is granted probation or otherwise will not be incarcerated or confined, the Central Repository shall:

(a) Immediately provide notification concerning the offender or sex offender to the appropriate local law enforcement agencies and, if the offender or sex offender resides in a jurisdiction which is outside of this State, to the appropriate law enforcement agency in that jurisdiction; and

(b) ~~[~~Immediately~~]~~ ***Except as otherwise provided in section 11 of this act, immediately*** provide community notification concerning the offender or sex offender pursuant to the provisions of NRS 179D.475.

3. If an offender or sex offender is incarcerated or confined and has previously been convicted of a crime against a child as described in NRS 179D.0357 or a sexual offense as described in NRS 179D.097, before the offender or sex offender is released:

(a) The Department of Corrections or a local law enforcement agency in whose facility the offender or sex offender is incarcerated or confined shall:

(1) Inform the offender or sex offender of the requirements for registration, including, but not limited to:

(I) The duty to register initially with the appropriate law enforcement agency in the jurisdiction in which the offender or sex offender was convicted if the offender or sex offender is not a resident of that jurisdiction pursuant to NRS 179D.445;

(II) The duty to register in this State during any period in which the offender or sex offender is a resident of this State or a nonresident who is a student or worker within this State and the time within which the offender or sex offender is required to register pursuant to NRS 179D.460;

(III) The duty to register in any other jurisdiction during any period in which the offender or sex offender is a resident of the other jurisdiction or a nonresident who is a student or worker within the other jurisdiction;

(IV) If the offender or sex offender moves from this State to another jurisdiction, the duty to register with the appropriate law enforcement agency in the other jurisdiction;

(V) The duty to notify the local law enforcement agency for the jurisdiction in which the offender or sex offender now resides, in person, and the jurisdiction in which the offender or sex offender formerly resided, in person or in writing, if the offender or sex offender changes the address at which the offender or sex offender resides, including if the offender or sex offender moves from this State to another jurisdiction, or changes the primary address at which the offender or sex offender is a student or worker; and

(VI) The duty to notify immediately the appropriate local law enforcement agency if the offender or sex offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of the offender or sex offender's enrollment at an institution of higher education or if the offender or sex offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of the offender or sex offender's work at an institution of higher education; and

(2) Require the offender or sex offender to read and sign a form stating that the requirements for registration have been explained and that the offender or sex offender understands the requirements for registration, and to forward the form to the Central Repository.

(b) The Central Repository shall:

(1) Update the record of registration for the offender or sex offender;

(2) ~~[~~Provide~~]~~ ***Except as otherwise provided in section 11 of this act, provide*** community notification concerning the offender or sex offender pursuant to the provisions of NRS 179D.475; and

(3) Provide notification concerning the offender or sex offender to the appropriate local law enforcement agencies and, if the offender or sex offender will reside upon release in a jurisdiction which is outside of this State, to the appropriate law enforcement agency in that jurisdiction.

4. The failure to provide an offender or sex offender with the information or confirmation form required by paragraph (a) of subsection 3 does not affect the duty of the offender or sex offender to register and to comply with all other provisions for registration.

5. If the Central Repository receives notice from another jurisdiction or the Federal Bureau of Investigation that an offender or sex offender is now residing or is a student or worker within this State, the Central Repository shall:

(a) Immediately provide notification concerning the offender or sex offender to the appropriate local law enforcement agencies;

(b) Establish a record of registration for the offender or sex offender; and

(c) Immediately provide community notification concerning the offender or sex offender pursuant to the provisions of NRS 179D.475.

Sec. 21. NRS 179D.490 is hereby amended to read as follows:

179D.490 1. An offender convicted of a crime against a child or a sex offender shall comply with the provisions for registration for as long as the offender or sex offender resides or is present within this State or is a nonresident offender or sex offender who is a student or worker within this State, unless the period of time during which the offender or sex offender has the duty to register is reduced pursuant to the provisions of this section.

2. Except as otherwise provided in subsection 3 ~~[,]~~ ***and section 12 of this act,*** the full period of registration is:

(a) Fifteen years, if the offender or sex offender is a Tier I offender;

(b) Twenty-five years, if the offender or sex offender is a Tier II offender; and

(c) The life of the offender or sex offender, if the offender or sex offender is a Tier III offender,

➥ exclusive of any time during which the offender or sex offender is incarcerated or confined.

3. If an offender or sex offender complies with the provisions for registration:

(a) For an interval of at least 10 consecutive years, if the offender or sex offender is a Tier I offender; or

(b) For an interval of at least 25 consecutive years, if the offender or sex offender is a Tier III offender adjudicated delinquent for the offense which required registration as an offender or sex offender,

➥ during which the offender or sex offender is not convicted of an offense for which imprisonment for more than 1 year may be imposed, is not convicted of a sexual offense, successfully completes any periods of supervised release, probation or parole, and successfully completes a sex offender treatment program certified by the State or by the Attorney General of the United States, the offender or sex offender may file a petition to reduce the period of time during which the offender or sex offender has a duty to register with the district court in whose jurisdiction the offender or sex offender resides or, if he or she is a nonresident offender or sex offender, in whose jurisdiction the offender or sex offender is a student or worker. For the purposes of this subsection, registration begins on the date that the Central Repository or appropriate agency of another jurisdiction establishes a record of registration for the offender or sex offender or the date that the offender or sex offender is released, whichever occurs later.

4. If the offender or sex offender satisfies the requirements of subsection 3, the court shall hold a hearing on the petition at which the offender or sex offender and any other interested person may present witnesses and other evidence. If the court determines from the evidence presented at the hearing

that the offender or sex offender satisfies the requirements of subsection 3, the court shall:

(a) If the offender or sex offender is a Tier I offender, reduce the period of time during which the offender or sex offender is required to register by 5 years; and

(b) If the offender or sex offender is a Tier III offender adjudicated delinquent for the offense which required registration as an offender or sex offender, reduce the period of time during which the offender or sex offender is required to register from the life of the offender or sex offender to that period of time for which the offender or sex offender meets the requirements of subsection 3.

Sec. 22. NRS 62F.200, 62F.220 and 62F.260 are hereby repealed.

Sec. 23. **This act becomes effective upon passage and approval.**

TEXT OF REPEALED SECTIONS

62F.200 "Sexual offense" defined.

1. As used in this section and NRS 62F.220 and 62F.260, unless the context otherwise requires, "sexual offense" means:

(a) Sexual assault pursuant to NRS 200.366;

(b) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(c) Lewdness with a child pursuant to NRS 201.230; or

(d) An attempt or conspiracy to commit an offense listed in this section.

2. The term does not include an offense involving consensual sexual conduct if the victim was at least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

62F.220 Certain duties of juvenile court with respect to juvenile sex offenders; jurisdiction of juvenile court not terminated until child no longer subject to registration and community notification.

1. If a child who is 14 years of age or older is adjudicated delinquent for an unlawful act that would have been a sexual offense if committed by an adult, the juvenile court shall:

(a) Notify the Central Repository of the adjudication of the child, so the Central Repository may carry out any provisions for registration of the child pursuant to NRS 179D.010 to 179D.550, inclusive; and

(b) Inform the child and the parent or guardian of the child that the child is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive.

2. The juvenile court may not terminate its jurisdiction concerning the child for the purposes of carrying out the provisions of this section and NRS 62F.200 and 62F.260 until the child is no longer subject to registration and community notification as a juvenile sex offender pursuant to this section and NRS 62F.200 and 62F.260.

62F.260 Records not sealed during period of registration and community notification. The records relating to a child must not be sealed pursuant to the provisions of NRS 62H.100 to 62H.170, inclusive, while the child is subject to registration and community notification as a juvenile sex offender pursuant to NRS 179D.010 to 179D.550, inclusive.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 472.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 844.

AN ACT relating to juvenile justice; creating the Juvenile Justice Oversight Commission; prescribing the powers and duties of the Commission; imposing requirements related to juvenile justice on the Division of Child and Family Services of the Department of Health and Human Services and local departments of juvenile services; providing for the establishment of an evidence-based program resource center; requiring the juvenile court to make certain findings before committing a child to the custody of a state facility for the detention of children or a public or private institution or agency in another state; requiring departments of juvenile services to conduct a risk assessment and a mental health screening before the disposition of a case involving a child who is adjudicated delinquent; requiring the Division to consider the results of such an assessment and screening in making decisions concerning the placement of a child; revising provisions relating to mental health screenings of children referred to the system of juvenile justice; revising provisions concerning the release of certain information relating to a child subject to the jurisdiction of the juvenile court; requiring the Youth Parole Bureau to adopt policies and procedures relating to responses to a child's violation of his or her terms and conditions of parole; requiring the juvenile court to consider the adherence of the Youth Parole Bureau to such policies and procedures in determining whether to suspend, modify or revoke a child's parole; revising provisions relating to revocation of a child's parole; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides generally for a system of juvenile justice in this State. (Title 5 of NRS) Federal law requires a state seeking grant money for the administration of a system of juvenile justice to have a state advisory group that oversees such a system. (42 U.S.C. § 5633(a)(3)) **Section 4** of this bill creates the Juvenile Justice Oversight Commission and designates the Commission as the state advisory group for the purposes of federal law.

Section 5 of this bill requires the Commission to: (1) establish a uniform procedure for the Division of Child and Family Services of the Department of Health and Human Services, the Youth Parole Bureau and each department of juvenile services in this State to follow when developing performance measures related to the juvenile justice system; (2) establish standard procedures for measuring outcomes for children subject to the jurisdiction of the juvenile court; (3) select a validated risk assessment tool to assist the juvenile court, the Division and each department of juvenile services in determining the appropriate actions to take for children subject to the jurisdiction of the juvenile court and a validated mental health screening tool to determine the appropriate actions to take for children in need of supervision; and (4) contract with a qualified vendor or provider to provide technical assistance and training to employees of the juvenile justice system on the implementation and operation of such tools.

Section 6 of this bill requires the Commission to develop a 5-year strategic plan that establishes policies and procedures for the Division and each department of juvenile services relating to the use of evidence-based practices when providing services to children subject to the jurisdiction of the juvenile court. **Section 7** of this bill requires the members of the Commission to conduct annual quality assurance reviews of each state facility for the detention of children and each regional facility for the treatment and rehabilitation of children, which **section 13.2** of this bill defines as a regional facility which: (1) provides court-ordered treatment and rehabilitation for children; and (2) is administered by or for the benefit of more than one governmental entity. **Section 7** requires such a quality assurance review to include a review of the facility's: (1) service delivery; (2) case management procedures; (3) policies on supervision and behavior management; and (4) procedures relating to the release of children from the facility. **Section 7** also requires a facility to: (1) develop a facility improvement plan, in coordination with the Division or a local department of juvenile services, if such a plan is required to address any issues raised in the review; and (2) submit such a plan to the Commission. **Section 7** further requires the Commission to compile all such facility improvement plans and submit the plans to the Governor and the Director of the Legislative Counsel Bureau with its annual review.

Section 8 of this bill requires the Division and each department of juvenile services to, on or before July 1, 2018, implement the validated risk assessment tool and the validated mental health screening tool selected by the Commission for evaluation of children subject to the jurisdiction of the juvenile court. **Section 8** also establishes the cost allocation for the expenses of implementing such tools, such that the responsibility for those expenses will shift from the State to each department of juvenile services over the next ~~[3]~~ **2** fiscal years. **Section 9** of this bill requires the Division and each department of juvenile services that receives money from the state, other than any money received from the State Plan for Medicaid, to use such money to

develop, promote and coordinate evidence-based programs and services. **Section 9** also requires any contract between the Division or a department of juvenile services and a treatment provider for the provision of juvenile services to require the treatment provider to comply with the evidence-based standards developed by the Commission.

Section 10 of this bill requires the Division to issue a request for proposals to establish an evidence-based program resource center. **Section 10** requires the resource center to: (1) provide technical assistance to the Division, each department of juvenile services and treatment providers to support the implementation and operation of evidence-based programs and practices as set forth in the Commission's 5-year strategic plan; (2) provide various types of training to persons employed in the juvenile justice system; (3) act as a resource clearinghouse on evidence-based programs and practices; and (4) facilitate collaboration among state and local agencies and treatment providers who serve the juvenile justice system. **Section 12** of this bill requires the Division and each department of juvenile services to develop and implement a family engagement plan to increase the participation of the family of a child who is subject to the jurisdiction of the juvenile court in the rehabilitation of the child.

Existing law establishes provisions governing the disposition by a juvenile court of cases of children subject to the court's jurisdiction. (Chapter 62E of NRS) **Section 15** of this bill requires the department of juvenile services, before the disposition of a child's case, to conduct a risk assessment and a mental health screening on the child using the validated tools selected by the Commission and, in certain circumstances, a full mental health assessment, and to prepare a report based on the results of the risk assessment, mental health screening and any full mental health assessment as to the most appropriate disposition of the case. **Section 16** of this bill requires a department of juvenile services to develop an individualized case plan for each child placed under the supervision of the juvenile court, placed under the informal supervision of a probation officer or committed to a regional facility for the treatment and rehabilitation of children. **Section 16** sets forth the information required to be included in each case plan. **Section 17** of this bill requires the Division to: (1) consider the results of a validated risk assessment, a validated mental health screening and any full mental health assessment to make decisions concerning the placement of a child; and (2) develop a case plan for each child committed to the Division for placement in a state facility for the detention of children. **Section 14.5** of this bill requires the juvenile court to make certain findings before committing a child to the custody of a state facility for the detention of children, and **section 18** of this bill requires the juvenile court to make certain findings before committing a child to a public or private institution or agency in another state. **Sections 20 and 21** of this bill revise the process for how mental health screenings of children who are adjudicated delinquent and committed to a state facility for

the detention of children or a regional facility for the treatment and rehabilitation of children are to be conducted.

Existing law requires the Division to: (1) establish a standardized system for the reporting, collection, analysis, maintenance and retrieval of information concerning juvenile justice in this State; and (2) adopt regulations that require juvenile courts, local juvenile probation departments and the staff of the youth correctional services to submit certain information to the Division. (NRS 62H.200) **Section 25** of this bill revises the types of juvenile justice information required to be submitted to the Division. **Section 22** of this bill requires the Division to analyze such information and submit a report to the Governor and to the Legislature relating to the trends that exist in the juvenile justice system and the effectiveness of the system's programs and services. **Section 33** of this bill repeals a similar provision that requires each local juvenile probation department to analyze such information and submit a report to the Division.

Section 24 of this bill authorizes the Division to withhold money from a juvenile court that does not comply with the regulations adopted by the Division relating to the submittal of certain juvenile justice information.

Existing law authorizes a director of juvenile services and the Youth Parole Bureau to release certain information concerning a child who is within the purview of the juvenile court to certain other persons involved in the juvenile justice system. (NRS 62H.025) **Section 23** of this bill revises the list of persons to whom a director of juvenile services and the Youth Parole Bureau may release information to include: (1) the Chief Parole and Probation Officer; (2) the Director of the Department of Corrections; (3) a law enforcement agency; (4) the director of a regional facility for the treatment and rehabilitation of children; or (5) the director of an agency which provides mental health services.

Existing law provides for the suspension, modification or revocation of the parole of a child. (NRS 63.770) **Section 26** of this bill requires the Youth Parole Bureau to establish policies and procedures to be used when determining the most appropriate and least restrictive response to a violation of a child of the terms and conditions of his or her parole. **Section 26** requires, among other things, the Youth Parole Bureau to create a sliding scale of offenses based on the severity of the violation. **Section 28** of this bill requires the juvenile court to consider the policies and procedures adopted by the Youth Parole Bureau pursuant to **section 26** and consider the adherence of the Youth Parole Bureau to such policies and procedures when determining whether to suspend, modify or revoke the parole of a child. **Section 29** of this bill prohibits the Chief of the Youth Parole Bureau from recommending to the juvenile court that a child's parole be revoked unless: (1) the child poses a risk to public safety; or (2) the other responses set forth in the policies and procedures adopted by the Youth Parole Bureau pursuant to **section 26** would not be appropriate for the child.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 62A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. ***"Commission" means the Juvenile Justice Oversight Commission established by section 4 of this act.***

Sec. 3. ***"Department of juvenile services" means the entity designated pursuant to chapter 62G of NRS to administer the provision of services relating to the delinquency of children.***

Sec. 4. ***1. The Juvenile Justice Oversight Commission is hereby established. The Commission is hereby designated as the state advisory group on juvenile justice required to be established pursuant to 42 U.S.C. § 5633(a)(3).***

2. The Commission consists of the Governor or his or her designee and 25 members appointed by the Governor. The Governor shall appoint to the Commission:

(a) Two members who are members of the Senate, one of whom must be from the majority political party and one of whom must be from the minority political party.

(b) Two members who are members of the Assembly, one of whom must be from the majority political party and one of whom must be from the minority political party.

(c) Two members who are judges of a juvenile court.

(d) The Administrator of the Division of Child and Family Services or his or her designee.

(e) The Deputy Administrator of Juvenile Services of the Division of Child and Family Services or his or her designee.

(f) Three members who are directors of juvenile services, one each of whom must represent a county whose population:

(1) Is less than 100,000.

(2) Is 100,000 or more but less than 700,000.

(3) Is 700,000 or more.

(g) Two members who are district attorneys.

(h) Two members who are public defenders.

(i) One member who is a representative of a law enforcement agency.

(j) Two members who are representatives of a nonprofit organization which provides programs to prevent juvenile delinquency.

(k) One member who is a volunteer who works with children who have been adjudicated delinquent.

(l) Six members who are under the age of 24 years at the time of appointment.

3. At least three of the persons appointed to the Commission pursuant to subsection 2 must be persons who are currently or were formerly subject to the jurisdiction of the juvenile court.

4. Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Commission must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs. Nine of the initial members of the Commission who are appointed pursuant to subsection 2 must be appointed to an initial term of 1 year. Each member of the Commission continues in office until his or her successor is appointed.

5. The members of the Commission serve without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. A majority of the members of the Commission constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Commission.

7. A member of the Commission who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Commission and perform any work necessary to carry out the duties of the Commission in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Commission to:

(a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Commission; or

(b) Take annual leave or compensatory time for the absence.

8. At the first meeting of the Commission and annually thereafter:

(a) The Governor shall appoint a Chair of the Commission;

(b) The Commission shall elect a Secretary from among its members; and

(c) The Commission shall adopt rules for its own management and government.

9. The Commission shall:

(a) Hold its first meeting within 60 days after all the initial appointments to the Commission are made pursuant to subsection 2; and

(b) Meet at least once every 4 months and may meet at such further times as deemed necessary by the Chair.

Sec. 5. ***In addition to the duties set forth in sections 6 and 7 of this act, the Commission shall:***

1. On or before July 1, 2018, establish a uniform procedure for the Division of Child and Family Services, the Youth Parole Bureau and each department of juvenile services to use for developing performance measures to determine the effectiveness of the juvenile justice system, including, without limitation, performance measures for juvenile court referrals and dispositions, supervision of a child subject to the jurisdiction of the juvenile court, services provided by agencies which provide juvenile justice services and rates of recidivism.

2. On or before July 1, 2018, establish standard procedures for measuring outcomes for a child subject to the jurisdiction of the juvenile court, including, without limitation, standard procedures for measuring and reporting rates of recidivism in accordance with NRS 62H.200, and define any necessary terms.

3. On or before January 1, 2018, select:

(a) A validated risk assessment tool that uses a currently accepted standard of assessment to assist the juvenile court, the Division of Child and Family Services and departments of juvenile services in determining the appropriate actions to take for each child subject to the jurisdiction of the juvenile court; and

(b) A validated mental health screening tool that uses a currently accepted standard of assessment to determine the appropriate actions to take for each child in need of supervision pursuant to this title.

4. Contract with a qualified vendor or provider of technical assistance to assist the Division of Child and Family Services and each department of juvenile services with the implementation of the validated risk assessment tool. Such assistance must include, without limitation, employee training, policy development and the establishment of quality assurance protocols.

Sec. 6. ***1. The Commission shall develop a 5-year strategic plan that establishes policies and procedures for the Division of Child and Family Services and each department of juvenile services relating to the use of evidence-based practices in providing services to children subject to the jurisdiction of the juvenile court. The plan must include, without limitation:***

(a) Uniform standards that an evidence-based practice or program must follow, including, without limitation, model programs, staffing requirements and quality assurance protocols;

(b) Strategies, including, without limitation, measurable goals, timelines and responsible parties, to enhance the capacity of the Division of Child and Family Services and each department of juvenile services to:

(1) Comply with the evidence-based standards developed by the Commission; and

(2) Partner with treatment providers that offer evidence-based programs for the treatment of children subject to the jurisdiction of the juvenile court;

(c) A requirement for the collection and reporting of data to the Commission by each department of juvenile services relating to the programs offered and services rendered by each department; and

(d) Protocols for improvement and corrective action for:

(1) A department of juvenile services that does not comply with the reporting requirements established pursuant to paragraph (c); and

(2) A treatment provider that does not comply with the evidence-based standards established by the Commission.

2. The Division of Child and Family Services shall adopt regulations to implement the provisions of the strategic plan developed pursuant to subsection 1.

3. On or before July 1, 2018, and every 5 years thereafter, the Commission shall submit the strategic plan developed pursuant to subsection 1 to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

Sec. 7. ***1. The members of the Commission shall conduct an annual quality assurance review of each state facility for the detention of children and regional facility for the treatment and rehabilitation of children. Each review must use a validated service assessment tool, selected by the Commission, which includes, without limitation:***

(a) An analysis of the facility's service delivery;

(b) A review of the facility's case management procedures;

(c) A review of the facility's policies on supervision and behavior management of children placed in the facility; and

(d) An analysis of the facility's procedures relating to the release of children from the jurisdiction of the juvenile court.

2. Before conducting a review pursuant to subsection 1, a member of the Commission must receive training on the use of the validated service assessment tool selected by the Commission pursuant to subsection 1.

3. The members of the Commission who conduct a review pursuant to subsection 1 shall share the results of the review and recommendations for improvement with the facility and the Division of Child and Family Services or a local department of juvenile services.

4. A facility shall develop a facility improvement plan, in coordination with the Division of Child and Family Services or a local department of juvenile services, if such a plan is required to address any issues raised in the review. Not more than 60 days after receiving the results of the review and recommendations for improvement pursuant to subsection 3, the facility shall submit the facility improvement plan to the Commission. The Commission shall compile all such facility improvement plans and submit the plans to the Governor and to the Director of the Legislative Counsel Bureau with its annual review.

Sec. 8. ***1. On or before July 1, 2018, the Division of Child and Family Services and each department of juvenile services shall:***

(a) Implement the validated risk assessment tool and the validated mental health screening tool selected by the Commission pursuant to subsection 3 of section 5 of this act; and

(b) Comply with the policies and quality assurance protocols set forth by the qualified vendor or other provider selected to provide technical assistance for the validated risk assessment tool pursuant to subsection 4 of section 5 of this act.

2. The costs of implementing and operating the validated risk assessment tool and the validated mental health screening tool pursuant to subsection 1 must be allocated in the following manner:

(a) In Fiscal Year 2017-2018 , ~~[and 2018-2019,]~~ the Division of Child and Family Services pays 100 percent of the costs incurred by each department of juvenile services associated with the validated risk assessment tool and the validated mental health screening tool.

(b) In Fiscal Year ~~[2019-2020,]~~ 2018-2019, the Division of Child and Family Services pays 50 percent of the costs incurred by each department of juvenile services associated with the validated risk assessment tool and the validated mental health screening tool.

(c) In Fiscal Year ~~[2020-2021]~~ 2019-2020 and in every subsequent fiscal year, each department of juvenile services is responsible for 100 percent of the costs that the department incurs associated with the validated risk assessment tool and the validated mental health screening tool.

Sec. 9. *1. Except as otherwise provided in subsection 2 and subject to the provisions of subsection 4, the Division of Child and Family Services and each department of juvenile services that receives money from the State, except money received from the State Plan for Medicaid as a benefit for a child subject to the jurisdiction of a juvenile court, must use such money to develop, promote and coordinate evidence-based programs and practices.*

2. A department of juvenile services in a county whose population is less than 100,000 must be evaluated for compliance with the requirement set forth in subsection 1 based on the amount of money received from the State, other limitations on resources and the availability of treatment providers in the county.

3. A contract or provider agreement between the Division of Child and Family Services or a department of juvenile services and a treatment provider for the provision of any juvenile services that uses money from the State must require the treatment provider to comply with the evidence-based standards developed by the Commission pursuant to section 6 of this act.

4. The Division of Child and Family Services and each department of juvenile services shall use the following percentages of money received from the State as described in subsection 1 to develop, promote and coordinate evidence-based programs and practices:

(a) In Fiscal Year 2019-2020, 25 percent.

(b) In Fiscal Year 2020-2021, 50 percent.

(c) In Fiscal Year 2021-2022, 75 percent.

(d) In Fiscal Year 2022-2023 and each subsequent fiscal year, 100 percent.

Sec. 10. *1. On or before September 1, 2017, the Division of Child and Family Services shall issue a request for proposals to establish an evidence-based program resource center.*

2. The evidence-based program resource center shall:

(a) Provide technical assistance to the Division of Child and Family Services, each department of juvenile services and treatment providers to support the implementation and operation of evidence-based programs and practices as set forth in the strategic plan developed by the Commission pursuant to section 6 of this act;

(b) Provide on a statewide basis to persons employed in the juvenile justice system training relating to:

(1) The use of evidence-based programs and practices; and

(2) The analysis of quality assurance protocols to ensure such programs meet the evidence-based standards developed by the Commission pursuant to section 6 of this act;

(c) Act as a clearinghouse for information and statewide resources on evidence-based programs and practices for children subject to the jurisdiction of the juvenile court;

(d) Facilitate collaboration among state and local agencies and treatment providers to increase access to such providers; and

(e) Provide support for the assessment of the implementation of evidence-based standards by such state and local agencies.

Sec. 11. ***On or before July 1, 2019, and on or before July 1 of every year thereafter, the Division of Child and Family Services shall submit to the Governor, to the Commission and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature, a report detailing the Division's compliance with the evidence-based standards developed by the Commission pursuant to section 6 of this act and an analysis of the data collected based on the performance measures adopted by the Division pursuant to NRS 62H.200.***

Sec. 12. ***The Division of Child and Family Services and each department of juvenile services shall develop and implement a family engagement plan to enhance family engagement in the juvenile justice system. The plan must include strategies for:***

1. Increasing the family's contact with a child subject to the jurisdiction of the juvenile court;

2. Engaging family members in the case plan of a child and in planning meetings for the release of the child from the jurisdiction of the juvenile court;

3. Involving family members in the child's treatment; and

4. Soliciting the feedback of family members relating to improvements to the services rendered to children subject to the jurisdiction of the juvenile court.

Sec. 13. NRS 62A.010 is hereby amended to read as follows:

62A.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 62A.020 to 62A.350, inclusive, ***and sections 2 and 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 13.2. NRS 62A.280 is hereby amended to read as follows:

62A.280 1. "Regional facility for the ~~[~~detention~~]~~ ***treatment and rehabilitation*** of children" means a regional facility ~~[~~for the detention or commitment of~~]~~ ***which provides court-ordered treatment and rehabilitation for*** children ***and*** which is administered by or for the benefit of more than one governmental entity.

2. The term includes, but is not limited to:

(a) The ~~[~~institution~~]~~ ***facility*** in Clark County known as Spring Mountain Youth Camp;

(b) The ~~[~~institution~~]~~ ***facility*** in Douglas County known as China Spring Youth Camp; and

(c) The ~~[~~institution~~]~~ ***facility*** in Lyon County known as Western Nevada Regional Youth Facility.

3. The term does not include:

(a) Any local facility for the detention of children; or

(b) The Nevada Youth Training Center, the Caliente Youth Center or any state facility for the detention of children.

Sec. 13.3. NRS 62B.130 is hereby amended to read as follows:

62B.130 1. If a child is detained other than pursuant to a court order in a local ~~[~~or regional~~]~~ facility for the detention of children, the county that has detained the child is entitled to reimbursement from the parent or guardian of the child for all money expended by the county for the support of the child during the period of the child's detention.

2. If the parent or guardian of the child fails or refuses to reimburse the county, the board of county commissioners may recover from the parent or guardian, by appropriate legal action, all money due plus interest thereon at the rate of 7 percent per annum.

Sec. 13.4. NRS 62B.140 is hereby amended to read as follows:

62B.140 1. Except as otherwise provided in this subsection, if a child is committed to the custody of a regional facility for the ~~[~~detention~~]~~ ***treatment and rehabilitation*** of children, the juvenile court may order the county where the child has a legal residence to pay the expenses incurred for the support of the child in an amount equal to any money paid for that purpose by the Division of Child and Family Services. Such an order may not be entered if the county maintains the facility to which the child is committed.

2. The juvenile court may order the parent or guardian of the child to reimburse the county, in whole or in part, for any money expended by the county for the support of the child.

3. This section does not prohibit the juvenile court from providing for the support of the child in any other manner authorized by law.

Sec. 13.5. NRS 62B.150 is hereby amended to read as follows:

62B.150 1. Except as otherwise provided in subsection 6, each county shall pay an assessment for the operation of each regional facility for the ~~[~~detention~~]~~ ***treatment and rehabilitation*** of children that is partially

supported by the State of Nevada and is operated by a county whose population is less than 700,000.

2. The assessment owed by each county equals the total amount budgeted by the Legislature for the operation of the regional facility, minus any money appropriated by the Legislature for the support of the regional facility, divided by the total number of pupils in this State in the preceding school year, excluding pupils in counties whose population is 700,000 or more, and multiplied by the number of pupils in the assessed county. The Administrator of the Division of Child and Family Services shall calculate the assessment owed by each county in June of each year for the ensuing fiscal year.

3. Each county must pay the assessed amount to the Division of Child and Family Services in quarterly installments that are due the first day of the first month of each calendar quarter.

4. The Administrator of the Division of Child and Family Services shall deposit the money received pursuant to subsection 3 in a separate account in the State General Fund. The money in the account may be withdrawn only by the Administrator for the operation of regional facilities for the ~~[detention]~~ ***treatment and rehabilitation*** of children.

5. Revenue raised by a county to pay the assessment required pursuant to subsection 1 is not subject to the limitations on revenue imposed pursuant to chapter 354 of NRS and must not be included in the calculation of those limitations.

6. The provisions of this section do not apply to a county whose population is 700,000 or more.

7. As used in this section, "regional facility for the ~~[detention]~~ ***treatment and rehabilitation*** of children" or "regional facility" does not include the ~~[institution]~~ ***facility*** in Lyon County known as Western Nevada Regional Youth Center.

Sec. 13.6. NRS 62B.160 is hereby amended to read as follows:

62B.160 1. Except as otherwise provided in subsection 5, each county shall pay an assessment for the operation of a regional facility for the ~~[detention]~~ ***treatment and rehabilitation*** of children that serves the county if the regional facility:

(a) Is operated by a county whose population is less than 700,000 or an administrative entity established pursuant to NRS 277.080 to 277.180, inclusive, by counties whose populations are less than 700,000 each;

(b) Is established by two or more counties pursuant to an interlocal agreement or by one county if the regional facility is operated pursuant to an interlocal agreement to benefit other counties; and

(c) Is not partially supported by the State of Nevada and does not receive money from the State of Nevada other than any fees paid to the regional facility for a child referred to the regional facility by the State of Nevada.

2. The administrator of a regional facility for the ~~[detention]~~ ***treatment and rehabilitation*** of children shall calculate the assessment owed by each

county pursuant to subsection 1 on or before March 1 of each year for the ensuing fiscal year. The assessment owed by each county equals:

(a) For the first 2 years of operation of the regional facility, the total amount budgeted for the operation of the regional facility by the governing body of the county or other entity responsible for the operation of the regional facility, minus any money received from the State of Nevada to pay for fees for a child referred to the regional facility by the State of Nevada, divided by the total number of pupils in the preceding school year in all counties served by the regional facility and multiplied by the number of pupils in the preceding school year in the assessed county.

(b) For each year subsequent to the second year of operation of the regional facility, unless the counties served by the regional facility enter into an interlocal agreement to the contrary, the total of:

(1) The total amount budgeted for the operation of the regional facility by the governing body of the county or other entity responsible for the operation of the regional facility, minus any money received from the State of Nevada to pay for fees for a child referred to the regional facility by the State of Nevada, divided by the total number of pupils in the preceding school year in all counties served by the regional facility, multiplied by the number of pupils in the preceding school year in the assessed county and multiplied by one-fourth; and

(2) The total amount budgeted for the operation of the regional facility by the governing body of the county or other entity responsible for the operation of the regional facility, minus any money received from the State of Nevada to pay for fees for a child referred to the regional facility by the State of Nevada, divided by the total number of pupils who were served by the regional facility in the preceding school year from all counties served by the regional facility, multiplied by the number of pupils who were served by the regional facility in the preceding school year from the assessed county and multiplied by three-fourths.

3. Each county shall pay the assessment required pursuant to subsection 1 to the treasurer of the county if the regional facility is operated by a county or to the administrative entity responsible for the operation of the regional facility in quarterly installments that are due on the first day of the first month of each calendar quarter. The money must be accounted for separately and may only be withdrawn by the administrator of the regional facility.

4. The board of county commissioners of each county may pay the assessment from revenue raised by a tax levied pursuant to NRS 354.59818, any other available money, or a combination thereof.

5. The provisions of this section do not apply to a county whose population is 700,000 or more.

6. As used in this section, "regional facility for the ~~[~~detention~~]~~ ***treatment and rehabilitation*** of children" or "regional facility" does not include the ~~[~~institution~~]~~ ***facility*** in Douglas County known as China Spring Youth Camp.

Sec. 13.7. NRS 62B.215 is hereby amended to read as follows:

62B.215 1. A child who is detained in a local ~~[or regional]~~ facility for the detention of children ***or committed to a regional facility for the treatment and rehabilitation of children*** may be subjected to corrective room restriction only if all other less-restrictive options have been exhausted and only for the purpose of:

(a) Modifying the negative behavior of the child;

(b) Holding the child accountable for a violation of a rule of the facility; or

(c) Ensuring the safety of the child, staff or others or ensuring the security of the facility.

2. Any action that results in corrective room restriction for more than 2 hours must be documented in writing and approved by a supervisor.

3. A local ~~[or regional]~~ facility for the detention of children ***or regional facility for the treatment and rehabilitation of children*** shall conduct a safety and well-being check on a child subjected to corrective room restriction at least once every 10 minutes while the child is subjected to corrective room restriction.

4. A child may be subjected to corrective room restriction only for the minimum time required to address the negative behavior, rule violation or threat to the safety of the child, staff or others or to the security of the facility, and the child must be returned to the general population of the facility as soon as reasonably possible.

5. A child who is subjected to corrective room restriction for more than 24 hours must be provided:

(a) Not less than 1 hour of out-of-room, large muscle exercise each day, including, without limitation, access to outdoor recreation if weather permits;

(b) Access to the same meals and medical and mental health treatment, the same access to contact with parents or legal guardians, and the same access to legal assistance and educational services as is provided to children in the general population of the facility; and

(c) A review of the corrective room restriction status at least once every 24 hours. If, upon review, the corrective room restriction is continued, the continuation must be documented in writing, including, without limitation, an explanation as to why no other less-restrictive option is available.

6. A local ~~[or regional]~~ facility for the detention of children ***or regional facility for the treatment and rehabilitation of children*** shall not subject a child to corrective room restriction for more than 72 consecutive hours.

7. ~~[A]~~ ***Each*** local ~~[or regional]~~ facility for the detention of children ***and regional facility for the treatment and rehabilitation of children*** shall report monthly to the Juvenile Justice Programs Office of the Division of Child and Family Services the number of children who were subjected to corrective room restriction during that month and the length of time that each child was in corrective room restriction. Any incident that resulted in the use of corrective room restriction for 72 consecutive hours must be addressed in the

monthly report, and the report must include the reason or reasons any attempt to return the child to the general population of the facility was unsuccessful.

8. As used in this section, "corrective room restriction" means the confinement of a child to his or her room as a disciplinary or protective action and includes, without limitation:

(a) Administrative seclusion;

(b) Behavioral room confinement;

(c) Corrective room rest; and

(d) Room confinement.

Sec. 13.8. NRS 62C.035 is hereby amended to read as follows:

62C.035 1. Each child who is taken into custody by a peace officer or probation officer and detained in a local facility for the detention of children ~~[or a regional facility for the detention of children]~~ while awaiting a detention hearing pursuant to NRS 62C.040 or 62C.050 must be screened to determine whether the child is in need of mental health services or is an abuser of alcohol or drugs.

2. The facility in which the child is detained shall cause the screening required pursuant to subsection 1 to be conducted as soon as practicable after the child has been detained in the facility.

3. The method for conducting the screening required pursuant to subsection 1 must satisfy the requirements of NRS 62E.516.

Sec. 14. Chapter 62E of NRS is hereby amended by adding thereto the provisions set forth as sections 14.5 to 17, inclusive, of this act.

Sec. 14.5. ***Before the juvenile court commits a delinquent child to the custody of a state facility for the detention of children, the court must find that:***

1. Appropriate alternatives that could satisfactorily meet the needs of the child do not exist in the community or were previously used to attempt to meet such needs and proved unsuccessful; and

2. The child poses a public safety risk based on the child's risk of reoffending, as determined by a risk assessment conducted pursuant to section 15 of this act, any history of delinquency and the seriousness of the offense committed by the child.

Sec. 15. ***1. Beginning on the date selected by the Commission for implementation of the requirement for use of the validated risk assessment tool and the validated mental health screening tool selected pursuant to section 5 of this act, before the disposition of a case involving a child who is adjudicated delinquent, the department of juvenile services shall conduct a validated risk assessment and validated mental health screening on the child, using the tools selected by the Commission. If the mental health screening indicates that the child is in need of a full mental health assessment, the department of juvenile services shall, to the extent money is available, provide for a full mental health assessment of the child.***

2. The department of juvenile services shall prepare a report on the results of the risk assessment, mental health screening and, if applicable,

the full mental health assessment conducted pursuant to subsection 1. The report must be included in the child's file and provided to all parties to the case. The report must identify the child's risk to reoffend and provide a recommendation for the type of supervision and services that the child needs.

3. The juvenile court shall use the report created pursuant to subsection 2 to assist the juvenile court in determining the disposition of the child's case.

Sec. 16. ***1. The department of juvenile services shall develop a written individualized case plan for each child placed under the supervision of the juvenile court pursuant to a supervision and consent decree, placed under the informal supervision of a probation officer pursuant to NRS 62C.200 or committed to a regional facility for the treatment and rehabilitation of children. In developing such a case plan, the department of juvenile services must use, without limitation:***

(a) The results of the risk assessment and mental health screening conducted pursuant to section 15 of this act;

(b) The trauma, if any, experienced by the child;

(c) The education level of the child;

(d) The seriousness of the offense committed by the child; and

(e) Any relevant information provided by the family of the child.

2. A case plan developed pursuant to subsection 1 must:

(a) Address the risks the child presents and the service needs of the child based on the results of the risk assessment and mental health screening conducted pursuant to section 15 of this act;

(b) Specify the level of supervision and intensity of services that the child needs;

(c) Provide referrals to treatment providers that may address the child's risks and needs;

(d) Be developed in consultation with the child's family or guardian, as appropriate;

(e) Specify the responsibilities of each person or agency involved with the child; and

(f) Provide for the full reentry of the child into the community.

3. In addition to the requirements of subsection 2, if a child is committed to a regional facility for the treatment and rehabilitation of children, the child's case plan must:

(a) Identify the projected length of stay and release criteria based on a risk assessment conducted pursuant to section 15 of this act, the seriousness of the offense committed by the child and treatment progress;

(b) Include a comprehensive plan for complete reentry of the child into the community; and

(c) Be reviewed at least once every 3 months by the department of juvenile services.

4. A reentry plan developed pursuant to subsection 3 must include, without limitation:

(a) A detailed description of the education, counseling and treatment provided to the child;

(b) A proposed plan for the continued education, counseling and treatment of the child upon his or her release;

(c) A proposed plan for the provision of any supervision or services necessary for the transition of the child; and

(d) A proposed plan for any engagement of the child's family or guardian.

5. The department of juvenile services must update a child's case plan at least once every 6 months, or when significant changes in the child's treatment occur, by conducting another risk assessment and mental health screening using the tools selected by the Commission pursuant to section 5 of this act.

6. A reentry planning meeting must be held at least 30 days before a child's scheduled release from a regional facility for the treatment and rehabilitation of children. As appropriate, based on the child's case plan, the meeting should be attended by:

(a) The child;

(b) A family member or the guardian of the child;

(c) The child's probation officer;

(d) Members of the staff of the regional facility for the treatment and rehabilitation of children; and

(e) Any treatment providers of the child.

Sec. 17. *1. The Division of Child and Family Services shall consider, without limitation, the results of a validated risk assessment, a validated mental health screening and, if applicable, a full mental health assessment conducted pursuant to section 15 of this act to make decisions concerning the placement of the child. The Division may consider the results of a risk and needs assessment of the child that was conducted by a local department of juvenile services if the assessment was conducted within the immediately preceding 6 months and no significant changes have occurred relating to the child's case.*

2. The Division of Child and Family Services shall develop a length of stay matrix and establish release criteria for a state facility for the detention of children that are based on a child's risk of reoffending, as determined by the risk assessment for the child, the seriousness of the act for which the child was adjudicated delinquent and the child's progress in meeting treatment goals. In making release and discharge decisions, the Division shall use the matrix and release criteria developed pursuant to this subsection.

3. The Division of Child and Family Services shall develop a written individualized case plan for each child committed to the custody of the

Division pursuant to NRS 62E.520. In developing such a case plan, the Division must use, without limitation:

(a) The results of the risk assessment, mental health screening and any full mental health assessment conducted pursuant to section 15 of this act;

(b) The trauma, if any, experienced by the child;

(c) The education level of the child;

(d) The seriousness of the offense committed by the child;

(e) The child's progress in meeting treatment goals; and

(f) Any relevant information provided by the family of the child.

4. A case plan developed pursuant to subsection 3 must:

(a) Address the risks the child presents and the service needs of the child based on the results of the risk assessment, mental health screening and any full mental health assessment conducted pursuant to section 15 of this act;

(b) Specify the level of supervision and services that the child needs;

(c) Provide referrals to treatment providers that may address the child's risks and needs;

(d) Be developed in consultation with the child's family or guardian, as appropriate;

(e) Specify the responsibilities of each person or agency involved with the child; and

(f) Provide for the full reentry of the child into the community.

5. In addition to the requirements of subsection 4, if a child is committed to a state facility for the detention of children, the child's case plan must:

(a) Include a comprehensive plan for complete reentry of the child into the community; and

(b) Be reviewed at least once every 3 months by the Division of Child and Family Services.

6. A reentry plan developed pursuant to subsection 5 must include, without limitation:

(a) A detailed description of the education, counseling and treatment provided to the child;

(b) A proposed plan for the continued education, counseling and treatment of the child upon his or her release;

(c) A proposed plan for the provision of any supervision or services necessary for the transition of the child; and

(d) A proposed plan for any engagement of the child's family or guardian.

7. The Division of Child and Family Services must update a child's case plan at least once every 6 months, or when significant changes in the child's treatment occur, by conducting another risk assessment and mental health screening using the tools selected by the Commission pursuant to section 5 of this act.

8. A reentry planning meeting must be held at least 30 days before a child's scheduled release from a state facility for the detention of children. As appropriate, based on the child's case plan, the meeting should be attended by:

(a) The child;

(b) A family member or the guardian of the child;

(c) The child's youth parole counselor;

(d) The superintendent of the state facility for the detention of children; and

(e) Any treatment providers of the child.

Sec. 18. NRS 62E.110 is hereby amended to read as follows:

62E.110 1. Except as otherwise provided in this chapter, the juvenile court may:

(a) Place a child in the custody of a suitable person for supervision in the child's own home or in another home; ~~[or]~~

(b) Commit the child to the custody of a public or private institution or agency authorized to care for children ~~[.]~~ ***; or***

(c) Commit the child to the custody of the Division of Child and Family Services pursuant to NRS 62E.520.

2. If the juvenile court places the child under supervision in a home:

(a) The juvenile court may impose such conditions as the juvenile court deems proper; and

(b) The program of supervision in the home may include electronic surveillance of the child.

3. If the juvenile court commits the child to the custody of a public or private institution or agency ~~[.]~~ ***other than the Division of Child and Family Services,*** the juvenile court shall select one that is required to be licensed by:

(a) The Department of Health and Human Services to care for such children; or

(b) If the institution or agency is in another state, the analogous department of that state.

4. Before committing a child to a public or private institution or agency in another state, the juvenile court must find that:

(a) No public or private institution or agency in this State met the needs of the child or that such an institution or agency had previously attempted to meet such needs and proved unsuccessful; and

(b) Reasonable efforts had been made to consult with public or private institutions and agencies in this State to place or commit the child in this State, and that those efforts had failed.

Sec. 19. NRS 62E.500 is hereby amended to read as follows:

62E.500 1. The provisions of NRS 62E.500 to 62E.730, inclusive ~~[.]~~ ***, and sections 14.5 to 17, inclusive, of this act:***

(a) Apply to the disposition of a case involving a child who is adjudicated delinquent.

(b) Except as otherwise provided in NRS 62E.700 and 62E.705, do not apply to the disposition of a case involving a child who is found to have committed a minor traffic offense.

2. If a child is adjudicated delinquent:

(a) The juvenile court may issue any orders or take any actions set forth in NRS 62E.500 to 62E.730, inclusive, ***and sections 14.5 to 17, inclusive, of this act*** that the juvenile court deems proper for the disposition of the case; and

(b) If required by a specific statute, the juvenile court shall issue the appropriate orders or take the appropriate actions set forth in the statute.

Sec. 20. NRS 62E.513 is hereby amended to read as follows:

62E.513 1. Each child who is adjudicated delinquent and committed by the juvenile court to a regional facility for the ~~[~~detention~~]~~ ***treatment and rehabilitation*** of children or state facility for the detention of children or ordered by the juvenile court to be placed in a facility for the detention of children pursuant to NRS 62E.710 must be screened to determine whether the child is in need of mental health services or is an abuser of alcohol or drugs ~~[.]~~ ***once every 6 months or when significant changes to the child's case plan developed pursuant to section 16 or 17 of this act, as applicable, are made.***

2. The facility to which the child is committed or in which the child is placed shall cause the screening required pursuant to subsection 1 to be conducted as soon as practicable after the child has been committed to or placed in the facility.

3. The method for conducting the screening required pursuant to subsection 1 must satisfy the requirements of NRS 62E.516.

Sec. 21. NRS 62E.516 is hereby amended to read as follows:

62E.516 1. Each local facility for the detention of children ~~[~~and regional facility for the detention of children~~]~~ shall conduct the screening required pursuant to NRS 62C.035 ~~[~~and 62E.513~~]~~ using a method that has been approved by the Division of Child and Family Services. The Division shall approve a method upon determining that the method is:

(a) Based on research; and

(b) Reliable and valid for identifying a child who is in need of mental health services or who is an abuser of alcohol or other drugs.

2. Each local facility for the detention of children ~~[~~and regional facility for the detention of children~~]~~ shall submit its method for conducting the screening required pursuant to NRS 62C.035 ~~[~~and 62E.513~~]~~ to the Division of Child and Family Services for approval on or before July 1 of each fifth year after the date on which the method was initially approved by the Division. Before a local facility for the detention of children ~~[~~or regional facility for the detention of children~~]~~ may begin using a new method for conducting the screening required pursuant to NRS 62C.035 **,** ~~[~~and 62E.513,~~]~~ the facility must obtain approval of the method from the Division pursuant to subsection 1.

3. If the Division of Child and Family Services does not approve a method for conducting the screening required pursuant to NRS 62C.035 ~~[and 62E.513]~~ that is submitted by a local facility for the detention of children **,** ~~[or a regional facility for the detention of children,]~~ and the facility does not submit a new method for conducting the screening for approval within 90 days after the denial, the Division of Child and Family Services shall notify the appropriate board of county commissioners or other governing body which administers the facility and the chief judge of the appropriate judicial district that the facility has not received approval of its method for conducting the screening as required by this section.

4. Upon receiving the notice required by subsection 3, the appropriate board of county commissioners or governing body and the chief judge shall take appropriate action to ensure that the facility complies with the requirements of this section and NRS 62C.035 **.** ~~[and 62E.513.]~~

5. ***Each regional facility for the treatment and rehabilitation of children shall conduct the screening required pursuant to NRS 62E.513 using the assessment tool that has been approved by the Commission pursuant to section 5 of this act.***

6. Each state facility for the detention of children shall use ~~[a method]~~ ***the assessment tool*** for conducting the screening required pursuant to NRS 62E.513 ~~[that satisfies]~~ ***selected by*** the ~~[requirements of paragraphs (a) and (b)]~~ ***Commission pursuant to section 5*** of ~~[subsection 1. The Division of Child and Family Services shall review the method used by each state facility for the detention of children at least once every 5 years to ensure the method used by the facility continues to satisfy the requirements of paragraphs (a) and (b) of subsection 1.~~

~~6.]~~ ***this act.***

7. The Division of Child and Family Services shall adopt such regulations as are necessary to carry out the provisions of this section and NRS 62C.035 and 62E.513, including, without limitation, regulations prescribing the requirements for:

(a) Transmitting information obtained from the screening conducted pursuant to NRS 62C.035 and 62E.513; and

(b) Protecting the confidentiality of information obtained from such screening.

Sec. 21.5. NRS 62E.520 is hereby amended to read as follows:

62E.520 1. The juvenile court may commit a delinquent child to the custody of the Division of Child and Family Services for ~~[suitable]~~ placement ***in a correctional or institutional facility*** if:

(a) The child is at least 8 years of age but less than 12 years of age, and the juvenile court finds that the child is in need of placement in a correctional or institutional facility; or

(b) The child is at least 12 years of age but less than 18 years of age, and the juvenile court finds that the child:

(1) Is in need of placement in a correctional or institutional facility; ~~[and]~~ ***or***

(2) Is in need of residential psychiatric services or other residential services for the mental health of the child.

2. Before the juvenile court commits a delinquent child to the custody of the Division of Child and Family Services, the juvenile court shall:

(a) Notify the Division at least 3 working days before the juvenile court holds a hearing to consider such a commitment; and

(b) At the request of the Division, provide the Division with not more than 10 working days within which to:

(1) Investigate the child and the circumstances of the child; and

(2) Recommend a suitable placement to the juvenile court.

Sec. 22. Chapter 62H of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division of Child and Family Services shall annually analyze the information submitted to the Division pursuant to NRS 62H.210 to determine:

(a) Juvenile justice system trends, including, without limitation, referrals to the juvenile justice system, diversion and disposition of cases, levels of supervision provided to children, placement of children and programs and services offered to children;

(b) Whether children of racial or ethnic minorities or children from economically disadvantaged backgrounds are receiving disparate treatment in the juvenile justice system;

(c) The effectiveness of the different levels of supervision in the juvenile justice system;

(d) The effectiveness of services provided by the juvenile justice system, including, without limitation, the effectiveness of the evidence-based standards developed by the Commission pursuant to section 6 of this act; and

(e) The rates of recidivism for children either supervised by local juvenile probation departments or committed to the Division.

2. On or before January 31 of each year, the Division shall submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report detailing the information compiled pursuant to subsection 1.

Sec. 23. NRS 62H.025 is hereby amended to read as follows:

62H.025 1. Juvenile justice information is confidential and may only be released in accordance with the provisions of this section or as expressly authorized by other federal or state law.

2. For the purpose of ensuring the safety, permanent placement, rehabilitation, educational success and well-being of a child or the safety of the public, a juvenile justice agency may release juvenile justice information to:

(a) A director of juvenile services or his or her designee;

(b) The Chief of the Youth Parole Bureau or his or her designee;

(c) ***The Chief Parole and Probation Officer or his or her designee;***

(d) The Director of the Department of Corrections or his or her designee;

(e) A district attorney or his or her designee;

~~[(d)]~~ ***(f)*** An attorney representing the child;

~~[(e)]~~ ***(g) The director, chief or sheriff of a state or local law enforcement agency or his or her designee;***

(h) The director of a state ***or local*** agency which administers juvenile justice or his or her designee;

~~[(f)]~~ ***(i)*** A director of a state ~~[, regional]~~ or local facility for the detention of children ***or regional facility for the treatment and rehabilitation of children*** or his or her designee;

~~[(g)]~~ ***(j)*** The director of an agency which provides child welfare services or his or her designee;

~~[(h)]~~ ***(k) The director of an agency which provides mental health services or his or her designee;***

(l) A guardian ad litem or court appointed special advocate who represents the child;

~~[(i)]~~ ***(m)*** A parent or guardian of the child;

~~[(j)]~~ ***(n)*** The child to whom the juvenile justice information pertains if the child has reached the age of majority, or a person who presents a release that is signed by the child who has reached the age of majority and which specifies the juvenile justice information to be released and the purpose for the release;

~~[(k)]~~ ***(o)*** A school district, if the juvenile justice agency and the school district have entered into a written agreement to share juvenile justice information for a purpose consistent with the purposes of this section;

~~[(l)]~~ ***(p)*** A person or organization who has entered into a written agreement with the juvenile justice agency to provide assessments or juvenile justice services;

~~[(m)]~~ ***(q)*** A person engaged in bona fide research that may be used to improve juvenile justice services or secure additional funding for juvenile justice services if the juvenile justice information is provided in the aggregate and without any personal identifying information; or

~~[(n)]~~ ***(r)*** A person who is authorized by a court order to receive the juvenile justice information, if the juvenile justice agency was provided with notice and opportunity to be heard before the issuance of the order.

3. A juvenile justice agency may deny a request for juvenile justice information if:

(a) The request does not, in accordance with the purposes of this section, demonstrate good cause for the release of the information; or

(b) The release of the information would cause material harm to the child or would prejudice any court proceeding to which the child is subject.

➥ A denial pursuant to this subsection must be made in writing to the person requesting the information not later than 5 business days after receipt of the request.

4. Any juvenile justice information provided pursuant to this section may not be used to deny a child access to any service for which the child would otherwise be eligible, including, without limitation:

(a) Educational services;

(b) Social services;

(c) Mental health services;

(d) Medical services; or

(e) Legal services.

5. Except as otherwise provided in this subsection, any person who is provided with juvenile justice information pursuant to this section and who further disseminates the information or makes the information public is guilty of a gross misdemeanor. This subsection does not apply to:

(a) A district attorney who uses the information solely for the purpose of initiating legal proceedings; or

(b) A person or organization described in subsection 2 who provides a report concerning juvenile justice information to a court or other party pursuant to this title or chapter 432B of NRS.

6. As used in this section:

(a) "Juvenile justice agency" means the Youth Parole Bureau or a director of juvenile services.

(b) "Juvenile justice information" means any information which is directly related to a child in need of supervision, a delinquent child or any other child who is otherwise subject to the jurisdiction of the juvenile court.

Sec. 24. NRS 62H.200 is hereby amended to read as follows:

62H.200 1. The Division of Child and Family Services shall:

(a) Establish a standardized system for the reporting, collection, analysis, maintenance and retrieval of information concerning juvenile justice in this State.

(b) Be responsible for the retrieval and analysis of the categories of information contained in the standardized system and the development of any reports from that information.

(c) Adopt such regulations as are necessary to carry out the provisions of this section, including requirements for the transmittal of information to the standardized system from the juvenile courts, local juvenile probation departments and the staff of the youth correctional services, as directed by the Department of Health and Human Services.

(d) Adopt such regulations as are necessary to implement the performance measures and evidence-based standards developed by the Commission pursuant to sections 5 and 6 of this act.

2. Each juvenile court and local juvenile probation department and the staff of the youth correctional services, as directed by the Department of

Health and Human Services, shall comply with the regulations adopted pursuant to this section.

3. The Division of Child and Family Services may withhold state money from a juvenile court or department of juvenile services that does not comply with the regulations adopted pursuant to this section. Before any money is withheld, the Division shall:

(a) Notify the department of juvenile services of the specific provisions of the regulations adopted pursuant to this section with which the department is not in compliance;

(b) Require the department of juvenile services to submit a corrective action plan to the Division within 60 days after receiving such a notice of noncompliance; and

(c) If the department of juvenile services does not submit or adhere to a corrective action plan, notify the department that money will be withheld and specify the amount thereof.

Sec. 25. NRS 62H.210 is hereby amended to read as follows:

62H.210 1. Except as otherwise provided in subsection 3, the standardized system established pursuant to NRS 62H.200 must collect, categorize and maintain the following information from the juvenile courts, local juvenile probation departments ***, the staff of regional facilities for the treatment and rehabilitation of children*** and the staff of the youth correctional services, as directed by the Department of Health and Human Services, regarding each child referred to the system of juvenile justice in this State:

(a) ~~[A unique number]~~ ***Any unique identifying information*** assigned to the child ***;*** ~~[for identification;]~~

(b) Basic demographic information regarding the child, including, but not limited to:

(1) The age, sex and race or other ethnic background of the child;

(2) The composition of the household in which the child resides; and

(3) The economic ***and educational*** background of the child;

(c) The charges for which the child is referred ~~[.]~~ ***, including, without limitation, any charges of violations of probation or parole;***

(d) The dates of any detention of the child;

(e) The nature of the disposition of each referral of the child;

(f) The dates any petitions are filed regarding the child, and the charges set forth in those petitions; ~~[and]~~

(g) The disposition of any petitions filed regarding the child, including any applicable findings ~~[.]~~ ***;***

(h) The assessed risks and needs of the child;

(i) The supervision of the child, including, without limitation, whether the child was placed in a residential facility; and

(j) Any programs and services provided to the child.

2. In addition to the information required pursuant to subsection 1 and except as otherwise provided in subsection 3, the Department of Health and

Human Services shall require the staff of ***regional facilities for the treatment and rehabilitation of children and the staff of*** the youth correctional services to collect and transmit the following information to the standardized system regarding each child committed to or otherwise placed in the custody of the Division of Child and Family Services:

(a) A record of each placement of the child, including, but not limited to, the ***location and*** period of each placement and the ***programs and*** services provided to the child during each placement;

(b) ***Any disciplinary action taken against the child during the child's placement;***

(c) Any education or vocational training provided to the child during the child's placement and the educational and employment status of the child after release of the child on parole;

(d) The dates of each release of the child, including any release of the child on parole;

~~[(c)]~~ ***(e)*** If the child is released on parole, the period of each release and the services provided to the child during each release; and

~~[(d)]~~ ***(f)*** The nature of or reason for each discharge of the child from the custody of the ***regional facility for the treatment and rehabilitation of children or the*** Division of Child and Family Services.

3. The information maintained in the standardized system must not include the name or address of any person.

Sec. 26. Chapter 63 of NRS is hereby amended by adding thereto a new section to read as follows:

The Youth Parole Bureau shall establish policies and procedures to be used by parole officers and juvenile courts in determining the most appropriate response to a child's violation of the terms and conditions of his or her parole. The policies and procedures must:

1. Establish a sliding scale based on the severity of the violation to determine the appropriate response to the child;

2. Require that a response to a child's violation of the terms and conditions of his or her parole timely take into consideration:

(a) The risk of the child to reoffend, as determined by the results of a risk and needs assessment;

(b) The previous history of violations of the child;

(c) The severity of the current violation of the child;

(d) The child's case plan; and

(e) The previous responses by the child to past violations; and

3. Include incentives that encourage compliance with the terms and conditions of a child's parole.

Sec. 27. NRS 63.715 is hereby amended to read as follows:

63.715 1. A county that receives approval to carry out the provisions of NRS 63.700 to 63.780, inclusive, ***and section 26 of this act*** and an exemption from the assessment imposed pursuant to NRS 62B.165 shall:

(a) Carry out the provisions of NRS 63.700 to 63.780, inclusive ~~[.]~~ ***, and section 26 of this act;*** and

(b) Appoint a person to act in the place of the Chief of the Youth Parole Bureau in carrying out those provisions.

2. When a person is appointed by the county to act in the place of the Chief of the Youth Parole Bureau pursuant to subsection 1, the person so appointed shall be deemed to be the Chief of the Youth Parole Bureau for the purposes of NRS 63.700 to 63.780, inclusive ~~[.]~~ ***, and section 26 of this act.***

Sec. 28. NRS 63.770 is hereby amended to read as follows:

63.770 1. A petition may be filed with the juvenile court to request that the parole of a child be suspended, modified or revoked.

2. Pending a hearing, the juvenile court may order that the child be held in the local ~~[or regional]~~ facility for the detention of children ~~[.]~~ ***or committed to the regional facility for the treatment and rehabilitation of children.***

3. If the child is held in a local ~~[or regional]~~ facility for the detention of children ***or committed to a regional facility for the treatment and rehabilitation of children*** pending a hearing, the Youth Parole Bureau may pay all actual and reasonably necessary costs for the confinement of the child in the local ~~[or regional]~~ facility ***or the commitment of the child to the regional facility*** to the extent that money is available for that purpose.

4. If requested, the juvenile court shall allow the child reasonable time to prepare for the hearing.

5. The juvenile court shall render a decision within 10 days after the conclusion of the hearing.

6. The juvenile court shall consider the policies and procedures adopted by the Youth Parole Bureau pursuant to section 26 of this act and, in determining whether to suspend, modify or revoke the parole of the child, consider the adherence of the Youth Parole Bureau to such policies and procedures.

Sec. 29. NRS 63.780 is hereby amended to read as follows:

63.780 ***1. The Chief of the Youth Parole Bureau may recommend to the juvenile court that a child's parole be revoked and that the child be committed to a facility only if the Chief or his or her designee has determined that:***

(a) The child poses a risk to public safety, and the policies and procedures adopted by the Youth Parole Bureau pursuant to section 26 of this act recommend such a revocation; or

(b) The other responses set forth in such policies and procedures would not be appropriate for the child.

2. The Chief of the Youth Parole Bureau may ***not*** recommend to the juvenile court that a child's parole be revoked and that the child be committed to a facility ~~[unless]~~ ***if*** the superintendent of the facility determines that:

~~[1.]~~ ***(a)*** There is not adequate room or resources in the facility to provide the necessary care;

~~[2.]~~ ***(b)*** There is not adequate money available for the support of the facility; or

~~[3.]~~ ***(c)*** The child is not suitable for admission to the facility.

Sec. 29.5. NRS 354.557 is hereby amended to read as follows:

354.557 "Regional facility" means a facility that is used by each county that levies a tax ad valorem for its operation pursuant to NRS 354.59818 and provides services related to public safety, health or criminal justice. The term includes a regional facility for the ~~[detention]~~ ***treatment and rehabilitation*** of children for which an assessment is paid pursuant to NRS 62B.160.

Sec. 30. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 31. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 32. The Governor shall appoint the members of the Juvenile Justice Oversight Commission on or before September 1, 2017.

Sec. 33. NRS 62H.230 is hereby repealed.

Sec. 34. 1. This section and sections 1 to 32, inclusive, of this act become effective on July 1, 2017.

2. Section 33 of this act becomes effective on July 1, 2018.

TEXT OF REPEALED SECTION

62H.230 Probation departments to analyze information submitted to standardized system annually and compile reports concerning disparate treatment of children; Division of Child and Family Services to publish reports annually.

1. On or before January 31 of each year, each local juvenile probation department shall:

(a) Analyze the information it submitted to the standardized system during the previous year pursuant to NRS 62H.210 to determine whether children of racial or ethnic minorities and children from economically disadvantaged homes are receiving disparate treatment in the system of juvenile justice in comparison to the general population;

(b) As necessary, develop appropriate recommendations to address any disparate treatment; and

(c) Prepare and submit to the Division of Child and Family Services a report which includes:

(1) The results of the analysis it conducted pursuant to paragraph (a); and

(2) Any recommendations it developed pursuant to paragraph (b).

2. The Division of Child and Family Services shall annually:

(a) Compile the reports it receives pursuant to subsection 1; and

(b) Publish a document which includes a compilation of the reports.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 10.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 774.

AN ACT relating to unclaimed property; revising provisions governing the publication of information concerning certain unclaimed and abandoned property and the sale of such property; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Uniform Unclaimed Property Act, which sets forth various provisions relating to the disposition of certain abandoned property. (Chapter 120A of NRS) Under existing law, the State Treasurer acts as the Administrator of Unclaimed Property. (NRS 120A.025) Existing law requires the Administrator annually to publish a notice that lists the name of each person who appears to own certain kinds of property that has been abandoned by its owner and taken into custody by the Administrator. The notice must also contain a statement that information about such property may be obtained from the Administrator. The Administrator is required to provide this notice by purchasing an advertisement in a newspaper of the county of the last known address of each apparent owner of abandoned property that is in the custody of the Administrator. (NRS 120A.580) **Section 1** of this bill revises the requirements that the notice include information concerning individual owners and instead provides among other things that: (1) in a county whose population is 700,000 or more (currently Clark County), such a notice must be published in a newspaper ~~[with the largest]~~ **of general** circulation **with a circulation of more than 15,000** in the county at least six times per year **, or more often under certain circumstances,** and must provide certain instructions on how to search and access information relating to unclaimed property; and (2) in a county whose population is less than 700,000 (currently any county other than Clark County), such a notice must be published in a newspaper ~~[with the largest]~~ **of general** circulation in the county not less than once each year and must include the last known city of any person named in the notice. **Section 1** also requires the Administrator to publish ~~[the notice at least 90 days before the date a holder of property must file certain reports.]~~ **a notice in a newspaper of general circulation, not later than February 1 and August 1 of each year, that summarizes certain requirements relating to holders of unclaimed property.** Finally, **section 1** authorizes the Administrator to

provide additional information concerning unclaimed or abandoned property at any time and in any manner that the Administrator selects.

Existing law requires the Administrator to sell certain abandoned property in his or her custody within 2 years after taking the property into custody. The Administrator is required to publish a notice in a newspaper of general circulation in the county in which the property is to be sold at least 3 weeks before the sale. (NRS 120A.610) **Section 2** of this bill requires the Administrator to publish such a notice not less than 21 days before the sale. **Section 2** also authorizes the Administrator to provide additional notice of such sales at any time and in any manner that the Administrator selects.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 120A.580 is hereby amended to read as follows:

120A.580 1. The Administrator shall publish a notice not later than November 30 of the year next following the year in which abandoned property has been paid or delivered to the Administrator. The notice must ~~[be]~~ ***:***

(a) In a county whose population is 700,000 or more:

(1) Be published ***not less than six times per year, or more frequently as necessary to comply with the provisions of subparagraph (3),*** in a newspaper of general ~~***[with the largest]***~~ circulation in the county ~~[of this State in which is located.~~~~,]~~ ***with a circulation of more than 15,000;***

(2) Include instructions on how to search and access information relating to unclaimed property; and

(3) Be not less than one full page in size. The Administrator may comply with the requirement in this subparagraph by publishing one or more versions of the notice that are less than one full page in size if the size of all the versions of the notice published during the year is cumulatively not less than six full pages.

(b) In a county whose population is less than 700,000:

(1) Be published not less than once each year in a newspaper ~~***[with the largest]***~~ ***of general circulation in the county; and***

(2) Include the last known ~~[address]~~ ***city*** of any person named in the notice. ~~[If a holder does not report an address for the apparent owner or the address is outside this State, the notice must be published in a county that the Administrator reasonably selects.~~

~~(c) If a holder of property must file a report pursuant to NRS 120A.560:~~

~~(1) Be published in a newspaper of general circulation not less than 90 days before the date the holder must file the report; and~~

~~(2) Be not less than one full page in size.]~~

2. The ~~[advertisement]~~ ***notice required*** ~~***[in]***~~ ***by subsection 1*** must be in a form that, in the judgment of the Administrator, is likely to attract the attention of ~~[the apparent owner of the]~~ ***persons who may have a legal or***

equitable interest in unclaimed property ~~[.]~~ ***or of the legal representatives of such persons.*** The form must contain:

(a) The name ~~[of each person appearing to be the owner of the property, as set forth in the report filed by the holder;~~

~~(b) The city or town in which the last known address of each person appearing to be the owner of the property is located, if a city or town is set forth in the report filed by the holder;~~

~~(c)]~~ ***, physical address, telephone number and Internet address of the website of the Administrator;***

(b) A statement explaining that ***unclaimed*** property ~~[of the owner]~~ is presumed to be abandoned and has been taken into the protective custody of the Administrator; and

~~[(d)]~~ ***(c)*** A statement that information about ~~[the]~~ property ***taken into protective custody*** and its return to the owner is available to ***the owner or*** a person having a legal or beneficial interest in the property, upon request to the Administrator ~~[.]~~ ***, directed to the Deputy of Unclaimed Property.***

~~[2.]~~ ***3.*** ~~[The Administrator is not required to advertise the name and city or town of an owner of property having a total value less than $50 or information concerning a traveler's check, money order or similar instrument.]~~ ***In addition to publishing the notice required by subsection 1, the Administrator shall publish a notice not later than February 1 and August 1 of each year summarizing the requirements of this chapter as they apply to the holders of unclaimed property. The notice must:***

(a) Be published in a newspaper of general circulation in this State; and

(b) Be not less than one full page in size. The Administrator may comply with the requirement of this paragraph by publishing one or more versions of the notice that are less than one full page in size if the size of all the versions of the notice published during the year is cumulatively not less than two full pages.

4. In addition to complying with the requirements of subsections 1, 2 and 3, the Administrator may advertise or otherwise provide information concerning unclaimed or abandoned property, including, without limitation, the information set forth in ~~[subsection 2,]~~ subsections 2 and 3, at any other time and in any other manner that the Administrator selects.

Sec. 2. NRS 120A.610 is hereby amended to read as follows:

120A.610 1. Except as otherwise provided in subsections 4 to 8, inclusive, all abandoned property other than money delivered to the Administrator under this chapter must, within 2 years after the delivery, be sold by the Administrator to the highest bidder at public sale in whatever manner affords, in his or her judgment, the most favorable market for the property. The Administrator may decline the highest bid and reoffer the property for sale if the Administrator considers the bid to be insufficient.

2. Any sale held under this section must be preceded by a single publication of notice, ~~[at least 3 weeks]~~ ***not less than 21 days*** before sale, in a newspaper of general circulation in the county in which the property is to

be sold. ***The Administrator may provide additional notice of any such sale at any time and in any manner that the Administrator selects.***

3. The purchaser of property at any sale conducted by the Administrator pursuant to this chapter takes the property free of all claims of the owner or previous holder and of all persons claiming through or under them. The Administrator shall execute all documents necessary to complete the transfer of ownership.

4. Except as otherwise provided in subsection 5, the Administrator need not offer any property for sale if the Administrator considers that the probable cost of the sale will exceed the proceeds of the sale. The Administrator may destroy or otherwise dispose of such property or may transfer it to:

(a) The Nevada State Museum Las Vegas, the Nevada State Museum or the Nevada Historical Society, upon its written request, if the property has, in the opinion of the requesting institution, historical, artistic or literary value and is worthy of preservation; or

(b) A genealogical library, upon its written request, if the property has genealogical value and is not wanted by the Nevada State Museum Las Vegas, the Nevada State Museum or the Nevada Historical Society.

➥ An action may not be maintained by any person against the holder of the property because of that transfer, disposal or destruction.

5. The Administrator shall transfer property to the Department of Veterans Services, upon its written request, if the property has military value.

6. Securities delivered to the Administrator pursuant to this chapter may be sold by the Administrator at any time after the delivery. Securities listed on an established stock exchange must be sold at the prevailing price for that security on the exchange at the time of sale. Other securities not listed on an established stock exchange may be sold:

(a) Over the counter at the prevailing price for that security at the time of sale; or

(b) By any other method the Administrator deems acceptable.

7. The Administrator shall hold property that was removed from a safe-deposit box or other safekeeping repository for 1 year after the date of the delivery of the property to the Administrator, unless that property is a will or a codicil to a will, in which case the Administrator shall hold the property for 10 years after the date of the delivery of the property to the Administrator. If no claims are filed for the property within that period and the Administrator determines that the probable cost of the sale of the property will exceed the proceeds of the sale, it may be destroyed.

8. All proceeds received by the Administrator from abandoned gift certificates must be accounted for separately in the Abandoned Property Trust Account in the State General Fund. At the end of each fiscal year, before any other money in the Abandoned Property Trust Account is transferred pursuant to NRS 120A.620, the balance in the subaccount created pursuant to this subsection, less any costs, service charges or claims

chargeable to the subaccount, must be transferred to the Educational Trust Account, which is hereby created in the State General Fund. The money in the Educational Trust Account may be expended only as authorized by the Legislature, if it is in session, or by the Interim Finance Committee, if the Legislature is not in session, for educational purposes.

Sec. 3. This act becomes effective upon passage and approval.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 12.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 864.

SUMMARY—Repeals certain provisions relating to governmental administrative tasks. (BDR ~~[22-241)]~~ **50-241)**

AN ACT relating to governmental administration; repealing certain reporting requirements of the ~~[Department of Taxation, the]~~ State Board of Agriculture and the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation; repealing a requirement that the Administrator of the Employment Security Division print for distribution to the public certain regulations, rules, reports and other materials relating to unemployment compensation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 1 of this bill repeals the requirement that the Department of Taxation prepare and submit a biannual report to the Legislature and to each municipality that has created a tourism improvement district pursuant to NRS chapter 271A (commonly known as "STAR bond districts") on or after July 1, 2011, regarding monthly revenue, wages and employment in the tourism improvement district. Section 1 also repeals the requirement that each business within such a tourism improvement district provide to the Department of Taxation information required by the Department for it to fulfill its reporting requirement. Section 2 of this bill makes a conforming change.]~~

Section 3 of this bill repeals the requirement that the: (1) State Board of Agriculture submit to the Governor a biennial report of its activities relating to its statutory duties; (2) Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation submit to the Governor a biennial report on the administration and operation of statutes relating to unemployment compensation; and (3) Administrator of the Employment Security Division print for distribution to the public the text

of certain regulations, rules, reports and other materials relating to unemployment compensation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 271A.105 is hereby amended to read as follows:~~

~~271A.105 [1.] On or before September 1 of each year, the governing body of a municipality that creates a district before, on or after July 1, 2011, shall prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, an annual report containing:~~

~~[(a)] 1. A statement of the status of each project located or expected to be located in the district, and of any changes in that status since the last annual report.~~

~~[(b)] 2. An assessment of the financial impact of the district on the provision of local governmental services, including, without limitation, services for police protection and fire protection.~~

~~[2. If the governing body of a municipality creates a district before, on or after July 1, 2011, the Department of Taxation shall:~~

~~(a) On or before April 1 and October 1 of each year, except as otherwise provided in subsection 3, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, and to the governing body of the municipality a semiannual report which states:~~

~~(1) The amount of revenue from the taxable sales made each month by the businesses within the district;~~

~~(2) To the extent that the pertinent information is available, the portion of that revenue which is attributable to persons who are not residents of this State;~~

~~(3) The amount of the wages paid each month by the businesses within the district; and~~

~~(4) The number of full-time and part-time employees employed each month by the businesses within the district.~~

~~The report must provide the information separately for each district in the municipality unless reporting the information separately would disclose or result in the disclosure of information about an individual business, in which case the report must provide the information in the aggregate.~~

~~(b) Require each business within the district to report to the Department of Taxation, at such times as the Department may specify on a form provided by the Department, such information as the Department determines to be necessary to carry out the provisions of paragraph (a).~~

~~3. The Department of Taxation is not required to prepare and submit a report pursuant to paragraph (a) of subsection 2 if the report cannot be prepared in a manner which would not disclose or result in the disclosure of information about an individual business.~~

~~4. As used in this section, "taxable sales" means any sales that are taxable pursuant to chapter 372 of NRS.~~**]** **(Deleted by amendment.)**

Sec. 2. **[**~~NRS 239.010 is hereby amended to read as follows:~~

~~239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910,~~ **[**~~271A.105,~~**]** ~~281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137,~~

~~624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.~~

~~2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.~~

~~3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.~~

~~4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:~~

~~(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.~~

~~— (b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.]~~ **(Deleted by amendment.)**

Sec. 3. NRS 562.150, 612.235 and 612.255 are hereby repealed.

Sec. 4. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTIONS

562.150 Biennial report to Governor. The Board shall render a written report of its activities relating to the implementation of this chapter to the Governor on or before October 31, 2003, and each 2 years thereafter.

612.235 Biennial report of Administrator.

1. Not later than December 1, 1956, and December 1 of every second year thereafter, the Administrator shall submit to the Governor a report covering the administration and operation of this chapter during the preceding biennium and shall make such recommendations for amendment to this chapter as the Administrator deems proper.

2. Such reports must include a balance sheet of the money in the Fund, in which there must be provided, if possible, a reserve against the liability in future years to pay benefits in excess of the then current contributions, which reserves must be set up by the Administrator in accordance with accepted actuarial principles on the basis of statistics or employment business activity and other relevant factors for the longest possible period.

612.255 Administrator to print and distribute law, rules, regulations, reports and other material. The Administrator shall cause to be printed for distribution to the public the text of this chapter, his or her regulations and general and special rules, his or her reports to the Governor, and any other material the Administrator deems relevant and suitable, and shall furnish the same to any person upon application therefor.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 56.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 821.

AN ACT providing a charter for the City of Mesquite, in Clark County, Nevada; authorizing the City Council of the City of Mesquite to establish certain fees and impose certain taxes; requiring the City Council to levy a tax upon the assessed value of real and personal property; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Constitution authorizes the Legislature to provide for the incorporation of a city by a special act. (Nev. Const. Art. 8, § 8) **Section 1** of this bill provides a charter for the City of Mesquite in Clark County, Nevada. Article I of the Charter provides that the elective officers of the City consist of a Mayor, five members of the City Council and such other officers as provided in the Charter. (Section 1.050) Article I also ~~[authorizes]~~ **requires** the City Council to establish a Charter Committee, which is required to prepare recommendations **to be presented to the Legislature on behalf of the City** concerning **all necessary amendments to** the Charter **.** ~~[to the City Council.]~~ (Section 1.110)

Articles II, III and IV of the Charter establish provisions relating to the legislative, executive and judicial departments of the City, respectively. Article II provides for the qualifications, election, term of office and salary of the members of the City Council and establishes the various powers of the City Council, including the power to fix, impose and collect a license tax for revenue upon all businesses, trades and professions. (Sections 2.010, 2.080, 2.110-2.280) Article II also authorizes the City Council to establish and impose various fees. (Sections 2.170, 2.210, 2.270) Article II further establishes several provisions concerning the sale or lease of real property owned by the City **.** ~~[.]~~ **and the redevelopment of communities.** (Sections ~~[2.300-2.360)]~~ **2.300-2.370)** Article III provides for the qualifications, duties, election, term of office and salary of the Mayor and the election by the City Council of one of its members to be Mayor pro tempore. (Section 3.010) Article III also establishes provisions relating to the City Manager, City Clerk, City Attorney and City Assessor. (Sections 3.020-3.070) Article IV provides for a ~~[municipal court]~~ **Municipal Court** and establishes provisions relating to ~~[a municipal judge.]~~ **the departments of the Municipal Court and the Municipal Court Judges.** (Sections 4.010-4.030)

Article V of the Charter establishes provisions concerning elections, including certain procedures relating to the election of members of the City Council. (Sections 5.010, 5.020) Article VI of the Charter pertains to local improvements and generally authorizes the City Council to acquire, improve, equip, operate and maintain, convert to or authorize certain improvements. (Section 6.010) Article VII of the Charter: (1) prohibits the City from incurring any indebtedness in excess of a certain amount; (2) authorizes the City to grant franchises and acquire any public utility; and (3) authorizes the City to borrow money for any corporate purpose. (Sections 7.010-7.030)

Article VIII of the Charter authorizes express trusts to be created in real or personal property, with the City as the beneficiary thereof, for the furtherance, or the providing of funds for the furtherance, of any authorized or proper function of the City. (Section 8.010) Article IX of the Charter authorizes the City Council to levy an annual tax at a rate allowable under state law upon the assessed value of all applicable real and personal property within the City. (Section 9.010) Article X of the Charter establishes certain

miscellaneous provisions concerning the Charter. (Sections ~~[10.010-10.030)]~~ **10.010, 10.020)**

Section 2 of this bill provides that the effective date of incorporation of the City of Mesquite is July 1, 2017.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The Charter of the City of Mesquite is as follows. Each section of the Charter shall be deemed to be a section of this act for the purpose of any subsequent amendment.

ARTICLE I

Incorporation of City; General Powers; Boundaries; Annexations; City Offices; Charter Committee

Section 1.010 Preamble: Legislative intent.

1. In order to provide for the orderly government of the City of Mesquite and the general welfare of its citizens, the Legislature hereby establishes this Charter for the government of the City of Mesquite. It is expressly declared as the intent of the Legislature that all provisions of this Charter be liberally construed to carry out the express purposes of the Charter and that the specific mention of particular powers must not be construed as limiting in any way the general powers necessary to carry out the purposes of the Charter.

2. Any powers expressly granted by this Charter are in addition to any powers granted to a city by the general law of this State. All provisions of the Nevada Revised Statutes which are applicable generally to cities, not including, unless otherwise expressly mentioned in this Charter, chapter 265, 266 or 267 of NRS, which are not in conflict with the provisions of this Charter apply to the City of Mesquite.

3. Except as otherwise expressly provided in a particular section or required by the context:

(a) The masculine gender includes the feminine and neuter genders.

(b) The singular number includes the plural number and the plural includes the singular.

(c) The present tense includes the future tense.

➥ The use of a masculine noun or pronoun in conferring a benefit or imposing a duty does not exclude a female person from that benefit or duty. The use of a feminine noun or pronoun in conferring a benefit or imposing a duty does not exclude a male person from that benefit or duty.

Sec. 1.020 Incorporation of City.

1. All persons who are inhabitants of that portion of the State of Nevada embraced within the limits set forth in section 1.030 constitute a political and corporate body by the name of "City of Mesquite" and by that

name they and their successors must be known in law, have perpetual succession and may sue or be sued in all courts.

2. Whenever used throughout this Charter, "City" means the City of Mesquite.

Sec. 1.030 Description of territory. The territory embraced in the City is that certain land described in the official plat required by NRS 234.250 to be filed with the County Recorder and the County Assessor of Clark County, as such plat is revised from time to time.

Sec. 1.040 Annexations. The City may annex territory by following the procedure provided for the annexation of cities in those sections of chapter 268 of NRS, as amended from time to time, which apply to a county whose population is 700,000 or more.

Sec. 1.050 Elective offices. The elective officers of the City consist of:

1. A Mayor;

2. Five Council members; and

3. Such other officers as provided by this Charter.

Sec. 1.060 Elective offices: Vacancies.

1. A vacancy in the City Council or in the office of Mayor must be filled for the remainder of the unexpired term by a majority vote of the members of the City Council, or the remaining members in the case of a vacancy in the City Council, within 45 days after the occurrence of the vacancy.

2. A person appointed to fill a vacancy:

(a) Must have the same qualifications as are required of the elective official; and

(b) Shall enter upon the discharge of his or her respective duties at the first meeting of the City Council held after the vote to fill the vacancy.

Sec. 1.070 Mayor and Council members not to hold other office; authorization to run for other office.

1. The Mayor and Council members:

(a) Shall not hold any other elective office with the State of Nevada or any of its political subdivisions or any other employment with the City.

(b) Must not be elected or appointed to any office created by or the compensation for which was increased or fixed by the City Council until 1 year after the expiration of the term for which he or she was elected.

2. Any person holding any office proscribed by subsection 1 automatically forfeits his or her office as Mayor or Council member.

3. Subject to the provisions of subsections 1 and 2, the Mayor and any Council member may run for an elective office with the State or any political subdivision thereof while still serving in his or her capacity as Mayor or Council member.

Sec. 1.080 Executive officers.

1. The following positions are executive officers within the City:

(a) City Manager.

(b) City Attorney.

(c) Assistant City Manager or Deputy City Manager.

(d) City Clerk.

(e) Director of Finance.

(f) Chief of Police.

(g) Fire Chief.

2. The City Council may ~~[establish any other positions for executive officers or eliminate or]~~ combine any positions for executive officers by ordinance.

3. The appointments of the City Manager and City Attorney must be made by the Mayor, subject to the advice and consent of the City Council.

4. The appointments and termination of all other executive officers must be made by the City Manager and are subject to ~~[advanced]~~ ratification by the City Council.

Sec. 1.090 Executive officers: Duties; salary.

1. All executive officers other than the City Attorney shall perform such duties as may be designated by the City Manager.

2. Any executive officer who becomes aware of any supposed nonfeasance, misfeasance or malfeasance shall report such behavior in accordance with the proper chain of command. If the person who has allegedly committed the nonfeasance, misfeasance or malfeasance is ranked higher than the executive officer in the proper chain of command, the executive officer shall report the behavior to the appropriate legal authorities.

3. The City Manager shall set the salary for all executive officers other than the City Attorney.

Sec. 1.100 Oath of office. Every person elected or appointed to fill any elective office shall subscribe to the official oath as provided by the City Council. Every such person shall swear or affirm that he or she is not under any direct or indirect obligation to vote for, appoint or elect any person to any office, position or employment in the City.

Sec. 1.110 Charter Committee: Creation; ~~[composition;]~~ appointment; qualifications; terms; compensation . ~~[; terms; vacancies.]~~

1. The City Council ~~[may at any time]~~ shall establish a Charter Committee which shall meet as required to prepare recommendations to be presented to the Legislature on behalf of the City concerning all necessary amendments to the City Charter . ~~[to the City Council.]~~

2. ~~[The Charter Committee must be composed of not more than nine voting members.~~

~~3.]~~ The Charter Committee must be appointed as follows:

(a) ~~[At a public meeting, the]~~ The Mayor and each member of the City Council ~~[may]~~ shall appoint ~~[not more than six members;]~~ one member; ~~[and]~~

(b) Each member of the Senate and Assembly delegation representing the residents of the City shall appoint one member; and

(c) Before the conclusion of the second meeting of the Charter Committee, the Committee shall appoint [the remaining number of members needed to have a total of nine members of the Committee.

4. The City Manager and City Attorney or their designees shall serve as ex officio nonvoting members of the Charter Committee.

5.] one member.

3. Each member of the Charter Committee:

(a) Must be a registered voter of the City;

(b) If appointed pursuant to:

(1) Paragraph (a) or (b) of subsection 2, serves a term concurrent to the term of the public officer by whom he or she was appointed; or

(2) Paragraph (c) of subsection 2, serves a term of 2 years;

(c) Must reside in the City during his or her term of office; and

[(c)] (d) Serves without compensation . [or, if the member is designated pursuant to subsection 4, serves without additional compensation.

6. The term of service of a member of the Charter Committee expires at the end of the legislative session during which this Charter or any amendments thereto are considered by the Legislature. Upon such final adjournment of the Legislature, the Committee is dissolved until the City Council establishes another Charter Committee pursuant to subsection 1.

7. If a vacancy occurs on the Charter Committee, the vacancy must be filled in the same manner as the original appointment.]

Sec. 1.120 Charter Committee: Officers; meetings [;] ; duties; legislative measures.

1. The Charter Committee shall [elect] :

(a) Elect from among its members a Chair and [a] Vice Chair [from among its members.] , who each serve a term of 2 years unless he or she resigns or is removed from the Committee pursuant to section 1.130;

(b) Meet at least once every 2 years before the beginning of each regular session of the Legislature and when requested by the City Council or the Chair of the Committee;

(c) Meet jointly with the City Council on a date to be set after the final biennial meeting of the Committee is conducted pursuant to paragraph (b) and before the beginning of the next regular session of the Legislature to advise the City Council with regard to the recommendations of the Committee concerning necessary amendments to this Charter;

(d) If the City Council elects to submit the Committee's recommended amendments to the Legislature as one of the City's legislative measures, assist the City Council in the timely preparation of such amendments for presentation to the Legislature on behalf of the City; and

(e) Perform all functions and do all things necessary to accomplish the purposes for which it is established, including, without limitation, holding meetings and public hearings and obtaining assistance from officers of the

City to ensure the Committee's compliance with any law applicable to a public body.

2. [All meetings of the Charter Committee are subject to the provisions of chapter 241 of NRS.] If the City Council elects not to submit the Committee's recommended amendments to the Legislature as one of the City's legislative measures, the Committee may vote to authorize a member of the Committee to seek sponsorship of a legislative measure by a member of the Senate or Assembly delegation representing the residents of the City and to assist the Senator, Assemblyman or Assemblywoman, as applicable, in the timely preparation of such amendments for presentation to the Legislature. The member of the Committee shall not represent that any such legislative measure is approved or supported by the City Council and shall disclose to the Senator, Assemblyman or Assemblywoman, as applicable, that the legislative measure is not approved or supported by the City Council.

Sec. 1.130 Charter Committee: Removal of member [.] ; vacancies.

1. Any member of the Charter Committee may be removed by a majority of the remaining members of the Charter Committee for any of the following reasons:

(a) Failure or refusal to perform the duties of office;

(b) Absence from three consecutive regular meetings;

(c) Ceasing to meet any qualification for appointment to the Charter Committee; or

(d) Any conduct deemed inappropriate by a majority vote of the members of the Charter Committee.

2. A vote for removal of a member of the Charter Committee pursuant to paragraph (d) of subsection 1 must be ratified by a majority vote of the City Council.

3. [Any] If a vacancy [resulting from the removal of a member pursuant to this section] occurs on the Charter Committee, the vacancy must be filled [pursuant to subsection 7 of section 1.110.] in the same manner as the original appointment for the remainder of the unexpired term.

ARTICLE II

Legislative Department

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of five Council members.

2. Each Council member must be elected at large and without respect to the location of his or her residence, as long as the residence is within the city limits of the City of Mesquite.

3. Each Council member must be:

(a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the City.

4. All Council members must be voted upon by the registered voters of the City at large and shall serve for terms of 4 years.

5. The Council members are entitled to receive a salary in an amount fixed by the City Council. The City Council shall not adopt an ordinance which increases or decreases the salary of the Council members and becomes effective during the term for which they have been elected or appointed.

Sec. 2.020 City Council: Contracts. Members of the City Council may vote on any lease, contract or other agreement which extends beyond their terms of office.

Sec. 2.030 City Council: Discipline of members and other persons; subpoena power.

1. The City Council may:

(a) Provide for the punishment of any member for disorderly conduct committed in its presence.

(b) Order the attendance of witnesses and the production of all documents and data relating to any business before the City Council.

2. If any person ordered to appear before the City Council or to produce documents or data fails to obey such order:

(a) The City Council or any member thereof may direct the City Attorney to apply to the Municipal Court for a subpoena commanding the attendance of the person before the City Council or production of the documents or data to the City Council.

(b) A Municipal Court Judge may issue the subpoena, and any peace officer may serve it.

(c) If the person upon whom the subpoena is served fails to obey it, the Municipal Court may issue an order to show cause why such person should not be held in contempt of the Municipal Court and upon hearing of the matter may adjudge such person guilty of contempt and punish him or her accordingly.

Sec. 2.040 Meetings: Quorum.

1. Unless the Mayor or a majority of Council members decide otherwise, the City Council shall hold at least two regular meetings each month. In no case may the City Council not hold a regular meeting during any given month.

2. Before each regular meeting, but after the previous meeting, the City Council shall hold a work session to discuss the contents of the upcoming meeting.

3. Except as otherwise provided in NRS 241.0355, a majority of all members of the City Council constitutes a quorum to do business, but a

lesser number may meet and recess from time to time, and compel the attendance of the absent members.

4. Except as otherwise provided by law, all sessions and all proceedings of the City Council must be public.

Sec. 2.050 Meetings: Special.

1. Special meetings may be held on call of the Mayor or by a majority of the City Council, by giving notice of the special meeting pursuant to NRS 241.020.

2. At a special meeting, no contract involving the expenditure of money may be made or claim allowed unless notice of the meeting called to consider the action is given pursuant to the provisions of NRS 241.020.

Sec. 2.060 Meetings: Time and place; rules. The City Council may:

1. Fix the time and place of its meetings.

2. Adopt rules for the government of its members and proceedings.

Sec. 2.070 Oaths and affirmations. The Mayor, the Mayor pro tempore while acting for the Mayor and the City Clerk may administer oaths and affirmations relating to any business pertaining to the City before the City Council or to be considered by the City Council.

Sec. 2.080 Powers of City Council: Ordinances, resolutions and orders.

1. The City Council may make and pass all ordinances, resolutions and orders not repugnant to the Constitution of the United States or the State of Nevada, or to the provisions of the Nevada Revised Statutes or of this Charter, necessary for the municipal government and the management of the affairs of the City, and for the execution of all the powers vested in the City.

2. When power is conferred upon the City Council to do and perform anything, and the manner of exercising such power is not specifically provided for, the City Council may provide by ordinance the manner and details necessary for the full exercise of such power.

3. The City Council may enforce ordinances by providing penalties not to exceed those established by the Legislature for misdemeanors.

4. The City Council has such powers, not in conflict with the express or implied provisions of this Charter, as are conferred generally by statute upon the governing bodies of cities organized under a special charter.

Sec. 2.090 Ordinances: Passage by bill; amendments; subject matter; title requirements.

1. No ordinance may be passed except by bill and by a majority vote of the whole City Council. The style of all ordinances must be as follows: "The City Council of the City of Mesquite does ordain:".

2. No ordinance may contain more than one subject, which must be briefly indicated in the title. If the subject of the ordinance is not so expressed in the title, the ordinance is void as to the matter not expressed in the title.

3. Any ordinance which amends an existing ordinance must set out in full the ordinance or sections thereof to be amended, must indicate matter to be omitted by enclosing it in brackets or by using another similar conspicuous marking, and must indicate new matter by underscoring, by italics or by another similar conspicuous marking.

Sec. 2.100 Ordinances: Enactment procedure; emergency ordinances.

1. All proposed ordinances when first proposed must be read to the City Council by title and referred to a committee for consideration, if such a committee has been established, after which an adequate number of copies of the proposed ordinance must be filed with the City Clerk for public distribution. Except as otherwise provided in subsection 3, notice of the filing must be published once in a newspaper qualified pursuant to the provisions of chapter 238 of NRS, and published in the City at least 10 days before the adoption of the ordinance. The City Council shall adopt or reject the ordinance or an amendment thereto within 30 days after the date of publication.

2. At the next regular meeting or special meeting of the City Council following the proposal of an ordinance and its reference to a committee, if such a committee has been established, any such committee shall report the ordinance back to the City Council. Before the City Council considers the action to be taken on the proposed ordinance, a public hearing on the proposed ordinance must be held. Upon the conclusion of the public hearing, the proposed ordinance must be finally voted upon or action thereon postponed.

3. In cases of emergency or where the ordinance is of a kind specified in section 7.030, by unanimous consent of the City Council, final action may be taken immediately or at a special meeting called for that purpose, and no notice of the filing of the copies of the proposed ordinance with the City Clerk need be published.

4. All ordinances must be signed by the Mayor, attested by the City Clerk and published at least once by title, together with the names of the Council members voting for or against passage, in a newspaper qualified pursuant to the provisions of chapter 238 of NRS and published in the City, before the ordinance becomes effective. The City Council may, by majority vote, order the publication of the ordinance in full in lieu of publication by title only.

5. The City Clerk shall keep a record of all ordinances together with the affidavits of publication.

Sec. 2.110 Powers of City Council: Public property, buildings. The City Council may:

1. Control the property of the City.

2. Erect and maintain all buildings necessary for the use of the City.

3. Purchase, receive, hold, sell, lease, convey and dispose of property, wherever situated, for the benefit of the City, improve and protect such

property, and do all other things in relation thereto which natural persons might do.

Sec. 2.120 Powers of City Council: Eminent domain. The City Council may condemn property for the public use in the manner prescribed by chapter 37 of NRS, as amended from time to time.

Sec. 2.130 Powers of City Council: Licensing, regulation and prohibition of businesses, trades and professions.

1. The City Council may:

(a) Except as otherwise provided in NRS 598D.150 and 640C.100, regulate all businesses, trades and professions.

(b) Fix, impose and collect a license tax for revenue upon all businesses, trades and professions.

2. The City Council may establish by ordinance or resolution any equitable standard to be used in fixing license taxes required to be collected pursuant to this section.

Sec. 2.140 Powers of City Council: Police ordinances.

1. The City Council may enact and enforce such local police ordinances as are not in conflict with the general laws of the State of Nevada.

2. Any offense made a misdemeanor by the laws of the State of Nevada shall also be deemed to be a misdemeanor in the City whenever such offense is committed within the City.

Sec. 2.150 Powers of City Council: Fire protection; regulation of explosives, inflammable materials; fire codes and regulations. The City Council may:

1. Organize, regulate and maintain a fire department.

2. Regulate or prohibit the storage of any explosive, combustible or inflammable material in or transported through the City, and prescribe the distance from any residential or commercial area where it may be kept. Any ordinance adopted pursuant to this subsection that regulates places of employment where explosives are stored must be at least as stringent as the standards and procedures adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.890.

3. Establish, by ordinance, a fire code and other regulations necessary to carry out the purposes of this section.

Sec. 2.160 Powers of City Council: Public health; Southern Nevada Health District; regulations. The City Council may:

1. Provide for safeguarding public health in the City.

2. Provide for the enforcement of all regulations and quarantines established by the Southern Nevada Health District or its successor by imposing adequate penalties for violations thereof.

3. Provide by ordinance any rules and regulations specific to the health and welfare of the City of Mesquite and its residents and, in accordance with subsection 3 of section 2.080, provide that the penalty for any

violation thereof is equivalent to the penalty established by the Legislature for a misdemeanor.

Sec. 2.170 Powers of City Council: Buildings; construction and maintenance regulations; building and safety codes. The City Council may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the City.

2. Adopt any building or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary.

Sec. 2.180 Powers of City Council: Zoning and planning. The City Council may adopt ordinances and regulations relating to zoning and planning pursuant to the provisions of chapter 278 of NRS.

Sec. 2.190 Powers of City Council: Rights-of-way, parks, public buildings and grounds and other public places. The City Council may:

1. Lay out, maintain, alter, improve or vacate all public rights-of-way in the City.

2. Regulate the use of public parks, buildings, grounds and rights-of-way and prevent the unlawful use thereof.

3. Require landowners to keep the adjacent streets, sidewalks and public parks, buildings and grounds free from encroachments or obstructions.

4. Regulate ~~[and prevent]~~ in all public places:

(a) The distribution and exhibition of handbills or signs.

(b) Any practice tending to annoy persons passing or being in such public places.

(c) Public demonstrations and processions.

5. Prevent riots or any act tending to promote riots in any public place.

Sec. 2.200 Powers of City Council: Traffic control. The City Council may, by ordinance, regulate:

1. Except as otherwise provided in NRS 707.375, all vehicular, pedestrian and other traffic within the City and provide generally for the public safety on public streets and rights-of-way.

2. The length of time for which vehicles may be parked upon the public streets and publicly owned parking lots.

Sec. 2.210 Powers of City Council: Parking meters; off-street public parking facilities.

1. The City Council may acquire, install, maintain, operate and regulate parking meters at the curbs of the streets or upon publicly owned property made available for public parking. The parking fees to be charged for the use of the parking facilities regulated by parking meters must be fixed by the City Council.

2. Except as otherwise provided by this Charter, the City Council may acquire property within the City by any lawful means, including eminent domain, for the purpose of establishing off-street public parking facilities for vehicles. The City Council may, in bonds issued to acquire property for

this purpose, pledge the on-street parking revenues, the general credit of the City, or both, to secure the payment of the principal and interest thereon.

Sec. 2.220 Powers of City Council: Airports. The City Council may acquire, provide for, operate and maintain an airport for public use.

Sec. 2.230 Powers of City Council: Railroads. The City Council may:

1. License, regulate or prohibit the location, construction or laying of tracks of any railroad or streetcar in any public right-of-way.

2. Grant franchises to any person or corporation to operate a railroad, streetcar or other public transit system upon public rights-of-way and adjacent property.

3. Declare a nuisance and require the removal of the tracks of any railroad or streetcar in any public right-of-way.

4. Condemn rights-of-way for any public purpose across any railroad right-of-way.

5. Prescribe the length of time any public right-of-way may be obstructed by trains standing thereon.

6. Require railroad companies to fence their tracks and to construct cattle guards and crossings and to keep them in repair.

7. Acquire, provide for, operate and maintain a railroad for public use.

Sec. 2.240 Powers of City Council: Nuisances. The City Council may:

1. Determine by ordinance what shall be deemed nuisances.

2. Provide for the abatement, prevention and removal of such nuisances at the expense of the person creating, causing or committing such nuisances.

3. Provide that such expense of removal is a lien upon the property upon which the nuisance is located. Such lien must:

(a) Be perfected by filing with the County Recorder of Clark County a statement by the City Clerk of the amount of expenses due and unpaid and describing the property subject to the lien.

(b) Be coequal with the latest lien thereon to secure the payment of general taxes.

(c) Not be subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

(d) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

4. Provide any other penalty or punishment of persons responsible for such nuisances.

Sec. 2.250 Powers of City Council: Animals. The City Council may regulate and control animals in the City and may construct facilities for this purpose.

Sec. 2.260 Powers of City Council: Abatement of noxious insects, rats and disease-bearing organisms. The City Council may take all steps necessary and proper for the extermination of noxious insects, rats and

other disease-bearing organisms, either in the City or in territory outside the City but so situated that such insects, rats and disease-bearing organisms migrate or are carried into the City.

Sec. 2.270 Powers of City Council: Sanitary sewer facilities. The City Council may:

1. Provide for a sanitary sewer system or any part thereof, including, without limitation, a wastewater treatment plant, and obtain property therefor either within or without the City.

2. Sell any product or by-product thereof and acquire the appropriate outlets within or without the City and extend the sewer lines thereto.

3. Establish sewer fees and provide for the enforcement and collection thereof.

Sec. 2.280 Powers of City Council: Provision of utilities.

1. Except as otherwise provided in subsection 3 and section 2.290, the City Council may:

(a) Provide, by license, contract, franchise, public enterprise or any other appropriate means, for any utility to be furnished to the City for the residents thereof.

(b) Provide for the construction of any facility necessary for the provision of such utilities.

(c) Fix the rate to be paid for any utility provided by public enterprise.

2. Any charges due for services, facilities or commodities furnished by any utility owned by the City is a lien upon the property to which the service is rendered. Each such lien must:

(a) Be perfected by filing with the County Recorder of Clark County a statement by the City Clerk of the amount due and unpaid and describing the property subject to the lien.

(b) Be coequal with the latest lien thereon to secure the payment of general taxes.

(c) Not be subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

(d) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

3. The City Council:

(a) Shall not sell telecommunication service to the general public.

(b) May purchase or construct facilities for providing telecommunication that intersect with public rights-of-way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

4. Any information relating to the study conducted pursuant to subsection 3 must be maintained by the City Clerk and made available for public inspection during the business hours of the Office of the City Clerk.

5. Notwithstanding the provisions of paragraph (a) of subsection 3, an airport may sell telecommunication service to the general public.

6. As used in this section:

(a) "Telecommunication" has the meaning ascribed to it in NRS 704.025.

(b) "Telecommunication service" has the meaning ascribed to it in NRS 704.028.

Sec. 2.290 Franchises for the provision of telecommunication service.

1. The City Council shall not:

(a) Impose any terms or conditions on a franchise for the provision of telecommunication service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides telecommunication service or interactive computer service to obtain a franchise if it provides telecommunication service over the telephone or telegraph lines owned by another company.

(c) Require a person who holds a franchise for the provision of telecommunication service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the City.

2. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § 230(f)(2), as that section existed on January 1, 2007.

(b) "Telecommunication service" has the meaning ascribed to it in NRS 704.028.

Sec. 2.300 Sale or lease of real property owned by City: Appraisals.

1. Except as otherwise provided in this section, whenever real property owned by the City is to be leased or sold, the City shall:

(a) Select one or two independent appraisers, as applicable, from the list of appraisers created pursuant to subsection 2. The cost of an appraisal must be borne by the successful purchaser of the real property unless the City Council decides otherwise during a public meeting.

(b) Verify the qualifications of each appraiser selected pursuant to paragraph (a). The determination of the City Council as to the qualifications of the appraiser is conclusive.

2. The City Council shall adopt by ordinance the procedures for creating or amending a list of appraisers who are qualified to conduct appraisals of real property offered for sale or lease by the City Council. The list must:

(a) Contain the names of all persons licensed as an appraiser in Clark County; and

(b) Be organized at random and reorganized from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation:

(a) All sources of income of the appraiser that might constitute a conflict of interest; and

(b) Any relationship of the appraiser with the City or the owner of an adjoining property.

4. An appraiser shall not perform an appraisal on any real property offered for sale or lease by the City Council if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the real property or an adjoining property.

5. If real property is sold or leased in violation of this section, the sale or lease is void.

Sec. 2.310 Sale or lease of real property owned by City: Sale or lease to public entity.

1. The City Council may sell, lease or otherwise dispose of real property owned by the City to another public entity if:

(a) The sale or lease restricts the use of the real property to a public use; and

(b) The City Council adopts a resolution finding that the sale or lease will be in the best interest of the City.

2. If the provisions of subsection 1 are satisfied, the City Council may lease, sell or otherwise dispose of the real property, subject to the following conditions:

(a) The City Council shall publish a notice at least once, in a newspaper qualified pursuant to the provisions of chapter 238 of NRS that is published in Clark County, setting forth the description of the real property proposed to be sold or leased in such a manner as to make the real property identifiable; and

(b) The City Council shall hold a public hearing on the matter not less than 10 days and not more than 20 days after the date of the publication of the notice.

3. Any transaction made pursuant to this section may be made pursuant to any additional terms or conditions that the City Council deems proper.

4. If real property is sold or leased in violation of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the sale or lease, unless any such change applies to all real property within the applicable zoning district.

5. The provisions of paragraph (b) of subsection 4 must be included as part of an applicable lease or, if the real property is being sold, recorded with the real property as a condition of the sale.

Sec. 2.320 Sale or lease of real property owned by City: Sale of parcels ~~***[1]***~~ ***less than 25,000 square feet.***

1. The City Council may sell, lease or otherwise dispose of parcels of property owned by the City if <u>the parcel is less than 25,000 square feet and</u> one of the following conditions is met:

(a) The parcel is a remnant that was separated from its original parcel due to the construction of a public infrastructure, public utility or other public facility;

(b) The parcel is, as a result of its size, too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the parcel; or

(c) The parcel is subject to a deed restriction prohibiting the use of the parcel by anyone other than the person who owns real property adjacent to the parcel.

2. If any of the conditions in subsection 1 is satisfied, the City Council may sell, lease or otherwise dispose of the parcel, subject to the following conditions:

(a) The City Council must adopt a resolution stating that it is in the best interest of the City to sell, lease or otherwise dispose of the parcel:

(1) Without offering the parcel to the public; and

(2) For less than the fair market value of the parcel, if applicable;

(b) The City Council must obtain an appraisal;

(c) The City Council must publish a notice at least once, in a newspaper qualified pursuant to the provisions of chapter 238 of NRS that is published in Clark County, setting forth the description of the parcel proposed to be sold or leased in such a manner as to make the parcel identifiable; and

(d) The City Council must hold a public hearing on the matter not less than 10 days and not more than 20 days after the date of the publication of the notice.

3. Any transaction made pursuant to this section may be made pursuant to any additional terms or conditions that the City Council deems proper.

4. If a parcel is sold or leased in violation of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance governing the zoning or use of the parcel is void if the change takes place within 5 years after the date of the sale or lease, unless any such change applies to all real property within the applicable zoning district.

5. The provisions of paragraph (b) of subsection 4 must be included as part of an applicable lease or, if the parcel is being sold, recorded with the parcel as a condition of the sale.

Sec. 2.330 Sale or lease of real property owned by City: Sale of property less than 25,000 square feet.

1. The City Council may sell or lease any building or portion thereof or any other real property owned by the City that is less than 25,000 square

feet if the City Council adopts a resolution stating that it is in the best interest of the City to sell or lease the real property:

(a) Without offering the real property to the public; and

(b) For less than the fair market value of the real property, if applicable.

2. The City Council shall:

(a) Obtain an appraisal only if the real property is being sold;

(b) Publish a notice at least once, in a newspaper qualified pursuant to the provisions of chapter 238 of NRS that is published in Clark County, setting forth the description of the real property proposed to be sold or leased in such a manner as to make the real property identifiable; and

(c) Hold a public hearing on the matter not less than 10 days and not more than 20 days after the date of the publication of the notice.

3. Any transaction made pursuant to this section may be made pursuant to any additional terms or conditions that the City Council deems proper.

4. If real property is sold or leased in violation of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the sale or lease, unless any such change applies to all real property within the applicable zoning district.

5. The provisions of paragraph (b) of subsection 4 must be included as part of an applicable lease or, if the real property is being sold, recorded with the real property as a condition of the sale.

Sec. 2.340 Sale or lease of real property owned by City: Sale or lease for purpose of economic development or redevelopment.

1. The City Council may sell, lease or otherwise dispose of real property for the purposes of economic development or redevelopment:

(a) Without first offering the real property to the public; and

(b) For less than the fair market value of the real property.

2. The City Council may adopt an ordinance or approve a resolution enabling the establishment of criteria for the disposal of real property for the purposes of economic development or redevelopment.

3. Before the City Council may sell, lease or otherwise dispose of real property pursuant to this section, the City Council must:

(a) Obtain two appraisals of the real property;

(b) Adopt a resolution finding that it is in the best interests of the public to sell, lease or otherwise dispose of the real property:

(1) Without offering the real property to the public; and

(2) For less than the fair market value of the real property; and

(c) Adopt a resolution finding that the sale or lease is consistent with any ordinances and resolutions adopted by the City Council regarding the disposal of real property for the purposes of economic development or redevelopment.

4. If real property is sold, leased or otherwise disposed of in violation of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the sale or lease, unless any such change applies to all real property within the applicable zoning district.

5. The provisions of paragraph (b) of subsection 4 must be included as part of an applicable lease or, if the real property is being sold, recorded with the real property as a condition of the sale.

6. As used in this section:

(a) "Economic development" has the meaning ascribed to it in NRS 268.063.

(b) "Redevelopment" has the meaning ascribed to it in NRS 279.408.

Sec. 2.350 Sale or lease of real property owned by City: Public auctions. If the City Council intends to sell or lease any real property at a public auction, the City Council shall follow the process established pursuant to NRS 268.062.

Sec. 2.360 Sale or lease of real property owned by City: Use of services of real estate agency or real estate professional.

1. The City Council may decide by resolution to retain the services of a real estate agency or real estate professional to sell or lease real property pursuant to sections 2.300 to 2.360, inclusive, and may compensate the real estate agency or real estate professional for such services.

2. If the City Council desires to sell real property that is 25,000 square feet or larger, the City may retain the services of a real estate agency or real estate professional to sell the real property if the following conditions are met:

(a) The City Council adopts a resolution stating that it is in the best interest of the City to sell, lease or otherwise dispose of the real property by using the services of a real estate agency or real estate professional to offer the real property to the public;

(b) The City Council obtains two appraisals, the average of which establishes the minimum price for the sale of the real property;

(c) The City Council lists the real property for sale for not less than the value established pursuant to paragraph (b);

(d) The City Council publishes a notice at least once, in a newspaper qualified pursuant to the provisions of chapter 238 of NRS that is published in Clark County, setting forth the description of the real property proposed to be sold or leased in such a manner as to make the real property identifiable; and

(e) The City Council holds a public hearing on the matter not less than 10 days and not more than 20 days after the date of the publication of the notice.

3. ~~[Any transaction made pursuant to this section may be made pursuant to any additional terms or conditions that the City Council deems proper.~~

~~4.]~~ A real estate agency or real estate professional that provides services pursuant to this section shall present all offers to purchase the real property to the City Council. If the City Council does not accept an offer and enter into a purchase and sale agreement for the real property within 45 days after the offer is made, the offer shall be deemed to be rejected.

Sec. 2.370 Redevelopment of communities. Except as otherwise provided in this Charter:

1. All transactions involving land are subject to the requirements set forth in chapter 268 of NRS, as amended from time to time.

2. All transactions involving land that are subject to the provisions of chapter 279 of NRS must comply with all the requirements set forth in chapter 279 of NRS, as amended from time to time.

ARTICLE III

Executive Department

Sec. 3.010 Mayor: Qualifications; duties; election; term of office; salary; Mayor pro tempore.

1. The Mayor must be:

(a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the City.

2. The Mayor:

(a) Shall preside over the meetings of the City Council, but may not vote except in the case of breaking a tie vote. While presiding over a meeting, the Mayor shall preserve order and decorum among the members and enforce the rules of the City Council and determine the order of business, subject to those rules and appeal to the City Council, or as provided by ordinance.

(b) Must be recognized as the official head of the City Government for all ceremonial purposes and for the performance of all duties lawfully delegated to the Mayor by this Charter, by action of the City Council or by any law.

(c) Has the authority to declare emergencies as necessary to protect the general health, welfare and safety of the City. Any such declaration of emergency:

(1) May include a provision authorizing the Mayor to act as the chief executive officer of all affairs of the City during the emergency; and

(2) Must be reviewed by the City Council at its next meeting.

(d) Shall provide an annual address to the City Council during the first quarter of each year relating to the state of the City, and recommend such measures as the Mayor may deem beneficial to the City.

(e) Shall take all proper measures for the preservation of public peace and order, and the suppression of riots, tumults and all forms of public disturbances, for which purpose the Mayor may, if the City is not participating in a metropolitan police department, appoint extra police officers temporarily and use and command the police force. If the City is participating in a metropolitan police department, the Mayor may request law enforcement assistance from the sheriff. In either case, if local law enforcement forces are inadequate, the Mayor shall call upon the Governor for military aid in the manner provided by law.

(f) Shall sign all licenses and warrants and claims against the City.

(g) May, subject to ratification by the City Council:

(1) Appoint himself or herself or any member of the City Council to, or remove himself or herself or any member of the City Council from, any board, commission or advisory agency if the Mayor or Council member is granted a seat on the board, commission or advisory agency because of his or her elective office; or

(2) Appoint a person whom the City Council determines to be qualified to fill the seat of any person granted a seat pursuant to subparagraph (1) or remove such a qualified person from that seat.

(h) Shall, with the advice and consent of the City Council, appoint the City Manager and City Attorney.

(i) May propose ordinances, resolutions and proclamations that the City Council shall consider.

(j) Shall perform such other duties as the City Council prescribes by ordinance.

3. The Mayor may exercise the right of veto upon all matters passed by the City Council, but has no power to exercise a line-item veto. To pass any matter receiving the Mayor's veto requires a four-fifths vote of the City Council.

4. No resolution or contract requiring the payment of money approved by the City Council or any ordinance may go into force or have any effect until approved in writing by the Mayor or his or her authorized designee, unless passed over the Mayor's veto. If the Mayor does not approve the resolution, contract or ordinance so submitted, the Mayor shall, within 5 days after the receipt thereof, return it to the City Clerk with his or her reasons in writing for not approving it. If the Mayor does not so return it, the resolution or contract thereupon goes into effect and the ordinance becomes a law, in like manner and with the same effect as if it had been approved by the Mayor.

5. Any of the duties set forth in ~~[subsection]~~ :

(a) Subsection 2 or 4 , other than the duties set forth in paragraph (c) or (f) of subsection 2, may be delegated to the ~~[City Manager]~~ Mayor pro

tempore by the Mayor administratively ~~[by the Mayor.]~~ or in instances of abstention during an official meeting.

(b) Paragraph (c) or (f) of subsection 2 may be delegated to the City Manager by the Mayor administratively.

6. The Mayor:

(a) Must be voted upon by the registered voters of the City at large and shall serve for a term of 4 years.

(b) Is entitled to receive a salary in an amount fixed by the City Council. The City Council shall not adopt an ordinance which increases or decreases the salary of the Mayor during the term for which he or she has been elected.

7. The City Council shall elect one of its members to be Mayor pro tempore. Such person shall:

(a) Hold such office and title, without additional compensation, during the term for which he or she was elected.

(b) Perform the duties of Mayor during the absence or disability of the Mayor.

(c) Act as Mayor until the City Council appoints a Mayor, if the office of Mayor becomes vacant.

Sec. 3.020 City Manager: Duties.

1. Except as otherwise provided in paragraph (b) of subsection 2 of section 3.010, the City Manager is the chief executive officer of the City and is responsible for the effective administration of the City Government.

2. The City Manager shall:

(a) Ensure that all the general laws and ordinances of the City are enforced.

(b) Administer and exercise supervision and control over all offices, departments and services of the City under the jurisdiction and control of the City Manager.

(c) Except as otherwise provided in this Charter, appoint all heads or directors of departments of the City and all subordinate officers and employees, and may discipline and remove any such appointed officer or employee.

(d) Make such recommendations to the Mayor and City Council as he or she deems appropriate concerning the operation, affairs and future needs of the City.

(e) Attend all regular and special meetings of the City Council and may participate in the discussion of any matters pending before the City Council, but may not vote on any such matter.

(f) Ensure that all terms or conditions imposed in favor of the City or the residents of the City in any contract, franchise, lease or permit are faithfully kept and performed, and upon obtaining knowledge of any violation thereof, shall notify the City Council of such a violation.

(g) If authorized by the provisions of this Charter or an ordinance or resolution, sign all contracts, franchises, leases, permits or other

documents that do not require approval of the City Council and execute on behalf of the City all contracts, franchises, leases, permits or other documents required to be executed by an officer of the City.

(h) Keep the Mayor and City Council fully advised as to the operations, financial conditions and needs of the City.

(i) Prepare and present an annual budget pursuant to the laws of this State.

(j) Perform such other duties as may be prescribed by the City Council.

3. The salary of the City Manager must be set by the City Council.

4. The City Manager may appoint such clerical and administrative assistants as he or she may deem necessary.

5. The Mayor or a Council member may not be appointed as City Manager during the term for which he or she was elected or within 1 year after the expiration of his or her term.

Sec. 3.030 City Manager: Removal. The Mayor and City Council may vote to determine whether to remove the City Manager. The City Manager may be removed for any reason, subject to any employment agreement, upon receiving four votes for removal. Such removal is not subject to the ability of the Mayor to exercise the right of veto or the ability of the City Council to override any veto.

Sec. 3.040 City Clerk: Duties. The City Clerk shall:

1. Keep the corporate seal and all books, records and historical papers belonging to the City.

2. Attend all meetings of the City Council and keep an accurate journal of its proceedings, including a record of all ordinances, bylaws and resolutions passed or adopted by it. After approval at each meeting of the City Council, the City Clerk shall attest the journal after it has been signed by the Mayor.

3. Enter upon the journal the result of the vote of the City Council upon the passage of all ordinances and resolutions.

4. Perform such other duties as may be required by the City Manager.

Sec. 3.050 City Attorney: Qualifications; duties.

1. The City Attorney must be a duly licensed member of the State Bar of Nevada.

2. The City Attorney is the chief legal officer of the City and shall:

(a) Advise the City Council and all of the offices, departments and divisions of the City in all matters with respect to the affairs of the City;

(b) Prosecute any violation of law occurring within the City of Mesquite that the Nevada Revised Statutes authorize a city to prosecute;

(c) Determine whether the City should initiate any judicial or administrative proceedings; and

(d) Perform such other duties as may be designated by the City Council or prescribed by ordinance.

3. The City Attorney may employ legal counsel on a contract or full-time basis as needed by the City.

Sec. 3.060 City Attorney: Removal. The Mayor and City Council may vote to determine whether to remove the City Attorney. The City Attorney may be removed for any reason, subject to any employment agreement, upon receiving four votes for removal. Such removal is not subject to the ability of the Mayor to exercise the right of veto or the ability of the City Council to override any veto.

Sec. 3.070 County Assessor to be ex officio City Assessor; duties.

1. The County Assessor of Clark County is ex officio City Assessor of the City. The County Assessor shall perform such duties for the City without additional compensation.

2. Upon request of the ex officio City Assessor, the City Council may appoint and set the salary of a Deputy City Assessor to perform such duties relative to city assessments as may be deemed necessary.

Sec. 3.080 Collection and disposition of money.

1. All fines, forfeitures or other money, except taxes collected or recovered by any employee of the City or other person pursuant to the provisions of this Charter or of any valid ordinance of the City, must be paid by the employee or person collecting or receiving them to the Director of Finance, who shall dispose of them in accordance with the ordinances, regulations and procedures established by the City Council.

2. The City Council, City Manager or City Attorney may by proper legal action collect all money, including taxes, which are due and unpaid to the City or any office thereof, and the City Council may pay from the General Fund all fees and expenses necessarily incurred by it in connection with the collection of such money.

Sec. 3.090 Interference by City Council. Except for the purpose of inquiry, the City Council and its members shall deal with employees solely through the City Manager or City Attorney, as applicable, or their designees. Neither the City Council nor any member thereof may give orders to any subordinate of the City Manager or City Attorney, either publicly or privately.

ARTICLE IV

Judicial Department

Sec. 4.010 Municipal Court.

1. There is a Municipal Court of the City which consists of at least one department. Each department must be presided over by a Municipal Court Judge and has such power and jurisdiction as is prescribed in, and is, in all respects which are not inconsistent with this Charter, governed by, the provisions of chapter 5 of NRS.

2. The City Council may from time to time establish additional departments of the Municipal Court.

3. The respective departments of the Municipal Court must be numbered 1 through the appropriate Arabic number, as additional

departments are approved by the City Council. A Municipal Court Judge must be appointed or elected, as applicable, for each department by number.

4. The Senior Municipal Court Judge is selected by a majority of the sitting judges for a term of 2 years. If no Municipal Court Judge receives a majority of the votes, the Senior Municipal Court Judge is the Municipal Court Judge who has continuously served as a Municipal Court Judge for the longest period.

Sec. 4.020 Municipal Court: Appointment or election; terms of office; removal of Municipal Court Judge.

1. If the Municipal Court consists of only one department:

(a) The Justice of the Peace for the Township of Mesquite shall be ex officio Municipal Court Judge unless the Mayor, with the advice and consent of the City Council, appoints a different person to serve as the Municipal Court Judge presiding over the department. No provision of this Charter or an ordinance may preclude the Justice of the Peace for the Township of Mesquite from also serving as the Municipal Court Judge presiding over the department.

(b) The Mayor and City Council may vote to determine whether to remove the Municipal Court Judge. The Municipal Court Judge may be removed for any reason, subject to any employment agreement, upon receiving four votes for removal. Such removal is not subject to the ability of the Mayor to exercise the right of veto or the ability of the City Council to override any veto.

2. If the Municipal Court consists of more than one department:

(a) Each Municipal Court Judge presiding over a department must be elected.

(b) The term of office of each ~~[municipal judge]~~ Municipal Court Judge must be staggered, with each judge serving a term of 6 years. Except as otherwise provided by law, there is no limit on the number of terms a Municipal Court Judge may serve.

Sec. 4.030 Municipal Court: Qualifications of Municipal Court Judge; salary.

1. Each Municipal Court Judge must have been a resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for seeking appointment for the office.

2. If the Municipal Court consists of only one department:

(a) Unless the City Council passes an ordinance to the contrary, the Municipal Court Judge will serve on an as-needed basis.

(b) The Municipal Court Judge must not be required to be a licensed member of the State Bar of Nevada or have any previous legal training.

3. If the City Council establishes a second or subsequent department of the Municipal Court pursuant to subsection 2 of section 4.010, each Municipal Court Judge shall devote his or her full time to the duties of his

or her office and must be a duly licensed member, in good standing, of the State Bar of Nevada.

4. The salary of each Municipal Court Judge must be fixed by the City Council and be uniform for all departments in the Municipal Court. The salary may be increased during the terms for which the Judges are appointed or elected, applicable.

5. If the City Council establishes a second or subsequent department of the Municipal Court pursuant to subsection 2 of section 4.010, the department must not begin operating as a department of the Municipal Court until a qualified candidate is elected as the Municipal Court Judge who will preside over the department. Such a Municipal Court Judge must be elected during the next general municipal election following the establishment of such a department.

Sec. 4.040 Disposition of fines. All fines and forfeitures for the violation of ordinances must be paid to the Director of Finance.

ARTICLE V

Elections

Sec. 5.010 Election for City Council.

1. Candidates for City Council must be elected at large and by seat. Each Council seat must be consecutively numbered 1 through 5. The number of each Council seat is for informational purposes only and the sequencing of such seats does not grant or denote any special authority or ability.

2. Upon passage and approval of this Charter, the incumbent Council members shall draw a number by lot to determine the number assigned to each Council seat. The number assigned to each Council seat will remain until such time as this Charter is amended to provide otherwise.

3. The term of office for each Council seat must be consistent with the term of office of the incumbent Council member assigned to that seat.

4. After each Council seat has been assigned a number, any candidate for City Council shall file by seat number.

5. If:

(a) Not more than two candidates file for a seat, the names of the candidates must not be listed on the ballot for the primary municipal election and the candidates must advance directly to the general municipal election.

(b) Three or more candidates file for a seat, the names of the candidates must be listed on the ballot for the primary municipal election.

Sec. 5.020 Primary municipal election.

1. A primary municipal election must be held on the second Tuesday in June in each even-numbered year pursuant to NRS 293.175, as amended from time to time.

2. In a primary municipal election, if the number of votes a candidate receives is:

(a) Equal to or greater than a majority of the number of voters participating in the primary election for that seat, that candidate must be declared elected and the name of the candidate must not be placed on the ballot for the general municipal election.

(b) Less than a majority of the number of voters participating in the primary election for that seat, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general municipal election.

3. For the purposes of this section, a majority of the number of voters participating in a primary municipal election for a seat is determined as follows:

(a) If there is an even number of voters participating in the primary election for a seat, a majority of those voters is determined by dividing the number of voters in half and adding one.

(b) If there is an odd number of voters participating in the primary election for a seat, a majority of those voters is determined by dividing the number of voters in half and rounding up to the nearest whole number.

Sec. 5.030 General municipal election. A general municipal election must be held in the City on the first Tuesday after the first Monday of November in each even-numbered year pursuant to NRS 293.12755, as amended from time to time.

Sec. 5.040 Applicability of state election laws; elections under City Council control.

1. All elections held under this Charter are governed by the provisions of the election laws of this State, so far as those laws can be made applicable and are not inconsistent herewith.

2. The conduct of all municipal elections is under the control of the City Council.

3. The City Council shall by ordinance provide for the holding of a municipal election, appoint the necessary officers thereof and do all the things required to carry the election into effect as it considers desirable and consistent with law and this Charter.

4. Notwithstanding any other provision of this Charter, the City Council may enter into an interlocal agreement with another public entity to conduct municipal elections or any portion thereof.

Sec. 5.050 Qualifications. [, registration of voters.

1.] Every person who resides within the City and who is a legally registered voter of the City is entitled to vote at each municipal election, including, without limitation, primary, general or special elections.

[2. Nothing in this Charter shall be construed to deny or abridge the power of the City Council to provide for supplemental registration.]

Sec. 5.060 Names on ballots.

1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of the candidates is an incumbent, the middle names or middle initials, if any, of both candidates must be included in their names as printed on the ballot; or

(b) One of the candidates is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 5.070 Ballots for ordinance and Charter amendments. An ordinance or Charter amendment to be voted on in the City must be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and must be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title must appear the following question: "Shall the above described (ordinance) (amendment) be adopted?" The ballot or voting machine or device must be so marked as to indicate clearly in what manner the voter may cast his or her vote, either for or against the ordinance or amendment.

Sec. 5.080 Availability of lists of registered voters. Any person who desires a copy of a list of registered voters in the City may obtain a copy pursuant to the provisions of NRS 293.440.

Sec. 5.090 Voting machines. The City Council may provide for the use of mechanical or other devices for voting or counting the votes not inconsistent with law or regulations of the Secretary of State.

Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any special, primary or general municipal election must be filed with the City Clerk, who shall immediately place the returns in a safe or vault, and no person may handle, inspect or in any manner interfere with the returns until canvassed by the City Council.

2. The City Council shall meet at any time within 10 days after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months. No person may have access to the returns except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person elected a certificate of election. Except as otherwise provided in section 1.060, the officers so elected shall qualify and enter upon the discharge of their respective duties at the first meeting of the City Council held in December of the year of the general municipal election.

4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The City Clerk shall then issue to the winner a certificate of election.

Sec. 5.110 Contest of election. A contested election for any municipal office must be determined according to the law of the State regulating proceedings in contested elections in political subdivisions.

ARTICLE VI

Local Improvements

Sec. 6.010 Local improvement law. Except as otherwise provided in subsection 3 of section 2.280 and section 2.290, the City Council, on behalf of the City and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, convert to or authorize:

1. Curb and gutter projects;
2. Drainage projects;
3. Off-street parking projects;
4. Overpass projects;
5. Park or recreation projects;
6. Sanitary sewer projects;
7. Security walls;
8. Sidewalk projects;
9. Storm sewer projects;
10. Street projects;
11. Telephone projects;
12. Transportation projects;
13. Underground and aboveground electric and communication facilities;
14. Underpass projects;
15. Water projects;
16. Such other utility projects as are deemed necessary by the City Council; and
17. Any combination thereof.

Sec. 6.020 Local improvement law: Collateral powers. The City Council on behalf of the City for the purpose of defraying all the costs of acquiring, improving or converting to any project authorized by section 6.010, or any portion of the cost thereof not to be defrayed with money otherwise available therefor, is vested with the powers granted to municipalities by chapters 271 and 704A of NRS, as amended from time to time . ~~[, but not subject to the procedural limitations contained therein.]~~

ARTICLE VII

Local Bonds and Franchises

Sec. 7.010 Debt limit.

1. The City shall not incur an indebtedness in excess of 25 percent of the total assessed valuation of the taxable property within the boundaries of the City.

2. In determining any debt limitation under this section, the following must be counted as indebtedness:

(a) Any liabilities of the City that are due in more than 1 year ~~[.]~~ ***, including, without limitation, revenue bonds, general obligation bonds and short-term securities.***

(b) Any outstanding personnel-related liabilities.

(c) Any special assessment bonds, if the full faith and credit of the City is pledged to the payment thereof.

(d) Any other liabilities that are identified as part of the annual audit of the City and determined by the Director of Finance to be appropriate to include as indebtedness.

3. In determining any debt limitation under this section, the following must not be counted as indebtedness:

(a) Any special assessment bonds if the full faith and credit of the City is not pledged to the payment thereof.

(b) Any liabilities of the City due within 1 year that are accounted for within the budget for the current fiscal year.

Sec. 7.020 Acquisition, operation of municipal utilities. Except as otherwise provided in subsection 3 of section 2.280 and section 2.290, the City may, in the manner and for the purposes provided in this Charter and the Nevada Revised Statutes as they apply to cities, grant franchises and acquire in any manner any public utility, and hold, manage and operate it either alone or jointly, with any level of government or instrumentality or subdivision thereof.

Sec. 7.030 Borrowing money.

1. Subject to the limitations imposed by this article, the City may borrow money for any corporate purpose, including, without limitation, any purpose authorized by this Charter or by the Nevada Revised Statutes for a city, and for such purpose may issue bonds or other securities. The Local Government Securities Law, as amended from time to time, applies to all securities so issued except for securities issued under section 6.020.

2. Any property tax levied to pay the principal of or interest on such indebtedness must be levied upon all taxable property within the City as provided in NRS 350.590 to 350.602, inclusive.

3. Any ordinance pertaining to the sale or issuance of bonds or other securities, including, without limitation, securities issued under section 6.020, may be adopted in the same manner as is provided for cases of emergency. A declaration by the City Council in any ordinance that it is of this kind is conclusive in the absence of fraud or gross abuse of discretion.

ARTICLE VIII

Trusts for Furtherance of Public Functions

Sec. 8.010. Trusts for furtherance of public functions: Authorization to create; purposes; eligible beneficiaries; power of beneficiary to lease trust property.

1. Express trusts may be created in real or personal property, or either or both, or in any estate or interest in either or both, with the City as the beneficiary thereof, and the purpose thereof may be the furtherance, or the providing of funds for the furtherance, of any authorized or proper function of the beneficiary, but no funds of the beneficiary derived from sources other than the trust property, or the operation thereof, may be charged with or expended for the execution of the trust, except by express action of the legislative authority of the beneficiary first had.

2. The officers or any other governmental agencies or authorities having the custody, management or control of any property, real or personal or both, of the beneficiary of such trust, or of such a proposed trust, which property is necessary for the execution of the trust purposes, are hereby authorized and empowered to lease such property for such purposes, after the acceptance of the beneficial interest therein by the beneficiary as provided in this article, or conditioned upon such acceptance.

Sec. 8.020 Creation by written instrument; execution, recording of trust instrument; acceptance by beneficiary creates contract between State, grantor; duration of trust.

1. Such trusts may be created by written instruments, or by will. A written instrument must be subscribed by the grantor or grantors and duly acknowledged as conveyances of real property are acknowledged. Before the same becomes effective, the beneficial interest therein must be accepted by the governing body of the beneficiary, which power and authority of acceptance is hereby conferred upon the City Council. Thereupon the instrument or will, together with the written acceptance of the beneficial interest endorsed thereon, must be recorded in the Office of the County Recorder of each county in which is situated any real property, or any interest therein, belonging to the trust, as well as in the county where the trust property is located or its principal operations are conducted.

2. Upon the acceptance of the beneficial interest by the beneficiary as authorized in subsection 1, the same must be and constitute a binding contract between the State of Nevada and the grantor or grantors, or the executor of the estate of the testator, for the acceptance of the beneficial interest in the trust property by the designated beneficiary and the application of the proceeds of the trust property and its operation for the purposes and in accordance with the stipulations specified by the trustor or trustors.

3. Such trusts have duration for the term of duration of the beneficiary, or such shorter length of time as is specified in the instrument or will creating the trust.

Sec. 8.030 Trustees: Appointment; succession, powers; duties, terms, compensation controlled by trust instrument.

1. The instrument or will creating such trust may provide for the appointment, succession, powers, duties, term and compensation of the trustee or trustees, and in all such respects the terms of the instrument or will are controlling, except as otherwise provided in subsections 2 and 3. If the instrument or will makes no provision in regard to any of the foregoing, then the general laws of the State control as to such omission or omissions.

2. All meetings of the trustees must be open to the public to the same extent as required by chapter 241 of NRS for state and local agencies. If the trustee is a partnership, corporation or banking association, this requirement applies to that part of every meeting of the partners or directors at which trust affairs are discussed.

3. All records of the trust are public records and must be kept in a place which is identified by documents recorded in the Office of the County Recorder of each county in which the instrument creating the trust is recorded.

Sec. 8.040 Trustees: Eligibility and status; standard of care; exemption from personal liability.

1. The trustee or trustees under such an instrument or will may be two or more natural persons or a partnership, corporation, community foundation, national banking association or state banking association selected by the City Council, and such trustee or trustees must be an agency of the State and the regularly constituted authority of the beneficiary for the performance of the functions for which the trust has been created.

2. The provisions of NRS 164.700 to 164.775, inclusive, relating to the standard of care for a trustee in investing and managing trust property apply to the trustee or trustees of a trust created by a written instrument or will pursuant to this article.

3. No trustee or beneficiary may be charged personally with any liability whatsoever by reason of any act or omission committed or suffered in the performance of such trust or in the operation of the trust property, but any act, liability for any omission or obligation of a trustee or trustees, in the execution of such trust, or in the operation of the trust property, extends to the whole of the trust estate, or so much thereof as may be necessary to discharge such liability or obligation, and not otherwise.

Sec. 8.050 Annual audit of trust funds, accounts, fiscal affairs: Requirements; distribution of copies; expenses.

1. The trustee or trustees of every trust created for the benefit and furtherance of any public function with the City as the beneficiary thereof

shall cause an audit to be made of the funds, accounts and fiscal affairs of such trust, such audit to be ordered within 30 days after the close of each fiscal year of the trust.

2. The audits required by subsection 1 must be certified with the unqualified opinion of a certified public accountant or a public accountant notwithstanding any lesser requirement by any instrument under which the trust may have covenanted for an audit to be made or furnished. One copy of the annual audit must be filed with the Legislative Auditor of the Legislative Counsel Bureau and one copy with each beneficiary of the trust not later than 90 days following the close of each fiscal year of the trust.

3. If a copy of the required audit is not filed with the Legislative Auditor of the Legislative Counsel Bureau within the time provided, the Legislative Auditor is authorized to employ, at the cost and expense of the trust, a certified public accountant or a public accountant to make the required audit.

4. The necessary expense of such audits, including the cost of typing, printing and binding, must be paid from funds of the trust.

Sec. 8.060 Franchise not required for acquisition, ownership or operation of trust property. No franchise is required for the acquisition, ownership or operation of any properties of a trust created for the benefit and furtherance of any public function.

Sec. 8.070 Approval of certain contracts and resolutions required. The trustees shall not enter into contracts for the acquisition or construction of buildings or public improvements or for the acquisition or disposal of trust properties by purchase, lease, gift, bequest or devise or any other lawful means until such contract is first approved by the City Council by ordinance. The City Council shall so approve the resolution providing for the issuance of bonds or other securities to be issued by the trustees and proposed terms of sale thereof, but is not required to approve the award of such bonds to the purchaser thereof if such bonds are sold in compliance with the resolution of issuance and terms of sale.

Sec. 8.080 Approval of financing method, underwriters by State Board of Finance. The State Board of Finance shall first review and approve the method of finance proposed by any trust created pursuant to the former provisions of NRS 242B.010 to 242B.100, inclusive, or the provisions of this article, and must approve the underwriter or financial institution preparing and offering the proposed issue for sale, as to the financial responsibility of such underwriter or financial institution, before such issue may be offered or sold.

Sec. 8.090 Exemption from securities laws.

1. The provisions of the State Securities Law, the Local Government Securities Law, the University Securities Law, or any other general, special or local statute relating to the issuance of public securities or other debt obligations do not apply to a trust created for the benefit and furtherance of any public function.

2. All bonds issued by any trust created for the benefit and furtherance of any public function must:

(a) Be sold at public or private sale, as determined by the trustees and approved by the City Council. If the bonds are offered at public sale, but no satisfactory bids are received from responsible bidders at the public sale, the bonds may be sold at private sale.

(b) Be secured:

(1) By property, real or personal or both, having a market value equal to at least twice the principal amount of the bonds sold; or

(2) By gross revenues from an existing revenue producing facility equal to at least one and one-half times the average annual debt service payable on the bonds.

Sec. 8.100 Competitive bidding not required. Except as otherwise provided in section 8.090, no statute, general, special or local, requiring competitive bidding applies to a trust created for the benefit and furtherance of a public function.

Sec. 8.110 Rejection of contribution to trust. A trustee may reject any contribution to a trust created for the benefit and furtherance of a public function that the trustee deems not to be in the best interest of the trust. If the trustee rejects any contribution, the trustee shall provide notice of the rejection in writing.

Sec. 8.120 Termination of trust. Any trust created for the benefit and furtherance of a public function may be terminated by agreement of the trustee, or if there is more than one, then all of the trustees, and the governing body of the beneficiary, with the approval of the Governor of the State of Nevada, but such trust must not be terminated while there exists outstanding any contractual obligations chargeable against the trust property, which, by reason of such termination, might become an obligation of the beneficiary of such trust.

ARTICLE IX

Revenue

Sec. 9.010 Municipal taxes.

1. The City Council shall annually, at the time prescribed by law for levying taxes for State and county purposes, levy a tax at a rate allowable under applicable provisions of the Nevada Revised Statutes upon the assessed value of all real and personal property within the City except as provided in the Local Government Securities Law and the Consolidated Local Improvements Law, as amended from time to time. The taxes so levied must be collected at the same time and in the same manner and by the same officers, exercising the same functions, as prescribed in the laws of the State of Nevada for collection of state and county taxes. The revenue laws of the State, in every respect not inconsistent with the provisions of

this Charter, are applicable to the levying, assessing and collecting of the municipal taxes.

2. In the matter of equalization of assessments, the rights of the City and the inhabitants thereof must be protected in the same manner and to the same extent by the action of the county board of equalization as are the State and county.

3. All forms and blanks used in levying, assessing and collecting the revenues of the State and counties must, with such alterations or additions as may be necessary, be used in levying, assessing and collecting the revenues of the City. The City Council shall enact all such ordinances as it may deem necessary and not inconsistent with this Charter and the laws of the State for the prompt, convenient and economical collecting of the revenue.

Sec. 9.020 Revenue ordinances. The City Council may pass and enact all ordinances necessary to carry into effect the revenue laws in the City and to enlarge, fix and determine the powers and duties of all officers in relation thereto.

ARTICLE X

Miscellaneous Provisions

Sec. 10.010 Severability of provisions. If any portion of this Charter is held to be unconstitutional or invalid for any reason by the decision of any court of competent jurisdiction, such decision does not affect the validity of the remaining portion of this Charter. The Legislature hereby declares that it would have passed this Charter and each portion thereof, irrespective of the portion which may be deemed unconstitutional or otherwise invalid.

Sec. 10.020 Effect of enactment of Charter.

1. All rights and property of every kind and description which were vested in the City before the enactment of this Charter are vested in the City on July 1, 2017. No right or liability, either in favor of or against the City existing at the time of becoming incorporated under this Charter, and no action or prosecution is affected by such change, but it stands and progresses as if no change had been made.

2. Whenever a different remedy is given by this Charter, which may properly be made applicable to any right existing at the time of the City so becoming incorporated under this Charter, such remedy is cumulative to the remedy before provided, and used accordingly.

3. All ordinances and resolutions in effect in the City before July 1, 2017, unless in conflict with the provisions of this Charter, continue in full force and effect until amended or repealed.

4. The enactment of this Charter does not effect any change in the legal identity of the City.

5. The enactment of this Charter must not be construed to repeal or in any way affect or modify:

(a) Any special, local or temporary law.

(b) Any law or ordinance making an appropriation.

(c) Any ordinance affecting any bond issue or by which any bond issue may have been authorized.

(d) The running of the statute of limitations in force at the time this Charter becomes effective.

(e) Any bond of any public officer.

~~***[Sec. 10.030 Relations between City and public employees. For the purposes of chapter 288 of NRS, a budgeted ending fund balance in the general fund of not more than 25 percent of the total budgeted expenditures, less capital outlay:***~~

~~***1. Is not subject to negotiations with an employee organization; and***~~

~~***2. Must not be considered by a fact finder or arbitrator in determining the financial ability of the City to pay compensation or monetary benefits.]***~~

Sec. 2. This act becomes effective:

1. Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2017, for all other purposes.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 65.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 816.

AN ACT relating to public utilities; requiring the Public Utilities Commission of Nevada to require certain utilities which supply electricity in this State to provide an overview of the utility's resource plan or any amendment to the resource plan at least 4 months before filing the plan or within a reasonable period before filing the amendment; requiring the Commission to give preference to certain measures and sources of supply when determining the adequacy of a resource plan; requiring the Commission to consider the cost of such measures and sources of supply to the utility's customers when making such a determination; requiring the Commission to include its justification for ~~[not giving preference]~~ **the preferences given** to such measures and sources of supply in certain orders approving or modifying a resource plan or an amendment to such a plan; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes provisions governing public hearings on the adequacy of a utility's plan to increase its supply of electricity or decrease the demands made on its system. Existing law also authorizes the Commission, in determining the adequacy of a utility's plan, to give preference to the measures and sources of supply that meet certain criteria, including providing the greatest economic and environmental benefits to the State and providing the greatest opportunity for the creation of new jobs in this State. (NRS 704.746)

Section 1 of this bill requires the Public Utilities Commission of Nevada to require a utility which supplies electricity in this State to meet with personnel from the Commission and the Bureau of Consumer Protection in the Office of the Attorney General and any other interested persons at least 4 months before filing a resource plan or within a reasonable period before filing an amendment to an existing plan to provide an overview of the plan or amendment.

Section 6 of this bill requires the Commission to give preference to those measures and sources of supply that provide the greatest economic and environmental benefits to the State, as well as those that provide for diverse electricity supply portfolios and which reduce customer exposure to price volatility of fossil fuels and the potential costs of carbon. Under **section 6**, in determining the preference given to such measures and sources of supply, the Commission is required to consider the cost of those measures and sources of supply to the customers of the electric utility. **Section 6.5** of this bill requires any order of the Commission accepting or modifying a utility's plan or an amendment to such plan ~~[that does not give preference to those measures and sources of supply]~~ to include the Commission's justification for ~~[not giving preference]~~ **the preferences given** to those measures and sources of supply.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 704 of NRS is hereby amended by adding thereto a new section to read as follows:

The Commission shall require each utility which supplies electricity in this State, not less than 4 months before filing a plan required pursuant to NRS 704.741, or within a reasonable period before filing an amendment to such a plan pursuant to NRS 704.751, to meet with personnel from the Commission and the Bureau of Consumer Protection in the Office of the Attorney General and any other interested persons to provide an overview of the anticipated filing or amendment.

Sec. 2. NRS 704.032 is hereby amended to read as follows:

704.032 The Office of Economic Development may participate in proceedings before the Public Utilities Commission of Nevada concerning a public utility in the business of supplying electricity or natural gas to advocate the accommodation of the State Plan for Economic Development

developed by the Executive Director of the Office pursuant to subsection 2 of NRS 231.053. The Office of Economic Development may intervene as a matter of right in a proceeding pursuant to NRS 704.736 to 704.754, inclusive, ***and section 1 of this act*** or 704.991.

Sec. 3. NRS 704.635 is hereby amended to read as follows:

704.635 When a complaint has been filed with the Commission alleging that a person is providing a service which requires a certificate of public convenience and necessity, or when the Commission has reason to believe that any provision of NRS 704.005 to 704.754, inclusive, ***and section 1 of this act*** or 704.9901 is being violated, the Commission shall investigate the operation and may, after a hearing, issue an order requiring that the person cease and desist from any operation in violation of NRS 704.005 to 704.754, inclusive, ***and section 1 of this act*** or 704.9901. The Commission shall enforce the order under the powers vested in the Commission by NRS 704.005 to 704.754, inclusive, ***and section 1 of this act*** or 704.9901 or other law.

Sec. 4. NRS 704.640 is hereby amended to read as follows:

704.640 Except as otherwise provided in NRS 704.6881 to 704.6884, inclusive, any person who:

1. Operates any public utility to which NRS 704.005 to 704.754, inclusive, ***and section 1 of this act,*** 704.9901 and 704.993 to 704.999, inclusive, apply without first obtaining a certificate of public convenience and necessity or in violation of its terms;

2. Fails to make any return or report required by NRS 704.005 to 704.754, inclusive, ***and section 1 of this act,*** 704.9901 and 704.993 to 704.999, inclusive, or

by the Commission pursuant to NRS 704.005 to 704.754, inclusive, ***and section 1 of this act,*** 704.9901 and 704.993 to 704.999, inclusive;

3. Violates, or procures, aids or abets the violating of any provision of NRS 704.005 to 704.754, inclusive, ***and section 1 of this act,*** 704.9901 and 704.993 to 704.999, inclusive;

4. Fails to obey any order, decision or regulation of the Commission;

5. Procures, aids or abets any person in the failure to obey the order, decision or regulation; or

6. Advertises, solicits, proffers bids or otherwise holds himself, herself or itself out to perform as a public utility in violation of any of the provisions of NRS 704.005 to 704.754, inclusive, ***and section 1 of this act,*** 704.9901 and 704.993 to 704.999, inclusive,

➥ shall be fined not more than $500.

Sec. 5. NRS 704.736 is hereby amended to read as follows:

704.736 The application of NRS 704.736 to 704.754, inclusive, ***and section 1 of this act*** is limited to any public utility in the business of supplying electricity which has an annual operating revenue in this state of $2,500,000 or more.

Sec. 6. NRS 704.746 is hereby amended to read as follows:

704.746 1. After a utility has filed its plan pursuant to NRS 704.741, the Commission shall convene a public hearing on the adequacy of the plan.

2. The Commission shall determine the parties to the public hearing on the adequacy of the plan. A person or governmental entity may petition the Commission for leave to intervene as a party. The Commission must grant a petition to intervene as a party in the hearing if the person or entity has relevant material evidence to provide concerning the adequacy of the plan. The Commission may limit participation of an intervener in the hearing to avoid duplication and may prohibit continued participation in the hearing by an intervener if the Commission determines that continued participation will unduly broaden the issues, will not provide additional relevant material evidence or is not necessary to further the public interest.

3. In addition to any party to the hearing, any interested person may make comments to the Commission regarding the contents and adequacy of the plan.

4. After the hearing, the Commission shall determine whether:

(a) The forecast requirements of the utility are based on substantially accurate data and an adequate method of forecasting.

(b) The plan identifies and takes into account any present and projected reductions in the demand for energy that may result from measures to improve energy efficiency in the industrial, commercial, residential and energy producing sectors of the area being served.

(c) The plan adequately demonstrates the economic, environmental and other benefits to this State and to the customers of the utility, associated with the following possible measures and sources of supply:

(1) Improvements in energy efficiency;

(2) Pooling of power;

(3) Purchases of power from neighboring states or countries;

(4) Facilities that operate on solar or geothermal energy or wind;

(5) Facilities that operate on the principle of cogeneration or hydrogeneration;

(6) Other generation facilities; and

(7) Other transmission facilities.

5. The Commission ~~[may]~~ ***shall*** give preference to the measures and sources of supply set forth in paragraph (c) of subsection 4 that:

(a) Provide the greatest economic and environmental benefits to the State;

(b) Are consistent with the provisions of this section;

(c) Provide levels of service that are adequate and reliable; ~~[and]~~

(d) Provide the greatest opportunity for the creation of new jobs in this State ~~[.]~~ ***; and***

(e) Provide for diverse electricity supply portfolios and which reduce customer exposure to the price volatility of fossil fuels and the potential costs of carbon.

➥ ***In considering the measures and sources of supply set forth in paragraph (c) of subsection 4 and determining the preference given to such measures and sources of supply, the Commission shall consider the cost of those measures and sources of supply to the customers of the electric utility.***

6. The Commission shall:

(a) Adopt regulations which determine the level of preference to be given to those measures and sources of supply; and

(b) Consider the value to the public of using water efficiently when it is determining those preferences.

7. The Commission shall:

(a) Consider the level of financial commitment from developers of renewable energy projects in each renewable energy zone, as designated pursuant to subsection 2 of NRS 704.741; and

(b) Adopt regulations establishing a process for considering such commitments including, without limitation, contracts for the sale of energy, leases of land and mineral rights, cash deposits and letters of credit.

8. The Commission shall, after a hearing, review and accept or modify an emissions reduction and capacity replacement plan which includes each element required by NRS 704.7316. In considering whether to accept or modify an emissions reduction and capacity replacement plan, the Commission shall consider:

(a) The cost to the customers of the electric utility to implement the plan;

(b) Whether the plan provides the greatest economic benefit to this State;

(c) Whether the plan provides the greatest opportunities for the creation of new jobs in this State; and

(d) Whether the plan represents the best value to the customers of the electric utility.

Sec. 6.5. NRS 704.751 is hereby amended to read as follows:

704.751 1. After a utility has filed the plan required pursuant to NRS 704.741, the Commission shall issue an order accepting or modifying the plan or specifying any portions of the plan it deems to be inadequate:

(a) Within 135 days for any portion of the plan relating to the energy supply plan for the utility for the 3 years covered by the plan; and

(b) Within 180 days for all portions of the plan not described in paragraph (a).

➥ If the Commission issues an order modifying the plan, the utility may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order. If such a notice is filed, any petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.

2. If a utility files an amendment to a plan, the Commission shall issue an order accepting or modifying the amendment or specifying any portions of the amendment it deems to be inadequate:

(a) Within 135 days after the filing of the amendment; or

(b) Within 180 days after the filing of the amendment for all portions of the amendment which contain an element of the emissions reduction and capacity replacement plan.

➥ If the Commission issues an order modifying the amendment, the utility may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order. If such a notice is filed, any petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.

3. ***Any order issued by the Commission accepting or modifying a plan required pursuant to NRS 704.741 or an amendment to such a plan ~~[that does not give preference to the measures and sources of supply set forth in paragraph (c) of subsection 4 of NRS 704.746]~~ must include the justification of the Commission for ~~[not giving preference to those]~~ the preferences given pursuant to subsection 5 of NRS 704.746 to the measures and sources of supply ~~[.]~~ set forth in paragraph (c) of subsection 4 of NRS 704.746.***

4. All prudent and reasonable expenditures made to develop the utility's plan, including environmental, engineering and other studies, must be recovered from the rates charged to the utility's customers.

~~[4.]~~ ***5.*** The Commission may accept a transmission plan submitted pursuant to subsection 4 of NRS 704.741 for a renewable energy zone if the Commission determines that the construction or expansion of transmission facilities would facilitate the utility meeting the portfolio standard, as defined in NRS 704.7805.

~~[5.]~~ ***6.*** The Commission shall adopt regulations establishing the criteria for determining the adequacy of a transmission plan submitted pursuant to subsection 4 of NRS 704.741.

~~[6.]~~ ***7.*** Any order issued by the Commission accepting or modifying an element of an emissions reduction and capacity replacement plan must include provisions authorizing the electric utility to construct or acquire and own electric generating plants necessary to meet the capacity amounts approved in, and carry out the provisions of, the plan. As used in this subsection, "capacity" means an amount of firm electric generating capacity used by the electric utility for the purpose of preparing a plan filed with the Commission pursuant to NRS 704.736 to 704.754, inclusive.

Sec. 7. Notwithstanding the provisions of section 1 of this act, the 4-month period described in that section does not apply to a utility which supplies electricity in this State which is required to file a plan pursuant to NRS 704.741 on or before the date that is 4 months after the effective date of

this act. The Public Utilities Commission of Nevada shall require such a utility to conduct the meeting required by section 1 of this act within a reasonable period before the date on which the utility is required to file the plan pursuant to NRS 704.741.

Sec. 8. This act becomes effective upon passage and approval.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that upon return from the printer, Senate Bill No. 65 be placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 71.

Bill read third time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 716.

SUMMARY—Revises provisions relating to medical facilities**_ ,** ~~[and]~~ facilities for the dependent ~~[.]~~ **and certain other facilities.** (BDR 40-183)

AN ACT relating to health care; making certain provisions relating to the licensing and regulation of a medical facility applicable to a program of hospice care; revising the definition of the term "psychiatric hospital"; requiring persons who operate or work for **psychiatric residential treatment facilities and** certain psychiatric hospitals to undergo a criminal background check; revising certain administrative penalties; **authorizing the Division of Public and Behavioral Health of the Department of Health and Human Services to take certain actions concerning a facility required by regulation of the State Board of Health to be licensed;** amending the procedure by which the Division ~~[of Public and Behavioral Health of the Department of Health and Human Services]~~ may impose a penalty or seek an injunction against certain persons; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires: (1) each medical facility to be licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services according to standards adopted by the State Board of Health except in certain circumstances; and (2) each program of hospice care to be licensed by the State Board of Health. (NRS 449.030, 449.0302) **Section 1** of this bill includes a program of hospice care in the definition of "medical

facility" for the purposes of the provisions relating to licensing, and **section 3** of this bill removes the separate licensing requirement for a program of hospice care. **Sections 1 and 3** therefore provide for a program of hospice care to be licensed and regulated in the same manner as a medical facility. **Sections 4-8, 13, 14, 17 and 18** of this bill make conforming changes.

Section 2 of this bill amends the definition of "psychiatric hospital" to remove the requirement that a hospital for the diagnosis, care and treatment of mental illness must provide residential care in order to be considered a psychiatric hospital.

Existing law: (1) requires persons who apply for a license to operate certain facilities, hospitals, agencies, programs or homes and persons employed to work for such a facility, hospital, agency, program or home to undergo a criminal background check; and (2) prohibits a person from being licensed to operate or employed to work for such a facility, hospital, agency, program or home if he or she has been convicted of certain crimes. (NRS 449.089, 449.119-449.125, 449.174) **Sections 8 , 9 -12 and 15** of this bill provide that persons who apply for a license to operate a psychiatric hospital that provides inpatient services to children **or a psychiatric residential treatment facility** and persons employed to work at such a psychiatric hospital **or a psychiatric residential treatment facility** are subject to those provisions. **Sections 1.6, 1.9, 3-8, 13, 17 and 18 of this bill make conforming changes.**

Existing law authorizes the State Board of Health to adopt regulations requiring the licensing of facilities that provide medical care or treatment that are not required by statute to be licensed. (NRS 449.0303) Section 4 of this bill clarifies that such facilities are not required to be licensed if they are operated by the United States Government. Sections 7.3, 7.6, 8.5, 12.5 and 14 of this bill provide for the inspection of, issuance of a provisional license to and imposition of discipline against such a facility under the same circumstances as a medical facility or facility for the dependent. Section 14.6 of this bill authorizes the Division of Public and Behavioral Health of the Department of Health and Human Services to take control of and ensure the safety of the medical records of such a facility if the facility ceases to operate.

Existing law: (1) authorizes the Division ~~[of Public and Behavioral Health of the Department of Health and Human Services]~~ to impose a maximum administrative penalty of $1,000 per day against a medical facility or facility for the dependent that violates certain provisions of law; and (2) establishes the minimum and maximum authorized amounts of such a penalty for a violation relating to the health or safety of a patient. (NRS 449.163) **Section 14** of this bill: (1) **additionally authorizes the imposition of administrative penalties against a facility that is required by the regulations of the Board to be licensed; (2)** increases the maximum civil penalty imposed for any violation to $5,000 per day; and ~~[(2)]~~ **(3)** removes the minimum and maximum penalty for a violation relating to the health or safety of a patient.

The general penalty provisions would apply to any violation relating to the health and safety of a patient. **Section 14.3 of this bill requires the Board to adopt regulations establishing an administrative penalty to be imposed when a facility commits a violation that causes harm or a risk of harm to more than one person.**

Existing law prescribes the procedure by which the Division may impose a civil penalty or seek an injunction against a person operating a medical facility or a facility for the dependent without a license and the amount of a civil penalty that may be imposed against such a person. (NRS 449.210, 449.220) Existing law also prescribes a different procedure by which the Division may impose a civil penalty or seek an injunction against a person operating a facility for refractive surgery without a license and the amount of a civil penalty that may be imposed against such a person. (NRS 449.24897) **Sections 16 and 19** of this bill standardize the procedure by which the Division may seek an injunction and the imposition of a civil penalty against a person operating a medical facility, including a facility for refractive surgery, ~~[or]~~ a facility for the dependent **or a facility that is required by the regulations of the Board to be licensed** without a license and the amount of the civil penalty that may be imposed against such a person. **Section 16** also eliminates certain uses for money collected from persons found to have operated a medical facility **,** ~~[or]~~ facility for the dependent **or a facility that is required by the regulations of the Board to be licensed** without a license.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 449 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.3, 1.6 and 1.9 of this act.**

Sec. 1.3. As used in NRS 449.030 to 449.240, inclusive, unless the context otherwise requires, "medical facility" has the meaning ascribed to it in NRS 449.0151 and includes a program of hospice care described in NRS 449.196.

Sec. 1.6. As used in NRS 449.119 to 449.125, inclusive, and section 1.9 of this act, unless the context otherwise requires, the words and terms defined in NRS 449.119 and section 1.9 of this act have the meanings ascribed to them in those sections.

Sec. 1.9. "Psychiatric residential treatment facility" means a facility, other than a hospital, that provides a range of psychiatric services to treat residents under the age of 21 years on an inpatient basis under the direction of a physician.

Sec. 2. NRS 449.0165 is hereby amended to read as follows:

449.0165 "Psychiatric hospital" means a hospital for the diagnosis, care and treatment of mental illness which provides 24-hour ~~[residential]~~ care.

Sec. 3. NRS 449.030 is hereby amended to read as follows:

449.030 ~~[1.]~~ Except as otherwise provided in NRS 449.03013 and 449.03015, no person, state or local government or agency thereof may operate or maintain in this State any medical facility or facility for the dependent without first obtaining a license therefor as provided in NRS 449.030 to 449.2428, inclusive ~~[.~~

~~2. Unless licensed as a facility for hospice care, a person, state or local government or agency thereof shall not operate a program of hospice care without first obtaining a license for the program from the Board.]~~ ***, and ~~[section 1]~~ sections 1.3, 1.6 and 1.9 of this act.***

Sec. 4. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.030 to 449.2428, inclusive, ***and ~~[section 1]~~ sections 1.3, 1.6 and 1.9 of this act*** do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility ***,*** ~~[or]~~ facility for the dependent ***or facility which is otherwise required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed that is*** operated and maintained by the United States Government or an agency thereof.

Sec. 5. NRS 449.0302 is hereby amended to read as follows:

449.0302 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.030 to 449.2428, inclusive, ~~[and for programs of hospice care.]~~ ***and ~~[section 1]~~ sections 1.3, 1.6 and 1.9 of this act.***

(b) Regulations governing the licensing of such facilities ***.*** ~~[and programs.]~~

(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in his or her home without being considered a residential facility for groups pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.

(d) Regulations establishing a procedure for the indemnification by the Division, from the amount of any surety bond or other obligation filed or deposited by a facility for refractive surgery pursuant to NRS 449.068 or 449.069, of a patient

of the facility who has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.

(e) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.030 to 449.2428, inclusive ~~[.]~~ ***, and ~~[section 1]~~ sections 1.3, 1.6 and 1.9 of this act.***

2. The Board shall adopt separate regulations governing the licensing and operation of:

(a) Facilities for the care of adults during the day; and

(b) Residential facilities for groups,

➥ which provide care to persons with Alzheimer's disease.

3. The Board shall adopt separate regulations for:

(a) The licensure of rural hospitals which take into consideration the unique problems of operating such a facility in a rural area.

(b) The licensure of facilities for refractive surgery which take into consideration the unique factors of operating such a facility.

(c) The licensure of mobile units which take into consideration the unique factors of operating a facility that is not in a fixed location.

4. The Board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person accommodated in the facility.

5. In addition to the training requirements prescribed pursuant to NRS 449.093, the Board shall establish minimum qualifications for administrators and employees of residential facilities for groups. In establishing the qualifications, the Board shall consider the related standards set by nationally recognized organizations which accredit such facilities.

6. The Board shall adopt separate regulations regarding the assistance which may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of controlled substances or dangerous drugs by employees of residential facilities for groups. The regulations must require at least the following conditions before such assistance may be given:

(a) The ultimate user's physical and mental condition is stable and is following a predictable course.

(b) The amount of the medication prescribed is at a maintenance level and does not require a daily assessment.

(c) A written plan of care by a physician or registered nurse has been established that:

(1) Addresses possession and assistance in the administration of the medication; and

(2) Includes a plan, which has been prepared under the supervision of a registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results.

(d) The prescribed medication is not administered by injection or intravenously.

(e) The employee has successfully completed training and examination approved by the Division regarding the authorized manner of assistance.

7. The Board shall adopt separate regulations governing the licensing and operation of residential facilities for groups which provide assisted living services. The Board shall not allow the licensing of a facility as a residential facility for groups which provides assisted living services and a residential

facility for groups shall not claim that it provides "assisted living services" unless:

(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what services of personalized care will be available to the person and the amount that will be charged for those services throughout the resident's stay at the facility.

(b) The residents of the facility reside in their own living units which:

(1) Except as otherwise provided in subsection 8, contain toilet facilities;

(2) Contain a sleeping area or bedroom; and

(3) Are shared with another occupant only upon consent of both occupants.

(c) The facility provides personalized care to the residents of the facility and the general approach to operating the facility incorporates these core principles:

(1) The facility is designed to create a residential environment that actively supports and promotes each resident's quality of life and right to privacy;

(2) The facility is committed to offering high-quality supportive services that are developed by the facility in collaboration with the resident to meet the resident's individual needs;

(3) The facility provides a variety of creative and innovative services that emphasize the particular needs of each individual resident and the resident's personal choice of lifestyle;

(4) The operation of the facility and its interaction with its residents supports, to the maximum extent possible, each resident's need for autonomy and the right to make decisions regarding his or her own life;

(5) The operation of the facility is designed to foster a social climate that allows the resident to develop and maintain personal relationships with fellow residents and with persons in the general community;

(6) The facility is designed to minimize and is operated in a manner which minimizes the need for its residents to move out of the facility as their respective physical and mental conditions change over time; and

(7) The facility is operated in such a manner as to foster a culture that provides a high-quality environment for the residents, their families, the staff, any volunteers and the community at large.

8. The Division may grant an exception from the requirement of subparagraph (1) of paragraph (b) of subsection 7 to a facility which is licensed as a residential facility for groups on or before July 1, 2005, and which is authorized to have 10 or fewer beds and was originally constructed as a single-family dwelling if the Division finds that:

(a) Strict application of that requirement would result in economic hardship to the facility requesting the exception; and

(b) The exception, if granted, would not:

(1) Cause substantial detriment to the health or welfare of any resident of the facility;

(2) Result in more than two residents sharing a toilet facility; or

(3) Otherwise impair substantially the purpose of that requirement.

9. The Board shall, if it determines necessary, adopt regulations and requirements to ensure that each residential facility for groups and its staff are prepared to respond to an emergency, including, without limitation:

(a) The adoption of plans to respond to a natural disaster and other types of emergency situations, including, without limitation, an emergency involving fire;

(b) The adoption of plans to provide for the evacuation of a residential facility for groups in an emergency, including, without limitation, plans to ensure that nonambulatory patients may be evacuated;

(c) Educating the residents of residential facilities for groups concerning the plans adopted pursuant to paragraphs (a) and (b); and

(d) Posting the plans or a summary of the plans adopted pursuant to paragraphs (a) and (b) in a conspicuous place in each residential facility for groups.

10. The regulations governing the licensing and operation of facilities for transitional living for released offenders must provide for the licensure of at least three different types of facilities, including, without limitation:

(a) Facilities that only provide a housing and living environment;

(b) Facilities that provide or arrange for the provision of supportive services for residents of the facility to assist the residents with reintegration into the community, in addition to providing a housing and living environment; and

(c) Facilities that provide or arrange for the provision of alcohol and drug abuse programs, in addition to providing a housing and living environment and providing or arranging for the provision of other supportive services.

➥ The regulations must provide that if a facility was originally constructed as a single-family dwelling, the facility must not be authorized for more than eight beds.

11. As used in this section, "living unit" means an individual private accommodation designated for a resident within the facility.

Sec. 6. NRS 449.0305 is hereby amended to read as follows:

449.0305 1. Except as otherwise provided in subsection 5, a person must obtain a license from the Board to operate a business that provides referrals to residential facilities for groups.

2. The Board shall adopt:

(a) Standards for the licensing of businesses that provide referrals to residential facilities for groups;

(b) Standards relating to the fees charged by such businesses;

(c) Regulations governing the licensing of such businesses; and

(d) Regulations establishing requirements for training the employees of such businesses.

3. A licensed nurse, social worker, physician or hospital, or a provider of geriatric care who is licensed as a nurse or social worker, may provide referrals to residential facilities for groups through a business that is licensed pursuant to this section. The Board may, by regulation, authorize a public guardian or any other person it determines appropriate to provide referrals to residential facilities for groups through a business that is licensed pursuant to this section.

4. A business that is licensed pursuant to this section or an employee of such a business shall not:

(a) Refer a person to a residential facility for groups that is not licensed.

(b) Refer a person to a residential facility for groups if the business or its employee knows or reasonably should know that the facility, or the services provided by the facility, are not appropriate for the condition of the person being referred.

(c) Refer a person to a residential facility for groups that is owned by the same person who owns the business.

➥ A person who violates the provisions of this subsection is liable for a civil penalty to be recovered by the Attorney General in the name of the Board for the first offense of not more than $10,000 and for a second or subsequent offense of not less than $10,000 nor more than $20,000. Unless otherwise required by federal law, the Board shall deposit all civil penalties collected pursuant to this section into a separate account in the State General Fund to be used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, ***and ~~[section 1]~~ sections 1.3, 1.6 and 1.9 of this act*** and 449.435 to 449.965, inclusive, and to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards.

5. This section does not apply to a medical facility that is licensed pursuant to NRS 449.030 to 449.2428, inclusive, ***and ~~[section 1]~~ sections 1.3, 1.6 and 1.9 of this act*** on October 1, 1999.

Sec. 7. NRS 449.0306 is hereby amended to read as follows:

449.0306 1. Money received from licensing medical facilities and facilities for the dependent must be forwarded to the State Treasurer for deposit in the State General Fund.

2. The Division shall enforce the provisions of NRS 449.030 to 449.245, inclusive, ***and ~~[section 1]~~ sections 1.3, 1.6 and 1.9 of this act,*** and may incur any necessary expenses not in excess of money appropriated for that purpose by the State or received from the Federal Government.

Sec. 7.3. **NRS 449.0307 is hereby amended to read as follows:**

449.0307 The Division may:

1. Upon receipt of an application for a license, conduct an investigation into the premises, facilities, qualifications of personnel, methods of operation, policies and purposes of any person proposing to engage in the operation of a medical facility**, ~~[or]~~** a facility for the dependent **~~[.]~~** ***or facility which is required by the regulations adopted by the Board pursuant to NRS***

449.0303 to be licensed. The facility is subject to inspection and approval as to standards for safety from fire, on behalf of the Division, by the State Fire Marshal.

2. Upon receipt of a complaint against a medical facility**,** ~~[or]~~ facility for the dependent ~~[,]~~ ***or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed,*** except for a complaint concerning the cost of services, conduct an investigation into the premises, facilities, qualifications of personnel, methods of operation, policies, procedures and records of that facility or any other medical facility**,** ~~[or]~~ facility for the dependent ***or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed*** which may have information pertinent to the complaint.

3. Employ such professional, technical and clerical assistance as it deems necessary to carry out the provisions of NRS 449.030 to 449.245, inclusive ~~[.]~~ ***, and sections 1.3, 1.6 and 1.9 of this act.***

Sec. 7.6. **NRS 449.0308 is hereby amended to read as follows:**

449.0308 1. Except as otherwise provided in this section, the Division may charge and collect from a medical facility**,** ~~[or]~~ facility for the dependent ***or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed*** or a person who operates such a facility without a license issued by the Division the actual costs incurred by the Division for the enforcement of the provisions of NRS 449.030 to 449.2428, inclusive, ***and sections 1.3, 1.6 and 1.9 of this act*** including, without limitation, the actual cost of conducting an inspection or investigation of the facility.

2. The Division shall not charge and collect the actual cost for enforcement pursuant to subsection 1 if the enforcement activity is:

(a) Related to the issuance or renewal of a license for which the Board charges a fee pursuant to NRS 449.050 or 449.089; or

(b) Conducted pursuant to an agreement with the Federal Government which has appropriated money for that purpose.

3. Any money collected pursuant to subsection 1 may be used by the Division to administer and carry out the provisions of NRS 449.030 to 449.2428, inclusive, ***and sections 1.3, 1.6 and 1.9 of this act*** and the regulations adopted pursuant thereto.

Sec. 8. NRS 449.089 is hereby amended to read as follows:

449.089 1. Each license issued pursuant to NRS 449.030 to 449.2428, inclusive, ***and*** ~~***[section 1]***~~ ***sections 1.3, 1.6 and 1.9 of this act*** expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to NRS 449.050 unless the Division finds, after an investigation, that the facility has not:

(a) Satisfactorily complied with the provisions of NRS 449.030 to 449.2428, inclusive, ***and*** ~~***[section 1]***~~ ***sections 1.3, 1.6 and 1.9 of this act*** or the standards and regulations adopted by the Board;

(b) Obtained the approval of the Director of the Department of Health and Human Services before undertaking a project, if such approval is required by NRS 439A.100; or

(c) Conformed to all applicable local zoning regulations.

2. Each reapplication for an agency to provide personal care services in the home, an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv) which accepts payment through Medicare, ***a psychiatric hospital that provides inpatient services to children,*** ***a psychiatric residential treatment facility,*** a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, a peer support recovery organization, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5(b)(2), a hospital that provides swing-bed services as described in 42 C.F.R. § ~~[482.66]~~ ***482.58*** or, if residential services are provided to children, a medical facility or facility for the treatment of abuse of alcohol or drugs must include, without limitation, a statement that the facility, hospital, agency, program, pool, organization or home is in compliance with the provisions of NRS 449.119 to 449.125, inclusive, ***and sections 1.6 and 1.9 of this act*** and 449.174.

3. Each reapplication for an agency to provide personal care services in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a facility for the care of adults during the day, a peer support recovery organization, a residential facility for groups or a home for individual residential care must include, without limitation, a statement that the holder of the license to operate, and the administrator or other person in charge and employees of, the facility, agency, pool, organization or home are in compliance with the provisions of NRS 449.093.

Sec. 8.5. **NRS 449.091 is hereby amended to read as follows:**

449.091 1. The Division may cancel the license of a medical facility**,** ~~[or]~~ facility for the dependent ***or a facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed*** and issue a provisional license, effective for a period determined by the Division, to such a facility if it:

(a) Is in operation at the time of the adoption of standards and regulations pursuant to the provisions of NRS 449.030 to 449.2428, inclusive, ***and sections 1.3, 1.6 and 1.9 of this act*** and the Division determines that the facility requires a reasonable time under the particular circumstances within which to comply with the standards and regulations; or

(b) Has failed to comply with the standards or regulations and the Division determines that the facility is in the process of making the necessary changes or has agreed to make the changes within a reasonable time.

2. The provisions of subsection 1 do not require the issuance of a license or prevent the Division from refusing to renew or from revoking or

suspending any license where the Division deems such action necessary for the health and safety of the occupants of any facility.

Sec. 9. NRS 449.119 is hereby amended to read as follows:

449.119 ~~[As used in NRS 449.119 to 449.125, inclusive, "facility,]~~ ***"Facility,*** hospital, agency, program or home" means an agency to provide personal care services in the home, an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv) which accepts payment through Medicare, ***a psychiatric hospital that provides inpatient services to children, a psychiatric residential treatment facility,*** a peer support recovery organization, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5(b)(2), a hospital that provides swing-bed services as described in 42 C.F.R. § ~~[482.66]~~ ***482.58*** or, if residential services are provided to children, a medical facility or facility for the treatment of abuse of alcohol or drugs.

Sec. 10. NRS 449.122 is hereby amended to read as follows:

449.122 1. Each applicant for a license to operate a facility, hospital, agency, program or home shall submit to the Central Repository for Nevada Records of Criminal History one complete set of fingerprints for submission to the Federal Bureau of Investigation for its report.

2. The Central Repository for Nevada Records of Criminal History shall determine whether the applicant has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 449.174 and immediately inform the administrator of the facility, hospital, agency, program or home, if any, and the Division of whether the applicant has been convicted of such a crime.

3. A person who holds a license to operate a facility, hospital, agency, program or home which provides residential services to children ***, ~~[or]~~ a psychiatric hospital that provides inpatient services to children or a psychiatric residential treatment facility*** shall submit to the Central Repository for Nevada Records of Criminal History one complete set of fingerprints for a report required by this section at least once every 5 years after the initial investigation.

Sec. 11. NRS 449.123 is hereby amended to read as follows:

449.123 1. Except as otherwise provided in subsections 2 and 3, within 10 days after hiring an employee, accepting an employee of a temporary employment service or entering into a contract with an independent contractor, the administrator of, or the person licensed to operate a facility, hospital, agency, program or home shall:

(a) Obtain a written statement from the employee, employee of the temporary employment service or independent contractor stating whether he or she has been convicted of any crime listed in NRS 449.174;

(b) Obtain an oral and written confirmation of the information contained in the written statement obtained pursuant to paragraph (a);

(c) Obtain proof that the employee, employee of the temporary employment service or independent contractor holds any required license, permit or certificate;

(d) Obtain from the employee, employee of the temporary employment service or independent contractor one set of fingerprints and a written authorization to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(e) Submit to the Central Repository for Nevada Records of Criminal History the fingerprints obtained pursuant to paragraph (d) to obtain information on the background and personal history of each employee, employee of a temporary employment service or independent contractor to determine whether the person has been convicted of any crime listed in NRS 449.174; and

(f) If an Internet website has been established pursuant to NRS 439.942:

(1) Screen the employee, employee of the temporary employment service or independent contractor using the Internet website. Upon request of the Division, proof that the employee, temporary employee or independent contractor was screened pursuant to this subparagraph must be provided to the Division.

(2) Enter on the Internet website information to be maintained on the website concerning the employee, employee of the temporary employment service or independent contractor.

2. The administrator of, or the person licensed to operate, a facility, hospital, agency, program or home is not required to obtain the information described in subsection 1 from an employee, employee of a temporary employment service or independent contractor if his or her fingerprints have been submitted to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report within the immediately preceding 6 months and the report of the Federal Bureau of Investigation indicated that the employee, employee of the temporary employment service or independent contractor has not been convicted of any crime set forth in NRS 449.174.

3. The administrator of, or the person licensed to operate, a facility, hospital, agency, program or home is not required to obtain the information described in subsection 1, other than the information described in paragraph (c) of subsection 1, from an employee, employee of a temporary employment service or independent contractor if:

(a) The employee, employee of the temporary employment service or independent contractor agrees to allow the administrator of, or the person licensed to operate, a facility, hospital, agency, program or home to receive notice from the Central Repository for Nevada Records of Criminal History regarding any conviction and subsequent conviction of the employee,

employee of the temporary employment service or independent contractor of a crime listed in NRS 449.174;

(b) An agency, board or commission that regulates an occupation or profession pursuant to title 54 of NRS or temporary employment service has, within the immediately preceding 5 years, submitted the fingerprints of the employee, employee of the temporary employment service or independent contractor to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(c) The report of the Federal Bureau of Investigation indicated that the employee, employee of the temporary employment service or independent contractor has not been convicted of any crime set forth in NRS 449.174.

4. The administrator of, or the person licensed to operate, a facility, hospital, agency, program or home shall ensure that the information concerning the background and personal history of each employee, employee of a temporary employment service or independent contractor who works at the facility, hospital, agency, program or home:

(a) Except as otherwise provided in subsection 2, is completed as soon as practicable, and if residential services are provided to children ~~[,]~~ ***or the facility is a psychiatric hospital that provides inpatient services to children*** ~~[,]~~ ***or a psychiatric residential treatment facility,*** before the employee, employee of the temporary employment service or independent contractor provides any care or services to a child in the facility, hospital, agency, program or home without supervision; and

(b) At least once every 5 years after the date of the initial investigation.

5. The administrator or person shall, when required:

(a) Obtain one set of fingerprints from the employee, employee of the temporary employment service or independent contractor;

(b) Obtain written authorization from the employee, employee of the temporary employment service or independent contractor to forward the fingerprints obtained pursuant to paragraph (a) to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(c) Submit the fingerprints to the Central Repository for Nevada Records of Criminal History or, if the fingerprints were submitted electronically, obtain proof of electronic submission of the fingerprints to the Central Repository for Nevada Records of Criminal History.

6. Upon receiving fingerprints submitted pursuant to this section, the Central Repository for Nevada Records of Criminal History shall determine whether the employee, employee of the temporary employment service or independent contractor has been convicted of a crime listed in NRS 449.174 and immediately inform the Division and the administrator of, or the person licensed to operate, the facility, hospital, agency, program or home at which the person works whether the employee, employee of the temporary employment service or independent contractor has been convicted of such a crime.

7. The Central Repository for Nevada Records of Criminal History may impose a fee upon a facility, hospital, agency, program or home that submits fingerprints pursuant to this section for the reasonable cost of the investigation. The facility, hospital, agency, program or home may recover from the employee or independent contractor whose fingerprints are submitted not more than one-half of the fee imposed by the Central Repository. If the facility, hospital, agency, program or home requires the employee or independent contractor to pay for any part of the fee imposed by the Central Repository, it shall allow the employee or independent contractor to pay the amount through periodic payments. The facility, hospital, agency, program or home may require a temporary employment service which employs a temporary employee whose fingerprints are submitted to pay the fee imposed by the Central Repository. A facility, hospital, agency, program or home shall notify a temporary employment service if a person employed by the temporary employment service is determined to be ineligible to provide services at the facility, hospital, agency, program or home based upon the results of an investigation conducted pursuant to this section.

8. Unless a greater penalty is provided by law, a person who willfully provides a false statement or information in connection with an investigation of the background and personal history of the person pursuant to this section that would disqualify the person from employment, including, without limitation, a conviction of a crime listed in NRS 449.174, is guilty of a misdemeanor.

Sec. 12. NRS 449.125 is hereby amended to read as follows:

449.125 1. Upon receiving information from the Central Repository for Nevada Records of Criminal History pursuant to NRS 449.123, or evidence from any other source, that an employee, employee of a temporary employment service or independent contractor of a facility, hospital, agency, program or home:

(a) Has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 449.174; or

(b) Has had a substantiated report of abuse or neglect made against him or her, if he or she is employed at a facility, hospital, agency, program or home that provides residential services to children ***, ~~[or]~~ a psychiatric hospital that provides inpatient services to children ~~[,]~~ or a psychiatric residential treatment facility,***

➥ the administrator of, or the person licensed to operate, the facility, hospital, agency, program or home shall terminate the employment or contract of that person or notify the temporary employment service that its employee is prohibited from providing services for the facility, hospital, agency, program or home after allowing the person time to correct the information as required pursuant to subsection 2.

2. If an employee, employee of a temporary employment service or independent contractor believes that the information provided by the Central Repository is incorrect, the employee, employee of the temporary

employment service or independent contractor may immediately inform the facility, hospital, agency, program or home or temporary employment service. The facility, hospital, agency, program, home or temporary employment service that is so informed shall give the employee, employee of the temporary employment service or independent contractor a reasonable amount of time of not less than 30 days to correct the information received from the Central Repository before terminating the employment or contract of the person pursuant to subsection 1.

3. A facility, hospital, agency, program or home that has complied with NRS 449.123 may not be held civilly or criminally liable based solely upon the ground that the facility, hospital, agency, program or home allowed an employee, employee of a temporary employment service or independent contractor to work:

(a) Before it received the information concerning the employee, employee of the temporary employment service or independent contractor from the Central Repository, except that an employee, employee of the temporary employment service or independent contractor shall not have contact with a child without supervision before such information is received;

(b) During the period required pursuant to subsection 2 to allow the employee, employee of the temporary employment service or independent contractor to correct that information, except that an employee, employee of the temporary employment service or independent contractor shall not have contact with a child without supervision during such period;

(c) Based on the information received from the Central Repository, if the information received from the Central Repository was inaccurate; or

(d) Any combination thereof.

➥ A facility, hospital, agency, program or home may be held liable for any other conduct determined to be negligent or unlawful.

Sec. 12.5. **NRS 449.132 is hereby amended to read as follows:**

449.132 Every medical facility***,*** ~~[or]~~ facility for the dependent ***or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed*** may be inspected at any time, with or without notice, as often as is necessary by:

1. The Division of Public and Behavioral Health to ensure compliance with all applicable regulations and standards; and

2. Any person designated by the Aging and Disability Services Division of the Department of Health and Human Services to investigate complaints made against the facility.

Sec. 13. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.030 to 449.2428, inclusive, ***and*** ~~***[section 1]***~~ ***sections 1.3, 1.6 and 1.9 of this act*** upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.030 to 449.245, inclusive, ***and*** ~~***[section 1]***~~ ***sections***

1.3, 1.6 and 1.9 of this act, or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, ***and [section 1] sections 1.3, 1.6 and 1.9 of this act*** and 449.435 to 449.965, inclusive, if such approval is required.

(f) Failure to comply with the provisions of NRS 449.2486.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 14. NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility ***,*** ~~[or]~~ facility for the dependent ***or facility***

which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.030 to 449.2428, inclusive, ***and ~~[section 1]~~ sections 1.3, 1.6 and 1.9 of this act,*** or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) Impose an administrative penalty of not more than ~~[~~$1,000~~]~~ ***$5,000*** per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. ~~[If a violation by a medical facility or facility for the dependent relates to the health or safety of a patient, an administrative penalty imposed pursuant to paragraph (d) of subsection 1 must be in a total amount of not less than $1,000 and not more than $10,000 for each patient who was harmed or at risk of harm as a result of the violation.~~

~~3.]~~ If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1, the Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

~~[4.]~~ ***3.*** The Division may require any facility that violates any provision of NRS 439B.410 or 449.030 to 449.2428, inclusive, ***and ~~[section 1]~~ sections 1.3, 1.6 and 1.9 of this act,*** or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

~~[5.]~~ ***4.*** Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, ***and ~~[section 1]~~ sections 1.3, 1.6 and 1.9 of this act*** and 449.435 to 449.965, inclusive, to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 14.3. **NRS 449.165 is hereby amended to read as follows:**

449.165 The Board shall adopt regulations establishing the criteria for the imposition of each sanction prescribed by NRS 449.163. These regulations must:

1. Prescribe the circumstances and manner in which each sanction applies;

2. Minimize the time between identification of a violation and the imposition of a sanction;

3. Provide for the imposition of incrementally more severe sanctions for repeated or uncorrected violations; ~~[and]~~

4. Provide for less severe sanctions for lesser violations of applicable state statutes, conditions, standards or regulations ~~[.]~~ ***; and***

5. Establish an administrative penalty to be imposed if a violation by a medical facility, facility for the dependent or a facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed causes harm or the risk of harm to more than one person.

Sec. 14.6. **NRS 449.171 is hereby amended to read as follows:**

449.171 1. If the Division suspends the license of a medical facility ***,*** ~~[or]~~ a facility for the dependent ***or a facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed*** pursuant to the provisions of this chapter, or if a facility otherwise ceases to operate, including, without limitation, pursuant to an action or order of a health authority pursuant to chapter 441A of NRS, the Division may, if deemed necessary by the Administrator of the Division, take control of and ensure the safety of the medical records of the facility.

2. Subject to the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, the Division shall:

(a) Maintain the confidentiality of the medical records obtained pursuant to subsection 1.

(b) Share medical records obtained pursuant to subsection 1 with law enforcement agencies in this State and other governmental entities which have authority to license the facility or to license the owners or employees of the facility.

(c) Release a medical record obtained pursuant to subsection 1 to the patient or legal guardian of the patient who is the subject of the medical record.

3. The Board shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations for contracting with a person to maintain any medical records under the control of the Division pursuant to subsection 1 and for payment by the facility of the cost of maintaining medical records.

Sec. 15. NRS 449.174 is hereby amended to read as follows:

449.174 1. In addition to the grounds listed in NRS 449.160, the Division may deny a license to operate a facility, hospital, agency, program

or home to an applicant or may suspend or revoke the license of a licensee to operate such a facility, hospital, agency, program or home if:

(a) The applicant or licensee has been convicted of:

(1) Murder, voluntary manslaughter or mayhem;

(2) Assault or battery with intent to kill or to commit sexual assault or mayhem;

(3) Sexual assault, statutory sexual seduction, incest, lewdness or indecent exposure, or any other sexually related crime that is punished as a felony;

(4) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punished as a misdemeanor, within the immediately preceding 7 years;

(5) A crime involving domestic violence that is punished as a felony;

(6) A crime involving domestic violence that is punished as a misdemeanor, within the immediately preceding 7 years;

(7) Abuse or neglect of a child or contributory delinquency;

(8) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS, within the immediately preceding 7 years;

(9) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(10) A violation of any provision of law relating to the State Plan for Medicaid or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years;

(11) A violation of any provision of NRS 422.450 to 422.590, inclusive;

(12) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

(13) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property, within the immediately preceding 7 years;

(14) Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon; or

(15) An attempt or conspiracy to commit any of the offenses listed in this paragraph, within the immediately preceding 7 years;

(b) The licensee has, in violation of NRS 449.125, continued to employ a person who has been convicted of a crime listed in paragraph (a); or

(c) The applicant or licensee has had a substantiated report of child abuse or neglect made against him or her and if the facility, hospital, agency, program or home provides residential services to children**_ , ~~[. or]~~ *is a psychiatric hospital that provides inpatient services to children* _~~[,]~~ *or is a psychiatric residential treatment facility.***

2. In addition to the grounds listed in NRS 449.160, the Division may suspend or revoke the license of a licensee to operate an agency to provide

personal care services in the home, an agency to provide nursing in the home, a community health worker pool or a peer support recovery organization if the licensee has, in violation of NRS 449.125, continued to employ a person who has been convicted of a crime listed in paragraph (a) of subsection 1.

3. As used in this section:

(a) "Domestic violence" means an act described in NRS 33.018.

(b) "Facility, hospital, agency, program or home" has the meaning ascribed to it in NRS 449.119.

(c) "Medicaid" has the meaning ascribed to it in NRS 439B.120.

(d) "Medicare" has the meaning ascribed to it in NRS 439B.130.

Sec. 16. NRS 449.210 is hereby amended to read as follows:

449.210 1. In addition to the payment of the amount required by NRS 449.0308 ~~[, except as otherwise provided in subsection 2 and NRS 449.24897,]~~ ***and any civil penalty imposed pursuant to subsection 4,*** a person who operates a medical facility***,*** ~~[or]~~ facility for the dependent ***or a facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed*** without a license issued by the Division is guilty of a misdemeanor.

2. ~~[In addition to the payment of the amount required by NRS 449.0308, if a person operates a facility for the dependent without a license issued by the Division, the Division shall:~~

~~(a) Impose a civil penalty on the operator in the following amount:~~

~~(1) For a first offense, $10,000.~~

~~(2) For a second offense, $25,000.~~

~~(3) For a third or subsequent offense, $50,000.~~

~~(b) Order the operator, at the operator's own expense, to move all of the persons who are receiving services in the facility for the dependent to a facility for the dependent of the same type that is licensed.~~

~~(c) Prohibit the operator from applying for a license to operate the type of facility for the dependent that the operator was found to be operating without a license. The duration of the period of prohibition must be:~~

~~(1) For 6 months if the operator is punished pursuant to subparagraph (1) of paragraph (a).~~

~~(2) For 1 year if the operator is punished pursuant to subparagraph (2) of paragraph (a).~~

~~(3) Permanent if the operator is punished pursuant to subparagraph (3) of paragraph (a).~~

~~3. Before the Division imposes an administrative sanction pursuant to subsection 2, the Division shall provide the operator of a facility for the dependent with reasonable notice. The notice must contain the legal authority, jurisdiction and reasons for the action to be taken. If the operator of a facility for the dependent wants to contest the action, the operator may file an appeal pursuant to the regulations of the State Board of Health adopted pursuant to NRS 449.165 and 449.170. Upon receiving notice of an appeal, the Division shall hold a hearing in accordance with those~~

~~regulations. For the purpose of this subsection, it is no defense to the violation of operating a facility for the dependent without a license that the operator thereof subsequently licensed the facility in accordance with law.]~~ ***If the Division believes that a person is operating a medical facility , ~~[or]~~ facility for the dependent or a facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed without such a license, the Division may issue an order to cease and desist the operation of the facility. The order must be served upon the person by personal delivery or by certified or registered mail, return receipt requested. The order is effective upon service.***

3. If a person does not voluntarily cease operating a medical facility , ~~[or]~~ facility for the dependent or a facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed without a license or apply for licensure within 30 days after the date of service of the order pursuant to subsection 2, the Division may bring an action in a court of competent jurisdiction pursuant to NRS 449.220.

4. ***Upon a showing by the Division that a person is operating a medical facility , ~~[or]~~ facility for the dependent or a facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed without a license, a court of competent jurisdiction may:***

(a) Enjoin the person from operating the facility.

(b) Impose a civil penalty on the operator to be recovered by the Division of not more than $10,000 for the first offense or not less than $10,000 or more than $25,000 for a second or subsequent offense.

5. Unless otherwise required by federal law, the Division shall deposit all civil penalties collected pursuant to paragraph ~~[(a)]~~ ***(b)*** of subsection ~~[2]~~ ***4*** into a separate account in the State General Fund to be used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, and ~~[449.935 to 449.965, inclusive, ***section 1***]~~ ***sections 1.3, 1.6 and 1.9 of this act,*** and to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards.

Sec. 17. NRS 449.220 is hereby amended to read as follows:

449.220 1. The Division may bring an action in the name of the State to enjoin any person, state or local government unit or agency thereof from operating or maintaining any facility within the meaning of NRS 449.030 to 449.2428, inclusive ~~[:]~~ ***, and ~~[section 1]~~ sections 1.3, 1.6 and 1.9 of this act:***

(a) Without first obtaining a license therefor; or

(b) After his or her license has been revoked or suspended by the Division.

2. It is sufficient in such action to allege that the defendant did, on a certain date and in a certain place, operate and maintain such a facility without a license.

Sec. 18. NRS 654.190 is hereby amended to read as follows:

654.190 1. The Board may, after notice and an opportunity for a hearing as required by law, impose an administrative fine of not more than $10,000 for each violation on, recover reasonable investigative fees and costs incurred from, suspend, revoke, deny the issuance or renewal of or place conditions on the license of, and place on probation or impose any combination of the foregoing on any nursing facility administrator or administrator of a residential facility for groups who:

(a) Is convicted of a felony relating to the practice of administering a nursing facility or residential facility or of any offense involving moral turpitude.

(b) Has obtained his or her license by the use of fraud or deceit.

(c) Violates any of the provisions of this chapter.

(d) Aids or abets any person in the violation of any of the provisions of NRS 449.030 to 449.2428, inclusive, ***and ~~[section 1]~~ sections 1.3, 1.6 and 1.9 of this act,*** as those provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.

(e) Violates any regulation of the Board prescribing additional standards of conduct for nursing facility administrators or administrators of residential facilities for groups, including, without limitation, a code of ethics.

(f) Engages in conduct that violates the trust of a patient or resident or exploits the relationship between the nursing facility administrator or administrator of a residential facility for groups and the patient or resident for the financial or other gain of the licensee.

2. If a licensee requests a hearing pursuant to subsection 1, the Board shall give the licensee written notice of a hearing pursuant to NRS 233B.121 and 241.034. A licensee may waive, in writing, his or her right to attend the hearing.

3. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Chair of the Board may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

5. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

Sec. 19. NRS 449.24897 is hereby repealed.

Sec. 20. This act becomes effective on July 1, 2017.

TEXT OF REPEALED SECTION

449.24897 Order to cease and desist operation for failure to obtain license; injunction; penalties.

1. If the Division believes that a person who is required to obtain a license pursuant to this chapter is operating a facility for refractive surgery without such a license, the Division may issue an order to cease and desist the operation of the facility. The order must be served upon the person directly or by certified or registered mail, return receipt requested. The order becomes effective upon service.

2. An order issued pursuant to subsection 1 expires 30 days after the date of service unless the Division institutes an action in a court of competent jurisdiction seeking an injunction.

3. Upon a showing by the Division that a person is operating a facility for refractive surgery without a license issued pursuant to this chapter, a court of competent jurisdiction may:

(a) Enjoin the person from operating the facility.

(b) Impose a civil penalty to be recovered by the Division of not more than $10,000 for the first offense and of not less than $10,000 or more than $20,000 for a second or subsequent offense.

4. A person enjoined or penalized pursuant to subsection 3 may not apply for a license to operate a facility for refractive surgery for a period of 6 months after the date on which the court issues the injunction or penalty.

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 79.

Bill read third time.

Assemblyman Flores withdrew Amendment No. 822 to Senate Bill No. 79.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:50 p.m.

ASSEMBLY IN SESSION

At 12:51 p.m.

Mr. Speaker presiding.

Quorum present.

Senate Bill No. 79.

Bill read third time.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

Senate Bill 79 adds to the list of persons and entities authorized to request that certain personal information contained in the records of a county assessor, county recorder, the Secretary of State, or a county or city clerk remain confidential.

Additionally, a nonprofit entity that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that certain personal information remain confidential.

Similarly, the bill adds those persons and entities to the list of those authorized to request that the Department of Motor Vehicles display an alternate address on the person's driver's license, commercial driver's license, or identification card.

Roll call on Senate Bill No. 79:

YEAS—41.

NAYS—None.

EXCUSED—Watkins.

Senate Bill No. 79 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 144.

Bill read third time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 892.

~~[CONTAINS UNFUNDED MANDATE (§§ 6.5, 76.5)~~
~~(Not Requested by Affected Local Government)]~~

AN ACT relating to elections; authorizing ~~[, under certain circumstances,]~~ a county or city clerk to establish polling places where any registered voter of the county or city, respectively, may vote in person on the day of certain elections; ~~[authorizing an elector to register to vote on the day of certain elections at certain polling places;]~~ requiring the Secretary of State to ~~[create and maintain certain application software for]~~ **ensure that a person may** use ~~[on]~~ **a** mobile ~~[devices;]~~ **device to access certain information and submit certain information electronically to the Secretary of State;** providing for voter preregistration by certain persons who are at least 17 years of age but less than 18 years of age; ~~[requiring permanent polling places to remain open for certain hours on Sundays during early voting in certain counties; extending the period during which an elector can register to vote;]~~ extending the deadline for a covered voter to use a federal postcard application to register to vote and request a military-overseas ballot; authorizing, under certain circumstances, a covered voter to request a local elections official to resend to the covered voter a military-overseas ballot; making various other changes relating to elections; ~~[providing penalties;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a county clerk to establish the boundaries of election precincts and authorizes election precincts to be combined into election districts. (NRS 293.205-293.207) Existing law prohibits a person from

applying for or receiving a ballot at any election precinct or district other than the one at which the person is entitled to vote. (NRS 293.730)

Section 2 of this bill authorizes a county clerk to establish ~~[, with the approval of the board of county commissioners,]~~ one or more polling places in the county where any person entitled to vote in the county by personal appearance may do so on the day of a primary or general election. ~~[Section 3 of this bill requires: (1) each board of county commissioners to provide criteria to be used for selecting such a polling place; and (2) that each such polling place be approved by the board of county commissioners. Section]~~ **If any such polling place is established: (1) section 4** of this bill requires, with limited exception, the county clerk to publicize the location of any such polling place ~~[. Section]~~ **; and (2) section 5** of this bill requires the county clerk to prepare a roster of eligible voters for any such polling place. **Section 6** of this bill sets forth the procedure for a person to vote in person at any such polling place. **Sections 19, 21-23, 25, 26, 27, 29, 62.5, 63, 66 and 67** of this bill make conforming changes. **Sections ~~[72-76]~~ 72, 74, 75 and 76** of this bill set forth corresponding provisions authorizing city clerks to establish polling places where any person who is entitled to vote in the city by personal appearance may do so on the day of a primary city or general city election. **Sections ~~[78-83]~~ 62.5, 78-82, 86, 87 and 89** of this bill make conforming changes.

~~[Under existing law, voter registration for any primary, primary city, general or general city election closes on the third Tuesday before the election. Unless otherwise specified, registration for a recall or special election closes on the third Saturday before the election. (NRS 293.560, 293C.527) Sections 61.6 and 85.5 of this bill extend the period in which a person may register to vote for a primary, primary city, general or general city election to the Friday preceding the election. Sections 61.6 and 85.5 also extend the period in which a person may register to vote for recall and special elections until the fourth day before the election unless otherwise provided by specific law. Sections 26.4, 61.3, 63.5 and 82.4 of this bill make conforming changes.~~

~~Sections 6.5 and 76.5 of this bill authorize an elector to register to vote for a primary, primary city, general or general city election on the day of the election at certain polling places designated by the county or city clerk as a site for registering to vote on election day. To register to vote, an elector must appear at such a site, complete an application to register to vote and provide proof of his or her identity and residence. Upon completion of the application, the elector is deemed registered to vote and may vote in that election only at the polling place at which he or she registered to vote. Sections 19, 21, 26.2 and 82.2 of this bill make conforming changes.]~~

Existing law requires the Secretary of State to maintain an Internet website for public information maintained, collected or compiled by the Secretary of State that relates to elections. (NRS 293.4687) **Section 7** of this bill requires the Secretary of State to ~~[create and maintain application software that is~~

~~designed for use on a mobile device and which must include~~] **ensure that: (1)** all **public** information ~~[on]~~ **that is included on** the Internet website ~~[of the Secretary of State and allow]~~ **is accessible on a mobile device; and (2)** a person **may use a mobile device** to submit any information or form relating to elections ~~[that may be submitted]~~ to the Secretary of State.

Section 14 of this bill authorizes certain persons who are at least 17 years of age but less than 18 years of age to preregister to vote in this State. **Sections 15, 17, 18, 20, 23-25, 27, 28, 32-36, ~~[38-44,]~~ 38-45, 47-49, ~~[52, 53, 55, 56, 58-61,]~~ 50-53, 55-61, 64, 65, 68-70, 80, 81, 83, 84, 85, 90-92, 97, 99 and 100** of this bill make conforming changes.

~~[Existing law sets forth the hours for early voting at a permanent polling place by personal appearance at a primary, primary city, general or general city election. (NRS 293.3568, 293C.3568) Sections 26.6 and 82.6 of this bill require that a permanent polling place in a county whose population is 100,000 or more (currently Clark and Washoe Counties) must remain open for at least 4 hours on any Sunday that falls within the period for early voting.]~~

Existing law generally requires a voter to sign his or her name in a roster when the voter applies to vote in person. (NRS 293.277, 293.285, 293.3585, 293C.270, 293C.275, 293C.3585) Sections 6, 23-25, 27, 27.5, 79-81, 83 and 83.5 of this bill allow a person to sign a signature card rather than a roster.

Existing law authorizes a covered voter to register to vote or request a military-overseas ballot by using a federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301(b)(2). (NRS 293D.230, 293D.300) **Sections 93 and 94** of this bill provide that a covered voter may use the federal postcard application to register to vote or request a military-overseas ballot if the application is received by the appropriate elections official ~~[not later than 7 days]~~ **by the seventh day** before the election.

~~[~~Existing law provides that an application for a military-overseas ballot must be received by the seventh day before the election. (NRS 293D.310)~~]~~ **Section ~~[95]~~ 96** of this bill authorizes a covered voter who does not receive his or her military-overseas ballot and balloting materials for any reason, including, without limitation, as a result of a change in the covered voter's duty station, the covered voter may request that the local elections official resend the military-overseas ballot and balloting materials. The covered voter may cast the military-overseas ballot by facsimile transmission, electronic mail or the system of approved electronic transmission established by the Secretary of State. ~~[Section 96 makes a conforming change.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this act.

Sec. 2. *1. A county clerk may ~~[, with the approval of the board of county commissioners,]~~ establish one or more polling places in the county where any person entitled to vote in the county by personal appearance may do so on the day of the primary election or general election. ~~[Any such polling place must be at a location selected pursuant to section 3 of this act.]~~*

2. Any person entitled to vote in the county by personal appearance may do so at any polling place established pursuant to subsection 1.

Sec. 3. ~~*[1. Each board of county commissioners shall provide by ordinance for the criteria to be used to select a polling place described in section 2 of this act.*~~

~~*2. A polling place established pursuant to section 2 of this act must:*~~

~~*(a) Satisfy the criteria provided by the board of county commissioners pursuant to subsection 1; and*~~

~~*(b) Be approved by the board of county commissioners at a public meeting.]*~~ **(Deleted by amendment.)**

Sec. 4. *1. Except as otherwise provided in subsection 2, if a county clerk establishes one or more polling places pursuant to section 2 of this act, the county clerk must:*

(a) Publish during the week before the election in a newspaper of general circulation a notice of the location of each such polling place.

(b) Post a list of the location of each such polling place on any bulletin board used for posting notice of meetings of the board of county commissioners. The list must be posted continuously for a period beginning not later than the fifth business day before the election and ending at 7 p.m. on the day of the election. The county clerk shall make copies of the list available to the public during the period of posting in reasonable quantities without charge.

2. The provisions of subsection 1 do not apply if every polling place in the county is designated as a polling place where any person entitled to vote in the county by personal appearance may do so on the day of the primary election or general election.

3. No additional polling place may be established pursuant to section 2 of this act after the publication pursuant to this section ~~[.]~~ , except in the case of an emergency and if approved by the Secretary of State.

Sec. 5. *1. For each polling place established pursuant to section 2 of this act, if any, the county clerk shall prepare a roster that contains, for every registered voter in the county, the voter's name, the address where he or she is registered to vote, his or her voter identification number, the voter's precinct or district number and ~~[a place for]~~ the voter's signature.*

2. The roster must be delivered or caused to be delivered by the county clerk to an election board officer of the proper polling place before the opening of the polls.

Sec. 6. *1. Except as otherwise provided in NRS 293.283, upon the appearance of a person to cast a ballot at a polling place established pursuant to section 2 of this act, the election board officer shall:*

(a) Determine that the person is a registered voter in the county ~~[.]~~ and has not already voted in that county in the election;

(b) Instruct the voter to sign the roster ~~[.]~~ or a signature card; and

(c) Verify the signature of the voter in the manner set forth in NRS 293.277.

~~[(d) Verify that the voter has not already voted in the current election.]~~

2. If the signature of the voter does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that county in the current election.

5. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place where he or she applies to vote.

6. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district and the form of the ballot are indicated on the voting receipt, if the county clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

7. A voter applying to vote at a polling place established pursuant to section 2 of this act may be challenged pursuant to NRS 293.303.

Sec. 6.5. *~~[1. Each county clerk shall:~~*

~~(a) Designate one or more polling places in the county as a site for an elector of the county to register to vote on the day of a primary election or general election. Each polling place designated pursuant to this paragraph must be approved by the board of county commissioners.~~

~~(b) Except as otherwise provided in subsection 2:~~

~~(1) Publish during the week before the election in a newspaper of general circulation a notice of the location of each polling place in the county that has been designated pursuant to paragraph (a).~~

~~(2) Post a list of the locations designated pursuant to paragraph (a) on any bulletin board used for posting notice of meetings of the board of county commissioners. The list must be posted continuously for a period beginning not later than the fifth business day before the election and ending at 7 p.m. on the day of the election. The county clerk shall make copies of the list available to the public during the period of posting in reasonable quantities without charge.~~

~~2. The provisions of paragraphs (b) of subsection 1 do not apply if every polling place in the county is a polling place where an elector of the county may register to vote on the day of the primary election or general election.~~

~~3. An elector who is not registered to vote by the close of registration may register to vote on the day of the primary election or general election at any polling place designated pursuant to subsection 1 by the county clerk of the county where the elector resides.~~

~~4. To register to vote on the day of the primary election or general election, an elector must:~~

~~(a) Appear before the close of the polls at a polling place designated by the county clerk pursuant to subsection 1 as a site for registering to vote on the day of the election;~~

~~(b) Complete the application to register to vote; and~~

~~(c) Provide proof of his or her identity and residence as described in subsections 5 and 6.~~

~~5. The following forms of identification may be used to identify an elector applying to vote pursuant to this section:~~

~~(a) A driver's license;~~

~~(b) An identification card issued by the Department of Motor Vehicles;~~

~~(c) A military identification card; or~~

~~(d) Any other form of identification issued by a governmental agency which contains the signatures and a physical description or picture of the elector.~~

~~6. The following documents may be used to establish the residence of an elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:~~

~~(a) Any form of identification set forth in subsection 5;~~

~~(b) A utility bill, including, without limitation, a bill for electricity, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television;~~

~~(c) A bank or credit union statement;~~

~~(d) A paycheck;~~

~~(e) An income tax return;~~

~~(f) A statement concerning the mortgage, rental or lease of a residence;~~

~~(g) A motor vehicle registration;~~

~~*(h) A property tax statement;*~~

~~*(i) Any other document issued by a governmental agency; or*~~

~~*(j) Any other official document which the county clerk, field registrar or other person designated by the county clerk to accept applications to register to vote pursuant to this section determines, in his or her discretion, to be a reliable indication of the true residential address of the elector.*~~

~~*7. An elector who registers to vote pursuant to this section shall be deemed to be registered to vote upon the completion of an application to register to vote and the verification of the elector's identity and residency.*~~

~~*8. An elector who registers to vote pursuant to this section:*~~

~~*(a) May vote in the primary election or general election only at the polling place at which the elector registers to vote; and*~~

~~*(b) If the elector applies to vote at the polling place at which he or she registers to vote, except as otherwise provided in NRS 293.283, must sign his or her name in the roster designated for electors who register to vote pursuant to this section.]~~ (Deleted by amendment.)**

Sec. 7. ***1. The Secretary of State shall ~~[create and maintain application software]~~ ensure that :***

(a) All public information that is included on the Internet website required pursuant to NRS 293.4687 is ~~[designed for use]~~ accessible on a mobile device ~~[, including, without limitation, a smartphone or tablet computer. The application software must:~~

~~(a) Include, without limitation, all information that is available on the Internet website of the Secretary of State.]~~ ; and

(b) ~~[Allow a]~~ A person may use a mobile device to submit any information or form related to elections that a person may otherwise submit electronically to the Secretary of State, including, without limitation, an application to preregister or register to vote, a request for an absent ballot and a request for a military-overseas ballot.

2. As used in this section ~~[, "military-overseas]~~ :

(a) "Military-overseas ballot" has the meaning ascribed to it in NRS 293D.050.

(b) "Mobile device" includes, without limitation, a smartphone or a tablet computer.

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. ***1. Every citizen of the United States who is 17 years of age or older but less than 18 years of age and has continuously resided in this State for 30 days or longer may preregister to vote by any of the means available for a person to register to vote pursuant to this title. A person***

eligible to preregister to vote is deemed to be preregistered to vote upon the submission of a completed application to preregister to vote.

2. If a person preregisters to vote, he or she shall be deemed to be a registered voter on his or her 18th birthday unless:

(a) The person's preregistration has been cancelled as described in subsection 7; or

(b) Except as otherwise provided in NRS 293D.210, on the person's 18th birthday, he or she does not satisfy the voter eligibility requirements set forth in NRS 293.485.

3. The county clerk shall issue to a person who is deemed to be registered to vote pursuant to subsection 2 a voter registration card as described in subsection 6 of NRS 293.517 as soon as practicable after the person is deemed to be registered to vote.

4. On the date that a person who preregisters to vote is deemed to be registered to vote, his or her application to preregister to vote is deemed to be his or her application to register to vote.

5. If a person preregistered to vote:

(a) By mail or computer, he or she shall be deemed to have registered to vote by mail or computer, as applicable.

(b) In person, he or she shall be deemed to have registered to vote in person.

6. The preregistration information of a person may be updated by any of the means for updating the voter registration information of a person pursuant to this chapter.

7. The preregistration to vote of a person may be cancelled by any of the means and for any of the reasons for cancelling voter registration pursuant to this chapter.

8. Except as otherwise provided in this subsection, all preregistration information relating to a person is confidential and is not a public record. Once a person's application to preregister to vote is deemed to be an application to register to vote, any voter registration information related to the person must be disclosed pursuant to any law that requires voter registration information to be disclosed.

9. The Secretary of State shall adopt regulations providing for preregistration to vote. The regulations:

(a) Must include, without limitation, provisions to ensure that once a person is deemed to be a registered voter pursuant to subsection 2 the person is immediately issued a voter registration card and added to the statewide voter registration list and the registrar of voters' register; and

(b) Must not require a county clerk to provide to a person who preregisters to vote sample ballots or any other voter information provided to registered voters unless the person will be eligible to vote at the election for which the sample ballots or other information is provided.

Sec. 14.5. ~~[NRS 293.095 is hereby amended to read as follows:~~

~~293.095 "Roster" means the record in printed or electronic form furnished to election board officers which [contains a list of eligible voters and] is to be used for obtaining the signature of each person applying for a ballot [.] *and, except for a roster designated for electors who register to vote pursuant to section 6.5 or 76.5 of this act, contains a list of eligible voters.]*~~ **(Deleted by amendment.)**

Sec. 15. NRS 293.12757 is hereby amended to read as follows:

293.12757 A person may sign a petition required under the election laws of this State on or after the date the person is deemed to be registered to vote pursuant to NRS 293.517 or subsection 7 of NRS 293.5235 ~~[.]~~ ***or section ~~[6.5,]~~ 14 ~~[or 76.5]~~ of this act.***

Sec. 16. ~~[NRS 293.1277 is hereby amended to read as follows:~~

~~293.1277 1. If the Secretary of State finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, the Secretary of State shall immediately so notify the county clerks. After the notification, each of the county clerks shall determine the number of registered voters who have signed the documents submitted in the county clerk's county and, in the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, shall tally the number of signatures for each petition district contained or fully contained within the county clerk's county. This determination must be completed within 9 days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 293.128, 295.056, 298.109, 306.035 or 306.110, and within 3 days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 293.172 or 293.200. For the purpose of verification pursuant to this section, the county clerk shall not include in his or her tally of total signatures any signature included in the incorrect petition district.~~

~~2. Except as otherwise provided in subsection 3, if more than 500 names have been signed on the documents submitted to a county clerk, the county clerk shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerk is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures, whichever is greater. If documents were submitted to the county clerk for more than one petition district wholly contained within that county, a separate random sample must be performed for each petition district.~~

~~3. If a petition district comprises more than one county and the petition is for an initiative or referendum proposing a constitutional amendment or a statewide measure, and if more than 500 names have been signed on the~~

~~documents submitted for that petition district, the appropriate county clerks shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerks within the petition district is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures presented in the petition district, whichever is greater. The Secretary of State shall determine the number of signatures that must be verified by each county clerk within the petition district.~~

~~4. In determining from the records of registration the number of registered voters who signed the documents, the county clerk may use the signatures contained in the file of applications to register to vote. If the county clerk uses that file, the county clerk shall ensure that every application in the file is examined, including any application in his or her possession which may not yet be entered into the county clerk's records. Except as otherwise provided in subsection 5, the county clerk shall rely only on the appearance of the signature and the address and date included with each signature in making his or her determination.~~

~~5. If:~~

~~(a) Pursuant to NRS 293.506, a county clerk establishes a system to allow persons to register to vote by computer;~~ ~~[or]~~

~~(b)~~ ~~*A person registers to vote pursuant to section 6.5 or 76.5 of this act;*~~ ~~*or*~~

~~*(c)* A person registers to vote pursuant to NRS 293D.230 and signs his or her application to register to vote using a digital signature or an electronic signature,~~

~~" the county clerk may rely on such other indicia as prescribed by the Secretary of State in making his or her determination.~~

~~6. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, when the county clerk is determining the number of registered voters who signed the documents from each petition district contained fully or partially within the county clerk's county, he or she must use the statewide voter registration list available pursuant to NRS 293.675.~~

~~7. Except as otherwise provided in subsection 9, upon completing the examination, the county clerk shall immediately attach to the documents a certificate properly dated, showing the result of the examination, including the tally of signatures by petition district, if required, and transmit the documents with the certificate to the Secretary of State. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, if a petition district comprises more than one county, the appropriate county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section to complete the certificate. A copy of this certificate must be filed in the clerk's office. When the county clerk transmits the certificate to the Secretary of State, the county clerk shall notify~~

~~the Secretary of State of the number of requests to remove a name received by the county clerk pursuant to NRS 295.055 or 306.015.~~

~~— 8. A person who submits a petition to the county clerk which is required to be verified pursuant to NRS 293.128, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be allowed to witness the verification of the signatures. A public officer who is the subject of a recall petition must also be allowed to witness the verification of the signatures on the petition.~~

~~— 9. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not transmit to the Secretary of State the documents containing the signatures of the registered voters.~~

~~— 10. The Secretary of State shall by regulation establish further procedures for carrying out the provisions of this section.]~~ **(Deleted by amendment.)**

Sec. 17. NRS 293.247 is hereby amended to read as follows:

293.247 1. The Secretary of State shall adopt regulations, not inconsistent with the election laws of this State, for the conduct of primary, general, special and district elections in all cities and counties. Permanent regulations of the Secretary of State that regulate the conduct of a primary, general, special or district election and are effective on or before the last business day of February immediately preceding a primary, general, special or district election govern the conduct of that election.

2. The Secretary of State shall prescribe the forms for a declaration of candidacy, certificate of candidacy, acceptance of candidacy and any petition which is filed pursuant to the general election laws of this State.

3. The regulations must prescribe:

(a) The manner of printing ballots and the number of ballots to be distributed to precincts and districts;

(b) The form and placement of instructions to voters;

(c) The disposition of election returns;

(d) The procedures to be used for canvasses, ties, recounts and contests, including, without limitation, the appropriate use of a paper record created when a voter casts a ballot on a mechanical voting system that directly records the votes electronically;

(e) The procedures to be used to ensure the security of the ballots from the time they are transferred from the polling place until they are stored pursuant to the provisions of NRS 293.391 or 293C.390;

(f) The procedures to be used to ensure the security and accuracy of computer programs and tapes used for elections;

(g) The procedures to be used for the testing, use and auditing of a mechanical voting system which directly records the votes electronically and which creates a paper record when a voter casts a ballot on the system;

(h) The acceptable standards for the sending and receiving of applications, forms and ballots, by approved electronic transmission, by the county clerks

and the electors **,** ~~[or]~~ registered voters ***or other persons*** who are authorized to use approved electronic transmission pursuant to the provisions of this title;

(i) The forms for applications to ***preregister and*** register to vote and any other forms necessary for the administration of this title; and

(j) Such other matters as determined necessary by the Secretary of State.

4. The Secretary of State may provide interpretations and take other actions necessary for the effective administration of the statutes and regulations governing the conduct of primary, general, special and district elections in this State.

5. The Secretary of State shall prepare and distribute to each county and city clerk copies of:

(a) Laws and regulations concerning elections in this State;

(b) Interpretations issued by the Secretary of State's Office; and

(c) Any Attorney General's opinions or any state or federal court decisions which affect state election laws or regulations whenever any of those opinions or decisions become known to the Secretary of State.

Sec. 18. NRS 293.250 is hereby amended to read as follows:

293.250 1. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall, in a manner consistent with the election laws of this State, prescribe:

(a) The form of all ballots, absent ballots, diagrams, sample ballots, certificates, notices, declarations, applications to ***preregister and*** register to vote, lists, applications, registers, rosters, statements and abstracts required by the election laws of this State.

(b) The procedures to be followed and the requirements of a system established pursuant to NRS 293.506 for using a computer to register voters and to keep records of registration.

2. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall prescribe with respect to the matter to be printed on every kind of ballot:

(a) The placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State.

(b) The listing of all other candidates required to file with the Secretary of State, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his or her county.

3. The Secretary of State shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter's choice.

4. The fiscal note for, explanation of, arguments for and against, and rebuttals to such arguments of each proposed constitutional amendment or statewide measure must be included on all sample ballots.

5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be

prepared by the Secretary of State, upon consultation with the Attorney General. The arguments and rebuttals for or against constitutional amendments and statewide measures proposed by initiative or referendum must be prepared in the manner set forth in NRS 293.252. The fiscal notes for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau. The condensations, explanations, arguments, rebuttals and fiscal notes must be in easily understood language and of reasonable length, and whenever feasible must be completed by August 1 of the year in which the general election is to be held. The explanations must include a digest. The digest must include a concise and clear summary of any existing laws directly related to the constitutional amendment or statewide measure and a summary of how the constitutional amendment or statewide measure adds to, changes or repeals such existing laws. For a constitutional amendment or statewide measure that creates, generates, increases or decreases any public revenue in any form, the first paragraph of the digest must include a statement that the constitutional amendment or statewide measure creates, generates, increases or decreases, as applicable, public revenue.

6. The names of candidates for township and legislative or special district offices must be printed only on the ballots furnished to voters of that township or district.

7. A county clerk:

(a) May divide paper ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.

(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.

Sec. 19. NRS 293.2546 is hereby amended to read as follows:

293.2546 The Legislature hereby declares that each voter has the right:

1. To receive and cast a ballot that:

(a) Is written in a format that allows the clear identification of candidates; and

(b) Accurately records the voter's preference in the selection of candidates.

2. To have questions concerning voting procedures answered and to have an explanation of the procedures for voting posted in a conspicuous place at the polling place.

3. To vote without being intimidated, threatened or coerced.

4. To vote on election day if the voter is waiting in line ~~***[to vote or register to vote before 7 p.m.]***~~ at ~~[his or her]~~ ***a*** polling place ***at which he or she is entitled*** to vote before 7 p.m. ~~***[or register to vote]***~~ and the voter has not already cast a vote in that election.

5. To return a spoiled ballot and is entitled to receive another ballot in its place.

6. To request assistance in voting, if necessary.

7. To a sample ballot which is accurate, informative and delivered in a timely manner. ~~*[as provided by law.]*~~

8. To receive instruction in the use of the equipment for voting during early voting or on election day.

9. To have nondiscriminatory equal access to the elections system, including, without limitation, a voter who is elderly, disabled, a member of a minority group, employed by the military or a citizen who is overseas.

10. To have a uniform, statewide standard for counting and recounting all votes accurately.

11. To have complaints about elections and election contests resolved fairly, accurately and efficiently.

Sec. 20. NRS 293.2725 is hereby amended to read as follows:

293.2725 1. Except as otherwise provided in subsection 2, in NRS 293.3081 and 293.3083 and in federal law, a person who registers ***to vote*** by mail or computer ~~[to vote in this State]~~ ***or a person who preregisters to vote by mail or computer and is subsequently deemed to be registered to vote,*** and who has not previously voted in an election for federal office in this State:

(a) May vote at a polling place only if the person presents to the election board officer at the polling place:

(1) A current and valid photo identification of the person, which shows his or her physical address; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517; and

(b) May vote by mail only if the person provides to the county or city clerk:

(1) A copy of a current and valid photo identification of the person, which shows his or her physical address; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517.

➥ If there is a question as to the physical address of the person, the election board officer or clerk may request additional information.

2. The provisions of subsection 1 do not apply to a person who:

(a) Registers to vote by mail ***or computer, or preregisters to vote by mail or computer and is subsequently deemed to be registered to vote,*** and submits with an application to ***preregister or*** register to vote:

(1) A copy of a current and valid photo identification; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517;

(b) Except as otherwise provided in subsection 3, registers to vote by mail or computer and submits with an application to register to vote a driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(c) Is entitled to vote an absent ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq.;

(d) Is provided the right to vote otherwise than in person under the Voting Accessibility for the Elderly and Handicapped Act, 52 U.S.C. §§ 20101 et seq.; or

(e) Is entitled to vote otherwise than in person under any other federal law.

3. The provisions of subsection 1 apply to a person described in paragraph (b) of subsection 2 if the voter registration card issued to the person pursuant to subsection 6 of NRS 293.517 is mailed by the county clerk to the person and returned to the county clerk by the United States Postal Service.

Sec. 21. NRS 293.273 is hereby amended to read as follows:

293.273 1. Except as otherwise provided in subsection 2 and NRS 293.305, at all elections held under the provisions of this title, the polls must open at 7 a.m. and close at 7 p.m.

2. ~~[~~Whenever~~]~~ ***Except as otherwise provided in this subsection, whenever*** at any election all the votes of the polling place, as shown on the roster, have been cast, the election board officers shall close the polls, and the counting of votes must begin and continue without unnecessary delay until the count is completed. ~~***[The provisions of this]***~~ ***This subsection*** ~~***[do]***~~ ***does not apply to a polling place established pursuant to section 2 of this act*** ***.*** ~~***[or designated pursuant to section 6.5 of this act.]***~~

3. Upon opening the polls, one of the election board officers shall cause a proclamation to be made that all present may be aware of the fact that applications of registered voters to vote will be received.

4. No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this title.

Sec. 22. NRS 293.275 is hereby amended to read as follows:

293.275 ~~[No]~~

1. Except as otherwise provided in subsection 2, an election board may ***not*** perform its duty in serving registered voters at any polling place in any election provided for in this title, unless it has before it the roster ~~***[or rosters]***~~ for the polling place.

2. For a polling place established pursuant to section 2 or 72 of this act, an election board may perform its duty in serving registered voters at the polling place in an election if the election board has before it the roster for the county or city, as applicable.

Sec. 23. NRS 293.277 is hereby amended to read as follows:

293.277 1. Except as otherwise provided in NRS 293.283 and 293.541, if a person's name appears in the roster ~~[,]~~ or if the person provides an affirmation pursuant to NRS 293.525 ~~[, or if the person registered to vote on the day of the primary or general election pursuant to section 6.5 of this act,]~~ the person is entitled to vote and must sign his or her name in the ~~[correct]~~ roster ***or on a signature card*** when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's application to register to vote or one of the forms of identification listed in subsection 2.

2. Except as otherwise provided in NRS 293.2725, the forms of identification which may be used individually to identify a voter at the polling place are:

(a) The card issued to the voter at the time he or she registered to vote ~~[,]~~ ***or was deemed to be registered to vote;***

(b) A driver's license;

(c) An identification card issued by the Department of Motor Vehicles;

(d) A military identification card; or

(e) Any other form of identification issued by a governmental agency which contains the voter's signature and physical description or picture.

3. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that county in the current election.

Sec. 24. NRS 293.283 is hereby amended to read as follows:

293.283 1. If, because of physical limitations, a registered voter is unable to sign his or her name in the roster ***or on a signature card*** as required by NRS 293.277, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote ~~[.]~~ ***or was deemed to be registered to vote.***

2. If the identity of the voter is verified, the election board officer shall indicate in the roster "Identified" by the voter's name.

Sec. 25. NRS 293.285 is hereby amended to read as follows:

293.285 1. Except as otherwise provided in NRS 293.283, a registered voter applying to vote shall state his or her name to the election board officer in charge of the roster, and the officer shall immediately announce the name, instruct the voter to sign the roster ~~[, and]~~ ***or signature card,*** verify the signature of the voter in the manner set forth in NRS 293.277 ~~[.]~~ ***and verify that the registered voter has not already voted in that county in the current election.***

2. If the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote ~~[.]~~ ***or was deemed to be registered to vote.***

3. If the signature of the voter has changed in comparison to the signature on the application to ***preregister or*** register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

Sec. 26. NRS 293.296 is hereby amended to read as follows:

293.296 1. Any registered voter who by reason of a physical disability or an inability to read or write English is unable to mark a ballot or use any voting device without assistance is entitled to assistance from a consenting person of his or her own choice, except:

(a) The voter's employer or an agent of the voter's employer; or

(b) An officer or agent of the voter's labor organization.

2. A person providing assistance pursuant to this section to a voter in casting a vote shall not disclose any information with respect to the casting of that ballot.

3. The right to assistance in casting a ballot may not be denied or impaired when the need for assistance is apparent or is known to the election board or any member thereof or when the registered voter requests such assistance in any manner.

4. In addition to complying with the requirements of this section, the county clerk and election board officer shall, upon the request of a registered voter with a physical disability, make reasonable accommodations to allow the voter to vote at ~~[his or her]~~ ***a*** polling place ~~[.]~~ ***at which he or she is entitled to vote.***

Sec. 26.2. ~~[NRS 293.305 is hereby amended to read as follows:~~

~~293.305 1. If at the hour of closing the polls there are any [registered] :~~

~~*(a) Registered* voters waiting to vote [,] *; or*~~

~~*(b) If the polling place has been designated pursuant to section 6.5 of this act as a site for an elector of the county to register to vote on the day of the election, persons waiting to register to vote,*~~

~~→ the doors of the polling place must be closed after all such [voters] *persons* have been admitted to the polling place. Voting must continue until those [voters] *persons* have voted.~~

~~2. The deputy sheriff shall allow other persons to enter the polling place after the doors have been closed for the purpose of observing or any other legitimate purpose if there is room within the polling place and such admittance will not interfere unduly with the voting [.] *or voter registration.]*~~

(Deleted by amendment.)

Sec. 26.4. ~~[NRS 293.356 is hereby amended to read as follows:~~

~~293.356 If a request is made ***in person*** to vote early by a registered voter ~~[~~in person,~~]~~ ***, including, without limitation, a registered voter who registers to vote after the beginning of the period for early voting by personal appearance,*** the election board shall issue a ballot for early voting to the voter. Such a ballot must be voted on the premises of a polling place for early voting established pursuant to NRS 293.3564 or 293.3572.~~]~~~~ **(Deleted by amendment.)**

Sec. 26.6. ~~[NRS 293.3568 is hereby amended to read as follows:~~

~~293.3568 1. [The] ***Except as otherwise provided in this section, the*** period for early voting by personal appearance begins the third Saturday preceding a primary or general election and extends through the Friday before election day, Sundays and federal holidays excepted.~~

~~2. [The] ***In a county whose population is 100,000 or more, the county clerk:***~~

~~***(a) Shall include any Sunday that falls within the period for early voting by personal appearance.***~~

~~***(b) May:***~~

~~***(1) Include any federal holiday that falls within the period for early voting by personal appearance.***~~

~~***(2) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.***~~

~~***3. In a county whose population is less than 100,000, the*** county clerk may:~~

~~(a) Include any Sunday or federal holiday that falls within the period for early voting by personal appearance.~~

~~(b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.~~

~~[3.] ***4.*** A permanent polling place for early voting must remain open:~~

~~(a) On Monday through Friday:~~

~~(1) During the first week of early voting, from 8 a.m. until 6 p.m.~~

~~(2) During the second week of early voting, from 8 a.m. until 6 p.m., or until 8 p.m. if the county clerk so requires.~~

~~(b) On any Saturday that falls within the period for early voting, for at least 4 hours between 10 a.m. and 6 p.m.~~

~~(c) [If] ***In a county whose population is 100,000 or more, on any Sunday that falls within the period for early voting, for at least 4 hours between 10 a.m. and 6 p.m.***~~

~~***(d) In a county whose population is less than 100,000, if*** the county clerk includes a Sunday that falls within the period for early voting pursuant to subsection [2,] ***3,*** during such hours as the county clerk may establish.~~]~~ **(Deleted by amendment.)**

Sec. 26.8. ~~[NRS 293.3572 is hereby amended to read as follows:~~

~~293.3572 1. In addition to permanent polling places for early voting, the county clerk may establish temporary branch polling places for early~~

~~voting which may include, without limitation, the clerk's office pursuant to NRS 293.3561.~~

~~2. The provisions of [subsection] *subsections 2,* 3 *and 4* of NRS 293.3568 do not apply to a temporary polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the county clerk.~~

~~3. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.~~

~~4. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.] (Deleted by amendment.)~~

Sec. 27. NRS 293.3585 is hereby amended to read as follows:

293.3585 1. Except as otherwise provided in NRS 293.283, upon the appearance of a person to cast a ballot for early voting, an election board officer shall:

(a) Determine that the person is a registered voter in the county.

(b) Instruct the voter to sign the roster for early voting ~~[.]~~ ***or a signature card.***

(c) Verify the signature of the voter in the manner set forth in NRS 293.277.

(d) Verify that the voter has not already voted ***in that county*** in the current election ~~[.]~~ pursuant to this section.

2. If the signature of the voter does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote ~~[.]~~ ***or was deemed to be registered to vote.***

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted ***in that county*** in the current election ~~[.]~~ pursuant to this section.

5. The roster for early voting ***or a signature card, as applicable,*** must contain:

(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number, if that information is available; and

(c) The date of voting early in person.

6. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

7. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district, if that information is available, and the form of ballot are indicated on the voting receipt, if the county clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

8. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293.303.

Sec. 27.5. **NRS 293.3604 is hereby amended to read as follows:**

293.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election other than a presidential preference primary election:

1. At the close of each voting day, the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

(1) The title of the election;

(2) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;

(3) The number of ballots voted on the mechanical recording device for that day; ~~[and]~~

(4) The number of signatures in the roster for early voting for that day ~~[.]~~ ***; and***

(5) The number of signatures on signature cards for the day.

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293.3594; and

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293.3594.

2. At the close of the last voting day, the county clerk shall deliver to the ballot board for early voting:

(a) The statements for all polling places for early voting;

(b) The voting rosters used for early voting;

(c) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting;

(d) The signature cards used for early voting; and

~~[(d)]~~ ***(e)*** Any other items as determined by the county clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

(a) Indicate the number of ballots on an official statement of ballots; and

(b) Place the storage devices in the container provided to transport those items to the central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the storage devices to the central counting place.

Sec. 28. NRS 293.389 is hereby amended to read as follows:

293.389 The Secretary of State, a board of county commissioners, a county clerk and any other person who prepares an abstract of votes or other report of votes pursuant to this chapter shall not include in that abstract or report a person designated as an inactive voter pursuant to ~~[subsection 7]~~ ***paragraph (g) of subsection 1*** of NRS 293.530 when determining the percentage of voters who have voted or the total number of voters.

Sec. 29. NRS 293.4689 is hereby amended to read as follows:

293.4689 1. If a county clerk maintains a website on the Internet for information related to elections, the website must contain public information maintained, collected or compiled by the county clerk that relates to elections, which must include, without limitation:

(a) The locations of polling places for casting a ballot on election day in such a format that a registered voter may search the list to determine the location of the polling place ***or places*** at which the registered voter is ~~[required]~~ ***entitled*** to cast a ballot; and

(b) The abstract of votes required pursuant to the provisions of NRS 293.388.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by a county clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, another county clerk or a city clerk, the county clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 30. (Deleted by amendment.)

Sec. 31. (Deleted by amendment.)

Sec. 32. NRS 293.486 is hereby amended to read as follows:

293.486 1. Except as otherwise provided in subsection 2, for the purposes of ***preregistering or*** registering to vote, the address at which the ~~[voter]~~ ***person*** actually resides is the street address assigned to the location at which the ~~[voter]~~ ***person*** actually resides.

2. For the purposes of ***preregistering or*** registering to vote, if the ~~[voter]~~ ***person*** does not reside at a location that has been assigned a street address, the address at which the ~~[voter]~~ ***person*** actually resides is a description of the location at which the ~~[voter]~~ ***person*** actually resides. The description must

identify the location with sufficient specificity to allow the county clerk to assign the location to a precinct.

3. The provisions of this section do not authorize a person to ***preregister or*** register to vote if the person is not otherwise eligible to ***preregister or*** register to vote ~~[.]~~ ***, as applicable.***

Sec. 33. NRS 293.5002 is hereby amended to read as follows:

293.5002 1. The Secretary of State shall establish procedures to allow a person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive, to:

(a) ~~[~~Register~~]~~ ***Preregister or register*** to vote; and

(b) Vote by absent ballot,

➥ without revealing the confidential address of the person.

2. In addition to establishing appropriate procedures or developing forms pursuant to subsection 1, the Secretary of State shall develop a form to allow a person for whom a fictitious address has been issued to ***preregister or*** register to vote or to change the address of the person's current ***preregistration or*** registration ~~[.]~~ ***, as applicable.*** The form must include:

(a) A section that contains the confidential address of the person; and

(b) A section that contains the fictitious address of the person.

3. Upon receiving a completed form from a person for whom a fictitious address has been issued, the Secretary of State shall:

(a) On the portion of the form that contains the fictitious address of the person, indicate the county and precinct in which the person will vote and forward this portion of the form to the appropriate county clerk; and

(b) File the portion of the form that contains the confidential address.

4. Notwithstanding any other provision of law, any request received by the Secretary of State pursuant to subsection 3 shall be deemed a request for a permanent absent ballot.

5. Notwithstanding any other provision of law:

(a) The Secretary of State and each county clerk shall keep the portion of the form developed pursuant to subsection 2 that he or she retains separate from other applications for ***preregistration or*** registration.

(b) The county clerk shall not make the name, confidential address or fictitious address of the person who has been issued a fictitious address available for:

(1) Inspection or copying; or

(2) Inclusion in any list that is made available for public inspection,

➥ unless directed to do so by lawful order of a court of competent jurisdiction.

Sec. 34. NRS 293.503 is hereby amended to read as follows:

293.503 1. The county clerk of each county where a registrar of voters has not been appointed pursuant to NRS 244.164:

(a) Is ex officio county registrar and registrar for all precincts within the county.

(b) Shall have the custody of all books, documents and papers pertaining to ***preregistration or*** registration provided for in this chapter.

2. All books, documents and papers pertaining to ***preregistration or*** registration are official records of the office of the county clerk.

3. The county clerk shall maintain records of any program or activity that is conducted within the county to ensure the accuracy and currency of the registrar of voters' register for not less than 2 years after creation. The records must include the names and addresses of any person to whom a notice is mailed pursuant to NRS 293.5235, 293.530, or 293.535 and whether the person responded to the notice.

4. Any program or activity that is conducted within the county for the purpose of removing the name of each person who is ineligible to vote in the county from the registrar of voters' register must be complete not later than 90 days before the next primary or general election.

5. Except as otherwise provided by subsection 6, all records maintained by the county clerk pursuant to subsection 3 must be available for public inspection.

6. Except as otherwise provided in NRS 239.0115, any information relating to where a person ***preregisters or*** registers to vote must remain confidential and is not available for public inspection. Such information may only be used by an election officer for purposes related to ~~[voter]~~ ***preregistration and*** registration.

Sec. 35. NRS 293.5035 is hereby amended to read as follows:

293.5035 1. The county clerk may designate any building owned or leased by the county, or any portion of such a building, as a county facility at which ***persons may preregister to vote and*** electors may register to vote.

2. A county facility designated pursuant to subsection 1 must be operated as an auxiliary county facility at which ~~[voter]~~ ***preregistration and*** registration ~~[is]~~ ***are*** carried out in addition to being carried out at the office of the county clerk.

3. If the county clerk designates a county facility pursuant to subsection 1, the county clerk shall determine the hours of operation for the facility and shall, in cooperation with the Secretary of State, ensure that the facility is operated, staffed and equipped in compliance with all applicable provisions of this title and all other applicable provisions of state and federal law relating to the ***preregistration of persons and the*** registration of electors in this State.

Sec. 36. NRS 293.504 is hereby amended to read as follows:

293.504 1. The following offices shall serve as voter registration agencies:

(a) Such offices that provide public assistance as are designated by the Secretary of State;

(b) Each office that receives money from the State of Nevada to provide services to persons with disabilities in this State;

(c) The offices of the Department of Motor Vehicles;

(d) The offices of the city and county clerks;

(e) Such other county and municipal facilities as a county clerk or city clerk may designate pursuant to NRS 293.5035 or 293C.520, as applicable;

(f) Recruitment offices of the United States Armed Forces; and

(g) Such other offices as the Secretary of State deems appropriate.

2. Each voter registration agency shall:

(a) Post in a conspicuous place, in at least 12-point type, instructions for ***preregistering and*** registering to vote;

(b) Except as otherwise provided in subsection 3, distribute applications to ***preregister or*** register to vote which may be returned by mail with any application for services or assistance from the agency or submitted for any other purpose and with each application for recertification, renewal or change of address submitted to the agency that relates to such services, assistance or other purpose;

(c) Provide the same amount of assistance to an applicant in completing an application to ***preregister or*** register to vote as the agency provides to a person completing any other forms for the agency; and

(d) Accept completed applications to ***preregister or*** register to vote.

3. A voter registration agency is not required to provide an application to ***preregister or*** register to vote pursuant to paragraph (b) of subsection 2 to a person who applies for or receives services or assistance from the agency or submits an application for any other purpose if the person ***affirmatively*** declines to ***preregister or*** register to vote and submits to the agency a written form that meets the requirements of ~~[~~42~~]~~ ***52*** U.S.C. § ~~[1973gg-5(a)(6). No information]~~ ***20506(a)(6). Information*** related to the declination to ***preregister or*** register to vote may ***not*** be used for any purpose other than voter registration.

4. Except as otherwise provided in this subsection and NRS 293.524, any application to ***preregister or*** register to vote accepted by a voter registration agency must be transmitted to the county clerk not later than 10 days after the application is accepted. The applications must be forwarded daily during the 2 weeks immediately preceding the fifth Sunday preceding an election. The county clerk shall accept any application ~~[to register to vote]~~ which is obtained from a voter registration agency pursuant to this section and completed by the fifth Sunday preceding an election if the county clerk receives the application not later than 5 days after that date.

5. The Secretary of State shall cooperate with the Secretary of Defense to develop and carry out procedures to enable persons in this State to apply to ***preregister or*** register to vote at recruitment offices of the United States Armed Forces.

Sec. 37. (Deleted by amendment.)

Sec. 38. NRS 293.505 is hereby amended to read as follows:

293.505 1. All justices of the peace, except those located in county seats, are ex officio field registrars to carry out the provisions of this chapter.

2. The county clerk shall appoint at least one registered voter to serve as a field registrar of voters who, except as otherwise provided in NRS 293.5055, shall ***preregister and*** register voters within the county for which the field registrar is appointed. Except as otherwise provided in subsection 1, a candidate for any office may not be appointed or serve as a field registrar. A field registrar serves at the pleasure of the county clerk and shall perform such duties as the county clerk may direct. The county clerk shall not knowingly appoint any person as a field registrar who has been convicted of a felony involving theft or fraud. The Secretary of State may bring an action against a county clerk to collect a civil penalty of not more than $5,000 for each person who is appointed as a field registrar in violation of this subsection. Any civil penalty collected pursuant to this subsection must be deposited with the State Treasurer for credit to the State General Fund.

3. A field registrar shall demand of any person who applies for ***preregistration or*** registration all information required by the application to ***preregister or*** register to vote ***, as applicable,*** and shall administer all oaths required by this chapter.

4. When a field registrar has in his or her possession five or more completed applications to ***preregister or*** register to vote, the field registrar shall forward them to the county clerk, but in no case may the field registrar hold any number of them for more than 10 days.

5. Each field registrar shall forward to the county clerk all completed applications in his or her possession immediately after the fifth Sunday preceding an election. Within 5 days after the fifth Sunday preceding any general election or general city election, a field registrar shall return all unused applications in his or her possession to the county clerk. If all of the unused applications are not returned to the county clerk, the field registrar shall account for the unreturned applications.

6. Each field registrar shall submit to the county clerk a list of the serial numbers of the completed applications to ***preregister or*** register to vote and the names of the electors on those applications. The serial numbers must be listed in numerical order.

7. Each field registrar shall post notices sent to him or her by the county clerk for posting in accordance with the election laws of this State.

8. A field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 shall not:

(a) Delegate any of his or her duties to another person; or

(b) Refuse to ***preregister or*** register a person on account of that person's political party affiliation.

9. A person shall not hold himself or herself out to be or attempt to exercise the duties of a field registrar unless the person has been so appointed.

10. A county clerk, field registrar, employee of a voter registration agency or person assisting ~~[a voter]~~ ***another person*** pursuant to subsection 13 of NRS 293.5235 shall not:

(a) Solicit a vote for or against a particular question or candidate;

(b) Speak to a ~~[voter]~~ ***person*** on the subject of marking his or her ballot for or against a particular question or candidate; or

(c) Distribute any petition or other material concerning a candidate or question which will be on the ballot for the ensuing election,

➥ while ***preregistering or*** registering ~~[an elector.]~~ ***the person.***

11. When the county clerk receives applications to ***preregister or*** register to vote from a field registrar, the county clerk shall issue a receipt to the field registrar. The receipt must include:

(a) The number of persons ***preregistered or*** registered; and

(b) The political party of the persons ***preregistered or*** registered.

12. A county clerk, field registrar, employee of a voter registration agency or person assisting ~~[a voter]~~ ***another person*** pursuant to subsection 13 of NRS 293.5235 shall not:

(a) Knowingly ~~[register]~~ ***:***

(1) Register a person who is not a qualified elector or a person who has filed a false or misleading application to register to vote; or

(2) Preregister a person who does not meet the qualifications set forth in section 14 of this act; or

(b) ~~[Register]~~ ***Preregister or register*** a person who fails to provide satisfactory proof of identification and the address at which the person actually resides.

13. A county clerk, field registrar, employee of a voter registration agency, person assisting ~~[a voter]~~ ***another person*** pursuant to subsection 13 of NRS 293.5235 or any other person providing a form for the application to ***preregister or*** register to vote to an elector for the purpose of ***preregistering or*** registering to vote:

(a) If the person who assists ~~[an elector]~~ ***another person*** with completing the form for the application to ***preregister or*** register to vote retains the form, shall enter his or her name on the duplicate copy or receipt retained by the ~~[voter]~~ ***person*** upon completion of the form; and

(b) Shall not alter, deface or destroy an application to ***preregister or*** register to vote that has been signed by ~~[an elector]~~ ***a person*** except to correct information contained in the application after receiving notice from the ~~[elector]~~ ***person*** that a change in or addition to the information is required.

14. If a field registrar violates any of the provisions of this section, the county clerk shall immediately suspend the field registrar and notify the district attorney of the county in which the violation occurred.

15. A person who violates any of the provisions of subsection 8, 9, 10, 12 or 13 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 39. NRS 293.5055 is hereby amended to read as follows:

293.5055 A county clerk or field registrar may ***preregister or*** register, outside the boundaries of the county, any ~~[voter]~~ ***person*** who is a resident of

that county ~~[.]~~ ***and meets the qualifications to preregister or register to vote, as applicable.***

Sec. 40. NRS 293.5057 is hereby amended to read as follows:

293.5057 A person who does not maintain a residence in this State may ***preregister or*** register to vote for the office of President and Vice President of the United States if the person files a sworn statement with the county clerk or field registrar of voters that the person is not ***preregistered or*** registered to vote in any other state and provides evidence:

1. Of his or her domicile in this State in accordance with the provisions of NRS 41.191;

2. That he or she maintains an account at a financial institution located in this State; or

3. That his or her motor vehicle is registered in this State.

Sec. 41. NRS 293.506 is hereby amended to read as follows:

293.506 1. A county clerk may, with approval of the board of county commissioners, establish a system for using a computer to register voters and to keep records of registration.

2. A system established pursuant to subsection 1 must ~~[comply]~~ ***:***

(a) Comply with any procedures and requirements prescribed by the Secretary of State pursuant to NRS 293.250 ~~[.]~~ ***; and***

(b) Allow a person to preregister to vote and the county clerk to keep records of preregistration by computer.

Sec. 42. NRS 293.507 is hereby amended to read as follows:

293.507 1. The Secretary of State shall prescribe:

(a) ~~[A standard form]~~ ***Standard forms*** for applications to ***preregister or*** register to vote;

(b) ~~[A special form]~~ ***Special forms*** for ***preregistration and*** registration to be used in a county where registrations are performed and records of registration are kept by computer; and

(c) A standard form for the affidavit described in subsection 5.

2. The county clerks shall provide forms for applications to ***preregister or*** register to vote to field registrars in the form and number prescribed by the Secretary of State.

3. Each form for an application to ***preregister or*** register to vote must include a:

(a) Unique control number assigned by the Secretary of State; and

(b) Receipt which:

(1) Includes a space for a person assisting an applicant in completing the form to enter the person's name; and

(2) May be retained by the applicant upon completion of the form.

4. The form for an application to ***preregister or*** register to vote must include:

(a) A line for use by the applicant to enter:

(1) The number indicated on the applicant's current and valid driver's license issued by the Department of Motor Vehicles, if the applicant has such a driver's license;

(2) The last four digits of the applicant's social security number, if the applicant does not have a driver's license issued by the Department of Motor Vehicles and does have a social security number; or

(3) The number issued to the applicant pursuant to subsection 5, if the applicant does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number.

(b) A line on which to enter the address at which the applicant actually resides, as set forth in NRS 293.486.

(c) A notice that the applicant may not list a business as the address required pursuant to paragraph (b) unless the applicant actually resides there.

(d) A line on which to enter an address at which the applicant may receive mail, including, without limitation, a post office box or general delivery.

5. If an applicant does not have the identification set forth in subparagraph (1) or (2) of paragraph (a) of subsection 4, the applicant shall sign an affidavit stating that he or she does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number. Upon receipt of the affidavit, the county clerk shall issue an identification number to the applicant which must be the same number as the unique identifier assigned to the applicant for purposes of the statewide voter registration list.

6. The Secretary of State shall adopt regulations to carry out the provisions of subsections 3, 4 and 5.

Sec. 43. NRS 293.508 is hereby amended to read as follows:

293.508 The Secretary of State shall include on all forms for an application to ***preregister or*** register to vote prescribed by the Secretary of State the following option, printed in a separate box created by bold lines, in at least 14-point bold type:

[ ] CHECK THIS BOX TO RECEIVE A SAMPLE BALLOT IN LARGER TYPE

Sec. 44. NRS 293.509 is hereby amended to read as follows:

293.509 1. A county clerk may provide the ~~[form for the application]~~ ***forms for applications*** to ***preregister or*** register to vote prescribed by the Secretary of State pursuant to NRS 293.507 to a candidate, major political party, minor political party or any other person submitting a request pursuant to subsection 2.

2. A candidate, major political party, minor political party or other person shall:

(a) Submit a request for forms for ~~[the application]~~ ***applications*** to ***preregister or*** register to vote to the county clerk in person, by telephone, in writing or by facsimile machine; and

(b) State the number of forms for ~~[the application]~~ ***applications*** to ***preregister or*** register to vote that the candidate, major political party, minor political party or other person is requesting.

3. The county clerk may record the control numbers assigned to the forms by the Secretary of State pursuant to NRS 293.507 of the forms he or she provided in response to the request. The county clerk shall maintain a request for multiple applications with the county clerk's records.

Sec. 45. NRS 293.510 is hereby amended to read as follows:

293.510 1. In counties where computers are not used to register voters, the county clerk shall:

(a) Segregate original applications to register to vote according to the precinct in which the registered voters reside and arrange the applications in each precinct or district in alphabetical order. The applications for each precinct or district must be kept separately for each precinct or district. These applications must be used to prepare the rosters.

(b) Arrange the duplicate applications of registration in alphabetical order for the entire county and keep them in binders or a suitable file which constitutes the registrar of voters' register.

2. In any county where a computer is used to register voters, the county clerk shall:

(a) Arrange the original applications to register to vote for the entire county in a manner in which an original application may be quickly located. These original applications constitute the registrar of voters' register.

(b) Segregate the applications to register to vote in a computer file according to the precinct or district in which the registered voters reside, and for each precinct or district have printed a computer listing which contains the applications to register to vote in alphabetical order. These listings of applications to register to vote must be used to prepare the rosters.

3. Each county clerk shall keep the applications to preregister to vote separate from the applications to register to vote until such applications are deemed to be applications to register to vote pursuant to section 14 of this act.

Sec. 46. (Deleted by amendment.)

Sec. 47. NRS 293.517 is hereby amended to read as follows:

293.517 1. Any ***person who meets the qualifications set forth in section 14 of this act residing within the county may preregister to vote and any*** elector residing within the county may register to vote:

(a) Except as otherwise provided in NRS 293.560 and 293C.527, by appearing before the county clerk, a field registrar or a voter registration agency, completing the application to ***preregister or*** register to vote, giving true and satisfactory answers to all questions relevant to his or her identity and right to ***preregister or register to*** vote, and providing proof of residence and identity;

(b) By completing and mailing or personally delivering to the county clerk an application to ***preregister or*** register to vote pursuant to the provisions of NRS 293.5235;

(c) Pursuant to the provisions of NRS 293.524 or chapter 293D of NRS ; ~~*[or section 6.5 or 76.5 of this act;]*~~

(d) At his or her residence with the assistance of a field registrar pursuant to NRS 293.5237; or

(e) By submitting an application to ***preregister or*** register to vote by computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.

➥ The county clerk shall require a person to submit official identification as proof of residence and identity, such as a driver's license or other official document, before ***preregistering or*** registering the person. If the applicant ***preregisters or*** registers to vote pursuant to this subsection and fails to provide proof of residence and identity, the applicant must provide proof of residence and identity before casting a ballot in person or by mail or after casting a provisional ballot pursuant to NRS 293.3081 or 293.3083. For the purposes of this subsection, a voter registration card issued pursuant to subsection 6 does not provide proof of the residence or identity of a person.

2. The application to ***preregister or*** register to vote must be signed and verified under penalty of perjury by the ***person preregistering or the*** elector registering.

3. Each ***person or*** elector who is or has been married must be ***preregistered or*** registered under his or her own given or first name, and not under the given or first name or initials of his or her spouse.

4. ~~[An]~~ ***A person or an*** elector who is ***preregistered or*** registered and changes his or her name must complete a new application to ***preregister or*** register to vote ~~[.]~~ ***, as applicable.*** The ***person or*** elector may obtain a new application:

(a) At the office of the county clerk or field registrar;

(b) By submitting an application to ***preregister or*** register to vote pursuant to the provisions of NRS 293.5235;

(c) By submitting a written statement to the county clerk requesting the county clerk to mail an application to ***preregister or*** register to vote;

(d) At any voter registration agency; or

(e) By submitting an application to ***preregister or*** register to vote by computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.

➥ If the elector fails to register under his or her new name, the elector may be challenged pursuant to the provisions of NRS 293.303 or 293C.292 and may be required to furnish proof of identity and subsequent change of name.

5. Except as otherwise provided in subsection 7, an elector who registers to vote pursuant to paragraph (a) of subsection 1 shall be deemed to be registered upon the completion of an application to register to vote.

6. After the county clerk determines that the application to register to vote of a person is complete and that, except as otherwise provided in NRS 293D.210, the person is eligible to vote pursuant to NRS 293.485, the county clerk shall issue a voter registration card to the voter which contains:

(a) The name, address, political affiliation and precinct number of the voter;

(b) The date of issuance; and

(c) The signature of the county clerk.

7. If ***a person or*** an elector submits an application to ***preregister or*** register to vote or an affidavit described in paragraph (c) of subsection 1 of NRS 293.507 that contains any handwritten additions, erasures or interlineations, the county clerk may object to the application ~~[to register to vote]~~ if the county clerk believes that because of such handwritten additions, erasures or interlineations, the application ~~[to register to vote of the elector]~~ is incomplete or that, except as otherwise provided in NRS 293D.210, the ***person is not eligible to preregister pursuant to section 14 of this act or the*** elector is not eligible to vote pursuant to NRS 293.485 ~~[.]~~ ***, as applicable.*** If the county clerk objects pursuant to this subsection, he or she shall immediately notify the ***person or*** elector ***, as applicable,*** and the district attorney of the county. Not later than 5 business days after the district attorney receives such notification, the district attorney shall advise the county clerk as to whether:

(a) The application ~~[to register to vote of the elector]~~ is complete and, except as otherwise provided in NRS 293D.210, the ***person is eligible to preregister pursuant to section 14 of this act or the*** elector is eligible to vote pursuant to NRS 293.485; and

(b) The county clerk should proceed to process the application ***.*** ~~[to register to vote.]~~

➥ If the District Attorney advises the county clerk to process the application ***,*** ~~[to register to vote,]~~ the county clerk shall immediately issue a voter registration card to the applicant pursuant to subsection 6 ~~[.]~~ ***, if applicable.***

Sec. 48. NRS 293.518 is hereby amended to read as follows:

293.518 1. At the time ***a person preregisters or*** an elector registers to vote ***,*** the ***person or*** elector must indicate:

(a) A political party affiliation; or

(b) That he or she is not affiliated with a political party.

➥ ~~[An]~~ ***A person or an*** elector who indicates that he or she is "independent" shall be deemed not affiliated with a political party.

2. If ***a person or*** an elector indicates that he or she is not affiliated with a political party, or is independent, the county clerk or field registrar of voters shall list the ***person's or*** elector's political party as nonpartisan.

3. If ***a person or*** an elector indicates an affiliation with a major political party or a minor political party that has filed a certificate of existence with the Secretary of State, the county clerk or field registrar of voters shall list the ***person's or*** elector's political party as indicated by the ***person or*** elector.

4. If ***a person or*** an elector indicates an affiliation with a minor political party that has not filed a certificate of existence with the Secretary of State, the county clerk or field registrar of voters shall:

(a) List the ***person's or*** elector's political party as the party indicated in the application to ***preregister or*** register to vote ~~[.]~~ ***, as applicable.***

(b) When compiling data related to ***preregistration and*** voter registration for the county, report the ***person's or*** elector's political party as "other party."

5. If ***a person or*** an elector does not make any of the indications described in subsection 1, the county clerk or field registrar of voters shall:

(a) List the ***person's or*** elector's political party as nonpartisan; and

(b) Mail to the ***person or*** elector a notice setting forth that the ***person has been preregistered or the*** elector has been registered to vote ***, as applicable,*** as a nonpartisan because ~~[the elector]~~ ***he or she*** did not make any of the indications described in subsection 1.

Sec. 49. NRS 293.520 is hereby amended to read as follows:

293.520 Except as otherwise provided in this section, the ***preregistration of persons or the*** registration or reregistration of electors who are unable to sign their names must be made upon personal application of those ***persons or*** electors at the office of the county clerk where they may be identified or in the presence of a field registrar. If such ***a person or*** an elector is unable to appear in person at the office of the county clerk, the county clerk shall send a field registrar or an employee of the office of the county clerk to the elector to identify the ***person or*** elector and ***preregister the person or*** register or reregister the elector, as appropriate. The ***persons or*** electors described in this section may use a mark or cross in place of a signature.

Sec. 50. NRS 293.523 is hereby amended to read as follows:

293.523 A naturalized citizen need not produce his or her certificate of naturalization in order to qualify to be ***preregistered or*** registered.

Sec. 51. NRS 293.5235 is hereby amended to read as follows:

293.5235 1. Except as otherwise provided in NRS 293.502 and chapter 293D of NRS, a person may ***preregister or*** register to vote by mailing an application to ***preregister or*** register to vote to the county clerk of the county in which the person resides or may ***preregister or*** register to vote by computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register to vote. The county clerk shall, upon request, mail an application to ***preregister or*** register to vote to an applicant. The county clerk shall make the applications available at various public places in the county. ***An application to preregister to vote may be used to correct information in a previous application.*** An application to register to vote may be used to correct information in the registrar of voters' register.

2. An application to ***preregister or*** register to vote which is mailed to an applicant by the county clerk or made available to the public at various locations or voter registration agencies in the county may be returned to the county clerk by mail or in person. For the purposes of this section, an

application which is personally delivered to the county clerk shall be deemed to have been returned by mail.

3. The applicant must complete the application, including, without limitation, checking the boxes described in paragraphs (b) and (c) of subsection 10 and signing the application.

4. The county clerk shall, upon receipt of an application, determine whether the application is complete.

5. If the county clerk determines that the application is complete, he or she shall, within 10 days after receiving the application, mail to the applicant:

(a) A notice that the applicant is ***preregistered or*** registered to vote ~~[and]~~ ***, as applicable. If the applicant is registered to vote, the county clerk must also mail to the applicant*** a voter registration card as required by subsection 6 of NRS 293.517; or

(b) A notice that the ***person's application to preregister to vote or the*** registrar of voters' register has been corrected to reflect any changes indicated on the application.

6. Except as otherwise provided in subsection 5 of NRS 293.518, if the county clerk determines that the application is not complete, the county clerk shall, as soon as possible, mail a notice to the applicant that additional information is required to complete the application. If the applicant provides the information requested by the county clerk within 15 days after the county clerk mails the notice, the county clerk shall, within 10 days after receiving the information, mail to the applicant:

(a) A notice that the applicant is ~~[registered]~~ ***:***

(1) Preregistered to vote; or

(2) Registered to vote and a voter registration card as required by subsection 6 of NRS 293.517; or

(b) A notice that ***the person's application to preregister to vote or*** the registrar of voters' register has been corrected to reflect any changes indicated on the application.

➥ If the applicant does not provide the additional information within the prescribed period, the application is void.

7. The applicant shall be deemed to be ***preregistered or*** registered or to have corrected the information in the ***application to preregister to vote or the registrar of voters'*** register on the date the application is postmarked or received by the county clerk, whichever is earlier.

8. If the applicant fails to check the box described in paragraph (b) of subsection 10, the application shall not be considered invalid and the county clerk shall provide a means for the applicant to correct the omission at the time the applicant appears to vote in person at the assigned polling place.

9. The Secretary of State shall prescribe the form for ~~[an application]~~ ***applications*** to ***preregister or*** register to vote by:

(a) Mail, which must be used to ***preregister or*** register to vote by mail in this State.

(b) Computer, which must be used to ***preregister or*** register to vote in a county if the county clerk has established a system pursuant to NRS 293.506 for using a computer to ***preregister or*** register to vote.

10. The application to ***preregister or*** register to vote by mail must include:

(a) A notice in at least 10-point type which states:

> NOTICE: You are urged to return your application ~~[to register to vote]~~ to the County Clerk in person or by mail. If you choose to give your completed application to another person to return to the County Clerk on your behalf, and the person fails to deliver the application to the County Clerk, you will not be ***preregistered or*** registered to vote ~~[.]~~ ***, as applicable.*** Please retain the duplicate copy or receipt from your application to ***preregister or*** register to vote.

(b) The question, "Are you a citizen of the United States?" and boxes for the applicant to check to indicate whether or not the applicant is a citizen of the United States.

(c) ~~[The]~~ ***If the application is to:***

(1) Preregister to vote, the question, "Are you at least 17 years of age and not more than 18 years of age?" and boxes to indicate whether or not the applicant is at least 17 years of age and not more than 18 years of age.

(2) Register to vote, the question, "Will you be at least 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be at least 18 years of age or older on election day.

(d) A statement instructing the applicant not to complete the application if the applicant checked "no" in response to the question set forth in ***:***

(1) If the application is to preregister to vote, paragraph (b) or ***subparagraph (1) of paragraph*** (c).

(2) If the application is to register to vote, paragraph (b) or subparagraph (2) of paragraph (c).

(e) A statement informing the applicant that if the application is submitted by mail and the applicant is ***preregistering or*** registering to vote for the first time, the applicant must submit the information set forth in paragraph (a) of subsection 2 of NRS 293.2725 to avoid the requirements of subsection 1 of NRS 293.2725 upon voting for the first time.

11. Except as otherwise provided in subsection 5 of NRS 293.518, the county clerk shall not ***preregister or*** register a person to vote pursuant to this section unless that person has provided all of the information required by the application.

12. The county clerk shall mail, by postcard, the notices required pursuant to subsections 5 and 6. If the postcard is returned to the county clerk by the United States Postal Service because the address is fictitious or the person does not live at that address, the county clerk shall attempt to determine whether the person's current residence is other than that indicated

on the application to ***preregister or*** register to vote in the manner set forth in NRS 293.530.

13. A person who, by mail, ***preregisters or*** registers to vote pursuant to this section may be assisted in completing the application to ***preregister or*** register to vote by any other person. The application must include the mailing address and signature of the person who assisted the applicant. The failure to provide the information required by this subsection will not result in the application being deemed incomplete.

14. An application to ***preregister or*** register to vote must be made available to all persons, regardless of political party affiliation.

15. An application must not be altered or otherwise defaced after the applicant has completed and signed it. An application must be mailed or delivered in person to the office of the county clerk within 10 days after it is completed.

16. A person who willfully violates any of the provisions of subsection 13, 14 or 15 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

17. The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 52. NRS 293.5237 is hereby amended to read as follows:

293.5237 Any time ~~[before]~~ ***:***

1. A person who, because of illness, disability or for other good cause shown, requires assistance to complete an application to preregister to vote may request the county clerk in writing or by telephone to preregister the person at the person's residence. Upon request, the county clerk shall direct the appropriate field registrar to go to the home of such a person to preregister the person to vote.

2. Before the fifth Sunday preceding an election, a person who because of illness, disability or for other good cause shown requires assistance to complete an application to register to vote may request the county clerk in writing or by telephone to register the person at the person's residence. Upon request, the county clerk shall direct the appropriate field registrar to go to the home of such a person to register the person to vote.

Sec. 53. NRS 293.524 is hereby amended to read as follows:

293.524 1. The Department of Motor Vehicles shall provide an application to ***preregister or*** register to vote to each person who applies for the issuance or renewal of any type of driver's license or identification card issued by the Department.

2. The county clerk shall use the applications to ***preregister or*** register to vote which are signed and completed pursuant to subsection 1 to ***preregister or*** register applicants to vote or to correct information in ***a person's previous application to preregister or*** the registrar of voters' register. An application that is not signed must not be used to ***preregister or*** register or correct the ***preregistration or*** registration of the applicant.

3. For the purposes of this section, each employee specifically authorized to do so by the Director of the Department may oversee the completion of an application. The authorized employee shall check the application for completeness and verify the information required by the application. Each application must include a duplicate copy or receipt to be retained by the applicant upon completion of the form. The Department shall, except as otherwise provided in this subsection, forward each application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. The applications must be forwarded daily during the 2 weeks immediately preceding the fifth Sunday preceding an election.

4. The county clerk shall accept any application to ~~[register]~~ ***:***

(a) Preregister to vote at any time.

(b) Register to vote which is obtained from the Department of Motor Vehicles pursuant to this section and completed by the fifth Sunday preceding an election if the county clerk receives the application not later than 5 days after that date.

5. Upon receipt of an application, the county clerk or field registrar of voters shall determine whether the application is complete. If the county clerk or field registrar of voters determines that the application is complete, he or she shall notify the applicant and the applicant shall be deemed to be ***preregistered or*** registered as of the date of the submission of the application. If the county clerk or field registrar of voters determines that the application is not complete, he or she shall notify the applicant of the additional information required. The applicant shall be deemed to be ***preregistered or*** registered as of the date of the initial submission of the application if the additional information is provided within 15 days after the notice for the additional information is mailed. If the applicant has not provided the additional information within 15 days after the notice for the additional information is mailed, the incomplete application is void. Any notification required by this subsection must be given by mail at the mailing address on the application not more than 7 working days after the determination is made concerning whether the application is complete.

~~[5.]~~ ***6.*** The county clerk shall use any form submitted to the Department to correct information on a driver's license or identification card to correct information ***on a previous application to preregister or*** in the registrar of voters' register, unless the person indicates on the form that the correction is not to be used for the purposes of ***preregistration or*** voter registration. The Department shall forward each such form to the county clerk or, if applicable, to the registrar of voters of the county in which the person resides in the same manner provided by subsection 3 for applications to ***preregister or*** register to vote.

~~[6.]~~ ***7.*** Upon receipt of a form to correct information, the county clerk shall compare the information to that contained in the ***application to preregister to vote or the*** registrar of voters' register ~~[. If the person is a~~

~~registered voter, the~~] ***, as applicable. The*** county clerk shall correct the information to reflect any changes indicated on the form. After making any changes, the county clerk shall notify the person by mail that the records have been corrected.

[~~7.~~] ***8.*** The Secretary of State shall, with the approval of the Director, adopt regulations to:

(a) Establish any procedure necessary to provide ***a person who applies to preregister to vote or*** an elector who applies to register to vote pursuant to this section the opportunity to do so;

(b) Prescribe the contents of any forms or applications which the Department is required to distribute pursuant to this section; and

(c) Provide for the transfer of the completed applications of ***preregistration or*** registration from the Department to the appropriate county clerk **.** [~~for inclusion in the rosters and registrar of voters' register.~~]

Sec. 54. (Deleted by amendment.)

Sec. 55. NRS 293.527 is hereby amended to read as follows:

293.527 When ***a person moves to another county and preregisters to vote therein, or*** an elector moves to another county and registers to vote therein, the county clerk of the county where the ***person or*** elector has moved shall send a cancellation notice to the clerk of the county in which the ***person or*** elector previously resided. The county clerk receiving such a notice shall cancel the ***preregistration or*** registration of the ***person or*** elector and place it in a cancelled file.

Sec. 56. NRS 293.530 is hereby amended to read as follows:

293.530 ***1.*** Except as otherwise provided in NRS 293.541:

[~~1.~~] ***(a)*** County clerks may use any reliable and reasonable means available to correct the portions of the statewide voter registration list which are relevant to the county clerks and to determine whether a registered voter's current residence is other than that indicated on the voter's application to register to vote.

[~~2.~~] ***(b)*** A county clerk may, with the consent of the board of county commissioners, make investigations of registration in the county by census, by house-to-house canvass or by any other method.

[~~3.~~] ***(c)*** A county clerk shall cancel the registration of a voter pursuant to this [~~section~~] ***subsection*** if:

[~~(a)~~] ***(1)*** The county clerk mails a written notice to the voter which the United States Postal Service is required to forward;

[~~(b)~~] ***(2)*** The county clerk mails a return postcard with the notice which has a place for the voter to write his or her new address, is addressed to the county clerk and has postage guaranteed;

[~~(c)~~] ***(3)*** The voter does not respond; and

[~~(d)~~] ***(4)*** The voter does not appear to vote in an election before the polls have closed in the second general election following the date of the notice.

[~~4.~~] ***(d)*** For the purposes of this [~~section,~~] ***subsection,*** the date of the notice is deemed to be 3 days after it is mailed.

~~[5.]~~ ***(e)*** The county clerk shall maintain records of:

~~[(a)]~~ ***(1)*** Any notice mailed pursuant to ~~[subsection 3; (b)]~~ ***paragraph (c);***

(2) Any response to such notice; and

~~[(c)]~~ ***(3)*** Whether a person to whom a notice is mailed appears to vote in an election,

➥ for not less than 2 years after creation.

~~[6.]~~ ***(f)*** The county clerk shall use any postcards which are returned to correct the portions of the statewide voter registration list which are relevant to the county clerk.

~~[7.]~~ ***(g)*** If a voter fails to return the postcard mailed pursuant to ~~[subsection 3]~~ ***paragraph (c)*** within 30 days, the county clerk shall designate the voter as inactive on the voter's application to register to vote.

~~[8.]~~ ***(h)*** The Secretary of State shall adopt regulations to prescribe the method for maintaining a list of voters who have been designated as inactive pursuant to ~~[subsection 7.]~~ ***paragraph (g).***

2. A county clerk is not required to take any action pursuant to this section in relation to a person who preregisters to vote until the person is deemed to be registered to vote pursuant to section 14 of this act.

Sec. 57. NRS 293.535 is hereby amended to read as follows:

293.535 1. The county clerk shall notify a registrant if any elector or other reliable person files an affidavit with the county clerk stating that:

(a) The registrant is not a citizen of the United States; or

(b) The registrant has:

(1) Moved outside the boundaries of the county where he or she is registered to another county, state, territory or foreign country, with the intention of remaining there for an indefinite time and with the intention of abandoning his or her residence in the county where registered; and

(2) Established residence in some other state, territory or foreign country, or in some other county of this state, naming the place.

➥ The affiant must state that he or she has personal knowledge of the facts set forth in the affidavit.

2. Upon the filing of an affidavit pursuant to paragraph (b) of subsection 1, the county clerk shall notify the registrant in the manner set forth in NRS 293.530 and shall enclose a copy of the affidavit. If the registrant fails to respond or appear to vote within the required time, the county clerk shall cancel the registration.

3. An affidavit filed pursuant to paragraph (a) of subsection 1 must be filed not later than 30 days before an election. Upon the filing of such an affidavit, the county clerk shall notify the registrant by registered or certified mail, return receipt requested, of the filing of the affidavit, and shall enclose a copy of the affidavit. Unless the registrant, within 15 days after the return receipt has been filed in the office of the county clerk, presents satisfactory proof of citizenship, the county clerk shall cancel the registration.

4. The provisions of this section do not prevent the challenge provided for in NRS 293.303 or 293C.292.

5. A county clerk is not required to take any action pursuant to this section in relation to a person who is preregistered to vote until the person is deemed to be registered to vote pursuant to section 14 of this act.

Sec. 58. NRS 293.537 is hereby amended to read as follows:

293.537 1. The county clerk of each county shall maintain ~~[a]~~ ***:***

(a) A file of the applications to preregister to vote of persons who have cancelled their preregistration; and

(b) A file of the applications to register to vote of electors who have cancelled their registration.

➥ The ~~[file]~~ ***files*** must be kept in alphabetical order. The county clerk shall mark the applications "Cancelled," and indicate thereon the reason for cancellation.

2. If the county clerk finds that the preregistration of a person was cancelled erroneously, the county clerk shall reinstate the person's application to preregister to vote.

3. If the county clerk finds that the registration of an elector was cancelled erroneously, the county clerk shall reregister the elector or on election day allow the elector whose registration was erroneously cancelled to vote pursuant to NRS 293.304, 293.525, 293C.295 or 293C.525.

~~[2.]~~ ***4.*** The county clerk may:

(a) Microfilm the applications to ***preregister or*** register to vote of ***a person or*** an elector who cancels his or her ***preregistration or*** registration ***, as applicable,*** and destroy the originals at any time.

(b) Record cancelled applications to ***preregister or*** register to vote by computer and destroy the originals at any time.

(c) Destroy any application to ***preregister or*** register to vote of ***a person or*** an elector who cancels his or her ***preregistration or*** registration***, as applicable,*** after the expiration of 3 years after the date of cancellation.

Sec. 59. NRS 293.540 is hereby amended to read as follows:

293.540 ***1. The county clerk shall cancel the preregistration of a person:***

(a) If the county clerk has personal knowledge of the death of the person or if an authenticated certificate of the death of the person is filed in the county clerk's office.

(b) At the request of the person.

(c) If the county clerk has discovered an incorrect preregistration pursuant to the provisions of NRS 293.5235 and the person has failed to respond within the required time.

(d) As required by NRS 293.541.

(e) Upon verification that the application to preregister to vote is a duplicate if the county clerk has the original or another duplicate of the application on file in the county clerk's office.

2. The county clerk shall cancel the registration ~~[.]~~ ***of a person:***

~~[1.]~~ ***(a)*** If the county clerk has personal knowledge of the death of the person ~~[registered,]~~ or if an authenticated certificate of the death of ~~[any elector]~~ ***the person*** is filed in the county clerk's office.

~~[2.]~~ ***(b)*** If the county clerk is provided a certified copy of a court order stating that the court specifically finds by clear and convincing evidence that the person ~~[registered]~~ lacks the mental capacity to vote because he or she cannot communicate, with or without accommodations, a specific desire to participate in the voting process.

~~[3.]~~ ***(c)*** Upon the determination that the person ~~[registered]~~ has been convicted of a felony unless:

~~[(a)]~~ ***(1)*** If the person ~~[registered]~~ was convicted of a felony in this State, the right to vote of the person has been restored pursuant to the provisions of NRS 213.090, 213.155 or 213.157.

~~[(b)]~~ ***(2)*** If the person ~~[registered]~~ was convicted of a felony in another state, the right to vote of the person has been restored pursuant to the laws of the state in which the person was convicted.

~~[4.]~~ ***(d)*** Upon the production of a certified copy of the judgment of any court directing the cancellation to be made.

~~[5.]~~ ***(e)*** Upon the request of any registered voter to affiliate with any political party or to change affiliation, if that change is made before the end of the last day to register to vote in the election.

~~[6.]~~ ***(f)*** At the request of the person **.** ~~[registered.~~

~~7.]~~ ***(g)*** If the county clerk has discovered an incorrect registration pursuant to the provisions of NRS 293.5235, 293.530 or 293.535 and the elector has failed to respond or appear to vote within the required time.

~~[8.]~~ ***(h)*** As required by NRS 293.541.

~~[9.]~~ ***(i)*** Upon verification that the application to register to vote is a duplicate if the county clerk has the original or another duplicate of the application on file in the county clerk's office.

Sec. 60. NRS 293.541 is hereby amended to read as follows:

293.541 1. The county clerk shall cancel the ***preregistration of a person or the*** registration of a voter if:

(a) After consultation with the district attorney, the district attorney determines that there is probable cause to believe that information in the ~~[registration]~~ ***application to preregister or register to vote*** concerning the identity or residence of the ***person or*** voter is fraudulent;

(b) The county clerk provides a notice as required pursuant to subsection 2 or executes an affidavit of cancellation pursuant to subsection 3; and

(c) The ***person or*** voter fails to present satisfactory proof of identity and residence pursuant to subsection 2, 4 or 5.

2. Except as otherwise provided in subsection 3, the county clerk shall notify the ***person or*** voter by registered or certified mail, return receipt requested, of a determination made pursuant to subsection 1. The notice must set forth the grounds for cancellation. Unless the ***person or*** voter, within 15 days after the return receipt has been filed in the office of the county clerk,

presents satisfactory proof of identity and residence to the county clerk, the county clerk shall cancel the ***person's preregistration or the*** voter's registration ~~[.]~~ ***, as applicable.***

3. If insufficient time exists before a pending election to provide the notice required by subsection 2 ~~[.]~~ ***to a registered voter,*** the county clerk shall execute an affidavit of cancellation and file the affidavit of cancellation with the registrar of voters' register and:

(a) In counties where records of registration are not kept by computer, the county clerk shall attach a copy of the affidavit of cancellation in the roster.

(b) In counties where records of registration are kept by computer, the county clerk shall have the affidavit of cancellation printed on the computer entry for the registration and add a copy of it to the roster.

4. If a voter appears to vote at the election next following the date that an affidavit of cancellation was executed for the voter pursuant to this section, the voter must be allowed to vote only if the voter furnishes:

(a) Official identification which contains a photograph of the voter, including, without limitation, a driver's license or other official document; and

(b) Satisfactory identification that contains proof of the address at which the voter actually resides and that address is consistent with the address listed on the roster.

5. If a determination is made pursuant to subsection 1 concerning information in the registration to vote of a voter and an absent ballot or a ballot voted by a voter who resides in a mailing precinct is received from the voter, the ballot must be kept separate from other ballots and must not be counted unless the voter presents satisfactory proof to the county clerk of identity and residence before such ballots are counted on election day.

6. For the purposes of this section, a voter registration card issued pursuant to NRS 293.517 does not provide proof of the:

(a) Address at which a person actually resides; or

(b) Residence or identity of a person.

Sec. 61. NRS 293.543 is hereby amended to read as follows:

293.543 1. If the registration of an elector is cancelled pursuant to ***paragraph (b) of*** subsection 2 of NRS 293.540, the county clerk shall reregister the elector upon notice from the clerk of the district court that the elector has been found by the district court to have the mental capacity to vote. The court must include the finding in a court order and, not later than 30 days after issuing the order, provide a certified copy of the order to the county clerk of the county in which the person is a resident and to the Office of the Secretary of State.

2. If the registration of an elector is cancelled pursuant to ***paragraph (c) of*** subsection ~~[3]~~ ***2*** of NRS 293.540, the elector may reregister after presenting satisfactory evidence which demonstrates that the elector's:

(a) Conviction has been overturned; or

(b) Civil rights have been restored:

(1) If the elector was convicted in this State, pursuant to the provisions of NRS 213.090, 213.155 or 213.157.

(2) If the elector was convicted in another state, pursuant to the laws of the state in which he or she was convicted.

3. If the registration of an elector is cancelled pursuant to the provisions of ***paragraph (e) of*** subsection ~~[5]~~ ***2*** of NRS 293.540, the elector may reregister immediately.

4. If the registration of an elector is cancelled pursuant to the provisions of ***paragraph (f) of*** subsection ~~[6]~~ ***2*** of NRS 293.540, after the close of registration for a primary election, the elector may not reregister until after the primary election.

Sec. 61.3. ~~[NRS 293.557 is hereby amended to read as follows:~~

~~293.557 1. The county clerk may cause to be published once in each of the newspapers circulated in different parts of the county or cause to be published once in a newspaper circulated in the county:~~

~~(a) An alphabetical listing of all registered voters, including the precinct of each voter:~~

~~(1) Within the circulation area of each newspaper if the listing is published in each newspaper circulated in different parts of the county; or~~

~~(2) Within the entire county if the listing is published in only one newspaper in the county; or~~

~~(b) A statement notifying the public that the county clerk will provide an alphabetical listing of the names of all registered voters in the entire county and the precinct of each voter free of charge to any person upon request.~~

~~2. If the county clerk publishes the list of registered voters, the county clerk must do so:~~

~~(a) Not less than 2 weeks before [the close of registration for] any primary election.~~

~~(b) After each primary election and not less than 2 weeks before the [close of registration for the] ensuing general election.~~

~~3. The county may not pay more than 10 cents per name for six point or seven point type or 15 cents per name for eight point type or larger to each newspaper publishing the list.~~

~~4. The list of registered voters, if published, must not be printed in type smaller than six point.]~~ **(Deleted by amendment.)**

Sec. 61.6. ~~[NRS 293.560 is hereby amended to read as follows:~~

~~293.560 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300, *and section 6.5 of this act,* registration must close *at 5 p.m.* on the [third Tuesday] *Friday* preceding any primary or general election and *, except as otherwise provided by specific law, at 5 p.m.* on the [third Saturday] *fourth day* preceding any recall or special election . [, except that if a recall or special election is held on the same day as a primary or general election, registration must close on the third Tuesday preceding the day of the elections.] *Except as otherwise provided in section 6.5 of this act, after*~~

~~***the close of registration for an election, no person may register to vote for the election.***~~

~~2. **[**For**]** ***Except as otherwise provided in this subsection, for*** a primary or special election, the office of the county clerk must be open until 7 p.m. **[**during**]** ***on*** the ***next to*** last **[**2 days**]** ***day*** on which registration is open **[**.**]** ***and until 5 p.m. on the last day on which registration is open.*** In a county whose population is less than 100,000, the office of the county clerk may close at 5 p.m. **[**during**]** ***on*** the ***next to*** last **[**2 days**]** ***day*** before registration closes if approved by the board of county commissioners.~~

~~3. For a general election:~~

~~(a) **[**In**]** ***Except as otherwise provided in this paragraph, in*** a county whose population is less than 100,000, the office of the county clerk must be open until 7 p.m. **[**during**]** ***on*** the ***next to*** last **[**2 days**]** ***day*** on which registration is open. The office of the county clerk may close at 5 p.m. ***on the next to last day on which registration is open*** if approved by the board of county commissioners.~~

~~(b) In a county whose population is 100,000 or more, the office of the county clerk must be open during the last 4 days on which registration is open, according to the following schedule:~~

~~(1) On **[**weekdays**]** ***a day other than the last day on which registration is open,*** until 9 p.m.; **[**and**]**~~

~~(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays **[**.**]** ***; and***~~

~~***(3) On the last day on which registration is open, until 5 p.m.***~~

~~4. Except for a special election held pursuant to chapter 306 or 350 of NRS:~~

~~(a) The county clerk of each county shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the county indicating:~~

~~(1) The day and time that registration will be closed; and~~

~~(2) If the county clerk has designated a county facility pursuant to NRS 293.5035, the location of that facility.~~

~~***** If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest county in this State.~~

~~(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.~~

~~5. The offices of the county clerk, a county facility designated pursuant to NRS 293.5035 and other ex officio registrars may remain open on the last Friday in October in each even-numbered year.~~

~~6. For the period beginning on the fifth Sunday preceding any primary or general election and ending on the **[**third Tuesday**]** ***Friday*** preceding any primary or general election, an elector may register to vote only:~~

~~(a) By appearing in person at the office of the county clerk or, if open, a county facility designated pursuant to NRS 293.5035; or~~

~~(b) By computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.~~

~~7. A county facility designated pursuant to NRS 293.5035 may be open during the periods described in this section for such hours of operation as the county clerk may determine, as set forth in subsection 3 of NRS 293.5035.~~] **(Deleted by amendment.)**

Sec. 62. (Deleted by amendment.)

Sec. 62.5. NRS 293.563 is hereby amended to read as follows:

293.563 1. During the interval between the closing of registration and the election, the county clerk shall prepare for ~~[each]~~ ***:***

(a) Each polling place a roster containing the registered voters eligible to vote at the polling place.

(b) Each polling place established pursuant to section 2 or 72 of this act, if any, a roster containing the registered voters eligible to vote in the county ~~[.~~

~~*(c) Each polling place designated pursuant to section 6.5 of this act, if any, a roster designated for electors who register to vote on the day of the election pursuant to that section.]*~~ ***or city, respectively.***

2. The ~~[roster]~~ ***rosters*** must be delivered or caused to be delivered by the county or city clerk to an election board officer of the proper polling place before the opening of the polls.

Sec. 63. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. A county clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a county clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the county clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

5. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 4, the county clerk shall distribute the sample ballot to the registered voter by mail.

6. Before the period for early voting for any election begins, the county clerk shall distribute to each registered voter in the county by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place ~~[.]~~ ***or places.*** If the location of the polling place ***or places*** has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE ***OR PLACES*** HAS CHANGED SINCE THE LAST ELECTION

7. Except as otherwise provided in subsection 8, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN LARGE TYPE, CALL (Insert appropriate telephone number)

8. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

9. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

10. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots distributed to that person from the county are in large type.

11. The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place ***or places*** and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place ~~[.]~~ ***or places.***

12. The cost of distributing sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

Sec. 63.5. ~~[NRS 293.567 is hereby amended to read as follows:~~

~~293.567 After the close of registration for each primary election but not later than the [Friday preceding] *opening of the polls for* the primary election and after the close of registration for each general election but not later than the [Friday preceding] *opening of the polls for* the general election, the county clerk shall ascertain by precinct and district the number of registered voters in the county and their political affiliation, if any, and shall transmit that information to the Secretary of State.]~~ **(Deleted by amendment.)**

Sec. 64. NRS 293.675 is hereby amended to read as follows:

293.675 1. The Secretary of State shall establish and maintain an official statewide voter registration list, which may be maintained on the Internet, in consultation with each county and city clerk.

2. The statewide voter registration list must:

(a) Be a uniform, centralized and interactive computerized list;

(b) Serve as the single method for storing and managing the official list of registered voters in this State;

(c) Serve as the official list of registered voters for the conduct of all elections in this State;

(d) Contain the name and registration information of every legally registered voter in this State;

(e) Include a unique identifier assigned by the Secretary of State to each legally registered voter in this State;

(f) Except as otherwise provided in subsection 6, be coordinated with the appropriate databases of other agencies in this State;

(g) Be electronically accessible to each state and local election official in this State at all times;

(h) Except as otherwise provided in subsection 7, allow for data to be shared with other states under certain circumstances; and

(i) Be regularly maintained to ensure the integrity of the registration process and the election process.

3. Each county and city clerk shall:

(a) ~~[~~Electronically~~]~~ ***Except for information related to the preregistration of persons to vote, electronically*** enter into the statewide voter registration list all information related to voter registration obtained by the county or city clerk at the time the information is provided to the county or city clerk; and

(b) Provide the Secretary of State with information concerning the voter registration of the county or city and other reasonable information requested by the Secretary of State in the form required by the Secretary of State to establish or maintain the statewide voter registration list.

4. In establishing and maintaining the statewide voter registration list, the Secretary of State shall enter into a cooperative agreement with the Department of Motor Vehicles to match information in the database of the statewide voter registration list with information in the appropriate database of the Department of Motor Vehicles to verify the accuracy of the information in an application to register to vote.

5. The Department of Motor Vehicles shall enter into an agreement with the Social Security Administration pursuant to 42 U.S.C. § ~~[~~15483,~~]~~ ***21083,*** to verify the accuracy of information in an application to register to vote.

6. Except as otherwise provided in NRS 481.063 or any provision of law providing for the confidentiality of information, the Secretary of State may enter into an agreement with an agency of this State pursuant to which the agency provides to the Secretary of State any information in the possession of the agency that the Secretary of State deems necessary to maintain the statewide voter registration list.

7. The Secretary of State may:

(a) Request from the chief officer of elections of another state any information which the Secretary of State deems necessary to maintain the statewide voter registration list; and

(b) Provide to the chief officer of elections of another state any information which is requested and which the Secretary of State deems necessary for the chief officer of elections of that state to maintain a voter registration list, if the Secretary of State is satisfied that the information

provided pursuant to this paragraph will be used only for the maintenance of that voter registration list.

Sec. 65. NRS 293.710 is hereby amended to read as follows:

293.710 1. It is unlawful for any person, in connection with any election, petition or ***preregistration or*** registration of voters, whether acting himself or herself or through another person in his or her behalf, to:

(a) Use or threaten to use any force, intimidation, coercion, violence, restraint or undue influence;

(b) Inflict or threaten to inflict any physical or mental injury, damage, harm or loss upon the person or property of another;

(c) Expose or publish or threaten to expose or publish any fact concerning another in order to induce or compel such other to vote or refrain from voting for any candidate or any question;

(d) Impede or prevent, by abduction, duress or fraudulent contrivance, the free exercise of the franchise by any voter, or thereby to compel, induce or prevail upon any elector to give or refrain from giving his or her vote; or

(e) Discharge or change the place of employment of any employee with the intent to impede or prevent the free exercise of the franchise by such employee.

2. A person who violates a provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 66. NRS 293.730 is hereby amended to read as follows:

293.730 1. A person shall not:

(a) Remain in or outside of any polling place so as to interfere with the conduct of the election.

(b) Except an election board officer, receive from any voter a ballot prepared by the voter.

(c) Remove a ballot from any polling place before the closing of the polls.

(d) Apply for or receive a ballot at any election precinct or district other than ~~[the]~~ one at which the person is entitled to vote.

(e) Show his or her ballot to any person, after voting, so as to reveal any of the names voted for.

(f) Inside a polling place, ask another person for whom he or she intends to vote.

(g) Except an election board officer, deliver a ballot to a voter.

(h) Except an election board officer in the course of the election board officer's official duties, inside a polling place, ask another person his or her name, address or political affiliation.

2. A voter shall not:

(a) Receive a ballot from any person other than an election board officer.

(b) Deliver to an election board or to any member thereof any ballot other than the one received.

(c) Place any mark upon his or her ballot by which it may afterward be identified as the one voted by the person.

3. Any person who violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 67. NRS 293.790 is hereby amended to read as follows:

293.790 If any person whose vote has been rejected offers to vote at the same election, at any polling place other than ~~[~~the~~]~~ one in which the person is ~~[~~registered ~~*authorized]*~~ ***entitled*** to vote, such person is guilty of a gross misdemeanor.

Sec. 68. NRS 293.800 is hereby amended to read as follows:

293.800 1. A person who, for himself, herself or another person, willfully gives a false answer or answers to questions propounded to the person by the registrar or field registrar of voters relating to the information called for by the application to register to vote, or who willfully falsifies the application in any particular, or who violates any of the provisions of the election laws of this State or knowingly encourages another person to violate those laws is guilty of a category E felony and shall be punished as provided in NRS 193.130.

2. A public officer or other person, upon whom any duty is imposed by this title, who willfully neglects his or her duty or willfully performs it in such a way as to hinder the objects and purposes of the election laws of this State, except where another penalty is provided, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

3. If the person is a public officer, his or her office is forfeited upon conviction of any offense provided for in subsection 2.

4. ~~[~~A~~]~~ ***Except as otherwise provided in this subsection, a*** person who causes or endeavors to cause his or her name to be registered, knowing that he or she is not an elector or will not be an elector on or before the day of the next ensuing election in the precinct or district in which he or she causes or endeavors to cause the registration to be made, and any other person who induces, aids or abets the person in the commission of either of the acts is guilty of a category E felony and shall be punished as provided in NRS 193.130. ***The provisions of this subsection do not apply to a person who preregisters to vote.***

5. A field registrar or other person who provides to an elector an application to register to vote and who:

(a) Knowingly falsifies the application or knowingly causes an application to be falsified;

(b) Knowingly provides money or other compensation to another for a falsified application; or

(c) Intentionally fails to submit to the county clerk a completed application,

➥ is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 69. NRS 293.805 is hereby amended to read as follows:

293.805 1. It is unlawful for a person to provide compensation for ***preregistering or*** registering voters that is based upon:

(a) The total number of ***persons or*** voters a person ***preregisters or*** registers; or

(b) The total number of ***persons or*** voters a person ***preregisters or*** registers in a particular political party.

2. A person who violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 70. NRS 293.810 is hereby amended to read as follows:

293.810 It is unlawful for any person to be ***preregistered to vote or*** registered as a voter in more than one county at one time.

Sec. 71. Chapter 293C of NRS is hereby amended by adding thereto the provisions set forth as sections 72 to 76.5, inclusive, of this act.

Sec. 72. ***1. A city clerk may [, with the approval of the governing body of the city,] establish one or more polling places in the city where any person entitled to vote in the city by personal appearance may do so on the day of the primary city election or general city election. [Any such polling place must be at a location selected pursuant to section 73 of this act.]***

2. Any person entitled to vote in the city by personal appearance may do so at any polling place established pursuant to subsection 1.

Sec. 73. ***[1. Each governing body of a city shall provide by ordinance for the criteria to be used to select a polling place described in section 72 of this act.***

2. A polling place established pursuant to section 72 of this act must:

(a) Satisfy the criteria provided by the governing body of the city pursuant to subsection 1; and

(b) Be approved by the governing body of the city at a public meeting.] **(Deleted by amendment.)**

Sec. 74. ***1. Except as otherwise provided in subsection 2, if a city clerk establishes one or more polling places pursuant to section 72 of this act, the city clerk must:***

(a) Publish during the week before the election in a newspaper of general circulation a notice of the location of each such polling place.

(b) Post a list of the location of each such polling place on any bulletin board used for posting notice of meetings of the governing body of the city. The list must be posted continuously for a period beginning not later than the fifth business day before the election and ending at 7 p.m. on the day of the election. The city clerk shall make copies of the list available to the public during the period of posting in reasonable quantities without charge.

2. The provisions of subsection 1 do not apply if every polling place in the city is designated as a polling place where any person entitled to vote in the city by personal appearance may do so on the day of the primary city election or general city election.

3. No additional polling place may be established pursuant to section 72 of this act after the publication pursuant to this section [.] , except in the case of an emergency and if approved by the Secretary of State.

Sec. 75. *1. For each polling place established pursuant to section 72 of this act, if any, the city clerk shall prepare a roster that contains, for every registered voter in the city, the voter's name, the address where he or she is registered to vote, his or her voter identification number, the voter's precinct or district number and ~~[a place for]~~ the voter's signature.*

2. The roster must be delivered or caused to be delivered by the city clerk to an election board officer of the proper polling place before the opening of the polls.

Sec. 76. *1. Except as otherwise provided in NRS 293C.272, upon the appearance of a person to cast a ballot at a polling place established pursuant to section 72 of this act, the election board officer shall:*

(a) Determine that the person is a registered voter in the city ~~[.]~~ and has not already voted in that city in the election;

(b) Instruct the voter to sign the roster ~~[.]~~ or a signature card; and

(c) Verify the signature of the voter in the manner set forth in NRS 293C.270.

~~[(d) Verify that the voter has not already voted in the current election.]~~

2. If the signature of the voter does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the card issued to the voter at the time he or she registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The city clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that city in the current election.

5. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place where he or she applies to vote.

6. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district and the form of the ballot are indicated on the voting receipt, if the city clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

7. A voter applying to vote at a polling place established pursuant to section 72 of this act may be challenged pursuant to NRS 293C.292.

Sec. 76.5. ~~[1. Each city clerk shall:~~

~~(a) Designate one or more polling places in the city as a site for an elector of the city to register to vote on the day of a primary city election or general city election. Each polling place designated pursuant to this paragraph must be approved by the governing body of the city.~~

~~(b) Except as otherwise provided in subsection 2:~~

~~(1) Publish during the week before the election in a newspaper of general circulation a notice of the location of each polling place in the city that has been designated pursuant to paragraph (a).~~

~~(2) Post a list of the locations designated pursuant to paragraph (a) on any bulletin board used for posting notice of meetings of the governing body of the city. The list must be posted continuously for a period beginning not later than the fifth business day before the election and ending at 7 p.m. on the day of the election. The city clerk shall make copies of the list available to the public during the period of posting in reasonable quantities without charge.~~

~~2. The provisions of paragraphs (b) of subsection 1 do not apply if every polling place in the city is a polling place where an elector of the city may register to vote on the day of the primary city election or general city election.~~

~~3. An elector who is not registered to vote by the close of registration may register to vote on the day of the primary city election or general city election at any polling place designated pursuant to subsection 1 by the city clerk of the city where the elector resides.~~

~~4. To register to vote on the day of the primary city election or general city election, an elector must:~~

~~(a) Appear before the close of the polls at a polling place designated by the city clerk pursuant to subsection 1 as a site for registering to vote on the day of the election;~~

~~(b) Complete the application to register to vote; and~~

~~(c) Provide proof of his or her identity and residence as described in subsections 5 and 6.~~

~~5. The following forms of identification may be used to identify an elector applying to vote pursuant to this section:~~

~~(a) A driver's license;~~

~~(b) An identification card issued by the Department of Motor Vehicles;~~

~~(c) A military identification card; or~~

~~(d) Any other form of identification issued by a governmental agency which contains the signatures and a physical description or picture of the elector.~~

~~6. The following documents may be used to establish the residence of an elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:~~

~~(a) Any form of identification set forth in subsection 5;~~

~~*(b) A utility bill, including, without limitation, a bill for electricity, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television;*~~
~~*(c) A bank or credit union statement;*~~
~~*(d) A paycheck;*~~
~~*(e) An income tax return;*~~
~~*(f) A statement concerning the mortgage, rental or lease of a residence;*~~
~~*(g) A motor vehicle registration;*~~
~~*(h) A property tax statement;*~~
~~*(i) Any other document issued by a governmental agency; or*~~
~~*(j) Any other official document which the city clerk, field registrar or other person designated by the city clerk to accept applications to register to vote pursuant to this section determines, in his or her discretion, to be a reliable indication of the true residential address of the elector.*~~
~~*7. An elector who registers pursuant to this section shall be deemed to be registered to vote upon the completion of an application to register to vote and the verification of the elector's identity and residency.*~~
~~*8. An elector who registers to vote pursuant to this section:*~~
~~*(a) May vote in the primary city election or general city election only at the polling place at which the elector registers to vote; and*~~
~~*(b) If the elector applies to vote at the polling place at which he or she registers to vote, except as otherwise provided in NRS 293C.272, must sign his or her name in the roster designated for electors who register to vote pursuant to this section.]*~~ **(Deleted by amendment.)**

Sec. 77. NRS 293C.112 is hereby amended to read as follows:

293C.112 1. The governing body of a city may conduct a city election in which all ballots must be cast by mail if:

(a) The election is a special election; or

(b) The election is a primary city election or general city election in which the ballot includes only:

(1) Offices and ballot questions that may be voted on by the registered voters of only one ward; or

(2) One office or ballot question.

2. The provisions of NRS 293C.265 to 293C.302, inclusive, ***and sections 72 to 76.5, inclusive, of this act,*** 293C.305 to 293C.340, inclusive, and 293C.355 to 293C.361, inclusive, do not apply to an election conducted pursuant to this section.

3. For the purposes of an election conducted pursuant to this section, each precinct in the city shall be deemed to have been designated a mailing precinct pursuant to NRS 293C.342.

Sec. 78. NRS 293C.267 is hereby amended to read as follows:

293C.267 1. Except as otherwise provided in subsection 2 and NRS 293C.297, at all elections held pursuant to the provisions of this chapter, the polls must open at 7 a.m. and close at 7 p.m.

2. Whenever at any election all the votes of the polling place, as shown on the roster, have been cast, the election board officers shall close the polls

and the counting of votes must begin and continue without unnecessary delay until the count is completed. ~~*[The provisions of this]*~~ ***This subsection*** ~~*[do]*~~ ***does not apply to any polling place established pursuant to section 72 of this act*** . ~~*[or designated pursuant to section 76.5 of this act.]*~~

3. Upon opening the polls, one of the election board officers shall cause a proclamation to be made so that all present may be aware of the fact that applications of registered voters to vote will be received.

4. No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this chapter.

Sec. 79. NRS 293C.270 is hereby amended to read as follows:

293C.270 1. Except as otherwise provided in NRS 293C.272, if a person's name appears in the roster ~~*[,]*~~ or if the person provides an affirmation pursuant to NRS 293C.525 , ~~*[or if the person registered to vote pursuant to section 76.5 of this act,]*~~ the person is entitled to vote and must sign his or her name in the roster ***or on a signature card*** when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's application to register to vote or one of the forms of identification listed in subsection 2.

2. The forms of identification that may be used to identify a voter at the polling place are:

(a) The card issued to the voter at the time he or she registered to vote ~~*[,]*~~ ***or was deemed to be registered to vote;***

(b) A driver's license;

(c) An identification card issued by the Department of Motor Vehicles;

(d) A military identification card; or

(e) Any other form of identification issued by a governmental agency that contains the voter's signature and physical description or picture.

3. The city clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that city in the current election.

Sec. 80. NRS 293C.272 is hereby amended to read as follows:

293C.272 1. If, because of physical limitations, a registered voter is unable to sign his or her name in the roster ***or on a signature card*** as required by NRS 293C.270, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the card issued to the voter at the time he or she registered to vote ~~*[.]*~~ ***or was deemed to be registered to vote.***

2. If the identity of the voter is verified, the election board officer shall indicate in the roster "Identified" by the voter's name.

Sec. 81. NRS 293C.275 is hereby amended to read as follows:

293C.275 1. Except as otherwise provided in NRS 293C.272, a registered voter who applies to vote must state his or her name to the election board officer in charge of the roster, and the officer shall immediately announce the name, instruct the voter to sign the roster ~~[,~~ and~~]~~ ***or signature card,*** verify the signature of the voter in the manner set forth in NRS 293C.270 ~~[.]~~ ***and verify that the registered voter has not already voted in that city in the current election.***

2. If the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the card issued to the voter at the time he or she registered to vote ~~[.]~~ ***or was deemed to be registered to vote.***

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

Sec. 82. NRS 293C.282 is hereby amended to read as follows:

293C.282 1. Any registered voter who, because of a physical disability or an inability to read or write English, is unable to mark a ballot or use any voting device without assistance is entitled to assistance from a consenting person of his or her own choice, except:

(a) The voter's employer or an agent of the voter's employer; or

(b) An officer or agent of the voter's labor organization.

2. A person providing assistance pursuant to this section to a voter in casting a vote shall not disclose any information with respect to the casting of that ballot.

3. The right to assistance in casting a ballot may not be denied or impaired when the need for assistance is apparent or is known to the election board or any member thereof or when the registered voter requests such assistance in any manner.

4. In addition to complying with the requirements of this section, the city clerk and election board officer shall, upon the request of a registered voter with a physical disability, make reasonable accommodations to allow the voter to vote at ~~[~~his or her~~]~~ ***a*** polling place ~~[.]~~ ***at which he or she is entitled to vote.***

Sec. 82.2. ~~[~~NRS 293C.297 is hereby amended to read as follows:

~~293C.297 1. If at the hour of closing the polls there are any [registered] :~~

~~*(a) Registered* voters waiting to vote [,] *; or*~~

~~*(b) If the polling place has been designated pursuant to section 76.5 of this act as a site for an elector of the city to register to vote on the day of the election, persons waiting to register to vote,*~~

~~→ the doors of the polling place must be closed after all those [voters] *persons* have been admitted to the polling place. Voting must continue until those [voters] *persons* have voted.~~

~~2. The officer appointed by the chief law enforcement officer of the city shall allow other persons to enter the polling place after the doors have been closed to observe or for any other lawful purpose if there is room within the polling place and their admittance will not interfere with the voting [.] *or voter registration.]*~~ **(Deleted by amendment.)**

Sec. 82.4. ~~[NRS 293C.356 is hereby amended to read as follows:~~

~~293C.356 1. If a request is made *in person* to vote early by a registered voter [in person,] *, including, without limitation, a registered voter who registers to vote after the beginning of the period for early voting by personal appearance,* the city clerk shall issue a ballot for early voting to the voter. Such a ballot must be voted on the premises of the clerk's office and returned to the clerk.~~

~~2. On the dates for early voting prescribed in NRS 293C.3568, each city clerk shall provide a voting booth, with suitable equipment for voting, on the premises of the city clerk's office for use by registered voters who are issued ballots for early voting in accordance with this section.]~~ **(Deleted by amendment.)**

Sec. 82.6. ~~[NRS 293C.3568 is hereby amended to read as follows:~~

~~293C.3568 1. [The] *Except as otherwise provided in this section, the* period for early voting by personal appearance begins the third Saturday preceding a primary city election or general city election, and extends through the Friday before election day, Sundays and federal holidays excepted.~~

~~2. [The] *In a city located in a county whose population is 100,000 or more, the city clerk:*~~

~~*(a) Shall include any Sunday that falls within the period for early voting by personal appearance.*~~

~~*(b) May:*~~

~~*(1) Include any federal holiday that falls within the period for early voting by personal appearance.*~~

~~*(2) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.*~~

~~*3. In a city located in a county whose population is less than 100,000 the* city clerk may:~~

~~(a) Include any Sunday or federal holiday that falls within the period for early voting by personal appearance.~~

~~(b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.~~

~~[3.] *4.* A permanent polling place for early voting must remain open:~~

~~(a) On Monday through Friday:~~

~~(1) During the first week of early voting, from 8 a.m. until 6 p.m.~~

~~(2) During the second week of early voting, from 8 a.m. until 6 p.m., or until 8 p.m. if the city clerk so requires.~~

~~(b) On any Saturday that falls within the period for early voting, for at least 4 hours between 10 a.m. and 6 p.m.~~

~~(c)~~ **[**If**]** ***In a city in a county whose population is 100,000 or more, on any Sunday that falls within the period for early voting, for at least 4 hours between 10 a.m. and 6 p.m.***

(d) In a city in a county whose population is less than 100,000, if ~~the city clerk includes a Sunday that falls within the period for early voting pursuant to subsection~~ **[**~~2,~~**]** ***3,*** ~~during such hours as the city clerk may establish.~~**]** **(Deleted by amendment.)**

Sec. 82.8. ~~**[**NRS 293C.3572 is hereby amended to read as follows:~~

~~293C.3572 1. In addition to permanent polling places for early voting, the city clerk may establish temporary branch polling places for early voting pursuant to NRS 293C.3561.~~

~~2. The provisions of~~ **[**~~subsection~~**]** ***subsections 2,*** ~~3~~ ***and 4*** ~~of NRS 293C.3568 do not apply to a temporary polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the city clerk.~~

~~3. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.~~

~~4. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.~~**]** **(Deleted by amendment.)**

Sec. 83. NRS 293C.3585 is hereby amended to read as follows:

293C.3585 1. Except as otherwise provided in NRS 293C.272, upon the appearance of a person to cast a ballot for early voting, an election board officer shall:

(a) Determine that the person is a registered voter in the county.

(b) Instruct the voter to sign the roster for early voting ~~**[**.**]**~~ ***or a signature card.***

(c) Verify the signature of the voter in the manner set forth in NRS 293C.270.

(d) Verify that the voter has not already voted ***in that city*** in the current election **.** ~~**[**pursuant to this section.**]**~~

2. If the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the card issued to the voter at the time he or she registered to vote ~~[.]~~ ***or was deemed to be registered to vote.***

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The city clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted ***in that city*** in the current election ~~[.]~~ pursuant to this section.

5. The roster for early voting ***or signature card, as applicable,*** must contain:

(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number, if that information is available; and

(c) The date of voting early in person.

6. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

7. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district, if that information is available, and the form of ballot are indicated on the voting receipt, if the city clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

8. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293C.292.

Sec. 83.5. **NRS 293C.3604 is hereby amended to read as follows:**

293C.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election other than a presidential preference primary election:

1. At the close of each voting day, the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

(1) The title of the election;

(2) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;

(3) The number of ballots voted on the mechanical recording device for that day; ~~[and]~~

(4) The number of signatures in the roster for early voting for that day ~~[.]~~ ***; and***

(5) The number of signatures on signature cards for that day.

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293C.3594; and

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293C.3594.

2. At the close of the last voting day, the city clerk shall deliver to the ballot board for early voting:

(a) The statements for all polling places for early voting;

(b) The voting rosters used for early voting;

(c) ***The signature cards used for early voting;***

(d) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and

~~[(d)]~~ ***(e)*** Any other items as determined by the city clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

(a) Indicate the number of ballots on an official statement of ballots; and

(b) Place the storage devices in the container provided to transport those items to the central counting place and seal the container with a number seal. The official statement of ballots must accompany the storage devices to the central counting place.

Sec. 84. NRS 293C.389 is hereby amended to read as follows:

293C.389 The governing body of a city, a city clerk and any other person who prepares an abstract of votes or other report of votes pursuant to this chapter shall not include in that abstract or report a person designated as an inactive voter pursuant to ***paragraph (g) of*** subsection ~~[7]~~ ***1*** of NRS 293.530 when determining the percentage of voters who have voted or the total number of voters.

Sec. 85. NRS 293C.520 is hereby amended to read as follows:

293C.520 1. The city clerk may designate any building owned or leased by the city, or any portion of such a building, as a municipal facility at which ***persons may preregister to vote or*** electors may register to vote.

2. A municipal facility designated pursuant to subsection 1 must be operated as an auxiliary municipal facility at which ~~[voter]~~ ***preregistration and*** registration ~~[is]~~ ***are*** carried out in addition to being carried out at the office of the city clerk.

3. If the city clerk designates a municipal facility pursuant to subsection 1, the city clerk shall determine the hours of operation for the facility and shall, in cooperation with the Secretary of State, ensure that the facility is operated, staffed and equipped in compliance with all applicable provisions of this title and all other applicable provisions of state and federal law relating to the ***preregistration of persons and*** registration of electors in this State.

Sec. 85.5. ~~[NRS 293C.527 is hereby amended to read as follows:~~

~~293C.527 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300,~~ ***and section 76.5 of this act,*** ~~registration must close at 5 p.m.~~

~~on the [third Tuesday] *Friday* preceding any primary city election or general city election and *, except as otherwise provided by specific law, at 5 p.m.* on the [third Saturday] *fourth day* preceding any recall or special election . [, except that if a recall or special election is held on the same day as a primary city election or general city election, registration must close on the third Tuesday preceding the day of the elections.] *Except as otherwise provided in section 76.5 of this act, after the close of registration for an election, no person may register to vote for the election.*~~

~~2. [For] *Except as otherwise provided in this subsection, for* a primary city election or special city election, the office of the city clerk must be open until 7 p.m. [during] *on* the *next to* last [2 days] *day* on which registration is open *[.] and 5 p.m. on the last day on which registration is open.* In a city whose population is less than 25,000, the office of the city clerk may close at 5 p.m. *on the next to last day before registration closes* if approved by the governing body of the city.~~

~~3. For a general *city* election:~~

~~(a) [In] *Except as otherwise provided in this paragraph, in* a city whose population is less than 25,000, the office of the city clerk must be open until 7 p.m. [during] *on* the *next to* last [2 days] *day* on which registration is open *[.] and 5 p.m. on the last day on which registration is open.* The office of the city clerk may close at 5 p.m. *on the next to last day on which registration is open* if approved by the governing body of the city.~~

~~(b) In a city whose population is 25,000 or more, the office of the city clerk must be open during the last 4 days on which registration is open, according to the following schedule:~~

~~(1) On [weekdays] *a day other than the last day on which registration is open,* until 9 p.m.; [and]~~

~~(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays *[.] ; and*~~

~~*(3) On the last day on which registration is open, until 5 p.m.*~~

~~4. Except for a special election held pursuant to chapter 306 or 350 of NRS:~~

~~(a) The city clerk of each city shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the city indicating:~~

~~(1) The day and time that registration will be closed; and~~

~~(2) If the city clerk has designated a municipal facility pursuant to NRS 293C.520, the location of that facility.~~

~~* If no newspaper is of general circulation in that city, the publication may be made in a newspaper of general circulation in the nearest city in this State.~~

~~(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.~~

~~5. For the period beginning on the fifth Sunday preceding any primary city election or general city election and ending on the [third Tuesday]~~

~~***Friday*** preceding any primary city election or general city election, an elector may register to vote only:~~

~~— (a) By appearing in person at the office of the city clerk or, if open, a municipal facility designated pursuant to NRS 293C.520; or~~

~~— (b) By computer, if the county clerk of the county in which the city is located has established a system pursuant to NRS 293.506 for using a computer to register voters.~~

~~— 6. A municipal facility designated pursuant to NRS 293C.520 may be open during the periods described in this section for such hours of operation as the city clerk may determine, as set forth in subsection 3 of NRS 293C.520.~~] **(Deleted by amendment.)**

Sec. 86. NRS 293C.530 is hereby amended to read as follows:

293C.530 1. A city clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a city clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the city clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

2. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 1, the city clerk shall distribute the sample ballot to the registered voter by mail.

3. Before the period for early voting for any election begins, the city clerk shall distribute to each registered voter in the city by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place ~~[.]~~ ***or places.*** If the location of the polling place ***or places*** has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE ***OR PLACES*** HAS CHANGED SINCE THE LAST ELECTION

4. Except as otherwise provided in subsection 6, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type;

(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 295.205 or 295.217; and

(c) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

5. The word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.

6. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

7. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

8. If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots distributed to that person from the city are in large type.

9. The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place ***or places*** and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place ~~[.]~~ ***or places.***

10. The cost of distributing sample ballots for a city election must be borne by the city holding the election.

Sec. 87. NRS 293C.535 is hereby amended to read as follows:

293C.535 1. Except as otherwise provided by special charter, registration of electors in incorporated cities must be accomplished in the manner provided in this chapter.

2. The ~~***[Except as otherwise provided in subsection 3, the]***~~ county clerk shall use the statewide voter registration list to prepare for the city clerk of each incorporated city within the county the roster of all electors eligible to vote at a regular or special city election.

3. ~~***[The city clerk shall prepare for:***~~

~~***(a) Each polling place a roster containing the registered voters eligible to vote at the polling.***~~

~~*(b) Each polling place established pursuant to section 72 of this act, if any, a roster containing the registered voters eligible to vote in the city.*~~

~~*(c) Each polling place designated pursuant to section 76.5 of this act, if any, a roster designated for electors who register to vote on the day of the city election pursuant to that section.*~~

~~*4.* The~~ ***Except as otherwise provided in section 75 of this act, the*** rosters must be prepared, one for each ward or other voting district within each incorporated city. The entries in the roster must be arranged alphabetically with the surnames first.

4. ~~*[5.]*~~ The county clerk shall keep duplicate originals or copies of the applications to register to vote in the county clerk's office.

Sec. 88. ~~[NRS 293C.540 is hereby amended to read as follows:~~

~~293C.540 Not later than 3 days before the day on which any regular or special city election is held, the county clerk shall deliver to the city clerk the official [register] *rosters* for the city.]~~ **(Deleted by amendment.)**

Sec. 89. NRS 293C.715 is hereby amended to read as follows:

293C.715 1. If a city clerk maintains a website on the Internet for information relating to elections, the website must contain public information maintained, collected or compiled by the city clerk that relates to elections, which must include, without limitation:

(a) The locations of polling places for casting a ballot on election day in such a form that a registered voter may search the list to determine the location of the polling place ***or places*** at which the registered voter is ~~[required]~~ ***entitled*** to cast a ballot; and

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293C.387.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by a city clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, a county clerk or another city clerk, the city clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 90. NRS 293C.720 is hereby amended to read as follows:

293C.720 Each city clerk is encouraged to:

1. Not later than the earlier date of the first notice provided pursuant to subsection 4 of NRS 293.560 or NRS 293C.187, notify the public, through means designed to reach members of the public who are elderly or disabled, of the provisions of NRS 293C.281, 293C.282, 293C.310, subsection 1 of NRS 293C.312, NRS 293C.317 and 293C.318.

2. Provide in alternative audio and visual formats information concerning elections, information concerning how to ***preregister or*** register to vote and information concerning the manner of voting for use by a person who is

elderly or disabled, including, without limitation, providing such information through a telecommunications device that is accessible to a person who is deaf.

3. Not later than 5 working days after receiving the request of a person who is elderly or disabled, provide to the person, in a format that can be used by the person, any requested material that is:

(a) Related to elections; and

(b) Made available by the city clerk to the public in printed form.

Sec. 91. NRS 293D.200 is hereby amended to read as follows:

293D.200 1. The Secretary of State shall make available to covered voters information regarding voter registration procedures for covered voters and procedures for casting military-overseas ballots.

2. The Secretary of State shall establish a system of approved electronic transmission through which covered voters may apply for, receive and send documents and other information pursuant to this chapter. The system of approved electronic transmission must include, without limitation, a method by which a covered voter may provide his or her digital signature or electronic signature on any document or other material that is necessary for the covered voter to register to vote, apply for a military-overseas ballot or cast a military-overseas ballot pursuant to this chapter.

3. The Secretary of State shall develop standardized absentee-voting materials, including, without limitation, privacy and transmission envelopes and their electronic equivalents, authentication materials and voting instructions, to be used with the military-overseas ballot of a covered voter authorized to vote in any jurisdiction in this State and, to the extent reasonably possible, shall do so in coordination with other states.

4. The Secretary of State shall prescribe the form and content of a declaration for use by a covered voter to swear or affirm specific representations pertaining to the covered voter's identity, eligibility to vote, status as a covered voter and timely and proper completion of a military-overseas ballot. The declaration must be based on the declaration prescribed to accompany a federal write-in absentee ballot under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, ~~[42]~~ ***52*** U.S.C. § ~~[1973ff-2,]~~ ***20303,*** as modified to be consistent with this chapter. The Secretary of State shall ensure that a form for the execution of the declaration, including an indication of the date of execution of the declaration, is a prominent part of all balloting materials for which the declaration is required.

5. The Secretary of State shall prescribe by regulation the duties of a local elections official upon receipt of a military-overseas ballot, including, without limitation, the procedures to be used by a local elections official in accepting, handling and counting a military-overseas ballot.

6. The Secretary of State shall prescribe the form and content of an application for a United States citizen who is outside the United States to preregister to vote if:

(a) The person would have been able to preregister to vote pursuant to section 14 of this act except for the residency requirement; and

(b) The last place where a parent or legal guardian of the person was, or under this chapter would have been, eligible to vote before leaving the United States is within this State.

Sec. 92. NRS 293D.210 is hereby amended to read as follows:

293D.210 An overseas voter is eligible to be a covered voter if:

1. Before leaving the United States, the overseas voter was eligible to vote in this State and, except for the residency requirement, otherwise satisfies this State's voter eligibility requirements;

2. Before leaving the United States, the overseas voter would have been eligible to vote in this State had the overseas voter then been of voting age and, except for the residency requirement, otherwise satisfies this State's voter eligibility requirements; ~~[or]~~

3. ~~[Was]~~ ***Before leaving the United States, the overseas voter was preregistered to vote as described in section 14 of this act and, except for the residency requirement, otherwise satisfies this State's voter eligibility requirements; or***

4. The overseas voter was born outside the United States and, except for the residency requirement, otherwise satisfies the voter eligibility requirements set forth in NRS 293.485, so long as:

(a) The last place where a parent or legal guardian of the overseas voter was, or under this chapter would have been, eligible to vote before leaving the United States is within this State; and

(b) The overseas voter is not registered to vote in any other state.

Sec. 93. NRS 293D.230 is hereby amended to read as follows:

293D.230 1. In addition to any other method of registering to vote set forth in chapter 293 of NRS, a covered voter may use a federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, ~~[42]~~ ***52*** U.S.C. § ~~[1973ff(b)(2),]~~ ***20301(b)(2),*** or the application's electronic equivalent, to apply to register to vote ~~[.]~~ ***, if the federal postcard application is received by the appropriate local elections official ~~[not later than 7 days]~~ by the seventh day before the election. If the federal postcard application is received ~~[less than 7 days]~~ after the seventh day before the election, it must be treated as an application to register to vote for subsequent elections.***

2. A covered voter may use the declaration accompanying the federal write-in absentee ballot, as prescribed under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, ~~[42]~~ ***52*** U.S.C. § ~~[1973ff-2,]~~ ***20303,*** to apply to register to vote simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the seventh day before the election. If the declaration is received after the seventh day before the election, it must be treated as an application to register to vote for subsequent elections.

3. The Secretary of State shall ensure that the system of approved electronic transmission described in subsection 2 of NRS 293D.200 is capable of accepting:

(a) Both a federal postcard application and any other approved electronic registration application sent to the appropriate local elections official; and

(b) A digital signature or an electronic signature of a covered voter on the documents described in paragraph (a).

4. The covered voter may use the system of approved electronic transmission or any other method set forth in chapter 293 of NRS to register to vote.

Sec. 94. NRS 293D.300 is hereby amended to read as follows:

293D.300 1. A covered voter who is registered to vote in this State may apply for a military-overseas ballot by submitting a federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, ~~[42~~ ***53]*** ***52*** U.S.C. § ~~[1973ff(b)(2),]~~ ***20301(b)(2),*** or the application's electronic equivalent, ~~[pursuant to this section.]~~ ***if the federal postcard application is received by the appropriate local elections official*** ~~***[not later than 7 days]***~~ ***by the seventh day before the election.***

2. A covered voter who is not registered to vote in this State may use the federal postcard application or the application's electronic equivalent simultaneously to apply to register to vote pursuant to NRS 293D.230 and to apply for a military-overseas ballot ~~[.]~~ ***, if the federal postcard application is received by the appropriate local elections official by the seventh day before the election. If the federal postcard application is received after the seventh day before the election, it must be treated as an application to register to vote for subsequent elections.***

3. The Secretary of State shall ensure that the system of approved electronic transmission described in subsection 2 of NRS 293D.200 is capable of accepting the submission of:

(a) Both a federal postcard application and any other approved electronic military-overseas ballot application sent to the appropriate local elections official; and

(b) A digital signature or an electronic signature of a covered voter on the documents described in paragraph (a).

4. A covered voter may use approved electronic transmission or any other method approved by the Secretary of State to apply for a military-overseas ballot.

5. A covered voter may use the declaration accompanying the federal write-in absentee ballot, as prescribed under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, ~~[42]~~ ***52*** U.S.C. § ~~[1973ff-2,]~~ ***20303,*** as an application for a military-overseas ballot simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the appropriate local elections official by the seventh day before the election.

6. To receive the benefits of this chapter, a covered voter must inform the appropriate local elections official that he or she is a covered voter. Methods of informing the appropriate local elections official that a person is a covered voter include, without limitation:

(a) The use of a federal postcard application or federal write-in absentee ballot;

(b) The use of an overseas address on an approved voting registration application or ballot application; and

(c) The inclusion on an application to register to vote or an application for a military-overseas ballot of other information sufficient to identify that the person is a covered voter.

7. This chapter does not prohibit a covered voter from applying for an absent ballot pursuant to the provisions of NRS 293.315 or voting in person.

Sec. 95. ~~[NRS 293D.310 is hereby amended to read as follows:~~

~~293D.310 [An] *Except as otherwise provided in subsection 4 of NRS 293D.320, an* application for a military-overseas ballot is timely if received by the seventh day before the election. An application for a military-overseas ballot for a primary election, whether or not timely, is effective as an application for a military-overseas ballot for the general election.]~~ **(Deleted by amendment.)**

Sec. 96. NRS 293D.320 is hereby amended to read as follows:

293D.320 1. For all covered elections for which this State has not received a waiver pursuant to section 579 of the Military and Overseas Voter Empowerment Act, ~~[42 U.S.C. § 1973ff-1(g)(2),]~~ ***52 U.S.C. § 20302,*** not later than 45 days before the election or, if the 45th day before the election is a weekend or holiday, not later than the business day preceding the 45th day, the local elections official in each jurisdiction charged with distributing military-overseas ballots and balloting materials shall transmit military-overseas ballots and balloting materials to all covered voters who by that date submit a valid application for military-overseas ballots.

2. A covered voter who requests that a military-overseas ballot and balloting materials be sent to the covered voter by approved electronic transmission may choose to receive the military-overseas ballot and balloting materials by:

(a) Facsimile transmission;

(b) Electronic mail delivery; or

(c) The system of approved electronic transmission that is established by the Secretary of State pursuant to subsection 2 of NRS 293D.200.

➥ The local elections official in each jurisdiction shall transmit the military-overseas ballot and balloting materials to the covered voter using the means of approved electronic transmission chosen by the covered voter.

3. If an application for a military-overseas ballot from a covered voter arrives after the jurisdiction begins transmitting ballots and balloting materials to other voters, the local elections official shall transmit the

military-overseas ballot and balloting materials to the covered voter not later than 2 business days after the application arrives.

4. If a covered voter does not receive his or her military-overseas ballot and balloting materials for any reason, including, without limitation, as a result of a change in the duty station of the covered voter, the covered voter may, not later than the close of polls on election day:

(a) Request that the local elections official resend to the covered voter his or her military-overseas ballot and balloting materials by:

(1) Facsimile transmission;

(2) Electronic mail delivery; or

(3) The system of approved electronic transmission that is established by the Secretary of State pursuant to subsection 2 of NRS 293D.200.

(b) Cast his or her military-overseas ballot by:

(1) Facsimile transmission;

(2) Electronic mail delivery; or

(3) The system of approved electronic transmission that is established by the Secretary of State pursuant to subsection 2 of NRS 293D.200.

Sec. 97. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, ***293.504, 293.524,*** 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631,

388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 14 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a

person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 98. (Deleted by amendment.)

Sec. 99. NRS 483.290 is hereby amended to read as follows:

483.290 1. An application for an instruction permit or for a driver's license must:

(a) Be made upon a form furnished by the Department.

(b) Be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.

(c) Be accompanied by the required fee.

(d) State the full legal name, date of birth, sex, address of principal residence and mailing address, if different from the address of principal residence, of the applicant and briefly describe the applicant.

(e) State whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal.

(f) Include such other information as the Department may require to determine the competency and eligibility of the applicant.

2. Every applicant must furnish proof of his or her full legal name and age by displaying:

(a) An original or certified copy of the required documents as prescribed by regulation; or

(b) A photo identification card issued by the Department of Corrections pursuant to NRS 209.511.

3. The Department shall adopt regulations prescribing the documents an applicant may use to furnish proof of his or her full legal name and age to the Department pursuant to paragraph (a) of subsection 2.

4. At the time of applying for a driver's license, an applicant may, if eligible, ***preregister or*** register to vote pursuant to NRS 293.524.

5. Every applicant who has been assigned a social security number must furnish proof of his or her social security number by displaying:

(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or

(b) Other proof acceptable to the Department, including, without limitation, records of employment or federal income tax returns.

6. The Department may refuse to accept a driver's license issued by another state, the District of Columbia or any territory of the United States if the Department determines that the other state, the District of Columbia or the territory of the United States has less stringent standards than the State of Nevada for the issuance of a driver's license.

7. With respect to any document presented by a person who was born outside of the United States to prove his or her full legal name and age, the Department:

(a) May, if the document has expired, refuse to accept the document or refuse to issue a driver's license to the person presenting the document, or both; and

(b) Shall issue to the person presenting the document a driver's license that is valid only during the time the applicant is authorized to stay in the United States, or if there is no definite end to the time the applicant is authorized to stay, the driver's license is valid for 1 year beginning on the date of issuance.

8. The Administrator shall adopt regulations setting forth criteria pursuant to which the Department will issue or refuse to issue a driver's license in accordance with this section to a person who is a citizen of any state, the District of Columbia, any territory of the United States or a foreign country. The criteria pursuant to which the Department shall issue or refuse to issue a driver's license to a citizen of a foreign country must be based upon the purpose for which that person is present within the United States.

9. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an instruction permit or for a driver's license. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.

Sec. 100. NRS 483.850 is hereby amended to read as follows:

483.850 1. Every application for an identification card must be made upon a form provided by the Department and include, without limitation:

(a) The applicant's:

(1) Full legal name.

(2) Date of birth.

(3) State of legal residence.

(4) Current address of principal residence and mailing address, if different from his or her address of principal residence, in this State, unless the applicant is on active duty in the military service of the United States.

(b) A statement from:

(1) A resident stating that he or she does not hold a valid driver's license or identification card from any state or jurisdiction; or

(2) A seasonal resident stating that he or she does not hold a valid Nevada driver's license.

2. When the form is completed, the applicant must sign the form and verify the contents before a person authorized to administer oaths.

3. An applicant who has been issued a social security number must provide to the Department for inspection:

(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or

(b) Other proof acceptable to the Department bearing the social security number of the applicant, including, without limitation, records of employment or federal income tax returns.

4. At the time of applying for an identification card, an applicant may, if eligible, ***preregister or*** register to vote pursuant to NRS 293.524.

5. A person who possesses a driver's license or identification card issued by another state or jurisdiction who wishes to apply for an identification card pursuant to this section shall surrender to the Department the driver's license or identification card issued by the other state or jurisdiction at the time the person applies for an identification card pursuant to this section.

Sec. 101. (Deleted by amendment.)

Sec. 102. (Deleted by amendment.)

Sec. 103. (Deleted by amendment.)

Sec. 104. (Deleted by amendment.)

Sec. 105. (Deleted by amendment.)

Sec. 106. (Deleted by amendment.)

Sec. 107. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~ **(Deleted by amendment.)**

Sec. 108. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2018, for all other purposes.

Assemblyman Araujo moved the adoption of the amendment.

Remarks by Assemblyman Araujo.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 194.

Bill read third time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 897.

SENATORS DENIS, PARKS, CANCELA, ATKINSON, MANENDO; FORD, RATTI AND SEGERBLOM

JOINT SPONSORS: ASSEMBLYMEN SWANK, EDWARDS, FRIERSON, CARRILLO **; ~~[, HAMBRICK;]~~** BILBRAY-AXELROD, DALY, JAUREGUI AND JOINER

AN ACT relating to trade practices; prohibiting the sale of products derived from or containing certain animal species under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Endangered Species Act of 1973 and the African Elephant Conservation Act restrict importation to, exportation from and trade throughout the United States of certain items made of or containing certain animal parts. (16 U.S.C. §§ 1531 et seq.; 16 U.S.C. §§ 4201 et seq.) **Section 2** of this bill prohibits the purchase, sale or possession with intent to sell any item in this State that is, wholly or partially, made of an animal part or byproduct derived from a shark fin **, a lion of the species *Panthera leo*** or any species of elephant, rhinoceros, tiger, **~~[lion,]~~** leopard, cheetah, jaguar, pangolin, sea turtle, ray, mammoth, narwhal, walrus or hippopotamus. **Section 2** also designates the criminal and civil penalties to be imposed upon a person for violating these provisions. **Section 3** of this bill exempts certain classes of sales from the provisions of **section 2**, including certain sales involving: (1) law enforcement; (2) antiques; (3) musical instruments; (4) knives and firearms; and (5) a scientific or educational institution. **Section 3** also exempts sales of items specifically authorized for sale by federal law **~~[.]~~ or sport-hunted items legally obtained in accordance with federal law.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. Except as otherwise provided in section 3 of this act, a person shall not purchase, sell, offer for sale or possess with intent to sell any item that is, wholly or partially, made of an animal part or byproduct derived from a shark fin , a lion of the species Panthera leo or any species of elephant, rhinoceros, tiger, ~~[lion,]~~ leopard, cheetah, jaguar, pangolin, sea turtle, ray, mammoth, narwhal, walrus or hippopotamus.***

2. Any person who violates a provision of subsection 1:

(a) For the first offense, is guilty of a gross misdemeanor;

(b) For the second offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130; and

(c) For the third and any subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. In addition to the criminal penalties set forth in this section, a person who violates a provision of this section, upon conviction, shall pay a civil penalty not to exceed $6,500 or an amount equal to four times the fair market value of the item which is the subject of the violation, whichever is greater.

4. As used in this section:

(a) "Sale" or "sell" means any act of selling, trading or bartering, for monetary or nonmonetary consideration, and includes any transfer of ownership that occurs in the course of a commercial transaction, but does not include a nonmonetary transfer of ownership to a legal beneficiary of a trust or to a person by way of gift, donation, inheritance or bequest.

(b) "Shark fin" means the fresh and uncooked, or cooked, frozen, dried or otherwise processed, detached fin or tail of a shark.

Sec. 3. ***1. The provisions of section 2 of this act do not apply to:***

(a) Any activity undertaken by a law enforcement agency or officer pursuant to federal or state law.

(b) An antique that contains a de minimis quantity of an animal part or byproduct derived from any species listed in subsection 1 of section 2 of this act, provided that the animal part or byproduct is a fixed component of the antique and the owner or seller of the antique establishes with documentation evidencing provenance of the antique that the antique is at least 100 years old.

(c) A musical instrument, including, without limitation, piano, string instrument and bow, wind instrument and percussion instrument, that contains a de minimis quantity of an animal part or byproduct derived from any species listed in subsection 1 of section 2 of this act, provided that the owner or seller of the musical instrument:

(1) Possesses any certification or permit required by federal law for the sale of the musical instrument; and

(2) Establishes with documentation evidencing provenance that the musical instrument was legally acquired.

(d) A knife or firearm , or a component thereof, that contains an animal part or byproduct derived from any species listed in subsection 1 of section 2 of this act if:

(1) The animal part or byproduct:

(I) Is a fixed or integral part of the knife or firearm [,] , or the component thereof; and

(II) Originated in or was legally imported to the United States; and

(2) The owner or seller of the knife or firearm , or the component thereof, establishes with documentation evidencing provenance that the knife or firearm , or the component thereof, was legally acquired; and

(3) All the requirements for the sale of the knife or firearm , or the component thereof, set forth in federal and state law are met.

(e) Sales authorized by the Department of Business and Industry to a bona fide scientific or educational institution of an item that contains an animal part or byproduct derived from any species listed in subsection 1 of section 2 of this act, provided that the owner or seller of the item:

(1) Possesses any certification or permit required by federal law for the sale of the item; and

(2) Establishes with documentation evidencing provenance that the item was legally acquired.

(f) Any item that contains an animal part or byproduct derived from any species listed in subsection 1 of section 2 of this act for which the owner or seller has obtained any certification or permit required by federal law for the sale of the item or that is specifically authorized for sale by federal law, provided that all the requirements for the sale of the item set forth in federal or state law have been met.

(g) Any sport-hunted item that is legally obtained in accordance with federal law.

2. As used in this section, "de minimis quantity" means:

(a) Less than 20 percent of an item by volume;

(b) Less than 200 grams in weight when examined as a separate component; and

(c) Less than 20 percent of the fair market value of an item or of the actual price paid for the item, whichever is greater.

Sec. 4. This act becomes effective on January 1, 2018.

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblywoman Swank.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 232.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 815.

AN ACT relating to domestic workers; enacting the Domestic Workers' Bill of Rights; providing for the mandatory payment of wages and overtime wages for certain hours worked, limitations on deductions for food and lodging, rest breaks and days off; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that employees must be paid a minimum wage and must be paid overtime for certain hours. (NRS 608.018, 608.250; Nev. Const. Art. 15, § 16) **Section 6** of this bill enacts the Domestic Workers' Bill of Rights. **Section 6** defines a "domestic worker" to mean a natural person who is paid by an employer to perform work of a domestic nature and requires that an employer of a domestic worker supply the domestic worker with

certain written documentation of the conditions of his or her employment and his or her rights under the law. **Section 6** also requires that a domestic worker be compensated for all hours during which he or she is required to be on duty and is required to remain in the employer's household, except under certain circumstances in which the domestic worker is employed at a residential facility for a group of certain persons who require supervision, care or other assistance. **Section 6** requires that a domestic worker who is paid less than one and one half times the minimum hourly wage and who does not reside in the employer's household be paid overtime wages for certain hours; however, per the Labor Commissioner, a domestic worker who resides in the employer's household is only entitled to his or her regular wages for all hours worked. **Section 6** further requires that a domestic worker be allowed at least 1 day off per week and 2 consecutive days off at least once per month. **Section 6** also prohibits an employer from limiting or monitoring a domestic worker's private communications or taking or holding such a worker's personal documents. **Section 1** of this bill sets limits on the amount an employer may deduct from a worker's pay for lodging provided by the employer. **Section 2** of this bill revises the amounts an employer may deduct from a worker's pay for meals. Existing law provides that children under the age of 16 years employed in domestic service, farm labor or motion picture performances are exempt from limitations on working hours. (NRS 609.240) **Section 3** of this bill deletes the exemption for children employed in domestic service.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A part of wages or compensation may, if mutually agreed upon by an employee and employer in the contract of employment, consist of lodging. In no case may the value of the lodging be computed at more than five times the statutory minimum hourly wage for each week that lodging is provided to the employee.

2. The monetary limitations on the value of lodging specified in subsection 1 do not apply to agricultural employees.

Sec. 2. NRS 608.155 is hereby amended to read as follows:

608.155 1. A part of wages or compensation may, if mutually agreed upon by an employee and employer in the contract of employment, consist of meals. In no case shall the value of the meals be computed at more than ~~[~~$1.50~~]~~ ***100 percent of the statutory minimum hourly wage*** per day. In no case shall the value of the meals consumed by such employee be computed or valued at more than ~~[~~35 cents~~]~~ ***25 percent of the statutory minimum hourly wage*** for each breakfast actually consumed, ~~[~~45 cents~~]~~ ***25 percent of the statutory minimum hourly wage*** for each lunch actually consumed, and

~~[70 cents]~~ ***50 percent of the statutory minimum hourly wage*** for each dinner actually consumed.

2. The monetary limitations on the value of meals, contained in subsection 1, do not apply to agricultural employees.

Sec. 3. NRS 609.240 is hereby amended to read as follows:

609.240 1. No child under the age of 16 years may be employed, permitted or suffered to work at any gainful occupation, other than ~~[domestic service,]~~ employment as a performer in the production of a motion picture or work on a farm, more than 48 hours in any 1 week, or more than 8 hours in any 1 day.

2. The presence of a child in any establishment during working hours is prima facie evidence of employment of the child therein.

Sec. 4. Chapter 613 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 and 6 of this act.

Sec. 5. ***This section and section 6 of this act may be cited as the Domestic Workers' Bill of Rights.***

Sec. 6. ***1. The Legislature hereby declares that a domestic worker must be afforded the following rights and protections:***

(a) An employer shall provide to a domestic worker, when the domestic worker begins his or her employment, a written employment agreement outlining the conditions of his or her employment. If the domestic worker is not able to understand the provisions of the written agreement, the employer shall ensure that those provisions are explained to the domestic worker in a language that the domestic worker understands. The employment agreement must include, without limitation:

(1) The full name and address of the employer;

(2) The name of the domestic worker and a description of the duties for which he or she is being employed;

(3) Each place where the domestic worker is required to work;

(4) The date on which the employment will begin;

(5) The period of notice required for either party to terminate the employment or, if the employment is for a specified period, the date on which the employment will end;

(6) The ordinary workdays and hours of work required of the domestic worker, including any breaks;

(7) The rate of pay, rate and conditions of overtime pay and any other payment or benefits, including, without limitation, health insurance, workers' compensation insurance or paid leave, which the domestic worker is entitled to receive;

(8) The frequency and method of pay;

(9) Any deductions to be made from the domestic worker's wages;

(10) If the domestic worker is to reside in the employer's household, the conditions under which the employer may enter the domestic worker's designated living space; and

(11) A notice of all applicable state and federal laws pertaining to the employment of domestic workers. A copy of the notice provided in subsection 3 will satisfy the requirement to comply with this subparagraph.

(b) Except as otherwise provided in this section and subject to the provisions of chapter 608 of NRS, a domestic worker must, for all of his or her working time, be paid at least the minimum hourly wage published pursuant to Section 16 of Article 15 of the Nevada Constitution.

(c) A domestic worker who is paid less than one and one half times the minimum hourly wage and who does not reside in the employer's household must be paid not less than one and one half times the domestic worker's regular rate of wages for all working time in excess of 8 hours in a workday or 40 hours in a week of work as provided in NRS 608.018. A domestic worker who resides in the employer's household is not entitled to pay in excess of the minimum hourly wage for any working time in excess of 8 hours in a workday or 40 hours in a week of work.

(d) Except as otherwise provided in NRS 608.0195, if a domestic worker is required to be on duty, he or she must be paid for all working time, including, without limitation, sleeping time and meal breaks.

(e) If a domestic worker is hired to work for 40 hours per week or more, his or her employer must provide a period of rest of at least 24 consecutive hours in each calendar week and at least 48 consecutive hours during each calendar month. The domestic worker may agree in writing to work on a scheduled day of rest but must be compensated for such time pursuant to this section.

(f) An employer may deduct from the wages of a domestic worker an amount for food and beverages supplied by the employer if the domestic worker freely and voluntarily accepts such food and beverages and provides written consent for such a deduction. An employer must not make a deduction for food and beverages supplied by the employer if a domestic worker cannot easily bring or prepare meals on the premises. Any deduction for food and beverages pursuant to this paragraph must not exceed the limits set forth in NRS 608.155.

(g) An employer may deduct from the wages of a domestic worker an amount for lodging if the domestic worker freely and voluntarily accepts such lodging and provides written consent for such a deduction. An employer may not make a deduction for lodging if the domestic worker is required to reside on the employer's premises as a condition of his or her employment. Any deduction for lodging pursuant to this paragraph must not exceed the limits set forth in section 1 of this act.

(h) If a domestic worker is required to wear a uniform, the employer may not deduct from his or her wages the cost of the uniform or its care.

(i) An employer shall not restrict, interfere with or monitor a domestic worker's private communications or take any of the domestic worker's documents or other personal effects.

(j) A domestic worker may request a written evaluation of his or her work performance from the employer 3 months after his or her employment begins and annually thereafter.

(k) If a domestic worker resides in the employer's household and the employer terminates his or her employment without cause, the employer shall provide written notice and at least 30 days of lodging to the domestic worker, either on-site or in comparable off-site conditions.

(l) An employer shall keep a record of the wages and hours of the domestic worker as required by NRS 608.115.

2. The provisions of this section are not intended to prevent an employer from providing greater wages and benefits than those required by this section.

3. The Labor Commissioner shall adopt regulations to carry out the provisions of this section and shall post on his or her Internet website, if any, a multilingual notice of employment rights provided under this section and any applicable state and federal laws pertaining to the employment of domestic workers.

4. As used in this section, unless the context otherwise requires:

(a) "Domestic worker" means a natural person who is paid by an employer to perform work of a domestic nature for the employer's household, including, without limitation, housekeeping, housecleaning, cooking, laundering, nanny services, caretaking of sick, convalescing or elderly persons, gardening or chauffeuring. ~~[The term does not include persons who provide services on a casual, irregular or intermittent basis or persons who are employed by a third-party service or agency.]~~

(b) "Employer" means a person who employs a domestic worker to work for the employer's household.

(c) "Household" means the premises of an employer's residence and includes any living quarters on the employer's property.

(d) "On duty" means any period during which a domestic worker is working or is required to remain on the employer's property.

(e) "Period of rest" means a period during which the domestic worker has complete freedom from all duties and is free to leave the employer's household or stay within the household solely for personal pursuits.

(f) "Working time" means all compensable time, other than periods of rest, during which a domestic worker is on duty, regardless of whether the domestic worker is actually working.

Sec. 7. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2018, for all other purposes.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

The following amendment was proposed by Assemblywoman Bustamante Adams:

Amendment No. 929.

AN ACT relating to domestic workers; enacting the Domestic Workers' Bill of Rights; providing for the mandatory payment of wages and overtime wages for certain hours worked, limitations on deductions for food and lodging, rest breaks and days off; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that employees must be paid a minimum wage and must be paid overtime for certain hours. (NRS 608.018, 608.250; Nev. Const. Art. 15, § 16) **Section 6** of this bill enacts the Domestic Workers' Bill of Rights. **Section 6** defines a "domestic worker" to mean a natural person who is paid by an employer to perform work of a domestic nature and requires that an employer of a domestic worker supply the domestic worker with certain written documentation of the conditions of his or her employment and his or her rights under the law. **Section 6** also requires that a domestic worker be compensated for all hours during which he or she is required to be on duty and is required to remain in the employer's household, except under certain circumstances in which the domestic worker is employed at a residential facility for a group of certain persons who require supervision, care or other assistance. **Section 6** requires that a domestic worker who is paid less than one and one half times the minimum hourly wage and who does not reside in the employer's household be paid overtime wages for certain hours; however, per the Labor Commissioner, a domestic worker who resides in the employer's household is only entitled to his or her regular wages for all hours worked. **Section 6** further requires that a domestic worker be allowed at least 1 day off per week and 2 consecutive days off at least once per month. **Section 6** also prohibits an employer from limiting or monitoring a domestic worker's private communications or taking or holding such a worker's personal documents. **Section 1** of this bill sets limits on the amount an employer may deduct from a worker's pay for lodging provided by the employer. **Section 2** of this bill revises the amounts an employer may deduct from a worker's pay for meals. Existing law provides that children under the age of 16 years employed in domestic service, farm labor or motion picture performances are exempt from limitations on working hours. (NRS 609.240) **Section 3** of this bill deletes the exemption for children employed in domestic service.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A part of wages or compensation may, if mutually agreed upon by an employee and employer in the contract of employment, consist of lodging. In no case may the value of the lodging be computed at more than five times the statutory minimum hourly wage for each week that lodging is provided to the employee.

2. The monetary limitations on the value of lodging specified in subsection 1 do not apply to agricultural employees.

Sec. 2. NRS 608.155 is hereby amended to read as follows:

608.155 1. A part of wages or compensation may, if mutually agreed upon by an employee and employer in the contract of employment, consist of meals. In no case shall the value of the meals be computed at more than ~~[~~$1.50~~]~~ ***100 percent of the statutory minimum hourly wage*** per day. In no case shall the value of the meals consumed by such employee be computed or valued at more than ~~[~~35 cents~~]~~ ***25 percent of the statutory minimum hourly wage*** for each breakfast actually consumed, ~~[~~45 cents~~]~~ ***25 percent of the statutory minimum hourly wage*** for each lunch actually consumed, and ~~[~~70 cents~~]~~ ***50 percent of the statutory minimum hourly wage*** for each dinner actually consumed.

2. The monetary limitations on the value of meals, contained in subsection 1, do not apply to agricultural employees.

Sec. 3. NRS 609.240 is hereby amended to read as follows:

609.240 1. No child under the age of 16 years may be employed, permitted or suffered to work at any gainful occupation, other than ~~[~~domestic service,~~]~~ employment as a performer in the production of a motion picture or work on a farm, more than 48 hours in any 1 week, or more than 8 hours in any 1 day.

2. The presence of a child in any establishment during working hours is prima facie evidence of employment of the child therein.

Sec. 4. Chapter 613 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 and 6 of this act.

Sec. 5. ***This section and section 6 of this act may be cited as the Domestic Workers' Bill of Rights.***

Sec. 6. ***1. The Legislature hereby declares that a domestic worker must be afforded the following rights and protections:***

(a) An employer shall provide to a domestic worker, when the domestic worker begins his or her employment, a written employment agreement outlining the conditions of his or her employment. If the domestic worker is not able to understand the provisions of the written agreement, the employer shall ensure that those provisions are explained to the domestic

worker in a language that the domestic worker understands. The employment agreement must include, without limitation:

(1) The full name and address of the employer;

(2) The name of the domestic worker and a description of the duties for which he or she is being employed;

(3) Each place where the domestic worker is required to work;

(4) The date on which the employment will begin;

(5) The period of notice required for either party to terminate the employment or, if the employment is for a specified period, the date on which the employment will end;

(6) The ordinary workdays and hours of work required of the domestic worker, including any breaks;

(7) The rate of pay, rate and conditions of overtime pay and any other payment or benefits, including, without limitation, health insurance, workers' compensation insurance or paid leave, which the domestic worker is entitled to receive;

(8) The frequency and method of pay;

(9) Any deductions to be made from the domestic worker's wages;

(10) If the domestic worker is to reside in the employer's household, the conditions under which the employer may enter the domestic worker's designated living space; and

(11) A notice of all applicable state and federal laws pertaining to the employment of domestic workers. A copy of the notice provided in subsection 3 will satisfy the requirement to comply with this subparagraph.

(b) Except as otherwise provided in this section and subject to the provisions of chapter 608 of NRS, a domestic worker must, for all of his or her working time, be paid at least the minimum hourly wage published pursuant to Section 16 of Article 15 of the Nevada Constitution.

(c) A domestic worker who is paid less than one and one half times the minimum hourly wage and who does not reside in the employer's household must be paid not less than one and one half times the domestic worker's regular rate of wages for all working time in excess of 8 hours in a workday or 40 hours in a week of work as provided in NRS 608.018. A domestic worker who resides in the employer's household is not entitled to pay in excess of the minimum hourly wage for any working time in excess of 8 hours in a workday or 40 hours in a week of work.

(d) Except as otherwise provided in NRS 608.0195, if a domestic worker is required to be on duty, he or she must be paid for all working time, including, without limitation, sleeping time and meal breaks.

(e) If a domestic worker is hired to work for 40 hours per week or more, his or her employer must provide a period of rest of at least 24 consecutive hours in each calendar week and at least 48 consecutive hours during each calendar month. The domestic worker may agree in writing to work on a scheduled day of rest but must be compensated for such time pursuant to this section.

(f) An employer may deduct from the wages of a domestic worker an amount for food and beverages supplied by the employer if the domestic worker freely and voluntarily accepts such food and beverages and provides written consent for such a deduction. An employer must not make a deduction for food and beverages supplied by the employer if a domestic worker cannot easily bring or prepare meals on the premises. Any deduction for food and beverages pursuant to this paragraph must not exceed the limits set forth in NRS 608.155.

(g) An employer may deduct from the wages of a domestic worker an amount for lodging if the domestic worker freely and voluntarily accepts such lodging and provides written consent for such a deduction. An employer may not make a deduction for lodging if the domestic worker is required to reside on the employer's premises as a condition of his or her employment. Any deduction for lodging pursuant to this paragraph must not exceed the limits set forth in section 1 of this act.

(h) If a domestic worker is required to wear a uniform, the employer may not deduct from his or her wages the cost of the uniform or its care.

(i) An employer shall not restrict, interfere with or monitor a domestic worker's private communications or take any of the domestic worker's documents or other personal effects.

(j) A domestic worker may request a written evaluation of his or her work performance from the employer 3 months after his or her employment begins and annually thereafter.

(k) If a domestic worker resides in the employer's household and the employer terminates his or her employment without cause, the employer shall provide written notice and at least 30 days of lodging to the domestic worker, either on-site or in comparable off-site conditions.

(l) An employer shall keep a record of the wages and hours of the domestic worker as required by NRS 608.115.

2. The provisions of this section are not intended to prevent an employer from providing greater wages and benefits than those required by this section.

3. The Labor Commissioner shall adopt regulations to carry out the provisions of this section and shall post on his or her Internet website, if any, a multilingual notice of employment rights provided under this section and any applicable state and federal laws pertaining to the employment of domestic workers.

4. As used in this section, unless the context otherwise requires:

(a) "Domestic worker" means a natural person who is paid by an employer to perform work of a domestic nature for the employer's household, including, without limitation, housekeeping, housecleaning, cooking, laundering, nanny services, caretaking of sick, convalescing or elderly persons, gardening or chauffeuring. <u>The term:</u>

<u>(1) Includes a natural person who is employed by a third-party service or agency; and</u>

(2) Does not include a natural person who provides services on a casual, irregular or intermittent basis.

(b) "Employer" means a person who employs a domestic worker to work for the employer's household.

(c) "Household" means the premises of an employer's residence and includes any living quarters on the employer's property.

(d) "On duty" means any period during which a domestic worker is working or is required to remain on the employer's property.

(e) "Period of rest" means a period during which the domestic worker has complete freedom from all duties and is free to leave the employer's household or stay within the household solely for personal pursuits.

(f) "Working time" means all compensable time, other than periods of rest, during which a domestic worker is on duty, regardless of whether the domestic worker is actually working.

Sec. 7. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2018, for all other purposes.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 250.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 866.

AN ACT relating to constables; requiring a person seeking election or appointment to the office of constable in certain townships to complete certain training as a peace officer before declaring or accepting candidacy for or accepting appointment to the office; ~~[repealing the requirement that constables hired in certain townships be certified by the Peace Officers' Standards and Training Commission as a category II peace officer;]~~ **revising provisions relating to the circumstances under which a constable or deputy constable has the powers of a peace officer;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each constable of a township whose population is 100,000 or more and which is located in a county whose population is 700,000 or more (currently only Clark County), and each constable of a township whose population is 250,000 or more and which is located in a county whose population is less than 700,000 (currently all counties other

than Clark County), to be certified by the Peace Officers' Standards and Training Commission as a category II peace officer within 1 year after the constable's date of hire. (NRS 258.007) ~~[Sections]~~ **Section** 1.3 ~~[and 3]~~ of this bill ~~[repeal the category II certification requirement for such constables and instead require]~~ **requires** a person who seeks election or appointment to the office of constable in a township in which a city is located whose population is ~~[220,000]~~ **150,000** or more (currently the cities of Las Vegas, Henderson**,** ~~[and]~~ Reno~~.~~ ~~[)]~~ **and North Las Vegas)** to complete certain certification or training programs before he or she declares or accepts candidacy for the office or accepts appointment to the office.

Section 1.7 of this bill removes the requirements that: (1) the chief of police of the city authorize and consent to a constable's power as a peace officer when the constable is acting in an incorporated city; and (2) the sheriff of the county authorize and consent to a constable's power as a peace officer when the constable is acting in an area that is not within the limits of an incorporated city.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 289.470 is hereby amended to read as follows:~~

~~289.470 "Category II peace officer" means:~~

~~1. The bailiffs of the district courts, justice courts and municipal courts whose duties require them to carry weapons and make arrests;~~

~~2. Subject to the provisions of NRS 258.070, [constables and their deputies;] *deputy constables.*~~

~~3. Inspectors employed by the Nevada Transportation Authority who exercise those powers of enforcement conferred by chapters 706 and 712 of NRS;~~

~~4. Special investigators who are employed full-time by the office of any district attorney or the Attorney General;~~

~~5. Investigators of arson for fire departments who are specially designated by the appointing authority;~~

~~6. The brand inspectors of the State Department of Agriculture who exercise the powers of enforcement conferred by chapter 565 of NRS;~~

~~7. The field agents and inspectors of the State Department of Agriculture who exercise the powers of enforcement conferred by NRS 561.225;~~

~~8. Investigators for the State Forester Firewarden who are specially designated by the State Forester Firewarden and whose primary duties are related to the investigation of arson;~~

~~9. School police officers employed by the board of trustees of any county school district;~~

~~10. Agents of the Nevada Gaming Control Board who exercise the powers of enforcement specified in NRS 289.360, 463.140 or 463.1405, except those agents whose duties relate primarily to auditing, accounting, the~~

~~collection of taxes or license fees, or the investigation of applicants for licenses;~~

~~11. Investigators and administrators of the Division of Compliance Enforcement of the Department of Motor Vehicles who perform the duties specified in subsection 2 of NRS 481.048;~~

~~12. Officers and investigators of the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the Department of Motor Vehicles who perform the duties specified in subsection 3 of NRS 481.0481;~~

~~13. Legislative police officers of the State of Nevada;~~

~~14. Parole counselors of the Division of Child and Family Services of the Department of Health and Human Services;~~

~~15. Juvenile probation officers and deputy juvenile probation officers employed by the various judicial districts in the State of Nevada or by a department of juvenile justice services established by ordinance pursuant to NRS 62G.210 whose official duties require them to enforce court orders on juvenile offenders and make arrests;~~

~~16. Field investigators of the Taxicab Authority;~~

~~17. Security officers employed full time by a city or county whose official duties require them to carry weapons and make arrests;~~

~~18. The chief of a department of alternative sentencing created pursuant to NRS 211A.080 and the assistant alternative sentencing officers employed by that department;~~

~~19. Criminal investigators who are employed by the Secretary of State; and~~

~~20. The Inspector General of the Department of Corrections and any person employed by the Department as a criminal investigator.~~**~~]~~ (Deleted by amendment.)**

Sec. 1.3. NRS 258.005 is hereby amended to read as follows:

258.005 1. No person is eligible to the office of constable unless the person:

(a) Will have attained the age of 21 years on the date he or she would take office if so elected or appointed **.** **~~[~~**~~, and~~**~~]~~**

(b) Is a qualified elector.

(c) If the person is seeking election or appointment to the office of constable in a township in which is located a city whose population is ***~~[~~~~220,000~~***~~]~~ ***150,000 or more, before the time of his or her declaration of candidacy, acceptance of candidacy or appointment to the office:***

(1) Is certified as a category I or category II peace officer by the Peace Officers' Standards and Training Commission; or

(2) Is certified as a category I or category II peace officer or its equivalent by the certifying authority of another state or a federal law enforcement agency that imposes requirements for certification substantially similar to the requirements imposed by this State, as determined by the Commission . ***~~[~~~~; or~~***

~~*(3) Has successfully completed a federal law enforcement training program that is approved by the Commission.]*~~

2. A person who has been convicted of a felony in this state or any other state is not qualified to be a candidate for or elected or appointed to the office of constable regardless of whether the person has been restored to his or her civil rights.

Sec. 1.7. NRS 258.070 is hereby amended to read as follows:

258.070 1. Subject to the provisions of subsections 2 and 3, each constable shall:

(a) Be a peace officer.

(b) Execute the process, writs or warrants of courts of justice, judicial officers and coroners, when delivered to the constable for that purpose.

(c) Discharge such other duties as are or may be prescribed by law.

2. Subject to the provisions of subsection 3, a constable or deputy constable has the powers of a peace officer:

(a) For the discharge of duties as are or may be prescribed by law; ***and***

(b) For the purpose of arresting a person for a public offense committed or attempted in the presence of the constable or deputy constable, if the constable or deputy constable has reasonable cause to believe that the arrest is necessary to prevent harm to other persons or the escape of the person who committed or attempted the public offense **.** ~~**[**~~**;** ~~and~~

~~(c) In addition to the circumstances described in paragraphs (a) and (b):~~

~~(1) In an area within the limits of an incorporated city, for the purposes authorized by and with the consent of the chief of police of the city; and~~

~~(2) In an area that is not within the limits of an incorporated city, for the purposes authorized by and with the consent of the sheriff of the county.~~**]**

3. The constable and each deputy constable of a township shall not carry a firearm in the performance of his or her duties unless:

(a) The constable has adopted a written policy on the use of deadly force by the constable and each deputy constable; and

(b) The constable and each deputy constable has received training regarding the policy.

4. A constable or deputy constable authorized to carry a firearm pursuant to subsection 3 must receive training approved by the Peace Officers' Standards and Training Commission in the use of firearms at least once every 6 months.

5. A constable or deputy constable who wears a uniform in the performance of his or her duties shall display prominently as part of that uniform a badge, nameplate or other uniform piece which clearly displays the name or an identification number of the constable or deputy constable.

6. Pursuant to the procedures and subject to the limitations set forth in chapters 482 and 484A to 484E, inclusive, of NRS, a constable may issue a citation to an owner or driver, as appropriate, of a vehicle which is located in his or her township at the time the citation is issued and which is required to be registered in this State if the constable determines that the vehicle is not

properly registered. Upon the imposition of punishment pursuant to NRS 482.385 on the person to whom the citation is issued, the constable is entitled to charge and collect a fee of $100 from the person to whom the citation is issued, which may be retained by the constable as compensation.

7. If a sheriff or the sheriff's deputy in any county in this State arrests a person charged with a criminal offense or in the commission of an offense, the sheriff or the sheriff's deputy shall serve all process, whether mesne or final, and attend the court executing the order thereof in the prosecution of the person so arrested, whether in a justice court or a district court, to the conclusion, and whether the offense is an offense of which a justice of the peace has jurisdiction, or whether the proceeding is a preliminary examination or hearing. The sheriff or the sheriff's deputy shall collect the same fees and in the same manner therefor as the constable of the township in which the justice court is held would receive for the same service.

Sec. 2. ~~[NRS 289.550 is hereby amended to read as follows:~~

~~289.550 1. Except as otherwise provided in subsection 2 and NRS 3.310, 4.353,~~ **[**~~258.007~~**]** ***258.005*** ~~and 258.060, a person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, must be certified by the Commission within 1 year after the date on which the person commences employment as a peace officer unless the Commission, for good cause shown, grants in writing an extension of time, which must not exceed 6 months, by which the person must become certified. A person who fails to become certified within the required time shall not exercise any of the powers of a peace officer after the time for becoming certified has expired.~~

~~2. The following persons are not required to be certified by the Commission:~~

~~(a) The Chief Parole and Probation Officer;~~

~~(b) The Director of the Department of Corrections;~~

~~(c) The Director of the Department of Public Safety, the deputy directors of the Department, the chiefs of the divisions of the Department other than the Investigation Division and the Nevada Highway Patrol, and the members of the State Disaster Identification Team of the Division of Emergency Management of the Department;~~

~~(d) The Commissioner of Insurance and the chief deputy of the Commissioner of Insurance;~~

~~(e) Railroad police officers; and~~

~~(f) California correctional officers.~~**]** **(Deleted by amendment.)**

Sec. 3. ~~[NRS 258.007 is hereby repealed.~~**]** **(Deleted by amendment.)**

Sec. 4. This act becomes effective on July 1, 2017.

~~[~~

~~TEXT OF REPEALED SECTION~~

~~258.007 Certification as category II peace officer required in certain townships; forfeiture of office.~~

~~— 1. Each constable of a township whose population is 100,000 or more and which is located in a county whose population is 700,000 or more, and each constable of a township whose population is 250,000 or more and which is located in a county whose population is less than 700,000, shall become certified by the Peace Officers' Standards and Training Commission as a category II peace officer within 1 year after the date on which the constable commences his or her term of office or appointment unless the Commission, for good cause shown, grants in writing an extension of time, which must not exceed 6 months.~~

~~— 2. If a constable does not comply with the provisions of subsection 1, the constable forfeits his or her office and a vacancy is created which must be filled in accordance with NRS 258.030.~~**]**

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 260.

Bill read third time.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:02 p.m.

ASSEMBLY IN SESSION

At 1:03 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 260 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:04 p.m.

ASSEMBLY IN SESSION

At 1:09 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 413 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 413.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Senate Bill 413 establishes the last Saturday in September of each year as "Public Lands Day" and authorizes the Governor to issue annually a proclamation encouraging its observance and recognizing the importance, uniqueness, and value of public lands in this state.

Roll call on Senate Bill No. 413:

YEAS—33.

NAYS—Ellison, Hansen, Krasner, Marchant, McArthur, Wheeler—6.

EXCUSED—Diaz, Titus, Woodbury—3.

Senate Bill No. 413 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblywoman Benitez-Thompson moved that the Assembly recess until 6 p.m.

Motion carried.

Assembly in recess at 1:17 p.m.

ASSEMBLY IN SESSION

At 6:57 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 196, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRENE BUSTAMANTE ADAMS, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 323, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 60, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 262, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL C. SPRINKLE, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 24, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 83, Amendment No. 853; Assembly Bill No. 160, Amendment No. 862; Assembly Bill No. 163, Amendment No. 856; Assembly Bill No. 427, Amendment No. 755; Assembly Bill No. 449, Amendment No. 876; Assembly Bill No. 457, Amendment No. 860, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 496.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 457, 524.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 457.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 496.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 524.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 253 and 260 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 26, 411, and 169 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 26.

Bill read third time.

Remarks by Assemblywomen Bilbray-Axelrod, Krasner, and Spiegel.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Senate Bill 26 prohibits governing bodies of a local government and the Administrator of the Purchasing Division of the Department of Administration from entering into a contract with a company unless the contract includes a written certification that the company is not engaged in—and agrees for the duration of the contract not to engage in—a boycott of Israel.

The BDS [Boycott, Divestment, Sanctions] movement seeks to economically, politically, and culturally isolate, humiliate, and delegitimize the country of Israel. That sounds like bullying to me. America has never had a stronger friend or ally than the one we have in Israel. As I tell my daughter, if your friend is being bullied, you stand up on behalf of that friend. Nevada does not like bullies, either, and we should stand up with our friend, stand up for Israel. I urge your support on S.B. 26.

ASSEMBLYWOMAN KRASNER:

I rise in support of Senate Bill 26. Throughout the last few years, we have seen a very disturbing trend of anti-Israel and anti-Semitic boycotts of one of our closest allies. The United States has no greater friend in the Middle East than the state of Israel. Senate Bill will make clear to our friends here at home and abroad that Nevada stands with Israel. Prejudice is prejudice, and I urge my colleagues to join me to stand by Israel and vote yes on S.B. 26 today.

ASSEMBLYWOMAN SPIEGEL:

I rise in support of S.B. 26. Throughout this session, I have been asked why this bill is important to Nevada. First, Nevada has a special relationship with Israel. As a state, we rely on Israel and Israeli companies for technology, water acumen, agricultural expertise, and a great deal of our economic development. In the past 11 years, Israeli companies have invested over $1.7 billion and employed over 6,100 Nevadans. Not passing this bill could put those jobs at risk, as well as future investments and future jobs.

Putting this into perspective, the Tesla deal involved 6,500 direct factory employees and capital expenditures of $1.5 billion over 20 years. As you can see, our state's economic relationship with Israel is quite significant. As legislators, we have a fiduciary responsibility to the state, and we know that we should not take actions that could harm our state's economy, and we also have a responsibility to ensure that we do not knowingly allow actions that could harm our state's economy.

We have heard from Nevada's Jewish community. This bill is important to us. We are a small minority yet Nevada has the highest per capita Jewish population west of the Mississippi. For most of us, increases in anti-Semitism make us united in our efforts to ensure that Israel continues to exist. As a community, we have seen an increase in anti-Semitism worldwide and we look at the effects it has been having on our extended families. In France, in the year following attacks on a kosher supermarket in Paris, 9,000 French Jews left the country to move to Israel compared with just 1,900 five years earlier. Most of those people had no long-term plans to leave their homes, their friends, their families, and their businesses. They left because they felt they needed to do so to survive, and Israel is their safety net. Sadly, anti-Semitism has been increasing here in Nevada, too. Just earlier this month a man set two fires at the Chabad Jewish Center of Las Vegas. As a community, we know what anti-Semitism feels like and, yes, it is personal. A number of years ago, I had anti-Semitic materials left at my front door. I reported it to the FBI [Federal Bureau of Investigation], but I was so unnerved that for days afterwards I shook whenever I thought of it.

Home means Nevada to us, and the vast majority of us have no intention of moving to Israel or leaving Nevada. I can tell you that I have never even been there, but I can also tell you that Israel's very existence provides me and my community with the knowledge that we have a safety net. This knowledge is what allowed me to sleep at night when I went through that experience. As a legislator, I know that what is important to hard-working Nevadans is important to me, and this bill is important to our constituents. I looked at the online opinion poll, and this is one of the most commented on bills of the session. As of this afternoon, there were 406 responses and 95 percent of them were in support of this bill.

Finally, as you all prepare to cast your vote, please think about Israel's positive impact on our economy and its importance to our constituents. I would also like you to keep in mind that S.B. 26 addresses the discriminatory aspects of the anti-Israel BDS movement whose goal is to

destroy Israel, while not denying free speech. While this bill would mandate that the state of Nevada only do business with and invest in companies that do not boycott Israel, it in no way restricts the thought or speech of any individual acting in a personal capacity. The intent of S.B. 26 is to make sure that anti-Semitism cannot enter our state's business dealings. It is good for our business, it is good for our economy, it is good for our constituents, and I urge your support.

Roll call on Senate Bill No. 26:

YEAS—39.

NAYS—None.

EXCUSED—Daly, Ellison, Flores—3.

Senate Bill No. 26 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 411.

Bill read third time.

Remarks by Assemblywomen Jauregui, Titus, and Carlton.

ASSEMBLYWOMAN JAUREGUI:

Senate Bill 411 provides that the release of a feral cat that has been caught to vaccinate, spay, or neuter and released back to the location where the feral cat was caught does not constitute abandonment.

ASSEMBLYWOMAN TITUS:

I rise in opposition of S.B. 411. My colleagues from Nevada's urban areas may not be familiar with the struggles rural Nevadans face, but please believe me when I tell you that cats are predators to our native wildlife and should never be released back into the wild after being trapped. These cats do indeed cause significant damage.

PETA [People for the Ethical Treatment of Animals], the largest animal organization in the world, is against S.B. 411. They state in the letter that we all received that there is no evidence that maintained cat colonies adequately reduce populations and, furthermore, may even encourage abandonment. The answer to cat overpopulation and irresponsible guardianship is not widespread animal abandonment programs. It is spaying and neutering and keeping cats safely indoors. I urge my colleagues to join me in voting no on S.B. 411. Let us keep these predators off our lands and keep our native animals safe.

ASSEMBLYWOMAN CARLTON:

I rise in support of S.B. 411. Living on Sunrise Mountain, we have a definite problem up there. Clark County has already started a program of trap, neuter, and release; they nip the tip of the ear of the cat, they neuter the cat, and they release it. These are wild cats. They will never be able to be adopted. One of the best ways to approach this is to lower the population. I love bats. They are great on Sunrise Mountain. I watch them fly over my pool. I hate the fact that the feral cats are hunting the bats, but I know that we cannot possibly get rid of all of these cats. So the best thing to do is to allow nature to take its course, and if they cannot procreate, then we are doing a good job for them. They are living wild and free and when they are done, they are done.

Roll call on Senate Bill No. 411:

YEAS—30.

NAYS—Edwards, Hambrick, Hansen, Joiner, Krasner, McArthur, Neal, Pickard, Titus, Watkins, Woodbury—11.

EXCUSED—Ellison.

Senate Bill No. 411 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 169.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 883.

SENATOR HARRIS

JOINT SPONSORS: ASSEMBLYMAN YEAGER

~~[CONTAINS UNFUNDED MANDATE (§§ 1.3, 1.7)~~

~~(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)]~~

AN ACT relating to crimes; ~~[requiring each law enforcement agency in this State to establish a sexual assault forensic evidence kit tracking program; requiring a law enforcement agency to submit sexual assault forensic evidence kits to a forensic laboratory within a certain period of time after receipt thereof; requiring a forensic laboratory, upon request of a victim, to test a sexual assault forensic evidence kit within a certain period after receipt thereof and to report certain information concerning sexual assault forensic evidence kits on an annual basis;]~~ prohibiting employees and contractors of and volunteers for certain entities from engaging in sexual conduct with children or young adults under the care, custody, control or supervision of the entity; ~~[making various changes to the Subcommittee to Review Arrestee DNA of the Advisory Commission on the Administration of Justice;]~~ **revising provisions prohibiting certain employees of or volunteers at a public or private school from engaging in sexual conduct with certain pupils; revising provisions prohibiting certain employees of a college or university from engaging in sexual conduct with certain students;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 1.3 of this bill requires each law enforcement agency that receives sexual assault forensic evidence kits, also known as "SAFE kits," to: (1) establish a program to track SAFE kits; and (2) provide access to the program to certain victims and agencies. Section 1.3 also provides civil immunity to certain persons who participate in the program in good faith and without gross negligence.~~

~~Section 1.7 of this bill requires a law enforcement agency to submit a SAFE kit to the applicable forensic laboratory responsible for conducting a genetic marker analysis not later than 30 days after receiving the SAFE kit. Section 1.7 also requires each forensic laboratory that receives a SAFE kit from a law enforcement agency to: (1) test the SAFE kit not later than 180 days after receiving the SAFE kit, if the victim of a sexual assault requests such testing; and (2) report annually to the Subcommittee to Review DNA of the Advisory Commission on the Administration of Justice and to the Director of the Legislative Counsel Bureau, for transmittal to the next session~~

~~of the Legislature, or to the Legislative Commission, as applicable. The report must include information concerning the number of SAFE kits that have been in the possession of the forensic laboratory for a period longer than 1 year and which have not been tested.~~

~~— Existing law establishes the Subcommittee to Review Arrestee DNA of the Advisory Commission on the Administration of Justice and requires the Subcommittee to evaluate, review and submit a report to the Commission regarding certain issues relating to arrestee DNA. (NRS 176.01246) Section 10 of this bill: (1) revises the name of the Subcommittee to reflect the broader duties assigned pursuant to this bill; and (2) requires the Subcommittee to additionally evaluate, review and submit a report to the Commission regarding the submittal, storage and testing of SAFE kits.~~**]**

Existing law imposes criminal penalties on certain employees of or volunteers at a school who engage in sexual conduct with certain pupils. **(NRS 201.540)** **Section 8** of this bill enacts similar provisions to impose criminal penalties on certain employees or contractors of and volunteers for certain entities who engage in sexual conduct with a child or young adult under the care, custody, control or supervision of the entity. **Section 8** provides that a person is guilty of a category C felony if he or she: (1) is 25 years of age or older; (2) is in a position of authority as an employee or contractor of or volunteer for an agency which provides child welfare services, a department of juvenile justice services, foster home or the Youth Parole Bureau; and (3) engages in sexual conduct with a person who is 16 years of age or older but less than 18 years of age and who is under the care, custody, control or supervision of the agency, department or Bureau.

Sections 2-7 of this bill expand the prohibition on the public disclosure of the identity of a victim of a sexual assault to include a victim of an offense involving sexual conduct between certain employees or contractors of or volunteers for an agency which provides child welfare services, a department of juvenile justice services or the Youth Parole Bureau and a person under the care, custody, control or supervision of the agency, department or Bureau.

Existing law provides that a person is guilty of a category C felony if he or she: (1) is 21 years of age or older; (2) is or was employed by or is or was volunteering at a public or private school; and (3) engages in sexual conduct with a pupil who is 16 years of age or older and who is or was enrolled at or attending the school. (NRS 201.540) Section 8.3 of this bill: (1) provides that this crime applies only to an employee of or volunteer at a school who is in a position of authority; and (2) clarifies that the exemption from this crime for an employee or volunteer who is married to the pupil applies only if the employee or volunteer and the pupil are married at the time the prohibited act is committed.

Similarly, existing law generally provides that a person is guilty of a category C felony if he or she: (1) is 21 years of age or older; (2) is employed in a position of authority by a college or university; and (3)

engages in sexual conduct with a student who is 16 years of age or older, who has not received a high school diploma, a general educational development certificate or an equivalent document and who is enrolled at or attending the college or university. (NRS 201.550) Section 8.7 of this bill clarifies that the exemption from this crime for an employee who is married to the student applies only if the employee and the student are married at the time the prohibited act is committed.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 200 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.7 of this act.]~~ **(Deleted by amendment.)**

Sec. 1.3. ~~*[1. Each law enforcement agency that receives sexual assault forensic evidence kits shall establish a program to track sexual assault forensic evidence kits. The law enforcement agency may contract with any appropriate public or private agency, organization or institution to carry out the provisions of this section, including, without limitation, entering into an interlocal agreement pursuant to NRS 277.080 to 277.180, inclusive, with another law enforcement agency that has established a program to track sexual assault forensic evidence kits.*~~

~~*2. A program to track sexual assault forensic evidence kits must:*~~

~~*(a) Track the location and status of sexual assault forensic evidence kits, including, without limitation, the initial forensic medical examination, receipt by the law enforcement agency and receipt and genetic marker analysis at a forensic laboratory.*~~

~~*(b) Allow providers of health care who perform forensic medical examinations, law enforcement agencies, prosecutors, forensic laboratories and any other entities having sexual assault forensic evidence kits in their custody to track the status and location of sexual assault forensic evidence kits.*~~

~~*(c) Allow a victim of sexual assault to anonymously track or receive updates regarding the status and location of his or her sexual assault forensic evidence kit.*~~

~~*3. Any agency or person who acts pursuant to this section in good faith and without gross negligence is immune from civil liability for those acts.]*~~ **(Deleted by amendment.)**

Sec. 1.7. ~~*[1. Except as otherwise provided in this subsection, a law enforcement agency shall, not later than 30 days after receiving a sexual assault forensic evidence kit, submit the sexual assault forensic evidence kit to the applicable forensic laboratory responsible for conducting a genetic marker analysis. The provisions of this subsection do not apply to any noninvestigatory sexual assault forensic evidence kit associated with a victim who:*~~

~~*(a) Has chosen to remain anonymous; or*~~

~~*(b) Indicates that he or she is not a victim of sexual assault.*~~

~~*2. A forensic laboratory shall, not later than 180 days after receiving a sexual assault forensic evidence kit from a law enforcement agency, test the sexual assault forensic evidence kit.*~~

~~*3. Each forensic laboratory that receives a sexual assault forensic evidence kit from a law enforcement agency shall, on or before August 31 of each year, submit a report to the Subcommittee to Review DNA of the Advisory Commission on the Administration of Justice created by NRS 176.01246 and the Director of the Legislative Counsel Bureau for transmittal to the Legislature, if the Legislature is in session, or to the Legislative Commission, if the Legislature is not in session. The report must contain the total number of sexual assault forensic evidence kits which have:*~~

~~*(a) Been in the possession of the forensic laboratory for a period longer than 1 year; and*~~

~~*(b) Not been tested.]*~~ **(Deleted by amendment.)**

Sec. 2. NRS 200.364 is hereby amended to read as follows:

200.364 As used in NRS 200.364 to 200.3784, inclusive, ~~*[and sections 1.3 and 1.7 of this act,]*~~ unless the context otherwise requires:

1. ~~*[“Forensic laboratory” has the meaning ascribed to it in NRS 176.09117.*~~

~~*2. “Forensic medical examination” has the meaning ascribed to it in NRS 217.300.*~~

~~*3. “Genetic marker analysis” has the meaning ascribed to it in NRS 176.09118.*~~

~~*4.]*~~ “Offense involving a pupil ~~[”]~~ ***or child”*** means any of the following offenses:

(a) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(b) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

(c) Sexual conduct between certain employees or contractors of or volunteers for an entity which provides services to children and a person under the care, custody, control or supervision of the entity pursuant to section 8 of this act.

2. ~~*[5.]*~~ “Perpetrator” means a person who commits a sexual offense, an offense involving a pupil ***or child*** or sex trafficking.

3. ~~*[6.]*~~ “Sex trafficking” means a violation of subsection 2 of NRS 201.300.

4. ~~*[7. “Sexual assault forensic evidence kit” means the forensic evidence obtained from a forensic medical examination.*~~

~~*8.]*~~ “Sexual offense” means any of the following offenses:

(a) Sexual assault pursuant to NRS 200.366.

(b) Statutory sexual seduction pursuant to NRS 200.368.

5. ~~[9.]~~ "Sexual penetration" means cunnilingus, fellatio, or any intrusion, however slight, of any part of a person's body or any object manipulated or inserted by a person into the genital or anal openings of the body of another, including sexual intercourse in its ordinary meaning. The term does not include any such conduct for medical purposes.

6. ~~[10.]~~ "Statutory sexual seduction" means ordinary sexual intercourse, anal intercourse or sexual penetration committed by a person 18 years of age or older with a person who is 14 or 15 years of age and who is at least 4 years younger than the perpetrator.

7. ~~[11.]~~ "Victim" means a person who is a victim of a sexual offense, an offense involving a pupil ***or child*** or sex trafficking.

~~[12. "Victim of sexual assault" has the meaning ascribed to it in NRS 217.280.]~~

Sec. 3. NRS 200.377 is hereby amended to read as follows:

200.377 The Legislature finds and declares that:

1. This State has a compelling interest in assuring that the victim of a sexual offense, an offense involving a pupil ***or child*** or sex trafficking:

(a) Reports the sexual offense, offense involving a pupil ***or child*** or sex trafficking to the appropriate authorities;

(b) Cooperates in the investigation and prosecution of the sexual offense, offense involving a pupil ***or child*** or sex trafficking; and

(c) Testifies at the criminal trial of the person charged with committing the sexual offense, offense involving a pupil ***or child*** or sex trafficking.

2. The fear of public identification and invasion of privacy are fundamental concerns for the victims of sexual offenses, offenses involving a pupil ***or child*** or sex trafficking. If these concerns are not addressed and the victims are left unprotected, the victims may refrain from reporting and prosecuting sexual offenses, offenses involving a pupil ***or child*** or sex trafficking.

3. A victim of a sexual offense, an offense involving a pupil ***or child*** or sex trafficking may be harassed, intimidated and psychologically harmed by a public report that identifies the victim. A sexual offense, an offense involving a pupil ***or child*** or sex trafficking is, in many ways, a unique, distinctive and intrusive personal trauma. The consequences of identification are often additional psychological trauma and the public disclosure of private personal experiences.

4. Recent public criminal trials have focused attention on these issues and have dramatized the need for basic protections for the victims of sexual offenses, offenses involving a pupil ***or child*** or sex trafficking.

5. The public has no overriding need to know the individual identity of the victim of a sexual offense, an offense involving a pupil ***or child*** or sex trafficking.

6. The purpose of NRS 200.3771 to 200.3774, inclusive, is to protect the victims of sexual offenses, offenses involving a pupil ***or child*** or sex trafficking from harassment, intimidation, psychological trauma and the

unwarranted invasion of their privacy by prohibiting the disclosure of their identities to the public.

Sec. 4. NRS 200.3771 is hereby amended to read as follows:

200.3771 1. Except as otherwise provided in this section, any information which is contained in:

(a) Court records, including testimony from witnesses;

(b) Intelligence or investigative data, reports of crime or incidents of criminal activity or other information;

(c) Records of criminal history, as that term is defined in NRS 179A.070; and

(d) Records in the Central Repository for Nevada Records of Criminal History,

➥ that reveals the identity of a victim of a sexual offense, an offense involving a pupil ***or child*** or sex trafficking is confidential, including but not limited to the victim's photograph, likeness, name, address or telephone number.

2. A defendant charged with a sexual offense, an offense involving a pupil ***or child*** or sex trafficking and the defendant's attorney are entitled to all identifying information concerning the victim in order to prepare the defense of the defendant. The defendant and the defendant's attorney shall not disclose this information except, as necessary, to those persons directly involved in the preparation of the defense.

3. A court of competent jurisdiction may authorize the release of the identifying information, upon application, if the court determines that:

(a) The person making the application has demonstrated to the satisfaction of the court that good cause exists for the disclosure;

(b) The disclosure will not place the victim at risk of personal harm; and

(c) Reasonable notice of the application and an opportunity to be heard have been given to the victim.

4. Nothing in this section prohibits:

(a) Any publication or broadcast by the media concerning a sexual offense, an offense involving a pupil ***or child*** or sex trafficking.

(b) The disclosure of identifying information to any nonprofit organization or public agency whose purpose is to provide counseling, services for the management of crises or other assistance to the victims of crimes if:

(1) The organization or agency needs identifying information of victims to offer such services; and

(2) The court or a law enforcement agency approves the organization or agency for the receipt of the identifying information.

5. The willful violation of any provision of this section or the willful neglect or refusal to obey any court order made pursuant thereto is punishable as criminal contempt.

Sec. 5. NRS 200.3772 is hereby amended to read as follows:

200.3772 1. A victim of a sexual offense, an offense involving a pupil ***or child*** or sex trafficking may choose a pseudonym to be used instead of the

victim's name on all files, records and documents pertaining to the sexual offense, offense involving a pupil ***or child*** or sex trafficking, including, without limitation, criminal intelligence and investigative reports, court records and media releases.

2. A victim who chooses to use a pseudonym shall file a form to choose a pseudonym with the law enforcement agency investigating the sexual offense, offense involving a pupil ***or child*** or sex trafficking. The form must be provided by the law enforcement agency.

3. If the victim files a form to use a pseudonym, as soon as practicable the law enforcement agency shall make a good faith effort to:

(a) Substitute the pseudonym for the name of the victim on all reports, files and records in the agency's possession; and

(b) Notify the prosecuting attorney of the pseudonym.

➥ The law enforcement agency shall maintain the form in a manner that protects the confidentiality of the information contained therein.

4. Upon notification that a victim has elected to be designated by a pseudonym, the court shall ensure that the victim is designated by the pseudonym in all legal proceedings concerning the sexual offense, offense involving a pupil ***or child*** or sex trafficking.

5. The information contained on the form to choose a pseudonym concerning the actual identity of the victim is confidential and must not be disclosed to any person other than the defendant or the defendant's attorney unless a court of competent jurisdiction orders the disclosure of the information. The disclosure of information to a defendant or the defendant's attorney is subject to the conditions and restrictions specified in subsection 2 of NRS 200.3771. A person who violates this subsection is guilty of a misdemeanor.

6. A court of competent jurisdiction may order the disclosure of the information contained on the form only if it finds that the information is essential in the trial of the defendant accused of the sexual offense, offense involving a pupil ***or child*** or sex trafficking, or the identity of the victim is at issue.

7. A law enforcement agency that complies with the requirements of this section is immune from civil liability for unknowingly or unintentionally:

(a) Disclosing any information contained on the form filed by a victim pursuant to this section that reveals the identity of the victim; or

(b) Failing to substitute the pseudonym of the victim for the name of the victim on all reports, files and records in the agency's possession.

Sec. 6. NRS 200.3773 is hereby amended to read as follows:

200.3773 1. A public officer or employee who has access to any records, files or other documents which include the photograph, likeness, name, address, telephone number or other fact or information that reveals the identity of a victim of a sexual offense, an offense involving a pupil ***or child*** or sex trafficking shall not intentionally or knowingly disclose the identifying information to any person other than:

(a) The defendant or the defendant's attorney;

(b) A person who is directly involved in the investigation, prosecution or defense of the case;

(c) A person specifically named in a court order issued pursuant to NRS 200.3771; or

(d) A nonprofit organization or public agency approved to receive the information pursuant to NRS 200.3771.

2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor.

Sec. 7. NRS 200.3774 is hereby amended to read as follows:

200.3774 The provisions of NRS 200.3771, 200.3772 and 200.3773 do not apply if the victim of the sexual offense, offense involving a pupil ***or child*** or sex trafficking voluntarily waives, in writing, the confidentiality of the information concerning the victim's identity.

Sec. 8. Chapter 201 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a person who:

(a) Is 25 years of age or older;

(b) Is in a position of authority as an employee or contractor of or volunteer for an entity which provides services to children; and

(c) Engages in sexual conduct with a person who is 16 years of age or older but less than 18 years of age and:

(1) Who is under the care, custody, control or supervision of the entity at which the person is employed or volunteering or of which the person is a contractor; and

(2) With whom the person has had contact in the course of performing his or her duties as an employee, contractor or volunteer,

➥ is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. The provisions of this section do not apply to a person who is an employee or contractor of or volunteer for an entity which provides services to children and who is married to the person under the care, custody, control or supervision of the entity at the time an act prohibited by this section is committed.

3. A person convicted pursuant to this section is not subject to the registration or community notification requirements of chapter 179D of NRS.

4. As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Department of juvenile justice services" means:

(1) In a county whose population is less than 100,000, the probation department of the juvenile court established pursuant to NRS 62G.010 to 62G.070, inclusive;

(2) In a county whose population is 100,000 or more but less than 700,000, the department of juvenile services established pursuant to NRS 62G.100 to 62G.170, inclusive; and

(3) In a county whose population is 700,000 or more, the department of juvenile justice services established by ordinance pursuant to NRS 62G.210 or, if a department of juvenile justice services has not been established by ordinance pursuant to NRS 62G.210, the department of juvenile justice services established pursuant to NRS 62G.300 to 62G.370, inclusive.

(c) "Entity which provides services to children" means:

(1) An agency which provides child welfare services;

(2) A department of juvenile justice services;

(3) A foster home; or

(4) The Youth Parole Bureau.

(d) "Foster home" has the meaning ascribed to it in NRS 424.014.

(e) "Youth Parole Bureau" has the meaning ascribed to it in NRS 62A.350.

Sec. 8.3. NRS 201.540 is hereby amended to read as follows:

201.540 1. Except as otherwise provided in subsection 2, a person who:

(a) Is 21 years of age or older;

(b) Is or was employed by a public school or private school ***in a position of authority*** or is or was volunteering at a public or private school ~~[.]~~ ***in a position of authority;*** and

(c) Engages in sexual conduct with a pupil who is 16 years of age or older, who has not received a high school diploma, a general educational development certificate or an equivalent document and:

(1) Who is or was enrolled in or attending the public school or private school at which the person is or was employed or volunteering; or

(2) With whom the person has had contact in the course of performing his or her duties as an employee or volunteer,

➥ is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. The provisions of this section do not apply to a person who is married to the pupil ~~[.]~~ ***at the time an act prohibited by this section is committed.***

3. The provisions of this section must not be construed to apply to sexual conduct between two pupils.

Sec. 8.7. NRS 201.550 is hereby amended to read as follows:

201.550 1. Except as otherwise provided in subsection 3, a person who:

(a) Is 21 years of age or older;

(b) Is employed in a position of authority by a college or university; and

(c) Engages in sexual conduct with a student who is 16 years of age or older, who has not received a high school diploma, a general educational development certificate or an equivalent document and who is enrolled in or attending the college or university at which the person is employed,

➥ is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. For the purposes of subsection 1, a person shall be deemed to be employed in a position of authority by a college or university if the person is employed as:

(a) A teacher, instructor or professor;

(b) An administrator; or

(c) A head or assistant coach.

3. The provisions of this section do not apply to a person who is married to the student **[**.**]** ***at the time an act prohibited by this section is committed.***

4. The provisions of this section must not be construed to apply to sexual conduct between two students.

Sec. 9. (Deleted by amendment.)

Sec. 10. **[**~~NRS 176.01246 is hereby amended to read as follows:~~

~~176.01246 1. There is hereby created the Subcommittee to Review **[**Arrestee**]** DNA of the Commission.~~

~~2. The Chair of the Commission shall appoint the members of the Subcommittee which must include, without limitation:~~

~~(a) A member experienced in defending criminal actions.~~

~~(b) A member of a minority community organization whose mission includes the protection of civil rights for minorities.~~

~~3. The Chair of the Commission shall designate one of the members of the Subcommittee as Chair of the Subcommittee.~~

~~4. The Subcommittee shall meet at the times and places specified by a call of the Chair. A majority of the members of the Subcommittee constitutes a quorum, and a quorum may exercise any power or authority conferred on the Subcommittee.~~

~~5. The Subcommittee shall consider issues relating to DNA **[**of arrested persons**]** and shall evaluate, review and submit a report to the Commission with recommendations concerning such issues. The issues considered by the Subcommittee and the report submitted by the Subcommittee must include, without limitation:~~

~~(a) The costs and procedures relating to the methods, implementation and utilization of the provisions for the destruction of biological specimens and purging of DNA profiles and DNA records of arrested persons; **[**and**]**~~

~~(b) The collection and review of information concerning the number of requests for the destruction of biological specimens and purging of DNA profiles and DNA records of arrested persons and the number and percentage of such requests that are denied **[**.**]** ***; and***~~

~~***(c) The submittal, storage and testing of sexual assault forensic evidence kits, including, without limitation, the review of any report required pursuant to section 1.7 of this act.***~~

~~6. Any Legislators who are members of the Subcommittee are entitled to receive the salary provided for a majority of the members of the Legislature~~

~~during the first 60 days of the preceding session for each day's attendance at a meeting of the Subcommittee.~~

~~7. While engaged in the business of the Subcommittee, to the extent of legislative appropriation, each member of the Subcommittee is entitled to receive the per diem allowance and travel expenses as provided for state officers and employees generally.~~

~~8. As used in this section:~~

~~(a) "Biological specimen" has the meaning ascribed to it in NRS 176.09112.~~

~~(b) "DNA" has the meaning ascribed to it in NRS 176.09114.~~

~~(c) "DNA profile" has the meaning ascribed to it in NRS 176.09115.~~

~~(d) "DNA record" has the meaning ascribed to it in NRS 176.09116.~~

~~*(e) "Sexual assault forensic evidence kit" has the meaning ascribed to it in NRS 200.364.]*~~ **(Deleted by amendment.)**

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 21.5. ~~[1. The amendatory provisions of section 1.7 of this act apply to any sexual assault forensic evidence kit received by a forensic laboratory from a law enforcement agency on or after July 1, 2017.~~

~~2. Each forensic laboratory shall, on or before August 31, 2017, submit its first report to the Subcommittee to Review DNA of the Advisory Commission on the Administration of Justice.~~

~~3. As used in this section:~~

~~(a) "Forensic laboratory" has the meaning ascribed to it in NRS 176.09117.~~

~~(b) "Sexual assault forensic evidence kit" has the meaning ascribed to it in NRS 200.364 as amended by section 2 of this act.]~~ **(Deleted by amendment.)**

Sec. 22. (Deleted by amendment.)

Sec. 22.5. ~~[The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the legislature.]~~ **(Deleted by amendment.)**

Sec. 23. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~ **(Deleted by amendment.)**

Sec. 24. 1. This section and sections 1.7 and 21 to 23, inclusive, of this act become effective on July 1, 2017.

2. Sections 2 to 9, inclusive, and 11 to 20, inclusive, of this act become effective on October 1, 2017.

3. Sections 1.3 and 10 of this act become effective on January 1, 2020.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 253.

Bill read third time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 800.

SENATORS CANNIZZARO, RATTI, WOODHOUSE, CANCELA, FORD; DENIS, FARLEY, **HARDY,** MANENDO, PARKS, SEGERBLOM AND SPEARMAN

AN ACT relating to employment; establishing the Nevada Pregnant Workers' Fairness Act; requiring certain employers to provide reasonable accommodations to female employees and applicants for employment for a condition of the employee or applicant relating to pregnancy, childbirth or a related medical condition, except in certain circumstances; prohibiting certain other discriminatory practices by employers relating to pregnancy, childbirth or a related medical condition; authorizing the Nevada Equal Rights Commission to investigate complaints of such unlawful employment practices; requiring the Commission to carry out programs to educate employers and others about certain rights and responsibilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The federal Pregnancy Discrimination Act amended title VII of the Civil Rights Act of 1964 to prohibit sex discrimination on the basis of pregnancy. (42 U.S.C. § 2000(e)(k)) The Act requires employers with 15 or more employees to treat employees and applicants for employment who are affected by pregnancy, childbirth or related medical conditions the same as other employees and applicants who have similar abilities or limitations. The Act covers all aspects of employment, including hiring, firing, promoting and providing benefits and protects against discrimination of a person who is pregnant, has been pregnant and who may become pregnant as well as anyone who has, who has had or could have a medical condition that is related to pregnancy. (29 C.F.R. § 1604.10)

Existing law in this State prohibits various types of discrimination in employment, including discrimination based on race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin. (NRS 613.330-613.380) In addition, existing law requires an employer that provides leave to employees for sickness or disability because

of a medical condition to provide the same leave to an employee who is pregnant. (NRS 613.335) As with the federal law, existing law in this State makes these provisions applicable to an employer with 15 or more employees, and includes state and local governments. (NRS 613.310) **Sections 2-8 and 11** of this bill create the Nevada Pregnant Workers' Fairness Act which provides protections to employees in this State similar to the protections of the federal Pregnancy Discrimination Act. As with other provisions prohibiting discrimination in existing law, the Nevada Pregnant Workers' Fairness Act applies to employers with 15 or more employees and also applies to state and local governments.

Section 5 of this bill makes it an unlawful employment practice, with certain limited exceptions, for such employers to refuse to provide reasonable accommodations, upon request, to female employees and applicants for employment for a condition of the employee or applicant relating to pregnancy, childbirth or a related medical condition, unless the accommodation would impose an undue hardship on the business of the employer. **Section 6** of this bill describes the requirements and manner in which to provide a reasonable accommodation. **Section 7** of this bill sets forth: (1) the prima facie burden that a female employee or applicant for employment is required to meet concerning a requested reasonable accommodation before the burden of proof shifts to the employer to demonstrate that providing such an accommodation would impose an undue hardship on the business of the employer; and (2) the manner in which to determine whether an undue hardship exists. **Section 5** also makes it an unlawful employment practice, with certain limited exceptions, for an employer to: (1) take adverse employment actions against a female employee because the employee requests or uses a reasonable accommodation for a condition of the employee relating to pregnancy, childbirth or a related medical condition; (2) deny an employment opportunity to a qualified female employee or applicant for employment based on a need for a reasonable accommodation for a condition of the employee or applicant relating to pregnancy, childbirth or a related medical condition; and (3) require a female employee or applicant for employment who is affected by a condition relating to pregnancy, childbirth or a related medical condition to accept an accommodation or to take a leave from employment if an accommodation is available.

Section 5 further authorizes an employer to require a female employee to provide an explanatory statement from the employee's physician concerning the specific accommodation recommended by the physician for the employee. **Section 11** of this bill extends the existing law requiring leave policies to be the same for pregnant employees as other employees so that it applies to a female employee who has a condition relating to pregnancy, childbirth or a related medical condition.

Section 15 of this bill authorizes a person injured by an unlawful employment practice within the scope of the Nevada Pregnant Workers' Fairness Act to file a complaint with the Nevada Equal Rights Commission.

Section 16 of this bill authorizes a person alleging an unfair employment practice under the Nevada Pregnant Workers' Fairness Act to file an action in district court if the Commission does not conclude that an unfair employment practice has occurred.

Section 17 of this bill requires the Commission to develop and carry out programs of education and disseminate information as necessary to inform employers, employees, employment agencies and job applicants about their rights and responsibilities under the Nevada Pregnant Workers' Fairness Act.

Section 18 of this bill authorizes the Commission to investigate any unlawful employment practice by an employer under the Nevada Pregnant Workers' Fairness Act.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 613 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. ***The provisions of NRS 613.335 and sections 2 to 8, inclusive, of this act may be cited as the Nevada Pregnant Workers' Fairness Act.***

Sec. 3. ***As used in NRS 613.335 and sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3.3, 3.5 and 3.7 of this act have the meanings ascribed to them in those sections.***

Sec. 3.3. ***"Condition of the applicant relating to pregnancy, childbirth or a related medical condition," "condition of the employee relating to pregnancy, childbirth or a related medical condition" or "condition of the employee or applicant relating to pregnancy, childbirth or a related medical condition" means a physical or mental condition intrinsic to pregnancy or childbirth that includes, without limitation, lactation or the need to express breast milk for a nursing child.***

Sec. 3.5. ***"Reasonable accommodation" means an action described in section 6 of this act that is taken by an employer for a female employee or applicant for employment who has a condition relating to pregnancy, childbirth or a related medical condition.***

Sec. 3.7. ***"Related medical condition" means any medically recognized physical or mental condition related to pregnancy, childbirth or recovery from pregnancy or childbirth. The term includes, without limitation, mastitis or other lactation-related medical condition, gestational diabetes, pregnancy-induced hypertension, preeclampsia, post-partum depression, loss or end of pregnancy and recovery from loss or end of pregnancy.***

Sec. 4. ***1. The Legislature hereby finds and declares that:***

(a) Workplace laws must adequately protect pregnant women from being terminated from their employment because of the refusal of their employer to provide a reasonable accommodation;

(b) Women are often the primary income earners for their families and unemployment resulting from the failure of their employers to provide accommodations in the workplace is an outcome that families cannot afford to endure; and

(c) By remaining employed, pregnant women continue to provide economic security for their families, which in turn provides an economic benefit to the economy of this State.

2. The Legislature further finds and declares that it is the intent of the Legislature to fight against discrimination based on pregnancy, childbirth or a related medical condition, promote public health and ensure that women realize full and equal participation in the workforce by requiring employers to provide reasonable accommodations to employees who are pregnant, have given birth or have a related medical condition.

Sec. 5. ***1. Except as otherwise provided in subsections 2 and 3, it is an unlawful employment practice for an employer to:***

(a) Refuse to provide a reasonable accommodation to a female employee or applicant for employment upon request of the employee or applicant, as applicable, for a condition of the employee or applicant relating to pregnancy, childbirth or a related medical condition, unless the accommodation would impose an undue hardship on the business of the employer as determined pursuant to section 7 of this act;

(b) Take an adverse employment action against a female employee because the employee requests or uses a reasonable accommodation for a condition of the employee relating to pregnancy, childbirth or a related medical condition which may include, without limitation, refusing to promote the employee, requiring the employee to transfer to another position, refusing to reinstate the employee to the
same or an equivalent position upon return to work or taking any other action which affects the terms or conditions of employment in a manner which is not desired by the employee;

(c) Deny an employment opportunity to an otherwise qualified female employee or applicant for employment based on the need of the employee or applicant, as applicable, for a reasonable accommodation for a condition of the employee or applicant relating to pregnancy, childbirth or a related medical condition;

(d) Require a female employee or applicant for employment who is affected by a condition of the employee or applicant relating to pregnancy, childbirth or a related medical condition to accept an accommodation that the employee or applicant did not request or chooses not to accept; and

(e) Require a female employee who is affected by a condition of the employee relating to pregnancy, childbirth or a related medical condition to take leave from employment if a reasonable accommodation for any such

condition of the employee is available that would allow the employee to continue to work.

2. It is not an unlawful employment practice for an employer take an action set forth in this section if the action is based upon a bona fide occupational qualification.

3. An employer who is a contractor licensed pursuant to chapter 624 of NRS is not subject to:

(a) The requirements of this section with regard to a request of a female employee to provide a reasonable accommodation if the requested accommodation is to provide a place, other than a bathroom, where the employee may express breast milk and the employee is performing work at a construction job site that is located more than 3 miles from the regular place of business of the employer; or

(b) The requirements of paragraph (d) or (e) of subsection 1 with regard to a female employee who is affected by a condition of the employee relating to pregnancy, childbirth or a related medical condition if the work duties of the employee include the performance of manual labor.

4. An employer who is a contractor licensed pursuant to chapter 624 of NRS is encouraged to provide a reasonable accommodation described in paragraph (a) of subsection 3 to the extent practicable.

5. An employer may require a female employee to provide an explanatory statement from the employee's physician concerning the specific accommodation recommended by the physician for the employee.

6. This section must not be construed to preempt, limit, diminish or otherwise affect any other provision of law relating to discrimination on the basis of sex or pregnancy.

Sec. 6. ***1. If a female employee requests an accommodation for a condition of the employee relating to pregnancy, childbirth or a related medical condition, the employer and employee must engage in a timely, good faith and interactive process to determine an effective, reasonable accommodation for the employee. An accommodation may consist of a change in the work environment or in the way things are customarily carried out that allows the employee to have equal employment opportunities, including the ability to perform the essential function of the position and to have benefits and privileges of employment that are equal to those available to other employees.***

2. A reasonable accommodation provided by an employer to a female applicant for employment which is based on a condition of the applicant relating to pregnancy, childbirth or a related medical condition may consist of a modification to the application process or the manner in which things are customarily carried out that allows the applicant to be considered for employment or hired for a position.

3. A reasonable accommodation pursuant to this section may include, without limitation:

(a) Modifying equipment or providing different seating;

(b) Revising break schedules, which may include revising the frequency or duration of breaks;

(c) Providing space in an area other than a bathroom that may be used for expressing breast milk;

(d) Providing assistance with manual labor ~~*[;]*~~ *if the manual labor is incidental to the primary work duties of the employee;*

(e) Authorizing light duty;

(f) Temporarily transferring the employee to a less strenuous or hazardous position; or

(g) Restructuring a position or providing a modified work schedule.

4. An employer is not required by this section or section 5 of this act to:

(a) Create a new position that the employer would not have otherwise created, unless the employer has created or would create such a position to accommodate other classes of employees; or

(b) Discharge any employee, transfer any employee with more seniority or promote any employee who is not qualified to perform the job, unless the employer has taken or would take such an action to accommodate other classes of employees.

Sec. 7. *1. If a female employee or applicant for employment makes a prima facie showing that the employee or applicant requested a reasonable accommodation for a condition of the employee or applicant relating to pregnancy, childbirth or a related medical condition and the employer refused to provide or attempt to provide the reasonable accommodation, the burden of proof shifts to the employer to demonstrate that providing such an accommodation would impose an undue hardship on the business of the employer.*

2. To prove such an undue hardship, the employer must demonstrate that the accommodation is significantly difficult to provide or expensive considering, without limitation:

(a) The nature and cost of the accommodation;

(b) The overall financial resources of the employer;

(c) The overall size of the business of the employer with respect to the number of employees and the number, type and location of the available facilities; and

(d) The effect of the accommodation on the expenses and resources of the employer or the effect of the accommodation on the operations of the employer.

3. Evidence that the employer provides or would be required to provide a similar accommodation to a similarly situated employee or applicant for employment creates a rebuttable presumption that the accommodation does not impose an undue hardship on the employer.

Sec. 8. *1. An employer shall provide a written or electronic notice to employees that they have the right to be free from discriminatory or unlawful employment practices pursuant to NRS 613.335 and sections 2 to 8, inclusive, of this act. The notice must include a statement that a female*

employee has the right to a reasonable accommodation for a condition of the employee relating to pregnancy, childbirth or a related medical condition.

2. An employer shall provide the notice required pursuant to subsection 1:

(a) To a new employee upon commencement of employment; and

(b) Within 10 days after an employee notifies the employee's immediate supervisor that the employee is pregnant.

3. An employer shall post the notice required pursuant to subsection 1 in a conspicuous place at the place of business of the employer that is located in an area which is accessible to employees.

Sec. 9. NRS 613.310 is hereby amended to read as follows:

613.310 As used in NRS 613.310 to 613.435, inclusive, ***and sections 2 to 8, inclusive, of this act,*** unless the context otherwise requires:

1. "Disability" means, with respect to a person:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person, including, without limitation, the human immunodeficiency virus;

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

2. "Employer" means any person who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, but does not include:

(a) The United States or any corporation wholly owned by the United States.

(b) Any Indian tribe.

(c) Any private membership club exempt from taxation pursuant to 26 U.S.C. § 501(c).

3. "Employment agency" means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer, but does not include any agency of the United States.

4. "Gender identity or expression" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.

5. "Labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or other conditions of employment.

6. "Person" includes the State of Nevada and any of its political subdivisions.

7. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

Sec. 10. NRS 613.320 is hereby amended to read as follows:

613.320 1. The provisions of NRS 613.310 to 613.435, inclusive, ***and sections 2 to 8, inclusive, of this act*** do not apply to:

(a) Any employer with respect to employment outside this state.

(b) Any religious corporation, association or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on of its religious activities.

2. The provisions of NRS 613.310 to 613.435, inclusive, ***and sections 2 to 8, inclusive, of this act*** concerning unlawful employment practices related to sexual orientation and gender identity or expression do not apply to an organization that is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).

Sec. 11. NRS 613.335 is hereby amended to read as follows:

613.335 If an employer grants leave with pay, leave without pay, or leave without loss of seniority to his or her employees for sickness or disability because of a medical condition, it is an unlawful employment practice to fail or refuse to extend the same benefits to any female employee ~~[who is pregnant.]~~ ***for a condition of the employee relating to pregnancy, childbirth or a related medical condition.*** The female employee who is pregnant must be allowed to use the leave before and after childbirth, miscarriage or other natural resolution of her pregnancy, if the leave is granted, accrued or allowed to accumulate as a part of her employment benefits.

Sec. 12. NRS 613.340 is hereby amended to read as follows:

613.340 1. It is an unlawful employment practice for an employer to discriminate against any of his or her employees or applicants for employment, for an employment agency to discriminate against any person, or for a labor organization to discriminate against any member thereof or applicant for membership, because the employee, applicant, person or member, as applicable, has opposed any practice made an unlawful employment practice by NRS 613.310 to 613.435, inclusive, ***and sections 2 to 8, inclusive, of this act,*** or because he or she has made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing under NRS 613.310 to 613.435, inclusive ~~[.]~~ ***, and sections 2 to 8, inclusive, of this act.***

2. It is an unlawful employment practice for an employer, labor organization or employment agency to print or publish or cause to be printed or published any notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by such a labor organization, or relating to any classification or referral for employment by such an employment agency, indicating any preference, limitation, specification or discrimination, based on race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin, except that such a notice or advertisement may indicate a preference, limitation, specification or discrimination based on religion, sex, sexual orientation, gender identity or expression, age, physical, mental or visual

condition or national origin when religion, sex, sexual orientation, gender identity or expression, age, physical, mental or visual condition or national origin is a bona fide occupational qualification for employment.

Sec. 13. NRS 613.350 is hereby amended to read as follows:

613.350 1. It is not an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify or refer for employment any person, for a labor organization to classify its membership or to classify or refer for employment any person, or for an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any person in any such program, on the basis of his or her religion, sex, sexual orientation, gender identity or expression, age, disability or national origin in those instances where religion, sex, sexual orientation, gender identity or expression, age, physical, mental or visual condition or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

2. It is not an unlawful employment practice for an employer to fail or refuse to hire and employ employees, for an employment agency to fail to classify or refer any person for employment, for a labor organization to fail to classify its membership or to fail to classify or refer any person for employment, or for an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining programs to fail to admit or employ any person in any such program, on the basis of a disability in those instances where physical, mental or visual condition is a bona fide and relevant occupational qualification necessary to the normal operation of that particular business or enterprise, if it is shown that the particular disability would prevent proper performance of the work for which the person with a disability would otherwise have been hired, classified, referred or prepared under a training or retraining program.

3. It is not an unlawful employment practice for an employer to fail or refuse to hire or to discharge a person, for an employment agency to fail to classify or refer any person for employment, for a labor organization to fail to classify its membership or to fail to classify or refer any person for employment, or for an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining programs to fail to admit or employ any person in any such program, on the basis of his or her age if the person is less than 40 years of age.

4. It is not an unlawful employment practice for a school, college, university or other educational institution or institution of learning to hire and employ employees of a particular religion if the school or institution is, in whole or in substantial part, owned, supported, controlled or managed by a particular religion or by a particular religious corporation, association or

society, or if the curriculum of the school or institution is directed toward the propagation of a particular religion.

5. It is not an unlawful employment practice for an employer to observe the terms of any bona fide plan for employees' benefits, such as a retirement, pension or insurance plan, which is not a subterfuge to evade the provisions of NRS 613.310 to 613.435, inclusive, ***and sections 2 to 8, inclusive, of this act*** as they relate to discrimination against a person because of age, except that no such plan excuses the failure to hire any person who is at least 40 years of age.

6. It is not an unlawful employment practice for an employer to require employees to adhere to reasonable workplace appearance, grooming and dress standards so long as such requirements are not precluded by law, except that an employer shall allow an employee to appear, groom and dress consistent with the employee's gender identity or expression.

Sec. 14. NRS 613.390 is hereby amended to read as follows:

613.390 Nothing contained in NRS 613.310 to 613.435, inclusive, ***and sections 2 to 8, inclusive, of this act*** applies to any business or enterprise on or near an Indian reservation with respect to any publicly announced employment practice of such business or enterprise under which a preferential treatment is given to any individual because the individual is an Indian living on or near a reservation.

Sec. 15. NRS 613.405 is hereby amended to read as follows:

613.405 Any person injured by an unlawful employment practice ~~[within]~~ ***:***

1. Within the scope of NRS 613.310 to 613.435, inclusive, ***and sections 2 to 8, inclusive, of this act*** may file a complaint to that effect with the Nevada Equal Rights Commission if the complaint is based on discrimination because of race, color, sex, sexual orientation, gender identity or expression, age, disability, religion or national origin.

2. Within the scope of NRS 613.335 and sections 2 to 8, inclusive, of this act may file a complaint to that effect with the Nevada Equal Rights Commission if the complaint is based on an employer's failure to comply with the provisions of NRS 613.335 and sections 2 to 8, inclusive, of this act.

Sec. 16. NRS 613.420 is hereby amended to read as follows:

613.420 If the Nevada Equal Rights Commission does not conclude that an unfair employment practice within the scope of NRS 613.310 to 613.435, inclusive, ***and sections 2 to 8, inclusive, of this act*** has occurred, any person alleging such a practice may apply to the district court for an order granting or restoring to that person the rights to which the person is entitled under those sections.

Sec. 17. NRS 233.140 is hereby amended to read as follows:

233.140 The Commission shall:

1. Foster mutual understanding and respect among all racial, religious, disabled and ethnic groups and between the sexes in the State.

2. Aid in securing equal health and welfare services and facilities for all the residents of the State without regard to race, religion, sex, age, disability or nationality.

3. Study problems arising between groups within the State which may result in tensions, discrimination or prejudice because of race, color, creed, sex, age, disability, national origin or ancestry, and formulate and carry out programs of education and disseminate information with the object of discouraging and eliminating any such tensions, prejudices or discrimination.

4. Secure the cooperation of various racial, religious, disabled, nationality and ethnic groups, veterans' organizations, labor organizations, business and industry organizations and fraternal, benevolent and service groups, in educational campaigns devoted to the need for eliminating group prejudice, racial or area tensions, intolerance or discrimination.

5. Cooperate with and seek the cooperation of federal and state agencies and departments in carrying out projects within their respective authorities to eliminate intergroup tensions and to promote intergroup harmony.

6. Develop and carry out programs of education and disseminate information as necessary to inform employers, employees, employment agencies and job applicants about their rights and responsibilities set forth in NRS 613.335 and sections 2 to 8, inclusive, of this act.

Sec. 18. NRS 233.150 is hereby amended to read as follows:

233.150 The Commission may:

1. Order its Administrator to:

(a) With regard to public accommodation, investigate tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, creed, sex, age, disability, sexual orientation, national origin, ancestry or gender identity or expression and may conduct hearings with regard thereto.

(b) With regard to housing, investigate tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, creed, sex, age, disability, sexual orientation, gender identity or expression, national origin or ancestry, and may conduct hearings with regard thereto.

(c) With regard to employment, investigate ~~[~~tensions,~~]~~ ***:***

(1) Tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, creed, sex, age, disability, sexual orientation, gender identity or expression, national origin or ancestry, and may conduct hearings with regard thereto ~~[.]~~ ***; and***

(2) Any unlawful employment practice by an employer pursuant to the provisions of NRS 613.335 and sections 2 to 8, inclusive, of this act, and may conduct hearings with regard thereto.

2. Mediate between or reconcile the persons or groups involved in those tensions, practices and acts.

3. Issue subpoenas for the attendance of witnesses or for the production of documents or tangible evidence relevant to any investigations or hearings conducted by the Commission.

4. Delegate its power to hold hearings and issue subpoenas to any of its members or any hearing officer in its employ.

5. Adopt reasonable regulations necessary for the Commission to carry out the functions assigned to it by law.

Sec. 19. 1. An employer shall provide the written notice required pursuant to section 8 of this act to existing employees of the employer to inform the employees of the rights that will become effective on October 1, 2017.

2. As used in this section, "employer" has the meaning ascribed to it in NRS 613.310.

Sec. 20. This act becomes effective:

1. Upon passage and approval for the purpose of providing the notice required pursuant to section 19 of this act; and

2. On October 1, 2017, for all other purposes.

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 253 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 253.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Senate Bill 253 establishes the Nevada Pregnant Workers' Fairness Act, which provides protections to female employees similar to the protections of the federal Pregnancy Discrimination Act. The Act makes it an unlawful employment practice, with certain exceptions, for an employer to refuse to provide reasonable accommodations, upon request, to female employees and applicants for employment for a condition relating to pregnancy, childbirth, or a related medical condition unless the accommodation would impose an undue hardship on the business of the employer. The measure applies to employers with 15 or more employees and also applies to state and local governments.

A person injured by an unlawful practice within the scope of the Act may file a complaint with the Nevada Equal Rights Commission. The Commission may investigate any unlawful employment practice by an employer under the Act. If the Commission does not conclude that an unfair employment practice has occurred, a person may file an action in district court. The Commission must carry out programs to educate employers and others about their rights and responsibilities under the Act.

This bill is effective upon passage and approval for the purpose of requiring an employer to provide written notice to existing employees of the rights that will be effective on October 1, 2017, and on October 1, 2017, for all other purposes.

Roll call on Senate Bill No. 253:

YEAS—34.

NAYS—Edwards, Hambrick, Hansen, Marchant, McArthur, Titus, Wheeler—7.

EXCUSED—Ellison.

Senate Bill No. 253 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 260.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 932.

SUMMARY—Establishes requirements for engaging in the ~~[collaborate]~~ **collaborative** practice of pharmacy. (BDR 54-973)

AN ACT relating to pharmacists; authorizing a pharmacist **who has entered into a valid collaborative practice agreement** to engage in the collaborative practice of pharmacy and collaborative drug therapy management under certain conditions; requiring a pharmacist who engages in the collaborative practice of pharmacy to maintain certain records; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a pharmacist to implement, monitor and modify drug therapy pursuant to written guidelines developed by the pharmacist in collaboration with a practitioner. (NRS 639.2809) **Section 4** of this bill authorizes a pharmacist to engage in the collaborative practice of pharmacy **or collaborative drug therapy management** pursuant to a collaborative practice agreement entered into with one or more practitioners who practice ~~[in the same geographic area as]~~ **within 100 miles of the primary location where** the pharmacist **~~[.]~~ practices in this State.** **Section 3** of this bill defines the term "collaborative practice of pharmacy" to mean the ~~[management of drug therapy and]~~ performance of tests to address chronic diseases and public health issues. **Section 1.5 of this bill defines the term "collaborative drug therapy management" to mean the initiating, monitoring, modifying or discontinuing of a patient's drug therapy. Section 4 requires a practitioner to agree to obtain the informed, written consent of his or her patients that are referred to a pharmacist pursuant to a collaborative practice agreement for collaborative drug therapy management.** **Section 4** also requires a pharmacist who engages in the collaborative practice of pharmacy pursuant to a collaborative practice agreement to keep certain records and obtain the informed, written consent of his or her patients. **Section 5** of this bill prescribes the contents and duration of a collaborative practice agreement. ~~[Section 6 of this bill additionally~~

~~authorizes a pharmacist to engage in the collaborative practice of pharmacy in accordance with an agreement with the operator of an institutional pharmacy or his or her designee while providing treatment and care to patients of the medical facility in conjunction with which the institutional pharmacy is operated.]~~ **Section 8** of this bill clarifies that the activities authorized by this bill constitute the practice of pharmacy. **Sections 7 and 9-11** of this bill make conforming changes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 639 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 to 6, inclusive, of this act.

Sec. 1.5. ***"Collaborative drug therapy management" means initiating, monitoring, modifying or discontinuing a patient's drug therapy by ~~[a pharmacist]~~ one or more pharmacists under the supervision of one or more practitioners in accordance with a collaborative practice agreement.***

Sec. 2. ***"Collaborative practice agreement" means an agreement that meets the requirements of section 5 of this act between ~~[a pharmacist]~~ one or more pharmacists and one or more practitioners which authorizes ~~[the]~~ a pharmacist to engage in the collaborative practice of pharmacy or collaborative drug therapy management.***

Sec. 3. ***"Collaborative practice of pharmacy" means the ~~[management]~~ performance of ~~[drug therapy and testing]~~ tests to address chronic diseases and public health issues, including, without limitation, outbreaks and occurrences of specific diseases and disorders, by one or more pharmacists in collaboration with one or more practitioners ~~[and]~~ in accordance with a collaborative practice agreement . ~~[or an agreement entered into pursuant to section 6 of this act.]~~***

Sec. 4. ***1. Except as otherwise provided in subsection 5, a pharmacist who has entered into a valid collaborative practice agreement may engage in the collaborative practice of pharmacy or collaborative drug therapy management at any location in this State. ~~[Except as otherwise provided in section 6 of this act, a pharmacist shall not engage in the collaborative practice of pharmacy unless the pharmacist has entered into such an agreement.]~~***

2. To enter into a collaborative practice agreement, a practitioner must:

(a) Be licensed in good standing to practice his or her profession in this State;

(b) ~~[Have]~~ Agree to maintain an ongoing relationship with ~~[the]~~ a patient ~~[,]~~ who is referred by the practitioner to a pharmacist pursuant to a collaborative practice agreement for collaborative drug therapy management;

(c) ~~[Obtain]~~ Agree to obtain the informed, written consent from ~~[the]~~ a patient who is referred by the practitioner to a pharmacist pursuant to

~~[subsection 4 and record such consent in the medical record of the patient;]~~ a collaborative practice agreement for collaborative drug therapy management; and

(d) Except as otherwise provided in this paragraph, actively practice his or her profession within 100 miles of the primary location where the collaborating pharmacist practices ~~[.]~~ in this State. A practitioner and pharmacist may submit a written request to the Board for an exemption from the requirements of this paragraph. The Board may grant such a request upon a showing of good cause.

3. A pharmacist who engages in the collaborative practice of pharmacy shall:

(a) Except as otherwise provided in paragraph (b), document any treatment or care provided to a patient pursuant to a collaborative practice agreement ~~[within 24 hours]~~ after providing such treatment or care in the medical record of the patient, on the chart of the patient or in a separate log book;

(b) Document in the medical record of the patient , on the chart of the patient or in a separate log book any decision or action concerning the management of drug therapy ~~[within 24 hours]~~ pursuant to a collaborative practice agreement after making such a decision or taking such an action;

(c) Maintain all records concerning the care or treatment provided to a patient pursuant to a collaborative practice agreement in written or electronic form for at least 7 years; ~~[and]~~

(d) Comply with all provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, the regulations adopted pursuant thereto, and all other federal and state laws and regulations concerning the privacy of information regarding health care ~~[.]~~ ; and

(e) Provide a patient with written notification of:

(1) Any test administered by the pharmacist and the results of such a test;

(2) The name of any drug or prescription filled and dispensed by the pharmacist to the patient; and

(3) The contact information of the pharmacist.

4. A pharmacist shall obtain the informed, written consent of a patient before engaging in the collaborative practice of pharmacy on behalf of the patient. Such written consent must include, without limitation, a statement that the pharmacist:

(a) May initiate, modify or discontinue the medication of the patient pursuant to a collaborative practice agreement;

(b) Is not a physician, osteopathic physician, advanced practice registered nurse or physician assistant; and

(c) May not diagnose.

5. A practitioner may not enter into a collaborative practice agreement with a pharmacist for the management of controlled substances.

6. A pharmacy must not require a registered pharmacist, as a condition of employment, to enter into a collaborative practice agreement.

Sec. 5. ***1. A collaborative practice agreement must be signed by each practitioner and pharmacist who enter into the agreement and submitted to the Board in written and electronic form. A collaborative practice agreement must include:***

(a) A description of the types of decisions concerning the management of drug therapy that the pharmacist is authorized to make, which may include a specific description of the diseases and drugs for which the pharmacist is authorized to manage drug therapy;

(b) A detailed explanation of the procedures that the pharmacist must follow when engaging in the collaborative practice of pharmacy, including, without limitation, the manner in which the pharmacist must document decisions concerning treatment and care in accordance with subsection 3 of section 4 of this act, report such decisions to the practitioner and receive feedback from the practitioner;

(c) The procedure by which the pharmacist will notify the practitioner of an adverse event concerning the health of the patient;

(d) The procedure by which the practitioner will provide the pharmacist with a diagnosis of the patient and any other medical information necessary to carry out the patient's drug therapy management.

(e) A description of the means by which the practitioner will monitor clinical outcomes of a patient and intercede when necessary to protect the health of the patient or accomplish the goals of the treatment prescribed for the patient;

(f) Authorization for the practitioner to override the agreement if necessary to protect the health of the patient or accomplish the goals of the treatment prescribed for the patient;

(g) Authorization for either party to terminate the agreement by written notice to the other party, which must include, without limitation, written notice to the patient that informs the patient of the procedures by which he or she may continue drug therapy;

(h) The effective date of the agreement;

(i) The date by which a review must be conducted pursuant to subsection 2 for the renewal of the agreement, which must not be later than the expiration date of the agreement;

(j) The address of the location where the records described in subsection 3 of section 4 of this act will be maintained; and

(k) The process by which the pharmacist will obtain the informed, written consent required by subsection 4 of section 4 of this act.

2. A collaborative practice agreement must expire not later than 1 year after the date on which the agreement becomes effective. The parties to a collaborative practice agreement may renew the agreement after reviewing the agreement and making any necessary revisions.

Sec. 6. ~~[*A pharmacist may engage in the collaborative practice of pharmacy in accordance with an agreement with the operator of an institutional pharmacy or his or her designee to provide treatment and care exclusively to patients of the medical facility in conjunction with which the institutional pharmacy is operated. Such a pharmacist is exempt from the requirements of sections 4 and 5 of this act while providing such treatment and care.*]~~ **(Deleted by amendment.)**

Sec. 7. NRS 639.001 is hereby amended to read as follows:

639.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 639.0015 to 639.016, inclusive, ***and sections 1.5, 2 and 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 8. NRS 639.0124 is hereby amended to read as follows:

639.0124 "Practice of pharmacy" includes, but is not limited to, the:

1. Performance or supervision of activities associated with manufacturing, compounding, labeling, dispensing and distributing of a drug, including the receipt, handling and storage of prescriptions and other confidential information relating to patients.
2. Interpretation and evaluation of prescriptions or orders for medicine.
3. Participation in drug evaluation and drug research.
4. Advising of the therapeutic value, reaction, drug interaction, hazard and use of a drug.
5. Selection of the source, storage and distribution of a drug.
6. Maintenance of proper documentation of the source, storage and distribution of a drug.
7. Interpretation of clinical data contained in a person's record of medication.
8. Development of written guidelines and protocols in collaboration with a practitioner which are intended for a patient in a licensed medical facility or in a setting that is affiliated with a medical facility where the patient is receiving care and which authorize ~~[~~the implementation, monitoring and modification of drug therapy.~~]~~ ***collaborative drug therapy management.*** The written guidelines and protocols must comply with NRS 639.2809.
9. Implementation and modification of drug therapy ***, administering drugs and ordering and performing tests*** in accordance with ~~[~~the authorization of the prescribing practitioner for a patient in a pharmacy in which drugs, controlled substances, poisons, medicines or chemicals are sold at retail.~~]~~ ***a collaborative practice agreement*** **.** ~~*[for an agreement entered into pursuant to section 6 of this act.]*~~

➥ The term does not include the changing of a prescription by a pharmacist or practitioner without the consent of the prescribing practitioner, except as otherwise provided in NRS 639.2583.

Sec. 9. NRS 639.230 is hereby amended to read as follows:

639.230 1. A person operating a business in this State shall not use the word "drug" or "drugs," "prescription" or "pharmacy," or similar words or

words of similar import, without first having secured a license from the Board. A person operating a business in this State which is not otherwise subject to the provisions of this chapter shall not use the letters "Rx" or "RX" without the approval of the Board. The Board may deny approval of the use of the letters "Rx" or "RX" by any person if the Board determines that:

(a) The person is subject to the provisions of this chapter but has not secured a license from the Board; or

(b) The use of the letters "Rx" or "RX" by the person is confusing or misleading to or threatens the health or safety of the residents of this State.

2. Each license must be issued to a specific person and for a specific location and is not transferable. The original license must be displayed on the licensed premises as provided in NRS 639.150. The original license and the fee required for reissuance of a license must be submitted to the Board before the reissuance of the license.

3. If the owner of a pharmacy is a partnership or corporation, any change of partners or corporate officers must be reported to the Board at such a time as is required by a regulation of the Board.

4. Except as otherwise provided in subsection 6, in addition to the requirements for renewal set forth in NRS 639.180, every person holding a license to operate a pharmacy must satisfy the Board that the pharmacy is conducted according to law.

5. Any violation of any of the provisions of this chapter by a managing pharmacist or by personnel of the pharmacy under the supervision of the managing pharmacist is cause for the suspension or revocation of the license of the pharmacy by the Board.

6. The provisions of this section do not prohibit:

(a) A Canadian pharmacy which is licensed by the Board and which has been recommended by the Board pursuant to subsection 4 of NRS 639.2328 for inclusion on the Internet website established and maintained pursuant to paragraph (i) of subsection 1 of NRS 223.560 from providing prescription drugs through mail order service to residents of Nevada in the manner set forth in NRS 639.2328 to 639.23286, inclusive; or

(b) A registered pharmacist or practitioner from collaborating in ~~[~~the implementation, monitoring and modification of ***collaborative*** drug therapy ***management*** pursuant to guidelines and protocols approved by the Board.~~,]~~ ***a collaborative practice agreement . [or an agreement entered into pursuant to section 6 of this act.]***

Sec. 9.5. NRS 639.2809 is hereby amended to read as follows:

639.2809 1. Written guidelines and protocols developed by a registered pharmacist in collaboration with a practitioner which authorize ~~[~~the implementation, monitoring and modification of~~]~~ ***collaborative*** drug therapy ~~[:]~~ ***management:***

(a) May authorize a pharmacist to order and use the findings of laboratory tests and examinations.

(b) May provide for ~~[implementation, monitoring and modification of]~~ ***collaborative*** drug therapy ***management*** for a patient receiving care:

(1) In a licensed medical facility; or

(2) If developed to ensure continuity of care for a patient, in any setting that is affiliated with a medical facility where the patient is receiving care. A pharmacist who modifies a drug therapy of a patient receiving care in a setting that is affiliated with a medical facility shall, within 72 hours after ~~[implementing]~~ ***initiating*** or modifying the drug therapy, provide written notice of the ~~[implementation]~~ ***initiation*** or modification of the drug therapy to the collaborating practitioner or enter the appropriate information concerning the drug therapy in an electronic patient record system shared by the pharmacist and the collaborating practitioner.

(c) Must state the conditions under which a prescription of a practitioner relating to the drug therapy of a patient may be changed by the pharmacist without a subsequent prescription from the practitioner.

(d) Must be approved by the Board.

2. The Board may adopt regulations which:

(a) Prescribe additional requirements for written guidelines and protocols developed pursuant to this section; and

(b) Set forth the process for obtaining the approval of the Board of such written guidelines and protocols.

Sec. 10. NRS 453.026 is hereby amended to read as follows:

453.026 "Agent" means a pharmacist who cares for a patient of a prescribing practitioner in a medical facility or in a setting that is affiliated with a medical facility where the patient is receiving care in accordance with written guidelines and protocols developed and approved pursuant to NRS 639.2809 ~~[,]~~ ***or a collaborative practice agreement, as defined in section 2 of this act,*** ~~***[or an agreement entered into pursuant to section 6 of this act,]***~~ a licensed practical nurse or registered nurse who cares for a patient of a prescribing practitioner in a medical facility or an authorized person who acts on behalf of or at the direction of and is employed by a manufacturer, distributor, dispenser or prescribing practitioner. The term does not include a common or contract carrier, public warehouseman or employee of the carrier or warehouseman.

Sec. 11. NRS 454.213 is hereby amended to read as follows:

454.213 1. A drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

(a) A practitioner.

(b) A physician assistant licensed pursuant to chapter 630 or 633 of NRS, at the direction of his or her supervising physician or a licensed dental hygienist acting in the office of and under the supervision of a dentist.

(c) Except as otherwise provided in paragraph (d), a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician or advanced practice

registered nurse, or pursuant to a chart order, for administration to a patient at another location.

(d) In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

(1) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

(2) Acting under the direction of the medical director of that agency or facility who works in this State.

(e) A medication aide - certified at a designated facility under the supervision of an advanced practice registered nurse or registered nurse and in accordance with standard protocols developed by the State Board of Nursing. As used in this paragraph, "designated facility" has the meaning ascribed to it in NRS 632.0145.

(f) Except as otherwise provided in paragraph (g), an advanced emergency medical technician or a paramedic, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

(1) The State Board of Health in a county whose population is less than 100,000;

(2) A county board of health in a county whose population is 100,000 or more; or

(3) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

(g) An advanced emergency medical technician or a paramedic who holds an endorsement issued pursuant to NRS 450B.1975, under the direct supervision of a local health officer or a designee of the local health officer pursuant to that section.

(h) A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

(i) A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

(j) A medical student or student nurse in the course of his or her studies at an accredited college of medicine or approved school of professional or practical nursing, at the direction of a physician and:

(1) In the presence of a physician or a registered nurse; or

(2) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

➥ A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

(k) Any person designated by the head of a correctional institution.

(l) An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

(m) A nuclear medicine technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

(n) A radiologic technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

(o) A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

(p) A physical therapist, but only if the drug or medicine is a topical drug which is:

(1) Used for cooling and stretching external tissue during therapeutic treatments; and

(2) Prescribed by a licensed physician for:

(I) Iontophoresis; or

(II) The transmission of drugs through the skin using ultrasound.

(q) In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

(r) A veterinary technician or a veterinary assistant at the direction of his or her supervising veterinarian.

(s) In accordance with applicable regulations of the Board, a registered pharmacist who:

(1) Is trained in and certified to carry out standards and practices for immunization programs;

(2) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(3) Administers immunizations in compliance with the "Standards for Immunization Practices" recommended and approved by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

(t) A registered pharmacist pursuant to written guidelines and protocols developed and approved pursuant to NRS 639.2809 ~~[.",]~~ ***or a collaborative practice agreement, as defined in section 2 of this act*** ***.*** ~~***[, or an agreement entered into pursuant to section 6 of this act.]***~~

(u) A person who is enrolled in a training program to become a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, nuclear

medicine technologist, radiologic technologist, physical therapist or veterinary technician who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

(v) A medical assistant, in accordance with applicable regulations of the:

(1) Board of Medical Examiners, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

(2) State Board of Osteopathic Medicine, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

2. As used in this section, "accredited college of medicine" has the meaning ascribed to it in NRS 453.375.

Sec. 12. (Deleted by amendment.)

Sec. 13. This act becomes effective on July 1, 2017.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 60.

Bill read third time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 802.

AN ACT relating to Medicaid; authorizing the Director of the Department of Health and Human Services to include in ~~[the State Plan for]~~ Medicaid **managed care plans a** voluntary ~~[programs]~~ **program** through which certain governmental entities and Indian tribes may obtain supplemental payments for providing ground emergency medical transportation services to recipients of Medicaid; ~~[requiring a participating governmental entity or Indian tribe to reimburse the Department for the costs of implementing and administering any such program;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Federal law requires the Federal Government to pay to each state for which the Federal Government has approved a State Plan for Medicaid a certain percentage of the total amount expended as medical assistance under the State Plan. The states are responsible for the remaining share of such expenditures. (42 U.S.C. § 1396b(a)) Federal law also allows certain governmental entities and federally recognized Indian tribes to receive supplemental reimbursements in addition to the federal payments discussed above for certain health care services, including ground emergency medical transportation services, pursuant to a State Plan for Medicaid. (42 U.S.C. §§ 1396a and 1396b; 42 C.F.R. §§ 433.50-433.74)

~~[Section 10 of this bill authorizes the Director of the Department of Health and Human Services to include in the State Plan for Medicaid a voluntary program whereby such a governmental entity or Indian tribe may receive supplemental reimbursements, in addition to the payments the governmental entity or Indian tribe would otherwise receive from Medicaid, for ground emergency medical transportation services which are provided to recipients of Medicaid. In order to receive such reimbursements, the governmental entity or Indian tribe must: (1) hold a permit to operate an ambulance or vehicle of a fire-fighting agency; (2) participate in the State Plan for Medicaid; (3) enter into an agreement with the Department to reimburse the Department for the costs of implementing and administering the program; (4) pay the nonfederal share of the expenditures arising from providing such services; (5) certify that the claimed expenditures are eligible for federal financial participation; (6) submit to the Department any required evidence of the claimed expenditures; and (7) maintain any records required by the Department.]~~

Section 11 of this bill authorizes the Director **of the Department of Health and Human Services** to ~~[include in the State Plan]~~ **develop** a voluntary program to provide increased "capitation" (per patient) payments to ~~[a governmental entity or Indian tribe]~~ **Medicaid managed care plans** for ground emergency medical transportation services which are ~~[rendered]~~ **provided by a governmental entity or Indian tribe** pursuant to a contract or other arrangement with ~~[a]~~ **such** Medicaid managed care ~~[plan.]~~ **plans.** In order to participate in such a program, a governmental entity, Indian tribe or managed care plan is required to enter into an agreement with the Department to ~~[: (1)]~~ comply with any request made by the Department to provide any information or data necessary to claim federal money or obtain federal approval **.** ~~[; and (2) reimburse the Department for the administrative costs of the Department for implementing and administering the program. A]~~ **Such a** program would require the governmental entity or Indian tribe to **: (1)** make intergovernmental transfers of money to the Department in an amount corresponding with the amount of money spent rendering ground emergency medical transportation services ~~[.]~~ **; or (2) pay the nonfederal share of expenditures on the program.** The Department would then use that money and money from the Federal Government to make increased capitation payments. ~~[If a program to provide increased capitation payments is established, section 11 requires the Department to collect from each intergovernmental transfer a fee of 20 percent of the nonfederal share paid to the Department.~~

~~— Sections 10 and]~~ **Section 11** also ~~[provide]~~ **provides** that supplemental reimbursements and increased capitation payments will be paid only to the extent approved by the Federal Government.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 11, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 9, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Advanced emergency medical technician" has the meaning ascribed to it in NRS 450B.025.***

Sec. 4. ***"Ambulance" has the meaning ascribed to it in NRS 450B.040.***

Sec. 5. ***"Emergency medical technician" has the meaning ascribed to it in NRS 450B.065.***

Sec. 6. ***"Fire-fighting agency" has the meaning ascribed to it in NRS 450B.072.***

Sec. 7. ***"Governmental provider" means a provider of ground emergency medical transportation services that is owned or operated by a state or local governmental entity or federally recognized Indian tribe.***

Sec. 8. ***"Ground emergency medical transportation services" means emergency medical transportation services provided by an ambulance or a vehicle of a fire-fighting agency, including, without limitation, services provided by emergency medical technicians, advanced emergency medical technicians and paramedics in prestabilizing patients and preparing patients for transport.***

Sec. 9. ***"Paramedic" has the meaning ascribed to it in NRS 450B.095.***

Sec. 10. ~~*[1. The Director may include in the State Plan for Medicaid a voluntary program to provide supplemental reimbursements for ground emergency medical transportation services which are provided to recipients of Medicaid. If such a program is included in the State Plan for Medicaid, the program must:*~~

~~*(a) Provide that a governmental provider receive, in addition to the rate of payment that the governmental entity or Indian tribe would otherwise receive for ground emergency medical transportation services provided to recipients of Medicaid, supplemental reimbursements for such services if the governmental provider meets the requirements of subsection 2; and*~~

~~*(b) Be implemented without money from the State General Fund.*~~

~~*2. A governmental provider is not required to participate in a program established pursuant to this section. If a program is established pursuant to this section, a governmental provider that wishes to participate and receive the supplemental reimbursements described in subsection 1 must:*~~

~~*(a) Hold a permit to operate an ambulance or a permit to operate a vehicle of a fire-fighting agency at the scene of an emergency issued pursuant to NRS 450B.200;*~~

~~*(b) Participate as a provider in the State Plan for Medicaid;*~~

~~*(c) Enter into an agreement with the Department to reimburse the Department for the costs of implementing and administering the program;*~~

~~*(d) Submit to the Department documentation supporting the amount claimed as expenditures for ground emergency medical transportation services provided to recipients of Medicaid and certifying that the claimed expenditures are eligible for federal financial participation in accordance with 42 C.F.R. § 433.51;*~~

~~*(e) Submit to the Department any evidence required by the Department to support the certification required by paragraph (d) and any data required by the Department to determine the appropriate amount to claim as expenditures that qualify for federal financial participation in accordance with the requirements of 42 C.F.R. § 433.51; and*~~

~~*(f) Prepare and maintain any records required by the Department in an easily accessible manner.*~~

~~*3. The nonfederal share of the amount claimed as expenditures pursuant to paragraph (d) of subsection 2 must be absorbed by the governmental provider.*~~

~~*4. If a program is established pursuant to this section, the Department shall:*~~

~~*(a) Evaluate the information submitted pursuant to subsection 2 and submit claims for reimbursement to the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services for the expenditures that the Department determines qualify for federal financial participation in accordance with the requirements of 42 C.F.R. § 433.51.*~~

~~*(b) Obtain prior approval from the Centers for Medicare and Medicaid Services of the manner in which supplemental reimbursements will be calculated and distributed pursuant to this section.*~~

~~*(c) Calculate and distribute supplemental reimbursements in the manner approved by the Centers for Medicare and Medicaid Services.*~~

~~*(d) Cooperate with the Centers for Medicare and Medicaid Services in carrying out the program established pursuant to this section and comply with all requirements of the Centers for Medicare and Medicaid Services, including, without limitation, those prescribed by 42 C.F.R. § 433.74, and any other applicable federal law.*~~

~~*(e) Carry out the program established pursuant to this section only to the extent approved by the Centers for Medicare and Medicaid Services.*~~

~~*(f) Annually submit any necessary materials to the Centers for Medicare and Medicaid Services to ensure that claims for federal financial participation include only expenditures authorized under federal law.*~~

~~*5. Supplemental reimbursements for ground emergency medical transportation services paid to a governmental provider pursuant to this section:*~~

~~*(a) Must not exceed the amount of federal financial participation received for claimed expenditures submitted pursuant to paragraph (d) of subsection 2; and*~~

~~*(b) Must not, when combined with all other payments received for the ground emergency medical transportation services pursuant to the State Plan for Medicaid, exceed the costs of the governmental provider for providing the ground emergency medical transportation services.]*~~ **(Deleted by amendment.)**

Sec. 11. *1. The Director may, in consultation with governmental providers and Medicaid managed care plans, develop ~~[and include in the State Plan for Medicaid a voluntary]~~ a program to ~~[provide]~~ include in the managed care organization rate certification for the Medicaid managed care plans increased capitation payments to ~~[governmental providers and]~~ the Medicaid managed care plans for ground emergency medical transportation services which are ~~[rendered]~~ provided by a governmental provider pursuant to a contract or other arrangement between ~~[a]~~ the governmental provider and a Medicaid managed care plan. ~~[Any]~~ Participation in such a program ~~[must be implemented without money from]~~ by a governmental provider is voluntary and, if a governmental provider elects to participate in such a program, the governmental provider must pay the ~~[State General Fund.]~~ nonfederal share of the expenditures on the program.*

2. If a program is established pursuant to this section, a governmental provider or Medicaid managed care plan that wishes to participate in the program must enter into an agreement with the Department to ~~[:~~

~~*(a) Comply]*~~ comply *with any request by the Department for information or data necessary to claim federal money or obtain federal approval in connection with the program. ~~[; and~~*

~~*(b) Reimburse the Department as provided in subsection 7 for the administrative costs incurred by the Department in implementing and administering the program.]*~~

3. ~~[A governmental provider is not required to participate in a program established pursuant to this section.]~~ In addition to complying with ~~[the requirements of]~~ subsection 2, a governmental provider that wishes to participate in a program established pursuant to this section must:

(a) Hold a permit to operate an ambulance or a permit to operate a vehicle of a fire-fighting agency at the scene of an emergency issued pursuant to NRS 450B.200; and

(b) Provide ground emergency medical services to recipients of Medicaid pursuant to a contract or other arrangement with a Medicaid managed care plan.

4. If a program is established pursuant to this section, a governmental provider that meets the requirements of subsections 2 and 3 and wishes to receive increased capitation payments must make an intergovernmental transfer of money to the Department in an amount corresponding with the

amount that the governmental provider has spent on ground emergency medical transportation services ~~[.]~~ or pay the nonfederal share of expenditures on the program. To the extent that such ~~[intergovernmental transfers of]~~ money ~~[are made by and]~~ is accepted from a governmental provider, the Department shall make increased capitation payments to the applicable Medicaid managed care plan. To the extent permissible under federal law, the increased capitation payments must be in amounts actuarially equivalent to or greater than the supplemental cost based payments available under ~~[the]~~ a program ~~[established pursuant to section 10 of this act]~~ of supplemental reimbursements for governmental providers who provide services on a fee-for-service basis.

5. Except as otherwise provided in subsection 6, all money associated with intergovernmental transfers or the nonfederal share of expenditures made and accepted pursuant to subsection 4 must be used to make additional payments to governmental providers under ~~[the]~~ a program established pursuant to this section. A Medicaid managed care plan shall pay all of any increased capitation payments made pursuant to subsection 4 to a governmental provider for ground emergency medical transportation services pursuant to a contract or other arrangement with the Medicaid managed care plan.

6. The Department may implement the program described in this section only to the extent that the program is approved by the Centers for Medicare and Medicaid Services and federal financial participation is available. To the extent authorized by federal law, the Department may implement the program for ground emergency medical transportation services provided before the effective date of this section.

~~7. [If a program is established pursuant to this section, the Department shall collect from each intergovernmental transfer of money made under the provisions of this section an administrative fee of 20 percent of the nonfederal share paid to the Department. The payment of such a fee is an allowable cost for Medicaid reimbursement purposes.~~

~~8.]~~ If the Director determines that payments made under the provisions of this section do not comply with federal requirements relating to Medicaid, the Director may:

(a) Return or refuse to accept an intergovernmental transfer; or

(b) Adjust any payment made under the provisions of this section to comply with federal requirements relating to Medicaid.

~~[9.]~~ 8. As used in this section, "Medicaid managed care plan" means a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 12. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and sections 2 to 11, inclusive, of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.621 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to

their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department, other than the State Public Defender of the Office of State Public Defender who is appointed pursuant to NRS 180.010.

Sec. 13. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 12, inclusive, of this act become effective upon passage and approval for the purpose of performing any tasks necessary to obtain the approval of the Centers for Medicare and Medicaid Services for a program established pursuant to section ~~[10 or]~~ 11 of this act.

3. For all other purposes:

(a) Sections 1 to ~~[9,]~~ **10,** inclusive, and 12 of this act become effective on the date ~~[:~~

~~(1) That a program to provide supplemental reimbursements for ground emergency medical transportation services established pursuant to section 10 of this act is approved by the Centers for Medicare and Medicaid Services; or~~

~~(2) On]~~ **on** which a program to provide increased capitation payments to governmental providers for ground emergency medical transportation services established pursuant to section 11 of this act is approved by the Centers for Medicare and Medicaid Services ~~[,~~

~~whichever is earlier;]~~ **; and**

(b) ~~[Section 10 of this act becomes effective on the date that a program to provide supplemental reimbursements for ground emergency medical transportation services established pursuant to that section is approved by the Centers for Medicare and Medicaid Services; and~~

~~(c)]~~ Section 11 of this act becomes effective on the date that a program to provide increased capitation payments to governmental providers for ground emergency medical transportation services established pursuant to that section is approved by the Centers for Medicare and Medicaid Services.

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 196.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 887.

SUMMARY—Requires certain employers in private employment to provide paid sick leave to **full-time** employees under certain circumstances. (BDR 53-682)

AN ACT relating to employment; requiring certain employers in private employment to provide paid sick leave to each **full-time** employee of the employer under certain circumstances; providing an exception; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires employers in private employment to pay employees certain minimum compensation and to provide certain benefits, including overtime compensation and meal and rest breaks. (NRS 608.018, 608.019, 608.250) **Section 1** of this bill requires a private employer who has ~~[50]~~ **25** or more employees **in private employment** in this State ~~[for each working day in each of 20 or more calendar weeks in the current or immediately preceding calendar year]~~ and who has conducted business in this State for at least 12 consecutive months to, at a minimum, provide **full-time** employees paid sick leave that must be earned at a rate of not less than 1 hour per ~~[30]~~ **40** hours worked and may be used by an employee beginning on the ~~[90th calendar day]~~ **first anniversary date** of **his or her** employment. **Section 1 sets forth that an employee is a full-time employee of the employer if the employee works at least 1,600 hours for the employer during a 12-month period beginning on the date the employee is hired.** **Section 1** also provides that an employer may: (1) limit the use of the paid sick leave to ~~[24]~~ **40** hours per year; **and** (2) ~~[limit the accrual of paid sick leave to a maximum of 48 hours per year; (3) require an employee who uses paid sick leave for 3 or more consecutive days to provide, upon his or her return to work, a reasonable certification of the need for the leave; and (4)]~~ set a minimum increment that an employee may use the accrued sick leave at any one time, not to exceed 2 hours. **Section 1** additionally requires an employer to maintain records of the accrual and use of paid sick leave for each employee for a 3-year period and to make those records available for inspection by the Labor Commissioner. **Section 1** requires the Labor Commissioner to prepare a bulletin setting forth these benefits and requires employers to post the bulletin in the workplace. ~~[Finally, section]~~ **Section 1**: (1) provides an exception for employers who provide at least an equivalent amount of sick leave or paid time off **;** ~~[that may be used for the same purposes and under the same conditions as required by this bill;]~~ and (2) excludes from the requirements of this bill certain employees who perform work on an occasional or irregular basis, perform physical work at a construction site that results in the construction, alteration or destruction involved in the construction project ~~[or are employed in a bona fide executive, administrative or professional capacity.]~~ **, perform work for a hospital, a facility for long-term care or a provider of health care on an occasional or irregular basis or work less than 12 consecutive months for the employer. Finally, section 1 prohibits this bill from being interpreted as allowing an employee to be compensated more than once for the same hour of leave.**

Existing law requires an employer to establish and maintain records of wages for the benefit of his or her employees. (NRS 608.115) **Section 1.5** of

this bill requires this record to include the total hours of sick leave available for use by each employee.

Section 2 of this bill requires the Labor Commissioner to enforce the provisions of **section 1**, and **section 3** of this bill makes a violation of the provisions of **section 1** a misdemeanor and authorizes the Commissioner to impose, in addition to any other remedy or penalty, a penalty of up to $5,000 for each violation. (NRS 608.180, 608.195)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, every employer who has conducted business in this State for at least 12 consecutive months shall provide paid sick leave to each full-time employee of the employer as follows:

(a) [An] A full-time employee is entitled to accrue paid sick leave at a rate of not less than 1 hour for every [30] 40 hours worked by the full-time employee. [For the purposes of this calculation, a salaried employee shall be deemed to work 40 hours per week, unless the employee's normal week of work is less than 40 hours, in which case paid sick leave must accrue based upon the hours worked in that employee's normal week of work.]

(b) Accrued paid sick leave must carry over for each employee between his or her years of employment, [except an employer may limit the accrual of paid sick leave for each employee to a maximum of 48 hours per year.] not to exceed a total accrual of 80 hours of accrued paid sick leave.

(c) Paid sick leave must be compensated at the rate of pay at which the employee is compensated at the time such leave is taken, and paid on the same payday as the hours taken are normally paid. For the purposes of this calculation, the compensation rate for an employee who is paid by salary, commission, piece rate or a method other than an hourly wage must be calculated by dividing the employee's total wages paid for the immediately preceding 90 days by the number of hours worked during that period.

(d) An employer may limit the amount of paid sick leave an employee uses to [24] 40 hours per year.

(e) [An employer may require an employee who uses paid sick leave for 3 or more consecutive days to provide, upon his or her return to work, a reasonable certification of the need for the leave. Such reasonable certification may include, without limitation, a signed document from a provider of health care affirming the illness of the employee or a dependent of the employee.

(f)] An employer may set a minimum increment of paid sick leave, not to exceed 2 hours, that an employee may use at any one time.

[(g)] (f) An employer is not required to compensate an employee for any accrued unused sick leave upon separation from employment. [, except if

~~*an employee is rehired by the employer within 1 year after separation from that employer, any previously accrued unused sick leave hours must be reinstated.]*~~

2. An employee of an employer may use accrued sick leave as follows:

(a) An employee must be allowed to use accrued sick leave beginning on the ~~*[90th calendar day of]*~~ *first anniversary date of his or her employment.*

(b) An employee may use accrued paid sick leave:

(1) For the diagnosis, care or treatment of an existing health condition of, or preventive care for, the employee or a member of the employee's family or household; or

(2) To obtain counseling or assistance or to participate in any court proceedings related to domestic violence or sexual assault.

(c) To the extent possible, an employee shall give reasonable advance notice to his or her employer of the need to use accrued paid sick leave.

(d) An employer shall not:

(1) Deny an employee the right to use accrued sick leave in accordance with the conditions of this section;

(2) Require an employee to find a replacement worker as a condition of using sick leave; or

(3) Retaliate against an employee for using sick leave.

3. The Labor Commissioner shall prepare a bulletin which clearly sets forth the benefits created by this section. The Labor Commissioner shall post the bulletin on the Internet website maintained by the Office of Labor Commissioner, if any, and shall require all employers to post the bulletin in a conspicuous location in each workplace maintained by the employer. The bulletin may be included in any printed abstract posted by the employer pursuant to NRS 608.013.

4. An employer shall maintain records of the accrual and use of paid sick leave for each employee for a 3-year period following the entry of such information in the record and, upon request, shall make those records available for inspection by the Labor Commissioner.

5. The provisions of this section do not:

(a) Limit or abridge any other rights, remedies or procedures available under the law.

(b) Negate any other rights, remedies or procedures available to an aggrieved party.

(c) Prohibit, preempt or discourage any contract or other agreement that provides a more generous sick leave benefit or paid time off benefit.

(d) Prohibit an employer from creating and enforcing a policy that prohibits the improper use of paid sick leave.

6. This section does not apply to:

(a) An employer who, ~~*[pursuant to a collective bargaining agreement,]*~~ *by contract, policy or other agreement, provides full-time employees with a paid sick leave policy or a paid time off policy that provides for at least* ~~*[24]*~~

40 hours of paid leave per year . ~~[that may be used for the same purposes and under the same conditions as specified in this section.]~~

(b) An employee who:

(1) Is a day or temporary worker who performs work on an occasional or irregular basis for a limited period of time;

(2) Actually performs physical work at a construction site that results in the construction, alteration or destruction involved in the construction project; or

(3) ~~[Is employed in a bona fide executive, administrative or professional capacity; or~~

~~(4)]~~ Performs work for a hospital, a facility for long-term care or a provider of health care on an occasional or irregular basis as needed by the hospital, facility for long-term care or provider of health care.

(c) An employee who works less than 12 consecutive months for his or her employer.

7. The provisions of this section must not be interpreted to allow an employee to be compensated more than once for the same hours of leave.

8. For the purposes of this section, an employee is a full-time employee of an employer if the employee works at least 1,600 hours for the employer during a 12-month period beginning on the date of employment.

9. As used in this section:

(a) "Employer" means a private employer who has ~~[50]~~ 25 or more employees in private employment in this State . ~~[for each working day in each of 20 or more calendar weeks in the current or immediately preceding calendar year.]~~ The term does not include a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).

(b) "Facility for long-term care" has the meaning ascribed to it in NRS 427A.028.

(c) "Hospital" has the meaning ascribed to it in NRS 449.012.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 1.5. NRS 608.115 is hereby amended to read as follows:

608.115 1. Every employer shall establish and maintain records of wages for the benefit of his or her employees, showing for each pay period the following information for each employee:

(a) Gross wage or salary other than compensation in the form of:

(1) Services; or

(2) Food, housing or clothing.

(b) Deductions.

(c) Net cash wage or salary.

(d) Total hours employed in the pay period by noting the number of hours per day.

(e) Date of payment.

(f) Total hours of paid sick leave available for use by the employee.

2. The information required by this section must be furnished to each employee within 10 days after the employee submits a request.

3. Records of wages must be maintained for a 2-year period following the entry of information in the record.

Sec. 2. NRS 608.180 is hereby amended to read as follows:

608.180 The Labor Commissioner or the representative of the Labor Commissioner shall cause the provisions of NRS 608.005 to 608.195, inclusive, ***and section 1 of this act*** to be enforced, and upon notice from the Labor Commissioner or the representative:

1. The district attorney of any county in which a violation of those sections has occurred;

2. The Deputy Labor Commissioner, as provided in NRS 607.050;

3. The Attorney General, as provided in NRS 607.160 or 607.220; or

4. The special counsel, as provided in NRS 607.065,

➥ shall prosecute the action for enforcement according to law.

Sec. 3. NRS 608.195 is hereby amended to read as follows:

608.195 1. Except as otherwise provided in NRS 608.0165, any person who violates any provision of NRS 608.005 to 608.195, inclusive, ***and section 1 of this act,*** or any regulation adopted pursuant thereto, is guilty of a misdemeanor.

2. In addition to any other remedy or penalty, the Labor Commissioner may impose against the person an administrative penalty of not more than $5,000 for each such violation.

Sec. 4. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2018, for all other purposes.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 262.

Bill read third time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 744.

AN ACT relating to health care; requiring that payments for treatment relating **solely** to mental health or the abuse of alcohol or drugs be made directly to ~~[the provider]~~ **certain providers** of that treatment; requiring a licensed clinical alcohol and drug counselor to be directly reimbursed for providing treatment ~~[;]~~ **under certain circumstances; revising provisions relating to the accreditation of medical facilities and facilities for the**

dependent for the purpose of determining whether an insured person is entitled to benefits for certain treatment provided at such facilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for treatment relating to the abuse of alcohol or drugs to be covered by certain policies of health insurance and, under certain circumstances, provided by employers. (NRS 608.156, 689A.030, 689A.046, 689C.166, 689C.167) Existing law provides that under certain policies of health insurance, an insured party is entitled to reimbursement for treatment by a clinical alcohol and drug abuse counselor. (NRS 689A.0493, 689B.0397, 695B.1955, 695C.1789) Existing law further requires certain policies of health insurance to cover treatment for mental illness. (NRS 687B.404, 689A.0455, 689C.169) Existing law does not prevent a person who is receiving treatment for mental illness or the abuse of alcohol or drugs from receiving the payments for such treatment.

Section 1 of this bill requires that ~~[every]~~ **a** payment made pursuant to a policy of health insurance ~~[, including, without limitation, a payment made to an out-of-network provider,]~~ for treatment relating **solely** to mental health or the abuse of alcohol or drugs must be made directly to the provider of the treatment rather than to the person receiving the treatment ~~[.]~~ **if the provider is an out-of-network provider who has an assignment of benefits which meets certain qualifications. Section 1** also expressly ~~[allows]~~ **requires** such a provider to refund to a person ~~[receiving]~~ **who pays such a provider directly for such** treatment ~~[any]~~ **certain** amounts that the person paid to the provider. For example, a person may have prepaid the provider for treatment and, after the payment pursuant to the policy of health insurance is made to the provider, the provider may need to refund all or part of the prepaid amounts to the person receiving treatment. **Section 9** of this bill extends the requirements of **section 1** to benefits provided through self-insurance by the Board of the Public Employees' Benefits Program. (NRS 287.04335) **Section 10** of this bill extends the requirements of **section 1** to benefits provided by certain employers. (NRS 608.1555)

Sections 3, 4, 6 and 7 of this bill provide that a licensed clinical alcohol and drug abuse counselor must **, if applicable,** be directly reimbursed for treatment relating to the abuse of alcohol or drugs ~~[.]~~ **in accordance with an applicable assignment of benefits.**

Sections 2, 5 and 11 of this bill make conforming changes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 687B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Every payment made pursuant to a policy of health insurance to pay for treatment relating solely to mental health or the abuse of alcohol or drugs ~~[, including, without limitation, a payment made to an out-of-~~

~~network provider,~~ must be made directly to the provider of health care that provides the treatment ~~[,]~~ if the provider:

(a) Is an out-of-network provider; and

(b) Has obtained and delivered to the insurer or an authorized representative of the insurer, including, without limitation, a third-party administrator, a written assignment of benefits pursuant to which the insured has assigned to the provider the insured's benefits under the policy of health insurance with regard to the treatment.

2. ~~[A]~~ An out-of-network provider that receives payment pursuant to subsection 1 ~~[may]~~ :

(a) Shall, if a person paid the provider directly for the treatment described in subsection 1, refund to the person ~~[who receives the treatment not more than any]~~ the amount that the person ~~[who receives the treatment]~~ paid directly to the provider for the treatment ~~[.]~~ , less any applicable deductible, copayment or coinsurance, not later than 45 days after the provider receives payment pursuant to subsection 1; and

(b) Must indemnify and hold harmless the insurer against any claim made against the insurer by the person who receives the treatment described in subsection 1 for any amount paid by the insurer to the provider in compliance with this section.

3. An assignment of benefits described in paragraph (b) of subsection 1 is irrevocable for the period:

(a) Beginning on the date the insured gives to the out-of-network provider the assignment of benefits; and

(b) Ending on the later of:

(1) The date on which the out-of-network provider receives from the insurer the final payment for the treatment; or

(2) The date of the final resolution, including, without limitation, by settlement or trial, of all claims relating to all payments which relate to the treatment.

4. Nothing in this section shall be construed to require an insurer to make a payment to an out-of-network provider:

(a) Who is not authorized by law to provide the treatment;

(b) Who provides the treatment in violation of any law; or

(c) In an amount which exceeds the amount required by the policy of health insurance to be paid for out-of-network treatment.

5. As used in this section:

(a) "Health care services" means services for the diagnosis, prevention, treatment, care or relief of a health condition, illness, injury or disease.

(b) "Insured" means a person who receives benefits pursuant to a policy of health insurance.

(c) "Insurer" means a person, including, without limitation, a governmental entity, who issues or otherwise provides a policy of health insurance.

(d) "Network plan" has the meaning ascribed to it in NRS 689B.570.

~~[(c)]~~ *(e) "Out-of-network provider" means a provider of health care who:*

(1) Provides health care services;

(2) Is paid, pursuant to a policy of health insurance, for providing the health care services; and

(3) Is not under contract to provide the health care services as part of any network plan associated with the policy of health insurance.

~~[(d)]~~ *(f) "Policy of health insurance" includes, without limitation, a policy, contract, certificate, plan or agreement, as applicable, issued pursuant to or otherwise governed by NRS 287.0402 to 287.049, inclusive, or chapter 608, 689A, 689B, 689C, 695A, 695B, 695C, 695F or 695G of NRS for the provision of, delivery of, arrangement for, payment for or reimbursement for any of the costs of health care services.*

~~[(e)]~~ *(g) "Provider of health care" has the meaning ascribed to it in NRS 695G.070.*

Sec. 2. NRS 689A.046 is hereby amended to read as follows:

689A.046 1. The benefits provided by a policy for health insurance for treatment of the abuse of alcohol or drugs must consist of:

(a) Treatment for withdrawal from the physiological effect of alcohol or drugs, with a minimum benefit of $1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a minimum benefit of $9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a minimum benefit of $2,500 per calendar year.

2. ~~[These]~~ ***Except as otherwise provided in section 1 of this act, these*** benefits must be paid in the same manner as benefits for any other illness covered by a similar policy are paid.

3. The insured person is entitled to these benefits if treatment is received in any:

(a) Facility for the treatment of abuse of alcohol or drugs which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) Hospital or other medical facility or facility for the dependent which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services, accredited by ~~[the]~~ ***The*** Joint Commission ~~[on Accreditation of Healthcare Organizations]~~ ***or CARF International*** and provides a program for the treatment of abuse of alcohol or drugs as part of its accredited activities.

Sec. 3. NRS 689A.0493 is hereby amended to read as follows:

689A.0493 If any policy of health insurance provides coverage for treatment of an illness which is within the authorized scope of practice of a licensed clinical alcohol and drug abuse counselor, the insured is entitled to reimbursement for treatment by a clinical alcohol and drug abuse counselor who is licensed pursuant to chapter 641C of NRS ~~[.]~~ ***unless the clinical***

alcohol and drug abuse counselor must be directly reimbursed ~~[for providing such treatment.]~~ pursuant to:

1. An assignment of benefits described in section 1 of this act; or

2. Any other applicable assignment of benefits.

Sec. 4. NRS 689B.0397 is hereby amended to read as follows:

689B.0397 If any policy of group health insurance provides coverage for treatment of an illness which is within the authorized scope of practice of a licensed clinical alcohol and drug abuse counselor, the insured is entitled to reimbursement for treatment by a clinical alcohol and drug abuse counselor who is licensed pursuant to chapter 641C of NRS ~~[.]~~ ***unless the clinical alcohol and drug abuse counselor must be directly reimbursed ~~[for providing such treatment.]~~ pursuant to:***

1. An assignment of benefits described in section 1 of this act; or

2. Any other applicable assignment of benefits.

Sec. 5. NRS 689C.167 is hereby amended to read as follows:

689C.167 1. The benefits provided by a group policy for health insurance, as required by NRS 689C.166, for the treatment of abuse of alcohol or drugs must consist of:

(a) Treatment for withdrawal from the physiological effects of alcohol or drugs, with a minimum benefit of $1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a minimum benefit of $9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a minimum benefit of $2,500 per calendar year.

2. ~~[~~These~~]~~ ***Except as otherwise provided in section 1 of this act, these*** benefits must be paid in the same manner as benefits for any other illness covered by a similar policy are paid.

3. The insured person is entitled to these benefits if treatment is received in any:

(a) Facility for the treatment of abuse of alcohol or drugs which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) Hospital or other medical facility or facility for the dependent which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services, is accredited by ~~[~~the~~]~~ ***The*** Joint Commission ~~[~~on Accreditation of Healthcare Organizations~~]~~ ***or CARF International*** and provides a program for the treatment of abuse of alcohol or drugs as part of its accredited activities.

Sec. 6. NRS 695B.1955 is hereby amended to read as follows:

695B.1955 If any contract for hospital or medical service provides coverage for treatment of an illness which is within the authorized scope of practice of a licensed clinical alcohol and drug abuse counselor, the insured is entitled to reimbursement for treatment by a clinical alcohol and drug abuse counselor who is licensed pursuant to chapter 641C of NRS ~~[.]~~ ***unless***

the clinical alcohol and drug abuse counselor must be directly reimbursed ~~[for providing such treatment.]~~ pursuant to:

1. An assignment of benefits described in section 1 of this act; or

2. Any other applicable assignment of benefits.

Sec. 7. NRS 695C.1789 is hereby amended to read as follows:

695C.1789 If any evidence of coverage provides coverage for treatment of an illness which is within the authorized scope of practice of a licensed clinical alcohol and drug abuse counselor, the insured is entitled to reimbursement for treatment by a clinical alcohol and drug abuse counselor who is licensed pursuant to chapter 641C of NRS ~~[.]~~ ***unless the clinical alcohol and drug abuse counselor must be directly reimbursed ~~[for providing such treatment.]~~ pursuant to:***

1. An assignment of benefits described in section 1 of this act; or

2. Any other applicable assignment of benefits.

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 689B.255, 695G.150, 695G.160, 695G.162, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.170 to 695G.173, inclusive, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, ***and section 1 of this act*** in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 10. NRS 608.1555 is hereby amended to read as follows:

608.1555 Any employer who provides benefits for health care to his or her employees shall provide the same benefits and pay providers of health care in the same manner as a policy of insurance pursuant to chapters 689A and 689B of NRS ~~[.]~~ ***, including, without limitation, as required by section 1 of this act.***

Sec. 11. NRS 608.156 is hereby amended to read as follows:

608.156 1. If an employer provides health benefits for his or her employees, the employer shall provide benefits for the expenses for the treatment of abuse of alcohol and drugs. The annual benefits provided by the employer must consist of:

(a) Treatment for withdrawal from the physiological effects of alcohol or drugs, with a maximum benefit of $1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a maximum benefit of $9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a maximum benefit of $2,500 per calendar year.

2. The maximum amount which may be paid in the lifetime of the insured for any combination of the treatments listed in subsection 1 is $39,000.

3. ~~[~~These~~]~~ ***Except as otherwise provided in section 1 of this act, these*** benefits must be paid in the same manner as benefits for any other illness covered by the employer are paid.

4. The employee is entitled to these benefits if treatment is received in any:

(a) Program for the treatment of abuse of alcohol or drugs which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) Hospital or other medical facility or facility for the dependent which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services, ***is*** accredited by The Joint Commission ***or CARF International*** and provides a program for the treatment of abuse of alcohol or drugs as part of its accredited activities.

Sec. 12. This act becomes effective on ~~[~~July 1, 2017.~~]~~ **January 1, 2018.**

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 274.

Bill read third time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 801.

AN ACT relating to child welfare; revising provisions governing certain reports of an agency which provides child welfare services concerning a child who is in need of protection; requiring a court to allow a sibling of a child who is found to be in need of protection to inspect certain records; revising provisions concerning agreements for postadoptive contact between a natural parent and a child or the adoptive parents of the child; revising provisions governing a hearing to determine whether to include an order for visitation with a sibling in a decree of adoption; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an agency acting as the custodian of a child who is in need of protection and is placed with someone other than a parent to submit a report to the court before any hearing for a review of that placement. If a child is not placed with his or her siblings, the report must include a plan for the child to visit his or her siblings. (NRS 432B.580) **Section 1** of this bill requires the agency which provides child welfare services to update the plan for visitation to reflect any change in the placement of the child or any sibling of the child. **Section 1** also requires the court to provide any sibling who has been granted a right to visitation with the child with notice of a hearing to review the placement of the child. **Sections 1 and 2** of this bill require the court to provide each sibling of a child who is found to be in need

of protection with the case number of each relevant proceeding and allow the sibling to inspect certain records for the purpose of petitioning the court for visitation with the child and enforcing an order for visitation.

Existing law provides that an agreement for postadoptive contact between a child and his or her natural parents or the adoptive parents of a child and the natural parents of that child is enforceable if it is in writing, signed by the parties and incorporated into an order or decree of adoption. (NRS 127.187) **Section 2.3** of this bill requires that if the agreement concerns a child who was in the custody of an agency which provides child welfare services before being adopted, a determination must be made by such an agency or the court that the agreement is in the best interest of the child.

Existing law authorizes a natural parent who has entered into an agreement for postadoptive contact to petition the court to prove the existence of the agreement and request that the agreement be incorporated into the order or decree of adoption or to enforce the terms of the agreement. (NRS 127.1885) **Section 2.7** of this bill requires such a petition to be: (1) served **by the natural parent or adoptive parent who filed the petition** on each **other** natural parent or adoptive parent **, as applicable,** who has entered into the agreement; and (2) heard by the same judge who issued the order or decree of adoption if he or she is available. **Section 3.3** of this bill establishes a reduced filing fee for the filing of such a petition. **Section 2.3** requires a natural or adoptive parent who has entered into an agreement for postadoptive contact to ~~[provide the court with]~~ **include in the agreement** an address at which such a petition may be served.

Existing law requires a court to conduct a hearing to determine whether to include an order for visitation with a sibling in the decree of adoption of a child who is in the custody of an agency which provides child welfare services. (NRS 127.2827) **Section 3** of this bill instead requires the court to incorporate such an order into the decree of adoption unless an interested party petitions the court to exclude or amend the order for visitation. **Section 3** additionally: (1) requires the court to hold the hearing on such a petition on a different date than the hearing on the petition for adoption; (2) gives any interested party the right to participate in the hearing; and (3) requires the clerk of the court to provide notice of the time and place of the hearing to certain persons. If an order for visitation is included in the decree for adoption, **section 3** authorizes a party to the order to petition for enforcement of the order at any time.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 432B.580 is hereby amended to read as follows:

432B.580 1. Except as otherwise provided in this section and NRS 432B.513, if a child is placed pursuant to NRS 432B.550 other than with a parent, the placement must be reviewed by the court at least semiannually, and within 90 days after a request by a party to any of the prior proceedings.

Unless the parent, guardian or the custodian objects to the referral, the court may enter an order directing that the placement be reviewed by a panel appointed pursuant to NRS 432B.585.

2. An agency acting as the custodian of the child shall, before any hearing for review of the placement of a child, submit a report to the court, or to the panel if it has been designated to review the matter, which includes:

(a) An evaluation of the progress of the child and the family of the child and any recommendations for further supervision, treatment or rehabilitation.

(b) Information concerning the placement of the child in relation to the child's siblings, including, without limitation:

(1) Whether the child was placed together with the siblings;

(2) Any efforts made by the agency to have the child placed together with the siblings;

(3) Any actions taken by the agency to ensure that the child has contact with the siblings; and

(4) If the child is not placed together with the siblings:

(I) The reasons why the child is not placed together with the siblings; and

(II) A plan for the child to visit the siblings, which must be ***presented at the first hearing to occur after the siblings are separated and*** approved by the court. ***The plan for visitation must be updated as necessary to reflect any change in the placement of the child or a sibling, including, without limitation, any such change that occurs after the termination of parental rights to the child or a sibling or the adoption of a sibling.***

(c) A copy of an academic plan developed for the child pursuant to NRS 388.155, 388.165 or 388.205.

(d) A copy of any explanations regarding medication that has been prescribed for the child that have been submitted by a foster home pursuant to NRS 424.0383.

3. Except as otherwise provided in this subsection, a copy of the report submitted pursuant to subsection 2 must be given to the parents, the guardian ad litem and the attorney, if any, representing the parent or the child. If the child was delivered to a provider of emergency services pursuant to NRS 432B.630 and the parent has not appeared in the action, the report need not be sent to that parent.

4. After a plan for visitation between a child and the siblings of the child submitted pursuant to subparagraph (4) of paragraph (b) of subsection 2 has been approved by the court, the agency which provides child welfare services must request the court to issue an order requiring the visitation set forth in the plan for visitation. ***Upon the issuance of such an order, the court shall provide each sibling of the child with the case number of the proceeding for the purpose of allowing the sibling to petition the court for visitation or enforcement of the order for visitation.*** If a person refuses to comply with or disobeys an order issued pursuant to this subsection, the person may be punished as for a contempt of court.

5. The court or the panel shall hold a hearing to review the placement, unless the parent, guardian or custodian files a motion with the court to dispense with the hearing. If the motion is granted, the court or panel may make its determination from any report, statement or other information submitted to it.

6. Except as otherwise provided in this subsection and subsection 5 of NRS 432B.520, notice of the hearing must be given by registered or certified mail to:

(a) All the parties to any of the prior proceedings;

(b) Any persons planning to adopt the child;

(c) A sibling of the child, if known, who has been granted a right to visitation of the child pursuant to ***this section or*** NRS 127.171 and his or her attorney, if any; and

(d) Any other relatives of the child or providers of foster care who are currently providing care to the child.

7. The notice of the hearing required to be given pursuant to subsection 6:

(a) Must include a statement indicating that if the child is placed for adoption the right to visitation of the child is subject to the provisions of NRS 127.171;

(b) Must not include any confidential information described in NRS 127.140; and

(c) Need not be given to a parent whose rights have been terminated pursuant to chapter 128 of NRS or who has voluntarily relinquished the child for adoption pursuant to NRS 127.040.

8. The court or panel may require the presence of the child at the hearing and shall provide to each person to whom notice was given pursuant to subsection 6 a right to be heard at the hearing.

9. The court or panel shall review:

(a) The continuing necessity for and appropriateness of the placement;

(b) The extent of compliance with the plan submitted pursuant to subsection 2 of NRS 432B.540;

(c) Any progress which has been made in alleviating the problem which resulted in the placement of the child; and

(d) The date the child may be returned to, and safely maintained in, the home or placed for adoption or under a legal guardianship.

10. The provision of notice and a right to be heard pursuant to this section does not cause any person planning to adopt the child, any sibling of the child or any other relative, any adoptive parent of a sibling of the child or a provider of foster care to become a party to the hearing.

Sec. 2. NRS 127.140 is hereby amended to read as follows:

127.140 1. Except as otherwise provided in NRS 239.0115, all hearings held in proceedings under this chapter are confidential and must be held in closed court, without admittance of any person other than the petitioners, their witnesses, the director of an agency, or their authorized representatives,

attorneys and persons entitled to notice by this chapter, except by order of the court.

2. The files and records of the court in adoption proceedings are not open to inspection by any person except:

(a) Upon an order of the court expressly so permitting pursuant to a petition setting forth the reasons therefor;

(b) If a natural parent and the child are eligible to receive information from the State Register for Adoptions; or

(c) As provided pursuant to subsections 3, 4 ***,*** ~~[and]~~ 5 ~~[.]~~ ***and 6.***

3. An adoptive parent who intends to file a petition pursuant to NRS 127.1885 or 127.1895 to enforce, modify or terminate an agreement that provides for postadoptive contact may inspect only the portions of the files and records of the court concerning the agreement for postadoptive contact.

4. A natural parent who intends to file a petition pursuant to NRS 127.1885 to prove the existence of or to enforce an agreement that provides for postadoptive contact or to file an action pursuant to NRS 41.509 may inspect only the portions of the files or records of the court concerning the agreement for postadoptive contact.

5. ***Upon the request of a sibling or adoptive child who wishes to enforce an order for visitation included in a decree of adoption pursuant to NRS 127.2827, the court shall provide the case number of the adoption proceeding to the sibling and allow the sibling to inspect only the portions of the files or records of the court concerning the order for visitation.***

6. The portions of the files and records which are made available for inspection by an adoptive parent ***,*** ~~[or]~~ natural parent ***or sibling*** pursuant to subsection 3 ***,*** ~~[or]~~ 4 ***or 5*** must not include any confidential information, including, without limitation, any information that identifies or would lead to the identification of a natural parent if the identity of the natural parent is not included in the agreement for postadoptive contact ~~[.]~~ ***or order for visitation, as applicable.***

Sec. 2.3. NRS 127.187 is hereby amended to read as follows:

127.187 1. The natural parent or parents and the prospective adoptive parent or parents of a child to be adopted may enter into an enforceable agreement that provides for postadoptive contact between:

(a) The child and his or her natural parent or parents;

(b) The adoptive parent or parents and the natural parent or parents; or

(c) Any combination thereof.

2. An agreement that provides for postadoptive contact is enforceable if ***:*** ~~[the agreement:]~~

(a) ~~[Is]~~ ***The agreement is*** in writing and signed by the parties; ~~[and]~~

(b) ~~[Is]~~ ***The agreement is*** incorporated into an order or decree of adoption ~~[.]~~ ***; and***

(c) In the case of an agreement that concerns a child who was in the custody of an agency which provides child welfare services before being adopted:

(1) The agency which provides child welfare services has determined that the agreement is in the best interest of the child; or

(2) The court has determined, after a hearing, that the agreement is in the best interest of the child.

3. The identity of a natural parent is not required to be included in an agreement that provides for postadoptive contact. If such information is withheld, an agent who may receive service of process for the natural parent must be provided in the agreement.

4. ***~~[On the date on which a court enters an order or decree of adoption that incorporates an agreement that provides for postadoptive contact, a natural parent or adoptive parent who has entered into the agreement shall provide to the court an address at which the natural or adoptive parent may receive service of a petition filed pursuant to NRS 127.1885. The court may order the agency which provides child welfare services to provide the court with the contact information of a natural or adoptive parent who refuses to comply with the provisions of this subsection. If the court so orders, the agency which provides child welfare services shall provide that information under seal.]~~ A natural parent or adoptive parent who enters into an agreement that provides for postadoptive contact shall include in the agreement an address at which the natural parent or adoptive parent may receive service of a petition filed pursuant to NRS 127.1885. If a natural parent or adoptive parent refuses or fails to include such an address in an agreement that provides for postadoptive contact, the court may, on the date on which the court enters an order or decree of adoption which incorporates the agreement, order the agency which provides child welfare services to provide the court with the contact information of the natural parent or adoptive parent who refused or failed to include his or her address. If a court so orders, the court shall:***

(a) Append the address to the agreement for postadoptive contact; and

(b) Make the address available to any party to the agreement who wishes to file a petition pursuant to NRS 127.1885.

5. If a natural parent or adoptive parent changes ~~[the]~~ his or her address ~~[he or she provided to the court]~~ that was included in an agreement that provides for postadoptive contact pursuant to subsection 4, the parent shall file with the clerk of the court notice of the change of address within 15 days after the change of address.

6. A court that enters an order or decree of adoption which incorporates an agreement that provides for postadoptive contact shall retain jurisdiction to enforce, modify or terminate the agreement that provides for postadoptive contact until:

(a) The child reaches 18 years of age;

(b) The child becomes emancipated; or

(c) The agreement is terminated.

~~[5.]~~ ***7.*** The establishment of an agreement that provides for postadoptive contact does not affect the rights of an adoptive parent as the legal parent of the child as set forth in NRS 127.160.

Sec. 2.7. NRS 127.1885 is hereby amended to read as follows:

127.1885 1. A natural parent who has entered into an agreement that provides for postadoptive contact pursuant to NRS 127.187 may, for good cause shown:

(a) Petition the court that entered the order or decree of adoption of the child to prove the existence of the agreement that provides for postadoptive contact and to request that the agreement be incorporated into the order or decree of adoption; and

(b) During the period set forth in subsection 2 of NRS 127.189, petition the court that entered the order or decree of adoption of the child to enforce the terms of the agreement that provides for postadoptive contact if the agreement complies with the requirements of subsection 2 of NRS 127.187.

2. An adoptive parent who has entered into an agreement that provides for postadoptive contact pursuant to NRS 127.187 may:

(a) During the period set forth in subsection 2 of NRS 127.189, petition the court that entered the order or decree of adoption of the child to enforce the terms of the agreement that provides for postadoptive contact if the agreement complies with the requirements of subsection 2 of NRS 127.187; and

(b) Petition the court that entered the order or decree of adoption of the child to modify or terminate the agreement that provides for postadoptive contact in the manner set forth in NRS 127.1895.

3. A petition filed pursuant to this section must be:

(a) Filed under the same case number as the proceeding for adoption;

(b) Served by the natural parent or adoptive parent who filed the petition using registered mail upon each other natural parent or adoptive parent, as applicable, who has entered into the agreement that provides for postadoptive contact at the address provided pursuant to subsection 4 or 5 of NRS 127.187; and

(c) Heard by:

(1) If he or she is available, the judge who issued the order or decree of adoption of the child;

(2) If the judge described in subparagraph (1) is unavailable and if a family court has been established in the judicial district, a judge of the family court; or

(3) If the judge described in subparagraph (1) is unavailable and if a family court has not been established in the judicial district, any district judge of the judicial district.

Sec. 3. NRS 127.2827 is hereby amended to read as follows:

127.2827 1. If a child who is in the custody of an agency which provides child welfare services is placed for adoption, the agency must provide the court which is conducting the adoption proceedings with a copy

of any order for visitation with a sibling of the child that was issued pursuant to NRS 432B.580 and the court must conduct a hearing to determine whether to include an order for visitation with a sibling in the decree of adoption.

2. ~~[Any]~~ ***The court shall incorporate an order for visitation provided to the court pursuant to subsection 1 into the decree of adoption unless, not later than 30 days after notice of the filing of the petition for adoption is provided to the legal custodian or guardian of the child pursuant to NRS 127.123, any*** interested party in the adoption, including, without limitation, the adoptive parent, the adoptive child, a sibling of the adoptive child, the agency which provides child welfare services or a licensed child-placing agency ~~[may petition]~~ ***petitions*** the court to ~~[participate in the determination of whether to include an]~~ ***exclude the*** order of visitation with a sibling ~~[in]~~ ***from*** the decree of adoption ~~[.]~~ ***or amend the order for visitation before including the order in the decree of adoption.***

3. ***The hearing on a petition submitted pursuant to subsection 2 must be held on a different date than the hearing on the petition for adoption. Any interested party is entitled to participate in the hearing. The clerk of the court shall give written notice of the time and place of the hearing to the adoptive parent, the adoptive child, a sibling of the adoptive child, the attorney for the adoptive child or a sibling of the adoptive child, the agency which provides child welfare services and a licensed child-placing agency. Upon the petition of a sibling requesting the inclusion of an order for visitation in the decree of adoption, the court may require the agency which provides child welfare services or the child-placing agency to provide the clerk of the court with the contact information of the adoptive parent, the adoptive child and the attorney for the adoptive child. If so ordered, the agency which provides child welfare services or the child-placing agency must provide such contact information under seal.***

4. The sole consideration of the court in making a determination concerning visitation with a sibling pursuant to this section is the best interest of the child. ***If a petition is submitted pursuant to subsection 2, the court must not enter a decree of adoption until the court has made a determination concerning visitation with a sibling.***

5. If an order for visitation with a sibling is included in a decree of adoption, the court shall, upon the request of a party to the order, provide to the party the case number of the adoption proceeding and any documents or records necessary to enforce the order.

6. A party to an order for visitation may petition for enforcement of the order at any time while the order is in effect. A person who fails to comply with the order is in contempt of court. If a party to an order for visitation withholds the contact information of any person in violation of the order, the court may order the agency which provides child welfare services or a licensed child-placing agency to provide such contact information to the court under seal.

Sec. 3.3. NRS 19.034 is hereby amended to read as follows:

19.034 ***1.*** If the agency which provides child welfare services, or a child-placing agency licensed by the Division of Child and Family Services of the Department of Health and Human Services pursuant to chapter 127 of NRS, consents to the adoption of a child with special needs pursuant to NRS 127.186, the clerk of the court shall reduce the total filing fee to not more than $1 for filing the petition to adopt such a child.

2. If a natural parent or adoptive parent who has entered into an agreement that provides for postadoptive contact pursuant to NRS 127.187 files a petition pursuant to subsection 1 or 2 of NRS 127.1885, the clerk of the court shall reduce the total filing fee to not more than $1 for filing the petition.

Sec. 4. This act becomes effective on July 1, 2017.

Assemblyman Sprinkle moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 287.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 766.

SENATORS GANSERT, ROBERSON, CANNIZZARO, PARKS; ATKINSON, CANCELA, DENIS, FARLEY, FORD, GOICOECHEA, GUSTAVSON, HAMMOND, HARDY, HARRIS, MANENDO, RATTI, SETTELMEYER, SPEARMAN AND WOODHOUSE

JOINT SPONSORS: ~~[ASSEMBLYWOMEN]~~ **ASSEMBLYMEN** BENITEZ-THOMPSON~~,~~ ~~[AND]~~ TOLLES **AND YEAGER**

CONTAINS UNFUNDED MANDATE (§§ ~~[43, 47,]~~ 44, 55)

(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to protection of children; requiring school employees and volunteers to report the abuse or neglect of a child and certain other prohibited acts; requiring an agency which provides child welfare services to investigate such a report and forward a substantiated report to the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child; authorizing a person to appeal the substantiation of such a report; revising certain provisions concerning background checks conducted on certain educational personnel and volunteers; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain persons, including, without limitation, licensed teachers and social workers employed by a public school or private school, to report the suspected abuse or neglect of a child when such neglect was believed to have been caused or allowed by a person responsible for a child's welfare. (NRS 432B.020, 432B.220) The term "person responsible for a child's welfare" is limited by existing law to a parent, legal guardian,

stepparent or other adult person found in the same home as the child on a regular basis or a home, institution or facility where the child resides or receives care, including, without limitation, the volunteers and employees of such homes, institutions or facilities. (NRS 432B.130) **Section 8** of this bill requires all employees of and volunteers for a public school or private school, regardless of whether they are licensed, to report the suspected abuse or neglect of a child by a person responsible for the child's welfare.

Existing law makes it a misdemeanor or gross misdemeanor for a person who is required to report the suspected abuse or neglect of a child to knowingly and willfully fail to make such a report. (NRS 432B.240) This penalty also applies to the failure to report by an employee of or volunteer for a public school or private school as expanded by **section 8** of this bill.

Existing law prohibits sexual conduct between an employee or volunteer of a public school **or private school** and certain pupils, the luring of a child **,** ~~[and]~~ the use of corporal punishment in a public school ~~[.]~~ **and the use of corporal punishment on a pupil with a disability in a private school.** (NRS 201.540, 201.560, 392.4633 ~~[)]~~ **, 394.354, 394.366) Section 44** of this bill imposes an additional duty on an employee or volunteer at a public or private school to make a report within 24 hours if, in that capacity, he or she knows or has reasonable cause to believe that a child has been subjected to abuse or neglect **,** ~~[caused by a person other than a person responsible for the welfare of the child,]~~ certain sexual conduct, luring or prohibited corporal punishment ~~[.]~~ **by another employee of or volunteer for a public school or private school. Section 44** requires: (1) a report concerning abuse or neglect, sexual conduct or luring to be made to an agency which provides child welfare services and a law enforcement agency; and (2) a report concerning prohibited corporal punishment to be made to a child welfare agency. **Section 44** requires a child welfare agency to ~~[investigate]~~ **assess all allegations contained in** any such report it receives ~~[.]~~ **and, if the agency deems appropriate, assign the matter for investigation. Section 44** also requires a school police officer who receives a report of an offense punishable as a **category A** felony to notify the local law enforcement agency having jurisdiction over the school. If a law enforcement agency other than a school police officer receives a report of ~~[such]~~ an offense **punishable as a felony** that **: (1)** allegedly occurred at a public school **, at an activity sponsored by such a school or on a school bus while the school bus was being used by such a school for an official school-related purpose;** and **(2)** involved a school employee or volunteer, the law enforcement agency must notify a school police officer if such an officer is employed in the school district. **Section 45** of this bill prescribes the required contents of the report. **Section 46** of this bill makes it a misdemeanor for an employee or volunteer at a school to fail to make a report when required. **Sections 47 and 48** of this bill provide that certain privileges do not apply to a person required to make a report or to the report itself. **Section 49** of this bill authorizes a designee of an agency investigating a report to take certain

actions to investigate the report with the consent of the parent or guardian of the child.

Section 50 of this bill provides that reports of abuse, neglect, sexual conduct, luring and prohibited corporal punishment and investigations of such reports are confidential and makes it a gross misdemeanor to disclose such information except where authorized to do so. **Section 51** of this bill sets forth exceptions to such confidentiality that allow certain persons to access such material, including the child who is the subject of the report, his or her parent or guardian and attorney and certain governmental entities. **Section 52** of this bill authorizes an agency investigating a report to provide certain information to the person alleged to have engaged in the conduct described in the report and the person who made the report. **Section 52** also authorizes any person to consent to the release of information about himself or herself. **Section 53** of this bill: (1) requires an agency which provides child welfare services to take precautions to protect the identity and safety of a person who makes a report when releasing information; and (2) authorizes such an agency to charge a fee for processing costs necessary to prepare information maintained by the agency. **Section 54** of this bill provides that any person who is provided information maintained by an agency which provides child welfare services and further disseminates the information is guilty of a gross misdemeanor.

Section 55 of this bill requires an agency investigating a report to determine whether the report is substantiated or unsubstantiated. If the report is substantiated, the agency is required to forward the report to: (1) the Department of Education, the governing body of the school or school district, as applicable, and law enforcement; and (2) after the conclusion of any administrative appeal, the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child. **Section 56** of this bill prescribes the procedure for filing and hearing an administrative appeal. **Section 1.5** of this bill provides for the inclusion of such information in the Central Registry. **Section 57** of this bill provides immunity from civil and criminal liability for a person who, in good faith, makes a report or takes certain action to investigate a report. **Section 58** of this bill authorizes the Division of Child and Family Services of the Department of Health and Human Services to adopt any regulations necessary for the administration of provisions relating to the new reporting requirement prescribed by this bill. **Section 7.3** of this bill provides that the provisions of existing law governing the requirement to report the abuse or neglect of a child by a person responsible for the welfare of the child do not apply to the new reporting requirement.

Under existing law, an unlicensed applicant for employment at a public school must undergo a background check before being hired. (NRS 388A.515, 388C.200, 391.104, 391.281) Additionally, a licensed employee must undergo a background check before a license can be issued or renewed. (NRS 391.033) **Sections 27, 28, 33, 34 and 60** of this bill additionally

require: (1) volunteers at a public school and employees and volunteers at a private school to undergo background checks; and (2) a background check to be performed on each unlicensed employee and volunteer at least once every 5 years. **Section 21** of this bill requires the Central Repository to provide the results of such a background check to the appropriate superintendent, governing body or administrator immediately. **Sections 27, 28, 31, 33, 34 and 60** of this bill also additionally require background checks performed on licensed and unlicensed educational personnel and volunteers to include information that may be available from the Central Registry or any equivalent registry maintained in another jurisdiction in which the person has resided within the immediately preceding 5 years. **Sections 24, 27, 28, 31, 33, 34 and 60** of this bill authorize a school district, charter school, university school for profoundly gifted pupils or private school to: (1) cooperate with a law enforcement agency to obtain any available information on the background of an applicant, employee or volunteer; and (2) use information from the Central Registry in personnel decisions. **Sections 27, 28, 31, 33, 34 and 60** provide that the Superintendent of Public Instruction, the board of trustees of a school district, the governing body of a charter school, university school for profoundly gifted pupils or private school and the administrator of a private school cannot be held liable for any damages resulting from such action. **Section 28** provides that any provision of a collective bargaining agreement that prohibits a school district, charter school or university school for profoundly gifted pupils from taking such action is void.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 424.250 is hereby amended to read as follows:

424.250 1. A provider of foster care shall not use physical restraint on a child placed with the provider unless the child presents an imminent threat of danger of harm to himself or herself or others.

2. A foster care agency shall notify the licensing authority or its designee when any serious incident, accident, motor vehicle crash or injury occurs to a child in its care within 24 hours after the incident, accident, motor vehicle crash or injury. The foster care agency shall provide a written report to the licensing authority or its designee as soon as practicable after notifying the licensing authority or its designee. The written report must include, without limitation, the date and time of the incident, accident, motor vehicle crash or injury, any action taken as a result of the incident, accident, motor vehicle crash or injury, the name of the employee of the foster care agency who completed the written report and the name of the employee of the licensing authority or its designee who was notified.

3. A foster care agency shall report any potential violation of the provisions of this chapter or any regulations adopted pursuant thereto relating to licensing to the licensing authority within 24 hours after an employee of

the foster care agency becomes aware of the potential violation. A foster care agency shall cooperate with the licensing authority in its review of such reports and support each foster home with which the foster care agency has a contract for the placement of children in completing any action required to correct a violation.

4. A foster care agency shall fully comply with any investigation of a report of the abuse or neglect of a child pursuant to NRS 432B.220 ~~[.]~~ ***or section 44 of this act.***

Sec. 1.1. Chapter 432 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.2 and 1.3 of this act.

Sec. 1.2. ***As used in NRS 432.0999 to 432.130, inclusive, of this act, the words and terms defined in NRS 432.0999 and section 1.3 of this act have the meanings ascribed to them in those sections.***

Sec. 1.3. ***"Abuse or neglect of a child" has the meaning ascribed to it in section 37 of this act.***

Sec. 1.4. NRS 432.0999 is hereby amended to read as follows:

432.0999 ~~[As used in NRS 432.0999 to 432.130, inclusive,]~~ "Central Registry" means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

Sec. 1.5. NRS 432.100 is hereby amended to read as follows:

432.100 1. There is hereby established a Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child. This Central Registry must be maintained by the Division.

2. The Central Registry must contain:

(a) The information in any substantiated report of child abuse or neglect made pursuant to NRS 432B.220 ~~[.]~~ ***or section 44 of this act;***

(b) ***The information in any substantiated report of a violation of NRS 201.540, 201.560*** ***,*** ~~***[or]***~~ ***392.4633*** ***or 394.366*** ***made pursuant to section 44 of this act;***

(c) Statistical information on the protective services provided in this State; and

~~[(c)]~~ ***(d)*** Any other information which the Division determines to be in furtherance of NRS 432.0999 to 432.130, inclusive, ***and sections 1.2 and 1.3 of this act,*** and 432B.010 to 432B.400, inclusive ~~[.]~~ ***, and section 7.3 of this act, and sections 36 to 58, inclusive, of this act.***

3. The Division may release information contained in the Central Registry to an employer:

(a) If the person who is the subject of a background investigation by the employer provides written authorization for the release of the information; and

(b) Either:

(1) The employer is required by law to conduct the background investigation of the person for employment purposes; or

(2) The person who is the subject of the background investigation could, in the course of his or her employment, have regular and substantial contact with children or regular and substantial contact with elderly persons who require assistance or care from other persons,

➥ but only to the extent necessary to inform the employer whether the person who is the subject of the background investigation has been found to have abused or neglected a child.

4. Except as otherwise provided in this section or by specific statute, information in the Central Registry may be accessed only by:

(a) An employee of the Division;

(b) An agency which provides child welfare services;

(c) An employee of the Division of Public and Behavioral Health of the Department who is obtaining information in accordance with NRS 432A.170; and

(d) With the approval of the Administrator, an employee or contractor of any other state or local governmental agency responsible for the welfare of children who requests access to the information and who demonstrates to the satisfaction of the Administrator a bona fide need to access the information. Any approval or denial of a request submitted in accordance with this paragraph is at the sole discretion of the Administrator.

Sec. 1.6. NRS 432.110 is hereby amended to read as follows:

432.110 1. Except as otherwise provided in subsection 2, the Division shall maintain a record of:

(a) The names and identifying data, dates and circumstances of any persons requesting or receiving information from the Central Registry; and

(b) Any other information which might be helpful in furthering the purposes of NRS 432.0999 to 432.130, inclusive, ***and sections 1.2 and 1.3 of this act,*** and 432B.010 to 432B.400, inclusive ~~[.]~~ ***, and section 7.3 of this act, and sections 36 to 58, inclusive, of this act.***

2. The Division is not required to maintain a record of information concerning requests for information from or the receipt of information by employees of an agency which provides child welfare services.

Sec. 1.7. NRS 432.120 is hereby amended to read as follows:

432.120 1. Information contained in the Central Registry must not be released unless the right of the applicant to the information is confirmed, the information concerning the report of abuse or neglect of the child ***or a violation of NRS 201.540, 201.560 , ~~[or]~~ 392.4633 ~~[,]~~ or 394.366*** has been reported pursuant to NRS 432B.310 ~~[,]~~ ***or section 55 of this act, as applicable,*** the released information discloses the disposition of the case and, if the information is being provided pursuant to subsection 3 of NRS 432.100, the person who is the subject of the background investigation provides written authorization for the release of the information.

2. The information contained in the Central Registry concerning cases in which a report of abuse or neglect of a child has been substantiated by an agency which provides child welfare services must be deleted from the

Central Registry not later than 10 years after the child who is the subject of the report reaches the age of 18 years.

3. The Division shall adopt regulations to carry out the provisions of this section.

Sec. 1.8. NRS 432.130 is hereby amended to read as follows:

432.130 Any person who willfully releases data or information contained in the Central Registry to unauthorized persons in violation of NRS 432.120 or 432B.290 ***or sections 51 to 54, inclusive, of this act*** is guilty of a misdemeanor.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 7.3. Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

The provisions of this section and NRS 432B.220 to 432B.320, inclusive, do not apply to any report submitted, investigation performed or information maintained under the provisions of sections 36 to 58, inclusive, of this act.

Sec. 7.7. NRS 432B.200 is hereby amended to read as follows:

432B.200 ***1.*** The Division of Child and Family Services shall establish and maintain a center with a toll-free telephone number to receive reports of abuse or neglect of a child in this State ***and reports pursuant to section 44 of this act,*** 24 hours a day, 7 days a week. Any reports made to this center must be promptly transmitted to the agency which provides child welfare services in the community where the child is located.

2. As used in this section, "abuse or neglect of a child" has the meaning ascribed to it in section 37 of this act.

Sec. 8. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is

receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by prenatal illegal substance abuse or has withdrawal symptoms resulting from prenatal drug exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B or 641C of NRS.

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person ~~[working in a school who is licensed or endorsed pursuant to chapter 391 or 641B of NRS.]~~ ***employed by a public school or private school and any person who serves as a volunteer at such a school.***

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed,

certified or endorsed in this State must, upon initial employment of the person:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

9. Before a person may serve as a volunteer at a public school or private school, the school must:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section and section 44 of this act;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section and section 44 of this act; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person serves as a volunteer at the school.

10. As used in this section:

(a) "Private school" has the meaning ascribed to it in NRS 394.103.

(b) "Public school" has the meaning ascribed to it in NRS 385.007.

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. NRS 171.1223 is hereby amended to read as follows:

171.1223 1. Except as otherwise provided in subsection 3, in a county whose population is 100,000 or more, a peace officer with limited jurisdiction who witnesses a category A felony being committed or attempted in the officer's presence, or has reasonable cause for believing a person has committed or attempted to commit a category A felony in an area that is within the officer's jurisdiction, shall immediately notify the primary law enforcement agency in the city or county, as appropriate, where the offense or attempted offense was committed.

2. Upon arrival of an officer from the primary law enforcement agency notified pursuant to subsection 1, a peace officer with limited jurisdiction shall immediately transfer the investigation of the offense or attempted offense to the primary law enforcement agency.

3. The provisions of subsection 1 do not:

(a) Apply to an offense or attempted offense that is a misdemeanor, gross misdemeanor or felony other than a category A felony;

(b) Apply to an officer of the Nevada Highway Patrol, a member of the police department of the Nevada System of Higher Education, an agent of the Investigation Division of the Department of Public Safety or a ranger of the Division of State Parks of the State Department of Conservation and Natural Resources;

(c) Apply to a peace officer with limited jurisdiction if an interlocal agreement between the officer's employer and the primary law enforcement agency in the city or county in which a category A felony was committed or attempted authorizes the peace officer with limited jurisdiction to respond to and investigate the felony without immediately notifying the primary law enforcement agency; or

(d) Prohibit a peace officer with limited jurisdiction from:

(1) Contacting a primary law enforcement agency for assistance with an offense that is a misdemeanor, gross misdemeanor or felony that is not a category A felony; or

(2) Responding to a category A felony until the appropriate primary law enforcement agency arrives at the location where the felony was allegedly committed or attempted, including, without limitation, taking any appropriate action to provide assistance to a victim of the felony, to apprehend the person suspected of committing or attempting to commit the felony, to secure the location where the felony was allegedly committed or attempted and to protect the life and safety of the peace officer and any other person present at that location.

4. As used in this section:

(a) "Peace officer with limited jurisdiction" means:

(1) A school police officer who is appointed or employed pursuant to subsection ~~[2]~~ ***5*** of NRS 391.281;

(2) An airport guard or police officer who is appointed pursuant to NRS 496.130;

(3) A person employed to provide police services for an airport authority created by a special act of the Legislature; and

(4) A marshal or park ranger who is part of a unit of specialized law enforcement established pursuant to NRS 280.125.

(b) "Primary law enforcement agency" means:

(1) A police department of an incorporated city;

(2) The sheriff's office of a county; or

(3) If the county is within the jurisdiction of a metropolitan police department, the metropolitan police department.

Sec. 19. NRS 176.145 is hereby amended to read as follows:

176.145 1. The report of any presentence investigation must contain:

(a) Any prior criminal record of the defendant;

(b) Information concerning the characteristics of the defendant, the defendant's financial condition, the circumstances affecting the defendant's

behavior and the circumstances of the defendant's offense that may be helpful in imposing sentence, in granting probation or in the correctional treatment of the defendant;

(c) Information concerning the effect that the offense committed by the defendant has had upon the victim, including, without limitation, any physical or psychological harm or financial loss suffered by the victim, to the extent that such information is available from the victim or other sources, but the provisions of this paragraph do not require any particular examination or testing of the victim, and the extent of any investigation or examination is solely at the discretion of the court or the Division and the extent of the information to be included in the report is solely at the discretion of the Division;

(d) Information concerning whether the defendant has an obligation for the support of a child, and if so, whether the defendant is in arrears in payment on that obligation;

(e) Data or information concerning reports and investigations thereof made pursuant to chapter 432B of NRS ***and sections 36 to 58, inclusive, of this act*** that relate to the defendant and are made available pursuant to NRS 432B.290 ~~[.]~~ ***or sections 51 to 54, inclusive, of this act, as applicable;***

(f) The results of the evaluation of the defendant conducted pursuant to NRS 484C.300, if such an evaluation is required pursuant to that section;

(g) A recommendation of a minimum term and a maximum term of imprisonment or other term of imprisonment authorized by statute, or a fine, or both;

(h) A recommendation, if the Division deems it appropriate, that the defendant undergo a program of regimental discipline pursuant to NRS 176A.780;

(i) If a psychosexual evaluation of the defendant is required pursuant to NRS 176.139, a written report of the results of the psychosexual evaluation of the defendant and all information that is necessary to carry out the provisions of NRS 176A.110; and

(j) Such other information as may be required by the court.

2. The Division may include in the report any additional information that it believes may be helpful in imposing a sentence, in granting probation or in correctional treatment.

Sec. 20. NRS 176.151 is hereby amended to read as follows:

176.151 1. If a defendant pleads guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, one or more category E felonies, but no other felonies, the Division shall not make a presentence investigation and report on the defendant pursuant to NRS 176.135, unless the Division has not made a presentence investigation and report on the defendant pursuant to NRS 176.135 within the 5 years immediately preceding the date initially set for sentencing on the category E felony or felonies and:

(a) The court requests a presentence investigation and report; or

(b) The prosecuting attorney possesses evidence that would support a decision by the court to deny probation to the defendant pursuant to paragraph (b) of subsection 1 of NRS 176A.100.

2. If the Division does not make a presentence investigation and report on a defendant pursuant to subsection 1, the Division shall, not later than 45 days after the date on which the defendant is sentenced, make a general investigation and report on the defendant that contains:

(a) Any prior criminal record of the defendant;

(b) Information concerning the characteristics of the defendant, the circumstances affecting the defendant's behavior and the circumstances of the defendant's offense that may be helpful to persons responsible for the supervision or correctional treatment of the defendant;

(c) Information concerning the effect that the offense committed by the defendant has had upon the victim, including, without limitation, any physical or psychological harm or financial loss suffered by the victim, to the extent that such information is available from the victim or other sources, but the provisions of this paragraph do not require any particular examination or testing of the victim, and the extent of any investigation or examination and the extent of the information included in the report is solely at the discretion of the Division;

(d) Data or information concerning reports and investigations thereof made pursuant to chapter 432B of NRS ***and sections 36 to 58, inclusive, of this act*** that relate to the defendant and are made available pursuant to NRS 432B.290 ~~[,]~~ ***or sections 51 to 54, inclusive, of this act, as applicable;*** and

(e) Any other information that the Division believes may be helpful to persons responsible for the supervision or correctional treatment of the defendant.

Sec. 21. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the General Services Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime or delinquency of children shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository in the manner approved by the Director of the Department.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates, issues or collects, and any information in its possession relating to the DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department,

➥ within 60 days after the date of the disposition of the case. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.

(c) Upon request, provide the information that is contained in the Central Repository to the State Disaster Identification Team of the Division of Emergency Management of the Department.

(d) Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to a multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored by the Attorney General pursuant to NRS 228.495.

5. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints or other biometric identifier the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required or authorized to be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

6. To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to subsection 5, the Central Repository must receive:

(a) The person's complete set of fingerprints for the purposes of:

(1) Booking the person into a city or county jail or detention facility;

(2) Employment;

(3) Contractual services; or

(4) Services related to occupational licensing;

(b) One or more of the person's fingerprints for the purposes of mobile identification by an agency of criminal justice; or

(c) Any other biometric identifier of the person as it may require for the purposes of:

(1) Arrest; or

(2) Criminal investigation,

➥ from the agency of criminal justice or agency of the State of Nevada or any political subdivision thereof and submit the received data to the Federal Bureau of Investigation for its report.

7. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;

(2) Has applied to a county school district, charter school or private school for employment ~~[;]~~ ***or to serve as a volunteer;*** or

(3) Is employed by ***or volunteers for*** a county school district, charter school or private school,

➥ and ***immediately*** notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, ***immediately*** notify the superintendent of each county school district, the governing body of each charter school or the administrator

of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by ***or volunteering for*** a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

➥ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits one or more fingerprints or other biometric identifier or has such data submitted pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or 449.4329.

(g) On or before July 1 of each year, prepare and post on the Central Repository's Internet website an annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be posted to the Central Repository's Internet website throughout the year regarding specific areas of crime if they are approved by the Director of the Department.

(h) On or before July 1 of each year, prepare and post on the Central Repository's Internet website a report containing statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice and the delinquency of children by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

(j) Adopt regulations governing biometric identifiers and the information and data derived from biometric identifiers, including, without limitation:

(1) Their collection, use, safeguarding, handling, retention, storage, dissemination and destruction; and

(2) The methods by which a person may request the removal of his or her biometric identifiers from the Central Repository and any other agency where his or her biometric identifiers have been stored.

8. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime or the delinquency of children.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central

Repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or the delinquency of children which is required to submit information pursuant to subsection 2 or the State Disaster Identification Team of the Division of Emergency Management of the Department. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

9. As used in this section:

(a) "Biometric identifier" means a fingerprint, palm print, scar, bodily mark, tattoo, voiceprint, facial image, retina image or iris image of a person.

(b) "Mobile identification" means the collection, storage, transmission, reception, search, access or processing of a biometric identifier using a handheld device.

(c) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) A biometric identifier of a person.

(d) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 22. NRS 202.888 is hereby amended to read as follows:

202.888 The provisions of NRS 202.882 do not apply to a person who:

1. Is less than 16 years of age;

2. Is, by blood or marriage, the spouse, brother, sister, parent, grandparent, child or grandchild of:

(a) The child who is the victim of the violent or sexual offense; or

(b) The person who committed the violent or sexual offense against the child;

3. Suffers from a mental or physical impairment or disability that, in light of all the surrounding facts and circumstances, would make it impracticable for the person to report the commission of the violent or sexual offense against the child to a law enforcement agency;

4. Knows or has reasonable cause to believe that reporting the violent or sexual offense against the child to a law enforcement agency would place the person or any other person who is related to him or her by blood or marriage or who resides in the same household as he or she resides, whether or not the other person is related to him or her by blood or marriage, in imminent danger of suffering substantial bodily harm;

5. Became aware of the violent or sexual offense against the child through a communication or proceeding that is protected by a privilege set forth in chapter 49 of NRS; or

6. Is acting in his or her professional or occupational capacity and is required to report the abuse or neglect of a child pursuant to NRS 432B.220 ~~[.]~~ ***or section 44 of this act.***

Sec. 23. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015,

616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600 ~~[,]~~ ***and sections 50 to 54, inclusive, of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 24. NRS 288.150 is hereby amended to read as follows:

288.150 1. Except as otherwise provided in subsection 4 and NRS 354.6241, every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:

(a) Salary or wage rates or other forms of direct monetary compensation.

(b) Sick leave.

(c) Vacation leave.

(d) Holidays.

(e) Other paid or nonpaid leaves of absence consistent with the provisions of this chapter.

(f) Insurance benefits.

(g) Total hours of work required of an employee on each workday or workweek.

(h) Total number of days' work required of an employee in a work year.

(i) Except as otherwise provided in ~~[~~subsection~~]~~ ***subsections*** 6 ~~[,]~~ ***and 10,*** discharge and disciplinary procedures.

(j) Recognition clause.

(k) The method used to classify employees in the bargaining unit.

(l) Deduction of dues for the recognized employee organization.

(m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.

(n) No-strike provisions consistent with the provisions of this chapter.

(o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.

(p) General savings clauses.

(q) Duration of collective bargaining agreements.

(r) Safety of the employee.

(s) Teacher preparation time.

(t) Materials and supplies for classrooms.

(u) Except as otherwise provided in subsections 7 ***,*** ~~[~~and~~]~~ 9 ~~[,]~~ ***and 10,*** the policies for the transfer and reassignment of teachers.

(v) Procedures for reduction in workforce consistent with the provisions of this chapter.

(w) Procedures consistent with the provisions of subsection 4 for the reopening of collective bargaining agreements for additional, further, new or supplementary negotiations during periods of fiscal emergency.

3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:

(a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.

(b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph (v) of subsection 2.

(c) The right to determine:

(1) Appropriate staffing levels and work performance standards, except for safety considerations;

(2) The content of the workday, including without limitation workload factors, except for safety considerations;

(3) The quality and quantity of services to be offered to the public; and

(4) The means and methods of offering those services.

(d) Safety of the public.

4. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to:

(a) Reopen a collective bargaining agreement for additional, further, new or supplementary negotiations relating to compensation or monetary benefits during a period of fiscal emergency. Negotiations must begin not later than 21 days after the local government employer notifies the employee organization that a fiscal emergency exists. For the purposes of this section, a fiscal emergency shall be deemed to exist:

(1) If the amount of revenue received by the general fund of the local government employer during the last preceding fiscal year from all sources, except any nonrecurring source, declined by 5 percent or more from the amount of revenue received by the general fund from all sources, except any nonrecurring source, during the next preceding fiscal year, as reflected in the reports of the annual audits conducted for those fiscal years for the local government employer pursuant to NRS 354.624; or

(2) If the local government employer has budgeted an unreserved ending fund balance in its general fund for the current fiscal year in an amount equal to 4 percent or less of the actual expenditures from the general fund for the last preceding fiscal year, and the local government employer has provided a written explanation of the budgeted ending fund balance to the Department of Taxation that includes the reason for the ending fund balance and the manner in which the local government employer plans to increase the ending fund balance.

(b) Take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action,

natural disaster or civil disorder. Those actions may include the suspension of any collective bargaining agreement for the duration of the emergency.

➥ Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

5. The provisions of this chapter, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.

6. If the sponsor of a charter school reconstitutes the governing body of a charter school pursuant to NRS 388A.330, the new governing body may terminate the employment of any teachers or other employees of the charter school, and any provision of any agreement negotiated pursuant to this chapter that provides otherwise is unenforceable and void.

7. The board of trustees of a school district in which a school is designated as a turnaround school pursuant to NRS 388G.400 or the principal of such a school, as applicable, may take any action authorized pursuant to NRS 388G.400, including, without limitation:

(a) Reassigning any member of the staff of such a school; or

(b) If the staff member of another public school consents, reassigning that member of the staff of the other public school to such a school.

8. Any provision of an agreement negotiated pursuant to this chapter which differs from or conflicts in any way with the provisions of subsection 7 or imposes consequences on the board of trustees of a school district or the principal of a school for taking any action authorized pursuant to subsection 7 is unenforceable and void.

9. The board of trustees of a school district may reassign any member of the staff of a school that is converted to an achievement charter school pursuant to NRS 388B.200 to 388B.230, inclusive, and any provision of any agreement negotiated pursuant to this chapter which provides otherwise is unenforceable and void.

10. ***The board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils may use a substantiated report of the abuse or neglect of a child or a violation of NRS 201.540, 201.560 , ~~[or]~~ 392.4633 or 394.366 obtained from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 or an equivalent registry maintained by a governmental agency in another jurisdiction for the purposes authorized by NRS 388A.515, 388C.200, 391.033, 391.104 or 391.281, as applicable. Such purposes may include, without limitation, making a determination concerning the assignment, discipline or termination of an employee. Any provision of any agreement negotiated pursuant to this chapter which conflicts with the provisions of this subsection is void.***

11. This section does not preclude, but this chapter does not require, the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

~~[11.]~~ ***12.*** Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

~~[12.]~~ ***13.*** As used in this section ~~[, "achievement]~~ ***:***

(a) "Abuse or neglect of a child" has the meaning ascribed to it in section 37 of this act.

(b) "Achievement charter school" has the meaning ascribed to it in NRS 385.007.

Sec. 25. NRS 289.190 is hereby amended to read as follows:

289.190 1. A person employed or appointed to serve as a school police officer pursuant to subsection ~~[2]~~ ***5*** of NRS 391.281 has the powers of a peace officer. A school police officer shall perform the officer's duties in compliance with the provisions of NRS 171.1223.

2. A person appointed pursuant to NRS 393.0718 by the board of trustees of any school district has the powers of a peace officer to carry out the intents and purposes of NRS 393.071 to 393.0719, inclusive.

3. Members of every board of trustees of a school district, superintendents of schools, principals and teachers have concurrent power with peace officers for the protection of children in school and on the way to and from school, and for the enforcement of order and discipline among such children, including children who attend school within one school district but reside in an adjoining school district or adjoining state, pursuant to the provisions of chapter 392 of NRS. This subsection must not be construed so as to make it the duty of superintendents of schools, principals and teachers to supervise the conduct of children while not on the school property.

Sec. 26. NRS 388.880 is hereby amended to read as follows:

388.880 1. Except as otherwise provided in subsection 2, if any person who knows or has reasonable cause to believe that another person has made a threat of violence against a school official, school employee or pupil reports in good faith that threat of violence to a school official, teacher, school police officer, local law enforcement agency or potential victim of the violence that is threatened, the person who makes the report is immune from civil liability for any act or omission relating to that report. Such a person is not immune from civil liability for any other act or omission committed by the person as a part of, in connection with or as a principal, accessory or conspirator to the violence, regardless of the nature of the other act or omission.

2. The provisions of this section do not apply to a person who:

(a) Is acting in his or her professional or occupational capacity and is required to make a report pursuant to NRS 200.5093, 200.50935 or 432B.220 ~~[.]~~ ***or section 44 of this act.***

(b) Is required to make a report concerning the commission of a violent or sexual offense against a child pursuant to NRS 202.882.

3. As used in this section:

(a) "Reasonable cause to believe" means, in light of all the surrounding facts and circumstances which are known, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

(b) "School employee" means a licensed or unlicensed person who is employed by:

(1) A board of trustees of a school district pursuant to NRS 391.100 or 391.281;

(2) The governing body of a charter school; or

(3) The Achievement School District.

(c) "School official" means:

(1) A member of the board of trustees of a school district.

(2) A member of the governing body of a charter school.

(3) An administrator employed by the board of trustees of a school district or the governing body of a charter school.

(4) The Executive Director of the Achievement School District.

(d) "Teacher" means a person employed by the:

(1) Board of trustees of a school district to provide instruction or other educational services to pupils enrolled in public schools of the school district.

(2) Governing body of a charter school to provide instruction or other educational services to pupils enrolled in the charter school.

Sec. 27. NRS 388A.515 is hereby amended to read as follows:

388A.515 1. Each applicant for employment with ***and employee at*** a charter school, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, ***and each volunteer at a charter school who is likely to have unsupervised or regular contact with pupils,*** must, ~~[as a condition to]~~ ***before beginning his or her*** employment ~~[,]~~ ***or service as a volunteer and at least once every 5 years thereafter,*** submit to the governing body of the charter school ~~[a]~~ ***:***

(a) A complete set of the applicant's ***, employee's or volunteer's*** fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant ***, employee or volunteer*** and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant ~~[.]~~ ***, employee or volunteer; and***

(b) Written authorization for the governing body to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental

entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. ***In conducting an investigation into the background of an applicant, employee or volunteer, the governing body of a charter school may cooperate with any appropriate law enforcement agency to obtain information relating to the background of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.***

3. If the ~~[~~reports on the criminal history of an applicant indicate~~]~~ ***information obtained by the governing body pursuant to subsection 1 or 2 indicates*** that the applicant ***, employee or volunteer*** has not been convicted of a felony or an offense involving moral turpitude, the governing body of the charter school may employ the applicant ~~[~~.

~~3.]~~ ***or employee or accept the volunteer, as applicable.***

4. If ~~[~~a report on the criminal history of an applicant~~]~~ ***the information obtained by the governing body pursuant to subsection 1 or 2*** indicates that the applicant ***, employee or volunteer*** has been convicted of a felony or an offense involving moral turpitude and the governing body of the charter school does not disqualify the applicant ***or employee*** from ~~[~~further consideration of~~]~~ employment ***or the volunteer from serving as a volunteer*** on the basis of that ~~[~~report,~~]~~ ***information,*** the governing body shall, upon the written authorization of the applicant, ***employee or volunteer,*** forward a copy of the ~~[~~report~~]~~ ***information*** to the Superintendent of Public Instruction. If the applicant ***, employee or volunteer*** refuses to provide his or her written authorization to forward a copy of the ~~[~~report~~]~~ ***information*** pursuant to this subsection, the charter school shall not employ the applicant ~~[~~.

~~4.]~~ ***or employee or accept the volunteer, as applicable.***

5. The Superintendent of Public Instruction or the Superintendent's designee shall promptly review the ~~[~~report~~]~~ ***information*** to determine whether the conviction of the applicant ***, employee or volunteer*** is related or unrelated to the position with the charter school for which the applicant has applied ~~[~~. If the applicant desires employment with the charter school, the~~]~~ ***or in which the employee is employed or the volunteer wishes to serve. The*** applicant ***, employee or volunteer*** shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. If the governing body of the charter school desires to employ the applicant ~~[~~,~~]~~ ***or employee or accept the volunteer,*** the governing body shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. The Superintendent of Public Instruction or the Superintendent's designee shall provide written

notice of the determination to the applicant and to the governing body of the charter school.

~~[5.]~~ ***6.*** If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant ***, employee or volunteer*** is related to the position with the charter school for which the applicant has applied ~~[,]~~ ***or in which the employee is employed or the volunteer wishes to serve,*** the governing body of the charter school shall not employ the applicant ~~[.]~~ ***or employee or accept the volunteer, as applicable.*** If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant ***, employee or volunteer*** is unrelated to the position with the charter school for which the applicant has applied ~~[,]~~ ***or in which the employee is employed or the volunteer wishes to serve,*** the governing body of the charter school may employ the applicant ***or employee*** for that position ~~[.]~~ ***or accept the volunteer, as applicable.***

7. The governing body of a charter school may use a substantiated report of the abuse or neglect of a child, as defined in section 37 of this act, or a violation of NRS 201.540, 201.560 , ~~[or]~~ 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

8. The governing body of a charter school:

(a) May accept gifts, grants and donations to carry out the provisions of this section.

(b) May not be held liable for damages resulting from any action of the governing body authorized by subsection 2 or 7.

Sec. 28. NRS 388C.200 is hereby amended to read as follows:

388C.200 1. Each applicant for employment with ***and employee at*** a university school for profoundly gifted pupils, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, ***and each volunteer at a university school for profoundly gifted pupils who is likely to have regular or unsupervised contact with pupils,*** must, ~~[as a condition to]~~ ***before beginning his or her*** employment ~~[,]~~ ***or service as a volunteer and at least once every 5 years thereafter,*** submit to the governing body of the university school ~~[a]~~ ***:***

(a) A complete set of his or her fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant ***, employee or volunteer*** and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant ~~[.]~~ ***, employee or volunteer; and***

(b) Written authorization for the governing body to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. ***In conducting an investigation into the background of an applicant, employee or volunteer, the governing body of a university school for profoundly gifted pupils may cooperate with any appropriate law enforcement agency to obtain information relating to the background of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.***

3. If the ~~[reports on the criminal history of an applicant indicate]~~ ***information obtained by the governing body pursuant to subsection 1 or 2 indicates*** that the applicant ***, employee or volunteer*** has not been convicted of a felony or an offense involving moral turpitude, the governing body of the university school for profoundly gifted pupils may employ the applicant ~~[.~~

~~3.]~~ ***or employee or accept the volunteer, as applicable.***

4. If ~~[a report on the criminal history of an applicant]~~ ***the information obtained by the governing body pursuant to subsection 1 or 2*** indicates that the applicant ***, employee or volunteer*** has been convicted of a felony or an offense involving moral turpitude and the governing body of the university school for profoundly gifted pupils does not disqualify the applicant ***or employee*** from ~~[further consideration of]~~ employment ***or the volunteer from serving as a volunteer*** on the basis of that report, the governing body shall, upon the written authorization of the applicant, ***employee or volunteer*** forward a copy of the ~~[report]~~ ***information*** to the Superintendent of Public Instruction. If the applicant ***, employee or volunteer*** refuses to provide his or her written authorization to forward a copy of the report pursuant to this subsection, the university school shall not employ the applicant ~~[.~~

~~4.]~~ ***or employee or accept the volunteer, as applicable.***

5. The Superintendent of Public Instruction or the Superintendent's designee shall promptly review the ~~[report]~~ ***information*** to determine whether the conviction of the applicant ***, employee or volunteer*** is related or unrelated to the position with the university school for profoundly gifted pupils for which the applicant has applied ~~[. If the applicant desires employment with the university school, the]~~ ***or in which the employee is employed or the volunteer wishes to serve. The*** applicant ***, employee or volunteer*** shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. If the governing body of the university school desires to

employ the applicant ~~[,]~~ ***or employee or accept the volunteer,*** the governing body shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. The Superintendent of Public Instruction or the Superintendent's designee shall provide written notice of the determination to the applicant ***, employee or volunteer*** and to the governing body of the university school.

~~[5.]~~ ***6.*** If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant ***, employee or volunteer*** is related to the position with the university school for profoundly gifted pupils for which the applicant has applied ~~[,]~~ ***or in which the employee is employed or the volunteer wishes to serve,*** the governing body of the university school shall not employ the applicant ~~[.]~~ ***or employee or accept the volunteer, as applicable.*** If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant ***, employee or volunteer*** is unrelated to the position with the university school for which the applicant has applied ~~[,]~~ ***or in which the employee is employed or the volunteer wishes to serve,*** the governing body of the university school may employ the applicant ***or employee*** for that position ~~[.]~~ ***or accept the volunteer, as applicable.***

7. The governing body of a university school for profoundly gifted pupils may use a substantiated report of the abuse or neglect of a child, as defined in section 37 of this act, or a violation of NRS 201.540, 201.560 , ~~[or]~~ 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

8. The governing body of a university school for profoundly gifted pupils:

(a) May accept any gifts, grants and donations to carry out the provisions of this section.

(b) May not be held liable for damages resulting from any action of the governing body authorized by subsection 2 or 7.

Sec. 29. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

"Statewide Central Registry" means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

Sec. 30. NRS 391.002 is hereby amended to read as follows:

391.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 391.005 and 391.008 ***and section 29 of this act*** have the meanings ascribed to them in those sections.

Sec. 31. NRS 391.033 is hereby amended to read as follows:

391.033 1. All licenses for teachers and other educational personnel are granted by the Superintendent of Public Instruction pursuant to regulations adopted by the Commission and as otherwise provided by law.

2. An application for the issuance of a license must include the social security number of the applicant.

3. Every applicant for a license must submit with his or her application ~~[a]~~ ***:***

(a) A complete set of his or her fingerprints and written permission authorizing the Superintendent to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its initial report on the criminal history of the applicant and for reports thereafter upon renewal of the license pursuant to subsection 7 of NRS 179A.075, and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant ~~[.]~~ ***; and***

(b) Written authorization for the Superintendent to obtain any information concerning the applicant that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant has resided within the immediately preceding 5 years.

4. ***In conducting an investigation into the background of an applicant for a license, the Superintendent may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant.***

5. The Superintendent may issue a provisional license pending receipt of the reports of the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History if the Superintendent determines that the applicant is otherwise qualified.

~~[5.]~~ ***6.*** A license must be issued to, or renewed for, as applicable, an applicant if:

(a) The Superintendent determines that the applicant is qualified;

(b) The ~~[reports on the criminal history of the applicant from the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History:]~~ ***information obtained by the Superintendent pursuant to subsections 3 and 4:***

(1) ~~[Do]~~ ***Does*** not indicate that the applicant has been convicted of a felony or any offense involving moral turpitude; or

(2) ~~[Indicate]~~ ***Indicates*** that the applicant has been convicted of a felony or an offense involving moral turpitude but the Superintendent determines that the conviction is unrelated to the position within the county school

district or charter school for which the applicant applied or for which he or she is currently employed, as applicable; and

(c) For initial licensure, the applicant submits the statement required pursuant to NRS 391.034.

7. The Superintendent shall forward all information obtained from an investigation of an applicant pursuant to subsections 3 and 4 to the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the administrator of a private school where the applicant is employed or seeking employment. The board of trustees, governing body or administrator, as applicable, may use a substantiated report of the abuse or neglect of a child, as defined in section 37 of this act, or a violation of NRS 201.540, 201.560 , ~~[or]~~ 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

8. The Superintendent, the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the administrator of a private school may not be held liable for damages resulting from any action of the Superintendent, board of trustees, governing body or administrator, as applicable, authorized by subsection 4 or 7.

Sec. 32. NRS 391.035 is hereby amended to read as follows:

391.035 1. Except as otherwise provided in NRS 239.0115 ~~[,]~~ ***and 391.033,*** an application to the Superintendent of Public Instruction for a license as a teacher or to perform other educational functions and all documents in the Department's file relating to the application, including:

(a) The applicant's health records;

(b) The applicant's fingerprints and any report from the Federal Bureau of Investigation or the Central Repository for Nevada Records of Criminal History ~~[,]~~ ***or information from the Statewide Central Registry or any equivalent registry maintained by a governmental agency in another jurisdiction;***

(c) Transcripts of the applicant's records at colleges or other educational institutions;

(d) The applicant's scores on the examinations administered pursuant to the regulations adopted by the Commission;

(e) Any correspondence concerning the application; and

(f) Any other personal information,

➥ are confidential.

2. It is unlawful to disclose or release the information in an application or any related document except pursuant to paragraph (d) of subsection 7 of NRS 179A.075 or the applicant's written authorization.

3. The Department shall, upon request, make available the applicant's file for inspection by the applicant during regular business hours.

Sec. 33. NRS 391.104 is hereby amended to read as follows:

391.104 1. Each applicant for employment pursuant to NRS 391.100 ~~[,]~~ ***or employee,*** except a teacher or other person licensed by the Superintendent of Public Instruction, ***or volunteer who is likely to have unsupervised or regular contact with pupils,*** must, ~~[as a condition to]~~ ***before beginning his or her*** employment ~~[,]~~ ***or service as a volunteer and at least once every 5 years thereafter,*** submit to the school district ~~[a]~~ ***:***

(a) A full set of the applicant's ***, employee's or volunteer's*** fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant ***, employee or volunteer*** and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant ~~[.]~~ ***, employee or volunteer; and***

(b) Written authorization for the board of trustees of the school district to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. ***In conducting an investigation into the background of an applicant, employee or volunteer, a school district may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.***

3. The board of trustees of a school district may use a substantiated report of the abuse or neglect of a child, as defined in section 37 of this act, or a violation of NRS 201.540, 201.560 , ~~[or]~~ 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) When making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

4. Except as otherwise provided in subsection ~~[3,]~~ ***5,*** the board of trustees of a school district shall not require a licensed teacher or other person licensed by the Superintendent of Public Instruction pursuant to NRS

391.033 who has taken a leave of absence from employment authorized by the school district, including, without limitation:

(a) Sick leave;

(b) Sabbatical leave;

(c) Personal leave;

(d) Leave for attendance at a regular or special session of the Legislature of this State if the employee is a member thereof;

(e) Maternity leave; and

(f) Leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.,

➥ to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the employee is in good standing when the employee began the leave.

~~[3.]~~ ***5.*** A board of trustees of a school district may ask the Superintendent of Public Instruction to require a person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the board of trustees has probable cause to believe that the person has committed a felony or an offense involving moral turpitude during the period of his or her leave of absence.

6. The board of trustees of a school district:

(a) May accept any gifts, grants and donations to carry out the provisions of subsections 1 and 2.

(b) May not be held liable for damages resulting from any action of the board of trustees authorized by subsection 2 or 3.

Sec. 34. NRS 391.281 is hereby amended to read as follows:

391.281 1. Each applicant for employment ***or appointment*** pursuant to this section ~~[,]~~ ***or employee,*** except a teacher or other person licensed by the Superintendent of Public Instruction, must, ~~[as a condition to]~~ ***before beginning his or her*** employment ~~[,]~~ ***or appointment and at least once every 5 years thereafter,*** submit to the school district ~~[a]~~ ***:***

(a) A full set of the applicant's ***or employee's*** fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant ***or employee*** and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant ~~[.]~~ ***or employee.***

(b) Written authorization for the board of trustees of the school district to obtain any information concerning the applicant or employee that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant or employee has resided within the immediately preceding 5 years.

2. ***In conducting an investigation into the background of an applicant or employee, a school district may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant or employee, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant or employee.***

3. The board of trustees of a school district may use a substantiated report of the abuse or neglect of a child, as defined in section 37 of this act, or a violation of NRS 201.540, 201.560 , ~~[or]~~ 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

4. The board of trustees of a school district:

(a) May accept any gifts, grants and donations to carry out the provisions of subsections 1 and 2.

(b) May not be held liable for damages resulting from any action of the board of trustees authorized by subsection 2 or 3.

5. The board of trustees of a school district may employ or appoint persons to serve as school police officers. If the board of trustees of a school district employs or appoints persons to serve as school police officers, the board of trustees shall employ a law enforcement officer to serve as the chief of school police who is supervised by the superintendent of schools of the school district. The chief of school police shall supervise each person appointed or employed by the board of trustees as a school police officer, including any school police officer that provides services to a charter school pursuant to a contract entered into with the board of trustees pursuant to NRS 388A.384. In addition, persons who provide police services pursuant to subsection ~~[3]~~ ***6*** or ~~[4]~~ ***7*** shall be deemed school police officers.

~~[3.]~~ ***6.*** The board of trustees of a school district in a county that has a metropolitan police department created pursuant to chapter 280 of NRS may contract with the metropolitan police department for the provision and supervision of police services in the public schools within the jurisdiction of the metropolitan police department and on property therein that is owned by the school district and on property therein that is owned or occupied by a charter school if the board of trustees has entered into a contract with the charter school for the provision of school police officers pursuant to NRS 388A.384. If a contract is entered into pursuant to this subsection, the contract must make provision for the transfer of each school police officer employed by the board of trustees to the metropolitan police department. If the board of trustees of a school district contracts with a metropolitan police department pursuant to this subsection, the board of trustees shall, if applicable, cooperate with appropriate local law enforcement agencies within

the school district for the provision and supervision of police services in the public schools within the school district, including, without limitation, any charter school with which the school district has entered into a contract for the provision of school police officers pursuant to NRS 388A.384, and on property owned by the school district and, if applicable, the property owned or occupied by the charter school, but outside the jurisdiction of the metropolitan police department.

~~[4.]~~ ***7.*** The board of trustees of a school district in a county that does not have a metropolitan police department created pursuant to chapter 280 of NRS may contract with the sheriff of that county for the provision of police services in the public schools within the school district, including, without limitation, in any charter school with which the board of trustees has entered into a contract for the provision of school police officers pursuant to NRS 388A.384, and on property therein that is owned by the school district and, if applicable, the property owned or occupied by the charter school.

Sec. 35. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 36 to 58, inclusive, of this act.

Sec. 36. ***As used in sections 36 to 58, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 37 to 42, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 37. ***"Abuse or neglect of a child" has the meaning ascribed to it in NRS 432B.020, but includes abuse or neglect caused by a person who is an employee of or volunteer for a public school or private school and who is not responsible for the welfare of the child pursuant to NRS 432B.130.***

Sec. 38. ***"Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.***

Sec. 39. ***"Central Registry" has the meaning ascribed to it in NRS 432.0999.***

Sec. 40. ***"Child" means a person under the age of 18 years or, if a pupil, until graduation from high school. The term does not include a child who remains under the jurisdiction of the court pursuant to NRS 432B.594.***

Sec. 41. ***"Information maintained by an agency which provides child welfare services" means data or information concerning reports and investigations made pursuant to sections 36 to 58, inclusive, of this act, including, without limitation, the name, address, date of birth, social security number and the image or likeness of any child, family member of any child and reporting party or source, whether primary or collateral.***

Sec. 41.3. ***"Law enforcement agency" means an agency, office or bureau of this State or a political subdivision of this State, the primary duty of which is to enforce the law. The term includes, without limitation, a school police officer, and any peace officer or employee who is acting in his or her professional or occupational capacity for such an agency.***

Sec. 41.5. ***"Local law enforcement agency" means:***

1. The sheriff's office of a county;

2. A metropolitan police department; or

3. A police department of an incorporated city.

Sec. 42. *"Private school" has the meaning ascribed to it in NRS 394.103.*

Sec. 43. *For the purposes of sections 36 to 58, inclusive, of this act, a person:*

1. Has "reasonable cause to believe" if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

2. Acts "as soon as reasonably practicable" if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would act within approximately the same period under those facts and circumstances.

Sec. 44. *1. In addition to the reporting required by NRS 432B.220, if, in his or her capacity as an employee of or volunteer for a public school or private school, such an employee or volunteer knows or has reasonable cause to believe that a child has been subjected to:*

(a) Abuse or neglect, sexual conduct in violation of NRS 201.540 or luring in violation of NRS 201.560 ~~[,]~~ by another employee of or volunteer for a public school or private school, the employee or volunteer who has such knowledge or reasonable cause to believe shall report the abuse or neglect, sexual conduct or luring to the agency which provides child welfare services in the county in which the school is located and a law enforcement agency.

(b) Corporal punishment in violation of NRS 392.4633 ~~[,]~~ or 394.366 by another employee of or volunteer for a public school or private school, the employee or volunteer who has such knowledge or reasonable cause to believe shall report the corporal punishment to the agency which provides child welfare services in the county in which the school is located.

2. A report pursuant to subsection 1 must be made as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been subjected to abuse or neglect or a violation of NRS 201.540, 201.560 , ~~[or]~~ 392.4633 ~~[,]~~ or 394.366.

3. If a law enforcement agency that receives a report pursuant to paragraph (a) of subsection 1 concludes that there is not probable cause to believe that the person allegedly responsible for the abuse or neglect or who allegedly violated NRS 201.540 or 201.560 committed the act of which he or she is accused, the law enforcement agency shall notify the agency which provides child welfare services of that determination.

4. If a school police officer receives a report pursuant to this section of an offense that is punishable as a category A felony, the school police officer shall notify the local law enforcement agency that has jurisdiction over the school.

5. [If a] A law enforcement agency, other than a school police officer, shall notify a school police officer, if such an officer is employed in the school district, if the law enforcement agency receives a report pursuant to this section of an offense that is punishable as a felony and [allegedly] :

(a) Allegedly occurred [at] :

(1) On the property of a public school for which the board of trustees of the school district has employed or appointed school police officers [or was] ;

(2) At an activity sponsored by such a school; or

(3) On a school bus while the school bus was being used by such a school for an official school-related purpose; or

(b) Was allegedly committed by a person who the law enforcement agency has reasonable cause to believe is an employee or volunteer of such a school . [, the local law enforcement agency shall notify a school police officer.]

6. An agency which provides child welfare services shall [investigate the] assess all allegations contained in any report made pursuant to this section [.] and, if the agency deems appropriate, assign the matter for investigation.

7. Nothing in sections 36 to 58, inclusive, of this act shall be construed to prohibit an agency which provides child welfare services and a law enforcement agency from undertaking simultaneous investigations of the abuse or neglect of a child or a violation of NRS 201.540 or 201.560.

Sec. 45. *1. A person may make a report pursuant to section 44 of this act by telephone or, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, by any other means of oral, written or electronic communication that a reasonable person would believe, under those facts and circumstances, is a reliable and swift means of communicating information to the person who receives the report. If the report is made orally, the person who receives the report must reduce it to writing as soon as reasonably practicable.*

2. The report must contain the following information, if obtainable and to the extent applicable:

(a) The name, address, age and sex of the child and the school in which the child is enrolled;

(b) The name and address of the child's parents or other person responsible for the care of the child;

(c) The nature and extent of the abuse or neglect of the child or the sexual conduct, luring or corporal punishment to which the child was subjected;

(d) The name, address and relationship, if known, of the person who is alleged to have abused or neglected, engaged in sexual contact with, lured or administered corporal punishment to, the child; and

(e) Any other information known to the person making the report that the agency which provides child welfare services considers necessary.

Sec. 46. *Any person who knowingly and willfully violates the provisions of section 44 of this act is guilty of:*

1. For the first violation, a misdemeanor.

2. For each subsequent violation, a gross misdemeanor.

Sec. 47. *Any person who is required to make a report pursuant to section 44 of this act may not invoke any of the privileges set forth in chapter 49 of NRS:*

1. For failure to make a report pursuant to section 44 of this act;

2. In cooperating with an agency which provides child welfare services; or

3. In any proceeding held pursuant to sections 36 to 58, inclusive, of this act.

Sec. 48. *In any proceeding resulting from a report made or action taken pursuant to the provisions of sections 44 or 45 of this act or in any proceeding where the report or the contents thereof is sought to be introduced in evidence, the report or contents or any other fact or facts related thereto or to the condition of the child who is the subject of the report must not be excluded on the ground that the matter would otherwise be privileged against disclosure under chapter 49 of NRS.*

Sec. 49. *1. A designee of an agency investigating a report made pursuant to section 44 of this act may, with the consent of the parent or guardian of the child who is the subject of the report, interview the child and any sibling of the child, if an interview is deemed appropriate by the designee, concerning the allegations contained in the report. A designee who conducts an interview pursuant to this subsection must be trained adequately to interview children.*

2. A designee of an agency investigating a report made pursuant to section 44 of this act may, with the consent of the parent or guardian of a child who is the subject of the report ~~*[.]*~~ *and after informing the parent or guardian of the provisions of subsection 3:*

(a) Take or cause to be taken photographs of the child's body, including any areas of trauma; and

(b) If indicated after consultation with a physician, cause X-rays or medical tests to be performed on the child.

3. The reasonable cost of any photographs or X-rays taken or medical tests performed pursuant to subsection 2 must be paid by the ~~*[agency which provides child welfare services]*~~ *parent or guardian of the child if money is not otherwise available.*

4. Any photographs or X-rays taken or records of any medical tests performed pursuant to subsection 2, or any medical records relating to the

examination or treatment of a child pursuant to this section, or copies thereof, must be sent to the agency which provides child welfare services, any law enforcement agency participating in the investigation of the report and the prosecuting attorney's office. Each photograph, X-ray, result of a medical test or other medical record:

(a) Must be accompanied by a statement or certificate signed by the custodian of medical records of the health care facility where the photograph or X-ray was taken or the treatment, examination or medical test was performed, indicating:

(1) The name of the child;

(2) The name and address of the person who took the photograph or X-ray, performed the medical test, or examined or treated the child; and

(3) The date on which the photograph or X-ray was taken or the treatment, examination or medical test was performed;

(b) Is admissible in any proceeding relating to the allegations in the report made pursuant to section 44 of this act; and

(c) May be given to the child's parent or guardian if the parent or guardian pays the cost of duplicating them.

5. As used in this section, "medical test" means any test performed by or caused to be performed by a provider of health care, including, without limitation, a computerized axial tomography scan and magnetic resonance imaging.

Sec. 50. *1. Except as otherwise provided in NRS 239.0115 and sections 51 to 55, inclusive, of this act, information maintained by an agency which provides child welfare services pursuant to sections 36 to 58, inclusive, of this act is confidential.*

2. Any person, law enforcement agency or public agency, institution or facility who willfully releases or disseminates such information, except:

(a) Pursuant to a criminal prosecution relating to the abuse or neglect of a child;

(b) As otherwise authorized pursuant to NRS 432B.165 and 432B.175;

(c) As otherwise authorized or required pursuant to NRS 432B.290;

(d) As otherwise authorized or required pursuant to NRS 439.538;

(e) As otherwise required pursuant to NRS 432B.513; or

(f) As otherwise authorized or required pursuant to sections 51 to 55, inclusive, of this act.

➥ is guilty of a gross misdemeanor.

Sec. 51. *Except as otherwise provided in sections 51 to 54, inclusive, of this act, information maintained by an agency which provides child welfare services pursuant to sections 36 to 58, inclusive, of this act may, at the discretion of the agency which provides child welfare services, be made available only to:*

1. The child who is the subject of the report, the parent or guardian of the child and an attorney for the child or the parent or guardian of the child, if the identity of the person responsible for reporting the abuse or

neglect of the child or the violation of NRS 201.540, 201.560 , ~~[or]~~ 392.4633 or 394.366 to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning that parent or guardian;

2. A physician, if the physician has before him or her a child who the physician has reasonable cause to believe has been abused or neglected or subject to a violation of NRS 201.540, 201.560 , ~~[or]~~ 392.4633 ~~[.]~~ or 394.366;

3. An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care or treatment or supervision of the child or investigate the allegations in the report;

4. A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the conduct alleged in the report;

5. A court, other than a juvenile court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

6. A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to the person;

7. A grand jury upon its determination that access to these records and the information is necessary in the conduct of its official business;

8. A federal, state or local governmental entity, or an agency of such an entity, or a juvenile court, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect and violations of NRS 201.540, 201.560 , ~~[or]~~ 392.4633 or 394.366 or similar statutes in another jurisdiction;

9. A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;

10. A team organized pursuant to NRS 432B.405 to review the death of a child;

11. Upon written consent of the parent, any officer of this State or a city or county thereof or Legislator authorized by the agency or department having jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the activities or programs of an agency which provides child welfare services if:

(a) The identity of the person making the report is kept confidential; and

(b) The officer, Legislator or a member of the family of the officer or Legislator is not the person alleged to have engaged in the conduct described in the report;

12. The Division of Parole and Probation of the Department of Public Safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;

13. A public school, private school, school district or governing body of a charter school or private school in this State or any other jurisdiction that employs a person named in the report, allows such a person to serve as a volunteer or is considering employing such a person or accepting such a person as a volunteer;

14. The school attended by the child who is the subject of the report and the board of trustees of the school district in which the school is located or the governing body of the school, as applicable;

15. An employer in accordance with subsection 3 of NRS 432.100; and

16. The Committee to Review Suicide Fatalities created by NRS 439.5104.

Sec. 52. *1. An agency which provides child welfare services investigating a report made pursuant to section 44 of this act shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of a child or violating the provisions of NRS 201.540, 201.560* ~~*,*~~ *or* ~~*[or]*~~ *392.4633* ~~*[,]*~~ *or 394.366:*

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person; or

(b) A written summary of the allegations made against the person. The summary must not identify the person who made the report or any collateral sources and reporting parties.

2. A person may authorize the release of information maintained by an agency which provides child welfare services pursuant to sections 36 to 58, inclusive, of this act about himself or herself, but may not waive the confidentiality of such information concerning any other person.

3. An agency which provides child welfare services may provide a summary of the outcome of an investigation of the allegations in a report made pursuant to section 44 of this act to the person who made the report.

Sec. 53. *1. Information maintained by an agency which provides child welfare services pursuant to sections 36 to 58, inclusive, of this act must be maintained by the agency which provides child welfare services as required by federal law as a condition of the allocation of federal money to this State.*

2. Before releasing any information maintained by an agency which provides child welfare services pursuant to sections 36 to 58, inclusive, of this act, an agency which provides child welfare services shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of any person who makes a report pursuant to section 44

of this act and to protect any other person if the agency which provides child welfare services reasonably believes that disclosure of the information would cause a specific and material harm to an investigation of the allegations in the report or the life or safety of any person.

3. The provisions of sections 51 to 54, inclusive, of this act must not be construed to require an agency which provides child welfare services to disclose information maintained by the agency which provides child welfare services pursuant to sections 36 to 58, inclusive, of this act if, after consultation with the attorney who represents the agency, the agency determines that such disclosure would cause a specific and material harm to a criminal investigation.

4. If an agency which provides child welfare services receives any information that is deemed confidential by law, the agency which provides child welfare services shall maintain the confidentiality of the information as prescribed by applicable law.

5. An agency which provides child welfare services shall adopt rules, policies or regulations to carry out the provisions of sections 51 to 54, inclusive, of this act.

Sec. 54. ***1. Except as otherwise provided in sections 51 to 54, inclusive, of this act, any person who is provided with information maintained by an agency which provides child welfare services pursuant to sections 36 to 58, inclusive, of this act and who further disseminates the information or makes the information public is guilty of a gross misdemeanor. This section does not apply to:***

(a) A district attorney or other law enforcement officer who uses the information solely for the purpose of initiating legal proceedings;

(b) An employee of the Division of Parole and Probation of the Department of Public Safety making a presentence investigation and report to the district court pursuant to NRS 176.135 or making a general investigation and report pursuant to NRS 176.151; or

(c) An employee of a juvenile justice agency who provides the information to the juvenile court.

2. As used in this section, "juvenile justice agency" means the Youth Parole Bureau or a director of juvenile services.

Sec. 55. ***1. An agency which provides child welfare services investigating a report made pursuant to section 44 of this act shall, upon completing the investigation, determine whether the report is substantiated or unsubstantiated.***

2. If the report is substantiated, the agency shall:

(a) Forward the report to the Department of Education, the board of trustees of the school district in which the school is located or the governing body of the charter school or private school, as applicable, the appropriate local law enforcement agency within the county and the district attorney's office within the county for further investigation.

(b) Provide written notification to the person who is named in the report as allegedly causing the abuse or neglect of the child or violating NRS 201.540, 201.560 , ~~[or]~~ 392.4633 or 394.366 which includes statements indicating that:

(1) The report made against the person has been substantiated and the agency which provides child welfare services intends to place the person's name in the Central Registry pursuant to paragraph (a); and

(2) The person may request an administrative appeal of the substantiation of the report and the agency's intention to place the person's name in the Central Registry by submitting a written request to the agency which provides child welfare services within the time required by section 56 of this act.

(c) After the conclusion of any administrative appeal pursuant to section 56 of this act or the expiration of the time period prescribed by that section for requesting an administrative appeal, whichever is later, report to the Central Registry:

(1) Identifying and demographic information on the child who is the subject of the report, the parents of the child, any other person responsible for the welfare of the child and the person allegedly responsible for the conduct alleged in the report;

(2) The facts of the alleged conduct, including the date and type of alleged conduct, a description of the alleged conduct, the severity of any injuries and, if applicable, any information concerning the death of the child; and

(3) The disposition of the case.

Sec. 56. *1. A person to whom a written notification is sent pursuant to section 55 of this act may request an administrative appeal of the substantiation of the report and the agency's intention to place the person's name in the Central Registry by submitting a written request to the agency which provides child welfare services within 15 days after the date on which the agency sends the written notification required by section 55 of this act.*

2. Except as otherwise provided in subsection 3, if an agency which provides child welfare services receives a timely request for an administrative appeal pursuant to subsection 1, a hearing before a hearing officer must be held in accordance with chapter 233B of NRS.

3. If a timely request for an administrative appeal is not submitted pursuant to subsection 1, the agency which provides child welfare services shall place the person's name in the Central Registry pursuant to section 55 of this act.

4. If the hearing officer in a hearing held pursuant to this section:

(a) Affirms the substantiation of the report, the agency which provides child welfare services shall place the person's name in the Central Registry pursuant to section 55 of this act.

(b) Rejects the substantiation of the report, the agency which provides child welfare services shall not place the person's name in the Central Registry pursuant to section 55 of this act.

5. The decision of a hearing officer in a hearing held pursuant to this section is a final decision for the purposes of judicial review.

Sec. 57. ***1. Immunity from civil or criminal liability extends to every person who in good faith:***

(a) Makes a report pursuant to section 44 of this act;

(b) Conducts an interview or allows an interview to be taken pursuant to section 49 of this act;

(c) Allows or takes photographs or X-rays pursuant to section 49 of this act;

(d) Causes a medical test to be performed pursuant to section 49 of this act;

(e) Provides a record, or a copy thereof, of a medical test performed pursuant to section 49 of this act to an agency which provides child welfare services to the child, a law enforcement agency that participated in the investigation of the report made pursuant to section 44 of this act or the prosecuting attorney's office; or

(f) Participates in a judicial proceeding resulting from a report made pursuant to section 44 of this act.

2. In any proceeding to impose liability against a person for:

(a) Making a report pursuant to section 44 of this act; or

(b) Performing any act set forth in paragraphs (b) to (f), inclusive, of subsection 1,

↪ there is a presumption that the person acted in good faith.

Sec. 58. ***The Division of Child and Family Services of the Department of Health and Human Services may, in consultation with each agency which provides child welfare services, adopt any regulations necessary for the administration of sections 36 to 58, inclusive, of this act.***

Sec. 59. NRS 392.4633 is hereby amended to read as follows:

392.4633 1. Corporal punishment must not be administered upon a pupil in any public school.

2. Subsection 1 does not prohibit any ~~[~~teacher, principal or other licensed~~]~~ person from defending himself or herself if attacked by a pupil.

3. ~~[~~A person may report the use of corporal punishment on a pupil to the agency which provides child welfare services in the county in which the school district is located. If the agency determines that the complaint is substantiated, the agency shall forward the complaint to the Department, the appropriate local law enforcement agency within the county and the district attorney's office within the county for further investigation.

~~4.]~~ As used in this section ~~[~~:

~~(a)~~ "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

~~(b) "Corporal"~~ ***, "corporal*** punishment" means the intentional infliction of physical pain upon or the physical restraint of a pupil for disciplinary purposes. The term does not include the use of reasonable and necessary force:

~~(1)~~ ***(a)*** To quell a disturbance that threatens physical injury to any person or the destruction of property;

~~(2)~~ ***(b)*** To obtain possession of a weapon or other dangerous object within a pupil's control;

~~(3)~~ ***(c)*** For the purpose of self-defense or the defense of another person; or

~~(4)~~ ***(d)*** To escort a disruptive pupil who refuses to go voluntarily with the proper authorities.

Sec. 60. Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each applicant for employment with or employee at a private school, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, or volunteer at a private school who is likely to have unsupervised or regular contact with pupils, must, before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the administrator of the private school:

(a) A complete set of the applicant's, employee's or volunteer's fingerprints and written permission authorizing the administrator to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the administrator to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. The administrator of the private school shall:

(a) Submit the fingerprints of the applicant to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the administrator deems necessary; and

(b) Request any information that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

3. In conducting an investigation into the criminal history of an applicant, employee or volunteer, the administrator of a private school may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, employee or volunteer, including, without limitation, any record of warrants or applications for protective orders.

4. The administrator or governing body of a private school may use a substantiated report of the abuse or neglect of a child, as defined in section 37 of this act, or a violation of NRS 201.540, 201.560 , ~~[or]~~ 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

5. The administrator or governing body of a private school may not be held liable for damages resulting from taking any action authorized by subsection 3 or 4.

Sec. 61. NRS 394.177 is hereby amended to read as follows:

394.177 1. Except as otherwise provided in subsection 2, if any person who knows or has reasonable cause to believe that another person has made a threat of violence against a school official, school employee or pupil reports in good faith that threat of violence to a school official, teacher, school police officer, local law enforcement agency or potential victim of the violence that is threatened, the person who makes the report is immune from civil liability for any act or omission relating to that report. Such a person is not immune from civil liability for any other act or omission committed by the person as a part of, in connection with or as a principal, accessory or conspirator to the violence, regardless of the nature of the other act or omission.

2. The provisions of this section do not apply to a person who:

(a) Is acting in his or her professional or occupational capacity and is required to make a report pursuant to NRS 200.5093, 200.50935 or 432B.220 ~~[.]~~ ***or section 44 of this act.***

(b) Is required to make a report concerning the commission of a violent or sexual offense against a child pursuant to NRS 202.882.

3. As used in this section:

(a) "Reasonable cause to believe" means, in light of all the surrounding facts and circumstances which are known, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

(b) "School employee" means a licensed or unlicensed person, other than a school official, who is employed by a private school.

(c) "School official" means:

(1) An owner of a private school.

(2) A director of a private school.
(3) A supervisor at a private school.
(4) An administrator at a private school.

(d) "Teacher" means a person employed by a private school to provide instruction and other educational services to pupils enrolled in the private school.

Sec. 62. NRS 394.610 is hereby amended to read as follows:

394.610 Unless a specific penalty is otherwise provided, a person who willfully violates the provisions of NRS 394.005 to 394.550, inclusive, ***and section 60 of this act*** is guilty of a gross misdemeanor. Each day's failure to comply with the provisions of these sections is a separate offense.

Sec. 63. The provisions of NRS 288.150, as amended by section 24 of this act:

1. Apply to any collective bargaining agreement entered into, extended or renewed on or after July 1, 2017, and any provision of the agreement that is in conflict with that section, as amended, is void.

2. Do not apply to any collective bargaining agreement entered into before July 1, 2017.

Sec. 64. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 65. This act becomes effective on July 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 291.

Bill read third time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 888.

AN ACT relating to health care records; requiring a custodian of health care records to perform certain duties; **requiring a custodian of health care records to make certain health care records available for inspection by a coroner or medical examiner under certain circumstances;** revising the civil and criminal penalties for a custodian who violates certain requirements; authorizing the Board of Medical Examiners to take possession of the health care records of a licensee's patients under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a physician or other provider of health care to: (1) retain the health care records of patients for at least 5 years; (2) make available to investigators certain health care records of a patient who is suspected of having operated a motor vehicle while intoxicated; (3) maintain a record of information provided by a patient relating to health insurance

coverage; and (4) provide to the Department of Corrections the health care records of an offender confined at the state prison. (NRS 629.051, 629.065, 629.066, 629.068) **Sections 4 and 7-9** of this bill require the custodian of the relevant health care records to perform those duties. **Section 1** of this bill defines the custodian of health care records as any person having primary custody of those records or a facility that maintains the health care records of patients.

Existing law requires a provider of health care to make health care records available for inspection by a patient, certain representatives of a patient and certain government officials. (NRS 629.061) **Section 5** of this bill requires the custodian of health care records to make the records available for inspection, and includes in the definition of "health care records," for the purposes of that section, any records that reflect the amount charged for medical services or care provided to a patient. **Section 5 further requires the custodian of health care records to make health care records available for inspection by a coroner or medical examiner in the performance of his or her duties.**

A custodian of the health care records of a provider of health care is prohibited by existing law from preventing the provider from inspecting or obtaining copies of the records. If the custodian ceases to do business in this State, the custodian must deliver the records or copies of the records to the provider. Any violation of those requirements is a gross misdemeanor and subjects the custodian to a potential civil penalty of not less than $10,000, to be recovered in a civil action. (NRS 629.063) **Section 6** of this bill provides that only a custodian of health care records who is not licensed under certain provisions of NRS and who violates the foregoing requirements is guilty of a gross misdemeanor. **Section 6** also revises the civil penalty provisions so that ~~[$10,000]~~ **$5,000** is the maximum penalty that may be collected ~~[. Finally, section 6 provides that any action to recover a civil penalty must be brought by the district attorney of the county in which the action is brought.]~~ **for each violation as applied to a patient's entire health care record.**

Existing law requires certain providers of health care to retain the health care records of patients for 5 years after their receipt or production. (NRS 629.051) **Section 9.5** of this bill authorizes the Board of Medical Examiners to take possession of the health care records of a licensee's patients in the event of the licensee's death, disability, incarceration or other incapacitation that renders the licensee unable to continue his or her practice. **Section 9.5** further authorizes the Board to provide a patient's records to the patient or to the patient's subsequent provider of health care. **Section 9.5** also requires that certain disclosures regarding such records be provided to patients.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. "Custodian of health care records" or "custodian" means:

(a) Any person having primary custody of health care records pursuant to this chapter; or

(b) Any facility that maintains the health care records of patients.

2. For the purposes of this section, a provider of health care shall not be deemed to have primary custody of health care records or to be the operator of a facility that maintains the health care records of patients:

(a) Solely by reason of the status of the provider as a member of a group of providers of health care; or

(b) If another person is employed or retained to maintain custody of the health care records of the provider.

Sec. 2. NRS 629.011 is hereby amended to read as follows:

629.011 As used in this chapter, unless the context otherwise requires, ***the*** words and terms defined in NRS 629.021, 629.026 and 629.031 ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. "Provider of health care" means:

(a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS;

(b) A physician assistant;

(c) A dentist;

(d) A licensed nurse;

(e) A person who holds a license as an attendant or who is certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS;

(f) A dispensing optician;

(g) An optometrist;

(h) A speech-language pathologist;

(i) An audiologist;

(j) A practitioner of respiratory care;

(k) A registered physical therapist;

(l) An occupational therapist;

(m) A podiatric physician;

(n) A licensed psychologist;

(o) A licensed marriage and family therapist;

(p) A licensed clinical professional counselor;

(q) A music therapist;

(r) A chiropractor;

(s) An athletic trainer;

(t) A perfusionist;

(u) A doctor of Oriental medicine in any form;

(v) A medical laboratory director or technician;

(w) A pharmacist;

(x) A licensed dietitian;

(y) An associate in social work, a social worker, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS;

(z) An alcohol and drug abuse counselor or a problem gambling counselor who is certified pursuant to chapter 641C of NRS;

(aa) An alcohol and drug abuse counselor or a clinical alcohol and drug abuse counselor who is licensed pursuant to chapter 641C of NRS; or

(bb) A medical facility as the employer of any person specified in this subsection.

2. ~~[For the purposes of NRS 629.051, 629.061, 629.065 and 629.077, the term includes a facility that maintains the health care records of patients.~~

~~3.]~~ For the purposes of NRS 629.400 to 629.490, inclusive, the term includes:

(a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and

(b) A person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.

Sec. 4. NRS 629.051 is hereby amended to read as follows:

629.051 1. Except as otherwise provided in this section and in regulations adopted by the State Board of Health pursuant to NRS 652.135 with regard to the records of a medical laboratory and unless a longer period is provided by federal law, each ~~[provider]~~ ***custodian*** of health care ***records*** shall retain the health care records of ~~[his or her]~~ patients as part of ~~[his or her]~~ ***the*** regularly maintained records ***of the custodian*** for 5 years after their receipt or production. Health care records may be retained in written form, or by microfilm or any other recognized form of size reduction, including, without limitation, microfiche, computer disc, magnetic tape and optical disc, which does not adversely affect their use for the purposes of NRS 629.061. Health care records may be created, authenticated and stored in a computer system which meets the requirements of NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto.

2. A provider of health care shall post, in a conspicuous place in each location at which the provider of health care performs health care services, a sign which discloses to patients that their health care records may be destroyed after the period set forth in subsection 1.

3. When a provider of health care performs health care services for a patient for the first time, the provider of health care shall deliver to the patient a written statement which discloses to the patient that the health care records of the patient may be destroyed after the period set forth in subsection 1.

4. If a provider of health care fails to deliver the written statement to the patient pursuant to subsection 3, the provider of health care shall deliver to the patient the written statement described in subsection 3 when the provider of health care next performs health care services for the patient.

5. In addition to delivering a written statement pursuant to subsection 3 or 4, a provider of health care may deliver such a written statement to a patient at any other time.

6. A written statement delivered to a patient pursuant to this section may be included with other written information delivered to the patient by a provider of health care.

7. A ~~[provider]~~ ***custodian*** of health care ***records*** shall not destroy the health care records of a person who is less than 23 years of age on the date of the proposed destruction of the records. The health care records of a person who has attained the age of 23 years may be destroyed in accordance with this section for those records which have been retained for at least 5 years or for any longer period provided by federal law.

8. The provisions of this section do not apply to a pharmacist.

9. The State Board of Health shall adopt:

(a) Regulations prescribing the form, size, contents and placement of the signs and written statements required pursuant to this section; and

(b) Any other regulations necessary to carry out the provisions of this section.

Sec. 5. NRS 629.061 is hereby amended to read as follows:

629.061 1. Each ~~[provider]~~ ***custodian*** of health care ***records*** shall make the health care records of a patient available for physical inspection by:

(a) The patient or a representative with written authorization from the patient;

(b) The personal representative of the estate of a deceased patient;

(c) Any trustee of a living trust created by a deceased patient;

(d) The parent or guardian of a deceased patient who died before reaching the age of majority;

(e) An investigator for the Attorney General or a grand jury investigating an alleged violation of NRS 200.495, 200.5091 to 200.50995, inclusive, or 422.540 to 422.570, inclusive;

(f) An investigator for the Attorney General investigating an alleged violation of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive, or any fraud in the administration of chapter 616A, 616B, 616C, 616D or 617 of NRS or in the provision of benefits for industrial insurance; ~~[or]~~

(g) Any authorized representative or investigator of a state licensing board during the course of any investigation authorized by law ~~[.]~~ ***; or***

(h) Any coroner or medical examiner to identify a deceased person, determine a cause of death or perform other duties as authorized by law.

2. The records described in subsection 1 must be made available at a place within the depository convenient for physical inspection. Except as otherwise provided in subsection 3, if the records are located:

(a) Within this State, the ~~[provider]~~ ***custodian of health care records*** shall make any records requested pursuant to this section available for inspection within 10 working days after the request.

(b) Outside this State, the ~~[~~provider~~]~~ ***custodian of health care records*** shall make any records requested pursuant to this section available in this State for inspection within 20 working days after the request.

3. If the records described in subsection 1 are requested pursuant to paragraph (e), (f) ***,*** ~~[~~or~~]~~ (g) ***or (h)*** of subsection 1 and the investigator, grand jury ***,*** ~~[~~or~~]~~ authorized representative, ***coroner or medical examiner,*** as applicable, declares that exigent circumstances exist which require the immediate production of the records, the ~~[~~provider~~]~~ ***custodian of health care records*** shall make any records which are located:

(a) Within this State available for inspection within 5 working days after the request.

(b) Outside this State available for inspection within 10 working days after the request.

4. Except as otherwise provided in subsection 5, the ~~[~~provider~~]~~ ***custodian*** of health care ***records*** shall also furnish a copy of the records to each person described in subsection 1 who requests it and pays the actual cost of postage, if any, the costs of making the copy, not to exceed 60 cents per page for photocopies and a reasonable cost for copies of X-ray photographs and other health care records produced by similar processes. No administrative fee or additional service fee of any kind may be charged for furnishing such a copy.

5. The ~~[~~provider~~]~~ ***custodian*** of health care ***records*** shall also furnish a copy of any records that are necessary to support a claim or appeal under any provision of the Social Security Act, 42 U.S.C. §§ 301 et seq., or under any federal or state financial needs-based benefit program, without charge, to a patient, or a representative with written authorization from the patient, who requests it, if the request is accompanied by documentation of the claim or appeal. A copying fee, not to exceed 60 cents per page for photocopies and a reasonable cost for copies of X-ray photographs and other health care records produced by similar processes, may be charged by the ~~[~~provider of health care~~]~~ ***custodian*** for furnishing a second copy of the records to support the same claim or appeal. No administrative fee or additional service fee of any kind may be charged for furnishing such a copy. The ~~[~~provider of health care~~]~~ ***custodian*** shall furnish the copy of the records requested pursuant to this subsection within 30 days after the date of receipt of the request, and the ~~[~~provider of health care~~]~~ ***custodian*** shall not deny the furnishing of a copy of the records pursuant to this subsection solely because the patient is unable to pay the fees established in this subsection.

6. Each person who owns or operates an ambulance in this State shall make the records regarding a sick or injured patient available for physical inspection by:

(a) The patient or a representative with written authorization from the patient;

(b) The personal representative of the estate of a deceased patient;

(c) Any trustee of a living trust created by a deceased patient;

(d) The parent or guardian of a deceased patient who died before reaching the age of majority; or

(e) Any authorized representative or investigator of a state licensing board during the course of any investigation authorized by law.

➥ The records must be made available at a place within the depository convenient for physical inspection, and inspection must be permitted at all reasonable office hours and for a reasonable length of time. The person who owns or operates an ambulance shall also furnish a copy of the records to each person described in this subsection who requests it and pays the actual cost of postage, if any, and the costs of making the copy, not to exceed 60 cents per page for photocopies. No administrative fee or additional service fee of any kind may be charged for furnishing a copy of the records.

7. Records made available to a representative or investigator must not be used at any public hearing unless:

(a) The patient named in the records has consented in writing to their use; or

(b) Appropriate procedures are utilized to protect the identity of the patient from public disclosure.

8. Subsection 7 does not prohibit:

(a) A state licensing board from providing to a provider of health care or owner or operator of an ambulance against whom a complaint or written allegation has been filed, or to his or her attorney, information on the identity of a patient whose records may be used in a public hearing relating to the complaint or allegation, but the provider of health care or owner or operator of an ambulance and the attorney shall keep the information confidential.

(b) The Attorney General from using health care records in the course of a civil or criminal action against the patient or provider of health care.

9. A provider of health care ***, custodian of health care records*** or owner or operator of an ambulance and his or her agents and employees are immune from any civil action for any disclosures made in accordance with the provisions of this section or any consequential damages.

10. For the purposes of this section:

(a) "Guardian" means a person who has qualified as the guardian of a minor pursuant to testamentary or judicial appointment, but does not include a guardian ad litem.

(b) ***"Health care records" has the meaning ascribed to it in NRS 629.021, but also includes any billing statement, ledger or other record of the amount charged for medical services or care provided to a patient.***

(c) "Living trust" means an inter vivos trust created by a natural person:

(1) Which was revocable by the person during the lifetime of the person; and

(2) Who was one of the beneficiaries of the trust during the lifetime of the person.

~~[(c)]~~ ***(d)*** "Parent" means a natural or adoptive parent whose parental rights have not been terminated.

~~[(d)]~~ ***(e)*** "Personal representative" has the meaning ascribed to it in NRS 132.265.

Sec. 6. NRS 629.063 is hereby amended to read as follows:

629.063 1. Subject to the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, or any other federal law or regulation:

(a) A custodian of health care records having custody of any health care records of a provider of health care pursuant to this chapter shall not prevent the provider of health care from physically inspecting the health care records or receiving copies of those records upon request by the provider of health care in the manner specified in NRS 629.061.

(b) If a custodian of health care records specified in paragraph (a) ceases to do business in this State, the custodian of health care records shall, within 10 days after ceasing to do business in this State, deliver the health care records ~~[of]~~ ***created by*** the provider of health care, or copies thereof, to the provider of health care.

2. A custodian of health care records who ***is not otherwise licensed pursuant to title 54 of NRS and*** violates a provision of this section is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $25,000 for each violation, or by both fine and imprisonment.

3. In addition to any criminal penalties imposed pursuant to subsection 2, a custodian of health care records who violates a provision of this section is subject to a civil penalty of not ~~[less]~~ ***more*** than ~~[$10,000]~~ ***$5,000*** for each violation ~~[,]~~ ***as applied to a patient's entire health care record,*** to be recovered in a civil action brought in the district court in the county in which the provider of health care's principal place of business is located or in the district court of Carson City. ~~***[Any such action must be brought by the district attorney of the county in which the action is brought.]***~~

4. As used in this section, "custodian of health care records" ~~[means any person having custody of any health care records pursuant to this chapter. The term]~~ does not include:

(a) A facility for hospice care, as defined in NRS 449.0033;

(b) A facility for intermediate care, as defined in NRS 449.0038;

(c) A facility for skilled nursing, as defined in NRS 449.0039;

(d) A hospital, as defined in NRS 449.012; or

(e) A psychiatric hospital, as defined in NRS 449.0165.

Sec. 7. NRS 629.065 is hereby amended to read as follows:

629.065 1. Each ~~[provider]~~ ***custodian*** of health care ***records*** shall, upon request, make available to a law enforcement agent or district attorney the health care records of a patient which relate to a test of the blood, breath or urine of the patient if:

(a) The patient is suspected of having violated NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425; and

(b) The records would aid in the related investigation.

➥ To the extent possible, the ~~[provider of health care]~~ ***custodian*** shall limit the inspection to the portions of the records which pertain to the presence of alcohol or a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood, breath or urine of the patient.

2. The records must be made available at a place within the depository convenient for physical inspection. Inspection must be permitted at all reasonable office hours and for a reasonable length of time. The ~~[provider]~~ ***custodian*** of health care ***records*** shall also furnish a copy of the records to each law enforcement agent or district attorney described in subsection 1 who requests the copy and pays the costs of reproducing the copy.

3. Records made available pursuant to this section may be presented as evidence during a related administrative or criminal proceeding against the patient.

4. A ~~[provider]~~ ***custodian*** of health care ***records*** and his or her agents and employees are immune from any civil action for any disclosures made in accordance with the provisions of this section or any consequential damages.

5. As used in this section, "prohibited substance" has the meaning ascribed to it in NRS 484C.080.

Sec. 8. NRS 629.066 is hereby amended to read as follows:

629.066 1. After a patient provides to a provider of health care, and the provider of health care accepts from the patient, any information regarding a health care plan for the purpose of paying for a service which has been or may be rendered to the patient:

(a) The ~~[provider]~~ ***custodian*** of health care ***records of the patient*** shall maintain a record of the information provided by the patient; and

(b) If the provider of health care fails to submit any claim for payment of any portion of any charge pursuant to the terms of the health care plan, the provider of health care shall not request or require payment from the patient of any portion of the charge beyond the portion of the charge which the patient would have been required to pay pursuant to the terms of the health care plan if the provider of health care had submitted the claim for payment pursuant to the terms of the health care plan.

2. The provisions of paragraph (b) of subsection 1 do not apply to a claim if the patient provides information to the provider of health care which is inaccurate, outdated or otherwise causes the provider of health care to submit the claim in a manner which violates the terms of the health care plan.

3. Any provision of any agreement between a patient and a provider of health care which conflicts with the provisions of this section is void.

4. As used in this section, "health care plan" has the meaning ascribed to it in NRS 679B.520.

Sec. 9. NRS 629.068 is hereby amended to read as follows:

629.068 1. A ~~[provider]~~ ***custodian*** of health care ***records*** shall, upon request of the Director of the Department of Corrections or the designee of

the Director, provide the Department of Corrections with a complete copy of the health care records of an offender confined at the state prison.

2. Records provided to the Department of Corrections must not be used at any public hearing unless:

(a) The offender named in the records has consented in writing to their use; or

(b) Appropriate procedures are utilized to protect the identity of the offender from public disclosure.

3. A ~~[~~provider~~]~~ ***custodian*** of health care ***records*** and ~~[~~an~~]~~ ***any*** agent or employee of ~~[~~a provider of health care~~]~~ ***the custodian*** are immune from civil liability for a disclosure made in accordance with the provisions of this section.

Sec. 9.5. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a licensee becomes unable to practice because of death, disability, incarceration or any other incapacitation, the Board may take possession of the health care records of patients of the licensee kept by the custodian of health care records pursuant to NRS 629.051 to:

(a) Make the health care records of a patient available to the patient either directly or through a third-party vendor; or

(b) Forward the health care records of a patient to the patient's subsequent provider of health care.

2. A licensee shall post, in a conspicuous place in each location at which the licensee provides health care services, a sign which discloses to patients that their health care records may be accessed by the Board pursuant to subsection 1.

3. When a licensee provides health care services for a patient for the first time, the licensee shall deliver to the patient a written statement which discloses to the patient that the health care records of the patient may be accessed by the Board pursuant to subsection 1.

4. The Board shall adopt:

(a) Regulations prescribing the form, size, contents and placement of the sign and written statement required by this section; and

(b) Any other regulations necessary to carry out the provisions of this section.

5. As used in this section:

(a) "Custodian of health care records" has the meaning ascribed to it in section 1 of this act.

(b) "Health care records" has the meaning ascribed to it in NRS 629.021.

Sec. 10. NRS 630.3062 is hereby amended to read as follows:

630.3062 ***1.*** The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

~~[~~1.~~]~~ ***(a)*** Failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient.

~~[2.]~~ ***(b)*** Altering medical records of a patient.

~~[3.]~~ ***(c)*** Making or filing a report which the licensee knows to be false, failing to file a record or report as required by law or knowingly or willfully obstructing or inducing another to obstruct such filing.

~~[4.]~~ ***(d)*** Failure to make the medical records of a patient available for inspection and copying as provided in NRS 629.061 ~~[.~~

~~5.]~~ ***, if the licensee is the custodian of health care records with respect to those records.***

(e) Failure to comply with the requirements of NRS 630.3068.

~~[6.]~~ ***(f)*** Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

~~[7.]~~ ***(g)*** Failure to comply with the requirements of NRS 453.163 or 453.164.

2. As used in this section, "custodian of health care records" has the meaning ascribed to it in section 1 of this act.

Sec. 11. NRS 631.3485 is hereby amended to read as follows:

631.3485 ***1.*** The following acts, among others, constitute unprofessional conduct:

~~[1.]~~ ***(a)*** Willful or repeated violations of the provisions of this chapter;

~~[2.]~~ ***(b)*** Willful or repeated violations of the regulations of the State Board of Health, the State Board of Pharmacy or the Board of Dental Examiners of Nevada;

~~[3.]~~ ***(c)*** Failure to pay the fees for a license; or

~~[4.]~~ ***(d)*** Failure to make the health care records of a patient available for inspection and copying as provided in NRS 629.061 ~~[.]~~ ***, if the dentist or dental hygienist is the custodian of health care records with respect to those records.***

2. As used in this section, "custodian of health care records" has the meaning ascribed to it in section 1 of this act.

Sec. 12. NRS 633.131 is hereby amended to read as follows:

633.131 1. "Unprofessional conduct" includes:

(a) Knowingly or willfully making a false or fraudulent statement or submitting a forged or false document in applying for a license to practice osteopathic medicine or to practice as a physician assistant, or in applying for the renewal of a license to practice osteopathic medicine or to practice as a physician assistant.

(b) Failure of a person who is licensed to practice osteopathic medicine to identify himself or herself professionally by using the term D.O., osteopathic physician, doctor of osteopathy or a similar term.

(c) Directly or indirectly giving to or receiving from any person, corporation or other business organization any fee, commission, rebate or other form of compensation for sending, referring or otherwise inducing a person to communicate with an osteopathic physician in his or her

professional capacity or for any professional services not actually and personally rendered, except as otherwise provided in subsection 2.

(d) Employing, directly or indirectly, any suspended or unlicensed person in the practice of osteopathic medicine or in practice as a physician assistant, or the aiding or abetting of any unlicensed person to practice osteopathic medicine or to practice as a physician assistant.

(e) Advertising the practice of osteopathic medicine in a manner which does not conform to the guidelines established by regulations of the Board.

(f) Engaging in any:

(1) Professional conduct which is intended to deceive or which the Board by regulation has determined is unethical; or

(2) Medical practice harmful to the public or any conduct detrimental to the public health, safety or morals which does not constitute gross or repeated malpractice or professional incompetence.

(g) Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, otherwise than in the course of legitimate professional practice or as authorized by law.

(h) Habitual drunkenness or habitual addiction to the use of a controlled substance.

(i) Performing, assisting in or advising an unlawful abortion or the injection of any liquid silicone substance into the human body, other than the use of silicone oil to repair a retinal detachment.

(j) Knowingly or willfully disclosing a communication privileged pursuant to a statute or court order.

(k) Knowingly or willfully disobeying regulations of the State Board of Health, the State Board of Pharmacy or the State Board of Osteopathic Medicine.

(l) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any prohibition made in this chapter.

(m) Failure of a licensee to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient.

(n) Making alterations to the medical records of a patient that the licensee knows to be false.

(o) Making or filing a report which the licensee knows to be false.

(p) Failure of a licensee to file a record or report as required by law, or knowingly or willfully obstructing or inducing any person to obstruct such filing.

(q) Failure of a licensee to make medical records of a patient available for inspection and copying as provided by NRS 629.061 ~~[.]~~ ***, if the licensee is the custodian of health care records with respect to those records.***

(r) Providing false, misleading or deceptive information to the Board in connection with an investigation conducted by the Board.

2. It is not unprofessional conduct:

(a) For persons holding valid licenses to practice osteopathic medicine issued pursuant to this chapter to practice osteopathic medicine in partnership under a partnership agreement or in a corporation or an association authorized by law, or to pool, share, divide or apportion the fees and money received by them or by the partnership, corporation or association in accordance with the partnership agreement or the policies of the board of directors of the corporation or association;

(b) For two or more persons holding valid licenses to practice osteopathic medicine issued pursuant to this chapter to receive adequate compensation for concurrently rendering professional care to a patient and dividing a fee if the patient has full knowledge of this division and if the division is made in proportion to the services performed and the responsibility assumed by each person; or

(c) For a person licensed to practice osteopathic medicine pursuant to the provisions of this chapter to form an association or other business relationship with an optometrist pursuant to the provisions of NRS 636.373.

3. As used in this section, "custodian of health care records" has the meaning ascribed to it in section 1 of this act.

Sec. 13. This act becomes effective on July 1, 2017.

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 337.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 730.

AN ACT relating to pharmacists; **requiring the State Board of Pharmacy to adopt regulations pertaining to the collection of specimens and performance of certain laboratory tests by a registered pharmacist;** authorizing a registered pharmacist to manipulate a person for the collection of specimens; authorizing a registered pharmacist to perform certain laboratory tests without obtaining certification as an assistant in a medical laboratory; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits persons other than certain licensed health care professionals from manipulating a person for the collection of specimens. In addition, existing law authorizes such licensed medical professionals to perform any laboratory test which is classified as a waived test pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations without obtaining certification as an assistant in a medical laboratory. (NRS 652.210) **~~[~~~This~~~]~~ Section 2 of this** bill authorizes a registered pharmacist to manipulate

a person for the collection of specimens and perform such laboratory tests without obtaining certification as an assistant in a medical laboratory.

Section 1 of this bill requires the State Board of Pharmacy to adopt regulations that are necessary to carry out the provisions of section 2 with regard to a registered pharmacist. Section 1 further specifies that such regulations must: (1) require a registered pharmacist to use only a fingerstick or oral or nasal swab to collect the specimens pursuant to section 2; and (2) set forth the procedures and requirements with which a registered pharmacist must comply when performing the duties authorized by section 2.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Board shall adopt such regulations as are necessary to carry out the provisions of NRS 652.210 with regard to a registered pharmacist, including, without limitation, regulations that:

(a) Require a registered pharmacist to use only a fingerstick or oral or nasal swab to collect the specimens pursuant to NRS 652.210; and

(b) Set forth the procedures and requirements with which a registered pharmacist shall comply when manipulating a person for the collection of specimens or performing any laboratory test pursuant to NRS 652.210.

2. As used in this section, "fingerstick" means a procedure in which a finger is pricked with a lancet, small blade or other instrument to obtain a small quantity of blood for any laboratory test pursuant to NRS 652.210.

~~[Section 1.]~~ ***Sec. 2.*** NRS 652.210 is hereby amended to read as follows:

652.210 1. Except as otherwise provided in subsection 2 and NRS 126.121 and 652.186, no person other than a licensed physician, a licensed optometrist, a licensed practical nurse, a registered nurse, a perfusionist, a physician assistant licensed pursuant to chapter 630 or 633 of NRS, a certified advanced emergency medical technician, a certified paramedic, a practitioner of respiratory care licensed pursuant to chapter 630 of NRS ***,*** ~~[or]~~ a licensed dentist ***or a registered pharmacist*** may manipulate a person for the collection of specimens. The persons described in this subsection may perform any laboratory test which is classified as a waived test pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations without obtaining certification as an assistant in a medical laboratory pursuant to NRS 652.127.

2. The technical personnel of a laboratory may collect blood, remove stomach contents, perform certain diagnostic skin tests or field blood tests or collect material for smears and cultures.

~~[Sec. 2.]~~ ***Sec. 3.*** This act becomes effective on July 1, 2017.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 397.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 868.

AN ACT relating to employment; requiring **certain** penalties and fines imposed by the Nevada Equal Rights Commission for certain unlawful discriminatory practices to be deposited in the State General Fund; **requiring civil penalties imposed by the Nevada Equal Rights Commission for certain unlawful employment practices to be deposited in the Nevada Equal Rights Commission Gift Fund for certain purposes;** making it an unlawful employment practice for an employer, employment agency or labor organization to discriminate against a person for inquiring about, discussing or disclosing information about wages in certain circumstances; revising provisions relating to unlawful employment practices; revising provisions governing the filing of complaints of employment discrimination with the Nevada Equal Rights Commission; revising the relief that the Commission may order if it determines that an unlawful employment practice has occurred; **authorizing a person who has been injured by an unlawful employment practice relating to discussing or disclosing information about wages to file a complaint with the Nevada Equal Rights Commission;** revising provisions relating to the time in which an employee may seek relief in district court for a claim of unlawful employment practices; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits an employer, employment agency, labor organization or joint labor-management committee from discriminating against any person with respect to employment or membership, as applicable, on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin. (NRS 613.330) Existing law also requires the Nevada Equal Rights Commission to accept certain complaints alleging unlawful discriminatory practices and, if the Commission determines that an unlawful practice has occurred, order: (1) the person engaging in the practice to cease and desist; and (2) for a case involving an unlawful employment practice, the restoration of all benefits and rights to which the aggrieved person is entitled. (NRS 233.157, 233.160, 233.170)

Section 1.5 of this bill revises provisions governing the filing of complaints alleging a practice of unlawful discrimination in compensation to

require that the complaint be filed within 300 days after any date on which: (1) a decision or practice resulting in discriminatory compensation is adopted; (2) a person becomes subject to such a decision or practice; or (3) a person is affected by an application of such a decision or practice. **Section 1.5** also requires the Commission to notify each party to a complaint of the period of time that a person may apply to a district court for relief. ~~[Section]~~ **Sections 2 and 2.5** of this bill ~~[revises]~~ **revise** the powers of the Commission to order remedies for unlawful employment practices. **Section 2** authorizes the Commission to: (1) award back pay for a period beginning 2 years before the date of the filing of a complaint regarding an unlawful employment practice and ending on the date the Commission issues an order regarding the complaint; (2) award costs and reasonable attorney's fees in cases involving an unlawful employment practice; (3) order payment of compensatory damages or, if the employer acted with malice or reckless indifference, punitive damages in cases involving an unlawful employment practice relating to discrimination on the basis of sex; and (4) order a civil penalty, in increasing amounts, for an unlawful employment practice that it determines is willful based on the number of such practices the person has committed in the previous 5 years. **Section 1** of this bill requires **, with limited exception,** that any penalty or fine imposed by the Commission for certain unlawful discriminatory practices be deposited in the State General Fund and authorizes the Commission to present a claim for recommendation to the Interim Finance Committee if money is required to pay certain costs. **Section 1 requires that any civil penalty imposed by the Commission for willful unlawful employment practices be deposited in the Nevada Equal Rights Commission Gift Fund and used to prevent unlawful employment practices through enforcement, outreach and training.**

Section 12 of this bill requires the Commission, if it does not conclude that an unfair employment practice has occurred, to issue a letter to the person who filed the complaint concerning an unfair employment practice. This letter must notify the person of his or her right to apply to the district court for an order relating to the alleged unfair employment practice ~~.~~ **,** ~~[,]~~ **and any potential punitive damages owed to the person.** **Section 13** of this bill provides that a person may apply to a district court for relief pursuant to **section 12** up to 180 days after the date of issuance of the letter described in **section 12**, in addition to the existing authority to apply to a district court for relief up to 180 days after the date of the alleged act.

This bill also enacts several provisions contained in the federal Paycheck Fairness Act, which was most recently introduced in the United States Senate on March 25, 2015, but has not been enacted to date. (S. 862 (114th)) Specifically, **section 3** of this bill prohibits an employer, employment agency or labor organization from discriminating against any person with respect to employment or membership, as applicable, for inquiring about, discussing or disclosing information about wages unless the person has access to information about the wages of other persons as part of his or her essential

job functions and discloses the information to a person who does not have access to that information. **Under section 11 of this bill, any person injured by such an unlawful employment practice may file a complaint with the Commission. Section 7** of this bill provides that it is an unlawful employment practice to use a qualification which is based upon or derived from a difference on the basis of sex or a qualification that an employer, employment agency, labor organization or joint labor-management committee has refused to change after being presented by an affected person with an alternative practice that would serve the same purpose in a manner that is less discriminatory on the basis of sex.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 233 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[All]~~ Except as otherwise provided in subsection 3, all penalties and fines imposed by the Commission pursuant to NRS 233.170 and 233.210 must be deposited with the State Treasurer for credit to the State General Fund.

2. If the money collected from the imposition of any penalty and fine is deposited in the State General Fund pursuant to subsection 1, the Commission may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if ~~[the]~~ money is required to pay attorney's fees or the costs of an investigation, or both.

3. A civil penalty imposed by the Commission pursuant to subparagraph (5) of paragraph (b) of subsection 3 of NRS 233.170 must be deposited in the Nevada Equal Rights Commission Gift Fund created by NRS 233.155. The money described in this subsection must be accounted for separately in the Fund and used only for the purpose of preventing unlawful employment practices in this State through enforcement of this chapter, outreach and training.

Sec. 1.5. NRS 233.160 is hereby amended to read as follows:

233.160 1. A complaint which alleges unlawful discriminatory practices in:

(a) Housing must be filed with the Commission not later than 1 year after the date of the occurrence of the alleged practice or the date on which the practice terminated.

(b) Employment or public accommodations must be filed with the Commission not later than 300 days after the date of the occurrence of the alleged practice.

➥ A complaint is timely if it is filed with an appropriate federal agency within that period. A complainant shall not file a complaint with the Commission if any other state or federal administrative body or officer which has comparable jurisdiction to adjudicate complaints of discriminatory

practices has made a decision upon a complaint based upon the same facts and legal theory.

2. The complainant shall specify in the complaint the alleged unlawful practice and sign it under oath.

3. The Commission shall send to the party against whom an unlawful discriminatory practice is alleged:

(a) A copy of the complaint;

(b) An explanation of the rights which are available to that party; and

(c) A copy of the Commission's procedures.

4. The Commission shall notify each party to the complaint of the limitation on the period of time that a person may apply to the district court for relief pursuant to NRS 613.430.

5. For the purposes of paragraph (b) of subsection 1, an unlawful discriminatory practice in employment which relates to compensation occurs on each date on which:

(a) A decision or other practice resulting in discriminatory compensation is adopted;

(b) A person becomes subject to a decision or other practice resulting in discriminatory compensation; or

(c) A person is affected by an application of a decision or other practice resulting in discriminatory compensation, including, without limitation, each payment of wages, benefits or other compensation that is affected by the decision or practice.

Sec. 2. NRS 233.170 is hereby amended to read as follows:

233.170 1. When a complaint is filed whose allegations if true would support a finding of unlawful practice, the Commission shall determine whether to hold an informal meeting to attempt a settlement of the dispute in accordance with the regulations adopted pursuant to NRS 233.157. If the Commission determines to hold an informal meeting, the Administrator may, to prepare for the meeting, request from each party any information which is reasonably relevant to the complaint. No further action may be taken if the parties agree to a settlement.

2. If an agreement is not reached at the informal meeting, the Administrator shall determine whether to conduct an investigation into the alleged unlawful practice in accordance with the regulations adopted pursuant to NRS 233.157. After the investigation, if the Administrator determines that an unlawful practice has occurred, the Administrator shall attempt to mediate between or reconcile the parties. The party against whom a complaint was filed may agree to cease the unlawful practice. If an agreement is reached, no further action may be taken by the complainant or by the Commission.

3. If the attempts at mediation or conciliation fail, the Commission may hold a public hearing on the matter. After the hearing, if the Commission determines that an unlawful practice has occurred, it may:

(a) Serve a copy of its findings of fact within 10 calendar days upon any person found to have engaged in the unlawful practice; and

(b) Order the person to:

(1) Cease and desist from the unlawful practice.

(2) In cases involving an unlawful employment practice, restore all benefits and rights to which the aggrieved person is entitled, including, but not limited to, rehiring, back pay for a period ~~[not to exceed 2 years after the date of the most recent unlawful practice,]~~ ***described in subsection 4,*** annual leave time, sick leave time or pay, other fringe benefits and seniority, with interest thereon from the date of the Commission's decision at a rate equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date of the Commission's decision, plus 2 percent. The rate of interest must be adjusted accordingly on each January 1 and July 1 thereafter until the judgment is satisfied.

(3) In cases involving an unlawful employment practice, pay the costs and reasonable attorney's fees incurred by the aggrieved person to pursue the claim.

(4) In cases involving an unlawful employment practice relating to discrimination on the basis of sex, pay an amount determined to be appropriate by the Commission as compensatory damages ~~[or, if the Commission determines that the employer acted with malice or reckless indifference, punitive damages.]~~ which, upon submission of proof by the aggrieved party, may include, without limitation, compensation that would have been earned in the absence of discrimination for overtime, shift differential, commissions, tips, cost of living adjustments, merit increases or promotions, or for other fringe benefits, including, without limitation, vacation pay, pension or retirement benefits, stock options or bonus plans, contributions to a savings plan, profit sharing or benefits for medical or life insurance.

(5) In cases involving an unlawful employment practice that the Commission determines was willful, pay a civil penalty of:

(I) For the first unlawful employment practice that the person has engaged in during the immediately preceding 5 years which the Commission determines was willful, not more than $10,000.

(II) For the second unlawful employment practice that the person has engaged in during the immediately preceding 5 years which the Commission determines was willful, not more than $15,000.

(III) For the third and any subsequent unlawful employment practice that the person has engaged in during the immediately preceding 5 years which the Commission determines was willful, not more than $25,000.

4. ***For the purposes of subparagraph (2) of paragraph (b) of subsection 3, the period for back pay must not exceed a period beginning 2 years before the date on which the complaint was filed and ending on the date***

the Commission issues an order pursuant to paragraph (b) of subsection 3 addressing all unlawful practices which occur during that period and which are similar or related to an unlawful practice in the complaint.

5. The Commission shall adopt regulations setting forth the manner in which the Commission will determine whether an unlawful employment practice was willful.

6. The order of the Commission is a final decision in a contested case for the purpose of judicial review. If the person fails to comply with the Commission's order, the Commission shall apply to the district court for an order compelling such compliance, but failure or delay on the part of the Commission does not prejudice the right of an aggrieved party to judicial review. The court shall issue the order unless it finds that the Commission's findings or order are not supported by substantial evidence or are otherwise arbitrary or capricious. If the court upholds the Commission's order and finds that the person has violated the order by failing to cease and desist from the unlawful practice or to make the payment ordered, the court ~~[shall]~~ **:**

(a) Shall award the aggrieved party actual damages for any economic loss **;** and ~~[no more.~~

~~5. 6.]~~ ***(b) May, if the court determines that the employer's act or failure to act was the result of malice or reckless indifference, impose an amount determined to be appropriate by the court as punitive damages.***

7. After the Commission has held a public hearing and rendered a decision, the complainant is barred from proceeding on the same facts and legal theory before any other administrative body or officer.

Sec. 2.5. **NRS 233.210 is hereby amended to read as follows:**

233.210 Any person who willfully resists, prevents, impedes or interferes with the Commission, its members, the Administrator or agents in the performance of duties pursuant to this chapter shall be fined not more than $500. ***In such an action, the Commission may recover any reasonable costs or expenses incurred by the Commission, its members, the Administrator or agents in the performance of duties pursuant to this chapter.***

Sec. 3. Chapter 613 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, it is an unlawful employment practice for an employer to discriminate against any of his or her employees or applicants for employment, for an employment agency to discriminate against any person, or for a labor organization to discriminate against any member thereof or an applicant for membership, because the employee, applicant, person or member, as applicable, has inquired about, discussed or disclosed his or her wages or the wages of another employee, applicant, person or member.

2. The provisions of subsection 1 do not apply to an employee, applicant, person or member who has access to information about the wages of other employees, applicants, persons or members as part of his or her essential job functions and discloses that information to a person who

does not have access to that information unless the disclosure is in response to a charge, complaint or investigation for a violation of NRS 613.330.

Sec. 4. NRS 613.310 is hereby amended to read as follows:

613.310 As used in NRS 613.310 to 613.435, inclusive, ***and section 3 of this act,*** unless the context otherwise requires:

1. "Disability" means, with respect to a person:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person, including, without limitation, the human immunodeficiency virus;

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

2. "Employer" means any person who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, but does not include:

(a) The United States or any corporation wholly owned by the United States.

(b) Any Indian tribe.

(c) Any private membership club exempt from taxation pursuant to 26 U.S.C. § 501(c).

3. "Employment agency" means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer, but does not include any agency of the United States.

4. "Gender identity or expression" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.

5. "Labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or other conditions of employment.

6. "Person" includes the State of Nevada and any of its political subdivisions.

7. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

Sec. 5. NRS 613.320 is hereby amended to read as follows:

613.320 1. The provisions of NRS 613.310 to 613.435, inclusive, ***and section 3 of this act*** do not apply to:

(a) Any employer with respect to employment outside this state.

(b) Any religious corporation, association or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on of its religious activities.

2. The provisions of NRS 613.310 to 613.435, inclusive, ***and section 3 of this act*** concerning unlawful employment practices related to sexual

orientation and gender identity or expression do not apply to an organization that is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).

Sec. 6. NRS 613.340 is hereby amended to read as follows:

613.340 1. It is an unlawful employment practice for an employer to discriminate against any of his or her employees or applicants for employment, for an employment agency to discriminate against any person, or for a labor organization to discriminate against any member thereof or applicant for membership, because the employee, applicant, person or member, as applicable, has opposed any practice made an unlawful employment practice by NRS 613.310 to 613.435, inclusive, ***and section 3 of this act,*** or because he or she has made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing under NRS 613.310 to 613.435, inclusive ~~[.]~~ ***, and section 3 of this act.***

2. It is an unlawful employment practice for an employer, labor organization or employment agency to print or publish or cause to be printed or published any notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by such a labor organization, or relating to any classification or referral for employment by such an employment agency, indicating any preference, limitation, specification or discrimination, based on race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin, except that such a notice or advertisement may indicate a preference, limitation, specification or discrimination based on religion, sex, sexual orientation, gender identity or expression, age, physical, mental or visual condition or national origin when religion, sex, sexual orientation, gender identity or expression, age, physical, mental or visual condition or national origin is a bona fide occupational qualification for employment.

Sec. 7. NRS 613.350 is hereby amended to read as follows:

613.350 1. It is not an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify or refer for employment any person, for a labor organization to classify its membership or to classify or refer for employment any person, or for an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any person in any such program, on the basis of his or her religion, sex, sexual orientation, gender identity or expression, age, disability or national origin in those instances where religion, sex, sexual orientation, gender identity or expression, age, physical, mental or visual condition or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

2. It is not an unlawful employment practice for an employer to fail or refuse to hire and employ employees, for an employment agency to fail to classify or refer any person for employment, for a labor organization to fail to classify its membership or to fail to classify or refer any person for employment, or for an employer, labor organization or joint labor-

management committee controlling apprenticeship or other training or retraining programs to fail to admit or employ any person in any such program, on the basis of a disability in those instances where physical, mental or visual condition is a bona fide and relevant occupational qualification necessary to the normal operation of that particular business or enterprise, if it is shown that the particular disability would prevent proper performance of the work for which the person with a disability would otherwise have been hired, classified, referred or prepared under a training or retraining program.

3. It is not an unlawful employment practice for an employer to fail or refuse to hire or to discharge a person, for an employment agency to fail to classify or refer any person for employment, for a labor organization to fail to classify its membership or to fail to classify or refer any person for employment, or for an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining programs to fail to admit or employ any person in any such program, on the basis of his or her age if the person is less than 40 years of age.

4. It is not an unlawful employment practice for a school, college, university or other educational institution or institution of learning to hire and employ employees of a particular religion if the school or institution is, in whole or in substantial part, owned, supported, controlled or managed by a particular religion or by a particular religious corporation, association or society, or if the curriculum of the school or institution is directed toward the propagation of a particular religion.

5. It is not an unlawful employment practice for an employer to observe the terms of any bona fide plan for employees' benefits, such as a retirement, pension or insurance plan, which is not a subterfuge to evade the provisions of NRS 613.310 to 613.435, inclusive, ***and section 3 of this act*** as they relate to discrimination against a person because of age, except that no such plan excuses the failure to hire any person who is at least 40 years of age.

6. It is not an unlawful employment practice for an employer to require employees to adhere to reasonable workplace appearance, grooming and dress standards so long as such requirements are not precluded by law, except that an employer shall allow an employee to appear, groom and dress consistent with the employee's gender identity or expression.

7. For the purpose of subsection 1, the term "bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise" does not include:

(a) A qualification which is based upon or derived from a difference on the basis of sex; or

(b) A qualification which the employer, employment agency, labor organization or joint labor-management committee has refused to change after an affected person has presented an alternative practice that would

serve the same purpose without producing the same amount of differential treatment on the basis of sex.

Sec. 8. NRS 613.380 is hereby amended to read as follows:

613.380 Notwithstanding any other provision of NRS 613.310 to 613.435, inclusive, ***and section 3 of this act,*** it is not an unlawful employment practice for an employer to apply different standards of compensation, or different terms, conditions or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations, if those differences are not the result of an intention to discriminate because of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin, nor is it an unlawful employment practice for an employer to give and to act upon the results of any professionally developed ability test, if the test, its administration or action upon the results is not designed, intended or used to discriminate because of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin.

Sec. 9. NRS 613.390 is hereby amended to read as follows:

613.390 Nothing contained in NRS 613.310 to 613.435, inclusive, ***and section 3 of this act*** applies to any business or enterprise on or near an Indian reservation with respect to any publicly announced employment practice of such business or enterprise under which a preferential treatment is given to any individual because the individual is an Indian living on or near a reservation.

Sec. 10. NRS 613.400 is hereby amended to read as follows:

613.400 Nothing contained in NRS 613.310 to 613.435, inclusive, ***and section 3 of this act*** requires any employer, employment agency, labor organization or joint labor-management committee subject to NRS 613.310 to 613.435, inclusive, ***and section 3 of this act*** to grant preferential treatment to any person or to any group because of the race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin of the individual or group on account of an imbalance which exists with respect to the total number or percentage of persons of any race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of that race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin in any community, section or other area, or in the available workforce in any community, section or other area.

Sec. 11. NRS 613.405 is hereby amended to read as follows:

613.405 ~~[Any]~~

1. Except as otherwise provided in subsection 2, any person injured by an unlawful employment practice within the scope of NRS 613.310 to 613.435, inclusive, ***and section 3 of this act*** may file a complaint to that effect with the Nevada Equal Rights Commission if the complaint is based on discrimination because of race, color, sex, sexual orientation, gender identity or expression, age, disability, religion or national origin.

2. Any person injured by an unlawful employment practice within the scope of section 3 of this act may file a complaint to that effect with the Nevada Equal Rights Commission regardless of whether the complaint is based on discrimination because of race, color, sex, sexual orientation, gender identity or expression, age, disability, religion or national origin.

Sec. 12. NRS 613.420 is hereby amended to read as follows:

613.420 If the Nevada Equal Rights Commission does not conclude that an unfair employment practice within the scope of NRS 613.310 to 613.435, inclusive, ***and section 3 of this act*** has occurred ~~[, any]~~ ***:***

1. Any person alleging such a practice may apply to the district court for an order granting or restoring to that person the rights to which the person is entitled under those sections ~~[.]~~ ***and, if the court determines that the employer's act or failure to act was the result of malice or reckless indifference, imposing an amount determined to be appropriate by the court as punitive damages ; and***

2. The Commission shall issue a letter to the person who filed the complaint pursuant to NRS 613.405 notifying the person of his or her rights pursuant to subsection 1.

Sec. 13. NRS 613.430 is hereby amended to read as follows:

613.430 No action authorized by NRS 613.420 may be brought more than 180 days after the date of the act complained of ~~[.]~~ ***or more than 180 days after the date of the issuance of the letter described in subsection 2 of NRS 613.420, whichever is later.*** When a complaint is filed with the Nevada Equal Rights Commission the limitation provided by this section is tolled as to any action authorized by NRS 613.420 during the pendency of the complaint before the Commission.

Sec. 14. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2018, for all other purposes.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 406.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 731.

AN ACT relating to court reporters; ~~[authorizing the issuance and renewal of a temporary certificate of registration to engage in the practice of court reporting in certain circumstances; prescribing a fee for the issuance and renewal of such a temporary certificate of registration;]~~ revising the qualifications for a certificate of registration as a court reporter; authorizing the Certified Court Reporters' Board of Nevada to take additional actions against certain unlicensed practices; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law authorizes a person who meets certain requirements to practice court reporting on a temporary basis, with the approval of the Certified Court Reporters' Board of Nevada, if there is an acknowledged shortage of court reporters. (NRS 656.145) Section 2 of this bill authorizes a natural person to obtain a temporary certificate of registration from the Board to engage in the practice of court reporting on a temporary basis if there is such an acknowledged shortage or the applicant is an active member of, or the spouse of an active member of, the Armed Forces of the United States and meets certain other requirements. Section 19 of this bill sets forth the fee for the issuance and renewal of such a temporary certificate of registration.]~~

Existing law provides that willfully altering a transcript of stenographic notes taken at any proceedings is a grounds for disciplinary action against a court reporter or court reporting firm. (NRS 656.250) **Section 4** of this bill further prohibits, with limited exceptions, a court reporter or a court reporting firm from altering the record of a proceeding after the transcript of the proceeding has been certified.

Sections 15, 20, 21, 24, 25, 29, 33 and 35 of this bill require licensed court reporting firms to comply with certain existing laws which apply to certified court reporters.

Existing law prohibits any person from putting out a sign or card or other device which indicates to members of the public that the person is entitled to engage in the practice of court reporting or conduct business as a court reporting firm. (NRS 656.145, 656.185) **Sections 10 and 15** of this bill prohibit the use of any identifying term by a natural person or business entity that may indicate to the public that the natural person or business entity is entitled to: (1) practice as a court reporter; or (2) conduct business as a court reporting firm.

Existing law requires an applicant for a certificate of registration as a court reporter to pass an examination administered by the **Certified Court Reporters'** Board **of Nevada** that includes a practical demonstration portion. (NRS 656.160, 656.180) **Section 12-14** of this bill: (1) eliminate the requirement for that portion of the examination and instead require such an applicant to receive a passing grade on one of two enumerated national

examinations; (2) revise the requirements for admission to the examination administered by the Board; and (3) revise the qualifications of an applicant for a certificate of registration as a certified court reporter.

Existing law authorizes the Attorney General of the State of Nevada, the district attorney of any county in the State or any resident to maintain an action in the name of the State of Nevada to enjoin any person from unlawfully engaging in the practice of court reporting or unlawfully conducting business as a court reporting firm without first obtaining a certificate or license or with a suspended or revoked certificate or license. (NRS 656.300) **Section 29** of this bill instead authorizes the Board to impose administrative fines against, issue citations to, and issue and serve orders to cease and desist on natural persons who and business entities that engage in such unlicensed practices or conduct.

Existing law provides that a person who violates any law or regulation governing court reporters and court reporting firms is subject to a civil penalty of not more than $5,000 for each violation. (NRS 656.360) **Section 35** of this bill removes that provision and instead authorizes the Board, after notice and hearing, to impose upon a natural person or business entity who violates any law or regulation governing certified court reporters and court reporting firms an administrative fine of not more than $5,000 for each violation for which the administrative fine is imposed.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 656 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ~~[*1. The Board may issue a temporary certificate of registration to a natural person who meets the requirements set forth in this section if:*~~

~~*(a) There is an acknowledged unavailability of a certified court reporter; or*~~

~~*(b) The applicant is an active member of, or the spouse of an active member of, the Armed Forces of the United States.*~~

~~*2. An applicant for a temporary certificate of registration must file an application with the Executive Secretary of the Board as required by NRS 656.150 and submit to the Board with his or her application, satisfactory evidence to the Board that he or she has:*~~

~~*(a) Satisfied the requirements set forth in subsections 1 to 5, inclusive, of NRS 656.180;*~~

~~*(b) At least one continuous year of experience working as a full time court reporter;*~~

~~*(c) Received one of the following:*~~

~~*(1) A certificate as a registered professional reporter issued to the applicant by the National Court Reporters Association;*~~

~~*(2) A certificate as a registered merit reporter issued to the applicant by the National Court Reporters Association;*~~

~~*(3) A certificate as a certified verbatim reporter issued to the applicant by the National Verbatim Reporters Association; or*~~

~~*(4) A valid certificate or license to practice court reporting issued to the applicant by the District of Columbia or any state or territory of the United States if the requirements for certification or licensure in that jurisdiction are*~~

~~*substantially equivalent to the requirements of this State for obtaining a certificate;*~~

~~*(d) Paid the fee for a temporary certificate of registration set forth in NRS 656.220; and*~~

~~*(e) Submitted all information required to complete an application for a temporary certificate of registration.*~~

~~*3. A temporary certificate of registration issued pursuant to this section is valid for not more than 12 months and, except as otherwise provided in subsection 5, may be renewed on or before January 2 of the succeeding year by:*~~

~~*(a) Applying to the Board for renewal;*~~

~~*(b) Paying the fee for the annual renewal of a temporary certificate of registration set forth in NRS 656.220; and*~~

~~*(c) Submitting all information required to complete an application for renewal of a temporary certificate of registration, including, without limitation, proof of compliance with the provisions of paragraph (b) of subsection 4.*~~

~~*4. A natural person to whom a temporary certificate of registration is issued pursuant to this section may engage in the practice of court reporting and must:*~~

~~*(a) Comply with all the provisions of this chapter and all applicable laws, regulations and court and procedural rules governing the practice of court reporting in this State; and*~~

~~*(b) Except as otherwise provided in this paragraph, pay the applicable fees for examination and take the examinations administered by the Board pursuant to NRS 656.160 and one of the examinations described in paragraph (b) of subsection 2 of NRS 656.170 until he or she satisfactorily passes the examinations. In accordance with subsection 5, the holder of a temporary certificate of registration is not entitled to a temporary certificate of registration if the holder does not pass those examinations within a period of 36 months after the issuance of the original temporary certificate of registration.*~~

~~*5. A temporary certificate of registration must not be renewed more than twice.]*~~ **(Deleted by amendment.)**

Sec. 3. ***1. The Board may maintain in any court of competent jurisdiction an action for an injunction against any natural person or business entity who violates any provision of this chapter.***

2. Such an injunction:

(a) May be issued without proof of actual damage sustained by any natural person or business entity.

(b) Does not relieve such natural person or business entity from any criminal prosecution for the same violation.

Sec. 4. ***1. Except as otherwise provided in subsection 2, a certified court reporter or licensee shall not alter the record of a proceeding after the transcript of the proceeding has been certified unless:***

(a) Each party to the proceeding stipulates to the alteration; or

(b) The judge or arbiter presiding over the proceeding orders the alteration.

2. A licensee may, upon receiving a transcript from a certified court reporter for the purposes of reproducing and distributing the transcript, make typographical, clerical or other similar nonsubstantive alterations to the transcript if the licensee notifies the certified court reporter who certified the transcript of the proposed alterations and receives the approval of the certified court reporter for each alteration.

Sec. 5. NRS 656.010 is hereby amended to read as follows:

656.010 This chapter is known and may be cited as the Nevada Certified Court Reporters' ***and Licensed Court Reporting Firms'*** Law.

Sec. 6. NRS 656.030 is hereby amended to read as follows:

656.030 As used in this chapter, unless the context otherwise requires:

1. "Board" means the Certified Court Reporters' Board of Nevada.

2. ***"Business entity" means any form of business organization, including, without limitation, a corporation, partnership, sole proprietorship, limited-liability company or limited-liability partnership. The term does not include a natural person or governmental entity.***

3. "Certificate" means a certified court reporter's certificate issued under the provisions of this chapter.

~~[3.]~~ ***4.*** "Certified court reporter" ~~[or "court reporter"]~~ means a ***natural*** person who is technically qualified and registered under this chapter to practice court reporting.

~~[4.]~~ ***5.*** "Court reporting firm" means a ~~[person who,]~~ ***business entity that,*** for compensation, provides or arranges for the services of a ***certified*** court reporter or provides referral services for ***certified*** court reporters in this State.

~~[5.]~~ ***6.*** "Designated representative of a court reporting firm" means the ***natural*** person designated to act as the representative of a court reporting firm pursuant to NRS 656.186.

~~[6.]~~ ***7.*** "Distance education program" means a program that offers instruction which is delivered by the Internet in such a manner that the ***natural*** person supervising or providing the instruction and the ***natural*** person receiving the instruction are separated geographically for a majority of the time during which the instruction is delivered.

~~[7.]~~ ***8.*** "License" means a license issued under the provisions of this chapter to conduct business as a court reporting firm.

~~[8.]~~ ***9.*** "Licensee" means a ~~[person]~~ ***business entity*** to ~~[whom]~~ ***which*** a license has been issued.

~~[9.]~~ ***10.*** "Practice of court reporting" means reporting, in this State, by the use of voice writing or any system of manual or mechanical shorthand writing:

(a) Grand jury proceedings;

(b) Court proceedings, with the exception of proceedings before a federal court;

(c) Pretrial examinations, depositions, motions and related proceedings of like character; or

(d) Proceedings of any agency if the final decision of the agency with reference thereto is subject to judicial review.

~~[10.]~~ ***11.*** "Stenographic notes" means:

(a) The original manually or mechanically produced notes in shorthand or shorthand writing taken by a ***certified*** court reporter while in attendance at a proceeding to report the proceeding; or

(b) The record produced by the use of voice writing by a ***certified*** court reporter while in attendance at a proceeding.

~~[11.]~~ ***12.*** ~~***["Temporary certificate of registration" means a certificate issued to a natural person under the provisions of section 2 this act. — 13.]***~~ "Voice writing" means the making of a verbatim record of a proceeding by repeating the words of the speaker into a device that is capable of:

(a) Digitally translating the words into text; or

(b) Making a tape or digital recording of those words.

➥ The term includes, without limitation, stenomasking, verbatim reporting and other similar titles.

Sec. 7. NRS 656.050 is hereby amended to read as follows:

656.050 The members of the Board must be appointed by the Governor as follows:

1. One member of the Board must be an active member of the State Bar of Nevada.

2. Three members of the Board must be holders of certificates and must have been actively engaged as ***certified*** court reporters within this State for at least 5 years immediately preceding their appointment.

3. One member of the Board must be a representative of the general public. This member must not be:

(a) A ***certified*** court reporter; or

(b) The spouse or the parent or child, by blood, marriage or adoption, of a ***certified*** court reporter.

Sec. 8. NRS 656.105 is hereby amended to read as follows:

656.105 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other

information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a ***natural*** person ***or business entity*** are confidential, unless the ***natural*** person ***or business entity*** submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

4. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a ***natural*** person ~~[,]~~ ***or business entity,*** including, without limitation, a law enforcement agency.

Sec. 9. NRS 656.140 is hereby amended to read as follows:

656.140 The Board may aid in all matters pertaining to the advancement of the practice of court reporting, including but not limited to all matters that may advance the professional interests of certified court reporters ***and licensees*** and such matters as concern their relations with the public.

Sec. 10. NRS 656.145 is hereby amended to read as follows:

656.145 ~~[~~1. Except as otherwise provided in subsection 2, it~~]~~ ***It*** is unlawful for any ***natural*** person to practice court reporting or ***to*** advertise or ~~[~~put out any sign or card or other device which might~~]~~ ***use any identifying term that may*** indicate to the public that the ***natural*** person is entitled to practice as a court reporter ~~[~~without~~]~~ ***unless the natural person holds*** a certificate of registration ~~[~~***, including a temporary certificate of registration,***~~]~~ as a certified court reporter issued by the Board.

~~[~~2. Any person may, with the approval of the Board, practice court reporting on a temporary basis when there is an acknowledged unavailability of a certified court reporter. A person requesting the approval of the Board to practice court reporting on a temporary basis shall submit to the Board:

(a) Documentation or other proof that the person has at least one continuous year of experience working full-time in the practice of court reporting; and

(b) A copy of:

(1) The certification as a registered professional reporter issued to the person by the National Court Reporters Association;

(2) The certification as a registered merit reporter issued to the person by the National Court Reporters Association; or

(3) A valid certificate or license to practice court reporting issued to the person by another state.~~]~~

Sec. 11. NRS 656.150 is hereby amended to read as follows:

656.150 1. Each ***[Except as otherwise provided in section 2 of this act, each]*** applicant for a certificate must file an application with the Executive Secretary of the Board at least 30 days before the date fixed for examination. The application must be accompanied by the required fee and all information required to complete the application.

2. No ***[Except as otherwise provided in section 2 of this act, no]*** certificate may be issued until the applicant has ~~[passed]~~ ***:***

(a) Passed the examination prescribed by the Board ~~[and paid]~~ ***;***

(b) Passed one of the examinations described in paragraph (b) of subsection 2 of NRS 656.170; and

(c) Paid the fee as provided in NRS 656.220.

Sec. 12. NRS 656.160 is hereby amended to read as follows:

656.160 1. Every ***[Except as otherwise provided in section 2 of this act, every natural]*** person who files an application for an original certificate must personally appear before the Board for an examination and the answering of such questions as may be prepared by the Board to enable it to determine the trustworthiness of the applicant and his or her competency to engage in the practice of court reporting in such a manner as to safeguard the interests of the public.

2. In determining competency, the Board shall administer an examination to determine whether the applicant has:

(a) A good understanding of the English language, including reading, spelling, vocabulary, and medical and legal terminology; ***and***

(b) ~~[Sufficient ability to report accurately any of the matters comprising the practice of court reporting consisting of material read at not less than 180 words per minute or more than 225 words per minute; and~~

~~(c)]~~ A clear understanding of the obligations owed by a court reporter to the parties in any reported proceedings and the obligations created by the provisions of this chapter and any regulation adopted pursuant to this chapter.

Sec. 13. NRS 656.170 is hereby amended to read as follows:

656.170 1. Examinations must be held not less than twice a year at such times and places as the Board may designate.

2. No ***natural*** person may be admitted to the examination unless the ***natural*** person first ~~[presents]~~ ***applies to the Board as required by NRS 656.150. The application must include, without limitation,*** satisfactory evidence to the Board that ~~[he or she has:~~

~~(a) Received]~~ ***the applicant has, at the time of filing his or her application : [, a valid temporary certificate of registration or has:]***

(a) Satisfied the requirements set forth in subsections 1 to 5, inclusive, of NRS 656.180;

(b) Received a passing grade on ~~[the]~~ ***:***

(1) The National Court Reporters Association's examination for registered professional reporters ~~[, if the Board has approved the examination;~~

~~(b) Received a passing grade on the~~] ***; or***

(2) The National Verbatim Reporters Association's examination for certified verbatim reporters [~~, if the Board has approved the examination;~~

~~(c) Completed course work at a school for court reporters or completed course work offered through a distance education program for court reporters in English grammar, reading, spelling and vocabulary, medical and legal terminology, transcription and computer-aided transcription, reporting procedures and court reporting at 200 words per minute with an accuracy of 95 percent;~~

~~(d) A~~] ***;***

(c) Received one of the following:

(1) A certificate as a registered professional reporter [~~, registered merit reporter, certified CART provider, certified broadcast captioner or certified realtime reporter from~~] ***issued to the applicant by*** the National Court Reporters Association [~~, if the Board has approved each such certificate;~~

~~(e)~~] ***;***

(2) A certificate as a registered merit reporter issued to the applicant by the National Court Reporters Association;

(3) A certificate as a certified verbatim reporter [~~, realtime verbatim reporter, registered CART provider or registered broadcast captioner or a certificate of merit from~~] ***issued to the applicant by*** the National Verbatim Reporters Association [~~, if the Board has approved each such certificate;~~

~~(f)~~] ***; or***

(4) A valid certificate or license to practice court reporting issued ***to the applicant*** by another state [~~; or~~] ***if the requirements for certification or licensure in that state are substantially equivalent to the requirements of this State for obtaining a certificate;***

[~~(g) One~~]

(d) Either:

(1) At least 1 year of continuous experience [~~as a full-time court reporter using voice writing or any system of manual or mechanical shorthand writing.~~] ***within the 5 years immediately preceding the application, in the practice of court reporting or producing verbatim records of meetings and conferences by the use of voice writing or any system of manual or mechanical shorthand writing and transcribing those records; or***

(2) Obtained in the 12 months immediately preceding the application, a certificate of satisfactory completion of a prescribed course of study from a court reporting program that, as determined by the Board, evidences a proficiency substantially equivalent to subparagraph (1); and

(e) Paid the fee for filing an application for an examination set forth in NRS 656.220.

3. As used in this section, "practice of court reporting" includes reporting by use of voice writing or any system of manual or mechanical shorthand writing, regardless of the state in which the reporting took place.

Sec. 14. NRS 656.180 is hereby amended to read as follows:

656.180 An ~~***[Except as otherwise provided in section 2 of this act, an]***~~ applicant for a certificate of registration as a certified court reporter is entitled to a certificate if the applicant:

1. Is a citizen of the United States or lawfully entitled to remain and work in the United States;

2. Is at least 18 years of age;

3. Is of good moral character;

4. ***Has not been convicted of a felony relating to the practice of court reporting;***

5. Has a high school education or its equivalent;

~~***[***5.***]***~~ ***6.*** Satisfactorily passes ~~***[***an***]***~~ ***:***

(a) An examination administered by the Board pursuant to NRS 656.160;

~~***[***6.***]***~~ ***and***

(b) One of the examinations described in paragraph (b) of subsection 2 of NRS 656.170;

7. Pays the requisite fees; and

~~***[***7.***]***~~ ***8.*** Submits all information required to complete an application for a certificate of registration.

Sec. 15. NRS 656.185 is hereby amended to read as follows:

656.185 1. It is unlawful for any ~~***[***person***]***~~ ***business entity*** to conduct business as a court reporting firm or to advertise or ~~***[***put out any sign or card or other device which***]***~~ ***use any identifying term that*** may indicate to members of the public that ~~***[***he or she***]***~~ ***the business entity*** is entitled to conduct such a business without first obtaining a license from the Board.

2. Each applicant for a license as a court reporting firm must file an application with the Executive Secretary of the Board on a form prescribed by the Board.

3. The application must:

(a) Include the federal identification number of the applicant;

(b) Include the name of the ***natural*** person who will be appointed as the designated representative of the court reporting firm and such other identifying information about that ***natural*** person as required by the Board;

(c) Be accompanied by the required fee; and

(d) Include all information required to complete the application.

4. To obtain a license pursuant to this section, an applicant need not hold a certificate of registration as a certified court reporter.

Sec. 16. NRS 656.186 is hereby amended to read as follows:

656.186 1. Each court reporting firm shall appoint one ***natural*** person affiliated with the court reporting firm to act as the designated representative for the firm. The ***natural*** person so appointed must:

(a) Hold a certificate; or

(b) Pass an examination administered by the Board pursuant to subsection 2.

2. The Board shall administer an examination to determine whether a designated representative of a court reporting firm understands:

(a) The ethics and professionalism required for the practice of court reporting; and

(b) The obligations owed by a ***certified*** court reporter to the parties in any reported proceedings and the obligations created by the provisions of this chapter and any regulation adopted thereto.

3. The Board may adopt regulations to carry out the provisions of this section and to establish additional subject areas to be included in the examination administered by the Board pursuant to this section.

Sec. 17. NRS 656.200 is hereby amended to read as follows:

656.200 ~~***[Except as otherwise provided in section 2 of this act:]***~~

1. To renew a certificate of registration a ***certified*** court reporter must:

(a) Apply to the Board for renewal;

(b) Pay the annual renewal fee prescribed by the Board;

(c) Submit evidence to the Board of completion of the requirements for continuing education established by the Board; and

(d) Submit all information required to complete the renewal.

2. The Board shall adopt regulations requiring ***certified*** court reporters to participate in continuing education or training as a prerequisite to the renewal or restoration of a certificate. If a ***certified*** court reporter fails to comply with the requirements, the Board may suspend or revoke his or her certificate.

3. The failure of any ***certified*** court reporter to submit all information required to complete the renewal or pay in advance the annual renewal fee which may be fixed by the Board as necessary to defray the expense of administering the provisions of this chapter results in the suspension of the reporter's right to engage in the practice of court reporting. The suspension must not be terminated until all required information has been submitted and all delinquent fees have been paid.

4. A ***certified*** court reporter whose certificate of registration has been suspended because of failure to submit all required information or pay the renewal fee:

(a) May within 2 years thereafter have the certificate reinstated without examination upon submission of all required information and payment of the fees set forth in paragraph (e) of subsection 1 of NRS 656.220.

(b) While he or she was on active military duty or in training before induction, may have the certificate renewed without payment of any fee if he or she files an application for renewal, an affidavit of such service with the Board within 2 years after the termination of the service and all information required to complete the renewal.

Sec. 18. NRS 656.205 is hereby amended to read as follows:

656.205 1. The Board may:

(a) Develop and conduct programs of continuing education relating to the practice of court reporting.

(b) Charge and collect a reasonable fee from persons who attend such a program.

2. The Board shall not refuse to renew or restore the ~~[~~certificate~~]~~ ***:***

(a) Certificate of a ***certified*** court reporter who does not attend such a program but who otherwise complies with the requirements for continuing education prescribed by the Board ~~[.]~~ ***; or***

(b) License of a licensee whose designated representative does not attend such a program but who otherwise complies with the requirements for continuing education prescribed by the Board.

Sec. 19. ~~[~~NRS 656.220 is hereby amended to read as follows:

656.220 1. The fees required by this chapter are fixed by the following schedule:

(a) The fee for filing an application for an examination must be fixed by the Board annually at not more than $250 and not less than $90.

(b) The fee for the original issuance of a certificate must be fixed by the Board annually at not more than $250 and not less than $150.

(c) For a certificate issued after July 1, 1973, the fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued, except that if the certificate will expire less than 1 year after its issuance, then the fee is 50 percent of the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued. The Board may by regulation provide for the waiver or refund of the initial certificate fee if the certificate is issued less than 45 days before the date on which it will expire.

(d) The annual renewal fee for a certificate must be fixed by the Board annually at not more than $250 and not less than $150. Every holder of a certificate desiring renewal must pay the annual renewal fee to the Board on or before May 15 of each year.

(e) For the renewal of a certificate which was suspended for failure to renew, the fee is an amount equal to all unpaid renewal fees accrued plus a reinstatement fee that must be fixed by the Board annually at not more than $125 and not less than $75.

(f) ***The fee for the original issuance of a temporary certificate of registration is $100.***

(g) The fee for the annual renewal of a temporary certificate of registration is $100.

(h) The fee for the original issuance of a license as a court reporting firm is $250.

~~[~~(g)~~]~~ ***(i)*** The fee for the annual renewal of a license as a court reporting firm is $175.

~~[~~(h)~~]~~ ***(j)*** The fee for the reinstatement of a license as a court reporting firm is $175.

2. In addition to the fees set forth in subsection 1, the Board may charge and collect a fee for the expedited processing of a request or for any other

~~incidental service it provides. The fee must not exceed the cost incurred by the Board to provide the service.]~~ **(Deleted by amendment.)**

Sec. 20. NRS 656.240 is hereby amended to read as follows:

656.240 The Board may refuse to issue or to renew or may suspend or revoke any certificate or license for any one or a combination of the following causes:

1. If the applicant ~~[or]~~ ***, certified*** court reporter ***or licensee*** has by false representation obtained or sought to obtain a certificate or license for himself ***,*** ~~[or]~~ herself ***or itself*** or any other ***natural*** person ~~[.]~~ ***or business entity.***

2. If the applicant ~~[or]~~ ***, certified*** court reporter ***or designated representative of a court reporting firm*** has been found in contempt of court, arising out of ~~[his or her]~~ ***the*** conduct ***of the applicant, court reporter or designated representative*** in performing or attempting to perform any act as a ***certified*** court reporter.

3. If the applicant ~~[or]~~ ***, certified*** court reporter ***or designated representative of a court reporting firm*** has been convicted of a crime related to the qualifications, functions and responsibilities of a certified ~~[or licensed]~~ court reporter ~~[.]~~ ***or licensee.***

4. If the applicant ~~[or]~~ ***, certified*** court reporter ***or designated representative of a court reporting firm*** has been convicted of any offense involving moral turpitude.

➥ The judgment of conviction or a certified copy of the judgment is conclusive evidence of conviction of an offense.

Sec. 21. NRS 656.250 is hereby amended to read as follows:

656.250 The Board may refuse to issue or renew or may suspend or revoke any certificate or license if the ***certified*** court reporter, including a ***designative representative of a court reporting firm if he or she holds a certificate,*** in performing or attempting to perform or pretending to perform any act as a ***certified*** court reporter has:

1. Willfully failed to take full and accurate stenographic notes of any proceedings;

2. Willfully altered any stenographic notes taken at any proceedings;

3. Willfully failed accurately to transcribe verbatim any stenographic notes taken at any proceedings;

4. Willfully altered a transcript of stenographic notes taken at any proceedings;

5. Affixed his or her signature to any transcript of his or her stenographic notes or certified to the correctness of such a transcript unless the transcript was prepared by the ***certified*** court reporter or was prepared under the ***certified*** court reporter's immediate supervision;

6. Demonstrated unworthiness or incompetency to act as a ***certified*** court reporter in such a manner as to safeguard the interests of the public;

7. Professionally associated with or loaned his or her name to another for the illegal practice by another of court reporting, or professionally associated with any natural person ~~[, firm, copartnership or corporation]~~ ***or business***

entity holding itself out in any manner contrary to the provisions of this chapter;

8. Habitually been intemperate in the use of intoxicating liquor or controlled substances;

9. Except as otherwise provided in subsection 10, willfully violated any of the provisions of this chapter or the regulations adopted by the Board to enforce this chapter;

10. Violated any regulation adopted by the Board relating to:

(a) Unprofessional conduct;

(b) Agreements for the provision of ongoing services as a ***certified*** court reporter or ongoing services which relate to the practice of court reporting;

(c) The avoidance of a conflict of interest; or

(d) The performance of the practice of court reporting in a uniform, fair and impartial manner and avoiding the appearance of impropriety;

11. Failed within a reasonable time to provide information requested by the Board as the result of a formal or informal complaint to the Board, which would indicate a violation of this chapter; or

12. Failed without excuse to transcribe stenographic notes of a proceeding and file or deliver to an ordering party a transcript of the stenographic notes:

(a) Within the time required by law or agreed to by verbal or written contract;

(b) Within a reasonable time required for filing the transcript; or

(c) Within a reasonable time required for delivery of the transcript.

Sec. 22. NRS 656.253 is hereby amended to read as follows:

656.253 The Board may refuse to issue or renew or may suspend or revoke a certificate or license if, after notice and a hearing as required by law, the Board determines that the ***certified court reporter or*** licensee ~~[or certificate holder]~~ has committed any of the acts set forth in NRS 656.240 or 656.250.

Sec. 23. NRS 656.255 is hereby amended to read as follows:

656.255 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a ***natural*** person who is the holder of a license or certificate issued pursuant to this chapter, the Board shall deem the license or certificate issued to that ***natural*** person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license or certificate by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license or certificate has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license or certificate issued pursuant to this chapter that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public

agency pursuant to NRS 425.550 to the ***natural*** person whose license or certificate was suspended stating that the ***natural*** person whose license or certificate was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 24. NRS 656.257 is hereby amended to read as follows:

656.257 ~~[~~1.~~]~~ In addition to or in lieu of suspending, revoking or refusing to issue or renew the certificate of a ***certified*** court reporter or the license of a court reporting firm pursuant to NRS 656.240, 656.250 or 656.253, the Board may, by a majority vote:

~~[~~(a)~~]~~ ***1.*** Place the ***certified*** court reporter or ~~[~~court reporting firm~~]~~ ***licensee*** on probation for a period not to exceed 1 year; or

~~[~~(b)~~]~~ ***2.*** Impose an administrative fine against the ***certified*** court reporter or ~~[~~court reporting firm in an amount not to exceed $5,000 for each violation for which the administrative fine is imposed.

~~2. Any penalty imposed pursuant to this section must be imposed by the Board at a hearing conducted pursuant to chapter 622A of NRS.~~] ***licensee as provided in NRS 656.360.***

Sec. 25. NRS 656.260 is hereby amended to read as follows:

656.260 1. A ~~[~~holder of a license or certificate~~]~~ ***licensee or certified court reporter*** shall notify the Chair or Executive Secretary of the Board in writing within 30 days after ~~[~~changing his or her~~]~~ ***a change in*** name or address.

2. ~~[~~Any change of ownership~~]~~ ***A licensee shall report any change of:***

(a) Ownership or corporate officers of a court reporting firm ~~[~~or of the~~]~~ ***; and***

(b) The designated representative of the court reporting firm must be reported to the Chair or Executive Secretary within 30 days after the change.

3. The Board may suspend or revoke a license or certificate if the ~~[~~holder thereof~~]~~ ***licensee or certified court reporter*** fails so to notify the Board.

Sec. 26. NRS 656.270 is hereby amended to read as follows:

656.270 The entry of a decree by a court of competent jurisdiction establishing the mental illness of any ***natural*** person ~~[~~holding a license or certificate~~]~~ ***who is a certified court reporter or a designated representative of a court reporting firm licensed*** under this chapter operates as a suspension of the ~~[~~license or~~]~~ certificate ~~[~~.~~]~~ ***or license.*** Such a ***natural*** person may resume his or her business or practice only upon a finding by the Board that the ~~[~~holder of the license or certificate~~]~~ ***natural person*** has been determined to be recovered from mental illness by a court of competent jurisdiction and upon the Board's recommendation that the ~~[~~holder~~]~~ ***certified court reporter or licensee*** be permitted to resume his or her business or practice.

Sec. 27. NRS 656.280 is hereby amended to read as follows:

656.280 1. The Board may upon its own motion and shall upon the verified complaint in writing of any ***natural*** person ***or business entity*** setting forth facts which if proven would constitute grounds for refusal, suspension

or revocation of a certificate or license or other disciplinary action as set forth in NRS 656.240 to 656.300, inclusive, investigate the actions of a current or former ~~[certificate holder]~~ ***certified court reporter*** or licensee, including a ~~[firm or any other]~~ ***natural*** person who ***or business entity that*** applies for, or holds or represents that he or she or the ~~[firm]~~ ***business entity*** holds a license or certificate.

2. The Board shall, before refusing to issue any license or certificate, notify the applicant in writing of the reasons for the refusal. The notice must be served by delivery personally to the applicant or by mailing by registered or certified mail to the last known place of business of the applicant.

3. The time set in the notice must not be less than 10 nor more than 30 days after delivery or mailing.

4. The Board may continue the hearing from time to time.

Sec. 28. NRS 656.290 is hereby amended to read as follows:

656.290 1. The Board may subpoena and bring before it any ***natural*** person ***or business entity*** in this State and take testimony orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed in civil cases in courts of this State.

2. Any district court, upon the application of the accused or complainant or of the Board may, by order, require the attendance of witnesses and the production of relevant books and papers before the Board in any hearing relative to the application for or refusal, recall, suspension or revocation of a license or certificate, and the court may compel obedience to its order by proceedings for contempt.

3. At any time after the suspension of any license or certificate, the Board may restore it to the accused without examination upon unanimous vote by the Board.

4. In a manner consistent with the provisions of chapter 622A of NRS, after the revocation of any license or certificate, the Board may reinstate the license or certificate without examination upon unanimous vote by the Board.

Sec. 29. NRS 656.300 is hereby amended to read as follows:

656.300 1. ~~[The practice of court reporting by any]~~ ***A natural*** person who has not been issued a certificate ~~[, *including a temporary certificate of registration,*]~~ or whose certificate has been suspended or revoked ~~[, or conducting a]~~ ***shall not engage in the practice of court reporting.***

2. A business entity that has not been issued a license or whose license has been suspended or revoked shall not conduct business as a court reporting firm ***.*** ~~[without first obtaining a license therefor or with a suspended or revoked license, is hereby declared to be inimical to public health and welfare and to constitute a public nuisance. The Attorney General of the State of Nevada, the district attorney of any county in the State or any resident may maintain an action in the name of the State of Nevada perpetually to enjoin any person from so unlawfully practicing court~~

~~reporting, or unlawfully conducting business as a court reporting firm, and from doing, committing or continuing such an unlawful act.~~

~~2. In all proceedings under this section, the court may apportion the costs among the parties interested in the suit, including the costs of filing the complaint, service of process, witness fees and expenses, charges for a court reporter and reasonable attorney's fees.~~

~~3. The proceeding authorized by this section is in addition to and not in lieu of criminal prosecutions or proceedings to revoke or suspend licenses or certificates as authorized by this chapter.~~**]**

3. In addition to any other penalty prescribed by law, if the Board determines that a natural person or business entity has committed any act described in this section or NRS 656.145 or 645.185, the Board may:

(a) Issue and serve on the natural person or business entity an order to cease and desist until the natural person or business entity obtains from the Board the proper certificate or license or otherwise demonstrates that the natural person or business entity is no longer in violation of this section. An order to cease and desist must include a telephone number with which to contact the Board.

(b) Issue a citation to a natural person or business entity. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the natural person or business entity of the provisions of this paragraph. Each activity in which the natural person or business entity is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the natural person or business entity must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the natural person or business entity an administrative fine as provided in NRS 656.360.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 30. NRS 656.310 is hereby amended to read as follows:

656.310 1. Except as otherwise provided in subsection 2, each ***natural*** person to whom a valid existing certificate of registration as a certified court reporter has been issued under this chapter:

(a) Must be designated as a certified court reporter;

(b) May, in connection with his or her practice of court reporting, use the abbreviation "C.C.R."; and

(c) Shall not, in connection with his or her practice of court reporting, use the abbreviation "C.C.R.-V."

2. Each ***natural*** person to whom a valid existing certificate of registration as a certified court reporter has been issued under this chapter and who has only passed the portion of the examination required pursuant to paragraph (b) of subsection 2 of NRS **[**~~656.160~~**]** ***656.170*** through the use of voice writing:

(a) Must be designated as a certified court reporter-voice writer;

(b) May, in connection with his or her practice of court reporting, use the abbreviation "C.C.R.-V.";

(c) Shall not, in connection with his or her practice of court reporting, use the abbreviation "C.C.R."; and

(d) Shall engage in the practice of court reporting only through the use of voice writing.

3. No ***natural*** person other than the holder of a valid existing certificate of registration under this chapter may use the title or designation of "certified court reporter," "certified court reporter-voice writer," "C.C.R." or "C.C.R.-V.," either directly or indirectly, in connection with his or her profession or business.

4. Every ~~[holder of a certificate]~~ ***certified court reporter*** shall place the number of the certificate:

(a) On the cover page and certificate page of all transcripts of proceedings; and

(b) On all business cards.

Sec. 31. NRS 656.315 is hereby amended to read as follows:

656.315 A ***certified*** court reporter may administer oaths and affirmations without being appointed as a notary public pursuant to chapter 240 of NRS.

Sec. 32. (Deleted by amendment.)

Sec. 33. NRS 656.330 is hereby amended to read as follows:

656.330 No action or suit may be instituted, nor recovery therein be had, in any court of this state by any ***natural*** person ***or business entity*** for compensation for any act done or service rendered, the doing or rendering of which is prohibited under the provisions of this chapter.

Sec. 34. NRS 656.335 is hereby amended to read as follows:

656.335 A ***certified*** court reporter shall retain his or her notes, whether or not transcribed, for 8 years if they concern any matter subject to judicial review. These notes must be kept in a manner which is reasonably secure against theft, tampering or accidental destruction.

Sec. 35. NRS 656.360 is hereby amended to read as follows:

656.360 In addition to any other penalty provided by law, ***the Board may, after notice and a hearing, as required by law, impose upon*** a ***natural*** person ***or business entity*** who violates any provision of this chapter or any regulation adopted ~~[by the Board is subject to a civil penalty]~~ ***pursuant thereto an administrative fine*** of not more than $5,000 for each violation ~~[. Any such penalty must be imposed by the Board:~~

~~1. If the person is a certified court reporter or court reporting firm, at a hearing conducted pursuant to the provisions of chapter 622A of NRS.~~

~~2. If the person is not a licensee, at a hearing for which written notice has been given not less than 30 days before the hearing.]~~ ***for which the administrative fine is imposed.***

Sec. 36. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations or performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2018, for all other purposes.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 407.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 776.

AN ACT relating to energy; creating the Nevada Clean Energy Fund; creating the Board of Directors of the Fund to administer the Fund; setting forth the duties and powers of the Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill establishes the Nevada Clean Energy Fund to provide funding for and increase significantly the pace and amount of financing available for qualified clean energy projects in this State. **Section 14** of this bill creates the Board of Directors of the Fund, whose responsibility it is to carry out the provisions of this bill. **Section 16** of this bill sets forth certain duties of the Board relative to the responsibility of the Board to carry out the provisions of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 58 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 1.5 to 42, inclusive, of this act.

Sec. 1.5. ***The Legislature hereby finds and declares that it is in the interest of this State to establish and support in this State an independent corporation for public benefit, the Nevada Clean Energy Fund, for the purposes of:***

1. Promoting investments in qualified clean energy projects;

2. Increasing significantly the pace and amount of investments in qualified clean energy projects at the state and local levels;

3. Improving the standard of living of the residents of this State by promoting the more efficient and lower cost development of qualified clean energy projects and providing financing for qualified clean energy projects that will create high-paying, long-term jobs;

4. Fostering the development and consistent application of transparent underwriting standards, standard contractual terms, and measurement and verification protocols for qualified clean energy projects;

5. Promoting the creation of performance data that enables effective underwriting, risk management and pro forma modeling of financial performance of qualified clean energy projects to support primary financing markets and to stimulate the development of secondary investment markets for qualified clean energy projects; and

6. Achieving a level of financing support for qualified clean energy projects necessary to help abate climate change by increasing zero- or low-carbon electricity generation and transportation capabilities, realize energy efficiency potential in existing infrastructure, ease the economic effects of transitioning from a carbon-based economy to a clean-energy economy, achieve job creation through the construction and operation of qualified clean energy projects and complement and supplement other clean energy and energy efficiency programs and initiatives in this State.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 2.5 to 13.6, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 2.5. ***"Alternative fuel vehicle project" means any project, technology, product, service, function or measure, or an aggregation thereof, which supports the development and deployment of alternative fuels used for electricity generation, alternative fuel vehicles and related infrastructure, including, without limitation, infrastructure for electric vehicle charging stations. The term does not include any technology that involves the combustion of fossil fuels, including, without limitation, petroleum and petroleum products.***

Sec. 3. ***"Board" means the Board of Directors of the Nevada Clean Energy Fund.***

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 6.5. ***"Demand response project" means any project, technology, product, service, function or measure, or an aggregation thereof, that changes the usage of electricity by retail customers in this State from the normal consumption patterns in response to:***

1. Changes in the price of electricity over time; or

2. Incentive payments designed to induce lower electricity use at times of high market prices or when system reliability is jeopardized.

Sec. 7. ***"Energy efficiency project" means any project, technology, product, service, function or measure, or an aggregation thereof, that*** ***:*** ~~***[results in:]***~~

1. ~~***[The]***~~ ***Results in the reduction of energy use required to achieve the same level of service or output obtained before the application of such***

project, technology, product, service, function or measure, or aggregation thereof; or

2. Substantially reduces greenhouse gas emissions relative to emissions that would have produced before the application of such project, technology, product, service, function or measure, or aggregation thereof.

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. ***"Nevada Clean Energy Fund" or "Fund" means the independent, nonprofit corporation established pursuant to section 13.8 of this act to provide money to promote investments in and increase significantly the pace and amount of investment in qualified clean energy projects in this State and to carry out the provisions of this chapter.***

Sec. 12. (Deleted by amendment.)

Sec. 12.5. ***"Qualified clean energy project" means any alternative fuel vehicle project, demand response project, energy efficiency project, renewable energy project or system efficiency project.***

Sec. 13. (Deleted by amendment.)

Sec. 13.2. ***"Renewable energy" means energy produced by:***

1. Solar resources;

2. Wind resources;

3. Geothermal resources;

4. Nonhazardous, organic biomass;

5. Anaerobic digestion of organic waste streams;

6. Small-scale, advanced hydropower;

7. Tidal currents;

8. Fuel cells using renewable resources; and

9. Any other source that naturally replenishes over a human, rather than geological, time frame and that is ultimately derived from solar, water or wind resources.

Sec. 13.4. ***"Renewable energy project" means the development, construction, deployment, alteration or repair of any project, technology, product, service, function or measure, or an aggregation thereof, that generates electric power from renewable energy.***

Sec. 13.6. ***"System efficiency project" means the development, construction, deployment, alteration or repair of any distributed generation system, energy storage system, smart grid technology, advanced battery system, microgrid system, fuel cell system or combined heat and power systems.***

Sec. 13.8. ***The Director of the Office of Energy shall cause to be formed in this State an independent, nonprofit corporation recognized as exempt from federal income taxation for the public benefit named the "Nevada Clean Energy Fund," the general purpose of which is to carry out the provisions of this chapter.***

Sec. 14. ***1. There is hereby created the Board of Directors of the Nevada Clean Energy Fund, consisting of the following nine members:***

(a) The Director of the Office of Energy;

(b) The Executive Director of the Office of Economic Development or his or her designee;

(c) The Real Estate Administrator of the Department of Business and Industry or his or her designee;

(d) The Commissioner of Financial Institutions or his or her designee;

(e) One member appointed by the Governor from among a list of nominees submitted by the State Contractors' Board;

(f) One member appointed by the Governor from among a list of nominees submitted by labor organizations in this State;

(g) One member appointed by the Governor from among a list of nominees submitted by the board of county commissioners of the county in this State with the largest population;

(h) One member appointed by the Governor from among a list of nominees submitted by the board of county commissioners of the county in this State with the second largest population; and

(i) One member appointed by the Governor from among a list of nominees submitted by the boards of county commissioners of the counties in this State not described in paragraph (g) or (h).

2. The members appointed to the Board pursuant to paragraphs (e) to (i), inclusive, of subsection 1 should have expertise in matters relating to renewable energy, economic development, banking, law, finance or other matters relevant to the work of the Board. When appointing a member to the Board, consideration must be given to whether the members appointed to the Board reflect the ethnic and geographical diversity of this State.

3. The term of each member of the Board appointed pursuant to paragraphs (e) to (i), inclusive, of subsection 1 is 3 years. A member may be reappointed for additional terms of 3 years in the same manner as the original appointment. A vacancy occurring in the membership of the Board must be filled in the same manner as the original appointment.

4. The Board shall annually elect a Chair from among its members.

5. The Board shall meet regularly at least semiannually and may meet at other times upon the call of the Chair. Any five members of the Committee constitute a quorum for the purpose of voting. A majority vote of the quorum is required to take action with respect to any matter.

6. The Board shall adopt rules for its own management and government.

7. While engaged in the business of the Board, each member of the Board is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 15. (Deleted by amendment.)

Sec. 16. ***1. To carry out the provisions of this chapter, the Board shall:***

(a) Annually develop and adopt a work program to serve and support the deployment of qualified clean energy projects in this State, including, without limitation, projects benefitting single-family and multi-family residential property, commercial, industrial, educational and governmental property and hospitals and nonprofit property and any other projects which advance the purposes of this chapter;

(b) Develop rules, policies and procedures which specify the eligibility of borrowers and any other terms or conditions of the financial support to be provided by the Nevada Clean Energy Fund before financing support is provided for any qualified clean energy project;

(c) Develop and offer a range of financing structures, forms and techniques for qualified clean energy projects, including, without limitation, ~~[senior]~~ loans, ~~[subordinate loans,]~~ credit enhancements, guarantees, warehousing, securitization, and other financial products and structures;

(d) Leverage private investment in qualified clean energy projects through financing mechanisms that support, enhance and complement private investment;

(e) Develop consumer protection standards to be enforced on all investments to ensure the Nevada Clean Energy Fund and its partners are lending in a responsible and transparent manner that is in the financial interests of the borrowers;

(f) Assess reasonable fees for the financing support and risk management activities provided by the Nevada Clean Energy Fund in amounts sufficient to cover the reasonable costs of the Fund;

(g) Collect and make available to the public in a centralized database on an Internet website maintained by the Nevada Clean Energy Fund information regarding rates, terms and conditions of all financing support transactions, unless the disclosure of such information includes a trade secret, confidential commercial information or confidential financial information;

(h) Work with market and program participants to provide information regarding best practices for overseeing qualified clean energy projects and information regarding other appropriate consumer protections;

(i) Prepare an annual report for the public on the financing activities of the Nevada Clean Energy Fund; and

(j) Undertake such other activities as are necessary to carry out the provisions of this chapter.

2. In addition to any money available through gifts, grants, donations or legislative appropriation to carry out the purposes of this chapter, the Board shall identify any other sources of money which may, in the opinion of the Board, be used to provide money for the Fund.

3. The Fund may:

(a) Sue and be sued.

(b) Have a seal.

(c) Acquire real or personal property or any interest therein, by gift, purchase, foreclosure, deed in lieu of foreclosure, lease, option or otherwise.

(d) Prepare and enter into agreements with the Federal Government for the acceptance of grants of money for the purposes of this chapter.

(e) Enter into agreements or cooperate with third parties to provide for enhanced leveraging of money of the Fund, additional financing mechanisms or any other program or combination of programs for the purpose of expanding the scope of financial assistance available from the Fund.

(f) Bind the Fund and the Board to terms of any agreements entered into pursuant to this chapter.

(g) Apply for and accept gifts, grants and donations from any source for the purpose of carrying out the provisions of this chapter.

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

Sec. 30. (Deleted by amendment.)

Sec. 31. (Deleted by amendment.)

Sec. 32. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 34. (Deleted by amendment.)

Sec. 35. (Deleted by amendment.)

Sec. 36. (Deleted by amendment.)

Sec. 37. (Deleted by amendment.)

Sec. 38. (Deleted by amendment.)

Sec. 39. (Deleted by amendment.)

Sec. 40. (Deleted by amendment.)

Sec. 41. (Deleted by amendment.)

Sec. 42. (Deleted by amendment.)

Sec. 43. Notwithstanding the provisions of section 14 of this act, as soon as practicable on or after July 1, 2017, the Governor shall appoint the members of the Board of Directors of the Nevada Clean Energy Fund identified in:

1. Paragraphs (e), (g) and (i) of subsection 1 of section 14 of this act to initial terms of 2 years; and

2. Paragraphs (f) and (h) of subsection 1 of section 14 of this act to initial terms of 3 years.

Sec. 44. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2017, for all other purposes.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 409.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 885.

AN ACT relating to animals; revising provisions which prohibit a person from allowing a ~~[cat or dog]~~ **pet** to remain unattended in a motor vehicle under certain circumstances; requiring an animal control officer to take possession of and provide shelter and care for an animal being treated cruelly under certain circumstances; authorizing an animal control officer to take possession of any animals or other property used in fights among animals under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from allowing a cat or dog to remain unattended in a parked or standing motor vehicle during a period of extreme heat or cold or in any other manner that endangers the health or safety of the animal. Exceptions are provided for certain animals used by or in the possession of certain law enforcement, animal control or search and rescue personnel or certain persons who are actively engaged in hunting or related activities. Certain peace officers, animal control personnel and other public safety personnel are authorized to use any force that is reasonable and necessary under the circumstances to remove the cat or dog from the motor vehicle. A person who violates that prohibition is guilty of a misdemeanor. A cat or dog removed from a motor vehicle under these circumstances is deemed an animal being treated cruelly, and the law enforcement officer or other person rendering emergency services who removed the cat or dog is extended the same immunity from liability for his or her actions that is conferred upon law enforcement or animal control personnel who are required to seize animals which are being treated cruelly. (NRS 574.055, 574.195)

A similar existing law prohibits a parent, legal guardian or other person responsible for a child who is 7 years of age or younger from knowingly and intentionally leaving that child in a motor vehicle if: (1) the conditions present a significant risk to the health and safety of the child; or (2) the engine of the motor vehicle is running or the keys are in the ignition. Exceptions are provided if: (1) the child is being supervised by and within the sight of a person who is at least 12 years of age; or (2) the person responsible for the child unintentionally locks a motor vehicle with the child in the vehicle. A person who violates that prohibition is guilty of a misdemeanor. A law enforcement officer or other person rendering emergency services may, without incurring civil liability, use any reasonable means necessary to protect the child and to remove the child from the motor vehicle. (NRS 202.575)

Section 5 of this bill repeals the provisions of existing law which prohibit a person from allowing a cat or dog to remain unattended in a motor vehicle. **Section 3** of this bill reenacts those provisions **to apply to a pet** with certain revisions based upon the provisions of existing law related to leaving a child unattended in a motor vehicle, excepting the provision regarding leaving a ~~[cat or dog]~~ **pet** in the motor vehicle with the motor running. **Section 3** also provides that certain persons are authorized, without incurring civil liability, to use any reasonable means necessary to protect the ~~[cat or dog]~~ **pet** and to remove the ~~[cat or dog]~~ **pet** from the motor vehicle. **Section 2** of this bill adds a definition of the term "motor vehicle" to chapter 202 of NRS to apply to both the new section added by **section 3** of this bill and the similar existing law that applies to children. **Section 4** of this bill amends the existing law that applies to children to remove the definition made superfluous by **section 2**.

Existing law requires any peace officers and officers of a society for the prevention of cruelty to animals who are authorized to make arrests to take possession of animals being treated cruelly. (NRS 574.055) **Section 4.3** of this bill requires animal control officers to take such possession, and removes that requirement for officers of a society for the prevention of cruelty to animals who are authorized to make arrests. Existing law also authorizes peace officers authorized to make arrests to take possession of any animals or other property being used in fights among animals under certain circumstances. (NRS 574.080) **Section 4.7** of this bill extends that authority to animal control officers.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 202 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***As used in NRS 202.575 and section 3 of this act, unless the context otherwise requires, "motor vehicle" means every vehicle which is self-propelled but not operated upon rails.***

Sec. 3. *1. Except as otherwise provided in subsection 3, a person shall not allow a ~~[cat or dog]~~ pet to remain unattended in a parked or standing motor vehicle if conditions, including, without limitation, extreme heat or cold, present a significant risk to the health and safety of the ~~[cat or dog.]~~ pet.*

2. Any:

(a) Peace officer;

(b) Animal control officer;

(c) Governmental officer or employee whose primary duty is to ensure public safety;

(d) Employee or volunteer of any organized fire department; or

(e) Member of a search and rescue organization in this State that is under the direct supervision of a sheriff,

➥ who reasonably believes that a violation of this section has occurred may, without incurring civil liability, use any reasonable means necessary to protect the ~~[cat or dog]~~ pet and to remove the ~~[cat or dog]~~ pet from the motor vehicle.

3. The provisions of subsection 1 do not apply to:

(a) A police animal or an animal that is used by:

(1) A federal law enforcement agency to assist the agency in carrying out the duties of the agency; or

(2) A search and rescue organization in this State that is under the direction of a sheriff to assist the organization in carrying out the activities of the organization; or

(b) A dog that is under the possession or control of:

(1) An animal control officer; or

(2) A first responder during an emergency.

4. A ~~[cat or dog]~~ pet that is removed from a motor vehicle pursuant to subsection 2 shall be deemed to be an animal being treated cruelly for the purposes of NRS 574.055. A person required by NRS 574.055 to take possession of a ~~[cat or dog]~~ pet removed pursuant to this section may take any action relating to the ~~[cat or dog]~~ pet specified in NRS 574.055 and is entitled to any lien or immunity from liability that is applicable pursuant to that section.

5. The provisions of this section do not:

(a) Interfere with or prohibit any activity, law or right specified in NRS 574.200; or

(b) Apply to a person who unintentionally locks a motor vehicle with a ~~[cat or dog]~~ pet in the motor vehicle.

6. A person who violates a provision of subsection 1 is guilty of a misdemeanor.

7. As used in this section:

(a) "Animal" has the meaning ascribed to it in NRS 574.050.

(b) "First responder" has the meaning ascribed to it in NRS 574.050.

(c) "Pet" means a domesticated animal owned or possessed by a person for the purpose of pleasure or companionship and includes, without limitation, a cat or dog.

(d) "Police animal" has the meaning ascribed to it in NRS 574.050.

Sec. 4. NRS 202.575 is hereby amended to read as follows:

202.575 1. A parent, legal guardian or other person responsible for a child who is 7 years of age or younger shall not knowingly and intentionally leave that child in a motor vehicle if:

(a) The conditions present a significant risk to the health and safety of the child; or

(b) The engine of the motor vehicle is running or the keys to the vehicle are in the ignition,

➥ unless the child is being supervised by and within the sight of a person who is at least 12 years of age.

2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor. The court may suspend the proceedings against a person who is charged with violating subsection 1 and dismiss the proceedings against the person if the person presents proof to the court, within the time specified by the court, that the person has successfully completed an educational program satisfactory to the court. The educational program must include, without limitation, information concerning the dangers of leaving a child unattended or inadequately attended in a motor vehicle.

3. A law enforcement officer or other person rendering emergency services who reasonably believes that a violation of this section has occurred may, without incurring civil liability, use any reasonable means necessary to protect the child and to remove the child from the motor vehicle.

4. No person may be prosecuted under this section if the conduct would give rise to prosecution under any other provision of law.

5. The provisions of this section do not apply to a person who unintentionally locks a motor vehicle with a child in the vehicle.

~~[6. As used in this section, "motor vehicle" means every vehicle which is self-propelled but not operated upon rails.]~~

Sec. 4.3. NRS 574.055 is hereby amended to read as follows:

574.055 1. Any peace officer or ***animal control*** officer ~~[of a society for the prevention of cruelty to animals who is authorized to make arrests pursuant to NRS 574.040]~~ shall, upon discovering any animal which is being treated cruelly, take possession of it and provide it with shelter and care or, upon obtaining written permission from the owner of the animal, may destroy it in a humane manner.

2. If an officer takes possession of an animal, the officer shall give to the owner, if the owner can be found, a notice containing a written statement of the reasons for the taking, the location where the animal will be cared for and sheltered, and the fact that there is a limited lien on the animal for the cost of shelter and care. If the owner is not present at the taking and the officer cannot find the owner after a reasonable search, the officer shall post the

notice on the property from which the officer takes the animal. If the identity and address of the owner are later determined, the notice must be mailed to the owner immediately after the determination is made.

3. An officer who takes possession of an animal pursuant to this section has a lien on the animal for the reasonable cost of care and shelter furnished to the animal and, if applicable, for its humane destruction. The lien does not extend to the cost of care and shelter for more than 2 weeks.

4. Upon proof that the owner has been notified in accordance with the provisions of subsection 2 or, if the owner has not been found or identified, that the required notice has been posted on the property where the animal was found, a court of competent jurisdiction may, after providing an opportunity for a hearing, order the animal sold at auction, humanely destroyed or continued in the care of the officer for such disposition as the officer sees fit.

5. An officer who seizes an animal pursuant to this section is not liable for any action arising out of the taking or humane destruction of the animal.

6. The provisions of this section do not apply to any animal which is located on land being employed for an agricultural use as defined in NRS 361A.030 unless the owner of the animal or the person charged with the care of the animal is in violation of paragraph (c) of subsection 1 of NRS 574.100 and the impoundment is accomplished with the concurrence and supervision of the sheriff or the sheriff's designee, a licensed veterinarian and the district brand inspector or the district brand inspector's designee. In such a case, the sheriff shall direct that the impoundment occur not later than 48 hours after the veterinarian determines that a violation of paragraph (c) of subsection 1 of NRS 574.100 exists.

7. The owner of an animal impounded in accordance with the provisions of subsection 6 must, before the animal is released to the owner's custody, pay the charges approved by the sheriff as reasonably related to the impoundment, including the charges for the animal's food and water. If the owner is unable or refuses to pay the charges, the State Department of Agriculture shall sell the animal. The Department shall pay to the owner the proceeds of the sale remaining after deducting the charges reasonably related to the impoundment.

Sec. 4.7. NRS 574.080 is hereby amended to read as follows:

574.080 1. Any ***peace*** officer ***or animal control officer*** authorized by law to make arrests may lawfully take possession of any animals, or implements, or other property used or employed, or about to be used or employed, in the violation of any provision of law relating to fights among animals.

2. The officer shall state to the person in charge thereof, at the time of such taking, his or her name and residence, and also the time and place at which the application provided for by NRS 574.090 will be made.

Sec. 5. NRS 574.195 is hereby repealed.

Sec. 6. This act becomes effective on July 1, 2017.

TEXT OF REPEALED SECTION

574.195 Allowing cat or dog to remain unattended in motor vehicle during period of extreme heat or cold unlawful; removal of animal; exceptions; immunity from liability; penalty.

1. Except as otherwise provided in subsection 3, a person shall not allow a cat or dog to remain unattended in a parked or standing motor vehicle during a period of extreme heat or cold or in any other manner that endangers the health or safety of the cat or dog.

2. Any:

(a) Peace officer;

(b) Officer of a society for the prevention of cruelty to animals who is authorized to make arrests pursuant to NRS 574.040;

(c) Animal control officer;

(d) Governmental officer or employee whose primary duty is to ensure public safety;

(e) Employee or volunteer of any organized fire department; or

(f) Member of a search and rescue organization in this State that is under the direct supervision of a sheriff,

➥ may use any force that is reasonable and necessary under the circumstances to remove from a motor vehicle a cat or dog that is allowed to remain in the motor vehicle in violation of subsection 1.

3. The provisions of subsection 1 do not apply to:

(a) A police animal or an animal that is used by:

(1) A federal law enforcement agency to assist the agency in carrying out the duties of the agency; or

(2) A search and rescue organization specified in paragraph (f) of subsection 2 to assist the organization in carrying out the activities of the organization;

(b) A dog that is under the possession or control of:

(1) An animal control officer; or

(2) A first responder during an emergency;

(c) A dog that is under the possession or control of a person who:

(1) Is actively engaged in hunting a species of game mammal or game bird during the season for hunting that species of game mammal or game bird;

(2) Is using the dog for the purpose set forth in subparagraph (1); and

(3) Holds a license or tag to hunt that species of game mammal or game bird during that season; or

(d) A dog that is participating in:

(1) Training exercises relating to hunting; or

(2) Field trials relating to hunting.

4. A cat or dog that is removed from a motor vehicle pursuant to subsection 2 shall be deemed to be an animal being treated cruelly for the purposes of NRS 574.055. The person who removed the cat or dog may take

any action relating to the cat or dog specified in that section and is entitled to any lien or immunity from liability that is applicable pursuant to that section.

5. A person who violates a provision of subsection 1 is guilty of a misdemeanor.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 432.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 886.

AN ACT relating to public welfare; authorizing the filing of a motion for the termination of parental rights as part of a proceeding relating to the abuse or neglect of a child; establishing provisions concerning the process for the termination of parental rights following the filing of such a motion; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes procedures governing the termination of parental rights. (Chapter 128 of NRS) Existing law also establishes procedures governing the protection of children from abuse and neglect. (Chapter 432B of NRS) **Section 2** of this bill provides that if a juvenile court determines that a child is in need of protection, an agency which provides child welfare services is authorized to file a motion for the termination of parental rights as part of the proceeding concerning the abuse or neglect of the child. ~~[Section 2 also requires an agency which provides child welfare services to file such a motion if a child has been placed outside of his or her home for a period of not less than 12 months.]~~ **Sections 2 and 10** of this bill provide that the provisions of existing law governing the termination of parental rights apply to all proceedings concerning the termination of parental rights that are commenced by an agency which provides child welfare services, but only to the extent they do not conflict with the provisions established in this bill.

Section 3 of this bill establishes provisions concerning notice of the hearing on the motion for the termination of parental rights and requires the court to ensure that any prospective adoptive parent is provided a copy of the notice. **Section 3** also provides that the name and address of a prospective adoptive parent generally must be kept confidential. **Section 4** of this bill authorizes a party who has been informed of the allegations set forth in the motion to contest such allegations and request an evidentiary hearing or voluntarily relinquish his or her parental rights. **Section 5** of this bill authorizes the court to order the parties to the proceeding, any prospective adoptive parent and a representative from an agency which provides child welfare services to participate in mediation for the purpose of negotiating the terms of an open adoption agreement.

Section 6 of this bill ~~[establishes certain procedural provisions relating to]~~ **authorizes a court to permit a witness or party to the proceeding to testify by telephone or videoconference in certain circumstances during** an evidentiary hearing on a motion for the termination of parental rights. **Section 7** of this bill requires the court to use its best efforts to ensure that a final written decision on such a motion is rendered not later than 30 days after the conclusion of the evidentiary hearing, and **section 8** of this bill requires the appellate court of competent jurisdiction to use its best efforts to ensure that any appeal is resolved not later than 6 months after the appeal is filed or, if the court orders full briefings on the matter, not later than 12 months after the appeal is filed. **Section 9** of this bill requires that a petition for the restoration of parental rights be filed as part of a proceeding concerning the abuse or neglect of a child in certain circumstances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 432B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. ***1. The provisions of chapter 128 of NRS, to the extent they do not conflict with the provisions of sections 2 to 9, inclusive, of this act, apply to all proceedings concerning the termination of parental rights that are commenced pursuant to this section by an agency which provides child welfare services.***

2. ~~[Except as otherwise provided in subsection 3, if]~~ If a child is determined to be a child in need of protection pursuant to NRS 432B.550, an agency which provides child welfare services may, at any stage of a proceeding held pursuant to this chapter, file a motion for the termination of parental rights as part of the proceeding.

~~[3. If a child has been placed outside of his or her home pursuant to this chapter for a period of not less than 12 months, an agency which provides child welfare services shall file a motion for the termination of parental rights as part of a proceeding held pursuant to this chapter.]~~

Sec. 3. ***1. After a motion for the termination of parental rights is filed pursuant to section 2 of this act, unless a party to be served voluntarily appears and consents to the hearing, and except as otherwise provided in subsection 3, a copy of the motion and notice of the hearing must be served, either together or separately, upon all parties to the proceeding by personal service or, if the whereabouts of the person are unknown, obtaining an order from the court that service may be made by publication in accordance with the procedure set forth in subsections 1, 3, 4 and 5 of NRS 128.070 and subsection 2.***

2. If a court orders that service be made by publication pursuant to subsection 1 and the person to be served by publication has a last known address, personal service must also be attempted before service of the notice is deemed to be complete. The court order must direct the

publication to be made in a newspaper designated by the court at least once every week for a period of 4 weeks. If personal service is also attempted, service of the notice shall be deemed to be complete at the expiration of such a period. The provisions of this subsection and subsection 1 must not be construed to preclude personal service and service by publication from being attempted simultaneously.

3. Service shall be deemed to be complete if a party to be served appears in court for a hearing held pursuant to this chapter and the court provides the party with a copy of the motion, notifies the party of the date of the hearing on the motion and records such service.

4. Except as otherwise provided in subsection 5, a copy of the motion and notice of the hearing on the motion must be sent by certified mail to:

(a) The attorneys and any guardians ad litem for the child and the parent of the child who is the subject of the motion;

(b) If applicable, each Indian tribe of the child who is the subject of the motion, in accordance with NRS 128.023; and

(c) Any known relative of the child who is the subject of the motion within the fifth degree of consanguinity who is residing in this State.

5. If an attorney has consented to electronic service, a copy of the motion and notice of the hearing on the motion may be sent to the attorney electronically instead of by certified mail.

6. The court shall ensure that any prospective adoptive parent of the child who is the subject of the motion is provided with a copy of the notice of the hearing on the motion. Except as otherwise provided in section 5 of this act or another provision of law, the name and address of the prospective adoptive parent must be kept confidential.

7. Any party to the proceeding may file a written response to the motion.

Sec. 4. ***1. At the time stated in the notice of the hearing, or at the earliest time thereafter to which the hearing may be postponed, the parties to the proceeding shall, except as otherwise provided in this subsection, appear in person before the court and must be informed of the specific allegations set forth in the motion for the termination of parental rights. The court may allow a party to participate in the proceeding by telephone or videoconference if he or she is unable to appear in person because he or she is incarcerated outside this State or hospitalized and cannot be transported to the court.***

2. After a party has been informed of the allegations set forth in the motion, he or she may:

(a) Contest such allegations and request an evidentiary hearing, in which case an evidentiary hearing must be scheduled; or

(b) Voluntarily relinquish his or her parental rights with or without the possibility of an open adoption agreement established through mediation pursuant to section 5 of this act, in which case a hearing must be scheduled for the purpose of confirming such voluntary relinquishment.

3. If an evidentiary hearing is scheduled pursuant to paragraph (a) of subsection 2, the court may also order a party to the proceeding to participate in mediation pursuant to section 5 of this act.

4. If a party to the proceeding does not appear at the time stated in the notice and the court determines that he or she was given proper notice pursuant to section 3 of this act, the court may proceed to hear evidence and render its decision or postpone hearing any evidence until an evidentiary hearing is conducted concerning any other party to the proceeding.

5. If the court postpones hearing evidence pursuant to subsection 4, ~~[no]~~ further notice to the absent party is required ~~[.]~~ unless the court, in its discretion, considering the facts and circumstances of the case, determines that no additional notice to the absent party is required.

Sec. 5. *1. The court may, upon its own motion or the motion of a party to the proceeding, order the parties, any prospective adoptive parent and a representative from an agency which provides child welfare services to participate in mediation for the purpose of negotiating the terms of an open adoption agreement.*

2. A party to the proceeding may make a motion for mediation at any time after the commencement of a proceeding for the termination of parental rights but not less than 5 judicial days before a scheduled evidentiary hearing.

3. Persons ordered to participate in mediation pursuant to subsection 1 shall complete such mediation not later than ~~[20]~~ 60 calendar days after the court issues the order for mediation.

4. If the persons ordered to participate in mediation agree to the terms of an open adoption, the terms must be set forth in a written agreement at the time of mediation.

Sec. 6. *~~[1.]~~ During an evidentiary hearing, ~~[any oral or written reports or information contained in a report filed pursuant to this chapter that are received by the court may be relied upon to the extent of the probative value thereof. The court shall afford the parties and their attorneys an opportunity to examine and controvert each written report that is received into evidence and to cross-examine each person who made the written report, when reasonably available.~~*

~~2. At~~ at the request of a party to the proceeding, the court may permit a witness to testify by telephone or videoconference if the court determines that it is able to adequately assess witness credibility. Except as otherwise permitted by the court, a party to the proceeding may not testify by telephone or videoconference unless he or she is incarcerated outside this State or hospitalized and cannot be transported to the court.

Sec. 7. *The court shall use its best efforts to ensure that a final written decision on a motion for the termination of parental rights which includes detailed findings of fact is rendered not later than 30 days after the conclusion of the evidentiary hearing. Such a decision may be rendered*

orally in court before being set forth in a written order. The order of the court must include a notice of the right of a party to appeal the decision of the court. The order granting or denying a motion for the termination of parental rights is a final order of the court and the parties have the right to appeal the decision of the court in accordance with chapter 128 of NRS.

Sec. 8. ***Except as otherwise provided in this section, if a party appeals the decision of the court pursuant to section 7 of this act, the appellate court of competent jurisdiction shall use its best efforts to ensure that the matter is resolved not later than 6 months after the appeal is filed. If the appellate court orders full briefings on the matter, it shall use its best efforts to ensure that the matter is resolved not later than 12 months after the appeal is filed.***

Sec. 9. ***If a person seeks to restore the parental rights of a natural parent or parents pursuant to NRS 128.170 to 128.190, inclusive, and the child whose natural parent or parents have had their parental rights terminated or have relinquished their parental rights is subject to the jurisdiction of the juvenile court pursuant to this chapter, the petition for the restoration of parental rights must be filed as part of a proceeding held pursuant to this chapter.***

Sec. 10. Chapter 128 of NRS is hereby amended by adding thereto a new section to read as follows:

The provisions of this chapter, to the extent they do not conflict with the provisions of sections 2 to 9, inclusive, of this act, apply to all proceedings concerning the termination of parental rights that are commenced pursuant to section 2 of this act by an agency which provides child welfare services.

Sec. 11. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039,

242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 3 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times

during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 12. **This act becomes effective on January 1, 2018.**

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 433.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 790.

AN ACT relating to guardianships; replacing the term "ward" with the term "protected person"; establishing provisions relating to the right of a protected person to communicate, visit or interact with certain persons; establishing provisions regarding certain notifications concerning a protected person that a guardian is required to give to certain persons; establishing provisions relating to guardians of the person; establishing provisions concerning sanctions that may be imposed upon and actions that may be taken against a guardian; revising provisions relating to the appointment of a

guardian ad litem to represent a protected person; revising provisions relating to the appointment of counsel to represent a proposed protected person; removing the requirement that certain persons must inform a proposed protected person of his or her right to counsel; revising provisions relating to certain reports and accounts filed with the court by a guardian of the person and a guardian of the estate; revising the circumstances in which a court is authorized to remove a guardian; reducing the filing fee for a petition for a guardianship; prohibiting the charging or collecting of any other fee for the filing of such a petition; requiring a county recorder to charge and collect a fee for the recording of certain documents to be used for certain specified purposes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term "ward" for purposes of the provisions of law governing guardianships as any person for whom a guardian has been appointed. (NRS 159.027) **Section 20** of this bill replaces the term "ward" with the term "protected person."

Sections 4-11 of this bill establish provisions relating to the right of a protected person to communicate, visit or interact with his or her parent, child or sibling or a person of natural affection, which **section 3** of this bill defines as a person who is not a family member of a protected person but who shares a relationship with the protected person that is similar to the relationship between family members. **Section 5** generally prohibits a guardian from restricting the right of a protected person to communicate, visit or interact with such persons except in certain circumstances.

Section 6 authorizes a guardian to petition a court to issue an order restricting the ability of a parent, child or sibling of a protected person or a person of natural affection to communicate, visit or interact with a protected person for good cause. **Section 6** requires a court to consider certain factors when determining whether to issue such an order and requires a guardian to provide the court with documentation of any physical reactions or manifestations of agitation, distress or combative or overly emotional behavior by the protected person during or following any contact with any such person or opposition by the protected person to any communication, visitation or interaction with any such person if the protected person is unable to communicate verbally. **Section 7** requires a court to consider imposing certain restrictions on communication, visitation or interaction between a protected person and any such person in a certain order of preference.

Section 8 authorizes any person who reasonably believes a guardian has violated a court order or committed an abuse of discretion in ~~[determining a protected person's consent to or refusal of]~~ **restricting** communication, visitation or interaction ~~[with]~~ **between a protected person and** his or her parent, child or sibling or a person of natural affection to petition the court to take certain action.

Section 9 requires the court to schedule a hearing on a petition filed by a guardian or person pursuant to **section 6 or 8**, respectively, not later than 63

days after the date the petition is filed. **Section 9** also requires the court to conduct an emergency hearing as soon as practicable, but not later than 7 days after the date the petition is filed, if the petition states that that health of the protected person is in significant decline or the death of the protected person might be imminent.

Section 10 establishes provisions concerning who has the burden of proof in a proceeding held pursuant to **sections 4-11**, and **section 11** sets forth certain sanctions.

Sections 12 and 13 of this bill establish provisions regarding certain notifications concerning a protected person that a guardian is required to give to certain interested persons. **Section 12** generally requires a guardian to file with the court a notice of his or her intent to move a protected person and to serve notice upon such interested persons not less than 10 days before moving the protected person. If an objection to the move is not received from any interested person within 10 days after receiving the notice, the guardian is authorized to move the protected person without court permission. **Section 12** further provides that if an emergency condition exists, the guardian is authorized to take any temporary action needed without court permission and is required to file notice with the court and serve notice upon all interested persons as soon as practicable after taking such action. **Section 26** of this bill revises provisions of existing law governing the authority of a guardian of the person to establish or change the residence of a protected person to conform with the provisions of **section 12**.

Section 13 requires a guardian to notify immediately all interested persons and persons of natural affection: (1) if the guardian believes, based on information from certain qualified persons, that the death of the protected person is likely to occur within the next 30 days; (2) upon the death of the protected person; and (3) upon obtaining any information relating to the burial or cremation of the protected person. If the guardian is providing notification of the death of the protected person, the guardian is required to provide such notification in a certain manner pursuant to **section 13**.

Section 12 also: (1) provides that any notification given by a guardian relating to moving a protected person or the death or impending death of a protected person must include the current location of the protected person unless an order of protection has been issued against an interested person or a person of natural affection on behalf of the protected person; and (2) establishes the circumstances in which a guardian is not required to provide notification to an interested person or person of natural affection.

Section 14 of this bill authorizes a guardian of the person to take certain actions if a guardian of the estate has not been appointed and provides that if a guardian of the estate has been appointed, a guardian of the person may receive reasonable sums for any room and board furnished to a protected person if the guardian presents a claim to the guardian of the estate.

Section 17 of this bill authorizes a court to take certain action if a guardian violates any right of a protected person and to impose twice the actual

damages incurred by the protected person and attorney's fees and costs if any action by a guardian is deemed to be deliberately harmful or fraudulent or to have been committed with malice.

Existing law authorizes a court to appoint a person to represent a ward or proposed ward as a guardian ad litem. (NRS 159.0455) **Section 22** of this bill revises provisions relating to such an appointment and authorizes a court to appoint a volunteer person who is not an attorney as a guardian ad litem to represent a protected person or proposed protected person if a court-approved volunteer advocate program for guardians ad litem is established in the judicial district.

Existing law provides that if an adult ward or proposed adult ward is unable to retain legal counsel and requests the appointment of counsel at any stage in a guardianship proceeding, the court is required to appoint an attorney who works for legal aid services or a private attorney to represent the adult ward or proposed adult ward. (NRS 159.0485) **Section 23** of this bill provides that upon the filing of a petition for the appointment of a guardian for a proposed protected person who is an adult, the court is required to appoint an attorney to represent the proposed protected person unless the proposed protected person wishes to retain or has already retained an attorney. The court is required to appoint an attorney who works for an organization operating a program for legal services for the indigent which provides legal services for protected persons and proposed protected persons who are adults if the county in which the proposed protected person lives has such a program that is able to accept the case. If the county in which the proposed protected person resides does not have such a program or the program is unable to accept the case, the court is required to determine whether the proposed protected person has the ability to pay the reasonable compensation and expenses of an attorney from his or her estate and, if so, order an attorney to represent the proposed protected person and require the compensation and expenses of the attorney to be paid from the estate. If the proposed protected person does not have the ability to pay, the court is authorized to use money set aside for the purpose of assisting such proposed protected persons to pay for an attorney to represent the proposed protected person.

Existing law requires a proposed ward who is found in this State to attend the hearing for the appointment of a guardian unless a certificate that includes certain information, including why the proposed ward cannot attend the hearing, is signed by a qualified person. If the proposed ward is an adult and cannot attend the hearing by videoconference, the person who signs the certificate or another qualified person is required to inform the proposed ward of certain rights of the proposed ward, including the right to counsel, and ask the proposed ward if he or she wishes to be represented by counsel (NRS 159.0535) **Section 24** of this bill removes such a requirement.

Existing law requires a guardian of the person to file with the court a written report on the condition of the ward and the exercise of authority and

performance of duties by the guardian at certain specified times. (NRS 159.081) **Section 27** of this bill requires that certain information be included in such a report. Existing law also requires a guardian of the estate or special guardian who is authorized to manage the property of a ward to file with the court a verified account of the estate of the ward at certain specified times and requires the account to include certain information. (NRS 159.177, 159.179) **Section 28** of this bill requires the account to be served on the protected person and the attorney of the protected person**. ~~[, and section]~~ Section 29** of this bill revises the requirements relating to the account **~~[.]~~ and revises provisions relating to producing or filing with the court the receipts and vouchers for all expenditures included in the account.** **Section 16** of this bill authorizes a court to impose a penalty in an amount not to exceed $5,000 and order restitution of any money misappropriated from the estate of a protected person if a guardian is guilty of gross impropriety in handling the property of the protected person, makes a substantial misstatement in any such report or account or willfully fails to file such a report or account within a certain period after receiving written notice from the court of the failure to file.

Section 15 of this bill provides that a protected person or his or her attorney is entitled to receive copies of any accountings relating to any trusts created by or for the benefit of the protected person.

Section 31 of this bill revises the circumstances in which a court may remove a guardian. **Section 32** of this bill provides that upon the filing of a petition for the termination or modification of a guardianship, the court is required to appoint an attorney to represent the protected person if: (1) the protected person is unable to retain an attorney; or (2) the court determines that the appointment is necessary to protect the interests of the protected person.

Existing law authorizes or requires the imposition of various fees in civil actions, including fees specific to the filing of a petition for a guardianship. (NRS 19.013-19.0335) **Section 33** of this bill reduces the fee for filing a petition for a guardianship where the stated value of the estate is more than $2,500 from $72 to $5. **Section 33** also specifies that no other fee may be charged or collected for the filing of a petition for a guardianship.

Existing law requires a county recorder to charge and collect a fee of $1 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing other than an originally signed copy of a certificate of marriage, which the county treasurer is required to remit to the State Treasurer for credit to the Account to Assist Persons Formerly in Foster Care. (NRS 247.305) **Section 36** of this bill requires a county recorder to charge and collect an additional fee of $3 for the recording of such documents, which the county treasurer is required to remit: (1) to the organization operating the program for legal services for the indigent in the county, to be used to provide legal services for protected persons or proposed protected persons who are adults in guardianship proceedings and, if

sufficient funding exists, protected persons and proposed protected persons who are minors in guardianship proceedings; or (2) if such an organization does not exist in the judicial district, to an account maintained by the county for the exclusive use of the district court to pay the reasonable compensation and expenses of attorneys to represent protected persons and proposed protected persons who are adults and do not have the ability to pay such compensation and expenses. **Section 37** of this bill requires a county recorder to charge and collect an additional fee of $1 for the recording of such documents, which the county treasurer is required to remit to an account maintained by the county for the exclusive use of the district court to pay the compensation of certain investigators appointed by the court. **Section 41** of this bill provides that **section 37** becomes effective if, and only if, Assembly Bill No. 319 of this session is enacted by the Legislature and becomes effective.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 159 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this act.

Sec. 2. ***"Interested person" means a person who is entitled to notice of a guardianship proceeding pursuant to NRS 159.034.***

Sec. 3. ***"Person of natural affection" means a person who is not a family member of a protected person but who shares a relationship with the protected person that is similar to the relationship between family members.***

Sec. 4. ***As used in sections 4 to 11, inclusive, of this act, "relative" means a parent, child or sibling of a protected person.***

Sec. 5. ***1. A guardian shall not restrict the right of a protected person to communicate, visit or interact with a relative or person of natural affection, including, without limitation, by telephone, mail or electronic communication, unless:***

[1.] (a) The protected person expresses to the guardian and at least one other independent witness who is not affiliated with or related to the guardian or the protected person that the protected person does not wish to communicate, visit or interact with the relative or person of natural affection;

[2.] (b) There is currently an investigation of the relative or person of natural affection by law enforcement or a court proceeding concerning the alleged abuse of the protected person and the guardian determines that it is in the best interests of the protected person to restrict the communication, visitation or interaction between the protected person and the relative or person of natural affection because of such an investigation or court proceeding; [or

~~3.~~ *(c) The restriction on the communication, visitation or interaction with the relative or person of natural affection is authorized by a court order* ~~[.]~~ *;*

(d) Subject to the provisions of subsection 2, the guardian determines that the protected person is being physically, emotionally or mentally harmed by the relative or person of natural affection; or

(e) Subject to the provisions of subsection 3, a determination is made that, as a result of the findings in a plan for the care or treatment of the protected person, visitation, communication or interaction between the protected person and the relative or person of natural affection is detrimental to the health and well-being of the protected person.

2. Except as otherwise provided in this subsection, if a guardian restricts communication, visitation or interaction between a protected person and a relative or person of natural affection pursuant to paragraph (d) of subsection 1, the guardian shall file a petition pursuant to section 6 of this act not later than 10 days after restricting such communication, visitation or interaction. A guardian is not required to file such a petition if the relative or person of natural affection is the subject of an investigation or court proceeding pursuant to paragraph (b) of subsection 1 or a pending petition filed pursuant to section 6 of this act.

3. A guardian may consent to restricting the communication, visitation or interaction between a protected person and a relative or person of natural affection pursuant to paragraph (e) of subsection 1 if the guardian determines that such a restriction is in the best interests of the protected person. If a guardian makes such a determination, the guardian shall file a notice with the court that specifies the restriction on communication, visitation or interaction not later than 10 days after the guardian is informed of the findings in the plan for the care or treatment of the protected person. The guardian shall serve the notice on the protected person, the attorney of the protected person and any person who is the subject of the restriction on communication, visitation or interaction.

Sec. 6. *1. For good cause, a guardian may petition a court to issue an order restricting the ability of a relative or person of natural affection to communicate, visit or interact with a protected person.*

2. After a petition is filed by a guardian pursuant to subsection 1, a court:

(a) May appoint a person to meet with the protected person to determine his or her wishes regarding communication, visitation or interaction with the relative or person of natural affection;

(b) Shall give notice and an opportunity to be heard to the guardian, the protected person and the relative or person of natural affection;

(c) Shall preserve the right of the protected person to be present at the hearing on the petition; and

(d) May order supervised communication, visitation or interaction between the protected person and the relative or person of natural affection before the hearing on the petition.

3. Upon a showing of good cause by a guardian, a court may issue an order restricting the communication, visitation or interaction between a protected person and a relative or person of natural affection pursuant to this section. When determining whether to issue an order, a court shall consider the following factors:

(a) Whether any protective order has been issued to protect the protected person from the relative or person of natural affection;

(b) Whether the relative or person of natural affection has been charged with abuse, neglect or financial exploitation of the protected person;

(c) Whether the protected person has expressed to the court or to the guardian and at least one other independent witness who is not affiliated with or related to the guardian or the protected person a desire to or a desire not to communicate, visit or interact with the relative or person of natural affection;

(d) If the protected person is unable to communicate, whether a properly executed living will, durable power of attorney or other written instrument contains a preference by the protected person regarding his or her communication, visitation or interaction with the relative or person of natural affection; and

(e) Any other factor deemed relevant by the court.

4. If a protected person is unable to communicate verbally, the guardian shall provide the court with documentation of any physical reactions or manifestations of agitation, distress or combative or overly emotional behavior by the protected person during or following any contact with a relative or person of natural affection or any opposition by the protected person to any communication, visitation or interaction with a relative or person of natural affection for the purpose of allowing the court to consider whether the protected person has expressed a desire not to communicate, visit or interact with the relative or person of natural affection, as set forth in paragraph (c) of subsection 3. Such documentation may include, without limitation, any nursing notes, caregiver records, medical records or testimony of witnesses.

5. A guardian, protected person, relative or person of natural affection may petition the court to modify or rescind any order issued pursuant to this section.

Sec. 7. ***1. Before issuing an order pursuant to section 6 of this act, a court shall consider imposing any restrictions on communication, visitation or interaction between a protected person and a relative or person of natural affection in the following order of preference:***

(a) Placing reasonable time, manner or place restrictions on communication, visitation or interaction between the protected person and the relative or person of natural affection based on the history between the

protected person and the relative or person of natural affection or the wishes of the protected person;

(b) Requiring that any communication, visitation or interaction between the protected person and the relative or person of natural affection be supervised; and

(c) Denying communication, visitation or interaction between the protected person and the relative or person of natural affection.

2. If the court determines that the relative or person of natural affection poses a threat to the protected person, the court may order supervised communication, visitation or interaction pursuant to paragraph (b) of subsection 1 before denying any communication, visitation or interaction.

Sec. 8. *1. If any person, including, without limitation, a protected person, reasonably believes that a guardian has committed an abuse of discretion in making a determination pursuant to paragraph (b) of subsection ~~[2]~~ 1 or subsection 3 of section 5 of this act or has violated a court order issued pursuant to section 6 of this act, the person may petition the court to:*

(a) Require the guardian to grant the relative or person of natural affection access to the protected person;

(b) Restrict or further restrict the access of the relative or person of natural affection to the protected person;

(c) Modify the duties of the guardian; or

(d) Remove the guardian pursuant to NRS 159.185.

2. A guardian who violates any provision of sections 4 to 11, inclusive, of this act is subject to removal pursuant to NRS 159.185.

Sec. 9. *1. Except as otherwise provided in subsection 2, a court shall schedule a hearing on a petition filed pursuant to section 6 or 8 of this act not later than 63 days after the date the petition is filed.*

2. If a petition filed pursuant to section 6 or 8 of this act states that the health of the protected person is in significant decline or that the death of the protected person might be imminent, the court shall issue an order for an emergency hearing and conduct the emergency hearing as soon as practicable but not later than 7 days after the date the petition is filed.

3. If a court issues an order for an emergency hearing pursuant to subsection 2, the court may order supervised communication, visitation or interaction between the protected person and the relative or person of natural affection before the hearing.

4. Notice of the hearing, a copy of the petition and a copy of any order issued pursuant to subsection 2, if applicable, must be personally served upon the protected person and any person against whom the petition is filed. Nothing in this section affects the right of the protected person to appear and be heard in the proceedings.

Sec. 10. *In a proceeding held pursuant to sections 4 to 11, inclusive, of this act:*

1. The guardian has the burden of proof if he or she:

(a) Petitions the court to restrict the ability of a relative or person of natural affection to communicate, visit or interact with a protected person pursuant to subsection 1 of section 6 of this act;

(b) Petitions the court to modify or rescind an order pursuant to subsection 5 of section 6 of this act; or

(c) Opposes a petition filed pursuant to section 8 of this act.

2. A relative or person of natural affection has the burden of proof if he or she petitions the court to modify or rescind an order pursuant to subsection 5 of section 6 of this act.

Sec. 11. *1. In a proceeding held pursuant to sections 4 to 11, inclusive, of this act, if the court finds that:*

(a) A petition was filed frivolously or in bad faith, the court shall award attorney's fees to the party opposing the petition.

(b) A guardian is in contempt of court or has acted frivolously or in bad faith in prohibiting or restricting communication, visitation or interaction between the relative or person of natural affection and the protected person, the court may:

(1) Award attorney's fees to the prevailing party; and

(2) Impose sanctions against the guardian.

2. Any attorney's fees awarded pursuant to this section must not be paid by the protected person or the estate of the protected person.

Sec. 12. *1. Every protected person has the right, if possible, to:*

(a) Have his or her preferences followed; and

(b) Age in his or her own surroundings or, if not possible, in the least restrictive environment suitable to his or her unique needs and abilities.

2. Except as otherwise provided in subsection 5, a proposed protected person must not be moved until a guardian is appointed.

3. Except as otherwise provided in this section and subsections 5 and 6 of NRS 159.079, the guardian shall notify all interested persons in accordance with subsection 4 before the protected person:

(a) Is admitted to a secured residential long-term care facility;

(b) Changes his or her residence, including, without limitation, to or from one secured residential long-term care facility to another; or

(c) Will reside at a location other than his or her residence for more than 3 days. ~~[; or~~

~~*(d) Will be admitted to a medical facility for acute care or emergency care.]*~~

4. Except as otherwise provided in this section and subsections 5 and 6 of NRS 159.079, a guardian shall file with the court a notice of his or her intent to move the protected person and shall serve notice upon all interested persons not less than 10 days before moving the protected person. If no objection to the move is received from any interested person within 10 days after receiving the notice, the guardian may move the protected person without court permission.

5. If an emergency condition exists, including, without limitation, the health or safety of the protected person is at risk of imminent harm or the protected person has been hospitalized and ~~[is]~~ will be unable to return to his or her residence ~~[.]~~ for a period of more than 24 hours, the guardian may take any temporary action needed without the permission of the court and shall file notice with the court and serve notice upon all interested persons as soon as practicable after taking such action.

6. Except as otherwise provided in this subsection, any notice provided to a court, an interested person or person of natural affection pursuant to this section or section 13 of this act must include the current location of the protected person. The guardian shall not provide any contact information to an interested person or person of natural affection if an order of protection has been issued against the interested person or person of natural affection on behalf of the protected person.

7. A guardian is not required to provide notice to an interested person or person of natural affection in accordance with this section or section 13 of this act if:

(a) The interested person or person of natural affection informs the guardian in writing that the person does not wish to receive such notice; or

(b) The protected person or a court order has expressly prohibited the guardian from providing notice to the interested person or person of natural affection.

Sec. 13. ***1. Except as otherwise provided in section 12 of this act, a guardian shall immediately notify all interested persons and persons of natural affection:***

(a) If the guardian reasonably believes that the death of the protected person is likely to occur within the next 30 days and such belief is based on information from a psychologist, physician or other health care provider of the protected person or a person otherwise qualified to provide such a medical opinion, including, without limitation, a health care provider employed by a hospice or by a hospital of the Department of Veterans Affairs.

(b) Upon the death of the protected person.

(c) Upon obtaining any information relating to the burial or cremation of the protected person.

2. The guardian shall provide notification pursuant to paragraph (b) of subsection 1:

(a) In person or by telephone to the family members of the protected person or, if the protected person does not have any family members or does not have a relationship with any family members, the person of natural affection designated to receive such notification;

(b) By electronic communication to any family member of the protected person or person of natural affection who has opted to receive notification by electronic communication; and

(c) In writing to all other interested persons and persons of natural affection not given notice pursuant to paragraph (a) or (b).

Sec. 14. *1. If a guardian of the estate has not been appointed, a guardian of the person may:*

(a) Institute proceedings to compel any person under a duty to support the protected person or to pay for the welfare of the protected person to perform that duty; and

(b) Receive money and tangible property deliverable to the protected person and apply such money and property for the support, care and education of the protected person. The guardian shall not use any money from the estate of the protected person to cover the cost of any room and board that the guardian or the spouse, parent or child of the guardian furnishes to the protected person unless a charge for the service is approved by a court order, after notice to at least one adult relative in the nearest degree of consanguinity to the protected person in which there is an adult. The guardian shall exercise care to conserve any excess money for the needs of the protected person.

2. If a guardian of the estate has been appointed, any money received by the guardian of the person that is in excess of the money expended to pay for the support, care and education of the protected person must be paid to the guardian of the estate for management of the estate. The guardian of the person shall account to the guardian of the estate for any money expended.

3. A guardian of the person of a protected person for whom a guardian of the estate also has been appointed may receive reasonable sums for any room and board furnished to the protected person if the guardian of the person presents a claim to the guardian of the estate pursuant to NRS 159.107 and 159.109.

4. A guardian of the person may request the guardian of the estate to make a payment from the estate of the protected person to another person or entity for the care and maintenance of the protected person in accordance with NRS 159.107 and 159.109.

Sec. 15. *A protected person or his or her attorney is entitled to receive copies of any accountings relating to any trusts created by or for the benefit of the protected person. A protected person may submit any trust to the jurisdiction of a court if:*

1. The protected person, his or her spouse, or both the protected person and his or her spouse are grantors and sole beneficiaries of the income of the trust; or

2. The trust was created at the discretion of or with the consent of a court.

Sec. 16. *If a guardian:*

1. Is guilty of gross impropriety in handling the property of the protected person;

2. Makes a substantial misstatement in any report filed pursuant to NRS 159.081 or any account filed pursuant to NRS 159.177; or

3. Willfully fails to file a report required by NRS 159.081 or an account required by NRS 159.177 after receiving written notice from the court of the failure to file and a grace period of 2 months after such notification has elapsed,

➥ the court may impose a penalty in an amount not to exceed $5,000 and order restitution of any money misappropriated from the estate of a protected person, which must be paid by the guardian and must not be paid by the estate of the protected person.

Sec. 17. ***1. If a guardian violates any right of a protected person that is set forth in this chapter, a court may take any appropriate action, including, without limitation:***

(a) Issuing an order that certain actions be taken or discontinued;

(b) Disallowing any fees payable to the guardian;

(c) After notice and a hearing, issuing an order compensating a protected person or the estate of a protected person for any injury, death or loss of money or property caused by the actions of the guardian or the failure of the guardian to take appropriate action;

(d) Removing the guardian pursuant to NRS 159.185; or

(e) Taking any other action that is proper under the circumstances.

2. If any action by a guardian is deemed to be deliberately harmful or fraudulent or to have been committed with malice, the court may also impose:

(a) Twice the actual damages incurred by the protected person; and

(b) Attorney's fees and costs.

Sec. 18. NRS 159.013 is hereby amended to read as follows:

159.013 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 159.014 to 159.027, inclusive, ***and sections 2 and 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 19. NRS 159.025 is hereby amended to read as follows:

159.025 "Proposed ~~[~~ward"~~]~~ ***protected person"*** means any person for whom proceedings for the appointment of a guardian have been initiated in this State or, if the context so requires, for whom similar proceedings have been initiated in another state.

Sec. 20. NRS 159.027 is hereby amended to read as follows:

159.027 ~~[~~"Ward"~~]~~ ***"Protected person"*** means any person for whom a guardian has been appointed.

Sec. 21. NRS 159.043 is hereby amended to read as follows:

159.043 1. All petitions filed in any guardianship proceeding must bear the title of the court and cause.

2. The caption of all petitions and other documents filed in a guardianship proceeding must read, "In The Matter of the Guardianship of..... (the person, the estate, or the person and estate),..... (the

legal name of the person),..... (adult or minor) ~~[."]~~ ***, Protected Person."***

Sec. 22. NRS 159.0455 is hereby amended to read as follows:

159.0455 1. On or after the date of the filing of a petition to appoint a guardian:

(a) The court may ***, in any proceeding,*** appoint a person to represent the ~~[ward]~~ ***protected person*** or proposed ~~[ward]~~ ***protected person*** as a guardian ad litem ~~[,]~~ ***if the court believes that the protected person or proposed protected person will benefit from the appointment and the services of the guardian ad litem will be beneficial in determining the best interests of the protected person or proposed protected person;*** and

(b) The guardian ad litem must represent the ~~[ward]~~ ***protected person*** or proposed ~~[ward]~~ ***protected person*** as a guardian ad litem until relieved of that duty by court order.

2. Upon the appointment of the guardian ad litem, the court shall set forth in the order of appointment the duties of the guardian ad litem.

3. ~~[The guardian ad litem is entitled to reasonable compensation from the estate of the ward or proposed ward. If the court finds that a person has unnecessarily or unreasonably caused the appointment of a guardian ad litem, the court may order the person to pay to the estate of the ward or proposed ward all or part of the expenses associated with the appointment of the guardian ad litem.]~~ ***If a court-approved volunteer advocate program for guardians ad litem has been established in a judicial district, a court may appoint a person who is not an attorney to represent a protected person or proposed protected person as a guardian ad litem. If such a program has been established, all volunteers participating in the program must complete appropriate training, as determined by relevant national or state sources or as approved by the Supreme Court or the district court in the judicial district, before being appointed to represent a protected person or proposed protected person.***

4. A guardian ad litem appointed pursuant to this section is an officer of the court and is not a party to the case. A guardian ad litem appointed pursuant to this section shall not offer legal advice to the protected person or proposed protected person but shall:

(a) Advocate for the best interests of the protected person or proposed protected person in a manner that will enable the court to determine the action that will be the least restrictive and in the best interests of the protected person or proposed protected person; and

(b) Provide any information required by the court.

Sec. 23. NRS 159.0485 is hereby amended to read as follows:

159.0485 1. ~~[At the first hearing]~~ ***Upon the filing of a petition*** for the appointment of a guardian for a proposed ~~[adult ward,]~~ ***protected person who is an adult,*** the court shall ~~[advise]~~ ***appoint an attorney for*** the proposed ~~[adult ward who is in attendance at the hearing or who is appearing by videoconference at the hearing of his or her right to counsel and determine~~

~~whether~~] ***protected person unless*** the proposed [~~adult ward~~] ***protected person*** wishes to [~~be represented by counsel in the guardianship proceeding. If the proposed adult ward is not in attendance at the hearing because the proposed adult ward has been excused pursuant to NRS 159.0535 and is not appearing by videoconference at the hearing, the proposed adult ward must be advised of his or her right to counsel pursuant to subsection 2 of NRS 159.0535.~~] ***retain or has already retained an attorney of his or her own choice.***

2. [~~If an adult ward or proposed adult ward is unable to retain legal counsel and requests the appointment of counsel at any stage in a guardianship proceeding and whether or not the adult ward or proposed adult ward lacks or appears to lack capacity, the~~] ***The*** court [~~shall, at or before the time of the next hearing,~~] ***shall:***

(a) If the proposed protected person resides in a county that has a program for legal services for the indigent which provides legal services for protected persons and proposed protected persons who are adults and the program is able to accept the case, appoint an attorney who works for [~~legal aid services, if available, or a private~~] ***the organization operating the program to represent the proposed protected person. After such an appointment, if it is ascertained that the proposed protected person wishes to have another attorney represent him or her, the court shall appoint that*** attorney to represent the [~~adult ward or~~] proposed [~~adult ward. The appointed~~] ***protected person. An*** attorney ***appointed pursuant to this subsection*** shall represent the [~~adult ward or~~] proposed [~~adult ward~~] ***protected person*** until relieved of the duty by court order.

[~~3. Subject to the discretion and approval of the court, the attorney for the adult ward or~~]

(b) If the proposed [~~adult ward is entitled to reasonable compensation and expenses. Unless~~] ***protected person resides in a county that does not have a program for legal services for the indigent which provides legal services for protected persons and proposed protected persons who are adults, or if such a program exists but the program is unable to accept the case,*** the court [~~determines that the adult ward or~~] ***shall determine whether the*** proposed [~~adult ward does not have~~] ***protected person has*** the ability to pay [~~such~~] ***the reasonable*** compensation and expenses [~~or the court shifts the responsibility of payment to a third party,~~] ***of an attorney from his or her estate. If the proposed protected person:***

(1) Has the ability to pay the ***reasonable*** compensation and expenses [~~must~~] ***of an attorney, the court shall order an attorney to represent the proposed protected person and require such compensation and expenses of the attorney to*** be paid from the estate of the [~~adult ward or~~] proposed [~~adult ward, unless~~] ***protected person.***

(2) Does not have the ability to pay the reasonable compensation and expenses of an attorney, the court may use the money retained pursuant to subparagraph (2) of paragraph (a) of subsection 3 of NRS 247.305 to pay for an attorney to represent the proposed protected person.

3. If an attorney is appointed pursuant to paragraph (a) of subsection 2 and the proposed protected person has the ability to pay the compensation and expenses ~~[are provided for or paid by another person or entity.]~~ ***of an attorney, the organization operating the program for legal services may request that the court appoint a private attorney to represent the proposed protected person, to be paid by the proposed protected person.***

4. If the court finds that a person has unnecessarily or unreasonably caused the appointment of an attorney, the court may order the person to pay to the estate of the ~~[adult ward]~~ ***protected person*** or proposed ~~[adult ward]~~ ***protected person*** all or part of the expenses associated with the appointment of the attorney.

Sec. 24. NRS 159.0535 is hereby amended to read as follows:

159.0535 1. A proposed ~~[ward]~~ ***protected person*** who is found in this State must attend the hearing for the appointment of a guardian unless:

(a) A certificate signed by a physician or psychiatrist who is licensed to practice in this State or who is employed by the Department of Veterans Affairs specifically states the condition of the proposed ~~[ward,]~~ ***protected person,*** the reasons why the proposed ~~[ward]~~ ***protected person*** is unable to appear in court and whether the ~~[proposed ward's]~~ attendance ***of the proposed protected person*** at the hearing would be detrimental to the physical or mental health of the proposed ~~[ward;]~~ ***protected person;*** or

(b) A certificate signed by any other person the court finds qualified to execute a certificate states the condition of the proposed ~~[ward,]~~ ***protected person,*** the reasons why the proposed ~~[ward]~~ ***protected person*** is unable to appear in court and whether the ~~[proposed ward's]~~ attendance ***of the proposed protected person*** at the hearing would be detrimental to the physical or mental health of the proposed ~~[ward.]~~ ***protected person.***

2. A proposed ~~[ward]~~ ***protected person*** found in this State who cannot attend the hearing for the appointment of a general or special guardian as set forth in a certificate pursuant to subsection 1 may appear by videoconference. If the proposed ~~[ward]~~ ***protected person*** is an adult and cannot attend by videoconference, the person who signs the certificate described in subsection 1 or any other person the court finds qualified shall:

(a) Inform the proposed ~~[adult ward]~~ ***protected person*** that the petitioner is requesting that the court appoint a guardian for the proposed ~~[adult ward;]~~ ***protected person;***

(b) Ask the proposed ~~[adult ward]~~ ***protected person*** for a response to the guardianship petition; ***and***

(c) ~~[Inform the proposed adult ward of his or her right to counsel and ask whether the proposed adult ward wishes to be represented by counsel in the guardianship proceeding; and~~

~~(d)]~~ Ask the preferences of the proposed ~~[adult ward]~~ ***protected person*** for the appointment of a particular person as the guardian of the proposed ~~[adult ward.]~~ ***protected person.***

3. If the proposed ~~[ward]~~ ***protected person*** is an adult, the person who informs the proposed ~~[adult ward]~~ ***protected person*** of the rights of the proposed ~~[adult ward]~~ ***protected person*** pursuant to subsection 2 shall state in a certificate signed by that person:

(a) ~~[That the proposed adult ward has been advised of his or her right to counsel and asked whether he or she wishes to be represented by counsel in the guardianship proceeding;~~

~~(b)]~~ The responses of the proposed ~~[adult ward]~~ ***protected person*** to the questions asked pursuant to subsection 2; and

~~[(c)]~~ ***(b)*** Any conditions that the person believes may have limited the responses by the proposed ~~[adult ward.]~~ ***protected person.***

4. The court may prescribe the form in which a certificate required by this section must be filed. If the certificate consists of separate parts, each part must be signed by the person who is required to sign the certificate.

5. If the proposed ~~[ward]~~ ***protected person*** is not in this State, the proposed ~~[ward]~~ ***protected person*** must attend the hearing only if the court determines that the attendance of the proposed ~~[ward]~~ ***protected person*** is necessary in the interests of justice.

Sec. 25. NRS 159.073 is hereby amended to read as follows:

159.073 1. Every guardian, before entering upon his or her duties as guardian and before letters of guardianship may issue, shall:

(a) Take and subscribe the official oath which must:

(1) Be endorsed on the letters of guardianship; and

(2) State that the guardian will well and faithfully perform the duties of guardian according to law.

(b) File in the proceeding the appropriate documents which include, without limitation, the full legal name of the guardian and the residence and post office addresses of the guardian.

(c) Except as otherwise required in subsection 2, make and file in the proceeding a verified acknowledgment of the duties and responsibilities of a guardian. The acknowledgment must set forth:

(1) A summary of the duties, functions and responsibilities of a guardian, including, without limitation, the duty to:

(I) Act in the best interest of the ~~[ward]~~ ***protected person*** at all times.

(II) Provide the ~~[ward]~~ ***protected person*** with medical, surgical, dental, psychiatric, psychological, hygienic or other care and treatment as needed, with adequate food and clothing and with safe and appropriate housing.

(III) Protect, preserve and manage the income, assets and estate of the ~~[ward]~~ ***protected person*** and utilize the income, assets and estate of the ~~[ward]~~ ***protected person*** solely for the benefit of the ~~[ward.]~~ ***protected person.***

(IV) Maintain the assets of the ~~[ward]~~ ***protected person*** in the name of the ~~[ward]~~ ***protected person*** or the name of the guardianship. Except when the spouse of the ~~[ward]~~ ***protected person*** is also his or her guardian, the

assets of the ~~[ward]~~ ***protected person*** must not be commingled with the assets of any third party.

(V) ~~[Notify the court, all interested parties, the trustee, and named executor or appointed personal representative of the estate of the ward]~~ ***Provide notification*** of the death of the ~~[ward within 30 days after the death.]~~ ***protected person in accordance with section 13 of this act.***

(2) A summary of the statutes, regulations, rules and standards governing the duties of a guardian.

(3) A list of actions regarding the ~~[ward]~~ ***protected person*** that require the prior approval of the court.

(4) A statement of the need for accurate recordkeeping and the filing of annual reports with the court regarding the finances and well-being of the ~~[ward.]~~ ***protected person.***

2. The court may exempt a public guardian or private professional guardian from filing an acknowledgment in each case and, in lieu thereof, require the public guardian or private professional guardian to file a general acknowledgment covering all guardianships to which the guardian may be appointed by the court.

Sec. 26. NRS 159.079 is hereby amended to read as follows:

159.079 1. Except as otherwise ordered by the court, a guardian of the person has the care, custody and control of the person of the ~~[ward,]~~ ***protected person,*** and has the authority and, subject to subsection 2, shall perform the duties necessary for the proper care, maintenance, education and support of the ~~[ward,]~~ ***protected person,*** including, without limitation, the following:

(a) Supplying the ~~[ward]~~ ***protected person*** with food, clothing, shelter and all incidental necessaries, including locating an appropriate residence for the ~~[ward.]~~ ***protected person based on the financial situation and needs of the protected person, including, without limitation, any medical needs or needs relating to his or her care.***

(b) ***Taking reasonable care of any clothing, furniture, vehicles and other personal effects of the protected person and commencing a proceeding if any property of the protected person is in need of protection.***

(c) Authorizing medical, surgical, dental, psychiatric, psychological, hygienic or other remedial care and treatment for the ~~[ward.~~

~~(c)]~~ ***protected person.***

(d) Seeing that the ~~[ward]~~ ***protected person*** is properly trained and educated and that the ~~[ward]~~ ***protected person*** has the opportunity to learn a trade, occupation or profession.

2. In the performance of the duties enumerated in subsection 1 by a guardian of the person, due regard must be given to the extent of the estate of the ~~[ward.]~~ ***protected person.*** A guardian of the person is not required to incur expenses on behalf of the ~~[ward]~~ ***protected person*** except to the extent that the estate of the ~~[ward]~~ ***protected person*** is sufficient to reimburse the guardian.

3. A guardian of the person is the ~~[ward's]~~ personal representative ***of the protected person*** for purposes of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any applicable regulations. The guardian of the person has authority to obtain information from any government agency, medical provider, business, creditor or third party who may have information pertaining to the ~~[ward's]~~ health care or health insurance ~~[.]~~ ***of the protected person.***

4. ~~[Except as otherwise provided in subsection 6, a]~~ ***A*** guardian of the person may ***, subject to the provisions of subsection 6 and section 12 of this act,*** establish and change the residence of the ~~[ward]~~ ***protected person*** at any place within this State ***.*** ~~[without the permission of the court.]~~ The guardian shall select the least restrictive appropriate residence which is available and necessary to meet the needs of the ~~[ward]~~ ***protected person*** and which is financially feasible.

5. ~~[Except as otherwise provided in subsection 6, a]~~ ***A*** guardian of the person shall petition the court for an order authorizing the guardian to change the residence of the ~~[ward]~~ ***protected person*** to a location outside of this State. The guardian must show that the placement outside of this State is in the best interest of the ~~[ward]~~ ***protected person*** or that there is no appropriate residence available for the ~~[ward]~~ ***protected person*** in this State. The court shall retain jurisdiction over the guardianship unless the guardian files for termination of the guardianship pursuant to NRS 159.1905 or 159.191 or the jurisdiction of the guardianship is transferred to the other state.

6. A guardian of the person must file a ~~[petition]~~ ***notice*** with the court ~~[requesting authorization]~~ ***of his or her intent*** to move a ~~[ward]~~ ***protected person*** to or place a ~~[ward]~~ ***protected person*** in a secured residential long-term care facility ~~[unless:]~~ ***pursuant to subsection 4 of section 12 of this act unless the secured residential long-term care facility is in this State and:***

(a) ***An emergency condition exists pursuant to subsection 5 of section 12 of this act;***

(b) The court has previously granted the guardian authority to move the ~~[ward]~~ ***protected person*** to or place the ~~[ward]~~ ***protected person*** in such a facility based on findings made when the court appointed the guardian; or

~~[(b)]~~ ***(c)*** The move or placement is made pursuant to a written recommendation by a licensed physician, a physician employed by the Department of Veterans Affairs, a licensed social worker or an employee of a county or state office for protective services.

7. This section does not relieve a parent or other person of any duty required by law to provide for the care, support and maintenance of any dependent.

8. As used in this section "protective services" has the meaning ascribed to it in NRS 200.5092.

Sec. 27. NRS 159.081 is hereby amended to read as follows:

159.081 1. A guardian of the person shall make and file in the guardianship proceeding for review of the court a written report on the

condition of the ~~[ward]~~ ***protected person*** and the exercise of authority and performance of duties by the guardian:

(a) Annually, not later than 60 days after the anniversary date of the appointment of the guardian;

(b) Within 10 days of moving a ~~[ward]~~ ***protected person*** to a secured residential long-term care facility; and

(c) At such other times as the court may order.

2. A report filed pursuant to paragraph (b) of subsection 1 must:

(a) Include a copy of the written recommendation upon which the transfer was made; and

(b) Be served, without limitation, on the attorney for the ~~[ward,]~~ ***protected person,*** if any.

3. The court may prescribe the form ~~[and contents]~~ for filing a report described in subsection 1. ***Such a report must include, without limitation:***

(a) The physical condition of the protected person;

(b) The place of residence of the protected person;

(c) The name of all other persons living with the protected person unless the protected person is residing at a secured residential long-term care facility, group home, supportive living facility, assisted living facility or other facility for long-term care; and

(d) Any other information required by the court.

4. The guardian of the person shall give to the guardian of the estate, if any, a copy of each report not later than 30 days after the date the report is filed with the court.

5. The court is not required to hold a hearing or enter an order regarding the report.

6. As used in this section, "facility for long-term care" has the meaning ascribed to it in NRS 427A.028.

Sec. 28. NRS 159.177 is hereby amended to read as follows:

159.177 ***1.*** A guardian of the estate or special guardian who is authorized to manage the ~~[ward's]~~ property ***of the protected person*** shall make and file a verified account in the guardianship proceeding:

~~[1.]~~ ***(a)*** Annually, not later than 60 days after the anniversary date of the appointment of the guardian, unless the court orders such an account to be made and filed at a different interval upon a showing of good cause and with the appropriate protection of the interests of the ~~[ward.~~

~~2.]~~ ***protected person.***

(b) Upon filing a petition to resign and before the resignation is accepted by the court.

~~[3.]~~ ***(c)*** Within 30 days after the date of his or her removal, unless the court authorizes a longer period.

~~[4.]~~ ***(d)*** Within 90 days after the date of termination of the guardianship or the death of the ~~[ward,]~~ ***protected person,*** unless the court authorizes a longer period.

~~[5.]~~ ***(e)*** At any other time as required by law or as the court may order.

2. An account filed pursuant to this section must be served on the attorney of the protected person and, if the protected person is living, on the protected person.

Sec. 29. NRS 159.179 is hereby amended to read as follows:

159.179 1. An account made and filed by a guardian of the estate or special guardian who is authorized to manage the ~~[~~ward's~~]~~ property ***of a protected person*** must include, without limitation, the following information:

(a) The period covered by the account.

(b) ***The assets of the protected person at the beginning and end of the period covered by the account, including the beginning and ending balances of any accounts.***

(c) All cash receipts and disbursements during the period covered by the account ~~[~~.

~~(c)~~] ***, including, without limitation, any disbursements for the support of the protected person or other expenses incurred by the estate during the period covered by the account.***

(d) All claims filed and the action taken regarding the account.

~~[~~(d)] ***(e)*** Any changes in the ~~[~~ward's~~]~~ property ***of the protected person*** due to sales, exchanges, investments, acquisitions, gifts, mortgages or other transactions which have increased, decreased or altered the ~~[~~ward's~~]~~ property holdings ***of the protected person*** as reported in the original inventory or the preceding account ~~[~~.

~~(e)~~] ***, including, without limitation, any income received during the period covered by the account.***

(f) Any other information the guardian considers necessary to show the condition of the affairs of the ~~[~~ward.~~]~~ ***protected person.***

(g) Any other information required by the court.

2. ***All expenditures included in the account must be itemized.***

3. If the account is for the estates of two or more ~~[~~wards,~~]~~ ***protected persons,*** it must show the interest of each ~~[~~ward~~]~~ ***protected person*** in the receipts, disbursements and property.

~~[~~3.~~]~~ ***4.*** Receipts or vouchers for all expenditures must be retained by the guardian for examination by the court or an interested person. ~~[~~Unless ordered by the court, the ***The]*** ***A public*** guardian ~~[~~is not ***only*** required to~~]~~ ***shall produce such receipts or vouchers upon the request of the court, the protected person to whom the receipt or voucher pertains, the attorney of such a protected person or any interested person. All other guardians shall*** file such receipts or vouchers with the court ~~[~~.

~~4.~~] ***if:***

(a) The receipt or voucher is for an amount greater than $250, unless such a requirement is waived by the court; or

(b) The court orders the filing.

5. On the court's own motion or on ex parte application by an interested person which demonstrates good cause, the court may:

(a) Order production of the receipts or vouchers that support the account; and

(b) Examine or audit the receipts or vouchers that support the account.

~~[5.]~~ ***6.*** If a receipt or voucher is lost or for good reason cannot be produced on settlement of an account, payment may be proved by the oath of at least one competent witness. The guardian must be allowed expenditures if it is proven that:

(a) The receipt or voucher for any disbursement has been lost or destroyed so that it is impossible to obtain a duplicate of the receipt or voucher; and

(b) Expenses were paid in good faith and were valid charges against the estate.

Sec. 30. NRS 159.183 is hereby amended to read as follows:

159.183 1. Subject to the discretion and approval of the court and except as otherwise provided in subsection 4, a guardian must be allowed:

(a) Reasonable compensation for the guardian's services;

(b) Necessary and reasonable expenses incurred in exercising the authority and performing the duties of a guardian; and

(c) Reasonable expenses incurred in retaining accountants, attorneys, appraisers or other professional services.

2. Reasonable compensation and services must be based upon similar services performed for persons who are not under a legal disability. In determining whether compensation is reasonable, the court may consider:

(a) The nature of the guardianship;

(b) The type, duration and complexity of the services required; and

(c) Any other relevant factors.

3. In the absence of an order of the court pursuant to this chapter shifting the responsibility of the payment of compensation and expenses, the payment of compensation and expenses must be paid from the estate of the ~~[ward.]~~ ***protected person.*** In evaluating the ability of a ~~[ward]~~ ***protected person*** to pay such compensation and expenses, the court may consider:

(a) The nature, extent and liquidity of the ~~[ward's]~~ assets ~~[;]~~ ***of the protected person;***

(b) The disposable net income of the ~~[ward;]~~ ***protected person;***

(c) Any foreseeable expenses; and

(d) Any other factors that are relevant to the duties of the guardian pursuant to NRS 159.079 or 159.083.

4. A private professional guardian is not allowed compensation or expenses for services incurred by the private professional guardian as a result of a petition to have him or her removed as guardian if the court removes the private professional guardian pursuant to the provisions of paragraph (b), (d), (e), (f) or ~~[(h)]~~ ***(k)*** of subsection 1 of NRS 159.185.

Sec. 31. NRS 159.185 is hereby amended to read as follows:

159.185 1. The court may remove a guardian if the court determines that:

(a) The guardian has become mentally incompetent, unsuitable or otherwise incapable of exercising the authority and performing the duties of a guardian as provided by law;

(b) The guardian is no longer qualified to act as a guardian pursuant to NRS 159.0613 if the ~~[~~ward~~]~~ ***protected person*** is an adult or NRS 159.061 if the ~~[~~ward~~]~~ ***protected person*** is a minor;

(c) The guardian has filed for bankruptcy within the previous 5 years;

(d) The guardian of the estate has mismanaged the estate of the ~~[~~ward;~~]~~ ***protected person;***

(e) The guardian has negligently failed to perform any duty as provided by law or by any order of the court and:

(1) The negligence resulted in injury to the ~~[~~ward~~]~~ ***protected person*** or the estate of the ~~[~~ward;~~]~~ ***protected person;*** or

(2) There was a substantial likelihood that the negligence would result in injury to the ~~[~~ward~~]~~ ***protected person*** or the estate of the ~~[~~ward;~~]~~ ***protected person;***

(f) The guardian has intentionally failed to perform any duty as provided by law or by any lawful order of the court, regardless of injury;

(g) ***The guardian has violated any right of the protected person that is set forth in this chapter;***

(h) The guardian has violated a court order or committed an abuse of discretion in making a determination pursuant to paragraph (b) of subsection ~~[2]~~ 1 or subsection 3 of section 5 of this act;

(i) The guardian has violated any provision of sections 4 to 11, inclusive, of this act or a court order issued pursuant to section 6 of this act;

(j) The best interests of the ~~[~~ward~~]~~ ***protected person*** will be served by the appointment of another person as guardian; or

~~[~~(h)~~]~~ ***(k)*** The guardian is a private professional guardian who is no longer qualified as a private professional guardian pursuant to NRS 159.0595.

2. A guardian may not be removed if the sole reason for removal is the lack of money to pay the compensation and expenses of the guardian.

Sec. 32. NRS 159.1905 is hereby amended to read as follows:

159.1905 1. A ~~[~~ward,~~]~~ ***protected person,*** the guardian or another person may petition the court for the termination or modification of a guardianship. The petition must state or contain:

(a) The name and address of the petitioner.

(b) The relationship of the petitioner to the ~~[~~ward.~~]~~ ***protected person.***

(c) The name, age and address of the ~~[~~ward,~~]~~ ***protected person,*** if the ~~[~~ward~~]~~ ***protected person*** is not the petitioner, or the date of death of the ~~[~~ward~~]~~ ***protected person*** if the ~~[~~ward~~]~~ ***protected person*** is deceased.

(d) The name and address of the guardian, if the guardian is not the petitioner.

(e) The reason for termination or modification.

(f) Whether the termination or modification is sought for a guardianship of the person, of the estate, or of the person and estate.

(g) A general description and the value of the remaining property of the ~~[~~ward~~]~~ ***protected person*** and the proposed disposition of that property.

2. Upon the filing of the petition, the court ~~[~~may~~]~~ ***shall*** appoint an attorney to represent the ~~[~~ward~~]~~ ***protected person*** if:

(a) The ~~[~~ward~~]~~ ***protected person*** is unable to retain an attorney; ~~[~~and~~]~~ ***or***

(b) The court determines that the appointment is necessary to protect the interests of the ~~[~~ward.~~]~~ ***protected person.***

3. The petitioner has the burden of proof to show by clear and convincing evidence that the termination or modification of the guardianship of the person, of the estate, or of the person and estate is in the best interests of the ~~[~~ward.~~]~~ ***protected person.***

4. The court shall issue a citation to the guardian and all interested persons requiring them to appear and show cause why termination or modification of the guardianship should not be granted.

5. If the court finds that the petitioner did not file a petition for termination or modification in good faith or in furtherance of the best interests of the ~~[~~ward,~~]~~ ***protected person,*** the court may:

(a) Disallow the petitioner from petitioning the court for attorney's fees from the estate of the ~~[~~ward;~~]~~ ***protected person;*** and

(b) Impose sanctions on the petitioner in an amount sufficient to reimburse the estate of the ~~[~~ward~~]~~ ***protected person*** for all or part of the expenses and for any other pecuniary losses which are incurred by the estate of the ~~[~~ward~~]~~ ***protected person*** and associated with the petition.

Sec. 33. NRS 19.013 is hereby amended to read as follows:

19.013 1. Except as otherwise provided by specific statute, the county clerk or clerk of the court, as applicable, shall charge and collect the following fees:

On the commencement of any action or proceeding in the district court, or on the transfer of any action or proceeding from a district court of another county, except probate or guardianship proceedings, to be paid by the party commencing the action, proceeding or transfer	$56.00
On an appeal to the district court of any case from a justice court or a municipal court, or on the transfer of any case from a justice court or a municipal court	42.00
On the filing of a petition for letters testamentary, letters of administration ~~[~~,~~]~~ ***or*** setting aside an estate without administration, ~~[~~or a guardianship,~~]~~ which fee includes the court fee prescribed by NRS 19.020, to be paid by the petitioner:	
Where the stated value of the estate is more than $2,500	72.00

Where the stated value of the estate is $2,500 or less, no fee may be charged or collected.

On the filing of a petition for a guardianship, to be paid by the petitioner:

Where the stated value of the estate is more than $2,500 ..... 5.00

Where the stated value of the estate is $2,500 or less, no fee may be charged or collected.

On the filing of a petition to contest any will or codicil, to be paid by the petitioner 44.00

On the filing of an objection or cross-petition to the appointment of an executor ~~[,]~~ ***or*** administrator ***,*** ~~[or guardian,]~~ or an objection to the settlement of account or any answer in an estate ~~[or guardianship]~~ matter 44.00

On the appearance of any defendant or any number of defendants answering jointly, to be paid upon the filing of the first paper in the action by the defendant or defendants 44.00

For filing a notice of appeal 24.00

For issuing a transcript of judgment and certifying thereto 3.00

For preparing any copy of any record, proceeding or paper, for each page, unless such fee is waived by the county clerk or clerk of the court 0.50

For each certificate of the clerk, under the seal of the court 3.00

For examining and certifying to a copy of any paper, record or proceeding prepared by another and presented for a certificate of the county clerk or clerk of the court 5.00

For filing all papers not otherwise provided for, other than papers filed in actions and proceedings in court and papers filed by public officers in their official capacity 15.00

For issuing any certificate under seal, not otherwise provided for 6.00

For searching records or files in the office of the county clerk or clerk of the court, for each year, unless such fee is waived by the county clerk or clerk of the court, as applicable 0.50

For filing and recording a bond of a notary public, per name 15.00

For entering the name of a firm or corporation in the register of the county clerk 20.00

2. A county clerk may charge and collect, in addition to any fee that a county clerk is otherwise authorized to charge and collect, an additional fee not to exceed $5 for filing and recording a bond of a notary public, per name. On or before the fifth day of each month, the county clerk shall pay to the

county treasurer the amount of fees collected by the county clerk pursuant to this subsection for credit to the account established pursuant to NRS 19.016.

3. Except as otherwise provided by specific statute, all fees prescribed in this section are payable in advance if demanded by the county clerk or clerk of the court, as applicable.

4. The fees set forth in subsection 1 are payment in full for all services rendered by the county clerk or clerk of the court, as applicable, in the case for which the fees are paid, including the preparation of the judgment roll, but the fees do not include payment for typing, copying, certifying or exemplifying or authenticating copies.

5. No fee may be charged to any attorney at law admitted to practice in this State for searching records or files in the office of the clerk. No fee may be charged for any services rendered to a defendant or the defendant's attorney in any criminal case or in habeas corpus proceedings.

6. ***Notwithstanding any other provision of law, no fee may be charged or collected for the filing of a petition for a guardianship other than the fee established in subsection 1.***

7. Each county clerk and clerk of the court shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected during the preceding month.

Sec. 34. NRS 19.020 is hereby amended to read as follows:

19.020 1. At the time of the commencement of every civil action or other proceeding in the several district courts, the plaintiff shall pay the clerk of the court in which the action is commenced the sum of $3, except as otherwise provided by specific statute.

2. At the commencement of any proceeding in any district court for the purpose of procuring an appointment of administration upon the estate of any deceased person, ~~[or procuring an appointment as guardian,]~~ the party instituting the proceeding shall pay the clerk of the court the sum of $1.50.

3. Whenever any appeal is taken in a civil action or proceeding from the judgment or decision of a Justice Court, or other tribunal inferior to the district court, the party appealing shall, before the return to the appeal may be filed in the appellate court, pay to the clerk of the appellate court the sum of $5.

4. The several fees provided for in this section are designated as court fees, and no such action may be deemed commenced, proceedings instituted, nor appeal perfected until the court fees are paid.

Sec. 35. NRS 19.0302 is hereby amended to read as follows:

19.0302 1. Except as otherwise provided by specific statute and in addition to any other fee required by law, the clerk of the court shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the district court, other than those listed in paragraphs (c), (e) and (f), or on the transfer of any action or proceeding from a

district court of another county, to be paid by the party commencing the action, proceeding or transfer $99

(b) On the appearance of any defendant or any number of defendants answering jointly, to be paid upon the filing of the first paper in the action by the defendant or defendants $99

(c) On the filing of a petition for letters testamentary ~~[,]~~ ***or*** letters of administration ***,*** ~~[or a guardianship,]~~ which fee does not include the court fee prescribed by NRS 19.020, to be paid by the petitioner:

(1) Where the stated value of the estate is $200,000 or more $352

(2) Where the stated value of the estate is more than $20,000 but less than $200,000 ..... $99

(3) Where the stated value of the estate is $20,000 or less, no fee may be charged or collected.

(d) On the filing of a motion for summary judgment or a joinder thereto $200

(e) On the commencement of an action defined as a business matter pursuant to the local rules of practice and on the answer or appearance of any party in any such action or proceeding, to be paid by the party commencing, answering or appearing in the action or proceeding thereto $1,359

(f) On the commencement of:

(1) An action for a constructional defect pursuant to NRS 40.600 to 40.695, inclusive; or

(2) Any other action defined as "complex" pursuant to the local rules of practice,

➥ and on the answer or appearance of any party in any such action or proceeding, to be paid by the party commencing, answering or appearing in the action or proceeding $349

(g) On the filing of a third-party complaint, to be paid by the filing party $135

(h) On the filing of a motion to certify or decertify a class, to be paid by the filing party $349

(i) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court $10

2. Except as otherwise provided in subsection 4, fees collected pursuant to this section must be deposited into a special account administered by the county and maintained for the benefit of the district court. The money in that account must be used only:

(a) To offset the costs for adding and maintaining new judicial departments, including, without limitation, the cost for additional staff;

(b) To reimburse the county for any capital costs incurred for maintaining any judicial departments that are added by the 75th Session of the Nevada Legislature; and

(c) If any money remains in the account in a fiscal year after satisfying the purposes set forth in paragraphs (a) and (b), to:

(1) Acquire land on which to construct additional facilities for the district court or a regional justice center that includes the district court;

(2) Construct or acquire additional facilities for the district court or a regional justice center that includes the district court;

(3) Renovate or remodel existing facilities for the district court or a regional justice center that includes the district court;

(4) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the district court or a regional justice center that includes the district court;

(5) Acquire advanced technology;

(6) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the district court or a regional justice center that includes the district court;

(7) In a county whose population is less than 100,000, support court appointed special advocate programs for children, at the discretion of the judges of the judicial district;

(8) In a county whose population is less than 100,000, support legal services to the indigent and to be used by the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent; or

(9) Be carried forward to the next fiscal year.

3. Except as otherwise provided by specific statute, all fees prescribed in this section are payable in advance if demanded by the clerk of the court.

4. Each clerk of the court shall, on or before the fifth day of each month, account for and pay to the county treasurer:

(a) In a county whose population is 100,000 or more, an amount equal to $10 of each fee collected pursuant to paragraphs (a) and (b) of subsection 1 during the preceding month. The county treasurer shall remit quarterly to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent all the money received from the clerk of the court pursuant to this paragraph.

(b) All remaining fees collected pursuant to this section during the preceding month.

Sec. 36. NRS 247.305 is hereby amended to read as follows:

247.305 1. If another statute specifies the fee to be charged for a service, county recorders shall charge and collect only the fee specified.

Otherwise, unless prohibited by NRS 375.060, county recorders shall charge and collect the following fees:

(a) For recording any document, for the first page..... $10

(b) For each additional page..... $1

(c) For recording each portion of a document which must be separately indexed, after the first indexing..... $3

(d) For copying any record, for each page..... $1

(e) For certifying, including certificate and seal..... $4

(f) For a certified copy of a certificate of marriage..... $10

(g) For a certified abstract of a certificate of marriage..... $10

(h) For a certified copy of a certificate of marriage or for a certified abstract of a certificate of marriage, the additional sum of $5 for the Account for Aid for Victims of Domestic Violence in the State General Fund. The fees collected for this purpose must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and must be credited to that Account. The county treasurer shall, on or before the 15th day of each month, remit those fees deposited by the recorder to the State Controller for credit to that Account.

2. Except as otherwise provided in this subsection and NRS 375.060, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed $3 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder may not charge the additional fee authorized in this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer for credit to the account established pursuant to NRS 247.306.

3. Except as otherwise provided in this subsection and NRS 375.060, a county recorder shall charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee of ~~[$1]~~ ***$4*** for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized in this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer. On or before the 15th day of each month, the county treasurer shall remit the money received by him or her pursuant to this subsection ***in the following amounts for each fee received:***

(a) Three dollars:

(1) To the organization operating the program for legal services for the indigent that receives the fees charged pursuant to NRS 19.031 to be used to provide legal services for:

(I) Protected persons or proposed protected persons who are adults in guardianship proceedings; and

(II) If sufficient funding exists, protected persons or proposed protected persons who are minors in guardianship proceedings, including, without limitation, any guardianship proceeding involving an allegation of financial mismanagement of the estate of a minor; or

(2) If the organization described in subparagraph (1) does not exist in the judicial district, to an account maintained by the county for the exclusive use of the district court to pay the reasonable compensation and expenses of attorneys to represent protected persons and proposed protected persons who are adults and do not have the ability to pay such compensation and expenses, in accordance with NRS 159.0485.

(b) One dollar to the State Treasurer for credit to the Account to Assist Persons Formerly in Foster Care established pursuant to NRS 432.017.

4. Except as otherwise provided in this subsection and NRS 375.060, a board of county commissioners may, in addition to any fee that a county recorder is otherwise authorized to charge and collect, impose by ordinance a fee of not more than $3 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized by this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer. On or before the 15th day of each month, the county treasurer shall remit the money received by him or her pursuant to this subsection to the organization operating the program for legal services for the indigent that receives the fees charged pursuant to NRS 19.031 to be used to provide legal services for abused and neglected children.

5. Except as otherwise provided in this subsection or subsection 6 or by specific statute, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed $25 for recording any document that does not meet the standards set forth in subsection 3 of NRS 247.110. A county recorder shall not charge the additional fee authorized by this subsection for recording a document that is exempt from the provisions of subsection 3 of NRS 247.110.

6. Except as otherwise provided in subsection 7, a county recorder shall not charge or collect any fees for any of the services specified in this section when rendered by the county recorder to:

(a) The county in which the county recorder's office is located.

(b) The State of Nevada or any city or town within the county in which the county recorder's office is located, if the document being recorded:

(1) Conveys to the State, or to that city or town, an interest in land;

(2) Is a mortgage or deed of trust upon lands within the county which names the State or that city or town as beneficiary;

(3) Imposes a lien in favor of the State or that city or town; or

(4) Is a notice of the pendency of an action by the State or that city or town.

7. A county recorder shall charge and collect the fees specified in this section for copying any document at the request of the State of Nevada, and any city or town within the county. For copying, and for his or her certificate and seal upon the copy, the county recorder shall charge the regular fee.

8. If the amount of money collected by a county recorder for a fee pursuant to this section:

(a) Exceeds by $5 or less the amount required by law to be paid, the county recorder shall deposit the excess payment with the county treasurer for credit to the county general fund.

(b) Exceeds by more than $5 the amount required by law to be paid, the county recorder shall refund the entire amount of the excess payment.

9. Except as otherwise provided in subsection 2, 3, 4 or 8 or by an ordinance adopted pursuant to the provisions of NRS 244.207, county recorders shall, on or before the fifth working day of each month, account for and pay to the county treasurer all such fees collected during the preceding month.

10. For the purposes of this section, "State of Nevada," "county," "city" and "town" include any department or agency thereof and any officer thereof in his or her official capacity.

Sec. 37. NRS 247.305 is hereby amended to read as follows:

247.305 1. If another statute specifies the fee to be charged for a service, county recorders shall charge and collect only the fee specified. Otherwise, unless prohibited by NRS 375.060, county recorders shall charge and collect the following fees:

(a) For recording any document, for the first page..... $10

(b) For each additional page..... $1

(c) For recording each portion of a document which must be separately indexed, after the first indexing $3

(d) For copying any record, for each page $1

(e) For certifying, including certificate and seal $4

(f) For a certified copy of a certificate of marriage $10

(g) For a certified abstract of a certificate of marriage..... $10

(h) For a certified copy of a certificate of marriage or for a certified abstract of a certificate of marriage, the additional sum of $5 for the Account for Aid for Victims of Domestic Violence in the State General Fund. The fees collected for this purpose must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and must be credited to that Account. The county treasurer shall, on or before the 15th day of each month, remit those fees deposited by the recorder to the State Controller for credit to that Account.

2. Except as otherwise provided in this subsection and NRS 375.060, a county recorder may charge and collect, in addition to any fee that a county

recorder is otherwise authorized to charge and collect, an additional fee not to exceed $3 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder may not charge the additional fee authorized in this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer for credit to the account established pursuant to NRS 247.306.

3. Except as otherwise provided in this subsection and NRS 375.060, a county recorder shall charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee of ~~[$4]~~ ***$5*** for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized in this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer. On or before the 15th day of each month, the county treasurer shall remit the money received by him or her pursuant to this subsection in the following amounts for each fee received:

(a) Three dollars:

(1) To the organization operating the program for legal services for the indigent that receives the fees charged pursuant to NRS 19.031 to be used to provide legal services for:

(I) Protected persons or proposed protected persons who are adults in guardianship proceedings; and

(II) If sufficient funding exists, protected persons or proposed protected persons who are minors in guardianship proceedings, including, without limitation, any guardianship proceeding involving an allegation of financial mismanagement of the estate of a minor; or

(2) If the organization described in subparagraph (1) does not exist in the judicial district, to an account maintained by the county for the exclusive use of the district court to pay the reasonable compensation and expenses of attorneys to represent protected persons and proposed protected persons who are adults and do not have the ability to pay such compensation and expenses, in accordance with NRS 159.0485.

(b) One dollar to the State Treasurer for credit to the Account to Assist Persons Formerly in Foster Care established pursuant to NRS 432.017.

(c) One dollar to an account maintained by the county for the exclusive use of the district court to pay the compensation of investigators appointed by the court pursuant to section 28 of Assembly Bill No. 319 of this session.

4. Except as otherwise provided in this subsection and NRS 375.060, a board of county commissioners may, in addition to any fee that a county recorder is otherwise authorized to charge and collect, impose by ordinance a fee of not more than $3 for recording a document, instrument, paper, notice,

deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized by this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer. On or before the 15th day of each month, the county treasurer shall remit the money received by him or her pursuant to this subsection to the organization operating the program for legal services for the indigent that receives the fees charged pursuant to NRS 19.031 to be used to provide legal services for abused and neglected children.

5. Except as otherwise provided in this subsection or subsection 6 or by specific statute, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed $25 for recording any document that does not meet the standards set forth in subsection 3 of NRS 247.110. A county recorder shall not charge the additional fee authorized by this subsection for recording a document that is exempt from the provisions of subsection 3 of NRS 247.110.

6. Except as otherwise provided in subsection 7, a county recorder shall not charge or collect any fees for any of the services specified in this section when rendered by the county recorder to:

(a) The county in which the county recorder's office is located.

(b) The State of Nevada or any city or town within the county in which the county recorder's office is located, if the document being recorded:

(1) Conveys to the State, or to that city or town, an interest in land;

(2) Is a mortgage or deed of trust upon lands within the county which names the State or that city or town as beneficiary;

(3) Imposes a lien in favor of the State or that city or town; or

(4) Is a notice of the pendency of an action by the State or that city or town.

7. A county recorder shall charge and collect the fees specified in this section for copying any document at the request of the State of Nevada, and any city or town within the county. For copying, and for his or her certificate and seal upon the copy, the county recorder shall charge the regular fee.

8. If the amount of money collected by a county recorder for a fee pursuant to this section:

(a) Exceeds by $5 or less the amount required by law to be paid, the county recorder shall deposit the excess payment with the county treasurer for credit to the county general fund.

(b) Exceeds by more than $5 the amount required by law to be paid, the county recorder shall refund the entire amount of the excess payment.

9. Except as otherwise provided in subsection 2, 3, 4 or 8 or by an ordinance adopted pursuant to the provisions of NRS 244.207, county recorders shall, on or before the fifth working day of each month, account for

and pay to the county treasurer all such fees collected during the preceding month.

10. For the purposes of this section, "State of Nevada," "county," "city" and "town" include any department or agency thereof and any officer thereof in his or her official capacity.

Sec. 38. NRS 628B.100 is hereby amended to read as follows:

628B.100 ~~["Ward"]~~ ***"Protected person"*** has the meaning ascribed to it in NRS 159.027.

Sec. 39. 1. When the next reprint of the Nevada Revised Statutes is prepared by the Legislative Counsel, the Legislative Counsel shall replace the term "ward" as it appears in the Nevada Revised Statutes with the term "protected person" in the manner provided in this act.

2. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, make such changes as necessary so that the term "ward" is replaced with the term "protected person" as provided for in this act.

3. To the extent that revisions are made to the Nevada Revised Statutes pursuant to subsection 1, the revisions shall be construed as nonsubstantive and it is not the intent of the Nevada Legislature to modify any existing interpretations of any statute which is so revised.

Sec. 40. The amendatory provisions of section 23 of this act apply to a petition for the appointment of a guardian for a proposed protected person that is filed on or after July 1, 2017.

Sec. 41. 1. This section and sections 1 to 36, inclusive, 38, 39 and 40 of this act become effective on July 1, 2017.

2. Section 37 of this act becomes effective on July 1, 2017, if, and only if, Assembly Bill No. 319 of this session is enacted by the Legislature and becomes effective.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 468.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 733.

AN ACT relating to wages; authorizing a domestic service employee who resides in the household where he or she works and his or her employer to enter into a written agreement to exclude from the ~~[employee's]~~ wages **of the domestic service employee** certain specified periods for meals, sleep and other free time; authorizing such an agreement to be used to establish the number of hours worked by the **domestic service** employee during a pay period; revising provisions relating to the payment of certain compensation

for overtime to a domestic service employee who resides in the household where he or she works; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an employer to pay compensation to an employee for each hour the employee works. (NRS 608.016) Existing federal regulations allow a domestic service employee who resides in the household where he or she works and his or her employer to agree to exclude from the employee's wages certain periods of complete freedom from all duties. (29 C.F.R. § 552.102) **Section ~~[1]~~ 1.5** of this bill enacts provisions based on federal regulations to provide that a domestic service employee who resides in the household where he or she works and his or her employer may agree to exclude from the **domestic service** employee's wages certain periods for meals, sleep and other periods of complete freedom from all duties. Under **section ~~[1,]~~ 1.5,** if a period excluded from the **domestic service** employee's wages is interrupted by a call to duty by the employer, the interruption must be counted as hours worked for which compensation must be paid. **Section 1.3 of this bill defines "domestic service employee" to mean an employee who performs any household services in or about a private residence or any other location at which a person resides and includes caregivers and other persons who are employed at a residential facility for groups.**

Existing law requires an employer to pay 1 1/2 times certain employee's regular wage rates for certain periods of overtime. (NRS 608.018) Under existing law, domestic service employees who reside in the household where they work are exempt from this requirement. (NRS 608.018, 608.250) **Section 2.5** of this bill provides that ~~[such an]~~ **a domestic service** employee is exempt from the requirement to pay overtime compensation only if the **domestic service** employee and his or her employer have agreed in writing to exclude the **domestic service** employee from the requirement.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 608 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ ***the provisions set forth as sections 1.3 and 1.5 of this act.***

Sec. 1.3. "Domestic service employee" means an employee who performs any household service in or about a private residence or any other location at which a person resides. The term includes, without limitation:

1. Caregivers and other persons who are employed at a residential facility for groups, as defined in NRS 449.017; and

2. Companions, babysitters, cooks, waiters, valets, housekeepers, nannies, nurses, janitors, persons employed to launder clothes and linens, caretakers, persons who perform minor repairs, gardeners, home health aides, personal care aides and chauffeurs of automobiles for family use.

Sec. 1.5. 1. If a domestic service employee resides in the household where he or she works, the employer and domestic service employee may agree in writing to exclude from the [employee's] wages [,] of the domestic service employee:

(a) Periods for meals if the period for meals is at least one-half hour for each meal;

(b) Periods for sleep if the period for sleep excluded from the [employee's] wages of the domestic service employee does not exceed 8 hours; and

(c) Any other period of complete freedom from all duties during which the domestic service employee may either leave the premises or stay on the premises for purely personal pursuits. To be excluded from the [employee's] wages of the domestic service employee pursuant to this paragraph, a period must be of sufficient duration to enable the domestic service employee to make effective use of the time.

2. If a period excluded from the [employee's] wages of the domestic service employee pursuant to this section is interrupted by a call to duty by the employer, the interruption must be counted as hours worked for which compensation must be paid.

3. An agreement pursuant to this section may be used to establish the [employee's] total hours [employed] of employment of a domestic service employee in a pay period in lieu of maintaining precise records of the number of hours worked per day. The employer shall keep a copy of the agreement and indicate in the record of wages pursuant to NRS 608.115 that the [employee's] work time of the domestic service employee generally coincides with the agreement. If it is found by the parties that there is a significant deviation from the initial agreement, a separate record must be kept for the period in which the deviation occurs or a new agreement must be reached that reflects the actual facts.

Sec. 1.7. **NRS 608.007 is hereby amended to read as follows:**

608.007 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 608.010 to 608.0126, inclusive, ***and section 1.3 of this act*** have the meanings ascribed to them in those sections.

Sec. 2. NRS 608.016 is hereby amended to read as follows:

608.016 Except as otherwise provided in NRS 608.0195 [,] ***and section [1] 1.5 of this act,*** an employer shall pay to the employee wages for each hour the employee works. An employer shall not require an employee to work without wages during a trial or break-in period.

Sec. 2.5. NRS 608.018 is hereby amended to read as follows:

608.018 1. An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250 works:

(a) More than 40 hours in any scheduled week of work; or

(b) More than 8 hours in any workday unless by mutual agreement the employee works a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.

2. An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate not less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250 works more than 40 hours in any scheduled week of work.

3. The provisions of subsections 1 and 2 do not apply to:

(a) ~~[~~Employees~~]~~ ***Except as otherwise provided in paragraph (o), employees*** who are not covered by the minimum wage provisions of NRS 608.250;

(b) Outside buyers;

(c) Employees in a retail or service business if their regular rate is more than 1 1/2 times the minimum wage, and more than half their compensation for a representative period comes from commissions on goods or services, with the representative period being, to the extent allowed pursuant to federal law, not less than 1 month;

(d) Employees who are employed in bona fide executive, administrative or professional capacities;

(e) Employees covered by collective bargaining agreements which provide otherwise for overtime;

(f) Drivers, drivers' helpers, loaders and mechanics for motor carriers subject to the Motor Carrier Act of 1935, as amended;

(g) Employees of a railroad;

(h) Employees of a carrier by air;

(i) Drivers or drivers' helpers making local deliveries and paid on a trip-rate basis or other delivery payment plan;

(j) Drivers of taxicabs or limousines;

(k) Agricultural employees;

(l) Employees of business enterprises having a gross sales volume of less than $250,000 per year;

(m) Any salesperson or mechanic primarily engaged in selling or servicing automobiles, trucks or farm equipment; ~~[~~and~~]~~

(n) A mechanic or worker for any hours to which the provisions of subsection 3 or 4 of NRS 338.020 apply ~~[~~.~~]~~ ***; and***

(o) A domestic service employee who resides in the household where he or she works if the domestic service employee and his or her employer agree in writing to exempt the domestic service employee from the requirements of subsections 1 and 2.

Sec. 3. NRS 608.115 is hereby amended to read as follows:

608.115 1. Every employer shall establish and maintain records of wages for the benefit of his or her employees, showing for each pay period the following information for each employee:

(a) Gross wage or salary other than compensation in the form of:

(1) Services; or

(2) Food, housing or clothing.

(b) Deductions.

(c) Net cash wage or salary.

(d) ~~[~~Total~~]~~ ***Except as otherwise provided in section ~~[1]~~ 1.5 of this act, total*** hours employed in the pay period by noting the number of hours per day.

(e) Date of payment.

2. The information required by this section must be furnished to each employee within 10 days after the employee submits a request.

3. Records of wages must be maintained for a 2-year period following the entry of information in the record.

Sec. 4. NRS 608.180 is hereby amended to read as follows:

608.180 The Labor Commissioner or the representative of the Labor Commissioner shall cause the provisions of NRS 608.005 to 608.195, inclusive, ***and ~~[section 1]~~ sections 1.3 and 1.5 of this act*** to be enforced, and upon notice from the Labor Commissioner or the representative:

1. The district attorney of any county in which a violation of those sections has occurred;

2. The Deputy Labor Commissioner, as provided in NRS 607.050;

3. The Attorney General, as provided in NRS 607.160 or 607.220; or

4. The special counsel, as provided in NRS 607.065,

➥ shall prosecute the action for enforcement according to law.

Sec. 5. NRS 608.195 is hereby amended to read as follows:

608.195 1. Except as otherwise provided in NRS 608.0165, any person who violates any provision of NRS 608.005 to 608.195, inclusive, ***and ~~[section 1]~~ sections 1.3 and 1.5 of this act,*** or any regulation adopted pursuant thereto, is guilty of a misdemeanor.

2. In addition to any other remedy or penalty, the Labor Commissioner may impose against the person an administrative penalty of not more than $5,000 for each such violation.

Sec. 6. This act becomes effective on July 1, 2017.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 471.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 824.

AN ACT relating to improvement districts; revising provisions governing the merger, consolidation or dissolution of certain general improvement districts; repealing the Nevada Improvement District Act; creating the

Douglas County Lake Tahoe Sewer Authority and its governing Board of Trustees; setting forth the powers and duties of and procedures governing the Authority and the Board; abolishing Douglas County Sewer Improvement District No. 1; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Chapter 309 of NRS, the Nevada Improvement District Act, authorizes the creation and governs the management of a local improvement district for the construction of a power plant and the distribution of energy therefrom or the construction of a sewer system or the construction or acquisition of a water system. (Chapter 309 of NRS) In 1967, the Nevada Legislature eliminated the authority to create such a district. (NRS 309.025) The only local improvement district currently in existence which is organized pursuant to the Nevada Improvement District Act is Douglas County Sewer Improvement District No. 1. **Section 36** of this bill repeals the Nevada Improvement District Act. **Sections 1-5 and 7-11** of this bill make conforming changes. **Section 35** of this bill abolishes Douglas County Sewer Improvement District No. 1. **Section 6** of this bill makes a conforming change.

Sections 12-34 of this bill establish the Douglas County Lake Tahoe Sewer Authority Act, which creates the Douglas County Lake Tahoe Sewer Authority for the purpose of furnishing certain residents of this State with an adequate system of sewage collection and treatment and disposal of wastewater. **Section 23** of this bill exempts certain property of the Authority from state, county and municipal taxation. **Section 24** of this bill authorizes the Authority to enter into certain interlocal cooperative agreements with general improvement districts, and authorizes a general improvement district which is party to such an agreement to authorize the Authority to exercise powers, privileges and authority belonging to the general improvement district. **Section 25** of this bill provides that the Authority is a public employer, subject to certain provisions governing retirement for public employees.

Section 26 of this bill creates and provides for the appointment of a Board of Trustees which is charged with directing and governing the Authority. **Section 27** of this bill requires each trustee on the Board to file an oath of office and a bond. **Sections 28 and 29** of this bill set forth provisions governing the procedures and duties of the Board.

Sections 30 and 31 of this bill set forth the powers of the Authority and the Board. **Section 32** of this bill requires the Board to adopt an ordinance governing the financing of the Authority. **Section 33** of this bill exempts the Authority from regulation by the Public Utilities Commission of Nevada. **Section 33.5 of this bill requires approval from the Board and a majority of the owners of property located within the boundaries of the service area of the Authority before the Authority is authorized to merge or consolidate with a general improvement district.**

Section 34 of this bill directs the Douglas County Lake Tahoe Sewer Authority to assume the debts, obligations, liabilities and assets of Douglas County Sewer Improvement District No. 1.

Under existing law, if a majority of the members of the board of county commissioners of a county deems it to be in the best interest of the county and of a general improvement district that was exercising three specified powers on October 1, 2005, related to sanitary sewer improvements, the collection and disposal of garbage or refuse and the supply, storage and distribution of water that the district be merged, consolidated or dissolved, the board of county commissioners is required to submit the question of the merger, consolidation or dissolution to the board of trustees of the district. If the board of trustees of the district does not agree to the merger, consolidation or dissolution within 90 days after the submission of the question to the board of trustees, existing law prohibits the merger, consolidation or dissolution of the district. (NRS 318.490) **Section 3** of this bill requires the submission of the question of merger, consolidation or dissolution to the board of trustees of a district that has annual revenues of more than $1,000,000 and was exercising any of those three specified powers on October 1, 2005.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 308.020 is hereby amended to read as follows:

308.020 1. The Special District Control Law applies to:

(a) Any special district whose formation is initiated by a board of county commissioners; and

(b) Any petition for the formation of any proposed special district filed with any board of county commissioners.

2. As used in this chapter "special district" means any water district, sanitation district, water and sanitation district, municipal power district, mosquito abatement district, public cemetery district, swimming pool district, television maintenance district, weed control district, general improvement district, or any other quasi-municipal corporation organized under the local improvement and service district laws of this state as enumerated in title 25 of NRS, but excludes ~~[~~:

~~(a) All local improvement districts created pursuant to chapter 309 of NRS; and~~

~~(b) All~~~~]~~ ***all*** housing authorities.

Sec. 2. NRS 318.0954 is hereby amended to read as follows:

318.0954 1. The governing body of any district organized or reorganized under and operating as provided in any chapter in title 25 of NRS, excluding chapters ~~[~~309,~~]~~ 315 and 318 of NRS, must be designated a board of trustees and shall reorganize as provided in this section so that after the transitional period the

board consists of five qualified electors from time to time chosen as provided in NRS 318.095 and other provisions of this chapter supplemental thereto.

2. No existing member of any such governing body may be required to resign from the board before the termination of his or her current term of office in the absence of any disqualification as a member of the governing body under such chapter in title 25 of NRS, excluding chapters ~~[~~309,~~]~~ 315 and 318 of NRS. If a regular term of office of any member of any such governing body would terminate on other than the first Monday of January next following a biennial election in the absence of the adoption of this law, the term must be extended to and terminate on the first Monday in January next following a biennial election and following the date on which the term would have ended.

3. If the members of any such governing body at any time number less than five, the number of trustees must be increased to five by appointment, or by both appointment and election, as provided in NRS 318.090, 318.095 and 318.0951.

4. In no event may any successor trustee be elected or appointed to fill any purported vacancy in any unexpired term or in any regular term which successor will increase the trustees on a board to a number exceeding five nor which will result in less than two regular terms of office or more than three regular terms of office ending on the first Monday in January next following any biennial election.

5. Nothing in this section:

(a) Prevents the reorganization of a board by division of the district into district trustee election districts pursuant to NRS 318.0952.

(b) Supersedes the provisions of NRS 318.0953 or 318.09533.

Sec. 3. NRS 318.490 is hereby amended to read as follows:

318.490 1. Except as otherwise provided in NRS 318.492, whenever a majority of the members of the board of county commissioners of any county deem it to be in the best interests of the county and of the district that the district be merged, consolidated or dissolved, or if the board of trustees of a district, by resolution pursuant to subsection 3, agrees to such a merger, consolidation or dissolution, the board of county commissioners shall so determine by ordinance, after there is first found, determined and recited in the ordinance that:

(a) All outstanding indebtedness and bonds of all kinds of the district have been paid or will be assumed by the resulting merged or consolidated unit of government.

(b) The services of the district are no longer needed or can be more effectively performed by an existing unit of government.

2. The county clerk shall thereupon certify a copy of the ordinance to the board of trustees of the district and shall mail written notice to all property owners within the district in the county, containing the following:

(a) The adoption of the ordinance;

(b) The determination of the board of county commissioners that the district should be dissolved, merged or consolidated; and

(c) The time and place for hearing on the dissolution, merger or consolidation.

3. If a majority of the members of the board of county commissioners of a county deems it to be in the best interests of the county and of a district ***with annual revenues of more than $1,000,000*** that was, on October 1, 2005, exercising powers pursuant to NRS 318.140, 318.142 ~~[and]~~ ***or*** 318.144, that the district be merged, consolidated or dissolved, the board of county commissioners shall submit the question of the merger, consolidation or dissolution to the board of trustees of the district. If the board of trustees of the district, by resolution, does not agree to the merger, consolidation or dissolution within 90 days after the question was submitted to it, the district may not be merged, consolidated or dissolved.

Sec. 4. NRS 318.525 is hereby amended to read as follows:

318.525 1. Chapter 542, Statutes of Nevada 1967, does not affect the corporate existence nor the area included within the boundaries of any district organized or reorganized before May 1, 1967, under any chapter in title 25 of NRS, but the governing body of any such district (excluding any ~~[local improvement district organized or reorganized under the provisions of chapter 309 of NRS, any]~~ housing authority or other municipal corporation subject to the provisions of chapter 315 of NRS, and excluding any district organized or reorganized before May 1, 1967, under and already subject to the provisions of this chapter 318 of NRS) shall reorganize as provided in this chapter as amended by chapter 542, Statutes of Nevada 1967.

2. Any district organized or reorganized before May 1, 1967, under and exercising powers as provided in any chapter in title 25 of NRS (excluding chapters ~~[309,]~~ 315 and 318 of NRS) shall operate under and exercise powers pertaining to each basic power for which the district is organized or reorganized as provided in chapter 318 of NRS, including without limitation the provisions of the Special District Control Law to the extent it is applicable by the terms thereof.

Sec. 5. NRS 226.110 is hereby amended to read as follows:

226.110 The State Treasurer:

1. Shall receive and keep all money of the State which is not expressly required by law to be received and kept by some other person.

2. Shall receipt to the State Controller for all money received, from whatever source, at the time of receiving it.

3. Shall establish the policies to be followed in the investment of money of the State, subject to the periodic review and approval or disapproval of those policies by the State Board of Finance.

4. May employ any necessary investment and financial advisers to render advice and other services in connection with the investment of money of the State.

5. Shall disburse the public money upon warrants drawn upon the Treasury by the State Controller, and not otherwise. The warrants must be registered and paid in the order of their registry. The State Treasurer may use any sampling or postaudit technique, or both, which he or she considers reasonable to verify the proper distribution of warrants.

6. Shall keep a just, true and comprehensive account of all money received and disbursed.

7. Shall deliver in good order to his or her successor in office all money, records, books, papers and other things belonging to his or her office.

8. Shall fix, charge and collect reasonable fees for:

(a) Investing the money in any fund or account which is credited for interest earned on money deposited in it; and

(b) Special services rendered to other state agencies or to members of the public which increase the cost of operating his or her office.

9. Serves as the primary representative of the State in matters concerning any nationally recognized bond credit rating agency for the purposes of the issuance of any obligation authorized on the behalf and in the name of the State, except as otherwise provided in NRS 538.206 and except for those obligations issued pursuant to chapter 319 of NRS and NRS 349.400 to 349.987, inclusive.

10. Is directly responsible for the issuance of any obligation authorized on the behalf and in the name of the State, except as otherwise provided in NRS 538.206 and except for those obligations issued pursuant to chapter 319 of NRS and NRS 349.400 to 349.987, inclusive. The State Treasurer:

(a) Shall issue such an obligation as soon as practicable after receiving a request from a state agency for the issuance of the obligation.

(b) May, except as otherwise provided in NRS 538.206, employ necessary legal, financial or other professional services in connection with the authorization, sale or issuance of such an obligation.

11. May organize and facilitate statewide pooled financing programs, including lease purchases, for the benefit of the State and any political subdivision, including districts organized pursuant to NRS 450.550 to 450.750, inclusive, and chapters 244A, ~~[309,]~~ 318, 379, 474, 541, 543 and 555 of NRS.

12. Shall serve as the Administrator of Unclaimed Property.

Sec. 6. NRS 277.200 is hereby amended to read as follows:

277.200 The Tahoe Regional Planning Compact is as follows:

Tahoe Regional Planning Compact

ARTICLE I. Findings and Declarations of Policy

(a) It is found and declared that:

(1) The waters of Lake Tahoe and other resources of the region are threatened with deterioration or degeneration, which endangers the natural beauty and economic productivity of the region.

(2) The public and private interests and investments in the region are substantial.

(3) The region exhibits unique environmental and ecological values which are irreplaceable.

(4) By virtue of the special conditions and circumstances of the region's natural ecology, developmental pattern, population distribution and human needs, the region is experiencing problems of resource use and deficiencies of environmental control.

(5) Increasing urbanization is threatening the ecological values of the region and threatening the public opportunities for use of the public lands.

(6) Maintenance of the social and economic health of the region depends on maintaining the significant scenic, recreational, educational, scientific, natural and public health values provided by the Lake Tahoe Basin.

(7) There is a public interest in protecting, preserving and enhancing these values for the residents of the region and for visitors to the region.

(8) Responsibilities for providing recreational and scientific opportunities, preserving scenic and natural areas, and safeguarding the public who live, work and play in or visit the region are divided among local governments, regional agencies, the states of California and Nevada, and the Federal Government.

(9) In recognition of the public investment and multistate and national significance of the recreational values, the Federal Government has an interest in the acquisition of recreational property and the management of resources in the region to preserve environmental and recreational values, and the Federal Government should assist the states in fulfilling their responsibilities.

(10) In order to preserve the scenic beauty and outdoor recreational opportunities of the region, there is a need to insure an equilibrium between the region's natural endowment and its man-made environment.

(b) In order to enhance the efficiency and governmental effectiveness of the region, it is imperative that there be established a Tahoe Regional Planning Agency with the powers conferred by this compact including the power to establish environmental threshold carrying capacities and to adopt and enforce a regional plan and implementing ordinances which will achieve and maintain such capacities while providing opportunities for orderly growth and development consistent with such capacities.

(c) The Tahoe Regional Planning Agency shall interpret and administer its plans, ordinances, rules and regulations in accordance with the provisions of this compact.

ARTICLE II. Definitions

As used in this compact:

(a) "Region," includes Lake Tahoe, the adjacent parts of Douglas and Washoe counties and Carson City, which for the purposes of this compact

shall be deemed a county, lying within the Tahoe Basin in the State of Nevada, and the adjacent parts of the Counties of Placer and El Dorado lying within the Tahoe Basin in the State of California, and that additional and adjacent part of the County of Placer outside of the Tahoe Basin in the State of California which lies southward and eastward of a line starting at the intersection of the basin crestline and the north boundary of Section 1, thence west to the northwest corner of Section 3, thence south to the intersection of the basin crestline and the west boundary of Section 10; all sections referring to Township 15 North, Range 16 East, M.D.B. & M. The region defined and described herein shall be as precisely delineated on official maps of the agency.

(b) "Agency" means the Tahoe Regional Planning Agency.

(c) "Governing body" means the governing board of the Tahoe Regional Planning Agency.

(d) "Regional plan" means the long-term general plan for the development of the region.

(e) "Planning commission" means the advisory planning commission appointed pursuant to subdivision (h) of Article III.

(f) "Gaming" means to deal, operate, carry on, conduct, maintain or expose for play any banking or percentage game played with cards, dice or any mechanical device or machine for money, property, checks, credit or any representative of value, including, without limiting the generality of the foregoing, faro, monte, roulette, keno, bingo, fantan, twenty-one, blackjack, seven-and-a-half, big injun, klondike, craps, stud poker, draw poker or slot machine, but does not include social games played solely for drinks, or cigars or cigarettes served individually, games played in private homes or residences for prizes or games operated by charitable or educational organizations, to the extent excluded by applicable state law.

(g) "Restricted gaming license" means a license to operate not more than 15 slot machines on which a quarterly fee is charged pursuant to NRS 463.373 and no other games.

(h) "Project" means an activity undertaken by any person, including any public agency, if the activity may substantially affect the land, water, air, space or any other natural resources of the region.

(i) "Environmental threshold carrying capacity" means an environmental standard necessary to maintain a significant scenic, recreational, educational, scientific or natural value of the region or to maintain public health and safety within the region. Such standards shall include but not be limited to standards for air quality, water quality, soil conservation, vegetation preservation and noise.

(j) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

(k) "Areas open to public use" means all of the areas within a structure housing gaming under a nonrestricted license except areas devoted to the private use of guests.

(l) "Areas devoted to private use of guests" means hotel rooms and hallways to serve hotel room areas, and any parking areas. A hallway serves hotel room areas if more than 50 percent of the areas on each side of the hallway are hotel rooms.

(m) "Nonrestricted license" means a gaming license which is not a restricted gaming license.

ARTICLE III. Organization

(a) There is created the Tahoe Regional Planning Agency as a separate legal entity.

The governing body of the agency shall be constituted as follows:

(1) California delegation:

(A) One member appointed by each of the County Boards of Supervisors of the Counties of El Dorado and Placer and one member appointed by the City Council of the City of South Lake Tahoe. Any such member may be a member of the county board of supervisors or city council, respectively, and shall reside in the territorial jurisdiction of the governmental body making the appointment.

(B) Two members appointed by the Governor of California, one member appointed by the Speaker of the Assembly of California and one member appointed by the Senate Rules Committee of the State of California. The members appointed pursuant to this subparagraph shall not be residents of the region and shall represent the public at large within the State of California.

(2) Nevada delegation:

(A) One member appointed by each of the boards of county commissioners of Douglas and Washoe counties and one member appointed by the board of supervisors of Carson City. Any such member may be a member of the board of county commissioners or board of supervisors, respectively, and shall reside in the territorial jurisdiction of the governmental body making the appointment.

(B) One member appointed by the governor of Nevada, the secretary of state of Nevada or his designee, and the director of the state department of conservation and natural resources of Nevada or his designee. Except for the secretary of state and the director of the state department of conservation and natural resources, the members or designees appointed pursuant to this subparagraph shall not be residents of the region. All members appointed pursuant to this subparagraph shall represent the public at large within the State of Nevada.

(C) One member appointed for a 1-year term by the six other members of the Nevada delegation. If at least four members of the Nevada delegation are unable to agree upon the selection of a seventh member within 60 days after

the effective date of the amendments to this compact or the occurrence of a vacancy on the governing body for that state the governor of the State of Nevada shall make such an appointment. The member appointed pursuant to this subparagraph may, but is not required to, be a resident of the region within the State of Nevada.

(3) If any appointing authority under paragraph (1)(A), (1)(B), (2)(A) or (2)(B) fails to make such an appointment within 60 days after the effective date of the amendments to this compact or the occurrence of a vacancy on the governing body, the governor of the state in which the appointing authority is located shall make the appointment. The term of any member so appointed shall be 1 year.

(4) The position of any member of the governing body shall be deemed vacant if such a member is absent from three consecutive meetings of the governing body in any calendar year.

(5) Each member and employee of the agency shall disclose his economic interests in the region within 10 days after taking his seat on the governing board or being employed by the agency and shall thereafter disclose any further economic interest which he acquires, as soon as feasible after he acquires it. As used in this paragraph, "economic interests" means:

(A) Any business entity operating in the region in which the member or employee has a direct or indirect investment worth more than $1,000;

(B) Any real property located in the region in which the member or employee has a direct or indirect interest worth more than $1,000;

(C) Any source of income attributable to activities in the region, other than loans by or deposits with a commercial lending institution in the regular course of business, aggregating $250 or more in value received by or promised to the member within the preceding 12 months; or

(D) Any business entity operating in the region in which the member or employee is a director, officer, partner, trustee, employee or holds any position of management.

➥ No member or employee of the agency shall make, or attempt to influence, an agency decision in which he knows or has reason to know he has an economic interest. Members and employees of the agency must disqualify themselves from making or participating in the making of any decision of the agency when it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the economic interests of the member or employee.

(b) The members of the agency shall serve without compensation, but the expenses of each member shall be met by the body which he represents in accordance with the law of that body. All other expenses incurred by the governing body in the course of exercising the powers conferred upon it by this compact unless met in some other manner specifically provided, shall be paid by the agency out of its own funds.

(c) Except for the secretary of state and director of the state department of conservation and natural resources of Nevada and the member appointed

pursuant to subdivision (a)(2)(C), the members of the governing body serve at the pleasure of the appointing authority in each case, but each appointment shall be reviewed no less often than every 4 years. Members may be reappointed.

(d) The governing body of the agency shall meet at least monthly. All meetings shall be open to the public to the extent required by the law of the State of California or the State of Nevada, whichever imposes the greater requirement, applicable to local governments at the time such meeting is held. The governing body shall fix a date for its regular monthly meeting in such terms as "the first Monday of each month," and shall not change such date more often than once in any calendar year. Notice of the date so fixed shall be given by publication at least once in a newspaper or combination of newspapers whose circulation is general throughout the region and in each county a portion of whose territory lies within the region. Notice of any special meeting, except an emergency meeting, shall be given by so publishing the date and place and posting an agenda at least 5 days prior to the meeting.

(e) The position of a member of the governing body shall be considered vacated upon his loss of any of the qualifications required for his appointment and in such event the appointing authority shall appoint a successor.

(f) The governing body shall elect from its own members a chairman and vice chairman, whose terms of office shall be 2 years, and who may be reelected. If a vacancy occurs in either office, the governing body may fill such vacancy for the unexpired term.

(g) Four of the members of the governing body from each state constitute a quorum for the transaction of the business of the agency. The voting procedures shall be as follows:

(1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations, the vote of at least four of the members of each state agreeing with the vote of at least four members of the other state shall be required to take action. If there is no vote of at least four of the members from one state agreeing with the vote of at least four of the members of the other state on the actions specified in this paragraph, an action of rejection shall be deemed to have been taken.

(2) For approving a project, the affirmative vote of at least five members from the state in which the project is located and the affirmative vote of at least nine members of the governing body are required. If at least five members of the governing body from the state in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which

indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency.

(3) For routine business and for directing the agency's staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

➥ Whenever under the provisions of this compact or any ordinance, rule, regulation or policy adopted pursuant thereto, the agency is required to review or approve any project, public or private, the agency shall take final action by vote, whether to approve, to require modification or to reject such project, within 180 days after the application for such project is accepted as complete by the agency in compliance with the agency's rules and regulations governing such delivery unless the applicant has agreed to an extension of this time limit. If a final action by vote does not take place within 180 days, the applicant may bring an action in a court of competent jurisdiction to compel a vote unless he has agreed to an extension. This provision does not limit the right of any person to obtain judicial review of agency action under subdivision (h) of Article VI. The vote of each member of the governing body shall be individually recorded. The governing body shall adopt its own rules, regulations and procedures.

(h) An advisory planning commission shall be appointed by the agency. The commission shall include: the chief planning officers of Placer County, El Dorado County, and the City of South Lake Tahoe in California and of Douglas County, Washoe County and Carson City in Nevada, the executive officer of the Lahontan Regional Water Quality Control Board of the State of California, the executive officer of the Air Resources Board of the State of California, the director of the state department of conservation and natural resources of the State of Nevada, the administrator of the division of environmental protection in the state department of conservation and natural resources of the State of Nevada, the administrator of the Lake Tahoe Management Unit of the United States Forest Service, and at least four lay members with an equal number from each state, at least half of whom shall be residents of the region. Any official member may designate an alternate.

The term of office of each lay member of the advisory planning commission shall be 2 years. Members may be reappointed.

The position of each member of the advisory planning commission shall be considered vacated upon loss of any of the qualifications required for appointment, and in such an event the appointing authority shall appoint a successor.

The advisory planning commission shall elect from its own members a chairman and a vice chairman, whose terms of office shall be 2 years and who may be reelected. If a vacancy occurs in either office, the advisory planning commission shall fill such vacancy for the unexpired term.

A majority of the members of the advisory planning commission constitutes a quorum for the transaction of the business of the commission. A

majority vote of the quorum present shall be required to take action with respect to any matter.

(i) The agency shall establish and maintain an office within the region, and for this purpose the agency may rent or own property and equipment. Every plan, ordinance and other record of the agency which is of such nature as to constitute a public record under the law of either the State of California or the State of Nevada shall be open to inspection and copying during regular office hours.

(j) Each authority charged under this compact or by the law of either state with the duty of appointing a member of the governing body of the agency shall by certified copy of its resolution or other action notify the Secretary of State of its own state of the action taken.

ARTICLE IV. Personnel

(a) The governing body shall determine the qualification of, and it shall appoint and fix the salary of, the executive officer of the agency, and shall employ such other staff and legal counsel as may be necessary to execute the powers and functions provided for under this compact or in accordance with any intergovernmental contracts or agreements the agency may be responsible for administering.

(b) Agency personnel standards and regulations shall conform insofar as possible to the regulations and procedures of the civil service of the State of California or the State of Nevada, as may be determined by the governing body of the agency; and shall be regional and bistate in application and effect; provided that the governing body may, for administrative convenience and at its discretion, assign the administration of designated personnel arrangements to an agency of either state, and provided that administratively convenient adjustments be made in the standards and regulations governing personnel assigned under intergovernmental agreements.

(c) The agency may establish and maintain or participate in such additional programs of employee benefits as may be appropriate to afford employees of the agency terms and conditions of employment similar to those enjoyed by employees of California and Nevada generally.

ARTICLE V. Planning

(a) In preparing each of the plans required by this article and each amendment thereto, if any, subsequent to its adoption, the planning commission after due notice shall hold at least one public hearing which may be continued from time to time, and shall review the testimony and any written recommendations presented at such hearing before recommending the plan or amendment. The notice required by this subdivision shall be given at least 20 days prior to the public hearing by publication at least once in a newspaper or combination of newspapers whose circulation is general

throughout the region and in each county a portion of whose territory lies within the region.

The planning commission shall then recommend such plan or amendment to the governing body for adoption by ordinance. The governing body may adopt, modify or reject the proposed plan or amendment, or may initiate and adopt a plan or amendment without referring it to the planning commission. If the governing body initiates or substantially modifies a plan or amendment, it shall hold at least one public hearing thereon after due notice as required in this subdivision.

If a request is made for the amendment of the regional plan by:

(1) A political subdivision a part of whose territory would be affected by such amendment; or

(2) The owner or lessee of real property which would be affected by such amendment,

➥ the governing body shall complete its action on such amendment within 180 days after such request is accepted as complete according to standards which must be prescribed by ordinance of the agency.

(b) The agency shall develop, in cooperation with the states of California and Nevada, environmental threshold carrying capacities for the region. The agency should request the President's Council on Environmental Quality, the United States Forest Service and other appropriate agencies to assist in developing such environmental threshold carrying capacities. Within 18 months after the effective date of the amendments to this compact, the agency shall adopt environmental threshold carrying capacities for the region.

(c) Within 1 year after the adoption of the environmental threshold carrying capacities for the region, the agency shall amend the regional plan so that, at a minimum, the plan and all of its elements, as implemented through agency ordinances, rules and regulations, achieves and maintains the adopted environmental threshold carrying capacities. Each element of the plan shall contain implementation provisions and time schedules for such implementation by ordinance. The planning commission and governing body shall continuously review and maintain the regional plan. The regional plan shall consist of a diagram, or diagrams, and text, or texts setting forth the projects and proposals for implementation of the regional plan, a description of the needs and goals of the region and a statement of the policies, standards and elements of the regional plan.

The regional plan shall be a single enforceable plan and includes all of the following correlated elements:

(1) A land-use plan for the integrated arrangement and general location and extent of, and the criteria and standards for, the uses of land, water, air, space and other natural resources within the region, including but not limited to an indication or allocation of maximum population densities and permitted uses.

(2) A transportation plan for the integrated development of a regional system of transportation, including but not limited to parkways, highways, transportation facilities, transit routes, waterways, navigation facilities, public transportation facilities, bicycle facilities, and appurtenant terminals and facilities for the movement of people and goods within the region. The goal of transportation planning shall be:

(A) To reduce dependency on the automobile by making more effective use of existing transportation modes and of public transit to move people and goods within the region; and

(B) To reduce to the extent feasible air pollution which is caused by motor vehicles.

➥ Where increases in capacity are required, the agency shall give preference to providing such capacity through public transportation and public programs and projects related to transportation. The agency shall review and consider all existing transportation plans in preparing its regional transportation plan pursuant to this paragraph.

The plan shall provide for an appropriate transit system for the region.

The plan shall give consideration to:

(A) Completion of the Loop Road in the states of Nevada and California;

(B) Utilization of a light rail mass transit system in the South Shore area; and

(C) Utilization of a transit terminal in the Kingsbury Grade area.

➥ Until the regional plan is revised, or a new transportation plan is adopted in accordance with this paragraph, the agency has no effective transportation plan.

(3) A conservation plan for the preservation, development, utilization, and management of the scenic and other natural resources within the basin, including but not limited to, soils, shoreline and submerged lands, scenic corridors along transportation routes, open spaces, recreational and historical facilities.

(4) A recreation plan for the development, utilization, and management of the recreational resources of the region, including but not limited to, wilderness and forested lands, parks and parkways, riding and hiking trails, beaches and playgrounds, marinas, areas for skiing and other recreational facilities.

(5) A public services and facilities plan for the general location, scale and provision of public services and facilities, which, by the nature of their function, size, extent and other characteristics are necessary or appropriate for inclusion in the regional plan.

In formulating and maintaining the regional plan, the planning commission and governing body shall take account of and shall seek to harmonize the needs of the region as a whole, the plans of the counties and cities within the region, the plans and planning activities of the state, federal and other public agencies and nongovernmental agencies and organizations which affect or are concerned with planning and development within the region.

(d) The regional plan shall provide for attaining and maintaining federal, state, or local air and water quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable.

The agency may, however, adopt air or water quality standards or control measures more stringent than the applicable state implementation plan or the applicable federal, state, or local standards for the region, if it finds that such additional standards or control measures are necessary to achieve the purposes of this compact. Each element of the regional plan, where applicable, shall, by ordinance, identify the means and time schedule by which air and water quality standards will be attained.

(e) Except for the Regional Transportation Plan of the California Tahoe Regional Planning Agency, the regional plan, ordinances, rules and regulations adopted by the California Tahoe Regional Planning Agency in effect on July 1, 1980, shall be the regional plan, ordinances, rules and regulations of the Tahoe Regional Planning Agency for that portion of the Tahoe region located in the State of California. Such plan, ordinance, rule or regulation may be amended or repealed by the governing body of the agency. The plans, ordinances, rules and regulations of the Tahoe Regional Planning Agency that do not conflict with, or are not addressed by, the California Tahoe Regional Planning Agency's plans, ordinances, rules and regulations referred to in this subdivision shall continue to be applicable unless amended or repealed by the governing body of the agency. No provision of the regional plan, ordinances, rules and regulations of the California Tahoe Regional Planning Agency referred to in this subdivision shall apply to that portion of the region within the State of Nevada, unless such provision is adopted for the Nevada portion of the region by the governing body of the agency.

(f) The regional plan, ordinances, rules and regulations of the Tahoe Regional Planning Agency apply to that portion of the region within the State of Nevada.

(g) The agency shall adopt ordinances prescribing specific written findings that the agency must make prior to approving any project in the region. These findings shall relate to environmental protection and shall insure that the project under review will not adversely affect implementation of the regional plan and will not cause the adopted environmental threshold carrying capacities of the region to be exceeded.

(h) The agency shall maintain the data, maps and other information developed in the course of formulating and administering the regional plan, in a form suitable to assure a consistent view of developmental trends and other relevant information for the availability of and use by other agencies of government and by private organizations and individuals concerned.

(i) Where necessary for the realization of the regional plan, the agency may engage in collaborative planning with local governmental jurisdictions located outside the region, but contiguous to its boundaries. In formulating and implementing the regional plan, the agency shall seek the cooperation

and consider the recommendations of counties and cities and other agencies of local government, of state and federal agencies, of educational institutions and research organizations, whether public or private, and of civic groups and private persons.

ARTICLE VI. Agency's Powers

(a) The governing body shall adopt all necessary ordinances, rules, and regulations to effectuate the adopted regional plan. Except as otherwise provided in this compact, every such ordinance, rule or regulation shall establish a minimum standard applicable throughout the region. Any political subdivision or public agency may adopt and enforce an equal or higher requirement applicable to the same subject of regulation in its territory. The regulations of the agency shall contain standards including but not limited to the following: water purity and clarity; subdivision; zoning; tree removal; solid waste disposal; sewage disposal; land fills, excavations, cuts and grading; piers, harbors, breakwaters or channels and other shoreline developments; waste disposal in shoreline areas; waste disposal from boats; mobile-home parks; house relocation; outdoor advertising; floodplain protection; soil and sedimentation control; air pollution; and watershed protection. Whenever possible without diminishing the effectiveness of the regional plan, the ordinances, rules, regulations and policies shall be confined to matters which are general and regional in application, leaving to the jurisdiction of the respective states, counties and cities the enactment of specific and local ordinances, rules, regulations and policies which conform to the regional plan.

The agency shall prescribe by ordinance those activities which it has determined will not have substantial effect on the land, water, air, space or any other natural resources in the region and therefore will be exempt from its review and approval.

Every ordinance adopted by the agency shall be published at least once by title in a newspaper or combination of newspapers whose circulation is general throughout the region. Except an ordinance adopting or amending the regional plan, no ordinance shall become effective until 60 days after its adoption. Immediately after its adoption, a copy of each ordinance shall be transmitted to the governing body of each political subdivision having territory within the region.

(b) No project other than those to be reviewed and approved under the special provisions of subdivisions (d), (e), (f) and (g) may be developed in the region without obtaining the review and approval of the agency and no project may be approved unless it is found to comply with the regional plan and with the ordinances, rules and regulations enacted pursuant to subdivision (a) to effectuate that plan.

The agency may approve a project in the region only after making the written findings required by this subdivision or subdivision (g) of Article V. Such findings shall be based on substantial evidence in the record.

Before adoption by the agency of the ordinances required in subdivision (g) of Article V, the agency may approve a project in the region only after making written findings on the basis of substantial evidence in the record that the project is consistent with the regional plan then in effect and with applicable plans, ordinances, regulations, and standards of federal and state agencies relating to the protection, maintenance and enhancement of environmental quality in the region.

(c) The legislatures of the states of California and Nevada find that in order to make effective the regional plan as revised by the agency, it is necessary to halt temporarily works of development in the region which might otherwise absorb the entire capability of the region for further development or direct it out of harmony with the ultimate plan. Subject to the limitation provided in this subdivision, from the effective date of the amendments to this compact until the regional plan is amended pursuant to subdivision (c) of Article V, or until May 1, 1983, whichever is earlier:

(1) Except as otherwise provided in this paragraph, no new subdivision, planned unit development, or condominium project may be approved unless a complete tentative map or plan has been approved before the effective date of the amendments to this compact by all agencies having jurisdiction. The subdivision of land owned by a general improvement district, which existed and owned the land before the effective date of the amendments to this compact, may be approved if subdivision of the land is necessary to avoid insolvency of the district.

(2) Except as provided in paragraph (3), no apartment building may be erected unless the required permits for such building have been secured from all agencies having jurisdiction, prior to the effective date of the amendments to this compact.

(3) During each of the calendar years 1980, 1981 and 1982, no city or county may issue building permits which authorize the construction of a greater number of new residential units within the region than were authorized within the region by building permits issued by that city or county during the calendar year 1978. For the period of January through April, 1983, building permits authorizing the construction of no more than one-third of that number may be issued by each such city or county. For purposes of this paragraph a "residential unit" means either a single family residence or an individual residential unit within a larger building, such as an apartment building, a duplex or a condominium.

The legislatures find the respective numbers of residential units authorized within the region during the calendar year 1978 to be as follows:

1. City of South Lake Tahoe and El Dorado County (combined)..... 252
2. Placer County..... 278
3. Carson City ..... -0-
4. Douglas County..... 339
5. Washoe County 739

(4) During each of the calendar years 1980, 1981 and 1982, no city or county may issue building permits which authorize construction of a greater square footage of new commercial buildings within the region than were authorized within the region by building permits for commercial purposes issued by that city or county during the calendar year 1978. For the period of January through April, 1983, building permits authorizing the construction of no more than one-third the amount of that square footage may be issued by each such city or county.

The legislatures find the respective square footages of commercial buildings authorized within the region during calendar year 1978 to be as follows:

1. City of South Lake Tahoe and El Dorado County (combined)	64,324
2. Placer County	23,000
3. Carson City	-0-
4. Douglas County	57,354
5. Washoe County	50,600

(5) No structure may be erected to house gaming under a nonrestricted license.

(6) No facility for the treatment of sewage may be constructed or enlarged except:

(A) To comply, as ordered by the appropriate state agency for the control of water pollution, with existing limitations of effluent under the Clean Water Act, 33 U.S.C. §§ 1251 et seq., and the applicable state law for control of water pollution;

(B) To accommodate development which is not prohibited or limited by this subdivision; or

(C) In the case of Douglas County ***Lake Tahoe*** Sewer ~~[District # 1,]~~ ***Authority,*** to modify or otherwise alter sewage treatment facilities existing on the effective date of the amendments to this compact so that such facilities will be able to treat the total volume of effluent for which they were originally designed, which is 3.0 million gallons per day. Such modification or alteration is not a "project"; is not subject to the requirements of Article VII; and does not require a permit from the agency. Before commencing such modification or alteration, however, the ~~[district]~~ ***Authority*** shall submit to the agency its report identifying any significant soil erosion problems which may be caused by such modifications or alterations and the measures which the ~~[district]~~ ***Authority*** proposes to take to mitigate or avoid such problems.

The moratorium imposed by this subdivision does not apply to work done pursuant to a right vested before the effective date of the amendments to this compact. Notwithstanding the expiration date of the moratorium imposed by this subdivision, no new highway may be built or existing highway widened to accommodate additional continuous lanes for automobiles until the regional transportation plan is revised and adopted.

The moratorium imposed by this subdivision does not apply to the construction of any parking garage which has been approved by the agency prior to May 4, 1979, whether that approval was affirmative or by default. The provisions of this paragraph are not an expression of legislative intent that any such parking garage, the approval of which is the subject of litigation which was pending on the effective date of the amendments to this compact, should or should not be constructed. The provisions of this paragraph are intended solely to permit construction of such a parking garage if a judgment sustaining the agency's approval to construct that parking garage has become final and no appeal is pending or may lawfully be taken to a higher court.

(d) Subject to the final order of any court of competent jurisdiction entered in litigation contesting the validity of an approval by the Tahoe Regional Planning Agency, whether that approval was affirmative or by default, if that litigation was pending on May 4, 1979, the agency and the states of California and Nevada shall recognize as a permitted and conforming use:

(1) Every structure housing gaming under a nonrestricted license which existed as a licensed gaming establishment on May 4, 1979, or whose construction was approved by the Tahoe Regional Planning Agency affirmatively or deemed approved before that date. The construction or use of any structure to house gaming under a nonrestricted license not so existing or approved, or the enlargement in cubic volume of any such existing or approved structure is prohibited.

(2) Every other nonrestricted gaming establishment whose use was seasonal and whose license was issued before May 4, 1979, for the same season and for the number and type of games and slot machines on which taxes or fees were paid in the calendar year 1978.

(3) Gaming conducted pursuant to a restricted gaming license issued before May 4, 1979, to the extent permitted by that license on that date.

➥ The area within any structure housing gaming under a nonrestricted license which may be open to public use (as distinct from that devoted to the private use of guests and exclusive of any parking area) is limited to the area existing or approved for public use on May 4, 1979. Within these limits, any external modification of the structure which requires a permit from a local government also requires approval from the agency. The agency shall not permit restaurants, convention facilities, showrooms or other public areas to be constructed elsewhere in the region outside the structure in order to replace areas existing or approved for public use on May 4, 1979.

(e) Any structure housing licensed gaming may be rebuilt or replaced to a size not to exceed the cubic volume, height and land coverage existing or approved on May 4, 1979, without the review or approval of the agency or any planning or regulatory authority of the State of Nevada whose review or approval would be required for a new structure.

(f) The following provisions apply to any internal or external modification, remodeling, change in use, or repair of a structure housing gaming under a nonrestricted license which is not prohibited by Article VI (d):

(1) The agency's review of an external modification of the structure which requires a permit from a local government is limited to determining whether the external modification will do any of the following:

(A) Enlarge the cubic volume of the structure;

(B) Increase the total square footage of area open to or approved for public use on May 4, 1979;

(C) Convert an area devoted to the private use of guests to an area open to public use;

(D) Increase the public area open to public use which is used for gaming beyond the limits contained in paragraph (3); and

(E) Conflict with or be subject to the provisions of any of the agency's ordinances that are generally applicable throughout the region.

➥ The agency shall make this determination within 60 days after the proposal is delivered to the agency in compliance with the agency's rules or regulations governing such delivery unless the applicant has agreed to an extension of this time limit. If an external modification is determined to have any of the effects enumerated in subparagraphs (A) through (C), it is prohibited. If an external modification is determined to have any of the effects enumerated in subparagraph (D) or (E), it is subject to the applicable provisions of this compact. If an external modification is determined to have no such effect, it is not subject to the provisions of this compact.

(2) Except as provided in paragraph (3), internal modification, remodeling, change in use or repair of a structure housing gaming under a nonrestricted license is not a project and does not require the review or approval of the agency.

(3) Internal modification, remodeling, change in use or repair of areas open to public use within a structure housing gaming under a nonrestricted license which alone or in combination with any other such modification, remodeling, change in use or repair will increase the total portion of those areas which is actually used for gaming by more than the product of the total base area, as defined below, in square feet existing on or approved before August 4, 1980, multiplied by 15 percent constitutes a project and is subject to all of the provisions of this compact relating to projects. For purposes of this paragraph and the determination required by Article VI (g), base area means all of the area within a structure housing gaming under a nonrestricted license which may be open to public use, whether or not gaming is actually conducted or carried on in that area, except retail stores, convention centers and meeting rooms, administrative offices, kitchens, maintenance and storage areas, rest rooms, engineering and mechanical rooms, accounting rooms and counting rooms.

(g) In order to administer and enforce the provisions of paragraphs (d), (e) and (f) the State of Nevada, through its appropriate planning or regulatory agency, shall require the owner or licensee of a structure housing gaming under a nonrestricted license to provide:

(1) Documents containing sufficient information for the Nevada agency to establish the following relative to the structure:

(A) The location of its external walls;

(B) Its total cubic volume;

(C) Within its external walls, the area in square feet open or approved for public use and the area in square feet devoted to or approved for the private use of guests on May 4, 1979;

(D) The amount of surface area of land under the structure; and

(E) The base area as defined in paragraph (f)(3) in square feet existing on or approved before August 4, 1980.

(2) An informational report whenever any internal modification, remodeling, change in use, or repair will increase the total portion of the areas open to public use which is used for gaming.

The Nevada agency shall transmit this information to the Tahoe Regional Planning Agency.

(h) Gaming conducted pursuant to a restricted gaming license is exempt from review by the agency if it is incidental to the primary use of the premises.

(i) The provisions of subdivisions (d) and (e) are intended only to limit gaming and related activities as conducted within a gaming establishment, or construction designed to permit the enlargement of such activities, and not to limit any other use of property zoned for commercial use or the accommodation of tourists, as approved by the agency.

(j) Legal actions arising out of or alleging a violation of the provisions of this compact, of the regional plan or of an ordinance or regulation of the agency or of a permit or a condition of a permit issued by the agency are governed by the following provisions:

(1) This subdivision applies to:

(A) Actions arising out of activities directly undertaken by the agency.

(B) Actions arising out of the issuance to a person of a lease, permit, license or other entitlement for use by the agency.

(C) Actions arising out of any other act or failure to act by any person or public agency.

➥ Such legal actions may be filed and the provisions of this subdivision apply equally in the appropriate courts of California and Nevada and of the United States.

(2) Venue lies:

(A) If a civil or criminal action challenges an activity by the agency or any person which is undertaken or to be undertaken upon a parcel of real property, in the state or federal judicial district where the real property is situated.

(B) If an action challenges an activity which does not involve a specific parcel of land (such as an action challenging an ordinance of the agency), in any state or federal court having jurisdiction within the region.

(3) Any aggrieved person may file an action in an appropriate court of the State of California or Nevada or of the United States alleging noncompliance with the provisions of this compact or with an ordinance or regulation of the agency. In the case of governmental agencies, "aggrieved person" means the Tahoe Regional Planning Agency or any state, federal or local agency. In the case of any person other than a governmental agency who challenges an action of the Tahoe Regional Planning Agency, "aggrieved person" means any person who has appeared, either in person, through an authorized representative, or in writing, before the agency at an appropriate administrative hearing to register objection to the action which is being challenged, or who had good cause for not making such an appearance.

(4) A legal action arising out of the adoption or amendment of the regional plan or of any ordinance or regulation of the agency, or out of the granting or denial of any permit, shall be commenced within 60 days after final action by the agency. All other legal actions shall be commenced within 65 days after discovery of the cause of action.

(5) In any legal action filed pursuant to this subdivision which challenges an adjudicatory act or decision of the agency to approve or disapprove a project, the scope of judicial inquiry shall extend only to whether there was prejudicial abuse of discretion. Prejudicial abuse of discretion is established if the agency has not proceeded in a manner required by law or if the act or decision of the agency was not supported by substantial evidence in light of the whole record. In making such a determination the court shall not exercise its independent judgment on evidence but shall only determine whether the act or decision was supported by substantial evidence in light of the whole record. In any legal action filed pursuant to this subdivision which challenges a legislative act or decision of the agency (such as the adoption of the regional plan and the enactment of implementing ordinances), the scope of the judicial inquiry shall extend only to the questions of whether the act or decision has been arbitrary, capricious or lacking substantial evidentiary support or whether the agency has failed to proceed in a manner required by law.

(6) In addition to the provisions of paragraph (5) relating to judicial inquiry:

(A) When adopting or amending a regional plan, the agency shall act in accordance with the requirements of the compact and the implementing ordinances, rules and regulations, and a party challenging the regional plan has the burden of showing that the regional plan is not in conformance with those requirements.

(B) When taking an action or making a decision, the agency shall act in accordance with the requirements of the compact and the regional plan, including the implementing ordinances, rules and regulations, and a party

challenging the action or decision has the burden of showing that the act or decision is not in conformance with those requirements.

(7) The provisions of this subdivision do not apply to any legal proceeding pending on the date when this subdivision becomes effective. Any such legal proceeding shall be conducted and concluded under the provisions of law which were applicable prior to the effective date of this subdivision.

(8) The security required for the issuance of a temporary restraining order or preliminary injunction based upon an alleged violation of this compact or any ordinance, plan, rule or regulation adopted pursuant thereto is governed by the rule or statute applicable to the court in which the action is brought, unless the action is brought by a public agency or political subdivision to enforce its own rules, regulations and ordinances in which case no security shall be required.

(k) The agency shall monitor activities in the region and may bring enforcement actions in the region to ensure compliance with the regional plan and adopted ordinances, rules, regulations and policies. If it is found that the regional plan, or ordinances, rules, regulations and policies are not being enforced by a local jurisdiction, the agency may bring action in a court of competent jurisdiction to ensure compliance.

(l) Any person who violates any provision of this compact or of any ordinance or regulation of the agency or of any condition of approval imposed by the agency is subject to a civil penalty not to exceed $5,000. Any such person is subject to an additional civil penalty not to exceed $5,000 per day, for each day on which such a violation persists. In imposing the penalties authorized by this subdivision, the court shall consider the nature of the violation and shall impose a greater penalty if it was willful or resulted from gross negligence than if it resulted from inadvertence or simple negligence.

(m) The agency is hereby empowered to initiate, negotiate and participate in contracts and agreements among the local governmental authorities of the region, or any other intergovernmental contracts or agreements authorized by state or federal law.

(n) Each intergovernmental contract or agreement shall provide for its own funding and staffing, but this shall not preclude financial contributions from the local authorities concerned or from supplementary sources.

(o) Every record of the agency, whether public or not, shall be open for examination to the Legislature and Controller of the State of California and the legislative auditor of the State of Nevada.

(p) Approval by the agency of any project expires 3 years after the date of final action by the agency or the effective date of the amendments to this compact, whichever is later, unless construction is begun within that time and diligently pursued thereafter, or the use or activity has commenced. In computing the 3-year period any period of time during which the project is the subject of a legal action which delays or renders impossible the diligent pursuit of that project shall not be counted. Any license, permit or certificate

issued by the agency which has an expiration date shall be extended by that period of time during which the project is the subject of such legal action as provided in this subdivision.

(q) The governing body shall maintain a current list of real property known to be available for exchange with the United States or with other owners of real property in order to facilitate exchanges of real property by owners of real property in the region.

ARTICLE VII. Environmental Impact Statements

(a) The Tahoe Regional Planning Agency when acting upon matters that have a significant effect on the environment shall:

(1) Utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment;

(2) Prepare and consider a detailed environmental impact statement before deciding to approve or carry out any project. The detailed environmental impact statement shall include the following:

(A) The significant environmental impacts of the proposed project;

(B) Any significant adverse environmental effects which cannot be avoided should the project be implemented;

(C) Alternatives to the proposed project;

(D) Mitigation measures which must be implemented to assure meeting standards of the region;

(E) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity;

(F) Any significant irreversible and irretrievable commitments of resources which would be involved in the proposed project should it be implemented; and

(G) The growth-inducing impact of the proposed project;

(3) Study, develop and describe appropriate alternatives to recommended courses of action for any project which involves unresolved conflicts concerning alternative uses of available resources;

(4) Make available to states, counties, municipalities, institutions and individuals, advice and information useful in restoring, maintaining and enhancing the quality of the region's environment; and

(5) Initiate and utilize ecological information in the planning and development of resource-oriented projects.

(b) Prior to completing an environmental impact statement, the agency shall consult with and obtain the comments of any federal, state or local agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate federal, state and local agencies which are authorized to develop and enforce environmental standards shall be made available to the public and shall accompany the project through the review

processes. The public shall be consulted during the environmental impact statement process and views shall be solicited during a public comment period not to be less than 60 days.

(c) Any environmental impact statement required pursuant to this article need not repeat in its entirety any information or data which is relevant to such a statement and is a matter of public record or is generally available to the public, such as information contained in an environmental impact report prepared pursuant to the California Environmental Quality Act or a federal environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969. However, such information or data shall be briefly described in the environmental impact statement and its relationship to the environmental impact statement shall be indicated.

In addition, any person may submit information relative to a proposed project which may be included, in whole or in part, in any environmental impact statement required by this article.

(d) In addition to the written findings specified by agency ordinance to implement the regional plan, the agency shall make either of the following written findings before approving a project for which an environmental impact statement was prepared:

(1) Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level; or

(2) Specific considerations, such as economic, social or technical, make infeasible the mitigation measures or project alternatives discussed in the environmental impact statement on the project.

➥ A separate written finding shall be made for each significant effect identified in the environmental impact statement on the project. All written findings must be supported by substantial evidence in the record.

(e) The agency may charge and collect a reasonable fee from any person proposing a project subject to the provisions of this compact in order to recover the estimated costs incurred by the agency in preparing an environmental impact statement under this article.

(f) The agency shall adopt by ordinance a list of classes of projects which the agency has determined will not have a significant effect on the environment and therefore will be exempt from the requirement for the preparation of an environmental impact statement under this article. Prior to adopting the list, the agency shall make a written finding supported by substantial evidence in the record that each class of projects will not have a significant effect on the environment.

ARTICLE VIII. Finances

(a) On or before September 30 of each calendar year the agency shall establish the amount of money necessary to support its activities for the next succeeding fiscal year commencing July 1 of the following year. The agency shall apportion $75,000 of this amount among the counties within the region

on the same ratio to the total sum required as the full cash valuation of taxable property within the region in each county bears to the total full cash valuation of taxable property within the region. In addition, each county within the region in California shall pay $18,750 to the agency and each county within the region in Nevada, including Carson City, shall pay $12,500 to the agency, from any funds available therefor. The State of California and the State of Nevada may pay to the agency by July 1 of each year any additional sums necessary to support the operations of the agency pursuant to this compact. If additional funds are required, the agency shall make a request for the funds to the states of California and Nevada. Requests for state funds must be apportioned two-thirds from California and one-third from Nevada. Money appropriated shall be paid within 30 days.

(b) The agency may fix and collect reasonable fees for any services rendered by it.

(c) The agency shall submit an itemized budget to the states for review with any request for state funds, shall be strictly accountable to any county in the region and the states for all funds paid by them to the agency and shall be strictly accountable to all participating bodies for all receipts and disbursement.

(d) The agency is authorized to receive gifts, donations, subventions, grants, and other financial aids and funds; but the agency may not own land except as provided in subdivision (i) of Article III.

(e) The agency shall not obligate itself beyond the moneys due under this article for its support from the several counties and the states for the current fiscal year, plus any moneys on hand or irrevocably pledged to its support from other sources. No obligation contracted by the agency shall bind either of the party states or any political subdivision thereof.

ARTICLE IX. Transportation District

(a) The Tahoe transportation district is hereby established as a special purpose district. The boundaries of the district are coterminous with those of the region.

(b) The business of the district shall be managed by a board of directors consisting of:

(1) One member of the county board of supervisors of each of the counties of El Dorado and Placer who must be appointed by his respective board of supervisors;

(2) One member of the city council of the City of South Lake Tahoe who must be appointed by the city council;

(3) One member each of the board of county commissioners of Douglas County and of Washoe County who must be appointed by his respective board of county commissioners;

(4) One member of the board of supervisors of Carson City who must be appointed by the board of supervisors;

(5) One member of the South Shore Transportation Management Association or its successor organization who must be appointed by the association or its successor organization;

(6) One member of the North Shore Transportation Management Association or its successor organization who must be appointed by the association or its successor organization;

(7) One member of each local transportation district in the region that is authorized by the State of Nevada or the State of California who must be appointed by his respective transportation district;

(8) One member appointed by a majority of the other voting directors who represents a public or private transportation system operating in the region;

(9) The director of the California Department of Transportation; and

(10) The director of the department of transportation of the State of Nevada.

➥ Any entity that appoints a member to the board of directors, the director of the California Department of Transportation or the director of the department of transportation of the State of Nevada may designate an alternate.

(c) Before a local transportation district appoints a member to the board of directors pursuant to paragraph (7) of subdivision (b), the local transportation district must enter into a written agreement with the Tahoe transportation district that sets forth the responsibilities of the districts for the establishment of policies and the management of financial matters, including, but not limited to, the distribution of revenue among the districts.

(d) The directors of the California Department of Transportation and the department of transportation of the State of Nevada, or their designated alternates, serve as nonvoting directors, but shall provide technical and professional advice to the district as necessary and appropriate.

(e) The vote of a majority of the directors must agree to take action. If a majority of votes in favor of an action are not cast, an action of rejection shall be deemed to have been taken.

(f) The Tahoe transportation district may by resolution establish procedures for the adoption of its budgets, the appropriation of its money and the carrying on of its other financial activities. These procedures must conform insofar as is practicable to the procedures for financial administration of the State of California or the State of Nevada or one or more of the local governments in the region.

(g) The Tahoe transportation district may in accordance with the adopted transportation plan:

(1) Own and operate a public transportation system to the exclusion of all other publicly owned transportation systems in the region.

(2) Own and operate support facilities for public and private systems of transportation, including, but not limited to, parking lots, terminals, facilities for maintenance, devices for the collection of revenue and other related equipment.

(3) Acquire or agree to operate upon mutually agreeable terms any publicly or privately owned transportation system or facility within the region.

(4) Hire the employees of existing public transportation systems that are acquired by the district without loss of benefits to the employees, bargain collectively with employee organizations, and extend pension and other collateral benefits to employees.

(5) Contract with private companies to provide supplementary transportation or provide any of the services needed in operating a system of transportation for the region.

(6) Contract with local governments in the region to operate transportation facilities or provide any of the services necessary to operate a system of transportation for the region.

(7) Fix the rates and charges for transportation services provided pursuant to this subdivision.

(8) Issue revenue bonds and other evidence of indebtedness and make other financial arrangements appropriate for developing and operating a public transportation system.

(9) By resolution, determine and propose for adoption a tax for the purpose of obtaining services of the district. The tax proposed must be general and of uniform operation throughout the region, and may not be graduated in any way, except for a sales and use tax. If a sales and use tax is approved by the voters as provided in this paragraph, it may be administered by the states of California and Nevada respectively in accordance with the laws that apply within their respective jurisdictions and must not exceed a rate of 1 percent of the gross receipts from the sale of tangible personal property sold in the district. The district is prohibited from imposing any other tax measured by gross or net receipts on business, an ad valorem tax, a tax or charge that is assessed against people or vehicles as they enter or leave the region, and any tax, direct or indirect, on gaming tables and devices. Any such proposition must be submitted to the voters of the district and shall become effective upon approval of the voters voting on the proposition who reside in the State of California in accordance with the laws that apply within that state and approval of the voters voting on the proposition who reside in the State of Nevada in accordance with the laws that apply within that state. The revenues from any such tax must be used for the service for which it was imposed, and for no other purpose.

(10) Provide service from inside the region to convenient airport, railroad and interstate bus terminals without regard to the boundaries of the region.

(h) The legislatures of the states of California and Nevada may, by substantively identical enactments, amend this article.

ARTICLE X. Miscellaneous

(a) It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. Except as provided

in subdivision (c), the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining state and in full force and effect as to the state affected as to all severable matters.

(b) The agency shall have such additional powers and duties as may hereafter be delegated or imposed upon it from time to time by the action of the Legislature of either state concurred in by the Legislature of the other.

(c) A state party to this compact may withdraw therefrom by enacting a statute repealing the compact. Notice of withdrawal shall be communicated officially and in writing to the Governor of the other state and to the agency administrators. This provision is not severable, and if it is held to be unconstitutional or invalid, no other provision of this compact shall be binding upon the State of Nevada or the State of California.

(d) No provision of this compact shall have any effect upon the allocation, distribution or storage of interstate waters or upon any appropriative water right.

Sec. 7. NRS 332.015 is hereby amended to read as follows:

332.015 1. For the purpose of this chapter, unless the context otherwise requires, "local government" means:

(a) Every political subdivision or other entity which has the right to levy or receive money from ad valorem taxes or other taxes or from any mandatory assessments, including counties, cities, towns, school districts and other districts organized pursuant to chapters 244, ~~[~~309,~~]~~ 318, 379, 450, 474, 539, 541, 543 and 555 of NRS.

(b) The Las Vegas Valley Water District created pursuant to the provisions of chapter 167, Statutes of Nevada 1947, as amended.

(c) County fair and recreation boards and convention authorities created pursuant to the provisions of NRS 244A.597 to 244A.655, inclusive.

(d) District boards of health created pursuant to the provisions of NRS 439.362 or 439.370.

2. The term does not include the Nevada Rural Housing Authority.

Sec. 8. NRS 338.010 is hereby amended to read as follows:

338.010 As used in this chapter:

1. "Authorized representative" means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.

2. "Contract" means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.

3. "Contractor" means:

(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS.

(b) A design-build team.

4. "Day labor" means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing.

5. "Design-build contract" means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

6. "Design-build team" means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.

7. "Design professional" means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

8. "Division" means the State Public Works Division of the Department of Administration.

9. "Eligible bidder" means a person who is:

(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.

10. "General contractor" means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

11. "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.

12. "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, ~~[309,]~~ 318, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.

13. "Offense" means failing to:

(a) Pay the prevailing wage required pursuant to this chapter;

(b) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;

(c) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or

(d) Comply with subsection 5 or 6 of NRS 338.070.

14. "Prime contractor" means a contractor who:

(a) Contracts to construct an entire project;

(b) Coordinates all work performed on the entire project;

(c) Uses his or her own workforce to perform all or a part of the public work; and

(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

➥ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

15. "Public body" means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.

16. "Public work" means any project for the new construction, repair or reconstruction of a project financed in whole or in part from public money for:

(a) Public buildings;
(b) Jails and prisons;
(c) Public roads;
(d) Public highways;
(e) Public streets and alleys;
(f) Public utilities;
(g) Publicly owned water mains and sewers;
(h) Public parks and playgrounds;
(i) Public convention facilities which are financed at least in part with public money; and
(j) All other publicly owned works and property.

17. "Specialty contractor" means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

18. "Stand-alone underground utility project" means an underground utility project that is not integrated into a larger project, including, without limitation:

(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and

(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

➥ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

19. "Subcontract" means a written contract entered into between:

(a) A contractor and a subcontractor or supplier; or

(b) A subcontractor and another subcontractor or supplier,

➥ for the provision of labor, materials, equipment or supplies for a construction project.

20. "Subcontractor" means a person who:

(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and

(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

21. "Supplier" means a person who provides materials, equipment or supplies for a construction project.

22. "Wages" means:

(a) The basic hourly rate of pay; and

(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the worker.

23. "Worker" means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker or unskilled worker in the service of a contractor or subcontractor under any appointment or contract of hire or

apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.

Sec. 9. NRS 354.474 is hereby amended to read as follows:

354.474 1. Except as otherwise provided in subsections 2 and 3, the provisions of NRS 354.470 to 354.626, inclusive, apply to all local governments. For the purpose of NRS 354.470 to 354.626, inclusive:

(a) "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, ~~[309,]~~ 318 and 379 of NRS, NRS 450.550 to 450.750, inclusive, and chapters 474, 541, 543 and 555 of NRS, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision.

(b) "Local government" includes the Nevada Rural Housing Authority for the purpose of loans of money from a local government in a county whose population is less than 100,000 to the Nevada Rural Housing Authority in accordance with NRS 354.6118. The term does not include the Nevada Rural Housing Authority for any other purpose.

2. An irrigation district organized pursuant to chapter 539 of NRS shall fix rates and levy assessments as provided in NRS 539.667 to 539.683, inclusive. The levy of such assessments and the posting and publication of claims and annual financial statements as required by chapter 539 of NRS shall be deemed compliance with the budgeting, filing and publication requirements of NRS 354.470 to 354.626, inclusive, but any such irrigation district which levies an ad valorem tax shall comply with the filing and publication requirements of NRS 354.470 to 354.626, inclusive, in addition to the requirements of chapter 539 of NRS.

3. An electric light and power district created pursuant to chapter 318 of NRS shall be deemed to have fulfilled the requirements of NRS 354.470 to 354.626, inclusive, for a year in which the district does not issue bonds or levy an assessment if the district files with the Department of Taxation a copy of all documents relating to its budget for that year which the district submitted to the Rural Utilities Service of the United States Department of Agriculture.

Sec. 10. NRS 354.760 is hereby amended to read as follows:

354.760 1. All invoices or other notices issued by a local government to collect an account receivable must state that if the debtor wishes to pay by check or other negotiable instrument, such negotiable instrument must name as payee:

(a) The local government; or

(b) The title of the governmental official charged by law with the collection of such accounts.

➥ In no event may the invoice or other notice state that a check or other negotiable instrument may name a natural person as payee.

2. Notwithstanding the provisions of subsection 1, a local government may deposit into the appropriate account a check or other negotiable instrument which it determines is intended as payment for an account receivable.

3. As used in this section, "local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem taxes or other taxes or from any mandatory assessments, including, without limitation, counties, cities, towns, boards, authorities, school districts and other districts organized pursuant to chapters 244, 244A, ~~[309,]~~ 318, 379, 439, 450, 474, 539, 541, 543 and 555 of NRS.

Sec. 11. NRS 378.160 is hereby amended to read as follows:

378.160 As used in NRS 378.150 to 378.210, inclusive:

1. "Center" means the State Publications Distribution Center created by NRS 378.170.

2. "Depository library" means a library with which the Center has entered into an agreement pursuant to NRS 378.190.

3. "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, ~~[309,]~~ 318, 379, 474, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes the Nevada Rural Housing Authority.

4. "Publication" includes any information in any format or medium that is produced pursuant to the authority of or at the total or partial expense of a state agency or local government, is required by law to be distributed by a state agency or local government, or is distributed publicly by a state agency or local government outside that state agency or local government. The term does not include:

(a) Nevada Revised Statutes with annotations;

(b) Nevada Reports;

(c) Bound volumes of the Statutes of Nevada;

(d) Items published by the University of Nevada Press and other information disseminated by the Nevada System of Higher Education which is not designed for public distribution;

(e) Official state records scheduled for retention and disposition pursuant to NRS 239.080; or

(f) Records of a local government which have been scheduled for disposition pursuant to NRS 239.124 or retention pursuant to NRS 239.125.

5. "State agency" includes the Legislature, constitutional officers or any department, division, bureau, board, commission or agency of the State of Nevada.

Sec. 12. This act may be cited as the Douglas County Lake Tahoe Sewer Authority Act.

Sec. 13. The Legislature hereby finds and declares that:

1. The provisions of section 22 of this act describe a region which is distinguished by the governance of the only local improvement district currently in existence which is organized under chapter 309 of NRS and the presence of Lake Tahoe, a water system which is governed by a unique combination of state and federal laws.

2. The unique conditions of the area described by section 22 of this act are special circumstances and conditions to which a general law cannot be made applicable and necessitate this special act to enact changes to the management of sewage in that area.

3. Adequate and efficient sewage service is vital to the economic development and well-being of residents in the area described by section 22 of this act.

4. There are currently several different general improvement districts organized under chapter 318 of NRS that administer sewage collection services in the area described by section 22 of this act, which has caused problems in administering sewage services.

5. The well-being of the residents of the area described by section 22 of this act and the long-term economic development of the area described by section 22 of this act are best served by the creation of a single governmental entity, the purpose of which is to secure and develop sustainable sewage services.

Sec. 14. As used in this act, unless the context otherwise requires, the words and terms defined in sections 15 to 21, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 15. "Authority" means the Douglas County Lake Tahoe Sewer Authority created by section 23 of this act.

Sec. 16. "Board" means the Board of Trustees of the Douglas County Lake Tahoe Sewer Authority.

Sec. 17. "Douglas County" means the county created by and described in NRS 243.045.

Sec. 18. "Lake Tahoe Basin" has the meaning ascribed to it in NRS 538.600.

Sec. 19. "Project" means any structure, facility, undertaking or system which the Authority is authorized to acquire, construct, improve, equip, maintain or operate under the provisions of this act, including, without limitation, sewers, sewage disposal plants, sewage treatment plants and septic tanks and any other materials or construction connected therewith or with the handling or disposal of sewage. A project may consist of all kinds of personal and real property, including, without limitation, land, elements and fixtures thereon, property of any nature appurtenant thereto or used in connection therewith, and every estate, interest and right therein, legal or equitable, including terms for years, or any combination thereof.

Sec. 20. "Service area" means the area described by section 22 of this act.

Sec. 21. "Wastewater Reclamation Facility" means the treatment facility located in Zephyr Cove, Nevada, that treats and disposes of sewage from the service area.

Sec. 22. 1. The service area in which plans for the management of sewage are to be made, pursuant to this act, is the entire area of the Lake Tahoe Basin within the boundaries of Douglas County, except that the Board may:

(a) Exclude from the service area any land which the Board determines is unsuitable for inclusion because of its inability to connect with the Wastewater Reclamation Facility; and

(b) Include in the service area any land otherwise excluded if the owners of the land agree to be governed by this act.

2. The Authority and the Board shall have jurisdiction over the treatment and disposal of sewage and wastewater in the service area.

Sec. 23. 1. The Douglas County Lake Tahoe Sewer Authority is hereby created. The Authority is a public body corporate and politic and a municipal corporation. The purpose of the Authority is to furnish the service area and its inhabitants with an adequate system of sewage collection and treatment and disposal of wastewater by acquiring, holding, constructing, improving, maintaining and operating, owning, leasing, either in the capacity of lessor or lessee, sewers, sewer systems, sewage treatment works, waste mains, tunnels, drains and every form of sewer and sewage treatment or disposal facility, to be devoted wholly or partially for public uses or for revenue producing purposes.

2. The property and revenues of the Authority, any interest of any creditor therein and any possessory interest in or right to use that property which the Authority may grant are exempt from all state, county and municipal taxation.

Sec. 24. By entering into a cooperative agreement pursuant to NRS 277.080 to 277.180, inclusive, public entities, including, without limitation, a general improvement district organized pursuant to chapter 318 of NRS, may jointly authorize the Authority to exercise such powers, privileges or authority that each of those entities may individually exercise pursuant to the laws of this State which are not inconsistent with the provisions of this act.

Sec. 25. The Authority is a public employer within the meaning of NRS 286.070 and the provisions of chapter 286 of NRS apply to the Authority and its employees.

Sec. 26. 1. The Authority must be directed and governed by a Board of Trustees consisting of the following five trustees appointed pursuant to this section:

(a) One member of the Board of Trustees of the Kingsbury General Improvement District;

(b) One member of the Board of Trustees of the Round Hill Improvement District;

(c) One member of the Board of Trustees of the Tahoe-Douglas District;

(d) One member of the Board of County Commissioners of Douglas County; and

(e) One person representing the business community within Stateline, Nevada, appointed by the other four trustees.

2. The Board of County Commissioners of Douglas County shall appoint a trustee from its membership for an initial term of 3 years.

3. The Boards of Trustees of the Kingsbury General Improvement District, the Round Hill Improvement District and the Tahoe-Douglas District shall each appoint a trustee from their respective memberships for an initial term of 2 years.

4. The representative of the business community within Stateline, Nevada, appointed by the other trustees pursuant to paragraph (e) of subsection 1 shall serve for an initial term of 1 year.

5. After the initial terms, each trustee who is appointed to the Board serves for a term of 3 years. A trustee may be reappointed.

6. If any position on the Board becomes vacant, including, without limitation, upon the trustee's loss of any of the qualifications required for his or her appointment, the appointing authority shall appoint a successor to fill the remainder of the unexpired term.

Sec. 27. Each trustee on the Board shall file with the County Clerk of Douglas County:

1. His or her oath of office; and

2. A corporate surety bond furnished at the Authority's expense, in an amount not to exceed $5,000, and conditioned for the faithful performance of his or her duties as a member of the Board.

Sec. 28. 1. The Board shall elect one of its members as Chair, one of its members as Secretary, and one of its members as Treasurer. The Secretary and Treasurer may be the same person. The terms of the officers expire on December 31 of each year. Trustees may serve consecutive terms in any of the three officer positions.

2. The Secretary shall keep audio recordings or transcripts of all meetings of the Board and, in a well-bound book, a record of all the proceedings of the Board, minutes of all meetings, certificates, contracts, bonds given by employees and all other acts of the Board. Except as otherwise provided in NRS 241.035, the minute book, audio recordings, transcripts and records must be open to the inspection of all interested persons, at all reasonable times and places.

3. The Treasurer shall keep, in permanent records, strict and accurate accounts of all money received by and disbursed for and on behalf of the Board and the Authority.

Sec. 29. 1. The Board shall meet regularly at a time and in a place to be designated by the Board. The Board shall provide for the calling of a special meeting when action is required before a regular meeting would occur.

2. Except as otherwise provided in this section, a majority of the members of the Board constitutes a quorum at any meeting. Each motion and resolution of the Board must be adopted by at least a majority of the members present at the meeting.

Sec. 30. The Authority has perpetual succession. The Authority, acting pursuant to the Board's direction, may do all things necessary to accomplish the purposes of this act, including, without limitation:

1. ~~[~~Administer~~]~~ **Except as otherwise provided in this subsection, administer** all activity and business related to the collection and treatment of sewage and wastewater in the service area and the transportation and disposal of sewage and wastewater both within and outside of the service area. **If a public entity within the boundaries of the service area is performing an activity or business related to the collection of sewage and wastewater on the effective date of this act, the Authority may not administer any activity or business related to the collection of sewage and wastewater within the boundaries of that public entity unless otherwise provided by agreement between the public entity and the Authority.**

2. Fix, alter, charge and collect rates, rentals and other charges for the use of facilities controlled by the Authority, including, without limitation, the Wastewater Reclamation Facility, or for the services rendered by the Authority or projects thereof, at reasonable rates, to be determined by the Authority, for the purpose of providing for the payment of the expenses of the Authority, the construction, improvement, repair, maintenance and operation of its facilities and properties, the payment of the principal of and interest on its obligations and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations, and to make such rates, rentals and other charges a lien upon the property using such facilities, and provide for a method of enforcing collection of such rates, rentals and other charges.

3. Borrow money, make and issue negotiable notes, bonds and other evidences of indebtedness or obligations of the Authority, and to secure the payment of such bonds, or any part thereof, by pledge or deed of trust of all or any of its revenues and receipts, and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds, whether issued or to be issued, as the Authority shall deem advisable, and in general to provide for the security of said bonds and the rights of the holders thereof.

4. To acquire, purchase, hold, lease as lessee and use any franchise, property, real, personal or mixed, tangible or intangible, or any interest therein, within or without the boundaries of the service area, necessary or desirable for carrying out the purposes of the Authority, and to sell, lease as lessor, transfer and dispose of any property or interest therein, at any time acquired by it.

5. Acquire by purchase, lease or otherwise, and to construct, improve, maintain, repair and operate projects within or without the service area.

6. Pledge, hypothecate or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of its obligations.

7. Contract with public entities, including, without limitation, a general improvement district organized under chapter 318 of NRS, for the provision of services by the Authority and, in the performance of its functions, use the officers, agents, employees, services, facilities, records and equipment of Douglas County or any public governing body therein, with the consent of the respective public entity and subject to such terms and conditions as may be agreed upon.

8. Install and maintain sewer and effluent pipelines, together with all related or necessary improvements along, under or upon public highways, roads, streets and alleys, and to build and erect sewage treatment or disposal facilities and improvements, either within or without the service area, and to compel all property owners within the service area to connect their sewer systems with such system or sewers of the Authority.

9. Acquire by eminent domain proceedings, either the fee or such right, title, interest or easement in such lands and premises, within the service area, as the Authority may deem necessary for any of the purposes mentioned in this act. The right of eminent domain must be exercised by the Authority in the manner provided by law for the exercise of such right, except insofar as such law may be inconsistent with the provisions of this act.

10. Make bylaws for the management and regulation of its affairs.

11. Employ or contract with such persons as it deems necessary and hire and retain officers, agents and employees, including, without limitation, fiscal advisors, engineers, attorneys or other professional or specialized personnel.

12. Seek, apply for and otherwise solicit and receive from any source, public or private, such contributions, gifts, grants, devises and bequests of money and ~~[personnel]~~ **personal** property, or any combination thereof, as the Authority determines is necessary or convenient for the exercise of any of its powers.

13. Participate with relevant agencies of the United States, the State of Nevada and other entities on issues concerning the disposal of wastewater and sewage.

14. Make and enforce all necessary and proper regulations for the collection of sewage, and to make all other sanitary regulations in connection therewith.

15. Sue and be sued, implead and be impleaded, complain and defend in all courts.

16. Adopt, use and alter at will a corporate seal.

17. **Except as otherwise provided in section 33.5 of this act, merge or consolidate with a general improvement district organized under chapter 318 of NRS.**

18. Perform such other functions conferred on the Authority by the provisions of this act.

Sec. 31. The Board has and may exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this act. Such specific powers are not a limitation upon any power necessary or appropriate to carry out the purposes and intent of this act.

Sec. 32. The Board shall adopt an ordinance relative to the financing of the Authority, which ordinance shall in itself use the method of financing best suited to the financial condition and welfare of the service area. In this connection, such ordinance may use any of the following methods of financing, or any combination thereof:

1. Current revenue, reserves, state funds or federal funds which may be available and which may by law be used for furthering the purposes of this act.
2. Issuing bonds as provided in NRS 318.320.
3. Borrowing funds from the State or Federal Government, when such funds are available, for carrying out the purposes of this act.

Sec. 33. The Authority is exempt from regulation by the Public Utilities Commission of Nevada.

Sec. 33.5. **The merger or consolidation of the Authority with a general improvement district pursuant to section 30 of this act must be approved by:**

1. A majority of the owners of property located within the boundaries of the service area of the Authority; and

2. Resolution of the Board.

Sec. 34. The Authority shall assume the debts, obligations, liabilities and assets of Douglas County Sewer Improvement District No. 1, which was organized pursuant to chapter 309 of NRS in 1953 and was abolished on ~~[July]~~ **October** 1, 2017.

Sec. 34.5. **If any provision of this act or the application thereof to any person, thing or circumstance is held invalid, the invalidity does not affect the provisions or application of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.**

Sec. 35. Douglas County Sewer Improvement District No. 1, which was established under chapter 309 of NRS in 1953, is hereby abolished.

Sec. 36. NRS 309.010, 309.020, 309.025, 309.030, 309.040, 309.050, 309.060, 309.065, 309.070, 309.080, 309.090, 309.100, 309.110, 309.120, 309.130, 309.135, 309.140, 309.145, 309.160, 309.170, 309.180, 309.190, 309.200, 309.210, 309.220, 309.230, 309.240, 309.250, 309.260, 309.270, 309.280, 309.290, 309.300, 309.310, 309.320, 309.330, 309.331, 309.332, 309.333, 309.334, 309.335, 309.336, 309.337, 309.338, 309.339, 309.3395, 309.340, 309.350, 309.360, 309.370, 309.380, 309.383, 309.385, 309.390, 309.400, 309.410, 309.415, 309.425, 309.435, 309.445, 309.455, 309.465, 309.475, 309.490, 309.500, 309.510, 309.520, 309.530 and 309.540 are hereby repealed.

Sec. 37. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On October 1, 2017, for all other purposes.

LEADLINES OF REPEALED SECTIONS

309.010 Short title.

309.020 "Publication" defined.

309.025 Districts not to be organized after May 1, 1967.

309.030 Requirements for proposal to organize district; number of divisions and directors.

309.040 Petition for organization of district: Contents; bond; notice.

309.050 Hearing on petition; contiguous lands may be included; order denying or granting petition; submission of question to qualified electors.

309.060 County commissioners to canvass votes; order declaring organization of district and election of directors.

309.065 Extension of additional purposes to districts created pursuant to prior law; procedure; change of name of district.

309.070 Regular elections: Office of director; notice.

309.080 Election unnecessary when no nominations made.

309.090 Voters' affidavit.

309.100 Oaths and bonds of elected directors.

309.110 Persons entitled to vote at elections.

309.120 Officers; regular and special meetings; quorum; public records; organization of board; vacancies.

309.130 General powers of board of directors.

309.135 Determination by board that emergency exists to hold special election; action to challenge determination.

309.140 Compensation and expenses of directors and officers.

309.145 Directors and other officers not to be interested in contracts or profits; penalties.

309.160 Power to incur debts and liabilities: Limitations and exceptions.

309.170 Formulation of general plan of operations; election to authorize expense.

309.180 Form, style and contents of bonds; completion of plan when money from bonds insufficient; prior liens.

309.190 Apportionment of costs and assessments according to benefits.

309.200 Meeting to review apportionment of benefits: Notice and hearing; proceedings after objection to apportionment.

309.210 Confirmation of proceedings by district court: Petition; publication of notice; pleadings.

309.220 Examination of proceedings by district court; allowance and apportionment of costs; motions for new trial; appeal.

309.230 Sale of bonds: Notice and sale; bonds may be used in payment of construction costs; assessments in lieu of bonds.

309.240 Payment of bonds and interest.

309.250 Creation of funds; transfers; duties of district treasurer.

309.260 Payment of interest from debt service fund; redemption of bonds not due from debt service fund.

309.270 County commissioners to have access to books, records and vouchers of district.

309.280 Secretary to be district assessor; duties.

309.290 Board meeting to correct assessments; notice.

309.300 Annual levy; tax for replacement of deficits; county commissioners to act when board fails to levy assessment; duties of certain officers.

309.310 When assessments become liens; preferred liens.

309.320 Assessment books; entry of assessments on tax rolls; collection of assessments; duties of county officers.

309.330 Election to authorize special assessment: Notice; duties of board if assessment authorized; proposition for yearly tax levy.

309.331 District's power to borrow money as general or special obligation of district.

309.332 Types of securities authorized: Form and terms of general obligation bonds; limitation on redemption premium.

309.333 Submission of proposition of issuing general obligation bonds to electors; contents of resolution.

309.334 Notice of election: Form; publication.

309.335 Canvass of election returns; declaration of results.

309.336 Authorization for issuance and sale of general obligation bonds after election.

309.337 Applicability of Local Government Securities Law.

309.338 General obligation bonds payable from ad valorem taxes; additional security.

309.339 Contracts with United States and all private and public entities.

309.3395 Alternative authority for issuing general obligation bonds or securities payable from general ad valorem taxes.

309.340 Bids: Publication of notice; acceptance; exceptions in emergencies; performance and payment bonds of successful bidder.

309.350 When work may be performed without bid.

309.360 Payment of costs of acquisition from construction fund or proceeds of general obligation bonds; rates, tolls and charges for operation and maintenance; levy and collection of ad valorem taxes.

309.370 Power of board to construct works across watercourses, railways and highways.

309.380 Right-of-way granted over state lands.

309.383 Powers of district concerning location and construction of improvements subordinate to powers of Nevada Tahoe Regional Planning Agency.

309.385 Powers of district concerning location and construction of improvements subordinate to powers of regional planning agency.

309.390 Board may sell or lease improvements; ratification by electors.

309.400 Eminent domain powers of districts; power to purchase; payment of judgment awards within 6 months.

309.410 Vested interests used in connection with mining and power development not affected.

309.415 Exercise of powers primarily relating to fulfillment of water purposes or sewer purposes not subject to regulation or supervision of Public Utilities Commission of Nevada.

309.425 Territory which may be annexed to district.

309.435 Procedure.

309.445 Petition for annexation: Contents; signatures.

309.455 Publication of petition for annexation and notice of hearing.

309.465 Hearing; modification of boundaries.

309.475 Resolution: Adoption; copies to be filed with county clerk and county recorder.

309.490 Authority.

309.500 County ordinance; notice.

309.510 Protests; adoption of final ordinance.

309.520 Hearing.

309.530 Filing of copies of ordinance.

309.540 Surrender and transfer of property and money; collection and disposition of taxes and special assessments.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 477.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 777.

AN ACT relating to persons with disabilities; prescribing certain requirements relating to the zoning of certain facilities that provide residential care; requiring certain residential facilities for groups to be equipped with a ~~[residential]~~ fire sprinkler system; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the governing bodies of cities and counties to regulate and restrict the improvement of land and to control the location and soundness of structures. (NRS 278.020) **Section 7** of this bill requires that in any ordinance adopted by a city or county, the definition of the term "single-family residence" must include: (1) a residential facility for groups in which ~~[more than 2 and]~~ fewer than 11 persons with disabilities reside with house parents; (2) a home for individual residential care; and (3) a halfway house for recovering alcohol and drug abusers in which fewer than 11 persons reside.

Existing law prescribes certain requirements for various types of residential and health care facilities. (NRS 449.181-449.204) **Section 16** of this bill requires a residential facility for groups to be equipped with a ~~[residential]~~ fire sprinkler system if the facility has three or more residents who would have difficulty perceiving danger or moving to safety in the event of a fire.

Sections 2-4, 6, 10-15 and 17-20 of this bill make conforming changes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Halfway house for recovering alcohol and drug abusers" has the meaning ascribed to it in NRS 449.008.***

Sec. 4. ***"Home for individual residential care" has the meaning ascribed to it in NRS 449.0105.***

Sec. 5. (Deleted by amendment.)

Sec. 6. ***"Residential facility for groups" has the meaning ascribed to it in NRS 449.017.***

Sec. 7. ***1. In any ordinance adopted by a city or county, the definition of "single-family residence" must include, without limitation, a:***

(a) Residential facility for groups in which ~~[more than 2 and]~~ fewer than 11 unrelated persons with disabilities reside with:

(1) House parents or guardians who need not be related to any of the persons with disabilities; and

(2) If applicable, additional persons who are related to the house parents or guardians within the third degree of consanguinity or affinity.

(b) Home for individual residential care.

(c) Halfway house for recovering alcohol and drug abusers in which fewer than 11 persons reside.

2. The provisions of subsection 1 do not prohibit a definition of "single-family residence" that allows more persons to reside in a

residential facility for groups or the regulation of homes that are operated on a commercial basis. For the purposes of this subsection, a residential facility for groups, a halfway house for recovering alcohol and drug abusers or a home for individual residential care shall not be deemed to be a home that is operated on a commercial basis for any purpose relating to zoning.

3. As used in this section, "person with a disability" means a person:

(a) With a physical or mental impairment that substantially limits one or more of the major life activities of the person;

(b) With a record of such an impairment; or

(c) Who is regarded as having such an impairment.

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. NRS 278.0235 is hereby amended to read as follows:

278.0235 No action or proceeding may be commenced for the purpose of seeking judicial relief or review from or with respect to any final action, decision or order of any governing body, commission or board authorized by NRS 278.010 to 278.630, inclusive, ***and sections 2 to 8, inclusive, of this act,*** unless the action or proceeding is commenced within 25 days after the date of filing of notice of the final action, decision or order with the clerk or secretary of the governing body, commission or board.

Sec. 11. NRS 278.02788 is hereby amended to read as follows:

278.02788 1. If a city has a sphere of influence that is designated in the comprehensive regional plan, the city shall adopt a master plan concerning the territory within the sphere of influence. The master plan and any ordinance required by the master plan must be consistent with the comprehensive regional plan. After adoption and certification of a master plan concerning the territory within the sphere of influence and after adopting the ordinances required by the master plan, if any, the city may exercise any power conferred pursuant to NRS 278.010 to 278.630, inclusive, ***and sections 2 to 8, inclusive, of this act*** within its sphere of influence.

2. If the comprehensive regional plan designates that all or part of the sphere of influence of a city is a joint planning area, the master plan and any ordinance adopted by the city pursuant to subsection 1 must be consistent with the master plan that is adopted for the joint planning area.

3. Before certification of the master plan for the sphere of influence pursuant to NRS 278.028, any action taken by the county pursuant to NRS 278.010 to 278.630, inclusive, ***and sections 2 to 8, inclusive, of this act*** within the sphere of influence of a city must be consistent with the comprehensive regional plan.

4. A person, county or city that is represented on the governing board and is aggrieved by a final determination of the county or, after the certification of the master plan for a sphere of influence, is aggrieved by a final determination of the city, concerning zoning, a subdivision map, a parcel map or the use of land within the sphere of influence may appeal the

decision to the regional planning commission within 30 days after the determination. A person, county or city that is aggrieved by the determination of the regional planning commission may appeal the decision to the governing board within 30 days after the determination. A person, county or city that is aggrieved by the determination of the governing board may seek judicial review of the decision within 25 days after the determination.

Sec. 12. NRS 278.160 is hereby amended to read as follows:

278.160 1. Except as otherwise provided in this section and NRS 278.150 and 278.170, the master plan, with the accompanying charts, drawings, diagrams, schedules and reports, may include such of the following elements or portions thereof as are appropriate to the city, county or region, and as may be made the basis for the physical development thereof:

(a) A conservation element, which must include:

(1) A conservation plan for the conservation, development and utilization of natural resources, including, without limitation, water and its hydraulic force, underground water, water supply, solar or wind energy, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The conservation plan must also cover the reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan, prevention, control and correction of the erosion of soils through proper clearing, grading and landscaping, beaches and shores, and protection of watersheds. The conservation plan must also indicate the maximum tolerable level of air pollution.

(2) A solid waste disposal plan showing general plans for the disposal of solid waste.

(b) A historic preservation element, which must include:

(1) A historic neighborhood preservation plan which:

(I) Must include, without limitation, a plan to inventory historic neighborhoods and a statement of goals and methods to encourage the preservation of historic neighborhoods.

(II) May include, without limitation, the creation of a commission to monitor and promote the preservation of historic neighborhoods.

(2) A historical properties preservation plan setting forth an inventory of significant historical, archaeological, paleontological and architectural properties as defined by a city, county or region, and a statement of methods to encourage the preservation of those properties.

(c) A housing element, which must include, without limitation:

(1) An inventory of housing conditions and needs, and plans and procedures for improving housing standards and providing adequate housing to individuals and families in the community, regardless of income level.

(2) An inventory of existing affordable housing in the community, including, without limitation, housing that is available to rent or own, housing that is subsidized either directly or indirectly by this State, an agency or political subdivision of this State, or the Federal Government or an agency of the Federal Government, and housing that is accessible to persons with disabilities.

(3) An analysis of projected growth and the demographic characteristics of the community.

(4) A determination of the present and prospective need for affordable housing in the community.

(5) An analysis of any impediments to the development of affordable housing and the development of policies to mitigate those impediments.

(6) An analysis of the characteristics of the land that is suitable for residential development. The analysis must include, without limitation:

(I) A determination of whether the existing infrastructure is sufficient to sustain the current needs and projected growth of the community; and

(II) An inventory of available parcels that are suitable for residential development and any zoning, environmental and other land-use planning restrictions that affect such parcels.

(7) An analysis of the needs and appropriate methods for the construction of affordable housing or the conversion or rehabilitation of existing housing to affordable housing.

(8) A plan for maintaining and developing affordable housing to meet the housing needs of the community for a period of at least 5 years.

(d) A land use element, which must include:

(1) Provisions concerning community design, including standards and principles governing the subdivision of land and suggestive patterns for community design and development.

(2) A land use plan, including an inventory and classification of types of natural land and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land. The land use plan:

(I) Must, if applicable, address mixed-use development, transit-oriented development, master-planned communities and gaming enterprise districts. The land use plan must also, if applicable, address the coordination and compatibility of land uses with any military installation in the city, county or region, taking into account the location, purpose and stated mission of the military installation.

(II) May include a provision concerning the acquisition and use of land that is under federal management within the city, county or region, including, without limitation, a plan or statement of policy prepared pursuant to NRS 321.7355.

(3) In any county whose population is 700,000 or more, a rural neighborhoods preservation plan showing general plans to preserve the character and density of rural neighborhoods.

(e) A public facilities and services element, which must include:

(1) An economic plan showing recommended schedules for the allocation and expenditure of public money to provide for the economical and timely execution of the various components of the plan.

(2) A population plan setting forth an estimate of the total population which the natural resources of the city, county or region will support on a continuing basis without unreasonable impairment.

(3) An aboveground utility plan that shows corridors designated for the construction of aboveground utilities and complies with the provisions of NRS 278.165.

(4) Provisions concerning public buildings showing the locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof.

(5) Provisions concerning public services and facilities showing general plans for sewage, drainage and utilities, and rights-of-way, easements and facilities therefor, including, without limitation, any utility projects required to be reported pursuant to NRS 278.145. If a public utility which provides electric service notifies the planning commission that a new transmission line or substation will be required to support the master plan, those facilities must be included in the master plan. The utility is not required to obtain an easement for any such transmission line as a prerequisite to the inclusion of the transmission line in the master plan.

(6) A school facilities plan showing the general locations of current and future school facilities based upon information furnished by the appropriate county school district.

(f) A recreation and open space element, which must include a recreation plan showing a comprehensive system of recreation areas, including, without limitation, natural reservations, parks, parkways, trails, reserved riverbank strips, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.

(g) A safety element, which must include:

(1) In any county whose population is 700,000 or more, a safety plan identifying potential types of natural and man-made hazards, including, without limitation, hazards from floods, landslides or fires, or resulting from the manufacture, storage, transfer or use of bulk quantities of hazardous materials. The safety plan may set forth policies for avoiding or minimizing the risks from those hazards.

(2) A seismic safety plan consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking or to ground failures.

(h) A transportation element, which must include:

(1) A streets and highways plan showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets and the recommended treatment thereof, building line setbacks, and a system of naming or numbering streets and numbering houses, with recommendations concerning proposed changes.

(2) A transit plan showing a proposed multimodal system of transit lines, including mass transit, streetcar, motorcoach and trolley coach lines, paths for bicycles and pedestrians, satellite parking and related facilities.

(3) A transportation plan showing a comprehensive transportation system, including, without limitation, locations of rights-of-way, terminals, viaducts and grade separations. The transportation plan may also include port, harbor, aviation and related facilities.

2. The commission may prepare and adopt, as part of the master plan, other and additional plans and reports dealing with such other elements as may in its judgment relate to the physical development of the city, county or region, and nothing contained in NRS 278.010 to 278.630, inclusive, ***and sections 2 to 8, inclusive, of this act*** prohibits the preparation and adoption of any such element as a part of the master plan.

Sec. 13. NRS 119.128 is hereby amended to read as follows:

119.128 An exemption pursuant to this chapter is not an exemption from the provisions of NRS 278.010 to 278.630, inclusive ~~[.]~~ ***, and sections 2 to 8, inclusive, of this act.***

Sec. 14. NRS 119.340 is hereby amended to read as follows:

119.340 The provisions of this chapter are in addition to and not a substitute for NRS 278.010 to 278.630, inclusive ~~[.]~~ ***, and sections 2 to 8, inclusive, of this act.***

Sec. 15. NRS 270.180 is hereby amended to read as follows:

270.180 NRS 270.160 and 270.170 are intended to supplement and not to supersede the existing laws relating to the vacation of city and town plats and do not apply to land divided pursuant to NRS 278.010 to 278.630, inclusive ~~[.]~~ ***, and sections 2 to 8, inclusive, of this act.***

Sec. 16. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

A residential facility for groups must be equipped with a ~~[residential]~~ fire sprinkler system if the facility has three or more residents who would have difficulty perceiving danger or moving to safety in the event of a fire.

Sec. 17. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.030 to 449.2428, inclusive, ***and section 16 of this act*** do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility or facility for the dependent operated and maintained by the United States Government or an agency thereof.

Sec. 18. NRS 449.0306 is hereby amended to read as follows:

449.0306 1. Money received from licensing medical facilities and facilities for the dependent must be forwarded to the State Treasurer for deposit in the State General Fund.

2. The Division shall enforce the provisions of NRS 449.030 to 449.245, inclusive, ***and section 16 of this act*** and may incur any necessary expenses not in excess of money appropriated for that purpose by the State or received from the Federal Government.

Sec. 19. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.030 to 449.2428, inclusive, ***and section 16 of this act*** upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.030 to 449.245, inclusive, ***and section 16 of this act,*** or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, ***and section 16 of this act*** and 449.435 to 449.965, inclusive, if such approval is required.

(f) Failure to comply with the provisions of NRS 449.2486.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 20. NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility or facility for the dependent violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.030 to 449.2428, inclusive, ***and section 16 of this act,*** or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) Impose an administrative penalty of not more than $1,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If a violation by a medical facility or facility for the dependent relates to the health or safety of a patient, an administrative penalty imposed pursuant to paragraph (d) of subsection 1 must be in a total amount of not less than $1,000 and not more than $10,000 for each patient who was harmed or at risk of harm as a result of the violation.

3. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1, the Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

4. The Division may require any facility that violates any provision of NRS 439B.410 or 449.030 to 449.2428, inclusive, ***and section 16 of this act,*** or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

5. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, ***and section 16 of this act*** and 449.435 to 449.965, inclusive, to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 20.5. **1. The requirements of section 16 of this act apply to any residential facility for groups that:**

(a) Has three or more residents who would have difficulty perceiving danger or moving to safety in the event of a fire; and

(b) Is in operation on or after July 1, 2017.

2. As used in this section, "residential facility for groups" has the meaning ascribed to it in NRS 449.017.

Sec. 21. This act becomes effective on July 1, 2017.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 481.

Bill read third time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 889.

AN ACT relating to disabilities; transforming the Subcommittee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons With Speech Disabilities of the Nevada Commission on Services for Persons with Disabilities into the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired in the Office of the Governor; requiring the Governor to appoint a Director of the Commission; requiring the Aging and Disability Services Division of the Department of Health and Human Services to provide personnel, facilities, equipment and supplies to the Commission; revising the duties of the Commission; requiring the Legislative Committee on Health Care to study the sources of money available for certain purposes; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Subcommittee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons With Speech Disabilities of the Nevada Commission on Services for Persons with Disabilities. The Subcommittee consists of persons with knowledge of issues relating to communications disabilities who are appointed by the Administrator of the Aging and Disability Services Division of the Department of Health and Human Services. The Subcommittee is authorized to: (1) make recommendations to the Commission concerning programs for persons with communications disabilities; (2) review services of the Division for persons with communications disabilities and advise the Division concerning such services; and (3) advise the Department of Education on ensuring the availability of language and communication services for children with communications disabilities. The Subcommittee is required to make recommendations to the Commission concerning the practices of interpreting and realtime captioning and to the Division concerning certain programs to provide assistive technology to persons with communications disabilities. (NRS 427A.750)

Section 5 of this bill changes the name of the Subcommittee to the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired. **Section 5** also places the Commission in the Office of the Governor and requires the Governor to appoint the members of the Commission. Additionally, **section 5** provides for the Commission to: (1) review the services and practices of all state and local governmental entities relating to persons who are deaf, hard of hearing or speech impaired and advise those entities directly; and (2) provide persons who are deaf, hard of hearing or speech impaired with information concerning services and resources that promote equality of opportunity for such persons. **Section 4** of this bill makes a conforming change. **Section 3** of this bill requires the Governor to appoint a Director of the Commission, who serves without compensation and performs such duties as directed by the Commission. **Section 5.5** of this bill requires the Legislative Committee on Health Care to study grants and other sources of money that may be available to transform the position of Director of the Commission into a full-time, paid position. **Section 3** requires the Aging and Disability Services Division to provide the personnel, facilities, equipment and supplies required by the Commission to fulfill its duties.

Section 5.3 of this bill makes an appropriation of $25,000 from the State General Fund to the Commission in each fiscal year of the 2017-2019 biennium for per diem, travel and administrative costs of the Commission.

WHEREAS, Persons who are differently abled make up a significant part of the population of this State; and

WHEREAS, Persons who are deaf, hard of hearing or speech impaired contribute significantly to the general welfare of the people of this State; and

WHEREAS, Assisting persons who are deaf, hard of hearing or speech impaired to communicate effectively is necessary to maximize such contributions and allow such persons to achieve equality in education, employment and socialization; and

WHEREAS, Services that persons who are deaf, hard of hearing or speech impaired receive from state and local governmental agencies help them communicate effectively, maximizing their contributions and allowing them to achieve greater equality; and

WHEREAS, Persons who are deaf, hard of hearing or speech impaired need the ability to communicate effectively with state and local governmental entities to ensure that such persons receive services that are helpful to them in a manner that ensures their dignity and equality; now, therefore

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 427A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***As used in this section and NRS 427A.750 and section 3 of this act, unless the context otherwise requires, "Commission" means the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired created by NRS 427A.750.***

Sec. 3. ***1. The Governor shall appoint the Director of the Commission. The Director:***

(a) Serves without compensation, at the pleasure of the Governor.

(b) Shall perform such duties as are directed by the Commission.

2. The Division shall provide the personnel, facilities, equipment and supplies required by the Commission to carry out the provisions of this section and NRS 427A.750.

Sec. 4. NRS 427A.1213 is hereby amended to read as follows:

427A.1213 1. The Commission shall, at its first meeting and annually thereafter, elect a Chair from among its voting members.

2. The Commission shall meet at least quarterly and at the times and places specified by a call of the Director, the Chair or a majority of the voting members of the Commission.

3. A majority of the voting members of the Commission constitutes a quorum for the transaction of all business.

4. The Commission shall establish rules for its own governance.

5. Except as otherwise provided in NRS 426.731 **,** ~~[~~and 427A.750,~~]~~ the Chair may appoint subcommittees and advisory committees composed of the members of the Commission, former members of the Commission and members of the general public who have experience with or knowledge of matters relating to persons with disabilities, to consider specific problems or other matters that are related to and within the scope of the functions of the

Commission. A subcommittee or advisory committee appointed pursuant to this subsection must not contain more than five members. To the extent practicable, the members of such a subcommittee or advisory committee must be representative of the various geographic areas and ethnic groups of this State.

Sec. 5. NRS 427A.750 is hereby amended to read as follows:

427A.750 1. The ~~[Subcommittee on Communication Services]~~ ***Nevada Commission*** for Persons Who Are Deaf ***,*** ~~[or]~~ Hard of Hearing ~~[and Persons With Speech Disabilities of the Nevada Commission on Services for Persons with Disabilities]~~ ***or Speech Impaired*** is hereby created ~~[.]~~ ***within the Office of the Governor.*** The ~~[Subcommittee]~~ ***Commission*** consists of nine members appointed by the ~~[Administrator.]~~ ***Governor.*** The ~~[Administrator]~~ ***Governor*** shall consider recommendations made by the Nevada Commission on Services for Persons with Disabilities and appoint to the ~~[Subcommittee:]~~ ***Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired:***

(a) One nonvoting member who is employed by the ~~[Division]~~ ***State*** and who participates in the administration of the ~~[program]~~ ***programs*** of this State that ~~[provides]~~ ***provide*** services to persons ~~[with communications disabilities which affect their ability to communicate;]~~ ***who are deaf, hard of hearing or speech impaired;***

(b) One member who is a member of the Nevada Association of the Deaf, or, if it ceases to exist, one member who represents an organization which has a membership of persons who are deaf, hard of hearing or speech-impaired;

(c) One member who has experience with ~~[or an interest in]~~ and knowledge of ~~[the problems of and]~~ services for ~~[the]~~ ***persons who are*** deaf, hard of hearing or speech-impaired;

(d) One nonvoting member who is the Executive Director of the Nevada Telecommunications Association or, in the event of its dissolution, who represents the telecommunications industry;

(e) Three members who are users of telecommunications relay services or the services of persons engaged in the practice of interpreting or the practice of realtime captioning;

(f) One member who is a parent of a child who is deaf, hard of hearing or speech-impaired; and

(g) One member who represents educators in this State and has knowledge concerning the provision of communication services to persons ~~[with communications disabilities]~~ ***who are deaf, hard of hearing or speech impaired*** in elementary, secondary and postsecondary schools and the laws concerning the provision of those services.

2. After the initial term, the term of each member is 3 years. A member may be reappointed.

3. If a vacancy occurs during the term of a member, the ~~[~~Administrator~~]~~ ***Governor*** shall appoint a person similarly qualified to replace that member for the remainder of the unexpired term.

4. The ~~[~~Subcommittee~~]~~ ***Commission*** shall:

(a) At its first meeting and annually thereafter, elect a Chair from among its voting members; and

(b) Meet at the call of the ~~[~~Administrator,~~]~~ ***Governor or*** the Chair ~~[~~of the Nevada Commission on Services for Persons with Disabilities, the Chair of the Subcommittee~~]~~ or a majority of its voting members as is necessary to carry out its responsibilities.

5. A majority of the voting members of the ~~[~~Subcommittee~~]~~ ***Commission*** constitutes a quorum for the transaction of business, and a majority of the voting members of a quorum present at any meeting is sufficient for any official action taken by the ~~[~~Subcommittee.~~]~~ ***Commission.***

6. Members of the ~~[~~Subcommittee~~]~~ ***Commission*** serve without compensation, except that each member is entitled, while engaged in the business of the ~~[~~Subcommittee,~~]~~ ***Commission,*** to the per diem allowance and travel expenses provided for state officers and employees generally if funding is available for this purpose.

7. A member of the ~~[~~Subcommittee~~]~~ ***Commission*** who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that the person may prepare for and attend meetings of the ~~[~~Subcommittee~~]~~ ***Commission*** and perform any work necessary to carry out the duties of the ~~[~~Subcommittee~~]~~ ***Commission*** in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the ~~[~~Subcommittee~~]~~ ***Commission*** to make up the time he or she is absent from work to carry out his or her duties as a member of the ~~[~~Subcommittee~~]~~ ***Commission*** or use annual vacation or compensatory time for the absence.

8. The ~~[~~Subcommittee~~]~~ ***Commission*** may:

(a) Make recommendations to ~~[~~the Nevada Commission on Services for Persons with Disabilities~~]~~ ***any state agency, including, without limitation, the Division,*** concerning the establishment and operation of programs for persons ~~[~~with communications disabilities which affect their ability to communicate.~~]~~ ***who are deaf, hard of hearing or speech impaired to ensure equal access to state programs and activities.***

(b) Recommend to the ~~[~~Nevada Commission on Services for Persons with Disabilities~~]~~ ***Governor*** any proposed legislation concerning persons ~~[~~with communications disabilities which affect their ability to communicate.~~]~~ ***who are deaf, hard of hearing or speech impaired.***

(c) Collect information concerning persons ~~[~~with communications disabilities which affect their ability to communicate.~~]~~ ***who are deaf, hard of hearing or speech impaired.***

(d) Create and annually review a 5-year strategic plan consisting of short-term and long-term goals for services provided by or on behalf of the Division. In creating and reviewing any such plan, the ~~[Subcommittee]~~ ***Commission*** must solicit input from various persons, including, without limitation, persons ~~[with communications disabilities.]~~ ***who are deaf, hard of hearing or speech impaired.***

(e) Review the goals, ***policies,*** programs and services of ***state agencies, including, without limitation,*** the Division ~~[for]~~ ***, that serve*** persons ~~[with communications disabilities]~~ ***who are deaf, hard of hearing or speech impaired*** and advise ~~[the Division]~~ ***such agencies*** regarding such goals, ***policies,*** programs and services, including, without limitation, the outcomes of services provided to persons ~~[with communications disabilities]~~ ***who are deaf, hard of hearing or speech impaired*** and the requirements imposed on providers.

(f) Based on information collected by the Department of Education, advise the Department of Education on research and methods to ensure the availability of language and communication services for children who are deaf, hard of hearing or speech-impaired.

(g) Consult with the personnel of any state agency, including, without limitation, the Division, concerning any matter relevant to the duties of the Commission. A state agency shall make available to the Commission any officer or employee of the agency with which the Commission wishes to consult pursuant to this paragraph.

9. The ~~[Subcommittee]~~ ***Commission*** shall ~~[make]~~ ***:***

(a) Make recommendations to ~~[:~~

~~(a) The Nevada Commission on Services for Persons with Disabilities]~~ ***the Division*** concerning the practice of interpreting and the practice of realtime captioning, including, without limitation, the adoption of regulations to carry out the provisions of chapter 656A of NRS.

(b) ~~[The]~~ ***Make recommendations to the*** Division concerning all programs and activities funded by the surcharge imposed pursuant to subsection 3 of NRS 427A.797.

(c) Provide persons who are deaf, hard of hearing or speech impaired with information concerning services and resources that promote equality for such persons in education, employment and socialization and referrals for such services and resources;

(d) Review the procedures and practices of state and local governmental entities to ensure that persons who are deaf, hard of hearing or speech impaired have equal access to resources and services provided by those governmental entities; and

(e) Make recommendations to state and local governmental entities concerning:

(1) Compliance with laws and regulations concerning persons who are deaf, hard of hearing or speech impaired, including, without limitation, the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.;

(2) Improving the health, safety, welfare and comfort of persons who are deaf, hard of hearing or speech impaired; and

(3) Integrating services and programs for persons who are deaf, hard of hearing or speech impaired and improving cooperation among state and local governmental entities that provide such services.

10. As used in this section:

(a) ~~[~~"Nevada Commission on Services for Persons with Disabilities" means the Nevada Commission on Services for Persons with Disabilities created by NRS 427A.1211.

~~(b)]~~ "Practice of interpreting" has the meaning ascribed to it in NRS 656A.060.

~~[(c)]~~ ***(b)*** "Practice of realtime captioning" has the meaning ascribed to it in NRS 656A.062.

~~[(d)]~~ ***(c)*** "Telecommunications relay services" has the meaning ascribed to it in 47 C.F.R. § 64.601.

Sec. 5.3. **1. There is hereby appropriated from the State General Fund to the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired created by NRS 427A.750, as amended by section 5 of this act, for per diem, travel and administrative costs of the Commission the following sums:**

For the Fiscal Year 2017-2018 ..... $25,000

For the Fiscal Year 2018-2019 ..... $25,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of appropriated money remaining must not be spent for any purpose after September 21, 2018, and September 20, 2019, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 21, 2018, and September 20, 2019, respectively.

Sec. 5.5. During the 2017-2018 interim, the Legislative Committee on Health Care shall study grants and other sources of money that may be available to transform the position of Director of the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired, appointed pursuant to section 3 of this act, into a full-time, paid position. On or before September 1, 2018, the Committee shall submit its findings to:

1. The Aging and Disability Services Division of the Department of Health and Human Services;

2. The Governor; and

3. The Director of the Legislative Counsel Bureau for transmittal to the 80th Session of the Legislature.

Sec. 6. Notwithstanding the amendatory provisions of this act, a member of the Subcommittee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons With Speech Disabilities of the Nevada Commission on Services for Persons with Disabilities who was appointed pursuant to NRS 427A.750 as that section existed on June 30, 2017, and who is serving a term on July 1, 2017, is entitled to serve the remainder of the term to which he or she was appointed as a member of the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired created by NRS 427A.750, as amended by section 5 of this act.

Sec. 7. This act becomes effective on July 1, 2017.

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer, Senate Bill No. 481 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 421 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 1.

Resolution read third time.

The following amendment was proposed by the Committee on Corrections, Parole, and Probation:

Amendment No. 792.

SUMMARY—Proposes to amend the Nevada Constitution to ~~[replace]~~ **expressly provide for** the State Board of Pardons Commissioners ~~[with the Clemency Board]~~ and ~~[requires the Legislature to provide for]~~ **revise** the ~~[organization and]~~ duties of the ~~[Clemency]~~ **State** Board ~~[.]~~ **of Pardons Commissioners.** (BDR C-567)

SENATE JOINT RESOLUTION—Proposing to amend the Nevada Constitution to ~~[replace]~~ **expressly provide for** the State Board of Pardons Commissioners ~~[with the Clemency Board]~~ and ~~[to require the Legislature to provide for]~~ **revise** the ~~[organization and]~~ duties of the ~~[Clemency]~~ **State** Board ~~[.]~~ **of Pardons Commissioners.**

Legislative Counsel's Digest:

Under the Nevada Constitution and existing law, the State Board of Pardons Commissioners consists of the Governor, the justices of the Supreme Court and the Attorney General. (Nev. Const. Art. 5, § 14; NRS 213.010) **The Nevada Constitution does not expressly provide for a State Board of Pardons Commissioners, but rather establishes the authority, powers and duties of the Board. Further, the Nevada Constitution requires the Governor to vote in the majority for any action. (Nev. Const. Art. 5, § 14)**

This joint resolution proposes to amend the Nevada Constitution to: (1) ~~[replace]~~ **expressly provide for** the State Board of Pardons Commissioners **;** ~~[with the Clemency Board consisting of nine members appointed by the Governor, the Chief Justice of the Supreme Court and the Attorney General to carry out the duties currently carried out by the State Board of Pardons Commissioners;]~~ (2) ~~[provide that at least five members appointed to the Clemency Board must have experience working in the criminal justice system;]~~ **eliminate the requirement that the Governor vote in the majority for any action;** (3) ~~[require the Legislature to provide for the organization and duties of the Clemency Board; and (4)]~~ require the ~~[Clemency]~~ **State** Board **of Pardons Commissioners** to meet at least quarterly **[.] ; (4) authorize any member of the State Board of Pardons Commissioners to submit matters for consideration by the Board; and (5) provide that a majority of the members of the State Board of Pardons Commissioners is sufficient for any action taken by the Board.** (Nev. Const. Art. 5, § 14)

Resolved by the Senate and Assembly of the State of Nevada, Jointly, That Section 14 of Article 5 of the Nevada Constitution be amended to read as follows:

Sec. 14. 1. The governor, justices of the supreme court, and attorney general ~~[, or a major part of them, of whom the governor]~~ shall ~~[be one, There is hereby created a Clemency]~~ ***constitute the State*** Board ~~[.]~~ ***of Pardons Commissioners.***

2. [The Clemency Board consists of nine members, at least five of whom must have experience working in the criminal justice system. The Governor, the Chief Justice of the Supreme Court and the Attorney General shall each appoint three members to the Clemency Board. The Legislature shall provide by law for:

(a) The organization of the Clemency Board, including, without limitation, the qualifications and terms of the members of the Clemency Board; and

(b) The duties of the Clemency Board and its members.

3.] ***The [Clemency] State Board of Pardons Commissioners*** may, upon such conditions and with such limitations and restrictions as they may think proper, remit fines and forfeitures, commute punishments, except as provided in subsection ~~[2, 4,]~~ ***3,*** and grant pardons, after

convictions, in all cases, except treason and impeachments, subject to such regulations as may be provided by law relative to the manner of applying for pardons.

~~[~~2.~~ 4.]~~ ***3.*** Except as may be provided by law, a sentence of death or a sentence of life imprisonment without possibility of parole may not be commuted to a sentence which would allow parole.

~~[~~3.~~ 5.]~~ ***4. The ~~[Clemency]~~ State Board of Pardons Commissioners shall meet at least quarterly.***

5. Any member of the State Board of Pardons Commissioners may submit matters for consideration by the State Board of Pardons Commissioners.

6. A majority of the members of the State Board of Pardons Commissioners is sufficient for any action taken by the State Board of Pardons Commissioners.

7. The Legislature is authorized to pass laws conferring upon the district courts authority to suspend the execution of sentences, fix the conditions for, and to grant probation, and within the minimum and maximum periods authorized by law, fix the sentence to be served by the person convicted of crime in said courts.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Assembly Bill No. 106.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 106, as amended, requires the Administrator of the Purchasing Division of the Department of Administration to establish a vendor certification program to certify vendors and that allows vendors to self-certify that employees receive equal pay for equal work regardless of gender. The bill becomes effective on January 1, 2018, and expires by limitation on June 30, 2021.

Roll call on Assembly Bill No. 106:

YEAS—30.

NAYS—Paul Anderson, Edwards, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Pickard, Titus, Wheeler—11.

EXCUSED—Ellison.

Assembly Bill No. 106 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 175.

Bill read third time.

Remarks by Assemblymen McCurdy and Marchant.

ASSEMBLYMAN MCCURDY:

Assembly Bill 175 establishes the minimum level of health benefits an employer must make available to an employee in order to pay the minimum wage that is lower than the minimum wage otherwise required to be paid to the employee. This bill is effective upon passage and approval.

ASSEMBLYMAN MARCHANT:

I rise today in opposition to Assembly Bill 175. As a small business owner myself, I can tell you first-hand that this legislation would raise administrative and personnel costs. Most businesses would struggle to afford this, and it could have devastating effects on those businesses. They are often family owned and operated and struggle even in the best of times. I urge my colleagues to join me in casting a no vote.

Roll call on Assembly Bill No. 175:

YEAS—27.

NAYS—Paul Anderson, Edwards, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—14.

EXCUSED—Ellison.

Assembly Bill No. 175 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 303.

Bill read third time.

Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

Assembly Bill 303 requires, with certain exceptions, that all correctional facilities in this state must be under the administrative and direct operational control of the state or a local government and core correctional services must be performed by employees of the state or local government.

As a result of the growing male inmate population and limited capacity within the state, the Department of Corrections, until June 30, 2022, is allowed to enter into one or more contracts with private entities to perform core correctional services to promote the safety of prisoners, employees of prisons, and the public by reducing overcrowding in prisons. Any such private entity must comply with the requirements for housing, custody, medical and mental health treatment and programming set forth in law and regulation and approved by the Board of State Prison Commissioners. The Department is required to conduct an onsite inspection twice a year of private facilities where prisoners are housed to ensure compliance. Lastly, the Director is required to submit an annual report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission.

Roll call on Assembly Bill No. 303:

YEAS—38.

NAYS—Paul Anderson, Marchant, Titus—3.

EXCUSED—Ellison.

Assembly Bill No. 303 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 327.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 327, as amended, allows a person who is given a dishonorable discharge from probation to apply to the court for the sealing of records relating to the conviction if he or she is otherwise eligible to have the records sealed. The bill also reduces the length of certain periods that a person is required to wait before petitioning a court to have records sealed and removes the requirement that a petition be accompanied by the petitioner's current, verified records received from criminal justice agencies. Assembly Bill 327 also authorizes the court to order the records sealed without a hearing if the prosecuting attorney stipulates to the sealing of the records

Additionally, the bill provides that upon filing of a petition for the sealing of the records, there is a rebuttable presumption that the records should be sealed if the applicant satisfies all statutory requirements for the sealing of the records.

Roll call on Assembly Bill No. 327:

YEAS—36.

NAYS—Krasner, Marchant, McArthur, Oscarson, Titus—5.

EXCUSED—Ellison.

Assembly Bill No. 327 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 343.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 343 requires the Legislative Committee on Health Care to look at the issue of group homes in southern Nevada. As I, and I am sure many other members, have group homes in our district that do care for adults who cannot live on their own, their sustainability has become an issue. It is an issue that was brought to me during the interim. That is why I am hoping this study will look at whether what is being provided by the state to these group homes really keeps them feasible in terms of their ability to function and to provide a place for the residents who live there. I urge your support.

Roll call on Assembly Bill No. 343:

YEAS—41.

NAYS—None.

EXCUSED—Ellison.

Assembly Bill No. 343 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 366.

Bill read third time.

Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

Assembly Bill 366, as amended, establishes four behavioral health regions and a regional behavioral health policy board for each region. Each board is required to: (1) advise the Department of Health and Human Services, the Division of Public and Behavioral Health, and the Commission on Behavioral Health on certain regional behavioral health issues; (2) promote improvements in the delivery of behavioral health services; (3) coordinate and exchange information with other policy boards to provide unified recommendations regarding behavioral health services; (4) review data collection and reporting standards relating to behavioral health

information; and (5) submit a report to the Commission, which includes the priorities and needs of the policy board's behavioral health region.

Roll call on Assembly Bill No. 366:
YEAS—41.
NAYS—None.
EXCUSED—Ellison.
Assembly Bill No. 366 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 402.
Bill read third time.
Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:
Assembly Bill 402, as amended, provides for the submission of a ballot question at the November 2018 General Election seeking approval to amend the Sales and Use Tax Act of 1955 to provide an exemption for feminine hygiene products and diapers. This bill amends the Local School Support Tax Law to provide an identical exemption. This tax exemption would become effective January 1, 2019, and would expire by limitation on December 30, 2028, if the amendment to the Sales and Use Tax Act is approved at the general election in 2018.

Roll call on Assembly Bill No. 402:
YEAS—38.
NAYS—Hansen, Marchant, McArthur—3.
EXCUSED—Ellison.
Assembly Bill No. 402 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 428.
Bill read third time.
Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:
Assembly Bill 428, as amended, authorizes a pharmacist to furnish an opioid antagonist without a prescription under certain circumstances. In addition, the bill prohibits the development of standardized procedures and protocols that prohibit a pharmacist from dispensing an opioid antagonist without a prescription.

Roll call on Assembly Bill No. 428:
YEAS—41.
NAYS—None.
EXCUSED—Ellison.
Assembly Bill No. 428 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 492.
Bill read third time.
Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 492 removes the provision requiring the Legislature to set the maximum dollar amount of transferrable tax credits on a biennial basis and instead provides that beginning on July 1, 2017, the total amount of transferable tax credits the Office of Economic Development is allowed to approve for the production of films and certain other productions is $10 million per fiscal year. Further, this bill specifically provides that any portion of the $10 million per fiscal year for which transferable tax credits have not been previously approved may be carried forward and made available for approval during the next or any future fiscal year.

This bill becomes effective on July 1, 2017.

Roll call on Assembly Bill No. 492:

YEAS—33.

NAYS—Hansen, Kramer, Krasner, Marchant, McArthur, Titus, Tolles, Wheeler—8.

EXCUSED—Ellison.

Assembly Bill No. 492 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 41, 151, 199, and 270 be taken from their positions on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 47.

Bill read third time.

Remarks by Assemblyman Brooks.

ASSEMBLYMAN BROOKS:

Senate Bill 47 makes various changes relating to the appropriation of water. Specifically, the bill does the following: requires the State Engineer to prepare a water budget and inventory of groundwater for each basin in the state; revises the application and notice requirements for applications to appropriate water; provides that if the records of the State Engineer indicate four or more consecutive years of nonuse of water, the State Engineer must notify the owner of the nonuse and the owner has one year to provide proof of beneficial use of water to avoid forfeiture; provides certain considerations that must be used by the State Engineer in determining whether or not to grant an extension to work a forfeiture; increases to five years the maximum period for a single extension to file proofs for any manner of use, to match the maximum period allowed for a municipal/quasi-municipal use; and makes clarifying changes to the Southern Nevada Water Authority Act.

Roll call on Senate Bill No. 47:

YEAS—31.

NAYS—Hambrick, Hansen, Krasner, Marchant, McArthur, Ohrenschall, Oscarson, Titus, Wheeler, Woodbury—10.

EXCUSED—Ellison.

Senate Bill No. 47 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 125.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Senate Bill 125 reduces the waiting period for certain persons to petition a court for the sealing of their criminal records.

Roll call on Senate Bill No. 125:

YEAS—35.

NAYS—Hansen, Marchant, McArthur, Oscarson, Titus, Wheeler—6.

EXCUSED—Ellison.

Senate Bill No. 125 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 136.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Senate Bill 136 establishes within the Department of Health and Human Services the Palliative Care and Quality of Life Consumer and Professional Information and Education Program. The bill also creates within the Department the Advisory Council on Palliative Care and Quality of Life for the purpose of consulting with and advising the Department on matters related to the establishment, maintenance, operation, and outcomes of palliative care programs and initiatives in this state and to advise and assist in the creation and carrying out of the Program.

The Department is required to maintain an Internet website with links to appropriate external Internet websites offering information concerning: (1) the delivery of palliative care in the home and in primary, secondary, and tertiary environments; (2) best practices for the delivery of palliative care; and (3) education materials and referral information for palliative and hospice care.

On or before January 1, 2018, the Department shall encourage all hospitals, assisted living facilities, and facilities for skilled nursing within this state with 100 beds or more to educate their physicians, nurses, and clinical staff members regarding palliative care and provide information to patients or residents regarding palliative care.

Roll call on Senate Bill No. 136:

YEAS—41.

NAYS—None.

EXCUSED—Ellison.

Senate Bill No. 136 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 185.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Senate Bill 185 prohibits a seller or lessor of consumer goods or services who uses a form contract from including in the contract a provision that: (1) limits or requires the consumer to waive his or her rights to provide a review, comment, or other statement concerning the seller or

lessor of the goods or services; (2) imposes a penalty on the consumer for providing such a review, comment, or other statement; or (3) declares that the provision of such a review, comment, or other statement is a breach of the contract. Further, any such provision included in a form contract is unenforceable.

Senate Bill 185 also specifies that a person may not lease for personal use any living animal or household goods if the animal or goods have no more than a de minimis residual financial value at the end of the term of the lease or contract. The bill does provide an exception for leases on contracts for furniture or household electronics. Also, S.B. 185 specifies that a retail installment contract for the sale of such items is subject to the provisions of the federal Truth in Lending Act.

Roll call on Senate Bill No. 185:

YEAS—41.

NAYS—None.

EXCUSED—Ellison.

Senate Bill No. 185 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 209.

Bill read third time.

Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

Senate Bill 209 allows the Commissioner of Insurance to accept an independent audit in lieu of an examination of a nonprofit organization of surplus lines brokers if the Commissioner deems an independent audit to be in the best interest of the residents of Nevada. The Commissioner may adopt regulations to allow for the charging and collection of a fee by an insurance broker, consultant, or financial planner for consultation or related advice on the purchase of individual or group life or health insurance for an individual or group annuity.

Roll call on Senate Bill No. 209:

YEAS—41.

NAYS—None.

EXCUSED—Ellison.

Senate Bill No. 209 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 227.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 227 authorizes a qualified advanced practice registered nurse [APRN] to sign, certify, stamp, verify, or endorse certain documents when a signature, certification, stamp, verification, or endorsement by a physician is required.

The measure also authorizes an APRN to make certain qualifications, diagnoses, and determinations required to be made by a physician or other provider of health care.

This bill is effective upon passage and approval for the purpose of adopting regulations and on January 1, 2018, for all other purposes.

Roll call on Senate Bill No. 227:

YEAS—41.

NAYS—None.

EXCUSED—Ellison.

Senate Bill No. 227 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 239.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Senate Bill 239 provides that a unit-owners' association may enter upon vacant property without liability for trespass to abate water leaks, sewage leaks, or mold that threatens imminent damage or is damaging the common elements of the property or another unit. If an association or its employee enters upon the grounds or interior of a unit to conduct remediation, it may only do so to the extent reasonably necessary to protect health and safety, avoid blight or deterioration of the unit or surrounding units, or protect the use and enjoyment of nearby units.

If the unit in question is vacant, the association may enter the grounds and interior to remove damage or remediate if the unit's owner refuses to do so, only after notice is given but before a hearing.

If the unit in question is vacant and not in the foreclosure process, the association may not remove any damage or remediate the damage unless the association notifies each holder of a recorded security interest of its intent to maintain the exterior of the unit or abate a public nuisance.

Roll call on Senate Bill No. 239:

YEAS—41.

NAYS—None.

EXCUSED—Ellison.

Senate Bill No. 239 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 364.

Bill read third time.

The following amendment was proposed by Assemblywoman Swank:

Amendment No. 933.

AN ACT relating to wildlife; amending the definition of "trap" to exclude certain devices; requiring the Department of Wildlife to develop standard language for certain signs required to be posted in areas in which trapping may occur; requiring, with limited exception, each trap, snare or similar device used by a person in the taking of wild animals which is not registered with the Department, to bear the name and address of the owner; revising the fee to register a trap, snare or similar device; authorizing a person to remove or disturb a trap, snare or similar device under certain circumstances; **expanding the requirement that a person who takes or causes to be taken any wild mammals by means of certain traps, snares or similar devices must visit such trap, snare or similar device at a certain**

frequency to include all traps, snares or similar devices; revising the circumstances under which a person is prohibited from placing or setting a trap, snare or similar device within 200 feet of any public road or highway; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term "trap" for purposes of title 45 of NRS governing wildlife to mean a device that is designed, built or made to close upon or hold fast any portion of an animal. (NRS 501.089) **Section 1** of this bill specifies that the term does not include ~~[: (1) any cage or box trap, net or suitcase-type live-beaver trap; or (2)]~~ any device that is designed, built or made to close upon or hold fast certain vertebrate pests, such as mice and rats.

Existing law defines the terms "to trap," "trapping" and "trapped" for purposes of title 45 of NRS governing wildlife to mean to set or operate any device, mechanism or contraption that is designed, built or made to close upon or hold fast any wildlife and every act of assistance to any person in so doing. (NRS 501.090) Existing law defines the term "wildlife" to mean any wild mammal, wild bird, fish, reptile, amphibian, mollusk or crustacean found naturally in a wild state, whether indigenous to Nevada or not and whether raised in captivity or not. (NRS 501.097) **Section 2** of this bill amends the definition of the words "to trap," "trapping" and "trapped" to delete the term "wildlife" and substitute the term "animal."

Section 3 of this bill requires the Department of Wildlife to develop standard language for inclusion in any sign that is used to warn a person that trapping may occur in any area of this State. **Section 3** also requires each state agency which manages any public land in this State in which trapping may occur to ensure that each sign: (1) includes any standard language developed by the Department; and (2) is posted in certain locations specified by the Department.

Existing law authorizes each trap, snare or similar device used by a person in the taking of wild mammals to be registered with the Department of Wildlife before it is used. Existing law also requires each registered trap, snare or similar device to bear a number which is assigned by the Department. A registration fee of $10 for each registrant is payable only once by each person who registers a trap, snare or similar device. (NRS 503.452) **Section 5** of this bill requires, with limited exception, that a trap, snare or similar device used by a person in the taking of wild mammals that is not registered with the Department must bear the name and address of the person who owns the trap, snare or similar device. **Section 5** also requires the number assigned by the Department for a registered trap, snare or similar device or the name and address of the person who owns an unregistered trap, snare or similar device to be clearly stamped on the trap, snare or similar device or on a metal tag which is attached to the trap, snare or similar device. **Section 5** further revises the fee to register a trap, snare or similar device

from $10 per person who registers a trap to $5 per trap, snare or similar device.

Existing law makes it unlawful to remove or disturb the trap, snare or similar device of a holder of a trapping license while the trap, snare or similar device is being legally used by the holder. (NRS 503.454) **Section 6** of this bill authorizes a person to: (1) remove or disturb the trap, snare or similar device if it creates an immediate risk of physical injury or death to a person or animal; and (2) release any person or animal accompanying the person from a trap, snare or similar device in which the person or animal is caught. **Section 4** of this bill makes a conforming change.

Existing law requires a person who takes or causes to be taken any wild mammal by means of a trap, snare or similar device which does not, or is not designed to, cause immediate death to the mammal to visit the trap, snare or similar device at a frequency specified in regulation by the Board of Wildlife Commissioners. (NRS 503.570) Section 7.2 of this bill expands this visitation requirement to require a person who takes or causes to be taken any wild mammal by means of a trap, snare or similar device to visit any trap, snare or similar device at the frequency specified in regulation, not just a trap, snare or similar device that does not, or is not designed to, cause immediate death to the mammal.

Existing law prohibits a person, company or corporation from placing or setting a certain type of large steel trap within 200 feet of any public road or highway, unless the trap is placed or set inside, along or near a fence upon privately owned land. (NRS 503.580) **Section 7.5** of this bill expands this prohibition to include any trap, snare or similar device used for the purpose of trapping mammals.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 501.089 is hereby amended to read as follows:

501.089 "Trap" means a device that is designed, built or made to close upon or hold fast any portion of an animal. ***The term does not include ~~[:~~***

~~1. Any cage or box trap, net or suitcase-type live beaver trap; or~~

~~2. Any~~] ***any device that is designed, built or made to close upon or hold fast any vertebrate pest as defined in NRS 555.005.***

Sec. 2. NRS 501.090 is hereby amended to read as follows:

501.090 The words "to trap" and their derivatives, "trapping" and "trapped," mean to set or operate any device, mechanism or contraption that is designed, built

or made to close upon or hold fast any ~~[~~wildlife~~]~~ ***animal*** and every act of assistance to any person in so doing.

Sec. 3. Chapter 503 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each state agency which manages any public land in this State in which trapping may occur shall ensure that each sign for which the

Department develops standard language pursuant to subsection 2 includes that language and is posted:

(a) At each visitor center, kiosk, trailhead or other location specified by the Department; and

(b) In a place in which the sign is readily observable by members of the public at the visitor center, kiosk, trailhead or other location.

2. The Department shall:

(a) Develop standard language for inclusion in any sign that is used to warn a person that trapping may occur in any area in this State; and

(b) Develop the standard language specified in paragraph (a) in cooperation with each federal or state agency which manages any public land in this State in which trapping may occur.

Sec. 4. NRS 503.015 is hereby amended to read as follows:

503.015 1. ~~[It]~~ ***Except as otherwise provided in NRS 503.454, it*** is unlawful for a person, or a group of people acting together, to intentionally interfere with another person who is lawfully hunting or trapping. For the purpose of this subsection, hunting or trapping is "lawful" only if permitted by the owner or person in possession of the land, other than the government, in addition to any requirement of license or permit from a public authority.

2. The provisions of subsection 1 do not apply to any incidental interference arising from lawful activity by users of the public land, including without limitation ranchers, miners or persons seeking lawful recreation.

Sec. 5. NRS 503.452 is hereby amended to read as follows:

503.452 1. Except as otherwise provided in ~~[subsection 2,]~~ ***subsections 2 and 3,*** each trap, snare or similar device used by a person in the taking of wild mammals ~~[may]~~ ***must*** be registered with the Department before it is used. Each registered trap, snare or similar device must bear a number which is assigned by the Department and is ~~[affixed to or marked]~~ ***clearly stamped*** on the trap, snare or similar device ~~[in the manner specified by regulations adopted by the Commission.]~~ ***or on a metal tag that is attached to the trap, snare or similar device.*** The registration of a trap, snare or similar device is valid until the trap, snare or similar device is sold or ownership of the trap, snare or similar device is otherwise transferred. ***For each trap, snare or similar device registered with the Department, the person registering the trap, snare or similar device must pay a registration fee of $5.***

2. ***Except as otherwise provided in subsection 3, if a trap, snare or similar device is not registered with the Department pursuant to subsection 1, before it can be used in the taking of wild animals, it must have the name and address of the person who owns the trap, snare or similar device:***

(a) Clearly stamped upon the trap, snare or similar device; or

(b) On a metal tag that is attached to the trap, snare or similar device.

3. The provisions of ~~[subsection]~~ ***subsections*** 1 ***and 2*** do not apply to a trap, snare or similar device used:

(a) Exclusively on private property which is posted or fenced in accordance with the provisions of NRS 207.200 by the owner or occupant of the property or with the permission of the owner or occupant;

(b) For the control of rodents by an institution of the Nevada System of Higher Education;

(c) By any federal, state or local governmental agency; or

(d) For the taking of wild mammals for scientific or educational purposes under a permit issued by the Department pursuant to NRS 503.650.

~~[3. A registration fee of $10 for each registrant is payable only once by each person who registers a trap, snare or similar device. The fee must be paid at the time the first trap, snare or similar device is registered.]~~

4. It is unlawful:

(a) For a person to whom a trap, snare or similar device is registered to allow another person to possess or use the trap, snare or similar device without providing to that person written authorization to possess or use the trap, snare or similar device.

(b) For a person to possess or use a trap, snare or similar device registered to another person without obtaining the written authorization required pursuant to paragraph (a). If a person obtains written authorization to possess or use a trap, snare or similar device pursuant to paragraph (a), the person shall ensure that the written authorization, together with his or her trapping license, is in his or her possession during any period in which he or she uses the trap, snare or similar device to take fur-bearing mammals.

5. A person to whom a trap, snare or similar device is registered pursuant to this section shall report any theft of the trap, snare or similar device to the Department as soon as it is practical to do so after the person discovers the theft.

6. Any information in the possession of the Department concerning the registration of a trap, snare or similar device is confidential and the Department shall not disclose that information unless required to do so by law or court order.

7. If a trap, snare or similar device has been used exclusively on private property pursuant to paragraph (a) of subsection 3, before the trap, snare or similar device is used on any public land in this State, the owner of the trap, snare or similar device must:

(a) Register the trap, snare or similar device pursuant to subsection 1; or

(b) Pursuant to subsection 2, have his or her name and address:

(1) Clearly stamped on the trap, snare or similar device; or

(2) On a metal tag that is attached to the trap, snare or similar device.

Sec. 6. NRS 503.454 is hereby amended to read as follows:

503.454 1. Every person who takes fur-bearing mammals by trap, snare or similar device or unprotected mammals by trapping or sells raw furs for profit shall procure a trapping license.

2. ~~[It]~~ ***Except as otherwise provided in subsection 3, it*** is unlawful to remove or disturb the trap, snare or similar device of any holder of a trapping

license while the trap, snare or similar device is being legally used by the holder on public land or on land where the holder has permission to trap.

3. A person may:

(a) Remove or disturb a trap, snare or similar device if the trap, snare or similar device creates an immediate risk of physical injury or death to any person or animal accompanying a person.

(b) Release any person or animal accompanying a person from a trap, snare or similar device in which the person or animal is caught.

Sec. 7. (Deleted by amendment.)

Sec. 7.2. **NRS 503.570 is hereby amended to read as follows:**

503.570 1. A person taking or causing to be taken wild mammals by means of traps, snares or similar devices ~~[which do not, or are not designed to, cause immediate death to the mammals,]~~ shall, if the traps, snares or similar devices are placed or set to take mammals, visit or cause to be visited each trap, snare or similar device at a frequency specified in regulations adopted by the Commission pursuant to subsection 3 during all of the time the trap, snare or similar device is placed, set or used to take wild mammals, and remove therefrom any ~~[mammals]~~ ***animals*** caught therein.

2. The provisions of subsection 1 do not apply to employees of the State Department of Agriculture or the United States Department of Agriculture when acting in their official capacities.

3. The Commission shall adopt regulations setting forth the frequency at which a person who takes or causes to be taken wild mammals by means of traps, snares or similar devices ~~[which do not, or are not designed to, cause immediate death to the mammals]~~ must visit a trap, snare or similar device. The regulations must require the person to visit a trap, snare or similar device at least once each 96 hours. In adopting the regulations, the Commission shall consider requiring a trap, snare or similar device placed in close proximity to a populated or heavily used area by persons to be visited more frequently than a trap, snare or similar device which is not placed in close proximity to such an area.

Sec. 7.5. NRS 503.580 is hereby amended to read as follows:

503.580 1. For the purposes of this section, "public road or highway" means:

(a) A highway designated as a United States highway.

(b) A highway designated as a state highway pursuant to the provisions of NRS 408.285.

(c) A main or general county road as defined by NRS 403.170.

2. It is unlawful for any person, company or corporation to place or set any ~~[steel]~~ trap, ***snare or similar device*** used for the purpose of trapping mammals ~~[, larger than a No. 1 Newhouse trap,]~~ within 200 feet of any public road or highway within this State.

3. This section does not prevent the placing or setting of any ~~[steel]~~ trap ***, snare or similar device*** inside, along or near a fence which may be situated

less than 200 feet from any public road or highway upon privately owned lands.

Sec. 8. (Deleted by amendment.)

Sec. 8.5. (Deleted by amendment.)

Sec. 9. This act becomes effective on July 1, 2017.

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblywoman Swank.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 370.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Senate Bill 370 makes it unlawful to use a helicopter to transport game, hunters, or hunting equipment except when the loading and unloading of the cargo and passengers takes place at an airport, landing field, or heliport that is established by a governmental entity and is accessible by a public road or is done in the course of an emergency or search and rescue operation.

Roll call on Senate Bill No. 370:

YEAS—40.

NAYS—Marchant.

EXCUSED—Ellison.

Senate Bill No. 370 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 371.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Senate Bill 371 provides that if an animal is impounded by a county in the lawful arrest and detainment of a person for more than seven days, the county must notify the person of the impoundment and transfer the animal to someone authorized by them if the county determines that person is able to provide adequate care and shelter to the animal. If there is no such authorized person, the county must allow another person who is able to provide adequate care and shelter to temporarily care for and, with permission of the owner, adopt the animal.

The bill also provides that if the person is convicted of the crime for which he or she was lawfully arrested, the county may, by legal action, recover the reasonable cost of care and shelter furnished to the animal by the county. Finally, the measure defines “animal” to exclude cattle, sheep, goats, swine, or poultry unless the animal is domesticated and kept as a pet.

Roll call on Senate Bill No. 371:

YEAS—41.

NAYS—None.

EXCUSED—Ellison.

Senate Bill No. 371 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 144 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 324 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 383.

Bill read third time.

Remarks by Assemblywomen Bustamante Adams and Tolles.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Senate Bill 383 revises the definition of financial planner to remove the exclusions for a broker-dealer, a sales representative, and an investment adviser, thereby making such persons subject to the provisions of existing law governing financial planners with the exception of requirements related to the maintenance of certain insurance or surety bonds.

ASSEMBLYWOMAN TOLLES:

I rise today in opposition to Assembly Bill 383. This bill could have extremely damaging consequences for those Nevadans who are career financial planners. While I, and many of my colleagues, understand the need for some level of regulation here to protect Nevada families, this goes one step too far and will make it very risky for those who work in finance to continue to practice here. I urge my colleagues to vote no.

Roll call on Senate Bill No. 383:

YEAS—27.

NAYS—Paul Anderson, Edwards, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—14.

EXCUSED—Ellison.

Senate Bill No. 383 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 388.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Senate Bill 388 requires an employment agency that contracts with persons who provide nonmedical personal care services in the home to elderly individuals and individuals with disabilities to obtain a license from the State Board of Health. The bill also: (1) specifies the nonmedical services such agencies may perform; (2) requires the Board to adopt regulations governing licensure of such employment agencies; (3) requires an employment agency to conduct certain background checks on persons with whom it contracts; and (4) imposes civil penalties on such an agency for failing to conduct required background checks.

Roll call on Senate Bill No. 388:

YEAS—41.

NAYS—None.

EXCUSED—Ellison.

Senate Bill No. 388 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 420.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Senate Bill 420 requires the board of trustees of each school district, the governing body of each charter school, the governing body of each university school for profoundly gifted pupils, and the Board of Regents of the University of Nevada to adopt a written policy for student publications which establishes reasonable provisions governing the time, place, and manner for distribution; protects the right of expression of student-journalists; and includes a disclaimer that content of such publications is not endorsed by the relevant educational institution or other related entities. The policy must also prohibit certain content restrictions, as well as certain actions against advisers acting in the scope of their position and students acting in accordance with the policy.

Roll call on Senate Bill No. 420:

YEAS—30.

NAYS—Edwards, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Titus, Wheeler, Woodbury—11.

EXCUSED—Ellison.

Senate Bill No. 420 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 509.

Bill read third time.

Remarks by Assemblyman Edwards.

ASSEMBLYMAN EDWARDS:

Senate Bill 509 authorizes the Division of Health Care Financing and Policy of the Department of Health and Human Services, after polling the operators of agencies to provide personal care services in the home and the operators of certain medical facilities in an operator group and receiving an affirmative vote from at least 67 percent of the group, to impose by regulation an assessment on those operators. The revenue generated must be expended to increase payments to Medicaid providers unless new federal laws or regulations are enacted or adopted prohibiting the use of such revenue for these purposes.

The bill requires the Division to adopt regulations establishing administrative penalties for failure to pay an assessment. If an operator fails to pay a penalty or assessment within 30 days of the date on which it is due, the Division may deduct the unpaid amount from future payments owed to the operator by Medicaid. Before doing so, the Division must notify the operator of the intended deduction and may negotiate a payment plan.

Roll call on Senate Bill No. 509:

YEAS—41.

NAYS—None.

EXCUSED—Ellison.

Senate Bill No. 509 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 519.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 519 makes a supplemental appropriation of General Funds to the Division of Child and Family Services of the Department of Health and Human Services for a projected shortfall in adoption subsidies in Fiscal Year 2017 as follows: Washoe County Child Welfare, $15,608, and Clark County Child Welfare, $377,244. This act becomes effective upon passage and approval.

Roll call on Senate Bill No. 519:

YEAS—41.

NAYS—None.

EXCUSED—Ellison.

Senate Bill No. 519 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 525.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 525 makes a supplemental appropriation of $34,358 from the State General Fund to the Nevada Highway Patrol Division of the Department of Public Safety for a projected shortfall related to higher than anticipated costs for providing protective services for dignitaries visiting the state of Nevada. This act becomes effective upon passage and approval.

Roll call on Senate Bill No. 525:

YEAS—41.

NAYS—None.

EXCUSED—Ellison.

Senate Bill No. 525 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 526.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 526 appropriates General Funds to the Division of Child and Family Services of the Department of Health and Human Services for a projected shortfall related to the Certified Public Expenditure [CPE] cost settlement of the Children's Mental Health cost allocation plan for Fiscal Year 2014-2015. The CPE cost settlement is an annual process whereby the Medicaid revenue is reconciled against its corresponding Medicaid-eligible expenditures.

The appropriation is allocated to the following budgets: Northern Nevada Child and Adolescent Services, $201,329, and Southern Nevada Child and Adolescent Services, $1,156,544. This act becomes effective upon passage and approval.

Roll call on Senate Bill No. 526:

YEAS—41.

NAYS—None.

EXCUSED—Ellison.

Senate Bill No. 526 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 52 and 472; Senate Bills Nos. 41, 116, 138, 151, 156, 162, 199, 230, 233, 268, 270, 292, 322, 323, 324, 369, 386, 400, and 502; Senate Joint Resolutions Nos. 4, 5, 8, 12, and 13 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 24, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 113.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 244.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 179, Amendment No. 779, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 414.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 715 to Senate Bill No. 163; Assembly Amendment No. 746 to Senate Bill No. 165; Assembly Amendment No. 683 to Senate Bill No. 255; Assembly Amendment No. 713 to Senate Bill No. 374.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 765 to Senate Bill No. 258.

SHERRY RODRIGUEZ

Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 414.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Taxation.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 26, 117, 125, 142, 169, 176, 177, 196, 192, 218, 223, 233, 235, 254, 261, 272, 275, 301, 312, 334, 350, 364, 365, 411, 412, 444, 453, 458, and 464; Senate Bills Nos. 31, 33, 38, 46, 50, 54, 59, 64, 78, 91, 101, 118,

145, 159, 173, 191, 204, 215, 245, 273, 279, 295, 305, 312, 314, 318, 338, 339, 366, and 375.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Vicki Shaver, Rose Shaver, and Mary Heine.

On request of Assemblyman Kramer, the privilege of the floor of the Assembly Chamber for this day was extended to Labh Singh Gill and the following students, teachers, and chaperones from Bordewich Bray Elementary School: Amelia Aragon, Sam Barker, Angel Ceballos, Breanna Collier, Kiele Franco, Landon Hornback, Meryl Johnson, Kellen Johnston, Jenna King, Tyler LaFollette, Xander Lance, Aaron Ly, Katelyn Matley, Teneva McDonnell, Anthony Planeta, Mazzy Root-Ferguson, Tristan Rutledge, Ava Schofield, Shane Shook, Ilu Valdivia Rugama, Angel Vega Alvarez, Sergio Villanueva, Caiden Wilcox, Kahnen Albericci, Avery Buchan, Max Bushey, Destiny Carman, Kevin Colmenares, Olivia Gaida, Josue Gomez, Alexis Gomez, Dulce Gomez, Marissa Gutierrez, Cash Henry, Korben Leis, Emma Lynch, Destiny Ordaz, Janneli Ramos, Noel Rehus, Brisa Renteria, Aria Ruiz-Meredith, Jaylen Strader, J'meanne Teel, Elizabyth Wilson, Ayden Wood, Jace Arellano, Tiberius Bryan, Isabella Cantwell, Cristian Castaneda-Hansen, Vincent Childs, Ava Cole, Shingo Copeland, Seth Dobson, Katarra Ehlen, Lanhdon Espinoza Tenorio, Peter Fillmore Mendez, Ryan Herrera, Cody Hughes, Malachi Leonard, Emma Mathews, Lillian Meservey, Rebbecca Norry, Chance Petritz, Evelyn Serpa, Ravyn Smith, Gavin Warne, Cassidy Watson, Kianna Baker, Autumn Baltazar, Javier Beltran, Molly Bilbray-Axelrod, Brandon Bradley, Payton Brown, Kameron Brubaker, Paul Carnahan, Luis Cervantes, Amara Colonna, Lillian Dubois, Jose Fernandez, Axel Gutierrez, Frankie Hernandez, Elijah Jennings, Emaly Lopez, Summer McGill, Sergio Pacheco, Adan Pazos, Erick Pedraza, Trevor Sease, Jarena Shoshone, Jennifer Sosa, Aspen Been, Isabelle Blakeney, Kathleen Bobula-Salazar, Soren Cadwell, Camren Candland, Brooke Castillo, Anthony Clemons, Janae Germain-Sanchez, Alondra Gomez Aviles, Nathan Lopez, Cynthia Medina, Daniel Mondragon-Baker, Cannon Myler, Ayden Peterson, Ricardo Placencia-Flores, Jhan Carlo Ramirez Simental, Christian Rough Jr., Jerilyn Salinas Contreras, Hailey Showe, Jailey Tijerina, Sheldon Van Sickle, and Kael Walt.

On request of Assemblyman McCurdy, the privilege of the floor of the Assembly Chamber for this day was extended to Peggy Lear Bowen.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Thursday, May 25, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 8:44 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

The

Journal of the Assembly

OF THE

SEVENTY-NINTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2017

BEGUN ON MONDAY, THE SIXTH DAY OF FEBRUARY, AND ENDED ON MONDAY, THE FIFTH DAY OF JUNE

VOLUME 4

**THE ONE HUNDRED AND NINTH DAY —
THE ONE HUNDRED AND THIRTEENTH DAY**

**SEE VOLUME 1 FOR TABLE OF CONTENTS
SEE VOLUME 6 FOR INDEX**

ARRANGEMENT AND CONTENTS OF VOLUME 4

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ASSEMBLY PROCEEDINGS 5325

THE ONE HUNDRED AND NINTH DAY

CARSON CITY (Thursday), May 25, 2017

Assembly called to order at 1:51 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Hansen and Ohrenschall, who were excused.

Prayer by the Chaplain, Reverend Richard Snyder.

Creator God, we give You thanks for this day. You are the source of life, of liberty, and of justice. Be with us and guide us this day. Help us to be the very best that we can. May Your Spirit fill us, refresh us, and renew us this day and always.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was rereferred Assembly Bill No. 468, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 516, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRENE BUSTAMANTE ADAMS, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 399, 460, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 265, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MICHAEL C. SPRINKLE, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 398, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 84, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Legislative Operations and Elections, to which was referred Senate Joint Resolution No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

OLIVIA DIAZ, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 415, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DINA NEAL, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 354, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 24, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 138, Amendment No. 898; Assembly Bill No. 346, Amendment No. 908; Assembly Bill No. 418, Amendments Nos. 806, 907, and respectfully requests your honorable body to concur in said amendments.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Frierson and Swank:

Assembly Bill No. 515—AN ACT relating to financial services; requiring the Commissioner of Financial Institutions to develop, implement and maintain a database storing certain information relating to deferred deposit loans and title loans made to customers in this State; providing that information in such a database is confidential under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Joint Resolutions Nos. 4 and 5; Senate Bills Nos. 386 and 230; Assembly Bills Nos. 52 and 421 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 232, 357, and 468 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 65 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 291 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 164 be taken from the Chief Clerk's desk and placed on the General File after Senate Bill No. 502.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:59 p.m.

ASSEMBLY IN SESSION

At 2 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 265 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 265.

Bill read third time.

Remarks by Assemblymen Sprinkle, Wheeler, Oscarson, and Bilbray-Axelrod.

ASSEMBLYMAN SPRINKLE:

Senate Bill 265 requires the Department of Health and Human Services to annually compile and post on its Internet website a list of drugs essential for treating diabetes along with certain pricing information. Drug manufacturers included on the list are also required to submit an annual report to the Department. The measure requires an insurer that issues a plan of individual health insurance and uses a formulary to provide a notice of any essential diabetic drugs that have been or will be removed from the formulary during the current or next plan year.

In addition, the bill requires drug manufacturers to provide to the Department a list of pharmaceutical sales representatives and requires each representative on the list to submit an annual report. The Department is authorized to adopt any regulations concerning the reporting of information for inclusion on the Department's Internet website.

ASSEMBLYMAN WHEELER:

I rise in opposition to Senate Bill 265. To my knowledge, Mr. Speaker, I am the only diabetic sitting on this floor that uses insulin more than once a day, many times a day. I understand this bill and I understand that the issues we are talking about are life and death for a lot of people, including myself, so I think I speak with some authority when it comes to these issues because I have actually lived them.

That being said, there are overlooked problems here and potential risks that I am just not willing to take. It is not our job as legislators to pick the winners and losers between drug companies. The free market does that for us. Yet, that is what this bill does. We can only create fairness here. Pharmacies and PBMs [pharmacy benefit managers] are held to the same standards as manufacturers, and this bill does nothing to address that. If this legislation passes, producers of these life-saving drugs will pull out of Nevada entirely and put thousands of diabetics, including myself, at risk. If that happens, rates will soar to a level that average people cannot afford. I urge my colleagues to vote no on this bill. Let us not put Nevada's health at risk any more than we already have to.

ASSEMBLYMAN OSCARSON:

The many great parts of testimony on this bill that we heard yesterday in Health and Human Services were passionate pleas from people to please help them with the costs of their medications. All of our constituents that suffer from the devastating diabetic concerns that they have are affected. My concern, in addition to the transparency that my colleague has mentioned, is that this does absolutely nothing to reduce the cost of this medication to those people. That is what they have asked for, that is what I have received emails and phone calls and texts about. These passionate people want the costs of their medications reduced. I urge the body to consider that there are things that we could do in lieu of this bill to try and work together to come to a solution to reduce those costs to our constituents.

ASSEMBLYWOMAN BILBRAY-AXELROD:

I rise in support of this bill. As someone who lost her brother to type 1 diabetes, I know the devastating effects of insulin dependency. This is obviously something that is very emotional for me, but I have seen it first-hand. I think this bill is an important step in the right direction, and I urge your support.

Roll call on Senate Bill No. 265:

YEAS—26.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—14.

EXCUSED—Hansen, Ohrenschall—2.

Senate Bill No. 265 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 4.

Resolution read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Senate Joint Resolution 4 urges the Congress of the United States to propose an amendment to the *United States Constitution* to allow the governments of the United States and the individual states to regulate political contributions and expenditures. This resolution is effective upon passage.

Roll call on Senate Joint Resolution No. 4:

YEAS—26.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—14.

EXCUSED—Hansen, Ohrenschall—2.

Senate Joint Resolution No. 4 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 5.

Resolution read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Senate Joint Resolution 5 urges the United States Congress to pass the Marketplace Fairness Act, which would provide the states with the authority to require out-of-state retailers such as online and catalog retailers to collect and remit sales tax on purchases shipped into the state.

Roll call on Senate Joint Resolution No. 5:

YEAS—33.

NAYS—Edwards, Ellison, Krasner, McArthur, Pickard, Titus, Wheeler—7.

EXCUSED—Hansen, Ohrenschall—2.

Senate Joint Resolution No. 5 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 386.

Bill read third time.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:

Senate Bill 386 requires a public school's plan to provide for the progressive discipline of students to include the names of each member of the committee to review the temporary alternative placement of students, provide for the temporary removal of a student from nonclassroom premises of a school, and include a policy for school transportation as adopted by the school district board of trustees.

Roll call on Senate Bill No. 386:

YEAS—39.

NAYS—Neal.

EXCUSED—Hansen, Ohrenschall—2.

Senate Bill No. 386 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 230.

Bill read third time.

Remarks by Assemblyman Watkins.

ASSEMBLYMAN WATKINS:

Senate Bill 230 raises the exempt amount of a judgment debtor's disposable earnings to 82 percent if the debtor's gross weekly salary or wage is $770 or less and maintains the exemption at 75 percent if the debtor's weekly earnings exceed $770.

Roll call on Senate Bill No. 230:

YEAS—33.

NAYS—Ellison, Kramer, Krasner, Marchant, McArthur, Titus, Wheeler—7.

EXCUSED—Hansen, Ohrenschall—2.

Senate Bill No. 230 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 52.

Bill read third time.

The following amendment was proposed by Speaker of the Assembly:

Amendment No. 915.

AN ACT relating to water; defining certain terms relating to dissolved mineral resources; setting forth certain provisions relating to the drilling and operation of a dissolved mineral resource exploration well; establishing certain requirements for an application to drill a dissolved mineral resource exploration well; providing that certain losses of water by a dissolved mineral **resource** exploration ~~[well or wells]~~ **project** are not subject to certain appropriation procedures; requiring the Commission on Mineral Resources to establish a fee for the issuance of a permit to drill a dissolved mineral resource exploration well; requiring the Commission, in coordination with the Division of Water Resources and the Division of Environmental Protection of the State Department of Conservation and Natural Resources, to adopt certain regulations; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill establishes provisions governing exploration for dissolved mineral resources. **Section 1.4** of this bill provides that the provisions of this bill apply only to the exploration for dissolved mineral resources and not the ownership of such resources. **Sections 3, 12 and 14** of this bill define the terms "dissolved mineral resource," "dissolved mineral resource exploration borehole" and "dissolved mineral resource exploration well." **Sections 16 and 17** of this bill provide for the issuance by the Administrator of the Division of Minerals of the Commission on Mineral Resources of a permit to drill a dissolved mineral resource exploration well. **Section 18** of this bill provides that the reasonable loss of water of not more than 5 acre-feet during the testing and sampling of water pumped ~~[by]~~ **within** a ~~[dissolved mineral resource exploration well or]~~ dissolved mineral resource exploration project is not subject to the appropriation procedures of chapters 533 and 534 of NRS, but a ~~[dissolved mineral resource exploration well or a]~~ dissolved mineral resource exploration project that pumps more than 5 acre-feet of water is required to follow such procedures. **Section 18** also defines the term "dissolved mineral resource exploration project." **Section 19** of this bill requires the Commission on Mineral Resources to establish a fee of not more than $1,500 for the issuance of a permit to drill a dissolved mineral resource exploration well. **Section 20** of this bill requires the Commission, in

coordination with the Division of Water Resources and the Division of Environmental Protection of the State Department of Conservation and Natural Resources, to adopt regulations to carry out a program for regulating the drilling or operation of dissolved mineral resource exploration boreholes and dissolved mineral resource exploration wells. **Section 21** of this bill provides that a person who violates any provision of this bill or any regulations adopted pursuant thereto or an order of the Division of Minerals is subject to a penalty.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 1.2. Title 48 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 1.4 to 21, inclusive, of this act.

Sec. 1.4. ***1. The provisions of this chapter govern exploration for dissolved mineral resources.***

2. Ownership of dissolved mineral resources is determined by the applicable federal and state laws or regulations.

3. Except as expressly provided, nothing in this chapter shall be construed to abrogate the provisions of chapter 445A, 519A, 533, 534 or 534A of NRS.

Sec. 1.6. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 2 to 15, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 2. ***"Administrator" means the Administrator of the Division of Minerals of the Commission on Mineral Resources.***

Sec. 3. ***"Dissolved mineral resource" means all dissolved or entrained minerals that may be obtained from the naturally occurring liquid or brine in which they are found, including, without limitation, lithium. The term does not include a geothermal resource as defined in NRS 534A.010.***

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. ***"Dissolved mineral resource exploration borehole" means a penetration in the ground that is made to sample or obtain water or chemical, geologic, geophysical or geotechnical information about a dissolved mineral resource and which cannot be pumped as a well.***

Sec. 13. (Deleted by amendment.)

Sec. 14. *"Dissolved mineral resource exploration well" means a well drilled to measure, test or sample water, including, without limitation, pumping tests, to determine whether dissolved mineral resources are present in concentrations and volumes sufficient to justify production.*

Sec. 15. *"Division" means the Division of Minerals of the Commission on Mineral Resources.*

Sec. 16. *1. A person may not drill a dissolved mineral resource exploration well without first obtaining a permit from the Administrator and complying with the conditions of the permit.*

2. To obtain a permit to drill a dissolved mineral resource exploration well, a person must submit an application for a permit to the Administrator in the form and containing such information as prescribed by the Administrator in accordance with regulations adopted pursuant to this chapter.

3. An application submitted pursuant to subsection 2 must include:

(a) The location, design and expected depth of the well;

(b) The materials of construction for the well;

(c) The status of the land on which the well will be constructed;

(d) A plan for monitoring the well and a plan for plugging and abandoning the well in accordance with any regulations adopted pursuant to this chapter;

(e) A plan for managing any fluids generated as part of testing or sampling, which must include, without limitation, a description of how the fluids will be managed in accordance with the requirements of chapter 445A of NRS and as required by the Division of Environmental Protection of the State Department of Conservation and Natural Resources; and

(f) Any other reporting, information or analysis necessary to prevent the migration of fluids between aquifers and the degradation of the water quality in accordance with any regulations adopted pursuant to this chapter.

4. In addition to any other requirement of this section, a dissolved mineral resource exploration well or a dissolved mineral resource exploration borehole must be drilled by a person who is licensed to drill wells pursuant to NRS 534.140.

5. ~~*[A person may not drill a dissolved mineral resource exploration borehole without first obtaining a permit to drill a dissolved mineral resource exploration well.*~~

~~*6.]*~~ *The issuance of a permit pursuant to section 17 of this act does not authorize a person to produce dissolved mineral resources without a water right.*

Sec. 17. *1. The Administrator shall approve or reject an application for a permit to drill a dissolved mineral resource exploration well within 30 days after the Administrator receives an application in proper form, unless the Administrator determines that the application conflicts with the requirements of NRS 445A.300 to 445A.730, inclusive, and any regulations*

adopted pursuant thereto, or any other laws and regulations administered by the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

2. A permit issued pursuant to this section must not be effective for more than 2 years, but may be extended one time by the Administrator for an additional 2 years if he or she determines that the permit complies with the requirements of this chapter and any regulations adopted pursuant thereto.

3. The Administrator and the ~~[Division of Minerals of the Commission on Mineral Resources]~~ State Engineer may hold public hearings jointly or separately to gather such evidence or information as they deem necessary for a full understanding of all the rights involved and to properly guard the public interest. The Administrator must notify the applicant , the State Engineer and the ~~[Administrators]~~ Administrator of ~~[the Division of Water Resources and]~~ the Division of Environmental Protection of the State Department of Conservation and Natural Resources in advance of any hearing held pursuant to this section.

4. A permit issued pursuant to this section must include any conditions and reporting requirements deemed necessary by the Administrator.

5. The holder of any permit issued pursuant to this section must comply with the requirements of NRS 445A.300 to 445A.730, inclusive, and any regulations adopted pursuant thereto.

6. The Administrator shall post any permit which has been approved pursuant to this section on the Internet website of the Division of Minerals within 5 days after the permit has been approved.

Sec. 18. *1. The appropriation procedures of chapters 533 and 534 of NRS do not apply to the reasonable loss of water of not more than 5 acre-feet during the testing and sampling of water pumped ~~[by]~~ within a ~~[dissolved mineral resource exploration well or]~~ dissolved mineral resource exploration project.*

2. Any water pumped in excess of 5 acre-feet ~~[by a dissolved mineral resource exploration well or]~~ within a dissolved mineral resource exploration project is subject to the appropriation procedures of chapters 533 and 534 of NRS. An operator of a ~~[dissolved mineral resource exploration well or]~~ dissolved mineral resource exploration project must ensure that the ~~[well or]~~ project is in compliance with the appropriation requirements of chapters 533 and 534 of NRS before the ~~[well or]~~ project exceeds the threshold of 5-acre-feet.

3. As used in this section, "dissolved mineral resource exploration project" means a project, which may consist of one or more dissolved mineral resource exploration wells or boreholes or both, that is conducted on:

(a) Private land owned or controlled by a natural person or an exploration or mining company; or

(b) A mining claim on public land that is identified in an approved notice or plan required pursuant to 43 C.F.R §§ 3809.300 to 3809.336, inclusive, or 3809.400 to 3809.434, inclusive.

Sec. 19. ***1. The Commission on Mineral Resources shall, by regulation, establish a fee to be collected by the Division for examining and filing an application for a permit to drill a dissolved mineral exploration well. The fee must not exceed $1,500.***

2. The money collected pursuant to this section:

(a) Must be deposited with the State Treasurer for credit to the Account for the Division of Minerals created in the State General Fund pursuant to 513.103.

(b) May be used only to administer the provisions of this chapter.

Sec. 20. ***The Commission on Mineral Resources:***

1. Shall, in coordination with the Division of Water Resources and the Division of Environmental Protection of the State Department of Conservation and Natural Resources, adopt regulations to carry out a program for regulating the drilling and operation of dissolved mineral resource exploration wells and dissolved mineral resource exploration boreholes; and

2. May adopt any other regulations necessary to carry out the provisions of this chapter.

Sec. 21. ***Any person who willfully violates any provision of this chapter or any regulation adopted pursuant thereto or an order of the Division issued pursuant to this chapter is subject to a penalty of not more than $1,000 for each act or violation and for each day that the violation continues.***

Sec. 22. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2018, for all other purposes.

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblywoman Swank.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 421.

Bill read third time.

The following amendment was proposed by Assemblywoman Carlton:

Amendment No. 949.

AN ACT relating to corrections; ~~[authorizing the residential confinement of certain offenders who have been granted parole but are not yet eligible for release on parole;]~~ requiring the coordination and oversight of certain care for a prisoner by a sheriff, chief of police or town marshal in certain counties

and the Department of Health and Human Services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 1 of this bill: (1) requires the Director of the Department of Corrections, with the approval of the Board of State Prison Commissioners, to establish a program for the residential confinement of offenders who have been granted parole but are not yet eligible for release on parole; (2) authorizes the Director to assign an offender who has been granted parole but is not yet eligible for release on parole to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement under certain circumstances; (3) requires the Director to notify the Division and certain victims of the offender of the Director's intent to assign the offender to the custody of the Division for residential confinement; (4) prohibits the Director from assigning an offender to the custody of the Division until the Division has approved the offender's proposed plan for placement upon release; (5) requires an offender to submit to the Division a signed document concerning his or her compliance with the terms or conditions of the residential confinement; and (6) sets forth certain terms, limitations and effects applicable to an offender who is assigned to the custody of the Division to serve a term of residential confinement.]~~

Existing law imposes upon sheriffs, chiefs of police and town marshals certain duties relating to the control and care of prisoners in their custody. (NRS 211.140) ~~[Section 4 of this]~~ **This** bill requires, in a county whose population is 700,000 or more (currently Clark County), a sheriff, chief of police or town marshal to arrange for, and the Department of Health and Human Services to provide, for the purpose of maintaining continuity of care, coordination and oversight of certain care provided to a prisoner while the prisoner is in custody and after the prisoner is released from custody. ~~[Section 4]~~ **This bill** also requires each such sheriff and the Director of the Department to report to the Legislative Committee on Health Care regarding such coordination and oversight.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The Director shall, with the approval of the Board, establish a program for the residential confinement of offenders who have been granted parole but are not yet eligible for release on parole.*~~

~~*2. The program established pursuant to this section may authorize the payment by the State of any costs and expenses related to the residential confinement and active electronic monitoring of an offender who is placed in the program.*~~

~~*3. Except as otherwise provided in subsection 5, and in accordance with the program established by the Director pursuant to subsection 1, the*~~

~~*Director may assign an offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement pursuant to NRS 213.380 if the offender:*~~

~~*(a) Has been granted parole by the State Board of Parole Commissioners pursuant to NRS 213.1099 or 213.1215;*~~

~~*(b) Does not have a consecutive sentence to serve;*~~

~~*(c) Is not under another jurisdiction's order to be detained; and*~~

~~*(d) Is not yet eligible for release on parole.*~~

~~*4. If the Director intends to assign an offender to the custody of the Division of Parole and Probation pursuant to this section, the Director shall notify:*~~

~~*(a) The Division of Parole and Probation; and*~~

~~*(b) In accordance with the provisions of NRS 209.521, every victim of the offender who has requested notification of the release of the offender.*~~

~~*5. The Director shall not assign an offender to the custody of the Division of Parole and Probation pursuant to this section until the Division has approved the offender's proposed plan for placement upon release in accordance with subsection 2 of NRS 213.140.*~~

~~*6. Before an offender may be assigned to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section, he or she must submit to the Division a signed document stating that:*~~

~~*(a) He or she will comply with the terms or conditions of the residential confinement; and*~~

~~*(b) If he or she fails to comply with the terms or conditions of the residential confinement and is taken into custody outside of this State, he or she waives all rights relating to extradition proceedings.*~~

~~*7. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his or her residential confinement or other appropriate supervision as determined by the Division:*~~

~~*(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department. If the offender is returned to the custody of the Department, the Division shall provide to the Department a copy of the allegations and findings made pursuant to NRS 213.410 within 1 business day after the return of the offender to the custody of the Department.*~~

~~*(b) The offender forfeits all or part of the credits for good behavior earned by the offender before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as the Director considers proper. The decision of the Director regarding such a forfeiture is final.*~~

~~*8. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:*~~

~~*(a) A continuation of the offender's imprisonment and not a release on parole; and*~~

~~*(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,*~~

~~*→ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.*~~

~~*9. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.*~~

~~*10. The Division of Parole and Probation may receive and distribute restitution paid by an offender assigned to the custody of the Division pursuant to this section.]*~~ **(Deleted by amendment.)**

Sec. 2. **[**~~NRS 209.241 is hereby amended to read as follows:~~

~~209.241 1. The Director may accept money, including the net amount of any wages earned during the incarceration of an offender after any deductions made by the Director and valuables belonging to an offender at the time of his or her incarceration or afterward received by gift, inheritance or the like or earned during the incarceration of an offender, and shall deposit the money in the Prisoners' Personal Property Fund, which is hereby created as a trust fund.~~

~~2. An offender shall deposit all money that the offender receives into his or her individual account in the Prisoners' Personal Property Fund.~~

~~3. The Director:~~

~~(a) Shall keep, or cause to be kept, a full and accurate account of the money and valuables, and shall submit reports to the Board relating to the money and valuables as may be required from time to time.~~

~~(b) May permit withdrawals for immediate expenditure by an offender for personal needs.~~

~~(c) May permit the distribution of money to a governmental entity for any applicable deduction authorized pursuant to NRS 209.247 or any other deduction authorized by law from any money deposited in the individual account of an offender from any source other than the offender's wages.~~

~~(d) Shall pay over to each offender upon his or her release any remaining balance in his or her individual account.~~

~~4. The interest and income earned on the money in the Prisoners' Personal Property Fund, after deducting any applicable bank charges, must be credited each calendar quarter as follows:~~

~~(a) If an offender's share of the cost of administering the Prisoners' Personal Property Fund for the quarter is less than the amount of interest and income earned by the offender, the Director shall credit the individual~~

~~account of the offender with an amount equal to the difference between the amount of interest and income earned by the offender and the offender's share of the cost of administering the Prisoners' Personal Property Fund.~~

~~(b) If an offender's share of the cost of administering the Prisoners' Personal Property Fund for the quarter is equal to or greater than the amount of interest and income earned by the offender, the Director shall credit the interest and income to the Offenders' Store Fund.~~

~~5. An offender who does not deposit all money that the offender receives into his or her individual account in the Prisoners' Personal Property Fund as required in this section is guilty of a gross misdemeanor.~~

~~6. A person who aids or encourages an offender not to deposit all money the offender receives into the individual account of the offender in the Prisoners' Personal Property Fund as required in this section is guilty of a gross misdemeanor.~~

~~7. The Director may exempt an offender from the provisions of this section if the offender is:~~

~~(a) Confined in an institution outside this State pursuant to chapter 215A of NRS; or~~

~~(b) Assigned to the custody of the Division of Parole and Probation of the Department of Public Safety to:~~

~~(1) Serve a term of residential confinement pursuant to NRS 209.392, 209.3925 or 209.429 **[**;**]** ***or section 1 of this act;*** or~~

~~(2) Participate in a correctional program for reentry into the community pursuant to NRS 209.4887.**]** **(Deleted by amendment.)**~~

Sec. 3. ~~**[**NRS 209.392 is hereby amended to read as follows:~~

~~209.392 1. Except as otherwise provided in NRS 209.3925 and 209.429 **[**,**]** ***and section 1 of this act,*** the Director may, at the request of an offender who is eligible for residential confinement pursuant to the standards adopted by the Director pursuant to subsection 3 and who has:~~

~~(a) Demonstrated a willingness and ability to establish a position of employment in the community;~~

~~(b) Demonstrated a willingness and ability to enroll in a program for education or rehabilitation; or~~

~~(c) Demonstrated an ability to pay for all or part of the costs of the offender's confinement and to meet any existing obligation for restitution to any victim of his or her crime,~~

~~may assign the offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of his or her sentence.~~

~~2. Upon receiving a request to serve a term of residential confinement from an eligible offender, the Director shall notify the Division of Parole and Probation. Except as otherwise provided in NRS 213.10915, if any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.131, requested to be notified of the consideration of a prisoner for parole~~

~~and has provided a current address, the Division of Parole and Probation shall notify the victim of the offender's request and advise the victim that the victim may submit documents regarding the request to the Division of Parole and Probation. If a current address has not been provided as required by subsection 4 of NRS 213.131, the Division of Parole and Probation must not be held responsible if such notification is not received by the victim. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.~~

~~3. The Director, after consulting with the Division of Parole and Probation, shall adopt, by regulation, standards providing which offenders are eligible for residential confinement. The standards adopted by the Director must provide that an offender who:~~

~~(a) Has recently committed a serious infraction of the rules of an institution or facility of the Department;~~

~~(b) Has not performed the duties assigned to the offender in a faithful and orderly manner;~~

~~(c) Has been convicted of:~~

~~(1) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim within the immediately preceding 3 years;~~

~~(2) A sexual offense that is punishable as a felony; or~~

~~(3) Except as otherwise provided in subsection 4, a category A or B felony;~~

~~(d) Has more than one prior conviction for any felony in this State or any offense in another state that would be a felony if committed in this State, not including a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.420, 488.425 or 488.427; or~~

~~(e) Has escaped or attempted to escape from any jail or correctional institution for adults,~~

~~→ is not eligible for assignment to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section.~~

~~4. The standards adopted by the Director pursuant to subsection 3 must provide that an offender who has been convicted of a category B felony is eligible for assignment to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section if:~~

~~(a) The offender is not otherwise ineligible pursuant to subsection 3 for an assignment to serve a term of residential confinement; and~~

~~(b) The Director makes a written finding that such an assignment of the offender is not likely to pose a threat to the safety of the public.~~

~~5. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of the offender's residential confinement:~~

~~(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.~~

~~(b) The offender forfeits all or part of the credits for good behavior earned by the offender before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as the Director considers proper. The decision of the Director regarding such a forfeiture is final.~~

~~6. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:~~

~~(a) A continuation of the offender's imprisonment and not a release on parole; and~~

~~(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,~~

~~↵ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.~~

~~7. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.~~

~~8. The Division of Parole and Probation may receive and distribute restitution paid by an offender assigned to the custody of the Division of Parole and Probation pursuant to this section.~~**]** **(Deleted by amendment.)**

Sec. 4. NRS 211.140 is hereby amended to read as follows:

211.140 1. The sheriff of each county has charge and control over all prisoners committed to his or her care in the respective county jails, and the chiefs of police and town marshals in the several cities and towns throughout this State have charge and control over all prisoners committed to their respective city and town jails and detention facilities.

2. A court shall not, at the request of any prisoner in a county, city or town jail, issue an order which affects the conditions of confinement of the prisoner unless, except as otherwise provided in this subsection, the court provides the sheriff, chief of police or town marshal having control over the prisoner with:

(a) Sufficient prior notice of the court's intention to enter the order. Notice by the court is not necessary if the prisoner has filed an action with the court challenging his or her conditions of confinement and has served a copy of the action on the sheriff, chief of police or town marshal.

(b) An opportunity to be heard on the issue.

➥ As used in this subsection, "conditions of confinement" includes, but is not limited to, a prisoner's access to the law library, privileges regarding visitation and the use of the telephone, the type of meals provided to the prisoner and the provision of medical care in situations which are not emergencies.

3. The sheriffs, chiefs of police and town marshals shall see that the prisoners under their care are kept at labor for reasonable amounts of time within the jail or detention facility, on public works in the county, city or town, or as part of a program of release for work established pursuant to NRS 211.120 or 211.171 to 211.200, inclusive.

4. The sheriff, chief of police or town marshal shall arrange for the administration of medical care required by prisoners while in his or her custody. The county, city or town shall pay the cost of appropriate medical:

(a) Treatment provided to a prisoner while in custody for injuries incurred by a prisoner while the prisoner is in custody and for injuries incurred during the prisoner's arrest for commission of a public offense if the prisoner is not convicted of that offense;

(b) Treatment provided to a prisoner while in custody for any infectious, contagious or communicable disease which the prisoner contracts while the prisoner is in custody; and

(c) Examinations required by law or by court order conducted while the prisoner is in custody unless the order otherwise provides.

5. A prisoner shall pay the cost of medical treatment for:

(a) Injuries incurred by the prisoner during his or her commission of a public offense or for injuries incurred during his or her arrest for commission of a public offense if the prisoner is convicted of that offense;

(b) Injuries or illnesses which existed before the prisoner was taken into custody;

(c) Self-inflicted injuries; and

(d) Except treatment provided pursuant to subsection 4, any other injury or illness incurred by the prisoner.

6. A medical facility furnishing treatment pursuant to subsection 5 shall attempt to collect the cost of the treatment from the prisoner or the prisoner's insurance carrier. If the facility is unable to collect the cost and certifies to the appropriate board of county commissioners that it is unable to collect the cost of the medical treatment, the board of county commissioners shall pay the cost of the medical treatment.

7. A sheriff, chief of police or town marshal who arranges for the administration of medical care pursuant to this section may attempt to collect from the prisoner or the insurance carrier of the prisoner the cost of arranging for the administration of medical care including the cost of any transportation of the prisoner for the purpose of medical care. The prisoner shall obey the requests of, and fully cooperate with the sheriff, chief of police or town marshal in collecting the costs from the prisoner or the prisoner's insurance carrier.

8. In a county whose population is 700,000 or more, a sheriff, chief of police or town marshal shall arrange for, and the Department of Health and Human Services and the various divisions thereof shall provide, for the purpose of maintaining continuity of care, coordination and oversight of the care for mental health and substance abuse treatment provided to a prisoner by:

(a) All providers of such care in the county, city or town jail or detention facility while the prisoner is in custody; and

(b) All providers of such care after the prisoner is released from custody.

➥ Each such sheriff, or his or her representative, and the Director of the Department of Health and Human Services, or his or her representative, shall, at each meeting of the Legislative Committee on Health Care, appear before the Committee to report on the coordination and oversight provided pursuant to this subsection.

Sec. 5. ~~[NRS 213.10915 is hereby amended to read as follows:~~

~~213.10915 1. The Board, in consultation with the Division, may enter into an agreement with the manager of an automated victim notification system to notify victims of the information described in NRS 209.392 and 209.3925 *and section 1 of this act* and subsections 4 and 7 of NRS 213.131 through the system if the system is capable of:~~

~~(a) Automatically notifying by telephone or electronic means a victim registered with the system of the information described in NRS 209.392 and 209.3925 *and section 1 of this act* and subsections 4 and 7 of NRS 213.131 with the timeliness required by NRS 209.392 and 209.3925 *and section 1 of this act* and subsections 4 and 7 of NRS 213.131; and~~

~~(b) Notifying victims registered with the system, using language provided by the Board, if the Board decides that it will discontinue the use of the system to notify victims of the information described in NRS 209.392 and 209.3925 *and section 1 of this act* and subsections 4 and 7 of NRS 213.131. The notice must:~~

~~(1) Be provided to each victim registered with the system not less than 90 days before the date on which the Board will discontinue use of the system; and~~

~~(2) Advise each victim to submit a written request for notification pursuant to subsection 4 of NRS 213.131 if the victim wishes to receive notice of the information described in NRS 209.392 and 209.3925 *and section 1 of this act* and subsections 4 and 7 of NRS 213.131.~~

~~2. The Division is not required to notify the victim of an offender of the information described in NRS 209.392 and 209.3925 *and section 1 of this act* and the Board is not required to notify the victim of a prisoner of the information described in subsections 4 and 7 of NRS 213.131 if:~~

~~(a) The Board has entered into an agreement pursuant to subsection 1; and~~

~~(b) Before discontinuing the notification of victims pursuant to NRS 209.392 and 209.3925 *and section 1 of this act* and subsections 4 and 7 of NRS 213.131, the Board, not less than two times and not less than 60 days~~

~~apart, has notified each victim who has requested notification pursuant to subsection 4 of NRS 213.131 and who has provided his or her current address or whose current address is otherwise known by the Board of the change in the manner in which a victim is notified of the information described in NRS 209.392 and 209.3925 *and section 1 of this act* and subsections 4 and 7 of NRS 213.131. The notice must:~~

~~(1) Advise the victim that the Division will no longer notify the victim of the information described in NRS 209.392 and 209.3925 **[**,**]** *and section 1 of this act,* that the Board will no longer notify the victim of the information described in subsections 4 and 7 of NRS 213.131, and that the victim may register with the automated victim notification system if he or she wishes to be notified of the information described in NRS 209.392 and 209.3925 *and section 1 of this act* and subsections 4 and 7 of NRS 213.131; and~~

~~(2) Include instructions for registering with the automated victim notification system to receive notice of the information described in NRS 209.392 and 209.3925 *and section 1 of this act* and subsections 4 and 7 of NRS 213.131.~~

~~3. For the purposes of this section, "victim" has the meaning ascribed to it in NRS 213.005.**]**~~ **(Deleted by amendment.)**

Sec. 6. ~~**[**NRS 213.371 is hereby amended to read as follows:~~

~~213.371 As used in NRS 213.371 to 213.410, inclusive, unless the context otherwise requires:~~

~~1. "Division" means the Division of Parole and Probation of the Department of Public Safety.~~

~~2. "Offender" means a prisoner assigned to the custody of the Division pursuant to NRS 209.392, 209.3925 or 209.429 **[**.**]** *or section 1 of this act.*~~

~~3. "Residential confinement" means the confinement of an offender to his or her place of residence under the terms and conditions established by the Division.**]**~~ **(Deleted by amendment.)**

Sec. 7. ~~**[**NRS 213.380 is hereby amended to read as follows:~~

~~213.380 1. The Division shall establish procedures for the residential confinement of offenders.~~

~~2. The Division may establish, and at any time modify, the terms and conditions of the residential confinement, except that the Division shall:~~

~~(a) Require the offender to participate in regular sessions of education, counseling and any other necessary or desirable treatment in the community, unless the offender is assigned to the custody of the Division pursuant to NRS 209.3925 **[**,**]** *or section 1 of this act;*~~

~~(b) Require the offender to be confined to his or her residence during the time the offender is not:~~

~~(1) Engaged in employment or an activity listed in paragraph (a) that is authorized by the Division;~~

~~(2) Receiving medical treatment that is authorized by the Division; or~~

~~(3) Engaged in any other activity that is authorized by the Division; and~~

~~(c) Require intensive supervision of the offender, including unannounced visits to his or her residence or other locations where the offender is expected to be in order to determine whether the offender is complying with the terms and conditions of his or her confinement.~~

~~3. An electronic device approved by the Division may be used to supervise an offender. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the offender's location, including, but not limited to, the transmission of still visual images which do not concern the offender's activities, and producing, upon request, reports or records of the offender's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:~~

~~(a) Oral or wire communications or any auditory sound; or~~

~~(b) Information concerning the offender's activities,~~

~~→ must not be used.~~**]** **(Deleted by amendment.)**

Sec. 8. ~~[~~NRS 178.5698 is hereby amended to read as follows:

~~178.5698 1. The prosecuting attorney, sheriff or chief of police shall, upon the request of a victim or witness, inform the victim or witness:~~

~~(a) When the defendant is released from custody at any time before or during the trial, including, without limitation, when the defendant is released pending trial or subject to electronic supervision;~~

~~(b) If the defendant is so released, the amount of bail required, if any; and~~

~~(c) Of the final disposition of the criminal case in which the victim or witness was directly involved.~~

~~2. A request for information pursuant to subsection 1 must be made:~~

~~(a) In writing; or~~

~~(b) By telephone through an automated or computerized system of notification, if such a system is available.~~

~~3. If an offender is convicted of a sexual offense or an offense involving the use or threatened use of force or violence against the victim, the court shall provide:~~

~~(a) To each witness, documentation that includes:~~

~~(1) A form advising the witness of the right to be notified pursuant to subsection 5;~~

~~(2) The form that the witness must use to request notification in writing; and~~

~~(3) The form or procedure that the witness must use to provide a change of address after a request for notification has been submitted.~~

~~(b) To each person listed in subsection 4, documentation that includes:~~

~~(1) A form advising the person of the right to be notified pursuant to subsection 5 or 6 and NRS 176.015, 176A.630, 178.4715, 209.392, 209.3925, 209.521, 213.010, 213.040, 213.095 and 213.131~~ ***and section 1 of this act*** ~~or NRS 213.10915;~~

~~(2) The forms that the person must use to request notification; and~~

~~(3) The forms or procedures that the person must use to provide a change of address after a request for notification has been submitted.~~

~~4. The following persons are entitled to receive documentation pursuant to paragraph (b) of subsection 3:~~

~~(a) A person against whom the offense is committed.~~

~~(b) A person who is injured as a direct result of the commission of the offense.~~

~~(c) If a person listed in paragraph (a) or (b) is under the age of 18 years, each parent or guardian who is not the offender.~~

~~(d) Each surviving spouse, parent and child of a person who is killed as a direct result of the commission of the offense.~~

~~(e) A relative of a person listed in paragraphs (a) to (d), inclusive, if the relative requests in writing to be provided with the documentation.~~

~~5. Except as otherwise provided in subsection 6, if the offense was a felony and the offender is imprisoned, the warden of the prison shall, if the victim or witness so requests in writing and provides a current address, notify the victim or witness at that address when the offender is released from the prison.~~

~~6. If the offender was convicted of a violation of subsection 3 of NRS 200.366 or a violation of subsection 1, paragraph (a) of subsection 2 or subparagraph (2) of paragraph (b) of subsection 2 of NRS 200.508, the warden of the prison shall notify:~~

~~(a) The immediate family of the victim if the immediate family provides their current address;~~

~~(b) Any member of the victim's family related within the third degree of consanguinity, if the member of the victim's family so requests in writing and provides a current address; and~~

~~(c) The victim, if the victim will be 18 years of age or older at the time of the release and has provided a current address,~~

~~➥ before the offender is released from prison.~~

~~7. The warden must not be held responsible for any injury proximately caused by the failure to give any notice required pursuant to this section if no address was provided to the warden or if the address provided is inaccurate or not current.~~

~~8. As used in this section:~~

~~(a) "Immediate family" means any adult relative of the victim living in the victim's household.~~

~~(b) "Sexual offense" means:~~

~~(1) Sexual assault pursuant to NRS 200.366;~~

~~(2) Statutory sexual seduction pursuant to NRS 200.368;~~

~~(3) Battery with intent to commit sexual assault pursuant to NRS 200.400;~~

~~(4) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;~~

~~(5) Incest pursuant to NRS 201.180;~~

~~(6) Open or gross lewdness pursuant to NRS 201.210;~~

~~(7) Indecent or obscene exposure pursuant to NRS 201.220;~~

~~(8) Lewdness with a child pursuant to NRS 201.230;~~

~~(9) Sexual penetration of a dead human body pursuant to NRS 201.450;~~

~~(10) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540;~~

~~(11) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550;~~

~~(12) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;~~

~~(13) An offense that, pursuant to a specific statute, is determined to be sexually motivated; or~~

~~(14) An attempt to commit an offense listed in this paragraph.~~**]** **(Deleted by amendment.)**

Sec. 9. **[**~~NRS 239.010 is hereby amended to read as follows:~~

~~239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888,~~

~~408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 1 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.~~

~~2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.~~

~~3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.~~

~~4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:~~

~~(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.~~

~~(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.~~**] (Deleted by amendment.)**

Sec. 10. This act becomes effective on July 1, 2017.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 65 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 354.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 916.

AN ACT relating to employment; requiring the Director of the Department of Employment, Training and Rehabilitation to provide certain reports on the rate of unemployment of residents in this State to the Director of the Legislative Counsel Bureau; requiring the Governor's Workforce Investment Board to conduct certain activities to reduce the rate of unemployment for certain groups; requiring the Executive Director of the Office of Workforce Innovation to submit each year a report containing certain information; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Employment, Training and Rehabilitation to: (1) organize the Department of Employment, Training and Rehabilitation into divisions; (2) provide the Director of the Department of Administration with a list of organizations and agencies in this State whose primary purpose is the training and employment of persons with disabilities; (3) direct the divisions of the Department to share information in their records with certain local governments; and (4) provide certain employment and wage information to the Board of Regents of the University of Nevada. (NRS 232.920) **Section 5** of this bill requires the Director to provide the Director of the Legislative Counsel Bureau a written report each quarter containing the rate of unemployment of residents of this State **regarding whom the Department has information, organized** by county. **Section 5** additionally requires such a report to disaggregate the rate of unemployment by demographic information, which includes age, race and gender, for each county.

Existing law creates the Governor's Workforce Investment Board and requires the Board to conduct certain duties. (NRS 232.935) **Section 6** of this bill requires the Board to: (1) receive reports created pursuant to **section 5**; (2) require all applicable agencies which provide workforce development services to coordinate efforts and resources to reduce, in certain situations, the rate of unemployment for certain groups; and (3) provide a written report each year to the Director and the Director of the Legislative Counsel Bureau describing the efforts to reduce the rate of unemployment for certain groups.

Existing law requires the P-20W Advisory Council to develop and oversee a statewide longitudinal data system that links data relating to early childhood education programs and K-12 public education with data relating to postsecondary education and the workforce in this State. (NRS 400.040) **Section 20** of Senate Bill No. 516 of this session moves the responsibility for the oversight of the State's statewide longitudinal data system from the P-20W Advisory Council to the Executive Director of the Office of Workforce Innovation. **Section 6.5** of this bill requires the Executive Director of the Office of Workforce Innovation, on or before January 1 of each year, to submit to the Director of the Legislative Counsel Bureau a written report that includes the most current data and reports produced by the statewide longitudinal data system.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 232.920 is hereby amended to read as follows:

232.920 The Director:

1. Shall:

(a) Organize the Department into divisions and other operating units as needed to achieve the purposes of the Department;

(b) Upon request, provide the Director of the Department of Administration with a list of organizations and agencies in this State whose primary purpose is the training and employment of persons with disabilities;

(c) Except as otherwise provided by a specific statute, direct the divisions to share information in their records with agencies of local governments which are responsible for the collection of debts or obligations if the confidentiality of the information is otherwise maintained under the terms and conditions required by law; ~~[and]~~

(d) Provide the employment and wage information to the Board of Regents of the University of Nevada for purposes of the reporting required of the Board of Regents by subsection 4 of NRS 396.531 ~~[.]~~ ***; and***

(e) Provide to the Director of the Legislative Counsel Bureau a written report each quarter containing the rate of unemployment of residents of this State regarding whom the Department has information, organized by county and, for each county, the rate of unemployment disaggregated by demographic information, including, without limitation, age, race and gender. The Director of the Department shall:

(1) Post on the Internet website of the Department the report required by this paragraph;

(2) Provide the report to the Governor's Workforce Investment Board and all applicable agencies for the purposes of subsection 5 of NRS 232.935; and

(3) Post on the Internet website of the Department the written report provided by the Governor's Workforce Investment Board pursuant to subsection 5 of NRS 232.935.

2. Is responsible for the administration, through the divisions of the Department, of the provisions of NRS 426.010 to 426.720, inclusive, 426.740, 426.790 and 426.800, and chapters 612 and 615 of NRS, and all other provisions of law relating to the functions of the Department and its divisions, but is not responsible for the professional line activities of the divisions or other operating units except as otherwise provided by specific statute.

3. May employ, within the limits of legislative appropriations, such staff as is necessary for the performance of the duties of the Department.

Sec. 6. NRS 232.935 is hereby amended to read as follows:

232.935 1. In appointing members of the Governor's Workforce Investment Board, the Governor shall ensure that the membership as a whole represents:

(a) Industry sectors which are essential to this State and which are driven primarily by demand;

(b) Communities and areas of economic development which are essential to this State; and

(c) The diversity of the workforce of this State, including, without limitation, geographic diversity and the diversity within regions of this State.

2. The Governor's Workforce Investment Board shall:

(a) Identify:

(1) Industry sectors which are essential to this State; and

(2) The region or regions of this State where the majority of the operations of each of those industry sectors is conducted.

(b) Establish:

(1) Regional goals for economic development for each of the industry sectors identified pursuant to paragraph (a); and

(2) A council for each industry sector.

(c) Consider and develop programs to promote:

(1) Strategies to improve labor markets for industries and regions of this State, including, without limitation, improving the availability of relevant information;

(2) Coordination of the efforts of relevant public and private agencies and organizations;

(3) Strategies for providing funding as needed by various industry sectors;

(4) Increased production capacities for various industry sectors;

(5) The development of useful measurements of performance and outcomes in various industry sectors;

(6) Participation by and assistance from state and local government agencies;

(7) Expanded market penetration, including, without limitation, by providing assistance to employers with small numbers of employees;

(8) Partnerships between labor and management;

(9) Business associations;

(10) The development of improved instructional and educational resources for employers and employees; and

(11) The development of improved economies of scale, as applicable, in industry sectors.

3. Each industry sector council established pursuant to subparagraph (2) of paragraph (b) of subsection 2:

(a) Must be composed of representatives from:

(1) Employers within that industry;

(2) Organized labor within that industry;

(3) Universities and community colleges; and

(4) Any other relevant group of persons deemed to be appropriate by the Board.

(b) Shall, within the parameters set forth in the American Recovery and Reinvestment Act of 2009 or the parameters of any other program for which the federal funding is available, identify job training and education programs which the industry sector council determines to have the greatest likelihood

of meeting the regional goals for economic development established for that industry sector pursuant to subparagraph (1) of paragraph (b) of subsection 2.

4. The Board shall:

(a) Identify and apply for federal funding available for the job training and education programs identified pursuant to paragraph (b) of subsection 3;

(b) Consider and approve or disapprove applications for money;

(c) Provide and administer grants of money to industry sector councils for the purpose of establishing job training and education programs in industry sectors for which regional goals for economic development have been established pursuant to subparagraph (1) of paragraph (b) of subsection 2; and

(d) Adopt regulations establishing:

(1) Guidelines for the submission and review of applications to receive grants of money from the Department; and

(2) Criteria and standards for the eligibility for and use of any grants made pursuant to paragraph (c).

➥ Except as otherwise required as a condition for federal funding, the regulations required by this subsection must give priority to job training and education programs that are consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053.

5. ***The Board shall:***

(a) Receive reports from the Director pursuant to paragraph (e) of subsection 1 of NRS 232.920;

(b) Require all applicable agencies which provide workforce development services to coordinate efforts and resources to reduce the rate of unemployment for a demographic group contained in the report provided pursuant to paragraph (e) of subsection 1 of NRS 232.920 if, for that demographic group, the rate of unemployment for the group:

(1) Is 200 percent or more of the rate of unemployment for the applicable county as a whole;

(2) Is 4 or more percentage points higher than the rate of unemployment for the applicable county as a whole; or

(3) Has been higher than the rate of unemployment for the applicable county as a whole for 3 or more consecutive years; and

(c) Provide a written report each year to the Director of the Department and the Director of the Legislative Counsel Bureau describing the efforts made by the Board and all applicable agencies to comply with paragraph (b).

6. In carrying out its powers and duties pursuant to this section, the Board shall consult with the Executive Director of the Office of Economic Development and shall cooperate with the Executive Director in implementing the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053.

~~[6.]~~ ***7.*** As used in this section, "industry sector" means a group of employers closely linked by common products or services, workforce needs, similar technologies, supply chains or other economic links.

Sec. 6.5. Section 20 of Senate Bill No. 516 of this session is hereby amended to read as follows:

Sec. 20. The Executive Director of the Office of Workforce Innovation shall:

1. Provide support to the Office of the Governor, the Governor's Workforce Development Board created by NRS 232.935 and the industry sector councils established by the Governor's Workforce Development Board on matters relating to workforce development.

2. Work in coordination with the Office of Economic Development to establish criteria and goals for workforce development and diversification in this State.

3. Collect and systematize and present in biennial reports to the Governor and the Legislature such statistical details relating to workforce development in the State as the Executive Director of the Office may deem essential to further the objectives of the Office of Workforce Innovation.

4. At the direction of the Governor:

(a) Identify, recommend and implement policies related to workforce development.

(b) Define career pathways and identify priority career pathways for secondary and postsecondary education.

(c) Discontinue career pathways offered by the State which fail to meet minimum standards of quality, rigor and cross-education alignment, or that do not demonstrate a connection to priority industry needs.

(d) In consultation with the Governor's Workforce Development Board, identify industry-recognized credentials, workforce development programs and education.

(e) Maintain and oversee the statewide longitudinal data system that links data relating to early childhood education programs and K-12 public education with data relating to postsecondary education and the workforce in this State.

(f) Collect accurate educational data in the statewide longitudinal data system for the purpose of analyzing student performance through employment to assist in improving the educational system and workforce training program in this State.

(g) ***On or before January 1 of each year, submit to the Director of the Legislative Counsel Bureau a written report that includes, without limitation, the most current data and reports produced by the statewide longitudinal data system.***

(h) Apply for and administer grants, including, without limitation, those that may be available from funding reserved for statewide workforce investment activities.

~~[h]~~ ***(i)*** Review the status and structure of local workforce investment areas in the State, in coordination with the Governor and the Governor's Workforce Development Board.

~~[i]~~ ***(j)*** Report periodically to the Governor's Workforce Development Board concerning the administration of the policies and programs of the Office of Workforce Innovation.

~~[j]~~ ***(k)*** On or before March 31 of each year, submit to the Governor a complete report of the activities, discussions, findings and recommendations of the Office of Workforce Innovation.

~~[k]~~ ***(l)*** Oversee the State Apprenticeship Council and the State Apprenticeship Director pursuant to NRS 610.110 to 610.185, inclusive, and perform such other functions as may be necessary for the fulfillment of the intent and purposes of chapter 610 of NRS.

~~[l]~~ ***(m)*** Suggest improvements regarding the allocation of federal and state money to align workforce training and related education programs in the State, including, but not limited to, career and technical education.

Sec. 7. 1. For the purposes of paragraph (e) of subsection 1 of NRS 232.920, as amended by section 5 of this act, and paragraph (b) of subsection 5 of NRS 232.935, as amended by section 6 of this act, the Director of the Department of Employment, Training and Rehabilitation shall, as soon as practicable after July 1, 2017, provide to the Governor's Workforce Investment Board the information described in paragraph (e) of subsection 1 of NRS 232.920, as amended by section 5 of this act, for the 3 years preceding July 1, 2017.

2. As soon as practicable after receipt of the information required by subsection 1, the Governor's Workforce Investment Board shall begin complying with the provisions of paragraph (b) of subsection 5 of NRS 232.935, as amended by section 6 of this act, for any demographic group described by subparagraph (3) of paragraph (b) of subsection 5 of NRS 232.935, as amended by section 6 of this act.

Sec. 8. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 9. 1. This section and sections 1 to 6, inclusive, 7 and 8 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations or performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On July 1, 2017, for all other purposes.

2. Section 6.5 of this act becomes effective on July 1, 2017, if and only if Senate Bill No. 516 of this session is enacted by the Legislature and approved by the Governor.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 468.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 722.

SUMMARY—Revises provisions relating to mortgage brokers **, mortgage agents** and mortgage bankers. (BDR 54-1028)

AN ACT relating to mortgage lending; revising provisions which apply to mortgage brokers to also apply to mortgage bankers; **revising the terms which identify mortgage brokers, mortgage agents and mortgage bankers; revising provisions governing bonds required for mortgage brokers and mortgage bankers; revising certain exemptions from licensing requirements for mortgage brokers and mortgage bankers;** repealing provisions relating to mortgage bankers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from offering or providing any of the services of a mortgage broker or mortgage banker unless the person first obtains a license as a mortgage broker or mortgage banker, as applicable, or is exempt from licensing. (NRS 645B.900, 645E.900) This bill repeals the provisions of law that regulate mortgage bankers and revises the provisions of law that currently regulate mortgage brokers to apply to both mortgage brokers and mortgage bankers, both of which are now included in the term "mortgage ~~[~~loan originator.~~]~~" **company."** Specifically, **section 6** of this bill defines "mortgage ~~[~~loan originator"~~]~~ **company"** to include all persons who previously were mortgage brokers or mortgage bankers. **Additionally, the term "mortgage agent" is changed to "mortgage loan originator." Section 11** of this bill revises provisions relating to licensing as a mortgage broker to apply to licensing as a mortgage ~~[~~loan originator.~~]~~ **company. Sections 15.5 and 16 of this bill revise the requirements for the form of certain bonds required for mortgage brokers and mortgage bankers. Section 88.5 of this bill revises the provisions governing exemptions for certain entities from the requirements for licensure as a mortgage broker or mortgage banker. Section 110** of this bill deems any person who holds a license as a mortgage broker or mortgage banker on January 1, ~~[~~2018,~~]~~ **2020,** to hold a license as a mortgage ~~[~~loan originator.~~]~~ **company. Section 112** of this bill repeals the provisions of existing law which apply to mortgage bankers as such provisions are made redundant by the provisions of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 645A.173 is hereby amended to read as follows:

645A.173 1. If an escrow for the sale of real property is established, the holder of the escrow shall, on the date of establishment of the escrow, record in writing the number and the date of expiration of the:

(a) License issued pursuant to chapter 645 of NRS; or

(b) Certificate of cooperation issued pursuant to NRS 645.605,

➥ of any real estate broker, broker-salesperson or salesperson who will be paid compensation from money held in the escrow for performing the services of a real estate broker, broker-salesperson or salesperson in the transaction that is the subject of the escrow. The holder of the escrow is not required to verify independently the validity of the number of the license or certificate.

2. If an escrow for the sale of real property is established and the real property is or will be secured by a mortgage or deed of trust, the holder of the escrow shall, on the date of establishment of the escrow, record in writing the number and the date of expiration of the license issued pursuant to chapter 645B ~~[or 645E]~~ of NRS of any mortgage ~~[broker or mortgage banker *loan originator]*~~ ***company*** associated with the mortgage or deed of trust. The holder of the escrow is not required to verify independently the validity of the number of the license.

Sec. 2. NRS 645A.215 is hereby amended to read as follows:

645A.215 1. Except as otherwise provided in subsection 2, a licensee may not conduct the business of administering escrows for compensation within any office, suite, room or place of business in which any other business is solicited or engaged in, except a notary public, or in association or conjunction with any other business, unless authority to do so is given by the Commissioner.

2. A licensee may conduct the business of administering escrows pursuant to this chapter in the same office or place of business as a mortgage ~~[banker *loan originator]*~~ ***company*** if:

(a) The licensee and the mortgage ~~[banker: *loan originator:]*~~ ***company:***

(1) Operate as separate legal entities;

(2) Maintain separate accounts, books and records;

(3) Are subsidiaries of the same parent corporation; and

(4) Maintain separate licenses; and

(b) The mortgage ~~[banker *loan originator]*~~ ***company*** is licensed by this state pursuant to chapter ~~[645E]~~ ***645B*** of NRS. ~~[and does not conduct any business as a mortgage broker licensed pursuant to chapter 645B of NRS in the office or place of business.]~~

Sec. 2.1. **Chapter 645B of NRS is hereby amended by adding thereto the provisions set forth as sections 2.2 to 2.5, inclusive, of this act.**

Sec. 2.2. ***"Applicant" means a person who applies for licensure as a mortgage company pursuant to this chapter.***

Sec. 2.3. ***"Commercial mortgage loan" means a loan that:***

1. Directly or indirectly, is secured by a lien on commercial property; and

2. Is created with the consent of the owner of the commercial property.

Sec. 2.4. ***"Commercial property" means any real property which is located in this State and which is neither used as a dwelling nor upon which a dwelling is constructed or intended to be constructed. For the purposes of this section, "dwelling" has the meaning ascribed to it in section 103(v) of the federal Truth in Lending Act, 15 U.S.C. § 1602(w).***

Sec. 2.5. ***"Institutional investor" means a person who, in the regular course of business, makes commercial mortgage loans of more than $250,000 that are funded exclusively from one or more of the following sources:***

1. The person's cash, corporate capital or warehouse credit lines at a depository financial institution or other sources that are liability items on the person's financial statements.

2. Correspondent contracts between the person and another institutional investor or between the person and a depository financial institution, trust company, profit-sharing or pension trust, installment lender or insurance company.

3. An affiliate's cash, corporate capital or warehouse credit lines at a depository financial institution or other sources that are liability items on the affiliate's financial statements for which the affiliate's assets are pledged. As used in this subsection, "affiliate" means another person who, directly or indirectly through one or more intermediaries, controls, is controlled by or is under common control with the person who is the institutional investor.

Sec. 2.7. **NRS 645B.010 is hereby amended to read as follows:**

645B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 645B.0104 to 645B.01356, inclusive, ***and sections 2.2 to 2.5, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 645B.0119 is hereby amended to read as follows:

645B.0119 "Financial services license or registration" means any license or registration issued in this State or any other state, district or territory of the United States that authorizes the person who holds the license or registration to engage in any business or activity described in the provisions of this chapter, title 55 or 56 of NRS or chapter 604A, 645, 645A, 645C, ~~[~~645E,~~]~~ 645G or 649 of NRS.

Sec. 4. NRS 645B.0123 is hereby amended to read as follows:

645B.0123 "Licensee" means a person who is licensed or required to be licensed as a mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** pursuant to this chapter. The term does not include a person issued a license as a mortgage

~~[agent]~~ ***loan originator*** pursuant to NRS 645B.410 who is acting properly within the scope of that license.

Sec. 5. NRS 645B.0125 is hereby amended to read as follows:

645B.0125 1. "Mortgage ~~[agent"]~~ ***loan originator"*** means:

(a) A natural person who:

(1) Is an employee of a mortgage ~~[broker or mortgage banker~~ ~~*loan originator]*~~ ***company*** who is required to be licensed pursuant to this chapter; ~~[or chapter 645E of NRS;]~~ and

(2) Is authorized by the mortgage ~~[broker or mortgage banker~~ ~~*loan originator]*~~ ***company*** to engage in, on behalf of the mortgage ~~[broker or mortgage banker,~~ ~~*loan originator,]*~~ ***company,*** any activity that would require the person, if the person were not an employee of the mortgage ~~[broker or mortgage banker,~~ ~~*loan originator,]*~~ ***company,*** to be licensed as a mortgage ~~[broker or mortgage banker~~ ~~*loan originator]*~~ ***company*** pursuant to this chapter; ~~[or chapter 645E of NRS;]~~

(b) A mortgage ~~[broker,~~ ~~*loan originator]*~~ ***company or*** qualified employee ~~[or mortgage banker]~~ who is required by NRS 645B.405 ~~[or 645E.290]~~ to be licensed as a mortgage ~~[agent,]~~ ***loan originator;*** or

(c) A loan processor who is an independent contractor and who is associated with a mortgage ~~[broker, mortgage banker~~ ~~*loan originator]*~~ ***company*** or person who holds a certificate of exemption pursuant to NRS 645B.016.

2. The term includes, but is not limited to, a residential mortgage loan originator.

3. The term does not include a person who:

(a) Except as otherwise provided in paragraph (b) of subsection 1, is licensed as a mortgage ~~[broker or mortgage banker;~~ ~~*loan originator;]*~~ ***company;***

(b) Is an owner, general partner, officer or director of a mortgage ~~[broker or mortgage banker~~ ~~*loan originator]*~~ ***company*** who does not engage in any activity that would otherwise require a license as a mortgage ~~[broker or mortgage banker;~~ ~~*loan originator;]*~~ ***company;***

(c) Except as otherwise provided in paragraph (c) of subsection 1, performs only clerical or ministerial tasks for a mortgage ~~[broker or mortgage banker;~~ ~~*loan originator;]*~~ ***company;*** or

(d) Collects payments and performs related services, including, without limitation, the modification of an existing loan, in connection with a loan secured by a lien on real property and who does not undertake any other activity that would otherwise require a license pursuant to this chapter or chapter ~~[645E or]~~ 645F of NRS.

Sec. 6. NRS 645B.0127 is hereby amended to read as follows:

645B.0127 1. "Mortgage ~~[broker"~~ ~~*loan originator"]*~~ ***company"*** means a person who, directly or indirectly:

(a) Holds himself or herself out for hire to serve as an agent for any person in an attempt to obtain a loan which will be secured by a lien on real property;

(b) Holds himself or herself out for hire to serve as an agent for any person who has money to lend, if the loan is or will be secured by a lien on real property;

(c) Holds himself or herself out as being able to make loans secured by liens on real property;

(d) Holds himself or herself out as being able to buy or sell notes secured by liens on real property; or

(e) Offers for sale in this State any security which is exempt from registration under state or federal law and purports to make investments in promissory notes secured by liens on real property.

2. The term includes a wholesale lender.

~~[3. The term does not include a person who is licensed as a mortgage banker, as defined in NRS 645E.100, unless the person is also licensed as a mortgage broker pursuant to this chapter.]~~

Sec. 7. NRS 645B.0137 is hereby amended to read as follows:

645B.0137 1. In addition to any other requirements provided by this chapter, a person who wishes to receive an initial license as a mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** or mortgage ~~[~~agent~~]~~ ***loan originator*** must:

(a) Complete education on mortgage lending as required by this chapter and any regulations adopted thereto; and

(b) Successfully pass a written examination as provided for by the Division.

2. If the applicant for an initial license as a mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** is not a natural person, the applicant must designate a natural person to be the qualified employee of the applicant and meet the requirements of subsection 1.

3. The Division may hire a testing organization to create, administer and score a written examination.

4. The Commissioner shall adopt regulations to carry out the provisions of this section, including, without limitation:

(a) Regulations relating to the content of a written examination and the scoring of a written examination; and

(b) Regulations for compliance with the requirements for registration with the Registry and any other applicable federal law.

Sec. 8. NRS 645B.0138 is hereby amended to read as follows:

645B.0138 1. A course of continuing education that is required pursuant to this chapter must meet the requirements set forth by the Commissioner by regulation.

2. The Commissioner shall adopt regulations:

(a) Relating to the requirements for courses of continuing education, including, without limitation, regulations relating to the providers and instructors of such courses, records kept for such courses, approval and

revocation of approval of such courses, monitoring of such courses and disciplinary action taken regarding such courses.

(b) Allowing for the participation of representatives of the mortgage lending industry pertaining to the creation of regulations regarding such courses.

(c) Ensuring compliance with the requirements for registration with the Registry and any other applicable federal law.

3. The regulations adopted by the Commissioner pursuant to subsection 2 must not require a mortgage ~~[agent,]~~ ***loan originator*** ***or*** mortgage ~~[banker or mortgage broker~~ ~~***loan originator]***~~ ***company*** or an employee of a mortgage ~~[banker or mortgage broker~~ ~~***loan originator]***~~ ***company*** who, pursuant to subsection 1 of NRS 645F.267, is not required to register or renew with the Registry and who has not voluntarily registered or renewed with the Registry to complete any continuing education relating to residential mortgage loans.

Sec. 9. NRS 645B.0145 is hereby amended to read as follows:

645B.0145 The provisions of this chapter do not:

1. Limit any statutory or common-law right of a person to bring a civil action against a mortgage ~~[broker~~ ~~***loan originator]***~~ ***company*** or mortgage ~~[agent]~~ ***loan originator*** for any act or omission involved in the transaction of business by or on behalf of the mortgage ~~[broker~~ ~~***loan originator]***~~ ***company*** or mortgage ~~[agent;]~~ ***loan originator;***

2. Limit the right of the State to punish a person for the violation of any law, ordinance or regulation; or

3. Establish a basis for a person to bring a civil action against the State or its officers or employees for any act or omission in carrying out the provisions of this chapter, including, without limitation, any act or omission relating to the disclosure of information or the failure to disclose information pursuant to the provisions of this chapter.

Sec. 10. NRS 645B.016 is hereby amended to read as follows:

645B.016 Except as otherwise provided in subsection 2 and NRS 645B.690:

1. A person who claims an exemption from the provisions of this chapter pursuant to subsection 1 of NRS 645B.015 must:

(a) File a written application for a certificate of exemption with the Office of the Commissioner;

(b) Pay the fee required pursuant to NRS 645B.017;

(c) Include with the written application satisfactory proof that the person meets the requirements of subsection 1 of NRS 645B.015; and

(d) Provide evidence to the Commissioner that the person is duly licensed to conduct his or her business, including, if applicable, the right to transact mortgage loans, and such license is in good standing pursuant to the laws of this State, any other state or the United States.

2. The provisions of subsection 1 do not apply to the extent preempted by federal law.

3. The Commissioner may require a person who claims an exemption from the provisions of this chapter pursuant to subsections 2 to 12, inclusive, of NRS 645B.015 to:

(a) File a written application for a certificate of exemption with the Office of the Commissioner;

(b) Pay the fee required pursuant to NRS 645B.017; and

(c) Include with the written application satisfactory proof that the person meets the requirements of at least one of those exemptions.

4. A certificate of exemption expires automatically if, at any time, the person who claims the exemption no longer meets the requirements of at least one exemption set forth in the provisions of NRS 645B.015.

5. If a certificate of exemption expires automatically pursuant to this section, the person shall not provide any of the services of a mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** or mortgage ~~[~~agent~~]~~ ***loan originator*** or otherwise engage in, carry on or hold himself or herself out as engaging in or carrying on the business of a mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** or mortgage ~~[~~agent~~]~~ ***loan originator*** unless the person applies for and is issued:

(a) A license as a mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** or mortgage ~~[~~agent,~~]~~ ***loan originator,*** as applicable, pursuant to this chapter; or

(b) Another certificate of exemption.

6. The Commissioner may impose upon a person who is required to apply for a certificate of exemption or who holds a certificate of exemption an administrative fine of not more than $10,000 for each violation that the person commits, if the person:

(a) Has knowingly made or caused to be made to the Commissioner any false representation of material fact;

(b) Has suppressed or withheld from the Commissioner any information which the person possesses and which, if submitted by the person, would have rendered the person ineligible to hold a certificate of exemption; or

(c) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner that applies to a person who is required to apply for a certificate of exemption or who holds a certificate of exemption.

7. A person who is exempt from the requirements of this chapter may file a written application for a certificate of exemption with the Office of the Commissioner for the purposes of complying with the requirements of the Registry or enabling a mortgage ~~[~~agent~~]~~ ***loan originator*** to comply with the requirements of the Registry.

8. The Commissioner may require an applicant or person described in subsection 7 to submit the information or pay the fee directly to the Division or, if the applicant or person is required to register or voluntarily registers with the Registry, to the Division through the Registry.

9. An application filed pursuant to subsection 7 does not affect the applicability of this chapter to such an applicant or person.

Sec. 11. NRS 645B.020 is hereby amended to read as follows:

645B.020 1. A person who wishes to be licensed as a mortgage ~~[broker *loan originator]*~~ ***company*** must file a written application for a license with the Office of the Commissioner and pay the fee required pursuant to NRS 645B.050. The Commissioner may require the applicant or person to submit the information or pay the fee directly to the Division or, if the applicant or person is required to register or voluntarily registers with the Registry, to the Division through the Registry. An application for a license as a mortgage ~~[broker *loan originator]*~~ ***company*** must:

(a) State the name, residence address and business address of the applicant and, if the applicant is a mortgage ~~[broker *loan originator]*~~ ***company*** other than a wholesale lender, the location of each principal office and branch office at which the mortgage ~~[broker *loan originator]*~~ ***company*** will conduct business within this State.

(b) State the location of any principal office, office or other place of business located outside this State from which the mortgage ~~[broker *loan originator]*~~ ***company*** will conduct business in this State and any office or other place of business which the applicant maintains as a corporate or home office.

(c) State the name under which the applicant will conduct business as a mortgage ~~[broker. *loan originator.]*~~ ***company.***

(d) List the name, residence address and business address of each person who will:

(1) If the applicant is not a natural person, have an interest in the mortgage ~~[broker *loan originator]*~~ ***company*** as a principal, partner, officer, director or trustee, specifying the capacity and title of each such person.

(2) Be associated with or employed by the mortgage ~~[broker *loan originator]*~~ ***company*** as a mortgage ~~[agent.]~~ ***loan originator.***

(e) Include a general business plan and a description of the policies and procedures that the mortgage ~~[broker *loan originator]*~~ ***company*** and his or her mortgage ~~[agents]~~ ***loan originators*** will follow to arrange and service loans and to conduct business pursuant to this chapter.

(f) State the length of time the applicant has been engaged in the business of a mortgage ~~[broker. *loan originator.]*~~ ***company.***

(g) Include a financial statement of the applicant and, if applicable, satisfactory proof that the applicant will be able to maintain continuously the net worth required pursuant to NRS 645B.115.

(h) Include all information required to complete the application.

(i) Unless fingerprints were submitted to the Registry for the person, include a complete set of fingerprints for each natural person who is a principal, partner, officer, director or trustee of the applicant which the Division may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(j) Include any other information required pursuant to the regulations adopted by the Commissioner or an order of the Commissioner.

2. If a mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** will conduct business in this State at one or more branch offices, the mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** must apply for a license for each such branch office.

3. Except as otherwise provided by law, the Commissioner shall issue a license to an applicant as a mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** if:

(a) The application is verified by the Commissioner and complies with the requirements of this chapter; and

(b) The applicant and each general partner, officer or director of the applicant, if the applicant is a partnership, corporation or unincorporated association:

(1) Has demonstrated financial responsibility, character and general fitness so as to command the confidence of the community and warrant a determination that the applicant will operate honestly, fairly and efficiently for the purposes of this chapter. ~~*[For the purposes of this subparagraph, the factors considered in determining whether a person has demonstrated financial responsibility include, without limitation:*~~

~~*(I) Whether the person's personal credit history indicates any adverse material items, including, without limitation, liens, judgments, disciplinary action, bankruptcies, foreclosures or failures to comply with court-approved payment plans;*~~

~~*(II) The circumstances surrounding any adverse material items in the person's personal credit history; and*~~

~~*(III) Any instance of fraud, misrepresentation, dishonest business practices, the mishandling of trust funds or other types of comparable behavior.]*~~

(2) Has not been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering.

(3) Has not made a false statement of material fact on the application.

(4) Has never had a license or registration as a mortgage agent, mortgage banker, mortgage broker, ***mortgage company, mortgage loan originator*** or residential mortgage loan originator revoked in this State or any other jurisdiction or had a financial services license revoked within the immediately preceding 10 years.

(5) Has not violated any provision of this chapter, ~~[~~or chapter 645E of NRS,~~]~~ a regulation adopted pursuant thereto or an order of the Commissioner.

4. A person may apply for a license for an office or other place of business located outside this State from which the applicant will conduct business in this State if the applicant has a license issued pursuant to this chapter for an office or other place of business located in this State or if the

applicant will conduct business in this State only as a wholesale lender, and the applicant submits with the application for a license a statement signed by the applicant which states that the applicant agrees to:

(a) Make available electronically or at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this State.

➥ The applicant must be allowed to choose between paragraph (a) or (b) in complying with the provisions of this subsection.

Sec. 12. NRS 645B.021 is hereby amended to read as follows:

645B.021 1. If a mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** is not a natural person, the mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** must designate a natural person as a qualified employee to act on behalf of the mortgage ~~[~~broker.~~*loan originator.]*~~ ***company.***

2. The Division shall adopt regulations regarding a qualified employee, including, without limitation, regulations that establish:

(a) A definition for the term "qualified employee";

(b) Any duties of a qualified employee; and

(c) Any requirements regarding a qualified employee.

Sec. 13. NRS 645B.023 is hereby amended to read as follows:

645B.023 1. In addition to any other requirements set forth in this chapter:

(a) A natural person who applies for the issuance of a license as a mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** shall include the social security number of the applicant in the application submitted to the Commissioner.

(b) A natural person who applies for the issuance or renewal of a license as a mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** shall submit to the Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Commissioner shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Commissioner.

3. A license as a mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** may not be issued or renewed by the Commissioner if the applicant is a natural person who:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commissioner shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 14. NRS 645B.0243 is hereby amended to read as follows:

645B.0243 The Commissioner may refuse to issue a license to an applicant if the Commissioner has reasonable cause to believe that the applicant or any general partner, officer or director of the applicant has, after October 1, 1999, employed or proposed to employ a person as a mortgage ~~[agent]~~ ***loan originator*** or authorized or proposed to authorize a person to be associated with a mortgage ~~[broker~~ ~~***loan originator]***~~ ***company*** as a mortgage ~~[agent]~~ ***loan originator*** at a time when the applicant or the general partner, officer or director knew or, in light of all the surrounding facts and circumstances, reasonably should have known that the person has committed any act or omission that would be cause for refusing to issue a license to a mortgage ~~[agent.]~~ ***loan originator.***

Sec. 15. NRS 645B.025 is hereby amended to read as follows:

645B.025 1. A mortgage ~~[broker~~ ~~***loan originator]***~~ ***company*** shall post each license in a conspicuous place in the office to which it pertains.

2. A mortgage ~~[broker~~ ~~***loan originator]***~~ ***company*** may not transfer or assign a license to another person, unless the Commissioner gives written approval.

Sec. 15.5. **NRS 645B.042 is hereby amended to read as follows:**

645B.042 1. As a condition to doing business in this State, each mortgage broker shall deposit with the Commissioner and keep in full force and effect a corporate surety bond payable to the State of Nevada, in the amount set forth in subsection 4, which is executed by a corporate surety satisfactory to the Commissioner and which names as principals the mortgage broker and all mortgage agents employed by or associated with the mortgage broker.

2. At the time of filing an application for a license as a mortgage agent and at the time of filing an application for the renewal of a license as a mortgage agent, the applicant shall file with the Commissioner proof that the applicant is named as a principal on the corporate surety bond deposited with the Commissioner by the mortgage broker with whom the applicant is associated or employed.

3. The bond must be in ~~[substantially the following form:~~

~~Know All Persons by These Presents, that....., as principal, and....., as surety, are held and firmly bound unto the State of Nevada for the use and benefit of any person who suffers damages because of a violation of any of the provisions of chapter 645B of NRS, in the sum of....., lawful money of the United States, to be paid to the State of Nevada for such use and benefit, for which payment well and truly to be made, and that we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.~~

~~The condition of that obligation is such that: WHEREAS, the principal has been issued a license as a mortgage broker or mortgage agent by the Commissioner of Mortgage Lending and is required to furnish a bond, which is conditioned as set forth in this bond:~~

~~Now, therefore, if the principal, his or her agents and employees, strictly, honestly and faithfully comply with the provisions of chapter 645B of NRS, and pay all damages suffered by any person because of a violation of any of the provisions of chapter 645B of NRS, or by reason of any fraud, dishonesty, misrepresentation or concealment of material facts growing out of any transaction governed by the provisions of chapter 645B of NRS, then this obligation is void; otherwise it remains in full force.~~

~~This bond becomes effective on the..... (day) of..... (month) of..... (year), and remains in force until the surety is released from liability by the Commissioner of Mortgage Lending or until this bond is cancelled by the surety. The surety may cancel this bond and be relieved of further liability hereunder by giving 60 days' written notice to the principal and to the Commissioner of Mortgage Lending.~~

~~In Witness Whereof, the seal and signature of the principal hereto is affixed, and the corporate seal and the name of the surety hereto is affixed and attested by its authorized officers at....., Nevada, this..... (day) of..... (month) of..... (year).~~

~~.....(Seal)~~
~~Principal~~
~~.....(Seal)~~
~~Surety~~
~~By.....~~
~~Attorney in fact~~
~~.....~~
~~Nevada Licensed Insurance Agent~~**]**

a form prescribed by the Commissioner.

4. Each mortgage broker shall deposit a corporate surety bond that complies with the provisions of this section in the following amounts:

(a) For an annual loan production of $20,000,000 or less, $50,000.

(b) For an annual loan production of more than $20,000,000, $75,000.

5. Except as otherwise required by federal law or regulation, for the purposes of subsection 4, the Commissioner shall determine the appropriate amount of the surety bond that must be deposited initially by a mortgage broker based upon the expected annual loan production amount and shall determine the appropriate amount of the surety bond annually based upon the actual annual loan production.

Sec. 16. NRS 645B.042 is hereby amended to read as follows:

645B.042 1. As a condition to doing business in this State, each mortgage ~~[~~broker~~ loan originator]~~ ***company*** shall deposit with the Commissioner and keep in full force and effect a corporate surety bond payable to the State of Nevada, in the amount set forth in subsection 4, which is executed by a corporate surety satisfactory to the Commissioner and which names as principals the mortgage ~~[~~broker~~ loan originator]~~ ***company*** and all mortgage ~~[~~agents~~]~~ ***loan originators*** employed by or associated with the mortgage ~~[~~broker.~~ loan originator.]~~ ***company.***

2. At the time of filing an application for a license as a mortgage ~~[~~agent~~]~~ ***loan originator*** and at the time of filing an application for the renewal of a license as a mortgage ~~[~~agent,~~]~~ ***loan originator,*** the applicant shall file with the Commissioner proof that the applicant is named as a principal on the corporate surety bond deposited with the Commissioner by the mortgage ~~[~~broker~~ loan originator]~~ ***company*** with whom the applicant is associated or employed.

3. The bond must be in a form prescribed by the Commissioner.

4. Each mortgage ~~[~~broker~~ loan originator]~~ ***company*** shall deposit a corporate surety bond that complies with the provisions of this section in the following amounts:

(a) For an annual loan production of $20,000,000 or less, $50,000.

(b) For an annual loan production of more than $20,000,000, $75,000.

5. Except as otherwise required by federal law or regulation, for the purposes of subsection 4, the Commissioner shall determine the appropriate amount of the surety bond that must be deposited initially by a mortgage ~~[~~broker~~ loan originator]~~ ***company*** based upon the expected annual loan production amount and shall determine the appropriate amount of the surety bond annually based upon the actual annual loan production.

Sec. 17. NRS 645B.048 is hereby amended to read as follows:

645B.048 1. Any person claiming against a bond may bring an action in a court of competent jurisdiction on the bond for damages to the extent covered by the bond. A person who brings an action on a bond shall notify the Commissioner in writing upon filing the action. An action may not be commenced after the expiration of 3 years following the commission of the act on which the action is based.

2. Upon receiving a request from a person for whose benefit a bond is required, the Commissioner shall notify the person:

(a) That a bond is in effect and of the amount of the bond; and

(b) If there is an action against the bond, the title, court and case number of the action and the amount sought by the plaintiff.

3. If a surety wishes to make payment without awaiting action by a court, the amount of the bond must be reduced to the extent of any payment made by the surety in good faith under the bond. Any payment must be based on written claims received by the surety before any action is taken by a court.

4. The surety may bring an action for interpleader against all claimants upon the bond. If it does so, it shall publish notice of the action at least once each week for 2 weeks in every issue of a newspaper of general circulation in the county where the mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** has its principal place of business. The surety may deduct its costs of the action, including attorney's fees and publication, from its liability under the bond.

5. Claims against a bond have equal priority, and if the bond is insufficient to pay all claims in full, they must be paid on a pro rata basis. Partial payment of claims is not full payment, and any claimant may bring an action against the mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** for the unpaid balance.

Sec. 18. NRS 645B.050 is hereby amended to read as follows:

645B.050 1. A license as a mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** issued pursuant to this chapter expires each year on December 31, unless it is renewed. To renew such a license, the licensee must submit to the Commissioner on or after November 1 and on or before December 31 of each year, or on a date otherwise specified by the Commissioner by regulation:

(a) An application for renewal;

(b) The fee required to renew the license pursuant to this section;

(c) The information required pursuant to NRS 645B.051; and

(d) All information required by the Commissioner or, if applicable, required by the Registry to complete the renewal.

2. If the licensee fails to submit any item required pursuant to subsection 1 to the Commissioner on or after November 1 and on or before December 31 of any year, unless a different date is specified by the Commissioner by regulation, the license is cancelled as of December 31 of that year. The Commissioner may reinstate a cancelled license if the licensee submits to the Commissioner on or before February 28 of the following year:

(a) An application for renewal;

(b) The fee required to renew the license pursuant to this section;

(c) The information required pursuant to NRS 645B.051;

(d) Except as otherwise provided in this section, a reinstatement fee of not more than $200; and

(e) All information required to complete the reinstatement.

3. Except as otherwise provided in this section, a person must pay the following fees to apply for, to be issued or to renew a license as a mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** pursuant to this chapter:

(a) To file an original application for a license, not more than $1,500 for the principal office and not more than $400 for each branch office. The person must also pay such additional expenses incurred in the process of investigation as the Commissioner deems necessary.

(b) To be issued a license, not more than $1,000 for the principal office and not more than $100 for each branch office.

(c) To renew a license, not more than $500 for the principal office and not more than $100 for each branch office.

4. To be issued a duplicate copy of any license, a person must make a satisfactory showing of its loss and pay a fee of not more than $10.

5. Except as otherwise provided in this chapter, all fees received pursuant to this chapter are in addition to any fee required to be paid to the Registry and must be deposited in the Account for Mortgage Lending created by NRS 645F.270.

6. The Commissioner may, by regulation, adjust any fee or date set forth in this section if the Commissioner determines that such an adjustment is necessary for the Commissioner to carry out his or her duties pursuant to this chapter. The amount of any adjustment in a fee pursuant to this subsection must not exceed the amount determined to be necessary for the Commissioner to carry out his or her duties pursuant to this chapter.

7. The Commissioner may require a licensee to submit an item or pay a fee required by this section directly to the Commissioner or, if the licensee is required to register or voluntarily registers with the Registry, to the Commissioner through the Registry.

Sec. 19. NRS 645B.051 is hereby amended to read as follows:

645B.051 1. Except as otherwise provided in subsection 2, in addition to the requirements set forth in NRS 645B.050, to renew a license as a mortgage ~~[~~broker:~~ *loan originator:]~~~~]~~ ***company:***

(a) If the licensee is a natural person, the licensee must submit to the Commissioner satisfactory proof that the licensee attended at least 10 hours of certified courses of continuing education during the 12 months immediately preceding the date on which the license expires.

(b) If the licensee is not a natural person, the licensee must submit to the Commissioner satisfactory proof that each natural person who supervises the daily business of the licensee attended at least 10 hours of certified courses of continuing education during the 12 months immediately preceding the date on which the license expires.

2. In lieu of the continuing education requirements set forth in paragraph (a) or (b) of subsection 1, a licensee or any natural person who supervises the daily business of the licensee who, pursuant to subsection 1 of NRS 645F.267, is not required to register or renew with the Registry and who has not voluntarily registered or renewed with the Registry must submit to the Commissioner satisfactory proof that he or she attended at least 5 hours of certified courses of continuing education during the 12 months immediately

preceding the date on which the license expires. The hours of continuing education required by this subsection must include:

(a) At least 3 hours relating to the laws and regulations of this State; and

(b) At least 2 hours relating to ethics.

3. As used in this section, "certified course of continuing education" means a course of continuing education which relates to the mortgage industry or mortgage transactions and which meets the requirements set forth by the Commissioner by regulation pursuant to NRS 645B.0138.

Sec. 20. NRS 645B.060 is hereby amended to read as follows:

645B.060 1. Subject to the administrative control of the Director of the Department of Business and Industry, the Commissioner shall exercise general supervision and control over mortgage ~~[~~brokers ~~*loan originators;]~~ ***companies*** and mortgage ~~[~~agents~~]~~ ***loan originators*** doing business in this State.

2. In addition to the other duties imposed upon him or her by law, the Commissioner shall:

(a) Adopt regulations:

(1) Setting forth the requirements for an investor to acquire ownership of or a beneficial interest in a loan secured by a lien on real property. The regulations must include, without limitation, the minimum financial conditions that the investor must comply with before becoming an investor.

(2) Establishing reasonable limitations and guidelines on loans made by a mortgage ~~[~~broker ~~*loan originator;]~~ ***company*** to a director, officer, mortgage ~~[~~agent~~]~~ ***loan originator*** or employee of the mortgage ~~[~~broker. ~~*loan originator.]~~ ***company.***

(b) Adopt any other regulations that are necessary to carry out the provisions of this chapter, except as to loan ~~[~~brokerage~~]~~ fees.

(c) Conduct such investigations as may be necessary to determine whether any person has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner.

(d) Except as otherwise provided in subsection 4, conduct an annual examination of each mortgage ~~[~~broker ~~*loan originator]~~ ***company*** doing business in this State. The annual examination must include, without limitation, a formal exit review with the mortgage ~~[~~broker. ~~*loan originator.]~~ ***company.*** The Commissioner shall adopt regulations prescribing:

(1) Standards for determining the rating of each mortgage ~~[~~broker ~~*loan originator]~~ ***company*** based upon the results of the annual examination; and

(2) Procedures for resolving any objections made by the mortgage ~~[~~broker ~~*loan originator]~~ ***company*** to the results of the annual examination. The results of the annual examination may not be opened to public inspection pursuant to NRS 645B.090 until after a period of time set by the Commissioner to determine any objections made by the mortgage ~~[~~broker. ~~*loan originator.]~~ ***company.***

(e) Conduct such other examinations, periodic or special audits, investigations and hearings as may be necessary for the efficient

administration of the laws of this State regarding mortgage ~~[brokers~~ ~~*loan originators]*~~ ***companies*** and mortgage ~~[agents.]~~ ***loan originators.*** The Commissioner shall adopt regulations specifying the general guidelines that will be followed when a periodic or special audit of a mortgage ~~[broker~~ ~~*loan originator]*~~ ***company*** is conducted pursuant to this chapter.

(f) Classify as confidential certain records and information obtained by the Division when those matters are obtained from a governmental agency upon the express condition that they remain confidential. This paragraph does not limit examination by:

(1) The Legislative Auditor; or

(2) The Department of Taxation if necessary to carry out the provisions of chapters 363A and 363C of NRS.

(g) Conduct such examinations and investigations as are necessary to ensure that mortgage ~~[brokers~~ ~~*loan originators]*~~ ***companies*** and mortgage ~~[agents]~~ ***loan originators*** meet the requirements of this chapter for obtaining a license, both at the time of the application for a license and thereafter on a continuing basis.

3. For each special audit, investigation or examination, a mortgage ~~[broker~~ ~~*loan originator]*~~ ***company*** or mortgage ~~[agent]~~ ***loan originator*** shall pay a fee based on the rate established pursuant to NRS 645F.280.

4. The Commissioner may conduct examinations of a mortgage ~~[broker,~~ ~~*loan originator,]*~~ ***company,*** as described in paragraph (d) of subsection 2, on a biennial instead of an annual basis if the mortgage ~~[broker:~~ ~~*loan originator:]*~~ ***company:***

(a) Received a rating in the last annual examination that meets a threshold determined by the Commissioner;

(b) Has not had any adverse change in financial condition since the last annual examination, as shown by financial statements of the mortgage ~~[broker;~~ ~~*loan originator;]*~~ ***company;***

(c) Has not had any complaints received by the Division that resulted in any administrative action by the Division; and

(d) Does not maintain any trust accounts pursuant to NRS 645B.170 or 645B.175 or arrange loans funded by private investors.

Sec. 21. NRS 645B.075 is hereby amended to read as follows:

645B.075 Each mortgage ~~[broker~~ ~~*loan originator]*~~ ***company*** shall pay the assessment levied pursuant to NRS 645F.180. Each mortgage ~~[broker~~ ~~*loan originator]*~~ ***company*** and mortgage ~~[agent]~~ ***loan originator*** shall cooperate fully with the audits and examinations performed pursuant thereto.

Sec. 22. NRS 645B.080 is hereby amended to read as follows:

645B.080 1. Each mortgage ~~[broker~~ ~~*loan originator]*~~ ***company*** shall keep and maintain at all times at each location where the mortgage ~~[broker~~ ~~*loan originator]*~~ ***company*** conducts business in this state complete and suitable records of all mortgage transactions made by the mortgage ~~[broker~~ ~~*loan originator]*~~ ***company*** at that location. Each mortgage ~~[broker~~ ~~*loan originator]*~~ ***company*** shall also keep and maintain at all times at each such

location all original books, papers and data, or copies thereof, clearly reflecting the financial condition of the business of the mortgage ~~[broker. loan originator.]~~ ***company.***

2. Each mortgage ~~[broker loan originator]~~ ***company*** shall submit to the Commissioner each month a report of the mortgage ~~[broker's loan originator's]~~ ***company's*** activity for the previous month. The report must:

(a) Specify the volume of loans arranged ***and loans made*** by the mortgage ~~[broker loan originator]~~ ***company*** for the month or state that no loans were arranged ***or made*** in that month;

(b) Include any information required pursuant to NRS 645B.260 or pursuant to the regulations adopted by the Commissioner; and

(c) Be submitted to the Commissioner by the 15th day of the month following the month for which the report is made.

3. The Commissioner may adopt regulations prescribing accounting procedures for mortgage ~~[brokers loan originators]~~ ***companies*** handling trust accounts and the requirements for keeping records relating to such accounts.

4. Each mortgage ~~[broker loan originator]~~ ***company*** who is required to register or voluntarily registers with the Registry shall submit to the Registry and the Commissioner a report of condition or any other report required by the Registry in the form and at the time required by the Registry.

~~*[5. A mortgage loan originator who operates outside this State an office or other place of business which is licensed pursuant to this chapter shall:*~~

~~*(a) Make available at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or*~~

~~*(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this State.*~~

~~*The mortgage loan originator must be allowed to choose between paragraph (a) or (b) in complying with the provisions of this subsection.]*~~

Sec. 23. NRS 645B.085 is hereby amended to read as follows:

645B.085 1. Except as otherwise provided in this section, not later than 90 days after the last day of each fiscal year for a mortgage ~~[broker, loan originator,]~~ ***company,*** the mortgage ~~[broker loan originator]~~ ***company*** shall submit to the Commissioner a financial statement that:

(a) Is dated not earlier than the last day of the fiscal year; and

(b) Has been prepared from the books and records of the mortgage ~~[broker loan originator]~~ ***company*** by an independent certified public accountant who holds a license to practice in this State or in any other state that has not been revoked or suspended.

2. Unless otherwise prohibited by the Registry, the Commissioner may grant a reasonable extension for the submission of a financial statement pursuant to this section if a mortgage ~~[broker loan originator]~~ ***company***

requests such an extension before the date on which the financial statement is due.

3. If a mortgage ~~[broker ***loan originator]***~~ ***company*** maintains any accounts described in subsection 1 of NRS 645B.175, the financial statement submitted pursuant to this section must be audited. If a mortgage ~~[broker ***loan originator]***~~ ***company*** maintains any accounts described in subsection 1 or 4 of NRS 645B.175, those accounts must be audited.

4. The Commissioner shall adopt regulations prescribing the scope of an audit conducted pursuant to subsection 3.

Sec. 24. NRS 645B.090 is hereby amended to read as follows:

645B.090 1. Except as otherwise provided in this section or by specific statute, all papers, documents, reports and other written instruments filed with the Commissioner pursuant to this chapter are open to public inspection.

2. Except as otherwise provided in subsection 3, the Commissioner may withhold from public inspection or refuse to disclose to a person, for such time as the Commissioner considers necessary, any information that, in the Commissioner's judgment, would:

(a) Impede or otherwise interfere with an investigation or examination that is currently pending against a mortgage ~~[broker; ***loan originator;]***~~ ***company;***

(b) Have an undesirable effect on the welfare of the public; or

(c) Reveal personal information in violation of NRS 239B.030.

3. Except as otherwise provided in NRS 645B.092, the Commissioner shall disclose the following information concerning a mortgage ~~[broker ***loan originator]***~~ ***company*** to any person who requests it:

(a) The findings and results of any investigation which has been completed during the immediately preceding 5 years against the mortgage ~~[broker ***loan originator]***~~ ***company*** pursuant to the provisions of this chapter and which has resulted in a finding by the Commissioner that the mortgage ~~[broker ***loan originator]***~~ ***company*** committed a violation of a provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner;

(b) The nature of any disciplinary action that has been taken during the immediately preceding 5 years against the mortgage ~~[broker ***loan originator]***~~ ***company*** pursuant to the provisions of this chapter; and

(c) If the mortgage ~~[broker ***loan originator]***~~ ***company*** makes or offers for sale in this State any investments in promissory notes secured by liens on real property:

(1) Any information in the possession of the Commissioner regarding the present and past ownership and management structure of the mortgage ~~[broker; ***loan originator;]***~~ ***company;*** and

(2) The findings and results of:

(I) All examinations or investigations of the mortgage ~~[broker ***loan originator]***~~ ***company*** conducted pursuant to NRS 645B.060 during the immediately preceding 5 years, including, without limitation, annual or biennial examinations of the mortgage ~~[broker ***loan originator]***~~ ***company***

conducted pursuant to NRS 645B.060, including, without limitation, the rating for each annual or biennial examination and an explanation of the standards for determining that rating; and

(II) Any other examination or audit, investigation or hearing which has been completed during the immediately preceding 3 years against the mortgage ~~[~~broker~~ loan originator]~~ ***company*** pursuant to the provisions of this chapter.

Sec. 25. NRS 645B.093 is hereby amended to read as follows:

645B.093 1. A mortgage ~~[~~broker~~ loan originator]~~ ***company*** who is a broker-dealer or a sales representative licensed pursuant to NRS 90.310 or who is exempt from licensure pursuant to NRS 90.320:

(a) Shall not commingle money received for mortgage transactions and money received for securities transactions; and

(b) Shall ensure that all money received for mortgage transactions is accounted for separately from all money received for securities transactions.

2. A mortgage ~~[~~broker~~ loan originator]~~ ***company*** who is an investment adviser or a representative of an investment adviser licensed pursuant to NRS 90.330 or exempt from licensure pursuant to NRS 90.340:

(a) Shall not commingle money received for mortgage transactions and money received for securities transactions; and

(b) Shall ensure that all money received for mortgage transactions is accounted for separately from all money received for securities transactions.

Sec. 26. NRS 645B.095 is hereby amended to read as follows:

645B.095 1. As used in this section, "change of control" means:

(a) A transfer of voting stock which results in giving a person, directly or indirectly, the power to direct the management and policy of a mortgage ~~[~~broker;~~ loan originator;]~~ ***company;*** or

(b) A transfer of at least 25 percent of the outstanding voting stock of a mortgage ~~[~~broker.~~ loan originator.]~~ ***company.***

2. The Commissioner must be notified in writing of a transfer of 10 percent or more of the outstanding voting stock of a mortgage ~~[~~broker~~ loan originator]~~ ***company*** at least 15 days before such a transfer and must approve a transfer of voting stock of a mortgage ~~[~~broker~~ loan originator]~~ ***company*** which constitutes a change of control.

3. The person who acquires stock resulting in a change of control of the mortgage ~~[~~broker~~ loan originator]~~ ***company*** shall apply to the Commissioner for approval of the transfer. The application must contain information which shows that the requirements of this chapter and the Registry, if applicable, for obtaining a license will be satisfied after the change of control. Except as otherwise provided in subsection 4, the Commissioner shall conduct an investigation to determine whether those requirements will be satisfied. If, after the investigation, the Commissioner denies the application, the Commissioner may forbid the applicant from participating in the business of the mortgage ~~[~~broker.~~ loan originator.]~~ ***company.***

4. A mortgage ~~[broker *loan originator]*~~ ***company*** may submit a written request to the Commissioner to waive an investigation pursuant to subsection 3. The Commissioner may grant a waiver if the applicant has undergone a similar investigation by a state or federal agency in connection with the licensing of or his or her employment with a financial institution.

Sec. 27. NRS 645B.115 is hereby amended to read as follows:

645B.115 1. If a mortgage ~~[broker *loan originator]*~~ ***company*** maintains any accounts described in NRS 645B.175, the mortgage ~~[broker *loan originator]*~~ ***company*** and his or her mortgage ~~[agents]~~ ***loan originators*** shall not engage in any activity that is authorized pursuant to this chapter, unless the mortgage ~~[broker *loan originator]*~~ ***company*** maintains continuously a minimum net worth in the following amount based upon the average monthly balance of the accounts maintained by the mortgage ~~[broker *loan originator]*~~ ***company*** pursuant to NRS 645B.175:

AVERAGE MONTHLY BALANCE	MINIMUM NET WORTH REQUIRED
$100,000 or less	$25,000
More than $100,000 but not more than $250,000	50,000
More than $250,000 but not more than $500,000	100,000
More than $500,000 but not more than $1,000,000	200,000
More than $1,000,000	250,000

The Commissioner shall determine the appropriate initial minimum net worth that must be maintained by the mortgage ~~[broker *loan originator]*~~ ***company*** pursuant to this section based upon the expected average monthly balance of the accounts maintained by the mortgage ~~[broker *loan originator]*~~ ***company*** pursuant to NRS 645B.175. After determining the initial minimum net worth that must be maintained by the mortgage ~~[broker, *loan originator,]*~~ ***company,*** the Commissioner shall, on an annual basis, determine the appropriate minimum net worth that must be maintained by the mortgage ~~[broker *loan originator]*~~ ***company*** pursuant to this section based upon the average monthly balance of the accounts maintained by the mortgage ~~[broker *loan originator]*~~ ***company*** pursuant to NRS 645B.175.

2. If requested by the Commissioner, a mortgage ~~[broker *loan originator]*~~ ***company*** who is subject to the provisions of this section and his or her mortgage ~~[agents]~~ ***loan originators*** shall submit to the Commissioner or allow the Commissioner to examine any documentation or other evidence that is related to determining the net worth of the mortgage ~~[broker. *loan originator.]*~~ ***company.***

3. The Commissioner:

(a) Shall adopt regulations prescribing standards for determining the net worth of a mortgage ~~[broker; *loan originator;]*~~ ***company;*** and

(b) May adopt any other regulations that are necessary to carry out the provisions of this section.

Sec. 28. NRS 645B.165 is hereby amended to read as follows:

645B.165 1. Except as otherwise permitted by law and as otherwise provided in subsection 3, the amount of any advance fee, salary, deposit or money paid to a mortgage ~~[broker~~ ~~***loan originator]***~~ ***company*** and his or her mortgage ~~[agents]~~ ***loan originators*** or any other person to obtain a loan which will be secured by a lien on real property must be placed in escrow pending completion of the loan or a commitment for the loan.

2. The amount held in escrow pursuant to subsection 1 must be released:

(a) Upon completion of the loan or commitment for the loan, to the mortgage ~~[broker~~ ~~***loan originator]***~~ ***company*** or other person to whom the advance fee, salary, deposit or money was paid.

(b) If the loan or commitment for the loan fails, to the person who made the payment.

3. Advance payments to cover reasonably estimated costs paid to third persons are excluded from the provisions of subsections 1 and 2 if the person making them first signs a written agreement which specifies the estimated costs by item and the estimated aggregate cost, and which recites that money advanced for costs will not be refunded. If an itemized service is not performed and the estimated cost thereof is not refunded, the recipient of the advance payment is subject to the penalties provided in NRS 645B.960.

Sec. 29. NRS 645B.170 is hereby amended to read as follows:

645B.170 1. All money paid to a mortgage ~~[broker~~ ~~***loan originator]***~~ ***company*** and his or her mortgage ~~[agents]~~ ***loan originators*** for payment of taxes or insurance premiums on real property which secures any loan arranged ***or loan made*** by the mortgage ~~[broker~~ ~~***loan originator]***~~ ***company*** must be deposited in an insured depository financial institution and kept separate, distinct and apart from money belonging to the mortgage ~~[broker.~~ ~~***loan originator.]***~~ ***company.*** Such money, when deposited, is to be designated as an "impound trust account" or under some other appropriate name indicating that the accounts are not the money of the mortgage ~~[broker.~~ ~~***loan originator.]***~~ ***company.***

2. The mortgage ~~[broker~~ ~~***loan originator]***~~ ***company*** has a fiduciary duty to each debtor with respect to the money in an impound trust account.

3. The mortgage ~~[broker~~ ~~***loan originator]***~~ ***company*** shall, upon reasonable notice, account to any debtor whose real property secures a loan arranged ***or loan made*** by the mortgage ~~[broker~~ ~~***loan originator]***~~ ***company*** for any money which that person has paid to the mortgage ~~[broker~~ ~~***loan originator]***~~ ***company*** for the payment of taxes or insurance premiums on the real property.

4. The mortgage ~~[broker~~ ~~***loan originator]***~~ ***company*** shall, upon reasonable notice, account to the Commissioner for all money in an impound trust account.

5. A mortgage ~~[broker~~ ~~***loan originator]***~~ ***company*** shall:

(a) Require contributions to an impound trust account in an amount reasonably necessary to pay the obligations as they become due.

(b) Undertake an annual review of an impound trust account.

(c) Within 30 days after the completion of the annual review of an impound trust account, notify the debtor:

(1) Of the amount by which the contributions exceed the amount reasonably necessary to pay the annual obligations due from the account; and

(2) That the debtor may specify the disposition of the excess money within 20 days after receipt of the notice. If the debtor fails to specify such a disposition within that time, the mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** shall maintain the excess money in the account.

➥ This subsection does not prohibit a mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** from requiring additional amounts to be paid into an impound trust account to recover a deficiency that exists in the account.

6. A mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** shall not make payments from an impound trust account in a manner that causes a policy of insurance to be cancelled or causes property taxes or similar payments to become delinquent.

Sec. 30. NRS 645B.175 is hereby amended to read as follows:

645B.175 1. Except as otherwise provided in this section, all money received by a mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** and his or her mortgage ~~[~~agents~~]~~ ***loan originators*** from an investor to acquire ownership of or a beneficial interest in a loan secured by a lien on real property must:

(a) Be deposited in:

(1) An insured depository financial institution; or

(2) An escrow account which is controlled by a person who is independent of the parties and subject to instructions regarding the account which are approved by the parties.

(b) Be kept separate from money:

(1) Belonging to the mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** in an account appropriately named to indicate that the money does not belong to the mortgage ~~[~~broker.~~*loan originator.]*~~ ***company.***

(2) Received pursuant to subsection 4.

2. Except as otherwise provided in this section, the amount held in trust pursuant to subsection 1 must be released:

(a) Upon completion of the loan, including proper recordation of the respective interests or release, or upon completion of the transfer of the ownership or beneficial interest therein, to the debtor or the debtor's designee less the amount due the mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** for the payment of any fee or service charge;

(b) If the loan or the transfer thereof is not consummated, to each investor who furnished the money held in trust; or

(c) Pursuant to any instructions regarding the escrow account.

3. The amount held in trust pursuant to subsection 1 must not be released to the debtor or the debtor's designee unless:

(a) The amount released is equal to the total amount of money which is being loaned to the debtor for that loan, less the amount due the mortgage

~~[~~broker ~~*loan originator]*~~ ***company*** for the payment of any fee or service charge; and

(b) The mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** has provided a written instruction to a title agent or title insurer requiring that a lender's policy of title insurance or appropriate title endorsement, which names as an insured each investor who owns a beneficial interest in the loan, be issued for the real property securing the loan.

4. Except as otherwise provided in this section, all money paid to a mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** and his or her mortgage ~~[agents]~~ ***loan originators*** by a person in full or in partial payment of a loan secured by a lien on real property, must:

(a) Be deposited in:

(1) An insured depository financial institution; or

(2) An escrow account which is controlled by a person who is subject to instructions regarding the account which are approved by the parties.

(b) Be kept separate from money:

(1) Belonging to the mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** in an account appropriately named to indicate that it does not belong to the mortgage ~~[~~broker.~~*loan originator.]*~~ ***company.***

(2) Received pursuant to subsection 1.

5. Except as otherwise provided in this section, the amount held in trust pursuant to subsection 4:

(a) Must be released, upon the deduction and payment of any fee or service charge due the mortgage ~~[~~broker,~~*loan originator,]*~~ ***company,*** to each investor who owns a beneficial interest in the loan in exact proportion to the beneficial interest that the investor owns in the loan; and

(b) Must not be released, in any proportion, to an investor who owns a beneficial interest in the loan, unless the amount described in paragraph (a) is also released to every other investor who owns a beneficial interest in the loan.

6. An investor may waive, in writing, the right to receive one or more payments, or portions thereof, that are released to other investors in the manner set forth in subsection 5. A mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** or mortgage ~~[agent]~~ ***loan originator*** shall not act as the attorney-in-fact or the agent of an investor with respect to the giving of a written waiver pursuant to this subsection. Any such written waiver applies only to the payment or payments, or portions thereof, that are included in the written waiver and does not affect the right of the investor to:

(a) Receive the waived payment or payments, or portions thereof, at a later date; or

(b) Receive all other payments in full and in accordance with the provisions of subsection 5.

7. Upon reasonable notice, any mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** described in this section shall:

(a) Account to any investor or debtor who has paid to the mortgage ~~[broker ***loan originator]***~~ ***company*** or his or her mortgage ~~[agents]~~ ***loan originators*** money that is required to be deposited in a trust account pursuant to this section; and

(b) Account to the Commissioner for all money which the mortgage ~~[broker ***loan originator]***~~ ***company*** and his or her mortgage ~~[agents]~~ ***loan originators*** have received from each investor or debtor and which the mortgage ~~[broker ***loan originator]***~~ ***company*** is required to deposit in a trust account pursuant to this section.

8. Money received by a mortgage ~~[broker ***loan originator]***~~ ***company*** and his or her mortgage ~~[agents]~~ ***loan originators*** pursuant to this section from a person who is not associated with the mortgage ~~[broker ***loan originator]***~~ ***company*** may be held in trust for not more than 45 days before an escrow account must be opened in connection with the loan. If, within this 45-day period, the loan or the transfer therefor is not consummated, the money must be returned within 24 hours. If the money is so returned, it may not be reinvested with the mortgage ~~[broker ***loan originator]***~~ ***company*** for at least 15 days.

9. If a mortgage ~~[broker ***loan originator]***~~ ***company*** or a mortgage ~~[agent]~~ ***loan originator*** receives any money pursuant to this section, the mortgage ~~[broker ***loan originator]***~~ ***company*** or mortgage ~~[agent,]~~ ***loan originator,*** after the deduction and payment of any fee or service charge due the mortgage ~~[broker, ***loan originator,]***~~ ***company,*** shall not release the money to:

(a) Any person who does not have a contractual or legal right to receive the money; or

(b) Any person who has a contractual right to receive the money if the mortgage ~~[broker ***loan originator]***~~ ***company*** or mortgage ~~[agent]~~ ***loan originator*** knows or, in light of all the surrounding facts and circumstances, reasonably should know that the person's contractual right to receive the money violates any provision of this chapter or a regulation adopted pursuant to this chapter.

10. If a mortgage ~~[broker ***loan originator]***~~ ***company*** maintains any accounts described in subsection 1 or 4, the mortgage ~~[broker ***loan originator]***~~ ***company*** shall, in addition to the annual financial statement audited pursuant to NRS 645B.085, submit to the Commissioner each 6 calendar months a financial statement concerning those trust accounts.

11. The Commissioner shall adopt regulations concerning the form and content required for financial statements submitted pursuant to subsection 10.

12. Any duty, responsibility or obligation of a mortgage ~~[broker ***loan originator]***~~ ***company*** pursuant to this chapter is not delegable or transferable to an investor, and, if an investor only provides money to acquire ownership of or a beneficial interest in a loan secured by a lien on real property, no criminal or civil liability may be imposed on the investor for any act or omission of a mortgage ~~[broker. ***loan originator.]***~~ ***company.***

Sec. 31. NRS 645B.180 is hereby amended to read as follows:

645B.180 1. Money in an impound trust account is not subject to execution or attachment on any claim against the mortgage ~~[broker~~ ***~~loan originator]~~*** ***company*** or his or her mortgage ~~[agents.]~~ ***loan originators.***

2. It is unlawful for a mortgage ~~[broker~~ ***~~loan originator]~~*** ***company*** or his or her mortgage ~~[agents]~~ ***loan originators*** knowingly to keep or cause to be kept any money in a depository financial institution under the heading of "impound trust account" or any other name designating such money as belonging to the investors or debtors of the mortgage ~~[broker,~~ ***~~loan originator,]~~*** ***company,*** unless the money has been paid to the mortgage ~~[broker~~ ***~~loan originator]~~*** ***company*** or his or her mortgage ~~[agents]~~ ***loan originators*** by an investor or debtor and is being held in trust by the mortgage ~~[broker~~ ***~~loan originator]~~*** ***company*** pursuant to NRS 645B.170 or 645B.175.

Sec. 32. NRS 645B.185 is hereby amended to read as follows:

645B.185 1. A mortgage ~~[broker~~ ***~~loan originator]~~*** ***company*** or mortgage ~~[agent]~~ ***loan originator*** shall not accept money from a private investor to acquire ownership of or a beneficial interest in a loan secured by a lien on real property unless:

(a) The private investor and the mortgage ~~[broker~~ ***~~loan originator]~~*** ***company*** or mortgage ~~[agent]~~ ***loan originator*** sign and date a disclosure form that complies with the provisions of this section; and

(b) The mortgage ~~[broker~~ ***~~loan originator]~~*** ***company*** or mortgage ~~[agent]~~ ***loan originator*** gives the private investor the original disclosure form that has been signed and dated.

2. A private investor and a mortgage ~~[broker~~ ***~~loan originator]~~*** ***company*** or mortgage ~~[agent]~~ ***loan originator*** must sign and date a separate disclosure form pursuant to subsection 1 for each loan in which the private investor invests his or her money. A mortgage ~~[broker~~ ***~~loan originator]~~*** ***company*** or mortgage ~~[agent]~~ ***loan originator*** shall not act as the attorney-in-fact or the agent of a private investor with respect to the signing or dating of any disclosure form.

3. In addition to the requirements of subsections 1 and 2, a mortgage ~~[broker~~ ***~~loan originator]~~*** ***company*** or mortgage ~~[agent]~~ ***loan originator*** shall not accept money from a private investor to acquire ownership of or a beneficial interest in a loan secured by a lien on real property, unless the mortgage ~~[broker~~ ***~~loan originator]~~*** ***company*** or mortgage ~~[agent]~~ ***loan originator*** gives the private investor a written form by which the private investor may request that the mortgage ~~[broker~~ ***~~loan originator]~~*** ***company*** authorize the Commissioner to release the mortgage ~~[broker's~~ ***~~loan originator's]~~*** ***company's*** financial statement to the private investor. Such a form must be given to the private investor for each loan. If the private investor, before giving money to the mortgage ~~[broker~~ ***~~loan originator]~~*** ***company*** for the loan, requests that the mortgage ~~[broker~~ ***~~loan originator]~~*** ***company*** authorize the release of a financial statement pursuant to this

subsection, the mortgage ~~[broker ***loan originator]***~~ ***company*** and his or her mortgage ~~[agents]~~ ***loan originators*** shall not accept money from the private investor for that loan until the mortgage ~~[broker ***loan originator]***~~ ***company*** receives notice from the Commissioner that the financial statement has been released to the private investor.

4. A private investor and a mortgage ~~[broker ***loan originator]***~~ ***company*** or mortgage ~~[agent]~~ ***loan originator*** may not agree to alter or waive the provisions of this section by contract or other agreement. Any such contract or agreement is void and must not be given effect to the extent that it violates the provisions of this section.

5. A mortgage ~~[broker ***loan originator]***~~ ***company*** shall retain a copy of each disclosure form that is signed and dated pursuant to subsection 1 for the period that is prescribed in the regulations adopted by the Commissioner.

6. The standard provisions for each such disclosure form must include, without limitation, statements:

(a) Explaining the risks of investing through the mortgage ~~[broker, ***loan originator,]***~~ ***company,*** including, without limitation:

(1) The possibility that the debtor may default on the loan;

(2) The nature of the losses that may result through foreclosure;

(3) The fact that payments of principal and interest are not guaranteed and that the private investor may lose the entire amount of principal that he or she has invested;

(4) The fact that the mortgage ~~[broker ***loan originator]***~~ ***company*** is not a depository financial institution and that the investment is not insured by any depository insurance and is not otherwise insured or guaranteed by the Federal or State Government; and

(5) Any other information required pursuant to the regulations adopted by the Commissioner; and

(b) Disclosing to the private investor the following information if the information is known or, in light of all the surrounding facts and circumstances, reasonably should be known to the mortgage ~~[broker: ***loan originator:]***~~ ***company:***

(1) Whether the real property that will secure the loan is encumbered by any other liens and, if so, the priority of each such lien, the amount of debt secured by each such lien and the current status of that debt, including, without limitation, whether the debt is being paid or is in default;

(2) Whether the mortgage ~~[broker ***loan originator]***~~ ***company*** or any general partner, officer, director or mortgage ~~[agent]~~ ***loan originator*** of the mortgage ~~[broker ***loan originator]***~~ ***company*** has any direct or indirect interest in the debtor;

(3) Whether any disciplinary action has been taken by the Commissioner against the mortgage ~~[broker ***loan originator]***~~ ***company*** or any general partner, officer or director of the mortgage ~~[broker ***loan originator]***~~ ***company*** within the immediately preceding 12 months, and the nature of any such disciplinary action;

(4) Whether the mortgage ~~[broker ***loan originator]***~~ ***company*** or any general partner, officer or director of the mortgage ~~[broker ***loan originator]***~~ ***company*** has been convicted within the immediately preceding 12 months for violating any law, ordinance or regulation that involves fraud, misrepresentation or a deceitful, fraudulent or dishonest business practice; and

(5) Any other information required pursuant to the regulations adopted by the Commissioner.

7. Whether or not a mortgage ~~[broker ***loan originator]***~~ ***company*** is required to disclose any information to private investors through a disclosure form that complies with the provisions of this section, the Commissioner may order the mortgage ~~[broker ***loan originator]***~~ ***company*** to disclose to private investors and other investors or to the general public any information concerning the mortgage ~~[broker, ***loan originator,]***~~ ***company,*** any general partner, officer, director or mortgage ~~[agent]~~ ***loan originator*** of the mortgage ~~[broker ***loan originator]***~~ ***company*** or any loan in which the mortgage ~~[broker ***loan originator]***~~ ***company*** is or has been involved, if the Commissioner, in his or her judgment, believes that the information:

(a) Would be of material interest to a reasonable investor who is deciding whether to invest money with the mortgage ~~[broker; ***loan originator;]***~~ ***company;*** or

(b) Is necessary to protect the welfare of the public.

8. In carrying out the provisions of subsection 7, the Commissioner may, without limitation, order a mortgage ~~[broker ***loan originator]***~~ ***company*** to include statements of disclosure prescribed by the Commissioner:

(a) In the disclosure form that must be given to private investors pursuant to subsection 1;

(b) In additional disclosure forms that must be given to private investors and other investors before or after they have invested money through the mortgage ~~[broker; ***loan originator;]***~~ ***company;*** or

(c) In any advertisement that the mortgage ~~[broker ***loan originator]***~~ ***company*** uses in carrying on his or her business.

9. The Commissioner:

(a) Shall adopt regulations prescribing the period for which a mortgage ~~[broker ***loan originator]***~~ ***company*** must retain a copy of each disclosure form that is given to private investors; and

(b) May adopt any other regulations that are necessary to carry out the provisions of this section, including, without limitation, regulations specifying the size of print and any required formatting or typesetting that a mortgage ~~[broker ***loan originator]***~~ ***company*** must use in any form that is given to private investors.

Sec. 33. NRS 645B.186 is hereby amended to read as follows:

645B.186 1. If a licensee or a relative of the licensee is licensed as, conducts business as or holds a controlling interest or position in:

(a) A construction control;

(b) An escrow agency or escrow agent; or

(c) A title agent, a title insurer or an escrow officer of a title agent or title insurer,

➥ the licensee shall fully disclose his or her status as, connection to or relationship with the construction control, escrow agency, escrow agent, title agent, title insurer or escrow officer to each investor, and the licensee shall not require, as a condition to an investor acquiring ownership of or a beneficial interest in a loan secured by a lien on real property, that the investor transact business with or use the services of the construction control, escrow agency, escrow agent, title agent, title insurer or escrow officer or that the investor authorize the licensee to transact business with or use the services of the construction control, escrow agency, escrow agent, title agent, title insurer or escrow officer on behalf of the investor.

2. For the purposes of this section, a person shall be deemed to hold a controlling interest or position if the person:

(a) Owns or controls a majority of the voting stock or holds any other controlling interest, directly or indirectly, that gives the person the power to direct management or determine policy; or

(b) Is a partner, officer, director or trustee.

3. As used in this section, "licensee" means:

(a) A person who is licensed as a mortgage ~~[~~broker~~ *loan originator]*~~ ***company*** or mortgage ~~[~~agent~~]~~ ***loan originator*** pursuant to this chapter; and

(b) Any general partner, officer or director of such a person.

Sec. 34. NRS 645B.187 is hereby amended to read as follows:

645B.187 1. If a mortgage ~~[~~broker~~ *loan originator]*~~ ***company*** or mortgage ~~[~~agent~~]~~ ***loan originator*** solicits or receives money from an investor, the mortgage ~~[~~broker~~ *loan originator]*~~ ***company*** or mortgage ~~[~~agent~~]~~ ***loan originator*** shall not:

(a) In any advertisement; or

(b) Before, during or after solicitation or receipt of money from the investor,

➥ make, or cause or encourage to be made, any explicit or implicit statement, representation or promise, oral or written, which a reasonable person would construe as a guarantee that the investor will be repaid the principal amount of money he or she invests or will earn a specific rate of return or a specific rate of interest on the principal amount of money he or she invests.

2. If a mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** offers to pay or pays premium interest on money that the mortgage ~~[~~broker~~ *loan originator]*~~ ***company*** receives from a person to acquire ownership of or a beneficial interest in a loan secured by a lien on real property or in full or partial payment of such a loan:

(a) The premium interest must be paid from the assets or income of the mortgage ~~[~~broker;~~ *loan originator;]*~~ ***company;*** and

(b) The mortgage ~~[broker *loan originator]*~~ ***company*** or a mortgage ~~[agent]~~ ***loan originator*** shall not:

(1) In any advertisement; or

(2) Before, during or after receipt of money from such a person,

➥ make, or cause or encourage to be made, any explicit or implicit statement, representation or promise, oral or written, which a reasonable person would construe as a guarantee that the mortgage ~~[broker *loan originator]*~~ ***company*** will pay the premium interest.

3. A person who violates any provision of this section is guilty of a misdemeanor and shall be punished as provided in NRS 645B.950.

4. As used in this section, "premium interest" means that amount of interest a mortgage ~~[broker *loan originator]*~~ ***company*** pays to a person which exceeds the amount which is being obtained from the insured depository financial institution.

Sec. 35. NRS 645B.189 is hereby amended to read as follows:

645B.189 1. If, in carrying on his or her business, a mortgage ~~[broker *loan originator]*~~ ***company*** uses an advertisement that is designed, intended or reasonably likely to solicit money from private investors, the mortgage ~~[broker *loan originator]*~~ ***company*** shall include in each such advertisement a statement of disclosure in substantially the following form:

> Money invested through a mortgage ~~[broker *loan originator]*~~ ***company*** is not guaranteed to earn any interest or return and is not insured.

2. A mortgage ~~[broker *loan originator]*~~ ***company*** shall include in each advertisement that the mortgage ~~[broker *loan originator]*~~ ***company*** uses in carrying on his or her business any statements of disclosure required pursuant to the regulations adopted by the Commissioner or required pursuant to an order of the Commissioner entered in accordance with subsections 7 and 8 of NRS 645B.185.

3. Each mortgage ~~[broker *loan originator]*~~ ***company*** who has received an initial license within the past 12 months shall submit any proposed advertisement that the mortgage ~~[broker *loan originator]*~~ ***company*** intends to use in carrying on his or her business to the Commissioner for approval.

4. In addition to the requirements set forth in this chapter, each advertisement that a mortgage ~~[broker *loan originator]*~~ ***company*** uses in carrying on his or her business must comply with the requirements of:

(a) NRS 598.0903 to 598.0999, inclusive, concerning deceptive trade practices; and

(b) Any applicable federal statute or regulation concerning deceptive advertising and the advertising of interest rates.

5. If a mortgage ~~[broker *loan originator]*~~ ***company*** violates any provision of NRS 598.0903 to 598.0999, inclusive, concerning deceptive trade practices or any federal statute or regulation concerning deceptive advertising or the advertising of interest rates, in addition to any sanction or penalty imposed by state or federal law upon the mortgage ~~[broker *loan*~~

~~[originator]~~ **company** for the violation, the Commissioner may take any disciplinary action set forth in paragraph (b) of subsection 1 of NRS 645B.670 against the mortgage ~~[~~broker.~~loan originator.]~~ **company.**

6. The Commissioner may adopt any regulations that are necessary to carry out the provisions of this section.

Sec. 36. NRS 645B.196 is hereby amended to read as follows:

645B.196 1. An advertising spokesperson for a mortgage ~~[~~broker ~~loan originator]~~ **company** is jointly and severally liable with the mortgage ~~[~~broker ~~loan originator]~~ **company** for damages caused by the mortgage ~~[~~broker ~~loan originator]~~ **company** by fraud, embezzlement, misappropriation of property, a violation of the provisions of this chapter or the regulations adopted pursuant thereto, or an action of the mortgage ~~[~~broker ~~loan originator]~~ **company** that is grounds for disciplinary action, if:

(a) The advertising spokesperson knew or should have known of the fraud, embezzlement, misappropriation of property, violation of the provisions of this chapter or the regulations adopted pursuant thereto, or action of the mortgage ~~[~~broker ~~loan originator]~~ **company** that is grounds for disciplinary action; or

(b) In advertising for the mortgage ~~[~~broker, ~~loan originator,]~~ **company,** the advertising spokesperson knew or should have known that:

(1) The conduct of the advertising spokesperson was likely to deceive, defraud or harm the public or any person who engaged in business with the mortgage ~~[~~broker; ~~loan originator,]~~ **company;** or

(2) The advertising spokesperson was disseminating material information concerning the mortgage ~~[~~broker ~~loan originator]~~ **company** or the business, products or services of the mortgage ~~[~~broker ~~loan originator]~~ **company** which was false or misleading.

2. As used in this section:

(a) "Advertising for a mortgage ~~[~~broker"~~ loan originator"]~~ **company"** means advertising or otherwise promoting a mortgage ~~[~~broker ~~loan originator]~~ **company** or the business, products or services of the mortgage ~~[~~broker ~~loan originator]~~ **company** using any medium of communication.

(b) "Advertising spokesperson for a mortgage ~~[~~broker"~~ loan originator"]~~ **company"** or "advertising spokesperson" means a person who consents to and receives compensation for using his or her name or likeness in advertising for a mortgage ~~[~~broker.~~loan originator.]~~ **company.**

Sec. 37. NRS 645B.240 is hereby amended to read as follows:

645B.240 1. If a person is required to make a payment to a mortgage ~~[~~broker ~~loan originator]~~ **company** pursuant to the terms of a loan secured by a lien on real property, the mortgage ~~[~~broker ~~loan originator]~~ **company** may not charge the person a late fee, an additional amount of interest or any other penalty in connection with that payment if the payment is delivered to the mortgage ~~[~~broker ~~loan originator]~~ **company** before 5 p.m. on:

(a) The day that the payment is due pursuant to the terms of the loan, if an office of the mortgage ~~[broker~~ ***~~loan originator]~~*** ***company*** is open to customers until 5 p.m. on that day; or

(b) The next day that an office of the mortgage ~~[broker~~ ***~~loan originator]~~*** ***company*** is open to customers until 5 p.m., if the provisions of paragraph (a) do not otherwise apply.

2. A person and a mortgage ~~[broker~~ ***~~loan originator]~~*** ***company*** or mortgage ~~[agent]~~ ***loan originator*** may not agree to alter or waive the provisions of this section by contract or other agreement, and any such contract or agreement is void and must not be given effect to the extent that it violates the provisions of this section.

Sec. 38. NRS 645B.250 is hereby amended to read as follows:

645B.250 Except pursuant to a contract for the collection or servicing of a loan which is governed by the requirements established by the Government National Mortgage Association, Federal Home Loan Mortgage Corporation or Federal National Mortgage Association, a mortgage ~~[broker~~ ***~~loan originator]~~*** ***company*** or mortgage ~~[agent]~~ ***loan originator*** shall not advance payments to an investor on behalf of a person who has obtained a loan secured by a lien on real property and who has defaulted in his or her payments.

Sec. 39. NRS 645B.260 is hereby amended to read as follows:

645B.260 1. If a mortgage ~~[broker~~ ***~~loan originator]~~*** ***company*** maintains any accounts described in subsection 4 of NRS 645B.175 in which the mortgage ~~[broker~~ ***~~loan originator]~~*** ***company*** deposits payments from a debtor on a loan secured by a lien on real property and, on the last day of any month, the debtor has failed to make two or more consecutive payments in accordance with the terms of the loan, the mortgage ~~[broker~~ ***~~loan originator]~~*** ***company*** shall:

(a) Include in the report that the mortgage ~~[broker~~ ***~~loan originator]~~*** ***company*** submits to the Commissioner pursuant to subsection 2 of NRS 645B.080 the information relating to delinquencies in payments and defaults that is required by the regulations adopted pursuant to subsection 2;

(b) Not later than 15 days after the last day of each such month, mail to the last known address of each investor who owns a beneficial interest in the loan a notice containing the information relating to delinquencies in payments and defaults that is required by the regulations adopted pursuant to subsection 2; and

(c) Comply with the provisions of this section each month on a continuing basis until:

(1) The debtor or the debtor's designee remedies the delinquency in payments and any default; or

(2) The lien securing the loan is extinguished.

2. The Commissioner:

(a) Shall adopt regulations prescribing the information relating to delinquencies in payments and defaults that a mortgage ~~[broker~~ ***~~loan~~***

~~*originator]*~~ ***company*** must include in his or her report to the Commissioner and in the notice mailed to investors pursuant to subsection 1. Such regulations may provide for variations between the information that a mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** must include in his or her report to the Commissioner and the information that a mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** must include in the notice mailed to investors.

(b) May adopt any other regulations that are necessary to carry out the provisions of this section.

Sec. 40. NRS 645B.300 is hereby amended to read as follows:

645B.300 1. Except as otherwise provided in subsection 4, a mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** or mortgage ~~[agent]~~ ***loan originator*** shall not accept money from an investor to acquire ownership of or a beneficial interest in a loan secured by a lien on real property, unless the mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** has obtained a written appraisal of the real property securing the loan.

2. The written appraisal of the real property:

(a) Must be completed not more than 6 months before the mortgage ~~[~~broker's ~~*loan originator's]*~~ ***company's*** first solicitation for the loan;

(b) Must meet the standards set forth in the Uniform Standards of Professional Appraisal Practice as adopted by the Appraisal Standards Board of The Appraisal Foundation;

(c) Must be performed by an appraiser who is authorized to perform appraisals in this State or in the state where the real property securing the loan is located; and

(d) Must not be performed by the mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** or a mortgage ~~[agent,]~~ ***loan originator,*** unless the mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** or mortgage ~~[agent]~~ ***loan originator*** is certified or licensed to perform such an appraisal pursuant to chapter 645C of NRS.

3. A copy of the written appraisal of the real property must be:

(a) Maintained at each office of the mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** where money is accepted from an investor to acquire ownership of or a beneficial interest in a loan secured by a lien on the real property; and

(b) Made available during normal business hours for inspection by each such investor and the Commissioner.

4. A mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** is not required to obtain a written appraisal of the real property pursuant to this section if the mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** obtains a written waiver of the appraisal from each investor who acquires ownership of or a beneficial interest in a loan secured by a lien on the real property. A mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** or mortgage ~~[agent]~~ ***loan originator*** shall not act as the attorney-in-fact or the agent of an investor with respect to the giving of a written waiver pursuant to this subsection.

5. If the mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** obtains a written waiver of the appraisal as provided in subsection 4, the mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** shall provide to each investor before accepting

any money from the investor a separate written disclosure which contains the information analyzed, the valuation methods and techniques employed and the reasoning for any opinion regarding value provided by or on behalf of the mortgage ~~[broker.~~ ~~***loan originator.]***~~ ***company.***

6. As used in this section, "appraisal" has the meaning ascribed to it in NRS 645C.030.

Sec. 41. NRS 645B.305 is hereby amended to read as follows:

645B.305 A mortgage ~~[broker~~ ~~***loan originator]***~~ ***company*** shall ensure that each loan secured by a lien on real property for which he or she engages in activity as a mortgage ~~[broker~~ ~~***loan originator]***~~ ***company*** includes a disclosure:

1. Describing, in a specific dollar amount, all fees earned by the mortgage ~~[broker;~~ ~~***loan originator;]***~~ ***company;***

2. Explaining which party is responsible for the payment of the fees described in subsection 1; and

3. Explaining the probable impact the fees described in subsection 1 may have on the terms of the loan, including, without limitation, the interest rates.

Sec. 42. NRS 645B.307 is hereby amended to read as follows:

645B.307 A mortgage ~~[broker~~ ~~***loan originator]***~~ ***company*** shall ensure that each loan secured by a lien on real property for which he or she engages in activity as a mortgage ~~[broker~~ ~~***loan originator]***~~ ***company*** includes:

1. If the mortgage ~~[broker~~ ~~***loan originator]***~~ ***company*** is not registered with the Registry, the license number of the mortgage ~~[broker;~~ ~~***loan originator;]***~~ ***company;*** or

2. Any identifying number issued by the Registry.

Sec. 43. NRS 645B.310 is hereby amended to read as follows:

645B.310 A mortgage ~~[broker~~ ~~***loan originator]***~~ ***company*** shall not assign all or a part of his or her interest in a loan secured by a lien on real property, unless the mortgage ~~[broker:~~ ~~***loan originator:]***~~ ***company:***

1. Obtains a policy of title insurance for the real property;

2. Obtains the approval of the assignment from each investor who has acquired ownership of or a beneficial interest in the loan if, at the time of the assignment, the debtor on the loan has defaulted in making a payment required for the loan or any portion of the loan; and

3. Records the assignment in the office of the county recorder of the county in which the real property is located.

Sec. 44. NRS 645B.320 is hereby amended to read as follows:

645B.320 If money from an investor is released to a debtor or the debtor's designee pursuant to subsection 2 of NRS 645B.175 upon completion of a loan secured by a lien on real property, the mortgage ~~[broker~~ ~~***loan originator]***~~ ***company*** that arranged the loan shall, not later than 3 business days after the date on which the mortgage ~~[broker~~ ~~***loan originator]***~~ ***company*** receives a copy of the recorded deed of trust, mail to the last known address of each investor who owns a beneficial interest in the loan a copy of the recorded deed of trust.

Sec. 45. NRS 645B.330 is hereby amended to read as follows:

645B.330 1. A mortgage ~~[broker~~ ~~*loan originator]*~~ ***company*** or mortgage ~~[agent]~~ ***loan originator*** shall not engage in any act or transaction on behalf of a private investor pursuant to a power of attorney unless:

(a) The power of attorney is executed for the sole purpose of providing services for not more than one specific loan in which the private investor owns a beneficial interest; and

(b) The provisions of the power of attorney:

(1) Have been approved by the Commissioner;

(2) Expressly prohibit the mortgage ~~[broker~~ ~~*loan originator]*~~ ***company*** and his or her mortgage ~~[agents]~~ ***loan originators*** from engaging in any act or transaction that subordinates the priority of a recorded deed of trust unless, before such an act or transaction, the mortgage ~~[broker~~ ~~*loan originator]*~~ ***company*** obtains written approval for the subordination from the private investor;

(3) Expressly prohibit the mortgage ~~[broker~~ ~~*loan originator]*~~ ***company*** and his or her mortgage ~~[agents]~~ ***loan originators*** from using or releasing any money in which the private investor owns a beneficial interest with regard to the specific loan for a purpose that is not directly related to providing services for the loan unless, before any such money is used or released for another purpose, the mortgage ~~[broker~~ ~~*loan originator]*~~ ***company*** obtains written approval from the private investor to use or release the money for the other purpose; and

(4) Expressly provide that the power of attorney is effective only for the term of the specific loan unless the mortgage ~~[broker~~ ~~*loan originator]*~~ ***company*** obtains written approval from the private investor to extend the term of the power of attorney to provide services for not more than one other loan and the written approval:

(I) Identifies the loan for which the power of attorney was executed; and

(II) Identifies the loan for which the written approval is being given.

2. A mortgage ~~[broker~~ ~~*loan originator]*~~ ***company*** or mortgage ~~[agent]~~ ***loan originator*** shall not act as the attorney-in-fact or the agent of a private investor with respect to the giving of written approval pursuant to paragraph (b) of subsection 1. A private investor and a mortgage ~~[broker~~ ~~*loan originator]*~~ ***company*** or mortgage ~~[agent]~~ ***loan originator*** may not agree to alter or waive the provisions of this section by contract or other agreement. Any such contract or agreement is void and must not be given effect to the extent that it violates the provisions of this section.

3. Except as otherwise provided in subsection 4, a power of attorney which designates a mortgage ~~[broker~~ ~~*loan originator]*~~ ***company*** or mortgage ~~[agent]~~ ***loan originator*** as the attorney-in-fact or the agent of a private investor and which violates the provisions of this section is void and must not be given effect with regard to any act or transaction that occurs on or after

October 1, 1999, whether or not the power of attorney is or has been executed by the private investor before, on or after October 1, 1999.

4. The provisions of subsection 3 do not apply to a power of attorney that designates a mortgage ~~[broker ***loan originator***]~~ ***company*** or mortgage ~~[agent]~~ ***loan originator*** as the attorney-in-fact or the agent of a private investor if the power of attorney:

(a) Was executed before July 1, 2001; and

(b) Complied with the provisions of this section that were in effect on October 1, 1999.

5. The provisions of this section do not limit the right of a private investor to include provisions in a power of attorney that are more restrictive than the provisions set forth in subsection 1.

Sec. 46. NRS 645B.340 is hereby amended to read as follows:

645B.340 1. Except as otherwise provided by law or by agreement between the parties and regardless of the date the interests were created, if the beneficial interest in a loan or the ownership interest in the real property previously securing the loan belongs to more than one person, the holders of the beneficial interest in a loan whose interests represent 51 percent or more of the outstanding principal balance of the loan or the holders of 51 percent or more of the ownership interest in the real property, as indicated on a trustee's deed upon sale recorded pursuant to subsection 10 of NRS 107.080, a deed recorded pursuant to subsection 5 of NRS 40.430 or a deed in lieu of foreclosure, and any subsequent deed selling, transferring or assigning an ownership interest, may act on behalf of all the holders of the beneficial interests or ownership interests of record on matters which require the action of the holders of the beneficial interests in the loan or the ownership interests in the real property, including, without limitation:

(a) The designation of a mortgage ~~[broker ***loan originator***]~~ ***company*** or mortgage ~~[agent,]~~ ***loan originator,*** servicing agent or any other person to act on behalf of all the holders of the beneficial interests or ownership interests of record;

(b) The foreclosure of the property for which the loan was made;

(c) The subsequent sale, transfer, encumbrance or lease of real property owned by the holders resulting from a foreclosure or the receipt of a deed in lieu of a foreclosure in full satisfaction of a loan, to a bona fide purchaser or encumbrancer for value;

(d) The release of any obligation under a loan in return for an interest in equity in the real property or, if the loan was made to a person other than a natural person, an interest in equity of that entity; and

(e) The modification or restructuring of any term of the loan, deed of trust or other document relating to the loan, including, without limitation, changes to the maturity date, interest rate and the acceptance of payment of less than the full amount of the loan and any accrued interest in full satisfaction of the loan.

2. A person designated to act pursuant to subsection 1 on behalf of the holders of the beneficial interest in a loan or the ownership interest in real property shall, not later than 30 days before the date on which the holders will determine whether or not to act pursuant to subsection 1, send a written notice of the action to each holder of a beneficial interest or ownership interest at the holder's last known address, by a delivery service that provides proof of delivery or evidence that the notice was sent. The written notice must state:

(a) The actions that will be taken on behalf of the holders who consent to an action pursuant to this section, if the holders of the beneficial interest in a loan whose interests represent 51 percent or more of the outstanding principal balance of the loan or the holders of 51 percent or more of the ownership interest in the real property act pursuant to subsection 1;

(b) The actions that will be taken on behalf of the holders who do not consent to an action pursuant to this section, if the holders of the beneficial interest in a loan whose interests represent 51 percent or more of the outstanding principal balance of the loan or the holders of 51 percent or more of the ownership interest in the real property act pursuant to subsection 1; and

(c) The amount of the costs or, if an amount is unknown, an estimate of the amount of the costs that will be allocated to, or due from, the holder and deducted from any proceeds owed to the holder.

3. If real property is sold, transferred, encumbered or leased pursuant to paragraph (c) of subsection 1, any beneficial interest in the loan or ownership interest in the real property of a holder who does not consent to the sale, transfer, encumbrance or lease, including, without limitation, any interest of a tenant in common who does not consent to the sale, transfer, encumbrance or lease, must be sold, transferred, encumbered or leased by a reference to this section and by the signatures on the necessary documents of the holders consenting to the sale, transfer, encumbrance or lease of the real property. The holders consenting to the sale, transfer, encumbrance or lease of the real property shall designate a representative to sign any necessary documents on behalf of the holders who do not consent to the sale, transfer, encumbrance or lease and, if the representative maintains written evidence of the consent of the number of holders described in subsection 1, the representative is not liable for any action taken pursuant to this subsection.

4. Any action which is taken pursuant to subsection 1 must be in writing.

5. The provisions of this section do not apply to a transaction involving two investors with equal interests.

Sec. 47. NRS 645B.350 is hereby amended to read as follows:

645B.350 A mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** shall not accept money from an investor to acquire ownership of or a beneficial interest in a loan which has more than one investor at the time of origination unless the mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** provides to each investor a form which allows the investor to choose one of the following options:

1. That, upon receipt of a written request submitted by another investor who owns or has a beneficial interest in the loan, the mortgage ~~[broker ***loan originator]***~~ ***company*** may provide to that other investor the name, address, telephone number and electronic mail address of the investor;

2. That, upon receipt of a written request submitted by another investor who owns or has a beneficial interest in the loan, the mortgage ~~[broker ***loan originator]***~~ ***company*** may provide to that other investor the name, address, telephone number and electronic mail address of the investor only if the loan is in default; or

3. That the address, telephone number and electronic mail address of the investor must remain confidential and that the mortgage ~~[broker ***loan originator]***~~ ***company*** may not provide that information to any other investor unless the investor provides the mortgage ~~[broker ***loan originator]***~~ ***company*** with subsequent written permission to provide such information to other investors.

Sec. 48. NRS 645B.351 is hereby amended to read as follows:

645B.351 1. A mortgage ~~[broker ***loan originator]***~~ ***company*** who makes or arranges a loan shall not include in any loan document a provision which requires a private investor to participate in binding arbitration of disputes relating to the loan.

2. The provisions of this section may not be varied by agreement, and the rights conferred by this section may not be waived. Any provision included in a loan document agreement that conflicts with this section is void.

Sec. 49. NRS 645B.352 is hereby amended to read as follows:

645B.352 1. Before servicing a loan in which a private investor has acquired a beneficial interest, a mortgage ~~[broker ***loan originator]***~~ ***company*** must enter into a written servicing agreement with each investor which describes specifically the services which the mortgage ~~[broker ***loan originator]***~~ ***company*** will provide and the compensation the mortgage ~~[broker ***loan originator]***~~ ***company*** will receive for those services. The compensation of the mortgage ~~[broker ***loan originator]***~~ ***company*** must include an amount reasonably necessary to pay the cost of servicing the loan.

2. A mortgage ~~[broker ***loan originator]***~~ ***company*** shall include in each servicing agreement provisions which:

(a) Require the mortgage ~~[broker ***loan originator]***~~ ***company*** to:

(1) Deposit in a trust account all money paid to the mortgage ~~[broker ***loan originator]***~~ ***company*** in full or partial payment of a loan, unless a provision of law authorizes the mortgage ~~[broker ***loan originator]***~~ ***company*** to deposit such money in a different manner;

(2) Release to the investors, pursuant to paragraph (a) of subsection 5 of NRS 645B.175, within 15 days after receipt of all money paid to the mortgage ~~[broker ***loan originator]***~~ ***company*** in full or partial payment of a loan;

(3) Record a request for special notice and notice of default for any encumbrance on the real property which has priority over the lien securing the loan or any other real property securing the loan;

(4) Provide to each investor prompt written notice of:

(I) Any lis pendens, mechanic's lien or other lien recorded against the real property securing the loan after the origination of the loan if the mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** has become aware that such an instrument has been recorded; and

(II) Any delinquent taxes or insurance premiums;

(5) Upon receiving a written request from an investor for a tally of any vote of the investors, provide to the investor a statement of the number of investors voting in favor of an action and the number of investors voting against the action and the percentage of beneficial interest represented by each such vote; and

(6) Respond within a reasonable time under the circumstances to the request of the borrower or investor to correct any errors relating to the loan.

(b) Prohibit the mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** from:

(1) Commingling with the assets of the mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** any money paid to the mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** in full or partial payment of a loan, unless a provision of law authorizes such commingling;

(2) Using money paid to the mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** in full or partial payment of a loan for any transaction other than the servicing transaction for which the money was paid, unless a provision of law authorizes such use; or

(3) Requiring an investor to participate in binding arbitration of disputes relating to the loan.

(c) Allow the majority of investors or the mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** to transfer the servicing agreement to another entity authorized to service loans or terminate the servicing agreement for any reason, upon providing written notice at least 30 days before the effective date of the transfer or termination.

Sec. 50. NRS 645B.353 is hereby amended to read as follows:

645B.353 Except as otherwise permitted by law, a mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** shall not release a borrower or guarantor from personal liability for a loan unless a majority of the investors approve such a release.

Sec. 51. NRS 645B.354 is hereby amended to read as follows:

645B.354 1. If an investor owes money to the mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** who is servicing a loan or to other investors, the mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** shall not withhold money due the investor in order to offset the money owed to the mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** or to another investor, unless:

(a) The mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** obtains the written consent of the investor who owes the money; or

(b) A court order requires the mortgage ~~[broker ***loan originator]***~~ ***company*** to withhold the money.

2. A mortgage ~~[broker ***loan originator]***~~ ***company*** may include in a loan servicing agreement a provision which provides written consent to withhold money due an investor in order to offset money owed by the investor to the mortgage ~~[broker ***loan originator]***~~ ***company*** or other investors.

Sec. 52. NRS 645B.355 is hereby amended to read as follows:

645B.355 A mortgage ~~[broker ***loan originator]***~~ ***company*** shall not act as a construction control with respect to money belonging to a borrower or investor. If a borrower or investor wishes to utilize a construction control for money belonging to the borrower or investor, a mortgage ~~[broker ***loan originator]***~~ ***company*** must place the money with a person who is independent of the mortgage ~~[broker ***loan originator]***~~ ***company*** and is licensed or authorized to accept such money. The money must be subject to the control of a construction control which is in compliance with, or exempt from, the provisions of NRS 627.180 or 627.183.

Sec. 53. NRS 645B.356 is hereby amended to read as follows:

645B.356 1. A mortgage ~~[broker ***loan originator]***~~ ***company*** shall not place or arrange to place a private investor into a limited-liability company, business trust or other entity before or after foreclosure of the real property securing the loan, or receipt of a deed in lieu of foreclosure in full satisfaction of a loan secured by the real property, unless the mortgage ~~[broker: ***loan originator:]***~~ ***company:***

(a) Provides a copy of the organizational documents of the limited-liability company, business trust or other entity to each investor not later than 5 days before the transfer of the interest in the loan or the interest in the real property;

(b) Obtains the written authorization of a sufficient number of the investors to act on behalf of all the investors pursuant to NRS 645B.340; and

(c) Obtains the written authorization of each investor consenting to the transfer of his or her interest in the loan or in the real property to the limited-liability company, business trust or other entity.

2. If a private investor is placed into a limited-liability company, business trust or other entity pursuant to subsection 1, any beneficial interest in a loan or ownership interest in real property of the private investor who does not consent to the placement, including, without limitation, any interest of a tenant in common who does not consent to the placement, must be placed in the limited-liability company, business trust or other entity by a reference to this section and by the signatures on the necessary documents of the investors consenting to the placement. The investors who consent to an action pursuant to subsection 1 shall designate a representative to sign any necessary documents on behalf of the investors who do not consent to the action, and if the representative maintains written evidence of the consent of the number of investors described in paragraph (b) of subsection 1, the representative is not liable for any action taken pursuant to this subsection.

3. The documents provided to each investor pursuant to paragraph (a) of subsection 1 must clearly and concisely state any fees which will be paid to the mortgage ~~[~~broker~~ *loan originator]*~~ ***company*** by the limited-liability company, business trust or other entity, and the sections of the documents that state fees must be initialed by the investor and any representative designated pursuant to subsection 2.

4. A mortgage ~~[~~broker~~ *loan originator]*~~ ***company*** or mortgage ~~[~~agent~~]~~ ***loan originator*** shall not act as the attorney-in-fact or the agent of a private investor for the signing or dating of the written authorization.

5. Any term of a contract or other agreement that attempts to alter or waive the requirements of this section is void.

Sec. 54. NRS 645B.357 is hereby amended to read as follows:

645B.357 1. A mortgage ~~[~~broker~~ *loan originator]*~~ ***company*** shall not assess or collect any fee which is not:

(a) Authorized by the loan documents or loan servicing agreement; and

(b) Assessed or collected in exchange for bona fide services rendered or costs incurred.

2. A mortgage ~~[~~broker~~ *loan originator]*~~ ***company*** shall apply all fees collected in the manner set forth in the loan documents or loan servicing agreement.

Sec. 55. NRS 645B.400 is hereby amended to read as follows:

645B.400 A person shall not act as or provide any of the services of a mortgage ~~[~~agent or~~]~~ ***loan originator,*** otherwise engage in, carry on or hold himself or herself out as engaging in or carrying on the activities of a mortgage ~~[~~agent~~]~~ ***loan originator or supervise a mortgage loan originator*** unless the person:

1. Has a license as a mortgage ~~[~~agent~~]~~ ***loan originator*** issued pursuant to NRS 645B.410 ~~[~~.~~]~~

~~2. Is:~~

~~(a) If the person is not a loan processor who is an independent contractor, an employee of a mortgage broker or mortgage banker;~~ ***loan originator;*** ~~or~~

~~(b) An~~ ***to 645B.460, inclusive. or is an*** employee of or associated with a person who holds a certificate of exemption pursuant to NRS 645B.016.

~~[3.]~~ ***2.*** If the person is required to register with the Registry:

(a) Is an employee of and whose sponsorship has been entered with the Registry by a mortgage ~~[~~broker, mortgage banker~~ *loan originator]*~~ ***company*** or person who holds a certificate of exemption pursuant to NRS 645B.016 as required by subsection 2 of NRS 645B.450; and

(b) Is registered with and provides any identifying number issued by the Registry.

Sec. 56. NRS 645B.405 is hereby amended to read as follows:

645B.405 A mortgage ~~[~~broker~~ *loan originator]*~~ ***company*** or qualified employee who wishes to engage in activities as a residential mortgage loan originator or to supervise a mortgage ~~[~~agent~~]~~ ***loan originator*** who engages in activities as a residential mortgage loan originator must obtain and maintain a

license as a mortgage ~~[agent]~~ ***loan originator*** pursuant to the provisions of NRS 645B.400 to 645B.460, inclusive.

Sec. 57. NRS 645B.410 is hereby amended to read as follows:

645B.410 1. To obtain a license as a mortgage ~~[agent,]~~ ***loan originator,*** a person must:

(a) Be a natural person;

(b) File a written application for a license as a mortgage ~~[agent]~~ ***loan originator*** with the Office of the Commissioner;

(c) Comply with the applicable requirements of this chapter;

(d) Pay an application fee set by the Commissioner of not more than $185; and

(e) Be:

(1) Employed by, or have received an offer of employment from, a mortgage ~~[broker;~~

~~(2) Employed by, or have received an offer of employment from, a mortgage banker;~~

~~(3) *loan originator;]*~~ ***company;***

(2) Associated with or employed by, or have received an offer of a contract with or an offer of employment from, a person who holds a certificate of exemption pursuant to NRS 645B.016; or

~~[(4)]~~ ***(3)*** A loan processor who is not an employee and who is associated with, or has received an offer of a contract with, a mortgage ~~[broker, mortgage banker *loan originator]*~~ ***company*** or person who holds a certificate of exemption pursuant to NRS 645B.016.

2. An application for a license as a mortgage ~~[agent]~~ ***loan originator*** must:

(a) State the name and residence address of the applicant;

(b) Include a provision by which the applicant gives written consent to the Division and, if applicable, the Registry for an investigation of his or her credit history, criminal history and background;

(c) Unless fingerprints were submitted to the Registry, include a complete set of fingerprints which the Division may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(d) Include a verified statement from the mortgage ~~[broker, mortgage banker *loan originator]*~~ ***company*** or person who holds a certificate of exemption pursuant to NRS 645B.016 with whom the applicant will be associated or employed that expresses the intent of that mortgage ~~[broker, mortgage banker *loan originator]*~~ ***company*** or exempt person to employ or associate the applicant with the mortgage ~~[broker, mortgage banker *loan originator]*~~ ***company*** or exempt person and to be responsible for the activities of the applicant as a mortgage ~~[agent;]~~ ***loan originator;*** and

(e) Include any other information or supporting materials required pursuant to the regulations adopted by the Commissioner, by an order of the Commissioner or, if applicable, by the Registry. Such information or

supporting materials may include, without limitation, other forms of identification of the person.

3. Except as otherwise provided by law, the Commissioner shall issue a license as a mortgage ~~[agent]~~ ***loan originator*** to an applicant if:

(a) The application is verified by the Commissioner and complies with the applicable requirements of this chapter, other applicable law and, if applicable, the Registry; and

(b) The applicant:

(1) Has not been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, money laundering or moral turpitude;

(2) Has never had a license or registration as a mortgage agent, mortgage banker, mortgage broker, ***mortgage company, mortgage loan originator*** or residential mortgage loan originator revoked in this State or any other jurisdiction, or had a financial services license revoked within the immediately preceding 10 years;

(3) Has not made a false statement of material fact on his or her application;

(4) Has not violated any provision of this chapter, ~~[or chapter 645E of NRS,]~~ a regulation adopted pursuant thereto or an order of the Commissioner; and

(5) Has demonstrated financial responsibility, character and general fitness so as to command the confidence of the community and warrant a determination that the applicant will operate honestly, fairly and efficiently for the purposes of this chapter.

4. Money received by the Commissioner pursuant to this section is in addition to any fee required to be paid to the Registry and must be deposited in the Account for Mortgage Lending created by NRS 645F.270.

5. The Commissioner may require the submission of an item or the payment of a fee required by this section directly to the Commissioner or, if the person submitting the item or fee is required to register or voluntarily registers with the Registry, to the Commissioner through the Registry.

Sec. 57.5. **NRS 645B.420 is hereby amended to read as follows:**

645B.420 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license as a mortgage ~~[agent]~~ ***loan originator*** pursuant to this chapter shall include the social security number of the applicant in the application submitted to the Commissioner.

(b) An applicant for the issuance or renewal of a license as a mortgage ~~[agent]~~ ***loan originator*** pursuant to this chapter shall submit to the Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services

pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Commissioner shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of a license as a mortgage ~~[agent;]~~ ***loan originator;*** or

(b) A separate form prescribed by the Commissioner.

3. The license as a mortgage ~~[agent]~~ ***loan originator*** may not be issued or renewed by the Commissioner if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commissioner shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 58. NRS 645B.430 is hereby amended to read as follows:

645B.430 1. A license as a mortgage ~~[agent]~~ ***loan originator*** issued pursuant to NRS 645B.410 expires each year on December 31, unless it is renewed. To renew a license as a mortgage ~~[agent,]~~ ***loan originator,*** the holder of the license must continue to meet the requirements of subsection 3 of NRS 645B.410 and must submit to the Commissioner on or after November 1 and on or before December 31 of each year, or on a date otherwise specified by the Commissioner by regulation:

(a) An application for renewal;

(b) Except as otherwise provided in this section, satisfactory proof that the holder of the license as a mortgage ~~[agent]~~ ***loan originator*** attended at least 10 hours of certified courses of continuing education during the 12 months immediately preceding the date on which the license expires; and

(c) A renewal fee set by the Commissioner of not more than $170.

2. In lieu of the continuing education requirement set forth in paragraph (b) of subsection 1, the holder of a license as a mortgage ~~[agent]~~ ***loan originator*** who, pursuant to subsection 1 of NRS 645F.267, is not required to register or renew with the Registry and who has not voluntarily registered or renewed with the Registry must submit to the Commissioner satisfactory proof that he or she attended at least 5 hours of certified courses of continuing education during the 12 months immediately preceding the date

on which the license expires. The hours of continuing education required by this subsection must include:

(a) At least 3 hours relating to the laws and regulations of this State; and

(b) At least 2 hours relating to ethics.

3. If the holder of the license as a mortgage ~~[agent]~~ ***loan originator*** fails to submit any item required pursuant to subsection 1 or 2 to the Commissioner on or after November 1 and on or before December 31 of any year, unless a different date is specified by the Commissioner by regulation, the license is cancelled as of December 31 of that year. The Commissioner may reinstate a cancelled license if the holder of the license submits to the Commissioner on or before February 28 of the following year:

(a) An application for renewal;

(b) The fee required to renew the license pursuant to this section; and

(c) A reinstatement fee of $75.

4. To change the mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** with whom the mortgage ~~[agent]~~ ***loan originator*** is associated, a person must pay a fee in an amount prescribed by regulation of the Commissioner, not to exceed $50.

5. Money received by the Commissioner pursuant to this section is in addition to any fee that must be paid to the Registry and must be deposited in the Account for Mortgage Lending created by NRS 645F.270.

6. The Commissioner may require a licensee to submit an item or pay a fee required by this section directly to the Division or, if the licensee is required to register or voluntarily registers with the Registry, to the Division through the Registry.

7. Nothing in this section shall be construed as preventing the Commissioner from renewing the license of a mortgage ~~[agent]~~ ***loan originator*** who does not satisfy the criteria set forth in paragraph (e) of subsection 1 of NRS 645B.410 at the time of the application for renewal.

8. As used in this section, "certified course of continuing education" has the meaning ascribed to it in NRS 645B.051.

Sec. 59. NRS 645B.450 is hereby amended to read as follows:

645B.450 1. A person licensed as a mortgage ~~[agent]~~ ***loan originator*** pursuant to the provisions of NRS 645B.410 may not be associated with or employed by more than one licensed or registered mortgage ~~[broker or mortgage banker~~ ~~*loan originator]*~~ ***company*** or person who holds a certificate of exemption pursuant to NRS 645B.016 at the same time.

2. A mortgage ~~[broker, mortgage banker~~ ~~*loan originator]*~~ ***company*** or person who holds a certificate of exemption pursuant to NRS 645B.016 shall not associate with or employ a person as a mortgage ~~[agent]~~ ***loan originator*** or authorize a person to be associated with the mortgage ~~[broker, mortgage banker~~ ~~*loan originator]*~~ ***company*** or exempt person who holds a certificate of exemption pursuant to NRS 645B.016 as a mortgage ~~[agent]~~ ***loan originator*** if the mortgage ~~[agent]~~ ***loan originator*** is not licensed with the Division pursuant to NRS 645B.410. Before allowing a mortgage ~~[agent]~~

loan originator to act on its behalf, a mortgage ~~[broker, mortgage banker ***loan originator]***~~ ***company*** or person who holds a certificate of exemption pursuant to NRS 645B.016, must:

(a) Enter its sponsorship of the mortgage ~~[agent]~~ ***loan originator*** with the Registry; or

(b) If the mortgage ~~[agent]~~ ***loan originator*** is not required to be registered with the Registry, notify the Division of its sponsorship of the mortgage ~~[agent.]~~ ***loan originator.***

3. If a mortgage ~~[agent]~~ ***loan originator*** terminates his or her association or employment with a mortgage ~~[broker, mortgage banker ***loan originator]***~~ ***company*** or exempt person who holds a certificate of exemption pursuant to NRS 645B.016 for any reason, the mortgage ~~[broker, mortgage banker ***loan originator]***~~ ***company*** or person who holds a certificate of exemption pursuant to NRS 645B.016 shall, not later than the third business day following the date of termination:

(a) Remove its sponsorship of the mortgage ~~[agent]~~ ***loan originator*** from the Registry; or

(b) If the mortgage ~~[agent]~~ ***loan originator*** is not required to be registered with the Registry, deliver to the Division and to the mortgage ~~[agent]~~ ***loan originator*** at the last known residence address of the mortgage ~~[agent]~~ ***loan originator*** a written statement which includes the name, address and license number of the mortgage ~~[agent]~~ ***loan originator*** and a statement of the circumstances of the termination.

Sec. 60. NRS 645B.460 is hereby amended to read as follows:

645B.460 1. A mortgage ~~[broker ***loan originator]***~~ ***company*** shall exercise reasonable supervision and control over the activities of his or her mortgage ~~[agents]~~ ***loan originators*** and must also be licensed as a mortgage ~~[agent]~~ ***loan originator*** if required pursuant to NRS 645B.405. Such reasonable supervision and control must include, as appropriate:

(a) The establishment of written policies and procedures for the mortgage ~~[agents;]~~ ***loan originators;***

(b) The establishment of a system to review, oversee and inspect the activities of the mortgage ~~[agents,]~~ ***loan originators,*** including, without limitation:

(1) Transactions handled by the mortgage ~~[agents]~~ ***loan originators*** pursuant to this chapter;

(2) Communications between the mortgage ~~[agents]~~ ***loan originators*** and a party to such a transaction;

(3) Documents prepared by the mortgage ~~[agents]~~ ***loan originators*** that may have a material effect upon the rights or obligations of a party to such a transaction; and

(4) The handling by the mortgage ~~[agents]~~ ***loan originators*** of any fee, deposit or money paid to the mortgage ~~[broker ***loan originator]***~~ ***company*** or the mortgage ~~[agents]~~ ***loan originators*** or held in trust by the mortgage

~~[~~broker ~~*loan originator]*~~ ***company*** or the mortgage ~~[agents]~~ ***loan originators*** pursuant to this chapter; and

(c) The establishment of a system of reporting to the Division of any fraudulent activity engaged in by any of the mortgage ~~[agents.]~~ ***loan originators.***

2. The Commissioner shall allow a mortgage ~~[broker *loan originator]*~~ ***company*** to take into consideration the total number of mortgage ~~[agents]~~ ***loan originators*** associated with or employed by the mortgage ~~[broker *loan originator]*~~ ***company*** when the mortgage ~~[broker *loan originator]*~~ ***company*** determines the form and extent of the policies and procedures for those mortgage ~~[agents]~~ ***loan originators*** and the system to review, oversee and inspect the activities of those mortgage ~~[agents.]~~ ***loan originators.***

3. The Commissioner may adopt regulations prescribing standards for determining whether a mortgage ~~[broker *loan originator]*~~ ***company*** has exercised reasonable supervision and control over the activities of a mortgage ~~[agent]~~ ***loan originator*** pursuant to this section.

Sec. 61. NRS 645B.490 is hereby amended to read as follows:

645B.490 Except as otherwise required by the Registry for persons who are required to register or voluntarily register with the Registry:

1. Any mortgage ~~[broker *loan originator]*~~ ***company*** or mortgage ~~[agent]~~ ***loan originator*** licensed under the provisions of this chapter who is called into the military service of the United States shall, at his or her request, be relieved from compliance with the provisions of this chapter and placed on inactive status for the period of such military service and for a period of 6 months after discharge therefrom.

2. At any time within 6 months after termination of such service, if the mortgage ~~[broker *loan originator]*~~ ***company*** or mortgage ~~[agent]~~ ***loan originator*** complies with the provisions of subsection 1, the mortgage ~~[broker *loan originator]*~~ ***company*** or mortgage ~~[agent]~~ ***loan originator*** may be reinstated, without having to meet any qualification or requirement other than the payment of the reinstatement fee, as provided in NRS 645B.050 or 645B.430, and the mortgage ~~[broker *loan originator]*~~ ***company*** or mortgage ~~[agent]~~ ***loan originator*** is not required to make payment of the renewal fee for the current year.

3. Any mortgage ~~[broker *loan originator]*~~ ***company*** or mortgage ~~[agent]~~ ***loan originator*** seeking to qualify for reinstatement, as provided in subsections 1 and 2, must present a certified copy of his or her honorable discharge or certificate of satisfactory service to the Commissioner.

Sec. 62. NRS 645B.620 is hereby amended to read as follows:

645B.620 1. Whether or not a complaint has been filed, the Commissioner ~~[shall]~~ ***may*** investigate a mortgage ~~[broker, *loan originator,]*~~ ***company,*** mortgage ~~[agent]~~ ***loan originator*** or other person if, for any reason, it appears that:

(a) The mortgage ~~[broker *loan originator]*~~ ***company*** or mortgage ~~[agent]~~ ***loan originator*** is conducting business in an unsafe and injurious manner or

in violation of any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner;

(b) The person is offering or providing any of the services of a mortgage ~~[broker *loan originator]*~~ ***company*** or mortgage ~~[agent]~~ ***loan originator*** or otherwise engaging in, carrying on or holding himself or herself out as engaging in or carrying on the business of a mortgage ~~[broker *loan originator]*~~ ***company*** or mortgage ~~[agent]~~ ***loan originator*** without being appropriately licensed or exempt from licensing pursuant to the provisions of this chapter; or

(c) The person is violating any other provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner.

2. If, upon investigation, the Commissioner has reasonable cause to believe that the mortgage ~~[broker, *loan originator,]*~~ ***company,*** mortgage ~~[agent]~~ ***loan originator*** or other person has engaged in any conduct or committed any violation described in subsection 1:

(a) The Commissioner shall notify the Attorney General of the conduct or violation and, if applicable, the Commissioner shall immediately take possession of the property of the mortgage ~~[broker *loan originator]*~~ ***company*** pursuant to NRS 645B.630; and

(b) The Attorney General shall, if appropriate:

(1) Investigate and prosecute the mortgage ~~[broker, *loan originator,]*~~ ***company,*** mortgage ~~[agent]~~ ***loan originator*** or other person pursuant to NRS 645B.800; and

(2) Bring a civil action to:

(I) Enjoin the mortgage ~~[broker, *loan originator,]*~~ ***company,*** mortgage ~~[agent]~~ ***loan originator*** or other person from engaging in the conduct, operating the business or committing the violation; and

(II) Enjoin any other person who has encouraged, facilitated, aided or participated in the conduct, the operation of the business or the commission of the violation, or who is likely to engage in such acts, from engaging in or continuing to engage in such acts.

3. If the Attorney General brings a civil action pursuant to subsection 2, the district court of any county of this State is hereby vested with the jurisdiction in equity to enjoin the conduct, the operation of the business or the commission of the violation and may grant any injunctions that are necessary to prevent and restrain the conduct, the operation of the business or the commission of the violation. During the pendency of the proceedings before the district court:

(a) The court may issue any temporary restraining orders as may appear to be just and proper;

(b) The findings of the Commissioner shall be deemed to be prima facie evidence and sufficient grounds, in the discretion of the court, for the ex parte issuance of a temporary restraining order; and

(c) The Attorney General may apply for and on due showing is entitled to have issued the court's subpoena requiring forthwith the appearance of any person to:

(1) Produce any documents, books and records as may appear necessary for the hearing of the petition; and

(2) Testify and give evidence concerning the conduct complained of in the petition.

Sec. 63. NRS 645B.630 is hereby amended to read as follows:

645B.630 1. In addition to any other action that is required or permitted pursuant to this chapter, if the Commissioner has reasonable cause to believe that:

(a) The assets or capital of a mortgage ~~[~~broker~~ *loan originator]*~~ ***company*** are impaired; or

(b) A mortgage ~~[~~broker~~ *loan originator]*~~ ***company*** is conducting business in an unsafe and injurious manner that may result in danger to the public,

➥ the Commissioner ~~[~~shall~~]~~ ***may*** immediately take possession of all the property, business and assets of the mortgage ~~[~~broker~~ *loan originator]*~~ ***company*** that are located in this State and shall retain possession of them pending further proceedings provided for in this chapter.

2. If the licensee, the board of directors or any officer or person in charge of the offices of the mortgage ~~[~~broker~~ *loan originator]*~~ ***company*** refuses to permit the Commissioner to take possession of the property of the mortgage ~~[~~broker~~ *loan originator]*~~ ***company*** pursuant to subsection 1:

(a) The Commissioner shall notify the Attorney General; and

(b) The Attorney General shall immediately bring such proceedings as may be necessary to place the Commissioner in immediate possession of the property of the mortgage ~~[~~broker.~~ *loan originator.]*~~ ***company.***

3. If the Commissioner takes possession of the property of the mortgage ~~[~~broker,~~ *loan originator,]*~~ ***company,*** the Commissioner shall:

(a) Make or have made an inventory of the assets and known liabilities of the mortgage ~~[~~broker;~~ *loan originator;]*~~ ***company;***

(b) File one copy of the inventory in the office of the Commissioner and one copy in the office of the clerk of the district court of the county in which the principal office of the mortgage ~~[~~broker~~ *loan originator]*~~ ***company*** is located and shall mail one copy to each stockholder, partner, officer, director or associate of the mortgage ~~[~~broker~~ *loan originator]*~~ ***company*** at his or her last known address; and

(c) If the mortgage ~~[~~broker~~ *loan originator]*~~ ***company*** maintains any accounts described in NRS 645B.175, not later than 5 business days after the date on which the Commissioner takes possession of the property of the mortgage ~~[~~broker,~~ *loan originator,]*~~ ***company,*** mail notice of the possession to the last known address of each person whose money is deposited in such an account or whose money was or should have been deposited in such an account during the preceding 12 months.

4. The clerk of the court with which the copy of the inventory is filed shall file it as any other case or proceeding pending in the court and shall give it a docket number.

Sec. 64. NRS 645B.640 is hereby amended to read as follows:

645B.640 1. If the Commissioner takes possession of the property of a mortgage ~~[~~broker~~ *loan originator]*~~ ***company*** pursuant to NRS 645B.630, the licensee, officers, directors, partners, associates or stockholders of the mortgage ~~[~~broker~~ *loan originator]*~~ ***company*** may, within 60 days after the date on which the Commissioner takes possession of the property, make good any deficit in the assets or capital of the mortgage ~~[~~broker~~ *loan originator]*~~ ***company*** or remedy any unsafe and injurious conditions or practices of the mortgage ~~[~~broker.~~ *loan originator.]*~~ ***company.***

2. At the expiration of the 60-day period, if the deficiency in assets or capital has not been made good or the unsafe and injurious conditions or practices remedied, the Commissioner may apply to the court to be appointed receiver and proceed to liquidate the assets of the mortgage ~~[~~broker~~ *loan originator]*~~ ***company*** which are located in this State in the same manner as now provided by law for liquidation of a private corporation in receivership.

3. No other person may be appointed receiver by any court without first giving the Commissioner ample notice of his or her application.

4. The inventory made by the Commissioner and all claims filed by creditors are open at all reasonable times for inspection, and any action taken by the receiver upon any of the claims is subject to the approval of the court before which the cause is pending.

5. The expenses of the receiver and compensation of counsel, as well as all expenditures required in the liquidation proceedings, must be fixed by the Commissioner subject to the approval of the court and, upon certification of the Commissioner, must be paid out of the money in his or her hands as the receiver.

Sec. 65. NRS 645B.670 is hereby amended to read as follows:

645B.670 1. Except as otherwise provided in NRS 645B.690:

(a) For each violation committed by an applicant for a license issued pursuant to this chapter, whether or not the applicant is issued a license, the Commissioner may impose upon the applicant an administrative fine of not more than $25,000 if the applicant:

(1) Has knowingly made or caused to be made to the Commissioner any false representation of material fact;

(2) Has suppressed or withheld from the Commissioner any information which the applicant possesses and which, if submitted by the applicant, would have rendered the applicant ineligible to be licensed pursuant to the provisions of this chapter; or

(3) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner in completing and filing his or her application for a license or during the course of the investigation of his or her application for a license.

(b) For each violation committed by a mortgage ~~[broker, *loan originator,]~~ ***company,*** the Commissioner may impose upon the mortgage ~~[broker *loan originator]~~ ***company*** an administrative fine of not more than $25,000, may suspend, revoke or place conditions upon the mortgage ~~[broker's *loan originator's]~~ ***company's*** license, or may do both, if the mortgage ~~[broker, *loan originator,]~~ ***company,*** whether or not acting as such:

(1) Is insolvent;

(2) Is grossly negligent or incompetent in performing any act for which the mortgage ~~[broker *loan originator]~~ ***company*** is required to be licensed pursuant to the provisions of this chapter;

(3) Does not conduct his or her business in accordance with law or has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner;

(4) Is in such financial condition that the mortgage ~~[broker *loan originator]~~ ***company*** cannot continue in business with safety to his or her customers;

(5) Has made a material misrepresentation in connection with any transaction governed by this chapter;

(6) Has suppressed or withheld from a client any material facts, data or other information relating to any transaction governed by the provisions of this chapter which the mortgage ~~[broker *loan originator]~~ ***company*** knew or, by the exercise of reasonable diligence, should have known;

(7) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the mortgage ~~[broker *loan originator]~~ ***company*** possesses and which, if submitted by the mortgage ~~[broker, *loan originator,]~~ ***company,*** would have rendered the mortgage ~~[broker *loan originator]~~ ***company*** ineligible to be licensed pursuant to the provisions of this chapter;

(8) Has failed to account to persons interested for all money received for a trust account;

(9) Has refused to permit an examination by the Commissioner of his or her books and affairs or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the Commissioner pursuant to the provisions of this chapter or a regulation adopted pursuant to this chapter;

(10) Has been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering;

(11) Has refused or failed to pay, within a reasonable time, any fees, assessments, costs or expenses that the mortgage ~~[broker *loan originator]~~ ***company*** is required to pay pursuant to this chapter or a regulation adopted pursuant to this chapter;

(12) Has failed to satisfy a claim made by a client which has been reduced to judgment;

(13) Has failed to account for or to remit any money of a client within a reasonable time after a request for an accounting or remittal;

(14) Has commingled the money or other property of a client with his or her own or has converted the money or property of others to his or her own use;

(15) Has engaged in any other conduct constituting a deceitful, fraudulent or dishonest business practice;

(16) Has repeatedly violated the policies and procedures of the mortgage ~~[~~broker;~~ loan originator;]~~ ***company;***

(17) Has failed to exercise reasonable supervision and control over the activities of a mortgage ~~[agent]~~ ***loan originator*** as required by NRS 645B.460;

(18) Has instructed a mortgage ~~[agent]~~ ***loan originator*** to commit an act that would be cause for the revocation of the license of the mortgage ~~[broker, loan originator,]~~ ***company,*** whether or not the mortgage ~~[agent]~~ ***loan originator*** commits the act;

(19) Has employed a person as a mortgage ~~[agent]~~ ***loan originator*** or authorized a person to be associated with the mortgage ~~[broker loan originator]~~ ***company*** as a mortgage ~~[agent]~~ ***loan originator*** at a time when the mortgage ~~[broker loan originator]~~ ***company*** knew or, in light of all the surrounding facts and circumstances, reasonably should have known that the person:

(I) Had been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering; or

(II) Had a license or registration as a mortgage agent, mortgage banker, mortgage broker, ***mortgage company, mortgage loan originator*** or residential mortgage loan originator revoked in this State or any other jurisdiction or had a financial services license or registration revoked within the immediately preceding 10 years;

(20) Has violated NRS 645C.557;

(21) Has failed to pay a tax as required pursuant to the provisions of chapter 363A or 363C of NRS; or

(22) Has, directly or indirectly, paid any commission, fees, points or any other compensation as remuneration for the services of a mortgage ~~[agent]~~ ***loan originator*** to a person other than a mortgage ~~[agent]~~ ***loan originator*** who:

(I) Is an employee of or associated with the mortgage ~~[broker; loan originator;]~~ ***company;*** or

(II) If the mortgage ~~[agent]~~ ***loan originator*** is required to register with the Registry, is an employee of and whose sponsorship has been entered

with the Registry by the mortgage ~~[broker *loan originator]*~~ ***company*** as required by subsection 2 of NRS 645B.450.

(c) For each violation committed by a mortgage ~~[agent,]~~ ***loan originator,*** the Commissioner may impose upon the mortgage ~~[agent]~~ ***loan originator*** an administrative fine of not more than $25,000, may suspend, revoke or place conditions upon the mortgage ~~[agent's]~~ ***loan originator's*** license, or may do both, if the mortgage ~~[agent,]~~ ***loan originator,*** whether or not acting as such:

(1) Is grossly negligent or incompetent in performing any act for which the mortgage ~~[agent]~~ ***loan originator*** is required to be licensed pursuant to the provisions of this chapter;

(2) Has made a material misrepresentation in connection with any transaction governed by this chapter;

(3) Has suppressed or withheld from a client any material facts, data or other information relating to any transaction governed by the provisions of this chapter which the mortgage ~~[agent]~~ ***loan originator*** knew or, by the exercise of reasonable diligence, should have known;

(4) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the mortgage ~~[agent]~~ ***loan originator*** possesses and which, if submitted by the mortgage ~~[agent,]~~ ***loan originator,*** would have rendered the mortgage ~~[agent]~~ ***loan originator*** ineligible to be licensed pursuant to the provisions of this chapter;

(5) Has been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering;

(6) Has failed to account for or to remit any money of a client within a reasonable time after a request for an accounting or remittal;

(7) Has commingled the money or other property of a client with his or her own or has converted the money or property of others to his or her own use;

(8) Has engaged in any other conduct constituting a deceitful, fraudulent or dishonest business practice;

(9) Has violated NRS 645C.557;

(10) Has repeatedly violated the policies and procedures of the mortgage ~~[broker *loan originator]*~~ ***company*** with whom the mortgage ~~[agent]~~ ***loan originator*** is associated or by whom he or she is employed;

(11) Has, directly or indirectly, received any commission, fees, points or any other compensation as remuneration for his or her services as a mortgage ~~[agent:]~~ ***loan originator:***

(I) From a person other than the mortgage ~~[broker *loan originator]*~~ ***company*** with whom the mortgage ~~[agent]~~ ***loan originator*** is associated or by whom he or she is employed; or

(II) If the mortgage ~~[agent]~~ ***loan originator*** is required to be registered with the Registry, from a person other than the mortgage ~~[broker ***loan originator]***~~ ***company*** by whom the mortgage ~~[agent]~~ ***loan originator*** is employed and on whose behalf sponsorship was entered as required by subsection 2 of NRS 645B.450; or

(12) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner or has assisted or offered to assist another person to commit such a violation.

2. This section does not prohibit the co-brokering of a commercial loan through the cooperation of two or more mortgage ~~[brokers ***loan originators]***~~ ***companies*** so long as such a transaction is not inconsistent with any other provision of this chapter.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 66. ~~[NRS 645B.670 is hereby amended to read as follows:~~

~~645B.670 1. Except as otherwise provided in NRS 645B.690:~~

~~(a) For each violation committed by an applicant for a license issued pursuant to this chapter, whether or not the applicant is issued a license, the Commissioner may impose upon the applicant an administrative fine of not more than $25,000 if the applicant:~~

~~(1) Has knowingly made or caused to be made to the Commissioner any false representation of material fact;~~

~~(2) Has suppressed or withheld from the Commissioner any information which the applicant possesses and which, if submitted by the applicant, would have rendered the applicant ineligible to be licensed pursuant to the provisions of this chapter; or~~

~~(3) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner in completing and filing his or her application for a license or during the course of the investigation of his or her application for a license.~~

~~(b) For each violation committed by a mortgage broker, the Commissioner may impose upon the mortgage broker an administrative fine of not more than $25,000, may suspend, revoke or place conditions upon the mortgage broker's license, or may do both, if the mortgage broker, whether or not acting as such:~~

~~(1) Is insolvent;~~

~~(2) Is grossly negligent or incompetent in performing any act for which the mortgage broker is required to be licensed pursuant to the provisions of this chapter;~~

~~(3) Does not conduct his or her business in accordance with law or has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner;~~

~~(4) Is in such financial condition that the mortgage broker cannot continue in business with safety to his or her customers;~~

~~(5) Has made a material misrepresentation in connection with any transaction governed by this chapter;~~

~~(6) Has suppressed or withheld from a client any material facts, data or other information relating to any transaction governed by the provisions of this chapter which the mortgage broker knew or, by the exercise of reasonable diligence, should have known;~~

~~(7) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the mortgage broker possesses and which, if submitted by the mortgage broker, would have rendered the mortgage broker ineligible to be licensed pursuant to the provisions of this chapter;~~

~~(8) Has failed to account to persons interested for all money received for a trust account;~~

~~(9) Has refused to permit an examination by the Commissioner of his or her books and affairs or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the Commissioner pursuant to the provisions of this chapter or a regulation adopted pursuant to this chapter;~~

~~(10) Has been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering;~~

~~(11) Has refused or failed to pay, within a reasonable time, any fees, assessments, costs or expenses that the mortgage broker is required to pay pursuant to this chapter or a regulation adopted pursuant to this chapter;~~

~~(12) Has failed to satisfy a claim made by a client which has been reduced to judgment;~~

~~(13) Has failed to account for or to remit any money of a client within a reasonable time after a request for an accounting or remittal;~~

~~(14) Has commingled the money or other property of a client with his or her own or has converted the money or property of others to his or her own use;~~

~~(15) Has engaged in any other conduct constituting a deceitful, fraudulent or dishonest business practice;~~

~~(16) Has repeatedly violated the policies and procedures of the mortgage broker;~~

~~(17) Has failed to exercise reasonable supervision and control over the activities of a mortgage agent as required by NRS 645B.460;~~

~~(18) Has instructed a mortgage agent to commit an act that would be cause for the revocation of the license of the mortgage broker, whether or not the mortgage agent commits the act;~~

~~(19) Has employed a person as a mortgage agent or authorized a person to be associated with the mortgage broker as a mortgage agent at a time when~~

~~the mortgage broker knew or, in light of all the surrounding facts and circumstances, reasonably should have known that the person:~~

~~(I) Had been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering; or~~

~~(II) Had a license or registration as a mortgage agent, mortgage banker, mortgage broker or residential mortgage loan originator revoked in this State or any other jurisdiction or had a financial services license or registration revoked within the immediately preceding 10 years;~~

~~(20) Has violated NRS 645C.557;~~

~~(21) Has failed to pay a tax as required pursuant to the provisions of chapter 363A or 363C of NRS; or~~

~~(22) Has, directly or indirectly, paid any commission, fees, points or any other compensation as remuneration for the services of a mortgage agent to a person other than a mortgage agent who:~~

~~(I) Is an employee of or associated with the mortgage broker; or~~

~~(II) If the mortgage agent is required to register with the Registry, is an employee of and whose sponsorship has been entered with the Registry by the mortgage broker as required by subsection 2 of NRS 645B.450.~~

~~(c) For each violation committed by a mortgage agent, the Commissioner may impose upon the mortgage agent an administrative fine of not more than $25,000, may suspend, revoke or place conditions upon the mortgage agent's license, or may do both, if the mortgage agent, whether or not acting as such:~~

~~(1) Is grossly negligent or incompetent in performing any act for which the mortgage agent is required to be licensed pursuant to the provisions of this chapter;~~

~~(2) Has made a material misrepresentation in connection with any transaction governed by this chapter;~~

~~(3) Has suppressed or withheld from a client any material facts, data or other information relating to any transaction governed by the provisions of this chapter which the mortgage agent knew or, by the exercise of reasonable diligence, should have known;~~

~~(4) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the mortgage agent possesses and which, if submitted by the mortgage agent, would have rendered the mortgage agent ineligible to be licensed pursuant to the provisions of this chapter;~~

~~(5) Has been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering;~~

~~(6) Has failed to account for or to remit any money of a client within a reasonable time after a request for an accounting or remittal;~~

~~(7) Has commingled the money or other property of a client with his or her own or has converted the money or property of others to his or her own use;~~

~~(8) Has engaged in any other conduct constituting a deceitful, fraudulent or dishonest business practice;~~

~~(9) Has violated NRS 645C.557;~~

~~(10) Has repeatedly violated the policies and procedures of the mortgage broker with whom the mortgage agent is associated or by whom he or she is employed;~~

~~(11) Has, directly or indirectly, received any commission, fees, points or any other compensation as remuneration for his or her services as a mortgage agent:~~

~~(I) From a person other than the mortgage broker with whom the mortgage agent is associated or by whom he or she is employed; or~~

~~(II) If the mortgage agent is required to be registered with the Registry, from a person other than the mortgage broker by whom the mortgage agent is employed and on whose behalf sponsorship was entered as required by subsection 2 of NRS 645B.450; or~~

~~(12) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner or has assisted or offered to assist another person to commit such a violation.~~

~~2. This section does not prohibit the co-brokering of a commercial loan through the cooperation of two or more mortgage brokers so long as such a transaction is not inconsistent with any other provision of this chapter.~~

~~*3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.]*~~ **(Deleted by amendment.)**

Sec. 67. NRS 645B.680 is hereby amended to read as follows:

645B.680 1. If the Commissioner receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license as a mortgage ~~[broker~~ ~~*loan originator]*~~ ***company*** or mortgage ~~[agent,]~~ ***loan originator,*** the Commissioner shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Commissioner receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Commissioner shall reinstate a license as a mortgage ~~[broker~~ ~~*loan originator]*~~ ***company*** or mortgage ~~[agent]~~ ***loan originator*** that has been suspended by a district court pursuant to NRS 425.540 if the Commissioner receives a letter issued by the district attorney or other public agency

pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 68. NRS 645B.690 is hereby amended to read as follows:

645B.690 1. If a person offers or provides any of the services of a mortgage ~~[broker - loan originator]~~ ***company*** or mortgage ~~[agent]~~ ***loan originator*** or otherwise engages in, carries on or holds himself or herself out as engaging in or carrying on the business of a mortgage ~~[broker - loan originator]~~ ***company*** or mortgage ~~[agent]~~ ***loan originator*** and, at the time:

(a) The person was required to have a license pursuant to this chapter and the person did not have such a license;

(b) The person was required to be registered with the Registry and the person was not so registered; or

(c) The person's license was suspended or revoked pursuant to this chapter,

➥ the Commissioner ~~[shall]~~ ***may*** impose upon the person an administrative fine of not more than $50,000 for each violation and, if the person has a license, the Commissioner may suspend or revoke it.

2. If a mortgage ~~[broker - loan originator]~~ ***company*** violates any provision of subsection 1 of NRS 645B.080 and the mortgage ~~[broker - loan originator]~~ ***company*** fails, without reasonable cause, to remedy the violation within 20 business days after being ordered by the Commissioner to do so or within such later time as prescribed by the Commissioner, or if the Commissioner orders a mortgage ~~[broker - loan originator]~~ ***company*** to provide information, make a report or permit an examination of his or her books or affairs pursuant to this chapter and the mortgage ~~[broker - loan originator]~~ ***company*** fails, without reasonable cause, to comply with the order within 20 business days or within such later time as prescribed by the Commissioner, the Commissioner ~~[shall:]~~ ***may:***

(a) Impose upon the mortgage ~~[broker - loan originator]~~ ***company*** an administrative fine of not more than $25,000 for each violation;

(b) Suspend or revoke the license of the mortgage ~~[broker; - loan originator;]~~ ***company;*** and

(c) Conduct a hearing to determine whether the mortgage ~~[broker - loan originator]~~ ***company*** is conducting business in an unsafe and injurious manner that may result in danger to the public and whether it is necessary for the Commissioner to take possession of the property of the mortgage ~~[broker loan originator]~~ ***company*** pursuant to NRS 645B.630.

3. If a mortgage ~~[broker: - loan originator:]~~ ***company:***

(a) Makes or offers for sale in this State any investments in promissory notes secured by liens on real property; and

(b) Receives the lowest possible rating on two consecutive annual or biennial examinations pursuant to NRS 645B.060,

➥ the Commissioner ~~[shall]~~ ***may*** suspend or revoke the license of the mortgage ~~[broker. - loan originator.]~~ ***company.***

Sec. 68.5. **NRS 645B.710 is hereby amended to read as follows:**

645B.710 If a person is a partnership, corporation or unincorporated association, the Commissioner ~~[shall]~~ ***may*** take any disciplinary action required pursuant to NRS 645B.690 and may take any other disciplinary action set forth in this chapter against the person if any member of the partnership or any officer or director of the corporation or unincorporated association has committed any act or omission that would be cause for taking such disciplinary action against a natural person.

Sec. 69. NRS 645B.740 is hereby amended to read as follows:

645B.740 The expiration or revocation of a license of a mortgage ~~[broker~~ ~~*loan originator]*~~ ***company*** or mortgage ~~[agent]~~ ***loan originator*** by operation of law or by order or decision of the Commissioner or a court of competent jurisdiction, or the voluntary surrender of a license, does not:

1. Prohibit the Commissioner from initiating or continuing an investigation of, or action or disciplinary proceeding against, the mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** or mortgage ~~[agent]~~ ***loan originator*** as authorized pursuant to the provisions of this chapter or the regulations adopted pursuant thereto; or

2. Prevent the imposition or collection of any fine or penalty authorized pursuant to the provisions of this chapter or the regulations adopted pursuant thereto against the mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** or mortgage ~~[agent.]~~ ***loan originator.***

Sec. 70. NRS 645B.900 is hereby amended to read as follows:

645B.900 It is unlawful for any person to offer or provide any of the services of a mortgage ~~[broker~~ ~~*loan originator]*~~ ***company*** or mortgage ~~[agent]~~ ***loan originator*** or otherwise to engage in, carry on or hold himself or herself out as engaging in or carrying on the business of a mortgage ~~[broker~~ ~~*loan originator]*~~ ***company*** or mortgage ~~[agent]~~ ***loan originator*** without first obtaining the applicable license issued pursuant to this chapter, unless the person:

1. Is exempt from the provisions of this chapter; and
2. Complies with the requirements for that exemption.

Sec. 71. NRS 645B.910 is hereby amended to read as follows:

645B.910 It is unlawful for any foreign corporation, association or business trust to conduct any business as a mortgage ~~[broker~~ ~~*loan originator]*~~ ***company*** within this State, unless it:

1. Qualifies under chapter 80 of NRS; and
2. Complies with the provisions of this chapter or, if it claims an exemption from the provisions of this chapter, complies with the requirements for that exemption.

Sec. 72. NRS 645B.930 is hereby amended to read as follows:

645B.930 In addition to any other remedy or penalty, if a person, ***or any general partner, director, officer, agent or employee of a person,*** violates the provisions of NRS 645B.900 or 645B.910, the client may bring a civil action against the person for:

1. Actual and consequential damages;
2. Punitive damages, which are subject to the provisions of NRS 42.005;
3. Reasonable attorney's fees and costs; and
4. Any other legal or equitable relief that the court deems appropriate.

Sec. 73. NRS 645B.955 is hereby amended to read as follows:

645B.955 1. A person who engages in an activity for which a license as a mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** or mortgage ~~[~~agent~~]~~ ***loan originator*** is required pursuant to this chapter, without regard to whether such a person is licensed pursuant to this chapter, may be required by the Commissioner to pay restitution to any person who has suffered an economic loss as a result of a violation of the provisions of this chapter or any regulation adopted pursuant thereto.

2. Notwithstanding the provision of paragraph (m) of subsection 1 of NRS 622A.120, payment of restitution pursuant to subsection 1 shall be done in a manner consistent with the provisions of chapter 622A of NRS.

Sec. 74. NRS 645F.060 is hereby amended to read as follows:

645F.060 "Mortgage ~~[~~broker"~~ *loan originator"]*~~ ***company"*** has the meaning ascribed to it in NRS 645B.0127.

Sec. 75. NRS 645F.160 is hereby amended to read as follows:

645F.160 The Commissioner shall not, either directly or indirectly, be interested in any mortgage servicer, escrow agency ~~[~~,~~]~~ ***or*** mortgage ~~[~~broker or mortgage banker~~ *loan originator]*~~ ***company*** to which this chapter and chapters 645A ~~[~~,~~]~~ ***and*** 645B ~~[~~and 645E~~]~~ of NRS apply, nor engage in business as a personal loan broker.

Sec. 76. NRS 645F.180 is hereby amended to read as follows:

645F.180 1. The Commissioner may appoint deputy commissioners of mortgage lending, examiners, assistants, clerks, stenographers and other employees necessary to assist the Commissioner in the performance of his or her duties pursuant to this chapter, chapters 645A ~~[~~,~~]~~ ***and*** 645B ~~[~~and 645E~~]~~ of NRS or any other law. These employees shall perform such duties as are assigned to them by the Commissioner.

2. The Commissioner may employ or contract with a certified public accountant to review and conduct independent audits and examinations of escrow agencies, mortgage ~~[~~brokers,~~ *loan originators]*~~ ***companies and*** mortgage servicers. ~~[~~and mortgage bankers.~~]~~ The Commissioner shall levy an assessment upon each licensed escrow agency, mortgage ~~[~~broker,~~ *loan originator]*~~ ***company and*** mortgage servicer ~~[~~and mortgage banker~~]~~ to cover all the costs related to the employment of or the contract with the certified public accountant and the performance of the audits and examinations.

3. Assessments collected by the Commissioner pursuant to subsection 2 must be deposited in the State Treasury for deposit to the Account for Mortgage Lending created by NRS 645F.270 and accounted for separately. The Commissioner shall use the money for the purposes specified in subsection 2.

Sec. 77. NRS 645F.250 is hereby amended to read as follows:

645F.250 The Commissioner and the Division shall administer the provisions of this chapter and chapters 645A ~~[,]~~ ***and*** 645B ~~[and 645E]~~ of NRS, subject to administrative supervision by the Director of the Department of Business and Industry.

Sec. 78. NRS 645F.260 is hereby amended to read as follows:

645F.260 The State Board of Finance shall act in an advisory capacity to the Division in the administration of this chapter and chapters 645A ~~[,]~~ ***and*** 645B ~~[and 645E]~~ of NRS.

Sec. 79. NRS 645F.267 is hereby amended to read as follows:

645F.267 1. A mortgage ~~[agent,]~~ ***loan originator,*** mortgage ~~[banker, mortgage broker~~ ~~*loan originator]*~~ ***company*** or mortgage servicer or an employee of a mortgage ~~[banker, mortgage broker~~ ~~*loan originator]*~~ ***company*** or mortgage servicer is not required to register or renew with the Registry, or provide reports of financial condition to the Registry, if the mortgage ~~[agent,]~~ ***loan originator,*** mortgage ~~[banker, mortgage broker~~ ~~*loan originator]*~~ ***company*** or mortgage servicer or employee:

(a) Is not a residential mortgage loan originator or the supervisor of a residential mortgage loan originator; and

(b) Is not required to register pursuant to the provisions of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008.

2. A mortgage ~~[agent,]~~ ***loan originator,*** mortgage ~~[banker, mortgage broker~~ ~~*loan originator]*~~ ***company*** or mortgage servicer or an employee of a mortgage ~~[banker, mortgage broker~~ ~~*loan originator]*~~ ***company*** or mortgage servicer who, pursuant to subsection 1, is not required to register or renew with the Registry and who voluntarily registers or renews with the Registry shall comply with all requirements of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008, and any regulations adopted pursuant thereto.

3. As used in this section, "residential mortgage loan originator" has the meaning ascribed to it in NRS 645B.01325.

Sec. 80. NRS 645F.275 is hereby amended to read as follows:

645F.275 The Commissioner shall adopt regulations:

1. Establishing minimum net worth or surety bonding requirements that reflect the dollar amount of loans originated by a residential mortgage loan originator, as defined in NRS 645B.01325; or

2. Requiring a percentage of the fees collected for the issuance or renewal of a license pursuant to chapter 645B ~~[or 645E]~~ of NRS to be deposited in a mortgage recovery fund, and setting forth the methods by which a person may make a claim against and be paid from the fund.

Sec. 81. NRS 645F.293 is hereby amended to read as follows:

645F.293 1. The Commissioner shall adopt regulations to carry out the provisions of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008.

2. The regulations must include, without limitation:

(a) A method by which to allow for reporting regularly violations of the relevant provisions of chapter 645B ~~[or 645E]~~ of NRS, enforcement actions and other relevant information to the Registry; and

(b) A process whereby a person may challenge information reported to the Registry by the Commissioner.

3. The regulations must not require a mortgage ~~[agent,]~~ ***loan originator,*** mortgage ~~[banker, mortgage broker~~ ~~*loan originator]*~~ ***company*** or mortgage servicer or an employee of a mortgage ~~[banker, mortgage broker~~ ~~*loan originator]*~~ ***company*** or mortgage servicer to register with the Registry if the mortgage ~~[agent,]~~ ***loan originator,*** mortgage ~~[banker, mortgage broker,~~ ~~*loan originator,]*~~ ***company,*** mortgage servicer or employee is exempt from registration pursuant to subsection 1 of NRS 645F.267.

Sec. 81.5. **NRS 645F.296 is hereby amended to read as follows:**

645F.296 1. Any person authorized to engage in activities as a residential mortgage loan originator on behalf of an installment loan lender licensed under chapter 675 of NRS shall obtain and maintain a license as a mortgage ~~[agent.]~~ ***loan originator.***

2. As used in this section:

(a) "Mortgage ~~[agent"]~~ ***loan originator"*** has the meaning ascribed to in NRS 645B.0125; and

(b) "Residential mortgage loan originator" has the meaning ascribed to it in NRS 645B.01325.

Sec. 82. NRS 645F.500 is hereby amended to read as follows:

645F.500 The provisions of NRS 645F.500 to 645F.540, inclusive, do not apply to:

1. A depository financial institution, as that term is defined in NRS ~~[645E.060,]~~ ***645B.0109,*** or any subsidiary or holding company of a depository financial institution if such entity maintains its principal place of business or a branch office in this State.

2. A real estate investment trust, as that term is defined in 26 U.S.C. § 856(a), unless the business conducted by the trust in this State is not subject to supervision by the appropriate regulatory body of a jurisdiction outside of this State.

3. Any trustee of an employee benefit plan, as that term is defined in 29 U.S.C. § 1002(3), who makes a residential mortgage loan directly from money in the plan.

4. An attorney who is licensed in this State and who does not engage in the business of, or otherwise hold himself or herself out as being able to provide services related to, a mortgage servicer, if the activities of the attorney are directly incidental to the representation of a client.

5. A person performing any act pursuant to a court order.

6. A federal or state agency or a political subdivision of this State, including, without limitation, the Public Employees' Retirement System.

7. A nonprofit organization that is recognized as exempt under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3).

8. A mortgage servicer that, in the aggregate with any affiliates, services not more than 10 residential mortgage loans in this State during a calendar year.

9. A person licensed pursuant to the provisions of chapter 645B ~~[, 645E]~~ or 675 of NRS who is collecting payments on a mortgage loan or servicing one or more mortgage loans made or arranged by the person under his or her license.

Sec. 83. NRS 645H.040 is hereby amended to read as follows:

645H.040 "Asset management company" means a person, limited-liability company, partnership, association or corporation which, for compensation and pursuant to a contractual agreement, power of attorney or other legal authorization, engages in asset management on behalf of:

1. A bank, mortgage ~~[broker, mortgage banker, *loan originator,]*~~ ***company,*** mortgage servicer as that term is defined in NRS 645F.063, credit union, thrift company or savings and loan association, or any subsidiary thereof which is authorized to transact business in this State;

2. A mortgage holding entity chartered by Congress; or

3. A federal, state or local governmental entity.

Sec. 84. NRS 645H.060 is hereby amended to read as follows:

645H.060 "Client" means:

1. A bank, mortgage ~~[broker, mortgage banker, *loan originator,]*~~ ***company,*** mortgage servicer as that term is defined in NRS 645F.063, credit union, thrift company or savings and loan association, or any subsidiary thereof that is authorized to transact business in this State;

2. A mortgage holding entity chartered by Congress; or

3. A federal, state or local governmental entity,

↪ for whom an asset management company provides asset management.

Sec. 85. NRS 645H.110 is hereby amended to read as follows:

645H.110 "Mortgage ~~[broker" *loan originator"]~~ ***company"*** has the meaning ascribed to it in NRS 645B.0127.

Sec. 86. NRS 645H.160 is hereby amended to read as follows:

645H.160 1. The provisions of this chapter which require a certificate of registration or permit do not apply to a person or broker who has a current permit to engage in property management pursuant to chapter 645 of NRS.

2. A person or broker who has a permit to engage in property management pursuant to chapter 645 of NRS may engage in the business of asset management if the provision of asset management services is included in the property management agreement entered into pursuant to NRS 645.6056.

3. Except as otherwise provided in subsection 1, a person or broker who engages in the business of asset management must comply with the provisions of this chapter and the recordkeeping requirements of chapter 645 of NRS.

4. The provisions of this chapter do not apply to:

(a) A person who is a regular, full-time employee of a bank, mortgage ~~[~~broker, mortgage banker,~~ loan originator,]~~ ***company,*** mortgage servicer as that term is defined in NRS 645F.063, credit union, thrift company or savings and loan association, or any subsidiary thereof.

(b) A person who takes possession of property from a defendant in connection with a judicial proceeding for eminent domain brought pursuant to chapter 37 of NRS.

Sec. 87. NRS 40.750 is hereby amended to read as follows:

40.750 1. As used in this section, "financial institution" means a bank, mortgage ~~[~~broker, mortgage banker,~~ loan originator,]~~ ***company,*** mortgage servicer as that term is defined in NRS 645F.063, credit union, thrift company or savings and loan association, or any subsidiary or affiliate of a bank, mortgage ~~[~~broker, mortgage banker,~~ loan originator,]~~ ***company,*** mortgage servicer, credit union, thrift company or savings and loan association, which is authorized to transact business in this State and which makes or acquires, in whole or in part, any loan of the kind described in subsection 2.

2. Except as otherwise provided in subsection 5, a person who, for the purpose of obtaining a loan secured by a lien on real property, knowingly conceals a material fact, or makes a false statement concerning a material fact knowing that the statement is false, is liable to any financial institution or other lender which relied upon the absence of that concealed fact or on that false statement for any damages it sustains because of the fraud.

3. In addition to its actual damages, a financial institution or other lender may recover exemplary or punitive damages in an amount not to exceed 50 percent of the actual damages awarded.

4. The cause of action provided by this section:

(a) Is not, for the purposes of NRS 40.430, an action for the recovery of any debt or an action for the enforcement of any right secured by mortgage or lien upon real estate.

(b) Is in addition to and not in substitution for any right of foreclosure existing in favor of the financial institution or other lender. Any recovery pursuant to this section does not limit the amount of a judgment awarded pursuant to NRS 40.459, but the financial institution or other lender is not entitled to recover actual damages more than once for the same loss.

5. The provisions of this section do not apply to any loan which is secured by a lien on real property used for residential purposes if:

(a) The residence is a single-family dwelling occupied by the person obtaining the loan, as represented by the person in connection with the person's application for the loan; and

(b) The loan is for the principal amount of $150,000 or less.

Sec. 88. NRS 80.015 is hereby amended to read as follows:

80.015 1. For the purposes of this chapter, the following activities do not constitute doing business in this State:

(a) Maintaining, defending or settling any proceeding;

(b) Holding meetings of the board of directors or stockholders or carrying on other activities concerning internal corporate affairs;

(c) Maintaining accounts in banks or credit unions;

(d) Maintaining offices or agencies for the transfer, exchange and registration of the corporation's own securities or maintaining trustees or depositaries with respect to those securities;

(e) Making sales through independent contractors;

(f) Soliciting or receiving orders outside of this State through or in response to letters, circulars, catalogs or other forms of advertising, accepting those orders outside of this State and filling them by shipping goods into this State;

(g) Creating or acquiring indebtedness, mortgages and security interests in real or personal property;

(h) Securing or collecting debts or enforcing mortgages and security interests in property securing the debts;

(i) Owning, without more, real or personal property;

(j) Isolated transactions completed within 30 days and not a part of a series of similar transactions;

(k) The production of motion pictures as defined in NRS 231.020;

(l) Transacting business as an out-of-state depository institution pursuant to the provisions of title 55 of NRS; and

(m) Transacting business in interstate commerce.

2. The list of activities in subsection 1 is not exhaustive.

3. A person who is not doing business in this State within the meaning of this section need not qualify or comply with any provision of this chapter, chapter 645A ~~[,]~~ ***or*** 645B ~~[or 645E]~~ of NRS or title 55 or 56 of NRS unless the person:

(a) Maintains an office in this State for the transaction of business;

(b) Solicits or accepts deposits in the State, except pursuant to the provisions of chapter 666 or 666A of NRS;

(c) Solicits business for the activities of a mortgage ~~[~~broker ~~*loan originator]*~~ ***company*** as defined ~~[~~by~~]~~ ***in*** NRS 645B.0127; ~~[~~or the activities of a mortgage banker as defined by NRS 645E.100;~~]~~ or

(d) Arranges a mortgage loan secured by real property which is not commercial property ~~*[*~~, as defined by NRS 645E.040.~~]~~ ***as defined in section 2.4 of this act.***

4. The fact that a person is not doing business in this State within the meaning of this section:

(a) Does not affect the determination of whether any court, administrative agency or regulatory body in this State may exercise personal jurisdiction over the person in any civil action, criminal action, administrative proceeding or regulatory proceeding; and

(b) Except as otherwise provided in subsection 3, does not affect the applicability of any other provision of law with respect to the person and may

not be offered as a defense or introduced in evidence in any civil action, criminal action, administrative proceeding or regulatory proceeding to prove that the person is not doing business in this State, including, without limitation, any civil action, criminal action, administrative proceeding or regulatory proceeding involving an alleged violation of chapter 597, 598 or 598A of NRS.

5. As used in this section and for the purposes of NRS 80.016, "deposits" means demand deposits, savings deposits and time deposits, as those terms are defined in chapter 657 of NRS.

~~*[6. As used in this section, "commercial property" means any real property which is located in this State and which is neither used as a dwelling nor upon which a dwelling is constructed or intended to be constructed. For the purposes of this subsection, "dwelling" has the meaning ascribed to it in section 103(v) of the federal Truth in Lending Act, 15 U.S.C. § 1602(w).]*~~

Sec. 88.5. **NRS 86.5483 is hereby amended to read as follows:**

86.5483 1. For the purposes of NRS 86.543 to 86.549, inclusive, the following activities do not constitute transacting business in this State:

(a) Maintaining, defending or settling any proceeding;

(b) Holding meetings of the managers or members or carrying on other activities concerning internal company affairs;

(c) Maintaining accounts in banks or credit unions;

(d) Maintaining offices or agencies for the transfer, exchange and registration of the company's own securities or maintaining trustees or depositaries with respect to those securities;

(e) Making sales through independent contractors;

(f) Soliciting or receiving orders outside this State through or in response to letters, circulars, catalogs or other forms of advertising, accepting those orders outside this State and filling them by shipping goods into this State;

(g) Creating or acquiring indebtedness, mortgages and security interests in real or personal property;

(h) Securing or collecting debts or enforcing mortgages and security interests in property securing the debts;

(i) Owning, without more, real or personal property;

(j) Isolated transactions completed within 30 days and not a part of a series of similar transactions;

(k) The production of motion pictures as defined in NRS 231.020;

(l) Transacting business as an out-of-state depository institution pursuant to the provisions of title 55 of NRS; and

(m) Transacting business in interstate commerce.

2. The list of activities in subsection 1 is not exhaustive.

3. A person who is not transacting business in this State within the meaning of this section need not qualify or comply with any provision of this chapter, title 55 or 56 of NRS or chapter 645A, 645B or 645E of NRS unless the person:

(a) Maintains an office in this State for the transaction of business; ~~[or]~~

(b) Solicits or accepts deposits in the State, except pursuant to the provisions of chapter 666 or 666A of NRS ~~[.]~~ ***;***

(c) Solicits business for the activities of a mortgage broker as defined in NRS 645B.0127 or the activities of a mortgage banker as defined in NRS 645E.100; or

(d) Arranges a mortgage loan secured by real property that is not commercial property as defined in NRS 645E.040.

4. The fact that a person is not transacting business in this State within the meaning of this section:

(a) Does not affect the determination of whether any court, administrative agency or regulatory body in this State may exercise personal jurisdiction over the person in any civil action, criminal action, administrative proceeding or regulatory proceeding; and

(b) Except as otherwise provided in subsection 3, does not affect the applicability of any other provision of law with respect to the person and may not be offered as a defense or introduced in evidence in any civil action, criminal action, administrative proceeding or regulatory proceeding to prove that the person is not transacting business in this State, including, without limitation, any civil action, criminal action, administrative proceeding or regulatory proceeding involving an alleged violation of chapter 597, 598 or 598A of NRS.

5. As used in this section, "deposits" means demand deposits, savings deposits and time deposits, as those terms are defined in chapter 657 of NRS.

Sec. 89. NRS 86.5483 is hereby amended to read as follows:

86.5483 1. For the purposes of NRS 86.543 to 86.549, inclusive, the following activities do not constitute transacting business in this State:

(a) Maintaining, defending or settling any proceeding;

(b) Holding meetings of the managers or members or carrying on other activities concerning internal company affairs;

(c) Maintaining accounts in banks or credit unions;

(d) Maintaining offices or agencies for the transfer, exchange and registration of the company's own securities or maintaining trustees or depositaries with respect to those securities;

(e) Making sales through independent contractors;

(f) Soliciting or receiving orders outside this State through or in response to letters, circulars, catalogs or other forms of advertising, accepting those orders outside this State and filling them by shipping goods into this State;

(g) Creating or acquiring indebtedness, mortgages and security interests in real or personal property;

(h) Securing or collecting debts or enforcing mortgages and security interests in property securing the debts;

(i) Owning, without more, real or personal property;

(j) Isolated transactions completed within 30 days and not a part of a series of similar transactions;

(k) The production of motion pictures as defined in NRS 231.020;

(l) Transacting business as an out-of-state depository institution pursuant to the provisions of title 55 of NRS; and

(m) Transacting business in interstate commerce.

2. The list of activities in subsection 1 is not exhaustive.

3. A person who is not transacting business in this State within the meaning of this section need not qualify or comply with any provision of this chapter, title 55 or 56 of NRS or chapter 645A ~~[,]~~ ***or*** 645B ~~[or 645E]~~ of NRS unless the person:

(a) Maintains an office in this State for the transaction of business;

(b) Solicits or accepts deposits in the State, except pursuant to the provisions of chapter 666 or 666A of NRS;

(c) Solicits business for the activities of a mortgage ~~[broker]~~ ***company*** as defined in NRS 645B.0127 **_;** ~~[or the activities of a mortgage banker as defined in NRS 645E.100;]~~ or

(d) Arranges a mortgage loan secured by real property that is not commercial property as defined in ~~[NRS 645E.040.]~~ ***section 2.3 of this act.***

4. The fact that a person is not transacting business in this State within the meaning of this section:

(a) Does not affect the determination of whether any court, administrative agency or regulatory body in this State may exercise personal jurisdiction over the person in any civil action, criminal action, administrative proceeding or regulatory proceeding; and

(b) Except as otherwise provided in subsection 3, does not affect the applicability of any other provision of law with respect to the person and may not be offered as a defense or introduced in evidence in any civil action, criminal action, administrative proceeding or regulatory proceeding to prove that the person is not transacting business in this State, including, without limitation, any civil action, criminal action, administrative proceeding or regulatory proceeding involving an alleged violation of chapter 597, 598 or 598A of NRS.

5. As used in this section, "deposits" means demand deposits, savings deposits and time deposits, as those terms are defined in chapter 657 of NRS.

Sec. 90. NRS 87A.615 is hereby amended to read as follows:

87A.615 1. For the purposes of NRS 87A.535 to 87A.625, inclusive, the following activities do not constitute transacting business in this State:

(a) Maintaining, defending or settling any proceeding;

(b) Holding meetings of the managers or members or carrying on other activities concerning internal company affairs;

(c) Maintaining accounts in banks or credit unions;

(d) Maintaining offices or agencies for the transfer, exchange and registration of the company's own securities or maintaining trustees or depositaries with respect to those securities;

(e) Making sales through independent contractors;

(f) Soliciting or receiving orders outside this State through or in response to letters, circulars, catalogs or other forms of advertising, accepting those orders outside this State and filling them by shipping goods into this State;

(g) Creating or acquiring indebtedness, mortgages and security interests in real or personal property;

(h) Securing or collecting debts or enforcing mortgages and security interests in property securing the debts;

(i) Owning, without more, real or personal property;

(j) Isolated transactions completed within 30 days and not a part of a series of similar transactions;

(k) The production of motion pictures as defined in NRS 231.020;

(l) Transacting business as an out-of-state depository institution pursuant to the provisions of title 55 of NRS; and

(m) Transacting business in interstate commerce.

2. The list of activities in subsection 1 is not exhaustive.

3. A person who is not transacting business in this State within the meaning of this section need not qualify or comply with any provision of this chapter, title 55 or 56 of NRS or chapter 645A ~~[,]~~ or 645B ~~[or 645E]~~ of NRS unless the person:

(a) Maintains an office in this State for the transaction of business; or

(b) Solicits or accepts deposits in the State, except pursuant to the provisions of chapter 666 or 666A of NRS.

4. The fact that a person is not transacting business in this State within the meaning of this section:

(a) Does not affect the determination of whether any court, administrative agency or regulatory body in this State may exercise personal jurisdiction over the person in any civil action, criminal action, administrative proceeding or regulatory proceeding; and

(b) Except as otherwise provided in subsection 3, does not affect the applicability of any other provision of law with respect to the person and may not be offered as a defense or introduced in evidence in any civil action, criminal action, administrative proceeding or regulatory proceeding to prove that the person is not transacting business in this State, including, without limitation, any civil action, criminal action, administrative proceeding or regulatory proceeding involving an alleged violation of chapter 597, 598 or 598A of NRS.

5. As used in this section, "deposits" means demand deposits, savings deposits and time deposits, as those terms are defined in chapter 657 of NRS.

Sec. 91. NRS 88.602 is hereby amended to read as follows:

88.602 1. For the purposes of NRS 88.570 to 88.605, inclusive, the following activities do not constitute transacting business in this State:

(a) Maintaining, defending or settling any proceeding;

(b) Holding meetings of the managers or members or carrying on other activities concerning internal company affairs;

(c) Maintaining accounts in banks or credit unions;

(d) Maintaining offices or agencies for the transfer, exchange and registration of the company's own securities or maintaining trustees or depositaries with respect to those securities;

(e) Making sales through independent contractors;

(f) Soliciting or receiving orders outside this State through or in response to letters, circulars, catalogs or other forms of advertising, accepting those orders outside this State and filling them by shipping goods into this State;

(g) Creating or acquiring indebtedness, mortgages and security interests in real or personal property;

(h) Securing or collecting debts or enforcing mortgages and security interests in property securing the debts;

(i) Owning, without more, real or personal property;

(j) Isolated transactions completed within 30 days and not a part of a series of similar transactions;

(k) The production of motion pictures as defined in NRS 231.020;

(l) Transacting business as an out-of-state depository institution pursuant to the provisions of title 55 of NRS; and

(m) Transacting business in interstate commerce.

2. The list of activities in subsection 1 is not exhaustive.

3. A person who is not transacting business in this State within the meaning of this section need not qualify or comply with any provision of this chapter, title 55 or 56 of NRS or chapter 645A **[,]** or 645B **[or 645E]** of NRS unless the person:

(a) Maintains an office in this State for the transaction of business; or

(b) Solicits or accepts deposits in the State, except pursuant to the provisions of chapter 666 or 666A of NRS.

4. The fact that a person is not transacting business in this State within the meaning of this section:

(a) Does not affect the determination of whether any court, administrative agency or regulatory body in this State may exercise personal jurisdiction over the person in any civil action, criminal action, administrative proceeding or regulatory proceeding; and

(b) Except as otherwise provided in subsection 3, does not affect the applicability of any other provision of law with respect to the person and may not be offered as a defense or introduced in evidence in any civil action, criminal action, administrative proceeding or regulatory proceeding to prove that the person is not transacting business in this State, including, without limitation, any civil action, criminal action, administrative proceeding or regulatory proceeding involving an alleged violation of chapter 597, 598 or 598A of NRS.

5. As used in this section, "deposits" means demand deposits, savings deposits and time deposits, as those terms are defined in chapter 657 of NRS.

Sec. 92. NRS 90.530 is hereby amended to read as follows:

90.530 The following transactions are exempt from NRS 90.460 and 90.560:

1. An isolated nonissuer transaction, whether or not effected through a broker-dealer.

2. A nonissuer transaction in an outstanding security if the issuer of the security has a class of securities subject to registration under section 12 of the Securities Exchange Act of 1934, 15 U.S.C. § 78l, and has been subject to the reporting requirements of section 13 or 15(d) of the Securities Exchange Act of 1934, 15 U.S.C. §§ 78m and 78o(d), for not less than 90 days next preceding the transaction, or has filed and maintained with the Administrator for not less than 90 days preceding the transaction information, in such form as the Administrator, by regulation, specifies, substantially comparable to the information the issuer would be required to file under section 12(b) or 12(g) of the Securities Exchange Act of 1934, 15 U.S.C. §§ 78l(b) and 78l(g), were the issuer to have a class of its securities registered under section 12 of the Securities Exchange Act of 1934, 15 U.S.C. § 78l, and paid a fee of $300 with the filing.

3. A nonissuer transaction by a sales representative licensed in this State, in an outstanding security if:

(a) The security is sold at a price reasonably related to the current market price of the security at the time of the transaction;

(b) The security does not constitute all or part of an unsold allotment to, or subscription or participation by, a broker-dealer as an underwriter of the security;

(c) At the time of the transaction, a recognized securities manual designated by the Administrator by regulation or order contains the names of the issuer's officers and directors, a statement of the financial condition of the issuer as of a date within the preceding 18 months, and a statement of income or operations for each of the last 2 years next preceding the date of the statement of financial condition, or for the period as of the date of the statement of financial condition if the period of existence is less than 2 years;

(d) The issuer of the security has not undergone a major reorganization, merger or acquisition within the preceding 30 days which is not reflected in the information contained in the manual; and

(e) At the time of the transaction, the issuer of the security has a class of equity security listed on the New York Stock Exchange, American Stock Exchange or other exchange designated by the Administrator, or on the National Market System of the National Association of Securities Dealers Automated Quotation System. The requirements of this paragraph do not apply if:

(1) The security has been outstanding for at least 180 days;

(2) The issuer of the security is actually engaged in business and is not developing the issuer's business, in bankruptcy or in receivership; and

(3) The issuer of the security has been in continuous operation for at least 5 years.

4. A nonissuer transaction in a security that has a fixed maturity or a fixed interest or dividend provision if there has been no default during the

current fiscal year or within the 3 preceding years, or during the existence of the issuer, and any predecessors if less than 3 years, in the payment of principal, interest or dividends on the security.

5. A nonissuer transaction effected by or through a registered broker-dealer pursuant to an unsolicited order or offer to purchase.

6. A transaction between the issuer or other person on whose behalf the offering of a security is made and an underwriter, or a transaction among underwriters.

7. A transaction in a bond or other evidence of indebtedness secured by a real estate mortgage, deed of trust, personal property security agreement, or by an agreement for the sale of real estate or personal property, if the entire mortgage, deed of trust or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a unit.

8. A transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian or conservator.

9. A transaction executed by a bona fide secured party without the purpose of evading this chapter.

10. An offer to sell or the sale of a security to a financial or institutional investor or to a broker-dealer.

11. Except as otherwise provided in this subsection, a transaction pursuant to an offer to sell securities of an issuer if:

(a) The transaction is part of an issue in which there are not more than 25 purchasers in this State, other than those designated in subsection 10, during any 12 consecutive months;

(b) No general solicitation or general advertising is used in connection with the offer to sell or sale of the securities;

(c) No commission or other similar compensation is paid or given, directly or indirectly, to a person, other than a broker-dealer licensed or not required to be licensed under this chapter, for soliciting a prospective purchaser in this State; and

(d) One of the following conditions is satisfied:

(1) The seller reasonably believes that all the purchasers in this State, other than those designated in subsection 10, are purchasing for investment; or

(2) Immediately before and immediately after the transaction, the issuer reasonably believes that the securities of the issuer are held by 50 or fewer beneficial owners, other than those designated in subsection 10, and the transaction is part of an aggregate offering that does not exceed $500,000 during any 12 consecutive months.

➥ The Administrator by rule or order as to a security or transaction or a type of security or transaction may withdraw or further condition the exemption set forth in this subsection or waive one or more of the conditions of the exemption.

12. An offer to sell or sale of a preorganization certificate or subscription if:

(a) No commission or other similar compensation is paid or given, directly or indirectly, for soliciting a prospective subscriber;

(b) No public advertising or general solicitation is used in connection with the offer to sell or sale;

(c) The number of offers does not exceed 50;

(d) The number of subscribers does not exceed 10; and

(e) No payment is made by a subscriber.

13. An offer to sell or sale of a preorganization certificate or subscription issued in connection with the organization of a depository institution if that organization is under the supervision of an official or agency of a state or of the United States which has and exercises the authority to regulate and supervise the organization of the depository institution. For the purpose of this subsection, "under the supervision of an official or agency" means that the official or agency by law has authority to require disclosures to prospective investors similar to those required under NRS 90.490, impound proceeds from the sale of a preorganization certificate or subscription until organization of the depository institution is completed, and require refund to investors if the depository institution does not obtain a grant of authority from the appropriate official or agency.

14. A transaction pursuant to an offer to sell to existing security holders of the issuer, including persons who at the time of the transaction are holders of transferable warrants exercisable within not more than 90 days after their issuance, convertible securities or nontransferable warrants, if:

(a) No commission or other similar compensation, other than a standby commission, is paid or given, directly or indirectly, for soliciting a security holder in this State; or

(b) The issuer first files a notice specifying the terms of the offer to sell, together with a nonrefundable fee of $300, and the Administrator does not by order disallow the exemption within the next 5 full business days.

15. A transaction involving an offer to sell, but not a sale, of a security not exempt from registration under the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., if:

(a) A registration or offering statement or similar record as required under the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., has been filed, but is not effective;

(b) A registration statement, if required, has been filed under this chapter, but is not effective; and

(c) No order denying, suspending or revoking the effectiveness of registration, of which the offeror is aware, has been entered by the Administrator or the Securities and Exchange Commission, and no examination or public proceeding that may culminate in that kind of order is known by the offeror to be pending.

16. A transaction involving an offer to sell, but not a sale, of a security exempt from registration under the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., if:

(a) A registration statement has been filed under this chapter, but is not effective; and

(b) No order denying, suspending or revoking the effectiveness of registration, of which the offeror is aware, has been entered by the Administrator and no examination or public proceeding that may culminate in that kind of order is known by the offeror to be pending.

17. A transaction involving the distribution of the securities of an issuer to the security holders of another person in connection with a merger, consolidation, exchange of securities, sale of assets or other reorganization to which the issuer, or its parent or subsidiary, and the other person, or its parent or subsidiary, are parties, if:

(a) The securities to be distributed are registered under the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., before the consummation of the transaction; or

(b) The securities to be distributed are not required to be registered under the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., written notice of the transaction and a copy of the materials, if any, by which approval of the transaction will be solicited, together with a nonrefundable fee of $300, are given to the Administrator at least 10 days before the consummation of the transaction and the Administrator does not, by order, disallow the exemption within the next 10 days.

18. A transaction involving the offer to sell or sale of one or more promissory notes each of which is directly secured by a first lien on a single parcel of real estate, or a transaction involving the offer to sell or sale of participation interests in the notes if the notes and participation interests are originated by a depository institution and are offered and sold subject to the following conditions:

(a) The minimum aggregate sales price paid by each purchaser may not be less than $250,000;

(b) Each purchaser must pay cash either at the time of the sale or within 60 days after the sale; and

(c) Each purchaser may buy for the purchaser's own account only.

19. A transaction involving the offer to sell or sale of one or more promissory notes directly secured by a first lien on a single parcel of real estate or participating interests in the notes, if the notes and interests are originated by a mortgagee approved by the Secretary of Housing and Urban Development under sections 203 and 211 of the National Housing Act, 12 U.S.C. §§ 1709 and 1715b, and are offered or sold, subject to the conditions specified in subsection 18, to a depository institution or insurance company, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association or the Government National Mortgage Association.

20. A transaction between any of the persons described in subsection 19 involving a nonassignable contract to buy or sell the securities described in subsection 18 if the contract is to be completed within 2 years and if:

(a) The seller of the securities pursuant to the contract is one of the parties described in subsection 18 or 19 who may originate securities;

(b) The purchaser of securities pursuant to a contract is any other person described in subsection 19; and

(c) The conditions described in subsection 18 are fulfilled.

21. A transaction involving one or more promissory notes secured by a lien on real estate, or participating interests in those notes, by ~~[~~:

~~(a) A]~~ a mortgage ~~[banker licensed pursuant to chapter 645E of NRS to engage in those transactions; or~~

~~(b) A mortgage broker *loan originator]*~~ ***company*** licensed pursuant to chapter 645B of NRS to engage in those transactions.

Sec. 93. NRS 205.372 is hereby amended to read as follows:

205.372 1. A person who is a participant in a mortgage lending transaction and who:

(a) Knowingly makes a false statement or misrepresentation concerning a material fact or knowingly conceals or fails to disclose a material fact;

(b) Knowingly uses or facilitates the use of a false statement or misrepresentation made by another person concerning a material fact or knowingly uses or facilitates the use of another person's concealment or failure to disclose a material fact;

(c) Receives any proceeds or any other money in connection with a mortgage lending transaction that the person knows resulted from a violation of paragraph (a) or (b);

(d) Conspires with another person to violate any of the provisions of paragraph (a), (b) or (c); or

(e) Files or causes to be filed with a county recorder any document that the person knows to include a misstatement, misrepresentation or omission concerning a material fact,

➥ commits the offense of mortgage lending fraud which is a category C felony and, upon conviction, shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment.

2. A person who engages in a pattern of mortgage lending fraud or conspires or attempts to engage in a pattern of mortgage lending fraud is guilty of a category B felony and, upon conviction, shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 20 years, or by a fine of not more than $50,000, or by both fine and imprisonment.

3. Each mortgage lending transaction in which a person violates any provision of subsection 1 constitutes a separate violation.

4. Except as otherwise provided in this subsection, if a lender or any agent of the lender is convicted of the offense of mortgage lending fraud in violation of this section, the mortgage lending transaction with regard to which the fraud was committed may be rescinded by the borrower within 6

months after the date of the conviction if the borrower gives written notice to the lender and records that notice with the recorder of the county in which the mortgage was recorded. A mortgage lending transaction may not be rescinded pursuant to this subsection if the lender has transferred the mortgage to a bona fide purchaser.

5. The Attorney General may investigate and prosecute a violation of this section.

6. In addition to the criminal penalties imposed for a violation of this section, any person who violates this section is subject to a civil penalty of not more than $5,000 for each violation. This penalty must be recovered in a civil action, brought in the name of the State of Nevada by the Attorney General. In such an action, the Attorney General may recover reasonable attorney's fees and costs.

7. The owner or holder of the beneficial interest in real property which is the subject of mortgage lending fraud may bring a civil action in the district court in and for the county in which the real property is located to recover any damages suffered by the owner or holder of the beneficial interest plus reasonable attorney's fees and costs.

8. As used in this section:

(a) "Bona fide purchaser" means any person who purchases a mortgage in good faith and for valuable consideration and who does not know or have reasonable cause to believe that the lender or any agent of the lender engaged in mortgage lending fraud in violation of this section.

(b) "Mortgage lending transaction" means any transaction between two or more persons for the purpose of making or obtaining, attempting to make or obtain, or assisting another person to make or obtain a loan that is secured by a mortgage or other lien on residential real property. The term includes, without limitation:

(1) The solicitation of a person to make or obtain the loan;

(2) The representation or offer to represent another person to make or obtain the loan;

(3) The negotiation of the terms of the loan;

(4) The provision of services in connection with the loan; and

(5) The execution of any document in connection with making or obtaining the loan.

(c) "Participant in a mortgage lending transaction" includes, without limitation:

(1) A borrower as defined in NRS 598D.020;

(2) An escrow agent as defined in NRS 645A.010;

(3) A foreclosure consultant as defined in NRS 645F.320;

(4) A foreclosure purchaser as defined in NRS 645F.330;

(5) An investor as defined in NRS 645B.0121;

(6) A lender as defined in NRS 598D.050;

(7) A loan modification consultant as defined in NRS 645F.365;

(8) A mortgage ~~[agent]~~ ***loan originator*** as defined in NRS 645B.0125;

(9) A mortgage ~~[~~banker ~~***loan originator]*~~ ***company*** as defined in ~~[~~NRS ~~645E.100;~~

~~(10) A mortgage broker as defined in~~] NRS 645B.0127; and

~~[(11)]~~ ***(10)*** A mortgage servicer as defined in NRS 645F.063.

(d) "Pattern of mortgage lending fraud" means one or more violations of a provision of subsection 1 committed in two or more mortgage lending transactions which have the same or similar purposes, results, accomplices, victims or methods of commission, or are otherwise interrelated by distinguishing characteristics.

Sec. 94. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720,

453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, ~~[~~645E.300, 645E.375,~~]~~ 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the

confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 95. NRS 315.99815 is hereby amended to read as follows:

315.99815 "Lending institution" means any bank or trust company, Federal National Mortgage Association approved mortgage ~~[~~banker, ~~***loan originator,***~~]~~ ***company,*** national banking association, savings and loan association or other financial institution or governmental agency of the United States which customarily provides service or otherwise aids in the financing of mortgages located in this State.

Sec. 96. NRS 319.090 is hereby amended to read as follows:

319.090 "Lending institution" means any bank or trust company, Federal National Mortgage Association approved mortgage ~~[~~banker, ~~***loan originator,***~~]~~ ***company,*** national banking association, savings and loan association or other financial institution or governmental agency of the United States which customarily provides service or otherwise aids in the financing of mortgages located in this state.

Sec. 97. NRS 319.173 is hereby amended to read as follows:

319.173 1. There is hereby created an Advisory Committee on Housing to review and provide to the Director of the Department of Business and Industry and the Administrator advice, recommendations and other commentary regarding:

(a) The investment of money or issuance of obligations by the Division.

(b) The development of new programs or the improvement of existing programs of the Division.

(c) The improvement of policies and procedures of the Division, including those relating to the dissemination of relevant information to persons who participate in or are otherwise interested in programs of the Division.

(d) The administration of the Account for Low-Income Housing.

(e) Any other matters referred to the Advisory Committee by the Director or Administrator.

2. The Advisory Committee consists of the Director of the Department of Business and Industry or his or her representative, and eight members appointed by the Director. The Director shall appoint to the Advisory Committee:

(a) One representative of an association of mortgage ~~[~~bankers~~ loan originators]~~ ***companies*** in this State, selected from a list of names submitted to the Director by that association.

(b) One representative of persons engaged in residential construction in this State.

(c) One representative of banks or savings and loan associations in this State who is knowledgeable about making mortgage loans.

(d) One member who is knowledgeable about the sale and marketing or the management of real property in this State.

(e) One member who is knowledgeable about the development or management of nonprofit housing in this State.

(f) One member who is knowledgeable about housing programs sponsored, administered or supported by local governments in this State.

(g) One member who is knowledgeable about federal housing programs administered by the Division.

(h) One member who is an advocate of affordable housing.

➥ The members of the Advisory Committee are not entitled to any additional compensation for their service in that capacity.

3. The Director of the Department of Business and Industry or his or her representative shall serve as the Chair of the Advisory Committee. The Advisory Committee shall meet at least once each calendar quarter, and at the call of the Chair or upon the written request of the Administrator or a majority of the members of the Committee.

4. The Administrator shall submit annually to the Advisory Committee for its review, comment and recommendations a work plan for the activities of the Division for the succeeding calendar year. The work plan must include:

(a) The expected needs for financing and anticipated demand for tax credits and sources of funding for each of the programs administered by the Division.

(b) Strategies for meeting those needs and demands.

(c) A plan for resolving any anticipated problems in carrying out those strategies.

(d) A plan for the allocation of the resources of the Division, including the allotment of its employees' time, to carry out the work plan in such a manner as to serve the entire area of the State adequately.

(e) Any other matters which are critical to the success of any programs administered by the Division.

5. Before the:

(a) Investment of money of the Division pursuant to NRS 319.171; or

(b) Submission of findings to the State Board of Finance pursuant to subsection 4 of NRS 319.323,

➥ the Administrator shall submit a plan of investment or a plan of financing, together with any proposed findings relating to that plan, to the Advisory Committee for its review and comment.

6. The Administrator shall report to the Advisory Committee at least once each calendar quarter on the activities of the Division and the implementation of the Division's work plan for that year.

Sec. 98. NRS 363A.050 is hereby amended to read as follows:

363A.050 1. Except as otherwise provided in subsection 2, "financial institution" means:

(a) An institution licensed, registered or otherwise authorized to do business in this State pursuant to the provisions of title 55 or 56 of NRS or chapter 604A ~~[,]~~ or 645B ~~[or 645E]~~ of NRS, or a similar institution chartered or licensed pursuant to federal law;

(b) A person licensed or registered or required to be licensed or registered pursuant to NRS 90.310, 90.330, 90.453, 686A.340 or 688C.190;

(c) A person holding or required to hold a solicitation permit or license pursuant to NRS 692B.040, 692B.190 or 692B.260;

(d) A person designated or registered or required to be designated or registered pursuant to the Commodity Exchange Act, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Investment Company Act of 1940 or the Investment Advisers Act of 1940, as amended;

(e) A person licensed pursuant to 7 U.S.C. § 2009cc-3 to operate as a rural business investment company;

(f) A person registered or required to be registered as a savings and loan holding company pursuant to 12 U.S.C. § 1467a;

(g) A person registered or required to be registered as a bank holding company pursuant to 12 U.S.C. § 1844;

(h) An investment bank holding company supervised pursuant to 15 U.S.C. § 78q;

(i) A person electing to be treated as a business development company pursuant to 15 U.S.C. § 80a-53;

(j) A person licensed pursuant to 15 U.S.C. § 681 to operate as a small business investment company;

(k) A person granted final approval pursuant to 15 U.S.C. § 689c to operate as a new markets venture capital company;

(l) A person qualifying as and electing to be considered a real estate investment trust pursuant to 26 U.S.C. § 856;

(m) A bank, as defined in 12 U.S.C. § 1813(a);

(n) A savings association, as defined in 12 U.S.C. § 1813(b);

(o) A savings bank, as defined in 12 U.S.C. § 1813(g);

(p) A thrift institution, as defined in 12 U.S.C. § 1841(i);

(q) A national banking association organized under the National Bank Act;

(r) An entity that is related to any of the entities described in paragraphs (a), (b), (d) to (k), inclusive, and (m) to (q), inclusive, regardless of whether the entity described in any of those paragraphs is doing business in this State; and

(s) An issuer or a service provider,

➥ who is conducting a business activity in this State.

2. The term does not include:

(a) A credit union organized under the provisions of chapter 678 of NRS or the Federal Credit Union Act;

(b) A federal land credit association, farm credit bank, agricultural credit association or similar institution organized under the provisions of the Farm Credit Act;

(c) A person who sells, solicits or negotiates insurance and whose business primarily consists of the sale, solicitation or negotiation of insurance; and

(d) Any person or other entity that this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.

3. For the purposes of this section:

(a) "Credit card" has the meaning ascribed to it in NRS 97A.050.

(b) "Entity" includes, without limitation, any corporation, limited-liability company, association, organization, company, firm, partnership, joint venture, trust, business trust, receiver, trustee, syndicate, cooperative or assignee, or any other group or combination acting as a unit.

(c) "Issuer" has the meaning ascribed to it in NRS 97A.100, except that the term does not include a seller of goods or provider of services who issues a credit card for the purpose of providing or extending credit only in connection with the goods he or she sells or the services he or she provides.

(d) A business "primarily consists of the sale, solicitation or negotiation of insurance" if more than 50 percent of the annual income of the business from commissions is derived from the sale, solicitation or negotiation of insurance.

(e) Entities are "related" if at least 50 percent of the interest, either by vote or value, in each entity is owned, either directly or indirectly, by the same entity, including either of those entities.

(f) "Service provider" has the meaning ascribed to it in NRS 97A.130, except that the term does not include a service provider who acts in that capacity solely on behalf of a seller of goods or provider of services who issues a credit card for the purpose of providing or extending credit only in connection with the goods he or she sells or the services he or she provides.

Sec. 99. NRS 604A.250 is hereby amended to read as follows:

604A.250 The provisions of this chapter do not apply to:

1. Except as otherwise provided in NRS 604A.200, a person doing business pursuant to the authority of any law of this State or of the United States relating to banks, national banking associations, savings banks, trust companies, savings and loan associations, credit unions, mortgage ~~[brokers, mortgage bankers,~~ ***~~loan originators,~~]*** ***companies,*** thrift companies or insurance companies, including, without limitation, any affiliate or subsidiary of such a person regardless of whether the affiliate or subsidiary is a bank.

2. A person who is primarily engaged in the retail sale of goods or services who:

(a) As an incident to or independently of a retail sale or service, from time to time cashes checks for a fee or other consideration of not more than $2; and

(b) Does not hold himself or herself out as a check-cashing service.

3. A person while performing any act authorized by a license issued pursuant to chapter 671 of NRS.

4. A person who holds a nonrestricted gaming license issued pursuant to chapter 463 of NRS while performing any act in the course of that licensed operation.

5. A person who is exclusively engaged in a check-cashing service relating to out-of-state checks.

6. A corporation organized pursuant to the laws of this State that has been continuously and exclusively engaged in a check-cashing service in this State since July 1, 1973.

7. A pawnbroker, unless the pawnbroker operates a check-cashing service, deferred deposit loan service, high-interest loan service or title loan service.

8. A real estate investment trust, as defined in 26 U.S.C. § 856.

9. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

10. An attorney at law rendering services in the performance of his or her duties as an attorney at law if the loan is secured by real property.

11. A real estate broker rendering services in the performance of his or her duties as a real estate broker if the loan is secured by real property.

12. Any firm or corporation:

(a) Whose principal purpose or activity is lending money on real property which is secured by a mortgage;

(b) Approved by the Federal National Mortgage Association as a seller or servicer; and

(c) Approved by the Department of Housing and Urban Development and the Department of Veterans Affairs.

13. A person who provides money for investment in loans secured by a lien on real property, on his or her own account.

14. A seller of real property who offers credit secured by a mortgage of the property sold.

15. A person who makes a refund anticipation loan, unless the person operates a check-cashing service, deferred deposit loan service, high-interest loan service or title loan service.

Sec. 100. NRS 604A.655 is hereby amended to read as follows:

604A.655 1. Except as otherwise provided in this section, a licensee may not conduct the business of making loans within any office, suite, room or place of business in which any other lending business is solicited or engaged in, except an insurance agency or notary public, or in association or

conjunction with any other business, unless authority to do so is given by the Commissioner.

2. A licensee may conduct the business of making loans in the same office or place of business as ~~[~~:

~~(a) A~~~~]~~ ***a*** mortgage ~~[~~broker ~~***loan originator]***~~ ***company*** if:

~~[(1)]~~ ***(a)*** The licensee and the mortgage ~~[~~broker: ~~***loan originator:]***~~ company:

~~[(I)]~~ ***(1)*** Maintain separate accounts, books and records;

~~[(II)]~~ ***(2)*** Are subsidiaries of the same parent corporation; and

~~[(III)]~~ ***(3)*** Maintain separate licenses; and

~~[(2)]~~ ***(b)*** The mortgage ~~[~~broker ~~***loan originator]***~~ ***company*** is licensed by this State pursuant to chapter 645B of NRS and does not receive money to acquire or repay loans or maintain trust accounts as provided by NRS 645B.175.

~~[(b) A mortgage banker if:~~

~~(1) The licensee and the mortgage banker:~~

~~(I) Maintain separate accounts, books and records;~~

~~(II) Are subsidiaries of the same parent corporation; and~~

~~(III) Maintain separate licenses; and~~

~~(2) The mortgage banker is licensed by this State pursuant to chapter 645E of NRS and, if the mortgage banker is also licensed as a mortgage broker pursuant to chapter 645B of NRS, does not receive money to acquire or repay loans or maintain trust accounts as provided by NRS 645B.175.~~~~]~~

3. If a pawnbroker is licensed to operate a check-cashing service, deferred deposit loan service, high-interest loan service or title loan service, the pawnbroker may operate that service at the same office or place of business from which he or she conducts business as a pawnbroker pursuant to chapter 646 of NRS.

Sec. 101. NRS 657.120 is hereby amended to read as follows:

657.120 1. A financial institution may impose and collect a fee or charge, not to exceed an amount specified in or limited by specific statute, for any service it provides to a customer, if the fee or charge is clearly and conspicuously disclosed in writing to the customer before the customer receives the service. A financial institution must provide a customer with written notice of any increase in the fee or charge at least 10 days before the increase becomes effective.

2. A fee or charge for the presentation for payment, on a single business day, of multiple checks drawn by a customer on an account for which there is an insufficient balance to pay all the checks, must be determined as if the checks drawn in a single series or class were presented:

(a) In the order the checks were written;

(b) From the lowest check number to the highest check number; or

(c) In order of ascending amounts, the check for the smallest sum being presented first.

3. As used in this section, "financial institution" means an institution licensed pursuant to the provisions of this title or title 56 or chapter 645B ~~[,~~ ~~645E]~~ or 649 of NRS, or a similar institution chartered or licensed pursuant to federal law.

Sec. 102. NRS 657.130 is hereby amended to read as follows:

657.130 1. As used in this section, unless the context otherwise requires:

(a) "Committee to review compliance" means one or more persons assigned or engaged by a financial institution to test, review or evaluate its conduct, transactions or potential transactions, policies or procedures for the purpose of monitoring and improving or enforcing compliance with state and federal statutes and regulations requiring safe, sound and fair lending practices, including, without limitation, acts concerning equal credit opportunity, fair housing, fair lending, flood zone protection, housing and financial discrimination, truth in lending and financial reporting to federal or state regulatory agencies.

(b) "Financial institution" means an institution licensed pursuant to the provisions of this title or title 56 or chapter 645B ~~[or 645E]~~ of NRS, or a similar institution chartered or licensed pursuant to federal law. The term includes, without limitation, a holding company, affiliate or subsidiary of such an institution.

2. Except as otherwise voluntarily authorized by the financial institution:

(a) A document prepared for or created by a committee to review compliance is confidential and privileged, and is not subject to discovery or admissible in evidence in a civil action of this State, even if it has been submitted to a governmental or regulatory agency of this State, the United States or a foreign government.

(b) A member of a committee to review compliance or a person who acted under the direction of the committee cannot be required to testify in a civil action concerning the contents of a document described in paragraph (a) or concerning the discussions or conclusions of, or the actions taken by, the committee.

Sec. 103. NRS 657.140 is hereby amended to read as follows:

657.140 1. Except as otherwise provided in subsection 2, a financial institution shall not include in any loan agreement a provision that allows the financial institution to recover, take, appropriate or otherwise apply as a setoff against any debt or liability owing to the financial institution under the loan agreement money from an account unrelated to the loan agreement to the extent the money is exempt from execution pursuant to paragraph (y) of subsection 1 of NRS 21.090.

2. The provisions of subsection 1 do not apply to a provision in a loan agreement that specifically authorizes automatic withdrawals from an account.

3. The provisions of this section may not be varied by agreement, and the rights conferred by this section may not be waived. Any provision included in an agreement that conflicts with this section is void.

4. As used in this section:

(a) "An account unrelated to the loan agreement" includes, without limitation, an account pledged as security under the loan agreement, unless the specific account pledged as security is conspicuously described in the loan agreement.

(b) "Financial institution" means an institution licensed pursuant to the provisions of this title or title 56 or chapter 645B ~~[, 645E]~~ or 649 of NRS, or a similar institution chartered or licensed pursuant to federal law.

Sec. 104. NRS 658.190 is hereby amended to read as follows:

658.190 1. The Commissioner of Financial Institutions shall, with the cooperation of the Commissioner of Mortgage Lending, adopt regulations concerning nontraditional mortgage loan products and lending practices of persons and financial institutions that are required to be licensed or registered pursuant to the provisions of titles 55 and 56 and ~~[chapters]~~ ***chapter*** 645B ~~[and 645E]~~ of NRS and which make or offer to make loans that are secured by liens on real property.

2. The regulations required to be adopted by subsection 1 must be substantially similar to the provisions set forth in the "Guidance on Nontraditional Mortgage Product Risks" published by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators on November 14, 2006.

3. If the publication is revised, the Commissioner shall review the revision to determine whether the revision is suitable for this State. If the Commissioner determines that the revision is suitable for this State, he or she shall adopt a regulation that includes the revision.

4. If the Commissioner determines that the revision is not suitable for this State, the Commissioner shall hold a hearing within 60 days after his or her determination and give notice of the hearing. If, after the hearing, the Commissioner does not revise his or her determination, the Commissioner shall give written notice within 30 days after the hearing that the revision is not suitable for this State.

5. As used in this section, "nontraditional mortgage loan product":

(a) Means a residential loan agreement whose terms allow a borrower to defer repayment of principal or payment of interest on the loan for a period.

(b) Includes, without limitation:

(1) An interest-only loan; and

(2) A payment option adjustable-rate mortgage.

(c) Does not include:

(1) A home equity line of credit other than a simultaneous second-lien home equity line of credit; or

(2) A reverse mortgage.

Sec. 104.5. **NRS 658.210 is hereby amended to read as follows:**

658.210 1. Except as otherwise provided in NRS 645F.296, any person authorized to engage in activities as a residential mortgage loan originator on behalf of a privately insured institution or organization licensed under title 55 or 56 of NRS shall obtain and maintain a license as a mortgage ~~[agent.]~~ ***loan originator.***

2. As used in subsection 1:

(a) "Mortgage ~~[agent"]~~ ***loan originator"*** has the meaning ascribed to in NRS 645B.0125; and

(b) "Residential mortgage loan originator" has the meaning ascribed to it in NRS 645B.01325.

Sec. 105. NRS 675.035 is hereby amended to read as follows:

675.035 The provisions of this chapter apply to any person who:

1. Makes installment loans that are not subject to regulation pursuant to chapter 604A of NRS;

2. Is an affiliate, subsidiary or holding company of a bank, national banking association, savings bank, trust company, savings and loan association, credit union, mortgage ~~[broker, mortgage banker,~~ ~~*loan originator,]*~~ ***company,*** mortgage servicer as that term is defined in NRS 645F.063, thrift company or insurance company; and

3. Seeks to evade its application by any device, subterfuge or pretense, including, without limitation:

(a) Calling a loan by any other name;

(b) Using any agents, affiliates or subsidiaries in an attempt to avoid the application of the provisions of this chapter; or

(c) Having any affiliation or other business arrangement with an entity that is exempt from the provisions of this chapter pursuant to subsection 1 of NRS 675.040, the effect of which is to evade the provisions of this chapter, including, without limitation, making a loan while purporting to be the agent of such an exempt entity where the purported agent holds, acquires or maintains a material economic interest in the revenues generated by the loan.

Sec. 106. NRS 675.040 is hereby amended to read as follows:

675.040 This chapter does not apply to:

1. Except as otherwise provided in NRS 675.035, a person doing business under the authority of any law of this State or of the United States relating to banks, national banking associations, savings banks, trust companies, savings and loan associations, credit unions, mortgage ~~[brokers,~~ ~~mortgage bankers,~~ ~~*loan originators,]*~~ ***companies,*** thrift companies, pawnbrokers or insurance companies.

2. A real estate investment trust, as defined in 26 U.S.C. § 856.

3. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

4. An attorney at law rendering services in the performance of his or her duties as an attorney at law if the loan is secured by real property.

5. A real estate broker rendering services in the performance of his or her duties as a real estate broker if the loan is secured by real property.

6. Except as otherwise provided in this subsection, any firm or corporation:

(a) Whose principal purpose or activity is lending money on real property which is secured by a mortgage;

(b) Approved by the Federal National Mortgage Association as a seller or servicer; and

(c) Approved by the Department of Housing and Urban Development and the Department of Veterans Affairs.

7. A person who provides money for investment in loans secured by a lien on real property, on his or her own account.

8. A seller of real property who offers credit secured by a mortgage of the property sold.

9. A person holding a nonrestricted state gaming license issued pursuant to the provisions of chapter 463 of NRS.

10. A person licensed to do business pursuant to chapter 604A of NRS with regard to those services regulated pursuant to chapter 604A of NRS.

Sec. 107. NRS 675.230 is hereby amended to read as follows:

675.230 1. Except as otherwise provided in subsection 2, a licensee may not conduct the business of making loans under this chapter within any office, suite, room or place of business in which any other business is solicited or engaged in, except an insurance agency or notary public, or in association or conjunction with any other business, unless authority to do so is given by the Commissioner.

2. A licensee may conduct the business of making loans pursuant to this chapter in the same office or place of business as ~~[~~:

~~(a) A~~~~]~~ ***a*** mortgage ~~[~~broker ~~***loan originator]***~~ ***company*** if:

~~[(1)]~~ ***(a)*** The licensee and the mortgage ~~[~~broker: ~~***loan originator:]***~~ ***company:***

~~[(I)]~~ ***(1)*** Operate as separate legal entities;

~~[(II)]~~ ***(2)*** Maintain separate accounts, books and records;

~~[(III)]~~ ***(3)*** Are subsidiaries of the same parent corporation; and

~~[(IV)]~~ ***(4)*** Maintain separate licenses; and

~~[(2)]~~ ***(b)*** The mortgage ~~[~~broker ~~***loan originator]***~~ ***company*** is licensed by this state pursuant to chapter 645B of NRS and does not receive money to acquire or repay loans or maintain trust accounts as provided by NRS 645B.175.

~~[(b) A mortgage banker if:~~

~~(1) The licensee and the mortgage banker:~~

~~(I) Operate as separate legal entities;~~

~~(II) Maintain separate accounts, books and records;~~

~~(III) Are subsidiaries of the same parent corporation; and~~

~~(IV) Maintain separate licenses; and~~

~~(2) The mortgage banker is licensed by this state pursuant to chapter 645E of NRS and, if the mortgage banker is also licensed as a mortgage~~

~~broker pursuant to chapter 645B of NRS, does not receive money to acquire or repay loans or maintain trust accounts as provided by NRS 645B.175.]~~

Sec. 108. NRS 690B.180 is hereby amended to read as follows:

690B.180 An insurer who issues policies of insurance for home protection, other than casualty insurance, shall not:

1. Engage in any other business of insurance or real estate pursuant to chapters 645 to ~~[645E,]~~ 645H, inclusive, of NRS.

2. Assume reinsurance from any other insurer.

Sec. 109. A person who, on January 1, ~~[2018,]~~ **2020,** is the holder of a valid license as a:

1. Mortgage broker issued pursuant to NRS 645B.020 and who is otherwise qualified to hold such a license on that date shall be deemed to hold a license as a mortgage ~~[loan originator]~~ **company** issued pursuant to NRS 645B.020, as amended by section 11 of this act.

2. Mortgage banker issued pursuant to NRS 645E.200 and who is otherwise qualified to hold such a license on that date shall be deemed to hold a license as a mortgage ~~[loan originator]~~ **company** issued pursuant to NRS 645B.020, as amended by section 11 of this act.

3. Mortgage agent issued pursuant to NRS 645B.410 and who is otherwise qualified to hold such a license on that date shall be deemed to hold a license as a mortgage loan originator issued pursuant to NRS 645B.410, as amended by section 57 of this act.

Sec. 110. The regulations of the Commissioner of Mortgage Lending which are codified as chapter 645E of NAC remain in effect and may be enforced with respect to any person who, on January 1, ~~[2018,]~~ **2020,** is the holder of a valid license as a mortgage banker issued pursuant to NRS 645E.200 until the Commissioner adopts regulations to repeal or replace those regulations.

Sec. 111. The Commissioner of Mortgage Lending shall, on or before January 1, ~~[2019,]~~ **2020,** adopt such regulations as are necessary to carry out the provisions of this act.

Sec. 112. NRS 645B.035, 645E.010, 645E.020, 645E.030, 645E.040, 645E.050, 645E.060, 645E.070, 645E.080, 645E.090, 645E.100, 645E.105, 645E.115, 645E.130, 645E.150, 645E.160, 645E.165, 645E.170, 645E.200, 645E.210, 645E.220, 645E.230, 645E.280, 645E.290, 645E.291, 645E.300, 645E.310, 645E.315, 645E.320, 645E.350, 645E.360, 645E.370, 645E.375, 645E.390, 645E.420, 645E.430, 645E.440, 645E.470, 645E.620, 645E.630, 645E.640, 645E.670, 645E.680, 645E.690, 645E.700, 645E.710, 645E.750, 645E.800, 645E.900, 645E.910, 645E.920, 645E.930, 645E.950, 645E.955, 645E.960, 645F.050 and 645H.100 are hereby repealed.

Sec. 113. ~~[This act becomes effective:~~

~~1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and~~

~~2. On January 1, 2018, for all other purposes.]~~

1. This section and sections 15.5 and 88.5 of this act become effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act and on October 1, 2017, for all other purposes.

2. Sections 1 to 15, inclusive, 16 to 88, inclusive, and 89 to 112, inclusive, of this act become effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act and on January 1, 2020, for all other purposes.

LEADLINES OF REPEALED SECTIONS

645B.035 Activities authorized by license; dual licensure as mortgage banker and mortgage broker.

645E.010 Definitions.

645E.020 "Applicant" defined.

645E.030 "Commercial mortgage loan" defined.

645E.040 "Commercial property" defined.

645E.050 "Commissioner" defined.

645E.060 "Depository financial institution" defined.

645E.070 "Division" defined.

645E.080 "Institutional investor" defined.

645E.090 "Licensee" defined.

645E.100 "Mortgage banker" defined.

645E.105 "Nationwide Mortgage Licensing System and Registry" and "Registry" defined.

645E.115 "Wholesale lender" defined.

645E.130 Statutory and common-law rights, remedies and punishments unaffected; limitation on actions against State and its officers and employees.

645E.150 Exemptions for certain persons and entities.

645E.160 Certificate of exemption: Application; fee; automatic expiration; prohibitions; administrative fines; authority to file application for purposes of complying with requirements of Registry; applicability.

645E.165 Certificate of exemption: Annual expiration; procedure for renewal; cancellation and reinstatement; fees; duplicate copy; deposit of fees; regulations.

645E.170 Exemptions for certain loans: Grounds for granting; revocation; issuance of statement by Commissioner of reasons for granting, denying or revoking.

645E.200 Application for license; application for branch offices; requirements for issuance of license; grounds for denial of license to partnership, corporation or unincorporated association; license for office outside Nevada which conducts business in Nevada.

645E.210 Payment of child support: Submission of certain information by applicant; grounds for denial of license; duty of Commissioner. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

645E.220 Posting of license; restrictions on transfer or assignment of license.

645E.230 Activities authorized by license; dual licensure as mortgage banker and mortgage broker.

645E.280 Annual expiration of license; procedure for renewal; cancellation and reinstatement; fees; duplicate copy; deposit of fees; regulations. [Parts of this section were replaced in revision in 2015 by NRS 645E.165.]

645E.290 License required for certain persons who engage in activities as loan originator or who supervise mortgage agents who engage in such activities.

645E.291 Supervision of mortgage agents by mortgage banker; requirements; regulations.

645E.300 Duties of Commissioner: General supervision and control over mortgage bankers; regulations; investigations; annual or biennial examinations; periodic and special audits; hearings; related fees; classification of certain records and information as confidential.

645E.310 Subpoenas; oaths; examination of witnesses; penalty; assessment of costs.

645E.315 Written notice of address change; approval by Commissioner; administrative fine.

645E.320 Payment of statutory assessment by mortgage banker; duty of mortgage banker to cooperate fully with audits and examinations.

645E.350 Records relating to mortgage transactions, financial condition and trust accounts; monthly report to Commissioner; accounting procedures for trust accounts; regulations; records of licensee who operates outside Nevada; mortgage bankers required to submit reports to Registry.

645E.360 Annual financial statement; audit of trust accounts; Commissioner authorized to direct submission of financial statement; regulations.

645E.370 Records of Commissioner: General provisions governing public inspection and confidentiality.

645E.375 Records of Commissioner: Certain records relating to complaint or investigation deemed confidential; certain records relating

to disciplinary action deemed public records; disclosure by Commissioner.

645E.390 Notification of certain transfers required; application to Commissioner for approval of change of control; investigation; waiver.

645E.420 Escrow account required for fee, salary, deposit or money paid in advance; release from escrow; exceptions; refunds; penalty.

645E.430 Trust account required for money deposited to pay taxes or insurance premiums; fiduciary duty of mortgage banker; accounting to debtor and Commissioner; additional duties and prohibitions.

645E.440 Limitations on execution or attachment of money in trust account; commingling of money prohibited.

645E.470 Limitations on charging late fee, additional amount of interest or other penalty.

645E.620 Authority of Commissioner when violation is suspected; referral of violations to district attorney for criminal prosecution; civil action for injunctive relief.

645E.630 Authority of Commissioner when unsafe condition or practice is suspected; seizure of property and assets of mortgage banker; duties of Attorney General.

645E.640 Persons entitled to correct unsafe conditions and practices; effect of failure to correct; receivership and liquidation of assets.

645E.670 Authorized disciplinary or other action; grounds for disciplinary action; orders imposing discipline deemed public records.

645E.680 Suspension of license for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of license. [Effective until 2 years after the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

645E.690 Duty of Commissioner to take disciplinary action for certain violations.

645E.700 Investigations, actions, disciplinary proceedings, fines and penalties not affected by expiration, revocation or voluntary surrender of license.

645E.710 Act or omission of partner, officer or director deemed act or omission of partnership, corporation or unincorporated association.

645E.750 Duty of Commissioner to provide written notice of disciplinary action or denial of license; right to administrative hearing; entry of final order; appeals.

645E.800 Exercise of jurisdiction over party to civil action; service of summons to confer jurisdiction.

645E.900 Unlawful to conduct business of mortgage banker without being licensed or exempt from licensing.

645E.910 Unlawful for foreign corporation, association or business trust to conduct business of mortgage banker without meeting certain requirements.

645E.920 Contracts for mortgage transaction voidable for certain violations.

645E.930 Civil action authorized for certain violations.

645E.950 Penalties for general violations.

645E.955 Restitution.

645E.960 Penalties for violations relating to escrow or trust accounts.

645F.050 "Mortgage banker" defined.

645H.100 "Mortgage banker" defined.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer, Assembly Bill No. 468 be rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 84.

Bill read third time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 840.

AN ACT relating to ethics in government; revising certain procedures of the Commission on Ethics and the remedial authority of the Commission; designating certain persons as public officers and employees for the purposes of the Nevada Ethics in Government Law; revising the code of ethical standards applicable to public officers and employees; revising provisions governing the disclosure of certain information and the filing of certain disclosure statements by public officers and employees; providing for the execution and filing by a public officer of a single acknowledgment of statutory ethical standards for all public offices held concurrently by the officer; revising provisions relating to the employment of former public officers and employees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under the Nevada Ethics in Government Law (Ethics Law), the Commission on Ethics is authorized to issue opinions interpreting the statutory ethical standards established by the Ethics Law and applying those

standards to a given set of facts and circumstances. (Chapter 281A of NRS) The Commission generally issues the following types of opinions: (1) advisory opinions requested by a public officer or employee who is seeking guidance on matters which directly relate to the propriety of his or her own past, present or future conduct under the statutory ethical standards; (2) advisory opinions requested by a public officer or employee who is requesting relief from certain provisions of the Ethics Law that allow the Commission to grant such relief; and (3) opinions issued in response to an ethics complaint which has been filed with the Commission or initiated by the Commission on its own motion regarding the propriety of the conduct of a public officer or employee under the statutory ethical standards. (NRS 281A.410, 281A.430, 281A.440, 281A.550)

The Ethics Law also establishes various procedures that the Commission and its staff must follow when processing, handling, investigating, reviewing, evaluating and adjudicating requests for advisory opinions and ethics complaints. (NRS 281A.440-281A.480) Most of those procedures are contained in a single section of the Nevada Revised Statutes, NRS 281A.440, which embraces numerous and extensive procedural provisions governing: (1) the filing of requests for advisory opinions and ethics complaints; (2) the initial review and evaluation of such requests and complaints; (3) the requirements for responding to such requests and complaints; and (4) the procedures and standards for conducting investigations, making discovery requests, disclosing information, holding hearings and other proceedings and determining issues of confidentiality with regard to such information, hearings and proceedings. Because NRS 281A.440 includes so many extensive procedural provisions, it has become a particularly lengthy and complex statute.

Section 30 of this bill repeals NRS 281A.440, and **sections 1.3-11 and 14** of this bill generally reorganize and reenact the existing provisions of NRS 281A.440, with certain modifications, to effectuate the orderly and logical arrangement of the statutes, improve readability and clarity and reduce repetitious or lengthy words or phrases. For example, **sections 1.3-2.7** define several terms, including "advisory opinion" and "ethics complaint," that replace repetitious or lengthy words or phrases throughout the Ethics Law and thereby improve readability and clarity.

Because proceedings concerning advisory opinions are functionally different from proceedings concerning ethics complaints, **sections 3.1-3.5** contain procedures that apply only to advisory opinions. However, these procedures do not differ materially from the existing procedures that apply to advisory opinions in NRS 281A.440.

Sections 3.6-11 contain procedures that apply only to ethics complaints. **Section 3.7** sets forth the requirements for properly filing an ethics complaint, and **section 3.8** provides that after the ethics complaint is properly filed, the Commission must determine, based on the evidence submitted with the ethics complaint, whether it has jurisdiction in the matter and whether an

investigation is warranted in the matter. If the Commission determines that it has jurisdiction and an investigation is warranted, **sections 3.9-5** provide for an investigation and review of the ethics complaint to determine whether there is just and sufficient cause for the Commission to render an opinion in the matter.

In conducting the investigation and review, **sections 3.9-5** require the Executive Director of the Commission to: (1) provide the public officer or employee an opportunity to submit a response; (2) investigate the facts and circumstances; and (3) prepare and submit a recommendation to a review panel, consisting of three members of the eight-member Commission, that must determine whether there is just and sufficient cause for the Commission to render an opinion in the matter. If the review panel determines that there is not just and sufficient cause, **section 5** requires the review panel to dismiss the matter, but the review panel may issue a confidential letter of caution or instruction to the public officer or employee as part of the dismissal.

If the review panel determines that there is just and sufficient cause but reasonably believes that the conduct at issue may be appropriately addressed through additional training or other corrective action, **sections 5 and 6** authorize the review panel to approve a deferral agreement between the Executive Director and the public officer or employee to defer further proceedings in the matter under the terms and conditions of the deferral agreement. If the public officer or employee complies with the terms and conditions of the deferral agreement, the matter must be dismissed. However, if the public officer or employee fails to comply with the terms and conditions of the deferral agreement, the deferral agreement may be vacated and further proceedings conducted in the matter before the Commission.

If the review panel does not believe that a deferral agreement is appropriate or if the public officer or employee declines to enter into such a deferral agreement, **section 5** requires the review panel to refer the ethics complaint to the Commission for further proceedings in the matter. If further proceedings are conducted in the matter, **section 16.6** of this bill provides that the three members of the review panel cannot participate in the proceedings before the remaining five members of the Commission.

Sections 6.5-11 reorganize and reenact the existing provisions of NRS 281A.440 governing the procedures and standards for making discovery requests, disclosing information, holding hearings and other proceedings and determining issues of confidentiality with regard to such information, hearings and proceedings. In addition, **section 8** revises the procedures for protecting the identity of requesters of ethics complaints who ask for confidential status because their complaints are akin to whistleblower complaints that allege unethical conduct within their own public agencies or because they offer sufficient facts and circumstances showing that they will face a bona fide threat of physical force or violence from filing their complaints. Under **section 8**, if the Executive Director intends to present the testimony of such a confidential requester during the ethics proceedings, the

name of the confidential requester must be disclosed but only as a proposed witness and not as the requester of the ethics complaint.

Sections 12, 12.5 and 13 of this bill provide the Commission with additional remedial options in proceedings concerning ethics complaints which allow the Commission to utilize different types of remedies that progress in scope and severity depending upon the scope and severity of the unethical conduct. Currently, the Ethics Law grants the Commission certain remedial options, including civil monetary penalties, if it finds a violation of the statutory ethical standards. The Ethics Law also authorizes the Commission to resolve matters before it by stipulation, agreed settlement, consent order or default. (NRS 233B.121, 281A.135, 281A.480) **Sections 12, 12.5 and 13** expand the remedies available to the Commission to include: (1) a requirement that a public officer or employee complete a period of compliance, receive additional training or issue a public apology; and (2) the issuance of a confidential letter of caution or instruction or a public admonition, reprimand or censure.

The Ethics Law generally defines a person as a public officer if the person holds a position that: (1) involves the exercise of a public power, trust or duty; and (2) is established by the Nevada Constitution or any provision of statute, charter or ordinance. (NRS 281A.160) Certain additional persons are designated as public officers notwithstanding the fact that their positions are not so established. (NRS 281A.182) In addition, the Ethics Law defines a person as a public employee if the person performs public duties under the direction and control of a public officer and is paid compensation with public money. (NRS 281A.150) **Sections 15.7 and 16** of this bill provide that certain additional persons are designated as public officers and employees solely and exclusively for the purposes of the Ethics Law if such persons enter into contracts with public agencies, are paid compensation with public money and serve in certain positions which ordinarily would be held or filled by public officers and employees. **Section 16** also provides that its provisions must be interpreted and applied to ensure that a person does not evade the Ethics Law because a public agency elects to use a contractual relationship instead of an employment relationship for these types of positions which ordinarily would be held or filled by public officers and employees.

Section 18 of this bill provides that the Commission does not have jurisdiction regarding alleged discrimination or harassment for which a complaint or employment-related grievance may be filed with an appropriate agency with jurisdiction to redress such alleged discrimination or harassment. (NRS 281A.280) However, **section 18** also provides that the Commission has jurisdiction regarding the alleged conduct if such conduct is sanctionable separately or concurrently under the Ethics Law, irrespective of the alleged discrimination or harassment.

In performing their functions under the Ethics Law, the Commission and its presiding officers may issue subpoenas to compel the attendance of witnesses and the production of books and papers. (NRS 281A.300) **Section**

19 of this bill clarifies that such subpoenas may be issued during the course of any investigation under the Ethics Law to compel the participation of potential witnesses and the production of books and papers.

Section 20 of this bill revises the existing statutory ethical standards which generally prohibit public officers and employees from engaging in certain unethical conduct that benefits their own private interests. (NRS 281A.400) **Section 20** expands these existing prohibitions so that a public officer or employee cannot engage in certain unethical conduct when it benefits any other person to whom the public officer or employee has a commitment in a private capacity. The Ethics Law defines such other persons to include: (1) the spouse or domestic partner of the public officer or employee, a member of his or her household or a relative within the third degree of consanguinity or affinity; (2) a person who employs the public officer or employee, his or her spouse or domestic partner or a member of his or her household; (3) a person with whom the public officer or employee has a substantial and continuing business relationship; or (4) a person with whom the public officer or employee has any other commitment, interest or relationship that is substantially similar to the foregoing commitments, interests or relationships. (NRS 281A.065)

The Ethics Law permits certain public officers and employees to represent or counsel private persons before certain public agencies in which the public officers or employees do not serve and also requires certain public officers to file annual disclosure statements regarding such representation or counseling with the Commission. (NRS 281A.410) The Ethics Law also requires certain public officers and employees to disclose publicly certain personal or private interests which may create potential conflicts of interests at the time the public officers and employees consider or act upon a matter affecting those interests. (NRS 281A.420) **Section 20.3** of this bill eliminates the requirement for certain public officers to file annual disclosure statements regarding representation or counseling of private persons before public agencies. Instead, **section 20.5** of this bill requires certain public officers and employees to disclose publicly certain information regarding representation or counseling of private persons before public agencies at the time the public officers and employees consider or act upon a matter which is reasonably related to the nature of such representation or counseling.

The Ethics Law requires each elected and appointed public officer to execute and file with the Commission a written acknowledgment of the officer's understanding of the statutory ethical standards applicable to him or her, and the officer's obligation to become familiar with any amendments to those standards. A public officer is required to execute and file the acknowledgment for each office, including each appointive office, held by the officer. (NRS 281A.500) **Section 25** of this bill provides that a public officer who executes and files the acknowledgment for one office as required by law thereby satisfies the execution and filing requirements for any other office held concurrently by him or her.

Under existing law, various public officers and employees are subject to a "cooling-off" period after the termination of their public service or employment, during which they are precluded from soliciting or accepting certain kinds of employment. A similar "cooling-off period" exists for a former public officer's or employee's representation or counseling of a private person on any issue which was under consideration by the agency in which the officer or employee served. The Commission is authorized to grant relief from the application of these provisions in specified circumstances. (NRS 281A.410, 281A.550) **Section 27** of this bill: (1) clarifies that a grant of relief from the application of the cooling-off provisions as they relate to employment does not affect the ban on representation or counseling; and (2) provides that the ban on employment extends to circumstances in which any oral or written agreement for personal services is sought, negotiated or exists during the cooling-off period, even if such an agreement does not or will not become effective until after the cooling-off period.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 281A of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 to 14, inclusive, of this act.

Sec. 1.3. ***"Adjudicatory hearing" means a hearing held by the Commission pursuant to section 6.5 of this act to receive evidence concerning an ethics complaint and render an opinion in the matter.***

Sec. 1.5. ***"Advisory opinion" means an advisory opinion rendered by the Commission pursuant to sections 3.1 to 3.5, inclusive, of this act.***

Sec. 2. ***"Deferral agreement" means an agreement entered into between the Executive Director and the subject of an ethics complaint pursuant to section 6 of this act.***

Sec. 2.2. ***"Ethics complaint" means a request for an opinion which is filed with the Commission or initiated by the Commission on its own motion pursuant to section 3.7 of this act regarding the propriety of the conduct of a public officer or employee under the statutory ethical standards set forth in this chapter.***

Sec. 2.5. ***"Request for an advisory opinion" means a request for an advisory opinion which is filed with the Commission pursuant to section 3.2 of this act by a public officer or employee who is:***

1. Seeking guidance on matters which directly relate to the propriety of his or her own past, present or future conduct as a public officer or employee under the statutory ethical standards set forth in this chapter; or

2. Requesting relief pursuant to NRS 281A.410, 281A.430 or 281A.550.

Sec. 2.7. ***"Review panel" means a review panel appointed pursuant to NRS 281A.220.***

Sec. 3. (Deleted by amendment.)

Sec. 3.1. ***The provisions of sections 3.1 to 3.5, inclusive, of this act apply to proceedings concerning a request for an advisory opinion.***

Sec. 3.2. *1. A public officer or employee may file with the Commission a request for an advisory opinion to:*

(a) Seek guidance on matters which directly relate to the propriety of his or her own past, present or future conduct as a public officer or employee under the statutory ethical standards set forth in this chapter; or

(b) Request relief pursuant to NRS 281A.410, 281A.430 or 281A.550.

2. The request for an advisory opinion must be:

(a) Filed on a form prescribed by the Commission; and

(b) Submitted with all necessary information for the Commission to render an advisory opinion in the matter.

3. The Commission may decline to render an advisory opinion if the public officer or employee does not:

(a) Submit all necessary information for the Commission to render an advisory opinion in the matter; or

(b) Declare by oath or affirmation that he or she will testify truthfully regarding the matter.

Sec. 3.3. *1. If a public officer or employee properly files a request for an advisory opinion, the Commission shall render an advisory opinion that interprets the statutory ethical standards and applies those standards to the given set of facts and circumstances. The Commission shall render the advisory opinion within 45 days after receiving the request, unless the requester waives this time limit.*

2. If the advisory opinion rendered by the Commission relates to the propriety of the present or future conduct of the requester, the advisory opinion is:

(a) Binding upon the requester with regard to the future conduct of the requester; and

(b) A final decision that is subject to judicial review pursuant to NRS 233B.130.

3. If the requester seeks judicial review pursuant to NRS 233B.130, any proceedings concerning such judicial review must be confidential and held in closed court without admittance of persons other than those necessary to the proceedings, unless the requester waives this right to confidential proceedings.

Sec. 3.4. *1. Except as otherwise provided in this section, the following materials are confidential and are not public records pursuant to chapter 239 of NRS:*

(a) A request for an advisory opinion;

(b) The advisory opinion rendered by the Commission in response to the request; ~~[and]~~

(c) Any information, communications, records, documents or other materials in the possession of the Commission or its staff that are related to the request ~~[.]~~ ; and

(d) Any information, communications, records, documents or other materials in the possession of the requester of the advisory opinion that are

related to the request and, if disclosed by the requester, would reveal the existence, nature or content of the request or the advisory opinion.

2. The provisions of subsection 1 do not create or impose any duty on the Commission or its staff to protect or defend against the disclosure of any materials not in the possession of the Commission or its staff, regardless of whether the materials are related to the request.

3. The provisions of subsection 1 do not apply to any materials in the possession of the Commission or its staff that are related to the request if the ~~[current or former public officer or employee who files the request for an]~~ requester of the advisory opinion:

(a) Acts in contravention of the advisory opinion, in which case the Commission may disclose the request, the advisory opinion and any information, communications, records, documents or other materials in the possession of the Commission or its staff that are related to the request;

(b) Authorizes the Commission, in writing, to make the request, the advisory opinion or any information, communications, records, documents or other materials in the possession of the Commission or its staff that are related to the request publicly available; or

(c) Voluntarily discloses, in any manner, the request, the advisory opinion or any information, communications, records, documents or other materials in the possession of the Commission or its staff that are related to the request, except to:

(1) The public body, agency or employer of the ~~[public officer or employee]~~ requester or the legal counsel of the ~~[public officer or employee,]~~ requester;

(2) Any person to whom the Commission authorizes the ~~[public officer or employee]~~ requester to make such a disclosure; or

(3) Any person to whom the ~~[public officer or employee]~~ requester makes such a disclosure for the purposes of judicial review pursuant to section 3.3 of this act.

Sec. 3.5. *1. Except as otherwise provided in this section, the provisions of chapter 241 of NRS do not apply to:*

(a) Any meeting or hearing held by the Commission to receive information or evidence concerning a request for an advisory opinion; and

(b) Any deliberations or actions of the Commission on such information or evidence.

2. The public officer or employee who files the request for an advisory opinion may also file a request with the Commission to hold a public meeting or hearing regarding the request for an advisory opinion.

Sec. 3.6. *The provisions of sections 3.6 to 13, inclusive, of this act and NRS 281A.450, 281A.465, 281A.475 and 281A.480 apply to proceedings concerning an ethics complaint.*

Sec. 3.7. *1. Except as otherwise provided in this section and NRS 281A.280, the Commission may render an opinion that interprets the statutory ethical standards and applies those standards to a given set of*

facts and circumstances regarding the propriety of the conduct of a public officer or employee if an ethics complaint is:

(a) Filed by a specialized or local ethics committee established pursuant to NRS 281A.350.

(b) Filed by any person, except a person who is incarcerated in a correctional facility in this State or any other jurisdiction.

(c) Initiated by the Commission on its own motion, except the Commission shall not initiate such an ethics complaint based solely upon an anonymous complaint.

2. An ethics complaint filed by a person must be:

(a) Verified under oath and filed on a form prescribed by the Commission; and

(b) Submitted with sufficient evidence to support the allegations in order for the Commission to make a determination of whether it has jurisdiction in the matter and whether an investigation is warranted in the matter pursuant to sections 3.8 and 3.9 of this act.

3. The Commission may decline to render an opinion if the person who files the ethics complaint does not submit all necessary evidence in the matter.

Sec. 3.8. ***1. Based on the evidence submitted with an ethics complaint filed with the Commission pursuant to section 3.7 of this act, the Commission shall determine whether it has jurisdiction in the matter and whether an investigation is warranted in the matter. The Commission shall make its determination within 45 days after receiving the ethics complaint, unless the public officer or employee who is the subject of the ethics complaint waives this time limit.***

2. If the Commission determines that it does not have jurisdiction in the matter, the Commission shall dismiss the matter.

3. If the Commission determines that it has jurisdiction in the matter but the evidence submitted with the ethics complaint is not sufficient to warrant an investigation in the matter, the Commission shall dismiss the matter, with or without issuing a letter of caution or instruction to the public officer or employee pursuant to section 12.5 of this act.

4. If the Commission determines that it has jurisdiction in the matter and the evidence submitted with the ethics complaint is sufficient to warrant an investigation in the matter, the Commission may direct the Executive Director to investigate the ethics complaint pursuant to section 3.9 of this act.

Sec. 3.9. ***1. If the Commission directs the Executive Director to investigate an ethics complaint pursuant to section 3.8 of this act or if the Commission initiates an ethics complaint on its own motion pursuant to section 3.7 of this act, the Executive Director shall investigate the facts and circumstances relating to the ethics complaint to determine whether the Executive Director believes that there is just and sufficient cause for the Commission to render an opinion in the matter [.] in order to present a***

written recommendation to the review panel pursuant to section 4 of this act.

2. The Executive Director shall [notify] provide notice of the investigation pursuant to this section to the public officer or employee who is the subject of the ethics complaint and provide the public officer or employee an opportunity to submit to the Executive Director a response to the allegations against the public officer or employee in the ethics complaint. The response must be submitted within 30 days after the date on which the public officer or employee [received] receives the notice of the [ethics complaint,] investigation pursuant to this section, unless the Executive Director grants an extension.

3. The purpose of the response submitted pursuant to this section is to provide the Executive Director and the review panel with any information relevant to the ethics complaint which the public officer or employee believes may assist:

(a) The Executive Director in performing his or her investigation and other functions pursuant to this section and section 4 of this act; and

(b) The review panel in performing its review and other functions pursuant to section 5 of this act.

4. The public officer or employee is not required in the response submitted pursuant to this section or in any proceedings before the review panel to assert, claim or raise any objection or defense, in law or fact, to the allegations against the public officer or employee, and no objection or defense, in law or fact, is waived, abandoned or barred by the failure to assert, claim or raise it in the response or in any proceedings before the review panel.

Sec. 4. ***1. Except as otherwise provided in this subsection, the Executive Director shall complete the investigation required by section 3.9 of this act and present a written recommendation to the review panel within 70 days after the Commission directs the Executive Director to investigate the ethics complaint or after the Commission initiates the ethics complaint on its own motion, as applicable. The public officer or employee who is the subject of the ethics complaint may waive this time limit.***

2. The recommendation must:

(a) Set forth the factual and legal basis for the recommendation;

(b) State whether the Executive Director believes that there is just and sufficient cause for the Commission to render an opinion in the matter; and

(c) If the Executive Director believes that a disposition of the matter without an adjudicatory hearing is appropriate under the facts and circumstances, state any suggested disposition that is consistent with the provisions of this chapter, including, without limitation, whether the Executive Director believes that the conduct at issue may be appropriately addressed through additional training or other corrective action under the terms and conditions of a deferral agreement.

Sec. 5. *1. Except as otherwise provided in this section, the review panel shall determine whether there is just and sufficient cause for the Commission to render an opinion in the matter within 15 days after the Executive Director provides the review panel with the recommendation required by section 4 of this act. The public officer or employee who is the subject of the ethics complaint may waive this time limit.*

2. The review panel shall cause a record of its proceedings to be kept.

3. The review panel shall not determine that there is just and sufficient cause for the Commission to render an opinion in the matter unless the Executive Director has provided the public officer or employee an opportunity to respond to the allegations as required by section 3.9 of this act.

4. If the review panel determines that there is not just and sufficient cause for the Commission to render an opinion in the matter, it shall dismiss the matter, with or without prejudice, and with or without issuing a letter of caution or instruction to the public officer or employee pursuant to section 12.5 of this act.

5. If the review panel determines that there is just and sufficient cause for the Commission to render an opinion in the matter but reasonably believes that the conduct at issue may be appropriately addressed through additional training or other corrective action under the terms and conditions of a deferral agreement, the review panel may:

(a) Approve a deferral agreement proposed by the Executive Director and the public officer or employee instead of referring the ethics complaint to the Commission for further proceedings in the matter; or

(b) Authorize the Executive Director and the public officer or employee to develop such a deferral agreement and may thereafter approve such a deferral agreement instead of referring the ethics complaint to the Commission for further proceedings in the matter.

6. If the review panel does not approve a deferral agreement pursuant to subsection 5 or if the public officer or employee declines to enter into such a deferral agreement, the review panel shall refer the ethics complaint to the Commission for further proceedings in the matter.

7. If the review panel determines that there is just and sufficient cause for the Commission to render an opinion in the matter and reasonably believes that the conduct at issue may not be appropriately addressed through additional training or other corrective action under the terms and conditions of a deferral agreement, the review panel shall refer the ethics complaint to the Commission for further proceedings in the matter.

Sec. 5.5. *The provisions of chapter 241 of NRS do not apply to:*

1. Any meeting or hearing held by the review panel to receive information or evidence concerning an ethics complaint; and

2. Any deliberations or actions of the review panel on such information or evidence.

Sec. 6. ***1. In proceedings concerning an ethics complaint, the Executive Director and the public officer or employee who is the subject of the ethics complaint may develop a deferral agreement to defer further proceedings in the matter under the terms and conditions of the deferral agreement.***

2. A deferral agreement does not become effective unless approved by the review panel pursuant to section 5 of this act. If the review panel approves a deferral agreement, the Commission shall enforce the terms and conditions of the deferral agreement.

3. A deferral agreement must:

(a) Specify the training or other corrective action to be completed by or imposed upon the public officer or employee;

(b) Specify any other terms and conditions, consistent with the provisions of this chapter, to be imposed upon the public officer or employee; and

(c) Provide that the Commission may vacate the deferral agreement and conduct further proceedings in the matter if the Commission finds that the public officer or employee has failed to comply with any terms and conditions of the deferral agreement.

4. The imposition of training or other corrective action and the imposition of any other terms and conditions in a deferral agreement is without prejudice to any other disposition of the matter, consistent with this chapter, that may be ordered by the Commission if it vacates the deferral agreement and conducts further proceedings in the matter and finds that the public officer or employee has violated any provision of this chapter.

5. The Executive Director shall monitor the compliance of the public officer or employee who is the subject of a deferral agreement and may require the public officer or employee to document his or her compliance with the deferral agreement.

6. The Executive Director shall:

(a) Inform the Commission of any alleged failure of the public officer or employee to comply with the deferral agreement;

(b) Give the public officer or employee written notice of any alleged failure to comply with the deferral agreement; and

(c) Allow the public officer or employee not less than 15 days to respond to such a notice.

7. Within 60 days after the date on which the public officer or employee responds or was entitled to respond to the written notice of any alleged failure to comply with the deferral agreement, the Commission shall determine whether the public officer or employee failed to comply with the deferral agreement, unless the public officer or employee waives this time limit.

8. If the Commission determines that the public officer or employee failed to comply with the deferral agreement, the Commission may take any action it deems appropriate, consistent with the terms and conditions of the

deferral agreement and the provisions of this chapter, including, without limitation, vacating the deferral agreement and conducting further proceedings in the matter.

9. If the public officer or employee who is the subject of the deferral agreement complies in a satisfactory manner with the deferral agreement, the Commission shall dismiss the matter.

Sec. 6.5. ***1. If the review panel refers an ethics complaint to the Commission for further proceedings in the matter pursuant to section 5 of this act or if the Commission vacates a deferral agreement and conducts further proceedings in the matter pursuant to section 6 of this act, the Commission shall hold an adjudicatory hearing and render an opinion in the matter within 60 days after the date on which the review panel refers the ethics complaint to the Commission or the Commission vacates the deferral agreement, as appropriate, unless the public officer or employee who is the subject of the ethics complaint waives this time limit.***

2. If the Commission holds an adjudicatory hearing to receive evidence concerning an ethics complaint, the Commission shall:

(a) Notify the public officer or employee who is the subject of the ethics complaint of the date, time and place of the hearing;

(b) Allow the public officer or employee to be represented by legal counsel; and

(c) Allow the public officer or employee to hear the evidence presented to the Commission and to respond and present evidence on his or her own behalf.

3. Unless the public officer or employee agrees to a shorter time, an adjudicatory hearing may not be held less than 10 days after the date on which the notice of the hearing is given to the public officer or employee.

4. For good cause shown, the Commission may take testimony from a person by telephone or video conference at an adjudicatory hearing or at any other proceedings concerning the ethics complaint.

Sec. 7. (Deleted by amendment.)

Sec. 8. ***1. Except as otherwise provided in this section and section 9 of this act, all information, communications, records, documents or other materials in the possession of the Commission, the review panel or their staff that are related to an ethics complaint are confidential and are not public records pursuant to chapter 239 of NRS until:***

(a) The review panel determines whether there is just and sufficient cause <u>for the Commission</u> to render an opinion in the matter and serves written notice of its determination on the public officer or employee who is the subject of the ethics complaint; or

(b) The public officer or employee who is the subject of the ethics complaint authorizes the Commission, in writing, to make the information, communications, records, documents or other materials that are related to the ethics complaint publicly available,

➥ whichever occurs first.

2. Except as otherwise provided in subsection 3, if a person who files an ethics complaint asks that his or her identity as the requester be kept confidential, the Commission:

(a) Shall keep the identity of the requester confidential if he or she is a public officer or employee who works for the same public body, agency or employer as the public officer or employee who is the subject of the ethics complaint.

(b) May keep the identity of the requester confidential if he or she offers sufficient facts and circumstances showing a reasonable likelihood that disclosure of his or her identity will subject the requester or a member of his or her household to a bona fide threat of physical force or violence.

3. If the Commission keeps the identity of the requester confidential, the Commission shall not render an opinion in the matter unless there is sufficient evidence without the testimony of the requester to consider the propriety of the conduct of the public officer or employee who is the subject of the ethics complaint. If the Executive Director intends to present the testimony of the requester as evidence for consideration by the Commission at the adjudicatory hearing or in rendering an opinion in the matter and the public officer or employee who is the subject of the ethics complaint submits a written discovery request to the Commission pursuant to section 9 of this act, the Commission shall disclose the name of the requester only as a proposed witness within a reasonable time before the adjudicatory hearing on the matter.

Sec. 9. ***1. Except as otherwise provided in this section, the investigative file related to an ethics complaint is confidential and is not a public record pursuant to chapter 239 of NRS.***

2. At any time after being served with written notice of the determination of the review panel regarding the existence of just and sufficient cause for the Commission to render an opinion in the matter, the public officer or employee who is the subject of the ethics complaint may submit a written discovery request to the Commission for a list of proposed witnesses and a copy of any portion of the investigative file that the Executive Director intends to present as evidence for consideration by the Commission at the adjudicatory hearing or in rendering an opinion in the matter.

3. Any portion of the investigative file which the Executive Director presents as evidence for consideration by the Commission at the adjudicatory hearing or in rendering an opinion in the matter becomes a public record and must be open for inspection pursuant to chapter 239 of NRS.

4. For the purposes of this section:

(a) The investigative file includes, without limitation:

(1) Any response concerning the ethics complaint prepared by the public officer or employee pursuant to section 3.9 of this act and submitted

to the Executive Director and the review panel during the course of the investigation and any proceedings before the review panel;

(2) Any recommendation concerning the ethics complaint prepared by the Executive Director pursuant to section 4 of this act and submitted to the review panel during the course of the investigation and any proceedings before the review panel; and

(3) Any other information provided to or obtained by or on behalf of the Executive Director through any form of communication during the course of the investigation and any proceedings before the review panel and any records, documents or other materials created or maintained during the course of the investigation and any proceedings before the review panel which relate to the public officer or employee who is the subject of the ethics complaint, including, without limitation, a transcript, regardless of whether such information, records, documents or other materials are obtained pursuant to a subpoena.

(b) The investigative file does not include any deferral agreement.

Sec. 10. (Deleted by amendment.)

Sec. 11. ***The provisions of chapter 241 of NRS do not apply to:***

1. Any meeting or hearing held by the Commission to receive information or evidence concerning an ethics complaint; and

2. Any deliberations of the Commission on such information or evidence.

Sec. 12. ***1. If the Commission renders an opinion in proceedings concerning an ethics complaint, the opinion must include findings of fact and conclusions of law.***

2. If, in proceedings concerning an ethics complaint, the Commission determines that a violation of this chapter:

(a) Has not been proven, the Commission shall dismiss the matter, with or without prejudice, and with or without issuing a letter of caution or instruction to the public officer or employee pursuant to section 12.5 of this act.

(b) Has been proven, the Commission may take any action authorized by this chapter.

Sec. 12.5. ***1. In proceedings concerning an ethics complaint, the Commission or the review panel, as appropriate, may issue a letter of caution or instruction to the public officer or employee who is the subject of the ethics complaint to caution or instruct the public officer or employee regarding the propriety of his or her conduct under the statutory ethical standards set forth in this chapter.***

2. If the Commission or the review panel issues a letter of caution or instruction to the public officer or employee, the letter:

(a) Is confidential and is not a public record pursuant to chapter 239 of NRS.

(b) May be considered in deciding the appropriate action to be taken on any subsequent ethics complaint involving the public officer or employee,

unless the letter is not relevant to the issues presented by the subsequent ethics complaint.

Sec. 13. ***1. Except as otherwise provided in this section, in proceedings concerning an ethics complaint, the Commission, based on a finding that a violation of this chapter has been proven, or the review panel, as part of the terms and conditions of a deferral agreement, may, in addition to any other penalty provided by law and in accordance with the provisions of NRS 281A.475:***

(a) Require the public officer or employee who is the subject of the ethics complaint to:

(1) Comply in all respects with the provisions of this chapter for a specified period without being the subject of another ethics complaint arising from an alleged violation of this chapter by the public officer or employee which occurs during the specified period and for which the review panel determines that there is just and sufficient cause for the Commission to render an opinion in the matter.

(2) Attend and complete training.

(3) Follow a remedial course of action.

(4) Issue a public apology.

(5) Comply with conditions or limitations on future conduct.

(b) Publicly admonish, reprimand or censure the public officer or employee.

(c) Take any combination of such actions or any other reasonable action that the Commission or the review panel, as appropriate, determines will remedy the violation or alleged violation or deter similar violations or conduct.

2. In carrying out the provisions of subsection 1, the Commission, based on a finding that a violation of this chapter has been proven, or the review panel, as part of the terms and conditions of a deferral agreement, may publicly:

(a) Admonish a public officer or employee if it is determined that the public officer or employee has violated any provision of this chapter, but the violation is not willful, or if such an admonishment is imposed as part of the terms and conditions of a deferral agreement. An admonishment is a written expression of disapproval of the conduct of the public officer or employee.

(b) Reprimand a public officer or employee if it is determined that the public officer or employee has willfully violated any provision of this chapter, but there is no evidence that the willful violation involved bad faith, malicious intent or knowing or reckless disregard of the law, or if such a reprimand is imposed as part of the terms and conditions of a deferral agreement. A reprimand is a severe written reproof for the conduct of the public officer or employee.

(c) Censure a public officer or employee if it is determined that the public officer or employee has willfully violated any provision of this

chapter and there is evidence that the willful violation involved bad faith, malicious intent or knowing or reckless disregard of the law or there are no substantial mitigating factors pursuant to NRS 281A.475 for the willful violation, or if such a censure is imposed as part of the terms and conditions of a deferral agreement. A censure is a formal written condemnation of the conduct of the public officer or employee.

3. Any action taken by the Commission pursuant to this section is a final decision for the purposes of judicial review pursuant to NRS 233B.130. Any action taken by the review panel pursuant to this chapter, including, without limitation, any action relating to a deferral agreement, is not a final decision for the purposes of judicial review pursuant to NRS 233B.130.

Sec. 14. ***For the purposes of NRS 41.032, the members of the Commission and employees of the Commission shall be deemed to be exercising or performing a discretionary function or duty in taking any action pursuant to the provisions of this chapter.***

Sec. 15. NRS 281A.030 is hereby amended to read as follows:

281A.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 281A.035 to 281A.170, inclusive, ***and sections 1.3 to 2.7, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 15.5. NRS 281A.135 is hereby amended to read as follows:

281A.135 ***1.*** "Opinion" ***means an opinion rendered by the Commission in accordance with the provisions of this chapter.***

2. The term includes, without limitation, the disposition of ~~[~~a request for an opinion~~]~~ ***an ethics complaint*** by stipulation, agreed settlement, consent order or default as authorized by NRS 233B.121.

Sec. 15.7. NRS 281A.150 is hereby amended to read as follows:

281A.150 "Public employee" means any person who ~~[~~performs~~]~~

1. Performs public duties under the direction and control of a public officer for compensation paid by the State or any county, city or other political subdivision ~~[~~.~~]~~ ***; or***

2. Is designated as a public employee for the purposes of this chapter pursuant to NRS 281A.182.

Sec. 16. NRS 281A.182 is hereby amended to read as follows:

281A.182 1. Any person who serves in one of the following positions is designated as a public officer ***solely and exclusively*** for the purposes of this chapter:

(a) A president of a university, state college or community college within the Nevada System of Higher Education.

(b) A superintendent of a county school district.

(c) A county manager or a city manager.

2. ~~[~~This section applies~~]~~ ***The provisions of subsection 1 apply*** to such a person regardless of whether the person serves in the position:

(a) By appointment, contract or employment;

(b) With or without compensation; or

(c) On a temporary, interim or acting basis.

3. A person who is not otherwise a public officer is designated as a public officer solely and exclusively for the purposes of this chapter if the person:

(a) Enters into a contract with any state or local agency;

(b) Is paid compensation with public money; and

(c) Serves in a position which involves the exercise of a public power, trust or duty and which ordinarily would be held or filled by a public officer.

4. A person who is not otherwise a public employee is designated as a public employee solely and exclusively for the purposes of this chapter if:

(a) The person enters into a contract with any state or local agency;

(b) The person is paid compensation with public money;

(c) The person serves in a position which involves the performance of public duties under the substantial and continuing direction and control of a public officer or supervisory public employee;

(d) The position ordinarily would be held or filled by a public employee and would require the public employee to hold a valid professional or occupational license or similar type of authorization issued by a state or local agency to perform the public duties of the position, other than a general business license or similar type of authorization;

(e) The position is entrusted with public duties of a substantial and continuing nature which ordinarily would require a public employee to avoid conflicts between the private interests of the public employee and those of the general public whom the public employee serves; and

(f) The person occupies the position on a full-time basis or its equivalent for a substantial and continuing period of time.

5. The provisions of subsections 3 and 4 must be interpreted and applied to ensure that a person does not evade the provisions of this chapter because a state or local agency elects to use a contractual relationship instead of an employment relationship for a position which ordinarily would be held or filled by a public officer or employee.

6. If, pursuant to this section, any person is designated as a public officer or employee for the purposes of this chapter, that designation:

(a) Does not make the person a public officer or employee for the purposes of any other law or for any other purposes; and

(b) Must not be used, interpreted or applied in any manner to establish, suggest or prove that the person is a public officer or employee for the purposes of any other law or for any other purposes.

Sec. 16.5. NRS 281A.210 is hereby amended to read as follows:

281A.210 1. The Commission shall:

(a) At its first meeting and annually thereafter elect a Chair and Vice Chair from among its members.

(b) Meet regularly at least once in each calendar quarter, unless there are no ***ethics complaints or*** requests ~~[made for an opinion]~~ ***for advisory opinions*** pursuant to ~~[~~NRS 281A.440,~~]~~ ***this chapter,*** and at other times upon the call of the Chair.

2. Members of the Commission are entitled to receive a salary of not more than $80 per day, as fixed by the Commission, while engaged in the business of the Commission.

3. While engaged in the business of the Commission, each member and employee of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

4. The Commission may, within the limits of legislative appropriation, maintain such facilities as are required to carry out its functions.

Sec. 16.6. NRS 281A.220 is hereby amended to read as follows:

281A.220 1. The Chair shall appoint one or more ~~[investigatory]~~ ***review*** panels of ~~[two]~~ ***three*** members of the Commission on a rotating basis to ***perform the functions assigned to such*** review ~~[the determinations of just and sufficient cause made by the Executive Director]~~ ***panels*** pursuant to ~~[~~NRS 281A.440 and make a final determination regarding whether there is just and sufficient cause for the Commission to render an opinion in a matter.~~]~~ ***this chapter.***

2. The Chair and Vice Chair of the Commission may not serve together on ~~[an investigatory]~~ ***a review*** panel.

3. ~~[The]~~ ***Not more than two*** members of ~~[an investigatory]~~ ***a review*** panel may ~~[not]~~ be members of the same political party.

4. If ~~[an investigatory]~~ ***a review*** panel determines that there is just and sufficient cause for the Commission to render an opinion in a matter, the members of the ~~[investigatory]~~ ***review*** panel shall not participate in any further proceedings of the Commission relating to that matter.

Sec. 17. NRS 281A.240 is hereby amended to read as follows:

281A.240 1. In addition to any other duties imposed upon the Executive Director, the Executive Director shall:

(a) Maintain complete and accurate records of all transactions and proceedings of the Commission.

(b) Receive ***ethics complaints and*** requests for ***advisory*** opinions pursuant to ~~[~~NRS 281A.440.~~]~~ ***this chapter.***

(c) Gather information and conduct investigations regarding ***ethics complaints and*** requests for ***advisory*** opinions ~~[received by the Commission and submit]~~ ***pursuant to this chapter.***

(d) Submit recommendations to the ~~[investigatory panel appointed pursuant to NRS 281A.220]~~ ***review panel*** regarding whether there is just and sufficient cause ***for the Commission*** to render an opinion in ~~[response to a particular request.~~

~~(d)]~~ ***a matter.***

(e) Recommend to the Commission any regulations or legislation that the Executive Director considers desirable or necessary to improve the operation

of the Commission and maintain high standards of ethical conduct in government.

~~[(e)]~~ ***(f)*** Upon the request of any public officer or the employer of a public employee, conduct training on the requirements of this chapter, the rules and regulations adopted by the Commission and previous opinions of the Commission. In any such training, the Executive Director shall emphasize that the Executive Director is not a member of the Commission and that only the Commission may issue opinions concerning the application of the statutory ethical standards to any given set of facts and circumstances. The Commission may charge a reasonable fee to cover the costs of training provided by the Executive Director pursuant to this subsection.

~~[(f)]~~ ***(g)*** Perform such other duties, not inconsistent with law, as may be required by the Commission.

2. The Executive Director shall, within the limits of legislative appropriation, employ such persons as are necessary to carry out any of the Executive Director's duties relating to:

(a) The administration of the affairs of the Commission; and

(b) The investigation of matters under the jurisdiction of the Commission.

3. If the Executive Director is prohibited from acting on a particular matter or is otherwise unable to act on a particular matter, the Chair of the Commission shall designate a qualified person to perform the duties of the Executive Director with regard to that particular matter.

Sec. 18. NRS 281A.280 is hereby amended to read as follows:

281A.280 1. ~~[The]~~ ***Except as otherwise provided in this section, the*** Commission has jurisdiction to investigate and take appropriate action regarding an alleged violation of this chapter by a public officer or employee or former public officer or employee in any proceeding commenced by ~~[:~~

~~(a) The filing of a request for an opinion]~~ ***an ethics complaint, which is filed*** with the Commission ~~[; or~~

~~(b) The]~~ ***or initiated by the*** Commission on its own motion,

~~[➥]~~ within 2 years after the alleged violation or reasonable discovery of the alleged violation.

2. The Commission does not have jurisdiction regarding alleged conduct by a public officer or employee or former public officer or employee for which:

(a) A complaint may be filed or, if the applicable limitations period has expired, could have been filed with the United States Equal Employment Opportunity Commission or the Nevada Equal Rights Commission; or

(b) A complaint or employment-related grievance may be filed or, if the applicable limitations period has expired, could have been filed with another appropriate agency with jurisdiction to redress alleged discrimination or harassment, including, without limitation, a state or local employee-management relations board or similar state or local agency,

➥ but any bar on the Commission's jurisdiction imposed by this subsection applies only to the extent that it pertains to the alleged discrimination or

harassment, and this subsection does not deprive the Commission of jurisdiction regarding the alleged conduct if such conduct is sanctionable separately or concurrently under the provisions of this chapter, irrespective of the alleged discrimination or harassment.

3. For the purposes of this section, a proceeding is commenced:

(a) On the date on which ~~[a request for an opinion]~~ ***an ethics complaint*** is filed in the proper form with the Commission in accordance with the regulations of the Commission; or

(b) If the ~~[proceeding is commenced]~~ ***ethics complaint is initiated*** by the Commission on its own motion, on the date on which the Commission serves the public officer or employee or former public officer or employee with notice of the ~~[proceeding]~~ ***ethics complaint*** in accordance with the regulations of the Commission.

Sec. 18.5. NRS 281A.290 is hereby amended to read as follows:

281A.290 The Commission shall:

1. Adopt procedural regulations that are necessary and proper to carry out the provisions of this chapter, including, without limitation:

(a) To facilitate the receipt of inquiries by the Commission;

(b) For the filing of ***an ethics complaint or*** a request for an ***advisory*** opinion with the Commission;

(c) For the withdrawal of ***an ethics complaint or*** a request for an ***advisory*** opinion by the person who filed the ***ethics complaint or*** request; ~~[and]~~

(d) To facilitate the prompt rendition of opinions by the Commission ~~[.]~~ ***; and***

(e) For proceedings concerning an ethics complaint, to facilitate written discovery requests submitted pursuant to sections 8 and 9 of this act and the disclosure of evidence in the manner required by those sections, including, without limitation, the disclosure of evidence obtained by or on behalf of the Executive Director during the course of the investigation that affirmatively and substantively disproves any alleged violation of this chapter that is related to the ethics complaint and has been referred to the Commission for an adjudicatory hearing.

2. Prescribe, by regulation, forms and procedures for the submission of statements of acknowledgment filed by public officers pursuant to NRS 281A.500, maintain files of such statements and make the statements available for public inspection.

3. Cause the making of such investigations as are reasonable and necessary for the rendition of its opinions pursuant to this chapter.

4. Inform the Attorney General or district attorney of all cases of noncompliance with the requirements of this chapter.

5. Recommend to the Legislature such further legislation as the Commission considers desirable or necessary to promote and maintain high standards of ethical conduct in government.

6. Publish a manual for the use of public officers and employees that explains the requirements of this chapter.

➥ The Legislative Counsel shall prepare annotations to this chapter for inclusion in the Nevada Revised Statutes based on the published opinions of the Commission.

Sec. 19. NRS 281A.300 is hereby amended to read as follows:

281A.300 1. The Chair and Vice Chair of the Commission may administer oaths.

2. The Commission, upon majority vote, may issue a subpoena to compel the attendance of a witness and the production of ***any*** books and papers ~~[.]~~ ***for any hearing before the Commission.***

3. Upon the request of the Executive Director, the Chair or, in the Chair's absence, the Vice Chair, may issue a subpoena to compel the participation of a potential witness and the production of any books and papers during the course of any investigation.

4. Upon the request of the Executive Director or the public officer or employee who is the subject of ~~[a request for an opinion,]~~ ***an ethics complaint,*** the Chair or, in the Chair's absence, the Vice Chair, may issue a subpoena to compel the attendance of a witness and the production of ***any*** books and papers ~~[.]~~ ***for any hearing before the Commission.*** A public officer or employee who requests the issuance of a subpoena pursuant to this subsection must serve the subpoena in the manner provided in the Nevada Rules of Civil Procedure for service of subpoenas in a civil action and must pay the costs of such service.

~~[3.]~~ ***5.*** Before issuing a subpoena to a public officer or employee who is the subject of ~~[a request for an opinion]~~ ***an ethics complaint*** to compel ***his or her participation in any investigation,*** his or her attendance as a witness or his or her production of ***any*** books ~~[or]~~ ***and*** papers, the Executive Director shall submit a written request to the public officer or employee requesting:

(a) The ~~[appearance]~~ ***voluntary participation of the public officer or employee in the investigation;***

(b) The voluntary attendance of the public officer or employee as a witness; or

~~[(b)]~~ ***(c)*** The ***voluntary*** production by the public officer or employee of any books and papers relating to the ~~[request for an opinion.~~

~~4.]~~ ***ethics complaint.***

6. Each written request submitted by the Executive Director pursuant to subsection ~~[3]~~ ***5*** must specify the time and place for the ***voluntary participation of the public officer or employee in the investigation,*** attendance of the public officer or employee ***as a witness*** or ~~[the]~~ production of any books and papers, and designate with certainty the books and papers requested, if any.

7. If the public officer or employee fails or refuses to ***respond to the Executive Director's written request pursuant to subsection 5 to voluntarily participate or*** attend at the time and place specified or produce the books and papers requested by the Executive Director within 5 business days after receipt of the ***written*** request, the Chair ***or, in the Chair's absence, the Vice***

Chair, may issue the subpoena. Failure of the public officer or employee to comply with the written request of the Executive Director shall be deemed a waiver by the public officer or employee of the time ***limits*** set forth in ~~[subsections 4, 5 and 6 of NRS 281A.440.]~~ ***NRS 281A.450, 281A.465, 281A.475 and 281A.480 and sections 3.6 to 13, inclusive, of this act that apply to proceedings concerning the ethics complaint.***

8. If any witness ***fails or*** refuses to ***participate,*** attend, testify or produce any books and papers as required by the subpoena, the Chair ~~[of the Commission]~~ ***or, in the Chair's absence, the Vice Chair,*** may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of ***the participation or*** attendance of the witness or the production of the books and papers;

(b) The witness has been subpoenaed ~~[by the Commission]~~ pursuant to this section; and

(c) The witness has failed or refused to ***participate,*** attend ***, testify*** or produce the books and papers ***as*** required by the subpoena ***,*** ~~[before the Commission,]~~ or has ***failed or*** refused to answer questions propounded to the witness,

➥ and asking for an order of the court compelling the witness to ***participate,*** attend ***,*** ~~[and]~~ testify or produce the books and papers ~~[before the Commission.~~

~~6.]~~ ***as required by the subpoena.***

9. Upon such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why the witness has not ***participated,*** attended, testified or produced the books or papers ~~[before the Commission.]~~ ***as required by the subpoena.*** A certified copy of the order must be served upon the witness.

~~[7.]~~ ***10.*** If it appears to the court that the subpoena was regularly issued ~~[by the Commission,]~~ ***pursuant to this section,*** the court shall enter an order that the witness ~~[appear before the Commission,]~~ ***comply with the subpoena,*** at the time and place fixed in the order, and ***participate, attend,*** testify or produce the required books and papers. Upon failure to obey the order, the witness must be dealt with as for contempt of court.

Sec. 20. NRS 281A.400 is hereby amended to read as follows:

281A.400 A code of ethical standards is hereby established to govern the conduct of public officers and employees:

1. A public officer or employee shall not seek or accept any gift, service, favor, employment, engagement, emolument or economic opportunity ***, for the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity,*** which would tend improperly to influence a reasonable person in the public officer's or employee's position to depart from the faithful and impartial discharge of the public officer's or employee's public duties.

2. A public officer or employee shall not use the public officer's or employee's position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for the public officer or employee, any business entity in which the public officer or employee has a significant pecuniary interest ~~[,]~~ or any person to whom the public officer or employee has a commitment in a private capacity ***.*** ~~[to the interests of that person.]~~ As used in this subsection, "unwarranted" means without justification or adequate reason.

3. A public officer or employee shall not participate as an agent of government in the negotiation or execution of a contract between the government and ***the public officer or employee,*** any business entity in which the public officer or employee has a significant pecuniary interest ~~[.]~~ ***or any person to whom the public officer or employee has a commitment in a private capacity.***

4. A public officer or employee shall not accept any salary, retainer, augmentation, expense allowance or other compensation from any private source ***, for the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity,*** for the performance of the public officer's or employee's duties as a public officer or employee.

5. If a public officer or employee acquires, through the public officer's or employee's public duties or relationships, any information which by law or practice is not at the time available to people generally, the public officer or employee shall not use the information to further a significant pecuniary interest of the public officer or employee or any other person or business entity.

6. A public officer or employee shall not suppress any governmental report or other official document because it might tend to affect unfavorably a significant pecuniary interest of the public officer or employee ~~[.]~~ ***or any person to whom the public officer or employee has a commitment in a private capacity.***

7. Except for State Legislators who are subject to the restrictions set forth in subsection 8, a public officer or employee shall not use governmental time, property, equipment or other facility to benefit a significant personal or pecuniary interest of the public officer or employee ~~[.]~~ ***or any person to whom the public officer or employee has a commitment in a private capacity.*** This subsection does not prohibit:

(a) A limited use of governmental property, equipment or other facility for personal purposes if:

(1) The public officer or employee who is responsible for and has authority to authorize the use of such property, equipment or other facility has established a policy allowing the use or the use is necessary as a result of emergency circumstances;

(2) The use does not interfere with the performance of the public officer's or employee's public duties;

(3) The cost or value related to the use is nominal; and

(4) The use does not create the appearance of impropriety;

(b) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or

(c) The use of telephones or other means of communication if there is not a special charge for that use.

➥ If a governmental agency incurs a cost as a result of a use that is authorized pursuant to this subsection or would ordinarily charge a member of the general public for the use, the public officer or employee shall promptly reimburse the cost or pay the charge to the governmental agency.

8. A State Legislator shall not:

(a) Use governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of the State Legislator or any other person. This paragraph does not prohibit:

(1) A limited use of state property and resources for personal purposes if:

(I) The use does not interfere with the performance of the State Legislator's public duties;

(II) The cost or value related to the use is nominal; and

(III) The use does not create the appearance of impropriety;

(2) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or

(3) The use of telephones or other means of communication if there is not a special charge for that use.

(b) Require or authorize a legislative employee, while on duty, to perform personal services or assist in a private activity, except:

(1) In unusual and infrequent situations where the employee's service is reasonably necessary to permit the State Legislator or legislative employee to perform that person's official duties; or

(2) Where such service has otherwise been established as legislative policy.

9. A public officer or employee shall not attempt to benefit a significant personal or pecuniary interest of the public officer or employee ***or any person to whom the public officer or employee has a commitment in a private capacity*** through the influence of a subordinate.

10. A public officer or employee shall not seek other employment or contracts ***for the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity*** through the use of the public officer's or employee's official position.

Sec. 20.3. NRS 281A.410 is hereby amended to read as follows:

281A.410 In addition to the requirements of the code of ethical standards and the other provisions of this chapter:

1. If a public officer or employee serves in a state agency of the Executive Department or an agency of any county, city or other political subdivision, the public officer or employee:

(a) Shall not accept compensation from any private person to represent or counsel the private person on any issue pending before the agency in which that public officer or employee serves, if the agency makes decisions; and

(b) If the public officer or employee leaves the service of the agency, shall not, for 1 year after leaving the service of the agency, represent or counsel for compensation a private person upon any issue which was under consideration by the agency during the public officer's or employee's service. As used in this paragraph, "issue" includes a case, proceeding, application, contract or determination, but does not include the proposal or consideration of legislative measures or administrative regulations.

2. Except as otherwise provided in subsection 3, a State Legislator or a member of a local legislative body, or a public officer or employee whose public service requires less than half of his or her time, may represent or counsel a private person before an agency in which he or she does not serve.

3. A member of a local legislative body shall not represent or counsel a private person for compensation before another local agency if the territorial jurisdiction of the other local agency includes any part of the county in which the member serves. The Commission may relieve the member from the strict application of the provisions of this subsection if:

(a) The member ~~[requests]~~ ***files a request for*** an ***advisory*** opinion from the Commission pursuant to ~~[subsection 1 of NRS 281A.440;]~~ ***section 3.2 of this act;*** and

(b) The Commission determines that such relief is not contrary to:

(1) The best interests of the public;

(2) The continued ethical integrity of each local agency affected by the matter; and

(3) The provisions of this chapter.

4. ***For the purposes of subsection 3, the request for an advisory opinion, the advisory opinion and all meetings, hearings and proceedings of the Commission in such a matter are governed by the provisions of sections 3.1 to 3.5, inclusive, of this act.***

5. Unless permitted by this section, a public officer or employee shall not represent or counsel a private person for compensation before any state agency of the Executive or Legislative Department.

~~[5. Not later than January 15 of each year, if any State Legislator, member of a local legislative body or other public officer permitted by this section has, within the preceding year, represented or counseled a private person for compensation before a state agency of the Executive Department, he or she shall disclose for each such representation or counseling during the previous calendar year:~~

~~(a) The name of the client;~~

~~(b) The nature of the representation; and~~

~~(c) The name of the state agency.~~

~~6. The disclosure required by subsection 5 must be made in writing and filed with the Commission on a form prescribed by the Commission. For the purposes of this subsection, the disclosure is timely filed if, on or before the last day for filing, the disclosure is filed in one of the following ways:~~

~~(a) Delivered in person to the principal office of the Commission in Carson City.~~

~~(b) Mailed to the Commission by first class mail, or other class of mail that is at least as expeditious, postage prepaid. Filing by mail is complete upon timely depositing the disclosure with the United States Postal Service.~~

~~(c) Dispatched to a third-party commercial carrier for delivery to the Commission within 3 calendar days. Filing by third-party commercial carrier is complete upon timely depositing the disclosure with the third-party commercial carrier.~~

~~(d) Transmitted to the Commission by facsimile machine or other electronic means authorized by the Commission. Filing by facsimile machine or other electronic means is complete upon receipt of the transmission by the Commission.~~

~~7. The Commission shall retain a disclosure filed pursuant to this section for 6 years after the date on which the disclosure was filed.]~~

Sec. 20.5. NRS 281A.420 is hereby amended to read as follows:

281A.420 1. Except as otherwise provided in this section, a public officer or employee shall not approve, disapprove, vote, abstain from voting or otherwise act upon a matter:

(a) Regarding which the public officer or employee has accepted a gift or loan;

(b) In which the public officer or employee has a significant pecuniary interest; ~~[or]~~

(c) Which would reasonably be affected by the public officer's or employee's commitment in a private capacity to the interests of another person ~~[.]~~ ***; or***

(d) Which would reasonably be related to the nature of any representation or counseling that the public officer or employee provided to a private person for compensation before another agency within the immediately preceding year, provided such representation or counseling is permitted by NRS 281A.410,

➥ without disclosing information concerning the gift or loan, ***the*** significant pecuniary interest ~~[or]~~ ***, the*** commitment in a private capacity to the interests of the ***other*** person ***or the nature of the representation or counseling of the private person*** that is sufficient to inform the public of the potential effect of the action or abstention upon the person who provided the gift or loan, upon the public officer's or employee's significant pecuniary interest, ~~[or]~~ upon the person to whom the public officer or employee has a commitment in a private capacity ~~[.]~~ ***or upon the private person who was represented or counseled by the public officer or employee.*** Such a disclosure must be

made at the time the matter is considered. If the public officer or employee is a member of a body which makes decisions, the public officer or employee shall make the disclosure in public to the chair and other members of the body. If the public officer or employee is not a member of such a body and holds an appointive office, the public officer or employee shall make the disclosure to the supervisory head of the public officer's or employee's organization or, if the public officer holds an elective office, to the general public in the area from which the public officer is elected.

2. The provisions of subsection 1 do not require a public officer to disclose:

(a) Any campaign contributions that the public officer reported in a timely manner pursuant to NRS 294A.120 or 294A.125; or

(b) Any contributions to a legal defense fund that the public officer reported in a timely manner pursuant to NRS 294A.286.

3. Except as otherwise provided in this section, in addition to the requirements of subsection 1, a public officer shall not vote upon or advocate the passage or failure of, but may otherwise participate in the consideration of, a matter with respect to which the independence of judgment of a reasonable person in the public officer's situation would be materially affected by:

(a) The public officer's acceptance of a gift or loan;

(b) The public officer's significant pecuniary interest; or

(c) The public officer's commitment in a private capacity to the interests of another person.

4. In interpreting and applying the provisions of subsection 3:

(a) It must be presumed that the independence of judgment of a reasonable person in the public officer's situation would not be materially affected by the public officer's acceptance of a gift or loan, significant pecuniary interest or commitment in a private capacity to the interests of another person where the resulting benefit or detriment accruing to the public officer, or if the public officer has a commitment in a private capacity to the interests of another person, accruing to the other person, is not greater than that accruing to any other member of any general business, profession, occupation or group that is affected by the matter. The presumption set forth in this paragraph does not affect the applicability of the requirements set forth in subsection 1 relating to the ***duty of the public officer to make a proper*** disclosure ~~[of the acceptance of a gift or loan, significant pecuniary interest or commitment in a private capacity to the interests of another person.]~~ ***at the time the matter is considered and in the manner required by subsection 1.***

(b) The Commission must give appropriate weight and proper deference to the public policy of this State which favors the right of a public officer to perform the duties for which the public officer was elected or appointed and to vote or otherwise act upon a matter, provided the public officer ~~[has properly disclosed the public officer's acceptance of a gift or loan, significant pecuniary interest or commitment in a private capacity to the interests of~~

~~another person~~] ***makes a proper disclosure at the time the matter is considered and*** in the manner required by subsection 1. Because abstention by a public officer disrupts the normal course of representative government and deprives the public and the public officer's constituents of a voice in governmental affairs, the provisions of this section are intended to require abstention only in clear cases where the independence of judgment of a reasonable person in the public officer's situation would be materially affected by the public officer's acceptance of a gift or loan, significant pecuniary interest or commitment in a private capacity to the interests of another person.

5. Except as otherwise provided in NRS 241.0355, if a public officer declares to the body or committee in which the vote is to be taken that the public officer will abstain from voting because of the requirements of this section, the necessary quorum to act upon and the number of votes necessary to act upon the matter, as fixed by any statute, ordinance or rule, is reduced as though the member abstaining were not a member of the body or committee.

6. The provisions of this section do not, under any circumstances:

(a) Prohibit a member of a local legislative body from requesting or introducing a legislative measure; or

(b) Require a member of a local legislative body to take any particular action before or while requesting or introducing a legislative measure.

7. The provisions of this section do not, under any circumstances, apply to State Legislators or allow the Commission to exercise jurisdiction or authority over State Legislators. The responsibility of a State Legislator to make disclosures concerning gifts, loans, interests or commitments and the responsibility of a State Legislator to abstain from voting upon or advocating the passage or failure of a matter are governed by the Standing Rules of the Legislative Department of State Government which are adopted, administered and enforced exclusively by the appropriate bodies of the Legislative Department of State Government pursuant to Section 6 of Article 4 of the Nevada Constitution.

8. As used in this section, "public officer" and "public employee" do not include a State Legislator.

Sec. 20.7. NRS 281A.430 is hereby amended to read as follows:

281A.430 1. Except as otherwise provided in this section and NRS 218A.970 and 332.800, a public officer or employee shall not bid on or enter into a contract between an agency and any business entity in which the public officer or employee has a significant pecuniary interest.

2. A member of any board, commission or similar body who is engaged in the profession, occupation or business regulated by such board, commission or body may, in the ordinary course of his or her business, bid on or enter into a contract with an agency, except the board, commission or body on which he or she is a member, if the member has not taken part in

developing the contract plans or specifications and the member will not be personally involved in opening, considering or accepting offers.

3. A full- or part-time faculty member or employee of the Nevada System of Higher Education may bid on or enter into a contract with an agency, or may benefit financially or otherwise from a contract between an agency and a private entity, if the contract complies with the policies established by the Board of Regents of the University of Nevada pursuant to NRS 396.255.

4. Except as otherwise provided in subsection 2, 3 or 5, a public officer or employee may bid on or enter into a contract with an agency if:

(a) The contracting process is controlled by the rules of open competitive bidding or the rules of open competitive bidding are not employed as a result of the applicability of NRS 332.112 or 332.148;

(b) The sources of supply are limited;

(c) The public officer or employee has not taken part in developing the contract plans or specifications; and

(d) The public officer or employee will not be personally involved in opening, considering or accepting offers.

➥ If a public officer who is authorized to bid on or enter into a contract with an agency pursuant to this subsection is a member of the governing body of the agency, the public officer, pursuant to the requirements of NRS 281A.420, shall disclose the public officer's interest in the contract and shall not vote on or advocate the approval of the contract.

5. A member of a local legislative body shall not, either individually or through any business entity in which the member has a significant pecuniary interest, sell goods or services to the local agency governed by his or her local legislative body unless:

(a) The member, or the business entity in which the member has a significant pecuniary interest, offers the sole source of supply of the goods or services within the territorial jurisdiction of the local agency governed by his or her local legislative body;

(b) The local legislative body includes in the public notice and agenda for the meeting at which it will consider the purchase of such goods or services a clear and conspicuous statement that it is considering purchasing such goods or services from one of its members, or from a business entity in which the member has a significant pecuniary interest;

(c) At the meeting, the member discloses his or her significant pecuniary interest in the purchase of such goods or services and does not vote upon or advocate the approval of the matter pursuant to the requirements of NRS 281A.420; and

(d) The local legislative body approves the purchase of such goods or services in accordance with all other applicable provisions of law.

6. The Commission may relieve a public officer or employee from the strict application of the provisions of this section if:

(a) The public officer or employee ~~[requests]~~ ***files a request for*** an ***advisory*** opinion from the Commission pursuant to ~~[subsection 1 of NRS 281A.440;]~~ ***section 3.2 of this act;*** and

(b) The Commission determines that such relief is not contrary to:

(1) The best interests of the public;

(2) The continued ethical integrity of each agency affected by the matter; and

(3) The provisions of this chapter.

7. For the purposes of subsection 6, the request for an advisory opinion, the advisory opinion and all meetings, hearings and proceedings of the Commission in such a matter are governed by the provisions of sections 3.1 to 3.5, inclusive, of this act.

Sec. 21. (Deleted by amendment.)

Sec. 21.5. NRS 281A.450 is hereby amended to read as follows:

281A.450 1. If ~~[a request for an opinion is submitted to]~~ ***an ethics complaint is filed with*** or initiated by the Commission concerning a present or former state officer or employee, unless the state officer or employee retains his or her legal counsel or the Attorney General tenders the defense of the state officer or employee to an insurer who, pursuant to a contract of insurance, is authorized to defend the state officer or employee, the Attorney General shall defend the state officer or employee or employ special counsel to defend the state officer or employee in any proceeding relating to the ~~[request for the opinion]~~ ***ethics complaint*** if:

(a) The state officer or employee submits a written request for defense in the manner provided in NRS 41.0339; and

(b) Based on the facts and allegations known to the Attorney General, the Attorney General determines that the act or omission on which the alleged violation is based:

(1) Appears to be within the course and scope of public duty or employment of the state officer or employee; and

(2) Appears to have been performed or omitted in good faith.

2. The Attorney General shall create a written record setting forth the basis for the Attorney General's determination of whether to defend the state officer or employee pursuant to paragraph (b) of subsection 1. The written record is not admissible in evidence at trial or in any other judicial or administrative proceeding in which the state officer or employee is a party, except in connection with an application to withdraw as the attorney of record.

Sec. 22. NRS 281A.465 is hereby amended to read as follows:

281A.465 In any matter in which the Commission disposes of ~~[a request for an opinion]~~ ***an ethics complaint*** by stipulation, agreed settlement or consent order ~~[,]~~ ***or in which the review panel approves a deferral agreement,*** the Commission ***or the review panel, as appropriate,*** shall treat comparable situations in a comparable manner and shall ensure that the

disposition of the matter bears a reasonable relationship to the severity of the violation or alleged violation.

Sec. 23. NRS 281A.475 is hereby amended to read as follows:

281A.475 1. ~~[In]~~ ***The Commission, in*** determining whether a violation of this chapter is a willful violation and, if so, the ~~[amount of any civil]~~ penalty to be imposed on a public officer or employee or former public officer or employee pursuant to NRS 281A.480 ~~[,]~~ ***or section 13 of this act, or*** the ~~[Commission]~~ ***review panel, in determining whether to approve a deferral agreement regarding an alleged violation,*** shall consider, without limitation:

(a) The seriousness of the ***violation or alleged*** violation, including, without limitation, the nature, circumstances, extent and gravity of the ***violation or alleged*** violation;

(b) The number and history of previous warnings ~~[issued to]~~ ***, letters of caution or instruction, deferral agreements or violations*** or ***alleged*** violations of the provisions of this chapter ~~[by]~~ ***relating to*** the public officer or employee;

(c) The cost to ~~[the Commission to]~~ conduct the investigation and any ~~[hearing]~~ ***meetings, hearings or other proceedings*** relating to the ***violation or alleged*** violation;

(d) Any mitigating factors, including, without limitation, any self-reporting, prompt correction of the ***violation or alleged*** violation, any attempts to rectify the ***violation or alleged*** violation before any ***ethics*** complaint is filed and any cooperation by the public officer or employee in resolving the ***ethics*** complaint;

(e) Any restitution or reimbursement paid to parties affected by the ***violation or alleged*** violation;

(f) The extent of any financial gain resulting from the ***violation or alleged*** violation; and

(g) Any other matter justice may require.

2. The factors set forth in this section are not exclusive or exhaustive, and the Commission ***or the review panel, as appropriate,*** may consider other factors in the disposition of the matter if they bear a reasonable relationship to the ~~[Commission's]~~ determination of the severity of the ***violation or alleged*** violation.

3. In applying the factors set forth in this section, the Commission ***or the review panel, as appropriate,*** shall treat comparable situations in a comparable manner and shall ensure that the disposition of the matter bears a reasonable relationship to the severity of the ***violation or alleged*** violation.

Sec. 24. NRS 281A.480 is hereby amended to read as follows:

281A.480 1. In addition to any other penalties provided by law and in accordance with the provisions of NRS 281A.475, the Commission may impose on a public officer or employee or former public officer or employee civil penalties:

(a) Not to exceed $5,000 for a first willful violation of this chapter;

(b) Not to exceed $10,000 for a separate act or event that constitutes a second willful violation of this chapter; and

(c) Not to exceed $25,000 for a separate act or event that constitutes a third willful violation of this chapter.

2. In addition to any other penalties provided by law, ***if any person prevents, interferes with or attempts to prevent or interfere with any investigation or proceedings pursuant to this chapter or the discovery of a violation of this chapter,*** the Commission may, upon its own motion or upon the motion of the ~~[person about whom an opinion was requested pursuant to NRS 281A.440, impose a]~~ ***current or former public officer or employee who is the subject of the investigation or proceedings:***

(a) Impose on the person committing such an act a civil penalty not to exceed $5,000 ***;*** and

(b) If appropriate under the facts and circumstances, assess ***against the person committing such an act*** an amount equal to the amount of attorney's fees and costs actually and reasonably incurred by the ~~[person about whom an opinion was requested pursuant to NRS 281A.440 against a person who prevents, interferes with or attempts to prevent or interfere with the discovery or investigation of a violation of this chapter.]~~ ***current or former public officer or employee as a result of the act.***

3. If the Commission finds that a violation of a provision of this chapter by a public officer or employee or former public officer or employee has resulted in the realization of a financial benefit by the current or former public officer or employee or another person, the Commission may, in addition to any other penalties provided by law, require the current or former public officer or employee to pay a civil penalty of not more than twice the amount so realized.

4. In addition to any other penalties provided by law, if a proceeding results in an opinion that:

(a) One or more willful violations of this chapter have been committed by a State Legislator removable from office only through expulsion by the State Legislator's own House pursuant to Section 6 of Article 4 of the Nevada Constitution, the Commission shall:

(1) If the State Legislator is a member of the Senate, submit the opinion to the Majority Leader of the Senate or, if the Majority Leader of the Senate is the subject of the opinion or the person who requested the opinion, to the President Pro Tempore of the Senate; or

(2) If the State Legislator is a member of the Assembly, submit the opinion to the Speaker of the Assembly or, if the Speaker of the Assembly is the subject of the opinion or the person who requested the opinion, to the Speaker Pro Tempore of the Assembly.

(b) One or more willful violations of this chapter have been committed by a state officer removable from office only through impeachment pursuant to Article 7 of the Nevada Constitution, the Commission shall submit the

opinion to the Speaker of the Assembly and the Majority Leader of the Senate or, if the Speaker of the Assembly or the Majority Leader of the Senate is the person who requested the opinion, to the Speaker Pro Tempore of the Assembly or the President Pro Tempore of the Senate, as appropriate.

(c) One or more willful violations of this chapter have been committed by a public officer other than a public officer described in paragraphs (a) and (b), the willful violations shall be deemed to be malfeasance in office for the purposes of NRS 283.440 and the Commission:

(1) May file a complaint in the appropriate court for removal of the public officer pursuant to NRS 283.440 when the public officer is found in the opinion to have committed fewer than three willful violations of this chapter.

(2) Shall file a complaint in the appropriate court for removal of the public officer pursuant to NRS 283.440 when the public officer is found in the opinion to have committed three or more willful violations of this chapter.

➥ This paragraph grants an exclusive right to the Commission, and no other person may file a complaint against the public officer pursuant to NRS 283.440 based on any violation found in the opinion.

5. Notwithstanding any other provision of this chapter, any act or failure to act by a public officer or employee or former public officer or employee relating to this chapter is not a willful violation of this chapter if the public officer or employee establishes by sufficient evidence that:

(a) The public officer or employee relied in good faith upon the advice of the legal counsel retained by his or her public body, agency or employer; and

(b) The advice of the legal counsel was:

(1) Provided to the public officer or employee before the public officer or employee acted or failed to act; and

(2) Based on a reasonable legal determination by the legal counsel under the circumstances when the advice was given that the act or failure to act by the public officer or employee would not be contrary to ~~[any prior published opinion issued by the Commission which was publicly available on the Internet website of the Commission.]~~ ***the provisions of this chapter as interpreted by the Commission.***

6. In addition to any other penalties provided by law, ***if*** a public employee ~~[who]~~ commits a willful violation of this chapter ***or fails to complete a period of compliance imposed by the Commission pursuant to section 13 of this act or by the review panel as part of the terms and conditions of a deferral agreement, the public employee*** is subject to disciplinary proceedings by the employer of the public employee and must be referred for action in accordance to the applicable provisions governing the employment of the public employee.

7. The provisions of this chapter do not abrogate or decrease the effect of the provisions of the Nevada Revised Statutes which define crimes or prescribe punishments with respect to the conduct of public officers or

employees. If the Commission finds that a public officer or employee has committed a willful violation of this chapter which it believes may also constitute a criminal offense, the Commission shall refer the matter to the Attorney General or the district attorney, as appropriate, for a determination of whether a crime has been committed that warrants prosecution.

8. The imposition of a civil penalty pursuant to subsection 1, 2 or 3 is a final decision for the purposes of judicial review pursuant to NRS 233B.130.

9. A finding by the Commission that a public officer or employee has violated any provision of this chapter must be supported by a preponderance of the evidence unless a greater burden is otherwise prescribed by law.

Sec. 25. NRS 281A.500 is hereby amended to read as follows:

281A.500 1. On or before the date on which a public officer swears or affirms the oath of office, the public officer must be informed of the statutory ethical standards and the duty to file an acknowledgment of the statutory ethical standards in accordance with this section by:

(a) For an appointed public officer, the appointing authority of the public officer; and

(b) For an elected public officer of:

(1) The county and other political subdivisions within the county except cities, the county clerk;

(2) The city, the city clerk;

(3) The Legislative Department of the State Government, the Director of the Legislative Counsel Bureau; and

(4) The Executive Department of the State Government, the Director of the Department of Administration, or his or her designee.

2. Within 30 days after a public employee begins employment:

(a) The Director of the Department of Administration, or his or her designee, shall provide each new public employee of a state agency with the information prepared by the Commission concerning the statutory ethical standards; and

(b) The manager of each local agency, or his or her designee, shall provide each new public employee of the local agency with the information prepared by the Commission concerning the statutory ethical standards.

3. Each public officer shall acknowledge that the public officer:

(a) Has received, read and understands the statutory ethical standards; and

(b) Has a responsibility to inform himself or herself of any amendments to the statutory ethical standards as soon as reasonably practicable after each session of the Legislature.

4. The acknowledgment must be executed on a form prescribed by the Commission and must be filed with the Commission:

(a) If the public officer is elected to office at the general election, on or before January 15 of the year following the public officer's election.

(b) If the public officer is elected to office at an election other than the general election or is appointed to office, on or before the 30th day following the date on which the public officer swears or affirms the oath of office.

5. Except as otherwise provided in this subsection, a public officer shall execute and file the acknowledgment once for each term of office. If the public officer serves at the pleasure of the appointing authority and does not have a definite term of office, the public officer, in addition to executing and filing the acknowledgment after the public officer swears or affirms the oath of office in accordance with subsection 4, shall execute and file the acknowledgment on or before January 15 of each even-numbered year while the public officer holds that office.

6. For the purposes of this section, the acknowledgment is timely filed if, on or before the last day for filing, the acknowledgment is filed in one of the following ways:

(a) Delivered in person to the principal office of the Commission in Carson City.

(b) Mailed to the Commission by first-class mail, or other class of mail that is at least as expeditious, postage prepaid. Filing by mail is complete upon timely depositing the acknowledgment with the United States Postal Service.

(c) Dispatched to a third-party commercial carrier for delivery to the Commission within 3 calendar days. Filing by third-party commercial carrier is complete upon timely depositing the acknowledgment with the third-party commercial carrier.

(d) Transmitted to the Commission by facsimile machine or other electronic means authorized by the Commission. Filing by facsimile machine or other electronic means is complete upon receipt of the transmission by the Commission.

7. ***If a public officer is serving in a public office and executes and files the acknowledgment for that office as required by the applicable provisions of this section, the public officer shall be deemed to have satisfied the requirements of this section for any other office held concurrently by him or her.***

8. The form for making the acknowledgment must contain:

(a) The address of the Internet website of the Commission where a public officer may view the statutory ethical standards and print a copy of the standards; and

(b) The telephone number and mailing address of the Commission where a public officer may make a request to obtain a printed copy of the statutory ethical standards from the Commission.

~~[8.]~~ ***9.*** Whenever the Commission, or any public officer or employee as part of the public officer's or employee's official duties, provides a public officer with a printed copy of the form for making the acknowledgment, a printed copy of the statutory ethical standards must be included with the form.

~~[9.]~~ ***10.*** The Commission shall retain each acknowledgment filed pursuant to this section for 6 years after the date on which the acknowledgment was filed.

~~[10.]~~ ***11.*** Willful refusal to execute and file the acknowledgment required by this section shall be deemed to be:

(a) A willful violation of this chapter for the purposes of NRS 281A.480 ~~[.]~~ ***and section 13 of this act;*** and

(b) Nonfeasance in office for the purposes of NRS 283.440 and, if the public officer is removable from office pursuant to NRS 283.440, the Commission may file a complaint in the appropriate court for removal of the public officer pursuant to that section. This paragraph grants an exclusive right to the Commission, and no other person may file a complaint against the public officer pursuant to NRS 283.440 based on any violation of this section.

~~[11.]~~ ***12.*** As used in this section, "general election" has the meaning ascribed to it in NRS 293.060.

Sec. 26. NRS 281A.510 is hereby amended to read as follows:

281A.510 1. A public officer or public employee shall not accept or receive an honorarium.

2. An honorarium paid on behalf of a public officer or public employee to a charitable organization from which the officer or employee does not derive any financial benefit is deemed not to be accepted or received by the officer or employee for the purposes of this section.

3. This section does not prohibit:

(a) The receipt of payment for work performed outside the normal course of a person's public office or employment if the performance of that work is consistent with the applicable policies of the person's public employer regarding supplemental employment.

(b) The receipt of an honorarium by the spouse of a public officer or public employee if it is related to the spouse's profession or occupation.

4. As used in this section, "honorarium" means the payment of money or anything of value for an appearance or speech by the public officer or public employee in the officer's or employee's capacity as a public officer or public employee. The term does not include the payment of:

(a) The actual and necessary costs incurred by the public officer or public employee, the officer's or employee's spouse or the officer's or employee's aid for transportation and for lodging and meals while the public officer or public employee is away from the officer's or employee's residence.

(b) Compensation which would otherwise have been earned by the public officer or public employee in the normal course of the officer's or employee's public office or employment.

(c) A fee for a speech related to the officer's or employee's profession or occupation outside of the officer's or employee's public office or employment if:

(1) Other members of the profession or occupation are ordinarily compensated for such a speech; and

(2) The fee paid to the public officer or public employee is approximately the same as the fee that would be paid to a member of the

private sector whose qualifications are similar to those of the officer or employee for a comparable speech.

(d) A fee for a speech delivered to an organization of legislatures, legislators or other elected officers.

5. In addition to any other ~~[penalty imposed pursuant to NRS 281A.480,]~~ ***penalties provided by law,*** a public officer or public employee who violates the provisions of this section shall forfeit the amount of the honorarium.

Sec. 27. NRS 281A.550 is hereby amended to read as follows:

281A.550 1. A former member of the Public Utilities Commission of Nevada shall not:

(a) Be employed by a public utility or parent organization or subsidiary of a public utility; or

(b) Appear before the Public Utilities Commission of Nevada to testify on behalf of a public utility or parent organization or subsidiary of a public utility,

➥ for 1 year after the termination of the member's service on the Public Utilities Commission of Nevada.

2. A former member of the Nevada Gaming Control Board or the Nevada Gaming Commission shall not:

(a) Appear before the Nevada Gaming Control Board or the Nevada Gaming Commission on behalf of a person who holds a license issued pursuant to chapter 463 or 464 of NRS or who is required to register with the Nevada Gaming Commission pursuant to chapter 463 of NRS; or

(b) Be employed by such a person,

➥ for 1 year after the termination of the member's service on the Nevada Gaming Control Board or the Nevada Gaming Commission.

3. In addition to the prohibitions set forth in subsections 1 and 2, and except as otherwise provided in subsections 4 and 6, a former public officer or employee of a board, commission, department, division or other agency of the Executive Department of State Government, except a clerical employee, shall not solicit or accept employment from a business or industry whose activities are governed by regulations adopted by the board, commission, department, division or other agency for 1 year after the termination of the former public officer's or employee's service or period of employment if:

(a) The former public officer's or employee's principal duties included the formulation of policy contained in the regulations governing the business or industry;

(b) During the immediately preceding year, the former public officer or employee directly performed activities, or controlled or influenced an audit, decision, investigation or other action, which significantly affected the business or industry which might, but for this section, employ the former public officer or employee; or

(c) As a result of the former public officer's or employee's governmental service or employment, the former public officer or employee possesses knowledge of the trade secrets of a direct business competitor.

4. The provisions of subsection 3 do not apply to a former public officer who was a member of a board, commission or similar body of the State if:

(a) The former public officer is engaged in the profession, occupation or business regulated by the board, commission or similar body;

(b) The former public officer holds a license issued by the board, commission or similar body; and

(c) Holding a license issued by the board, commission or similar body is a requirement for membership on the board, commission or similar body.

5. Except as otherwise provided in subsection 6, a former public officer or employee of the State or a political subdivision, except a clerical employee, shall not solicit or accept employment from a person to whom a contract for supplies, materials, equipment or services was awarded by the State or political subdivision, as applicable, for 1 year after the termination of the officer's or employee's service or period of employment, if:

(a) The amount of the contract exceeded $25,000;

(b) The contract was awarded within the 12-month period immediately preceding the termination of the officer's or employee's service or period of employment; and

(c) The position held by the former public officer or employee at the time the contract was awarded allowed the former public officer or employee to affect or influence the awarding of the contract.

6. A current or former public officer or employee may ***file a*** request ~~[that the Commission apply]~~ ***for an advisory opinion pursuant to section 3.2 of this act concerning the application of*** the relevant facts in that person's case to the provisions of subsection 3 or 5, as applicable, and determine whether relief from the strict application of those provisions is proper. If the Commission determines that relief from the strict application of the provisions of subsection 3 or 5, as applicable, is not contrary to:

(a) The best interests of the public;

(b) The continued ethical integrity of the State Government or political subdivision, as applicable; and

(c) The provisions of this chapter,

➥ it may issue an ***advisory*** opinion to that effect and grant such relief. ~~[The]~~

7. For the purposes of subsection 6, the request for an advisory opinion, the advisory opinion ***and all meetings, hearings and proceedings*** of the Commission in such a ~~[case is final and subject to judicial review pursuant to NRS 233B.130, except that a proceeding regarding this review must be held in closed court without admittance of persons other than those necessary to the proceeding, unless this right to confidential proceedings is waived by the current or former public officer or employee.]~~ ***matter are governed by the provisions of sections 3.1 to 3.5, inclusive, of this act.***

8. The advisory opinion does not relieve the current or former public officer or employee from the strict application of any provision of NRS 281A.410.

~~[7. Each request for an opinion that a current or former public officer or employee submits to the Commission pursuant to subsection 6, each opinion rendered by the Commission in response to such a request and any motion, determination, evidence or record of a hearing relating to such a request are confidential unless the current or former public officer or employee who requested the opinion:~~

~~(a) Acts in contravention of the opinion, in which case the Commission may disclose the request for the opinion, the contents of the opinion and any motion, evidence or record of a hearing related thereto; (b) Discloses the request for the opinion, the contents of the opinion or any motion, evidence or record of a hearing related thereto in any manner except to:~~

~~(1) The public body, agency or employer of the public officer or employee or a prospective employer of the public officer or employee; or~~

~~(2) Any person to whom the Commission authorizes the current or former public officer or employee to make such a disclosure; or~~

~~(c) Requests the Commission to disclose the request for the opinion, the contents of the opinion, or any motion, evidence or record of a hearing related thereto.~~

~~8. A meeting or hearing that the Commission or an investigatory panel holds to receive information or evidence concerning the propriety of the conduct of a current or former public officer or employee pursuant to this section and the deliberations of the Commission and the investigatory panel on such information or evidence are not subject to the provisions of chapter 241 of NRS.]~~

9. ***For the purposes of this section:***

(a) A former member of the Public Utilities Commission of Nevada, the Nevada Gaming Control Board or the Nevada Gaming Commission; or

(b) Any other former public officer or employee governed by this section,

➥ is employed by or is soliciting or accepting employment from a business, industry or other person described in this section if any oral or written agreement is sought, negotiated or exists during the restricted period pursuant to which the personal services of the public officer or employee are provided or will be provided to the business, industry or other person, even if such an agreement does not or will not become effective until after the restricted period.

10. As used in this section, "regulation" has the meaning ascribed to it in NRS 233B.038 and also includes regulations adopted by a board, commission, department, division or other agency of the Executive Department of State Government that is exempted from the requirements of chapter 233B of NRS.

Sec. 28. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100,

75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, ~~[281A.440, 281A.550,]~~ 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170,

641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and sections 3.3, 3.4, 8, 9 and 12.5 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 29. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 239C.140, 281A.350, ~~[281A.440, 281A.550,]~~ 284.3629, 286.150, 287.0415, 288.220, 289.387, 295.121, 360.247, 388.261, 388A.495, 388C.150, 392.147, 392.467, 394.1699, 396.3295, 433.534, 435.610, 463.110, 622.320, 622.340, 630.311, 630.336, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, ***and sections 3.5, 5.5 and 11 of this act*** which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

➥ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 29.5. 1. Except as otherwise provided in this section, the Commission on Ethics:

(a) Shall apply the amendatory provisions of this act which govern the procedures applicable to administrative proceedings arising under chapter 281A of NRS to any such proceedings that are within the jurisdiction of the Commission and are commenced on or after July 1, 2017, whether or not the conduct at issue in such proceedings occurred before July 1, 2017.

(b) May apply the amendatory provisions of this act which govern the procedures applicable to administrative proceedings arising under chapter 281A of NRS to any such proceedings that were commenced before July 1, 2017, and are still within the jurisdiction of the Commission and pending before the Commission on July 1, 2017, unless the Commission determines that such an application would be impracticable, unreasonable or unconstitutional under the circumstances, in which case the Commission shall apply the procedures in effect before July 1, 2017.

2. The amendatory provisions of ~~[sections 15.7, 16,]~~ **:**

(a) Sections 20, 20.3, 20.5 **, 20.7** and 27 of this act do not apply to any conduct occurring before July 1, 2017.

(b) Sections 15.7 and 16 of this act do not apply to any conduct occurring before January 1, 2018.

Sec. 30. NRS 281A.108 and 281A.440 are hereby repealed.

Sec. 31. **1.** This **section and sections 1 to 15.5, inclusive, and 16.5 to 30, inclusive, of this** act ~~[becomes]~~ **become** effective on July 1, 2017.

2. Sections 15.7 and 16 of this act become effective on January 1, 2018.

TEXT OF REPEALED SECTIONS

281A.108 "Investigatory panel" or "panel" defined. "Investigatory panel" or "panel" means an investigatory panel appointed by the Commission pursuant to NRS 281A.220.

281A.440 Rendering of opinions by Commission: Requests; determination of jurisdiction; investigations; determination of just and sufficient cause; notice and hearings; confidentiality.

1. The Commission shall render an opinion interpreting the statutory ethical standards and apply the standards to a given set of facts and circumstances within 45 days after receiving a request, on a form prescribed by the Commission, from a public officer or employee who is seeking guidance on questions which directly relate to the propriety of the requester's own past, present or future conduct as a public officer or employee, unless the public officer or employee waives the time limit. The public officer or employee may also request the Commission to hold a public hearing regarding the requested opinion. If a requested opinion relates to the propriety of the requester's own present or future conduct, the opinion of the Commission is:

(a) Binding upon the requester as to the requester's future conduct; and

(b) Final and subject to judicial review pursuant to NRS 233B.130, except that a proceeding regarding this review must be held in closed court without admittance of persons other than those necessary to the proceeding, unless this right to confidential proceedings is waived by the requester.

2. The Commission may render an opinion interpreting the statutory ethical standards and apply the standards to a given set of facts and circumstances:

(a) Upon request from a specialized or local ethics committee.

(b) Except as otherwise provided in this subsection, upon request from a person, if the requester submits:

(1) The request on a form prescribed by the Commission; and

(2) All related evidence deemed necessary by the Executive Director and the investigatory panel to make a determination of whether there is just and sufficient cause to render an opinion in the matter.

(c) Upon the Commission's own motion regarding the propriety of conduct by a public officer or employee. The Commission shall not initiate

proceedings pursuant to this paragraph based solely upon an anonymous complaint.

➥ The Commission shall not render an opinion interpreting the statutory ethical standards or apply those standards to a given set of facts and circumstances if the request is submitted by a person who is incarcerated in a correctional facility in this State.

3. Within 45 days after receiving a request for an opinion pursuant to paragraph (a) or (b) of subsection 2, the Commission shall determine whether it has jurisdiction concerning the request, unless the public officer or employee who is the subject of the request waives this time limit. Upon a determination by the Commission that it has jurisdiction concerning a request for an opinion pursuant to paragraph (a) or (b) of subsection 2, or upon the motion of the Commission initiating a request for an opinion pursuant to paragraph (c) of subsection 2, as applicable, the Executive Director shall investigate the facts and circumstances relating to the request to determine whether there is just and sufficient cause for the Commission to render an opinion in the matter. The Executive Director shall notify the public officer or employee who is the subject of the request and provide the public officer or employee an opportunity to submit to the Executive Director a response to the allegations against the public officer or employee within 30 days after the date on which the public officer or employee received the notice of the request. The purpose of the response is to provide the Executive Director with any information relevant to the request which the public officer or employee believes may assist the Executive Director and the investigatory panel in conducting the investigation. The public officer or employee is not required in the response or in any proceeding before the investigatory panel to assert, claim or raise any objection or defense, in law or fact, to the allegations against the public officer or employee and no objection or defense, in law or fact, is waived, abandoned or barred by the failure to assert, claim or raise it in the response or in any proceeding before the investigatory panel.

4. The Executive Director shall complete the investigation and present a written recommendation relating to just and sufficient cause, including, without limitation, the specific evidence or reasons that support the recommendation, to the investigatory panel within 70 days after the determination by the Commission that it has jurisdiction concerning the request or after the motion of the Commission initiating the request, as applicable, unless the public officer or employee waives this time limit.

5. Within 15 days after the Executive Director has provided the written recommendation in the matter to the investigatory panel pursuant to subsection 4, the investigatory panel shall conclude the investigation and make a final determination regarding whether there is just and sufficient cause for the Commission to render an opinion in the matter, unless the public officer or employee waives this time limit. The investigatory panel shall not determine that there is just and sufficient cause for the Commission

to render an opinion in the matter unless the Executive Director has provided the public officer or employee an opportunity to respond to the allegations against the public officer or employee as required by subsection 3. The investigatory panel shall cause a record of its proceedings in each matter to be kept.

6. If the investigatory panel determines that there is just and sufficient cause for the Commission to render an opinion in the matter, the Commission shall hold a hearing and render an opinion in the matter within 60 days after the determination of just and sufficient cause by the investigatory panel, unless the public officer or employee waives this time limit.

7. Each request for an opinion that a public officer or employee submits to the Commission pursuant to subsection 1, each opinion rendered by the Commission in response to such a request and any motion, determination, evidence or record of a hearing relating to such a request are confidential unless the public officer or employee who requested the opinion:

(a) Acts in contravention of the opinion, in which case the Commission may disclose the request for the opinion, the contents of the opinion and any motion, evidence or record of a hearing related thereto;

(b) Discloses the request for the opinion, the contents of the opinion, or any motion, evidence or record of a hearing related thereto in any manner except to:

(1) The public body, agency or employer of the public officer or employee; or

(2) A person to whom the Commission authorizes the current or former public officer or employee to make such a disclosure; or

(c) Requests the Commission to disclose the request for the opinion, the contents of the opinion, or any motion, evidence or record of a hearing related thereto.

8. Except as otherwise provided in subsections 9 and 10, all information, communications, records, documents or other material in the possession of the Commission or its staff that is related to a request for an opinion regarding a public officer or employee submitted to or initiated by the Commission pursuant to subsection 2, including, without limitation, the record of the proceedings of the investigatory panel made pursuant to subsection 5, are confidential and not public records pursuant to chapter 239 of NRS until:

(a) The investigatory panel determines whether there is just and sufficient cause to render an opinion in the matter and serves written notice of such a determination on the public officer or employee who is the subject of the request for an opinion submitted or initiated pursuant to subsection 2; or

(b) The public officer or employee who is the subject of a request for an opinion submitted or initiated pursuant to subsection 2 authorizes the Commission in writing to make its information, communications, records, documents or other material which are related to the request publicly available,

➥ whichever occurs first.

9. Except as otherwise provided in this subsection, if a person who submits a request for an opinion pursuant to paragraph (b) of subsection 2 asks for the person's name to be kept confidential, the Commission:

(a) Shall keep the person's name confidential if the person is a public officer or employee who works for the same public body, agency or employer as the public officer or employee who is the subject of the request.

(b) May keep the person's name confidential if the person offers sufficient facts and circumstances showing a reasonable likelihood that disclosure of the person's name will subject the person or a member of the person's household to a bona fide threat of physical force or violence.

➥ If the Commission keeps the person's name confidential, the Commission shall not render an opinion in the matter unless there is sufficient evidence without the person's testimony to consider the propriety of the conduct of the public officer or employee who is the subject of the request. If the Commission intends to present the person's testimony for consideration as evidence in rendering an opinion in the matter, the Commission shall disclose the person's name within a reasonable time before the Commission's hearing on the matter.

10. Except as otherwise provided in this subsection, the investigative file related to a request for an opinion regarding a public officer or employee, as described in subsection 17, is confidential. At any time after being served with written notice of the determination of the investigatory panel regarding the existence of just and sufficient cause for the Commission to render an opinion in the matter, the public officer or employee who is the subject of the request for an opinion may submit a written discovery request to the Commission for a copy of any portion of the investigative file that the Commission intends to present for consideration as evidence in rendering an opinion in the matter and a list of proposed witnesses. Any portion of the investigative file which the Commission presents as evidence in rendering an opinion in the matter becomes a public record as provided in chapter 239 of NRS.

11. Whenever the Commission holds a hearing pursuant to this section, the Commission shall:

(a) Notify the person about whom the opinion was requested of the place and time of the Commission's hearing on the matter;

(b) Allow the person to be represented by counsel; and

(c) Allow the person to hear the evidence presented to the Commission and to respond and present evidence on the person's own behalf.

➥ The Commission's hearing may be held no sooner than 10 days after the notice is given unless the person agrees to a shorter time.

12. If a person who is not a party to a hearing before the Commission, including, without limitation, a person who has requested an opinion pursuant to paragraph (a) or (b) of subsection 2, wishes to ask a question of a witness at the hearing, the person must submit the question to the Executive

Director in writing. The Executive Director may submit the question to the Commission if the Executive Director deems the question relevant and appropriate. This subsection does not require the Commission to ask any question submitted by a person who is not a party to the proceeding.

13. If a person who requests an opinion pursuant to subsection 1 or 2 does not:

(a) Submit all necessary information to the Commission; and

(b) Declare by oath or affirmation that the person will testify truthfully,

➥ the Commission may decline to render an opinion.

14. For good cause shown, the Commission may take testimony from a person by telephone or video conference.

15. For the purposes of NRS 41.032, the members of the Commission and its employees shall be deemed to be exercising or performing a discretionary function or duty when taking an action related to the rendering of an opinion pursuant to this section.

16. A meeting or hearing that the Commission or the investigatory panel holds to receive information or evidence concerning the propriety of the conduct of a public officer or employee pursuant to this section and the deliberations of the Commission and the investigatory panel on such information or evidence are not subject to the provisions of chapter 241 of NRS.

17. For the purposes of this section, the investigative file which relates to a request for an opinion regarding a public officer or employee includes, without limitation, any information provided to or obtained by the Commission, its staff or an investigatory panel through any form of communication during the course of an investigation and any records, documents or other material created or maintained during the course of an investigation which relate to the public officer or employee who is the subject of the request for an opinion, including, without limitation, a transcript, regardless of whether such information, records, documents or other material are obtained by a subpoena.

Assemblywoman Diaz moved the adoption of the amendment.

Remarks by Assemblywoman Diaz.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 398.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 681.

AN ACT relating to electronic transactions; recognizing blockchain technology as a type of electronic record for the purposes of the Uniform Electronic Transactions Act; prohibiting a local government from taxing or imposing restrictions upon the use of a blockchain; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law gives legal recognition to electronic records, signatures and contracts that comply with certain requirements and allows an electronic record or signature to satisfy a requirement for a written record or signature in certain circumstances. (NRS 719.240-719.350) **Section 1** of this bill defines the term "blockchain," and **section 3** of this bill includes blockchain within the definition of electronic record for similar purposes. **Sections 4 and 6** of this bill prohibit a local government from: (1) imposing a tax or fee on the use of a blockchain; (2) requiring a certificate, license or permit to use a blockchain; and (3) imposing any other requirement relating to the use of a blockchain.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 719 of NRS is hereby amended by adding thereto a new section to read as follows:

"Blockchain" means an electronic record ~~[created by the use of a decentralized method by multiple parties to verify and store a digital record]~~ of transactions or other data which is ~~[secured]~~ :

1. Uniformly ordered;

2. Redundantly maintained or processed by one or more computers or machines to guarantee the consistency or nonrepudiation of the recorded transactions or other data; and

3. Validated by the use of ~~[a cryptographic hash of previous transaction information.]~~ cryptography.

Sec. 2. NRS 719.020 is hereby amended to read as follows:

719.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 719.030 to 719.180, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 719.090 is hereby amended to read as follows:

719.090 "Electronic record" means a record created, generated, sent, communicated, received or stored by electronic means. ***The term includes, without limitation, a blockchain.***

Sec. 4. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A board of county commissioners shall not:

(a) Impose any tax or fee on the use of a blockchain by any person or entity;

(b) Require any person or entity to obtain from the board of county commissioners any certificate, license or permit to use a blockchain; or

(c) Impose any other requirement relating to the use of a blockchain by any person or entity.

2. Nothing in this section prohibits a county from using a blockchain in the performance of its powers or duties in a manner not inconsistent with the provisions of chapter 719 of NRS.

3. As used in this section, "blockchain" has the meaning ascribed to it in section 1 of this act.

Sec. 5. NRS 244.335 is hereby amended to read as follows:

244.335 1. Except as otherwise provided in subsections 2, 3 and 4, and NRS 244.33501, ***and section 4 of this act,*** a board of county commissioners may:

(a) Except as otherwise provided in NRS 244.331 to 244.3345, inclusive, 598D.150 and 640C.100, regulate all character of lawful trades, callings, industries, occupations, professions and business conducted in its county outside of the limits of incorporated cities and towns.

(b) Except as otherwise provided in NRS 244.3359 and 576.128, fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on such trades, callings, industries, occupations, professions and business.

2. The county license boards have the exclusive power in their respective counties to regulate entertainers employed by an entertainment by referral service and the business of conducting a dancing hall, escort service, entertainment by referral service or gambling game or device permitted by law, outside of an incorporated city. The county license boards may fix, impose and collect license taxes for revenue or for regulation, or for both revenue and regulation, on such employment and businesses.

3. A board of county commissioners shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

4. The board of county commissioners or county license board shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

5. The county license board shall provide upon request an application for a state business registration pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:

(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or

(b) Provides to the county license board the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the county may use to validate that the applicant is currently

in good standing with the State and has complied with the provisions of chapter 76 of NRS.

6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:

(a) Presents written evidence that:

(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or

(b) Provides to the county license board the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied for the purposes of NRS 244.3358 or 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months after the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against the property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

8. The board of county commissioners may delegate the authority to enforce liens from taxes levied for the purposes of NRS 244A.597 to 244A.655, inclusive, to the county fair and recreation board. If the authority is so delegated, the board of county commissioners shall revoke or suspend the license of a business upon certification by the county fair and recreation board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 244.3357, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of such license taxes or as the result of any audit or examination of the books by any authorized employee of a county fair and recreation board of the county for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, officer or employee of the county fair and recreation board or the

county imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or Secretary of State for the exchange of information concerning taxpayers.

Sec. 6. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The city council or other governing body of an incorporated city, whether organized under general law or special charter, shall not:

(a) Impose any tax or fee on the use of a blockchain by any person or entity;

(b) Require any person or entity to obtain from the incorporated city any certificate, license or permit to use a blockchain; or

(c) Impose any other requirement relating to the use of a blockchain by any person or entity.

2. Nothing in this section prohibits an incorporated city from using a blockchain in the performance of its powers or duties in a manner not inconsistent with the provisions of chapter 719 of NRS.

3. As used in this section, "blockchain" has the meaning ascribed to it in section 1 of this act.

Sec. 7. NRS 268.095 is hereby amended to read as follows:

268.095 1. Except as otherwise provided in subsection 4 and NRS 268.0951, ***and section 6 of this act,*** the city council or other governing body of each incorporated city in this State, whether organized under general law or special charter, may:

(a) Except as otherwise provided in subsection 2 and NRS 268.0968 and 576.128, fix, impose and collect for revenues or for regulation, or both, a license tax on all character of lawful trades, callings, industries, occupations, professions and businesses conducted within its corporate limits.

(b) Assign the proceeds of any one or more of such license taxes to the county within which the city is situated for the purpose or purposes of making the proceeds available to the county:

(1) As a pledge as additional security for the payment of any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(2) For redeeming any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(3) For defraying the costs of collecting or otherwise administering any such license tax so assigned, of the county fair and recreation board and of officers, agents and employees hired thereby, and of incidentals incurred thereby;

(4) For operating and maintaining recreational facilities under the jurisdiction of the county fair and recreation board;

(5) For improving, extending and bettering recreational facilities authorized by NRS 244A.597 to 244A.655, inclusive; and

(6) For constructing, purchasing or otherwise acquiring such recreational facilities.

(c) Pledge the proceeds of any tax imposed on the revenues from the rental of transient lodging pursuant to this section for the payment of any general or special obligations issued by the city for a purpose authorized by the laws of this State.

(d) Use the proceeds of any tax imposed pursuant to this section on the revenues from the rental of transient lodging:

(1) To pay the principal, interest or any other indebtedness on any general or special obligations issued by the city pursuant to the laws of this State;

(2) For the expense of operating or maintaining, or both, any facilities of the city; and

(3) For any other purpose for which other money of the city may be used.

2. The city council or other governing body of an incorporated city shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

3. The proceeds of any tax imposed pursuant to this section that are pledged for the repayment of general obligations may be treated as "pledged revenues" for the purposes of NRS 350.020.

4. The city council or other governing body of an incorporated city shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

5. The city licensing agency shall provide upon request an application for a state business registration pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:

(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or

(b) Provides to the city licensing agency the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the city may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:

(a) Presents written evidence that:

(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or

(b) Provides to the city licensing agency the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the city may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied under the provisions of this section constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months following the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against such property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

8. The city council or other governing body of each incorporated city may delegate the power and authority to enforce such liens to the county fair and recreation board. If the authority is so delegated, the governing body shall revoke or suspend the license of a business upon certification by the board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 268.0966, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of those license taxes or as the result of any audit or examination of the books of the city by any authorized employee of a county fair and recreation board for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, official or employee of the county fair and recreation board or the city imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair

and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or the Secretary of State for the exchange of information concerning taxpayers.

9. The powers conferred by this section are in addition and supplemental to, and not in substitution for, and the limitations imposed by this section do not affect the powers conferred by, any other law. No part of this section repeals or affects any other law or any part thereof, it being intended that this section provide a separate method of accomplishing its objectives, and not an exclusive one.

Sec. 8. This act becomes effective upon passage and approval.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 399.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 688.

SENATOR SETTELMEYER

JOINT SPONSOR: ASSEMBLYMAN HANSEN

AN ACT relating to the identification of persons; authorizing the use of a tribal identification card for various purposes; requiring a business that accepts a driver's license for the purpose of identification to also accept a tribal identification card for that purpose **[.]** **unless otherwise provided by federal law or regulation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes state and local governmental entities to accept a consular identification card for the purpose of identifying a person under certain circumstances. (NRS 232.006, 237.200) **Sections 1 and 7** of this bill similarly authorize state and local governmental entities to accept a tribal identification card issued by a tribal government for the purpose of identifying a person if the tribal identification card meets certain requirements. **Section** ~~[9]~~ **10** of this bill prohibits a business that accepts a driver's license or identification card issued by the Department of Motor Vehicles for the purpose of identifying a person from refusing to accept a tribal identification card for the same purpose **,** ~~[.]~~ **unless the business reasonably believes that federal law or regulation requires the use of a different form of identification. Sections 2-6, 8 , 9 and** ~~[10-13]~~ **11-14** of this bill revise various provisions of existing law to provide for the use of a tribal identification card as proof of identity.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 232.006 is hereby amended to read as follows:

232.006 1. Except as otherwise provided in subsection 2 and NRS 483.290, 483.860 and 486.081, with respect to any activity or transaction in which a state agency accepts an identification card issued by the Department of Motor Vehicles to identify a person, the state agency may also accept a consular identification card ***or tribal identification card*** to identify a person.

2. The provisions of subsection 1 apply only to the presentation of a consular identification card ***or tribal identification card*** for purposes of identification and do not convey an independent right to receive benefits of any type.

3. ***To be accepted pursuant to subsection 1 to identify a person, an identification card issued by a tribal government must contain:***

(a) The full legal name of the holder of the card;

(b) The date of birth of the holder of the card;

(c) A unique number assigned to the holder of the card;

(d) A digital photograph of the full face of the holder of the card;

(e) The address of the principal residence of the holder of the card;

(f) A physical description of the holder of the card, including, without limitation, the height, weight, hair color and eye color of the holder of the card;

(g) The usual signature of the holder of the card;

(h) The date on which the card is issued; and

(i) A reference to the tribal government which issued the card.

4. As used in this section:

(a) "Consular identification card" means an identification card issued by a consulate of a foreign government, which consulate is located within the State of Nevada.

(b) "Identification card issued by the Department of Motor Vehicles" means an identification card of the type described in NRS 483.810 to 483.890, inclusive.

(c) "State agency" means every public agency, bureau, board, commission, department or division of the Executive Department of State Government.

(d) "Tribal government" has the meaning ascribed to it in NRS 239C.105.

(e) "Tribal identification card" means an identification card issued by a tribal government which satisfies the requirements of subsection 3.

Sec. 2. NRS 97A.142 is hereby amended to read as follows:

97A.142 1. If a solicitor makes a firm offer of credit for a credit card to a person by mail and receives an acceptance of that offer which has a substantially different address listed for the person than the address to which the solicitor sent the offer, the solicitor shall verify that the person accepting

the offer is the same person to whom the offer was made before sending the person the credit card.

2. A solicitor shall be deemed to have verified the address of a person pursuant to subsection 1 if the solicitor:

(a) Telephones the person at a telephone number appearing in a publicly available directory or database as the telephone number of the person to whom the solicitation was made and the person acknowledges his or her acceptance of the solicitation;

(b) Receives from the person accepting the offer of credit proof of identity in the form of an identification document, including, without limitation, a driver's license **,** ~~[or]~~ passport ~~[,]~~ ***or tribal identification card*** which confirms that the person accepting the solicitation is the person to whom the solicitation was made; or

(c) Uses any other commercially reasonable means to confirm that the person accepting the solicitation is the person to whom the solicitation was made, including, without limitation, any means adopted in federal regulations.

3. For the purposes of this section:

(a) "Firm offer of credit" has the meaning ascribed to it in 15 U.S.C. § 1681a(l).

(b) "Solicitor" means a person who makes a firm offer of credit for a credit card by mail solicitation, but does not include an issuer or other creditor when that issuer or creditor relies on an independent third party to provide the solicitation services.

(c) "Tribal identification card" means an identification card issued by a tribal government which satisfies the requirements of subsection 3 of NRS 232.006.

Sec. 3. NRS 125D.180 is hereby amended to read as follows:

125D.180 1. In determining whether there is a credible risk of abduction of a child, the court shall consider any evidence that the petitioner or respondent:

(a) Has previously abducted or attempted to abduct the child;

(b) Has threatened to abduct the child;

(c) Has recently engaged in activities that may indicate a planned abduction, including:

(1) Abandoning employment;

(2) Selling a primary residence;

(3) Terminating a lease;

(4) Closing bank or other financial management accounts, liquidating assets, hiding or destroying financial documents, or conducting any unusual financial activities;

(5) Applying for a passport or visa or obtaining travel documents for the respondent, a family member or the child; or

(6) Seeking to obtain the child's birth certificate or school or medical records;

(d) Has engaged in domestic violence, stalking, or child abuse or neglect;

(e) Has refused to follow a child custody determination;

(f) Lacks strong familial, financial, emotional or cultural ties to the State or the United States;

(g) Has strong familial, financial, emotional or cultural ties to another state or country;

(h) Is likely to take the child to a country that:

(1) Is not a party to the Hague Convention on the Civil Aspects of International Child Abduction and does not provide for the extradition of an abducting parent or for the return of an abducted child;

(2) Is a party to the Hague Convention on the Civil Aspects of International Child Abduction but:

(I) The Hague Convention on the Civil Aspects of International Child Abduction is not in force between the United States and that country;

(II) Is noncompliant according to the most recent compliance report issued by the United States Department of State; or

(III) Lacks legal mechanisms for immediately and effectively enforcing a return order pursuant to the Hague Convention on the Civil Aspects of International Child Abduction;

(3) Poses a risk that the child's physical or emotional health or safety would be endangered in the country because of specific circumstances relating to the child or because of human rights violations committed against children;

(4) Has laws or practices that would:

(I) Enable the respondent, without due cause, to prevent the petitioner from contacting the child;

(II) Restrict the petitioner from freely traveling to or exiting from the country because of the petitioner's gender, nationality, marital status or religion; or

(III) Restrict the child's ability legally to leave the country after the child reaches the age of majority because of the child's gender, nationality or religion;

(5) Is included by the United States Department of State on a current list of state sponsors of terrorism;

(6) Does not have an official United States diplomatic presence in the country; or

(7) Is engaged in active military action or war, including a civil war, to which the child may be exposed;

(i) Is undergoing a change in immigration or citizenship status that would adversely affect the respondent's ability to remain in the United States legally;

(j) Has had an application for United States citizenship denied;

(k) Has forged or presented misleading or false evidence on government forms or supporting documents to obtain or attempt to obtain a passport, a visa, travel documents, a social security card, a driver's license ***, a tribal***

identification card or other government-issued identification card or has made a misrepresentation to the United States Government;

(l) Has used multiple names to attempt to mislead or defraud; or

(m) Has engaged in any other conduct the court considers relevant to the risk of abduction.

2. In the hearing on a petition pursuant to the provisions of this chapter, the court shall consider any evidence that the respondent believed in good faith that the respondent's conduct was necessary to avoid imminent harm to the child or respondent and any other evidence that may be relevant to whether the respondent may be permitted to remove or retain the child.

3. If the court finds during the hearing on the petition that the respondent's conduct is intended to avoid imminent harm to the child or respondent, the court shall not issue an abduction prevention order.

Sec. 4. NRS 159.044 is hereby amended to read as follows:

159.044 1. Except as otherwise provided in NRS 127.045, a proposed ward, a governmental agency, a nonprofit corporation or any interested person may petition the court for the appointment of a guardian.

2. To the extent the petitioner knows or reasonably may ascertain or obtain, the petition must include, without limitation:

(a) The name and address of the petitioner.

(b) The name, date of birth and current address of the proposed ward.

(c) A copy of one of the following forms of identification of the proposed ward which must be placed in the records relating to the guardianship proceeding and, except as otherwise provided in NRS 239.0115 or as otherwise required to carry out a specific statute, maintained in a confidential manner:

(1) A social security number;

(2) A taxpayer identification number;

(3) A valid driver's license number;

(4) A valid identification card number; ~~[or]~~

(5) A valid passport number ~~[.]~~ ***; or***

(6) A valid tribal identification card number.

➥ If the information required pursuant to this paragraph is not included with the petition, the information must be provided to the court not later than 120 days after the appointment of a guardian or as otherwise ordered by the court.

(d) If the proposed ward is a minor, the date on which the proposed ward will attain the age of majority and:

(1) Whether there is a current order concerning custody and, if so, the state in which the order was issued; and

(2) Whether the petitioner anticipates that the proposed ward will need guardianship after attaining the age of majority.

(e) Whether the proposed ward is a resident or nonresident of this State.

(f) The names and addresses of the spouse of the proposed ward and the relatives of the proposed ward who are within the second degree of consanguinity.

(g) The name, date of birth and current address of the proposed guardian. If the proposed guardian is a private professional guardian, the petition must include proof that the guardian meets the requirements of NRS 159.0595. If the proposed guardian is not a private professional guardian, the petition must include a statement that the guardian currently is not receiving compensation for services as a guardian to more than one ward who is not related to the person by blood or marriage.

(h) A copy of one of the following forms of identification of the proposed guardian which must be placed in the records relating to the guardianship proceeding and, except as otherwise provided in NRS 239.0115 or as otherwise required to carry out a specific statute, maintained in a confidential manner:

(1) A social security number;

(2) A taxpayer identification number;

(3) A valid driver's license number;

(4) A valid identification card number; ~~[or]~~

(5) A valid passport number ~~[.]~~ ***; or***

(6) A valid tribal identification card number.

(i) Whether the proposed guardian has ever been convicted of a felony and, if so, information concerning the crime for which the proposed guardian was convicted and whether the proposed guardian was placed on probation or parole.

(j) A summary of the reasons why a guardian is needed and recent documentation demonstrating the need for a guardianship. If the proposed ward is an adult, the documentation must include, without limitation:

(1) A certificate signed by a physician who is licensed to practice medicine in this State or who is employed by the Department of Veterans Affairs, a letter signed by any governmental agency in this State which conducts investigations or a certificate signed by any other person whom the court finds qualified to execute a certificate, stating:

(I) The need for a guardian;

(II) Whether the proposed ward presents a danger to himself or herself or others;

(III) Whether the proposed ward's attendance at a hearing would be detrimental to the proposed ward;

(IV) Whether the proposed ward would comprehend the reason for a hearing or contribute to the proceeding; and

(V) Whether the proposed ward is capable of living independently with or without assistance; and

(2) If the proposed ward is determined to have the limited capacity to consent to the appointment of a special guardian, a written consent to the appointment of a special guardian from the ward.

(k) Whether the appointment of a general or a special guardian is sought.

(l) A general description and the probable value of the property of the proposed ward and any income to which the proposed ward is or will be

entitled, if the petition is for the appointment of a guardian of the estate or a special guardian. If any money is paid or is payable to the proposed ward by the United States through the Department of Veterans Affairs, the petition must so state.

(m) The name and address of any person or care provider having the care, custody or control of the proposed ward.

(n) If the petitioner is not the spouse or natural child of the proposed ward, a declaration explaining the relationship of the petitioner to the proposed ward or to the proposed ward's family or friends, if any, and the interest, if any, of the petitioner in the appointment.

(o) Requests for any of the specific powers set forth in NRS 159.117 to 159.175, inclusive, necessary to enable the guardian to carry out the duties of the guardianship.

(p) If the guardianship is sought as the result of an investigation of a report of abuse, neglect, exploitation, isolation or abandonment of the proposed ward, whether the referral was from a law enforcement agency or a state or county agency.

(q) Whether the proposed ward or the proposed guardian is a party to any pending criminal or civil litigation.

(r) Whether the guardianship is sought for the purpose of initiating litigation.

(s) Whether the proposed ward has executed a durable power of attorney for health care, a durable power of attorney for financial matters or a written nomination of guardian and, if so, who the named agents are for each document.

(t) Whether the proposed guardian has filed for or received protection under the federal bankruptcy laws within the immediately preceding 7 years.

3. Before the court makes a finding pursuant to NRS 159.054, a petitioner seeking a guardian for a proposed adult ward must provide the court with an assessment of the needs of the proposed adult ward completed by a licensed physician which identifies the limitations of capacity of the proposed adult ward and how such limitations affect the ability of the proposed adult ward to maintain his or her safety and basic needs. The court may prescribe the form in which the assessment of the needs of the proposed adult ward must be filed.

Sec. 5. NRS 159.2025 is hereby amended to read as follows:

159.2025 If a guardian has been appointed in another state and a petition for the appointment of a guardian is not pending in this State, the guardian appointed in the other state, after giving notice to the appointing court of an intent to register and the reason for registration, may register the guardianship order in this State by filing as a foreign judgment in a court, in any appropriate county of this State:

1. Certified copies of the order and letters of office; and

2. A copy of the guardian's driver's license, passport ***, tribal identification card*** or other valid photo identification card in a sealed envelope.

Sec. 6. NRS 202.2493 is hereby amended to read as follows:

202.2493 1. A person shall not sell, distribute or offer to sell cigarettes, any smokeless product made or derived from tobacco or any alternative nicotine product in any form other than in an unopened package which originated with the manufacturer and bears any health warning required by federal law. A person who violates this subsection shall be punished by a fine of $100 and a civil penalty of $100. As used in this subsection, "smokeless product made or derived from tobacco" means any product that consists of cut, ground, powdered or leaf tobacco and is intended to be placed in the oral or nasal cavity.

2. Except as otherwise provided in subsections 3, 4 and 5, it is unlawful for any person to sell, distribute or offer to sell cigarettes, cigarette paper, tobacco of any description, products made or derived from tobacco, vapor products or alternative nicotine products to any child under the age of 18 years. A person who violates this subsection shall be punished by a fine of not more than $500 and a civil penalty of not more than $500.

3. A person shall be deemed to be in compliance with the provisions of subsection 2 if, before the person sells, distributes or offers to sell to another, cigarettes, cigarette paper, tobacco of any description, products made or derived from tobacco, vapor products or alternative nicotine products, the person:

(a) Demands that the other person present a valid driver's license ***, tribal identification card*** or other written or documentary evidence which shows that the other person is 18 years of age or older;

(b) Is presented a valid driver's license ***, tribal identification card*** or other written or documentary evidence which shows that the other person is 18 years of age or older; and

(c) Reasonably relies upon the driver's license ***, tribal identification card*** or written or documentary evidence presented by the other person.

4. The employer of a child who is under 18 years of age may, for the purpose of allowing the child to handle or transport tobacco, products made or derived from tobacco, vapor products or alternative nicotine products, in the course of the child's lawful employment, provide tobacco, products made or derived from tobacco, vapor products or alternative nicotine products to the child.

5. With respect to any sale made by an employee of a retail establishment, the owner of the retail establishment shall be deemed to be in compliance with the provisions of subsection 2 if the owner:

(a) Had no actual knowledge of the sale; and

(b) Establishes and carries out a continuing program of training for employees which is reasonably designed to prevent violations of subsection 2.

6. The owner of a retail establishment shall, whenever any product made or derived from tobacco, vapor product or alternative nicotine product is being sold or offered for sale at the establishment, display prominently at the point of sale:

(a) A notice indicating that:

(1) The sale of cigarettes, other tobacco products, vapor products and alternative nicotine products to minors is prohibited by law; and

(2) The retailer may ask for proof of age to comply with this prohibition; and

(b) At least one sign that complies with the requirements of NRS 442.340.

➥ A person who violates this subsection shall be punished by a fine of not more than $100.

7. It is unlawful for any retailer to sell cigarettes through the use of any type of display:

(a) Which contains cigarettes and is located in any area to which customers are allowed access; and

(b) From which cigarettes are readily accessible to a customer without the assistance of the retailer,

➥ except a vending machine used in compliance with NRS 202.2494. A person who violates this subsection shall be punished by a fine of not more than $500.

8. Any money recovered pursuant to this section as a civil penalty must be deposited in a separate account in the State General Fund to be used for the enforcement of this section and NRS 202.2494.

Sec. 7. NRS 237.200 is hereby amended to read as follows:

237.200 1. Except as otherwise provided in subsection 2, with respect to any activity or transaction in which a local government accepts an identification card issued by the Department of Motor Vehicles to identify a person, the local government may also accept a consular identification card ***or tribal identification card*** to identify a person.

2. The provisions of subsection 1 apply only to the presentation of a consular identification card ***or tribal identification card*** for purposes of identification and do not convey an independent right to receive benefits of any type.

3. ***To be accepted pursuant to subsection 1 to identify a person, an identification card issued by a tribal government must contain:***

(a) The full legal name of the holder of the card;

(b) The date of birth of the holder of the card;

(c) A unique number assigned to the holder of the card;

(d) A digital photograph of the full face of the holder of the card;

(e) The address of the principal residence of the holder of the card;

(f) A physical description of the holder of the card, including, without limitation, the height, weight, hair color and eye color of the holder of the card;

(g) The usual signature of the holder of the card;

(h) The date on which the card is issued; and

(i) A reference to the tribal government which issued the card.

4. As used in this section:

(a) "Consular identification card" means an identification card issued by a consulate of a foreign government, which consulate is located within the State of Nevada.

(b) "Identification card issued by the Department of Motor Vehicles" means an identification card of the type described in NRS 483.810 to 483.890, inclusive.

(c) "Local government" has the meaning ascribed to it in NRS 237.050.

(d) "Tribal government" has the meaning ascribed to it in NRS 239C.105.

(e) "Tribal identification card" means an identification card issued by a tribal government which satisfies the requirements of subsection 3.

Sec. 8. NRS 453.357 is hereby amended to read as follows:

453.357 1. A retail distributor shall maintain a logbook.

2. At the time of the sale or transfer of a product that is a precursor to methamphetamine, a retail distributor shall ensure that the following information is entered in the logbook:

(a) The name of the product sold or transferred;

(b) The quantity of the product sold or transferred;

(c) The name and address of the purchaser or transferee;

(d) The date and time of the sale or transfer; and

(e) The type and number of the identification presented by the purchaser or transferee pursuant to paragraph (a) of subsection 3.

3. A retail distributor shall not sell or transfer a product that is a precursor to methamphetamine unless:

(a) The prospective purchaser or transferee:

(1) Presents an identification card which provides a photograph and which is issued by the Federal Government, this State or any other state ~~[,]~~ ***or a tribal government,*** or a document that, with respect to identification, is considered acceptable pursuant to 21 U.S.C. § 830(e)(1); and

(2) Signs his or her name in the logbook.

(b) The retail distributor:

(1) Determines that the name entered in the logbook corresponds to the name provided on the identification presented by the prospective purchaser or transferee; and

(2) Has consulted the real-time, stop sale system, if required pursuant to NRS 639.440.

4. The retail distributor must include in the logbook or otherwise post or provide to a prospective purchaser or transferee a notice that entering a false statement or representation in the logbook may subject the prospective purchaser or transferee to criminal penalties under state law, as set forth in NRS 453.359, and under federal law, as set forth in 18 U.S.C. § 1001.

5. A retail distributor shall maintain each entry in the logbook for not less than 2 years after the date on which the entry is made.

6. A retail distributor shall not access, use or share the information in the logbook unless the accessing, using or sharing of the information is allowed by federal law or unless the purpose of accessing, using or sharing the information is to ensure compliance with this chapter or to facilitate a product recall to protect the health and safety of the public.

7. Upon a request, which is made for the purpose of enforcing the provisions of NRS 453.352 to 453.359, inclusive, or 639.400 to 639.450, inclusive, by a law enforcement agency of this State or a political subdivision thereof or a law enforcement agency of the Federal Government, a retail distributor shall disclose the information in the logbook to the law enforcement agency.

Sec. 9. NRS 476.220 is hereby amended to read as follows:

476.220 1. Except as otherwise provided in subsection 2, any person who distributes:

(a) Black powder to a person under the age of 18 years; or

(b) Smokeless gunpowder to a person:

(1) Under the age of 18 years; or

(2) Under the age of 21 years, if the smokeless gunpowder is intended for use other than in a rifle or shotgun,

➥ is guilty of a misdemeanor and shall be punished by a fine of not more than $500.

2. A person shall be deemed to be in compliance with the provisions of subsection 1 if, before the person distributes black powder or smokeless gunpowder to another person, the person:

(a) Asks the other person to declare the intended use for the black powder or smokeless gunpowder;

(b) Demands that the other person present a valid driver's license ***, tribal identification card*** or other written or documentary evidence which shows that the other person meets the appropriate age requirement set forth in subsection 1;

(c) Is presented a valid driver's license ***, tribal identification card*** or other written or documentary evidence which shows that the other person meets the appropriate age requirement set forth in subsection 1; and

(d) Reasonably relies upon the declaration of intended use by the other person and the driver's license ***, tribal identification card*** or other written or documentary evidence presented by the other person.

3. As used in this section ~~[~~, "distribute"~~]~~ ***:***

(a) "Distribute" has the meaning ascribed to it in NRS 476.010.

(b) "Tribal identification card" means an identification card issued by a tribal government which satisfies the requirements of subsection 3 of NRS 232.006.

Sec. 10. Chapter 597 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a business accepts a driver's license or identification card issued by the Department of Motor Vehicles for the purpose of identifying a customer, the business shall not refuse to accept a tribal identification card for the same purpose ~~[.]~~ ***unless the business reasonably determines that federal law or regulation requires the use of a different form of identification.***

2. As used in this section, "tribal identification card" means an identification card issued by a tribal government which satisfies the requirements of subsection 3 of NRS 232.006.

Sec. 11. NRS 597.940 is hereby amended to read as follows:

597.940 1. Except as otherwise provided in this subsection, a business shall not, without the customer's consent, record the account number of any of a customer's credit cards on the customer's check or draft as a condition of accepting that check or draft. This subsection does not prohibit:

(a) The business from requiring the customer to produce reasonable forms of positive identification other than a credit card, including, without limitation:

(1) A driver's license;

(2) An identification card issued by the Department of Motor Vehicles; ~~[or]~~

(3) ***A tribal identification card; or***

(4) A consular identification card,

➥ as a condition of accepting a check or draft.

(b) The business from requesting the customer to display a credit card as an indicia of creditworthiness or financial responsibility, if the only information recorded by the business concerning the credit card is the type of credit card displayed, the issuer of the card and the date the card expires.

(c) The business from requesting the customer to record the account number of his or her credit card on the check or draft with which payment on the credit card account is being made.

(d) The business from requesting the production of or recording of the account number of a credit card as a condition of cashing a check or draft if:

(1) The business has agreed with the issuer of the credit card to cash the checks or drafts as a service to the cardholders of the issuer;

(2) The issuer has agreed to guarantee any such check or draft so cashed; and

(3) The cardholder has given actual, apparent or implied authority for the use of his or her account number for this purpose.

2. Except as otherwise provided in this subsection, a business shall not, without the customer's consent, record a customer's telephone number on the credit card sales slip as a condition of accepting his or her credit card. This subsection does not:

(a) Prohibit the recordation of personal identifying information required for a special purpose incidental to the use of the credit card, such as the delivery, shipping, servicing or installation of the purchased merchandise.

(b) Apply to a transaction in which the customer receives a cash advance against his or her credit card or to a transaction involving the use of preprinted spaces for personal identifying information that the business accepting the credit card has a contractual obligation to record in order to complete the transaction.

(c) Apply to a transaction in which the customer's purchase is made by the use of a device that electronically authorizes the use of the credit card and processes information relating thereto.

3. As used in this section, unless the context otherwise requires:

(a) "Consular identification card" means an identification card issued by a consulate of a foreign government, which consulate is located within the State of Nevada.

(b) "Credit card" has the meaning ascribed to it in NRS 205.630.

(c) "Identification card issued by the Department of Motor Vehicles" means an identification card of the type described in NRS 483.810 to 483.890, inclusive.

(d) "Tribal identification card" means an identification card issued by a tribal government which satisfies the requirements of subsection 3 of NRS 232.006.

Sec. 12. NRS 643.184 is hereby amended to read as follows:

643.184 A person who is required to display a license issued pursuant to the provisions of this chapter shall, upon the request of an authorized representative of the Board, provide to that representative identification in the form of a driver's license or identification card with a photograph that has been issued by a state, the District of Columbia or the United States ~~[.]~~ ***or a tribal identification card issued by a tribal government which satisfies the requirements of subsection 3 of NRS 232.006.***

Sec. 13. NRS 644.208 is hereby amended to read as follows:

644.208 1. The Board shall admit to examination as a hair braider, at any meeting of the Board held to conduct examinations, each person who has applied to the Board in proper form and paid the fee, and who:

(a) Is not less than 18 years of age.

(b) Is of good moral character.

(c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(d) Has successfully completed the 10th grade in school or its equivalent and has submitted to the Board a notarized affidavit establishing the successful completion by the applicant of the 10th grade or its equivalent. Testing for equivalency must be pursuant to state or federal requirements.

(e) If the person has not practiced hair braiding previously:

(1) Has completed a minimum of 250 hours of training and education as follows:

(I) Fifty hours concerning the laws of Nevada and the regulations of the Board relating to cosmetology;

(II) Seventy-five hours concerning infection control and prevention and sanitation;

(III) Seventy-five hours regarding the health of the scalp and the skin of the human body; and

(IV) Fifty hours of clinical practice; and

(2) Has passed the practical demonstration in hair braiding and written tests described in NRS 644.248.

(f) If the person has practiced hair braiding in this State on a person who is related within the sixth degree of consanguinity without a license and without charging a fee:

(1) Has submitted to the Board a signed affidavit stating that the person has practiced hair braiding for at least 1 year on such a relative; and

(2) Has passed the practical demonstration in hair braiding and written tests described in NRS 644.248.

2. The application submitted pursuant to subsection 1 must be accompanied by:

(a) Two current photographs of the applicant which are 2 by 2 inches. The name and address of the applicant must be written on the back of each photograph.

(b) A copy of one of the following documents as proof of the age of the applicant:

(1) A driver's license or identification card issued to the applicant by this State or another state, the District of Columbia or any territory of the United States ~~[,]~~ ***or a tribal identification card issued by a tribal government which satisfies the requirements of subsection 3 of NRS 232.006;***

(2) The birth certificate of the applicant; or

(3) The current passport issued to the applicant.

Sec. 14. NRS 644.209 is hereby amended to read as follows:

644.209 1. The Board shall admit to examination as a hair braider, at any meeting of the Board held to conduct examinations, each person who has practiced hair braiding in another state, has applied to the Board in proper form and paid a fee of $200, and who:

(a) Is not less than 18 years of age.

(b) Is of good moral character.

(c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(d) Has successfully completed the 10th grade in school or its equivalent and has submitted to the Board a notarized affidavit establishing the successful completion by the applicant of the 10th grade or its equivalent. Testing for equivalency must be pursuant to state or federal requirements.

(e) If the person has practiced hair braiding in another state in accordance with a license issued in that other state:

(1) Has submitted to the Board proof of the license; and

(2) Has passed the written tests described in NRS 644.248.

(f) If the person has practiced hair braiding in another state without a license and it is legal in that state to practice hair braiding without a license:

(1) Has submitted to the Board a signed affidavit stating that the person has practiced hair braiding for at least 1 year; and

(2) Has passed the practical demonstration in hair braiding and written tests described in NRS 644.248.

2. The application submitted pursuant to subsection 1 must be accompanied by:

(a) Two current photographs of the applicant which are 2 by 2 inches. The name and address of the applicant must be written on the back of each photograph.

(b) A copy of one of the following documents as proof of the age of the applicant:

(1) A driver's license or identification card issued to the applicant by this State or another state, the District of Columbia or any territory of the United States ~~[,]~~ ***or a tribal identification card issued by a tribal government which satisfies the requirements of subsection 3 of NRS 232.006;***

(2) The birth certificate of the applicant; or

(3) The current passport issued to the applicant.

Sec. 15. This act becomes effective on July 1, 2017.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 415.

Bill read third time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 878.

SENATORS CANCELA AND WOODHOUSE

JOINT SPONSORS: ASSEMBLYWOMEN JAUREGUI, MONROE-MORENO AND SPIEGEL

AN ACT relating to taxes on retail sales; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to provide an exemption from the tax for feminine hygiene products; providing for the exemptions from certain analogous taxes if the voters approve this amendment to the Sales and Use Tax Act of 1955; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Sales and Use Tax Act of 1955 (part of chapter 372 of NRS) was approved by the voters by a referendum and therefore may not be amended,

annulled, repealed, set aside, suspended or in any way made inoperative except by the direct vote of the people. (Nev. Const. Art. 19, § 1)

Sections 2-9 of this bill require the submission of a question to the voters at the 2018 General Election of whether the Sales and Use Tax Act of 1955 should be amended to provide an exemption for **certain** feminine hygiene products. **Section 10** of this bill construes the term "feminine hygiene product" **to mean a sanitary napkin or tampon** for the purposes of the exemption. **Sections 11 and 12** of this bill amend the Local School Support Tax Law to provide identical exemptions. This tax exemption becomes effective on January 1, 2019, and expires by limitation on December 31, 2028, only if the voters approve the amendment to the Sales and Use Tax Act of 1955 at the General Election in 2018.

Any amendment to the Local School Support Tax Law also applies to other sales and use taxes imposed under existing law. (NRS 354.705, 374A.020, 376A.060, 377.040, 377A.030, 377B.110, 543.600 and various special and local acts)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The Legislature hereby finds that each exemption provided by this act from any excise tax on the sale, storage, use or consumption of tangible personal property sold at retail:

1. Will achieve a bona fide social or economic purpose and that the benefits of the exemption are expected to exceed any adverse effect of the exemption on the provision of services to the public by the State or a local government that would otherwise receive revenue from the tax from which the exemption would be granted; and

2. Will not impair adversely the ability of the State or a local government to pay, when due, all interest and principal on any outstanding bonds or any other obligations for which revenue from the tax from which the exemption would be granted was pledged.

Sec. 2. At the General Election on November 6, 2018, a proposal must be submitted to the registered voters of this State to amend the Sales and Use Tax Act, which was enacted by the 47th Session of the Legislature of the State of Nevada and approved by the Governor in 1955, and subsequently approved by the people of this State at the General Election held on November 6, 1956.

Sec. 3. At the time and in the manner provided by law, the Secretary of State shall transmit the proposed act to the several county clerks, and the county clerks shall cause it to be published and posted as provided by law.

Sec. 4. The proclamation and notice to the voters given by the county clerks pursuant to law must be in substantially the following form:

> Notice is hereby given that at the General Election on November 6, 2018, a question will appear on the ballot for the adoption or rejection by the registered voters of the State of the following proposed act:

AN ACT to amend an Act entitled "An Act to provide revenue for the State of Nevada; providing for sales and use taxes; providing for the manner of collection; defining certain terms; providing penalties for violation, and other matters properly relating thereto." approved March 29, 1955, as amended.

THE PEOPLE OF THE STATE OF NEVADA
DO ENACT AS FOLLOWS:

Section 1. Section 56.1 of the above-entitled Act, being chapter 397, Statutes of Nevada 1955, as added by chapter 306, Statutes of Nevada 1969, at page 532, and amended by chapter 627, Statutes of Nevada 1985, at page 2028, and amended by chapter 404, Statutes of Nevada 1995, at page 1007, is hereby amended to read as follows:

Sec. 56.1. 1. There are exempted from the taxes imposed by this act the gross receipts from sales and the storage, use or other consumption of:

(a) Prosthetic devices, orthotic appliances and ambulatory casts for human use, and other supports and casts if prescribed or applied by a licensed provider of health care, within his scope of practice, for human use.

(b) Appliances and supplies relating to an ostomy.

(c) Products for hemodialysis.

(d) Medicines:

(1) Prescribed for the treatment of a human being by a person authorized to prescribe medicines, and dispensed on a prescription filled by a registered pharmacist in accordance with law;

(2) Furnished by a licensed physician, dentist or podiatric physician to his own patient for the treatment of the patient;

(3) Furnished by a hospital for treatment of any person pursuant to the order of a licensed physician, dentist or podiatric physician; or

(4) Sold to a licensed physician, dentist, podiatric physician or hospital for the treatment of a human being.

(e) Feminine hygiene products.

2. As used in this section:

(a) "Medicine" means any substance or preparation intended for use by external or internal application to the human body in the diagnosis, cure, mitigation, treatment or prevention of disease or affliction of the human body and which is commonly recognized as a substance or preparation intended for such use. The term includes splints, bandages, pads, compresses and dressings.

(b) "Medicine" does not include:

(1) Any auditory, ophthalmic or ocular device or appliance.

(2) Articles which are in the nature of instruments, crutches, canes, devices or other mechanical, electronic, optical or physical equipment.

(3) Any alcoholic beverage, except where the alcohol merely provides a solution in the ordinary preparation of a medicine.

(4) Braces or supports, other than those prescribed or applied by a licensed provider of health care, within his scope of practice, for human use.

3. Insulin furnished by a registered pharmacist to a person for treatment of diabetes as directed by a physician shall be deemed to be dispensed on a prescription within the meaning of this section.

Sec. 2. This act becomes effective on January 1, 2019, and expires by limitation on December 31, 2028.

Sec. 5. The ballot page assemblies and the paper ballots to be used in voting on the question must present the question in substantially the following form:

Shall the Sales and Use Tax Act of 1955 be amended to provide an exemption from the taxes imposed by this Act on the gross receipts from the sale and the storage, use or other consumption of feminine hygiene products?

Yes ☐ No ☐

Sec. 6. The explanation of the question which must appear on each paper ballot and sample ballot and in every publication and posting of notice of the question must be in substantially the following form:

(Explanation of Question)

The proposed amendment to the Sales and Use Tax Act of 1955 would exempt from the taxes imposed by this Act the gross receipts from the sale and storage, use or other consumption of feminine hygiene products.

If this proposal is adopted, the Legislature has provided that the Local School Support Tax Law and certain analogous taxes on retail sales will be amended to provide the same exemptions.

Sec. 7. If a majority of the votes cast on the question is yes, the amendment to the Sales and Use Tax Act of 1955 becomes effective on January 1, 2019, and expires by limitation on December 31, 2028. If less than a majority of votes cast on the question is yes, the question fails and the amendment to the Sales and Use Tax Act of 1955 does not become effective.

Sec. 8. All general election laws not inconsistent with this act are applicable.

Sec. 9. Any informalities, omissions or defects in the content or making of the publications, proclamations or notices provided for in this act and by the general election laws under which this election is held must be so construed as not to invalidate the adoption of the act by a majority of the registered voters voting on the question if it can be ascertained with reasonable certainty from the official returns transmitted to the Office of the Secretary of State whether the proposed amendment was adopted by a majority of those registered voters.

Sec. 10. Chapter 372 of NRS is hereby amended by adding thereto a new section to read as follows:

In administering the provisions of section 56.1 of chapter 397, Statutes of Nevada 1955, which is included in NRS as NRS 372.283, the Department shall construe the term "feminine hygiene product" to ~~[include, without limitation,]~~ mean a sanitary napkin ~~[,]~~ or tampon . ~~[or similar item used for feminine hygiene.]~~

Sec. 11. Chapter 374 of NRS is hereby amended by adding thereto a new section to read as follows:

In administering the provisions of NRS 374.287, the Department shall construe the term "feminine hygiene product" to ~~[include, without limitation,]~~ mean a sanitary napkin ~~[,]~~ or tampon . ~~[or similar item used for feminine hygiene.]~~

Sec. 12. NRS 374.287 is hereby amended to read as follows:

374.287 1. There are exempted from the taxes imposed by this chapter the gross receipts from sales and the storage, use or other consumption of:

(a) Prosthetic devices, orthotic appliances and ambulatory casts for human use, and other supports and casts if prescribed or applied by a licensed provider of health care, within his or her scope of practice, for human use.

(b) Appliances and supplies relating to an ostomy.

(c) Products for hemodialysis.

(d) Medicines:

(1) Prescribed for the treatment of a human being by a person authorized to prescribe medicines, and dispensed on a prescription filled by a registered pharmacist in accordance with law;

(2) Furnished by a licensed physician, dentist or podiatric physician to his or her own patient for the treatment of the patient;

(3) Furnished by a hospital for treatment of any person pursuant to the order of a licensed physician, dentist or podiatric physician; or

(4) Sold to a licensed physician, dentist, podiatric physician or hospital for the treatment of a human being.

(e) Feminine hygiene products.

2. As used in this section:

(a) "Medicine" means any substance or preparation intended for use by external or internal application to the human body in the diagnosis, cure, mitigation, treatment or prevention of disease or affliction of the human body and which is commonly recognized as a substance or preparation intended for such use. The term includes splints, bandages, pads, compresses and dressings.

(b) "Medicine" does not include:

(1) Any auditory, ophthalmic or ocular device or appliance.

(2) Articles which are in the nature of instruments, crutches, canes, devices or other mechanical, electronic, optical or physical equipment.

(3) Any alcoholic beverage, except where the alcohol merely provides a solution in the ordinary preparation of a medicine.

(4) Braces or supports, other than those prescribed or applied by a licensed provider of health care, within his or her scope of practice, for human use.

3. Insulin furnished by a registered pharmacist to a person for treatment of diabetes as directed by a physician shall be deemed to be dispensed on a prescription within the meaning of this section.

Sec. 13. 1. This section and sections 1 to 9, inclusive, of this act become effective on October 1, 2017.

2. Sections 10, 11 and 12 of this act become effective on January 1, 2019, and expire by limitation on December 31, 2028, only if the proposal submitted pursuant to sections 2 to 9, inclusive, of this act is approved by the voters at the General Election on November 6, 2018.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 460.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 687.

AN ACT relating to labor relations in local government; increasing the size of the Local Government Employee-Management Relations Board from three members to five members; increasing the number of members of the Board who may belong to the same political party from two members to three members; requiring that at least three members of the Board reside in southern Nevada; increasing the number of members that constitute a quorum of the Board from two members to three members; **generally authorizing a majority of a quorum to exercise the powers of the Board;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Local Government Employee-Management Relations Board, which oversees labor relations between local government employers and local government employees. The Board consists of three members appointed by the Governor. In addition to other qualifications and limitations, not more than two of the members may belong to the same political party. (NRS 288.080) **Section 1** of this bill: (1) increases the membership of the Board to five members; (2) increases the number of members of the Board who may belong to the same political party to three members; and (3) requires that at least three members of the Board reside in southern Nevada. **Section 2** of this bill increases from two to three the number of members that constitute a quorum and ~~[clarifies]~~ **provides, with certain exceptions,** that a **majority of a** quorum **present at any meeting** may exercise all the power and authority conferred on the Board. **Section 2**

further provides that a majority vote of the entire membership of the Board is required to take certain actions, including the appointment of the Commissioner of the Board, the adjustment of the fee charged to local government employers for the support of the Board and the adoption of any rule or regulation. Finally, whenever less than five members of the Board are present at a meeting, section 2 provides that not more than two of the members present may be members of the same political party.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 288.080 is hereby amended to read as follows:

288.080 1. The Local Government Employee-Management Relations Board is hereby created, consisting of ~~[three]~~ ***five*** members, broadly representative of the public and not closely allied with any employee organization or local government employer, not more than ~~[two]~~ ***three*** of whom may be members of the same political party ~~[.]~~ ***, and at least three of whom must reside in southern Nevada.*** The term of office of each member is 4 years.

2. The Governor shall appoint the members of the Board.

Sec. 2. NRS 288.090 is hereby amended to read as follows:

288.090 1. The members of the Board shall annually elect one of their number as Chair and one as Vice Chair. ~~[Any two]~~ ***Except as otherwise provided in this section, any three*** members of the Board constitute a quorum ~~[.]~~ ***, and a majority of a quorum present at any meeting may exercise all the power and authority conferred on the Board.***

2. ***Except by a majority vote of the entire membership of the Board, the Board may not:***

(a) Elect a Chair or Vice Chair;

(b) Appoint the Commissioner or Secretary of the Board, or terminate the employment of the Commissioner or Secretary;

(c) Adjust the fee charged to local government employers pursuant to NRS 288.105 or impose a civil penalty for failure to pay the fee;

(d) Make or adopt any rule or regulation; or

(e) Grant permission to a local government employer to withdraw recognition from an employee organization or order an election pursuant to NRS 288.160.

3. Whenever less than five members of the Board are present at any meeting, not more than two of the members present may be members of the same political party.

4. The Board may, within the limits of legislative appropriations and any other available money:

(a) Appoint a Commissioner and a Secretary, who are in the unclassified service of the State; and

(b) Employ such additional clerical personnel as may be necessary, who are in the classified service of the State.

Sec. 3. Notwithstanding the amendatory provisions of section 1 of this act, a member of the Local Government Employee-Management Relations Board who was appointed before July 1, 2017, and is otherwise qualified to serve in that capacity, is entitled to serve the remainder of the term to which he or she was appointed.

Sec. 4. This act becomes effective on July 1, 2017.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 516.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 941.

AN ACT relating to employment; creating the Office of Workforce Innovation within the Office of the Governor; establishing the duties of the Office and the Executive Director of the Office; revising the membership, procedures and duties of the State Apprenticeship Council; revising the qualifications, requirements and duties of the State Director of Apprenticeship; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In 2016, the Governor of Nevada issued Executive Order 2016-08, which established the Office of Workforce Innovation within the Office of Governor. **Sections 18-21** of this bill codify the Office into Nevada Revised Statutes. **Section 20** of this bill establishes the powers and duties of the Executive Director of the Office of Workforce Innovation. **Section 21.5** of this bill provides that the employees of the Office of Workforce Innovation are not in the classified or unclassified service of the State. **Sections 14, 20 and 23** of this bill move the responsibility for the oversight of the State's statewide longitudinal data system linking data relating to early childhood education programs and K-12 public education with data relating to postsecondary education and the workforce in this State from the P-20W Advisory Council to the Executive Director of the Office of Workforce Innovation.

The federal National Apprenticeship Act authorizes and directs the United States Secretary of Labor to: (1) formulate and promote the furtherance of labor standards to safeguard the welfare of apprentices; (2) encourage the inclusion of such standards in contracts of apprenticeship; (3) bring together employers and labor for the creation of programs of apprenticeship; and (4) cooperate with state agencies in the establishment and promotion of standards of apprenticeship. (29 U.S.C. § 50) In 1977, the Secretary of Labor

promulgated regulations implementing the National Apprenticeship Act which placed responsibility for accomplishing those goals in the United States Department of Labor, but authorized the Department to delegate authority to administer certain portions of the regulations to states under certain circumstances where a state's apprenticeship laws conform to the federal regulations and the state's entities satisfy the requirements for recognition by the Department. (29 C.F.R. Part 29 (1977))

In 2008, the Secretary of Labor updated the federal regulations concerning apprenticeship and required participating states to conform their apprenticeship laws, regulations and policies to those federal regulations in order to continue or obtain federal recognition. (29 C.F.R. Part 29) The requirements for conformity and recognition include, among other things, certain changes in the roles and responsibilities of administrative entities of state government responsible for apprenticeship, including a provision which prohibits a state apprenticeship council from being recognized as a state's registration agency. (29 C.F.R. § 29.2)

Under existing law, the apprenticeship program in Nevada is administered by the Labor Commissioner as the ex officio State Director of Apprenticeship with the advice and guidance of the State Apprenticeship Council. (NRS 610.110, 610.120) **Sections 11 and 18** of this bill make the Office of Workforce Innovation responsible and accountable for apprenticeship in this State as this State's registration agency. **Sections 3-6** of this bill change the membership, procedures and duties of the State Apprenticeship Council. **Section 6** also requires the State Apprenticeship Council to act as a regulatory body in administering the provisions governing the state apprenticeship program. In lieu of the Labor Commissioner serving ex officio as the State Director of Apprenticeship, **section 8** requires the Governor to appoint a State Apprenticeship Director. **Sections 7-13** of this bill impose additional qualifications, requirements and duties on the State Apprenticeship Director. **Section 13** also eliminates appeals to the Labor Commissioner of determinations or decisions of the State Apprenticeship Council regarding violations of the terms and conditions of programs or agreements.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 610.010 is hereby amended to read as follows:

610.010 As used in this chapter, unless the context otherwise requires:

1. "Agreement" means a written and signed agreement of indenture as an apprentice.

2. "Apprentice" means a person who is covered by a written agreement, issued pursuant to a program with an employer, or with an association of employers or an organization of employees acting as agent for an employer.

3. ***"Council" means the State Apprenticeship Council created by NRS 610.030.***

4. "Disability" means, with respect to a person:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

~~[4.]~~ ***5. "Executive Director" means the Executive Director of the Office of Workforce Innovation.***

6. "Gender identity or expression" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.

~~[5.]~~ ***7. "Office of Workforce Innovation" means the Office of Workforce Innovation in the Office of the Governor created by section 18 of this act.***

8. "Program" means a program of training and instruction as an apprentice in an occupation in which a person may be apprenticed.

~~[6.]~~ ***9.*** "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

10. "State Apprenticeship Director" means the person appointed pursuant to NRS 610.110.

Sec. 2. NRS 610.020 is hereby amended to read as follows:

610.020 The purposes of this chapter are:

1. To open to people, without regard to race, color, creed, sex, sexual orientation, gender identity or expression, religion, disability or national origin, the opportunity to obtain training that will equip them for profitable employment and citizenship.

2. To establish, as a means to this end, an organized program for the voluntary training of persons under approved standards for apprenticeship, providing facilities for their training and guidance in the arts and crafts of industry and trade, with instruction in related and supplementary education.

3. To promote opportunities for employment for all persons, without regard to race, color, creed, sex, sexual orientation, gender identity or expression, religion, disability or national origin, under conditions providing adequate training and reasonable earnings.

4. To regulate the supply of skilled workers in relation to the demand for skilled workers.

5. To establish standards for the training of apprentices in approved programs.

6. To establish a State Apprenticeship Council **.** ~~[with the authority to carry out the purposes of this chapter and provide for local joint apprenticeship committees to assist in carrying out the purposes of this chapter.]~~

7. To provide for a State ***Apprenticeship*** Director ~~[of Apprenticeship.]~~ ***with the authority to carry out the purposes of this chapter.***

8. To provide for reports to the Legislature and to the public regarding the status of the training of apprentices in the State.

9. ~~[To establish procedures for regulating programs and deciding controversies concerning programs and agreements.~~

~~10.]~~ To accomplish related ends.

Sec. 3. NRS 610.030 is hereby amended to read as follows:

610.030 ~~[1. A]~~ ***There is hereby created a*** State Apprenticeship Council composed of ~~[seven members is hereby created.~~

~~2. The Labor Commissioner shall appoint:]~~ ***:***

1. The following voting members, appointed by the Governor:

(a) ~~[Three]~~ ***Four*** members who are representatives from employer associations and have knowledge concerning occupations in which a person may be apprenticed.

(b) ~~[Three]~~ ***Four*** members who are representatives from employee organizations and have knowledge concerning occupations in which a person may be apprenticed.

(c) One member who is a representative of the general public ***.*** ~~[and who, before appointment, must first receive the unanimous approval of the members appointed under the provisions of paragraphs (a) and (b).~~

~~3. The state official who has been designated by the State Board for Career and Technical Education as being in charge of trade and industrial education is an ex officio member of the State Apprenticeship Council but may not vote.]~~

2. The following nonvoting members:

(a) The Executive Director of the Office of Economic Development or his or her designee.

(b) The Superintendent of Public Instruction or his or her designee.

(c) One representative of a community college located in a county whose population is 700,000 or more, appointed by the Chancellor of the Nevada System of Higher Education.

(d) One representative of a community college located in a county whose population is less than 700,000, appointed by the Chancellor of the Nevada System of Higher Education.

Sec. 4. NRS 610.040 is hereby amended to read as follows:

610.040 1. ~~[In making the initial appointments to the Council, the Labor Commissioner shall appoint:~~

~~(a) One member who is a representative from employer associations, one member who is a representative from employee organizations, and one member who is the representative from the general public for terms of 1 year.~~

~~(b) One member who is a representative from employer associations and one member who is a representative from employee organizations for terms of 2 years.~~

~~(c) One member who is a representative from employer associations and one member who is a representative from employee organizations for terms of 3 years.~~

~~2. After the initial appointments provided for in subsection 1, each]~~ ***Each voting*** member ***of the Council*** shall serve for a term of 3 years ~~[.]~~ ***, so long***

as the member has the qualifications required by NRS 610.030. A member of the Council who no longer has the qualifications specified in NRS 610.030 under which the member was appointed shall continue to serve on the Council until the member's successor is appointed. A voting member may not serve more than four terms.

2. The voting members of the Council serve at the pleasure of the Governor.

3. The nonvoting members of the Council appointed pursuant to paragraphs (c) and (d) of subsection 2 of NRS 610.030 serve at the pleasure of the Chancellor of the Nevada System of Higher Education.

Sec. 5. NRS 610.070 is hereby amended to read as follows:

610.070 ***1. The Governor shall select from the membership of the Council a Chair and Vice Chair, who shall hold office for 1 year.***

2. The State Apprenticeship Director shall serve as the nonvoting Secretary of the Council.

3. The Council may prescribe such bylaws as it deems necessary for its operation.

4. The ~~[~~State Apprenticeship~~]~~ Council shall meet at least once in each calendar quarter ~~[~~and may meet at other times at the call of ***annually]*** ***at a time and place specified by the call of the Chair, the State Apprenticeship Director, the Executive Director or*** a majority of ~~[~~its~~]~~ ***the*** members ~~[~~.~~]~~ ***of the Council. Special meetings of the Council may be held at the call of the Chair, the State Apprenticeship Director, the Executive Director or a majority of the members of the Council at such additional times as they deem necessary.***

5. Five voting members of the Council constitutes a quorum, and a quorum may exercise any power or authority conferred on the Council.

Sec. 5.5. NRS 610.080 is hereby amended to read as follows:

610.080 1. Each member of the ~~[~~State Apprenticeship~~]~~ Council is entitled to receive a salary of not more than $80 per day, as fixed by the Council, while attending meetings of the Council.

2. While engaged in the business of the Council, each member and employee of the Council is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 6. NRS 610.090 is hereby amended to read as follows:

610.090 The ~~[~~State Apprenticeship~~]~~ Council shall:

1. Establish standards for programs and agreements that are not lower than those prescribed by this chapter.

2. Upon review and approval, extend written reciprocal recognition to multistate joint programs.

3. Adopt such regulations as may be necessary to carry out the intent and purposes of this chapter.

4. ***Administer the provisions of this chapter as a regulatory body.***

5. Consistent with its duties and obligations under this chapter, demonstrate linkages and coordination with the State's economic

development strategies and workforce investment system that is paid for wholly or in part out of public money, as set forth in 29 C.F.R. § 29.13.

6. Adopt regulations pursuant to 29 C.F.R. Parts 29 and 30.

7. Perform such other functions as may be necessary for the fulfillment of the intent and purposes of this chapter.

Sec. 7. NRS 610.100 is hereby amended to read as follows:

610.100 The State Apprenticeship ~~[Council]~~ ***Director*** shall make a report of ~~[its]~~ ***the*** activities and findings ~~[, through the Labor Commissioner, as provided in NRS 607.080,]~~ ***of the Council*** to the Legislature and to the public.

Sec. 8. NRS 610.110 is hereby amended to read as follows:

610.110 ***1.*** The ~~[Labor Commissioner or the duly appointed representative of the Labor Commissioner]~~ ***Governor*** shall ~~[be ex officio]~~ ***appoint a*** State ***Apprenticeship*** Director ***.*** ~~[of Apprenticeship.]~~

2. The State Apprenticeship Director:

(a) Shall report to the Executive Director.

(b) Is not in the classified or unclassified service of the State and serves at the pleasure of the Governor.

(c) Must have responsible administrative experience in public or business administration or must possess broad management skills in areas related to the functions of this chapter.

(d) Must have the demonstrated ability to administer a major public agency in the field of workforce development, and must possess the following skills and attributes:

(1) A comprehensive knowledge of administrative principles and a working knowledge of broad principles relating to subject matters under his or her administrative direction.

(2) The administrative ability to assess the adequacy of agency operations and the protection of the public interest as related to the subject fields.

(3) An ability to organize and present oral and written communication to the Governor, the Legislature and other pertinent officials or persons.

(4) A background which demonstrates that he or she can impartially serve the interests of both employees and employers.

(e) Must not, at the time of appointment or at any time during his or her term of office, receive payment or compensation as the officer of any labor organization or have a pecuniary interest in any labor organization.

Sec. 9. NRS 610.120 is hereby amended to read as follows:

610.120 1. The State ***Apprenticeship*** Director ~~[of Apprenticeship]~~ shall:

(a) Administer the provisions of this chapter with the advice and guidance of the State Apprenticeship Council.

(b) ~~[In cooperation with the State Apprenticeship Council and local or state joint apprenticeship committees, set up conditions and standards for~~

~~proposed programs, that are not less stringent than those prescribed by this chapter.~~

~~(c) Approve any agreement which meets the standards established under this chapter and terminate or cancel any agreement in accordance with the provisions of the agreement, the program, this chapter and the standards approved by the State Apprenticeship Council.~~

~~(d)~~ Keep a record of agreements and their dispositions.

~~(e)~~ ***(c)*** Issue certificates of completion of apprenticeship at the request of the local joint apprenticeship committee.

~~(f)~~ ***(d) Promote apprenticeship programs through public engagement activities and other initiatives.***

(e) Ensure information and resources related to applications for new apprenticeship programs are made available to the public, including, without limitation, information related to technical assistance and requirements for applicants of new apprenticeship programs.

(f) Establish and maintain an Internet website that provides information regarding apprenticeship programs to the public.

(g) Assist the Council in identifying opportunities for linkages and coordination with the State's economic development strategies and workforce investment system that is paid for wholly or in part with public money, in accordance with 29 C.F.R. § 29.13.

(h) Coordinate community-based outreach initiatives designed to promote apprenticeship opportunities among students, displaced workers and other persons who face barriers to entering the workforce.

(i) Prepare budgets and compile annual reports to the Legislature, Executive Director and Governor.

(j) Perform other administrative duties on behalf of the Council.

(k) Perform such other duties as are necessary to carry out the intent and purposes of this chapter.

2. The administration and supervision of related and supplemental instruction for apprentices, coordination of instruction with job experiences, and the selection and training of teachers and coordinators for that instruction are the responsibility of the local joint apprenticeship committees.

3. As used in this section, "technical assistance" means guidance provided by the Office of Workforce Innovation to the sponsor of a proposed or existing apprenticeship program for the development, revision, amendment or processing of standards of apprenticeship or apprenticeship agreements and the provision of advice to or consultation with such a sponsor to further compliance with the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 10. NRS 610.140 is hereby amended to read as follows:

610.140 1. A local or state apprenticeship committee shall:

(a) In accordance with standards ~~[set up]~~ ***established*** by the ~~[State Apprenticeship]~~ Council, work in an advisory capacity with employers and employees in matters regarding schedules of operations, application of wage

rates, and working conditions for apprentices, which conditions must specify the number of apprentices which may be employed locally in the trade under programs and agreements entered into under this chapter.

(b) Adjust disputes concerning apprenticeships not otherwise provided for in bona fide collective bargaining agreements.

(c) Within 10 days after the termination of any agreement, submit to the State Apprenticeship ~~[Council]~~ ***Director*** a written notice which includes the name of the apprentice and the reason for the termination.

(d) Keep the ~~[State Apprenticeship]~~ Council informed of all actions.

2. The decisions of local or state joint apprenticeship committees are, at all times, subject to appeal to the ~~[State Apprenticeship]~~ Council.

Sec. 11. NRS 610.144 is hereby amended to read as follows:

610.144 To be eligible for registration and approval by the ~~[State Apprenticeship]~~ Council, a proposed program must:

1. Be an organized, written plan embodying the terms and conditions of employment, training and supervision of one or more apprentices in an occupation in which a person may be apprenticed and be subscribed to by a sponsor who has undertaken to carry out the program.

2. Contain the pledge of equal opportunity prescribed in 29 C.F.R. § ~~[~~30.3(b)~~]~~ ***30.3(c)*** and, when applicable:

(a) A plan of affirmative action in accordance with 29 C.F.R. § 30.4;

(b) A method of selection authorized in 29 C.F.R. § ~~[~~30.5;~~]~~ ***30.10;***

(c) A nondiscriminatory pool for application as an apprentice; or

(d) Similar requirements expressed in a state plan for equal opportunity in employment in apprenticeships adopted pursuant to 29 C.F.R. Part 30 and approved by the ***United States*** Department of Labor.

3. Contain:

(a) Provisions concerning the employment and training of the apprentice in a skilled trade;

(b) A term of apprenticeship of not less than 2,000 hours of work experience, consistent with training requirements as established by practice in the trade;

(c) An outline of the processes in which the apprentice will receive supervised experience and training on the job, and the allocation of the approximate time to be spent in each major process;

(d) Provisions for organized, related and supplemental instruction in technical subjects related to the trade with a minimum of 144 hours for each year of apprenticeship, given in a classroom or through trade, industrial or correspondence courses of equivalent value or other forms of study approved by the ~~[State Apprenticeship]~~ Council;

(e) A progressively increasing, reasonable and profitable schedule of wages to be paid to the apprentice consistent with the skills acquired, not less than that allowed by federal or state law or regulations or by a collective bargaining agreement;

(f) Provisions for a periodic review and evaluation of the apprentice's progress in performance on the job and related instruction and the maintenance of appropriate records of such progress;

(g) A numeric ratio of apprentices to journeymen consistent with proper supervision, training, safety, continuity of employment and applicable provisions in collective bargaining agreements, in language that is specific and clear as to its application in terms of job sites, workforces, departments or plants;

(h) A probationary period that is reasonable in relation to the full term of apprenticeship, with full credit given for that period toward the completion of the full term of apprenticeship;

(i) Provisions for adequate and safe equipment and facilities for training and supervision and for the training of apprentices in safety on the job and in related instruction;

(j) The minimum qualifications required by a sponsor for persons entering the program, with an eligible starting age of not less than 16 years;

(k) Provisions for the placement of an apprentice under a written agreement as required by this chapter, incorporating directly or by reference the standards of the program;

(l) Provisions for the granting of advanced standing or credit to all applicants on an equal basis for previously acquired experience, training or skills, with commensurate wages for each advanced step granted;

(m) Provisions for the transfer of the employer's training obligation when the employer is unable to fulfill his or her obligation under the agreement to another employer under the same or a similar program with the consent of the apprentice and the local joint apprenticeship committee or sponsor of the program;

(n) Provisions for the assurance of qualified training personnel and adequate supervision on the job;

(o) Provisions for the issuance of an appropriate certificate evidencing the successful completion of an apprenticeship;

(p) An identification of the ~~[State Apprenticeship Council]~~ ***Office of Workforce Innovation*** as the agency for registration of the program;

(q) Provisions for the registration of agreements and of modifications and amendments thereto;

(r) Provisions for notice to the ~~[Labor Commissioner]~~ ***State Apprenticeship Director*** of persons who have successfully completed the program and of all cancellations, suspensions and terminations of agreements and the causes therefor;

(s) Provisions for the termination of an agreement during the probationary period by either party without cause;

(t) A statement that the program will be conducted, operated and administered in conformity with the applicable provisions of 29 C.F.R. Part 30 or a state plan for equal opportunity in employment in apprenticeships

adopted pursuant to 29 C.F.R. Part 30 and approved by the ***United States*** Department of Labor;

(u) The name and address of the appropriate authority under the program to receive, process and make disposition of complaints; and

(v) Provisions for the recording and maintenance of all records concerning apprenticeships as may be required by the ~~[~~State Apprenticeship~~]~~ Council and applicable laws.

Sec. 12. NRS 610.150 is hereby amended to read as follows:

610.150 Every agreement entered into under this chapter must contain:

1. The names and signatures of the contracting parties and the signature of a parent or legal guardian if the apprentice is a minor.

2. The date of birth of the apprentice.

3. The name and address of the sponsor of the program.

4. A statement of the trade or craft in which the apprentice is to be trained, and the beginning date and expected duration of the apprenticeship.

5. A statement showing the number of hours to be spent by the apprentice in work and the number of hours to be spent in related and supplemental instruction, which instruction must not be less than 144 hours per year.

6. A statement setting forth a schedule of the processes in the trade or division of industry in which the apprentice is to be trained and the approximate time to be spent at each process.

7. A statement of the graduated scale of wages to be paid the apprentice and whether or not compensation is to be paid for the required time in school.

8. Statements providing:

(a) For a specific period of probation during which the agreement may be terminated by either party to the agreement upon written notice to the State Apprenticeship ~~[~~Council;~~]~~ ***Director;*** and

(b) That after the probationary period the agreement may be cancelled at the request of the apprentice, or suspended, cancelled or terminated by the sponsor for good cause, with due notice to the apprentice and a reasonable opportunity for corrective action, and with written notice to the apprentice and the State Apprenticeship ~~[~~Council~~]~~ ***Director*** of the final action taken.

9. A reference incorporating as part of the agreement the standards of the program as it exists on the date of the agreement and as it may be amended during the period of the agreement.

10. A statement that the apprentice will be accorded equal opportunity in all phases of employment and training as an apprentice without discrimination because of race, color, creed, sex, sexual orientation, gender identity or expression, religion or disability.

11. A statement naming the ~~[~~State Apprenticeship~~]~~ Council as the authority designated pursuant to NRS 610.180 to receive, process and dispose of controversies or differences arising out of the agreement when the controversies or differences cannot be adjusted locally or resolved in accordance with the program or collective bargaining agreements.

12. Such additional terms and conditions as are prescribed or approved by the ~~[State Apprenticeship]~~ Council not inconsistent with the provisions of this chapter.

Sec. 12.5. NRS 610.160 is hereby amended to read as follows:

610.160 1. No agreement under this chapter is effective until it is approved by the local joint apprenticeship committee and the ~~[State Director of Apprenticeship.]~~ ***Council.*** A copy of the agreement must be forwarded within 10 days after approval by the local joint apprenticeship committee to the ~~[State Director of Apprenticeship.]~~ ***Council.***

2. Every agreement must be signed by the employer, by an association of employers or by an organization of employees acting as agent for an employer, and by the apprentice. If the apprentice is a minor, the agreement must also be signed by:

(a) Both parents, if the minor is living with both parents;

(b) The custodial parent, if the minor is living with only one parent; or

(c) The minor's legal guardian.

3. If a minor enters into an agreement under this chapter for a period of training extending into his or her majority, the agreement is likewise binding for the period covered during his or her majority.

Sec. 13. NRS 610.180 is hereby amended to read as follows:

610.180 1. Upon the complaint of any interested person or upon its own initiative, the ~~[State Apprenticeship]~~ Council may investigate to determine if there has been a violation of the terms or conditions of an approved program or an agreement made under this chapter. The ~~[State Apprenticeship]~~ Council may hold necessary hearings, inquiries and other proceedings. The parties to each agreement and the sponsors and interested participants in the program shall be given a fair and impartial hearing, after reasonable notice. A copy of the determination or decision of each hearing must be filed with the ~~[Labor Commissioner, and if no appeal therefrom is filed with the Labor Commissioner within 10 days after the date thereof the determination or decision of the State Apprenticeship Council becomes the order of the Labor Commissioner.]~~ ***State Apprenticeship Director.***

2. ~~[Any person aggrieved by any determination or action of the State Apprenticeship Council may appeal to the Labor Commissioner, whose decision, when supported by evidence, is conclusive if notice of appeal therefrom to the courts is not filed within 30 days after the date of the decision of the Labor Commissioner.~~

~~3.]~~ A person shall not institute any action based upon:

(a) An agreement;

(b) Proposed or approved standards for apprenticeship; or

(c) A program governed by this chapter,

➥ unless the person first exhausts all administrative remedies provided by this chapter.

Sec. 14. NRS 612.265 is hereby amended to read as follows:

612.265 1. Except as otherwise provided in this section and NRS 239.0115 and 612.642, information obtained from any employing unit or person pursuant to the administration of this chapter and any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's or employing unit's identity.

2. Any claimant or a legal representative of a claimant is entitled to information from the records of the Division, to the extent necessary for the proper presentation of the claimant's claim in any proceeding pursuant to this chapter. A claimant or an employing unit is not entitled to information from the records of the Division for any other purpose.

3. The Administrator may, in accordance with a cooperative agreement among all participants in the statewide longitudinal data system ~~[developed]~~ ***administered*** pursuant to ~~[NRS 400.040,]~~ ***section 20 of this act,*** make the information obtained by the Division available to:

(a) The Board of Regents of the University of Nevada for the purpose of complying with the provisions of subsection 4 of NRS 396.531; and

(b) The Director of the Department of Employment, Training and Rehabilitation for the purpose of complying with the provisions of paragraph (d) of subsection 1 of NRS 232.920.

4. Subject to such restrictions as the Administrator may by regulation prescribe, the information obtained by the Division may be made available to:

(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of laws relating to unemployment compensation, public assistance, workers' compensation or labor and industrial relations, or the maintenance of a system of public employment offices;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation;

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS; and

(f) The Secretary of State to operate the state business portal established pursuant to chapter 75A of NRS for the purposes of verifying that data submitted via the portal has satisfied the necessary requirements established by the Division, and as necessary to maintain the technical integrity and functionality of the state business portal established pursuant to chapter 75A of NRS.

➥ Information obtained in connection with the administration of the Division may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a public assistance program.

5. Upon written request made by the State Controller or a public officer of a local government, the Administrator shall furnish from the records of the

Division the name, address and place of employment of any person listed in the records of employment of the Division. The request may be made electronically and must set forth the social security number of the person about whom the request is made and contain a statement signed by the proper authority of the State Controller or local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation assigned to the State Controller for collection or owed to the local government, as applicable. Except as otherwise provided in NRS 239.0115, the information obtained by the State Controller or local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation assigned to the State Controller for collection or owed to that local government. The Administrator may charge a reasonable fee for the cost of providing the requested information.

6. The Administrator may publish or otherwise provide information on the names of employers, their addresses, their type or class of business or industry, and the approximate number of employees employed by each such employer, if the information released will assist unemployed persons to obtain employment or will be generally useful in developing and diversifying the economic interests of this State. Upon request by a state agency which is able to demonstrate that its intended use of the information will benefit the residents of this State, the Administrator may, in addition to the information listed in this subsection, disclose the number of employees employed by each employer and the total wages paid by each employer. The Administrator may charge a fee to cover the actual costs of any administrative expenses relating to the disclosure of this information to a state agency. The Administrator may require the state agency to certify in writing that the agency will take all actions necessary to maintain the confidentiality of the information and prevent its unauthorized disclosure.

7. Upon request therefor, the Administrator shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation and employment status of each recipient of benefits and the recipient's rights to further benefits pursuant to this chapter.

8. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit a written request to the Administrator that the Administrator furnish, from the records of the Division, the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the Administrator shall furnish

the information requested. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

9. In addition to the provisions of subsection 6, the Administrator shall provide lists containing the names and addresses of employers, and information regarding the wages paid by each employer to the Department of Taxation, upon request, for use in verifying returns for the taxes imposed pursuant to chapters 363A, 363B and 363C of NRS. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

10. The Division of Industrial Relations of the Department of Business and Industry shall periodically submit to the Administrator, from information in the index of claims established pursuant to NRS 616B.018, a list containing the name of each person who received benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS. Upon receipt of that information, the Administrator shall compare the information so provided with the records of the Employment Security Division regarding persons claiming benefits pursuant to this chapter for the same period. The information submitted by the Division of Industrial Relations must be in a form determined by the Administrator and must contain the social security number of each such person. If it appears from the information submitted that a person is simultaneously claiming benefits under this chapter and under chapters 616A to 616D, inclusive, or chapter 617 of NRS, the Administrator shall notify the Attorney General or any other appropriate law enforcement agency.

11. The Administrator may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 3305(c) of the Internal Revenue Code of 1954.

12. If any employee or member of the Board of Review, the Administrator or any employee of the Administrator, in violation of the provisions of this section, discloses information obtained from any employing unit or person in the administration of this chapter, or if any person who has obtained a list of applicants for work, or of claimants or recipients of benefits pursuant to this chapter uses or permits the use of the list for any political purpose, he or she is guilty of a gross misdemeanor.

13. All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the Division or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. Chapter 223 of NRS is hereby amended by adding thereto the provisions set forth as sections 18 to 21, inclusive, of this act.

Sec. 18. ***1. The Office of Workforce Innovation is hereby created in the Office of the Governor.***

2. The Office of Workforce Innovation has responsibility and accountability for apprenticeship within this State.

Sec. 19. ***1. The Governor shall appoint the Executive Director of the Office of Workforce Innovation.***

2. The Executive Director is not in the classified or unclassified service of the State and serves at the pleasure of the Governor.

Sec. 20. ***The Executive Director of the Office of Workforce Innovation shall:***

1. Provide support to the Office of the Governor, the Governor's Workforce Development Board created by NRS 232.935 and the industry sector councils established by the Governor's Workforce Development Board on matters relating to workforce development.

2. Work in coordination with the Office of Economic Development to establish criteria and goals for workforce development and diversification in this State.

3. Collect and systematize and present in biennial reports to the Governor and the Legislature such statistical details relating to workforce development in the State as the Executive Director of the Office may deem essential to further the objectives of the Office of Workforce Innovation.

4. At the direction of the Governor:

(a) Identify, recommend and implement policies related to workforce development.

(b) Define career pathways and identify priority career pathways for secondary and postsecondary education.

(c) Discontinue career pathways offered by the State which fail to meet minimum standards of quality, rigor and cross-education alignment, or that do not demonstrate a connection to priority industry needs.

(d) In consultation with the Governor's Workforce Development Board, identify industry-recognized credentials, workforce development programs and education.

(e) Maintain and oversee the statewide longitudinal data system that links data relating to early childhood education programs and K-12 public education with data relating to postsecondary education and the workforce in this State.

(f) Collect accurate educational data in the statewide longitudinal data system for the purpose of analyzing student performance through employment to assist in improving the educational system and workforce training program in this State.

(g) Apply for and administer grants, including, without limitation, those that may be available from funding reserved for statewide workforce investment activities.

(h) Review the status and structure of local workforce investment areas in the State, in coordination with the Governor and the Governor's Workforce Development Board.

(i) Report periodically to the Governor's Workforce Development Board concerning the administration of the policies and programs of the Office of Workforce Innovation.

(j) On or before March 31 of each year, submit to the Governor a complete report of the activities, discussions, findings and recommendations of the Office of Workforce Innovation.

(k) Oversee the State Apprenticeship Council and the State Apprenticeship Director pursuant to NRS 610.110 to 610.185, inclusive, and perform such other functions as may be necessary for the fulfillment of the intent and purposes of chapter 610 of NRS.

(l) Suggest improvements regarding the allocation of federal and state money to align workforce training and related education programs in the State, including, but not limited to, career and technical education.

Sec. 21. ***The following public agencies shall submit educational and workforce data for inclusion in the statewide longitudinal data system maintained pursuant to paragraph (e) of subsection 4 of section 20 of this act:***

1. The Department of Employment, Training and Rehabilitation.

2. The Department of Education.

3. The Nevada System of Higher Education.

4. The Department of Motor Vehicles.

5. Any other public agency which is directed by the Governor to submit such data.

Sec. 21.5. NRS 223.085 is hereby amended to read as follows:

223.085 1. The Governor may, within the limits of available money, employ such persons as he or she deems necessary to provide an appropriate staff for the Office of the Governor, including, without limitation, the Office of Economic Development, the Office of Science, Innovation and Technology, the Office of the Western Regional Education Compact ***, the Office of Workforce Innovation*** and the Governor's mansion. Except as otherwise provided by specific statute, such employees are not in the classified or unclassified service of the State and, except as otherwise provided in NRS 231.043 and 231.047, serve at the pleasure of the Governor.

2. Except as otherwise provided by specific statute, the Governor shall:

(a) Determine the salaries and benefits of the persons employed pursuant to subsection 1, within limits of money available for that purpose; and

(b) Adopt such rules and policies as he or she deems appropriate to establish the duties and employment rights of the persons employed pursuant to subsection 1.

3. The Governor may:

(a) Appoint a Chief Information Officer of the State; or

(b) Designate the Administrator as the Chief Information Officer of the State.

➥ If the Administrator is so appointed, the Administrator shall serve as the Chief Information Officer of the State without additional compensation.

4. As used in this section, "Administrator" means the Administrator of the Division of Enterprise Information Technology Services of the Department of Administration.

Sec. 22. (Deleted by amendment.)

Sec. 23. NRS 400.040 is hereby amended to read as follows:

400.040 1. The Council shall address:

(a) Methods to increase the number of students who enroll in programs at the System to become teachers, including, without limitation, financial aid programs for students enrolled in those programs.

(b) Methods to ensure the successful transition of children from early childhood education programs to elementary school, including, without limitation, methods to increase parental involvement.

(c) Methods to ensure the successful transition of pupils from:

(1) Elementary school to middle school;

(2) Middle school to high school; and

(3) High school to postsecondary education or the workforce, or both,

➥ including, without limitation, methods to increase parental involvement.

(d) Methods to ensure that the course work, standards and assessments required of pupils in secondary schools is aligned with the workload expected of students at the postsecondary level.

(e) Methods to ensure collaboration among the business community, members of the academic community and political leaders to set forth a process for developing strategies for the growth and diversification of the economy of this State.

(f) Policies relating to workforce development, employment needs of private employers and workforce shortages in occupations critical to the education, health and safety of the residents of this State.

(g) ~~[The development and oversight of a statewide longitudinal data system that links data relating to early childhood education programs and K-12 public education with data relating to postsecondary education and the workforce in this State.~~

~~(h) A plan for collaborative research using data from the statewide longitudinal data system developed pursuant to paragraph (g), including, without limitation, research that assesses:~~

~~(1) The efficiency and effectiveness of the use of state resources to improve the readiness of pupils in this State for postsecondary education and the workforce;~~

~~(2) The effectiveness of the preparation of teachers and administrators in this State; and~~

~~(3) The return on investment of educational and workforce development programs paid for by this State.~~

~~(i)~~] Other matters within the scope of the Council as determined necessary or appropriate by the Council.

2. The Council may:

(a) Establish committees to assist the Council in carrying out its duties.

(b) Apply for any available grants and may accept any gifts, grants and donations from any source to assist the Council in carrying out its duties.

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. 1. The terms of the members of the State Apprenticeship Council created by NRS 610.030 who are incumbent on June 30, 2017, expire on that date.

2. On or before July 1, 2017, the Governor shall appoint the voting members of the State Apprenticeship Council created by NRS 610.030, as amended by section 3 of this act, to terms commencing on July 1, 2017, as follows:

(a) Three members to terms that expire on July 1, 2018;

(b) Three members to terms that expire on July 1, 2019; and

(c) Three members to terms that expire on July 1, 2020.

3. On or before July 1, 2017, the Chancellor of the Nevada System of Higher Education shall appoint the nonvoting members of the State Apprenticeship Council created by NRS 610.030, as amended by section 3 of this act, described in paragraphs (c) and (d) of subsection 2 of NRS 610.030, as amended by section 3 of this act.

4. The limitation on the number of terms a voting member may serve on the State Apprenticeship Council set forth in NRS 610.040, as amended by section 4 of this act, applies only to a term of office which commences on or after July 1, 2017.

Sec. 28. 1. Any administrative regulations adopted by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remain in force until amended by the officer, agency or other entity to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity are binding upon the officer, agency or other entity to which the responsibility for the administration of the provisions of the contract or other agreement have been transferred. Such contracts and other agreements may be enforced by the officer, agency or other entity to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the

provisions of this act to another officer, agency or entity remains in effect as if taken by the officer, agency or other entity to which the responsibility for the enforcement of such actions has been transferred.

Sec. 29. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 30. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 31. NRS 610.060 is hereby repealed.

Sec. 32. This act becomes effective on July 1, 2017.

TEXT OF REPEALED SECTION

610.060 Officers.

1. The member who is a representative of the general public shall act as Chair of the State Apprenticeship Council but shall not vote on matters before the Council except in the case of a tie.

2. The Labor Commissioner or the appointed representative of the Labor Commissioner is the ex officio Secretary of the State Apprenticeship Council, but may not vote.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Joint Resolution No. 3.

Resolution read third time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 764.

SENATE JOINT RESOLUTION—Proposing to amend the Nevada Constitution to provide certain rights to voters.

Legislative Counsel's Digest:

Existing law provides voters with certain rights. (NRS 293.2546) This resolution proposes to amend the Nevada Constitution by adding a new section to Article 2 to provide similar rights in the Nevada Constitution.

Resolved by the Senate and Assembly of the State of Nevada, Jointly, That a new section, designated Section 1A, be added to Article 2 of the Nevada Constitution to read as follows:

Sec. 1A. Each voter who is a qualified elector under this Constitution and is registered to vote in accordance with Section 6 of

this Article and the laws enacted by the Legislature pursuant thereto has the right:

1. To receive and cast a ballot that:

(a) Is written in a format that allows the clear identification of candidates; and

(b) Accurately records the voter's preference in the selection of candidates.

2. To have questions concerning voting procedures answered and to have an explanation of the procedures for voting posted in a conspicuous place at the polling place.

3. To vote without being intimidated, threatened or coerced.

4. To vote during any period for early voting or on election day if the voter is waiting in line at a polling place at which, by law, the voter is entitled to vote at the time that the polls close and the voter has not already cast a vote in that election.

5. To return a spoiled ballot and receive another ballot in its place.

6. To request assistance in voting, if necessary.

7. To a sample ballot which is accurate, informative and delivered in a timely manner [.] as provided by law.

8. To receive instruction in the use of the equipment for voting during any period for early voting or on election day.

9. To equal access to the elections system without discrimination, including, without limitation, discrimination on the basis of race, age, disability, military service, employment or overseas residence.

10. To a uniform, statewide standard for counting and recounting all votes accurately [.] as provided by law.

11. To have complaints about elections and election contests resolved fairly, accurately and efficiently [.] as provided by law.

Assemblywoman Diaz moved the adoption of the amendment.

Remarks by Assemblywoman Diaz.

Amendment adopted.

Resolution ordered reprinted, reengrossed and to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:32 p.m.

ASSEMBLY IN SESSION

At 2:40 p.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 472.
Bill read third time.
Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 472 creates the Juvenile Justice Oversight Commission and designates the Commission as the state advisory group on juvenile justice, as required by federal law. The bill requires the Commission to (1) establish a uniform procedure for the Division of Child and Family Services of the Department of Health and Human Services, the Youth Parole Bureau, and each department of juvenile services to follow when developing performance measures related to the juvenile justice system; (2) establish standard procedures for measuring outcomes for children subject to the jurisdiction of the juvenile court; and (3) select a validated risk assessment tool. In addition, the Division is required to establish an evidence-based program resource center, and the Division and each department of juvenile services must develop and implement a family engagement plan to increase the participation of the family of a child who is subject to the jurisdiction of the juvenile court in the rehabilitation of the child.

Before the disposition of a child's case, a department of juvenile services is required to conduct a risk assessment and a mental health screening using the validated tool selected by the Commission. Each department of juvenile services will be responsible for 100 percent of the costs that the department incurs associated with the validated tool beginning in Fiscal Year 2020.

The bill authorizes the Division to withhold money from a juvenile court that does not comply with the regulations adopted by the Division. The Youth Parole Bureau is required to establish policies and procedures to be used by parole officers and juvenile courts in determining the most appropriate response to a child's violation of the terms and conditions of his or her parole. This bill also revises the list of persons to whom a director of juvenile services and the Youth Parole Bureau may release information. The Youth Parole Bureau is required to create a sliding scale of offenses based on the severity of the violation and prohibits the Chief of the Youth Parole Bureau from recommending to the juvenile court that a child's parole be revoked under certain circumstances.

This bill is effective on July 1, 2018, for purposes of repealing certain reporting requirements and on July 1, 2017, for all other purposes.

Roll call on Assembly Bill No. 472:
YEAS—40.
NAYS—None.
EXCUSED—Hansen, Ohrenschall—2.

Assembly Bill No. 472 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 10.
Bill read third time.
Remarks by Assemblywoman Bilbray-Axelrod.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Senate Bill 10 revises provisions regarding the publication of notices and other information concerning unclaimed and abandoned property held by the State Treasurer. This bill is effective upon passage and approval.

Roll call on Senate Bill No. 10:
YEAS—40.
NAYS—None.
EXCUSED—Hansen, Ohrenschall—2.

Senate Bill No. 10 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 12.

Bill read third time.

Remarks by Assemblyman McArthur.

ASSEMBLYMAN MCARTHUR:

Senate Bill 12 repeals the requirement that the: (1) State Board of Agriculture submit to the Governor a biennial report of its activities relating to its statutory duties; (2) Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation submit to the Governor a biennial report on the administration and operation of statutes relating to unemployment compensation; and (3) Administrator of the Employment Security Division print for distribution to the public the text of certain regulations, rules, reports, and other materials relating to unemployment compensation. This bill is effective upon passage and approval.

Roll call on Senate Bill No. 12:

YEAS—40.

NAYS—None.

EXCUSED—Hansen, Ohrenschall—2.

Senate Bill No. 12 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 384 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 233 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 233.

Bill read third time.

The following amendment was proposed by Assemblywoman Tolles:

Amendment No. 957.

AN ACT relating to health care; requiring the State Plan for Medicaid and certain health insurance plans to provide certain benefits relating to reproductive health care, hormone replacement therapy and preventative health care; revising provisions relating to dispensing of contraceptives; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires most health insurance plans which cover prescription drugs and outpatient care to also include coverage for contraceptive drugs and devices without an additional copay, coinsurance or a higher deductible

than that which may be charged for other prescription drugs and outpatient care under the plan. (NRS 689A.0415, 689A.0417, 689B.0376, 689B.0377, 695B.1916, 695B.1918, 695C.1694, 695C.1695) Existing law also requires most health insurance plans to include coverage for certain preventative services, including the human papillomavirus vaccine, cytological screenings and mammograms. (NRS 287.0272, 689A.0405, 689A.044, 689B.0313, 689B.0374, 695B.1912, 695B.1925, 695C.1735, 695C.1745, 695G.171) Certain plans, including small employer plans, benefit contracts provided by fraternal benefit societies, plans issued by a managed care organization and certain plans offered by governmental entities of this State are not currently subject to some of these requirements. (Chapters 287, 689C, 695A and 695G of NRS)

The federal Patient Protection and Affordable Care Act (Public Law 111-148, as amended) requires certain preventative services to be covered by every health insurance plan without any copay, coinsurance or higher deductible, including, without limitation, certain contraceptive drugs, devices and services, certain vaccinations, mammograms, counseling concerning interpersonal and domestic violence, screenings for certain diseases and well-woman preventative visits. (42 U.S.C. § 300gg-13(a)(4); 45 C.F.R. § 147.130) This bill places those requirements in Nevada law, requiring all private health insurance plans and certain public health insurance plans made available in this State to provide coverage for certain preventative services without any copay, coinsurance or a higher deductible. **The provisions of this bill do not require a public or private insurer to provide coverage for the purpose of terminating a pregnancy.** **Sections 7, 8 and 11-57** of this bill allow an insurer to require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refused to accept a therapeutic equivalent of the contraceptive drug. In addition, a health insurance plan must include for each listed method of contraception which is approved by the Food and Drug Administration at least one contraceptive drug or device for which no deductible, copayment or coinsurance may be charged to the insured. **Sections 7, 8 and 11-57** authorize an insurer to use medical management techniques, including step therapy and prior authorization, to determine the frequency of the preventative services required by this bill or the type of provider of health care who will provide such services. **Sections 7, 8 and 11-57** also require certain contraceptive drugs, devices and services to be covered by a health insurance plan, including up to a 12-month supply of contraceptives or a therapeutic equivalent, insertion or removal of a contraceptive device, education and counseling relating to contraception and voluntary sterilization for women. **Sections 12, 18, 27, 33, 38, 45 and 54**: (1) prohibit the use of medical management techniques to require an insured to use a method of contraception other than that prescribed or ordered by a provider of health care; and (2) require an insurer to provide a process by which an insured can

request an exemption from a medical management technique required by an insurer to obtain contraception.

Existing law authorizes an insurer which is affiliated with a religious organization and which objects on religious grounds to providing coverage for contraceptive drugs and devices to exclude coverage in its policies, plans or contracts for such drugs and devices. (NRS 689A.0415, 689A.0417, 689B.0376, 689B.0377, 695B.1916, 695B.1918, 695C.1694, 695C.1695) **Sections 12, 20, 27, 33, 38, 45 and 54** of this bill move the religious exemption to the new provisions relating to coverage of contraception.

Existing law requires most health insurance plans which cover prescription drugs and outpatient care to also include coverage for hormone replacement therapy without an additional copay, coinsurance or a higher deductible than that which may be charged for other prescription drugs and outpatient care under the plan. (NRS 689A.0415, 689A.0417, 689B.0376, 689B.0377, 695B.1916, 695B.1918, 695C.1694, 695C.1695) **Sections 7, 8 and 11-57** of this bill expand this requirement to private health insurance plans and certain public health insurance plans made available in this State and require such health insurance plans to provide coverage for hormone replacement therapy without any copay, coinsurance or higher deductible.

Existing law requires this State to develop a State Plan for Medicaid which includes, without limitation, a list of the medical services provided to Medicaid recipients. (42 U.S.C. § 1396a; NRS 422.063) Existing federal law authorizes a state to charge a copay, coinsurance or deductible for most Medicaid services, but prohibits any copay, coinsurance or deductible for certain contraceptive drugs, devices and services. (42 U.S.C. § 1396o-1) Existing federal law also authorizes a state to define the parameters of contraceptive coverage provided under Medicaid. (42 U.S.C. § 1396u-7) Existing law requires a number of specific medical services to be covered under Medicaid. (NRS 422.2717-422.27241) **Sections 2-5.5** of this bill require the State Plan for Medicaid to include certain preventative services currently required to be covered by private health insurance plans pursuant to existing Nevada law, the Patient Protection and Affordable Care Act (Public Law 111-148 as amended) as well as the additional drugs, devices, supplies and services required by **sections 7, 8 and 11-57** without any copay, coinsurance or deductible in most cases. The benefits relating to contraceptive drugs which are provided by **section 2** of this bill are subject to step therapy and prior authorization requirements pursuant to existing law.

Existing law authorizes a pharmacist to dispense up to a 90-day supply of a drug pursuant to a valid prescription or order in certain circumstances. (NRS 639.2396) **Section 8.5** of this bill requires a pharmacist to dispense up to a 12-month or the balance of the plan year, whichever is shorter, supply of contraceptives or their therapeutic equivalent pursuant to a valid prescription or order if: (1) the patient has previously received a 3-month supply of the same drug; (2) the patient has previously received a 9-month supply of the same drug or a supply of the same drug for the balance of the plan year in

which the 3-month supply was prescribed or ordered, whichever is shorter; (3) the patient is insured by the same health insurance plan; and (4) a provider of health care has not specified in the prescription or order that a different supply of the drug is necessary.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 4.5, inclusive, of this act.

Sec. 2. ***1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:***

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Dispensed in accordance with section 8.5 of this act.

(b) Any type of device for contraception which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;

(c) Insertion or removal of a device for contraception;

(d) Education and counseling relating to the initiation of the use of contraceptives and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. Except as otherwise provided in subsections 4 and 5, to obtain any benefit provided in the Plan pursuant to subsection 1, a person enrolled in Medicaid must not be required to:

(a) Pay a higher deductible, any copayment or coinsurance; or

(b) Be subject to a longer waiting period or any other condition.

3. The Director shall ensure that the provisions of this section are carried out in a manner which complies with the requirements established by the Drug Use Review Board and set forth in the list of preferred prescription drugs established by the Department pursuant to NRS 422.4025.

4. The Plan may require a person enrolled in Medicaid to pay a higher deductible, copayment or coinsurance for a drug for contraception if the person refuses to accept a therapeutic equivalent of the contraceptive drug.

5. For each method of contraception which is approved by the Food and Drug Administration, the Plan must include at least one contraceptive drug or device for which no deductible, copayment or coinsurance may be charged to the person enrolled in Medicaid, but the Plan may charge a deductible, copayment or coinsurance for any other contraceptive drug or device that provides the same method of contraception.

6. As used in this section, "therapeutic equivalent" means a drug which:

(a) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(b) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(c) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 3. ***1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:***

(a) Counseling and support for breastfeeding;

(b) Screening and counseling for interpersonal and domestic violence;

(c) Counseling for sexually transmitted diseases;

(d) Screening for blood pressure abnormalities and diabetes, including gestational diabetes;

(e) An annual screening for cervical cancer;

(f) Screening for depression;

(g) Screening and counseling for the human immunodeficiency virus;

(h) Smoking cessation programs;

(i) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and

(j) Such well-woman preventative visits as recommended by the Health Resources and Services Administration.

2. To obtain any benefit provided in the Plan pursuant to subsection 1, a recipient of Medicaid must not be required to:

(a) Pay a higher deductible, any copayment or coinsurance; or

(b) Be subject to a longer waiting period or any other condition.

Sec. 4. ***The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for a mammogram.***

Sec. 4.5. ***The Director may include in the State Plan for Medicaid a requirement that, to the extent money is available, the State pay the nonfederal share of expenditures incurred for:***

1. Supplies for breastfeeding; and

2. Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization.

Sec. 5. NRS 422.2718 is hereby amended to read as follows:

422.2718 1. The Director shall include in the State Plan for Medicaid a requirement that the State shall pay the nonfederal share of expenses incurred for ~~[~~administering~~]~~ ***:***

(a) Testing for human papillomavirus; and

(b) Administering the human papillomavirus vaccine ~~[to women and girls]~~ at such ages as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. For the purposes of this section, "human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration to be used for the prevention of human papillomavirus infection and cervical cancer.

Sec. 5.5. NRS 422.401 is hereby amended to read as follows:

422.401 As used in NRS 422.401 to 422.406, inclusive, ***and sections 2 to 4.5, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 422.4015 and 422.402 have the meanings ascribed to them in those sections.

Sec. 5.7. NRS 422.406 is hereby amended to read as follows:

422.406 1. The Department may, to carry out its duties set forth in NRS 422.401 to 422.406, inclusive, ***and sections 2 to 4.5, inclusive, of this act,*** and to administer the provisions of NRS 422.401 to 422.406, inclusive ~~[.]~~ ***, and sections 2 to 4.5, inclusive, of this act:***

(a) Adopt regulations; and

(b) Enter into contracts for any services.

2. Any regulations adopted by the Department pursuant to NRS 422.401 to 422.406, inclusive, ***and sections 2 to 4.5, inclusive, of this act,*** must be adopted in accordance with the provisions of chapter 241 of NRS.

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees

and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 687B.408, 689B.030 to 689B.050, inclusive, ***and sections 20 and 21 of this act*** and 689B.287 apply to coverage provided pursuant to this paragraph ~~[.]~~ ***, except that the provisions of sections 20 and 21 of this act only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.***

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 8. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 689B.255, 695G.150, 695G.160, 695G.162, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.170 to 695G.173, inclusive, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, ***and sections 54, 55 and 56 of this act*** in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 8.5. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsections 2 and 3, pursuant to a valid prescription or order for a drug to be used for contraception or its therapeutic equivalent which has been approved by the Food and Drug Administration a pharmacist shall:

(a) The first time dispensing the drug or therapeutic equivalent to the patient, dispense up to a 3-month supply of the drug or therapeutic equivalent.

(b) The second time dispensing the drug or therapeutic equivalent to the patient, dispense up to a 9-month supply of the drug or therapeutic equivalent, or any amount which covers the remainder of the plan year if the patient is covered by a health care plan, whichever is less.

(c) For a refill in a plan year following the initial dispensing of a drug or therapeutic equivalent pursuant to paragraphs (a) and (b), dispense up to a 12-month supply of the drug or therapeutic equivalent or any amount which covers the remainder of the plan year if the patient is covered by a health care plan, whichever is less.

2. The provisions of paragraphs (b) and (c) of subsection 1 only apply if:

(a) The drug for contraception or the therapeutic equivalent of such drug is the same drug or therapeutic equivalent which was previously prescribed or ordered pursuant to paragraph (a) of subsection 1; and

(b) The patient is covered by the same health care plan.

3. If a prescription or order for a drug for contraception or its therapeutic equivalent limits the dispensing of the drug or therapeutic equivalent to a quantity which is less than the amount otherwise authorized to be dispensed pursuant to subsection 1, the pharmacist must dispense the drug or therapeutic equivalent in accordance with the quantity specified in the prescription or order.

4. As used in this section:

(a) "Health care plan" means a policy, contract, certificate or agreement offered or issued by an insurer, including without limitation, the State Plan for Medicaid, to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services.

(b) "Plan year" means the year designated in the evidence of coverage of a health care plan in which a person is covered by such plan.

(c) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 9. NRS 639.2396 is hereby amended to read as follows:

639.2396 1. Except as otherwise provided by subsection 2, a prescription which bears specific authorization to refill, given by the prescribing practitioner at the time he or she issued the original prescription, or a prescription which bears authorization permitting the pharmacist to refill the prescription as needed by the patient, may be refilled for the number of times authorized or for the period authorized if it was refilled in accordance with the number of doses ordered and the directions for use.

2. ~~[A]~~ ***Except as otherwise provided in section 8.5 of this act, a*** pharmacist may, in his or her professional judgment and pursuant to a valid prescription that specifies an initial amount of less than a 90-day supply of a drug other than a controlled substance followed by periodic refills of the initial amount of the drug, dispense not more than a 90-day supply of the drug if:

(a) The patient has used an initial 30-day supply of the drug or the drug has previously been prescribed to the patient in a 90-day supply;

(b) The total number of dosage units that are dispensed pursuant to the prescription does not exceed the total number of dosage units, including refills, that are authorized on the prescription by the prescribing practitioner; and

(c) The prescribing practitioner has not specified on the prescription that dispensing the prescription in an initial amount of less than a 90-day supply followed by periodic refills of the initial amount of the drug is medically necessary.

3. Nothing in this section shall be construed to alter the coverage provided under any contract or policy of health insurance, health plan or program or other agreement arrangement that provides health coverage.

Sec. 10. (Deleted by amendment.)

Sec. 11. Chapter 689A of NRS is hereby amended by adding thereto the provisions set forth as sections 12 and 13 of this act.

Sec. 12. ***1. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of health insurance shall include in the policy coverage for:***

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 8; and

(4) Dispensed in accordance with section 8.5 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 8;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same policy of health insurance;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use; and

(e) Voluntary sterilization for women.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsections 6, 7 and 9, an insurer that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. Except as otherwise provided in subsection 5, a policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. An insurer that offers or issues a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance and before the renewal of such a policy, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

6. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

7. For each of the 18 methods of contraception listed in subsection 8 that has been approved by the Food and Drug Administration, a policy of health insurance must include at least one drug or device for contraception for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

8. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) ~~[Antiprogestin-based drugs]~~ Ulipristal acetate for emergency contraception.

9. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

10. An insurer shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

11. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

12. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 13. *1. An insurer that offers or issues a policy of health insurance shall include in the policy coverage for:*

(a) Counseling, support and supplies for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually with intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active women who are at increased risk for such diseases;

(d) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(e) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(f) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(g) Screening for depression;

(h) Screening and counseling for the human immunodeficiency virus consisting of a risk assessment, annual education relating to prevention and at least one screening for the virus during the lifetime of the insured or as ordered by a provider of health care;

(i) Smoking cessation programs for an insured who is 18 years of age or older consisting of not more than two cessation attempts per year and four counseling sessions per year;

(j) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and

(k) Such well-woman preventative visits as recommended by the Health Resources and Services Administration, which must include at least one such visit per year beginning at 14 years of age.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 14. NRS 689A.0405 is hereby amended to read as follows:

689A.0405 1. A policy of health insurance must provide coverage for benefits payable for expenses incurred for ~~[~~**:**

~~(a) An annual cytologic screening test for women 18 years of age or older;~~

~~(b) A baseline mammogram for women between the ages of 35 and 40; and~~

~~(c) An annual~~~~]~~ ***a*** mammogram ***every 2 years, or annually if ordered by a provider of health care,*** for women 40 years of age or older.

2. ~~[~~A policy of health insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.~~]~~ ***An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.***

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain

any benefit provided in the policy of health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~[3.]~~ ***4.*** A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[October 1, 1989,]~~ ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with ~~[subsection 1]~~ ***this section*** is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 15. NRS 689A.0415 is hereby amended to read as follows:

689A.0415 1. ~~[Except as otherwise provided in subsection 5, an]~~ ***An*** insurer that offers or issues a policy of health insurance which provides coverage for prescription drugs or devices shall include in the policy coverage for ~~[:~~

~~(a) Any type of drug or device for contraception; and~~

~~(b) Any]~~ ***any*** type of hormone replacement therapy ~~[,~~

~~.~~] which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. An insurer that offers or issues a policy of health insurance that provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, ***any*** copayment or coinsurance or require a longer waiting period or other condition for coverage for a prescription for ~~[a contraceptive or]~~ hormone replacement therapy ***;*** ~~[than is required for other prescription drugs covered by the policy;]~~

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured.

3. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. The provisions of this section do not ~~[:~~

~~(a) Require]~~ ***require*** an insurer to provide coverage for fertility drugs.

~~[(b) Prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by paragraphs (a) and (b) of subsection 1 that is the same as the insured is required to pay for other prescription drugs covered by the policy.]~~

5. ~~[An insurer which offers or issues a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance and before the renewal of such a policy, provide to the prospective insured, written notice of the coverage that the insurer refuses to provide pursuant to this subsection.~~

~~6.]~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 16. NRS 689A.0417 is hereby amended to read as follows:

689A.0417 1. ~~[Except as otherwise provided in subsection 5, an]~~ ***An*** insurer that offers or issues a policy of health insurance which provides coverage for outpatient care shall include in the policy coverage for any health care service related to ~~[contraceptives or]~~ hormone replacement therapy.

2. An insurer that offers or issues a policy of health insurance that provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, ***any*** copayment or coinsurance or require a longer waiting period or other condition for coverage for outpatient care related to ~~[contraceptives or]~~ hormone replacement therapy ***;*** ~~[than is required for other outpatient care covered by the policy;]~~

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured.

3. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

~~4. [The provisions of this section do not prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by subsection 1 that is the same as the insured is required to pay for other outpatient care covered by the policy.~~

~~5. An insurer which offers or issues such a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives required by this section if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance and before the renewal of such a policy, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.~~

~~6.~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 17. NRS 689A.044 is hereby amended to read as follows:

689A.044 1. A policy of health insurance must provide coverage for benefits payable for expenses incurred for ~~[~~administering~~]~~ ***:***

(a) Deoxyribonucleic acid testing for high-risk strains of human papillomavirus every 3 years for women 30 years of age or older; and

(b) Administering the human papillomavirus vaccine as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. ~~[~~A policy of health insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.~~]~~ ***An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.***

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~[~~3.~~]~~ ***4.*** A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[~~July 1, 2007,~~]~~ ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with ~~[~~subsection 1~~]~~ ***this section*** is void.

~~[~~4. For the purposes of~~]~~

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or

treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section ~~[~~**,** ~~"human]~~ ***:***

(a) "Human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(c) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 18. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[.]~~ ***, and sections 12 and 13 of this act.***

Sec. 19. Chapter 689B of NRS is hereby amended by adding thereto the provisions set forth as sections 20 and 21 of this act.

Sec. 20. ***1. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:***

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 9; and

(4) Dispensed in accordance with section 8.5 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 9;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same policy of group health insurance;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use; and

(e) Voluntary sterilization for women.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsections 7, 8 and 10, an insurer that offers or issues a policy of group health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of group health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. Except as otherwise provided in subsection 5, a policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. An insurer that offers or issues such a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

7. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

8. For each of the 18 methods of contraception listed in subsection 9 that has been approved by the Food and Drug Administration, a policy of group health insurance must include at least one drug or device for contraception for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

9. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) ~~[Antiprogestin-based drugs]~~ Ulipristal acetate for emergency contraception.

10. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

11. An insurer shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

12. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

13. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 21. ***1. An insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:***

(a) Counseling, support and supplies for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually with initial intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active women who are at increased risk for such diseases;

(d) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(e) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(f) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(g) Screening for depression;

(h) Screening and counseling for the human immunodeficiency virus consisting of a risk assessment, annual education relating to prevention and at least one screening for the virus during the lifetime of the insured or as ordered by a provider of health care;

(i) Smoking cessation programs for an insured who is 18 years of age or older consisting of not more than two cessation attempts per year and four counseling sessions per year;

(j) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and

(k) Such well-woman preventative visits as recommended by the Health Resources and Services Administration, which must include at least one such visit per year beginning at 14 years of age.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of group health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of group health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug

use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 22. NRS 689B.0313 is hereby amended to read as follows:

689B.0313 1. A policy of group health insurance must provide coverage for benefits payable for expenses incurred for ~~[~~administering~~]~~ ***:***

(a) Deoxyribonucleic acid testing for high-risk strains of human papillomavirus every 3 years for women 30 years of age or older; and

(b) Administering the human papillomavirus vaccine as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. ~~[A policy of group health insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.]~~ ***An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.***

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of group health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of group health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~[3.]~~ ***4.*** A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[July 1, 2007,]~~ ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with ~~[subsection 1]~~ ***this section*** is void.

~~[4. For the purposes of]~~

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section ~~[, "human]~~ ***:***

(a) "Human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(c) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 23. NRS 689B.0374 is hereby amended to read as follows:

689B.0374 1. A policy of group health insurance must provide coverage for benefits payable for expenses incurred for ~~[:~~

~~(a) An annual cytologic screening test for women 18 years of age or older;~~

~~(b) A baseline mammogram for women between the ages of 35 and 40;and~~

~~(c) An annual]~~ ***a*** mammogram ***every 2 years, or annually if ordered by provider of health care,*** for women 40 years of age or older.

2. ~~[A policy of group health insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.]~~ ***An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.***

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of group health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of group health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~[3.]~~ ***4.*** A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[October 1, 1989,]~~ ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with ~~[subsection 1]~~ ***this section*** is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 24. NRS 689B.0376 is hereby amended to read as follows:

689B.0376 1. ~~[Except as otherwise provided in subsection 5, an]~~ ***An*** insurer that offers or issues a policy of group health insurance which provides

coverage for prescription drugs or devices shall include in the policy coverage for ~~[~~:

~~(a) Any type of drug or device for contraception; and~~

~~(b) Any~~] ***any*** type of hormone replacement therapy ~~[~~, ~~➥~~] which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. An insurer that offers or issues a policy of group health insurance that provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, ***any*** copayment or coinsurance or require a longer waiting period or other condition for coverage for a prescription for ~~[~~a contraceptive or~~]~~ hormone replacement therapy ***;*** ~~[~~than is required for other prescription drugs covered by the policy;~~]~~

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use in the future ~~[~~any of the services listed in subsection 1;~~]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~[~~any of the services listed in subsection 1;~~]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[~~any of the services listed in subsection 1~~]~~ ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[~~any of the services listed in subsection 1~~]~~ ***hormone replacement therapy*** to an insured.

3. ~~[~~Except as otherwise provided in subsection 5, a~~]~~ ***A*** policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. The provisions of this section do not ~~[~~:

~~(a) Require~~] ***require*** an insurer to provide coverage for fertility drugs.

~~[~~(b) Prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by paragraphs (a) and (b) of subsection 1 that is the same as the insured is required to pay for other prescription drugs covered by the policy.~~]~~

5. ~~[~~An insurer which offers or issues a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

~~The insurer shall provide notice to each insured, at the time the insured receives his or her certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.~~

~~6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.~~**]** As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 25. NRS 689B.0377 is hereby amended to read as follows:

689B.0377 1. **[**~~Except as otherwise provided in subsection 5, an~~**]** ***An*** insurer that offers or issues a policy of group health insurance which provides coverage for outpatient care shall include in the policy coverage for any health care service related to **[**~~contraceptives or~~**]** hormone replacement therapy.

2. An insurer that offers or issues a policy of group health insurance that provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, ***any*** copayment or coinsurance or require a longer waiting period or other condition for coverage for outpatient care related to **[**~~contraceptives or~~**]** hormone replacement therapy ***;*** **[**~~than is required for other outpatient care covered by the policy;~~**]**

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use in the future **[**~~any of the services listed in subsection 1;~~**]** ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing **[**~~any of the services listed in subsection 1;~~**]** ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides **[**~~any of the services listed in subsection 1~~**]** ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay **[**~~any of the services listed in subsection 1~~**]** ***hormone replacement therapy*** to an insured.

3. **[**~~Except as otherwise provided in subsection 5, a~~**]** ***A*** policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. **[**~~The provisions of this section do not prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by subsection 1 that is the same as the insured is required to pay for other outpatient care covered by the policy.~~

~~5. An insurer which offers or issues a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives required by this section if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection. The insurer shall provide notice to each insured, at the time the insured receives his or her certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.~~

~~6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.~~] As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 26. Chapter 689C of NRS is hereby amended by adding thereto the provisions set forth as sections 27 to 30, inclusive, of this act.

Sec. 27. ***1. Except as otherwise provided in subsection 5, a carrier that offers or issues a health benefit plan shall include in the plan coverage for:***

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 8; and

(4) Dispensed in accordance with section 8.5 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 8;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same health benefit plan;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use; and

(e) Voluntary sterilization for women.

2. A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

3. Except as otherwise provided in subsections 6, 7 and 9, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. Except as otherwise provided in subsection 5, a health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. A carrier that offers or issues a health benefit plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the carrier objects on religious grounds. Such a carrier shall, before the issuance of a health benefit plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the carrier refuses to provide pursuant to this subsection.

6. A carrier may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

7. For each of the 18 methods of contraception listed in subsection 8 that has been approved by the Food and Drug Administration, a health benefit plan must include at least one drug or device for contraception for which no deductible, copayment or coinsurance may be charged to the insured, but the carrier may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

8. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) ~~[Antiprogestin-based drugs]~~ Ulipristal acetate for emergency contraception.

9. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

10. A carrier shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

11. A carrier must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the carrier to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

12. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 28. ***1. A carrier that offers or issues a health benefit plan shall include in the plan coverage for:***

(a) Counseling, support and supplies for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually, with initial intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active women who are at increased risk for such diseases;

(d) Hormone replacement therapy;

(e) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(f) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(g) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(h) Screening for depression;

(i) Screening and counseling for the human immunodeficiency virus consisting of a risk assessment, annual education relating to prevention and at least one screening for the virus during the lifetime of the insured or as ordered by a provider of health care;

(j) Smoking cessation programs for an insured who is 18 years of age or older consisting of not more than two cessation attempts per year and four counseling sessions per year;

(k) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and

(l) Such well-woman preventative visits as recommended by the Health Resources and Services Administration, which must include at least one such visit per year beginning at 14 years of age.

2. A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

3. Except as otherwise provided in subsection 5, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 29. *1. A health benefit plan must provide coverage for benefits payable for expenses incurred for:*

(a) Deoxyribonucleic acid testing for high-risk strains of human papillomavirus every 3 years for women 30 years of age or older; and

(b) Administering the human papillomavirus vaccine as recommended for vaccination by a competent authority, including, without limitation, the

Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

3. Except as otherwise provided in subsection 5, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A plan subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(c) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 30. *1. A health benefit plan must provide coverage for benefits payable for expenses incurred for a mammogram every 2 years, or annually if ordered by a provider of health care, for women 40 years of age or older.*

2. A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

3. Except as otherwise provided in subsection 5, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A plan subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug

use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 31. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, ***and sections 27 to 30, inclusive, of this act*** to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 32. Chapter 695A of NRS is hereby amended by adding thereto the provisions set forth as sections 33 to 36, inclusive, of this act.

Sec. 33. ***1. Except as otherwise provided in subsection 5, a society that offers or issues a benefit contract which provides coverage for prescription drugs or devices shall include in the contract coverage for:***

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 8; and

(4) Dispensed in accordance with section 8.5 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 8;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same benefit contract;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use; and

(e) Voluntary sterilization for women.

2. A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

3. Except as otherwise provided in subsections 6, 7 and 9, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. Except as otherwise provided in subsection 5, a benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

5. A society that offers or issues a benefit contract and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the society objects on religious grounds. Such a society shall, before the issuance of a benefit contract and before the renewal of such a contract, provide to the prospective insured written notice of the coverage that the society refuses to provide pursuant to this subsection.

6. A society may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

7. For each of the 18 methods of contraception listed in subsection 8 that has been approved by the Food and Drug Administration, a benefit contract must include at least one drug or device for contraception for which no deductible, copayment or coinsurance may be charged to the insured, but the society may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

8. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) ~~[Antiprogestin-based drugs]~~ Ulipristal acetate for emergency contraception.

9. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

10. A society shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

11. A society must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the society to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

12. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 34. ***1. A society that offers or issues a benefit contract shall include in the contract coverage for:***

(a) Counseling, support and supplies for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually with initial intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active women who are at increased risk for such diseases;

(d) Hormone replacement therapy;

(e) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(f) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(g) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(h) Screening for depression;

(i) Screening and counseling for the human immunodeficiency virus consisting of a risk assessment, annual education relating to prevention and at least one screening for the virus during the lifetime of the insured or as ordered by a provider of health care;

(j) Smoking cessation programs for an insured who is 18 years of age or older consisting of not more than two cessation attempts per year and four counseling sessions per year;

(k) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and

(l) Such well-woman preventative visits as recommended by the Health Resources and Services Administration, which must include at least one such visit per year beginning at 14 years of age.

2. A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

3. Except as otherwise provided in subsection 5, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the benefit contract or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 35. ***1. A benefit contract must provide coverage for benefits payable for expenses incurred for:***

(a) Deoxyribonucleic acid testing for high-risk strains of human papillomavirus every 3 years for women 30 years of age and older; and

(b) Administering the human papillomavirus vaccine, as recommended for vaccination by a competent authority, including, without limitation, the

Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

3. Except as otherwise provided in subsection 5, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage to obtain any benefit provided in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A benefit contract subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the benefit contract or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(c) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 36. ***1. A benefit contract must provide coverage for benefits payable for expenses incurred for a mammogram every 2 years, or annually if ordered by a provider of health care, for women 40 years of age or older.***

2. A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

3. Except as otherwise provided in subsection 5, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage to obtain any benefit provided in a benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A benefit contract subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the benefit contract or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 37. Chapter 695B of NRS is hereby amended by adding thereto the provisions set forth as sections 38 and 39 of this act.

Sec. 38. *1. Except as otherwise provided in subsection 5, an insurer that offers or issues a contract for hospital or medical service shall include in the contract coverage for:*

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 9; and

(4) Dispensed in accordance with section 8.5 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 9;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same contract for hospital or medical service;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use; and

(e) Voluntary sterilization for women.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsections 7, 8 and 10, an insurer that offers or issues a contract for hospital or medical service shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. Except as otherwise provided in subsection 5, a contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

5. An insurer that offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

7. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

8. For each of the 18 methods of contraception listed in subsection 9 that has been approved by the Food and Drug Administration, a contract for hospital or medical service must include at least one drug or device for contraception for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

9. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) ~~[Antiprogestin-based drugs]~~ Ulipristal acetate for emergency contraception.

10. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

11. An insurer shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

12. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

13. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a contract for hospital or medical service offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 39. *1. An insurer that offers or issues a contract for hospital or medical service shall include in the contract coverage for:*

(a) Counseling, support and supplies for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually with initial intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active women who are at increased risk for such diseases;

(d) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(e) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(f) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(g) Screening for depression;

(h) Screening and counseling for the human immunodeficiency virus consisting of a risk assessment, annual education relating to prevention and at least one screening for the virus during the lifetime of the insured or as ordered by a provider of health care;

(i) Smoking cessation programs for an insured who is 18 years of age or older consisting of not more than two cessation attempts per year and four counseling sessions per year;

(j) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and

(k) Such well-woman preventative visits as recommended by the Health Resources and Services Administration, which must include at least one such visit per year beginning at 14 years of age.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a contract for hospital or medical service shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a contract for hospital or medical service offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 40. NRS 695B.1912 is hereby amended to read as follows:

695B.1912 1. ~~[A policy of health insurance issued by a hospital or medical service corporation]~~ ***An insurer that offers or issues a contract for***

hospital or medical service must provide coverage for benefits payable for expenses incurred for ~~[~~:

~~(a) An annual cytologic screening test for women 18 years of age or older;~~

~~(b) A baseline mammogram for women between the ages of 35 and 40; and~~

~~(c) An annual~~] ***a*** mammogram ***every 2 years, or annually if ordered by a provider of health care,*** for women 40 years of age or older.

2. ~~[A policy of health insurance issued by a hospital or medical service corporation must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.~~] ***An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.***

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a contract for hospital or medical service shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in a contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~[3.~~] ***4.*** A ~~[policy]~~ ***contract for hospital or medical service*** subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[October 1, 1989,~~] ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the ~~[policy]~~ ***contract*** or the renewal which is in conflict with ~~[subsection 1]~~ ***this section*** is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a contract for hospital or medical service offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 41. NRS 695B.1916 is hereby amended to read as follows:

695B.1916 1. ~~[Except as otherwise provided in subsection 5, an]~~ ***An*** insurer that offers or issues a contract for hospital or medical service which provides coverage for prescription drugs or devices shall include in the contract coverage for ~~[:~~

~~(a) Any type of drug or device for contraception; and~~

~~(b) Any]~~ ***any*** type of hormone replacement therapy ~~[,~~ ~~➥]~~ which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. An insurer that offers or issues a contract for hospital or medical service that provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, ***any*** copayment or coinsurance or require a longer waiting period or other condition for coverage for a prescription for ~~[a contraceptive or]~~ hormone replacement therapy ***;*** ~~[than is required for other prescription drugs covered by the contract;]~~

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured.

3. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** contract ***for hospital or medical service*** subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

4. The provisions of this section do not ~~[:~~

~~(a) Require]~~ ***require*** an insurer to provide coverage for fertility drugs.

~~[(b) Prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by paragraphs (a) and (b) of subsection 1 that is the same as the insured is required to pay for other prescription drugs covered by the contract.]~~

5. ~~[An insurer which offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection. The insurer shall provide notice to each insured, at the time the insured receives his or her certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.~~

~~6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.]~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 42. NRS 695B.1918 is hereby amended to read as follows:

695B.1918 1. ~~[Except as otherwise provided in subsection 5, an]~~ ***An*** insurer that offers or issues a contract for hospital or medical service which provides coverage for outpatient care shall include in the contract coverage for any health care service related to ~~[contraceptives or]~~ hormone replacement therapy.

2. An insurer that offers or issues a contract for hospital or medical service that provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, ***any*** copayment or coinsurance or require a longer waiting period or other condition for coverage for outpatient care related to ~~[contraceptives or]~~ hormone replacement therapy ***;*** ~~[than is required for other outpatient care covered by the contract;]~~

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured.

3. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** contract ***for hospital or medical service*** subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

4. ~~[The provisions of this section do not prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by subsection 1 that is the same as the insured is required to pay for other outpatient care covered by the contract.~~

~~5. An insurer which offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives required by this section if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection. The insurer shall provide notice to each insured, at the time the insured receives his or her certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.~~

~~6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.]~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 43. NRS 695B.1925 is hereby amended to read as follows:

695B.1925 1. ~~[A policy of health insurance issued by a hospital or medical service corporation]~~ ***An insurer that offers or issues a contract for hospital or medical service*** must provide coverage for benefits payable for expenses incurred for ~~[administering]~~ ***:***

(a) Deoxyribonucleic acid testing for high-risk strains of human papillomavirus every 3 years for women 30 years of age and older; and

(b) Administering the human papillomavirus vaccine ~~[to women and girls]~~ at such ages as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. ~~[A policy of health insurance issued by a hospital or medical service corporation must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.]~~ ***An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.***

3. Except as otherwise required by subsection 5, an insurer that offers or issues a contract for hospital or medical service shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~[3.]~~ ***4.*** A ~~[policy]~~ ***contract for hospital or medical service*** subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[July 1, 2007,]~~ ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the ~~[policy]~~ ***contract*** or the renewal which is in conflict with ~~[subsection 1]~~ ***this section*** is void.

~~[4. For the purposes of]~~

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section ~~[, "human]~~ ***:***

(a) "Human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by

the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(c) "Network plan" means a contract for hospital or medical service offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 44. Chapter 695C of NRS is hereby amended by adding thereto the provisions set forth as sections 45 and 46 of this act.

Sec. 45. ***1. Except as otherwise provided in subsection 5, a health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:***

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 9; and

(4) Dispensed in accordance with section 8.5 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 9;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the enrollee was covered by the same health care plan;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use; and

(e) Voluntary sterilization for women.

2. A health maintenance organization must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

3. Except as otherwise provided in subsections 7, 8 and 10, a health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

4. Except as otherwise provided in subsection 5, a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. A health maintenance organization that offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the health maintenance organization objects on religious grounds. Such an organization shall, before the issuance of a health care plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection.

6. If a health maintenance organization refuses, pursuant to subsection 5, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

7. A health maintenance organization may require an enrollee to pay a higher deductible, copayment or coinsurance for a drug for contraception if the enrollee refuses to accept a therapeutic equivalent of the drug.

8. For each of the 18 methods of contraception listed in subsection 9 that has been approved by the Food and Drug Administration, a health care plan must include at least one drug or device for contraception for which no deductible, copayment or coinsurance may be charged to the enrollee, but the health maintenance organization may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

9. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) ~~[Antiprogestin-based drugs]~~ Ulipristal acetate for emergency contraception.

10. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

11. A health maintenance organization shall not use medical management techniques to require an enrollee to use a method of contraception other than the method prescribed or ordered by a provider of health care.

12. A health maintenance organization must provide an accessible, transparent and expedited process which is not unduly burdensome by which an enrollee, or the authorized representative of the enrollee, may request an exception relating to any medical management technique used by the health maintenance organization to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

13. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 46. ***1. A health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:***

(a) Counseling, support and supplies for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually with initial intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active women who are at increased risk for such diseases;

(d) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(e) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(f) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(g) Screening for depression;

(h) Screening and counseling for the human immunodeficiency virus consisting of a risk assessment, annual education relating to prevention and at least one screening for the virus during the lifetime of the enrollee or as ordered by a provider of health care;

(i) Smoking cessation programs for an enrollee who is 18 years of age or older not more than two cessation attempts per year and four counseling sessions per year;

(j) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and

(k) Such well-woman preventative visits as recommended by the Health Resources and Services Administration, which must include at least one such visit per year beginning at 14 years of age.

2. A health maintenance organization must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

3. Except as otherwise provided in subsection 5, a health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

4. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 47. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, ~~[695C.1735 to]~~ ***695C.1751,*** 695C.1755, ~~[inclusive,]~~ 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694, 695C.1695, 695C.1708, 695C.1731, 695C.17345 ~~[and]~~ ***, 695C.1735, 695C.1745 and*** 695C.1757 ***and sections 45 and 46 of this act*** apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 48. NRS 695C.1694 is hereby amended to read as follows:

695C.1694 1. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** health maintenance organization which offers or issues a health care plan that provides coverage for prescription drugs or devices shall include in the plan coverage for ~~[:~~

~~(a) Any type of drug or device for contraception; and~~

~~(b) Any]~~ ***any*** type of hormone replacement therapy ~~[,~~

~~→]~~ which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. A health maintenance organization that offers or issues a health care plan that provides coverage for prescription drugs shall not:

(a) Require an enrollee to pay a higher deductible, ***any*** copayment or coinsurance or require a longer waiting period or other condition for

coverage for ~~[a prescription for a contraceptive or]~~ hormone replacement therapy ***;*** ~~[than is required for other prescription drugs covered by the plan;]~~

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an enrollee.

3. ~~[Except as otherwise provided in subsection 5, evidence]~~ ***Evidence*** of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

4. The provisions of this section do not ~~[:~~

~~(a) Require]~~ ***require*** a health maintenance organization to provide coverage for fertility drugs.

~~[(b) Prohibit a health maintenance organization from requiring an enrollee to pay a deductible, copayment or coinsurance for the coverage required by paragraphs (a) and (b) of subsection 1 that is the same as the enrollee is required to pay for other prescription drugs covered by the plan.]~~

5. ~~[A health maintenance organization which offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the health maintenance organization objects on religious grounds. The health maintenance organization shall, before the issuance of a health care plan and before renewal of enrollment in such a plan, provide to the group policyholder or prospective enrollee, as applicable, written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection. The health maintenance organization shall provide notice to each enrollee, at the time the enrollee receives his or her evidence of coverage, that the health maintenance organization refused to provide coverage pursuant to this subsection.~~

~~6. If a health maintenance organization refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an~~

~~employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.~~**]** As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 49. NRS 695C.1695 is hereby amended to read as follows:

695C.1695 1. ~~**[**Except as otherwise provided in subsection 5, a~~**]** ***A*** health maintenance organization that offers or issues a health care plan which provides coverage for outpatient care shall include in the plan coverage for any health care service related to ~~**[**contraceptives or~~**]** hormone replacement therapy.

2. A health maintenance organization that offers or issues a health care plan that provides coverage for outpatient care shall not:

(a) Require an enrollee to pay a higher deductible, ***any*** copayment or coinsurance or require a longer waiting period or other condition for coverage for outpatient care related to ~~**[**contraceptives or~~**]** hormone replacement therapy ***;*** ~~**[**than is required for other outpatient care covered by the plan;~~**]**

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use in the future ~~**[**any of the services listed in subsection 1;~~**]** ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from accessing ~~**[**any of the services listed in subsection 1;~~**]** ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~**[**any of the services listed in subsection 1~~**]** ***hormone replacement therapy*** to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~**[**any of the services listed in subsection 1~~**]** ***hormone replacement therapy*** to an enrollee.

3. ~~**[**Except as otherwise provided in subsection 5, evidence~~**]** ***Evidence*** of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

4. ~~**[**The provisions of this section do not prohibit a health maintenance organization from requiring an enrollee to pay a deductible, copayment or coinsurance for the coverage required by subsection 1 that is the same as the enrollee is required to pay for other outpatient care covered by the plan.~~

~~5. A health maintenance organization which offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives required~~

~~by this section if the health maintenance organization objects on religious grounds. The health maintenance organization shall, before the issuance of a health care plan and before renewal of enrollment in such a plan, provide to the group policyholder or prospective enrollee, as applicable, written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection. The health maintenance organization shall provide notice to each enrollee, at the time the enrollee receives his or her evidence of coverage, that the health maintenance organization refused to provide coverage pursuant to this subsection.~~

~~6. If a health maintenance organization refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.~~**]** As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 50. NRS 695C.1735 is hereby amended to read as follows:

695C.1735 1. A health **[**~~maintenance~~**]** ***care*** plan ***of a health maintenance organization*** must provide coverage for benefits payable for expenses incurred for **[**~~:~~

~~(a) An annual cytologic screening test for women 18 years of age or older;~~

~~(b) A baseline mammogram for women between the ages of 35 and 40;and~~

~~(c) An annual~~**]** ***a*** mammogram ***every 2 years, or annually if ordered by a provider of health care,*** for women 40 years of age or older.

2. **[**~~A health maintenance plan must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.~~**]** ***A health maintenance organization must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.***

3. Except as otherwise provided in subsection 5, a health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any benefit provided in the health care plan pursuant to subsection 1;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

[~~3.~~**]** ***4.*** A **[**~~policy~~**]** ***health care plan*** subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after **[**~~October 1, 1989,~~**]** ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the **[**~~policy~~**]** ***plan*** or the renewal which is in conflict with **[**~~subsection 1~~**]** ***this section*** is void.

5. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 51. NRS 695C.1745 is hereby amended to read as follows:

695C.1745 1. A health care plan of a health maintenance organization must provide coverage for benefits payable for expenses incurred for **[**~~administering~~**]** ***:***

(a) Deoxyribonucleic acid testing for high-risk strains of human papillomavirus every 3 years for women 30 years of age and older; and

(b) Administering the human papillomavirus vaccine as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. **[**~~A health care plan of a health maintenance organization must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.~~**]** ***A health maintenance organization must ensure that the benefits required by subsection 1 are made available to an enrollee***

through a provider of health care who participates in the network plan of the health maintenance organization.

3. Except as otherwise provided in subsection 5, a health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

~~[~~3.~~]~~ ***4.*** Any evidence of coverage subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[~~July 1, 2007,~~]~~ ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with ~~[~~subsection 1~~]~~ ***this section*** is void.

~~[~~4. For the purposes of~~]~~

5. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section ~~[~~, "human~~]~~ ***:***

(a) "Human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(c) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are

provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 52. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, ***and sections 45 and 46 of this act*** or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 53. Chapter 695G of NRS is hereby amended by adding thereto the provisions set forth as sections 54, 55 and 56 of this act.

Sec. 54. ***1. Except as otherwise provided in subsection 5, a managed care organization that offers or issues a health care plan shall include in the plan coverage for:***

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 8; and

(4) Dispensed in accordance with section 8.5 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 8;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same health care plan;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(e) Voluntary sterilization for women; and

(f) Hormone replacement therapy.

2. A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of

health care who participates in the network plan of the managed care organization.

3. Except as otherwise provided in subsections 6, 7 and 9, a managed care organization that offers or issues a health care plan which provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. Except as otherwise provided in subsection 5, a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. A managed care organization that offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the managed care organization objects on religious grounds. Such an organization shall, before the issuance of a health care plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the managed care organization refuses to provide pursuant to this subsection.

6. A managed care organization may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

7. For each of the 18 methods of contraception listed in subsection 8 that has been approved by the Food and Drug Administration, a health care plan must include at least one drug or device for contraception for which no deductible, copayment or coinsurance may be charged to the insured, but the managed care organization may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

8. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) ~~[Antiprogestin-based drugs]~~ Ulipristal acetate for emergency contraception.

9. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

10. A managed care organization shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

11. A managed care organization must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the managed care organization to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

12. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in

whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug;

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 55. ***1. A managed care organization that offers or issues a health care plan shall include in the plan coverage for:***

(a) Counseling, support and supplies for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually with initial intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active women who are at increased risk for such diseases;

(d) Hormone replacement therapy;

(e) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(f) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(g) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(h) Screening for depression;

(i) Screening and counseling for the human immunodeficiency virus consisting of a risk assessment, annual education relating to prevention and at least one screening for the virus during the lifetime of the insured or as ordered by a provider of health care;

(j) Smoking cessation programs for an insured who is 18 years of age or older consisting of not more than two cessation attempts per year and four counseling sessions per year;

(k) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and

(l) Such well-woman preventative visits as recommended by the Health Resources and Services Administration, which must include at least one such visit per year beginning at 14 years of age.

2. A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

3. Except as otherwise provided in subsection 5, a managed care organization that offers or issues a health care plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the

managed care organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 56. ***1. A health care plan issued by a managed care organization must provide coverage for benefits payable for expenses incurred for a mammogram every 2 years, or annually if ordered by a provider of health care, for women 40 years of age or older.***

2. A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

3. Except as otherwise provided in subsection 5, a managed care organization that offers or issues a health care plan which provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior

authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 57. NRS 695G.171 is hereby amended to read as follows:

695G.171 1. A health care plan issued by a managed care organization must provide coverage for benefits payable for expenses incurred for ~~[~~administering~~]~~ ***:***

(a) Deoxyribonucleic acid testing for high-risk strains of human papillomavirus every 3 years for women 30 years of age and older; and

(b) Administering the human papillomavirus vaccine as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. ~~[A health care plan must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.]~~ ***A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.***

3. Except as otherwise provided in subsection 5, a managed care organization that offers or issues a health care plan which provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in a health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~[3.]~~ ***4.*** An evidence of coverage for a health care plan subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[July 1, 2007,]~~ ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal thereof which is in conflict with ~~[subsection 1]~~ ***this section*** is void.

~~[4. For the purposes of]~~

5. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section ~~[, "human]~~ ***:***

(a) "Human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(c) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 58. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 59. This act becomes effective on January 1, 2018.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 233 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Senate Bill No. 233.

Bill read third time.

Remarks by Assemblywoman Joiner.

ASSEMBLYWOMAN JOINER:

Senate Bill 233 makes various changes to health insurance coverage requirements in Nevada. The bill includes in Nevada law various requirements of the federal Patient Protection and Affordable Care Act. It requires all public and private health insurance plans and certain public health insurance plans made available in the state to provide coverage for certain preventive services without a copay, coinsurance, or higher deductible. An insurer may require an insured to pay a higher deductible, coinsurance, or copay for a contraceptive drug or device if the insured refuses to accept a therapeutic equivalent.

Roll call on Senate Bill No. 233:

YEAS—32.

NAYS—Edwards, Ellison, Kramer, Krasner, Marchant, McArthur, Oscarson, Wheeler—8.

EXCUSED—Hansen, Ohrenschall—2.

Senate Bill No. 233 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 384.

Bill read third time.

The following amendment was proposed by Assemblyman Flores:

Amendment No. 927.

AN ACT relating to public records; providing for the confidentiality of certain information in the records and files of public employee retirement systems; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a record of a governmental entity is public and open to inspection unless the confidentiality of the record or the information in the record is specifically provided for by law. (NRS 239.010) Existing law also provides that the official correspondence and records of certain public retirement systems, other than the files of individual members, are public records. (NRS 1A.100, 286.110)

Section 1 of this bill generally provides that information about a member of a public retirement system, retired public employee, retired justice or judge, retired Legislator or beneficiary of a public retirement system is confidential. **Section 1** further provides, however, that the following information relating to a member, retired employee, retired justice or judge or retired Legislator which is contained in a record or file in the possession, control or custody of a public retirement system is a public record: (1) the ~~[identification number]~~ **name** of such a person; (2) the last public employer of the person; **and** (3) ~~[the number of years of service credit such a person has with a public retirement system; (4) the retirement date of the person; (5)]~~ the amount of annual pension benefit paid to the person**.** ~~[; and (6) whether the person is receiving a disability or service retirement allowance.]~~

Section 1 also prohibits, with limited exceptions, a person or governmental entity that possesses or has legal custody or control of a record or file with any information that is confidential pursuant to this bill from disclosing the information or producing the record or file for inspection. **Section 1** further provides that such a person or governmental entity must not be required to disclose the information or produce the record or file for inspection by a person or for use in a judicial proceeding.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 239 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, all information about a member, retired employee, retired justice or judge, retired Legislator or beneficiary of a public retirement system which is contained in a record or file in the possession, control or custody of a public retirement system is confidential, regardless of the form, location and manner of creation or storage of a record or file containing the information.

2. The following information about a member, retired employee, retired justice or judge or retired Legislator which is contained in a record or file in the possession, control or custody of a public retirement system is a public record:

(a) The ~~[identification number]~~ name of the member, retired employee, retired justice or judge or retired Legislator;

(b) The last public employer of the member, retired employee, retired justice or judge or retired Legislator; and

(c) ~~[The number of years of service credit a member, retired employee, retired justice or judge or retired Legislator has with a public retirement system;~~

~~(d) The retirement date of the member, retired employee, retired justice or judge or retired Legislator;~~

~~(e)]~~ The amount of annual pension benefit paid to the member, retired employee, retired justice or judge or retired Legislator from a public retirement system . ~~[; and~~

~~(f) Whether the member, retired employee, retired justice or judge or retired Legislator receives a disability retirement allowance or a service retirement allowance from a public retirement system.]~~

3. Except as specifically authorized or required by chapters 1A, 218C and 286 of NRS, a person or governmental entity that possesses or has legal custody or control of a record or file with any information that is confidential pursuant to this section shall not disclose the information or produce the record or file for inspection, and must not be required to disclose the information or produce the record or file for inspection, to or by any other person or governmental entity or for use in any judicial action or proceeding.

4. As used in this section:

(a) ~~["Disability retirement allowance" has the meaning ascribed to it in NRS 286.031.~~

~~(b)]~~ "Employee" has the meaning ascribed to it in NRS 286.040.

~~[(c) "Identification number" means the unique number assigned by a public retirement system to the record or file of each member, retired employee, retired justice or judge or retired Legislator.~~

~~(d)]~~ (b) "Member" has the meaning ascribed to it in NRS 286.050.

~~[(e)]~~ (c) "Public employer" has the meaning ascribed to it in NRS 286.070.

~~[(f)]~~ (d) "Public retirement system" means the Public Employees' Retirement System established by NRS 286.110, the Judicial Retirement System established by NRS 1A.100 and the Legislators' Retirement System established by NRS 218C.100.

~~[(g) "Service retirement allowance" has the meaning ascribed to it in NRS 286.080.]~~

Sec. 2. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264,

392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***section 1 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 3. NRS 1A.100 is hereby amended to read as follows:

1A.100 1. A system of retirement providing benefits for the retirement, disability or death of all justices of the Supreme Court, judges of the Court of Appeals and district judges, and certain justices of the peace and municipal judges, and funded on an actuarial reserve basis is hereby established and must be known as the Judicial Retirement System.

2. The System consists of the Judicial Retirement Plan and the provisions set forth in NRS 2.060 to 2.083, inclusive, 2A.100 to 2A.150, inclusive, and 3.090 to 3.099, inclusive, for providing benefits to justices of the Supreme Court, judges of the Court of Appeals or district judges who served either as a justice of the Supreme Court or district judge before November 5, 2002. Each justice of the Supreme Court, judge of the Court of Appeals or district judge who is not a member of the Public Employees' Retirement System is a member of the Judicial Retirement System.

3. ~~[The]~~ ***Except as otherwise provided in section 1 of this act, the*** official correspondence and records ~~[, other than the files of individual members of the System or retired justices or judges,]~~ and, except as otherwise provided in NRS 241.035, the minutes, audio recordings, transcripts and books of the System are public records and are available for public inspection. A copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.

4. The System must be administered exclusively by the Board, which shall make all necessary rules and regulations for the administration of the System. The rules must include, without limitation, rules relating to the administration of the retirement plans in accordance with federal law. The Legislature shall regularly review the System.

Sec. 3.5. NRS 1A.110 is hereby amended to read as follows:

1A.110 ~~[All]~~ ***Except as otherwise provided in section 1 of this act, all*** records ***and files*** maintained for a member of the System, retired justice or judge, justice of the Supreme Court, judge of the Court of Appeals or district judge who retired pursuant to NRS 2.060 to 2.083, inclusive, 2A.100 to 2A.150, inclusive, or 3.090 to 3.099, inclusive, or the beneficiary of any of them may be reviewed and copied only by the System, the member, the Court Administrator, the board of county commissioners if the records concern a justice of the peace or retired justice of the peace whom the board of county commissioners allowed to participate in the Judicial Retirement Plan pursuant to NRS 1A.285, the city council if the records concern a municipal judge or retired municipal judge whom the city council allowed to participate in the Judicial Retirement Plan pursuant to NRS 1A.285, the spouse of the member, or the retired justice or judge or his or her spouse, or pursuant to a court order, or by a beneficiary after the death of the justice or judge on whose account benefits are received pursuant to the System. Any member, retired justice or judge, justice of the Supreme Court, judge of the Court of Appeals or district judge who retired pursuant to NRS 2.060 to 2.083, inclusive, 2A.100 to 2A.150, inclusive, or 3.090 to 3.099, inclusive, or beneficiary may submit a written waiver to the System authorizing his or her representative to review or copy all such records.

Sec. 4. NRS 286.110 is hereby amended to read as follows:

286.110 1. A system of retirement providing benefits for the retirement, disability or death of employees of public employers and funded on an actuarial reserve basis is hereby established and must be known as the Public Employees' Retirement System. The System is a public agency supported by administrative fees transferred from the retirement funds. The Executive and Legislative Departments of the State Government shall regularly review the System.

2. The System is entitled to use any services provided to state agencies and shall use the services of the Purchasing Division of the Department of Administration, but is not required to use any other service. The purpose of this subsection is to provide to the Board the necessary autonomy for an efficient and economic administration of the System and its program.

3. ~~[The]~~ ***Except as otherwise provided in section 1 of this act, the*** official correspondence and records ~~[, other than the files of individual members or retired employees,]~~ and, except as otherwise provided in NRS 241.035, the minutes, audio recordings, transcripts and books of the System are public records and are available for public inspection. A copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.

4. The respective participating public employers are not liable for any obligation of the System.

Sec. 5. NRS 286.117 is hereby amended to read as follows:

286.117 ~~[All]~~ ***Except as otherwise provided in section 1 of this act, all*** records ***and files*** maintained for a member, retired employee or beneficiary may be reviewed and copied only by the System, the member, the member's public employer or spouse, or the retired employee or the retired employee's spouse, or pursuant to a court order, or by a beneficiary after the death of the employee on whose account benefits are received. Any member, retired employee or beneficiary may submit a written waiver to the System authorizing the representative of the member, retired employee or beneficiary to review or copy all such records.

Sec. 6. This act becomes effective on July 1, 2017.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 56.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Senate Bill 56 provides a charter for the City of Mesquite. The charter establishes the structure of the City's governance, including provisions relating to the legislative, executive, and judicial departments of the City. It authorizes the City Council to establish and impose various fees and establishes other provisions concerning the ongoing operation of the City. The bill also provides that the effective date of the charter is July 1, 2017.

Roll call on Senate Bill No. 56:

YEAS—40.

NAYS—None.

EXCUSED—Hansen, Ohrenschall—2.

Senate Bill No. 56 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 60.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Senate Bill 60 authorizes the director of the Department of Health and Human Services [DHHS] to include in Medicaid managed care plans a voluntary program in which certain qualified local governmental entities and Indian tribes may receive supplemental reimbursements for ground emergency medical transportation services provided to Medicaid recipients, in addition to the payments they would otherwise receive. The bill also requires the director of DHHS to develop a voluntary program to provide increased per-patient payments to Medicaid managed care plans for ground emergency medical transportation services provided by a governmental entity or Indian tribe pursuant to a contract or other arrangement. Such a

program would require the governmental entity or Indian tribe to make certain intergovernmental transfers of money to the Department in an amount equal to the total spent to render ground emergency medical transportation services or to pay the nonfederal share of expenditures on the program. This measure is effective on October 1, 2017.

Roll call on Senate Bill No. 60:

YEAS—39.

NAYS—Wheeler.

EXCUSED—Hansen, Ohrenschall—2.

Senate Bill No. 60 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 71.

Bill read third time.

Remarks by Assemblyman McCurdy.

ASSEMBLYMAN MCCURDY:

Senate Bill 71 makes various changes to provisions governing licensing and regulation of medical facilities and other related entities. Specifically, the bill includes a program of hospice care in the definition of "medical facility," enabling such a program to be licensed and regulated as a medical facility. It revises the definition of "psychiatric hospital." It requires a person who is employed at or applies for a license to operate a psychiatric hospital that provides inpatient services to children or a psychiatric residential treatment facility to undergo a criminal background check and prohibits a person who has been convicted of certain crimes from being licensed to operate or be employed at such a facility. The bill revises the administrative and civil penalties the Division of Public and Behavioral Health, Department of Health and Human Services, may impose against a medical facility or facility for the dependent that violates certain provisions of its licensure and specifies that certain facilities which are required to be licensed by regulation are subject to the same administrative and civil penalties as a medical facility or facility for the dependent and authorizes the Division to take control of medical records at such a facility if the facility ceases to operate. This measure is effective on July 1, 2017.

Roll call on Senate Bill No. 71:

YEAS—36.

NAYS—Ellison, Krasner, Titus, Wheeler—4.

EXCUSED—Hansen, Ohrenschall—2.

Senate Bill No. 71 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 169.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Senate Bill 169 prohibits employees and contractors of and volunteers for certain entities from engaging in sexual conduct with children or young adults under the care, custody, control, or supervision of the entity. The prohibition on public disclosure of the identity of sexual assault victims is expanded to include victims of employees, contractors, or volunteers of various child welfare and juvenile justice agencies. A person who is 25 years of age or older who is in a position of authority with one of these entities as an employee, contractor, or volunteer and who engages in sexual conduct with a person between 16 and 18 years of age with whom they have

direct contact related to their duties is guilty of a category C felony. Persons who are married to each other and who engage in such sexual conduct are exempted from these provisions.

Roll call on Senate Bill No. 169:
YEAS—40.
NAYS—None.
EXCUSED—Hansen, Ohrenschall—2.
Senate Bill No. 169 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 183.
Bill read third time.
Remarks by Assemblymen Neal and McCurdy.
Potential conflict of interest declared by Assemblyman McCurdy.

ASSEMBLYWOMAN NEAL:
Senate Bill 183 revises the definition of "local government" to make the Local Government Budget and Finance Act apply to a regional housing authority. The bill also revises requirements for certain commissioners of a regional housing authority by requiring that one of the persons appointed by each of four governing bodies of the regional housing authority be a member of the governing bodies making the appointments. The bill also reduces from 13 to 9 the number of commissioners of a regional authority.

ASSEMBLYMAN MCCURDY:
I would like to refer to my previous disclosure relating to the member of my family who would be affected by this bill, and I will not be voting on the bill.

Roll call on Senate Bill No. 183:
YEAS—39.
NAYS—None.
NOT VOTING—McCurdy.
EXCUSED—Hansen, Ohrenschall—2.
Senate Bill No. 183 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 194.
Bill read third time.
Remarks by Assemblymen Jauregui and Carrillo.

ASSEMBLYWOMAN JAUREGUI:
Senate Bill 194 prohibits the purchase, sale, or possession with intent to sell any item in this state that is wholly or partially made of an animal part or byproduct derived from a shark fin or any species of elephant, rhinoceros, tiger, lion, leopard, cheetah, jaguar, pangolin, sea turtle, ray, mammoth, narwhal, walrus, or hippopotamus. The measure designates the criminal and civil penalties to be imposed upon a person for violating these provisions. Certain classes of sales are exempt, including law enforcement, antiques, musical instruments, knives and firearms, and a scientific or educational institution. Additionally, sales of items specifically authorized for sale by federal law are exempt.

ASSEMBLYMAN CARRILLO:
I have a question of the bill sponsor: Does this include tiger blood?

ASSEMBLYWOMAN JAUREGUI:
It includes any part of a tiger.

Roll call on Senate Bill No. 194:
YEAS—25.
NAYS—Paul Anderson, Edwards, Ellison, Flores, Hambrick, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.
EXCUSED—Hansen, Ohrenschall—2.
Senate Bill No. 194 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 196.
Bill read third time.
Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:
Senate Bill 196 requires a private employer who has 25 or more employees in private employment and who has conducted business in this state for at least 12 consecutive months to provide full-time employees paid sick leave. Employees accrue paid sick leave at a rate of not less than 1 hour per 40 hours worked and may be used by an employee beginning on the first anniversary date of his or her employment.

An employer may limit the use of paid sick leave to 40 hours per year and set a minimum increment that an employee may use the accrued sick leave at any one time, not to exceed 2 hours.

The measure provides an exception for employers who provide at least the equivalent amount of sick leave or paid time off. Churches, religious organizations, nonprofit organizations, private membership clubs, and other tax-exempt organizations are also exempt from providing paid sick leave to their employees. In addition, day or temporary workers, construction workers, employees who work less than 12 consecutive months for the employer, or employees who perform work on an occasional or irregular basis for hospitals, long-term care facilities, or providers of health care are excluded from the requirement of an employer to provide sick leave. The bill also prohibits an employee from being compensated more than once for the same hour of leave.

Roll call on Senate Bill No. 196:
YEAS—25.
NAYS—Paul Anderson, Carlton, Edwards, Ellison, Hambrick, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.
EXCUSED—Hansen, Ohrenschall—2.
Senate Bill No. 196 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 250.
Bill read third time.
Remarks by Assemblymen Monroe-Moreno and Wheeler.

ASSEMBLYWOMAN MONROE-MORENO:
Senate Bill 250 requires a person who seeks election or appointment to the office of constable in a township in which a city is located whose population is 150,000 or more to complete certain certification or training programs before he or she declares or accepts candidacy for the office or accepts appointment to the office. The bill also removes the requirements that (1) the chief of police of the city authorize and consent to a constable's power as a peace officer when the

constable is acting in an incorporated city; and (2) the sheriff of the county authorize and consent to a constable's power as a peace officer when the constable is acting in an area that is not within the limits of an incorporated city. This bill is effective on July 1, 2017.

ASSEMBLYMAN WHEELER:

I rise in opposition to S.B. 250. As former law enforcement, I realize how hard it is to get a POST [Police Officer Standards and Training] certification through any type of organization. It is almost impossible to get a POST certification when you are not in an organization. You can take some college classes, et cetera, but you still cannot get a POST I or POST II certification. It would be almost impossible for anyone who is not a current police officer to run for these positions if this bill were to pass. I do not think that this body should really be looking at one person in one constable's office who has—who the county commission has not done their job and replaced because he has not received the POST certification. For those reasons, I will be voting no on this bill, and I hope you will be voting no on it as well.

Roll call on Senate Bill No. 250:

YEAS—28.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Wheeler—12.

EXCUSED—Hansen, Ohrenschall—2.

Senate Bill No. 250 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 260.

Bill read third time.

Remarks by Assemblyman Kramer.

ASSEMBLYMAN KRAMER:

Senate Bill 260 authorizes a pharmacist to engage in a collaborative practice of pharmacy or collaborative drug therapy management pursuant to a collaborative practice agreement entered into with one or more practitioners who practice within 100 miles of the primary location of the pharmacist. A pharmacist who engages in such a practice must maintain certain records and obtain the informed, written consent of patients. This bill is effective on July 1, 2017.

Roll call on Senate Bill No. 260:

YEAS—40.

NAYS—None.

EXCUSED—Hansen, Ohrenschall—2.

Senate Bill No. 260 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 262.

Bill read third time.

Remarks by Assemblywoman Joiner.

ASSEMBLYWOMAN JOINER:

Senate Bill 262 requires payments made pursuant to a health insurance policy for mental health or alcohol or drug abuse treatment be made directly to the provider of the treatment rather than to the person receiving the treatment if the provider is an out-of-network provider who has an assignment of benefits that meet certain qualifications. A licensed clinical alcohol and drug abuse counselor must, if applicable, be directly reimbursed for treatment relating to the abuse of alcohol or drugs in accordance with an applicable assignment of benefits. The measure requires

the provider to refund to a person who pays the provider directly for treatment certain amounts that the person paid to the provider.

Roll call on Senate Bill No. 262:

YEAS—39.

NAYS—Daly.

EXCUSED—Hansen, Ohrenschall—2.

Senate Bill No. 262 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 274.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Senate Bill 274 makes various changes to sibling visitation in child welfare cases involving certain children who are placed with someone other than a parent and separate from their siblings. Specifically, the bill requires a child welfare agency to update a child's sibling visitation plan to reflect any change in the placement of the child or his or her siblings. It also requires the court to provide any sibling granted a right to visitation with notice of a hearing to review the placement of the child and the case number of relevant proceedings and allow the sibling to inspect records for the purpose of petitioning the court for visitation or enforcing an order for visitation. It also revises various provisions concerning agreements for postadoptive contact between a natural parent and a child or the adoptive parents of the child, and lastly, requires the court to incorporate a sibling visitation order in the decree of adoption unless a petition to exclude or amend the order for visitation is filed.

Roll call on Senate Bill No. 274:

YEAS—40.

NAYS—None.

EXCUSED—Hansen, Ohrenschall—2.

Senate Bill No. 274 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 281.

Bill read third time.

Remarks by Assemblyman Pickard.

ASSEMBLYMAN PICKARD:

Senate Bill 281, in its second reprint, makes the following changes relating to the distribution of excess proceeds from the sale of a property held in trust by the county treasurer: A waste management company, a unit-owners' association of a common-interest community, a unit-owners' association of a condominium hotel, or an owner of a unit of a condominium hotel may receive excess proceeds from the sale, and the 10 percent limit on any fee that is charged for locating, delivering, recovering, or assisting in the recovery of excess proceeds from a sale is changed to only apply to transactions where the person entering the agreement is a natural person who is the owner and occupier of the property at the time of the sale is involved.

Senate Bill 281 additionally specifies that if a unit-owners' association of a common-interest community, a unit-owners' association of a condominium hotel, or an owner of a unit of a condominium hotel receives any excess proceeds from the sale of a residential unit, that amount that is received must be deemed to have satisfied the debt owed by the owner of the residential

unit to the association, and the association may not recover in a civil action or otherwise collect any deficiency remaining due to the association from the residential unit's owner.

This act becomes effective on July 1, 2017.

Roll call on Senate Bill No. 281:

YEAS—37.

NAYS—Krasner, Marchant—2.

EXCUSED—Hansen, Ohrenschall, Wheeler—3.

Senate Bill No. 281 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 287.

Bill read third time.

Remarks by Assemblywoman Tolles.

ASSEMBLYWOMAN TOLLES:

Senate Bill 287 requires employees and volunteers of public and private schools to report certain information regarding abuse, neglect, and certain other prohibited acts against a child.

The bill requires all employees of and volunteers for a public or private school, regardless of whether they are licensed, to report suspected abuse or neglect of a child by a person responsible for the child's welfare. In addition, employees and volunteers must also make a report within 24 hours if in that capacity they know or have reasonable cause to believe that a child has been subjected to certain sexual conduct, luring, prohibited corporal punishment, or abuse or neglect. Reports must be made to an agency that provides child welfare services and/or a law enforcement agency, as appropriate, and such reports will be assessed, and if appropriate, investigated. Failure to report is a misdemeanor or gross misdemeanor. The school police and the law enforcement agency are required to notify each other regarding certain offenses.

Senate Bill 287 also requires volunteers at public schools and employees and volunteers at private schools to undergo certain background checks. The bill authorizes certain information obtained by background checks to be used in making personnel decisions.

This measure is effective on July 1, 2017.

Roll call on Senate Bill No. 287:

YEAS—40.

NAYS—None.

EXCUSED—Hansen, Ohrenschall—2.

Senate Bill No. 287 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 3:19 p.m.

ASSEMBLY IN SESSION

At 3:53 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 322 and 384 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 356 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 356.

Bill read third time.

Remarks by Assemblymen Joiner, Edwards, and Carlton.

ASSEMBLYWOMAN JOINER:

Senate Bill 356 makes various changes relating to collective bargaining, including but not limited to increasing the amount of time within which the Local Government Employee-Management Relations Board must conduct a hearing related to certain complaints; eliminating the restrictions on the continuation of collective bargaining agreements beyond their expiration date; providing for a principal, assistant principal, or other school administrator below the rank of superintendent, associate superintendent, or assistant superintendent to participate in collective bargaining; and reinstating the requirement for four negotiation sessions rather than eight.

ASSEMBLYMAN EDWARDS:

I rise in opposition to Senate Bill 356. This bill will roll back the progress that was made in the 2015 Session. Nevada today is stronger than most of us would have thought possible, in large part due to the leadership of the Governor and also here in the Legislature. We wanted to make Nevada business friendly again and give businesses an opportunity to grow and expand and keep the jobs here. This legislation will roll back those reforms and put those businesses in a position of not having an opportunity to review contracts before an automatic renewal. Let us keep Nevada moving forward by voting no today.

ASSEMBLYWOMAN CARLTON:

I rise in support of Senate Bill 356. It is no secret where I come from. I come from a labor family and a labor background. My family reunion picnics when I was a kid, with my grandfather being a Teamster, were like Teamster meetings. It is no secret how I would feel about this bill.

I think it is really important to realize that the employees are truly valued in the collective bargaining process. When we talk about shortening the time that the negotiations go on or allowing the contract to move forward a couple of months while negotiations are happening, it gives stability to the employees. Businesses do it all the time. I come from private sector bargaining. We extend contracts. We make sure that the final best offer is within a reasonable amount of time. This bill does exactly that. It is good for the state government not to drag it out, and it is good for the employees so they have the stability of knowing where they stand in their jobs. I stand in support of S.B. 356.

Roll call on Senate Bill No. 356:

YEAS—25.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—14.

EXCUSED—Hansen, Ohrenschall, Yeager—3.

Senate Bill No. 356 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 322.

Bill read third time.

Remarks by Assemblywoman Joiner.

ASSEMBLYWOMAN JOINER:

Senate Bill 322 requires public high school students, with certain exceptions, to take a civics examination as a condition for graduation beginning in the 2019-2020 School Year. The questions on the exam will be identical to questions contained in the civics portion of the naturalization test adopted by the United States Citizenship and Immigration Services of the Department of Homeland Security. The test may be offered voluntarily beginning in the 2018-2019 school year.

The bill allows a waiver from the exam in certain instances for certain students, including students with disabilities, English learners, and other students who have shown good cause for a waiver.

Roll call on Senate Bill No. 322:

YEAS—30.

NAYS—Carlton, Carrillo, Jauregui, Miller, Monroe-Moreno, Neal, Spiegel, Thompson, Watkins—9.

EXCUSED—Hansen, Ohrenschall, Yeager—3.

Senate Bill No. 322 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 384.

Bill read third time.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Senate Bill 384 provides that certain information contained in the Public Employees' Retirement System, Judicial Retirement System, and Legislators' Retirement System is a public record, namely the identifying number; last public employer; years of service; retirement date; amount of annual pension; and benefit type of a member, retired employee, retired justice or judge, or retired legislator. All other information regarding a retired employee, retired justice or judge, retired legislator, or beneficiary that is contained in a record or file in the possession of a public employee retirement system is confidential, regardless of the form, location, and manner of creation or storage of the record or file containing the information.

Roll call on Senate Bill No. 384:

YEAS—25.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—14.

EXCUSED—Hansen, Ohrenschall, Yeager—3.

Senate Bill No. 384 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 323.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 323 makes various changes to the Supplemental Nutrition Assistance Program. Specifically, the bill requires the Department of Health and Human Services to calculate the 36-month period for determining a person's eligibility for the program such that it begins and ends on fixed dates that are the same for each beneficiary in the state and runs continuously. It seeks a work requirement waiver whenever this state or a portion thereof is eligible for such a waiver; establishes a voluntary workfare program to assist beneficiaries in meeting work requirements; and authorizes the Division of Welfare and Supportive Services to give priority of work requirement waivers to certain classifications of recipients, such as veterans or people who are responsible for child support.

Roll call on Senate Bill No. 323:

YEAS—40.

NAYS—None.

EXCUSED—Hansen, Ohrenschall—2.

Senate Bill No. 323 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 337.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Senate Bill 337 authorizes a registered pharmacist to manipulate a person for the collection of specimens and perform any laboratory test that is classified as a waived test pursuant to federal regulations without obtaining certification as an assistant in a medical laboratory. The bill requires the State Board of Pharmacy to adopt regulations to specify a registered pharmacist may only use a fingerstick or oral or nasal swab to carry out such tests, and establish procedures and requirements of registered pharmacists when performing the authorized duties.

This bill is effective on July 1, 2017.

Roll call on Senate Bill No. 337:

YEAS—40.

NAYS—None.

EXCUSED—Hansen, Ohrenschall—2.

Senate Bill No. 337 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 360.

Bill read third time.

Remarks by Assemblywoman Miller.

ASSEMBLYWOMAN MILLER:

Senate Bill 360 provides for the imposition of an additional penalty upon a person who commits certain crimes or criminal violations against a vulnerable or elderly person. The measure provides that the sentence prescribed runs consecutively with the sentence prescribed by statute for the crime or criminal violation. The bill clarifies that immunity from prosecution for those who report suspected abuse or neglect of a vulnerable or elderly person does not extend

to a person who was involved in the neglect or abuse. The penalties for the abuse, neglect, exploitation, isolation, or abandonment of a vulnerable or elderly person are revised. The bill also establishes a Wards' Bill of Rights, which addresses several matters, including but not limited to receiving proper legal representation; receiving proper notice of proceedings involving the ward; being involved in developing a plan for the ward's care; giving due consideration to the ward's preferences for health care, medical treatment, and religious and moral beliefs; remaining as independent as possible; and having control over his or her financial affairs.

Roll call on Senate Bill No. 360:

YEAS—40.

NAYS—None.

EXCUSED—Hansen, Ohrenschall—2.

Senate Bill No. 360 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 364.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Senate Bill 364 makes various changes to provisions governing trapping, including providing that each state agency that manages any public land where trapping may occur must post certain warning signs; requiring a fee for each trap, snare, or similar device registered with the Department of Wildlife; providing that, with limited exceptions, any trap not registered with the Department must have the name and address of the owner stamped on the trap or on a metal tag attached to the trap; and providing that a person may remove or disturb a trap if it creates an immediate risk of physical injury to any person or an animal accompanying the person.

Roll call on Senate Bill No. 364:

YEAS—26.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—14.

EXCUSED—Hansen, Ohrenschall—2.

Senate Bill No. 364 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 397.

Bill read third time.

Remarks by Assemblymen Brooks and Tolles.

ASSEMBLYMAN BROOKS:

Senate Bill 397 revises several provisions relating to unlawful employment practices and governing the filing of complaints of employment discrimination with the Nevada Equal Rights Commission.

The bill revises the powers of the Commission to order remedies for unlawful employment practices by setting forth a tiered system of civil penalties, rather than a flat civil penalty, which progressively increases if an employer is found to have multiple instances of pay discrimination within a five-year period. Back pay may be awarded for a period beginning two years before the date of filing an unlawful employment practice complaint and ending on the date the Commission issues an order regarding the complaint, and the Commission may require the awarding of reasonable attorney fees to the complainant.

Finally, this bill prohibits an employer, employment agency, or labor organization from discriminating against any person with respect to employment or membership, as applicable, for inquiring about, discussing, or disclosing information about wages unless the person has access to information about the wages of other persons as part of his or her essential job functions and discloses the information to a person who does not have access to that information. Any person injured by such an employment practice may file a complaint with the Commission.

ASSEMBLYWOMAN TOLLES:

I am so grateful for all the work this body has done this session to address issues of discrimination in the workplace, and I have certainly supported many of those efforts. However, my concern with this bill is that the penalties will make it among the most severe in the country. I reluctantly cannot support it.

Roll call on Senate Bill No. 397:

YEAS—26.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—14.

EXCUSED—Hansen, Ohrenschall—2.

Senate Bill No. 397 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 406.

Bill read third time.

Remarks by Assemblyman Marchant.

ASSEMBLYMAN MARCHANT:

Senate Bill 406 makes various changes relating to court reporters and court reporting firms. The measure revises the qualifications for a certificate of registration as a court reporter. The Certified Court Reporters' Board of Nevada may, after notice and hearing, impose upon a natural person or business entity that violates any law or regulation governing certified court reporters and court reporting firms an administrative fine of not more than $5,000 for each violation for which the administrative fine is imposed.

This bill is effective upon passage and approval for the purpose of adopting regulations and on January 1, 2018, for all other purposes.

Roll call on Senate Bill No. 406:

YEAS—38.

NAYS—Paul Anderson, Titus—2.

EXCUSED—Hansen, Ohrenschall—2.

Senate Bill No. 406 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 407.

Bill read third time.

Remarks by Assemblyman Brooks.

ASSEMBLYMAN BROOKS:

Senate Bill 407 establishes the Nevada Clean Energy Fund to provide funding for and increase the pace and amount of investments in qualified clean energy projects in Nevada. The bill sets forth the duties and powers of the Board of Directors of the Fund.

Roll call on Senate Bill No. 407:

YEAS—26.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—14.

EXCUSED—Hansen, Ohrenschall—2.

Senate Bill No. 407 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 409.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Senate Bill 409 repeals provisions of existing law that prohibit a person from allowing a pet to remain unattended in a motor vehicle and reenacts those provisions with revisions based upon provisions of existing law related to leaving a child unattended in a motor vehicle, except for provisions regarding leaving a pet in a vehicle with the motor running. The bill also provides that certain public employees and volunteers whose work relates to animals or public safety may use any reasonable means necessary to protect a pet and remove it from a vehicle.

Finally, the bill provides that any peace officer or animal control officer is required to take possession of an animal that is being treated cruelly or is being used in fights with other animals and removes this duty from an officer of a society for the prevention of cruelty to animals.

Roll call on Senate Bill No. 409:

YEAS—35.

NAYS—Ellison, Kramer, Marchant, McArthur, Titus—5.

EXCUSED—Hansen, Ohrenschall—2.

Senate Bill No. 409 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 432.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Senate Bill 432 makes various changes related to the procedures governing the termination of parental rights. Specifically, the bill provides that if a juvenile court determines a child is in need of protection, a child welfare agency may file a motion for the termination of parental rights as part of the proceeding. The bill clarifies that existing laws governing the termination of parental rights apply to all proceedings concerning the termination of parental rights commenced by a child welfare agency. The bill also establishes provisions concerning notice of the hearing on the motion and requires the court to ensure any prospective adoptive parent is provided a copy of such notice. This bill also authorizes a court to permit a witness or a party to testify by telephone or videoconference. Finally, the bill requires a court to make a final decision within 30 days of the conclusion of the evidentiary hearing.

Roll call on Senate Bill No. 432:

YEAS—40.

NAYS—None.

EXCUSED—Hansen, Ohrenschall—2.

Senate Bill No. 432 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 433.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Senate Bill 433 makes various changes to provisions governing guardianships, including replacing the term "ward" with the term "protected person." Among the other provisions of the bill are the following: visitation, communication, and interactions among protected persons and family members; rights to petition the court for a violation regarding visitation, communication, and interactions; when, in the best interest of the protected person, the person's rights may be restricted, and such restrictions must be filed with the court within ten days; notifications, including those involving changing the residence of a protected person and those concerning the death, impending death, or funeral arrangements of a protected person; imposition of damages for violating the rights of a protected person and the imposition of penalties for the misappropriation of money from the estate of a protected person; appointment of a person to represent a protected person as a guardian ad litem and appointment of a person to represent an adult protected person; and finally, removal of a guardian and appointment of an attorney to represent a protected person under certain circumstances.

Roll call on Senate Bill No. 433:

YEAS—33.

NAYS—Ellison, Hambrick, Krasner, Marchant, McArthur, Titus, Wheeler—7.

EXCUSED—Hansen, Ohrenschall—2.

Senate Bill No. 433 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 470.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Senate Bill 470 expands the list of entities that a juvenile justice agency may share information with concerning a child on whom a law enforcement agency is actively conducting a criminal investigation or a delinquency proceeding, or who is engaged in a situation that poses a threat to the child's safety or the safety or well-being of others.

The bill also establishes an additional condition that must be met before a juvenile justice agency may release juvenile justice information to a school district. That condition is that the written agreement with the school district must provide for the sharing of data from the educational record of the child maintained by the school district.

Roll call on Senate Bill No. 470:

YEAS—38.

NAYS—Krasner, Marchant—2.

EXCUSED—Hansen, Ohrenschall—2.

Senate Bill No. 470 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 471.

Bill read third time.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

Senate Bill 471 repeals the Nevada Improvement District Act and abolishes Douglas County Sewer Improvement District No. 1, the last remaining district formed under the Act. The Douglas County Lake Tahoe Sewer Authority Act is established, and it creates the Douglas County Lake Tahoe Sewer Authority for the purpose of furnishing certain residents of this state with an adequate system of sewage collection and treatment and disposal of wastewater. The Authority is authorized to enter into certain interlocal cooperative agreements with general improvement districts; assumes the debts, obligations, liabilities, and assets of Douglas County Sewer Improvement District No. 1; and is exempt from regulation by the Public Utilities Commission of Nevada.

The bill requires the submission of the question of merger, consolidation, or dissolution to the board of trustees of a general improvement district with annual revenues of more than $1 million that was, on October 1, 2005, exercising any of three specified powers related to sanitary sewer improvements; the collection and disposal of garbage or refuse; or the supply, storage, and distribution of water. A merger or consolidation of the Authority with a general improvement district must be approved by a majority of the owners of property located within the boundaries of the service area of the Authority and by resolution of the board of trustees.

This bill is effective upon passage and approval.

Roll call on Senate Bill No. 471:

YEAS—40.

NAYS—None.

EXCUSED—Hansen, Ohrenschall—2.

Senate Bill No. 471 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 472.

Bill read third time.

Remarks by Assemblyman Pickard.

ASSEMBLYMAN PICKARD:

Senate Bill 472 sets forth a revised registration and community notification process regarding a child who is 14 years of age or older at the time of an alleged offense and who is adjudicated delinquent for the offense. Procedures concerning exemption from registration and community notification requirements for such juveniles are provided as are continuing registration and community notification requirements for a child adjudicated delinquent for an aggravated sexual offense.

This bill is effective upon passage and approval.

Roll call on Senate Bill No. 472:

YEAS—35.

NAYS—Ellison, Krasner, Marchant, McArthur, Titus—5.

EXCUSED—Hansen, Ohrenschall—2.

Senate Bill No. 472 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 477.
Bill read third time.
Remarks by Assemblymen Brooks and Neal.

ASSEMBLYMAN BROOKS:
Senate Bill 477 requires that in any ordinance adopted by a city or county, the definition of the term "single-family residence" must include: (1) a residential facility for groups in which fewer than 11 persons with disabilities reside with house parents; (2) a home for individual residential care; and (3) a halfway house for recovering alcohol and drug abusers in which fewer than 11 persons reside.

A residential facility for groups must be equipped with a fire sprinkler system if the facility has three or more residents who would have difficulty perceiving danger or moving to safety in the event of a fire.

ASSEMBLYWOMAN NEAL:
I rise in opposition to Senate Bill 477. I need to explain my vote. We had this bill in Government Affairs Committee, and although I am not against sprinklers in residential facilities for disabled, there was a sub issue in the bill related to zoning that was taking the discretion away from the cities in regards to what the zoning would be for these particular facilities. I was in opposition to that. It is a huge issue, or was an issue in my district, so I will be voting no on this measure.

Roll call on Senate Bill No. 477:
YEAS—27.
NAYS—Paul Anderson, Bustamante Adams, Diaz, Edwards, Ellison, Krasner, Marchant, McArthur, Neal, Oscarson, Titus, Wheeler, Woodbury—13.
EXCUSED—Hansen, Ohrenschall—2.
Senate Bill No. 477 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 502.
Bill read third time.
Remarks by Assemblyman McArthur.

ASSEMBLYMAN MCARTHUR:
Senate Bill 502 revises provisions relating to the Public Employees' Benefits Program [PEBP] and the Public Employees' Deferred Compensation Program.

The bill transfers the Public Employees' Deferred Compensation Program to the Department of Administration; requires the Director of the Department of Administration to appoint, with the concurrence of the Governor and the Committee to Administer the Public Employees' Deferred Compensation Program, the Program's Executive Officer; specifies that the Program is subject to the State Purchasing Act; and revises the membership of the Committee.

The bill also revises the membership and qualifications of the Board of the Public Employees' Benefits Program; specifies that the Director of the Department of Administration must appoint the Quality Control Officer; makes the PEBP subject to the State Purchasing Act; and eliminates the requirement that the PEBP's Executive Officer and board members complete a minimum of 16 hours of continuing education annually.

The bill is effective upon passage and approval for the purpose of appointing PEBP Board members and on July 1, 2017, for all other purposes.

Roll call on Senate Bill No. 502:
YEAS—40.
NAYS—None.
EXCUSED—Hansen, Ohrenschall—2.

Senate Bill No. 502 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 164.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Senate Bill 164 allows a school district to enter into an agreement to lease out school buses or other district vehicles for special events taking place in the county where the school district is located. Such agreements must not interfere with providing transportation for students, and the district must determine that a commercial bus is not reasonably available for the event. No more than 8.5 percent of the total number of a district's vehicles may be leased out at a time.

The bill sets out certain specifications for a lease agreement, including a security deposit, fee requirements, indemnity provisions, responsibility for damage, proof of insurance and driver licensure, acknowledgment that the lessee is not entitled to certain limitations on damages, and proof of a permit or approval for the event if required by a governmental entity. District employees must be given preference in hiring for operation of the vehicles.

Money collected from a lease agreement that exceeds district costs may be used at the discretion of the school district, with certain exceptions.

This bill is effective upon passage and approval.

Roll call on Senate Bill No. 164:

YEAS—33.

NAYS—Benitez-Thompson, Jauregui, Joiner, Miller, Monroe-Moreno, Neal, Thompson—7.

EXCUSED—Hansen, Ohrenschall—2.

Senate Bill No. 164 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 3, 41, 116, 138, 144, 151, 156, 162, 199, 268, 270, 291, 292, 324, 369, and 400; Senate Joint Resolutions Nos. 1, 8, 12, and 13 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 37, 163, 165, 255, 308, 311, 374, 396, 416, 422, 429, 434, 447, 454, 462, 466, 469, 473, 476, 480, 493, 499, 510, 513, and 515.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 5.

The following Senate amendment was read:

Amendment No. 799.

AN ACT relating to local improvements; providing for the creation of certain local improvement districts that include an energy efficiency

improvement project or a renewable energy project; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the procedures for a governing body to acquire, improve, equip, operate or maintain local improvement districts that include various types of projects, including energy efficiency improvement projects and renewable energy projects. (NRS 271.265-271.630) This bill provides for the creation by a local government, without an election, of a local improvement district that includes an energy efficiency improvement project or a renewable energy project.

Section 1.1 of this bill authorizes a local government to create such a district on certain commercial or industrial real property. **Section 1.2** of this bill establishes certain requirements for a local government to create a district, including obtaining signed consent from the owner of any tract on which an energy efficiency improvement project or renewable energy project will be located and from certain lenders who hold a mortgage or other lien on a property on which such a project will be located. **Section 1.4** of this bill provides certain requirements for construction in such a district. **Section 1.6** of this bill requires a local government to adopt a resolution establishing the procedures for the creation of a district.

Sections 2 and 3 of this bill revise the definitions of "energy efficiency improvement project" and "renewable energy project." **Section 4** of this bill provides a procedure for an owner of a tract to object to the inclusion of the tract within a district. **Section 5** of this bill establishes requirements for the proceeds of bonds used to pay certain costs related to an energy efficiency improvement project or a renewable energy project. **Section 6** of this bill revises requirements for the interest rate of bonds sold to defray certain costs for local improvement districts.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 271 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.1 to 1.6, inclusive, of this act.

Sec. 1.1. ***1. The governing body of a municipality, on behalf of the municipality and in its name, without an election, may create a district to finance one or more energy efficiency improvement projects or renewable energy projects:***

(a) On qualifying commercial or industrial real property, which may include any real property other than:

(1) A residential dwelling that contains fewer than five individual dwelling units; or

(2) Property financed by a government-guaranteed financing program that prohibits the subordination of the government's interest in the property or otherwise prohibits a contract under sections 1.1 to 1.6, inclusive, of this act.

(b) That meet one of the following requirements:

(1) For an energy improvement project, the project must be determined to be appropriate through an energy audit conducted by a qualified service company. A project may be determined to be appropriate if:

(I) The energy audit includes a summary of recommendations, which for each recommendation must include existing and expected consumption and expected energy savings expressed in British thermal units, kilowatt-hours, and kilowatts, the expected annual energy savings, the cost, the payback period in years, the expected life cycle in years and the percentage of savings, as applicable; and

(II) The expected energy savings from the project exceeds the investment costs of the project.

(2) For a renewable energy project, the project must be determined to be feasible through a written feasibility study conducted by a qualified service company.

2. A bond or interim warrant issued for a district created pursuant to this section must not be secured by a pledge of the general credit or taxing power of the municipality or by the surplus and deficiency fund established pursuant to NRS 271.428.

3. The improvements to or installations within a district created pursuant to this section must not be owned by a municipality but shall be deemed to be the property of the owner of the tract upon which the improvement or installation is located.

4. The provisions of:

(a) NRS 271.275 to 271.365, inclusive, do not apply to a district which is created pursuant to this section.

(b) NRS 271.495 and 271.500 do not apply to any bonds or interim warrants issued to finance an energy efficiency improvement project or renewable energy project within a district created pursuant to this section.

5. As used in this section:

(a) "Energy audit" means a formal evaluation of the energy consumption of a permanent building or any structural improvement to real property that is consistent with the requirements of ASTM International Standard E2797, "Standard Practice for Building Energy Performance Assessment for a Building Involved in a Real Estate Transaction," the ASHRAE Level 2 or 3 guidelines for energy audits or any comparable energy assessment guidelines.

(b) "Qualified service company" has the meaning ascribed to it in NRS 333A.060.

Sec. 1.2. *1. A governing body may create a district pursuant to section 1.1 of this act only if:*

(a) The governing body has, pursuant to section 1.6 of this act, adopted by resolution a procedure for the creation and administration of a district

for the purpose of financing one or more energy efficiency improvement projects or renewable energy projects.

(b) Each owner of each tract on which an energy efficiency improvement project or renewable energy project will be located consents in writing to the location of the project on the tract and the levy of an assessment against the tract to pay all or a portion of the cost thereof in an amount up to the estimated maximum benefit to the tract from the installation or improvement. The estimated maximum benefit may not exceed the market value of the tract as determined by the governing body.

(c) Each consent provided pursuant to paragraph (b):

(1) Describes the tract to be assessed and the improvements to be financed;

(2) States the estimated maximum benefit that the owner agrees will be conferred on the tract by virtue of the installation or improvement; and

(3) Is accompanied by:

(I) A signed copy of each contract between an owner of the tract and each contractor described in section 1.4 of this act pursuant to which the contractor agrees to construct, acquire and install the installation or improvement identified in the consent at a total price which does not exceed the limitation set forth in section 1.4 of this act and which contains any terms, including, without limitation, application fees and costs, the total amount financed, annual percentage rate, total amount paid over the life of any assessment, any appraisal fees, bond-related costs, annual administrative fees, closing costs, credit reporting fees and recording fees, and such other terms not inconsistent with the provisions of sections 1.1 to 1.6, inclusive, of this act or with the resolution adopted pursuant to section 1.6 of this act, as may be agreed upon by the owner of the tract and the contractor and is acceptable to the governing body; and

(II) A deposit in an amount determined in the manner specified in the resolution adopted pursuant to section 1.6 of this act, which may be refunded if the project to which the consent relates is completed and is financed with assessments levied pursuant to this chapter within the period specified in the resolution.

(d) The outstanding amount owed on all recorded instruments which are liens against any tract included in the district does not exceed 90 percent of the estimated fair market value of the property assessed, as defined by the governing body, taking into account the imposition of the liens for assessments pursuant to sections 1.1 to 1.6, inclusive, of this act and the additional value added to the tract by a project financed pursuant to sections 1.1 to 1.6, inclusive, of this act.

(e) Any lender who holds a ~~***[senior]***~~ ***lien on any tract on which an energy efficiency improvement project or renewable energy project will be located consents in writing to the levy of an assessment against the tract to pay all or a portion of the cost of the installation or improvement. A consent signed pursuant to this paragraph must be in a recordable form***

and is binding on the holder of a lien who signs the consent. A lender described in this paragraph is entitled, within 30 days after providing consent pursuant to this paragraph, to offer a loan to the owner of the tract as the primary lender on the new levy of an assessment.

2. Each consent provided pursuant to paragraph (b) of subsection 1 and each amendment thereto must be recorded in the office of the county recorder and, once recorded, is binding on the owner who signed the consent and any other person who holds any interest in the tract to which the consent relates and who signed the consent.

3. A district created pursuant to section 1.1. of this act may be created at any time as designated by a governing body, but must only include tracts for which a consent has been recorded pursuant to subsection 2.

4. As used in this section, "lender" means a mortgagee, the beneficiary of a deed of trust or other creditor who holds a mortgage, deed of trust or other instrument that encumbers a tract as security for the repayment of a loan used to purchase the tract.

Sec. 1.4. *Construction within a district created pursuant to section 1.1. of this act must be completed through independent contracts with contractors licensed in Nevada who are approved by the governing body. The municipality is not responsible for the construction, or any defects or delays thereof. The laws of this State relating to public bidding, public works or public procurement are not applicable to contracts for construction executed pursuant to this subsection. The total contract price of any improvement or installation must not exceed 80 percent of the estimated maximum benefit for the tract as stated in the consent, as it may be amended from time to time, unless the owner of the property to be assessed:*

1. Agrees to pay and pays, or causes another party to pay, the difference between 80 percent of the estimated maximum benefit and the total contract price from a source other than financing provided pursuant to this chapter; and

2. Agrees in writing that the improvement or installation will in fact benefit the tract by an amount at least equal to the sum of the estimated maximum benefit stated in the consent and the amount to be paid from a source other than financing provided pursuant to this chapter.

Sec. 1.6. *1. Before creating a district pursuant to section 1.1. of this act, a governing body must adopt a resolution which specifies the procedures for the creation and administration of such a district. The resolution may provide for one or more of the following:*

(a) Additional notices of the proposal to create the district, notices of the opportunity to apply for inclusion in the district or any other notices;

(b) A reserve of money for bonds issued for the district, the method of funding the reserve and the disposition of any interest earned upon or the principal of the reserve that is not needed to repay any bonds or interim

warrants issued for the purposes of financing an energy efficiency improvement project or renewable energy project within the district;

(c) Any other security for those bonds or interim warrants, and the method of determining the term of the bonds in compliance with NRS 271.515;

(d) Any requirements for casualty insurance, liability insurance or other types of insurance for any project within the district;

(e) The method of determining the lien-to-value ratio of the property for the purpose of complying with the limitation prescribed by paragraph (d) of subsection 1 of section 1.2 of this act;

(f) Any limitation on the lien-to-value ratio that would result in a lower lien-to-value ratio than that prescribed by paragraph (d) of subsection 1 of section 1.2 of this act;

(g) Any limitation on the amount of the contract price, as a percentage of the estimated maximum benefit, that is lower than the limitation prescribed by section 1.4 of this act;

(h) Any sources, other than the proceeds of assessments, that will be used to pay:

(1) The cost of construction and installation of improvements financed pursuant to sections 1.1 to 1.6, inclusive, of this act;

(2) The cost of any reserve of money or other security for financing an energy efficiency improvement project or renewable energy project pursuant to sections 1.1 to 1.6, inclusive, of this act; or

(3) The cost of engineering work, the cost to issue any bonds or provide other financing, or the cost of other incidentals pursuant to sections 1.1 to 1.6, inclusive, of this act;

(i) Any other security features, covenants required of property owners, covenants required of other parties or any other covenants, guarantees, insurance or other matters which the governing body finds are necessary or desirable for the financing of an energy efficiency improvement project or renewable energy project pursuant to sections 1.1 to 1.6, inclusive, of this act; and

(j) Any other matters, procedures or financing terms which the governing body, in its sole discretion, determines are necessary or desirable to carry out the purposes of sections 1.1 to 1.6, inclusive, of this act.

2. A resolution adopted pursuant to this section:

(a) Must contain or incorporate by reference an exhibit describing each tract to be assessed, the type of improvement or installation to be financed for each tract and the estimated maximum benefit as stated in the consent provided pursuant to paragraph (b) of subsection 1 of section 1.2 of this act.

(b) May be adopted as if an emergency exists by a vote of not less than two-thirds of all the voting members of the governing body.

Sec. 2. NRS 271.099 is hereby amended to read as follows:

271.099 "Energy efficiency improvement project" means the ***installation or*** modification of ~~[real property or the facilities or equipment on the real property that is designed to reduce the energy consumption of the real property.]~~ ***one or more energy efficiency improvements and incidentals which are necessary, useful or desirable for any such improvements and which installation or modification has a useful life, as estimated by a governing body, of not less than 10 years.***

Sec. 3. NRS 271.199 is hereby amended to read as follows:

271.199 "Renewable energy project" means ***any improvement to*** real property, ***and*** facilities and equipment used to generate electricity from renewable energy to offset customer load in whole or in part on the ~~[premises,]~~ ***real property,*** and all appurtenances and incidentals necessary, useful or desirable for any such ~~[real property,]~~ ***improvements,*** facilities and equipment ~~[.]~~ ***, and which improvement has a useful life, as estimated by a governing body, of not less than 10 years.***

Sec. 4. NRS 271.385 is hereby amended to read as follows:

271.385 1. At the time and place designated pursuant to NRS 271.380, the governing body shall hear and determine any written complaint, protest or objection filed as provided in that section and any verbal views expressed in respect to the proposed assessments, assessment roll or assessment procedure. The governing body may adjourn the hearing from time to time.

2. The governing body, by resolution, may revise, correct, confirm or set aside any assessment and order that the assessment be made de novo.

3. Any complaint, protest or objection to:

(a) The assessment roll;

(b) The regularity, validity and correctness of each assessment;

(c) The amount of each assessment; or

(d) The regularity, validity and correctness of any other proceedings occurring after the date of the hearing described in NRS 271.310 and before the date of the hearing governed by this section,

➥ shall be deemed waived unless filed in writing within the time and in the manner provided by NRS 271.380.

4. If any owner of a tract which is assessed for the purpose of creating a district pursuant to section 1.1 of this act objects in writing within the time and in the manner provided by NRS 271.380, the tract must be removed from the assessment roll, and the municipality shall not finance the project located on the tract unless the objecting owner withdraws his or her objection in writing within the time specified by the governing body.

Sec. 5. NRS 271.475 is hereby amended to read as follows:

271.475 1. The governing body shall likewise have power to issue negotiable bonds in an amount not exceeding the total unpaid assessments levied to pay the cost of any project, howsoever acquired, as hereinafter provided.

2. Any ordinance pertaining to the sale, issuance or payment of bonds or other securities of the municipality, or any combination thereof, may:

(a) Be adopted as if an emergency existed. The declaration of the governing body, if any, is conclusive in the absence of fraud or gross abuse of discretion.

(b) Become effective at any time when an emergency ordinance of the municipality may go into effect.

(c) Be adopted by not less than two-thirds of all of the voting members of the governing body, excluding from any such computation any vacancy on the governing body and any member thereon who may vote only to break a tie vote.

3. The proceeds of bonds which are to be used to pay the costs of construction, acquisition or installation of an energy efficiency improvement project or renewable energy project within a district created pursuant to subsection 1 of section 1.1 of this act must be paid to the contractor as directed in writing by the owner of the tract on which the project is located or, if the owner has paid the contractor, must be paid to reimburse the owner, but in either case, only upon receipt of:

(a) Written evidence that the installation or improvement is complete, or verification through an inspection if so authorized in the resolution adopted pursuant to section 1.6 of this act or if the municipality otherwise determines to make an inspection;

(b) A waiver of any mechanic's or materialman's lien if so authorized in the resolution adopted pursuant to section 1.6 of this act; and

(c) Written evidence that the total contract price has been paid, unless the price is to be paid by the municipality to or at the direction of the contractor.

➥ No such inspection or review or receipt of a waiver imposes any liability on the municipality for any constructed, acquired or installed energy efficiency improvement project or renewable energy project or any unconstructed, unacquired or uninstalled item, any defect in any such item, any failure of any party to pay for any item, or any lien, including, without limitation, any mechanic's or materialman's lien.

Sec. 6. NRS 271.485 is hereby amended to read as follows:

271.485 1. Any bonds issued pursuant to this chapter may be sold in such a manner as may be approved by the governing body to defray the cost of the project, including all proper incidental expenses. The governing body may issue a single issue of bonds to defray the costs of projects in two or more improvement districts if the principal amount of those bonds does not exceed the total uncollected assessments levied in each improvement district.

2. Bonds must be sold in the manner prescribed in NRS 350.105 to 350.195, inclusive:

(a) For not less than the principal amount thereof and accrued interest thereon; or

(b) At the option of the governing body, below par at a discount not exceeding 9 percent of the principal amount and except as otherwise provided in ***this paragraph and in*** NRS 99.067, 271.487 and 271.730, at a price which will not result in an effective interest rate which exceeds by more than 3 percent the Index of Twenty Bonds which was most recently published before the bids are received or a negotiated offer is accepted if the maximum or any lesser amount of discount permitted by the governing body has been capitalized as a cost of the project. ***If the bonds bear an amount of interest that is included in gross income for the purposes of calculating federal income tax pursuant to the provisions of Title 26 of the United States Code, the net effective interest rate must not exceed twice the maximum interest rate as provided in this paragraph.***

3. Except as otherwise provided in subsection 4 and NRS 271.487 and 271.730, the rate of interest of the bonds must not at any time exceed the rate of interest, or lower or lowest rate if more than one, borne by the special assessments, but any rate of interest of the bonds may be the same as or less than any rate of interest of the assessment, subject to the limitation provided in subsection 2, as the governing body may determine.

4. Except as otherwise provided in NRS 271.730, if a governing body creates a district pursuant to the provisions of NRS 271.710, the governing body or chief financial officer of the municipality shall, in consultation with a financial advisor or the underwriter of the bonds, fix the rate of interest of the bonds at a rate of interest such that the principal and interest due on the bonds in each year, net of any interest capitalized from the proceeds of the bonds, will not exceed the amount of principal and interest to be collected on the special assessments during that year.

5. The governing body may employ legal, fiscal, engineering and other expert services in connection with any project authorized by this chapter and the authorization, issuance and sale of bonds.

6. Any accrued interest must be applied to the payment of the interest on or the principal of the bonds, or both interest and principal.

7. Any unexpended balance of the proceeds of the bond remaining after the completion of the project for which the bonds were issued must be paid immediately into the fund created for the payment of the principal of the bonds and must be used therefor, subject to the provisions as to the times and methods for their payment as stated in the bonds and the proceedings authorizing their issuance.

8. The validity of the bonds must not be dependent on nor affected by the validity or regularity of any proceedings relating to the acquisition or improvement of the project for which the bonds are issued.

9. A purchaser of the bonds is not responsible for the application of the proceeds of the bonds by the municipality or any of its officers, agents and employees.

10. The governing body may enter into a contract to sell special assessment bonds at any time but, if the governing body so contracts before it

awards a construction contract or otherwise contracts for acquiring or improving the project, the governing body may terminate the contract to sell the bonds, if:

(a) Before awarding the construction contract or otherwise contracting for the acquisition or improvement of the project, it determines not to acquire or improve the project; and

(b) It has not elected to proceed pursuant to subsection 2 or 3 of NRS 271.330, but has elected to proceed pursuant to subsection 1 of that section.

11. If the governing body ceases to have jurisdiction to proceed, because the requisite proportion of owners of the frontage to be assessed, or of the area, zone or other basis of assessment, file written complaints, protests and objections to the project, as provided in NRS 271.306, or for any other reason, any contract to sell special assessment bonds is terminated and becomes inoperative.

Sec. 7. act becomes effective on July 1, 2017.

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 799 to Assembly Bill No. 5.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

The amendment requires lenders to consent in all cases where a lender holds a lien that is secured by the subject tract, not just those with a senior lien.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 126.

The following Senate amendment was read:

Amendment No. 820.

SUMMARY—Abolishes certain committees . ~~[and commissions.]~~ (BDR 38-555)

AN ACT relating to governmental administration; ~~[abolishing the Commission to Review the Compensation of Constitutional Officers, Legislators, Supreme Court Justices, Judges of the Court of Appeals, District Judges and Elected County Officers;]~~ abolishing the Advisory Committee on Housing; abolishing the Subcommittee on Personal Assistance for Persons with Severe Functional Disabilities of the Nevada Commission on Services for Persons with Disabilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law creates the Commission to Review the Compensation of Constitutional Officers, Legislators, Supreme Court Justices, Judges of the Court of Appeals, District Judges and Elected County Officers. (NRS 281.157-281.1575)]~~

Existing law creates the Advisory Committee on Housing to review and provide to the Director of the Department of Business and Industry and the

Administrator of the Housing Division of that Department advice, recommendations and other commentary regarding the: (1) investment of money or issuance of obligations of the Division; (2) development of new programs or improvement of existing programs of the Division; (3) improvement of policies and procedures of the Division; and (4) administration of the Account for Low-Income Housing. (NRS 319.173)

Existing law creates the Subcommittee on Personal Assistance for Persons with Severe Functional Disabilities of the Nevada Commission on Services for Persons with Disabilities, which meets at the call of the Director of the Department of Health and Human Services, the Chair of the Commission, the Chair of the Subcommittee or a majority of the members of the Subcommittee. (NRS 426.731)

Existing law requires the Sunset Subcommittee of the Legislative Commission to review certain boards and commissions in this State to determine whether the board or commission should be terminated, modified, consolidated or continued. (NRS 232B.210-232B.250) As recommended by the Sunset Subcommittee, this bill abolishes: (1) ~~[the Commission to Review the Compensation of Constitutional Officers, Legislators, Supreme Court Justices, Judges of the Court of Appeals, District Judges and Elected County Officers; (2)]~~ the Advisory Committee on Housing; and ~~[(3)]~~ **(2)** the Subcommittee on Personal Assistance for Persons with Severe Functional Disabilities of the Nevada Commission on Services for Persons with Disabilities. **Sections 1-3** of this bill make conforming changes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 426.721 is hereby amended to read as follows:

426.721 As used in NRS 426.721 to ~~[426.731,]~~ ***426.729,*** inclusive, unless the context otherwise requires, the words and terms defined in NRS 426.723 to 426.727, inclusive, have the meanings ascribed to them in those sections.

Sec. 2. NRS 426.728 is hereby amended to read as follows:

426.728 1. Each state personal assistance program must make available, within a reasonable period after receiving a request therefor and in accordance with any conditions upon the receipt of federal funding and considering the amount of reasonably adequate state funding, community-based services to provide minimum essential personal assistance to residents of this State with severe functional disabilities who would, with the provision of that assistance, be able to live safely and independently in their communities outside of an institutional setting.

2. The provisions of NRS 426.721 to ~~[426.731,]~~ ***426.729,*** inclusive, must not be construed to:

(a) Prevent a person with a severe functional disability from receiving more than 6 hours of minimum essential personal assistance per day from a

state personal assistance program if such assistance is available pursuant to the program; or

(b) Prevent a person with a disability other than a severe functional disability from receiving services from a state personal assistance program if such assistance is available pursuant to the program.

Sec. 3. NRS 427A.1213 is hereby amended to read as follows:

427A.1213 1. The Commission shall, at its first meeting and annually thereafter, elect a Chair from among its voting members.

2. The Commission shall meet at least quarterly and at the times and places specified by a call of the Director, the Chair or a majority of the voting members of the Commission.

3. A majority of the voting members of the Commission constitutes a quorum for the transaction of all business.

4. The Commission shall establish rules for its own governance.

5. Except as otherwise provided in NRS **[**~~426.731 and~~**]** 427A.750, the Chair may appoint subcommittees and advisory committees composed of the members of the Commission, former members of the Commission and members of the general public who have experience with or knowledge of matters relating to persons with disabilities, to consider specific problems or other matters that are related to and within the scope of the functions of the Commission. A subcommittee or advisory committee appointed pursuant to this subsection must not contain more than five members. To the extent practicable, the members of such a subcommittee or advisory committee must be representative of the various geographic areas and ethnic groups of this State.

Sec. 4. 1. Any administrative regulations adopted by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remain in force until amended by the officer, agency or other entity to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity are binding upon the officer, agency or other entity to which the responsibility for the administration of the provisions of the contract or other agreement have been transferred. Such contracts and other agreements may be enforced by the officer, agency or other entity to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or entity remains in effect as if taken by the officer, agency or other entity to which the responsibility for the enforcement of such actions has been transferred.

Sec. 5. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately the name of any agency, officer or instrumentality of the State whose name is changed by this act for the name which the agency, officer or instrumentality previously used; and

2. In preparing supplements to the Nevada Administrative Code, substitute appropriately the name of any agency, officer or instrumentality of the State whose name is changed by this act for the name which the agency, officer or instrumentality previously used.

Sec. 6. NRS ~~[281.157, 281.1571, 281.1572, 281.1573, 281.1574, 281.1575,]~~ 319.173 and 426.731 are hereby repealed.

Sec. 7. This act becomes effective on July 1, 2017.

~~[~~LEADLINES~~]~~ **TEXT** OF REPEALED SECTIONS

~~[281.157 Commission to Review Compensation: Definition.~~

~~281.1571 Commission to Review Compensation: Creation; composition.~~

~~281.1572 Commission to Review Compensation: Notification of appointment; terms; removal; vacancy.~~

~~281.1573 Commission to Review Compensation: Salary; meetings; administrative support.~~

~~281.1574 Commission to Review Compensation: Quorum; vote required to approve recommendations regarding compensation.~~

~~281.1575 Commission to Review Compensation: Duties.]~~

319.173 Advisory Committee on Housing: Creation; members; meetings; submission and review of work plan; duties.

1. There is hereby created an Advisory Committee on Housing to review and provide to the Director of the Department of Business and Industry and the Administrator advice, recommendations and other commentary regarding:

(a) The investment of money or issuance of obligations by the Division.

(b) The development of new programs or the improvement of existing programs of the Division.

(c) The improvement of policies and procedures of the Division, including those relating to the dissemination of relevant information to persons who participate in or are otherwise interested in programs of the Division.

(d) The administration of the Account for Low-Income Housing.

(e) Any other matters referred to the Advisory Committee by the Director or Administrator.

2. The Advisory Committee consists of the Director of the Department of Business and Industry or his or her representative, and eight members appointed by the Director. The Director shall appoint to the Advisory Committee:

(a) One representative of an association of mortgage bankers in this State, selected from a list of names submitted to the Director by that association.

(b) One representative of persons engaged in residential construction in this State.

(c) One representative of banks or savings and loan associations in this State who is knowledgeable about making mortgage loans.

(d) One member who is knowledgeable about the sale and marketing or the management of real property in this State.

(e) One member who is knowledgeable about the development or management of nonprofit housing in this State.

(f) One member who is knowledgeable about housing programs sponsored, administered or supported by local governments in this State.

(g) One member who is knowledgeable about federal housing programs administered by the Division.

(h) One member who is an advocate of affordable housing.

➥ The members of the Advisory Committee are not entitled to any additional compensation for their service in that capacity.

3. The Director of the Department of Business and Industry or his or her representative shall serve as the Chair of the Advisory Committee. The Advisory Committee shall meet at least once each calendar quarter, and at the call of the Chair or upon the written request of the Administrator or a majority of the members of the Committee.

4. The Administrator shall submit annually to the Advisory Committee for its review, comment and recommendations a work plan for the activities of the Division for the succeeding calendar year. The work plan must include:

(a) The expected needs for financing and anticipated demand for tax credits and sources of funding for each of the programs administered by the Division.

(b) Strategies for meeting those needs and demands.

(c) A plan for resolving any anticipated problems in carrying out those strategies.

(d) A plan for the allocation of the resources of the Division, including the allotment of its employees' time, to carry out the work plan in such a manner as to serve the entire area of the State adequately.

(e) Any other matters which are critical to the success of any programs administered by the Division.

5. Before the:

(a) Investment of money of the Division pursuant to NRS 319.171; or

(b) Submission of findings to the State Board of Finance pursuant to subsection 4 of NRS 319.323,

➥ the Administrator shall submit a plan of investment or a plan of financing, together with any proposed findings relating to that plan, to the Advisory Committee for its review and comment.

6. The Administrator shall report to the Advisory Committee at least once each calendar quarter on the activities of the Division and the implementation of the Division's work plan for that year.

426.731 Subcommittee: Creation; membership; terms of members; quorum; duties.

1. The Subcommittee on Personal Assistance for Persons with Severe Functional Disabilities of the Nevada Commission on Services for Persons with Disabilities is hereby created.

2. The Nevada Commission on Services for Persons with Disabilities shall:

(a) Solicit recommendations for the appointment of members to the Subcommittee from organizations that are representative of a broad range of persons with disabilities and organizations interested in the provision of personal services to persons with functional disabilities.

(b) Appoint to the Subcommittee such members as the Nevada Commission on Services for Persons with Disabilities deems appropriate to represent a broad range of persons with disabilities from diverse backgrounds, including, without limitation, one or more persons who are representative of:

(1) Seniors with disabilities.

(2) The Statewide Independent Living Council established in this State pursuant to 29 U.S.C. § 796d.

(3) The State Council on Developmental Disabilities established in this State pursuant to section 125 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000.

(4) Centers for independent living established in this State.

(5) Providers of personal services to persons with disabilities, including providers who receive state funding for that purpose.

(6) Persons with disabilities who receive personal assistance services.

3. The majority of the members of the Subcommittee must be persons with disabilities.

4. After the initial term, the term of each member is 2 years.

5. Members of the Subcommittee serve without compensation.

6. A majority of the members of the Subcommittee constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Subcommittee.

7. The Subcommittee shall:

(a) At its first meeting and annually thereafter, elect a Chair from among its members.

(b) Meet at the call of the Director of the Department of Health and Human Services, the Chair of the Nevada Commission on Services for Persons with Disabilities, the Chair of the Subcommittee or a majority of

its members quarterly or as is necessary to carry out the provisions of NRS 426.728.

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 820 to Assembly Bill No. 126.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

The amendment removes the repeal of the Commission to Review the Compensation of Constitutional Officers, Legislators, Supreme Court Justices, Judges of the Court of Appeals, District Judges, and Elected County Officers.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 160.

The following Senate amendment was read:

Amendment No. 862.

SUMMARY—~~[~~Requires consideration of alternatives to window replacement~~]~~ **Revises provisions relating to energy efficiency** in certain state buildings. (BDR 58-725)

AN ACT relating to energy; requiring the State Public Works Division of the Department of Administration to conduct an evaluation on installing alternatives to window replacement before replacing windows in certain public buildings; **extending the maximum length of the terms of certain performance, lease-purchase and installment-purchase contracts;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[~~This~~]~~ **Section 1 of this** bill requires the State Public Works Division of the Department of Administration to conduct an evaluation on the feasibility of using alternatives to window replacement before the Division replaces windows in certain public buildings ~~[. This bill]~~ **and to consult with the Office of Historic Preservation of the State Department of Conservation and Natural Resources when making such an evaluation of a public building that is at least 50 years old. Section 1** further requires the Division to use an alternative to window replacement if the potential savings from use of the alternative exceed the costs of the alternative ~~[. This bill]~~ **, except if otherwise recommended by the Office of Historic Preservation as to a public building that is at least 50 years old. Section 1** exempts the Division from performing such an evaluation before replacing windows in a state prison facility or institution or windows that are broken. ~~[This bill also requires the Division to obtain the approval of the Office of Historic Preservation of the State Department of Conservation and Natural Resources before replacing the windows or using an alternative to window replacement in a public building that is at least 50 years old.]~~

Existing law authorizes certain state agencies to enter into a performance contract with a qualified service company for the purchase

and installation of one or more operating cost-savings measures, including modifications to windows, to reduce costs related to energy, water and the disposal of waste, and related labor costs. (NRS 333A.075) Existing law provides that the term of such a performance contract may not exceed 15 years after the date on which the work required by the performance contract is completed. (NRS 333A.040, 333A.100) Existing law also provides that the terms of certain installment-purchase and lease-purchase contracts entered into to finance a performance contract may not exceed 15 years after the date on which the work required by the installment-purchase or lease-purchase contract is completed. (NRS 333A.0902) Under existing law, the maximum permissible length of the terms of such performance contracts entered into by local governments is 25 years. (NRS 332.380) Sections 1.3 and 1.7 of this act increase the maximum permissible length of the terms of performance, installment-purchase and lease-purchase contracts entered into by authorized state agencies to 20 years after the date on which the work required by the performance, installment-purchase or lease-purchase contract is completed.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 701B of NRS is hereby amended by adding thereto a new section to read as follows:

1. When considering window replacement in public buildings, the State Public Works Division of the Department of Administration shall, except as otherwise provided in subsection 3, evaluate alternatives to window replacement, including, without limitation:

(a) Weather stripping;

(b) Interior window surface film;

(c) Insulating cellular shades;

(d) Exterior storm windows;

(e) Interior window panels; or

(f) Any combination of alternatives listed in paragraphs (a) to (e), inclusive.

2. An evaluation conducted pursuant to subsection 1 must include the cost of such alternatives to window replacements and potential savings from each alternative, including, without limitation, energy savings. [If] Except as otherwise provided in subsection 4, if the Division determines that the potential savings from the use of an alternative to window replacement exceed the costs of the alternative, the Division must use the alternative in lieu of window replacement.

3. The Division is not required to conduct an evaluation pursuant to subsection 1 before replacing:

(a) The windows in a state prison facility or institution; or

(b) A broken window.

4. ~~[A determination]~~ When evaluating whether to replace the windows or use an alternative to window replacement pursuant to subsection ~~[2]~~ 1 in a public building that is at least 50 years old , the Division must ~~[be approved by]~~ consult with the Office of Historic Preservation of the State Department of Conservation and Natural Resources . ~~[before the Division may use the alternative.]~~ The Division is not required to use an alternative to window replacement in a public building that is at least 50 years old if the Office of Historic Preservation recommends against using the alternative.

5. As used in this section, "public building" means any building to which the provisions of NRS 341.1405 to 341.148, inclusive, apply.

Sec. 1.3. **NRS 333A.0902 is hereby amended to read as follows:**

333A.0902 In connection with any installment-purchase contract or lease-purchase contract entered into to finance a performance contract, the Board may:

1. Grant a security interest in any property that is the subject of the installment-purchase contract or lease-purchase contract and execute an instrument to evidence such a security interest, including, without limitation, a deed of trust, a leasehold interest deed of trust, a mortgage or a financing agreement.

2. Offer certificates of participation.

3. If the installment-purchase contract or lease-purchase contract involves an improvement to property owned by the State of Nevada or the using agency, enter into a lease of the property to which the improvement will be made and any property that is adjacent to that property if the installment-purchase contract or lease-purchase contract:

(a) Except as otherwise provided in NRS 333A.0916, has a term of not more than ~~[15]~~ ***20*** years beyond the date on which construction of the work required by the installment-purchase contract or lease-purchase contract is completed; and

(b) Provides for rental payments that approximate the fair market rental of the property before the improvement is made, as determined by the Board at the time the parties enter into the lease, which must be paid if the installment-purchase contract or lease-purchase contract terminates before the expiration of the lease because the Legislature fails to appropriate money for payments due pursuant to the installment-purchase contract or lease-purchase contract.

➥ A lease entered into pursuant to this subsection may provide for nominal rental payments to be paid pursuant to the lease before the installment-purchase contract or lease-purchase contract terminates.

4. Enter into any other agreement, contract or arrangement that the Board determines would be beneficial to the purpose of the installment-purchase contract or lease-purchase contract, including, without limitation, contracts for professional services, trust indentures, paying agent agreements and contracts of insurance.

Sec. 1.7. **NRS 333A.100 is hereby amended to read as follows:**

333A.100 1. Notwithstanding any provision of this chapter to the contrary, a performance contract entered into pursuant to this chapter does not create a debt for the purposes of Section 3 of Article 9 of the Nevada Constitution.

2. Except as otherwise provided in this section, the term of a performance contract may extend beyond the biennium in which the contract is executed, provided that the performance contract contains a provision which states that all obligations of the State under the performance contract are extinguished at the end of any fiscal year if the Legislature fails to provide an appropriation to the using agency for the ensuing fiscal year for payments to be made under the performance contract. If the Legislature fails to appropriate money to a using agency for a performance contract, there is no remedy against the State, except that if a security interest in any property was created pursuant to the performance contract, the holder of such a security interest may enforce the security interest against that property. Except as otherwise provided in NRS 333A.0916, the term of a performance contract must not exceed ~~[15]~~ ***20*** years after the date on which the work required by the performance contract is completed.

3. The length of a performance contract may reflect the useful life of the operating cost-savings measure being installed or purchased under the performance contract.

Sec. 2. NRS 383.021 is hereby amended to read as follows:

383.021 1. The Office of Historic Preservation is hereby created.

2. The Office shall:

(a) Encourage, plan and coordinate historic preservation and archeological activities within the State, including programs to survey, record, study and preserve or salvage cultural resources.

(b) Compile and maintain an inventory of cultural resources in Nevada deemed significant by the Administrator.

(c) Designate repositories for the materials that comprise the inventory.

(d) Provide staff assistance to the Commission.

(e) ~~[Consider requests from]~~ Assist the State Public Works Division of the Department of Administration ~~[pursuant to]~~ in conducting the evaluation required by section 1 of this act ~~[and approve the request if the Office determines the request promotes]~~ with respect to a building that is at least 50 years old, including, without limitation, making a recommendation regarding the use of an alternative to window replacement based upon whether the use of the alternative is consistent with the goal of historic preservation.

3. The Comstock Historic District Commission is within the Office.

Sec. 3. This act becomes effective on July 1, 2017.

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 862 to Assembly Bill No. 160.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

The amendment requires the State Public Works Division to consult with the Office of Historic Preservation when making an evaluation of a public building that is at least 50 years old. The Division must use an alternative to window replacement in such a building unless the Office of Historic Preservation recommends against using the alternative.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 241.

The following Senate amendment was read:

Amendment No. 797.

SUMMARY—Requires baby changing tables **be included** in certain buildings and facilities used by the public. (BDR 22-861)

AN ACT relating to public accommodations; providing that counties and cities must include in building codes or adopt by ordinance a requirement that certain buildings and facilities used by the public be equipped with one or more baby changing tables; requiring the board of trustees of any school district that adopts a building code to include such a provision in the code; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the governing body of any county or incorporated city is authorized to: (1) regulate matters relating to the construction of buildings; and (2) adopt building codes. (NRS 244.3675, 268.413) In any county whose population is 700,000 or more, the board of trustees of the school district generally regulates the construction of buildings and facilities of the district and is required to adopt any building code necessary to perform that function. (NRS 393.110) **Section 1** of this bill requires each county and city to include in its respective building code a requirement that every permanent building and facility used by the public **that contains a public restroom** and **is** constructed on or after October 1, 2017, be equipped with one or more baby changing tables accessible to men and women. If a county or city has no building code, **section 1** requires the county or city to adopt this requirement by ordinance. **Section 1** further provides that the building code or ordinance, as applicable, must provide an exception for any building or facility that ~~[is not lawfully accessible by persons under 18 years]~~ **: (1) does not have a public restroom; or (2) has been issued a permit or license that restricts admission of children to the building or facility on the basis** of age. Finally, **section 1** provides that ~~[it applies, without limitation,]~~ **the provisions of section 1 apply** to any school district for which a building code is adopted as described above. **Sections 2-4** of this bill make conforming changes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, each county, city and any other governmental entity that adopts a building code shall include in its respective building code a requirement that any permanent building or facility used by the public that contains a public restroom and is constructed on or after October 1, 2017, be equipped with at least one baby changing table. If a baby changing table is not accessible in such a building or facility to both men and women, the building code must require that the building or facility be equipped with at least one such table accessible to men and at least one such table accessible to women.

2. Except as otherwise provided in subsection 3, if a county or a city has no building code, it shall adopt by ordinance a requirement that any permanent building or facility used by the public that contains a public restroom and is constructed on or after October 1, 2017, be equipped with one or more baby changing tables as provided in subsection 1.

3. A building code or ordinance adopted pursuant to this section must provide an exception to the requirements described in subsection 1 or 2, as applicable, for any building or facility [that is not lawfully accessible by persons under 18 years of age.] that:

(a) Does not have a public restroom; or

(b) Has been issued a permit or license which restricts admission of children to the building or facility on the basis of age.

4. The provisions of this section apply, without limitation, to any school district for which a building code is adopted pursuant to subsection 2 of NRS 393.110.

Sec. 2. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 244.3675 is hereby amended to read as follows:

244.3675 Subject to the limitations set forth in NRS 244.368, 278.02315, 278.580, 278.582, 278.586, 444.340 to 444.430, inclusive, and 477.030, ***and section 1 of this act,*** the boards of county commissioners within their respective counties may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the county.

2. Adopt any building, electrical, housing, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, these fees

do not apply to the State of Nevada or the Nevada System of Higher Education.

Sec. 4. NRS 268.413 is hereby amended to read as follows:

268.413 Subject to the limitations contained in NRS 244.368, 278.02315, 278.580, 278.582, 278.586, 444.340 to 444.430, inclusive, and 477.030, ***and section 1 of this act,*** the city council or other governing body of an incorporated city may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the city.

2. Adopt any building, electrical, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, those fees do not apply to the State of Nevada or the Nevada System of Higher Education.

Sec. 5. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act and on October 1, 2017, for all other purposes.

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 797 to Assembly Bill No. 241.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

The amendment clarifies that the restroom that is not accessible by the public or a building or facility that has been issued a use permit or license which restricts admission to a child on the basis of age is not subject to the provisions of the bill.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 277.

The following Senate amendment was read:

Amendment No. 796.

AN ACT relating to land use planning; establishing uniform statewide standards that local governments must strictly comply with when exercising powers of land use planning, subdivision regulation and zoning with regard to certain lands within or surrounding national conservation areas; repealing provisions relating to land use planning, subdivision regulation and zoning with regard to certain national conservation areas, national recreation areas and adjacent lands; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Legislature has authorized local governments to exercise certain powers relating to land use planning, subdivision regulation and zoning. (Chapters 244, 268, 269 and 278 of NRS) This bill establishes uniform statewide standards that local governments must strictly comply with when exercising those powers with regard to certain lands within or surrounding any national conservation areas in Nevada.

Currently, the Congress of the United States has designated by federal law the following national conservation areas in Nevada: (1) the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area in Humboldt, Pershing and Washoe Counties (16 U.S.C. §§ 460ppp et seq.); (2) the Sloan Canyon National Conservation Area in Clark County (16 U.S.C. §§ 460qqq et seq.); and (3) the Red Rock Canyon National Conservation Area in Clark County (16 U.S.C. §§ 460ccc et seq.). If Congress designates by federal law any additional national conservation areas in Nevada, this bill would apply to the lands within or surrounding those national conservation areas but only after the enactment of the federal law making the designation.

Section 1.1 of this bill sets forth legislative findings and declarations underlying this bill. In particular, the Legislature finds in **section 1.1** that because of the importance of the natural resources found within national conservation areas in Nevada, there is a legitimate and compelling need to enact uniform statewide standards to regulate development on lands within or surrounding national conservation areas to ensure that development on such lands proceeds at the local level in an orderly and responsible manner without detrimentally and irreversibly impacting the natural resources found within national conservation areas in Nevada. In order to secure, promote and advance these legislative purposes and objectives, the Legislature declares in **section 1.1** that it is necessary and essential to: (1) designate and define natural resources overlay lands; (2) establish uniform statewide standards that local governments must strictly comply with when regulating the use of those lands; and (3) provide for judicial review and other appropriate remedies to ensure that local governments strictly comply with those standards.

Section 1.45 of this bill defines "natural resources overlay lands" to mean all parcels of land located: (1) within the boundary of any national conservation area in this State; or (2) not more than one-half mile outside the boundary of any national conservation area in this State. **Section 1.45** also provides that if any parcel of land is located partially but not entirely within natural resources overlay lands, the portion of the parcel within natural resources overlay lands is subject to this bill but the remaining portion of the parcel is not subject to this bill, unless a proposed project on the remaining portion includes any part of the portion of the parcel within natural resources overlay lands.

However, sections **1.25, 1.35 and 1.45** of this bill create an exemption from this bill for any ~~[parcel of land]~~ **lands** subject to **or developed pursuant to** any development agreement that was approved and recorded under NRS 278.0201-278.0207 before the effective date of this bill. Additionally, **section 4.5** of this bill creates an exemption from this bill for **: (1)** any project to develop lands if a local government took final action that approved the project before the effective date of this bill and the local government's final action of approval remained in effect and was enforceable on the effective date of this bill ~~[.]~~ **; and (2) any lands that, on the effective**

date of this bill, are owned wholly and exclusively by certain tax-exempt nonprofit organizations, unless on or after the effective date of this bill, any interests in the lands are sold, transferred, conveyed or otherwise alienated to any person who is not such a nonprofit organization and is subject to this bill. Finally, section 1.2 of this bill creates an exemption from this bill for any project by a governmental entity or by a public utility or video service provider regulated under certain provisions of state law. (Chapters 704 and 711 of NRS)

With regard to natural resources overlay lands that are subject to this bill, **sections 1.55 and 2-4** of this bill provide that a local government's powers relating to planning, subdivision regulation and zoning are subordinate to this bill. However, those sections also provide that this bill establishes, as a minimum threshold, uniform statewide standards relating to natural resources overlay lands but this bill does not preempt or otherwise limit a local government from imposing, with regard to those lands, standards relating to planning, subdivision regulation and zoning that are stricter or more protective of natural resources overlay lands than the standards set forth in this bill. In addition, **section 1.6** of this bill authorizes a local government to enact ordinances and adopt policies and procedures that implement and facilitate this bill so long as they are consistent with this bill.

~~[Sections]~~ **For developers who are subject to this bill, sections 1.2-1.35, 1.5 and 1.65-1.8** of this bill establish uniform statewide standards for any proposed project to develop, improve or build on natural resources overlay lands that requires final action by a local government, except for any public parks, trailheads, trails or other public recreational facilities that are constructed by a ~~[local government]~~ **governmental entity** or by a developer pursuant to any development agreement.

Under **section 1.65**, a local government cannot take final action on a proposed project unless: (1) the developer prepares and submits an environmental impact statement; (2) the local government posts the environmental impact statement on its Internet website at least 15 calendar days before the public hearing at which the local government may take final action; and (3) the local government applies and weighs certain factors relating to the impact of the proposed project on natural resources overlay lands. However, if an environmental review relating to the proposed project has already been conducted by an appropriate federal or state agency under law, **section 1.65** does not require the developer to prepare and submit an additional environmental impact statement. Instead, the local government must accept and utilize the findings and conclusions made in the federal or state agency's environmental review.

Under **section 1.7**, when the developer prepares and submits an environmental impact statement, the developer must provide a professional, detailed, thorough and comprehensive analysis and explanation concerning the environmental impacts that the proposed project will have on natural resources overlay lands. In reviewing and analyzing the environmental

impact statement, **section 1.7** permits the local government to use the regulations adopted by the Council on Environmental Quality pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321 et seq.) as a guide in determining whether the environmental impact statement accurately and appropriately addresses the environmental impacts that the proposed project will have on natural resources overlay lands, but those regulations are not binding or determinative.

Under **section 1.75**, before the local government takes final action on the proposed project, it must apply and weigh several factors relating to the impact of the proposed project on natural resources overlay lands, including: (1) whether the proposed project will be located near or in close proximity to existing developed or urban lands or existing undeveloped or rural lands; (2) whether the proposed project will be located near or in close proximity to existing infrastructure and utilities or whether the project will require extensive work to build necessary infrastructure and utilities; (3) whether the proposed project will have significant beneficial or adverse environmental impacts; (4) whether the proposed project will restrict or impair open space or public access to open space; and (5) whether the proposed project will protect or preserve or destroy or impair natural terrain, native vegetation, wildlife habitat, watershed areas, scenic views or geological formations. In addition to these factors, **section 1.75** permits the local government to consider other factors relating to planning, subdivision regulation and zoning that are stricter or more protective of natural resources overlay lands.

Under **section 1.8**, if the local government does not strictly comply with this bill when it takes any final action on the proposed project: (1) the final action is deemed void and is of no legal force or effect; and (2) any person aggrieved by the final action may appeal the final action to the district court by filing a petition for judicial review against the local government within the 25-day appeal period. If an aggrieved party timely files a petition for judicial review, **section 1.8** provides that the court must determine, based upon the record, whether the local government strictly complied with this bill and whether the local government's determination was based upon substantial evidence in the record. If the aggrieved party prevails on any claim for relief against the local government, **section 1.8** provides that the aggrieved party is entitled to an award of reasonable attorney's fees and court costs. **Section 1.8** also provides that the developer cannot be awarded attorney's fees or court costs, regardless of the outcome of the judicial review, unless the court imposes them as a penalty against another party for ethically or procedurally improper conduct that is independently sanctionable under court rules or other laws.

Finally, during the 1993 Legislative Session, the Legislature enacted Senate Bill No. 544 (1993 Red Rock Canyon Act), which is a special act that regulates certain uses of land within the Red Rock Canyon National Conservation Area in Clark County. (Chapter 639, Statutes of Nevada 1993, p. 2673) During the 2003 Legislative Session, the Legislature amended the

1993 Red Rock Canyon Act by enacting Senate Bill No. 358 (2003 Red Rock Canyon Act), which is a special act that restricts the authority of local governments to regulate planning, subdividing and zoning of certain lands located in and adjacent to the Red Rock Canyon National Conservation Area in Clark County. (Chapter 639, Statutes of Nevada 1993, p. 2673, as amended by chapter 105, Statutes of Nevada 2003, p. 595) In 2013, the Nevada Supreme Court ruled that the 2003 Red Rock Canyon Act violates Sections 20, 21 and 25 of Article 4 of the Nevada Constitution on the grounds that it: (1) is a "local or special law" that "regulates county business"; and (2) establishes a "system of county government" that is not "uniform throughout the State." (*Attorney General v. Gypsum Resources*, 129 Nev. Adv. Op. 4, 294 P.3d 404 (2013))

To conform existing statutory provisions with the constitutional requirements established by the Nevada Supreme Court in *Gypsum Resources* and to resolve any statutory conflicts with this bill, **section 5** of this bill repeals: (1) the pertinent provisions of the 1993 Red Rock Canyon Act and the 2003 Red Rock Canyon Act; and (2) related provisions of the Nevada Revised Statutes. (NRS 244.154, 268.105, 269.617, 278.0239) In addition, **section 5** also repeals certain provisions of the Spring Mountains National Recreation Area Act, chapter 198, Statutes of Nevada 2009, p. 734, which are similar to the provisions of the 2003 Red Rock Canyon Act that the Court in *Gypsum Resources* held unconstitutional.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.1 to 1.8, inclusive, of this act.

Sec. 1.1. ***1. The Legislature hereby finds that:***

(a) Some of this State's most valuable and distinctive natural resources are found within national conservation areas in Nevada, and those natural resources must be protected and preserved because they are uniquely beautiful, incomparably scenic and geologically, scientifically, historically and culturally significant;

(b) The natural resources found within national conservation areas in Nevada also contribute to the public's health, well-being and welfare and stimulate this State's economy because those natural resources offer unparalleled recreational opportunities in peaceful and idyllic settings which are enjoyed by the residents of this State and which draw many tourists, sightseers and recreational users from other states and countries to Nevada; and

(c) Because of the importance of the natural resources found within national conservation areas in Nevada, there is a legitimate and compelling need to enact uniform statewide standards to regulate development on lands within or surrounding national conservation areas in Nevada to ensure that development on such lands proceeds at the local level in an

orderly and responsible manner without detrimentally and irreversibly impacting the natural resources found within national conservation areas in Nevada.

2. The Legislature hereby declares that it is in the best interests of this State, beneficial to the public's health, well-being and welfare and necessary and essential for protecting and preserving this State's natural resources and for securing, promoting and obtaining the benefits of those natural resources for present and future generations to:

(a) Designate and define natural resources overlay lands;

(b) Establish uniform statewide standards that local governments must strictly comply with when regulating the use of those lands; and

(c) Provide for judicial review and other appropriate remedies to ensure that local governments strictly comply with those standards.

Sec. 1.15. *As used in sections 1.1 to 1.8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 1.2 to 1.5, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 1.2. *1. "Developer" means a person who wants to undertake or complete any proposed project to develop, improve or build on natural resources overlay lands.*

2. The term does not include:

(a) A governmental entity.

(b) A public utility as defined in NRS 704.020.

(c) A video service provider as defined in NRS 711.151.

Sec. 1.25. *1. "Development agreement" means any agreement for the development of lands authorized pursuant to NRS 278.0201 to 278.0207, inclusive.*

2. The term does not include any development agreement that was approved and recorded pursuant to NRS 278.0201 to 278.0207, inclusive, before the effective date of this act.

Sec. 1.3. *"Environmental impact statement" means a detailed report which a developer prepares and submits pursuant to sections 1.1 to 1.8, inclusive, of this act for the purposes of providing both the local government and the public with detailed information concerning the environmental impacts that a proposed project will have on natural resources overlay lands.*

Sec. 1.35. *1. "Final action" means any final action, decision or order that is taken by:*

(a) The governing body of a local government; or

(b) Any public officer, as defined in NRS 281.005, or commission, board or other body of the local government that is taking such final action, decision or order in lieu of any final action, decision or order taken by the governing body.

2. The term includes, without limitation, any final action, decision or order that is taken with regard to:

(a) Establishing new zoning districts;

(b) Amending, altering or expanding existing zoning districts;

(c) Establishing or increasing the number or density of units within zoning districts;

(d) Granting or allowing variances or special uses within zoning districts; or

(e) Approving any development agreement.

3. The term does not include any final action, decision or order that is taken with regard to any parcel of land subject to or any other land developed pursuant to any development agreement that was approved and recorded pursuant to NRS 278.0201 to 278.0207, inclusive, before the effective date of this act.

Sec. 1.4. *"National conservation area" means any area designated by federal law as a national conservation area by the Congress of the United States.*

Sec. 1.45. *1. "Natural resources overlay lands" means all parcels of land located:*

(a) Within the boundary of any national conservation area in this State; or

(b) Not more than one-half mile outside the boundary of any national conservation area in this State.

2. The term includes, without limitation:

(a) Any parcel of land in its natural state;

(b) Any parcel of land that is zoned, rezoned or not zoned;

(c) Any parcel of land that is subdivided or developed into smaller parcels or lots;

(d) Any parcel of land that is developed for any residential or nonresidential use; or

(e) Any other parcel of land that is undeveloped or developed, in whole or in part, regardless of its use.

3. The term does not include any parcel of land subject to or any other land developed pursuant to any development agreement that was approved and recorded pursuant to NRS 278.0201 to 278.0207, inclusive, before the effective date of this act.

4. For the purposes of this section, if any parcel of land is located partially but not entirely within natural resources overlay lands:

(a) The portion of the parcel within natural resources overlay lands is subject to sections 1.1 to 1.8, inclusive, of this act; and

(b) The remaining portion of the parcel is not subject to sections 1.1 to 1.8, inclusive, of this act, unless a proposed project on the remaining portion includes any part of the portion of the parcel within natural resources overlay lands.

Sec. 1.5. *1. "Project" means any project to develop, improve or build on natural resources overlay lands that requires final action by a local government.*

2. The term does not include any public parks, trailheads, trails or other public recreational facilities that are constructed by a ~~[local government]~~ governmental entity or by a developer pursuant to any development agreement.

Sec. 1.55. *1. Notwithstanding any other provision of law to the contrary:*

(a) The powers otherwise conferred by this chapter which relate to planning, subdivision regulation and zoning are subordinate to the provisions of sections 1.1 to 1.8, inclusive, of this act; and

(b) A local government shall strictly comply with the provisions of sections 1.1 to 1.8, inclusive, of this act.

2. If there is a conflict between any other provisions of this chapter and the provisions of sections 1.1 to 1.8, inclusive, of this act, the provisions of sections 1.1 to 1.8, inclusive, of this act control.

3. The provisions of sections 1.1 to 1.8, inclusive, of this act:

(a) Establish, as a minimum threshold, uniform statewide standards relating to natural resources overlay lands; and

(b) Must not be interpreted to preempt or otherwise limit a local government from imposing, with regard to those lands, standards relating to planning, subdivision regulation and zoning that are stricter or more protective of natural resources overlay lands than the standards set forth in sections 1.1 to 1.8, inclusive, of this act.

Sec. 1.6. *For the purposes of carrying out the provisions of sections 1.1 to 1.8, inclusive, of this act, a local government may enact ordinances and adopt policies and procedures that implement and facilitate those provisions and are consistent therewith, including, without limitation, requiring developers to pay for the costs of the local government to review and analyze an environmental impact statement.*

Sec. 1.65. *1. Except as otherwise provided in this section, if a developer wants to undertake or complete any proposed project on natural resources overlay lands, a local government shall not take any final action regarding the proposed project unless:*

(a) The developer prepares and submits an environmental impact statement that complies with section 1.7 of this act;

(b) The local government posts the environmental impact statement on its Internet website at least 15 calendar days before the public hearing at which the local government may take final action; and

(c) The local government applies and weighs the factors set forth in section 1.75 of this act.

2. If an environmental review relating to the proposed project has already been conducted by an appropriate federal agency or state agency pursuant to federal or state law:

(a) The local government shall accept and utilize the findings and conclusions made in that review for the purposes of carrying out the provisions of sections 1.1 to 1.8, inclusive, of this act; and

(b) The developer is not required to prepare and submit an additional environmental impact statement that complies with section 1.7 of this act.

Sec. 1.7. ***1. In an environmental impact statement, a developer must provide a professional, detailed, thorough and comprehensive analysis and explanation concerning the environmental impacts that a proposed project will have on natural resources overlay lands.***

2. The developer must pay all costs associated with preparation of the environmental impact statement.

3. The environmental impact statement must analyze and explain:

(a) All significant beneficial and adverse environmental impacts of the proposed project;

(b) All significant adverse environmental impacts of the proposed project which cannot be avoided if the proposed project is completed or which would have irreversible consequences if the project is completed;

(c) All reasonable alternatives to the proposed project;

(d) All mitigation measures which must be implemented to address, alleviate or offset the significant adverse environmental impacts of the proposed project; and

(e) The growth-inducing impact of the proposed project.

4. For the purposes of the environmental impact statement:

(a) Significant beneficial environmental impacts may include, without limitation:

(1) The development or use of renewable energy or renewable energy generation projects;

(2) The establishment or maintenance of public parks, trailheads, trails or other public recreational facilities;

(3) The development or use of land for recreational, educational or charitable purposes by a nonprofit organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c) or state law; or

(4) The protection or preservation of natural terrain, native vegetation, wildlife habitat, watershed areas, scenic views or geological formations.

(b) Significant adverse environmental impacts may include, without limitation:

(1) The development or use of fossil fuels;

(2) The generation of air pollution, water pollution, light pollution, noise pollution or other types of pollution;

(3) The restriction or elimination of open space or public access to open space; or

(4) The destruction or impairment of natural terrain, native vegetation, wildlife habitat, watershed areas, scenic views or geological formations.

5. In reviewing and analyzing an environmental impact statement, the local government may use the regulations adopted by the Council on Environmental Quality pursuant to the National Environmental Policy Act

of 1969, 42 U.S.C. §§ 4321 et seq., as a guide in determining whether an environmental impact statement accurately and appropriately addresses the environmental impacts that the proposed project will have on natural resources overlay lands, but those regulations are not binding or determinative.

Sec. 1.75. ***1. Before a local government takes any final action regarding a proposed project on natural resources overlay lands, the local government shall apply and weigh the following factors:***

(a) Whether the proposed project will be located near or in close proximity to existing developed or urban lands or existing undeveloped or rural lands.

(b) Whether the proposed project will be located near or in close proximity to existing infrastructure and utilities or whether the project will require extensive work to build necessary infrastructure and utilities.

(c) Whether the proposed project will have significant beneficial or adverse environmental impacts.

(d) Whether the proposed project will restrict or impair open space or public access to open space.

(e) Whether the proposed project will protect or preserve or destroy or impair natural terrain, native vegetation, wildlife habitat, watershed areas, scenic views or geological formations.

2. The provisions of this section:

(a) Establish, as a minimum threshold, the factors that a local government must apply and weigh before the local government takes any final action regarding a proposed project on natural resources overlay lands; and

(b) Must not be interpreted to preempt or otherwise limit a local government from applying and weighing, with regard to those lands, other factors relating to planning, subdivision regulation and zoning that are stricter or more protective of natural resources overlay lands than the factors set forth in this section.

Sec. 1.8. ***1. A local government shall not take any final action regarding a proposed project on natural resources overlay lands unless the local government strictly complies with the provisions of sections 1.1 to 1.8, inclusive, of this act.***

2. If a local government does not strictly comply with the provisions of sections 1.1 to 1.8, inclusive, of this act when it takes any final action regarding a proposed project on natural resources overlay lands:

(a) The final action shall be deemed to be void and of no legal force or effect; and

(b) Any person aggrieved by the final action may appeal the final action to the district court of the proper county by filing a petition for judicial review against the local government within 25 days after the date of filing of notice of the final action with the clerk or secretary of the governing body of the local government as set forth in NRS 278.0235.

3. For the purposes of this section, a person shall be deemed to be aggrieved by the final action taken by the local government if the person appeared before the local government, either in person, through an authorized representative or in writing, regarding the final action.

4. If a person brings a petition for judicial review pursuant to this section:

(a) The purpose of the judicial review is for the court to determine, based upon the record, whether the local government strictly complied with the provisions of sections 1.1 to 1.8, inclusive, of this act and whether the determination of the local government was based upon substantial evidence in the record.

(b) If the person prevails on any claim for relief against the local government, the court shall award reasonable attorney's fees and court costs to the person regarding the prevailing claim, but the developer whose proposed project is the subject of the judicial review may not be awarded attorney's fees or court costs, regardless of the outcome of the judicial review, unless the court imposes them as a penalty against another party for ethically or procedurally improper conduct that is independently sanctionable under court rules or laws other than this section.

5. The petition for judicial review and remedies prescribed by this section are in addition to any other forms of judicial review and remedies provided by law.

Sec. 2. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of law to the contrary:

(a) The powers otherwise conferred by this chapter which relate to planning, subdivision regulation and zoning are subordinate to the provisions of sections 1.1 to 1.8, inclusive, of this act; and

(b) A local government shall strictly comply with the provisions of sections 1.1 to 1.8, inclusive, of this act.

2. If there is a conflict between any other provisions of this chapter and the provisions of sections 1.1 to 1.8, inclusive, of this act, the provisions of sections 1.1 to 1.8, inclusive, of this act control.

3. The provisions of sections 1.1 to 1.8, inclusive, of this act:

(a) Establish, as a minimum threshold, uniform statewide standards relating to natural resources overlay lands; and

(b) Must not be interpreted to preempt or otherwise limit a local government from imposing, with regard to those lands, standards relating to planning, subdivision regulation and zoning that are stricter or more protective of natural resources overlay lands than the standards set forth in sections 1.1 to 1.8, inclusive, of this act.

Sec. 3. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of law to the contrary:

(a) The powers otherwise conferred by this chapter which relate to planning, subdivision regulation and zoning are subordinate to the provisions of sections 1.1 to 1.8, inclusive, of this act; and

(b) A local government shall strictly comply with the provisions of sections 1.1 to 1.8, inclusive, of this act.

2. If there is a conflict between any other provisions of this chapter and the provisions of sections 1.1 to 1.8, inclusive, of this act, the provisions of sections 1.1 to 1.8, inclusive, of this act control.

3. The provisions of sections 1.1 to 1.8, inclusive, of this act:

(a) Establish, as a minimum threshold, uniform statewide standards relating to natural resources overlay lands; and

(b) Must not be interpreted to preempt or otherwise limit a local government from imposing, with regard to those lands, standards relating to planning, subdivision regulation and zoning that are stricter or more protective of natural resources overlay lands than the standards set forth in sections 1.1 to 1.8, inclusive, of this act.

Sec. 4. Chapter 269 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of law to the contrary:

(a) The powers otherwise conferred by this chapter which relate to planning, subdivision regulation and zoning are subordinate to the provisions of sections 1.1 to 1.8, inclusive, of this act; and

(b) A local government shall strictly comply with the provisions of sections 1.1 to 1.8, inclusive, of this act.

2. If there is a conflict between any other provisions of this chapter and the provisions of sections 1.1 to 1.8, inclusive, of this act, the provisions of sections 1.1 to 1.8, inclusive, of this act control.

3. The provisions of sections 1.1 to 1.8, inclusive, of this act:

(a) Establish, as a minimum threshold, uniform statewide standards relating to natural resources overlay lands; and

(b) Must not be interpreted to preempt or otherwise limit a local government from imposing, with regard to those lands, standards relating to planning, subdivision regulation and zoning that are stricter or more protective of natural resources overlay lands than the standards set forth in sections 1.1 to 1.8, inclusive, of this act.

Sec. 4.5. 1. If, before the effective date of this act, a local government took final action that approved any project to develop lands located within natural resources overlay lands, including, without limitation, any project under a development agreement approved and recorded pursuant to NRS 278.0201 to 278.0207, inclusive, and the local government's final action of approval remained in effect and was enforceable on the effective date of this act, the provisions of this act do not apply to such a project or agreement.

2. **The provisions of this act do not apply to any lands located within natural resources overlay lands that, on the effective date of this act, are owned wholly and exclusively by one or more nonprofit organizations**

that qualify as tax-exempt organizations pursuant to 26 U.S.C. § 501(c)(3) or substantially similar provisions of state law, unless on or after the effective date of this act, any interests in the lands are sold, transferred, conveyed or otherwise alienated to any person who is not such a nonprofit organization and is subject to the provisions of this act.

3. As used in this section, the words and terms defined in sections 1.1 to 1.5, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 5. 1. NRS 244.154, 268.105, 269.617 and 278.0239 are hereby repealed.

2. Sections 1, 2, 3 and 4 of chapter 639, Statutes of Nevada 1993, at page 2673, sections 6, 7, 8, 9 and 10 of chapter 105, Statutes of Nevada 2003, at pages 596, 597 and 598, and section 8 of chapter 198, Statutes of Nevada 2009, at page 736, are hereby repealed.

Sec. 6. This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS OF NRS AND TEXT OF REPEALED SECTIONS OF STATUTES OF NEVADA

244.154 Planning, subdivision regulation and zoning: County's powers subordinate to limits upon development established in certain geographical regions by certain state acts.

268.105 City's powers subordinate in region for which Spring Mountains National Recreation Area Act and Red Rock Canyon Conservation Area and Adjacent Lands Act establish limits upon development.

269.617 Powers relating to planning, subdivision regulation and zoning subordinate in region for which Spring Mountains National Recreation Area and Red Rock Canyon Conservation Area and Adjacent Lands Act establish limits upon development.

278.0239 Supremacy of limits upon development established by certain special legislative acts.

Section 1 of chapter 639, Statutes of Nevada 1993:

Section 1. The legislature finds and declares that this special act which regulates activity in the Red Rock Canyon national conservation area is necessary because of:

1. The unusual beauty of the Red Rock Canyon national conservation area; and

2. The rapidly increasing population and growth in the region around the Red Rock Canyon national conservation area.

Section 2 of chapter 639, Statutes of Nevada 1993:

Sec. 2. As used in sections 1 to 4, inclusive, of this act, "Red Rock Canyon national conservation area" means the area in and around Red

Rock Canyon which has been designated as a national conservation area by Congress pursuant to Title 16 of the United States Code.

Section 3 of chapter 639, Statutes of Nevada 1993:

Sec. 3. 1. Except as otherwise provided in subsection 2, the governing body of a city or county whose territory includes all or any part of the Red Rock Canyon national conservation area shall in regulating the use of land prohibit the use of any part of the national conservation area for any purpose other than recreation, and shall prohibit excavation, the extraction of any substance, and the erection of any structure within the national conservation area.

2. Within the boundaries of a patented or unpatented mining claim the governing body may permit excavation, the extraction of any substance, or the making of improvements only to the extent permitted by a federally approved plan of operations or exempted by federal law or regulation from having an approved plan of operations.

Section 4 of chapter 639, Statutes of Nevada 1993:

Sec. 4. In the absence or pending the adoption and effectiveness of an ordinance complying with section 3 of this act, excavation, the extraction of any substance, and the erection of any structure are prohibited within the Red Rock Canyon national conservation area unless a permit is first obtained from the division of environmental protection of the state department of conservation and natural resources. The division shall not issue such a permit if the proposed activity would be detrimental to the environment outside the Red Rock Canyon national conservation area or would preclude the designation of the national conservation area as wilderness.

Section 6 of chapter 105, Statutes of Nevada 2003:

Sec. 6. Chapter 639, Statutes of Nevada 1993, at page 2673, is hereby amended by adding thereto a new section to be designated as section 0.5, immediately preceding section 1, to read as follows:

This act shall be known as the Red Rock Canyon Conservation Area and Adjacent Lands Act.

Section 7 of chapter 105, Statutes of Nevada 2003:

Sec. 7. Chapter 639, Statutes of Nevada 1993, at page 2673, is hereby amended by adding thereto new sections to be designated as sections 1.3 and 1.7, immediately following section 1, to read as follows:

Sec. 1.3. ***As used in this act, unless the context otherwise requires, the words and terms defined in sections 1.7 and 2 of this act have the meanings ascribed to them in those sections.***

Sec. 1.7. ***"Adjacent lands" means the following tracts of land:***

1. All of sections 34, 35 and 36, Township 20 South, Range 58 East, MDM;

2. All of sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35 and 36, Township 21 South, Range 58 East, MDM;

3. All of sections 1, 2, 3, 10, 11, 12, 13, 14 and 15, Township 22 South, Range 58 East, MDM;

4. All of sections 31 and 32, Township 20 South, Range 59 East, MDM, with the exception of any lands that are located within the corporate limits of the City of Las Vegas on the effective date of this act;

5. All of sections 3 and 4, Township 21 South, Range 59 East, MDM, with the exception of any lands that are located within the corporate limits of the City of Las Vegas on the effective date of this act;

6. All of sections 5, 6, 7, 8, 9, 10 and 11, Township 21 South, Range 59 East, MDM, with the exception of any lands that are located within the Summerlin South unincorporated area on the effective date of this act;

7. All of sections 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33 and 34, Township 21 South, Range 59 East, MDM; and

8. All of sections 3, 4, 5, 6, 7, 8, 9, 10, 17 and 18, Township 22 South, Range 59 East, MDM.

Section 8 of chapter 105, Statutes of Nevada 2003:

Sec. 8. Chapter 639, Statutes of Nevada 1993, at page 2673, is hereby amended by adding thereto new sections to be designated as sections 4.3 and 4.7, immediately following section 4, to read as follows:

Sec. 4.3. ***With respect to adjacent lands, a local government:***

1. Shall not, in regulating the use of those lands:

(a) Increase the number of residential dwelling units allowed by zoning regulations in existence on the effective date of this act, unless such an increase can be accomplished, within a given area, by the trading of development credits or another mechanism that allows a greater number of residential dwelling units to be constructed in that area without increasing the overall density of residential dwelling units in that area;

(b) Establish any new nonresidential zoning districts, other than for public facilities; or

(c) Expand the size of any nonresidential zoning district in existence on the effective date of this act, other than for public facilities.

2. Shall, at its discretion:

(a) Regulate matters to include, without limitation, landscaping, buffering, screening, signage and lighting; and

(b) Retain all other authority regarding planning, zoning and regulation of uses of land.

Sec. 4.7. ***The prohibitions set forth in section 4.3 of this act with respect to adjacent lands do not restrict or limit:***

1. Any existing or future development or other rights held by any owner of real property that is not part of those adjacent lands, including, without limitation, all rights, consents and agreements established, enacted, granted or entered into by a governing body, whether reflected in codes, ordinances, permits, agreements or other documents;

2. Any future use or development of real property that is not part of those adjacent lands; or

3. The authority of any governing body to regulate real property that is not part of those adjacent lands.

Section 9 of chapter 105, Statutes of Nevada 2003:

Sec. 9. Section 1 of chapter 639, Statutes of Nevada 1993, at page 2673, is hereby amended to read as follows:

Section 1. The legislature ***hereby*** finds and declares that ~~[~~this~~]~~:

1. This special act which regulates activity in the Red Rock Canyon National Conservation Area ***and on adjacent lands*** is necessary because of:

~~[~~1.~~]~~ ***(a)*** The unusual beauty of the Red Rock Canyon National Conservation Area; ~~[~~and

~~2.~~~~]~~ ***(b)*** The rapidly increasing population and growth in the region around the Red Rock Canyon National Conservation Area ~~[~~.~~]~~ ***; and***

(c) The need to harmonize:

(1) The retention of the scenic beauty, small-town values, historic character, sense of community and recreational opportunities for visitors and residents of the Red Rock Canyon National Conservation Area and adjacent lands; and

(2) Residential and commercial development within the Red Rock Canyon National Conservation Area and adjacent lands.

2. The Legislature supports acquisition by the Federal Government of vacant private lands that are:

(a) Located within and adjacent to the Red Rock Canyon National Conservation Area;

(b) Located outside of the boundary described in the Clark County Conservation of Public Lands and Natural Resources Act of 2002, Public Law 107-282, November 6, 2002; and

(c) Essential to the character and value of the Red Rock Canyon National Conservation Area.

Section 10 of chapter 105, Statutes of Nevada 2003:

Sec. 10. Section 2 of chapter 639, Statutes of Nevada 1993, at page 2673, is hereby amended to read as follows:

Sec. 2. ~~[As used in section 1 to 4, inclusive, of this act,]~~ "Red Rock Canyon National Conservation Area" means the area in and around Red Rock Canyon which has been designated as a national conservation area by Congress pursuant to Title 16 of the United States Code.

Section 8 of chapter 198, Statutes of Nevada 2009:

Sec. 8. With respect to the Spring Mountains National Recreation Area, a local government:

1. Shall not, in regulating the use of those lands:

(a) Increase the number of residential dwelling units allowed by zoning regulations in existence on the effective date of this act;

(b) Establish any new nonresidential zoning districts, other than for public facilities; or

(c) Expand the size of any nonresidential zoning district in existence on the effective date of this act, other than for public facilities.

2. May regulate matters to include, without limitation, landscaping, buffering, screening, signage and lighting.

3. Retains all other authority regarding planning, zoning and regulation of uses of land.

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 796 to Assembly Bill No. 277.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

The amendment excludes a governmental entity, a public utility, and a video service provider from the definition of "developer;" creates an exemption for any land subject to or developed pursuant to any development agreement that was approved and recorded before the effective date of this bill; and creates an exemption for certain tax exempt, nonprofit organizations.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 46.

The following Senate amendment was read:

Amendment No. 748.

AN ACT relating to mental health; providing for the certification and regulation of providers of community-based living arrangement services; **requiring a person or entity to consider certain factors when determining the placement of a person with a mental illness or a person with a related condition;** clarifying that providers of community-based living arrangement services, supported living arrangement services and temporary respite services are not subject to certain licensing and regulatory requirements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) imposes certain requirements relating to supported living arrangement services provided to persons with intellectual disabilities and related conditions; and (2) authorizes the Aging and Disability Services Division of the Department of Health and Human Services to take certain actions to regulate the provision of such services. (NRS 435.3305-435.339) **Sections 2-12** of this bill enact similar provisions that apply to community-based living arrangement services. **Section 4** defines "community-based living arrangement services" to mean flexible, individualized services provided in the home to persons with mental illness or persons with related conditions that are designed to help such persons maximize their independence.

Section 5 requires a person or entity to be certified by the Division of Public and Behavioral Health of the Department or be a natural person who is employed by the holder of a certificate before providing community-based living arrangement services. **Section 6**: (1) requires the State Board of Health to adopt regulations governing community-based living arrangement services; and (2) authorizes the Board to impose a fee for the issuance or renewal of a certificate. **Section 7**: (1) requires an applicant for renewal of a certificate who has a state business registration to provide his or her business identification number in the application; and (2) prohibits the renewal of a certificate if the applicant fails to provide such information or is delinquent on a debt to a state agency.

Section 8 authorizes the Division to investigate an applicant for the issuance or renewal of a certificate or a provider of community-based living arrangement services against whom a complaint has been filed. **Section 8** also authorizes the Division to employ such persons and enter into such agreements as are necessary to carry out provisions of law governing community-based living arrangement services. **Section 9** authorizes the Division to bring an action to enjoin any person or entity who provides community-based living arrangement services without a certificate or after a certificate has been revoked or suspended.

Existing federal law requires each state to adopt procedures to ensure that applicants for certain licenses and certificates comply with child support obligations. (42 U.S.C. § 666) **Sections 10-12** enact such procedures applicable to applicants for certificates in order to comply with federal law.

Section 12.5 of this bill requires any person or entity that determines the placement of a person with a mental illness or a person with a related condition to consider the ability of a facility or provider of services to meet the needs of the person and ensure the safety of the person.

Certain providers of nursing services are subject to regulation under existing law as medical facilities. (NRS 449.0015, 449.0151, 449.0153) **Sections 16 and 19** of this bill exempt providers of community-based living arrangement services from those provisions. Existing law defines "supported

living arrangement services" to mean flexible, individualized services provided in the home, for compensation, to a person with an intellectual disability or a person with a related condition that are designed and coordinated to assist the person in maximizing the person's independence. (NRS 435.3315) **Sections 18 and 20** of this bill clarify that a home in which community-based living arrangement services or supported living arrangement services are provided does not constitute a residential facility for groups or a home for individual residential care subject to regulation under chapter 449 of NRS. **Section 17** of this bill provides that an agency that contracts with the Aging and Disability Services Division of the Department to provide temporary respite services, which are services provided to a natural person periodically to provide a respite to the person's regular caregiver, is not an agency to provide personal care services in the home subject to regulation under chapter 449 of NRS.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 433 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[12,]~~ **12.5,** inclusive, of this act.

Sec. 2. ***As used in sections 2 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Certificate" means a certificate that authorizes a natural person or entity to provide services that is issued by the Division pursuant to sections 2 to 12, inclusive, of this act and the regulations adopted pursuant thereto.***

Sec. 4. ***"Community-based living arrangement services" or "services" means flexible, individualized services, including, without limitation, training and habilitation services, that are:***

1. Provided in the home, for compensation, to persons with mental illness or persons with related conditions who are served by the Division or any other entity; and

2. Designed and coordinated to assist such persons in maximizing their independence.

Sec. 5. ***1. Except as otherwise provided in subsection 2, a person, government or governmental agency shall not provide services without first obtaining a certificate from the Division.***

2. A natural person who has not been issued a certificate but is employed by the holder of a certificate may provide services within the scope of his or her employment by the holder.

Sec. 6. ***1. The State Board of Health shall adopt regulations governing services, including, without limitation, regulations that set forth:***

(a) Standards for the provision of quality care by a provider of services;

(b) Requirements for the issuance and renewal of a certificate; and

(c) The rights of consumers of services, in addition to those prescribed in this chapter, including, without limitation, the right of a consumer to file a complaint against a provider of services and the procedure for filing such a complaint.

2. The State Board of Health may, by regulation, prescribe a fee for:

(a) The issuance of a certificate; and

(b) The renewal of a certificate.

3. Any fee prescribed pursuant to subsection 2 must be calculated to produce the revenue estimated to cover the costs related to the issuance and renewal of certificates, but in no case may the fee for the issuance or renewal of a certificate exceed the actual cost to the Division of issuing or renewing the certificate, as applicable.

Sec. 7. *1. In addition to any other requirements set forth in this chapter and the regulations adopted pursuant to section 6 of this act, an applicant for the renewal of a certificate must indicate in the application submitted to the Division whether the applicant has a state business registration. If the applicant has a state business registration, the applicant must include in the application the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS.*

2. A certificate may not be renewed if:

(a) The applicant fails to submit the information required by subsection 1; or

(b) The State Controller has informed the Division pursuant to subsection 5 of NRS 353C.1965 that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

(2) Entered into an agreement for the payment of the debt pursuant to NRS 353C.130; or

(3) Demonstrated that the debt is not valid.

3. As used in this section:

(a) "Agency" has the meaning ascribed to it in NRS 353C.020.

(b) "Debt" has the meaning ascribed to it in NRS 353C.040.

Sec. 8. *The Division may:*

1. Upon receipt of an application for a certificate, conduct an investigation into the qualifications of the personnel, methods of operation, policies and purposes of the applicant;

2. Upon receipt of a complaint against a provider of services, except for a complaint concerning the cost of services, conduct an investigation into the qualifications of the personnel, methods of operation, policies, procedures and records of the provider of services;

3. Employ such professional, technical and clerical assistance as it deems necessary to carry out the provisions of sections 2 to 12, inclusive, of this act; and

4. Enter into such agreements with public and private agencies as it deems necessary for the provision of services.

Sec. 9. *1. The Division may bring an action in the name of the State of Nevada to enjoin any person, government or governmental agency from providing services:*

(a) Without first obtaining a certificate from the Division; or

(b) After the certificate has been revoked or suspended by the Division.

2. It is sufficient in such an action to allege that the defendant did, on a certain date and in a certain place, provide services without a certificate.

Sec. 10. *1. A natural person who applies for the issuance or renewal of a certificate must submit to the Division the statement prescribed by the Division of Welfare and Supportive Services of the Department pursuant to NRS 425.520. The statement must be completed and signed by the applicant.*

2. The Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certificate; or

(b) A separate form prescribed by the Division.

3. A certificate may not be issued or renewed by the Division if the applicant is a natural person who:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 11. *The application of a natural person who applies for the issuance of a certificate must include the social security number of the applicant.*

Sec. 12. *1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a natural person who is the holder of a certificate, the Division shall deem the certificate issued to that person to be suspended at the end of the 30th day after the date the court order was issued unless the Division receives a letter issued to the holder of the certificate by the*

district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the certificate has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Division shall reinstate a certificate that has been suspended by a district court pursuant to NRS 425.540 if the Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certificate was suspended stating that the person whose certificate was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 12.5. 1. Any person or entity, including, without limitation, the Division, that determines the placement of a person with a mental illness or a person with a related condition in a mental health facility, medical facility or facility for the dependent, with a provider of community-based living arrangement services or any other placement shall, when making such a determination, consider whether the mental health facility, medical facility, facility for the dependent, provider of community-based living arrangement services or other placement is capable of:

(a) Adequately addressing the needs of the person for care and services, including, without limitation, the administration of medication; and

(b) Ensuring the safety of the person in the event of a fire or other emergency.

2. As used in this section:

(a) "Community-based living arrangement services" has the meaning ascribed to it in section 4 of this act.

(b) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 13. NRS 439B.225 is hereby amended to read as follows:

439B.225 1. As used in this section, "licensing board" means any division or board empowered to adopt standards for the issuance or renewal of licenses, permits or certificates of registration pursuant to NRS 435.3305 to 435.339, inclusive, chapter 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640D, 641, 641A, 641B, 641C, 652 or 654 of NRS ~~[.]~~ ***or sections 2 to 12, inclusive, of this act.***

2. The Committee shall review each regulation that a licensing board proposes or adopts that relates to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the board, giving consideration to:

(a) Any oral or written comment made or submitted to it by members of the public or by persons or facilities affected by the regulation;

(b) The effect of the regulation on the cost of health care in this State;

(c) The effect of the regulation on the number of licensed, permitted or registered persons and facilities available to provide services in this State; and

(d) Any other related factor the Committee deems appropriate.

3. After reviewing a proposed regulation, the Committee shall notify the agency of the opinion of the Committee regarding the advisability of adopting or revising the proposed regulation.

4. The Committee shall recommend to the Legislature as a result of its review of regulations pursuant to this section any appropriate legislation.

Sec. 14. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

"Community-based living arrangement services" has the meaning ascribed to it in section 4 of this act.

Sec. 15. NRS 449.001 is hereby amended to read as follows:

449.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 449.0015 to 449.0195, inclusive, ***and section 14 of this act*** have the meanings ascribed to them in those sections.

Sec. 16. NRS 449.0015 is hereby amended to read as follows:

449.0015 ***1.*** "Agency to provide nursing in the home" means any person or governmental organization which provides in the home, through its employees or by contractual arrangement with other persons, skilled nursing and assistance and training in health and housekeeping skills.

2. The term does not include ~~[(a)]~~ ***:***

(a) A provider of community-based living arrangement services during any period in which the provider of community-based living arrangement services is engaged in providing community-based living arrangement services; or

(b) A provider of supported living arrangement services during any period in which the provider of supported living arrangement services is engaged in providing supported living arrangement services.

Sec. 17. NRS 449.0021 is hereby amended to read as follows:

449.0021 1. "Agency to provide personal care services in the home" means any person, other than a natural person, which provides in the home the services authorized pursuant to NRS 449.1935 to elderly persons or persons with disabilities.

2. The term does not include:

(a) An independent contractor who provides nonmedical services specified in NRS 449.1935 without the assistance of employees;

(b) An organized group of persons composed of the family or friends of a person needing personal care services that employs or contracts with persons to provide nonmedical services specified in NRS 449.1935 for the person if:

(1) The organization of the group of persons is set forth in a written document that is made available for review by the Division upon request; and

(2) The personal care services are provided to only one person or one family who resides in the same residence; ~~[or]~~

(c) An intermediary service organization ~~[.]~~ ***; or***

(d) A person or agency that contracts with the Aging and Disability Services Division of the Department of Health and Human Services to provide temporary respite services.

3. As used in this section ~~[~~, "intermediary~~]~~ ***:***

(a) "Intermediary service organization" has the meaning ascribed to it in NRS 449.4304.

(b) "Temporary respite services" means services provided through a contract with the Aging and Disability Services Division of the Department of Health and Human Services to a natural person on a periodic basis to provide a respite for a regular provider of services.

Sec. 18. NRS 449.0105 is hereby amended to read as follows:

449.0105 "Home for individual residential care" means a home in which a natural person furnishes food, shelter, assistance and limited supervision, for compensation, to not more than two persons with intellectual disabilities or with physical disabilities or who are aged or infirm, unless the persons receiving those services are related within the third degree of consanguinity or affinity to the person providing those services. The term does not include:

1. A halfway house for recovering alcohol and drug abusers; or

2. A home in which ***community-based living arrangement services or*** supported living arrangement services are provided by a provider of ~~[~~supported living arrangement~~]~~ ***such*** services during any period in which the provider ~~[~~of supported living arrangement services~~]~~ is engaged in providing ~~[~~supported living arrangement~~]~~ ***the*** services.

Sec. 19. NRS 449.0153 is hereby amended to read as follows:

449.0153 ***1.*** "Nursing pool" means a person or agency which provides for compensation, through its employees or by contractual arrangement with other persons, nursing services to any natural person, medical facility or facility for the dependent.

2. The term does not include:

~~[~~1.~~]~~ ***(a)*** An independent contractor who provides such services without the assistance of employees;

~~[~~2.~~]~~ ***(b)*** A nursing pool based in a medical facility or facility for the dependent; ~~[~~or

~~3.~~~~]~~ ***(c) A provider of community-based living arrangement services during any period in which the provider of community-based living arrangement services is engaged in providing community-based living arrangement services; or***

(d) A provider of supported living arrangement services during any period in which the provider of supported living arrangement services is engaged in providing supported living arrangement services.

Sec. 20. NRS 449.017 is hereby amended to read as follows:

449.017 1. Except as otherwise provided in subsection 2, "residential facility for groups" means an establishment that furnishes food, shelter, assistance and limited supervision to a person with an intellectual disability or with a physical disability or a person who is aged or infirm. The term includes, without limitation, an assisted living facility.

2. The term does not include:

(a) An establishment which provides care only during the day;

(b) A natural person who provides care for no more than two persons in his or her own home;

(c) A natural person who provides care for one or more persons related to him or her within the third degree of consanguinity or affinity;

(d) A halfway house for recovering alcohol and drug abusers; or

(e) A ~~[facility funded by a division or program of the Department of Health and Human Services.]~~ ***home in which community-based living arrangement services or supported living arrangement services are provided by a provider of such services during any period in which the provider is providing the services.***

Sec. 21. NRS 632.316 is hereby amended to read as follows:

632.316 The provisions of NRS 632.315 do not prohibit:

1. Gratuitous nursing by friends or by members of the family of a patient.

2. The incidental care of the sick by domestic servants or persons primarily employed as housekeepers as long as they do not practice nursing within the meaning of this chapter.

3. Nursing assistance in the case of an emergency.

4. The practice of nursing by students enrolled in accredited schools of nursing or by graduates of those schools or courses pending the results of the first licensing examination scheduled by the Board following graduation. A student or graduate may not work as a nursing assistant unless the student or graduate is certified to practice as a nursing assistant pursuant to the provisions of this chapter.

5. The practice of nursing in this State by any legally qualified nurse or nursing assistant of another state whose engagement requires the nurse or nursing assistant to accompany and care for a patient temporarily residing in this State during the period of one such engagement, not to exceed 6 months, if the person does not represent or hold himself or herself out as a nurse licensed to practice in this State or as a nursing assistant who holds a certificate to practice in this State.

6. The practice of any legally qualified nurse of another state who is employed by the United States Government, or any bureau, division or agency thereof, while in the discharge of his or her official duties in this State, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

7. Nonmedical nursing for the care of the sick, with or without compensation, if done by the adherents of, or in connection with, the practice of the religious tenets of any well-recognized church or religious denomination, if that nursing does not amount to the practice of practical or professional nursing as defined in NRS 632.017 and 632.018, respectively.

8. A personal assistant from performing services for a person with a disability pursuant to NRS 629.091.

9. ***A natural person from providing community-based living arrangement services if:***

(a) That person has been issued a certificate pursuant to sections 2 to 12, inclusive, of this act, and the regulations adopted pursuant to section 6 of this act; or

(b) That person is employed or retained as an independent contractor by a partnership, firm, corporation or association, state or local government or agency thereof that has been issued a certificate pursuant to sections 2 to 12, inclusive, of this act, and the regulations adopted pursuant to section 6 of this act.

➥ As used in this subsection, "community-based living arrangement services" has the meaning ascribed to it in section 4 of this act.

10. A natural person from providing supported living arrangement services if:

(a) That person has been issued a certificate pursuant to NRS 435.3305 to 435.339, inclusive, and the regulations adopted pursuant to NRS 435.3305 to 435.339, inclusive; or

(b) That person is employed or retained as an independent contractor by a partnership, firm, corporation or association, state or local government or agency thereof that has been issued a certificate pursuant to NRS 435.3305 to 435.339, inclusive, and the regulations adopted pursuant to NRS 435.3305 to 435.339, inclusive.

➥ As used in this subsection, "supported living arrangement services" has the meaning ascribed to it in NRS 435.3315.

Sec. 22. Notwithstanding the provisions of section 5 of this act, a person, government or governmental agency is not required to possess a certificate issued by the Division of Public and Behavioral Health of the Department of Health and Human Services to provide community-based living arrangement services in this State before October 1, 2017, unless the Division establishes, by regulation, an earlier date for compliance with section 5 of this act.

Sec. 23. 1. This act becomes effective on July 1, 2017.

2. Sections 10, 11 and 12 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with the subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblyman Sprinkle moved that the Assembly concur in the Senate Amendment No. 748 to Assembly Bill No. 46.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

The amendment revises A.B. 46 to require any person or entity that determines the placement of a person with a mental illness or related condition to consider the ability of the facility or provider of services to meet the person's needs and ensure his or her safety.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 299.

The following Senate amendment was read:

Amendment No. 752.

SUMMARY—Requires the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs to conduct a study concerning training standards for unlicensed persons providing care at certain facilities or homes or through certain agencies ~~[,]~~ **or providers.** (BDR S-985)

AN ACT relating to health care; requiring the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs to conduct a study during the 2017-2018 interim concerning standards of training for unlicensed persons who provide care at certain facilities or homes or through certain agencies ~~[,]~~ **or providers;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs. (NRS 218E.750) This bill requires the Committee to conduct a study during the 2017-2018 interim concerning standards of training for a person who is not a provider of health care and who provides care to a person through employment or contract ~~[at]~~ **with** a facility for intermediate care, facility for skilled nursing, agency to provide nursing in the home, agency to provide personal care services in the home, facility for the care of adults during the day, residential facility for groups ~~[or]~~ home for individual residential care ~~[.]~~ **or a provider of community-based living arrangement services or supported living arrangement services.** In addition, this bill requires the Committee to study the creation of a competency evaluation for a person who receives such training concerning the provision of care.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. The Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs created by NRS 218E.750 shall conduct a study during the 2017-2018 interim concerning standards of training for persons who are not providers of health care and who provide care to a person through employment or a contractual arrangement with a facility for intermediate care, facility for skilled nursing, facility for the care of adults during the day, residential facility for groups, home for individual residential care, an agency to provide nursing in the home ~~[or]~~ an agency to provide

personal care services in the home **[.]** **or a provider of community-based living arrangement services or supported living arrangement services.**

2. In conducting the study, the Committee shall consider:

(a) The specific types of training that a person who is not a provider of health care must receive before providing care to a person in a facility or home or through an agency **or provider** described in subsection 1; and

(b) The creation of a competency evaluation that a person who is not a provider of health care must successfully complete concerning the types of care the person will provide at a facility or home or through an agency **or provider** described in subsection 1.

3. The Committee shall include in its report required by subsection 3 of NRS 218E.760 on or before January 15, 2019, the results of the study conducted pursuant to this section and any recommendations for legislation.

4. As used in this section:

(a) "Agency to provide nursing in the home" has the meaning ascribed to it in NRS 449.0015.

(b) "Agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.

(c) **"Community-based living arrangement services" means flexible, individualized services, including, without limitation, training and habilitation services, that are:**

(1) Provided in the home, for compensation, to persons with mental illness or persons with related conditions who are served by the Division of Public and Behavioral Health of the Department of Health and Human Services or any other entity; and

(2) Designed and coordinated to assist such persons in maximizing their independence.

(d) "Facility for intermediate care" has the meaning ascribed to it in NRS 449.0038.

[(d)] (e) "Facility for skilled nursing" has the meaning ascribed to it in NRS 449.0039.

[(e)] (f) "Facility for the care of adults during the day" has the meaning ascribed to it in NRS 449.004.

[(f)] (g) "Home for individual residential care" has the meaning ascribed to it in NRS 449.0105.

[(g)] (h) "Residential facility for groups" has the meaning ascribed to it in NRS 449.017.

(i) "Supported living arrangement services" has the meaning ascribed to it in NRS 435.3315.

Sec. 2. This act becomes effective on July 1, 2017.

Assemblyman Sprinkle moved that the Assembly concur in the Senate Amendment No. 752 to Assembly Bill No. 299.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

This amendment expands the study conducted by the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs during the 2017-2018 interim to include standards of training for providers of community-based living arrangement services and supported living arrangement services.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 304.

The following Senate amendment was read:

Amendment No. 753.

AN ACT relating to autism; revising certain provisions relating to eligibility for services provided or coordinated by the Autism Treatment Assistance Program within the Aging and Disabilities Services Division of the Department of Health and Human Services; redefining the term "autism spectrum disorder" for certain purposes; **requiring an insurer to reimburse an early intervention agency for certain services;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Autism Treatment Assistance Program within the Aging and Disabilities Services Division of the Department of Health and Human Services to provide and coordinate the provision of services to certain persons "with" autism spectrum disorders. (NRS 427A.875) **Section 1** of this bill revises this language to provide for the provision of services to persons who are "diagnosed or determined" to have such disorders.

For purposes relating to the Program and required insurance coverage, existing law defines the terms "autism spectrum disorder" or "autism spectrum disorders" to mean "a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified." (NRS 287.0276, 427A.875, 689A.0435, 689B.0335, 689C.1655, 695C.1717, 695G.1645) **Sections 1-7** of this bill revise the definition to mean a condition that meets the diagnostic criteria for autism spectrum disorder published in the current edition of the *Diagnostic and Statistical Manual of Mental Disorders* published by the American Psychiatric Association or the edition of the *Manual* that was in effect at the time the condition was diagnosed or determined.

Existing law requires an insurer to provide coverage for screening for and diagnosis of autism spectrum disorders and treatment of autism spectrum disorders to certain young persons covered by the insurer. (NRS 287.0276, 689A.0435, 689B.0335, 689C.1655, 695C.1717, 695G.1645) Sections 2-7 of this bill remove a provision stating that an insurer is not required to provide reimbursement to an early intervention agency, thereby requiring an insurer to reimburse such an agency that performs services for which reimbursement is otherwise required.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 427A.875 is hereby amended to read as follows:

427A.875 1. There is hereby established the Autism Treatment Assistance Program within the Division to serve as the primary autism program within the Department and to provide and coordinate the provision of services to persons ~~[with]~~ ***diagnosed or determined, including, without limitation, through the use of a standardized assessment, to have*** autism spectrum disorders through the age of 19 years.

2. The Autism Treatment Assistance Program shall:

(a) Prescribe an application process for parents and guardians of persons with autism spectrum disorders to participate in the Program.

(b) Provide for the development of a plan of treatment for persons who participate in the Program.

(c) Promote the use of evidence-based treatments which are cost effective and have been proven to improve treatment of autism spectrum disorders.

(d) Educate parents and guardians of persons with autism spectrum disorders on autism spectrum disorders and the assistance that may be provided by the parent or guardian to improve treatment outcomes.

(e) Establish and use a system for assessing persons with autism spectrum disorders to determine a baseline to measure the progress of and prepare a plan for the treatment of such persons.

(f) Assist parents and guardians of persons with autism spectrum disorders in obtaining public services that are available for the treatment of autism spectrum disorders.

3. A plan of treatment developed for a person who participates in the Program pursuant to paragraph (b) of subsection 2 must:

(a) Identify the specific behaviors of the person to be addressed and the expected outcomes.

(b) Include, without limitation, preparations for transitioning the person from one provider of treatment to another or from one public program to another, as the needs of the person require through the age of 19 years.

(c) Be revised to address any change in the needs of the person.

4. The policies of the Autism Treatment Assistance Program and any services provided by the Program must be developed in cooperation with and be approved by the Nevada Autism Task Force created by section 40 of chapter 348, Statutes of Nevada 2007, or its successor organization.

5. As used in this section, "autism spectrum disorder" means a ~~[neurobiological medical]~~ condition ~~[including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.]~~ ***that meets the diagnostic criteria for autism spectrum disorder published in the current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric***

Association or the edition thereof that was in effect at the time the condition was diagnosed or determined.

Sec. 2. NRS 287.0276 is hereby amended to read as follows:

287.0276 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the plan of self-insurance under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. Coverage provided under this section is subject to:

(a) A maximum benefit of the actuarial equivalent of $72,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a plan of self-insurance to the same extent as other medical services or prescription drugs covered by the policy.

3. A governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the plan of self-insurance; or

(b) Refuse to issue a plan of self-insurance or cancel a plan of self-insurance solely because the person applying for or covered by the plan of self-insurance uses or may use in the future any of the services listed in subsection 1.

4. Except as otherwise provided in subsections 1 and 2, a governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other

provider that is supervised by the licensed physician, psychologist or behavior analyst.

➥ A governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance may request a copy of and review a treatment plan created pursuant to this subsection.

6. A plan of self-insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the plan of self-insurance or the renewal which is in conflict with subsections 1 or 2 is void.

7. Nothing in this section shall be construed as requiring a governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance to provide reimbursement to ~~[an early intervention agency or]~~ ***a*** school for services delivered through ~~[early intervention or]~~ school services.

8. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "Autism behavior interventionist" means a person who is registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization, and provides behavioral therapy under the supervision of:

(1) A licensed psychologist;

(2) A licensed behavior analyst; or

(3) A licensed assistant behavior analyst.

(c) "Autism spectrum ~~[disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Development Disorder Not Otherwise Specified.]~~ ***disorder" has the meaning ascribed to it in NRS 427A.875.***

(d) "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or autism behavior interventionist.

(e) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(f) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(g) "Licensed assistant behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Board of Psychological Examiners and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

(h) "Licensed behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified behavior analyst or a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization and who is licensed as a behavior analyst by the Board of Psychological Examiners.

(i) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(j) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(k) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(l) "Screening for autism spectrum disorders" means all medically appropriate assessments, evaluations or tests to diagnose whether a person has an autism spectrum disorder.

(m) "Therapeutic care" means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

(n) "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 3. NRS 689A.0435 is hereby amended to read as follows:

689A.0435 1. A health benefit plan must provide an option of coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders for persons covered by the policy under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. Optional coverage provided pursuant to this section must be subject to:

(a) A maximum benefit of not less than the actuarial equivalent of $72,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusions or limitations of a policy of health insurance to the same extent as other medical services or prescription drugs covered by the policy.

3. A health benefit plan that offers or issues a policy of health insurance which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for optional coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the policy; or

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use in the future any of the services listed in subsection 1.

4. Except as otherwise provided in subsections 1 and 2, an insurer who offers optional coverage pursuant to subsection 1 shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➥ An insurer may request a copy of and review a treatment plan created pursuant to this subsection.

6. Nothing in this section shall be construed as requiring an insurer to provide reimbursement to ~~[an early intervention agency or]~~ ***a*** school for services delivered through ~~[early intervention or]~~ school services.

7. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "Autism behavior interventionist" means a person who is registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization, and provides behavioral therapy under the supervision of:

(1) A licensed psychologist;

(2) A licensed behavior analyst; or

(3) A licensed assistant behavior analyst.

(c) "Autism spectrum ~~[disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.]~~ ***disorder" has the meaning ascribed to it in NRS 427A.875.***

(d) "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or autism behavior interventionist.

(e) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(f) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(g) "Licensed assistant behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Board of Psychological Examiners and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

(h) "Licensed behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified behavior analyst or a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, and who is licensed as a behavior analyst by the Board of Psychological Examiners.

(i) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(j) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(k) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(l) "Screening for autism spectrum disorders" means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) "Therapeutic care" means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

(n) "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may

be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 4. NRS 689B.0335 is hereby amended to read as follows:

689B.0335 1. A health benefit plan must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the policy of group health insurance under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. Coverage provided under this section is subject to:

(a) A maximum benefit of the actuarial equivalent of $72,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a policy of group health insurance to the same extent as other medical services or prescription drugs covered by the policy.

3. A health benefit plan that offers or issues a policy of group health insurance which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the policy; or

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use in the future any of the services listed in subsection 1.

4. Except as otherwise provided in subsections 1 and 2, an insurer shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➥ An insurer may request a copy of and review a treatment plan created pursuant to this subsection.

6. A policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with subsection 1 or 2 is void.

7. Nothing in this section shall be construed as requiring an insurer to provide reimbursement to ~~[an early intervention agency or]~~ ***a*** school for services delivered through ~~[early intervention or]~~ school services.

8. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "Autism behavior interventionist" means a person who is registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization, and provides behavioral therapy under the supervision of:

(1) A licensed psychologist;

(2) A licensed behavior analyst; or

(3) A licensed assistant behavior analyst.

(c) "Autism spectrum ~~[disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.]~~ ***disorder" has the meaning ascribed to it in NRS 427A.875.***

(d) "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or autism behavior interventionist.

(e) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(f) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(g) "Licensed assistant behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Board of Psychological Examiners and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

(h) "Licensed behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified behavior analyst or a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to

that organization and who is licensed as a behavior analyst by the Board of Psychological Examiners.

(i) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(j) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(k) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(l) "Screening for autism spectrum disorders" means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) "Therapeutic care" means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

(n) "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 5. NRS 689C.1655 is hereby amended to read as follows:

689C.1655 1. A health benefit plan must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the health benefit plan under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. Coverage provided under this section is subject to:

(a) A maximum benefit of the actuarial equivalent of $72,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a health benefit plan to the same extent as other medical services or prescription drugs covered by the plan.

3. A health benefit plan that offers or issues a policy of group health insurance which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the plan; or

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use in the future any of the services listed in subsection 1.

4. Except as otherwise provided in subsections 1 and 2, a carrier shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or

rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➥ A carrier may request a copy of and review a treatment plan created pursuant to this subsection.

6. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with subsection 1 or 2 is void.

7. Nothing in this section shall be construed as requiring a carrier to provide reimbursement to ~~[an early intervention agency or]~~ ***a*** school for services delivered through ~~[early intervention or]~~ school services.

8. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "Autism behavior interventionist" means a person who is registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization, and provides behavioral therapy under the supervision of:

(1) A licensed psychologist;

(2) A licensed behavior analyst; or

(3) A licensed assistant behavior analyst.

(c) "Autism spectrum ~~[disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.]~~ ***disorder" has the meaning ascribed to it in NRS 427A.875.***

(d) "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or autism behavior interventionist.

(e) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(f) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(g) "Licensed assistant behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Board of Psychological Examiners and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

(h) "Licensed behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified behavior analyst or a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization and who is licensed as a behavior analyst by the Board of Psychological Examiners.

(i) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(j) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(k) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(l) "Screening for autism spectrum disorders" means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) "Therapeutic care" means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

(n) "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 6. NRS 695C.1717 is hereby amended to read as follows:

695C.1717 1. A health care plan issued by a health maintenance organization must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the health care plan under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. Coverage provided under this section is subject to:

(a) A maximum benefit of the actuarial equivalent of $72,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a health care plan to the same extent as other medical services or prescription drugs covered by the plan.

3. A health care plan issued by a health maintenance organization that provides coverage for outpatient care shall not:

(a) Require an enrollee to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the plan; or

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use in the future any of the services listed in subsection 1.

4. Except as otherwise provided in subsections 1 and 2, a health maintenance organization shall not limit the number of visits an enrollee may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➥ A health maintenance organization may request a copy of and review a treatment plan created pursuant to this subsection.

6. Evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with subsection 1 or 2 is void.

7. Nothing in this section shall be construed as requiring a health maintenance organization to provide reimbursement to ~~[an early intervention agency or]~~ ***a*** school for services delivered through ~~[early intervention or]~~ school services.

8. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "Autism behavior interventionist" means a person who is registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization, and provides behavioral therapy under the supervision of:

(1) A licensed psychologist;

(2) A licensed behavior analyst; or

(3) A licensed assistant behavior analyst.

(c) "Autism spectrum ~~[disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.]~~ ***disorder" has the meaning ascribed to it in NRS 427A.875.***

(d) "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or autism behavior interventionist.

(e) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(f) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(g) "Licensed assistant behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Board of Psychological Examiners and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

(h) "Licensed behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified behavior analyst or a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization and who is licensed as a behavior analyst by the Board of Psychological Examiners.

(i) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(j) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(k) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(l) "Screening for autism spectrum disorders" means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) "Therapeutic care" means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

(n) "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 7. NRS 695G.1645 is hereby amended to read as follows:

695G.1645 1. A health care plan issued by a managed care organization for group coverage must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the health care plan under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. A health care plan issued by a managed care organization for individual coverage must provide an option for coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the health care plan under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

3. Coverage provided under this section is subject to:

(a) A maximum benefit of the actuarial equivalent of $72,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a health care plan to the same extent as other medical services or prescription drugs covered by the plan.

4. A managed care organization that offers or issues a health care plan which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the plan; or

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use in the future any of the services listed in subsection 1.

5. Except as otherwise provided in subsections 1, 2 and 3, a managed care organization shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

6. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➥ A managed care organization may request a copy of and review a treatment plan created pursuant to this subsection.

7. An evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with subsection 1 or 3 is void.

8. Nothing in this section shall be construed as requiring a managed care organization to provide reimbursement to ~~[an early intervention agency or]~~ ***a*** school for services delivered through ~~[early intervention or]~~ school services.

9. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "Autism behavior interventionist" means a person who is registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization, and provides behavioral therapy under the supervision of:

(1) A licensed psychologist;

(2) A licensed behavior analyst; or

(3) A licensed assistant behavior analyst.

(c) "Autism spectrum ~~[disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.]~~ ***disorder" has the meaning ascribed to it in NRS 427A.875.***

(d) "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or autism behavior interventionist.

(e) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(f) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(g) "Licensed assistant behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed

as an assistant behavior analyst by the Board of Psychological Examiners and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

(h) "Licensed behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified behavior analyst or a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization and who is licensed as a behavior analyst by the Board of Psychological Examiners.

(i) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(j) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(k) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(l) "Screening for autism spectrum disorders" means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) "Therapeutic care" means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

(n) "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 7.5. **The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.**

Sec. 8. This act becomes effective on July 1, 2017.

Assemblyman Sprinkle moved that the Assembly concur in the Senate Amendment No. 753 to Assembly Bill No. 304.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

This amendment revises Assembly Bill 304 to remove provisions of existing law stating that a health insurer is not required to provide reimbursements to an early intervention agency, thereby requiring an insurer to reimburse such an agency that performs services for which reimbursement is otherwise required.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 346.

The following Senate amendment was read:

Amendment No. 908.

AN ACT relating to child care; authorizing the operator of a small child care establishment to register with the Division of Welfare and Supportive Services of the Department of Health and Human Services; requiring certain persons who are employed at or otherwise present at a registered small child care establishment to undergo a criminal background check under certain circumstances; authorizing the Division of Public and Behavioral Health of the Department to collect from a child care facility or small child care establishment the costs relating to an investigation of a violation; ~~[requiring the licensee of a child care facility or the operator of a registered small child care establishment to ensure that each child at the facility or establishment wears a helmet while using certain devices;]~~ providing for the inspection of such an establishment; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term "child care facility" to mean an establishment that provides child care to five or more children for compensation and certain other child care establishments. (NRS 432A.024) **Section 2** of this bill defines the term "small child care establishment" to mean an establishment that furnishes child care to not more than four children unrelated to the operator for compensation, outside the home and the presence of the parent or guardian of any of the children and on a regular basis for at least 3 weeks. **Section 3** of this bill authorizes a person or governmental entity that wishes to operate or operates a small child care establishment to register with the Division of Welfare and Supportive Services of the Department of Health and Human Services and submit certain information to the Division concerning employees and certain residents of the establishment.

Existing law requires every applicant for and holder of a license to operate a child care facility, employee of such an applicant or licensee and certain adult residents of a child care facility to undergo a criminal background check conducted by the Division at least once every 5 years. (NRS 432A.170, 432A.175) If a criminal background check reveals that such a person has been convicted of certain crimes, the person must be terminated or otherwise prevented from having direct contact with children at the facility. (NRS 432A.1775) **Sections 7.2-7.6** of this bill make these requirements applicable to operators, employees and certain adult residents of small child care establishments that are registered with the Division of Welfare and Supportive Services. **Section 7.8** of this bill also requires an operator of such a small child care establishment to maintain certain records relating to those background checks.

Section 7 of this bill authorizes the State Board of Health to adopt regulations to enforce the provisions relating to registration and background checks and to ensure the safe operation of registered small child care establishments. The Division of Public and Behavioral Health is authorized

to impose a fine against any registered small child care establishment that violates the requirements or regulations. (NRS 432A.190)

~~[Section 5 of this bill requires the licensee of a child care facility or the operator of a registered small child care establishment to ensure that each child at the facility or establishment wears a helmet while riding a bicycle, tricycle, skateboard, scooter, roller skates or any other similar device or toy that renders the child mobile.~~**]**

Existing law authorizes any authorized member or employee of the Division to enter and inspect any building or premises of a child care facility or the area of operation of an outdoor youth program at any time to secure compliance with or prevent a violation of applicable law. **Section 8** of this bill extends those inspection provisions to include small child care establishments, whether registered or not. If a complaint against a child care facility or small child care establishment is substantiated, **section 4.5** of this bill authorizes the Division to collect from the facility or establishment the costs of the Division relating to the violation, including the costs of any necessary inspection or investigation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 432A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***"Small child care establishment" means an establishment that furnishes care to not more than four children under 18 years of age who are not related to the operator of the establishment within the fourth degree of consanguinity or affinity:***

1. For monetary compensation;

2. Outside the home and the presence of the parents or guardians of any of the children; and

3. For at least 6 hours each day, at least 4 days each week and more than 3 consecutive weeks.

Sec. 3. ***1. A person, state or local government unit or agency thereof that wishes to operate or operates a small child care establishment may register the small child care establishment with the Division of Welfare and Supportive Services of the Department by submitting to the Division of Welfare and Supportive Services on the Internet website of the Division of Welfare and Supportive Services the following information:***

(a) The name, address and contact information of the operator of the small child care establishment;

(b) The name and address of the small child care establishment;

(c) An affirmation that the operator of the small child care establishment is in compliance with subsection 2; and

(d) Such additional information as the Division of Welfare and Supportive Services deems necessary.

2. A person shall not serve as the operator of a registered small child care establishment if the person has been convicted of a crime listed in subsection 2 of
NRS 432A.170 or has had a substantiated report of child abuse or neglect made against him or her.

Sec. 4. (Deleted by amendment.)

Sec. 4.5. ***1. If a complaint against a child care facility, a small child care establishment or a person who operates a child care facility without a license, or a person who operates a small child care establishment, whether registered or not, is substantiated, the Division may charge and collect from the facility, establishment or person the actual cost incurred by the Division relating to the violation, including the actual cost of conducting an inspection or investigation of the facility, establishment or person.***

2. Any money collected pursuant to subsection 1 may be used by the Division to administer and carry out the provisions of this chapter and the regulations adopted pursuant thereto.

Sec. 5. ~~***[The licensee of a child care facility or the operator of a registered small child care establishment shall ensure that each child at the facility or establishment, as applicable, wears a helmet while using a bicycle, tricycle, skateboard, scooter, roller skates or any other similar device or toy that renders the child mobile.]***~~ **(Deleted by amendment.)**

Sec. 6. NRS 432A.020 is hereby amended to read as follows:

432A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 432A.0205 to 432A.029, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 7. NRS 432A.077 is hereby amended to read as follows:

432A.077 1. The Board shall adopt:

(a) Licensing standards for child care facilities.

(b) In consultation with the State Fire Marshal, plans and requirements to ensure that each child care facility and its staff is prepared to respond to emergencies, including, without limitation:

(1) The conducting of fire drills on a monthly basis;

(2) The adoption of plans to respond to natural disasters and emergencies other than those involving fire; and

(3) The adoption of plans to provide for evacuation of child care facilities in an emergency.

(c) ***Any regulations necessary to carry out the provisions of section 3 of this act or to ensure the safe operation of small child care establishments.***

(d) Such other regulations as it deems necessary or convenient to carry out the provisions of this chapter.

2. The Board shall require that the practices and policies of each child care facility provide adequately for the protection of the health and safety and the physical, moral and mental well-being of each child accommodated in the facility.

3. If the Board finds that the practices and policies of a child care facility are substantially equivalent to those required by the Board in its regulations, it may waive compliance with a particular standard or other regulation by that facility.

Sec. 7.2. NRS 432A.170 is hereby amended to read as follows:

432A.170 1. The Division may, upon receipt of an application for a license to operate a child care facility, conduct an investigation into the:

(a) Buildings or premises of the facility and, if the application is for an outdoor youth program, the area of operation of the program;

(b) Qualifications and background of the applicant or the employees of the applicant;

(c) Method of operation for the facility; and

(d) Policies and purposes of the applicant.

2. ~~[The]~~ ***Subject to the provisions of subsection 7, the*** Division shall secure from appropriate law enforcement agencies information on the background and personal history of every applicant, licensee ~~[or]~~ ***, operator of a small child care establishment,*** employee of an applicant ***,*** ~~[or]~~ licensee ~~[,]~~ or ~~[every]~~ ***small child care establishment,*** resident of a child care facility ***or small child care establishment*** who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, to determine whether the person has been convicted of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Any other felony involving the use of a firearm or other deadly weapon;

(c) Assault with intent to kill or to commit sexual assault or mayhem;

(d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(e) Abuse or neglect of a child or contributory delinquency;

(f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(g) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or

(h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years.

3. ~~[The]~~ ***Subject to the provisions of subsection 7, the*** Division shall request information concerning every applicant, licensee ~~[or]~~ ***, operator of a small child care establishment,*** employee of an applicant ***,*** ~~[or]~~ licensee ~~[,]~~ or ~~[every]~~ ***small child care establishment,*** resident of a child care facility ***or small child care establishment*** who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS

432B.594, or participant in an outdoor youth program who is 18 years of age or older, from:

(a) The Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report pursuant to NRS 432A.175; and

(b) The Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 to determine whether there has been a substantiated report of child abuse or neglect made against any of them.

4. The Division may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

5. The information required to be obtained pursuant to subsections 2 and 3 must be requested concerning an:

(a) Employee of an applicant ***,*** ~~[or]~~ licensee ~~[,]~~ ***or small child care establishment,*** resident of a child care facility ***or small child care establishment*** who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older not later than 3 days after the employee is hired, the residency begins or the participant begins participating in the program, and then at least once every 5 years thereafter.

(b) Applicant at the time that an application is submitted for licensure, and then at least once every 5 years after the license is issued.

(c) Operator of a small child care establishment before the operator begins operating the establishment, and then at least once every 5 years after the establishment begins operating.

6. A person who is required to submit to an investigation required pursuant to this section shall not have contact with a child in a child care facility without supervision before the investigation of the background and personal history of the person has been conducted.

7. The provisions of subsections 2 , ~~[and]~~ 3 and 5 apply to a small child care establishment and an operator of a small child care establishment if the operator of such an establishment has applied or registered with the Division of Welfare and Supportive Services of the Department pursuant to section 3 of this act.

Sec. 7.4. NRS 432A.175 is hereby amended to read as follows:

432A.175 1. ***Subject to the provisions of subsection 2:***

(a) Every applicant for a license to operate a child care facility, licensee ~~[and]~~ ***, operator of a small child care establishment,*** employee of ~~[such]~~ an applicant ***,*** ~~[or]~~ licensee ~~[, and every]~~ ***or small child care establishment,*** resident of a child care facility ***or small child care establishment*** who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, shall submit to the Division, or to

the person or agency designated by the Division, to enable the Division to conduct an investigation pursuant to NRS 432A.170, a:

~~[(a)]~~ ***(1)*** Complete set of fingerprints and a written authorization for the Division or its designee to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

~~[(b)]~~ ***(2)*** Written statement detailing any prior criminal convictions; and

~~[(c)]~~ ***(3)*** Written authorization for the Division to obtain any information that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100.

~~[2.]~~ ***(b)*** If an employee of an applicant for a license to operate a child care facility ***,*** ~~[or]~~ licensee ~~[,]~~ or ***small child care establishment,*** a resident of a child care facility ***or small child care establishment*** who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, has been convicted of any crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect filed against him or her, the Division shall immediately notify the applicant ***,*** ~~[or]~~ licensee ~~[,]~~ ***or small child care establishment*** who shall then comply with the provisions of NRS 432A.1755.

~~[3.]~~ ***(c)*** An applicant for a license to operate a child care facility ***,*** ~~[or]~~ licensee ***or operator of a small child care establishment*** shall notify the Division as soon as practicable but not later than 24 hours after hiring an employee, beginning the residency of a resident who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or beginning the participation of a participant in an outdoor youth program who is 18 years of age or older.

~~[4.]~~ ***(d)*** An applicant for a license to operate a child care facility ***,*** ~~[or]~~ licensee ***or operator of a small child care establishment*** shall notify the Division within 2 days after receiving notice that:

~~[(a)]~~ ***(1)*** The applicant, licensee or ***operator,*** an employee of the applicant ***,*** ~~[or]~~ licensee ~~[,]~~ or ***small child care establishment,*** a resident of the child care facility ***or small child care establishment*** who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, or a facility ***, establishment*** or program operated by the applicant ***,*** ~~[or]~~ licensee ~~[,]~~ ***or operator*** is the subject of a lawsuit or any disciplinary proceeding; or

~~[(b)]~~ ***(2)*** The applicant ***,*** ~~[or]~~ licensee ~~[,]~~ ***or operator or*** an employee, a resident or ***a*** participant has been charged with a crime listed in subsection 2 of NRS 432A.170 or is being investigated for child abuse or neglect.

2. The provisions of this section apply to a small child care establishment and an operator of a small child care establishment if the operator of such an establishment has applied or registered with the

Division of Welfare and Supportive Services of the Department pursuant to section 3 of this act.

Sec. 7.6. NRS 432A.1755 is hereby amended to read as follows:

432A.1755 1. ***Subject to the provisions of subsection 2:***

(a) Upon receiving information pursuant to NRS 432A.175 from the Central Repository for Nevada Records of Criminal History or the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 or evidence from any other source that an employee of an applicant for a license to operate a child care facility ***,*** ~~[or]~~ a licensee ~~[,]~~ or ***a small child care establishment,*** a resident of a child care facility ***or small child care establishment*** who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older has been convicted of a crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect made against him or her, the applicant ***,*** ~~[or]~~ licensee ***or operator of the small child care establishment*** shall terminate the employment of the employee or remove the resident from the facility ***or establishment*** or participant from the outdoor youth program after allowing the employee, resident or participant time to correct the information as required pursuant to ~~[subsection 2.~~ ~~2.]~~ ***paragraph (b).***

(b) If an employee, resident or participant believes that the information provided to the applicant ***,*** ~~[or]~~ licensee ***or operator*** pursuant to ~~[subsection 1]~~ ***paragraph (a)*** is incorrect, the employee, resident or participant must inform the applicant ***,*** ~~[or]~~ licensee ***or operator*** immediately. The applicant ***,*** ~~[or]~~ licensee ***or operator*** shall give any such employee, resident or participant 30 days to correct the information.

~~[3.]~~ ***(c)*** During any period in which an employee, resident or participant seeks to correct information pursuant to ~~[subsection 2,]~~ ***paragraph (b),*** it is within the discretion of the applicant ***,*** ~~[or]~~ licensee ***or operator*** whether to allow the employee, resident or participant to continue to work for or reside at the child care facility ***or small child care establishment*** or participate in the outdoor youth program, as applicable, except that the employee, resident or participant shall not have contact with a child without supervision during such a period.

2. The provisions of this section apply to a small child care establishment and an operator of a small child care establishment if the operator of such an establishment has applied or registered with the Division of Welfare and Supportive Services of the Department pursuant to section 3 of this act.

Sec. 7.8. NRS 432A.1785 is hereby amended to read as follows:

432A.1785 1. ~~[Each]~~ ***Subject to the provisions of subsection 3, each*** applicant for a license to operate a child care facility ***,*** ~~[and]~~ licensee ***and operator of a small child care establishment*** shall maintain records of the

information concerning ~~[its]~~ employees ***of the child care facility or small child care establishment*** and any residents of the child care facility ***or small child care establishment*** who are 18 years of age or older, other than residents who remain under the jurisdiction of a court pursuant to NRS 432B.594, or participants in any outdoor youth program who are 18 years of age or older that is collected pursuant to NRS 432A.170 and 432A.175, including, without limitation:

(a) A copy of the fingerprints that were submitted to the Central Repository for Nevada Records of Criminal History;

(b) Proof that the applicant ***,*** ~~[or]~~ licensee ***or operator*** submitted fingerprints to the Central Repository for Nevada Records of Criminal History; and

(c) The written authorization to obtain information from the Central Repository and the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100.

2. The records maintained pursuant to subsection 1 must be:

(a) Maintained for the period of the employee's employment with or the resident's presence at the child care facility ***or small child care establishment*** or the participant's presence in the outdoor youth program; and

(b) Made available for inspection by the Division at any reasonable time and copies thereof must be furnished to the Division upon request.

3. The provisions of this section apply to a small child care establishment and an operator of a small child care establishment if the operator of such an establishment has registered with the Division of Welfare and Supportive Services of the Department pursuant to section 3 of this act.

Sec. 8. NRS 432A.180 is hereby amended to read as follows:

432A.180 1. Any authorized member or employee of the Division may enter and inspect any building or premises of a child care facility ***or a small child care establishment, whether registered or not,*** or the area of operation of an outdoor youth program at any time to secure compliance with or prevent a violation of any provision of this chapter.

2. The State Fire Marshal or a designee of the State Fire Marshal shall, at least annually:

(a) Enter and inspect every building or premises of a child care facility, on behalf of the Division; and

(b) Observe and make recommendations regarding the drills conducted pursuant to NRS 432A.077,

➥ to secure compliance with standards for safety from fire and other emergencies.

3. The Chief Medical Officer or a designee of the Chief Medical Officer shall enter and inspect at least annually, every building or premises of a child

care facility and area of operation of an outdoor youth program, on behalf of the Division, to secure compliance with standards for health and sanitation.

4. The annual inspection of any child care facility which occasionally or regularly has physical custody of children pursuant to the order of a court must include, without limitation, an inspection of all areas where food is prepared and served, bathrooms, areas used for sleeping, common areas and areas located outdoors that are used by children at the child care facility. The Chief Medical Officer shall publish reports of the inspections and make them available for public inspection upon request.

Sec. 9. (Deleted by amendment.)

Sec. 10. NRS 432A.220 is hereby amended to read as follows:

432A.220 Any person who operates a child care facility without a license issued pursuant to NRS 432A.131 to 432A.220, inclusive, ***and sections 3, 4.5 and 5 of this act*** is guilty of a misdemeanor.

Sec. 11. (Deleted by amendment.)

Sec. 12. This act becomes effective on July 1, 2017.

Assemblyman Sprinkle moved that the Assembly concur in the Senate Amendment No. 908 to Assembly Bill No. 346.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

This amendment removes the requirement that the licensee of a child care facility or the operator of a registered small child care establishment ensure that each child at the facility or establishment wears a helmet while riding a bicycle, tricycle, skateboard, scooter, roller skates, or any other similar device or toy that renders the child mobile.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 424.

The following Senate amendment was read:

Amendment No. 754.

AN ACT relating to the determination of death; revising provisions relating to the determination of brain death; revising provisions relating to the use of ~~[life-sustaining]~~ **organ-sustaining** treatment on a person determined to be brain dead under certain circumstances; requiring reasonable efforts to be made to inform the family or authorized representative of a person declared brain dead regarding the determination and the potential costs of continuing the administration of ~~[life-sustaining]~~ **organ-sustaining** treatment on the person; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person is dead if it is determined that the person has either sustained irreversible cessation of: (1) circulatory and respiratory functions; or (2) all brain function, including the function of his or her brain stem. Existing law further provides that such a determination

must be made in accordance with accepted medical standards. (NRS 451.007) **Section 2** of this bill requires that a determination of brain death be made in accordance with the applicable guidelines set forth in: (1) "Evidence-based Guideline Update: Determining Brain Death in Adults: Report of the Quality Standards Subcommittee of the American Academy of Neurology," published by the American Academy of Neurology, or subsequent revisions approved by the Academy; or (2) "Guidelines for the Determination of Brain Death in Infants and Children: An Update of the 1987 Task Force Recommendations," published by the Pediatric Section of the Society of Critical Care Medicine or subsequent revisions approved by the Pediatric Section. **Section 1** of this bill provides that consent from the person's authorized representative or authorized family member is not required to make a determination of brain death. **Section 1** prohibits the withdrawal of ~~[life-sustaining]~~ **organ-sustaining** treatment from a person determined to be brain dead if that person: (1) is pregnant and it is probable that the pregnancy will result in a live birth with continued use of ~~[life-sustaining]~~ **organ-sustaining** treatment; or (2) is an organ donor. **Section 1** also requires that: (1) after a person is declared brain dead, reasonable efforts must be made to inform the person's family or authorized representative of such determination; and (2) the health care facility inform the person's family or authorized representative that the cost for continued administration of ~~[life-sustaining]~~ **organ-sustaining** treatment for the person declared brain dead may become the responsibility of the person's estate or family.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 451 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A determination of the death of a person made pursuant to paragraph (b) of subsection 1 of NRS 451.007 is a clinical decision that does not require the consent of the person's authorized representative or the family member with the authority to consent or withhold consent.

2. ~~[Life-sustaining]~~ Organ-sustaining treatment must not be withheld or withdrawn from a person determined to be dead pursuant to paragraph (b) of subsection 1 of NRS 451.007 who is known to the attending physician to be:

(a) Pregnant, so long as it is probable that the fetus will develop to the point of live birth with continued application of ~~[life-sustaining]~~ organ-sustaining treatment; or

(b) A donor or potential donor of an anatomical gift, for the amount of time necessary to successfully recover the anatomical gift.

3. After a determination of the death of a person is made pursuant to paragraph (b) of subsection 1 of NRS 451.007, reasonable efforts must be made:

(a) By the person's provider of health care to notify a family member or other authorized representative of the person of the determination of death; and

(b) By the health care facility in which the determination of death was made to inform a family member or other authorized representative of the person that the potential costs of continuing to administer ~~[life-sustaining]~~ organ-sustaining treatment may become the responsibility of the person's estate or family.

4. As used in this section:

(a) "Anatomical gift" has the meaning ascribed to it in NRS 451.513.

(b) ~~[~~"Life-sustaining"~~]~~ "Organ-sustaining treatment" ~~[has the meaning ascribed to it in NRS 449.570.]~~ means a medical procedure or intervention conducted after a person has been determined to be dead pursuant to paragraph (b) of subsection 1 of NRS 451.007 that serves only to prolong the viability of the organs of the person or a fetus carried by the person.

Sec. 2. NRS 451.007 is hereby amended to read as follows:

451.007 1. For legal and medical purposes, a person is dead if the person has sustained an irreversible cessation of:

(a) Circulatory and respiratory functions; or

(b) All functions of the person's entire brain, including his or her brain stem.

2. A determination of death made under ~~[this section]~~ ***:***

(a) Paragraph (a) of subsection 1 must be made in accordance with accepted medical standards.

~~[3. This section may be cited as the Uniform Determination of Death Act and]~~

(b) Paragraph (b) of subsection 1 must be ~~[applied and construed to carry out its general purpose which is to make uniform among the states which enact it the law regarding the determination of death.]~~ ***made in accordance with the applicable guidelines set forth in:***

(1) "Evidence-based Guideline Update: Determining Brain Death in Adults: Report of the Quality Standards Subcommittee of the American Academy of Neurology," published June 8, 2010, by the American Academy of Neurology, or any subsequent revisions approved by the American Academy of Neurology or its successor organization; or

(2) "Guidelines for the Determination of Brain Death in Infants and Children: An Update of the 1987 Task Force Recommendations," published January 27, 2012, by the Pediatric Section of the Society of Critical Care Medicine, or any subsequent revisions approved by the Pediatric Section of the Society of Critical Care Medicine or its successor organization.

Assemblyman Sprinkle moved that the Assembly concur in the Senate Amendment No. 754 to Assembly Bill No. 424.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

This amendment replaces the term "life-sustaining" with "organ-sustaining" treatment on the form that refers to actions that may occur after a determination of death has occurred.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 427.

The following Senate amendment was read:

Amendment No. 755.

AN ACT relating to public assistance; revising provisions relating to eligibility of certain convicted persons for public assistance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law provides that a person who has been convicted of certain felony drug offenses is not eligible for Temporary Assistance for Needy Families (TANF) or Supplemental Nutrition Assistance Program (SNAP) benefits in certain cases. (21 U.S.C. § 862a) Existing federal law authorizes a state to opt out of this limitation and allow a person who was convicted of a felony drug offense to be eligible for TANF and SNAP benefits in that state. (21 U.S.C. § 862a(d)) Similarly, existing Nevada law provides that a person who has been convicted of felony possession, use or distribution of a controlled substance is not eligible for TANF or SNAP benefits, unless the convicted person has completed a drug treatment program and the person either: (1) demonstrates that he or she has not possessed, used or distributed controlled substances since he or she began the drug treatment program; or (2) is pregnant and a doctor certifies that TANF or SNAP benefits are required to ensure the health and safety of the mother and the unborn child. (NRS 422A.345)

This bill: (1) removes the requirement that such a convicted person complete a drug treatment program before becoming eligible for TANF or SNAP benefits; and (2) provides that to be eligible for TANF or SNAP benefits such a convicted person must demonstrate that he or she is not currently possessing, using or distributing controlled substances ~~[.]~~ **in a manner that is prohibited by law.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 422A.345 is hereby amended to read as follows:

422A.345 1. Except as otherwise provided in subsection 2, a person who has been convicted of a felony after August 22, 1996, an element of which is the possession, use or distribution of a controlled substance, is not eligible to receive any public assistance for which denial is required by 21 U.S.C. § 862a.

2. A person who has been convicted of a felony described in subsection 1 may be determined to be eligible for assistance if ~~[that]~~ ***the*** person ***:*** ~~[is~~

~~participating in or has successfully completed a program for the treatment of the abuse of controlled substances that has been approved by the Division and:~~**]**

(a) Demonstrates to the satisfaction of the Division that he or she ~~**[**has**]**~~ ***is*** not ~~**[**possessed, used or distributed**]**~~ ***currently possessing, using or distributing*** controlled substances ~~***[,*** since he or she began the program;**]**~~ ***in a manner that is prohibited by law;*** or

(b) Is pregnant and a physician has certified in writing that the health and safety of the mother and the unborn child are dependent upon the receipt of benefits.

3. As used in this section, "controlled substance" has the meaning ascribed to it in 21 U.S.C. § 802(6).

Sec. 2. This act becomes effective on July 1, 2017.

Assemblyman Sprinkle moved that the Assembly concur in the Senate Amendment No. 755 to Assembly Bill No. 427.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

This amendment revises the provisions of A.B. 427 to clarify that the bill refers to the illegal possession, use, or distribution of controlled substances.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 138.

The following Senate amendment was read:

Amendment No. 898.

AN ACT relating to water; authorizing the de minimus collection of precipitation for nonpotable **domestic** use and, under certain circumstances, to provide water to wildlife; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that, subject to existing rights, the appropriation of any water in this State is subject to the provisions of chapter 533 of NRS, which, among other things, require any person seeking to appropriate water to obtain a permit to do so. (NRS 533.030, 533.325) **Section 1** of this bill provides that the de minimus collection of precipitation from the rooftop of a single-family dwelling for nonpotable **domestic** use or, under certain circumstances, in a guzzler to provide water to wildlife is exempted from the requirements of chapter 533 of NRS and thus may be collected without a water right or permit to appropriate water. **Sections 2-5** of this bill make conforming changes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 533 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The provisions of this chapter do not apply to the de minimus collection of precipitation:

(a) From the rooftop of a single-family dwelling for nonpotable domestic use; or

(b) If the collection does not conflict with any existing water rights as determined by the State Engineer, in a guzzler to provide water for use by wildlife. [Such a] The guzzler must:

(1) Have a capacity of 20,000 gallons or less; [and]

(2) Have a capture area of 1 acre of less;

(3) Have a pipe length of 1/4 mile or less;

(4) Be developed by a state or federal agency responsible for wildlife management or by any other person in consultation with the Department of Wildlife [.] ; and

(5) Be approved for use by the Department of Wildlife.

2. As used in this section [, "guzzler"] :

(a) "Domestic use" has the meaning ascribed to it in NRS 534.013; and

(b) "Guzzler" has the meaning ascribed to it in NRS 501.121.

Sec. 2. NRS 533.030 is hereby amended to read as follows:

533.030 1. Subject to existing rights, and except as otherwise provided in this section **[.]** ***and section 1 of this act,*** all water may be appropriated for beneficial use as provided in this chapter and not otherwise.

2. The use of water, from any stream system as provided in this chapter and from underground water as provided in NRS 534.080, for any recreational purpose, or the use of water from the Muddy River or the Virgin River to create any developed shortage supply or intentionally created surplus, is hereby declared to be a beneficial use. As used in this subsection:

(a) "Developed shortage supply" has the meaning ascribed to it in Volume 73 of the Federal Register at page 19884, April 11, 2008, and any subsequent amendment thereto.

(b) "Intentionally created surplus" has the meaning ascribed to it in Volume 73 of the Federal Register at page 19884, April 11, 2008, and any subsequent amendment thereto.

3. Except as otherwise provided in subsection 4, in any county whose population is 700,000 or more:

(a) The board of county commissioners may prohibit or restrict by ordinance the use of water and effluent for recreational purposes in any artificially created lake or stream located within the unincorporated areas of the county.

(b) The governing body of a city may prohibit or restrict by ordinance the use of water and effluent for recreational purposes in any artificially created lake or stream located within the boundaries of the city.

4. In any county whose population is 700,000 or more, the provisions of subsection 1 and of any ordinance adopted pursuant to subsection 3 do not apply to:

(a) Water stored in an artificially created reservoir for use in flood control, in meeting peak water demands or for purposes relating to the treatment of sewage;

(b) Water used in a mining reclamation project; or

(c) A body of water located in a recreational facility that is open to the public and owned or operated by the United States or the State of Nevada.

Sec. 3. NRS 533.325 is hereby amended to read as follows:

533.325 ~~[Any]~~ ***Except as otherwise provided in section 1 of this act, any*** person who wishes to appropriate any of the public waters, or to change the place of diversion, manner of use or place of use of water already appropriated, shall, before performing any work in connection with such appropriation, change in place of diversion or change in manner or place of use, apply to the State Engineer for a permit to do so.

Sec. 4. NRS 533.475 is hereby amended to read as follows:

533.475 The State Engineer and the assistants of the State Engineer shall have power to arrest any person violating any of the provisions of NRS 533.005 to 533.470, inclusive, ***and section 1 of this act,*** and to turn that person over to the sheriff or other competent police officer within the county. Immediately on delivering any such person so arrested into the custody of the sheriff, the State Engineer or assistant making such arrest shall immediately, in writing, and upon oath, make a complaint before the justice of the peace against the person so arrested.

Sec. 5. NRS 533.480 is hereby amended to read as follows:

533.480 Any person violating any of the provisions of NRS 533.005 to 533.475, inclusive, ***and section 1 of this act*** shall be guilty of a misdemeanor.

Sec. 6. This act becomes effective on July 1, 2017.

Assemblywoman Swank moved that the Assembly concur in the Senate Amendment No. 898 to Assembly Bill No. 138.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

This amendment adds additional restriction to the amount of precipitation that may be collected for guzzlers for wildlife purposes.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 449.

The following Senate amendment was read:

Amendment No. 876.

AN ACT relating to public lands; establishing the ~~[fourth]~~ **last** Saturday in September of each year as "Public Lands Day" in the State of Nevada;

authorizing the Governor to issue annually a proclamation encouraging the observance of Public Lands Day; requiring the Division of State Parks of the State Department of Conservation and Natural Resources to allow residents of this State to enter, camp and boat in all state parks and recreational areas in this State without the payment of any fees during Public Lands Day; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, various days and weeks of observance are recognized in this State. (NRS 236.018-236.085) **Section 1** of this bill establishes the ~~[fourth]~~ **last** Saturday in September of each year as "Public Lands Day" in the State of Nevada and authorizes the Governor to issue annually a proclamation encouraging the observance of Public Lands Day.

Existing law requires the Division of State Parks of the State Department of Conservation and Natural Resources to impose and collect, subject to approval by the Director of the Department, reasonable fees for entering, camping and boating in state parks and recreational areas in this State. (NRS 407.065) **Section 2** of this bill requires the Division to allow residents of this State to enter, camp and boat in all state parks and recreational areas in this State without the payment of any fees during Public Lands Day. **Section 2** also provides that the free day of camping must include either the Friday night before Public Lands Day or overnight on the night of Public Lands Day, as determined by the Administrator of the Division for each state park and recreational area.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 236 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The ~~[fourth]~~ last Saturday in September of each year is established as "Public Lands Day" in the State of Nevada.

2. The Governor may issue annually a proclamation encouraging the observance of Public Lands Day. The proclamation may, without limitation:

(a) Call upon the news media, state and local officers, private nonprofit groups and foundations, schools, businesses and other public and private entities to bring to the attention of the residents of this State the importance of public lands in the State of Nevada; and

(b) Recognize the economic, scenic and other value of public lands in this State.

Sec. 2. NRS 407.065 is hereby amended to read as follows:

407.065 1. The Administrator, subject to the approval of the Director:

(a) Except as otherwise provided in this paragraph and NRS 407.066, may establish, name, plan, operate, control, protect, develop and maintain state parks, monuments and recreational areas for the use of the general public.

The name of an existing state park, monument or recreational area may not be changed unless the Legislature approves the change by statute.

(b) Shall protect state parks and property controlled or administered by the Division from misuse or damage and preserve the peace within those areas. The Administrator may appoint or designate certain employees of the Division to have the general authority of peace officers.

(c) May allow multiple use of state parks and real property controlled or administered by the Division for any lawful purpose, including, but not limited to, grazing, mining, development of natural resources, hunting and fishing, in accordance with such regulations as may be adopted in furtherance of the purposes of the Division.

(d) Except as otherwise provided in this ~~[paragraph,]~~ ***section,*** shall impose and collect reasonable fees for entering, camping and boating in state parks and recreational areas. The Division shall issue an annual permit for entering, camping and boating in all state parks and recreational areas in this State:

(1) Upon application therefor and proof of residency and age, to any person who is 65 years of age or older and has resided in this State for at least 5 years immediately preceding the date on which the application is submitted.

(2) Upon application therefor and proof of residency and proof of status as described in subsection 5 of NRS 361.091, to a bona fide resident of the State of Nevada who has incurred a permanent service-connected disability of 10 percent or more and has been honorably discharged from the Armed Forces of the United States.

➥ The permit must be issued without charge, except that the Division shall charge and collect an administrative fee for the issuance of the permit in an amount sufficient to cover the costs of issuing the permit.

(e) May conduct and operate such special services as may be necessary for the comfort and convenience of the general public, and impose and collect reasonable fees for such special services.

(f) May rent or lease concessions located within the boundaries of state parks or of real property controlled or administered by the Division to public or private corporations, to groups of natural persons, or to natural persons for a valuable consideration upon such terms and conditions as the Division deems fit and proper, but no concessionaire may dominate any state park operation.

(g) May establish such capital projects construction funds as are necessary to account for the parks improvements program approved by the Legislature. The money in these funds must be used for the construction and improvement of those parks which are under the supervision of the Administrator.

(h) In addition to any concession specified in paragraph (f), may establish concessions within the boundaries of any state park to provide for the sale of food, drinks, ice, publications, sundries, gifts and souvenirs, and other such related items as the Administrator determines are appropriately made

available to visitors. Any money received by the Administrator for a concession established pursuant to this paragraph must be deposited in the Account for State Park Interpretative and Educational Programs and Operation of Concessions created by NRS 407.0755.

2. The Administrator:

(a) Shall issue an annual permit to a person who pays a reasonable fee as prescribed by regulation which authorizes the holder of the permit to enter each state park and each recreational area in this State and, except as otherwise provided in subsection 3, use the facilities of the state park or recreational area without paying the entrance fee; and

(b) May issue an annual permit to a person who pays a reasonable fee as prescribed by regulation which authorizes the holder of the permit to enter a specific state park or specific recreational area in this State and, except as otherwise provided in subsection 3, use the facilities of the state park or recreational area without paying the entrance fee.

3. An annual permit issued pursuant to subsection 2 does not authorize the holder of the permit to engage in camping or boating, or to attend special events. The holder of such a permit who wishes to engage in camping or boating, or to attend special events, must pay any fee established for the respective activity.

4. ***During each Public Lands Day observed pursuant to section 1 of this act, and upon proof of residency in this State, the Division shall allow a resident of this State to enter, camp and boat in any state park or recreational area without the payment of any fees for those activities. The free day of camping authorized pursuant to this subsection must include either the Friday night before Public Lands Day or overnight on the night of Public Lands Day, as determined by the Administrator for each state park and recreational area. A person is not entitled to receive more than one free night of camping during each Public Lands Day pursuant to this subsection.***

5. Except as otherwise provided in subsection 1 of NRS 407.0762 and subsection 1 of NRS 407.0765, the fees collected pursuant to paragraphs (d), (e) and (f) of subsection 1 or subsection 2 must be deposited in the State General Fund.

Sec. 3. This act becomes effective on July 1, 2017.

Assemblywoman Swank moved that the Assembly concur in the Senate Amendment No. 876 to Assembly Bill No. 449.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

The amendment changes the date of Public Lands Day in Nevada from the fourth to the last Saturday in September and resolves any conflict with S.B. 413 as it was amended in the Assembly.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 148.

The following Senate amendment was read:

Amendment No. 798.

SUMMARY—Increases the ~~[penalty]~~ **penalties** for **certain willful violations of provisions relating to** notaries public and document preparation services **.** ~~[that fraudulently provide legal services or advice.]~~ (BDR 19-756)

AN ACT relating to public affairs; increasing the ~~[penalty]~~ **penalties** for **willful violations of certain provisions relating to** notaries public and document preparation services **;** ~~[that fraudulently provide legal services or advice;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~[authorizes the Secretary of State to appoint]~~ **authorizes various civil and criminal penalties for violations of certain provisions relating to** notaries public. ~~[(NRS 240.010) In addition, existing law that makes it unlawful for a person to, among other things: (1) represent himself or herself as a notary public if the person has not been appointed by the Secretary of State; (2) submit an application for appointment as a notary public that contains a material misrepresentation or omission of fact; and (3) if the person is a notary public, use the term "notario," "notario publico" or "licenciado" on any advertisement if the person is not also an attorney licensed in this State. (NRS 240.010, 240.085) Existing law sets forth similar prohibitions with respect to a document preparation service. (NRS 240A.100, 240A.240, 240A.260)~~

~~Existing law provides that a notary public who violates the restrictions and prohibitions placed on advertising his or her services is guilty of a gross misdemeanor.]~~ **(NRS 240.010-240.169) Section 1** of this bill ~~[increases the criminal penalty to]~~ **provides that a person who willfully violates such provisions is guilty of** a category D felony ~~[for any notary public who violates the restrictions or prohibitions for a second or subsequent offense that causes irreparable harm.]~~ **if the offense results in irreparable harm to a person.**

Existing law provides that a person who **willfully** violates the provisions governing document preparation services is guilty of a ~~[gross]~~ misdemeanor ~~[.]~~ **for a first offense and a gross misdemeanor for a second or subsequent offense. (NRS 240A.290) Section 3** of this bill makes a ~~[second]~~ willful violation of any provision governing document preparation services a ~~[gross misdemeanor, unless]~~ **category D felony if** the offense results in irreparable harm to a client **.** ~~[, in which case the violation is a category D felony. Section 2 of this bill makes a conforming change.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 240 of NRS is hereby amended by adding thereto a new section to read as follows:**

A person who willfully violates a provision of NRS 240.001 to 240.169, inclusive, or a regulation or order adopted or issued pursuant thereto is guilty of a category D felony and shall be punished as provided in NRS 193.130 if the offense results in irreparable harm to a person.

Sec. 1.2. **NRS 240.001 is hereby amended to read as follows:**

240.001 As used in NRS 240.001 to 240.206, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 240.002 to 240.0067, inclusive, have the meanings ascribed to them in those sections.

~~[Section 1.]~~ ***Sec. 1.3.*** NRS 240.085 is hereby amended to read as follows:

240.085 1. Every notary public who is not an attorney licensed to practice law in this State and who advertises his or her services as a notary public in a language other than English by any form of communication, except a single plaque on his or her desk, shall post or otherwise include with the advertisement a notice in the language in which the advertisement appears. The notice must be of a conspicuous size, if in writing, and must appear in substantially the following form:

> I AM NOT AN ATTORNEY IN THE STATE OF NEVADA. I AM NOT LICENSED TO GIVE LEGAL ADVICE. I MAY NOT ACCEPT FEES FOR GIVING LEGAL ADVICE.

2. A notary public who is not an attorney licensed to practice law in this State shall not use the term "notario," "notario publico," "licenciado" or any other equivalent non-English term in any form of communication that advertises his or her services as a notary public, including, without limitation, a business card, stationery, notice and sign.

3. If the Secretary of State finds a notary public guilty of violating the provisions of subsection 1 or 2, the Secretary of State shall:

(a) Suspend the appointment of the notary public for not less than 1 year.

(b) Revoke the appointment of the notary public for a third or subsequent offense.

(c) Assess a civil penalty of not more than $2,000 for each violation.

4. ~~[A]~~ ***Unless a greater penalty is provided pursuant to section 1 of this act, a*** notary public who is found guilty in a criminal prosecution of violating subsection 1 or 2 ~~***[is guilty of a category D felony and]***~~ shall be punished by a fine of not more than $2,000. ~~***[as provided in NRS 193.130.]***~~

5. An employer of a notary public shall not:

(a) Prohibit the notary public from meeting the requirements set forth in subsection 1; or

(b) Advertise using the term "notario," "notario publico," "licenciado" or any other equivalent non-English term in any form of communication that advertises notary public services, including, without limitation, a business card, stationery, notice and sign, unless the notary public under his or her employment is an attorney licensed to practice law in this State.

6. If the Secretary of State finds the employer of a notary public guilty of violating a provision of subsection 5, the Secretary of State shall:

(a) Notify the employer in writing of the violation and order the immediate removal of such language.

(b) Assess a civil penalty of not more than $2,000 for each violation.

7. ~~[The]~~ ***Unless a greater penalty is provided pursuant to section 1 of this act, the*** employer of a notary public who is found guilty in a criminal prosecution of violating a provision of subsection 5 shall be punished by a fine of not more than $2,000.

Sec. 1.6. **NRS 240.145 is hereby amended to read as follows:**

240.145 1. It is unlawful for any person to:

(a) Photocopy or otherwise reproduce a completed notarial certificate with a notary's statement and signature if that certificate is reproduced for use in a mailing to endorse, promote or sell any product, service or offering; or

(b) Include a photocopy or other reproduction of a completed notarial certificate with a notary's statement and signature in a mailing to endorse, promote or sell any product, service or offering.

2. ~~[Any]~~ ***Unless a greater penalty is provided pursuant to section 1 of this act, any*** person who violates any of the provisions of subsection 1 is guilty of a gross misdemeanor.

Sec. 1.9. **NRS 240.155 is hereby amended to read as follows:**

240.155 1. A notary public who is appointed pursuant to this chapter shall not willfully notarize the signature of a person unless the person is in the presence of the notary public and:

(a) Is known to the notary public; or

(b) If unknown to the notary public, provides a credible witness or documentary evidence of identification to the notary public.

2. ~~[A]~~ ***Unless a greater penalty is provided pursuant to section 1 of this act, a*** person who:

(a) Violates the provisions of subsection 1; or

(b) Aids and abets a notary public to commit a violation of subsection 1,

➥ is guilty of a gross misdemeanor.

Sec. 2. NRS 240A.100 is hereby amended to read as follows:

240A.100 1. A person who wishes to engage in the business of a document preparation service must be registered by the Secretary of State pursuant to this chapter. An applicant for registration must be a citizen or legal resident of the United States or hold a valid Employment Authorization Document issued by the United States Citizenship and Immigration Services of the Department of Homeland Security, and be at least 18 years of age.

2. The Secretary of State shall not register as a document preparation service any person:

(a) Who is suspended or has previously been disbarred from the practice of law in any jurisdiction;

(b) Whose registration as a document preparation service in this State or another state has previously been revoked for cause;

(c) Who has previously been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a gross misdemeanor ***or a category D felony*** pursuant to ~~[paragraph (b) of subsection 1 of]~~ NRS 240A.290; or

(d) Who has, within the 10 years immediately preceding the date of the application for registration as a document preparation service, been:

(1) Convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a crime involving theft, fraud or dishonesty;

(2) Convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, the unauthorized practice of law pursuant to NRS 7.285 or the corresponding statute of any other jurisdiction; or

(3) Adjudged by the final judgment of any court to have committed an act involving theft, fraud or dishonesty.

3. An application for registration as a document preparation service must be made under penalty of perjury on a form prescribed by regulation of the Secretary of State and must be accompanied by a cash bond or surety bond meeting the requirements of NRS 240A.120.

4. An applicant for registration must submit to the Secretary of State a declaration under penalty of perjury stating that the applicant has not had a certificate or license as a document preparation service revoked or suspended in this State or any other state or territory of the United States.

5. After the investigation of the history of the applicant is completed, the Secretary of State shall issue a certificate of registration if the applicant is qualified for registration and has complied with the requirements of this section. Each certificate of registration must bear the name of the registrant and a registration number unique to that registrant. The Secretary of State shall maintain a record of the name and registration number of each registrant.

6. An application for registration as a document preparation service that is not completed within 6 months after the date on which the application was submitted must be denied.

Sec. 3. NRS 240A.290 is hereby amended to read as follows:

240A.290 1. ~~[A]~~ ***Except as otherwise provided in subsection 2, a*** person who willfully violates a provision of this chapter or a regulation or order adopted or issued pursuant thereto:

(a) For the first offense within the immediately preceding 5 years, is guilty of a misdemeanor.

(b) For a second or subsequent offense within the immediately preceding 5 years , is ~~*I:*~~

~~*(1) If the offense results in irreparable harm to the client, is guilty of a category D felony and shall be punished as provided in NRS 193.130; or*~~

~~*(2) If the offense does not result in irreparable harm to the client, is]*~~ guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 1 year, or by a fine of not more than $10,000, or by both fine and imprisonment.

2. ***A person who willfully violates a provision of this chapter or a regulation or order adopted or issued pursuant thereto is guilty of a category D felony and shall be punished as provided in NRS 193.130 if the offense results in irreparable harm to the client.***

3. In addition to the penalties prescribed by subsection ~~[1,]~~ ***1 or 2,*** the court may order a person described in ~~[that]~~ subsection ***1 or 2*** to pay restitution to any person who has suffered a pecuniary loss as a result of the violation.

~~[3.]~~ ***4.*** For the purposes of subsections 1 ***,*** ~~[and]~~ 2 ~~[,]~~ ***and 3,*** evidence that a person has been served with an order by the Secretary of State pursuant to NRS 240A.260 before the date of the alleged violation is evidence that the alleged violation is intentional if it involves a repetition or a continuation of conduct of the kind described in the order.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 798 to Assembly Bill No. 148.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

The amendment increases the penalty from a gross misdemeanor to a category D felony if the offense causes irreparable harm. Similarly, the penalty for willfully violating the provisions governing document preparation services is increased from a misdemeanor to a category D felony if the offense results in irreparable harm to a client.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 219.

The following Senate amendment was read:

Amendment No. 871.

SUMMARY—Revises provisions relating to gaming ***.*** ~~[enterprise districts.]~~ (BDR 41-193)

AN ACT relating to gaming; revising the boundaries of the Las Vegas Boulevard gaming corridor; providing for the expiration of the designation of certain locations as a gaming enterprise district; **creating the Historic Las Vegas Gaming District;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the Nevada Gaming Commission is prohibited from approving a nonrestricted license for an establishment in a county whose population is 700,000 or more (currently Clark County) unless the establishment is located in a gaming enterprise district, which is defined as "an area that has been approved by a county, city or town as suitable for operating an establishment that has been issued a nonrestricted license." (NRS 463.0158, 463.308) If the location of a proposed establishment is within the Las Vegas Boulevard gaming corridor or the rural Clark County gaming zone, but not within an area already designated as a gaming

enterprise district, the Commission is prohibited from approving a nonrestricted license for the proposed establishment unless the location of the proposed establishment is first designated a gaming enterprise district pursuant to the criteria set forth in NRS 463.3084. (NRS 463.3082) However, if the location of a proposed establishment is not within the Las Vegas Boulevard gaming corridor or the rural Clark County gaming zone and not within an area already designated as a gaming enterprise district, the Commission is prohibited from approving a nonrestricted license for the proposed establishment unless the location of the proposed establishment is first designated a gaming enterprise district pursuant to the criteria set forth in NRS 463.3086, which contains certain additional requirements that are not contained in NRS 463.3084, such as the requirements that: (1) the property line of the proposed establishment must not be less than 500 feet from the property line of a developed residential district and not less than 1,500 feet from the property line of a public school, private school or structure used primarily for religious services or worship; and (2) a three-fourths vote of the governing body of the county, city or town is required for designation of the location as a gaming enterprise district. (NRS 463.3086)

Section 1 of this bill revises the boundaries of the Las Vegas Boulevard gaming corridor to remove certain residential areas commonly known as the Beverly Green neighborhood. **Section 2** of this bill provides for the expiration on October 1, 2017, the effective date of this bill, of any designation as a gaming enterprise district for the area removed from the Las Vegas Boulevard gaming corridor pursuant to **section 1**.

Section 3 of this bill: (1) creates the Historic Las Vegas Gaming District; and (2) exempts certain parcels of real property located within the boundaries of that District from the application of certain provisions of law relating to gaming enterprise districts.

WHEREAS, The gaming industry is one of the oldest industries in Nevada and has its beginnings not only on the Las Vegas Strip, but also in the Fremont Street corridor; and

WHEREAS, Heritage tourism is a relatively unexploited sector of tourism in Nevada, and gaming is a large part of that heritage tourism industry; and

WHEREAS, It is well known that heritage tourists spend more and stay longer than other types of tourists; and

WHEREAS, Local governments, including the City of Las Vegas, should be encouraged to foster heritage tourism through the historic preservation of the neighborhoods, areas and signage that are reflective of the cultural heritage of this State; and

WHEREAS, While it is important to preserve elements of our past for not only future generations but also for the promotion of this State's largest industries of tourism and gaming, it is also important that local governments create an environment where redevelopment can flourish

and create districts with buildings of differing ages in order to attract investment, foster tourism and provide jobs; and

WHEREAS, Historic preservation and redevelopment are both crucial to the vitality of our communities, and local governments should be allowed to determine the proper balance between our historic past and prospective development that will encourage the continued growth of our economy; and

WHEREAS, The State of Nevada hereby creates the Historic Las Vegas Gaming District as a means of promoting heritage tourism and invigorating the gaming industries that have been the staple of downtown Las Vegas gaming; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 463.3076 is hereby amended to read as follows:

463.3076 ***1.*** The location of a proposed establishment shall be deemed to be within the Las Vegas Boulevard gaming corridor if:

~~[1.]~~ ***(a)*** The property line of the proposed establishment:

~~[(a)]~~ ***(1)*** Is within 1,500 feet of the centerline of Las Vegas Boulevard ~~[;~~ ~~(b)]~~ ***, unless:***

(I) The property line of the proposed establishment is east of the western edge line of Paradise Road and north of the southern edge line of Sahara Avenue; and

(II) The property is a parcel of land zoned primarily for residential use;

(2) Is south of the intersection of Las Vegas Boulevard and that portion of St. Louis Avenue which is designated State Highway No. 605; and

~~[(c)]~~ ***(3)*** Is adjacent to or north of the northern edge line of State Highway No. 146; or

~~[2.]~~ ***(b)*** The property line of the proposed establishment is within the area beginning at the point of the southern edge line of Desert Inn Road that is 1,500 feet east of the centerline of Las Vegas Boulevard, then proceeding east to the western edge line of Paradise Road, then proceeding south to the northern edge line of Sands Avenue, then proceeding west to a point that is 1,500 feet east of the centerline of Las Vegas Boulevard.

2. As used in this section, "residential use" has the meaning ascribed to it in NRS 116.083.

Sec. 2. Any designation of a location as a gaming enterprise district which was made before October 1, 2017, and which is within the area removed from the Las Vegas Boulevard gaming corridor pursuant to the amendatory provisions of **section 1 of** this act expires on October 1, 2017.

Sec. 3. **1. Notwithstanding any other provision of law, the provisions of NRS 463.3072 to 463.3094, inclusive, do not apply to a qualified parcel located within the boundaries of the Historic Las Vegas Gaming District, which is hereby created.**

2. As used in this section:

(a) "Historic Las Vegas Gaming District" means the area bounded by the east side of Main Street, the south side of Stewart Avenue, the west side of Third Street and the north side of Carson Avenue.

(b) "Nonrestricted license" has the meaning ascribed to it in NRS 463.0177.

(c) "Qualified parcel" means a parcel of property or combination of parcels of property:

(1) Comprised of an entire city block or a portion thereof consisting of at least 2.5 acres in the aggregate;

(2) On which is located a resort hotel that has a minimum capital or debt investment of $100,000,000 in the real property, improvements and personal property comprising the resort hotel or, in the alternative, a market value appraisal of the real property, improvements and personal property comprising the resort hotel indicating a minimum value of $100,000,000, based on an appraisal report prepared by a certified appraiser, as defined in NRS 645C.047; and

(3) Which, before aggregation and development, includes a parcel upon which was located an establishment which held a nonrestricted license for a resort hotel on July 16, 1997, and which has not ceased gaming operations for more than 24 consecutive months.

(d) "Resort hotel" has the meaning ascribed to it in NRS 463.01865.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 871 to Assembly Bill No. 219.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:
The amendment creates the Historic Las Vegas Gaming District.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 243.

The following Senate amendment was read:

Amendment No. 786.

AN ACT relating to criminal procedure; providing for the vacating of a judgment of conviction and sealing of records of a victim of sex trafficking or involuntary servitude; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows a court to grant a motion to vacate a judgment if the defendant was convicted of certain offenses and the defendant's participation in the offense was the result of having been a victim of sex trafficking or involuntary servitude. (NRS 176.515) Existing law also establishes a process for sealing certain records of criminal proceedings. (NRS 179.245-179.301) With certain limited exceptions, if the court orders a person's record of

criminal history sealed, all proceedings recounted in the record are deemed never to have occurred. (NRS 179.285)

Section 1.2 of this bill authorizes a person convicted of certain offenses who was a victim of sex trafficking or involuntary servitude to petition the court to vacate the judgment and seal all documents relating to the case. **Section 1.2** generally sets forth the procedure established in existing law for the vacating of a judgment of conviction of such a person, but additionally requires the court to notify the Central Repository for Nevada Records of Criminal History, the Office of the Attorney General and each office of the district attorney and law enforcement agency in this State and to allow any person to testify and present evidence on behalf of such an entity before the court decides whether to grant a petition. **Section 1.2** also authorizes a court to enter an ~~[interim]~~ order to vacate a judgment of conviction if the petitioner satisfies all requirements necessary for the judgment to be vacated but the petition is deficient with respect to the sealing of the petitioner's record. **Section 1.2** provides that if the court enters such an ~~[interim]~~ order, the court is also required to order sealed the records of the petitioner which relate to the judgment being vacated. **Sections 1 and 1.3-1.7** of this bill make conforming changes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 176.515 is hereby amended to read as follows:

176.515 1. The court may grant a new trial to a defendant if required as a matter of law or on the ground of newly discovered evidence.

2. If trial was by the court without a jury, the court may vacate the judgment if entered, take additional testimony and direct the entry of a new judgment.

3. Except as otherwise provided in NRS 176.09187, a motion for a new trial based on the ground of newly discovered evidence may be made only within 2 years after the verdict or finding of guilt.

4. A motion for a new trial based on any other grounds must be made within 7 days after the verdict or finding of guilt or within such further time as the court may fix during the 7-day period.

~~[~~5. The court may grant a motion to vacate a judgment if:

(a) The judgment is a conviction for a violation of:

(1) NRS 201.354, for engaging in prostitution or solicitation for prostitution, provided that the defendant was not alleged to be a customer of a prostitute;

(2) NRS 207.200, for unlawful trespass;

(3) Paragraph (b) of subsection 1 of NRS 463.350, for loitering; or

(4) A county, city or town ordinance, for loitering for the purpose of solicitation or prostitution;

(b) The participation of the defendant in the offense was the result of the defendant having been a victim of:

~~(1) Trafficking in persons as described in the Trafficking Victims Protection Act of 2000, 22 U.S.C. §§ 7101 et seq.; or~~

~~(2) Involuntary servitude as described in NRS 200.463 or 200.4631; and~~

~~(c) The defendant makes a motion under this subsection with due diligence after the defendant has ceased being a victim of trafficking or involuntary servitude or has sought services for victims of such trafficking or involuntary servitude.~~

~~6. In deciding whether to grant a motion made pursuant to subsection 5, the court shall take into consideration any reasonable concerns for the safety of the defendant, family members of the defendant or other victims that may be jeopardized by the bringing of such a motion.~~

~~7. If the court grants a motion made pursuant to subsection 5, the court:~~

~~(a) Shall vacate the judgment and dismiss the accusatory pleading; and~~

~~(b) May take any additional action that the court deems appropriate under the circumstances.~~**]**

Sec. 1.2. Chapter 179 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a person has been convicted of any offense listed in subsection 2, the person may petition the court in which he or she was convicted or, if the person wishes to file more than one petition and would otherwise need to file a petition in more than one court, the district court, for an order:

(a) Vacating the judgment; and

(b) Sealing all documents, papers and exhibits in the person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order.

2. A person may file a petition pursuant to subsection 1 if the person was convicted of a violation of:

(a) NRS 201.354, for engaging in prostitution or solicitation for prostitution, provided that the person was not alleged to be a customer of a prostitute;

(b) NRS 207.200, for unlawful trespass;

(c) Paragraph (b) of subsection 1 of NRS 463.350, for loitering; or

(d) A county, city or town ordinance, for loitering for the purpose of solicitation or prostitution.

3. A petition filed pursuant to subsection 1 must satisfy the requirements of ~~[subsection 2 of]~~ NRS 179.245.

4. The court may grant a petition filed pursuant to subsection 1 if:

(a) The petitioner was convicted of a violation of an offense described in subsection 2;

(b) The participation of the petitioner in the offense was the result of the petitioner having been a victim of:

(1) Trafficking in persons as described in the Trafficking Victims Protection Act of 2000, 22 U.S.C. §§ 7101 et seq.; or

(2) Involuntary servitude as described in NRS 200.463 or 200.4631; and

(c) The petitioner files a petition pursuant to subsection 1 with due diligence after the petitioner has ceased being a victim of trafficking or involuntary servitude or has sought services for victims of such trafficking or involuntary servitude.

5. Before the court decides whether to grant a petition filed pursuant to subsection 1, the court shall:

(a) Notify the Central Repository for Nevada Records of Criminal History, the Office of the Attorney General and each office of the district attorney and law enforcement agency in this State and allow any person to testify and present evidence on behalf of any such entity; and

(b) Take into consideration any reasonable concerns for the safety of the defendant, family members of the defendant or other victims that may be jeopardized by the granting of the petition.

6. If the court grants a petition filed pursuant to subsection 1, the court ~~[:]~~ shall:

(a) ~~[Shall vacate]~~ Vacate the judgment and dismiss the accusatory pleading; and

(b) ~~[Shall order]~~ Order sealed all documents, papers and exhibits in the petitioner's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order . ~~[; and~~

~~(c) May take any additional action that the court deems appropriate under the circumstances.]~~

7. If a petition filed pursuant to subsection 1 does not satisfy the requirements of ~~[subsection 2 of]~~ NRS 179.245 or the court determines that the petition is otherwise deficient with respect to the sealing of the petitioner's record, the court may enter an ~~[interim]~~ order to vacate the judgment and dismiss the accusatory pleading if the petitioner satisfies all requirements necessary for the judgment to be vacated.

8. If the court enters an ~~[interim]~~ order pursuant to subsection 7, the court shall also order sealed the records of the petitioner which relate to the judgment being vacated in accordance with paragraph (b) of subsection 6, regardless of whether any records relating to other convictions are ineligible for sealing either by operation of law or because of a deficiency in the petition.

Sec. 1.3. NRS 179.241 is hereby amended to read as follows:

179.241 As used in NRS 179.241 to 179.301, inclusive, ***and section 1.2 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 179.242, 179.243 and 179.244 have the meanings ascribed to them in those sections.

Sec. 1.4. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 5 and NRS 176A.265, 176A.295, 179.259, 453.3365 and 458.330, ***and section 1.2 of***

this act, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

(a) A category A or B felony after 15 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(b) A category C or D felony after 12 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 7 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Except as otherwise provided in paragraph (e), any gross misdemeanor after 5 years from the date of release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 422.540 to 422.570, inclusive, other than a felony, a violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or

(f) Any other misdemeanor after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by the petitioner's current, verified records received from:

(1) The Central Repository for Nevada Records of Criminal History; and

(2) All agencies of criminal justice which maintain such records within the city or county in which the conviction was entered;

(b) If the petition references NRS 453.3365 or 458.330, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(c) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(d) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific conviction to which the records to be sealed pertain; and

(3) Date of arrest relating to the specific conviction to which the records to be sealed pertain.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and the prosecuting attorney, including, without limitation, the Attorney

General, who prosecuted the petitioner for the crime. The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada, and may also order all such records of the petitioner returned to the file of the court where the proceeding was commenced from, including, without limitation, the Federal Bureau of Investigation, the California Bureau of Criminal Identification and Information and all other agencies of criminal justice which maintain such records and which are reasonably known by either the petitioner or the court to have possession of such records.

5. A person may not petition the court to seal records relating to a conviction of:

(a) A crime against a child;

(b) A sexual offense;

(c) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;

(d) A violation of NRS 484C.430;

(e) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;

(f) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or

(g) A violation of NRS 488.420 or 488.425.

6. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

7. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(12) Lewdness with a child pursuant to NRS 201.230.

(13) Sexual penetration of a dead human body pursuant to NRS 201.450.

(14) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(15) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

(16) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

(17) An attempt to commit an offense listed in this paragraph.

Sec. 1.5. NRS 179.275 is hereby amended to read as follows:

179.275 Where the court orders the sealing of a record pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330, ***or section 1.2 of this act,*** a copy of the order must be sent to:

1. The Central Repository for Nevada Records of Criminal History; and

2. Each agency of criminal justice and each public or private company, agency, official or other custodian of records named in the order, and that person shall seal the records in his or her custody which relate to the matters contained in the order, shall advise the court of compliance and shall then seal the order.

Sec. 1.6. NRS 179.285 is hereby amended to read as follows:

179.285 Except as otherwise provided in NRS 179.301:

1. If the court orders a record sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 ~~[.]~~ ***or section 1.2 of this act:***

(a) All proceedings recounted in the record are deemed never to have occurred, and the person to whom the order pertains may properly answer

accordingly to any inquiry, including, without limitation, an inquiry relating to an application for employment, concerning the arrest, conviction, dismissal or acquittal and the events and proceedings relating to the arrest, conviction, dismissal or acquittal.

(b) The person is immediately restored to the following civil rights if the person's civil rights previously have not been restored:

(1) The right to vote;

(2) The right to hold office; and

(3) The right to serve on a jury.

2. Upon the sealing of the person's records, a person who is restored to his or her civil rights pursuant to subsection 1 must be given:

(a) An official document which demonstrates that the person has been restored to the civil rights set forth in paragraph (b) of subsection 1; and

(b) A written notice informing the person that he or she has not been restored to the right to bear arms, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms.

3. A person who has had his or her records sealed in this State or any other state and whose official documentation of the restoration of civil rights is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has had his or her records sealed, the court shall issue an order restoring the person to the civil rights to vote, to hold office and to serve on a jury. A person must not be required to pay a fee to receive such an order.

4. A person who has had his or her records sealed in this State or any other state may present official documentation that the person has been restored to his or her civil rights or a court order restoring civil rights as proof that the person has been restored to the right to vote, to hold office and to serve as a juror.

Sec. 1.7. NRS 179.295 is hereby amended to read as follows:

179.295 1. The person who is the subject of the records that are sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 ***or section 1.2 of this act*** may petition the court that ordered the records sealed to permit inspection of the records by a person named in the petition, and the court may order such inspection. Except as otherwise provided in this section, subsection 8 of NRS 179.255 and NRS 179.259 and 179.301, the court may not order the inspection of the records under any other circumstances.

2. If a person has been arrested, the charges have been dismissed and the records of the arrest have been sealed, the court may order the inspection of the records by a prosecuting attorney upon a showing that as a result of newly discovered evidence, the person has been arrested for the same or a similar offense and that there is sufficient evidence reasonably to conclude that the person will stand trial for the offense.

3. The court may, upon the application of a prosecuting attorney or an attorney representing a defendant in a criminal action, order an inspection of such records for the purpose of obtaining information relating to persons who were involved in the incident recorded.

4. This section does not prohibit a court from considering a conviction for which records have been sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 ***or section 1.2 of this act*** in determining whether to grant a petition pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 for a conviction of another offense.

Sec. 2. (Deleted by amendment.)

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 786 to Assembly Bill No. 243.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

The amendment requires a petitioner to meet all the requirements of NRS 179.245 and changes the term "interim order" to "conditional order."

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 253.

The following Senate amendment was read:

Amendment No. 761.

AN ACT relating to mental health; requiring the court to conduct a hearing as soon as practicable on an application for a writ of habeas corpus relating to a person with mental illness or who is alleged to be a person with mental illness ~~[.]~~ **if the application is made before the initial hearing on a petition for the involuntary court-ordered admission of the person;** expanding the definition of "person with mental illness"; revising provisions governing the examination and evaluation by a physician or licensed psychologist of a person alleged to be a person with mental illness; requiring a court to transmit an order for involuntary admission to a law enforcement agency under certain circumstances; establishing a procedure for certain hospitals and mental health facilities to request a copy of a court order for involuntary admission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires the court to conduct a hearing as soon as practicable on an application for a writ of habeas corpus by, or on behalf of, a person who is alleged to be a person with mental illness or who has been found to be a person with mental illness ~~[.]~~ **if the application is made before the initial hearing on the petition for the involuntary court-ordered admission of the person to a mental health facility or to a program of community-based or outpatient services.**

Existing law defines a person with mental illness to include a person whose capacity is diminished as a result of mental illness to the extent that the person presents a clear and present danger of harm to himself or herself. A person presents a clear and present danger of harm to himself or herself if there exists a reasonable probability that the person will harm himself or herself unless the person is admitted to a mental health facility. (NRS 433A.115) **Section 1.3** of this bill revises this definition to provide that the person presents a clear and present danger of harm to himself or herself if there exists a reasonable probability that the person will harm himself or herself unless the person is required to participate in a program of community-based or outpatient services.

Existing law requires that, after the filing of a petition to involuntarily admit a person alleged to be a person with mental illness to a mental health facility or certain other services, the court shall cause two or more physicians or licensed psychologists, one of whom must always be a physician, to examine the person. A physician or psychologist who examines the person must submit to the court a written summary of his or her findings and evaluation not later than 24 or 48 hours before the hearing on the petition, depending on the circumstances of the admission. (NRS 433A.240) **Section 1.7** of this bill revises these provisions to require the physician or psychologist to submit the written summary of findings and evaluation not later than 24 hours before the hearing on the petition.

Existing law requires that if the court issues an order involuntarily admitting a person with mental illness to a mental health facility or certain other programs of services, the court is required to transmit a record of the order to the Central Repository for Nevada Records of Criminal History. (NRS 433A.310) **Section 2** of this bill requires the court to transmit a record of the order to each law enforcement agency of this State with which the court has entered into an agreement for such transmission for inclusion in certain databases.

Existing law requires a court to seal all court records relating to the admission and mental health treatment of certain persons and establishes procedures by which certain entities may be granted an opportunity to inspect the records. (NRS 433A.715) **Section 3** of this bill establishes a procedure by which a public or private hospital or a mental health facility may request and obtain a copy of a court order of involuntary admission which relates to a person alleged to be a person with mental illness who has been admitted to the hospital or facility.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 433A of NRS is hereby amended by adding thereto a new section to read as follows:

~~[Upon the filing of]~~ If an application for a writ of habeas corpus is made by, or on behalf of, a person with mental illness or who is alleged to be a

person with mental illness ~~[.]~~ before the initial hearing on a petition for the involuntary court-ordered admission of the person to a mental health facility or a program of community-based or outpatient services, the court shall conduct a hearing on the application as soon as practicable.

Sec. 1.3. NRS 433A.115 is hereby amended to read as follows:

433A.115 1. As used in NRS 433A.115 to 433A.330, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, "person with mental illness" means any person whose capacity to exercise self-control, judgment and discretion in the conduct of the person's affairs and social relations or to care for his or her personal needs is diminished, as a result of a mental illness, to the extent that the person presents a clear and present danger of harm to himself or herself or others, but does not include any person in whom that capacity is diminished by epilepsy, intellectual disability, dementia, delirium, brief periods of intoxication caused by alcohol or drugs, or dependence upon or addiction to alcohol or drugs, unless a mental illness that can be diagnosed is also present which contributes to the diminished capacity of the person.

2. A person presents a clear and present danger of harm to himself or herself if, within the immediately preceding 30 days, the person has, as a result of a mental illness:

(a) Acted in a manner from which it may reasonably be inferred that, without the care, supervision or continued assistance of others, the person will be unable to satisfy his or her need for nourishment, personal or medical care, shelter, self-protection or safety, and if there exists a reasonable probability that the person's death, serious bodily injury or physical debilitation will occur within the next following 30 days unless he or she is admitted to a mental health facility ***or required to participate in a program of community-based or outpatient services***
pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, ***and section 1 of this act,*** and adequate treatment is provided to the person;

(b) Attempted or threatened to commit suicide or committed acts in furtherance of a threat to commit suicide, and if there exists a reasonable probability that the person will commit suicide unless he or she is admitted to a mental health facility ***or required to participate in a program of community-based or outpatient services*** pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, ***and section 1 of this act,*** and adequate treatment is provided to the person; or

(c) Mutilated himself or herself, attempted or threatened to mutilate himself or herself or committed acts in furtherance of a threat to mutilate himself or herself, and if there exists a reasonable probability that he or she will mutilate himself or herself unless the person is admitted to a mental health facility ***or required to participate in a program of community-based or outpatient services*** pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, ***and section 1 of this act,*** and adequate treatment is provided to the person.

3. A person presents a clear and present danger of harm to others if, within the immediately preceding 30 days, the person has, as a result of a mental illness, inflicted or attempted to inflict serious bodily harm on any other person, or made threats to inflict harm and committed acts in furtherance of those threats, and if there exists a reasonable probability that he or she will do so again unless the person is admitted to a mental health facility ***or required to participate in a program of community-based or outpatient services*** pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, ***and section 1 of this act,*** and adequate treatment is provided to him or her.

Sec. 1.7. NRS 433A.240 is hereby amended to read as follows:

433A.240 1. After the filing of a petition to commence proceedings for the involuntary court-ordered admission of a person pursuant to NRS 433A.200 or 433A.210, the court shall promptly cause two or more physicians or licensed psychologists, one of whom must always be a physician, to examine the person alleged to be a person with mental illness, or request an evaluation by an evaluation team from the Division of the person alleged to be a person with mental illness.

2. To conduct the examination of a person who is not being detained at a mental health facility or hospital under emergency admission pursuant to an application made pursuant to NRS 433A.160, the court may order a peace officer to take the person into protective custody and transport the person to a mental health facility or hospital where the person may be detained until a hearing is had upon the petition.

3. If the person is not being detained under an emergency admission pursuant to an application made pursuant to NRS 433A.160, the person may be allowed to remain in his or her home or other place of residence pending an ordered examination or examinations and to return to his or her home or other place of residence upon completion of the examination or examinations. The person may be accompanied by one or more of his or her relations or friends to the place of examination.

4. Each physician and licensed psychologist who examines a person pursuant to subsection 1 shall, in conducting such an examination, consider the least restrictive treatment appropriate for the person.

5. ~~[~~Except as otherwise provided in this subsection, each~~]~~ ***Each*** physician and licensed psychologist who examines a person pursuant to subsection 1 shall, not later than ~~[~~48~~]~~ ***24*** hours before the hearing set pursuant to NRS 433A.220, submit to the court in writing a summary of his or her findings and evaluation regarding the person alleged to be a person with mental illness. ~~[If the person alleged to be a person with mental illness is admitted under an emergency admission pursuant to an application made pursuant to NRS 433A.160, the written findings and evaluation must be submitted to the court not later than 24 hours before the hearing set pursuant to subsection 1 of NRS 433A.220.]~~

Sec. 2. NRS 433A.310 is hereby amended to read as follows:

433A.310 1. Except as otherwise provided in NRS 432B.6076 and 432B.6077, if the district court finds, after proceedings for the involuntary court-ordered admission of a person:

(a) That there is not clear and convincing evidence that the person with respect to whom the hearing was held has a mental illness or exhibits observable behavior such that the person is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services, the court shall enter its finding to that effect and the person must not be involuntarily admitted to a public or private mental health facility or to a program of community-based or outpatient services.

(b) That there is clear and convincing evidence that the person with respect to whom the hearing was held has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services, the court may order the involuntary admission of the person for the most appropriate course of treatment, including, without limitation, admission to a public or private mental health facility or participation in a program of community-based or outpatient services. The order of the court must be interlocutory and must not become final if, within 30 days after the involuntary admission, the person is unconditionally released pursuant to NRS 433A.390.

2. A court shall not admit a person to a program of community-based or outpatient services unless:

(a) A program of community-based or outpatient services is available in the community in which the person resides or is otherwise made available to the person;

(b) The person is 18 years of age or older;

(c) The person has a history of noncompliance with treatment for mental illness;

(d) The person is capable of surviving safely in the community in which he or she resides with available supervision;

(e) The court determines that, based on the person's history of treatment for mental illness, the person needs to be admitted to a program of community-based or outpatient services to prevent further disability or deterioration of the person which is likely to result in harm to himself or herself or others;

(f) The current mental status of the person or the nature of the person's illness limits or negates his or her ability to make an informed decision to seek treatment for mental illness voluntarily or to comply with recommended treatment for mental illness;

(g) The program of community-based or outpatient services is the least restrictive treatment which is in the best interest of the person; and

(h) The court has approved a plan of treatment developed for the person pursuant to NRS 433A.315.

3. Except as otherwise provided in NRS 432B.608, an involuntary admission pursuant to paragraph (b) of subsection 1 automatically expires at the end of 6 months if not terminated previously by the medical director of the public or private mental health facility as provided for in subsection 2 of NRS 433A.390 or by the professional responsible for providing or coordinating the program of community-based or outpatient services as provided for in subsection 3 of NRS 433A.390. Except as otherwise provided in NRS 432B.608, at the end of the court-ordered period of treatment, the Division, any mental health facility that is not operated by the Division or a program of community-based or outpatient services may petition to renew the involuntary admission of the person for additional periods not to exceed 6 months each. For each renewal, the petition must include evidence which meets the same standard set forth in subsection 1 that was required for the initial period of admission of the person to a public or private mental health facility or to a program of community-based or outpatient services.

4. Before issuing an order for involuntary admission or a renewal thereof, the court shall explore other alternative courses of treatment within the least restrictive appropriate environment, including involuntary admission to a program of community-based or outpatient services, as suggested by the evaluation team who evaluated the person, or other persons professionally qualified in the field of psychiatric mental health, which the court believes may be in the best interests of the person.

5. If the court issues an order involuntarily admitting a person to a public or private mental health facility or to a program of community-based or outpatient services pursuant to this section, the court shall, notwithstanding the provisions of NRS 433A.715, cause, within 5 business days after the order becomes final pursuant to this section, on a form prescribed by the Department of Public Safety, a record of the order to be transmitted to ~~[the]~~ ***:***

(a) The Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System ~~[.]~~ ***; and***

(b) Each law enforcement agency of this State with which the court has entered into an agreement for such transmission, along with a statement indicating that the record is being transmitted for inclusion in each of this State's appropriate databases of information relating to crimes.

6. As used in this section, "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

Sec. 3. NRS 433A.715 is hereby amended to read as follows:

433A.715 1. A court shall seal all court records relating to the admission and treatment of any person who was admitted, voluntarily or as the result of a noncriminal proceeding, to a public or private hospital, a

mental health facility or a program of community-based or outpatient services in this State for the purpose of obtaining mental health treatment.

2. Except as otherwise provided in subsections 4 **[**~~and 5,~~**]** ***, 5 and 6,*** a person or governmental entity that wishes to inspect records that are sealed pursuant to this section must file a petition with the court that sealed the records. Upon the filing of a petition, the court shall fix a time for a hearing on the matter. The petitioner must provide notice of the hearing and a copy of the petition to the person who is the subject of the records. If the person who is the subject of the records wishes to oppose the petition, the person must appear before the court at the hearing. If the person appears before the court at the hearing, the court must provide the person an opportunity to be heard on the matter.

3. After the hearing described in subsection 2, the court may order the inspection of records that are sealed pursuant to this section if:

(a) A law enforcement agency must obtain or maintain information concerning persons who have been admitted to a public or private hospital, a mental health facility or a program of community-based or outpatient services in this State pursuant to state or federal law;

(b) A prosecuting attorney or an attorney who is representing the person who is the subject of the records in a criminal action requests to inspect the records; or

(c) The person who is the subject of the records petitions the court to permit the inspection of the records by a person named in the petition.

4. A governmental entity is entitled to inspect court records that are sealed pursuant to this section without following the procedure described in subsection 2 if:

(a) The governmental entity has made a conditional offer of employment to the person who is the subject of the records;

(b) The position of employment conditionally offered to the person concerns public safety, including, without limitation, employment as a firefighter or peace officer;

(c) The governmental entity is required by law, rule, regulation or policy to obtain the mental health records of each individual conditionally offered the position of employment; and

(d) An authorized representative of the governmental entity presents to the court a written authorization signed by the person who is the subject of the records and notarized by a notary public or judicial officer in which the person who is the subject of the records consents to the inspection of the records.

5. ***Upon the request of a public or private hospital or a mental health facility to which a person has been admitted in this State, the court shall:***

(a) Authorize the release of a copy of any order which was entered by the court pursuant to paragraph (b) of subsection 1 of NRS 433A.310 if:

(1) The request is in writing and includes the name and date of birth of the person who is the subject of the requested order; and

(2) The hospital or facility certifies that:

(I) The person who is the subject of the requested order is, at the time of the request, admitted to the hospital or facility and is being treated for an alleged mental illness; and

(II) The requested order is necessary to improve the care which is being provided to the person who is the subject of the order.

(b) Place the request in the record under seal.

6. Upon its own order, any court of this State may inspect court records that are sealed pursuant to this section without following the procedure described in subsection 2 if the records are necessary and relevant for the disposition of a matter pending before the court. The court may allow a party in the matter to inspect the records without following the procedure described in subsection 2 if the court deems such inspection necessary and appropriate.

~~[6.]~~ ***7.*** Following the sealing of records pursuant to this section, the admission of the person who is the subject of the records to the public or private hospital, mental health facility or program of community-based or outpatient services, is deemed never to have occurred, and the person may answer accordingly any question related to its occurrence, except in connection with:

(a) An application for a permit to carry a concealed firearm pursuant to the provisions of NRS 202.3653 to 202.369, inclusive;

(b) A transfer of a firearm; or

(c) An application for a position of employment described in subsection 4.

~~[7.]~~ ***8.*** As used in this section:

(a) "Firefighter" means a person who is a salaried employee of a fire-fighting agency and whose principal duties are to control, extinguish, prevent and suppress fires. As used in this paragraph, "fire-fighting agency" means a public fire department, fire protection district or other agency of this State or a political subdivision of this State, the primary functions of which are to control, extinguish, prevent and suppress fires.

(b) "Peace officer" has the meaning ascribed to it in NRS 289.010.

(c) "Seal" means placing records in a separate file or other repository not accessible to the general public.

Sec. 4. This act becomes effective on July 1, 2017.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 761 to Assembly Bill No. 253.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

The amendment clarifies the time frame for when a person may file an application for a writ of habeas corpus.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 314.

The following Senate amendment was read:

Amendment No. 707.

AN ACT relating to estates; revising provisions relating to property exempt from a writ of execution; revising provisions relating to nonprobate transfers of property; establishing provisions relating to community property or separate property transferred into an irrevocable trust; revising certain definitions applicable to the administration of an estate; revising provisions relating to the revival of a will and the proving of a will as lost or destroyed; revising provisions concerning contests of wills; authorizing the extension of the period during which an agreement between an heir finder and apparent heir is void and unenforceable; revising provisions concerning special administrators and personal representatives; revising provisions relating to the filing of an inventory and appraisement or record of value of the assets of a decedent; revising provisions governing the presentation of claims against and the sale of real property of an estate; revising provisions relating to the period within which certain actions are performed; authorizing notice to be served by certified mail; revising provisions concerning fiduciaries; revising various provisions governing trusts and trustees; authorizing a person to provide for the burial or cremation of his or her remains in a will or durable power of attorney; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that money not exceeding $500,000 and nonexempt personal property not exceeding $1,000 in value that is held in a certain manner is exempt from a writ of execution. (NRS 21.090) **Section 1** of this bill increases the amount of money to $1,000,000, revises provisions relating to the manner in which such money is held and increases the amount of nonexempt personal property to $10,000.

Existing law establishes provisions relating to nonprobate transfers of property. (NRS 111.700-111.815) **Section 2** of this bill revises the definition of the term "nonprobate transfer" to exclude certain property, and **section 3** of this bill revises provisions relating to: (1) the procedure to proceed against a nonprobate transferee if there are insufficient assets in the estate to pay a valid creditor; and (2) the property against which a creditor does not have a claim to include certain property transferred pursuant to a beneficiary designation by a decedent.

Section 4 of this bill authorizes a trust instrument to provide that community property or separate property transferred into an irrevocable trust of which both spouses are current permissible beneficiaries remains community property or separate property, as applicable, during the marriage, and **section 5** of this bill specifies that in granting a divorce, a court is required to make an equal distribution of community property transferred into such an irrevocable trust to the extent practicable.

Sections 6 and 7 of this bill revise the definitions of the terms "expenses of administration" and "fiduciary," respectively, for the purposes of the administration of an estate.

Section 8 of this bill revises provisions relating to the revival of a first will after the destruction, cancellation or revocation of a second will, and **section 9** of this bill revises provisions relating to the proving of a will as a lost or destroyed will.

Sections 10 and 41 of this bill revise: (1) provisions relating to no-contest clauses in a will or trust, respectively; and (2) the circumstances under which the share of a devisee or beneficiary, respectively, must not be reduced or eliminated. **Section 11** of this bill revises provisions relating to the issuance of a citation after a petition is filed that contests the admission of a will to probate or the validity of such a will.

Section 12 of this bill authorizes a court to extend the period during which an agreement between an heir finder and apparent heir is void and unenforceable.

Section 13 of this bill revises provisions relating to the appointment of a special administrator for the estate of a decedent. **Sections 14 and 15** of this bill revise provisions relating to the giving of a bond by a special administrator or personal representative, respectively.

Existing law establishes provisions governing the administration of estates by personal representatives. (NRS 143.010-143.210) **Sections 16-19** of this bill revise various provisions governing personal representatives. **Section 20** of this bill revises provisions relating to the issuance of a temporary order to restrain a personal representative from performing certain actions and the setting of a hearing on the matter.

Existing law establishes provisions relating to the filing by a personal representative of an inventory and appraisement or record of value of all the estate of the decedent that has come to the possession or knowledge of the personal representative. (Chapter 144 of NRS) **Section 21** of this bill extends the time within which a personal representative is required to file such documents and authorizes the filing of a redacted inventory in certain circumstances, and **section 22** of this bill authorizes the personal representative to file a verified record of value in lieu of the appraisement in certain circumstances. **Section 23** of this bill revises provisions relating to the satisfaction of the fees and costs incurred by a person seeking to enforce the filing of an inventory.

Existing law establishes provisions governing the presentation of claims against the estate of a decedent. (NRS 147.010-147.190) **Section 24** of this bill authorizes any creditor of a decedent to petition the court for a determination of the validity of a rejected claim in lieu of bringing suit against the personal representative. **Section 25** of this bill authorizes the holder of any lien against the property of an estate to bring an action enforcing the lien against the property in certain circumstances.

Existing law establishes provisions governing the sale of real property of an estate. (NRS 148.220-148.320) **Sections 26-28** of this bill revise provisions relating to such a sale.

Sections 29-33 of this bill revise provisions relating to a court's jurisdiction over and trustees of a testamentary trust.

Section 34 of this bill provides that the specified period within which an act authorized or required to be performed pursuant to the provisions of law concerning notices, transfers, orders, procedure and appeals relating to the wills and estates of deceased persons may be extended in certain circumstances or the court may authorize a person to perform the act after the specified period expires if the failure to perform the action was the result of excusable neglect. **Section 35** of this bill authorizes notice to any person in the matter of an estate or testamentary trust to be served by certified mail.

Existing law establishes miscellaneous provisions relating to fiduciaries. (NRS 162.260-162.310) **Section 36** of this bill authorizes a fiduciary to withhold from the beneficiaries of an estate or trust any property that the fiduciary determines may be subject to claims of offset held by the fiduciary in his or her fiduciary capacity, and **section 37** of this bill authorizes a fiduciary to establish a trust for certain purposes.

Existing law establishes various provisions governing trusts. (Chapter 163 of NRS) **Section 39** of this bill authorizes a trust to be created for a noncharitable purpose without a definite ascertainable beneficiary or for a noncharitable but otherwise valid purpose. Under **section 39**, the noncharitable purpose must be stated with sufficient particularity in the trust instrument to enable a finder of fact to ascertain the noncharitable purpose for which the trust was created. **Section 40** of this bill establishes provisions relating to the effect of the divorce, annulment of the marriage or termination of the domestic partnership of the descendant of a settlor on the former spouse or domestic partner of the descendant. **Sections 42-44** of this bill revise provisions relating to the creation of a trust.

Section 46 of this bill authorizes a court to enter a temporary order restraining a trustee from performing specified acts in certain circumstances, and **section 47** of this bill provides that a trustee is entitled to be exonerated or reimbursed for a tort committed in the administration of a trust in certain circumstances. **Section 49** of this bill revises provisions relating to the power of a trustee to appoint property of one trust to a second trust. **Section 50** of this bill establishes the circumstances in which a trustee is authorized to include capital gains from the sale or exchange of capital assets in distributable net income for purposes of taxation. **Section 53** of this bill requires a trustee to provide a list of the assets of the trust estate to an interested person upon a written request in certain circumstances.

Sections 51 and 52 of this bill revise provisions governing jurisdiction over a trust.

Section 54 of this bill authorizes a person who is 18 years of age or older and who wishes to authorize another person to order the burial or cremation

of his or her human remains in the event of his or her death to do so by including such an authorization in a validly executed will or durable power of attorney.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 21.090 is hereby amended to read as follows:

21.090 1. The following property is exempt from execution, except as otherwise specifically provided in this section or required by federal law:

(a) Private libraries, works of art, musical instruments and jewelry not to exceed $5,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor, and all family pictures and keepsakes.

(b) Necessary household goods, furnishings, electronics, wearing apparel, other personal effects and yard equipment, not to exceed $12,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor.

(c) Farm trucks, farm stock, farm tools, farm equipment, supplies and seed not to exceed $4,500 in value, belonging to the judgment debtor to be selected by the judgment debtor.

(d) Professional libraries, equipment, supplies, and the tools, inventory, instruments and materials used to carry on the trade or business of the judgment debtor for the support of the judgment debtor and his or her family not to exceed $10,000 in value.

(e) The cabin or dwelling of a miner or prospector, the miner's or prospector's cars, implements and appliances necessary for carrying on any mining operations and the mining claim actually worked by the miner or prospector, not exceeding $4,500 in total value.

(f) Except as otherwise provided in paragraph (p), one vehicle if the judgment debtor's equity does not exceed $15,000 or the creditor is paid an amount equal to any excess above that equity.

(g) For any workweek, 75 percent of the disposable earnings of a judgment debtor during that week, or 50 times the minimum hourly wage prescribed by section ~~[~~6(a)(1)~~]~~ ***206(a)(1)*** of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), and in effect at the time the earnings are payable, whichever is greater. Except as otherwise provided in paragraphs (o), (s) and (t), the exemption provided in this paragraph does not apply in the case of any order of a court of competent jurisdiction for the support of any person, any order of a court of bankruptcy or of any debt due for any state or federal tax. As used in this paragraph:

(1) "Disposable earnings" means that part of the earnings of a judgment debtor remaining after the deduction from those earnings of any amounts required by law to be withheld.

(2) "Earnings" means compensation paid or payable for personal services performed by a judgment debtor in the regular course of business,

including, without limitation, compensation designated as income, wages, tips, a salary, a commission or a bonus. The term includes compensation received by a judgment debtor that is in the possession of the judgment debtor, compensation held in accounts maintained in a bank or any other financial institution or, in the case of a receivable, compensation that is due the judgment debtor.

(h) All fire engines, hooks and ladders, with the carts, trucks and carriages, hose, buckets, implements and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under the laws of this State.

(i) All arms, uniforms and accouterments required by law to be kept by any person, and also one gun, to be selected by the debtor.

(j) All courthouses, jails, public offices and buildings, lots, grounds and personal property, the fixtures, furniture, books, papers and appurtenances belonging and pertaining to the courthouse, jail and public offices belonging to any county of this State, all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by the town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this State and all lots, buildings and other school property owned by a school district and devoted to public school purposes.

(k) All money, benefits, privileges or immunities accruing or in any manner growing out of any life insurance.

(l) The homestead as provided for by law, including a homestead for which allodial title has been established and not relinquished and for which a waiver executed pursuant to NRS 115.010 is not applicable.

(m) The dwelling of the judgment debtor occupied as a home for himself or herself and family, where the amount of equity held by the judgment debtor in the home does not exceed $550,000 in value and the dwelling is situated upon lands not owned by the judgment debtor.

(n) All money reasonably deposited with a landlord by the judgment debtor to secure an agreement to rent or lease a dwelling that is used by the judgment debtor as his or her primary residence, except that such money is not exempt with respect to a landlord or the landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.

(o) All property in this State of the judgment debtor where the judgment is in favor of any state for failure to pay that state's income tax on benefits received from a pension or other retirement plan.

(p) Any vehicle owned by the judgment debtor for use by the judgment debtor or the judgment debtor's dependent that is equipped or modified to provide mobility for a person with a permanent disability.

(q) Any prosthesis or equipment prescribed by a physician or dentist for the judgment debtor or a dependent of the debtor.

(r) Money, not to exceed ~~[$500,000]~~ ***$1,000,000*** in present value, held in:

(1) An individual retirement arrangement which conforms with ***or is maintained pursuant to*** the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A ~~[.]~~ ***, including, without limitation, an inherited individual retirement arrangement;***

(2) A written simplified employee pension plan which conforms with ***or is maintained pursuant to*** the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408 ~~[.]~~ ***, including, without limitation, an inherited simplified employee pension plan;***

(3) A cash or deferred arrangement ***plan*** which is ~~[a]~~ qualified ~~[plan]~~ ***and maintained*** pursuant to the Internal Revenue Code ~~[.]~~ ***, including, without limitation, an inherited cash or deferred arrangement plan;***

(4) A trust forming part of a stock bonus, pension or profit-sharing plan which is ~~[a]~~ qualified ~~[plan]~~ ***and maintained*** pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(5) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

(s) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

(t) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

(u) Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

(v) Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(w) Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(x) Payments received as restitution for a criminal act.

(y) Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

(z) Any personal property not otherwise exempt from execution pursuant to this subsection belonging to the judgment debtor, including, without limitation, the judgment debtor's equity in any property, money, stocks, bonds or other funds on deposit with a financial institution, not to exceed ~~[$1,000]~~ ***$10,000*** in total value, to be selected by the judgment debtor.

(aa) Any tax refund received by the judgment debtor that is derived from the earned income credit described in section 32 of the Internal Revenue Code, 26 U.S.C. § 32, or a similar credit provided pursuant to a state law.

(bb) Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

(cc) Regardless of whether a trust contains a spendthrift provision:

(1) A distribution interest in the trust as defined in NRS 163.4155 that is a contingent interest, if the contingency has not been satisfied or removed;

(2) A distribution interest in the trust as defined in NRS 163.4155 that is a discretionary interest as described in NRS 163.4185, if the interest has not been distributed;

(3) A power of appointment in the trust as defined in NRS 163.4157 regardless of whether the power has been exercised;

(4) A power listed in NRS 163.5553 that is held by a trust protector as defined in NRS 163.5547 or any other person regardless of whether the power has been exercised; and

(5) A reserved power in the trust as defined in NRS 163.4165 regardless of whether the power has been exercised.

(dd) If a trust contains a spendthrift provision:

(1) A distribution interest in the trust as defined in NRS 163.4155 that is a mandatory interest as described in NRS 163.4185, if the interest has not been distributed; and

(2) Notwithstanding a beneficiary's right to enforce a support interest, a distribution interest in the trust as defined in NRS 163.4155 that is a support interest as described in NRS 163.4185, if the interest has not been distributed.

(ee) Proceeds received from a private disability insurance plan.

(ff) Money in a trust fund for funeral or burial services pursuant to NRS 689.700.

(gg) Compensation that was payable or paid pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS as provided in NRS 616C.205.

(hh) Unemployment compensation benefits received pursuant to NRS 612.710.

(ii) Benefits or refunds payable or paid from the Public Employees' Retirement System pursuant to NRS 286.670.

(jj) Money paid or rights existing for vocational rehabilitation pursuant to NRS 615.270.

(kk) Public assistance provided through the Department of Health and Human Services pursuant to NRS 422.291 and 422A.325.

(ll) Child welfare assistance provided pursuant to NRS 432.036.

2. Except as otherwise provided in NRS 115.010, no article or species of property mentioned in this section is exempt from execution issued upon a judgment to recover for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

3. Any exemptions specified in subsection (d) of section 522 of the Bankruptcy Act of 1978, 11 U.S.C. § 522(d), do not apply to property owned by a resident of this State unless conferred also by subsection 1, as limited by subsection 2.

Sec. 2. NRS 111.721 is hereby amended to read as follows:

111.721 1. "Nonprobate transfer" means a transfer of any property or interest in property from a decedent to one or more other persons by operation of law or by contract that is effective upon the death of the decedent and includes, without limitation:

(a) A transfer by right of survivorship, including a transfer pursuant to subsection 1 of NRS 115.060;

(b) A transfer by deed upon death pursuant to NRS 111.655 to 111.699, inclusive; and

(c) A security registered as transferable on the death of a person.

2. The term does not include:

(a) Property that is subject to administration in probate of the estate of the decedent;

(b) Property that is set aside, without administration, pursuant to NRS 146.070; ~~[and]~~

(c) Property transferred pursuant to an affidavit as authorized by NRS 146.080 ~~[.]~~ ***; and***

(d) Property transferred from an estate or a trust pursuant to a power of appointment granted under a will or trust, as applicable.

Sec. 3. NRS 111.779 is hereby amended to read as follows:

111.779 1. Except as otherwise provided in NRS 21.090 and other applicable law, a transferee of a nonprobate transfer is liable to the probate estate of the decedent for allowed claims against that decedent's probate estate to the extent the estate is insufficient to satisfy those claims.

2. The liability of a nonprobate transferee may not exceed the value of nonprobate transfers received or controlled by that transferee.

3. Nonprobate transferees are liable for the insufficiency described in subsection 1 in the following order of priority:

(a) A transferee specified in the decedent's will or any other governing instrument as being liable for such an insufficiency, in the order of priority provided in the will or other governing instrument;

(b) The trustee of a trust serving as the principal nonprobate instrument in the decedent's estate plan as shown by its designation as devisee of the

decedent's residuary estate or by other facts or circumstances, to the extent of the value of the nonprobate transfer received or controlled; and

(c) Other nonprobate transferees, in proportion to the values received.

4. Unless otherwise provided by the trust instrument, interests of beneficiaries in all trusts incurring liabilities under this section abate as necessary to satisfy the liability, as if all the trust instruments were a single will and the interests were devises under it.

5. If a nonprobate transferee is a spouse or a minor child, the nonprobate transferee may petition the court to be excluded from the liability imposed by this section as if the nonprobate property received by the spouse or minor child were part of the decedent's estate. Such a petition may be made pursuant to the applicable provisions of chapter 146 of NRS, including, without limitation, the provisions of NRS 146.010, NRS 146.020 without regard to the filing of an inventory and subsection 2 of NRS 146.070.

6. A provision made in one instrument may direct the apportionment of the liability among the nonprobate transferees taking under that or any other governing instrument. If a provision in one instrument conflicts with a provision in another, the later one prevails.

7. Upon due notice to a nonprobate transferee, the liability imposed by this section is enforceable in probate proceedings in this State, whether or not the transferee is located in this State.

8. If a probate proceeding is pending ~~[,]~~ ***at the time of filing and it has been determined by a final order issued by the probate court that there are insufficient assets to pay a valid creditor,*** a proceeding under this section may be commenced by ***one of*** the ***following persons:***

(a) The personal representative of the decedent's estate ***.*** ~~[or, if the personal representative declines to do so, by a]~~ ***A personal representative who declines in good faith to commence a proceeding incurs no personal liability for declining.***

(b) A creditor ~~[in the name]~~ of the ~~[decedent's]~~ estate, ***if the personal representative has declined or refused to commence an action within 30 days after receiving a written demand by a creditor. Such demand must identify the nonprobate transfers known to the creditor. If the creditor is unaware of any nonprobate transfers, in the probate proceeding, the creditor may, pursuant to NRS 155.170, obtain discovery, perpetuate testimony or conduct examinations in any manner authorized by law or by the Nevada Rules of Civil Procedure to ascertain whether any nonprobate transfers exist. If the creditor is unable to identify any nonprobate transfers within a reasonable time after conducting discovery, the creditor may not proceed under this section. If a creditor commences an action under this section:***

(1) The creditor must proceed at the expense of the creditor and not of the estate.

(2) If a creditor successfully establishes an entitlement to payment under this section ~~[,]~~ ***and collects nonprobate transfers,*** the court must order

the reimbursement of the costs reasonably incurred by the creditor, including attorney's fees, from the transferee from whom the payment is to be made, subject to the limitations of subsection 2, or from the estate as a cost of administration, or partially from each, as the court deems just. ~~[A personal representative who declines in good faith to commence a requested proceeding incurs no personal liability for declining.]~~

9. If a probate proceeding is not pending, a proceeding under this section may be commenced as a civil action by a creditor at the expense of the creditor.

10. If a proceeding is commenced pursuant to this section, it must be commenced:

(a) ~~[As to a creditor whose claim was allowed after proceedings challenging disallowance of the claim by the personal representative,]~~ ***If a probate proceeding is pending in which notice to creditors has been given at the time of filing a proceeding under this section:***

(1) As to a creditor whose claim was properly and timely filed, allowed by the personal representative or partially allowed by the personal representative, and accepted by the creditor pursuant to NRS 147.160, within 60 days after the probate court enters an order confirming the amount of payment of the approved claim that is final and no longer subject to reconsideration or appeal or within 1 year after the decedent's death, whichever is later.

(2) As to a creditor:

(I) Whose claim was rejected by the personal representative, partially allowed by the personal representative and rejected by the creditor pursuant to NRS 147.160, or deemed rejected by the personal representative pursuant to NRS 147.110;

(II) Who adjudicated the creditor's claims in the proper court or by a summary adjudication; and

(III) Who obtained a favorable final judgment on its claim from the proper court,

➥ within 60 days after the probate court enters an order confirming the amount of payment of the approved claim that is final and no longer subject to reconsideration or appeal or within 1 year after the decedent's death, whichever is later.

(b) If an action had been commenced against the decedent before the decedent's death, the creditor receives a judgment against the decedent's estate and the creditor has filed a proper and timely creditor's claim against the estate, within 60 days after ~~[final allowance of the claim by]~~ the probate court ***enters an order confirming the amount of payment of the adjudicated claim that is final and no longer subject to reconsideration or appeal*** or within 1 year after the decedent's death, whichever is later.

~~[(b) As to a creditor whose claim against the decedent is being adjudicated in a separate proceeding that is still pending 1 year after the decedent's death,~~

~~within 60 days after the adjudication of the claim in favor of the creditor is final and no longer subject to reconsideration or appeal.]~~

(c) As to the recovery of benefits paid for Medicaid, within 3 years after the decedent's death.

(d) As to all other creditors, within 1 year after the decedent's death.

11. Unless a written notice asserting that a decedent's probate estate is nonexistent or insufficient to pay allowed claims and statutory allowances has been received from the decedent's personal representative, the following rules apply:

(a) Payment or delivery of assets by a financial institution, registrar or other obligor to a nonprobate transferee in accordance with the terms of the governing instrument controlling the transfer releases the obligor from all claims for amounts paid or assets delivered.

(b) A trustee receiving or controlling a nonprobate transfer is released from liability under this section with respect to any assets distributed to the trust's beneficiaries. Each beneficiary to the extent of the distribution received becomes liable for the amount of the trustee's liability attributable to assets received by the beneficiary.

12. ~~[Notwithstanding]~~ ***Except as otherwise provided in subsection 13, notwithstanding*** any provision of this section to the contrary:

(a) A creditor has no claim against ~~[property]~~ ***:***

(1) Property transferred pursuant to a power of appointment exercised by a decedent unless it was exercisable in favor of the decedent or the decedent's estate.

(2) Property transferred pursuant to a beneficiary designation by a decedent which transfers money held by any of the following:

(I) An individual retirement arrangement which conforms with or is maintained pursuant to the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A, including, without limitation, an inherited individual retirement arrangement;

(II) A written simplified employee pension plan which conforms with or is maintained pursuant to the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408, including, without limitation, an inherited simplified employee pension plan;

(III) A cash or deferred arrangement plan which is qualified and maintained pursuant to the Internal Revenue Code, including, without limitation, an inherited cash or deferred arrangement plan;

(IV) A trust forming part of a stock bonus, pension or profit-sharing plan which is qualified and maintained pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(V) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26

U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

(3) Property transferred pursuant to a beneficiary designation by a decedent which transfers money, benefits or privileges that accrue in any manner out of life insurance.

(4) Proceeds of any wages of the decedent which were exempt from execution during the decedent's lifetime pursuant to paragraph (g) of subsection 1 of NRS 21.090.

(5) A trust, a beneficial interest of the decedent under a trust or amount payable from a trust if the trust was created by someone other than the decedent, except to enforce a valid assignment of the decedent's beneficial interest under a trust that is not a spendthrift trust.

(6) An irrevocable trust or amounts payable from a trust if the trust was properly created as a valid spendthrift trust under chapter 166 of NRS, except with respect to property transferred to the trust by the decedent to the extent permitted under subsections 1, 2 and 3 of NRS 166.170.

(b) A purchaser for value of property or a lender who acquires a security interest in the property from a beneficiary of a nonprobate transfer after the death of the owner, in good faith:

(1) Takes the property free of any claims or of liability to the owner's estate, creditors of the owner's estate, persons claiming rights as beneficiaries under the nonprobate transfer or heirs of the owner's estate, in absence of actual knowledge that the transfer was improper; and

(2) Has no duty to verify sworn information relating to the nonprobate transfer. The protection provided by this subparagraph applies to information that relates to the ownership interest of the beneficiary in the property and the beneficiary's right to sell, encumber and transfer good title to a purchaser or lender and does not relieve a purchaser or lender from the notice imparted by instruments of record respecting the property.

13. ***Nothing in this section exempts any real or personal property from any statute of this State that authorizes the recovery of money owed to the Department of Health and Human Services as a result of the payment of benefits from Medicaid.***

14. As used in this section, "devise" has the meaning ascribed to it in NRS 132.095.

Sec. 4. Chapter 123 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A trust instrument may provide that community property or separate property transferred into an irrevocable trust of which both spouses are current permissible beneficiaries remains community property or separate property, as applicable, during the marriage. Any community property or separate property, including, without limitation, any income, appreciation and proceeds thereof, that is distributed or withdrawn from a trust

instrument containing such a provision remains community property or separate property, as applicable.

2. The provisions of this section do not affect the character of community property or separate property that is transferred into a trust in any manner other than as described in this section.

Sec. 5. NRS 125.150 is hereby amended to read as follows:

125.150 Except as otherwise provided in NRS 125.155 and 125.165, and unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS:

1. In granting a divorce, the court:

(a) May award such alimony to the wife or to the husband, in a specified principal sum or as specified periodic payments, as appears just and equitable; and

(b) Shall, to the extent practicable, make an equal disposition of the community property of the parties, ***including, without limitation, any community property transferred into an irrevocable trust pursuant to section 4 of this act over which the court acquires jurisdiction pursuant to NRS 164.010,*** except that the court may make an unequal disposition of the community property in such proportions as it deems just if the court finds a compelling reason to do so and sets forth in writing the reasons for making the unequal disposition.

2. Except as otherwise provided in this subsection, in granting a divorce, the court shall dispose of any property held in joint tenancy in the manner set forth in subsection 1 for the disposition of community property. If a party has made a contribution of separate property to the acquisition or improvement of property held in joint tenancy, the court may provide for the reimbursement of that party for his or her contribution. The amount of reimbursement must not exceed the amount of the contribution of separate property that can be traced to the acquisition or improvement of property held in joint tenancy, without interest or any adjustment because of an increase in the value of the property held in joint tenancy. The amount of reimbursement must not exceed the value, at the time of the disposition, of the property held in joint tenancy for which the contribution of separate property was made. In determining whether to provide for the reimbursement, in whole or in part, of a party who has contributed separate property, the court shall consider:

(a) The intention of the parties in placing the property in joint tenancy;

(b) The length of the marriage; and

(c) Any other factor which the court deems relevant in making a just and equitable disposition of that property.

➥ As used in this subsection, "contribution" includes, without limitation, a down payment, a payment for the acquisition or improvement of property, and a payment reducing the principal of a loan used to finance the purchase or improvement of property. The term does not include a payment of interest

on a loan used to finance the purchase or improvement of property, or a payment made for maintenance, insurance or taxes on property.

3. A party may file a postjudgment motion in any action for divorce, annulment or separate maintenance to obtain adjudication of any community property or liability omitted from the decree or judgment as the result of fraud or mistake. A motion pursuant to this subsection must be filed within 3 years after the discovery by the aggrieved party of the facts constituting the fraud or mistake. The court has continuing jurisdiction to hear such a motion and shall equally divide the omitted community property or liability between the parties unless the court finds that:

(a) The community property or liability was included in a prior equal disposition of the community property of the parties or in an unequal disposition of the community property of the parties which was made pursuant to written findings of a compelling reason for making that unequal disposition; or

(b) The court determines a compelling reason in the interests of justice to make an unequal disposition of the community property or liability and sets forth in writing the reasons for making the unequal disposition.

➥ If a motion pursuant to this subsection results in a judgment dividing a defined benefit pension plan, the judgment may not be enforced against an installment payment made by the plan more than 6 years after the installment payment.

4. Except as otherwise provided in NRS 125.141, whether or not application for suit money has been made under the provisions of NRS 125.040, the court may award a reasonable attorney's fee to either party to an action for divorce.

5. In granting a divorce, the court may also set apart such portion of the husband's separate property for the wife's support, the wife's separate property for the husband's support or the separate property of either spouse for the support of their children as is deemed just and equitable.

6. In the event of the death of either party or the subsequent remarriage of the spouse to whom specified periodic payments were to be made, all the payments required by the decree must cease, unless it was otherwise ordered by the court.

7. If the court adjudicates the property rights of the parties, or an agreement by the parties settling their property rights has been approved by the court, whether or not the court has retained jurisdiction to modify them, the adjudication of property rights, and the agreements settling property rights, may nevertheless at any time thereafter be modified by the court upon written stipulation signed and acknowledged by the parties to the action, and in accordance with the terms thereof.

8. If a decree of divorce, or an agreement between the parties which was ratified, adopted or approved in a decree of divorce, provides for specified periodic payments of alimony, the decree or agreement is not subject to modification by the court as to accrued payments. Payments pursuant to a

decree entered on or after July 1, 1975, which have not accrued at the time a motion for modification is filed may be modified upon a showing of changed circumstances, whether or not the court has expressly retained jurisdiction for the modification. In addition to any other factors the court considers relevant in determining whether to modify the order, the court shall consider whether the income of the spouse who is ordered to pay alimony, as indicated on the spouse's federal income tax return for the preceding calendar year, has been reduced to such a level that the spouse is financially unable to pay the amount of alimony the spouse has been ordered to pay.

9. In addition to any other factors the court considers relevant in determining whether to award alimony and the amount of such an award, the court shall consider:

(a) The financial condition of each spouse;

(b) The nature and value of the respective property of each spouse;

(c) The contribution of each spouse to any property held by the spouses pursuant to NRS 123.030;

(d) The duration of the marriage;

(e) The income, earning capacity, age and health of each spouse;

(f) The standard of living during the marriage;

(g) The career before the marriage of the spouse who would receive the alimony;

(h) The existence of specialized education or training or the level of marketable skills attained by each spouse during the marriage;

(i) The contribution of either spouse as homemaker;

(j) The award of property granted by the court in the divorce, other than child support and alimony, to the spouse who would receive the alimony; and

(k) The physical and mental condition of each party as it relates to the financial condition, health and ability to work of that spouse.

10. In granting a divorce, the court shall consider the need to grant alimony to a spouse for the purpose of obtaining training or education relating to a job, career or profession. In addition to any other factors the court considers relevant in determining whether such alimony should be granted, the court shall consider:

(a) Whether the spouse who would pay such alimony has obtained greater job skills or education during the marriage; and

(b) Whether the spouse who would receive such alimony provided financial support while the other spouse obtained job skills or education.

11. If the court determines that alimony should be awarded pursuant to the provisions of subsection 10:

(a) The court, in its order, shall provide for the time within which the spouse who is the recipient of the alimony must commence the training or education relating to a job, career or profession.

(b) The spouse who is ordered to pay the alimony may, upon changed circumstances, file a motion to modify the order.

(c) The spouse who is the recipient of the alimony may be granted, in addition to any other alimony granted by the court, money to provide for:

(1) Testing of the recipient's skills relating to a job, career or profession;

(2) Evaluation of the recipient's abilities and goals relating to a job, career or profession;

(3) Guidance for the recipient in establishing a specific plan for training or education relating to a job, career or profession;

(4) Subsidization of an employer's costs incurred in training the recipient;

(5) Assisting the recipient to search for a job; or

(6) Payment of the costs of tuition, books and fees for:

(I) The equivalent of a high school diploma;

(II) College courses which are directly applicable to the recipient's goals for his or her career; or

(III) Courses of training in skills desirable for employment.

12. For the purposes of this section, a change of 20 percent or more in the gross monthly income of a spouse who is ordered to pay alimony shall be deemed to constitute changed circumstances requiring a review for modification of the payments of alimony. As used in this subsection, "gross monthly income" has the meaning ascribed to it in NRS 125B.070.

Sec. 6. NRS 132.135 is hereby amended to read as follows:

132.135 "Expenses of administration" means funeral expenses and expenses actually and properly incurred by a personal representative in the administration of an estate, ***including, without limitation, expenses incurred for the maintenance or preservation of the assets of an estate,*** plus the fees of the personal representative, any attorney retained by the personal representative and any other consultant engaged by him or her.

Sec. 7. NRS 132.145 is hereby amended to read as follows:

132.145 ***1.*** "Fiduciary" includes ***, without limitation,*** a personal representative, guardian ***,*** ~~[and]~~ trustee ~~[.]~~ ***under any trust, whether express, implied, resulting or constructive, bailee, conservator, curator, receiver or trustee in bankruptcy or an attorney in fact, assignee for the benefit of creditors or agent. The term does not include:***

(a) A trust protector or trust adviser, except under the terms and conditions expressly provided in the written instrument appointing the trust protector or trust adviser; or

(b) A holder of a power of appointment under the terms of a trust.

2. As used in this section:

(a) "Trust adviser" has the meaning ascribed to it in NRS 163.5545.

(b) "Trust protector" has the meaning ascribed to it in NRS 163.5547.

Sec. 8. NRS 133.130 is hereby amended to read as follows:

133.130 If, after the making of any will, the testator executes a ***valid*** second will ~~[,]~~ ***that includes provisions revoking the first will,*** the

destruction, cancellation or revocation of the second will does not revive the first will ~~[,]~~ unless ~~[it]~~ ***:***

1. It appears by the terms of the revocation ***or the manner in which the revocation occurred*** that it was the intention to revive and give effect to the first will ***;*** ~~[,]~~ or ~~[unless, after]~~

2. After the destruction, cancellation or revocation, the first will is reexecuted.

Sec. 9. NRS 136.240 is hereby amended to read as follows:

136.240 1. The petition for the probate of a lost or destroyed will must include a copy of the will, or if no copy is available state, or be accompanied by a written statement of, the testamentary words, or the substance thereof.

2. If offered for probate, a lost or destroyed will must be proved in the same manner as other wills are proved under this chapter.

3. In addition, no will may be proved as a lost or destroyed will unless ***its provisions are clearly and distinctly proved by two or more credible witnesses and*** it is ~~[proved]~~ ***:***

(a) Proved to have been in ***legal*** existence at the death of the person whose will it is claimed to be ~~[,]~~ ***and has not otherwise been revoked or destroyed without the knowledge, consent or ratification of such person;*** or ~~[is shown]~~

(b) Shown to have been fraudulently destroyed in the lifetime of that person ***.*** ~~[, nor unless its provisions are clearly and distinctly proved by at least two credible witnesses.]~~

4. The testimony of each witness must be reduced to writing, signed by the witness and filed, and is admissible in evidence in any contest of the will if the witness has died or permanently moved from the State.

5. Notwithstanding any provision of this section to the contrary:

(a) The production of a person's lost or destroyed will, whose primary beneficiary is a nontestamentary trust established by the person and in existence at his or her death, creates a rebuttable presumption that the will had not been revoked.

(b) If the proponent of a lost or destroyed will makes a prima facie showing that it was more likely than not left unrevoked by the person whose will it is claimed to be before his or her death, then the will must be admitted to probate in absence of an objection. If such prima facie showing has been made, the court shall accept a copy of such a will as sufficient proof of the terms thereof without requiring further evidence in the absence of any objection.

6. If the will is established, its provisions must be set forth specifically in the order admitting it to probate, or a copy of the will must be attached to the order.

Sec. 10. NRS 137.005 is hereby amended to read as follows:

137.005 1. Except as otherwise provided in subsections 3 and 4, a no-contest clause in a will must be enforced by the court ~~[,]~~ ***because public policy favors enforcing the intent of the testator. However, because public***

policy does not favor forfeitures, a no-contest clause must be strictly construed by the court and must not be extended beyond the plain meaning of the express provisions of the will.

2. A no-contest clause must be construed to carry out the testator's intent ~~[. Except]~~ to the extent ~~[the will is vague or ambiguous,]~~ ***such intent is clear and unambiguous. No*** extrinsic evidence is ~~[not]~~ admissible to establish the testator's intent concerning the no-contest clause. The provisions of this subsection do not prohibit ~~[such]~~ ***extrinsic*** evidence from being admitted for any other purpose authorized by law. Except as otherwise provided in subsections 3 and 4, a devisee's share may be reduced or eliminated under a no-contest clause based upon conduct that is set forth by the testator in the will, including, without limitation, any testamentary trust established in the will. Such conduct may include, without limitation:

(a) Conduct other than formal court action; and

(b) Conduct which is unrelated to the will itself, including, without limitation:

(1) The commencement of civil litigation against the testator's probate estate or family members;

(2) Interference with the administration of a trust or a business entity;

(3) Efforts to frustrate the intent of the testator's power of attorney; and

(4) Efforts to frustrate the designation of beneficiaries related to a nonprobate transfer by the testator.

3. Notwithstanding any provision to the contrary in the will, a devisee's share must not be reduced or eliminated ~~[if]~~ ***because of any action taken by*** the devisee ~~[seeks]~~ ***seeking*** only to:

(a) Enforce the terms of the will or any document referenced in or affected by the will;

(b) Enforce the devisee's legal rights in the probate proceeding; ~~[or]~~

(c) Obtain ~~[a]~~ court ~~[ruling]~~ ***instruction*** with respect to the ***proper administration of the estate or the*** construction or legal effect of the will ~~[.]~~ ***or the provisions thereof; or***

(d) Enforce the fiduciary duties of the personal representative.

4. Notwithstanding any provision to the contrary in the will, a devisee's share must not be reduced or eliminated under a no-contest clause because the devisee institutes legal action seeking to invalidate a will if the legal action is instituted ***and maintained*** in good faith and based on probable cause that would have led a reasonable person, properly informed and advised, to conclude that the will is invalid.

5. ***As to any testamentary trust, the testator is the settlor. Unless the will expressly provides otherwise, a no-contest clause in a will applies to a testamentary trust created under that will and the provisions of NRS 163.00195 apply to that trust.***

6. As used in this section, "no-contest clause" means one or more provisions in a will that express a directive to reduce or eliminate the share allocated to a devisee or to reduce or eliminate the distributions to be made to

a devisee if the devisee takes action to frustrate or defeat the testator's intent as expressed in the will.

Sec. 11. NRS 137.090 is hereby amended to read as follows:

137.090 Upon filing ~~[the]~~ ***a*** petition ~~[, and within the time allowed for filing the petition,]~~ ***pursuant to NRS 137.080, the court shall order the issuance of*** a citation ***,*** ~~[must be issued,]~~ directed to the personal representative and to all the devisees mentioned in the will, and the heirs, so far as known to the petitioner, including minors and incapacitated persons, or the personal representative of any such person who is dead, directing them to plead to the contest within 30 days after service of the citation.

Sec. 12. NRS 139.135 is hereby amended to read as follows:

139.135 1. An agreement between an heir finder and an apparent heir, the primary purpose of which is to locate, recover or assist in the recovery of an estate for which the public administrator has petitioned for letters of administration, is void and unenforceable if the agreement is entered into during the period beginning with the death of the person whose estate is in probate until 90 days thereafter. ***Upon a showing of good cause, the court may extend such a period until 180 days after the death of the person.***

2. As used in this section, "heir finder" means a person who, for payment of a fee, assignment of a portion of any interest in a decedent's estate or other consideration, provides information, assistance, forensic genealogy research or other efforts related to another person's right to or interest in a decedent's estate. The term does not include:

(a) A person acting in the capacity of a personal representative or guardian ad litem;

(b) A person appointed to perform services by a probate court in which a proceeding in connection with a decedent's estate is pending; or

(c) An attorney providing legal services to a decedent's family member if the attorney has not agreed to pay to any other person a portion of the fees received from the family member or the family member's interest in the decedent's estate.

Sec. 13. NRS 140.010 is hereby amended to read as follows:

140.010 The court shall appoint a special administrator to collect and take charge of the estate of the decedent, in whatever county or counties the estate may be found, and to exercise such other powers as may be necessary to preserve the estate ~~[.]~~ ***or any rights or privileges belonging to the decedent:***

1. If there is a delay in granting letters testamentary or letters of administration, from any cause.

2. If letters are granted irregularly.

3. If no sufficient bond is filed as required by the court.

4. If no petition is filed for letters.

5. If an executor or administrator dies or is suspended or removed, and the circumstances of the estate require the immediate appointment of a personal representative.

6. If there may be no assets subject to administration but good cause exists for the appointment of a personal representative of the decedent.

7. In any other proper case.

Sec. 14. NRS 140.030 is hereby amended to read as follows:

140.030 Before letters issue to a person as a special administrator, the person must:

1. Give bond in such sum as the court directs, with sureties to the satisfaction of the court, conditioned for the faithful performance of the duties, unless the court waives bond ~~[;]~~ ***, with or without conditions, or dispenses the bond and alternatively requires the establishment of a blocked account;*** and

2. Take the usual oath of office.

Sec. 15. NRS 142.020 is hereby amended to read as follows:

142.020 1. The requirement of a bond of a personal representative is discretionary with the court. Whether a bond is expressly required by the will or not, the court may:

(a) Require a bond if it determines a bond is desirable; or

(b) Dispense with the requirement of a bond if ~~[it]~~ ***:***

(1) The court determines a bond is unnecessary ~~[.]~~ ***; or***

(2) The assets of the estate are deposited with a financial institution pursuant to subsection 3.

2. The bond must be conditioned so that the personal representative will faithfully execute the duties of the office according to law, and the bond must be filed by the clerk.

3. Personal assets of an estate may be deposited with a domestic credit union or other domestic financial institution upon such terms as may be prescribed by order of the court having jurisdiction of the estate. The deposit is subject to the further order of the court. ~~[The bond of the personal representative may be reduced accordingly.]~~ The personal representative shall file with the clerk the acknowledgment of an authorized representative of the financial institution that holds the assets deposited, which may be in the following form:

PROOF OF BLOCKED ACCOUNT

The undersigned affirms that ....., as personal representative of the estate of ....., deceased, has established an account, number ....., entitled "....." in the amount of $.....

The undersigned acknowledges that this account bears a blocked/frozen designation, and that no money may be removed without first presenting an order from the court authorizing the withdrawal.

Dated on .....(date). By: .....

Title: .....

4. During the pendency of the administration, any person, including a creditor, having an interest in an estate whose value exceeds $10,000 may file a petition requesting that the personal representative submit additional bond. Upon the filing of the petition, the clerk shall set it for hearing, and the petitioner shall give notice for the period and in the manner provided in NRS 155.010. Upon hearing the petition, the court may require the personal representative to file additional bond in the amount of the claim of the petitioner, unless it determines that bond should be dispensed with or set in a different amount.

5. The amount of the bond is the estimated value of all personal property plus income for 1 year from both real and personal property, unless the amount of the bond is expressly mentioned in the will, changed by the court or required pursuant to subsection 4.

6. If a banking corporation, as defined in NRS 657.016, or trust company, as defined in NRS 669.070, doing business in this State is appointed the personal representative of the estate of a decedent, no bond is required unless otherwise specifically required by the court.

Sec. 16. NRS 143.020 is hereby amended to read as follows:

143.020 Except as otherwise provided in NRS 143.030 and 146.010, a personal representative has a right to the possession of all the real, as well as personal, property of the decedent and may receive the rents and profits of the property until the estate is settled, or until delivered over by order of the court to the heirs or devisees, and shall make a reasonable effort to ~~[keep]~~ ***preserve and maintain all such property, including, without limitation, by keeping*** in good tenantable repair all houses, buildings and appurtenances thereon which are under the control of the personal representative.

Sec. 17. NRS 143.035 is hereby amended to read as follows:

143.035 1. A personal representative shall use reasonable diligence in performing the duties of the personal representative and in pursuing the administration of the estate.

2. ~~[A]~~ ***In the absence of pending litigation or a contested proceeding involving the estate, a*** personal representative in charge of an estate that has not been closed shall:

(a) Within 6 months after the personal representative's appointment, where no federal estate tax return is required to be filed for the estate; or

(b) Within ~~[15]~~ ***18*** months after the personal representative's appointment, where a federal estate tax return is required to be filed for the estate,

➥ file with the court a report explaining why the estate has not been closed.

3. Upon receiving the report, the clerk shall set a time and place for a hearing of the report. The personal representative shall send a copy of the report and shall give notice of the hearing, for the period and in the manner provided in NRS 155.010, to:

(a) Each person whose interest is affected as an heir or devisee; and

(b) The Department of Health and Human Services, if the Department has filed a claim against the estate.

4. At the hearing, the court shall determine whether or not the personal representative has used reasonable diligence in the administration of the estate, and if the personal representative has not, the court may:

(a) Subject to the provisions of NRS 143.037:

(1) Prescribe the time within which the estate must be closed; or

(2) Allow the personal representative additional time for closing and order a subsequent report; or

(b) Revoke the letters of the personal representative, appoint a successor and prescribe a reasonable time within which the successor shall close the estate.

Sec. 18. NRS 143.037 is hereby amended to read as follows:

143.037 1. Except as otherwise provided in this section, a personal representative shall close an estate within 18 months after appointment.

2. If ~~[~~a~~]~~ ***an estate is not closed within 18 months after the appointment of a personal representative and:***

(a) A claim against the estate is in litigation or in summary determination pursuant to subsection 5 of NRS 145.060 ~~[~~or~~]~~ ***, a petition for determination of the validity of the claim has been filed pursuant to*** subsection 2 of NRS 147.130 or the amount of federal estate tax has not been determined, ~~[~~the court, upon petition of~~]~~ a devisee, creditor or heir ~~[~~, shall~~]~~ ***may file a petition seeking an*** order that:

~~[~~(a)~~]~~ ***(1)*** A certain amount of money, or certain other assets, be retained by the personal representative to:

~~[~~(1)~~]~~ ***(I)*** Satisfy the claim or tax; and

~~[~~(2)~~]~~ ***(II)*** Pay any fees or costs related to the claim or tax, including fees for appraisals, attorney's fees and court costs; and

~~[~~(b)~~]~~ ***(2)*** The remainder of the estate be distributed.

~~[~~3. If a~~]~~

(b) A contest of the will or a proceeding to determine heirship is pending, ***a devisee, creditor or heir may file a petition requesting*** the court which appointed the personal representative ~~[~~:

(a) Shall~~]~~ ***to*** order that ~~[~~a~~]~~ ***:***

(1) A certain amount of money, or certain other assets, be retained and the remainder of the estate distributed; or

~~[~~(b) May, for good cause shown, order that the~~]~~

(2) The entire distributable estate be retained pending disposition of the contest or proceeding.

3. A court shall not enter an order distributing the assets of an estate pursuant to this section if such a distribution will result in there being insufficient assets to enable the personal representative to discharge any tax liability, claims of creditors, administrative expenses or any other just obligation of the estate.

Sec. 19. NRS 143.050 is hereby amended to read as follows:

143.050 ***1.*** Except as otherwise provided in NRS 143.520, after notice given as provided in NRS 155.010 or in such other manner as the court

directs, the court may authorize the personal representative to continue the operation of the decedent's business to such an extent and subject to such restrictions as may seem to the court to be for the best interest of the estate and any interested persons.

2. The provisions of subsection 1 do not apply to passive investments or the exercise of any shareholder or membership rights to which the personal representative has succeeded.

3. Unless specifically authorized by the will or by the court, the personal representative may not receive any separate compensation for continuing the operation of the decedent's business pursuant to this section.

Sec. 20. NRS 143.165 is hereby amended to read as follows:

143.165 1. On petition ***or ex parte application*** of an interested person, the court by temporary order ***, with or without bond,*** may restrain a personal representative from performing specified acts of administration, disbursement or distribution, or exercising any powers or discharging any duties of the office, or enter any other order to secure proper performance of the duties of the office ***.*** ~~[,]~~ ***Notwithstanding any other provision of law,*** if it appears to the court that the personal representative otherwise may take some action that would jeopardize unreasonably the interest of the petitioner or of some other interested person ~~[.]~~ ***or the estate, the court may enter the temporary order.*** A person with whom the personal representative may transact business may be made a party to the temporary order.

2. The matter must be set for hearing within 10 days after entry of the temporary order ***,*** unless the parties otherwise agree ~~[.]~~ ***, or on a date the court otherwise determines is in the best interest of the estate.*** Notice as the court directs must be given by the petitioner to the personal representative and the attorney of record of the personal representative, if any, and to any other party named as a party in the temporary order.

Sec. 21. NRS 144.010 is hereby amended to read as follows:

144.010 1. Except as otherwise provided in this ~~[subsection,]~~ ***section,*** every personal representative shall ~~[make]~~ ***prepare*** and file with the clerk ~~[,]~~ ***a true inventory and appraisement or record of value of all the assets of the decedent that have come to the possession or knowledge of the personal representative,*** within ~~[60]~~ ***120*** days after ~~[appointment,]~~ ***the issuance of letters of administration,*** unless the court extends the time ~~[, a true inventory and appraisement or record of value of all the estate of the decedent that has come to the possession or knowledge of the personal representative.]~~ ***for good cause shown.*** The requirement of ***preparing and*** filing an inventory or ~~[the requirement of filing]~~ an appraisement or ***a*** verified record of value, or both, may be waived by the unanimous written consent of all interested persons.

2. ~~[The]~~ ***Notwithstanding the provisions of this subsection, an interested person may provide a written request to the personal representative at any time 60 days or more after the issuance of letters of***

administration which seeks a list of the assets of the estate known to the personal representative. The personal representative shall provide such information to the requesting interested party within 10 days after receipt of the written request.

3. Unless an interested heir requested and was provided a list of assets pursuant to subsection 2, the personal representative, within 10 days after filing the inventory with the clerk, shall mail a copy to all the interested heirs of an intestate estate, or to the devisees of a testate estate, or to both interested heirs and devisees, if a contest of the will of the decedent is pending. Proof of the mailing of the copies must be made and filed in the proceeding.

4. Notwithstanding the requirements set forth in this section, a personal representative may file a redacted inventory to protect the decedent or his or her estate or an interested person. Such an inventory may redact any account numbers, social security numbers and values. Upon request by the court or an interested person, the personal representative shall make the full inventory without redaction available for inspection.

5. This section must not be construed to interfere with the authority of a court to order a personal representative to provide the court with information sufficient to identify the assets of an estate and the value thereof that is subject to probate administration, including, without limitation, requiring the personal representative to submit an inventory to the court in camera, as the court deems necessary and appropriate.

Sec. 22. NRS 144.020 is hereby amended to read as follows:

144.020 1. A personal representative may engage a qualified and disinterested appraiser to ascertain the fair market value, as of the decedent's death, of any asset the value of which is subject to reasonable doubt. Different persons may be engaged to appraise different kinds of assets included in the estate.

2. Any such appraiser is entitled to a reasonable compensation for the appraisal and may be paid the compensation by the personal representative out of the estate at any time after completion of the appraisal.

3. Except as otherwise provided in NRS 144.010, if there is no reasonable doubt as to the value of assets, such as money, deposits in banks or credit unions, bonds, policies of life insurance, or securities for money or evidence of indebtedness, and the asset is equal in value to cash, the personal representative shall file a verified record of value in lieu of the appraisement.

4. If it appears beyond reasonable doubt that there will be no need to sell assets of the estate to pay the debts of the estate or expenses of administration, or to divide assets for distribution in kind to the devisees or heirs, the personal representative may petition the court for an order allowing a verified record of value to be filed in lieu of the appraisement or, if no interested person is prejudiced thereby, an order waiving the requirement for

filing an appraisement or verified record of value, and the court may enter such an order with or without notice.

5. If the personal representative reasonably believes that the value of the household furniture and furnishings of the estate is less than $30,000, the personal representative may file a verified record of value in lieu of the appraisement. Notwithstanding the provisions of this subsection, any interested person may petition the court to require the personal representative to obtain an appraisement on some or all of such household furniture and furnishings. Upon a showing of good cause, the court shall order the appraisement.

Sec. 23. NRS 144.080 is hereby amended to read as follows:

144.080 If a personal representative neglects or refuses to file the inventory within the time prescribed by law or extended by the court, the court may, upon such notice as it deems appropriate ~~[, revoke]~~ ***:***

1. Revoke the letters of the personal representative ~~[, and]~~ ***;***

2. Order that the fees and costs incurred by the interested person seeking to enforce the provisions of this subsection be satisfied by the bond of the personal representative or, in the absence of a bond, be paid personally by the personal representative; or

3. Hold the personal representative ~~[is]~~ liable on the bond of the personal representative for any injuries sustained by the estate through his or her ~~[neglect.]~~ ***gross negligence or willful misconduct.***

Sec. 24. NRS 147.130 is hereby amended to read as follows:

147.130 1. If a claim is rejected by the personal representative or the court, in whole or in part, the claimant must be immediately notified by the personal representative, and the claimant must bring suit in the proper court against the personal representative within 60 days after the notice or file a timely petition for ~~[summary]~~ determination ***of the validity of the claim*** pursuant to subsection 2, whether the claim is due or not, or the claim is forever barred. A claimant must be informed of the rejection of the claim by written notice forwarded to the claimant's mailing address by registered or certified mail.

2. If a claim ~~[filed by the Department of Health and Human Services]~~ is rejected by the personal representative, ~~[the Director of the Department]~~ ***a creditor*** may, within 20 days after receipt of the written notice of rejection, petition the court for ~~[summary]~~ determination of ***the validity of*** the claim ~~[.]~~ ***in lieu of bringing suit against the personal representative pursuant to subsection 1.*** A petition for ~~[summary]~~ determination ***of the validity of the claim*** must be filed with the clerk, who shall set the petition for hearing, and notice must be given for the period and in the manner required by NRS 155.010. Allowance of the claim by the court is sufficient evidence of its correctness, and it must be paid as if previously allowed by the personal representative.

3. In any action brought upon a claim rejected in whole or in part by the personal representative, if the personal representative resides out of the State

or has departed from the State, or cannot, after due diligence, be found within the State, or conceals himself or herself to avoid the service of summons, the summons, together with a copy of the complaint, must be mailed directly to the last address given by the personal representative, with a copy to the attorney for the estate, and proof of the mailing must be filed with the clerk where the administration of the estate is pending. This service is the equivalent of personal service upon the personal representative, but he or she has 30 days from the date of service within which to answer.

4. If the personal representative defaults after such service, the default is sufficient grounds for his or her removal as personal representative by the court without notice. Upon petition and notice, in the manner provided for an application for letters of administration, an administrator or an administrator with the will annexed must be appointed by the court and, upon his or her qualification as such, letters of administration or letters of administration with the will annexed must be issued.

Sec. 25. NRS 147.150 is hereby amended to read as follows:

147.150 No holder of a claim against an estate may maintain an action thereon unless the claim is first filed with the clerk and the claim is rejected in whole or in part, except in the following case: An action may be brought by the holder of a ***lien or*** mortgage to enforce the ***lien or*** mortgage against the property of the estate subject thereto if all recourse against any other property of the estate is expressly waived in the complaint.

Sec. 26. NRS 148.220 is hereby amended to read as follows:

148.220 1. Notice of the time and place of sale of real property must be published in a newspaper published in the county in which the property, or some portion of the property, is located, if there is one so published, and if not, then in such paper as the court directs, for 2 weeks, being three publications, 1 week apart, before the day of sale or, in the case of a private sale, before the day on or after which the sale is to be made. For good cause shown, the court may decrease the number of publications to one and shorten the time for publication to a period not less than 8 days.

2. ~~[~~If the~~]~~ ***The court may waive the requirement of publication if:***

(a) The personal representative is the sole devisee or heir of the estate, or if all devisees or heirs of the estate consent in writing ~~[~~, the court may waive the requirement of publication.~~]~~ ***;***

(b) The personal representative provides proof that the property has been publicly listed in a public property listing service for a period of not less than 30 days; or

(c) The estate is subject to a lien or mortgage on the property in excess of the value of the real property and the estate has entered into an agreement with the holder of the lien or mortgage to waive the deficiency and accept the net sales proceeds.

3. If it appears from the inventory and appraisement that the value of the property to be sold does not exceed $5,000, the personal representative may waive the requirement of publication and, in lieu thereof, post a notice of the

time and place of sale in three of the most public places in the county in which the property, or some portion of the property, is located, for 2 weeks before the day of the sale or, in the case of a private sale, before the day on or after which the sale is to be made.

4. The property proposed to be sold must be described with common certainty in the notice.

Sec. 27. NRS 148.260 is hereby amended to read as follows:

148.260 1. Except as otherwise provided in subsection 2, ~~[no]~~ ***a*** sale of real property at ***a*** private sale ~~[may]~~ ***must not*** be confirmed by the court unless the court is satisfied that the sum offered represents the fair market value of the property sold ~~[, nor unless]~~ ***and*** the real property has been appraised within 1 year before the time of sale. If ~~[it]~~ ***the property*** has not been appraised, a new appraisement must be ~~[had,]~~ ***performed,*** as in the case of an original appraisement of an estate ***,*** ~~[. This may be done]~~ at any time before the sale or confirmation ~~[thereof.]~~ ***of the property.***

2. ***The court may waive the requirement of an appraisement:***

(a) For good cause shown; or

(b) If the personal representative is the sole devisee or heir of the estate, or if all devisees or heirs consent in writing to sale without an appraisal, ~~[the requirement of an appraisal may be dispensed with and]~~ ***, in which case*** the personal representative may rely on the assessed value of the property for taxation in obtaining confirmation of the sale.

Sec. 28. NRS 148.270 is hereby amended to read as follows:

148.270 1. At the hearing, the court shall consider the necessity for the sale, or the advantage, benefit and interest of the estate in having the sale made, and must examine the return and the evidence in relation to the sale.

2. If it appears to the court that good reason existed for the sale, that the sale was legally made and fairly conducted, and complied with the requirements of NRS 148.260, that the sum bid is not disproportionate to the value, and it does not appear that a sum exceeding the bid by at least 5 percent if the bid is not more than $100,000, or by at least $5,000 if the bid is $100,000 or more, may be obtained, the court shall enter an order confirming the sale and directing conveyances to be executed. Otherwise, it shall vacate the sale. If the court directs that the property be resold, notice must be given and the sale in all respects conducted as if no previous sale had taken place.

3. If a written offer of 5 percent or $5,000 more in amount than that named in the return is made to the court by a responsible person, as provided in subsection 2, and the bid complies with all provisions of the law, the court may accept the offer and confirm the sale to that person, order a new sale or conduct a public auction in open court.

4. If a higher bid is received at the time of a hearing to confirm the sale, the court may continue the hearing if it finds that the original bidder was not notified of the hearing and might desire to increase his or her bid, but failure to notify the original bidder or to continue the hearing is not grounds to void an order confirming a sale.

5. If the court accepts a higher bid at the time of a hearing to confirm the sale, the court shall confirm the original purchase contract and include in the order confirming the sale the substitution of the new sale price and purchaser. The order confirming the sale is a sufficient addendum to the original contract to allow escrow to close.

6. Notwithstanding the provisions of this section, if the estate is subject to a lien or mortgage that exceeds the value of the property and the estate has entered into an agreement with the holder of the lien or mortgage to waive any deficiency as to other estate property and accept the net sales proceeds as full satisfaction of the lien or mortgage, the court shall confirm the sale without accepting bids on the property.

Sec. 29. NRS 153.020 is hereby amended to read as follows:

153.020 ***1.*** If a ~~[trust,]~~ life estate or estate for years is created by or under any will to continue after distribution ~~[,]~~ ***of the estate,*** the court does not lose jurisdiction of the estate ***, life estate or estate for years*** by final distribution ~~[,]~~ ***of the estate,*** but retains jurisdiction of it until the distribution of the residue ***of the life estate or estate for years*** to those entitled to it ~~[. The]~~ ***is complete. Proof of*** distribution ***of the residue*** may be ***made*** upon petition of ~~[the trustee, his or her successor in interest or of]~~ any person entitled to share in the distribution ~~[.]~~ ***of the life estate or estate for years, which terminates the jurisdiction of the court upon decree of the court. The court does not retain jurisdiction over a testamentary trust created by or under a will after distribution of that portion of the estate to such a testamentary trust.***

2. Notwithstanding the provisions of subsection 1, before the entry of an order granting final distribution of the estate, the court may consider a petition filed by the trustee or any beneficiary of the testamentary trust requesting the court to retain jurisdiction of the testamentary trust and, upon good cause shown, the court may order such continued jurisdiction. Such a petition must be filed with the clerk of the court before the hearing on the petition for final distribution of the estate and must be served on all interested persons in accordance with NRS 155.010.

3. This section must not be construed to limit the ability of an interested person to subsequently seek submission of a testamentary trust to the jurisdiction of the court pursuant to NRS 164.010.

Sec. 30. NRS 153.031 is hereby amended to read as follows:

153.031 1. A trustee or beneficiary may petition the court regarding any aspect of the affairs of the trust, including:

(a) Determining the existence of the trust;

(b) Determining the construction of the trust instrument;

(c) Determining the existence of an immunity, power, privilege, right or duty;

(d) Determining the validity of a provision of the trust;

(e) Ascertaining beneficiaries and determining to whom property is to pass or be delivered upon final or partial termination of the trust, to the extent not provided in the trust instrument;

(f) Settling the accounts and reviewing the acts of the trustee, including the exercise of discretionary powers;

(g) Instructing the trustee;

(h) ~~[~~Compelling~~]~~ ***Subject to the requirements of chapter 165 of NRS, compelling*** the trustee to report information about the trust or account, to the beneficiary;

(i) Granting powers to the trustee;

(j) Fixing or allowing payment of the trustee's compensation, or reviewing the reasonableness of the trustee's compensation;

(k) Appointing or removing a trustee;

(l) Accepting the resignation of a trustee;

(m) Compelling redress of a breach of the trust;

(n) Approving or directing the modification or termination of the trust;

(o) Approving or directing the combination or division of trusts;

(p) Amending or conforming the trust instrument in the manner required to qualify the estate of a decedent for the charitable estate tax deduction under federal law, including the addition of mandatory requirements for a charitable-remainder trust;

(q) Compelling compliance with the terms of the trust or other applicable law; and

(r) Permitting the division or allocation of the aggregate value of community property assets in a manner other than on a pro rata basis.

2. A petition under this section must state the grounds of the petition and the name and address of each interested person, including the Attorney General if the petition relates to a charitable trust, and the relief sought by the petition. Except as otherwise provided in this chapter, the clerk shall set the petition for hearing and the petitioner shall give notice for the period and in the manner provided in NRS 155.010. The court may order such further notice to be given as may be proper.

3. If the court grants any relief to the petitioner, the court may, in its discretion, order any or all of the following additional relief if the court determines that such additional relief is appropriate to redress or avoid an injustice:

(a) Order a reduction in the trustee's compensation.

(b) Order the trustee to pay to the petitioner or any other party all reasonable costs incurred by the party to adjudicate the affairs of the trust pursuant to this section, including, without limitation, reasonable attorney's fees. The trustee may not be held personally liable for the payment of such costs unless the court determines that the trustee was negligent in the performance of or breached his or her fiduciary duties.

Sec. 31. NRS 153.041 is hereby amended to read as follows:

153.041 The trustee ~~[may, upon petition of a beneficiary or the guardian of a beneficiary, be ordered to appear at a hearing and render an account. The trustee must be served with a citation]~~ ***of a testamentary trust shall account in accordance with the provisions of chapter 165 of NRS. This section must not be interpreted to abridge the authority of a court having jurisdiction over a testamentary trust pursuant to NRS 153.020 or 164.010 to order a trustee of a testamentary trust to account, upon good cause, to the persons and*** in the manner ~~[provided in NRS 155.050. Unless otherwise]~~ ordered by the court ***.*** ~~[, the citation must be served at least 30 days before the day of the hearing. The petition may not be denied unless an account has been filed with the court within 1 year before the petition if filed.]~~

Sec. 32. NRS 153.070 is hereby amended to read as follows:

153.070 ~~[On the settlement of each account]~~ ***The expenses and compensation*** of a trustee ~~[,]~~ ***of a testamentary trust must initially be governed by the terms of the will which created the testamentary trust or as otherwise ordered by the court at the time the testamentary trust is established. Thereafter, subject to any contrary terms of the testamentary trust or an order of the court,*** the court shall allow the trustee his or her proper expenses and such compensation for services as ~~[the court may deem]~~ ***are*** just and reasonable. Where there are several trustees, ~~[it shall apportion the]~~ compensation ***must be apportioned*** among ~~[them]~~ ***the trustees*** according to the respective services rendered ~~[. It]~~ ***, and such compensation*** may ~~[fix]~~ ***be*** a ***fixed*** yearly compensation for each trustee, ~~[in]~~ a set amount ***for the term of service, an hourly rate for services rendered*** or pursuant to a standard schedule of fees ***.*** ~~[, to continue as long as the]~~ ***The provisions of this section must not be interpreted to abridge the authority of a*** court ~~[may deem proper.]~~ ***having jurisdiction over a testamentary trust pursuant to NRS 153.020 or 164.010 to review and settle the expenses and compensation of the trustee of a testamentary trust upon the petition of any interested person.***

Sec. 33. NRS 153.090 is hereby amended to read as follows:

153.090 1. A person named or designated as a trustee ***of a testamentary trust*** in a will may, at any time before distribution of any of the estate to the person, decline to act as trustee, and an order of court must be entered accepting the resignation, but the declination of any person who has qualified as trustee may not be accepted by the court unless ***the testamentary trust is subject to ongoing court jurisdiction pursuant to NRS 153.020 and*** a petition to accept the declination is filed in the proceeding for administration of the ~~[estate.]~~ ***testamentary trust.*** Upon the filing of the petition, the clerk shall set it for hearing and the petitioner shall give notice to all interested persons for the period and in the manner provided in NRS 155.010.

2. ***A person named or designated as a trustee of a testamentary trust in a will that is no longer subject to ongoing court jurisdiction may resign as***

trustee in accordance with the terms of the testamentary trust or will which created the testamentary trust or, if the testamentary trust or will is silent on the matter, may seek court approval of such resignation in conjunction with a petition under NRS 164.010 or 164.030.

3. In accepting a declination ~~[,]~~ ***or resignation,*** the court may enter and enforce any order which may be necessary for the preservation of the estate.

Sec. 34. Chapter 155 of NRS is hereby amended by adding thereto a new section to read as follows:

Notwithstanding any provision in this title, if an act is authorized or required to be performed at or within a specified period pursuant to this chapter:

1. The period may be extended upon the agreement of all interested persons, by written stipulation of counsel filed in the action; or

2. The court, for good cause shown, may at any time:

(a) Regardless of whether there has been a motion, petition or notice, order that the period be extended if a request for the extension is made before the expiration of the specified period as originally prescribed or as extended by a previous order; or

(b) Upon a motion made after the expiration of the specified period, authorize a person to perform the act if the failure to perform the act in a timely manner was the result of excusable neglect.

Sec. 35. NRS 155.050 is hereby amended to read as follows:

155.050 ***1.*** The citation described in NRS 155.040 ~~[is to]~~ ***must*** be served ~~[in the same manner as the personal]~~ ***by:***

(a) Certified mail, with a return receipt requested, on each person required to be served; or

(b) Personal service ~~[of summons.]~~ ***in the manner provided pursuant to Rule 4(d) of the Nevada Rules of Civil Procedure.***

2. If ~~[personal]~~ ***, after due diligence,*** service cannot be made upon the person to be served, ***service of*** the citation may be ~~[served]~~ ***made by publication in the manner provided by Rule 4(e) of the Nevada Rules of Civil Procedure,*** by leaving a copy with the person's attorney of record or in such other manner as the court may direct.

Sec. 36. NRS 162.280 is hereby amended to read as follows:

162.280 At the time for distribution of any property of an estate or trust, the fiduciary may withhold any part or all of the property from the beneficiaries if the fiduciary determines that the property may be subject to ***claims of offset held by the fiduciary in his or her fiduciary capacity,*** conflicting claims, tax deficiencies or other liabilities, contingent or otherwise, relating to the estate or trust.

Sec. 37. NRS 162.300 is hereby amended to read as follows:

162.300 1. A fiduciary may ***establish a trust or*** form a corporation, limited-liability company or other entity, and transfer, assign and convey to the ***trust,*** corporation, limited-liability company or entity all or any part of an estate or of any trust property in exchange for the stock, securities or

obligations of the ***trust,*** corporation, limited-liability company or entity, and continue to hold the stock and securities and obligations.

2. A ***trust established or a*** corporation, limited-liability company or other entity incorporated, organized or registered under the laws of this State that acts as a fiduciary or trustee of an estate or trust administered under the laws of this State may be owned or controlled by the trust if the trust instrument authorizes the trust to own an affiliate.

3. As used in this section, "affiliate" has the meaning ascribed to it in NRS 163.020.

Sec. 38. Chapter 163 of NRS is hereby amended by adding thereto the provisions set forth as sections 39 and 40 of this act.

Sec. 39. ***Except as otherwise provided in NRS 163.0075 or another provision of law:***

1. A trust may be created for a noncharitable purpose without a definite ascertainable beneficiary or for a noncharitable but otherwise valid purpose. The noncharitable purpose for which a trust is created must be stated with sufficient particularity in the trust instrument as to be ascertainable by a finder of fact.

2. A trust authorized by this section may be enforced by a trustee, trust adviser, trust protector or person appointed under the terms of the trust or, if no such person is appointed, by the court.

3. Except to the extent the court determines that the value of the trust property exceeds the amount required for the intended use, property of a trust authorized by this section may be applied only to its intended use, including, without limitation, appointing trust property to or for the benefit of an existing or new trust whose purposes are limited to one or more purposes of the original trust. Except as otherwise provided by the terms of the trust, property not required for the intended use must be distributed to the settlor, if living, or otherwise to the settlor's successors in interest.

4. As used in this section:

(a) "Trust adviser" has the meaning ascribed to it in NRS 163.5545.

(b) "Trust protector" has the meaning ascribed to it in NRS 163.5547.

(c) "Valid purpose" means any purpose that is not illegal or against public policy.

Sec. 40. ***Unless otherwise ordered or provided for in a property or separation agreement approved by the court in a proceeding for a divorce or annulment, the divorce, annulment of the marriage or termination of the domestic partnership of the descendant of a settlor revokes:***

1. Every devise, beneficial interest or designation to serve as trustee that was given by the settlor to the former spouse or domestic partner of the descendant in a revocable inter vivos trust executed before the entry of the decree of divorce or annulment or the termination of the domestic partnership, unless otherwise provided in the trust instrument, and the provisions of the trust take effect in the same manner as if the spouse or domestic partner of the descendant predeceased the settlor; and

2. The appointment of the spouse or domestic partner of the descendant as a trust protector, trust adviser or consultant.

Sec. 41. NRS 163.00195 is hereby amended to read as follows:

163.00195 1. Except as otherwise provided in subsections 3 and 4, a no-contest clause in a trust must be enforced by the court ~~[.]~~ ***because public policy favors enforcing the intent of the settlor. However, because public policy does not favor forfeitures, a no-contest clause must be strictly construed by the court and must not be extended beyond the plain meaning of the express provisions of the trust.***

2. A no-contest clause must be construed to carry out the settlor's intent ~~[. Except]~~ to the extent ~~[the no-contest clause in the trust is vague or ambiguous,]~~ ***such intent is clear and unambiguous. No*** extrinsic evidence is ~~[not]~~ admissible to establish the settlor's intent concerning the no-contest clause. The provisions of this subsection do not prohibit ~~[such]~~ ***extrinsic*** evidence from being admitted for any other purpose authorized by law. Except as otherwise provided in subsections 3 and 4, a beneficiary's share may be reduced or eliminated under a no-contest clause based upon conduct that is set forth by the settlor in the trust. Such conduct may include, without limitation:

(a) Conduct other than formal court action; and

(b) Conduct which is unrelated to the trust itself, including, without limitation:

(1) The commencement of civil litigation against the settlor's probate estate or family members;

(2) Interference with the administration of another trust or a business entity;

(3) Efforts to frustrate the intent of the settlor's power of attorney; and

(4) Efforts to frustrate the designation of beneficiaries related to a nonprobate transfer by the settlor.

3. Notwithstanding any provision to the contrary in the trust, a beneficiary's share must not be reduced or eliminated ~~[if]~~ ***because of any action taken by*** the beneficiary ~~[seeks]~~ ***seeking*** only to:

(a) Enforce the terms of the trust, any document referenced in or affected by the trust, or any other trust-related instrument;

(b) Enforce the beneficiary's legal rights related to the trust, any document referenced in or affected by the trust, or any trust-related instrument; ~~[or]~~

(c) Obtain ~~[a]~~ court ~~[ruling]~~ ***instruction*** with respect to the ***proper administration of the trust or the*** construction or legal effect of the trust, ***the provisions thereof or*** any document referenced in or affected by the trust, or any other trust-related instrument ~~[.]~~ ***; or***

(d) Enforce the fiduciary duties of the trustee.

4. Notwithstanding any provision to the contrary in the trust, a beneficiary's share must not be reduced or eliminated under a no-contest clause in a trust because the beneficiary institutes legal action seeking to invalidate a trust, any document referenced in or affected by the trust, or any

other trust-related instrument if the legal action is instituted ***and maintained*** in good faith and based on probable cause that would have led a reasonable person, properly informed and advised, to conclude that the trust, any document referenced in or affected by the trust, or other trust-related instrument is invalid.

5. ***Unless the trust expressly provides otherwise, a no-contest clause must not be applied to a settlor who is also a beneficiary of the trust.***

6. As used in this section:

(a) "No-contest clause" means one or more provisions in a trust that express a directive to reduce or eliminate the share allocated to a beneficiary or to reduce or eliminate the distributions to be made to a beneficiary if the beneficiary takes action to frustrate or defeat the settlor's intent as expressed in the trust or in a trust-related instrument.

(b) "Trust" means the original trust instrument and each amendment made pursuant to the terms of the original trust instrument.

(c) "Trust-related instrument" means any document purporting to transfer property to or from the trust or any document made pursuant to the terms of the trust purporting to direct the distribution of trust assets or to affect the management of trust assets, including, without limitation, documents that attempt to exercise a power of appointment.

Sec. 42. NRS 163.002 is hereby amended to read as follows:

163.002 ***1.*** Except as otherwise provided by specific statute, a trust may be created by any of the following methods:

~~[1.]~~ ***(a)*** A declaration by the owner of property that he or she ***or another person*** holds the property as trustee. In the absence of a contrary declaration by the owner of the property or of a transfer of the property to a third party and regardless of formal title to the property:

~~[(a)]~~ ***(1)*** Property declared to be trust property, together with all income therefrom and the reinvestment thereof, must remain trust property; and

~~[(b)]~~ ***(2)*** If the property declared to be trust property includes an account, contract, certificate, note, judgment, business interest, contents of a safe deposit box or other property interest that is subject to additions or contributions, all subsequent additions and contributions to the property are also trust property.

~~[2.]~~ ***(b)*** A transfer of property by the owner during his or her lifetime to another person as trustee.

~~[3.]~~ ***(c)*** A testamentary transfer of property by the owner to another person as trustee.

~~[4.]~~ ***(d)*** An exercise of a power of appointment in trust.

~~[5.]~~ ***(e)*** An enforceable promise to create a trust.

2. A declaration pursuant to paragraph (a) of subsection 1 may include a schedule or list of trust assets that is signed by the owner of the property or that is incorporated by reference into a document that is signed by the owner of the property.

Sec. 43. NRS 163.006 is hereby amended to read as follows:

163.006 A trust is created only if there is a beneficiary. This requirement is satisfied if the trust instrument provides for:

1. A beneficiary or class of beneficiaries that is ascertainable with reasonable certainty or that is sufficiently described so that it can be determined whether a person meets the description or is within the class;

2. A grant of power to the trustee or some other person to select the beneficiary based on a standard or in the discretion of the trustee or other person;

3. A charitable trust as defined in NRS 163.460;

4. A trust for the care of one or more animals created pursuant to NRS 163.0075; ~~[or]~~

5. A public benefit trust as defined in NRS 163.551 ~~[.]~~ ***; or***

6. A noncharitable trust without an ascertainable beneficiary pursuant to section 39 of this act.

Sec. 44. NRS 163.008 is hereby amended to read as follows:

163.008 1. A trust created in relation to real property is not valid unless it is created by operation of law or is evidenced by:

(a) A written instrument signed by the trustee, or by the agent of the trustee if the agent is authorized in writing to do so; or

(b) A written instrument, including, without limitation, an electronic trust, conveying the trust property and signed by the settlor, or by the agent of the settlor if the agent is authorized in writing to do so.

2. Such a trust may be recorded in the office of the county recorder in the county where all or a portion of the real property is located.

3. This section must not be construed to require a declaration by an owner of property pursuant to NRS 163.002 that specifically identified real property is held in trust to be in writing. As used in this subsection, "specifically identified real property" includes property that is identified by legal description, street address or the applicable assessor's parcel number.

Sec. 45. NRS 163.027 is hereby amended to read as follows:

163.027 1. Except as otherwise provided in subsection 2 or in the trust, a trustee may distribute property and money:

(a) In divided or undivided interests; and

(b) With or without proration.

2. Each affected beneficiary must consent before property or money is distributed without proration ~~[,]~~ unless the trust specifically authorizes the trustee to make that distribution ~~[.]~~ ***or the distribution is otherwise authorized by law.***

Sec. 46. NRS 163.115 is hereby amended to read as follows:

163.115 1. If a trustee commits or threatens to commit a breach of trust, a beneficiary or cotrustee of the trust may maintain a proceeding for any of the following purposes that is appropriate:

(a) To compel the trustee to perform his or her duties.

(b) To enjoin the trustee from committing the breach of trust.

(c) To compel the trustee to redress the breach of trust by payment of money or otherwise.

(d) To appoint a receiver or temporary trustee to take possession of the trust property and administer the trust.

(e) To remove the trustee.

(f) To set aside acts of the trustee.

(g) To reduce or deny compensation of the trustee.

(h) To impose an equitable lien or a constructive trust on trust property.

(i) To trace trust property that has been wrongfully disposed of and recover the property or its proceeds.

2. ***On petition or ex parte application of a beneficiary or trustee, the court by temporary order, with or without bond, may restrain a trustee from performing specified acts of administration, disbursement or distribution, or exercising any powers or discharging any duties of the office, or enter any other order to secure proper performance of the duties of the office. Notwithstanding any other provision of law governing temporary injunctions, if it appears to the court that the trustee otherwise may take some action that would jeopardize unreasonably the interest of the petitioner, another beneficiary or the trust, the court may enter the temporary order. A person with whom the trustee may transact business may be made a party to the temporary order.***

3. Any temporary order entered pursuant to subsection 2 must be set for hearing within 10 days after entry of the temporary order, unless the parties otherwise agree, or on a date the court otherwise determines is in the best interests of the trust. Notice of entry of the temporary order must be given by the petitioner to the trustee and the attorney of record of the trustee, if any, to any other party named as a party in the temporary order and as otherwise directed by the court.

4. The provision of remedies in ~~[subsection 1]~~ ***this section*** does not preclude resort to any other appropriate remedy provided by statute or common law.

~~[3.]~~ ***5.*** A proceeding under this section must be commenced by filing ***or bringing in conjunction with the filing of*** a petition under NRS 164.010 and 164.015.

Sec. 47. NRS 163.130 is hereby amended to read as follows:

163.130 1. A trustee who has incurred personal liability for a tort committed in the administration of the trust is entitled to exoneration therefor from the trust property if the trustee has not discharged the claim, or to be reimbursed therefor out of trust funds if the trustee has paid the claim, if:

(a) The tort was a common incident of the kind of business activity in which the trustee was properly engaged for the trust; ~~[or]~~

(b) Although the tort was not a common incident of such activity, neither the trustee nor any officer or employee of the trustee was guilty of personal fault in incurring the liability ~~[.]~~ ***; or***

(c) The trust instrument authorizes the exoneration or reimbursement of a trustee and the actions of the trustee did not constitute willful misconduct or gross negligence.

2. If a trustee commits a tort which increases the value of the trust property, the trustee shall be entitled to exoneration or reimbursement with respect thereto to the extent of such increase in value, even though the trustee would not otherwise be entitled to exoneration or reimbursement.

3. Nothing in this section shall be construed to change the existing law with regard to the liability of trustees of charitable trusts for torts of themselves or their employees.

Sec. 48. NRS 163.4185 is hereby amended to read as follows:

163.4185 1. A distribution interest may be classified as:

(a) A mandatory interest if the trustee has no discretion to determine whether a distribution should be made, when a distribution should be made or the amount of the distribution.

(b) A support interest if the ~~[distribution of a support interest contains a standard for distribution for the support of a person which may be interpreted by the trustee or a court, as necessary. A provision in a trust which provides a support interest may contain mandatory language which a]~~ trustee ~~[must follow.]~~ ***is required to make distributions to the beneficiary pursuant to an ascertainable standard.***

(c) A discretionary interest if the trustee has discretion to determine whether a distribution should be made, when a distribution should be made and the amount of the distribution.

2. If a trust contains a combination of a mandatory interest, a support interest or a discretionary interest, the trust must be separated as:

(a) A mandatory interest only to the extent of the mandatory language provided in the trust;

(b) A support interest only to the extent of the support language provided in the trust; and

(c) A discretionary interest for any remaining trust property.

3. If a trust provides for a support interest that also includes mandatory language but the mandatory language is qualified by discretionary language, the support interest must be classified and separated as a discretionary interest.

4. As used in this section, "ascertainable standard" means a standard relating to a person's health, education, support or maintenance within the meaning of section 2041(b)(1)(A) or 2514(c)(1) of the Internal Revenue Code, 26 U.S.C. § 2041(b)(1)(A) or 2514(c)(1), and any regulations of the United States Treasury promulgated thereunder.

Sec. 49. NRS 163.556 is hereby amended to read as follows:

163.556 1. Except as otherwise provided in this section, unless the terms of a testamentary instrument or irrevocable trust provide otherwise, a trustee with discretion or authority to distribute trust income or principal to or for a beneficiary of the trust may exercise such discretion or authority by

appointing the property subject to such discretion or authority in favor of a second trust as provided in this section.

2. The second trust to which a trustee appoints property of the first trust may only have as beneficiaries one or more of the beneficiaries of the original trust:

(a) To or for whom a distribution of income or principal may be made from the original trust;

(b) To or for whom a distribution of income or principal may be made in the future from the original trust at a time or upon the happening of an event specified under the first trust; or

(c) Both paragraphs (a) and (b).

➥ For purposes of this subsection, a permissible appointee of a power of appointment exercised by a beneficiary of the second trust is not considered a beneficiary of the second trust.

3. A trustee may not appoint property of the original trust to a second trust if:

(a) Appointing the property will reduce any income interest of any income beneficiary of the original trust if the original trust is:

(1) A trust for which a marital deduction has been taken for federal or state income, gift or estate tax purposes;

(2) A trust for which a charitable deduction has been taken for federal or state income, gift or estate tax purposes; or

(3) A grantor-retained annuity trust or unitrust under ~~[27]~~ ***26*** C.F.R. § 25.2702-3(b) and (c).

➥ As used in this paragraph, "unitrust" has the meaning ascribed to it in NRS 164.700.

(b) The property to be appointed is subject to a power of withdrawal which is held by a beneficiary of the original trust and may be executed at the time of the proposed appointment, unless after the exercise of such appointment, the beneficiary of the original trust's power of withdrawal is unchanged with respect to the trust property.

(c) Property specifically allocated for one beneficiary of the original trust is no longer allocated for that beneficiary under either or both trusts, unless the beneficiary consents in writing.

(d) Property held for the benefit of one or more beneficiaries under both the original and the second trust has a lower value than the value of the property held for the benefit of the same beneficiaries under only the original trust, unless:

(1) The benefit provided is limited to a specific amount or periodic payments of a specific amount; and

(2) The value of the property held in either or both trusts for the benefit of one or more beneficiaries is actuarially adequate to provide the benefit.

(e) A contribution made to the original trust qualified for a gift tax exclusion as described in section 2503(b) of the Internal Revenue Code, 26 U.S.C. § 2503(b), by reason of the application of section 2503(c) of the

Internal Revenue Code, 26 U.S.C. § 2503(c), unless the second trust provides that the beneficiary's remainder interest must vest not later than the date upon which such interest would have vested under the terms of the original trust.

4. A trustee who is a beneficiary of the original trust may not exercise the authority to appoint property of the original trust to a second trust if:

(a) Under the terms of the original trust or pursuant to law governing the administration of the original trust:

(1) The trustee does not have discretion to make distributions to himself or herself;

(2) The trustee's discretion to make distributions to himself or herself is limited by an ascertainable standard, and under the terms of the second trust, the trustee's discretion to make distributions to himself or herself is not limited by the same ascertainable standard; or

(3) The trustee's discretion to make distributions to himself or herself can only be exercised with the consent of a cotrustee or a person holding an adverse interest and under the terms of the second trust the trustee's discretion to make distributions to himself or herself is not limited by an ascertainable standard and may be exercised without consent; or

(b) Under the terms of the original trust or pursuant to law governing the administration of the original trust, the trustee of the original trust does not have discretion to make distributions that will discharge the trustee's legal support obligations but under the second trust the trustee's discretion is not limited.

5. Notwithstanding the provisions of subsection 1, a trustee who may be removed by the beneficiary or beneficiaries of the original trust and replaced with a trustee that is related to or subordinate, as described in section 672 of the Internal Revenue Code, 26 U.S.C. § 672(c), to a beneficiary, may not exercise the authority to appoint property of the original trust to a second trust to the extent that the exercise of the authority by such trustee would have the effect of increasing the distributions that can be made from the second trust to such beneficiary or group of beneficiaries that held the power to remove the trustee of the original trust and replace such trustee with a related or subordinate person, unless the distributions that may be made from the second trust to such beneficiary or group of beneficiaries described in paragraph (a) of subsection 4 are limited by an ascertainable standard.

6. The provisions of subsections 4 and 5 do not prohibit a trustee who is not a beneficiary of the original trust or who may not be removed by the beneficiary or beneficiaries and replaced with a trustee that is related to or subordinate to a beneficiary from exercising the authority to appoint property of the original trust to a second trust pursuant to the provisions of subsection 1.

7. Before appointing property pursuant to subsection 1, a trustee may give notice of a proposed action pursuant to NRS 164.725 or may petition a court for approval pursuant to NRS 153.031, 164.015 or 164.725. Any notice

of a proposed action or a petition for a court's approval must include the trustee's opinion of how the appointment of property will affect the trustee's compensation and the administration of other trust expenses.

8. The trust instrument of the second trust may:

(a) Grant a general or limited power of appointment to one or more of the beneficiaries of the second trust who are beneficiaries of the original trust.

(b) Provide that, at a time or occurrence of an event specified in the trust instrument, the remaining trust assets in the second trust must be held for the beneficiaries of the original trust upon terms and conditions that are substantially identical to the terms and conditions of the original trust.

9. The power to appoint the property of the original trust pursuant to subsection 1 must be exercised by a writing, signed by the trustee and filed with the records of the trust.

10. The exercise of the power to invade principal of the original trust pursuant to subsection 1 is considered the exercise of a power of appointment, other than power to appoint the property to the trustee, the trustee's creditors, the trustee's estate or the creditors of the trustee's estate and the provisions of NRS 111.1031 apply to such power of appointment.

11. The provisions of this section do not abridge the right of any trustee who has the power to appoint property which arises under any other law.

12. The provisions of this section do not impose upon a trustee a duty to exercise the power to appoint property pursuant to subsection 1.

13. The power to appoint property to another trust pursuant to subsection 1 is not a power to amend the trust and a trustee is not prohibited from appointing property to another trust pursuant to subsection 1 if the original trust is irrevocable or provides that it may not be amended.

14. A trustee's power to appoint property to another trust pursuant to subsection 1 is not limited by the existence of a spendthrift provision in the original trust.

15. A trustee exercising any power granted pursuant to this section may designate himself or herself or any other person permitted to act as a trustee as the trustee of the second trust.

16. The trustee of a second trust, resulting from the exercise of the power to appoint property to another trust pursuant to subsection 1, may also exercise the powers granted pursuant to this section with respect to the second trust.

17. ~~[~~For the purposes of this section, "second trust" means an irrevocable trust that receives trust income or principal appointed by the trustee of the original trust, and may be established by any person, including, without limitation, a new trust created by the trustee, acting in that capacity, of the original trust. If the trustee of the original trust establishes the second trust, then for purposes of creating the new second trust, the requirement of NRS 163.008 that the instrument be signed by the settlor shall be deemed to be satisfied by the signature of the trustee of the second original trust. The

~~second trust may be a trust created under the same trust instrument as the original trust or under a different trust instrument.~~

~~— 18. As used in this section, "ascertainable standard" means a standard relating to an individual's health, education, support or maintenance within the meaning of section 2041(b)(1)(A) or 2514(c)(1) of the Internal Revenue Code, 26 U.S.C. § 2041(b)(1)(A) or 2514(c)(1), and any regulations of the United States Treasury promulgated thereunder.~~

~~— 19.~~**]** This section applies to a trust that is governed by, situsted in or administered under the laws of this State, whether the trust is initially governed by, situsted in or administered under the laws of this State pursuant to the terms of the trust instrument or whether the governing law, situs or administration of the trust is moved to this State from another state or foreign jurisdiction.

18. The power to appoint to a second trust pursuant to this section may be exercised to appoint to a second trust that is a special needs trust, pooled trust or third-party trust.

19. As used in this section:

(a) "Ascertainable standard" means a standard relating to a person's health, education, support or maintenance within the meaning of section 2041(b)(1)(A) or 2514(c)(1) of the Internal Revenue Code, 26 U.S.C. § 2041(b)(1)(A) or 2514(c)(1), and any regulations of the United States Treasury promulgated thereunder.

(b) "Pooled trust" means a trust described in 42 U.S.C. § 1396p(d)(4)(C) that meets the requirements for such a trust under any law or regulation of this State relating to the treatment of trusts for purposes of eligibility for Medicaid or other needs-based public assistance.

(c) "Second trust" means an irrevocable trust that receives trust income or principal appointed by the trustee of the original trust, and may be established by any person, including, without limitation, a new trust created by the trustee, acting in that capacity, of the original trust. If the trustee of the original trust establishes the second trust, then for purposes of creating the new second trust, the requirement of NRS 163.008 that the instrument be signed by the settlor shall be deemed to be satisfied by the signature of the trustee of the second original trust. The second trust may be a trust created under the same trust instrument as the original trust or under a different trust instrument.

(d) "Special needs trust" means a trust under 42 U.S.C. § 1396p(d)(4)(A) that meets the requirements for such a trust under any law or regulation of this State relating to the treatment of trusts for purposes of eligibility for Medicaid or other needs-based public assistance.

(e) "Third-party trust" means a trust that is:

(1) Established by a third party with the assets of the third party to provide for the supplemental needs of a person who is eligible for needs-based public assistance at or after the time of the creation of the trust; and

(2) Exempt from the provisions of any law or regulation of this State relating to the treatment of trusts for purposes of eligibility for Medicaid.

Sec. 50. NRS 163.610 is hereby amended to read as follows:

163.610 ~~[~~A fiduciary~~]~~ ***Unless otherwise provided by the trust instrument, a trustee*** may ~~[~~take such actions as are necessary to cause~~]~~ ***include capital*** gains from the sale or exchange of ~~[~~trust assets, as determined for federal income tax purposes, to be taxed for federal income tax purposes as part of a distribution of income, including, without limitation, income which has been increased by an adjustment from principal to income under NRS 164.795, a unitrust distribution or a distribution of principal~~]~~ ***capital assets in distributable net income to the extent the gains are, in a reasonable and impartial exercise of discretion by the trustee, allocated to:***

1. Income pursuant to the power of the trustee to adjust between principal and income pursuant to NRS 164.795;

2. Principal and treated consistently by the trustee in the books, records and tax returns of the trust as part of the distribution to a beneficiary; or

3. Principal but distributed to a beneficiary or utilized by the trustee in determining the amount that is distributed or required to be distributed to a beneficiary.

Sec. 51. NRS 164.010 is hereby amended to read as follows:

164.010 1. Upon petition of any person appointed as trustee of an express trust by any written instrument other than a will, or upon petition of a settlor or beneficiary of the trust, the district court of the county in which ~~[~~the~~]~~ ***any*** trustee resides or conducts business ~~[~~,~~]~~ ***at the time of the filing of the petition*** or in which the trust has been domiciled ~~[~~,~~]~~ ***as of the time of the filing of the petition*** shall ~~[~~consider the application to~~]~~ assume jurisdiction of the trust as a proceeding in rem ~~[~~,~~]~~ ***unless another court has properly assumed continuing jurisdiction in rem in accordance with the laws of that jurisdiction and the district court determines that it is not appropriate for the district court to assume jurisdiction under the circumstances.***

2. ~~[~~If~~]~~ ***For the purposes of this section, a trust is domiciled in this State notwithstanding that the trustee neither resides nor conducts business in this State if:***

(a) The trust instrument expressly provides that the situs of the trust is in this State or that a court in this State has jurisdiction over the trust;

(b) A person has designated for the trust that this State is the situs or has jurisdiction, if such person made the designation at a time during which he or she held the power to make such a designation under the express terms of the trust instrument;

(c) The trust owns an interest in real property located in this State;

(d) The trust owns personal property, wherever situated, if the trustee is:

(1) Incorporated or authorized to do business in this State;

(2) A trust company licensed under chapter 669 of NRS;

(3) A family trust company, as defined in NRS 669A.080; or

(4) A national association having an office in this State;

(e) One or more beneficiaries of the trust reside in this State; or

(f) At least part of the administration of the trust occurs in this State.

3. Notwithstanding the provisions of this section, if a court of a jurisdiction other than this State has jurisdiction over a trust and grants an order authorizing a transfer of jurisdiction over that trust to this State, the district court has the power to assume jurisdiction over the trust and to otherwise supervise the administration of that trust in accordance with the procedures set forth in this title.

4. For the purposes of determining venue, preference is given in the following order:

(a) To the county in which the situs or domicile was most recently declared by a person granted the power to make such a declaration under the terms of the trust instrument at the time of the filing of the petition;

(b) To the county in which the situs or domicile is declared in the trust instrument; and

(c) To the county in which the situs or domicile is declared by the trustee at the time of the filing of the petition in a certification of the trust which complies with subsection 2 of NRS 164.400 and subsection 2 of NRS 164.410 and which contains a declaration of the trust's situs or domicile as authorized in subsection 1 of NRS 164.410.

5. When the court ~~[~~grants the petition,~~]~~ ***assumes jurisdiction pursuant to this section,*** the court:

(a) Has jurisdiction of the trust as a proceeding in rem ~~[;]~~ ***as of the date of the filing of the petition;***

(b) Shall be deemed to have personal jurisdiction over ***any trustee confirmed by the court and*** any person ~~[~~pursuant to NRS 164.045;~~]~~ ***appearing in the matter, unless such an appearance is made solely for the purpose of objecting to the jurisdiction of the court;***

(c) May confirm at the same time the appointment of the trustee and specify the manner in which the trustee must qualify; and

(d) May consider at the same time granting orders on other matters relating to the trust, including, without limitation, matters that might be addressed in a declaratory judgment relating to the trust under subsection 2 of NRS 30.040 or petitions filed pursuant to NRS 153.031 or 164.015 whether such matters are raised in the petition to assume jurisdiction pursuant to this section or in one or more separate petitions that are filed concurrently with the petition to assume jurisdiction.

~~[~~3.~~]~~ ***6.*** At any time, the trustee may petition the court for removal of the trust from continuing jurisdiction of the court.

~~[~~4. For the purposes of this section, a trust is domiciled:

~~(a) In this State if there is a clear and sufficient nexus between the trust and this State pursuant to subsection 4 of NRS 164.045.~~

~~(b) In a county of this State that provides the nexus required pursuant to paragraph (a) giving preference:~~

~~(1) First, to the situs or domicile most recently declared by a person granted the power to make such a declaration under the terms of the trust instrument;~~

~~(2) Second, to the situs or domicile declared in the trust instrument; and~~

~~(3) Finally, to the situs or domicile declared by the trustee in a certification of the trust which complies with subsection 2 of NRS 164.400 and subsection 2 of NRS 164.410 and which contains a declaration of the trust's situs or domicile as authorized in subsection 1 of NRS 164.410.~~

~~5.~~ ***7.*** As used in this section, "written instrument" includes, without limitation, an electronic trust as defined in NRS 163.0015.

Sec. 52. NRS 164.045 is hereby amended to read as follows:

164.045 1. The laws of this State govern the validity and construction of a trust if:

(a) The trust instrument so provides;

(b) Designated by a person who, under the terms of the trust instrument, has the right to designate the laws that govern the validity and construction of the trust, at the time the designation is made; or

(c) The trust instrument does not provide for the law that governs the validity and construction of the trust, a person designated under the terms of the trust instrument to designate the law that governs the validity and construction of the trust, if any, has not made such a designation and the settlor or the trustee of the trust was a resident of this State at the time the trust was created or at the time the trust became irrevocable.

➥ ***A trust instrument or designation cannot extend the duration of the trust beyond the rule against perpetuities otherwise applicable to the trust at the time of its creation.***

2. A person not domiciled in this State may have the right to designate the laws that govern the validity and construction of a trust if properly designated under the trust instrument.

3. ~~[If the district court, as defined in NRS 132.116, determines that there is a clear and sufficient nexus between a trust and this State, the court may assume jurisdiction during a proceeding conducted pursuant to NRS 164.010 unless:~~

~~(a) Another court has properly assumed jurisdiction in accordance with the laws of that jurisdiction;~~

~~(b) The trust instrument expressly provides that the situs of the trust is outside of this State or that a court of a jurisdiction other than this State has jurisdiction over the trust; or~~

~~(c) A person has designated for the trust a situs or jurisdiction other than this State, if such person made the designation at a time during which he or she held the power to make such a designation under the express terms of the trust instrument.~~

~~4. For the purposes of this section, there is a clear and sufficient nexus between a trust and this State if:~~

~~(a) The trust owns an interest in real property located in this State;~~

~~(b) The trust owns personal property, wherever situated, if the trustee or cotrustee is:~~

~~(1) A resident of this State;~~

~~(2) Incorporated or authorized to do business in this State;~~

~~(3) A trust company licensed under chapter 669 of NRS;~~

~~(4) A family trust company, as defined in NRS 669A.080; or~~

~~(5) A national association having an office in this State;~~

~~(c) One or more beneficiaries of the trust reside in this State; or~~

~~(d) At least part of the administration of the trust occurs in this State.~~

~~5. For paragraphs (c) and (d) of subsection 4 to apply with respect to a cotrustee, such cotrustee must have the authority to maintain records for the trust and to prepare income tax returns for the trust, even if such authority may also be exercised by another cotrustee.~~

~~6. Notwithstanding the provisions of this section, if a court of a jurisdiction other than this State has jurisdiction over a trust and grants an order authorizing a transfer of jurisdiction over the trust to this State, the district court has the power to assume jurisdiction over that trust and to otherwise supervise the administration of that trust in accordance with the procedures set forth in this title if the requirements of subsection 4 are satisfied.~~

~~7.~~] A trust, the situs of which is outside this State, that moves its situs to this State is valid whether or not the trust complies with the laws of this State at the time of its creation or after its creation.

Sec. 53. NRS 165.030 is hereby amended to read as follows:

165.030 [~~Within 75~~] ***An interested person to whom a trustee is required to account pursuant to this chapter may provide a written request to the trustee at any time 60*** days ***or more*** after [~~a~~] ***the appointment of the*** trustee [~~receives possession of trust property, the trustee shall serve a copy of an inventory setting forth all the trust property which has come into the possession or knowledge of~~] ***which seeks a list of the assets of the trust estate known to*** the trustee. The trustee shall serve the [~~notice~~] ***information to the requesting interested party*** in the ***same*** manner ***required for notice, as*** set forth in NRS 155.010 [~~to each interested person and beneficiary to whom the trustee is required to account pursuant to this chapter.~~] ***within 15 days after receipt of the written request.***

Sec. 54. NRS 451.024 is hereby amended to read as follows:

451.024 1. The following persons, in the following order of priority, may order the burial or cremation of human remains of a deceased person:

(a) A person designated as the person with authority to order the burial or cremation of the human remains of the decedent in a legally valid document or in an affidavit executed in accordance with subsection 9;

(b) If the decedent was, at the time of death, on active duty as a member of the Armed Forces of the United States, a reserve component thereof or the National Guard, a person designated by the decedent in the United States Department of Defense Record of Emergency Data, DD Form 93, or its

successor form, as the person authorized to direct disposition of the human remains of the decedent;

(c) The spouse of the decedent;

(d) An adult son or daughter of the decedent;

(e) Either parent of the decedent;

(f) An adult brother or sister of the decedent;

(g) A grandparent of the decedent;

(h) A guardian of the person of the decedent at the time of death; and

(i) A person who meets the requirements of subsection 2.

2. Any other person may order the burial or cremation of the human remains of the decedent if the person:

(a) Is at least 18 years of age; and

(b) Executes an affidavit affirming:

(1) That he or she knew the decedent;

(2) The length of time that he or she knew the decedent;

(3) That he or she does not know the whereabouts of any of the persons specified in paragraphs (a) to (h), inclusive, of subsection 1; and

(4) That he or she willingly accepts legal and financial responsibility for the burial or cremation of the human remains of the decedent.

3. If a person with authority to order the burial or cremation of the human remains of a decedent pursuant to paragraphs (c) to (h), inclusive, of subsection 1 has been arrested for or charged with murder, as defined in NRS 200.010, or voluntary manslaughter, as defined in NRS 200.050, in connection with the death of the decedent, the authority of the person to order the disposition of the human remains of the decedent is automatically relinquished and passes to the next person in order of priority pursuant to subsection 1.

4. If there is more than one person authorized to order the burial or cremation of the human remains of a decedent within a particular priority class pursuant to paragraphs (d) to (h), inclusive, of subsection 1, a funeral establishment or direct cremation facility may require a majority of the members of the priority class to agree upon a disposition of the remains of the decedent.

5. A person who accepts legal and financial responsibility for the burial or cremation of the human remains of a decedent as described in subparagraph (4) of paragraph (b) of subsection 2 does not have a claim against the estate of the decedent or against any other person for the cost of the burial or cremation.

6. If the deceased person was an indigent or other person for whom the final disposition of the decedent's remains is a responsibility of a county or the State, the appropriate public officer may order the burial or cremation of the remains and provide for the respectful disposition of the remains.

7. If the deceased person donated his or her body for scientific research or, before the person's death, a medical facility was made responsible for the

final disposition of the person, a representative of the scientific institution or medical facility may order the burial or cremation of his or her remains.

8. A living person may order the burial or cremation of human remains removed from his or her body or the burial or cremation of his or her body after death. In the latter case, any person acting pursuant to his or her instructions is an authorized agent.

9. A person 18 years of age or older wishing to authorize another person to order the burial or cremation of his or her human remains in the event of the person's death ***may include such an authorization in a validly executed will or durable power of attorney or*** may execute an affidavit before a notary public in substantially the following form:

State of Nevada }
}ss
County of ..... }

(Date) .....

I, ..., (person authorizing another person to order the burial or cremation of his or her human remains in the event of his or her death) do hereby designate ..... (person who is being authorized to order the burial or cremation of the human remains of a person in the event of his or her death) to order the disposition of my human remains upon my death.

Subscribed and sworn to before me this .....
day of the month of ..... of the year .....

.....
(Notary Public)

10. If the authorized person is not reasonably available or is unable to act as the authorized person, the right of the person to be the authorized person shall pass to the next person or category of persons in the order of priority pursuant to subsection 1.

11. It shall be presumed that an authorized person is not reasonably available to act as an authorized person in accordance with subsection 10 if the crematory, cemetery, funeral establishment or direct cremation facility, after exercising due diligence, has been unable to contact the person, or if the person has been unwilling or unable to make final arrangements for the burial or cremation of the human remains of the decedent, within 30 days after the initial contact or attempt to contact by the crematory, cemetery, funeral establishment or direct cremation facility.

12. If a person with a lower authorization priority than another person pursuant to subsection 1 has been authorized to order the burial or cremation of the human remains of a decedent and, subsequently, a person with a higher authorization priority makes an initial contact with the crematory, cemetery, funeral establishment or direct cremation facility and is available to perform the duties of an authorized person pursuant to this section before the final disposition of the decedent, the person with the higher authorization priority

is the authorized person to order the burial or cremation of the human remains of the decedent.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 707 to Assembly Bill No. 314.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:
The amendment clarifies provisions relating to Medicaid benefits.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 356.

The following Senate amendment was read:

Amendment No. 826.

AN ACT relating to criminal procedure; ~~[authorizing a prosecuting attorney or an attorney for a defendant to issue subpoenas for witnesses in this State to appear at an evidentiary hearing;]~~ revising the procedure for giving instructions to the jury; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law authorizes the prosecuting attorney or the attorney for the defendant in a criminal proceeding to issue subpoenas for witnesses within this State to appear before the court at which a preliminary hearing is to be held or an indictment, information or criminal complaint is to be tried. (NRS 174.315) Section 7 of this bill additionally authorizes a prosecuting attorney or an attorney for the defendant to issue subpoenas for such witnesses to appear before the court at which an evidentiary hearing is to be held.~~

~~Existing law provides for the issuance of a subpoena to produce books, papers, documents or other objects. (NRS 174.335) Section 8 of this bill allows such a subpoena to request such production in addition or as an alternative to appearing before the court.~~

~~Existing law requires the court to be given a written charge presented by either party if the court thinks it is correct and pertinent. (NRS 175.161) Section 9 of this bill additionally requires the court to believe that the charge is an accurate statement of the law.]~~

Existing law requires a judge to charge the jury and governs the giving of certain instructions when cases are tried by a jury. Existing law also authorizes either party to present to the court any written charge and request that it be given to the jury. The court is then required to give such a charge if it thinks the charge is correct and pertinent. (NRS 175.161) This bill instead requires such a charge to be given if the court believes that the charge is both pertinent and an accurate statement of the law, regardless of whether the charge has been adopted as a model jury instruction.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. ~~[NRS 174.315 is hereby amended to read as follows:~~

~~174.315 1. A prosecuting attorney may issue subpoenas subscribed by the prosecuting attorney for witnesses within the State, in support of the prosecution or whom a grand jury may direct to appear before it, upon any investigation pending before the grand jury.~~

~~2. A prosecuting attorney or an attorney for a defendant may issue subpoenas subscribed by the issuer for:~~

~~(a) Witnesses within the State to appear before the court at which a preliminary hearing is to be held~~ **, [**or**]** ~~an indictment, information or criminal complaint is to be tried~~ **[.]** ***or an evidentiary hearing is to be held.***

~~(b) Witnesses already subpoenaed who are required to reappear in any Justice Court at any time the court is to reconvene in the same case within 60 days, and the time may be extended beyond 60 days upon good cause being shown for its extension.~~

~~3. Witnesses, whether within or outside of the State, may accept delivery of a subpoena in lieu of service, by a written or oral promise to appear given by the witness. Any person who accepts an oral promise to appear shall:~~

~~(a) Identify himself or herself to the witness by name and occupation;~~

~~(b) Make a written notation of the date when the oral promise to appear was given and the information given by the person making the oral promise to appear identifying the person as the witness subpoenaed; and~~

~~(c) Execute a certificate of service containing the information set forth in paragraphs (a) and (b).~~

~~4. A peace officer may accept delivery of a subpoena in lieu of service, via electronic means, by providing a written promise to appear that is transmitted electronically by any appropriate means, including, without limitation, by electronic mail transmitted through the official electronic mail system of the law enforcement agency which employs the peace officer.~~

~~5. A prosecuting attorney shall orally inform any witness subpoenaed as provided in subsection 1 of the general nature of the grand jury's inquiry before the witness testifies. Such a statement must be included in the transcript of the proceedings.~~

~~6. Any subpoena issued by an attorney for a defendant for a witness to appear before the court at which a preliminary hearing is to be held must be calendared by filing a motion that includes a notice of hearing setting the matter for hearing not less than 2 full judicial days after the date on which the~~

~~motion is filed. A prosecuting attorney may oppose the motion orally in open court. A subpoena that is properly calendared pursuant to this subsection may be served on the witness unless the court quashes the subpoena.~~] **(Deleted by amendment.)**

Sec. 8. ~~[NRS 174.335 is hereby amended to read as follows:~~

~~174.335 1. Except as otherwise provided in NRS 172.139, a subpoena may also command the person to whom it is directed to produce the books, papers, documents or other objects designated therein~~ **[.]** ***in addition or as an alternative to appearing before the court.***

~~2. The court on motion made promptly may quash or modify the subpoena if compliance would be unreasonable or oppressive.~~

~~3. The court may direct that books, papers, documents or objects designated in the subpoena be produced before the court at a time before the trial or before the time when they are to be offered in evidence and may, upon their production, permit the books, papers, documents or objects or portions thereof to be inspected by the parties and their attorneys.~~] **(Deleted by amendment.)**

Sec. 9. NRS 175.161 is hereby amended to read as follows:

175.161 1. Upon the close of the argument, the judge shall charge the jury. The judge may state the testimony and declare the law, but may not charge the jury in respect to matters of fact. The charge must be reduced to writing before it is given, and no charge or instructions may be given to the jury otherwise than in writing, unless by the mutual consent of the parties. If either party requests it, the court must settle and give the instructions to the jury before the argument begins, but this does not prevent the giving of further instructions which may become necessary by reason of the argument.

2. In charging the jury, the judge shall state to them all such matters of law the judge thinks necessary for their information in giving their verdict.

3. Either party may present to the court any written charge, and request that it be given. If the court ~~[thinks it correct and]~~ ***believes that the charge is*** pertinent ~~[,]~~ ***and an accurate statement of the law, whether or not the charge has been adopted as a model jury instruction,*** it must be given ***.*** ~~[; if not,]~~ ***If the court believes that the charge is not pertinent or not an accurate statement of law, then*** it must be refused.

4. An original and one copy of each instruction requested by any party must be tendered to the court. The copies must be numbered and indicate who tendered them. Copies of instructions given on the court's own motion or modified by the court must be so identified. When requested instructions are refused, the judge shall write on the margin of the original the word "refused" and initial or sign the notation. The instructions given to the jury must be firmly bound together and the judge shall write the word "given" at the conclusion thereof and sign the last of the instructions to signify that all have been given. After the instructions are given, the judge may not clarify, modify or in any manner explain them to the jury except in writing unless the parties agree to oral instructions.

5. After the jury has reached a verdict and been discharged, the originals of all instructions, whether given, modified or refused, must be preserved by the clerk as part of the proceedings.

6. Conferences with counsel to settle instructions must be held out of the presence of the jury and may be held in chambers at the option of the court.

7. When the offense charged carries a possible penalty of life without possibility of parole a charge to the jury that such penalty does not exclude executive clemency is a correct and pertinent charge, and must be given upon the request of either party.

Sec. 10. This act becomes effective on July 1, 2017.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 826 to Assembly Bill No. 356.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:
The amendment deletes two sections of the bill.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 83.

The following Senate amendment was read:

Amendment No. 853.

AN ACT relating to insurance; providing for administrative supervision of insurers and other entities by the Commissioner of Insurance; providing for the regulation of network plans; revising provisions relating to medical malpractice insurance, the general regulation of insurers, reinsurance, motor vehicle insurance, industrial insurance, health insurance in general, health benefit plans in general, funeral and burial services, individual health insurance, group and blanket health insurance, health insurance for small employers, service contracts, credit personal property insurance, nonprofit corporations for hospital, medical and dental service, health maintenance organizations, plans for dental care, prepaid limited health service organizations and managed care organizations; revising provisions relating to the confidentiality of certain documents and other information; revising various references to insurance agents and brokers; repealing various provisions governing summaries of coverage, loss prevention, disclosures of certain information, continuation of coverage and insurance requirements for prepaid limited health service organizations; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Commissioner of Insurance to regulate insurance in this State. (NRS 679B.120) This bill adds to, revises and repeals various provisions of existing law, primarily in title 57 of NRS, relating to the regulation of insurance in this State.

Sections 2-13 of this bill authorize the Commissioner to place an insurer under administrative supervision and set forth the requirements for such supervision. **Section 6** authorizes the Commissioner to place an insurer under administrative supervision under specified circumstances, including, without limitation, when the insurer is in a hazardous financial condition, when the insurer appears to have exceeded its powers or if an insurer agrees to be placed under such supervision. **Section 6** further provides for the duration of the administrative supervision and the release of the insurer from administrative supervision. **Section 7** designates the Commissioner or an appointee thereof as the administrative supervisor of an insurer under administrative supervision, authorizes the Commissioner to limit the actions of such an insurer and lists various types of actions which the Commissioner may prohibit the insurer from taking without obtaining advance approval from the Commissioner or appointee. **Sections 3 and 4** define, for the purposes of **sections 2-13**, the terms "Commissioner" and "insurer." Both terms are currently defined for the purposes of existing law, but **sections 3 and 4** provide more expansive definitions for the purposes of **sections 2-13**. (NRS 679A.060, 679A.100) **Section 5** expressly makes **sections 2-13** apply to insurers and other persons, including, without limitation, a person purporting to be an insurer, organizing to be an insurer or holding himself or herself out as organizing to be an insurer. **Section 8** governs the use and confidentiality of information relating to the administrative supervision of an insurer. **Section 9** establishes provisions governing the contesting or reviewing of decisions made by the Commissioner or an appointee thereof pursuant to **sections 2-13**. **Section 10** ensures that the Commissioner may institute delinquency proceedings against an insurer without regard to whether the insurer is or was under administrative supervision. **Section 11** authorizes the Commissioner, a designee of the Commissioner and an attorney or other persons to meet, for specified purposes, outside the presence of other persons. **Section 12** authorizes the Commissioner to adopt regulations and to employ various persons to carry out the administrative supervision of an insurer. **Section 12** further authorizes the Commissioner to require the insurer under administrative supervision to pay the compensation and expenses of the persons the Commissioner appoints and employs for the purposes of the administrative supervision. **Section 13** provides that the Commissioner and his or her employees and agents are not liable for actions taken pursuant to **sections 2-13**.

Section 14 of this bill revises the information the Commissioner is required to collect regarding closed claims for medical malpractice. (NRS 679B.144) **Sections 117 and 118** remove the requirement to report certain information regarding closed claims for medical malpractice. (NRS 690B.250, 690B.260) **Section 119** of this bill revises requirements concerning professional liability insurance for essential medical specialties. (NRS 690B.350) **Section 120** of this bill revises requirements concerning

information to be gathered and reports to be provided by the Commissioner concerning medical malpractice insurance. (NRS 690B.360)

Sections 15, 21, 26, 27, 29-32, 164 and 165 of this bill replace various references to insurance agents, brokers and solicitors, which are undefined terms, with the term "producer of insurance," which is defined as "a person required to be licensed under the laws of this state to sell, solicit or negotiate insurance." (NRS 679A.117)

Section 16 of this bill requires an insurer to which the Commissioner has issued a certificate of authority to notify the Commissioner of material changes to the information provided by the insurer to the Commissioner in the insurer's application for a certificate of authority. **Section 18** of this bill authorizes a life insurer or multiple lines insurer to issue life or health insurance policies under its own name and under additional titles. (NRS 680A.240)

Existing law requires an authorized insurer annually to file with the Commissioner a full and true statement of the insurer's financial condition, transactions and affairs as of the previous December 31 and makes confidential certain information submitted to the Division of Insurance of the Department of Business and Industry. (NRS 680A.270) **Section 19** of this bill expands the confidentiality provision to include all work papers, documents and materials prepared for the purpose of submitting the statement or by or on behalf of the Division. **Section 19** also authorizes the insurer to file, as an exhibit separate from the annual statement, specified disclosures of compensation paid to or on behalf of an insurer's officers, directors or employees and makes such information confidential.

Section 20 of this bill expands the applicability of the monetary penalty required to be imposed for a delay by an insurer in properly filing an annual statement. (NRS 680A.280) **Section 24** of this bill narrows the definition of the term "managing general agent" to include the management of an underwriting office. (NRS 683A.060) **Section 25** of this bill removes the willfulness requirement from one of the grounds for which the Commissioner may suspend or revoke the certificate of registration of an administrator and replaces it with a knowingly requirement. (NRS 683A.0892) **Section 33** of this bill revises the duties of an insurer with regard to the use of information in a consumer credit report. (NRS 686A.680)

Section 22 of this bill authorizes the Commissioner to adopt regulations governing certain arrangements for reinsurance, including, without limitation, the amounts and forms of security which must be held pursuant to those arrangements.

Section 28 of this bill provides for the automatic suspension of the license of a motor vehicle physical damage appraiser if the appraiser does not file a replacement bond for a required surety bond in the event of the cancellation of the required surety bond. (NRS 684B.030) **Section 86** of this bill revises provisions governing the cancellation, nonrenewal or increase in premiums

for renewal of a policy of motor vehicle insurance as the result of the filing of certain claims. (NRS 687B.385)

Section 35 of this bill defines the term "large-deductible agreement" as certain agreements in which the policyholder must bear the risk of loss of a specified amount of $25,000 or more per claim or occurrence covered under the policy of industrial insurance. **Section 38** of this bill requires full collateralization of the outstanding obligations owed under a large-deductible agreement and limits the size of the policyholder's obligations under the large-deductible agreement. **Section 39** of this bill generally prohibits an insurer from issuing or renewing a policy of industrial insurance which includes a large-deductible agreement if the insurer is in a hazardous financial condition. **Section 37** of this bill limits the applicability of **sections 38 and 39** to policies of industrial insurance with large-deductible agreements which are issued by insurers with both ratings below specified levels and surpluses below specified amounts. **Section 37** further specifies that **sections 38 and 39** only apply to policies of industrial insurance issued or renewed on or after January 1, 2018, and which are not issued to a governmental entity. **Section 166** of this bill revises the definition of the term "tangible net worth" in relation to industrial insurance, specifically self-insured employers and associations of self-insured employers. (NRS 616A.330)

Existing law provides for the Commissioner to consider each proposed increase or decrease in the rates of various kinds and lines of insurance. (NRS 686B.070) **Section 36** of this bill creates new procedures for the Commissioner to consider each proposed increase or decrease in the rates of health plans for individual health insurance, group and blanket health insurance, health insurance for small employers, nonprofit corporations for hospital, medical and dental services, health maintenance organizations, plans for dental care and prepaid limited health service organizations. **Section 44** of this bill clarifies that the existing procedures for considering a proposed increase or decrease do not apply to the insurers subject to the provisions of **section 36**. (NRS 686B.110)

Sections 88 and 89 of this bill revise existing provisions relating to health benefit plans by specifying that the group market and small group market being considered in these provisions must be the "small employer" group market. (NRS 687B.490, 687B.500)

Sections 51-85 of this bill establish provisions governing network plans. **Section 60** defines a network plan as a health benefit plan offered or issued by a health carrier under which the financing and delivery of health care services are provided, in whole or in part, through a defined set of providers of health care under contract with the health carrier. **Sections 52-59 and 61-64** define other terms for the regulation of network plans. **Section 65** requires a health carrier to comply with and ensure that network plans and related contracts comply with **sections 51-85**. **Sections 66, 71, 79, 81 and 84** require a health carrier to provide for notice to providers of health care concerning:

(1) covered services; (2) the health carrier's policies and programs; (3) the providers' obligations to collect payments; (4) determinations of coverage; and (5) the inclusion of and status of a participating provider in the network plan. **Sections 67, 68, 70, 74 and 77** require a contract between a provider of health care and a health carrier to contain provisions which: (1) prohibit the provider from collecting excess amounts from covered persons; (2) require the continuation of health care services in the event of cessation of the operations of the health carrier; (3) require that written notice be provided to a participating provider of health care in certain circumstances; (4) require the provider to make health care records available under certain circumstances; and (5) prohibit the assignment or delegation of rights under the contract. **Section 69** provides that specified provisions in a contract between a provider of health care and a health carrier must be construed in favor of the covered person. **Section 72** prohibits a health carrier from offering inducement to a provider of health care to provide health care services which are less than medically necessary. **Section 73** requires that a health carrier allow a provider of health care to discuss all treatment options with a covered person and advocate for the covered person. **Section 78** governs the furnishing of covered services to all covered persons. **Section 80** prohibits a health carrier from penalizing a provider of health care who reports to state or federal authorities certain practices of the health carrier. **Section 82** requires a health carrier to establish procedures for dispute resolution between a provider of health care and the health carrier. **Section 83** prohibits a contract between a provider of health care and a health carrier from containing any provision which conflicts with the network plan or with any provision of **sections 51-85**. **Section 85** authorizes the Commissioner to adopt regulations to carry out **sections 51-85**.

Section 90 of this bill provides for the automatic suspension of the certificate of authority of a seller of prepaid contracts for funeral services if the seller does not file a replacement bond for a required surety bond in the event of the cancellation of the required surety bond. (NRS 689.185) **Section 91** of this bill similarly provides for the automatic suspension of the permit of a seller of prepaid contracts for burial services if the seller does not file a replacement bond for a required surety bond in the event of the cancellation of the required surety bond. (NRS 689.495)

Section 92 of this bill provides, with certain exceptions, that unified rate review templates and rate filing documentation of individual carriers are considered proprietary, constitute a trade secret and are not subject to disclosure by the Commissioner. **Sections 98, 110, 112 and 114** of this bill remove the notice requirement regarding the discontinuance of a product: (1) of a health benefit plan; (2) of group health insurance; (3) offered to small employers; and (4) offered to small employers or purchasers through a voluntary purchasing group. (NRS 689A.630, 689B.560, 689C.310, 689C.470) **Sections 109, 113 and 134** of this bill remove the requirement that certain policies of group health insurance, health benefit plans and group

contracts for hospital, medical or dental services include a provision regarding the point at which an insured's payment of coinsurance for a provider of health care who is not preferred is no longer required to be paid. (NRS 689B.061, 689C.350, 695B.185)

Section 111 of this bill deletes provisions governing the determination of whether an employer is small or large, and the applicability of other provisions after an employer is deemed large. (NRS 689C.111)

Sections 122-124 and 127-129 of this bill revise provisions relating to service contracts which are contracts pursuant to which a provider is obligated to the purchaser of the service contract to repair, replace or perform maintenance on, or indemnify or reimburse the purchaser for the costs of repairing, replacing or performing maintenance on, goods that are described in the service contract. (NRS 690C.080) **Section 123** sets forth the qualifications of a controlling person for the purposes of determining the controlling person of a provider of service contracts. **Section 127** adds to the requirements for a provider to apply for and obtain a certificate of registration to issue, sell or offer for sale service contracts, including providing certain personal and criminal history information about the controlling persons of the provider and verifying that the information in the application for a certificate of registration is accurate to the best of his or her knowledge. (NRS 690C.160) **Section 124** prohibits a provider from transferring its liability under a service contract except under specified conditions, including, without limitation, obtaining the approval of the Commissioner. **Section 128** revises the requirements governing the financial security which must be maintained by a provider, including, without limitation, expanded requirements concerning a reserve account. (NRS 690C.170) **Section 129** revises provisions which govern the notice required by a provider which ceases to do business in this State. (NRS 690C.240)

Section 130 of this bill deletes a requirement that the Commissioner is required to adopt regulations relating to reasonable rates for credit personal property insurance. (NRS 691C.340) However, **section 130** retains express authority for the Commissioner to adopt regulations concerning rates for credit personal property insurance an insurer may use without making certain filings. **Section 131** deletes a requirement that the Commissioner is required to adopt regulations relating to a refund of unearned premiums for credit personal property insurance. (NRS 691C.390)

Sections 132 and 142 of this bill require nonprofit corporations for hospital, medical or dental service and health maintenance organizations to contract with an insurance company to provide insurance, indemnity or reimbursement against the cost of services provided and sets forth requirements relating to the payment of claims made to insureds or enrollees, as applicable, in the case of the insolvency or impairment of such corporation or organization.

Existing law sets forth provisions regarding the insolvency of nonprofit corporation for hospital, medical or dental service. (NRS 695B.150) **Section**

133 of this bill expands the requirements for determinations concerning the insolvency of such a corporation, adds provisions concerning the impairment of such a corporation and authorizes the Commissioner to adopt regulations concerning a determination that such a corporation is in a hazardous financial condition. **Sections 143, 152 and 156** of this bill establish similar provisions for health maintenance organizations, organizations for dental care and prepaid limited health service organizations.

Existing law clarifies that nonprofit hospital and medical or dental service corporations, health maintenance organizations, organizations for dental care and prepaid limited health service organizations are subject to certain other provisions of existing law. (NRS 695B.320, 695C.055, 695D.095, 695F.090) **Sections 138, 147, 154 and 157** of this bill revise such provisions to include additional requirements for applicability. **Section 144** of this bill requires each health maintenance organization to develop, submit to the Commissioner and put into effect a plan to provide for the continuation of benefits to enrollees in the event of the insolvency or impairment of the health maintenance organization. **Section 145** of this bill authorizes the Commissioner to take certain actions regarding the operation of a health maintenance organization if the Commissioner determines that, because of the financial condition of the health maintenance organization, the continued operation of the health maintenance organization may be hazardous to its enrollees or creditors or to the general public. **Section 146** of this bill addresses the conservation, rehabilitation and liquidation of health maintenance organizations. **Section 149** of this bill revises provisions governing examinations of health maintenance organizations by the Commissioner or an examiner designated by the Commissioner. (NRS 695C.310)

Section 153 of this bill requires an organization for dental care to maintain a capital account with a minimum net worth of not less than $500,000 unless a different amount is authorized by the Commissioner. **Section 155 and 158** of this bill revise requirements for organizations for dental care and prepaid limited health service organizations to maintain surety bonds or deposits by increasing the amount of such bonds or deposits from $250,000 to $500,000 and authorizing the Commissioner to increase the amount of such bonds or deposits under certain circumstances. (NRS 695D.170, 695F.200) **Section 158** also increases the minimum net worth a prepaid limited health service organization must maintain in a capital account from $200,000 to $500,000.

Existing law requires a managed care organization to report annually to the Commissioner regarding its methods for reviewing the quality of health care services provided to its insureds. (NRS 695G.130) **Section 159** of this bill changes the timeline for submitting such a report and requires that the report be submitted on a form prescribed by the Commissioner.

Sections 103-106, 139, 140, 148, 160 and 161 of this bill remove the State Board of Health from the provisions governing systems for resolving

complaints of insureds. (NRS 689A.745, 689A.750, 689B.0285, 389B.029, 695B.380, 695B.390, 695C.080, 695G.200, 695G.220)

Section 168 repeals: (1) the requirement for certain insurers and the Commissioner to submit annual reports addressing loss prevention and control programs (NRS 680A.290, 690B.370); (2) the requirement for certain insurers to make certain disclosures (NRS 689A.390, 689A.400, 689A.690, 689B.027, 689B.028, 689C.270, 689C.280, 689C.440, 689C.450, 695B.172, 695B.174); and (3) the requirement for a prepaid limited health service organization to contract with an insurance company for certain purposes (NRS 695F.215).

Existing law sets forth that an employer who is a member of an association of self-insured public or private employers may terminate his or her membership at any time, as long as the member submits to the association a notice of intent to withdraw from the association at least 120 days before the effective date of withdrawal. Existing law further requires this notice of intent to withdraw to include a statement indicating that the member has replaced his or her membership to the association with a certain other type of insurance. (NRS 616B.386) Section 166.3 of this bill amends existing law by requiring that the notice of intent to withdraw be deemed rescinded if the member does not provide to the association before the expiration of the 120-day period proof that the member has replaced his or her membership to the association with a certain other type of insurance.

Sections 17, 23, 40-43, 45-49, 87, 93-97, 99-102, 107, 108, 115, 116, 125, 126, 135, 136, 150 and 163 of this bill make conforming changes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 57 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 13, inclusive, of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Commissioner" means the Commissioner of Insurance and, if applicable:***

1. A deputy of the Commissioner; or

2. The Division.

Sec. 4. ***"Insurer" includes, without limitation:***

1. A captive insurer that has been issued a certificate of authority pursuant to chapter 694C of NRS;

2. A fraternal benefit society that has been issued a certificate of authority pursuant to chapter 695A of NRS;

3. A health maintenance organization that has been issued a certificate of authority pursuant to chapter 695C of NRS;

4. A nonprofit corporation for hospital, medical or dental services that has been issued a certificate of authority pursuant to chapter 695B of NRS;

5. An organization for dental care that has been issued a certificate of authority pursuant to chapter 695D of NRS;

6. A prepaid limited health service organization that has been issued a certificate of authority pursuant to chapter 695F of NRS;

7. A risk retention group that has been issued a certificate of registration pursuant to chapter 695E of NRS;

8. Any person who is engaged as principal and as indemnitor, surety or contractor in the business of entering into contracts of insurance; and

9. Any person purporting to be an insurer listed in subsections 1 to 8, inclusive, or in the process of organizing, or holding himself or herself out as organizing, or proposing to organize in this State for the purpose of becoming an insurer listed in subsections 1 to 8, inclusive.

Sec. 5. *The provisions of this chapter apply to:*

1. All domestic insurers;

2. Any foreign insurer doing business in this State regarding whom an applicable official of the foreign insurer's state of domicile has requested that the Commissioner apply the provisions of this chapter to the foreign insurer;

3. All persons purporting to be an insurer, or in the process of organizing, or holding themselves out as organizing, or proposing to organize in this State for the purpose of becoming an insurer; and

4. All other persons to whom the provisions of this chapter are otherwise expressly made applicable by law.

Sec. 6. *1. The Commissioner may place an insurer under administrative supervision if:*

(a) At any time, the Commissioner determines that:

(1) The insurer is in a hazardous financial condition as set forth in regulations adopted pursuant to NRS 680A.205 or 695B.150 or section 143, 152 or 156 of this act or any other applicable provision of this title;

(2) The insurer is in a hazardous financial condition pursuant to NRS 682A.510 or section 145 and 146 of this act or any other applicable provision of this title;

(3) The continued operation of the insurer transacting business in this State may be hazardous to the insureds or creditors of the insurer or to the general public;

(4) As described in subsection 5, the insurer appears to have exceeded its powers as granted by its license or certificate of authority, as applicable, or as granted by applicable law; or

(5) The insurer is conducting its business fraudulently; or

(b) The insurer agrees to be placed under administrative supervision.

2. If the Commissioner places an insurer under administrative supervision pursuant to subsection 1:

(a) The Commissioner shall promptly notify the insurer that the insurer has been placed under administrative supervision, and include with that notice:

(1) The determination, if any, made by the Commissioner pursuant to paragraph (a) of subsection 1;

(2) A written list of the actions which the insurer must take to satisfy the Commissioner that the placement of the insurer under administrative supervision pursuant to subsection 1 is no longer appropriate;

(3) The initial period of administrative supervision established pursuant to paragraph (b);

(4) The actions, if any, identified by the Commissioner pursuant to subsection 2 of section 7 of this act; and

(5) A statement that the provisions of this chapter govern the administrative supervision of the insurer.

(b) Except as otherwise provided in this paragraph, the initial period of administrative supervision begins upon the insurer's receipt of the notice described in paragraph (a) and ends 60 days after the date of the Commissioner's determination pursuant to paragraph (a) of subsection 1 or the date of the insurer's agreement pursuant to paragraph (b) of subsection 1, as applicable. The Commissioner may designate a different date for the end of the initial period of administrative supervision, if the Commissioner determines that a different date is appropriate and includes that date in the notice required by paragraph (a).

3. The insurer remains under administrative supervision pursuant to this section from the beginning of the initial period of administrative supervision established pursuant to paragraph (b) of subsection 2 until the date on which the insurer is released from administrative supervision by the Commissioner pursuant to paragraph (a) of subsection 4.

4. At the end of the initial period of supervision established pursuant to paragraph (b) of subsection 2 and at the end of any extended period of supervision established pursuant to paragraph (b) of this subsection, the Commissioner shall provide the insurer with notice and an opportunity for a hearing to determine whether the insurer has taken the actions specified pursuant to subparagraph (2) of paragraph (a) of subsection 2 to the satisfaction of the Commissioner. If the Commissioner determines that the insurer:

(a) Has taken such actions to the satisfaction of the Commissioner, the Commissioner shall release the insurer from administrative supervision; or

(b) Has not taken such actions to the satisfaction of the Commissioner, the Commissioner shall designate an extended period of supervision during which the insurer remains under administrative supervision.

5. For the purposes of subparagraph (2) of paragraph (a) of subsection 1, an insurer shall be deemed to have exceeded its powers if the insurer:

(a) Refused to permit the Commissioner, or an examiner authorized by the Commissioner, to examine its books, papers, accounts, records or affairs;

(b) Is a domestic insurer and unlawfully removed from this State books, papers, accounts or records necessary for an examination of the insurer;

(c) Failed or refused to promptly comply with any applicable statutes or regulations relating to financial reporting or any requests of the Commissioner relating thereto;

(d) Failed or refused to comply with an order of the Commissioner to make good, within the time prescribed by law, any prohibited deficiency in its capital, capital stock or surplus;

(e) Continued to transact insurance or write business in this State after its license or certificate of authority, as applicable, has been revoked or suspended by the Commissioner;

(f) Unlawfully, in violation of an order of the Commissioner, or without first having obtained written approval of the Commissioner if written approval is required by law, and whether accomplished by contract or otherwise:

(1) Completely reinsured its entire outstanding business; or

(2) Merged or substantially consolidated its entire property or business with another insurer;

(g) Engaged in any transaction in which it is not authorized to engage under the laws of this State; or

(h) Otherwise failed or refused to comply with a lawful order of the Commissioner.

Sec. 7. *1. During the period an insurer is under administrative supervision pursuant to section 6 of this act, the Commissioner or an appointee designated by the Commissioner shall serve as the administrative supervisor of the insurer.*

2. The Commissioner may identify any one or more actions specified in subsection 3 as actions which the insurer shall not take during the period the insurer remains under administrative supervision pursuant to section 6 of this act unless the insurer obtains approval in advance from the administrative supervisor designated pursuant to subsection 1.

3. If identified by the Commissioner pursuant to subsection 2, the insurer shall not, without obtaining approval in advance from the administrative supervisor:

(a) Dispose of, convey or encumber any of its assets or its business in force;

(b) Withdraw money from any of its bank accounts;

(c) Lend any of its money;

(d) Invest any of its money;

(e) Transfer any of its property;

(f) Incur any debt, obligation or liability;

(g) Merge or consolidate with another insurer or any other business entity as defined in NRS 682A.025;

(h) Approve new premiums or renew any policies;

(i) Enter into any new reinsurance contract or treaty;

(j) Terminate, surrender, forfeit, convert or lapse any insurance policy, certificate or contract, except for nonpayment of premiums due;

(k) Release, pay or refund premium deposits, accrued cash or loan values, unearned premiums or other reserves on any insurance policy, certificate or contract;

(l) Make any material change in management; or

(m) Increase any salary or benefit of an officer or director, increase the preferential payment of a bonus or dividend or increase any other payment deemed by the Commissioner to be preferential.

Sec. 8. *1. Notwithstanding any other provision of law and except as set forth in this section and NRS 239.0115, any proceedings and hearings, and any notices, correspondence, reports, records and other information in the possession of the Commissioner, relating to the administrative supervision of any insurer pursuant to this chapter are confidential by law and privileged, are not subject to subpoena, are not subject to discovery and are not admissible in evidence in any private civil action.*

2. The Commissioner may use the information specified in subsection 1 in the furtherance of any regulatory or legal action brought as part of his or her official duties, including, without limitation, his or her duties as a receiver pursuant to chapter 696B of NRS.

3. Neither the Commissioner nor any other person who received access to any information specified in subsection 1 while acting under the authority of the Commissioner may be permitted or required to testify in any private civil action concerning the information.

4. In order to assist in the performance of the regulatory duties of the Commissioner, the Commissioner may:

(a) Share the information specified in subsection 1 with:

(1) Other state, federal and international regulatory agencies, including, without limitation, members of any supervisory college as defined in NRS 692C.359;

(2) The National Association of Insurance Commissioners and its affiliates and subsidiaries;

(3) Third party consultants designated by the Commissioner; and

(4) State, federal and international law enforcement authorities, if the Commissioner determines that the disclosure is necessary or proper for the enforcement of the laws of this State or another state,

➥ provided that the recipient agrees to maintain the confidentiality of the applicable information specified in subsection 1. No waiver of any applicable privilege or claim of confidentiality occurs because of the sharing of information pursuant to this paragraph.

(b) Open any proceedings or hearings to the public or make public any other information specified in subsection 1 if the Commissioner determines that it is in the best interest of the public or in the best interest of the insurer, the insureds or creditors of the insurer, or the general public.

Sec. 9. *1. During the period an insurer is under administrative supervision pursuant to section 6 of this act, the insurer may contest any action taken or proposed to be taken by the administrative supervisor designated pursuant to subsection 1 of section 7 of this act on the ground that the action would not result in improving the condition of the insurer. To contest an action taken or proposed to be taken by the administrative supervisor, the insurer must submit a request for reconsideration to the administrative supervisor. If the administrative supervisor, upon reconsideration, denies the insurer's request, the insurer may request a review of the decision of the administrative supervisor pursuant to NRS 679B.310 to 679B.370, inclusive.*

2. Any action taken by the Commissioner pursuant to this chapter is subject to:

(a) Review pursuant to NRS 679B.310 to 679B.370, inclusive, and any regulations adopted pursuant thereto; and

(b) Judicial review pursuant to chapter 233B of NRS.

Sec. 10. *Nothing in this chapter shall be construed to limit the authority of the Commissioner to institute delinquency proceedings against an insurer pursuant to chapter 696B of NRS for the purpose of conserving, rehabilitating, reorganizing or liquidating the insurer, without regard to whether the Commissioner has currently or previously placed the insurer under administrative supervision pursuant to section 6 of this act.*

Sec. 11. *Notwithstanding any other provision of law, at the time of any proceeding or during the pendency of any proceeding held pursuant to this chapter, the Commissioner may meet with an administrative supervisor designated by the Commissioner pursuant to subsection 1 of section 7 of this act, and with the attorney or other representative of the administrative supervisor designated pursuant to subsection 1 of section 7 of this act, without the presence of any other person:*

1. To carry out the duties of the Commissioner under this chapter; or

2. To allow the administrative supervisor to carry out his or her duties under this chapter.

Sec. 12. *The Commissioner may:*

1. Adopt any regulations necessary to carry out the purposes and provisions of this chapter;

2. In addition to an administrative supervisor designated by the Commissioner pursuant to subsection 1 of section 7 of this act, employ any other counsels, actuaries, clerks and assistants as the Commissioner deems necessary for the administrative supervision of an insurer; and

3. Require an insurer placed under administrative supervision to pay the compensation and expenses of the administrative supervisor designated

by the Commissioner pursuant to subsection 1 of section 7 of this act and any other counsels, actuaries, clerks and assistants described in subsection 2.

Sec. 13. ***There shall be no liability on the part of, and no cause of action of any nature against, the Commissioner or any employee or agent of the Commissioner, or an administrative supervisor designated pursuant to subsection 1 of section 7 of this act, for any action taken by them in the performance of their powers and duties under this chapter.***

Sec. 14. NRS 679B.144 is hereby amended to read as follows:

679B.144 1. The Commissioner shall collect and maintain the information provided by insurers pursuant to NRS 690B.260 regarding each closed claim for medical malpractice filed against a person who is covered by a policy of insurance for medical malpractice in this state, including, without limitation:

(a) The cause of the loss;

(b) A description of the injury for which the claim was filed;

(c) The sex of the injured person;

(d) The names and number of defendants in each claim;

(e) The type of coverage provided;

(f) ~~[~~The amount of the initial, highest and last reserves of an insurer for each claim before final resolution of the claim by settlement or trial;

~~(g)~~**]** The disposition of each claim;

~~[(h)]~~ ***(g)*** The amount of money awarded through settlement or by verdict;

~~[(i)]~~ ***(h)*** The sum of money paid to each claimant and the source of that sum;

~~[(j)]~~ ***(i)*** Any sum of money allocated to expenses for the adjustment of losses; and

~~[(k)]~~ ***(j)*** Any other information the Commissioner determines to be necessary or appropriate.

2. The Commissioner shall submit with the report to the Legislature required pursuant to NRS 679B.410 a summary of the information collected pursuant to this section.

3. The Commissioner ~~[shall]~~ ***may*** adopt regulations necessary to carry out the provisions of this section.

4. As used in this section, "policy of insurance for medical malpractice" means a policy that provides coverage for any medical professional liability of the insured under the policy.

Sec. 15. NRS 679B.240 is hereby amended to read as follows:

679B.240 To ascertain compliance with law, or relationships and transactions between any person and any insurer or proposed insurer, the Commissioner may, as often as he or she deems advisable, examine the accounts, records, documents and transactions relating to such compliance or relationships of:

1. Any ***producer of*** insurance ***,*** ~~[agent,]~~ solicitor, ~~[broker,]~~ surplus lines broker, general agent, adjuster, insurer representative, bail agent, motor club

agent or any other licensee or any other person the Commissioner has reason to believe may be acting as or holding himself or herself out as any of the foregoing.

2. Any person having a contract under which the person enjoys in fact the exclusive or dominant right to manage or control an insurer.

3. Any insurance holding company or other person holding the shares of voting stock or the proxies of policyholders of a domestic insurer, to control the management thereof, as voting trustee or otherwise.

4. Any subsidiary of the insurer.

5. Any person engaged in this state in, or proposing to be engaged in this state in, or holding himself or herself out in this state as so engaging or proposing, or in this state assisting in, the promotion, formation or financing of an insurer or insurance holding corporation, or corporation or other group to finance an insurer or the production of its business.

6. Any independent review organization, as defined in NRS 695G.026.

Sec. 16. Chapter 680A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each insurer to which the Commissioner issues a certificate of authority shall notify the Commissioner of all material changes to the information provided by the insurer in its written application pursuant to NRS 680A.150, including, without limitation:

(a) Any change of address, such as a change to:

(1) The mailing address of the home office, or any other physical address, of the insurer; and

(2) Any other mailing address of the insurer, including, without limitation, the address used for general correspondence or for annual renewal notices;

(b) Any changes in the officers, directors or ownership of the insurer;

(c) Any changes to the manner of service of legal process against the insurer; and

(d) Any changes to the articles of incorporation, by-laws or power of attorney for the attorney-in-fact of the insurer.

2. The notice required by subsection 1 must be provided to the Commissioner within 30 days after the date on which the change occurs.

3. If an insurer changes its physical or mailing address without giving written notice and the Commissioner is unable to locate the insurer after diligent effort, the Commissioner may suspend or revoke the insurer's certificate of authority without a hearing. The mailing of a letter by certified mail, return receipt requested, addressed to the insurer at its last mailing address appearing on the records of the Division, and the return of the letter undelivered, constitutes a diligent effort by the Commissioner. In lieu of such a suspension or revocation, the Commissioner may levy upon the insurer, and the insurer shall pay forthwith, an administrative fine of not more than $2,000 for each act or violation.

Sec. 17. NRS 680A.095 is hereby amended to read as follows:

680A.095 1. Except as otherwise provided in subsection 3, an insurer which is not authorized to transact insurance in this State may not transact reinsurance with a domestic insurer in this State, by mail or otherwise, unless the insurer holds a certificate of authority as a reinsurer in accordance with the provisions of NRS 680A.010 to 680A.150, inclusive, 680A.160 to ~~[680A.290,]~~ ***680A.280,*** inclusive, ***and section 16 of this act,*** 680A.320 and 680A.330.

2. To qualify for authority only to transact reinsurance, an insurer must meet the same requirements for capital and surplus as are imposed on an insurer which is authorized to transact insurance in this State.

3. This section does not apply to the joint reinsurance of title insurance risks or to reciprocal insurance authorized pursuant to chapter 694B of NRS.

Sec. 18. NRS 680A.240 is hereby amended to read as follows:

680A.240 1. A property insurer or multiple line insurer authorized to transact insurance in Nevada shall have the right to issue property insurance policies under its own name and under additional "titles" or under additional "titles" duly registered by the insurer with the Commissioner.

2. ***A life insurer or multiple line insurer authorized to transact insurance in Nevada shall have the right to issue life or health insurance policies under its own name and under additional "titles" or under additional "titles" duly registered by the insurer with the Commissioner.***

3. The Commissioner shall, upon the insurer's request, furnish to the insurer the form required for such registration, and the insurer shall pay the fee for registration as specified in NRS 680B.010 (fee schedule). Registered titles shall be shown on the insurer's certificate of authority and shall remain in effect for so long as the insurer's certificate of authority is in effect, subject to earlier termination of the registration at the insurer's request.

~~[3.]~~ ***4.*** All business transacted by the insurer under additional titles shall be included in business and transactions of the insurer to be shown by its annual statement filed with the Commissioner, for all purposes under this Code.

Sec. 19. NRS 680A.270 is hereby amended to read as follows:

680A.270 1. Each authorized insurer shall annually on or before March 1, or within any reasonable extension of time therefor which the Commissioner for good cause may have granted on or before that date, file with the Commissioner a full and true statement of its financial condition, transactions and affairs as of December 31 preceding. The statement must be:

(a) In the general form and context of, and require information as called for by, an annual statement as is currently in general and customary use in the United States for the type of insurer and kinds of insurance to be reported upon, with any useful or necessary modification or adaptation thereof, supplemented by additional information required by the Commissioner;

(b) Prepared in accordance with:

(1) The Annual Statement Instructions for the type of insurer to be reported on as adopted by the National Association of Insurance Commissioners for the year in which the insurer files the statement; and

(2) The Accounting Practices and Procedures Manual adopted by the National Association of Insurance Commissioners and effective on January 1, 2001, and as amended by the National Association of Insurance Commissioners after that date; and

(c) Verified by the oath of the insurer's president or vice president and secretary or actuary, as applicable, or, in the absence of the foregoing, by two other principal officers, or if a reciprocal insurer, by the oath of the attorney-in-fact, or its like officers if a corporation.

2. The statement of an alien insurer must be verified by its United States manager or other officer who is authorized to do so, and may relate only to the insurer's transactions and affairs in the United States unless the Commissioner requires otherwise. If the Commissioner requires a statement as to the insurer's affairs throughout the world, the insurer shall file the statement with the Commissioner as soon as reasonably possible.

3. The Commissioner may refuse to continue, or may suspend or revoke, the certificate of authority of any insurer failing to file its annual statement when due.

4. At the time of filing, the insurer shall pay the fee for filing its annual statement as prescribed by NRS 680B.010.

5. The Commissioner may adopt regulations requiring each domestic, foreign and alien insurer which is authorized to transact insurance in this state to file the insurer's annual statement with the National Association of Insurance Commissioners or its successor organization.

6. Except as otherwise provided in NRS 239.0115, all ~~[ratios of financial analyses and synopses of examinations concerning insurers that are submitted to the Division by the National Association of Insurance Commissioners' Insurance Regulatory Information System]~~ ***work papers, documents and materials prepared pursuant to this section by or on behalf of the Division*** are confidential and ~~[may]~~ ***must*** not be disclosed by the Division.

7. To the extent that the Annual Statement Instructions referenced in subparagraph (1) of paragraph (b) of subsection 1 require the disclosure of compensation paid to or on behalf of an insurer's officers, directors or employees, the information may be filed with the Commissioner as an exhibit separate from the statement required by this section. Except as otherwise provided in NRS 239.0115, the compensation information described in this subsection is confidential and must not be disclosed by the Division.

Sec. 20. NRS 680A.280 is hereby amended to read as follows:

680A.280 1. Any insurer failing, without just cause beyond the reasonable control of the insurer, to file ~~[its]~~ ***an*** annual statement as required in NRS ***680A.265 and*** 680A.270 shall be required to pay a penalty of $100

for each day's delay, but not to exceed $3,000 in aggregate amount, to be recovered in the name of the State of Nevada by the Attorney General.

2. Any director, officer, agent or employee of any insurer who subscribes to, makes or concurs in making or publishing, any annual or other statement required by law, knowing the same to contain any material statement which is false, is guilty of a gross misdemeanor.

Sec. 21. NRS 680B.020 is hereby amended to read as follows:

680B.020 1. Notwithstanding the provisions of any general or special law, the possession of a license or certificate of authority issued under this Code shall be authorization to transact such business as indicated in such license or certificate of authority, and shall be in lieu of all licenses, whether for regulation or revenue, required to transact insurance business within the State of Nevada; but each city, town or county may require a license for revenue purposes only for any insurance ~~[agent, broker,]~~ analyst, adjuster or managing general agent ***or producer of insurance*** whose principal place of business is located within such city or town, or within the county outside the cities and towns of the county, respectively.

2. This section shall not be modified or repealed by any law of general application enacted after January 1, 1972, unless expressly referred to or expressly repealed therein.

Sec. 22. Chapter 681A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Commissioner may adopt regulations applicable to arrangements for reinsurance relating to:

(a) Life insurance policies with guaranteed non-level gross premiums or guaranteed non-level benefits;

(b) Universal life insurance policies with provisions resulting in the ability of a policyholder to keep a policy in force over a secondary guarantee period;

(c) Variable annuities with guaranteed death or living benefits;

(d) Policies for long-term care insurance; or

(e) Such other life and health insurance and annuity products as to which the National Association of Insurance Commissioners adopts model regulatory requirements with respect to credit for reinsurance.

2. A regulation adopted pursuant to this section may require the ceding insurer, in calculating the amounts or forms of security required to be held pursuant to regulations adopted pursuant to this section, to use the Valuation Manual, as defined in NRS 681B.0071, which is in effect on the date as of which the calculation is made, to the extent applicable.

3. A regulation adopted pursuant to this section must not apply to a cession to an assuming insurer that:

(a) Is certified in this State or, if this State has not adopted regulations which provide for an assuming insurer to satisfy the requirements of NRS 681A.155 for credit to be allowed, certified in a minimum of five other states; or

(b) Maintains at least $250,000,000 in capital and surplus when determined in accordance with the Accounting Practices and Procedures Manual adopted by the National Association of Insurance Commissioners, as amended, excluding the impact of any permitted or prescribed practices, and:

(1) Is licensed in at least 26 states; or

(2) Is licensed in at least 10 states, and licensed or accredited in at least 35 states.

Sec. 23. NRS 681A.140 is hereby amended to read as follows:

681A.140 As used in NRS 681A.140 to 681A.240, inclusive, ***and section 22 of this act,*** "qualified financial institution in the United States" means an institution that:

1. Is organized, or in the case of a branch or agency of a foreign banking organization in the United States licensed, under the laws of the United States or any state thereof and has been granted authority to operate with fiduciary powers;

2. Is regulated, supervised and examined by federal or state authorities having regulatory authority over banks and trust companies;

3. Is determined:

(a) By the Commissioner to meet the standards of financial condition and standing prescribed by the Commissioner; or

(b) By the National Association of Insurance Commissioners to meet the standards of financial condition and standing prescribed by the National Association of Insurance Commissioners; and

4. Is determined by the Commissioner to be otherwise acceptable.

Sec. 24. NRS 683A.060 is hereby amended to read as follows:

683A.060 1. A "managing general agent" is a person who:

(a) Negotiates and binds ceding reinsurance contracts on behalf of an insurer or manages all or part of the insurance business of an insurer, including the management of a separate division, department ~~[of]~~ ***or*** underwriting office; ~~[or]~~ ***and***

(b) Acts as an agent for the insurer and with or without the authority, either separately or together with affiliates:

(1) Produces, directly or indirectly, and underwrites an amount of gross direct written premiums equal to or more than 5 percent of the policyholder surplus as reported in the last annual statement of the insurer in any one quarter or year; and

(2) Adjusts or pays claims in excess of an amount determined by the Commissioner or negotiates reinsurance on behalf of the insurer.

2. A managing general agent includes a person with authority to appoint and to terminate the appointment of an agent for an insurer.

3. For the purposes of this chapter, the following are not managing general agents:

(a) An employee of the insurer;

(b) A manager of the United States branch of an alien insurer;

(c) An attorney authorized by and acting for the subscribers of a reciprocal insurer or interinsurance exchange; and

(d) An underwriting manager who, pursuant to a contract, manages all or part of the insurance operations of the insurer, is under common control with the insurer, is subject to the provisions of chapter 692C of NRS and whose compensation is not based on the volume of premiums written or the profit of the business written.

Sec. 25. NRS 683A.0892 is hereby amended to read as follows:

683A.0892 1. The Commissioner:

(a) Shall suspend or revoke the certificate of registration of an administrator if the Commissioner has determined, after notice and a hearing, that the administrator:

(1) Is in an unsound financial condition;

(2) Uses methods or practices in the conduct of business that are hazardous or injurious to insured persons or members of the general public; or

(3) Has failed to pay any judgment against the administrator in this State within 60 days after the judgment became final.

(b) May suspend or revoke the certificate of registration of an administrator if the Commissioner determines, after notice and a hearing, that the administrator:

(1) Has ~~[willfully]~~ ***knowingly*** violated or failed to comply with any provision of this Code, any regulation adopted pursuant to this Code or any order of the Commissioner;

(2) Has refused to be examined by the Commissioner or has refused to produce accounts, records or files for examination upon the request of the Commissioner;

(3) Has, without just cause, refused to pay claims or perform services pursuant to the administrator's contracts or has, without just cause, caused persons to accept less than the amount of money owed to them pursuant to the contracts, or has caused persons to employ an attorney or bring a civil action against the administrator to receive full payment or settlement of claims;

(4) Is affiliated with, managed by or owned by another administrator or an insurer who transacts insurance in this State without a certificate of authority or certificate of registration;

(5) Fails to comply with any of the requirements for a certificate of registration;

(6) Has been convicted of, or has entered a plea of guilty, guilty but mentally ill or nolo contendere to, a felony, whether or not adjudication was withheld;

(7) Has had his or her authority to act as an administrator in another state limited, suspended or revoked; or

(8) Has failed to file an annual report in accordance with NRS 683A.08528.

(c) May suspend or revoke the certificate of registration of an administrator if the Commissioner determines, after notice and a hearing, that a responsible person:

(1) Has refused to provide any information relating to the administrator's affairs or refused to perform any other legal obligation relating to an examination upon request by the Commissioner; or

(2) Has been convicted of, or has entered a plea of guilty, guilty but mentally ill or nolo contendere to, a felony committed on or after October 1, 2003, whether or not adjudication was withheld.

(d) May, upon notice to the administrator, suspend the certificate of registration of the administrator pending a hearing if:

(1) The administrator is impaired or insolvent;

(2) A proceeding for receivership, conservatorship or rehabilitation has been commenced against the administrator in any state; or

(3) The financial condition or the business practices of the administrator represent an imminent threat to the public health, safety or welfare of the residents of this State.

(e) May, in addition to or in lieu of the suspension or revocation of the certificate of registration of the administrator, impose a fine of $2,000 for each act or violation.

2. As used in this section, "responsible person" means any person who is responsible for or controls or is authorized to control or advise the affairs of an administrator, including, without limitation:

(a) A member of the board of directors, board of trustees, executive committee or other governing board or committee of the administrator;

(b) The president, vice president, chief executive officer, chief operating officer or any other principal officer of an administrator, if the administrator is a corporation;

(c) A partner or member of the administrator, if the administrator is a partnership, association or limited-liability company; and

(d) Any shareholder or member of the administrator who directly or indirectly holds 10 percent or more of the voting stock, voting securities or voting interest of the administrator.

Sec. 26. NRS 683A.301 is hereby amended to read as follows:

683A.301 1. An applicant for a license as a producer of insurance or a licensee who desires to use a name other than his or her true name as shown on the license shall submit a request for approval of the name and file with the Commissioner a certified copy of the certificate or any renewal certificate filed pursuant to chapter 602 of NRS. An incorporated applicant or licensee shall file with the Commissioner a document showing the corporation's true name and all fictitious names under which it conducts or intends to conduct business. A licensee shall file promptly with the Commissioner a written notice of any change in or discontinuance of the use of a fictitious name.

2. The Commissioner may disapprove in writing the use of a true name, other than the true name of a natural person who is the applicant or licensee,

or a fictitious name of any applicant or licensee, on any of the following grounds:

(a) The name interferes with or is deceptively similar to a name already filed and in use by another licensee.

(b) Use of the name may mislead the public in any respect.

(c) The name states or implies that the applicant or licensee is an insurer, motor club or hospital service plan or is entitled to engage in activities related to insurance not permitted under the license applied for or held.

(d) The name states or implies that the licensee is an underwriter, but:

(1) A natural person licensed as ~~[an agent or broker]~~ ***a producer of insurance*** for life insurance may describe himself or herself as an underwriter or "chartered life underwriter" if entitled to do so;

(2) A natural person licensed for property and casualty insurance may use the designation "chartered property and casualty underwriter" if entitled thereto; and

(3) ~~[An insurance agent or brokers']~~ ***A*** trade association ***for producers of insurance*** may use a name containing the word "underwriter."

(e) The licensee submits a request to use more than one fictitious name at a single business location.

3. A licensee shall not use a name after written notice from the Commissioner indicates that its use violates the provisions of this section. If the Commissioner determines that the use is justified by mitigating circumstances, the Commissioner may permit, in writing, the use of the name to continue for a specified reasonable period upon conditions imposed by the Commissioner for the protection of the public consistent with this section.

4. Paragraphs (a), (c) and (d) of subsection 2 do not apply to the true name of an organization which on July 1, 1965, held under that name a type of license similar to those governed by this chapter, or to a fictitious name used on July 1, 1965, by a natural person or organization holding such a license, if the fictitious name was filed with the Commissioner on or before July 1, 1965.

Sec. 27. NRS 683C.020 is hereby amended to read as follows:

683C.020 1. Except as otherwise provided in subsection 2, no person may engage in the business of an insurance consultant unless a license has been issued to the person by the Commissioner.

2. An insurance consultant's license is not required for:

(a) An attorney licensed to practice law in this State who is acting in his or her professional capacity;

(b) A licensed ~~[insurance agent,]~~ ***producer of insurance,*** broker or surplus lines broker;

(c) A trust officer of a bank who is acting in the normal course of his or her employment; or

(d) An actuary or a certified public accountant who provides information, recommendations, advice or services in his or her professional capacity.

3. A person required to be licensed in this State who acts as an insurance consultant without a license is subject to an administrative fine of not more than $1,000 for each act or violation.

Sec. 28. NRS 684B.030 is hereby amended to read as follows:

684B.030 1. Before the issuance of a motor vehicle physical damage appraiser's license the applicant shall file with the Commissioner, and thereafter maintain in force while so licensed, a surety bond in the amount of $2,500 in favor of the people of the State of Nevada, executed by an authorized surety insurer approved by the Commissioner, and conditioned for the faithful performance of required duties.

2. The bond shall remain in force until the surety is released from liability by the Commissioner, or until cancelled by the surety. Without prejudice to any prior liability accrued, the surety may cancel the bond upon 30 days' advance written notice filed with the Commissioner.

3. A motor vehicle physical damage appraiser's license is automatically suspended if the appraiser does not file with the Commissioner a replacement bond before the date of cancellation of the previous bond. A replacement bond must meet all requirements of this section for the initial bond.

Sec. 29. NRS 685A.150 is hereby amended to read as follows:

685A.150 A licensed surplus lines broker may accept surplus lines business from any ~~[agent or broker]~~ ***producer of insurance*** licensed in this state for the kind of insurance involved and may compensate the ~~[agent or broker]~~ ***producer of insurance*** therefor.

Sec. 30. NRS 686A.290 is hereby amended to read as follows:

686A.290 1. ~~[An agent, broker, solicitor,]~~ ***A producer of insurance,*** examining physician, applicant or other person shall not knowingly or willfully make any false or fraudulent statement or representation in or with reference to any application for insurance.

2. A person who violates this section is guilty of a category D felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

Sec. 31. NRS 686A.350 is hereby amended to read as follows:

686A.350 1. A license to engage in the business of a company is not required of any:

(a) State or federally chartered building association or savings and loan association.

(b) State or federally chartered bank.

(c) State or federally chartered credit union.

(d) Thrift company licensed pursuant to chapter 677 of NRS.

(e) ~~[Insurance agent]~~ ***Producer of insurance*** financing his or her own accounts.

(f) Insurer authorized to do business in this state financing its own policies or those of an affiliated company.

(g) Business, in addition to those included in paragraphs (a) to (d), inclusive, which is licensed and regulated by the Division of Financial Institutions of the Department of Business and Industry.

2. The provisions of NRS 686A.330 to 686A.520, inclusive, other than those which concern licensing, apply to persons exempt from licensing pursuant to subsection 1.

Sec. 32. NRS 686A.420 is hereby amended to read as follows:

686A.420 1. An agreement executed in this state must be dated and signed by the insured. The printed portion of the agreement must be in not less than 8-point type. The agreement must include:

(a) The name and the address and telephone number of the business of the ***producer of*** insurance ~~[agent]~~ for the insurance contract to which the agreement relates;

(b) The name and the address of the business or residence of the insured;

(c) The name, address and telephone number of the company to which payments must be made;

(d) A brief description of any insurance policy involved; and

(e) Such other information as may be required by the Commissioner.

2. An agreement must have at its top in type which is more prominent than the text of the agreement, the words "Agreement For Financing Premium" or words of similar meaning. An agreement must contain a notice in type which is more prominent than the text of the agreement which reads as follows:

> Notice:
>
> 1. Do not sign this agreement before you have read it or if it contains any blank spaces.
>
> 2. You are entitled to a copy of this agreement which is complete.

Sec. 33. NRS 686A.680 is hereby amended to read as follows:

686A.680 ***1.*** An insurer that uses information from a consumer credit report shall not:

~~[1.]~~ ***(a)*** Use an insurance score that is calculated using income, gender, address, zip code, ethnic group, religion, marital status or nationality of the consumer as a factor, or would otherwise lead to unfair or invidious discrimination.

~~[2.]~~ ***(b)*** Deny, cancel or fail to renew a policy on the basis of credit information unless the insurer also considers other applicable underwriting factors that are independent of credit information and not expressly prohibited by this section.

~~[3.]~~ ***(c)*** Base renewal rates for a policy upon credit information unless the insurer also considers other applicable factors independent of credit information.

~~[4.]~~ ***(d)*** Take an adverse action against an applicant or policyholder based on the applicant or policyholder not having a credit card account unless the

insurer also considers other applicable factors independent of credit information.

~~[~~5.~~]~~ ***(e)*** Consider an absence of credit information or an inability to calculate an insurance score in underwriting or rating a policy unless the insurer does any one of the following:

~~[~~(a)~~]~~ ***(1)*** Treats the applicant or policyholder as otherwise approved by the Commissioner, after the insurer presents to the Commissioner information indicating that such an absence or inability relates to the risk for the insurer.

~~[~~(b)~~]~~ ***(2)*** Treats the applicant or policyholder as if the applicant or policyholder had neutral credit information, as defined by the insurer.

~~[~~(c)~~]~~ ***(3)*** Excludes the use of credit information as a factor, and uses only underwriting criteria other than credit information.

~~[~~6.~~]~~ ***(f)*** Take an adverse action against an applicant or policyholder based on credit information, unless an insurer obtains and uses a consumer credit report issued or an insurance score calculated within 90 days from the date the policy is first written or renewal is issued.

~~[~~7. Except as otherwise provided in this subsection, use credit information regarding a policyholder without obtaining an updated consumer credit report regarding the policyholder and recalculating the insurance score at least once every 36 months. At the time of the annual renewal of a policyholder's policy, the insurer shall, upon the request of the policyholder or the policyholder's agent, reunderwrite and rerate the policy based upon a current consumer credit report or insurance score. An insurer need not, at the request of a policyholder or the policyholder's agent, recalculate the insurance score of or obtain an updated consumer credit report of the policyholder more frequently than once in any 12 month period. An insurer may, at its discretion, obtain an updated consumer credit report regarding a policyholder more frequently than once every 36 months, if to do so is consistent with the underwriting guidelines of the insurer. An insurer does not need to obtain an updated consumer credit report for a policyholder if any one of the following applies:

— (a) The insurer is treating the policyholder as otherwise approved by the Commissioner.

— (b) The policyholder is in the most favorably priced tier of the insurer and all affiliates of the insurer. With respect to such a policyholder, the insurer may elect to obtain an updated consumer credit report if to do so is consistent with the underwriting guidelines of the insurer.

— (c) Credit information was not used for underwriting or rating the policyholder when the policy was initially written. The fact that credit information was not used initially does not preclude an insurer from using such information subsequently when underwriting or rating such a policyholder upon renewal, if to do so is consistent with the underwriting guidelines of the insurer.

— (d) The insurer reevaluates the policyholder at least once every 36 months based upon underwriting or rating factors other than credit information.

~~— 8.~~] *(g)* Use the following as a negative factor in any insurance scoring methodology or in reviewing credit information for the purpose of underwriting or rating a policy:

~~[(a)~~] *(1)* Credit inquiries not initiated by the applicant or policyholder, or inquiries requested by the applicant or policyholder for his or her own credit information.

~~[(b)~~] *(2)* Inquiries relating to insurance coverage, if so identified on the consumer credit report.

~~[(c)~~] *(3)* Collection accounts relating to medical treatment, if so identified on the consumer credit report.

~~[(d)~~] *(4)* Multiple lender inquiries, if identified on the consumer credit report as being related to home loans or mortgages and made within 30 days of one another, unless only one inquiry is considered.

~~[(e)~~] *(5)* Multiple lender inquiries, if identified on the consumer credit report as being related to a loan for an automobile and made within 30 days of one another, unless only one inquiry is considered.

2. Except as otherwise provided in this subsection, at the time of the annual renewal of a policyholder's policy, an insurer that uses information from a consumer credit report shall, upon the request of the policyholder or the policyholder's agent, reunderwrite and rerate the policy based upon a current consumer credit report or insurance score. An insurer need not, at the request of a policyholder or the policyholder's agent, recalculate the insurance score of or obtain an updated consumer credit report of the policyholder more frequently than once in any 12-month period.

Sec. 34. Chapter 686B of NRS is hereby amended by adding thereto the provisions set forth as sections 35 to 39, inclusive, of this act.

Sec. 35. ***"Large-deductible agreement" means any combination of one or more policies, endorsements, contracts or security arrangements, which provide for the policyholder to bear the risk of loss of a specified amount of $25,000 or more per claim or occurrence covered under a policy of industrial insurance and which may be subject to an aggregate limit of the policyholder's reimbursement obligations.***

Sec. 36. ***1. The Commissioner shall consider each proposed increase or decrease in the rate of a health plan issued pursuant to the provisions of chapter 689A, 689B, 689C, 695B, 695C, 695D or 695F of NRS, including, without limitation, long-term care and Medicare supplement plans, filed with the Commissioner pursuant to subsection 1 of NRS 686B.070. If the Commissioner finds that a proposed increase will result in a rate which is not in compliance with NRS 686B.050 or subsection 3 of NRS 686B.070, the Commissioner shall disapprove the proposal. The Commissioner shall approve or disapprove each proposal not later than 60 days after the proposal is determined by the Commissioner to be complete pursuant to subsection 4. If the Commissioner fails to approve or disapprove the proposal within that period, the proposal shall be deemed approved.***

2. Whenever an insurer has no legally effective rates as a result of the Commissioner's disapproval of rates or other act, the Commissioner shall on request specify interim rates for the insurer that are high enough to protect the interests of all parties and may order that a specified portion of the premiums be placed in an escrow account approved by the Commissioner. When new rates become legally effective, the Commissioner shall order the escrowed funds or any overcharge in the interim rates to be distributed appropriately, except that refunds to policyholders that are de minimis must not be required.

3. If the Commissioner disapproves a proposed rate pursuant to subsection 1, and an insurer requests a hearing to determine the validity of the action of the Commissioner, the insurer has the burden of showing compliance with the applicable standards for rates established in NRS 686B.010 to 686B.1799, inclusive, and sections 35 to 39, inclusive, of this act. Any such hearing must be held:

(a) Within 30 days after the request for a hearing has been submitted to the Commissioner; or

(b) Within a period agreed upon by the insurer and the Commissioner.

➥ If the hearing is not held within the period specified in paragraph (a) or (b), or if the Commissioner fails to issue an order concerning the proposed rate for which the hearing is held within 45 days after the hearing, the proposed rate shall be deemed approved.

4. The Commissioner shall by regulation specify the documents or any other information which must be included in a proposal to increase or decrease a rate submitted to the Commissioner pursuant to subsection 1. Each such proposal shall be deemed complete upon its filing with the Commissioner, unless the Commissioner, within 15 business days after the proposal is filed with the Commissioner, determines that the proposal is incomplete because the proposal does not comply with the regulations adopted by the Commissioner pursuant to this subsection.

Sec. 37. ***This section and sections 38 and 39 of this act apply to any policy of industrial insurance which:***

1. Is issued by an insurer which:

(a) Has a rating of less than "A-" from A.M. Best Company, Inc., or a substantially equivalent rating from another rating agency, as determined by the Commissioner; and

(b) Has less than $200,000,000 in surplus, with surplus calculated as the difference between the insurer's net admitted assets and the insurer's total liabilities;

2. Contains a large-deductible agreement;

3. Is not issued to a federal, state or local governmental entity; and

4. Is issued for delivery or renewed on or after January 1, 2018.

Sec. 38. ***An insurer shall:***

1. Require full collateralization of the outstanding obligations owed under a large-deductible agreement using one of the following methods:

(a) A surety bond issued by a surety insurer authorized to transact such insurance in this State, and whose financial strength and size ratings from A.M. Best Company, Inc., are not less than "A" and "V," respectively, or are substantially equivalent ratings from another rating agency, as determined by the Commissioner;

(b) An irrevocable letter of credit issued by a financial institution with an office physically located within this State, and the deposits of which are federally insured; or

(c) Cash or securities held in trust by a third party or the insurer and subject to a trust agreement for the express purpose of securing the policyholder's obligation under a large-deductible agreement, provided that if the assets are held by the insurer, those assets may not be commingled with the insurer's other assets; and

2. Limit the size of the policyholder's obligations under a large-deductible agreement to 20 percent of the total net worth of the policyholder at the inception of the policy and again at each renewal, as determined by an audited financial statement as of the most recent fiscal year-end for which such a statement is available, with the total net worth of the policyholder calculated as the difference between the total assets and the total liabilities of the policyholder.

Sec. 39. ***Except when otherwise specifically approved by the Commissioner in writing or by electronic communication, any insurer determined to be in a hazardous financial condition pursuant to NRS 680A.205, or the equivalent provisions of law in any other state as determined by the Commissioner, is prohibited from issuing or renewing a policy that includes a large-deductible agreement.***

Sec. 40. NRS 686B.010 is hereby amended to read as follows:

686B.010 1. The Legislature intends that NRS 686B.010 to 686B.1799, inclusive, ***and sections 35 to 39, inclusive, of this act*** be liberally construed to achieve the purposes stated in subsection 2, which constitute an aid and guide to interpretation but not an independent source of power.

2. The purposes of NRS 686B.010 to 686B.1799, inclusive, ***and sections 35 to 39, inclusive, of this act*** are to:

(a) Protect policyholders and the public against the adverse effects of excessive, inadequate or unfairly discriminatory rates;

(b) Encourage, as the most effective way to produce rates that conform to the standards of paragraph (a), independent action by and reasonable price competition among insurers;

(c) Provide formal regulatory controls for use if independent action and price competition fail;

(d) Authorize cooperative action among insurers in the rate-making process, and to regulate such cooperation in order to prevent practices that tend to bring about monopoly or to lessen or destroy competition;

(e) Encourage the most efficient and economic marketing practices; and

(f) Regulate the business of insurance in a manner that will preclude application of federal antitrust laws.

Sec. 41. NRS 686B.020 is hereby amended to read as follows:

686B.020 As used in NRS 686B.010 to 686B.1799, inclusive, ***and sections 35 to 39, inclusive, of this act,*** unless the context otherwise requires:

1. "Advisory organization," except as limited by NRS 686B.1752, means any person or organization which is controlled by or composed of two or more insurers and which engages in activities related to rate making. For the purposes of this subsection, two or more insurers with common ownership or operating in this State under common ownership constitute a single insurer. An advisory organization does not include:

(a) A joint underwriting association;

(b) An actuarial or legal consultant; or

(c) An employee or manager of an insurer.

2. "Market segment" means any line or kind of insurance or, if it is described in general terms, any subdivision thereof or any class of risks or combination of classes.

3. "Rate service organization" means any person, other than an employee of an insurer, who assists insurers in rate making or filing by:

(a) Collecting, compiling and furnishing loss or expense statistics;

(b) Recommending, making or filing rates or supplementary rate information; or

(c) Advising about rate questions, except as an attorney giving legal advice.

4. "Supplementary rate information" includes any manual or plan of rates, statistical plan, classification, rating schedule, minimum premium, policy fee, rating rule, rule of underwriting relating to rates and any other information prescribed by regulation of the Commissioner.

Sec. 42. NRS 686B.030 is hereby amended to read as follows:

686B.030 1. Except as otherwise provided in subsection 2 and NRS 686B.125, the provisions of NRS 686B.010 to 686B.1799, inclusive, ***and sections 35 to 39, inclusive, of this act*** apply to all kinds and lines of direct insurance written on risks or operations in this State by any insurer authorized to do business in this State, except:

(a) Ocean marine insurance;

(b) Contracts issued by fraternal benefit societies;

(c) Life insurance and credit life insurance;

(d) Variable and fixed annuities;

(e) Credit accident and health insurance;

(f) Property insurance for business and commercial risks;

(g) Casualty insurance for business and commercial risks other than insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS;

(h) Surety insurance;

(i) Health insurance offered through a group health plan maintained by a large employer; and

(j) Credit involuntary unemployment insurance.

2. The exclusions set forth in paragraphs (f) and (g) of subsection 1 extend only to issues related to the determination or approval of premium rates.

Sec. 43. NRS 686B.040 is hereby amended to read as follows:

686B.040 1. Except as otherwise provided in subsection 2, the Commissioner may by rule exempt any person or class of persons or any market segment from any or all of the provisions of NRS 686B.010 to 686B.1799, inclusive, ***and sections 35 to 39, inclusive, of this act,*** if and to the extent that the Commissioner finds their application unnecessary to achieve the purposes of those sections.

2. The Commissioner may not, by rule or otherwise, exempt an insurer from the provisions of NRS 686B.010 to 686B.1799, inclusive, ***and sections 35 to 39, inclusive, of this act*** with regard to insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS for a breach of the practitioner's professional duty toward a patient.

Sec. 44. NRS 686B.110 is hereby amended to read as follows:

686B.110 1. ~~[The]~~ ***Except as otherwise provided in section 36 of this act, the*** Commissioner shall consider each proposed increase or decrease in the rate of any kind or line of insurance or subdivision thereof filed with the Commissioner pursuant to subsection 1 of NRS 686B.070. If the Commissioner finds that a proposed increase will result in a rate which is not in compliance with NRS 686B.050 or subsection 3 of NRS 686B.070, the Commissioner shall disapprove the proposal. The Commissioner shall approve or disapprove each proposal no later than 30 days after it is determined by the Commissioner to be complete pursuant to subsection 6. If the Commissioner fails to approve or disapprove the proposal within that period, the proposal shall be deemed approved.

2. If the Commissioner disapproves a proposed increase or decrease in any rate pursuant to subsection 1, the Commissioner shall send a written notice of disapproval to the insurer or the rate service organization that filed the proposal. The notice must set forth the reasons the proposal is not in compliance with NRS 686B.050 or subsection 3 of NRS 686B.070 and must be sent to the insurer or the rate service organization not more than 30 days after the Commissioner determines that the proposal is complete pursuant to subsection 6.

3. Upon receipt of a written notice of disapproval from the Commissioner pursuant to subsection 2 or 6, the insurer or rate service organization may request that the Commissioner reconsider the proposed increase or decrease. The request for reconsideration must be received by the Commissioner not more than 30 days after the insurer or rate service organization receives the written notice of disapproval from the Commissioner, except that if the insurer or rate service organization requests,

in writing, an extension of 30 additional days in which to request a reconsideration, the Commissioner shall grant the extension. A request for reconsideration submitted pursuant to this subsection may include, without limitation, any documents or other information for review by the Commissioner in reconsidering the proposal. The Commissioner shall approve or disapprove the proposal upon reconsideration not later than 30 days after receipt of the request for reconsideration and shall notify the insurer or rate service organization of his or her approval or disapproval.

4. Whenever an insurer has no legally effective rates as a result of the Commissioner's disapproval of rates or other act, the Commissioner shall on request specify interim rates for the insurer that are high enough to protect the interests of all parties and may order that a specified portion of the premiums be placed in an escrow account approved by the Commissioner. When new rates become legally effective, the Commissioner shall order the escrowed funds or any overcharge in the interim rates to be distributed appropriately, except that refunds to policyholders that are de minimis must not be required.

5. If the Commissioner disapproves a proposed rate pursuant to subsection 1 ~~[,]~~ ***or*** subsection 6 or upon reconsideration pursuant to subsection 3 **,** and an insurer requests a hearing to determine the validity of the action of the Commissioner, the insurer has the burden of showing compliance with the applicable standards for rates established in NRS 686B.010 to 686B.1799, inclusive ~~[.]~~ ***, and sections 35 to 39, inclusive, of this act.*** Any such hearing must be held:

(a) Within 30 days after the request for a hearing has been submitted to the Commissioner; or

(b) Within a period agreed upon by the insurer and the Commissioner.

➥ If the hearing is not held within the period specified in paragraph (a) or (b), or if the Commissioner fails to issue an order concerning the proposed rate for which the hearing is held within 45 days after the hearing, the proposed rate shall be deemed approved.

6. The Commissioner shall by regulation specify the documents or any other information which must be included in a proposal to increase or decrease a rate submitted to the Commissioner pursuant to subsection 1. Each such proposal shall be deemed complete upon its filing with the Commissioner, unless the Commissioner, within 15 business days after the proposal is filed with the Commissioner, determines that the proposal is incomplete because the proposal does not comply with the regulations adopted by the Commissioner pursuant to this subsection. The Commissioner shall notify the insurer or rate service organization if the Commissioner determines that the proposal is incomplete. The notice must be sent within 15 business days after the proposal is filed with the Commissioner and must set forth the documents or other information that is required to complete the proposal. The Commissioner may disapprove the proposal if the insurer or rate service organization fails to provide the documents or other information

to the Commissioner within 30 days after the insurer or rate service organization receives the notice that the proposal is incomplete. If the Commissioner disapproves the proposal pursuant to this subsection, the Commissioner shall notify the insurer or rate service organization of that fact in writing.

Sec. 45. NRS 686B.115 is hereby amended to read as follows:

686B.115 1. Any hearing held by the Commissioner to determine whether rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive, ***and sections 35 to 39, inclusive, of this act*** must be open to members of the public.

2. All costs for transcripts prepared pursuant to such a hearing must be paid by the insurer requesting the hearing.

3. At any hearing which is held by the Commissioner to determine whether rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive, ***and sections 35 to 39, inclusive, of this act,*** and which involves rates for insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS for a breach of the practitioner's professional duty toward a patient, if a person is not otherwise authorized pursuant to this title to become a party to the hearing by intervention, the person is entitled to provide testimony at the hearing if, not later than 2 days before the date set for the hearing, the person files with the Commissioner a written statement which states:

(a) The name and title of the person;

(b) The interest of the person in the hearing; and

(c) A brief summary describing the purpose of the testimony the person will offer at the hearing.

4. If a person provides testimony at a hearing in accordance with subsection 3:

(a) The Commissioner may, if the Commissioner finds it necessary to preserve order, prevent inordinate delay or protect the rights of the parties at the hearing, place reasonable limitations on the duration of the testimony and prohibit the person from providing testimony that is not relevant to the issues raised at the hearing.

(b) The Commissioner shall consider all relevant testimony provided by the person at the hearing in determining whether the rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive ~~[.]~~ ***, and sections 35 to 39, inclusive, of this act.***

Sec. 46. NRS 686B.1751 is hereby amended to read as follows:

686B.1751 As used in NRS 686B.1751 to 686B.1799, inclusive, ***and sections 35, 37, 38 and 39 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 686B.1752 to 686B.1762, inclusive, ***and section 35 of this act*** have the meanings ascribed to them in those sections.

Sec. 47. NRS 686B.1763 is hereby amended to read as follows:

686B.1763 1. NRS 686B.1751 to 686B.1799, inclusive, ***and sections 35, 37, 38 and 39 of this act,*** apply to insurers providing industrial insurance

and to the Advisory Organization designated by the Commissioner. The Commissioner shall administer the provisions of these sections.

2. These provisions apply to all industrial insurance issued in this state except reinsurance.

Sec. 48. NRS 686B.1789 is hereby amended to read as follows:

686B.1789 A hearing required by any of the provisions of NRS 686B.1751 to 686B.1799, inclusive, ***and sections 35, 37, 38 and 39 of this act,*** is governed by NRS 679B.310 to 679B.370, inclusive, except that any limits of time imposed by NRS 686B.1751 to 686B.1799, inclusive, ***and sections 35, 37, 38 and 39 of this act,*** control.

Sec. 49. NRS 686B.1793 is hereby amended to read as follows:

686B.1793 1. An insurer or other person who violates any provision of NRS 686B.1751 to 686B.1799, inclusive, ***and sections 35, 37, 38 and 39 of this act,*** shall, upon the order of the Commissioner, pay an administrative fine not to exceed $1,000 for each violation and not to exceed $10,000 for each willful violation. These administrative fines are in addition to any other penalty provided by law. Any insurer using a rate before it has been filed with the Commissioner as required by NRS 686B.1775, shall be deemed to have committed a separate violation for each day the insurer failed to file the rate.

2. The Commissioner may suspend or revoke the license of any advisory organization or insurer who fails to comply with an order within the time specified by the Commissioner or any extension of that time made by the Commissioner. Any suspension of a license is effective for the time stated by the Commissioner in his or her order or until the order is modified, rescinded or reversed.

3. The Commissioner, by written order, may impose a penalty or suspend a license pursuant to this section only after written notice to the insurer, organization or plan for apportioned risks and a hearing.

Sec. 50. Chapter 687B of NRS is hereby amended by adding thereto the provisions set forth as sections 51 to 85, inclusive, of this act.

Sec. 51. ***As used in sections 51 to 85, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 52 to 64, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 52. ***"Covered person" means a policyholder, subscriber, enrollee or other person participating in a network plan.***

Sec. 53. ***"Evidence of coverage" means any certificate, agreement or contract issued to a covered person by a health carrier setting forth the coverage to which the covered person is entitled pursuant to a network plan.***

Sec. 54. ***"Health benefit plan" has the meaning ascribed to it in NRS 695G.019.***

Sec. 55. ***"Health care services" has the meaning ascribed to it in NRS 695G.022.***

Sec. 56. *"Health carrier" has the meaning ascribed to it in NRS 695G.024.*

Sec. 57. *"Intermediary" means a person authorized to negotiate and execute a contract between a provider of health care and a health carrier entered into for the purposes of a network plan, whether the person acts on behalf of the provider of health care or the health carrier.*

Sec. 58. *"Medically necessary" has the meaning ascribed to it in NRS 695G.055.*

Sec. 59. *"Network" means a defined set of providers of health care who are under contract with a health carrier to provide health care services pursuant to a network plan offered or issued by the health carrier.*

Sec. 60. *"Network plan" means a health benefit plan offered or issued by a health carrier under which the financing and delivery of health care services, including, without limitation, items and services paid for as health care services, are provided, in whole or in part, through a defined set of providers of health care under contract with the health carrier. The term does not include an arrangement for the financing of premiums.*

Sec. 61. *"Participating provider of health care" means a provider of health care who, under a contract with a health carrier, has agreed to provide health care services to covered persons pursuant to a network plan with an expectation of receiving payment, other than coinsurance, copayments or deductibles, directly or indirectly from the health carrier.*

Sec. 62. *"Primary care physician" has the meaning ascribed to it in NRS 695G.060.*

Sec. 63. *"Provider of health care" has the meaning ascribed to it in NRS 695G.070.*

Sec. 64. *"Utilization review" has the meaning ascribed to it in NRS 695G.080.*

Sec. 65. *If a health carrier offers or issues a network plan, the health carrier shall, with regard to that network plan:*

1. Comply with all applicable requirements set forth in sections 51 to 85, inclusive, of this act;

2. As applicable, ensure that each contract entered into for the purposes of the network plan between a participating provider of health care and the health carrier complies with the requirements set forth in sections 51 to 85, inclusive, of this act; and

3. As applicable, ensure that the network plan complies with the requirements set forth in sections 51 to 85, inclusive, of this act.

Sec. 66. *A health carrier which offers or issues a network plan shall, with regard to that network plan, establish a mechanism by which each participating provider of health care in the network will be notified on an ongoing basis of the specific health care services which are covered by the network plan and for which the participating provider of health care will be responsible, including, without limitation, any restrictions or conditions on the health care services.*

Sec. 67. *Each contract entered into for the purposes of a network plan between a participating provider of health care and the health carrier must include, without limitation, a provision which is substantially similar to the following:*

> *Provider of health care agrees that in no event, including but not limited to, nonpayment by the health carrier or intermediary, insolvency of the health carrier or intermediary or breach of this agreement, shall the provider of health care bill, charge, collect a deposit from, seek compensation, remuneration or reimbursement from, or have any recourse against, a covered person or a person (other than the health carrier or intermediary) acting on behalf of the covered person for health care services provided pursuant to this agreement. This agreement does not prohibit the provider of health care from collecting coinsurance, deductibles or copayments, as specifically provided in the evidence of coverage, or fees for uncovered services delivered on a fee-for-service basis to covered persons. This agreement does not prohibit a provider of health care (except for a provider of health care who is employed full-time on the staff of the health carrier and has agreed to provide health care services exclusively to the health carrier's covered persons and no others) and a covered person from agreeing to continue health care services solely at the expense of the covered person, as long as the provider of health care has clearly informed the covered person that the health carrier may not cover or continue to cover a specific health care service or health care services. Except as provided herein, this agreement does not prohibit the provider of health care from pursuing any available legal remedy.*

Sec. 68. *Each contract entered into for the purposes of a network plan between a participating provider of health care and the health carrier must provide that in the event of the insolvency of the health carrier or any applicable intermediary, or in the event of any other cessation of operations of the health carrier or intermediary, the participating provider of health care must continue to deliver health care services covered by the network plan to a covered person without billing the covered person for any amount other than coinsurance, deductibles or copayments, as specifically provided in the evidence of coverage, until the earlier of:*

1. The date of the cancellation of the covered person's coverage under the network plan pursuant to NRS 687B.310, including, without limitation, any extension of coverage provided pursuant to:

(a) The terms of the contract between the covered person and the health carrier;

(b) NRS 689A.04036, 689B.0303, 695B.1901, 695C.1691 and 695G.164, as applicable; or

(c) Any applicable federal law for covered persons who are in an active course of treatment or totally disabled; or

2. The date on which the contract between the health carrier and the provider of health care would have terminated if the health carrier or intermediary, as applicable, had remained in operation, including, without limitation, any extension of coverage provided pursuant to:

(a) The terms of the contract between the covered person and the health carrier;

(b) NRS 689A.04036, 689B.0303, 695B.1901, 695C.1691 and 695G.164, as applicable; or

(c) Any applicable federal law for covered persons who are in an active course of treatment or totally disabled.

Sec. 69. *The provisions included in a contract to comply with the requirements set forth in sections 67 and 68 of this act shall be construed in favor of the covered person, shall survive the termination of the contract regardless of the reason for the termination, including, without limitation, the insolvency of the health carrier or any applicable intermediary, and shall supersede any oral or written contrary agreement between a participating provider of health care and a covered person or the representative of a covered person if the contrary agreement is inconsistent with provisions included in the contract to comply with the requirements set forth in sections 67 and 68 of this act.*

Sec. 70. *Each contract entered into for the purposes of a network plan between a participating provider of health care and the health carrier must provide that written notice must be provided to the participating provider of health care as soon as practicable in the event:*

1. That a court determined the health carrier or any applicable intermediary to be insolvent; or

2. Of any other cessation of operations of the health carrier or any applicable intermediary.

Sec. 71. *A health carrier which offers or issues a network plan shall notify each participating provider of health care in the network of the responsibilities of the participating provider of health care with respect to any applicable administrative policies and programs of the health carrier including, without limitation, any applicable administrative policies and programs concerning:*

1. Terms of payment;

2. Utilization review;

3. Quality assessment and improvement;

4. Credentialing;

5. Procedures for grievances and appeals;

6. Requirements for data reporting;

7. Requirements for timely notice to the health carrier of changes in the practices of the participating provider of health care, such as discontinuance of accepting new patients;

8. Requirements for confidentiality; and

9. Any applicable federal or state programs.

Sec. 72. *A health carrier which offers or issues a network plan shall not offer an inducement to a participating provider of health care in the network that would encourage or otherwise incent the participating provider of health care to deliver health care services to a covered person which are less than those which are medically necessary.*

Sec. 73. *A health carrier which offers or issues a network plan shall not prohibit a participating provider of health care in the network from:*

1. Discussing any specific treatment option or all treatment options with a covered person irrespective of the position of the health carrier on the treatment options;

2. Advocating on behalf of a covered person within any utilization review process or any process for grievances or appeals established by the health carrier or a person contracting with the health carrier; or

3. Advocating on behalf of a covered person in accordance with any rights or remedies available under applicable state or federal law.

Sec. 74. *Each contract entered into for the purposes of a network plan between a participating provider of health care and the health carrier must require the participating provider of health care to make health records available to appropriate state and federal authorities involved in assessing the quality of care or investigating the grievances or complaints of covered persons, and to comply with the applicable state and federal laws related to the confidentiality of medical and health records and the covered person's right to see, obtain copies of or amend their medical and health records.*

Sec. 75. (Deleted by amendment.)

Sec. 76. (Deleted by amendment.)

Sec. 77. *Each contract entered into for the purposes of a network plan between a participating provider of health care and the health carrier must prohibit the health carrier and the participating provider of health care from assigning or delegating the rights and responsibilities of either party under the contract without the prior written consent of the other party.*

Sec. 78. *1. A health carrier which offers or issues a network plan shall ensure that participating providers of health care in the network are responsible for furnishing covered services to all covered persons without regard to the participation of the covered person in the network plan as a private purchaser of the network plan or as a participant in a publicly financed program of health care services.*

2. This section does not apply to circumstances when the participating provider of health care should not render services due to limitations arising from a lack of training, experience or skill or licensing restrictions.

Sec. 79. *A health carrier which offers or issues a network plan shall notify the participating providers of health care in the network of his or her obligations, if any, to collect applicable coinsurance, copayments or deductibles from a covered person pursuant to the evidence of coverage, or*

of the obligations, if any, of the participating provider of health care to notify a covered person of the personal financial obligations of the covered person for health care services that are not covered.

Sec. 80. ***A health carrier which offers or issues a network plan shall not penalize a participating provider of health care in the network because the participating provider of health care, in good faith, reports to state or federal authorities any act or practice by the health carrier that jeopardizes the health or welfare of a covered person.***

Sec. 81. ***A health carrier which offers or issues a network plan shall establish a mechanism by which a participating provider of health care in the network may, in a timely manner at the time health care services are to be provided, determine whether the person to whom the health care services are to be provided is a covered person or is within a grace period for the payment of a premium during which the health carrier may hold a claim for health care services pending receipt of the payment of the premium.***

Sec. 82. ***A health carrier which offers or issues a network plan shall establish procedures for the resolution of administrative, payment or other disputes between a participating provider of health care in the network and the health carrier.***

Sec. 83. ***1. A contract entered into for the purposes of a network plan between a participating provider of health care and the health carrier must not contain a provision that conflicts with any provision in the network plan or any requirement set forth in sections 51 to 85, inclusive, of this act.***

2. At the time a participating provider of health care signs a contract described in subsection 1, the health carrier and, if applicable, the intermediary shall notify the participating provider of health care of all provisions of the contract and all documents incorporated by reference in the contract.

3. While a contract described in subsection 1 is in force, the health carrier shall provide timely notice to the participating provider of health care of any changes to the provisions of the contract or the documents incorporated by reference in the contract that would result in a material change in the contract.

4. For the purposes of subsection 3, the contract must define what is to be considered timely notice and what is to be considered a material change.

Sec. 84. ***A health carrier which offers or issues a network plan shall inform a participating provider of health care with whom the health carrier has contracted for the purposes of the network plan of the status of the participating provider of health care as a provider of health care in the network plan and the status and inclusion of the participating provider of health care on any list of providers of health care maintained by the health carrier. The health carrier shall provide in a timely manner the information required by this section to the participating provider of health care:***

1. Upon the request of the participating provider of health care; and

2. Upon any change to the status or inclusion of the participating provider of health care as described in this section.

Sec. 85. ***The Commissioner may adopt any regulations necessary to carry out the purposes and provisions of sections 51 to 85, inclusive, of this act.***

Sec. 86. NRS 687B.385 is hereby amended to read as follows:

687B.385 An insurer shall not ***refuse to issue,*** cancel, refuse to renew or increase the premium for renewal of a policy of motor vehicle insurance covering private passenger cars or commercial vehicles as a result of any ~~[~~claims~~]~~ ***:***

1. Claims made under ~~[~~the~~]~~ ***any*** policy ***of insurance*** with respect to which the insured was not at fault ~~[~~.~~]~~ ***;***

2. Claims made under any policy of insurance for which the insurer has not made any payment or for which the insurer recovered the entirety of the insurer's payment on the claim by means of salvage, subrogation or another mechanism; or

3. Inquiries made regarding an actual or potential claim under any policy of insurance regarding:

(a) The existence of insurance coverage for any matter; or

(b) Any hypothetical or informational matter pertaining to insurance.

Sec. 87. NRS 687B.470 is hereby amended to read as follows:

687B.470 1. ~~[~~"Health~~]~~ ***As used in NRS 687B.470 to 687B.500, inclusive, "health*** benefit plan" means a policy, contract, certificate or agreement offered by a carrier to provide for, deliver payment for, arrange for the payment of, pay for or reimburse any of the costs of health care services. Except as otherwise provided in this section, the term includes catastrophic health insurance policies and a policy that pays on a cost-incurred basis.

2. The term does not include:

(a) Coverage that is only for accident or disability income insurance, or any combination thereof;

(b) Coverage issued as a supplement to liability insurance;

(c) Liability insurance, including general liability insurance and automobile liability insurance;

(d) Workers' compensation or similar insurance;

(e) Coverage for medical payments under a policy of automobile insurance;

(f) Credit insurance;

(g) Coverage for on-site medical clinics;

(h) Other similar insurance coverage specified pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, under which benefits for medical care are secondary or incidental to other insurance benefits;

(i) Coverage under a short-term health insurance policy; and

(j) Coverage under a blanket student accident and health insurance policy.

3. The term does not include the following benefits if the benefits are provided under a separate policy, certificate or contract of insurance or are otherwise not an integral part of a health benefit plan:

(a) Limited-scope dental or vision benefits;

(b) Benefits for long-term care, nursing home care, home health care or community-based care, or any combination thereof; and

(c) Such other similar benefits as are specified in any federal regulations adopted pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.

4. The term does not include the following benefits if the benefits are provided under a separate policy, certificate or contract, there is no coordination between the provisions of the benefits and any exclusion of benefits under any group health plan maintained by the same plan sponsor, and the benefits are paid for a claim without regard to whether benefits are provided for such a claim under any group health plan maintained by the same plan sponsor:

(a) Coverage that is only for a specified disease or illness; and

(b) Hospital indemnity or other fixed indemnity insurance.

5. The term does not include any of the following, if offered as a separate policy, certificate or contract of insurance:

(a) Medicare supplemental health insurance as defined in section 1882(g)(1) of the Social Security Act, 42 U.S.C. § 1395ss, as that section existed on July 16, 1997;

(b) Coverage supplemental to the coverage provided pursuant to the Civilian Health and Medical Program of Uniformed Services, CHAMPUS, 10 U.S.C. §§ 1071 et seq.; and

(c) Similar supplemental coverage provided under a group health plan.

Sec. 88. NRS 687B.490 is hereby amended to read as follows:

687B.490 1. A carrier that offers coverage in the ***small employer*** group or individual market must, before making any network plan available for sale in this State, demonstrate the capacity to deliver services adequately by applying to the Commissioner for the issuance of a network plan and submitting a description of the procedures and programs to be implemented to meet the requirements described in subsection 2.

2. The Commissioner shall determine, within 90 days after receipt of the application required pursuant to subsection 1, if the carrier, with respect to the network plan:

(a) Has demonstrated the willingness and ability to ensure that health care services will be provided in a manner to ensure both availability and accessibility of adequate personnel and facilities in a manner that enhances availability, accessibility and continuity of service;

(b) Has organizational arrangements established in accordance with regulations promulgated by the Commissioner; and

(c) Has a procedure established in accordance with regulations promulgated by the Commissioner to develop, compile, evaluate and report statistics relating to the cost of its operations, the pattern of utilization of its services, the availability and accessibility of its services and such other matters as may be reasonably required by the Commissioner.

3. The Commissioner may certify that the carrier and the network plan meet the requirements of subsection 2, or may determine that the carrier and the network plan do not meet such requirements. Upon a determination that the carrier and the network plan do not meet the requirements of subsection 2, the Commissioner shall specify in what respects the carrier and the network plan are deficient.

4. A carrier approved to issue a network plan pursuant to this section must file annually with the Commissioner a summary of information compiled pursuant to subsection 2 in a manner determined by the Commissioner.

5. The Commissioner shall, not less than once each year, or more often if deemed necessary by the Commissioner for the protection of the interests of the people of this State, make a determination concerning the availability and accessibility of the health care services of any network plan approved pursuant to this section.

6. The expense of any determination made by the Commissioner pursuant to this section must be assessed against the carrier and remitted to the Commissioner.

7. When making any determination concerning the availability and accessibility of the services of any network plan or proposed network plan pursuant to this section, the Commissioner shall consider services that may be provided through telehealth, as defined in NRS 629.515, pursuant to the network plan or proposed network plan to be available services.

8. As used in this section ~~[, "network]~~ ***:***

(a) "Network plan" has the meaning ascribed to it in NRS 689B.570.

(b) "Small employer" has the meaning ascribed to it in NRS 689C.095.

Sec. 89. NRS 687B.500 is hereby amended to read as follows:

687B.500 1. The premium rate charged by a health insurer for health benefit plans offered in the individual or small ***employer*** group market may vary with respect to the particular plan or coverage involved based solely on these characteristics:

(a) Whether the plan or coverage applies to an individual or a family;

(b) Geographic rating area;

(c) Tobacco use, except that the rate shall not vary by a ratio of more than 1.5 to 1 for like individuals who vary in tobacco use; and

(d) Age, except that the rate must not vary by a ratio of more than 3 to 1 for like individuals of different age who are age 21 years or older and that the variation in rate must be actuarially justified for individuals who are under the age of 21 years, consistent with the uniform age rating curve established in the Federal Act. For the purpose of identifying the appropriate age

adjustment under this paragraph and the age band defined in the Federal Act to a specific enrollee, the enrollee's age as of the date of policy issuance or renewal must be used.

2. The provisions of subsection 1:

(a) Apply to a fraternal benefit society organized under chapter 695A of NRS; and

(b) Do not apply to grandfathered plans.

3. As used in this section, "small employer" has the meaning ascribed to it in NRS 689C.095.

Sec. 90. NRS 689.185 is hereby amended to read as follows:

689.185 1. Except as otherwise provided in subsection 2:

(a) Before the issuance of a certificate of authority, the seller shall post with the Commissioner and thereafter maintain in force a bond in the principal sum of $50,000 issued by an authorized corporate surety in favor of the State of Nevada, or a deposit of cash or negotiable securities or a combination of cash and negotiable securities. If a deposit is made in lieu of a bond, the deposit must at all times have a market value of not less than the amount of the bond required by the Commissioner.

(b) The bond or deposit must be held for the benefit of buyers of prepaid contracts, and other persons as their interests may appear, who may be damaged by misuse or diversion of money by the seller or the agents of the seller, or to satisfy any judgments against the seller for failure to perform a prepaid contract. The aggregate liability of the surety for all breaches of the conditions of the bond must not exceed the sum of the bond. The surety on the bond has the right to cancel the bond upon giving 30 days' notice to the Commissioner and thereafter is relieved of liability for any breach of condition occurring after the effective date of the cancellation.

(c) ***A certificate of authority issued to a seller is automatically suspended if the seller does not file with the Commissioner a replacement bond before the date of cancellation of the previous bond. A replacement bond must meet all requirements of this subsection for the initial bond.***

(d) The Commissioner shall release the bond or deposit after the seller has ceased doing business as such and the Commissioner is satisfied of the nonexistence of any obligation or liability of the seller for which the bond or deposit was held.

2. The Commissioner may waive the requirements of subsection 1 if the seller agrees:

(a) To offer for sale only prepaid contracts that are payable solely from the proceeds of a policy of life insurance; and

(b) Not to collect any money from the purchaser of a prepaid contract.

Sec. 91. NRS 689.495 is hereby amended to read as follows:

689.495 1. Except as otherwise provided in subsection 2:

(a) Before the issuance of a permit to a seller, the seller shall post with the Commissioner and thereafter maintain in force a bond in the principal sum of $50,000 issued by an authorized corporate surety in favor of the State of

Nevada, or a deposit of cash or negotiable securities or a combination of cash and negotiable securities. If a deposit is made in lieu of a bond, the deposit must at all times have a market value not less than the amount of the bond required by the Commissioner.

(b) The bond or deposit must be held for the benefit of buyers of prepaid contracts, and other persons as their interests may appear, who may be damaged by misuse or diversion of money by the seller or the agents of the seller, or to satisfy any judgments against the seller for failure to perform a prepaid contract. The aggregate liability of the surety for all breaches of the conditions of the bond must not exceed the sum of the bond. The surety on the bond has the right to cancel the bond upon giving 30 days' notice to the Commissioner and thereafter is relieved of liability for any breach of condition occurring after the effective date of the cancellation.

(c) ***A permit issued to a seller is automatically suspended if the seller does not file with the Commissioner a replacement bond before the date of cancellation of the previous bond. A replacement bond must meet all requirements of this subsection for the initial bond.***

(d) The Commissioner shall release the bond or deposit after the seller has ceased doing business as such and the Commissioner is satisfied of the nonexistence of any obligation or liability of the seller for which the bond or deposit was held.

2. The Commissioner may waive the requirements of subsection 1 if the seller agrees:

(a) To offer for sale only prepaid contracts that are payable solely from the proceeds of a policy of life insurance; and

(b) Not to collect any money from the purchaser of a prepaid contract.

Sec. 92. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An individual carrier shall make the unified rate review template and rate filing documentation used by the individual carrier and any information and documents described in any regulations adopted pursuant to 689A.700 available to the Commissioner upon request. Except in cases of violations of the provisions of this chapter, the unified rate review template and rate filing documentation used by an individual carrier are considered proprietary, constitute a trade secret and are not subject to disclosure by the Commissioner to persons outside of the Division except as agreed to by the individual carrier or as ordered by a court of competent jurisdiction.

2. As used in this section, "rate filing documentation" and "unified rate review template" have the meanings ascribed to them in 45 C.F.R. § 154.215.

Sec. 93. NRS 689A.020 is hereby amended to read as follows:

689A.020 Nothing in this chapter applies to or affects:

1. Any policy of liability or workers' compensation insurance with or without supplementary expense coverage therein.

2. Any group or blanket policy.

3. Life insurance, endowment or annuity contracts, or contracts supplemental thereto which contain only such provisions relating to health insurance as to:

(a) Provide additional benefits in case of death or dismemberment or loss of sight by accident or accidental means; or

(b) Operate to safeguard such contracts against lapse, or to give a special surrender value or special benefit or an annuity if the insured or annuitant becomes totally and permanently disabled, as defined by the contract or supplemental contract.

4. Reinsurance, except as otherwise provided in NRS 689A.470 to 689A.740, inclusive, ***and section 92 of this act,*** and 689C.610 to 689C.940, inclusive, relating to the program of reinsurance.

Sec. 94. NRS 689A.04033 is hereby amended to read as follows:

689A.04033 1. A policy of health insurance must provide coverage for medical treatment which a policyholder or subscriber receives as part of a clinical trial or study if:

(a) The medical treatment is provided in a Phase I, Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer or in a Phase II, Phase III or Phase IV study or clinical trial for the treatment of chronic fatigue syndrome;

(b) The clinical trial or study is approved by:

(1) An agency of the National Institutes of Health as set forth in 42 U.S.C. § 281(b);

(2) A cooperative group;

(3) The Food and Drug Administration as an application for a new investigational drug;

(4) The United States Department of Veterans Affairs; or

(5) The United States Department of Defense;

(c) In the case of:

(1) A Phase I clinical trial or study for the treatment of cancer, the medical treatment is provided at a facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer; or

(2) A Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer or chronic fatigue syndrome, the medical treatment is provided by a provider of health care and the facility and personnel for the clinical trial or study have the experience and training to provide the treatment in a capable manner;

(d) There is no medical treatment available which is considered a more appropriate alternative medical treatment than the medical treatment provided in the clinical trial or study;

(e) There is a reasonable expectation based on clinical data that the medical treatment provided in the clinical trial or study will be at least as effective as any other medical treatment;

(f) The clinical trial or study is conducted in this State; and

(g) The policyholder or subscriber has signed, before participating in the clinical trial or study, a statement of consent indicating that the policyholder or subscriber has been informed of, without limitation:

(1) The procedure to be undertaken;

(2) Alternative methods of treatment; and

(3) The risks associated with participation in the clinical trial or study, including, without limitation, the general nature and extent of such risks.

2. Except as otherwise provided in subsection 3, the coverage for medical treatment required by this section is limited to:

(a) Coverage for any drug or device that is approved for sale by the Food and Drug Administration without regard to whether the approved drug or device has been approved for use in the medical treatment of the policyholder or subscriber.

(b) The cost of any reasonably necessary health care services that are required as a result of the medical treatment provided in a Phase II, Phase III or Phase IV clinical trial or study or as a result of any complication arising out of the medical treatment provided in a Phase II, Phase III or Phase IV clinical trial or study, to the extent that such health care services would otherwise be covered under the policy of health insurance.

(c) The cost of any routine health care services that would otherwise be covered under the policy of health insurance for a policyholder or subscriber participating in a Phase I clinical trial or study.

(d) The initial consultation to determine whether the policyholder or subscriber is eligible to participate in the clinical trial or study.

(e) Health care services required for the clinically appropriate monitoring of the policyholder or subscriber during a Phase II, Phase III or Phase IV clinical trial or study.

(f) Health care services which are required for the clinically appropriate monitoring of the policyholder or subscriber during a Phase I clinical trial or study and which are not directly related to the clinical trial or study.

➥ Except as otherwise provided in NRS 689A.04036, the services provided pursuant to paragraphs (b), (c), (e) and (f) must be covered only if the services are provided by a provider with whom the insurer has contracted for such services. If the insurer has not contracted for the provision of such services, the insurer shall pay the provider the rate of reimbursement that is paid to other providers with whom the insurer has contracted for similar services and the provider shall accept that rate of reimbursement as payment in full.

3. Particular medical treatment described in subsection 2 and provided to a policyholder or subscriber is not required to be covered pursuant to this section if that particular medical treatment is provided by the sponsor of the clinical trial or study free of charge to the policyholder or subscriber.

4. The coverage for medical treatment required by this section does not include:

(a) Any portion of the clinical trial or study that is customarily paid for by a government or a biotechnical, pharmaceutical or medical industry.

(b) Coverage for a drug or device described in paragraph (a) of subsection 2 which is paid for by the manufacturer, distributor or provider of the drug or device.

(c) Health care services that are specifically excluded from coverage under the policyholder's or subscriber's policy of health insurance, regardless of whether such services are provided under the clinical trial or study.

(d) Health care services that are customarily provided by the sponsors of the clinical trial or study free of charge to the participants in the trial or study.

(e) Extraneous expenses related to participation in the clinical trial or study including, without limitation, travel, housing and other expenses that a participant may incur.

(f) Any expenses incurred by a person who accompanies the policyholder or subscriber during the clinical trial or study.

(g) Any item or service that is provided solely to satisfy a need or desire for data collection or analysis that is not directly related to the clinical management of the policyholder or subscriber.

(h) Any costs for the management of research relating to the clinical trial or study.

5. An insurer who delivers or issues for delivery a policy of health insurance specified in subsection 1 may require copies of the approval or certification issued pursuant to paragraph (b) of subsection 1, the statement of consent signed by the policyholder or subscriber, protocols for the clinical trial or study and any other materials related to the scope of the clinical trial or study relevant to the coverage of medical treatment pursuant to this section.

6. An insurer who delivers or issues for delivery a policy specified in subsection 1 shall:

(a) Include in ~~[the]~~ ***any*** disclosure ~~[required pursuant to NRS 689A.390]~~ ***of the coverage provided by the policy*** notice to each policyholder and subscriber under the policy of the availability of the benefits required by this section.

(b) Provide the coverage required by this section subject to the same deductible, copayment, coinsurance and other such conditions for coverage that are required under the policy.

7. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2006, has the legal effect of including the coverage required by this section, and any provision of the policy that conflicts with this section is void.

8. An insurer who delivers or issues for delivery a policy specified in subsection 1 is immune from liability for:

(a) Any injury to a policyholder or subscriber caused by:

(1) Any medical treatment provided to the policyholder or subscriber in connection with his or her participation in a clinical trial or study described in this section; or

(2) An act or omission by a provider of health care who provides medical treatment or supervises the provision of medical treatment to the policyholder or subscriber in connection with his or her participation in a clinical trial or study described in this section.

(b) Any adverse or unanticipated outcome arising out of a policyholder's or subscriber's participation in a clinical trial or study described in this section.

9. As used in this section:

(a) "Cooperative group" means a network of facilities that collaborate on research projects and has established a peer review program approved by the National Institutes of Health. The term includes:

(1) The Clinical Trials Cooperative Group Program; and

(2) The Community Clinical Oncology Program.

(b) "Facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer" means a facility or an affiliate of a facility that:

(1) Has in place a Phase I program which permits only selective participation in the program and which uses clear-cut criteria to determine eligibility for participation in the program;

(2) Operates a protocol review and monitoring system which conforms to the standards set forth in the "Policies and Guidelines Relating to the Cancer Center Support Grant" published by the Cancer Centers Branch of the National Cancer Institute;

(3) Employs at least two researchers and at least one of those researchers receives funding from a federal grant;

(4) Employs at least three clinical investigators who have experience working in Phase I clinical trials or studies conducted at a facility designated as a comprehensive cancer center by the National Cancer Institute;

(5) Possesses specialized resources for use in Phase I clinical trials or studies, including, without limitation, equipment that facilitates research and analysis in proteomics, genomics and pharmacokinetics;

(6) Is capable of gathering, maintaining and reporting electronic data; and

(7) Is capable of responding to audits instituted by federal and state agencies.

(c) "Provider of health care" means:

(1) A hospital; or

(2) A person licensed pursuant to chapter 630, 631 or 633 of NRS.

Sec. 95. NRS 689A.0427 is hereby amended to read as follows:

689A.0427 1. No policy of health insurance that provides coverage for hospital, medical or surgical expenses may be delivered or issued for delivery in this state unless the policy includes coverage for the management and

treatment of diabetes, including, without limitation, coverage for the self-management of diabetes.

2. An insurer who delivers or issues for delivery a policy specified in subsection 1:

(a) Shall include in ~~[~~the~~]~~ ***any*** disclosure ~~[~~required pursuant to NRS 689A.390~~]~~ ***of the coverage provided by the policy*** notice to each policyholder and subscriber under the policy of the availability of the benefits required by this section.

(b) Shall provide the coverage required by this section subject to the same deductible, copayment, coinsurance and other such conditions for coverage that are required under the policy.

3. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 1998, has the legal effect of including the coverage required by this section, and any provision of the policy that conflicts with this section is void.

4. As used in this section:

(a) "Coverage for the management and treatment of diabetes" includes coverage for medication, equipment, supplies and appliances that are medically necessary for the treatment of diabetes.

(b) "Coverage for the self-management of diabetes" includes:

(1) The training and education provided to an insured person after the insured person is initially diagnosed with diabetes which is medically necessary for the care and management of diabetes, including, without limitation, counseling in nutrition and the proper use of equipment and supplies for the treatment of diabetes;

(2) Training and education which is medically necessary as a result of a subsequent diagnosis that indicates a significant change in the symptoms or condition of the insured person and which requires modification of the insured person's program of self-management of diabetes; and

(3) Training and education which is medically necessary because of the development of new techniques and treatment for diabetes.

(c) "Diabetes" includes type I, type II and gestational diabetes.

Sec. 96. NRS 689A.470 is hereby amended to read as follows:

689A.470 As used in NRS 689A.470 to 689A.740, inclusive, ***and section 92 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 689A.475 to 689A.600, inclusive, have the meanings ascribed to them in those sections.

Sec. 97. NRS 689A.615 is hereby amended to read as follows:

689A.615 For the purposes of NRS 689A.470 to 689A.740, inclusive ~~[.]~~ ***, and section 92 of this act:***

1. Any plan, fund or program which would not be, but for section 2721(e) of the Public Health Service Act, as amended by Public Law 104-191, as that section existed on July 16, 1997, an employee welfare benefit plan and which is established or maintained by a partnership to the extent that the plan, fund or program provides medical care to current or former

partners in the partnership or to their dependents, as defined under the terms of the plan, fund or program, directly or through insurance, reimbursement or otherwise, must be treated, subject to subsection 2, as an employee welfare benefit plan which is a group health plan.

2. In the case of a group health plan, a partnership shall be deemed to be the employer of each partner.

Sec. 98. NRS 689A.630 is hereby amended to read as follows:

689A.630 1. Except as otherwise provided in this section, coverage under an individual health benefit plan must be renewed by the individual carrier that issued the plan, at the option of the individual, unless:

(a) The individual has failed to pay premiums or contributions in accordance with the terms of the health benefit plan or the individual carrier has not received timely premium payments.

(b) The individual has performed an act or a practice that constitutes fraud or has made an intentional misrepresentation of material fact under the terms of the coverage.

(c) The individual carrier decides to discontinue offering and renewing all health benefit plans delivered or issued for delivery in this state. If the individual carrier decides to discontinue offering and renewing such plans, the individual carrier shall:

(1) Provide notice of its intention to the Commissioner and the chief regulatory officer for insurance in each state in which the individual carrier is licensed to transact insurance at least 60 days before the date on which notice of cancellation or nonrenewal is delivered or mailed to the persons covered by the insurance to be discontinued pursuant to subparagraph (2).

(2) Provide notice of its intention to all persons covered by the discontinued insurance and to the Commissioner and the chief regulatory officer for insurance in each state in which such a person is known to reside. The notice must be made at least 180 days before the nonrenewal of any health benefit plan by the individual carrier.

(3) Discontinue all health insurance issued or delivered for issuance for individuals in this state and not renew coverage under any health benefit plan issued to such individuals.

(d) The Commissioner finds that the continuation of the coverage in this state by the individual carrier would not be in the best interests of the policyholders or certificate holders of the individual carrier or would impair the ability of the individual carrier to meet its contractual obligations. If the Commissioner makes such a finding, the Commissioner shall assist the persons covered by the discontinued insurance in this state in finding replacement coverage.

2. An individual carrier may discontinue **[**~~the issuance and renewal of a form of~~**]** a product **[**~~of a health benefit plan if the Commissioner finds that the form of the product offered by the individual carrier is obsolete and is being replaced with comparable coverage. A form of a product of a health benefit~~

~~plan may be discontinued by the individual carrier]~~ pursuant to this subsection only if:

(a) The individual carrier notifies the Commissioner ~~[and the chief regulatory officer for insurance in each state in which it is licensed]~~ of its decision pursuant to this subsection to discontinue ~~[the issuance and renewal of the form of]~~ the product at least 60 days before the individual carrier notifies the persons covered by the discontinued ~~[insurance]~~ ***product*** pursuant to paragraph (b).

(b) The individual carrier notifies each person covered by the discontinued ~~[insurance, the Commissioner and the chief regulatory officer for insurance in each state in which a person covered by the discontinued insurance is known to reside]~~ ***product*** of the decision of the individual carrier to discontinue offering ~~[the form of]~~ the product. The notice must be made to persons covered by the discontinued ~~[insurance]~~ ***product*** at least ~~[180]~~ ***90*** days before the date on which the individual carrier will discontinue offering ~~[the form of]~~ the product.

(c) The individual carrier offers to each person covered by the discontinued ~~[insurance]~~ ***product*** the option to purchase any other health benefit plan currently offered by the individual carrier to individuals in this state.

(d) In exercising the option to discontinue ~~[the form of]~~ the product and in offering the option to purchase other coverage pursuant to paragraph (c), the individual carrier acts uniformly without regard to the claim experience of the persons covered by the discontinued ~~[insurance]~~ ***product*** or any health status-related factor relating to those persons or beneficiaries covered by the discontinued ~~[form of the]~~ product or any persons or beneficiaries who may become eligible for such coverage.

3. An individual carrier may discontinue the issuance and renewal of a health benefit plan that is made available to individuals pursuant to this chapter only through a bona fide association if:

(a) The membership of the individual in the association was the basis for the provision of coverage;

(b) The membership of the individual in the association ceases; and

(c) The coverage is terminated pursuant to this subsection uniformly without regard to any health status-related factor relating to the covered individual.

4. An individual carrier that elects not to renew a health benefit plan pursuant to paragraph (c) of subsection 1 shall not write new business for individuals pursuant to this chapter for 5 years after the date on which notice is provided to the Commissioner pursuant to subparagraph (2) of paragraph (c) of subsection 1.

5. If an individual carrier does business in only one geographic service area of this state, the provisions of this section apply only to the operations of the individual carrier in that service area.

Sec. 99. NRS 689A.700 is hereby amended to read as follows:

689A.700 The Commissioner may adopt regulations ~~[to carry out the provisions of this section and NRS 689A.690 and]~~ to ensure that the practices used by individual carriers relating to the establishment of rates are consistent with the purposes of NRS 689A.470 to 689A.740, inclusive ~~[.]~~ ***, and section 92 of this act.***

Sec. 100. NRS 689A.715 is hereby amended to read as follows:

689A.715 1. An employee welfare benefit plan for providing benefits for employees of more than one employer under which individual health insurance coverage is provided must comply with the provisions of NRS 679B.139 and 689A.470 to 689A.740, inclusive, ***and section 92 of this act,*** and the regulations adopted by the Commissioner pursuant thereto.

2. As used in this section, the term "employee welfare benefit plan for providing benefits for employees of more than one employer" is intended to be equivalent to the term "employee welfare benefit plan which is a multiple employer welfare arrangement" as used in federal statutes and regulations.

Sec. 101. NRS 689A.725 is hereby amended to read as follows:

689A.725 For the purposes of NRS 689A.470 to 689A.740, inclusive, ***and section 92 of this act,*** a plan for coverage of a bona fide association must:

1. Conform with ***any regulations adopted pursuant to*** NRS ~~[689A.690 and]~~ 689A.700 concerning rates.

2. Provide for the renewability of coverage for members of the bona fide association, and their dependents, if such coverage meets the criteria set forth in NRS 689A.630.

Sec. 102. NRS 689A.740 is hereby amended to read as follows:

689A.740 The Commissioner shall adopt regulations as necessary to carry out the provisions of NRS 689A.470 to 689A.740, inclusive ~~[.]~~ ***, and section 92 of this act.***

Sec. 103. NRS 689A.745 is hereby amended to read as follows:

689A.745 1. Except as otherwise provided in subsection 4, each insurer that issues a policy of health insurance in this State shall establish a system for resolving any complaints of an insured concerning health care services covered under the policy. The system must be approved by the Commissioner **.** ~~[in consultation with the State Board of Health.]~~

2. A system for resolving complaints established pursuant to subsection 1 must include an initial investigation, a review of the complaint by a review board and a procedure for appealing a determination regarding the complaint. The majority of the members on a review board must be insureds who receive health care services pursuant to a policy of health insurance issued by the insurer.

3. The Commissioner ~~[or the State Board of Health]~~ may examine the system for resolving complaints established pursuant to subsection 1 at such times as ~~[either]~~ ***the Commissioner*** deems necessary or appropriate.

4. Each insurer that issues a policy of health insurance in this State that provides, delivers, arranges for, pays for or reimburses any cost of health care services through managed care shall provide a system for resolving any complaints of an insured concerning those health care services that complies with the provisions of NRS 695G.200 to 695G.310, inclusive.

Sec. 104. NRS 689A.750 is hereby amended to read as follows:

689A.750 1. Each insurer that issues a policy of health insurance in this State shall submit to the Commissioner **[**~~and the State Board of Health~~**]** an annual report regarding its system for resolving complaints established pursuant to subsection 1 of NRS 689A.745 on a form prescribed by the Commissioner **[**~~in consultation with the State Board of Health~~**]** which includes, without limitation:

(a) A description of the procedures used for resolving any complaints of an insured;

(b) The total number of complaints and appeals handled through the system for resolving complaints since the last report and a compilation of the causes underlying the complaints filed;

(c) The current status of each complaint and appeal filed; and

(d) The average amount of time that was needed to resolve a complaint and an appeal, if any.

2. Each insurer shall maintain records of complaints filed with it which concern something other than health care services and shall submit to the Commissioner a report summarizing such complaints at such times and in such format as the Commissioner may require.

Sec. 105. NRS 689B.0285 is hereby amended to read as follows:

689B.0285 1. Except as otherwise provided in subsection 4, each insurer that issues a policy of group health insurance in this State shall establish a system for resolving any complaints of an insured concerning health care services covered under the policy. The system must be approved by the Commissioner **.** **[**~~in consultation with the State Board of Health.~~**]**

2. A system for resolving complaints established pursuant to subsection 1 must include an initial investigation, a review of the complaint by a review board and a procedure for appealing a determination regarding the complaint. The majority of the members on a review board must be insureds who receive health care services pursuant to a policy of group health insurance issued by the insurer.

3. The Commissioner **[**~~or the State Board of Health~~**]** may examine the system for resolving complaints established pursuant to subsection 1 at such times as **[**~~either~~**]** ***the Commissioner*** deems necessary or appropriate.

4. Each insurer that issues a policy of group health insurance in this State that provides, delivers, arranges for, pays for or reimburses any cost of health care services through managed care shall provide a system for resolving any complaints of an insured concerning the health care services that complies with the provisions of NRS 695G.200 to 695G.310, inclusive.

Sec. 106. NRS 689B.029 is hereby amended to read as follows:

689B.029 1. Each insurer that issues a policy of group health insurance in this State shall submit to the Commissioner **[**~~and the State Board of Health~~**]** an annual report regarding its system for resolving complaints established pursuant to subsection 1 of NRS 689B.0285 on a form prescribed by the Commissioner **[**~~in consultation with the State Board of Health~~**]** which includes, without limitation:

(a) A description of the procedures used for resolving any complaints of an insured;

(b) The total number of complaints and appeals handled through the system for resolving complaints since the last report and a compilation of the causes underlying the complaints filed;

(c) The current status of each complaint and appeal filed; and

(d) The average amount of time that was needed to resolve a complaint and an appeal, if any.

2. Each insurer shall maintain records of complaints filed with it which concern something other than health care services and shall submit to the Commissioner a report summarizing such complaints at such times and in such format as the Commissioner may require.

Sec. 107. NRS 689B.0306 is hereby amended to read as follows:

689B.0306 1. A policy of group health insurance must provide coverage for medical treatment which a person insured under the group policy receives as part of a clinical trial or study if:

(a) The medical treatment is provided in a Phase I, Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer or in a Phase II, Phase III or Phase IV study or clinical trial for the treatment of chronic fatigue syndrome;

(b) The clinical trial or study is approved by:

(1) An agency of the National Institutes of Health as set forth in 42 U.S.C. § 281(b);

(2) A cooperative group;

(3) The Food and Drug Administration as an application for a new investigational drug;

(4) The United States Department of Veterans Affairs; or

(5) The United States Department of Defense;

(c) In the case of:

(1) A Phase I clinical trial or study for the treatment of cancer, the medical treatment is provided at a facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer; or

(2) A Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer or chronic fatigue syndrome, the medical treatment is provided by a provider of health care and the facility and personnel for the clinical trial or study have the experience and training to provide the treatment in a capable manner;

(d) There is no medical treatment available which is considered a more appropriate alternative medical treatment than the medical treatment provided in the clinical trial or study;

(e) There is a reasonable expectation based on clinical data that the medical treatment provided in the clinical trial or study will be at least as effective as any other medical treatment;

(f) The clinical trial or study is conducted in this State; and

(g) The insured has signed, before participating in the clinical trial or study, a statement of consent indicating that the insured has been informed of, without limitation:

(1) The procedure to be undertaken;

(2) Alternative methods of treatment; and

(3) The risks associated with participation in the clinical trial or study, including, without limitation, the general nature and extent of such risks.

2. Except as otherwise provided in subsection 3, the coverage for medical treatment required by this section is limited to:

(a) Coverage for any drug or device that is approved for sale by the Food and Drug Administration without regard to whether the approved drug or device has been approved for use in the medical treatment of the insured person.

(b) The cost of any reasonably necessary health care services that are required as a result of the medical treatment provided in a Phase II, Phase III or Phase IV clinical trial or study or as a result of any complication arising out of the medical treatment provided in a Phase II, Phase III or Phase IV clinical trial or study, to the extent that such health care services would otherwise be covered under the policy of group health insurance.

(c) The cost of any routine health care services that would otherwise be covered under the policy of group health insurance for an insured participating in a Phase I clinical trial or study.

(d) The initial consultation to determine whether the insured is eligible to participate in the clinical trial or study.

(e) Health care services required for the clinically appropriate monitoring of the insured during a Phase II, Phase III or Phase IV clinical trial or study.

(f) Health care services which are required for the clinically appropriate monitoring of the insured during a Phase I clinical trial or study and which are not directly related to the clinical trial or study.

➥ Except as otherwise provided in NRS 689B.0303, the services provided pursuant to paragraphs (b), (c), (e) and (f) must be covered only if the services are provided by a provider with whom the insurer has contracted for such services. If the insurer has not contracted for the provision of such services, the insurer shall pay the provider the rate of reimbursement that is paid to other providers with whom the insurer has contracted for similar services and the provider shall accept that rate of reimbursement as payment in full.

3. Particular medical treatment described in subsection 2 and provided to a person insured under the group policy is not required to be covered pursuant to this section if that particular medical treatment is provided by the sponsor of the clinical trial or study free of charge to the person insured under the group policy.

4. The coverage for medical treatment required by this section does not include:

(a) Any portion of the clinical trial or study that is customarily paid for by a government or a biotechnical, pharmaceutical or medical industry.

(b) Coverage for a drug or device described in paragraph (a) of subsection 2 which is paid for by the manufacturer, distributor or provider of the drug or device.

(c) Health care services that are specifically excluded from coverage under the insured's policy of group health insurance, regardless of whether such services are provided under the clinical trial or study.

(d) Health care services that are customarily provided by the sponsors of the clinical trial or study free of charge to the participants in the trial or study.

(e) Extraneous expenses related to participation in the clinical trial or study including, without limitation, travel, housing and other expenses that a participant may incur.

(f) Any expenses incurred by a person who accompanies the insured during the clinical trial or study.

(g) Any item or service that is provided solely to satisfy a need or desire for data collection or analysis that is not directly related to the clinical management of the insured.

(h) Any costs for the management of research relating to the clinical trial or study.

5. An insurer who delivers or issues for delivery a policy of group health insurance specified in subsection 1 may require copies of the approval or certification issued pursuant to paragraph (b) of subsection 1, the statement of consent signed by the insured, protocols for the clinical trial or study and any other materials related to the scope of the clinical trial or study relevant to the coverage of medical treatment pursuant to this section.

6. An insurer who delivers or issues for delivery a policy of group health insurance specified in subsection 1 shall:

(a) Include in **[**~~the~~**]** ***any*** disclosure **[**~~required pursuant to NRS 689B.027~~**]** ***of the coverage provided by the policy*** notice to each group policyholder of the availability of the benefits required by this section.

(b) Provide the coverage required by this section subject to the same deductible, copayment, coinsurance and other such conditions for coverage that are required under the policy.

7. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2006, has the legal effect of including the coverage required by this section, and any provision of the policy that conflicts with this section is void.

8. An insurer who delivers or issues for delivery a policy of group health insurance specified in subsection 1 is immune from liability for:

(a) Any injury to the insured caused by:

(1) Any medical treatment provided to the insured in connection with his or her participation in a clinical trial or study described in this section; or

(2) An act or omission by a provider of health care who provides medical treatment or supervises the provision of medical treatment to the insured in connection with his or her participation in a clinical trial or study described in this section.

(b) Any adverse or unanticipated outcome arising out of an insured's participation in a clinical trial or study described in this section.

9. As used in this section:

(a) "Cooperative group" means a network of facilities that collaborate on research projects and has established a peer review program approved by the National Institutes of Health. The term includes:

(1) The Clinical Trials Cooperative Group Program; and

(2) The Community Clinical Oncology Program.

(b) "Facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer" means a facility or an affiliate of a facility that:

(1) Has in place a Phase I program which permits only selective participation in the program and which uses clear-cut criteria to determine eligibility for participation in the program;

(2) Operates a protocol review and monitoring system which conforms to the standards set forth in the "Policies and Guidelines Relating to the Cancer Center Support Grant" published by the Cancer Centers Branch of the National Cancer Institute;

(3) Employs at least two researchers and at least one of those researchers receives funding from a federal grant;

(4) Employs at least three clinical investigators who have experience working in Phase I clinical trials or studies conducted at a facility designated as a comprehensive cancer center by the National Cancer Institute;

(5) Possesses specialized resources for use in Phase I clinical trials or studies, including, without limitation, equipment that facilitates research and analysis in proteomics, genomics and pharmacokinetics;

(6) Is capable of gathering, maintaining and reporting electronic data; and

(7) Is capable of responding to audits instituted by federal and state agencies.

(c) "Provider of health care" means:

(1) A hospital; or

(2) A person licensed pursuant to chapter 630, 631 or 633 of NRS.

Sec. 108. NRS 689B.0357 is hereby amended to read as follows:

689B.0357 1. No group policy of health insurance that provides coverage for hospital, medical or surgical expenses may be delivered or issued for delivery in this state unless the policy includes coverage for the

management and treatment of diabetes, including, without limitation, coverage for the self-management of diabetes.

2. An insurer who delivers or issues for delivery a policy specified in subsection 1:

(a) Shall include in ~~[the]~~ ***any*** disclosure ~~[required pursuant to NRS 689B.027]~~ ***of the coverage provided by the policy*** notice to each policyholder and subscriber under the policy of the availability of the benefits required by this section.

(b) Shall provide the coverage required by this section subject to the same deductible, copayment, coinsurance and other such conditions for coverage that are required under the policy.

3. A policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 1998, has the legal effect of including the coverage required by this section, and any provision of the policy that conflicts with this section is void.

4. As used in this section:

(a) "Coverage for the management and treatment of diabetes" includes coverage for medication, equipment, supplies and appliances that are medically necessary for the treatment of diabetes.

(b) "Coverage for the self-management of diabetes" includes:

(1) The training and education provided to the employee or member of the insured group after the employee or member is initially diagnosed with diabetes which is medically necessary for the care and management of diabetes, including, without limitation, counseling in nutrition and the proper use of equipment and supplies for the treatment of diabetes;

(2) Training and education which is medically necessary as a result of a subsequent diagnosis that indicates a significant change in the symptoms or condition of the employee or member of the insured group and which requires modification of his or her program of self-management of diabetes; and

(3) Training and education which is medically necessary because of the development of new techniques and treatment for diabetes.

(c) "Diabetes" includes type I, type II and gestational diabetes.

Sec. 109. NRS 689B.061 is hereby amended to read as follows:

689B.061 A policy of group health insurance which offers a difference of payment between preferred providers of health care and providers of health care who are not preferred:

1. May not require an insured, another insurer who issues policies of group health insurance, a nonprofit medical service corporation or a health maintenance organization to pay any amount in excess of the deductible or coinsurance due from the insured based on the rates agreed upon with a provider.

2. Must require that the deductible and payment for coinsurance paid by the insured to a preferred provider of health care be applied to the negotiated reduced rates of that provider.

3. ~~[Must include for providers of health care who are not preferred a provision establishing the point at which an insured's payment for coinsurance is no longer required to be paid if such a provision is included for preferred providers of health care. Such provisions must be based on a calendar year. The point at which an insured's payment for coinsurance is no longer required to be paid for providers of health care who are not preferred must not be greater than twice the amount for preferred providers of health care, regardless of the method of payment.~~

~~4.]~~ Must provide that if there is a particular service which a preferred provider of health care does not provide and the provider of health care who is treating the insured requests the service and the insurer determines that the use of the service is necessary for the health of the insured, the service shall be deemed to be provided by the preferred provider of health care.

~~[5.]~~ ***4.*** Must require the insurer to process a claim of a provider of health care who is not preferred not later than 30 working days after the date on which proof of the claim is received.

Sec. 110. NRS 689B.560 is hereby amended to read as follows:

689B.560 1. Except as otherwise provided in this section, coverage under a policy of group health insurance must be renewed by the carrier at the option of the plan sponsor, unless:

(a) The plan sponsor has failed to pay premiums or contributions in accordance with the terms of the group health insurance or the carrier has not received timely premium payments;

(b) The plan sponsor has performed an act or a practice that constitutes fraud or has made an intentional misrepresentation of material fact under the terms of the coverage;

(c) The plan sponsor has failed to comply with any material provision of the group health insurance relating to employer contributions and group participation; or

(d) The carrier decides to discontinue offering coverage under group health insurance. If the carrier decides to discontinue offering and renewing such insurance, the carrier shall:

(1) Provide notice of its intention to the Commissioner and the chief regulatory officer for insurance in each state in which the carrier is licensed to transact insurance at least 60 days before the date on which notice of cancellation or nonrenewal is delivered or mailed to the persons covered by the discontinued insurance pursuant to subparagraph (2).

(2) Provide notice of its intention to all persons covered by the discontinued insurance and to the Commissioner and the chief regulatory officer for insurance in each state in which such a person is known to reside. The notice must be made at least 180 days before the discontinuance of any group health plan by the carrier.

(3) Discontinue all health insurance issued or delivered for issuance for persons in this state and not renew coverage under any group health insurance issued to such persons.

2. A carrier may discontinue ~~[the issuance and renewal of a form of]~~ a product ~~[of group health insurance if the Commissioner finds that the form of the product]~~ offered ~~[by the carrier is obsolete and is being replaced with comparable coverage. A form of a product may be discontinued by the carrier]~~ ***to employers*** pursuant to this subsection only if:

(a) The carrier notifies the Commissioner ~~[and the chief regulatory officer in each state in which it is licensed]~~ of its decision pursuant to this subsection to discontinue ~~[the issuance and renewal of the form of]~~ the product at least 60 days before the ~~[individual]~~ carrier notifies the ***affected employers and*** persons covered ~~[by the discontinued insurance]~~ pursuant to paragraph (b).

(b) The carrier notifies each ***affected employer and*** person covered ~~[by the discontinued insurance and the Commissioner and the chief regulatory officer in each state in which such a person is known to reside]~~ of the decision of the carrier to discontinue ~~[offering the form of]~~ the product. The notice must be made at least ~~[180]~~ ***90*** days before the date on which the carrier will discontinue offering ~~[the form of]~~ the product.

(c) The carrier offers to each ~~[person covered by the discontinued insurance]~~ ***affected employer*** the option to purchase any other health benefit plan currently offered by the carrier to ~~[large]~~ groups in this state.

(d) In exercising the option to discontinue ~~[the form of]~~ the product and in offering the option to purchase other coverage pursuant to paragraph (c), the carrier acts uniformly without regard to the claim experience of the persons covered by the discontinued ~~[insurance]~~ ***product*** or any health status-related factor relating to those persons or beneficiaries covered by the discontinued ~~[form of the]~~ product or any person or beneficiary who may become eligible for such coverage.

3. A carrier may discontinue the issuance and renewal of any type of group health insurance offered by the carrier in this state that is made available pursuant to this chapter only to a member of a bona fide association if:

(a) The membership of the person in the bona fide association was the basis for the provision of coverage under the group health insurance;

(b) The membership of the person in the bona fide association ceases; and

(c) Coverage is terminated pursuant to this subsection for all such former members uniformly without regard to any health status-related factor relating to the former member.

4. A carrier that elects not to renew group health insurance pursuant to paragraph (d) of subsection 1 shall not write new business pursuant to this chapter for 5 years after the date on which notice is provided to the Commissioner pursuant to subparagraph (2) of paragraph (d) of subsection 1.

5. If the carrier does business in only one geographic service area of this state, the provisions of this section apply only to the operations of the carrier in that service area.

6. As used in this section, "bona fide association" has the meaning ascribed to it in NRS 689A.485.

Sec. 111. NRS 689C.111 is hereby amended to read as follows:

689C.111 ~~[1. If an employer was not in existence throughout the entire preceding calendar year, the determination of whether the employer is a small or large employer must be based on the average number of employees reasonably expected to be employed on business days in the current calendar year.~~

~~2. Except as otherwise provided by specific statute, the provisions of this chapter that apply to a small employer at the time that a carrier issues a health benefit plan to the small employer pursuant to the provisions of this chapter continue to apply at least until the plan anniversary following the date on which the small employer no longer meets the requirements of being a small employer.~~

~~3.]~~ An employee leasing company which has more than 50 employees, including leased employees at client locations, and which sponsors a fully insured health benefit plan for those employees shall be deemed to be a large employer for the purposes of this chapter.

Sec. 112. NRS 689C.310 is hereby amended to read as follows:

689C.310 1. Except as otherwise provided in subsections 2 and 3, a carrier shall renew a health benefit plan at the option of the small employer who purchased the plan.

2. A carrier may refuse to issue or to renew a health benefit plan if:

(a) The carrier discontinues transacting insurance in this state or in the geographic service area of this state where the employer is located;

(b) The employer fails to pay the premiums or contributions required by the terms of the plan;

(c) The employer misrepresents any information regarding the employees covered under the plan or other information regarding eligibility for coverage under the plan;

(d) The plan sponsor has engaged in an act or practice that constitutes fraud to obtain or maintain coverage under the plan;

(e) The employer is not in compliance with the minimum requirements for participation or employer contribution as set forth in the plan; or

(f) The employer fails to comply with any of the provisions of this chapter.

3. A carrier may require a small employer to exclude a particular employee or a dependent of the particular employee from coverage under a health benefit plan as a condition to renewal of the plan if the employee or dependent of the employee commits fraud upon the carrier or misrepresents a material fact which affects his or her coverage under the plan.

4. A carrier shall discontinue the issuance and renewal of coverage to a small employer if the Commissioner finds that the continuation of the coverage would not be in the best interests of the policyholders or certificate holders of the carrier in this state or would impair the ability of the carrier to meet its contractual obligations. If the Commissioner makes such a finding,

the Commissioner shall assist the affected small employers in finding replacement coverage.

5. A carrier may discontinue ~~[~~the issuance and renewal of a form of~~]~~ a product ~~[~~of a health benefit plan~~]~~ offered to small employers ~~[~~pursuant to this chapter if the Commissioner finds that the form of the product offered by the carrier is obsolete and is being replaced with comparable coverage. A form of a product of a health benefit plan may be discontinued by a carrier~~]~~ pursuant to this subsection only if:

(a) The carrier notifies the Commissioner ~~[~~and the chief regulatory officer for insurance in each state in which it is licensed~~]~~ of its decision pursuant to this subsection to discontinue ~~[~~the issuance and renewal of the form of~~]~~ the product at least 60 days before the carrier notifies the affected small employers pursuant to paragraph (b).

(b) The carrier notifies each affected small employer ~~[~~and the Commissioner and the chief regulatory officer for insurance in each state in which any affected small employer is located or eligible employee resides~~]~~ of the decision of the carrier to discontinue ~~[~~offering the form of~~]~~ the product. The notice must be made at least ~~[~~180~~]~~ ***90*** days before the date on which the carrier will discontinue offering ~~[~~the form of~~]~~ the product.

(c) The carrier offers to each affected small employer the option to purchase any other health benefit plan currently offered by the carrier to small employers in this state.

(d) In exercising the option to discontinue ~~[~~the particular form of~~]~~ the product and in offering the option to purchase other coverage pursuant to paragraph (c), the carrier acts uniformly without regard to the claims experience of the affected small employers or any health status-related factor relating to any participant or beneficiary covered by the discontinued product or any new participant or beneficiary who may become eligible for such coverage.

6. A carrier may discontinue the issuance and renewal of a health benefit plan offered to a small employer or an eligible employee pursuant to this chapter only through a bona fide association if:

(a) The membership of the small employer or eligible employee in the association was the basis for the provision of coverage;

(b) The membership of the small employer or eligible employee in the association ceases; and

(c) The coverage is terminated pursuant to this subsection uniformly without regard to any health status-related factor relating to the small employer or eligible employee or dependent of the eligible employee.

7. If a carrier does business in only one geographic service area of this state, the provisions of this section apply only to the operations of the carrier in that service area.

Sec. 113. NRS 689C.350 is hereby amended to read as follows:

689C.350 A health benefit plan which offers a difference of payment between preferred providers of health care and providers of health care who are not preferred:

1. Must require that the deductible and payment for coinsurance paid by the insured to a preferred provider of health care be applied to the negotiated reduced rates of that provider.

2. ~~[~~Must include for providers of health care who are not preferred a provision establishing the point at which an insured's payment for coinsurance is no longer required to be paid if such a provision is included for preferred providers of health care. Such provisions must be based on a plan year. The point at which an insured's payment for coinsurance is no longer required to be paid for providers of health care who are not preferred must not be greater than twice the amount for preferred providers of health care, regardless of the method of payment.

~~3.]~~ Must provide that if there is a particular service which a preferred provider of health care does not provide and the provider of health care who is treating the insured requests the service and the insurer determines that the use of the service is necessary for the health of the insured, the service shall be deemed to be provided by the preferred provider of health care.

Sec. 114. NRS 689C.470 is hereby amended to read as follows:

689C.470 1. Except as otherwise provided in NRS 689C.360 to 689C.600, inclusive, a carrier shall renew a contract as to all insured small employers that are members of a voluntary purchasing group and their employees and dependents at the request of the purchaser unless:

(a) Required premiums are not paid;

(b) The insured employer or other purchaser is guilty of fraud or misrepresentation;

(c) Provisions of the contract are breached;

(d) The number or percentage of employees covered under the contract is less than the number or percentage of eligible employees required by the contract;

(e) The employer or purchaser is no longer engaged in the business in which it was engaged on the effective date of the contract; or

(f) The Commissioner finds that the continuation of the coverage is not in the best interests of the persons insured under the contract or would impair the carrier's ability to meet its contractual obligations. If nonrenewal occurs as a result of findings pursuant to this subsection, the Commissioner shall assist affected persons in replacing coverage.

2. A carrier may discontinue ~~[~~issuance and renewal of a form of~~]~~ a product ~~[~~of a health benefit plan~~]~~ offered to a small employer or purchasers pursuant to NRS 689C.360 to 689C.600, inclusive, ~~[~~if the Commissioner finds that the form of the product offered by the carrier is obsolete and is being replaced with comparable coverage. A form of a product of a health

~~benefit plan may be discontinued by a carrier pursuant to this subsection~~] only if:

(a) The carrier notifies the Commissioner [~~and the chief regulatory officer for insurance in each state in which it is licensed~~] of its decision pursuant to this subsection to discontinue [~~offering and renewing the form of~~] the product at least 60 days before the carrier notifies the affected small employers and purchasers pursuant to paragraph (b).

(b) The carrier notifies each affected small employer and purchaser [~~, and the Commissioner and the chief regulatory officer for insurance in each state in which any affected small employer is located or employee resides,~~] of the decision of the carrier to discontinue [~~offering the form of~~] the product. The notice must be made at least [~~180~~] ***90*** days before the date on which the carrier will discontinue offering [~~the form of~~] the product.

(c) The carrier offers to each affected small employer and purchaser the option to purchase any other health benefit plan currently offered by the carrier to small employers in this state.

(d) In exercising the option to discontinue [~~the particular form of~~] the product and in offering the option to purchase other coverage pursuant to paragraph (c), the carrier acts uniformly without regard to the claim experience of the affected small employers and any health status-related factor relating to any participant or beneficiary covered by the discontinued product or any new participant or beneficiary who may become eligible for such coverage.

3. A carrier may discontinue the issuance and renewal of a health benefit plan offered to a voluntary purchasing group pursuant to this chapter only through a bona fide association if:

(a) The membership of the small employer who employs the members of the voluntary purchasing group or the purchaser in the association was the basis for the provision of coverage;

(b) The membership of that small employer or the purchaser in the association ceases; and

(c) The coverage is terminated pursuant to this subsection uniformly without regard to any health status-related factor relating to the small employer or the purchaser or his or her dependent.

Sec. 115. NRS 689C.520 is hereby amended to read as follows:

689C.520 1. Before the issuance of a certificate of registration, each voluntary purchasing group shall, to the satisfaction of the Commissioner:

(a) Establish the conditions of membership in the group and require as a condition of membership that all employers include all their eligible employees. The group may not differentiate among classes of membership on the basis of the kind of employment, race, religion, sex, education, health or income. The group shall set reasonable fees for membership which will finance all reasonable and necessary costs incurred in administering the group.

(b) Provide to members of the group and their eligible employees ***any applicable disclosures of the coverage provided by any proposed contracts and any applicable*** information ~~[meeting the requirements of NRS 689C.440 regarding]~~ ***regarding available benefits and carriers provided by*** any proposed contracts.

2. In addition to the information required pursuant to subsection 1, a voluntary purchasing group shall provide annually to members of the group information regarding available benefits and carriers.

Sec. 116. NRS 690B.200 is hereby amended to read as follows:

690B.200 As used in NRS 690B.200 to ~~[690B.370,]~~ ***690B.360,*** inclusive, unless the context otherwise requires, the words and terms defined in NRS 690B.210 to 690B.240, inclusive, have the meanings ascribed to them in those sections.

Sec. 117. NRS 690B.250 is hereby amended to read as follows:

690B.250 Except as more is required in NRS 630.3067 and 633.526:

1. Each insurer which issues a policy of insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS for a breach of his or her professional duty toward a patient shall report to the board which licensed the practitioner within 45 days each settlement or award made or judgment rendered by reason of a claim, if the settlement, award or judgment is for more than $5,000, giving the name ~~[and address]~~ of the claimant and the practitioner and the circumstances of the case.

2. A practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS who does not have insurance covering liability for a breach of his or her professional duty toward a patient shall report to the board which issued the practitioner's license within 45 days of each settlement or award made or judgment rendered by reason of a claim, if the settlement, award or judgment is for more than $5,000, giving the practitioner's name ***,*** ~~[and address,]~~ the name ~~[and address]~~ of the claimant and the circumstances of the case.

3. These reports are public records and must be made available for public inspection within a reasonable time after they are received by the licensing board.

Sec. 118. NRS 690B.260 is hereby amended to read as follows:

690B.260 1. Each insurer which issues a policy of insurance covering the liability of a physician licensed under chapter 630 of NRS or an osteopathic physician licensed under chapter 633 of NRS for a breach of his or her professional duty toward a patient shall, within 45 days after the end of a calendar quarter, submit a report to the Commissioner concerning each claim that was closed during that calendar quarter under such a policy of insurance issued by the insurer and any change during that calendar quarter to any claim under such a policy of insurance issued by the insurer that was closed during a previous calendar quarter. The report must include, without limitation:

(a) The name ~~[and address]~~ of the claimant and the insured under each policy;

(b) A statement setting forth the circumstances of that case;

(c) Information indicating whether any payment was made on a claim and the amount of the payment, if any; and

(d) The information specified in subsection 1 of NRS 679B.144 for each claim.

2. An insurer who fails to comply with the provisions of subsection 1 is subject to the imposition of an administrative fine pursuant to NRS 679B.460.

3. The Commissioner shall, within 30 days after receiving a report from an insurer pursuant to this section, submit a report to the Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable, setting forth the information provided to the Commissioner by the insurer pursuant to this section.

Sec. 119. NRS 690B.350 is hereby amended to read as follows:

690B.350 1. ***The requirements of this section apply only if, after a hearing convened at the discretion of the Commissioner, the Commissioner determines that the market for professional liability insurance issued to any class, type or specialty of practitioner licensed pursuant to chapter 630, 631 or 633 of NRS is not competitive and that such insurance is unavailable or unaffordable for a substantial number of such practitioners.***

2. If the Commissioner convenes a hearing pursuant to subsection 1 and issues a finding that the market for professional liability insurance issued to any class, type or specialty of practitioner licensed pursuant to chapter 630, 631 or 633 of NRS is not competitive, the Commissioner may designate that class, type or specialty of practitioner to be an essential medical specialty.

3. Except as otherwise provided in this section, if an insurer intends to cancel, terminate or otherwise not renew all policies of professional liability insurance that it has issued to any class, type or specialty of practitioner licensed pursuant to chapter 630, 631 or 633 of NRS, the insurer must provide 120 days' notice of its intended action to the Commissioner and the practitioners before its intended action becomes effective.

~~[2.]~~ ***4.*** If an insurer intends to cancel, terminate or otherwise not renew a specific policy of professional liability insurance that it has issued to a practitioner who is practicing in one or more of the essential medical specialties designated by the Commissioner:

(a) The insurer must provide 120 days' notice to the practitioner before its intended action becomes effective; and

(b) The Commissioner may require the insurer to delay its intended action for a period of not more than 60 days if the Commissioner determines that a replacement policy is not readily available to the practitioner.

~~[3.]~~ ***5.*** If an insurer intends to cancel, terminate or otherwise not renew all policies of professional liability insurance that it has issued to practitioners who are practicing in one or more of the essential medical specialties designated by the Commissioner:

(a) The insurer must provide 120 days' notice of its intended action to the Commissioner and the practitioners before its intended action becomes effective; and

(b) The Commissioner may require the insurer to delay its intended action for a period of not more than 60 days if the Commissioner determines that replacement policies are not readily available to the practitioners.

~~[4. On or before April 1 of each year, the Commissioner shall:~~

~~(a) Determine whether there are any medical specialties in this State which are essential as a matter of public policy and which must be protected pursuant to this section from certain adverse actions relating to professional liability insurance that may impair the availability of those essential medical specialties to the residents of this State; and~~

~~(b) Make a list containing the essential medical specialties designated by the Commissioner and provide the list to each insurer that issues policies of professional liability insurance to practitioners who are practicing in one or more of the essential medical specialties.~~

~~5.~~**]** ***6.*** The Commissioner may adopt any regulations that are necessary to carry out the provisions of this section.

~~[6. Until the Commissioner determines which, if any, medical specialties are to be designated as essential medical specialties, the following medical specialties shall be deemed to be essential medical specialties for the purposes of this section:~~

~~(a) Emergency medicine.~~

~~(b) Neurosurgery.~~

~~(c) Obstetrics and gynecology.~~

~~(d) Orthopedic surgery.~~

~~(e) Pediatrics.~~

~~(f) Trauma surgery.~~**]**

Sec. 120. NRS 690B.360 is hereby amended to read as follows:

690B.360 1. The Commissioner **[**~~shall~~**]** ***may*** collect all information which is pertinent to monitoring whether an insurer that issues professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS is complying with the applicable standards for rates established in NRS 686B.010 to 686B.1799, inclusive **[**~~.~~**]** ***, and sections 35 to 39, inclusive, of this act.*** Such information **[**~~must~~**]** ***may*** include, without limitation:

(a) The amount of gross premiums collected with regard to each medical specialty;

(b) Information relating to loss ratios;

(c) Information reported pursuant to NRS **[**~~690B.250;~~**]** ***690B.260;*** and

(d) Information reported pursuant to NRS 679B.430 and 679B.440.

2. In addition to the information collected pursuant to subsection 1, the Commissioner may request any additional information from an insurer:

(a) Whose rates and credit utilization are materially different from other insurers in the market for professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS in this State;

(b) Whose credit utilization shows a substantial change from the previous year; or

(c) Whose information collected pursuant to subsection 1 indicates a potentially adverse trend.

3. If the Commissioner requests additional information from an insurer pursuant to subsection 2, the Commissioner ~~[shall:]~~ ***may:***

(a) Determine whether the additional information offers a reasonable explanation for the results described in paragraph (a), (b) or (c) of subsection 2; and

(b) Take any steps permitted by law that are necessary and appropriate to assure the ongoing stability of the market for professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS in this State.

4. On an ongoing basis, the Commissioner ~~[shall:~~

~~(a) Analyze]~~ ***may analyze*** and evaluate the information collected pursuant to this section to determine trends in and measure the health of the market for professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS in this State **.** ~~[; and~~

~~(b) Prepare]~~

5. If the Commissioner convenes a hearing pursuant to subsection 1 of NRS 690B.350 and determines that the market for professional liability insurance issued to any class, type or specialty of practitioner licensed pursuant to chapter 630, 631 or 633 of NRS is not competitive and that such insurance is unavailable or unaffordable for a substantial number of such practitioners, the Commissioner shall prepare and submit a report of the Commissioner's findings and recommendations to the Director of the Legislative Counsel Bureau for transmittal to members of the Legislature **.** ~~[on or before November 15 of each year.]~~

Sec. 121. Chapter 690C of NRS is hereby amended by adding thereto the provisions set forth as sections 122, 123 and 124 of this act.

Sec. 122. ***"Controlling person" means a person who qualifies as a controlling person of a provider pursuant to section 123 of this act.***

Sec. 123. ***A person is a controlling person of a provider if the person:***

1. Is an officer of the provider; or

2. Possesses the authority to set the policy and direct the management of the business entity in connection with its service contract business.

Sec. 124. ***1. Except as otherwise provided in this section, a provider shall not transfer any liability relating to a service contract to another provider or any other person, including, without limitation, another provider or other person with whom the original provider has merged or plans to merge.***

2. A provider may transfer a liability relating to a service contract to another provider or any other person if, before the liability is transferred:

(a) The original provider submits a proposal to the Commissioner to transfer the liability; and

(b) The Commissioner approves the proposal pursuant to subsection 3.

3. The Commissioner may approve a proposal made by a provider pursuant to subsection 2 if the Commissioner determines, after reviewing the financial condition of the provider or other person to whom the liability is proposed to be transferred, that the proposed recipient of the transfer has adequate financial resources to enable the proposed recipient to pay in full and in a timely manner all liabilities proposed to be transferred to the proposed recipient.

4. The provisions of this section do not apply to any transaction relating to a contractual liability insurance policy into which the provider enters to satisfy the requirements of NRS 690C.170.

Sec. 125. NRS 690C.010 is hereby amended to read as follows:

690C.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 690C.020 to 690C.080, inclusive, ***and section 122 of this act,*** have the meanings ascribed to them in those sections.

Sec. 126. NRS 690C.100 is hereby amended to read as follows:

690C.100 1. The provisions of this title do not apply to:

(a) A warranty;

(b) A maintenance agreement;

(c) A service contract provided by a public utility on its transmission device if the service contract is regulated by the Public Utilities Commission of Nevada;

(d) A service contract sold or offered for sale to a person who is not a consumer;

(e) A service contract for goods if the purchase price of the goods is less than $250; or

(f) ~~[~~Except as otherwise provided in NRS 690C.240, a~~]~~ ***A*** service contract issued, sold or offered for sale by a vehicle dealer on vehicles sold by the dealer, if the dealer is licensed pursuant to NRS 482.325 and the service contract obligates either the dealer or the manufacturer of the vehicle, or an affiliate of the dealer or manufacturer, to provide all services under the service contract.

2. The sale of a service contract pursuant to this chapter does not constitute the business of insurance for the purposes of 18 U.S.C. §§ 1033 and 1034.

3. As used in this section:

(a) "Maintenance agreement" means a contract for a limited period that provides only for scheduled maintenance.

(b) "Warranty" means a warranty provided solely by a manufacturer, importer or seller of goods for which the manufacturer, importer or seller did not receive separate consideration and that:

(1) Is not negotiated or separated from the sale of the goods;

(2) Is incidental to the sale of the goods; and

(3) Guarantees to indemnify the consumer for defective parts, mechanical or electrical failure, labor or other remedial measures required to repair or replace the goods.

Sec. 127. NRS 690C.160 is hereby amended to read as follows:

690C.160 1. A provider who wishes to issue, sell or offer for sale service contracts in this state must submit to the Commissioner:

(a) A registration application on a form prescribed by the Commissioner;

(b) Proof that the provider has complied with the requirements for ***financial*** security set forth in NRS 690C.170;

(c) A copy of each type of service contract the provider proposes to issue, sell or offer for sale;

(d) The name, address and telephone number of each administrator with whom the provider intends to contract; ~~[and]~~

(e) A fee of $1,000 and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110 ~~[.]~~ ***; and***

(f) The following information for each controlling person:

(1) Whether the person, in the last 10 years, has been:

(I) Convicted of a felony or misdemeanor of which an essential element is fraud;

(II) Insolvent or adjudged bankrupt;

(III) Refused a license or registration as a service contract provider or had an existing license or registration as a service contract provider suspended or revoked by any state or governmental agency or authority; or

(IV) Fined by any state or governmental agency or authority in any matter regarding service contracts; and

(2) Whether there are any pending criminal actions against the person other than moving traffic violations.

2. In addition to the fee required by subsection 1, a provider must pay a fee of $25 for each type of service contract the provider files with the Commissioner.

3. A certificate of registration is valid for 1 year after the date the Commissioner issues the certificate to the provider. A provider may renew his or her certificate of registration if, before the certificate expires, the provider submits to the Commissioner ~~[an]~~ ***:***

(a) An application on a form prescribed by the Commissioner ~~[, a]~~ ***;***

(b) A fee of $1,000 and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110 ~~[.]~~ ***; and***

(c) The information required by paragraph (f) of subsection 1:

(1) If an existing controlling person has had a change in any of the information previously submitted to the Commissioner; or

(2) For a controlling person who has not previously submitted the information required by paragraph (f) of subsection 1 to the Commissioner.

4. All fees paid pursuant to this section are nonrefundable.

5. Each application submitted pursuant to this section, including, without limitation, an application for renewal, must:

(a) Be signed by an executive officer, if any, of the provider or, if the provider does not have an executive officer, by a controlling person of the provider; and

(b) Have attached to it an affidavit signed by the person described in paragraph (a) which meets the requirements of subsection 6.

6. Before signing the application described in subsection 5, the person who signs the application shall verify that the information provided is accurate to the best of his or her knowledge.

Sec. 128. NRS 690C.170 is hereby amended to read as follows:

690C.170 ***1.*** To be issued a certificate of registration, a provider must comply with one of the following ~~[~~:

~~1.]~~ ***to provide for financial security:***

(a) Purchase a contractual liability insurance policy which insures the obligations of each service contract the provider issues, sells or offers for sale. The contractual liability insurance policy must ~~[be]~~ ***:***

(1) Be issued by an insurer which is licensed, registered or otherwise authorized to transact insurance in this state or pursuant to the provisions of chapter 685A of NRS.

(2) Contain a provision prohibiting the insurer from terminating the policy until a notice of termination has been mailed or delivered to the Commissioner at least 60 days prior to the termination of the policy. Any such termination shall not reduce the responsibility of the insurer for service contracts issued by the provider prior to the effective date of termination.

~~[2.]~~ ***(b)*** Maintain a reserve account ***in this State*** and deposit with the Commissioner security as provided in this subsection. The reserve account must contain at all times an amount of money equal to at least 40 percent of the unearned gross consideration received by the provider for any unexpired service contracts. ***The reserve account must be kept separate from the operating accounts of the provider and must be clearly identified as the "(Provider's Name) Nevada Service Contracts Funded Reserve Account."*** The Commissioner may examine the reserve account at any time. The provider shall also deposit with the Commissioner security in an amount that is equal to $25,000 or 10 percent of the unearned gross consideration received by the provider for any unexpired service contracts, whichever is greater. The security must be:

~~[(a)]~~ ***(1)*** A surety bond issued by a surety company authorized to do business in this State;

~~[(b)]~~ ***(2)*** Securities of the type eligible for deposit pursuant to NRS 682B.030;

~~[(c)]~~ ***(3)*** Cash;

~~[(d)]~~ ***(4)*** An irrevocable letter of credit issued by a financial institution approved by the Commissioner; or

~~[(e)]~~ ***(5)*** In any other form prescribed by the Commissioner.

~~[3.]~~ ***(c)*** Maintain, or be a subsidiary of a parent company that maintains, a net worth or stockholders' equity of at least $100,000,000. Upon request, a provider shall provide to the Commissioner a copy of the most recent Form 10-K report or Form 20-F report filed by the provider or parent company of the provider with the Securities and Exchange Commission within the previous year. If the provider or parent company is not required to file those reports with the Securities and Exchange Commission, the provider shall provide to the Commissioner a copy of the most recently audited financial statements of the provider or parent company. If the net worth or stockholders' equity of the parent company of the provider is used to comply with the requirements of this subsection, the parent company must guarantee to carry out the duties of the provider under any service contract issued or sold by the provider.

2. A provider shall not use any money in a reserve account described in paragraph (b) of subsection 1 for any purpose other than to pay an obligation of the provider under an unexpired service contract.

3. A provider shall maintain the financial security required by subsection 1 until:

(a) The provider ceases doing business in this State; and

(b) The provider has performed or otherwise satisfied all liabilities and obligations under all unexpired service contracts issued by the provider.

4. If the certificate of registration of a provider has not expired and the provider fails to maintain the financial security required by subsection 1, including, without limitation, if the financial security is cancelled or lapses, the provider shall not issue or sell a service contract on or after the effective date of such failure until the provider submits to the Commissioner proof satisfactory to the Commissioner that the provider is in compliance with subsection 1.

Sec. 129. NRS 690C.240 is hereby amended to read as follows:

690C.240 1. A provider ~~[who, whether directly or through a vehicle dealer licensed pursuant to NRS 482.325, enters into a vehicle service contract with a buyer]~~ shall, within 30 days after ceasing doing business in this State, notify ~~[any buyer who purchased such a contract]~~ ***the Commissioner and each holder of an unexpired service contract*** in writing of the fact that the provider has ceased doing business in this State **.** ~~[if the specified period of the vehicle service contract has not yet expired.]~~

2. The provisions of this section do not:

(a) Render a service contract void pursuant to NRS 690C.250;

(b) Cancel a service contract pursuant to NRS 690C.270; or

(c) Release the provider from any liability imposed by a violation of any provision of this chapter.

~~[3. As used in this section:~~

~~(a) "Buyer" means the buyer of a vehicle service contract.~~

~~(b) "Vehicle service contract" means a contract pursuant to which a provider, in exchange for separately stated consideration, is obligated for a specified period to a buyer to repair, replace or perform maintenance on, or indemnify or reimburse the buyer for the costs of repairing, replacing or performing maintenance on, a motor vehicle which is described in the vehicle service contract and which has an operational or structural failure as a result of a defect in materials, workmanship or normal wear and tear, including, without limitation, a contract that includes a provision for incidental payment of indemnity under limited circumstances, including, without limitation, towing, rental and emergency road service.~~]

Sec. 130. NRS 691C.340 is hereby amended to read as follows:

691C.340 [~~1. The Commissioner shall, by regulation, establish reasonable rates as described in this chapter and in accordance with the standards established in NRS 686B.050 and 686B.060. The rates must be reasonable in relation to the benefits provided and must not be excessive, inadequate or unfairly discriminatory.~~

~~2.~~] The Commissioner may, by regulation, establish rates that an insurer may use without filing pursuant to NRS 691C.320. In establishing such rates, the Commissioner shall consider and apply the following factors:

[~~(a)~~] ***1.*** Actual and expected loss experience;

[~~(b)~~] ***2.*** General and administrative expenses;

[~~(c)~~] ***3.*** Loss settlement and adjustment expenses;

[~~(d)~~] ***4.*** Reasonable creditor compensation;

[~~(e)~~] ***5.*** The manner in which premiums are charged;

[~~(f)~~] ***6.*** Other acquisition costs;

[~~(g)~~] ***7.*** Reserves;

[~~(h)~~] ***8.*** Taxes;

[~~(i)~~] ***9.*** Regulatory license fees and fund assessments;

[~~(j)~~] ***10.*** Reasonable insurer profit; and

[~~(k)~~] ***11.*** Other relevant data consistent with generally accepted actuarial standards.

Sec. 131. NRS 691C.390 is hereby amended to read as follows:

691C.390 1. Each individual policy or certificate of insurance must provide for a refund of unearned premiums if the credit personal property insurance is cancelled before the scheduled date of termination of the insurance.

2. Except as otherwise provided in this section, any refund must be provided to the person to whom it is entitled as soon as practicable after the date of cancellation of the insurance.

3. [~~The Commissioner shall, by regulation, establish the minimum amount of unearned premiums that must remain outstanding at the time of cancellation in order for a person to be entitled to a refund. If the amount of unearned premiums that remains outstanding at the time of cancellation is~~

~~less than the minimum amount established by regulation, the person is not entitled to a refund.~~

~~4.~~] The formula that an insurer uses to determine the amount of a refund must be submitted to and approved by the Commissioner before it is used.

Sec. 132. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A corporation organized under this chapter shall contract with an insurance company licensed in this State or authorized to do business in this State for the provision of insurance, indemnity or reimbursement against the cost of hospital services, medical services and dental services which are provided by the corporation.

2. The contract of insurance required by subsection 1 must include a provision that, in the case of the insolvency or impairment of the corporation, the insurance company will pay all claims made by an insured for the period for which a premium has been or will be paid to the corporation for the insured. The contract of insurance required by subsection 1 must specifically provide for the:

(a) Continuation of benefits to each insured for the period for which a premium has been or will be paid to the corporation for the insured until the expiration or termination of the insured's contract with the corporation;

(b) Continuation of benefits for each insured who is receiving inpatient services in a medical facility or facility for the dependent at the time of the insolvency or impairment of the corporation until the inpatient services are no longer medically necessary and the insured is discharged from the medical facility or facility for the dependent; and

(c) Payment of a provider of health care not affiliated with the corporation who provided medically necessary services to an insured, as described in the insured's contract with the corporation, the insured's policy or the insured's evidence of coverage.

3. As used in this section:

(a) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(b) "Impairment" means that a corporation organized under this chapter is not insolvent and has been:

(1) Deemed to be impaired pursuant to NRS 695B.150; or

(2) Placed under an order of rehabilitation or conservation by a court of competent jurisdiction.

(c) "Insolvency" or "insolvent" means that a corporation organized under this chapter has been:

(1) Deemed to be insolvent pursuant to NRS 695B.150;

(2) Declared insolvent by a court of competent jurisdiction; or

(3) Placed under an order of liquidation by a court of competent jurisdiction.

(d) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(e) "Medically necessary" has the meaning ascribed to it in NRS 695G.055.

(f) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 133. NRS 695B.150 is hereby amended to read as follows:

695B.150 ***1.*** A corporation organized under this chapter shall be deemed to be insolvent if ~~[its]~~ ***:***

(a) The corporation fails to meet its obligations as they mature;

(b) The assets of the corporation are less than the sum of its liabilities and the minimum surplus required to be maintained by the corporation under this Code for authority to transact the kinds of insurance transacted; and

(c) The reserve fund ***of the corporation*** is ~~[impaired so as to be]~~ less than the amounts set forth in NRS 695B.140.

2. In addition to the provisions of subsection 1, a corporation organized under this chapter shall be deemed to be insolvent as otherwise expressly provided in this Code.

3. For the purposes of determining ~~[such]~~ insolvency ***pursuant to subsection 1 or 2*** and the financial condition of the corporation, for the purposes of preparation of annual statements, and for all other purposes not otherwise expressly provided for in this chapter, the corporation is subject to all requirements of the laws of the State of Nevada as to assets, liabilities and reserves which are applicable to mutual nonassessable life or health insurers.

4. A corporation organized under this chapter shall be deemed to be impaired if the assets of the corporation are less than the sum of its liabilities and the minimum surplus required to be maintained by the corporation under this Code for authority to transact the kinds of insurance transacted.

5. The Commissioner may adopt regulations to define when a corporation organized under this chapter is considered to be in a hazardous financial condition and to set forth the standards to be considered by the Commissioner in determining whether the continued operation of such a corporation transacting business in this State may be considered to be hazardous to its insureds or creditors or to the general public.

6. If the Commissioner determines after a hearing that any corporation organized under this chapter is in a hazardous financial condition, the Commissioner may, instead of suspending or revoking the certificate of authority of the corporation, limit the certificate of authority as the Commissioner deems reasonably necessary to correct, eliminate or remedy any conduct, condition or ground that is deemed to be a cause of the hazardous financial condition.

7. An order or decision of the Commissioner under this section is subject to review in accordance with NRS 679B.310 to 679B.370, inclusive,

at the request of any party to the proceedings whose interests are substantially affected.

Sec. 134. NRS 695B.185 is hereby amended to read as follows:

695B.185 A group contract for hospital, medical or dental services which offers a difference of payment between preferred providers of health care and providers of health care who are not preferred:

1. May not require a deductible of more than $600 difference per admission to a facility for inpatient treatment which is not a preferred provider of health care.

2. May not require a deductible of more than $500 difference per treatment, other than inpatient treatment at a hospital, by a provider which is not preferred.

3. May not require an insured, another insurer who issues policies of group health insurance, a nonprofit medical service corporation or a health maintenance organization to pay any amount in excess of the deductible or coinsurance due from the insured based on the rates agreed upon with a provider.

4. May not provide for a difference in percentage rates of payment for coinsurance of more than 30 percentage points between the copayment required to be paid by the insured to a preferred provider of health care and the copayment required to be paid by the insured to a provider of health care who is not preferred.

5. Must require that the deductible and payment for coinsurance paid by the insured to a preferred provider of health care be applied to the negotiated reduced rates of that provider.

6. ~~[~~Must include for providers of health care who are not preferred a provision establishing the point at which an insured's payment for coinsurance is no longer required to be paid if such a provision is included for preferred providers of health care. Such provisions must be based on a calendar year. The point at which an insured's payment for coinsurance is no longer required to be paid for providers of health care who are not preferred must not be greater than twice the amount for preferred providers of health care, regardless of the method of payment.

~~7.]~~ Must provide that if there is a particular service which a preferred provider of health care does not provide and the provider of health care who is treating the insured determines that the use of the service is necessary for the health of the insured, the service shall be deemed to be provided by the preferred provider of health care.

~~[8.]~~ ***7.*** Must require the corporation to process a claim of a provider of health care who is not preferred not later than 30 working days after the date on which proof of the claim is received.

Sec. 135. NRS 695B.1903 is hereby amended to read as follows:

695B.1903 1. A policy of health insurance issued by a medical services corporation must provide coverage for medical treatment which a person insured under the policy receives as part of a clinical trial or study if:

(a) The medical treatment is provided in a Phase I, Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer or in a Phase II, Phase III or Phase IV study or clinical trial for the treatment of chronic fatigue syndrome;

(b) The clinical trial or study is approved by:

(1) An agency of the National Institutes of Health as set forth in 42 U.S.C. § 281(b);

(2) A cooperative group;

(3) The Food and Drug Administration as an application for a new investigational drug;

(4) The United States Department of Veterans Affairs; or

(5) The United States Department of Defense;

(c) In the case of:

(1) A Phase I clinical trial or study for the treatment of cancer, the medical treatment is provided at a facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer; or

(2) A Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer or chronic fatigue syndrome, the medical treatment is provided by a provider of health care and the facility and personnel for the clinical trial or study have the experience and training to provide the treatment in a capable manner;

(d) There is no medical treatment available which is considered a more appropriate alternative medical treatment than the medical treatment provided in the clinical trial or study;

(e) There is a reasonable expectation based on clinical data that the medical treatment provided in the clinical trial or study will be at least as effective as any other medical treatment;

(f) The clinical trial or study is conducted in this State; and

(g) The insured has signed, before participating in the clinical trial or study, a statement of consent indicating that the insured has been informed of, without limitation:

(1) The procedure to be undertaken;

(2) Alternative methods of treatment; and

(3) The risks associated with participation in the clinical trial or study, including, without limitation, the general nature and extent of such risks.

2. Except as otherwise provided in subsection 3, the coverage for medical treatment required by this section is limited to:

(a) Coverage for any drug or device that is approved for sale by the Food and Drug Administration without regard to whether the approved drug or device has been approved for use in the medical treatment of the insured person.

(b) The cost of any reasonably necessary health care services that are required as a result of the medical treatment provided in a Phase II, Phase III or Phase IV clinical trial or study or as a result of any complication arising out of the medical treatment provided in a Phase II, Phase III or Phase IV

clinical trial or study, to the extent that such health care services would otherwise be covered under the policy of health insurance.

(c) The cost of any routine health care services that would otherwise be covered under the policy of health insurance for an insured participating in a Phase I clinical trial or study.

(d) The initial consultation to determine whether the insured is eligible to participate in the clinical trial or study.

(e) Health care services required for the clinically appropriate monitoring of the insured during a Phase II, Phase III or Phase IV clinical trial or study.

(f) Health care services which are required for the clinically appropriate monitoring of the insured during a Phase I clinical trial or study and which are not directly related to the clinical trial or study.

➥ Except as otherwise provided in NRS 695B.1901, the services provided pursuant to paragraphs (b), (c), (e) and (f) must be covered only if the services are provided by a provider with whom the medical services corporation has contracted for such services. If the medical services corporation has not contracted for the provision of such services, the medical services corporation shall pay the provider the rate of reimbursement that is paid to other providers with whom the medical services corporation has contracted for similar services and the provider shall accept that rate of reimbursement as payment in full.

3. Particular medical treatment described in subsection 2 and provided to a person insured under the policy is not required to be covered pursuant to this section if that particular medical treatment is provided by the sponsor of the clinical trial or study free of charge to the person insured under the policy.

4. The coverage for medical treatment required by this section does not include:

(a) Any portion of the clinical trial or study that is customarily paid for by a government or a biotechnical, pharmaceutical or medical industry.

(b) Coverage for a drug or device described in paragraph (a) of subsection 2 which is paid for by the manufacturer, distributor or provider of the drug or device.

(c) Health care services that are specifically excluded from coverage under the insured's policy of health insurance, regardless of whether such services are provided under the clinical trial or study.

(d) Health care services that are customarily provided by the sponsors of the clinical trial or study free of charge to the participants in the trial or study.

(e) Extraneous expenses related to participation in the clinical trial or study including, without limitation, travel, housing and other expenses that a participant may incur.

(f) Any expenses incurred by a person who accompanies the insured during the trial or study.

(g) Any item or service that is provided solely to satisfy a need or desire for data collection or analysis that is not directly related to the clinical management of the insured.

(h) Any costs for the management of research relating to the clinical trial or study.

5. A medical services corporation that delivers or issues for delivery a policy of health insurance specified in subsection 1 may require copies of the approval or certification issued pursuant to paragraph (b) of subsection 1, the statement of consent signed by the insured, protocols for the clinical trial or study and any other materials related to the scope of the clinical trial or study relevant to the coverage of medical treatment pursuant to this section.

6. A medical services corporation that delivers or issues for delivery a policy of health insurance specified in subsection 1 shall:

(a) Include in ~~[~~the~~]~~ ***any*** disclosure ~~[~~required pursuant to NRS 695B.172~~]~~ ***of the coverage provided by the policy*** notice to each person insured under the policy of the availability of the benefits required by this section.

(b) Provide the coverage required by this section subject to the same deductible, copayment, coinsurance and other such conditions for coverage that are required under the policy.

7. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2006, has the legal effect of including the coverage required by this section, and any provision of the policy that conflicts with this section is void.

8. A medical services corporation that delivers or issues for delivery a policy of health insurance specified in subsection 1 is immune from liability for:

(a) Any injury to the insured caused by:

(1) Any medical treatment provided to the insured in connection with his or her participation in a clinical trial or study described in this section; or

(2) An act or omission by a provider of health care who provides medical treatment or supervises the provision of medical treatment to the insured in connection with his or her participation in a clinical trial or study described in this section.

(b) Any adverse or unanticipated outcome arising out of an insured's participation in a clinical trial or study described in this section.

9. As used in this section:

(a) "Cooperative group" means a network of facilities that collaborate on research projects and has established a peer review program approved by the National Institutes of Health. The term includes:

(1) The Clinical Trials Cooperative Group Program; and

(2) The Community Clinical Oncology Program.

(b) "Facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer" means a facility or an affiliate of a facility that:

(1) Has in place a Phase I program which permits only selective participation in the program and which uses clear-cut criteria to determine eligibility for participation in the program;

(2) Operates a protocol review and monitoring system which conforms to the standards set forth in the "Policies and Guidelines Relating to the Cancer Center Support Grant" published by the Cancer Centers Branch of the National Cancer Institute;

(3) Employs at least two researchers and at least one of those researchers receives funding from a federal grant;

(4) Employs at least three clinical investigators who have experience working in Phase I clinical trials or studies conducted at a facility designated as a comprehensive cancer center by the National Cancer Institute;

(5) Possesses specialized resources for use in Phase I clinical trials or studies, including, without limitation, equipment that facilitates research and analysis in proteomics, genomics and pharmacokinetics;

(6) Is capable of gathering, maintaining and reporting electronic data; and

(7) Is capable of responding to audits instituted by federal and state agencies.

(c) "Provider of health care" means:

(1) A hospital; or

(2) A person licensed pursuant to chapter 630, 631 or 633 of NRS.

Sec. 136. NRS 695B.1927 is hereby amended to read as follows:

695B.1927 1. No contract for hospital or medical service that provides coverage for hospital, medical or surgical expenses may be delivered or issued for delivery in this state unless the contract includes coverage for the management and treatment of diabetes, including, without limitation, coverage for the self-management of diabetes.

2. An insurer who delivers or issues for delivery a contract specified in subsection 1:

(a) Shall include in **[**~~the~~**]** ***any*** disclosure **[**~~required pursuant to NRS 695B.172~~**]** ***of the coverage provided by the contract*** notice to each policyholder or subscriber covered under the contract of the availability of the benefits required by this section.

(b) Shall provide the coverage required by this section subject to the same deductible, copayment, coinsurance and other such conditions for coverage that are required under the contract.

3. A contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 1998, has the legal effect of including the coverage required by this section, and any provision of the contract that conflicts with this section is void.

4. As used in this section:

(a) "Coverage for the management and treatment of diabetes" includes coverage for medication, equipment, supplies and appliances that are medically necessary for the treatment of diabetes.

(b) "Coverage for the self-management of diabetes" includes:

(1) The training and education provided to a person covered under the contract after the person is initially diagnosed with diabetes which is medically necessary for the care and management of diabetes, including, without limitation, counseling in nutrition and the proper use of equipment and supplies for the treatment of diabetes;

(2) Training and education which is medically necessary as a result of a subsequent diagnosis that indicates a significant change in the symptoms or condition of the person covered under the contract and which requires modification of the person's program of self-management of diabetes; and

(3) Training and education which is medically necessary because of the development of new techniques and treatment for diabetes.

(c) "Diabetes" includes type I, type II and gestational diabetes.

Sec. 137. NRS 695B.290 is hereby amended to read as follows:

695B.290 Any agent of a nonprofit hospital or medical or dental service corporation who acts as such in the solicitation, negotiation, procurement or making of a hospital service or medical or dental care contract shall be qualified, examined and licensed in the same manner and pay the same fees as provided for ~~[health insurance agents]~~ ***a producer of insurance*** in NRS 680B.010 (fee schedule), chapter 683A of NRS and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110.

Sec. 138. NRS 695B.320 is hereby amended to read as follows:

695B.320 ***1.*** Nonprofit hospital and medical or dental service corporations are subject to the provisions of this chapter, and to the provisions of chapters 679A and 679B of NRS, NRS 686A.010 to 686A.315, inclusive, 687B.010 to 687B.040, inclusive, 687B.070 to 687B.140, inclusive, 687B.150, 687B.160, 687B.180, 687B.200 to 687B.255, inclusive, 687B.270, 687B.310 to 687B.380, inclusive, 687B.410, 687B.420, 687B.430, 687B.500 and chapters ***692B,*** 692C ***, 693A*** and 696B of NRS, to the extent applicable and not in conflict with the express provisions of this chapter.

2. For the purposes of this section and the provisions set forth in subsection 1, a nonprofit hospital and medical or dental service corporation is included in the meaning of the term "insurer."

Sec. 139. NRS 695B.380 is hereby amended to read as follows:

695B.380 1. Except as otherwise provided in subsection 4, each insurer that issues a contract for hospital or medical services in this State shall establish a system for resolving any complaints of an insured concerning health care services covered under the policy. The system must be approved by the Commissioner **.** ~~[in consultation with the State Board of Health.]~~

2. A system for resolving complaints established pursuant to subsection 1 must include an initial investigation, a review of the complaint by a review

board and a procedure for appealing a determination regarding the complaint. The majority of the members on a review board must be insureds who receive health care services pursuant to a contract for hospital or medical services issued by the insurer.

3. The Commissioner ~~[or the State Board of Health]~~ may examine the system for resolving complaints established pursuant to subsection 1 at such times as ~~[either]~~ ***the Commissioner*** deems necessary or appropriate.

4. Each insurer that issues a contract specified in subsection 1 shall, if the contract provides, delivers, arranges for, pays for or reimburses any cost of health care services through managed care, provide a system for resolving any complaints of an insured concerning those health care services that complies with the provisions of NRS 695G.200 to 695G.310, inclusive.

Sec. 140. NRS 695B.390 is hereby amended to read as follows:

695B.390 1. Each insurer that issues a contract for hospital or medical services in this State shall submit to the Commissioner ~~[and the State Board of Health]~~ an annual report regarding its system for resolving complaints established pursuant to subsection 1 of NRS 695B.380 on a form prescribed by the Commissioner ~~[in consultation with the State Board of Health]~~ which includes, without limitation:

(a) A description of the procedures used for resolving any complaints of an insured;

(b) The total number of complaints and appeals handled through the system for resolving complaints since the last report and a compilation of the causes underlying the complaints filed;

(c) The current status of each complaint and appeal filed; and

(d) The average amount of time that was needed to resolve a complaint and an appeal, if any.

2. Each insurer shall maintain records of complaints filed with it which concern something other than health care services and shall submit to the Commissioner a report summarizing such complaints at such times and in such format as the Commissioner may require.

Sec. 141. Chapter 695C of NRS is hereby amended by adding thereto the provisions set forth as sections 142 to 146, inclusive, of this act.

Sec. 142. ***1. A health maintenance organization shall contract with an insurance company licensed in this State or authorized to do business in this State for the provision of insurance, indemnity or reimbursement against the cost of health care services which are provided by the health maintenance organization.***

2. The contract of insurance required by subsection 1 must include a provision that, in the case of the insolvency or impairment of the health maintenance organization, the insurance company will pay all claims made by an enrollee for the period for which a premium has been or will be paid to the health maintenance organization for the enrollee. The contract of insurance required by subsection 1 must specifically provide for the:

(a) Continuation of benefits to each enrollee for the period for which a premium has been or will be paid to the health maintenance organization for the enrollee until the expiration or termination of the enrollee's contract with the health maintenance organization;

(b) Continuation of benefits for each enrollee who is receiving inpatient services in a medical facility or facility for the dependent at the time of the insolvency or impairment of the health maintenance organization until the inpatient services are no longer medically necessary and the enrollee is discharged from the medical facility or facility for the dependent; and

(c) Payment of a provider of health care not affiliated with the health maintenance organization who provided medically necessary services to an enrollee, as described in the enrollee's evidence of coverage.

3. As used in this section:

(a) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(b) "Impairment" means that a health maintenance organization is not insolvent and has been:

(1) Deemed to be impaired pursuant to section 143 of this act; or

(2) Placed under an order of rehabilitation or conservation by a court of competent jurisdiction.

(c) "Insolvency" or "insolvent" means that a health maintenance organization has been:

(1) Deemed to be insolvent pursuant to section 143 of this act;

(2) Declared insolvent by a court of competent jurisdiction; or

(3) Placed under an order of liquidation by a court of competent jurisdiction.

(d) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(e) "Medically necessary" has the meaning ascribed to it in NRS 695G.055.

(f) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 143. *1. A health maintenance organization shall be deemed to be insolvent if:*

(a) The health maintenance organization fails to meet its obligations as they mature; and

(b) The assets of the health maintenance organization are less than the sum of its liabilities and the minimum surplus required to be maintained by the health maintenance organization under this Code for authority to transact business in this State.

2. In addition to the provisions of subsection 1, a health maintenance organization shall be deemed to be insolvent as otherwise expressly provided in this Code.

3. A health maintenance organization shall be deemed to be impaired if the assets of the health maintenance organization are less than the sum of its liabilities and the minimum surplus required to be maintained by the

health maintenance organization under this Code for authority to transact business in this State.

4. The Commissioner may adopt regulations to define when a health maintenance organization is considered to be in a hazardous financial condition and to set forth the standards to be considered by the Commissioner in determining whether the continued operation of a health maintenance organization transacting business in this State may be considered to be hazardous to its enrollees or creditors or to the general public.

5. If the Commissioner determines after a hearing that any health maintenance organization is in a hazardous financial condition, the Commissioner may, instead of suspending or revoking the certificate of authority of the health maintenance organization, limit the certificate of authority as the Commissioner deems reasonably necessary to correct, eliminate or remedy any conduct, condition or ground that is deemed to be a cause of the hazardous financial condition.

6. An order or decision of the Commissioner under this section is subject to review in accordance with NRS 679B.310 to 679B.370, inclusive, at the request of any party to the proceedings whose interests are substantially affected.

Sec. 144. ***1. Each health maintenance organization shall develop, submit to the Commissioner for approval and, after such approval, put into effect a plan to provide for the continuation of benefits to enrollees in the event of the insolvency or impairment of the health maintenance organization, including, without limitation, the benefits described in subsection 2 of section 142 of this act. A plan developed pursuant to this subsection must include, without limitation:***

(a) A contract of insurance which complies with the requirements of section 142 of this act; and

(b) Provisions in each contract between the health maintenance organization and a provider which obligate the provider, in the event of the health maintenance organization's insolvency or impairment, to provide all covered services as described in the contract to enrollees through the periods of time described in subsection 2 of section 142 of this act.

2. Before approving a plan submitted pursuant to subsection 1, the Commissioner may require the health maintenance organization to include in the plan:

(a) Reserves or additional reserves for protection against insolvency or impairment;

(b) Letters of credit acceptable to the Commissioner; and

(c) Any other arrangements determined by the Commissioner to be appropriate to ensure the continuation of benefits as described in subsection 2 of section 142 of this act to enrollees.

Sec. 145. ***1. If the Commissioner determines that, because of the financial condition of a health maintenance organization, the continued***

operation of the health maintenance organization is or may be hazardous to its enrollees or creditors or to the general public, or that the health maintenance organization has violated any law of this State to which the health maintenance organization is subject, the Commissioner may, after notice and a hearing, order the health maintenance organization to take any action the Commissioner deems reasonably necessary to correct, eliminate or remedy the condition or violation, including, without limitation:

(a) Reducing the total amount of the present and potential liability of the health maintenance organization for benefits by reinsurance or any other method acceptable to the Commissioner;

(b) Suspending, limiting or reducing the volume of new business being written or accepted by the health maintenance organization for any period of time specified by the Commissioner;

(c) Reducing the expenses of the health maintenance organization by any method acceptable to the Commissioner; and

(d) Increasing the capital and surplus of the health maintenance organization by contribution.

2. The Commissioner may adopt regulations to:

(a) Set standards and criteria for early warning that the continued operation of a health maintenance organization may be hazardous to its enrollees or creditors or to the general public; and

(b) For the purposes of subsection 1, set standards for evaluating the financial condition of a health maintenance organization.

3. The authority conferred upon the Commissioner pursuant to this section is in addition to the authority of the Commissioner pursuant to chapter 696B of NRS. Any order issued by the Commissioner pursuant to this section may, at the discretion of the Commissioner, be in addition to any order issued by the Commissioner pursuant to chapter 696B of NRS.

Sec. 146. *1. Any conservation, rehabilitation or liquidation of a health maintenance organization shall be deemed to be the conservation, rehabilitation or liquidation of an insurer and must be conducted under the supervision of the Commissioner pursuant to chapter 696B of NRS.*

2. The Commissioner may apply to a court of competent jurisdiction for an order directing the Commissioner to conserve, rehabilitate or liquidate a health maintenance organization:

(a) Upon any ground provided in chapter 696B of NRS; or

(b) If, as determined by the Commissioner, the continued operation of the health maintenance organization is or may be hazardous to its enrollees or creditors or to the general public.

3. In the event of a rehabilitation or liquidation of a health maintenance organization, a claim of an enrollee or of a beneficiary of an enrollee shall be deemed to have the same priority as would be provided to a claim of a policyholder or insured of an insurer, or of a beneficiary of

such a policyholder or insured, in the event of the rehabilitation or liquidation of the insurer.

4. In the event of a distribution of the general assets of a health maintenance organization:

(a) If an enrollee is liable to a provider for health care services provided pursuant to and covered by the applicable health care plan, that liability shall be deemed to be a claim of the enrollee for distribution of the general assets of the health maintenance organization.

(b) A provider under contract with the health maintenance organization who is obligated by law or contract to hold an enrollee harmless from liability for health care services provided pursuant to and covered by the applicable health care plan shall be deemed to have a priority for distribution of the general assets of the health maintenance organization immediately following that of an enrollee as described in this section and immediately preceding any other priority for distribution which, pursuant to this section and chapter 696B of NRS, would follow that of an enrollee.

Sec. 147. NRS 695C.055 is hereby amended to read as follows:

695C.055 1. The provisions of NRS 449.465, 679A.200, 679B.700, ***subsections 6 and 7 of NRS 680A.270,*** subsections 2, 4, 18, 19 and 32 of NRS 680B.010, NRS 680B.020 to 680B.060, inclusive, chapter 686A of NRS, NRS 687B.500 and ~~[~~chapter~~]~~ ***chapters 692C and*** 695G of NRS apply to a health maintenance organization.

2. For the purposes of subsection 1, unless the context requires that a provision apply only to insurers, any reference in those sections to "insurer" must be replaced by "health maintenance organization."

Sec. 148. NRS 695C.080 is hereby amended to read as follows:

695C.080 1. The Commissioner shall determine whether the applicant for a certificate of authority, with respect to health care services to be furnished:

(a) Has demonstrated the willingness and ability to ensure that such health care services will be provided in a manner to ensure both availability and accessibility of adequate personnel and facilities and in a manner enhancing availability, accessibility and continuity of service;

(b) Has organizational arrangements, established in accordance with regulations promulgated by the Commissioner ***;*** ~~[~~and in consultation with the State Board of Health;~~]~~ and

(c) Has a procedure established in accordance with regulations of the Commissioner to develop, compile, evaluate and report statistics relating to the cost of its operations, the pattern of utilization of its services, the availability and accessibility of its services and such other matters as may be reasonably required by the Commissioner.

2. Within 90 days of receipt of the application for issuance of a certificate of authority, the Commissioner shall certify whether the proposed health maintenance organization meets the requirements of subsection 1. If

the Commissioner certifies that the health maintenance organization does not meet such requirements, it shall specify in what respects it is deficient.

Sec. 149. NRS 695C.310 is hereby amended to read as follows:

695C.310 1. The Commissioner shall make an examination of the affairs of any health maintenance organization and providers with whom such organization has contracts, agreements or other arrangements pursuant to its health care plan as often as the Commissioner deems it necessary for the protection of the interests of the people of this State ~~[. An examination must be made]~~ ***, but*** not less frequently than once every 3 years.

2. The Commissioner shall make an examination concerning ~~[the quality of health care services of any health maintenance organization and providers with whom such organization has contracts, agreements or other arrangements pursuant to its health care plan]~~ ***any compliance program used by a health maintenance organization and any report, as determined to be appropriate by the Commissioner, regarding the health maintenance organization produced by an organization which examines best practices in the insurance industry. The Commissioner shall make such an examination*** as often as ~~[it]~~ ***the Commissioner*** deems ***it*** necessary for the protection of the interests of the people of this State ~~[. An examination must be made]~~ ***, but*** not less frequently than once every 3 years.

3. ~~[Every]~~ ***In making an examination pursuant to subsection 1 or 2, the Commissioner:***

(a) Shall determine whether the health maintenance organization is in compliance with this Code, including, without limitation, whether any relationship or transaction between the health maintenance organization and any another health maintenance organization is in compliance with this Code; and

(b) May examine any account, record, document or transaction of any health maintenance organization or any provider which relates to:

(1) Compliance with this Code by the health maintenance organization which is the subject of the examination;

(2) Any relationship or transaction between the health maintenance organization which is the subject of the examination and any other health maintenance organization; or

(3) Any relationship or transaction between the health maintenance organization which is the subject of the examination and any provider.

4. Except as otherwise provided in this subsection, for the purposes of an examination pursuant to subsection 1 or 2, each health maintenance organization and provider shall ***, upon the request of the Commissioner or an examiner designated by the Commissioner,*** submit its books and records relating to ~~[the]~~ ***any applicable*** health care plan to ~~[an examination made pursuant to subsection 1 or 2 and in every way facilitate the examination.]~~ ***the Commissioner or the examiner, as applicable.*** Medical records of natural persons and records of physicians providing service pursuant to a contract ~~[to the]~~ ***with a*** health maintenance organization are not subject to

such examination, although the records ***, except privileged medical information,*** are subject to subpoena upon a showing of good cause. For the purpose of examinations, the Commissioner may administer oaths to, and examine the officers and agents of ~~[the]~~ ***a*** health maintenance organization and the principals of ~~[such]~~ providers concerning their business.

~~[4.]~~ ***5.*** The expenses of examinations pursuant to this section must be assessed against the ***health maintenance*** organization being examined and remitted to the Commissioner.

~~[5.]~~ ***6.*** In lieu of ~~[such]~~ ***an*** examination ~~[,]~~ ***pursuant to this section,*** the Commissioner may accept the report of an examination made by the insurance commissioner ~~[or the state board of health]~~ of another state ~~[.]~~ ***or an applicable regulatory agency of another state.***

Sec. 150. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees ~~[.]~~ ***or creditors or to the general public;***

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 151. Chapter 695D of NRS is hereby amended by adding thereto the provisions set forth as sections 152 and 153 of this act.

Sec. 152. ***1. The Commissioner may adopt regulations to define when an organization for dental care is considered to be in a hazardous financial condition and to set forth the standards to be considered by the Commissioner in determining whether the continued operation of an organization for dental care transacting business in this State may be considered to be hazardous to its members or creditors or to the general public.***

2. If the Commissioner determines after a hearing that any organization for dental care is in a hazardous financial condition, the Commissioner may, instead of suspending or revoking the certificate of authority of the organization, limit the certificate of authority as the Commissioner deems reasonably necessary to correct, eliminate or remedy any conduct, condition or ground that is deemed to be a cause of the hazardous financial condition.

3. An order or decision of the Commissioner under this section is subject to review in accordance with NRS 679B.310 to 679B.370, inclusive, at the request of any party to the proceedings whose interests are substantially affected.

Sec. 153. ***Each organization for dental care which receives a certificate of authority shall maintain a capital account with a net worth of not less than $500,000 unless a lesser amount is permitted in writing by the Commissioner. The account must not be obligated for any accrued liabilities and must consist of cash, securities or a combination thereof which is acceptable to the Commissioner.***

Sec. 154. NRS 695D.095 is hereby amended to read as follows:

695D.095 ***1.*** An organization for dental care is not exempt from the provisions of NRS 679B.700. If an organization is an admitted health insurer, as that term is defined in NRS 449.450, it is not exempt from the fees imposed pursuant to NRS 449.465.

2. For the purposes of this section and the provisions set forth in subsection 1, an organization for dental care is included in the meaning of the term "insurer."

Sec. 155. NRS 695D.170 is hereby amended to read as follows:

695D.170 1. ~~[~~Before~~]~~ ***Except as otherwise provided in this section, before*** a certificate of authority may be issued to an organization for dental care:

(a) The officers responsible for operating the organization must file with the Commissioner a collective fidelity bond for $1,000,000; and

(b) The organization must file with the Commissioner a surety bond in the sum of ~~[~~$250,000~~]~~ ***$500,000*** or deposit with the Commissioner cash or securities acceptable to the Commissioner in the sum of ~~[~~$250,000,~~]~~ ***$500,000,***

➥ to guarantee the organization's performance pursuant to this chapter.

2. If the bond is furnished in:

(a) Cash, the Commissioner shall deposit the money in the State Treasury for credit to the Fund for Bonds of Organizations for Dental Care which is hereby created as a trust fund.

(b) Negotiable securities, the principal must be placed without restriction at the disposal of the Commissioner, but any income must inure to the benefit of the organization.

3. The Commissioner may reduce the ***required amount of the*** organization's ***surety*** bond or deposit:

(a) To $125,000, if the obligations assumed by the organization under the plan can be satisfied for less than $125,000.

(b) To any amount if the organization demonstrates that it has commitments of money from federal, state or municipal governments or their political subdivisions or other comparable resources which are sufficient to ensure the ability of the organization to satisfy its obligations.

4. ***The Commissioner may increase the required amount of the organization's surety bond or deposit to any amount the Commissioner determines to be appropriate pursuant to subsection 5 if the Commissioner determines that the current level of the surety bond or deposit is insufficient to provide protection to the members in the event of:***

(a) Insolvency; or

(b) A determination by the Commissioner that the organization is in a hazardous financial condition.

5. When determining the appropriate amount of an increase pursuant to subsection 4, the Commissioner must base his or her determination on the type, volume and nature of premiums written and premiums assumed by the organization.

6. The amount of the organization's surety bond or deposit required pursuant to this section:

(a) Is in addition to any reserve required by this chapter and any reserve established by the organization according to good business and accounting practices for incurred but unreported claims and other similar claims;

(b) May increase the amount of net worth required pursuant to this chapter; and

(c) May increase the amount of risk-based capital required pursuant to NRS 681B.550.

7. Any final judgment against the organization which is unpaid is a lien on the ***surety*** bond or deposit and is subject to execution 30 days after entry of the judgment. Any ***surety*** bond or deposit which is reduced by this lien must be increased by the organization to the amount required by this section within 90 days after the judgment is paid.

~~[5.]~~ ***8.*** If an organization is dissolved, liquidated or otherwise terminated:

(a) That amount of the ***surety*** bond or deposit which is necessary to satisfy the outstanding obligations of the organization may not be withdrawn for at least 3 years after the certificate of authority has been terminated.

(b) Any balance remaining after money has been withheld to pay the organization's debts and liens must be paid to the organization by the Commissioner no later than 90 days after the certificate of authority has been terminated.

Sec. 156. Chapter 695F of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Commissioner may adopt regulations to define when a prepaid limited health service organization is considered to be in a hazardous financial condition and to set forth the standards to be considered by the Commissioner in determining whether the continued operation of a prepaid limited health service organization transacting business in this State may be considered to be hazardous to its enrollees or creditors or to the general public.

2. If the Commissioner determines after a hearing that any prepaid limited health service organization is in a hazardous financial condition, the Commissioner may, instead of suspending or revoking the prepaid limited health service organization's certificate of authority, limit the certificate of authority of the prepaid limited health service organization as the Commissioner deems reasonably necessary to correct, eliminate or

remedy any conduct, condition or ground that is deemed to be a cause of the hazardous financial condition.

3. An order or decision of the Commissioner under this section is subject to review in accordance with NRS 679B.310 to 679B.370, inclusive, at the request of any party to the proceedings whose interests are substantially affected.

Sec. 157. NRS 695F.090 is hereby amended to read as follows:

695F.090 ***1.*** Prepaid limited health service organizations are subject to the provisions of this chapter and to the following provisions, to the extent reasonably applicable:

~~[1.]~~ ***(a)*** NRS 687B.310 to 687B.420, inclusive, concerning cancellation and nonrenewal of policies.

~~[2.]~~ ***(b)*** NRS 687B.122 to 687B.128, inclusive, concerning readability of policies.

~~[3.]~~ ***(c)*** The requirements of NRS 679B.152.

~~[4.]~~ ***(d)*** The fees imposed pursuant to NRS 449.465.

~~[5.]~~ ***(e)*** NRS 686A.010 to 686A.310, inclusive, concerning trade practices and frauds.

~~[6.]~~ ***(f)*** The assessment imposed pursuant to NRS 679B.700.

~~[7.]~~ ***(g)*** Chapter 683A of NRS.

~~[8.]~~ ***(h)*** To the extent applicable, the provisions of NRS 689B.340 to 689B.580, inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance.

~~[9.]~~ ***(i)*** NRS 689A.035, 689A.0463, 689A.410, 689A.413 and 689A.415.

~~[10.]~~ ***(j)*** NRS 680B.025 to 680B.039, inclusive, concerning premium tax, premium tax rate, annual report and estimated quarterly tax payments. For the purposes of this subsection, unless the context otherwise requires that a section apply only to insurers, any reference in those sections to "insurer" must be replaced by a reference to "prepaid limited health service organization."

~~[11.]~~ ***(k)*** Chapter 692C of NRS, concerning holding companies.

~~[12.]~~ ***(l)*** NRS 689A.637, concerning health centers.

2. For the purposes of this section and the provisions set forth in subsection 1, a prepaid limited health service organization is included in the meaning of the term "insurer."

Sec. 158. NRS 695F.200 is hereby amended to read as follows:

695F.200 ~~[Each]~~ ***1. Except as otherwise provided in this section, each*** prepaid limited health service organization which receives a certificate of authority shall maintain a:

~~[1.]~~ ***(a)*** Capital account with a net worth of not less than ~~[$200,000]~~ ***$500,000*** unless a lesser amount is permitted in writing by the Commissioner. The account must not be obligated for any accrued liabilities and must consist of cash, securities or a combination thereof which is acceptable to the Commissioner.

~~[2.]~~ ***(b)*** Surety bond or deposit of cash or securities for the protection of enrollees of not less than ~~[$250,000.]~~ ***$500,000.***

2. The Commissioner may increase the required amount of the organization's capital account and the surety bond or deposit to any amounts the Commissioner determines to be appropriate pursuant to subsection 3 if the Commissioner determines that such an increase is necessary to:

(a) Assist the Commissioner in the performance of his or her regulatory duties;

(b) Ensure that the organization complies with the requirements of this Code; or

(c) Ensure the solvency of the organization.

3. When determining the appropriate amount of an increase pursuant to subsection 2, the Commissioner must base his or her determination on the type, volume and nature of premiums written and premiums assumed by the organization.

4. The amount of the organization's capital account and surety bond or deposit required pursuant to this section:

(a) Is in addition to any reserve required by this chapter and any reserve established by the organization according to good business and accounting practices for incurred but unreported claims and other similar claims; and

(b) May increase the amount of risk-based capital required pursuant to NRS 681B.550.

5. The amount of the organization's surety bond or deposit required pursuant to this section may increase the amount of net worth required pursuant to this section.

Sec. 159. NRS 695G.130 is hereby amended to read as follows:

695G.130 1. In addition to any other report which is required to be filed with the Commissioner, each managed care organization shall file with the Commissioner, ~~[on or before March 1 of each year,]~~ ***with its annual filing made pursuant to NRS 686B.070 of forms and rates relating to policies of insurance for individuals and small employer groups,*** a report regarding its methods for reviewing the quality of health care services provided to its insureds.

~~[2. Each managed care organization shall include in its report the criteria, data, benchmarks or studies used to:~~

~~(a) Assess the nature, scope, quality and accessibility of health care services provided to insureds; or~~

~~(b) Determine any reduction or modification of the provision of health care services to insureds.~~

~~3. Except as already required to be filed with the Commissioner, if the managed care organization is not owned and operated by a public entity and has more than 100 insureds, the report filed pursuant to subsection 1 must include:~~

~~(a) A copy of all of its quarterly and annual financial reports;~~

~~(b) A statement of any financial interest it has in any other business which is related to health care that is greater than 5 percent of that business or $5,000, whichever is less; and~~

~~(c) A description of each complaint filed with or against it that resulted in arbitration, a lawsuit or other legal proceeding, unless disclosure is prohibited by law or a court order.~~

~~4.~~**]** ***The report must be submitted on a form prescribed by the Commissioner.***

2. A report filed pursuant to this section must be made available for public inspection within a reasonable time after it is received by the Commissioner.

3. As used in this section, "small employer" has the meaning ascribed to it in NRS 689C.095.

Sec. 160. NRS 695G.200 is hereby amended to read as follows:

695G.200 1. Each managed care organization shall establish a system for resolving complaints of an insured concerning:

(a) Payment or reimbursement for covered health care services;

(b) Availability, delivery or quality of covered health care services, including, without limitation, an adverse determination made pursuant to utilization review; or

(c) The terms and conditions of a health care plan.

➥ The system must be approved by the Commissioner **.** **[**~~in consultation with the State Board of Health.~~**]**

2. If an insured makes an oral complaint, a managed care organization shall inform the insured that if the insured is not satisfied with the resolution of the complaint, the insured must file the complaint in writing to receive further review of the complaint.

3. Each managed care organization shall:

(a) Upon request, assign an employee of the managed care organization to assist an insured or other person in filing a complaint or appealing a decision of the review board;

(b) Authorize an insured who appeals a decision of the review board to appear before the review board to present testimony at a hearing concerning the appeal; and

(c) Authorize an insured to introduce any documentation into evidence at a hearing of a review board and require an insured to provide the documentation required by the health care plan of the insured to the review board not later than 5 business days before a hearing of the review board.

4. The Commissioner may examine the system for resolving complaints established pursuant to this section at such times as **[**~~either~~**]** ***the Commissioner*** deems necessary or appropriate.

Sec. 161. NRS 695G.220 is hereby amended to read as follows:

695G.220 1. Each managed care organization shall submit to the Commissioner an annual report regarding its system for resolving complaints

established pursuant to NRS 695G.200 on a form prescribed by the Commissioner ~~[in consultation with the State Board of Health]~~ which includes, without limitation:

(a) A description of the procedures used for resolving complaints of an insured;

(b) The total number of complaints and appeals handled through the system for resolving complaints since the last report and a compilation of the causes underlying the complaints filed;

(c) The current status of each complaint and appeal filed; and

(d) The average amount of time that was needed to resolve a complaint and an appeal, if any.

2. Each managed care organization shall maintain records of complaints filed with it which concern something other than health care services and shall submit to the Commissioner a report summarizing such complaints at such times and in such format as the Commissioner may require.

Sec. 162. (Deleted by amendment.)

Sec. 163. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264,

392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and sections 8 and 92 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 164. NRS 266.355 is hereby amended to read as follows:

266.355 1. Except as otherwise provided in subsections 3, 4 and 5, the city council may:

(a) Except as otherwise provided in NRS 268.0881 to 268.0888, inclusive, 598D.150 and 640C.100, regulate all businesses, trades and professions.

(b) Except as otherwise provided in NRS 576.128, fix, impose and collect a license tax for revenue upon all businesses, trades and professions.

2. The city council may establish any equitable standard to be used in fixing license taxes required to be collected pursuant to this section.

3. The city council may license insurance ~~[agents, brokers,]~~ analysts, adjusters and managing general agents ***and producers of insurance*** within the limitations and under the conditions prescribed in NRS 680B.020.

4. A city council shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

5. The city council shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060, or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

Sec. 165. NRS 269.170 is hereby amended to read as follows:

269.170 1. Except as otherwise provided in subsection 5 and NRS 576.128, 598D.150 and 640C.100, the town board or board of county commissioners may, in any unincorporated town:

(a) Fix and collect a license tax on, and regulate, having due regard to the amount of business done by each person so licensed, and all places of business and amusement so licensed, as follows:

(1) Artisans, artists, assayers, auctioneers, bakers, banks and bankers, barbers, boilermakers, cellars and places where soft drinks are kept or sold, clothes cleaners, foundries, laundries, lumberyards, manufacturers of soap, soda, borax or glue, markets, newspaper publishers, pawnbrokers, funeral directors and wood and coal dealers.

(2) Bootmakers, cobblers, dressmakers, milliners, shoemakers and tailors.

(3) Boardinghouses, hotels, lodging houses, restaurants and refreshment saloons.

(4) Barrooms, gaming, manufacturers of liquors and other beverages, and saloons.

(5) Billiard tables, bowling alleys, caravans, circuses, concerts and other exhibitions, dance houses, melodeons, menageries, shooting galleries, skating rinks and theaters.

(6) Corrals, hay yards, livery and sale stables and wagon yards.

(7) Electric light companies, illuminating gas companies, power companies, telegraph companies, telephone companies and water companies.

(8) Carts, drays, express companies, freight companies, job wagons, omnibuses and stages.

(9) Brokers, commission merchants, factors, general agents, mercantile agents, merchants, traders and stockbrokers.

(10) Drummers, hawkers, peddlers and solicitors.

(11) Insurance ~~[agents, brokers,]~~ analysts, adjusters and managing general agents ***and producers of insurance*** within the limitations and under the conditions prescribed in NRS 680B.020.

(b) Fix and collect a license tax upon all professions, trades or business within the town not specified in paragraph (a).

2. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license presents written evidence that:

(a) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(b) Another regulatory agency of the State has issued or will issue a license required for this activity.

3. Any license tax levied for the purposes of NRS 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien must be enforced in the same manner as liens for ad valorem taxes on real

and personal property. The town board or other governing body of the unincorporated town may delegate the power to enforce such liens to the county fair and recreation board.

4. The governing body or the county fair and recreation board may agree with the Department of Taxation for the continuing exchange of information concerning taxpayers.

5. The town board or board of county commissioners shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060, or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

Sec. 166. NRS 616A.330 is hereby amended to read as follows:

616A.330 "Tangible net worth" means the value of all the assets, minus the value of all the liabilities, of ***a self-insured employer or*** an association of self-insured private employers ~~[or of a member of such an association]~~ except:

1. Goodwill or excess cost over the fair market value of assets.

2. Any other items listed in the assets that are deemed unacceptable by the Commissioner because they cannot be justified or because they do not directly support the ability of the ***self-insured employer or*** association ~~[or the member]~~ to pay a claim.

Sec. 166.3. **NRS 616B.386 is hereby amended to read as follows:**

616B.386 1. If an employer wishes to become a member of an association of self-insured public or private employers, the employer must:

(a) Submit an application for membership to the board of trustees or third-party administrator of the association; and

(b) Enter into an indemnity agreement as required by NRS 616B.353.

2. The membership of the applicant becomes effective when each member of the association approves the application or on a later date specified by the association. The application for membership and the action taken on the application must be maintained as permanent records of the board of trustees.

3. Each member who is a member of an association during the 12 months immediately following the formation of the association must:

(a) Have a tangible net worth of at least $500,000; or

(b) Have had a reported payroll for the previous 12 months which would have resulted in a manual premium of at least $15,000, calculated in accordance with a manual prepared pursuant to subsection 4 of NRS 686B.1765.

4. An employer who seeks to become a member of the association after the 12 months immediately following the formation of the association must

meet the requirement set forth in paragraph (a) or (b) of subsection 3 unless the Commissioner adjusts the requirement for membership in the association after conducting an annual review of the actuarial solvency of the association pursuant to subsection 1 of NRS 616B.353.

5. An association of self-insured private employers may apply to the Commissioner for authority to determine the amount of tangible net worth and manual premium that an employer must have to become a member of the association. The Commissioner shall approve the application if the association:

(a) Has been certified to act as an association for at least the 3 consecutive years immediately preceding the date on which the association filed the application with the Commissioner;

(b) Has, as determined by the Commissioner, either:

(1) A combined tangible net worth of all members in the association of at least $5,000,000; or

(2) Combined net cash flows from operating activities plus net cash flows from financing activities of all members in the association of five times the average of claims paid for each of the last 3 years or $7,500,000, whichever is less;

(c) Has at least 15 members; and

(d) Has not been required to meet informally with the Commissioner pursuant to subsection 1 of NRS 616B.431 during the 18-month period immediately preceding the date on which the association filed the application with the Commissioner or, if the association has been required to attend such a meeting during that period, has not had its certificate withdrawn before the date on which the association filed the application.

6. An association of self-insured private employers may apply to the Commissioner for authority to determine the documentation demonstrating solvency that an employer must provide to become a member of the association. The Commissioner shall approve the application if the association:

(a) Has been certified to act as an association for at least the 3 consecutive years immediately preceding the date on which the association filed the application with the Commissioner;

(b) Has, as determined by the Commissioner, either:

(1) A combined tangible net worth of all members in the association of at least $5,000,000; or

(2) Combined net cash flows from operating activities plus net cash flows from financing activities of all members in the association of five times the average of claims paid for each of the last 3 years or $7,500,000, whichever is less; and

(c) Has at least 15 members.

7. The Commissioner may withdraw approval of an application submitted pursuant to subsection 5 or 6 if the Commissioner determines the

association has ceased to comply with any of the requirements set forth in subsection 5 or 6, as applicable.

8. A member of an association ***of self-insured public or private employers*** may terminate his or her membership at any time. To terminate his or her membership, a member must submit to the association's administrator a notice of intent to withdraw from the association at least 120 days before the effective date of withdrawal. The notice of intent to withdraw ~~[must include a statement indicating]~~ ***shall be deemed rescinded if the member does not provide to the association before the expiration of the 120-day period proof*** that the member has:

(a) Been certified as a self-insured employer pursuant to NRS 616B.312;

(b) Become a member of another association of self-insured public or private employers; or

(c) Become insured by a private carrier.

9. The members of an association may cancel the membership of any member of the association in accordance with the bylaws of the association.

10. The association shall:

(a) Within 30 days after the addition of an employer to the membership of the association, notify the Commissioner of the addition and:

(1) If the association has not received authority from the Commissioner pursuant to subsection 5 or 6, as applicable, provide to the Commissioner all information and assurances for the new member that were required from each of the original members of the association upon its organization; or

(2) If the association has received authority from the Commissioner pursuant to subsection 5 or 6, as applicable, provide to the Commissioner evidence that is satisfactory to the Commissioner that the new member is a member or associate member of the bona fide trade association as required pursuant to paragraph (a) of subsection 2 of NRS 616B.350, a copy of the indemnity agreement that jointly and severally binds the new member, the other members of the association and the association that is required to be executed pursuant to paragraph (a) of subsection 1 of NRS 616B.353 and any other information the Commissioner may reasonably require to determine whether the amount of security deposited with the Commissioner pursuant to paragraph (d) or (e) of subsection 1 of NRS 616B.353 is sufficient, but such information must not exceed the information required to be provided to the Commissioner pursuant to subparagraph (1);

(b) Notify the Commissioner and the Administrator of the termination or cancellation of the membership of any member of the association within 10 days after the termination or cancellation; and

(c) At the expense of the member whose membership is terminated or cancelled, maintain coverage for that member for 60 days after notice is given pursuant to paragraph (b), unless the association first receives notice from the Administrator that the member has:

(1) Been certified as a self-insured employer pursuant to NRS 616B.312;

(2) Become a member of another association of self-insured public or private employers; or

(3) Become insured by a private carrier.

11. If a member of an association changes his or her name or form of organization, the member remains liable for any obligations incurred or any responsibilities imposed pursuant to chapters 616A to 617, inclusive, of NRS under the member's former name or form of organization.

12. An association is liable for the payment of any compensation required to be paid by a member of the association pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS during the member's period of membership. The insolvency or bankruptcy of a member does not relieve the association of liability for the payment of the compensation.

Sec. 166.5. 1. The provisions of NRS 689A.630, as amended by section 98 of this act, apply to any discontinuation of a product that occurs on or after the effective date of section 98 of this act.

2. The provisions of NRS 689B.560, as amended by section 110 of this act, apply to any discontinuation of a product offered to employers that occurs on or after the effective date of section 110 of this act.

3. The provisions of NRS 689C.310, as amended by section 112 of this act, apply to any discontinuation of a product offered to small employers that occurs on or after the effective date of section 112 of this act.

4. The provisions of NRS 689C.470, as amended by section 114 of this act, apply to any discontinuation of a product offered to a small employer or purchasers pursuant to NRS 689C.360 to 689C.600, inclusive, that occurs on or after the effective date of section 114 of this act.

Sec. 167. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 168. NRS 680A.290, 689A.390, 689A.400, 689A.690, 689B.027, 689B.028, 689C.270, 689C.280, 689C.330, 689C.440, 689C.450, 690B.370, 695B.172, 695B.174 and 695F.215 are hereby repealed.

Sec. 169. 1. Sections 98, 110, 112 and 114 of this act become effective upon passage and approval.

2. This section and sections 1 to 97, inclusive, 99 to 109, inclusive, 111, 113, 115 to 152, inclusive, 154 , 156, 157 and 159 to 168, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2017, for all other purposes.

3. Sections 153, 155 and 158 of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative acts that are necessary to carry out the provisions of this act; and

(b) On January 1, 2018, for all other purposes.

LEADLINES OF REPEALED SECTIONS

680A.290 Loss prevention reports and programs.

689A.390 Summary of coverage: Contents of disclosure; approval by Commissioner.

689A.400 Summary of coverage: Copy to be provided before policy issued; policy may not be offered unless summary approved by Commissioner.

689A.690 Information required to be disclosed as part of solicitation and sales materials; information required to be maintained at place of business.

689B.027 Summary of coverage: Contents of disclosure; approval by Commissioner; copy to be made available to employer or producer acting on behalf of employer.

689B.028 Summary of coverage: Copy to be provided before policy issued; policy may not be offered unless summary approved by Commissioner.

689C.270 Regulations concerning disclosures by carrier to small employer; copy of disclosure to be made available to small employer.

689C.280 Carrier to provide required disclosures to small employer before issuing policy of insurance.

689C.330 When insurer is required to allow employee to continue coverage after employee is no longer covered by health benefit plan.

689C.440 Regulations regarding required disclosures by carrier.

689C.450 Carrier to provide disclosure before issuing contract.

690B.370 Annual report on loss prevention and control programs.

695B.172 Summary of coverage: Contents of disclosure; approval by Commissioner.

695B.174 Summary of coverage: Copy to be provided before policy issued; policy not to be offered unless summary approved by Commissioner.

695F.215 Required contract with insurance company for provision of insurance, indemnity or reimbursement against cost of health care services.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 5:08 p.m.

ASSEMBLY IN SESSION

At 5:09 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblywoman Bustamante Adams moved that the Assembly do not concur in the Senate Amendment No. 853 to Assembly Bill No. 83.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 163.

The following Senate amendment was read:

Amendment No. 856.

AN ACT relating to financial services; requiring a person who is licensed to operate certain loan services to verify a customer's ability to repay the loan before making certain short-term loans to the customer; requiring a person who makes a deferred deposit loan to offer an extended payment plan under certain circumstances; **providing that certain contracts for the lease of an animal are subject to certain requirements imposed on high-interest loans;** revising provisions governing defaults, lengths of term and grace periods relating to certain short-term loans; requiring certain notices to be posted by a person who is licensed to operate certain loan services; revising the requirements for making a title loan; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes standards and procedures governing the making of certain short-term loans, commonly referred to as "payday loans," "high-interest loans" and "title loans." (Chapter 604A of NRS) **Section 1.3** of this bill: (1) prohibits a person from making such a loan unless the person has determined that the customer has the ability to repay the loan; and (2) establishes the factors that the person making the loan must consider when determining whether a customer has the ability to repay the loan. **Section 1.3** also requires that the loan comply with the statutory requirements applicable to the type of loan involved. **Section 1.7** of this bill requires a person who makes a deferred deposit loan to offer an extended payment plan to the customer under certain circumstances.

Section 3.5 of this bill includes in the definition of "high-interest loan" a contract for the lease of an animal for a purpose other than a business, commercial or agricultural purpose which charges an annual percentage rate of more than 40 percent. Thus, under section 3.5, such lease contracts would be subject to the requirements of existing law for high-interest loans.

Existing law allows for a person making a payday loan, high-interest loan or title loan to offer the customer a grace period concerning repayment of the loan. (NRS 604A.210) **Section 3** of this bill distinguishes a grace period from an extension of a loan that complies with certain statutory requirements. **Section 4** of this bill prohibits a person making the loan from granting a grace period for the purpose of artificially increasing the amount a customer qualifies to borrow, or, with certain exceptions, from conditioning the grace period on the customer's agreement to a new loan or a modification of the

terms of the existing loan or the charging of interest at a rate in excess of that provided by the existing loan agreement.

Existing law requires a person making a payday loan, high-interest loan or title loan to post certain notices in a conspicuous place in every location at which the person conducts business. (NRS 604A.405) **Section 5** of this bill provides that the person must post a notice of the existing requirement that the person must offer a repayment plan to a customer who defaults on a loan before the person commences specified collection actions. **Section 5** also provides that the person must post a notice that states the process for customers to file a complaint with the Office of the Commissioner of Financial Institutions.

Existing law sets forth certain restrictions on the actions of a person licensed to operate certain loan services. (NRS 604A.440) **Section 6** of this bill adds to those restrictions a limitation on the reinitiation of electronic debit transactions.

Existing law provides restrictions on the making of title loans. (NRS 604A.450) **Section 7** of this bill adds to those restrictions by specifying that the customer must legally own the vehicle which secures the loan and that the person making the loan cannot consider the income, except for the customer's community ~~[income,]~~ **property,** of anyone who is not a legal owner of the vehicle who enters into a loan agreement with the licensee when determining whether the customer has the ability to repay the loan.

Section 8 of this bill makes conforming changes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 604A of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.7 of this act.

Sec. 1.3. ***1. A licensee shall not make a loan pursuant to this chapter unless the licensee determines pursuant to subsection 2 that the customer has the ability to repay the loan and that the loan complies with the provisions of NRS 604A.425, 604A.450 or subsection 2 of NRS 604A.480, as applicable.***

2. For the purposes of subsection 1, a customer has the ability to repay a loan if the customer has a reasonable ability to repay the loan, as determined by the licensee after considering , to the extent available, the following underwriting factors:

(a) The current or reasonably expected income of the customer;

(b) The current employment status of the customer based on evidence including, without limitation, a pay stub or bank deposit;

(c) The credit history of the customer;

(d) The amount due under the original term of the loan, the monthly payment on the loan, if the loan is an installment loan, or the potential repayment plan if the customer defaults on the loan; and

(e) Other evidence, including, without limitation, bank statements, electronic bank statements and written representations to the licensee.

3. For the purposes of subsection 1, a licensee shall not consider the ability of any person other than the customer to repay the loan.

Sec. 1.7. ***1. A licensee shall allow a customer with an outstanding deferred deposit loan to enter into an extended payment plan if the customer:***

(a) Has not entered into an extended payment plan for the deferred deposit loan during the immediately preceding 12-month period; and

(b) Requests an extended repayment plan before the time the deferred deposit loan is due.

2. An extended payment plan entered into pursuant to subsection 1 must:

(a) Be in writing and be signed by the licensee and customer; and

(b) Provide a payment schedule of at least four payments over a period of at least 60 days.

3. An extended payment plan entered into pursuant to subsection 1 must not:

(a) Increase or decrease the amount owed under the deferred deposit loan.

(b) Include any interest or fees in addition to those charged under the terms of the deferred deposit loan.

4. If a customer defaults under an extended payment plan entered into pursuant to this section, the licensee may terminate the extended payment plan and accelerate the requirement to pay the amount owed.

Sec. 2. NRS 604A.045 is hereby amended to read as follows:

604A.045 1. "Default" means the failure of a customer to:

(a) Make a scheduled payment on a loan on or before the due date for the payment under the terms of a lawful loan agreement ***that complies with the provisions of NRS 604A.408, 604A.445 or subsection 2 of NRS 604A.480, as applicable,*** and any grace period that complies with the provisions of NRS 604A.210 ***;*** ~~**[**or under the terms of any lawful extension or repayment plan relating to the loan, and any grace period that complies with the provisions of NRS 604A.210;**]**~~ or

(b) Pay a loan in full on or before ~~**[**:~~

~~(1) The**]**~~ ***the*** expiration of the ~~**[**initial**]**~~ loan period as set forth in a lawful loan agreement ***that complies with the provisions of NRS 604A.408, 604A.445 or subsection 2 of NRS 604A.480, as applicable,*** and any grace period that complies with the provisions of NRS 604A.210 **.** ~~**[**; or~~

~~(2) The due date of any lawful extension or repayment plan relating to the loan and any grace period that complies with the provisions of NRS 604A.210, provided that the due date of the extension or repayment plan does not violate the provisions of this chapter.**]**~~

2. A default occurs on the day immediately following the date of the customer's failure to perform as described in subsection 1.

Sec. 3. NRS 604A.070 is hereby amended to read as follows:

604A.070 ***1.*** "Grace period" means any period of deferment offered gratuitously by a licensee to a customer if the licensee complies with the provisions of NRS 604A.210.

2. The term does not include an extension of a loan that complies with the provisions of NRS 604A.408, 604A.445 or subsection 2 of NRS 604A.480, as applicable.

Sec. 3.5. NRS 604A.0703 is hereby amended to read as follows:

604A.0703 1. "High-interest loan" means a loan made to a customer pursuant to a loan agreement which, under its original terms, charges an annual percentage rate of more than 40 percent.

2. The term includes, without limitation, any single-payment loan, installment loan ***,*** ~~[or]~~ open-ended loan ***or contract for the lease of an animal for a purpose other than a business, commercial or agricultural purpose*** which, under ~~[its]~~ ***the*** original terms ~~[,]~~ ***of the loan or contract,*** charges an annual percentage rate of more than 40 percent.

3. The term does not include:

(a) A deferred deposit loan;

(b) A refund anticipation loan; or

(c) A title loan.

Sec. 4. NRS 604A.210 is hereby amended to read as follows:

604A.210 ***1.*** The provisions of this chapter do not prohibit a licensee from offering a customer a grace period on the repayment of a loan or an extension of a loan, except that the licensee shall not ~~[~~charge the customer:

~~1. Any fees for granting such a grace period; or~~

~~2. Any additional fees or additional interest on the outstanding loan during such a grace period.~~ ***:***

~~***1.]***~~ ***grant a grace period for the purpose of artificially increasing the amount which a customer would otherwise qualify to borrow.***

2. Except ~~***[for a loan agreement governed by]***~~ ***in compliance with the provisions of NRS 604A.408, 604A.445 or subsection 2 of NRS 604A.480*** ~~***[:]***~~ ***, where they apply, a licensee shall not:***

(a) Condition the granting of the grace period on the customer making any new loan agreement or adding any addendum or term to an existing loan agreement; or

(b) Charge the customer interest at a rate in excess of that described in the existing loan agreement . ~~***[; or***~~

~~***2. Grant a grace period for the purpose of artificially increasing the amount which a customer would otherwise qualify to borrow.]***~~

Sec. 5. NRS 604A.405 is hereby amended to read as follows:

604A.405 1. A licensee shall post in a conspicuous place in every location at which the licensee conducts business under his or her license:

(a) A notice that states the fees the licensee charges for providing check-cashing services, deferred deposit loan services, high-interest loan services or title loan services.

(b) ***A notice that states that if the customer defaults on a loan, the licensee must offer a repayment plan to the customer before the licensee commences any civil action or process of alternative dispute resolution or repossesses a vehicle.***

(c) A notice that states a toll-free telephone number to the Office of the Commissioner to handle concerns or complaints of customers.

(d) A notice that states the process for filing a complaint with the Commissioner.

➥ The Commissioner shall adopt regulations prescribing the form and size of the notices required by this subsection.

2. If a licensee offers loans to customers at a kiosk, through the Internet, through any telephone, facsimile machine or other telecommunication device or through any other machine, network, system, device or means, except for an automated loan machine prohibited by NRS 604A.400, the licensee shall, as appropriate to the location or method for making the loan, post in a conspicuous place where customers will see it before they enter into a loan, or disclose in an open and obvious manner to customers before they enter into a loan, a notice that states:

(a) The types of loans the licensee offers and the fees he or she charges for making each type of loan; and

(b) A list of the states where the licensee is licensed or authorized to conduct business from outside this State with customers located in this State.

3. A licensee who provides check-cashing services shall give written notice to each customer of the fees he or she charges for cashing checks. The customer must sign the notice before the licensee provides the check-cashing service.

Sec. 5.5. NRS 604A.408 is hereby amended to read as follows:

604A.408 1. Except as otherwise provided in this chapter, the original term of a deferred deposit loan or high-interest loan must not exceed 35 days.

2. The original term of a high-interest loan may be up to 90 days if:

(a) The loan provides for payments in installments;

(b) The payments are calculated to ratably and fully amortize the entire amount of principal and interest payable on the loan;

(c) The loan is not subject to any extension; ~~[and]~~

(d) The loan does not require a balloon payment of any kind ~~[.]~~ ***; and***

(e) The loan is not a deferred deposit loan.

3. Notwithstanding the provisions of NRS 604A.480, a licensee shall not agree to establish or extend the period for the repayment, renewal, refinancing or consolidation of an outstanding deferred deposit loan or high-interest loan for a period that exceeds 90 days after the date of origination of the loan.

Sec. 6. NRS 604A.440 is hereby amended to read as follows:

604A.440 A licensee shall not:

1. Use or threaten to use the criminal process in this State or any other state, or any civil process not available to creditors generally, to collect on a loan made to a customer.

2. Commence a civil action or any process of alternative dispute resolution or repossess a vehicle before the customer defaults under the original term of a loan agreement or before the customer defaults under any repayment plan ~~[,]~~ ***or*** extension ~~[or grace period]~~ negotiated and agreed to by the licensee and customer, unless otherwise authorized pursuant to this chapter.

3. Take any confession of judgment or any power of attorney running to the licensee or to any third person to confess judgment or to appear for the customer in a judicial proceeding.

4. Include in any written agreement:

(a) A promise by the customer to hold the licensee harmless;

(b) A confession of judgment by the customer;

(c) An assignment or order for the payment of wages or other compensation due the customer; or

(d) A waiver of any claim or defense arising out of the loan agreement or a waiver of any provision of this chapter. The provisions of this paragraph do not apply to the extent preempted by federal law.

5. Engage in any deceptive trade practice, as defined in chapter 598 of NRS, including, without limitation, making a false representation.

6. Advertise or permit to be advertised in any manner any false, misleading or deceptive statement or representation with regard to the rates, terms or conditions for loans.

7. ***Reinitiate an electronic debit transaction that has been returned by a customer's bank except in accordance with the rules prescribed by the National Automated Clearing House Association or its successor organization.***

8. Use or attempt to use any agent, affiliate or subsidiary to avoid the requirements or prohibitions of this chapter.

Sec. 6.5. NRS 604A.445 is hereby amended to read as follows:

604A.445 Notwithstanding any other provision of this chapter to the contrary:

1. The original term of a title loan must not exceed 30 days.

2. The title loan may be extended for not more than six additional periods of extension, with each such period not to exceed 30 days, if:

(a) Any interest or charges accrued during the original term of the title loan or any period of extension of the title loan are not capitalized or added to the principal amount of the title loan during any subsequent period of extension;

(b) The annual percentage rate charged on the title loan during any period of extension is not more than the annual percentage rate charged on the title loan during the original term; and

(c) No additional origination fees, set-up fees, collection fees, transaction fees, negotiation fees, handling fees, processing fees, late fees, default fees or any other fees, regardless of the name given to the fees, are charged in connection with any extension of the title loan.

3. The original term of a title loan may be up to 210 days if:

(a) The loan provides for payments in installments;

(b) The payments are calculated to ratably and fully amortize the entire amount of principal and interest payable on the loan;

(c) The loan is not subject to any extension; ~~[and]~~

(d) The loan does not require a balloon payment of any kind ~~[.]~~ ***; and***

(e) The loan is not a deferred deposit loan.

Sec. 7. NRS 604A.450 is hereby amended to read as follows:

604A.450 A licensee who makes title loans shall not:

1. Make a title loan that exceeds the fair market value of the vehicle securing the title loan.

2. ***Make a title loan to a customer secured by a vehicle which is not legally owned by the customer.***

3. Make a title loan without ~~[~~regard to the ability of the customer seeking the title loan to repay the title loan, including the customer's current and expected income, obligations and employment.

~~3.]~~ ***determining that the customer has the ability to repay the title loan, as required by section 1.3 of this act. In complying with this subsection, the licensee shall not consider the income of any person who is not a legal owner of the vehicle securing the title loan but may consider a customer's community*** ~~***[income]***~~ ***property and the income of any other customers who consent to the loan pursuant to subsection 5 and enter into a loan agreement with the licensee.***

4. Make a title loan without requiring the customer to sign an affidavit which states that:

(a) The customer has provided the licensee with true and correct information concerning the customer's income, obligations, employment and ownership of the vehicle; and

(b) The customer has the ability to repay the title loan.

5. Make a title loan secured by a vehicle with multiple legal owners without the consent of each owner.

Sec. 8. NRS 604A.930 is hereby amended to read as follows:

604A.930 1. Subject to the affirmative defense set forth in subsection 3, in addition to any other remedy or penalty, if a person violates any provision of NRS 604A.400, 604A.410 to 604A.500, inclusive, ***and sections 1.3 and 1.7 of this act,*** 604A.610, 604A.615, 604A.650 or 604A.655 or any regulation adopted pursuant thereto, the customer may bring a civil action against the person for:

(a) Actual and consequential damages;

(b) Punitive damages, which are subject to the provisions of NRS 42.005;

(c) Reasonable attorney's fees and costs; and

(d) Any other legal or equitable relief that the court deems appropriate.

2. Subject to the affirmative defense set forth in subsection 3, in addition to any other remedy or penalty, the customer may bring a civil action against a person pursuant to subsection 1 to recover an additional amount, as statutory damages, which is equal to $1,000 for each violation if the person knowingly:

(a) Operates a check-cashing service, deferred deposit loan service, high-interest loan service or title loan service without a license, in violation of NRS 604A.400;

(b) Fails to include in a loan agreement a disclosure of the right of the customer to rescind the loan, in violation of NRS 604A.410;

(c) Violates any provision of NRS 604A.420;

(d) Accepts collateral or security for a deferred deposit loan, in violation of NRS 604A.435, except that a check or written authorization for an electronic transfer of money shall not be deemed to be collateral or security for a deferred deposit loan;

(e) Uses or threatens to use the criminal process in this State or any other state to collect on a loan made to the customer, in violation of NRS 604A.440;

(f) Includes in any written agreement a promise by the customer to hold the person harmless, a confession of judgment by the customer or an assignment or order for the payment of wages or other compensation due the customer, in violation of NRS 604A.440;

(g) Violates any provision of NRS 604A.485;

(h) Violates any provision of NRS 604A.490; or

(i) Violates any provision of NRS 604A.442.

3. A person may not be held liable in any civil action brought pursuant to this section if the person proves, by a preponderance of evidence, that the violation:

(a) Was not intentional;

(b) Was technical in nature; and

(c) Resulted from a bona fide error, notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

4. For the purposes of subsection 3, a bona fide error includes, without limitation, clerical errors, calculation errors, computer malfunction and programming errors and printing errors, except that an error of legal judgment with respect to the person's obligations under this chapter is not a bona fide error.

Sec. 9. **1.** Any contract or agreement **that is** entered into pursuant to chapter 604A of NRS before July 1, 2017 **[,] and that does not comply with sections 1, 1.3, 2, 3, 4, 5.5 to 6.5, inclusive, 8 and 9 of this act** remains in effect in accordance with the provisions of the contract or agreement.

2. Any contract or agreement that is entered into pursuant to chapter 604A of NRS before October 1, 2017, and that does not comply

with sections 1.7, 3.5, 5 and 7 of this act remains in effect in accordance with the provisions of the contract or agreement.

Sec. 10. 1. This **section and sections 1, 1.3, 2, 3, 4, 5.5, 6, 6.5, 8 and 9 of this** act ~~[becomes]~~ **become** effective on July 1, 2017.

2. Sections 1.7, 3.5, 5 and 7 of this act become effective on October 1, 2017.

Assemblywoman Bustamante Adams moved that the Assembly concur in the Senate Amendment No. 856 to Assembly Bill No. 163.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

The amendment clarifies a person making the loan must consider, to the extent available, certain factors when determining whether a customer has the ability to repay the loan. It allows the licensee to offer a customer a grace period on the repayment of the loan or an extension of the loan, except a licensee must not grant a grace period for the purpose of artificially increasing the amount a customer would otherwise qualify to borrow. It changes a customer's "community income" to a customer's "community property" in section 7 and changes the effective date for certain sections of the bill from July 1, 2017, to October 1, 2017.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 179.

The following Senate amendment was read:

Amendment No. 779.

AN ACT relating to massage therapy; changing the name of the Board of Massage Therapists to the Board of Massage Therapy; authorizing the Board to issue a license and a temporary license to practice reflexology and structural integration; requiring the Board to adopt regulations concerning the certification of a massage, reflexology and structural integration establishment; authorizing a local government to license and regulate a massage, reflexology and structural integration establishment; requiring that the Board consist of nine members; requiring the Board to adopt certain additional regulations; providing that a license is valid for 2 years; increasing the fee amount for the renewal of a license; creating a fee for the issuance and renewal of the certification of a massage, reflexology and structural integration establishment; authorizing the Board to establish different fee amounts for different types of licenses; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of Massage Therapists to issue a license to practice massage therapy and provides the requirements that an applicant for a license must satisfy in order to become licensed. (NRS 640C.400) **Section 7** of this bill authorizes the Board to issue a license to practice reflexology. **Section 9** of this bill authorizes the Board to issue a license to practice structural integration. **Section 20** of this bill makes conforming

changes to existing law regarding the issuance of a license to practice massage therapy.

Existing law authorizes the Board to issue a temporary license to practice massage therapy and provides the requirements that an applicant for a temporary license must satisfy in order to become licensed. (NRS 640C.410) **Section 8** of this bill authorizes the Board to issue a temporary license to practice reflexology. **Section 10** of this bill authorizes the Board to issue a temporary license to practice structural integration.

Section 11 of this bill requires the Board to adopt regulations that prescribe the requirements for the certification and operation of a massage, reflexology and structural integration establishment. **Section 11** additionally authorizes a local government to license and regulate a massage, reflexology and structural integration establishment in a manner that is more stringent than the regulations adopted by the Board. **Section 11** further requires that the Board and local governments have concurrent jurisdiction over the licensure and regulation of massage, reflexology and structural integration establishments and provides that if there is a conflict between a regulation of the Board and a requirement of a local government, the requirement of a local government prevails to the extent that the requirement provides a more stringent or specific requirement regarding the regulation of a massage, reflexology and structural integration establishment. **Section 16** of this bill makes conforming changes.

Existing law creates the Board of Massage Therapists, consisting of seven members. (NRS 640C.150) **Sections 14 and 17** of this bill change the name of the Board to the Board of Massage Therapy. **Sections 40-43** of this bill make conforming changes.

Section 17 of this bill changes the composition of the Board so that it consists of nine members and requires that one member be licensed to practice reflexology in this State and that one member be licensed to practice structural integration in this State.

Existing law requires the Board to adopt regulations to carry out the provisions relating to massage therapy. (NRS 640C.320) **Section 19** of this bill requires the Board to adopt additional regulations that: (1) establish the standards for licensure as a massage therapist, reflexologist or structural integration practitioner; and (2) establish the standards and curriculum for schools of massage therapy, reflexology and structural integration.

Existing law specifies that each license is valid for 1 year and expires on the last day of the month in which it was issued. (NRS 640C.500) **Section 26** of this bill provides that each license is valid for 2 years.

Existing law requires the Board to establish a schedule of fees and charges and requires that the fee for the renewal of a license does not exceed $200. (NRS 640C.520) **Section 28** of this bill increases this limit to $350. **Section 28** additionally creates a $50 limit on the fees for the issuance and renewal of a certification of a massage, reflexology and structural integration

establishment. **Section 28** further authorizes the Board to adopt regulations that establish different fees for different types of licenses.

Existing law requires the Board to impose an administrative fine if a licensee has engaged in or solicited sexual activity during the course of practicing massage. (NRS 640C.712) **Section 30** of this bill instead authorizes the Board to impose such an administrative fine.

Existing law authorizes the Board to issue a license by endorsement to practice massage therapy to an applicant who holds a valid and unrestricted license to practice massage therapy in the District of Columbia or any state or territory of the United States. (NRS 640C.425) Existing law additionally requires the Board of Massage Therapists and the State Board of Cosmetology to reduce duplication in the licensing procedure for a qualified applicant who is applying to both Boards for a license to practice as a massage therapist and as a cosmetologist. (NRS 640C.440, 644.191) **Section 47** of this bill repeals these provisions. **Sections 20 and 20.5** of this bill make conforming changes.

Sections 1, 12, 18, 21-23, 25, 27, 29, 31-36, 38 and 39 of this bill make conforming changes relating to reflexology and structural integration.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 629.580 is hereby amended to read as follows:

629.580 1. A person who provides wellness services in accordance with this section, but who is not licensed, certified or registered in this State as a provider of health care, is not in violation of any law based on the unlicensed practice of health care services or a health care profession unless the person:

(a) Performs surgery or any other procedure which punctures the skin of any person;

(b) Sets a fracture of any bone of any person;

(c) Prescribes or administers X-ray radiation to any person;

(d) Prescribes or administers a prescription drug or device or a controlled substance to any person;

(e) Recommends to a client that he or she discontinue or in any manner alter current medical treatment prescribed by a provider of health care licensed, certified or registered in this State;

(f) Makes a diagnosis of a medical disease of any person;

(g) Performs a manipulation or a chiropractic adjustment of the articulations of joints or the spine of any person;

(h) Treats a person's health condition in a manner that intentionally or recklessly causes that person recognizable and imminent risk of serious or permanent physical or mental harm;

(i) Holds out, states, indicates, advertises or implies to any person that he or she is a provider of health care;

(j) Engages in the practice of medicine in violation of chapter 630 or 633 of NRS, the practice of homeopathic medicine in violation of chapter 630A of NRS or the practice of podiatry in violation of chapter 635 of NRS, unless otherwise expressly authorized by this section;

(k) Performs massage therapy as that term is defined in NRS 640C.060 ~~[.]~~ ***, reflexology as that term is defined in section 4 of this act or structural integration as that term is defined in section 5 of this act;*** or

(l) Provides mental health services that are exclusive to the scope of practice of a psychiatrist licensed pursuant to chapter 630 or 633 of NRS, or a psychologist licensed pursuant to chapter 641 of NRS.

2. Any person providing wellness services in this State who is not licensed, certified or registered in this State as a provider of health care and who is advertising or charging a fee for wellness services shall, before providing those services, disclose to each client in a plainly worded written statement:

(a) The person's name, business address and telephone number;

(b) The fact that he or she is not licensed, certified or registered as a provider of health care in this State;

(c) The nature of the wellness services to be provided;

(d) The degrees, training, experience, credentials and other qualifications of the person regarding the wellness services to be provided; and

(e) A statement in substantially the following form:

> It is recommended that before beginning any wellness plan, you notify your primary care physician or other licensed providers of health care of your intention to use wellness services, the nature of the wellness services to be provided and any wellness plan that may be utilized. It is also recommended that you ask your primary care physician or other licensed providers of health care about any potential drug interactions, side effects, risks or conflicts between any medications or treatments prescribed by your primary care physician or other licensed providers of health care and the wellness services you intend to receive.

➥ A person who provides wellness services shall obtain from each client a signed copy of the statement required by this subsection, provide the client with a copy of the signed statement at the time of service and retain a copy of the signed statement for a period of not less than 5 years.

3. A written copy of the statement required by subsection 2 must be posted in a prominent place in the treatment location of the person providing wellness services in at least 12-point font. Reasonable accommodations must be made for clients who:

(a) Are unable to read;

(b) Are blind or visually impaired;

(c) Have communication impairments; or

(d) Do not read or speak English or any other language in which the statement is written.

4. Any advertisement for wellness services authorized pursuant to this section must disclose that the provider of those services is not licensed, certified or registered as a provider of health care in this State.

5. A person who violates any provision of this section is guilty of a misdemeanor. Before a criminal proceeding is commenced against a person for a violation of a provision of this section, a notification, educational or mediative approach must be utilized by the regulatory body enforcing the provisions of this section to bring the person into compliance with such provisions.

6. This section does not apply to or control:

(a) Any health care practice by a provider of health care pursuant to the professional practice laws of this State, or prevent such a health care practice from being performed.

(b) Any health care practice if the practice is exempt from the professional practice laws of this State, or prevent such a health care practice from being performed.

(c) A person who provides health care services if the person is exempt from the professional practice laws of this State, or prevent the person from performing such a health care service.

(d) A medical assistant, as that term is defined in NRS 630.0129 and 633.075, an advanced practitioner of homeopathy, as that term is defined in NRS 630A.015, or a homeopathic assistant, as that term is defined in NRS 630A.035.

7. As used in this section, "wellness services" means healing arts therapies and practices, and the provision of products, that are based on the following complementary health treatment approaches and which are not otherwise prohibited by subsection 1:

(a) Anthroposophy.

(b) Aromatherapy.

(c) Traditional cultural healing practices.

(d) Detoxification practices and therapies.

(e) Energetic healing.

(f) Folk practices.

(g) Gerson therapy and colostrum therapy.

(h) Healing practices using food, dietary supplements, nutrients and the physical forces of heat, cold, water and light.

(i) Herbology and herbalism.

(j) ~~[~~Reflexology and~~]~~ Reiki.

(k) Mind-body healing practices.

(l) Nondiagnostic iridology.

(m) Noninvasive instrumentalities.

(n) Holistic kinesiology.

Sec. 2. Chapter 640C of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 11, inclusive, of this act.

Sec. 3. *"Reflexologist" means a person who is licensed pursuant to the provisions of this chapter to engage in the practice of reflexology.*

Sec. 4. *"Reflexology" means the application of a system of pressure to the feet, ears and hands of the human body.*

Sec. 5. *1. "Structural integration" means the application of a system of manual therapy, movement education and embodiment education that is intended to improve the functional relationship of the parts of the human body to each other within the influences of gravity.*

2. The term does not include:

(a) The practice of physical therapy, as defined in NRS 640.024; or

(b) The practice of chiropractic, as defined in NRS 634.013, including, without limitation, chiropractic adjustment or manipulation, as defined in NRS 634.014 and 634.0173, respectively.

Sec. 6. *"Structural integration practitioner" means a person who is licensed pursuant to the provisions of this chapter to engage in the practice of structural integration.*

Sec. 7. *1. The Board may issue a license to practice reflexology.*

2. An applicant for a license must:

(a) Be at least 18 years of age;

(b) Except as otherwise provided in NRS 640C.426, submit to the Board:

(1) A completed application on a form prescribed by the Board;

(2) The fees prescribed by the Board pursuant to NRS 640C.520;

(3) Proof that the applicant has successfully completed a program of reflexology recognized by the Board;

(4) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice reflexology verifying that:

(I) The applicant has not been involved in any disciplinary action relating to his or her license to practice reflexology; and

(II) Disciplinary proceedings relating to his or her license to practice reflexology are not pending;

(5) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(6) A statement authorizing the Board or its designee to conduct an investigation to determine the accuracy of any statements set forth in the application; and

(c) In addition to any examination required pursuant to NRS 640C.320 and except as otherwise provided in NRS 640C.426, pass a nationally recognized examination for testing the education and professional competency of reflexologists that is approved by the Board.

3. The Board:

(a) Shall recognize a program of reflexology that is:

(1) Approved by the Commission on Postsecondary Education; or

(2) Offered by a public college in this State or any other state; and

(b) May recognize other programs of reflexology.

4. Except as otherwise provided in NRS 640C.426, the Board or its designee shall:

(a) Conduct an investigation to determine:

(1) The reputation and character of the applicant;

(2) The existence and contents of any record of arrests or convictions of the applicant;

(3) The existence and nature of any pending litigation involving the applicant that would affect his or her suitability for licensure; and

(4) The accuracy and completeness of any information submitted to the Board by the applicant.

(b) Report the results of the investigation of the applicant within the period the Board establishes by regulation pursuant to NRS 640C.320.

(c) Except as otherwise provided in NRS 239.0115, maintain the results of the investigation in a confidential manner for use by the Board and its members and employees in carrying out their duties pursuant to this chapter. The provisions of this paragraph do not prohibit the Board or its members or employees from communicating or cooperating with or providing any documents or other information to any other licensing board or any other federal, state or local agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 8. *1. The Board may issue a temporary license to practice reflexology.*

2. An applicant for a temporary license issued pursuant to this section must:

(a) Be at least 18 years of age; and

(b) Submit to the Board:

(1) A completed application on a form prescribed by the Board;

(2) The fees prescribed by the Board pursuant to NRS 640C.520;

(3) Proof that the applicant has successfully completed a program of reflexology recognized by the Board pursuant to section 7 of this act;

(4) Proof that the applicant:

(I) Has taken the examination required pursuant to section 7 of this act; or

(II) Is scheduled to take such an examination within 90 days after the date of application;

(5) An affidavit indicating that the applicant has not committed any of the offenses for which the Board may refuse to issue a license pursuant to NRS 640C.700;

(6) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of

Columbia in which the applicant is or has been licensed to practice reflexology verifying that:

(I) The applicant has not been involved in any disciplinary action relating to his or her license to practice reflexology; and

(II) Disciplinary proceedings relating to his or her license to practice reflexology are not pending; and

(7) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. A temporary license issued pursuant to this section expires 90 days after the date the Board issues the temporary license. The Board shall not renew the temporary license.

4. A person who holds a temporary license:

(a) May practice reflexology only under the supervision of a fully licensed reflexologist and only in accordance with the provisions of this chapter and the regulations of the Board;

(b) Must comply with any other conditions, limitations and requirements imposed on the temporary license by the Board;

(c) Is subject to the regulatory and disciplinary authority of the Board to the same extent as a fully licensed reflexologist; and

(d) Remains subject to the regulatory and disciplinary authority of the Board after the expiration of the temporary license for all acts relating to the practice of reflexology which occurred during the period of temporary licensure.

5. As used in this section, "fully licensed reflexologist" means a person who holds a license to practice reflexology issued pursuant to NRS 640C.420 or section 7 of this act.

Sec. 9. *1. The Board may issue a license to practice structural integration.*

2. An applicant for a license must:

(a) Be at least 18 years of age;

(b) Except as otherwise provided in NRS 640C.426, submit to the Board:

(1) A completed application on a form prescribed by the Board;

(2) The fees prescribed by the Board pursuant to NRS 640C.520;

(3) Proof that the applicant has successfully completed a program of structural integration recognized by the Board;

(4) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice structural integration verifying that:

(I) The applicant has not been involved in any disciplinary action relating to his or her license to practice structural integration; and

(II) Disciplinary proceedings relating to his or her license to practice structural integration are not pending;

(5) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(6) A statement authorizing the Board or its designee to conduct an investigation to determine the accuracy of any statements set forth in the application; and

(c) In addition to any examination required pursuant to NRS 640C.320 and except as otherwise provided in NRS 640C.426, pass a nationally recognized examination for testing the education and professional competency of structural integration practitioners that is approved by the Board.

3. The Board:

(a) Shall recognize a program of structural integration that is:

(1) Approved by the Commission on Postsecondary Education; or

(2) Offered by a public college in this State or any other state; and

(b) May recognize other programs of structural integration.

4. Except as otherwise provided in NRS 640C.426, the Board or its designee shall:

(a) Conduct an investigation to determine:

(1) The reputation and character of the applicant;

(2) The existence and contents of any record of arrests or convictions of the applicant;

(3) The existence and nature of any pending litigation involving the applicant that would affect his or her suitability for licensure; and

(4) The accuracy and completeness of any information submitted to the Board by the applicant.

(b) Report the results of the investigation of the applicant within the period the Board establishes by regulation pursuant to NRS 640C.320.

(c) Except as otherwise provided in NRS 239.0115, maintain the results of the investigation in a confidential manner for use by the Board and its members and employees in carrying out their duties pursuant to this chapter. The provisions of this paragraph do not prohibit the Board or its members or employees from communicating or cooperating with or providing any documents or other information to any other licensing board or any other federal, state or local agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 10. ***1. The Board may issue a temporary license to practice structural integration.***

2. An applicant for a temporary license issued pursuant to this section must:

(a) Be at least 18 years of age; and

(b) Submit to the Board:

(1) A completed application on a form prescribed by the Board;

(2) The fees prescribed by the Board pursuant to NRS 640C.520;

(3) Proof that the applicant has successfully completed a program of structural integration recognized by the Board pursuant to section 9 of this act;

(4) Proof that the applicant:

(I) Has taken the examination required pursuant to section 9 of this act; or

(II) Is scheduled to take such an examination within 90 days after the date of application;

(5) An affidavit indicating that the applicant has not committed any of the offenses for which the Board may refuse to issue a license pursuant to NRS 640C.700;

(6) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice structural integration verifying that:

(I) The applicant has not been involved in any disciplinary action relating to his or her license to practice structural integration; and

(II) Disciplinary proceedings relating to his or her license to practice structural integration are not pending; and

(7) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. A temporary license issued pursuant to this section expires 90 days after the date the Board issues the temporary license. The Board shall not renew the temporary license.

4. A person who holds a temporary license:

(a) May practice structural integration only under the supervision of a fully licensed structural integration practitioner and only in accordance with the provisions of this chapter and the regulations of the Board;

(b) Must comply with any other conditions, limitations and requirements imposed on the temporary license by the Board;

(c) Is subject to the regulatory and disciplinary authority of the Board to the same extent as a fully licensed structural integration practitioner; and

(d) Remains subject to the regulatory and disciplinary authority of the Board after the expiration of the temporary license for all acts relating to the practice of structural integration which occurred during the period of temporary licensure.

5. As used in this section, "fully licensed structural integration practitioner" means a person who holds a license to practice structural integration issued pursuant to NRS 640C.420 or section 9 of this act.

Sec. 11. *1. The Board shall adopt regulations that prescribe the requirements for the certification and operation of a massage, reflexology and structural integration establishment, including, without limitation, the:*

(a) Requirements for a massage, reflexology and structural integration establishment to obtain a certificate;

(b) Standards with which a massage, reflexology and structural integration establishment must comply; and

(c) Establishment of fees pursuant to NRS 640C.520 for the issuance and renewal of a certification of a massage, reflexology and structural integration establishment.

2. The provisions of this section and any regulations adopted pursuant thereto do not prohibit a local government from licensing and regulating a massage, reflexology and structural integration establishment, including, without limitation, in a manner that is more stringent than the regulations adopted by the Board pursuant to this section.

3. Local governments have concurrent jurisdiction with the Board over the licensure and regulation of massage, reflexology and structural integration establishments.

4. If there is a conflict between a provision of the regulations adopted by the Board pursuant to this section and a requirement of a local government, the requirement of a local government prevails to the extent that the requirement provides a more stringent or specific requirement regarding the regulation of a massage, reflexology and structural integration establishment.

5. As used in this section, "massage, reflexology and structural integration establishment" means any premises, mobile unit, building or part of a building where massage therapy, reflexology or structural integration is practiced by a person or persons licensed pursuant to this chapter.

Sec. 12. NRS 640C.010 is hereby amended to read as follows:

640C.010 The Legislature finds and declares that:

1. The practice of massage therapy ***, reflexology and structural integration*** by persons who do not possess sufficient knowledge of anatomy and physiology or an understanding of the relationship between the structure and function of the tissues being treated and the total function of the body may endanger the health, welfare and safety of the residents of this State.

2. To protect the residents of this State, it is necessary to license and regulate the practice of massage therapy ~~[.]~~ ***, reflexology and structural integration.***

Sec. 13. NRS 640C.020 is hereby amended to read as follows:

640C.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 640C.030 to 640C.070, inclusive, ***and sections 3 to 6, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 14. NRS 640C.030 is hereby amended to read as follows:

640C.030 "Board" means the Board of Massage ~~[Therapists.]~~ ***Therapy.***

Sec. 15. NRS 640C.060 is hereby amended to read as follows:

640C.060 1. "Massage therapy" means the application of a system of pressure to the muscular structure and soft tissues of the human body for therapeutic purposes, including, without limitation:

(a) Effleurage;

(b) Petrissage;

(c) Tapotement;

(d) Compressions;

(e) Vibration;

(f) Friction; and

(g) Movements applied manually with or without superficial heat, cold, water or lubricants for the purpose of maintaining good health and establishing and maintaining good physical condition.

2. The term does not include:

(a) Diagnosis, adjustment, mobilization or manipulation of any articulations of the body or spine; or

(b) ~~[~~Reflexology.~~]~~ ***The demonstration of a product on a person that applies a system of pressure to the muscular structure and soft tissues of the human body, provided that the demonstration is not longer than 2 minutes.***

Sec. 16. NRS 640C.100 is hereby amended to read as follows:

640C.100 1. The provisions of this chapter do not apply to:

(a) A person licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 640, 640A or 640B of NRS if the massage therapy ***, reflexology or structural integration*** is performed in the course of the practice for which the person is licensed.

(b) A person licensed as a barber or apprentice pursuant to chapter 643 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for a barber or apprentice pursuant to that chapter.

(c) A person licensed or registered as an aesthetician, aesthetician's apprentice, hair designer, hair designer's apprentice, hair braider, shampoo technologist, cosmetologist or cosmetologist's apprentice pursuant to chapter 644 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for an aesthetician, aesthetician's apprentice, hair designer, hair designer's apprentice, hair braider, shampoo technologist, cosmetologist or cosmetologist's apprentice pursuant to that chapter.

(d) A person licensed or registered as a nail technologist or nail technologist's apprentice pursuant to chapter 644 of NRS if the person is massaging, cleansing or stimulating the hands, forearms, feet or lower legs within the permissible scope of practice for a nail technologist or nail technologist's apprentice.

(e) A person who is an employee of an athletic department of any high school, college or university in this State and who, within the scope of that

employment, practices massage therapy ***, reflexology or structural integration*** on athletes.

(f) Students enrolled in a school of massage therapy ***, reflexology or structural integration*** recognized by the Board.

(g) A person who practices massage therapy ***, reflexology or structural integration*** solely on members of his or her immediate family.

(h) A person who performs any activity in a licensed brothel.

2. Except as otherwise provided in subsection 3 ~~[.]~~ ***and section 11 of this act,*** the provisions of this chapter preempt the licensure and regulation of a massage therapist ***, reflexologist or structural integration practitioner*** by a county, city or town, including, without limitation, conducting a criminal background investigation and examination of a massage therapist ***, reflexologist or structural integration practitioner*** or applicant for a license to practice massage therapy ~~[.]~~ ***, reflexology or structural integration.***

3. The provisions of this chapter do not prohibit a county, city or town from requiring a massage therapist ***, reflexologist or structural integration practitioner*** to obtain a license or permit to transact business within the jurisdiction of the county, city or town, if the license or permit is required of other persons, regardless of occupation or profession, who transact business within the jurisdiction of the county, city or town.

4. As used in this section, "immediate family" means persons who are related by blood, adoption or marriage, within the second degree of consanguinity or affinity.

Sec. 17. NRS 640C.150 is hereby amended to read as follows:

640C.150 1. The Board of Massage ~~[Therapists]~~ ***Therapy*** is hereby created. The Board consists of ~~[seven]~~ ***nine*** members appointed pursuant to this chapter and one nonvoting advisory member appointed pursuant to NRS 640C.160.

2. The Governor shall appoint to the Board ~~[seven]~~ ***nine*** members as follows:

(a) Six members who:

(1) Are licensed to practice massage therapy in this State; and

(2) Have engaged in the practice of massage therapy for the 2 years immediately preceding their appointment.

➥ Of the six members appointed pursuant to this paragraph, three members must be residents of Clark County, two members must be residents of Washoe County and one member must be a resident of a county other than Clark County or Washoe County.

(b) ***One member who is licensed to practice reflexology in this State.***

(c) One member who is licensed to practice structural integration in this State.

(d) One member who is a member of the general public. This member must not be:

(1) A massage therapist ~~[.]~~ ***, reflexologist or structural integration practitioner;*** or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a massage therapist ~~[.]~~ ***, reflexologist or structural integration practitioner.***

3. The members who are appointed to the Board pursuant to ~~[paragraph]~~ ***paragraphs*** (a) ***, (b) and (c)*** of subsection 2 must continue to practice massage therapy ***, reflexology or structural integration, as applicable,*** in this State while they are members of the Board.

4. After the initial terms, the term of each member of the Board is 4 years. A member may continue in office until the appointment of a successor.

5. A member of the Board may not serve more than two consecutive terms. A former member of the Board is eligible for reappointment to the Board if that person has not served on the Board during the 4 years immediately preceding the reappointment.

6. A vacancy must be filled by appointment for the unexpired term in the same manner as the original appointment.

7. The Governor may remove any member of the Board for incompetence, neglect of duty, moral turpitude or misfeasance, malfeasance or nonfeasance in office.

Sec. 18. NRS 640C.300 is hereby amended to read as follows:

640C.300 The Board shall:

1. Adopt a seal of which each court in this State shall take judicial notice;

2. Prepare and maintain a record of its proceedings and transactions;

3. Review and evaluate applications for the licensing of massage therapists ~~[.]~~ ***, reflexologists or structural integration practitioners;***

4. Determine the qualifications and fitness of applicants;

5. Issue, renew, reinstate, revoke, suspend and deny licenses, as appropriate;

6. Enforce the provisions of this chapter and any regulations adopted pursuant thereto;

7. Investigate any complaints filed with the Board;

8. Impose any penalties it determines are required to administer the provisions of this chapter; and

9. Transact any other business required to carry out its duties.

Sec. 19. NRS 640C.320 is hereby amended to read as follows:

640C.320 The Board shall adopt regulations to carry out the provisions of this chapter. The regulations must include, without limitation, provisions that:

1. Establish the requirements for continuing education for the renewal of a license;

2. Establish the requirements for the approval of a course of continuing education, including, without limitation, a course on a specialty technique of massage therapy ~~[.]~~ ***, reflexology or structural integration;***

3. Establish the requirements for the approval of an instructor of a course of continuing education;

4. Establish requirements relating to sanitation, hygiene and safety relating to the practice of massage therapy ~~[.]~~ ***, reflexology and structural integration;***

5. Except as otherwise provided in NRS 622.090, prescribe the requirements for any practical ~~[, oral]~~ or written examination for a license that the Board may require, including, without limitation, the passing grade for such an examination;

6. Establish the period within which the Board or its designee must report the results of the investigation of an applicant; ~~[and]~~

7. Prescribe the form of a written administrative citation issued pursuant to NRS 640C.755 ~~[.]~~ ***;***

8. Establish the standards for the licensure of massage therapists, reflexologists and structural integration practitioners under this chapter; and

9. Prescribe the standards and curriculum for schools of massage therapy, reflexology and structural integration in this State.

Sec. 20. NRS 640C.400 is hereby amended to read as follows:

640C.400 1. The Board may issue a license to practice massage therapy.

2. An applicant for a license must:

(a) Be at least 18 years of age;

(b) Except as otherwise provided in NRS ~~[640C.425 and]~~ 640C.426, submit to the Board:

(1) A completed application on a form prescribed by the Board;

(2) The fees prescribed by the Board pursuant to NRS 640C.520;

(3) Proof that the applicant has successfully completed a program of massage therapy recognized by the Board;

(4) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice massage therapy verifying that:

(I) The applicant has not been involved in any disciplinary action relating to his or her license to practice massage therapy; and

(II) Disciplinary proceedings relating to his or her license to practice massage therapy are not pending;

(5) ~~[Except as otherwise provided in NRS 640C.440, a]~~ ***A*** complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; ***and***

(6) ~~[The names and addresses of five natural persons not related to the applicant and not business associates of the applicant who are willing to serve as character references;~~

~~(7)~~] A statement authorizing the Board or its designee to conduct an investigation to determine the accuracy of any statements set forth in the application; and

[~~(8) If required by the Board, a financial questionnaire; and~~]

(c) In addition to any examination required pursuant to NRS 640C.320 and except as otherwise provided in NRS [~~640C.425 and~~] 640C.426 , [~~:~~

~~(1) Except as otherwise provided in subsection 3,~~] pass a nationally recognized examination for testing the education and professional competency of massage therapists that is approved by the Board . [~~; or~~

~~(2) At the applicant's discretion and in lieu of a written examination, pass an oral examination prescribed by the Board.~~

~~3. If the Board determines that the examinations being administered pursuant to subparagraph (1) of paragraph (c) of subsection 2 are inadequately testing the knowledge and competency of applicants, the Board shall prepare or cause to be prepared its own written examination to test the knowledge and competency of applicants. Such an examination must be offered not less than four times each year. The location of the examination must alternate between Clark County and Washoe County. Upon request, the Board must provide a list of approved interpreters at the location of the examination to interpret the examination for an applicant who, as determined by the Board, requires an interpreter for the examination.~~

~~4.~~] ***3.*** The Board [~~shall~~] ***:***

(a) Shall recognize a program of massage therapy that is:

[~~(a)~~] ***(1)*** Approved by the Commission on Postsecondary Education; or

[~~(b)~~] ***(2)*** Offered by a public college in this State or any other state [~~. The Board may~~] ***; and***

(b) May recognize other programs of massage therapy.

[~~5.~~] ***4.*** Except as otherwise provided in NRS [~~640C.425 and~~] 640C.426, the Board or its designee shall:

(a) Conduct an investigation to determine:

(1) The reputation and character of the applicant;

(2) The existence and contents of any record of arrests or convictions of the applicant;

(3) The existence and nature of any pending litigation involving the applicant that would affect his or her suitability for licensure; and

(4) The accuracy and completeness of any information submitted to the Board by the applicant . [~~;~~]

(b) [~~If the Board determines that it is unable to conduct a complete investigation, require the applicant to submit a financial questionnaire and investigate the financial background and each source of funding of the applicant;~~

~~(c)~~] Report the results of the investigation of the applicant within the period the Board establishes by regulation pursuant to NRS 640C.320 . [~~; and~~

~~(d)~~] ***(c)*** Except as otherwise provided in NRS 239.0115, maintain the results of the investigation in a confidential manner for use by the Board and

its members and employees in carrying out their duties pursuant to this chapter. The provisions of this paragraph do not prohibit the Board or its members or employees from communicating or cooperating with or providing any documents or other information to any other licensing board or any other federal, state or local agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 20.5. NRS 640C.410 is hereby amended to read as follows:

640C.410 1. The Board may issue a temporary license to practice massage therapy.

2. An applicant for a temporary license issued pursuant to this section must:

(a) Be at least 18 years of age; and

(b) Submit to the Board:

(1) A completed application on a form prescribed by the Board;

(2) The fees prescribed by the Board pursuant to NRS 640C.520;

(3) Proof that the applicant has successfully completed a program of massage therapy recognized by the Board pursuant to NRS 640C.400;

(4) Proof that the applicant:

(I) Has taken the examination required pursuant to NRS 640C.400; or

(II) Is scheduled to take such an examination within 90 days after the date of application;

(5) An affidavit indicating that the applicant has not committed any of the offenses for which the Board may refuse to issue a license pursuant to NRS 640C.700;

(6) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice massage therapy verifying that:

(I) The applicant has not been involved in any disciplinary action relating to his or her license to practice massage therapy; and

(II) Disciplinary proceedings relating to his or her license to practice massage therapy are not pending; and

(7) ~~[Except as otherwise provided in NRS 640C.440, a]~~ ***A*** complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. A temporary license issued pursuant to this section expires 90 days after the date the Board issues the temporary license. The Board shall not renew the temporary license.

4. A person who holds a temporary license:

(a) May practice massage therapy only under the supervision of a fully licensed massage therapist and only in accordance with the provisions of this chapter and the regulations of the Board;

(b) Must comply with any other conditions, limitations and requirements imposed on the temporary license by the Board;

(c) Is subject to the regulatory and disciplinary authority of the Board to the same extent as a fully licensed massage therapist; and

(d) Remains subject to the regulatory and disciplinary authority of the Board after the expiration of the temporary license for all acts relating to the practice of massage therapy which occurred during the period of temporary licensure.

5. As used in this section, "fully licensed massage therapist" means a person who holds a license to practice massage therapy issued pursuant to NRS 640C.400 or 640C.420.

Sec. 21. NRS 640C.420 is hereby amended to read as follows:

640C.420 1. Notwithstanding the provisions of NRS 640C.400 and except as otherwise provided in subsection 3, the Board may issue a license to an applicant who holds a current license to practice massage therapy ***, reflexology or structural integration*** issued by another state, territory or possession of the United States or the District of Columbia.

2. An applicant for a license issued by the Board pursuant to subsection 1 must submit to the Board:

(a) A completed application on a form prescribed by the Board;

(b) The fees prescribed by the Board pursuant to NRS 640C.520;

(c) A notarized statement signed by the applicant that states:

(1) Whether any disciplinary proceedings relating to his or her license to practice massage therapy ***, reflexology or structural integration*** have at any time been instituted against the applicant; and

(2) Whether the applicant has been arrested or convicted, within the immediately preceding 10 years, for any crime involving violence, prostitution or any other sexual offense; and

(d) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice massage therapy ***, reflexology or structural integration*** during the immediately preceding 10 years verifying that:

(1) The applicant has not been involved in any disciplinary action relating to his or her license to practice massage therapy ~~[,]~~ ***, reflexology or structural integration;*** and

(2) Disciplinary proceedings relating to his or her license to practice massage therapy ***, reflexology or structural integration*** are not pending.

3. The Board shall not issue a license pursuant to this section unless the state, territory or possession of the United States or the District of Columbia in which the applicant is licensed had requirements at the time the license was issued that the Board determines are substantially equivalent to the requirements for a license to practice massage therapy ***, reflexology or structural integration*** set forth in this chapter.

Sec. 22. NRS 640C.426 is hereby amended to read as follows:

640C.426 1. The Board may issue a license by endorsement to practice massage therapy ***, reflexology or structural integration*** to an applicant who

meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice massage therapy ***, reflexology or structural integration*** in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice massage therapy ~~[,]~~ ***, reflexology or structural integration;*** and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 640C.400;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 640C.520 for the application for and initial issuance of a license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice massage therapy ***, reflexology or structural integration*** pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice massage therapy ***, reflexology or structural integration*** to the applicant not later than:

(a) Forty-five days after receiving all additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to practice massage therapy ***, reflexology or structural integration*** may be issued at a meeting of the Board or between its meetings by the Chair and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement, the Board may grant a provisional license authorizing an applicant to practice as a massage therapist ***, reflexologist or structural integration practitioner*** in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 23. NRS 640C.430 is hereby amended to read as follows:

640C.430 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license as a massage therapist ***, reflexologist or structural integration practitioner*** shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license as a massage therapist ***, reflexologist or structural integration practitioner*** shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license as a massage therapist ***, reflexologist or structural integration practitioner*** may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 24. (Deleted by amendment.)

Sec. 25. NRS 640C.450 is hereby amended to read as follows:

640C.450 1. Each licensee shall display his or her original license in a conspicuous manner at each location where the licensee practices massage

therapy ~~[.]~~ ***, reflexology or structural integration.*** If a licensee practices massage therapy ***, reflexology or structural integration*** in more than one place, the licensee must carry the original license with him or her and display it wherever he or she is actually working.

2. A licensee shall obtain a replacement of the original license from the Board if the licensee's:

(a) Original license is destroyed, misplaced or mutilated; or

(b) Name or address as printed on the original license has changed.

3. To obtain a replacement license, the licensee must:

(a) File an affidavit with the Board, on the form prescribed by the Board, which states that the licensee's original license was destroyed, misplaced or mutilated or that his or her name or address as printed on the original license has changed; and

(b) Pay the fee prescribed by the Board pursuant to NRS 640C.520.

Sec. 26. NRS 640C.500 is hereby amended to read as follows:

640C.500 1. Each license ~~[expires on the last day of the month in which it was issued in the next succeeding calendar year]~~ ***is valid for 2 years after the first day of the first calendar month immediately following the date of issuance*** and may be renewed if, before the license expires, the holder of the license submits to the Board:

(a) A completed application for renewal on a form prescribed by the Board;

(b) Proof of completion of the requirements for continuing education prescribed by the Board pursuant to the regulations adopted by the Board under NRS 640C.320; and

(c) The fee for renewal of the license prescribed by the Board pursuant to NRS 640C.520.

2. A license that expires pursuant to this section may be restored if, within 2 years after the expiration of the license, the applicant:

(a) Complies with the provisions of subsection 1; and

(b) Submits to the Board the fees prescribed by the Board pursuant to NRS 640C.520:

(1) For the restoration of an expired license; and

(2) For each year that the license was expired, for the renewal of a license.

3. The Board shall send a notice of renewal to each holder of a license not later than 60 days before the license expires. The notice must include a statement setting forth the provisions of this section and the amount of the fee for renewal of the license.

Sec. 27. NRS 640C.510 is hereby amended to read as follows:

640C.510 1. Upon written request to the Board, a holder of a license in good standing may cause his or her name and license to be transferred to an inactive list. The holder of the license may not practice massage therapy ***, reflexology or structural integration*** during the time the license is inactive, and no renewal fee accrues.

2. If an inactive holder of a license desires to resume the practice of massage therapy ***, reflexology or structural integration*** within 2 years after the license was made inactive, the Board shall renew the license upon:

(a) Demonstration, if deemed necessary by the Board, that the holder of the license is then qualified and competent to practice;

(b) Completion and submission of an application; and

(c) Payment of the current fee for renewal of the license.

Sec. 28. NRS 640C.520 is hereby amended to read as follows:

640C.520 1. The Board shall establish a schedule of fees and charges. The fees for the following items must not exceed the following amounts:

An examination established by the Board pursuant to this chapter	$600
An application for a license	300
An application for a license without an examination	300
A background check of an applicant	600
The issuance of a license	400
The renewal of a license	~~[~~200~~]~~ ***350***
The restoration of an expired license	500
The reinstatement of a suspended or revoked license	$500
The issuance of a replacement license	75
The restoration of an inactive license	300
The issuance of a certification of a massage, reflexology and structural integration establishment as defined in section 11 of this act	***50***
The renewal of a certification of a massage, reflexology and structural integration establishment as defined in section 11 of this act	***50***

2. If an applicant submits an application for a license by endorsement pursuant to NRS 640C.426, the Board shall collect not more than one-half of the fee specified in subsection 1 for the initial issuance of the license.

3. ***Subject to the limits provided by subsection 1, the Board:***

(a) May adopt regulations that establish different fees for different types of licenses; and

(b) In establishing the different fees for different types of licenses, shall consider the income and opportunities for employment available to the holders of the different types of licenses.

4. The total fees collected by the Board pursuant to this section must not exceed the amount of money necessary for the operation of the Board and for the maintenance of an adequate reserve.

Sec. 29. NRS 640C.700 is hereby amended to read as follows:

640C.700 The Board may refuse to issue a license to an applicant, or may initiate disciplinary action against a holder of a license, if the applicant or holder of the license:

1. Has submitted false, fraudulent or misleading information to the Board or any agency of this State, any other state, a territory or possession of the United States, the District of Columbia or the Federal Government;

2. Has violated any provision of this chapter or any regulation adopted pursuant thereto;

3. Has been convicted of a crime involving violence, prostitution or any other sexual offense, a crime involving any type of larceny, a crime relating to a controlled substance, a crime involving any federal or state law or regulation relating to massage therapy ***, reflexology or structural integration*** or a substantially similar business, or a crime involving moral turpitude;

4. Has engaged in or solicited sexual activity during the course of practicing massage ***, reflexology or structural integration*** on a person, with or without the consent of the person, including, without limitation, if the applicant or holder of the license:

(a) Made sexual advances toward the person;

(b) Requested sexual favors from the person; or

(c) Massaged, touched or applied any instrument to the breasts of the person, unless the person has signed a written consent form provided by the Board;

5. Has habitually abused alcohol or is addicted to a controlled substance;

6. Is, in the judgment of the Board, guilty of gross negligence in the practice of massage therapy ~~[;]~~ ***, reflexology or structural integration;***

7. Is determined by the Board to be professionally incompetent to engage in the practice of massage therapy ~~[;]~~ ***, reflexology or structural integration;***

8. Has failed to provide information requested by the Board within 60 days after receiving the request;

9. Has, in the judgment of the Board, engaged in unethical or unprofessional conduct ***;*** ~~[as it relates to the practice of massage therapy;]~~

10. Has knowingly failed to report to the Board that the holder of a license or other person has engaged in unethical or unprofessional conduct as it relates to the practice of massage therapy ***, reflexology or structural integration*** within 30 days after becoming aware of that conduct;

11. Has been disciplined in another state, a territory or possession of the United States or the District of Columbia for conduct that would be a violation of the provisions of this chapter or any regulations adopted pursuant thereto if the conduct were committed in this State;

12. Has solicited or received compensation for services relating to the practice of massage therapy ***, reflexology or structural integration*** that he or she did not provide;

13. If the holder of the license is on probation, has violated the terms of the probation;

14. Has engaged in false, deceptive or misleading advertising, including, without limitation, falsely, deceptively or misleadingly advertising that he or she has received training in a specialty technique of massage ***, reflexology or structural integration*** for which he or she has not received training, practicing massage therapy ***, reflexology or structural integration*** under an assumed name and impersonating a licensed massage therapist ~~[.]~~ ***, reflexologist or structural integration practitioner;***

15. Has operated a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility was suspended or revoked; or

(b) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

16. Has failed to comply with a written administrative citation issued pursuant to NRS 640C.755 within the time permitted for compliance set forth in the citation or, if a hearing is held pursuant to NRS 640C.757, within 15 business days after the hearing; or

17. Except as otherwise provided in subsection 16, has failed to pay or make arrangements to pay, as approved by the Board, an administrative fine imposed pursuant to this chapter within 60 days after:

(a) Receiving notice of the imposition of the fine; or

(b) The final administrative or judicial decision affirming the imposition of the fine,

➥ whichever occurs later.

Sec. 30. NRS 640C.712 is hereby amended to read as follows:

640C.712 1. In addition to any other actions authorized by NRS 640C.710, if, after notice and a hearing as required by law, the Board determines that a licensee has engaged in or solicited sexual activity during the course of practicing massage ***, reflexology or structural integration*** on a person, as set forth in subsection 4 of NRS 640C.700, or has been convicted of prostitution or any other sexual offense that occurred during the course of practicing massage ***, reflexology or structural integration*** on a person, the Board ~~[shall:]~~ ***may:***

(a) For a first violation, impose an administrative fine of not less than $100 and not more than $1,000;

(b) For a second violation, impose an administrative fine of not less than $250 and not more than $5,000; and

(c) For a third violation and for each additional violation, impose an administrative fine of not less than $500 and not more than $10,000.

2. The Board shall, by regulation, establish standards for use by the Board in determining the amount of an administrative fine imposed pursuant to this section. The standards must include, without limitation, provisions requiring the Board to consider:

(a) The gravity of the violation;

(b) The good faith of the licensee; and

(c) Any history of previous violations of the provisions of this chapter committed by the licensee.

Sec. 31. NRS 640C.720 is hereby amended to read as follows:

640C.720 Notwithstanding any other statute to the contrary:

1. If the Board finds, based upon evidence in its possession, that immediate action is necessary to protect the health, safety or welfare of the public, the Board may, upon providing notice to the massage therapist, ***reflexologist or structural integration practitioner,*** temporarily suspend his or her license without a prior hearing for a period not to exceed 15 business days. The massage therapist **,** ***reflexologist or structural integration practitioner*** may file a written request for a hearing to challenge the necessity of the temporary suspension. The written request must be filed not later than 10 business days after the date on which the massage therapist **,** ***reflexologist or structural integration practitioner*** receives notice of the temporary suspension. If the massage therapist ~~[.]~~ **,** ***reflexologist or structural integration practitioner:***

(a) Files a timely written request for a hearing, the Board shall extend the temporary suspension until a hearing is held. The Board shall hold a hearing and render a final decision regarding the necessity of the temporary suspension as promptly as is practicable but not later than 15 business days after the date on which the Board receives the written request. After holding such a hearing, the Board may extend the period of the temporary suspension if the Board finds, for good cause shown, that such action is necessary to protect the health, safety or welfare of the public pending proceedings for disciplinary action.

(b) Does not file a timely written request for a hearing and the Board wants to consider extending the period of the temporary suspension, the Board shall schedule a hearing and notify the massage therapist **,** ***reflexologist or structural integration practitioner*** immediately by certified mail of the date of the hearing. The hearing must be held and a final decision rendered regarding whether to extend the period of the temporary suspension as promptly as is practicable but not later than 30 days after the date on which the Board provides notice of the initial temporary suspension. After holding such a hearing, the Board may extend the period of the temporary suspension if the Board finds, for good cause shown, that such action is necessary to protect the health, safety or welfare of the public pending proceedings for disciplinary action.

2. If a massage therapist **,** ***reflexologist or structural integration practitioner*** is charged with or cited for prostitution or any other sexual offense, the appropriate law enforcement agency shall report the charge or citation to the Executive Director of the Board. Upon receiving such a report, the Executive Director shall immediately issue by certified mail to the massage therapist **,** ***reflexologist or structural integration practitioner*** a

cease and desist order temporarily suspending the license of the massage therapist ***, reflexologist or structural integration practitioner*** without a prior hearing. The temporary suspension of the license is effective immediately after the massage therapist ***, reflexologist or structural integration practitioner*** receives notice of the cease and desist order and must not exceed 15 business days. The massage therapist ***, reflexologist or structural integration practitioner*** may file a written request for a hearing to challenge the necessity of the temporary suspension. The written request must be filed not later than 10 business days after the date on which the Executive Director mails the cease and desist order. If the massage therapist ~~[:]~~ ***, reflexologist or structural integration practitioner:***

(a) Files a timely written request for a hearing, the Board shall extend the temporary suspension until a hearing is held. The Board shall hold a hearing and render a final decision regarding the necessity of the temporary suspension as promptly as is practicable but not later than 15 business days after the date on which the Board receives the written request. After holding such a hearing, the Board may extend the period of the temporary suspension if the Board finds, for good cause shown, that such action is necessary to protect the health, safety or welfare of the public pending proceedings for disciplinary action.

(b) Does not file a timely written request for a hearing and the Board wants to consider extending the period of the temporary suspension, the Board shall schedule a hearing and notify the massage therapist ***, reflexologist or structural integration practitioner*** immediately by certified mail of the date of the hearing. The hearing must be held and a final decision rendered regarding whether to extend the period of the temporary suspension as promptly as is practicable but not later than 15 business days after the date on which the Executive Director mails the cease and desist order. After holding such a hearing, the Board may extend the period of the temporary suspension if the Board finds, for good cause shown, that such action is necessary to protect the health, safety or welfare of the public pending proceedings for disciplinary action.

3. If the Board or the Executive Director issues an order temporarily suspending the license of a massage therapist ***, reflexologist or structural integration practitioner*** pending proceedings for disciplinary action, a court shall not stay that order.

4. For purposes of this section, a person is deemed to have notice of a temporary suspension of his or her license:

(a) On the date on which the notice is personally delivered to the person; or

(b) If the notice is mailed, 3 days after the date on which the notice is mailed by certified mail to the last known business or residential address of the person.

Sec. 32. NRS 640C.745 is hereby amended to read as follows:

640C.745 1. When conducting an investigation of a massage therapist **,** ***reflexologist or structural integration practitioner*** pursuant to this chapter, the Board or the Executive Director may request from the appropriate governmental agency or court of competent jurisdiction records relating to any conviction of the massage therapist **,** ***reflexologist or structural integration practitioner*** for a crime involving violence, prostitution or any other sexual offense. Such records include, without limitation, a record of criminal history as defined in NRS 179A.070.

2. Upon receiving a request from the Board or the Executive Director pursuant to subsection 1, the governmental agency or court of competent jurisdiction shall provide the requested records to the Board or the Executive Director as soon as reasonably practicable. The governmental agency or court of competent jurisdiction may redact from the records produced pursuant to this subsection any information relating to the agency or court that is deemed confidential by the agency or court. Upon receiving the records from the governmental agency or court, the Board and the Executive Director:

(a) Shall maintain the confidentiality of the records if such confidentiality is required by federal or state law; and

(b) May use the records for the sole and limited purpose of determining whether to take disciplinary action against the massage therapist **,** ***reflexologist or structural integration practitioner*** pursuant to this chapter.

Sec. 33. NRS 640C.910 is hereby amended to read as follows:

640C.910 1. If a person is not licensed to practice massage therapy **,** ***reflexology or structural integration*** pursuant to this chapter, the person shall not:

(a) Engage in the practice of massage therapy ~~[,]~~ ***, reflexology or structural integration:***

(b) Use in connection with his or her name the words or letters "L.M.T.," "licensed massage therapist," "licensed massage technician," "M.T.," "massage technician ***,"*** ~~[" or]~~ "massage therapist," ***"licensed reflexologist," "reflexologist," "licensed structural integration practitioner" or "structural integration practitioner,"*** or any other letters, words or insignia indicating or implying that he or she is licensed to practice massage therapy, ***reflexology or structural integration,*** or in any other way, orally, or in writing or print, or by sign, directly or by implication, use the word "massage ~~["]~~ ***," "reflexology," "structural integration"*** or represent himself or herself as licensed or qualified to engage in the practice of massage therapy ~~[,]~~ ***, reflexology or structural integration;*** or

(c) List or cause to have listed in any directory, including, without limitation, a telephone directory, his or her name or the name of his or her company under the heading "massage," "massage therapy," "massage therapist," "massage technician ~~["]~~ ***," "reflexologist," "structural integration practitioner"*** or any other term that indicates or implies that he

or she is licensed or qualified to practice massage therapy ~~[.]~~ ***, reflexology or structural integration.***

2. If a person's license to practice massage therapy ***, reflexology or structural integration*** pursuant to this chapter has expired or has been suspended or revoked by the Board, the person shall not:

(a) Engage in the practice of massage therapy ~~[.]~~ ***, reflexology or structural integration;***

(b) Use in connection with his or her name the words or letters "L.M.T.," "licensed massage therapist," "licensed massage technician," "M.T.," "massage technician ***,"*** ~~[" or]~~ "massage therapist," ***"licensed reflexologist," "reflexologist," "licensed structural integration practitioner" or "structural integration practitioner,"*** or any other letters, words or insignia indicating or implying that he or she is licensed to practice massage therapy, ***reflexology or structural integration,*** or in any other way, orally, or in writing or print, or by sign, directly or by implication, use the word "massage ~~["]~~ ***," "reflexology" or "structural integration,"*** or represent himself or herself as licensed or qualified to engage in the practice of massage therapy ~~[.]~~ ***, reflexology or structural integration;*** or

(c) List or cause to have listed in any directory, including, without limitation, a telephone directory, his or her name or the name of his or her company under the heading "massage," "massage therapy," "massage therapist," "massage technician ~~["]~~ ***," "reflexologist" or "structural integration practitioner,"*** or any other term that indicates or implies that he or she is licensed or qualified to practice massage therapy ~~[.]~~ ***, reflexology or structural integration.***

3. A person who violates any provision of this section is guilty of a misdemeanor.

Sec. 34. NRS 640C.920 is hereby amended to read as follows:

640C.920 1. A person shall not:

(a) Counterfeit or forge or attempt to counterfeit or forge a license to practice massage therapy ~~[.]~~ ***, reflexology or structural integration;*** or

(b) For the purpose of aiding or abetting an unlawful act:

(1) Alter or attempt to alter a license to practice massage therapy ~~[.]~~ ***, reflexology or structural integration;*** or

(2) Make or attempt to make any photocopy print, photostat or other replica of a license to practice massage therapy ~~[.]~~ ***, reflexology or structural integration.***

2. A person shall not use or display a license to practice massage therapy ***, reflexology or structural integration*** that:

(a) Is not the original license issued to the person;

(b) Has been counterfeited or forged;

(c) Has been altered, copied or replicated for the purpose of aiding or abetting an unlawful act; or

(d) Has been issued to another person.

3. A person who violates any provision of this section is guilty of a misdemeanor.

Sec. 35. NRS 640C.930 is hereby amended to read as follows:

640C.930 1. A person shall not advertise as a massage therapist ***, reflexologist or structural integration practitioner*** in this State unless the person is licensed to practice massage therapy ***, reflexology or structural integration*** pursuant to this chapter.

2. A person licensed to practice massage therapy ***, reflexology or structural integration*** pursuant to this chapter shall not disseminate, as part of any advertising by the massage therapist, ***reflexologist or structural integration practitioner,*** any false or misleading statement or representation of material fact that is intended, directly or indirectly, to induce another person to use the services of the massage therapist ~~[.]~~ ***, reflexologist or structural integration practitioner.***

3. All advertising by a licensed massage therapist ***, reflexologist or structural integration practitioner*** must include his or her name and the name of his or her company, if applicable. All advertising in a telephone directory or a newspaper must also include the number of the license.

4. A person who violates any provision of subsection 1 or 2 is guilty of a misdemeanor.

5. If, after notice and a hearing as required by law, the Board determines that a person has willfully engaged in advertising in a manner that violates the provisions of this section or NRS 640C.910, the Board may, in addition to any penalty, punishment or disciplinary action authorized by the provisions of this chapter, order the person to cease and desist the unlawful advertising. The provisions of this subsection do not apply to any person whose license has been expired for less than 90 days or is temporarily suspended.

6. The Board may order any person convicted of a crime involving violence, prostitution or any other sexual offense to cause any telephone number included in the advertising to be disconnected from service. If the Board orders the person to cause any telephone number to be disconnected from service and the person fails to comply within 5 days after the date on which the person is served with the order, the Board may:

(a) If the provider is regulated by the Public Utilities Commission of Nevada, request the Commission to order the provider to disconnect the telephone number from service pursuant to NRS 703.175 and 707.355; or

(b) If the provider is not regulated by the Public Utilities Commission of Nevada, request the provider to disconnect the telephone number from service and inform the provider that the request is made pursuant to this section. Upon receiving such a request, the provider shall take such action as is necessary to disconnect the telephone number from service.

7. A provider shall not:

(a) Forward or offer to forward the telephone calls of a telephone number disconnected from service pursuant to this section; or

(b) Provide or offer to provide a message that includes a new telephone number for the person whose telephone number was disconnected from service pursuant to this section.

8. If a provider complies in good faith with a request to disconnect a telephone number from service pursuant to this section, such good-faith compliance shall constitute a complete defense to any civil or criminal action brought against the provider arising from the disconnection or termination of service.

9. As used in this section:

(a) "Advertising" means the intentional placement or issuance of any sign, card or device, or the permitting or allowing of any sign or marking on a motor vehicle, in any building, structure, newspaper, magazine or airway transmission, on the Internet or in any directory under the listing of "massage therapist" ~~[or]~~ "massage ~~[."]~~ ***," "reflexologist," "reflexology," "structural integration practitioner" or "structural integration."***

(b) "Provider" means a provider of any type of telephone, messaging or paging service.

(c) "Provider of messaging or paging service" means an entity that provides any type of messaging or paging service to any type of communication device.

(d) "Provider of telephone service" has the meaning ascribed to it in NRS 707.355.

(e) "Telephone number" means any sequence of numbers or characters, or both, used by a provider to provide any type of telephone, messaging or paging service.

Sec. 36. NRS 640E.090 is hereby amended to read as follows:

640E.090 1. The provisions of this chapter do not apply to:

(a) Any person who is licensed or registered in this State as a physician pursuant to chapter 630, 630A or 633 of NRS, dentist, nurse, dispensing optician, optometrist, occupational therapist, practitioner of respiratory care, physical therapist, podiatric physician, psychologist, marriage and family therapist, chiropractor, athletic trainer, massage therapist, ***reflexologist, structural integration practitioner,*** perfusionist, doctor of Oriental medicine in any form, medical laboratory director or technician or pharmacist who:

(1) Practices within the scope of that license or registration;

(2) Does not represent that he or she is a licensed dietitian or registered dietitian; and

(3) Provides nutrition information incidental to the practice for which he or she is licensed or registered.

(b) A student enrolled in an educational program accredited by the Commission on Accreditation for Dietetics Education of the Academy of Nutrition and Dietetics, if the student engages in the practice of dietetics under the supervision of a licensed dietitian or registered dietitian as part of that educational program.

(c) A registered dietitian employed by the Armed Forces of the United States, the United States Department of Veterans Affairs or any division or department of the Federal Government in the discharge of his or her official duties, including, without limitation, the practice of dietetics or providing nutrition services.

(d) A person who furnishes nutrition information, provides recommendations or advice concerning nutrition, or markets food, food materials or dietary supplements and provides nutrition information, recommendations or advice related to that marketing, if the person does not represent that he or she is a licensed dietitian or registered dietitian. While performing acts described in this paragraph, a person shall be deemed not to be engaged in the practice of dietetics or the providing of nutrition services.

(e) A person who provides services relating to weight loss or weight control through a program reviewed by and in consultation with a licensed dietitian or physician or a dietitian licensed or registered in another state which has equivalent licensure requirements as this State, as long as the person does not change the services or program without the approval of the person with whom he or she is consulting.

2. As used in this section, "nutrition information" means information relating to the principles of nutrition and the effect of nutrition on the human body, including, without limitation:

(a) Food preparation;

(b) Food included in a normal daily diet;

(c) Essential nutrients required by the human body and recommended amounts of essential nutrients, based on nationally established standards;

(d) The effect of nutrients on the human body and the effect of deficiencies in or excess amounts of nutrients in the human body; and

(e) Specific foods or supplements that are sources of essential nutrients.

Sec. 37. (Deleted by amendment.)

Sec. 38. NRS 644.192 is hereby amended to read as follows:

644.192 1. The Board and a local governmental entity shall, to the extent practicable, reduce duplication in the licensing procedure for a qualified applicant who is applying to the Board for a license to practice pursuant to this chapter and who is also applying to the local governmental entity for a license to practice massage therapy, ***reflexology or structural integration,*** if both applications are filed not more than 60 days apart.

2. If a qualified applicant submits an application to a local governmental entity for a license to practice massage therapy ***, reflexology or structural integration*** and, not later than 60 days after that application, the applicant also submits an application to the Board for a license to practice pursuant to this chapter:

(a) The applicant is not required to submit a set of fingerprints to the Board if the applicant submitted a set of fingerprints with his or her application to the local governmental entity;

(b) The Board shall request from the local governmental entity a copy of any reports relating to a background investigation of the applicant;

(c) Upon receiving such a request, the local governmental entity shall provide to the Board any reports relating to a background investigation of the applicant; and

(d) The Board shall use the reports provided by the local governmental entity in reviewing the application for a license to practice pursuant to this chapter.

3. If a qualified applicant submits an application to the Board for a license to practice pursuant to this chapter and, not later than 60 days after that application, the applicant also submits an application to a local governmental entity for a license to practice massage therapy ~~[.]~~ ***, reflexology or structural integration:***

(a) The applicant is not required to submit a set of fingerprints to the local governmental entity if the applicant submitted a set of fingerprints with his or her application to the Board;

(b) The local governmental entity shall request from the Board a copy of any reports relating to a background investigation of the applicant;

(c) Upon receiving such a request, the Board shall provide to the local governmental entity any reports relating to a background investigation of the applicant; and

(d) The local governmental entity shall use the reports provided by the Board in reviewing the application for a license to practice massage therapy, ***reflexology or structural integration,*** except that the local governmental entity may conduct its own background investigation of the applicant if the local governmental entity deems it to be necessary.

Sec. 39. NRS 644.400 is hereby amended to read as follows:

644.400 1. A school of cosmetology must at all times be under the immediate supervision of a licensed instructor who has had practical experience in an established place of business for at least 1 year in the practice of a majority of the branches of cosmetology taught at the school of cosmetology.

2. A school of cosmetology shall:

(a) Except as otherwise provided in subsection 6, maintain courses of practical training and technical instruction equal to the requirements for examination for a license or certificate of registration in each branch of cosmetology taught at the school of cosmetology.

(b) Maintain apparatus and equipment sufficient to teach all the subjects of its curriculum.

(c) Keep a daily record of the attendance of each student, a record devoted to the different practices, establish grades and hold examinations before issuing diplomas. These records must be submitted to the Board pursuant to its regulations.

(d) Include in its curriculum a course of deportment consisting of instruction in courtesy, neatness and professional attitude in meeting the public.

(e) Arrange the courses devoted to each branch or practice of cosmetology as the Board may from time to time adopt as the course to be followed by the schools.

(f) Not allow any student to perform services on the public for more than 7 hours in any day.

(g) Conduct at least 5 hours of instruction in theory in each 40-hour week or 6 hours of instruction in theory in each 48-hour week, which must be attended by all registered students.

(h) Require that all work by students be done on the basis of rotation.

3. Except as otherwise provided in subsection 4, the Board may, upon request, authorize a school of cosmetology to offer, in addition to courses which are included in any curriculum required for licensure or registration in each branch of cosmetology taught at the school of cosmetology, any other course.

4. The Board shall, upon request, authorize a school of cosmetology to offer a course or program that is designed, intended or used to prepare or qualify another person for licensure in the field of massage therapy ***, reflexology or structural integration*** if:

(a) The school of cosmetology has obtained all licenses, authorizations and approvals required by state and local law to offer such a course or program; and

(b) With regard to that portion of the premises where the school of cosmetology offers courses included in the cosmetological curriculum, the school of cosmetology continues to comply with the provisions of this chapter and any regulations adopted pursuant thereto.

5. Notwithstanding any other provision of law, if a school of cosmetology offers a course or program that is designed, intended or used to prepare or qualify another person for licensure in the field of massage therapy ~~[.]~~ ***, reflexology or structural integration:***

(a) The Board has exclusive jurisdiction over the authorization and regulation of the course or program offered by the school of cosmetology; and

(b) The school of cosmetology is not required to obtain any other license, authorization or approval to offer the course or program.

6. A school of cosmetology is not required to maintain courses of practical training and technical instruction equal to the requirements for examination for a license or certificate of registration in any branch of cosmetology if the school of cosmetology provides its students with a disclaimer, in at least 14-point bold type, indicating that completion of the instruction provided at the school of cosmetology does not:

(a) Qualify the student for a license or certificate of registration in any branch of cosmetology; or

(b) Prepare the student for an examination in any branch of cosmetology.

Sec. 40. NRS 179A.100 is hereby amended to read as follows:

179A.100 1. The following records of criminal history may be disseminated by an agency of criminal justice without any restriction pursuant to this chapter:

(a) Any which reflect records of conviction only; and

(b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.

2. Without any restriction pursuant to this chapter, a record of criminal history or the absence of such a record may be:

(a) Disclosed among agencies which maintain a system for the mutual exchange of criminal records.

(b) Furnished by one agency to another to administer the system of criminal justice, including the furnishing of information by a police department to a district attorney.

(c) Reported to the Central Repository.

3. An agency of criminal justice shall disseminate to a prospective employer, upon request, records of criminal history concerning a prospective employee or volunteer which are the result of a name-based inquiry and which:

(a) Reflect convictions only; or

(b) Pertain to an incident for which the prospective employee or volunteer is currently within the system of criminal justice, including parole or probation.

4. In addition to any other information to which an employer is entitled or authorized to receive from a name-based inquiry, the Central Repository shall disseminate to a prospective or current employer, or a person or entity designated to receive the information on behalf of such an employer, the information contained in a record of registration concerning an employee, prospective employee, volunteer or prospective volunteer who is a sex offender or an offender convicted of a crime against a child, regardless of whether the employee, prospective employee, volunteer or prospective volunteer gives written consent to the release of that information. The Central Repository shall disseminate such information in a manner that does not reveal the name of an individual victim of an offense or the information described in subsection 7 of NRS 179B.250. A request for information pursuant to this subsection must conform to the requirements of the Central Repository and must include:

(a) The name and address of the employer, and the name and signature of the person or entity requesting the information on behalf of the employer;

(b) The name and address of the employer's facility in which the employee, prospective employee, volunteer or prospective volunteer is employed or volunteers or is seeking to become employed or volunteer; and

(c) The name and other identifying information of the employee, prospective employee, volunteer or prospective volunteer.

5. In addition to any other information to which an employer is entitled or authorized to receive, the Central Repository shall disseminate to a prospective or current employer, or a person or entity designated to receive the information on behalf of such an employer, the information described in subsection 4 of NRS 179A.190 concerning an employee, prospective employee, volunteer or prospective volunteer who gives written consent to the release of that information if the employer submits a request in the manner set forth in NRS 179A.200 for obtaining a notice of information. The Central Repository shall search for and disseminate such information in the manner set forth in NRS 179A.210 for the dissemination of a notice of information.

6. Except as otherwise provided in subsection 5, the provisions of NRS 179A.180 to 179A.240, inclusive, do not apply to an employer who requests information and to whom such information is disseminated pursuant to subsections 4 and 5.

7. Records of criminal history must be disseminated by an agency of criminal justice, upon request, to the following persons or governmental entities:

(a) The person who is the subject of the record of criminal history for the purposes of NRS 179A.150.

(b) The person who is the subject of the record of criminal history when the subject is a party in a judicial, administrative, licensing, disciplinary or other proceeding to which the information is relevant.

(c) The Nevada Gaming Control Board.

(d) The State Board of Nursing.

(e) The Private Investigator's Licensing Board to investigate an applicant for a license.

(f) A public administrator to carry out the duties as prescribed in chapter 253 of NRS.

(g) A public guardian to investigate a ward or proposed ward or persons who may have knowledge of assets belonging to a ward or proposed ward.

(h) Any agency of criminal justice of the United States or of another state or the District of Columbia.

(i) Any public utility subject to the jurisdiction of the Public Utilities Commission of Nevada when the information is necessary to conduct a security investigation of an employee or prospective employee or to protect the public health, safety or welfare.

(j) Persons and agencies authorized by statute, ordinance, executive order, court rule, court decision or court order as construed by appropriate state or local officers or agencies.

(k) Any person or governmental entity which has entered into a contract to provide services to an agency of criminal justice relating to the administration of criminal justice, if authorized by the contract, and if the

contract also specifies that the information will be used only for stated purposes and that it will be otherwise confidential in accordance with state and federal law and regulation.

(l) Any reporter for the electronic or printed media in a professional capacity for communication to the public.

(m) Prospective employers if the person who is the subject of the information has given written consent to the release of that information by the agency which maintains it.

(n) For the express purpose of research, evaluative or statistical programs pursuant to an agreement with an agency of criminal justice.

(o) An agency which provides child welfare services, as defined in NRS 432B.030.

(p) The Division of Welfare and Supportive Services of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.

(q) The Aging and Disability Services Division of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.

(r) An agency of this or any other state or the Federal Government that is conducting activities pursuant to Part D of Subchapter IV of Chapter 7 of Title 42 of the Social Security Act, 42 U.S.C. §§ 651 et seq.

(s) The State Disaster Identification Team of the Division of Emergency Management of the Department.

(t) The Commissioner of Insurance.

(u) The Board of Medical Examiners.

(v) The State Board of Osteopathic Medicine.

(w) The Board of Massage ~~[Therapists]~~ ***Therapy*** and its Executive Director.

(x) The Board of Examiners for Social Workers.

(y) A multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored by the Attorney General pursuant to NRS 228.495.

8. Agencies of criminal justice in this State which receive information from sources outside this State concerning transactions involving criminal justice which occur outside Nevada shall treat the information as confidentially as is required by the provisions of this chapter.

Sec. 41. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161,

126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380,

676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and sections 7 and 9 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 42. NRS 703.175 is hereby amended to read as follows:

703.175 1. Upon receiving a request to disconnect a telephone number from the State Contractors' Board pursuant to NRS 624.720, the Board of Massage ~~[Therapists]~~ ***Therapy*** pursuant to NRS 640C.930 or the Nevada Transportation Authority pursuant to NRS 706.758, the Commission shall issue an order to the appropriate provider of telephone service to disconnect the telephone number.

2. Compliance in good faith by a provider of telephone service with an order of the Commission to terminate service issued pursuant to this section shall constitute a complete defense to any civil or criminal action brought against the provider of telephone service arising from the termination of service.

3. As used in this section, "provider of telephone service" has the meaning ascribed to it in NRS 707.355.

Sec. 43. NRS 707.355 is hereby amended to read as follows:

707.355 1. Each provider of telephone service in this State shall, when notified that:

(a) A court has ordered the disconnection of a telephone number pursuant to NRS 706.2855; or

(b) The Public Utilities Commission of Nevada has ordered the disconnection of a telephone number pursuant to NRS 703.175, after receiving a request to disconnect the telephone number from the State Contractors' Board pursuant to NRS 624.720, the Board of Massage ~~[Therapists]~~ ***Therapy*** pursuant to NRS 640C.930 or the Nevada Transportation Authority pursuant to NRS 706.758,

➥ take such action as is necessary to carry out the order of the court or the Public Utilities Commission of Nevada.

2. A provider of telephone service shall not:

(a) Forward or offer to forward the telephone calls of a telephone number disconnected from service pursuant to the provisions of this section; or

(b) Provide or offer to provide a recorded message that includes the new telephone number for a business whose telephone number was disconnected from service pursuant to the provisions of this section.

3. As used in this section, "provider of telephone service" includes, but is not limited to:

(a) A public utility furnishing telephone service.

(b) A provider of cellular or other service to a telephone that is installed in a vehicle or is otherwise portable.

Sec. 43.5. **1. A person who is licensed to practice reflexology by a county, city or town in this State before October 1, 2018, must, if he or she wishes to continue to practice reflexology on or after October 1, 2018, obtain a license to practice reflexology issued by the Board of Massage Therapy pursuant to section 7 or 8 of this act.**

2. Until October 1, 2018, if a person is licensed to practice reflexology by a county, city or town in this State but the person does not hold a license to practice reflexology issued by the Board of Massage Therapy, the person shall comply with all ordinances and regulations of the county, city or town relating to the practice of reflexology.

Sec. 44. A soon as practicable on or after July 1, ~~[2018,]~~ **2017,** the Governor shall appoint to the Board of Massage Therapy the members required to be appointed pursuant to subsection 2 of NRS 640C.150, as amended by section 17 of this act.

Sec. 45. 1. Any administrative regulations adopted by an officer or entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act remain in force until amended by the officer or entity to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or entity whose name has been changed pursuant to the provisions of this act are binding upon the officer or entity to which the responsibility for the administration of the provision of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or entity to which the responsibility for the enforcement of the provisions of the contract or other agreements has been transferred.

3. Any action taken by an officer or entity whose name has been changed pursuant to the provisions of this act remains in effect as if taken by the officer or entity to which the responsibility for the enforcement of such actions has been transferred.

Sec. 46. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, substitute appropriately the name of any agency, officer or instrumentality of the State whose name is changed by this act for the name which the agency, officer or instrumentality previously used.

Sec. 47. NRS 640C.425, 640C.440 and 644.191 are hereby repealed.

Sec. 48. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory tasks that are necessary to carry out the provisions of this act; and

2. On July 1, ~~[2018,]~~ **2017,** for all other purposes.

TEXT OF REPEALED SECTIONS

640C.425 Expedited license by endorsement: Requirements; procedure for issuance.

1. The Board may issue a license by endorsement to practice massage therapy to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice massage therapy in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in

which the applicant currently holds or has held a license to practice massage therapy; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 640C.400;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 640C.520 for the application for and initial issuance of a license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice massage therapy pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice massage therapy to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to practice massage therapy may be issued at a meeting of the Board or between its meetings by the Chair and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

640C.440 Reduction of duplication in licensing procedure with State Board of Cosmetology.

1. The Board of Massage Therapists and the State Board of Cosmetology shall, to the extent practicable, reduce duplication in the licensing procedure for a qualified applicant who is applying to the Board of Massage Therapists for a license to practice pursuant to this chapter and who is also applying to the State Board of Cosmetology for a license to practice pursuant to chapter 644 of NRS, if both applications are filed not more than 60 days apart.

2. If a qualified applicant submits an application to the State Board of Cosmetology for a license to practice pursuant to chapter 644 of NRS and, not later than 60 days after that application, the applicant also submits an application to the Board of Massage Therapists for a license to practice pursuant to this chapter:

(a) The applicant is not required to submit a set of fingerprints to the Board of Massage Therapists if the applicant submitted a set of fingerprints with the application to the State Board of Cosmetology;

(b) The Board of Massage Therapists shall request from the State Board of Cosmetology a copy of any reports relating to a background investigation of the applicant;

(c) Upon receiving such a request, the State Board of Cosmetology shall provide to the Board of Massage Therapists any reports relating to a background investigation of the applicant; and

(d) The Board of Massage Therapists shall use the reports provided by the State Board of Cosmetology in reviewing the application for a license to practice pursuant to this chapter, except that the Board of Massage Therapists may conduct its own background investigation of the applicant if the Board of Massage Therapists deems it to be necessary.

644.191 Reduction of duplication in licensing procedure for applicant who also applies to Board of Massage Therapists to practice massage therapy.

1. The State Board of Cosmetology and the Board of Massage Therapists shall, to the extent practicable, reduce duplication in the licensing procedure for a qualified applicant who is applying to the State Board of Cosmetology for a license to practice pursuant to this chapter and who is also applying to the Board of Massage Therapists for a license to practice pursuant to chapter 640C of NRS, if both applications are filed not more than 60 days apart.

2. If a qualified applicant submits an application to the Board of Massage Therapists for a license to practice pursuant to chapter 640C of NRS and, not later than 60 days after that application, the applicant also submits an application to the State Board of Cosmetology for a license to practice pursuant to this chapter:

(a) The applicant is not required to submit a set of fingerprints to the State Board of Cosmetology if the applicant submitted a set of fingerprints with his or her application to the Board of Massage Therapists;

(b) The State Board of Cosmetology shall request from the Board of Massage Therapists a copy of any reports relating to a background investigation of the applicant;

(c) Upon receiving such a request, the Board of Massage Therapists shall provide to the State Board of Cosmetology any reports relating to a background investigation of the applicant; and

(d) The State Board of Cosmetology shall use the reports provided by the Board of Massage Therapists in reviewing the application for a license to practice pursuant to this chapter.

Assemblywoman Bustamante Adams moved that the Assembly concur in the Senate Amendment No. 779 to Assembly Bill No. 179.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

The amendment requires a person who is licensed to practice reflexology by a county, city, or town in Nevada to obtain a license issued by the Board of Massage Therapists no later than October 1, 2018, in order to continue practicing reflexology in the state. Until the person obtains a license issued by the Board, he or she must comply with all the ordinances and regulations of the county, city, or town relating to the practice of reflexology. It also changes the effective date of the bill to July 1, 2017.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 361.

The following Senate amendment was read:

Amendment No. 782.

AN ACT relating to business practices; making the charging of certain fees a deceptive trade practice; revising provisions governing deceptive trade practices relating to gift certificates or gift cards; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines various activities involving businesses and occupations that constitute deceptive trade practices. (NRS 598.0915-598.0925) If a person engages in a deceptive trade practice, the person may be subject to restraint by injunction and the imposition of civil and criminal penalties. (NRS 598.0979, 598.0985, 598.0999)

Section 1.7 of this bill makes it a deceptive trade practice for a person, in the course of his or her business or occupation, to charge a fee to update or change records relating to a person, including billing or credit information, including, in circumstances in which the person requesting the update or change chooses to communicate about the update or change by speaking with a natural person by telephone in lieu of using an automated or computerized telephone system.

Existing law makes it a deceptive trade practice for a person, in the course of his or her business or occupation, to issue a gift certificate that expires on a certain date unless the expiration date of the gift certificate or a telephone number for obtaining balance or expiration information is printed on the front or back of the gift certificate in at least 10-point font. (NRS 598.0921) **Section 1** of this bill makes it a deceptive trade practice to offer a free gift certificate or gift card as part of a promotion or incentive to potential customers if ~~[: (1) the offer expires less than 90 days after the date on which the offer is made; or (2) the person does not print]~~ **the promotion is redeemable only by mail, unless** the expiration date of the offer **is printed** plainly and conspicuously on ~~[the front of]~~ any written materials concerning the offer provided to the recipient of the offer.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 598 of NRS is hereby amended by adding thereto a new section to read as follows:

~~***[1. A person shall not, in the course of the person's business or occupation, offer to provide, free of charge, a gift certificate or gift card as part of a promotion or incentive to potential customers if the offer expires less than 90 days after the date on which the offer is made.***~~

~~*2. If a person, in the course of the person's business or occupation, offers to provide, free of charge, a gift certificate or gift card as part of a promotion or incentive to potential customers, the person shall ensure that the expiration date of the offer is printed:*~~

~~*(a) Plainly and conspicuously in at least 12-point bold font on the front of any brochure, leaflet, pamphlet, packaging, advertisement or other written material provided to the recipient of the offer which contains information concerning the offer; and*~~

~~*(b) In such a manner that the print is readily visible to the recipient of the offer before the recipient becomes a customer.*~~

~~*3.]*~~ ***1. A person shall not, in the course of the person's business or occupation, offer to provide a gift certificate or gift card, free of charge, as part of a promotion or incentive to potential customers if the promotion or incentive is redeemable only by mail, unless the expiration date of the offer is printed plainly and conspicuously in 12-point bold font on any brochure, leaflet, pamphlet, packaging, advertisement or other written material provided to the recipient of the offer which contains information concerning the offer. This subsection does not apply to an offer upon which the gift certificate or gift card will be provided directly to a potential customer.***

2. A person engages in a "deceptive trade practice" if the person violates subsection 1 . ~~*[or 2.]*~~

Sec. 1.3. NRS 598.0903 is hereby amended to read as follows:

598.0903 As used in NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 598.0905 to 598.0947, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 1.7. NRS 598.092 is hereby amended to read as follows:

598.092 A person engages in a "deceptive trade practice" when in the course of his or her business or occupation he or she:

1. Knowingly fails to identify goods for sale or lease as being damaged by water.

2. Solicits by telephone or door to door as a lessor or seller, unless the lessor or seller identifies himself or herself, whom he or she represents and the purpose of his or her call within 30 seconds after beginning the conversation.

3. Knowingly states that services, replacement parts or repairs are needed when no such services, replacement parts or repairs are actually needed.

4. Fails to make delivery of goods or services for sale or lease within a reasonable time or to make a refund for the goods or services, if he or she allows refunds.

5. Advertises or offers an opportunity for investment and:

(a) Represents that the investment is guaranteed, secured or protected in a manner which he or she knows or has reason to know is false or misleading;

(b) Represents that the investment will earn a rate of return which he or she knows or has reason to know is false or misleading;

(c) Makes any untrue statement of a material fact or omits to state a material fact which is necessary to make another statement, considering the circumstances under which it is made, not misleading;

(d) Fails to maintain adequate records so that an investor may determine how his or her money is invested;

(e) Fails to provide information to an investor after a reasonable request for information concerning his or her investment;

(f) Fails to comply with any law or regulation for the marketing of securities or other investments; or

(g) Represents that he or she is licensed by an agency of the State to sell or offer for sale investments or services for investments if he or she is not so licensed.

6. Charges a fee for advice with respect to investment of money and fails to disclose:

(a) That he or she is selling or offering to lease goods or services and, if he or she is, their identity; or

(b) That he or she is licensed by an agency of any state or of the United States to sell or to offer for sale investments or services for investments or holds any other license related to the service he or she is providing.

7. Notifies any person, by any means, as a part of an advertising plan or scheme, that he or she has won a prize and that as a condition of receiving the prize he or she must purchase or lease goods or services.

8. Knowingly misrepresents the legal rights, obligations or remedies of a party to a transaction.

9. Fails, in a consumer transaction that is rescinded, cancelled or otherwise terminated in accordance with the terms of an agreement, advertisement, representation or provision of law, to promptly restore to a person entitled to it a deposit, down payment or other payment or, in the case of property traded in but not available, the agreed value of the property or fails to cancel within a specified time or an otherwise reasonable time an acquired security interest. This subsection does not apply to a person who is holding a deposit, down payment or other payment on behalf of another if all parties to the transaction have not agreed to the release of the deposit, down payment or other payment.

10. Fails to inform customers, if he or she does not allow refunds or exchanges, that he or she does not allow refunds or exchanges by:

(a) Printing a statement on the face of the lease or sales receipt;

(b) Printing a statement on the face of the price tag; or

(c) Posting in an open and conspicuous place a sign at least 8 by 10 inches in size with boldface letters,

➥ specifying that no refunds or exchanges are allowed.

11. Knowingly and willfully violates NRS 597.7118 or 597.7125.

12. Knowingly takes advantage of another person's inability reasonably to protect his or her own rights or interests in a consumer transaction when such an inability is due to illiteracy, or to a mental or physical infirmity or another similar condition which manifests itself as an incapability to understand the language or terms of any agreement.

13. Charges a fee to a person to change or update any record, including, without limitation, billing or credit information, which relates to the person requesting the change or update, including, without limitation, in circumstances in which that person chooses to communicate regarding the change or update by speaking to a natural person by telephone in lieu of using an automated or computerized telephone system.

Sec. 2. (Deleted by amendment.)

Sec. 2.1. NRS 598.0953 is hereby amended to read as follows:

598.0953 1. Evidence that a person has engaged in a deceptive trade practice is prima facie evidence of intent to injure competitors and to destroy or substantially lessen competition.

2. The deceptive trade practices listed in NRS 598.0915 to 598.0925, inclusive, ***and section 1 of this act*** are in addition to and do not limit the types of unfair trade practices actionable at common law or defined as such in other statutes of this State.

Sec. 2.2. NRS 598.0955 is hereby amended to read as follows:

598.0955 1. The provisions of NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act*** do not apply to:

(a) Conduct in compliance with the orders or rules of, or a statute administered by, a federal, state or local governmental agency.

(b) Publishers, including outdoor advertising media, advertising agencies, broadcasters or printers engaged in the dissemination of information or reproduction of printed or pictorial matter who publish, broadcast or reproduce material without knowledge of its deceptive character.

(c) Actions or appeals pending on July 1, 1973.

2. The provisions of NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act*** do not apply to the use by a person of any service mark, trademark, certification mark, collective mark, trade name or other trade identification which was used and not abandoned prior to July 1, 1973, if the use was in good faith and is otherwise lawful except for the provisions of NRS 598.0903 to 598.0999, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 2.3. NRS 598.0963 is hereby amended to read as follows:

598.0963 1. Whenever the Attorney General is requested in writing by the Commissioner or the Director to represent him or her in instituting a legal proceeding against a person who has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person on behalf of the Commissioner or Director.

2. The Attorney General may institute criminal proceedings to enforce the provisions of NRS 598.0903 to 598.0999, inclusive ~~[.]~~ ***, and section 1 of***

this act. The Attorney General is not required to obtain leave of the court before instituting criminal proceedings pursuant to this subsection.

3. If the Attorney General has reason to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person to obtain a temporary restraining order, a preliminary or permanent injunction, or other appropriate relief.

4. If the Attorney General has cause to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may issue a subpoena to require the testimony of any person or the production of any documents, and may administer an oath or affirmation to any person providing such testimony. The subpoena must be served upon the person in the manner required for service of process in this State or by certified mail with return receipt requested. An employee of the Attorney General may personally serve the subpoena.

Sec. 2.4. NRS 598.0967 is hereby amended to read as follows:

598.0967 1. The Commissioner and the Director, in addition to other powers conferred upon them by NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act,*** may issue subpoenas to require the attendance of witnesses or the production of documents, conduct hearings in aid of any investigation or inquiry and prescribe such forms and adopt such regulations as may be necessary to administer the provisions of NRS 598.0903 to 598.0999, inclusive ~~[.]~~ ***, and section 1 of this act.*** Such regulations may include, without limitation, provisions concerning the applicability of the provisions of NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act*** to particular persons or circumstances.

2. Except as otherwise provided in this subsection, service of any notice or subpoena must be made by certified mail with return receipt or as otherwise allowed by law. An employee of the Consumer Affairs Division of the Department of Business and Industry may personally serve a subpoena issued pursuant to this section.

Sec. 2.5. NRS 598.0971 is hereby amended to read as follows:

598.0971 1. If, after an investigation, the Commissioner has reasonable cause to believe that any person has been engaged or is engaging in any deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act,*** the Commissioner may issue an order directed to the person to show cause why the Director should not order the person to cease and desist from engaging in the practice and to pay an administrative fine. The order must contain a statement of the charges and a notice of a hearing to be held thereon. The order must be served upon the person directly or by certified or registered mail, return receipt requested.

2. An administrative hearing on any action brought by the Commissioner must be conducted before the Director or his or her designee.

3. If, after conducting a hearing pursuant to the provisions of subsection 2, the Director or his or her designee determines that the person has violated

any of the provisions of NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act,*** or if the person fails to appear for the hearing after being properly served with the statement of charges and notice of hearing, the Director or his or her designee shall issue an order setting forth his or her findings of fact concerning the violation and cause to be served a copy thereof upon the person and any intervener at the hearing. If the Director or his or her designee determines in the report that such a violation has occurred, he or she may order the violator to:

(a) Cease and desist from engaging in the practice or other activity constituting the violation;

(b) Pay the costs of conducting the investigation, costs of conducting the hearing, costs of reporting services, fees for experts and other witnesses, charges for the rental of a hearing room if such a room is not available to the Director or his or her designee free of charge, charges for providing an independent hearing officer, if any, and charges incurred for any service of process, if the violator is adjudicated to have committed a violation of NRS 598.0903 to 598.0999, inclusive ~~[.]~~ ***, and section 1 of this act;***

(c) Provide restitution for any money or property improperly received or obtained as a result of the violation; and

(d) Impose an administrative fine of $1,000 or treble the amount of restitution ordered, whichever is greater.

➥ The order must be served upon the person directly or by certified or registered mail, return receipt requested. The order becomes effective upon service in the manner provided in this subsection.

4. Any person whose pecuniary interests are directly and immediately affected by an order issued pursuant to subsection 3 or who is aggrieved by the order may petition for judicial review in the manner provided in chapter 233B of NRS. Such a petition must be filed within 30 days after the service of the order. The order becomes final upon the filing of the petition.

5. If a person fails to comply with any provision of an order issued pursuant to subsection 3, the Commissioner or the Director may, through the Attorney General, at any time after 30 days after the service of the order, cause an action to be instituted in the district court of the county wherein the person resides or has his or her principal place of business requesting the court to enforce the provisions of the order or to provide any other appropriate injunctive relief.

6. If the court finds that:

(a) The violation complained of is a deceptive trade practice;

(b) The proceedings by the Director or his or her designee concerning the written report and any order issued pursuant to subsection 3 are in the interest of the public; and

(c) The findings of the Director or his or her designee are supported by the weight of the evidence,

➥ the court shall issue an order enforcing the provisions of the order of the Director or his or her designee.

7. An order issued pursuant to subsection 6 may include:

(a) A provision requiring the payment to the Consumer Affairs Division of the Department of Business and Industry of a penalty of not more than $5,000 for each act amounting to a failure to comply with the Director's or designee's order;

(b) An order that the person cease doing business within this State; and

(c) Such injunctive or other equitable or extraordinary relief as is determined appropriate by the court.

8. Any aggrieved party may appeal from the final judgment, order or decree of the court in a like manner as provided for appeals in civil cases.

9. Upon the violation of any judgment, order or decree issued pursuant to subsection 6 or 7, the Commissioner, after a hearing thereon, may proceed in accordance with the provisions of NRS 598.0999.

Sec. 2.6. NRS 598.0985 is hereby amended to read as follows:

598.0985 Notwithstanding the requirement of knowledge as an element of a deceptive trade practice, and notwithstanding the enforcement powers granted to the Commissioner or Director pursuant to NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act,*** whenever the district attorney of any county has reason to believe that any person is using, has used or is about to use any deceptive trade practice, knowingly or otherwise, he or she may bring an action in the name of the State of Nevada against that person to obtain a temporary or permanent injunction against the deceptive trade practice.

Sec. 2.7. NRS 598.0993 is hereby amended to read as follows:

598.0993 The court in which an action is brought pursuant to NRS 598.0979 and 598.0985 to 598.099, inclusive, may make such additional orders or judgments as may be necessary to restore to any person in interest any money or property, real or personal, which may have been acquired by means of any deceptive trade practice which violates any of the provisions of NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act,*** but such additional orders or judgments may be entered only after a final determination has been made that a deceptive trade practice has occurred.

Sec. 2.8. NRS 598.0999 is hereby amended to read as follows:

598.0999 1. Except as otherwise provided in NRS 598.0974, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act,*** upon a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than $10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive ~~[.]~~ **,** ***and section 1 of this act.***

2. Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act,*** if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed $5,000 for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.

3. A natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:

(a) For the first offense, is guilty of a misdemeanor.

(b) For the second offense, is guilty of a gross misdemeanor.

(c) For the third and all subsequent offenses, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

➥ The court may require the natural person, firm, or officer or managing agent of the corporation or association to pay to the aggrieved party damages on all profits derived from the knowing and willful engagement in a deceptive trade practice and treble damages on all damages suffered by reason of the deceptive trade practice.

4. Any offense which occurred within 10 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of subsection 3 when evidenced by a conviction, without regard to the sequence of the offenses and convictions.

5. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act,*** 598.100 to 598.2801, inclusive, 598.305 to 598.395, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, or 598.840 to 598.966, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

6. If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

Sec. 2.9. NRS 41.600 is hereby amended to read as follows:

41.600 1. An action may be brought by any person who is a victim of consumer fraud.

2. As used in this section, "consumer fraud" means:

(a) An unlawful act as defined in NRS 119.330;

(b) An unlawful act as defined in NRS 205.2747;

(c) An act prohibited by NRS 482.36655 to 482.36667, inclusive;

(d) An act prohibited by NRS 482.351; or

(e) A deceptive trade practice as defined in NRS 598.0915 to 598.0925, inclusive ~~[.]~~ ***, and section 1 of this act.***

3. If the claimant is the prevailing party, the court shall award the claimant:

(a) Any damages that the claimant has sustained;

(b) Any equitable relief that the court deems appropriate; and

(c) The claimant's costs in the action and reasonable attorney's fees.

4. Any action brought pursuant to this section is not an action upon any contract underlying the original transaction.

Sec. 3. The provisions of section 1 of this act apply only to gift certificate and gift card offers made on or after July 1, 2017.

Sec. 4. This act becomes effective on July 1, 2017.

Assemblywoman Bustamante Adams moved that the Assembly concur in the Senate Amendment No. 782 to Assembly Bill No. 361.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

The amendment deletes the provisions of the bill that make it a deceptive trade practice to offer a free gift certificate or gift card as part of a promotion or incentive to potential customers if the offer expires less than 90 days after the date on which the offer is made. It prohibits a person in the course of his or her business or occupation to offer a gift certificate or gift card free of charge as part of a promotion or incentive to potential customers if the promotion is redeemable only by mail, except under certain circumstances. This does not apply to an offer when a gift certificate or gift card is provided directly to a potential customer.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 381.

The following Senate amendment was read:

Amendment No. 859.

AN ACT relating to health insurance; prohibiting an insurer from taking certain actions concerning prescription drugs covered by certain policies of health insurance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, policies of health insurance may provide coverage for prescription drugs. Prescription drugs which are covered by a policy of health insurance are organized into a formulary, which is an official list of the prescription drugs, and that formulary may be subcategorized based upon the cost to the insured person to purchase the prescription drug under the policy of health insurance. These subcategories are referred to as tiers. If a particular prescription drug is moved by the insurer from a lower cost tier to a higher cost tier, the insured person purchasing the prescription drug will need to pay more to purchase the prescription drug after the prescription drug is moved to the higher cost tier.

Section 1 of this bill prohibits certain insurers from moving a prescription drug from a lower cost tier to a higher cost tier under certain policies of health insurance issued to an individual or a small employer, except on specified dates or when an applicable generic drug is added to the formulary under specified circumstances. **Section 1** does not prevent such an insurer from: (1) moving a prescription drug from a higher cost tier to a lower cost tier; (2) removing a prescription drug from a formulary; or (3) adding a prescription drug to a formulary. **Further, section 1 does not limit the conditions under which a pharmacist is otherwise authorized or required to substitute: (1) a generic drug for a drug prescribed by brand name; or (2) an interchangeable biological product for a biological product prescribed by brand name.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 687B of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a policy of health insurance issued to an individual pursuant to chapter 689A, 695B or 695C of NRS includes coverage for a prescription drug pursuant to a formulary with more than one cost tier, the insurer may move the prescription drug from a lower cost tier to a higher cost tier only:

(a) On January 1; and

(b) On any date on which the insurer adds to the formulary a generic prescription drug that:

(1) Has been approved by the Food and Drug Administration for use as an alternative to the original prescription drug; and

(2) Is being added to the formulary at:

(I) The same cost tier from which the original prescription drug is being moved; or

(II) A cost tier which has a smaller deductible, copayment or coinsurance than the cost tier from which the original prescription drug is being moved.

2. If a policy of health insurance issued to a small employer pursuant to chapter 689C, 695B or 695C of NRS includes coverage for a prescription

drug pursuant to a formulary with more than one cost tier, the insurer may move the prescription drug from a lower cost tier to a higher cost tier only:

(a) On January 1;

(b) On July 1; and

(c) On any date on which the insurer adds to the formulary a generic prescription drug that:

(1) Has been approved by the Food and Drug Administration for use as an alternative to the original prescription drug; and

(2) Is being added to the formulary at:

(I) The same cost tier from which the original prescription drug is being moved; or

(II) A cost tier which has a smaller deductible, copayment or coinsurance than the cost tier from which the original prescription drug is being moved.

3. The provisions of this section do not prevent an insurer, at any time, from:

(a) Moving a prescription drug from a higher cost tier of a formulary to a lower cost tier of the formulary;

(b) Removing a prescription drug from a formulary; or

(c) Adding a prescription drug to a formulary.

4. This section does not apply to a grandfathered plan.

5. The provisions of this section must not be construed to limit the conditions under which a pharmacist is otherwise authorized or required by law to substitute:

(a) A generic drug for a drug prescribed by brand name; or

(b) An interchangeable biological product for a biological product prescribed by brand name.

6. As used in this section:

(a) "Biological product" has the meaning ascribed to it in section 2 of Assembly Bill No. 245 of this session.

(b) "Individual carrier" has the meaning ascribed to it in NRS 689A.550.

~~[(b)]~~ (c) "Insurer" includes, without limitation:

(1) An individual carrier; and

(2) A governmental entity which offers, administers or otherwise provides a policy of health insurance.

~~[(c)]~~ (d) "Interchangeable biological product" has the meaning ascribed to it in section 3 of Assembly Bill No. 245 of this session.

(e) "Small employer" has the meaning ascribed to it in NRS 689C.095.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. This act becomes effective on January 1, 2019.

Assemblywoman Bustamante Adams moved that the Assembly concur in the Senate Amendment No. 859 to Assembly Bill No. 381.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

The amendment affects section 1 of the bill. It does not limit the conditions under which a pharmacist is authorized or required to substitute a generic drug for a drug prescribed by brand name, or an interchangeable biological product for a biological product prescribed by brand name.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 68.

The following Senate amendment was read:

Amendment No. 810.

SUMMARY—Revises provisions ~~[governing the administration of laws relating to transportation.]~~ **relating to public safety.** (BDR 43-223)

AN ACT relating to ~~[transportation;]~~ **public safety;** revising provisions relating to the photograph on a driver's license; revising provisions governing the licensure and operation of schools for training drivers; revising provisions relating to the fees paid by a person 65 years of age or older for an identification card; revising provisions relating to the issuance of a commercial driver's license to a person who is not a resident of this State; **revising provisions relating to the issuance of traffic citations;** setting forth exceptions to certain restrictions on the placement of advertising on or near certain highways, rights-of-way, bridges or structures; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department to issue a driver's license which bears a colored photograph of the licensee. (NRS 483.347) **Section 10** of this bill removes the requirement that the photograph be in color.

Existing law requires a person who seeks to operate a school for training drivers or to be an instructor for a school for training drivers to obtain a ~~[driver's]~~ license from the Department. (NRS 483.700) The Department may cancel, suspend, revoke or refuse to renew the ~~[driver's]~~ license if the licensee engages in certain acts or practices. (NRS 483.760) **Section 12** of this bill provides that the Department may also refuse to issue a license if the applicant engages in any of those certain acts or practices, and adds to the list of those acts or practices: (1) making a material misstatement on an application; (2) failing or refusing to provide any information requested by the Department regarding an application; and (3) conviction of a crime for a violation of any of the provisions of law governing schools for training drivers and instructors for a school for training drivers. Existing law also requires that each vehicle used for training drivers and operated on a highway is inspected annually. (NRS 483.745) **Section 11** of this bill requires that a

vehicle be inspected within 30 days after initial use by the school for training drivers, and then inspected annually thereafter.

Existing law allows certain persons who do not hold a valid driver's license from any state or jurisdiction to obtain an identification card from the Department. (NRS 482.820) A person who is 65 years of age or older must pay a fee of $4 for an original or duplicate identification card. **Section 13** of this bill clarifies that the $4 fee applies to such an identification card which expires on or before the fourth anniversary of the person's birthday and an $8 fee applies to such an identification card which expires on or before the eighth anniversary of the person's birthday.

Existing law requires the Department to adopt regulations providing for the issuance of commercial drivers' licenses, but the regulations may not be more restrictive than the federal regulations adopted pursuant to the Commercial Motor Vehicle Safety Act of 1986, as amended, 49 U.S.C. §§ 31301 et seq. (NRS 483.908) The Department may not issue a commercial driver's license or a commercial learner's permit, which allows a person to operate a commercial motor vehicle on the highways of this State if he or she is accompanied by the holder of a commercial driver's license, to a person unless the person is a resident of this State. (NRS 483.924, 483.934) Existing law prohibits a person who is a resident of this State for 30 days or more from driving a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction. (NRS 483.932) Existing law authorizes the Department to issue a nonresident commercial driver's license or a nonresident commercial learner's permit to a person who is a resident of a foreign jurisdiction which the Federal Highway Administrator has determined does not test drivers and issue commercial drivers' licenses in accordance with federal standards or who is a resident of a state while that state is prohibited from issuing commercial drivers' licenses pursuant to federal regulations. (NRS 483.936) **Section 15** of this bill removes the authorization for the Department to issue a nonresident commercial driver's license or nonresident commercial learner's permit, and newly provides that the Department may only issue a limited-term commercial driver's license or limited-term commercial learner's permit to a resident of a foreign jurisdiction which the Federal Highway Administrator has determined does not test drivers and issue commercial drivers' licenses in accordance with federal standards. **Section 14** of this bill makes conforming changes to the fees for such a license.

Existing law authorizes a peace officer to issue a traffic citation to a person in the form of a complaint that contains a notice to appear in court. The person to whom the traffic citation is issued is authorized to give his or her written promise to appear in court by signing at least one copy of the traffic citation. (NRS 484A.630) Existing law provides that it is unlawful for a person to violate such a written promise to appear in court and authorizes the issuance of a warrant upon such a violation. (NRS 484A.670) Existing law also requires that a person be taken before

a magistrate if: (1) the person is issued a traffic citation and refuses to give a written promise to appear in court; or (2) a peace officer has reasonable and probable grounds to believe that the person will disregard a written promise to appear in court. (NRS 484A.720, 484A.730) Finally, existing law provides that when such a person is taken into custody by a peace officer for the purpose of appearing before a magistrate, the person must be released from custody in certain circumstances upon the issuance of a traffic citation to the person and the person signing a written promise to appear in court. (NRS 484A.760)

Section 15.1 of this bill provides that if a person who is issued a traffic citation refuses to sign a copy of the traffic citation but accepts a copy of the citation delivered by a peace officer, such acceptance shall be deemed personal service of the notice to appear in court. Section 15.15 of this bill provides that it is unlawful for a person to fail to appear at the time and place set forth in a notice to appear in court that is contained in a traffic citation. Sections 15.2 and 15.25 of this bill, respectively, require that a person be taken before a magistrate if: (1) the person is issued a traffic citation and refuses to sign or accept a copy of the traffic citation; or (2) a peace officer has reasonable and probable grounds to believe that the person will disregard a notice to appear in court. Section 15.27 of this bill requires that a person taken into custody for the purpose of appearing before a magistrate be released from custody in certain circumstances upon the acceptance of a copy of a traffic citation.

Existing law authorizes a peace officer to prepare and issue a traffic citation to a child in certain circumstances pursuant to the same criteria as would apply to an adult violator. If the child executes a written promise to appear in court by signing the citation, the peace officer is prohibited from taking the child into physical custody for the violation. (NRS 62C.070) Section 15.4 of this bill provides that if such a child refuses to execute a written promise to appear in court but accepts a copy of the citation delivered by the peace officer, such acceptance shall be deemed personal service of the notice to appear in court.

Existing law restricts the placement of advertising on or near certain highways, rights-of-way, bridges or structures, with certain exceptions for benches and shelters for passengers of mass transit and monorail stations. (NRS 405.110, 410.320, 484B.313) **Sections 15.3 ~~[,]~~ , 15.5 and 15.7** of this bill add to the exceptions from those restrictions certain advertisements on a touchdown structure, which is the tower attached to a pedestrian bridge and which houses an elevator.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. NRS 483.347 is hereby amended to read as follows:

483.347 1. Except as otherwise provided in subsection 2, the Department shall issue a rectangular-shaped driver's license which bears a front view ~~[~~colored~~]~~ photograph of the licensee. The photograph and any information included on the license must be placed in a manner which ensures that:

(a) If the licensee is 21 years of age or older, the longer edges of the rectangle serve as the top and bottom of the license; or

(b) If the licensee is under 21 years of age, the shorter edges of the rectangle serve as the top and bottom of the license.

2. The Department may issue a temporary driver's license without a photograph of the licensee if the licensee is temporarily absent from this State and requests the renewal of, the issuance of a duplicate of, or a change in the information on, his or her driver's license. If the licensee returns to this State for 14 continuous days or more, the licensee shall, within 24 days after the date of return, surrender the temporary license and obtain a license which bears his or her photograph in accordance with subsection 1. A licensee charged with violating the provisions of this subsection may not be convicted if the licensee surrenders the temporary license, obtains a license which bears his or her photograph in accordance with subsection 1 and produces that license in court or in the office of the arresting officer.

3. The Department shall:

(a) Establish a uniform procedure for the production of drivers' licenses, applicable to renewal as well as to original licenses.

(b) Except as otherwise provided in NRS 483.417 and 483.825, by regulation, increase the fees provided in NRS 483.410, 483.820 and 483.910 as necessary to cover the actual cost of production of photographs for drivers' licenses and identification cards. The increase must be deposited in the State Treasury for credit to the Motor Vehicle Fund and must be allocated to the Department to defray the increased costs of producing the drivers' licenses required by this section.

Sec. 11. NRS 483.745 is hereby amended to read as follows:

483.745 1. A school for training drivers or a third-party certifier provided for by regulation shall ensure that each vehicle used for training drivers and operated on a highway is inspected ***within 30 days after initial use by the school for training drivers and inspected*** annually ~~[.]~~ ***thereafter.***

2. The school for training drivers or the third-party certifier shall provide to the Department, within 30 days of the inspection or by December 31 of each calendar year, whichever comes first, the results of the inspection

regarding the safety and road worthiness of the vehicles inspected pursuant to subsection 1.

3. The Department shall adopt regulations setting forth:

(a) The persons qualified to conduct the inspection; and

(b) The standards with which the inspection must comply.

4. The owner of the school for training drivers or the third-party certifier shall maintain a copy of the results of the inspection at his or her principal place of business for 3 years after the inspection is completed.

Sec. 12. NRS 483.760 is hereby amended to read as follows:

483.760 The Department may ***refuse to issue a license or may*** cancel, suspend, revoke or refuse to renew any license granted pursuant to NRS 483.700 to 483.780, inclusive:

1. ***If the applicant or licensee makes a material misstatement on an application.***

2. If the applicant or licensee fails or refuses to provide any information requested by the Department in conjunction with an application.

3. If the applicant has been convicted of a crime for a violation of any of the provisions of NRS 483.700 to 483.780, inclusive.

4. If the licensee permits fraud or engages in fraudulent practices either with reference to the applicant or the Department or induces or countenances fraud or fraudulent practices on the part of any applicant for driver's license.

~~[2.]~~ ***5.*** If the licensee fails to comply with ***or is convicted of a crime for a violation of*** any of the provisions of NRS 483.700 to 483.780, inclusive, or any of the regulations or requirements of the Department made pursuant thereto.

~~[3.]~~ ***6.*** If the licensee or any employee or agent of the licensee solicits persons for enrollment in a school for training drivers in an office of the Department or within 200 feet of any such office.

~~[4.]~~ ***7.*** If the licensee or any employee or agent of the licensee follows the identical course of training which is used by the Department in giving an examination for a driver's license.

Sec. 13. NRS 483.820 is hereby amended to read as follows:

483.820 1. A person who applies for an identification card in accordance with the provisions of NRS 483.810 to 483.890, inclusive, and who is not ineligible to receive an identification card pursuant to NRS 483.861, is entitled to receive an identification card if the person is:

(a) A resident of this State and is 10 years of age or older and does not hold a valid driver's license or identification card from any state or jurisdiction; or

(b) A seasonal resident who does not hold a valid Nevada driver's license.

2. Except as otherwise provided in NRS 483.825, the Department shall charge and collect the following fees for the issuance of an original, duplicate or changed identification card:

An original or duplicate identification card issued to a person 65 years of age or older ***which expires on or before the fourth anniversary of the person's birthday*** $4

An original or duplicate identification card issued to a person 65 years of age or older which expires on or before the eighth anniversary of the person's birthday 8

An original or duplicate identification card issued to a person under 18 years of age which expires on the eighth anniversary of the person's birthday 6

A renewal of an identification card for a person under 18 years of age which expires on the eighth anniversary of the person's birthday 6

An original or duplicate identification card issued to a person under 18 years of age which expires on or before the fourth anniversary of the person's birthday 3

A renewal of an identification card for a person under 18 years of age which expires on or before the fourth anniversary of the person's birthday 3

An original or duplicate identification card issued to any person at least 18 years of age, but less than 65 years of age, which expires on the eighth anniversary of the person's birthday 18

A renewal of an identification card for any person at least 18 years of age, but less than 65 years of age, which expires on the eighth anniversary of the person's birthday 18

An original or duplicate identification card issued to any person at least 18 years of age, but less than 65 years of age, which expires on or before the fourth anniversary of the person's birthday 9

A renewal of an identification card for any person at least 18 years of age, but less than 65 years of age, which expires on or before the fourth anniversary of the person's birthday 9

A new photograph or change of name, or both 4

3. The Department shall not charge a fee for:

(a) An identification card issued to a person who has voluntarily surrendered his or her driver's license pursuant to NRS 483.420; or

(b) A renewal of an identification card for a person 65 years of age or older.

4. Except as otherwise provided in NRS 483.825, the increase in fees authorized in NRS 483.347 must be paid in addition to the fees charged pursuant to this section.

5. As used in this section, "photograph" has the meaning ascribed to it in NRS 483.125.

Sec. 14. NRS 483.910 is hereby amended to read as follows:

483.910 1. The Department shall charge and collect the following fees:

For an original commercial driver's license ~~[or nonresident commercial driver's license]~~ which expires on ***or before*** the eighth anniversary of the date of issuance of the license ***but after the fourth anniversary of the date of issuance of the license*** $108

For an original commercial driver's license ~~[, nonresident commercial driver's license,]~~ ***or*** commercial learner's permit ~~[or nonresident commercial learner's permit]~~ which expires on or before the fourth anniversary of the birthday of the licensee or permit holder 54

For renewal of a commercial driver's license ~~[or nonresident commercial driver's license]~~ which expires on ***or before*** the eighth anniversary of the date of issuance of the license ***but after the fourth anniversary of the date of issuance of the license*** 108

For renewal of a commercial driver's license ~~[, nonresident commercial driver's license,]~~ ***or*** commercial learner's permit ~~[or nonresident commercial learner's permit]~~ which expires on or before the fourth anniversary of the birthday of the licensee or permit holder 54

For reinstatement of a commercial driver's license after suspension or revocation of the license for a violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430, or pursuant to NRS 484C.210 and 484C.220, or pursuant to 49 C.F.R. § ~~[383.51(b)(2)(i) or (ii)]~~ ***383.51(b)(1) to (4)*** 145

For reinstatement of a commercial driver's license after suspension, revocation, cancellation or disqualification of the license, except a suspension or revocation for a violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430, or pursuant to NRS 484C.210 and 484C.220, or pursuant to 49 C.F.R. § ~~[383.51(b)(2)(i) or (ii)]~~ ***383.51(b)(1) to (4)*** 110

For a duplicate commercial driver's license 19

For any change of information on a commercial driver's license 9

For each endorsement added after the issuance of an original commercial driver's license..... 14

For the administration of a driving skills test for the issuance, renewal or transfer of a commercial driver's license or to change any information on, or add an endorsement to, an existing commercial driver's license..... 30

2. The Department shall charge and collect an annual fee of $555 from each person who is authorized by the Department to administer a driving skills test pursuant to NRS 483.912.

3. An additional charge of $3 must be charged for each knowledge test administered to a person who has twice failed the test.

4. An additional charge of $25 must be charged for each driving skills test administered to a person who has twice failed the test.

5. The increase in fees authorized in NRS 483.347 must be paid in addition to the fees charged pursuant to this section.

6. The Department shall charge an applicant for a hazardous materials endorsement an additional fee for the processing of fingerprints. The Department shall establish the additional fee by regulation, except that the amount of the additional fee must not exceed the sum of the amount charged by the Central Repository for Nevada Records of Criminal History and each applicable federal agency to process the fingerprints for a background check of the applicant in accordance with Section 1012 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001, 49 U.S.C. § 5103a.

Sec. 15. NRS 483.936 is hereby amended to read as follows:

483.936 A person who is a resident of a foreign jurisdiction which the Federal Highway Administrator has determined does not test drivers and issue commercial drivers' licenses in accordance with federal standards ~~[or who is a resident of a state while that state is prohibited from issuing commercial drivers' licenses pursuant to 49 C.F.R. § 384.405]~~ and who wishes to be issued a ~~[nonresident]~~ ***limited-term*** commercial driver's license or ~~[nonresident]~~ ***limited-term*** commercial learner's permit by this State must:

1. Apply to the Department for a ~~[nonresident]~~ ***limited-term*** commercial driver's license or ~~[nonresident]~~ ***limited-term*** commercial learner's permit; and

2. Comply with all other requirements contained in the regulations adopted by the Department pursuant to NRS 483.908.

Sec. 15.1. **NRS 484A.630 is hereby amended to read as follows:**

484A.630 1. Whenever a person is halted by a peace officer for any violation of chapters 484A to 484E, inclusive, of NRS punishable as a misdemeanor and is not taken before a magistrate as required or permitted by NRS 484A.720 and 484A.730, the peace officer may prepare a traffic citation

manually or electronically in the form of a complaint issuing in the name of "The State of Nevada," containing a notice to appear in court, the name and address of the person, the state registration number of the person's vehicle, if any, the number of the person's driver's license, if any, the offense charged, including a brief description of the offense and the NRS citation, the time and place when and where the person is required to appear in court, and such other pertinent information as may be necessary. The ***peace officer shall sign the*** citation ~~[must be signed by the peace officer.]~~ ***and deliver a copy of the citation to the person charged with the violation.*** If the citation is prepared electronically, the ***peace*** officer shall sign the copy of the citation that is delivered to the person charged with the violation.

2. The time specified in the notice to appear must be at least 5 days after the alleged violation unless the person charged with the violation demands an earlier hearing.

3. The place specified in the notice to appear must be before a magistrate, as designated in NRS 484A.750.

4. The person charged with the violation may give his or her written promise to appear in court by signing at least one copy of the traffic citation prepared by the peace officer ~~[, in which event the peace officer shall deliver a copy of the citation to the person,]~~ and thereupon the peace officer shall not take the person into physical custody for the violation. If the citation is prepared electronically, the ***peace*** officer ~~[shall deliver the signed copy of the citation to the person and]~~ shall indicate on the electronic record of the citation whether the person charged gave his or her written promise to appear. A copy of the citation that is signed by the person charged or the electronic record of the citation which indicates that the person charged gave his or her written promise to appear suffices as proof of service.

5. If the person charged with the violation refuses to sign a copy of the traffic citation but accepts a copy of the citation delivered by the peace officer:

(a) The acceptance shall be deemed personal service of the notice to appear in court;

(b) A copy of the citation signed by the peace officer suffices as proof of service; and

(c) The peace officer shall not take the person into physical custody for the violation.

Sec. 15.15. **NRS 484A.670 is hereby amended to read as follows:**

484A.670 1. ~~[It]~~ ***Regardless of the disposition of the charge for which a traffic citation was originally issued, it*** is unlawful for a person to ~~[violate]~~ **:**

(a) Violate a written promise to appear ***in court*** given to a peace officer upon the issuance of a traffic citation prepared ~~[manually or electronically, regardless of the disposition of the charge for which the citation was originally issued.]~~ ***by the peace officer; or***

(b) Fail to appear at the time and place set forth in a notice to appear in court that is contained in a traffic citation prepared by a peace officer.

2. Except as otherwise provided in this subsection, a person may comply with a written promise to appear in court ***or a notice to appear in court*** by an appearance by counsel. A person who has been convicted of two or more moving traffic violations in unrelated incidents within a 12-month period and is subsequently arrested or issued a citation within that 12-month period shall appear personally in court with or without counsel.

3. A warrant may issue upon a violation of a written promise to appear ~~[.]~~ ***in court or a failure to appear at the time and place set forth in a notice to appear in court.***

Sec. 15.2. **NRS 484A.720 is hereby amended to read as follows:**

484A.720 Whenever any person is halted by a peace officer for any violation of chapters 484A to 484E, inclusive, of NRS not amounting to a gross misdemeanor or felony, the person shall be taken without unnecessary delay before the proper magistrate, as specified in NRS 484A.750, in either of the following cases:

1. When the person demands an immediate appearance before a magistrate; or

2. In any other event when the person is issued a traffic citation by an authorized person and refuses to ~~[give a written promise to appear in court as provided in NRS 484A.630.]~~ ***sign or accept a copy of the traffic citation.***

Sec. 15.25. **NRS 484A.730 is hereby amended to read as follows:**

484A.730 Whenever any person is halted by a peace officer for any violation of chapters 484A to 484E, inclusive, of NRS and is not required to be taken before a magistrate, the person may, in the discretion of the peace officer, either be given a traffic citation, or be taken without unnecessary delay before the proper magistrate. The person must be taken before the magistrate in any of the following cases:

1. When the person does not furnish satisfactory evidence of identity or when the peace officer has reasonable and probable grounds to believe the person will disregard a written promise to appear in court ~~[.]~~ ***or a notice to appear in court;***

2. When the person is charged with a violation of NRS 484D.580 relating to the refusal of a driver of a vehicle to submit the vehicle to an inspection and test;

3. When the person is charged with a violation of NRS 484D.675 relating to the failure or refusal of a driver of a vehicle to submit the vehicle and load to a weighing or to remove excess weight therefrom; or

4. When the person is charged with a violation of NRS 484C.110 or 484C.120, unless the person is incapacitated and is being treated for injuries at the time the peace officer would otherwise be taking the person before the magistrate.

Sec. 15.27. **NRS 484A.760 is hereby amended to read as follows:**

484A.760 Whenever any person is taken into custody by a peace officer for the purpose of taking him or her before a magistrate or court as authorized or required in chapters 484A to 484E, inclusive, of NRS upon any charge other than a felony or the offenses enumerated in paragraphs (a) to (e), inclusive, of subsection 1 of NRS 484A.710, and no magistrate is available at the time of arrest, and there is no bail schedule established by the magistrate or court and no lawfully designated court clerk or other public officer who is available and authorized to accept bail upon behalf of the magistrate or court, the person must be released from custody upon the issuance to the person of a misdemeanor citation or traffic citation and the person signing a promise to appear, as provided in NRS 171.1773 or 484A.630, respectively ~~[.]~~ ***, or accepting a copy of the traffic citation, as provided in NRS 484A.630.***

Sec. 15.3. NRS 484B.313 is hereby amended to read as follows:

484B.313 1. It is unlawful for any person to place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any such device, sign or signal, and except as otherwise provided in ~~[~~subsection~~]~~ ***subsections*** 4 ~~[.]~~ ***and 5,*** a person shall not place or maintain nor may any public authority permit upon any highway any sign, signal, marking or street banner bearing thereon any commercial advertising **.** ~~[except on benches and shelters for passengers of public mass transportation for which a franchise has been granted pursuant to NRS 244.187 and 244.188, 268.081 and 268.083, 269.128 and 269.129, or 277A.310 and 277A.330, or on monorail stations.]~~

2. Every such prohibited sign, signal or marking is hereby declared to be a public nuisance, and the proper public authority may remove the same or cause it to be removed without notice.

3. This section does not prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official traffic-control devices.

4. A person may place and maintain commercial advertising in an airspace above a highway under the conditions specified pursuant to subsection 3 of NRS 405.110, and a public authority may permit commercial advertising that has been placed in an airspace above a highway under the conditions specified pursuant to subsection 3 of NRS 405.110.

5. ***The provisions of subsection 1 do not apply to any sign, signal, marking or street banner bearing thereon any commercial advertising that is located:***

(a) On a bench or shelter for passengers of public mass transportation built pursuant to a franchise granted pursuant to NRS 244.187 and 244.188, 268.081 and 268.083, 269.128 and 269.129, or 277A.310 and 277A.330;

(b) On a monorail station; or

(c) On a touchdown structure if a public authority authorizes such advertising and the advertising is placed and maintained by a person who owns real property adjacent to the touchdown structure and who has:

(1) Dedicated the touchdown structure to the public authority or has granted a fee or perpetual easement to the public authority for the construction or maintenance of the touchdown structure; and

(2) Entered a written agreement with the public authority on terms and conditions acceptable to the public authority.

6. If a franchisee receives revenues from commercial advertising authorized by subsection 1 and the franchisee is obligated to repay a bond issued by the State of Nevada, the franchisee shall use all revenue generated by the advertising authorized by subsection 1 to meet its obligations to the State of Nevada as set forth in the financing agreement and bond indenture, including, without limitation, the payment of operations and maintenance obligations, the funding of reserves and the payment of debt service. To the extent that any surplus revenue remains after the payment of all such obligations, the surplus revenue must be used solely to repay the bond until the bond is repaid.

~~[6.]~~ ***7.*** As used in this section:

(a) "Monorail station" means:

(1) A structure for the loading and unloading of passengers from a monorail for which a franchise has been granted pursuant to NRS 705.695 or an agreement has been entered into pursuant to NRS 705.695; and

(2) Any facilities or appurtenances within such a structure.

(b) "Street banner" has the meaning ascribed to it in NRS 277A.130.

(c) "Touchdown structure" means a structure, connected to a pedestrian bridge, which houses an elevator.

Sec. 15.4. **NRS 62C.070 is hereby amended to read as follows:**

62C.070 1. If a child is stopped by a peace officer for a violation of any traffic law or ordinance which is punishable as a misdemeanor, the peace officer may prepare and issue a traffic citation pursuant to the same criteria as would apply to an adult violator. ***The peace officer shall deliver a copy of the citation to the child.***

2. If a child who is issued a traffic citation executes a written promise to appear in court by signing the citation, the ***peace*** officer ~~[:~~

~~(a) Shall deliver a copy of the citation to the child; and~~

~~(b) Shall]~~ ***shall*** not take the child into physical custody for the violation.

3. If a child who is issued a traffic citation refuses to execute a written promise to appear in court but accepts a copy of the citation delivered by the peace officer:

(a) The acceptance shall be deemed personal service of the notice to appear in court;

(b) A copy of the citation signed by the peace officer suffices as proof of service; and

(c) The peace officer shall not take the child into physical custody for the violation.

Sec. 15.5. NRS 405.110 is hereby amended to read as follows:

405.110 1. Except ~~[on benches and shelters for passengers of public mass transportation for which a franchise has been granted pursuant to NRS 244.187 and 244.188, 268.081 and 268.083, 269.128 and 269.129, or 277A.310 and 277A.330, or on monorail stations,]~~ ***as otherwise provided in subsection 5,*** no advertising signs, signboards, boards or other materials containing advertising matter may:

(a) Except as otherwise provided in subsection 3, be placed upon or over any state highway.

(b) Except as otherwise provided in subsections 3 and 4, be placed within the highway right-of-way.

(c) Except as otherwise provided in subsection 3, be placed upon any bridge or other structure thereon.

(d) Be so situated with respect to any public highway as to obstruct clear vision of an intersecting highway or highways or otherwise so situated as to constitute a hazard upon or prevent the safe use of the state highway.

2. With the permission of the Department of Transportation, counties, towns or cities of this State may place at such points as are designated by the Director of the Department of Transportation suitable signboards advertising the counties, towns or municipalities.

3. A person may place an advertising sign, signboard, board or other material containing advertising matter in any airspace above a highway if:

(a) The Department of Transportation has leased the airspace to the person pursuant to subsection 2 of NRS 408.507, the airspace is over an interstate highway and:

(1) The purpose of the sign, signboard, board or other material is to identify a commercial establishment that is entirely located within the airspace, services rendered, or goods produced or sold upon the commercial establishment or that the facility or property that is located within the airspace is for sale or lease; and

(2) The size, location and design of the sign, signboard, board or other material and the quantity of signs, signboards, boards or other materials have been approved by the Department of Transportation; or

(b) The person owns real property adjacent to an interstate highway and:

(1) The person has dedicated to a public authority a fee or perpetual easement interest in at least 1 acre of the property for the construction or maintenance, or both, of the highway over which the person is placing the sign, signboard, board or other material and the person retained the air rights in the airspace above the property for which the person has dedicated the interest;

(2) The sign, signboard, board or other material is located in the airspace for which the person retained the air rights;

(3) The structure that supports the sign, signboard, board or other material is not located on the property for which the person dedicated the fee or easement interest to the public authority, and the public authority determines that the location of the structure does not create a traffic hazard; and

(4) The purpose of the sign, signboard, board or other material is to identify an establishment or activity that is located on the real property adjacent to the interstate highway, or services rendered or goods provided or sold on that property.

4. A tenant of a mobile home park may exhibit a political sign within a right-of-way of a state highway or road which is owned or controlled by the Department of Transportation if the tenant exhibits the sign within the boundary of the tenant's lot and in accordance with the requirements and limitations set forth in NRS 118B.145. As used in this subsection, the term "political sign" has the meaning ascribed to it in NRS 118B.145.

5. ***The provisions of subsection 1 do not apply to any advertising, signs, signboards or other materials containing advertising matter located:***

(a) On a bench or shelter for passengers of public mass transportation built pursuant to a franchise granted pursuant to NRS 244.187 and 244.188, 268.081 and 268.083, 269.128 and 269129, or 277A.310 and 277A.330;

(b) On a monorail station; or

(c) On a touchdown structure if a public authority authorizes such advertising matter and the advertising matter is placed and maintained by a person who owns real property adjacent to the touchdown structure and who has:

(1) Dedicated the touchdown structure to the public authority or has granted a fee or perpetual easement to the public authority for the construction or maintenance of the touchdown structure; and

(2) Entered a written agreement with the public authority on terms and conditions acceptable to the public authority.

6. If any such sign is placed in violation of this section, it is thereby declared a public nuisance and may be removed forthwith by the Department of Transportation or the public authority.

~~[6.]~~ ***7.*** Any person placing any such sign in violation of the provisions of this section shall be punished by a fine of not more than $250, and is also liable in damages for any injury or injuries incurred or for injury to or loss of property sustained by any person by reason of the violation.

~~[7.]~~ ***8.*** If a franchisee receives revenues from an advertising sign, signboard, board or other material containing advertising matter authorized by subsection 1 and the franchisee is obligated to repay a bond issued by the State of Nevada, the franchisee shall use all revenue generated by the advertising sign, signboard, board or other material containing advertising matter authorized by subsection 1 to meet its obligations to the State of Nevada as set forth in the financing agreement and bond indenture,

including, without limitation, the payment of operations and maintenance obligations, the funding of reserves and the payment of debt service. To the extent that any surplus revenue remains after the payment of all such obligations, the surplus revenue must be used solely to repay the bond until the bond is repaid.

~~[8.]~~ ***9.*** As used in this section ~~[, "monorail]~~ ***:***

(a) "Monorail station" means:

~~[(a)]~~ ***(1)*** A structure for the loading and unloading of passengers from a monorail for which a franchise has been granted pursuant to NRS 705.695 or an agreement has been entered into pursuant to NRS 705.695; and

~~[(b)]~~ ***(2)*** Any facilities or appurtenances within such a structure.

(b) "Touchdown structure" means a structure, connected to a pedestrian bridge, which houses an elevator.

Sec. 15.7. NRS 410.320 is hereby amended to read as follows:

410.320 Outdoor advertising shall not be erected or maintained within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of the interstate or primary highway systems in this state, and, outside urban areas outdoor advertising shall not be erected or maintained beyond 660 feet from the nearest edge of the right-of-way of the interstate and primary highway systems which is visible and placed with the purpose of having its message read from the main-traveled way of the interstate and primary highway systems in this state, except the following:

1. Directional, warning, landmark, informational and other official signs and notices, including but not limited to signs and notices pertaining to natural wonders, scenic and historic attractions. Only signs which are required or authorized by law or by federal, state or county authority, and which conform to national standards promulgated by the Secretary of Transportation pursuant to 23 U.S.C. § 131, are permitted.

2. Signs, displays and devices which advertise the sale or lease of the property upon which they are located.

3. Signs, displays and devices which advertise the activities conducted or services rendered or the goods produced or sold upon the property upon which the advertising sign, display or device is erected.

4. Signs, displays and devices located in zoned commercial or industrial areas, when located within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of the interstate and primary highway systems within this state.

5. Signs, displays and devices located in an unzoned commercial or industrial area as defined in NRS 410.300, when located within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of the interstate and primary highway systems within this state.

6. Nonconforming signs in defined hardship areas which provide directional information about goods and services in the interest of the traveling public and are approved by the Secretary of Transportation pursuant to 23 U.S.C. § 131(o).

7. Signs, displays and devices located as described in subsection 5 of NRS 405.110 and subsection 5 of NRS 484B.313.

Sec. 16. (Deleted by amendment.)

Sec. 17. 1. This section and sections 1 to 9, inclusive, and ~~[15.3]~~ **15.1** to 16, inclusive, of this act become effective on July 1, 2017.

2. Sections 10 to 15, inclusive, of this act become effective on October 1, 2017.

Assemblyman Carrillo moved that the Assembly concur in the Senate Amendment No. 810 to Assembly Bill No. 68.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

The amendment provides that if a driver refuses to sign a traffic citation, the act of receiving the citation from a peace officer is deemed to be a notice of the requirement to appear at a hearing on the citation.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 410.

The following Senate amendment was read:

Amendment No. 811.

AN ACT relating to new vehicle dealers; authorizing a new vehicle dealer to file, under certain circumstances, a claim for compensation with a manufacturer of motor vehicles relating to a used vehicle held by the new vehicle dealer which is subject to a stop-sale order or do-not-drive order; requiring a manufacturer of motor vehicles to provide compensation to a new vehicle dealer for the used vehicle under certain circumstances; establishing a rate for that compensation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, certain acts or practices by a manufacturer of motor vehicles toward a new vehicle dealer are considered unfair acts or practices. (NRS 482.36371-482.36395) For example, it is an unfair act or practice for a manufacturer to fail to compensate a dealer fairly for labor, parts and other expenses incurred by the dealer under the manufacturer's warranty agreements. (NRS 482.36385) Under federal law, if a new motor vehicle is subject to a recall for a defect related to safety or noncompliance with certain safety standards after the manufacturer has sold the vehicle to a new vehicle dealer, the manufacturer must repurchase the vehicle from the dealer, and pay the dealer reasonable reimbursement of at least 1 percent of the purchase price for each month, or portion thereof, the dealer possessed the car after the recall notice was issued. (49 U.S.C. § 30116)

Section 1 of this bill authorizes a new vehicle dealer that is franchised to sell new vehicles of the manufacturer to apply to the manufacturer for compensation for each month that the dealer possesses a used vehicle,

manufactured by the manufacturer, that is subject to a stop-sale order or do-not-drive order. **Section 1** requires the new vehicle dealer to file a claim for **such** compensation with the manufacturer. Compensation for a claim filed pursuant to the provisions of this bill must be calculated at a rate of not less than 1 percent of the value of the used vehicle for each month that the used vehicle is in the inventory of the dealer, beginning 30 days after the stop-sale order or do-not-drive order is provided to the dealer. Finally, **section 1** prohibits a manufacturer from taking certain actions to offset or reduce the amount of compensation owed to the dealer for filing the claim. **Section 3.5** of this bill adds recall service and repair to the list of items for which a manufacturer must fairly compensate a dealer. (NRS 482.36385) **Section 4** of this bill adds a violation of **section 1** to provisions in existing law that authorize a person who is aggrieved by certain violations to seek injunctive relief, and that authorize a person who is injured in his or her business by such a violation to bring an action to recover certain monetary damages. (NRS 482.36423) **Section 5** of this bill adds a willful violation of **section 1** to the list of violations in existing law for which a civil penalty may apply, and for which the Attorney General may seek injunctive relief. (NRS 482.36425) **Section 2** of this bill makes conforming changes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a manufacturer issues a recall and either a stop-sale order or a do-not-drive order on a used vehicle and parts or a remedy are not available to perform a recall service or repair on the vehicle within 30 days after issuing the recall, a new vehicle dealer that is franchised to sell and service new vehicles of the manufacturer is entitled to compensation from the manufacturer and may file a claim with the manufacturer for each used vehicle subject to the recall which the dealer:

(a) Has in its used vehicle inventory on the date on which the stop-sale order or do-not-drive order is issued; or

(b) Takes into its used car inventory as a consumer trade-in related to the sale of a new vehicle after the date on which the stop-sale order or do-not-drive order is issued.

2. A claim for compensation that is filed by a new vehicle dealer pursuant to this section:

(a) Must be in a form prescribed by the manufacturer. The manufacturer may prescribe the manner in which a dealer must demonstrate eligibility for such compensation, including, without limitation, the documentation required to show the inventory status of a used vehicle, provided that the demonstration of eligibility or the providing of documentation is not unduly burdensome.

(b) Except as otherwise provided in subsection 5, is subject to the provisions of NRS 482.36385.

3. Except as otherwise provided in subsections 4 and 5, compensation for a used vehicle pursuant to this section must be calculated at a rate of not less than 1 percent of the value of the used vehicle per month, beginning 30 days after the date on which the stop-sale order or do-not-drive order is provided to the dealer and continuing until the earlier of the date:

(a) The parts or a remedy for the recall service or repair are made available to the dealer; or

(b) The dealer sells, trades or otherwise disposes of the used vehicle.

4. Compensation due to a new vehicle dealer pursuant to subsection 1 is limited to an amount equal to the value of the used vehicle for which the compensation is paid.

5. A manufacturer, in lieu of compensating a new vehicle dealer pursuant to subsection 3, may:

(a) Compensate the dealer pursuant to a national recall compensation program, if the amount of compensation owed to the dealer under the program is not less than the amount of compensation owed to the dealer pursuant to subsection 3; or

(b) Enter into an agreement with the dealer for an alternative form or amount of compensation.

6. A manufacturer may not take any action to offset or reduce the amount of compensation owed to a new vehicle dealer pursuant to this section, including, without limitation, through a chargeback program, any reduction in an amount owed to the new vehicle dealer under an incentive program or the removal of the new vehicle dealer from an incentive program, if such action is taken, in whole or in part, because the new vehicle dealer filed a claim for compensation pursuant to this section. This subsection:

(a) Does not apply to any action taken by a manufacturer that is applied uniformly to all new vehicle dealers of the same line and make of vehicles in this State; and

(b) Is subject to the audit provisions of subsections 7 and 8 of NRS 482.36385.

7. Except as otherwise provided in subsection 5 and NRS 482.36385, any compensation provided to a new vehicle dealer pursuant to this section is exclusive and may not be combined with any other state or federal recall compensation remedy.

8. As used in this section:

(a) "Do-not-drive order" means a notification issued by a manufacturer to its dealers or to the registered owner of a used vehicle or by the National Highway Traffic Safety Administration to the registered owner of a used vehicle stating that the vehicle is subject to a federal safety recall for a defect or noncompliance ~~***[.]***~~ ***and including an unconditional instruction to***

the recipient of the notification to not drive the vehicle until the remedy for the recall is complete.

(b) "Recall" means a safety recall of a vehicle in accordance with federal law and any regulations adopted thereunder.

(c) "Stop-sale order" means a notification issued by a manufacturer to its dealers stating that a used vehicle in inventory must not be sold or leased, either retail or wholesale, because of a federal safety recall for a defect or noncompliance or because of a federal emissions recall.

(d) "Value of the used vehicle" means the average trade-in value of the year, make and model of the subject used vehicle as indicated in an independent third-party guide.

Sec. 2. NRS 482.36311 is hereby amended to read as follows:

482.36311 As used in NRS 482.36311 to 482.36425, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 482.36318 to 482.36348, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. (Deleted by amendment.)

Sec. 3.3. **NRS 482.36349 is hereby amended to read as follows:**

482.36349 ~~[A]~~

1. Except as otherwise provided in subsection 2, a manufacturer is not subject to the provisions of NRS 482.36311 to 482.36425, inclusive, ***and section 1 of this act*** if the manufacturer:

~~[1.]~~ ***(a)*** Only manufactures passenger cars powered solely by one or more electric motors;

~~[2.]~~ ***(b)*** Only sells at retail new or new and used passenger cars that it manufactures; and

~~[3.]~~ ***(c)*** Was selling such passenger cars at retail in this State on or before January 1, 2016.

2. A manufacturer described in subsection 1 is subject to the provisions of section 1 of this act.

Sec. 3.5. NRS 482.36385 is hereby amended to read as follows:

482.36385 It is an unfair act or practice for any manufacturer, distributor or factory branch, directly or through any representative, to:

1. Compete with a dealer. A manufacturer or distributor shall not be deemed to be competing when operating a previously existing dealership temporarily for a reasonable period, or in a bona fide retail operation which is for sale to any qualified person at a fair and reasonable price, or in a bona fide relationship in which a person has made a significant investment subject to loss in the dealership and can reasonably expect to acquire full ownership of the dealership on reasonable terms and conditions.

2. Discriminate unfairly among its dealers, or fail without good cause to comply with franchise agreements, with respect to warranty reimbursement or authority granted to its dealers to make warranty adjustments with retail customers.

3. Fail to compensate a dealer fairly for the work and services which the dealer is required to perform in connection with the delivery and preparation obligations under any franchise, or fail to compensate a dealer fairly for labor, parts and other expenses incurred by the dealer under the manufacturer's warranty agreements ~~[.]~~ ***or any recall service or repairs.*** The manufacturer shall set forth in writing the respective obligations of a dealer and the manufacturer in the preparation of a vehicle for delivery, and as between them a dealer's liability for a defective product is limited to the obligation so set forth. Fair compensation includes diagnosis and reasonable administrative and clerical costs. The dealer's compensation for parts and labor to satisfy a warranty ***or a recall service or repair*** must not be less than the amount of money charged to its various retail customers for parts and labor that are not covered by a warranty. If parts are supplied by the manufacturer, including exchanged parts and assembled components, the dealer is entitled with respect to each part to an amount not less than the dealer's normal retail markup for the part. This subsection does not apply to compensation for any part, system, fixture, appliance, furnishing, accessory or feature of a motor home or recreational vehicle that is designed, used and maintained primarily for nonvehicular, residential purposes.

4. Fail to:

(a) Pay all claims made by dealers for compensation for delivery and preparation work, transportation claims, special campaigns and work to satisfy warranties ***and recall service or repairs*** within 30 days after approval, or fail to approve or disapprove such claims within 30 days after receipt;

(b) Disapprove any claim without notice to the dealer in writing of the grounds for disapproval; or

(c) Accept an amended claim for labor and parts if the amended claim is submitted not later than 60 days after the date on which the manufacturer or distributor notifies the dealer that the claim has been disapproved and the disapproval was based on the dealer's failure to comply with a specific requirement for processing the claim, including, without limitation, a clerical error or other administrative technicality that does not relate to the legitimacy of the claim.

➥ Failure to approve or disapprove or to pay within the specified time limits in an individual case does not constitute a violation of this section if the failure is because of reasons beyond the control of the manufacturer, distributor or factory branch.

5. Sell a new vehicle to a person who is not licensed as a new vehicle dealer under the provisions of this chapter.

6. Use false, deceptive or misleading advertising or engage in deceptive acts in connection with the manufacturer's or distributor's business.

7. Perform an audit to confirm a ***claim for compensation pursuant to section 1 of this act,*** warranty repair, sales incentive or rebate more than 9 months after the date on which the claim was made. An audit of a dealer's records pursuant to this subsection may be conducted by the manufacturer or

distributor on a reasonable basis, and a dealer's claim for warranty or sales incentive compensation ***or compensation pursuant to section 1 of this act*** must not be denied except for good cause, including, without limitation, performance of nonwarranty repairs, lack of material documentation, fraud or misrepresentation. A dealer's failure to comply with the specific requirements of the manufacturer or distributor for processing the claim does not constitute grounds for the denial of the claim or the reduction of the amount of compensation to the dealer if reasonable documentation or other evidence has been presented to substantiate the claim. The manufacturer or distributor shall not deny a claim or reduce the amount of compensation to the dealer for warranty repairs to resolve a condition discovered by the dealer during the course of a separate repair.

8. Prohibit or prevent a dealer from appealing the results of an audit to confirm a warranty repair, sales incentive ***, claim for compensation made pursuant to section 1 of this act*** or rebate, or to require that such an appeal be conducted at a location other than the dealer's place of business.

Sec. 4. NRS 482.36423 is hereby amended to read as follows:

482.36423 1. Whenever it appears that a person has violated, is violating or is threatening to violate any provision of NRS 482.36311 to 482.36425, inclusive, ***and section 1 of this act,*** any person aggrieved thereby may apply to the district court in the county where the defendant resides, or in the county where the violation or threat of violation occurs, for injunctive relief to restrain the person from continuing the violation or threat of violation.

2. In addition to any other judicial relief, any dealer or person who assumes the operation of a franchise pursuant to NRS 482.36396 to 482.36414, inclusive, who is injured in his or her business or property by reason of a violation of NRS 482.36311 to 482.36425, inclusive, ***and section 1 of this act*** may bring an action in the district court in which the dealership is located, and may recover three times the pecuniary loss sustained by the dealer or person, and the cost of suit, including a reasonable attorney's fee. The amount of pecuniary loss sustained by a dealer, pursuant to subsection 7 of NRS 482.3638, is the fair market value of the franchised dealership at the time of notification of termination, refusal to continue or unilateral modification of a franchise.

3. Any artificial person created and existing under the laws of any other state, territory, foreign government or the government of the United States, or any person residing outside the State, who grants a franchise to any dealer in this State may be served with any legal process in any action for injunctive relief or civil damages in the following manner:

(a) By delivering a copy of the process to the Director; and

(b) By mailing to the last known address of the manufacturer or distributor, by certified mail, return receipt requested, a copy of the summons and a copy of the complaint, together with copies of any petition or order for injunctive relief.

4. The defendant has 30 days, exclusive of the day of service, within which to answer or plead.

5. The method of service provided in this section is cumulative and may be utilized with, after or independently of all other methods of service.

Sec. 5. NRS 482.36425 is hereby amended to read as follows:

482.36425 1. Any manufacturer or distributor who willfully violates any provision of NRS 482.36311 to 482.36425, inclusive, ***and section 1 of this act*** is subject to a civil penalty of not less than $50 nor more than $1,000 for each day of violation and for each act of violation. All civil penalties recovered must be paid to the State of Nevada.

2. Whenever it appears that a manufacturer or distributor has violated, is violating or is threatening to violate any provision of NRS 482.36311 to 482.36425, inclusive, ***and section 1 of this act,*** the Attorney General may institute a civil suit in any district court of this State for injunctive relief to restrain the violation or threat of violation or, if the violation or threat is willful, for the assessment and recovery of the civil penalty, or both.

Sec. 6. This act becomes effective upon passage and approval.

Assemblyman Carrillo moved that the Assembly concur in the Senate Amendment No. 811 to Assembly Bill No. 410.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

The amendment adds language to the definition of "do-not-drive order" to ensure that the vehicle owner is advised not to drive a vehicle for which such an order was issued. The amendment also includes a technical correction to clarify that the provisions of section 1 apply to a manufacturer that only manufactures and sells certain vehicles powered by electric motors.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 292.

The following Senate amendment was read:

Amendment No. 850.

AN ACT relating to education; requiring the principal of a public school to submit a monthly report to his or her direct supervisor that includes certain information relating to reports of bullying or cyber-bullying; requiring the direct supervisor of a principal to report certain information relating to reports of bullying or cyber-bullying to the Office for a Safe and Respectful Learning Environment each quarter; ~~[requiring the principal to notify]~~ **revising provisions relating to the notification of** the parents or guardians of ~~[certain]~~ **the** pupils ~~[before interviewing such a pupil about the matter;]~~ **involved in a reported incident of bullying or cyber-bullying;** requiring the board of trustees of a school district to reassign a pupil who is a victim of bullying or cyber-bullying to a different school upon request of the parent or guardian of the pupil; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a public school teacher or other staff member who witnesses bullying or cyber-bullying or receives information about an incident of bullying or cyber-bullying to report the matter to the principal or a person designated by the principal. The principal or designee is required to take any necessary action to stop the bullying or cyber-bullying, ensure the safety of the victim and begin an investigation into the report. (NRS 388.1351) This bill requires the board of trustees of the school district in which a pupil is enrolled to assign a pupil who is the victim of bullying or cyber-bullying to a different school upon the request of the parent or guardian of the pupil.

This bill also requires a principal or designee to submit a monthly report to the direct supervisor of the principal that includes the number of: (1) reports received concerning incidents of bullying or cyber-bullying; (2) times in which a violation is found to have occurred; and (3) times in which no violation is found to have occurred. This bill also requires the direct supervisor of a principal to submit a quarterly report containing this information to the Office for a Safe and Respectful Learning Environment.

Existing law further provides that the required investigation must include notification to the parents or guardians of all the pupils directly involved in the matter, whether as reported aggressors or victims, and an interview of those pupils. (NRS 388.1351) This bill ~~[requires that the parental notification precede any such interview, and that it advise the relevant parents or guardians that the pupil will be interviewed.]~~ **revises the time by which notification must be provided to the parents or guardians so that such notice is provided before the school's administrative office closes on: (1) the school day of the day on which the bullying or cyber-bullying is reported, if that day is a school day; or (2) the school day following the day on which the bullying or cyber-bullying is reported, if that day is not a school day.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 388.1351 is hereby amended to read as follows:

388.1351 1. A teacher, administrator, principal, coach or other staff member who witnesses a violation of NRS 388.135 or receives information that a violation of NRS 388.135 has occurred shall report the violation to the principal or his or her designee as soon as practicable, but not later than a time during the same day on which the teacher, administrator, principal, coach or other staff member witnessed the violation or received information regarding the occurrence of a violation.

2. Upon receiving a report required by subsection 1, the principal or designee shall immediately take any necessary action to stop the bullying or cyber-bullying and ensure the safety and well-being of the reported victim or

victims of the bullying or cyber-bullying and shall begin an investigation into the report.

3. The investigation ***conducted pursuant to subsection 2*** must include, without limitation:

(a) Except as otherwise provided in subsection ~~[3,]~~ ***4,*** notification provided by telephone, electronic mail or other electronic means or provided in person, of the parents or guardians of all pupils directly involved in the reported bullying or cyber-bullying, as applicable, either as a reported aggressor or a reported victim of the bullying or cyber-bullying. ~~***[The notification of the parents or guardians of a pupil must precede any interview of the pupil conducted pursuant to paragraph (b) and must advise the parents or guardians that the pupil will be interviewed.]***~~ The notification must be provided ***:*** ~~[not later than:]~~

(1) If the bullying or cyber-bullying is reported before the end of school hours on a school day, ~~[6 p.m.]~~ ***before the school's administrative office closes*** on the day on which the bullying or cyber-bullying is reported; or

(2) If the bullying or cyber-bullying was reported on a day that is not a school day, or after school hours on a school day, ~~[6 p.m.]~~ ***before the school's administrative office closes*** on the school day following the day on which the bullying or cyber-bullying is reported.

(b) Interviews with all pupils whose parents or guardians must be notified pursuant to paragraph (a) and with all such parents and guardians.

~~[3.]~~ ***4.*** If the contact information for the parent or guardian of a pupil in the records of the school is not correct, a good faith effort to notify the parent or guardian shall be deemed sufficient to meet the requirement for notification pursuant to paragraph (a) of subsection ~~[2.]~~ ***3.***

~~[4.]~~ ***5.*** Except as otherwise provided in this subsection, an investigation required by this section must be completed not later than 2 school days after the principal or designee receives a report required by subsection 1. If the principal or designee is not able to complete the interviews required by paragraph (b) of subsection ~~[2]~~ ***3*** within 2 school days after making a good faith effort because any of the persons to be interviewed is not available, 1 additional school day may be used to complete the investigation.

~~[5.]~~ ***6.*** A principal or designee who conducts an investigation required by this section shall complete a written report of the findings and conclusions of the investigation. If a violation is found to have occurred, the report must include recommendations concerning the imposition of disciplinary action or other measures to be imposed as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district. Subject to the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, the report must be made available, not later than 24 hours after the completion of the written report, to all parents or guardians who must be notified pursuant to paragraph (a) of subsection ~~[2]~~ ***3*** as part of the investigation.

~~[6.]~~ ***7.*** Not later than 10 school days after receiving a report required by subsection 1, the principal or designee shall meet with each reported victim of the bullying or cyber-bullying to inquire about the well-being of the reported victim and to ensure that the reported bullying or cyber-bullying, as applicable, is not continuing.

~~[7.]~~ ***8.*** To the extent that information is available, the principal or his or her designee shall provide a list of any resources that may be available in the community to assist a pupil to each parent or guardian of a pupil to whom notice was provided pursuant to this section as soon as practicable. Such a list may include, without limitation, resources available at no charge or at a reduced cost. If such a list is provided, the principal, his or her designee, or any employee of the school or the school district is not responsible for providing such resources to the pupil or ensuring the pupil receives such resources.

~~[8.]~~ ***9.*** The parent or guardian of a pupil involved in the reported violation of NRS 388.135 may appeal a disciplinary decision of the principal or his or her designee, made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district. Not later than 30 days after receiving a response provided in accordance with such a policy, the parent or guardian may submit a complaint to the Department. The Department shall consider and respond to the complaint pursuant to procedures and standards prescribed in regulations adopted by the Department.

10. If a violation of NRS 388.135 is found to have occurred, the parent or guardian of a pupil who is a victim of bullying or cyber-bullying may request that the board of trustees of the school district in which the pupil is enrolled to assign the pupil to a different school in the school district. Upon receiving such a request, the board of trustees shall, in consultation with the parent or guardian of the pupil, assign the pupil to a different school.

11. A principal or his or her designee shall submit a monthly report to the direct supervisor of the principal that includes for the school the number of:

(a) Reports received pursuant to subsection 1;

(b) Times in which a violation of NRS 388.135 is found to have occurred; and

(c) Times in which no violation of NRS 388.135 is found to have occurred.

12. A direct supervisor who receives a monthly report pursuant to subsection 11 shall, each calendar quarter, submit a report to the Office for a Safe and Respectful Learning Environment that includes, for the schools for which the direct supervisor has received a monthly report in the calendar quarter, the:

(a) Total number of reports received pursuant to subsection 1;

(b) Number of times in which a violation of NRS 388.135 is found to have occurred; and

(c) Number of times in which no violation of NRS 388.135 is found to have occurred.

Sec. 2. This act becomes effective on July 1, 2017.

Assemblyman Thompson moved that the Assembly concur in the Senate Amendment No. 850 to Assembly Bill No. 292.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

The amendment removes provisions requiring parental notification before related student interviews and changes the parental notification deadline from 6 p.m. until the time a school closes for the day.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 372.

The following Senate amendment was read:

Amendment No. 852.

AN ACT relating to intercollegiate athletics; enacting the Revised Uniform Athlete Agents Act (2015); repealing the Uniform Athletes' Agents Act; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law enacted and subsequently amended the Uniform Athletes' Agents Act. Generally, the Uniform Athletes' Agent Act requires an athlete agent to register with the Secretary of State and prohibits certain conduct by athlete agents. (NRS 398.400-398.620) This bill repeals the Uniform Athletes' Agents Act and enacts the Revised Uniform Athlete Agents Act (2015), except that **section 20.3** maintains existing law governing the applicability of the provisions of law governing athlete agents and **section 20.7** maintains existing law governing the confidentiality of certain information or documents obtained by, or filed with, the Secretary of State.

Section 5 of this bill generally defines an athlete agent subject to the provisions of the Revised Uniform Athlete Agents Act (2015) as an individual who: (1) directly or indirectly induces or attempts to induce a student athlete to enter an agency contract; (2) for compensation procures or attempts to procure employment for a student athlete as a professional athlete; (3) for compensation or the anticipation of compensation advises a student athlete on his or her finance or business affairs; or (4) in anticipation of representing a student athlete gives something of value to the athlete or another person.

Section 22 of this bill prohibits an individual from acting as an athlete agent without registering with the Secretary of State. **Section 23** of this bill requires an applicant for such registration to disclose certain information including, without limitation, training, experience and education, any conviction of a **crime that involves moral turpitude or a** felony, any administrative or judicial determination that the applicant has made a false or

deceptive representation and whether the applicant's license as an athlete agent has been denied, suspended or revoked in any state or has been the subject or cause of any sanction, suspension or declaration of ineligibility.

Sections 23 and 24 of this bill require reciprocal registration of an athlete agent if: (1) the agent is issued a certificate of registration by another state and the registration has not been suspended or revoked; (2) no action involving the athlete agent's conduct as an athlete agent is pending in any state; and (3) the application and registration requirements of the other state are substantially similar to or more restrictive than the law in this State.

Section 29 of this bill maintains existing law by requiring the Secretary of State to establish by regulation fees for the registration or renewal of registration as an athlete agent.

Sections 30-32 of this bill contain the requirements for entering an agency contract. **Section 30** requires such a contract to include, without limitation, a statement that the athlete agent is registered in the state in which the contract is signed, list any other state in which the agent is registered and set forth compensation of the athlete agent. The contract must be accompanied by a separate record signed by the student athlete acknowledging that signing the contract may result in the loss of eligibility to participate in the athlete's sport. **Section 31** requires both the agent and the student athlete to give notice of the contract to the athletic director of the affected educational institution within 72 hours of signing the agreement or before the athlete's next scheduled event, whichever occurs first. **Section 31** further specifies additional circumstances under which an athlete agent or student athlete must notify an athletic director or educational institution of information concerning the relationship between the athlete agent and the student athlete. **Section 32** provides a student athlete with a right to cancel an agency contract not more than 14 days after the contract is signed.

Section 33 of this bill requires athlete agents to maintain executed contracts and other specified records for a period of 5 years, including information about represented individuals and recruitment.

Section 34 of this bill prohibits an athlete agent from: (1) providing materially false or misleading information, promises or representations with the intent of influencing a student athlete to enter into an agency contract; (2) furnishing anything of value to a student athlete before that athlete enters into an agency contract; (3) furnishing anything of value to an individual other than a student athlete; (4) initiating contact with a student athlete unless registered under the Revised Uniform Athlete Agents Act (2015); (5) failing to create, retain or permit inspection of required records; (6) failing to register where required; (7) providing materially false or misleading information in an application for registration or renewal thereof; (8) predating or postdating an agency contract; (9) failing to notify a student athlete that signing an agency contract may make the student athlete ineligible to participate as a student athlete in that sport; or (10) encouraging another individual to take on behalf of the agent an action the agent is

prohibited from taking. **Section 35** of this bill provides that a person who violates any provision of **section 34** of this bill is guilty of a misdemeanor and must be required to pay restitution. **Section 36** of this bill authorizes a student athlete or educational institution to bring a civil action against an athlete agent for damages, and authorizes the student athlete or educational institution to be awarded actual damages, as well as costs and reasonable attorney's fees.

Sections 39-41 of this bill revise provisions governing the enforcement of the Uniform Athletes' Agents Act so that those provisions apply to the enforcement of the provisions of this bill. **Section 40** further increases the maximum administrative fine that may be imposed by the Secretary of State from $25,000 to $50,000.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 34 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 38, inclusive, of this act.

Sec. 2. ***NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act may be cited as the Revised Uniform Athlete Agents Act (2015).***

Sec. 3. ***As used in NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 20, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Agency contract" means an agreement in which a student athlete authorizes a person to negotiate or solicit on behalf of the athlete a professional sports services contract or endorsement contract.***

Sec. 5. ***"Athlete agent":***

1. Means an individual, whether or not registered under NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act who:

(a) Directly or indirectly recruits or solicits a student athlete to enter into an agency contract or, for compensation, procures employment or offers, promises, attempts or negotiates to obtain employment for a student athlete as a professional athlete or member of a professional sports team or organization;

(b) For compensation or in anticipation of compensation related to a student athlete's participation in athletics:

(1) Serves the athlete in an advisory capacity on a matter related to finances, business pursuits or career management decisions, unless the individual is an employee of an educational institution acting exclusively as an employee of the institution for the benefit of the institution; or

(2) Manages the business affairs of the athlete by providing assistance with bills, payments, contracts or taxes; or

(c) In anticipation of representing a student athlete for a purpose related to the athlete's participation in athletics:

(1) Gives consideration to the student athlete or another person;

(2) Serves the athlete in an advisory capacity on a matter related to finances, business pursuits or career management decisions; or

(3) Manages the business affairs of the athlete by providing assistance with bills, payments, contracts or taxes; but

2. Does not include an individual who:

(a) Acts solely on behalf of a professional sports team or organization; or

(b) Is a licensed, registered or certified professional and offers or provides services to a student athlete customarily provided by members of the profession, unless the individual:

(1) Also recruits or solicits the athlete to enter into an agency contract;

(2) Also, for compensation, procures employment or offers, promises, attempts or negotiates to obtain employment for the athlete as a professional athlete or member of a professional sports team or organization; or

(3) Receives consideration for providing the services calculated using a different method than for an individual who is not a student athlete.

Sec. 6. ***"Athletic director" means the individual responsible for administering the overall athletic program of an educational institution or, if an educational institution has separately administered athletic programs for male students and female students, the athletic program for males or the athletic program for females, as appropriate.***

Sec. 7. ***"Educational institution" includes a public or private elementary school, secondary school, technical or vocational school, community college, college and university.***

Sec. 8. ***"Endorsement contract" means an agreement under which a student athlete is employed or receives consideration to use on behalf of the other party any value that the athlete may have because of publicity, reputation, following or fame obtained because of athletic ability or performance.***

Sec. 9. ***"Enrolled" means registered for courses and attending athletic practice or class. "Enrolls" has a corresponding meaning.***

Sec. 10. ***"Intercollegiate sport" means a sport played at the collegiate level for which eligibility requirements for participation by a student athlete are established by a national association that promotes or regulates collegiate athletics.***

Sec. 11. ***"Interscholastic sport" means a sport played between educational institutions that are not community colleges, colleges or universities.***

Sec. 12. ***"Licensed, registered or certified professional" means an individual licensed, registered or certified as an attorney, dealer in***

securities, financial planner, insurance agent, real estate broker or sales agent, tax consultant, accountant or member of a profession, other than that of athlete agent, who is licensed, registered or certified by the state or a nationally recognized organization that licenses, registers or certifies members of the profession on the basis of experience, education or testing.

Sec. 13. *"Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency or instrumentality or other legal entity.*

Sec. 14. *"Professional sports services contract" means an agreement under which an individual is employed as a professional athlete or agrees to render services as a player on a professional sports team or with a professional sports organization.*

Sec. 15. *"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.*

Sec. 16. *"Recruit or solicit" means attempt to influence the choice of an athlete agent by a student athlete or, if the athlete is a minor, a parent or guardian of the athlete. The term does not include giving advice on the selection of a particular agent in a family, coaching or social situation unless the individual giving the advice does so because of the receipt or anticipated receipt of an economic benefit, directly or indirectly, from the agent.*

Sec. 17. *"Registration" means registration as an athlete agent under NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act.*

Sec. 18. *"Sign" means, with present intent to authenticate or adopt a record:*

1. To execute or adopt a tangible symbol; or

2. To attach to or logically associate with the record an electronic symbol, sound or process.

Sec. 19. *"State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.*

Sec. 20. *"Student athlete" means an individual who is eligible to attend an educational institution and engages in, is eligible to engage in, or may be eligible in the future to engage in, any interscholastic or intercollegiate sport. The term does not include an individual permanently ineligible to participate in a particular interscholastic or intercollegiate sport for that sport.*

Sec. 20.3. *1. The provisions of NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act apply to a person who sells or offers to sell his or her services as an athlete agent if the offer is:*

(a) Made in this State;

(b) Accepted in this State;

(c) Accepted by a resident of this State; or

(d) Accepted by a student athlete who is enrolled at an educational institution.

2. For the purpose of this section, an offer is made in this State, whether or not either party is present in this State, if the offer:

(a) Originates in this State; or

(b) Is directed by the offeror to a destination in this State and received where it is directed, or at a post office in this State if the offer is mailed.

3. For the purpose of this section, an offer is accepted in this State if the acceptance:

(a) Is communicated to the offeror in this State; and

(b) Has not previously been communicated to the offeror, orally or in writing, outside this State.

➥ *Acceptance is communicated to the offeror in this State, whether or not either party is present in this State, if the offeree directs it to the offeror in this State reasonably believing the offeror to be in this State and it is received where it is directed, or at any post office in this State if the acceptance is mailed.*

Sec. 20.7. *1. Except as otherwise provided in subsections 2 and 3 and NRS 239.0115, the following information and documents do not constitute public information and are confidential:*

(a) Information or documents obtained by the Secretary of State in connection with an investigation conducted pursuant to NRS 398.600 concerning possible violations of NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act; and

(b) Information or documents filed with the Secretary of State in connection with an application for registration filed pursuant to NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act that constitute commercial or financial information, or business practices, of a person for which that person is entitled to and has asserted a claim of privilege or confidentiality authorized by law.

2. The Secretary of State may submit any information or evidence obtained in connection with an investigation conducted pursuant to NRS 398.600 to the Attorney General or appropriate district attorney for the purpose of prosecuting a criminal action pursuant to NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act.

3. The Secretary of State may disclose any information obtained in connection with an investigation conducted pursuant to NRS 398.600 to any other governmental agency if the disclosure is provided for the purpose of a civil, administrative or criminal investigation or proceeding and the receiving agency represents in writing that, under applicable law, protections exist to preserve the integrity, confidentiality and security of the information.

4. The provisions of NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act do not create any privilege and do not diminish

any privilege existing pursuant to common law, a specific statute or regulation, or otherwise.

Sec. 21. ***1. The Secretary of State may adopt regulations to carry out the provisions of NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act.***

2. By acting as an athlete agent in this State, a nonresident individual appoints the Secretary of State as the individual's agent for service of process in any civil action in this State related to the individual acting as an athlete agent in this State.

3. The Secretary of State may issue a subpoena for material that is relevant to the administration of NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act.

Sec. 22. ***1. Except as otherwise provided in subsection 2, an individual may not act as an athlete agent in this State without holding a certificate of registration under NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act.***

2. Before being issued a certificate of registration under NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act, an individual may act as an athlete agent in this State for all purposes except signing an agency contract if:

(a) A student athlete or another person acting on behalf of the athlete initiates communication with the individual; and

(b) Not later than 7 days after an initial act that requires the individual to register as an athlete agent, the individual submits an application for registration as an athlete agent in this State.

3. An agency contract resulting from conduct in violation of this section is void, and the athlete agent shall return any consideration received under the contract.

Sec. 23. ***1. An applicant for registration as an athlete agent shall submit an application for registration to the Secretary of State in a form prescribed by the Secretary of State. The applicant must be an individual, and the application must be signed by the applicant under penalty of perjury. The application must contain at least the following:***

(a) The name and date and place of birth of the applicant and the following contact information for the applicant:

(1) The address of the applicant's principal place of business;

(2) Work and mobile telephone numbers; and

(3) Any means of communicating electronically, including a facsimile number, electronic mail address, and personal and business or employer websites;

(b) The name of the applicant's business or employer, if applicable, including for each business or employer, its mailing address, telephone number, organization form and the nature of the business;

(c) Each social media account with which the applicant or the applicant's business or employer is affiliated;

(d) Each business or occupation in which the applicant engaged within 5 years before the date of the application, including self-employment and employment by others, and any professional or occupational license, registration or certification held by the applicant during that time;

(e) A description of the applicant's:

(1) Formal training as an athlete agent;

(2) Practical experience as an athlete agent; and

(3) Educational background relating to the applicant's activities as an athlete agent;

(f) The name of each student athlete for whom the applicant acted as an athlete agent within 5 years before the date of the application or, if the individual is a minor, the name of the parent or guardian of the minor, together with the athlete's sport and last known team;

(g) The name and address of each person that:

(1) Is a partner, member, officer, manager, associate or profit sharer or directly or indirectly holds an equity interest of 5 percent or greater of the athlete agent's business if it is not a corporation; and

(2) Is an officer or director of a corporation employing the athlete agent or a shareholder having an interest of 5 percent or greater in the corporation;

(h) A description of the status of any application by the applicant, or any person named under paragraph (g), for a state or federal business, professional or occupational license, other than as an athlete agent, from a state or federal agency, including any denial, refusal to renew, suspension, withdrawal or termination of the license and any reprimand or censure related to the license;

(i) Whether the applicant, or any person named under paragraph (g), has pleaded guilty or no contest to, has been convicted of, or has charges pending for, a crime that would involve moral turpitude or be a felony if committed in this State and, if so, identification of:

(1) The crime;

(2) The law enforcement agency involved; and

(3) If applicable, the date of the conviction and the fine or penalty imposed;

(j) Whether, within 15 years before the date of application, the applicant, or any person named under paragraph (g), has been a defendant or respondent in a civil proceeding, including a proceeding seeking an adjudication of incompetence and, if so, the date and a full explanation of each proceeding;

(k) Whether the applicant, or any person named under paragraph (g), has an unsatisfied judgment or a judgment of continuing effect, including spousal support or a domestic order in the nature of child support, which is not current at the date of the application;

(l) Whether, within 10 years before the date of application, the applicant, or any person named under paragraph (g), was adjudicated bankrupt or was an owner of a business that was adjudicated bankrupt;

(m) Whether there has been any administrative or judicial determination that the applicant, or any person named under paragraph (g), made a false, misleading, deceptive or fraudulent representation;

(n) Each instance in which conduct of the applicant, or any person named under paragraph (g), resulted in the imposition of a sanction, suspension or declaration of ineligibility to participate in an interscholastic, intercollegiate or professional athletic event on a student athlete or a sanction on an educational institution;

(o) Each sanction, suspension or disciplinary action taken against the applicant, or any person named under paragraph (g), arising out of occupational or professional conduct;

(p) Whether there has been a denial of an application for, suspension or revocation of, refusal to renew, or abandonment of, the registration of the applicant, or any person named under paragraph (g), as an athlete agent in any state;

(q) Each state in which the applicant currently is registered as an athlete agent or has applied to be registered as an athlete agent;

(r) If the applicant is certified or registered by a professional league or players association:

(1) The name of the league or association;

(2) The date of certification or registration, and the date of expiration of the certification or registration, if any; and

(3) If applicable, the date of any denial of an application for, suspension or revocation of, refusal to renew, withdrawal of, or termination of, the certification or registration or any reprimand or censure related to the certification or registration; and

(s) Any additional information required by the Secretary of State.

2. Instead of proceeding under subsection 1, an individual registered as an athlete agent in another state may apply for registration as an athlete agent in this State by submitting to the Secretary of State:

(a) A copy of the application for registration in the other state;

(b) A statement that identifies any material change in the information on the application or verifies there is no material change in the information, signed under penalty of perjury;

(c) A copy of the certificate of registration from the other state; and

(d) The information required by section 25 of this act.

3. Except as otherwise provided in section 25 of this act, the Secretary of State shall issue a certificate of registration to an individual who applies for registration under subsection 2 if the Secretary of State determines:

(a) The application and registration requirements of the other state are substantially similar to or more restrictive than NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act; and

(b) The registration has not been revoked or suspended and no action involving the individual's conduct as an athlete agent is pending against the individual or the individual's registration in any state.

4. For purposes of implementing subsection 3, the Secretary of State may:

(a) Cooperate with national organizations concerned with athlete agent issues and agencies in other states which register athlete agents to develop a common registration form and determine which states have laws that are substantially similar to or more restrictive than NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act; and

(b) Exchange information, including information related to actions taken against registered athlete agents or their registrations, with those organizations and agencies.

Sec. 24. ***1. Except as otherwise provided in subsection 2 and section 25 of this act, the Secretary of State shall issue a certificate of registration to an applicant for registration who complies with subsection 1 of section 23 of this act.***

2. The Secretary of State may refuse to issue a certificate of registration to an applicant for registration under subsection 1 of section 23 of this act if the Secretary of State determines that the applicant has engaged in conduct that significantly adversely reflects on the applicant's fitness to act as an athlete agent. In making the determination, the Secretary of State may consider whether the applicant has:

(a) Pleaded guilty or no contest to, has been convicted of, or has charges pending for, a crime that would <u>involve moral turpitude or</u> be a felony if committed in this State;

(b) Made a materially false, misleading, deceptive or fraudulent representation in the application or as an athlete agent;

(c) Engaged in conduct that would disqualify the applicant from serving in a fiduciary capacity;

(d) Engaged in conduct prohibited by section 34 of this act;

(e) Had a registration as an athlete agent suspended, revoked or denied in any state;

(f) Been refused renewal of registration as an athlete agent in any state;

(g) Engaged in conduct resulting in imposition of a sanction, suspension or declaration of ineligibility to participate in an interscholastic, intercollegiate or professional athletic event on a student athlete or a sanction on an educational institution; or

(h) Engaged in conduct that adversely reflects on the applicant's credibility, honesty or integrity.

3. In making a determination under subsection 2, the Secretary of State shall consider:

(a) How recently the conduct occurred;

(b) The nature of the conduct and the context in which it occurred; and

(c) Other relevant conduct of the applicant.

4. An athlete agent registered under subsection 1 may apply to renew the registration by submitting an application for renewal in a form prescribed by the Secretary of State. The applicant shall sign the application for renewal under penalty of perjury and include current information on all matters required in an original application for registration.

5. An athlete agent registered under subsection 3 of section 23 of this act may renew the registration by proceeding under subsection 4 or, if the registration in the other state has been renewed, by submitting to the Secretary of State copies of the application for renewal in the other state, the renewed registration from the other state and the information required by section 25 of this act. Except as otherwise provided in section 25 of this act, the Secretary of State shall renew the registration if the Secretary of State determines:

(a) The registration requirements of the other state are substantially similar to or more restrictive than NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act; and

(b) The renewed registration has not been suspended or revoked and no action involving the individual's conduct as an athlete agent is pending against the individual or the individual's registration in any state.

6. A certificate of registration or renewal of registration under NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act is valid for 2 years.

Sec. 25. *1. In addition to any other requirements set forth in this chapter:*

(a) An individual who applies for registration or the renewal of registration as an athlete agent pursuant to section 23 or 24 of this act, respectively, must include the social security number of the applicant in the application submitted to the Secretary of State.

(b) An applicant described in paragraph (a) shall submit to the Secretary of State the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Secretary of State shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for registration or the renewal of registration as an athlete agent; or

(b) A separate form prescribed by the Secretary of State.

3. Registration as an athlete agent may not be issued or renewed by the Secretary of State if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or

other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Secretary of State shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 26. *1. If the Secretary of State receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to an individual who is registered as an athlete agent, the Secretary of State shall deem the registration to be suspended at the end of the 30th day after the date on which the court order was issued unless the Secretary of State receives a letter issued to the registrant by the district attorney or other public agency pursuant to NRS 425.550 stating that the registrant has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

2. The Secretary of State shall reinstate a registration as an athlete agent that has been suspended by a district court pursuant to NRS 425.540 if the Secretary of State receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the individual whose registration was suspended stating that the person whose registration was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 27. *1. The Secretary of State may limit, suspend, revoke or refuse to renew a registration of an individual registered under subsection 1 of section 24 of this act for conduct that would have justified refusal to issue a certificate of registration under subsection 2 of section 24 of this act.*

2. The Secretary of State may suspend or revoke the registration of an individual registered under subsection 3 of section 23 of this act or renewed under subsection 5 of section 24 of this act for any reason for which the Secretary of State could have refused to grant or renew registration or for conduct that would justify refusal to issue a certificate of registration under subsection 2 of section 24 of this act.

Sec. 28. *The Secretary of State may issue a temporary certificate of registration as an athlete agent while an application for registration or renewal of registration is pending.*

Sec. 29. *The Secretary of State shall adopt regulations establishing fees for:*

1. An initial application for registration.

2. Registration based on a certificate of registration issued by another state.

3. An application for renewal of registration.

4. Renewal of registration based on a renewal of registration in another state.

Sec. 30. ***1. An agency contract must be in a record signed by the parties.***

2. An agency contract must contain:

(a) A statement that the athlete agent is registered as an athlete agent in this State and a list of any other states in which the agent is registered as an athlete agent;

(b) The amount and method of calculating the consideration to be paid by the student athlete for services to be provided by the agent under the contract and any other consideration the agent has received or will receive from any other source for entering into the contract or providing the services;

(c) The name of any person not listed in the agent's application for registration or renewal of registration which will be compensated because the athlete signed the contract;

(d) A description of any expenses the athlete agrees to reimburse;

(e) A description of the services to be provided to the athlete;

(f) The duration of the contract; and

(g) The date of execution.

3. Subject to subsection 7, an agency contract must contain a conspicuous notice in boldface type and in substantially the following form:

WARNING TO STUDENT ATHLETE
IF YOU SIGN THIS CONTRACT:

(a) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT ATHLETE IN YOUR SPORT;

(b) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER SIGNING THIS CONTRACT OR BEFORE THE NEXT SCHEDULED ATHLETIC EVENT IN WHICH YOU PARTICIPATE, WHICHEVER OCCURS FIRST, BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR THAT YOU HAVE ENTERED INTO THIS CONTRACT AND PROVIDE THE NAME AND CONTACT INFORMATION OF THE ATHLETE AGENT; AND

(c) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY AS A STUDENT ATHLETE IN YOUR SPORT.

4. An agency contract must be accompanied by a separate record signed by the student athlete or, if the athlete is a minor, the parent or

guardian of the athlete acknowledging that signing the contract may result in the loss of the athlete's eligibility to participate in the athlete's sport.

5. A student athlete or, if the athlete is a minor, the parent or guardian of the athlete may void an agency contract that does not conform to this section. If the contract is voided, any consideration received from the athlete agent under the contract to induce entering into the contract is not required to be returned.

6. At the time an agency contract is executed, the athlete agent shall give the student athlete or, if the athlete is a minor, the parent or guardian of the athlete a copy in a record of the contract and the separate acknowledgment required by subsection 4.

7. If a student athlete is a minor, an agency contract must be signed by the parent or guardian of the minor and the notice required by subsection 3 must be revised accordingly.

Sec. 31. *1. Not later than 72 hours after entering into an agency contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first, the athlete agent shall give notice in a record of the existence of the contract to the athletic director of the educational institution at which the athlete is enrolled or at which the agent has reasonable grounds to believe the athlete intends to enroll.*

2. Not later than 72 hours after entering into an agency contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first, the athlete shall inform the athletic director of the educational institution at which the athlete is enrolled that the athlete has entered into an agency contract and the name and contact information of the athlete agent.

3. If an athlete agent enters into an agency contract with a student athlete and the athlete subsequently enrolls at an educational institution, the agent shall notify the athletic director of the institution of the existence of the contract not later than 72 hours after the agent knew or should have known the athlete enrolled.

4. If an athlete agent has a relationship with a student athlete before the athlete enrolls in an educational institution and receives an athletic scholarship from the institution, the agent shall notify the institution of the relationship not later than 10 days after the enrollment if the agent knows or should have known of the enrollment and:

(a) The relationship was motivated in whole or part by the intention of the agent to recruit or solicit the athlete to enter an agency contract in the future; or

(b) The agent directly or indirectly recruited or solicited the athlete to enter an agency contract before the enrollment.

5. An athlete agent shall give notice in a record to the athletic director of any educational institution at which a student athlete is enrolled before the agent communicates or attempts to communicate with:

(a) The athlete or, if the athlete is a minor, a parent or guardian of the athlete, to influence the athlete or parent or guardian to enter into an agency contract; or

(b) Another individual to have that individual influence the athlete or, if the athlete is a minor, the parent or guardian of the athlete to enter into an agency contract.

6. If a communication or attempt to communicate with an athlete agent is initiated by a student athlete or another individual on behalf of the athlete, the agent shall notify in a record the athletic director of any educational institution at which the athlete is enrolled. The notification must be made not later than 10 days after the communication or attempt.

7. An educational institution that becomes aware of a violation of NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act by an athlete agent shall notify the Secretary of State and any professional league or players association with which the institution is aware the agent is licensed or registered of the violation.

8. As used in this section, "communicating or attempting to communicate" means contacting or attempting to contact by an in-person meeting, a record or any other method that conveys or attempts to convey a message.

Sec. 32. *1. A student athlete or, if the athlete is a minor, the parent or guardian of the athlete may cancel an agency contract by giving notice in a record of cancellation to the athlete agent not later than 14 days after the contract is signed.*

2. A student athlete or, if the athlete is a minor, the parent or guardian of the athlete may not waive the right to cancel an agency contract.

3. If a student athlete, parent or guardian cancels an agency contract, the athlete, parent or guardian is not required to pay any consideration under the contract or return any consideration received from the athlete agent to influence the athlete to enter into the contract.

Sec. 33. *1. An athlete agent shall create and retain for 5 years records of the following:*

(a) The name and address of each individual represented by the agent;

(b) Each agency contract entered into by the agent; and

(c) The direct costs incurred by the agent in the recruitment or solicitation of each student athlete to enter into an agency contract.

2. Records described in subsection 1 are open to inspection by the Secretary of State during normal business hours.

Sec. 34. *1. An athlete agent, with the intent to influence a student athlete or, if the athlete is a minor, a parent or guardian of the athlete to enter into an agency contract, may not take any of the following actions or encourage any other individual to take or assist any other individual in taking any of the following actions on behalf of the agent:*

(a) Give materially false or misleading information or make a materially false promise or representation;

(b) Furnish anything of value to the athlete before the athlete enters into the contract; or

(c) Furnish anything of value to an individual other than the athlete or another registered athlete agent.

2. An athlete agent may not intentionally do any of the following or encourage any other individual to do any of the following on behalf of the agent:

(a) Initiate contact, directly or indirectly, with a student athlete or, if the athlete is a minor, a parent or guardian of the athlete, to recruit or solicit the athlete, parent or guardian to enter an agency contract unless registered under NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act;

(b) Fail to create or retain or to permit inspection of the records required by section 33 of this act;

(c) Fail to register when required by section 22 of this act;

(d) Provide materially false or misleading information in an application for registration or renewal of registration;

(e) Predate or postdate an agency contract; or

(f) Fail to notify a student athlete or, if the athlete is a minor, a parent or guardian of the athlete, before the athlete, parent or guardian signs an agency contract for a particular sport that the signing may make the athlete ineligible to participate as a student athlete in that sport.

3. The provisions of NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act do not limit the power of the State of Nevada to punish a person for conduct that constitutes a crime pursuant to any other law.

Sec. 35. *An athlete agent who violates section 34 of this act is guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more than 6 months, or by a fine of not more than $50,000 or by both fine and imprisonment. In addition to any other penalty, the court shall order the person to pay restitution.*

Sec. 36. *1. An educational institution or student athlete may bring an action for damages against an athlete agent if the institution or athlete is adversely affected by an act or omission of the agent in violation of NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act. An educational institution or student athlete is adversely affected by an act or omission of the agent only if, because of the act or omission, the institution or an individual who was a student athlete at the time of the act or omission and enrolled in the institution:*

(a) Is suspended or disqualified from participation in an interscholastic or intercollegiate sports event by or under the rules of a state or national federation or association that promotes or regulates interscholastic or intercollegiate sports; or

(b) Suffers financial damage.

2. A plaintiff that prevails in an action under this section may recover actual damages and costs and reasonable attorney's fees. An athlete agent found liable under this section forfeits any right of payment for anything of benefit or value provided to the student athlete and shall refund any consideration paid to the agent by or on behalf of the athlete.

Sec. 37. ***In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.***

Sec. 38. ***NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act modify, limit or supersede the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq., but do not modify, limit or supersede Section 101(c) of that Act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that Act, 15 U.S.C. § 7003(b).***

Sec. 39. NRS 398.600 is hereby amended to read as follows:

398.600 1. The Secretary of State may, within or outside this state:

(a) Investigate any violation of:

(1) A provision of NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive;]~~ ***and sections 2 to 38, inclusive, of this act;***

(2) A regulation adopted by the Secretary of State pursuant to NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive;]~~ ***and sections 2 to 38, inclusive, of this act;*** or

(3) An order denying, suspending or revoking the effectiveness of a registration, or an order to cease and desist, issued by the Secretary of State pursuant to NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive.]~~ ***and sections 2 to 38, inclusive, of this act.***

(b) Conduct such other investigations as the Secretary of State finds necessary to aid in the enforcement of NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive,]~~ ***and sections 2 to 38, inclusive, of this act*** and any regulation or order adopted or issued by the Secretary of State pursuant thereto.

2. If the Secretary of State determines that a violation specified in paragraph (a) of subsection 1 has occurred, the Attorney General may prosecute the violation at the request of the Secretary of State.

3. If the Attorney General declines to prosecute such a violation, the district attorney of the appropriate county may prosecute the violation at the request of the Secretary of State.

Sec. 40. NRS 398.610 is hereby amended to read as follows:

398.610 1. If the Secretary of State reasonably believes, whether or not based upon an investigation conducted pursuant to NRS 398.600, that a person has violated, or is about to violate, any provision of NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive,]~~ ***and sections 2 to 38, inclusive, of this act*** or any regulation or order of the Secretary of State adopted or issued pursuant to NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive,]~~ ***and sections 2 to 38, inclusive, of this act,*** the Secretary of State,

in addition to any specific power granted by NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive,]~~ ***and sections 2 to 38, inclusive, of this act*** may, without a prior hearing, issue a summary order against the person, directing the person to cease and desist from any further acts that constitute or would constitute such a violation until he or she is in compliance with NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive.]~~ ***and sections 2 to 38, inclusive, of this act.*** The summary order to cease and desist must specify the section of NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive,]~~ ***and sections 2 to 38, inclusive, of this act*** or the regulation or order of the Secretary of State adopted or issued pursuant to NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive,]~~ ***and sections 2 to 38, inclusive, of this act*** which the Secretary of State reasonably believes has been or is about to be violated.

2. If the Secretary of State reasonably believes, whether or not based upon an investigation conducted pursuant to NRS 398.600, that a person has violated any provision of NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive,]~~ ***and sections 2 to 38, inclusive, of this act*** or any regulation or order of the Secretary of State adopted or issued pursuant to NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive,]~~ ***and sections 2 to 38, inclusive, of this act,*** the Secretary of State, in addition to any specific power granted by NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive,]~~ ***and sections 2 to 38, inclusive, of this act*** after giving notice by registered or certified mail and conducting a hearing in an administrative proceeding, unless the right to notice and hearing is waived by the person against whom the sanction is imposed, may:

(a) Issue an order against the person to cease and desist;

(b) Censure the person if he or she is a registered ~~[athlete's]~~ ***athlete*** agent;

(c) Suspend, revoke or refuse to renew the registration of the person as an ~~[athlete's]~~ ***athlete*** agent; or

(d) If it is determined that the violation was willful, issue an order against the person imposing an administrative fine of not more than ~~[$25,000.]~~ ***$50,000.***

3. If the person to whom notice is given pursuant to subsection 2 does not request a hearing within 45 days after receipt of the notice, the person waives his or her right to a hearing and the Secretary of State shall issue a permanent order. If the person requests a hearing, the Secretary of State shall set the matter for hearing not less than 15 or more than 60 days after the Secretary of State receives the request for a hearing. The Secretary of State shall promptly notify the parties by registered or certified mail of the time and place set for the hearing.

4. The imposition of the sanctions provided in this section is limited as follows:

(a) If the Secretary of State revokes the registration of an ~~[athlete's]~~ ***athlete*** agent, the imposition of that sanction precludes the imposition of an administrative fine pursuant to subsection 2; and

(b) The imposition by the Secretary of State of one or more sanctions pursuant to subsection 2 with respect to a specific violation precludes the Secretary of State from later imposing any other sanction pursuant to subsection 2 with respect to that violation.

5. For the purpose of determining any sanction to be imposed pursuant to subsection 2, the Secretary of State shall consider, among other factors, how recently the conduct occurred, the nature of the conduct and the context in which it occurred, and any other relevant conduct of the applicant.

6. If a sanction is imposed pursuant to this section, the Secretary of State may recover the costs of the proceeding, including, without limitation, investigative costs and attorney's fees, from the person against whom the sanction is imposed.

Sec. 41. NRS 398.620 is hereby amended to read as follows:

398.620 1. For the purposes of an investigation or proceeding pursuant to NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive,]~~ ***and sections 2 to 38, inclusive, of this act,*** the Secretary of State or any officer or employee designated by the Secretary of State by regulation, order or written direction may conduct hearings, administer oaths and affirmations, render findings of fact and conclusions of law, subpoena witnesses and compel their attendance, take evidence and require the production, by subpoena or otherwise, of books, papers, correspondence, memoranda, agreements or other documents or records which the Secretary of State or the Secretary of State's designated officer or employee determines to be relevant or material to the investigation or proceeding. A person whom the Secretary of State or a designated officer or employee does not consider to be the subject of an investigation is entitled to reimbursement at the rate of 25 cents per page for copies of documents which he or she is required by subpoena to produce. The Secretary of State or a designated officer or employee may require or permit a person to file a statement, under oath or otherwise as the Secretary of State or a designated officer or employee determines, as to the facts and circumstances concerning the matter to be investigated.

2. If the activities constituting an alleged violation for which the information is sought would be a violation of NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive,]~~ ***and sections 2 to 38, inclusive, of this act*** had the activities occurred in this state, the Secretary of State may issue and apply to enforce subpoenas in this state at the request of an agency or Secretary of State of another state.

3. If a person does not testify or produce the documents required by the Secretary of State or a designated officer or employee pursuant to subpoena, the Secretary of State or designated officer or employee may apply to the court for an order compelling compliance. A request for an order of compliance may be addressed to:

(a) The district court in and for the county where service may be obtained on the person refusing to testify or produce the documents, if the person is subject to service of process in this state; or

(b) A court of another state having jurisdiction over the person refusing to testify or produce the documents, if the person is not subject to service of process in this state.

Sec. 42. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, ~~[398.403,]~~ 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015,

616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 20.7 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 43. A person who holds a certificate of registration as an athlete's agent which was issued pursuant to NRS 398.400 to 398.620, inclusive, before July 1, 2017, and which is not expired or revoked must be deemed to hold a certificate of registration as an athlete agent issued pursuant to sections 2 to 38, inclusive, of this act.

Sec. 43.5. The regulation of the Secretary of State which is codified as NAC 398.100 remains in effect and may be enforced until the Secretary of State adopts a regulation to repeal or replace that regulation.

Sec. 44. NRS 398.400, 398.402, 398.403, 398.404, 398.408, 398.412, 398.416, 398.420, 398.424, 398.428, 398.432, 398.436, 398.440, 398.444, 398.446, 398.448, 398.452, 398.456, 398.460, 398.464, 398.468, 398.472, 398.476, 398.480, 398.482, 398.484, 398.488, 398.490, 398.492 and 398.496 are hereby repealed.

Sec. 45. 1. This act becomes effective on July 1, 2017.

2. Sections 25 and 26 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

LEADLINES OF REPEALED SECTIONS

398.400 Short title.

398.402 Applicability of provisions to person who sells or offers to sell services as athlete's agent.

398.403 Confidentiality of information obtained in connection with application or investigation; exceptions; effect on privilege.

398.404 Definitions.

398.408 "Athlete's agent" defined.

398.412 "Athletic director" defined.

398.416 "Contract for endorsement" defined.

398.420 "Contract for professional sports services" defined.

398.424 "Contract of agency" defined.

398.428 "Intercollegiate sport" defined.

398.432 "Person" defined.

398.436 "Record" defined.

398.440 "Registration" defined.

398.444 "State" defined.

398.446 "Student athlete" defined.

398.448 Registration required to act as athlete's agent; limited exception; contract of agency void if in violation of section.

398.452 Submission of application for registration to Secretary of State; application is public record; required contents and disclosures of application.

398.456 Submission of application by person who holds registration or licensure in another state.

398.460 Issuance of certificate of registration; grounds for denial by Secretary of State.

398.464 Renewal of registration; period for which initial certificate and renewal are valid.

398.468 Grounds for suspension, revocation or refusal to renew registration; issuance of temporary certificate of registration authorized.

398.472 Adoption of regulations establishing fees; authority of Secretary of State to adopt other regulations.

398.476 Secretary of State appointed agent for service of process for nonresident athlete's agent; issuance of subpoenas by Secretary of State.

398.480 Retention and inspection of records; duty to file updated information.

398.482 Required contents of contract; contract void if does not contain required warning; athlete's agent required to give record of contract to student athlete.

398.484 Athlete's agent and student athlete required to give notice of entering into contract.

398.488 Cancellation of contract by student athlete.

398.490 Liability of athlete's agent or student athlete to institution for damages caused by violation; award of attorney's fees and costs; accrual of right of action; joint and several liability; section does not restrict other rights and remedies.

398.492 Liability of person other than athlete's agent or student athlete to institution for damages caused by violation; award of attorney's fees and costs.

398.496 Prohibition on certain conduct by athlete's agent; penalties for violation of Act, regulations and certain orders.

Assemblyman Thompson moved that the Assembly concur in the Senate Amendment No. 852 to Assembly Bill No. 372.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

The amendment restores language related to crimes of moral turpitude.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Joint Resolution No. 11.

The following Senate amendment was read:

Amendment No. 803.

ASSEMBLYMEN HANSEN, ELLISON; AND MCARTHUR

JOINT SPONSOR: SENATOR GUSTAVSON

ASSEMBLY JOINT RESOLUTION—Urging Congress to ensure that the Intermountain West Corridor does not bypass Mineral County.

WHEREAS, On December 4, 2015, the 114th Congress passed the Fixing America's Surface Transportation (FAST) Act, which designated the Intermountain West Corridor as a high-priority corridor on the National Highway System; and

WHEREAS, The FAST Act established that the Intermountain West Corridor, from the vicinity of Las Vegas north to Reno, should follow U.S. Route 95 and terminate at Interstate 80; and

WHEREAS, The Board of Directors of the Nevada Department of Transportation voted unanimously to designate U.S. Route 95 as the primary route of the Intermountain West Corridor from the Las Vegas vicinity extending north, terminating at Interstate 80; and

WHEREAS, U.S. Route 95 runs through the heart of Mineral County, home of the Hawthorne Weapons and Ammunition Depot (HWAD) which encompasses 147,000 acres and where Army, Navy and Marine special forces are trained year-round in the unique aspects of mountainous terrain and a high desert environment similar to that found in Afghanistan; and

WHEREAS, Through the U.S. Army's Armament Retooling and Manufacturing Support (ARMS) Program, the 16,800-acre Hawthorne Technology and Industry Park at HWAD is the only facility of its kind west of Missouri certified as an ARMS site, which is a site designed to encourage commercial use of the facility through various incentives, encourage businesses to locate there, create jobs and new industries, yet retain the Depot's ability to carry out its primary mission; and

WHEREAS, Hawthorne and Mineral County possess both the natural and man-made resources to support the original mission of the Interstate Highway System and the goals of the Intermountain West Corridor project, including existing rail service, a dedicated railroad bed extending to Tonopah, existing geothermal and solar installations with the capacity to greatly expand renewable energy opportunities with the addition of transmission lines within the U.S. Route 95 and the Intermountain West Corridor, an airport capable of landing a C-130 cargo plane, an on-site fire and emergency rapid response department and 24-hour security; and

WHEREAS, Hawthorne is centrally located 265 miles from Sacramento, 385 miles from Los Angeles, 513 miles from Salt Lake City, 612 miles from Phoenix, 133 miles from Reno and 314 miles from Las Vegas, and is

strategically located to provide excellent highway access to surrounding states and the entire west coast region; and

WHEREAS, Regionally, it is estimated that the Intermountain West Corridor will result in a $24 billion economic benefit, create 240,000 jobs and provide up to $39 billion in travel benefits; and now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the members of the 79th Session of the Nevada Legislature hereby urge Congress to continue to pursue the original intent of the FAST Act and establish that the Intermountain West Corridor, from the vicinity of Las Vegas north to Reno, will follow U.S. Route 95 and terminate at Interstate 80 and not bypass Mineral County; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to each member of the Board of Directors of the Nevada Department of Transportation, the Director of the Nevada Department of Transportation, the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblywoman Diaz moved that the Assembly concur in the Senate Amendment No. 803 to Assembly Joint Resolution No. 11.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:
The amendment adds a Senator as a cosponsor.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 25, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 77, Amendment No. 849; Assembly Bill No. 80, Amendment No. 877; Assembly Bill No. 110, Amendment No. 931; Assembly Bill No. 161, Amendment No. 855; Assembly Bill No. 205, Amendment No. 896; Assembly Bill No. 377, Amendment No. 895; Assembly Bill No. 379, Amendment No. 795; Assembly Bill No. 380, Amendment No. 875; Assembly Bill No. 420, Amendment No. 827; Assembly Bill No. 447, Amendment No. 930; Assembly Joint Resolution No. 5, Amendment No. 804, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 137, 497.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 137.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 497.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Hunsberger Elementary School: Parker Banta, Landon Cholico, Kaelyn Clary, Tyra Coons, Emerey Viel De Vega, Matthew Dufur, Zoeyanne Durrer, Grayson Gaston, Ethan Gravelle, Zachary Heiter, Haley Jonkey, Sean Kelleher, Nathaniel Lutz, Abigail Neighbors, Cormac O'Mahony, Cole Okraski, Jordynann Osborne, Luke Parkhurst, Lauren Roussel, Avery Smith, Jack Solum, Jackson Stewart, William Van Trease, Ranjan Wagner, Drey Watson, Beau Winchester, Madelynn Bellin, Koa Bjork, Tyler Brokaski, Tony Carlstrom, Sophia Ceretti, Craig Champlin, Nate Christy, Michelle Christy, Abby Coombs, Brady Dixon, Yvonne Dixon, Lucas Garcia, Charles Garcia, Izzy Gregory, Connor Houston, Joey Hubler, Kyle Inda, Noah Kennedy, Landen Larsen, Luke Liberman, Julien Maine, Rainna McMaster, Emily Morton, Emiy Moyle, Ethan Nichols, Ella Ramos, Anne Ravazzini, Cole Rodriquez, Vianna Tanbakookar, Cruz Thompson, and Annica West.

On request of Assemblywoman Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Peggy Lear Bowen.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Nate Mack Elementary School: Susan Zannis, Jana Munk, Rose Heal, Shawn Burda, Thomas Castleberry, Kenneth Trainer, Juan Carlos Ramirez-Hernandez, Brian Solomon, Cari Cooke, Yvette Sauceda, Morgan McAfee, Susanna Yoo, Janette Rozgay-Miller, Kelly Epperson, Piper Carver-Coons, Camryn Zannis, Jackson Johnston-Munk, Lillian Heal, Lainey Burda, Claire Castleberry, Lilah Trainer, Valery Ramirez, Jackson Solomon, Emma Cooke, Brianna Sauceda, AJ McAfee, Aaron Yoo, Seth Hasbrouck, Cash Dawson, Blake Smith, Myles Oliver, Jaden Gothard, Brandon LaMadrid, Yassir Padilla, Caiti Pedrick, MC Solano, Jazz Peebles, Wyatt McMillian, Arezu Zargari, MaKayla Johnson, Isabella Thalacker, Devin Gosnell, Jaden Jones, Ambros Niedrich, Beau Gill, and Sienna Shereef.

On request of Assemblywoman Tolles, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Anderson Elementary School: Natalya Araujo, Victor Avila, Eckam Bal, Isabella Begley, Mia Clay, Isbel Cuacua Partida, Erika Dilwith, Cristian Escobedo, Guillermo Garcia Rico, Jeriah Gomez, America Gonzalez Vasquez, Jayleen Hernandez Escobedo, Seth Horn, Faithlynn James, Andrew Lee, Alina Lio, Kai Mack, David Marquez Ortiz, Jeffery Moore, Alexander Perez, Andres Reyes Moreno, David Reyes Reyes, Angel Rico, Joseph Robledo Cortez, Nathan Swanson, Amya Tsuji, Marco Aguilar Barajas, Valeria Aguilar Corrilo, Tile Anetipa, Maribel Bojorquez, Hannia Camacho Balcazar, Isahel Casillas Gonzalez, Taylor Chavez, Valerie Garcia, Alessandra Garcia Uscanga, Francico Haro Rodelas Jr., Aaron Hays, Alvaro Hernandez Escobedo, Jaime Johnson, Jazmine Lopez Blanco, Theodore Louvier, Laura Martor Cruz, Geovanni Merino Pader, Olivia Murano, Kymberly Nattress, Ever Onofre Jimenez, Gabriel Ramirez, Kori Scott, Jaisa Slover, Alleena Sudberry, Mariana Vargas Real, and Iodon Velasquez.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Friday, May 26, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 5:31 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND TENTH DAY

CARSON CITY (Friday), May 26, 2017

Assembly called to order at 8:37 p.m.

Mr. Speaker presiding.

Roll call.

All present except Assemblyman Hansen, who was excused.

Prayer by the Chaplain, Reverend Richard Snyder.

Loving God, Your work in the world is done by many people in many ways using the many gifts and talents You give. Bless all the members of this Assembly and all who work for this House. Guide them by Your Spirit as they deal with the issues facing this state.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 25, 501, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 259, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 296, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Legislative Operations and Elections, to which was referred Senate Joint Resolution No. 17 of the 78th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

OLIVIA DIAZ, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Senate Bills Nos. 512, 514, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HEIDI SWANK, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 352, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DINA NEAL, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 283, 452, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which was referred Senate Bill No. 320, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which was referred Senate Bill No. 350, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD CARRILLO, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 512, 514, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 23, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 122, 124, 159, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 280, 362, 440, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 25, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 495, 496.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 286, Amendments Nos. 939, 872, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 485, Amendment No. 812, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 66, 132, 229, 394, 458, 490, 517.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 793 to Senate Bill No. 125; Assembly Amendment No. 727 to Senate Bill No. 185; Assembly Amendment No. 887 to Senate Bill No. 196; Assembly Amendment No. 791 to Senate Bill No. 239; Assembly Amendment No. 800 to Senate Bill No. 253; Assembly Amendment No. 837 to Senate Bill No. 370; Assembly Amendment No. 838 to Senate Bill No. 371; Assembly Amendment No. 813 to Senate Bill No. 383;

Assembly Amendment No. 839 to Senate Bill No. 413; Assembly Amendment No. 747 to Senate Bill No. 420; Assembly Amendment No. 732 to Senate Bill No. 437.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 832 to Senate Bill No. 47; Assembly Amendment No. 682 to Senate Bill No. 376.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 26, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 276, 471.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 25, Amendment No. 954; Assembly Bill No. 36, Amendment No. 960; Assembly Bill No. 45, Amendment No. 953; Assembly Bill No. 123, Amendment No. 870; Assembly Bill No. 150, Amendment No. 703; Assembly Bill No. 234, Amendment No. 674; Assembly Bill No. 249, Amendments Nos. 751, 966; Assembly Bill No. 320, Amendment No. 851; Assembly Bill No. 321, Amendment No. 695; Assembly Bill No. 359, Amendment No. 858; Assembly Bill No. 375, Amendment No. 771; Assembly Bill No. 376, Amendment No. 874; Assembly Bill No. 384, Amendment No. 952; Assembly Bill No. 415, Amendment No. 740; Assembly Bill No. 431, Amendment No. 783; Assembly Bill No. 461, Amendment No. 739; Assembly Bill No. 470, Amendment No. 788, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 268, Amendment No. 981, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 288, Amendments Nos. 969, 873; Assembly Bill No. 408, Amendments Nos. 967, 869, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 74.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 541.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 864 to Senate Bill No. 12; Assembly Amendment No. 821 to Senate Bill No. 56; Assembly Amendment No. 716 to Senate Bill No. 71; Assembly Amendment No. 789 to Senate Bill No. 164; Assembly Amendment No. 909 to Senate Bill No. 183; Assembly Amendment No. 801 to Senate Bill No. 274; Assembly Amendment No. 784 to Senate Bill No. 281; Assembly Amendment No. 766 to Senate Bill No. 287; Assembly Amendments Nos. 836, 933 to Senate Bill No. 364; Assembly Amendment No. 927 to Senate Bill No. 384; Assembly Amendment No. 868 to Senate Bill No. 397; Assembly Amendment No. 824 to Senate Bill No. 471; Assembly Amendment No. 777 to Senate Bill No. 477.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 724 to Senate Bill No. 81; Assembly Amendment No. 726 to Senate Bill No. 171; Assembly Amendments Nos. 913, 957 to Senate Bill No. 233.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 866 to Senate Bill No. 250; Assembly Amendment No. 886 to Senate Bill No. 432.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

May 26, 2017

Pursuant to paragraph (a) of subsection 4 of Joint Standing Rule No. 14.6, Assembly Bill No. 403 is not subject to the provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3.

RICHARD S. COMBS
Director

WAIVER OF JOINT STANDING RULES

A Waiver requested by Speaker Frierson.
For: Senate Bill No. 464.
To Waive:

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: May 25, 2017.

SENATOR AARON D. FORD
Senate Majority Leader

ASSEMBLYMAN JASON FRIERSON
Speaker of the Assembly

A Waiver requested by Senator Goicoechea.
For: Senate Bill No. 439.
To Waive:

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: May 26, 2017.

SENATOR AARON D. FORD
Senate Majority Leader

ASSEMBLYMAN JASON FRIERSON
Speaker of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 116, 151, 292, and 400 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 66.

Assemblyman Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 74.

Assemblywoman Swank moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 132.

Assemblyman Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 229.

Assemblyman Yeager moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 394.

Assemblyman Sprinkle moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 458.

Assemblywoman Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 490.

Assemblyman Yeager moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 517.

Assemblyman Flores moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 541.

Assemblyman Yeager moved that the bill be referred to the Committee on Judiciary.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 7.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 917.

AN ACT relating to education; revising certain references and terms in conformance with revisions to federal law; revising requirements for a plan to improve the achievement of pupils enrolled in a public school; repealing provisions requiring certain schools to carry out a process for peer review of a plan to improve the achievement of pupils enrolled in a school in accordance with federal law; requiring the State Board of Education to establish criteria for assessments that may be used to determine pupil

achievement; revising provisions governing the count of pupils for purposes of calculating basic support; requiring the State Board to adopt regulations regarding end-of-course finals; revising the requirements for receipt of a standard high school diploma; providing for the creation of a ~~[pathway]~~ **college and career ready** high school diploma; requiring a public awareness campaign concerning high school diplomas and endorsements to be conducted to the extent that money is available; revising provisions governing the annual reports of accountability prepared by the State Board and each school district; revising provisions governing evaluations of the overall performance of teachers and paraprofessionals; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In 2015, Congress passed the Every Student Succeeds Act of 2015, which replaced the No Child Left Behind Act of 2001 and was a significant reauthorization of the Elementary and Secondary Education Act of 1965. (20 U.S.C. §§ 6301 et seq.) **Sections 6, 7, 56, 58, 75 and 76** of this bill replace references to the No Child Left Behind Act of 2001 with references to the Every Student Succeeds Act of 2015. **Sections 2, 32, 38, 43, 71 and 72** revise references to federal law to conform to changes made in the Every Student Succeeds Act of 2015. **Sections 1, 2, 4, 5, 11, 15, 16, 19-21, 23, 24, 26-29, 31, 33, 35, 39, 55, 56, 71, 73, 74 and 77-82** of this bill revise terminology to conform with the revisions to the federal law.

Existing law requires the principal of each school, in consultation with the employees of the school, to prepare a plan to improve the achievement of pupils enrolled in the school and prescribes the requirements for such a plan. (NRS 385A.650) **Section 19** of this bill removes the statutory requirements concerning the contents of the plan and instead requires the State Board of Education to prescribe the contents of the plan by regulation. **Section 83** of this bill repeals a provision requiring certain schools to carry out a process for peer review of a plan to improve the achievement of pupils enrolled in the school in accordance with federal law.

Existing law requires the State Board to adopt regulations for counting enrollment of pupils for apportionment purposes. (NRS 387.123) **Section 23.5** of this bill prohibits such regulations from counting a pupil enrolled in grade 12 who is not prepared for college and career success as a full-time pupil for apportionment purposes unless the pupil is enrolled in a certain number of courses or periods per day.

Section 41.3 of this bill requires the State Board to adopt regulations regarding end-of-course finals and the courses for which such finals may be administered.

Existing law requires the State Board to adopt regulations that prescribe the criteria for receipt of a standard high school diploma. (NRS 390.600) **Section 52** of this bill removes the requirement that the regulations require a pupil to pass certain end-of-course examinations to receive a standard high school diploma. **Section 41.5** of this bill requires the State Board to adopt

regulations that prescribe the criteria for a pupil to receive a ~~[pathway]~~ **college and career ready** high school diploma, which must include requirements that the pupil: (1) satisfy the criteria for receipt of a standard high school diploma; and (2) obtain a college-ready endorsement or a career-ready endorsement. **Section 41.5** also requires the State Board to: (1) adopt regulations prescribing the criteria for a pupil to obtain each endorsement; (2) annually review and, if necessary, revise the regulations adopted relating to the ~~[pathway]~~ **college and career ready** high school diploma; and (3) provide incentive grants and certain reimbursements relating to the ~~[pathway]~~ **college and career ready** high school diploma, to the extent that money is available for this purpose. Finally, **section 41.5** provides that a ~~[pathway]~~ **college and career ready** high school diploma confers all the same rights, privileges and benefits as a standard high school diploma.

Section 41.7 of this bill requires the Department of Education, to the extent that money is available, to conduct a public awareness campaign to inform certain persons of the types of diplomas and endorsements on a diploma a pupil may receive upon graduation from high school and the criteria for obtaining such diplomas or endorsements.

Existing law requires the statewide performance evaluation system used to evaluate a public school employee's overall performance to include a process for peer evaluations of teachers by qualified educational personnel. (NRS 391.465) **Section 66** of this bill requires the statewide performance evaluation system to include a process for peer observations, instead of peer evaluations. **Sections 65.5 and 66.5** of this bill make conforming changes.

Existing law requires the State Board to designate the assessments that may be used by a school district to determine pupil achievement. (NRS 391.465) **Section 66** of this bill instead requires: (1) the State Board to establish the criteria for the assessments that may be used by a school district; and (2) the board of trustees of a school district to select assessments that meet the criteria established by the State Board to determine pupil achievement. Existing law requires the State Board to select a college and career readiness assessment for administration to pupils enrolled in grade 11 in public schools. (NRS 390.610) **Section 53** of this bill provides that the results of a pupil on this assessment may be used in determining whether the pupil satisfies the requirements for receipt of a ~~[pathway]~~ **college and career ready** high school diploma. **Section 53** also requires the State Board to adopt regulations prescribing the manner in which a school district or charter school that enrolls pupils at a high school grade level is required to use the results of this assessment to inform the instruction provided to pupils enrolled in grade 12.

Existing law requires teachers and administrators to receive certain evaluations that are based in part upon a certain number of observations of the teacher or administrator. (NRS 391.685, 391.690, 391.705, 391.710) **Sections 67-68.5** of this bill require such evaluations to be based on a certain number of observation cycles of each teacher and administrator. **Section 69**

of this bill makes a technical correction to provisions relating to the written evaluation of a probationary teacher or administrator. **Sections 36, 37 and 59-64** of this bill revise additional provisions governing the qualifications of certain teachers and paraprofessionals and evaluations of the performance of teachers and paraprofessionals.

Existing law requires the board of trustees of each school district to prepare an annual report of accountability concerning the educational goals and objectives of the school district. (385A.070) Existing law also requires the State Board to prepare a single annual report of accountability for all public schools in the State that includes certain information. (NRS 385A.400) **Sections 9 and 13** of this bill revise the contents of such annual reports of accountability and require the reports to include certain information concerning educational personnel.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.007 is hereby amended to read as follows:

385.007 As used in this title, unless the context otherwise requires:

1. "Achievement charter school" means a public school operated by a charter management organization, as defined in NRS 388B.020, an educational management organization, as defined in NRS 388B.030, or other person pursuant to a contract with the Achievement School District pursuant to NRS 388B.210 and subject to the provisions of chapter 388B of NRS.

2. "Department" means the Department of Education.

3. ***"English learner" has the meaning ascribed to it in 20 U.S.C. § 7801(20).***

4. "Homeschooled child" means a child who receives instruction at home and who is exempt from compulsory attendance pursuant to NRS 392.070, but does not include an opt-in child.

[~~4. "Limited English proficient" has the meaning ascribed to it in 20 U.S.C. § 7801(25).~~**]**

5. "Opt-in child" means a child for whom an education savings account has been established pursuant to NRS 353B.850, who is not enrolled full-time in a public or private school and who receives all or a portion of his or her instruction from a participating entity, as defined in NRS 353B.750.

6. "Public schools" means all kindergartens and elementary schools, junior high schools and middle schools, high schools, charter schools and any other schools, classes and educational programs which receive their support through public taxation and, except for charter schools, whose textbooks and courses of study are under the control of the State Board.

7. "State Board" means the State Board of Education.

8. "University school for profoundly gifted pupils" has the meaning ascribed to it in NRS 388C.040.

Sec. 2. NRS 385.112 is hereby amended to read as follows:

385.112 A plan to improve the achievement of pupils enrolled in public schools in this State prepared pursuant to NRS 385.111 must include:

1. A review and analysis of the data upon which the report required pursuant to NRS 385A.400 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

2. The identification of any problems or factors common among the school districts or charter schools in this State, as revealed by the review and analysis.

3. Strategies based upon ~~[scientifically based]~~ ***evidence-based*** research, as defined in 20 U.S.C. § ~~[7801(37),]~~ ***7801(21),*** that will strengthen the core academic subjects, as set forth in NRS 389.018.

4. Strategies to improve the academic achievement of pupils enrolled in public schools in this State, including, without limitation, strategies to:

(a) Instruct pupils who are not achieving to their fullest potential, including, without limitation:

(1) The curriculum appropriate to improve achievement;

(2) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS 390.105 ~~[and 390.600]~~ and the college and career readiness assessment administered pursuant to NRS 390.610, including, without limitation, the manner in which remediation will be provided to pupils who require remediation based on the results of an examination administered pursuant to NRS ~~[390.600 and]~~ 390.610; and

(3) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each group identified in the statewide system of accountability for public schools;

(b) Improve the literacy skills of pupils;

(c) Improve the development of English language skills and academic achievement of pupils who are ~~[limited]~~ English ~~[proficient;]~~ ***learners;***

(d) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(e) Integrate technology into the instructional and administrative programs of the school districts;

(f) Manage effectively the discipline of pupils; and

(g) Enhance the professional development offered for the teachers and administrators employed at public schools in this State to include the activities set forth in 20 U.S.C. § ~~[7801(34)]~~ ***7801(42)*** and to address the specific needs of the pupils enrolled in public schools in this State, as deemed appropriate by the State Board.

5. Strategies designed to provide to the pupils enrolled in middle school, junior high school and high school, the teachers and counselors who provide instruction to those pupils, and the parents and guardians of those pupils information concerning:

(a) The requirements for admission to an institution of higher education and the opportunities for financial aid;

(b) The availability of Governor Guinn Millennium Scholarships pursuant to NRS 396.911 to 396.945, inclusive; and

(c) The need for a pupil to make informed decisions about his or her curriculum in middle school, junior high school and high school in preparation for success after graduation.

6. An identification, by category, of the employees of the Department who are responsible for ensuring that each provision of the plan is carried out effectively.

7. A timeline for carrying out the plan, including, without limitation:

(a) The rate of improvement and progress which must be attained annually in meeting the goals and benchmarks established by the State Board pursuant to NRS 385.113; and

(b) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

8. For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

9. Strategies to improve the allocation of resources from this State, by program and by school district, in a manner that will improve the academic achievement of pupils. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this subsection. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this subsection.

10. Based upon the reallocation of resources set forth in subsection 9, the resources available to the State Board and the Department to carry out the plan, including, without limitation, a budget for the overall cost of carrying out the plan.

11. A summary of the effectiveness of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

12. A 5-year strategic plan which identifies the recurring issues in improving the achievement and proficiency of pupils in this State and which establishes strategic goals to address those issues. The 5-year strategic plan must be:

(a) Based upon the data from previous years which is collected by the Department for the plan developed pursuant to NRS 385.111; and

(b) Designed to track the progress made in achieving the strategic goals established by the Department.

13. Any additional plans addressing the achievement and proficiency of pupils adopted by the Department.

Sec. 3. NRS 385.113 is hereby amended to read as follows:

385.113 The State Board shall:

1. In developing the plan to improve the achievement of pupils enrolled in public schools pursuant to NRS 385.111, establish clearly defined goals and benchmarks for improving the achievement of pupils, including, without limitation, goals for:

(a) Improving proficiency results in core academic subjects;

(b) Increasing the number of pupils enrolled in public middle schools and junior high schools, including, without limitation, charter schools, who enter public high schools with the skills necessary to succeed in high school;

(c) Improving the percentage of pupils who enroll in grade 9 and who graduate from a public high school, including, without limitation, a charter school, with a standard or higher diploma upon completion;

(d) Improving the performance of pupils on standardized college entrance examinations;

(e) Increasing the percentage of pupils enrolled in high schools who enter postsecondary educational institutions or who are career and workforce ready; and

(f) Reengaging disengaged youth who have dropped out of high school or who are at risk of dropping out of high school, including, without limitation, a mechanism for tracking and maintaining communication with those youth who have dropped out of school or who are at risk of doing so;

2. Review the plan annually to evaluate the effectiveness of the plan;

3. Examine the timeline for implementing the plan and each provision of the plan to determine whether the annual goals and benchmarks have been attained;

4. Based upon the evaluation of the plan, make revisions, as necessary, to ensure that:

(a) The goals and benchmarks set forth in the plan are being attained in a timely manner; and

(b) The plan is designed to improve the academic achievement of pupils enrolled in public schools in this State; and

5. Review the plans submitted pursuant to subsection ~~[5]~~ ***4*** of NRS 385A.650 to:

(a) Determine common problems identified by the principal of each school ***;*** ~~[pursuant to paragraph (b) of subsection 2 of NRS 385A.650;]~~ and

(b) Make recommendations to the Department concerning how the Department can best support the needs of schools.

Sec. 4. NRS 385.230 is hereby amended to read as follows:

385.230 1. The Department shall, in conjunction with the State Board, prepare an annual report of the state of public education in this State. The report must include, without limitation:

(a) An analysis of each annual report of accountability prepared by the State Board pursuant to NRS 385A.400;

(b) An update on the status of K-12 public education in this State;

(c) A description of the most recent vision and mission statements of the State Board and the Department, including, without limitation, the progress made by the State Board and Department in achieving those visions and missions;

(d) A description of the goals and benchmarks for improving the academic achievement of pupils which are included in the plan to improve the achievement of pupils required by NRS 385.111;

(e) A description of any significant changes made to the collection, maintenance or transfer of data concerning pupils by the Department, a school district, a sponsor of a charter school or a university school for profoundly gifted pupils;

(f) Any new data elements, including, without limitation, data about individual pupils and aggregated data about pupils within a defined group, proposed for inclusion in the automated system of accountability information for Nevada established pursuant to NRS 385A.800;

(g) An analysis of the progress the public schools have made in the previous year toward achieving the goals and benchmarks for improving the academic achievement of pupils;

(h) An analysis of whether the standards and examinations adopted by the State Board adequately prepare pupils for success in postsecondary educational institutions and in career and workforce readiness;

(i) An analysis of the extent to which school districts and charter schools recruit and retain effective teachers and principals;

(j) An analysis of the ability of the automated system of accountability information for Nevada established pursuant to NRS 385A.800 to link the achievement of pupils to the performance of the individual teachers assigned to those pupils and to the principals of the schools in which the pupils are enrolled;

(k) An analysis of the extent to which the lowest performing public schools have improved the academic achievement of pupils enrolled in those schools;

(l) A summary of the innovative educational programs implemented by public schools which have demonstrated the ability to improve the academic achievement of pupils, including, without limitation:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are ~~[~~limited~~]~~ English ~~[~~proficient;~~]~~ ***learners;*** and

(5) Pupils who are migratory children, as defined by the State Board; and

(m) A description of any plan of corrective action requested by the Superintendent of Public Instruction from the board of trustees of a school district or the governing body of a charter school and the status of that plan.

2. In odd-numbered years, the Superintendent of Public Instruction shall present the report prepared pursuant to subsection 1 in person to the Governor and each standing committee of the Legislature with primary jurisdiction over matters relating to K-12 public education at the beginning of each regular session of the Legislature.

3. In even-numbered years, the Superintendent of Public Instruction shall, on or before January 31, submit a written copy of the report prepared pursuant to subsection 1 to the Governor and to the Legislative Committee on Education.

Sec. 5. NRS 385.620 is hereby amended to read as follows:

385.620 The Advisory Council shall:

1. Review the policy of parental involvement adopted by the State Board and the policy of parental involvement and family engagement adopted by the board of trustees of each school district pursuant to NRS 392.457;

2. Review the information relating to communication with and participation, involvement and engagement of parents and families that is included in the annual report of accountability for each school district pursuant to NRS 385A.320 and similar information in the annual report of accountability prepared by the State Public Charter School Authority, the Achievement School District and a college or university within the Nevada System of Higher Education that sponsors a charter school pursuant to subsection 3 of NRS 385A.070;

3. Review any effective practices carried out in individual school districts to increase parental involvement and family engagement and determine the feasibility of carrying out those practices on a statewide basis;

4. Review any effective practices carried out in other states to increase parental involvement and family engagement and determine the feasibility of carrying out those practices in this State;

5. Identify methods to communicate effectively and provide outreach to parents, legal guardians and families of pupils who have limited time to become involved in the education of their children for various reasons, including, without limitation, work schedules, single-parent homes and other family obligations;

6. Identify the manner in which the level of parental involvement and family engagement affects the performance, attendance and discipline of pupils;

7. Identify methods to communicate effectively with and provide outreach to parents, legal guardians and families of pupils who are ~~[~~limited~~]~~ English ~~[~~proficient;~~]~~ ***learners;***

8. Determine the necessity for the appointment of a statewide parental involvement and family engagement coordinator or a parental involvement and family engagement coordinator in each school district, or both;

9. Work in collaboration with the Office of Parental Involvement and Family Engagement created by NRS 385.630 to carry out the duties prescribed in NRS 385.635;

10. On or before July 1 of each year, submit a report to the Legislative Committee on Education describing the activities of the Advisory Council and any recommendations for legislation; and

11. On or before February 1 of each odd-numbered year, submit a report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature describing the activities of the Advisory Council and any recommendations for legislation.

Sec. 6. NRS 385A.040 is hereby amended to read as follows:

385A.040 "Title I school" means a public school that receives money pursuant to the ~~[~~No Child Left Behind Act of 2001,~~]~~ ***Every Student Succeeds Act of 2015,*** 20 U.S.C. §§ 6301 et seq., and is obligated to comply with the provisions of that federal law.

Sec. 7. NRS 385A.050 is hereby amended to read as follows:

385A.050 "Title I school district" means a school district that receives money pursuant to the ~~[~~No Child Left Behind Act of 2001,~~]~~ ***Every Student Succeeds Act of 2015,*** 20 U.S.C. §§ 6301 et seq., and is obligated to comply with the provisions of that federal law.

Sec. 8. NRS 385A.200 is hereby amended to read as follows:

385A.200 The annual report of accountability prepared pursuant to NRS 385A.070 must include information on pupil achievement and school performance, including, without limitation, pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 390.105 ~~[~~and 390.600~~]~~ and the college and career readiness assessment administered pursuant to NRS 390.610 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school sponsored by the district, and each grade in which the examinations and assessments were administered:

1. The number of pupils who took the examinations and a record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

2. Except as otherwise provided in subsection 2 of NRS 385A.070, pupil achievement, reported separately by gender and reported separately for the groups of pupils identified in the statewide system of accountability for public schools.

3. A comparison of the achievement of pupils in each group identified in the statewide system of accountability for public schools with the performance targets established for that group.

4. The percentage of pupils who were not tested.

5. Except as otherwise provided in subsection 2 of NRS 385A.070, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in the statewide system of accountability for public schools.

6. The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 390.105 ~~[and 390.600]~~ and the college and career readiness assessment administered pursuant to NRS 390.610, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

7. The rating of each public school in the district, including, without limitation, each charter school sponsored by the district, pursuant to the statewide system of accountability for public schools.

8. Information on whether each school in the district, including, without limitation, each charter school sponsored by the district, has made progress based upon the model adopted by the Department pursuant to NRS 390.125.

9. Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools sponsored by the district, with the results of pupils throughout this State. The information required by this subsection must be provided in consultation with the Department to ensure the accuracy of the comparison.

10. For each school in the district, including, without limitation, each charter school sponsored by the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subsection must be provided in consultation with the Department to ensure the accuracy of the comparison.

Sec. 9. NRS 385A.230 is hereby amended to read as follows:

385A.230 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include information on teachers ***, other licensed educational personnel*** and paraprofessionals, including, without limitation:

(a) Information on the professional qualifications of teachers ***and other licensed educational personnel*** employed by each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The information must include, without limitation:

(1) ***The total number of:***

(I) Teachers and other licensed educational personnel employed at each school;

(II) Vacancies at each school which are not filled by a teacher who has a contract to teach at the school on a full-time basis, as determined by the Commission on Professional Standards in Education;

(III) Teachers and other licensed educational personnel employed at each school who provide instruction in a grade level or subject area for which they do not meet the requirements for licensure or do not hold a required endorsement;

(IV) Teachers and other licensed educational personnel employed at each school who are inexperienced, as defined by the Commission on Professional Standards in Education; and

(V) Employees at each school whose overall performance was determined to be highly effective, effective, minimally effective or ineffective under the statewide performance evaluation system.

(2) The percentage of ~~[~~teachers~~]~~ ***:***

(I) Teachers and other licensed educational personnel employed by the school district who are ~~[~~:

~~(I) Providing instruction pursuant to NRS 391.125;]~~ ***employed at each school;***

(II) ~~[~~Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

~~(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;~~

~~(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;~~

~~(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high poverty compared to low poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;~~

~~(4)]~~ ***Vacancies at each school which are not filled by a teacher who has a contract to teach at the school on a full-time basis, as determined by the Commission on Professional Standards in Education;***

(III) Teachers and other licensed educational personnel employed at each school who provide instruction in a grade level or subject area for which they do not meet the requirements for licensure or do not hold a required endorsement;

(IV) Teachers and other licensed educational personnel employed at each school who are inexperienced, as defined by the Commission on Professional Standards in Education; and

(V) Employees at each school whose overall performance was determined to be highly effective, effective, minimally effective or ineffective under the statewide performance evaluation system.

(3) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers,

including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area **.** ~~[, and~~

~~(5)]~~ ***(4)*** For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(b) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The records of attendance maintained by a school for purposes of this paragraph must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which the teacher is employed for one of the following reasons:

(1) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(2) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

(c) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school sponsored by the district. The information must include:

(1) The number of paraprofessionals employed at the school; ~~[and]~~

(2) The number ~~[and percentage of all]~~ ***of*** paraprofessionals ***employed at the school*** who do not satisfy the ~~[qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.]~~ ***requirements prescribed by the Department to comply with 20 U.S.C. § 6311(g)(2)(M);***

(3) The percentage of paraprofessionals employed by the school district who do not satisfy the requirements prescribed by the Department to comply with 20 U.S.C. § 6311(g)(2)(M) who are employed at the school; and

(4) Any other information required by regulation of the State Board.

2. As used in this section ~~[:~~

~~(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).(b) "Paraprofessional"]~~ **,** ***"paraprofessional"*** has the meaning ascribed to it in NRS 391.008.

Sec. 10. NRS 385A.270 is hereby amended to read as follows:

385A.270 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, information concerning pupils who are eligible for free or reduced-price breakfasts pursuant to 42 U.S.C. §§ 1771 et seq. and pupils who are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq., including, without limitation:

(a) The number and percentage of pupils who are eligible for free or reduced-price breakfasts;

(b) The percentage of pupils who receive free and reduced-price breakfasts;

(c) The number and percentage of pupils who are eligible for free or reduced-price lunches;

(d) The percentage of pupils who receive free and reduced-price lunches;

(e) A comparison of the achievement and proficiency of pupils, reported separately by race and ethnicity, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price lunches, pupils who receive free and reduced-price lunches and pupils who are not eligible for free or reduced-price breakfasts or lunches;

(f) A comparison of pupils, reported separately by race and ethnicity, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price lunches and pupils who receive free and reduced-price lunches for which data is required to be collected in the following areas:

(1) Retention rates;

(2) Graduation rates;

(3) Dropout rates;

(4) Grade point averages; and

(5) Scores on the examinations administered pursuant to NRS 390.105 ~~[and 390.600]~~ and the college and career readiness assessment administered pursuant to NRS 390.610.

2. The State Board may adopt any regulations necessary to carry out the provisions of this section.

Sec. 11. NRS 385A.280 is hereby amended to read as follows:

385A.280 The annual report of accountability prepared pursuant to NRS 385A.070 must include, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, information regarding the progression of pupils who are ~~[limited]~~ English ~~[proficient]~~ ***learners*** in attaining proficiency in the English language, including, without limitation:

1. The number and percentage of pupils who were identified as ~~[limited]~~ English ~~[proficient]~~ ***learners*** at the beginning of the school year, were

continually enrolled throughout the school year and were identified as proficient in English by the completion of the school year;

2. The achievement and proficiency of pupils who are ~~[~~limited~~]~~ English ~~[~~proficient~~]~~ ***learners*** in comparison to the pupils who are proficient in English;

3. A comparison of pupils who are ~~[~~limited~~]~~ English ~~[~~proficient~~]~~ ***learners*** and pupils who are proficient in the English language in the following areas:

(a) Retention rates;

(b) Graduation rates;

(c) Dropout rates;

(d) Grade point averages; and

(e) Scores on the examinations administered pursuant to NRS 390.105 ~~[~~and 390.600~~]~~ and the college and career readiness assessment administered pursuant to NRS 390.610; and

4. Results of the assessments and reassessments of pupils who are ~~[~~limited~~]~~ English ~~[~~proficient,~~]~~ ***learners,*** reported separately by the primary language of the pupils, pursuant to the policy developed by the board of trustees of the school district pursuant to NRS 388.407.

Sec. 12. NRS 385A.410 is hereby amended to read as follows:

385A.410 The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include information on pupil achievement and school performance, including, without limitation:

1. Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 390.105 ~~[~~and 390.600~~]~~ and the college and career readiness assessment administered pursuant to NRS 390.610, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

2. Except as otherwise provided in subsection 2 of NRS 385A.400, pupil achievement, reported separately by gender and reported separately for the groups of pupils identified in the statewide system of accountability for public schools.

3. A comparison of the achievement of pupils in each group identified in the statewide system of accountability for public schools with the performance targets established for that group.

4. The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

5. Except as otherwise provided in subsection 2 of NRS 385A.400, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in the statewide system of accountability for public schools.

6. The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 390.105 ~~[~~and 390.600~~]~~ and the college and career readiness assessment administered pursuant to NRS 390.610, reported for each school district, including,

without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

7. The rating of each public school, including, without limitation, each charter school, pursuant to the statewide system of accountability for public schools.

8. Information on whether each public school, including, without limitation, each charter school, has made progress based upon the model adopted by the Department pursuant to NRS 390.125, if applicable for the grade level of pupils enrolled at the school.

9. Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 390.830.

Sec. 13. NRS 385A.440 is hereby amended to read as follows:

385A.440 1. The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include information on teachers ***, other licensed personnel*** and paraprofessionals, including, without limitation:

(a) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers ***and other licensed educational personnel*** employed by the school districts and charter schools, including, without limitation:

(1) ***The total number of:***

(I) Teachers and other licensed educational personnel employed by each school district, including, without limitation, each charter school in the district, and for this State as a whole;

(II) Vacancies at each school district, including, without limitation, each charter school in the district, which are not filled by a teacher who has a contract to teach on a full-time basis, as determined by the Commission on Professional Standards in Education and for this State as a whole;

(III) Teachers and other licensed educational personnel employed by each school district, including, without limitation, each charter school in the district, who provide instruction in a grade level or subject area for which they do not meet the requirements for licensure or do not hold a required endorsement, and for this State as a whole;

(IV) Teachers or other licensed educational personnel who are inexperienced, as defined by the Commission on Professional Standards in Education, employed by each school district, including, without limitation, each charter school in the district, and for this State as a whole; and

(V) Employees at each school district, including, without limitation, each charter school in the district, whose overall performance was determined to be highly effective, effective, minimally effective or

ineffective under the statewide performance evaluation system, and for this State as a whole.

(2) The percentage of ~~[teachers]~~ ***:***

(I) Teachers and other licensed educational personnel employed in this State who are ~~[:~~

~~(I) Providing instruction pursuant to NRS 391.125;]~~ ***employed by each school district, including, without limitation, each charter school in the district, and for this State as a whole;***

(II) ~~[Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or~~

~~(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;~~

~~(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;~~

~~(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high poverty compared to low poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;~~

~~(4)]~~ ***Vacancies at each school district including, without limitation, each charter school in the district, which are not filled by a teacher who has a contract to teach on a full-time basis, as determined by the Commission on Professional Standards in Education, and for this State as a whole;***

(III) Teachers and other licensed educational personnel employed by each school district, including, without limitation, each charter school in the district, who provide instruction in a grade level or subject area in which they do not meet the requirements for licensure or do not hold a required endorsement, and for this State as a whole;

(IV) Teachers and other licensed educational personnel employed by each school district, including, without limitation, each charter school in the district, who are inexperienced, as defined by the Commission on Professional Standards in Education, and for this State as a whole; and

(V) Employees at each school district, including, without limitation, each charter school in the district, whose overall performance was determined to be highly effective, effective minimally effective or ineffective under the statewide performance evaluation system, and for this State as a whole.

(3) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area **.** ~~[, and~~

~~(5)]~~ ***(4)*** For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(b) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(c) Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:

(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; ~~[and]~~

(2) ~~[For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.]~~ ***The number of paraprofessional employed by each school district, including, without limitation, each charter school in the district, who do not satisfy the requirements prescribed by the Department to comply with 20 U.S.C. § 6311(g)(2)(M), and for this State as a whole;***

(3) The percentage of paraprofessionals employed by each school district, including, without limitation, each charter school in the district, who do not satisfy the requirements prescribed by the Department to comply with 20 U.S.C. § 6311(g)(2)(M), and for this State as a whole; and

(4) Any other information required by regulation of the State Board.

2. As used in this section ~~[:~~

~~(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).~~

~~(b) "Paraprofessional"]~~ ***, "paraprofessional"*** has the meaning ascribed to it in NRS 391.008.

Sec. 14. NRS 385A.480 is hereby amended to read as follows:

385A.480 The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include for each school district, including, without limitation, each charter school in the district, and for this State as a whole, information concerning pupils who are eligible for free or reduced-price breakfasts pursuant to 42 U.S.C. §§ 1771 et seq. and pupils who are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq., including, without limitation:

1. The number and percentage of pupils who are eligible for free or reduced-price breakfasts;

2. The number and percentage of pupils who receive free and reduced-price breakfasts;

3. The number and percentage of pupils who are eligible for free or reduced-price lunches;

4. The number and percentage of pupils who receive free and reduced-price lunches;

5. A comparison of the achievement and proficiency of pupils, reported separately by race and ethnicity, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price lunches, pupils who receive free and reduced-price lunches and pupils who are not eligible for free or reduced-price breakfasts or lunches;

6. A comparison of pupils, reported separately by race and ethnicity, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price lunches and pupils who receive free and reduced-price lunches for which data is required to be collected in the following areas:

(a) Retention rates;

(b) Graduation rates;

(c) Dropout rates;

(d) Grade point averages; and

(e) Scores on the examinations administered pursuant to NRS 390.105 ~~[and 390.600]~~ and the college and career readiness assessment administered pursuant to NRS 390.610.

Sec. 15. NRS 385A.490 is hereby amended to read as follows:

385A.490 The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include for each school district, including, without limitation, each charter school in the district, and for this State as a whole, information regarding the progression of pupils who are ~~[limited]~~ English ~~[proficient]~~ ***learners*** in attaining proficiency in the English language, including, without limitation:

1. The number and percentage of pupils who were identified as ~~[limited]~~ English ~~[proficient]~~ ***learners*** at the beginning of the school year, were continually enrolled throughout the school year and were identified as proficient in English by the completion of the school year;

2. The achievement and proficiency of pupils who are ~~[limited]~~ English ~~[proficient]~~ ***learners*** in comparison to the pupils who are proficient in English;

3. A comparison of pupils who are ~~[limited]~~ English ~~[proficient]~~ ***learners*** and pupils who are proficient in the English language in the following areas:

(a) Retention rates;

(b) Graduation rates;

(c) Dropout rates;

(d) Grade point averages; and

(e) Scores on the examinations administered pursuant to NRS 390.105 ~~[and 390.600]~~ and the college and career readiness assessment administered pursuant to NRS 390.610; and

4. Results of the assessments and reassessments of pupils who are ~~[limited]~~ English ~~[proficient,]~~ ***learners,*** reported separately by the primary language of the pupils, pursuant to the policies developed by the boards of trustees of school districts pursuant to NRS 388.407.

Sec. 16. NRS 385A.600 is hereby amended to read as follows:

385A.600 1. The Department shall make every effort to obtain the approval necessary from the United States Department of Education to ensure that the statewide system of accountability for public schools complies with all requirements for the receipt of federal money under the Elementary and Secondary Education Act of 1965, 20 U.S.C. §§ 6301 et seq., as amended.

2. The statewide system of accountability applies to all public schools, regardless of Title I status, and must:

(a) Include a method to, on an annual basis, rate each public school based upon the performance of the school and based upon whether each public school meets the ~~[annual measurable objectives]~~ ***school achievement targets*** and performance targets established pursuant to the statewide system of accountability;

(b) Include a method to implement consequences, rewards and supports for public schools based upon the ratings;

(c) Include a method to provide grants and other financial support, to the extent that money is available from legislative appropriation, to public schools receiving one of the two lowest ratings of performance pursuant to the statewide system of accountability for public schools; and

(d) Establish ~~[annual measurable objectives]~~ ***school achievement targets*** and performance targets for public schools and performance targets for specific groups of pupils, including, without limitation, pupils who are economically disadvantaged, pupils from major racial and ethnic groups, pupils with disabilities and pupils who are ~~[limited]~~ English ~~[proficient.]~~ ***learners.*** The ~~[annual measurable objectives]~~ ***school achievement targets*** and performance targets must:

(1) Be based primarily upon the measurement of the progress and proficiency of pupils on the examinations administered pursuant to NRS 390.105 ***;*** ~~**[**(or 390.600, as applicable;**]**~~ and

(2) For high schools, include the rate of graduation and the rate of attendance.

3. The statewide system of accountability for public schools may include a method to:

(a) On an annual basis, rate school districts based upon the performance of the public schools within the school district and whether those public schools meet the ~~**[**(annual measurable objectives)**]**~~ ***school achievement targets*** and performance targets established pursuant to the statewide system of accountability; and

(b) Implement consequences, rewards and supports for school districts based upon the ratings.

Sec. 17. NRS 385A.610 is hereby amended to read as follows:

385A.610 1. The Department shall establish a monitoring system for the statewide system of accountability. The monitoring system must identify significant levels of achievement of pupils on the examinations that are administered pursuant to NRS 390.105 ~~**[**(and 390.600)**]**~~ and the college and career readiness assessment administered pursuant to NRS 390.610, identified by school and by school district.

2. On or before October 1 of each year, the Department shall prepare a written summary of the findings made pursuant to subsection 1. The written summary must be provided to:

(a) The Committee; and

(b) If the findings show inconsistencies applicable to a particular school district or school within a school district, the board of trustees of that school district.

3. The Committee shall review the report submitted pursuant to subsection 2 and take such action as it deems appropriate.

Sec. 18. NRS 385A.620 is hereby amended to read as follows:

385A.620 1. The State Board shall adopt regulations that prescribe, consistent with 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, the manner in which pupils enrolled in:

(a) A program of distance education pursuant to NRS 388.820 to 388.874, inclusive;

(b) An alternative program for the education of pupils at risk of dropping out of school pursuant to NRS 388.537; or

(c) A program of education that:

(1) Primarily serves pupils with disabilities; or

(2) Is operated within a:

(I) Local, regional or state facility for the detention of children;

(II) Juvenile forestry camp;

(III) Child welfare agency; or

(IV) Correctional institution,

➥ will be included within the statewide system of accountability set forth in this chapter.

2. The regulations adopted pursuant to subsection 1 must also set forth the manner in which:

(a) The progress of pupils enrolled in a program of distance education, an alternative program or a program of education described in subsection 1 will be accounted for within the statewide system of accountability; and

(b) The results of pupils enrolled in a program of distance education, an alternative program or a program of education described in subsection 1 on the examinations administered pursuant to NRS 390.105 and, if applicable for the grade levels of the pupils enrolled, the ~~[examinations administered pursuant to NRS 390.600 and the]~~ college and career readiness assessment administered pursuant to NRS 390.610 will be reported.

Sec. 19. NRS 385A.650 is hereby amended to read as follows:

385A.650 1. The principal of each school, including, without limitation, each charter school, shall, in consultation with the employees of the school, prepare a plan to improve the achievement of the pupils enrolled in the school.

2. The plan developed pursuant to subsection 1 must ~~[include:~~

~~(a) A review and analysis of the data pertaining to the school upon which the report required pursuant to subsection 2 or 3 of NRS 385A.070, as applicable, is based and a review and analysis of any data that is more recent than the data upon which the report is based.~~

~~(b) The identification of any problems or factors at the school that are revealed by the review and analysis.~~

~~(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as defined in NRS 389.018.~~

~~(d) Policies and practices concerning the core academic subjects which have the greatest likelihood of ensuring that each group of pupils enrolled in the school and identified in the statewide system of accountability for public schools will meet the performance targets established for that group.~~

~~(e) Annual measurable objectives and performance targets, consistent with the annual measurable objectives and performance targets established pursuant to the statewide system of accountability for public schools, for the continuous and substantial progress by each group of pupils identified in the statewide system of accountability for public schools who are enrolled in the school to ensure that each group will meet the performance targets established for that group.~~

~~(f) Strategies and practices which:~~

~~(1) Are consistent with the policy adopted pursuant to NRS 392.457 by the board of trustees of the school district in which the school is located, to promote effective involvement by parents and families of pupils enrolled in the school in the education of their children; and~~

~~(2) Are designed to improve and promote effective involvement and engagement by parents and families of pupils enrolled in the school which are consistent with the policies and recommendations of the Office of Parental Involvement and Family Engagement made pursuant to NRS 385.635.~~

~~(g) As appropriate, programs of remedial education or tutoring to be offered before and after school, during the summer, or between sessions if the school operates on a year-round calendar for pupils enrolled in the school who need additional instructional time to pass or to reach a level considered proficient.~~

~~(h) Strategies to improve the academic achievement of pupils enrolled in the school, including, without limitation, strategies to:~~

~~(1) Instruct pupils who are not achieving to their fullest potential, including, without limitation:~~

~~(I) The curriculum appropriate to improve achievement;~~

~~(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS 390.105 and 390.600 and the college and career readiness assessment administered pursuant to NRS 390.610; and~~

~~(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each group identified in the statewide system of accountability for public schools;~~

~~(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;~~

~~(3) Integrate technology into the instructional and administrative programs of the school;~~

~~(4) Manage effectively the discipline of pupils; and~~

~~(5) Enhance the professional development offered for the teachers and administrators employed at the school to include the activities set forth in 20 U.S.C. § 7801(34) and to address the specific needs of pupils enrolled in the school, as deemed appropriate by the principal.~~

~~(i) An identification, by category, of the employees of the school who are responsible for ensuring that the plan is carried out effectively.~~

~~(j) In consultation with the school district or governing body, as applicable, an identification, by category, of the employees of the school district or governing body, if any, who are responsible for ensuring that the plan is carried out effectively or for overseeing and monitoring whether the plan is carried out effectively.~~

~~(k) In consultation with the Department, an identification, by category, of the employees of the Department, if any, who are responsible for overseeing and monitoring whether the plan is carried out effectively.~~

~~(l) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.~~

~~(m) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.~~

~~(n) The resources available to the school to carry out the plan. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school shall use the financial analysis program used by the school district in which the school is located in complying with this paragraph.~~

~~(o) A summary of the effectiveness of appropriations made by the Legislature that are available to the school to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.~~

~~(p) A budget of the overall cost for carrying out the plan.~~**]** ***:***

(a) Include any information prescribed by regulation of the State Board; and

(b) Comply with the provisions of 20 U.S.C. § 6311(d).

3. The principal of each school shall, in consultation with the employees of the school:

(a) Review the plan prepared pursuant to this section annually to evaluate the effectiveness of the plan; and

(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in the school.

4. **[**~~On or before December 15 of each year, the principal of each school shall submit the plan or the revised plan, as applicable, to:~~

~~(a) If the school is a public school of the school district, the superintendent of schools of the school district.~~

~~(b) If the school is a charter school, the governing body of the charter school.~~

~~5.~~**]** On or before **[**~~January 31 of each year,~~**]** ***the date prescribed by the Department,*** the principal of each school shall submit the **[**~~final~~**]** plan or the **[**~~final~~**]** revised plan, as applicable, to the:

(a) Department;

(b) Committee;

(c) Bureau; and

(d) Board of trustees of the school district in which the school is located or, if the school is a charter school, the sponsor of the charter school and the governing body of the charter school.

[~~6. A plan for the improvement of a school must be carried out expeditiously, but not later than February 15 after approval of the plan pursuant to subsection 1 or 2 of NRS 385A.660, as applicable.~~**]**

Sec. 20. NRS 385A.670 is hereby amended to read as follows:

385A.670 1. On or before July 31 of each year, the Department shall determine whether each public school is meeting the ~~[annual measurable objectives]~~ ***school achievement targets*** and performance targets established pursuant to the statewide system of accountability for public schools.

2. The determination pursuant to subsection 1 for a public school, including, without limitation, a charter school sponsored by the board of trustees of the school district, must be made in consultation with the board of trustees of the school district in which the public school is located. If a charter school is sponsored by the State Public Charter School Authority, the Achievement School District or a college or university within the Nevada System of Higher Education, the Department shall make a determination for the charter school in consultation with the State Public Charter School Authority, the Achievement School District or the institution within the Nevada System of Higher Education that sponsors the charter school, as applicable. The determination made for each school must be based only upon the information and data for those pupils who are enrolled in the school for a full academic year. On or before July 31 of each year, the Department shall transmit:

(a) Except as otherwise provided in paragraph (b), (c) or (d), the determination made for each public school to the board of trustees of the school district in which the public school is located.

(b) To the State Public Charter School Authority the determination made for each charter school that is sponsored by the State Public Charter School Authority.

(c) The determination made for the charter school to the Achievement School District if the charter school is sponsored by the Achievement School District.

(d) The determination made for the charter school to the institution that sponsors the charter school if a charter school is sponsored by a college or university within the Nevada System of Higher Education.

3. If the number of pupils in a particular group who are enrolled in a public school is insufficient to yield statistically reliable information:

(a) The Department shall not determine that the school has failed to meet the performance targets established pursuant to the statewide system of accountability for public schools based solely upon that particular group.

(b) The pupils in such a group must be included in the overall count of pupils enrolled in the school who took the examinations.

➥ The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the number of pupils that must be in a group for that group to yield statistically reliable information.

4. If an irregularity in testing administration or an irregularity in testing security occurs at a school and the irregularity invalidates the test scores of pupils, those test scores must be included in the scores of pupils reported for

the school, the attendance of those pupils must be counted towards the total number of pupils who took the examinations and the pupils must be included in the total number of pupils who were required to take the examinations.

5. As used in this section:

(a) "Irregularity in testing administration" has the meaning ascribed to it in NRS 390.255.

(b) "Irregularity in testing security" has the meaning ascribed to it in NRS 390.260.

Sec. 21. NRS 385A.680 is hereby amended to read as follows:

385A.680 If the Department determines that a public school has failed to meet the ~~[annual measurable objectives]~~ ***school achievement targets*** and performance targets established pursuant to the statewide system of accountability for public schools, the Department or its designee shall, to the extent money is available, monitor at the school the administration of the examinations that are required pursuant to NRS 390.105 and ensure that all eligible pupils who are in attendance on the day of the administration of the examinations are given an opportunity to take the examinations.

Sec. 22. NRS 385A.730 is hereby amended to read as follows:

385A.730 1. The State Board shall adopt regulations that prescribe an alternative performance framework to evaluate public schools that are approved pursuant to NRS 385A.740. Such regulations must include, without limitation, an alternative manner in which to evaluate such a school and the manner in which the school will be included within the statewide system of accountability set forth in this chapter.

2. The regulations adopted pursuant to subsection 1 must also set forth the manner in which:

(a) The progress of pupils enrolled in a public school for which an alternative performance framework has been approved pursuant to NRS 385A.740 will be accounted for within the statewide system of accountability; and

(b) To report the results of pupils enrolled in such a public school on the examinations administered pursuant to NRS 390.105 and, if applicable for the grade levels of the pupils enrolled, the ~~[examinations administered pursuant to NRS 390.600 and the]~~ college and career readiness assessment administered pursuant to NRS 390.610.

Sec. 23. NRS 387.121 is hereby amended to read as follows:

387.121 1. The Legislature declares that the proper objective of state financial aid to public education is to ensure each Nevada child a reasonably equal educational opportunity. Recognizing wide local variations in wealth and costs per pupil, this State should supplement local financial ability to whatever extent necessary in each school district to provide programs of instruction in both compulsory and elective subjects that offer full opportunity for every Nevada child to receive the benefit of the purposes for which public schools are maintained. Therefore, the quintessence of the State's financial obligation for such programs can be expressed in a formula

partially on a per pupil basis and partially on a per program basis as: State financial aid to school districts equals the difference between school district basic support guarantee and local available funds produced by mandatory taxes minus all the local funds attributable to pupils who reside in the county but attend a charter school or a university school for profoundly gifted pupils. This formula is designated the Nevada Plan.

2. It is the intent of the Legislature, commencing with Fiscal Year 2016-2017, to provide additional resources to the Nevada Plan expressed as a multiplier of the basic support guarantee to meet the unique needs of certain categories of pupils, including, without limitation, pupils with disabilities, pupils who are ~~[~~limited~~]~~ English ~~[~~proficient,~~]~~ ***learners,*** pupils who are at risk and gifted and talented pupils. As used in this subsection, "pupils who are at risk" means pupils who are eligible for free or reduced-price lunch pursuant to 42 U.S.C. §§ 1751 et seq., or an alternative measure prescribed by the State Board of Education.

Sec. 23.5. NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district, including, without limitation, a program of distance education provided by the school district, pupils who reside in the county in which the school district is located and are enrolled in any charter school, including, without limitation, a program of distance education provided by a charter school, and pupils who are enrolled in a university school for profoundly gifted pupils located in the county, for:

(a) Pupils in the kindergarten department.

(b) Pupils in grades 1 to 12, inclusive.

(c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.417 to 388.469, inclusive, and 388.5251 to 388.5267, inclusive.

(d) Pupils who reside in the county and are enrolled part-time in a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

(e) Children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.

(f) Pupils who are enrolled in classes pursuant to subsection 1 of NRS 388A.471, pupils who are enrolled in classes pursuant to subsection 1 of NRS 388A.474 and pupils who are enrolled in classes pursuant to subsection 1 of NRS 388B.280 or any regulations adopted pursuant to NRS 388B.060 that authorize a child who is enrolled at a public school of a school district or a private school or a homeschooled child to participate in a class at an achievement charter school.

(g) Pupils who are enrolled in classes pursuant to subsection 1 of NRS 392.074.

(h) Pupils who are enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs (d), (f) and (g).

2. The State Board shall establish uniform regulations for counting enrollment and calculating the average daily attendance of pupils. ~~[In]~~ ***Except as otherwise provided in this subsection, in*** establishing such regulations for the public schools, the State Board:

(a) ~~[Shall divide the school year into 10 school months, each containing 20 or fewer school days, or its equivalent for those public schools operating under an alternative schedule authorized pursuant to NRS 388.090.~~

~~(b)]~~ May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.

~~[(c)]~~ ***(b)*** Shall prohibit the counting of any pupil specified in subsection 1 more than once.

~~[(d)]~~ ***(c) Except as otherwise provided in this paragraph, shall prohibit the counting of a pupil enrolled in grade 12 as a full-time pupil if the pupil is not prepared for college and career success, as defined by the Department. Such a pupil may be counted as a full-time pupil if he or she is enrolled in a minimum of six courses or the equivalent of six periods per day or the superintendent of the school district has approved enrollment in fewer courses for good cause.***

Sec. 24. NRS 388.157 is hereby amended to read as follows:

388.157 1. The board of trustees of each school district and the governing body of each charter school shall prepare a plan to improve the literacy of pupils enrolled in kindergarten and grades 1, 2 and 3. Such a plan must include, without limitation:

(a) A program to provide intensive instruction to pupils who have been identified as deficient in the subject area of reading to ensure that those pupils achieve adequate proficiency in that subject area. Such a program must include, without limitation, regularly scheduled reading sessions in small groups and specific instruction on phonological and phonemic awareness, decoding skills and reading fluency;

(b) Procedures for assessing a pupil's proficiency in the subject area of reading using valid and reliable assessments that have been approved by the State Board by regulation:

(1) Within the first 30 days of school after the pupil enters kindergarten or upon enrollment in kindergarten if the pupil enrolls after that period; and

(2) During grades 1, 2 and 3;

(c) A program to improve the proficiency in reading of pupils who are ~~[limited]~~ English ~~[proficient;]~~ ***learners;*** and

(d) Procedures for facilitating collaboration between learning strategists and classroom teachers.

2. The board of trustees of each school district or the governing body of a charter school, as applicable, shall:

(a) Submit its plan to the Department for approval on or before the date prescribed by the Department on a form prescribed by the Department; and

(b) Make such revisions to the plan as the Department determines are necessary.

Sec. 25. NRS 388.283 is hereby amended to read as follows:

388.283 1. "School service" means an Internet website, online service or mobile application that:

(a) Collects or maintains personally identifiable information concerning a pupil;

(b) Is used primarily for educational purposes; and

(c) Is designed and marketed for use in public schools and is used at the direction of teachers and other educational personnel.

2. The term does not include:

(a) An Internet website, online service or mobile application that is designed or marketed for use by a general audience, even if the school service is also marketed to public schools;

(b) An internal database, system or program maintained or operated by a school district, charter school or university school for profoundly gifted pupils;

(c) A school service for which a school service provider has:

(1) Been designated by a school district, the sponsor of a charter school, the governing body of a university school for profoundly gifted pupils or the Department as a school official pursuant to the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g;

(2) Entered into a contract with the school district, the sponsor of a charter school, the governing body of a university school for profoundly gifted pupils or the Department; and

(3) Agreed to comply with and be subject to the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, relating to personally identifiable information;

(d) Any examinations administered pursuant to NRS 390.105 ~~[and 390.600]~~ or the college and career readiness assessment administered pursuant to NRS 390.610; or

(e) Any instructional programs purchased by a school district, a charter school, the governing body of a university school for profoundly gifted pupils or the Department.

Sec. 26. NRS 388.405 is hereby amended to read as follows:

388.405 1. The Legislature finds and declares that:

(a) It is the public policy of this State to provide every child enrolled in a public school with high-quality instruction.

(b) Children who are ~~[limited]~~ English ~~[proficient]~~ ***learners*** benefit from instruction that is designed to address the academic and linguistic needs of those children.

(c) It is the intent of the Legislature that children who are ~~[limited]~~ English ~~[proficient]~~ ***learners*** be provided with services and instruction which

is designed to address the academic needs of such children so that those children attain proficiency in the English language and improve their overall academic and linguistic achievement and proficiency.

2. The State Board shall:

(a) Adopt regulations prescribing criteria for a policy for the instruction to teach English to pupils who are ~~[~~limited~~]~~ English ~~[~~proficient~~]~~ ***learners*** which is developed by the board of trustees of each school district pursuant to NRS 388.407. The Superintendent of Public Instruction shall monitor each school district's compliance with the criteria prescribed by the State Board pursuant to this paragraph.

(b) Submit all evaluations required pursuant to 20 U.S.C. §§ 6801 et seq. and the regulations adopted pursuant thereto regarding the programs for pupils who are ~~[~~limited~~]~~ English ~~[~~proficient~~]~~ ***learners*** carried out pursuant to that provision of federal law to the:

(1) Governor;

(2) Legislative Committee on Education;

(3) Director of the Legislative Counsel Bureau for transmittal to the Senate and Assembly Standing Committees on Education; and

(4) Board of trustees of each school district.

Sec. 27. NRS 388.407 is hereby amended to read as follows:

388.407 1. The board of trustees of each school district shall develop a policy for the instruction to teach English to pupils who are ~~[~~limited~~]~~ English ~~[~~proficient.~~]~~ ***learners.*** The policy must be designed to provide pupils enrolled in each public school located in the school district who are ~~[~~limited~~]~~ English ~~[~~proficient~~]~~ ***learners*** with instruction that enables those pupils to attain proficiency in the English language and improve their overall academic achievement and proficiency.

2. The policy developed pursuant to subsection 1 must:

(a) Provide for the identification of pupils who are ~~[~~limited~~]~~ English ~~[~~proficient~~]~~ ***learners*** through the use of an appropriate assessment;

(b) Provide for the periodic reassessment of each pupil who is classified as ~~[~~limited~~]~~ ***an*** English ~~[~~proficient;~~]~~ ***learner;***

(c) Be designed to eliminate any gaps in achievement, including, without limitation, in the core academic subjects and in high school graduation rates, between those pupils who are ~~[~~limited~~]~~ English ~~[~~proficient~~]~~ ***learners*** and pupils who are proficient in English;

(d) Provide opportunities for the parents or legal guardians of pupils who are ~~[~~limited~~]~~ English ~~[~~proficient~~]~~ ***learners*** to participate in the program; and

(e) Provide the parents and legal guardians of pupils who are ~~[~~limited~~]~~ English ~~[~~proficient~~]~~ ***learners*** with information regarding other programs that are designed to improve the language acquisition and academic achievement and proficiency of pupils who are ~~[~~limited~~]~~ English ~~[~~proficient~~]~~ ***learners*** and assist those parents and legal guardians in enrolling those pupils in such programs.

Sec. 28. NRS 388.409 is hereby amended to read as follows:

388.409 1. The English Mastery Council is hereby created. The English Mastery Council consists of the following 16 members:

(a) The Superintendent of Public Instruction, or his or her designee, who serves as an ex officio member of the English Mastery Council.

(b) Two members who have knowledge and expertise in language acquisition and who represent the Nevada System of Higher Education, appointed by the Chancellor of the Nevada System of Higher Education.

(c) Two members who are teachers at public schools in this State, hold a master's degree to teach English as a second language and have knowledge and expertise in providing instruction to pupils who are ~~[~~limited~~]~~ English ~~[~~proficient,~~]~~ ***learners,*** appointed by the Governor from a list of nominees submitted by the Nevada State Education Association, or its successor organization. The Governor shall ensure that the members appointed pursuant to this paragraph represent the geographic and ethnic diversity of this State.

(d) Two members who are parents or legal guardians of pupils who are ~~[~~limited~~]~~ English ~~[~~proficient,~~]~~ ***learners,*** one of whom is appointed by the Governor from a list of nominees submitted by the Speaker of the Assembly and one of whom is appointed by the Governor from a list of nominees submitted by the Majority Leader of the Senate. The Governor shall ensure that the members appointed pursuant to this paragraph represent the geographic and ethnic diversity of this State. The Nevada Parent Teacher Association shall submit a list of names of persons that the Association would recommend for inclusion on the list of nominees submitted by the Speaker of the Assembly and the Majority Leader of the Senate.

(e) Two members who are school-level administrators, one of whom is employed by a school district in a county whose population is 100,000 or more and one of whom is employed by a school district in a county whose population is less than 100,000, appointed by the Governor from a list of nominees submitted by the Nevada Association of School Administrators.

(f) Two members who are school-district-level administrators, one of whom is employed by a school district in a county whose population is 100,000 or more and one of whom is employed by a school district in a county whose population is less than 100,000, appointed by the Governor from a list of nominees submitted by the Nevada Association of School Administrators.

(g) One member who is a member of a board of trustees of a school district, appointed by the Governor from a list of nominees submitted by the Nevada Association of School Boards.

(h) Two members who are representatives of the general public, private business and industry in this State or nonprofit organizations and who have been leaders in education reform related to pupils who are ~~[~~limited~~]~~ English ~~[~~proficient,~~]~~ ***learners,*** appointed by the Governor.

(i) Two members with expertise in the development of public policy relating to the education of pupils who are ~~[~~limited~~]~~ English ~~[~~proficient,~~]~~ ***learners,*** appointed by the Superintendent of Public Instruction upon the advice and recommendation of persons who have knowledge and expertise in providing instruction to pupils who are ~~[~~limited~~]~~ English ~~[~~proficient.~~]~~ ***learners.***

2. Each appointed member of the English Mastery Council serves a term of 2 years and may be reappointed to additional terms.

3. A vacancy on the English Mastery Council must be filled in the same manner as the original appointment.

4. The English Mastery Council shall, at its first meeting and annually thereafter, elect a Chair from among its members.

5. The English Mastery Council shall meet at least quarterly and may meet at other times upon the call of the Chair.

6. Members of the English Mastery Council serve without compensation, except that for each day or portion of a day during which a member of the Council attends a meeting of the Council or is otherwise engaged in the business of the Council, the member is entitled to receive the per diem allowances and travel expenses provided for state officers and employees generally.

7. A member of the English Mastery Council who is a public employee must be granted administrative leave from the member's duties to engage in the business of the Council without loss of his or her regular compensation. Such leave does not reduce the amount of the member's other accrued leave.

8. The English Mastery Council may apply for and accept gifts, grants, donations and contributions from any source for the purpose of carrying out its duties pursuant to NRS 388.411.

9. The Department shall provide administrative support to the English Mastery Council.

Sec. 29. NRS 388.411 is hereby amended to read as follows:

388.411 The English Mastery Council created by NRS 388.409 shall:

1. Make recommendations to the State Board for the adoption of regulations concerning criteria for the policies to teach English to pupils who are ~~[~~limited~~]~~ English ~~[~~proficient~~]~~ ***learners*** that are developed by the board of trustees of each school district pursuant to NRS 388.407.

2. Review annually each policy to teach English to pupils who are ~~[~~limited~~]~~ English ~~[~~proficient~~]~~ ***learners*** that is developed by the board of trustees of each school district pursuant to NRS 388.407 and make recommendations for improvement to the State Board and the applicable board of trustees.

3. Make recommendations to the Superintendent of Public Instruction, the Commission on Professional Standards in Education and the State Board for:

(a) The adoption of regulations pursuant to NRS 391.019 concerning the requirements for an endorsement to teach English as a second language,

including, without limitation, the teachers who should be required to obtain the endorsement; and

(b) After the adoption of the regulations pursuant to paragraph (a), any revisions to those regulations as deemed necessary by the Council.

4. Develop standards and criteria for a curriculum for pupils who are ~~[~~limited~~]~~ English ~~[~~proficient~~]~~ ***learners*** and submit those standards and criteria to the State Board for consideration.

5. Review any course of study offered by the Nevada System of Higher Education for training to teach English as a second language to determine if the course of study, including, without limitation, student teaching, is sufficiently rigorous to provide teachers with the tools necessary to improve the English proficiency and academic achievement and proficiency of pupils who are ~~[~~limited~~]~~ English ~~[~~proficient.~~]~~ ***learners.***

6. Make recommendations to the Board of Regents of the University of Nevada for the improvement of any course of study described in subsection 5 and submit a copy of those recommendations to the Governor and the State Board.

Sec. 29.5. NRS 388.593 is hereby amended to read as follows:

388.593 A school district, charter school and university school for profoundly gifted pupils that participates in the State Seal of Biliteracy Program established pursuant to NRS 388.591 must award a pupil, upon graduation from high school, a high school diploma with a State Seal of Biliteracy if the pupil:

1. Successfully completes all courses of study in English language arts that are required for graduation with at least a 2.0 grade point average, on a 4.0 grading scale;

2. ~~[~~Passes the end-of-course examinations in English language arts required pursuant to NRS 390.600;

— 3.~~]~~ Demonstrates proficiency in one or more languages other than English:

(a) By passing an advanced placement examination in a world language with a score of 3 or higher or passing an international baccalaureate examination in a world language with a score of 4 or higher; or

(b) By passing an examination in a world language, if the examination is approved by the board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils, as applicable; and

~~[~~4.~~]~~ ***3.*** If the primary language of the pupil is not English, demonstrates proficiency in English on an assessment designated by the Department.

Sec. 30. NRS 388.874 is hereby amended to read as follows:

388.874 1. The State Board shall adopt regulations that prescribe:

(a) The process for submission of an application by a person or entity for inclusion of a course of distance education on the list prepared by the Department pursuant to NRS 388.834 and the contents of the application;

(b) The process for submission of an application by the board of trustees of a school district, the governing body of a charter school or a committee to form a charter school to provide a program of distance education and the contents of the application;

(c) The qualifications and conditions for enrollment that a pupil must satisfy to enroll in a program of distance education, consistent with NRS 388.850 and any other applicable statute;

(d) A method for reporting to the Department the number of pupils who are enrolled in a program of distance education and the attendance of those pupils;

(e) The requirements for assessing the achievement of pupils who are enrolled in a program of distance education, which must include, without limitation, the administration of the examinations required pursuant to NRS 390.105 and, if applicable for the grade levels of the pupils enrolled, the ~~[~~administration of the examinations pursuant to NRS 390.600 and the~~]~~ college and career readiness assessment pursuant to NRS 390.610; and

(f) A written description of the process pursuant to which the State Board may revoke its approval for the operation of a program of distance education.

2. The State Board may adopt regulations as it determines are necessary to carry out the provisions of NRS 388.820 to 388.874, inclusive.

Sec. 31. NRS 388A.045 is hereby amended to read as follows:

388A.045 A pupil is "at risk" if the pupil has an economic or academic disadvantage such that he or she requires special services and assistance to enable him or her to succeed in educational programs. The term includes, without limitation, pupils who are members of economically disadvantaged families, pupils who are ~~[~~limited~~]~~ English ~~[~~proficient,~~]~~ ***learners,*** pupils who are at risk of dropping out of high school and pupils who do not meet minimum standards of academic proficiency. The term does not include a pupil with a disability.

Sec. 32. NRS 388A.159 is hereby amended to read as follows:

388A.159 1. The State Public Charter School Authority is hereby deemed a local educational agency for the purpose of directing the proportionate share of any money available from federal and state categorical grant programs to charter schools which are sponsored by the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that are eligible to receive such money. A college or university within the Nevada System of Higher Education that sponsors a charter school shall enter into an agreement with the State Public Charter School Authority for the provision of any necessary functions of a local educational authority. A charter school that receives money pursuant to such a grant program shall comply with any applicable reporting requirements to receive the grant.

2. As used in this section, "local educational agency" has the meaning ascribed to it in 20 U.S.C. § ~~[~~7801(26)(A).~~]~~ ***7801(30)(A).***

Sec. 33. NRS 388A.168 is hereby amended to read as follows:

388A.168 The State Public Charter School Authority shall adopt regulations that prescribe:

1. The process for submission to the State Public Charter School Authority of an application to form a charter school, and the contents of such an application;

2. The process for submission to the State Public Charter School Authority of an application to renew a charter contract, and the contents of such an application;

3. The process for submission to the State Public Charter School Authority of an amendment to a written charter or charter contract pursuant to NRS 388A.276 and the contents of the application; ~~[and]~~

4. The procedure for the investigation that the State Public Charter School Authority will conduct of an application to form a charter school, an application to renew a charter contract or an application to request an amendment of a written charter or charter contract, and the criteria that the State Public Charter School Authority will use to evaluate such applications ~~[.]~~ ***;***

5. The process for evaluating the overall performance of a teacher, which must include, without limitation, the criteria for determining whether the overall performance of a teacher is ineffective, minimally effective, effective or highly effective; and

6. The qualifications for employment as a paraprofessional by a charter school.

Sec. 34. NRS 388A.366 is hereby amended to read as follows:

388A.366 1. A charter school shall:

(a) Comply with all laws and regulations relating to discrimination and civil rights.

(b) Remain nonsectarian, including, without limitation, in its educational programs, policies for admission and employment practices.

(c) Refrain from charging tuition or fees, except for tuition or fees that the board of trustees of a school district is authorized to charge, levying taxes or issuing bonds.

(d) Comply with any plan for desegregation ordered by a court that is in effect in the school district in which the charter school is located.

(e) Comply with the provisions of chapter 241 of NRS.

(f) Except as otherwise provided in this paragraph, schedule and provide annually at least as many days of instruction as are required of other public schools located in the same school district as the charter school is located. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction for a waiver from providing the days of instruction required by this paragraph. The Superintendent of Public Instruction may grant such a request if the governing body demonstrates to the satisfaction of the Superintendent that:

(1) Extenuating circumstances exist to justify the waiver; and

(2) The charter school will provide at least as many hours or minutes of instruction as would be provided under a program consisting of 180 days.

(g) Cooperate with the board of trustees of the school district in the administration of the examinations administered pursuant to NRS 390.105 and, if the charter school enrolls pupils at a high school grade level, the ~~[end-of-course examinations administered pursuant to NRS 390.600 and the]~~ college and career readiness assessment administered pursuant to NRS 390.610 to the pupils who are enrolled in the charter school.

(h) Comply with applicable statutes and regulations governing the achievement and proficiency of pupils in this State.

(i) Provide instruction in the core academic subjects set forth in subsection 1 of NRS 389.018, as applicable for the grade levels of pupils who are enrolled in the charter school, and provide at least the courses of study that are required of pupils by statute or regulation for promotion to the next grade or graduation from a public high school and require the pupils who are enrolled in the charter school to take those courses of study. This paragraph does not preclude a charter school from offering, or requiring the pupils who are enrolled in the charter school to take, other courses of study that are required by statute or regulation.

(j) If the parent or legal guardian of a child submits an application to enroll in kindergarten, first grade or second grade at the charter school, comply with NRS 392.040 regarding the ages for enrollment in those grades.

(k) Refrain from using public money to purchase real property or buildings without the approval of the sponsor.

(l) Hold harmless, indemnify and defend the sponsor of the charter school against any claim or liability arising from an act or omission by the governing body of the charter school or an employee or officer of the charter school. An action at law may not be maintained against the sponsor of a charter school for any cause of action for which the charter school has obtained liability insurance.

(m) Provide written notice to the parents or legal guardians of pupils in grades 9 to 12, inclusive, who are enrolled in the charter school of whether the charter school is accredited by the Northwest Accreditation Commission.

(n) Adopt a final budget in accordance with the regulations adopted by the Department. A charter school is not required to adopt a final budget pursuant to NRS 354.598 or otherwise comply with the provisions of chapter 354 of NRS.

(o) If the charter school provides a program of distance education pursuant to NRS 388.820 to 388.874, inclusive, comply with all statutes and regulations that are applicable to a program of distance education for purposes of the operation of the program.

2. A charter school shall not provide instruction through a program of distance education to children who are exempt from compulsory attendance

pursuant to NRS 392.070. As used in this subsection, "distance education" has the meaning ascribed to it in NRS 388.826.

Sec. 35. NRS 388A.405 is hereby amended to read as follows:

388A.405 1. To the extent money is available from legislative appropriation or otherwise, a charter school may apply to the Department for money for facilities if:

(a) The charter school has been operating in this State for at least 5 consecutive years and is in good financial standing;

(b) Each financial audit and each performance audit of the charter school required by the Department pursuant to NRS 388A.105 or 388A.110 contains no major notations, corrections or errors concerning the charter school for at least 5 consecutive years;

(c) The charter school has met or exceeded the ~~[annual measurable objectives]~~ ***school achievement targets*** and performance targets established pursuant to the statewide system of accountability for public schools or has demonstrated improvement in the achievement of pupils enrolled in the charter school, as indicated by those ~~[annual measurable objectives]~~ ***school achievement targets*** and performance targets, for the majority of the years of its operation; and

(d) At least 75 percent of the pupils enrolled in grade 12 in the charter school in the immediately preceding school year have satisfied the criteria prescribed by the State Board pursuant to NRS 390.600, if the charter school enrolls pupils at a high school grade level.

2. A charter school that satisfies the requirements of subsection 1 shall submit to a performance audit as required by the Department one time every 3 years. The sponsor of the charter school and the Department shall not request a performance audit of the charter school more frequently than every 3 years without reasonable evidence of noncompliance in achieving the educational goals and objectives of the charter school based upon the annual report submitted to the Department pursuant to NRS 388A.351. If the charter school no longer satisfies the requirements of subsection 1 or if reasonable evidence of noncompliance in achieving the educational goals and objectives of the charter school exists based upon the annual report, the charter school shall, upon written notice from the sponsor, submit to an annual performance audit. Notwithstanding the provisions of paragraph (b) of subsection 1, such a charter school:

(a) May, after undergoing the annual performance audit, reapply to the sponsor to determine whether the charter school satisfies the requirements of paragraphs (a), (c) and (d) of subsection 1.

(b) Is not eligible for any available money pursuant to subsection 1 until the sponsor determines that the charter school satisfies the requirements of that subsection.

3. A charter school that does not satisfy the requirements of subsection 1 shall submit a quarterly report of the financial status of the charter school if requested by the sponsor of the charter school.

Sec. 36. NRS 388A.518 is hereby amended to read as follows:

388A.518 1. Except as otherwise provided in this subsection, at least 70 percent of the teachers who provide instruction at a charter school must ~~[~~be highly qualified.~~]~~ ***demonstrate experience and qualifications through licensure or subject matter expertise.*** If a charter school is a vocational school, the charter school shall, to the extent practicable, ensure that at least 70 percent of the teachers who provide instruction at the school ~~[~~are highly qualified,~~]~~ ***demonstrate experience and qualifications through licensure or subject matter expertise,*** but in no event may less than 50 percent of the teachers who provide instruction at the school ~~[~~be highly qualified.~~]~~ ***demonstrate experience and qualifications through licensure or subject matter expertise.***

2. If a charter school specializes in:

(a) Arts and humanities, physical education or health education, a teacher must ~~[~~be highly qualified~~]~~ ***demonstrate experience and qualifications through licensure or subject matter expertise*** to teach those courses of study.

(b) The construction industry or other building industry, teachers must ~~[~~be highly qualified~~]~~ ***demonstrate experience and qualifications through licensure or subject matter expertise*** to teach courses of study relating to the industry if those teachers are employed full-time.

(c) The construction industry or other building industry and the school offers courses of study in computer education, technology or business, teachers must ~~[~~be highly qualified~~]~~ ***demonstrate experience and qualifications through licensure or subject matter expertise*** to teach those courses of study if those teachers are employed full-time.

3. ~~[~~A person who is initially hired by the governing body of a charter school on or after January 8, 2002, to teach in a program supported with money from Title I must be highly qualified. For the purposes of this subsection, a person is not "initially hired" if the person has been employed as a teacher by another school district or charter school in this State without an interruption in employment before the date of hire by his or her current employer.

4.~~]~~ A teacher who is employed by a charter school, regardless of the date of hire, must ~~[~~, on or before July 1, 2006, be highly qualified~~]~~ ***demonstrate experience and qualifications through licensure or subject matter expertise*** if the teacher teaches one or more of the following subjects:

(a) English language arts;
(b) Mathematics;
(c) Science;
(d) A foreign or world language;
(e) Civics or government;
(f) Economics;
(g) Geography;
(h) History; or

(i) The arts.

~~[5.]~~ ***4.*** Except as otherwise provided in NRS 388A.515, a charter school may employ a person who ~~[is not highly qualified]~~ ***does not demonstrate experience and qualifications through licensure or subject matter expertise*** to teach a course of study for which a teacher is not required to ~~[be highly qualified]~~ ***demonstrate such experience and qualifications*** if the person has:

(a) A degree, a license or a certificate in the field for which the person is employed to teach at the charter school; and

(b) At least 2 years of experience in that field.

~~[6.]~~ ***5.*** A teacher who is employed by a charter school to teach special education or English as a second language must be licensed to teach special education or English as a second language, as applicable.

~~[7.]~~ ***6.*** For purposes of this section, a teacher ~~[is highly qualified:]~~ ***demonstrates experience and qualifications through licensure or subject matter expertise:***

(a) If ***the teacher is*** employed by a charter school that has not received, within the immediately preceding 2 consecutive school years, one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools, or equivalent ratings in another state, as determined by the Department, ~~[if]~~ ***and*** the ***:*** ~~[teacher:]~~

(1) ~~[Meets the qualifications prescribed in 20 U.S.C. § 7801(23)(B) or (C), as applicable;]~~ ***Overall performance of the teacher has been reported as effective or highly effective, in accordance with the regulations adopted by the State Public Charter School Authority;*** and

(2) ~~[Is]~~ ***Teacher is*** licensed to teach pursuant to chapter 391 of NRS.

(b) If ***the teacher is*** employed by a charter school that has received, within the immediately preceding 2 consecutive school years, one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools, or equivalent ratings in another state, as determined by the Department, ~~[if]~~ ***and*** the ~~[teacher meets the qualifications prescribed in 20 U.S.C. § 7801(23)(B) or (C), as applicable,]~~ ***overall performance of the teacher has been reported as effective or highly effective, in accordance with the regulations adopted by the State Public Charter School Authority,*** regardless of whether the teacher is licensed to teach pursuant to chapter 391 of NRS.

~~[8.]~~ ***7.*** If a charter school that has received within the immediately preceding 2 consecutive school years, one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools, or equivalent ratings in another state, as determined by the Department, intends to employ persons to teach who are not licensed, the charter school shall within 3 years:

(a) Obtain approval for and offer an alternative route to licensure pursuant to NRS 391.019; or

(b) Enter into an agreement with a qualified provider of an alternative route to licensure to provide the required education and training to unlicensed teachers who are employed by the school to teach such a course of study.

Sec. 37. NRS 388A.527 is hereby amended to read as follows:

388A.527 1. ~~[A person who is initially hired as a paraprofessional by a charter school after January 8, 2002, to work in a program supported with Title I money must possess the qualifications required by 20 U.S.C. § 6319(c).~~

~~2.]~~ A person who is employed as a paraprofessional by a charter school ~~[, regardless of the date of hire,]~~ to work in a program supported with Title I money must possess ~~[, on or before January 8, 2006,]~~ the qualifications ~~[required by 20 U.S.C. § 6319(c).~~

~~3. For the purposes of this section, a person is not "initially hired" if the person has been employed as a paraprofessional by another school district, achievement charter school or charter school in this State without an interruption in employment before the date of hire by his or her current employer.~~

~~4.]~~ ***prescribed by the State Public Charter School Authority.***

2. As used in this section, "paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 38. NRS 388B.240 is hereby amended to read as follows:

388B.240 1. Each achievement charter school is hereby deemed a local educational agency for the purpose of receiving any money available from federal and state categorical grant programs. An achievement charter school that receives money pursuant to such a grant program shall comply with any applicable reporting requirements to receive the grant.

2. If an achievement charter school is eligible to receive special education program units, the Department must pay the special education program units directly to the achievement charter school.

3. As used in this section, "local educational agency" has the meaning ascribed to it in 20 U.S.C. § ~~[7801(26)(A).]~~ ***7801(30)(A).***

Sec. 39. NRS 388B.270 is hereby amended to read as follows:

388B.270 1. To the extent money is available from legislative appropriation or otherwise, an achievement charter school may apply to the Department for money for facilities if:

(a) The achievement charter school has been operating in this State for at least 5 consecutive years and is in good financial standing;

(b) The Executive Director has determined that the finances of the achievement charter school are being managed in a prudent manner;

(c) The achievement charter school has met or exceeded the ~~[annual measurable objectives]~~ ***school achievement targets*** and performance targets established pursuant to the statewide system of accountability for public schools or has demonstrated improvement in the achievement of pupils enrolled in the achievement charter school, as indicated by those ~~[annual~~

~~measurable objectives~~] ***school achievement targets*** and performance targets, for the majority of the years of its operation;

(d) At least 75 percent of the pupils enrolled in grade 12 in the achievement charter school in the immediately preceding school year have satisfied the criteria prescribed by the State Board pursuant to NRS 390.600, if the achievement charter school enrolls pupils at a high school grade level; and

(e) The achievement charter school meets the requirements prescribed by regulation of the Department.

2. An achievement charter school that does not satisfy the requirements of subsection 1 shall submit a quarterly report of the financial status of the achievement charter school if requested by the Executive Director.

Sec. 40. NRS 388G.120 is hereby amended to read as follows:

388G.120 1. Each empowerment plan for a school must:

(a) Set forth the manner by which the school will be governed;

(b) Set forth the proposed budget for the school, including, without limitation, the cost of carrying out the empowerment plan, and the manner by which the money apportioned to the school will be administered;

(c) Prescribe the academic plan for the school, including, without limitation, the manner by which courses of study will be provided to the pupils enrolled in the school and any special programs that will be offered for pupils;

(d) Prescribe the manner by which the achievement of pupils will be measured and reported for the school, including, without limitation, the results of the pupils on the examinations administered pursuant to NRS 390.105 and, if applicable for the grade levels of the empowerment school, the ~~[end of course examinations administered pursuant to NRS 390.600 and the]~~ college and career readiness assessment administered pursuant to NRS 390.610;

(e) Prescribe the manner by which teachers and other licensed educational personnel will be selected and hired for the school, which must be determined and negotiated pursuant to chapter 288 of NRS;

(f) Prescribe the manner by which all other staff for the school will be selected and hired, which must be determined and negotiated pursuant to chapter 288 of NRS;

(g) Indicate whether the empowerment plan will offer an incentive pay structure for staff and a description of that pay structure, if applicable;

(h) Indicate the intended ratio of pupils to teachers at the school, designated by grade level, which must comply with NRS 388.700 or 388.720, as applicable;

(i) Provide a description of the professional development that will be offered to the teachers and other licensed educational personnel employed at the school;

(j) Prescribe the manner by which the empowerment plan will increase the involvement of parents and legal guardians of pupils enrolled in the school;

(k) Comply with the plan to improve the achievement of the pupils enrolled in the school prepared pursuant to NRS 385A.650;

(l) Address the specific educational needs and concerns of the pupils who are enrolled in the school; and

(m) Set forth the calendar and schedule for the school.

2. If the empowerment plan includes an incentive pay structure, that pay structure must:

(a) Provide an incentive for all staff employed at the school;

(b) Set forth the standards that must be achieved by the pupils enrolled in the school and any other measurable objectives that must be met to be eligible for incentive pay; and

(c) Be in addition to the salary or hourly rate of pay negotiated pursuant to chapter 288 of NRS that is otherwise payable to the employee.

3. An empowerment plan may:

(a) Request a waiver from a statute contained in this title or a regulation of the State Board or the Department.

(b) Identify the services of the school district which the school wishes to receive, including, without limitation, professional development, transportation, food services and discretionary services. Upon approval of the empowerment plan, the school district may deduct from the total apportionment to the empowerment school the costs of such services.

4. For purposes of determining the budget pursuant to paragraph (b) of subsection 1, if a public school which converts to an empowerment school is a:

(a) Charter school, the amount of the budget is the amount equal to the apportionments and allowances from the State Distributive School Account pursuant to NRS 387.121 to 387.1245, inclusive, and its proportionate share of any other money available from federal, state or local sources that the school or the pupils enrolled in the school are eligible to receive.

(b) Public school, other than a charter school, the empowerment team for the school shall have discretion of 90 percent of the amount of money from the state financial aid and local funds that the school district apportions for the school, without regard to any line-item specifications or specific uses determined advisable by the school district, unless the empowerment team determines that a lesser amount is necessary to carry out the empowerment plan.

Sec. 41. NRS 388G.210 is hereby amended to read as follows:

388G.210 1. Except as otherwise provided pursuant to a waiver granted in accordance with NRS 388G.130 or 388G.140, each empowerment school, each person employed by an empowerment school and each pupil enrolled in an empowerment school shall comply with the applicable requirements of state law, including, without limitation, the standards of content and performance prescribed pursuant to NRS 389.520 and the examinations that are administered pursuant to NRS 390.105 ~~[and 390.600]~~ and the college and career readiness assessment administered pursuant to NRS 390.610.

2. Each empowerment school may accept gifts, grants and donations from any source for the support of its empowerment plan. A person who gives a gift, grant or donation may designate all or part of the gift, grant or donation specifically to carry out the incentive pay structure of the school, if applicable.

Sec. 41.2. Chapter 390 of NRS is hereby amended by adding thereto the provisions set forth as sections 41.3, 41.5 and 41.7 of this act.

Sec. 41.3. ***1. The State Board shall adopt regulations that prescribe the:***

(a) Courses of study for which an end-of-course final must be administered; and

(b) Amount, expressed as a percentage of the pupil's overall grade in the course of study or other weight, that the end-of-course final must comprise when determining the overall grade of a pupil in the course for which the end-of-course final is administered.

2. The State Board may adopt regulations that prescribe the minimum score a pupil must attain on an end-of-course final to receive credit for the course of study for which the end-of-course examination is administered.

Sec. 41.5. ***1. A pupil who satisfies the criteria established by the State Board by regulation may graduate with a ~~[pathway]~~ college and career ready high school diploma. A ~~[pathway]~~ college and career ready high school diploma confers all the same rights, privileges and benefits as a standard high school diploma.***

2. The State Board shall adopt regulations that prescribe the criteria for a pupil to receive a ~~[pathway]~~ college and career ready high school diploma, which must include, without limitation, a requirement that the pupil:

(a) Satisfy the criteria for receipt of a standard high school diploma prescribed by the State Board pursuant to NRS 390.600 and any other criteria established by law; and

(b) Obtain an endorsement described in subsection 3.

3. The State Board shall adopt regulations prescribing the criteria for a pupil to obtain:

(a) A college-ready endorsement that reflects that the pupil has completed certain coursework or obtained experience that makes the pupil qualified for and prepared to succeed in college without the need for remediation.

(b) A career-ready endorsement that reflects that the pupil has completed certain coursework or obtained certain experience that makes the pupil qualified for and prepared to succeed in postsecondary job training or education in high-demand occupations.

4. The regulations adopted pursuant to subsection 3 must include, without limitation:

(a) The number of credits and courses of study that must be completed for each endorsement prescribed pursuant to subsection 3.

(b) Any assessment a pupil must pass for each endorsement prescribed pursuant to subsection 3.

(c) Any credential, certificate or certification a pupil must obtain for each endorsement prescribed pursuant to subsection 3.

5. Any assessment, credential, certificate or certification required for an endorsement must:

(a) Be established so that it is recognized and valued by industries and postsecondary educational institutions; and

(b) Require demonstration of a mastery of tasks aligned to the demands of industries and postsecondary educational institutions.

6. The State Board shall annually review and, if necessary, revise the regulations adopted pursuant to subsection 4.

7. To the extent that money is available for this purpose, the State Board shall adopt regulations to provide:

(a) Incentive grants to be awarded to public high schools for each pupil at the school who earns a ~~[pathway]~~ college and career ready high school diploma.

(b) Reimbursement to a public high school or school district for any costs associated with the administration or provision of an assessment, credential, certificate or certification required for receipt of a ~~[pathway]~~ college and career ready high school diploma.

Sec. 41.7. ***To the extent money is available, the Department shall conduct a public awareness campaign to inform pupils enrolled in public schools, the parents or guardian of pupils enrolled in public schools, persons involved in business and industry in this State and members of the general public of:***

1. The types of diplomas a pupil may receive upon graduation from high school and the types of endorsements a pupil may receive on a diploma, if applicable; and

2. The criteria to earn each type of diploma and endorsement.

Sec. 42. NRS 390.015 is hereby amended to read as follows:

390.015 The board of trustees of each school district shall maintain on its Internet website, and shall post in a timely manner, all pertinent information concerning the examinations and assessments available to children who reside in the school district, including, without limitation, the dates and times of, and contact information concerning, such examinations and assessments. The examinations and assessments posted must include, without limitation:

1. The college and career readiness assessment administered pursuant to NRS 390.610.

2. ~~[The examinations required pursuant to NRS 390.600.~~

~~3.~~] All other college entrance examinations offered in this State, including, without limitation, the Scholastic Aptitude Test, the American College Test, the Preliminary Scholastic Aptitude Test and the National Merit Scholarship Qualifying Test.

Sec. 43. NRS 390.105 is hereby amended to read as follows:

390.105 1. The State Board shall, in consultation with the Council to Establish Academic Standards for Public Schools, prescribe examinations that comply with 20 U.S.C. § ~~[~~6311(b)(3)~~]~~ ***6311(b)(2)*** and that measure the achievement and proficiency of pupils:

(a) For grades 3, 4, 5, 6, 7 and 8 in the standards of content established by the Council for the subjects of English language arts and mathematics.

(b) For grades 5 and 8, in the standards of content established by the Council for the subject of science.

(c) For grades 9, 10, 11 and 12, in the standards of content established by the Council for the subjects required to comply with 20 U.S.C. § ~~[~~6311(b)(3).~~]~~ ***6311(b)(2).***

➥ The examinations prescribed pursuant to this subsection must be written, developed, printed and scored by a nationally recognized testing company.

2. In addition to the examinations prescribed pursuant to subsection 1, the State Board shall, in consultation with the Council to Establish Academic Standards for Public Schools, prescribe a writing examination for grades 5 and 8.

3. The State Board shall prescribe:

(a) The minimum number of school days that must take place before the examinations prescribed by the State Board pursuant to subsection 1 may be administered to pupils; and

(b) The period during which the examinations prescribed by the State Board pursuant to subsection 1 must be administered.

4. The board of trustees of each school district and the governing body of each charter school shall administer the examinations prescribed by the State Board at such times as prescribed by the State Board pursuant to subsection 3. The examinations must be:

(a) Administered in each school in accordance with uniform procedures adopted by the State Board. The Department shall monitor the school districts and individual schools to ensure compliance with the uniform procedures.

(b) Administered in each school in accordance with the plan adopted pursuant to NRS 390.270 by the Department and with the plan adopted pursuant to NRS 390.275 by the board of trustees of the school district in which the examinations are administered. The Department shall monitor the compliance of school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department.

Sec. 44. NRS 390.255 is hereby amended to read as follows:

390.255 "Irregularity in testing administration" means the failure to administer an examination to pupils pursuant to NRS 390.105 ~~[~~or 390.600~~]~~ or the college and career readiness assessment pursuant to NRS 390.610 in the

manner intended by the person or entity that created the examination or assessment.

Sec. 45. NRS 390.260 is hereby amended to read as follows:

390.260 "Irregularity in testing security" means an act or omission that tends to corrupt or impair the security of an examination administered to pupils pursuant to NRS 390.105 **[**~~or 390.600~~**]** or the college and career readiness assessment administered pursuant to NRS 390.610, including, without limitation:

1. The failure to comply with security procedures adopted pursuant to NRS 390.270 or 390.275;

2. The disclosure of questions or answers to questions on an examination or assessment in a manner not otherwise approved by law; and

3. Other breaches in the security or confidentiality of the questions or answers to questions on an examination or assessment.

Sec. 46. NRS 390.270 is hereby amended to read as follows:

390.270 1. The Department shall, by regulation or otherwise, adopt and enforce a plan setting forth procedures to ensure the security of examinations that are administered to pupils pursuant to NRS 390.105 **[**~~and 390.600~~**]** and the college and career readiness assessment administered pursuant to NRS 390.610.

2. A plan adopted pursuant to subsection 1 must include, without limitation:

(a) Procedures pursuant to which pupils, school officials and other persons may, and are encouraged to, report irregularities in testing administration and testing security.

(b) Procedures necessary to ensure the security of test materials and the consistency of testing administration.

(c) Procedures that specifically set forth the action that must be taken in response to a report of an irregularity in testing administration or testing security and the actions that must be taken during an investigation of such an irregularity. For each action that is required, the procedures must identify:

(1) By category, the employees of the school district, Achievement School District, charter school or Department, or any combination thereof, who are responsible for taking the action; and

(2) Whether the school district, Achievement School District, charter school or Department, or any combination thereof, is responsible for ensuring that the action is carried out successfully.

(d) Objective criteria that set forth the conditions under which a school, including, without limitation, a charter school or a school district, or both, is required to file a plan for corrective action in response to an irregularity in testing administration or testing security for the purposes of NRS 390.295.

3. A copy of the plan adopted pursuant to this section and the procedures set forth therein must be submitted on or before September 1 of each year to:

(a) The State Board; and

(b) The Legislative Committee on Education, created pursuant to NRS 218E.605.

Sec. 47. NRS 390.275 is hereby amended to read as follows:

390.275 1. The board of trustees of each school district shall, for each public school in the district, including, without limitation, charter schools, adopt and enforce a plan setting forth procedures to ensure the security of examinations and assessments.

2. A plan adopted pursuant to subsection 1 must include, without limitation:

(a) Procedures pursuant to which pupils, school officials and other persons may, and are encouraged to, report irregularities in testing administration and testing security.

(b) Procedures necessary to ensure the security of test materials and the consistency of testing administration.

(c) With respect to secondary schools, procedures pursuant to which the school district or charter school, as appropriate, will verify the identity of pupils taking an examination or assessment.

(d) Procedures that specifically set forth the action that must be taken in response to a report of an irregularity in testing administration or testing security and the action that must be taken during an investigation of such an irregularity. For each action that is required, the procedures must identify, by category, the employees of the school district or charter school who are responsible for taking the action and for ensuring that the action is carried out successfully.

➥ The procedures adopted pursuant to this subsection must be consistent, to the extent applicable, with the procedures adopted by the Department pursuant to NRS 390.270.

3. A copy of each plan adopted pursuant to this section and the procedures set forth therein must be submitted on or before September 1 of each year to:

(a) The State Board; and

(b) The Legislative Committee on Education, created pursuant to NRS 218E.605.

4. On or before September 30 of each school year, the board of trustees of each school district and the governing body of each charter school shall provide a written notice regarding the examinations and assessments to all teachers and educational personnel employed by the school district or governing body, all personnel employed by the school district or governing body who are involved in the administration of the examinations and assessments, all pupils who are required to take the examinations or assessments and all parents and legal guardians of such pupils. The written notice must be prepared in a format that is easily understood and must include, without limitation, a description of the:

(a) Plan adopted pursuant to this section; and

(b) Action that may be taken against personnel and pupils for violations of the plan or for other irregularities in testing administration or testing security.

5. As used in this section:

(a) "Assessment" means the college and career readiness assessment administered to pupils enrolled in grade 11 pursuant to NRS 390.610.

(b) "Examination" means:

(1) The examinations that are administered to pupils pursuant to NRS 390.105 ***;*** **[**~~or 390.600;~~**]** and

(2) Any other examinations which measure the achievement and proficiency of pupils and which are administered to pupils on a district-wide basis.

(c) "Irregularity in testing administration" means the failure to administer an examination or assessment in the manner intended by the person or entity that created the examination or assessment.

(d) "Irregularity in testing security" means an act or omission that tends to corrupt or impair the security of an examination or assessment, including, without limitation:

(1) The failure to comply with security procedures adopted pursuant to this section or NRS 390.270;

(2) The disclosure of questions or answers to questions on an examination or assessment in a manner not otherwise approved by law; and

(3) Other breaches in the security or confidentiality of the questions or answers to questions on an examination or assessment.

Sec. 48. NRS 390.280 is hereby amended to read as follows:

390.280 1. If the Department:

(a) Has reason to believe that a violation of the plan adopted pursuant to NRS 390.270 may have occurred;

(b) Has reason to believe that a violation of the plan adopted pursuant to NRS 390.275 may have occurred with respect to an examination that is administered pursuant to NRS 390.105 **[**~~or 390.600~~**]** or the college and career readiness assessment administered pursuant to NRS 390.610; or

(c) Receives a request pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 390.285 to investigate a potential violation of the plan adopted pursuant to NRS 390.275 with respect to an examination that is administered pursuant to NRS 390.105 **[**~~or 390.600~~**]** or the college and career readiness assessment administered pursuant to NRS 390.610,

➥ the Department shall investigate the matter as it deems appropriate.

2. If the Department investigates a matter pursuant to subsection 1, the Department may issue a subpoena to compel the attendance or testimony of a witness or the production of any relevant materials, including, without limitation, books, papers, documents, records, photographs, recordings, reports and tangible objects.

3. If a witness refuses to attend, testify or produce materials as required by the subpoena, the Department may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance or testimony of the witness or the production of materials;

(b) The witness has been subpoenaed by the Department pursuant to this section; and

(c) The witness has failed or refused to attend, testify or produce materials before the Department as required by the subpoena, or has refused to answer questions propounded to him or her,

➥ and asking for an order of the court compelling the witness to attend, testify or produce materials before the Department.

4. Upon receipt of such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why the witness has not attended, testified or produced materials before the Department. A certified copy of the order must be served upon the witness.

5. If it appears to the court that the subpoena was regularly issued by the Department, the court shall enter an order that the witness appear before the Department at a time and place fixed in the order and testify or produce materials, and that upon failure to obey the order the witness must be dealt with as for contempt of court.

Sec. 49. NRS 390.285 is hereby amended to read as follows:

390.285 1. If a school official has reason to believe that a violation of the plan adopted pursuant to NRS 390.275 may have occurred, the school official shall immediately report the incident to the board of trustees of the school district. If the board of trustees of a school district has reason to believe that a violation of the plan adopted pursuant to NRS 390.275 may have occurred, the board of trustees shall:

(a) If the violation is with respect to an examination administered pursuant to NRS 390.105 ~~[or 390.600]~~ or the college and career readiness assessment administered pursuant to NRS 390.610, immediately report the incident to the Department orally or in writing followed by a comprehensive written report within 14 school days after the incident occurred; and

(b) Cause to be commenced an investigation of the incident. The board of trustees may carry out the requirements of this paragraph by:

(1) Investigating the incident as it deems appropriate, including, without limitation, using the powers of subpoena set forth in this section.

(2) With respect to an examination that is administered pursuant to NRS 390.105 ~~[or 390.600]~~ or the college and career readiness assessment administered pursuant to NRS 390.610, requesting that the Department investigate the incident pursuant to NRS 390.280.

➥ The fact that a board of trustees elects initially to carry out its own investigation pursuant to subparagraph (1) of paragraph (b) does not affect

the ability of the board of trustees to request, at any time, that the Department investigate the incident as authorized pursuant to subparagraph (2) of paragraph (b).

2. Except as otherwise provided in this subsection, if the board of trustees of a school district proceeds in accordance with subparagraph (1) of paragraph (b) of subsection 1, the board of trustees may issue a subpoena to compel the attendance or testimony of a witness or the production of any relevant materials, including, without limitation, books, papers, documents, records, photographs, recordings, reports and tangible objects. A board of trustees shall not issue a subpoena to compel the attendance or testimony of a witness or the production of materials unless the attendance, testimony or production sought to be compelled is related directly to a violation or an alleged violation of the plan adopted pursuant to NRS 390.275.

3. If a witness refuses to attend, testify or produce materials as required by the subpoena, the board of trustees may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance or testimony of the witness or the production of materials;

(b) The witness has been subpoenaed by the board of trustees pursuant to this section; and

(c) The witness has failed or refused to attend, testify or produce materials before the board of trustees as required by the subpoena, or has refused to answer questions propounded to him or her,

➥ and asking for an order of the court compelling the witness to attend, testify or produce materials before the board of trustees.

4. Upon receipt of such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why the witness has not attended, testified or produced materials before the board of trustees. A certified copy of the order must be served upon the witness.

5. If it appears to the court that the subpoena was regularly issued by the board of trustees, the court shall enter an order that the witness appear before the board of trustees at a time and place fixed in the order and testify or produce materials, and that upon failure to obey the order the witness must be dealt with as for contempt of court.

Sec. 50. NRS 390.300 is hereby amended to read as follows:

390.300 1. The Department shall establish a program of education and training regarding the administration and security of the examinations administered pursuant to NRS 390.105 **[**~~or 390.600~~**]** and the college and career readiness assessment administered pursuant to NRS 390.610. Upon approval of the Department, the board of trustees of a school district or the governing body of a charter school may establish an expanded program of education and training that includes additional education and training if the expanded program complies with the program established by the Department.

2. The board of trustees of each school district and the governing body of each charter school shall ensure that:

(a) All the teachers and other educational personnel who provide instruction to pupils enrolled in a grade level that is required to be tested pursuant to NRS 390.105, 390.600 or 390.610, and all other personnel who are involved with the administration of the examinations that are administered pursuant to NRS 390.105 ~~[or 390.600]~~ or the college and career readiness assessment administered pursuant to NRS 390.610, receive, on an annual basis, the program of education and training established by the Department or the expanded program, if applicable; and

(b) The training and education is otherwise available for all personnel who are not required to receive the training and education pursuant to paragraph (a).

Sec. 51. (Deleted by amendment.)

Sec. 51.5. NRS 390.360 is hereby amended to read as follows:

390.360 "Examination" means:

1. The examinations that are administered to pupils pursuant to NRS 390.105 ***;*** ~~[or 390.600;]~~ and

2. Any other examinations which measure the achievement and proficiency of pupils and which are administered to pupils on a district-wide basis.

Sec. 52. NRS 390.600 is hereby amended to read as follows:

390.600 1. A pupil with a disability who does not satisfy the requirements for receipt of a standard high school diploma may receive a diploma designated as an adjusted diploma if the pupil satisfies the requirements set forth in his or her individualized education program. As used in this subsection, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

2. The State Board shall adopt regulations that prescribe the ~~[:~~

~~(a) Criteria]~~ ***criteria*** for a pupil to receive a standard high school diploma, which must include, without limitation, the requirement that:

~~[(1) Commencing with the 2014-2015 school year and each school year thereafter, a]~~

(a) A pupil enrolled in grade 11 take the college and career readiness assessment administered pursuant to NRS 390.610; ***and***

~~[(2)]~~ ***(b)*** Commencing with the ~~[2014-2015 school year]~~ ***graduating class of 2022*** and each ~~[school year thereafter,]~~ ***graduating class thereafter,*** a pupil ~~[enroll in the courses]~~ ***successfully complete a course*** of study designed to prepare the pupil for graduation from high school and for readiness for college and career ***.*** ~~[; and~~

~~(3) Commencing with the 2014-2015 school year and each school year thereafter, a pupil pass at least four end-of-course examinations prescribed pursuant to paragraph (b).~~

~~(b) Courses of study in which pupils must pass the end-of-course examinations required by subparagraph (3) of paragraph (a), which must~~

~~include, without limitation, the subject areas for which the State Board has adopted the common core standards and which may include any other courses of study prescribed by the State Board.~~

~~(c) The maximum number of times, if any, that a pupil is allowed to take the end-of-course examinations if the pupil fails to pass the examinations after the first administration.~~**]**

3. The criteria prescribed by the State Board pursuant to subsection 2 for a pupil to receive a standard high school diploma must not include the results of the pupil on the college and career readiness assessment administered to the pupil in grade 11 pursuant to NRS 390.610.

4. If a pupil does not satisfy the requirements prescribed by the State Board to receive a standard high school diploma, the pupil must not be issued a certificate of attendance or any other document indicating that the pupil attended high school but did not satisfy the requirements for such a diploma. The provisions of this subsection do not apply to a pupil who receives an adjusted diploma pursuant to subsection 1.

Sec. 53. NRS 390.610 is hereby amended to read as follows:

390.610 1. The State Board shall select a college and career readiness assessment for administration **[**~~, commencing with the 2014-2015 school year and each school year thereafter,~~**]** to pupils who are enrolled in grade 11 in public high schools.

2. Except as otherwise provided in this subsection, a pupil must take the college and career readiness assessment to receive a standard high school diploma **. [**~~. The results of a pupil on the assessment must not be used in the determination of whether the pupil satisfies the requirements for receipt of a standard high school diploma.~~**]** A pupil with a disability may, in accordance with his or her individualized education program, be exempt from the requirement to take the college and career readiness assessment.

3. ***The results of a pupil on the college and career readiness assessment:***

(a) Must not be used in the determination of whether the pupil satisfies the requirements for receipt of standard high school diploma.

(b) May be used in the determination of whether the pupil satisfies the requirements for receipt of a ~~***[pathway]***~~ ***college and career ready high school diploma.***

4. The assessment selected pursuant to subsection 1 must be:

(a) Administered at the same time during the school year by the board of trustees of each school district to pupils enrolled in grade 11 in all public high schools of the school district and by the governing body of each charter school that enrolls pupils in grade 11, as prescribed by the State Board, and in accordance with uniform procedures adopted by the State Board. The Department shall monitor the compliance of the school districts and individual schools with the uniform procedures and report to the State Board any instance of noncompliance.

(b) Administered in accordance with the plan adopted by the Department pursuant to NRS 390.270 and with the plan adopted by the board of trustees of the school district in which the assessment is administered pursuant to NRS 390.275. The Department shall monitor the compliance of the school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department,

➥ and shall report to the State Board any instance of noncompliance.

~~[4.]~~ ***5.*** The assessment selected pursuant to subsection 1 must:

(a) Be used to provide data and information to each pupil who takes the assessment in a manner that allows the pupil to review the areas of his or her academic strengths and weaknesses, including, without limitation, areas where additional work in the subject areas tested on the assessment is necessary to prepare for college and career success without the need for remediation; and

(b) Allow teachers and other educational personnel to use the results of a pupil on the assessment to provide appropriate interventions for the pupil to prepare for college and career success.

~~[5.]~~ ***6. The State Board shall adopt regulations prescribing the manner in which the results of a college and career readiness assessment selected pursuant to subsection 1 must be used by a school district or charter school that operates as a high school to inform the instruction provided to pupils enrolled in grade 12, including, without limitation, to determine whether to provide remediation in areas of academic weakness and acceleration in areas of academic strength.***

7. The State Board may work in consultation with the boards of trustees of school districts and, if a charter school enrolls pupils at a high school grade level, the governing body of the charter school to develop and implement appropriate plans of remediation for pupils based upon the results of the pupils on the assessment.

Sec. 54. NRS 390.620 is hereby amended to read as follows:

390.620 1. The Department shall develop an informational pamphlet concerning the ~~[~~end-of-course examinations required pursuant to NRS 390.600 and the~~]~~ college and career readiness assessment administered pursuant to NRS 390.610 for pupils who are enrolled in junior high, middle school and high school, and their parents and legal guardians. The pamphlet must include a written explanation of the:

(a) Importance of ~~[~~passing the end-of-course examinations and the importance of~~]~~ taking the college and career readiness assessment;

(b) ~~[~~Courses of study for which the end-of-course examinations are administered and the subject~~]~~ ***Subject*** areas tested on the college and career readiness assessment; ***and***

(c) Format for the ~~[~~end-of-course examinations and the~~]~~ college and career readiness assessment, including, without limitation, the range of items that ~~[~~are~~]~~ ***is*** contained on ~~[~~the examinations and~~]~~ the assessment **.** ~~[~~;and

~~(d) Maximum number of times, if any, that a pupil is allowed to take the end-of-course examinations if the pupil fails to pass the examinations after the first administration.~~]~~

2. The Department shall review the pamphlet on an annual basis and make such revisions to the pamphlet as it considers necessary to ensure that pupils and their parents or legal guardians fully understand the ~~[~~end-of-course examinations and the~~]~~ college and career readiness assessment.

3. On or before September 1, the Department shall:

(a) Provide an electronic copy of the pamphlet or revised pamphlet to the board of trustees of each school district and the governing body of each charter school that includes pupils enrolled in a junior high, middle school or high school grade level; and

(b) Post a copy of the pamphlet or revised pamphlet on the Internet website maintained by the Department.

4. The board of trustees of each school district shall provide a copy of the pamphlet to each junior high, middle school or high school within the school district for posting. The governing body of each charter school shall ensure that a copy of the pamphlet is posted at the charter school. Each principal of a junior high, middle school, high school or charter school shall ensure that the teachers, counselors and administrators employed at the school fully understand the contents of the pamphlet.

5. On or before October 1, the:

(a) Board of trustees of each school district shall provide a copy of the pamphlet to each pupil who is enrolled in a junior high, middle school or high school of the school district and to the parents or legal guardians of such a pupil.

(b) Governing body of each charter school shall provide a copy of the pamphlet to each pupil who is enrolled in the charter school at a junior high, middle school or high school grade level and to the parents or legal guardians of such a pupil.

Sec. 55. NRS 390.810 is hereby amended to read as follows:

390.810 1. The board of trustees of each school district and the governing body of each charter school shall ensure that each pupil who is ~~[~~limited~~]~~ ***an*** English ~~[~~proficient~~]~~ ***learner*** and is enrolled in the school district or charter school, as applicable, participates in the achievement and proficiency examinations administered pursuant to this chapter. The State Board shall prescribe reasonable modifications and accommodations that must be used in the administration of an examination to a pupil who is ~~[~~limited~~]~~ ***an*** English ~~[~~proficient~~]~~ ***learner*** and who is unable to take an examination under regular testing conditions. The results of each pupil who is ~~[~~limited~~]~~ ***an*** English ~~[~~proficient~~]~~ ***learner*** and who takes an examination with modifications and accommodations must be reported and included

within the determination of whether the school has met the ~~[annual measurable objectives]~~ ***school achievement targets*** and performance targets established pursuant to the statewide system of accountability for public schools.

2. The board of trustees of a school district and the governing body of a charter school shall administer to a pupil who is ~~[limited English proficient:]~~ ***an English learner:***

(a) To the extent practicable, examinations in mathematics and science required by subsection 1 in the language most likely to yield accurate and reliable information on what the pupil knows.

(b) To the extent practicable, examinations in reading required by subsection 1 in the language most likely to yield accurate and reliable information on what the pupil knows if the pupil has attended public schools in the United States for less than 3 consecutive years.

(c) If the pupil has attended public schools in the United States for 3 consecutive years but less than 5 consecutive years:

(1) Examinations in reading required by subsection 1 in the English language; or

(2) Examinations in reading required by subsection 1 in the language most likely to yield accurate and reliable information on what the pupil knows if the board of trustees or the governing body, as applicable, determines that the pupil has not reached a level of English proficiency sufficient to yield valid and reliable information on what the pupil knows. The board of trustees or the governing body of a charter school, as applicable, may grant exceptions for a particular pupil pursuant to this subparagraph, on a case-by-case basis, for a period not longer than 2 consecutive years.

(d) If the pupil has attended public schools in the United States for 5 consecutive years or more, examinations in reading required by subsection 1 in the English language.

3. The State Board shall prescribe an assessment of proficiency in the English language for pupils who are ~~[limited]~~ English ~~[proficient]~~ ***learners*** to measure oral language skills, comprehension skills, reading skills and writing skills. The board of trustees of each school district and the governing body of each charter school shall administer the assessment annually at the time prescribed by the State Board. A pupil who takes the assessment prescribed pursuant to this subsection is not exempt from the achievement and proficiency examinations administered pursuant to this chapter.

Sec. 56. NRS 390.820 is hereby amended to read as follows:

390.820 1. If a pupil with a disability is unable to take an examination administered pursuant to NRS 390.105 ~~[or 390.600]~~ under regular testing conditions, the pupil may take the examination with modifications and accommodations that the pupil's individualized education program team determines, in consultation with the Department and in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and

the ~~[No Child Left Behind Act of 2001,]~~ ***Every Student Succeeds Act of 2015,*** 20 U.S.C. §§ 6301 et seq., are necessary to measure the progress of the pupil. If modifications or accommodations are made in the administration of an examination for a pupil with a disability, the modifications or accommodations must be set forth in the pupil's individualized education program. The results of each pupil with a disability who takes an examination with modifications or accommodations must be reported and must be included in the determination of whether the school has met the ~~[annual measurable objectives]~~ ***school achievement targets*** and performance targets established pursuant to the statewide system of accountability for public schools.

2. The State Board shall prescribe an alternate examination for administration to a pupil with a disability if the pupil's individualized education program team determines, in consultation with the Department, that the pupil cannot participate in all or a portion of an examination administered pursuant to NRS 390.105 ~~[or 390.600]~~ even with modifications and accommodations.

3. The State Board shall prescribe, in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the ~~[No Child Left Behind Act of 2001,]~~ ***Every Student Succeeds Act of 2015,*** 20 U.S.C. §§ 6301 et seq., the modifications and accommodations that must be used in the administration of an examination to a pupil with a disability who is unable to take the examination under regular testing conditions.

4. As used in this section:

(a) "Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

(b) "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

Sec. 56.5. NRS 390.830 is hereby amended to read as follows:

390.830 1. The State Board shall:

(a) In accordance with guidelines established by the National Assessment Governing Board and National Center for Education Statistics and in accordance with 20 U.S.C. §§ 6301 et seq. and the regulations adopted pursuant thereto, adopt regulations requiring the schools of this State that are selected by the National Assessment Governing Board or the National Center for Education Statistics to participate in the examinations of the National Assessment of Educational Progress.

(b) Report the results of those examinations to the:

(1) Governor;

(2) Board of trustees of each school district of this State;

(3) Legislative Committee on Education created pursuant to NRS 218E.605; and

(4) Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218E.625.

(c) Include in the report required pursuant to paragraph (b) an analysis and comparison of the results of pupils in this State on the examinations required by this section with:

(1) The results of pupils throughout this country who participated in the examinations of the National Assessment of Educational Progress; and

(2) The results of pupils on the achievement and proficiency examinations administered pursuant to this chapter.

2. If the report required by subsection 1 indicates that the percentage of pupils enrolled in the public schools in this State who are proficient on the National Assessment of Educational Progress differs by more than 10 percent of the pupils who are proficient on the examinations administered pursuant to NRS 390.105 **,** **[**~~and the examinations administered pursuant to NRS 390.600,~~**]** the Department shall prepare a written report describing the discrepancy. The report must include, without limitation, a comparison and evaluation of:

(a) The standards of content and performance for English language arts and mathematics established pursuant to NRS 389.520 with the standards for English language arts and mathematics that are tested on the National Assessment.

(b) The standards for proficiency established for the National Assessment with the standards for proficiency established for the examinations that are administered pursuant to NRS 390.105 **.** **[**~~and the examinations administered pursuant to NRS 390.600.~~**]**

3. The report prepared by the Department pursuant to subsection 2 must be submitted to the:

(a) Governor;

(b) Legislative Committee on Education;

(c) Legislative Bureau of Educational Accountability and Program Evaluation; and

(d) Council to Establish Academic Standards for Public Schools.

4. The Council to Establish Academic Standards for Public Schools shall review and evaluate the report provided to the Council pursuant to subsection 3 to identify any discrepancies in the standards of content and performance established by the Council that require revision and a timeline for carrying out the revision, if necessary. The Council shall submit a written report of its review and evaluation to the Legislative Committee on Education and Legislative Bureau of Educational Accountability and Program Evaluation.

Sec. 57. NRS 390.840 is hereby amended to read as follows:

390.840 If the Department enters into a contract with a person or entity to score the results of an examination that is administered to pupils pursuant to NRS 390.105 **[**~~or 390.600~~**]** or the college and career readiness assessment administered pursuant to NRS 390.610, and the contract sets forth penalties or sanctions in the event that the person or entity fails to deliver the scored results to a school district or charter school on a timely basis, the Department shall ensure that any such penalties or sanctions are fully enforced.

Sec. 58. NRS 391.008 is hereby amended to read as follows:

391.008 1. "Paraprofessional" means a person who is employed by and assigned by a school district or charter school to:

(a) Provide one-on-one tutoring for a pupil;

(b) Assist with the management of a classroom, including, without limitation, organizing instructional materials;

(c) Provide assistance in a computer laboratory;

(d) Conduct parental involvement activities in conjunction with one or more duties set forth in this subsection;

(e) Provide support in a library or media center;

(f) Except as otherwise provided in subsection 2, provide services as a translator; or

(g) Provide instructional services to pupils under the direct supervision of a licensed teacher.

2. The term "paraprofessional" does not include a person who:

(a) Is proficient in the English language and a language other than English and who provides services as a translator primarily to enhance the participation of children in programs that are financially supported pursuant to the ~~[~~No Child Left Behind Act of 2001,~~]~~ ***Every Student Succeeds Act of 2015,*** 20 U.S.C. §§ 6301 et seq.

(b) Solely conducts parental involvement activities.

Sec. 59. NRS 391.094 is hereby amended to read as follows:

391.094 The State Board shall prescribe by regulation at least one examination for those paraprofessionals who desire to satisfy the requirements ~~[~~of 20 U.S.C. § 6319(c) by passing an examination prescribed by this State.~~]~~ ***prescribed by the Department to comply with 20 U.S.C. § 6311(g)(2)(M).*** The regulations must include the passing score required to demonstrate satisfaction of ~~[~~the~~]~~ ***those*** requirements **.** ~~[~~of 20 U.S.C. § 6319(c).~~]~~

Sec. 60. NRS 391.098 is hereby amended to read as follows:

391.098 1. If a pupil enrolled in a Title I school or a school that is rated as underperforming pursuant to the statewide system of accountability for public schools:

(a) Is assigned to a teacher, as the pupil's regular classroom teacher, who is not ~~[~~highly qualified;~~]~~ ***licensed to teach pursuant to chapter 391 of NRS or who does not hold an endorsement to teach in the subject area in which he or she is teaching;*** or

(b) Has been taught for 4 consecutive weeks or more by a teacher who is not the pupil's regular classroom teacher and who is not ~~[~~highly qualified,~~]~~ ***licensed to teach pursuant to chapter 391 of NRS or who does not hold an endorsement to teach in the subject area in which he or she is teaching,***

➥ the principal of the school or the administrative head of the charter school, as applicable, shall provide notice of that fact to the parent or legal guardian of the pupil.

2. The State Board shall prescribe the date on which the notice required by subsection 1 must be provided. The notice must be provided in a uniform and understandable format and, to the extent practicable, in a language that parents and guardians can understand.

~~[3. As used in this section, "highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).]~~

Sec. 61. NRS 391.100 is hereby amended to read as follows:

391.100 1. The board of trustees of a school district may employ a superintendent of schools, teachers and all other necessary employees.

2. ~~[A person who is initially hired by the board of trustees of a school district on or after January 8, 2002, to teach in a program supported with money from Title I must possess the qualifications required by 20 U.S.C. § 6319(a). For the purposes of this subsection, a person is not "initially hired" if he or she has been employed as a teacher by another school district or charter school in this State without an interruption in employment before the date of hire by the person's current employer.~~

~~3. A person who is employed as a teacher, regardless of the date of hire, must possess, on or before July 1, 2006, the qualifications required by 20 U.S.C. § 6319(a) if the person teaches:~~

~~(a) English language arts;~~

~~(b) Mathematics;~~

~~(c) Science;~~

~~(d) A foreign or world language;~~

~~(e) Civics or government;~~

~~(f) Economics;~~

~~(g) Geography;~~

~~(h) History; or~~

~~(i) The arts.~~

~~4.]~~ The board of trustees of a school district:

(a) May employ teacher aides and other auxiliary, nonprofessional personnel to assist licensed personnel in the instruction or supervision of children, either in the classroom or at any other place in the school or on the grounds thereof. ~~[A person who is initially hired as a paraprofessional by a school district on or after January 8, 2002, to work in a program supported with Title I money must possess the qualifications required by 20 U.S.C. § 6319(c).]~~ A person who is employed as a paraprofessional by a school district ~~[, regardless of the date of hire,]~~ to work in a program supported with Title I money must possess ~~[, on or before January 8, 2006, the qualifications required by 20 U.S.C. § 6319(c). For the purposes of this paragraph, a person is not "initially hired" if he or she has been employed as a paraprofessional by another school district or charter school in this State without an interruption in employment before the date of hire]~~ ***the requirements prescribed*** by the ~~[person's current employer.]~~ ***State Board pursuant to NRS 391.094.***

(b) Shall establish policies governing the duties and performance of teacher aides.

Sec. 62. NRS 391.125 is hereby amended to read as follows:

391.125 1. If the board of trustees of a school district determines that a shortage of teachers exists within the school district in a particular subject area, the board of trustees may ***, on or before September 1 of the school year for which such a determination is made,*** submit a written request to the Superintendent of Public Instruction to employ persons who are licensed teachers but who do not hold an endorsement to teach in the subject area for which there is a shortage of teachers at a public school within the school district ***.*** ~~[that is not rated as underperforming pursuant to the statewide system of accountability for public schools.]~~ The Superintendent of Public Instruction may grant such a request if the Superintendent determines that a shortage of teachers exists in the subject area. If the Superintendent of Public Instruction grants a request pursuant to this subsection, a person who holds a license to teach but not an endorsement in the subject area for which the request was granted may be employed by the school district for not more than ~~[2]~~ ***3*** school years to teach in that subject area at a public school within the school district ***.*** ~~[that is not rated as underperforming pursuant to the statewide system of accountability for public schools.]~~

2. If the Superintendent of Public Instruction grants a request pursuant to subsection 1, the Superintendent shall submit a written report to the Commission ***and the State Board*** that includes the name of the school district for which the request was granted and the subject area for which the request was granted. Upon receipt of such a report, the Commission ***and the State Board*** shall consider whether to adopt revisions to the requirements for an endorsement in that subject area to address the shortage of teachers.

Sec. 63. NRS 391.170 is hereby amended to read as follows:

391.170 1. Except as otherwise provided in subsection 2, a teacher or other employee for whom a license is required is not entitled to receive any portion of public money for schools as compensation for services rendered unless he or she:

(a) Is legally employed by the board of trustees of the school district or the governing body of the charter school in which he or she is teaching or performing other educational functions.

(b) Has a license authorizing him or her to teach or perform other educational functions at the level and, except as otherwise provided in NRS 391.125, in the field for which he or she is employed, issued in accordance with law and in full force at the time the services are rendered.

2. The provisions of subsection 1 do not prohibit the payment of public money to teachers or other employees who are employed by a charter school who are not required to ~~[be highly qualified]~~ ***demonstrate experience and qualifications through licensure or subject matter expertise*** pursuant to the provisions of NRS 388A.518.

~~[3. As used in this section, "highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801.]~~

Sec. 64. NRS 391.273 is hereby amended to read as follows:

391.273 1. Except as otherwise provided in this section and except for persons who are supervised pursuant to NRS 391.096, the unlicensed personnel of a school district must be directly supervised by licensed personnel in all duties which are instructional in nature. To the extent practicable, the direct supervision must be such that the unlicensed personnel are in the immediate location of the licensed personnel and are readily available during such times when supervision is required.

2. Unlicensed personnel who are exempted pursuant to subsection 4, 5 or 6 must be under administrative supervision when performing any duties which are instructional in nature.

3. Unlicensed personnel may temporarily perform duties under administrative supervision which are not primarily instructional in nature.

4. Except as otherwise provided in subsection 7, upon application by a superintendent of schools, the Superintendent of Public Instruction may grant an exemption from the provisions of subsection 1 pursuant to subsection 5 or 6.

5. Except as otherwise provided in subsection 6, the Superintendent shall not grant an exemption from the provisions of subsection 1 unless:

(a) The duties are within the employee's special expertise or training;

(b) The duties relate to the humanities or an elective course of study, or are supplemental to the basic curriculum of a school;

(c) The performance of the duties does not result in the replacement of a licensed employee or prevent the employment of a licensed person willing to perform those duties;

(d) The secondary or combined school in which the duties will be performed has less than 100 pupils enrolled and is at least 30 miles from a school in which the duties are performed by licensed personnel; and

(e) The unlicensed employee submits his or her fingerprints for an investigation pursuant to NRS 391.033.

6. Upon application by a superintendent of schools, the Superintendent of Public Instruction may grant an exemption from the provisions of subsection 1 if:

(a) The duties of the unlicensed employee relate to the supervision of pupils attending a course of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, while the pupils are receiving instruction from a licensed employee remotely through any electronic means of communication; and

(b) The unlicensed employee submits his or her fingerprints for an investigation pursuant to NRS 391.033.

7. The exemption authorized by subsection 4, 5 or 6 does not apply to a paraprofessional if the ~~[provisions of 20 U.S.C. § 6319 and the regulations adopted]~~ ***requirements prescribed by the State Board*** pursuant ~~[thereto]~~ ***to***

NRS 391.094 require the paraprofessional to be directly supervised by a licensed teacher.

8. The Superintendent of Public Instruction shall file a record of all exempt personnel with the clerk of the board of trustees of each local school district, and advise the clerk of any changes therein. The record must contain:

(a) The name of the exempt employee;

(b) The specific instructional duties the exempt employee may perform;

(c) Any terms or conditions of the exemption deemed appropriate by the Superintendent of Public Instruction; and

(d) The date the exemption expires or a statement that the exemption is valid as long as the employee remains in the same position at the same school.

9. The Superintendent of Public Instruction may adopt regulations prescribing the procedure to apply for an exemption pursuant to this section and the criteria for the granting of such exemptions.

10. Except in an emergency, it is unlawful for the board of trustees of a school district to allow a person employed as a teacher's aide to serve as a teacher unless the person is a legally qualified teacher licensed by the Superintendent of Public Instruction. As used in this subsection, "emergency" means an unforeseen circumstance which requires immediate action and includes the fact that a licensed teacher or substitute teacher is not immediately available.

11. If the Superintendent of Public Instruction determines that the board of trustees of a school district has violated the provisions of subsection 10, the Superintendent shall take such actions as are necessary to reduce the amount of money received by the district pursuant to NRS 387.124 by an amount equal to the product when the following numbers are multiplied together:

(a) The number of days on which the violation occurred;

(b) The number of pupils in the classroom taught by the teacher's aide; and

(c) The number of dollars of basic support apportioned to the district per pupil per day pursuant to NRS 387.1223.

12. Except as otherwise provided in this subsection, a person employed as a teacher's aide or paraprofessional may monitor pupils in a computer laboratory without being directly supervised by licensed personnel. The provisions of this subsection do not apply to a paraprofessional if the ~~[~~provisions of 20 U.S.C. § 6319 and the regulations adopted~~]~~ ***requirements prescribed by the State Board*** pursuant ~~[~~thereto~~]~~ ***to NRS 391.094*** require the paraprofessional to be directly supervised by a licensed teacher.

13. The provisions of this section do not apply to unlicensed personnel who are employed by the governing body of a charter school, unless a paraprofessional employed by the governing body is required to be directly supervised by a licensed teacher pursuant to the ~~[~~provisions of 20 U.S.C. §

~~6319 and the regulations adopted~~] ***requirements prescribed by the State Board*** pursuant ~~[thereto.]~~ ***to NRS 391.094.***

Sec. 65. NRS 391.330 is hereby amended to read as follows:

391.330 The State Board may suspend or revoke the license of any teacher, administrator or other licensed employee, after notice and an opportunity for hearing have been provided pursuant to NRS 391.322 and 391.323, for:

1. Immoral or unprofessional conduct.
2. Evident unfitness for service.
3. Physical or mental incapacity which renders the teacher, administrator or other licensed employee unfit for service.
4. Conviction of a felony or crime involving moral turpitude.
5. Conviction of a sex offense under NRS 200.366, 200.368, 201.190, 201.220, 201.230, 201.540 or 201.560 in which a pupil enrolled in a school of a county school district was the victim.
6. Knowingly advocating the overthrow of the Federal Government or of the State of Nevada by force, violence or unlawful means.
7. Persistent defiance of or refusal to obey the regulations of the State Board, the Commission or the Superintendent of Public Instruction, defining and governing the duties of teachers, administrators and other licensed employees.
8. Breaches in the security or confidentiality of the questions and answers of the examinations that are administered pursuant to NRS 390.105 ~~[or 390.600]~~ and the college and career readiness assessment administered pursuant to NRS 390.610.
9. Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations and assessments adopted pursuant to NRS 390.270 or 390.275.
10. An intentional violation of NRS 388.497 or 388.499.
11. Knowingly and willfully failing to comply with the provisions of NRS 388.1351.

Sec. 65.5. NRS 391.460 is hereby amended to read as follows:

391.460 1. The Council shall:

(a) Make recommendations to the State Board concerning the adoption of regulations for establishing a statewide performance evaluation system to ensure that teachers, administrators who provide primarily administrative services at the school level and administrators at the district level who provide direct supervision of the principal of a school, and who do not provide primarily direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal are:

(1) Evaluated using multiple, fair, timely, rigorous and valid methods, which includes evaluations based upon pupil achievement data as required by NRS 391.465;

(2) Afforded a meaningful opportunity to improve their effectiveness through professional development that is linked to their evaluations; and

(3) Provided with the means to share effective educational methods with other teachers and administrators throughout this State.

(b) Develop and recommend to the State Board a plan, including duties and associated costs, for the development and implementation of the performance evaluation system by the Department and school districts.

(c) Consider the role of professional standards for teachers and administrators to which paragraph (a) applies and, as it determines appropriate, develop a plan for recommending the adoption of such standards by the State Board.

(d) Develop and recommend to the State Board a process for peer ~~[evaluations]~~ ***observations*** of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching.

2. The performance evaluation system recommended by the Council must ensure that:

(a) Data derived from the evaluations is used to create professional development programs that enhance the effectiveness of teachers and administrators; and

(b) A timeline is included for monitoring the performance evaluation system at least annually for quality, reliability, validity, fairness, consistency and objectivity.

3. The Council may establish such working groups, task forces and similar entities from within or outside its membership as necessary to address specific issues or otherwise to assist in its work.

4. The State Board shall consider the recommendations made by the Council pursuant to this section and shall adopt regulations establishing a statewide performance evaluation system as required by NRS 391.465.

Sec. 66. NRS 391.465 is hereby amended to read as follows:

391.465 1. The State Board shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to NRS 391.460, adopt regulations establishing a statewide performance evaluation system which incorporates multiple measures of an employee's performance. Except as otherwise provided in subsection 4, the State Board shall prescribe the tools to be used by a school district for obtaining such measures.

2. The statewide performance evaluation system must:

(a) Require that an employee's overall performance is determined to be:

(1) Highly effective;

(2) Effective;

(3) Minimally effective; or

(4) Ineffective.

(b) Include the criteria for making each designation identified in paragraph (a).

(c) Except as otherwise provided in subsections 2 and 3 of NRS 391.695 and subsections 2 and 3 of NRS 391.715, require that pupil achievement data account for at least 40 percent of the evaluation.

(d) Except as otherwise provided in subsection 3, prescribe the pupil achievement data that must be used as part of the evaluation system pursuant to paragraph (c) which must require that:

(1) Pupil achievement data derived from statewide examinations and assessments must account for at least 20 percent of the evaluation of a teacher or administrator, as applicable; and

(2) Pupil achievement data derived from assessments approved by the board of trustees of a school district that employs the teacher or administrator, as applicable, must account for at least 20 percent of the evaluation.

(e) Include an evaluation of whether the teacher, or administrator who provides primarily administrative services at the school level or administrator at the district level who provides direct supervision of the principal of a school, and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal, employs practices and strategies to involve and engage the parents and families of pupils.

(f) Include a process for peer ~~[evaluations]~~ ***observations*** of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching. The regulations must include the criteria for school districts to determine which educational personnel are qualified to conduct peer ~~[reviews]~~ ***observations*** pursuant to the process.

3. The State Board shall, by regulation, ~~[designate]~~ ***establish the criteria for*** the assessments that may be used by a school district to determine pupil achievement pursuant to subparagraph (2) of paragraph (d) of subsection 2. The board of trustees of a school district ~~[may]~~ ***shall*** select one or more ~~[of the assessments designated]~~ ***assessments that meet the criteria established*** by the State Board ~~[to determine pupil achievement, or the board of trustees may apply to the Superintendent of Public Instruction for approval to use a different assessment]~~ to determine pupil achievement.

4. A school district may apply to the State Board to use a performance evaluation system and tools that are different than the evaluation system and tools prescribed pursuant to subsection 1. The application must be in the form prescribed by the State Board and must include, without limitation, a description of the evaluation system and tools proposed to be used by the

school district. The State Board may approve the use of the proposed evaluation system and tools if it determines that the proposed evaluation system and tools apply standards and indicators that are equivalent to those prescribed by the State Board.

Sec. 66.5. NRS 391.470 is hereby amended to read as follows:

391.470 On or before August 1 of each year, the board of trustees of each school district shall submit a report to the State Board and the Teachers and Leaders Council of Nevada created by NRS 391.455 concerning the implementation and effectiveness of the process for peer ~~[evaluations]~~ ***observations*** of teachers set forth in the regulations adopted by the State Board pursuant to paragraph (f) of subsection 2 of NRS 391.465, including, without limitation, any recommendations for revisions to the process of peer ~~[evaluations.]~~ ***observations.***

Sec. 67. NRS 391.685 is hereby amended to read as follows:

391.685 1. A probationary teacher must receive one evaluation during each school year of his or her probationary employment. The evaluation must be based in part upon at least three scheduled ~~[observations]~~ ***observation cycles*** of the teacher during the first school year of his or her probationary period as follows:

(a) The first scheduled observation ***cycle*** must occur within 40 days after the first day of instruction of the school year;

(b) The second scheduled observation ***cycle*** must occur after 40 days but within 80 days after the first day of instruction of the school year; and

(c) The third scheduled observation ***cycle*** must occur after 80 days but within 120 days after the first day of instruction of the school year.

2. If a probationary teacher receives an evaluation designating his or her overall performance as effective or highly effective:

(a) During the first school year of his or her probationary period, the evaluation during the second school year of the probationary period must be based in part upon at least two scheduled ~~[observations]~~ ***observation cycles*** of the teacher which must occur within the times specified in paragraphs (b) and (c) of subsection 1.

(b) During the first and second school years of his or her probationary period, the evaluation during the third school year of the probationary period must be based in part upon at least one scheduled observation ***cycle*** of the teacher which must occur within 120 days after the first day of instruction of the school year.

3. If a probationary teacher receives an evaluation designating his or her overall performance as minimally effective or ineffective during the first or second school year of the probationary period, the probationary teacher must receive one evaluation during the immediately succeeding school year which is based in part upon three ~~[observations]~~ ***observation cycles*** which must occur in accordance with the observation schedule set forth in subsection 1.

Sec. 67.5. NRS 391.690 is hereby amended to read as follows:

391.690 1. If a postprobationary teacher receives an evaluation designating his or her overall performance as minimally effective or ineffective, the postprobationary teacher must receive one evaluation in the immediately succeeding school year which is based in part upon three ~~[observations]~~ ***observation cycles*** which must occur in accordance with the observation schedule set forth in subsection 1 of NRS 391.685. If a postprobationary teacher receives evidence from the first two ~~[observations]~~ ***observation cycles*** during the school year indicating that, unless his or her performance improves, his or her overall performance may be rated as minimally effective or ineffective on the evaluation, the postprobationary teacher may request that the third observation ***cycle*** be conducted by another administrator. If a postprobationary teacher requests that his or her third observation ***cycle*** be conducted by another administrator, that administrator must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the postprobationary teacher from a list of three candidates submitted by the superintendent.

2. If a postprobationary teacher receives an evaluation designating his or her overall performance as effective or highly effective, the postprobationary teacher must receive one evaluation in the immediately succeeding school year. The evaluation must be based in part upon at least one scheduled observation ***cycle*** which must occur within 120 days after the first day of instruction of the school year.

Sec. 68. NRS 391.705 is hereby amended to read as follows:

391.705 1. A probationary administrator must receive one evaluation during each school year of his or her probationary employment. The evaluation must be based in part upon at least three scheduled ~~[observations]~~ ***observation cycles*** of the probationary administrator during the first school year of his or her probationary period which must occur as follows:

(a) The first scheduled observation ***cycle*** must occur within 40 days after the first day of instruction of the school year;

(b) The second scheduled observation ***cycle*** must occur after 40 days but within 80 days after the first day of instruction of the school year; and

(c) The third scheduled observation ***cycle*** must occur after 80 days but within 120 days after the first day of instruction of the school year.

2. If a probationary administrator receives an evaluation designating his or her overall performance as effective or highly effective:

(a) During the first school year of his or her probationary period, the evaluation during the second school year of the probationary period must be based in part upon at least two scheduled ~~[observations]~~ ***observation cycles*** of the administrator which must occur within the times specified in paragraphs (b) and (c) of subsection 1.

(b) During the first and second school year of his or her probationary period, the evaluation during the third school year of the probationary period must be based in part upon at least one scheduled observation ***cycle*** of the administrator which must occur within 120 days after the first day of instruction of the school year.

3. If a probationary administrator receives an evaluation designating his or her overall performance as minimally effective or ineffective during the first or second school year of the probationary period, the probationary administrator must receive one evaluation during the immediately succeeding school year which is based in part upon three ~~[observations]~~ ***observation cycles*** which must occur in accordance with the observation schedule set forth in subsection 1.

4. Each probationary administrator is subject to the provisions of NRS 391.725 and 391.820.

Sec. 68.5. NRS 391.710 is hereby amended to read as follows:

391.710 1. If a postprobationary administrator receives an evaluation designating his or her overall performance as minimally effective or ineffective, the postprobationary administrator must receive one evaluation in the immediately succeeding school year which is based in part upon three ~~[observations]~~ ***observation cycles*** which must occur in accordance with the observation schedule set forth in subsection 1 of NRS 391.705. If a postprobationary administrator receives evidence from the first two ~~[observations]~~ ***observation cycles*** indicating that, unless his or her performance improves, his or her overall performance may be rated as minimally effective or ineffective on the evaluation, the postprobationary administrator may request that the third observation ***cycle*** be conducted by another administrator. If a postprobationary administrator requests that his or her third observation ***cycle*** be conducted by another administrator, that administrator must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the postprobationary administrator from a list of three candidates submitted by the superintendent.

2. If a postprobationary administrator receives an evaluation designating his or her overall performance as effective or highly effective, the postprobationary administrator must receive one evaluation in the immediately succeeding school year. The evaluation must be based in part upon at least one scheduled observation ***cycle*** which must occur within 120 days after the first day of instruction of the school year.

Sec. 69. NRS 391.725 is hereby amended to read as follows:

391.725 1. If a written evaluation of a probationary teacher, or a probationary administrator who provides primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a

principal and vice principal, designates the overall performance of the teacher or administrator as "minimally effective" or "ineffective":

(a) The written evaluation must include the following statement: "Please be advised that, pursuant to Nevada law, your contract may not be renewed for the next school year. If you receive a 'minimally effective' or 'ineffective' evaluation ~~[on the first or second evaluation, or both evaluations for this school year,]~~ ***and are reemployed for a second or third year of your probationary period,*** you may request that ~~[the third]~~ ***your next*** evaluation be conducted by another administrator. You may also request, to the administrator who conducted the evaluation, reasonable assistance in improving your performance based upon the recommendations reported in the evaluation for which you request assistance, and upon such request, a reasonable effort will be made to assist you in improving your performance."

(b) The probationary teacher or probationary administrator, as applicable, must acknowledge in writing that he or she has received and understands the statement described in paragraph (a).

2. If a probationary teacher or probationary administrator to which subsection 1 applies requests that his or her next evaluation be conducted by another administrator in accordance with the notice required by subsection 1, the administrator conducting the evaluation must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the probationary teacher or probationary administrator, as applicable, from a list of three candidates submitted by the superintendent.

3. If a probationary teacher or probationary administrator to which subsection 1 applies requests assistance in improving performance reported in his or her evaluation, the administrator who conducted the evaluation shall ensure that a reasonable effort is made to assist the probationary teacher or probationary administrator in improving his or her performance.

Sec. 70. NRS 391.750 is hereby amended to read as follows:

391.750 1. A teacher may be suspended, dismissed or not reemployed and an administrator may be demoted, suspended, dismissed or not reemployed for the following reasons:

(a) Inefficiency;

(b) Immorality;

(c) Unprofessional conduct;

(d) Insubordination;

(e) Neglect of duty;

(f) Physical or mental incapacity;

(g) A justifiable decrease in the number of positions due to decreased enrollment or district reorganization;

(h) Conviction of a felony or of a crime involving moral turpitude;

(i) Inadequate performance;

(j) Evident unfitness for service;

(k) Failure to comply with such reasonable requirements as a board may prescribe;

(l) Failure to show normal improvement and evidence of professional training and growth;

(m) Advocating overthrow of the Government of the United States or of the State of Nevada by force, violence or other unlawful means, or the advocating or teaching of communism with the intent to indoctrinate pupils to subscribe to communistic philosophy;

(n) Any cause which constitutes grounds for the revocation of a teacher's license;

(o) Willful neglect or failure to observe and carry out the requirements of this title;

(p) Dishonesty;

(q) Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations and assessments adopted pursuant to NRS 390.270 or 390.275;

(r) An intentional violation of NRS 388.497 or 388.499;

(s) Knowingly and willfully failing to comply with the provisions of NRS 388.1351;

(t) Gross misconduct; or

(u) An intentional failure to report a violation of NRS 388.135 if the teacher or administrator witnessed the violation.

2. If a teacher or administrator is found, through an investigation of a testing irregularity, to have willfully breached the security or confidentiality of the questions and answers of the examinations that are administered pursuant to NRS 390.105 ~~[or 390.600]~~ or the college and career readiness assessment administered pursuant to NRS 390.610, the board of trustees of a school district, governing body of a charter school or governing body of a university school for profoundly gifted pupils, as applicable, shall:

(a) Suspend, dismiss or fail to reemploy the teacher; or

(b) Demote, suspend, dismiss or fail to reemploy the administrator.

3. In determining whether the professional performance of a licensed employee is inadequate, consideration must be given to the regular and special evaluation reports prepared in accordance with the policy of the employing school district and to any written standards of performance which may have been adopted by the board.

4. As used in this section, "gross misconduct" includes any act or omission that is in wanton, willful, reckless or deliberate disregard of the interests of a school or school district or a pupil thereof.

Sec. 71. NRS 391A.125 is hereby amended to read as follows:

391A.125 1. Based upon the priorities of programs prescribed by the State Board pursuant to subsection 4 of NRS 391A.505 and the assessment of needs for training within the region and priorities of training adopted by the governing body pursuant to NRS 391A.175, each regional training program shall provide:

(a) Training for teachers and other licensed educational personnel in the:

(1) Standards established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520;

(2) Curriculum and instruction required for the standards adopted by the State Board;

(3) Curriculum and instruction recommended by the Teachers and Leaders Council of Nevada; and

(4) Culturally relevant pedagogy, taking into account cultural diversity and demographic differences throughout this State.

(b) Through the Nevada Early Literacy Intervention Program established for the regional training program, training for teachers who teach kindergarten and grades 1, 2 or 3 on methods to teach fundamental reading skills, including, without limitation:

(1) Phonemic awareness;

(2) Phonics;

(3) Vocabulary;

(4) Fluency;

(5) Comprehension; and

(6) Motivation.

(c) Training for administrators who conduct the evaluations required pursuant to NRS 391.685, 391.690, 391.705 and 391.710 relating to the manner in which such evaluations are conducted. Such training must be developed in consultation with the Teachers and Leaders Council of Nevada created by NRS 391.455.

(d) Training for teachers, administrators and other licensed educational personnel relating to correcting deficiencies and addressing recommendations for improvement in performance that are identified in the evaluations conducted pursuant to NRS 391.685, 391.690, 391.705 or 391.710.

(e) At least one of the following types of training:

(1) Training for teachers and school administrators in the assessment and measurement of pupil achievement and the effective methods to analyze the test results and scores of pupils to improve the achievement and proficiency of pupils.

(2) Training for teachers in specific content areas to enable the teachers to provide a higher level of instruction in their respective fields of teaching. Such training must include instruction in effective methods to teach in a content area provided by teachers who are considered masters in that content area.

(3) In addition to the training provided pursuant to paragraph (b), training for teachers in the methods to teach basic skills to pupils, such as providing instruction in reading with the use of phonics and providing instruction in basic skills of mathematics computation.

(f) In accordance with the program established by the Statewide Council pursuant to paragraph (b) of subsection 2 of NRS 391A.135 training for:

(1) Teachers on how to engage parents and families, including, without limitation, disengaged families, in the education of their children and to build the capacity of parents and families to support the learning and academic achievement of their children.

(2) Training for teachers and paraprofessionals on working with parent liaisons in public schools to carry out strategies and practices for effective parental involvement and family engagement.

2. The training required pursuant to subsection 1 must:

(a) Include the activities set forth in 20 U.S.C. § ~~[7801(34),]~~ ***7801(42),*** as deemed appropriate by the governing body for the type of training offered.

(b) Include appropriate procedures to ensure follow-up training for teachers and administrators who have received training through the program.

(c) Incorporate training that addresses the educational needs of:

(1) Pupils with disabilities who participate in programs of special education; and

(2) Pupils who are ~~[limited]~~ English ~~[proficient.]~~ ***learners.***

3. The governing body of each regional training program shall prepare and maintain a list that identifies programs for the professional development of teachers and administrators that successfully incorporate:

(a) The standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520;

(b) Fundamental reading skills; and

(c) Other training listed in subsection 1.

➥ The governing body shall provide a copy of the list on an annual basis to school districts for dissemination to teachers and administrators.

4. A regional training program may include model classrooms that demonstrate the use of educational technology for teaching and learning.

5. A regional training program may contract with the board of trustees of a school district that is served by the regional training program as set forth in NRS 391A.120 to provide professional development to the teachers and administrators employed by the school district that is in addition to the training required by this section. Any training provided pursuant to this subsection must include the activities set forth in 20 U.S.C. § ~~[7801(34),]~~ ***7801(42),*** as deemed appropriate by the governing body for the type of training offered.

6. To the extent money is available from legislative appropriation or otherwise, a regional training program may provide training to paraprofessionals.

7. As used in this section, "paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 72. NRS 391A.135 is hereby amended to read as follows:

391A.135 1. The Statewide Council shall meet not less than four times per year.

2. The Statewide Council shall:

(a) Adopt uniform standards for use by the governing body of each regional training program in the review and approval by the governing body of the training to be provided by the regional training program pursuant to NRS 391A.125 and 391A.175. The standards must ensure that the training provided by the regional training programs includes activities set forth in 20 U.S.C. § ~~[~~7801(34),~~]~~ ***7801(42),*** as appropriate for the type of training offered, is of high quality and is effective in addressing the training programs specified in subsection 1 of NRS 391A.125.

(b) In cooperation with the Office of Parental Involvement and Family Engagement created by NRS 385.630, establish a statewide program for teachers and administrators concerning effective parental involvement and family engagement which includes:

(1) Training for teachers on how to engage parents and families, including, without limitation, disengaged families, in the education of their children and to build the capacity of parents and families to support the learning and academic achievement of their children.

(2) Training for teachers and paraprofessionals on working with parent liaisons in public schools to carry out strategies and practices for effective parental involvement and family engagement.

(c) Coordinate the dissemination of information to school districts, administrators and teachers concerning the training, programs and services provided by the regional training programs.

(d) Disseminate information to the regional training programs concerning innovative and effective methods to provide professional development.

(e) Conduct long-range planning concerning the professional development needs of teachers and administrators employed in this state.

(f) Adopt uniform procedures and criteria for use by the governing body of each regional training program to report the evaluation conducted pursuant to NRS 391A.190.

(g) Review and recommend any necessary revisions to the 5-year plan prepared by the governing body of each regional training program pursuant to NRS 391A.175.

(h) Review and recommend any necessary revisions to the annual report prepared by the governing body of each regional training program pursuant to NRS 391A.190.

(i) Ensure that the governing body of each regional training program considers the plans to improve the achievement of pupils prepared pursuant to NRS 385A.650 for the public schools within the primary jurisdiction of the regional training program and the plan to improve the achievement of pupils prepared by the State Board pursuant to NRS 385.111 and is guided by those plans in the provision of professional development for teachers and administrators.

(j) Coordinate with the Office of Parental Involvement and Family Engagement in carrying out the duties of the Office.

3. The Statewide Council may:

(a) Accept gifts and grants from any source for use by the Statewide Council in carrying out its duties pursuant to this section and accept gifts and grants from any source on behalf of one or more regional training programs to assist with the training provided pursuant to NRS 391A.125; and

(b) Comply with applicable federal laws and regulations governing the provision of federal grants to assist the Statewide Council in carrying out its duties pursuant to this section and comply with applicable federal laws and regulations governing the provision of federal grants to assist with the training provided pursuant to NRS 391A.125, including, without limitation, providing money from the budget of the Statewide Council to match the money received from a federal grant.

4. As used in this section, "paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 73. NRS 391A.370 is hereby amended to read as follows:

391A.370 The board of trustees of each school district and the governing body of each charter school shall ensure that the teachers and administrators employed by the school district or charter school have access to high-quality, ongoing professional development training. The professional development training must include, without limitation, training concerning:

1. The academic standards adopted by the State Board, including, without limitation, the academic standards for science.

2. The academic standards and curriculum in English language development and literacy.

3. The curriculum and instruction required for courses of study in:

(a) Science, technology, engineering and mathematics.

(b) English language development and literacy.

4. The cultural competency required to meet the social, emotional and academic needs of certain categories of pupils enrolled in the school, including, without limitation, pupils who are at risk, pupils who are ~~[~~limited~~]~~ English ~~[~~proficient,~~]~~ ***learners,*** pupils with disabilities and gifted and talented pupils.

Sec. 74. NRS 391A.400 is hereby amended to read as follows:

391A.400 1. There is hereby created the Grant Fund for Incentives for Licensed Educational Personnel to be administered by the Department. The Department may accept gifts and grants from any source for deposit in the Grant Fund.

2. The board of trustees of each school district shall establish a program of incentive pay for licensed teachers, school psychologists, school librarians, school counselors and administrators employed at the school level which must be designed to attract and retain those employees. The program must be negotiated pursuant to chapter 288 of NRS, insofar as the provisions of that chapter apply to those employees, and must include, without limitation, the attraction and retention of:

(a) Licensed teachers, school psychologists, school librarians, school counselors and administrators employed at the school level who have been

employed in that category of position for at least 5 years in this State or another state and who are employed in schools which are at-risk, as determined by the Department pursuant to subsection 8; and

(b) Teachers who hold a license or endorsement in the field of mathematics, science, special education, English as a second language or other area of need within the school district, as determined by the Superintendent of Public Instruction.

3. A program of incentive pay established by a school district must specify the type of financial incentives offered to the licensed educational personnel. Money available for the program must not be used to negotiate the salaries of individual employees who participate in the program.

4. If the board of trustees of a school district wishes to receive a grant of money from the Grant Fund, the board of trustees shall submit to the Department an application on a form prescribed by the Department. The application must include a description of the program of incentive pay established by the school district.

5. The Superintendent of Public Instruction shall compile a list of the financial incentives recommended by each school district that submitted an application. On or before December 1 of each year, the Superintendent shall submit the list to the Interim Finance Committee for its approval of the recommended incentives.

6. After approval of the list of incentives by the Interim Finance Committee pursuant to subsection 5 and within the limits of money available in the Grant Fund, the Department shall provide grants of money to each school district that submits an application pursuant to subsection 4 based upon the amount of money that is necessary to carry out each program. If an insufficient amount of money is available to pay for each program submitted to the Department, the amount of money available must be distributed pro rata based upon the number of licensed employees who are estimated to be eligible to participate in the program in each school district that submitted an application.

7. An individual employee may not receive as a financial incentive pursuant to a program an amount of money that is more than $3,500 per year.

8. The Department shall, in consultation with representatives appointed by the Nevada Association of School Superintendents and the Nevada Association of School Boards, develop a formula for identifying at-risk schools for purposes of this section. The formula must be developed on or before July 1 of each year and include, without limitation, the following factors:

(a) The percentage of pupils who are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq.;

(b) The transiency rate of pupils;

(c) The percentage of pupils who are ~~[~~limited~~]~~ English ~~[~~proficient;~~]~~ ***learners;***

(d) The percentage of pupils who have individualized education programs; and

(e) The percentage of pupils who drop out of high school before graduation.

9. The board of trustees of each school district that receives a grant of money pursuant to this section shall evaluate the effectiveness of the program for which the grant was awarded. The evaluation must include, without limitation, an evaluation of whether the program is effective in recruiting and retaining the personnel as set forth in subsection 2. On or before December 1 of each year, the board of trustees shall submit a report of its evaluation to the:

(a) Governor;

(b) State Board;

(c) Interim Finance Committee;

(d) If the report is submitted in an even-numbered year, Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and

(e) Legislative Committee on Education.

Sec. 75. NRS 392.457 is hereby amended to read as follows:

392.457 1. The State Board shall, in consultation with the boards of trustees of school districts, educational personnel, local associations and organizations of parents whose children are enrolled in public schools throughout this State and individual parents and legal guardians whose children are enrolled in public schools throughout this State, adopt a policy to encourage effective involvement and engagement by parents and families in support of their children and the education of their children. The policy adopted by the State Board must be considered when the Board:

(a) Consults with the boards of trustees of school districts in the adoption of policies pursuant to subsection 3; and

(b) Interacts with school districts, public schools, educational personnel, parents, legal guardians and families of pupils, and members of the general public in carrying out its duties pursuant to this title.

2. The policy adopted by the State Board pursuant to subsection 1 must include the following elements and goals:

(a) Promotion of an atmosphere for parents and families to visit the school that their children attend and feel welcome, valued and connected to the staff of the school, other parents and families and to the education of their children.

(b) Promotion of regular, two-way, meaningful communication between parents, families and schools relating to learning by pupils.

(c) Collaboration among parents, families and schools to support learning by pupils and healthy development of pupils at home and school.

(d) Empowerment of parents and families to advocate for their children and the children of other parents and families to ensure that all pupils are

treated fairly and have access to learning opportunities that support pupil achievement.

(e) Promotion of an equal partnership between parents, families and schools in making decisions that affect children, parents and families and in informing, influencing and creating school policies, practices and programs.

(f) Collaboration of parents, families and schools with the community to connect pupils, parents, families and schools with learning opportunities, community services and civic participation.

3. The board of trustees of each school district shall, in consultation with the State Board, educational personnel, local associations and organizations of parents whose children are enrolled in public schools of the school district and individual parents and legal guardians whose children are enrolled in public schools of the school district, adopt policies to encourage effective involvement and engagement by parents and families in support of their children and the education of their children. The policies adopted pursuant to this subsection must:

(a) Be consistent, to the extent applicable, with the policy adopted by the State Board pursuant to subsection 1;

(b) Include the elements and goals specified in subsection 2; and

(c) Comply with the parental involvement policy required by the federal ~~[No Child Left Behind Act of 2001,]~~ ***Every Student Succeeds Act of 2015,*** as set forth in 20 U.S.C. § 6318.

4. The State Board and the board of trustees of each school district shall, at least once each year, review and amend their respective policies as necessary.

Sec. 76. NRS 392.4575 is hereby amended to read as follows:

392.4575 1. The Department shall prescribe a form for educational involvement accords to be used by all public schools in this State. The educational involvement accord must comply with the policy:

(a) For parental involvement required by the federal ~~[No Child Left Behind Act of 2001,]~~ ***Every Student Succeeds Act of 2015,*** as set forth in 20 U.S.C. § 6318.

(b) For parental involvement and family engagement adopted by the State Board pursuant to NRS 392.457.

2. Each educational involvement accord must include, without limitation:

(a) A description of how the parent or legal guardian will be involved in the education of the pupil, including, without limitation:

(1) Reading to the pupil, as applicable for the grade or reading level of the pupil;

(2) Reviewing and checking the pupil's homework; and

(3) Contributing 5 hours of time each school year, including, without limitation, by attending school-related activities, parent-teacher association meetings, parent-teacher conferences, volunteering at the school and chaperoning school-sponsored activities.

(b) The responsibilities of a pupil in a public school, including, without limitation:

(1) Reading each day before or after school, as applicable for the grade or reading level of the pupil;

(2) Using all school equipment and property appropriately and safely;

(3) Following the directions of any adult member of the staff of the school;

(4) Completing and submitting homework in a timely manner; and

(5) Respecting himself or herself, others and all property.

(c) The responsibilities of a public school and the administrators, teachers and other personnel employed at a school, including, without limitation:

(1) Ensuring that each pupil is provided proper instruction, supervision and interaction;

(2) Maximizing the educational and social experience of each pupil;

(3) Carrying out the professional responsibility of educators to seek the best interest of each pupil; and

(4) Making staff available to the parents and legal guardians of pupils to discuss the concerns of parents and legal guardians regarding the pupils.

3. Each educational involvement accord must be accompanied by, without limitation:

(a) Information describing how the parent or legal guardian may contact the pupil's teacher and the principal of the school in which the pupil is enrolled;

(b) The curriculum of the course or standards for the grade in which the pupil is enrolled, as applicable, including, without limitation, a calendar that indicates the dates of major examinations and the due dates of significant projects, if those dates are known by the teacher at the time that the information is distributed;

(c) The homework and grading policies of the pupil's teacher or school;

(d) Directions for finding resource materials for the course or grade in which the pupil is enrolled, as applicable;

(e) Suggestions for parents and legal guardians to assist pupils in their schoolwork at home;

(f) The dates of scheduled conferences between teachers or administrators and the parents or legal guardians of the pupil;

(g) The manner in which reports of the pupil's progress will be delivered to the parent or legal guardian and how a parent or legal guardian may request a report of progress;

(h) The classroom rules and policies;

(i) The dress code of the school, if any;

(j) The availability of assistance to parents who have limited proficiency in the English language;

(k) Information describing the availability of free and reduced-price meals, including, without limitation, information regarding school breakfast, school lunch and summer meal programs;

(l) Opportunities for parents and legal guardians to become involved in the education of their children and to volunteer for the school or class; and

(m) The code of honor relating to cheating prescribed pursuant to NRS 392.461.

4. The board of trustees of each school district shall adopt a policy providing for the development and distribution of the educational involvement accord. The policy adopted by a board of trustees must require each classroom teacher to:

(a) Distribute the educational involvement accord to the parent or legal guardian of each pupil in the teacher's class at the beginning of each school year or upon a pupil's enrollment in the class, as applicable; and

(b) Provide the parent or legal guardian with a reasonable opportunity to sign the educational involvement accord.

5. Except as otherwise provided in this subsection, the board of trustees of each school district shall ensure that the form prescribed by the Department is used for the educational involvement accord of each public school in the school district. The board of trustees of a school district may authorize the use of an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.

6. The Department and the board of trustees of each school district shall, at least once each year, review and amend their respective educational involvement accords.

Sec. 77. NRS 392.750 is hereby amended to read as follows:

392.750 If a pupil enrolled at a public elementary school in kindergarten or grade 1, 2 or 3 exhibits a deficiency in the subject area of reading based upon state or local assessments and the observations of the pupil's teacher, the principal of the school must provide written notice of the deficiency to the parent or legal guardian of the pupil within 30 days after the date on which the deficiency is discovered. The written notice must, without limitation:

1. Identify the educational programs and services that the pupil will receive to improve the pupil's proficiency in the subject area of reading, including, without limitation, the programs and services included in the plan to improve the literacy of pupils enrolled in kindergarten and grades 1, 2 and 3 that has been approved by the Department pursuant to NRS 388.157;

2. Describe, explain and, if appropriate, demonstrate the strategies which the parent or legal guardian may use at home to help improve the proficiency of the pupil in the subject area of reading;

3. Include information regarding the English literacy development of a pupil who is ~~[limited]~~ ***an*** English ~~[proficient;]~~ ***learner;*** and

4. Describe, explain and, if appropriate, demonstrate the strategies which the parent or legal guardian may use at home to help improve the English literacy of a pupil who is ~~[limited]~~ ***an*** English ~~[proficient.]~~ ***learner.***

Sec. 78. NRS 392.760 is hereby amended to read as follows:

392.760 1. Except as otherwise provided in this section, a pupil enrolled in grade 3 must be retained in grade 3 rather than promoted to grade 4 if the pupil does not obtain a score in the subject area of reading on the criterion-referenced examination administered pursuant to NRS 390.105 that meets the passing score prescribed by the State Board pursuant to subsection 7.

2. The superintendent of schools of a school district or the governing body of a charter school, as applicable, may authorize the promotion of a pupil to grade 4 who would otherwise be retained in grade 3 only if the superintendent or governing body, as applicable, approves a good-cause exemption for the pupil upon a determination by the principal of the school pursuant to subsection 4 that the pupil is eligible for such an exemption.

3. A good-cause exemption must be approved for a pupil who previously was retained in grade 3. Any other pupil is eligible for a good-cause exemption if the pupil:

(a) Demonstrates an acceptable level of proficiency in reading on an alternative standardized reading assessment approved by the State Board;

(b) Demonstrates, through a portfolio of the pupil's work, proficiency in reading at grade level, as evidenced by demonstration of mastery of the academic standards in reading beyond the retention level;

(c) Is ~~[~~limited~~]~~ ***an*** English ~~[~~proficient~~]~~ ***learner*** and has received less than 2 years of instruction in a program of instruction that teaches English as a second language;

(d) Received intensive remediation in the subject area of reading for 2 or more years but still demonstrates a deficiency in reading and was previously retained in kindergarten or grade 1 or 2 for a total of 2 years;

(e) Is a pupil with a disability and his or her individualized education program indicates that the pupil's participation in the criterion-referenced examinations administered pursuant to NRS 390.105 is not appropriate; or

(f) Is a pupil with a disability and:

(1) He or she participates in the criterion-referenced examinations administered pursuant to NRS 390.105;

(2) His or her individualized education program or plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, documents that the pupil has received intensive remediation in reading for more than 2 years, but he or she still demonstrates a deficiency in reading; and

(3) He or she was previously retained in kindergarten or grade 1, 2 or 3.

4. The principal of a school in which a pupil who may be retained in grade 3 pursuant to subsection 1 is enrolled shall consider the factors set forth in subsection 3 and determine whether the pupil is eligible for a good-cause exemption. In making the determination, the principal must consider documentation provided by the pupil's teacher indicating whether the promotion of the pupil is appropriate based upon the record of the pupil.

Such documentation must only consist of the existing plan for monitoring the progress of the pupil, the pupil's individualized education program, if applicable, and the pupil's plan in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, if applicable. If the principal determines that promotion of the pupil to grade 4 is appropriate, the principal must submit a written recommendation to the superintendent of schools of the school district or to the governing body of the charter school, as applicable. The superintendent of schools or the governing body of the charter school, as applicable, shall approve or deny the recommendation of the principal and provide written notice of the approval or denial to the principal.

5. A principal who determines that a pupil is eligible for a good-cause exemption shall notify the parent or legal guardian of the pupil whether the superintendent of schools of the school district or the governing body of the charter school, as applicable, approves the good-cause exemption.

6. The principal of a school in which a pupil for whom a good-cause exemption is approved and who is promoted to grade 4 must ensure that the pupil continues to receive intensive instruction in the subject area of reading. Such instruction must include, without limitation, strategies based upon **[**~~scientifically based~~**]** ***evidence-based*** research that will improve proficiency in the subject area of reading.

7. The State Board shall prescribe by regulation:

(a) The score which a pupil enrolled in grade 3 must obtain in the subject area of reading on the criterion-referenced examination administered pursuant to NRS 390.105 to be promoted to grade 4 without a good-cause exemption; and

(b) An alternate examination for administration to pupils enrolled in grade 3 who do not obtain the passing score in the subject area of reading on the criterion-referenced examination administered pursuant to NRS 390.105 and the passing score such a pupil must obtain on the alternate examination to be promoted to grade 4 without a good-cause exemption.

8. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 79. NRS 392.765 is hereby amended to read as follows:

392.765 1. If a pupil will be retained in grade 3 pursuant to NRS 392.760, the principal of the school must:

(a) Provide written notice to the parent or legal guardian of the pupil that the pupil will be retained in grade 3. The written notice must include, without limitation, a description of the intensive instructional services in the subject area of reading that the pupil will receive to improve the proficiency of the pupil in that subject area.

(b) Develop a plan to monitor the progress of the pupil in the subject area of reading.

(c) Require the teacher of the pupil to develop a portfolio of the pupil's work in the subject area of reading, which must be updated as necessary to reflect progress made by the pupil.

(d) Ensure that the pupil receives intensive instructional services in the subject area of reading that are designed to improve the pupil's proficiency in the subject area of reading, including, without limitation:

(1) Programs and services included in the plan to improve the literacy of pupils enrolled in kindergarten and grades 1, 2 and 3 approved by the Department pursuant to NRS 388.157;

(2) Instruction for at least 90 minutes each school day based upon ~~[scientifically based]~~ ***evidence-based research concerning*** reading instruction ***;*** ~~[research;]~~ and

(3) Intensive instructional services prescribed by the board of trustees of the school district pursuant to subsection 2, as determined appropriate for the pupil.

2. The board of trustees of each school district or the governing body of a charter school, as applicable, shall:

(a) Review and evaluate the plans for monitoring the progress of pupils developed pursuant to subsection 1.

(b) Prescribe the intensive instructional services in the subject area of reading which the principal of a school must implement as determined appropriate for a pupil who is retained in grade 3 pursuant to NRS 392.760, which may include, without limitation:

(1) Instruction that is provided in small groups;

(2) Instruction provided in classes with reduced pupil-teacher ratios;

(3) A timeline for frequently monitoring the progress of the pupil;

(4) Tutoring and mentoring;

(5) Classes which are designed to increase the ability of pupils to transition from grade 3 to grade 4;

(6) Instruction provided through an extended school day, school week or school year;

(7) Programs to improve a pupil's proficiency in reading which are offered during the summer; or

(8) Any combination of the services set forth in subparagraphs (1) to (7), inclusive.

3. Except as otherwise provided in subsection 4, the intensive instructional services in the subject area of reading required by this section must be provided to the pupil by a teacher:

(a) Who is different than the teacher who provided instructional services to the pupil during the immediately preceding school year; and

(b) Who has been determined to be highly effective, as demonstrated by pupil performance data and performance evaluations.

4. The intensive instructional services in the subject area of reading required by this section may be provided to the pupil by the same teacher who provided instructional services to the pupil during the immediately

preceding school year if a different teacher who meets the requirements of paragraph (b) of subsection 3 is not reasonably available and the pupil:

(a) Has an individualized education program; or

(b) Is enrolled in a school district in a county whose population is less than 100,000.

5. The board of trustees of each school district and the governing body of a charter school, as applicable, shall develop a policy by which the principal of a school may promote a pupil who is retained in grade 3 pursuant to NRS 392.760 to grade 4 at any time during the school year if the pupil demonstrates adequate proficiency in the subject area of reading. The policy must include the specific criteria a pupil must satisfy to be eligible for promotion, including, without limitation, a reasonable expectation that the pupil's progress will allow him or her to sufficiently master the requirements for a fourth-grade reading level. If a pupil is promoted after November 1 of a school year, he or she must demonstrate proficiency in reading at a level prescribed by the State Board.

6. If a principal of a school determines that a pupil is not academically ready for promotion to grade 4 after being retained in grade 3 and the pupil received intensive instructional services pursuant to this section, the school district in which the pupil is enrolled must allow the parent or legal guardian of the pupil to decide, in consultation with the principal of the school, whether to place the pupil in a transitional instructional setting which is designed to produce learning gains sufficient for the pupil to meet the performance standards required for grade 4 while continuing to receive remediation in the subject area of reading.

7. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 80. NRS 392.770 is hereby amended to read as follows:

392.770 In addition to the intensive instructional services provided to a pupil who is retained in grade 3 pursuant to NRS 392.760, the principal of the school must offer the parent or legal guardian of the pupil at least one of the following instructional options:

1. Supplemental tutoring which is based upon ~~[scientifically based]~~ ***evidence-based*** research concerning reading instruction;

2. Providing the parent or legal guardian with a plan for reading with the pupil at home and participating in any workshops that may be available in the school district to assist the parent or legal guardian with reading with his or her child at home, as set forth in an agreement with the parent or legal guardian; or

3. Providing the pupil with a mentor or tutor who has received specialized training in teaching pupils how to read.

Sec. 81. Section 1 of the Zoom Schools Act, being chapter 335, Statutes of Nevada 2015, at page 1870, is hereby amended to read as follows:

Section 1. 1. The Board of Trustees of the Clark County School District and the Board of Trustees of the Washoe County School District

shall identify the elementary schools within the School District to operate as Zoom elementary schools based upon which elementary schools within the School District:

(a) Have the highest percentage of pupils who are limited English proficient or eligible for designation as limited English proficient; and

(b) Are the lowest performing academically.

2. The Board of Trustees of the Clark County School District and the Board of Trustees of the Washoe County School District shall distribute the money appropriated by the 2015 Legislature to the Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.1247 for each Zoom elementary school of those school districts to:

(a) Provide prekindergarten programs free of charge;

(b) Expand full-day kindergarten classes;

(c) Operate reading skills centers;

(d) Provide, free of charge, a summer academy or an intersession academy for those schools that do not operate on a traditional school calendar, including, without limitation, the provision of transportation to attend the summer academy or intersession academy;

(e) Provide professional development for teachers and other licensed educational personnel regarding effective instructional practices and strategies for children who are limited English proficient;

(f) Offer recruitment and retention incentives for the teachers and other licensed educational personnel who provide any of the programs and services set forth in this subsection from the list of incentives prescribed by the State Board of Education pursuant to subsection 12; and

(g) Engage and involve parents and families of children who are limited English proficient, including, without limitation, increasing effective, culturally appropriate communication with and outreach to parents and families to support the academic achievement of those children.

3. A Zoom elementary school that receives money pursuant to subsection 2 shall offer each of the programs and services prescribed in paragraphs (a) to (g), inclusive, of that subsection so that the Zoom elementary school may offer a comprehensive package of programs and services for pupils who are limited English proficient. A Zoom elementary school shall not use the money for any other purpose or use more than 2 percent of the money for the purposes described in paragraphs (e), (f) and (g) of subsection 2.

4. A reading skills center operated by a Zoom elementary school must provide:

(a) Support at the Zoom elementary school in the assessment of reading and literacy problems and language acquisition barriers for pupils; and

(b) Instructional intervention to enable pupils to overcome such problems and barriers by the completion of grade 3.

5. The Board of Trustees of the Clark County School District shall identify at least three middle schools, junior high schools or high schools within the school district to operate as Zoom middle schools, junior high schools or high schools. The Board of Trustees of the Washoe County School District shall identify at least one middle school, junior high school or high school within the school district to operate as a Zoom middle school, junior high school or high school. Each such board of trustees shall identify those schools based upon which middle schools, junior high schools and high schools within the school district:

(a) Have the highest percentage of pupils who are limited English proficient; and

(b) Are the lowest performing academically.

6. The Clark County School District and the Washoe County School District shall distribute the money appropriated by the 2015 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for each Zoom middle school, junior high school and high school of those school districts to carry out one or more of the following:

(a) Reduce class sizes for pupils who are limited English proficient and provide English language literacy based classes;

(b) Provide direct instructional intervention to each pupil who is limited English proficient using the data available from applicable assessments of that pupil;

(c) Provide for an extended school day;

(d) Provide, free of charge, a summer academy or an intersession academy for those schools that do not operate on a traditional school calendar, including, without limitation, the provision of transportation to attend the summer academy or intersession academy;

(e) Provide professional development for teachers and other licensed educational personnel regarding effective instructional practices and strategies for pupils who are limited English proficient;

(f) Offer recruitment and retention incentives for teachers and other licensed educational personnel who provide any of the programs and services set forth in this subsection from the list of incentives prescribed by the State Board of Education pursuant to subsection 12;

(g) Engage and involve parents and families of pupils who are limited English proficient, including, without limitation, increasing effective, culturally appropriate communication with and outreach to parents and families to support the academic achievement of those pupils; and

(h) Provide other evidence-based programs and services that are approved by the Department of Education and that are designed to meet the specific needs of pupils enrolled in the school who are limited English proficient.

➥ The Clark County School District and the Washoe County School District shall not use more than 2 percent of the money for the purposes described in paragraphs (e), (f) and (g).

7. On or before August 1, 2015, the Clark County School District and the Washoe County School District shall each provide a report to the Department of Education which includes the:

(a) Zoom elementary schools identified by the School District pursuant to subsection 1 and the plan of each such school for carrying out the programs and services prescribed by paragraphs (a) to (g), inclusive, of subsection 2; and

(b) Zoom middle schools, junior high schools and high schools identified by the School District pursuant to subsection 5 and the plan of each school for carrying out the programs and services described in paragraphs (a) to (h), inclusive, of subsection 6.

8. From the money appropriated by the 2015 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for Zoom schools or charter schools or school districts other than the Clark County School District or Washoe County School District, the Department of Education shall provide grants of money to the sponsors of such charter schools and the school districts. The sponsor of such a charter school and the board of trustees of such a school district may submit an application to the Department on a form prescribed by the Department that includes, without limitation:

(a) The number of pupils in the school district or charter school, as applicable, who are limited English proficient or eligible for designation as limited English proficient; and

(b) A description of the programs and services the school district or charter school, as applicable, will provide with a grant of money, which may include, without limitation:

(1) The creation or expansion of high-quality, developmentally appropriate prekindergarten programs, free of charge, that will increase enrollment of children who are limited English proficient;

(2) The acquisition and implementation of empirically proven assessment tools to determine the reading level of pupils who are limited English proficient and technology-based tools, such as software, designed to support the learning of pupils who are limited English proficient;

(3) Professional development for teachers and other educational personnel regarding effective instructional practices and strategies for children who are limited English proficient;

(4) The provision of programs and services for pupils who are limited English proficient, free of charge, before and after school, during the summer or intersession for those schools that do not operate on a traditional school calendar, including, without limitation, the provision

of transportation to attend the summer academy or intersession academy;

(5) Engaging and involving parents and families of children who are limited English proficient, including, without limitation, increasing effective, culturally appropriate communication with and outreach to parents and families to support the academic achievement of those children;

(6) Offering recruitment and retention incentives for the teachers and other licensed educational personnel who provide any of the programs and services set forth in this subsection from the list of incentives prescribed by the State Board of Education pursuant to subsection 12; and

(7) Provide other evidence-based programs and services that are approved by the Department and that are designed to meet the specific needs of pupils enrolled in the school who are limited English proficient.

9. The Department of Education shall award grants of money to school districts and the sponsors of charter schools that submit applications pursuant to subsection 8 based upon the number of pupils enrolled in each such school district or charter school, as applicable, who are limited English proficient or eligible for designation as limited English proficient, and not on a competitive basis.

10. A school district and a sponsor of a charter school that receives a grant of money pursuant to subsection 8:

(a) Shall not use more than 2 percent of the money for the purposes described in subparagraphs (3), (5) and (6) of paragraph (b) of subsection 8.

(b) Shall provide a report to the Department in the form prescribed by the Department with the information required for the Department's report pursuant to subsection 15.

11. On or before August 17, 2015, the Department of Education shall submit a report to the State Board of Education and the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee which includes:

(a) The information reported by the Clark County School District and the Washoe County School District pursuant to subsection 7; and

(b) The school districts and charter schools for which a grant of money is approved pursuant to subsection 9 and the plan of each such school district and charter school for carrying out programs and services with the grant money, including, without limitation, any programs and services described in subparagraphs (1) to (7), inclusive, of paragraph (b) of subsection 8.

12. The State Board of Education shall prescribe:

(a) A list of recruitment and retention incentives for the school districts and the sponsors of charter schools that receive a distribution of money pursuant to this section to offer to teachers and other licensed

educational personnel pursuant to paragraph (f) of subsection 2, paragraph (f) of subsection 6 and subparagraph (6) of paragraph (b) of subsection 8; and

(b) Criteria and procedures to notify a school district or a charter school that receives money pursuant to this section if the school district or charter school is not implementing the programs and services for which the money was received in accordance with the applicable requirements of this section or in accordance with the performance levels prescribed by the State Board pursuant to subsection 13, including, without limitation, a plan of corrective action for the school district or charter school to follow to meet the requirements of this section or the performance levels.

13. The State Board of Education shall prescribe statewide performance levels and outcome indicators to measure the effectiveness of the programs and services for which money is received by the school districts and charter schools pursuant to this section. The performance levels must establish minimum expected levels of performance on a yearly basis based upon the performance results of children who participate in the programs and services. The outcome indicators must be designed to track short-term and long-term impacts on the progress of children who participate in the programs and services, including, without limitation:

(a) The number of children who participated;

(b) The extent to which the children who participated improved their English language proficiency and literacy levels compared to other children who are limited English proficient or eligible for such a designation who did not participate in the programs and services; and

(c) To the extent that a valid comparison may be established, a comparison of the academic achievement and growth in the subject areas of English language arts and mathematics of children who participated in the programs and services to other children who are limited English proficient or eligible for such a designation who did not participate in the programs and services.

14. The Department of Education shall contract for an independent evaluation of the effectiveness of the programs and services offered by each Zoom elementary school pursuant to subsection 2, each Zoom middle school, junior high school and high school pursuant to subsection 6 and the programs and services offered by the other school districts and the charter schools pursuant to subsection 8.

15. The Clark County School District, the Washoe County School District and the Department of Education shall each prepare an annual report that includes, without limitation:

(a) An identification of the schools that received money from the School District or a grant of money from the Department, as applicable.

(b) How much money each such school received.

(c) A description of the programs or services for which the money was used by each such school.

(d) The number of children who participated in a program or received services.

(e) The average per-child expenditure per program or service that was funded.

(f) For the report prepared by the School Districts, an evaluation of the effectiveness of such programs and services, including, without limitation, data regarding the academic and linguistic achievement and proficiency of children who participated in the programs or received services.

(g) Any recommendations for legislation, including, without limitation:

(1) For the continuation or expansion of programs and services that are identified as effective in improving the academic and linguistic achievement and proficiency of children who are limited English proficient.

(2) A plan for transitioning the funding for providing the programs and services set forth in this section to pupils who are limited English proficient from categorical funding to a weighted per pupil formula within the Nevada Plan.

(h) For the report prepared by the Department, in addition to the information reported for paragraphs (a) to (e), inclusive, and paragraph (g):

(1) The results of the independent evaluation required by subsection 14 of the effectiveness of the programs and services, including, without limitation, data regarding the academic and linguistic achievement and proficiency of children who participated in a program or received a service;

(2) Whether a school district or charter school was notified that it was not implementing the programs and services for which it received money pursuant to this section in accordance with the applicable requirements of this section or in accordance with the performance levels prescribed by the State Board of Education pursuant to subsection 13 and the status of such a school district or charter school, if any, in complying with a plan for corrective action; and

(3) Whether each school district or charter school that received money pursuant to this section met the performance levels prescribed by the State Board of Education pursuant to subsection 13.

16. The annual report prepared by the Clark County School District and the Washoe County School District pursuant to subsection 15 must be submitted to the Department of Education on or before June 1, 2016, and January 16, 2017, respectively. The Department shall submit the information reported by those school districts and the information prepared by the Department pursuant to subsection 15:

(a) On or before June 15, 2016, to the State Board of Education and the Legislative Committee on Education.

(b) On or before February 1, 2017, to the State Board of Education and the Director of the Legislative Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature.

17. The Department of Education may require a Zoom school or other public school that receives money pursuant to this section to provide a report to the Department on:

(a) The number of vacancies, if any, in full-time licensed educational personnel at the school;

(b) The number of probationary employees, if any, employed at the school;

(c) The number, if any, of persons who are employed at the school as substitute teachers for 20 consecutive days or more in the same classroom or assignment and designated as long-term substitute teachers; and

(d) Any other information relating to the personnel at the school as requested by the Department.

18. The money appropriated by the 2015 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for Zoom schools:

(a) Must be accounted for separately from any other money received by school districts or charter schools of this State and used only for the purposes specified in this section.

(b) May not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district and the school district, or to settle any negotiations.

(c) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.

19. Upon request of the Legislative Commission, the Clark County School District and the Washoe County School District shall make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money distributed by the 2015 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for Zoom schools.

20. As used in this section:

(a) "Limited English proficient" has the meaning ascribed to it in **[**~~NRS 385.007.~~**]** ***20 U.S.C. § 7801(25), as that section existed on July 1, 2015.***

(b) "Probationary employee" has the meaning ascribed to it in NRS 391.650.

Sec. 82. Section 2 of the Victory Schools Act, being chapter 389, Statutes of Nevada 2015, at page 2199, is hereby amended to read as follows:

Sec. 2. 1. The Department of Education shall designate a public school as a Victory school if, relative to other public schools, including charter schools, that are located in the school district in which the school is also located:

(a) A high percentage of pupils enrolled in the school live in households that have household incomes that are less than the federally designated level signifying poverty, based on the most recent data compiled by the Bureau of the Census of the United States Department of Commerce; and

(b) The school received one of the two lowest possible ratings indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools, for the immediately preceding school year.

2. The Department shall designate each Victory school for the 2015-2016 Fiscal Year on or before June 1, 2015.

3. The Department shall transfer money from the Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.1247 to each school district in which a Victory school is designated and each sponsor of a charter school that is designated as a Victory school on a per pupil basis. The amount distributed per pupil must be determined by dividing the amount of money appropriated to the Account by the 2015 Legislature for Victory schools by the total number of pupils who are enrolled in Victory schools statewide. After receiving money from the Account pursuant to this subsection:

(a) A school district shall distribute the money to each Victory school in the school district on a per pupil basis.

(b) A sponsor of a charter school shall distribute the money to each Victory school that it sponsors on a per pupil basis.

4. The board of trustees of each school district in which a Victory school is located and the governing body of each charter school that is designated as a Victory school shall, as soon as practicable after the school is designated as a Victory school, conduct an assessment of the needs of pupils that attend the school. The assessment must include soliciting input from the community served by the Victory school and identify any barriers to improving pupil achievement and school performance and strategies to meet the needs of pupils at the school.

5. Except as otherwise provided in subsection 7, on or before August 15, 2015, the board of trustees of each school district in which a Victory school is designated for the 2015-2016 Fiscal Year and the governing body of each charter school that is designated as a Victory school for the 2015-2016 Fiscal Year shall submit to the Department a comprehensive plan for meeting the educational needs of pupils enrolled in each Victory school. The board of trustees of each school district in

which a Victory school is designated and the governing body of each charter school that is designated as a Victory school shall select at least one person who is familiar with the public schools in the school district or with the charter school, respectively, to assist with the development of the plan. The plan must:

(a) Include appropriate means to determine the effectiveness of the plan;

(b) Be based on the assessment of the needs of the pupils who attend the school conducted pursuant to subsection 4;

(c) Analyze available data concerning pupil achievement and school performance, including, without limitation, data collected and maintained in the statewide system of accountability for public schools and other pupil achievement data collected and maintained by the school district or charter school;

(d) Include a description of the criteria used to select entities to provide programs and services to pupils enrolled in the Victory school;

(e) Include a description of the manner in which the school district or governing body will collaborate with selected entities so that academic programs and services and nonacademic programs and services, including, without limitation, transportation services, may be offered without charge to support pupils and their families within the region in which the school is located;

(f) Take into account the number and types of pupils who attend the school and the locations where such pupils reside;

(g) Provide for the coordination of the existing or planned engagement of other persons who provide services in the region in which the school is located;

(h) Coordinate all funding available to each school that is subject to the plan;

(i) Provide for the coordination of all available resources to each school that is subject to the plan, including, without limitation, instructional materials and textbooks;

(j) Identify, for each school or group of schools subject to the plan, which of the measures described in subsection 8 will be implemented; and

(k) Identify the person or persons selected pursuant to this subsection who assisted with the development of the plan.

6. The Department shall review each plan submitted pursuant to subsection 5 to determine whether, or the extent to which, the plan complies with the requirements of this section and either approve or request revisions to the plan.

7. If the board of trustees of a school district in which a Victory school is designated or the governing body of a charter school that is designated as a Victory school does not submit a comprehensive plan for meeting the educational needs of pupils enrolled in each Victory school

on or before August 15, 2015, as required pursuant to subsection 5, the board of trustees of the school district or the governing body of the charter school, as applicable, may submit to the Department a letter of intent to meet the educational needs of pupils enrolled in each Victory school. The letter must include, without limitation:

(a) An initial assessment of the needs of the pupils who attend the school which is conducted pursuant to subsection 4;

(b) An analysis of available data concerning pupil achievement and school performance, including, without limitation, data collected and maintained in the statewide system of accountability for public schools and data collected and maintained by the school district or charter school; and

(c) A summary of activities that the board of trustees or governing body, as applicable, will take to ensure completion of the comprehensive plan required pursuant to subsection 5 by not later than September 15, 2015.

8. A Victory school shall use the majority of the money distributed pursuant to subsection 3 to provide one or more of the following:

(a) A prekindergarten program free of charge, if such a program is not paid for by another grant.

(b) An expansion of full-day kindergarten classes, if such classes have not otherwise been paid for through legislative appropriation.

(c) A summer academy or other instruction for pupils free of charge at times during the year when school is not in session.

(d) Additional instruction or other learning opportunities free of charge at times of day when school is not in session.

(e) Professional development for teachers and other educational personnel concerning instructional practices and strategies that have proven to be an effective means to increase pupil achievement in populations of pupils similar to those served by the school.

(f) Incentives for hiring and retaining teachers and other licensed educational personnel who provide any of the programs or services set forth in this subsection from the list prescribed by the State Board of Education pursuant to subsection 14.

(g) Employment of paraprofessionals, other educational personnel and other persons who provide any of the programs or services set forth in this subsection.

(h) Reading skills centers.

9. A Victory school may use any money distributed pursuant to subsection 3 that is not used for the purposes described in subsection 8 to:

(a) Provide evidence-based social, psychological or health care services to pupils and their families, including, without limitation, wrap-around services;

(b) Provide programs and services designed to engage parents and families;

(c) Provide programs to improve school climate and culture;

(d) Provide evidence-based programs and services specifically designed to meet the needs of pupils who attend the school, as determined using the assessment conducted pursuant to subsection 4; or

(e) Any combination thereof.

10. A Victory school shall not use any money distributed pursuant to subsection 3 for a purpose not described in subsection 8 or 9.

11. Any programs offered at a Victory school pursuant to subsection 8 or 9 must:

(a) Be designed to meet the needs of pupils at the school, as determined using the assessment conducted pursuant to subsection 4 and to improve pupil achievement and school performance, as determined using the measures prescribed by the State Board of Education; and

(b) Be based on scientific research concerning effective practices to increase the achievement of pupils who live in poverty.

12. Each plan to improve the achievement of pupils enrolled in a Victory school that is prepared by the principal of the school pursuant to NRS 385A.650 must describe how the school will use the money distributed pursuant to subsection 3 to meet the needs of pupils who attend the school, as determined using the assessment described in subsection 4 and the requirements of this section.

13. The Department shall contract with an independent evaluator to evaluate the effectiveness of programs and services provided pursuant to this section. The evaluation must include, without limitation, consideration of the achievement of pupils who have participated in such programs and received such services. When complete, the evaluation must be provided contemporaneously to the Department and the Legislative Committee on Education.

14. The State Board of Education shall prescribe a list of recruitment and retention incentives that are available to the school districts and sponsors of charter schools that receive a distribution of money pursuant to this section to offer to teachers and other licensed educational personnel.

15. The State Board shall require a Victory school to take corrective action if pupil achievement and school performance at the school are unsatisfactory, as determined by the State Board. If unsatisfactory pupil achievement and school performance continue, the State Board may direct the Department to withhold any additional money that would otherwise be distributed pursuant to this section.

16. On or before November 30, 2016, and November 30, 2017, the board of trustees of each school district in which a Victory school is designated and the governing body of each charter school that is designated as a Victory school shall submit to the Department and to the

Legislative Committee on Education a report, which must include, without limitation:

(a) An identification of schools to which money was distributed pursuant to subsection 3 for the previous fiscal year;

(b) The amount of money distributed to each such school;

(c) A description of the programs or services for which the money was used;

(d) The number of pupils who participated in such programs or received such services;

(e) The average expenditure per pupil for each program or service that was funded; and

(f) Recommendations concerning the manner in which the average expenditure per pupil reported pursuant to paragraph (e) may be used to determine formulas for allocating money from the State Distributive School Account in the State General Fund.

17. The Legislative Committee on Education shall consider the evaluations of the independent evaluator received pursuant to subsection 13 and the reports received pursuant to subsection 16 and advise the State Board regarding any action the Committee determines appropriate for the State Board to take based upon that information. The Committee shall also make any recommendations it deems appropriate concerning Victory schools to the next regular session of the Legislature which may include, without limitation, recommendations for legislation.

18. The money distributed pursuant to subsection 3:

(a) Must be accounted for separately from any other money received by Victory schools and used only for the purposes specified in this section;

(b) May not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district or the governing body of a charter school and the school district or governing body or to settle any negotiations; and

(c) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.

19. Upon request of the Legislative Commission, a Victory school to which money is distributed pursuant to subsection 3 shall make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of such money.

20. As used in this section:

(a) "Community" includes any person or governmental entity who resides or has a significant presence in the geographic area in which a school is located or who interacts with pupils and personnel at a school, and may include, without limitation, parents, businesses, nonprofit

organizations, faith-based organizations, community groups, teachers, administrators and governmental entities.

(b) "Evidence-based programs and services" means practices, interventions and services that have been proven, through scientifically based research, as defined in 20 U.S.C. § 7801(37), ***as that section existed on June 8, 2015,*** to be effective in improving outcomes for pupils when implemented with fidelity.

(c) "Victory school" means a school that is so designated by the Department pursuant to subsection 1.

(d) "Wrap-around services" means supplemental services provided to a pupil with special needs or the family of such a pupil that are not otherwise covered by any federal or state program of assistance.

Sec. 83. NRS 385A.660 is hereby repealed.

Sec. 84. 1. This section and sections 1 to 77, inclusive, 81, 82 and 83 of this act become effective on July 1, 2017.

2. Sections 28 and 29 of this act expire by limitation on June 30, 2019.

3. Sections 78, 79 and 80 of this act become effective on July 1, 2019.

TEXT OF REPEALED SECTION

385A.660 Process for approval of plan.

1. If a Title I school is rated as underperforming pursuant to the statewide system of accountability for public schools, the superintendent of schools of the school district or the governing body, as applicable, shall carry out a process for peer review of the plan to improve the achievement of the pupils enrolled in the school prepared pursuant to NRS 385A.650 or the revised plan, as applicable, in accordance with 20 U.S.C. § 6316(b)(3)(E) and the regulations adopted pursuant thereto. Not later than 45 days after receipt of the plan, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan, as applicable, if it meets the requirements of 20 U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto and the requirements of NRS 385A.650. The superintendent of schools of the school district or the governing body, as applicable, may condition approval of the plan or the revised plan, as applicable, in the manner set forth in 20 U.S.C. § 6316(b)(3)(B) and the regulations adopted pursuant thereto. The State Board shall prescribe the requirements for the process of peer review, including, without limitation, the qualifications of persons who may serve as peer reviewers.

2. If a school is rated as meeting the annual measurable objectives and performance targets established pursuant to the statewide system of accountability for public schools, or if a school that is not a Title I school is rated as underperforming pursuant to the statewide accountability system for public schools, not later than 45 days after receipt of the plan or the revised plan, as applicable, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan if it meets the requirements of NRS 385A.650.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 296.

Bill read third time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 841.

AN ACT relating to legislative measures; ~~[eliminating certain statutory limits and deadlines regarding]~~ **revising requirements relating to** requests for **the drafting of** legislative measures ~~[by Legislators and legislative committees;]~~ **submitted to the Legislative Counsel;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Historically, the number of authorized requests for legislative measures by Legislators and legislative committees and the deadlines for submission of those requests have been prescribed in statute, concurrent resolution and the joint standing rules of the Houses. (See, e.g., NRS 218D.150-218D.160; Assembly Concurrent Resolution No. 56, File No. 135, Statutes of Nevada 1997, p. 3709; Rule No. 14 of the Joint Standing Rules, File No. 1, Statutes of Nevada 2011, p. 3761) Currently, the number of requests for legislative measures that Legislators and legislative committees are authorized to make for each regular legislative session are prescribed in statute. The deadlines by which Legislators and legislative committees are required to submit requests for the drafting of legislative measures and the subsequent deadlines by which they are required to submit sufficient detail to allow complete drafting of those requests are also prescribed in statute. (NRS 218D.150-218D.160) This bill removes from statute, effective July 1, 2019, those limits on the number of and the deadlines for submission of requests for legislative measures by Legislators and legislative committees.]~~

Commencing on July 1 preceding each regular session and every week thereafter until the adjournment of the Legislature sine die, the Legislative Counsel is required under existing law to prepare a list of all requests for the drafting of legislative measures received by the Legislative Counsel. The requests are required to be listed numerically by a unique serial number which is required to be assigned by the Legislative Counsel for the purposes of identification in the order that the Legislative Counsel received the requests. (NRS 218D.130) Existing law prohibits the Legislative Counsel from assigning a number to a request to establish the priority of the request until sufficient detail has been received by the Legislative Counsel to allow complete drafting of the legislative measure. (NRS 218D.100, 218D.150, 218D.155, 218D.160, 218D.175, 218D.190, 218D.205, 218D.210, 218D.220) This bill eliminates

the prohibition against the Legislative Counsel assigning a number to a request until sufficient detail has been received. Therefore, the Legislative Counsel is required to assign a number to a request in the order in which the request is received.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 218D.100 is hereby amended to read as follows:

218D.100 1. The ~~*[Except as otherwise provided by a specific statute, joint rule or concurrent resolution, the]*~~ provisions of NRS 218D.100 to 218D.220, inclusive, apply to requests for the drafting of legislative measures for a regular session.

2. Except as otherwise provided by a specific statute, joint rule or concurrent resolution, the ~~*[The]*~~ Legislative Counsel shall not honor a request for the drafting of a legislative measure if the request:

(a) Exceeds the number of requests authorized by ~~*[a joint rule, concurrent resolution or]*~~ NRS 218D.100 ~~*[218D.175]*~~ to 218D.220, inclusive, for the requester; or

(b) Is submitted by an authorized nonlegislative requester pursuant to NRS 218D.175 to 218D.220, inclusive, but is not in a subject related to the function of the requester.

3. The Legislative Counsel shall not:

(a) ~~[Assign a number to a request for the drafting of a legislative measure to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.~~

~~(b)]~~ Honor a request to change the subject matter of a request for the drafting of a legislative measure after it has been submitted for drafting.

~~[(c)]~~ ***(b)*** Honor a request for the drafting of a legislative measure which has been combined in violation of Section 17 of Article 4 of the Nevada Constitution.

Sec. 2. NRS 218D.110 is hereby amended to read as follows:

218D.110 1. The Legislative Counsel shall assist Legislators in the drafting of the legislative measures which they are authorized to request, including, without limitation, drafting them in proper form and furnishing the Legislators with the fullest information upon all matters within the scope of the Legislative Counsel's duties.

2. Except as otherwise provided in this section, the Legislative Counsel shall, insofar as is possible, act upon all Legislators' requests for the drafting of legislative measures in the order in which they are received.

3. To assure the greatest possible equity in the handling of such requests, drafting must proceed as follows:

(a) If a Legislator so desires, the Legislator may designate a different priority for the Legislator's requests which the Legislative Counsel shall observe, insofar as is possible.

(b) The drafting of requests from chairs or members of standing committees or special committees which are made on behalf of those committees must not, except where urgency is recognized, take precedence over the priority established or designated for requests from individual Legislators.

(c) ~~[After November 1 preceding a regular session, the]~~ ***The*** Legislative Counsel shall give full priority to the drafting of requests from Legislators for which sufficient detail to allow complete drafting of the legislative measure ~~[was]~~ ***is*** submitted . ~~[within the period required by statute.]~~

Sec. 3. ~~[NRS 218D.130 is hereby amended to read as follows:~~

~~218D.130 1. On July 1 preceding each regular session, and each week thereafter until the adjournment of the Legislature sine die, the Legislative Counsel shall prepare a list of all requests received by the Legislative Counsel for the drafting of legislative measures for the regular session.~~

~~2. The Legislative Counsel Bureau shall make copies of the list available to the public for a reasonable sum fixed by the Director.~~

~~3. In preparing the list:~~

~~(a) The requests must be listed numerically by a unique serial number which must be assigned to the legislative measures by the Legislative Counsel for the purposes of identification in the order that the Legislative Counsel received the requests.~~

~~(b) Except as otherwise provided in this section, the list must only contain the name of each requester, the date and a brief summary of the request.~~

~~(c) If a standing or special committee of the Legislature requests a legislative measure on behalf of a Legislator or organization, the list must include:~~

~~(1) The name of the standing or special committee; and~~

~~(2) The name of the Legislator or organization on whose behalf the legislative measure was originally requested.~~

~~4. Upon the request of a Legislator who has requested the drafting of a legislative measure, the Legislative Counsel shall add the name of one or more other Legislators from either or both Houses as joint requesters of the legislative measure. The Legislative Counsel:~~

~~(a) Shall not add the name of a joint requester to the list until the Legislative Counsel has received confirmation of the joint request from the primary requester of the legislative measure and from the Legislator to be added as a joint requester.~~

~~(b) Shall remove the name of a joint requester upon receipt of a request to do so made by the primary requester or the joint requester.~~

~~(c) Shall cause the names to appear on the list in the order in which the names were received by the Legislative Counsel beginning with the primary requester.~~

~~(d) Shall not act upon the direction of a joint requester to withdraw the requested legislative measure or modify its substance until the Legislative~~

~~Counsel has received confirmation of the withdrawal or modification from the primary requester.~~

~~5. If the primary requester of a legislative measure will not be returning to the Legislature for the regular session in which the legislative measure is to be considered:~~

~~(a) The primary requester may authorize a Legislator who will be serving during that regular session to become the primary sponsor of the legislative measure, either individually or as the chair on behalf of a standing committee.~~

~~(b) A Legislator who agrees to become or have the committee become the primary sponsor of the legislative measure shall notify the Legislative Counsel of that fact.~~

~~(c) Upon receipt of such notification, the Legislative Counsel shall list the name of that Legislator or the name of the committee as the primary requester of the legislative measure on the list.~~

~~[6. For the purposes of all limitations on the number of legislative measures that may be requested by a Legislator:~~

~~(a) A legislative measure with joint requesters must only be counted as a request of the primary requester.~~

~~(b) A legislative measure for which a Legislator or standing committee becomes the primary sponsor pursuant to subsection 5 must be counted as a request of that Legislator or committee.]~~ **(Deleted by amendment.)**

Sec. 3.5. **NRS 218D.150 is hereby amended to read as follows:**

218D.150 1. Except as otherwise provided in this section, each:

(a) Incumbent member of the Assembly may request the drafting of:

(1) Not more than 4 legislative measures submitted to the Legislative Counsel on or before August 1 preceding a regular session;

(2) Not more than 5 legislative measures submitted to the Legislative Counsel after August 1 but on or before December 10 preceding a regular session; and

(3) Not more than 1 legislative measure submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

(b) Incumbent member of the Senate may request the drafting of:

(1) Not more than 8 legislative measures submitted to the Legislative Counsel on or before August 1 preceding a regular session;

(2) Not more than 10 legislative measures submitted to the Legislative Counsel after August 1 but on or before December 10 preceding a regular session; and

(3) Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

(c) Newly elected member of the Assembly may request the drafting of:

(1) Not more than 5 legislative measures submitted to the Legislative Counsel on or before December 10 preceding a regular session; and

(2) Not more than 1 legislative measure submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

(d) Newly elected member of the Senate may request the drafting of:

(1) Not more than 10 legislative measures submitted to the Legislative Counsel on or before December 10 preceding a regular session; and

(2) Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

2. Except as otherwise provided in this subsection, on or before the first day of a regular session, each:

(a) Incumbent member of the Assembly must:

(1) Prefile at least 4 of the legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (a) of subsection 1; or

(2) Inform the Legislative Counsel of which 4 legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (a) of subsection 1 that he or she withdraws.

➥ If an incumbent member of the Assembly does not request the maximum number of legislative measures authorized by subparagraphs (1) and (2) of paragraph (a) of subsection 1, the number of legislative measures that he or she must prefile or withdraw pursuant to this paragraph is reduced by that number of unused requests.

(b) Incumbent member of the Senate must:

(1) Prefile at least 8 of the legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (b) of subsection 1; or

(2) Inform the Legislative Counsel of which 8 legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (b) of subsection 1 that he or she withdraws.

➥ If an incumbent member of the Senate does not request the maximum number of legislative measures authorized by subparagraphs (1) and (2) of paragraph (b) of subsection 1, the number of legislative measures that he or she must prefile or withdraw pursuant to this paragraph is reduced by that number of unused requests.

(c) Newly elected member of the Assembly must:

(1) Prefile at least 2 of the legislative measures that he or she requested pursuant to subparagraph (1) of paragraph (c) of subsection 1; or

(2) Inform the Legislative Counsel of which 2 legislative measures that he or she requested pursuant to subparagraph (1) of paragraph (c) of subsection 1 that he or she withdraws.

➥ If a newly elected member of the Assembly does not request the maximum number of legislative measures authorized by subparagraph (1) of paragraph (c) of subsection 1, the number of legislative measures that he or

she must prefile or withdraw pursuant to this paragraph is reduced by that number of unused requests.

(d) Newly elected member of the Senate must:

(1) Prefile at least 4 of the legislative measures that he or she requested pursuant to subparagraph (1) of paragraph (d) of subsection 1; or

(2) Inform the Legislative Counsel of which 4 legislative measures that he or she requested pursuant to subparagraph (1) of paragraph (d) of subsection 1 that he or she withdraws.

➥ If a newly elected member of the Senate does not request the maximum number of legislative measures authorized by subparagraph (1) of paragraph (d) of subsection 1, the number of legislative measures that he or she must prefile or withdraw pursuant to this paragraph is reduced by that number of unused requests.

3. A Legislator may not request the drafting of a legislative measure pursuant to subsection 1 on or after the date on which the Legislator becomes a nonreturning Legislator. For the purposes of this subsection, "nonreturning Legislator" means a Legislator who, in the year that the Legislator's term of office expires:

(a) Has not filed a declaration or an acceptance of candidacy within the time allowed for filing for election as a member of the Senate or the Assembly;

(b) Has failed to win nomination as a candidate for the Senate or the Assembly at the primary election; or

(c) Has withdrawn as a candidate for the Senate or the Assembly.

4. A Legislator may not request the drafting of a legislative measure pursuant to paragraph (a) or (b) of subsection 1 on or after the date on which the Legislator files a declaration or an acceptance of candidacy for election to the House in which he or she is not currently a member. If the Legislator is elected to the other House, any request that he or she submitted pursuant to paragraph (a) or (b) of subsection 1 before filing his or her declaration or acceptance of candidacy for election counts against the applicable limitation set forth in paragraph (c) or (d) of subsection 1 for the House in which the Legislator is a newly elected member.

5. In addition to the number of requests authorized pursuant to subsection 1:

(a) The chair of each standing committee of the immediately preceding regular session, or a person designated in the place of the chair by the Speaker of the Assembly or the Majority Leader of the Senate, may request before the date of the general election preceding a regular session the drafting of not more than 1 legislative measure for introduction by the committee in a subject within the jurisdiction of the committee for every 18 legislative measures that were referred to the respective standing committee during the immediately preceding regular session.

(b) A person designated after the general election as a chair of a standing committee for the next regular session, or a person designated in the place of

a chair by the person designated as the Speaker of the Assembly or the Majority Leader of the Senate for the next regular session, may request on or before December 10 preceding that regular session the drafting of the remaining number of the legislative measures allowed for the respective standing committee that were not requested by the previous chair or designee.

6. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

~~[7. The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.]~~

Sec. 4. NRS 218D.155 is hereby amended to read as follows:

218D.155 1. In addition to the number of requests authorized pursuant to NRS 218D.150:

(a) The Speaker of the Assembly and the Majority Leader of the Senate may each request before the date of the general election preceding a regular session, without limitation, the drafting of not more than 15 legislative measures for that regular session.

(b) The Minority Leader of the Assembly and the Minority Leader of the Senate may each request before the date of the general election preceding a regular session, without limitation, the drafting of not more than 10 legislative measures for that regular session.

(c) A person designated after the general election as the Speaker of the Assembly, the Majority Leader of the Senate, the Minority Leader of the Assembly or the Minority Leader of the Senate for the next regular session may request before the first day of that regular session the drafting of the remaining number of the legislative measures allowed for the respective officer that were not requested by the previous officer.

2. The Legislative Counsel, the Secretary of the Senate and the Chief Clerk of the Assembly may request before or during a regular session, without limitation, the drafting of as many legislative measures as are necessary or convenient for the proper exercise of their duties.

~~[3.~~ **2.** ~~The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.]~~

Sec. 4.1. **NRS 218D.160 is hereby amended to read as follows:**

218D.160 1. The Chair of the Legislative Commission may request the drafting of not more than 10 legislative measures before the first day of a regular session, with the approval of the Legislative Commission, which relate to the affairs of the Legislature or its employees, including legislative measures requested by the legislative staff.

2. The Chair of the Interim Finance Committee may request the drafting of not more than 10 legislative measures before the first day of a regular

session, with the approval of the Committee, which relate to matters within the scope of the Committee.

3. Except as otherwise provided by a specific statute, joint rule or concurrent resolution:

(a) Any legislative committee created by a statute, other than an interim legislative committee, may request the drafting of not more than 10 legislative measures which relate to matters within the scope of the committee.

(b) Any committee or subcommittee established by an order of the Legislative Commission pursuant to NRS 218E.200 may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation, except that such a committee or subcommittee may request the drafting of additional legislative measures if the Legislative Commission approves each additional request by a majority vote.

(c) Any other committee established by the Legislature which conducts an interim legislative study or investigation may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation.

➥ The requests authorized pursuant to this subsection must be submitted to the Legislative Counsel on or before September 1 preceding a regular session unless the Legislative Commission authorizes submitting a request after that date.

4. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

~~[5. The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.]~~

Sec. 4.2. **NRS 218D.175 is hereby amended to read as follows:**

218D.175 1. For a regular session, the Governor or the Governor's designated representative may request the drafting of not more than 110 legislative measures which have been approved by the Governor or the Governor's designated representative on behalf of the officers, agencies, boards, commissions, departments and other units of the Executive Department. The requests must be submitted to the Legislative Counsel on or before August 1 preceding the regular session.

2. The Director of the Office of Finance may request on or before the 19th day of a regular session, without limitation, the drafting of as many legislative measures as are necessary to implement the budget proposed by the Governor and to provide for the fiscal management of the State. In addition to the requests otherwise authorized pursuant to this section, the Governor may request the drafting of not more than 5 legislative measures on or before the 19th day of a regular session to propose the Governor's legislative agenda.

3. For a regular session, the following constitutional officers may request, without the approval of the Governor or the Governor's designated representative, the drafting of not more than the following numbers of legislative measures, which must be submitted to the Legislative Counsel on or before September 1 preceding the regular session:

Lieutenant Governor	3
Secretary of State	6
State Treasurer	5
State Controller	5
Attorney General	20

4. In addition to the requests authorized by subsection 3, the Secretary of State may request, without the approval of the Governor or the Governor's designated representative, the drafting of not more than 2 legislative measures, which must be submitted to the Legislative Counsel on or before December 31 preceding the regular session.

5. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to subsections 1 and 3 must be prefiled on or before the third Wednesday in November preceding the regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.

~~[6. The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.]~~

Sec. 4.3. **NRS 218D.190 is hereby amended to read as follows:**

218D.190 1. For a regular session, the Supreme Court may request the drafting of not more than 10 legislative measures which have been approved by the Supreme Court on behalf of the Judicial Department. The requests must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to this section must be prefiled on or before the third Wednesday in November preceding the regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.

~~[3. The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.]~~

Sec. 4.4. **NRS 218D.205 is hereby amended to read as follows:**

218D.205 1. For a regular session, each board of county commissioners, board of trustees of a school district and city council may request the drafting of not more than the numbers of legislative measures set forth in this section if the requests are:

(a) Approved by the governing body of the county, school district or city at a public hearing before their submission to the Legislative Counsel; and

(b) Submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. The Legislative Counsel shall notify the requesting county, school district or city if its request substantially duplicates a request previously submitted by another county, school district or city.

3. The board of county commissioners of a county whose population:

(a) Is 700,000 or more may request the drafting of not more than 4 legislative measures for a regular session.

(b) Is 100,000 or more but less than 700,000 may request the drafting of not more than 2 legislative measures for a regular session.

(c) Is less than 100,000 may request the drafting of not more than 1 legislative measure for a regular session.

4. The board of trustees of a school district in a county whose population:

(a) Is 700,000 or more may request the drafting of not more than 2 legislative measures for a regular session.

(b) Is less than 700,000 may request the drafting of not more than 1 legislative measure for a regular session.

5. The city council of a city whose population:

(a) Is 500,000 or more may request the drafting of not more than 3 legislative measures for a regular session.

(b) Is 150,000 or more but less than 500,000 may request the drafting of not more than 2 legislative measures for a regular session.

(c) Is less than 150,000 may request the drafting of not more than 1 legislative measure for a regular session.

6. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to this section must be prefiled on or before the third Wednesday in November preceding the regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.

7. ~~[The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.~~

~~8.]~~ As used in this section, "population" means the current population estimate for that city or county as determined and published by the Department of Taxation and the demographer employed pursuant to NRS 360.283.

Sec. 4.5. **NRS 218D.210 is hereby amended to read as follows:**

218D.210 1. For a regular session, an association of counties or cities may request the drafting of not more than 5 legislative measures. The requests must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to this section must be prefiled on or before the third Wednesday in November preceding the regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.

~~[3. The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.]~~

Sec. 4.6. **NRS 218D.220 is hereby amended to read as follows:**

218D.220 1. For a regular session, the Nevada Silver Haired Legislative Forum created by NRS 427A.320 may request the drafting of not more than 1 legislative measure which relates to matters within the scope of the Forum. The request must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. A request made pursuant to this section must be on a form prescribed by the Legislative Counsel. A legislative measure requested pursuant to this section must be prefiled on or before the third Wednesday in November preceding the regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.

~~[3. The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.]~~

Sec. 5. **[**~~NRS 218D.380 is hereby amended to read as follows:~~

~~218D.380 1. Any provision of state legislation enacted on or after July 1, 2013, which adds or revises a requirement to submit a report to the Legislature must:~~

~~(a) Expire by limitation 5 years after the effective date of the addition or revision of the requirement; or~~

~~(b) Contain a statement by the Legislature setting forth the justifications for continuing the requirement for more than 5 years. The statement must include, without limitation:~~

~~(1) If the requirement is being revised, the date the requirement was enacted;~~

~~(2) If the requirement concerns a report regarding the implementation or monitoring of a new program, an analysis of the continued usefulness of such a report after 5 years; and~~

~~(3) An identification and analysis of any costs or benefits associated with or expected to be associated with the report.~~

~~2. The Legislative Commission shall review the requirements in state legislation for submitting a report to the Legislature which have been in existence for 4 years or more to determine whether the requirements should be repealed, revised or continued. In making its determination pursuant to this subsection, the Legislative Commission shall:~~

~~(a) Identify and analyze any costs or benefits associated with the report;~~

~~(b) Consider the ability of the Legislature to obtain the information provided in the report from another source;~~

~~(c) Consider any recommendations made by the Director pursuant to NRS 218D.385 regarding the elimination or revision of requirements in state legislation to submit obsolete or redundant reports to the Legislature; and~~

~~(d) Consider any other criteria determined by the Legislative Commission to be appropriate.~~

~~3. Based upon its review of the requirements pursuant to subsection 2, the Legislative Commission shall, as it deems appropriate:~~

~~(a) Make recommendations to the Legislature regarding whether the requirements in state legislation for submitting such reports to the Legislature should be repealed, revised or continued; and~~

~~(b) Request the drafting of a legislative measure [pursuant to NRS 218D.160] to facilitate its recommendations.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[NRS 218D.385 is hereby amended to read as follows:~~

~~218D.385 1. The Director shall develop recommendations for the:~~

~~(a) Elimination of any requirements to submit obsolete or redundant reports to the Legislature; and~~

~~(b) Revision of any requirements for reporting to reduce the frequency or to change the due dates, or any other revision of the requirements deemed appropriate by the Director.~~

~~2. In developing the recommendations required pursuant to subsection 1, the Director shall consider:~~

~~(a) The length of time the requirement has been in existence and whether the requirement remains relevant;~~

~~(b) The ability of the Legislature and the public to obtain the information provided in a report from another source; and~~

~~(c) Any other criteria determined by the Director to be appropriate.~~

~~3. The Director's recommendations, if any, must be:~~

~~(a) Presented to the Legislative Commission on or before July 1 of each even-numbered year; and~~

~~(b) Considered by the Legislative Commission when it conducts its review pursuant to NRS 218D.380 of the requirements in state legislation for submitting such reports to the Legislature.~~

~~4. Based on the Director's recommendations and its review pursuant to NRS 218D.380, the Legislative Commission shall, as it deems appropriate:~~

~~(a) Make recommendations to the Legislature regarding whether the requirements in state legislation for submitting such reports to the Legislature should be repealed, revised or continued; and~~

~~(b) Request the drafting of a legislative measure [pursuant to NRS 218D.160] to facilitate its recommendations.]~~ **(Deleted by amendment.)**

Sec. 7. ~~[NRS 218E.205 is hereby amended to read as follows:~~

~~218E.205 1. Between regular sessions, the Legislative Commission:~~

~~— (a) Shall fix the work priority of all studies and investigations assigned to it by a statute or concurrent resolution or directed by an order of the Legislative Commission, within the limits of available time, money and staff.~~

~~— (b) Shall not make studies or investigations directed by a resolution of only one House or studies or investigations proposed but not approved during the preceding regular session.~~

~~— 2. All requests for the drafting of legislative measures to be recommended as the result of a study or investigation must be made in accordance with [NRS 218D.160.]~~ ***[any specific statute, joint rule or concurrent resolution governing requests for the drafting of a legislative measure.***

~~— 3. Except as otherwise provided by NRS 218E.210, between regular sessions, a study or investigation may not be initiated or continued by the Fiscal Analysts, the Legislative Auditor, the Legislative Counsel or the Research Director and their staffs, except studies and investigations which have been specifically authorized by a statute, concurrent resolution or order of the Legislative Commission.~~

~~— 4. A study or investigation may not be carried over from one regular session to the next without additional authorization by a statute, concurrent resolution or order of the Legislative Commission, except audits in progress whose carryover has been approved by the Legislative Commission.~~

~~— 5. Except as otherwise provided by a specific statute, the staff of the Legislative Counsel Bureau shall not serve as primary administrative or professional staff for a committee established by a statute, concurrent resolution or order of the Legislative Commission to conduct a study or investigation, unless the chair of the committee is required by the statute, concurrent resolution or order of the Legislative Commission to be a Legislator.~~

~~— 6. The Legislative Commission shall review and approve the budget and work program and any changes to the budget or work program for each study or investigation conducted by the Legislative Commission or a committee or subcommittee established by the Legislative Commission.~~

~~— 7. A committee or subcommittee established to conduct a study or investigation assigned to the Legislative Commission by a statute or concurrent resolution or directed by an order of the Legislative Commission must, unless otherwise ordered by the Legislative Commission, meet not earlier than January 1 of the even-numbered year and not later than June 30 of that year.]~~ **(Deleted by amendment.)**

Sec. 8. ~~[NRS 218D.150 and 218D.160 are hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 9. This act becomes effective on July 1, ~~[2019.]~~ **2017.**

~~[~~

~~TEXT OF REPEALED SECTIONS~~

~~— 218D.150 Requests from Legislators and chairs of standing committees.~~

~~1. Except as otherwise provided in this section, each:~~

~~(a) Incumbent member of the Assembly may request the drafting of:~~

~~(1) Not more than 4 legislative measures submitted to the Legislative Counsel on or before August 1 preceding a regular session;~~

~~(2) Not more than 5 legislative measures submitted to the Legislative Counsel after August 1 but on or before December 10 preceding a regular session; and~~

~~(3) Not more than 1 legislative measure submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.~~

~~(b) Incumbent member of the Senate may request the drafting of:~~

~~(1) Not more than 8 legislative measures submitted to the Legislative Counsel on or before August 1 preceding a regular session;~~

~~(2) Not more than 10 legislative measures submitted to the Legislative Counsel after August 1 but on or before December 10 preceding a regular session; and~~

~~(3) Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.~~

~~(c) Newly elected member of the Assembly may request the drafting of:~~

~~(1) Not more than 5 legislative measures submitted to the Legislative Counsel on or before December 10 preceding a regular session; and~~

~~(2) Not more than 1 legislative measure submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.~~

~~(d) Newly elected member of the Senate may request the drafting of:~~

~~(1) Not more than 10 legislative measures submitted to the Legislative Counsel on or before December 10 preceding a regular session; and~~

~~(2) Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.~~

~~2. Except as otherwise provided in this subsection, on or before the first day of a regular session, each:~~

~~(a) Incumbent member of the Assembly must:~~

~~(1) Prefile at least 4 of the legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (a) of subsection 1; or~~

~~(2) Inform the Legislative Counsel of which 4 legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (a) of subsection 1 that he or she withdraws.~~

~~If an incumbent member of the Assembly does not request the maximum number of legislative measures authorized by subparagraphs (1) and (2) of paragraph (a) of subsection 1, the number of legislative measures that he or she must prefile or withdraw pursuant to this paragraph is reduced by that number of unused requests.~~

~~(b) Incumbent member of the Senate must:~~

(1) Prefile at least 8 of the legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (b) of subsection 1; or

(2) Inform the Legislative Counsel of which 8 legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (b) of subsection 1 that he or she withdraws.

➥ If an incumbent member of the Senate does not request the maximum number of legislative measures authorized by subparagraphs (1) and (2) of paragraph (b) of subsection 1, the number of legislative measures that he or she must prefile or withdraw pursuant to this paragraph is reduced by that number of unused requests.

(c) Newly elected member of the Assembly must:

(1) Prefile at least 2 of the legislative measures that he or she requested pursuant to subparagraph (1) of paragraph (c) of subsection 1; or

(2) Inform the Legislative Counsel of which 2 legislative measures that he or she requested pursuant to subparagraph (1) of paragraph (c) of subsection 1 that he or she withdraws.

➥ If a newly elected member of the Assembly does not request the maximum number of legislative measures authorized by subparagraph (1) of paragraph (c) of subsection 1, the number of legislative measures that he or she must prefile or withdraw pursuant to this paragraph is reduced by that number of unused requests.

(d) Newly elected member of the Senate must:

(1) Prefile at least 4 of the legislative measures that he or she requested pursuant to subparagraph (1) of paragraph (d) of subsection 1; or

(2) Inform the Legislative Counsel of which 4 legislative measures that he or she requested pursuant to subparagraph (1) of paragraph (d) of subsection 1 that he or she withdraws.

➥ If a newly elected member of the Senate does not request the maximum number of legislative measures authorized by subparagraph (1) of paragraph (d) of subsection 1, the number of legislative measures that he or she must prefile or withdraw pursuant to this paragraph is reduced by that number of unused requests.

3. A Legislator may not request the drafting of a legislative measure pursuant to subsection 1 on or after the date on which the Legislator becomes a nonreturning Legislator. For the purposes of this subsection, "nonreturning Legislator" means a Legislator who, in the year that the Legislator's term of office expires:

(a) Has not filed a declaration or an acceptance of candidacy within the time allowed for filing for election as a member of the Senate or the Assembly;

(b) Has failed to win nomination as a candidate for the Senate or the Assembly at the primary election; or

(c) Has withdrawn as a candidate for the Senate or the Assembly.

4. A Legislator may not request the drafting of a legislative measure pursuant to paragraph (a) or (b) of subsection 1 on or after the date on which

~~the Legislator files a declaration or an acceptance of candidacy for election to the House in which he or she is not currently a member. If the Legislator is elected to the other House, any request that he or she submitted pursuant to paragraph (a) or (b) of subsection 1 before filing his or her declaration or acceptance of candidacy for election counts against the applicable limitation set forth in paragraph (c) or (d) of subsection 1 for the House in which the Legislator is a newly elected member.~~

~~5. In addition to the number of requests authorized pursuant to subsection 1:~~

~~(a) The chair of each standing committee of the immediately preceding regular session, or a person designated in the place of the chair by the Speaker of the Assembly or the Majority Leader of the Senate, may request before the date of the general election preceding a regular session the drafting of not more than 1 legislative measure for introduction by the committee in a subject within the jurisdiction of the committee for every 18 legislative measures that were referred to the respective standing committee during the immediately preceding regular session.~~

~~(b) A person designated after the general election as a chair of a standing committee for the next regular session, or a person designated in the place of a chair by the person designated as the Speaker of the Assembly or the Majority Leader of the Senate for the next regular session, may request on or before December 10 preceding that regular session the drafting of the remaining number of the legislative measures allowed for the respective standing committee that were not requested by the previous chair or designee.~~

~~6. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.~~

~~7. The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.~~

~~218D.160 Requests from chairs of Legislative Commission and Interim Finance Committee; requests from statutory, interim and other committees.~~

~~1. The Chair of the Legislative Commission may request the drafting of not more than 10 legislative measures before the first day of a regular session, with the approval of the Legislative Commission, which relate to the affairs of the Legislature or its employees, including legislative measures requested by the legislative staff.~~

~~2. The Chair of the Interim Finance Committee may request the drafting of not more than 10 legislative measures before the first day of a regular session, with the approval of the Committee, which relate to matters within the scope of the Committee.~~

~~3. Except as otherwise provided by a specific statute, joint rule or concurrent resolution:~~

~~— (a) Any legislative committee created by a statute, other than an interim legislative committee, may request the drafting of not more than 10 legislative measures which relate to matters within the scope of the committee.~~

~~— (b) Any committee or subcommittee established by an order of the Legislative Commission pursuant to NRS 218E.200 may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation, except that such a committee or subcommittee may request the drafting of additional legislative measures if the Legislative Commission approves each additional request by a majority vote.~~

~~— (c) Any other committee established by the Legislature which conducts an interim legislative study or investigation may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation.~~

~~— The requests authorized pursuant to this subsection must be submitted to the Legislative Counsel on or before September 1 preceding a regular session unless the Legislative Commission authorizes submitting a request after that date.~~

~~— 4. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.~~

~~— 5. The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.]~~

Assemblywoman Diaz moved the adoption of the amendment.

Remarks by Assemblywoman Diaz.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 259.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 948.

AN ACT relating to motor vehicles; requiring certain persons to install an ignition interlock device following a revocation of a driver's license, permit or privilege to drive; revising the provisions governing the period of revocation of a driver's license, permit or privilege to drive related to certain offenses involving driving under the influence; requiring the court to order certain persons to install an ignition interlock device in certain circumstances; revising provisions governing the installation of an ignition interlock device following a conviction of driving under the influence of alcohol or a controlled substance; prohibiting a person from providing his or her breath for an ignition interlock device required to be installed in the vehicle of another person under certain circumstances; requiring the

Committee on Testing for Intoxication to adopt certain regulations; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the revocation of the driver's license, permit or privilege to drive of a person who: (1) has a concentration of alcohol of 0.08 or more in his or her blood or breath or who is found to have a detectable amount of a prohibited substance in his or her blood or urine for which he or she did not have a valid prescription or hold a valid registry identification card; or (2) fails to submit to an evidentiary test requested by a police officer. The driver's license, permit or privilege of the person is revoked for a period of: (1) 90 days for having a concentration of alcohol of 0.08 or more in his or her blood or breath or who is found to have a detectable amount of a prohibited substance in his or her blood or urine under certain circumstances; or (2) not less than 1 year, or 3 years under certain circumstances, for failing to submit to an evidentiary test. (NRS 484C.210, 484C.220) **Section 3** of this bill requires a person whose license, permit or privilege has been revoked for failure to submit to an evidentiary test or for having a concentration of alcohol of 0.08 or more in his or her blood or breath to install, at his or her own expense, an ignition interlock device in each vehicle the person operates as a condition to obtaining a restricted license. ~~[Sections 1 and 3 of this bill also revise the period of revocation to not less than 185 days.]~~ Existing law further provides that the officer is required to advise the person of his or her right to administrative and judicial review of the revocation and to have a temporary license, valid for 7 days, which the officer must issue upon request. (NRS 484C.220) **Section 4** of this bill requires the officer to also advise the person that he or she is required to install an ignition interlock device, at his or her own expense, in each vehicle the person operates as a condition to obtaining a restricted license.

Under existing law, the driver's license, permit or privilege of a person convicted of an offense involving driving under the influence of alcohol or a controlled substance is revoked for a period of 90 days for a first offense. (NRS 483.460) Section 1 of this bill revises the period of revocation for such an offense to not less than 185 days.

With certain exceptions, existing law requires a court to order a person to install, at his or her own expense, an ignition interlock device in each vehicle the person owns or operates if the person is convicted of an offense involving driving under the influence of alcohol or a controlled substance which: (1) constitutes a felony; or (2) constitutes a misdemeanor, but the concentration of alcohol in the person's blood or breath was 0.18 or more. Existing law also authorizes a court to order a person to install an ignition interlock device if the person is convicted of a misdemeanor offense involving driving under the influence of alcohol or a controlled substance in which the concentration of alcohol in the person's blood or breath was less than 0.18. (NRS 484C.110, 484C.400, 484C.460) **Section 6** of this bill requires a court to order the installation of an ignition interlock device for all persons convicted of an

offense involving driving under the influence of alcohol or a controlled substance. **Section 9** of this bill authorizes a juvenile court to order the installation of an ignition interlock device for a child convicted of an offense involving driving under the influence of alcohol or a controlled substance. **Section 3** authorizes the court to give the person day-for-day credit for any period during which the person installed a device as a condition to obtaining a restricted license before the issuance of an order from the court to do so. Further, **section 7** of this bill authorizes the court to extend the order of a person required to install an ignition interlock device if the court receives a report from the ~~[manufacturer of the device]~~ **Director of the Department of Public Safety** that the person has committed certain violations. Existing law authorizes a court to provide an exception to ordering a person to install an ignition interlock device to avoid undue hardship to the person. (NRS 484C.460) **Section 6** revises this exception and ~~[instead]~~ **additionally** authorizes the court **, in the interests of justice,** to not order a person to install an ignition interlock device if: (1) a person is unable to provide a deep lung sample for a device as certified in writing by a physician; **or** (2) a person resides more than 100 miles from a manufacturer of a device **.** ~~[; or (3) such an order would not serve the interests of justice.]~~

Section 2.5 of this bill prohibits a person from providing a sample of his or her breath for an ignition interlock device required to be installed in a vehicle of another person with the intent to enable the person who is required to install the device to start the vehicle. A person who provides such a sample of breath is guilty of a misdemeanor.

Section 8 of this bill requires the Committee on Testing for Intoxication to adopt certain regulations relating to the manufacturer of the ignition interlock device to: (1) prescribe the form and content of certain records; (2) prescribe certain standards and procedures related to the device; and (3) require certain discounts and waive certain costs for **certain** persons **.** ~~[whose income is at or below certain federal poverty levels.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 483.460 is hereby amended to read as follows:

483.460 1. Except as otherwise provided by specific statute, the Department shall revoke the license, permit or privilege of any driver upon receiving a record of his or her conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:

(a) For a period of 3 years if the offense is:

(1) A violation of subsection 6 of NRS 484B.653.

(2) A third or subsequent violation within 7 years of NRS 484C.110 or 484C.120.

(3) A violation of NRS 484C.110 or 484C.120 resulting in a felony conviction pursuant to NRS 484C.400 or 484C.410.

(4) A violation of NRS 484C.430 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430.

➥ The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment and the period of revocation must resume when the Department is notified pursuant to NRS 209.517 or 213.12185 that the person has completed the period of imprisonment or that the person has been placed on residential confinement or parole.

(b) For a period of 1 year if the offense is:

(1) Any other manslaughter, including vehicular manslaughter as described in NRS 484B.657, resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.

(2) Failure to stop and render aid as required pursuant to the laws of this State in the event of a motor vehicle crash resulting in the death or bodily injury of another.

(3) Perjury or the making of a false affidavit or statement under oath to the Department pursuant to NRS 483.010 to 483.630, inclusive, or pursuant to any other law relating to the ownership or driving of motor vehicles.

(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.

(5) A second violation within 7 years of NRS 484C.110 or 484C.120 and the driver is not eligible for a restricted license during any of that period.

(6) A violation of NRS 484B.550.

(c) For a period of ~~[90 days,]~~ ***not less than 185 days,*** if the offense is a first violation within 7 years of NRS 484C.110 or 484C.120.

2. The Department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484C.110 or 484C.120 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege to drive.

3. When the Department is notified by a court that a person who has been convicted of a first violation within 7 years of NRS 484C.110 has been permitted to enter a program of treatment pursuant to NRS 484C.320, the Department shall reduce by one-half the period during which the person is not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if notified that the person was not accepted for or failed to complete the treatment.

4. The Department shall revoke the license, permit or privilege to drive of a person who is required to install a device pursuant to NRS ***484C.210 or*** 484C.460 but who operates a motor vehicle without such a device:

(a) For 3 years, if it is his or her first such offense during the period of required use of the device.

(b) For 5 years, if it is his or her second such offense during the period of required use of the device.

5. A driver whose license, permit or privilege is revoked pursuant to subsection 4 is not eligible for a restricted license during the period set forth in paragraph (a) or (b) of that subsection, whichever applies.

6. In addition to any other requirements set forth by specific statute, if the Department is notified that a court has ordered the revocation, suspension or delay in the issuance of a license pursuant to title 5 of NRS, NRS 176.064, 206.330 or 392.148, chapters 484A to 484E, inclusive, of NRS or any other provision of law, the Department shall take such actions as are necessary to carry out the court's order.

7. As used in this section, "device" has the meaning ascribed to it in NRS 484C.450.

Sec. 2. NRS 483.490 is hereby amended to read as follows:

483.490 1. Except as otherwise provided in this section, after a driver's license has been suspended or revoked for an offense other than a ~~[second violation within 7 years of]~~ ***violation of*** NRS 484C.110, and one-half of the period during which the driver is not eligible for a license has expired, the Department may, unless the statute authorizing the suspension prohibits the issuance of a restricted license, issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) To and from work or in the course of his or her work, or both; or

(b) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself, herself or a member of his or her immediate family.

➥ Before a restricted license may be issued, the applicant must submit sufficient documentary evidence to satisfy the Department that a severe hardship exists because the applicant has no alternative means of transportation and that the severe hardship outweighs the risk to the public if the applicant is issued a restricted license.

2. A person who ~~[has been ordered]~~ ***is required*** to install a device in a motor vehicle pursuant to NRS ***484C.210 or*** 484C.460:

(a) Shall install the device not later than ~~[21]~~ ***14*** days after the date on which the order was issued; and

(b) May not receive a restricted license pursuant to this section until:

(1) After at least 1 year of the period during which the person is not eligible for a license, if the person was convicted of:

(I) A violation of NRS 484C.430 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or

(II) A violation of NRS 484C.110 that is punishable as a felony pursuant to NRS 484C.410 or 484C.420; ***or***

(2) After at least 180 days of the period during which the person is not eligible for a license, if the person was convicted of a violation of subsection 6 of NRS 484B.653 **.** ~~[, or~~

~~(3) After at least 45 days of the period during which the person is not eligible for a license, if the person was convicted of a first violation within 7 years of NRS 484C.110.]~~

3. If the Department has received a copy of an order requiring a person to install a device in a motor vehicle pursuant to NRS 484C.460 ~~[,]~~ ***or following an order of revocation issued pursuant to 484C.220,*** the Department shall not issue a restricted driver's license to such a person pursuant to this section unless the applicant has submitted proof of compliance with the order and subsection 2.

4. Except as otherwise provided in NRS 62E.630, after a driver's license has been revoked or suspended pursuant to title 5 of NRS or NRS 392.148, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his or her work, or both; or

(b) If applicable, to and from school.

5. After a driver's license has been suspended pursuant to NRS 483.443, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his or her work, or both;

(b) To receive regularly scheduled medical care for himself, herself or a member of his or her immediate family; or

(c) If applicable, as necessary to exercise a court-ordered right to visit a child.

6. A driver who violates a condition of a restricted license issued pursuant to subsection 1 or by another jurisdiction is guilty of a misdemeanor and, if the license of the driver was suspended or revoked for:

(a) A violation of NRS 484C.110, 484C.210 or 484C.430;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b),

➥ the driver shall be punished in the manner provided pursuant to subsection 2 of NRS 483.560.

7. The periods of suspensions and revocations required pursuant to this chapter and NRS 484C.210 must run consecutively, except as otherwise provided in NRS 483.465 and 483.475, when the suspensions must run concurrently.

8. Whenever the Department suspends or revokes a license, the period of suspension, or of ineligibility for a license after the revocation, begins upon the effective date of the revocation or suspension as contained in the notice thereof.

Sec. 2.5. Chapter 484C of NRS is hereby amended by adding thereto a new section to read as follows:

Any person who provides a sample of breath for a device, with the intent to start a motor vehicle of another and for the purpose of allowing a person required to install a device pursuant to NRS 484C.210 or 484C.460 to avoid providing a sample of his or her breath, is guilty of a misdemeanor.

Sec. 3. NRS 484C.210 is hereby amended to read as follows:

484C.210 1. If a person fails to submit to an evidentiary test as requested by a police officer pursuant to NRS 484C.160, the license, permit or privilege to drive of the person must be revoked as provided in NRS 484C.220, and the person is not eligible for a license, permit or privilege to drive for a period of:

(a) One year; or

(b) Three years, if the license, permit or privilege to drive of the person has been revoked during the immediately preceding 7 years for failure to submit to an evidentiary test.

2. If the result of a test given under NRS 484C.150 or 484C.160 shows that a person had a concentration of alcohol of 0.08 or more in his or her blood or breath or a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 453A.140, at the time of the test, the license, permit or privilege of the person to drive must be revoked as provided in NRS 484C.220 and the person is not eligible for a license, permit or privilege for a period of 90 days. ***[not less than 185 days.]***

3. ***[At]*** ***Except as otherwise provided in subsection 1, at any time while a person is not eligible for a license, permit or privilege to drive following a revocation under subsection 1 or 2 which was based on the person having a concentration of alcohol of 0.08 or more in his or her blood or breath, the person shall install, at his or her own expense, a device in any motor vehicle which the person operates as a condition to obtaining a restricted license pursuant to NRS 483.490.***

4. If a revocation of a person's license, permit or privilege to drive under NRS 62E.640 or 483.460 follows a revocation under subsection 2 which was based on the person having a concentration of alcohol of 0.08 or more in his or her blood or breath, the Department shall cancel the revocation under that subsection and give the person credit for any period during which the person was not eligible for a license, permit or privilege.

5. If an order to install a device pursuant to NRS 62E.640 or 484C.460 follows the installation of a device pursuant to subsection 3, the court may

give the person day-for-day credit for any period during which the person installed a device as a condition to obtaining a restricted license.

~~[4.]~~ ***6.*** Periods of ineligibility for a license, permit or privilege to drive which are imposed pursuant to this section must run consecutively.

7. As used in this section, "device" has the meaning ascribed to it in NRS 484C.450.

Sec. 4. NRS 484C.220 is hereby amended to read as follows:

484C.220 1. As agent for the Department, the officer who requested that a test be given pursuant to NRS 484C.150 or 484C.160 or who obtained the result of a test given pursuant to NRS 484C.150 or 484C.160 shall immediately serve an order of revocation of the license, permit or privilege to drive on a person who failed to submit to a test requested by the police officer pursuant to NRS 484C.150 or 484C.160 or who has a concentration of alcohol of 0.08 or more in his or her blood or breath or has a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 453A.140, if that person is present, and shall seize the license or permit to drive of the person. The officer shall then, unless the information is expressly set forth in the order of revocation, advise the person of his or her right to administrative and judicial review of the revocation pursuant to NRS 484C.230 and, except as otherwise provided in this subsection, that the person has a right to request a temporary license. ***The officer shall also*** , ***unless the information is expressly set forth in the order of revocation, advise the person that he or she is required to install a device pursuant to NRS 484C.210.*** If the person currently is driving with a temporary license that was issued pursuant to this section or NRS 484C.230, the person is not entitled to request an additional temporary license pursuant to this section or NRS 484C.230, and the order of revocation issued by the officer must revoke the temporary license that was previously issued. If the person is entitled to request a temporary license, the officer shall issue the person a temporary license on a form approved by the Department if the person requests one, which is effective for only 7 days including the date of issuance. The officer shall immediately transmit the person's license or permit to the Department along with the written certificate required by subsection 2.

2. When a police officer has served an order of revocation of a driver's license, permit or privilege on a person pursuant to subsection 1, or later receives the result of an evidentiary test which indicates that a person, not then present, had a concentration of alcohol of 0.08 or more in his or her blood or breath or had a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 453A.140, the officer shall immediately prepare and transmit to the Department, together with the seized license or permit and a copy of the result of the test, if any, a written

certificate that the officer had reasonable grounds to believe that the person had been driving or in actual physical control of a vehicle:

(a) With a concentration of alcohol of 0.08 or more in his or her blood or breath or with a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 453A.140, as determined by a chemical test; or

(b) While under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine and the person refused to submit to a required evidentiary test.

➥ The certificate must also indicate whether the officer served an order of revocation on the person and whether the officer issued the person a temporary license.

3. The Department, upon receipt of such a certificate for which an order of revocation has not been served, after examining the certificate and copy of the result of the chemical test, if any, and finding that revocation is proper, shall issue an order revoking the person's license, permit or privilege to drive by mailing the order to the person at the person's last known address. The order must indicate the grounds for the revocation and the period during which the person is not eligible for a license, permit or privilege to drive and state that the person has a right to administrative and judicial review of the revocation and to have a temporary license. ***The order must also indicate that the person is required to install a device pursuant to NRS 484C.210.*** The order of revocation becomes effective 5 days after mailing.

4. Notice of an order of revocation and notice of the affirmation of a prior order of revocation or the cancellation of a temporary license provided in NRS 484C.230 is sufficient if it is mailed to the person's last known address as shown by any application for a license. The date of mailing may be proved by the certificate of any officer or employee of the Department, specifying the time of mailing the notice. The notice is presumed to have been received upon the expiration of 5 days after it is deposited, postage prepaid, in the United States mail.

5. As used in this section, "device" has the meaning ascribed to it in NRS 484C.450.

Sec. 5. NRS 484C.230 is hereby amended to read as follows:

484C.230 1. At any time while a person is not eligible for a license, permit or privilege to drive following an order of revocation issued pursuant to NRS 484C.220, the person may request in writing a hearing by the Department to review the order of revocation, but the person is only entitled to one hearing. The hearing must be conducted as soon as is practicable at any location, if the hearing officer permits each party and witness to attend the hearing by telephone, videoconference or other electronic means. The Director or agent of the Director may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a

reexamination of the requester. Unless the person is ineligible for a temporary license pursuant to NRS 484C.220, the Department shall issue an additional temporary license for a period which is sufficient to complete the administrative review. ***A person who is issued a temporary license is not subject to and is exempt from the requirement to install a device pursuant to NRS 484C.210.***

2. The scope of the hearing must be limited to the issue of whether the person:

(a) Failed to submit to a required test provided for in NRS 484C.150 or 484C.160; or

(b) At the time of the test, had a concentration of alcohol of 0.08 or more in his or her blood or breath or a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 453A.140.

➥ Upon an affirmative finding on either issue, the Department shall affirm the order of revocation. Otherwise, the order of revocation must be rescinded.

3. ***If, after the hearing, the order of revocation is affirmed, the person whose license, permit or privilege to drive has been revoked shall, if not previously installed, install a device pursuant to NRS 484C.210.***

4. If, after the hearing, the order of revocation is affirmed, the person whose license, privilege or permit has been revoked is entitled to a review of the same issues in district court in the same manner as provided by chapter 233B of NRS. The court shall notify the Department upon the issuance of a stay, and the Department shall issue an additional temporary license for a period which is sufficient to complete the review. ***A person who is issued a temporary license is not subject to and is exempt from the requirement to install a device pursuant to NRS 484C.210.***

~~[4.]~~ ***5.*** If a hearing officer grants a continuance of a hearing at the request of the person whose license was revoked, or a court does so after issuing a stay of the revocation, the officer or court shall notify the Department, and the Department shall cancel the temporary license and notify the holder by mailing the order of cancellation to the person's last known address.

6. As used in this section, "device" has the meaning ascribed to it in NRS 484C.450.

Sec. 5.5. NRS 484C.450 is hereby amended to read as follows:

484C.450 As used in NRS 484C.450 to 484C.480, inclusive, ***and section 2.5 of this act,*** unless the context otherwise requires, "device" means a mechanism that:

1. Tests a person's breath to determine the concentration of alcohol in his or her breath; and

2. If the results of the test indicate that the person has a concentration of alcohol of 0.02 or more in his or her breath, prevents the motor vehicle in which it is installed from starting.

Sec. 6. NRS 484C.460 is hereby amended to read as follows:

484C.460 1. Except as otherwise provided in subsections 2 and 5, a court ~~[~~:

~~(a) May]~~ ***shall*** order a person convicted of ~~[a]~~ ***:***

(a) A violation of NRS 484C.110 that is punishable pursuant to paragraph (a) or (b) of subsection 1 of NRS 484C.400, if the person is found to have had a concentration of alcohol of less than 0.18 in his or her blood or breath, ~~[for a period of not less than 3 months nor more than 6 months,]~~ to install **,** at his or her own expense ***and for a period of not less than 185 days,*** a device in any motor vehicle which the person ~~[owns or]~~ operates as a condition to obtaining a restricted license pursuant to NRS 483.490 or as a condition of reinstatement of the driving privilege of the person.

(b) ~~[Shall order a person convicted of:~~

~~(1)]~~ A violation of ***:***

(1) NRS 484C.110 that is punishable pursuant to paragraph (a) or (b) of subsection 1 of NRS 484C.400, if the person is found to have had a concentration of alcohol of 0.18 or more in his or her blood or breath;

(2) ~~[A violation of]~~ NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to NRS 484C.400 or 484C.410; or

(3) ~~[A violation of]~~ NRS 484C.130 or 484C.430,

➥ ~~[for a period of not less than 12 months nor more than 36 months,]~~ to install **,** at his or her own expense ***and for a period of not less than 12 months or more than 36 months,*** a device in any motor vehicle which the person ~~[owns or]~~ operates as a condition to obtaining a restricted license pursuant to NRS 483.490 or as a condition of reinstatement of the driving privilege of the person.

2. A court may ***, in the interests of justice,*** provide for an exception to the provisions of ~~[subparagraph (1) of paragraph (b) of]~~ subsection 1 for a person who is convicted of a violation of NRS 484C.110 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484C.400, to avoid undue hardship to the person if the court determines ~~*[, and makes written findings of fact]*~~ that:

(a) Requiring the person to install a device in a motor vehicle which the person owns or operates would cause the person to experience an economic hardship; ~~[and]~~

(b) The person requires the use of the motor vehicle to:

(1) Travel to and from work or in the course and scope of his or her employment; ***or***

(2) Obtain medicine, food or other necessities or to obtain health care services for the person or another member of the person's immediate family **.** ~~[or~~

~~(3) Transport the person or another member of the person's immediate family to or from school.]~~

(c) The person is unable to provide a deep lung breath sample for a device, as certified in writing by a physician of the person;

~~*[(b)]*~~ ***or***

(d) The person resides more than 100 miles from a manufacturer of a device or its agent ~~*. [); or*~~

~~*(c) Requiring the person to install a device pursuant to subsection 1 would not serve the interests of justice.]*~~

3. If the court orders a person to install a device pursuant to subsection 1:

(a) The court shall immediately prepare and transmit a copy of its order to the Director. The order must include a statement that a device is required and the specific period for which it is required. The Director shall cause this information to be incorporated into the records of the Department and noted as a restriction on the person's driver's license.

(b) The person who is required to install the device shall provide proof of compliance to the Department before the person may receive a restricted license or before the driving privilege of the person may be reinstated, as applicable. Each model of a device installed pursuant to this section must have been certified by the Committee on Testing for Intoxication.

4. A person whose driving privilege is restricted pursuant to this section ***or NRS 483.490*** shall ~~[~~:

~~(a) If the person was ordered to install a device pursuant to paragraph (a) of subsection 1,]~~ have the device inspected ***, calibrated, monitored and maintained*** by the manufacturer of the device or its agent ~~[at least one time during the period in which the person is required to use the device; or~~

~~(b) If the person was ordered to install a device pursuant to paragraph (b) of subsection 1, have the device inspected by the manufacturer of the device or its agent]~~ at least one time each 90 days ~~[,~~

~~"~~] ***during the period in which the person is required to use the device*** to determine whether the device is operating properly. ~~[An]~~ ***Any*** inspection ***, calibration, monitoring or maintenance*** required pursuant to this subsection must be conducted in accordance with regulations adopted pursuant to NRS 484C.480. The manufacturer or its agent shall submit a report to the Director ~~*[court]*~~ indicating whether the device is operating properly ***, whether any of the incidents listed in subsection 1 of NRS 484C.470 have occurred*** and whether ~~[it]~~ ***the device*** has been tampered with. If the device has been tampered with, the Director shall notify the court that ordered the installation of the device. ***Upon receipt of such notification and before the court imposes a penalty pursuant to subsection 3 of NRS 484C.470, the court shall afford any interested party an opportunity for a hearing after reasonable notice.***

5. If a person is required to operate a motor vehicle in the course and scope of his or her employment and the motor vehicle is owned by the person's employer, the person may operate that vehicle without the installation of a device, if:

(a) The employee notifies his or her employer that the employee's driving privilege has been so restricted; and

(b) The employee has proof of that notification in his or her possession or the notice, or a facsimile copy thereof, is with the motor vehicle.

➥ This exemption does not apply to a motor vehicle owned by a business which is all or partly owned or controlled by the person otherwise subject to this section.

6. The running of the period during which a person is required to have a device installed pursuant to this section commences when the Department issues a restricted license to the person or reinstates the driving privilege of the person and is tolled whenever and for as long as the person is, with regard to a violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430, imprisoned, serving a term of residential confinement, placed under the supervision of a treatment provider, on parole or on probation.

Sec. 7. NRS 484C.470 is hereby amended to read as follows:

484C.470 1. ***The court may extend the order of a person who is required to install a device pursuant to NRS 484C.210 or 484C.460, not to exceed one-half of the period during which the person is required to have a device installed, if the court receives from the ~~[manufacturer of a device, or its agent,]~~ Director of the Department of Public Safety a report that 4 consecutive months prior to the date of release any of the following incidents occurred:***

(a) Any attempt by the person to start the vehicle with a concentration of alcohol of 0.04 or more in his or her breath unless a subsequent test performed within 10 minutes registers a concentration of alcohol lower than 0.04 and the digital image confirms the same person provided both samples;

(b) Failure of the person to take any random test unless a review of the digital image confirms that the vehicle was not occupied by the person at the time of the missed test;

(c) Failure of the person to pass any random retest with a concentration of alcohol of 0.025 or lower in his or her breath unless a subsequent test performed within 10 minutes registers a concentration of alcohol lower than 0.025, and the digital image confirms the same person provided both samples;

(d) Failure of the person to have the device inspected, calibrated, monitored and maintained by the manufacturer or its agent pursuant to subsection 4 of NRS 484C.460; or

(e) Any attempt by the person to operate a motor vehicle without a device or tamper with the device.

2. A person required to install a device pursuant to NRS ***484C.210 or*** 484C.460 shall not operate a motor vehicle without a device or tamper with the device.

~~[2.]~~ ***3.*** A person who violates any provision of subsection ~~[1.]~~ ***2:***

(a) Must have his or her driving privilege revoked in the manner set forth in subsection 4 of NRS 483.460; and

(b) Shall be:

(1) Punished by imprisonment in jail for not less than 30 days nor more than 6 months; or

(2) Sentenced to a term of not less than 60 days in residential confinement nor more than 6 months, and by a fine of not less than $500 nor more than $1,000.

➥ No person who is punished pursuant to this section may be granted probation, and no sentence imposed for such a violation may be suspended. No prosecutor may dismiss a charge of such a violation in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless, in the judgment of the attorney, the charge is not supported by probable cause or cannot be proved at trial.

Sec. 8. NRS 484C.480 is hereby amended to read as follows:

484C.480 1. The Committee on Testing for Intoxication shall ~~[on or before January 1, 1990,]~~ adopt regulations which:

(a) Provide for the certification of each model of those devices, described by manufacturer and model, which it approves as designed and manufactured to be accurate and reliable to test a person's breath to determine the concentration of alcohol in the person's breath and, if the results of the test indicate that the person has a concentration of alcohol of 0.02 or more in his or her breath, prevent the motor vehicle in which it is installed from starting.

(b) Prescribe the form and content of records respecting the calibration of devices, which must be kept by the ~~[Director]~~ ***manufacturer of the device*** or ~~[the]~~ ***its*** agent ***,*** ~~[of the Director,]~~ and other records respecting the ***installation, removal, inspection,*** maintenance and operation of the devices which it finds should be kept by the ~~[Director]~~ ***manufacturer*** or ~~[the]~~ ***its*** agent.

(c) Prescribe standards and procedures for the proper installation, removal, inspection, calibration, maintenance and operation of a device installed by the manufacturer or its agent.

(d) Require the manufacturer or its agent to waive the cost of installing or removing the device and adjust the fee to lease, calibrate or monitor the device, if the person required to install a device pursuant to NRS 484C.210 or 484C.460 : ~~[has an income which is at or below:]~~

(1) ~~[One hundred]~~ Has an income which is at or below 100 percent of the federally designated level signifying poverty, to 50 percent of the fee; or

(2) ~~[One hundred and forty nine]~~ Receives supplemental nutritional assistance pursuant to NRS 422A.072, was determined indigent pursuant to NRS 171.188 or has an income which is at or below 149 percent of the federally designated level signifying poverty, to 75 percent of the fee.

2. The Committee shall establish its own standards and procedures for evaluating the models of the devices and obtain evaluations of those models from the Director or ***the manufacturer of the device or its*** the agent.

3. If a model of a device has been certified by the Committee to be accurate and reliable pursuant to subsection 1, it is presumed that, as designed and manufactured, each device of that model is accurate and

reliable to test a person's breath to determine the concentration of alcohol in the person's breath and, if the results of the test indicate that the person has a concentration of alcohol of 0.02 or more in his or her breath, will prevent the motor vehicle in which it is installed from starting.

Sec. 9. NRS 62E.640 is hereby amended to read as follows:

62E.640 1. If a child is adjudicated delinquent for an unlawful act in violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430, the juvenile court shall, if the child possesses a driver's license:

(a) Issue an order revoking the driver's license of the child for ~~[90]~~ ***185*** days and requiring the child to surrender the driver's license of the child to the juvenile court; and

(b) Not later than 5 days after issuing the order, forward to the Department of Motor Vehicles a copy of the order and the driver's license of the child.

2. The Department of Motor Vehicles shall order the child to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement of the driver's license of the child.

3. If the child is adjudicated delinquent for a subsequent unlawful act in violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430, the juvenile court shall order an additional period of revocation to apply consecutively with the previous order.

4. The juvenile court may ~~[authorize]~~ ***:***

(a) Authorize the Department of Motor Vehicles to issue a restricted driver's license pursuant to NRS 483.490 to a child whose driver's license is revoked pursuant to this section ~~[.]~~ ***; and***

(b) Order the child to install, at his or her own expense, or at the expense of the parent or guardian of the child, a device in any motor vehicle the child operates as a condition to obtaining a restricted license pursuant to NRS 483.490.

5. As used in this section, "device" has the meaning ascribed to it in NRS 484C.450.

Sec. 10. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On October 1, 2018, for all other purposes.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 283.

Bill read third time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 690.

AN ACT relating to special license plates; providing for the issuance of special license plates indicating support for the Vegas Golden Knights hockey team; exempting the special license plates from certain provisions otherwise applicable to special license plates; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires the Department of Motor Vehicles to design, prepare and issue special license plates indicating support for the Vegas Golden Knights, a franchise of the National Hockey League. A person wishing to obtain the special license plates must pay to the Department **a fee for initial issuance of $35 and a fee for renewal of $10, along with** all applicable registration and license fees and governmental services taxes. A person wishing to obtain the special license plates may also request that the plates be combined with personalized prestige plates if the person pays the additional fees for the personalized prestige plates.

Under existing law, certain special license plates: (1) must be approved by the Department, based on a recommendation from the Commission on Special License Plates; (2) are subject to a limitation on the number of separate designs of special license plates which the Department may issue at any one time; and (3) may not be designed, prepared or issued by the Department unless a certain number of applications for the plates are received. (NRS 482.367004, 482.367008, 482.36705) **Sections 5-7** of this bill exempt the special license plates indicating support for the Vegas Golden Knights from each of the preceding requirements. **Sections 2-4 and** ~~[8-9]~~ **8-9.5** of this bill make conforming changes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department, in cooperation with the Vegas Golden Knights, shall design, prepare and issue license plates that indicate support for the Vegas Golden Knights using any colors and designs which the Department deems appropriate.

2. The Department shall issue license plates that indicate support for the Vegas Golden Knights for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates that indicate support for the Vegas Golden Knights ~~*[.]*~~ ***if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates that indicate support for the Vegas Golden Knights pursuant to subsection 3.***

3. ~~[Except as otherwise provided in this subsection, no]~~ The fee for license plates that indicate support for the Vegas Golden Knights is $35, in addition to ~~[the]~~ all other applicable registration and license fees and governmental services taxes . ~~[may be charged for the issuance or renewal of a set of license plates pursuant to this section. If any special license plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of replacement]~~ The license plates ~~[from]~~ are renewable upon the payment of $10. ~~[the Department for a fee of $5.]~~

4. The provisions of NRS 482.36705 do not apply to license plates described in this section.

5. If, during a registration period, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section ~~[.]~~ if the holder pays the fee for the transfer of the registration and any registration fee or governmental service taxes due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

6. The Department may accept any gifts, grants and donations or other sources of money for the production and issuance of the special license plates pursuant to this section. All money received pursuant to this subsection must be deposited in the Revolving Account for the Issuance of Special License Plates created by NRS 482.1805.

Sec. 2. NRS 482.216 is hereby amended to read as follows:

482.216 1. Except as otherwise provided in NRS 482.2155, upon the request of a new vehicle dealer, the Department may authorize the new vehicle dealer to:

(a) Accept applications for the registration of the new motor vehicles he or she sells and the related fees and taxes;

(b) Issue certificates of registration to applicants who satisfy the requirements of this chapter; and

(c) Accept applications for the transfer of registration pursuant to NRS 482.399 if the applicant purchased from the new vehicle dealer a new vehicle to which the registration is to be transferred.

2. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall:

(a) Transmit the applications received to the Department within the period prescribed by the Department;

(b) Transmit the fees collected from the applicants and properly account for them within the period prescribed by the Department;

(c) Comply with the regulations adopted pursuant to subsection 5; and

(d) Bear any cost of equipment which is necessary to issue certificates of registration, including any computer hardware or software.

3. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall not:

(a) Charge any additional fee for the performance of those services;

(b) Receive compensation from the Department for the performance of those services;

(c) Accept applications for the renewal of registration of a motor vehicle; or

(d) Accept an application for the registration of a motor vehicle if the applicant wishes to:

(1) Obtain special license plates pursuant to NRS 482.3667 to 482.3823, inclusive ~~[.]~~ ***, and section 1 of this act;*** or

(2) Claim the exemption from the governmental services tax provided pursuant to NRS 361.1565 to veterans and their relations.

4. The provisions of this section do not apply to the registration of a moped pursuant to NRS 482.2155.

5. The Director shall adopt such regulations as are necessary to carry out the provisions of this section. The regulations adopted pursuant to this subsection must provide for:

(a) The expedient and secure issuance of license plates and decals by the Department; and

(b) The withdrawal of the authority granted to a new vehicle dealer pursuant to subsection 1 if that dealer fails to comply with the regulations adopted by the Department.

Sec. 3. NRS 482.2703 is hereby amended to read as follows:

482.2703 1. The Director may order the preparation of sample license plates which must be of the same design and size as regular license plates or license plates issued pursuant to NRS 482.384. The Director shall ensure that:

(a) Each license plate issued pursuant to this subsection, regardless of its design, is inscribed with the word SAMPLE and an identical designation which consists of the same group of three numerals followed by the same group of three letters; and

(b) The designation of numerals and letters assigned pursuant to paragraph (a) is not assigned to a vehicle registered pursuant to this chapter or chapter 706 of NRS.

2. The Director may order the preparation of sample license plates which must be of the same design and size as any of the special license plates issued pursuant to NRS 482.3667 to 482.3823, inclusive ~~[.]~~ ***, and section 1 of this act.*** The Director shall ensure that:

(a) Each license plate issued pursuant to this subsection, regardless of its design, is inscribed with the word SAMPLE and the number zero in the location where any other numerals would normally be displayed on a license plate of that design; and

(b) The number assigned pursuant to paragraph (a) is not assigned to a vehicle registered pursuant to this chapter or chapter 706 of NRS.

3. The Director may establish a fee for the issuance of sample license plates of not more than $15 for each license plate.

4. A decal issued pursuant to NRS 482.271 may be displayed on a sample license plate issued pursuant to this section.

5. All money collected from the issuance of sample license plates must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

6. A person shall not affix a sample license plate issued pursuant to this section to a vehicle. A person who violates the provisions of this subsection is guilty of a misdemeanor.

Sec. 4. NRS 482.274 is hereby amended to read as follows:

482.274 1. The Director shall order the preparation of vehicle license plates for trailers in the same manner provided for motor vehicles in NRS 482.270, except that a vehicle license plate prepared for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 is not required to have displayed upon it the month and year the registration expires.

2. The Director shall order preparation of two sizes of vehicle license plates for trailers. The smaller plates may be used for trailers with a gross vehicle weight of less than 1,000 pounds.

3. The Director shall determine the registration numbers assigned to trailers.

4. Any license plates issued for a trailer before July 1, 1975, bearing a different designation from that provided for in this section, are valid during the period for which such plates were issued.

5. The Department shall not issue for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 a special license plate available pursuant to NRS 482.3667 to 482.3823, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 5. NRS 482.367004 is hereby amended to read as follows:

482.367004 1. There is hereby created the Commission on Special License Plates. The Commission is advisory to the Department and consists of five Legislators and three nonvoting members as follows:

(a) Five Legislators appointed by the Legislative Commission:

(1) One of whom is the Legislator who served as the Chair of the Assembly Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Assembly Standing Committee on Transportation during the most recent legislative session.

(2) One of whom is the Legislator who served as the Chair of the Senate Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Senate Standing Committee on Transportation during the most recent legislative session.

(b) Three nonvoting members consisting of:

(1) The Director of the Department of Motor Vehicles, or a designee of the Director.

(2) The Director of the Department of Public Safety, or a designee of the Director.

(3) The Director of the Department of Tourism and Cultural Affairs, or a designee of the Director.

2. Each member of the Commission appointed pursuant to paragraph (a) of subsection 1 serves a term of 2 years, commencing on July 1 of each odd-numbered year. A vacancy on the Commission must be filled in the same manner as the original appointment.

3. Members of the Commission serve without salary or compensation for their travel or per diem expenses.

4. The Director of the Legislative Counsel Bureau shall provide administrative support to the Commission.

5. The Commission shall recommend to the Department that the Department approve or disapprove:

(a) Applications for the design, preparation and issuance of special license plates that are submitted to the Department pursuant to subsection 1 of NRS 482.367002;

(b) The issuance by the Department of special license plates that have been designed and prepared pursuant to NRS 482.367002; and

(c) Except as otherwise provided in subsection 7, applications for the design, preparation and issuance of special license plates that have been authorized by an act of the Legislature after January 1, 2007.

➥ In determining whether to recommend to the Department the approval of such an application or issuance, the Commission shall consider, without limitation, whether it would be appropriate and feasible for the Department to, as applicable, design, prepare or issue the particular special license plate. For the purpose of making recommendations to the Department, the Commission shall consider each application in the chronological order in which the application was received by the Department.

6. On or before September 1 of each fiscal year, the Commission shall compile a list of each special license plate for which the Commission, during the immediately preceding fiscal year, recommended to the Department that the Department approve the application for the special license plate or approve the issuance of the special license plate. The list so compiled must set forth, for each such plate, the cause or charitable organization for which the special license plate generates or would generate financial support, and the intended use to which the financial support is being put or would be put. The Commission shall transmit the information described in this subsection to the Department and the Department shall make that information available on its Internet website.

7. The provisions of paragraph (c) of subsection 5 do not apply with regard to special license plates that are issued pursuant to NRS 482.3751,

482.3752, 482.3757, 482.3783, 482.3785, 482.3787 or 482.37901 ~~[.]~~ ***or section 1 of this act.***

8. The Commission shall:

(a) Recommend to the Department that the Department approve or disapprove any proposed change in the distribution of money received in the form of additional fees. As used in this paragraph, "additional fees" means the fees that are charged in connection with the issuance or renewal of a special license plate for the benefit of a particular cause, fund or charitable organization. The term does not include registration and license fees or governmental services taxes.

(b) If it recommends a proposed change pursuant to paragraph (a) and determines that legislation is required to carry out the change, recommend to the Department that the Department request the assistance of the Legislative Counsel in the preparation of a bill draft to carry out the change.

Sec. 6. NRS 482.367008 is hereby amended to read as follows:

482.367008 1. As used in this section, "special license plate" means:

(a) A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application and petition described in that section;

(b) A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37905, 482.37917, 482.379175, 482.37918, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.379375, 482.37938, 482.37939, 482.37945 or 482.37947; and

(c) Except for a license plate that is issued pursuant to NRS 482.3751, 482.3752, 482.3757, 482.3783, 482.3785, 482.3787 or 482.37901, ***or section 1 of this act,*** a license plate that is approved by the Legislature after July 1, 2005.

2. Notwithstanding any other provision of law to the contrary, and except as otherwise provided in subsection 3, the Department shall not, at any one time, issue more than 30 separate designs of special license plates. Whenever the total number of separate designs of special license plates issued by the Department at any one time is less than 30, the Department shall issue a number of additional designs of special license plates that have been authorized by an act of the Legislature or the application for which has been recommended by the Commission on Special License Plates to be approved by the Department pursuant to subsection 5 of NRS 482.367004, not to exceed a total of 30 designs issued by the Department at any one time. Such additional designs must be issued by the Department in accordance with the chronological order of their authorization or approval by the Department.

3. In addition to the special license plates described in subsection 2, the Department may issue not more than five separate designs of special license plates in excess of the limit set forth in that subsection. To qualify for issuance pursuant to this subsection:

(a) The Commission on Special License Plates must have recommended to the Department that the Department approve the design, preparation and issuance of the special plates as described in paragraphs (a) and (b) of subsection 5 of NRS 482.367004; and

(b) The special license plates must have been applied for, designed, prepared and issued pursuant to NRS 482.367002, except that:

(1) The application for the special license plates must be accompanied by a surety bond posted with the Department in the amount of $20,000; and

(2) Pursuant to the assessment of the viability of the design of the special license plates that is conducted pursuant to this section, it is determined that at least 3,000 special license plates have been issued.

4. Except as otherwise provided in this subsection, on October 1 of each year the Department shall assess the viability of each separate design of special license plate that the Department is currently issuing by determining the total number of validly registered motor vehicles to which that design of special license plate is affixed. The Department shall not determine the total number of validly registered motor vehicles to which a particular design of special license plate is affixed if:

(a) The particular design of special license plate was designed and prepared by the Department pursuant to NRS 482.367002; and

(b) On October 1, that particular design of special license plate has been available to be issued for less than 12 months.

5. If, on October 1, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates not described in subsection 3, less than 1,000; or

(b) In the case of special license plates described in subsection 3, less than 3,000,

➥ the Director shall provide notice of that fact in the manner described in subsection 6.

6. The notice required pursuant to subsection 5 must be provided:

(a) If the special license plate generates financial support for a cause or charitable organization, to that cause or charitable organization.

(b) If the special license plate does not generate financial support for a cause or charitable organization, to an entity which is involved in promoting the activity, place or other matter that is depicted on the plate.

7. If, on December 31 of the same year in which notice was provided pursuant to subsections 5 and 6, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates not described in subsection 3, less than 1,000; or

(b) In the case of special license plates described in subsection 3, less than 3,000,

➥ the Director shall, notwithstanding any other provision of law to the contrary, issue an order providing that the Department will no longer issue

that particular design of special license plate. Except as otherwise provided in subsection 2 of NRS 482.265, such an order does not require existing holders of that particular design of special license plate to surrender their plates to the Department and does not prohibit those holders from renewing those plates.

Sec. 7. NRS 482.36705 is hereby amended to read as follows:

482.36705 1. Except as otherwise provided in subsection 2:

(a) If a new special license plate is authorized by an act of the Legislature after January 1, 2003, other than a special license plate that is authorized pursuant to NRS 482.379375, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Department receives at least 1,000 applications for the issuance of that plate within 2 years after the effective date of the act of the Legislature that authorized the plate.

(b) In addition to the requirements set forth in paragraph (a), if a new special license plate is authorized by an act of the Legislature after July 1, 2005, the Legislature will direct that the license plate not be issued by the Department unless its issuance complies with subsection 2 of NRS 482.367008.

(c) In addition to the requirements set forth in paragraphs (a) and (b), if a new special license plate is authorized by an act of the Legislature after January 1, 2007, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Commission on Special License Plates recommends to the Department that the Department approve the application for the authorized plate pursuant to NRS 482.367004.

2. The provisions of subsection 1 do not apply with regard to special license plates that are issued pursuant to NRS 482.3751, 482.3752, 482.3757, 482.3783, 482.3785, 482.3787 or 482.37901 ~~[.]~~ ***or section 1 of this act.***

Sec. 8. NRS 482.38276 is hereby amended to read as follows:

482.38276 "Special license plate" means:

1. A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application and petition described in that section;

2. A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37905, 482.37917, 482.379175, 482.37918, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.379375, 482.37938, 482.37939, 482.37945 or 482.37947; and

3. Except for a license plate that is issued pursuant to NRS 482.3757, 482.3785, 482.3787 or 482.37901, ***or section 1 of this act,*** a license plate that is approved by the Legislature after July 1, 2005.

Sec. 9. NRS 482.399 is hereby amended to read as follows:

482.399 1. Upon the transfer of the ownership of or interest in any vehicle by any holder of a valid registration, or upon destruction of the vehicle, the registration expires.

2. Except as otherwise provided in NRS 482.2155 and subsection 3 of NRS 482.483, the holder of the original registration may transfer the registration to another vehicle to be registered by the holder and use the same regular license plate or plates or special license plate or plates issued pursuant to NRS 482.3667 to 482.3823, inclusive, ***and section 1 of this act,*** or 482.384, on the vehicle from which the registration is being transferred, if the license plate or plates are appropriate for the second vehicle, upon filing an application for transfer of registration and upon paying the transfer registration fee and the excess, if any, of the registration fee and governmental services tax on the vehicle to which the registration is transferred over the total registration fee and governmental services tax paid on all vehicles from which he or she is transferring ownership or interest. Except as otherwise provided in NRS 482.294, an application for transfer of registration must be made in person, if practicable, to any office or agent of the Department or to a registered dealer, and the license plate or plates may not be used upon a second vehicle until registration of that vehicle is complete.

3. In computing the governmental services tax, the Department, its agent or the registered dealer shall credit the portion of the tax paid on the first vehicle attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the second vehicle or on any other vehicle of which the person is the registered owner. If any person transfers ownership or interest in two or more vehicles, the Department or the registered dealer shall credit the portion of the tax paid on all of the vehicles attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner. The certificates of registration and unused license plates of the vehicles from which a person transfers ownership or interest must be submitted before credit is given against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner.

4. In computing the registration fee, the Department or its agent or the registered dealer shall credit the portion of the registration fee paid on each vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis against the registration fee due on the vehicle to which registration is transferred.

5. If the amount owed on the registration fee or governmental services tax on the vehicle to which registration is transferred is less than the credit on the total registration fee or governmental services tax paid on all vehicles from which a person transfers ownership or interest, the person may apply the unused portion of the credit to the registration of any other vehicle owned by the person. Any unused portion of such a credit expires on the date the registration of the vehicle from which the person transferred the registration was due to expire.

6. If the license plate or plates are not appropriate for the second vehicle, the plate or plates must be surrendered to the Department or registered dealer and an appropriate plate or plates must be issued by the Department. The Department shall not reissue the surrendered plate or plates until the next succeeding licensing period.

7. If application for transfer of registration is not made within 60 days after the destruction or transfer of ownership of or interest in any vehicle, the license plate or plates must be surrendered to the Department on or before the 60th day for cancellation of the registration.

8. Except as otherwise provided in subsection 2 of NRS 371.040, NRS 482.2155, subsections 7 and 8 of NRS 482.260 and subsection 3 of NRS 482.483, if a person cancels his or her registration and surrenders to the Department the license plates for a vehicle, the Department shall:

(a) In accordance with the provisions of subsection 9, issue to the person a refund of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis; or

(b) If the person does not qualify for a refund in accordance with the provisions of subsection 9, issue to the person a credit in the amount of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis. Such a credit may be applied by the person to the registration of any other vehicle owned by the person. Any unused portion of the credit expires on the date the registration of the vehicle from which the person obtained a refund was due to expire.

9. The Department shall issue a refund pursuant to subsection 8 only if the request for a refund is made at the time the registration is cancelled and the license plates are surrendered, the person requesting the refund is a resident of Nevada, the amount eligible for refund exceeds $100, and evidence satisfactory to the Department is submitted that reasonably proves the existence of extenuating circumstances. For the purposes of this subsection, the term "extenuating circumstances" means circumstances wherein:

(a) The person has recently relinquished his or her driver's license and has sold or otherwise disposed of his or her vehicle.

(b) The vehicle has been determined to be inoperable and the person does not transfer the registration to a different vehicle.

(c) The owner of the vehicle is seriously ill or has died and the guardians or survivors have sold or otherwise disposed of the vehicle.

(d) Any other event occurs which the Department, by regulation, has defined to constitute an "extenuating circumstance" for the purposes of this subsection.

Sec. 9.5. **NRS 482.500 is hereby amended to read as follows:**

482.500 1. Except as otherwise provided in subsection 2 or 3, whenever upon application any duplicate or substitute certificate of

registration, indicator, decal or number plate is issued, the following fees must be paid:

For a certificate of registration	$5.00
For every substitute number plate or set of plates	5.00
For every duplicate number plate or set of plates	10.00
For every decal displaying a county name	.50
For every other indicator, decal, license plate sticker or tab	5.00

2. The following fees must be paid for any replacement plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.367002, 482.3672, 482.3675, 482.370 to 482.376, inclusive, ***and section 1 of this act*** or 482.379 to 482.3818, inclusive, a fee of $10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of $5.

(c) Except as otherwise provided in paragraph (a) of subsection 1 of NRS 482.3824, for any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the Director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for duplicate number plates and decals displaying county names must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to defray the costs of duplicating the plates and manufacturing the decals.

Sec. 10. This act becomes effective upon passage and approval.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 320.

Bill read third time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 768.

AN ACT relating to motor vehicles; setting forth certain conditions relating to the towing of a motor vehicle from a residential complex; authorizing the immobilization of a vehicle under certain circumstances in certain parking structures; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes certain conditions on the towing of a motor vehicle which is requested by a person other than the owner of the vehicle, an agent

of the owner or a law enforcement officer. Those conditions require that: (1) the person requesting the tow must be the owner of the real property from which the vehicle is being towed, or an authorized agent of the owner of the real property; (2) the person requesting the tow must sign a specific request for the towing; (3) the area from which the vehicle is to be towed must be appropriately posted in accordance with state or local requirements; (4) notice must be given to the appropriate law enforcement agency pursuant to state or local requirements; and (5) the operator of the tow car may be directed to terminate the towing by a law enforcement officer. (NRS 706.4477) **Section 1** of this bill sets forth certain additional conditions if the real property from which the vehicle is to be towed is a residential complex. Those conditions state that the owner of the real property, or an authorized agent of the owner: (1) may only have a vehicle towed for a parking violation, for an issue related to the health **,** ~~[and]~~ safety **or welfare** of the residents of the complex or because the vehicle is unregistered or the registration on the vehicle ~~[has been]~~ **is** expired **;** ~~[for not less than 60 days;]~~ and (2) may not have a vehicle towed until 48 hours after affixing a notice to the vehicle which explains when the vehicle is to be towed, unless the tow is requested for an issue relating to the health **,** ~~[and]~~ safety **or welfare** of the residents of the residential complex. Existing law makes a violation of any of these provisions a misdemeanor. (NRS 706.756)

Existing law imposes certain requirements on the owner of a property who wishes to have a vehicle towed from the property, including a requirement that relevant parking restrictions be displayed in plain view and that local law enforcement be notified of any such towing. (NRS 487.038) **Section 4** of this bill newly authorizes the owner of a multilevel parking garage or multilevel parking structure that is operated by or for a resort hotel with a nonrestricted gaming license to immobilize vehicles which are parked in an unauthorized manner. The requirement for the displaying of parking restrictions remains. The cost of having the boot, clamp or device removed must also be displayed and must not exceed $100. **Section 3** of this bill makes a conforming change to existing provisions which makes it unlawful to temporarily prevent the useful operation of a vehicle. (NRS 205.274) **Section 5** of this bill makes a conforming change to existing law concerning the process by which a person who believes that his or her vehicle was illegally towed may file a civil action against the person who had the vehicle towed. (NRS 487.039)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 706.4477 is hereby amended to read as follows:

706.4477 1. If towing is requested by a person other than the owner, or an agent of the owner, of the motor vehicle or a law enforcement officer:

(a) The person requesting the towing must be the owner of the real property from which the vehicle is towed or an authorized agent of the owner of the real property and must sign a specific request for the towing. For the

purposes of this section, the operator is not an authorized agent of the owner of the real property.

(b) The area from which the vehicle is to be towed must be appropriately posted in accordance with state or local requirements.

(c) Notice must be given to the appropriate law enforcement agency pursuant to state and local requirements.

(d) The operator may be directed to terminate the towing by a law enforcement officer.

2. ***If, pursuant to subsection 1, the owner of the real property or authorized agent of the owner of the real property requests that a vehicle be towed from a residential complex at which the vehicle is located, the owner of the real property or authorized agent of the owner:***

(a) Must:

(1) Meet the requirements of subsection 1.

(2) If the vehicle is being towed pursuant to subparagraph (1), (2) or (3) of paragraph (b), notify the owner or operator of the vehicle of the tow not less than 48 hours before the tow by affixing to the vehicle a sticker which provides the date and time ~~[at]~~ after which the vehicle will be towed.

(b) May only have a vehicle towed:

(1) Because of a parking violation;

(2) If the vehicle is not registered pursuant to chapter 482 or 706 of NRS or in any other state;

(3) If the registration of the vehicle ~~[has]~~ :

(I) Has been expired for not less than 60 days ~~[;]~~ , if the vehicle is owned or operated by a resident of the residential complex or does not meet the requirements of sub-subparagraph (II); or

(II) Is expired, if the owner of real property or authorized agent of the owner verifies that the vehicle is not owned or operated by a resident of the residential complex; or

(4) ~~[For any issue that is related to the health and safety of the residents of the residential complex that requires the removal of]~~ If the vehicle ~~[from the residential complex, including, without limitation, a vehicle that]~~ is:

(I) Blocking ~~[egress or ingress to the residential complex;~~

~~(II) Blocking access to]~~ a fire hydrant ~~[;~~

~~(III) Preventing the movement of another vehicle; or~~

~~(IV) Emitting toxic substances.]~~ , fire lane or parking space designated for the handicapped; or

(II) Posing an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the residents of the residential complex.

3. If towing is requested by a county or city pursuant to NRS 244.3605 or 268.4122, as applicable:

(a) Notice must be given to the appropriate law enforcement agency pursuant to state and local requirements.

(b) The operator may be directed to terminate the towing by a law enforcement officer.

~~[3.]~~ ***4.*** The registered owner of a motor vehicle towed pursuant to the provisions of subsection 1 ~~[or 2:]~~ ***, 2 or 3:***

(a) Is presumed to have left the motor vehicle on the real property from which the vehicle is towed; and

(b) Is responsible for the cost of removal and storage of the motor vehicle.

~~[4.]~~ ***5.*** The registered owner may rebut the presumption in subsection ~~[3]~~ ***4*** by showing that:

(a) The registered owner transferred the registered owner's interest in the motor vehicle:

(1) Pursuant to the provisions set forth in NRS 482.399 to 482.420, inclusive; or

(2) As indicated by a bill of sale for the vehicle that is signed by the registered owner; or

(b) The vehicle is stolen, if the registered owner submits evidence that, before the discovery of the vehicle, the registered owner filed an affidavit with the Department or a written report with an appropriate law enforcement agency alleging the theft of the vehicle.

6. As used in this section:

(a) "Parking violation" means a violation of any:

(1) State or local law or ordinance governing parking; or

(2) Parking rule promulgated by the owner or manager of the residential complex that applies to vehicles on the property of the residential complex.

(b) "Residential complex" means a group of apartments, condominiums or townhomes intended for use as residential units and for which a common parking area is provided, regardless of whether each resident or unit has been assigned a specific parking space in the common parking area.

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 205.274 is hereby amended to read as follows:

205.274 1. ~~[Any]~~ ***Except as otherwise provided in section 4 of this act, any*** person who shall individually or in association with one or more other persons willfully break, injure, tamper with or remove any part or parts of any vehicle for the purpose of injuring, defacing or destroying such vehicle, or temporarily or permanently preventing its useful operation, or for any purpose against the will or without the consent of the owner of such vehicle, or who shall in any manner willfully or maliciously interfere with or prevent the running or operation of such vehicle, shall be guilty of a public offense proportionate to the value of the loss resulting therefrom.

2. Any person who shall without the consent of the owner or person in charge of a vehicle climb into or upon such vehicle with the intent to commit any crime, malicious mischief, or injury thereto, or who while a vehicle is at rest and unattended shall attempt to manipulate any of the levers, starting

crank or other starting device, brakes or other mechanism thereof, or to set such vehicle in motion, shall be guilty of a misdemeanor; but the foregoing provisions shall not apply when any such act is done in an emergency in furtherance of public safety or convenience or by or under the direction of an officer in the regulation of traffic or performance of any other official duty.

Sec. 4. Chapter 487 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, the owner or person in lawful possession of a multilevel parking garage or other parking structure that is operated by or for the owner or operator of a resort hotel with a nonrestricted license may, after giving notice pursuant to subsection 2, immobilize a vehicle parked in an unauthorized manner in the garage or structure by means of a boot, wheel clamp or other mechanical device which prevents the movement of the vehicle until the boot, clamp or other device is removed if a sign is displayed in plain view on each level of the parking garage or parking structure which:

(a) Declares public parking to be prohibited or restricted in a certain manner and setting forth the provisions of NRS 487.039;

(b) Shows the telephone number of the police department or sheriff's office; and

(c) Provides the procedures that must be followed and the total amount of the charges to remove the boot, clamp or other mechanical device.

2. The total amount of the charges to remove the boot, clamp or other mechanical device must not exceed $100.

3. Any vehicle which is parked in a space designated for persons with disabilities must not be immobilized pursuant to this section but may instead be towed.

4. Except as otherwise provided in NRS 487.039, the total amount of all charges incurred under the provisions of this section for the removal of a boot, wheel clamp or other mechanical device which prevents the movement of the vehicle must be borne by the owner of the vehicle, as that term is defined in NRS 484A.150.

5. The provisions of this section do not limit or affect any rights or remedies which the owner or person in lawful possession of a multilevel parking garage or parking structure as provided in subsection 1 may have by virtue of other provisions of the law authorizing the removal or immobilization of a vehicle parked in the garage or structure.

6. As used in this section:

(a) "Nonrestricted license" has the meaning ascribed to it in NRS 463.0177; and

(b) "Resort hotel" has the meaning ascribed to it in NRS 463.01865.

Sec. 5. NRS 487.039 is hereby amended to read as follows:

487.039 1. If a vehicle is towed pursuant to NRS 487.037 or 487.038 ***or immobilized pursuant to section 4 of this act*** and the owner of the vehicle believes that the vehicle was unlawfully towed ~~[,]~~ ***or immobilized,*** the owner

of the vehicle may file a civil action pursuant to paragraph (b) of subsection 1 of NRS 4.370 in the justice court of the township where the property from which the vehicle was towed ***or on which the vehicle was immobilized*** is located, on a form provided by the court, to determine whether the towing ***or immobilizing*** of the vehicle was lawful.

2. An action ***relating to a vehicle that was towed*** may be filed pursuant to this section only if the cost of towing and storing the vehicle does not exceed $15,000.

3. Upon the filing of a civil action pursuant to subsection 1, the court shall schedule a date for a hearing. The hearing must be held not later than 4 working days after the action is filed. The court shall affix the date of the hearing to the form and order a copy served by the sheriff, constable or other process server upon the owner or person in lawful possession of the property who authorized the towing ***or immobilization*** of the vehicle.

4. The court shall ~~[~~:

~~(a) If~~**]** ***, if*** it determines that the vehicle was:

~~[(1)]~~ ***(a)*** Lawfully towed, order the owner of the vehicle to pay the cost of towing and storing the vehicle and order the person who is storing the vehicle to release the vehicle to the owner upon payment of that cost; ~~[or]~~

~~[(2)]~~ ***(b)*** Unlawfully towed, order the owner or person in lawful possession of the property who authorized the towing to pay the cost of towing and storing the vehicle ***,*** ~~[and]~~ order the person who is storing the vehicle to release the vehicle to the owner immediately ~~[; and~~

~~(b) Determine~~**]** ***and determine*** the actual cost incurred in towing and storing the vehicle ~~[.]~~ ***;***

(c) Lawfully immobilized, order the owner of the vehicle to pay the cost of removing from the vehicle the boot, wheel clamp or other mechanical device used to immobilize the vehicle and order the person who immobilized the vehicle to remove the boot, clamp or device upon payment of that cost; or

(d) Unlawfully immobilized, order the owner or person in lawful possession of the property who authorized the immobilizing to pay the cost of removing the boot, clamp or device and order the person who immobilized the vehicle to remove the boot, clamp or device from the vehicle immediately.

5. The operator of any facility or other location where vehicles which are towed are stored shall display conspicuously at that facility or location a sign which sets forth the provisions of this section.

Sec. 6. This act becomes effective on July 1, 2017.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 350.

Bill read third time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 828.

AN ACT relating to trade regulations; prohibiting certain persons from installing, requiring to be installed or using certain technology devices in a motor vehicle in certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines activities that constitute deceptive trade practices and provides for the imposition of civil and criminal penalties against persons who engage in deceptive trade practices. (NRS 11.190, 41.600; chapter 598 of NRS) **Section 28** of this bill prohibits certain creditors or long-term lessors of certain motor vehicles from: (1) installing or requiring the installation of certain technology devices which record the location of a motor vehicle unless the consumer who has purchased or leased the motor vehicle is given written notice or agrees in writing to such installation; or (2) installing or using certain technology devices which can remotely disable a motor vehicle in the event of a default unless the consumer agrees in writing to such installation and use. **Section 28** also provides certain requirements for and restrictions on the use of such technology devices. **Section 29** of this bill imposes certain requirements and restrictions on certain persons who: (1) manufacture or provide such technology devices; (2) install such technology devices; or (3) possess or obtain data from such technology devices. **Section 29.5 of this bill provides that such technology devices generally are the responsibility of a creditor or long-term lessor or, if applicable, any successor in interest or another secured party, and specifies that such responsibility includes paying for certain costs associated with, and any damage to a motor vehicle that is caused by, the use of such technology devices.** **Section 30** of this bill makes any violation of the provisions of **sections 28 and 29** a deceptive trade practice. **Sections 15-27** of this bill provide definitions for the provisions relating to the new deceptive trade practices established in **sections 28 and 29**. **Section 31** of this bill makes a conforming change. **Section 32** of this bill makes a conforming change to a provision of existing law that imposes certain requirements on retail installment contracts. (NRS 97.165)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections 16 to 30, inclusive, of this act.

Sec. 16. ***As used in sections 16 to 30, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 17 to 27, inclusive, of this act have the meanings ascribed in those sections.***

Sec. 17. ***"Consumer" means:***

1. A retail buyer who purchases a motor vehicle; or

2. A long-term lessee who leases a motor vehicle,

↪ primarily for personal, family or household use.

Sec. 18. ***"Creditor" means a lender, dealer or other secured party to a transaction for the purchase of a motor vehicle or the assignee of such a lender, dealer or other secured party.***

Sec. 19. ***"Dealer" has the meaning ascribed to it in NRS 482.020.***

Sec. 19.5. "Device" means all physical parts and pieces which are required to allow for the operation of electronic tracking technology or starter interruption technology in a motor vehicle.

Sec. 20. ***"Electronic tracking technology" means technology that enables the use of a global positioning satellite or similar technology to obtain or record the location of a motor vehicle.***

Sec. 21. ***"Lease" has the meaning ascribed to it in NRS 482.053.***

Sec. 22. ***"Long-term lessee" has the meaning ascribed to it in NRS 482.053.***

Sec. 23. ***"Long-term lessor" has the meaning ascribed to it in NRS 482.053.***

Sec. 24. ***"Retail buyer" has the meaning ascribed to it in NRS 97.085.***

Sec. 25. ***"Retail installment contract" has the meaning ascribed to it in NRS 97.105.***

Sec. 26. ***"Secured party" has the meaning ascribed to it in NRS 104.9102.***

Sec. 27. ***"Starter interruption technology" means technology which can be used to remotely disable the starter of a motor vehicle or to remotely cause an audible sound in a motor vehicle, or both.***

Sec. 28. ***1. A creditor, in connection with a retail installment contract for the sale of a motor vehicle, or a long-term lessor, in connection with a lease of a motor vehicle, must not use, install or require to be installed in***

the motor vehicle any electronic tracking technology for the purpose of ascertaining or recording the location of the motor vehicle unless the:

(a) Consumer agrees in writing to the installation of the electronic tracking technology in the motor vehicle, provided that the agreement is optional and not a required condition of the retail installment contract or lease; or

(b) Creditor or long-term lessor provides to the consumer, before the signing of the retail installment contract or lease, written notification in a document that is separate from the contract or lease and may be retained by the consumer, that the motor vehicle is equipped with electronic tracking technology that may be used by the creditor or lessor:

(1) To verify and maintain the operational status of the electronic tracking technology;

(2) To service the contract or lease; or

(3) To locate the vehicle for repossession as provided by this section or by any other provision of law.

2. A creditor, in connection with a retail installment contract for the sale of a motor vehicle, or a long-term lessor, in connection with a lease of a motor vehicle, must not install in the motor vehicle or use starter interruption technology unless, before the signing of the contract or lease the consumer and the creditor or long-term lessor enter into a written agreement, in a document that is separate from the contract or lease, a copy of which may be retained by the consumer and for which the consumer must provide written acknowledgment of receipt, that the motor vehicle is equipped with starter interruption technology. The agreement must provide that:

(a) The vehicle is equipped with starter interruption technology which may only be used as provided in this subsection.

(b) The starter interruption technology may be used to disable the starter of the motor vehicle remotely if the consumer is in default as provided in the retail installment contract or lease, but in no case sooner than 30 days after the due date of a missed payment by the consumer on the contract or lease.

(c) The use of starter interruption technology to disable the starter of the motor vehicle constitutes constructive repossession for the purposes of applicable law, including, without limitation, chapters 97, 104 and 104A of NRS.

(d) For the purposes of reducing or eliminating the risk of potential injury or harm to the consumer and the health, safety and welfare of the public, starter interruption technology must be designed, installed and operated only to prevent a motor vehicle from being started and must not be used in a way that will:

(1) Disable the motor vehicle while it is being operated;

(2) Turn off the engine when the engine is running; or

(3) Cause an audible warning sound which lasts longer than 20 continuous seconds when the engine is started or turned off.

(e) Not less than 48 hours before the starter interruption technology is engaged, the consumer must be provided with actual notice, in a ~~[form and]~~ manner clearly stated in the agreement and which may consist of, without limitation, a clear visual signal displayed in a place ~~[easily]~~ that is visible to the driver of the motor vehicle.

(f) The consumer will be provided with the name, address and toll-free telephone number of a person who has the authority to have the starter interruption technology activated, deactivated or reinstated, as necessary.

(g) ~~[The]~~ If the starter interruption technology is engaged, the consumer will be provided with the ability, in the event of an emergency, to start and freely operate the vehicle not less than two times ~~[over]~~ during a payment cycle under the retail installment contract or lease, for a ~~[48-hour]~~ period of not less than 24 hours after each time the ~~[engagement of the starter interruption technology.]~~ vehicle is started.

(h) In the event that the retail installment contract or lease for the motor vehicle is assigned to a successor in interest or another secured party, the successor in interest or other secured party must provide the consumer with his or her name, address and toll-free telephone number in a commercially reasonable time and manner.

(i) The consumer must not be charged a fee or incur any cost for the installation or use of the starter interruption technology ~~[.]~~ unless the consumer chooses to keep an electronic tracking technology device after, as applicable:

(1) The consumer makes all payments required pursuant to the retail installment contract; or

(2) If the consumer has the option to purchase the motor vehicle after the expiration of the lease, the consumer purchases the motor vehicle and makes all payments required pursuant to any retail installment contract.

(j) A breach of the agreement by the creditor or long-term lessor constitutes a deceptive trade practice.

3. The provisions of this section:

(a) May not be waived by the consumer.

(b) Do not apply to a creditor or long-term lessor who:

(1) Conducts a transaction for the installment sale or long-term lease of a motor vehicle intended for use by a business entity in the course or scope of business.

(2) Is the manufacturer, or ~~[a wholly-owned]~~ an affiliate under common control or ownership of the manufacturer, of the motor vehicle which is the subject of the retail installment contract or long-term lease.

Sec. 29. *1. A person who manufactures or provides electronic tracking technology devices or starter interruption technology devices shall:*

(a) Label each such device with the name of the manufacturer and a unique identifier that is designed to remain legible for the estimated useful life of the device.

(b) Keep records for each device for not less than the estimated useful life of the device that include, without limitation:

(1) The date of manufacture;

(2) The date of sale;

(3) The identity of the original purchaser; and

(4) If known, the identity of the person who initially installed the device.

(c) Provide to any installer of the device specific instructions on the proper installation of the device in a vehicle and retain records showing the exact instructions which were provided with each device, as identified with a unique identifier pursuant to paragraph (a).

(d) If he or she regains possession of a device and resells or provides it to another person, keep the records required pursuant to paragraphs (b) and (c).

2. A person who installs an electronic tracking technology device or a starter interruption technology device in a motor vehicle must:

(a) Hold a certification from the:

(1) Mobile Electronics Certified Professional program or its successor; or

(2) National Institute for Automotive Service Excellence or its successor.

(b) Keep records of each installation conducted for not less than 3 years. Such records must include, without limitation:

(1) The date of installation;

(2) The unique identifier on each device as required by paragraph (a) of subsection 1; and

(3) A copy of the installation instructions provided by the manufacturer or provider of the device as required by paragraph (c) of subsection 1.

(c) If the installation is at the request of or on behalf of a creditor in connection with a retail installment contract for the sale of a motor vehicle or a long-term lessor in connection with the lease of a motor vehicle, provide a copy of the records required by paragraph (b) to the creditor or lessor or a designee of the creditor or lessor.

3. A person who possesses or obtains telemetry data related to a consumer that is collected by electronic tracking technology or starter interruption technology may not:

(a) Sell any telemetry data.

(b) Provide any telemetry data to any person or entity other than:

(1) The consumer;

(2) A repossessor who is authorized pursuant to section 28 of this act to repossess the motor vehicle from which the telemetry data was obtained; or

(3) A person authorized by law to possess or obtain such telemetry data.

(c) Use any telemetry data for any purpose other than:

(1) As needed to ensure that the electronic tracking technology or starter interruption technology is operating properly, provided that such use is brief and periodic;

(2) To communicate an audible or visible warning to the consumer as authorized in section 28 of this act;

(3) To activate starter interruption technology as authorized in section 28 of this act;

(4) To locate a motor vehicle at the request of the consumer; or

(5) To locate the motor vehicle for repossession as authorized in section 28 of this act.

(d) Retain any telemetry data for a period of more than 180 days after collection of the data.

(e) Fail to erase all electronically stored telemetry data and shred any physical copies of such data not more than 180 days after collection of the data.

4. The provisions of this section do not apply to ~~[the]~~ :

(a) The manufacturer, or ~~[a wholly-owned]~~ an affiliate under common control or ownership of the manufacturer, of a motor vehicle which is equipped with electronic tracking technology or starter interruption technology or from which telemetry data is obtained ~~[.]~~ ; or

(b) An insurer, or a wholly owned affiliate of an insurer, of a motor vehicle from which telemetry data is obtained with the consent of the insured.

5. As used in this section, unless the context otherwise requires:

(a) ~~["Device" means all physical parts and pieces which are required to allow for the operation of electronic tracking technology or starter interruption technology in a motor vehicle.~~

~~(b)]~~ "Repossessor" has the meaning ascribed to it in NRS 648.015.

~~[(c)]~~ (b) "Telemetry data" means any information collected by electronic tracking technology or starter interruption technology, regardless of whether such information is transmitted or retained in the device, and includes, without limitation, information pertaining to the location, speed and motion status of a motor vehicle.

Sec. 29.5. Except as otherwise provided in paragraph (i) of subsection 2 of section 28 of this act, any electronic tracking technology device or starter interruption technology device that is installed in a motor vehicle at the request of or on behalf of a creditor, in connection with a retail installment contract for the sale of a motor vehicle, or a long-term lessor,

in connection with the lease of a motor vehicle, is the responsibility of the creditor or long-term lessor or, if the retail installment contract or lease for the motor vehicle is assigned to a successor in interest or another secured party, the successor in interest or other secured party. Such responsibility includes, without limitation, paying the costs of any maintenance, replacement or repair of the device that is not covered by a warranty and any damage to the motor vehicle that is caused by the device. A consumer must not be required to pay any such costs relating to the use of such a device.

Sec. 30. ***1. Any violation of sections 28 and 29 of this act constitute a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.***

2. A consumer who prevails in an action for a violation of section 28 or 29 of this act by a person who is a creditor in connection with a retail installment contract for the sale of a motor vehicle or a long-term lessor in connection with the lease of a motor vehicle, in addition to any other award or other remedy available pursuant to law, must be awarded the greater of:

(a) Statutory damages pursuant to subsection 3 of NRS 104.9625, if applicable; or

(b) $1,000.

Sec. 31. NRS 598.0999 is hereby amended to read as follows:

598.0999 1. Except as otherwise provided in NRS 598.0974, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, upon a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than $10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive.

2. Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed $5,000 for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.

3. A natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:

(a) For the first offense, is guilty of a misdemeanor.

(b) For the second offense, is guilty of a gross misdemeanor.

(c) For the third and all subsequent offenses, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

➥ The court may require the natural person, firm, or officer or managing agent of the corporation or association to pay to the aggrieved party damages on all profits derived from the knowing and willful engagement in a deceptive trade practice and treble damages on all damages suffered by reason of the deceptive trade practice.

4. Any offense which occurred within 10 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of subsection 3 when evidenced by a conviction, without regard to the sequence of the offenses and convictions.

5. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, 598.100 to 598.2801, inclusive, 598.305 to 598.395, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, ~~[or]~~ 598.840 to 598.966, inclusive, ***or sections 16 to 30, inclusive, of this act,*** fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

6. If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

Sec. 32. NRS 97.165 is hereby amended to read as follows:

97.165 1. Every retail installment contract must be contained in a single document which must contain the entire agreement of the parties, including any promissory notes or other evidences of indebtedness between the parties relating to the transaction, except as otherwise provided in NRS 97.205 ***,*** ~~[and]~~ 97.235 ~~[.]~~ ***and section 28 of this act,*** but:

(a) If the buyer's obligation to pay the total of payments is represented by a promissory note secured by a chattel mortgage or other security agreement, the promissory note may be a separate instrument if the mortgage or security

agreement recites the amount and terms of payment of that note and the promissory note recites that it is secured by a mortgage or security agreement.

(b) In a transaction involving the repair, alteration or improvement upon or in connection with real property, the contract may be secured by a mortgage or deed of trust on the real property contained in a separate document. Retail sales transactions for home improvements which are financed or insured by the Federal Housing Administration are not subject to the provisions of this chapter.

2. The contract must be dated, signed by the retail buyer and completed as to all essential provisions, except as otherwise provided in NRS 97.205, 97.215 and 97.235. The printed or typed portion of the contract, other than instructions for completion, must be in a size equal to at least 8-point type.

3. Any fee charged to the retail buyer for his or her cancellation of a retail installment contract within 72 hours after its execution is prohibited unless notice of the fee is clearly set forth in the printed or typed portion of the contract.

Sec. 33. This act becomes effective on July 1, 2017.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblymen Carrillo, Carlton, and Spiegel.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 352.

Bill read third time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 879.

SENATOR KIECKHEFER

JOINT SPONSORS: ASSEMBLYMEN BENITEZ-THOMPSON, KRAMER, KRASNER, NEAL, PICKARD AND SPIEGEL

AN ACT relating to taxation; authorizing the owner of a single-family residence that is replaced after a flood, fire, earthquake or other event for which the Governor has proclaimed a state of emergency or declaration of disaster to apply to the county assessor for an exemption of a portion of the assessed value of the single-family residence; revising provisions governing the calculation of the property taxes imposed on such a single-family residence; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, for the purposes of determining the amount of property tax owed by the owner of a parcel of real property, the taxable value of the real property is equal to the value of the land plus the replacement cost of the improvements, depreciated at 1.5 percent for each year of adjusted actual age, up to a maximum of 50 years. (NRS 361.227) Existing law requires that for the purpose of calculating the depreciation of an improvement, the actual age of the improvement must be adjusted when additions or replacements are

made with a cumulative cost of least 10 percent of the replacement cost of the improvement. (NRS 361.229) Thus, under existing law, a new improvement which replaces an improvement that was partially or completely destroyed would lose the depreciation accrued on the partially or completely destroyed improvement. (NRS 361.229)

Section 1 of this bill sets forth the finding of the Legislature that when a single-family residence is partially or completely destroyed by a flood, fire, earthquake or other event for which the Governor proclaims a state of emergency or declaration of disaster, the resulting loss of the depreciation accrued on the partially or completely destroyed residence causes a severe economic hardship to the owner of the residence by increasing the property taxes imposed on the residence. **Section 2.3** of this bill authorizes the owner of a single-family residence that replaces a single-family residence partially or completely destroyed by a flood, fire, earthquake or other event for which the Governor ~~[proclaims]~~ **, on or after July 1, 2012, proclaimed** a state of emergency or declaration of disaster to apply to the county assessor for an exemption of a portion of the assessed value of the single-family residence. Under **section 2.3**, the county assessor is required to grant an application for such an exemption if: (1) the single-family residence is occupied as the principal residence of the owner; (2) the single-family residence is located on the same parcel of real property as the single-family residence that was partially or completely destroyed; (3) the parcel on which the single-family residence was located has not been sold or transferred in a transaction to which the real property transfer tax applies; (4) a building permit was issued for the residence or, if the local government does not issue building permits, construction of the residence was commenced within a certain period after the partial or complete destruction of the previous residence; and (5) the floor area of the residence does not exceed 110 percent of the floor area of the residence that was partially or completely destroyed. If an exemption of a portion of the assessed value of a single family residence is granted pursuant to **section 2.3**, the amount of the exemption is equal to the difference between the assessed value of the single-family residence for which the application was granted and the assessed value that the single-family residence would have had if the single-family residence were deemed not to be a new improvement. Thus, under **section 2.3**, if an exemption is granted, the single-family residence would not lose the depreciation accrued on the partially or completely destroyed residence. Under **section 2.3**, the exemption must no longer be applied if the single-family residence granted the exemption is sold or transferred in a transaction to which the real property transfer tax applies.

The Nevada Constitution requires the Legislature to provide a specific date on which any exemption from property taxes will cease to be effective. (Nev. Const. Art. 10, § 6) To comply with this requirement, section 2.3 prohibits an application for an exemption pursuant to that section from being submitted on or after July 1, 2047. However, an

exemption granted pursuant to an application submitted before July 1, 2047, would continue to be in effect until the owner of the residence no longer qualified for the exemption.

Existing law provides for a partial abatement of taxes, which has the effect of establishing an annual cap on increases in property taxes. **Section 2.7** of this bill revises the calculation of the partial abatement for a single-family residence for which an exemption is granted pursuant to **section 2.3** so that for the initial fiscal year for which the exemption applies, the partial abatement is calculated based on the taxes imposed on the single-family residence which was partially or completely destroyed in the fiscal year in which the residence was partially or completely destroyed. **Section 2.7** also revises the formula for calculating the partial abatement for the fiscal year after the fiscal year in which a single-family residence granted an exemption pursuant to **section 2.3** is sold or transferred so that in that fiscal year, the partial abatement is calculated as if the single-family residence had never obtained an exemption pursuant to **section 2.3**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The Legislature hereby finds and declares that:

1. Subsection 1 of Section 1 of Article 10 of the Nevada Constitution requires the Legislature to provide by law for a uniform and equal rate of assessment and taxation.

2. Subsection 10 of Section 1 of Article 10 of the Nevada Constitution establishes an exception to the requirement to provide by law for a uniform and equal rate of assessment and taxation by authorizing the Legislature to provide by law for an exemption of part of the assessed value of a single-family residence occupied by the owner to the extent necessary to avoid severe economic hardship to the owner of the residence.

3. When a flood, fire, earthquake or other event for which the Governor proclaims a state of emergency or declaration of disaster partially or completely destroys a single-family residence and the residence is rebuilt or replaced, existing provisions of law cause the new residence to be treated as a new improvement with an increased taxable value and, consequently, the owner of the property incurs a greater property tax liability.

4. An increase in the property taxes of the owner of a single-family residence who, after a natural disaster, rebuilds or replaces his or her residence constitutes a severe economic hardship on the owner of the residence.

Sec. 2. Chapter 361 of NRS is hereby amended by adding thereto the provisions set forth as sections 2.3 and 2.7 of this act.

Sec. 2.3. ***1.*** ~~***[An]***~~ ***Except as otherwise provided in this subsection, an owner of a single-family residence that is the primary residence of the owner and is a replacement for a single-family residence partially or completely destroyed by a flood, fire, earthquake or other event for which a***

state of emergency or declaration of disaster was proclaimed by the Governor pursuant to NRS 414.070 ~~[before,]~~ on or after July 1, ~~[2017,]~~ 2012, may apply to the county assessor for an exemption of a portion of the assessed value of the single-family residence. An owner of a single-family residence may not apply for an exemption pursuant to this section on or after July 1, 2047.

2. The county assessor shall approve an application submitted pursuant to subsection 1 and grant an exemption of a portion of the assessed value of the single-family residence specified in the application if the application is submitted before July 1, 2047, and the county assessor determines that each of the following criteria are satisfied:

(a) The single-family residence is occupied by the primary owner of the residence.

(b) The single-family residence is a replacement for a single-family residence that:

(1) Is located in an area in which occurred a flood, fire, earthquake or other event for which a state of emergency or declaration of disaster was proclaimed by the Governor pursuant to NRS 414.070 ~~[before,]~~ on or after July 1, ~~[2017,]~~ 2012, and was partially or completely destroyed as a direct result of the flood, fire, earthquake or other event for which the state of emergency or declaration of disaster was proclaimed; and

(2) Is located on the same parcel of real property as the single-family residence that was partially or completely destroyed.

(c) The parcel of real property on which was located the single-family residence which was partially or completely destroyed has not been sold or transferred in a transaction to which the provisions of chapter 375 of NRS apply at any time after the flood, fire, earthquake or other event occurred.

(d) Except as otherwise provided in this paragraph, a building permit for the single-family residence was issued or, if the local government in which the single-family residence is located does not issue building permits, construction on the single-family residence is commenced, not later than 3 years after the partial or complete destruction of the previous single-family residence. The county assessor may approve an extension of the 3-year period required by this paragraph for a period of not more than 3 additional years if the owner is not able to begin construction or obtain a building permit because of circumstances beyond the control of the owner that are related to the event that caused the partial or complete destruction of the single-family residence.

(e) The floor area of the single-family residence does not exceed 110 percent of the floor area of the single-family residence that was partially or completely destroyed.

3. If the county assessor approves an application submitted pursuant to subsection 1, the amount of the exemption must equal the difference between the assessed value of the single-family residence for which the application was granted, as determined pursuant to NRS 361.225 and

361.227, and the assessed value that the single-family residence would have had if the single-family residence were deemed not to be a new improvement.

4. If, between July 1 and June 15, the county assessor approves an application submitted pursuant to subsection 1, the owner of the single-family residence is entitled to an exemption of a portion of the assessed value of the single-family residence in the amount determined pursuant to subsection 3 beginning on July 1 of the next fiscal year and the owner of the single-family residence is not entitled to a refund of any taxes paid before that date.

5. If, after June 15 but on or before June 30, the county assessor approves an application submitted pursuant to subsection 1, the owner of the single-family residence is entitled to an exemption of a portion of the assessed value of the single-family residence in the amount determined pursuant to subsection 3 beginning on July 1 of the fiscal year immediately following the next fiscal year and the owner of the single-family residence is not entitled to a refund of any taxes paid before that date.

6. If a single-family residence for which an exemption of a portion of the assessed value of the single-family residence is granted pursuant to this section is sold or transferred in a transaction to which the provisions of chapter 375 of NRS apply:

(a) The exemption of a portion of the assessed value of the single-family residence must no longer be applied to the single-family residence; and

(b) In determining the taxable value of the single-family residence for any fiscal year following the sale, the single-family residence must be considered a new improvement as of the date on which the single-family residence was completed.

7. As used in this section:

(a) "Primary residence of the owner" has the meaning ascribed to it in NRS 361.4723.

(b) "Single-family residence" has the meaning ascribed to it in NRS 361.4723.

Sec. 2.7. ***1. Notwithstanding the provisions of NRS 361.4722, 361.4723 and 361.4724, if a single-family residence that is the primary residence of the owner is partially or completely destroyed by a flood, fire, earthquake or other event for which a state of emergency or declaration of disaster was proclaimed by the Governor pursuant to NRS 414.070 and if, pursuant to section 2.3 of this act, the owner of the single-family residence is granted an exemption of a portion of the assessed value of the single-family residence, then for the purpose of calculating the amount of any partial abatement to which the owner of the single-family residence is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724 for the initial fiscal year for which the exemption applies, the amount determined for the immediately preceding fiscal year pursuant to paragraph (a) of subsection 1 of NRS 361.4722, paragraph (a) of subsection 2 of NRS 361.4722,***

paragraph (a) of subsection 1 of NRS 361.4723 or paragraph (a) of subsection 1 of NRS 361.4724, as applicable, must be the amount determined for the fiscal year in which the single-family residence was partially or completely destroyed.

2. Notwithstanding the provisions of NRS 361.4722, 361.4723 and 361.4724, if, pursuant to section 2.3 of this act, the owner of a single-family residence is granted an exemption of a portion of the assessed value of the single-family residence and, after the granting of the exemption, the single-family residence is sold or transferred in a transaction to which the provisions of chapter 375 of NRS apply, then for the purpose of calculating the amount of any partial abatement to which the owner of the single-family residence is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724 for the first fiscal year immediately following the sale or transfer of the single-family residence, the owner is entitled only to a partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 or 361.4724 in an amount equal to the amount of such a partial abatement to which owner would have been entitled if the exemption were not granted and the provisions of subsection 1 were not applied.

3. As used in this section:

(a) "Primary residence of the owner" has the meaning ascribed to it in NRS 361.4723.

(b) "Single-family residence" has the meaning ascribed to it in NRS 361.4723.

Sec. 3. (Deleted by amendment.)

Sec. 3.1. NRS 361.155 is hereby amended to read as follows:

361.155 1. Except as otherwise provided in this section ~~[.]~~ ***and section 2.3 of this act:***

(a) All claims for personal tax exemptions on real property, the initial claim of an organization for a tax exemption on real property and the designation of any amount to be credited to the Gift Account for the Veterans Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada pursuant to NRS 361.0905 must be filed on or before June 15.

(b) An initial claim for a tax exemption on real property acquired after June 15 and before July 1 must be filed on or before July 5.

2. All exemptions provided for pursuant to this chapter apply on a fiscal year basis, and any exemption granted pursuant to this chapter must not be in an amount which gives the taxpayer a total exemption greater than that to which the taxpayer is entitled during any fiscal year.

3. Except as otherwise provided in this section, each claim for an exemption provided for pursuant to this chapter must be filed with the county assessor of:

(a) The county in which the claimant resides for personal tax exemptions; or

(b) Each county in which property is located for the tax exemption of an organization.

4. After the initial claim for an exemption pursuant to NRS 361.088 or 361.098 to 361.150, inclusive, ***and section 2.3 of this act,*** an organization is not required to file annual claims if the property remains exempt. If any portion of the property loses its exemption pursuant to NRS 361.157 or for any other reason becomes taxable, the organization must notify the county assessor.

5. If an exemption is granted or renewed in error because of an incorrect claim or failure of an organization to give the notice required by subsection 4, the assessor shall assess the taxable portion of the property retroactively pursuant to NRS 361.769 and a penalty of 10 percent of the tax due for the current year and any prior years may be added.

6. If a claim for a tax exemption on real property and any required affidavit or other documentation in support of the claim is not filed within the time required by subsection 1, or if a claim for a tax exemption is denied by the county assessor, the person claiming the exemption may, on or before January 15 of the fiscal year for which the claim of exemption is made, file the claim and any required documentation in support of the claim with the county board of equalization of the county in which the claim is required to be filed pursuant to subsection 3. The county board of equalization shall review the claim of exemption and may grant or deny the claim for that fiscal year, as it determines to be appropriate. The State Board of Equalization shall establish procedures for:

(a) The review of a claim of exemption by a county board of equalization pursuant to this subsection; and

(b) The appeal to the State Board of Equalization of the denial of a claim of exemption by a county board of equalization pursuant to this subsection.

Sec. 3.3. NRS 361.471 is hereby amended to read as follows:

361.471 As used in NRS 361.471 to 361.4735, inclusive, ***and section 2.7 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 361.47111 to 361.4721, inclusive, have the meanings ascribed to them in those sections.

Sec. 3.5. NRS 361.4722 is hereby amended to read as follows:

361.4722 1. Except as otherwise provided in or required to carry out the provisions of subsection 3 and NRS 361.4725 to 361.4729, inclusive, ***and section 2.7 of this act,*** the owner of any parcel or other taxable unit of property, including property entered on the central assessment roll, for which an assessed valuation was separately established for the immediately preceding fiscal year is entitled to a partial abatement of the ad valorem taxes levied in a county on that property each fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any increase in the assessed valuation of the property from the

immediately preceding fiscal year as a result of any improvement to or change in the actual or authorized use of the property, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Levied in that county on the property for the immediately preceding fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

➥ whichever is greater; and

(b) A percentage of the amount determined pursuant to paragraph (a) which is equal to:

(1) The greater of:

(I) The average percentage of change in the assessed valuation of all the taxable property in the county, as determined by the Department, over the fiscal year in which the levy is made and the 9 immediately preceding fiscal years;

(II) Twice the percentage of increase in the Consumer Price Index for all Urban Consumers, U.S. City Average (All Items) for the immediately preceding calendar year; or

(III) Zero; or

(2) Eight percent,

➥ whichever is less.

2. Except as otherwise provided in or required to carry out the provisions of NRS 361.4725 to 361.4729, inclusive, ***and section 2.7 of this act,*** the owner of any remainder parcel of real property for which no assessed valuation was separately established for the immediately preceding fiscal year, is entitled to a partial abatement of the ad valorem taxes levied in a county on that property for a fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any amount of that assessed valuation attributable to any improvement to or change in the actual or authorized use of the property that would not have been included in the calculation of the assessed valuation of the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Which would have been levied in that county on the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year based upon all the assumptions, costs, values, calculations and other factors and

considerations that would have been used for the valuation of that property for that prior fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year based upon all the assumptions, costs, values, calculations and other factors and considerations that would have been used for the valuation of that property for that prior fiscal year, and if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

➥ whichever is greater; and

(b) A percentage of the amount determined pursuant to paragraph (a) which is equal to:

(1) The greater of:

(I) The average percentage of change in the assessed valuation of all the taxable property in the county, as determined by the Department, over the fiscal year in which the levy is made and the 9 immediately preceding fiscal years;

(II) Twice the percentage of increase in the Consumer Price Index for all Urban Consumers, U.S. City Average (All Items) for the immediately preceding calendar year; or

(III) Zero; or

(2) Eight percent,

➥ whichever is less.

3. The provisions of subsection 1 do not apply to any property for which the provisions of subsection 1 of NRS 361.4723 or subsection 1 of NRS 361.4724 provide a greater abatement from taxation.

4. Except as otherwise required to carry out the provisions of NRS 361.4732 and any regulations adopted pursuant to NRS 361.4733, the amount of any reduction in the ad valorem taxes levied in a county for a fiscal year as a result of the application of the provisions of subsections 1 and 2 must be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for that fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

5. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to ensure that this section is carried out in a uniform and equal manner.

6. For the purposes of this section, "remainder parcel of real property" means a parcel of real property which remains after the creation of new parcels of real property for development from one or more existing parcels of real property, if the use of that remaining parcel has not changed from the immediately preceding fiscal year.

Sec. 3.7. NRS 361.4723 is hereby amended to read as follows:

361.4723 The Legislature hereby finds and declares that an increase in the tax bill of the owner of a home by more than 3 percent over the tax bill of that homeowner for the previous year constitutes a severe economic hardship within the meaning of subsection 10 of Section 1 of Article 10 of the Nevada Constitution. The Legislature therefore directs a partial abatement of taxes for such homeowners as follows:

1. Except as otherwise provided in or required to carry out the provisions of subsection 2 and NRS 361.4725 to 361.4729, inclusive, ***and section 2.7 of this act,*** the owner of a single-family residence which is the primary residence of the owner is entitled to a partial abatement of the ad valorem taxes levied in a county on that property each fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any increase in the assessed valuation of the property from the immediately preceding fiscal year as a result of any improvement to or change in the actual or authorized use of the property, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Levied in that county on the property for the immediately preceding fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

➥ whichever is greater; and

(b) Three percent of the amount determined pursuant to paragraph (a).

2. The provisions of subsection 1 do not apply to any property for which:

(a) No assessed valuation was separately established for the immediately preceding fiscal year; or

(b) The provisions of subsection 1 of NRS 361.4722 provide a greater abatement from taxation.

3. Except as otherwise required to carry out the provisions of NRS 361.4732 and any regulations adopted pursuant to NRS 361.4733, the amount of any reduction in the ad valorem taxes levied in a county for a fiscal year as a result of the application of the provisions of subsection 1 must be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for that fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

4. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to carry out this section, including, without limitation, regulations

providing a methodology for applying the partial abatement provided pursuant to subsection 1 to a parcel of real property of which only a portion qualifies as a single-family residence which is the primary residence of the owner and the remainder is used in another manner.

5. The owner of a single-family residence does not become ineligible for the partial abatement provided pursuant to subsection 1 as a result of:

(a) The operation of a home business out of a portion of that single-family residence; or

(b) The manner in which title is held by the owner if the owner occupies the residence, including, without limitation, if the owner has placed the title in a trust for purposes of estate planning.

6. For the purposes of this section:

(a) "Primary residence of the owner" means a residence which:

(1) Is designated by the owner as the primary residence of the owner in this State, exclusive of any other residence of the owner in this State; and

(2) Is not rented, leased or otherwise made available for exclusive occupancy by any person other than the owner of the residence and members of the family of the owner of the residence.

(b) "Single-family residence" means a parcel or other unit of real property or unit of personal property which is intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating.

(c) "Unit of personal property" includes, without limitation, any:

(1) Mobile or manufactured home, whether or not the owner thereof also owns the real property upon which it is located; or

(2) Taxable unit of a condominium, common-interest community, planned unit development or similar property,

➥ if classified as personal property for the purposes of this chapter.

(d) "Unit of real property" includes, without limitation, any taxable unit of a condominium, common-interest community, planned unit development or similar property, if classified as real property for the purposes of this chapter.

Sec. 3.9. NRS 361.4724 is hereby amended to read as follows:

361.4724 The Legislature hereby finds and declares that many Nevadans who cannot afford to own their own homes would be adversely affected by large unanticipated increases in property taxes, as those tax increases are passed down to renters in the form of rent increases and therefore the benefits of a charitable exemption pursuant to subsection 8 of Section 1 of Article 10 of the Nevada Constitution should be afforded to those Nevadans through an abatement granted to the owners of residential rental dwellings who charge rent that does not exceed affordable housing standards for low-income housing. The Legislature therefore directs a partial abatement of taxes for such owners as follows:

1. Except as otherwise provided in or required to carry out the provisions of subsection 2 and NRS 361.4725 to 361.4729, inclusive, ***and section 2.7 of this act,*** if the amount of rent collected from each of the tenants of a residential dwelling does not exceed the fair market rent for the county in

which the dwelling is located, as most recently published by the United States Department of Housing and Urban Development, the owner of the dwelling is entitled to a partial abatement of the ad valorem taxes levied in a county on that property for each fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any increase in the assessed valuation of the property from the immediately preceding fiscal year as a result of any improvement to or change in the actual or authorized use of the property, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Levied in that county on the property for the immediately preceding fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

➥ whichever is greater; and

(b) Three percent of the amount determined pursuant to paragraph (a).

2. The provisions of subsection 1 do not apply to:

(a) Any hotels, motels or other forms of transient lodging;

(b) Any property for which no assessed valuation was separately established for the immediately preceding fiscal year; and

(c) Any property for which the provisions of subsection 1 of NRS 361.4722 provide a greater abatement from taxation.

3. Except as otherwise required to carry out the provisions of NRS 361.4732 and any regulations adopted pursuant to NRS 361.4733, the amount of any reduction in the ad valorem taxes levied in a county for a fiscal year as a result of the application of the provisions of subsection 1 must be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for that fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

4. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to carry out this section.

Sec. 4. (Deleted by amendment.)

Sec. 4.5. **The Legislature hereby finds that the exemption provided by this act from any ad valorem tax on property:**

1. Will achieve a bona fide social or economic purpose and that the benefits of the exemption are expected to exceed any adverse effect of the exemption on the provision of services to the public by the State or a local government that would otherwise receive revenue from the tax from which the exemption would be granted; and

2. Will not impair adversely the ability of the State or a local government to pay, when due, all interest and principal on any outstanding bonds or any other obligations for which revenue from the tax from which the exemption would be granted was pledged.

Sec. 5. This act becomes effective on July 1, 2017.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 452.

Bill read third time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 689.

AN ACT relating to certificates of title; authorizing the Department of Motor Vehicles to issue a new certificate of title or a state agency to issue a salvage title for a vehicle to a person who is unable to provide a certificate of title for the vehicle and who files a bond with the Department or state agency under certain circumstances; setting forth the requirements for filing the bond; requiring the Department or state agency to return the bond under certain circumstances; abolishing certain rights of action against the Department of Motor Vehicles and any officer or employee of the Department; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, if an applicant for registration of a vehicle or transfer of registration is unable to provide a certificate of title for the vehicle, the Department of Motor Vehicles may issue to the applicant a certificate of title if the Department is satisfied that the applicant has provided information sufficient to establish: (1) legal ownership of the vehicle; or (2) that the applicant is entitled to a new certificate of title. (NRS 482.240, 482.415) Similarly, if an applicant for a salvage title for a vehicle is unable to furnish a certificate of title for the vehicle, the state agency may issue a salvage title if the state agency is satisfied, after examining the circumstances and requiring the filing of suitable information, that the applicant is entitled to a salvage title. (NRS 487.820) Existing law requires a person whose certificate of title is lost, mutilated or illegible to immediately make application for and obtain a duplicate or substitute certificate of title upon furnishing information satisfactory to the Department and payment of the required fees. (NRS 482.285)

Section 1 of this bill authorizes a person who is unable to provide information satisfactory to the Department that the person is entitled to a ~~[new]~~ certificate of title or a duplicate or substitute certificate of title for a vehicle to obtain a new certificate of title by: (1) filing a bond with the Department in an amount equal to one and one-half times the value of the

vehicle, as determined by the Department; ~~[and]~~ (2) allowing the Department to inspect the vehicle to verify the vehicle identification number ~~[.]~~ **and the identification numbers, if any, for parts used to repair the vehicle; and (3) authorizing the Department to conduct a vehicle history search through relevant national crime information systems.** Such a bond must be conditioned to indemnify prior and subsequent owners or lienholders of the vehicle against any expense, loss or damage because of the issuance of the certificate of title, or because of any defect in or undisclosed security interest in the applicant's right or title to the vehicle or the applicant's interest in the vehicle. The bond must be returned by the Department at the end of 3 years, unless the Department has been notified of the pendency of an action to recover on the bond. **Section 1** also abolishes any right of action against the Department for taking certain actions or failing to act in providing a certificate of title pursuant to that section. Finally, **section 1** provides that an applicant for a certificate of title pursuant to that section may participate in the Department's electronic lien system. **Section 6** of this bill sets forth the same option for filing a bond and allowing an inspection to obtain a salvage title for a vehicle, and abolishes any right of action against the Department in a manner similar to the provisions of **section 1**. **Sections 2-5** of this bill make conforming changes. Existing law authorizes the Department to adopt regulations specifying the amount of the fees which the Department will charge and collect for each certificate of title or duplicate certificate of title issued. (NRS 482.429) Existing regulations impose a fee of $20 for each certificate of title or duplicate certificate of title issued for a vehicle present or registered in this State. (NAC 482.907)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If an applicant who is seeking a certificate of title to a vehicle from the Department pursuant to subsection 3 of NRS 482.240, subsection 2 of NRS 482.260, subsection 1 of NRS 482.285 or subsection 1 of NRS 482.415 is unable to satisfy the Department that the applicant is entitled to a ~~[new]~~ certificate of title ~~[,]~~ pursuant to those provisions, the applicant may obtain a new certificate of title from the Department by:

(a) Filing a bond with the Department that meets the requirements of subsection 3; ~~[and]~~

(b) Allowing the Department to inspect the vehicle to verify the vehicle identification number ~~[,]~~ and identification numbers, if any, on parts used to repair the vehicle; and

(c) Authorizing the Department to conduct a search of the history of the vehicle through any national crime information system, including, without limitation, the:

(1) National Crime Information Center, as defined in NRS 179A.061; and

(2) National Motor Vehicle Title Information System of the United States Department of Justice.

2. Any person damaged by the issuance of a certificate of title pursuant to this section has a right of action to recover on the bond for any breach of its conditions, except the aggregate liability of the surety to all persons must not exceed the amount of the bond. The Department shall return the bond, and any deposit accompanying it, 3 years after the bond was filed with the Department, except that the Department shall not return the bond if the Department has been notified of the pendency of an action to recover on the bond.

3. The bond required pursuant to subsection 1 must be:

(a) In a form prescribed by the Department;

(b) Executed by the applicant as principal and by a corporation qualified under the laws of this State as surety;

(c) In an amount equal to one and one-half times the value of the vehicle, as determined by the Department; and

(d) Conditioned to indemnify any:

(1) Prior owner or lienholder of the vehicle, and his or her successors in interest;

(2) Subsequent purchaser of the vehicle, and his or her successors in interest; or

(3) Person acquiring a security interest in the vehicle, and his or her successors in interest,

➥ against any expense, loss or damage because of the issuance of the certificate of title or because of any defect in or undisclosed security interest in the applicant's right or title to the vehicle or the applicant's interest in the vehicle.

4. A right of action does not exist in favor of any person by reason of any action or failure to act on the part of the Department or any officer or employee thereof in carrying out the provisions of this section, or in giving or failing to give any information concerning the legal ownership of a vehicle or the existence of a title obtained pursuant to this section.

5. An applicant seeking a certificate of title pursuant to this section may participate in the electronic lien system authorized in NRS 482.4285.

Sec. 2. NRS 482.240 is hereby amended to read as follows:

482.240 1. Upon the registration of a vehicle, the Department or a registered dealer shall issue a certificate of registration to the owner.

2. When an applicant for registration or transfer of registration is unable, for any reason, to submit to the Department in support of the application for registration, or transfer of registration, such documentary evidence of legal ownership as, in the opinion of the Department, is sufficient to establish the legal ownership of the vehicle concerned in the application for registration or

transfer of registration, the Department may issue to the applicant only a certificate of registration.

3. The Department may, upon proof of ownership satisfactory to it ~~[,]~~ ***or pursuant to section 1 of this act,*** issue a certificate of title before the registration of the vehicle concerned. The certificate of registration issued pursuant to this chapter is valid only during the registration period or calendar year for which it is issued, and a certificate of title is valid until cancelled by the Department upon the transfer of interest therein.

Sec. 3. NRS 482.260 is hereby amended to read as follows:

482.260 1. When registering a vehicle, the Department and its agents or a registered dealer shall:

(a) Collect the fees for license plates and registration as provided for in this chapter.

(b) Collect the governmental services tax on the vehicle, as agent for the State and for the county where the applicant intends to base the vehicle for the period of registration, unless the vehicle is deemed to have no base.

(c) Collect the applicable taxes imposed pursuant to chapters 372, 374, 377 and 377A of NRS.

(d) Issue a certificate of registration.

(e) If the registration is performed by the Department, issue the regular license plate or plates.

(f) If the registration is performed by a registered dealer, provide information to the owner regarding the manner in which the regular license plate or plates will be made available to the owner.

2. Upon proof of ownership satisfactory to the Director ~~[,]~~ ***or as otherwise provided in section 1 of this act,*** the Director shall cause to be issued a certificate of title as provided in this chapter.

3. Except as otherwise provided in NRS 371.070 and subsections 6, 7 and 8, every vehicle being registered for the first time in Nevada must be taxed for the purposes of the governmental services tax for a 12-month period.

4. The Department shall deduct and withhold 2 percent of the taxes collected pursuant to paragraph (c) of subsection 1 and remit the remainder to the Department of Taxation.

5. A registered dealer shall forward all fees and taxes collected for the registration of vehicles to the Department.

6. A trailer being registered pursuant to NRS 482.2065 must be taxed for the purposes of the governmental services tax for a 3-year period.

7. A full trailer or semitrailer being registered pursuant to subsection 3 of NRS 482.483 must be taxed for the purposes of the governmental services tax in the amount of $86. The governmental services tax paid pursuant to this subsection is nontransferable and nonrefundable.

8. A moped being registered pursuant to NRS 482.2155 must be taxed for the purposes of the governmental services tax for only the 12-month

period following the registration. The governmental services tax paid pursuant to this subsection is nontransferable and nonrefundable.

Sec. 4. NRS 482.285 is hereby amended to read as follows:

482.285 1. If any certificate of registration or certificate of title is lost, mutilated or illegible, the person to whom it was issued shall immediately make application for and obtain a duplicate or substitute therefor upon furnishing information satisfactory to the Department and upon payment of the required fees. ***An applicant who is unable to furnish information satisfactory to the Department that the applicant is entitled to a duplicate or substitute certificate of title pursuant to this subsection may obtain a new certificate of title pursuant to the provisions of section 1 of this act.***

2. If any license plate or plates or any decal is lost, mutilated or illegible, the person to whom it was issued shall immediately make application for and obtain:

(a) A duplicate number plate or a substitute number plate;

(b) A substitute decal; or

(c) A combination of both (a) and (b),

➥ as appropriate, upon furnishing information satisfactory to the Department and payment of the fees required by NRS 482.500.

3. If any license plate or plates or any decal is stolen, the person to whom it was issued shall immediately make application for and obtain:

(a) A substitute number plate;

(b) A substitute decal; or

(c) A combination of both (a) and (b),

➥ as appropriate, upon furnishing information satisfactory to the Department and payment of the fees required by NRS 482.500.

4. The Department shall issue duplicate number plates or substitute number plates and, if applicable, a substitute decal, if the applicant:

(a) Returns the mutilated or illegible plates to the Department or signs a declaration that the plates were lost, mutilated or illegible; and

(b) Complies with the provisions of subsection 6.

5. The Department shall issue substitute number plates and, if applicable, a substitute decal, if the applicant:

(a) Signs a declaration that the plates were stolen; and

(b) Complies with the provisions of subsection 6.

6. Except as otherwise provided in this subsection, an applicant who desires duplicate number plates or substitute number plates must make application for renewal of registration. Except as otherwise provided in subsection 7 or 8 of NRS 482.260, credit must be allowed for the portion of the registration fee and governmental services tax attributable to the remainder of the current registration period. In lieu of making application for renewal of registration, an applicant may elect to make application solely for:

(a) Duplicate number plates or substitute number plates, and a substitute decal, if the previous license plates were lost, mutilated or illegible; or

(b) Substitute number plates and a substitute decal, if the previous license plates were stolen.

7. An applicant who makes the election described in subsection 6 retains the current date of expiration for the registration of the applicable vehicle and is not, as a prerequisite to receiving duplicate number plates or substitute number plates or a substitute decal, required to:

(a) Submit evidence of compliance with controls over emission; or

(b) Pay the registration fee and governmental services tax attributable to a full period of registration.

Sec. 5. NRS 482.415 is hereby amended to read as follows:

482.415 1. Whenever application is made to the Department for registration of a vehicle previously registered pursuant to this chapter and the applicant is unable to present the certificate of registration or certificate of title previously issued for the vehicle because the certificate of registration or certificate of title is lost, unlawfully detained by one in possession or otherwise not available, the Department may receive the application, investigate the circumstances of the case and require the filing of affidavits or other information. When the Department is satisfied that the applicant is entitled to a new certificate of registration and certificate of title, it may register the applicant's vehicle and issue new certificates and a new license plate or plates to the person or persons entitled thereto. ***An applicant who is unable to satisfy the Department that the applicant is entitled to a new certificate of title pursuant to this subsection may obtain a new certificate of title pursuant to the provisions of section 1 of this act.***

2. Whenever application is made to the Department for the registration of a motor vehicle of which the:

(a) Ownership has been transferred;

(b) Certificate of title is lost, unlawfully detained by one in possession or otherwise not available; and

(c) Model year is 9 years old or newer,

➥ the transferor of the motor vehicle may, to furnish any information required by the Department to carry out the provisions of NRS 484D.330, designate the transferee of the motor vehicle as attorney-in-fact on a form for a power of attorney provided by the Department.

3. The Department shall provide the form described in subsection 2. The form must be:

(a) Produced in a manner that ensures that the form may not be easily counterfeited; and

(b) Substantially similar to the form set forth in Appendix E of Part 580 of Title 49 of the Code of Federal Regulations.

4. The Department may charge a fee not to exceed 50 cents for each form it provides.

Sec. 6. NRS 487.820 is hereby amended to read as follows:

487.820 1. Except as otherwise provided in subsection 2 of NRS 487.800, if the applicant for a salvage title is unable to furnish the certificates

of title and registration last issued for the vehicle, the state agency may accept the application, examine the circumstances of the case and require the filing of suitable affidavits or other information or documents. If satisfied that the applicant is entitled to a salvage title, the state agency may issue the salvage title.

2. No duplicate certificate of title or registration may be issued when a salvage title is applied for, and no fees are required for the affidavits of any stolen, lost or damaged certificate, or duplicates thereof, unless the vehicle is subsequently registered.

3. If an applicant ~~[who]~~ is unable to satisfy the state agency that the applicant is entitled to a salvage title pursuant to subsection 1 , ~~[wishes to register the vehicle pursuant to the provisions of subsection 6 of NRS 487.800 and NRS 487.860,]~~ the applicant may obtain a salvage title from the state agency by:

(a) Filing a bond with the state agency that meets the requirements of subsection 5; ~~[and]~~

(b) Allowing the ~~[Department]~~ state agency to inspect the vehicle to verify the vehicle identification number and the identification numbers, if any, for parts used to repair the vehicle ~~[.]~~ ; and

(c) Authorizing the state agency to conduct a search through any national crime information system, including, without limitation, the:

(1) National Crime Information Center, as defined in NRS 179A.061; and

(2) National Motor Vehicle Title Information System of the United States Department of Justice.

4. Any person damaged by the issuance of the salvage title pursuant to subsection 3 has a right of action to recover on the bond for any breach of its conditions, except the aggregate liability of the surety to all persons must not exceed the amount of the bond. The state agency shall return the bond, and any deposit accompanying it, 3 years after the bond was filed with the state agency, except that the state agency must not return the bond if the state agency has been notified of the pendency of an action to recover on the bond.

5. The bond required pursuant to subsection 3 must be:

(a) In a form prescribed by the state agency;

(b) Executed by the applicant as principal and by a corporation qualified under the laws of this State as surety;

(c) In an amount equal to one and one-half times the value of the vehicle, as determined by the state agency; and

(d) Conditioned to indemnify any:

(1) Prior owner or lienholder of the vehicle, and his or her successors in interest;

(2) Subsequent purchaser of the vehicle, and his or her successors in interest; or

(3) Person acquiring a security interest in the vehicle, and his or her successors in interest,

➥ against any expense, loss or damage because of the issuance of the salvage title or because of any defect in or undisclosed security interest in the applicant's right or title to the vehicle or the applicant's interest in the vehicle.

6. A right of action does not exist in favor of any person by reason of any action or failure to act on the part of the ~~[Department]~~ state agency or any officer or employee thereof in carrying out the provisions of subsections 3, 4 and 5, or in giving or failing to give any information concerning the legal ownership of a vehicle or the existence of a salvage title obtained pursuant to subsection 3.

Sec. 7. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2018, for all other purposes.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Joint Resolution No. 17 of the 78th Session.

Resolution read third time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 894.

SENATE JOINT RESOLUTION NO. 17 OF THE 78TH SESSION **, AS AMENDED BY THE 79TH SESSION**–SENATORS ROBERSON, HARRIS, FARLEY; HARDY AND SETTELMEYER

SENATE JOINT RESOLUTION—Proposing to amend the Nevada Constitution to expand the rights guaranteed to victims of crime by adopting a victims' bill of rights.

Legislative Counsel's Digest:

Under the Nevada Constitution, the Legislature is required to provide by law for certain rights of the victims of crimes, in particular, the right to be informed of the status of criminal proceedings concerning those crimes, the right to be present at public hearings concerning those crimes and the right to be heard at all proceedings for the sentencing or release of persons convicted of those crimes. (Nev. Const. Art. 1, § 8)

This resolution proposes to amend the Nevada Constitution to eliminate the existing provisions of Article 1, Section 8, concerning victims' rights and to add a new section that sets forth an expanded list of such rights in the form of a victims' bill of rights. The new section is modeled after the victims' bill

of rights set forth in the California Constitution as it was amended in 2008 by what is commonly referred to as Marsy's Law. (Cal. Const. Art. 1, § 28)

Under the Nevada Constitution, in order for the Legislature to submit a resolution proposing state constitutional amendments to the voters for approval and ratification: (1) the Legislature must pass the resolution for a first time; and (2) the next Legislature also must pass the same resolution, without any legislative amendments, for a second time. (Nev. Const. Art. 16, § 1; *Selzer v. Synhorst*, 113 N.W.2d 724, 733 (Iowa 1962) ("A constitutional amendment so initiated by the legislature must be passed in the same form by two successive sessions of the legislature and then approved by a vote of the people."); *State ex rel. Owen v. Donald*, 151 N.W. 331, 342 (Wis. 1915) ("At the next session of the legislature each of the two houses must agree to the precise proposal agreed to at the previous session.")) If the next Legislature amends the resolution and passes it as amended, the legislative amendments start anew the process of amending the Nevada Constitution. (*Coleman v. Pross*, 246 S.E.2d 613, 620 (Va. 1978))

This resolution was initially passed by the 2015 Legislature during the 78th Session and returned for consideration by the 2017 Legislature during the 79th Session to determine whether to pass the same resolution, without any legislative amendments, for a second time. (Nev. Const. Art. 16, § 1; NRS 218D.800) However, the 2017 Legislature amended this resolution. Therefore, if the 2017 Legislature passes this resolution as amended, it also must be passed by the next Legislature and then approved and ratified by the voters in an election before the proposed amendments to the Nevada Constitution become effective.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 23, be added to Article 1 of the Nevada Constitution to read as follows:

Sec. 23. 1. Each person who is the victim of a crime is entitled to the following rights:

(a) To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment and abuse, throughout the criminal or juvenile justice process.

(b) To be reasonably protected from the defendant and persons acting on behalf of the defendant.

(c) To have the safety of the victim and the victim's family considered as a factor in fixing the amount of bail and release conditions for the defendant.

(d) To prevent the disclosure of confidential information or records to the defendant which could be used to locate or harass the victim or the victim's family.

(e) To refuse an interview or deposition request, unless under court order, and to set reasonable conditions on the conduct of any such interview to which the victim consents.

(f) To reasonably confer with the prosecuting agency, upon request, regarding the case.

(g) To reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other postconviction release proceedings, and to be present at all such proceedings.

(h) To be reasonably heard, upon request, at any public proceeding, including any delinquency proceeding, in any court involving release or sentencing, and at any parole proceeding.

(i) To the timely disposition of the case following the arrest of the defendant.

(j) To provide information to any public officer or employee conducting a presentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant.

(k) To be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant and the release of or the escape by the defendant from custody.

(l) To full and timely restitution.

(m) To the prompt return of legal property when no longer needed as evidence.

(n) To be informed of all postconviction proceedings, to participate and provide information to the parole authority to be considered before the parole of the offender and to be notified, upon request, of the parole or other release of the offender.

(o) To have the safety of the victim, the victim's family and the general public considered before any parole or other postjudgment release decision is made.

(p) To have all monetary payments, money and property collected from any person who has been ordered to make restitution be first applied to pay the amounts ordered as restitution to the victim.

(q) To be specifically informed of the rights enumerated in this section, and to have information concerning those rights be made available to the general public.

2. A victim has standing to assert the rights enumerated in this section in any court with jurisdiction over the case. The court shall promptly rule on a victim's request. A defendant does not have standing to assert the rights of his or her victim. This section does not alter the powers, duties or responsibilities of a prosecuting attorney. A victim does not have the status of a party in a criminal proceeding.

3. Except as otherwise provided in subsection 4, no person may maintain an action against this State or any public officer or employee for damages or injunctive, declaratory or other legal or equitable relief on behalf of a victim of a crime as a result of a violation of this section or any statute enacted by the Legislature pursuant thereto. No such violation authorizes setting aside a conviction.

4. A person may maintain an action to compel a public officer or employee to carry out any duty required by this section or any statute enacted by the Legislature pursuant thereto.

5. The granting of these rights to victims must not be construed to deny or disparage other rights possessed by victims. A parole authority shall extend the right to be heard at a parole hearing to any person harmed by the offender.

6. The Legislature shall by law provide any other measure necessary or useful to secure to victims of crime the benefit of the rights set forth in this section.

7. In interpreting and applying the provisions of this section, a court may balance the rights of the victim set forth in this section against the needs of society for effective, efficient and orderly judicial administration of the criminal or juvenile justice process.

8. As used in this section, "victim" means any person directly and proximately harmed by the commission of a criminal offense under any law of this State. If the victim is less than 18 years of age, incompetent, incapacitated or deceased, the term includes the legal guardian of the victim or a representative of the victim's estate, member of the victim's family or any other person who is appointed by the court to act on the victim's behalf, except that the court shall not appoint the defendant as such a person.

And be it further

Resolved, That Section 8 of Article 1 of the Nevada Constitution be amended to read as follows:

Sec. 8. 1. No person shall be tried for a capital or other infamous crime (except in cases of impeachment, and in cases of the militia when in actual service and the land and naval forces in time of war, or which this State may keep, with the consent of Congress, in time of peace, and in cases of petit larceny, under the regulation of the Legislature) except on presentment or indictment of the grand jury, or upon information duly filed by a district attorney, or Attorney General of the State, and in any trial, in any court whatever, the party accused shall be allowed to appear and defend in person, and with counsel, as in civil actions. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled, in any criminal case, to be a witness against himself.

2. ~~[The Legislature shall provide by law for the rights of victims of crime, personally or through a representative, to be:~~

~~(a) Informed, upon written request, of the status or disposition of a criminal proceeding at any stage of the proceeding;~~

~~(b) Present at all public hearings involving the critical stages of a criminal proceeding; and~~

~~(c) Heard at all proceedings for the sentencing or release of a convicted person after trial.~~

~~3. Except as otherwise provided in subsection 4, no person may maintain an action against the State or any public officer or employee for damages or injunctive, declaratory or other legal or equitable relief on behalf of a victim of a crime as a result of a violation of any statute enacted by the Legislature pursuant to subsection 2. No such violation authorizes setting aside a conviction or sentence or continuing or postponing a criminal proceeding.~~

~~4. A person may maintain an action to compel a public officer or employee to carry out any duty required by the Legislature pursuant to subsection 2.~~

~~5.]~~ No person shall be deprived of life, liberty, or property, without due process of law.

~~[6.]~~ ***3.*** Private property shall not be taken for public use without just compensation having been first made, or secured, except in cases of war, riot, fire, or great public peril, in which case compensation shall be afterward made.

Assemblywoman Diaz moved the adoption of the amendment.

Remarks by Assemblywoman Diaz.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Assembly Bill No. 52.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Assembly Bill 52 adds a new chapter to the *Nevada Revised Statutes* governing the review and permitting of dissolved mineral resource exploration projects as defined in the bill. The measure includes provisions on limits on water use, penalties, and the adoption of regulations by the Commission on Mineral Resources in coordination with the Division of Water Resources and the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

Roll call on Assembly Bill No. 52:

YEAS—34.

NAYS—Ellison, Kramer, Krasner, Marchant, Pickard, Tolles, Wheeler—7.

EXCUSED—Hansen.

Assembly Bill No. 52 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 354.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Assembly Bill 354, as amended, requires the Director of the Department of Employment, Training and Rehabilitation to provide the Director of the Legislative Counsel Bureau with a quarterly report containing the unemployment rate of residents of this state for whom the Department has information by county, and for each county, the unemployment rate disaggregated by demographic factors including age, race, and gender.

The bill also requires the Governor's Workforce Investment Board to coordinate efforts to reduce the unemployment rate of a demographic group if that group's unemployment rate meets certain criteria and provide a report to the Legislative Counsel Bureau describing its efforts. The bill further requires the Governor's Office of Workforce Innovation to submit an annual report on the statewide longitudinal data system to the Legislative Counsel Bureau.

The provisions of this bill related to the statewide longitudinal data system are effective on July 1, 2017, if the Legislature enacts and the Governor approves Senate Bill 516 of this session. The remaining provisions are effective upon passage and approval for the purpose of adopting regulations and performing other necessary administrative tasks and on July 1, 2017, for all other purposes.

Roll call on Assembly Bill No. 354:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Assembly Bill No. 354 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 421.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 421 requires in a county whose population is 700,000 or more, currently Clark County, a sheriff, chief of police or town marshal to arrange for—and the Department of Health and Human Services to provide for the purpose of maintaining continuity of care—coordination and oversight of certain care provided to a prisoner while in custody and after the prisoner is released from custody. In addition, Assembly Bill 421 requires each such sheriff and the Director of the Department of Health and Human Services to report to the Legislative Committee on Health Care during the interim regarding such coordination and oversight of services.

In your Committee on Corrections, Parole, and Probation, there was testimony on this bill about how there is a vicious cycle for a lot of offenders, especially down in our part of the state. They have mental health issues and cycle in and out of Southern Nevada Developmental Health, do well for a period of time, and then find themselves perhaps not taking their medications, becoming homeless, not acting the way we would expect our fellow citizens to act in society. They get arrested and end up in one of our detention centers down in Clark County or in the cities, and they need a psychiatrist who is starting from ground zero, who does not know their mental health history, does not know what worked for them in the past and what did not work.

What we are hoping to achieve with this bill is a certain continuity of care for mental health treatment and for substance abuse treatment as well. Many of the folks who are arrested and end up in our detention centers are getting treatment for substance abuse addictions and hoping they will have better outcomes and will break this cycle of being arrested, being released, homelessness, back in Southern Nevada Developmental Health. We want to try to help our constituents who are finding themselves in these predicaments. I urge your support.

Roll call on Assembly Bill No. 421:

YEAS—36.

NAYS—Ellison, Krasner, Marchant, McArthur, Wheeler—5.

EXCUSED—Hansen.

Assembly Bill No. 421 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 3.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 3 would require the Department of Agriculture to notify a school participating in the Breakfast After the Bell Program if the school has not maintained or increased breakfast participation rates for pupils who are eligible for free or reduced-price lunches under the National School Lunch Act and removes the existing statutory requirement for the Department to notify schools if participation rates do not increase at least 10 percent annually.

Senate Bill 3 would also require schools that receive such a notification to submit a statement to the Department identifying why participation in the program decreased and a corrective action plan that addresses the reasons identified in the statement.

The bill becomes effective July 1, 2017.

Roll call on Senate Bill No. 3:

YEAS—38.

NAYS—Krasner, Marchant, McArthur—3.

EXCUSED—Hansen.

Senate Bill No. 3 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 84.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Senate Bill 84 reorganizes much of Chapter 281A, Ethics in Government, of *Nevada Revised Statutes* to separate procedures relating to the handling of advisory opinions from the ethics complaint process.

Roll call on Senate Bill No. 84:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Senate Bill No. 84 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 398.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Senate Bill 398 recognizes blockchain technology as a type of electronic record and includes the term "blockchain" within the definition of electronic record for the purposes of the Uniform Electronic Transactions Act. The bill also prohibits a local government from imposing taxes, fees, licensing, or permitting requirements or any other requirements on the use of a blockchain.

Roll call on Senate Bill No. 398:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Senate Bill No. 398 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 399.

Bill read third time.

Remarks by Assemblyman McArthur.

ASSEMBLYMAN MCARTHUR:

Senate Bill 399 authorizes state and local governmental entities to accept a tribal identification card that is issued by a tribal government for the purpose of identifying a person if the tribal identification card meets certain requirements. Further, a business that accepts a driver's license or identification card issued by the Department of Motor Vehicles for the purpose of identifying a person is required to accept a tribal identification card for the same purpose unless the business reasonably determines that a federal statute or regulation requires a different form of identification.

Roll call on Senate Bill No. 399:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Senate Bill No. 399 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 415.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Senate Bill 415, in its first reprint, provides for the submission of a ballot question at the November 2018 General Election seeking approval to amend the Sales and Use Tax Act of 1955 to provide an exemption for feminine hygiene products. If the ballot question is approved by the voters, these products would be exempt from all state and local sales and use taxes between January 1, 2019, and December 30, 2028.

Roll call on Senate Bill No. 415:

YEAS—39.

NAYS—Marchant, McArthur—2.

EXCUSED—Hansen.

Senate Bill No. 415 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 460.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Senate Bill 460 revises provisions governing the Local Government Employee-Management Relations Board by increasing the membership of the Board from three to five members; increasing the number of members of the Board who may belong to the same political party from two to three members; requiring that at least three members of the Board reside in southern Nevada; requiring that whenever less than five members of the Board meet, not more than two of the members may be of the same political party; allowing a quorum of three members of the Board to hold hearings; and providing that a majority vote of the entire membership is required to take certain actions.

Roll call on Senate Bill No. 460:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Senate Bill No. 460 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 516.

Bill read third time.

Remarks by Assemblyman Brooks.

ASSEMBLYMAN BROOKS:

Senate Bill 516 creates the Office of Workforce Innovation within the Office of the Governor, which is responsible and accountable to apprenticeship in Nevada and serves as the state's registration agency. The measure establishes the duties of the Office and the Executive Director.

The bill requires the State Apprenticeship Council to serve as the regulatory body in administering the provisions governing the state apprenticeship program. The measure changes the membership, procedures, and duties of the Council. Further, appeals to the Labor Commissioner of determinations of the Council regarding violations of the terms and conditions of programs or agreements are eliminated.

Roll call on Senate Bill No. 516:

YEAS—40.

NAYS—Daly.

EXCUSED—Hansen.

Senate Bill No. 516 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 1.

Resolution read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Senate Joint Resolution 1 proposes to amend the *Nevada Constitution* by expressly providing for the State Board of Pardons Commissioners. The resolution also proposes to require the Board to meet at least quarterly, allow for any member to submit matters for consideration, and provide that a majority of the members is sufficient for any action taken by the Board.

Roll call on Senate Joint Resolution No. 1:

YEAS—33.

NAYS—Paul Anderson, Ellison, Krasner, Marchant, McArthur, Oscarson, Titus, Wheeler—8.

EXCUSED—Hansen.

Senate Joint Resolution No. 1 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 3.

Resolution read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Senate Joint Resolution 3 proposes to amend the *Nevada Constitution* to provide certain rights to voters. Specifically, S.J.R. 3 proposes to add to the *Constitution* a list of rights for voters, many of which are set forth in *Nevada Revised Statutes* 293.2546. The Legislature may provide by law for the implementation of certain specified rights.

If approved in identical form during the 2019 Legislative Session, the proposal will be submitted to the voters for final approval or disapproval at the 2020 General Election.

Roll call on Senate Joint Resolution No. 3:

YEAS—38.

NAYS—Krasner, Marchant, McArthur—3.

EXCUSED—Hansen.

Senate Joint Resolution No. 3 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 23.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 23 authorizes the Division of Parole and Probation of the Department of Public Safety to establish and operate one or more independent reporting facilities to provide parolees or probationers with counseling, health care, or employment assistance services if so ordered. The bill further authorizes the Division to contract for any services necessary to operate such independent reporting facilities and authorizes the Division to adopt any regulations necessary to establish and operate such independent reporting facilities.

Roll call on Assembly Bill No. 23:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Assembly Bill No. 23 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 122.

Bill read third time.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Assembly Bill 122, as amended, removes the existing requirement that a person must be a citizen or lawful resident of the United States in order to be eligible for compensation as a victim of crime. The bill, as amended, revises the definition of "resident" and authorizes the State Board of Examiners to award compensation to victims of crime who were domiciled and physically present in Nevada during the six weeks preceding the date of the crime.

The bill, as amended, also authorizes compensation to be paid to a victim of a crime committed in this state even if the victim is not a resident of Nevada. The bill becomes effective on July 1, 2017.

Roll call on Assembly Bill No. 122:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Assembly Bill No. 122 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 124.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Assembly Bill 124, as amended, requires the Commission on Professional Standards in Education to prescribe by regulation the Nevada Model Code of Educator Ethics for teachers, administrators, and all other persons employed by a school district or a charter school relating to interpersonal interactions and communications with pupils.

Assembly Bill 124, as amended, also creates the 13-member Nevada Educator Code of Ethics Advisory Group and requires the group to, among other things, study codes of ethics in other states and make recommendations to the Commission regarding the adoption of codes of ethics. The Commission must develop regulations regarding the Nevada Model Code of Educator Ethics based upon the recommendations of the advisory group and the board of trustees of each school district, and the governing body of each charter school must provide training to its employees on the Nevada Model Code of Educator Ethics.

Roll call on Assembly Bill No. 124:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Assembly Bill No. 124 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 159.

Bill read third time.

Remarks by Assemblymen Swank, Edwards, Titus, and Watkins.

ASSEMBLYWOMAN SWANK:

Assembly Bill 159, as amended, prohibits hydraulic fracturing in the production or recovery of oil or gas in Nevada. The bill allows any permit for a well to be hydraulically fractured issued before the effective date of this bill by the Division of Minerals to remain valid for the period issued.

ASSEMBLYMAN EDWARDS:

I rise this evening opposed to Assembly Bill 159 and also opposed to the political statement that is dressed up as serious legislation. Nevada has a long history of successful, safe, and environmentally responsible minerals extraction. We already have some of the toughest and most well-structured regulations in the country on fracking. We are leaps and bounds ahead of most of the other states. A full ban is a political rallying cry for the far left and it is seriously damaging to us here in Nevada. There is one simple and undisputable fact: Voting for this legislation today is millions of dollars being taken away from Nevada students. I oppose that, especially when it is solely for political purposes to repay election year favors.

What is more, we have been working on diversifying our economy for years and we have made significant progress. Banning an entire industry from operating in this state prevents economic diversity and growth. Killing opportunities is not the way to create jobs for our constituents. Destroying school funding resources is not the way to help the most precious resource, our children. I hope my colleagues will join me in saying no to A.B. 159 and yes for Nevada.

ASSEMBLYWOMAN TITUS:

I also rise in opposition to Assembly Bill 159. This legislation will have extremely detrimental effects on schools, particularly in our rural districts which receive funding from exploration leases to fund the Distributive School Account. That money is necessary for these schools to continue to provide a quality education to students and also to play an active role in their community. In my district many of these schools also function as community centers—a place of coming together for education, entertainment, and community togetherness. Legislation like this is one more slap in the face to rural education, and I urge my colleagues to join me in voting no.

ASSEMBLYMAN WATKINS:

I rise, obviously, in support of this measure and want to bring some facts to light. This measure would not deprive our schools of millions of dollars. It would not deprive our schools of hundreds of thousands of dollars. It would not deprive our schools of tens of thousands of dollars. The fact is that only 17,000 barrels of oil have ever been produced in the entire history of this state from fracking. That is less than a half of a percent of the entire amount of oil produced. If you extrapolate those numbers, this fiscal impact is about $10,000. Those are the facts. I urge your support.

Roll call on Assembly Bill No. 159:

YEAS—26.

NAYS—Paul Anderson, Daly, Edwards, Ellison, Hambrick, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.

EXCUSED—Hansen.

Assembly Bill No. 159 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 280.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 280, as amended, creates a 5 percent preference to bidders who are Nevada-based businesses, which must certify that its principal place of business is in Nevada or the majority of goods provided for in a state purchasing contract are produced in Nevada.

Roll call on Assembly Bill No. 280:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Assembly Bill No. 280 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 362.

Bill read third time.

Remarks by Assemblywomen Swank and Tolles.

ASSEMBLYWOMAN SWANK:

Assembly Bill 362, as amended, incorporates in state law certain provisions of federal law designed to prevent persons who have engaged in sexual misconduct with a minor from obtaining new employment. The bill requires applicants for employment with a public school and certain independent contractors to provide employment history to the prospective employer. An applicant who knowingly provides false information or willfully fails to disclose information is subject to discipline and is guilty of a misdemeanor.

ASSEMBLYWOMAN TOLLES:

The CDC [Centers for Disease Control and Prevention] reports that one in four girls and one in six boys will be sexually abused before the age of 18. It is estimated that 93 percent of the time, it is by a close family member, a family friend, a trusted coach, mentor, or teacher. This bill helps to close the communication loophole among teachers and districts and schools to ensure that we are keeping our kids safe. So for the one-in-four and the one-in-six, this is for you. I urge your support.

Roll call on Assembly Bill No. 362:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Assembly Bill No. 362 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 440.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Assembly Bill 440, as amended, authorizes a proceeding for the involuntary court-ordered admission of a person who is the defendant in a criminal proceeding in the district court to a program of community-based or outpatient services to be commenced by the district court on its own motion or by motion of the defendant or the district attorney if certain conditions are met. The bill authorizes that the Division of Public and Behavioral Health may take a clinical determination that placement in a program of community-based or outpatient services is appropriate. The bill specifies the circumstances under which the court may suspend the criminal proceedings against a defendant and order the defendant to a program of community-

based or outpatient services. If the defendant successfully completes the program, the district court is authorized to dismiss the criminal charges against the defendant with prejudice.

The act becomes effective October 1, 2017.

Roll call on Assembly Bill No. 440:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Assembly Bill No. 440 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 512.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 512 extends the expiration date requiring a court-imposed $100 fee for driving under the influence of intoxicating liquor or a controlled substance from June 30, 2017, to June 30, 2019, to continue support for specialty court programs. This bill becomes effective upon passage and approval.

Roll call on Assembly Bill No. 512:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Assembly Bill No. 512 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 514.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Under existing law, a prisoner who is eligible for parole may not be released from prison until the Division of Parole and Probation of the Department of Public Safety approves the prisoner's proposed plan for placement upon release. Assembly Bill 514 authorizes the Division, if resources are available, to pay all or a portion of the cost of an indigent prisoner's transitional housing if the prisoner's proposed placement plan indicates that the prisoner will reside in transitional housing upon his or her release. The act becomes effective on July 1, 2017.

Roll call on Assembly Bill No. 514:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Assembly Bill No. 514 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 25.

Bill read third time.

Remarks by Assemblyman Marchant.

ASSEMBLYMAN MARCHANT:

Senate Bill 25 abolishes the Nevada Council for the Prevention of Domestic Violence and transfers the duties of the Council and any subcommittees of the Council to the Committee on Domestic Violence, and it revises the composition of the Committee. The bill transfers to the Committee the duty to review, under certain circumstances, the death of a victim of a crime that constitutes domestic violence and removes that duty from the Attorney General.

The bill transfers from the Attorney General to the Division of Child and Family Services, Department of Health and Human Services, the authority to issue a fictitious address to a victim or the parent or guardian of a victim of domestic violence, human trafficking, sexual assault, or stalking.

The requirement to adopt regulations and to certify programs relating to treatment of persons who commit domestic violence is transferred from the Committee to the Department's Division of Public and Behavioral Health. This bill is effective on July 1, 2017.

Roll call on Senate Bill No. 25:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Senate Bill No. 25 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 501.

Bill read third time.

Remarks by Assemblyman McArthur.

ASSEMBLYMAN MCARTHUR:

Senate Bill 501 extends the prospective expiration of the Consumer Affairs Unit within the Department of Business and Industry from June 30, 2017, to June 30, 2019.

Roll call on Senate Bill No. 501:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Senate Bill No. 501 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 512.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Senate Bill 512 requires the State Land Registrar to establish by regulation fees for the use of certain state lands. The bill also provides that the proceeds of certain fees related to navigable bodies of water that are in excess of $65,000 must be accounted for separately and used to carry out programs to preserve, protect, restore, and enhance the natural environment of the Lake Tahoe Basin.

Roll call on Senate Bill No. 512:

YEAS—33.

NAYS—Ellison, Hambrick, Kramer, Krasner, Marchant, McArthur, Titus, Wheeler—8.

EXCUSED—Hansen.

Senate Bill No. 512 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that Senate Bill No. 514 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 232 and 357 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 232.

Bill read third time.

The following amendment was proposed by Assemblywoman Bustamante Adams:

Amendment No. 959.

AN ACT relating to domestic workers; enacting the Domestic Workers' Bill of Rights; providing for the mandatory payment of wages and **, under certain circumstances,** overtime wages for certain hours worked, limitations on deductions for food and lodging, rest breaks and days off; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that employees must be paid a minimum wage and must be paid overtime for certain hours. (NRS 608.018, 608.250; Nev. Const. Art. 15, § 16) **Section 6** of this bill enacts the Domestic Workers' Bill of Rights. **Section 6** defines a "domestic worker" to mean a natural person who is paid by an employer to perform work of a domestic nature and requires that an employer of a domestic worker supply the domestic worker with certain written documentation of the conditions of his or her employment and his or her rights under the law. **Section 6** also requires that a domestic worker be compensated for all hours during which he or she is required to be on duty and is required to remain in the employer's household, except under certain circumstances in which the domestic worker is employed at a residential facility for a group of certain persons who require supervision, care or other assistance. **Section 6** requires that a domestic worker who is paid less than one and one-half times the minimum hourly wage ~~[and who does not reside in the employer's household]~~ **must** be paid overtime wages ~~[for]~~ **under** certain ~~[hours; however, per the Labor Commissioner, a domestic worker who resides in the employer's household is only entitled to his or her regular wages for all hours worked.]~~ **circumstances. Section 6** further requires that a domestic worker be allowed at least 1 day off per week and 2 consecutive

days off at least once per month. **Section 6** also prohibits an employer from limiting or monitoring a domestic worker's private communications or taking or holding such a worker's personal documents. **Section 1** of this bill sets limits on the amount an employer may deduct from a worker's pay for lodging provided by the employer. **Section 2** of this bill revises the amounts an employer may deduct from a worker's pay for meals. Existing law provides that children under the age of 16 years employed in domestic service, farm labor or motion picture performances are exempt from limitations on working hours. (NRS 609.240) **Section 3** of this bill deletes the exemption for children employed in domestic service.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A part of wages or compensation may, if mutually agreed upon by an employee and employer in the contract of employment, consist of lodging. In no case may the value of the lodging be computed at more than five times the statutory minimum hourly wage for each week that lodging is provided to the employee.

2. The monetary limitations on the value of lodging specified in subsection 1 do not apply to agricultural employees.

Sec. 1.5. **NRS 608.018 is hereby amended to read as follows:**

608.018 1. An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250 works:

(a) More than 40 hours in any scheduled week of work; or

(b) More than 8 hours in any workday unless by mutual agreement the employee works a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.

2. An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate not less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250 works more than 40 hours in any scheduled week of work.

3. The provisions of subsections 1 and 2 do not apply to:

(a) ~~[Employees]~~ ***Except as otherwise provided in paragraph (o), employees*** who are not covered by the minimum wage provisions of NRS 608.250;

(b) Outside buyers;

(c) Employees in a retail or service business if their regular rate is more than 1 1/2 times the minimum wage, and more than half their compensation for a representative period comes from commissions on goods or services, with the representative period being, to the extent allowed pursuant to federal law, not less than 1 month;

(d) Employees who are employed in bona fide executive, administrative or professional capacities;

(e) Employees covered by collective bargaining agreements which provide otherwise for overtime;

(f) Drivers, drivers' helpers, loaders and mechanics for motor carriers subject to the Motor Carrier Act of 1935, as amended;

(g) Employees of a railroad;

(h) Employees of a carrier by air;

(i) Drivers or drivers' helpers making local deliveries and paid on a trip-rate basis or other delivery payment plan;

(j) Drivers of taxicabs or limousines;

(k) Agricultural employees;

(l) Employees of business enterprises having a gross sales volume of less than $250,000 per year;

(m) Any salesperson or mechanic primarily engaged in selling or servicing automobiles, trucks or farm equipment; ~~[and]~~

(n) A mechanic or worker for any hours to which the provisions of subsection 3 or 4 of NRS 338.020 apply ~~[.]~~ ***; and***

(o) A domestic worker who resides in the household where he or she works if the domestic worker and his or her employer agree in writing to exempt the domestic worker from the requirements of subsections 1 and 2.

4. As used in this section, "domestic worker" has the meaning ascribed to it in section 6 of this act.

Sec. 2. NRS 608.155 is hereby amended to read as follows:

608.155 1. A part of wages or compensation may, if mutually agreed upon by an employee and employer in the contract of employment, consist of meals. In no case shall the value of the meals be computed at more than ~~[$1.50]~~ ***100 percent of the statutory minimum hourly wage*** per day. In no case shall the value of the meals consumed by such employee be computed or valued at more than ~~[35 cents]~~ ***25 percent of the statutory minimum hourly wage*** for each breakfast actually consumed, ~~[45 cents]~~ ***25 percent of the statutory minimum hourly wage*** for each lunch actually consumed, and ~~[70 cents]~~ ***50 percent of the statutory minimum hourly wage*** for each dinner actually consumed.

2. The monetary limitations on the value of meals, contained in subsection 1, do not apply to agricultural employees.

Sec. 3. NRS 609.240 is hereby amended to read as follows:

609.240 1. No child under the age of 16 years may be employed, permitted or suffered to work at any gainful occupation, other than ~~[domestic service,]~~ employment as a performer in the production of a motion picture or work on a farm, more than 48 hours in any 1 week, or more than 8 hours in any 1 day.

2. The presence of a child in any establishment during working hours is prima facie evidence of employment of the child therein.

Sec. 4. Chapter 613 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 and 6 of this act.

Sec. 5. ***This section and section 6 of this act may be cited as the Domestic Workers' Bill of Rights.***

Sec. 6. ***1. The Legislature hereby declares that a domestic worker must be afforded the following rights and protections:***

(a) An employer shall provide to a domestic worker, when the domestic worker begins his or her employment, a written employment agreement outlining the conditions of his or her employment. If the domestic worker is not able to understand the provisions of the written agreement, the employer shall ensure that those provisions are explained to the domestic worker in a language that the domestic worker understands. The employment agreement must include, without limitation:

(1) The full name and address of the employer;

(2) The name of the domestic worker and a description of the duties for which he or she is being employed;

(3) Each place where the domestic worker is required to work;

(4) The date on which the employment will begin;

(5) The period of notice required for either party to terminate the employment or, if the employment is for a specified period, the date on which the employment will end;

(6) The ordinary workdays and hours of work required of the domestic worker, including any breaks;

(7) The rate of pay, rate and conditions of overtime pay and any other payment or benefits, including, without limitation, health insurance, workers' compensation insurance or paid leave, which the domestic worker is entitled to receive;

(8) The frequency and method of pay;

(9) Any deductions to be made from the domestic worker's wages;

(10) If the domestic worker is to reside in the employer's household, the conditions under which the employer may enter the domestic worker's designated living space; and

(11) A notice of all applicable state and federal laws pertaining to the employment of domestic workers. A copy of the notice provided in subsection 3 will satisfy the requirement to comply with this subparagraph.

(b) Except as otherwise provided in this section and subject to the provisions of chapter 608 of NRS, a domestic worker must, for all of his or her working time, be paid at least the minimum hourly wage published pursuant to Section 16 of Article 15 of the Nevada Constitution.

(c) ~~***[A]***~~ ***Except as otherwise provided in NRS 608.018, a domestic worker who is paid less than one and one-half times the minimum hourly wage*** ~~***[and who does not reside in the employer's household]***~~ ***must be paid not less than one and one-half times the domestic worker's regular rate of wages for all working time in excess of 8 hours in a workday or 40 hours in a week of work*** ~~***[as provided]***~~ ***in accordance with the provisions of NRS***

608.018. ~~[A domestic worker who resides in the employer's household is not entitled to pay in excess of the minimum hourly wage for any working time in excess of 8 hours in a workday or 40 hours in a week of work.]~~

(d) Except as otherwise provided in NRS 608.0195, if a domestic worker is required to be on duty, he or she must be paid for all working time, including, without limitation, sleeping time and meal breaks.

(e) If a domestic worker is hired to work for 40 hours per week or more, his or her employer must provide a period of rest of at least 24 consecutive hours in each calendar week and at least 48 consecutive hours during each calendar month. The domestic worker may agree in writing to work on a scheduled day of rest but must be compensated for such time pursuant to this section.

(f) An employer may deduct from the wages of a domestic worker an amount for food and beverages supplied by the employer if the domestic worker freely and voluntarily accepts such food and beverages and provides written consent for such a deduction. An employer must not make a deduction for food and beverages supplied by the employer if a domestic worker cannot easily bring or prepare meals on the premises. Any deduction for food and beverages pursuant to this paragraph must not exceed the limits set forth in NRS 608.155.

(g) An employer may deduct from the wages of a domestic worker an amount for lodging if the domestic worker freely and voluntarily accepts such lodging and provides written consent for such a deduction. An employer may not make a deduction for lodging if the domestic worker is required to reside on the employer's premises as a condition of his or her employment. Any deduction for lodging pursuant to this paragraph must not exceed the limits set forth in section 1 of this act.

(h) If a domestic worker is required to wear a uniform, the employer may not deduct from his or her wages the cost of the uniform or its care.

(i) An employer shall not restrict, interfere with or monitor a domestic worker's private communications or take any of the domestic worker's documents or other personal effects.

(j) A domestic worker may request a written evaluation of his or her work performance from the employer 3 months after his or her employment begins and annually thereafter.

(k) If a domestic worker resides in the employer's household and the employer terminates his or her employment without cause, the employer shall provide written notice and at least 30 days of lodging to the domestic worker, either on-site or in comparable off-site conditions.

(l) An employer shall keep a record of the wages and hours of the domestic worker as required by NRS 608.115.

2. The provisions of this section are not intended to prevent an employer from providing greater wages and benefits than those required by this section.

3. The Labor Commissioner shall adopt regulations to carry out the provisions of this section and shall post on his or her Internet website, if any, a multilingual notice of employment rights provided under this section and any applicable state and federal laws pertaining to the employment of domestic workers.

4. As used in this section, unless the context otherwise requires:

(a) "Domestic worker" means a natural person who is paid by an employer to perform work of a domestic nature for the employer's household, including, without limitation, housekeeping, housecleaning, cooking, laundering, nanny services, caretaking of sick, convalescing or elderly persons, gardening or chauffeuring. The term:

(1) Includes a natural person who is employed by a third-party service or agency; and

(2) Does not include a natural person who provides services on a casual, irregular or intermittent basis.

(b) "Employer" means a person who employs a domestic worker to work for the employer's household.

(c) "Household" means the premises of an employer's residence and includes any living quarters on the employer's property.

(d) "On duty" means any period during which a domestic worker is working or is required to remain on the employer's property.

(e) "Period of rest" means a period during which the domestic worker has complete freedom from all duties and is free to leave the employer's household or stay within the household solely for personal pursuits.

(f) "Working time" means all compensable time, other than periods of rest, during which a domestic worker is on duty, regardless of whether the domestic worker is actually working.

Sec. 7. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2018, for all other purposes.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 357.

Bill read third time.

The following amendment was proposed by Assemblyman McCurdy II:

Amendment No. 971.

AN ACT relating to apprentices; prohibiting a public body from awarding certain contracts for a public work to a contractor unless the contractor complies with certain requirements relating to the use of apprentices on

public works or pays a monetary penalty; prohibiting a contractor on certain public works from awarding subcontracts for more than 5 percent of the value of the public work to a subcontractor unless the subcontractor complies with certain requirements relating to the use of apprentices on public works or pays a monetary penalty; revising provisions relating to apprenticeship programs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the State Apprenticeship Council and requires the Council to establish standards for programs of apprenticeship. (NRS 610.030, 610.090, 610.095) The purposes of such programs include, without limitation: (1) the creation of the opportunity for persons to obtain training that will equip those persons for profitable employment and citizenship; and (2) the establishment of an organized program for the voluntary training of those persons by providing facilities for training and guidance in the arts and crafts of industry and trade. (NRS 610.020) Existing law sets forth the requirements for a public body which sponsors or finances a public work to award a contract to a contractor for the construction of the public work. (Chapter 338 of NRS) Such requirements include, without limitation: (1) the payment of the prevailing wage in the county in which the public work is located; and (2) the establishment of certain fair employment practices for contractors in connection with the performance of work under the contract awarded by the public body. (NRS 338.020, 338.125)

Section 4 of this bill prohibits a public body from, on or after February 1, 2019, awarding a contract for a public work for which the estimated cost exceeds $1,000,000 to a contractor unless the contractor: (1) ~~[ensured that in the immediately preceding calendar year,]~~ **complied with certain requirements relating to the use of** apprentices ~~[of that contractor performed not less than 3 percent, or a higher percentage established by regulation of the Labor Commissioner, of the total hours of labor performed in each recognized class of worker for all contracts for]~~ **on** public works ~~[awarded to]~~ **performed by** the contractor; or (2) paid a monetary penalty imposed by the Labor Commissioner. **Section 4** also prohibits a contractor awarded a contract for a public work on or after February 1, 2019, for which the estimated cost exceeds $1,000,000 from awarding a subcontract for more than 5 percent of the value of that public work to a subcontractor unless the subcontractor satisfied the same requirement for the use of apprentices on public works or paid a monetary penalty imposed by the Labor Commissioner. **Section 4** authorizes the Labor Commissioner to grant an exemption from this requirement if a public work is performed in a county whose population is less than 100,000 or a city whose population is less than 60,000 and the Labor Commissioner finds that there is a lack of qualified apprentices ~~[in a recognized class of worker]~~ from any available source in the geographic area in which the public work will be performed. **Section 4** also excludes from those requirements contractors and subcontractors who

employ fewer than a specified number of employees at the site of a public work.

Section 4 also requires: (1) the Labor Commissioner to issue a certificate of compliance to contractors and subcontractors who complied with the requirements of that section relating to the use of apprentices; and (2) a public body to verify a contractor's compliance with the requirements for apprentice labor before awarding a contract for certain public works by obtaining the identification number included on the certificate of compliance issued to the contractor or subcontractor.

Finally, **section 4** requires all monetary penalties imposed on a contractor or subcontractor for failure to comply with the requirements of that section to be paid to the State Director of Apprenticeships and distributed to programs for the recruitment, education and training of construction workers and the placement of such workers in employment.

Section 6.85 of this bill requires an apprenticeship program to submit a quarterly report to the State Apprenticeship Council which contains the: (1) number of apprentices enrolled in the program; (2) enrollment capacity of the program; and (3) number of apprentices who completed the program in the period covered by the report. **Section 6.85** further provides that on or before February 1, 2021, the State Apprenticeship Council is required to submit to the Director of the Legislative Counsel Bureau a report on the availability and use of apprentices for transmission to the 2021 Legislative Session.

Section 6.9 requires an apprenticeship program in which the number of apprentices enrolled is less than 40 percent of the enrollment capacity of the program to submit to the State Apprenticeship Council a strategic plan to recruit and retain apprentices and a monthly report concerning the progress of the program in recruiting and retaining apprentices.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 4 or 5, on or after February 1, 2019, a public body shall not award a contract for a public work for which the estimated cost exceeds $1,000,000 to a contractor unless:

(a) For the immediately preceding calendar year the contractor ensured that : [for each recognized class of worker an apprentice performed:]

(1) [Not] An apprentice performed not less than 3 percent, or such other percentage as the Labor Commissioner may require pursuant to regulations adopted pursuant to subsection 9, of the total hours of labor [performed by that recognized class of worker and] reported by the

contractor to public bodies for all contracts or subcontracts for horizontal construction on a public work in this State which were awarded to the contractor and to which the provisions of NRS 338.020 to 338.090, inclusive, apply; or

(2) ~~[Not]~~ For each recognized class of worker, an apprentice performed not less than 3 percent, or such other percentage as the Labor Commissioner may require pursuant to regulations adopted pursuant to subsection 9, of the total hours of labor performed by that recognized class of worker and reported by the contractor to public bodies for all contracts or subcontracts for vertical
construction on a public work in this State which were awarded to the contractor and to which the provisions of NRS 338.020 to 338.090, inclusive, apply; or

(b) The contractor has paid all monetary penalties imposed by the Labor Commissioner pursuant to subsection 6.

2. Except as otherwise provided in subsection 4 or 5, a contractor awarded a contract for a public work on or after February 1, 2019, for which the estimated cost exceeds $1,000,000 may not award a subcontract for more than 5 percent of the value of that public work to a subcontractor unless:

(a) For the immediately preceding calendar year the subcontractor ensured that : ~~[for each recognized class of worker an apprentice performed:]~~

(1) ~~[Not]~~ An apprentice performed not less than 3 percent, or such other percentage as the Labor Commissioner may require pursuant to regulations adopted pursuant to subsection 9, of the total hours of labor ~~[performed by that recognized class of worker and]~~ reported by the subcontractor to public bodies for all contracts or subcontracts for horizontal construction on a public work in this State which were awarded to the subcontractor and to which the provisions of NRS 338.020 to 338.090, inclusive, apply; or

(2) ~~[Not]~~ For each recognized class of worker, an apprentice performed not less than 3 percent, or such other percentage as the Labor Commissioner may require pursuant to regulations adopted pursuant to subsection 9, of the total hours of labor performed by that recognized class of worker and reported by the subcontractor to public bodies for all contracts or subcontracts for vertical construction on a public work in this State which were awarded to the subcontractor and to which the provisions of NRS 338.020 to 338.090, inclusive, apply; or

(b) The subcontractor has paid all monetary penalties imposed by the Labor Commissioner pursuant to subsection 6.

3. Except as otherwise provided in subsection 4 or 5, before awarding a contract for a public work for which the estimated cost exceeds $1,000,000, a public body must obtain the identification number of the certificate of compliance issued to each contractor pursuant to subsection 8 submitting a

bid for the contract and verify whether the award of the contract would comply with the provisions of subsection 1.

4. A public body may submit a written request to the Labor Commissioner for an exemption from the requirements of subsection 1 for a public work. If a public body submits such a request, the public body shall not request bids for or enter into a contract for which the public body submitted the request until the Labor Commissioner approves or denies the request pursuant to this subsection. Not later than 90 days after receiving a request pursuant to this subsection, the Labor Commissioner shall approve or deny the request in writing and notify the public body of the approval or denial of the request. The Labor Commissioner shall conduct a public hearing on each request, at which any interested party may appear and provide evidence, and issue a written decision to approve or deny a request. The written decision of the Labor Commissioner is a public record and a copy of the decision must be included in any bid documents furnished by the public body. The Labor Commissioner may grant a request for an exemption submitted pursuant to this subsection only if the Labor Commissioner finds that the public work will be performed in a county whose population is less than 100,000 or a city whose population is less than 60,000 and there is a demonstrated lack of qualified apprentices ~~***[in a recognized class of worker]***~~ ***from any available source in the specific geographic area in which the public work for which an exemption is requested will be performed. If the Labor Commissioner grants an exemption to a public body pursuant to this subsection, the work performed by a contractor or subcontractor on the public work for which the exemption was granted must not be considered when determining whether the contractor or subcontractor satisfied the criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, as applicable.***

5. The criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, as applicable, do not apply to:

(a) A contractor or subcontractor which proposes to perform, or has been awarded a contract to perform, horizontal construction on a public work and which employs fewer than 25 employees to perform work on the site of the public work; or

(b) A contractor or subcontractor which proposes to perform, or has been awarded a contract to perform, vertical construction on a public work and which employs fewer than 6 employees to perform work on the site of the public work.

➥ Any work performed by a contractor or subcontractor on a public work described in paragraph (a) or (b), as applicable, must not be considered in determining whether the contractor or subcontractor satisfied the criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, as applicable.

6. Each calendar year, the Labor Commissioner shall:

(a) Determine the percentage of total hours of labor which were performed by apprentices during the calendar year on each public work to which the provisions of NRS 338.020 to 338.090, inclusive, apply;

(b) Determine whether a contractor or subcontractor satisfies the requirements of subsection 1 or 2, as applicable, or of any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable;

(c) If applicable, determine the number of hours by which each contractor or subcontractor failed to comply with those requirements; and

(d) If a contractor or subcontractor does not satisfy the criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, as applicable, establish the amount of a monetary penalty which must be paid by a contractor or subcontractor to remain qualified to be awarded a contract for a public work for which the estimated cost exceeds $1,000,000. The monetary penalty must be payable to the State Director of Apprenticeship and must be established as follows:

(1) For a contract to perform horizontal construction on a public work on or after January 1, 2018, a contractor or subcontractor that failed to comply with the criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, as applicable, or in any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable, is required to pay a monetary penalty of not less than $2 but not more than $6 for each hour of labor by which the contractor or subcontractor, as applicable, failed to comply with the applicable criteria. In determining the amount of the monetary penalty imposed on a contractor or subcontractor pursuant to this subparagraph, the Labor Commissioner shall consider all relevant facts and circumstances, including, without limitation, the amount by which the contractor or subcontractor failed to comply with the applicable criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, or in any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, and whether the contractor or subcontractor has willfully or repeatedly failed to comply with such applicable criteria.

(2) For a contract to perform vertical construction on a public work on or after January 1, 2018, a contractor or subcontractor that failed to comply with the criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, as applicable, or in any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable, is required to pay a monetary penalty of not less than $2 but not more than $6 for each hour of labor by which the contractor or subcontractor, as applicable, failed to comply with the applicable criteria. In determining the amount of the monetary penalty imposed on a contractor or subcontractor pursuant to this subparagraph, the Labor Commissioner shall consider all relevant facts and circumstances, including, without limitation, the amount by which the contractor or

subcontractor failed to comply with the applicable criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, or in any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, and whether the contractor or subcontractor has willfully or repeatedly failed to comply with such applicable criteria.

➥ Any decision of the Labor Commissioner pursuant to this paragraph is subject to judicial review pursuant to chapter 233B of NRS.

7. All money which is collected by the State Director of Apprenticeship for monetary penalties imposed pursuant to subsection 6 must be distributed by the State Director of Apprenticeship only to programs for the recruitment, education and training of construction workers and placement of such workers in employment.

8. The Labor Commissioner shall:

(a) Issue a certificate of compliance containing an identification number to each contractor or subcontractor who complies with the applicable criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, or in any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, or who pays the monetary penalty imposed on the contractor or subcontractor pursuant to subsection 6.

(b) Maintain on the Internet website of the Labor Commissioner a list of contractors and subcontractors who have been issued a certificate of compliance.

9. During each calendar year beginning on or after January 1, 2020, the Labor Commissioner may, with the approval of the State Apprenticeship Council, adopt regulations to revise by not more than 2 percentage points the percentage of total hours of labor on a public work which must be performed by apprentices for the following calendar year.

10. As used in this section:

(a) "Apprentice" has the meaning ascribed to it in NRS 610.010.

(b) "Horizontal construction" means the construction of any fixed work other than vertical construction except as specifically provided herein, including, without limitation, fixed work relating to irrigation, drainage, water supply, flood control, a harbor, a railroad, a highway, a tunnel, a sewer, a sewage disposal plant or water treatment facility and any ancillary vertical construction which is a component thereof, a bridge, an inland waterway, a pipeline for the transmission of petroleum or any other liquid or gaseous substance, a pier and any fixed work incidental thereto. The term includes the construction of an airport or airway, but does not include the construction of any terminal or other building of an airport or airway.

(c) "Recognized class of worker" means a class of worker recognized by the Labor Commissioner as being a distinct craft or type of work for purposes of establishing prevailing rates of wages pursuant to NRS 338.020 to 338.090, inclusive. The term includes a class of worker for which the Labor Commissioner has traditionally established a prevailing rate of wages pursuant to NRS 338.020 to 338.090, inclusive, and any other

class of worker the Labor Commissioner determines to be a distinct craft or type of work either on his or her own accord or after conducting a hearing pursuant to NRS 338.030.

(d) "Vertical construction" means the construction or remodeling of any building, structure or other improvement which is predominantly vertical, including, without limitation, a building, structure or improvement for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind and any improvement appurtenant thereto.

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 338.015 is hereby amended to read as follows:

338.015 1. The Labor Commissioner shall enforce the provisions of NRS 338.010 to 338.130, inclusive ~~[.]~~ ***, and section 4 of this act.***

2. In addition to any other remedy or penalty provided in this chapter, if any person, including, without limitation, a public body, violates any provision of NRS 338.010 to 338.130, inclusive, ***except section 4 of this act,*** or any regulation adopted pursuant thereto, the Labor Commissioner may, after providing the person with notice and an opportunity for a hearing, impose against the person an administrative penalty of not more than $5,000 for each such violation.

3. The Labor Commissioner may, by regulation, establish a sliding scale based on the severity of the violation to determine the amount of the administrative penalty to be imposed against the person pursuant to this section.

4. The Labor Commissioner shall report the violation to the Attorney General, and the Attorney General may prosecute the person in accordance with law.

Sec. 6.3. NRS 338.1389 is hereby amended to read as follows:

338.1389 1. Except as otherwise provided in subsection 10 and NRS 338.1385, 338.1386 and 338.13864 ~~[.]~~ ***and section 4 of this act,*** a public body or its authorized representative shall award a contract for a public work for which the estimated cost exceeds $250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:

(a) Submitted by a responsive and responsible contractor who:

(1) Has been determined by the public body to be a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(2) At the time the contractor submits his or her bid, provides a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(3) Within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and

(b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who:

(1) Does not provide, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or

(2) Does not submit, within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to (d), inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,

➥ shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes that were paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes that were paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:

(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or

(b) Is found by the Board to have, within the preceding 5 years, materially breached a contract for a public work for which the cost exceeds $5,000,000, the contractor is not eligible to receive a preference in bidding on public works.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may receive a preference in bidding only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person who submitted a bid on the public work or an entity who believes that the contractor who was awarded the contract for the public work wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the public body to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the public body not later than 3 business days after the opening of the bids by the public body or its authorized representative.

14. If a public body receives a written objection pursuant to subsection 13, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public

body shall dismiss the objection and the public body or its authorized representative may proceed immediately to award the contract. If the public body determines that the objection is accompanied by the required proof or substantiating evidence, the public body shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the public body or its authorized representative may proceed to award the contract accordingly.

Sec. 6.7. NRS 338.147 is hereby amended to read as follows:

338.147 1. Except as otherwise provided in subsection 10 and NRS 338.143, 338.1442 and 338.1446 ~~[.]~~ ***and section 4 of this act,*** a local government or its authorized representative shall award a contract for a public work for which the estimated cost exceeds $250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:

(a) Submitted by a contractor who:

(1) Has been found to be a responsible and responsive contractor by the local government or its authorized representative;

(2) At the time the contractor submits his or her bid, provides a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(3) Within 2 hours after the completion of the opening of the bids by the local government or its authorized representative, submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and

(b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who:

(1) Does not provide, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or

(2) Does not submit, within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to (d), inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,

➥ shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including,

without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:

(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or

(b) Is found by the Board to have, within the preceding 5 years, materially breached a contract for a public work for which the cost exceeds $5,000,000, the contractor is not eligible to receive a preference in bidding on public works.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may receive a preference in bidding only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person who submitted a bid on the public work or an entity who believes that the contractor who was awarded the contract for the public work wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the local government to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the local government not later than 3 business days after the opening of the bids by the local government or its authorized representative.

14. If a local government receives a written objection pursuant to subsection 13, the local government shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the local government determines that the objection is not accompanied by the required proof or substantiating evidence, the local government shall dismiss the objection and the local government or its authorized representative may proceed immediately to award the contract. If the local government determines that the objection is accompanied by the required proof or substantiating evidence, the local government shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the local government or its authorized representative may proceed to award the contract accordingly.

Sec. 6.8. Chapter 610 of NRS is hereby amended by adding thereto the provisions set forth as sections 6.85 and 6.9 of this act.

Sec. 6.85. ***1. A program shall submit a quarterly report to the State Apprenticeship Council which contains the following information:***

(a) The number of apprentices enrolled in the program;

(b) The enrollment capacity of the program; and

(c) The number of apprentices who completed the program in the period covered by the report.

2. Not later than February 1, 2021, the State Apprenticeship Council shall submit to the Director of the Legislative Counsel Bureau a report on the availability and use of apprentices for transmission to the next regular session of the Legislature. The report must include a summary of the

information collected by the State Apprenticeship Council and any recommendations for legislation.

Sec. 6.9. ***1. If, at any time, the number of apprentices enrolled in a program is less than 40 percent of the enrollment capacity of the program, the program must submit to the State Apprenticeship Council:***

(a) A strategic plan to recruit and retain apprentices; and

(b) A monthly report concerning the progress of the program in recruiting and retaining apprentices until such time as the State Apprenticeship Council determines that such monthly reports are not necessary.

2. The State Apprenticeship Council may revoke the registration of a program that fails to comply with any requirement of subsection 1.

Sec. 7. (Deleted by amendment.)

Sec. 8. This act becomes effective on January 1, 2018.

Assemblyman McCurdy moved the adoption of the amendment.

Remarks by Assemblyman McCurdy.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 291 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 291.

Bill read third time.

The following amendment was proposed by Assemblywoman Titus:

Amendment No. 985.

SUMMARY—Revises provisions relating to health ~~[care]~~ records. (BDR 54-350)

AN ACT relating to health ~~[care]~~ records; requiring a custodian of health care records to perform certain duties; requiring a custodian of health care records to make certain health care records available for inspection by a coroner or medical examiner under certain circumstances; revising the civil and criminal penalties for a custodian who violates certain requirements; authorizing the Board of Medical Examiners to take possession of the health care records of a licensee's patients under certain circumstances; **revising provisions relating to the completion of a death certificate;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a physician or other provider of health care to: (1) retain the health care records of patients for at least 5 years; (2) make available to investigators certain health care records of a patient who is

suspected of having operated a motor vehicle while intoxicated; (3) maintain a record of information provided by a patient relating to health insurance coverage; and (4) provide to the Department of Corrections the health care records of an offender confined at the state prison. (NRS 629.051, 629.065, 629.066, 629.068) **Sections 4 and 7-9** of this bill require the custodian of the relevant health care records to perform those duties. **Section 1** of this bill defines the custodian of health care records as any person having primary custody of those records or a facility that maintains the health care records of patients.

Existing law requires a provider of health care to make health care records available for inspection by a patient, certain representatives of a patient and certain government officials. (NRS 629.061) **Section 5** of this bill requires the custodian of health care records to make the records available for inspection, and includes in the definition of "health care records," for the purposes of that section, any records that reflect the amount charged for medical services or care provided to a patient. **Section 5** further requires the custodian of health care records to make health care records available for inspection by a coroner or medical examiner in the performance of his or her duties.

A custodian of the health care records of a provider of health care is prohibited by existing law from preventing the provider from inspecting or obtaining copies of the records. If the custodian ceases to do business in this State, the custodian must deliver the records or copies of the records to the provider. Any violation of those requirements is a gross misdemeanor and subjects the custodian to a potential civil penalty of not less than $10,000, to be recovered in a civil action. (NRS 629.063) **Section 6** of this bill provides that only a custodian of health care records who is not licensed under certain provisions of NRS and who violates the foregoing requirements is guilty of a gross misdemeanor. **Section 6** also revises the civil penalty provisions so that $5,000 is the maximum penalty that may be collected for each violation as applied to a patient's entire health care record.

Existing law requires certain providers of health care to retain the health care records of patients for 5 years after their receipt or production. (NRS 629.051) **Section 9.5** of this bill authorizes the Board of Medical Examiners to take possession of the health care records of a licensee's patients in the event of the licensee's death, disability, incarceration or other incapacitation that renders the licensee unable to continue his or her practice. **Section 9.5** further authorizes the Board to provide a patient's records to the patient or to the patient's subsequent provider of health care. **Section 9.5** also requires that certain disclosures regarding such records be provided to patients.

Existing law requires a funeral director or person acting as undertaker to present a death certificate to an attending physician or the health officer or coroner for the medical certificate of the cause of death and certain other information. (NRS 440.470) Section 12.3 of this bill provides an exception to the requirement of presenting the death

certificate to an attending physician or attending advanced practice registered nurse if the attending physician or attending advanced practice registered nurse initiated the record of death and provided the required information at the time of death.

Section 12.7 of this bill authorizes a physician, advanced practice registered nurse, health officer or coroner to sign an uncompleted death certificate after completing the portions of the death certificate applicable to the physician, advanced practice registered nurse, health officer or coroner.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. "Custodian of health care records" or "custodian" means:

(a) Any person having primary custody of health care records pursuant to this chapter; or

(b) Any facility that maintains the health care records of patients.

2. For the purposes of this section, a provider of health care shall not be deemed to have primary custody of health care records or to be the operator of a facility that maintains the health care records of patients:

(a) Solely by reason of the status of the provider as a member of a group of providers of health care; or

(b) If another person is employed or retained to maintain custody of the health care records of the provider.

Sec. 2. NRS 629.011 is hereby amended to read as follows:

629.011 As used in this chapter, unless the context otherwise requires, ***the*** words and terms defined in NRS 629.021, 629.026 and 629.031 ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. "Provider of health care" means:

(a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS;

(b) A physician assistant;

(c) A dentist;

(d) A licensed nurse;

(e) A person who holds a license as an attendant or who is certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS;

(f) A dispensing optician;

(g) An optometrist;

(h) A speech-language pathologist;

(i) An audiologist;

(j) A practitioner of respiratory care;

(k) A registered physical therapist;

(l) An occupational therapist;

(m) A podiatric physician;

(n) A licensed psychologist;

(o) A licensed marriage and family therapist;

(p) A licensed clinical professional counselor;

(q) A music therapist;

(r) A chiropractor;

(s) An athletic trainer;

(t) A perfusionist;

(u) A doctor of Oriental medicine in any form;

(v) A medical laboratory director or technician;

(w) A pharmacist;

(x) A licensed dietitian;

(y) An associate in social work, a social worker, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS;

(z) An alcohol and drug abuse counselor or a problem gambling counselor who is certified pursuant to chapter 641C of NRS;

(aa) An alcohol and drug abuse counselor or a clinical alcohol and drug abuse counselor who is licensed pursuant to chapter 641C of NRS; or

(bb) A medical facility as the employer of any person specified in this subsection.

2. ~~[For the purposes of NRS 629.051, 629.061, 629.065 and 629.077, the term includes a facility that maintains the health care records of patients.~~

~~3.]~~ For the purposes of NRS 629.400 to 629.490, inclusive, the term includes:

(a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and

(b) A person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.

Sec. 4. NRS 629.051 is hereby amended to read as follows:

629.051 1. Except as otherwise provided in this section and in regulations adopted by the State Board of Health pursuant to NRS 652.135 with regard to the records of a medical laboratory and unless a longer period is provided by federal law, each ~~[provider]~~ ***custodian*** of health care ***records*** shall retain the health care records of ~~[his or her]~~ patients as part of ~~[his or her]~~ ***the*** regularly maintained records ***of the custodian*** for 5 years after their receipt or production. Health care records may be retained in written form, or by microfilm or any other recognized form of size reduction, including, without limitation, microfiche, computer disc, magnetic tape and optical disc, which does not adversely affect their use for the purposes of NRS 629.061. Health care records may be created, authenticated and stored in a computer system which meets the requirements of NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto.

2. A provider of health care shall post, in a conspicuous place in each location at which the provider of health care performs health care services, a sign which discloses to patients that their health care records may be destroyed after the period set forth in subsection 1.

3. When a provider of health care performs health care services for a patient for the first time, the provider of health care shall deliver to the patient a written statement which discloses to the patient that the health care records of the patient may be destroyed after the period set forth in subsection 1.

4. If a provider of health care fails to deliver the written statement to the patient pursuant to subsection 3, the provider of health care shall deliver to the patient the written statement described in subsection 3 when the provider of health care next performs health care services for the patient.

5. In addition to delivering a written statement pursuant to subsection 3 or 4, a provider of health care may deliver such a written statement to a patient at any other time.

6. A written statement delivered to a patient pursuant to this section may be included with other written information delivered to the patient by a provider of health care.

7. A ~~[provider]~~ ***custodian*** of health care ***records*** shall not destroy the health care records of a person who is less than 23 years of age on the date of the proposed destruction of the records. The health care records of a person who has attained the age of 23 years may be destroyed in accordance with this section for those records which have been retained for at least 5 years or for any longer period provided by federal law.

8. The provisions of this section do not apply to a pharmacist.

9. The State Board of Health shall adopt:

(a) Regulations prescribing the form, size, contents and placement of the signs and written statements required pursuant to this section; and

(b) Any other regulations necessary to carry out the provisions of this section.

Sec. 5. NRS 629.061 is hereby amended to read as follows:

629.061 1. Each ~~[provider]~~ ***custodian*** of health care ***records*** shall make the health care records of a patient available for physical inspection by:

(a) The patient or a representative with written authorization from the patient;

(b) The personal representative of the estate of a deceased patient;

(c) Any trustee of a living trust created by a deceased patient;

(d) The parent or guardian of a deceased patient who died before reaching the age of majority;

(e) An investigator for the Attorney General or a grand jury investigating an alleged violation of NRS 200.495, 200.5091 to 200.50995, inclusive, or 422.540 to 422.570, inclusive;

(f) An investigator for the Attorney General investigating an alleged violation of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,

inclusive, or any fraud in the administration of chapter 616A, 616B, 616C, 616D or 617 of NRS or in the provision of benefits for industrial insurance; ~~[or]~~

(g) Any authorized representative or investigator of a state licensing board during the course of any investigation authorized by law ~~[.]~~ ***; or***

(h) Any coroner or medical examiner to identify a deceased person, determine a cause of death or perform other duties as authorized by law.

2. The records described in subsection 1 must be made available at a place within the depository convenient for physical inspection. Except as otherwise provided in subsection 3, if the records are located:

(a) Within this State, the ~~[provider]~~ ***custodian of health care records*** shall make any records requested pursuant to this section available for inspection within 10 working days after the request.

(b) Outside this State, the ~~[provider]~~ ***custodian of health care records*** shall make any records requested pursuant to this section available in this State for inspection within 20 working days after the request.

3. If the records described in subsection 1 are requested pursuant to paragraph (e), (f) ***,*** ~~[or]~~ (g) ***or (h)*** of subsection 1 and the investigator, grand jury ***,*** ~~[or]~~ authorized representative, ***coroner or medical examiner,*** as applicable, declares that exigent circumstances exist which require the immediate production of the records, the ~~[provider]~~ ***custodian of health care records*** shall make any records which are located:

(a) Within this State available for inspection within 5 working days after the request.

(b) Outside this State available for inspection within 10 working days after the request.

4. Except as otherwise provided in subsection 5, the ~~[provider]~~ ***custodian*** of health care ***records*** shall also furnish a copy of the records to each person described in subsection 1 who requests it and pays the actual cost of postage, if any, the costs of making the copy, not to exceed 60 cents per page for photocopies and a reasonable cost for copies of X-ray photographs and other health care records produced by similar processes. No administrative fee or additional service fee of any kind may be charged for furnishing such a copy.

5. The ~~[provider]~~ ***custodian*** of health care ***records*** shall also furnish a copy of any records that are necessary to support a claim or appeal under any provision of the Social Security Act, 42 U.S.C. §§ 301 et seq., or under any federal or state financial needs-based benefit program, without charge, to a patient, or a representative with written authorization from the patient, who requests it, if the request is accompanied by documentation of the claim or appeal. A copying fee, not to exceed 60 cents per page for photocopies and a reasonable cost for copies of X-ray photographs and other health care records produced by similar processes, may be charged by the ~~[provider of health care]~~ ***custodian*** for furnishing a second copy of the records to support the same claim or appeal. No administrative fee or additional service fee of any kind may be charged for furnishing such a copy. The ~~[provider of health~~

~~care~~] ***custodian*** shall furnish the copy of the records requested pursuant to this subsection within 30 days after the date of receipt of the request, and the ~~[provider of health care~~] ***custodian*** shall not deny the furnishing of a copy of the records pursuant to this subsection solely because the patient is unable to pay the fees established in this subsection.

6. Each person who owns or operates an ambulance in this State shall make the records regarding a sick or injured patient available for physical inspection by:

(a) The patient or a representative with written authorization from the patient;

(b) The personal representative of the estate of a deceased patient;

(c) Any trustee of a living trust created by a deceased patient;

(d) The parent or guardian of a deceased patient who died before reaching the age of majority; or

(e) Any authorized representative or investigator of a state licensing board during the course of any investigation authorized by law.

➥ The records must be made available at a place within the depository convenient for physical inspection, and inspection must be permitted at all reasonable office hours and for a reasonable length of time. The person who owns or operates an ambulance shall also furnish a copy of the records to each person described in this subsection who requests it and pays the actual cost of postage, if any, and the costs of making the copy, not to exceed 60 cents per page for photocopies. No administrative fee or additional service fee of any kind may be charged for furnishing a copy of the records.

7. Records made available to a representative or investigator must not be used at any public hearing unless:

(a) The patient named in the records has consented in writing to their use; or

(b) Appropriate procedures are utilized to protect the identity of the patient from public disclosure.

8. Subsection 7 does not prohibit:

(a) A state licensing board from providing to a provider of health care or owner or operator of an ambulance against whom a complaint or written allegation has been filed, or to his or her attorney, information on the identity of a patient whose records may be used in a public hearing relating to the complaint or allegation, but the provider of health care or owner or operator of an ambulance and the attorney shall keep the information confidential.

(b) The Attorney General from using health care records in the course of a civil or criminal action against the patient or provider of health care.

9. A provider of health care ***, custodian of health care records*** or owner or operator of an ambulance and his or her agents and employees are immune from any civil action for any disclosures made in accordance with the provisions of this section or any consequential damages.

10. For the purposes of this section:

(a) "Guardian" means a person who has qualified as the guardian of a minor pursuant to testamentary or judicial appointment, but does not include a guardian ad litem.

(b) ***"Health care records" has the meaning ascribed to it in NRS 629.021, but also includes any billing statement, ledger or other record of the amount charged for medical services or care provided to a patient.***

(c) "Living trust" means an inter vivos trust created by a natural person:

(1) Which was revocable by the person during the lifetime of the person; and

(2) Who was one of the beneficiaries of the trust during the lifetime of the person.

~~[(c)]~~ ***(d)*** "Parent" means a natural or adoptive parent whose parental rights have not been terminated.

~~[(d)]~~ ***(e)*** "Personal representative" has the meaning ascribed to it in NRS 132.265.

Sec. 6. NRS 629.063 is hereby amended to read as follows:

629.063 1. Subject to the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, or any other federal law or regulation:

(a) A custodian of health care records having custody of any health care records of a provider of health care pursuant to this chapter shall not prevent the provider of health care from physically inspecting the health care records or receiving copies of those records upon request by the provider of health care in the manner specified in NRS 629.061.

(b) If a custodian of health care records specified in paragraph (a) ceases to do business in this State, the custodian of health care records shall, within 10 days after ceasing to do business in this State, deliver the health care records ~~[of]~~ ***created by*** the provider of health care, or copies thereof, to the provider of health care.

2. A custodian of health care records who ***is not otherwise licensed pursuant to title 54 of NRS and*** violates a provision of this section is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $25,000 for each violation, or by both fine and imprisonment.

3. In addition to any criminal penalties imposed pursuant to subsection 2, a custodian of health care records who violates a provision of this section is subject to a civil penalty of not ~~[less]~~ ***more*** than ~~[$10,000]~~ ***$5,000*** for each violation ~~[.]~~ ***as applied to a patient's entire health care record,*** to be recovered in a civil action brought in the district court in the county in which the provider of health care's principal place of business is located or in the district court of Carson City.

4. As used in this section, "custodian of health care records" ~~[means any person having custody of any health care records pursuant to this chapter. The term]~~ does not include:

(a) A facility for hospice care, as defined in NRS 449.0033;

(b) A facility for intermediate care, as defined in NRS 449.0038;

(c) A facility for skilled nursing, as defined in NRS 449.0039;

(d) A hospital, as defined in NRS 449.012; or

(e) A psychiatric hospital, as defined in NRS 449.0165.

Sec. 7. NRS 629.065 is hereby amended to read as follows:

629.065 1. Each ~~[provider]~~ ***custodian*** of health care ***records*** shall, upon request, make available to a law enforcement agent or district attorney the health care records of a patient which relate to a test of the blood, breath or urine of the patient if:

(a) The patient is suspected of having violated NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425; and

(b) The records would aid in the related investigation.

➥ To the extent possible, the ~~[provider of health care]~~ ***custodian*** shall limit the inspection to the portions of the records which pertain to the presence of alcohol or a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood, breath or urine of the patient.

2. The records must be made available at a place within the depository convenient for physical inspection. Inspection must be permitted at all reasonable office hours and for a reasonable length of time. The ~~[provider]~~ ***custodian*** of health care ***records*** shall also furnish a copy of the records to each law enforcement agent or district attorney described in subsection 1 who requests the copy and pays the costs of reproducing the copy.

3. Records made available pursuant to this section may be presented as evidence during a related administrative or criminal proceeding against the patient.

4. A ~~[provider]~~ ***custodian*** of health care ***records*** and his or her agents and employees are immune from any civil action for any disclosures made in accordance with the provisions of this section or any consequential damages.

5. As used in this section, "prohibited substance" has the meaning ascribed to it in NRS 484C.080.

Sec. 8. NRS 629.066 is hereby amended to read as follows:

629.066 1. After a patient provides to a provider of health care, and the provider of health care accepts from the patient, any information regarding a health care plan for the purpose of paying for a service which has been or may be rendered to the patient:

(a) The ~~[provider]~~ ***custodian*** of health care ***records of the patient*** shall maintain a record of the information provided by the patient; and

(b) If the provider of health care fails to submit any claim for payment of any portion of any charge pursuant to the terms of the health care plan, the provider of health care shall not request or require payment from the patient of any portion of the charge beyond the portion of the charge which the patient would have been required to pay pursuant to the terms of the health

care plan if the provider of health care had submitted the claim for payment pursuant to the terms of the health care plan.

2. The provisions of paragraph (b) of subsection 1 do not apply to a claim if the patient provides information to the provider of health care which is inaccurate, outdated or otherwise causes the provider of health care to submit the claim in a manner which violates the terms of the health care plan.

3. Any provision of any agreement between a patient and a provider of health care which conflicts with the provisions of this section is void.

4. As used in this section, "health care plan" has the meaning ascribed to it in NRS 679B.520.

Sec. 9. NRS 629.068 is hereby amended to read as follows:

629.068 1. A ~~[provider]~~ ***custodian*** of health care ***records*** shall, upon request of the Director of the Department of Corrections or the designee of the Director, provide the Department of Corrections with a complete copy of the health care records of an offender confined at the state prison.

2. Records provided to the Department of Corrections must not be used at any public hearing unless:

(a) The offender named in the records has consented in writing to their use; or

(b) Appropriate procedures are utilized to protect the identity of the offender from public disclosure.

3. A ~~[provider]~~ ***custodian*** of health care ***records*** and ~~[an]~~ ***any*** agent or employee of ~~[a provider of health care]~~ ***the custodian*** are immune from civil liability for a disclosure made in accordance with the provisions of this section.

Sec. 9.5. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a licensee becomes unable to practice because of death, disability, incarceration or any other incapacitation, the Board may take possession of the health care records of patients of the licensee kept by the custodian of health care records pursuant to NRS 629.051 to:

(a) Make the health care records of a patient available to the patient either directly or through a third-party vendor; or

(b) Forward the health care records of a patient to the patient's subsequent provider of health care.

2. A licensee shall post, in a conspicuous place in each location at which the licensee provides health care services, a sign which discloses to patients that their health care records may be accessed by the Board pursuant to subsection 1.

3. When a licensee provides health care services for a patient for the first time, the licensee shall deliver to the patient a written statement which discloses to the patient that the health care records of the patient may be accessed by the Board pursuant to subsection 1.

4. The Board shall adopt:

(a) Regulations prescribing the form, size, contents and placement of the sign and written statement required by this section; and

(b) Any other regulations necessary to carry out the provisions of this section.

5. As used in this section:

(a) "Custodian of health care records" has the meaning ascribed to it in section 1 of this act.

(b) "Health care records" has the meaning ascribed to it in NRS 629.021.

Sec. 10. NRS 630.3062 is hereby amended to read as follows:

630.3062 ***1.*** The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

~~[1.]~~ ***(a)*** Failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient.

~~[2.]~~ ***(b)*** Altering medical records of a patient.

~~[3.]~~ ***(c)*** Making or filing a report which the licensee knows to be false, failing to file a record or report as required by law or knowingly or willfully obstructing or inducing another to obstruct such filing.

~~[4.]~~ ***(d)*** Failure to make the medical records of a patient available for inspection and copying as provided in NRS 629.061 ~~[.~~

~~5.]~~ ***, if the licensee is the custodian of health care records with respect to those records.***

(e) Failure to comply with the requirements of NRS 630.3068.

~~[6.]~~ ***(f)*** Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

~~[7.]~~ ***(g)*** Failure to comply with the requirements of NRS 453.163 or 453.164.

2. As used in this section, "custodian of health care records" has the meaning ascribed to it in section 1 of this act.

Sec. 11. NRS 631.3485 is hereby amended to read as follows:

631.3485 ***1.*** The following acts, among others, constitute unprofessional conduct:

~~[1.]~~ ***(a)*** Willful or repeated violations of the provisions of this chapter;

~~[2.]~~ ***(b)*** Willful or repeated violations of the regulations of the State Board of Health, the State Board of Pharmacy or the Board of Dental Examiners of Nevada;

~~[3.]~~ ***(c)*** Failure to pay the fees for a license; or

~~[4.]~~ ***(d)*** Failure to make the health care records of a patient available for inspection and copying as provided in NRS 629.061 ~~[.]~~ ***, if the dentist or dental hygienist is the custodian of health care records with respect to those records.***

2. As used in this section, "custodian of health care records" has the meaning ascribed to it in section 1 of this act.

Sec. 12. NRS 633.131 is hereby amended to read as follows:

633.131 1. "Unprofessional conduct" includes:

(a) Knowingly or willfully making a false or fraudulent statement or submitting a forged or false document in applying for a license to practice osteopathic medicine or to practice as a physician assistant, or in applying for the renewal of a license to practice osteopathic medicine or to practice as a physician assistant.

(b) Failure of a person who is licensed to practice osteopathic medicine to identify himself or herself professionally by using the term D.O., osteopathic physician, doctor of osteopathy or a similar term.

(c) Directly or indirectly giving to or receiving from any person, corporation or other business organization any fee, commission, rebate or other form of compensation for sending, referring or otherwise inducing a person to communicate with an osteopathic physician in his or her professional capacity or for any professional services not actually and personally rendered, except as otherwise provided in subsection 2.

(d) Employing, directly or indirectly, any suspended or unlicensed person in the practice of osteopathic medicine or in practice as a physician assistant, or the aiding or abetting of any unlicensed person to practice osteopathic medicine or to practice as a physician assistant.

(e) Advertising the practice of osteopathic medicine in a manner which does not conform to the guidelines established by regulations of the Board.

(f) Engaging in any:

(1) Professional conduct which is intended to deceive or which the Board by regulation has determined is unethical; or

(2) Medical practice harmful to the public or any conduct detrimental to the public health, safety or morals which does not constitute gross or repeated malpractice or professional incompetence.

(g) Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, otherwise than in the course of legitimate professional practice or as authorized by law.

(h) Habitual drunkenness or habitual addiction to the use of a controlled substance.

(i) Performing, assisting in or advising an unlawful abortion or the injection of any liquid silicone substance into the human body, other than the use of silicone oil to repair a retinal detachment.

(j) Knowingly or willfully disclosing a communication privileged pursuant to a statute or court order.

(k) Knowingly or willfully disobeying regulations of the State Board of Health, the State Board of Pharmacy or the State Board of Osteopathic Medicine.

(l) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any prohibition made in this chapter.

(m) Failure of a licensee to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient.

(n) Making alterations to the medical records of a patient that the licensee knows to be false.

(o) Making or filing a report which the licensee knows to be false.

(p) Failure of a licensee to file a record or report as required by law, or knowingly or willfully obstructing or inducing any person to obstruct such filing.

(q) Failure of a licensee to make medical records of a patient available for inspection and copying as provided by NRS 629.061 ~~[.]~~ ***, if the licensee is the custodian of health care records with respect to those records.***

(r) Providing false, misleading or deceptive information to the Board in connection with an investigation conducted by the Board.

2. It is not unprofessional conduct:

(a) For persons holding valid licenses to practice osteopathic medicine issued pursuant to this chapter to practice osteopathic medicine in partnership under a partnership agreement or in a corporation or an association authorized by law, or to pool, share, divide or apportion the fees and money received by them or by the partnership, corporation or association in accordance with the partnership agreement or the policies of the board of directors of the corporation or association;

(b) For two or more persons holding valid licenses to practice osteopathic medicine issued pursuant to this chapter to receive adequate compensation for concurrently rendering professional care to a patient and dividing a fee if the patient has full knowledge of this division and if the division is made in proportion to the services performed and the responsibility assumed by each person; or

(c) For a person licensed to practice osteopathic medicine pursuant to the provisions of this chapter to form an association or other business relationship with an optometrist pursuant to the provisions of NRS 636.373.

3. As used in this section, "custodian of health care records" has the meaning ascribed to it in section 1 of this act.

Sec. 12.3. **NRS 440.470 is hereby amended to read as follows:**

440.470 The funeral director or person acting as undertaker shall present the certificate to the attending physician ~~[,]~~ ***or attending advanced practice registered nurse,*** if any, or to the health officer or coroner, for the medical certificate of the cause of death and other particulars necessary to complete the record ~~[,]~~ ***unless the attending physician or attending advanced practice registered nurse initiated the record of death and provided the required information at the time of death.***

Sec. 12.7. **NRS 440.735 is hereby amended to read as follows:**

440.735 ~~[It]~~

1. Except as otherwise provided in subsection 2, it is unlawful for any person to affix his or her signature to an uncompleted death certificate.

2. A physician, advanced practice registered nurse, health officer or coroner may affix his or her signature to an uncompleted death certificate after completing the portions of the death certificate applicable to the physician, advanced practice registered nurse, health officer or coroner.

Sec. 13. This act becomes effective on July 1, 2017.

Assemblywoman Titus moved the adoption of the amendment.

Remarks by Assemblywoman Titus.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

VETOED BILLS AND SPECIAL ORDERS OF THE DAY

Vetoed Assembly Bill No. 101 of the 79th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

May 25, 2017

THE HONORABLE JASON FRIERSON, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada Legislature, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 101 of the 79th Legislative Session

DEAR SPEAKER FRIERSON:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 101 ("AB 101"), which is entitled:

> AN ACT relating to wildlife; requiring the Board of Wildlife Commissioners to establish policies for the conservation of certain wildlife; revising the authorized uses of the fees for the processing of an application for a game tag; requiring the Commission to establish policies for certain programs, activities and research relating to predatory wildlife; requiring the Department of Wildlife to submit a report on certain programs, activities, and research relating to predatory wildlife; and providing other matters properly related thereto.

AB 101 purportedly furthers an important objective, namely the conservation of Nevada's fish and wildlife species and their habitat. There can be no question regarding the vital importance of protecting Nevada's animal populations. This is why my administration introduced Assembly Bill 82 during the 2015 Legislative Session, which expanded the permissible uses of all funds deposited to the Wildlife Account to include "the protection, propagation, and management of wildlife." (NRS 501.356 (4)(a)). Nevada must effectively conserve, protect, and manage its wildlife.

AB 101 further expands the permissible uses of Wildlife Account Funds generated by the sale of game tag fees. While attempts to enhance wildlife conservation efforts should be applauded, there appears to be no clear justification for the revisions proposed through this legislation, which was opposed by legislators from both political parties. Furthermore, it is far from clear that the revisions proposed by AB 101 will result in any meaningful improvements upon current methods and policies for managing or protecting wildlife and wildlife habitat in our state.

For these reasons, I veto this bill and return it without my signature or approval.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 101 of the 79th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 154 of the 79th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

May 25, 2017

THE HONORABLE JASON FRIERSON, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada Legislature, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 154 of the 79th Legislative Session

DEAR SPEAKER FRIERSON:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 154 ("AB 154"), which is entitled:

> AN ACT relating to prevailing wages; revising provisions governing the payment of prevailing wages; and providing other matters properly relating thereto.

During the 2015 Legislative Session, the Legislature passed both Senate Bill 207 ("SB 207") and Assembly Bill 172 ("AB 172") with overwhelming bipartisan support. The Legislature also passed Senate Bill 119 ("SB 119") on a straight-line partisan vote. All three bills became law.

Given pressing construction needs, SB 119 and SB 207 were passed early in the Session. SB 207 authorized a "bond rollover," which allowed for billions of dollars in new school construction and repairs. SB 119 removed all school construction from the requirements to pay a prevailing wage. The goal was to stretch these scarce, school-construction dollars as far as possible, while making sure that taxpayers were protected from above-market construction costs.

With SB 119's reforms in place, the Legislature then entered into broader discussions regarding prevailing wage requirements on all public projects. AB 172 was the result of those negotiations. And in exchange for reasonable, bipartisan changes to the law as a whole, school construction was again made subject to prevailing wage - though at 90% of that wage.

Simply put, stakeholders and lawmakers compromised in 2015 to propose moderate, but necessary reforms that I supported. There is no superseding change today that justifies the rollback of this compromise.

Since the implementation of the bi-partisan reforms of 2015, the justifications for preserving the 90% cap on prevailing wage have only become stronger. Not only have taxpayers seen the benefits of this law, but voters in Nevada's second largest county , Washoe, also approved in 2016 a sales tax increase for school repairs and construction. I supported that effort. To add costs to Washoe school construction *after* the voters approved the tax is not appropriate.

For these reasons, I veto Assembly Bill 154.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 154 of the 79th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 271 of the 79th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

May 25, 2017

THE HONORABLE JASON FRIERSON, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada Legislature, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 271 of the 79th Legislative Session

DEAR SPEAKER FRIERSON:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 271 ("AB 271"), which is entitled:

> AN ACT relating to local governments; revising provisions relating to collective bargaining between local government employers and employee organizations; and providing other matters properly relating thereto.

The intent of this bill has merit, and I thank the sponsor for continuing the long-running and important conversation as to how best to protect Nevada's hardworking public servants. Although the bill is well-intended, I cannot support it, because it reverses a bipartisan compromise from the 2015 Legislative Session.

In 2015, the Legislature passed Senate Bill 241 ("SB 241") with overwhelming bipartisan support. SB 241 enacted reasonable reforms to the laws governing public sector collective bargaining. The negotiations and consensus behind that bill are an example of legislation done right. Everyone came to the table - labor and management, Republicans and Democrats, liberals and conservatives. To that end, stakeholders and lawmakers advanced common-sense reforms that had almost no opposition.

AB 271 rolls back some of SB 241's key provisions and passed on partisan lines, reflecting the lack of consensus that accompanied SB 241. There is no evidence that SB 271 is necessary to repeal an important bipartisan reform adopted two years ago.

For these reasons, I veto Assembly Bill 271.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 271 of the 79th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 364 of the 79th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

May 25, 2017

THE HONORABLE JASON FRIERSON, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada Legislature, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 364 of the 79th Legislative Session

DEAR SPEAKER FRIERSON:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 364 ("AB 364"), which is entitled:

> AN ACT relating to public highways; directing the Department of Transportation, in cooperation with Clark County, the City of Las Vegas, the City of Henderson and the Regional Transportation Commission of Southern Nevada, to conduct an interim study concerning roadway traffic and safety in the urban eastern part of Clark County; and providing other matters properly relating thereto.

The intent behind AB 364 has merit. Southern Nevada has long-term transportation and infrastructure needs that require continual attention. However, AB 364's proposed solution is duplicative and unnecessary.

The Nevada Transportation Board of Directors oversees and governs the Nevada Department of Transportation ("NDOT"). The Board and NDOT are tasked with establishing and implementing statewide transportation policy. The transportation issues that AB 364 seeks to review are ones that NDOT has and will continue to examine. Indeed, the area described in the bill has already been considered in an NDOT traffic study.

As such, AB 364 is redundant, and also intrudes upon policy issues properly reserved to both the executive branch of state government and the Nevada Transportation Board of Directors

For these reasons, I veto Assembly Bill 364.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 364 of the 79th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 438 of the 79th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

May 25, 2017

THE HONORABLE JASON FRIERSON, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada Legislature, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 438 of the 79th Legislative Session

DEAR SPEAKER FRIERSON:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 438 ("AB 438"), which is entitled:

> AN ACT relating to controlled substances; establishing the crimes of level 1 and level 2 drug possession; revising provisions relating to the reduction or suspension of the sentence of a person convicted of certain offenses involving a controlled substance; reducing the penalty for a violation of the prohibition against using or being under the influence of a controlled substance; and providing other matters properly related thereto.

Although well intentioned, AB 438 threatens to endanger the safety of Nevada's communities by significantly modifying penalties for serious criminal drug offenses. If enacted, this legislation would increase the likelihood of reduced or suspended sentences for criminal drug offenders who knowingly or intentionally sell or manufacture Schedule I drugs, including heroin. Schedule I drugs such as heroin, LSD, and ecstasy have been defined by the U.S. Drug Enforcement Administration as having "no currently accepted medical use" and a "high potential for abuse." (21 U.S.C. § 812(b)(1)). To create an environment in which the prevalence of these dangerous substances might be even slightly increased would represent a clear step in the wrong direction, and undermine efforts to promote safe and livable communities in Nevada.

Assembly Bill 438 would also increase the likelihood that drug offenders who intentionally sell, possess, or manufacture controlled substances such as flunitrazepam and GHB, more commonly referred to as "date rape" drugs, would face reduced or suspended sentences. Under current law, criminal drug defendants must cooperate with and assist law enforcement efforts to investigate and prosecute criminal activity in order to be eligible for a reduced or suspended sentence. AB 438 would eliminate this requirement for some criminal

drug offenders, thereby eliminating an incentive for such offenders to cooperate with law enforcement and rendering an important law enforcement tool less effective.

Moreover, at a time when our state is grappling with the tragic and deadly effects of a growing prescription drug abuse and overdose epidemic, any reduction in criminal penalties for the unlawful use of prescription drugs would clearly send the wrong message while undermining a statewide effort to combat and eliminate prescription drug abuse, misuse, and overdose. This serious problem has affected far too many Nevada families, and now is not the time to minimize or reduce penalties for crimes associated with the unlawful use of prescription drugs.

For these reasons, I veto this bill and return it without my signature or approval.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 438 of the 79th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 445 of the 79th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

May 25, 2017

THE HONORABLE JASON FRIERSON, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada Legislature, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 445 of the 79th Legislative Session

DEAR SPEAKER FRIERSON:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 445 ("AB 445"), which is entitled:

> AN ACT relating to transportation network companies; prohibiting an insurer from refusing to provide coverage under a policy of motor vehicle insurance because the insured is a driver for a transportation network company; reducing the minimum amount of coverage required for certain transportation network company insurance; requiring transportation network company insurance to provide medical payments coverage; prohibiting a driver for a transportation network company from refusing to complete transportation services after accepting a passenger for transportation; providing penalties; and providing other matters properly relating thereto.

AB 445 has some merit. In particular, the language clarifying and possibly expanding insurance protections for consumers of transportation network companies appears worthy of support. However, there are provisions in the bill that I will not support.

Unfortunately, the bill also contains provisions that decrease insurance coverage that protects consumers, pedestrians, and other drivers. Currently, transportation network companies or their drivers must maintain insurance in an amount not less than $1,500,000. AB 445 reduces that requirement to $1,000,000. Such a reduction would have serious consequences for public safety and victim compensation.

For this reason, I veto Assembly Bill 445.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 445 of the 79th Session be placed on the Chief Clerk's desk.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 10:19 p.m.

ASSEMBLY IN SESSION

At 11:22 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 65, 149, 226, 251, 400, 468, and 448 be taken from the Chief Clerk's desk and placed on the of General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 226, 452, and 149 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 400 be taken from its positions on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 226.

Bill read third time.

The following amendment was proposed by Assemblyman Carrillo:

Amendment No. 943.

AN ACT relating to transportation network companies; **authorizing an independent contractor who leases a taxicab to use the taxicab in accordance with an agreement with a transportation network company;** requiring a driver to ~~[provide to a transportation network company certain information relating to his or her state business registration; requiring a transportation network company to terminate an agreement with a driver who fails to comply with the requirement to provide such information to the company;]~~ **obtain a driver's permit before providing transportation services in affiliation with a transportation network company; revising requirements for a motor vehicle operated by a driver to provide transportation services;** requiring the Nevada Transportation Authority to provide certain information to the Secretary of State for the purpose of

enforcing the provisions of law governing ~~[the]~~ **a** state business ~~[registration;]~~ **license;** providing for the confidentiality of the information provided to the Secretary of State; **revising requirements for transportation network company insurance;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the holder of a certificate of public convenience and necessity to lease a taxicab to an independent contractor, who may only use the taxicab in a manner authorized by the certificate. (NRS 706.88396) Section 1.2 of this bill expands existing law by authorizing the independent contractor to use the taxicab to provide transportation services pursuant to an agreement with a transportation network company. Sections 1.1 and 1.6-1.9 of this bill make conforming changes.

Existing law authorizes a transportation network company to enter into an agreement with one or more drivers to receive connections to potential passengers using the digital network or software application service of the company under certain circumstances. (NRS 706A.160) **Section 2** of this bill requires a driver ~~[affiliated with a transportation network company to provide verification to the transportation network company that the driver holds a valid state business registration: (1) not later than 6 months after the driver is allowed to receive connections to potential passengers pursuant to the agreement with the company; and (2) annually thereafter on or before the anniversary date of that agreement. Under section 2, the verification may consist of providing to the company the business identification number assigned to the driver by the Secretary of State upon issuance of a state business registration. Finally, section 2 requires a transportation network company to terminate an agreement with a driver who fails to provide verification that he or she holds a valid state business registration as required by section 2.]~~ **to obtain a driver's permit from the Nevada Transportation Authority before providing transportation services in affiliation with a transportation network company in a manner generally consistent with the requirement to obtain such a permit for persons who drive a motor vehicle for a taxicab motor carrier. (NRS 706.462) Sections 1.4 and 1.5 of this bill make conforming changes.**

Existing law imposes certain requirements upon a motor vehicle operated by a driver to provide transportation services. (NRS 706A.180) Section 2.1 of this bill requires such a vehicle to be registered in the name of the driver or, if operated pursuant to a lease authorized by section 1.2, the name of the lessor. Section 2.1 further requires such a vehicle to have the name or logo of each transportation network company with which the driver is affiliated marked or otherwise attached to the front and rear of the vehicle. Finally, section 2.1 requires such a vehicle to have a vehicle permit issued by the Nevada Transportation Authority affixed to the vehicle.

Existing law requires a transportation network company to maintain certain records relating to the business of the company and to make those records available for inspection by the Nevada Transportation Authority as necessary to investigate complaints. (NRS 706A.230) **Section 2.3** of this bill requires the Authority to provide to the Secretary of State the name of each driver affiliated with a transportation network company and such other information as the Secretary of State deems necessary to enforce existing law relating to **a** state business ~~[registration.]~~ **license.** Under **section 2.3**, the Secretary of State and any employee of the Secretary of State is required to keep such information confidential to the same extent that the Authority is required to keep the information confidential.

Existing law establishes certain requirements for transportation network company insurance coverage against tort liabilities that must be continuously provided by a driver or transportation network company, which vary depending on the activities of the driver. (NRS 690B.470) Section 2.5 of this bill revises these requirements to instead require that: (1) coverage in an amount of not less than $1,500,000 for bodily injury or death of one or more persons and injury to or destruction of property of others in any one accident or motor vehicle crash must be provided during any period in which the driver is providing transportation services; and (2) coverage in an amount not less than $300,000 for bodily injury or death of one or more persons and injury to or destruction of property of others in any one accident or motor vehicle crash must be provided during any period in which the driver is logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services but is not otherwise providing transportation services.

Under **section** ~~[2.7,]~~ **2.9 of this bill,** any driver who ~~[has an agreement]~~ **provides transportation services in affiliation** with a transportation network company ~~[that is in effect on October]~~ **on or before July** 1, 2017, ~~[is required to provide the first verification that he or she holds a valid state business registration on or before the anniversary date of his or her registration.]~~ **may continue to do so without obtaining a driver's permit until October 1, 2017.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 1.1. **NRS 706.759 is hereby amended to read as follows:**

706.759 1. ~~[A]~~ ***Except as otherwise provided in subsection 3, a*** person who drives a taxicab as an employee of a person who holds a certificate of public convenience and necessity which was issued for the operation of a taxicab business shall not act as a driver as defined in NRS 706A.040:

(a) Using the taxicab provided by his or her employer; or

(b) During any time for which the person receives wages from his or her employer for duties which include driving a taxicab.

2. A person who holds a certificate of public convenience and necessity which was issued for the operation of a taxicab business may terminate the employment of a person who violates the provisions of subsection 1.

3. The provisions of subsection 1 do not apply to an independent contractor who leases a taxicab pursuant to NRS 706.88396.

Sec. 1.2. **NRS 706.88396 is hereby amended to read as follows:**

706.88396 1. A certificate holder may, upon approval from the Taxicab Authority, lease a taxicab to an independent contractor who is not a certificate holder. A certificate holder may lease only one taxicab to each independent contractor with whom the person enters into a lease agreement. The taxicab may be used ~~[only in]~~ ***, without limitation:***

(a) In a manner authorized by the certificate holder's certificate of public convenience and necessity ~~[.]~~ ***; or***

(b) By the independent contractor to provide transportation services in accordance with an agreement with a transportation network company entered into pursuant to chapter 706A of NRS.

2. A certificate holder who enters into a lease agreement with an independent contractor pursuant to this section shall submit a copy of the agreement to the Taxicab Authority for its approval. The agreement is not effective until approved by the Taxicab Authority.

3. A certificate holder who leases a taxicab to an independent contractor is jointly and severally liable with the independent contractor for any violation of the provisions of this chapter or the regulations adopted pursuant ***thereto or, if applicable, chapter 706A of NRS or the regulations adopted pursuant*** thereto, and shall ensure that the independent contractor complies with such provisions and regulations.

4. The Taxicab Authority or any of its employees may intervene in a civil action involving a lease agreement entered into pursuant to this section.

Sec. 1.3. **Chapter 706A is hereby amended by adding thereto the provisions set forth as sections 1.4 and 1.5 of this act.**

Sec. 1.4. 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a driver's permit pursuant to NRS 706A.160 shall include the social security number of the applicant in the application submitted to the Authority.

(b) An applicant for the issuance or renewal of a driver's permit shall submit to the Authority the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Authority shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the driver's permit; or

(b) A separate form prescribed by the Authority.

3. A driver's permit may not be issued or renewed by the Authority if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Authority shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 1.5. 1. If the Authority receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a driver's permit, the Authority shall deem the driver's permit issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Authority receives a letter issued to the holder of the driver's permit by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the driver's permit has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Authority shall reinstate a driver's permit that has been suspended by a district court pursuant to NRS 425.540 if the Authority receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose driver's permit was suspended stating that the person whose driver's permit was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 1.6. **NRS 706A.040 is hereby amended to read as follows:**

706A.040 "Driver" means a natural person who:

1. Operates a motor vehicle ~~[that]~~ ***:***

(a) That is owned ~~[,]~~ ***or*** leased ~~[or otherwise authorized for use]~~ by the person ~~[,]~~ ***and registered with the Department of Motor Vehicles in the name of the person; or***

(b) As an independent contractor pursuant to a lease authorized by NRS 706.88396; and

2. Enters into an agreement with a transportation network company to receive connections to potential passengers ~~[and related services]~~ from a transportation network company ***and provide transportation services to such passengers*** in exchange for the payment of a fee to the transportation network company.

Sec. 1.7. **NRS 706A.075 is hereby amended to read as follows:**

706A.075 1. Except as otherwise provided in subsection 2, the provisions of this chapter do not exempt any person from any law governing the operation of a motor vehicle upon the highways of this State.

2. A transportation network company which holds a valid permit issued by the Authority pursuant to this chapter, a driver who has entered into an agreement with such a company and a vehicle operated by such a driver are exempt from:

(a) The provisions of chapter 704 of NRS relating to public utilities; and

(b) ~~[The]~~ ***Except as otherwise provided in NRS 706.88396, the*** provisions of chapter 706 of NRS,

➥ to the extent that the services provided by the company or driver are within the scope of the permit.

Sec. 1.8. **NRS 706A.110 is hereby amended to read as follows:**

706A.110 1. A transportation network company shall not engage in business in this State unless the company holds a valid permit issued by the Authority pursuant to this chapter.

2. A driver shall not provide transportation services unless the ***driver and the*** company with which the driver is affiliated ~~[holds]~~ ***each hold*** a valid permit issued by the Authority pursuant to this chapter.

3. The Authority is authorized and empowered to regulate, pursuant to the provisions of this chapter, all transportation network companies and drivers who operate or wish to operate within this State. ~~[The]~~ ***Except as otherwise provided in NRS 706.8818 and 706.88396, the*** Authority shall not apply any provision of chapter 706 of NRS to a transportation network company or a driver who operates within the provisions of this chapter and the regulations adopted pursuant thereto.

Sec. 1.9. **NRS 706A.130 is hereby amended to read as follows:**

706A.130 1. Upon receipt of a completed application and upon a determination by the Authority that an applicant meets the requirements for the issuance of a permit to operate a transportation network company, the Authority shall issue to the applicant within 30 days a permit to operate a transportation network company in this State.

2. In accordance with the provisions of this chapter, a permit issued pursuant to this section:

(a) Authorizes a transportation network company to connect one or more passengers through the use of a digital network or software application service to a driver who can provide transportation services.

(b) Authorizes a transportation network company to make its digital network or software application service available to one or more drivers to

receive connections to potential passengers from the company in exchange for the payment of a fee by the driver to the company.

(c) ~~[Does]~~ ***Except as otherwise provided in NRS 706.88396, does*** not authorize a transportation network company or any driver to engage in any activity otherwise regulated pursuant to chapter 706 of NRS other than the activity authorized by this chapter.

3. Nothing in this chapter prohibits the issuance of a permit to operate a transportation network company to a person who is regulated pursuant to chapter 706 of NRS if the person submits an application pursuant to NRS 706A.120 and meets the requirements for the issuance of a permit.

Sec. 2. NRS 706A.160 is hereby amended to read as follows:

706A.160 1. A transportation network company may enter into an agreement with one or more drivers to receive connections to potential passengers from the company in exchange for the payment of a fee by the driver to the company.

2. Before a transportation network company allows a ~~[person]~~ ***driver*** to be connected to potential passengers using the digital network or software application service of the company pursuant to an agreement with the company, the company must ~~[:~~

~~(a) Require the person to submit an application to the company, which must include, without limitation:~~

~~(1) The name, age and address of the applicant.~~

~~(2) A copy of the driver's license of the applicant.~~

~~(3) A record of the driving history of the applicant.~~

~~(4) A description of the motor vehicle of the applicant and a copy of the motor vehicle registration.~~

~~(5) Proof that the applicant has complied with the requirements of NRS 485.185.~~

~~(b) At the time of application and not less than once every 3 years thereafter,]~~ ***ensure that the driver holds a valid driver's permit issued by the Authority pursuant to this section.***

3. The Authority shall issue a driver's permit to each applicant who satisfies the requirements of this section. Before issuing a driver's permit, the Authority shall:

(a) Require the transportation network company with which the applicant is employed or under a contract or has an offer of employment or a contract that is contingent on the applicant obtaining a driver's permit to conduct or contract with a third party to conduct an investigation of the criminal history of the applicant, which must include, without limitation:

(1) A review of a commercially available database containing criminal records from each state which are validated using a search of the primary source of each record ~~[.]~~ ***; and***

(2) A search of a database containing the information available in the sex offender registry maintained by each state ~~[.~~

~~(c) At the time of application and not less than once every year thereafter, obtain and review a complete record of the driving history of the applicant.~~

~~3. A transportation network company]~~ ,

➥ ***and provide the results of such an investigation to the Authority.***

(b) Require proof that the applicant has entered into an agreement with a transportation network company to provide transportation services in exchange for the payment of a fee by the applicant to the company which is contingent on the applicant obtaining a driver's permit pursuant to this section and has a valid license issued pursuant to NRS 483.340 which authorizes the applicant to drive in this State any motor vehicle that is within the scope of such an agreement.

(c) Require proof that the motor vehicle which will be operated by the applicant to provide transportation services is registered in the name of the applicant unless the applicant will operate the motor vehicle as an independent contractor pursuant to a lease authorized by NRS 706.88396.

(d) Require proof that the applicant has obtained all applicable state and local business licenses.

4. The Authority may ~~[enter into an agreement with]~~ ***refuse to issue*** a ~~[driver]~~ ***driver's permit*** if:

(a) The applicant is ***not*** at least 19 years of age.

(b) The applicant ~~[possesses a valid driver~~'s license issued by the ~~Department of Motor Vehicles unless the applicant is exempt from the requirement to obtain a Nevada driver's license pursuant to NRS 483.240.~~

~~(c) The applicant provides proof that the motor vehicle operated by him or her is registered with the Department of Motor Vehicles unless the applicant is exempt from the requirement to register the motor vehicle in this State pursuant to NRS 482.385.~~

~~(d) The applicant provides proof that the motor vehicle operated by him or her is operated and maintained in compliance with all applicable federal, state and local laws.~~

~~(e) The applicant provides proof that he or she currently is in compliance with the provisions of NRS 485.185.~~

~~(f) In the 3 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of three or more violations of the motor vehicle laws of this State or any traffic ordinance of any city or town, the penalty prescribed for which is a misdemeanor.~~

~~(g) In the 3 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any violation of the motor vehicle laws of this State or any traffic ordinance of any city or town, the penalty prescribed for which is a gross misdemeanor or felony.~~

~~(h) In the 7 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any violation of federal, state or local law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance.~~

~~(i) In the 7 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any crime involving an act of terrorism, an act of violence, a sexual offense, fraud, theft, damage to property of another or the use of a motor vehicle in the commission of a felony.~~

~~(j) The name of the applicant does not appear in the database searched pursuant to subparagraph (2) of paragraph (b) of subsection 2.~~]

~~4.~~ ***A driver shall, not later than 6 months after a transportation network company allows the driver to be connected to potential passengers using the digital network or software application service of the company pursuant to an agreement with the company and annually thereafter, on or before the anniversary date of that agreement, provide to the company verification that the driver holds a valid state business registration pursuant to chapter 76 of NRS. Such verification may consist of the business identification number assigned by the Secretary of State to the driver upon compliance with the provisions of chapter 76 of NRS.***

~~5. A transportation network company shall terminate an agreement with any driver who:~~

~~(a) Fails to submit to the transportation network company a change in his or her address, driver's license or motor vehicle registration within 30 days after the date of the change.~~

~~(b) Fails to immediately report to the transportation network company any change in his or her driving history or criminal history.~~

~~(c) Refuses to authorize the transportation network company to obtain and review an updated complete record of his or her driving history not less than once each year and an investigation of his or her criminal history not less than once every 3 years.~~

~~(d) Is determined by the transportation network company to be ineligible for an agreement pursuant to subsection 3 on the basis of any updated information received by the transportation network company.~~

~~(e) Fails to comply with the provisions of subsection 4.~~] ***has been convicted of:***

(1) A felony, other than a sexual offense, in this State or any other jurisdiction within the 5 years immediately preceding the date of the application;

(2) A felony involving any sexual offense in this State or any other jurisdiction at any time before the date of the application; or

(3) A violation of NRS 484C.110 or 484C.430 or a law of any other jurisdiction that prohibits the same or similar conduct within the 3 years immediately preceding the date of the application.

(c) If the Authority determines that the issuance of the driver's permit would be detrimental to public health, welfare or safety.

5. A driver's permit issued pursuant to this section is valid for not longer than 3 years, but lapses if the driver ceases to have an agreement with the transportation network company identified in the application for

the original or renewal permit. A driver must notify the Authority within 10 days after the lapse of a permit and obtain a new permit pursuant to this section before providing transportation services pursuant to an agreement with a different transportation network company.

Sec. 2.1. **NRS 706A.180 is hereby amended to read as follows:**

706A.180 1. A transportation network company shall not allow a driver to be connected to potential passengers using the digital network or software application service of the company if the motor vehicle operated by the driver to provide transportation services:

(a) Is not in compliance with all federal, state and local laws concerning the operation and maintenance of the motor vehicle.

(b) Has less than four doors.

(c) Is designed to carry more than eight passengers, including the driver.

(d) Is a farm tractor, mobile home, recreational vehicle, semitractor, semitrailer, trailer, bus, motorcycle or tow car.

(e) Is not registered with the Department of Motor Vehicles in the name of the driver or, for a motor vehicle operated by a driver pursuant to a lease authorized by NRS 706.88396, the name of the lessor.

(f) Does not have a vehicle permit described in subsection 5 affixed to the motor vehicle.

2. A transportation network company shall ~~[inspect or]~~ cause to be inspected every motor vehicle used by a driver to provide transportation services before allowing the driver to use the motor vehicle to provide transportation services and not less than once each year thereafter.

3. The inspection required by subsection 2 must include, without limitation, an inspection of the foot and emergency brakes, steering, windshield, rear window, other glass, windshield wipers, headlights, tail lights, turn indicator lights, braking lights, front seat adjustment mechanism, doors, horn, speedometer, bumpers, muffler, exhaust, tires, rear view mirrors and safety belts of the vehicle which ensures the proper functioning of each component.

4. The motor vehicle operated by a driver must be marked with or have otherwise attached to the front and rear of the motor vehicle the name or logo of each transportation network company with which the driver is affiliated. The name or logo of each transportation network company must be at least 3 inches in height and be visible from a distance of at least 50 feet. The name or logo of each transportation network company must be distinct.

5. The vehicle permit required pursuant to paragraph (f) of subsection 1 must:

(a) Contain the letters "TNC" and a unique number issued by the Authority.

(b) Identify the motor vehicle for which the vehicle permit was issued.

(c) Identify the driver of the motor vehicle.

(d) Contain such other information as the Department of Motor Vehicles determines necessary.

Sec. 2.3. NRS 706A.230 is hereby amended to read as follows:

706A.230 1. A transportation network company shall maintain the following records relating to the business of the company for a period of at least 3 years after the date on which the record is created:

(a) Trip records;

(b) Driver records and vehicle inspection records;

(c) Records of each complaint and the resolution of each complaint; and

(d) Records of each accident or other incident that involved a driver and was reported to the transportation network company.

2. Each transportation network company shall make its records available for inspection by the Authority upon request and only as necessary for the Authority to investigate complaints. This subsection does not require a company to make any proprietary information available to the Authority. ~~[Any]~~ ***Except as otherwise provided in subsection 3, any*** records provided to the Authority are confidential and must not be disclosed other than to employees of the Authority.

3. The Authority shall disclose to the Secretary of State the name of each driver and such other information as the Secretary of State determines necessary to enforce the provisions of chapter 76 of NRS. If the Secretary of State obtains any confidential information pursuant to this subsection, the Secretary of State, and any employee of the Secretary of State engaged in the administration of chapter 76 of NRS or charged with the custody of any records or files relating to the administration of chapter 76 of NRS, shall maintain the confidentiality of that information in the same manner and to the same extent as provided by law for the Authority.

Sec. 2.5. **NRS 690B.470 is hereby amended to read as follows:**

690B.470 1. Every transportation network company or driver shall continuously provide, during any period in which the driver is providing transportation services, transportation network company insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State or a broker licensed pursuant to chapter 685A of NRS or procured directly from a nonadmitted insurer, as defined in NRS 685A.0375:

(a) In an amount of not less than $1,500,000 for bodily injury to or death of one or more persons and injury to or destruction of property of others in any one accident or motor vehicle crash that occurs while the driver is providing transportation services;

(b) In an amount of not less than ~~[$50,000]~~ ***$300,000*** for bodily injury to or death of one ~~[person]~~ ***or more persons and injury to or destruction of property of others*** in any one accident or motor vehicle crash that occurs while the driver is logged into the digital network or software application service of the transportation network company and available to receive

requests for transportation services but is not otherwise providing transportation services**,** ~~[~~;

~~(c) Subject to the minimum amount for one person required by paragraph (b), in an amount of not less than $100,000 for bodily injury to or death of two or more persons in any one accident or motor vehicle crash that occurs while the driver is logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services but is not otherwise providing transportation services; and~~

~~(d) In an amount of not less than $25,000 for injury to or destruction of property of others in any one accident or motor vehicle crash that occurs while the driver is logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services but is not otherwise providing transportation services,~~**]**

➥ for the payment of tort liabilities arising from the maintenance or use of the motor vehicle.

2. The transportation network company insurance required by subsection 1 may be provided through one or a combination of insurance policies provided by the transportation network company or the driver, or both.

3. Every transportation network company shall continuously provide, during any period in which the driver is ~~[providing transportation services,]~~ ***logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services,*** transportation network company insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State or a broker licensed pursuant to chapter 685A of NRS or procured directly from a nonadmitted insurer, as defined in NRS 685A.0375, which meets the requirements of subsection 1 as primary insurance if the insurance provided by the driver:

(a) Lapses; or

(b) Fails to meet the requirements of subsection 1.

4. Notwithstanding the provisions of NRS 485.185 and 485.186 which require the owner or operator of a motor vehicle to provide insurance, transportation network company insurance shall be deemed to satisfy the requirements of NRS 485.185 or 485.186, as appropriate, regardless of whether the insurance is provided by the transportation network company or the driver, or both, if the transportation network company insurance otherwise satisfies the requirements of NRS 485.185 or 485.186, as appropriate.

5. In addition to the coverage required pursuant to subsection 1, a policy of transportation network company insurance may include additional coverage, including, without limitation, coverage for medical payments,

coverage for uninsured or underinsured motorists, comprehensive coverage and collision coverage.

6. An insurer who provides transportation network company insurance shall not require a policy of insurance for the operation of a motor vehicle required pursuant to NRS 485.185 or 485.186, as appropriate, to deny a claim before the transportation network company insurance provides coverage for a claim.

7. An insurer who provides transportation network company insurance has a duty to defend and indemnify the driver and the transportation network company.

8. An insurer who provides transportation network company insurance which includes comprehensive coverage or collision coverage for the operation of a motor vehicle against which a lienholder holds a lien shall issue any payment for a claim under such coverage:

(a) Directly to the person who performs repairs upon the vehicle; or

(b) Jointly to the owner of the vehicle and the lienholder.

9. A transportation network company that provides transportation network company insurance for a motor vehicle is not deemed to be the owner of the motor vehicle.

Sec. 2.7. ~~[1. Notwithstanding the provisions of NRS 706A.160, as amended by section 2 of this act, a person who, on or before October 1, 2017, entered into an agreement with a transportation network company to receive connections to potential passengers which is in effect on October 1, 2017, must, on or before the anniversary date of the agreement, provide to the company verification that the person holds a valid state business registration pursuant to chapter 76 of NRS. Such verification may consist of the business identification number assigned by the Secretary of State to the person entering into an agreement with the company upon compliance with the provisions of chapter 76 of NRS.~~

~~2. As used in this section, "transportation network company" and "company" have the meaning ascribed to them in NRS 706A.050.]~~ **(Deleted by amendment.)**

Sec. 2.9. **1. Notwithstanding the amendatory provisions of this act, a person who provides transportation services as a driver in affiliation with a transportation network company on or before July 1, 2017, may continue to do so without obtaining a driver's permit pursuant to NRS 706A.160, as amended by section 2 of this act, until October 1, 2017.**

2. As used in this section:

(a) "Driver" has the meaning ascribed to it in NRS 706A.040.

(b) "Transportation network company" has the meaning ascribed to it in NRS 706A.050.

(c) "Transportation services" has the meaning ascribed to it in NRS 706A.060.

Sec. 3. (Deleted by amendment.)

Sec. 4. **1. This act becomes effective on July 1, 2017.**

2. Sections 1.4 and 1.5 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblyman Carrillo moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer, Senate Bill No. 226 be rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 452.

Bill read third time.

The following amendment was proposed by Assemblyman Carrillo:

Amendment No. 978.

AN ACT relating to certificates of title; authorizing the Department of Motor Vehicles to issue a new certificate of title or a state agency to issue a salvage title for a vehicle to a person who is unable to provide a certificate of title for the vehicle and who files a bond with the Department or state agency under certain circumstances; setting forth the requirements for filing the bond; requiring the Department or state agency to return the bond under certain circumstances; abolishing certain rights of action against the Department of Motor Vehicles and any officer or employee of the Department; **requiring certain lienholders to process all notifications and releases of security interests through the electronic lien system established for the Department;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, if an applicant for registration of a vehicle or transfer of registration is unable to provide a certificate of title for the vehicle, the Department of Motor Vehicles may issue to the applicant a certificate of title if the Department is satisfied that the applicant has provided information sufficient to establish: (1) legal ownership of the vehicle; or (2) that the applicant is entitled to a new certificate of title. (NRS 482.240, 482.415)

Similarly, if an applicant for a salvage title for a vehicle is unable to furnish a certificate of title for the vehicle, the state agency may issue a salvage title if the state agency is satisfied, after examining the circumstances and requiring the filing of suitable information, that the applicant is entitled to a salvage title. (NRS 487.820) Existing law requires a person whose certificate of title is lost, mutilated or illegible to immediately make application for and obtain a duplicate or substitute certificate of title upon furnishing information satisfactory to the Department and payment of the required fees. (NRS 482.285)

Section 1 of this bill authorizes a person who is unable to provide information satisfactory to the Department that the person is entitled to a new certificate of title or a duplicate or substitute certificate of title for a vehicle to obtain a new certificate of title by: (1) filing a bond with the Department in an amount equal to one and one-half times the value of the vehicle, as determined by the Department; and (2) allowing the Department to inspect the vehicle to verify the vehicle identification number. Such a bond must be conditioned to indemnify prior and subsequent owners or lienholders of the vehicle against any expense, loss or damage because of the issuance of the certificate of title, or because of any defect in or undisclosed security interest in the applicant's right or title to the vehicle or the applicant's interest in the vehicle. The bond must be returned by the Department at the end of 3 years, unless the Department has been notified of the pendency of an action to recover on the bond. **Section 1** also abolishes any right of action against the Department for taking certain actions or failing to act in providing a certificate of title pursuant to that section. Finally, **section 1** provides that an applicant for a certificate of title pursuant to that section may participate in the Department's electronic lien system. **Section 6** of this bill sets forth the same option for filing a bond and allowing an inspection to obtain a salvage title for a vehicle, and abolishes any right of action against the Department in a manner similar to the provisions of **section 1**. **Sections 2-5** of this bill make conforming changes. Existing law authorizes the Department to adopt regulations specifying the amount of the fees which the Department will charge and collect for each certificate of title or duplicate certificate of title issued. (NRS 482.429) Existing regulations impose a fee of $20 for each certificate of title or duplicate certificate of title issued for a vehicle present or registered in this State. (NAC 482.907)

Existing law requires the Department to enter into a contract to establish, implement and operate an electronic lien system for use by certain lienholders in lieu of the issuance and maintenance of paper documents otherwise required to process the notification and release of a security interest in a vehicle. (NRS 482.4285) Section 5.5 of this bill requires all lienholders to use the electronic lien system to process all notifications and releases of security interests, with an exception for persons who are not normally engaged in the business or practice of financing vehicles.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If an applicant who is seeking a certificate of title to a vehicle from the Department pursuant to subsection 3 of NRS 482.240, subsection 1 of NRS 482.285 or subsection 1 of NRS 482.415 is unable to satisfy the Department that the applicant is entitled to a new certificate of title, the applicant may obtain a new certificate of title from the Department by:

(a) Filing a bond with the Department that meets the requirements of subsection 3; and

(b) Allowing the Department to inspect the vehicle to verify the vehicle identification number.

2. Any person damaged by the issuance of a certificate of title pursuant to this section has a right of action to recover on the bond for any breach of its conditions, except the aggregate liability of the surety to all persons must not exceed the amount of the bond. The Department shall return the bond, and any deposit accompanying it, 3 years after the bond was filed with the Department, except that the Department shall not return the bond if the Department has been notified of the pendency of an action to recover on the bond.

3. The bond required pursuant to subsection 1 must be:

(a) In a form prescribed by the Department;

(b) Executed by the applicant as principal and by a corporation qualified under the laws of this State as surety;

(c) In an amount equal to one and one-half times the value of the vehicle, as determined by the Department; and

(d) Conditioned to indemnify any:

(1) Prior owner or lienholder of the vehicle, and his or her successors in interest;

(2) Subsequent purchaser of the vehicle, and his or her successors in interest; or

(3) Person acquiring a security interest in the vehicle, and his or her successors in interest,

➥ against any expense, loss or damage because of the issuance of the certificate of title or because of any defect in or undisclosed security interest in the applicant's right or title to the vehicle or the applicant's interest in the vehicle.

4. A right of action does not exist in favor of any person by reason of any action or failure to act on the part of the Department or any officer or employee thereof in carrying out the provisions of this section, or in giving or failing to give any information concerning the legal ownership of a vehicle or the existence of a title obtained pursuant to this section.

5. An applicant seeking a certificate of title pursuant to this section may participate in the electronic lien system authorized in NRS 482.4285.

Sec. 2. NRS 482.240 is hereby amended to read as follows:

482.240 1. Upon the registration of a vehicle, the Department or a registered dealer shall issue a certificate of registration to the owner.

2. When an applicant for registration or transfer of registration is unable, for any reason, to submit to the Department in support of the application for registration, or transfer of registration, such documentary evidence of legal ownership as, in the opinion of the Department, is sufficient to establish the legal ownership of the vehicle concerned in the application for registration or transfer of registration, the Department may issue to the applicant only a certificate of registration.

3. The Department may, upon proof of ownership satisfactory to it ~~[,]~~ ***or pursuant to section 1 of this act,*** issue a certificate of title before the registration of the vehicle concerned. The certificate of registration issued pursuant to this chapter is valid only during the registration period or calendar year for which it is issued, and a certificate of title is valid until cancelled by the Department upon the transfer of interest therein.

Sec. 3. NRS 482.260 is hereby amended to read as follows:

482.260 1. When registering a vehicle, the Department and its agents or a registered dealer shall:

(a) Collect the fees for license plates and registration as provided for in this chapter.

(b) Collect the governmental services tax on the vehicle, as agent for the State and for the county where the applicant intends to base the vehicle for the period of registration, unless the vehicle is deemed to have no base.

(c) Collect the applicable taxes imposed pursuant to chapters 372, 374, 377 and 377A of NRS.

(d) Issue a certificate of registration.

(e) If the registration is performed by the Department, issue the regular license plate or plates.

(f) If the registration is performed by a registered dealer, provide information to the owner regarding the manner in which the regular license plate or plates will be made available to the owner.

2. Upon proof of ownership satisfactory to the Director ~~[,]~~ ***or as otherwise provided in section 1 of this act,*** the Director shall cause to be issued a certificate of title as provided in this chapter.

3. Except as otherwise provided in NRS 371.070 and subsections 6, 7 and 8, every vehicle being registered for the first time in Nevada must be taxed for the purposes of the governmental services tax for a 12-month period.

4. The Department shall deduct and withhold 2 percent of the taxes collected pursuant to paragraph (c) of subsection 1 and remit the remainder to the Department of Taxation.

5. A registered dealer shall forward all fees and taxes collected for the registration of vehicles to the Department.

6. A trailer being registered pursuant to NRS 482.2065 must be taxed for the purposes of the governmental services tax for a 3-year period.

7. A full trailer or semitrailer being registered pursuant to subsection 3 of NRS 482.483 must be taxed for the purposes of the governmental services tax in the amount of $86. The governmental services tax paid pursuant to this subsection is nontransferable and nonrefundable.

8. A moped being registered pursuant to NRS 482.2155 must be taxed for the purposes of the governmental services tax for only the 12-month period following the registration. The governmental services tax paid pursuant to this subsection is nontransferable and nonrefundable.

Sec. 4. NRS 482.285 is hereby amended to read as follows:

482.285 1. If any certificate of registration or certificate of title is lost, mutilated or illegible, the person to whom it was issued shall immediately make application for and obtain a duplicate or substitute therefor upon furnishing information satisfactory to the Department and upon payment of the required fees. ***An applicant who is unable to furnish information satisfactory to the Department that the applicant is entitled to a duplicate or substitute certificate of title pursuant to this subsection may obtain a new certificate of title pursuant to the provisions of section 1 of this act.***

2. If any license plate or plates or any decal is lost, mutilated or illegible, the person to whom it was issued shall immediately make application for and obtain:

(a) A duplicate number plate or a substitute number plate;

(b) A substitute decal; or

(c) A combination of both (a) and (b),

➥ as appropriate, upon furnishing information satisfactory to the Department and payment of the fees required by NRS 482.500.

3. If any license plate or plates or any decal is stolen, the person to whom it was issued shall immediately make application for and obtain:

(a) A substitute number plate;

(b) A substitute decal; or

(c) A combination of both (a) and (b),

➥ as appropriate, upon furnishing information satisfactory to the Department and payment of the fees required by NRS 482.500.

4. The Department shall issue duplicate number plates or substitute number plates and, if applicable, a substitute decal, if the applicant:

(a) Returns the mutilated or illegible plates to the Department or signs a declaration that the plates were lost, mutilated or illegible; and

(b) Complies with the provisions of subsection 6.

5. The Department shall issue substitute number plates and, if applicable, a substitute decal, if the applicant:

(a) Signs a declaration that the plates were stolen; and

(b) Complies with the provisions of subsection 6.

6. Except as otherwise provided in this subsection, an applicant who desires duplicate number plates or substitute number plates must make application for renewal of registration. Except as otherwise provided in subsection 7 or 8 of NRS 482.260, credit must be allowed for the portion of the registration fee and governmental services tax attributable to the remainder of the current registration period. In lieu of making application for renewal of registration, an applicant may elect to make application solely for:

(a) Duplicate number plates or substitute number plates, and a substitute decal, if the previous license plates were lost, mutilated or illegible; or

(b) Substitute number plates and a substitute decal, if the previous license plates were stolen.

7. An applicant who makes the election described in subsection 6 retains the current date of expiration for the registration of the applicable vehicle and is not, as a prerequisite to receiving duplicate number plates or substitute number plates or a substitute decal, required to:

(a) Submit evidence of compliance with controls over emission; or

(b) Pay the registration fee and governmental services tax attributable to a full period of registration.

Sec. 5. NRS 482.415 is hereby amended to read as follows:

482.415 1. Whenever application is made to the Department for registration of a vehicle previously registered pursuant to this chapter and the applicant is unable to present the certificate of registration or certificate of title previously issued for the vehicle because the certificate of registration or certificate of title is lost, unlawfully detained by one in possession or otherwise not available, the Department may receive the application, investigate the circumstances of the case and require the filing of affidavits or other information. When the Department is satisfied that the applicant is entitled to a new certificate of registration and certificate of title, it may register the applicant's vehicle and issue new certificates and a new license plate or plates to the person or persons entitled thereto. ***An applicant who is unable to satisfy the Department that the applicant is entitled to a new certificate of title pursuant to this subsection may obtain a new certificate of title pursuant to the provisions of section 1 of this act.***

2. Whenever application is made to the Department for the registration of a motor vehicle of which the:

(a) Ownership has been transferred;

(b) Certificate of title is lost, unlawfully detained by one in possession or otherwise not available; and

(c) Model year is 9 years old or newer,

➥ the transferor of the motor vehicle may, to furnish any information required by the Department to carry out the provisions of NRS 484D.330, designate the transferee of the motor vehicle as attorney-in-fact on a form for a power of attorney provided by the Department.

3. The Department shall provide the form described in subsection 2. The form must be:

(a) Produced in a manner that ensures that the form may not be easily counterfeited; and

(b) Substantially similar to the form set forth in Appendix E of Part 580 of Title 49 of the Code of Federal Regulations.

4. The Department may charge a fee not to exceed 50 cents for each form it provides.

Sec. 5.5. **NRS 482.4285 is hereby amended to read as follows:**

482.4285 1. The Department shall enter into one or more contracts pursuant to this section to establish, implement and operate, in lieu of the issuance and maintenance of paper documents otherwise required by this chapter, an electronic lien system to process the notification and release of security interests through electronic batch file transfers.

2. Any contract entered into pursuant to this section must not require the Department to pay any amount to a contractor unless otherwise provided in this section. A contractor must be required to reimburse the Department for any reasonable implementation costs directly incurred by the Department during the establishment and ongoing administration of the electronic lien system. A contract entered into pursuant to this section must include provisions specifically prohibiting a contractor from using information concerning vehicle titles for marketing or solicitation purposes.

3. The electronic lien system must allow qualified service providers to participate in the system. A lienholder may participate in the system through any qualified service provider approved by the Department for participation in the system.

4. Service providers may be required to collect fees from lienholders and their agents for the implementation and administration of the electronic lien system. The amount of the fee collected by a service provider and paid to a contractor for the establishment and maintenance of the electronic lien system must not exceed $4 per transaction.

5. A contractor may also serve as a service provider under such terms and conditions as are established by the Department pursuant to the terms of a contract entered into pursuant to this section and the regulations adopted by the Department. If a contractor will also serve as a service provider:

(a) The Department may perform audits of the contractor at intervals determined by the Department to ensure the contractor is not engaged in predatory pricing. The contractor shall reimburse the Department for the cost of all audits.

(b) The contract between the Department and the contractor entered into pursuant to this section must include an acknowledgement by the contractor that the contractor is required to enter into agreements to exchange electronic lien data with all service providers who offer electronic lien and title services to lienholders doing business in the State of Nevada, have been approved by the Department for participation in the electronic lien system pursuant to this section and elect to use the contractor for access to the electronic lien system.

A service provider must not be required to provide confidential or proprietary information to any other service provider.

6. Except for persons who are not normally engaged in the business or practice of financing vehicles, all lienholders ~~[are required to participate in the electronic lien system.]~~ ***shall use the electronic lien system to process all notifications and releases of security interests through electronic batch file transfers.***

7. For the purposes of this chapter, any requirement that a lien or other information appear on a certificate of title is satisfied by the inclusion of that information in an electronic file maintained in an electronic lien system. The satisfaction of a lien may be electronically transmitted to the Department. A certificate of title is not required to be issued until the lien is satisfied or the certificate of title is otherwise required to meet the requirements of any legal proceeding or other provision of law. If a vehicle is subject to an electronic lien, the certificate of title shall be deemed to be physically held by the lienholder for the purposes of state or federal law concerning odometer readings and disclosures.

8. A certified copy of the Department's electronic record of a lien is admissible in any civil, criminal or administrative proceeding in this State as evidence of the existence of the lien. If a certificate of title is maintained electronically in the electronic lien system, a certified copy of the Department's electronic record of the certificate of title is admissible in any civil, criminal or administrative proceeding in this State as evidence of the existence and contents of the certificate of title.

9. The Director may adopt such regulations as are necessary to carry out the provisions of this section, including, without limitation:

(a) The amount of the fee a service provider is required to charge pursuant to subsection 4 and pay to a contractor for the establishment and maintenance of the electronic lien system.

(b) The qualifications of service providers for participation in the electronic lien system.

(c) The qualifications for a contractor to enter into a contract with the Department to establish, implement and operate the electronic lien system.

(d) Program specifications that a contractor must adhere to in establishing, implementing and operating the electronic lien system.

(e) Additional requirements for and restrictions upon a contractor who will also serve as a service provider.

10. As used in this section:

(a) "Contractor" means a person who, pursuant to this section, enters into a contract with the Department to establish, implement and operate the electronic lien system.

(b) "Electronic lien system" means a system to process the notification and release of security interests through electronic batch file transfers that is established and implemented pursuant to this section.

(c) "Service provider" means a person who, pursuant to this section, provides lienholders with software to manage electronic lien and title data.

Sec. 6. NRS 487.820 is hereby amended to read as follows:

487.820 1. Except as otherwise provided in subsection 2 of NRS 487.800, if the applicant for a salvage title is unable to furnish the certificates of title and registration last issued for the vehicle, the state agency may accept the application, examine the circumstances of the case and require the filing of suitable affidavits or other information or documents. If satisfied that the applicant is entitled to a salvage title, the state agency may issue the salvage title.

2. No duplicate certificate of title or registration may be issued when a salvage title is applied for, and no fees are required for the affidavits of any stolen, lost or damaged certificate, or duplicates thereof, unless the vehicle is subsequently registered.

3. If an applicant who is unable to satisfy the state agency that the applicant is entitled to a salvage title pursuant to subsection 1 wishes to register the vehicle pursuant to the provisions of subsection 6 of NRS 487.800 and NRS 487.860, the applicant may obtain a salvage title from the state agency by:

(a) Filing a bond with the state agency that meets the requirements of subsection 5; and

(b) Allowing the Department to inspect the vehicle to verify the vehicle identification number and the identification numbers, if any, for parts used to repair the vehicle.

4. Any person damaged by the issuance of the salvage title pursuant to subsection 3 has a right of action to recover on the bond for any breach of its conditions, except the aggregate liability of the surety to all persons must not exceed the amount of the bond. The state agency shall return the bond, and any deposit accompanying it, 3 years after the bond was filed with the state agency, except that the state agency must not return the bond if the state agency has been notified of the pendency of an action to recover on the bond.

5. The bond required pursuant to subsection 3 must be:

(a) In a form prescribed by the state agency;

(b) Executed by the applicant as principal and by a corporation qualified under the laws of this State as surety;

(c) In an amount equal to one and one-half times the value of the vehicle, as determined by the state agency; and

(d) Conditioned to indemnify any:

(1) Prior owner or lienholder of the vehicle, and his or her successors in interest;

(2) Subsequent purchaser of the vehicle, and his or her successors in interest; or

(3) Person acquiring a security interest in the vehicle, and his or her successors in interest,

➥ ***against any expense, loss or damage because of the issuance of the salvage title or because of any defect in or undisclosed security interest in the applicant's right or title to the vehicle or the applicant's interest in the vehicle.***

6. A right of action does not exist in favor of any person by reason of any action or failure to act on the part of the Department or any officer or employee thereof in carrying out the provisions of subsections 3, 4 and 5, or in giving or failing to give any information concerning the legal ownership of a vehicle or the existence of a salvage title obtained pursuant to subsection 3.

Sec. 7. **1.** This ~~[act becomes effective:~~

~~1. Upon~~**]** **section becomes effective upon passage and approval.**

2. Sections 1 to 6, inclusive of this act become effective upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act**.** ~~**[**~~**; and**

~~2. On~~**]**

3. Section 5.5 of this act becomes effective on July 1, 2017, for all other purposes.

4. Sections 1 to 5, inclusive, and 6 of this act become effective on July 1, 2018, for all other purposes.

Assemblyman Carrillo moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 149.

Bill read third time.

The following amendment was proposed by Assemblywoman Swank:

Amendment No. 984.

AN ACT relating to regional transportation commissions; authorizing a regional transportation commission to provide grants of money for the research, development or implementation of transportation projects that use new technologies; authorizing a regional transportation commission to enter into agreements with private entities for certain projects; authorizing a regional transportation commission to recommend the imposition of certain taxes to fund the transportation projects of the commission; authorizing the board of county commissioners to submit the recommendation for the imposition of such taxes to the voters of the county; requiring the board of county commissioners to adopt an ordinance imposing any such taxes that are approved by the voters; revising provisions governing the composition of regional transportation commissions; authorizing a regional transportation commission to develop and maintain high-capacity transit systems; authorizing a regional transportation commission to adopt rules for the parking of unauthorized vehicles at facilities of the commission and the imposition of fees for the use of services or facilities of the commission;

repealing provisions requiring certain regional transportation commissions to establish a regional rapid transit authority; revising various provisions relating to the powers and duties of regional transportation commissions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a county may, by ordinance, create a regional transportation commission if a streets and highways plan has been adopted by the county or regional planning commission. (NRS 277A.170) Existing law also provides a regional transportation commission the exclusive right to operate a system of public transportation within its jurisdiction, as well as enter into contracts, leases and agreements with state agencies and local governments to perform its functions. (NRS 277A.270)

Section 3 of this bill authorizes a regional transportation commission to: (1) provide grants of money to conduct research for and otherwise develop and implement certain transportation projects; and (2) enter into agreements with private entities for certain transportation projects in accordance with federal law.

Section 13 of this bill authorizes a regional transportation commission to construct, develop and operate a high-capacity transit system with the approval of the county or city which owns any public right-of-way. **Section 3.5** of this bill requires a regional transportation commission to enter into agreements with other local governments to coordinate and collaborate on the development of a project or high-capacity transit system and to share the costs related to such projects. If a regional transportation commission enters into such an agreement, **section 4** of this bill requires the commission to create and administer an account that will hold any money appropriated by the commission or a local government in accordance with the agreement. **Section 14** of this bill authorizes a regional transportation commission to use a turnkey procurement process or competitive negotiation process in connection with a high-capacity transit project.

Sections 5 and 6 of this bill provide that a regional transportation commission in certain larger counties (currently Clark and Washoe Counties) may recommend the imposition of an additional tax on the gross receipts of any retailer from the sale of all tangible personal property sold at retail. The recommendations of the commission must specify the rate of the recommended tax, the period during which the recommended tax will be imposed and the type and location of the transportation projects the recommended tax would support, if the commission submits its recommendations to the board of county commissioners, the board of county commissioners may submit a question to the voters at the next general election asking whether the tax recommended by the commission should be imposed in the county. If a majority of the voters approve the question, the board of county commissioners is required to impose the approved tax at the rate specified in the question submitted to the voters. **A board of county commissioners may only submit one such question to the voters, and any**

such general election must be held on or before December 31, 2020. **Section 7** of this bill provides that the proceeds resulting from the imposition of such taxes must be remitted to the commission for its use in accordance with the provisions of existing law governing regional transportation commissions.

Existing law generally sets forth the authority and powers of a regional transportation commission. (NRS 277A.160, 277A.210, 277A.250) **Section 10** of this bill requires that the provisions of existing law governing regional transportation commissions be liberally construed as to allow a regional transportation commission to meet any of its objectives.

Existing law requires a regional transportation commission in certain larger counties (currently Clark and Washoe Counties) to be composed of members of the board of county commissioners and the governing body of each city in the county. **Section 10.5** of this bill provides that if a mayor of a city in such a county is not a member of the governing body of the city, the governing body may appoint the mayor to be a member of the regional transportation commission.

Section 12 of this bill authorizes a regional transportation commission to impose: (1) civil penalties for the unauthorized parking of a vehicle at a transportation facility; and (2) fees for the use of commission services or facilities.

Existing law requires the regional transportation commission in any county whose population is 700,000 or more (currently Clark County) to establish a regional rapid transit authority. **Section 18** of this bill repeals that provision.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 277A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ***"High-capacity transit" means a public transit system that may provide a higher level of passenger capacity by increasing, without limitation, the number of vehicles utilized by the system, the size of the vehicles, the frequency of vehicle rides, travel speed or any combination thereof, and that operates in conjunction with public transit stations. The term includes, without limitation,***

bus rapid transit, fixed guideway, light rail transit, commuter rail, streetcar and heavy rail.

Sec. 3. ***A commission may:***

1. Provide grants of money to conduct research for and otherwise develop and implement transportation projects that promote innovative transportation and transit technology, including, without limitation, autonomous technology as defined in NRS 482A.025.

2. Enter into agreements in accordance with 49 U.S.C. § 5315 and any guidelines adopted pursuant thereto.

Sec. 3.5. *1. Except as otherwise provided in subsection 2, before constructing a transportation project or high-capacity transit system, a commission shall enter into agreements with any county, city, town and other political subdivision to coordinate and collaborate on the development of the transportation project or high-capacity transit system, including, without limitation, the use of public rights-of-way and the sharing of costs related to such a project.*

2. A commission may make changes to bus schedules and bus routes and relocate bus stops within the public right-of-way without executing an agreement pursuant to subsection 1.

Sec. 4. *If a commission enters into an agreement with a county, city, town or other political subdivision to share costs relating to a transportation project pursuant to section 3.5 of this act, the commission shall create an account administered by the commission and deposit into such account any money appropriated by each participating entity in accordance with the amounts established under the agreement. The money in the account, including any interest and income earned on the money in the account, must not be transferred to any other fund or account or used for any purpose other than the purposes set forth in the agreement entered into pursuant to section 3.5 of this act.*

Sec. 5. *1. ~~[In]~~ Except as otherwise provided in subsection 4, in a county whose population is 100,000 or more, a commission may:*

(a) Prepare recommendations for the imposition of the tax described in section 6 of this act in the county to provide funding for the commission for the purposes set forth in this chapter. The recommendations must specify the proposed rate for the recommended tax, the period during which the recommended tax will be imposed and the type and location of the transportation projects the recommended tax will support.

(b) Submit the recommendations to the board of county commissioners.

2. ~~[Upon]~~ Except as otherwise provided in subsection 5, upon the receipt of recommendations pursuant to subsection 1, the board of county commissioners may, at the next general election, submit a question to the voters of the county asking whether the recommended tax should be imposed in the county. The question submitted to the voters of the county must specify the proposed rate for the recommended tax, the period during which the recommended tax will be imposed, if the period was specified in the recommendations submitted pursuant to subsection 1, and the type and location of the transportation projects the recommended tax will support.

3. If a majority of the voters voting on the question submitted to the voters pursuant to subsection 2 vote affirmatively on the question:

(a) The board of county commissioners shall impose the recommended tax in accordance with the provisions of section 6 of this act at the rate specified in the question submitted to the voters pursuant to subsection 2.

(b) The tax must be imposed notwithstanding the provisions of any specific statute to the contrary and, except as otherwise specifically

provided in this section and sections 6 and 7 of this act, such tax is not subject to any limitations set forth in any statute which authorizes the board of county commissioners to impose such tax, including, without limitation, any limitations on the maximum rate which may be imposed or the duration of the period during which such tax may be imposed.

4. A commission may not prepare and submit recommendations to the board of county commissioners pursuant to subsection 1 on or after December 31, 2020.

5. A board of county commissioners may only use the authorization provided pursuant to subsection 2 to submit a question to the voters of the county one time, and only if the next general election at which the question is submitted to the voters is held not later than December 31, 2020.

Sec. 6. ***Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 5 of this act recommending the imposition of a tax on the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed, in the county, the board of county commissioners shall impose a tax by ordinance on the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed, in the county. The tax must be imposed throughout the county, including all cities within the county, upon all retailers in the business of selling tangible personal property. Any ordinance enacted under this subsection must include provisions in substance as follows:***

1. Provisions substantially identical to those contained in chapter 374 of NRS, insofar as applicable.

2. A provision that all amendments to chapter 374 of NRS after the date of enactment of the ordinance, not inconsistent with this chapter, automatically become a part of the ordinance.

3. A provision that the county shall, before the effective date of the ordinance, contract with the Department to perform all functions incident to the administration or operation of the tax in the county.

4. A provision that a purchaser is entitled to a refund, in accordance with the provisions of NRS 374.635 to 374.720, inclusive, of the amount of the tax required to be paid that is attributable to the tax imposed upon the sale of, and the storage, use or other consumption in a county of, tangible personal property used for the performance of a written contract for the construction of an improvement to real property, entered into on or before the effective date of the tax or the increase in the tax, or for which a binding bid was submitted before the date if the bid was afterward accepted, if under the terms of the contract or bid the contract price or bid amount cannot be adjusted to reflect the imposition of the tax or the increase in the tax.

Sec. 7. ***The proceeds of any tax imposed pursuant to sections 5 and 6 of this act must be remitted by the Department of Taxation to the commission for use in accordance with the provisions of this chapter.***

Sec. 8. NRS 277A.020 is hereby amended to read as follows:

277A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 277A.030 to 277A.150, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 9. NRS 277A.120 is hereby amended to read as follows:

277A.120 "Public transit system" means a system employing motor buses, rails ***, high-capacity transit*** or any other means of conveyance, by whatever type of power, operated for public use in the conveyance of persons.

Sec. 10. NRS 277A.160 is hereby amended to read as follows:

277A.160 This chapter ***, being necessary to secure and preserve the public health, safety, convenience and welfare,*** shall be so interpreted and ***liberally*** construed as to ~~[~~make~~]~~ ***:***

1. Make uniform so far as possible the laws and regulations of this State and other states and of the government of the United States having to do with the subject of transportation ~~[.]~~ ***; and***

2. Effect any other purpose and objective for which this chapter is intended.

Sec. 10.5. NRS 277A.180 is hereby amended to read as follows:

277A.180 1. In counties whose population is 100,000 or more, the commission must be composed of representatives selected by the following entities ***:*** ~~[~~from among their members:~~]~~

(a) Two by the board ~~[.]~~ ***from among its members.***

(b) Two by the governing body of the largest city in the county ~~[.]~~ ***from among its members or, if the mayor of the city is not a member of the governing body, from among its members and the mayor of the city.***

(c) One by the governing body of each additional city in the county ~~[.]~~ ***from among its members or, if the mayor of the city is not a member of the governing body, from among its members and the mayor of the city.***

2. In counties whose population is less than 100,000, the commission must be composed of representatives selected as follows:

(a) If the county contains three or more cities:

(1) Two by the board.

(2) One by the governing body of the largest city.

(b) If the county contains only two cities:

(1) Three by the board, at least one of whom is a representative of the public who is a resident of the county.

(2) One by the governing body of each city in the county.

(c) If the county contains only one city:

(1) Two by the board.

(2) One by the governing body of the city.

(d) If the county contains no city, the board shall select:

(1) Two members of the board; and

(2) One representative of the public, who is a resident of the largest town, if any, in the county.

3. In Carson City, the commission must be composed of representatives selected by the Board of Supervisors as follows:

(a) Two members of the Board of Supervisors, one of whom must be designated by the commission to serve as chair of the commission.

(b) Three representatives of the city at large.

4. The first representatives must be selected within 30 days after passage of the ordinance creating the commission, and, except as otherwise provided in subsections 5, 6 and 7, must serve until the next ensuing December 31 of an even-numbered year. The representative of any city incorporated after passage of the ordinance must be selected within 30 days after the first meeting of the governing body, and, except as otherwise provided in subsection 7, must serve until the next ensuing December 31 of an even-numbered year. Their successors must serve for terms of 2 years, and vacancies must be filled for the unexpired term.

5. In Carson City:

(a) One representative of the commission who is a member of the Board of Supervisors and one representative of the commission who is a representative of the city at large must serve until the next ensuing December 31 of an even-numbered year; and

(b) One representative of the commission who is a member of the Board of Supervisors and two representatives of the commission who are representatives of the city at large must serve until the next ensuing December 31 of an odd-numbered year.

6. In counties whose population is 100,000 or more, but less than 700,000:

(a) One representative selected by the board and one representative selected by the governing body of the largest city in the county must serve until the next ensuing December 31 of an even-numbered year; and

(b) One representative selected by the board and one representative selected by the governing body of the largest city in the county must serve until the next ensuing December 31 of an odd-numbered year.

7. In counties whose population is 700,000 or more, the first representatives and the representative of any city incorporated after passage of the ordinance must serve until the next ensuing June 30 of an odd-numbered year.

Sec. 11. NRS 277A.210 is hereby amended to read as follows:

277A.210 ***1.*** A commission may:

~~[1.]~~ ***(a)*** Sue and be sued.

~~[2.]~~ ***(b)*** Prepare and approve budgets for the regional street and highway fund, the public transit fund and money it receives from any source.

~~[3.]~~ ***(c)*** Adopt bylaws for the administration of its affairs and rules for the administration and operation of facilities under its control.

~~[4.]~~ ***(d)*** Conduct studies, develop plans and conduct public hearings to establish and approve short-range and regional plans for transportation.

~~[5.]~~ ***(e)*** Purchase insurance or establish a reserve or fund for self-insurance, or adopt any combination of these, to insure against loss by reason of:

~~[(a)]~~ ***(1)*** Damages resulting from fire, theft, accident or other casualty; or

~~[(b)]~~ ***(2)*** The commission's liability for other damages to persons or property which occur in the construction or operation of facilities or equipment under its control or in the conduct of its activities.

2. A commission shall have a perpetual succession, subject to termination in accordance with statute.

Sec. 12. NRS 277A.250 is hereby amended to read as follows:

277A.250 A commission may:

1. Acquire and own both real and personal property.

2. Exercise the power of eminent domain, if the city or county which has jurisdiction over the property approves, for the acquisition, construction, repair or maintenance of public roads, or for any other purpose related to public mass transportation.

3. Sell, lease or convey or otherwise dispose of rights, interests or properties.

4. Adopt regulations for:

(a) Financing eligible activities; ~~[and]~~

(b) ***Unauthorized parking of vehicles at a transportation facility within the jurisdiction of the commission, including, without limitation, the imposition of a civil penalty for a violation of such regulations;***

(c) The imposition of fees for the use of the facilities or services of the commission and the use of such fees for the construction or operation of transportation facilities; and

(d) The operation of systems or services provided by the commission.

Sec. 13. NRS 277A.270 is hereby amended to read as follows:

277A.270 1. A commission may:

(a) Operate ***, develop and maintain*** a system of public transportation ***, including, without limitation, a high-capacity transit system,*** to the exclusion of any other publicly owned system of transportation within its area of jurisdiction.

(b) ***Construct high-capacity transit systems in the county or a city within the county which owns a public right-of-way if the county or city within the county approves of such construction.***

(c) Use streets, roads, highways and other public rights-of-way for public transportation.

~~[(c)]~~ ***(d)*** Enter into agreements for the joint use of facilities, installations and properties and the joint exercise of statutory powers.

~~[(d)]~~ ***(e)*** Prohibit the use of any facility, installation or property owned, operated or leased by the commission, including, without limitation, a transit stop or bus turnout, by any person other than the commission or its agents.

~~[(e)]~~ ***(f)*** Enter into contracts, leases and agreements with and accept grants and loans from federal and state agencies, counties, cities, towns, other

political subdivisions, public or private corporations and other persons, and may perform all acts necessary for the full exercise of the powers vested in the commission.

2. The powers and duties of a commission set forth in this chapter do not apply to any monorail for which a franchise has been granted pursuant to NRS 705.695 or an agreement has been entered into pursuant to NRS 705.695.

3. As used in this section, "bus turnout" means a fixed area that is:

(a) Adjacent or appurtenant to, or within a reasonable proximity of, a public highway; and

(b) To be occupied exclusively by buses in receiving or discharging passengers.

Sec. 14. NRS 277A.280 is hereby amended to read as follows:

277A.280 1. A commission, a county whose population is less than 100,000 or a city within such a county may establish or operate a public transit system consisting of:

(a) Regular routes and fixed schedules to serve the public;

(b) Nonemergency medical transportation of persons to facilitate their participation in jobs and day training services as defined in NRS 435.176, if the transportation is available upon request and without regard to regular routes or fixed schedules;

(c) Nonmedical transportation of persons with disabilities without regard to regular routes or fixed schedules; or

(d) In a county whose population is less than 100,000 or a city within such a county, nonmedical transportation of persons if the transportation is available by reservation 1 day in advance of the transportation and without regard to regular routes or fixed schedules.

2. A commission may lease vehicles to or from or enter into other contracts with a private operator for the provision of such a system.

3. In a county whose population is less than 700,000, such a system may also provide service which includes:

(a) Minor deviations from the regular routes and fixed schedules required by paragraph (a) of subsection 1 on a recurring basis to serve the public transportation needs of passengers. The deviations must not exceed one-half mile from the regular routes.

(b) The transporting of persons other than those specified in paragraph (b), (c) or (d) of subsection 1 upon request without regard to regular routes or fixed schedules, if the service is provided by a common motor carrier which has a certificate of public convenience and necessity issued by the Nevada Transportation Authority pursuant to NRS 706.386 to 706.411, inclusive, and the service is subject to the rules and regulations adopted by the Nevada Transportation Authority for a fully regulated carrier.

4. Notwithstanding the provisions of chapter 332 of NRS or NRS 625.530, a commission may utilize a turnkey procurement process to select a person to design, build, ***finance,*** operate and maintain, or any combination

thereof, a ~~[~~fixed guideway~~]~~ ***high-capacity transit*** system, including, without limitation, any minimum operable segment thereof. The commission shall determine whether to utilize turnkey procurement for a ~~[~~fixed guideway~~]~~ ***high-capacity transit*** project before the completion of the preliminary engineering phase of the project. In making that determination, the commission shall evaluate whether turnkey procurement is the most cost-effective method of constructing the project on schedule and in satisfaction of its transportation objectives.

5. Notwithstanding the provisions of chapter 332 of NRS, a commission may utilize a competitive negotiation procurement process to procure rolling stock for a ~~[~~fixed guideway~~]~~ ***high-capacity transit*** project, rolling stock for a public transit system, facilities and any other equipment that is related to public transportation. The award of a contract under such a process must be made to the person whose proposal is determined to be the most advantageous to the commission, based on price and other factors specified in the procurement documents.

6. If a commission develops a ~~[~~fixed guideway~~]~~ ***high-capacity transit*** project, the Department of Transportation is hereby designated to serve as the oversight agency to ensure compliance with the federal safety regulations for rail fixed guideway systems set forth in 49 C.F.R. Part 659.

7. As used in this section:

(a) "Fully regulated carrier" means a common carrier or contract carrier of passengers or household goods who is required to obtain from the Nevada Transportation Authority a certificate of public convenience and necessity or a contract carrier's permit and whose rates, routes and services are subject to regulation by the Nevada Transportation Authority.

(b) "Minimum operable segment" means the shortest portion of a ~~[~~fixed guideway~~]~~ ***high-capacity transit*** system that is technically capable of providing viable public transportation between two end points.

(c) "Turnkey procurement" means a competitive procurement process by which a person is selected by a commission, based on evaluation criteria established by the commission, to design, build, operate and maintain, or any combination thereof, a ~~[~~fixed guideway~~]~~ ***high-capacity transit*** system, or a portion thereof, in accordance with performance criteria and technical specifications established by the commission.

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. NRS 277A.345 is hereby repealed.

Sec. 19. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

277A.345 Counties whose population is 700,000 or more: Establishment of regional rapid transit authority; development of plan for establishment of regional rapid transit system by authority.

1. In a county whose population is 700,000 or more, the commission shall establish a regional rapid transit authority. The membership of the regional rapid transit authority must consist of:

(a) The general manager of the commission, who shall act as chair of the authority;

(b) One member appointed by the board of county commissioners;

(c) Three members, one from each of the three largest cities within the county, who are appointed by the respective governing bodies of each city;

(d) One member selected by the association of gaming establishments whose membership collectively paid the most gaming license fees to the State pursuant to NRS 463.370 in the county in the preceding year;

(e) One member who is selected by the economic development authority in the county;

(f) One member selected by the Department of Transportation; and

(g) One member who has expertise in urban planning and design or architecture selected by the Nevada Arts Council.

2. The regional rapid transit authority shall develop a plan for the establishment of a regional rapid transit system:

(a) In cooperation with economic development, engineering, planning, tourism and utility interests in the county; and

(b) With the goal of quantifying the implications of introducing an exclusive rapid transit system in identified corridors in the county.

3. In carrying out its duties pursuant to subsection 2, the regional rapid transit authority shall:

(a) Hold public meetings to, without limitation:

(1) Evaluate the need for and desirability of a regional rapid transit system;

(2) Assess corridor and route feasibility and desirability; and

(3) Review existing mass transit options to determine how to incorporate such options into a regional rapid transit system;

(b) Undertake an analysis of various considerations involved with introducing and implementing a regional rapid transit system in the county, including, without limitation:

(1) An assessment of the available rapid transit technologies, including, without limitation, technologies that use solar power or other renewable energy sources to minimize or eliminate the use of carbon-based fuels;

(2) An assessment of the opportunities, costs and constraints of corridor options, including, without limitation:

(I) An examination and evaluation of existing rail corridors and transit routes for inclusion in the regional rapid transit system;

(II) An evaluation of potential sites for stations and facilities for the regional rapid transit system; and

(III) Identification of locations in the county that would benefit most from proximity to a regional rapid transit system, including, without

limitation, airports and existing or proposed special event venues such as stadiums and racetracks;

(3) Estimates as to capital and operating costs;

(4) An assessment of potential ridership and passenger demand;

(5) An assessment of the environmental impact;

(6) A potential project schedule; and

(7) An assessment of financing options and funding sources, including, without limitation:

(I) Processes for securing federal funding; and

(II) The potential for voter approval for bonds to support any portion of the regional rapid transit system.

4. On or before February 1 of each year, the regional rapid transit authority shall submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the appropriate committee or committees of the Legislature. The report must set forth, without limitation:

(a) The activities and meetings of the authority;

(b) Any findings made by the authority regarding the analysis required by subsection 3; and

(c) The plan or current draft of the plan developed by the authority pursuant to subsection 2.

Assemblywoman Swank moved the adoption of the amendment.

Amendment adopted.

The following amendment was proposed by Assemblyman Daly:

Amendment No. 938.

AN ACT relating to regional transportation commissions; authorizing ~~[a]~~ **certain** regional transportation ~~[commission]~~ **commissions** to provide grants of money for the research, development or implementation of transportation projects that use new technologies; authorizing ~~[a]~~ **certain** regional transportation ~~[commission]~~ **commissions** to enter into agreements with private entities for certain projects; authorizing ~~[a]~~ **certain** regional transportation ~~[commission]~~ **commissions** to recommend the imposition of certain taxes to fund the transportation projects of the commission ~~[,]~~ **and to submit the recommendation to the board of county commissioners which created the commission;** authorizing the board of county commissioners to submit the recommendation for the imposition of such taxes to the voters of the county; requiring the board of county commissioners to adopt an ordinance imposing any such taxes that are approved by the voters; revising provisions governing the composition of regional transportation commissions; authorizing ~~[a]~~ **certain** regional transportation ~~[commission]~~ **commissions** to develop and maintain high-capacity transit systems; authorizing ~~[a]~~ **certain** regional transportation ~~[commission]~~ **commissions** to adopt rules for the parking of unauthorized vehicles at facilities of the commission and the imposition of fees for the use of services or facilities of the commission; repealing provisions requiring certain regional

transportation commissions to establish a regional rapid transit authority; revising various provisions relating to the powers and duties of regional transportation commissions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a county may, by ordinance, create a regional transportation commission if a streets and highways plan has been adopted by the county or regional planning commission. (NRS 277A.170) Existing law also provides a regional transportation commission the exclusive right to operate a system of public transportation within its jurisdiction, as well as enter into contracts, leases and agreements with state agencies and local governments to perform its functions. (NRS 277A.270)

Section 3 of this bill authorizes a regional transportation commission **in a county whose population is 700,000 or more (currently only Clark County)** to: (1) provide grants of money to conduct research for and otherwise develop and implement certain transportation projects; ~~[and]~~ (2) enter into agreements with private entities for certain transportation projects in accordance with federal law ~~[.]~~ **; (3) impose civil penalties for unauthorized parking at a transportation facility; and (4) impose fees for the use of services or facilities of the commission.**

Section ~~[13 of this bill]~~ **3 also** authorizes **such** a regional transportation commission to construct, develop and operate a high-capacity transit system with the approval of the county or city which owns any public right-of-way. **Section 3.5** of this bill requires **such** a regional transportation commission to enter into agreements with other local governments to coordinate and collaborate on the development of a project or high-capacity transit system and to share the costs related to such projects. If **such** a regional transportation commission enters into such an agreement, **section 4** of this bill requires the commission to create and administer an account that will hold any money appropriated by the commission or a local government in accordance with the agreement. **Section** ~~[14]~~ **3.7** of this bill authorizes **such** a regional transportation commission to use a turnkey procurement process or competitive negotiation process in connection with a high-capacity transit project.

Sections 5 and 6 of this bill provide that **such** a regional transportation commission ~~[in certain larger counties (currently Clark and Washoe Counties)]~~ may recommend the imposition of an additional tax on the gross receipts of any retailer from the sale of all tangible personal property sold at retail. The recommendations of the commission must specify the rate of the recommended tax, the period during which the recommended tax will be imposed and the type and location of the transportation projects the recommended tax would support, if the commission submits its recommendations to the board of county commissioners, the board of county commissioners may submit a question to the voters at the next general election asking whether the tax recommended by the commission should be

imposed in the county. If a majority of the voters approve the question, the board of county commissioners is required to impose the approved tax at the rate specified in the question submitted to the voters. **Section 7** of this bill provides that the proceeds resulting from the imposition of such taxes must be remitted to the commission for its use in accordance with the provisions of existing law governing regional transportation commissions.

~~[Existing law generally sets forth the authority and powers of a regional transportation commission. (NRS 277A.160, 277A.210, 277A.250) Section 10 of this bill requires that the provisions of existing law governing regional transportation commissions be liberally construed as to allow a regional transportation commission to meet any of its objectives.]~~

Existing law requires a regional transportation commission in certain larger counties (currently Clark and Washoe Counties) to be composed of members of the board of county commissioners and the governing body of each city in the county. **Section 10.5** of this bill provides that if a mayor of a city in such a county is not a member of the governing body of the city, the governing body may appoint the mayor to be a member of the regional transportation commission.

~~[Section 12 of this bill authorizes a regional transportation commission to impose: (1) civil penalties for the unauthorized parking of a vehicle at a transportation facility; and (2) fees for the use of commission services or facilities.]~~

Existing law requires the regional transportation commission in any county whose population is 700,000 or more (currently Clark County) to establish a regional rapid transit authority. **Section 18** of this bill repeals that provision.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 277A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ~~*["High-capacity transit"]*~~ ***As used in sections 2 to 7, inclusive, of this act, "high-capacity transit" means a public transit system that may provide a higher level of passenger capacity by increasing, without limitation, the number of vehicles utilized by the system, the size of the vehicles, the frequency of vehicle rides, travel speed or any combination thereof, and that operates in conjunction with public transit stations. The term includes, without limitation, bus rapid transit, fixed guideway, light rail transit, commuter rail, streetcar and heavy rail.***

Sec. 2.5. ***The provisions of sections 2 to 7, inclusive, of this act apply only to a commission in a county whose population is 700,000 or more.***

Sec. 2.7. ***The provisions of sections 2 to 7, inclusive, of this act, being necessary to secure and preserve the public health, safety, convenience and welfare, shall be so interpreted and liberally construed as to:***

1. Make uniform so far as possible the laws and regulations of this State and other states and of the government of the United States having to do with the subject of transportation; and

2. Effect any other purpose and objective for which the provisions of sections 2 to 7, inclusive, of this act are intended.

Sec. 3. *A commission may:*

1. Provide grants of money to conduct research for and otherwise develop and implement transportation projects that promote innovative transportation and transit technology, including, without limitation, autonomous technology as defined in NRS 482A.025.

2. Enter into agreements in accordance with 49 U.S.C. § 5315 and any guidelines adopted pursuant thereto.

3. Operate, develop and maintain a high-capacity transit system, to the exclusion of any other publicly owned system of transportation within its area of jurisdiction.

4. Construct high-capacity transit systems in the county or a city within the county which owns a public right-of-way if the county or city within the county approves of such construction.

5. Adopt regulations regarding:

(a) Unauthorized parking of vehicles at a transportation facility within the jurisdiction of the commission, including, without limitation, the imposition of a civil penalty for a violation of such regulations; and

(b) The imposition of fees for the use of the facilities or services of the commission and the use of such fees for the construction or operation of transportation facilities.

Sec. 3.5. *1. Except as otherwise provided in subsection 2, before constructing a transportation project or high-capacity transit system, a commission shall enter into agreements with any county, city, town and other political subdivision to coordinate and collaborate on the development of the transportation project or high-capacity transit system, including, without limitation, the use of public rights-of-way and the sharing of costs related to such a project.*

2. A commission may make changes to bus schedules and bus routes and relocate bus stops within the public right-of-way without executing an agreement pursuant to subsection 1.

Sec. 3.7. *1. Notwithstanding the provisions of chapter 332 of NRS or NRS 625.530, a commission may utilize a turnkey procurement process to select a person to design, build, finance, operate and maintain, or any combination thereof, a high-capacity transit system, including, without limitation, any minimum operable segment thereof. The commission shall determine whether to utilize turnkey procurement for a high-capacity transit project before the completion of the preliminary engineering phase of the project. In making that determination, the commission shall evaluate whether turnkey procurement is the most cost-effective method of*

constructing the project on schedule and in satisfaction of its transportation objectives.

2. Notwithstanding the provisions of chapter 332 of NRS, a commission may utilize a competitive negotiation procurement process to procure rolling stock for a high-capacity transit project and any other equipment that is related to the project. The award of a contract under such a process must be made to the person whose proposal is determined to be the most advantageous to the commission, based on price and other factors specified in the procurement documents.

3. If a commission develops a high-capacity transit project, the Department of Transportation is hereby designated to serve as the oversight agency to ensure compliance with the federal safety regulations for rail fixed guideway systems set forth in 49 C.F.R. Part 659.

4. As used in this section:

(a) "Minimum operable segment" means the shortest portion of a high-capacity transit system that is technically capable of providing viable public transportation between two end points.

(b) "Turnkey procurement" means a competitive procurement process by which a person is selected by a commission, based on evaluation criteria established by the commission, to design, build, operate and maintain, or any combination thereof, a high-capacity transit system, or a portion thereof, in accordance with performance criteria and technical specifications established by the commission.

Sec. 4. ***If a commission enters into an agreement with a county, city, town or other political subdivision to share costs relating to a transportation project pursuant to section 3.5 of this act, the commission shall create an account administered by the commission and deposit into such account any money appropriated by each participating entity in accordance with the amounts established under the agreement. The money in the account, including any interest and income earned on the money in the account, must not be transferred to any other fund or account or used for any purpose other than the purposes set forth in the agreement entered into pursuant to section 3.5 of this act.***

Sec. 5. ***1. ~~[In a county whose population is 100,000 or more, a]~~ A commission may:***

(a) Prepare recommendations for the imposition of the tax described in section 6 of this act in the county to provide funding for the commission for the purposes set forth in ~~[this chapter.]~~ sections 2 to 7, inclusive, of this act. The recommendations must specify the proposed rate for the recommended tax, the period during which the recommended tax will be imposed and the type and location of the transportation projects the recommended tax will support.

(b) Submit the recommendations to the board of county commissioners.

2. Upon the receipt of recommendations pursuant to subsection 1, the board of county commissioners may, at the next general election, submit a

question to the voters of the county asking whether the recommended tax should be imposed in the county. The question submitted to the voters of the county must specify the proposed rate for the recommended tax, the period during which the recommended tax will be imposed, if the period was specified in the recommendations submitted pursuant to subsection 1, and the type and location of the transportation projects the recommended tax will support.

3. If a majority of the voters voting on the question submitted to the voters pursuant to subsection 2 vote affirmatively on the question:

(a) The board of county commissioners shall impose the recommended tax in accordance with the provisions of section 6 of this act at the rate specified in the question submitted to the voters pursuant to subsection 2.

(b) The tax must be imposed notwithstanding the provisions of any specific statute to the contrary and, except as otherwise specifically provided in this section and sections 6 and 7 of this act, such tax is not subject to any limitations set forth in any statute which authorizes the board of county commissioners to impose such tax, including, without limitation, any limitations on the maximum rate which may be imposed or the duration of the period during which such tax may be imposed.

Sec. 6. ***Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 5 of this act recommending the imposition of a tax on the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed, in the county, the board of county commissioners shall impose a tax by ordinance on the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed, in the county. The tax must be imposed throughout the county, including all cities within the county, upon all retailers in the business of selling tangible personal property. Any ordinance enacted under this subsection must include provisions in substance as follows:***

1. Provisions substantially identical to those contained in chapter 374 of NRS, insofar as applicable.

2. A provision that all amendments to chapter 374 of NRS after the date of enactment of the ordinance, not inconsistent with this chapter, automatically become a part of the ordinance.

3. A provision that the county shall, before the effective date of the ordinance, contract with the Department to perform all functions incident to the administration or operation of the tax in the county.

4. A provision that a purchaser is entitled to a refund, in accordance with the provisions of NRS 374.635 to 374.720, inclusive, of the amount of the tax required to be paid that is attributable to the tax imposed upon the sale of, and the storage, use or other consumption in a county of, tangible personal property used for the performance of a written contract for the construction of an improvement to real property, entered into on or before the effective date of the tax or the increase in the tax, or for which a

binding bid was submitted before the date if the bid was afterward accepted, if under the terms of the contract or bid the contract price or bid amount cannot be adjusted to reflect the imposition of the tax or the increase in the tax.

Sec. 7. ***The proceeds of any tax imposed pursuant to sections 5 and 6 of this act must be remitted by the Department of Taxation to the commission for use in accordance with the provisions of ~~[this chapter.]~~ sections 2 to 7, inclusive, of this act.***

Sec. 8. ~~[NRS 277A.020 is hereby amended to read as follows:~~

~~277A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 277A.030 to 277A.150, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 9. ~~[NRS 277A.120 is hereby amended to read as follows:~~

~~277A.120 "Public transit system" means a system employing motor buses, rails *, high capacity transit* or any other means of conveyance, by whatever type of power, operated for public use in the conveyance of persons.]~~ **(Deleted by amendment.)**

Sec. 10. ~~[NRS 277A.160 is hereby amended to read as follows:~~

~~277A.160 This chapter *, being necessary to secure and preserve the public health, safety, convenience and welfare,* shall be so interpreted and *liberally* construed as to [make]~~ **~~:~~**

~~*1. Make* uniform so far as possible the laws and regulations of this State and other states and of the government of the United States having to do with the subject of transportation [.] *; and*~~

~~*2. Effect any other purpose and objective for which this chapter is intended.]~~ **(Deleted by amendment.)**

Sec. 10.5. NRS 277A.180 is hereby amended to read as follows:

277A.180 1. In counties whose population is 100,000 or more, the commission must be composed of representatives selected by the following entities ***:*** ~~[from among their members:]~~

(a) Two by the board ~~[.]~~ ***from among its members.***

(b) Two by the governing body of the largest city in the county ~~[.]~~ ***from among its members or, if the mayor of the city is not a member of the governing body, from among its members and the mayor of the city.***

(c) One by the governing body of each additional city in the county ~~[.]~~ ***from among its members or, if the mayor of the city is not a member of the governing body, from among its members and the mayor of the city.***

2. In counties whose population is less than 100,000, the commission must be composed of representatives selected as follows:

(a) If the county contains three or more cities:

(1) Two by the board.

(2) One by the governing body of the largest city.

(b) If the county contains only two cities:

(1) Three by the board, at least one of whom is a representative of the public who is a resident of the county.

(2) One by the governing body of each city in the county.

(c) If the county contains only one city:

(1) Two by the board.

(2) One by the governing body of the city.

(d) If the county contains no city, the board shall select:

(1) Two members of the board; and

(2) One representative of the public, who is a resident of the largest town, if any, in the county.

3. In Carson City, the commission must be composed of representatives selected by the Board of Supervisors as follows:

(a) Two members of the Board of Supervisors, one of whom must be designated by the commission to serve as chair of the commission.

(b) Three representatives of the city at large.

4. The first representatives must be selected within 30 days after passage of the ordinance creating the commission, and, except as otherwise provided in subsections 5, 6 and 7, must serve until the next ensuing December 31 of an even-numbered year. The representative of any city incorporated after passage of the ordinance must be selected within 30 days after the first meeting of the governing body, and, except as otherwise provided in subsection 7, must serve until the next ensuing December 31 of an even-numbered year. Their successors must serve for terms of 2 years, and vacancies must be filled for the unexpired term.

5. In Carson City:

(a) One representative of the commission who is a member of the Board of Supervisors and one representative of the commission who is a representative of the city at large must serve until the next ensuing December 31 of an even-numbered year; and

(b) One representative of the commission who is a member of the Board of Supervisors and two representatives of the commission who are representatives of the city at large must serve until the next ensuing December 31 of an odd-numbered year.

6. In counties whose population is 100,000 or more, but less than 700,000:

(a) One representative selected by the board and one representative selected by the governing body of the largest city in the county must serve until the next ensuing December 31 of an even-numbered year; and

(b) One representative selected by the board and one representative selected by the governing body of the largest city in the county must serve until the next ensuing December 31 of an odd-numbered year.

7. In counties whose population is 700,000 or more, the first representatives and the representative of any city incorporated after passage of the ordinance must serve until the next ensuing June 30 of an odd-numbered year.

Sec. 11. NRS 277A.210 is hereby amended to read as follows:

277A.210 ***1.*** A commission may:

~~[1.]~~ ***(a)*** Sue and be sued.

~~[2.]~~ ***(b)*** Prepare and approve budgets for the regional street and highway fund, the public transit fund and money it receives from any source.

~~[3.]~~ ***(c)*** Adopt bylaws for the administration of its affairs and rules for the administration and operation of facilities under its control.

~~[4.]~~ ***(d)*** Conduct studies, develop plans and conduct public hearings to establish and approve short-range and regional plans for transportation.

~~[5.]~~ ***(e)*** Purchase insurance or establish a reserve or fund for self-insurance, or adopt any combination of these, to insure against loss by reason of:

~~[(a)]~~ ***(1)*** Damages resulting from fire, theft, accident or other casualty; or

~~[(b)]~~ ***(2)*** The commission's liability for other damages to persons or property which occur in the construction or operation of facilities or equipment under its control or in the conduct of its activities.

2. A commission shall have a perpetual succession, subject to termination in accordance with statute.

Sec. 12. ~~[NRS 277A.250 is hereby amended to read as follows:~~

~~277A.250 A commission may:~~

~~1. Acquire and own both real and personal property.~~

~~2. Exercise the power of eminent domain, if the city or county which has jurisdiction over the property approves, for the acquisition, construction, repair or maintenance of public roads, or for any other purpose related to public mass transportation.~~

~~3. Sell, lease or convey or otherwise dispose of rights, interests or properties.~~

~~4. Adopt regulations for:~~

~~(a) Financing eligible activities; [and]~~

~~(b) ***Unauthorized parking of vehicles at a transportation facility within the jurisdiction of the commission, including, without limitation, the imposition of a civil penalty for a violation of such regulations;***~~

~~***(c) The imposition of fees for the use of the facilities or services of the commission and the use of such fees for the construction or operation of transportation facilities; and***~~

~~***(d)*** The operation of systems or services provided by the commission.]~~ **(Deleted by amendment.)**

Sec. 13. ~~[NRS 277A.270 is hereby amended to read as follows:~~

~~277A.270 1. A commission may:~~

~~(a) Operate ***, develop and maintain*** a system of public transportation ***, including, without limitation, a high-capacity transit system,*** to the exclusion of any other publicly owned system of transportation within its area of jurisdiction.~~

~~(b) *Construct high-capacity transit systems in the county or a city within the county which owns a public right-of-way if the county or city within the county approves of such construction.*~~

~~*(c)* Use streets, roads, highways and other public rights-of-way for public transportation.~~

~~**[**(c)**]** *(d)* Enter into agreements for the joint use of facilities, installations and properties and the joint exercise of statutory powers.~~

~~**[**(d)**]** *(e)* Prohibit the use of any facility, installation or property owned, operated or leased by the commission, including, without limitation, a transit stop or bus turnout, by any person other than the commission or its agents.~~

~~**[**(e)**]** *(f)* Enter into contracts, leases and agreements with and accept grants and loans from federal and state agencies, counties, cities, towns, other political subdivisions, public or private corporations and other persons, and may perform all acts necessary for the full exercise of the powers vested in the commission.~~

~~2. The powers and duties of a commission set forth in this chapter do not apply to any monorail for which a franchise has been granted pursuant to NRS 705.695 or an agreement has been entered into pursuant to NRS 705.695.~~

~~3. As used in this section, "bus turnout" means a fixed area that is:~~

~~(a) Adjacent or appurtenant to, or within a reasonable proximity of, a public highway; and~~

~~(b) To be occupied exclusively by buses in receiving or discharging passengers.~~**]** **(Deleted by amendment.)**

Sec. 14. ~~**[**NRS 277A.280 is hereby amended to read as follows:~~

~~277A.280 1. A commission, a county whose population is less than 100,000 or a city within such a county may establish or operate a public transit system consisting of:~~

~~(a) Regular routes and fixed schedules to serve the public;~~

~~(b) Nonemergency medical transportation of persons to facilitate their participation in jobs and day training services as defined in NRS 435.176, if the transportation is available upon request and without regard to regular routes or fixed schedules;~~

~~(c) Nonmedical transportation of persons with disabilities without regard to regular routes or fixed schedules; or~~

~~(d) In a county whose population is less than 100,000 or a city within such a county, nonmedical transportation of persons if the transportation is available by reservation 1 day in advance of the transportation and without regard to regular routes or fixed schedules.~~

~~2. A commission may lease vehicles to or from or enter into other contracts with a private operator for the provision of such a system.~~

~~3. In a county whose population is less than 700,000, such a system may also provide service which includes:~~

~~(a) Minor deviations from the regular routes and fixed schedules required by paragraph (a) of subsection 1 on a recurring basis to serve the public~~

~~transportation needs of passengers. The deviations must not exceed one-half mile from the regular routes.~~

~~— (b) The transporting of persons other than those specified in paragraph (b), (c) or (d) of subsection 1 upon request without regard to regular routes or fixed schedules, if the service is provided by a common motor carrier which has a certificate of public convenience and necessity issued by the Nevada Transportation Authority pursuant to NRS 706.386 to 706.411, inclusive, and the service is subject to the rules and regulations adopted by the Nevada Transportation Authority for a fully regulated carrier.~~

~~— 4. Notwithstanding the provisions of chapter 332 of NRS or NRS 625.530, a commission may utilize a turnkey procurement process to select a person to design, build, *finance,* operate and maintain, or any combination thereof, a [fixed guideway] *high capacity transit* system, including, without limitation, any minimum operable segment thereof. The commission shall determine whether to utilize turnkey procurement for a [fixed guideway] *high capacity transit* project before the completion of the preliminary engineering phase of the project. In making that determination, the commission shall evaluate whether turnkey procurement is the most cost-effective method of constructing the project on schedule and in satisfaction of its transportation objectives.~~

~~— 5. Notwithstanding the provisions of chapter 332 of NRS, a commission may utilize a competitive negotiation procurement process to procure rolling stock for a [fixed guideway] *high capacity transit* project, rolling stock for a public transit system, facilities and any other equipment that is related to public transportation. The award of a contract under such a process must be made to the person whose proposal is determined to be the most advantageous to the commission, based on price and other factors specified in the procurement documents.~~

~~— 6. If a commission develops a [fixed guideway] *high capacity transit* project, the Department of Transportation is hereby designated to serve as the oversight agency to ensure compliance with the federal safety regulations for rail fixed guideway systems set forth in 49 C.F.R. Part 659.~~

~~— 7. As used in this section:~~

~~— (a) "Fully regulated carrier" means a common carrier or contract carrier of passengers or household goods who is required to obtain from the Nevada Transportation Authority a certificate of public convenience and necessity or a contract carrier's permit and whose rates, routes and services are subject to regulation by the Nevada Transportation Authority.~~

~~— (b) "Minimum operable segment" means the shortest portion of a [fixed guideway] *high capacity transit* system that is technically capable of providing viable public transportation between two end points.~~

~~— (c) "Turnkey procurement" means a competitive procurement process by which a person is selected by a commission, based on evaluation criteria established by the commission, to design, build, operate and maintain, or any combination thereof, a [fixed guideway] *high capacity transit* system, or a~~

~~portion thereof, in accordance with performance criteria and technical specifications established by the commission.]~~ **(Deleted by amendment.)**

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. NRS 277A.345 is hereby repealed.

Sec. 19. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

277A.345 Counties whose population is 700,000 or more: Establishment of regional rapid transit authority; development of plan for establishment of regional rapid transit system by authority.

1. In a county whose population is 700,000 or more, the commission shall establish a regional rapid transit authority. The membership of the regional rapid transit authority must consist of:

(a) The general manager of the commission, who shall act as chair of the authority;

(b) One member appointed by the board of county commissioners;

(c) Three members, one from each of the three largest cities within the county, who are appointed by the respective governing bodies of each city;

(d) One member selected by the association of gaming establishments whose membership collectively paid the most gaming license fees to the State pursuant to NRS 463.370 in the county in the preceding year;

(e) One member who is selected by the economic development authority in the county;

(f) One member selected by the Department of Transportation; and

(g) One member who has expertise in urban planning and design or architecture selected by the Nevada Arts Council.

2. The regional rapid transit authority shall develop a plan for the establishment of a regional rapid transit system:

(a) In cooperation with economic development, engineering, planning, tourism and utility interests in the county; and

(b) With the goal of quantifying the implications of introducing an exclusive rapid transit system in identified corridors in the county.

3. In carrying out its duties pursuant to subsection 2, the regional rapid transit authority shall:

(a) Hold public meetings to, without limitation:

(1) Evaluate the need for and desirability of a regional rapid transit system;

(2) Assess corridor and route feasibility and desirability; and

(3) Review existing mass transit options to determine how to incorporate such options into a regional rapid transit system;

(b) Undertake an analysis of various considerations involved with introducing and implementing a regional rapid transit system in the county, including, without limitation:

(1) An assessment of the available rapid transit technologies, including, without limitation, technologies that use solar power or other renewable energy sources to minimize or eliminate the use of carbon-based fuels;

(2) An assessment of the opportunities, costs and constraints of corridor options, including, without limitation:

(I) An examination and evaluation of existing rail corridors and transit routes for inclusion in the regional rapid transit system;

(II) An evaluation of potential sites for stations and facilities for the regional rapid transit system; and

(III) Identification of locations in the county that would benefit most from proximity to a regional rapid transit system, including, without limitation, airports and existing or proposed special event venues such as stadiums and racetracks;

(3) Estimates as to capital and operating costs;

(4) An assessment of potential ridership and passenger demand;

(5) An assessment of the environmental impact;

(6) A potential project schedule; and

(7) An assessment of financing options and funding sources, including, without limitation:

(I) Processes for securing federal funding; and

(II) The potential for voter approval for bonds to support any portion of the regional rapid transit system.

4. On or before February 1 of each year, the regional rapid transit authority shall submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the appropriate committee or committees of the Legislature. The report must set forth, without limitation:

(a) The activities and meetings of the authority;

(b) Any findings made by the authority regarding the analysis required by subsection 3; and

(c) The plan or current draft of the plan developed by the authority pursuant to subsection 2.

Assemblyman Daly moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 7.

Bill read third time.

Roll call on Assembly Bill No. 7:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Assembly Bill No. 7 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 296.

Bill read third time.

Roll call on Assembly Bill No. 296:

YEAS—36.

NAYS—Ellison, Krasner, Marchant, McArthur, Titus—5.

EXCUSED—Hansen.

Assembly Bill No. 296 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 259.

Bill read third time.

Roll call on Senate Bill No. 259:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Senate Bill No. 259 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 283.

Bill read third time.

Roll call on Senate Bill No. 283:

YEAS—33.

NAYS—Bilbray-Axelrod, Carlton, Cohen, Daly, Flores, Hambrick, Sprinkle, Swank—8.

EXCUSED—Hansen.

Senate Bill No. 283 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 320.

Bill read third time.

Roll call on Senate Bill No. 320:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Senate Bill No. 320 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 350.

Bill read third time.

Roll call on Senate Bill No. 350:

YEAS—24.

NAYS—Paul Anderson, Carrillo, Edwards, Ellison, Hambrick, Kramer, Krasner, Marchant, McArthur, Miller, Neal, Ohrenschall, Oscarson, Pickard, Titus, Wheeler, Woodbury—17.

EXCUSED—Hansen.

Senate Bill No. 350 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 352.
Bill read third time.
Roll call on Senate Bill No. 352:
YEAS—41.
NAYS—None.
EXCUSED—Hansen.
Senate Bill No. 352 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 17 of the 78th Session.
Resolution read third time.
Roll call on Senate Joint Resolution No. 17 of the 78th Session:
YEAS—41.
NAYS—None.
EXCUSED—Hansen.
Senate Joint Resolution No. 17 of the 78th Session having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Resolution ordered transmitted to the Senate.

Senate Bill No. 232.
Bill read third time.
Roll call on Senate Bill No. 232:
YEAS—28.
NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—13.
EXCUSED—Hansen.
Senate Bill No. 232 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 357.
Bill read third time.
Roll call on Senate Bill No. 357:
YEAS—27.
NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—14.
EXCUSED—Hansen.
Senate Bill No. 357 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 291.
Bill read third time.
Roll call on Senate Bill No. 291:
YEAS—41.
NAYS—None.
EXCUSED—Hansen.

Senate Bill No. 291 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 65.

Bill read third time.

Roll call on Senate Bill No. 65:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Senate Bill No. 65 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 251.

Bill read third time.

Roll call on Senate Bill No. 251:

YEAS—36.

NAYS—Carlton, Daly, Diaz, McCurdy, Watkins—5.

EXCUSED—Hansen.

Senate Bill No. 251 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 468.

Bill read third time.

Roll call on Senate Bill No. 468:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Senate Bill No. 468 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 448.

Bill read third time.

The following amendment was proposed by Assemblyman Daly:

Amendment No. 937.

AN ACT relating to public works; revising provisions concerning the authorization **in certain counties** of a private entity to undertake certain public works; authorizing a public body **in certain counties** to enter into a public-private partnership in connection with certain eligible facilities; providing for the financing of certain eligible facilities **[.] in certain counties;** providing for the disposition of money which is received and is to be retained by a public body pursuant to a public-private partnership **[.] in certain counties;** providing for the confidentiality of certain information submitted to a public body **[.] in certain counties;** revising provisions concerning agreements between a public body and a person concerning

certain eligible facilities ~~[.]~~ **in certain counties;** exempting property used for certain eligible facilities **in certain counties** from all real property and ad valorem taxes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a public body is authorized to accept a request from a person who wishes to develop, construct, improve, maintain or operate a transportation facility. If the public body determines that the facility serves a public purpose, the public body may authorize the requestor to carry out the facility or may request other persons to submit proposals to develop, construct, improve, maintain or operate the facility. (NRS 338.162, 338.163, 338.164) ~~[This]~~ **Sections 14.1, 14.2 and 14.3 of this** bill ~~[extends]~~ **extend** those provisions to also apply to certain other facilities, including certain tourism improvement projects ~~[.]~~ **in any county whose population is 700,000 or more (currently Clark County).**

This bill also provides **in such a county** for the use of a public-private partnership to plan, finance, design, construct, improve, maintain, operate or acquire the rights-of-way for an eligible facility. **Section 9** of this bill authorizes a public body to enter into such a partnership. **Section 10** of this bill establishes various alternatives in which a public body may procure a public-private partnership, including the use of solicitations, requests for proposals and negotiations. **Section 11** of this bill provides that an eligible facility may be financed in whole or in part with money from any lawful source. **Section 12** of this bill authorizes a public body to accept all such money and, with certain exceptions, to combine money from federal, state, local and private sources for the purposes of such a facility. **Section 13** of this bill requires that all money which is received and retained by a public body pursuant to a public-private partnership be: (1) deposited in the State Highway Fund; (2) accounted for separately; (3) used first to defray the obligations of the public body under the public-private partnership; and (4) except for costs of administration, used exclusively for the design, construction, operation, maintenance, financing and repair of the public highways in the county from which the money was received. **Section 13.5** of this bill prohibits the imposition of a fee for the use of certain roadways. **Section 14** of this bill provides that all information submitted to a public body in connection with a request, proposal or other submission concerning an eligible facility is confidential until a notice of intent to award the contract or agreement is issued. **Section 14** also establishes the procedures that a person who has submitted such information must follow to maintain the confidentiality of any trade secrets or confidential commercial, financial or proprietary information included in the submission. **Section 15** of this bill provides that the power of eminent domain may be exercised with respect to any property necessary for an eligible facility.

Existing law establishes the provisions that must be included in an agreement between a public body and a person with respect to the development, construction, improvement, maintenance or operation of a

transportation facility. (NRS 338.166) **Section ~~[21]~~ 14.4** of this bill imposes additional requirements applicable to such an agreement for an eligible facility **in a county whose population is 700,000 or more (currently Clark County)** and authorizes various other provisions that may be included in such an agreement. **Section ~~[21]~~ 14.4** also provides that an eligible facility that is developed, operated or held by a person pursuant to such an agreement is exempt from all state and local ad valorem and property taxes. **Sections ~~[17-20 and 22-25]~~ 14.1-14.3, 14.5, 14.6, 24 and 25** of this bill make various conforming changes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[16,]~~ **16.5,** inclusive, of this act.

Sec. 2. ***As used in ~~[NRS 338.161 to 338.168, inclusive, and]~~ sections 2 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in ~~[NRS 338.161 and]~~ sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Concession" means any lease, ground lease, franchise, easement, permit, right of entry, operating agreement or other binding agreement transferring rights for the use or control, in whole or in part, of an eligible facility by a public body to a private partner.***

Sec. 4. ***"Eligible facility" means:***

1. A transportation facility; and

2. A project as defined in NRS 271A.050.

Sec. 5. (Deleted by amendment.)

Sec. 6. ***"Private partner" means a person with whom a public body enters into a public-private partnership.***

Sec. 7. ***"Public-private partnership" means a contract entered into by a public body and a private partner.***

Sec. 7.5. "Transportation facility" means any existing, enhanced, upgraded or new facility used or useful for the safe transport of persons, information or goods by one or more modes of transport, including, without limitation, a road, railroad, bridge, tunnel, overpass, mass transit facility, light rail, commuter rail, conduit, ferry, boat, vessel, intermodal or multimodal system, a system using autonomous technology, as defined in NRS 482A.025, and any rights-of-way necessary for the facility. The term includes:

1. Related or ancillary facilities used or useful for providing, operating, maintaining or generating revenue for a transportation facility, including, without limitation, administrative buildings, structures, rest areas, maintenance yards and buildings, rail yards, rolling stock, storage facilities, ports of entry, vehicles, control systems, communication systems, information systems, energy systems, parking facilities and other related

equipment or property that is needed or used to support the transportation facility or the transportation of persons, information or goods; and

2. All improvements, including equipment, necessary to the full utilization of a transportation facility, including, without limitation, site preparation, roads and streets, sidewalks, water supply, outdoor lighting, belt line railroad sidings and lead tracks, bridges, causeways, terminals for railroad, automotive and air transportation and transportation facilities incidental to the project.

Sec. 8. ***"User fee" means a fee, toll, fare or other similar charge, including, without limitation, any incidental, account maintenance, administrative, credit card or video tolling fee or charge, imposed on a person for his or her use of an eligible facility by a public body or by a private partner pursuant to a public-private partnership.***

Sec. 8.5. The provisions of sections 2 to 16, inclusive, of this act apply only in a county whose population is 700,000 or more.

Sec. 9. ***1. A public body may enter into a public-private partnership to plan, finance, design, construct, improve, maintain, operate or acquire the rights-of-way for, or any combination thereof, an eligible facility.***

2. A public-private partnership may include, without limitation:

(a) A predevelopment agreement leading to another implementing agreement for an eligible facility as described in this subsection;

(b) A design-build contract;

(c) A design-build contract that includes the financing, maintenance or operation, or any combination thereof, of the eligible facility;

(d) A contract involving a construction manager at risk;

(e) A concession, including, without limitation, a toll concession and an availability payment concession;

(f) A construction agreement that includes the financing, maintenance or operation, or any combination thereof, of the eligible facility;

(g) An operation and maintenance agreement for an eligible facility;

(h) Any other method or agreement for completion of the eligible facility that the public body determines will serve the public interest; or

(i) Any combination of paragraphs (a) to (h), inclusive.

Sec. 10. ***1. A public body may procure a public-private partnership by means of:***

(a) Requests for project proposals in which the public body describes a class of eligible facilities or a geographic area in which private entities are invited to submit proposals to develop eligible facilities.

(b) Solicitations using requests for qualifications, short-listings of qualified proposers, requests for proposals, negotiations, best and final offers or other procurement procedures.

(c) Procurements seeking from the private sector development and finance plans most suitable for the project.

(d) Best value selection procurements based on price or financial proposals, or both, or other factors.

(e) Other procedures that the public body determines may further the implementation of a public-private partnership.

2. For any procurement in which the public body issues a request for qualifications, request for proposals or similar solicitation document, the request must generally set forth the factors that will be evaluated and the manner in which responses will be evaluated. Such factors may include, without limitation:

(a) The ability of the eligible facility to promote economic growth and, in the case of a transportation facility, to improve safety, reduce congestion or increase capacity.

(b) The proposed cost and a proposed financial plan for the eligible facility.

(c) The general reputation, qualifications, industry experience and financial capacity of the proposer.

(d) The proposed design, operation and feasibility of the eligible facility.

(e) Comments from users, local citizens and affected jurisdictions.

(f) Benefits to the public.

(g) The safety record of the proposer.

(h) Other criteria that the public body deems appropriate.

3. In evaluating proposals, the public body may give such relative weight to factors such as cost, financial commitment, innovative financing, technical, scientific, technological or socioeconomic merit and other factors as the public body deems appropriate.

4. The public body may procure services, award agreements and administer revenues as authorized in this section notwithstanding any requirements of any other state or local statute, regulation or ordinance relating to public bidding or other procurement procedures or other provisions otherwise applicable to public works, services or utilities.

5. The public body may expend money from any lawful source reasonably necessary for the development of procurements, evaluation of concepts or proposals, negotiation of agreements and implementation of agreements for the development or operation of transportation facilities pursuant to ~~[this chapter.]~~ sections 2 to 16, inclusive, of this act.

6. Any state agency or any county, municipality or other public agency may sell, lease, grant, transfer or convey to the public body, with or without consideration, any facility or any part or parts thereof or any real or personal property or interest therein which may be useful to the public body for any authorized purpose. In any case where the construction of a facility has not been completed, the public agency concerned may also transfer, sell, assign, and set over to the public body, with or without consideration, any existing contract for the construction of the facility.

Sec. 11. ***1. An eligible facility may be financed, in whole or in part, with money from any lawful source, including, without limitation:***

(a) Any public or private funding, loan, grant, line of credit, loan guarantee, credit instrument, private activity bond allocation, grant

anticipation revenue bond, credit assistance from the government of this State or the Federal Government or other type of assistance that is available for the purposes of the eligible facility.

(b) Any grant, donation, gift or other form of conveyance of land, money, other real or personal property or other thing of value made to the public body for the purposes of the eligible facility.

(c) A contribution of money or property made by any private entity or public sector partner that is a party to any agreement entered into pursuant to ~~[NRS 338.161 to 338.168, inclusive, and]~~ sections 2 to 16, inclusive, of this act.

(d) Money appropriated for the eligible facility by the State or by the public body.

(e) User fees, lease proceeds, rents, availability payments, gross or net receipts from sales, proceeds from the sale of development rights, franchise charges, permit charges, rents, advertising and sponsorship charges, service charges or any other lawful form of consideration.

(f) Private activity bonds as described in 26 U.S.C. § 141.

(g) Any other form of public or private capital that is available for the purposes of the eligible facility.

(h) Any combination of paragraphs (a) to (g), inclusive.

2. If a public body, in accordance with applicable law, issues a note, bond or other debt obligation to finance an eligible facility that is expected to generate revenue of any kind, the revenue from the eligible facility may be pledged as security for the payment of the obligation, but the bonds or notes are special, limited obligations of the public body payable solely from the revenues specifically pledged to the payment of those obligations, as specified in the resolution for the issuance of the bonds or notes, and do not create a debt of the State for the purposes of Section 3 of Article 9 of the Nevada Constitution.

3. Any financing issued by a public body pursuant to this section may be structured on a senior, parity or subordinate basis to any other financing.

4. A public body may issue revenue bonds or notes to provide money for any transportation facility.

Sec. 12. *1. A public body, either directly or through a designated party, may:*

(a) Accept from the United States or any of its agencies money that is available to the public body for carrying out the purposes of ~~[NRS 338.161 to 338.168, inclusive, and]~~ sections 2 to 16, inclusive, of this act, whether the money is made available by grant, loan or other financing arrangement.

(b) Enter into agreements and other arrangements with the United States or any of its agencies as may be necessary, proper and convenient for carrying out the provisions of ~~[NRS 338.161 to 338.168, inclusive, and]~~ sections 2 to 16, inclusive, of this act.

(c) Accept from any source any grant, donation, gift or other form of conveyance of land, money, other real or personal property or other valuable thing made to the public body for carrying out the provisions of ~~[NRS 338.161 to 338.168, inclusive, and]~~ sections 2 to 16, inclusive, of this act.

2. Except as otherwise provided in section 13 of this act or applicable federal law, and notwithstanding any other provision of law, money from federal, state and local sources may be combined with money from any private source for carrying out the purposes of ~~[NRS 338.161 to 338.168, inclusive, and]~~ sections 2 to 16, inclusive, of this act.

Sec. 13. *All money which is received and is to be retained by a public body pursuant to a public-private partnership and which is derived from the imposition of any charge with respect to the operation of any motor vehicle upon any public highway in this State must be deposited in the State Highway Fund, accounted for separately and, except for costs of administration, be used exclusively for the design, construction, operation, maintenance, financing and repair of the public highways of the county from which the money is received. The money must first be used to defray the obligations for which the public body is responsible under the public-private partnership, including, without limitation, the costs of administration, design, construction, operation, maintenance, financing and repair of the eligible transportation facility from which the money is derived.*

Sec. 13.5. *No user fee may be charged, because of any project undertaken as part of a public-private partnership authorized by ~~[NRS 338.161 to 338.168, inclusive, and]~~ sections 2 to 16, inclusive, of this act, for the use of any portion of any roadway in existence on July 1, 2017.*

Sec. 14. *1. Notwithstanding any other provision of law, any information obtained by or disclosed to a public body in connection with a request or proposal pursuant to ~~[NRS 338.163 or 338.164]~~ sections 14.2 or 14.3 of this act or during the procurement or negotiation of a public-private partnership pursuant to section 10 of this act must be kept confidential until a notice of intent to award the contract, agreement or public-private partnership is issued, absent an administrative or judicial order requiring release or disclosure.*

2. Except as otherwise provided in NRS 239.0115, a public body may exempt from release to the public any trade secrets or confidential commercial, financial or proprietary information included in a request or proposal submitted to the public body pursuant to subsection 1 if the submitter:

(a) Specifies the portions of the proposal or other submission that the submitter considers to be trade secrets or confidential commercial, financial or proprietary information;

(b) Invokes exclusion upon submission of the information or other materials for which protection is sought;

(c) Identifies the data or other materials for which protection is sought with conspicuous labeling;

(d) States the reasons why protection is necessary; and

(e) Fully complies with all applicable state law with respect to information that the submitter contends should be exempt from disclosure.

Sec. 14.1. A public body may authorize a person to design, finance, lease, repair, acquire, extend, expand, plan, equip, replace, develop, construct, improve, maintain or operate, or any combination thereof, an eligible facility pursuant to sections 14.2 or 14.3 of this act.

Sec. 14.2. 1. A person may submit a request to a public body to design, finance, lease, repair, acquire, extend, expand, plan, equip, replace, develop, construct, improve, maintain or operate, or any combination thereof, an eligible facility.

2. The request must be accompanied by the following information:

(a) A topographic map indicating the location of the eligible facility.

(b) A description of the eligible facility, including, without limitation, the conceptual design of the eligible facility.

(c) The projected total cost of the eligible facility over its life and the proposed date for the development of or the commencement of the construction of, or improvements to, the eligible facility.

(d) A statement setting forth the method by which the person submitting the request proposes to secure all property interests required for the eligible facility. The statement must include, without limitation:

(1) The names and addresses, if known, of the current owners of any property needed for the eligible facility;

(2) The nature of the property interests to be acquired; and

(3) Any property that the person submitting the request proposes that the public body condemn.

(e) A list of all permits and approvals required for the development or construction of or improvement to the eligible facility from local, state or federal agencies and a projected schedule for obtaining those permits and approvals.

(f) A statement setting forth the general plans of the person submitting the request for financing and operating the eligible facility, which must include, without limitation:

(1) A plan for the development, financing and operation of the eligible facility, including, without limitation, an indication of the proposed sources of money for the development and operation of the eligible facility, the anticipated use of such money and the anticipated schedule for the receipt of such money;

(2) A list of any assumptions made by the person about the anticipated use of the eligible facility, including, without limitation, the fees that will be charged for the use of the eligible facility, and a discussion of those assumptions;

(3) The identification of any risk factors identified by the person that are associated with developing, constructing or improving the eligible facility and the plan for addressing those risk factors;

(4) The identification of any local, state or federal resources that the person anticipates requesting for development and operation of the eligible facility, including, without limitation, an anticipated schedule for the receipt of those resources and the effect of those resources on any statewide or regional program for the improvement of transportation; and

(5) The identification and analysis of any costs or benefits associated with the proposed facility, performed by a professional engineer who is licensed pursuant to chapter 625 of NRS.

(g) The names and addresses of the persons who may be contacted for further information concerning the request.

(h) Any additional material and information that the public body may request.

3. If the eligible facility is a transportation facility, the request must also include:

(a) Information relating to the current transportation plans, if any, of any governmental entity in the jurisdiction of which any portion of the transportation facility is located.

(b) A list of the facilities of any utility or existing transportation facility that will be impacted by the transportation facility and a statement of the plans of the person submitting the request to accommodate such crossings.

Sec. 14.3. If a public body receives a request regarding an eligible facility pursuant to section 14.2 of this act and the public body determines that the eligible facility serves a public purpose, the public body may request other persons to submit proposals to design, finance, lease, repair, acquire, extend, expand, plan, equip, replace, develop, construct, improve, maintain or operate, or any combination thereof, the eligible facility.

Sec. 14.4. 1. A public body may approve a request, proposal or other submission submitted pursuant to sections 10, 14.2 or 14.3 of this act if the public body determines that the eligible facility serves a public purpose. In determining whether the eligible facility serves a public purpose, the public body shall consider whether:

(a) There is a public need for the type of eligible facility that is proposed;

(b) If the eligible facility is a transportation facility, the proposed interconnections between the transportation facility and existing transportation facilities and the plans of the person submitting the request for the operation of the transportation facility are reasonable and compatible with any statewide or regional program for the improvement of transportation and with the transportation plans of any other governmental entity in the jurisdiction of which any portion of the transportation facility will be located;

(c) The estimated cost of the eligible facility is reasonable in relation to similar facilities, as determined by an analysis of the cost performed by a professional engineer who is licensed pursuant to chapter 625 of NRS;

(d) The plans of the person submitting the request will result in the timely development or construction of, or improvement to, the eligible facility or its more efficient operation;

(e) The plans of the person submitting the request contain any penalties for the failure of the person submitting the request to meet any deadline which results in the untimely development or construction of, or improvement to, the eligible facility or failure to meet any deadline for its more efficient operation; and

(f) The long-term quality of the eligible facility will meet a level of performance established by the public body over a sufficient duration of time to provide value to the public.

2. In evaluating a request, proposal or other submission submitted pursuant to sections 10, 14.2 or 14.3 of this act, the public body may consider internal staff reports prepared by personnel of the public body who are familiar with the operation of similar eligible facilities or the advice of outside advisors or consultants with relevant experience.

3. The public body shall furnish a copy of a request, proposal or other submission submitted pursuant to sections 10, 14.2 or 14.3 of this act to each governmental entity that has jurisdiction over an area in which any part of the eligible facility is located. Within 30 days after receipt of such a request or proposal, the governmental entity shall submit in writing to the public body, for consideration by the public body, any comments that the governmental entity has concerning the eligible facility and shall indicate whether the eligible facility is compatible with any local, regional or statewide plan or program that is applicable to the governmental entity.

4. A public body shall charge a reasonable fee to cover the costs of processing, reviewing and evaluating a request, proposal or other submission submitted pursuant to sections 10, 14.2 or 14.3 of this act, including, without limitation, reasonable fees for the services of an attorney or a financial or other consultant or advisor, to be collected before the public body accepts the request, proposal or other submission for processing, review and evaluation.

5. The approval of a request, proposal or other submission by the public body is contingent on the person who submitted the request, proposal or other submission entering into an agreement with the public body. In such an agreement, the public body shall include, without limitation:

(a) Criteria that address the long-term quality of the eligible facility.

(b) The date, if any, of termination of the authority and duties pursuant to sections 2 to 16, inclusive, of this act of the person whose request, proposal or other submission was approved by the public body with respect

to the eligible facility and for the dedication of the eligible facility to the public body.

(c) Provision by which the person whose request, proposal or other submission was approved by the public body expressly agrees that the person is prohibited from seeking injunctive or other equitable relief to delay, prevent or otherwise hinder the public body or any other jurisdiction from developing, constructing or maintaining any facility that was planned and that would or might impact the revenue that the person would or might derive from the facility developed under the agreement, except that the agreement may provide for reasonable compensation to the person for the adverse effect on user fee revenues resulting from the development, construction and maintenance of an unplanned revenue impacting facility.

(d) A provision requiring all plans and specifications for any eligible facility constructed, operated or maintained pursuant to sections 2 to 16, inclusive, of this act to comply with state standards and any applicable federal standards.

(e) If the eligible facility is a transportation facility, a provision requiring all user fee revenues generated from the transportation facility to be used for right-of-way acquisition, planning, design, construction, reconstruction, operation, maintenance and enforcement of transportation facilities within the same county in which the user fee revenues are generated, except to the extent such user fee revenues are otherwise pledged or allocated pursuant to the financial terms of an agreement entered into pursuant to sections 2 to 16, inclusive, of this act.

6. In any agreement between a public body and a person whose request, proposal or other submission for an eligible facility pursuant to sections 2 to 16, inclusive, of this act, was approved by the public body, the public body may also include provisions that:

(a) Authorize the public body or the person to establish and collect user fees, rents, advertising and sponsorship charges, service charges or similar charges, including provisions related to traffic management strategies, if applicable.

(b) Specify technology to be used in the eligible facility.

(c) Establish circumstances under which the public body may receive all or a share of revenues from such charges.

(d) Govern enforcement of tolls, if applicable, including provisions for use of cameras or other mechanisms to ensure that users have paid tolls that are due and provisions that allow the person access to relevant databases for enforcement purposes.

(e) Authorize the public body to continue or cease collection of user charges, tolls, fares or similar charges after the end of the term of the agreement.

(f) Allow for payments to be made to the person, including, without limitation, availability payments or performance based payments.

(g) Allow the public body to accept payments of monies and share revenues with the person.

(h) Address how the person and public body will share management of the risks of the project.

(i) Specify how the person and public body will share development costs.

(j) Allocate financial responsibility for cost overruns.

(k) Establish the damages to be assessed for nonperformance.

(l) Establish performance criteria or incentives, or both.

(m) Address the acquisition of rights-of-way and other property interests that may be required, including provisions that address the exercise of eminent domain as provided in section 15 of this act.

(n) Establish recordkeeping, accounting and auditing standards to be used.

(o) For an eligible facility that reverts to public ownership, address responsibility for reconstruction or renovations that are required in order for the eligible facility to meet all applicable government standards upon reversion of the facility.

(p) Provide for patrolling and law enforcement on public facilities.

(q) Identify any specifications that must be satisfied.

(r) Require the person to provide performance and payment bonds for design and construction pursuant to chapter 339 of NRS, surety bonds, if required by the public body, parent company guarantees, letters of credit or other acceptable forms of security or a combination of those.

(s) Allow the public body to acquire real property that is needed for and related to the eligible facility, including acquisition by exchange for other real property that is owned by the public body.

(t) Allow the public body to sell or lease naming rights with regard to any eligible facility.

7. Notwithstanding any other provision of law, an eligible facility that is developed, operated or held by a person pursuant to an agreement pursuant to this section is exempt from all state and local ad valorem and property taxes that might otherwise apply.

8. In connection with the approval of an eligible facility, the public body shall establish a date for the development of or the commencement of the construction of, or improvements to, the eligible facility. The public body may extend the date from time to time.

Sec. 14.5. A public body may contract with a person whose request or proposal submitted pursuant to sections 14.2 or 14.3 of this act is approved pursuant to section 14.4 of this act for services to be provided by the eligible facility in exchange for such payments for service and other consideration as the public body may deem appropriate.

Sec. 14.6. The public body may take any action necessary to obtain federal, state or local assistance for an eligible facility that it approves and may enter into any contracts required to receive such assistance. The public body shall, by resolution, determine if it serves the public purpose

for all or a portion of the costs of the eligible facility to be paid, directly or indirectly, from the proceeds of a grant or loan made by the local, state or Federal Government or any agency or instrumentality thereof.

Sec. 15. ***This State, or any public agency so authorized under chapter 37 of NRS, may exercise the power of eminent domain to acquire property, rights-of-way or other rights in property for projects that are necessary to develop, operate or hold an eligible facility regardless of whether the property will be owned in fee simple by this State or applicable public body or whether the property will be leased according to the terms of an agreement executed pursuant to [NRS 338.166.] section 14.4 of this act.***

Sec. 16. ***If no federal money is used on an eligible facility, the laws of this State govern. Notwithstanding any other provision of [NRS 338.161 to 338.168, inclusive, and] sections 2 to 16, inclusive, of this act, if federal money is used on an eligible facility and applicable federal laws conflict with [NRS 338.161 to 338.168, inclusive, and] sections 2 to 16, inclusive, of this act, or require provisions or procedures inconsistent with those statutes, the applicable federal laws govern.***

Sec. 16.5. The provisions of this section and NRS 338.161 to 338.168, inclusive, apply to any county whose population is less than 700,000.

Sec. 17. NRS 338.161 is hereby amended to read as follows:

338.161 As used in NRS 338.161 to 338.168, inclusive, ***and section 16.5 of this act,*** unless the context otherwise requires, "transportation ***["Transportation]*** facility" means a ***[any existing, enhanced, upgraded or new facility used or useful for the safe transport of persons, information or goods by one or more modes of transport, including, without limitation, a]*** road, railroad, bridge, tunnel, overpass, airport, mass transit facility, ***[, light rail, commuter rail, conduit, ferry, boat, vessel, intermodal or multimodal system, a system using autonomous technology, as defined in NRS 482A.025, and any rights of way necessary for the facility. The term includes:***

1. Related or ancillary facilities used or useful for providing, operating, maintaining or generating revenue for a transportation facility, including, without limitation, administrative buildings, structures, rest areas, maintenance yards and buildings, rail yards, rolling stock, storage facilities, ports of entry, vehicles, control systems, communication systems, information systems, energy systems,] parking facility for vehicles or similar commercial facility used for the support of or the transportation of persons or goods, including, without limitation, any ***[facilities and]*** other ***[related equipment or]*** property that is needed ***[or used]*** to operate ***[support]*** the ***[transportation]*** facility . The term does not include a toll bridge or toll road. ***[or the transportation of persons, information or goods; and***

2. All improvements, including equipment, necessary to the full utilization of a transportation facility, including, without limitation, site preparation, roads and streets, sidewalks, water supply, outdoor lighting, belt line railroad sidings and lead tracks, bridges, causeways, terminals for

~~***railroad, automotive and air transportation and transportation facilities incidental to the project.]***~~

Sec. 18. ~~**[**NRS 338.162 is hereby amended to read as follows:~~

~~"338.162 A public body may authorize a person to ***design, finance, lease, repair, acquire, extend, expand, plan, equip, replace,*** develop, construct, improve, maintain or operate, or any combination thereof, **[**a transportation**]** ***an eligible*** facility pursuant to NRS 338.163 or 338.164.**]**~~ **(Deleted by amendment.)**

Sec. 19. ~~**[**NRS 338.163 is hereby amended to read as follows:~~

~~"338.163 1. A person may submit a request to a public body to ***design, finance, lease, repair, acquire, extend, expand, plan, equip, replace,*** develop, construct, improve, maintain or operate, or any combination thereof, **[**a transportation**]** ***an eligible*** facility.~~

~~2. The request must be accompanied by the following information:~~

~~(a) A topographic map indicating the location of the **[**transportation**]** ***eligible*** facility.~~

~~(b) A description of the **[**transportation**]** ***eligible*** facility, including, without limitation, the conceptual design of the **[**transportation**]** ***eligible*** facility **. [**and all proposed interconnections with other transportation facilities.**]**~~

~~(c) The projected total cost of the **[**transportation**]** ***eligible*** facility over its life and the proposed date for the development of or the commencement of the construction of, or improvements to, the **[**transportation**]** ***eligible*** facility.~~

~~(d) A statement setting forth the method by which the person submitting the request proposes to secure all property interests required for the **[**transportation**]** ***eligible*** facility. The statement must include, without limitation:~~

~~(1) The names and addresses, if known, of the current owners of any property needed for the **[**transportation**]** ***eligible*** facility;~~

~~(2) The nature of the property interests to be acquired; and~~

~~(3) Any property that the person submitting the request proposes that the public body condemn.~~

~~(e) **[**Information relating to the current transportation plans, if any, of any governmental entity in the jurisdiction of which any portion of the transportation facility is located.~~

~~(f)**]** A list of all permits and approvals required for the development or construction of or improvement to the **[**transportation**]** ***eligible*** facility from local, state or federal agencies and a projected schedule for obtaining those permits and approvals.~~

~~**[**(g) A list of the facilities of any utility or existing transportation facility that will be crossed by the transportation facility and a statement of the plans of the person submitting the request to accommodate such crossings.~~

~~(h)**]** ***(f)*** A statement setting forth the general plans of the person submitting the request for financing and operating the **[**transportation**]** ***eligible*** facility, which must include, without limitation:~~

~~(1) A plan for the development, financing and operation of the [transportation] *eligible* facility, including, without limitation, an indication of the proposed sources of money for the development and operation of the [transportation] *eligible* facility, the anticipated use of such money and the anticipated schedule for the receipt of such money;~~

~~(2) A list of any assumptions made by the person about the anticipated use of the [transportation] *eligible* facility, including, without limitation, the fees that will be charged for the use of the [transportation] *eligible* facility, and a discussion of those assumptions;~~

~~(3) The identification of any risk factors identified by the person that are associated with developing, constructing or improving the [transportation] *eligible* facility and the plan for addressing those risk factors;~~

~~(4) The identification of any local, state or federal resources that the person anticipates requesting for development and operation of the [transportation] *eligible* facility, including, without limitation, an anticipated schedule for the receipt of those resources and the effect of those resources on any statewide or regional program for the improvement of transportation; and~~

~~(5) The identification and analysis of any costs or benefits associated with the proposed facility, performed by a professional engineer who is licensed pursuant to chapter 625 of NRS.~~

~~[(i)] *(g)* The names and addresses of the persons who may be contacted for further information concerning the request.~~

~~[(j)] *(h)* Any additional material and information that the public body may request.~~

~~*3. If the eligible facility is a transportation facility, the request must also include:*~~

~~*(a) Information relating to the current transportation plans, if any, of any governmental entity in the jurisdiction of which any portion of the transportation facility is located.*~~

~~*(b) A list of the facilities of any utility or existing transportation facility that will be impacted by the transportation facility and a statement of the plans of the person submitting the request to accommodate such crossings.]~~ (Deleted by amendment.)**

Sec. 20. ~~[NRS 338.164 is hereby amended to read as follows:~~

~~338.164 If a public body receives a request regarding [a transportation] *an eligible* facility pursuant to NRS 338.163 and the public body determines that the [transportation] *eligible* facility serves a public purpose, the public body may request other persons to submit proposals to *design, finance, lease, repair, acquire, extend, expand, plan, equip, replace,* develop, construct, improve, maintain or operate, or any combination thereof, the [transportation] *eligible* facility.]~~ (Deleted by amendment.)

Sec. 21. ~~[NRS 338.166 is hereby amended to read as follows:~~

~~338.166 1. A public body may approve a request , [or] proposal *or other submission* submitted pursuant to NRS 338.163 or 338.164 *or section*~~

~~***10 of this act*** if the public body determines that the **[**transportation**]** ***eligible*** facility serves a public purpose. In determining whether the **[**transportation**]** ***eligible*** facility serves a public purpose, the public body shall consider whether:~~

~~— (a) There is a public need for the type of **[**transportation**]** ***eligible*** facility that is proposed;~~

~~— (b) **[**The**]** ***If the eligible facility is a transportation facility, the*** proposed interconnections between the transportation facility and existing transportation facilities and the plans of the person submitting the request for the operation of the transportation facility are reasonable and compatible with any statewide or regional program for the improvement of transportation and with the transportation plans of any other governmental entity in the jurisdiction of which any portion of the transportation facility will be located;~~

~~— (c) The estimated cost of the **[**transportation**]** ***eligible*** facility is reasonable in relation to similar **[**transportation**]** facilities, as determined by an analysis of the cost performed by a professional engineer who is licensed pursuant to chapter 625 of NRS;~~

~~— (d) The plans of the person submitting the request will result in the timely development or construction of, or improvement to, the **[**transportation**]** ***eligible*** facility or its more efficient operation;~~

~~— (e) The plans of the person submitting the request contain any penalties for the failure of the person submitting the request to meet any deadline which results in the untimely development or construction of, or improvement to, the **[**transportation**]** ***eligible*** facility or failure to meet any deadline for its more efficient operation; and~~

~~— (f) The long-term quality of the **[**transportation**]** ***eligible*** facility will meet a level of performance established by the public body over a sufficient duration of time to provide value to the public.~~

~~— 2. In evaluating a request **, [**or**]** proposal ***or other submission*** submitted pursuant to NRS 338.163 or 338.164, ***or section 10 of this act,*** the public body may consider internal staff reports prepared by personnel of the public body who are familiar with the operation of similar **[**transportation**]** ***eligible*** facilities or the advice of outside advisors or consultants with relevant experience.~~

~~— 3. The public body shall **[**request that a person who submitted a request or proposal pursuant to NRS 338.163 or 338.164**]** furnish a copy of **[**the**]** ***a*** request **, [**or**]** proposal ***or other submission submitted pursuant to NRS 338.163, 338.164 or section 10 of this act*** to each governmental entity that has jurisdiction over an area in which any part of the **[**transportation**]** ***eligible*** facility is located. Within 30 days after receipt of such a request or proposal, the governmental entity shall submit in writing to the public body, for consideration by the public body, any comments that the governmental entity has concerning the **[**transportation**]** ***eligible*** facility and shall indicate whether the **[**transportation**]** ***eligible*** facility is compatible with any local, regional or~~

~~statewide [transportation] plan or program that is applicable to the governmental entity.~~

~~4. A public body shall charge a reasonable fee to cover the costs of processing, reviewing and evaluating a request , [or] proposal *or other submission* submitted pursuant to NRS 338.163 or 338.164, *or section 10 of this act,* including, without limitation, reasonable fees for the services of an attorney or a financial or other consultant or advisor, to be collected before the public body accepts the request , [or] proposal *or other submission* for processing, review and evaluation.~~

~~5. The approval of a request , [or] proposal *or other submission* by the public body is contingent on the person who submitted the request , [or] proposal *or other submission* entering into an agreement with the public body. In such an agreement, the public body shall include, without limitation:~~

~~(a) Criteria that address the long-term quality of the [transportation] *eligible* facility.~~

~~(b) The date *, if any,* of termination of the authority and duties pursuant to NRS 338.161 to 338.168, inclusive, *and sections 2 to 16, inclusive, of this act* of the person whose request , [or] proposal *or other submission* was approved by the public body with respect to the [transportation] *eligible* facility and for the dedication of the [transportation] *eligible* facility to the public body . [on that date.]~~

~~(c) Provision [for the imposition] by *which* the person whose request , [or] proposal *or other submission* was approved by the public body [of such rates, fees or other charges as may be established from time to time by agreement of the parties for use of all or a portion of a transportation facility, other than a bridge or road.] *expressly agrees that the person is prohibited from seeking injunctive or other equitable relief to delay, prevent or otherwise hinder the public body or any other jurisdiction from developing, constructing or maintaining any facility that was planned and that would or might impact the revenue that the person would or might derive from the facility developed under the agreement, except that the agreement may provide for reasonable compensation to the person for the adverse effect on user fee revenues resulting from the development, construction and maintenance of an unplanned revenue impacting facility.*~~

~~*(d) A provision requiring all plans and specifications for any eligible facility constructed, operated or maintained pursuant to NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act to comply with state standards and any applicable federal standards.*~~

~~*(e) If the eligible facility is a transportation facility, a provision requiring all user fee revenues generated from the transportation facility to be used for right-of-way acquisition, planning, design, construction, reconstruction, operation, maintenance and enforcement of transportation facilities within the same county in which the user fee revenues are generated, except to the extent such user fee revenues are otherwise pledged or allocated pursuant to the financial terms of an agreement*~~

~~*entered into pursuant to NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act.*~~

~~*6. In any agreement between a public body and a person whose request, proposal or other submission for an eligible facility pursuant to NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act, was approved by the public body, the public body may also include provisions that:*~~

~~*(a) Authorize the public body or the person to establish and collect user fees, rents, advertising and sponsorship charges, service charges or similar charges, including provisions related to traffic management strategies, if applicable.*~~

~~*(b) Specify technology to be used in the eligible facility.*~~

~~*(c) Establish circumstances under which the public body may receive all or a share of revenues from such charges.*~~

~~*(d) Govern enforcement of tolls, if applicable, including provisions for use of cameras or other mechanisms to ensure that users have paid tolls that are due and provisions that allow the person access to relevant databases for enforcement purposes.*~~

~~*(e) Authorize the public body to continue or cease collection of user charges, tolls, fares or similar charges after the end of the term of the agreement.*~~

~~*(f) Allow for payments to be made to the person, including, without limitation, availability payments or performance based payments.*~~

~~*(g) Allow the public body to accept payments of monies and share revenues with the person.*~~

~~*(h) Address how the person and public body will share management of the risks of the project.*~~

~~*(i) Specify how the person and public body will share development costs.*~~

~~*(j) Allocate financial responsibility for cost overruns.*~~

~~*(k) Establish the damages to be assessed for nonperformance.*~~

~~*(l) Establish performance criteria or incentives, or both.*~~

~~*(m) Address the acquisition of rights of way and other property interests that may be required, including provisions that address the exercise of eminent domain as provided in section 15 of this act.*~~

~~*(n) Establish recordkeeping, accounting and auditing standards to be used.*~~

~~*(o) For an eligible facility that reverts to public ownership, address responsibility for reconstruction or renovations that are required in order for the eligible facility to meet all applicable government standards upon reversion of the facility.*~~

~~*(p) Provide for patrolling and law enforcement on public facilities.*~~

~~*(q) Identify any specifications that must be satisfied.*~~

~~*(r) Require the person to provide performance and payment bonds for design and construction pursuant to chapter 339 of NRS, surety bonds, if*~~

~~*required by the public body, parent company guarantees, letters of credit or other acceptable forms of security or a combination of those.*~~

~~*(s) Allow the public body to acquire real property that is needed for and related to the eligible facility, including acquisition by exchange for other real property that is owned by the public body.*~~

~~*(t) Allow the public body to sell or lease naming rights with regard to any eligible facility.*~~

~~*7. Notwithstanding any other provision of law, an eligible facility that is developed, operated or held by a person pursuant to an agreement pursuant to this section is exempt from all state and local ad valorem and property taxes that might otherwise apply.*~~

~~*8.* In connection with the approval of **[**a transportation**]** ***an eligible*** facility, the public body shall establish a date for the development of or the commencement of the construction of, or improvements to, the **[**transportation**]** ***eligible*** facility. The public body may extend the date from time to time.**]**~~ **(Deleted by amendment.)**

Sec. 22. ~~**[**NRS 338.167 is hereby amended to read as follows:~~

~~338.167 A public body may contract with a person whose request or proposal ***submitted pursuant to NRS 338.163 or 338.164*** is approved pursuant to NRS 338.166 for **[**transportation**]** services to be provided by the **[**transportation**]** ***eligible*** facility in exchange for such payments for service and other consideration as the public body may deem appropriate.**]**~~ **(Deleted by amendment.)**

Sec. 23. ~~**[**NRS 338.168 is hereby amended to read as follows:~~

~~338.168 The public body may take any action necessary to obtain federal, state or local assistance for **[**a transportation**]** ***an eligible*** facility that it approves and may enter into any contracts required to receive such assistance. The public body shall, by resolution, determine if it serves the public purpose for all or a portion of the costs of the **[**transportation**]** ***eligible*** facility to be paid, directly or indirectly, from the proceeds of a grant or loan made by the local, state or Federal Government or any agency or instrumentality thereof.**]**~~ **(Deleted by amendment.)**

Sec. 24. NRS 338.1711 is hereby amended to read as follows:

338.1711 1. Except as otherwise provided in this section and NRS 338.161 to ~~**[**338.16995,**]**~~ ***338.168,*** inclusive, ***and sections 2 to 16, inclusive, of this act,*** a public body shall contract with a prime contractor for the construction of a public work for which the estimated cost exceeds $100,000.

2. A public body may contract with a design-build team for the design and construction of a public work that is a discrete project if the public body has approved the use of a design-build team for the design and construction of the public work and the public work has an estimated cost which exceeds $5,000,000.

Sec. 25. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516,

62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400,

640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 14 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 26. This act becomes effective on July 1, 2017.

Assemblyman Daly moved the adoption of the amendment.

Amendment adopted.

The following amendment was proposed by Assemblyman Carrillo:

Amendment No. 958.

AN ACT relating to public works, revising provisions concerning the authorization of a private entity to undertake certain public works; authorizing a public body to enter into a public-private partnership in connection with certain eligible facilities; providing for the financing of certain eligible facilities; providing for the disposition of money which is received and is to be retained by a public body pursuant to a public-private partnership; providing for the confidentiality of certain information submitted to a public body; revising provisions concerning agreements between a public body and a person concerning certain eligible facilities; exempting property used for certain eligible facilities from all real property and ad valorem taxes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a public body is authorized to accept a request from a person who wishes to develop, construct, improve, maintain or operate a transportation facility. If the public body determines that the facility serves a public purpose, the public body may authorize the requestor to carry out the facility or may request other persons to submit proposals to develop, construct, improve, maintain or operate the facility. (NRS 338.162, 338.163, 338.164) This bill extends those provisions to also apply to certain other facilities, including certain tourism improvement projects.

This bill also provides for the use of a public-private partnership to plan, finance, design, construct, improve, maintain, operate or acquire the rights-of-way for an eligible facility. **Section 9** of this bill authorizes a public body to enter into such a partnership. **Section 10** of this bill establishes various alternatives in which a public body may procure a public-private partnership, including the use of solicitations, requests for proposals and negotiations. **Section 11** of this bill provides that an eligible facility may be financed in whole or in part with money from any lawful source. **Section 12** of this bill authorizes a public body to accept all such money and, with certain exceptions, to combine money from federal, state, local and private sources for the purposes of such a facility. **Section 13** of this bill requires that all money which is received and retained by a public body pursuant to a public-private partnership be: (1) deposited in the State Highway Fund; (2) accounted for separately; (3) used first to defray the obligations of the public body under the public-private partnership; and (4) except for costs of administration, used exclusively for the design, construction, operation, maintenance, financing and repair of the public highways in the county from which the money was received. **Section 13.5** of this bill prohibits the imposition of a fee for the use of certain roadways. **Section 14** of this bill provides that all information submitted to a public body in connection with a

request, proposal or other submission concerning an eligible facility is confidential until a notice of intent to award the contract or agreement is issued. **Section 14** also establishes the procedures that a person who has submitted such information must follow to maintain the confidentiality of any trade secrets or confidential commercial, financial or proprietary information included in the submission. **Section 15** of this bill provides that the power of eminent domain may be exercised with respect to any property necessary for an eligible facility.

Existing law establishes the provisions that must be included in an agreement between a public body and a person with respect to the development, construction, improvement, maintenance or operation of a transportation facility. (NRS 338.166) **Section 21** of this bill imposes additional requirements applicable to such an agreement for an eligible facility and authorizes various other provisions that may be included in such an agreement. **Section 21** also provides that an eligible facility that is developed, operated or held by a person pursuant to such an agreement is exempt from all state and local ad valorem and property taxes. **Sections 17-20 and 22-25** of this bill make various conforming changes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this act.

Sec. 2. ***As used in NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 338.161 and sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Concession" means any lease, ground lease, franchise, easement, permit, right of entry, operating agreement or other binding agreement transferring rights for the use or control, in whole or in part, of an eligible facility by a public body to a private partner.***

Sec. 4. ***"Eligible facility" means:***

1. A transportation facility; and

2. A project as defined in NRS 271A.050.

Sec. 5. (Deleted by amendment.)

Sec. 6. ***"Private partner" means a person with whom a public body enters into a public-private partnership.***

Sec. 7. ***"Public-private partnership" means a contract entered into by a public body and a private partner.***

Sec. 8. ***"User fee" means a fee, toll, fare or other similar charge, including, without limitation, any incidental, account maintenance, administrative, credit card or video tolling fee or charge, imposed on a person for his or her use of an eligible facility by a public body or by a private partner pursuant to a public-private partnership.***

Sec. 9. *1. A public body may enter into a public-private partnership to plan, finance, design, construct, improve, maintain, operate or acquire the rights-of-way for, or any combination thereof, an eligible facility.*

2. A public-private partnership may include, without limitation:

(a) A predevelopment agreement leading to another implementing agreement for an eligible facility as described in this subsection;

(b) A design-build contract;

(c) A design-build contract that includes the financing, maintenance or operation, or any combination thereof, of the eligible facility;

(d) A contract involving a construction manager at risk;

(e) A concession, including, without limitation, a toll concession and an availability payment concession;

(f) A construction agreement that includes the financing, maintenance or operation, or any combination thereof, of the eligible facility;

(g) An operation and maintenance agreement for an eligible facility;

(h) Any other method or agreement for completion of the eligible facility that the public body determines will serve the public interest; or

(i) Any combination of paragraphs (a) to (h), inclusive.

Sec. 10. *1. A public body may procure a public-private partnership by means of:*

(a) Requests for project proposals in which the public body describes a class of eligible facilities or a geographic area in which private entities are invited to submit proposals to develop eligible facilities.

(b) Solicitations using requests for qualifications, short-listings of qualified proposers, requests for proposals, negotiations, best and final offers or other procurement procedures.

(c) Procurements seeking from the private sector development and finance plans most suitable for the project.

(d) Best value selection procurements based on price or financial proposals, or both, or other factors.

(e) Other procedures that the public body determines may further the implementation of a public-private partnership.

2. For any procurement in which the public body issues a request for qualifications, request for proposals or similar solicitation document, the request must generally set forth the factors that will be evaluated and the manner in which responses will be evaluated. Such factors may include, without limitation:

(a) The ability of the eligible facility to promote economic growth and, in the case of a transportation facility, to improve safety, reduce congestion or increase capacity.

(b) The proposed cost and a proposed financial plan for the eligible facility.

(c) The general reputation, qualifications, industry experience and financial capacity of the proposer.

(d) The proposed design, operation and feasibility of the eligible facility.

(e) Comments from users, local citizens and affected jurisdictions.

(f) Benefits to the public.

(g) The safety record of the proposer.

(h) Other criteria that the public body deems appropriate.

3. In evaluating proposals, the public body may give such relative weight to factors such as cost, financial commitment, innovative financing, technical, scientific, technological or socioeconomic merit and other factors as the public body deems appropriate.

4. The public body may procure services, award agreements and administer revenues as authorized in this section notwithstanding any requirements of any other state or local statute, regulation or ordinance relating to public bidding or other procurement procedures or other provisions otherwise applicable to public works, services or utilities.

5. The public body may expend money from any lawful source reasonably necessary for the development of procurements, evaluation of concepts or proposals, negotiation of agreements and implementation of agreements for the development or operation of transportation facilities pursuant to this chapter.

6. Any state agency or any county, municipality or other public agency may sell, lease, grant, transfer or convey to the public body, with or without consideration, any facility or any part or parts thereof or any real or personal property or interest therein which may be useful to the public body for any authorized purpose. In any case where the construction of a facility has not been completed, the public agency concerned may also transfer, sell, assign, and set over to the public body, with or without consideration, any existing contract for the construction of the facility.

Sec. 11. *1. An eligible facility may be financed, in whole or in part, with money from any lawful source, including, without limitation:*

(a) Any public or private funding, loan, grant, line of credit, loan guarantee, credit instrument, private activity bond allocation, grant anticipation revenue bond, credit assistance from the government of this State or the Federal Government or other type of assistance that is available for the purposes of the eligible facility.

(b) Any grant, donation, gift or other form of conveyance of land, money, other real or personal property or other thing of value made to the public body for the purposes of the eligible facility.

(c) A contribution of money or property made by any private entity or public sector partner that is a party to any agreement entered into pursuant to NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act.

(d) Money appropriated for the eligible facility by the State or by the public body.

(e) User fees, lease proceeds, rents, availability payments, gross or net receipts from sales, proceeds from the sale of development rights, franchise

charges, permit charges, rents, advertising and sponsorship charges, service charges or any other lawful form of consideration.

(f) Private activity bonds as described in 26 U.S.C. § 141.

(g) Any other form of public or private capital that is available for the purposes of the eligible facility.

(h) Any combination of paragraphs (a) to (g), inclusive.

2. If a public body, in accordance with applicable law, issues a note, bond or other debt obligation to finance an eligible facility that is expected to generate revenue of any kind, the revenue from the eligible facility may be pledged as security for the payment of the obligation, but the bonds or notes are special, limited obligations of the public body payable solely from the revenues specifically pledged to the payment of those obligations, as specified in the resolution for the issuance of the bonds or notes, and do not create a debt of the State for the purposes of Section 3 of Article 9 of the Nevada Constitution.

3. Any financing issued by a public body pursuant to this section may be structured on a senior, parity or subordinate basis to any other financing.

4. A public body may issue revenue bonds or notes to provide money for any transportation facility.

Sec. 12. *1. A public body, either directly or through a designated party, may:*

(a) Accept from the United States or any of its agencies money that is available to the public body for carrying out the purposes of NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act, whether the money is made available by grant, loan or other financing arrangement.

(b) Enter into agreements and other arrangements with the United States or any of its agencies as may be necessary, proper and convenient for carrying out the provisions of NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act.

(c) Accept from any source any grant, donation, gift or other form of conveyance of land, money, other real or personal property or other valuable thing made to the public body for carrying out the provisions of NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act.

2. Except as otherwise provided in section 13 of this act or applicable federal law, and notwithstanding any other provision of law, money from federal, state and local sources may be combined with money from any private source for carrying out the purposes of NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act.

Sec. 13. *All money which is received and is to be retained by a public body pursuant to a public-private partnership and which is derived from the imposition of any charge with respect to the operation of any motor vehicle upon any public highway in this State must be deposited in the*

State Highway Fund, accounted for separately and, except for costs of administration, be used exclusively for the design, construction, operation, maintenance, financing and repair of the public highways of the county from which the money is received. The money must first be used to defray the obligations for which the public body is responsible under the public-private partnership, including, without limitation, the costs of administration, design, construction, operation, maintenance, financing and repair of the eligible transportation facility from which the money is derived.

Sec. 13.5. *1. No user fee may be charged ~~[, because of any project undertaken as part of a public private partnership authorized by NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act,]~~ for the use of any roadway or portion of any roadway ~~[in existence on July 1, 2017.]~~ constructed or improved pursuant to any project undertaken as part of a public-private partnership authorized by NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act.*

2. The provisions of this section do not prohibit the imposition of a user fee for the use of any public transit system, regardless of whether the public transit system operates on or in the right-of-way for any such roadway.

3. As used in this section, "public transit system" has the meaning ascribed to it in NRS 277A.120.

Sec. 14. *1. Notwithstanding any other provision of law, any information obtained by or disclosed to a public body in connection with a request or proposal pursuant to NRS 338.163 or 338.164 or during the procurement or negotiation of a public-private partnership pursuant to section 10 of this act must be kept confidential until a notice of intent to award the contract, agreement or public-private partnership is issued, absent an administrative or judicial order requiring release or disclosure.*

2. Except as otherwise provided in NRS 239.0115, a public body may exempt from release to the public any trade secrets or confidential commercial, financial or proprietary information included in a request or proposal submitted to the public body pursuant to subsection 1 if the submitter:

(a) Specifies the portions of the proposal or other submission that the submitter considers to be trade secrets or confidential commercial, financial or proprietary information;

(b) Invokes exclusion upon submission of the information or other materials for which protection is sought;

(c) Identifies the data or other materials for which protection is sought with conspicuous labeling;

(d) States the reasons why protection is necessary; and

(e) Fully complies with all applicable state law with respect to information that the submitter contends should be exempt from disclosure.

Sec. 15. ***This State, or any public agency so authorized under chapter 37 of NRS, may exercise the power of eminent domain to acquire property, rights-of-way or other rights in property for projects that are necessary to develop, operate or hold an eligible facility regardless of whether the property will be owned in fee simple by this State or applicable public body or whether the property will be leased according to the terms of an agreement executed pursuant to NRS 338.166.***

Sec. 16. ***If no federal money is used on an eligible facility, the laws of this State govern. Notwithstanding any other provision of NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act, if federal money is used on an eligible facility and applicable federal laws conflict with NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act, or require provisions or procedures inconsistent with those statutes, the applicable federal laws govern.***

Sec. 17. NRS 338.161 is hereby amended to read as follows:

338.161 ~~[As used in NRS 338.161 to 338.168, inclusive, unless the context otherwise requires, "transportation]~~ ***"Transportation*** facility" means ~~[a]~~ ***any existing, enhanced, upgraded or new facility used or useful for the safe transport of persons, information or goods by one or more modes of transport, including, without limitation, a*** road, railroad, bridge, tunnel, overpass, ~~[airport,]~~ mass transit ~~[facility,]~~ ***, light rail, commuter rail, conduit, ferry, boat, vessel, intermodal or multimodal system, a system using autonomous technology, as defined in NRS 482A.025, and any rights-of-way necessary for the facility. The term includes:***

1. Related or ancillary facilities used or useful for providing, operating, maintaining or generating revenue for a transportation facility, including, without limitation, administrative buildings, structures, rest areas, maintenance yards and buildings, rail yards, rolling stock, storage facilities, ports of entry, vehicles, control systems, communication systems, information systems, energy systems, parking ~~[facility for vehicles or similar commercial facility used for the support of or the transportation of persons or goods, including, without limitation, any]~~ ***facilities and*** other ***related equipment or*** property ~~[that is]~~ needed ***or used*** to ~~[operate]~~ ***support*** the ***transportation*** facility ~~[. The term does not include a toll bridge or toll road.]~~ ***or the transportation of persons, information or goods; and***

2. All improvements, including equipment, necessary to the full utilization of a transportation facility, including, without limitation, site preparation, roads and streets, sidewalks, water supply, outdoor lighting, belt line railroad sidings and lead tracks, bridges, causeways, terminals for railroad, automotive and air transportation and transportation facilities incidental to the project.

Sec. 18. NRS 338.162 is hereby amended to read as follows:

338.162 A public body may authorize a person to ***design, finance, lease, repair, acquire, extend, expand, plan, equip, replace,*** develop, construct,

improve, maintain or operate, or any combination thereof, ~~[a transportation]~~ ***an eligible*** facility pursuant to NRS 338.163 or 338.164.

Sec. 19. NRS 338.163 is hereby amended to read as follows:

338.163 1. A person may submit a request to a public body to ***design, finance, lease, repair, acquire, extend, expand, plan, equip, replace,*** develop, construct, improve, maintain or operate, or any combination thereof, ~~[a transportation]~~ ***an eligible*** facility.

2. The request must be accompanied by the following information:

(a) A topographic map indicating the location of the ~~[transportation]~~ ***eligible*** facility.

(b) A description of the ~~[transportation]~~ ***eligible*** facility, including, without limitation, the conceptual design of the ~~[transportation]~~ ***eligible*** facility ~~. [and all proposed interconnections with other transportation facilities.]~~

(c) The projected total cost of the ~~[transportation]~~ ***eligible*** facility over its life and the proposed date for the development of or the commencement of the construction of, or improvements to, the ~~[transportation]~~ ***eligible*** facility.

(d) A statement setting forth the method by which the person submitting the request proposes to secure all property interests required for the ~~[transportation]~~ ***eligible*** facility. The statement must include, without limitation:

(1) The names and addresses, if known, of the current owners of any property needed for the ~~[transportation]~~ ***eligible*** facility;

(2) The nature of the property interests to be acquired; and

(3) Any property that the person submitting the request proposes that the public body condemn.

(e) ~~[Information relating to the current transportation plans, if any, of any governmental entity in the jurisdiction of which any portion of the transportation facility is located.~~

~~(f)]~~ A list of all permits and approvals required for the development or construction of or improvement to the ~~[transportation]~~ ***eligible*** facility from local, state or federal agencies and a projected schedule for obtaining those permits and approvals.

~~[(g) A list of the facilities of any utility or existing transportation facility that will be crossed by the transportation facility and a statement of the plans of the person submitting the request to accommodate such crossings.~~

~~(h)]~~ ***(f)*** A statement setting forth the general plans of the person submitting the request for financing and operating the ~~[transportation]~~ ***eligible*** facility, which must include, without limitation:

(1) A plan for the development, financing and operation of the ~~[transportation]~~ ***eligible*** facility, including, without limitation, an indication of the proposed sources of money for the development and operation of the ~~[transportation]~~ ***eligible*** facility, the anticipated use of such money and the anticipated schedule for the receipt of such money;

(2) A list of any assumptions made by the person about the anticipated use of the ~~[~~transportation~~]~~ ***eligible*** facility, including, without limitation, the fees that will be charged for the use of the ~~[~~transportation~~]~~ ***eligible*** facility, and a discussion of those assumptions;

(3) The identification of any risk factors identified by the person that are associated with developing, constructing or improving the ~~[~~transportation~~]~~ ***eligible*** facility and the plan for addressing those risk factors;

(4) The identification of any local, state or federal resources that the person anticipates requesting for development and operation of the ~~[~~transportation~~]~~ ***eligible*** facility, including, without limitation, an anticipated schedule for the receipt of those resources and the effect of those resources on any statewide or regional program for the improvement of transportation; and

(5) The identification and analysis of any costs or benefits associated with the proposed facility, performed by a professional engineer who is licensed pursuant to chapter 625 of NRS.

~~[~~(i)~~]~~ ***(g)*** The names and addresses of the persons who may be contacted for further information concerning the request.

~~[~~(j)~~]~~ ***(h)*** Any additional material and information that the public body may request.

3. If the eligible facility is a transportation facility, the request must also include:

(a) Information relating to the current transportation plans, if any, of any governmental entity in the jurisdiction of which any portion of the transportation facility is located.

(b) A list of the facilities of any utility or existing transportation facility that will be impacted by the transportation facility and a statement of the plans of the person submitting the request to accommodate such crossings.

Sec. 20. NRS 338.164 is hereby amended to read as follows:

338.164 If a public body receives a request regarding ~~[~~a transportation~~]~~ ***an eligible*** facility pursuant to NRS 338.163 and the public body determines that the ~~[~~transportation~~]~~ ***eligible*** facility serves a public purpose, the public body may request other persons to submit proposals to ***design, finance, lease, repair, acquire, extend, expand, plan, equip, replace,*** develop, construct, improve, maintain or operate, or any combination thereof, the ~~[~~transportation~~]~~ ***eligible*** facility.

Sec. 21. NRS 338.166 is hereby amended to read as follows:

338.166 1. A public body may approve a request ***,*** ~~[~~or~~]~~ proposal ***or other submission*** submitted pursuant to NRS 338.163 or 338.164 ***or section 10 of this act*** if the public body determines that the ~~[~~transportation~~]~~ ***eligible*** facility serves a public purpose. In determining whether the ~~[~~transportation~~]~~ ***eligible*** facility serves a public purpose, the public body shall consider whether:

(a) There is a public need for the type of ~~[~~transportation~~]~~ ***eligible*** facility that is proposed;

(b) ~~[~~The~~]~~ ***If the eligible facility is a transportation facility, the*** proposed interconnections between the transportation facility and existing transportation facilities and the plans of the person submitting the request for the operation of the transportation facility are reasonable and compatible with any statewide or regional program for the improvement of transportation and with the transportation plans of any other governmental entity in the jurisdiction of which any portion of the transportation facility will be located;

(c) The estimated cost of the ~~[~~transportation~~]~~ ***eligible*** facility is reasonable in relation to similar ~~[~~transportation~~]~~ facilities, as determined by an analysis of the cost performed by a professional engineer who is licensed pursuant to chapter 625 of NRS;

(d) The plans of the person submitting the request will result in the timely development or construction of, or improvement to, the ~~[~~transportation~~]~~ ***eligible*** facility or its more efficient operation;

(e) The plans of the person submitting the request contain any penalties for the failure of the person submitting the request to meet any deadline which results in the untimely development or construction of, or improvement to, the ~~[~~transportation~~]~~ ***eligible*** facility or failure to meet any deadline for its more efficient operation; and

(f) The long-term quality of the ~~[~~transportation~~]~~ ***eligible*** facility will meet a level of performance established by the public body over a sufficient duration of time to provide value to the public.

2. In evaluating a request ***,*** ~~[~~or~~]~~ proposal ***or other submission*** submitted pursuant to NRS 338.163 or 338.164, ***or section 10 of this act,*** the public body may consider internal staff reports prepared by personnel of the public body who are familiar with the operation of similar ~~[~~transportation~~]~~ ***eligible*** facilities or the advice of outside advisors or consultants with relevant experience.

3. The public body shall ~~[~~request that a person who submitted a request or proposal pursuant to NRS 338.163 or 338.164~~]~~ furnish a copy of ~~[~~the~~]~~ ***a*** request ***,*** ~~[~~or~~]~~ proposal ***or other submission submitted pursuant to NRS 338.163, 338.164 or section 10 of this act*** to each governmental entity that has jurisdiction over an area in which any part of the ~~[~~transportation~~]~~ ***eligible*** facility is located. Within 30 days after receipt of such a request or proposal, the governmental entity shall submit in writing to the public body, for consideration by the public body, any comments that the governmental entity has concerning the ~~[~~transportation~~]~~ ***eligible*** facility and shall indicate whether the ~~[~~transportation~~]~~ ***eligible*** facility is compatible with any local, regional or statewide ~~[~~transportation~~]~~ plan or program that is applicable to the governmental entity.

4. A public body shall charge a reasonable fee to cover the costs of processing, reviewing and evaluating a request ***,*** ~~[~~or~~]~~ proposal ***or other submission*** submitted pursuant to NRS 338.163 or 338.164, ***or section 10 of this act,*** including, without limitation, reasonable fees for the services of an attorney or a financial or other consultant or advisor, to be collected before

the public body accepts the request ***,*** ~~[or]~~ proposal ***or other submission*** for processing, review and evaluation.

5. The approval of a request ***,*** ~~[or]~~ proposal ***or other submission*** by the public body is contingent on the person who submitted the request ***,*** ~~[or]~~ proposal ***or other submission*** entering into an agreement with the public body. In such an agreement, the public body shall include, without limitation:

(a) Criteria that address the long-term quality of the ~~[transportation]~~ ***eligible*** facility.

(b) The date ***, if any,*** of termination of the authority and duties pursuant to NRS 338.161 to 338.168, inclusive, ***and sections 2 to 16, inclusive, of this act*** of the person whose request ***,*** ~~[or]~~ proposal ***or other submission*** was approved by the public body with respect to the ~~[transportation]~~ ***eligible*** facility and for the dedication of the ~~[transportation]~~ ***eligible*** facility to the public body ***.*** ~~[on that date.]~~

(c) Provision ~~[for the imposition]~~ by ***which*** the person whose request ***,*** ~~[or]~~ proposal ***or other submission*** was approved by the public body ~~[of such rates, fees or other charges as may be established from time to time by agreement of the parties for use of all or a portion of a transportation facility, other than a bridge or road.]~~ ***expressly agrees that the person is prohibited from seeking injunctive or other equitable relief to delay, prevent or otherwise hinder the public body or any other jurisdiction from developing, constructing or maintaining any facility that was planned and that would or might impact the revenue that the person would or might derive from the facility developed under the agreement, except that the agreement may provide for reasonable compensation to the person for the adverse effect on user fee revenues resulting from the development, construction and maintenance of an unplanned revenue impacting facility.***

(d) A provision requiring all plans and specifications for any eligible facility constructed, operated or maintained pursuant to NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act to comply with state standards and any applicable federal standards.

(e) If the eligible facility is a transportation facility, a provision requiring all user fee revenues generated from the transportation facility to be used for right-of-way acquisition, planning, design, construction, reconstruction, operation, maintenance and enforcement of transportation facilities within the same county in which the user fee revenues are generated, except to the extent such user fee revenues are otherwise pledged or allocated pursuant to the financial terms of an agreement entered into pursuant to NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act.

6. ***In any agreement between a public body and a person whose request, proposal or other submission for an eligible facility pursuant to NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act, was approved by the public body, the public body may also include provisions that:***

(a) ~~[Authorize]~~ Except as otherwise provided in section 13.5 of this act, authorize the public body or the person to establish and collect user fees, rents, advertising and sponsorship charges, service charges or similar charges, including provisions related to traffic management strategies, if applicable.

(b) Specify technology to be used in the eligible facility.

(c) Establish circumstances under which the public body may receive all or a share of revenues from such charges.

(d) Govern enforcement of tolls, if applicable, including provisions for use of cameras or other mechanisms to ensure that users have paid tolls that are due and provisions that allow the person access to relevant databases for enforcement purposes.

(e) ~~[Authorize]~~ Except as otherwise provided in section 13.5 of this act, authorize the public body to continue or cease collection of user charges, tolls, fares or similar charges after the end of the term of the agreement.

(f) Allow for payments to be made to the person, including, without limitation, availability payments or performance based payments.

(g) Allow the public body to accept payments of monies and share revenues with the person.

(h) Address how the person and public body will share management of the risks of the project.

(i) Specify how the person and public body will share development costs.

(j) Allocate financial responsibility for cost overruns.

(k) Establish the damages to be assessed for nonperformance.

(l) Establish performance criteria or incentives, or both.

(m) Address the acquisition of rights-of-way and other property interests that may be required, including provisions that address the exercise of eminent domain as provided in section 15 of this act.

(n) Establish recordkeeping, accounting and auditing standards to be used.

(o) For an eligible facility that reverts to public ownership, address responsibility for reconstruction or renovations that are required in order for the eligible facility to meet all applicable government standards upon reversion of the facility.

(p) Provide for patrolling and law enforcement on public facilities.

(q) Identify any specifications that must be satisfied.

(r) Require the person to provide performance and payment bonds for design and construction pursuant to chapter 339 of NRS ~~[,]~~ and, if additional security is required in addition to such bonds, require the person to provide surety bonds, ~~[if required by the public body,]~~ parent company guarantees, letters of credit or other acceptable forms of security or a combination of those.

(s) Allow the public body to acquire real property that is needed for and related to the eligible facility, including acquisition by exchange for other real property that is owned by the public body.

(t) Allow the public body to sell or lease naming rights with regard to any eligible facility.

7. Notwithstanding any other provision of law, an eligible facility that is developed, operated or held by a person pursuant to an agreement pursuant to this section is exempt from all state and local ad valorem and property taxes that might otherwise apply.

8. In connection with the approval of ~~[a transportation]~~ ***an eligible*** facility, the public body shall establish a date for the development of or the commencement of the construction of, or improvements to, the ~~[transportation]~~ ***eligible*** facility. The public body may extend the date from time to time.

Sec. 22. NRS 338.167 is hereby amended to read as follows:

338.167 A public body may contract with a person whose request or proposal ***submitted pursuant to NRS 338.163 or 338.164*** is approved pursuant to NRS 338.166 for ~~[transportation]~~ services to be provided by the ~~[transportation]~~ ***eligible*** facility in exchange for such payments for service and other consideration as the public body may deem appropriate.

Sec. 23. NRS 338.168 is hereby amended to read as follows:

338.168 The public body may take any action necessary to obtain federal, state or local assistance for ~~[a transportation]~~ ***an eligible*** facility that it approves and may enter into any contracts required to receive such assistance. The public body shall, by resolution, determine if it serves the public purpose for all or a portion of the costs of the ~~[transportation]~~ ***eligible*** facility to be paid, directly or indirectly, from the proceeds of a grant or loan made by the local, state or Federal Government or any agency or instrumentality thereof.

Sec. 24. NRS 338.1711 is hereby amended to read as follows:

338.1711 1. Except as otherwise provided in this section and NRS 338.161 to ~~[338.16995,]~~ ***338.168,*** inclusive, ***and sections 2 to 16, inclusive, of this act,*** a public body shall contract with a prime contractor for the construction of a public work for which the estimated cost exceeds $100,000.

2. A public body may contract with a design-build team for the design and construction of a public work that is a discrete project if the public body has approved the use of a design-build team for the design and construction of the public work and the public work has an estimated cost which exceeds $5,000,000.

Sec. 25. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161,

126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380,

676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 14 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 26. This act becomes effective on July 1, 2017.

Assemblyman Carrillo moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 149.

Bill read third time.

Roll call on Senate Bill No. 149:

YEAS—37.
NAYS—Krasner, Marchant, Neal, Titus—4.
EXCUSED—Hansen.

Senate Bill No. 149 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 452.

Bill read third time.

Roll call on Senate Bill No. 452:

YEAS—41.
NAYS—None.
EXCUSED—Hansen.

Senate Bill No. 452 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 448.

Bill read third time.

Roll call on Senate Bill No. 448:

YEAS—34.
NAYS—Benitez-Thompson, Carlton, Daly, Flores, Miller, Neal, Thompson—7.
EXCUSED—Hansen.

Senate Bill No. 448 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 8.

Resolution read third time.

Roll call on Senate Joint Resolution No. 8:

YEAS—27.
NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—14.
EXCUSED—Hansen.

Senate Joint Resolution No. 8 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 12.

Resolution read third time.

Roll call on Senate Joint Resolution No. 12:

YEAS—27.
NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—14.
EXCUSED—Hansen.

Senate Joint Resolution No. 12 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 13.

Resolution read third time.

Roll call on Senate Joint Resolution No. 13:

YEAS—28.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Wheeler, Woodbury—13.

EXCUSED—Hansen.

Senate Joint Resolution No. 13 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 156 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 41.

Bill read third time.

Roll call on Senate Bill No. 41:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Senate Bill No. 41 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 400 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 400.

Bill read third time.

The following amendment was proposed by Assemblywoman Benitez-Thompson:

Amendment No. 989.

AN ACT relating to public health; authorizing the Director of the Department of Health and Human Services to enter into success contracts; requiring the Department to publish on its Internet website certain information concerning such contracts; requiring the Department to report certain information to the Legislature; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Department of Health and Human Services and, within the Department, the Aging and Disability Services Division, the Division of Public and Behavioral Health, the Division of Welfare and Supportive Services, the Division of Child and Family Services and the Division of Healthcare Financing and Policy. The Department is responsible for administering the provisions of law relating to its divisions. (NRS 232.300) **Section 3** of this bill authorizes the Director of the Department to enter into a success contract to accomplish any purpose within the jurisdiction of the Department or any of its divisions. **Section 2** of this bill defines the term "success contract" to mean a contract with a person or local government which provides for the person or local government to: (1) provide or arrange for the provision of services; (2) finance the cost of those services by soliciting investments; and (3) receive payment upon the achievement of specified objectives. **Section 3** requires that a success contract include certain terms and prescribes other requirements relating to such contracts. **Section 3** also requires the Department to publish the rationale for entering into a success contract on the Internet website maintained by the Department. Finally, **section 3** requires the Department biennially to report to the Legislature certain information concerning success contracts. **Section 4** of this bill creates the Success Contract Account to provide payments due under the provisions of a success contract.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 232 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***As used in this section and sections 3 and 4 of this act, unless the context otherwise requires, "success contract" means a contract between the Director and a person or local government that provides for the person or local government to:***

1. Provide or arrange for the provision of services;

2. Finance the cost of those services by soliciting investments; and

3. Receive payment upon the achievement of specified objectives.

Sec. 3. ***1. The Director may enter into a success contract with a person or local government to accomplish any purpose within the jurisdiction of the Department or any of its divisions. Each success contract must include:***

(a) A requirement that payment be conditioned on achieving specific outcomes based on defined performance targets;

(b) An objective process by which an independent evaluator will determine whether the performance targets have been met;

(c) A description of the services to be provided under the contract and the persons who will provide those services;

(d) A schedule that prescribes the dates by which each performance target must be achieved, the date by which each payment must be made and the amount of each payment;

(e) A description of the investments that the person or local government will solicit to raise the money necessary to finance the cost of services and a provision prohibiting investors from earning a return on investment that exceeds ~~[13]~~ 10 percent per year;

(f) Procedures by which either party may terminate the contract early and a transition plan to prevent or mitigate any adverse impact resulting from early termination; and

(g) A prohibition on any investor having input concerning the manner in which services are provided pursuant to the contract after the contract becomes effective.

2. A success contract must be awarded through a competitive bidding process conducted in accordance with the provisions of chapter 333 of NRS. The Director may issue a request for proposals on his or her own volition or after receiving input from any person or entity. Each request for proposals must describe the services to be provided pursuant to the contract, the desired outcomes and the proposed duration of the contract.

3. Before entering into a success contract, the Director must:

(a) Determine that entering into the contract will improve the services provided pursuant to the contract and reduce the costs of the Department for providing the services;

(b) Determine that the success contract will not create a conflict of interest for any employee or independent contractor of the Department or any other person or entity; and

(c) Consult with any other state agency that may be affected by the contract.

4. For each success contract entered into pursuant to this section, the Department shall publish on its Internet website a report that sets forth the rationale for entering into the contract and the basis for that rationale.

5. On or before October 1 of each even numbered year, the Director shall submit to the director of the Legislative Counsel Bureau for transmission to the Legislature a report concerning each success contract in effect at any point during the 2 immediately preceding fiscal years. The report must include the outcomes of each such contract, including the estimated costs saved by the State because of the contract.

Sec. 4. ***1. The Success Contract Account is hereby created in the State General Fund. The Account must be administered by the Director.***

2. The interest and income earned on:

(a) The money in the Account, after deducting any applicable charges; and

(b) Unexpended appropriations made to the Account from the State General Fund,

➥ must be credited to the Account.

3. Any money in the Account and any unexpended appropriations made to the Account from the State General Fund remaining at the end of a fiscal year do not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

4. The Department may apply for and accept gifts, grants and donations of money from any source for deposit in the Account.

5. The money in the Account must only be used to:

(a) Provide payments due pursuant to success contracts awarded in accordance with the provisions of section 3 of this act; and

(b) Administer the provisions of sections 2, 3 and 4 of this act.

Sec. 5. NRS 232.290 is hereby amended to read as follows:

232.290 As used in NRS 232.290 to 232.484, inclusive, ***and sections 2, 3 and 4 of this act,*** unless the context requires otherwise:

1. "Department" means the Department of Health and Human Services.
2. "Director" means the Director of the Department.

Sec. 6. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 7. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act and on January 1, 2018, for all other purposes.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 144.

Bill read third time.

Roll call on Senate Bill No. 144:

YEAS—26.

NAYS—Paul Anderson, Edwards, Ellison, Flores, Hambrick, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.

EXCUSED—Hansen.

Senate Bill No. 144 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 138.

Bill read third time.

Roll call on Senate Bill No. 138:

YEAS—36.

NAYS—Carlton, Diaz, Flores, Ohrenschall, Yeager—5.

EXCUSED—Hansen.

Senate Bill No. 138 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 162.

Bill read third time.

Roll call on Senate Bill No. 162:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Senate Bill No. 162 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 199.

Bill read third time.

Roll call on Senate Bill No. 199:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Senate Bill No. 199 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 268.

Bill read third time.

Roll call on Senate Bill No. 268:

YEAS—30.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Kramer, Krasner, Marchant, McArthur, Oscarson, Titus, Wheeler—11.

EXCUSED—Hansen.

Senate Bill No. 268 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 270.

Bill read third time.

Roll call on Senate Bill No. 270:

YEAS—28.

NAYS—Ellison, Hambrick, Krasner, Marchant, McArthur, Neal, Ohrenschall, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—13.

EXCUSED—Hansen.

Senate Bill No. 270 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 324.

Bill read third time.

Roll call on Senate Bill No. 324:
YEAS—41.
NAYS—None.
EXCUSED—Hansen.
Senate Bill No. 324 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 369.
Bill read third time.
Roll call on Senate Bill No. 369:
YEAS—26.
NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Jauregui, Krasner, Marchant, McArthur, Miller, Monroe-Moreno, Neal, Ohrenschall, Titus, Watkins, Wheeler—15.
EXCUSED—Hansen.
Senate Bill No. 369 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 400.
Bill read third time.
Roll call on Senate Bill No. 400:
YEAS—39.
NAYS—Daly, Miller—2.
EXCUSED—Hansen.
Senate Bill No. 400 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 5, 41, 46, 68, 113, 126, 138, 148, 160, 163, 179, 188, 204, 219, 241, 243, 244, 246, 251, 253, 260, 277, 292, 299, 304, 314, 346, 356, 361, 372, 381, 410, 424, 427, 449, 477, 481, and 483; Assembly Joint Resolution No. 11; Senate Bills Nos. 26, 79, 125, 136, 185, 196, 227, 239, 253, 265, 370, 371, 383, 388, 411, 413, 420, 437, 509, 519, 525, and 526.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:07 a.m.

ASSEMBLY IN SESSION

At 12:09 a.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

May 26, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of Senate Bill No. 226.

RICHARD S. COMBS
FOR
CINDY JONES
FISCAL ANALYSIS DIVISION

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Molly Bilbray-Axelrod.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Stead Elementary School: Ailynee Acosta Chavez, Jacob Becerra Ceja, Bhrisly Casildo Rios, Hailey Clyde, Ariana Cruz Gomez, Natally Diaz Melendrez, Mya Dinges-Cowles, Kylee Dosch, Jomar Estrada Garcia, Tristan Gonzales, Senaida Ibarra Morales, Vanessa Libbon, Timothy Lokeijak, Axel Mejia Aguayo, Jesus Moreno Vega, Isabella Navarro, Danika Reed, David Reyes-Gonzalez, Rainen Rico, Omarr Rodriguez, Brianna Sanchez-Marquez, Tyler Shafer, Talan Smith, Nathan Stack, Angel Torres Lara, Julian Trujillo Gonzalez, Chelcy Alas Sandoval, Muhammad Aqil, Giovanni Casas-Hernandez, Steven Chavez, Tristen Cox, Cole Deerman-Webb, Alan Dominguez Estrada, Fionna Dragon, Eli Gabbard, Barbara Garcia De Lira, Francisco Gutierrez Cuevas, Mathew Hanners, Sophia Hernandez, Tasia Johnson, Aliyah Kemp, Mickelli Lopez-Vigil, Lucas Luciani-Eaton, Danny Mariscal Orozco, Frank Mariscal-Solorzano, Kieron McCoy, Kevin Medina Lopez, Rhianna Medovitch, Samantha Parra Hernandez, Andrea Polanco Correa, Evelyn Ponce, Giselle Rocha Gonzalez, Kylan Welles, Brycen Westby, Hunter Secchi, Chanel Agbanlog, Mia Alcabedos, Heaven Andrews, Diana Barajas Manzo, Brent Mhyco Batin, Aaliyah Casas, Peter Dalmacio, Angel Fletes Vasquez, Margarita Garcia Favela, Nathelie Hermosillo, Cristian Hernandez, Sabrina Hurtado Madrigal, Amelia Lewis, Jaden-Dyrell Madayag, Yancarlo Martinez Rodriguez, Aiden Meau, Miguel Mejia, Isaac Quintanilla, Evan Raso-Lopez, Dylan Rayburn-Mayers, Daniel Rubio, Mythias Schwartz, Isak Sercu, Eli Shem, Arnulfo Villanueva Garcia, Shaloni Walker, Shilo Walker, Jerzie Waltman-Morasky, Gabriel Acuna, Curtis Adair, Cameron Benson, Nathaniel Bento, Alison Bryant, Gabrial Carey, Diego Caro Moreno, Andy Castaneda, Aaliyah Clay, Rodalyn Gayle Dalmacio, Alexa Del Hoyo, Breadyn Dowdell, Anthony Duarte, Wyatt Fagundes, Pamela Hernandez, Adam Jackson, Mariana Martinez Garcia, Alyszandra Mena, Shane

Neddenriep, Joshua Perez Lomeli, Alejandro Quiroz, Joshua Ramirez Alejo, Hailey Ramirez-Hernandez, and Joseph Schirf.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Tony Alamo Elementary School: Aiden East, Leonidas Levi, Vincent Leoni, Isaiah Gonzales, Joshua Aguilar, Eyuel Mesel, Alexi Ramos, Janelle Recomo, Jayzlie Adriano, Allan Ilano, Victor Mirchev, Ryan Eckersley, Alexis Santiago-Fraser, Michaela Santiago-Fraser, Kiersten Borce-Quon, Catelyn Bryan, Addison Bryan, Amanda Jimenez, Richard Geng, Jaiwen Wang, Zack Rannazzisi, Samuel Gonzalez, Lazar Klisuric, Lionel Wealth, Anthony Jimenez, Kaduce Michael, Alex Guo, Bowen Dong, Alyssa Marshall, Audrey Ferris, Jayda Booker, Abigail McKeogh, Sara Betemariam, Tiffany Grantz, Isabella Aversa, Adna Ascalic, and Ada Wang.

On request of Assemblyman Kramer, the privilege of the floor of the Assembly Chamber for this day was extended to Eva Anguiano, Jonathan Beletzuy, Ethan Calvello, Kylie Carrigan, Devin Caviezel, Xavier Daul, Gideon Feuling, Luna Flores Vargas, Ethan Hendee, Hannah Klanke, Cristina Lopez, Henry Mackel, Jaydan Maskaly, Justin Mceldowney, Celine Ortiz, Dominic Porter, Miguel Rivera Correa, Chelsea Rosales Garcia, Emma Scott, Leah Shine, Joe Talamantes Rodriguez, Emalia Peterman, Mackenna Parkhurst, Kiara Simmons, Kali Amestoy, Connor Arnold, Ayden Elliott, Sarah Hansen, Drake Hardcastle, Nolan Kaufman, Devin Linehan, Ryley McLin, Tavin Miller, Kenny Nguyen, Gael Ortiz, Gabe Padilla, Anahi Ramirez, Chandler Ricks, Garin Snidow, Leland Roper, Ariel Salas, Hailey Showe, Kaylee Singh, Genoah Squillante, Ricky Torres, Danton Vidovich, Vanessa Villegas, Jake Weinger, Kaleb Williams, Moira Bloom, Connor Bryla-Bess, Amelia Cook, Adriana Esquivel, Sophia Fournier, Stormy Geiger, Alaura Glazner, Jaden Gomez, David Gonzalez-Salazar, Kenneth Gorsuch, Austin Graham, Daniel Roman-Guzman, Julian Hazelton, Lindsay Lopez, Uriel Lopez, Lillian Mendez, Esmeralda Munoz, Izaiah Ortega, Alyssa Ralls, Stanley Snooks, Laura Torres, Lanaya Wallace, Kayla Williams, Emma Barschat, Alejandro Beltran Adono, Leslie Caballero Pena, Jesse Cardiel, Noah Ciminski, Tyler Fratis, Camryn Galloway, Vanessa Guerra Navarro, Lilliana Knobel, Alexis Lee, Omar Martinez, Madison McDonald, Kekoa Mitchell, Charles Ore, Monique Ortega, Allissandro Pierrott, Bradley Platero Marroquin, Clarissa Quintana, Edwin Rivera, Josue Rojas, Collin Spears, Henessey Tripp, Isai Vazquez, and Suleiman Abdelhady.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones with Fallon Christian Homeschoolers: Luke Rechel, Devyn Frederick, Karley Frederick, Jay Frederick, Isaac Frederick,

KatyRuth Taylor, Seth Taylor, Jude Taylor, Estella Taylor, Grace Taylor, Susanna Taylor, Samuel Taylor, Enoch Taylor, Sadie Kennedy, Lorna Kennedy, Myles Kennedy, Liam Kennedy, Claire Kennedy, and Brynn Turner.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Monday, May 29, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:11 a.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND THIRTEENTH DAY

CARSON CITY (Monday), May 29, 2017

Assembly called to order at 2:19 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Elliot Anderson and Brooks, who were excused.

Prayer by Assemblyman Tyrone Thompson.

On this Memorial Day, we reflect on the service men and women who paid the ultimate sacrifice for our freedom. May they always have a special place in our hearts.

Please grant us wisdom, endurance, discernment, and critical thinking during this last week of the 79th Legislative Session. Continue to watch over us as we make key decisions for the betterment of our great state of Nevada.

In Your Name we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 137, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 127, 291, 326, 328, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 468, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 496, 518, 524, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAGGIE CARLTON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

May 26, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 226.

CINDY JONES
Fiscal Analysis Division

WAIVER OF JOINT STANDING RULES

A Waiver requested by Speaker Frierson.
For: Senate Bill No. 268, 270, 324, 369, 400, and 448.
To Waive:
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: May 29, 2017.

SENATOR AARON D. FORD
Senate Majority Leader

ASSEMBLYMAN JASON FRIERSON
Speaker of the Assembly

A Waiver requested by Speaker Frierson.
For: Senate Bill No. 492.
To Waive:
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: May 29, 2017.

SENATOR AARON D. FORD
Senate Majority Leader

ASSEMBLYMAN JASON FRIERSON
Speaker of the Assembly

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 414 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that the Assembly rescind the action whereby Senate Bill No. 448 was passed.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 448 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Frierson and Senator Ford:

Assembly Bill No. 516—AN ACT relating to education; revising provisions governing the reorganization of large school districts; revising provisions governing the transfer of responsibilities to local school precincts; revising the amount of money that must be allocated to local school precincts; revising the requirement to apply a weighted funding formula when allocating money to local school precincts; removing local governments from participating in the interview of school associate superintendents; reducing the number of in-person reports that the school associate superintendents must provide to certain local governmental entities; making various changes concerning organizational teams; limiting the pupils to whom a survey about the local school precincts is administered; repealing provision governing the application of local government purchasing laws to

local school precincts; delaying the date by which a large school district must comply with the provisions requiring reorganization of the large school district; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

VETOED BILLS AND SPECIAL ORDERS OF THE DAY

Vetoed Assembly Bill No. 136 of the 79th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

May 26, 2017

THE HONORABLE JASON FRIERSON, SPEAKER OF THE NEVADA STATE ASSEMBLY, The Nevada Legislature, 401 South Carson Street, Carson City, NV 89701

RE: Assembly Bill 136 of the 79th Legislative Session

DEAR SPEAKER FRIERSON:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 136 ("AB 136"), which is entitled:

> AN ACT relating to criminal procedure; revising provisions governing factors to be considered by the court in deciding whether to release a person without bail; prohibiting a court from relying on a bail schedule in setting the amount of bail after a personal appearance by a defendant; and providing other matters properly related thereto.

AB 136, while commendable in some respects, would incorporate a new and unproven method for determining whether a criminal defendant should be released from custody without posting bail. No conclusive evidence has been presented showing that the risk assessment methods proposed by AB136 are effective in determining when it may or may not be appropriate to release a criminal defendant without requiring bail. Decisions made by judges during the bail phase of a criminal prosecution are of the utmost importance. It is not clear that the provisions of AB136 will enhance the ability of Nevada's judges to make these determinations in a manner that balances the interests of justice and public safety.

For these reasons I veto AB136 and return it without my signature or approval.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 136 of the 79th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 272 of the 79th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

May 28, 2017

THE HONORABLE JASON FRIERSON, SPEAKER OF THE NEVADA STATE ASSEMBLY, The Nevada Legislature, 401 South Carson Street, Carson City, NV 89701

RE: Assembly Bill 272 of the 79th Legislative Session

DEAR SPEAKER FRIERSON:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 272 ("AB 272"), which is entitled:

> AN ACT relating to elections; authorizing each county and city clerk to establish polling places where any registered voter of the county or city, respectively, may vote in person on the day of certain elections; requiring, under certain circumstances, county and city clerks to establish polling places within the boundaries of Indian reservations and colonies; authorizing voting materials to be provided in certain languages; authorizing county and city clerks to extend the period for early voting; and providing other matters properly relating thereto.

Among other things, AB 272 authorizes county, and when applicable, city clerks to establish one or more polling places in the county where any person entitled to vote in the county by personal appearance may do so. In other words, AB 272 authorizes the creation of election-day "voting centers" in which any eligible voter may cast a ballot, regardless of where in the respective county they reside.

In 2013, I vetoed Assembly Bill 441, which also created "voting centers." I incorporate by reference the concerns expressed in that veto message, and note that there is no evidence that those concerns have been mitigated or addressed.

Nevada has "no-excuse" absentee voting, which allows any registered voter to request an absentee ballot without stating a reason for his or her desire to vote absentee. Nevada also has two weeks of early voting. Altogether, we have one of the most open and accessible election systems in the country. Moreover, given Nevada's high rate of eligible-voter participation, there is no reason to believe that voters who want to vote do not have the opportunity to do so. Simply put, the current system works well, and there is no compelling need to change it.

For these reasons, I veto Assembly Bill 272.

Sincere regards,
BRIAN SANDOVAL
Governor

OFFICE OF THE GOVERNOR

June 3, 2013

THE HONORABLE ROSS MILLER, SECRETARY OF STATE, Capitol Building, 101 South Carson Street, Carson City, NV 89701

RE: Assembly Bill 441 of the 77th Legislative Session

DEAR SECRETARY MILLER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 441, which is entitled:

> AN ACT relating to voting; authorizing a county or city clerk to establish polling places where any registered voter of the county or city, respectively, may vote in person; and providing other matters properly relating thereto.

Assembly Bill 441 authorizes county and, when applicable, city clerks to establish one or more polling places in the county where any person entitled to vote in the county by personal appearance may do so. The bill sets forth the procedure for county and city clerks to establish those polling places.

Under existing law, precinct-based polling sites are established based on the boundaries of election precincts or districts in which voters reside. Supporters of Assembly Bill 441 argue that voter participation will increase because polling sites that are not precinct-based are more convenient and provide voters with more flexibility because they would no longer be required to vote in their precinct on Election Day.

However, Nevada voters are afforded a great deal of flexibility and opportunity to exercise their constitutional right to vote through options such as early voting, absentee voting by mail and Election Day voting. Early voting is available to every voter, and Nevada is amongst the minority of early voting states that require permanent polling places identified for early voting to be open on at least one Saturday during the early voting period. Additionally, Nevada's procedures for absentee voting are more liberal than many states that offer absentee voting. Specifically, Nevada offers "no-excuse" absentee voting, allowing any registered voter to request an absentee ballot without stating a reason for his or her desire to vote absentee. Other states permit voters to vote absentee only under a limited set of circumstances. In addition, Nevada allows any registered voter who is unable to go to the polls because of an illness, disability or sudden hospitalization or absence after the time has elapsed for requesting an absentee ballot to submit a request for an absentee ballot at any time before 5 p.m. on the day of an election.

Finally, Assembly Bill 441 does not contain sufficient parameters to establish the location of new polling places that would ensure the integrity and non-partisan nature of the voting process. Because of these concerns, I veto this bill and return it to you without my signature and without my approval.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 272 of the 79th Session be placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 127.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 127, as amended, revises various provisions related to emergencies in schools. It requires each school district in a county whose population is 100,000 or more to designate an employee to serve as an emergency manager. It requires the school district and charter schools to consult with certain persons or entities before designing, constructing, or purchasing new school buildings or related facilities; enlarging, remodeling, or renovating existing school buildings or related facilities; or acquiring sites for building schools or related facilities. It requires the Department of Education to coordinate with certain persons or entities to conduct an annual conference regarding safety in public schools. It revises procedures and requirements related to the emergency drills conducted by each school.

Roll call on Assembly Bill No. 127:

YEAS—40.

NAYS—None.

EXCUSED—Elliot Anderson, Brooks—2.

Assembly Bill No. 127 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 291.

Bill read third time.

Remarks by Assemblyman Hambrick.

ASSEMBLYMAN HAMBRICK:

Assembly Bill 291, as amended, requires the Division of Parole and Probation of the Department of Public Safety to include in any presentence investigation report, in addition to other information, certain information concerning the criminal history of the defendant and whether the information pertaining to the defendant's financial condition has been verified. It must also include the source of any information included in the report that is related to the defendant's offense, including information from a police report, an investigative report filed with law enforcement, or any other source available to the Division. Additionally, the bill requires the Division to include any scoresheets or scales used to determine a recommendation of certain penalties for the defendant, and if appropriate, that the defendant undergo a program of regimental discipline.

The bill also changes the term "criminal record" to "criminal convictions." Finally, A.B. 291 authorizes the court to order the Division to correct the contents of any such report following sentencing of the defendant if the prosecuting attorney and the defendant stipulate to correcting the contents of any such report within 180 days after the date on which the judgment of conviction was entered.

The bill becomes effective October 1, 2017.

Roll call on Assembly Bill No. 291:

YEAS—40.

NAYS—None.

EXCUSED—Elliot Anderson, Brooks—2.

Assembly Bill No. 291 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 326.

Bill read third time.

Remarks by Assemblyman Hambrick.

ASSEMBLYMAN HAMBRICK:

Assembly Bill 326, as amended, provides a process for the disclosure of documentation supporting information in a presentence report on a defendant's gang affiliation or membership. If the defendant disputes the documentation, the Division of Parole and Probation or the prosecuting attorney must show by clear and convincing evidence that the information is accurate. Assembly Bill 326 also authorizes a court to order the Division to correct the contents of a presentence or general investigation report if the defendant and prosecuting attorney stipulate to the correction within 180 days of the date of conviction. Finally, the bill clarifies that these provisions apply to reports made on or after October 1, 2017.

This act becomes effective October 1, 2017.

Roll call on Assembly Bill No. 326:

YEAS—30.

NAYS—Paul Anderson, Ellison, Hansen, Krasner, Marchant, McArthur, Oscarson, Titus, Wheeler, Woodbury—10.

EXCUSED—Elliot Anderson, Brooks—2.

Assembly Bill No. 326 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 328.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Assembly Bill 328, as amended, prohibits an attorney from being employed as legal counsel by more than one board and prohibits a person from being employed as an executive director or executive secretary by more than one board. The bill also requires an attorney who contracts with a board to carry a policy of professional liability insurance that names the state as an additional insured. The bill further prohibits an attorney who is employed as legal counsel to a board from prosecuting a contested case at any time while employed or retained by the board.

Assembly Bill 328, as amended, requires the Department of Administration to adopt regulations to establish standards for the financial operation and administration of regulatory boards and raises from $75,000 to $200,000 the threshold amount of revenue a board obtains annually before it must obtain an audit under certain circumstances.

Finally, the bill removes an exemption for certain boards from having to comply with a uniform disciplinary process for licensees.

Roll call on Assembly Bill No. 328:

YEAS—40.

NAYS—None.

EXCUSED—Elliot Anderson, Brooks—2.

Assembly Bill No. 328 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 468.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 468, as amended, modifies the definition of "mortgage company" to include all persons that were previously mortgage brokers and mortgage bankers, repeals provisions of law that currently regulate mortgage bankers and mortgage brokers, and revises those provisions to apply to a mortgage company. The bill, as amended, also revises provisions governing bonds and certain exemptions from licensing requirements for mortgage brokers and mortgage bankers. Lastly, the bill, as amended, changes the term for mortgage agent to mortgage loan originator.

Roll call on Assembly Bill No. 468:

YEAS—40.

NAYS—None.

EXCUSED—Elliot Anderson, Brooks—2.

Assembly Bill No. 468 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 137.

Bill read third time.

Remarks by Assemblyman Kramer.

ASSEMBLYMAN KRAMER:

Senate Bill 137 requires certain state agencies and regulatory bodies to include certain questions on the forms used to collect data from a veteran that is submitted to the Interagency Council on Veterans Affairs. The agencies and regulatory bodies required to collect this

information have some flexibility in implementation by allowing until the earlier of two years after the effective date of this bill or the date on which the inventory of paper forms in stock or ordered before the effective date is used or the revised electronic form or required changes to the computer system are completed.

The bill removes the sunset date of June 30, 2017, to continue the requirement to develop plans and programs to assist veterans who have suffered military sexual trauma, maintains the Account to Assist Veterans Who Have Suffered Sexual Trauma, and eliminates the requirement to transfer any remaining balance in the Account on June 30, 2017.

This bill is effective upon passage and approval.

Roll call on Senate Bill No. 137:

YEAS—40.

NAYS—None.

EXCUSED—Elliot Anderson, Brooks—2.

Senate Bill No. 137 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 496.

Bill read third time.

Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

Senate Bill 496 authorizes the Board of Regents to issue revenue bonds and other securities in a total principal amount not to exceed $58,710,000 to finance the construction of an engineering building and resident hall at the University of Nevada, Reno, and in a total principal amount not to exceed $22,000,000, to finance the construction of a fitness complex at Truckee Meadows Community College. The bill also increases, from $45,000,000 to $81,000,000, the bonding authority to finance the construction of student union buildings at the Charleston, Henderson, and North Las Vegas campuses of the College of Southern Nevada.

This act becomes effective upon passage and approval.

Roll call on Senate Bill No. 496:

YEAS—34.

NAYS—Ellison, Krasner, Marchant, McArthur, Titus, Wheeler—6.

EXCUSED—Elliot Anderson, Brooks—2.

Senate Bill No. 496 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 518.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Senate Bill 518 removes the provision authorizing interest and income on money earned in the Contingency Account for Special Education Services to be credited to the Account.

Roll call on Senate Bill No. 518:

YEAS—40.

NAYS—None.

EXCUSED—Elliot Anderson, Brooks—2.

Senate Bill No. 518 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 524.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 524, as amended, appropriates from the State General Fund to the Division of Forestry of the State Department of Conservation and Natural Resources the revised sum of $6,063,934 for a projected shortfall related to higher than anticipated costs for fire suppression and emergency response.

In addition, section 2 of Senate Bill 524, as amended, adds an appropriation from the State General Fund to the Forestry Conservation Camp budget of $182,032 for a projected shortfall in project revenues, as a result of inmate crews working on flood-related projects that are nonreimbursable.

Roll call on Senate Bill No. 524:

YEAS—40.

NAYS—None.

EXCUSED—Elliot Anderson, Brooks—2.

Senate Bill No. 524 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 414.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Assembly Bill 414 requires that a law enforcement agency make an electronic recording of a custodial interrogation of a person who is suspected of committing homicide or sexual assault. An electronic recording is not required to be made under certain circumstances. The bill also provides that evidence from an interrogation may be admitted by a court even in the absence of an electronic recording of the interrogation and sets forth the conditions under which a jury must be provided with a cautionary instruction. Finally, the measure requires each law enforcement agency to adopt policies and procedures governing the electronic recording of custodial interrogations.

Roll call on Assembly Bill No. 414:

YEAS—25.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.

EXCUSED—Elliot Anderson, Brooks—2.

Assembly Bill No. 414 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 45.

The following Senate amendment was read:

Amendment No. 953.

AN ACT relating to public office; requiring a nongovernmental entity that sends a notice relating to voter registration to include certain information in the notice; updating citations in Nevada Revised Statutes to certain provisions of federal law; revising the deadlines for registering to vote by mail or computer for a primary, primary city, general city or general election; providing that the county and city clerks are not required to distribute sample ballots for an election to certain persons; **revising the deadlines for submitting reports of campaign contributions, expenses and expenditures;** requiring a candidate to include the ending balance in his or her campaign account on reports of campaign contributions; revising the campaign finance reporting requirements for certain candidates, persons, committees and parties relating to a special election to recall a public officer; revising the categories of campaign expenses and expenditures on campaign finance reports; setting forth the requirements to withdraw a petition for initiative or referendum; extending, under certain circumstances, the deadline for submitting for verification certain petitions for initiative; clarifying that a copy of a petition of candidacy of an independent candidate for the office of President of the United States must be filed with the Secretary of State before the petition is circulated for signatures; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires a nongovernmental entity that sends a notice to a person indicating the person is not or may not be registered to vote or requesting the person to register to vote to indicate on the notice that it is not official elections mail from the Secretary of State or a county or city clerk.

Existing law relating to elections cites to various provisions of federal law, including the Voting Rights Act of 1965 (52 U.S.C. §§ 10101 to 10301 et seq.), the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. §§ 20301 et seq.), the Military and Overseas Voter Empowerment Act (52 U.S.C. §§ 20302 et seq.) and the Help America Vote Act (52 U.S.C. §§ 15482 et seq.). (NRS 293.208, 293.2699, 293.309, 293.4685, 293.502, 293.504, 293.505, 293C.305, 293D.050, 293D.110, 293D.200, 293D.230, 293D.300, 293D.320, 293D.410, 293D.530) **Sections 8-13, 15 and 16-23** of this bill update the citations to these federal laws.

Existing federal law requires that each state ensure that an eligible voter who submits an application to register to vote by mail be registered to vote in an election for federal office if the voter registration form is postmarked not later than 30 days before the date of the election. (52 U.S.C. § 20507) Under existing Nevada law, an application to register to vote by mail must be

postmarked or received by the county clerk not later than the fifth Saturday preceding a primary election, primary city election, general election or general city election. (NRS 293.5235, 293.560, 293C.527) **Sections 14.6 and 15.5** of this bill provide that the last day to register to vote by mail is the fourth Tuesday preceding the primary election, primary city election, general election or general city election.

Existing law provides that the last day to register to vote by computer is the third Tuesday preceding any primary or general election. (NRS 293.560, 293C.527) **Sections 14.6 and 15.5** provide, with limited exception, that the last day to register to vote by computer is the Thursday before the period for early voting begins.

Existing law requires county and city clerks to distribute sample ballots before the period for early voting begins. (NRS 293.565, 293C.530) **Sections 14.8 and 15.7** of this bill provide a limited exception to this requirement so that the clerks are not required to distribute sample ballots for an election to persons who register to vote less than 20 days before the election. **Section 8.5** of this bill makes a conforming change.

Existing law sets forth campaign finance reporting requirements for candidates and certain persons and committees that accept contributions and make expenditures related to a special election to recall a public officer. (NRS 294A.120, 294A.140, 294A.200, 294A.210) **Sections 24 ~~[~~and 25-27~~]~~ , 25, 26 and 27** of this bill set forth the reporting requirements that apply where no such special election is held because the petition for recall is not submitted for verification or is submitted for verification but is legally insufficient.

Existing law requires candidates and certain other persons, committees and political organizations to file with the Secretary of State reports disclosing certain contributions, campaign expenses and expenditures by statutorily scheduled dates during an election year and annually in nonelection years. (NRS 294A.120, 294A.125, 294A.140, 294A.150, 294A.200, 294A.210 and 294A.220) Effective January 1, 2019, sections 24.2, 25.2, 25.4, 26.5, 27.1 and 27.11 of this bill amend the deadlines for filing campaign finance reports so that during: (1) an election year, reports will be filed on a quarterly basis; and (2) nonelection years, annual reports will be filed not later than January 15th.

Existing law sets forth campaign finance reporting requirements for candidates to report campaign contributions. (NRS 294A.120, 294A.125) **Sections ~~[~~24~~]~~ 24.2 and 24.5** of this bill require **, effective January 1, 2019,** a candidate to include in his or her campaign finance reports the balance in the candidate's campaign account at the end of the reporting period.

Existing law sets forth the categories of campaign expenses and expenditures for use in reports of campaign expenses or expenditures. (NRS 294A.365) **Section 27.2** of this bill ~~[adds a category for interest, credit card fees, debit card fees or penalty fees incurred in relation to campaign expenses~~

~~or expenditures paid for by a credit card or debit card. Section 27.2 also~~] requires **, effective January 1, 2019,** that each report of campaign expenses or expenditures must itemize each transaction and identify the business or other entity from whom the purchase was made if the purchase was paid for with a credit card or debit card.

Existing law requires a copy of a petition for initiative or referendum to be placed on file with the Secretary of State before it may be circulated for signatures. (NRS 295.015) **Section 31** of this bill requires that the person who intends to circulate the petition must also submit to the Secretary of State a form that includes: (1) the person's name and signature; (2) the name of any committee for political action formed by the person to advocate the passage of the initiative or referendum; and (3) the names of persons who are authorized to withdraw the petition or submit a revised petition. **Section 30** of this bill provides that a petition may be withdrawn if one of those authorized persons submits a notice of withdrawal to the Secretary of State.

Existing law provides that if a petition for initiative proposes a statute or an amendment to a statute, the petition must be submitted for verification not later than the second Tuesday in November of an even-numbered year. (NRS 295.056) **Section 32** of this bill provides that if the second Tuesday in November of an even-numbered year is the day of the general election, that deadline is instead the next working day after the election.

Existing law requires that if a person desires to be an independent candidate for President of the United States, the person must circulate a nominating petition and obtain a certain number of signatures. Existing law also requires that a copy of that petition be filed with the Secretary of State. (NRS 298.109) **Section 34** of this bill clarifies that the copy must be filed with the Secretary of State before the petition is circulated for signatures.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

Any nongovernmental entity that sends a notice to a person:

1. Indicating that the person is not or may not be registered to vote in this State; or

2. Requesting that the person register to vote in this State,

➥ must indicate clearly on the notice that it is not official elections mail from the Secretary of State or a county or city clerk.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. NRS 293.208 is hereby amended to read as follows:

293.208 1. Except as otherwise provided in subsections 2, 3 and 5 and in NRS 293.206, no election precinct may be created, divided, abolished or consolidated, or the boundaries thereof changed, during the period between the third Wednesday in March of any year whose last digit is 6 and the time when the Legislature has been redistricted in a year whose last digit is 1, unless the creation, division, abolishment or consolidation of the precinct, or the change in boundaries thereof, is:

(a) Ordered by a court of competent jurisdiction;

(b) Required to meet objections to a precinct by the Attorney General of the United States pursuant to the Voting Rights Act of 1965, ~~[42 U.S.C. §§ 1971 and 1973]~~ ***52 U.S.C. §§ 10101 and 10301*** et seq., and any amendments thereto;

(c) Required to comply with subsection 2 of NRS 293.205;

(d) Required by the incorporation of a new city; or

(e) Required by the creation of or change in the boundaries of a special district.

➥ As used in this subsection, "special district" means any general improvement district or any other quasi-municipal corporation organized under the local improvement and service district laws of this State as enumerated in title 25 of NRS which is required by law to hold elections or any fire protection district which is required by law to hold elections.

2. If a city annexes an unincorporated area located in the same county as the city and adjacent to the corporate boundary, the annexed area may be included in an election precinct immediately adjacent to it.

3. A new election precinct may be established at any time if it lies entirely within the boundaries of any existing precinct.

4. If a change in the boundaries of an election precinct is made pursuant to this section during the time specified in subsection 1, the county clerk must:

(a) Within 15 days after the change to the boundary of a precinct is established by the county clerk or ordered by a court, send to the Director of the Legislative Counsel Bureau and the Secretary of State a copy or electronic file of a map showing the new boundaries of the precinct; and

(b) Maintain in his or her office an index providing the name of the precinct and describing all changes which were made, including any change in the name of the precinct and the name of any new precinct created within the boundaries of an existing precinct.

5. Cities of population categories two and three are exempt from the provisions of subsection 1.

6. As used in this section, "electronic file" includes, without limitation, an electronic data file of a geographic information system.

Sec. 8.5. NRS 293.2546 is hereby amended to read as follows:

293.2546 The Legislature hereby declares that each voter has the right:

1. To receive and cast a ballot that:

(a) Is written in a format that allows the clear identification of candidates; and

(b) Accurately records the voter's preference in the selection of candidates.

2. To have questions concerning voting procedures answered and to have an explanation of the procedures for voting posted in a conspicuous place at the polling place.

3. To vote without being intimidated, threatened or coerced.

4. To vote on election day if the voter is waiting in line at his or her polling place to vote before 7 p.m. and the voter has not already cast a vote in that election.

5. To return a spoiled ballot and is entitled to receive another ballot in its place.

6. To request assistance in voting, if necessary.

7. To a sample ballot which is accurate, informative and delivered in a timely manner ~~[.]~~ ***as provided by law.***

8. To receive instruction in the use of the equipment for voting during early voting or on election day.

9. To have nondiscriminatory equal access to the elections system, including, without limitation, a voter who is elderly, disabled, a member of a minority group, employed by the military or a citizen who is overseas.

10. To have a uniform, statewide standard for counting and recounting all votes accurately.

11. To have complaints about elections and election contests resolved fairly, accurately and efficiently.

Sec. 9. NRS 293.2699 is hereby amended to read as follows:

293.2699 1. Each voting system used by a county or city shall provide voting materials in English and other languages in compliance with the provisions of ~~[42 U.S.C. § 1973aa-1a.]~~ ***52 U.S.C. § 10503.***

2. As used in this section, the term "voting materials" has the meaning ascribed to it in ~~[42 U.S.C. § 1973aa-1a.]~~ ***52 U.S.C. § 10503.***

Sec. 10. NRS 293.309 is hereby amended to read as follows:

293.309 1. The county clerk of each county shall prepare an absent ballot for the use of registered voters who have requested absent ballots. The county clerk shall make reasonable accommodations for the use of the absent ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the absent ballot in 12-point type to a person who is elderly or disabled.

2. The ballot must be prepared and ready for distribution to a registered voter who:

(a) Resides within the State, not later than 20 days before the election in which it is to be used;

(b) Except as otherwise provided in paragraph (c), resides outside the State, not later than 40 days before a primary or general election, if possible; or

(c) Requested an absent ballot pursuant to the provisions of the Uniformed and Overseas Citizens Absentee Voting Act, ~~[42 U.S.C. §§ 1973ff]~~ ***52 U.S.C. §§ 20301*** et seq., not later than 45 days before the election.

3. Any legal action which would prevent the ballot from being issued pursuant to subsection 2 is moot and of no effect.

Sec. 11. NRS 293.4685 is hereby amended to read as follows:

293.4685 1. The Secretary of State shall:

(a) Provide information regarding voter registration and absentee voting by Armed Forces personnel and overseas voters;

(b) Within 90 days after the date of each general election and general city election in which electors voted for federal offices, submit to the Election Assistance Commission established pursuant to ~~[42 U.S.C. § 15321]~~ ***52 U.S.C. § 20921*** a report of the combined number of absentee ballots transmitted to absent Armed Forces personnel and overseas voters for the election and the combined number of such ballots that were returned by such voters and cast in the election;

(c) Make each report submitted pursuant to paragraph (b) available to the public; and

(d) Adopt any regulations which are necessary to comply with the provisions of the Help America Vote Act of 2002, Public Law 107-252, and which are not inconsistent with the provisions of this chapter to the extent the provisions of this chapter are consistent with the Help America Vote Act of 2002, Public Law 107-252.

2. Each county and city clerk shall provide such information as is requested by the Secretary of State to comply with the provisions of this section.

Sec. 12. NRS 293.502 is hereby amended to read as follows:

293.502 1. An elector:

(a) Who complies with the requirements for registration set forth in the Uniformed and Overseas Citizens Absentee Voting Act, ~~[42 U.S.C. §§ 1973ff]~~ ***52 U.S.C. §§ 20301*** et seq.;

(b) Who, not more than 60 days before an election:

(1) Is discharged from the Armed Forces of the United States or is the spouse or dependent of an elector who is discharged from the Armed Forces; or

(2) Is separated from employment outside the territorial limits of the United States or is the spouse or dependent of an elector who is separated from employment outside the territorial limits of the United States;

(c) Who presents evidence of the discharge from the Armed Forces or separation from employment described in paragraph (b) to the county clerk; and

(d) Is not registered to vote at the close of registration for that election, ➥ must be allowed to register to vote in the election.

2. Such an elector must:

(a) Register in person; and

(b) Vote in the office of the county clerk unless the elector is otherwise entitled to vote an absent ballot pursuant to federal law.

3. The Secretary of State shall adopt regulations to carry out a program of registration for such electors.

Sec. 13. NRS 293.504 is hereby amended to read as follows:

293.504 1. The following offices shall serve as voter registration agencies:

(a) Such offices that provide public assistance as are designated by the Secretary of State;

(b) Each office that receives money from the State of Nevada to provide services to persons with disabilities in this State;

(c) The offices of the Department of Motor Vehicles;

(d) The offices of the city and county clerks;

(e) Such other county and municipal facilities as a county clerk or city clerk may designate pursuant to NRS 293.5035 or 293C.520, as applicable;

(f) Recruitment offices of the United States Armed Forces; and

(g) Such other offices as the Secretary of State deems appropriate.

2. Each voter registration agency shall:

(a) Post in a conspicuous place, in at least 12-point type, instructions for registering to vote;

(b) Except as otherwise provided in subsection 3, distribute applications to register to vote which may be returned by mail with any application for services or assistance from the agency or submitted for any other purpose and with each application for recertification, renewal or change of address submitted to the agency that relates to such services, assistance or other purpose;

(c) Provide the same amount of assistance to an applicant in completing an application to register to vote as the agency provides to a person completing any other forms for the agency; and

(d) Accept completed applications to register to vote.

3. A voter registration agency is not required to provide an application to register to vote pursuant to paragraph (b) of subsection 2 to a person who applies for or receives services or assistance from the agency or submits an application for any other purpose if the person declines to register to vote and submits to the agency a written form that meets the requirements of ~~[~~42 U.S.C. § 1973gg 5(a)(6).~~]~~ ***52 U.S.C. § 20506(a)(6).*** No information related to the declination to register to vote may be used for any purpose other than voter registration.

4. Except as otherwise provided in this subsection and NRS 293.524, any application to register to vote accepted by a voter registration agency must be transmitted to the county clerk not later than 10 days after the application is

accepted. The applications must be forwarded daily during the 2 weeks immediately preceding the ~~[fifth Sunday preceding an election.]~~ ***last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable.*** The county clerk shall accept any application to register to vote which is obtained from a voter registration agency pursuant to this section and completed by the ~~[fifth Sunday preceding an election]~~ ***last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable,*** if the county clerk receives the application not later than 5 days after that date.

5. The Secretary of State shall cooperate with the Secretary of Defense to develop and carry out procedures to enable persons in this State to apply to register to vote at recruitment offices of the United States Armed Forces.

Sec. 14. NRS 293.505 is hereby amended to read as follows:

293.505 1. All justices of the peace, except those located in county seats, are ex officio field registrars to carry out the provisions of this chapter.

2. The county clerk shall appoint at least one registered voter to serve as a field registrar of voters who, except as otherwise provided in NRS 293.5055, shall register voters within the county for which the field registrar is appointed. Except as otherwise provided in subsection 1, a candidate for any office may not be appointed or serve as a field registrar. A field registrar serves at the pleasure of the county clerk and shall perform such duties as the county clerk may direct. The county clerk shall not knowingly appoint any person as a field registrar who has been convicted of a felony involving theft or fraud. The Secretary of State may bring an action against a county clerk to collect a civil penalty of not more than $5,000 for each person who is appointed as a field registrar in violation of this subsection. Any civil penalty collected pursuant to this subsection must be deposited with the State Treasurer for credit to the State General Fund.

3. A field registrar shall demand of any person who applies for registration all information required by the application to register to vote and shall administer all oaths required by this chapter.

4. When a field registrar has in his or her possession five or more completed applications to register to vote, the field registrar shall forward them to the county clerk, but in no case may the field registrar hold any number of them for more than 10 days.

5. Each field registrar shall forward to the county clerk all completed applications in his or her possession immediately after the ~~[fifth Sunday preceding an election.]~~ ***last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable.*** Within 5 days after the ~~[fifth Sunday preceding any general election or general city election,]~~ ***last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable,*** a field registrar shall return all unused applications in his or her possession to the county clerk. If all of the unused applications are not returned to the county clerk, the field registrar shall account for the unreturned applications.

6. Each field registrar shall submit to the county clerk a list of the serial numbers of the completed applications to register to vote and the names of

the electors on those applications. The serial numbers must be listed in numerical order.

7. Each field registrar shall post notices sent to him or her by the county clerk for posting in accordance with the election laws of this State.

8. A field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 shall not:

(a) Delegate any of his or her duties to another person; or

(b) Refuse to register a person on account of that person's political party affiliation.

9. A person shall not hold himself or herself out to be or attempt to exercise the duties of a field registrar unless the person has been so appointed.

10. A county clerk, field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 shall not:

(a) Solicit a vote for or against a particular question or candidate;

(b) Speak to a voter on the subject of marking his or her ballot for or against a particular question or candidate; or

(c) Distribute any petition or other material concerning a candidate or question which will be on the ballot for the ensuing election,

➥ while registering an elector.

11. When the county clerk receives applications to register to vote from a field registrar, the county clerk shall issue a receipt to the field registrar. The receipt must include:

(a) The number of persons registered; and

(b) The political party of the persons registered.

12. A county clerk, field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 shall not:

(a) Knowingly register a person who is not a qualified elector or a person who has filed a false or misleading application to register to vote; or

(b) Register a person who fails to provide satisfactory proof of identification and the address at which the person actually resides.

13. A county clerk, field registrar, employee of a voter registration agency, person assisting a voter pursuant to subsection 13 of NRS 293.5235 or any other person providing a form for the application to register to vote to an elector for the purpose of registering to vote:

(a) If the person who assists an elector with completing the form for the application to register to vote retains the form, shall enter his or her name on the duplicate copy or receipt retained by the voter upon completion of the form; and

(b) Shall not alter, deface or destroy an application to register to vote that has been signed by an elector except to correct information contained in the application after receiving notice from the elector that a change in or addition to the information is required.

14. If a field registrar violates any of the provisions of this section, the county clerk shall immediately suspend the field registrar and notify the district attorney of the county in which the violation occurred.

15. A person who violates any of the provisions of subsection 8, 9, 10, 12 or 13 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 14.2. NRS 293.5237 is hereby amended to read as follows:

293.5237 Any time before the ~~[fifth Sunday preceding an election,]~~ ***last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable,*** a person who because of illness, disability or for other good cause shown requires assistance to complete an application to register to vote may request the county clerk in writing or by telephone to register the person at the person's residence. Upon request, the county clerk shall direct the appropriate field registrar to go to the home of such a person to register the person to vote.

Sec. 14.4. NRS 293.524 is hereby amended to read as follows:

293.524 1. The Department of Motor Vehicles shall provide an application to register to vote to each person who applies for the issuance or renewal of any type of driver's license or identification card issued by the Department.

2. The county clerk shall use the applications to register to vote which are signed and completed pursuant to subsection 1 to register applicants to vote or to correct information in the registrar of voters' register. An application that is not signed must not be used to register or correct the registration of the applicant.

3. For the purposes of this section, each employee specifically authorized to do so by the Director of the Department may oversee the completion of an application. The authorized employee shall check the application for completeness and verify the information required by the application. Each application must include a duplicate copy or receipt to be retained by the applicant upon completion of the form. The Department shall, except as otherwise provided in this subsection, forward each application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. The applications must be forwarded daily during the 2 weeks immediately preceding the ~~[fifth Sunday preceding an election.]~~ ***last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable.***

4. The county clerk shall accept any application to register to vote which is obtained from the Department of Motor Vehicles pursuant to this section and completed by the ~~[fifth Sunday preceding an election]~~ ***last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable,*** if the county clerk receives the application not later than 5 days after that date. Upon receipt of an application, the county clerk or field registrar of voters shall determine whether the application is complete. If the county clerk or field registrar of voters determines that the application is complete, he or she

shall notify the applicant and the applicant shall be deemed to be registered as of the date of the submission of the application. If the county clerk or field registrar of voters determines that the application is not complete, he or she shall notify the applicant of the additional information required. The applicant shall be deemed to be registered as of the date of the initial submission of the application if the additional information is provided within 15 days after the notice for the additional information is mailed. If the applicant has not provided the additional information within 15 days after the notice for the additional information is mailed, the incomplete application is void. Any notification required by this subsection must be given by mail at the mailing address on the application not more than 7 working days after the determination is made concerning whether the application is complete.

5. The county clerk shall use any form submitted to the Department to correct information on a driver's license or identification card to correct information in the registrar of voters' register, unless the person indicates on the form that the correction is not to be used for the purposes of voter registration. The Department shall forward each such form to the county clerk or, if applicable, to the registrar of voters of the county in which the person resides in the same manner provided by subsection 3 for applications to register to vote.

6. Upon receipt of a form to correct information, the county clerk shall compare the information to that contained in the registrar of voters' register. If the person is a registered voter, the county clerk shall correct the information to reflect any changes indicated on the form. After making any changes, the county clerk shall notify the person by mail that the records have been corrected.

7. The Secretary of State shall, with the approval of the Director, adopt regulations to:

(a) Establish any procedure necessary to provide an elector who applies to register to vote pursuant to this section the opportunity to do so;

(b) Prescribe the contents of any forms or applications which the Department is required to distribute pursuant to this section; and

(c) Provide for the transfer of the completed applications of registration from the Department to the appropriate county clerk for inclusion in the rosters and registrar of voters' register.

Sec. 14.6. NRS 293.560 is hereby amended to read as follows:

293.560 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300 ~~[, registration must close on]~~ ***:***

(a) For a primary or general election, or a recall or special election that is held on the same day as a primary or general election, the last day to register to vote:

(1) By mail is the fourth Tuesday preceding the primary or general election.

(2) By appearing in person at the office of the county clerk or, if open, a county facility designated pursuant to NRS 293.5035, is the third Tuesday preceding ~~[any]~~ ***the*** primary or general election ***.*** ~~[and on]~~

(3) By computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters, is the Thursday preceding the first day of the period for early voting.

(b) If a recall or special election is not held on the same day as a primary or general election, the last day to register to vote for the recall or special election by any means is the third Saturday preceding ~~[any]~~ ***the*** recall or special election ***.*** ~~[, except that if a recall or special election is held on the same day as a primary or general election, registration must close on the third Tuesday preceding the day of the elections.]~~

2. For a primary or special election, the office of the county clerk must be open until 7 p.m. during the last 2 days on which ~~[registration is open.]~~ ***a person may register to vote in person.*** In a county whose population is less than 100,000, the office of the county clerk may close at 5 p.m. during the last 2 days ~~[before registration closes]~~ ***a person may register to vote in person*** if approved by the board of county commissioners.

3. For a general election:

(a) In a county whose population is less than 100,000, the office of the county clerk must be open until 7 p.m. during the last 2 days on which ~~[registration is open.]~~ ***a person may register to vote in person.*** The office of the county clerk may close at 5 p.m. if approved by the board of county commissioners.

(b) In a county whose population is 100,000 or more, the office of the county clerk must be open during the last 4 days on which ~~[registration is open,]~~ ***a person may register to vote in person,*** according to the following schedule:

(1) On weekdays until 9 p.m.; and

(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays.

4. Except for a special election held pursuant to chapter 306 or 350 of NRS:

(a) The county clerk of each county shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the county indicating:

(1) The day and time that registration will be closed; and

(2) If the county clerk has designated a county facility pursuant to NRS 293.5035, the location of that facility.

➥ If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest county in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

5. The offices of the county clerk, a county facility designated pursuant to NRS 293.5035 and other ex officio registrars may remain open on the last Friday in October in each even-numbered year.

6. ~~[For the period beginning on the fifth Sunday preceding any primary or general election and ending on the third Tuesday preceding any primary or general election, an elector may register to vote only:~~

~~(a) By appearing in person at the office of the county clerk or, if open, a county facility designated pursuant to NRS 293.5035; or~~

~~(b) By computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.~~

~~7.]~~ A county facility designated pursuant to NRS 293.5035 may be open during the periods described in this section for such hours of operation as the county clerk may determine, as set forth in subsection 3 of NRS 293.5035.

Sec. 14.8. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. A county clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a county clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the county clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

5. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 4, the county clerk shall distribute the sample ballot to the registered voter by mail.

6. ~~[~~Before~~]~~ ***Except as otherwise provided in subsection 7, before*** the period for early voting for any election begins, the county clerk shall distribute to each registered voter in the county by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place. If the location of the polling place has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

7. ***If a person registers to vote less than 20 days before the date of an election, the county clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.***

8. Except as otherwise provided in subsection ~~[~~8.~~]~~ ***9,*** a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

~~[~~8.~~]~~ ***9.*** A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

~~[9.]~~ ***10.*** The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

~~[10.]~~ ***11.*** If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots distributed to that person from the county are in large type.

~~[11.]~~ ***12.*** The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place.

~~[12.]~~ ***13.*** The cost of distributing sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

Sec. 15. NRS 293C.305 is hereby amended to read as follows:

293C.305 1. The city clerk shall prepare an absent ballot for the use of registered voters who have requested absent ballots. The city clerk shall make reasonable accommodations for the use of the absent ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the absent ballot in 12-point type to a person who is elderly or disabled.

2. The ballot must be prepared and ready for distribution to a registered voter who:

(a) Except as otherwise provided in paragraph (b), resides within or outside this State, not later than 20 days before the election in which it will be used.

(b) Requested an absent ballot pursuant to the provisions of the Uniformed and Overseas Citizens Absentee Voting Act, ~~[42 U.S.C. §§ 1973ff]~~ ***52 U.S.C. §§ 20301*** et seq., not later than 45 days before the election.

3. Any legal action that would prevent the ballot from being issued pursuant to subsection 2 is moot and of no effect.

Sec. 15.5. NRS 293C.527 is hereby amended to read as follows:

293C.527 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300 ~~[, registration must close on]~~ ***:***

(a) For a primary city election or general city election, or a recall or special election that is held on the same day as a primary city election or general city election, the last day to register to vote:

(1) By mail is the fourth Tuesday preceding the primary city election or general city election.

(2) By appearing in person at the office of the city clerk or, if open, a municipal facility designated pursuant to NRS 293C.520, is the third Tuesday preceding ~~[any]~~ ***the*** primary city election or general city election **.** ~~[and on]~~

(3) By computer, if the county clerk of the county in which the city is located has established a system pursuant to NRS 293.506 for using a computer to register voters and:

(I) The governing body of the city has provided for early voting by personal appearance pursuant to paragraph (b) of subsection 2 of NRS 293C.110, is the Thursday preceding the first day of the period for early voting.

(II) The governing body of the city has not provided for early voting by personal appearance pursuant to paragraph (b) of subsection 2 of NRS 293C.110, is the third Tuesday preceding any primary city election or general city election.

(b) If a recall or special election is not held on the same day as a primary city election or general city election, the last day to register to vote for the recall or special election by any means is the third Saturday preceding ~~[any]~~ ***the*** recall or special election **.** ~~[, except that if a recall or special election is held on the same day as a primary city election or general city election, registration must close on the third Tuesday preceding the day of the elections.]~~

2. For a primary city election or special city election, the office of the city clerk must be open until 7 p.m. during the last 2 days on which ~~[registration is open.]~~ ***a person may register to vote in person.*** In a city whose population is less than 25,000, the office of the city clerk may close at 5 p.m. if approved by the governing body of the city.

3. For a general election:

(a) In a city whose population is less than 25,000, the office of the city clerk must be open until 7 p.m. during the last 2 days on which ~~[registration is open.]~~ ***a person may register to vote in person.*** The office of the city clerk may close at 5 p.m. if approved by the governing body of the city.

(b) In a city whose population is 25,000 or more, the office of the city clerk must be open during the last 4 days on which ~~[registration is open,]~~ ***a person may register to vote in person,*** according to the following schedule:

(1) On weekdays until 9 p.m.; and

(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays.

4. Except for a special election held pursuant to chapter 306 or 350 of NRS:

(a) The city clerk of each city shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the city indicating:

(1) The day and time that registration will be closed; and

(2) If the city clerk has designated a municipal facility pursuant to NRS 293C.520, the location of that facility.

➥ If no newspaper is of general circulation in that city, the publication may be made in a newspaper of general circulation in the nearest city in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

5. ~~[~~For the period beginning on the fifth Sunday preceding any primary city election or general city election and ending on the third Tuesday preceding any primary city election or general city election, an elector may register to vote only:

~~(a) By appearing in person at the office of the city clerk or, if open, a municipal facility designated pursuant to NRS 293C.520; or~~

~~(b) By computer, if the county clerk of the county in which the city is located has established a system pursuant to NRS 293.506 for using a computer to register voters.~~

~~6.]~~ A municipal facility designated pursuant to NRS 293C.520 may be open during the periods described in this section for such hours of operation as the city clerk may determine, as set forth in subsection 3 of NRS 293C.520.

Sec. 15.7. NRS 293C.530 is hereby amended to read as follows:

293C.530 1. A city clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a city clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the city clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

2. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 1, the city clerk shall distribute the sample ballot to the registered voter by mail.

3. ~~[~~Before~~]~~ ***Except as otherwise provided in subsection 4, before*** the period for early voting for any election begins, the city clerk shall distribute to each registered voter in the city by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of

the location of his or her polling place. If the location of the polling place has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

4. ***If a person registers to vote less than 20 days before the date of an election, the city clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.***

5. Except as otherwise provided in subsection ~~[6.]~~ ***7,*** a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type;

(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 295.205 or 295.217; and

(c) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

~~[5.]~~ ***6.*** The word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.

~~[6.]~~ ***7.*** A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

~~[7.]~~ ***8.*** The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

~~[8.]~~ ***9.*** If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots distributed to that person from the city are in large type.

~~[9.]~~ ***10.*** The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to

subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place.

~~[10.]~~ ***11.*** The cost of distributing sample ballots for a city election must be borne by the city holding the election.

Sec. 16. NRS 293D.050 is hereby amended to read as follows:

293D.050 "Military-overseas ballot" means:

1. A federal write-in absentee ballot described in section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, ~~[42 U.S.C. § 1973ff-2;]~~ ***52 U.S.C. § 20303;***

2. A ballot specifically prepared or distributed for use by a covered voter in accordance with this chapter; or

3. Any other ballot cast by a covered voter in accordance with this chapter.

Sec. 17. NRS 293D.110 is hereby amended to read as follows:

293D.110 In applying and construing this chapter, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that have enacted the Uniformed and Overseas Citizens Absentee Voting Act, ~~[42 U.S.C. § 1973ff]~~ ***52 U.S.C. §§ 20301*** et seq.

Sec. 18. NRS 293D.200 is hereby amended to read as follows:

293D.200 1. The Secretary of State shall make available to covered voters information regarding voter registration procedures for covered voters and procedures for casting military-overseas ballots.

2. The Secretary of State shall establish a system of approved electronic transmission through which covered voters may apply for, receive and send documents and other information pursuant to this chapter. The system of approved electronic transmission must include, without limitation, a method by which a covered voter may provide his or her digital signature or electronic signature on any document or other material that is necessary for the covered voter to register to vote, apply for a military-overseas ballot or cast a military-overseas ballot pursuant to this chapter.

3. The Secretary of State shall develop standardized absentee-voting materials, including, without limitation, privacy and transmission envelopes and their electronic equivalents, authentication materials and voting instructions, to be used with the military-overseas ballot of a covered voter authorized to vote in any jurisdiction in this State and, to the extent reasonably possible, shall do so in coordination with other states.

4. The Secretary of State shall prescribe the form and content of a declaration for use by a covered voter to swear or affirm specific representations pertaining to the covered voter's identity, eligibility to vote, status as a covered voter and timely and proper completion of a military-overseas ballot. The declaration must be based on the declaration prescribed to accompany a federal write-in absentee ballot under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, ~~[42 U.S.C. § 1973ff-2,]~~ ***52 U.S.C. § 20303,*** as modified to be consistent with this chapter. The Secretary of State shall ensure that a form for the execution of the declaration, including an indication of the date of execution of the declaration, is a prominent part of all balloting materials for which the declaration is required.

5. The Secretary of State shall prescribe by regulation the duties of a local elections official upon receipt of a military-overseas ballot, including, without limitation, the procedures to be used by a local elections official in accepting, handling and counting a military-overseas ballot.

Sec. 19. NRS 293D.230 is hereby amended to read as follows:

293D.230 1. In addition to any other method of registering to vote set forth in chapter 293 of NRS, a covered voter may use a federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, ~~[42 U.S.C. § 1973ff(b)(2),]~~ ***52 U.S.C. § 20301(b)(2),*** or the application's electronic equivalent, to apply to register to vote.

2. A covered voter may use the declaration accompanying the federal write-in absentee ballot, as prescribed under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, ~~[42 U.S.C. § 1973ff-2,]~~ ***52 U.S.C. § 20303,*** to apply to register to vote simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the seventh day before the election. If the declaration is received after the seventh day before the election, it must be treated as an application to register to vote for subsequent elections.

3. The Secretary of State shall ensure that the system of approved electronic transmission described in subsection 2 of NRS 293D.200 is capable of accepting:

(a) Both a federal postcard application and any other approved electronic registration application sent to the appropriate local elections official; and

(b) A digital signature or an electronic signature of a covered voter on the documents described in paragraph (a).

4. The covered voter may use the system of approved electronic transmission or any other method set forth in chapter 293 of NRS to register to vote.

Sec. 20. NRS 293D.300 is hereby amended to read as follows:

293D.300 1. A covered voter who is registered to vote in this State may apply for a military-overseas ballot by submitting a federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and

Overseas Citizens Absentee Voting Act, ~~[42 U.S.C. § 1973ff(b)(2),]~~ ***52 U.S.C. § 20301(b)(2),*** or the application's electronic equivalent, pursuant to this section.

2. A covered voter who is not registered to vote in this State may use the federal postcard application or the application's electronic equivalent simultaneously to apply to register to vote pursuant to NRS 293D.230 and to apply for a military-overseas ballot.

3. The Secretary of State shall ensure that the system of approved electronic transmission described in subsection 2 of NRS 293D.200 is capable of accepting the submission of:

(a) Both a federal postcard application and any other approved electronic military-overseas ballot application sent to the appropriate local elections official; and

(b) A digital signature or an electronic signature of a covered voter on the documents described in paragraph (a).

4. A covered voter may use approved electronic transmission or any other method approved by the Secretary of State to apply for a military-overseas ballot.

5. A covered voter may use the declaration accompanying the federal write-in absentee ballot, as prescribed under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, ~~[42 U.S.C. § 1973ff 2,]~~ ***52 U.S.C. § 20303,*** as an application for a military-overseas ballot simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the appropriate local elections official by the seventh day before the election.

6. To receive the benefits of this chapter, a covered voter must inform the appropriate local elections official that he or she is a covered voter. Methods of informing the appropriate local elections official that a person is a covered voter include, without limitation:

(a) The use of a federal postcard application or federal write-in absentee ballot;

(b) The use of an overseas address on an approved voting registration application or ballot application; and

(c) The inclusion on an application to register to vote or an application for a military-overseas ballot of other information sufficient to identify that the person is a covered voter.

7. This chapter does not prohibit a covered voter from applying for an absent ballot pursuant to the provisions of NRS 293.315 or voting in person.

Sec. 21. NRS 293D.320 is hereby amended to read as follows:

293D.320 1. For all covered elections for which this State has not received a waiver pursuant to section 579 of the Military and Overseas Voter Empowerment Act, ~~[42 U.S.C. § 1973ff 1(g)(2),]~~ ***52 U.S.C. § 20302(g)(2),*** not later than 45 days before the election or, if the 45th day before the election is a weekend or holiday, not later than the business day preceding the 45th day, the local elections official in each jurisdiction charged with

distributing military-overseas ballots and balloting materials shall transmit military-overseas ballots and balloting materials to all covered voters who by that date submit a valid application for military-overseas ballots.

2. A covered voter who requests that a military-overseas ballot and balloting materials be sent to the covered voter by approved electronic transmission may choose to receive the military-overseas ballot and balloting materials by:

(a) Facsimile transmission;

(b) Electronic mail delivery; or

(c) The system of approved electronic transmission that is established by the Secretary of State pursuant to subsection 2 of NRS 293D.200.

➥ The local elections official in each jurisdiction shall transmit the military-overseas ballot and balloting materials to the covered voter using the means of approved electronic transmission chosen by the covered voter.

3. If an application for a military-overseas ballot from a covered voter arrives after the jurisdiction begins transmitting ballots and balloting materials to other voters, the local elections official shall transmit the military-overseas ballot and balloting materials to the covered voter not later than 2 business days after the application arrives.

Sec. 22. NRS 293D.410 is hereby amended to read as follows:

293D.410 1. Except as otherwise provided in subsection 2, a covered voter may use the federal write-in absentee ballot, in accordance with section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, ~~[~~42 U.S.C. § 1973ff-2,~~]~~ ***52 U.S.C. § 20303,*** to vote for all offices and ballot measures in an election.

2. If the covered voter indicates on the federal write-in absentee ballot that he or she is residing overseas indefinitely, the covered voter may only use the federal write-in absentee ballot to vote for federal offices.

Sec. 23. NRS 293D.530 is hereby amended to read as follows:

293D.530 If a covered voter's mistake or omission in the completion of a document under this chapter does not prevent determining whether a covered voter is eligible to vote, the mistake or omission does not invalidate the document. Failure to satisfy a nonessential requirement, including, without limitation, using paper or envelopes of a specified size or weight, does not invalidate any document submitted under this chapter. In any write-in ballot authorized by this chapter, if the intention of the covered voter is discernable under this State's uniform definition of what constitutes a vote, as required by the Help America Vote Act of 2002, ~~[~~42 U.S.C. § 15481(a)(6),~~]~~ ***52 U.S.C. § 21081(a)(6),*** an abbreviation, misspelling or other minor variation in the form of the name of a candidate or a political party must be accepted as a valid vote.

Sec. 23.5. **Chapter 294A of NRS is hereby amended by adding thereto a new section to read as follows:**

"Election year" means, with regard to a:

1. Candidate, the calendar year in which the primary election and general election are held for the public office for which the candidate is seeking election or intends to seek election.

2. Question on the ballot, the calendar year in which the election is held for the question.

Sec. 23.7. **NRS 294A.002 is hereby amended to read as follows:**

294A.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 294A.0025 to 294A.014, inclusive, ***and section 23.5 of this act*** have the meanings ascribed to them in those sections.

Sec. 24. NRS 294A.120 is hereby amended to read as follows:

294A.120 1. Every candidate for office at a primary election or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report:

(a) Each contribution in excess of $100 received during the period;

(b) Contributions received during the period from a contributor which cumulatively exceed $100; and

(c) The total of all contributions received during the period which are $100 or less and which are not otherwise required to be reported pursuant to paragraph (b) . ***[; and***

(d) The balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period.]

➥ The provisions of this subsection apply to the candidate beginning the year of the general election for that office through the year immediately preceding the next general election for that office.

2. Every candidate for office at a primary election or general election shall, not later than:

(a) Twenty-one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;

(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;

(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,

➥ report each contribution described in ***[paragraphs (a), (b) and (c) of]*** subsection 1 received during the period . ***[and the balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period.]***

3. Except as otherwise provided in subsections 4 **,** ~~[and]~~ 5 ***and 6,*** and NRS 294A.223, every candidate for office at a special election shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➥ report each contribution described in ~~*[paragraphs (a), (b) and (c) of]*~~ subsection 1 received during the period **.** ~~*[and the balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period.]*~~

4. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 5 ***and 6*** and NRS 294A.223, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through the 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➥ report each contribution described in ~~*[paragraphs (a), (b) and (c) of]*~~ subsection 1 received during the period **.** ~~*[and the balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period.]*~~

5. ***Except as otherwise provided in subsection 6, if a petition for recall is not submitted to the filing officer before the expiration of the notice of intent pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of that chapter, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the expiration of the notice of intent, for the period from the filing of the notice of intent through the date that the notice of intent expires or the petition is determined to be legally insufficient, report each contribution described in*** ~~*[paragraphs (a), (b) and (c) of]*~~ ***subsection 1 .*** ~~*[and the balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period.]*~~ ***The provisions of this***

subsection apply to the candidate for office at a special election if the petition for recall:

(a) Is not submitted to the filing officer as required by chapter 306 of NRS;

(b) Is submitted to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or

(c) Is otherwise legally insufficient or efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS are suspended or discontinued.

6. If a district court determines that a petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each contribution described in ~~***[paragraphs (a), (b) and (c) of]***~~ subsection 1 received during the period ***.*** ~~***[and the balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period.]***~~

~~[6.]~~ ***7.*** Except as otherwise provided in NRS 294A.3733, reports of contributions must be filed electronically with the Secretary of State.

~~[7.]~~ ***8.*** A report shall be deemed to be filed on the date that it was received by the Secretary of State.

~~[8.]~~ ***9.*** The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

Sec. 24.2. **NRS 294A.120 is hereby amended to read as follows:**

294A.120 1. Every candidate for office at a primary election or general election shall, not later than January 15 of ~~[each]~~ ***the election*** year, for the period ~~[from]~~ ***beginning*** January 1 of the previous year ~~[through]~~ ***and ending on*** December 31 of the previous year, report:

(a) Each contribution in excess of $100 received during the period;

(b) Contributions received during the period from a contributor which cumulatively exceed $100; ~~[and]~~

(c) The total of all contributions received during the period which are $100 or less and which are not otherwise required to be reported pursuant to paragraph (b) ~~[.~~

~~→ The provisions of this subsection apply to the candidate beginning the year of the general election for that office through the year immediately preceding the next general election for that office.]~~ ***; and***

(d) The balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period.

2. ~~[~~Every~~]~~ ***In addition to the requirements set forth in subsection 1, every*** candidate for office at a primary election or general election shall, not later than:

(a) ~~[~~Twenty-one days before the primary election for that office,~~]~~ ***April 15 of the election year,*** for the period ~~[~~from the~~]~~ ***beginning*** January 1 ~~[~~immediately preceding the primary election through 25 days before the primary election;~~]~~ ***and ending on March 31 of the election year;***

(b) ~~[~~Four days before the primary election for that office,~~]~~ ***July 15 of the election year,*** for the period ~~[~~from 24 days before the primary election through 5 days before the primary election;~~]~~ ***beginning April 1 and ending on June 30 of the election year;***

(c) ~~[~~Twenty-one days before the general election for that office,~~]~~ ***October 15 of the election year,*** for the period ~~[~~from 4 days before the primary election through 25 days before the general election;~~]~~ ***beginning July 1 and ending on September 30 of the election year;*** and

(d) ~~[~~Four days before the general election for that office,~~]~~ ***January 15 of the year immediately following the election year,*** for the period ~~[~~from 24 days before the general election through 5 days before the general election,~~]~~ ***beginning October 1 and ending on December 31 of the election year,***

➥ report each contribution described in ***paragraphs (a), (b) and (c) of*** subsection 1 received during the period ~~[.]~~ ***and the balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period.***

3. Except as otherwise provided in subsections 4, 5 and 6, and NRS 294A.223, every candidate for office at a special election shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➥ report each contribution described in ***paragraphs (a), (b) and (c) of*** subsection 1 received during the period ~~[.]~~ ***and the balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period.***

4. Except as otherwise provided in subsections 5 and 6 and NRS 294A.223, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to

circulate the petition for recall is filed pursuant to NRS 306.015 through the 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➥ report each contribution described in ***paragraphs (a), (b) and (c) of*** subsection 1 received during the period ~~.~~ ***and the balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period.***

5. Except as otherwise provided in subsection 6, if a petition for recall is not submitted to the filing officer before the expiration of the notice of intent pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of that chapter, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the expiration of the notice of intent, for the period from the filing of the notice of intent through the date that the notice of intent expires or the petition is determined to be legally insufficient, report each contribution described in ***paragraphs (a), (b) and (c) of*** subsection 1 ***received during the period and the balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period.*** The provisions of this subsection apply to the candidate for office at a special election if the petition for recall:

(a) Is not submitted to the filing officer as required by chapter 306 of NRS;

(b) Is submitted to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or

(c) Is otherwise legally insufficient or efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS are suspended or discontinued.

6. If a district court determines that a petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each contribution described in ***paragraphs (a), (b) and (c) of*** subsection 1 received during the period ~~.~~ ***and the balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period.***

7. ***In addition to complying with the applicable requirements of subsections 1 to 6, inclusive, if a candidate is elected to office at a primary***

election, general election or special election, he or she must, not later than January 15 of each year, report the information described in paragraphs (a) to (d), inclusive, of subsection 1 for the period beginning January 1 of the previous year and ending on December 31 of the previous year. The provisions of this subsection apply to the candidate until the year immediately preceding the next election year for that office. Nothing in this subsection:

(a) Requires the candidate to report information described in paragraphs (a) to (d), inclusive, of subsection 1 that has previously been reported in a timely manner pursuant to subsections 1 to 6, inclusive; or

(b) Authorizes the candidate to not comply with the applicable requirements of subsections 1 to 6, inclusive, if he or she becomes a candidate for another office at a primary election, general election or special election during his or her term of office.

8. Except as otherwise provided in NRS 294A.3733, reports of contributions must be filed electronically with the Secretary of State.

~~[8.]~~ ***9.*** A report shall be deemed to be filed on the date that it was received by the Secretary of State.

~~[9.]~~ ***10.*** The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

Sec. 24.5. NRS 294A.125 is hereby amended to read as follows:

294A.125 1. In addition to complying with the requirements set forth in NRS 294A.120 and 294A.200, a candidate who receives contributions in any year before the year in which the general election in which the candidate intends to seek election to public office is held shall, for:

(a) The year in which the candidate receives contributions in excess of $10,000, list:

(1) Each of the contributions received and the expenditures in excess of $100 made in that year; ~~[and]~~

(2) The total of all contributions received and expenditures which are $100 or less ~~[.]~~ ***; and***

(3) The balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the reporting period.

(b) Each year after the year in which the candidate received contributions in excess of $10,000, until the year of the general election in which the candidate intends to seek election to public office is held, list:

(1) Each of the contributions received and the expenditures in excess of $100 made in that year; ~~[and]~~

(2) The total of all contributions received and expenditures which are $100 or less ~~[.]~~ ***; and***

(3) The balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the reporting period.

2. The name and address of the contributor and the date on which the contribution was received must be included on the list for each contribution in excess of $100 and contributions that a contributor has made cumulatively in excess of that amount.

3. Except as otherwise provided in NRS 294A.3733, the report must be filed electronically with the Secretary of State.

4. A report shall be deemed to be filed on the date it was received by the Secretary of State.

Sec. 25. NRS 294A.140 is hereby amended to read as follows:

294A.140 1. The provisions of this section apply to:

(a) Every person who makes an independent expenditure in excess of $1,000; and

(b) Every committee for political action, political party and committee sponsored by a political party which receives contributions in excess of $1,000 or makes an expenditure for or against a candidate for office or a group of such candidates.

2. Every person, committee and political party described in subsection 1 shall, not later than January 15 of each year that the provisions of this subsection apply, for the period from January 1 of the previous year through December 31 of the previous year, report each contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000. The provisions of this subsection apply to the person, committee or political party beginning the year of the general election for that office through the year immediately preceding the next general election for that office.

3. Every person, committee and political party described in subsection 1 shall, not later than:

(a) Twenty-one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;

(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;

(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,

➥ report each contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000.

4. Except as otherwise provided in subsections 5 ***,*** ~~[and]~~ 6 ***and 7*** and NRS 294A.223, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election or for or against a group of such candidates shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the nomination of the candidate through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➥ report each contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000.

5. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 6 ***and 7*** and NRS 294A.223, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of candidates for offices at such special elections shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate a petition to recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➥ report each contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000.

6. ***Except as otherwise provided in subsection 7, if a petition for recall is not submitted to the filing officer before the expiration of the notice of intent pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of that chapter, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than 30 days after the***

expiration of the notice of intent, for the period from the filing of the notice of intent through the date that the notice of intent expires or the petition is determined to be legally insufficient, report each contribution in excess of $1,000 received and contributions received which cumulatively exceed $1,000. The provisions of this subsection apply to the person, committee and political party if the petition for recall:

(a) Is not submitted to the filing officer as required by chapter 306 of NRS;

(b) Is submitted to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or

(c) Is otherwise legally insufficient or efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS are suspended or discontinued.

7. If a district court determines that a petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of candidates for offices at such a special election shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each contribution in excess of $1,000 received during the period and contributions received during the period which cumulatively exceed $1,000.

~~[7.]~~ ***8.*** Except as otherwise provided in NRS 294A.3737, the reports of contributions required pursuant to this section must be filed electronically with the Secretary of State.

~~[8.]~~ ***9.*** A report shall be deemed to be filed on the date that it was received by the Secretary of State.

~~[9.]~~ ***10.*** Every person, committee and political party described in this section shall file a report required by this section even if the person, committee or political party receives no contributions.

~~[10.]~~ ***11.*** The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $1,000 and contributions which a contributor has made cumulatively in excess of $1,000 since the beginning of the current reporting period.

Sec. 25.2. **NRS 294A.140 is hereby amended to read as follows:**

294A.140 1. The provisions of this section apply to:

(a) Every person who makes an independent expenditure in excess of $1,000; and

(b) Every committee for political action, political party and committee sponsored by a political party which receives contributions in excess of

$1,000 or makes an expenditure for or against a candidate for office or a group of such candidates.

2. Every person, committee and political party described in subsection 1 shall, not later than January 15 of ~~[each]~~ ***the election*** year ~~[, that the provisions of this subsection apply,]~~ for the period ~~[from]~~ ***beginning*** January 1 of the previous year ~~[through]~~ ***and ending on*** December 31 of the previous year, report each contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000. ~~[The provisions of this subsection apply to the person, committee or political party beginning the year of the general election for that office through the year immediately preceding the next general election for that office.]~~

3. ~~[Every]~~ ***In addition to the requirements set forth in subsection 2, every*** person, committee and political party described in subsection 1 shall, not later than:

(a) ~~[Twenty-one days before the primary election for that office,]~~ ***April 15 of the election year,*** for the period ~~[from the]~~ ***beginning*** January 1 ~~[immediately preceding the primary election through 25 days before the primary election;]~~ ***and ending on March 31 of the election year;***

(b) ~~[Four days before the primary election for that office,]~~ ***July 15 of the election year,*** for the period ~~[from 24 days before the primary election through 5 days before the primary election;]~~ ***beginning April 1 and ending on June 30 of the election year;***

(c) ~~[Twenty-one days before the general election for that office,]~~ ***October 15 of the election year,*** for the period ~~[from 4 days before the primary election through 25 days before the general election;]~~ ***beginning July 1 and ending on September 30 of the election year;*** and

(d) ~~[Four days before the general election for that office,]~~ ***January 15 of the year immediately following the election year,*** for the period ~~[from 24 days before the general election through 5 days before the general election,]~~ ***beginning October 1 and ending on December 31 of the election year,***

➥ report each contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000.

4. Except as otherwise provided in subsections 5, 6 and 7 and NRS 294A.223, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election or for or against a group of such candidates shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the nomination of the candidate through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➥ report each contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000.

5. Except as otherwise provided in subsections 6 and 7 and NRS 294A.223, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of candidates for offices at such special elections shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate a petition to recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➥ report each contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000.

6. Except as otherwise provided in subsection 7, if a petition for recall is not submitted to the filing officer before the expiration of the notice of intent pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of that chapter, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than 30 days after the expiration of the notice of intent, for the period from the filing of the notice of intent through the date that the notice of intent expires or the petition is determined to be legally insufficient, report each contribution in excess of $1,000 received and contributions received which cumulatively exceed $1,000. The provisions of this subsection apply to the person, committee and political party if the petition for recall:

(a) Is not submitted to the filing officer as required by chapter 306 of NRS;

(b) Is submitted to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or

(c) Is otherwise legally insufficient or efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS are suspended or discontinued.

7. If a district court determines that a petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of candidates for offices at such a special election shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each contribution in excess of $1,000 received during the period and contributions received during the period which cumulatively exceed $1,000.

8. ***In addition to complying with the applicable requirements of subsections 2 to 7, inclusive, a person, committee or political party described in subsection 1 must, not later than January 15 of each year that is not an election year, for the period beginning January 1 of the previous year and ending on December 31 of the previous year, report each contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000. Nothing in this subsection:***

(a) Requires the person, committee or political party to report information that has previously been reported in a timely manner pursuant to subsections 2 to 7, inclusive; or

(b) Authorizes the person, committee or political party to not comply with any applicable requirement set forth in subsections 2 to 7, inclusive.

9. Except as otherwise provided in NRS 294A.3737, the reports of contributions required pursuant to this section must be filed electronically with the Secretary of State.

~~[9.]~~ ***10.*** A report shall be deemed to be filed on the date that it was received by the Secretary of State.

~~[10.]~~ ***11.*** Every person, committee and political party described in this section shall file a report required by this section even if the person, committee or political party receives no contributions.

~~[11.]~~ ***12.*** The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $1,000 and contributions which a contributor has

made cumulatively in excess of $1,000 since the beginning of the current reporting period.

Sec. 25.4. **NRS 294A.150 is hereby amended to read as follows:**

294A.150 1. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a primary election or general election shall, not later than January 15 of ~~[each]~~ ***the election*** year ***,*** ~~[that the provisions of this subsection apply to the committee for political action,]~~ for the period ~~[from]~~ ***beginning*** January 1 of the previous year ~~[through]~~ ***and ending on*** December 31 of the previous year, report each contribution in excess of $1,000 received during that period and contributions received during the period from a contributor which cumulatively exceed $1,000. ~~[The provisions of this subsection apply to the committee for political action:~~

~~(a) Each year in which an election is held for each question for which the committee for political action advocates passage or defeat; and~~

~~(b) The year after the year described in paragraph (a).]~~

2. ~~[A]~~ ***In addition to the requirements set forth in subsection 1, the*** committee for political action ~~[described in subsection 1]~~ shall, not later than:

(a) ~~[Twenty-one days before the primary election,]~~ ***April 15 of the election year,*** for the period ~~[from the]~~ ***beginning*** January 1 ~~[immediately preceding the primary election through 25 days before the primary election;]~~ ***and ending on March 31 of the election year;***

(b) ~~[Four days before the primary election,]~~ ***July 15 of the election year,*** for the period ~~[from 24 days before the primary election through 5 days before the primary election;]~~ ***beginning April 1 and ending on June 30 of the election year;***

(c) ~~[Twenty-one days before the general election,]~~ ***October 15 of the election year,*** for the period ~~[from 4 days before the primary election through 25 days before the general election;]~~ ***beginning July 1 and ending on September 30 of the election year;*** and

(d) ~~[Four days before the general election,]~~ ***January 15 of the year immediately following the election year,*** for the period ~~[from 24 days before the general election through 5 days before the general election,]~~ ***beginning October 1 and ending on December 31 of the election year,***

➥ report each contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000.

3. Except as otherwise provided in NRS 294A.223, every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date that the question qualified for the ballot through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➥ report each contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000.

4. The provisions of this section apply to a committee for political action even if the question or group of questions that the committee for political action advocates the passage or defeat of is removed from the ballot by a court order or otherwise does not appear on the ballot at a primary, general or special election.

5. Except as otherwise provided in NRS 294A.3737, the reports required pursuant to this section must be filed electronically with the Secretary of State.

6. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

7. If the committee for political action is advocating passage or defeat of a group of questions, the reports must be itemized by question or petition.

Sec. 26. NRS 294A.200 is hereby amended to read as follows:

294A.200 1. Every candidate for office at a primary election or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report:

(a) Each of the campaign expenses in excess of $100 incurred during the period;

(b) Each amount in excess of $100 disposed of pursuant to NRS 294A.160 or subsection 3 of NRS 294A.286 during the period;

(c) The total of all campaign expenses incurred during the period which are $100 or less; and

(d) The total of all amounts disposed of during the period pursuant to NRS 294A.160 or subsection 3 of NRS 294A.286 which are $100 or less.

2. The provisions of subsection 1 apply to the candidate:

(a) Beginning the year of the general election for that office through the year immediately preceding the next general election for that office; and

(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160 or 294A.286.

3. Every candidate for office at a primary election or general election shall, not later than:

(a) Twenty-one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;

(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;

(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,

➥ report each of the campaign expenses described in subsection 1 incurred during the period.

4. Except as otherwise provided in subsections 5 **,** ~~[and]~~ 6 ***and 7*** and NRS 294A.223, every candidate for office at a special election shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➥ report each of the campaign expenses described in subsection 1 incurred during the period.

5. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 6 ***and 7*** and NRS 294A.223, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➥ report each of the campaign expenses described in subsection 1 incurred during the period.

6. ***Except as otherwise provided in subsection 7, if a petition for recall is not submitted to the filing officer before the expiration of the notice of intent pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of that chapter, every candidate for office at a special election to***

determine whether a public officer will be recalled shall, not later than 30 days after the expiration of the notice of intent, for the period from the filing of the notice of intent through the date that the notice of intent expires or the petition is determined to be legally insufficient, report each of the campaign expenses described in subsection 1 incurred during the period. The provisions of this subsection apply to the candidate for office at a special election if the petition for recall:

(a) Is not submitted to the filing officer as required by chapter 306 of NRS;

(b) Is submitted to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or

(c) Is otherwise legally insufficient or efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS are suspended or discontinued.

7. If a district court determines that a petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the district orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each of the campaign expenses described in subsection 1 incurred during the period.

~~[7.]~~ ***8.*** Except as otherwise provided in NRS 294A.3733, reports of campaign expenses must be filed electronically with the Secretary of State.

~~[8.]~~ ***9.*** A report shall be deemed to be filed on the date that it was received by the Secretary of State.

Sec. 26.5. **NRS 294A.200 is hereby amended to read as follows:**

294A.200 1. Every candidate for office at a primary election or general election shall, not later than January 15 of ~~[each]~~ ***the election*** year, for the period ~~[from]~~ ***beginning*** January 1 of the previous year ~~[through]~~ ***and ending on*** December 31 of the previous year, report:

(a) Each of the campaign expenses in excess of $100 incurred during the period;

(b) Each amount in excess of $100 disposed of pursuant to NRS 294A.160 or subsection 3 of NRS 294A.286 during the period;

(c) The total of all campaign expenses incurred during the period which are $100 or less; and

(d) The total of all amounts disposed of during the period pursuant to NRS 294A.160 or subsection 3 of NRS 294A.286 which are $100 or less.

2. ~~[The provisions of subsection 1 apply to the candidate:~~

~~(a) Beginning the year of the general election for that office through the year immediately preceding the next general election for that office; and~~

~~(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160 or 294A.286.~~

~~3. Every~~ ***In addition to the requirements set forth in subsection 1, every*** candidate for office at a primary election or general election shall, not later than:

(a) ~~Twenty-one days before the primary election for that office,~~ ***April 15 of the election year,*** for the period ~~from the January 1 immediately preceding the primary election through 25 days before the primary election;~~ ***beginning January 1 and ending on March 31 of the election year;***

(b) ~~Four days before the primary election for that office,~~ ***July 15 of the election year,*** for the period ~~from 24 days before the primary election through 5 days before the primary election;~~ ***beginning April 1 and ending on June 30 of the election year;***

(c) ~~Twenty-one days before the general election for that office,~~ ***October 15 of the election year,*** for the period ~~from 4 days before the primary election through 25 days before the general election;~~ ***beginning July 1 and ending on September 30 of the election year;*** and

(d) ~~Four days before the general election for that office,~~ ***January 15 of the year immediately following the election year,*** for the period ~~from 24 days before the general election through 5 days before the general election,~~ ***beginning October 1 and ending on December 31 of the election year,***

➥ report each of the campaign expenses described in subsection 1 incurred during the period.

~~4.~~ ***3.*** Except as otherwise provided in subsections ~~5, 6 and 7~~ ***4, 5 and 6*** and NRS 294A.223, every candidate for office at a special election shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➥ report each of the campaign expenses described in subsection 1 incurred during the period.

~~5.~~ ***4.*** Except as otherwise provided in subsections ~~6 and 7~~ ***5 and 6*** and NRS 294A.223, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➥ report each of the campaign expenses described in subsection 1 incurred during the period.

~~[6.]~~ ***5.*** Except as otherwise provided in subsection ~~[7,]~~ ***6,*** if a petition for recall is not submitted to the filing officer before the expiration of the notice of intent pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of that chapter, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the expiration of the notice of intent, for the period from the filing of the notice of intent through the date that the notice of intent expires or the petition is determined to be legally insufficient, report each of the campaign expenses described in subsection 1 incurred during the period. The provisions of this subsection apply to the candidate for office at a special election if the petition for recall:

(a) Is not submitted to the filing officer as required by chapter 306 of NRS;

(b) Is submitted to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or

(c) Is otherwise legally insufficient or efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS are suspended or discontinued.

~~[7.]~~ ***6.*** If a district court determines that a petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the district orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each of the campaign expenses described in subsection 1 incurred during the period.

7. In addition to complying with the applicable reporting requirements of subsections 1 to 6, inclusive, if a candidate is elected to office at a primary election, general election or special election, he or she must, not later than January 15 of each year, report each of the campaign expenses described in subsection 1 incurred during the period beginning January 1 of the previous year and ending on December 31 of the previous year. The provisions of this subsection apply to the candidate until the year immediately preceding the next election year for that office. Nothing in this section:

(a) Requires the candidate to report a campaign expense that has previously been reported in a timely manner pursuant to subsections 1 to 6, inclusive; or

(b) Authorizes the candidate to not comply with the applicable requirements of subsections 1 to 6, inclusive, if he or she becomes a candidate for another office at a primary election, general election or special election during his or her term office.

8. ***If a candidate disposes of contributions pursuant to NRS 294A.160 or 294A.286 in any calendar year for which the candidate is not required to file a report pursuant to other provisions of this section, the candidate shall on or before January 15 of the following year, for the period beginning January 1 and ending on December 31 of the calendar year, report:***

(a) Each amount in excess of $100 disposed of pursuant to NRS 294A.160 or 294A.286 during the period; and

(b) The total of all amounts disposed of during the period pursuant to NRS 294A.160 or 294A.286 which are $100 or less.

9. Except as otherwise provided in NRS 294A.3733, reports of campaign expenses must be filed electronically with the Secretary of State.

~~[9.]~~ ***10.*** A report shall be deemed to be filed on the date that it was received by the Secretary of State.

Sec. 27. NRS 294A.210 is hereby amended to read as follows:

294A.210 1. The provisions of this section apply to:

(a) Every person who makes an independent expenditure in excess of $1,000; and

(b) Every committee for political action, political party and committee sponsored by a political party which receives contributions in excess of $1,000 or makes an expenditure for or against a candidate for office or a group of such candidates.

2. Every person, committee and political party described in subsection 1 shall, not later than January 15 of each year that the provisions of this subsection apply to the person, committee or political party, for the period from January 1 of the previous year through December 31 of the previous year, report each independent expenditure or other expenditure, as applicable, made during the period in excess of $1,000 and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000. The provisions of this subsection apply to the person, committee or political party beginning the year of the general election for that office through the year immediately preceding the next general election for that office.

3. Every person, committee and political party described in subsection 1 shall, not later than:

(a) Twenty-one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;

(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;

(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,

➥ report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.

4. Except as otherwise provided in subsections 5 ***,*** ~~[and]~~ 6 ***and 7*** and NRS 294A.223, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election or for or against a group of such candidates shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the nomination of the candidate through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➥ report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.

5. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 6 ***and 7*** and NRS 294A.223, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➥ report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.

6. ***Except as otherwise provided in subsection 7, if a petition for recall is not submitted to the filing officer before the expiration of the notice of intent pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of that chapter, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than 30 days after the expiration of the notice of intent, for the period from the filing of the notice of intent through the date that the notice of intent expires or the petition is determined to be legally insufficient, report each of the campaign expenses described in subsection 1 incurred during the period. The provisions of this subsection apply to the person, committee and political party if the petition for recall:***

(a) Is not submitted to the filing officer as required by chapter 306 of NRS;

(b) Is submitted to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or

(c) Is otherwise legally insufficient or efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS are suspended or discontinued.

7. If a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, every person, committee and ***political*** party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.

~~[7.]~~ ***8.*** Independent expenditures and other expenditures made within the State or made elsewhere but for use within the State, including independent

expenditures and other expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

~~[8.]~~ ***9.*** Except as otherwise provided in NRS 294A.3737, the reports must be filed electronically with the Secretary of State.

~~[9.]~~ ***10.*** If an independent expenditure or other expenditure, as applicable, is made for or against a group of candidates, the reports must be itemized by the candidate.

~~[10.]~~ ***11.*** A report shall be deemed to be filed on the date that it was received by the Secretary of State. Every person, committee or political party described in subsection 1 shall file a report required by this section even if the person, committee or political party receives no contributions.

Sec. 27.1. **NRS 294A.210 is hereby amended to read as follows:**

294A.210 1. The provisions of this section apply to:

(a) Every person who makes an independent expenditure in excess of $1,000; and

(b) Every committee for political action, political party and committee sponsored by a political party which receives contributions in excess of $1,000 or makes an expenditure for or against a candidate for office or a group of such candidates.

2. Every person, committee and political party described in subsection 1 shall, not later than January 15 of ~~[each]~~ ***the election*** year ***,*** ~~[that the provisions of this subsection apply to the person, committee or political party,]~~ for the period ~~[from]~~ ***beginning*** January 1 of the previous year ~~[through]~~ ***and ending on*** December 31 of the previous year, report each independent expenditure or other expenditure, as applicable, made during the period in excess of $1,000 and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000. ~~[The provisions of this subsection apply to the person, committee or political party beginning the year of the general election for that office through the year immediately preceding the next general election for that office.]~~

3. ~~[Every]~~ ***In addition to the requirements set forth in subsection 2, every*** person, committee and political party described in subsection 1 shall, not later than:

(a) ~~[Twenty-one days before the primary election for that office,]~~ ***April 15 of the election year,*** for the period ~~[from the January 1 immediately preceding the primary election through 25 days before the primary election;]~~ ***beginning January 1 and ending on March 31 of the election year;***

(b) ~~[Four days before the primary election for that office,]~~ ***July 15 of the election year,*** for the period ~~[from 24 days before the primary election through 5 days before the primary election;]~~ ***beginning April 1 and ending on June 30 of the election year;***

(c) ~~[Twenty-one days before the general election for that office,]~~ ***October 15 of the election year,*** for the period ~~[from 4 days before the primary

~~election through 25 days before the general election;~~ ***beginning July 1 and ending on September 30 of the election year;*** and

(d) ~~[Four days before the general election for that office,]~~ ***January 15 of the year immediately following the election year,*** for the period ~~[from 24 days before the general election through 5 days before the general election,]~~ ***beginning October 1 and ending on December 31 of the election year,***

➥ report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.

4. Except as otherwise provided in subsections 5, 6 and 7 and NRS 294A.223, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election or for or against a group of such candidates shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the nomination of the candidate through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➥ report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.

5. Except as otherwise provided in subsections 6 and 7 and NRS 294A.223, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➥ report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.

6. Except as otherwise provided in subsection 7, if a petition for recall is not submitted to the filing officer before the expiration of the notice of intent pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of that chapter, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than 30 days after the expiration of the notice of intent, for the period from the filing of the notice of intent through the date that the notice of intent expires or the petition is determined to be legally insufficient, report each of the campaign expenses described in subsection 1 incurred during the period. The provisions of this subsection apply to the person, committee and political party if the petition for recall:

(a) Is not submitted to the filing officer as required by chapter 306 of NRS;

(b) Is submitted to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or

(c) Is otherwise legally insufficient or efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS are suspended or discontinued.

7. If a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.

8. ***In addition to complying with the applicable requirements of subsections 2 to 7, inclusive, a person, committee or political party described in subsection 1 must, not later than January 15 of each year that is not an election year, for the period beginning January 1 of the previous year and ending on December 31 of the previous year, report each***

independent expenditure or other expenditure, as applicable, made during the period in excess of $1,000 and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000. Nothing in this subsection:

(a) Requires the person, committee or political party to report information that has previously been reported in a timely manner pursuant to subsections 2 to 7, inclusive; or

(b) Authorizes the person, committee or political party to not comply with any applicable requirement set forth in subsections 2 to 7, inclusive.

9. Independent expenditures and other expenditures made within the State or made elsewhere but for use within the State, including independent expenditures and other expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

~~[9.]~~ ***10.*** Except as otherwise provided in NRS 294A.3737, the reports must be filed electronically with the Secretary of State.

~~[10.]~~ ***11.*** If an independent expenditure or other expenditure, as applicable, is made for or against a group of candidates, the reports must be itemized by the candidate.

~~[11.]~~ ***12.*** A report shall be deemed to be filed on the date that it was received by the Secretary of State. Every person, committee or political party described in subsection 1 shall file a report required by this section even if the person, committee or political party receives no contributions.

Sec. 27.11. **NRS 294A.220 is hereby amended to read as follows:**

294A.220 1. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a primary election or general election shall, not later than January 15 of ~~[each]~~ ***the election*** year ~~[, that the provisions of this subsection apply to the committee for political action,]~~ for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period for or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 and such expenditures made during the period to one recipient that cumulatively exceed $1,000. ~~[The provisions of this subsection apply to the committee for political action:~~

~~(a) Each year in which an election is held for a question for which the committee for political action advocates passage or defeat; and~~

~~(b) The year after the year described in paragraph (a).]~~

2. ~~[A]~~ ***In addition to the requirements set forth in subsection 1, the*** committee for political action ~~[described in subsection 1]~~ shall, not later than:

(a) ~~[Twenty-one days before the primary election,]~~ ***April 15 of the election year,*** for the period ~~[from the]~~ ***beginning*** January 1 ~~[immediately preceding the primary election through 25 days before the primary election;]~~ ***and ending on March 31 of the election year;***

(b) ~~[Four days before the primary election,]~~ ***July 15 of the election year,*** for the period ~~[from 24 days before the primary election through 5 days before the primary election;]~~ ***beginning April 1 and ending on June 30 of the election year;***

(c) ~~[Twenty-one days before the general election,]~~ ***October 15 of the election year,*** for the period ~~[from 4 days before the primary election through 25 days before the general election;]~~ ***beginning July 1 and ending on September 30 of the election year;*** and

(d) ~~[Four days before the general election,]~~ ***January 15 of the year immediately following the election year,*** for the period ~~[from 24 days before the general election through 5 days before the general election,]~~ ***beginning October 1 and ending on December 31 of the election year,***

➥ report each expenditure made during the period for or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 and such expenditures made during the period to one recipient that cumulatively exceed $1,000.

3. Except as otherwise provided in NRS 294A.223, every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the question qualified for the ballot through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➥ report each expenditure made during the period for or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 and such expenditures made during the period to one recipient that cumulatively exceed $1,000.

4. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

5. The provisions of this section apply to a committee for political action even if the question or group of questions that the committee for political action advocates the passage or defeat of is removed from the ballot by a court order or otherwise does not appear on the ballot at a primary, general or special election.

6. Except as otherwise provided in NRS 294A.3737, reports required pursuant to this section must be filed electronically with the Secretary of State.

7. If an expenditure is made for or against a group of questions, the reports must be itemized by question or petition.

8. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

Sec. 27.2. NRS 294A.365 is hereby amended to read as follows:

294A.365 1. Each report required pursuant to NRS 294A.210, 294A.220 and 294A.280 must consist of a list of each expenditure in excess of $100 or $1,000, as is appropriate, that was made during the periods for reporting. Each report required pursuant to NRS 294A.125 and 294A.200 must consist of a list of each campaign expense in excess of $100 that was incurred during the periods for reporting. The list in each report must state the category and amount of the campaign expense or expenditure and the date on which the campaign expense was incurred or the expenditure was made.

2. The categories of campaign expense or expenditure for use on the report of campaign expenses or expenditures are:

(a) Office expenses;

(b) Expenses related to volunteers;

(c) Expenses related to travel;

(d) Expenses related to advertising;

(e) Expenses related to paid staff;

(f) Expenses related to consultants;

(g) Expenses related to polling;

(h) Expenses related to special events;

(i) Expenses related to a legal defense fund;

(j) Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid;

(k) Contributions made to another candidate, a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225, a committee for political action that is registered or required to be registered pursuant to NRS 294A.230 or a committee for the recall of a public officer that is registered or required to be registered pursuant to NRS 294A.250;

(l) Fees for filing declarations of candidacy or acceptances of candidacy;

(m) Repayments or forgiveness of loans;

(n) The disposal of unspent contributions pursuant to NRS 294A.160; and

(o) ~~*[Interest, credit card fees, debit card fees or penalty fees incurred in relation to campaign expenses or expenditures paid for by a credit card or debit card; and*~~

~~*(p)]*~~ Other miscellaneous expenses.

3. Each report of campaign expenses or expenditures described in subsection 1 must ~~[~~list~~]~~ ***:***

(a) List the disposition of any unspent contributions using the categories set forth in subsection 3 of NRS 294A.160 or subsection 3 of NRS 294A.286, as applicable ~~[.]~~ ***; and***

(b) For any campaign expense or expenditure that is paid for using a credit card or debit card, itemize each transaction and identify the business or other entity from whom the purchase of the campaign expense or expenditure was made.

Sec. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

Sec. 30. Chapter 295 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A petition for initiative or referendum may be withdrawn if a person authorized pursuant to NRS 295.015 to withdraw the petition submits a notice of withdrawal to the Secretary of State on a form prescribed by the Secretary of State.

2. Once a petition for initiative or referendum is withdrawn pursuant to subsection 1, no further action may be taken on that petition.

Sec. 31. NRS 295.015 is hereby amended to read as follows:

295.015 1. Before a petition for initiative or referendum may be presented to the registered voters for their signatures, ***the person who intends to circulate the petition must:***

(a) File a copy of the petition for initiative or referendum, including the description required pursuant to NRS 295.009, ~~[must be placed on file]~~ with the Secretary of State.

(b) Submit to the Secretary of State on a form prescribed by the Secretary of State:

(1) The name and signature of the person.

(2) If the person has formed a committee for political action for the purposes of advocating the passage of the initiative or referendum, the name of that committee for political action.

(3) The names of not more than three persons who are authorized to withdraw the petition or submit an amended petition.

2. If a petition for initiative or referendum or a description of the effect of an initiative or referendum required pursuant to NRS 295.009 is amended after the petition is placed on file with the Secretary of State pursuant to subsection 1:

(a) The revised petition must be placed on file with the Secretary of State before it is presented to the registered voters for their signatures;

(b) Any signatures that were collected on the original petition before it was amended are not valid; and

(c) The requirements for submission of the petition to each county clerk set forth in NRS 295.056 apply to the revised petition.

3. Upon receipt of a petition for initiative or referendum placed on file pursuant to subsection 1 or 2:

(a) The Secretary of State shall consult with the Fiscal Analysis Division of the Legislative Counsel Bureau to determine if the initiative or referendum may have any anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters. If the Fiscal Analysis

Division determines that the initiative or referendum may have an anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters, the Division must prepare a fiscal note that includes an explanation of any such effect.

(b) The Secretary of State shall consult with the Legislative Counsel regarding the petition for initiative or referendum. The Legislative Counsel may provide technical suggestions regarding the petition for initiative or referendum.

4. Not later than 10 business days after the Secretary of State receives a petition for initiative or referendum filed pursuant to subsection 1 or 2, the Secretary of State shall post a copy of the petition, including the description required pursuant to NRS 295.009, any fiscal note prepared pursuant to subsection 3 and any suggestions made by the Legislative Counsel pursuant to subsection 3, on the Secretary of State's Internet website.

Sec. 32. NRS 295.056 is hereby amended to read as follows:

295.056 1. Before a petition for initiative or referendum is filed with the Secretary of State, the petitioners must submit to each county clerk for verification pursuant to NRS 293.1276 to 293.1279, inclusive, the document or documents which were circulated for signature within the clerk's county. The clerks shall give the person submitting a document or documents a receipt stating the number of documents and pages and the person's statement of the number of signatures contained therein.

2. If a petition for initiative proposes a statute or an amendment to a statute, the document or documents must be submitted not later than ***:***

(a) Except as otherwise provided in paragraph (b), the second Tuesday in November of an even-numbered year.

(b) If the second Tuesday in November of an even-numbered year is the day of the general election, the next working day after the general election.

3. If a petition for initiative proposes an amendment to the Constitution, the document or documents must be submitted not later than the third Tuesday in June of an even-numbered year.

4. If the petition is for referendum, the document or documents must be submitted not later than the third Tuesday in June of an even-numbered year.

5. All documents which are submitted to a county clerk for verification must be submitted at the same time. If documents concerning the same petition are submitted for verification to more than one county clerk, the documents must be submitted to each county clerk on the same day. At the time that the petition is submitted to a county clerk for verification, the petitioners may designate a contact person who is authorized by the petitioners to address questions or issues relating to the petition.

Sec. 33. (Deleted by amendment.)

Sec. 34. NRS 298.109 is hereby amended to read as follows:

298.109 1. A person who desires to be an independent candidate for the office of President of the United States must, not later than 5 p.m. on the second Friday in August in each year in which a presidential election is to be

held, pay a filing fee of $250 and file with the Secretary of State a declaration of candidacy and a petition of candidacy, in which the person must also designate a nominee for Vice President. The petition must be signed by a number of registered voters equal to not less than 1 percent of the total number of votes cast at the last preceding general election for candidates for the offices of Representative in Congress and must request that the names of the proposed candidates be placed on the ballot at the general election that year. The candidate shall file a copy of the petition the person intends to circulate for signatures with the Secretary of State ~~[.]~~ ***before the petition may be circulated for signatures.***

2. The petition may consist of more than one document. Each document must bear the name of a county and only registered voters of that county may sign the document. The documents which are circulated for signature in a county must be submitted to that county clerk for verification in the manner prescribed in NRS 293.1276 to 293.1279, inclusive, not later than 25 working days before the last day to file the petition of candidacy with the Secretary of State pursuant to subsection 1. Each person signing shall add to his or her signature the address of the place at which he or she resides, the date that he or she signs and the name of the county wherein he or she is registered to vote. Each document of the petition must also contain the affidavit of the person who circulated the document that all signatures thereon are genuine to the best of the person's knowledge and belief and were signed in his or her presence by persons registered to vote in that county.

3. If the candidacy of any person who seeks to qualify pursuant to this section is challenged, all affidavits and documents in support of the challenge must be filed with the First Judicial District Court not later than 5 p.m. on the fourth Tuesday in August. Any judicial proceeding relating to the challenge must be set for hearing not later than 5 days after the fourth Tuesday in August.

4. The county clerk shall not disqualify the signature of a voter who fails to provide all the information required by this section if the voter is registered in the county named on the document.

Sec. 35. (Deleted by amendment.)

Sec. 36. (Deleted by amendment.)

Sec. 37. (Deleted by amendment.)

Sec. 38. (Deleted by amendment.)

Sec. 39. **1.** This ~~[act becomes]~~ **section and sections 1 to 23, inclusive, 24, 25, 26, 27, 28, 29 and 30 to 38, inclusive, of this act become** effective on July 1, 2017.

2. Sections 23.5, 23.7, 24.2, 24.5, 25.2, 25.4, 26.5, 27.1, 27.11 and 27.2 of this act become effective on:

(a) January 1, 2018, for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) January 1, 2019, for all other purposes.

Assemblywoman Diaz moved that the Assembly do not concur in the Senate Amendment No. 953 to Assembly Bill No. 45.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:
We still need to get this bill right, Mr. Speaker.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 418.

The following Senate amendment was read:

Amendment No. 806.

AN ACT relating to elections; providing that a voter may not be compelled to reveal under oath how he or she voted at any election; providing for the inspection during a contested election of certain records printed on paper of ballots voted by using a mechanical recording device; revising the method of counting ballots during a recount of an election; amending provisions specifying grounds upon which any election may be contested; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, in certain proceedings, a person has a privilege to refuse to disclose the tenor of his or her vote at an election unless the vote was cast illegally. (NRS 47.020, 49.315; *Thomas v. Hardwick*, 126 Nev. 142, 146 n.4 (2010) (noting that under the privilege for voters recognized by NRS 49.315, potential jurors cannot be required to disclose how they voted on a particular ballot question)) **Section 1** of this bill **supplements the privilege for voters recognized by existing law and** provides that **, in addition to the right to claim the privilege for voters recognized by existing law in applicable proceedings,** a voter **who casts a vote legally at an election** may not **, in any other proceedings or circumstances,** be compelled to reveal under oath how he or she voted at ~~[any]~~ **the election, and the voter has a privilege to refuse to disclose the tenor of his or her vote at the** election.

Under existing law, voted ballots, rejected ballots, spoiled ballots, challenge lists, certain records printed on paper of ballots voted by using a mechanical recording device and stubs of ballots used must be deposited in the vaults of the county clerk. The voted ballots are not subject to inspection by anyone, except in cases of a contested election, and then only by the judge, body or board before whom the election is being contested or by the parties to the contest, jointly, pursuant to an order of such judge, body or board. (NRS 293.391) **Section 2** of this bill clarifies that records printed on

paper of ballots voted by using a mechanical recording device also are not subject to inspection by anyone, except in cases of a contested election, and then only by the judge, body or board before whom the election is being contested or by the parties to the contest, jointly, pursuant to an order of such judge, body or board.

Under existing law, if a recount of an election in a county or city that uses a mechanical voting system is demanded, or if a recount of an election affecting more than one county is demanded, an initial recount is done of ballots from 5 percent of the total number of precincts that voted in the election, or at least three precincts that voted in the election. If the initial recount shows a discrepancy of at least 1 percent or five votes, whichever is greater, a full recount of all ballots at the election for the office or ballot question is done. (NRS 293.404) **Section 3** of this bill deletes the provisions requiring the initial recount of 5 percent, or at least three, of the precincts that voted at the election. **Section 3** provides instead that all recounts must include a count and inspection of all ballots. **Section 3** further provides that all ballots must be recounted in the same manner in which the ballots were originally tabulated.

Section 4 of this bill amends provisions specifying grounds upon which any election may be contested. (NRS 293.410)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

~~[No person]~~ In addition to the right to claim the privilege for voters recognized by NRS 49.315 in proceedings governed by title 4 of NRS, a voter who casts a vote legally at an election may not, in any other proceedings or circumstances, be compelled under oath to reveal how he or she voted at ~~[any]~~ the election, and the voter has a privilege to refuse to disclose the tenor of his or her vote at the election.

Sec. 2. NRS 293.391 is hereby amended to read as follows:

293.391 1. The voted ballots, rejected ballots, spoiled ballots, challenge lists, records printed on paper of voted ballots collected pursuant to NRS 293B.400, and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk. The records of voted ballots that are maintained in electronic form must, after canvass of the votes by the board of county commissioners, be sealed and deposited in the vaults of the county clerk. The tally lists collected pursuant to ~~[NRS 293B.400]~~ ***this title*** must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk without being sealed. All materials described by this subsection must be preserved for at least 22 months, and all such sealed materials must be destroyed immediately after the preservation period. A notice of the destruction must be published by the clerk in at least

one newspaper of general circulation in the county not less than 2 weeks before the destruction.

2. Unused ballots, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk and preserved for at least the period during which the election may be contested and adjudicated, after which the unused ballots may be destroyed.

3. The rosters containing the signatures of those persons who voted in the election and the tally lists deposited with the board of county commissioners are subject to the inspection of any elector who may wish to examine them at any time after their deposit with the county clerk.

4. A contestant of an election may inspect all of the material regarding that election which is preserved pursuant to subsection 1 or 2, except the voted ballots ~~[.]~~ ***and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are deposited with the county clerk.***

5. The voted ballots ***and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are*** deposited with the county clerk are not subject to the inspection of anyone, except in cases of a contested election, and then

only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of such judge, body or board.

Sec. 3. NRS 293.404 is hereby amended to read as follows:

293.404 1. Where a recount is demanded pursuant to the provisions of NRS 293.403, the:

(a) County clerk of each county affected by the recount shall employ a recount board to conduct the recount in the county, and shall act as chair of the recount board unless the recount is for the office of county clerk, in which case the registrar of voters of the county, if a registrar of voters has been appointed for the county, shall act as chair of the recount board. If a registrar of voters has not been appointed for the county, the chair of the board of county commissioners, if the chair is not a candidate on the ballot, shall act as chair of the recount board. If the recount is for the office of county clerk, a registrar of voters has not been appointed for the county and the chair of the board of county commissioners is a candidate on the ballot, the chair of the board of county commissioners shall appoint another member of the board of county commissioners who is not a candidate on the ballot to act as chair of the recount board. A member of the board of county commissioners who is a candidate on the ballot may not serve as a member of the recount board.

(b) City clerk shall employ a recount board to conduct the recount in the city, and shall act as chair of the recount board unless the recount is for the office of city clerk, in which case the mayor of the city, if the mayor is not a candidate on the ballot, shall act as chair of the recount board. If the recount is for the office of city clerk and the mayor of the city is a candidate on the

ballot, the mayor of the city shall appoint another member of the city council who is not a candidate on the ballot to act as chair of the recount board. A member of the city council who is a candidate on the ballot may not serve as a member of the recount board.

2. Each candidate for the office affected by the recount and the voter who demanded the recount, if any, may be present in person or by an authorized representative, but may not be a member of the recount board.

3. ~~[~~Except in counties or cities using a mechanical voting system, the~~]~~ ***The*** recount must include a count and inspection of all ballots, including rejected ballots, and must determine whether ~~[~~those~~]~~ ***all*** ballots are marked as required by law.

~~[~~4. If a recount is demanded in a county or city using a mechanical voting system, the person who demanded the recount shall select the ballots for the office or ballot question affected from 5 percent of the total number of precincts for that particular office or ballot question, but in no case fewer than three precincts, after notification to each candidate for the office or the candidate's authorized representative.

5. The recount board shall examine the selected ballots, including any duplicate or rejected ballots, shall determine whether the ballots have been voted in accordance with this title and shall recount the valid ballots~~]~~ ***All ballots must be recounted*** in the same manner in which the ballots were originally tabulated. ~~[~~If the recount of the selected ballots for all 5 percent of the precincts selected shows a total combined discrepancy of all precincts selected equal to or greater than 1 percent or five votes, whichever is greater, for the candidate demanding the recount or the candidate who won the election according to the original canvass of the returns, or in favor of or against a ballot question, according to the original canvass of the returns, the county or city clerk, as applicable, shall determine whether the person who demanded the recount is entitled to a recount and, if so, shall order a recount of all the ballots for that office or ballot question.

6.~~]~~ ***4.*** The county or city clerk shall unseal and give to the recount board all ballots to be counted.

~~[~~7. In the case of a demand for a recount affecting more than one county, including, without limitation, a statewide office or a ballot question, the demand must be made to the Secretary of State. The person who demanded the recount shall select the ballots for the statewide office or ballot question affected from 5 percent of the total number of precincts for that particular office or ballot question after notification to each candidate for the office or the candidate's representative. The Secretary of State shall notify the county clerks of the 5 percent of statewide precincts selected by the person who demanded the recount to examine the ballots in accordance with the provisions of this section and to notify the Secretary of State of the results of the recount in their respective precincts. If the separate examinations, when combined, show a total discrepancy equal to or greater than 1 percent for the candidate demanding the recount or the candidate who won the election,

~~according to the original canvass of the returns, or in favor of or against a ballot question, according to the original canvass of the returns, the Secretary of State shall determine whether the person who demanded the recount is entitled to a recount and, if so, shall order the county or city clerk, as applicable, to recount all the ballots for that office or ballot question.~~

~~8.~~ ***5.*** The Secretary of State may adopt regulations to carry out the provisions of this section.

Sec. 4. NRS 293.410 is hereby amended to read as follows:

293.410 1. A statement of contest shall not be dismissed by any court for want of form if the grounds of contest are alleged with sufficient certainty to inform the defendant of the charges the defendant is required to meet.

2. An election may be contested upon any of the following grounds:

(a) That the election board or any member thereof was guilty of malfeasance.

(b) That a person who has been declared elected to an office was not at the time of election eligible to that office.

(c) That ~~[illegal]~~ ***:***

(1) Illegal or improper votes were cast and counted ~~[for the defendant, which, if taken from the defendant, will reduce the number of the defendant's legal votes below the number necessary to elect]~~ ***;***

(2) Legal and proper votes were not counted; or

(3) A combination of the circumstances described in subparagraphs (1) and (2) occurred,

➥ in an amount that is equal to or greater than the margin between the contestant and the defendant ~~[.]~~ ***, or otherwise in an amount sufficient to raise reasonable doubt as to the outcome of the election.***

(d) That the election board, in conducting the election or in canvassing the returns, made errors sufficient to change the result of the election as to any person who has been declared elected.

(e) That the defendant ***or any person acting, either directly or indirectly, on behalf of the defendant*** has given, or offered to give, to any person ~~[a bribe]~~ ***anything of value*** for the purpose of ~~[procuring his or her]~~ ***manipulating or altering the outcome of the*** election.

(f) That there was a <u>possible</u> malfunction of any voting ***device*** or ***electronic tabulator,*** counting device ~~[.]~~ ***or computer in a manner sufficient to raise reasonable doubt as to the outcome of the election.***

Assemblywoman Diaz moved that the Assembly concur in the Senate Amendment No. 806 to Assembly Bill No. 418.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:
We like them.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 907.

AN ACT relating to elections; providing that a voter may not be compelled to reveal under oath how he or she voted at any election; providing for the inspection during a contested election of certain records printed on paper of ballots voted by using a mechanical recording device; revising the method of counting ballots during a recount of an election; amending provisions specifying grounds upon which any election may be contested; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, in certain proceedings, a person has a privilege to refuse to disclose the tenor of his or her vote at an election unless the vote was cast illegally. (NRS 47.020, 49.315; *Thomas v. Hardwick*, 126 Nev. 142, 146 n.4 (2010) (noting that under the privilege for voters recognized by NRS 49.315, potential jurors cannot be required to disclose how they voted on a particular ballot question)) **Section 1** of this bill supplements the privilege for voters recognized by existing law and provides that, in addition to the right to claim the privilege for voters recognized by existing law in applicable proceedings, a voter who casts a vote legally at an election may not, in any other proceedings or circumstances, be compelled to reveal under oath how he or she voted at the election, and the voter has a privilege to refuse to disclose the tenor of his or her vote at the election.

Under existing law, voted ballots, rejected ballots, spoiled ballots, challenge lists, certain records printed on paper of ballots voted by using a mechanical recording device and stubs of ballots used must be deposited in the vaults of the county clerk. The voted ballots are not subject to inspection by anyone, except in cases of a contested election, and then only by the judge, body or board before whom the election is being contested or by the parties to the contest, jointly, pursuant to an order of such judge, body or board. (NRS 293.391) **Section 2** of this bill clarifies that records printed on paper of ballots voted by using a mechanical recording device also are not subject to inspection by anyone, except in cases of a contested election, and then only by the judge, body or board before whom the election is being contested or by the parties to the contest, jointly, pursuant to an order of such judge, body or board.

Under existing law, if a recount of an election in a county or city that uses a mechanical voting system is demanded, or if a recount of an election affecting more than one county is demanded, an initial recount is done of ballots from 5 percent of the total number of precincts that voted in the election, or at least three precincts that voted in the election. If the initial recount shows a discrepancy of at least 1 percent or five votes, whichever is greater, a full recount of all ballots at the election for the office or ballot question is done. (NRS 293.404) **Section 3** of this bill deletes the provisions requiring the initial recount of 5 percent, or at least three, of the precincts that voted at the election. **Section 3** provides instead that all recounts must include a count and inspection of all ballots. **Section 3** further provides that

all ballots must be recounted in the same manner in which the ballots were originally tabulated.

Section 4 of this bill amends provisions specifying grounds upon which any election may be contested. (NRS 293.410)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

In addition to the right to claim the privilege for voters recognized by NRS 49.315 in proceedings governed by title 4 of NRS, a voter who casts a vote legally at an election may not, in any other proceedings or circumstances, be compelled under oath to reveal how he or she voted at the election, and the voter has a privilege to refuse to disclose the tenor of his or her vote at the election.

Sec. 2. NRS 293.391 is hereby amended to read as follows:

293.391 1. The voted ballots, rejected ballots, spoiled ballots, challenge lists, records printed on paper of voted ballots collected pursuant to NRS 293B.400, and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk. The records of voted ballots that are maintained in electronic form must, after canvass of the votes by the board of county commissioners, be sealed and deposited in the vaults of the county clerk. The tally lists collected pursuant to ~~[~~NRS 293B.400~~]~~ ***this title*** must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk without being sealed. All materials described by this subsection must be preserved for at least 22 months, and all such sealed materials must be destroyed immediately after the preservation period. A notice of the destruction must be published by the clerk in at least one newspaper of general circulation in the county not less than 2 weeks before the destruction.

2. Unused ballots, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk and preserved for at least the period during which the election may be contested and adjudicated, after which the unused ballots may be destroyed.

3. The rosters containing the signatures of those persons who voted in the election and the tally lists deposited with the board of county commissioners are subject to the inspection of any elector who may wish to examine them at any time after their deposit with the county clerk.

4. A contestant of an election may inspect all of the material regarding that election which is preserved pursuant to subsection 1 or 2, except the voted ballots ~~[.]~~ ***and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are deposited with the county clerk.***

5. The voted ballots ***and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are*** deposited with the county clerk are not subject to the inspection of anyone, except in cases of a contested election, and then only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of such judge, body or board.

Sec. 3. NRS 293.404 is hereby amended to read as follows:

293.404 1. Where a recount is demanded pursuant to the provisions of NRS 293.403, the:

(a) County clerk of each county affected by the recount shall employ a recount board to conduct the recount in the county, and shall act as chair of the recount board unless the recount is for the office of county clerk, in which case the registrar of voters of the county, if a registrar of voters has been appointed for the county, shall act as chair of the recount board. If a registrar of voters has not been appointed for the county, the chair of the board of county commissioners, if the chair is not a candidate on the ballot, shall act as chair of the recount board. If the recount is for the office of county clerk, a registrar of voters has not been appointed for the county and the chair of the board of county commissioners is a candidate on the ballot, the chair of the board of county commissioners shall appoint another member of the board of county commissioners who is not a candidate on the ballot to act as chair of the recount board. A member of the board of county commissioners who is a candidate on the ballot may not serve as a member of the recount board.

(b) City clerk shall employ a recount board to conduct the recount in the city, and shall act as chair of the recount board unless the recount is for the office of city clerk, in which case the mayor of the city, if the mayor is not a candidate on the ballot, shall act as chair of the recount board. If the recount is for the office of city clerk and the mayor of the city is a candidate on the ballot, the mayor of the city shall appoint another member of the city council who is not a candidate on the ballot to act as chair of the recount board. A member of the city council who is a candidate on the ballot may not serve as a member of the recount board.

2. Each candidate for the office affected by the recount and the voter who demanded the recount, if any, may be present in person or by an authorized representative, but may not be a member of the recount board.

3. **[**~~Except in counties or cities using a mechanical voting system, the~~**]** ***The*** recount must include a count and inspection of all ballots, including rejected ballots, and must determine whether **[**~~those~~**]** ***all*** ballots are marked as required by law.

[~~4. If a recount is demanded in a county or city using a mechanical voting system, the person who demanded the recount shall select the ballots for the office or ballot question affected from 5 percent of the total number of precincts for that particular office or ballot question, but in no case fewer~~

~~than three precincts, after notification to each candidate for the office or the candidate's authorized representative.~~

~~— 5. The recount board shall examine the selected ballots, including any duplicate or rejected ballots, shall determine whether the ballots have been voted in accordance with this title and shall recount the valid ballots~~**]** ***All ballots must be recounted*** in the same manner in which the ballots were originally tabulated. **[**~~If the recount of the selected ballots for all 5 percent of the precincts selected shows a total combined discrepancy of all precincts selected equal to or greater than 1 percent or five votes, whichever is greater, for the candidate demanding the recount or the candidate who won the election according to the original canvass of the returns, or in favor of or against a ballot question, according to the original canvass of the returns, the county or city clerk, as applicable, shall determine whether the person who demanded the recount is entitled to a recount and, if so, shall order a recount of all the ballots for that office or ballot question.~~

~~— 6.~~**]** ***4.*** The county or city clerk shall unseal and give to the recount board all ballots to be counted.

[~~7. In the case of a demand for a recount affecting more than one county, including, without limitation, a statewide office or a ballot question, the demand must be made to the Secretary of State. The person who demanded the recount shall select the ballots for the statewide office or ballot question affected from 5 percent of the total number of precincts for that particular office or ballot question after notification to each candidate for the office or the candidate's representative. The Secretary of State shall notify the county clerks of the 5 percent of statewide precincts selected by the person who demanded the recount to examine the ballots in accordance with the provisions of this section and to notify the Secretary of State of the results of the recount in their respective precincts. If the separate examinations, when combined, show a total discrepancy equal to or greater than 1 percent for the candidate demanding the recount or the candidate who won the election, according to the original canvass of the returns, or in favor of or against a ballot question, according to the original canvass of the returns, the Secretary of State shall determine whether the person who demanded the recount is entitled to a recount and, if so, shall order the county or city clerk, as applicable, to recount all the ballots for that office or ballot question.~~

~~— 8.~~**]** ***5.*** The Secretary of State may adopt regulations to carry out the provisions of this section.

Sec. 4. NRS 293.410 is hereby amended to read as follows:

293.410 1. A statement of contest shall not be dismissed by any court for want of form if the grounds of contest are alleged with sufficient certainty to inform the defendant of the charges the defendant is required to meet.

2. An election may be contested upon any of the following grounds:

(a) That the election board or any member thereof was guilty of malfeasance.

(b) That a person who has been declared elected to an office was not at the time of election eligible to that office.

(c) That ~~[illegal]~~ ***:***

(1) Illegal or improper votes were cast and counted ~~[for the defendant, which, if taken from the defendant, will reduce the number of the defendant's legal votes below the number necessary to elect]~~ ***;***

(2) Legal and proper votes were not counted; or

(3) A combination of the circumstances described in subparagraphs (1) and (2) occurred,

➥ in an amount that is equal to or greater than the margin between the contestant and the defendant ~~[.]~~ ***, or otherwise in an amount sufficient to raise reasonable doubt as to the outcome of the election.***

(d) That the election board, in conducting the election or in canvassing the returns, made errors sufficient to change the result of the election as to any person who has been declared elected.

(e) That the defendant ***or any person acting, either directly or indirectly, on behalf of the defendant*** has given, or offered to give, to any person ~~[a bribe]~~ ***anything of value*** for the purpose of ~~[procuring his or her]~~ ***manipulating or altering the outcome of the*** election.

(f) That there was a ~~[possible]~~ malfunction of any voting ***device*** or ***electronic tabulator,*** counting device ~~[.]~~ ***or computer in a manner sufficient to raise reasonable doubt as to the outcome of the election.***

Assemblywoman Diaz moved that the Assembly concur in the Senate Amendment No. 907 to Assembly Bill No. 418.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:
We like them.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Joint Resolution No. 5.

The following Senate amendment was read:

Amendment No. 804.

SUMMARY—Proposes to amend the Nevada Constitution to remove the constitutional provisions governing the election and duties of the Board of Regents of the State University and to authorize the Legislature to provide by statute for the governance, control and management of the State University **[**.**]** **and for the reasonable protection of individual academic freedom.** (BDR C-60)

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to remove the constitutional provisions governing the election and duties of the Board of Regents of the State University and to authorize the Legislature to provide by statute for the governance, control and

management of the State University **[**.**]** **and for the reasonable protection of individual academic freedom.**

Legislative Counsel's Digest:

Article 11 of the Nevada Constitution, which is known as the Education Article, requires the Nevada Legislature to provide for the establishment of a State University that is controlled by a Board of Regents whose duties are prescribed by law. (Nev. Const. Art. 11, § 4) The Education Article also: (1) requires the Legislature to provide for the election of the members of the Board of Regents of the State University and to define their duties by law; and (2) authorizes the Board of Regents to control and manage the affairs of the State University and its funds under such regulations as may be provided by law. (Nev. Const. Art. 11, §§ 7, 8)

As required by the Education Article, the Legislature has provided by law for: (1) the establishment of the State University, which is known as the University of Nevada; and (2) the election of the members of the Board of Regents. (NRS 396.020, 396.040) Additionally, the Legislature has: (1) provided by law for the establishment of the Nevada System of Higher Education, which consists of the State University and other educational institutions, programs and operations; and (2) authorized the Board of Regents to administer the System and to prescribe rules for its governance and management. (NRS 396.020, 396.110, 396.230, 396.280, 396.300, 396.420, 396.440, 396.550)

This resolution proposes to amend the Nevada Constitution to remove the constitutional provisions governing the Board of Regents and to authorize the Legislature to provide by statute for the governance, control and management of the State University. (Nev. Const. Art. 11, §§ 4, 7) However, although this resolution removes the status of the Board of Regents as a constitutional body under the Nevada Constitution, this resolution does not change the status of the Board of Regents as a statutory body under existing statutory provisions, which authorize the Board of Regents to administer the Nevada System of Higher Education and prescribe rules for its governance and management. In addition, this resolution does not repeal, either expressly or by implication, any of those existing statutory provisions relating to the Board of Regents, including the existing statutory provisions that provide for the election of the members of the Board of Regents.

Under the Education Article, the Legislature is authorized to encourage by all suitable means the promotion of intellectual, literary, scientific, mining, mechanical, agricultural, ethical and other educational improvements. (Nev. Const. Art. 11, § 1) In public institutions of higher education, rules which provide for the reasonable protection of individual academic freedom are intended to encourage the pursuit of knowledge and the search for academic truth and enlightenment. (*Urofsky v. Gilmore*, 216 F.3d 401, 410-11 (4th Cir. 2000); *Demers v. Austin*, 746 F.3d 402, 411-12 (9th Cir. 2014))

This resolution proposes to amend the Nevada Constitution to authorize the Legislature to provide by statute for the reasonable protection of individual academic freedom for students, faculty and other academic personnel of the public institutions of higher education in this State in order to facilitate the policies of encouraging by all suitable means the promotion of intellectual, literary, scientific, mining, mechanical, agricultural, ethical and other educational improvements. (Nev. Const. Art. 11, § 4)

Under the federal Morrill Land Grant Act of 1862, each state was provided with certain federal land grants to be sold to support and maintain at least one college in the state that teaches both agriculture and mechanic arts, including military tactics, so long as the state agrees to certain terms and conditions regarding the preservation and use of the proceeds derived from the sale of the federal land grants. (Act of July 2, 1862, ch. 130, §§ 1-8, 12 Stat. 503-05, as amended and codified at 7 U.S.C. §§ 301 et seq.) To secure the benefits offered by the federal law, the Framers of the Nevada Constitution approved Section 8 of the Education Article to provide for the preservation and use of the proceeds derived from the sale of the federal land grants. (*Debates & Proceedings of the Nevada State Constitutional Convention of 1864*, at 586 and 589-91 (Andrew J. Marsh off. rep. 1866))

This resolution proposes to amend Section 8 of the Education Article to: (1) remove references to the Board of Regents; (2) delete obsolete provisions; (3) clarify citations to the pertinent federal law, including all amendments thereto; and (4) specify that the proceeds derived under the federal law must be invested by the State of Nevada in the manner required by law. (Nev. Const. Art. 11, § 8)

If this resolution is passed by the 2017 Legislature, it must also be passed by the next Legislature and then approved and ratified by the voters in an election before the proposed amendments to the Nevada Constitution become effective.

WHEREAS, Article 11 of the Nevada Constitution, which is known as the Education Article, requires the Legislature to provide for the establishment of a State University that is controlled by a Board of Regents whose duties are prescribed by law (Nev. Const. Art. 11, § 4); and

WHEREAS, The Education Article also requires the Legislature to provide for the election of the members of the Board of Regents and to define their duties by law (Nev. Const. Art. 11, § 7); and

WHEREAS, The Education Article authorizes the Board of Regents to control and manage the affairs of the State University and its funds under such regulations as may be provided by law (Nev. Const. Art. 11, §§ 7, 8); and

WHEREAS, When drafting the Education Article, the Framers of the Nevada Constitution purposefully added constitutional language to ensure that the powers and duties of the Board of Regents and its members "shall be

prescribed by the Legislature," in order to "not leave it to be inferred, perhaps, that they have absolute control" over the State University (*Debates & Proceedings of the Nevada State Constitutional Convention of 1864*, at 586 (Andrew J. Marsh off. rep. 1866) (statement of Delegate George A. Nourse)); and

WHEREAS, The Framers believed that the Board of Regents' control and management of the affairs of the State University should be governed by laws enacted by the Legislature (*Debates & Proceedings of the Nevada State Constitutional Convention of 1864*, at 585-87 (Andrew J. Marsh off. rep. 1866)); and

WHEREAS, The Framers did not create the Board of Regents as a constitutional body in the Education Article to give the Board of Regents unchecked autonomy from legislative oversight and control (*Debates & Proceedings of the Nevada State Constitutional Convention of 1864*, at 585-91 (Andrew J. Marsh off. rep. 1866)); and

WHEREAS, As required by the Education Article, the Legislature has provided by law for the establishment of the State University, known as the University of Nevada, and has provided by law for the election of the members of the Board of Regents (NRS 396.020, 396.040); and

WHEREAS, The Legislature has provided by law for the establishment of the Nevada System of Higher Education, which consists of the State University and other educational institutions, programs and operations, and for the Board of Regents to administer the System and to prescribe rules for its governance and management (NRS 396.020, 396.110, 396.230, 396.280, 396.300, 396.420, 396.440, 396.550); and

WHEREAS, In cases before the Nevada Supreme Court, the Board of Regents has asserted that its "unique constitutional status" gives it "virtual autonomy and thus immunity" from particular laws and policies enacted by the Legislature (*Board of Regents v. Oakley*, 97 Nev. 605, 607 (1981)); and

WHEREAS, Although the Nevada Supreme Court has rejected the Board of Regents' broad assertion of autonomy and immunity from laws and policies enacted by the Legislature, the Nevada Supreme Court has recognized that the Board of Regents' constitutional status prevents the Legislature from enacting certain legislation that directly "interferes with the Board's essential management and control of the University." (*Board of Regents v. Oakley*, 97 Nev. 605, 608 (1981); *King v. Board of Regents*, 65 Nev. 533, 564-69 (1948)); and

WHEREAS, Under our Nation's fundamental, well-established and long-standing principles of representative government, the traditional role of the people's elected representatives in the Legislature is to serve as the people's legislative check of accountability to ensure that public bodies, agencies and officers in the other branches of government are carrying out their governmental functions for the benefit of the people and in a manner consistent with the laws and policies enacted by the Legislature; and

WHEREAS, The Board of Regents has, at various times, relied on its constitutional status and its authority to control and manage the affairs of the State University as a defensive shield and cloak against the people's legislative check of accountability, and the Board of Regents has, at various times, taken actions that have hindered, thwarted or undermined the Legislature's investigation, review and scrutiny of the institutions, programs and operations of the Nevada System of Higher Education; and

WHEREAS, Like other public bodies, agencies and officers of the State Government, the Board of Regents should be subject to the people's legislative check of accountability through legislative oversight and control, and the Board of Regents' control and management of the affairs of the State University should be governed by all laws enacted by the Legislature; and

WHEREAS, To secure accountability to the people's elected representatives in the Legislature, the Nevada Constitution should be amended to remove the Board of Regents' constitutional status so that the Board of Regents operates only as a statutory public body to ensure that it is subject to the people's legislative check of accountability through legislative oversight and control and to ensure that the Board of Regents' control and management of the affairs of the State University are governed by all laws enacted by the Legislature; and

WHEREAS, Amending the Nevada Constitution to remove the Board of Regents' constitutional status will allow the Legislature to exercise the full extent of its legislative power to review, reform and improve the control and management of the affairs of the State University and, in doing so, the Legislature also will have more options and greater flexibility to review, reform and improve all other institutions, programs and operations of the Nevada System of Higher Education; and

WHEREAS, Amending the Nevada Constitution to remove the Board of Regents' constitutional status will not repeal, either expressly or by implication, the existing statutory provisions which apply to the Board of Regents, the State University and all other institutions, programs and operations of the Nevada System of Higher Education, including, without limitation, the existing statutory provisions that provide for the voters to elect the members of the Board of Regents; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That **this resolution may be cited as the Nevada Higher Education Reform, Accountability and Oversight Amendment; and be it further**

RESOLVED, That Section 4 of Article 11 of the Nevada Constitution be amended to read as follows:

~~[Sec:]~~ ***Sec.*** 4. ***1.*** The Legislature shall provide for the establishment of a State University which shall embrace departments for Agriculture, Mechanic Arts, and Mining ~~[to be controlled by a Board of Regents whose duties shall be prescribed by Law.]~~ ***, and*** ~~***[the]***~~ ***other departments deemed appropriate for the State University.***

2. The Legislature shall provide by law for ~~[the]~~ :

(a) The governance, control and management of the State University.

(b) The reasonable protection of individual academic freedom for persons who are enrolled in or who are employees or contractors of the State University and other public institutions of higher education in this State in order to facilitate the policies of Section 1 of this Article to encourage by all suitable means the promotion of intellectual, literary, scientific, mining, mechanical, agricultural, ethical and other educational improvements.

And be it further

RESOLVED, That Section 8 of Article 11 of the Nevada Constitution be amended to read as follows:

~~[~~Sec:~~]~~ ***Sec.*** 8. The ~~[~~Board of Regents shall, from the interest accruing from the first funds which come under their control, immediately organize and maintain the said Mining department in such manner as to make it most effective and useful, Provided, that all the~~]~~ proceeds of the public lands donated by Act of Congress approved July ~~[~~second AD. Eighteen hundred and sixty Two,~~]~~ ***2, 1862, ch. 130, 12 Stat. 503, and thereafter amended by Act of Congress,*** for a college for the benefit of Agriculture ~~[~~[,] the Mechanics~~]~~ ***and Mechanic*** Arts, ~~[~~and~~]~~ including Military tactics **,** shall be invested by the ~~[~~said Board of Regents~~]~~ ***State of Nevada in the manner required by law*** in a separate fund to be appropriated exclusively for the benefit of the first named departments to the ***State*** University as set forth in Section ~~[~~Four above;~~]~~ ***4 of this Article.*** And the Legislature shall provide that if through neglect or any other contingency, any portion of the fund so set apart ~~[~~, shall be~~]~~ ***is*** lost or misappropriated, the State of Nevada shall replace said amount so lost or misappropriated in said fund so that the principal of said fund shall remain forever undiminished **.** ~~[~~[.]~~]~~

And be it further

RESOLVED, That Section 7 of Article 11 of the Nevada Constitution be repealed.

TEXT OF REPEALED SECTION

Sec: 7. **Board of Regents: Election and duties.** The Governor, Secretary of State, and Superintendent of Public Instruction, shall for the first four years and until their successors are elected and qualified constitute a Board of Regents to control and manage the affairs of the University and the funds of the same under such regulations as may be provided by law. But the Legislature shall at its regular session next preceding the expiration of the term of office of said Board of Regents provide for the election of a new Board of Regents and define their duties.

Assemblywoman Diaz moved that the Assembly concur in the Senate Amendment No. 804 to Assembly Joint Resolution No. 5.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

The amendment further clarifies that the Resolution proposes to amend the *Nevada Constitution* to authorize the Legislature to provide by statute for the reasonable protection of individual academic freedom for students, faculty, and other academic personnel of the public institutions of higher education in the state.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 150.

The following Senate amendment was read:

Amendment No. 703.

AN ACT relating to private professional guardians; revising provisions governing the qualifications necessary to serve as a private professional guardian; requiring certain persons to submit fingerprints to the Division of Financial Institutions of the Department of Business and Industry not less than once every 5 years for the purpose of obtaining a report from the Federal Bureau of Investigation; requiring the Division to maintain a copy of all such reports; requiring the Commissioner of Financial Institutions to adopt regulations establishing any fee required to obtain such reports; **prohibiting a person from engaging in any activity relating to service as a private professional guardian without meeting the necessary requirements; revising provisions relating to an application for a license to engage in the business of a private professional guardian;** replacing references to the term "case manager"; **revising certain reporting requirements for private professional guardian companies; revising provisions relating to required fidelity bonds;** removing the provision that exempts private professional guardians from the provisions of law concerning summary administration granted by a court; **revising provisions relating to certain investigations by the Commissioner;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that in order for a natural person to serve as a private professional guardian, the person must be: (1) qualified to serve as a guardian for an adult or a minor; and (2) a guardian who has a license to engage in the business of a private professional guardian or who does not have such a license but is certified by the Center for Guardianship Certification. (NRS 159.0595) **Section 2** of this bill removes the requirement relating to the licensure of a natural person and generally provides that in order for a person to serve as a private professional guardian, the person must be: (1) a natural person who is employed by an entity that is licensed to engage in the business of a private professional guardian and who is certified by the Center for Guardianship Certification; or (2) an entity that is licensed to engage in

the business of a private professional guardian and meets certain other requirements. **Sections 1, ~~[~~4-9, 11-~~]~~ 4-7, 12, 13 and ~~[~~15-20~~]~~ 15-17** of this bill make conforming changes.

Existing law requires, as part of an application for a license to engage in the business of a private professional guardian, that certain persons submit to the Commissioner of Financial Institutions a complete set of fingerprints and written permission authorizing the Division of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation (hereinafter "FBI") for its report. (NRS 628B.310) **Section 3** of this bill requires: (1) ~~[~~certain persons~~]~~ **each natural person who acts in any capacity within a private professional guardian company** to submit to the Commissioner, not less than once every 5 years, a complete set of fingerprints and such written permission to enable the Division to obtain a report from the FBI; and (2) the Division to maintain a copy of all reports obtained from the FBI. **Section 3** also requires the Commissioner to adopt regulations establishing the amount of any fee required to obtain a report from the FBI.

Existing law also requires the Commissioner to investigate the facts of an application and the other requirements set forth by law to determine information about certain persons, including any person acting in a case manager capacity. (NRS 628B.330) ~~[~~Existing law further requires the director or manager of a private professional guardian company to require fidelity bonds on certain persons, including a member of the company acting in a case manager capacity, to indemnify the company against loss. (NRS 628B.540)~~]~~ **Sections 9 ~~[~~,~~]~~ and 10 ~~[~~and 14~~]~~** of this bill replace the term "case manager" with references to a **natural** person who acts in a capacity in which he or she is authorized to make discretionary decisions on behalf of the applicant or private professional guardian company, as applicable. **Sections 9 and 10 also revise provisions relating to an application for a license to engage in the business of a private professional guardian.**

Existing law requires the director or manager of a private professional guardian company to require fidelity bonds in an amount of at least $25,000 on certain persons. (NRS 628B.540) Section 14 of this bill requires a private professional guardian company to require such bonds on each natural person who acts in any capacity within the private professional guardian company.

Existing law provides that with regard to guardianships and the administration of smaller estates, the court is authorized to grant a summary administration if it appears that the value of the property of a ward, after payment of all claims and expenses of the guardianship, does not exceed $10,000. If the court grants a summary administration, the guardian is required to file an inventory and record of value with the court, and the court is authorized to impose certain requirements upon the guardian. (NRS 159.076) Existing law also provides that such provisions concerning

summary administration do not apply to a private professional guardian. (NRS 628B.550) **Section 15** removes this exemption.

Section 8 of this bill provides that it is unlawful for any person who does not meet the requirements necessary to serve as a private professional guardian to engage in any activity relating to service as a private professional guardian. Section 19 of this bill requires the Commissioner to conduct an investigation if he or she receives a verified complaint that a person who does not meet the requirements necessary to serve as a private professional guardian is engaging in any activity relating to service as a private professional guardian.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 159.024 is hereby amended to read as follows:

159.024 1. "Private professional guardian" means a person who receives compensation for services as a guardian to three or more wards who are not related to the guardian by blood or marriage ~~[.]~~ ***and who meets the requirements set forth in NRS 159.0595.***

2. For the purposes of this chapter, the term includes ~~[:~~

~~(a) A person who]~~ ***an entity that*** serves as a private professional guardian and ~~[who]~~ is ~~[required]~~ ***:***

(a) Required to have a license issued pursuant to chapter 628B of NRS ~~[.]~~ ***; or***

(b) ~~[A person who serves as a private professional guardian but who is exempt]~~ ***Exempt*** pursuant to NRS 159.0595 or 628B.110 from the requirement to have a license issued pursuant to chapter 628B of NRS.

3. The term does not include:

(a) A governmental agency.

(b) A public guardian appointed or designated pursuant to the provisions of chapter 253 of NRS.

Sec. 2. NRS 159.0595 is hereby amended to read as follows:

159.0595 1. In order for a person to serve as a private professional guardian, the person must be:

(a) ~~[Qualified to serve as a guardian pursuant to NRS 159.0613 if the ward is an adult or NRS 159.061 if the ward is a minor; and~~

~~(b)]~~ A ~~[guardian]~~ ***natural person*** who ~~[has a license issued]~~ ***is a certified guardian and is employed by an entity that is licensed*** pursuant to chapter 628B of NRS ~~[or a certified guardian who]~~ ***, unless the entity*** is not required to have such a license pursuant to subsection ~~[3.~~

~~2. In order for an entity to serve as a private professional guardian, the]~~ ***2; or***

(b) An entity ~~[must:~~

~~(a) Be]~~ ***that:***

(1) Is qualified to serve as a guardian pursuant to NRS 159.0613 if the ward is an adult;

~~[(b) Have]~~

(2) Has a license issued pursuant to chapter 628B of NRS **,** unless the entity is not required to have such a license pursuant to subsection ~~[3,]~~ ***2;*** and

~~[(c) Have]~~

(3) Has a ***private professional*** guardian who ~~[has a license issued pursuant to chapter 628B of NRS or a certified guardian who is not required to have such a license pursuant to subsection 3]~~ ***meets the requirements set forth in paragraph (a)*** involved in the day-to-day operation or management of the entity.

~~[3. In order for a person or]~~

2. An entity ***that wishes*** to serve as a private professional guardian ~~[, the person or entity]~~ is not required to have a license issued pursuant to chapter 628B of NRS if the ~~[person or]~~ entity is exempt from the requirement to have such a license pursuant to NRS 628B.110 **.** ~~[and the person or entity:~~

~~(a) Is a banking corporation as defined in NRS 657.016;~~

~~(b) Is an organization permitted to act as a fiduciary pursuant to NRS 662.245;~~

~~(c) Is a trust company as defined in NRS 669.070;~~

~~(d) Is acting in the performance of his or her duties as an attorney at law;~~

~~(e) Acts as a trustee under a deed of trust; or~~

~~(f) Acts as a fiduciary under a court trust.~~

~~4.]~~ ***3.*** As used in this section:

(a) "Certified guardian" means a person who is certified by the Center for Guardianship Certification or any successor organization.

(b) "Entity" includes, without limitation, a corporation, whether or not for profit, a limited-liability company and a partnership.

~~[(c) "Person" means a natural person.]~~

Sec. 3. Chapter 628B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each ~~[member, partner, director, officer, manager or employee of a private professional guardian company, and any]~~ natural person who acts in ~~[a]~~ any capacity ~~[in which he or she is authorized to make discretionary decisions on behalf of the]~~ within a private professional guardian company ~~[,]~~ shall, before acting in any such capacity and not less than once every 5 years thereafter, submit to the Commissioner ~~[pursuant to this section or subsection 5 of NRS 628B.310, as applicable,]~~ a complete set of fingerprints and written permission authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

2. The Division shall maintain a copy of all reports obtained pursuant to this section . ~~[and subsection 5 of NRS 628B.310.]~~

3. The Commissioner shall adopt regulations establishing the amount of any fee required to obtain a report pursuant to this section. All money

received by the Commissioner must be placed in the Investigative Account for Financial Institutions created by NRS 232.545.

Sec. 4. NRS 628B.010 is hereby amended to read as follows:

628B.010 The Legislature finds and declares that:

1. There exists in this State a need, in order to provide for the protection of the public interest, to regulate ~~[~~persons~~]~~ ***entities*** engaged in the business of private professional guardians ~~[.]~~ ***and persons employed by such entities.***

2. ~~[~~Persons~~]~~ ***Entities*** engaging in the business of private professional guardians must be licensed and regulated in such a manner as to promote advantages and convenience for the public while protecting the public interest.

3. It is the purpose of this chapter to bring under public supervision ~~[~~persons who~~]~~ ***entities that*** are engaged in or ~~[~~who~~]~~ desire to engage in the business of a private professional guardian and to ensure that there is established in this State an adequate, efficient and competitive private professional guardian service available to the courts and the public at large.

Sec. 5. NRS 628B.030 is hereby amended to read as follows:

628B.030 "Business of a private professional guardian" means the holding out by ~~[~~a person,~~]~~ ***an entity,*** through advertising, solicitation or other means, that the ~~[~~person~~]~~ ***entity or a person employed by the entity*** is available to act for compensation as a private professional guardian.

Sec. 6. NRS 628B.080 is hereby amended to read as follows:

628B.080 1. "Private professional guardian" has the meaning ascribed to it in NRS 159.024.

2. For the purposes of this chapter, the term does not include ~~[~~a person who~~]~~ ***an entity that*** serves as a private professional guardian but ~~[~~who~~]~~ is exempt pursuant to NRS 159.0595 or 628B.110 from the requirement to have a license issued pursuant to this chapter.

Sec. 7. NRS 628B.090 is hereby amended to read as follows:

628B.090 1. "Private professional guardian company" means a ~~[~~natural person or~~]~~ business entity, including, without limitation, a sole proprietorship, partnership, limited-liability company or corporation, that is licensed pursuant to the provisions of this chapter to engage in the business of a private professional guardian, whether appointed by a court or hired by a private party.

2. For the purposes of this chapter, the term does not include a ~~[~~natural person or~~]~~ business entity which engages in the business of a private professional guardian but which is exempt pursuant to NRS 159.0595 or 628B.110 from the requirement to have a license issued pursuant to this chapter.

Sec. 8. NRS 628B.300 is hereby amended to read as follows:

628B.300 It is unlawful for any person ~~[~~***entity***~~]~~ to engage in ***any activity relating to service as a private professional guardian, including, without limitation, engaging in*** the business of a private professional guardian ~~[~~without having a license issued by the Commissioner pursuant to this

~~chapter.]~~ ***, if the person does not meet the requirements set forth in NRS 159.0595.***

Sec. 9. NRS 628B.310 is hereby amended to read as follows:

628B.310 1. ~~[A person wishing]~~ ***An applicant for a license*** to engage in the business of a private professional guardian in this State must file with the Commissioner an application on a form prescribed by the Commissioner, which must contain or be accompanied by such information as is required.

2. A nonrefundable fee of not more than $750 must accompany the application. The applicant must also pay such reasonable additional expenses incurred in the process of investigation as the Commissioner deems necessary.

3. The application must contain:

(a) The name of the applicant and the name under which the applicant does business or expects to do business, if different.

(b) The complete business and residence addresses of the applicant.

(c) The character of the business sought to be carried on.

(d) The address of any location where business will be transacted.

(e) In the case of a firm or partnership, the full name and residence address of each member or partner and the manager.

(f) In the case of a corporation or voluntary association, the name and residence address of each director and officer and the manager.

(g) ***The name and residence address of each person who will be employed by the applicant as a private professional guardian pursuant to paragraph (a) of subsection 1 of NRS 159.0595.***

(h) A statement by the applicant acknowledging that the applicant is required to comply with the provisions of NRS 159.0595 if issued a license.

~~[(h)]~~ ***(i)*** Any other information reasonably related to the applicant's qualifications for the license which the Commissioner determines to be necessary.

4. Each application for a license must have attached to it a financial statement showing the assets, liabilities and net worth of the applicant ~~[.]~~ ***and each person who will be employed by the applicant as a private professional guardian pursuant to paragraph (a) of subsection 1 of NRS 159.0595.***

5. In addition to any other requirements, each ~~[applicant or member, partner, director, officer, manager or case manager~~ ***employee*** of an applicant ~~, and any]~~ ***natural person who acts in ~~[a]~~ any capacity ~~[in which he or she is authorized to make discretionary decisions on behalf of the applicant,]~~ within a private professional guardian company*** shall ~~[submit to the Commissioner a complete set of fingerprints and written permission authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.]~~ ***, before acting in any such capacity, comply with the provisions of section 3 of this act.***

6. If the applicant is a corporation or limited-liability company, the articles of incorporation or articles of organization must contain:

(a) The name adopted by the private professional guardian company, which must distinguish it from any other private professional guardian company formed or incorporated in this State or engaged in the business of a private professional guardian in this State; and

(b) The purpose for which it is formed.

7. The Commissioner shall deem an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 6 months after the date the application is submitted to the Commissioner. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner may not issue a license to the applicant unless the applicant submits a new application and pays the required fees.

8. The Commissioner shall adopt regulations establishing the amount of the fees required pursuant to this section, subject to the following limitations:

(a) An initial fee of not more than $1,500 for a license to transact the business of a private professional guardian; and

(b) A fee of not more than $300 for each branch office that is authorized by the Commissioner.

9. All money received by the Commissioner pursuant to this section must be placed in the Investigative Account for Financial Institutions created by NRS 232.545.

Sec. 10. NRS 628B.330 is hereby amended to read as follows:

628B.330 1. Within 90 days after the application for a license is filed, the Commissioner shall investigate the facts of the application and the other requirements of this chapter to determine:

(a) That each person who will serve as a sole proprietor, partner of a partnership, member of a limited-liability company or director or officer of a corporation, ~~[and]~~ any person acting in a managerial ~~[or case manager]~~ capacity ~~[,]~~ ***or in a capacity in which he or she is authorized to make discretionary decisions on behalf of the applicant*** ~~[,]~~ ***and any person who will be employed by the applicant as a private professional guardian pursuant to paragraph (a) of subsection 1 of NRS 159.0595,*** as applicable:

(1) Has a good reputation for honesty, trustworthiness and integrity and displays competence to engage in the business of a private professional guardian in a manner which safeguards the interests of the general public. The applicant must submit satisfactory proof of those qualifications, including, without limitation, evidence that the applicant has passed an examination for private professional guardians specified by the Commissioner.

(2) Has not been convicted of, or entered a plea of guilty or nolo contendere to, a felony or any crime involving fraud, misrepresentation, material omission, misappropriation, conversion or moral turpitude.

(3) Has not made a false statement of material fact on the application.

(4) Has not been a sole proprietor or an officer or member of the board of directors for an entity whose license issued pursuant to the provisions of this chapter was suspended or revoked within the 10 years immediately preceding the date of the application if, in the reasonable judgment of the Commissioner, there is evidence that the sole proprietor, officer or member materially contributed to the actions resulting in the suspension or revocation of the license.

(5) Has not been a sole proprietor or an officer or member of the board of directors for an entity whose license as a private professional guardian company which was issued by any other state, district or territory of the United States or any foreign country was suspended or revoked within the 10 years immediately preceding the date of the application if, in the reasonable judgment of the Commissioner, there is evidence that the sole proprietor, officer or member materially contributed to the actions resulting in the suspension or revocation of the license.

(6) Has not violated any of the provisions of this chapter or any regulations adopted pursuant thereto.

(b) That the financial status of each sole proprietor, partner, member or director and officer of the corporation ~~[and]~~ ***, each*** person acting in a managerial ~~[or case manager]~~ capacity ***or in a capacity in which he or she is authorized to make discretionary decisions on behalf of the applicant and each person who will be employed by the applicant as a private professional guardian pursuant to paragraph (a) of subsection 1 of NRS 159.0595*** indicates fiscal responsibility consistent with his or her position.

(c) That the name of the proposed business complies with all applicable statutes.

(d) That, except as otherwise provided in NRS 628B.540, the initial surety bond is not less than the amount required by NRS 159.065.

2. In rendering a decision on an application for a license, the Commissioner shall consider, without limitation:

(a) The proposed markets to be served and, if they extend outside this State, any exceptional risk, examination or supervision concerns associated with those markets;

(b) Whether the proposed organizational and equity structure and the amount of initial equity or fidelity and surety bonds of the applicant appear adequate in relation to the proposed business and markets, including, without limitation, the average level of assets under guardianship projected for each of the first 3 years of operation; and

(c) Whether the applicant has planned suitable annual audits conducted by qualified outside auditors of its books and records and its fiduciary activities under applicable accounting rules and standards as well as suitable internal audits.

Sec. 11. NRS 628B.380 is hereby amended to read as follows:

628B.380 1. A license issued pursuant to this chapter is not transferable or assignable, but upon the approval of the Commissioner and

any applicable court of jurisdiction, a ~~[licensee]~~ ***private professional guardian company*** may merge or consolidate with, or transfer its assets and control to, another ~~[person who]~~ ***entity that*** holds a license pursuant to this chapter. ~~[***private professional guardian company.***]~~ In determining whether to grant the approval, the Commissioner may consider the factors set forth in NRS 628B.330.

2. If a change in the control of a private professional guardian company occurs, the chief executive officer or managing member of the company shall report the change in control and the name of the person obtaining control to the Commissioner within 5 business days after obtaining knowledge of the change.

3. A private professional guardian company shall, within 5 business days after a change ***occurs*** in the chief executive officer, managing member ***,*** ~~[or]~~ a majority of the directors or managing directors of the company ~~[occurs,]~~ ***or the employment of any private professional guardian,*** report the change to the Commissioner. The company shall include in its report to the Commissioner a statement of the past and current business and professional affiliations of each new chief executive officer, managing member, director ***,*** ~~[or]~~ managing director ~~[.]~~ ***or private professional guardian.*** A new chief executive officer, managing member, director ***,*** ~~[or]~~ managing director ***or private professional guardian*** shall furnish to the Commissioner a complete financial statement on a form prescribed by the Commissioner.

4. A person who intends to acquire control of a private professional guardian company shall submit an application to the Commissioner. The application must be submitted on a form prescribed by the Commissioner. The Commissioner shall conduct an investigation pursuant to NRS 628B.330 to determine whether the person has a good reputation for honesty, trustworthiness and integrity and is competent to control the private professional guardian company in a manner which protects the interests of the general public.

5. The private professional guardian company of which the applicant intends to acquire control shall pay the nonrefundable cost of the investigation as required by the Commissioner. If the Commissioner denies the application, the Commissioner may prohibit or limit the applicant's participation in the business.

6. As used in this section, "control" means the possession, directly or indirectly, of the authority to direct or cause the direction of the management and policy of a private professional guardian company, or a change in the ownership of at least 25 percent of the outstanding voting stock of, or participating members' interest in, the company.

Sec. 12. NRS 628B.520 is hereby amended to read as follows:

628B.520 1. A private professional guardian company licensed pursuant to this chapter shall maintain its principal office in this State.

2. To qualify as the principal office for the purposes of subsection 1, an office of the private professional guardian company must:

(a) Have a verifiable physical location in this State at which the private professional guardian company conducts such business operations in this State as are necessary to administer private professional guardianships in this State;

(b) Have available at the office a private professional guardian who ***meets the requirements set forth in paragraph (a) of subsection 1 of NRS 159.0595 and*** is ~~[licensed pursuant to this chapter,]~~ a permanent resident of this State and at least 21 years of age;

(c) Have any license issued pursuant to this chapter conspicuously displayed;

(d) Have available at the office originals or true copies of all material business records and accounts of the private professional guardian company, which must be readily available to access and readily available for examination by the Division;

(e) Have available to the public written procedures for making claims against the surety bond required to be maintained pursuant to NRS 628B.540;

(f) Have available all services to residents of this State which are consistent with the business plan of the private professional guardian company included with the application for a license; and

(g) Comply with any other requirements specified by the Commissioner.

Sec. 13. NRS 628B.530 is hereby amended to read as follows:

628B.530 1. It is unlawful for any ~~[person]~~ ***private professional guardian company*** licensed pursuant to this chapter to engage in the business of a private professional guardian at any office outside this State without the prior approval of the Commissioner.

2. Before the Commissioner will approve a branch to be located outside this State, the private professional guardian ***company*** must:

(a) Obtain from that state any required license as a private professional guardian; or

(b) Provide proof satisfactory to the Commissioner that the private professional guardian company has met all the requirements to engage in the business of a private professional guardian in that state pursuant to its laws, including, without limitation, written documentation from the appropriate court or state agency that the private professional guardian company is authorized to do business in that state.

3. For each branch location of a private professional guardian company organized under the laws of this State, and every branch location in this State of a foreign private professional guardian company authorized to do business in this State, a request for approval and licensing must be filed with the Commissioner on forms prescribed by the Commissioner. A nonrefundable fee of not more than $500, as provided by the Commissioner, must accompany each request. In addition, a fee of not more than $200, to be prorated on the basis of the licensing year as provided by the Commissioner, must be paid at the time of making the request. Money collected pursuant to

this section must be deposited in the Investigative Account for Financial Institutions created by NRS 232.545.

4. A foreign corporation or limited-liability company wishing to engage in the business of a private professional guardian in this State must use a name that distinguishes it from any other private professional guardian in this State.

Sec. 14. NRS 628B.540 is hereby amended to read as follows:

628B.540 1. The Commissioner may require a private professional guardian company to maintain equity, fidelity and surety bonds in amounts that are more than the minimum required initially or at any subsequent time based on the Commissioner's assessment of the risks associated with the business plan of the private professional guardian or other information contained in the application, the Commissioner's investigation of the application or any examination of or filing by the private professional guardian company thereafter, including, without limitation, any examination before the opening of the business. In making such a determination, the Commissioner may consider, without limitation:

(a) The nature and type of business to be conducted by the private professional guardian company;

(b) The nature and liquidity of assets proposed to be held in the account of the private professional guardian company;

(c) The amount of fiduciary assets projected to be under the management or administration of the private professional guardian company;

(d) The type of fiduciary assets proposed to be held and any proposed depository of such assets;

(e) The complexity of the fiduciary duties and degree of discretion proposed to be undertaken by the private professional guardian company;

(f) The competence and experience of the proposed management of the private professional guardian company;

(g) The extent and adequacy of proposed internal controls;

(h) The proposed presence of annual audits by an independent certified public accountant, and the scope and frequency of such audits, whether they result in an opinion of the accountant and any qualifications to the opinion;

(i) The reasonableness of business plans for retaining or acquiring additional equity capital;

(j) The adequacy of fidelity and surety bonds and any additional insurance proposed to be obtained by the private professional guardian company for the purpose of protecting its fiduciary assets;

(k) The success of the private professional guardian company in achieving the financial projections submitted with its application for a license; and

(l) The fulfillment by the private professional guardian company of its representations and its descriptions of its business structures and methods and management set forth in its application for a license.

2. ~~[The director or manager of a]~~ ***A*** private professional guardian company shall require fidelity bonds in the amount of at least $25,000 on ~~[the~~

~~sole proprietor or each active officer, manager,~~ ***~~employee and~~*** ~~member acting in a managerial or case manager capacity and employee,~~ ***~~or in a]~~*** ***each natural person who acts in any capacity*** ***~~[in which he or she is authorized to make discretionary decisions on behalf of the]~~*** ***within the private professional guardian company*** ***~~[,~~*** ~~regardless of whether the person receives a salary or other compensation from the private professional guardian company,~~***~~]~~*** to indemnify the company against loss due to any dishonest, fraudulent or criminal act or omission by a person upon whom a bond is required pursuant to this section who acts alone or in combination with any other person. A bond required pursuant to this section may be in any form and may be paid for by the private professional guardian company.

3. A private professional guardian company shall obtain suitable insurance against burglary, robbery, theft and other hazards to which it may be exposed in the operation of its business.

4. A private professional guardian company shall obtain suitable surety bonds in accordance with NRS 159.065, as applicable.

5. The surety bond obtained pursuant to subsection 4 must be in a form approved by a court of competent jurisdiction and the Division and conditioned that the applicant conduct his or her business in accordance with the requirements of this chapter. The bond must be made and executed by the principal and a surety company authorized to write bonds in this State.

6. A private professional guardian company shall at least annually prescribe the amount or penal sum of the bonds or policies of the company and designate the sureties and underwriters thereof, after considering all known elements and factors constituting a risk or hazard. The action must be recorded in the minutes kept by the private professional guardian company and reported to the Commissioner.

7. The bond must cover all matters placed with the private professional guardian company during the term of the license or a renewal thereof.

8. An action may not be brought upon any bond after 2 years from the revocation or expiration of the license.

9. After 2 years, all liability of the surety or sureties upon the bond ceases if no action is commenced upon the bond.

Sec. 15. NRS 628B.550 is hereby amended to read as follows:

628B.550 1. The fiduciary relationship which exists between a private professional guardian and the ward of the private professional guardian may not be used for the private gain of the guardian other than the remuneration for fees and expenses. A private professional guardian may not incur any obligation on behalf of the guardianship that conflicts with the discharge of the duties of the private professional guardian.

2. Unless prior approval is obtained from a court of competent jurisdiction, a private professional guardian shall not:

(a) Have any interest, financial or otherwise, direct or indirect, in any business transaction or activity with the guardianship.

(b) Acquire an ownership, possessory, security or other pecuniary interest adverse to the ward.

(c) Be knowingly designated as a beneficiary on any life insurance policy or pension or benefit plan of the ward unless such designation was validly made by the ward before the adjudication of the person's incapacity.

(d) Directly or indirectly purchase, rent, lease or sell any property or services from or to any business entity in which the private professional guardian, or the spouse or relative of the guardian, is an officer, partner, director, shareholder or proprietor or in which such a person has any financial interest.

3. Any action taken by a private professional guardian which is prohibited by this section may be voided during the term of the guardianship or by the personal representative of the ward's estate. The private professional guardian is subject to removal and to imposition of personal liability through a proceeding for discharge, in addition to any other remedies otherwise available.

4. A court shall not appoint a private professional guardian that ~~[is]~~ ***does*** not ~~[licensed pursuant to this chapter]~~ ***meet the requirements set forth in NRS 159.0595*** as the guardian of a person or estate. The court must review each guardianship involving a private professional guardian on the anniversary date of the appointment of the private professional guardian. If a private professional guardian does not ~~[hold a current license,]~~ ***meet the requirements set forth in NRS 159.0595,*** the court must replace the guardian until such time as the private professional guardian ~~[obtains the necessary license.]~~ ***meets such requirements.***

5. ~~[The provisions of NRS 159.076 regarding summary administration do not apply to a private professional guardian.~~

~~6. A licensee]~~ ***A private professional guardian*** shall file any report required by the court in a timely manner.

Sec. 16. NRS 628B.560 is hereby amended to read as follows:

628B.560 1. Except as otherwise provided in NRS 159.076, a ~~[licensee]~~ ***private professional guardian company*** shall maintain a separate guardianship account for each ward into which all money received for the benefit of the ward must be deposited ~~[.]~~ ***, unless otherwise ordered by the court [,] for a substantiated reason.*** Each guardianship account must be maintained in an insured bank or credit union located in this State, be held in a name which is sufficient to distinguish it from the personal or general checking account of the ~~[licensee]~~ ***private professional guardian company*** and be designated as a guardianship account. Each guardianship account must at all times account for all money received for the benefit of the ward and account for all money dispersed for the benefit of the ward, and no disbursement may be made from the account except as authorized under chapter 159 of NRS or as authorized by court order.

2. Each ~~[licensee]~~ ***private professional guardian company*** shall keep a record of all money deposited in each guardianship account maintained for a

ward, which must clearly indicate the date and from whom the money was received, the date the money was deposited, the dates of withdrawals of money and other pertinent information concerning the transactions. Records kept pursuant to this subsection must be maintained for at least 6 years after the completion of the last transaction concerning the account. The records must be maintained at the premises in this State at which the ~~[licensee]~~ ***private professional guardian company*** is authorized to conduct business.

3. The Commissioner or his or her designee may conduct an examination of the guardianship accounts and records relating to wards of each private professional guardian company licensed pursuant to this chapter at any time to ensure compliance with the provisions of this chapter.

4. During the first year a private professional guardian ***company*** is licensed in this State, the Commissioner or his or her designee may conduct any examinations deemed necessary to ensure compliance with the provisions of this chapter.

5. If there is evidence that a private professional guardian company has violated a provision of this chapter, the Commissioner or his or her designee may conduct additional examinations to determine whether a violation has occurred.

6. Each ~~[licensee]~~ ***private professional guardian company*** shall authorize the Commissioner or his or her designee to examine all books, records, papers and effects of the private professional guardian company.

7. If the Commissioner determines that the records of a ~~[licensee]~~ ***private professional guardian company*** are not maintained in accordance with subsections 1 and 2, the Commissioner may require the ~~[licensee]~~ ***private professional guardian company*** to submit, within 60 days, an audited financial statement prepared from the records of the ~~[licensee]~~ ***private professional guardian company*** by a certified public accountant who holds a certificate to engage in the practice of public accounting in this State. The Commissioner may grant a reasonable extension of time for the submission of the financial statement if an extension is requested before the statement is due.

8. Upon the request of the Division, a ~~[licensee]~~ ***private professional guardian company*** must provide to the Division copies of any documents reviewed during an examination conducted by the Commissioner or his or her designee pursuant to subsection 4, 5 or 6. If the copies are not provided, the Commissioner may subpoena the documents.

9. For each examination of the books, papers, records and effects of a private professional guardian company that is required or authorized pursuant to this chapter, the Commissioner shall charge and collect from the private professional guardian company a fee for conducting the examination and preparing a report of the examination based upon the rate established by regulation pursuant to NRS 658.101. Failure to pay the fee within 30 days after receipt of the bill is grounds for revoking the license of the private professional guardian company.

10. All money collected under this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 17. NRS 628B.730 is hereby amended to read as follows:

628B.730 1. If the Commissioner has reason to believe that grounds for the revocation or suspension of a license exist, the Commissioner shall give at least 20 days' written notice to the ~~[licensee]~~ ***private professional guardian company*** stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.

2. At the conclusion of a hearing, the Commissioner shall:

(a) Enter a written order dismissing the charges, revoking the license or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. The Commissioner shall send a copy of the order to the ~~[licensee]~~ ***private professional guardian company*** by registered or certified mail.

(b) Impose upon the ~~[licensee]~~ ***private professional guardian company*** an administrative fine of not more than $10,000 for each violation by the ~~[licensee]~~ ***private professional guardian company*** of any provision of this chapter or any regulation adopted pursuant thereto.

(c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including investigative costs and attorney's fees.

3. The grounds for revocation or suspension of a license are that:

(a) The ~~[licensee]~~ ***private professional guardian company*** has failed to pay the annual license fee;

(b) The ~~[licensee]~~ ***private professional guardian company*** has violated any provision of this chapter or any regulation adopted pursuant thereto or any lawful order of the Commissioner;

(c) The ~~[licensee]~~ ***private professional guardian company*** has failed to pay any applicable state or local tax as required;

(d) Any fact or condition exists which would have justified the Commissioner in denying the original application for a license pursuant to the provisions of this chapter; or

(e) The ~~[licensee:]~~ ***private professional guardian company:***

(1) Failed to open an office for the conduct of the business authorized by ~~[his or her]~~ ***its*** license within 180 days after the date the license was issued; or

(2) Has failed to remain open for the conduct of the business for a period of 30 consecutive days without good cause therefor.

4. An order suspending or revoking a license becomes effective 5 days after being entered unless the order specifies otherwise or a stay is granted.

5. If the Commissioner enters an order suspending or revoking a license pursuant to this section, the Commissioner shall send a copy of the order to each district court in this State.

Sec. 18. NRS 628B.920 is hereby amended to read as follows:

628B.920 A person who ~~[An entity that]~~ does not have a license issued pursuant to this chapter shall not:

1. Use the term "private professional guardian" or "guardianship services" as a part of ~~[~~his or her~~ its]~~ ***the person's*** business name.

2. Advertise or use any sign which includes the term "private professional guardian."

Sec. 19. NRS 628B.930 is hereby amended to read as follows:

628B.930 1. The Commissioner shall conduct an investigation if he or she receives a verified complaint that ~~[an unlicensed]~~ ***a*** person ~~[entity]~~ ***who does not meet the requirements set forth in NRS 159.0595*** is engaging in ~~[an]~~ ***any*** activity ~~[for which a license is required pursuant to this chapter.]~~ ***relating to service as a private professional guardian.***

2. If the Commissioner determines that ~~[an unlicensed]~~ ***a*** person ~~[entity]~~ ***who does not meet the requirements set forth in NRS 159.0595*** is engaged in ~~[an]~~ ***any*** activity ~~[for which a license is required pursuant to this chapter,]~~ ***relating to service as a private professional guardian,*** the Commissioner shall:

(a) Issue and serve on the person ~~[entity]~~ an order to cease and desist from engaging in the activity until such time as the person ~~[entity obtains a license issued by the Commissioner;]~~ ***meets the requirements set forth in NRS 159.0595;*** and

(b) Send a copy of the order to each district court in this State.

3. If a person ~~[an entity]~~ upon whom ~~[which]~~ an order to cease and desist is served pursuant to subsection 2 does not comply with the order within 30 days after the service of the order, the Commissioner shall, after providing to the person ~~[entity]~~ notice and an opportunity for a hearing:

(a) Impose upon the person ~~[entity]~~ an administrative fine of $10,000; or

(b) Enter into a written agreement with the person ~~[entity]~~ pursuant to which the person ~~[entity]~~ agrees to cease and desist from engaging in any activity in this State ~~[for which a license is required]~~ relating to ~~[the business of]~~ ***service as*** a private professional guardian and impose upon the person ~~[entity]~~ an administrative fine of not less than $5,000 and not more than $10,000.

4. The Commissioner shall bring suit in the name and on behalf of the State of Nevada against a person ~~[an entity]~~ upon whom ~~[which]~~ an administrative fine is imposed pursuant to subsection 3 to recover the amount of the administrative fine if:

(a) No petition for judicial review is filed pursuant to NRS 233B.130 and the fine remains unpaid for at least 90 days after notice of the imposition of the fine; or

(b) A petition for judicial review is filed pursuant to NRS 233B.130 and the fine remains unpaid for at least 90 days after the exhaustion of any right of appeal in the courts of this State resulting in a final determination that upholds the imposition of the fine.

5. A person's ~~***[Any]***~~ liability for an administrative fine is in addition to any other penalty provided for in this chapter.

Sec. 20. ~~**[**NRS 628B.940 is hereby amended to read as follows:~~

~~628B.940 1. If the Commissioner has reasonable cause to believe that any person is violating or is threatening to or intends to violate any provision of this chapter, the Commissioner may, in addition to any action provided for in this chapter and chapter 233B of NRS and without prejudice thereto, enter an order requiring the person to cease and desist or to refrain from such violation. If the Commissioner enters such an order pursuant to this subsection, the Commissioner shall send a copy of the order to each district court in this State.~~

~~2. The Commissioner may bring an action to enjoin a person from engaging in or continuing a violation or from doing any act or acts in furtherance thereof. In any such action, irreparable harm and lack of an adequate remedy at law will be presumed and an order or judgment may be entered awarding a preliminary or final injunction as may be deemed proper. The findings of the Commissioner shall be deemed to be prima facie evidence and sufficient grounds, in the discretion of the court, for the issuance ex parte of a temporary restraining order.~~

~~3. In addition to all other means provided by law for the enforcement of a restraining order or injunction, the court in which an action is brought may impound, and appoint a receiver for, the property and business of **[**the person,**]** ***a private professional guardian company,*** including books, papers, documents and records pertaining thereto, or so much thereof as a court may deem reasonably necessary to prevent violations of this chapter through or by means of the use of property and business, whether such books, papers, documents and records are in the possession of the **[**person,**]** ***private professional guardian company,*** a registered agent acting on behalf of the **[**person**]** ***private professional guardian company*** or any other person. If a receiver is appointed and qualified, the receiver has such powers and duties relating to the custody, collection, administration, winding up and liquidation of such property and business as may be conferred upon the receiver by the court.~~

~~4. If a receiver is appointed pursuant to subsection 3, the receiver shall remit to the owners, members or shareholders of the private professional guardian company any amount of equity of the private professional guardian company remaining after the discharge of the liabilities and payment of the normal, prudent and reasonable expenses of the receivership.**]** **(Deleted by amendment.)**~~

Assemblywoman Bustamante Adams moved that the Assembly concur in the Senate Amendment No. 703 to Assembly Bill No. 150.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

The amendment removes the requirement for individual guardians to be licensed and instead requires private professional guardian companies to be licensed. Individual guardians still must meet other requirements such as fingerprinting and certification. It also requires guardianship companies to require bonds for private professional guardians under their employment. Lastly, it requires the Commissioner of Financial Institutions to conduct an investigation if he or she receives a verified complaint that a person who does not meet the requirements necessary to serve as a private professional guardian is engaging in any activity relating to service as a private professional guardian.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 161.

The following Senate amendment was read:

Amendment No. 855.

AN ACT relating to real property; requiring certain rental agreements to contain certain disclosures; creating certain presumptions with respect to certain crimes involving real property; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain requirements relating to a written rental agreement. (NRS 118A.200) **Section 1** of this bill requires a written rental agreement for a single-family residence **, unless signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management,** to contain a disclosure which states that: (1) there are rebuttable presumptions in **sections 1.3 and 1.7** of this bill that the tenant does not have lawful occupancy of the residence unless the agreement is notarized **or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management** and contains certain contact information for the landlord or the landlord's representative; and (2) the agreement is valid and enforceable regardless of whether the agreement is notarized **or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management** or contains certain contact information for the landlord or the landlord's representative.

Sections 1.3 and 1.7 of this bill create rebuttable presumptions that a person who forcibly enters or takes up residence in an uninhabited or vacant dwelling knows that his or her entry or residency is without permission of the owner or the owner's representative unless he or she provides a written rental agreement that is notarized **or is signed by an authorized agent of the owner who at the time of signing holds a permit to engage in property management** and contains certain contact information for the owner or the owner's representative.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 118A.200 is hereby amended to read as follows:

118A.200 1. Any written agreement for the use and occupancy of a dwelling unit or premises must be signed by the landlord or his or her agent and the tenant or his or her agent.

2. The landlord shall provide one copy of any written agreement described in subsection 1 to the tenant free of cost at the time the agreement is executed and, upon request of the tenant, provide additional copies of any such agreement to the tenant within a reasonable time. The landlord may charge a reasonable fee for providing the additional copies.

3. Any written rental agreement must contain, but is not limited to, provisions relating to the following subjects:

(a) Duration of the agreement.

(b) Amount of rent and the manner and time of its payment.

(c) Occupancy by children or pets.

(d) Services included with the dwelling rental.

(e) Fees which are required and the purposes for which they are required.

(f) Deposits which are required and the conditions for their refund.

(g) Charges which may be required for late or partial payment of rent or for return of any dishonored check.

(h) Inspection rights of the landlord.

(i) A listing of persons or numbers of persons who are to occupy the dwelling.

(j) Respective responsibilities of the landlord and the tenant as to the payment of utility charges.

(k) A signed record of the inventory and condition of the premises under the exclusive custody and control of the tenant.

(l) A summary of the provisions of NRS 202.470.

(m) Information regarding the procedure pursuant to which a tenant may report to the appropriate authorities:

(1) A nuisance.

(2) A violation of a building, safety or health code or regulation.

(n) Information regarding the right of the tenant to engage in the display of the flag of the United States, as set forth in NRS 118A.325.

4. ***In addition to the provisions required by subsection 3, any written rental agreement for a single-family residence which is not signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS must contain a disclosure at the top of the first page of the agreement, in a font size at least two times larger than any other font size in the agreement, which states that:***

(a) There are rebuttable presumptions in NRS 205.0813 and 205.0817 that the tenant does not have lawful occupancy of the dwelling unless the agreement:

(1) Is notarized ~~[.]~~ or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS; and

(2) Includes the current address and telephone number of the landlord or his or her authorized representative; and

(b) The agreement is valid and enforceable against the landlord and the tenant regardless of whether the agreement:

(1) Is notarized ~~[.]~~ or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS; or

(2) Includes the current address and telephone number of the landlord or his or her authorized representative.

5. The absence of a written agreement raises a disputable presumption that:

(a) There are no restrictions on occupancy by children or pets.

(b) Maintenance and waste removal services are provided without charge to the tenant.

(c) No charges for partial or late payments of rent or for dishonored checks are paid by the tenant.

(d) Other than normal wear, the premises will be returned in the same condition as when the tenancy began.

~~[5.]~~ ***6.*** It is unlawful for a landlord or any person authorized to enter into a rental agreement on his or her behalf to use any written agreement which does not conform to the provisions of this section, and any provision in an agreement which contravenes the provisions of this section is void.

7. As used in this section, "single-family residence" means a structures that is comprised of not more than four units. The term does not include a manufactured home as defined in NRS 118B.015.

Sec. 1.3. NRS 205.0813 is hereby amended to read as follows:

205.0813 1. A person who forcibly enters an uninhabited or vacant dwelling, knows or has reason to believe that such entry is without permission of the owner of the dwelling or an authorized representative of the owner and has the intent to take up residence or provide a residency to another therein is guilty of housebreaking.

2. ***A person is presumed to know that an entry described in subsection 1 is without the permission of the owner of the dwelling or an authorized representative of the owner unless the person provides a written rental agreement that:***

(a) Is notarized ~~[.]~~ or is signed by an authorized agent of the owner who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS; and

(b) Includes the current address and telephone number of the owner or his or her authorized representative.

3. A person convicted of housebreaking is guilty of:

(a) For a first offense, a gross misdemeanor; and

(b) For a second and any subsequent offense, a category D felony and shall be punished as provided in NRS 193.130.

~~[3.]~~ ***4.*** A person convicted of housebreaking and who has previously been convicted three or more times of housebreaking must not be released on probation or granted a suspension of sentence.

~~[4.]~~ ***5.*** As used in this section, "forcibly enters" means an entry involving:

(a) Any act of physical force resulting in damage to the structure; or

(b) The changing or manipulation of a lock to gain access.

Sec. 1.7. NRS 205.0817 is hereby amended to read as follows:

205.0817 1. A person who takes up residence in an uninhabited or vacant dwelling and knows or has reason to believe that such residency is without permission of the owner of the dwelling or an authorized representative of the owner is guilty of unlawful occupancy.

2. ***A person is presumed to know that the residency described in subsection 1 is without the permission of the owner of the dwelling or an authorized representative of the owner unless the person provides a written rental agreement that:***

(a) Is notarized ~~[,]~~ ***or is signed by an authorized agent of the owner who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS; and***

(b) Includes the current address and telephone number of the owner or his or her authorized representative.

3. A person convicted of unlawful occupancy is guilty of a gross misdemeanor. A person convicted of unlawful occupancy and who has been convicted three or more times of unlawful occupancy is guilty of a category D felony and shall be punished as provided in NRS 193.130.

~~[3.]~~ ***4.*** A person who is accused of unlawful occupancy pursuant to subsection 1 and has previously been convicted two times of housebreaking, unlawful occupancy or any lesser included or related offense, or any combination thereof, arising from the same set of facts is presumed to have obtained residency of the dwelling with the knowledge that:

(a) Any asserted lease is invalid; and

(b) Neither the owner nor an authorized representative of the owner permitted the residency.

Sec. 2. This act becomes effective on July 1, 2017.

Assemblywoman Bustamante Adams moved that the Assembly concur in the Senate Amendment No. 855 to Assembly Bill No. 161.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

The amendment exempts a person who is an authorized agent of the landlord and who, at the time of signing a written rental agreement, holds a property management permit pursuant to Chapter 645 of NRS from the provisions of this bill.

Motion carried by a constitutional majority.
Bill ordered to enrollment.

Assembly Bill No. 431.
The following Senate amendment was read:
Amendment No. 783.
ASSEMBLYWOMAN BUSTAMANTE ADAMS
JOINT SPONSOR: SENATOR SETTELMEYER

AN ACT relating to alcoholic beverages; revising provisions governing brew pubs; revising provisions governing a supplier of alcoholic beverages; **revising provisions authorizing the operation of wineries in this State;** revising provisions prohibiting a wholesaler dealer of alcoholic beverages from investing money in a retail liquor store; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person who is licensed to operate a brew pub to operate more than one such brew pub in a county but limits the person to manufacturing not more than 15,000 barrels for all of the brew pubs the person operates in that county in any calendar year. (NRS 597.230) **Section 4** of this bill authorizes a person to operate one or more brew pubs in this State and increases the number of barrels of malt beverages that such a person may manufacture for all the brew pubs he or she operates in this State during a calendar year to 40,000 barrels. **Section 4** additionally authorizes a person who operates one or more brew pubs in this State to transport malt beverages to a licensed person for the purpose of selling the malt beverages at a special event in this State. **Section 3.5** of this bill defines a special event as an event that lasts not longer than 1 calendar day and that occurs at a farmers' market or at an event designated as a county fair. **Section 4** further prohibits a person who operates a brew pub from selling at retail more than 5,000 barrels of malt beverages per calendar year and provides that of the 5,000 barrels, not more than 1,000 barrels may be sold in kegs.

Section 9.5 of this bill requires the Department of Taxation to adopt and enforce regulations necessary to monitor the quantity of malt beverages manufactured pursuant to **section 4**. **Section 10** of this bill specifies that a person licensed to operate a brew pub may not engage in any other activity not authorized pursuant to **section 4** for which a license is required unless the person holds the license for that activity.

Existing law authorizes a winery that is federally bonded and permitted by the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of the Treasury and that obtains a winemaker's license from this State to: (1) produce, bottle, blend and age wine in this State; and (2) sell at retail or serve by the glass on its premises and, if applicable, at one other location, any wine produced, blended or aged by the winery. (NRS 369.200, 597.240) Under federal regulations, an alternating proprietorship is the operation of one or

more wineries by proprietors who use the same premises. (27 C.F.R. § 24.136) Section 4.5 of this bill specifically authorizes operation of a winery by an alternating proprietorship of not more than four proprietors that are federally bonded and permitted and that obtain a winemaker's license from this State to operate a winery in this State.

Existing law defines the term "supplier" for the purposes of the regulation of alcoholic beverages and imposes certain requirements on a supplier of alcoholic beverages. (Chapters 369 and 597 of NRS) **Sections 1 and 9** of this bill include breweries, brew pubs and craft distilleries located in this State within the definition of "supplier" and, thus, impose on such breweries, brew pubs and craft distilleries the requirements of existing law applicable to a supplier. **Section 2** of this bill exempts certain smaller suppliers from the requirement to allow a wholesaler a period of 60 days to correct any failure to comply with the terms of a franchise agreement between the supplier and the wholesaler. **Section 3** of this bill revises certain prohibitions imposed on a supplier by prohibiting a supplier from engaging in certain conduct in relation to a wholesaler who sells, distributes, markets, advertises or promotes the alcoholic beverages produced by the supplier.

Existing law prohibits a wholesale dealer of alcoholic beverages from investing money, directly or indirectly in a retail liquor store. (NRS 369.485) **Section 12** of this bill prohibits the wholesale dealer from making such an investment through a subsidiary or agent.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 597.140 is hereby amended to read as follows:

597.140 "Supplier" means any person, partnership, corporation or other form of business enterprise engaged in business as a manufacturer, distiller, ***craft distillery,*** rectifier, brewer, ***brew pub,*** importer, vintner, broker or agent therefor, which distributes any or all of its brands of malt beverages, distilled spirits and wines, or all of them, through licensed wholesalers in this state.

Sec. 2. NRS 597.160 is hereby amended to read as follows:

597.160 1. Except as otherwise provided in subsection 4, if more than one franchise for the same brand or brands of malt beverages, distilled spirits and wines, or all of them, is granted to different wholesalers in this state, it is a violation of NRS 597.120 to 597.180, inclusive, for any supplier to discriminate between such wholesalers with respect to any of the terms, provisions and conditions of these franchises.

2. Except as otherwise provided in this subsection and notwithstanding the terms, provisions or conditions of any franchise, a supplier shall not unilaterally terminate or refuse to continue any franchise with a wholesaler or cause a wholesaler to resign from that franchise unless the supplier has first established good cause for that termination, noncontinuance or causing of that resignation. This subsection does not apply to a supplier who sells less than 2,000 barrels of malt beverages, less than 250 cases of distilled spirits or

less than 2,000 cases of wine in this state in any calendar year, or who operates a winery pursuant to NRS 597.240.

3. ~~[A]~~ ***Except as otherwise provided in this subsection, a*** wholesaler may, within 60 days after he or she receives a notice required pursuant to NRS 597.155, correct any failure to comply with the terms, provisions and conditions of the franchise alleged by the supplier. ***This subsection does not apply to a supplier who sells less than 2,000 barrels of malt beverages, less than 250 cases of distilled spirits or less than 2,000 cases of wine in this State in any calendar year, or who operates a winery pursuant to NRS 597.240.***

4. Unless otherwise specified by contract between the supplier and wholesaler, a supplier shall not grant more than one franchise to a wholesaler for any brand of alcoholic beverage in a marketing area.

Sec. 3. NRS 597.162 is hereby amended to read as follows:

597.162 A supplier shall not:

1. Prohibit a wholesaler from selling an alcoholic beverage of any other supplier;

2. ***Prevent a wholesaler from using best efforts to sell, market, advertise or promote an alcoholic beverage of any other supplier;***

3. Provide any reward or penalty to, or in any other way condition its relationship with, a wholesaler based upon the amount of sales the wholesaler makes of an alcoholic beverage of any other supplier;

4. Disapprove a wholesaler's selection of a general manager or successor general manager based on the wholesaler's sales, marketing, advertising, promotion or retail placement of an alcoholic beverage of any other supplier;

5. Require a wholesaler to report to the supplier any of the wholesaler's financial information associated with the purchase, sale or distribution of an alcoholic beverage of any other supplier;

6. Fix or maintain the price at which a wholesaler may resell an alcoholic beverage purchased from the supplier;

~~[3.]~~ ***7.*** Require a wholesaler to pay to the supplier all or any portion of the difference in the suggested retail price of an alcoholic beverage and the actual price at which the wholesaler sells the alcoholic beverage;

~~[4.]~~ ***8.*** Require a wholesaler to accept delivery of any alcoholic beverage or any other item that is not voluntarily ordered by the wholesaler or otherwise not required under the franchise between the supplier and wholesaler or is in violation of any levels of inventory that are mutually agreed upon in writing by the supplier and wholesaler;

~~[5.]~~ ***9.*** Prohibit or restrain, directly or indirectly, a wholesaler from participating in an organization that represents the interests of wholesalers for any lawful purpose; ~~[or]~~

10. Discriminate against, penalize or otherwise retaliate against a wholesaler because the wholesaler raises, alleges or otherwise brings to the

attention of the Department of Taxation an actual, potential or perceived violation of this chapter; or

~~[6.]~~ ***11.*** Require a wholesaler to participate in or contribute to any advertising fund or promotional activity that:

(a) Is not used for advertising or a promotional activity in the marketing area of the wholesaler; or

(b) Requires a contribution by the wholesaler that exceeds any amount specified for that purpose in the franchise.

Sec. 3.5. NRS 597.200 is hereby amended to read as follows:

597.200 As used in NRS 597.190 to 597.255, inclusive, unless the context otherwise requires:

1. "Alcoholic beverage" means any malt beverage or spirituous, vinous or malt liquor which contains 1 percent or more ethyl alcohol by volume.

2. "Brew pub" means an establishment which manufactures malt beverages and sells those malt beverages at retail pursuant to the provisions of NRS 597.230.

3. "Craft distillery" means an establishment which:

(a) Manufactures distilled spirits from agricultural raw materials through distillation; and

(b) Is authorized to sell those distilled spirits pursuant to the provisions of this chapter.

4. "Distillation" means the process of producing or purifying spirituous liquor by successive evaporation and condensation.

5. "Engage in" includes participation in a business as an owner or partner, or through a subsidiary, affiliate, ownership equity or in any other manner.

6. "Instructional wine-making facility" means an instructional wine-making facility operated pursuant to NRS 597.245.

7. "Legal age" means the age at which a person is legally permitted to purchase an alcoholic beverage pursuant to NRS 202.020.

8. "Malt beverage" means beer, ale, porter, stout and other similar fermented beverages of any name or description, brewed or produced from malt, wholly or in part.

9. ***"Special event" means an event that:***

(a) Lasts not longer than 1 calendar day; and

(b) Occurs at:

(1) A farmers' market, as defined in NRS 244.336; or

(2) An event designated as a county fair by a county fair and recreation board appointed pursuant to NRS 244A.599, 244A.601 or 244A.603.

10. "Supplier" has the meaning ascribed to it in NRS 597.140.

~~[10.]~~ ***11.*** "Wine" has the meaning ascribed to it in NRS 369.140.

Sec. 4. NRS 597.230 is hereby amended to read as follows:

597.230 1. In any county, a person may operate a brew pub:

(a) In any redevelopment area established in that county pursuant to chapter 279 of NRS;

(b) In any historic district established in that county pursuant to NRS 384.005;

(c) In any retail liquor store as that term is defined in NRS 369.090; or

(d) In any other area in the county designated by the board of county commissioners for the operation of brew pubs. In a city which is located in that county, a person may operate a brew pub in any area in the city designated by the governing body of that city for the operation of brew pubs.

➥ A person who operates one or more brew pubs may not manufacture more than ~~[~~15,000~~]~~ ***40,000*** barrels of malt beverages for all the brew pubs he or she operates in ~~[~~that county~~]~~ ***this State*** in any calendar year.

2. The premises of any brew pub operated pursuant to this section must be conspicuously identified as a "brew pub."

3. ~~[~~A~~]~~ ***Except as otherwise provided in subsection 4, a*** person who operates ~~[~~a~~]~~ ***one or more*** brew ~~[~~pub~~]~~ ***pubs*** pursuant to this section may, upon obtaining a license pursuant to chapter 369 of NRS and complying with any other applicable governmental requirements:

(a) Manufacture and store malt beverages on the premises ***of one or more*** of the brew ~~[~~pub~~]~~ ***pubs*** and:

(1) Sell and transport the malt beverages manufactured on the premises to a person holding a valid wholesale wine and liquor dealer's license or wholesale beer dealer's license issued pursuant to chapter 369 of NRS.

(2) Donate for charitable or nonprofit purposes and ***, for the purposes of the donation,*** transport the malt beverages manufactured on the premises in accordance with the terms and conditions of a special permit for the transportation of the malt beverages obtained from the Department of Taxation pursuant to subsection 4 of NRS 369.450.

(b) ***Manufacture and store malt beverages on the premises of one or more of the brew pubs and transport the malt beverages manufactured on the premises to a retailer, other than a person who operates a brew pub pursuant to this section, that holds a valid license pursuant to chapter 369 of NRS for the purpose of selling the malt beverages at a special event in accordance with the terms and conditions of a special permit for the transportation of the malt beverages obtained from the Department of Taxation pursuant to subsection 4 of NRS 369.450. For the purposes of this paragraph, the person who operates one or more brew pubs shall not obtain more than 20 such special permits for the transportation of the malt beverages from the Department of Taxation pursuant to subsection 4 of NRS 369.450 within a calendar year.***

(c) Sell at retail ***, not for resale,*** malt beverages manufactured on or off the premises ***of one or more*** of the brew ~~[~~pub~~]~~ ***pubs*** for consumption on the premises.

~~[~~(c)~~]~~ ***(d)*** Sell at retail ***, not for resale,*** in packages sealed on the premises of ***one or more of*** the brew ~~[~~pub,~~]~~ ***pubs,*** malt beverages, including malt

beverages in unpasteurized form, manufactured on the premises for consumption off the premises.

4. The amount of malt beverages sold pursuant to paragraphs (b), (c) and (d) of subsection 3 must not exceed a total of 5,000 barrels in any calendar year. Of the 5,000 barrels, not more than 1,000 barrels may be sold in kegs.

Sec. 4.5. **NRS 597.240 is hereby amended to read as follows:**

597.240 1. A winery that is federally bonded and permitted by the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of the Treasury ***, including, without limitation, an alternating proprietorship of not more than four such wineries,*** and that has been issued a winemaker's license pursuant to NRS 369.200 may:

(a) Produce, bottle, blend and age wine.

(b) Import wine or juice from a winery that is located in another state and that is federally bonded and permitted by the Alcohol and Tobacco Tax and Trade Bureau, to be fermented into wine or, if already fermented, to be mixed with other wine or aged in a suitable cellar, or both.

2. A winery that has been issued a winemaker's license pursuant to NRS 369.200 on or before September 30, 2015, may:

(a) Sell at retail or serve by the glass, on its premises and at one other location, wine produced, blended or aged by the winery. The amount of wine sold at a location other than on the premises of the winery may not exceed 50 percent of the total volume of the wine sold by the winery.

(b) Serve by the glass, on its premises, any alcoholic beverage.

3. A winery that is issued a winemaker's license pursuant to NRS 369.200 on or after October 1, 2015:

(a) If 25 percent or more of the wine produced, blended or aged by the winery is produced, blended or aged from fruit grown in this State, may sell at retail or serve by the glass, on its premises, wine produced, blended or aged by the winery.

(b) If less than 25 percent of the wine produced, blended or aged by the winery is produced, blended or aged from fruit grown in this State, may sell at retail or serve by the glass, on its premises, not more than 1,000 cases of wine produced, blended or aged by the winery per calendar year.

4. The owner or operator of a winery shall not:

(a) Except as otherwise provided in paragraph (b) of subsection 2, sell alcoholic beverages on the premises of the winery other than wine produced, blended or aged by the winery.

(b) Produce, blend or age wine at any location other than on the premises of the winery.

5. The State Board of Agriculture may adopt regulations for the purposes of ensuring that a winery is in compliance with any requirements established by the Federal Government for labeling bottles of wine produced, blended or aged by the winery.

6. For the purposes of this section, an instructional wine-making facility is not a winery.

Sec. 5. Chapter 369 of NRS is hereby amended by adding thereto the provisions set forth as sections 6 to 7.7, inclusive, of this act.

Sec. 6. ***As used in this chapter, "brew pub" has the meaning ascribed to it in NRS 597.200.***

Sec. 7. ***As used in this chapter, "brewery" means an establishment which manufactures malt beverages but does not sell those malt beverages at retail.***

Sec. 7.3. ***As used in this chapter, "craft distillery" has the meaning ascribed to it in NRS 597.200.***

Sec. 7.7. ***As used in this chapter, "malt beverage" has the meaning ascribed to it in NRS 597.200.***

Sec. 8. NRS 369.035 is hereby amended to read as follows:

369.035 1. As used in this chapter, "instructional wine-making facility" means an instructional wine-making facility operated pursuant to NRS 597.245.

2. For the purposes of this chapter:

(a) A person who operates an instructional wine-making facility is not a wine maker or a supplier, brewer, ***brew pub,*** distiller, ***craft distillery,*** manufacturer, producer, vintner, bottler, wholesaler, wholesale dealer, retailer or retail dealer of wine.

(b) An instructional wine-making facility is not a winery or a retail liquor store.

Sec. 9. NRS 369.111 is hereby amended to read as follows:

369.111 As used in this chapter, "supplier" means, with respect to liquor which is brewed, distilled, fermented, manufactured, rectified, produced or bottled:

1. Outside the United States:

(a) The brewer, distiller, manufacturer, producer, rectifier, vintner or bottler of the liquor, or his or her designated agent; or

(b) The owner of the liquor when it is first transported into any area under the jurisdiction of the United States Government, if the brewer, distiller, manufacturer, rectifier, producer, vintner or bottler of the liquor, or a designated agent of such a person, has not designated an importer to import the liquor into this State;

2. Within the United States but outside this State, the brewer, distiller, manufacturer, rectifier, producer, vintner or bottler of the liquor, or his or her designated agent; or

3. Within this State, the ***brewery, brew pub,*** distiller, ***craft distillery,*** manufacturer, rectifier, producer or bottler of the liquor or his or her designated agent.

Sec. 9.5. NRS 369.150 is hereby amended to read as follows:

369.150 1. The Department is charged with the duty of administering the provisions of this chapter.

2. The Department shall:

(a) Prescribe and cause to be printed and issued free of charge all forms for applications and reports.

(b) Except as otherwise provided in NRS 369.430, issue free of charge all certificates and permits.

(c) Adopt and enforce all rules, regulations and standards necessary or convenient to carry out the provisions of this chapter.

(d) Adopt regulations to carry out the provisions of NRS 369.462 to 369.468, inclusive, 369.486 and 369.488.

(e) Adopt and enforce all rules, regulations and standards necessary or convenient to monitor or survey the quantity of malt beverages manufactured by a brew pub within a calendar year for compliance with NRS 597.230.

Sec. 10. NRS 369.180 is hereby amended to read as follows:

369.180 1. In addition to the limitations imposed by NRS 597.210 and 597.220, a person shall not:

(a) Import liquors into this State unless the person first secures an importer's license or permit from this State.

(b) Engage in business as a wholesale dealer of wines and liquors in this State unless the person first secures a wholesale wine and liquor dealer's license from this State.

(c) Engage in business as a wholesale dealer of beer in this State unless the person first secures a wholesale beer dealer's license from this State.

(d) Operate a winery in this State or export wine from this State unless the person first secures a wine-maker's license from this State.

(e) Operate an instructional wine-making facility in this State unless the person first secures a license for the instructional wine-making facility from this State.

(f) Operate a brewery in this State unless the person first secures a brewer's license from this State.

(g) Operate a brew pub in this State unless the person first secures a brew pub's license from this State.

(h) Operate a craft distillery in this State unless the person first secures a craft distiller's license from this State.

2. ***A person who holds a license for a brew pub:***

(a) May engage in any activity authorized by NRS 597.230.

(b) May not engage in any other activity for which a license is required pursuant to this chapter, unless the person holds the appropriate license for that activity.

3. A person who holds a license for an instructional wine-making facility:

(a) May engage in any activity authorized by NRS 597.245.

(b) May not engage in any other activity for which a license is required pursuant to this chapter, unless the person holds the appropriate license for that activity.

~~[3.]~~ ***4.*** A person who holds a license for a craft distillery:

(a) May engage in any activity authorized by NRS 597.235.

(b) May not engage in any other activity for which a license is required pursuant to this chapter, unless the person holds the appropriate license for that activity.

~~[4. As used in this section:~~

~~(a) "Brew pub" has the meaning ascribed to it in NRS 597.200.~~

~~(b) "Brewery" means an establishment which manufactures malt beverages but does not sell those malt beverages at retail.~~

~~(c) "Craft distillery" has the meaning ascribed to it in NRS 597.200.~~

~~(d) "Malt beverage" has the meaning ascribed to it in NRS 597.200.]~~

Sec. 11. NRS 369.382 is hereby amended to read as follows:

369.382 Except as otherwise provided in NRS 369.386, 369.415 ***, 597.230*** and 597.235, a supplier shall not engage in the business of importing, wholesaling or retailing alcoholic beverages in this State.

Sec. 12. NRS 369.485 is hereby amended to read as follows:

369.485 1. The Legislature hereby declares:

(a) That it is a privilege to engage in the business of selling intoxicating liquor at the wholesale or retail level in this state;

(b) That the Legislature finds it necessary to impose certain restrictions on the exercise of such privilege; and

(c) That it is the policy of this state to preclude the acquisition or control of any retail liquor store by a wholesale liquor dealer.

2. As used in this section, unless the context requires otherwise:

(a) "Delinquent payment" means the failure of a retail liquor store to make payment to a wholesale dealer for liquor on or before the 15th day of the month following delivery by the wholesale dealer.

(b) "Payment" means the full legal discharge of the debt by the wholesale dealer's receipt of cash or its equivalent, including ordinary and recognized means for discharge of indebtedness excepting notes, pledges or other promises to pay at a future date. A postdated check, a check not promptly deposited for collection or a check dishonored on presentation for payment does not constitute payment.

(c) "Payment in cash" means the full legal discharge of the debt by delivery of cash, money order, certified check or a cashier's or similar bank officer's check.

3. A wholesale dealer shall not:

(a) Loan any money or other thing of value to a retail liquor store.

(b) Invest money, directly or indirectly, ***including through a subsidiary or agent,*** in a retail liquor store.

(c) Furnish or provide any premises, building, bar or equipment to a retail liquor store.

(d) Participate, directly or indirectly, in the operation of the business of a retail liquor store.

(e) Sell liquor to a retail liquor store except for payment on or before delivery or on terms requiring payment by the retail liquor store before or on the 10th day of the month following delivery of such liquor to it by the wholesale dealer.

(f) Sell liquor to a retail liquor store which is delinquent in payment to such wholesale dealer except for payment in cash on or before delivery.

4. On the 15th day of the month following the delivery of liquor and on the 15th day of each month thereafter, the wholesale dealer shall charge a retail liquor store which is delinquent a service charge of 1.5 percent of the amount of the unpaid balance.

5. The Department may impose the following penalties on a wholesale dealer who violates any of the provisions of this section within any 24-month period:

(a) For the first violation a penalty of not more than $500.

(b) For the second violation a penalty of not more than $1,000.

(c) For the third and any subsequent violation a penalty of not more than $5,000 or by a license suspension, or by both such penalty and suspension.

6. The Department may, upon its own motion, and shall, upon the verified written complaint of any wholesale dealer, investigate the possible violation of any of the provisions of this section by any wholesale dealer.

Sec. 13. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act and on July 1, 2017, for all other purposes.

Assemblywoman Bustamante Adams moved that the Assembly concur in the Senate Amendment No. 783 to Assembly Bill No. 431.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

The amendment adds a senator as a joint sponsor of the bill and authorizes the operation of a winery by an alternating proprietorship of not more than four proprietors that are federally bonded and permitted and obtain a winemaker's license from this state to operate a winery in Nevada.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 457.

The following Senate amendment was read:

Amendment No. 860.

AN ACT relating to professional licensing; requiring the Board of Psychological Examiners, the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, the Board of Examiners for Social Workers and the Board of Examiners for Alcohol, Drug and Gambling Counselors to report certain information to the ~~[Commission on Behavioral Health;]~~ **Legislative Committee on Health Care;** requiring new members of

those boards to complete an orientation; requiring those boards to adopt certain policies and regulations; authorizing those boards to enter into certain agreements; authorizing a person aggrieved by certain actions of those boards to appeal to the Commission; requiring the Commission to review all regulations adopted by those boards; revising the qualifications of certain members of the Commission; prohibiting certain persons from serving on the Commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes: (1) the Board of Psychological Examiners, which regulates psychologists, behavior analysts and assistant behavior analysts; (2) the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, which regulates marriage and family therapists and clinical professional counselors; (3) the Board of Examiners for Social Workers, which regulates social workers; and (4) the Board of Examiners for Alcohol, Drug and Gambling Counselors, which regulates alcohol, drug and problem gambling counselors. (Chapters 641-641C of NRS) **Sections 2, 11, 18 and 25** of this bill require those boards to submit an annual report to the ~~[Commission on Behavioral Health]~~ **Legislative Committee on Health Care** concerning investigations and review of applications for the issuance or renewal of a license or certificate. **Sections 3, 12, 19 and 26** of this bill: (1) require each new member of those boards to complete an orientation within 60 days after appointment; and (2) require each board to establish policies concerning compensation and reviewing the performance of the staff of the board. **Sections 4, 13, 20 and 27** of this bill authorize the boards to enter into agreements with the Department of Health and Human Services or a division thereof to carry out or improve the performance of the boards' duties.

Sections 5, 16, 21 and 28 of this bill require the same boards to adopt online application forms for the issuance or renewal of a license or certificate. **Sections 6, 14, 22, 29 and 34** of this bill authorize a person aggrieved by an order of any of those boards in refusing to issue or renew a license or certificate or imposing disciplinary action to appeal that order to the Commission on Behavioral Health. **Sections 34.5 and 37 of this bill provide for the expiration of the provisions authorizing such appeals on January 1, 2020.** **Sections 7, 15, 23 and 30** of this bill require each of the boards to adopt regulations establishing: (1) standards concerning the locations at which ~~[interns]~~ **persons obtaining supervised experience in psychology that is required for licensure** provide services; (2) standards concerning the supervision of ~~[interns]~~ **such persons** working at remote sites; and (3) a manner in which the qualifications for issuance or renewal of a license will be made available to the public. **Sections 7, 15, 23, 30 and 34** also require the Commission to review and make recommendations concerning all regulations adopted by the boards. **Section 32** of this bill: (1) revises the qualifications of certain members of the Commission; and (2) prohibits a member of any of those boards from serving concurrently as a member of the Commission. **Section 35** of this bill requires each of the

boards to submit a report to the ~~[Commission]~~ **Legislative Committee on Health Care** on or before January 1, 2018, concerning the costs of the board, the fees imposed by the board and the efforts of the board to recognize licenses, certificates and other credentials from jurisdictions outside this State and to carry out the provisions of this bill.

WHEREAS, Licensing boards that issue licenses and certificates to behavioral health professionals have an obligation to protect the safety of the public, promote the provision of high-quality behavioral health care and facilitate the licensure and certification of behavioral health professionals; and

WHEREAS, To achieve these objectives, such boards must develop and implement fair and transparent policies and procedures for the licensing, certification and regulation of behavioral health professionals; and

WHEREAS, The implementation of such policies and procedures will increase the availability and accessibility of high-quality behavioral health services to the residents of this State; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 641 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***On or before February 1 of each year, the Board shall submit to the ~~[Commission on Behavioral Health]~~ Legislative Committee on Health Care a report which must include:***

1. The number of complaints received, investigations completed, cases dismissed, cases settled and cases for which hearings were held within the immediately preceding calendar year; and

2. The number of applications for the issuance or renewal of a license received by the Board during the immediately preceding calendar year and the number of those applications for which the Board conducted additional review beyond the standard review regularly conducted by the Board.

Sec. 3. ***The Board shall:***

1. Require each new member of the Board to complete orientation within 60 days after his or her appointment to the Board. The orientation must include, without limitation, instruction concerning:

(a) The purposes of the Board and the duties of its members;

(b) Applicable laws and regulations, including, without limitation, the provisions of NRS 641.230 to 641.320, inclusive, and section 6 of this act and the importance of complying with applicable laws and regulations in a timely manner; and

(c) Requirements concerning managing the finances of the Board.

2. Establish policies concerning compensation and reviewing the performance of the staff of the Board.

Sec. 4. *The Board may enter into an agreement with the Department of Health and Human Services or a division thereof to provide services to carry out or improve any function of the Board. Such services may include, without limitation:*

1. Assistance in processing applications for the issuance or renewal of licenses;

2. Technical assistance;

3. Facilitating cooperation with other boards and licensing entities in this State or any other jurisdiction;

4. Recommendations to improve and standardize procedures used by the Board; and

5. Assistance in identifying resources for improving the operations of the Board.

Sec. 5. *The Board shall prescribe forms for applying for the issuance or renewal of a license. The forms must:*

1. Be available to be completed on the Internet website maintained by the Board;

2. Provide immediate, automatic feedback to the applicant concerning whether the applicant has submitted all required information; and

3. Automatically store the data submitted by the applicant upon completion of the application.

Sec. 6. *1. Not later than 30 days after the Board denies an application for the issuance or renewal of a license or issues an order imposing disciplinary action against a licensee, the applicant or licensee aggrieved by the order may submit an appeal to the Commission on Behavioral Health. The Commission shall notify the Board not later than 10 days after receiving such an appeal.*

2. The Commission shall, upon an appeal submitted pursuant to subsection 1, investigate the refusal of the Board to issue or renew a license or any disciplinary action imposed by the Board. The action of the Board remains in effect until the Commission renders a decision pursuant to subsection 3.

3. After conducting an investigation pursuant to subsection 2, the Commission shall render a decision on the appeal. In rendering a decision, the Commission shall presume that the action of the Board was proper and shall not substitute its judgment for that of the Board concerning the weight of evidence on a question of fact. The Commission may order the Board to issue or renew the license or modify or set aside the disciplinary action, as applicable, only if the Commission finds that the action of the Board:

(a) Violates constitutional or statutory provisions;

(b) Exceeds the statutory authority of the agency;

(c) Was made upon unlawful procedure;

(d) Is affected by other error of law;

(e) Is clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or

(f) Is arbitrary or capricious or characterized by abuse of discretion.

4. An investigation conducted by the Commission pursuant to the provisions of this section is limited to the application for the issuance or renewal of a license and any information submitted in conjunction with the application or the record of the disciplinary proceeding created by the Board, as applicable. The Board shall provide those records to the Commission upon request. Unless the information is deemed a public record under the provisions of NRS 641.090 or 641.240 or other applicable law, the Commission shall keep the information confidential.

Sec. 7. NRS 641.100 is hereby amended to read as follows:

641.100 ***1. The Board shall adopt regulations prescribing:***

(a) Uniform standards concerning the locations at which ~~[interns]~~ persons obtaining supervised experience that is required for licensure by the Board provide services;

(b) Standards concerning the electronic supervision of ~~[interns]~~ persons obtaining supervised experience that is required for licensure by the Board who are working at remote sites; and

(c) A manner by which the qualifications for the issuance or renewal of a license under the provisions of this chapter will be made available to the public such that those qualifications are clearly defined and easily understood.

2. The Board may make and promulgate ***any other*** rules and regulations not inconsistent with the provisions of this chapter governing its procedure, the examination and licensure of applicants, the granting, refusal, revocation or suspension of licenses, the practice of psychology and the practice of applied behavior analysis.

3. On the date that the Board gives notice pursuant to NRS 233B.060 of its intent to adopt, amend or repeal a regulation, the Board shall submit the regulation to the Commission on Behavioral Health for review. The Commission shall review the regulation and make recommendations to the Board concerning the advisability of adopting, amending or repealing the regulation and any changes that the Commission deems advisable.

Sec. 8. NRS 641.160 is hereby amended to read as follows:

641.160 1. Each person desiring a license must:

(a) Make application to the Board upon a form, and in a manner, prescribed by the Board ~~[.]~~ ***pursuant to section 5 of this act.*** The application must be accompanied by the application fee prescribed by the Board and include all information required to complete the application.

(b) As part of the application and at his or her own expense:

(1) Arrange to have a complete set of fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Board; and

(2) Submit to the Board:

(I) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background, and to such other law enforcement agencies as the Board deems necessary for a report on the applicant's background; or

(II) Written verification, on a form prescribed by the Board, stating that the set of fingerprints of the applicant was taken and directly forwarded electronically or by other means to the Central Repository for Nevada Records of Criminal History and that the applicant provided written permission authorizing the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background, and to such other law enforcement agencies as the Board deems necessary for a report on the applicant's background.

2. The Board may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to sub-subparagraph (II) of subparagraph (2) of paragraph (b) of subsection 1, submit those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Board deems necessary; and

(b) Request from each agency to which the Board submits the fingerprints any information regarding the applicant's background as the Board deems necessary.

3. An application is not considered complete and received for purposes of evaluation pursuant to subsection 4 of NRS 641.170 until the Board receives a complete set of fingerprints or verification that the fingerprints have been forwarded electronically or by other means to the Central Repository for Nevada Records of Criminal History, and written authorization from the applicant pursuant to this section.

Sec. 9. NRS 641.312 is hereby amended to read as follows:

641.312 1. Any person who has been placed on probation or whose license has been limited, suspended or revoked ***, and whose appeal pursuant to section 6 of this act has been denied,*** is entitled to judicial review of the order.

2. Every order which limits the practice of psychology or suspends or revokes a license is effective from the date the Board certifies the order until the date the order is modified or reversed by ***an order of the Commission on Behavioral Health pursuant to section 6 of this act or*** a final judgment of the court.

3. The district court shall give a petition for judicial review of the order priority over other civil matters which are not expressly given priority by law.

Sec. 10. Chapter 641A of NRS is hereby amended by adding thereto the provisions set forth as sections 11 to 14, inclusive, of this act.

Sec. 11. ***On or before February 1 of each year, the Board shall submit to the ~~[Commission on Behavioral Health]~~ Legislative Committee on Health Care a report which must include:***

1. The number of complaints received, investigations completed, cases dismissed, cases settled and cases for which hearings were held within the immediately preceding calendar year; and

2. The number of applications for the issuance or renewal of a license received by the Board during the immediately preceding calendar year and the number of those applications for which the Board conducted additional review beyond the standard review regularly conducted by the Board.

Sec. 12. ***The Board shall:***

1. Require each new member of the Board to complete orientation within 60 days after his or her appointment to the Board. The orientation must include, without limitation, instruction concerning:

(a) The purposes of the Board and the duties of its members;

(b) Applicable laws and regulations, including, without limitation, the provisions of NRS 641A.310 to 641A.400, inclusive, and section 14 of this act and the importance of complying with applicable laws and regulations in a timely manner; and

(c) Requirements concerning managing the finances of the Board.

2. Establish policies concerning compensation and reviewing the performance of the staff of the Board.

Sec. 13. ***The Board may enter into an agreement with the Department of Health and Human Services or a division thereof to provide services to carry out or improve any function of the Board. Such services may include, without limitation:***

1. Assistance in processing applications for the issuance or renewal of licenses;

2. Technical assistance;

3. Facilitating cooperation with other boards and licensing entities in this State or any other jurisdiction;

4. Recommendations to improve and standardize procedures used by the Board; and

5. Assistance in identifying resources for improving the operations of the Board.

Sec. 14. ***1. Not later than 30 days after the Board denies an application for the issuance or renewal of a license or issues an order imposing disciplinary action against a licensee, the applicant or licensee aggrieved by the order may submit an appeal to the Commission on Behavioral Health. The Commission shall notify the Board not later than 10 days after receiving such an appeal.***

2. The Commission shall, upon an appeal submitted pursuant to subsection 1 or its own motion, investigate the refusal of the Board to issue

or renew a license or any disciplinary action imposed by the Board. The action of the Board remains in effect until the Commission renders a decision pursuant to subsection 3.

3. After conducting an investigation pursuant to subsection 2, the Commission shall render a decision on the appeal. In rendering a decision, the Commission shall presume that the action of the Board was proper and shall not substitute its judgment for that of the Board concerning the weight of evidence on a question of fact. The Commission may order the Board to issue or renew the license or modify or set aside the disciplinary action, as applicable, only if the Commission finds that the action of the Board:

(a) Violates constitutional or statutory provisions;

(b) Exceeds the statutory authority of the agency;

(c) Was made upon unlawful procedure;

(d) Is affected by other error of law;

(e) Is clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or

(f) Is arbitrary or capricious or characterized by abuse of discretion.

4. An investigation conducted by the Commission pursuant to the provisions of this section is limited to the application for the issuance or renewal of a license and any information submitted in conjunction with the application or the record of the disciplinary proceeding created by the Board, as applicable. The Board shall provide those records to the Commission upon request. Unless the information is deemed a public record under the provisions of NRS 641A.191 or 641A.320 or other applicable law, the Commission shall keep the information confidential.

5. An order of the Board suspending or revoking a license or imposing other disciplinary action against a licensee is final for purposes of judicial review upon the denial of an appeal pursuant to this section.

Sec. 15. NRS 641A.160 is hereby amended to read as follows:

641A.160 ***1.*** The Board shall adopt regulations not inconsistent with the provisions of this chapter governing its procedure, the examination and licensing of applicants, the granting, refusal, revocation or suspension of licenses, and the practice of marriage and family therapy and the practice of clinical professional counseling as those practices apply to this chapter.

2. The regulations adopted pursuant to subsection 1 must prescribe:

(a) Uniform standards concerning the locations at which interns provide services;

(b) Standards concerning the electronic supervision of interns working at remote sites; and

(c) A manner by which the qualifications for the issuance or renewal of a license under the provisions of this chapter will be made available to the public such that those qualifications are clearly defined and easily understood.

3. On the date that the Board gives notice pursuant to NRS 233B.060 of its intent to adopt, amend or repeal a regulation, the Board shall submit the regulation to the Commission on Behavioral Health for review. The Commission shall review the regulation and make recommendations to the Board concerning the advisability of adopting, amending or repealing the regulation and any changes that the Commission deems advisable.

Sec. 16. NRS 641A.210 is hereby amended to read as follows:

641A.210 ***1.*** Each person desiring a license must apply to the Board upon a form, and in a manner, prescribed by the Board. The application must be accompanied by the application fee prescribed by the Board and all information required to complete the application.

2. The Board shall prescribe forms for applying for the issuance or renewal of a license. The forms must:

(a) Be available to be completed on the Internet website maintained by the Board;

(b) Provide immediate, automatic feedback to the applicant concerning whether the applicant has submitted all required information; and

(c) Automatically store the data submitted by the applicant upon completion of the application.

Sec. 17. Chapter 641B of NRS is hereby amended by adding thereto the provisions set forth as sections 18 to 22, inclusive, of this act.

Sec. 18. ***On or before February 1 of each year, the Board shall submit to the ~~[Commission on Behavioral Health]~~ Legislative Committee on Health Care a report which must include:***

1. The number of complaints received, investigations completed, cases dismissed, cases settled and cases for which hearings were held within the immediately preceding calendar year; and

2. The number of applications for the issuance or renewal of a license received by the Board during the immediately preceding calendar year and the number of those applications for which the Board conducted additional review beyond the standard review regularly conducted by the Board.

Sec. 19. ***The Board shall:***

1. Require each new member of the Board to complete orientation within 60 days after his or her appointment to the Board. The orientation must include, without limitation, instruction concerning:

(a) The purposes of the Board and the duties of its members;

(b) Applicable laws and regulations, including, without limitation, the provisions of NRS 641B.400 to 641B.450, inclusive, and section 22 of this act and the importance of complying with applicable laws and regulations in a timely manner; and

(c) Requirements concerning managing the finances of the Board.

2. Establish policies concerning compensation and reviewing the performance of the staff of the Board.

Sec. 20. ***The Board may enter into an agreement with the Department of Health and Human Services or a division thereof to provide services to***

carry out or improve any function of the Board. Such services may include, without limitation:

1. Assistance in processing applications for the issuance or renewal of licenses;

2. Technical assistance;

3. Facilitating cooperation with other boards and licensing entities in this State or any other jurisdiction;

4. Recommendations to improve and standardize procedures used by the Board; and

5. Assistance in identifying resources for improving the operations of the Board.

Sec. 21. *The Board shall prescribe forms for applying for the issuance or renewal of a license. The forms must:*

1. Be available to be completed on the Internet website maintained by the Board;

2. Provide immediate, automatic feedback to the applicant concerning whether the applicant has submitted all required information; and

3. Automatically store the data submitted by the applicant upon completion of the application.

Sec. 22. *1. Not later than 30 days after the Board denies an application for the issuance or renewal of a license or issues an order imposing disciplinary action against a licensee, the applicant or licensee aggrieved by the order may submit an appeal to the Commission on Behavioral Health. The Commission shall notify the Board not later than 10 days after receiving such an appeal.*

2. The Commission shall, upon an appeal submitted pursuant to subsection 1 or its own motion, investigate the refusal of the Board to issue or renew a license or any disciplinary action imposed by the Board. The action of the Board remains in effect until the Commission renders a decision pursuant to subsection 3.

3. After conducting an investigation pursuant to subsection 2, the Commission shall render a decision on the appeal. In rendering a decision, the Commission shall presume that the action of the Board was proper and shall not substitute its judgment for that of the Board concerning the weight of evidence on a question of fact. The Commission may order the Board to issue or renew the license or modify or set aside the disciplinary action, as applicable, only if the Commission finds that the action of the Board:

(a) Violates constitutional or statutory provisions;

(b) Exceeds the statutory authority of the agency;

(c) Was made upon unlawful procedure;

(d) Is affected by other error of law;

(e) Is clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or

(f) Is arbitrary or capricious or characterized by abuse of discretion.

4. An investigation conducted by the Commission pursuant to the provisions of this section is limited to the application for the issuance or renewal of a license and any information submitted in conjunction with the application or the record of the disciplinary proceeding created by the Board, as applicable. The Board shall provide those records to the Commission upon request. Unless the information is deemed a public record under the provisions of NRS 641B.170 or 641B.430 or other applicable law, the Commission shall keep the information confidential.

5. An order of the Board suspending or revoking a license or imposing other disciplinary action against a licensee is final for purposes of judicial review upon the denial of an appeal pursuant to this section.

Sec. 23. NRS 641B.160 is hereby amended to read as follows:

641B.160 ***1.*** The Board shall adopt:

~~[1.]~~ ***(a)*** Such regulations as are necessary or desirable to enable it to carry out the provisions of this chapter; ~~[and~~

~~2.]~~ ***(b)*** Regulations establishing reasonable standards for the psychiatric training and experience necessary for a clinical social worker to be authorized to make the certifications described in NRS 433A.170, 433A.195 and 433A.200 ~~[.]~~ ***;***

(c) Regulations prescribing uniform standards concerning the locations at which interns provide services;

(d) Regulations prescribing standards concerning the electronic supervision of interns working at remote sites; and

(e) Regulations prescribing the manner by which the qualifications for the issuance or renewal of a license under the provisions of this chapter will be made available to the public such that those qualifications are clearly defined and easily understood.

2. On the date that the Board gives notice pursuant to NRS 233B.060 of its intent to adopt, amend or repeal a regulation, the Board shall submit the regulation to the Commission on Behavioral Health for review. The Commission shall review the regulation and make recommendations to the Board concerning the advisability of adopting, amending or repealing the regulation and any changes that the Commission deems advisable.

Sec. 24. Chapter 641C of NRS is hereby amended by adding thereto the provisions set forth as sections 25 to 29, inclusive, of this act.

Sec. 25. ***On or before February 1 of each year, the Board shall submit to the ~~[Commission on Behavioral Health]~~ Legislative Committee on Health Care a report which must include:***

1. The number of complaints received, investigations completed, cases dismissed, cases settled and cases for which hearings were held within the immediately preceding calendar year; and

2. The number of applications for the issuance or renewal of a license or certificate received by the Board during the immediately preceding calendar year and the number of those applications for which the Board

conducted additional review beyond the standard review regularly conducted by the Board.

Sec. 26. *The Board shall:*

1. Require each new member of the Board to complete orientation within 60 days after his or her appointment to the Board. The orientation must include, without limitation, instruction concerning:

(a) The purposes of the Board and the duties of its members;

(b) Applicable laws and regulations, including, without limitation, the provisions of NRS 641C.700 to 641C.760, inclusive, and section 29 of this act and the importance of complying with applicable laws and regulations in a timely manner; and

(c) Requirements concerning managing the finances of the Board.

2. Establish policies concerning compensation and reviewing the performance of the staff of the Board.

Sec. 27. *The Board may enter into an agreement with the Department of Health and Human Service or a division thereof to provide services to carry out or improve any function of the Board. Such services may include, without limitation:*

1. Assistance in processing applications for the issuance or renewal of licenses and certificates;

2. Technical assistance;

3. Facilitating cooperation with other boards and licensing entities in this State or any other jurisdiction;

4. Recommendations to improve and standardize procedures used by the Board; and

5. Assistance in identifying resources for improving the operations of the Board.

Sec. 28. *The Board shall prescribe forms for applying for the issuance or renewal of a license or certificate. The forms must:*

1. Be available to be completed on the Internet website maintained by the Board;

2. Provide immediate, automatic feedback to the applicant concerning whether the applicant has submitted all required information; and

3. Automatically store the data submitted by the applicant upon completion of the application.

Sec. 29. *1. Not later than 30 days after the Board denies an application for the issuance or renewal of a license or certificate or issues an order imposing disciplinary action against a licensee or the holder of a certificate, the applicant, licensee or holder of a certificate aggrieved by the order may submit an appeal to the Commission on Behavioral Health. The Commission shall notify the Board not later than 10 days after receiving such an appeal.*

2. The Commission shall, upon an appeal submitted pursuant to subsection 1 or its own motion, investigate the refusal of the Board to issue or renew a license or certificate or any disciplinary action imposed by the

Board. The action of the Board remains in effect until the Commission renders a decision pursuant to subsection 3.

3. After conducting an investigation pursuant to subsection 2, the Commission shall render a decision on the appeal. In rendering a decision, the Commission shall presume that the action of the Board was proper and shall not substitute its judgment for that of the Board concerning the weight of evidence on a question of fact. The Commission may order the Board to issue or renew the license or certificate or modify or set aside the disciplinary action, as applicable, only if the Commission finds that the action of the Board:

(a) Violates constitutional or statutory provisions;

(b) Exceeds the statutory authority of the agency;

(c) Was made upon unlawful procedure;

(d) Is affected by other error of law;

(e) Is clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or

(f) Is arbitrary or capricious or characterized by abuse of discretion.

4. An investigation conducted by the Commission pursuant to the provisions of this section is limited to the application for the issuance or renewal of a license or certificate and any information submitted in conjunction with the application or the record of the disciplinary proceeding created by the Board, as applicable. The Board shall provide those records to the Commission upon request. Unless the information is deemed a public record under the provisions of NRS 641C.720 or 641C.760 or other applicable law, the Commission shall keep the information confidential.

5. An order of the Board suspending or revoking a license or certificate or imposing other disciplinary action against a licensee or the holder of a certificate is final for purposes of judicial review upon the denial of an appeal pursuant to this section.

Sec. 30. NRS 641C.200 is hereby amended to read as follows:

641C.200 1. The Board shall adopt such regulations as are necessary to carry out the provisions of this chapter, including, without limitation, regulations that prescribe:

(a) The ethical standards for licensed and certified counselors and certified interns; ~~[and]~~

(b) The requirements for continuing education for the renewal, restoration or reinstatement of a license or certificate ~~[.]~~ ***;***

(c) Uniform standards concerning the locations at which interns provide services;

(d) Standards concerning the electronic supervision of interns working at remote sites; and

(e) The manner by which the qualifications for the issuance or renewal of a license or certificate under the provisions of this chapter will be made

available to the public such that those qualifications are clearly defined and easily understood.

2. The Board may adopt regulations that prescribe:

(a) The contents of a written and oral examination concerning the practice of counseling problem gamblers;

(b) The grounds for initiating disciplinary action against a certified problem gambling counselor or certified problem gambling counselor intern; and

(c) Disciplinary procedures for certified problem gambling counselors and certified problem gambling counselor interns, including the suspension, revocation and reinstatement of a certificate as a problem gambling counselor or problem gambling counselor intern.

3. Any regulations adopted by the Board pursuant to this section must be consistent with the provisions of chapter 622A of NRS.

4. On the date that the Board gives notice pursuant to NRS 233B.060 of its intent to adopt, amend or repeal a regulation, the Board shall submit the regulation to the Commission on Behavioral Health for review. The Commission shall review the regulation and make recommendations to the Board concerning the advisability of adopting, amending or repealing the regulation and any changes that the Commission deems advisable.

Sec. 31. NRS 641C.260 is hereby amended to read as follows:

641C.260 Each applicant for a license or certificate must submit to the Board:

1. An application on a form ~~[provided]~~ ***prescribed*** by the Board ~~[;]~~ ***pursuant to section 28 of this act;***

2. A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

3. The application fee prescribed in NRS 641C.470.

Sec. 32. NRS 232.361 is hereby amended to read as follows:

232.361 1. There is hereby created in the Department a Commission on Behavioral Health consisting of 10 members appointed by the Governor, at least 3 of whom have training or experience in dealing with intellectual disabilities.

2. The Governor shall appoint:

(a) A psychiatrist licensed to practice medicine in this State, from a list of three candidates submitted by the Nevada Psychiatric Association;

(b) A psychologist licensed to practice in this State and experienced in clinical practice, from a list of four candidates submitted by the Nevada Psychological Association, two of whom must be from northern Nevada and two of whom must be from southern Nevada;

(c) A physician, other than a psychiatrist, licensed to practice medicine in this State and who has experience in dealing with intellectual disabilities,

from a list of three candidates submitted by the Nevada State Medical Association;

(d) A ***clinical*** social worker ***licensed to practice in this State*** who **[**~~has a master's degree and~~**]** has experience in dealing with mental illness or intellectual disabilities, or both;

(e) A registered nurse licensed to practice in this State who has experience in dealing with mental illness or intellectual disabilities, or both, from a list of three candidates submitted by the Nevada Nurses Association;

(f) A marriage and family therapist ***or clinical professional counselor*** licensed **[**~~to practice in this State, from a list of three candidates submitted by the Nevada Association for Marriage and Family Therapy;~~**]** ***pursuant to chapter 641A of NRS;***

(g) A person who **[**~~has knowledge and experience in the prevention of alcohol and drug abuse and the treatment and recovery of alcohol and drug abusers through a program or service provided~~**]** ***is licensed or certified*** pursuant to chapter **[**~~458~~**]** ***641C*** of NRS **[**~~, from a list of three candidates submitted by the Division of Public and Behavioral Health of the Department;~~**]** ***who is not an intern;***

(h) A current or former recipient of mental health services provided by the State or any agency thereof;

(i) A representative of the general public who has a special interest in the field of mental health; and

(j) A representative of the general public who has a special interest in the field of intellectual disabilities.

3. The Governor shall appoint the Chair of the Commission from among its members.

4. After the initial terms, each member shall serve a term of 4 years. If a vacancy occurs during a member's term, the Governor shall appoint a person qualified under this section to replace that member for the remainder of the unexpired term.

5. A person may not serve concurrently as a member of the Commission and a member of the Board of Psychological Examiners, the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, the Board of Examiners for Social Workers or the Board of Examiners for Alcohol, Drug and Gambling Counselors.

Sec. 33. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312,

130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190,

679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and sections 6, 14, 22 and 29 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 34. NRS 433.314 is hereby amended to read as follows:

433.314 The Commission shall:

1. Establish policies to ensure adequate development and administration of services for persons with mental illness, persons with intellectual disabilities and persons with related conditions, persons with substance use disorders or persons with co-occurring disorders, including services to prevent mental illness, intellectual disabilities and related conditions, substance use disorders and co-occurring disorders, and services provided without admission to a facility or institution;

2. Set policies for the care and treatment of persons with mental illness, persons with intellectual disabilities and persons with related conditions, persons with substance use disorders or persons with co-occurring disorders provided by all state agencies;

3. Review the programs and finances of the Division; ~~[and]~~

4. Report at the beginning of each year to the Governor and at the beginning of each odd-numbered year to the Legislature on the quality of the care and treatment provided for persons with mental illness, persons with intellectual disabilities and persons with related conditions, persons with substance use disorders or persons with co-occurring disorders in this State and on any progress made toward improving the quality of that care and treatment ~~[.]~~ ***;***

5. Hear appeals, conduct investigations and issue orders pursuant to sections 6, 14, 22 and 29 of this act; and

6. Review and make recommendations concerning regulations submitted to the Commission for review pursuant to NRS 641.100, 641A.160, 641B.160 and 641C.200.

Sec. 34.5. **NRS 433.314 is hereby amended to read as follows:**

433.314 The Commission shall:

1. Establish policies to ensure adequate development and administration of services for persons with mental illness, persons with intellectual disabilities and persons with related conditions, persons with substance use disorders or persons with co-occurring disorders, including services to prevent mental illness, intellectual disabilities and related conditions, substance use disorders and co-occurring disorders, and services provided without admission to a facility or institution;

2. Set policies for the care and treatment of persons with mental illness, persons with intellectual disabilities and persons with related conditions, persons with substance use disorders or persons with co-occurring disorders provided by all state agencies;

3. Review the programs and finances of the Division;

4. Report at the beginning of each year to the Governor and at the beginning of each odd-numbered year to the Legislature on the quality of the care and treatment provided for persons with mental illness, persons with intellectual disabilities and persons with related conditions, persons with substance use disorders or persons with co-occurring disorders in this State and on any progress made toward improving the quality of that care and treatment; ***and***

5. ~~[Hear appeals, conduct investigations and issue orders pursuant to sections 6, 14, 22 and 29 of this act; and~~

~~6.]~~ Review and make recommendations concerning regulations submitted to the Commission for review pursuant to NRS 641.100, 641A.160, 641B.160 and 641C.200.

Sec. 35. 1. On or before January 1, 2018, the Board of Psychological Examiners, the Board of Examiners for Marriage and Family Therapists and

Clinical Professional Counselors, the Board of Examiners for Social Workers and the Board of Examiners for Alcohol, Drug and Gambling Counselors, respectively, shall each:

(a) Conduct an analysis of the necessity of the costs of the Board, whether the fees charged by the Board are necessary and sufficient to pay those costs, the Board's compliance with applicable law and the need for revision of the regulations of the Board. The analysis must include, without limitation, an analysis of the Board's:

(1) Recognition of licenses, certificates and other credentials from jurisdictions outside this State, including, without limitation, the number of licenses by endorsement it has issued during the 3-year period ending on December 1, 2017; and

(2) Efforts to comply with the amendatory provisions of this act.

(b) Submit to the ~~[Commission on Behavioral Health]~~ **Legislative Committee on Health Care** a report containing the results of the analysis conducted pursuant to paragraph (a).

2. ~~[On or before June 30, 2018, the Commission]~~ **The Legislative Committee on Health Care** shall review the reports submitted to subsection 1 and ~~[require the]~~ **may make recommendations to:**

(a) The Board of Psychological Examiners, the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, the Board of Examiners for Social Workers or the Board of Examiners for Alcohol, Drug and Gambling Counselors, as applicable, ~~[to take]~~ **concerning** any action necessary to comply with existing law or improve the processes used by the board.

(b) The 80th Session of the Nevada Legislature concerning any appropriate legislation necessary to improve the processes used by the Board of Psychological Examiners, the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, the Board of Examiners for Social Workers or the Board of Examiners for Alcohol, Drug and Gambling Counselors.

Sec. 35.5. Not later than March 1, 2018, each person who is serving on January 1, 2018, as a member of the Board of Psychological Examiners, the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, the Board of Examiners for Social Workers or the Board of Examiners for Alcohol, Drug and Gambling Counselors, shall complete the orientation required for a new member of the Board of which he or she is a member pursuant to section 3, 12, 19 or 26 of this act, respectively.

Sec. 36. 1. The term of any member of the Commission on Behavioral Health who is serving on the Commission pursuant to paragraph (d) or (g) of subsection 2 of NRS 232.361 on October 1, 2017, who does not meet the qualifications prescribed by paragraph (d) or (g) of subsection 2, as applicable, of NRS 232.361, as amended by section 32 of this act, expires on that date. The Governor shall appoint a person who meets the qualifications

prescribed by paragraph (d) or (g) of subsection 2, as applicable, of NRS 232.361, as amended by section 32 of this act, to serve the remainder of that term.

2. The term of any member of the Commission on Behavioral Health who is serving on the Commission in violation of subsection 5 of NRS 232.361, as amended by section 32 of this act, on October 1, 2017, expires on that date. The Governor shall appoint a person similarly qualified to serve the remainder of that term.

Sec. 36.5. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 37. 1. This section and sections 1 to 31, inclusive, 33, 34, 35**,** ~~[and]~~ 35.5 **and 36.5** of this act become effective upon passage and approval for the purpose of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act and on January 1, 2018, for all other purposes.

2. Sections 32 and 36 of this act become effective on October 1, 2017.

3. Sections 6, 14, 22 and 29 of this act and the amendatory provisions of section 9 of this act expire by limitation on December 31, 2019.

4. Section 34.5 of this act becomes effective on January 1, 2020.

Assemblywoman Bustamante Adams moved that the Assembly concur in the Senate Amendment No. 860 to Assembly Bill No. 457.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

The amendment requires the boards referenced in this bill to submit an annual report with certain information to the Legislative Committee on Health Care. It requires the boards referenced in this bill to submit a report to the Legislative Committee on Health Care on or before January 1, 2018, concerning the cost of the board, the fees imposed by the board, and the efforts of the board to recognize licenses and certificates from other jurisdictions. It sunsets the provisions of the bill that relate to authorizing a person aggrieved by an order of any of the boards to appeal that order to the Commission on Behavioral Health on January 1, 2020, and clarifies the language to align with the Board's specific nomenclature for pre and full license registrants.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 454.

The following Senate amendment was read:

Amendment No. 697.

AN ACT relating to accountants; revising provisions relating to the qualifications and appointment of members of the Nevada State Board of Accountancy; revising provisions relating to the adoption or amendment of rules of professional conduct by the Board; revising the qualifications for a certificate of certified public accountant; revising certain educational and work experience requirements for a certificate of certified public accountant;

eliminating the requirement that an accounting firm which performs attest services but which does not have an office in this State must register with the Board; providing that such an accounting firm may perform attest services under the same conditions as it practices and performs nonattest services; authorizing the issuance of a cease and desist order to a person believed to be engaged in the unlawful practice of accounting; repealing provisions relating to the registration of public accountants and business entities formed by public accountants; increasing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally provides for the regulation of accountants in this State. (Chapter 628 of NRS) **Sections 1, 3 and 4** of this bill revise definitions relating to services to be performed by accountants to conform with the seventh edition of the Uniform Accountancy Act, published by the American Institute of Certified Public Accountants and the National Association of State Boards of Accountancy.

Section 9 of this bill requires the Nevada State Board of Accountancy to provide notice of proposed new rules of professional conduct or amendments to rules of professional conduct to permit holders by electronic mail rather than by delivery by the United States Postal Service. **Section 10** of this bill removes the requirement that to qualify for a certificate of certified public accountant, the applicant must either be a resident of this State or designate an agent in this State to receive service of process for the applicant. **Sections 11-13** of this bill revise certain educational, work experience and examination requirements for a certificate of certified public accountant.

Section 14.2 of this bill eliminates the requirement that a partnership, corporation, limited-liability company or sole proprietorship must register with the Board in order to perform attest services for a client having his or her home office in this State. (NRS 628.335) Section 14.2 additionally authorizes such a partnership, corporation, limited-liability company or sole proprietorship to perform attest services for a client having his or her home office in this State without registering only if the partnership, corporation, limited-liability company or sole proprietorship meets the existing criteria for nonattest services. Sections 13.5, 14.4-14.8 and 31.5 of this bill make conforming changes necessitated by the revisions to section 14.2.

Section 28 of this bill authorizes the Board to provide another licensing board or agency with otherwise confidential and privileged records relating to a complaint if the Board is cooperating in an investigation by that board or agency. **Section 39** of this bill authorizes the Board to issue a cease and desist order to a person the Board believes to be engaging in certain unlawful acts relating to accounting. **Section 40** of this bill increases the penalty for committing certain unlawful acts relating to accounting from a misdemeanor to a gross misdemeanor.

Section 45 of this bill repeals provisions relating to the registration and regulation of registered public accountants and business entities formed by public accountants. **Sections 5, 6, 8, ~~[14-27, 29-38]~~ 14, 15-27, 29-31, 32-38 and 41-44** of this bill make conforming changes.

Under existing law, the Nevada Society of Certified Public Accountants is required to submit to the Governor the names of at least three persons qualified for membership on the Board for each position on the Board to be filled by a certified public accountant. (NRS 628.075) **Section 7** of this bill authorizes the Nevada Society of Certified Public Accountants to recommend to the Governor the reappointment of a current Board member who is eligible for reappointment without submitting other names for consideration.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 628 of NRS is hereby amended by adding thereto a new section to read as follows:

"Report," when used with respect to any attest or compilation service, means an opinion, report or other form of language that states or implies assurance as to the reliability of the attested information or compiled financial statements, and that also includes or is accompanied by a statement or implication that the person or firm issuing it has special knowledge or competence in accounting or auditing. Such a statement or implication of special knowledge or competence may arise from use by the issuer of the report of names or titles indicating that the person or firm is an accountant or auditor, or from the language of the report itself. The term includes any form of language which disclaims an opinion when such form of language is conventionally understood to imply any positive assurance as to the reliability of the attested information or complied financial statements referred to, or special competence on the part of the person or firm issuing such language, including, without limitation, another form of language that is conventionally understood to imply such assurance or such special knowledge or competence.

Sec. 2. NRS 628.003 is hereby amended to read as follows:

628.003 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 628.005 to 628.033, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 628.005 is hereby amended to read as follows:

628.005 "Attest," "attesting" and "attestation" mean ***providing*** the ~~[~~issuance of opinions, reports or other documents which state or imply assurance of the reliability of information when the opinions, reports or other documents are accompanied by or contain any name, title or wording which indicates that the person or other entity which has issued them is an accountant or auditor, or has expert knowledge in accounting or auditing. The terms include any disclaimer of an opinion when the disclaimer is in a form which is understood to imply any positive assurance of the reliability of

~~the information and expertise on the part of the person making the disclaimer.]~~ ***following services:***

1. An audit or other engagement to be performed in accordance with the Statements on Auditing Standards (SAS) published by the American Institute of Certified Public Accountants.

2. A review of a financial statement to be performed in accordance with the Statements on Standards for Accounting and Review Services (SSARS) published by the American Institute of Certified Public Accountants.

3. An examination of prospective financial information to be performed in accordance with the Statements on Standards for Attestation Engagements (SSAE) published by the American Institute of Certified Public Accountants.

4. An engagement to be performed in accordance with the standards of the Public Company Accounting Oversight Board.

5. An examination, review or agreed upon procedures engagement to be performed in accordance with the SSAE, other than an examination described in subsection 3.

Sec. 4. NRS 628.014 is hereby amended to read as follows:

628.014 "Compilation" means ~~[the presentation, in the form of financial statements prepared]~~ ***providing a service to be performed*** in accordance with the Statements on Standards for Accounting and Review Services (SSARS) published by the American Institute of Certified Public Accountants, ~~[of information]~~ that is ~~[a representation by]~~ ***presented in*** the ~~[owner or management]~~ ***form*** of ~~[an entity]~~ ***financial statements, of information that is the representation of the owner or management*** without undertaking to ~~[state or imply assurance of the reliability of]~~ ***express any assurance on*** the ~~[information.]~~ ***statements.***

Sec. 5. NRS 628.0345 is hereby amended to read as follows:

628.0345 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a certificate issued pursuant to NRS 628.190 to 628.310, inclusive, ~~[any registration or license granted to a registered public accountant pursuant to NRS 628.350]~~ or a permit issued pursuant to NRS 628.380 shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a certificate issued pursuant to NRS 628.190 to 628.310, inclusive, ~~[any registration or license granted to a registered public accountant pursuant to NRS 628.350]~~ or a permit issued pursuant to NRS 628.380 shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certificate ~~[, registration, license]~~ or permit; or

(b) A separate form prescribed by the Board.

3. A certificate ~~[, registration, license]~~ or permit described in subsection 1 may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 6. NRS 628.045 is hereby amended to read as follows:

628.045 1. ~~[~~Except as otherwise provided in subsection 2, the~~]~~ ***The*** Governor shall appoint to the Board ~~[six]~~ ***:***

(a) Six members who are certified public accountants ~~[in the State of Nevada and one member who is a registered public accountant]~~ in the State of Nevada ~~[. Of the six members who are certified public accountants:]~~ ***of whom:***

~~[(a)]~~ ***(1)*** One member must be employed by the government or by private industry; and

~~[(b)]~~ ***(2)*** Five members must be engaged in the practice of public accounting.

~~[2. Whenever the total number of registered public accountants who practice is 10 or fewer, the Board must consist of six members who are certified public accountants and the member who is a registered public accountant until that member's term of office expires. Thereafter, the Board must consist of:~~

~~(a) Six members who are certified public accountants, one of whom must be employed by the government or by private industry.]~~

(b) One member who represents the public. This member must not be:

(1) A certified public accountant ~~[,]~~ ***or*** a public accountant ***;*** ~~[or a registered public accountant;]~~ or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a certified public accountant ~~[,]~~ ***or*** a public accountant ***.*** ~~[or a registered public accountant.~~

~~3.]~~ ***2.*** No person may be appointed to the Board unless he or she is:

(a) Engaged in active practice as a certified public accountant ~~[or registered public accountant]~~ and holds a live permit to practice public accounting in this State, or is appointed as the member who represents the public.

(b) A resident of the State of Nevada.

Sec. 7. NRS 628.075 is hereby amended to read as follows:

628.075 1. ~~[The]~~ ***Except as otherwise provided in subsection 2, the*** Nevada Society of Certified Public Accountants shall, at least 30 days before the beginning of any term, or within 30 days after a position on the Board becomes vacant, submit to the Governor the names of at least three persons qualified for membership on the Board for each position to be filled by a certified public accountant. The Governor shall appoint new members or fill the vacancy from the list, or request a new list. If the Nevada Society of Certified Public Accountants fails to submit timely nominations for a position on the Board, the Board may submit nominations to the Governor, who shall appoint members from among the nominees or request a new list.

2. ***If the term of a current member of the Board is expiring and that member is eligible for reappointment to the Board, the Nevada Society of Certified Public Accountants may recommend to the Governor the reappointment of that member without having to submit additional names for consideration to the Governor.***

3. The Governor may appoint any qualified person who is a resident of this State to the position which is to be occupied by a person who represents the public.

Sec. 8. NRS 628.130 is hereby amended to read as follows:

628.130 The Board shall:

1. Have a seal of which judicial notice must be taken.

2. Keep records of its proceedings. In any proceedings in court, civil or criminal, arising out of or founded upon any provision of this chapter, copies of those records certified as correct under the seal of the Board are admissible in evidence as tending to prove the contents of the records.

3. Maintain a website on the Internet or its successor and post on its website:

(a) The names arranged alphabetically by classifications of all accountants and business entities holding ~~[licenses,]~~ certificates, registrations or permits under this chapter.

(b) The names of the members of the Board.

(c) Such other matter as may be deemed proper by the Board.

Sec. 9. NRS 628.160 is hereby amended to read as follows:

628.160 1. The Board may by regulation adopt and amend rules of professional conduct appropriate to establish and maintain a high standard of quality, integrity and dignity in the profession of public accountancy.

2. In addition to the requirements of chapter 233B of NRS, the Board shall ~~[, at least 60 days before the adoption of any such rule or amendment, mail copies of the]~~ ***provide notice of any such*** proposed rule or amendment

to each holder of a live permit, to the ***electronic mail*** address shown in the records of the Board, ~~[together]~~ ***along*** with ~~[a notice]~~ ***information*** advising the holder of the permit of the date, time and place of the hearing on the proposed rule or amendment and requesting that he or she submit any comments thereon at least 15 days before the hearing. The comments are advisory only. ~~[Failure by inadvertence or error to mail the rule, amendment or notice to each holder of a permit does not affect the validity of any rule or amendment if the Board has made an effort in good faith to mail the notice to all holders of permits.]~~ ***The Board shall also make available on its Internet website the proposed rule or amendment.***

3. The Board may adopt regulations concerning the professional conduct of corporations, partnerships and limited-liability companies practicing certified public accounting or public accounting which it deems consistent with or required by the public welfare, including regulations:

(a) Governing the style, name and title of the corporations, partnerships and limited-liability companies.

(b) Governing the affiliation of the corporations, partnerships and limited-liability companies with any other organizations.

Sec. 10. NRS 628.190 is hereby amended to read as follows:

628.190 1. Except as otherwise provided in this section and NRS 628.310, a certificate of certified public accountant must be granted by the Board to any person who:

(a) Is ~~[a resident of this State or, if not a resident, has designated to the Board an agent who is a resident for notification and service of process;~~

~~(b) Is a person who is~~] without any history of acts involving dishonesty or moral turpitude;

~~[(c)]~~ ***(b)*** Complies with the requirements of education and ***work*** experience as provided in NRS 628.200;

~~[(d)]~~ ***(c)*** Has submitted to the Board a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

~~[(e)]~~ ***(d)*** Has passed the examination prescribed by the Board.

2. The Board may refuse to grant a certificate of certified public accountant to an applicant if he or she has been convicted of a felony in this State or an offense in another state or jurisdiction which would be a felony if committed in this State.

3. The Board may issue a provisional certificate to an applicant until the Board receives the report from the Federal Bureau of Investigation.

Sec. 11. NRS 628.200 is hereby amended to read as follows:

628.200 1. Except as otherwise provided in subsection 4, the requirements of education for a certificate of certified public accountant are:

(a) At least 150 semester hours or an equivalent number of quarter hours; and

(b) A baccalaureate degree or an equivalent degree from a college or university recognized by the Board:

(1) With a major in accounting, or what the Board determines to be substantially the equivalent of a major in accounting; or

(2) With a major other than accounting supplemented by what the Board determines to be substantially the equivalent of an accounting major, including related courses in other areas of business administration.

2. The requirement for ***work*** experience for a certificate of certified public accountant is:

(a) Two years of public accounting experience in a partnership, corporation, limited-liability company or sole proprietorship engaged in the practice of public accounting under the direct supervision of a person who is a certified public accountant; or

(b) ~~[~~Experience in internal auditing work or governmental accounting and auditing work~~]~~ ***Other work experience under the direct supervision of a person engaged in active practice as a certified public accountant,*** of a character and for a length of time sufficient in the opinion of the Board to be substantially equivalent to the requirements of paragraph (a).

3. The Board:

(a) Shall adopt regulations concerning:

(1) The number of semester hours or an equivalent number of quarter hours in accounting and other courses required by an applicant to satisfy the requirements of subsection 1.

(2) The public accounting experience ~~[~~, internal auditing work, and governmental accounting and auditing~~]~~ ***or other*** work ***experience*** required by an applicant to satisfy the requirements of subsection 2.

(b) May provide by regulation for the substitution of qualified programs of continuing education to satisfy partially the requirement of ***work*** experience described in paragraph (b) of subsection 2 or may add any program to the requirement of ***work*** experience.

4. Notwithstanding any provision of this section to the contrary, an applicant for a certificate of certified public accountant who has received conditional credit pursuant to NRS 628.260 for passing a section of the examination required for a certificate, and who applies that credit to subsequent passage of the examination, is subject to the educational requirements to receive a certificate that were in effect on the date on which the applicant ~~[~~first received the conditional credit.~~]~~ ***passed all sections of the examination.***

Sec. 12. NRS 628.240 is hereby amended to read as follows:

628.240 A candidate for a certificate of certified public accountant who has met the educational requirements as prescribed by the Board pursuant to NRS 628.230 is eligible to take the examination without waiting until he or she meets the requirements of ***work*** experience if the candidate also meets the requirements of ~~[~~paragraphs~~]~~ ***paragraph*** (a) ~~[~~and (b)~~]~~ of subsection 1 of NRS 628.190.

Sec. 13. NRS 628.310 is hereby amended to read as follows:

628.310 1. The Board may waive the examination, the requirements for education or the requirements for ***work*** experience, or any combination thereof, required under NRS 628.190, and may issue a certificate as a certified public accountant to any person who is the holder of a certificate as a certified public accountant then in effect issued under the laws of any state or other jurisdiction of the United States approved by the Board, constituting a recognized qualification for the practice of public accounting comparable to that of a certified public accountant of this State, if:

(a) The person has passed an examination that is substantially the same as the examination conducted pursuant to NRS 628.230 with a grade that would have been a passing grade in this State on the date on which the person received his or her original certificate;

(b) The person has experience in the practice of public accountancy, either as a certified public accountant or as a staff accountant employed by a partnership, corporation, limited-liability company or sole proprietorship engaged in the practice of public accounting and working under the direct supervision of a person who is a certified public accountant, while holding a certificate as a certified public accountant for more than 4 of the 10 years immediately preceding his or her making application pursuant to this chapter; and

(c) The requirements for education of the state or other jurisdiction from which the person received his or her original certificate are determined by the Board to satisfy the requirements for education of this State.

2. The Board may ~~[waive the examination, the requirements for education or the requirements for experience, or any combination thereof, under NRS 628.190, and may]~~ issue a certificate as a certified public accountant to any person who is the holder of an equivalent certificate then in effect issued by a foreign country if:

(a) Persons who are certified as public accountants in this State are granted similar privileges by the foreign country in which the applicant is certified;

(b) The applicant's certificate:

(1) Was issued by the appropriate authority that regulates the practice of public accountancy in the foreign country in which the certificate was issued;

(2) Has not expired or been revoked or suspended; and

(3) Authorizes the applicant to issue reports upon financial statements;

(c) The requirements for education and examination of the regulatory authority of the foreign country were substantially equivalent to the requirements for education and examination of this State on the date on which the applicant received his or her certificate;

(d) The applicant:

(1) Complied with requirements for experience in the foreign country in which the certificate was issued that are substantially equivalent to the requirements set forth in NRS 628.200; or

(2) Has completed in any state at least 4 years of public accounting experience, or equivalent experience determined to be appropriate by the Board, within the 10 years immediately preceding his or her making application for certification in this State;

(e) The applicant has passed a written examination on national standards for public accounting and ethics that is acceptable to the Board; and

(f) The applicant submits with the application a list of all jurisdictions in which he or she has applied for and received a certificate to practice public accounting.

3. A person who is granted a certificate as a certified public accountant pursuant to subsection 2 shall notify the Board, in writing, within 30 days after:

(a) The person is issued an equivalent certificate to practice public accounting by another jurisdiction or is denied the issuance of such a certificate;

(b) A certificate to practice public accounting issued to the person by another jurisdiction is revoked or suspended; or

(c) Another jurisdiction in which the person is certified to practice public accounting commences any type of disciplinary action against the person.

Sec. 13.5. **NRS 628.315 is hereby amended to read as follows:**

628.315 1. Except as otherwise provided in this chapter, a natural person who holds a valid license as a certified public accountant from any state other than this State shall be deemed to be a certified public accountant for all purposes under the laws of this State other than this chapter.

2. A natural person granted practice privileges pursuant to subsection 1 is not required to obtain:

(a) A certificate pursuant to NRS 628.190; or

(b) A permit pursuant to NRS 628.380.

3. A natural person granted practice privileges pursuant to subsection 1 and a partnership, corporation, limited-liability company or sole proprietorship that employs such a person shall be deemed to consent, as a condition of the grant of such practice privileges:

(a) To the personal and subject matter jurisdiction, and disciplinary authority, of the Board.

(b) To comply with the provisions of this chapter and the regulations of the Board.

(c) That, in the event that the license from the state wherein the natural person's principal place of business is located becomes invalid, the natural person will cease offering or engaging in the practice of professional accounting in this State individually and on behalf of a partnership, corporation, limited-liability company or sole proprietorship.

(d) To the appointment of the state board that issued the license as the agent upon whom process may be served in any investigation, action or proceeding relating to the natural person or the partnership, corporation, limited-liability company or sole proprietorship by the Board.

4. A natural person granted practice privileges pursuant to subsection 1 may perform attest services for a client having his or her home office in this State only if the partnership, corporation, limited-liability company or sole proprietorship that employs the person is registered pursuant to NRS 628.335 ~~[.]~~ ***or is exempt from registration pursuant to subsection 3 of NRS 628.335.***

Sec. 14. NRS 628.325 is hereby amended to read as follows:

628.325 1. One or more natural persons may organize a corporation for the practice of public accounting under the Professional Entities and Associations Act, chapter 89 of NRS. The corporation is not required to have more directors than shareholders, but at least one director must be a shareholder. The other directors need not, but may, be shareholders.

2. One or more natural persons may:

(a) Organize a corporation pursuant to chapter 78 of NRS;

(b) Qualify to do business as a foreign corporation pursuant to chapter 80 of NRS;

(c) Organize a limited-liability company pursuant to chapter 86 of NRS; or

(d) Register as a foreign limited-liability company pursuant to chapter 86 of NRS,

➥ to practice public accounting.

3. The organization, qualification or registration of a corporation or company pursuant to subsection 2:

(a) Does not modify:

(1) The relationship between an accountant and a client;

(2) The liability arising out of that relationship; or

(3) The compliance of the corporation or company with this chapter or any regulations adopted pursuant thereto.

(b) Does not render:

(1) A person liable in tort for any act in which he or she has not personally participated.

(2) The manager, a member or an employee of a limited-liability company liable in contract for any contract which the person executes on behalf of a limited-liability company within the limits of his or her authority.

4. Notwithstanding any specific statute to the contrary, a simple majority of the ownership of a corporation, partnership or limited-liability company organized for the practice of public accounting in this State, in terms of the financial interests and voting rights of all shareholders, partners, officers, members and principals thereof, must belong to persons who are certified public accountants in any state **.** ~~[or registered public accountants in this State.]~~ Each shareholder, partner, officer, member or principal whose principal place of business is in this State and who performs professional services in this State must be ~~[:~~

~~(a) If the corporation, partnership or limited liability company registered with the Board is a corporation, partnership or limited liability company of~~

~~certified public accountants,~~] a certified public accountant in this State in good standing . [~~; and~~

~~(b) If the corporation, partnership or limited-liability company registered with the Board is a corporation, partnership or limited-liability company of public accountants, a certified public accountant or registered public accountant in this State in good standing.~~]

5. A corporation, partnership or limited-liability company organized for the practice of public accounting in this State may have as a shareholder, partner, officer, member or principal any natural person who is not a certified public accountant in any state [~~or a registered public accountant in this State~~] if:

(a) The natural person is actively engaged in the business of the corporation, partnership or limited-liability company, or any affiliate thereof; and

(b) The corporation, partnership or limited-liability company complies with any other requirements that the Board by regulation may impose.

Sec. 14.2. **NRS 628.335 is hereby amended to read as follows:**

628.335 1. The Board shall grant or renew registration to a partnership, corporation, limited-liability company or sole proprietorship that demonstrates its qualifications therefor in accordance with this chapter.

2. A partnership, corporation or limited-liability company with an office in this State shall register with the Board if the partnership, corporation or limited-liability company:

(a) Performs attest services;

(b) Performs compilation services;

(c) Is engaged in the practice of public accounting; or

(d) Is styled and known as a certified public accountant or uses the abbreviation "C.P.A."

3. A partnership, corporation, limited-liability company or sole proprietorship that does not have an office in this State [~~:~~

~~(a) Shall register with the Board if the partnership, corporation, limited-liability company or sole proprietorship performs attest services for a client having his or her home office in this State.~~

~~(b) May~~] ***may*** practice public accounting, may perform compilation services or other professional services within the practice of public accounting [~~other than~~] ***, including, without limitation,*** attest services , for a client having his or her home office in this State, may be styled and known as a certified public accountant and may use the title or designation "certified public accountant" and the abbreviation "C.P.A." without registering with the Board ***only*** if:

[~~(1)~~] ***(a)*** Persons who are certified public accountants in any state constitute a simple majority, in terms of financial interests and voting rights of all partners, shareholders, officers, members and principals thereof, of the ownership of the partnership, corporation, limited-liability company or sole proprietorship;

~~[(2)]~~ ***(b)*** The partnership, corporation, limited-liability company or sole proprietorship complies with the provisions of subsection 5 of NRS 628.325, if applicable;

~~[(3)]~~ ***(c)*** A natural person granted practice privileges pursuant to NRS 628.315 practices such public accounting or performs such compilation services or such other professional services within the practice of public accounting for the client having his or her home office in this State; and

~~[(4)]~~ ***(d)*** The partnership, corporation, limited-liability company or sole proprietorship can lawfully perform such services in the state where the natural person described in ~~[subparagraph (3)]~~ ***paragraph (c)*** has his or her principal place of business.

4. A natural person granted practice privileges pursuant to NRS 628.315 must not be required to obtain a permit from this State pursuant to NRS 628.380 if the person performs such professional services for:

(a) Which a partnership, corporation, limited-liability company or sole proprietorship is required to register pursuant to ***this section or is exempt from registration pursuant to*** subsection ~~[2 or]~~ 3; or

(b) A partnership, corporation or limited-liability company registered pursuant to the provisions of NRS 628.325.

Sec. 14.4. **NRS 628.340 is hereby amended to read as follows:**

628.340 1. A partnership required to register with the Board pursuant to NRS 628.335 ***or which performs attest services and is exempt from registration pursuant to subsection 3 of NRS 628.335*** must meet the following requirements:

(a) At least one general partner must be either a certified public accountant of this State in good standing or, if the partnership ~~[is required to register]~~ ***performs attest services and is exempt from registration*** pursuant to ~~[paragraph (a) of]~~ subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.

(b) Each partner who is a resident of this State and is personally and regularly engaged within this State in the practice of public accounting as a member thereof, or whose principal place of business is in this State and who is engaged in the practice of professional accounting in this State, must be a certified public accountant of this State in good standing.

(c) Each partner who is personally and regularly engaged in the practice of public accounting in this State must be either a certified public accountant of this State in good standing or, if the partnership ~~[is required to register]~~ ***performs attest services and is exempt from registration*** pursuant to ~~[paragraph (a) of]~~ subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.

(d) Each partner who is regularly engaged in the practice of public accounting within the United States must be a certified public accountant in good standing of some state or jurisdiction of the United States.

(e) Each manager in charge of an office of the partnership in this State must be either a certified public accountant of this State in good standing or a natural person granted practice privileges pursuant to NRS 628.315.

(f) A corporation or limited-liability company which is registered pursuant to NRS 628.343 or 628.345 ***or which is exempt from registration pursuant to subsection 3 of NRS 628.335*** may be a partner, and a partnership which is registered pursuant to this section ***or which is exempt from registration pursuant to subsection 3 of NRS 628.335*** may be a general partner, in a partnership engaged in the practice of public accounting.

2. Application for registration must be made upon the affidavit of ~~[either]~~ a general partner who holds a live permit to practice in this State as a certified public accountant**.** ~~[or, if the partnership is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.]~~ The Board shall determine whether the applicant is eligible for registration and may charge an initial fee and an annual renewal fee set by the Board by regulation. A partnership which is so registered may use the words "certified public accountants" or the abbreviation "C.P.A.'s" or "CPA's" in connection with its partnership name. Notice must be given to the Board within 1 month after the admission to or withdrawal of a partner from any partnership so registered.

Sec. 14.6. **NRS 628.343 is hereby amended to read as follows:**

628.343 1. A corporation required to register with the Board pursuant to NRS 628.335 ***or which performs attest services and is exempt from registration pursuant to subsection 3 of NRS 628.335*** shall comply with the following requirements:

(a) The sole purpose and business of the corporation must be to furnish to the public services not inconsistent with this chapter or the regulations of the Board, except that the corporation may invest its money in a manner not incompatible with the practice of public accounting.

(b) The principal officer of the corporation and any officer or director having authority over the practice of public accounting by the corporation must be a certified public accountant of some state in good standing.

(c) At least one shareholder of the corporation must be either a certified public accountant of this State in good standing or, if the corporation ~~[is required to register]~~ ***performs attest services and is exempt from registration*** pursuant to ~~[paragraph (a) of]~~ subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.

(d) Each manager in charge of an office of the corporation in this State and each shareholder or director who is regularly and personally engaged within this State in the practice of public accounting must be either a certified public accountant of this State in good standing or, if the corporation ~~[is required to register]~~ ***performs attest services and is exempt from registration*** pursuant to ~~[paragraph (a) of]~~ subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.

(e) In order to facilitate compliance with the provisions of this section relating to the ownership of stock, there must be a written agreement binding the shareholders or the corporation to purchase any shares offered for sale by, or not under the ownership or effective control of, a qualified shareholder. The corporation may retire any amount of stock for this purpose, notwithstanding any impairment of its capital, so long as one share remains outstanding.

(f) The corporation shall comply with other regulations pertaining to corporations practicing public accounting in this State adopted by the Board.

2. Application for registration must be made upon the affidavit of ~~[either]~~ a shareholder who holds a live permit to practice in this State as a certified public accountant**.** ~~[or, if the corporation is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.]~~ The Board shall determine whether the applicant is eligible for registration and may charge an initial fee and an annual renewal fee set by the Board by regulation. A corporation which is so registered may use the words "certified public accountants" or the abbreviation "C.P.A.'s" or "CPA's" in connection with its corporate name. Notice must be given to the Board within 1 month after the admission to or withdrawal of a shareholder from any corporation so registered.

Sec. 14.8. **NRS 628.345 is hereby amended to read as follows:**

628.345 1. A limited-liability company required to register with the Board pursuant to NRS 628.335 ***or which performs attest services and is exempt from registration pursuant to subsection 3 of NRS 628.335*** shall comply with the following requirements:

(a) The sole purpose and business of the limited-liability company must be to furnish to the public services not inconsistent with this chapter or the regulations of the Board, except that the limited-liability company may invest its money in a manner not incompatible with the practice of public accounting.

(b) The manager, if any, of the limited-liability company must be a certified public accountant of some state in good standing.

(c) At least one member of the limited-liability company must be either a certified public accountant of this State in good standing or, if the limited-liability company ~~[is required to register]~~ ***performs attest services and is exempt from registration*** pursuant to ~~[paragraph (a) of]~~ subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.

(d) Each person in charge of an office of the limited-liability company in this State and each member who is regularly and personally engaged within this State in the practice of public accounting must be either a certified public accountant of this State in good standing or, if the limited-liability company ~~[is required to register]~~ ***performs attest services and is exempt from registration*** pursuant to ~~[paragraph (a) of]~~ subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.

(e) In order to facilitate compliance with the provisions of this section relating to the ownership of interests, there must be a written agreement binding the members or the limited-liability company to purchase any interest offered for sale by, or not under the ownership or effective control of, a qualified member.

(f) The limited-liability company shall comply with other regulations pertaining to limited-liability companies practicing public accounting in this State adopted by the Board.

2. Application for registration must be made upon the affidavit of the manager or a member of the limited-liability company. The affiant must hold a live permit to practice in this State as a certified public accountant. ~~[or, if the limited-liability company is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, be a natural person granted practice privileges pursuant to NRS 628.315.]~~ The Board shall determine whether the applicant is eligible for registration and may charge an initial fee and an annual renewal fee set by the Board by regulation. A limited-liability company which is so registered may use the words "certified public accountants" or the abbreviation "C.P.A.'s" or "CPA's" in connection with its name. Notice must be given to the Board within 1 month after the admission to or withdrawal of a member from any limited-liability company so registered.

Sec. 15. NRS 628.370 is hereby amended to read as follows:

628.370 1. Each office established or maintained in this State for the practice of public accounting in this State by a certified public accountant or a partnership, corporation or limited-liability company composed of certified public accountants ~~[, or by a registered public accountant or a partnership, corporation or limited liability company composed of registered public accountants,]~~ must be registered annually under this chapter with the Board. The Board may charge a fee for the registration of an office in an amount set by regulation.

2. The Board shall by regulation prescribe the procedure to be followed in registering offices.

Sec. 16. NRS 628.375 is hereby amended to read as follows:

628.375 1. Before a certified public accountant ~~[, a registered public accountant]~~ or a partnership, corporation or limited-liability company composed of certified public accountants ~~[or registered public accountants]~~ with an office in this State engages in the practice of public accounting in this State under a fictitious name, the person or entity must register the fictitious name with the Board.

2. The Board shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations that prescribe:

(a) The procedure for registering a fictitious name with the Board; and

(b) The fee for registering a fictitious name with the Board.

Sec. 17. NRS 628.380 is hereby amended to read as follows:

628.380 1. Permits to engage in the practice of public accounting in this State must be issued by the Board to holders of the certificate of certified public accountant issued under NRS 628.190 to 628.310, inclusive, ~~[and to registered public accountants registered or licensed pursuant to NRS 628.350,]~~ if all offices of the holder of a certificate ~~[or registrant]~~ are maintained and registered as required under NRS 628.370, and if the holder of a certificate ~~[or registrant]~~ has complied with the continuing education requirements provided in this chapter and in the Board's regulations.

2. All permits expire on December 31 of each year and may be renewed annually for a period of 1 year by holders of certificates ~~[and registrants]~~ in good standing upon payment of an annual renewal fee set by the Board by regulation.

3. Failure of a holder of a certificate ~~[or registrant]~~ to apply for an annual permit to practice deprives him or her of the right to a permit, unless the Board, in its discretion, determines that the failure was caused by excusable neglect.

4. The Board shall adopt a regulation specifying the fee for the renewal of a permit after January 31 of each year.

5. The Board may provide by regulation for the placing of certificates ~~[and registrations]~~ on a retired or inactive status. The regulation may provide for a procedure for applying for retired or inactive status and for applying to return to active status, and must specify fees, if any, to accompany the applications.

Sec. 18. NRS 628.385 is hereby amended to read as follows:

628.385 The Legislature finds that:

1. The explosion of knowledge and the increasing complexity of practice make it essential that certified public accountants ~~[and public accountants]~~ continue to develop their competence and maintain the general quality of the practice of their profession.

2. The public interest requires that certified public accountants ~~[and registered public accountants]~~ provide competent service in all areas of their practice.

3. Formal programs of continuing education provide certified public accountants ~~[and public accountants]~~ with the opportunity to maintain the general quality of the practice of their profession.

4. It is in the public interest to require that certified public accountants ~~[and registered public accountants]~~ who have certificates ~~[and who have been registered, respectively,]~~ under the provisions of this chapter comply with requirements for continuing education adopted by the Board as a prerequisite to the issuance or renewal of permits to engage in the practice of public accounting pursuant to NRS 628.380.

Sec. 19. NRS 628.386 is hereby amended to read as follows:

628.386 1. The Board may by regulation prescribe, amend or repeal rules, including, but not limited to:

(a) A definition of basic requirements for continuing education;

(b) A delineation of qualifying programs;

(c) A system of control and reporting; and

(d) A program to ensure that licensees are maintaining the standards of the profession.

2. In exercising its power under this section, the Board shall establish standards which will assure reasonable currency of knowledge as a basis for a high standard of practice by certified public accountants **.** ~~[and registered public accountants.]~~ The standards must be established in a manner to assure that a variety of alternatives are available to certificate holders ~~[and registrants]~~ to comply with the requirements of continuing education for renewal of permits and must take cognizance of specialized areas of practice.

Sec. 20. NRS 628.387 is hereby amended to read as follows:

628.387 The Board may, in accordance with the intent of this chapter, make exceptions from continuing education requirements for certificate holders ~~[or registrants]~~ not engaged in public practice, or for reasons of health, military service or other good cause, except that if such certificate holder ~~[or registrant]~~ returns to the practice of public accounting he or she shall meet such continuing education requirements as the Board may determine.

Sec. 21. NRS 628.388 is hereby amended to read as follows:

628.388 The Board may appoint a Committee on Continuing Education consisting of certified public accountants ~~[and registered public accountants]~~ in active practice and holding live permits. Upon assignment and as directed by the Board, the Committee shall assist the Board in the administration of the provisions of this chapter for continuing education.

Sec. 22. NRS 628.390 is hereby amended to read as follows:

628.390 1. After giving notice and conducting a hearing, the Board may revoke, or may suspend for a period of not more than 5 years, any certificate issued under NRS 628.190 to 628.310, inclusive, any practice privileges granted pursuant to NRS 628.315 or 628.335 ~~[, any registration or license granted to a registered public accountant under NRS 628.350,]~~ or any registration of a partnership, corporation, limited-liability company, sole proprietorship or office, or may revoke, suspend or refuse to renew any permit issued under NRS 628.380, or may publicly censure the holder of any permit, ~~[license]~~ ***certificate*** or registration or any natural person granted practice privileges pursuant to NRS 628.315, for any one or any combination of the following causes:

(a) Fraud or deceit in obtaining a certificate as a certified public accountant ~~[, or in obtaining registration or a license as a public accountant under this chapter]~~ or in obtaining a permit to practice public accounting under this chapter.

(b) Dishonesty, fraud or gross negligence by a certified ~~[or registered]~~ public accountant or a natural person granted practice privileges pursuant to NRS 628.315.

(c) Violation of any of the provisions of this chapter.

(d) Violation of a regulation or rule of professional conduct adopted by the Board under the authority granted by this chapter.

(e) Conviction of a felony relating to the practice of public accounting under the laws of any state or jurisdiction.

(f) Conviction of any crime:

(1) An element of which is dishonesty or fraud; or

(2) Involving moral turpitude,

➥ under the laws of any state or jurisdiction.

(g) Cancellation, revocation, suspension, placing on probation or refusal to renew authority to practice as a certified public accountant ~~[or a registered public accountant]~~ by any other state, for any cause other than failure to pay an annual registration fee or to comply with requirements for continuing education or review of his or her practice in the other state.

(h) Suspension, revocation or placing on probation of the right to practice before any state or federal agency.

(i) Unless the person has been placed on inactive or retired status, failure to obtain an annual permit under NRS 628.380, within:

(1) Sixty days after the expiration date of the permit to practice last obtained or renewed by the holder of a certificate ***;*** ~~[or registrant;]~~ or

(2) Sixty days after the date upon which the holder of a certificate ~~[or registrant]~~ was granted the certificate **,** ~~[or registration,]~~ if no permit was ever issued to the person, unless the failure has been excused by the Board.

(j) Conduct discreditable to the profession of public accounting or which reflects adversely upon the fitness of the person to engage in the practice of public accounting.

(k) Making a false or misleading statement in support of an application for a certificate ~~[, registration]~~ or permit of another person.

(l) Committing an act in another state or jurisdiction which would be subject to discipline in that state.

2. After giving notice and conducting a hearing, the Board may deny an application to take the examination prescribed by the Board pursuant to NRS 628.190, deny a person admission to such an examination, invalidate a grade received for such an examination or deny an application for a certificate issued pursuant to NRS 628.190 to 628.310, inclusive, to a person who has:

(a) Made any false or fraudulent statement, or any misleading statement or omission relating to a material fact in an application:

(1) To take the examination prescribed by the Board pursuant to NRS 628.190; or

(2) For a certificate issued pursuant to NRS 628.190 to 628.310, inclusive;

(b) Cheated on an examination prescribed by the Board pursuant to NRS 628.190 or any such examination taken in another state or jurisdiction of the United States;

(c) Aided, abetted or conspired with any person in a violation of the provisions of paragraph (a) or (b); or

(d) Committed any combination of the acts set forth in paragraphs (a), (b) and (c).

3. In addition to other penalties prescribed by this section, the Board may impose a civil penalty of not more than $5,000 for each violation of this section.

4. The Board shall not privately censure the holder of any permit ~~[, license,]~~ ***or*** certificate ~~[or registration]~~ or any natural person granted practice privileges pursuant to NRS 628.315.

5. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 23. NRS 628.393 is hereby amended to read as follows:

628.393 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a certificate issued pursuant to NRS 628.190 to 628.310, inclusive, ~~[a registration or license granted to a registered public accountant pursuant to NRS 628.350]~~ or a permit issued pursuant to NRS 628.380, the Board shall deem the certificate ~~[, registration, license]~~ or permit issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the certificate ~~[, registration, license]~~ or permit by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the certificate ~~[, registration, license]~~ or permit has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a certificate issued pursuant to NRS 628.190 to 628.310, inclusive, ~~[a registration or license granted to a registered public accountant pursuant to NRS 628.350]~~ or a permit issued pursuant to NRS 628.380 that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certificate ~~[, registration, license]~~ or permit was suspended stating that the person whose certificate ~~[, registration, license]~~ or permit was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 24. NRS 628.395 is hereby amended to read as follows:

628.395 In addition to any penalty which it may assess pursuant to NRS 628.390, the Board may suspend any of the provisions of an order issued pursuant to that section and place the certified ~~[or registered]~~ public accountant on probation, subject to limitations and conditions specified by the Board, which may include requirements for continuing education or for a review of the accountant's practice, either periodically or continuously.

Sec. 25. NRS 628.400 is hereby amended to read as follows:

628.400 1. After giving notice and conducting a hearing, the Board shall revoke the registration of a partnership, corporation or limited-liability company if at any time it does not have all the qualifications prescribed by the section of this chapter under which it qualified for registration.

2. After giving notice and conducting a hearing, the Board may revoke or suspend the registration of a partnership, corporation or limited-liability company, or may censure the partnership, corporation or limited-liability company, or impose a sanction authorized by NRS 628.390 ~~[,]~~ ***or 628.395,*** for any of the causes enumerated in subsection 1 of NRS 628.390, or for one or both of the following additional causes:

(a) The revocation or suspension of the certificate or registration or the revocation or suspension or refusal to renew the permit to practice of any partner or shareholder who is personally engaged in the practice of public accounting in this State, whether or not he or she holds a live permit in this State.

(b) The cancellation, revocation, suspension or refusal to renew the authority of the partnership, corporation or limited-liability company, or any partner, shareholder or member thereof to practice public accounting in any other state for any cause other than failure to pay an annual registration fee or comply with a requirement for continuing education or practice review in the other state.

Sec. 26. NRS 628.410 is hereby amended to read as follows:

628.410 1. The Board may initiate proceedings under this chapter:

(a) On its own motion;

(b) On the complaint of any person; or

(c) On a complaint made by a board of accountancy of another state.

2. A written notice of the hearing must be served on the respondent not less than 30 days before the date of the hearing, either personally or by mailing a copy thereof by registered or certified mail to the address of the respondent last known to the Board.

3. If, after having been served with the notice of hearing, the respondent fails to appear at the hearing and defend, the Board may proceed to hear evidence against the respondent and may enter such order as is justified by the evidence. The order is final unless the respondent petitions for a review thereof. Within 30 days after the date of any order, upon a showing of good cause for failing to appear and defend, the Board may reopen the proceedings and may permit the respondent to submit evidence in his or her behalf.

4. At any hearing, a respondent may be represented before the Board by counsel or by a certified public accountant ~~[or registered public accountant]~~ of this State in good standing. The respondent is entitled, on application to the Board, to the issuance of subpoenas to compel the attendance of witnesses on his or her behalf.

5. The Board, or any member thereof, may issue subpoenas to compel the attendance of witnesses and the production of documents. In case of

disobedience to a subpoena, the Board may invoke the aid of any court of this State in requiring the attendance and testimony of witnesses and the production of documentary evidence.

6. A hearing may be conducted by:

(a) The Board, less any member or members who have been disqualified, without the appointment of persons to hear the case in place of the disqualified members; or

(b) A member of the Board appointed by the Board as a hearing officer, with the remaining members of the Board, less any member or members who have been disqualified, to review the record, make a final decision and issue the order,

➥ unless the Board, after disqualifications, consists of less than three members to hear or review the case, in which circumstance the Governor must appoint one or more qualified persons so that the panel which hears or reviews the case consists of at least three persons.

7. A stenographic record of the hearing must be kept and a transcript thereof filed with the Board.

8. At all hearings, the Attorney General or a deputy designated by the Attorney General or such other legal counsel as may be employed shall appear and represent the Board.

9. The decision of the Board must be by majority vote thereof.

Sec. 27. NRS 628.415 is hereby amended to read as follows:

628.415 1. Any disciplinary action taken by a hearing officer or panel pursuant to NRS 628.140 is subject to the same procedural requirements which apply to disciplinary actions taken by the Board, and the officer or panel has those powers and duties given to the Board in relation thereto.

2. A decision of the hearing officer or panel relating to the imposition of a civil penalty, costs and attorney's fees is a final decision in a contested case. Any party aggrieved by a decision of the officer or panel to place a certified ~~[or registered]~~ public accountant on probation or revoke or suspend a certificate ~~[,]~~ ***or*** permit ~~[, registration or license]~~ may appeal that decision to the Board.

Sec. 28. NRS 628.418 is hereby amended to read as follows:

628.418 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential ~~[.]~~ ***and privileged.***

2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The provisions of this section do not prohibit the Board or an employee of the Board from cooperating with another licensing board or any other agency that is investigating a person who holds a certificate or a permit issued pursuant to NRS 628.380 or a partnership, corporation,

limited-liability company or sole proprietorship that is registered with the Board pursuant to NRS 628.335, by providing documents or other information relating to a complaint.

Sec. 29. NRS 628.420 is hereby amended to read as follows:

628.420 Upon application in writing and after a hearing, the Board may:

1. Issue a new certificate to a certified public accountant whose certificate has been revoked;

2. ~~[Permit the reregistration of a public accountant whose registration has been revoked;~~

~~3.]~~ Reissue or modify the suspension of any permit to practice public accounting which has been revoked or suspended, unless the permit was suspended pursuant to NRS 425.540; or

~~[4.]~~ ***3.*** Modify any action taken against any person or any order which it has issued pursuant to NRS 628.390.

Sec. 30. NRS 628.430 is hereby amended to read as follows:

628.430 All statements, records, schedules, working papers and memoranda made by a certified public accountant ~~[, a registered public accountant]~~ or a natural person granted practice privileges pursuant to NRS 628.315 incident to or in the course of professional service to clients by the accountant, except reports submitted by a certified public accountant ~~[, a registered public accountant]~~ or a natural person granted practice privileges pursuant to NRS 628.315 to a client, are the property of the accountant, in the absence of an express agreement between the accountant and the client to the contrary. No such statement, record, schedule, working paper or memorandum may be sold, transferred or bequeathed, without the consent of the client or the client's personal representative or assignee, to anyone other than one or more surviving partners or new partners of the accountant or to his or her corporation.

Sec. 31. NRS 628.435 is hereby amended to read as follows:

628.435 1. A practitioner shall comply with all professional standards for accounting and documentation related to an attestation applicable to particular engagements.

2. Except as otherwise provided in this section and in all professional standards for accounting and documentation related to an attestation applicable to particular engagements, a practitioner shall retain all documentation related to an attestation for not less than 5 years after the date of the report containing the attestation.

3. Documentation related to an attestation that, at the end of the retention period set forth in subsections 1 and 2, is a part of or subject to a pending investigation of, or disciplinary action against, a practitioner must be retained and must not be destroyed until the practitioner has been notified in writing that the investigation or disciplinary action has been closed or concluded.

4. As used in this section:

(a) "Documentation related to an attestation" includes, without limitation:

(1) All documentation relating to consultations and resolutions of any differences of professional opinion regarding the exercise of professional judgment relating to an attestation; and

(2) Documentation of the findings or issues related to the attestation that, based on the judgment of the practitioner after an objective analysis of the facts and circumstances, is determined to be significant, regardless of whether the documentation includes information or data that is inconsistent with the final conclusions of the practitioner.

(b) "Practitioner" means:

(1) A holder of a certificate issued pursuant to NRS 628.190 to 628.310, inclusive, ~~[any registration or license granted to a registered public accountant pursuant to NRS 628.350]~~ or a permit issued pursuant to NRS 628.380;

(2) A partnership, corporation, limited-liability company or sole proprietorship registered pursuant to NRS 628.335; or

(3) A natural person granted practice privileges pursuant to NRS 628.315.

Sec. 31.5. **NRS 628.435 is hereby amended to read as follows:**

628.435 1. A practitioner shall comply with all professional standards for accounting and documentation related to an attestation applicable to particular engagements.

2. Except as otherwise provided in this section and in all professional standards for accounting and documentation related to an attestation applicable to particular engagements, a practitioner shall retain all documentation related to an attestation for not less than 5 years after the date of the report containing the attestation.

3. Documentation related to an attestation that, at the end of the retention period set forth in subsections 1 and 2, is a part of or subject to a pending investigation of, or disciplinary action against, a practitioner must be retained and must not be destroyed until the practitioner has been notified in writing that the investigation or disciplinary action has been closed or concluded.

4. As used in this section:

(a) "Documentation related to an attestation" includes, without limitation:

(1) All documentation relating to consultations and resolutions of any differences of professional opinion regarding the exercise of professional judgment relating to an attestation; and

(2) Documentation of the findings or issues related to the attestation that, based on the judgment of the practitioner after an objective analysis of the facts and circumstances, is determined to be significant, regardless of whether the documentation includes information or data that is inconsistent with the final conclusions of the practitioner.

(b) "Practitioner" means:

(1) A holder of a certificate issued pursuant to NRS 628.190 to 628.310, inclusive, or a permit issued pursuant to NRS 628.380;

(2) A partnership, corporation, limited-liability company or sole proprietorship registered pursuant to NRS 628.335 ~~[,]~~ ***or which is performing attest services while exempt from registration pursuant to subsection 3 of NRS 628.335;*** or

(3) A natural person granted practice privileges pursuant to NRS 628.315.

Sec. 32. NRS 628.440 is hereby amended to read as follows:

628.440 This chapter does not prohibit any person from serving as an employee of, or an assistant to, a certified public accountant ~~[or registered public accountant]~~ who holds a live permit, or a partnership, corporation or limited-liability company composed of certified public accountants ~~[or registered public accountants registered pursuant to NRS 628.360, 628.363 or 628.365]~~ if the employee or assistant does not issue any accounting or financial statement over his or her name.

Sec. 33. NRS 628.470 is hereby amended to read as follows:

628.470 A natural person shall not assume or use the title or designation "public ~~[accountant," "registered public]~~ accountant" or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that he or she is a public accountant unless the person:

1. ~~[Is a registered public accountant, holds a live permit and all of the person's offices in this State for the practice of public accounting are maintained and registered as required under NRS 628.370;~~

~~2.]~~ Has received a certificate as a certified public accountant under NRS 628.190 to 628.310, inclusive, holds a live permit and all of the person's offices in this State for the practice of public accounting are maintained and registered as required under NRS 628.370; or

~~[3.]~~ ***2.*** Is a natural person granted practice privileges pursuant to NRS 628.315.

Sec. 34. NRS 628.480 is hereby amended to read as follows:

628.480 A partnership, corporation, limited-liability company or sole proprietorship shall not assume or use the title or designation "public accountant" or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that the partnership, corporation, limited-liability company or sole proprietorship is composed of public accountants unless the partnership, corporation, limited-liability company or sole proprietorship is:

1. Registered as a partnership, corporation, limited-liability company or sole proprietorship of ~~[registered public accountants or as a partnership, corporation, limited liability company or sole proprietorship of]~~ certified public accountants and all offices of the partnership, corporation, limited-liability company or sole proprietorship in this State for the practice of public accounting are maintained and registered as required under NRS 628.370; or

2. Performing services within the practice of public accounting pursuant to the provisions of subsection 3 of NRS 628.335.

Sec. 35. NRS 628.510 is hereby amended to read as follows:

628.510 1. Except as otherwise provided in subsection 2, a person shall not sign or affix his or her name or the name of a partnership, corporation, limited-liability company or sole proprietorship, or any trade or assumed name used by the person or by the partnership, corporation, limited-liability company or sole proprietorship in business, with any wording indicating that he or she is an accountant or auditor, or that the partnership, corporation, limited-liability company or sole proprietorship is authorized to practice as an accountant or auditor or with any wording indicating that the person or the partnership, corporation, limited-liability company or sole proprietorship has expert knowledge in accounting or auditing, to any accounting or financial statement, or attest to any accounting or financial statement, unless:

(a) The person holds a live permit or the partnership, corporation, limited-liability company or sole proprietorship is registered pursuant to NRS 628.335 **[**~~, 628.360, 628.363 or 628.365~~**]** and all of the person's offices in this State for the practice of public accounting are maintained and registered under NRS 628.370;

(b) The person is a natural person granted practice privileges pursuant to NRS 628.315; or

(c) The partnership, corporation, limited-liability company or sole proprietorship is performing services within the practice of public accounting pursuant to the provisions of subsection 3 of NRS 628.335.

2. The provisions of subsection 1 do not prohibit:

(a) Any officer, employee, partner, principal or member of any organization from affixing his or her signature to any statement or report in reference to the financial affairs of that organization with any wording designating the position, title or office which he or she holds in the organization.

(b) Any act of a public official or public employee in the performance of his or her duties as such.

(c) Any person who does not hold a live permit from preparing a financial statement or issuing a report if the statement or report, respectively, includes a disclosure that:

(1) The person who prepared the statement or issued the report does not hold a live permit issued by the Board; and

(2) The statement or report does not purport to have been prepared in compliance with the professional standards of accounting adopted by the Board.

Sec. 36. NRS 628.520 is hereby amended to read as follows:

628.520 A person shall not sign or affix the name of a partnership, corporation, limited-liability company or sole proprietorship with any wording indicating that it is a partnership, corporation, limited-liability company or sole proprietorship composed of accountants or auditors or

persons having expert knowledge or special expertise in accounting or auditing, to any accounting or financial statement, or attest to any accounting or financial statement, unless the partnership, corporation, limited-liability company or sole proprietorship is:

1. Registered pursuant to NRS 628.335 ~~[, 628.360, 628.363 or 628.365]~~ and all of its offices in this State for the practice of public accounting are maintained and registered as required under NRS 628.370; or

2. Performing services within the practice of public accounting pursuant to the provisions of subsection 3 of NRS 628.335.

Sec. 37. NRS 628.540 is hereby amended to read as follows:

628.540 1. Except as otherwise provided in subsection 2, a person, partnership, corporation, limited-liability company or sole proprietorship shall not engage in the practice of public accounting or hold himself, herself or itself out to the public as an "accountant" or "auditor" by use of either or both of those words ~~[, or by use of the word "accounting,"]~~ ***in connection with any other language which implies that such a person or firm holds a certificate, permit or registration or has special competence as an accountant or auditor*** on any sign, card, letterhead or in any advertisement or directory unless:

(a) If a natural person, he or she holds a live permit or has been granted practice privileges pursuant to NRS 628.315; or

(b) If a partnership, corporation, limited-liability company or sole proprietorship, it is registered pursuant to NRS 628.335 ~~[, 628.360, 628.363 or 628.365]~~ or is performing services within the practice of public accounting pursuant to the provisions of subsection 3 of NRS 628.335.

2. The provisions of subsection 1 do not prohibit:

(a) Any officer, employee, partner, shareholder, principal or member of any organization from describing himself or herself by the position, title or office he or she holds in that organization.

(b) Any act of a public official or public employee in the performance of his or her duties as such.

Sec. 38. NRS 628.550 is hereby amended to read as follows:

628.550 1. A person shall not assume or use the title or designation "certified public accountant" or "public accountant" in conjunction with names indicating or implying that there is a partnership, corporation or limited-liability company, or in conjunction with the designation "and Company" or "and Co." or a similar designation, if there is in fact no bona fide partnership, corporation or limited-liability company:

(a) Registered under NRS 628.335 ***;*** ~~[, 628.360, 628.363 or 628.365;]~~ or

(b) Performing services within the practice of public accounting pursuant to the provisions of subsection 3 of NRS 628.335.

~~[➥ A sole proprietor or partnership lawfully using a title or designation in conjunction with any names or designation on April 1, 1960, may continue to do so if the sole proprietor or partnership otherwise complies with the provisions of this chapter.]~~

2. A person, partnership, corporation or limited-liability company shall not engage in the practice of public accounting under any name which is misleading as to:

(a) The legal form of the firm;

(b) The persons who are partners, officers, shareholders or members; or

(c) Any other matter.

➥ The names of past partners, shareholders or members may be included in the name of a firm or its successors.

Sec. 39. NRS 628.570 is hereby amended to read as follows:

628.570 Whenever in the judgment of the Board any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, a violation of NRS 628.435 or 628.450 to 628.550, inclusive, the Board may ***issue and serve on the person an order to cease and desist or*** make application to an appropriate court for an order enjoining the acts or practices, and upon a showing by the Board that the person has engaged, or is about to engage, in any of those acts or practices, an injunction, restraining order or such order as may be appropriate must be granted by the court without a bond.

Sec. 40. NRS 628.580 is hereby amended to read as follows:

628.580 1. Any person who violates any provision of NRS 628.435 or 628.450 to 628.550, inclusive, is guilty of a ***gross*** misdemeanor.

2. Whenever the Board has reason to believe that any person is liable to punishment under this section ***,*** it may certify the facts to the Attorney General or other appropriate enforcement officer, who may, in his or her discretion, cause appropriate proceedings to be brought.

Sec. 41. NRS 628A.010 is hereby amended to read as follows:

628A.010 As used in this chapter, unless the context otherwise requires:

1. "Client" means a person who receives advice from a financial planner.

2. "Compensation" means a fee for services provided by a financial planner to a client or a commission or other remuneration derived by a financial planner from a person other than the client as the result of the purchase of a good or service by the client.

3. "Financial planner" means a person who for compensation advises others upon the investment of money or upon provision for income to be needed in the future, or who holds himself or herself out as qualified to perform either of these functions, but does not include:

(a) An attorney and counselor at law admitted by the Supreme Court of this State;

(b) A certified public accountant ~~[or a public accountant licensed]~~ ***who holds a certificate issued*** pursuant to NRS 628.190 to 628.310, inclusive ***;*** ~~[, or 628.350;]~~

(c) A broker-dealer or sales representative licensed pursuant to NRS 90.310 or exempt under NRS 90.320;

(d) An investment adviser licensed pursuant to NRS 90.330 or exempt under NRS 90.340; or

(e) A producer of insurance licensed pursuant to chapter 683A of NRS or an insurance consultant licensed pursuant to chapter 683C of NRS,

➥ whose advice upon investment or provision of future income is incidental to the practice of his or her profession or business.

Sec. 42. NRS 172.205 is hereby amended to read as follows:

172.205 The grand jury shall have the power, with the consent of the board of county commissioners, to engage the services of an attorney other than and in addition to the district attorney, certified **[**~~or registered~~**]** public accountants, and such other skilled persons as may be necessary in the performance of its inquisitorial powers.

Sec. 43. NRS 361.375 is hereby amended to read as follows:

361.375 1. The State Board of Equalization, consisting of five members appointed by the Governor, is hereby created. The Governor shall designate one of the members to serve as Chair of the Board.

2. The Governor shall appoint:

(a) One member who is a certified public accountant **.** **[**~~or a registered public accountant.~~**]**

(b) One member who is a property appraiser with a professional designation.

(c) One member who is versed in the valuation of centrally assessed properties.

(d) Two members who are versed in business generally.

3. Only three of the members may be of the same political party and no more than two may be from the same county.

4. An elected public officer or his or her deputy, employee or any person appointed by him or her to serve in another position must not be appointed to serve as a member of the State Board of Equalization.

5. After the initial terms, members serve terms of 4 years, except when appointed to fill unexpired terms. No member may serve more than two full terms consecutively.

6. Any member of the State Board of Equalization may be removed by the Governor if, in the opinion of the Governor, that member is guilty of malfeasance in office or neglect of duty.

7. Each member of the State Board of Equalization is entitled to receive a salary of not more than $80, as fixed by the Board, for each day actually employed on the work of the Board.

8. While engaged in the business of the State Board of Equalization, each member and employee of the Board is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

9. A majority of the members of the State Board of Equalization constitutes a quorum, and a majority of the Board shall determine the action of the Board. The Board may adopt regulations governing the conduct of its business.

10. The State Board of Equalization shall comply with any applicable regulation adopted by the Nevada Tax Commission.

11. The staff of the State Board of Equalization must be provided by the Department and the Executive Director is the Secretary of the Board.

Sec. 44. NRS 678.390 is hereby amended to read as follows:

678.390 1. The board may appoint an audit committee to make an annual audit of the financial records of the credit union and any interim audits as may be deemed necessary by the board or as may be directed by the Commissioner. A copy of the report must be submitted to the board and the Commissioner and a summary presented to the members at the next annual meeting.

2. The audit committee may by unanimous vote suspend any director, officer or member of the credit union following an audit, for any violation of this chapter, the charter or bylaws or for any other practice which the audit committee deems to be unsafe or unauthorized. In such cases, the audit committee shall call a special meeting of the members not less than 7 nor more than 21 days following the suspension and the suspension must be ratified or overturned by the members.

3. Any member of the audit committee may be suspended by the board for the same reasons and in the same manner as provided in subsection 2.

4. The audit committee may by a majority vote call a special meeting of the members to consider any violation of this chapter, the charter or bylaws or any practice of the credit union deemed by the audit committee to be unsafe or unauthorized.

5. The board of directors or the audit committee may employ the services of a certified public accountant ~~[or a registered public accountant]~~ to complete the necessary audit of the records of the credit union.

Sec. 45. NRS 628.029, 628.350, 628.360, 628.363 and 628.365 are hereby repealed.

Sec. 46. **1.** This **section and sections 1 to 13, inclusive, 14, 15 to 31, inclusive, and 32 to 45, inclusive, of this** act ~~[becomes]~~ **become** effective upon passage and approval.

2. Sections 13.5, 14.2 to 14.8, inclusive, and 31.5 of this act become effective on January 1, 2019.

LEADLINES OF REPEALED SECTIONS

628.029 "Registered public accountant" defined.

628.350 Requirements for issuance of license as public accountant.

628.360 Requirements for registration as partnership of public accountants.

628.363 Requirements for registration as corporation of public accountants.

628.365 Requirements for registration as limited-liability company of public accountants.

Assemblywoman Bustamante Adams moved that the Assembly do not concur in the Senate Amendment No. 697 to Assembly Bill No. 454.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:
Some additional work still needs to be done in this area.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 321.

The following Senate amendment was read:

Amendment No. 695.

SUMMARY—Authorizes a county or city to require a hosting platform **and certain users of hosting platforms** to provide certain reports and information to a county or city. (BDR 20-1138)

AN ACT relating to local government; authorizing the board of county commissioners of a county and the city council or governing body of an incorporated city to adopt an ordinance requiring certain hosting platforms **and owners and lessees of property who use hosting platforms** to submit quarterly reports to the county or city; prescribing the contents of such a report; authorizing the issuance of a subpoena to a hosting platform **, owner or lessee** for the production of certain documents, records or materials; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill authorizes the board of county commissioners of a county or the city council or governing body of an incorporated city to adopt an ordinance requiring the submission of quarterly reports by **: (1)** an online hosting platform that facilitates the rental of a residential unit or a room or space within a residential unit for the purposes of transient lodging **[.]** **; and (2) certain owners or lessees of residential units which use hosting platforms to facilitate such rentals.** Under this bill, the quarterly report must include certain information concerning the rentals facilitated by the hosting platform in the county or city, as applicable, and the revenue from such rentals. This bill further requires the ordinance to authorize an agency of the county or city, as applicable, to issue a subpoena requiring a hosting platform **, owner or lessee** to produce documents, records or materials necessary for determining whether a rental of a residential unit or a room or space within a residential unit has violated the laws of this State or an ordinance adopted by the county or city in which the residential unit is located.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of county commissioners may adopt an ordinance requiring ~~[a]~~ :

(a) A hosting platform that facilitates the rental of a residential unit in the county or a room or space within such a residential unit for the purposes of transient lodging to submit a quarterly report to an agency of the county ~~[.]~~ of the information required by subsection 2 that is collected by the hosting platform.

(b) An owner or lessee which uses a hosting platform that facilitates the rental of a residential unit in the county or a room or space within such a residential unit for the purposes of transient lodging to submit a quarterly report to an agency of the county of any information required by subsection 2 regarding the rental that is not collected by the hosting platform.

2. The report required by subsection 1 must state ~~[.]~~ , for the quarter:

(a) The number of bookings, listings, owners and lessees for the county;

(b) The average number of bookings per listing for the county;

(c) ~~[The annual]~~ Current year-to-date booking value for the county;

(d) Current year-to-date revenue collected ~~[per]~~ from all rentals through the hosting platform in the county, disaggregated by owner or lessee ; ~~[for the county;]~~ and

~~[(d)]~~ (e) The average length of a rental in the county.

3. An ordinance adopted pursuant to subsection 1 must authorize an agency of the county to issue subpoenas for the production of documents, records or materials ~~[necessary]~~ relevant for determining whether a residential unit in the county or a room or space within such a residential unit has been rented in violation of any law of this State or an ordinance adopted by the board of county commissioners of the county. The ordinance must provide that such a subpoena may be issued only if:

(a) There is evidence sufficient to support a reasonable belief that a residential unit in the county or a room or space within such a residential unit has been rented or is being rented in violation of any law of this State or an ordinance adopted by the board of county commissioners of the county;

(b) The subpoena identifies the rental alleged to be in violation of any law of this State or an ordinance adopted by the board of county commissioners of the county and the provision of law or ordinance allegedly violated.

➥ A subpoena issued pursuant to ~~[this subsection]~~ the ordinance must be mailed ~~[to the hosting platform]~~ by regular and certified mail ~~[.]~~ to the hosting platform or, if applicable, the owner or lessee who was required to file a quarterly report regarding the rental pursuant to the ordinance.

4. An ordinance adopted pursuant to subsection 1 must require ~~[a]~~ :

(a) A hosting platform to whom a subpoena has been issued pursuant to the ordinance to:

~~[(a)]~~ *(1) Provide notice of the subpoena to the user of the hosting platform who provided the rental identified in the subpoena.*

~~[(b)]~~ *(2) Produce any subpoenaed books, papers or documents not later than 21 days after providing the notice required by ~~[paragraph (a)]~~ subparagraph (1) unless otherwise ordered by a court.*

(b) An owner or lessee of a rental to whom a subpoena has been issued pursuant to the ordinance to produce any subpoenaed books, papers or documents not later than 21 days after the issuance of the subpoena, unless otherwise ordered by a court.

5. If a ~~[hosting platform that]~~ person to whom a subpoena has been issued ~~[a subpoena]~~ pursuant to an ordinance adopted pursuant to subsection 1 refuses to produce any document, record or material that the subpoena requires, the agency of the county issuing the subpoena may apply to the district court for the judicial district in which the county is located for the enforcement of the subpoena in the manner provided by law for the enforcement of a subpoena in a civil action.

6. As used in this section:

(a) "Hosting platform" means a person who, for a fee or other charge, provides on an Internet website an online platform that facilitates the rental of a residential unit or a room or space within a residential unit by an owner or lessee of the residential unit for the purposes of transient lodging, including, without limitation, through advertising, matchmaking or other means.

(b) "Residential unit" means a single-family residence or an individual residential unit within a larger building, including, without limitation, an apartment, condominium, townhouse or duplex. The term does not include a timeshare or other property subject to the provisions of chapter 119A of NRS.

Sec. 2. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The city council or other governing body of an incorporated city may adopt an ordinance requiring ~~[a]~~ :

(a) A hosting platform that facilitates the rental of a residential unit in the incorporated city or a room or space within such a residential unit for the purposes of transient lodging to submit a quarterly report to an agency of the incorporated city ~~[.]~~ of the information required by subsection 2 that is collected by the hosting platform.

(b) An owner or lessee which uses a hosting platform that facilitates the rental of a residential unit in the county or a room or space within such a residential unit for the purposes of transient lodging to submit a quarterly report to an agency of the incorporated city of any information required by subsection 2 regarding the rental that is not collected by the hosting platform.

2. The report required by subsection 1 must state ~~[:]~~ , for the quarter:

(a) The number of bookings, listings, owners and lessees for the incorporated city;

(b) The average number of bookings per listing for the incorporated city;

(c) ~~[The annual revenues]~~ Current year-to-date booking value for the incorporated city;

(d) Current year-to-date revenue collected ~~[per]~~ from all rentals through the hosting platform in the incorporated city, disaggregated by owner or lessee ; ~~[for the incorporated city;]~~ and

~~[(d)]~~ (e) The average length of a rental in the incorporated city.

3. An ordinance adopted pursuant to subsection 1 must authorize an agency of the incorporated city to issue subpoenas for the production of documents, records or materials ~~[necessary]~~ relevant for determining whether a residential unit in the incorporated city or a room or space within such a residential unit has been rented in violation of any law of this State or an ordinance adopted by the city council or governing body of the incorporated city. The ordinance must provide that such a subpoena may be issued only if:

(a) There is evidence sufficient to support a reasonable belief that a residential unit in the incorporated city or a room or space within a residential unit has been rented or is being rented in violation of any law of this State or an ordinance adopted by the city council or governing body of the incorporated city;

(b) The subpoena identifies the rental alleged to be in violation of any law of this State or an ordinance adopted by the city council or governing body of the incorporated city and the provision of law or ordinance allegedly violated.

➥ A subpoena issued pursuant to ~~[this subsection]~~ the ordinance must be mailed ~~[to the hosting platform]~~ by regular and certified mail ~~[,]~~ to the hosting platform or, if applicable, the owner or lessee who was required to file a quarterly report regarding the rental pursuant to the ordinance.

4. An ordinance adopted pursuant to subsection 1 must require ~~[a]~~ :

(a) A hosting platform to whom a subpoena has been issued to:

~~[(a)]~~ (1) Provide notice of the subpoena to the user of the hosting platform who provided the rental identified in the subpoena.

~~[(b)]~~ (2) Produce any subpoenaed books, papers or documents not later than 21 days after providing the notice required by ~~[paragraph (a)]~~ subparagraph (1) unless otherwise ordered by a court.

(b) An owner or lessee of a rental to whom a subpoena has been issued pursuant to the ordinance to produce any subpoenaed books, papers or documents not later than 21 days after the issuance of the subpoena, unless otherwise ordered by a court.

5. If a ~~[hosting platform that]~~ person to whom a subpoena has been issued ~~[a subpoena]~~ pursuant to an ordinance adopted pursuant to

subsection 1 refuses to produce any document, record or material that the subpoena requires, the agency of the incorporated city issuing the subpoena may apply to the district court for the judicial district in which the investigation is being carried out for the enforcement of the subpoena in the manner provided by law for the enforcement of a subpoena in a civil action.

6. As used in this section:

(a) "Hosting platform" means a person who, for a fee or other charge, provides on an Internet website an online platform that facilitates the rental of a residential unit or a room or space within a residential unit by an owner or lessee of the residential unit for the purposes of transient lodging, including, without limitation, through advertising, matchmaking or other means.

(b) "Residential unit" means a single-family residence or an individual residential unit within a larger building, including, without limitation, an apartment, condominium, townhouse or duplex. The term does not include a timeshare or other property subject to the provisions of chapter 119A of NRS.

Sec. 3. This act becomes effective on July 1, 2017.

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 695 to Assembly Bill No. 321.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

The amendment clarifies that timeshares are not subject to the provisions of the bill, requires an owner or lessee of certain transient lodging to provide certain information to the county if information is not reported to the hosting platform, and adds certain reporting information that must be provided by the hosting platform or the owner or lessee of the transient lodging.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 379.

The following Senate amendment was read:

Amendment No. 795.

AN ACT relating to local governments; authorizing, under certain circumstances, the governing body of a county ~~[,]~~ **or** city ~~[or town]~~ to create a parks, trails and open space district; setting forth the duties and authority of the board of trustees of such a district; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill authorizes, under certain circumstances, the governing body of a county ~~[,]~~ **or** city ~~[or town]~~ to create a parks, trails and open space district.

Sections 7-12 of this bill set forth the process for such a governing body to create such a district. **Section 7** provides general authority for the creation of such a district. **Section 8** provides that the creation of a district is initiated by:

(1) a resolution adopted by the governing body; or (2) a petition to a governing body by an owner of property within the proposed boundaries of the district.

Section 8.3 of this bill requires the governing body of a county or city to create a service plan for a proposed district before creating the district. Section 8.4 of this bill requires the governing body to hold a public hearing to consider the service plan of the proposed district. Section 8.5 of this bill authorizes the governing body to approve the service plan, disapprove the service plan or conditionally approve the service plan. Section 8.6 of this bill sets forth certain circumstances where a governing body must disapprove the service plan of a proposed district. Section 8.7 of this bill requires an ordinance creating a district to incorporate the approved service plan. Section 8.7 also requires material modifications to the service plan to be made by the governing body in the same manner as the original approval of the service plan.

Section 9 provides that after the creation of a district is initiated **[,]** **and the service plan is approved,** the relevant county or city clerk must mail written notice to all property owners within the proposed district. **Section 10** authorizes any owner of property within the proposed district to protest the creation of the district. **Section 11** sets forth certain circumstances where the creation of a district is prohibited.

Section 13 of this bill provides for the appointment of initial members of the board of trustees of a district. **Sections 16 and 17** of this bill set forth how members of the board of trustees will be elected after the initial appointment of members.

Sections 19 and 20 of this bill prohibit members of the board of trustees of a district from being interested in the purchase or sale of property belonging to the district or entering into certain contracts.

Sections 25-29 of this bill set forth the various powers of a board in relation to parks, trails and open space.

Section 29.5 of this bill authorizes any local government within the boundaries of a district to contribute part of its revenue to support the facilities, improvements or projects of the district.

Section 30 of this bill authorizes a board **, under certain circumstances,** to establish fees or special assessments for facilities, improvements or projects of the district. **Section 30.5 of this bill sets forth the procedure in certain counties to follow when a potential dwelling unit within the district is not being charged for the services provided by the district. Sections 34 and 35** of this bill authorize **, under certain circumstances,** a board to impose ad valorem taxes. **Sections 30, 31 and 34-38** of this bill set forth the process for imposing and collecting any such fees, special assessments or ad valorem taxes.

Sections 40-42 of this bill set forth the procedure for changing the boundaries of a district.

Sections 43-47 of this bill authorize a board, under certain circumstances, to issue bonds and borrow money.

Sections 32 and 49-51 of this bill set forth the requirements for the dissolution, merger or consolidation of a district.

WHEREAS, Parks, trails and open spaces are essential to the health, quality of life and economic prosperity of the residents of this State; and

WHEREAS, Well-maintained parks, trails and open spaces stimulate economic growth and enhance the vitality of local and regional communities; and

WHEREAS, Protecting water quality and wildlife habitat and ensuring safety in parks, trails and open spaces encourage participation in healthy outdoor activities; and

WHEREAS, It is necessary to provide sustainable and reliable funding for the creation and maintenance of parks, trails and open spaces; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 25 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 53, inclusive, of this act.

Sec. 2. ***This chapter ~~[shall be known and]~~ may be cited as the Nevada Parks, Trails and Open Space District Act.***

Sec. 3. ***1. It is hereby declared as a matter of legislative determination that:***

(a) The organization of parks, trails and open space districts having the purposes, powers, rights, privileges and immunities provided in this chapter will serve a public use and will promote the health, safety, prosperity, security and general welfare of the inhabitants thereof and of the State of Nevada;

(b) The acquisition, construction, reconstruction, restoration, improvement, maintenance and operation of any facility, improvement or project authorized in this chapter is in the public interest and constitutes a part of the established and permanent policy of the State of Nevada; and

(c) Each district organized pursuant to the provisions of this chapter shall be a body corporate and politic and a quasi-municipal corporation. For the accomplishment of these purposes the provisions of this chapter shall be broadly construed.

2. It is hereby further declared that the provisions of this chapter are not intended to provide a method for financing the costs of developing private property.

3. It is hereby further declared as a matter of legislative determination that the notice provided for in this chapter for each hearing and action to be taken is reasonably calculated to inform the parties of all proceedings which may directly and adversely affect their legally protected interests.

Sec. 4. *As used in this chapter, unless the context otherwise requires:*

1. "Board of trustees" and "board" alone each means the board of trustees of a district.

2. "Clerk" means:

(a) If a district is created or proposed to be created by a county , ~~[or town,]~~ the county clerk.

(b) If a district is created or proposed to be created by a city, the city clerk.

3. "Facility," "improvement" and "project" includes, without limitation, any structure, undertaking or system which a district is authorized to acquire, improve, equip, maintain or operate. A project may consist of all kinds of personal and real property, including, without limitation, land, elements, improvements and fixtures thereon, property of any nature appurtenant thereto or used in connection therewith, and every estate, interest and right therein, legal or equitable, including terms for years, or any combination thereof.

4. "Governing body" means the governing body of ~~[the]~~ a county ~~[,]~~ or city ~~[and town]~~ that proposes to create or creates a district pursuant to this chapter.

5. "Interested party" includes, without limitation, a member of the public, an owner of property within a proposed district or a district, each county, city, town and special district with territory proposed to be located or located within the boundaries of a proposed district or district.

6. "Mail" means a single mailing first class or its equivalent, postage prepaid, by deposit in the United States mail, at least 15 days before the designated time or event.

~~[6.]~~ 7. "Parks, trails and open space district" and "district" each means any parks, trails and open space district organized or, in the case of organizational provisions, proposed to be organized pursuant to this chapter.

~~[7.]~~ 8. "Special district" means any water district, sanitation district, water and sanitation district, municipal power district, mosquito abatement district, public cemetery district, swimming pool district, television maintenance district, weed control district, general improvement district or any other quasi-municipal corporation organized under the local improvement and service district laws of this State as enumerated in title 25 of NRS. The term does not include a local improvement district created pursuant to chapter 309 of NRS or a housing authority.

9. "Trustee" means a member of a board of trustees.

Sec. 5. *For the purpose of computing any period of time prescribed in this chapter, the first day of the designated action or time must be excluded and the last day of the designated action or time must be included.*

Sec. 6. *1. This chapter being necessary to secure the public health, safety, convenience and welfare, it shall be liberally construed to effect its purposes.*

2. This chapter, without reference to other statutes of the State, except as specifically provided in this chapter, shall constitute full authority for the authorization and issuance of bonds hereunder. No other law with regard to the authorization or issuance of bonds that provides for an election, requires an approval, or in any way impedes or restricts the carrying out of the acts authorized by this chapter to be done shall be construed as applying to any proceedings taken under this chapter or acts done pursuant thereto, it being intended that this chapter shall provide a separate method of accomplishing its objectives, and not an exclusive one. This chapter must not be construed as repealing, amending or changing any such other law.

Sec. 7. *1. Except as otherwise provided in this chapter, the governing body of any county ~~[,]~~ or city ~~[or town]~~ within this State is hereby vested with jurisdiction, power and authority to create one or more districts within the county ~~[,]~~ or city ~~[or town]~~ which it serves.*

2. No member of a governing body shall be disqualified to perform any duty imposed by this chapter by reason of ownership of property within any proposed district.

Sec. 8. *1. The creation of a district may be initiated by:*

(a) A resolution adopted by the governing body of any county ~~[,]~~ or city ~~; [or town;]~~ or

(b) Except as otherwise provided in subsection 2, a petition submitted by any owner of property proposed to be located in the district to the governing body of a county ~~[,]~~ or city ~~. [or town.]~~ A governing body that receives a petition pursuant to this paragraph is not required to create a district or take any action in relation to the petition.

2. If the proposed boundaries of a district include areas within more than one county ~~[,]~~ or city ~~[or town]~~ and the creation of the district is initiated by petition pursuant to paragraph (b) of subsection 1, the petition must be submitted to the governing body of the county ~~[,]~~ or city ~~[or town]~~ in which is located the largest proportion of the geographic area of the proposed district.

3. A resolution adopted pursuant to paragraph (a) of subsection 1 or a petition submitted pursuant to paragraph (b) of subsection 1 must set forth the proposed name, powers, purpose and boundaries of the district.

4. A district may be entirely within or entirely without, or partly within or partly without, one or more counties ~~[,]~~ and cities ~~[and towns]~~ and the district may consist of noncontiguous tracts or parcels of property.

Sec. 8.2. 1. The Legislature hereby determines and declares that the procedures contained in sections 8.3 to 8.7, inclusive, of this act are necessary for the coordinated and orderly creation of districts and for the logical extension of services for parks, trails and open space throughout the State.

2. It is the purpose of sections 8.3 to 8.7, inclusive, of this act to prevent unnecessary proliferation and fragmentation of services for parks, trails

and open space, to encourage the extension of existing districts rather than the creation of new districts and to avoid excessive diffusion of local tax sources.

Sec. 8.3. 1. If a resolution is adopted pursuant to paragraph (a) of subsection 1 of section 8 of this act or if the governing body of a county or city considers the creation of a district after receiving a petition pursuant to paragraph (b) of subsection 1 of section 8 of this act, the governing body must create a service plan for the proposed district before the governing body may determine whether to create the district.

2. The service plan must:

(a) Consist of a financial survey and, if applicable, a preliminary engineering or architectural survey showing how the proposed services are to be provided and financed.

(b) Include a map of the boundaries of the proposed district and an estimate of the population and assessed valuation of the proposed district.

(c) Describe the facilities, improvements or projects to be constructed, the standards of such construction, the services to be provided by the district, an estimate of costs, including, without limitation, the cost of acquiring land, engineering services, legal services, proposed indebtedness, including, without limitation, proposed maximum interest rates and any discounts, any other proposed bonds and any other securities to be issued and their type or character, annual operation and maintenance expenses and other major expenses related to the formation and operation of the district.

(d) Outline the details of any arrangement or proposed agreement with any county or city for the performance of any services between the proposed district and such county or city. The form of any such contract to be used, if available, must be attached to the service plan.

3. If the boundaries of a proposed district include territory within more than one county or city, the service plan must be filed with the governing body of each such county or city.

Sec. 8.4. 1. At any regular meeting of the governing body that is considering whether to create a district, the governing body must set a date for a public hearing where the governing body will consider the service plan for the proposed district. The date for the public hearing to consider such a service plan must be not later than 30 days after the date of the regular meeting.

2. The governing body that is considering whether to create a district must provide written notice of the date, time and location of the public hearing on the service plan to:

(a) The county clerk of each county in which the district is to be located;

(b) The governing body of each county or city that has territory within the boundaries of the proposed district;

(c) The governing body of any special district which has levied an ad valorem property tax within the next preceding tax year and has boundaries within a county in which the district is located; and

(d) If the district was initiated by a petition submitted pursuant to paragraph (b) of subsection 1 of section 8 of this act, the persons who submitted the petition.

3. The governing body that is considering whether to create a district must publish legal notice of the date, time, location and purpose of the public hearing on the service plan in a newspaper of general circulation within the county once each week for a period of 3 successive weeks by three publications, the first of which must be at least 20 days before the hearing date. Such publications shall constitute constructive notice to the residents and property owners within the proposed district.

4. If there is a county planning commission or a regional county planning commission, the service plan must be delivered to each such planning commission. Each such county planning commission or regional county planning commission must study the service plan and a representative thereof must present its recommendations to the governing body at the public hearing.

5. At the public hearing of the governing body to consider the service plan, all interested parties must be afforded an opportunity to be heard under such rules of procedure as may be established by the governing body. Any testimony or evidence which in the discretion of the governing body is relevant to the formation of the proposed district must be considered.

Sec. 8.5. 1. Subject to the provisions of section 8.6 of this act, with reference to the review of any service plan for the proposed district, the governing body may:

(a) Approve the service plan without condition or modification;

(b) Disapprove the service plan for any of the reasons listed in section 8.6 of this act; or

(c) Conditionally approve the service plan subject to the submission of additional information relating to or modifying the plan.

2. Within 20 days after the completion of the public hearing, the governing body shall advise all interested parties in writing of its action on the service plan. If the service plan is approved as submitted, a resolution of approval must be issued. If the service plan is disapproved, the specific detailed reasons for such disapproval must be set forth in writing. If the service plan is conditionally approved, the changes or modifications to be made in, or additional information relating to, the service plan together with the reasons for such changes, modifications or additional information shall also be set forth in writing. Upon the incorporation of such changes, modifications or additional information in the service plan for the proposed district, the governing body must issue a resolution of approval.

Sec. 8.6. 1. A governing body shall not approve the service plan for a proposed district if:

(a) There is insufficient existing and projected need for service in the area to be serviced by the proposed district;

(b) The existing service in the area to be served by the proposed district is adequate for present and projected needs;

(c) Adequate service is, or will be, available to the area by other existing municipal or quasi-municipal corporations within a reasonable time and on a comparable basis;

(d) The proposed district is incapable of providing economic and sufficient service to the area within its proposed boundaries;

(e) The area to be included in the proposed district does not have or will not have the financial ability to discharge the proposed indebtedness, other securities, or other obligations to be incurred on a reasonable basis;

(f) The facility, improvement, project and service standards of the proposed district are incompatible with the facility, improvement, project and service standards of adjacent municipalities and special districts;

(g) The proposed district is being formed for the primary purpose of financing the cost of developing private property; or

(h) The governing body determines that the service plan for the proposed district is not in the public interest.

2. If the governing body requests changes or additional information, final approval of the service plan must be contingent upon modification of the service plan to include such changes or additional information.

3. The determinations and findings of the governing body must be based solely upon the service plan and evidence presented at the hearing held pursuant to section 8.4 of this act.

Sec. 8.7. 1. The creation of a district must not be approved before the resolution of approval of the service plan. The approved service plan and the resolution of approval must be incorporated by reference in the ordinance creating the district after there has been a compliance with all other legal procedures for the formation of the proposed district.

2. If the service plan is approved, any interested party is entitled to appear and be heard at the hearing of the governing body held to consider the creation of the district pursuant to section 10 of this act.

3. Upon final approval by a governing body for the formation of the district, the facilities, improvements, projects, services and financial arrangements of the district must conform to the approved service plan.

4. After the organization of a district pursuant to the provisions of this chapter material modifications of the service plan as originally approved may be made by the board of trustees of the district only by petition to and approval by the governing body that formed the district in substantially the same manner as is provided for the approval of an original service plan. Such modifications are required only with regard to changes of a basic or

essential nature and are not required for changes of a mechanical type necessary only for the execution of the original service plan.

5. Any unreasonable departure from the service plan as originally approved, or, if the same has been modified, then from the service plan as modified, may be enjoined at any time by a district court upon motion of the governing body or any interested party.

Sec. 9. *After the [creation of] service plan for a proposed district is [initiated] approved pursuant to [section 8] sections 8.2 to 8.7, inclusive, of this act, and before taking final action to create the district, the governing body shall cause the clerk [shall] to mail written notice to all property owners within the proposed area of the district informing the property owners of the proposed creation of a district. The notice must set forth the proposed name, powers, purpose and boundaries of the district and the time and place of the hearing that will be held by the governing body to determine whether to create the district and where the person may protest its creation.*

Sec. 10. *1. Any person who owns property which is located within the proposed area of the district may, on or before the date of the hearing, submit a written protest to the creation of the district.*

2. The governing body shall give full consideration to all protests which have been submitted and hear all persons desiring to be heard and, thereafter, adopt an ordinance creating the district or determining that the district must not be created.

3. Except as otherwise provided in section 11 of this act, at the hearing to consider the creation of the district or at a subsequent hearing to which the hearing is adjourned, the governing body may create the district by ordinance if the governing body makes findings that the creation of the district is economically sound and feasible.

4. Any ordinance creating a district may [contain] :

(a) Contain changes to the proposed name, powers, purpose or boundaries of the district as may be considered by the governing body to be equitable and necessary.

(b) Require that the creation of the district is only effective upon approval by a majority of voters who live within the boundaries of the district at the next general election.

Sec. 11. *A governing body shall not create a district pursuant to the provisions of this chapter:*

1. If a service plan for the district has not been approved pursuant to sections 8.2 to 8.7, inclusive, of this act.

2. If, at or before the hearing held pursuant to section 10 of this act, a majority of property owners within the proposed area of the district submit written protests to the creation of the district pursuant to that section . [;

—2.] 3. If the proposed boundaries of [a] the district include areas within more than one county [,] or city [or town] and the governing bodies of all such counties [,] and cities [and towns] have not entered into an interlocal

agreement that includes, without limitation, the consent of each governing body to the creation of the district . ~~[; or~~

~~3.]~~ Such an interlocal agreement may include any provision relating to the district, including, without limitation, provisions related to the:

(a) Formation, operation or funding of the district; or

(b) Selection and membership of the board of trustees of the district.

4. If the proposed boundaries of a district overlap with the boundaries of one or more general improvement districts created pursuant to chapter 318 of NRS and the board of trustees of each such general improvement district has not by resolution consented to the creation of the district.

5. If the governing body determines that the creation of the district is not in the public interest.

Sec. 12. *1. Except as otherwise provided in subsection 2, the adoption of an ordinance creating a district establishes the regular organization of the district, which is a governmental subdivision of this State, a body corporate and politic and a quasi-municipal corporation.*

2. Within 30 days immediately following the effective date of such ordinance any person who has filed a written protest, as provided in section 10 of this act, shall have the right to commence an action in any court of competent jurisdiction to set aside such determination. Thereafter all actions or suits attacking the regularity, validity and correctness of that ordinance and all proceedings, determinations and instruments taken, adopted or made before such ordinance's final passage, shall be perpetually barred.

3. Within 30 days immediately following the effective date of the ordinance creating the district, the governing body shall cause to be filed a copy of the ordinance in the office of the clerk and shall cause to be filed an additional copy of the ordinance in the Office of the Secretary of State, which filings shall be without fee and be otherwise in the same manner as articles of incorporation are required to be filed under chapter 78 of NRS.

Sec. 13. *1. ~~[After]~~ Except as otherwise may be provided in an interlocal agreement entered into pursuant to section 11 of this act, after adopting an ordinance creating a ~~[district and before appointing the first board of trustees for the]~~ district, the governing body ~~[is, ex officio, the board of trustees for the district.~~*

~~2. While acting as the board of trustees, the governing body shall]~~ must establish:

(a) Accounting practices and procedures for the district;

(b) Auditing practices and procedures to be used by the district;

(c) A budget for the district; and

(d) Management standards for the district.

~~[3.]~~ 2. After the ~~[governing body has performed the]~~ duties required by subsection ~~[2, it must appoint five persons to serve as]~~ 1 have been performed, the first board of trustees of the district ~~[.]~~ , consisting of 5 members, must be appointed. Except as otherwise provided in this

subsection, each governing body of a county or city with territory included within the district that has entered into an interlocal agreement pursuant to section 11 of this act must each appoint one member to the first board of trustees. If:

(a) More than five counties or cities have territory within the district, the interlocal agreement entered into pursuant to section 11 of this act must determine which governing bodies may appoint the five members of the first board of trustees of the district.

(b) Less than five counties or cities have territory within the district, the governing body of each county or city must appoint one member and the remaining members of the first board of trustees must be appointed as determined pursuant to the terms of the interlocal agreement entered into pursuant to section 11 of this act.

3. The ~~[persons appointed to]~~ members of the first board of trustees ~~[pursuant to this section]~~ must be qualified electors of the district. The ~~[appointed]~~ trustees must determine by lot which three ~~[appointed]~~ trustees serve 4 year terms and which two ~~[appointed]~~ trustees serve 2 year terms.

4. The governing body may remove any ~~[appointed trustee]~~ member of the first board of trustees for cause shown ~~[.~~

~~5. The]~~ unless an interlocal agreement entered into pursuant to section 11 of this act otherwise prohibits such removal.

5. All members of the board of trustees must file with the clerk their oaths of office and corporate surety bonds, at the expense of the district, the bonds to be in an amount not more than $10,000 each, the form and exact amount thereof to be approved and determined, respectively, by the governing body, conditioned for the faithful performance of their duties as trustees. The governing body may from time to time, upon good cause shown, increase or decrease the amount of the bond.

Sec. 14. *1. The board shall choose one of its members as chair of the board and president of the district, and shall elect a secretary and a treasurer of the board and of the district, who may or may not be members of the board. The secretary and the treasurer may be one person.*

2. The board shall adopt a seal.

3. The secretary shall keep a record of all of the board's proceedings, minutes of all meetings, any certificates, contracts, bonds given by employees and all corporate acts. Except as otherwise provided in NRS 241.035, the records must be open to inspection of all owners of real property in the district as well as to all other interested persons. A copy of the minutes or audio recordings, if any, must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.

4. The treasurer shall keep strict and accurate accounts of all money received by and disbursed for and on behalf of the district in permanent records. The treasurer shall file with the clerk, at the expense of the district, a corporate surety bond in an amount not more than $50,000, the form and exact amount thereof to be approved and determined,

respectively, by the governing body, conditioned for the faithful performance of the duties of his or her office. Any other officer or trustee who actually receives or disburses money of the district shall furnish a bond as provided in this subsection. The governing body may, upon good cause shown, increase or decrease the amount of that bond.

5. Except as otherwise provided in this subsection, each member of a board of trustees of a district organized pursuant to this chapter may receive as compensation for his or her service not more than $6,000 per year. The compensation of the members of a board is payable monthly, if the budget is adequate and a majority of the members of the board vote in favor of such compensation, but no member of the board may receive any other compensation for his or her service to the district as an employee or otherwise. Each member of the board must receive the same amount of compensation. If a majority of the members of the board vote in favor of an increase in the compensation of the trustees, the increase may not become effective until January 1 of the calendar year immediately following the next biennial election of the district as set forth in section 16 of this act.

Sec. 15. ***1. The board shall, by resolution, designate the place where the office or principal place of the district is to be located, which must be within the corporate limits of the district and which may be changed by resolution of the board. Copies of all those resolutions must be filed with the clerk within 5 days after their adoption. The official records and files of the district must be kept at that office and must be open to public inspection as provided in NRS 239.010.***

2. The board of trustees shall meet regularly at least once each year, and at such other times at the office or principal place of the district as provided in the bylaws.

3. Special meetings may be held on notice to each member of the board as often as, and at such places within the district as, the needs of the district require.

4. Three members of the board constitute a quorum at any meeting.

5. ~~[A]~~ Unless an interlocal agreement entered into pursuant to section 11 of this act provides otherwise, a vacancy on the board must be filled by a qualified elector of the district chosen by the remaining members of the board.

Sec. 16. ***1. Except as otherwise provided in this section, the general election for trustees of the district must be conducted by the county clerk and held simultaneously with the general election of the county in which the district is located.***

2. If a district is located:

(a) In more than one county, the general election for trustees of the district must be conducted by the county clerk of the county in which is located the largest proportion of the geographic area of the district simultaneously with the general election of that county.

(b) Wholly within the boundaries of a city, the general election for trustees of the district must be conducted by the city clerk and held simultaneously with the general city election of the city.

3. The first biennial election of the district must be held simultaneously with the first general election described in subsection 1 that is held after the creation of the district.

4. At the first biennial election, there must be elected by the qualified electors of the district three qualified electors to serve as trustees of the board. At the second biennial election, there must be elected by the qualified electors of the district two qualified electors.

5. The term of office of an elected trustees is 4 years and begins on the first Monday in January next following the biennial election.

6. The office of trustee is a nonpartisan office.

7. The general election laws of this State govern the candidacy, nominations and election of a trustee of the board.

8. The provisions of this section that require the election of the board of trustees do not apply if an interlocal agreement entered into pursuant to section 11 of this act provides another method for the selection of the board of trustees.

Sec. 17. *1. Except as otherwise provided in subsection 2:*

(a) If there are two regular terms which end on the first Monday in January next following the biennial election, the two qualified electors receiving the highest and next highest number of votes must be elected. If there are three regular terms so ending, the three qualified electors receiving the highest, next highest and third highest number of votes must be elected.

~~[2.]~~ (b) If there is a vacancy in an unexpired regular term to be filled at the biennial election, the candidate who receives the highest number of votes, after there are chosen the successful candidates to fill the vacancies in expired regular terms as provided in ~~[subsection 1,]~~ paragraph (a), must be elected.

2. The provisions of subsection 1 do not apply if an interlocal agreement entered into pursuant to section 11 of this act provides another method for the selection of the board of trustees.

Sec. 18. *Members of the board of trustees are subject to recall from office pursuant to the provisions of the Constitution and statutes of this State.*

Sec. 19. *1. No trustee may be interested, directly or indirectly, in any property purchased for the use of the district, or in any purchase or sale of property belonging to the district.*

2. Any contract made in violation of the provisions of subsection 1 may be declared void.

3. A trustee who violates the provisions of subsection 1 is guilty of a gross misdemeanor and shall be further punished as provided in NRS 197.230.

Sec. 20. *1. Except as otherwise provided in subsection 2, no trustee may:*

(a) Become a contractor under any contract or order for supplies or any other kind of contract authorized by the board, or to be in any manner interested, directly or indirectly, as principal, in any kind of contract so authorized.

(b) Be interested in any contract made by the board or to be a purchaser or to be interested in any purchase or sale made by the board.

2. The board may purchase supplies or contract for services for the district from one of its members, when not to do so would be a great inconvenience, but the member from whom the supplies are to be bought or with whom the contract for services is to be made shall not vote upon the allowance of the purchase or contract. If the purchase is made or contract let by competitive bidding, the bid of a member of the board may be accepted only if the member is the lowest responsible bidder.

3. Any contract made in violation of the provisions of subsection 1 may be declared void.

4. A trustee who violates the provisions of subsection 1, directly or indirectly, is guilty of a gross misdemeanor and shall be further punished as provided in NRS 197.230.

Sec. 21. *1. A board may request, in writing, assistance from any elected or appointed officer of any county ~~[,]~~ or city ~~[or town]~~ in which all or a part of the district is located.*

2. The officer shall furnish the requested assistance, after an agreement has been reached concerning the amount of money which the board must pay for the assistance. The cost shall not be more than the actual additional expense necessitated by the request.

Sec. 22. *A board has each of the basic powers enumerated in this chapter and designated in the organizational proceedings of the district and other provisions supplemental thereto in this chapter, or otherwise authorized by law.*

Sec. 23. *1. In any region of this State for which there has been established by interstate compact a regional planning agency, the powers of any district created pursuant to this chapter with respect to the location and construction of all facilities, improvements or projects are subordinate to the powers of such regional planning agency.*

2. If the boundaries of a district overlap with the boundaries of a conservation district formed pursuant to chapter 548 of NRS, the board of the district must coordinate and consult with the board of supervisors of the conservation district on matters that may impact the conservation district.

Sec. 24. *1. Subject to the limitations of this chapter, the board shall have perpetual existence.*

2. The board shall have the power to have and use a corporate seal.

3. The board shall have the power to sue and be sued, and be a party to suits, actions and proceedings.

Sec. 25. *1. Subject to the provisions of subsection 2, a board may:*

(a) Acquire, construct, reconstruct, improve, operate, maintain, manage, restore, extend and better lands, works, systems and facilities, improvements and projects for parks, trails and open space.

(b) Design, compile or administer environmental or cultural reports related to parks, trails and open space.

(c) Take measures to reduce wildfire, restore native vegetation and conserve and manage natural resources.

(d) Establish or fund the establishment of educational programs related to recreation at facilities, improvements and projects for parks, trails and open space, including, without limitation, granting funding for personnel who provide such educational programs.

(e) Enter into an agreement with a federal or state agency or a nonprofit corporation to take one or more of the actions described in paragraph (a), (b), (c) or (d).

(f) Establish a fund consisting of contributions from private sources, the State or the county ~~[,]~~ and cities ~~[and towns]~~ in which the district is located for the purpose of matching federal money from any federal source.

(g) Accept gifts, grants and donations for deposit in any fund established pursuant to paragraph (f).

2. Such parks, trails and open space facilities, improvements and projects may include, without limitation, playgrounds, bowling greens, ball parks, public parks, promenades, beaches, marinas, levees, piers, docks, wharves, boat basins, boathouses, harborages, anchorages, gymnasiums, appurtenant shower, locker and other bathhouse facilities, concert halls, theaters, auditoriums, aviaries, aquariums, zoological gardens, biological gardens, vivariums, watersheds, trails, open spaces, lakes, ponds and rivers.

Sec. 26. *1. A board may operate, maintain and repair the facilities, improvements and projects acquired by the district.*

2. The board shall have the power to acquire, dispose of and encumber real and personal property, and any interest therein, including leases, easements and revenues derived from the operation thereof.

~~[3. The board may enter on any lands, waters and premises for the purposes of making surveys, soundings, examinations, tests and inspections.]~~

Sec. 27. *A board may:*

1. Manage, control and supervise all the business and affairs of the district.

2. Acquire, improve, equip, operate and maintain any district project.

3. Hire and retain agents, employees, servants, engineers and attorneys, and any other persons necessary or desirable to effect the purposes of this chapter.

4. Adopt and amend bylaws:

(a) For carrying on the business, objects and affairs of the board and of the district.

(b) Regulating the use or right of use of any facility, improvement or project.

5. Exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this chapter.

Sec. 28. ~~*[The board may exercise the power of eminent domain in the manner provided by law for the condemnation by a city of private property for public use to take any property necessary to the exercise of the powers granted within the district.]*~~ **(Deleted by amendment.)**

Sec. 29. *1.* ~~*[A]*~~ *With the approval of the appropriate state or local agency, a board may construct and maintain works and establish and maintain facilities, improvements or projects across or along any public street or highway, and in, upon or over any vacant public lands, which public lands are, or may become, the property of this State, and to construct works and establish and maintain facilities, improvements or projects across any stream of water or watercourse.*

2. The board shall promptly restore any such street or highway to its former state of usefulness as nearly as may be, and shall not use the same in such manner as to impair completely or unnecessarily the usefulness thereof.

Sec. 29.5. Any local government located within the boundaries of a district may contribute any part of its revenues for the support of the facilities, improvements or projects of the district.

Sec. 30. *1. A board may , after a public hearing, establish, and from time to time increase or decrease, fees or special assessments for facilities, improvements or projects and pledge the revenue for the payment of any indebtedness or special obligations of the district. A board may not impose any fee or special assessment upon property owned by a governmental entity.*

2. All fees or special assessments constitute a perpetual lien on and against the property located within the district. A perpetual lien is prior and superior to all liens, claims and titles other than liens of general taxes and other special assessments and is not subject to extinguishment by the sale of any property on account of nonpayment of any liens, claims and titles including the liens of general taxes and other special assessments. A perpetual lien must be foreclosed in the same manner as provided by the laws of this State for the foreclosure of mechanics' liens. Before any lien is foreclosed, the board shall hold a hearing thereon after providing notice thereof by publication and by registered or certified first-class mail, postage prepaid, addressed to the last known owner at his or her last known

address according to the records of the district and the real property assessment roll in the county in which the property is located.

3. The board may provide for a basic penalty for nonpayment of the charges within the time and in the manner prescribed by it. The basic penalty must not be more than 10 percent of each month's charges for the first month delinquent. In addition to the basic penalty, the board may provide for a penalty of not more than 1.5 percent per month for nonpayment of the charges and basic penalty. The board may prescribe and enforce regulations that set forth the date on which a charge becomes delinquent. The board may provide for collection of the penalties provided for in this section.

4. A lien against the property served is not effective until a notice of the lien, separately prepared for each lot affected, is:

(a) Mailed to the last known owner at his or her last known address according to the records of the district and the real property assessment roll of the county in which the property is located;

(b) Delivered by the board to the office of the county recorder of the county within which the property subject to such lien is located;

(c) Recorded by the county recorder in a book kept by the county recorder for the purpose of recording instruments encumbering land; and

(d) Indexed in the real estate index as deeds and other conveyances are required by law to be indexed.

Sec. 30.5. 1. If an employee of a district or other person has a reasonable belief that a dwelling unit exists that is not currently being charged for services provided by a district in a county whose population is less than 700,000, the employee or other person may submit an affidavit to the board of trustees of the district, setting forth the facts upon which the employee or other person bases his or her belief, including, without limitation, personal knowledge and visible indications of use of the property as a dwelling unit.

2. If a board of trustees receives an affidavit described in subsection 1, the board may set a date for a hearing to determine whether the unit referenced in the affidavit is being used as a dwelling unit. At least 30 days before the date of such a hearing, the board shall send a notice by certified mail, return receipt requested, to the owner of the property where the unit referenced in the affidavit is located at the address listed in the real property assessment roll in the county in which the property is located. The notice must specify the purpose, date, time and location of the hearing.

3. Except as otherwise provided in this subsection, if, after the hearing, the board determines that the unit referenced in the affidavit submitted pursuant to subsection 1 is being used as a dwelling unit, the board may adopt a resolution by the affirmative votes of not less than two-thirds of the total membership of the board to charge the owner pursuant to section 30 of this act for the services provided by the district to the dwelling unit. The board shall not adopt such a resolution if the owner provides evidence

satisfactory to the board that the unit referenced in the affidavit is not being used as a dwelling unit.

4. As used in this section:

(a) "Dwelling unit" means a structure that is designed for residential occupancy by one or more persons for living and sleeping purposes, consisting of one or more rooms, including a bathroom and kitchen. The term does not include a hotel or a motel.

(b) "Kitchen" means a room, all or part of which is designed or used for storage, refrigeration, cooking and preparation of food.

(c) "Owner" means a person to whom the parcel of real property upon which the unit referenced in an affidavit submitted pursuant to subsection 1 is located is assessed in the most recent assessment roll available.

Sec. 31. ***1. Any board which has adopted fees or special assessments pursuant to this chapter may, by resolution or by separate resolutions, elect to have such charges for the forthcoming fiscal year collected on the tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, the county's general taxes. In such event, it shall cause a written report to be prepared and filed with the secretary, which shall contain a description of each parcel of real property in the district and the amount of the charge for each parcel for such year, computed in conformity with the charges prescribed by the resolution.***

2. The powers authorized by this section are alternative to all other powers of the district, and alternative to other procedures adopted by the board for the collection of such charges.

3. The real property may be described by reference to maps prepared by and on file in the office of the county assessor or by descriptions used by the county assessor, or by reference to plats or maps on file in the office of the secretary.

~~[3.]~~ 4. The board may make the election specified in subsection 1 with respect only to delinquent charges and may do so by preparing and filing the written report, giving notice and holding the hearing therein required only as to such delinquencies.

5. The secretary shall cause notice of the filing of the report and of a time and place of hearing thereon to be published once a week for 2 weeks prior to the date set for hearing, in a newspaper of general circulation printed and published within the district if there is one and if not then in such paper printed and published in a county within which the district is located.

~~[4.]~~ 6. Before the board may have such charges collected on the tax roll, the secretary shall cause a notice in writing of the filing of the report proposing to have such charges for the forthcoming fiscal year collected on the tax roll and of the time and place of hearing thereon, to be mailed to each person to whom any parcel or parcels of real property described in the report is assessed in the last equalized assessment roll available on the date the report is prepared, at the address shown on the assessment roll or as

known to the secretary. If the board adopts the report, then the requirements for notice in writing to the persons to whom parcels of real property are assessed does not apply to hearings on reports prepared in subsequent fiscal years but notice by publication as provided in this section is adequate.

~~[5.]~~ 7. At the time stated in the notice, the board shall hear and consider all objections or protests, if any, to the report referred to in the notice and may continue the hearing from time to time. If the board finds that protest is made by the owners of a majority of separate parcels of property described in the report, then the report must not be adopted and the charges must be collected separately from the tax roll and must not constitute a lien against any parcel or parcels of land.

~~[6.]~~ 8. Upon the conclusion of the hearing, the board may adopt, revise, change, reduce or modify any charge or overrule any or all objections and shall make its determination upon each charge as described in the report, which determination is final.

~~[7.]~~ 9. After the hearing, when the board has made a final decision on a fee or special assessment to be collected on the county tax roll, not later than June 1, the secretary shall prepare and file a final report, which shall contain a description of each parcel in the district and the amount of the charge, with the county assessor for inclusion on the assessment roll. If a report is filed after the closing of the assessment roll but before the extension of the tax roll, the auditor shall insert the charges in such extension.

~~[8.]~~ 10. The amount of the charges shall constitute a lien against the lot or parcel of land against which the charge has been imposed as of the time when the lien of taxes on the roll attach.

~~[9.]~~ 11. The county treasurer shall include the amount of the charges on bills for taxes levied against the respective lots and parcels of land. Thereafter the amount of the charges shall be collected at the same time and in the same manner and by the same persons as, together with and not separately from, the general taxes for the county. The charges shall become delinquent at the same time as such taxes and are subject to the same delinquency penalties.

~~[10.]~~ 12. All laws applicable to the levy, collection and enforcement of general taxes of the county, including, without limitation, those pertaining to the matters of delinquency, correction, cancellation, refund, redemption and sale, are applicable to such charges.

~~[11.]~~ 13. The county treasurer may issue separate bills for such charges and separate receipts for collection on account of such charges.

14. At the request of a county treasurer or county assessor, the board must pay the county treasurer or county assessor for the cost of services provided to the district by the county treasurer or county assessor, as applicable. The cost shall not be more than the actual additional expense to

the county treasurer or county assessor, as applicable, for performing such services.

Sec. 32. *1. When a district is contained wholly within a city , ~~[or town,]~~ the board may convey to such city , ~~[or town,]~~ at the discretion of the district and with the consent of the governing body of the city , ~~[or town,]~~ all of the property of the district upon the condition that such city : ~~[or town:]~~*

(a) Will operate and maintain such property; and

(b) Assumes all of the indebtedness of such district upon such conditions as the governing body of the city ~~[or town]~~ and the board of the district may agree.

2. Upon such conveyance and assumption of indebtedness, the district shall be dissolved and a certificate to such effect shall be signed by the clerical officer of the city ~~[or town]~~ and filed with the Secretary of State and clerk of the county or city in which the ordinance creating the district was filed.

Sec. 33. *1. Any county, city, ~~[town,]~~ special district or owner may sell, lease, grant, convey, transfer or pay over to any district, with or without consideration, any facility, improvement or project, or any part thereof, or any interest in real or personal property or any money available for the construction, improvement, maintenance or operation of any facility, improvement or project.*

2. Any county, city ~~[, town]~~ or special district may transfer, assign and set over to any district any contracts which may have been awarded by the county, city ~~[, town]~~ or special district for the construction of facilities, improvements or projects not begun or completed.

Sec. 34. ~~*[In]*~~

1. Except as otherwise provided in this section, in addition to the other means for providing revenue for the district, a board may levy and collect ad valorem taxes on and against all taxable property within the district.

2. A board shall not levy or collect ad valorem taxes on and against any taxable property within the district unless the board has entered into an interlocal agreement with each county in which the district is located. Any such interlocal agreement must include, without limitation, the consent of each board of county commissioners of a county where the district is located for the board of trustees to levy and collect ad valorem taxes on and against all taxable property within the district.

3. The provisions of this section do not authorize a board of trustees to levy and collect ad valorem taxes on property owned by a governmental entity.

Sec. 35. *1. To levy and collect ad valorem taxes ~~[,]~~ pursuant to section 34 of this act, a board shall determine, in each year, the amount of money necessary to be raised by taxation, taking into consideration other sources of revenue of the district, and shall fix a rate of levy which, when levied upon every dollar of assessed valuation of taxable property within*

the district, and together with other revenues, will raise the amount required by the district annually to supply money for paying:

(a) The expenses of organization and the costs of operating and maintaining the facilities, improvements and projects of the district; and

(b) The costs of facilities, improvements and projects of the district and, when due, all interest on and principal of general obligation bonds and other general obligations of the district.

➥ In the event of accruing defaults or deficiencies, an additional levy may be made as provided in section 36 of this act. The board shall identify separately the rate of tax which is levied pursuant to paragraph (a) and the rate which is levied pursuant to paragraph (b) and shall make such information available to the public upon request. The board shall not continue to levy a rate of tax pursuant to paragraph (b) after the cost to the district of acquiring the particular facility, improvement or project for which the rate was levied has been recovered in full.

2. The board shall certify to the board of county commissioners, at the same time as fixed by law for certifying thereto tax levies of incorporated cities, the rate so fixed with directions that at the time and in the manner required by law for levying taxes for county purposes such board of county commissioners shall levy such tax upon the assessed valuation of all taxable property within the district, in addition to such other taxes as may be levied by such board of county commissioners at the rate so fixed and determined.

Sec. 36. *1. A board, in certifying annual levies, must take into account the maturing general obligation indebtedness for the ensuing year as provided in its contracts, maturing general obligation bonds and interest on such bonds, and deficiencies and defaults of prior years, and make ample provision for the payment thereof.*

2. If the money produced from such levies, together with other revenues of the district, is not sufficient punctually to pay the annual installments on such obligations, and interest thereon, and to pay defaults and deficiencies, the board shall make such additional levies of taxes as may be necessary for such purposes, and such taxes must be made and continue to be levied until the general obligation indebtedness of the district is fully paid but must not continue after that date.

Sec. 37. *1. The body having authority to levy taxes within each county shall levy the taxes provided in this chapter.*

2. All officials charged with the duty of collecting taxes shall collect such taxes at the time and in the same form and manner, and with like interest and penalties, as other taxes are collected and when collected shall pay the same to the district ordering its levy and collection. The payment of such collections shall be made monthly to the treasurer of the district and paid into the depository thereof to the credit of the district.

3. All taxes levied under this chapter, together with interest thereon and penalties for default in payment thereof, and all costs of collecting the

same, shall constitute, until paid, a perpetual lien on and against the property taxed; and such lien shall be on a parity with the tax lien of other general taxes.

Sec. 38. *If the taxes levied are not paid as provided in this chapter, the property subject to the tax lien shall be sold and the proceeds thereof shall be paid over to the district according to the provisions of the laws applicable to tax sales and redemptions.*

Sec. 39. ~~*[Whenever]*~~ *Subject to the provisions of subsection 2 of section 34 of this act, whenever any indebtedness or other obligations have been incurred by a district, it shall be lawful for the board to levy taxes and collect revenue for the purpose of creating funds in such amount as the board may determine, which may be used to meet the obligations of the district, for maintenance and operating charges and depreciation, and provide extension of and betterments to the improvements of the district.*

Sec. 40. *1. The boundary of any district organized under the provisions of this chapter may be changed in the manner prescribed in sections 41 and 42 of this act, but the change of boundaries of the district must not impair nor affect its organization, nor shall it affect, impair or discharge any contract, obligation, lien or charge on which it or the property therein might be liable or chargeable had such change of boundaries not been made.*

2. Property included within or annexed to a district shall be subject to the payment of taxes, assessments and charges, as provided in section 42 of this act. Real property excluded from a district shall thereafter be subject to the levy of taxes for the payment of its proportionate share of any indebtedness of the district outstanding at the time of such exclusion, and shall be subject to any outstanding special assessment lien thereon. Personal property may be excluded from a district on such terms and conditions as may be prescribed by the board of the district involved.

Sec. 41. *1. A fee owner of real property located in the district, or the fee owners of any real properties which are contiguous to each other and which constitute a portion of the district may file with the board a petition requesting that such lands be excluded from the district.*

2. Petitions must:

(a) Describe the property which the petitioners desire to have excluded.

(b) State that the property is not capable of being served with facilities, improvements or projects of the district, or would not be benefited by remaining in the district.

(c) Be acknowledged in the same manner and form as required in case of a conveyance of land.

(d) Be accompanied by a deposit of money sufficient to pay all costs of the exclusion proceedings.

3. The secretary of the board shall cause a notice of filing of such petition to be published, which notice must:

(a) State the filing of such petition.

(b) State the names of the petitioners.

(c) Describe the property mentioned in the petition.

(d) State the request of the petitioners.

(e) Notify all persons interested to appear at the office of the board at the time named in the notice, showing cause in writing, if any they have, why the petition should not be granted.

4. The board at the time and place mentioned in the notice, or at the times to which the hearing of the petition may be adjourned, shall proceed to hear the petition and all objections thereto, presented in writing by any person showing cause why the request of the petition should not be granted.

5. The filing of such petition shall be deemed and taken as an assent by each and all such petitioners to the exclusion from the district of the property mentioned in the petition, or any part thereof.

6. The board, if it deems it not for the best interest of the district that the property mentioned in the petition, or portion thereof, be excluded from the district, must order that the petition be denied in whole or in part, as the case may be.

7. If the board deems it for the best interest of the district that the property mentioned in the petition, or some portion thereof be excluded from the district, the board must order that the petition be granted in whole or in part, as the case may be.

8. There shall be no withdrawal from a petition after consideration by the board nor shall further objection be filed except in case of fraud or misrepresentation.

9. Upon allowance of such petition, the board shall file for record a certified copy of its resolution making such change, as provided in section 12 of this act.

Sec. 42. *The boundaries of a district may be enlarged by the inclusion of additional real property therein in the following manner:*

1. The fee owner or owners of any real property capable of being served with facilities, improvements or projects of the district may file with the board a petition in writing requesting that such property be included in the district.

2. The petition must:

(a) Set forth an accurate legal description of the property owned by the petitioners.

(b) State that assent to the inclusion of such property in the district is given by the signers thereto, constituting all the fee owners of such property.

(c) Be acknowledged in the same manner required for a conveyance of land.

3. There shall be no withdrawal from a petition after consideration by the board nor shall further objections be filed except in case of fraud or misrepresentation.

4. The board shall hear the petition at an open meeting after publishing the notice of the filing of such petition, and of the place, time and date of such meeting, and the names and addresses of the petitioners. The board shall grant or deny the petition and the action of the board is final and conclusive. If the petition is granted as to all or any of the real property therein described, the board must make an order to that effect, and file it for record as provided in section 12 of this act.

5. If the costs of extending the facilities, improvements or projects of the district are paid by the property owners of the area to be included within the district, these property owners are entitled to receive any money charged and collected by the district when additional property owners utilize the facilities, improvements or projects which were extended.

6. The board of trustees of the district shall pay to the property owners pro rata shares of the money charged and collected.

7. After the date of its inclusion in such district, such property is subject to all of the taxes and charges imposed by the district, and is liable for its proportionate share of existing general obligation bonded indebtedness of the district but it is not liable for any taxes or charges levied or assessed prior to its inclusion in the district, nor shall its entry into the district be made subject to or contingent upon the payment or assumption of any penalty, toll or charge, other than any reasonable annexation charge which the board may fix and uniformly assess and the tolls and charges which are uniformly made, assessed or levied for the entire district. Such charges shall be computed in such a manner as not to place a new charge against the district members nor penalize the area annexed.

Sec. 43. *1. Upon the conditions and under the circumstances set forth in this chapter, a district may borrow money and issue the following securities to evidence such borrowing:*

(a) Short-term notes, warrants and interim debentures.

(b) General obligation bonds.

(c) Revenue bonds.

(d) Special assessment bonds.

2. The board of trustees of a district whose population within its boundaries is less than 5,000, shall not borrow money or issue securities to evidence such borrowing unless the board has obtained the approval of the debt management commission of the county in which the district is located.

3. The board of trustees of a district whose population within its boundaries is less than 5,000, shall not forward a resolution authorizing medium-term obligations to the Executive Director of the Department of Taxation unless such financing is approved by the debt management commission pursuant to subsection 2.

Sec. 44. *A district may borrow money and incur or assume indebtedness therefor, as provided in this chapter, so long as the total of all such indebtedness, excluding revenue bonds, special assessment bonds and other securities constituting special obligations which are not debts, does not exceed an amount equal to 50 percent of the total of the last assessed valuation of taxable property, excluding motor vehicles, situated within such district.*

Sec. 45. *1. A district, upon the affirmative vote of four trustees, is authorized to borrow money without an election in anticipation of the collection of taxes or other revenues, excluding special assessments, and to issue short-term notes, warrants and interim debentures to evidence the amount so borrowed.*

2. Such short-term notes, warrants and interim debentures:

(a) Shall be payable from the fund for which the money was borrowed.

(b) Shall mature before the close of the fiscal year in which the money is so borrowed, except for interim debentures.

(c) Shall not be extended or funded except in compliance with the Local Government Securities Law.

Sec. 46. *A district with revenues from the operation of facilities, improvements or projects of the district may issue bonds without the necessity of holding an election and as an alternative or in addition to other forms of borrowing authorized in this chapter, for the purpose of acquiring or improving the facilities, improvements or projects and such bonds must be made payable solely out of the net revenues derived from the operation of such facilities, improvements or projects. A single bond issue may be had for more than one of such facilities, improvements or projects and the revenues for any and all of the income-producing facilities, improvements and projects may be pledged to pay for any other such facilities, improvements or projects. To that end, a single fund may be established and maintained.*

Sec. 47. *1. Subject to the limitations and other provisions in this chapter, a board may issue on its behalf and in its name at any time or from time to time, as the board may determine, the following types of securities in accordance with the provisions of the Local Government Securities Law, except as otherwise provided in subsection 2:*

(a) General obligation bonds and other general obligation securities payable from ad valorem taxes;

(b) General obligation bonds and other general obligation securities payable from ad valorem taxes, the payment of which securities is additionally secured by a pledge of and lien on net revenues;

(c) Revenue bonds and other securities constituting special obligations and payable from net revenues, but excluding the proceeds of any ad valorem taxes or any special assessments, which payment is secured by a pledge of and lien on such net revenues; or

(d) Any combination of such securities.

2. General obligation or revenue bonds may be sold at a discount only if the amount of discount permitted by the board has been capitalized as a cost of the project.

Sec. 48. *1. Except as otherwise provided in subsection 2, such part of the expenses of making any public improvement, as the board determines by an affirmative vote of at least two-thirds of its members, may be defrayed by special assessments upon lands and premises* ***located within the district and*** *abutting upon that part of the street or alley so improved or proposed so to be, or the lands* ***located within the district and*** *abutting upon the improvement and the other lands as in the opinion of the board may be specially benefited by the improvement.*

2. All property owned and used by a school district is exempt from any assessment made pursuant to the provisions of this chapter.

Sec. 49. *1. Except as otherwise provided in section 32 of this act, the dissolution, merger or consolidation of a district may be initiated by resolution of a majority of the members of the governing body that created the district upon a finding that the dissolution, merger or consolidation is in the best interests of the district. Upon adoption of the resolution, the governing body must mail written notice to all property owners within the district setting forth the time and place for the hearing on the proposed dissolution, merger or consolidation.*

2. Any person who owns property which is located within the district may, on or before the date of the hearing, protest against the dissolution of such district, in writing.

3. If, at or before the hearing, written protest is filed signed by a majority of the owners of property within the district, the district may not be dissolved, merged or consolidated.

Sec. 50. *1. At the place, date and hour specified for the hearing in the notice or at any subsequent time to which the hearing may be adjourned, the governing body must give full consideration to all protests which may have been filed, hear all persons desiring to be heard and, except as otherwise provided in subsection 2, thereafter approve the dissolution, merger or consolidation or make a determination that district may not be dissolved, merged or consolidated.*

2. Before a district that includes areas within more than one county ~~*[,]*~~ ***or*** *city* ~~*[or town]*~~ *may be dissolved, merged or consolidated, the governing bodies of the counties* ~~*[,]*~~ ***and*** *cities* ~~*[and towns]*~~ *must approve the dissolution, merger or consolidation and negotiate the distribution of property and funds of the district upon dissolution, merger or consolidation.*

3. Within 30 days after the effective date of the dissolution, merger or consolidation of a district, the clerk must file a copy of the action of the governing body in the clerk's office and the Office of the Secretary of State, which filings shall be without fee and be otherwise in the same

manner as articles of incorporation are required to be filed under chapter 78 of NRS.

Sec. 51. *If a district located wholly within a county ~~[,]~~ or city ~~[or town]~~ is dissolved or merged into or consolidated with another district, all property and all funds remaining in the treasury of any district must be:*

1. Surrendered and transferred to the governing body of the county ~~[,]~~ or city ~~[or town]~~ in which the district exists and become a part of the general fund of the county ~~[,]~~ or city , ~~[or town,]~~ as applicable, if the district is dissolved;

2. Transferred to the district which assumes its obligations and functions, if the district is merged; or

3. Transferred to the consolidated district, if the district is consolidated.

Sec. 52. *1. If, at the time of the dissolution, merger or consolidation of a district there are any outstanding loans or bonded indebtedness of the district, the taxes, fees or special assessments for the payment of the bonds or other indebtedness must continue to be levied and collected in the same manner as if the district had not been dissolved, merged or consolidated until all outstanding indebtedness is repaid.*

2. All outstanding and unpaid tax sales and levies and all special assessment liens of a dissolved district are valid and remain a lien against the property against which they are assessed or levied until paid, subject to the limitations of liens provided by general law. Taxes and special assessments paid after dissolution must be placed in the general fund of the county in which the property was assessed.

3. The governing body of the county ~~[,]~~ or city , ~~[or town,]~~ as applicable, has the same power to enforce the collection of all special assessments and outstanding tax sales of the district as the district had if it had not been dissolved, merged or consolidated.

Sec. 53. *1. Upon notification by the Department of Taxation or upon receipt of a petition signed by 20 percent of the qualified electors of the district, that:*

(a) A district is not being properly managed by the board of trustees; or

(b) The board of trustees is not complying with the provisions of this chapter or with any other law,

➥ the governing body that created the district must hold a hearing to consider the notification or petition.

2. The clerk shall mail written notice to all persons who own property within the district and to all qualified electors of the district, which notice shall set forth the substance of the notification or petition and the time and place of the hearing.

3. At the place, date and hour specified for the hearing, or at any subsequent time to which the hearing may be adjourned, the governing body must give full consideration to all persons desiring to be heard and shall thereafter:

(a) Adopt an ordinance constituting the governing body, ex officio, as the board of trustees of the district;

(b) Adopt an ordinance providing for the merger, consolidation or dissolution of the district pursuant to sections 49 to 52, inclusive, of this act;

(c) File a petition in the district court for the county in which the district is located for the appointment of a receiver for the district; or

(d) Determine by resolution that management and organization of the district will remain unchanged.

4. The Department of Taxation or any interested person may, within 30 days immediately following the effective date of the ordinance adopted under paragraph (a) of subsection 3 or resolution adopted under paragraph (d) of subsection 3, commence an action in any court of competent jurisdiction to set aside the ordinance or resolution. After the expiration of 30 days, all actions attacking the regularity, validity and correctness of that ordinance or resolution are barred.

Sec. 54. NRS 308.020 is hereby amended to read as follows:

308.020 1. The Special District Control Law applies to:

(a) Any special district whose formation is initiated by a board of county commissioners; and

(b) Any petition for the formation of any proposed special district filed with any board of county commissioners.

2. As used in this chapter "special district" means any water district, sanitation district, water and sanitation district, municipal power district, mosquito abatement district, public cemetery district, swimming pool district, television maintenance district, weed control district, general improvement district, or any other quasi-municipal corporation organized under the local improvement and service district laws of this state as enumerated in title 25 of NRS, but excludes:

(a) All local improvement districts created pursuant to chapter 309 of NRS; ~~[and]~~

(b) ***All parks, trails and open space districts created pursuant to sections 2 to 53, inclusive, of this act; and***

(c) All housing authorities.

Sec. 55. NRS 318.0954 is hereby amended to read as follows:

318.0954 1. The governing body of any district organized or reorganized under and operating as provided in any chapter in title 25 of NRS, excluding chapters 309, 315 and 318 of NRS, ***and sections 2 to 53, inclusive, of this act,*** must be designated a board of trustees and shall reorganize as provided in this section so that after the transitional period the board consists of five qualified electors from time to time chosen as provided in NRS 318.095 and other provisions of this chapter supplemental thereto.

2. No existing member of any such governing body may be required to resign from the board before the termination of his or her current term of office in the absence of any disqualification as a member of the governing

body under such chapter in title 25 of NRS, excluding chapters 309, 315 and 318 of NRS ~~[.]~~ ***and sections 2 to 53, inclusive, of this act.*** If a regular term of office of any member of any such governing body would terminate on other than the first Monday of January next following a biennial election in the absence of the adoption of this law, the term must be extended to and terminate on the first Monday in January next following a biennial election and following the date on which the term would have ended.

3. If the members of any such governing body at any time number less than five, the number of trustees must be increased to five by appointment, or by both appointment and election, as provided in NRS 318.090, 318.095 and 318.0951.

4. In no event may any successor trustee be elected or appointed to fill any purported vacancy in any unexpired term or in any regular term which successor will increase the trustees on a board to a number exceeding five nor which will result in less than two regular terms of office or more than three regular terms of office ending on the first Monday in January next following any biennial election.

5. Nothing in this section:

(a) Prevents the reorganization of a board by division of the district into district trustee election districts pursuant to NRS 318.0952.

(b) Supersedes the provisions of NRS 318.0953 or 318.09533.

Sec. 56. NRS 332.015 is hereby amended to read as follows:

332.015 1. For the purpose of this chapter, unless the context otherwise requires, "local government" means:

(a) Every political subdivision or other entity which has the right to levy or receive money from ad valorem taxes or other taxes or from any mandatory assessments, including counties, cities, towns, school districts and other districts organized pursuant to chapters 244, 309, 318, 379, 450, 474, 539, 541, 543 and 555 of NRS ~~[.]~~ ***and sections 2 to 53, inclusive, of this act.***

(b) The Las Vegas Valley Water District created pursuant to the provisions of chapter 167, Statutes of Nevada 1947, as amended.

(c) County fair and recreation boards and convention authorities created pursuant to the provisions of NRS 244A.597 to 244A.655, inclusive.

(d) District boards of health created pursuant to the provisions of NRS 439.362 or 439.370.

2. The term does not include the Nevada Rural Housing Authority.

Sec. 57. NRS 338.010 is hereby amended to read as follows:

338.010 As used in this chapter:

1. "Authorized representative" means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.

2. "Contract" means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.

3. "Contractor" means:

(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS.

(b) A design-build team.

4. "Day labor" means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing.

5. "Design-build contract" means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

6. "Design-build team" means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.

7. "Design professional" means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

8. "Division" means the State Public Works Division of the Department of Administration.

9. "Eligible bidder" means a person who is:

(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.

10. "General contractor" means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

11. "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.

12. "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, ***and sections 2 to 53, inclusive, of this act*** and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.

13. "Offense" means failing to:

(a) Pay the prevailing wage required pursuant to this chapter;

(b) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;

(c) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or

(d) Comply with subsection 5 or 6 of NRS 338.070.

14. "Prime contractor" means a contractor who:

(a) Contracts to construct an entire project;

(b) Coordinates all work performed on the entire project;

(c) Uses his or her own workforce to perform all or a part of the public work; and

(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

➥ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

15. "Public body" means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.

16. "Public work" means any project for the new construction, repair or reconstruction of a project financed in whole or in part from public money for:

(a) Public buildings;
(b) Jails and prisons;
(c) Public roads;
(d) Public highways;
(e) Public streets and alleys;
(f) Public utilities;
(g) Publicly owned water mains and sewers;
(h) Public parks and playgrounds;
(i) Public convention facilities which are financed at least in part with public money; and
(j) All other publicly owned works and property.

17. "Specialty contractor" means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

18. "Stand-alone underground utility project" means an underground utility project that is not integrated into a larger project, including, without limitation:

(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and

(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

➥ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

19. "Subcontract" means a written contract entered into between:

(a) A contractor and a subcontractor or supplier; or

(b) A subcontractor and another subcontractor or supplier,

➥ for the provision of labor, materials, equipment or supplies for a construction project.

20. "Subcontractor" means a person who:

(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and

(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

21. "Supplier" means a person who provides materials, equipment or supplies for a construction project.

22. "Wages" means:

(a) The basic hourly rate of pay; and

(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the worker.

23. "Worker" means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker or unskilled worker in the service of a contractor or subcontractor under any appointment or contract of hire or

apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.

Sec. 58. NRS 350.115 is hereby amended to read as follows:

350.115 "Bond" means any evidence of borrowing by a municipality that is issued pursuant to the provisions of this chapter or chapter 244, 244A, 268, 269, 271, 318 or 387 of NRS, ***and sections 2 to 53, inclusive, of this act,*** whether general or special obligations, including, without limitation, bonds, notes, debentures, warrants and certificates.

Sec. 59. NRS 354.474 is hereby amended to read as follows:

354.474 1. Except as otherwise provided in subsections 2 and 3, the provisions of NRS 354.470 to 354.626, inclusive, apply to all local governments. For the purpose of NRS 354.470 to 354.626, inclusive:

(a) "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318 and 379 of NRS, NRS 450.550 to 450.750, inclusive, and chapters 474, 541, 543 and 555 of NRS, ***and sections 2 to 53, inclusive, of this act,*** and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision.

(b) "Local government" includes the Nevada Rural Housing Authority for the purpose of loans of money from a local government in a county whose population is less than 100,000 to the Nevada Rural Housing Authority in accordance with NRS 354.6118. The term does not include the Nevada Rural Housing Authority for any other purpose.

2. An irrigation district organized pursuant to chapter 539 of NRS shall fix rates and levy assessments as provided in NRS 539.667 to 539.683, inclusive. The levy of such assessments and the posting and publication of claims and annual financial statements as required by chapter 539 of NRS shall be deemed compliance with the budgeting, filing and publication requirements of NRS 354.470 to 354.626, inclusive, but any such irrigation district which levies an ad valorem tax shall comply with the filing and publication requirements of NRS 354.470 to 354.626, inclusive, in addition to the requirements of chapter 539 of NRS.

3. An electric light and power district created pursuant to chapter 318 of NRS shall be deemed to have fulfilled the requirements of NRS 354.470 to 354.626, inclusive, for a year in which the district does not issue bonds or levy an assessment if the district files with the Department of Taxation a copy of all documents relating to its budget for that year which the district submitted to the Rural Utilities Service of the United States Department of Agriculture.

Sec. 60. NRS 354.760 is hereby amended to read as follows:

354.760 1. All invoices or other notices issued by a local government to collect an account receivable must state that if the debtor wishes to pay by

check or other negotiable instrument, such negotiable instrument must name as payee:

(a) The local government; or

(b) The title of the governmental official charged by law with the collection of such accounts.

➥ In no event may the invoice or other notice state that a check or other negotiable instrument may name a natural person as payee.

2. Notwithstanding the provisions of subsection 1, a local government may deposit into the appropriate account a check or other negotiable instrument which it determines is intended as payment for an account receivable.

3. As used in this section, "local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem taxes or other taxes or from any mandatory assessments, including, without limitation, counties, cities, towns, boards, authorities, school districts and other districts organized pursuant to chapters 244, 244A, 309, 318, 379, 439, 450, 474, 539, 541, 543 and 555 of NRS ~~[.]~~ ***and sections 2 to 53, inclusive, of this act.***

Sec. 61. NRS 378.160 is hereby amended to read as follows:

378.160 As used in NRS 378.150 to 378.210, inclusive:

1. "Center" means the State Publications Distribution Center created by NRS 378.170.

2. "Depository library" means a library with which the Center has entered into an agreement pursuant to NRS 378.190.

3. "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, ***and sections 2 to 53, inclusive, of this act*** and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes the Nevada Rural Housing Authority.

4. "Publication" includes any information in any format or medium that is produced pursuant to the authority of or at the total or partial expense of a state agency or local government, is required by law to be distributed by a state agency or local government, or is distributed publicly by a state agency or local government outside that state agency or local government. The term does not include:

(a) Nevada Revised Statutes with annotations;

(b) Nevada Reports;

(c) Bound volumes of the Statutes of Nevada;

(d) Items published by the University of Nevada Press and other information disseminated by the Nevada System of Higher Education which is not designed for public distribution;

(e) Official state records scheduled for retention and disposition pursuant to NRS 239.080; or

(f) Records of a local government which have been scheduled for disposition pursuant to NRS 239.124 or retention pursuant to NRS 239.125.

5. "State agency" includes the Legislature, constitutional officers or any department, division, bureau, board, commission or agency of the State of Nevada.

Sec. 62. This act becomes effective on July 1, 2017.

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 795 to Assembly Bill No. 379.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

The amendment allows the local government to opt not to create a district when it receives a petition, adds provisions providing for public notices and service plans, removes the provisions relevant to eminent domain and private property, and requires that the board shall not levy or collect ad valorem taxes related to the district unless the board has entered into an interlocal agreement with each county in which the district is located.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 384.

The following Senate amendment was read:

Amendment No. 952.

AN ACT relating to public employment; providing generally that the criminal history of an applicant or other qualified person under consideration for a position in the unclassified or classified service of the State may be considered only ~~[after the applicant has been certified by the Administrator of the Division of Human Resource Management of the Department of Administration or after a conditional offer of employment has been made to the applicant;]~~ **under certain circumstances;** prohibiting the Administrator, when examining an applicant for a position in the classified service of the State, from considering the criminal history of the applicant; providing that, except in certain circumstances, the criminal history of a person may serve as the basis for the Administrator to refuse to certify an applicant or for rescission of a conditional offer of employment in the unclassified or classified service of the State only after consideration of certain factors relating to the criminal history of the person; providing for written notice to a person if the criminal history of the person is the basis for the Administrator's refusal to certify the person or for the rescission of a conditional offer of employment; establishing similar provisions relating to the consideration by the governing body of a county, incorporated city or unincorporated town of the criminal history of an applicant for employment by a county, incorporated city or unincorporated town; authorizing the filing of a complaint with the Nevada Equal Rights Commission under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs generally the employment of persons in the classified and unclassified service of the State. Existing law further establishes the duties of the Administrator of the Division of Human Resource Management of the Department of Administration with regard to administering competitive examinations of persons seeking employment in the classified service of the State and maintaining a list of eligible persons for employment in the classified service. (Chapter 284 of NRS) Under existing law, the Administrator may refuse to examine an applicant or refuse to certify an eligible person if the person has been found guilty of any crime involving moral turpitude or of infamous or notoriously disgraceful conduct. (NRS 284.240)

Section 2 of this bill provides, with exceptions, that the criminal history of an applicant or other qualified person under consideration for employment in the unclassified service of the State may be considered only after ~~[an]~~ **the earliest of: (1) the final interview conducted in person; (2) the** appointing authority has made a conditional offer of employment to the applicant **;** or ~~[,]~~ **(3)** if applicable, the applicant has been certified by the Administrator. **Section 3** of this bill prohibits the Administrator from considering the criminal history of an applicant in examining the applicant. Additionally, **section 3** provides, with exceptions, that the criminal history of an applicant for a position in the classified service may be considered only after the **earliest of: (1) the final interview conducted in person; (2) the** applicant has been certified by the Administrator **;** or ~~[an]~~ **(3) the** appointing authority has made a conditional offer of employment to the applicant. **Sections 2 and 3** set forth specific factors that must be considered by an appointing authority or the Administrator before the criminal history of an applicant may be used as the basis for rescinding a conditional offer of employment or for rejection of the applicant, including: (1) whether any criminal offense **charged against or** committed by the person directly relates to the responsibilities of the position for which the person has applied; (2) the nature and severity of each criminal offense **charged against or** committed by the person; (3) the age of the person at the time of the commission of each criminal offense; (4) the period of time between the commission of each criminal offense and the date of the application for employment; and (5) any information or documentation demonstrating the person's rehabilitation. **Sections 5, 6 and 6.3** of this bill establish similar provisions relating to the consideration by the governing body of a county, incorporated city or unincorporated town, respectively, of the criminal history of an applicant for employment by the county, incorporated city or unincorporated town. **Sections 2, 3, 5, 6 and 6.3** provide that if the criminal history of an applicant is used as the basis for rejecting the applicant or rescinding a conditional offer of employment extended to the applicant, the appointing authority or the governing body of the county, incorporated city or unincorporated town, as applicable, must provide to the applicant a written statement which must specifically state the

evidence presented and the reason for the rejection of the applicant or rescission of the conditional offer of employment. **Sections 2, 3, 5, 6 and 6.3** also prohibit the appointing authority or the governing body of a county, incorporated city or unincorporated town from considering certain criminal records. **Sections 2, 3, 5, 6 and 6.3** also require the appointing authority or the governing body of a county, incorporated city or unincorporated town to include certain information in an application for employment. **Sections 2, 3, 5, 6 and 6.3** do not apply to ~~[applicants]~~ **any applicant** for employment ~~[with a public safety agency.]~~ **: (1) as a peace officer or firefighter; or (2) in any position that entails physical access to a computer or other equipment used for access to the Nevada Criminal Justice Information System or the National Crime Information Center.**

Existing law declares certain employment practices to be unlawful and authorizes any person injured by such a practice to file a complaint with the Nevada Equal Rights Commission. Generally, the Commission has jurisdiction only over practices involving discrimination on the basis of race, color, sex and certain other enumerated characteristics. (NRS 613.330, 613.405) **Section 6.5** of this bill provides that an employer that is subject to the requirements of **section 2, 3, 5, 6 or 6.3** and fails to follow the procedure required by those sections in considering the criminal history of an applicant for employment thereby engages in an unlawful employment practice. **Section 6.7** of this bill provides that the applicant in such a case may file a complaint with the Commission, regardless of whether the complaint is based on race, color, sex or some other characteristic enumerated in existing law.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 284 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. ~~[Except as otherwise authorized by specific statute,]~~ Unless, pursuant to a specific provision of state or federal law, a person is disqualified from employment in a particular position because of the particular criminal history of the person, the criminal history of an applicant or other qualified person for a position in the unclassified service of the State may be considered only after ~~[an]~~ the earliest of:***

(a) The final interview conducted in person;

(b) The appointing authority has extended to the applicant a conditional offer of employment ~~[or, if]~~ ; or

(c) If applicable, the applicant has been certified by the Administrator.

2. An appointing authority may, before examining an applicant or extending to an applicant a conditional offer of employment, notify the applicant of any provision of state or federal law that disqualifies a person with a particular criminal history from employment in a particular position.

3. Unless, pursuant to a specific provision of state or federal law, a person is disqualified from employment in a particular position because of the particular criminal history of the person, an appointing authority may rescind a conditional offer of employment extended to an otherwise qualified person who has criminal charges pending against him or her that were filed within the previous 6 months or has been convicted of a criminal offense only after considering:

(a) Whether any criminal offense charged against the person or committed by the person directly relates to the responsibilities of the position for which the person has applied or is being considered;

(b) The nature and severity of each criminal offense charged against the person or committed by the person;

(c) The age of the person at the time of the commission of each criminal offense;

(d) The period between the commission of each criminal offense and the date of the application for employment in the unclassified service; and

(e) Any information or documentation demonstrating the person's rehabilitation.

4. An appointing authority shall not consider any of the following criminal records in connection with an application for employment:

(a) ~~[An]~~ Except as otherwise provided in subsection 3, an arrest of the applicant which did not result in a conviction;

(b) A record of conviction which was dismissed, expunged or sealed; or

(c) An infraction or misdemeanor for which a sentence of imprisonment in a county jail was not imposed.

5. If the criminal history of an applicant is used as a basis for rescinding a conditional offer of employment, rescission of the conditional offer of employment must:

(a) Be made in writing;

(b) Include a statement indicating that the criminal history of the applicant was the basis for the rescission of the offer; and

(c) Provide an opportunity for the applicant to discuss the basis for the rescission of the offer with the ~~[appointing authority.]~~ director of human resources for the appointing authority or a person designated by the director.

6. An application for employment must include a statement that:

(a) A record of conviction will not necessarily bar the applicant from employment; and

(b) The appointing authority will consider factors such as:

(1) The length of time that has passed since the offense;

(2) The age of the applicant at the time of the offense;

(3) The severity and nature of the offense;

(4) The relationship of the offense to the position for which the applicant has applied; and

(5) Evidence of the rehabilitation of the applicant.

7. This section does not apply to ~~[applicants]~~ any applicant for employment ~~[with a public safety agency, as defined in NRS 239B.020.]~~ :

(a) As a peace officer or firefighter; or

(b) In any position that entails physical access to a computer or other equipment used for access to the Nevada Criminal Justice Information System or the National Crime Information Center.

Sec. 3. *1. ~~[Except as otherwise authorized by specific statute:]~~ Unless, pursuant to a specific provision of state or federal law, a person is disqualified from employment in a particular position because of the particular criminal history of the person:*

(a) The Administrator shall not consider the criminal history of an applicant in examining the applicant.

(b) The criminal history of an applicant for a position in the classified service may be considered only after the earliest of:

(1) The final interview conducted in person;

(2) The applicant has been certified by the Administrator ; or ~~[an]~~

(3) The appointing authority has extended to the applicant a conditional offer of employment.

2. The Administrator may, before examining an applicant or certifying an eligible person, notify the applicant or eligible person of any provision of state or federal law that disqualifies a person with a particular criminal history from employment in a particular position.

3. Unless, pursuant to a specific provision of state or federal law, a person is disqualified from employment in a particular position because of the particular criminal history of the person, the Administrator may refuse to certify an eligible person and an appointing authority may rescind a conditional offer of employment extended to an otherwise qualified person who has criminal charges pending against him or her that were filed within the previous 6 months or has been convicted of a criminal offense only after considering:

(a) Whether any criminal offense charged against the person or committed by the person directly relates to the responsibilities of the position for which the person has applied or is being considered;

(b) The nature and severity of each criminal offense charged against the person or committed by the person;

(c) The age of the person at the time of the commission of each criminal offense;

(d) The period between the commission of each criminal offense and the date of the application for or consideration of employment in the classified service; and

(e) Any information or documentation demonstrating the person's rehabilitation.

4. The Administrator shall not consider any of the following criminal records in connection with an application for employment:

(a) ~~[An]~~ Except as otherwise provided in subsection 3, an arrest of the applicant which did not result in a conviction;

(b) A record of conviction which was dismissed, expunged or sealed; or

(c) An infraction or misdemeanor for which a sentence of imprisonment in a county jail was not imposed.

5. If the criminal history of an applicant is used as a basis for rejecting an applicant or rescinding a conditional offer of employment, such rejection or rescission of a conditional offer of employment must:

(a) Be made in writing;

(b) Include a statement indicating that the criminal history of the applicant was the basis for the rejection or rescission of the offer; and

(c) Provide an opportunity for the applicant to discuss the basis for the rejection or rescission of the offer with the ~~[Administrator.]~~ director of human resources for the appointing authority or a person designated by the director.

6. An application for employment must include a statement that:

(a) A record of conviction will not necessarily bar the applicant from employment; and

(b) The Administrator will consider factors such as:

(1) The length of time that has passed since the offense;

(2) The age of the applicant at the time of the offense;

(3) The severity and nature of the offense;

(4) The relationship of the offense to the position for which the applicant has applied; and

(5) Evidence of the rehabilitation of the applicant.

7. This section does not apply to ~~[applicants]~~ any applicant for employment ~~[with a public safety agency, as defined in NRS 239B.020.]~~ :

(a) As a peace officer or firefighter; or

(b) In any position that entails physical access to a computer or other equipment used for access to the Nevada Criminal Justice Information System or the National Crime Information Center.

Sec. 4. NRS 284.240 is hereby amended to read as follows:

284.240 The Administrator may refuse to examine an applicant or, after examination, may refuse to certify an eligible person who:

1. Lacks any of the preliminary requirements established for the examination for the position or employment for which the applicant or eligible person applies.

2. Submitted to a screening test administered pursuant to NRS 284.4066, the results of which indicated the presence of a controlled substance, and the person did not provide the proof required by NRS 284.4066.

3. ~~[~~Has been guilty of any crime involving moral turpitude or of infamous or notoriously disgraceful conduct.

~~4.]~~ Has been dismissed from the public service for delinquency or misconduct.

~~[5.]~~ ***4.*** Has made a false statement of any material fact.

~~[6.]~~ ***5.*** Has, directly or indirectly, given, rendered or paid, or promised to give, render or pay, any money, service or other valuable thing to any person for, or on account of or in connection with, the examination, appointment or proposed appointment of the applicant or eligible person.

~~[7.]~~ ***6.*** Has practiced, or attempted to practice, any deception or fraud in the application, certificate or examination of the applicant or eligible person, or in securing the eligibility or appointment of the applicant or eligible person.

Sec. 5. Chapter 245 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Except as otherwise authorized by specific statute,]~~ Unless, pursuant to a specific provision of state or federal law, a person is disqualified from employment in a particular position because of the particular criminal history of the person, the criminal history of an applicant for employment by a county may be considered only after the ~~[applicant is a finalist for a position]~~ earlier of:

(a) The final interview conducted in person; or ~~[the]~~

(b) The county has extended to the applicant a conditional offer of employment.

2. The board of county commissioners, a county officer or any other person acting on behalf of a county may, before selecting an applicant as a finalist for a position or extending to an applicant a conditional offer of employment, notify the applicant of any provision of state or federal law that disqualifies a person with a particular criminal history from employment in a particular position.

3. Unless, pursuant to a specific provision of state or federal law, a person is disqualified from employment in a particular position because of the particular criminal history of the person, the board of county commissioners, a county officer or any other person acting on behalf of a county may decline to make an offer of employment or rescind a conditional offer of employment extended to an otherwise qualified applicant who has criminal charges pending against him or her that were filed within the previous 6 months or has been convicted of a criminal offense only after considering:

(a) Whether any criminal offense charged against the applicant or committed by the applicant directly relates to the responsibilities of the position for which the applicant has applied;

(b) The nature and severity of each criminal offense charged against the applicant or committed by the applicant;

(c) The age of the applicant at the time of the commission of each criminal offense;

(d) The period between the commission of each criminal offense and the date of the application for employment; and

(e) Any information or documentation demonstrating the applicant's rehabilitation.

4. The board of county commissioners, a county officer or any other person acting on behalf of a county shall not consider any of the following criminal records in connection with an application for employment:

(a) ~~[An]~~ Except as otherwise provided in subsection 3, an arrest of the applicant which did not result in a conviction;

(b) A record of conviction which was dismissed, expunged or sealed; or

(c) An infraction or misdemeanor for which a sentence of imprisonment in a county jail was not imposed.

5. If the criminal history of an applicant is used as a basis for rejecting an applicant or rescinding a conditional offer of employment, such rejection or rescission of a conditional offer of employment must:

(a) Be made in writing;

(b) Include a statement indicating that the criminal history of the applicant was the basis for the rejection or rescission of the offer; and

(c) Provide an opportunity for the applicant to discuss the basis for the rejection or rescission of the offer with the ~~[board of county commissioners, a county officer or other person acting on behalf of the county.]~~ director of the department of human resources of the county or a person designated by the director.

6. An application for employment must include a statement that:

(a) A record of conviction will not necessarily bar the applicant from employment; and

(b) The board of county commissioners, a county officer or any other person acting on behalf of the county will consider factors such as:

(1) The length of time that has passed since the offense;

(2) The age of the applicant at the time of the offense;

(3) The severity and nature of the offense;

(4) The relationship of the offense to the position for which the applicant has applied; and

(5) Evidence of the rehabilitation of the applicant.

7. This section does not apply to ~~[applicants]~~ any applicant for employment ~~[with a public safety agency, as defined in NRS 239B.020.]~~ :

(a) As a peace officer or firefighter; or

(b) In any position that entails physical access to a computer or other equipment used for access to the Nevada Criminal Justice Information System or the National Crime Information Center.

Sec. 6. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Except as otherwise authorized by specific statute,]~~ Unless, pursuant to a specific provision of state or federal law, a person is disqualified from employment in a particular position because of the particular criminal history of the person, the criminal history of an applicant for employment by an incorporated city may be considered only after the ~~[applicant is a finalist for a position]~~ earlier of:

(a) The final interview conducted in person; or ~~[the]~~

(b) The incorporated city has extended to the applicant a conditional offer of employment.

2. The governing body of an incorporated city or a city officer may, before selecting an applicant as a finalist for a position or extending to an applicant a conditional offer of employment, notify the applicant of any provision of state or federal law that disqualifies a person with a particular criminal history from employment in a particular position.

3. Unless, pursuant to a specific provision of state or federal law, a person is disqualified from employment in a particular position because of the particular criminal history of the person, the governing body or a city officer may decline to make an offer of employment or rescind a conditional offer of employment extended to an otherwise qualified applicant who has criminal charges pending against him or her that were filed within the previous 6 months or has been convicted of a criminal offense only after considering:

(a) Whether any criminal offense charged against the applicant or committed by the applicant directly relates to the responsibilities of the position for which the applicant has applied;

(b) The nature and severity of each criminal offense charged against the applicant or committed by the applicant;

(c) The age of the applicant at the time of the commission of each criminal offense;

(d) The period between the commission of each criminal offense and the date of the application for employment; and

(e) Any information or documentation demonstrating the applicant's rehabilitation.

4. The governing body of an incorporated city or a city officer shall not consider any of the following criminal records in connection with an application for employment:

(a) ~~[An]~~ Except as otherwise provided in subsection 3, an arrest of the applicant which did not result in a conviction;

(b) A record of conviction which was dismissed, expunged or sealed; or

(c) An infraction or misdemeanor for which a sentence of imprisonment in a county jail was not imposed.

5. If the criminal history of an applicant is used as a basis for rejecting an applicant or rescinding a conditional offer of employment, such rejection or rescission of a conditional offer of employment must:

(a) Be made in writing;

(b) Include a statement indicating that the criminal history of the applicant was the basis for the rejection or rescission of the offer; and

(c) Provide an opportunity for the applicant to discuss the basis for the rejection or rescission of the offer with the ~~[governing body of an incorporated city or a city officer.]~~ director of the department of human resources of the incorporated city or a person designated by the director.

6. An application for employment must include a statement that:

(a) A record of conviction will not necessarily bar the applicant from employment; and

(b) The governing body of an incorporated city or a city officer will consider factors such as:

(1) The length of time that has passed since the offense;

(2) The age of the applicant at the time of the offense;

(3) The severity and nature of the offense;

(4) The relationship of the offense to the position for which the applicant has applied; and

(5) Evidence of the rehabilitation of the applicant.

7. This section does not apply to ~~[applicants]~~ any applicant for employment ~~[with a public safety agency, as defined in NRS 239B.020.]~~ :

(a) As a peace officer or firefighter; or

(b) In any position that entails physical access to a computer or other equipment used for access to the Nevada Criminal Justice Information System or the National Crime Information Center.

Sec. 6.3. Chapter 269 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Except as otherwise authorized by specific statute,]~~ Unless, pursuant to a specific provision of state or federal law, a person is disqualified from employment in a particular position because of the particular criminal history of the person, the criminal history of an applicant for employment by an unincorporated town may be considered only after the ~~[applicant is a finalist for a position]~~ earlier of:

(a) The final interview conducted in person; or ~~[the]

(b) The unincorporated town has extended to the applicant a conditional offer of employment.

2. The town board, the board of county commissioners or any other person acting on behalf of an unincorporated town may, before selecting an applicant as a finalist for a position or extending to an applicant a conditional offer of employment, notify the applicant of any provision of state or federal law that disqualifies a person with a particular criminal history from employment in a particular position.

3. Unless, pursuant to a specific provision of state or federal law, a person is disqualified from employment in a particular position because of the particular criminal history of the person, the town board, the board of county commissioners or any other person acting on behalf of an unincorporated town may decline to make an offer of employment or rescind a conditional offer of employment extended to an otherwise qualified applicant who has criminal charges pending against him or her that were filed within the previous 6 months or has been convicted of a criminal offense only after considering:

(a) Whether any criminal offense charged against the applicant or committed by the applicant directly relates to the responsibilities of the position for which the applicant has applied;

(b) The nature and severity of each criminal offense charged against the applicant or committed by the applicant;

(c) The age of the applicant at the time of the commission of each offense;

(d) The period between the commission of each criminal offense and the date of the application for employment; and

(e) Any information or documentation demonstrating the applicant's rehabilitation.

4. A town board, the board of county commissioners or any other person acting on behalf of an unincorporated town shall not consider any of the following criminal records in connection with an application for employment:

(a) ~~[An]~~ Except as otherwise provided in subsection 3, an arrest of the applicant which did not result in a conviction;

(b) A record of conviction which was dismissed, expunged or sealed; or

(c) An infraction or misdemeanor in which a sentence of imprisonment in a county jail was not imposed.

5. If the criminal history of an applicant is used as a basis for rejecting an applicant or rescinding a conditional offer of employment, such rejection or rescission of the offer of employment must:

(a) Be made in writing;

(b) Include a statement indicating that the criminal history of the applicant was the basis for the rejection or rescission of the offer; and

(c) Provide an opportunity for the applicant to discuss the basis for the rejection or rescission of the offer with the ~~[town board, the board of county commissioners or any other person acting on behalf of the unincorporated town.]~~ director of the department of human resources of the unincorporated town or a person designated by the director.

6. An application for employment must include a statement that:

(a) A record of conviction will not necessarily bar the applicant from employment; and

(b) The town board, the board of county commissioners or any other person acting on behalf of the unincorporated town will consider factors such as:

(1) The length of time that has passed since the offense;

(2) The age of the applicant at the time of the offense;

(3) The severity and nature of the offense;

(4) The relationship of the offense to the position for which the applicant has applied; and

(5) Evidence of the rehabilitation of the applicant.

7. This section does not apply to ~~[applicants]~~ any applicant for employment ~~[with a public safety agency, as defined in NRS 239B.020.]~~ :

(a) As a peace officer or firefighter; or

(b) In any position that entails physical access to a computer or other equipment used for access to the Nevada Criminal Justice Information System or the National Crime Information Center.

Sec. 6.5. NRS 613.330 is hereby amended to read as follows:

613.330 1. Except as otherwise provided in NRS 613.350, it is an unlawful employment practice for an employer:

(a) To fail or refuse to hire or to discharge any person, or otherwise to discriminate against any person with respect to the person's compensation, terms, conditions or privileges of employment, because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin; or

(b) To limit, segregate or classify an employee in a way which would deprive or tend to deprive the employee of employment opportunities or otherwise adversely affect his or her status as an employee, because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin.

2. It is an unlawful employment practice for an employment agency to:

(a) Fail or refuse to refer for employment, or otherwise to discriminate against, any person because of the race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin of that person; or

(b) Classify or refer for employment any person on the basis of the race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin of that person.

3. It is an unlawful employment practice for a labor organization:

(a) To exclude or to expel from its membership, or otherwise to discriminate against, any person because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin;

(b) To limit, segregate or classify its membership, or to classify or fail or refuse to refer for employment any person, in any way which would deprive or tend to deprive the person of employment opportunities, or would limit the person's employment opportunities or otherwise adversely affect the person's status as an employee or as an applicant for employment, because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin; or

(c) To cause or attempt to cause an employer to discriminate against any person in violation of this section.

4. It is an unlawful employment practice for any employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining, including, without limitation, on-the-job training programs, to discriminate against any person because of his or her

race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin in admission to, or employment in, any program established to provide apprenticeship or other training.

5. Except as otherwise provided in subsection 6, it is an unlawful employment practice for any employer, employment agency, labor organization or joint labor-management committee to discriminate against a person with a disability by interfering, directly or indirectly, with the use of an aid or appliance, including, without limitation, a service animal, by such a person.

6. It is an unlawful employment practice for an employer, directly or indirectly, to refuse to permit an employee with a disability to keep the employee's service animal with him or her at all times in his or her place of employment, except that an employer may refuse to permit an employee to keep a service animal that is a miniature horse with him or her if the employer determines that it is not reasonable to comply, using the assessment factors set forth in 28 C.F.R. § 36.302.

7. ***It is an unlawful employment practice for an appointing authority governed by the provisions of chapter 284 of NRS, the Administrator of the Division of Human Resource Management of the Department of Administration or the governing body of a county, incorporated city or unincorporated town to consider the criminal history of an applicant for employment without following the procedure required in section 2, 3, 5, 6 or 6.3 of this act, as applicable.***

8. As used in this section, "service animal" has the meaning ascribed to it in NRS 426.097.

Sec. 6.7. NRS 613.405 is hereby amended to read as follows:

613.405 ~~[Any]~~

1. Except as otherwise provided in subsection 2, any person injured by an unlawful employment practice within the scope of NRS 613.310 to 613.435, inclusive, may file a complaint to that effect with the Nevada Equal Rights Commission if the complaint is based on discrimination because of race, color, sex, sexual orientation, gender identity or expression, age, disability, religion or national origin.

2. Any person injured by an unlawful employment practice within the scope of subsection 7 of NRS 613.330 may file a complaint to that effect with the Nevada Equal Rights Commission regardless of whether the complaint is based on discrimination because of race, color, sex, sexual orientation, gender identity or expression, age, disability, religion or national origin.

Sec. 7. This act becomes effective on January 1, 2018.

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 952 to Assembly Bill No. 384.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

The amendment authorizes consideration of the criminal history of an applicant at the outset of the selection process if he or she is disqualified from employment pursuant to specific provisions of state or federal law. It authorizes the employer to rescind a conditional offer of employment to an applicant against whom certain criminal charges are pending and provides that the criminal history of an applicant may only be considered after the earliest of the final in-person interview, a conditional job offer, or the certification of the applicant by the administrator.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 415.

The following Senate amendment was read:

Amendment No. 740.

AN ACT relating to the identification of persons; authorizing the use of a tribal identification card for various purposes; requiring a business that accepts a driver's license for the purpose of identification to also accept a tribal identification card for that purpose ~~[.]~~ **unless otherwise provided by any federal law or regulation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes state and local governmental entities to accept a consular identification card for the purpose of identifying a person under certain circumstances. (NRS 232.006, 237.200) **Sections 1 and 7** of this bill similarly authorize state and local governmental entities to accept a tribal identification card issued by a tribal government for the purpose of identifying a person if the tribal identification card meets certain requirements. **Section 10** of this bill prohibits a business that accepts a driver's license or identification card issued by the Department of Motor Vehicles for the purpose of identifying a person from refusing to accept a tribal identification card for the same purpose ~~[.]~~ **unless the business reasonably believes that a federal law or regulation requires the use of a different form of identification.** **Sections 2-6, 8, 9 and 11-14** of this bill revise various provisions of existing law to provide for the use of a tribal identification card as proof of identity.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 232.006 is hereby amended to read as follows:

232.006 1. Except as otherwise provided in subsection 2 and NRS 483.290, 483.860 and 486.081, with respect to any activity or transaction in which a state agency accepts an identification card issued by the Department of Motor Vehicles to identify a person, the state agency may also accept a consular identification card ***or tribal identification card*** to identify a person.

2. The provisions of subsection 1 apply only to the presentation of a consular identification card ***or tribal identification card*** for purposes of

identification and do not convey an independent right to receive benefits of any type.

3. ***To be accepted pursuant to subsection 1 to identify a person, an identification card issued by a tribal government must contain:***

(a) The full legal name of the holder of the card;

(b) The date of birth of the holder of the card;

(c) A unique number assigned to the holder of the card;

(d) A digital photograph of the full face of the holder of the card;

(e) The address of the principal residence of the holder of the card;

(f) A physical description of the holder of the card, including, without limitation, the height, weight, hair color and eye color of the holder of the card;

(g) The usual signature of the holder of the card;

(h) The date on which the card is issued; and

(i) A reference to the tribal government which issued the card.

4. As used in this section:

(a) "Consular identification card" means an identification card issued by a consulate of a foreign government, which consulate is located within the State of Nevada.

(b) "Identification card issued by the Department of Motor Vehicles" means an identification card of the type described in NRS 483.810 to 483.890, inclusive.

(c) "State agency" means every public agency, bureau, board, commission, department or division of the Executive Department of State Government.

(d) "Tribal government" has the meaning ascribed to it in NRS 239C.105.

(e) "Tribal identification card" means an identification card issued by a tribal government which satisfies the requirements of subsection 3.

Sec. 2. NRS 97A.142 is hereby amended to read as follows:

97A.142 1. If a solicitor makes a firm offer of credit for a credit card to a person by mail and receives an acceptance of that offer which has a substantially different address listed for the person than the address to which the solicitor sent the offer, the solicitor shall verify that the person accepting the offer is the same person to whom the offer was made before sending the person the credit card.

2. A solicitor shall be deemed to have verified the address of a person pursuant to subsection 1 if the solicitor:

(a) Telephones the person at a telephone number appearing in a publicly available directory or database as the telephone number of the person to whom the solicitation was made and the person acknowledges his or her acceptance of the solicitation;

(b) Receives from the person accepting the offer of credit proof of identity in the form of an identification document, including, without limitation, a driver's license ***,*** ~~[or]~~ passport ~~[,]~~ ***or tribal identification card*** which confirms

that the person accepting the solicitation is the person to whom the solicitation was made; or

(c) Uses any other commercially reasonable means to confirm that the person accepting the solicitation is the person to whom the solicitation was made, including, without limitation, any means adopted in federal regulations.

3. For the purposes of this section:

(a) "Firm offer of credit" has the meaning ascribed to it in 15 U.S.C. § 1681a(l).

(b) "Solicitor" means a person who makes a firm offer of credit for a credit card by mail solicitation, but does not include an issuer or other creditor when that issuer or creditor relies on an independent third party to provide the solicitation services.

(c) "Tribal identification card" means an identification card issued by a tribal government which satisfies the requirements of subsection 3 of NRS 232.006.

Sec. 3. NRS 125D.180 is hereby amended to read as follows:

125D.180 1. In determining whether there is a credible risk of abduction of a child, the court shall consider any evidence that the petitioner or respondent:

(a) Has previously abducted or attempted to abduct the child;

(b) Has threatened to abduct the child;

(c) Has recently engaged in activities that may indicate a planned abduction, including:

(1) Abandoning employment;

(2) Selling a primary residence;

(3) Terminating a lease;

(4) Closing bank or other financial management accounts, liquidating assets, hiding or destroying financial documents, or conducting any unusual financial activities;

(5) Applying for a passport or visa or obtaining travel documents for the respondent, a family member or the child; or

(6) Seeking to obtain the child's birth certificate or school or medical records;

(d) Has engaged in domestic violence, stalking, or child abuse or neglect;

(e) Has refused to follow a child custody determination;

(f) Lacks strong familial, financial, emotional or cultural ties to the State or the United States;

(g) Has strong familial, financial, emotional or cultural ties to another state or country;

(h) Is likely to take the child to a country that:

(1) Is not a party to the Hague Convention on the Civil Aspects of International Child Abduction and does not provide for the extradition of an abducting parent or for the return of an abducted child;

(2) Is a party to the Hague Convention on the Civil Aspects of International Child Abduction but:

(I) The Hague Convention on the Civil Aspects of International Child Abduction is not in force between the United States and that country;

(II) Is noncompliant according to the most recent compliance report issued by the United States Department of State; or

(III) Lacks legal mechanisms for immediately and effectively enforcing a return order pursuant to the Hague Convention on the Civil Aspects of International Child Abduction;

(3) Poses a risk that the child's physical or emotional health or safety would be endangered in the country because of specific circumstances relating to the child or because of human rights violations committed against children;

(4) Has laws or practices that would:

(I) Enable the respondent, without due cause, to prevent the petitioner from contacting the child;

(II) Restrict the petitioner from freely traveling to or exiting from the country because of the petitioner's gender, nationality, marital status or religion; or

(III) Restrict the child's ability legally to leave the country after the child reaches the age of majority because of the child's gender, nationality or religion;

(5) Is included by the United States Department of State on a current list of state sponsors of terrorism;

(6) Does not have an official United States diplomatic presence in the country; or

(7) Is engaged in active military action or war, including a civil war, to which the child may be exposed;

(i) Is undergoing a change in immigration or citizenship status that would adversely affect the respondent's ability to remain in the United States legally;

(j) Has had an application for United States citizenship denied;

(k) Has forged or presented misleading or false evidence on government forms or supporting documents to obtain or attempt to obtain a passport, a visa, travel documents, a social security card, a driver's license ***, a tribal identification card*** or other government-issued identification card or has made a misrepresentation to the United States Government;

(l) Has used multiple names to attempt to mislead or defraud; or

(m) Has engaged in any other conduct the court considers relevant to the risk of abduction.

2. In the hearing on a petition pursuant to the provisions of this chapter, the court shall consider any evidence that the respondent believed in good faith that the respondent's conduct was necessary to avoid imminent harm to the child or respondent and any other evidence that may be relevant to whether the respondent may be permitted to remove or retain the child.

3. If the court finds during the hearing on the petition that the respondent's conduct is intended to avoid imminent harm to the child or respondent, the court shall not issue an abduction prevention order.

Sec. 4. NRS 159.044 is hereby amended to read as follows:

159.044 1. Except as otherwise provided in NRS 127.045, a proposed ward, a governmental agency, a nonprofit corporation or any interested person may petition the court for the appointment of a guardian.

2. To the extent the petitioner knows or reasonably may ascertain or obtain, the petition must include, without limitation:

(a) The name and address of the petitioner.

(b) The name, date of birth and current address of the proposed ward.

(c) A copy of one of the following forms of identification of the proposed ward which must be placed in the records relating to the guardianship proceeding and, except as otherwise provided in NRS 239.0115 or as otherwise required to carry out a specific statute, maintained in a confidential manner:

(1) A social security number;

(2) A taxpayer identification number;

(3) A valid driver's license number;

(4) A valid identification card number; ~~[or]~~

(5) A valid passport number ~~[.]~~ ***; or***

(6) A valid tribal identification card number.

➥ If the information required pursuant to this paragraph is not included with the petition, the information must be provided to the court not later than 120 days after the appointment of a guardian or as otherwise ordered by the court.

(d) If the proposed ward is a minor, the date on which the proposed ward will attain the age of majority and:

(1) Whether there is a current order concerning custody and, if so, the state in which the order was issued; and

(2) Whether the petitioner anticipates that the proposed ward will need guardianship after attaining the age of majority.

(e) Whether the proposed ward is a resident or nonresident of this State.

(f) The names and addresses of the spouse of the proposed ward and the relatives of the proposed ward who are within the second degree of consanguinity.

(g) The name, date of birth and current address of the proposed guardian. If the proposed guardian is a private professional guardian, the petition must include proof that the guardian meets the requirements of NRS 159.0595. If the proposed guardian is not a private professional guardian, the petition must include a statement that the guardian currently is not receiving compensation for services as a guardian to more than one ward who is not related to the person by blood or marriage.

(h) A copy of one of the following forms of identification of the proposed guardian which must be placed in the records relating to the guardianship proceeding and, except as otherwise provided in NRS 239.0115 or as

otherwise required to carry out a specific statute, maintained in a confidential manner:

(1) A social security number;

(2) A taxpayer identification number;

(3) A valid driver's license number;

(4) A valid identification card number; ~~[or]~~

(5) A valid passport number ~~[.]~~ ***; or***

(6) A valid tribal identification card number.

(i) Whether the proposed guardian has ever been convicted of a felony and, if so, information concerning the crime for which the proposed guardian was convicted and whether the proposed guardian was placed on probation or parole.

(j) A summary of the reasons why a guardian is needed and recent documentation demonstrating the need for a guardianship. If the proposed ward is an adult, the documentation must include, without limitation:

(1) A certificate signed by a physician who is licensed to practice medicine in this State or who is employed by the Department of Veterans Affairs, a letter signed by any governmental agency in this State which conducts investigations or a certificate signed by any other person whom the court finds qualified to execute a certificate, stating:

(I) The need for a guardian;

(II) Whether the proposed ward presents a danger to himself or herself or others;

(III) Whether the proposed ward's attendance at a hearing would be detrimental to the proposed ward;

(IV) Whether the proposed ward would comprehend the reason for a hearing or contribute to the proceeding; and

(V) Whether the proposed ward is capable of living independently with or without assistance; and

(2) If the proposed ward is determined to have the limited capacity to consent to the appointment of a special guardian, a written consent to the appointment of a special guardian from the ward.

(k) Whether the appointment of a general or a special guardian is sought.

(l) A general description and the probable value of the property of the proposed ward and any income to which the proposed ward is or will be entitled, if the petition is for the appointment of a guardian of the estate or a special guardian. If any money is paid or is payable to the proposed ward by the United States through the Department of Veterans Affairs, the petition must so state.

(m) The name and address of any person or care provider having the care, custody or control of the proposed ward.

(n) If the petitioner is not the spouse or natural child of the proposed ward, a declaration explaining the relationship of the petitioner to the proposed ward or to the proposed ward's family or friends, if any, and the interest, if any, of the petitioner in the appointment.

(o) Requests for any of the specific powers set forth in NRS 159.117 to 159.175, inclusive, necessary to enable the guardian to carry out the duties of the guardianship.

(p) If the guardianship is sought as the result of an investigation of a report of abuse, neglect, exploitation, isolation or abandonment of the proposed ward, whether the referral was from a law enforcement agency or a state or county agency.

(q) Whether the proposed ward or the proposed guardian is a party to any pending criminal or civil litigation.

(r) Whether the guardianship is sought for the purpose of initiating litigation.

(s) Whether the proposed ward has executed a durable power of attorney for health care, a durable power of attorney for financial matters or a written nomination of guardian and, if so, who the named agents are for each document.

(t) Whether the proposed guardian has filed for or received protection under the federal bankruptcy laws within the immediately preceding 7 years.

3. Before the court makes a finding pursuant to NRS 159.054, a petitioner seeking a guardian for a proposed adult ward must provide the court with an assessment of the needs of the proposed adult ward completed by a licensed physician which identifies the limitations of capacity of the proposed adult ward and how such limitations affect the ability of the proposed adult ward to maintain his or her safety and basic needs. The court may prescribe the form in which the assessment of the needs of the proposed adult ward must be filed.

Sec. 5. NRS 159.2025 is hereby amended to read as follows:

159.2025 If a guardian has been appointed in another state and a petition for the appointment of a guardian is not pending in this State, the guardian appointed in the other state, after giving notice to the appointing court of an intent to register and the reason for registration, may register the guardianship order in this State by filing as a foreign judgment in a court, in any appropriate county of this State:

1. Certified copies of the order and letters of office; and

2. A copy of the guardian's driver's license, passport ***, tribal identification card*** or other valid photo identification card in a sealed envelope.

Sec. 6. NRS 202.2493 is hereby amended to read as follows:

202.2493 1. A person shall not sell, distribute or offer to sell cigarettes, any smokeless product made or derived from tobacco or any alternative nicotine product in any form other than in an unopened package which originated with the manufacturer and bears any health warning required by federal law. A person who violates this subsection shall be punished by a fine of $100 and a civil penalty of $100. As used in this subsection, "smokeless product made or derived from tobacco" means any product that consists of

cut, ground, powdered or leaf tobacco and is intended to be placed in the oral or nasal cavity.

2. Except as otherwise provided in subsections 3, 4 and 5, it is unlawful for any person to sell, distribute or offer to sell cigarettes, cigarette paper, tobacco of any description, products made or derived from tobacco, vapor products or alternative nicotine products to any child under the age of 18 years. A person who violates this subsection shall be punished by a fine of not more than $500 and a civil penalty of not more than $500.

3. A person shall be deemed to be in compliance with the provisions of subsection 2 if, before the person sells, distributes or offers to sell to another, cigarettes, cigarette paper, tobacco of any description, products made or derived from tobacco, vapor products or alternative nicotine products, the person:

(a) Demands that the other person present a valid driver's license ***, tribal identification card*** or other written or documentary evidence which shows that the other person is 18 years of age or older;

(b) Is presented a valid driver's license ***, tribal identification card*** or other written or documentary evidence which shows that the other person is 18 years of age or older; and

(c) Reasonably relies upon the driver's license ***, tribal identification card*** or written or documentary evidence presented by the other person.

4. The employer of a child who is under 18 years of age may, for the purpose of allowing the child to handle or transport tobacco, products made or derived from tobacco, vapor products or alternative nicotine products, in the course of the child's lawful employment, provide tobacco, products made or derived from tobacco, vapor products or alternative nicotine products to the child.

5. With respect to any sale made by an employee of a retail establishment, the owner of the retail establishment shall be deemed to be in compliance with the provisions of subsection 2 if the owner:

(a) Had no actual knowledge of the sale; and

(b) Establishes and carries out a continuing program of training for employees which is reasonably designed to prevent violations of subsection 2.

6. The owner of a retail establishment shall, whenever any product made or derived from tobacco, vapor product or alternative nicotine product is being sold or offered for sale at the establishment, display prominently at the point of sale:

(a) A notice indicating that:

(1) The sale of cigarettes, other tobacco products, vapor products and alternative nicotine products to minors is prohibited by law; and

(2) The retailer may ask for proof of age to comply with this prohibition; and

(b) At least one sign that complies with the requirements of NRS 442.340.

➥ A person who violates this subsection shall be punished by a fine of not more than $100.

7. It is unlawful for any retailer to sell cigarettes through the use of any type of display:

(a) Which contains cigarettes and is located in any area to which customers are allowed access; and

(b) From which cigarettes are readily accessible to a customer without the assistance of the retailer,

➥ except a vending machine used in compliance with NRS 202.2494. A person who violates this subsection shall be punished by a fine of not more than $500.

8. Any money recovered pursuant to this section as a civil penalty must be deposited in a separate account in the State General Fund to be used for the enforcement of this section and NRS 202.2494.

Sec. 7. NRS 237.200 is hereby amended to read as follows:

237.200 1. Except as otherwise provided in subsection 2, with respect to any activity or transaction in which a local government accepts an identification card issued by the Department of Motor Vehicles to identify a person, the local government may also accept a consular identification card ***or tribal identification card*** to identify a person.

2. The provisions of subsection 1 apply only to the presentation of a consular identification card ***or tribal identification card*** for purposes of identification and do not convey an independent right to receive benefits of any type.

3. ***To be accepted pursuant to subsection 1 to identify a person, an identification card issued by a tribal government must contain:***

(a) The full legal name of the holder of the card;

(b) The date of birth of the holder of the card;

(c) A unique number assigned to the holder of the card;

(d) A digital photograph of the full face of the holder of the card;

(e) The address of the principal residence of the holder of the card;

(f) A physical description of the holder of the card, including, without limitation, the height, weight, hair color and eye color of the holder of the card;

(g) The usual signature of the holder of the card;

(h) The date on which the card is issued; and

(i) A reference to the tribal government which issued the card.

4. As used in this section:

(a) "Consular identification card" means an identification card issued by a consulate of a foreign government, which consulate is located within the State of Nevada.

(b) "Identification card issued by the Department of Motor Vehicles" means an identification card of the type described in NRS 483.810 to 483.890, inclusive.

(c) "Local government" has the meaning ascribed to it in NRS 237.050.

(d) "Tribal government" has the meaning ascribed to it in NRS 239C.105.

(e) "Tribal identification card" means an identification card issued by a tribal government which satisfies the requirements of subsection 3.

Sec. 8. NRS 453.357 is hereby amended to read as follows:

453.357 1. A retail distributor shall maintain a logbook.

2. At the time of the sale or transfer of a product that is a precursor to methamphetamine, a retail distributor shall ensure that the following information is entered in the logbook:

(a) The name of the product sold or transferred;

(b) The quantity of the product sold or transferred;

(c) The name and address of the purchaser or transferee;

(d) The date and time of the sale or transfer; and

(e) The type and number of the identification presented by the purchaser or transferee pursuant to paragraph (a) of subsection 3.

3. A retail distributor shall not sell or transfer a product that is a precursor to methamphetamine unless:

(a) The prospective purchaser or transferee:

(1) Presents an identification card which provides a photograph and which is issued by the Federal Government, this State or any other state ~~[,]~~ ***or a tribal government,*** or a document that, with respect to identification, is considered acceptable pursuant to 21 U.S.C. § 830(e)(1); and

(2) Signs his or her name in the logbook.

(b) The retail distributor:

(1) Determines that the name entered in the logbook corresponds to the name provided on the identification presented by the prospective purchaser or transferee; and

(2) Has consulted the real-time, stop sale system, if required pursuant to NRS 639.440.

4. The retail distributor must include in the logbook or otherwise post or provide to a prospective purchaser or transferee a notice that entering a false statement or representation in the logbook may subject the prospective purchaser or transferee to criminal penalties under state law, as set forth in NRS 453.359, and under federal law, as set forth in 18 U.S.C. § 1001.

5. A retail distributor shall maintain each entry in the logbook for not less than 2 years after the date on which the entry is made.

6. A retail distributor shall not access, use or share the information in the logbook unless the accessing, using or sharing of the information is allowed by federal law or unless the purpose of accessing, using or sharing the information is to ensure compliance with this chapter or to facilitate a product recall to protect the health and safety of the public.

7. Upon a request, which is made for the purpose of enforcing the provisions of NRS 453.352 to 453.359, inclusive, or 639.400 to 639.450, inclusive, by a law enforcement agency of this State or a political subdivision thereof or a law enforcement agency of the Federal Government, a retail

distributor shall disclose the information in the logbook to the law enforcement agency.

Sec. 9. NRS 476.220 is hereby amended to read as follows:

476.220 1. Except as otherwise provided in subsection 2, any person who distributes:

(a) Black powder to a person under the age of 18 years; or

(b) Smokeless gunpowder to a person:

(1) Under the age of 18 years; or

(2) Under the age of 21 years, if the smokeless gunpowder is intended for use other than in a rifle or shotgun,

➥ is guilty of a misdemeanor and shall be punished by a fine of not more than $500.

2. A person shall be deemed to be in compliance with the provisions of subsection 1 if, before the person distributes black powder or smokeless gunpowder to another person, the person:

(a) Asks the other person to declare the intended use for the black powder or smokeless gunpowder;

(b) Demands that the other person present a valid driver's license ***, tribal identification card*** or other written or documentary evidence which shows that the other person meets the appropriate age requirement set forth in subsection 1;

(c) Is presented a valid driver's license ***, tribal identification card*** or other written or documentary evidence which shows that the other person meets the appropriate age requirement set forth in subsection 1; and

(d) Reasonably relies upon the declaration of intended use by the other person and the driver's license ***, tribal identification card*** or other written or documentary evidence presented by the other person.

3. As used in this section ~~[, "distribute"]~~ ***:***

(a) "Distribute" has the meaning ascribed to it in NRS 476.010.

(b) "Tribal identification card" means an identification card issued by a tribal government which satisfies the requirements of subsection 3 of NRS 232.006.

Sec. 10. Chapter 597 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a business accepts a driver's license or identification card issued by the Department of Motor Vehicles for the purpose of identifying a customer, the business shall not refuse to accept a tribal identification card for the same purpose ~~***[.]***~~ ***unless the business reasonably determines that a federal law or regulation requires the use of a different form of identification.***

2. As used in this section, "tribal identification card" means an identification card issued by a tribal government which satisfies the requirements of subsection 3 of NRS 232.006.

Sec. 11. NRS 597.940 is hereby amended to read as follows:

597.940 1. Except as otherwise provided in this subsection, a business shall not, without the customer's consent, record the account number of any of a customer's credit cards on the customer's check or draft as a condition of accepting that check or draft. This subsection does not prohibit:

(a) The business from requiring the customer to produce reasonable forms of positive identification other than a credit card, including, without limitation:

(1) A driver's license;

(2) An identification card issued by the Department of Motor Vehicles; ~~[or]~~

(3) ***A tribal identification card; or***

(4) A consular identification card,

➥ as a condition of accepting a check or draft.

(b) The business from requesting the customer to display a credit card as an indicia of creditworthiness or financial responsibility, if the only information recorded by the business concerning the credit card is the type of credit card displayed, the issuer of the card and the date the card expires.

(c) The business from requesting the customer to record the account number of his or her credit card on the check or draft with which payment on the credit card account is being made.

(d) The business from requesting the production of or recording of the account number of a credit card as a condition of cashing a check or draft if:

(1) The business has agreed with the issuer of the credit card to cash the checks or drafts as a service to the cardholders of the issuer;

(2) The issuer has agreed to guarantee any such check or draft so cashed; and

(3) The cardholder has given actual, apparent or implied authority for the use of his or her account number for this purpose.

2. Except as otherwise provided in this subsection, a business shall not, without the customer's consent, record a customer's telephone number on the credit card sales slip as a condition of accepting his or her credit card. This subsection does not:

(a) Prohibit the recordation of personal identifying information required for a special purpose incidental to the use of the credit card, such as the delivery, shipping, servicing or installation of the purchased merchandise.

(b) Apply to a transaction in which the customer receives a cash advance against his or her credit card or to a transaction involving the use of preprinted spaces for personal identifying information that the business accepting the credit card has a contractual obligation to record in order to complete the transaction.

(c) Apply to a transaction in which the customer's purchase is made by the use of a device that electronically authorizes the use of the credit card and processes information relating thereto.

3. As used in this section, unless the context otherwise requires:

(a) "Consular identification card" means an identification card issued by a consulate of a foreign government, which consulate is located within the State of Nevada.

(b) "Credit card" has the meaning ascribed to it in NRS 205.630.

(c) "Identification card issued by the Department of Motor Vehicles" means an identification card of the type described in NRS 483.810 to 483.890, inclusive.

(d) "Tribal identification card" means an identification card issued by a tribal government which satisfies the requirements of subsection 3 of NRS 232.006.

Sec. 12. NRS 643.184 is hereby amended to read as follows:

643.184 A person who is required to display a license issued pursuant to the provisions of this chapter shall, upon the request of an authorized representative of the Board, provide to that representative identification in the form of a driver's license or identification card with a photograph that has been issued by a state, the District of Columbia or the United States ~~[.]~~ ***or a tribal identification card issued by a tribal government which satisfies the requirements of subsection 3 of NRS 232.006.***

Sec. 13. NRS 644.208 is hereby amended to read as follows:

644.208 1. The Board shall admit to examination as a hair braider, at any meeting of the Board held to conduct examinations, each person who has applied to the Board in proper form and paid the fee, and who:

(a) Is not less than 18 years of age.

(b) Is of good moral character.

(c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(d) Has successfully completed the 10th grade in school or its equivalent and has submitted to the Board a notarized affidavit establishing the successful completion by the applicant of the 10th grade or its equivalent. Testing for equivalency must be pursuant to state or federal requirements.

(e) If the person has not practiced hair braiding previously:

(1) Has completed a minimum of 250 hours of training and education as follows:

(I) Fifty hours concerning the laws of Nevada and the regulations of the Board relating to cosmetology;

(II) Seventy-five hours concerning infection control and prevention and sanitation;

(III) Seventy-five hours regarding the health of the scalp and the skin of the human body; and

(IV) Fifty hours of clinical practice; and

(2) Has passed the practical demonstration in hair braiding and written tests described in NRS 644.248.

(f) If the person has practiced hair braiding in this State on a person who is related within the sixth degree of consanguinity without a license and without charging a fee:

(1) Has submitted to the Board a signed affidavit stating that the person has practiced hair braiding for at least 1 year on such a relative; and

(2) Has passed the practical demonstration in hair braiding and written tests described in NRS 644.248.

2. The application submitted pursuant to subsection 1 must be accompanied by:

(a) Two current photographs of the applicant which are 2 by 2 inches. The name and address of the applicant must be written on the back of each photograph.

(b) A copy of one of the following documents as proof of the age of the applicant:

(1) A driver's license or identification card issued to the applicant by this State or another state, the District of Columbia or any territory of the United States ~~[,]~~ ***or a tribal identification card issued by a tribal government which satisfies the requirements of subsection 3 of NRS 232.006;***

(2) The birth certificate of the applicant; or

(3) The current passport issued to the applicant.

Sec. 14. NRS 644.209 is hereby amended to read as follows:

644.209 1. The Board shall admit to examination as a hair braider, at any meeting of the Board held to conduct examinations, each person who has practiced hair braiding in another state, has applied to the Board in proper form and paid a fee of $200, and who:

(a) Is not less than 18 years of age.

(b) Is of good moral character.

(c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(d) Has successfully completed the 10th grade in school or its equivalent and has submitted to the Board a notarized affidavit establishing the successful completion by the applicant of the 10th grade or its equivalent. Testing for equivalency must be pursuant to state or federal requirements.

(e) If the person has practiced hair braiding in another state in accordance with a license issued in that other state:

(1) Has submitted to the Board proof of the license; and

(2) Has passed the written tests described in NRS 644.248.

(f) If the person has practiced hair braiding in another state without a license and it is legal in that state to practice hair braiding without a license:

(1) Has submitted to the Board a signed affidavit stating that the person has practiced hair braiding for at least 1 year; and

(2) Has passed the practical demonstration in hair braiding and written tests described in NRS 644.248.

2. The application submitted pursuant to subsection 1 must be accompanied by:

(a) Two current photographs of the applicant which are 2 by 2 inches. The name and address of the applicant must be written on the back of each photograph.

(b) A copy of one of the following documents as proof of the age of the applicant:

(1) A driver's license or identification card issued to the applicant by this State or another state, the District of Columbia or any territory of the United States ~~[;]~~ ***or a tribal identification card issued by a tribal government which satisfies the requirements of subsection 3 of NRS 232.006;***

(2) The birth certificate of the applicant; or

(3) The current passport issued to the applicant.

Sec. 15. This act becomes effective on July 1, 2017.

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 740 to Assembly Bill No. 415.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

The amendment allows certain types of businesses to decline tribal identification if it is reasonably determined that a federal law or regulation requires the use of a different form of identification.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 461.

The following Senate amendment was read:

Amendment No. 739.

SUMMARY—Designates ~~[the third week of January as]~~ "Peace Week" in the State of Nevada. (BDR 19-1037)

AN ACT relating to days of observance; designating ~~[the third week in January as]~~ "Peace Week" in the State of Nevada; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain days of observance in the State of Nevada to commemorate certain persons or occasions or to publicize information regarding certain important topics. (Chapter 236 of NRS) This bill designates the ~~[third]~~ week in January **that begins with Martin Luther King, Jr. Day and concludes the following Saturday** as "Peace Week" in the State of Nevada and requires the Governor to issue annually a proclamation encouraging the observance of "Peace Week."

WHEREAS, The provisions of this act require the State of Nevada to recognize "Peace Week" commencing on the day on which Martin Luther King, Jr. Day is observed and concluding the following Saturday; and

WHEREAS, "Peace Week" is designed to foster a statewide movement for a culture of peace and is recognized as an opportunity for the residents of this State to mark individual and organizational progress toward building such a culture; and

WHEREAS, "Peace Week" will serve as a reminder to the residents of this State of our permanent commitment to peace; and

WHEREAS, Peace education provided as part of "Peace Week" should be focused on helping students understand and manage conflict in their own lives and, from a greater perspective, learn how peace is fostered locally, statewide, nationally and internationally; and

WHEREAS, The activities of "Peace Week" are designed to empower the residents and visitors of this State to create and foster peace in each person's own life and in the lives of those around us; and

WHEREAS, "Peace Week" in the State of Nevada encourages all residents of this State to take part in activities that contribute to the creation of a more peaceful, compassionate, knowledgeable and unified State and world; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 236 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The ~~[third]~~ week of January that begins with Martin Luther King, Jr. Day and concludes the following Saturday is designated as "Peace Week" in the State of Nevada.

2. The Governor shall issue annually a proclamation encouraging the observance of "Peace Week" which must:

(a) Call upon the news media, educators, business and labor leaders and appropriate governmental officers to bring to the attention of the residents of this State the importance of promoting a culture of peace in this State and around the world;

(b) Encourage schools, individuals, businesses, community organizations and faith-based organizations to participate in the observance of a minute of silence for peace to be observed at noon on the second day of "Peace Week";

(c) Encourage schools, community organizations and faith-based organizations to offer peace education addressing ways in which persons can:

(1) Build bridges between polarized groups;

(2) Heal community wounds and relationships; and

(3) Advance the science of peace and teach the children of this State to live compassionately;

(d) Encourage residents of this State to:

(1) Engage in quiet reflection;

(2) Volunteer at local community-oriented nonprofit organizations;

(3) Commit to more peaceful in-home communications;

(4) Share time with and devote energy to a person in need of support; and

(5) Learn about a local or global issue relating to people or the environment; and

(e) Promote participation in or the planning of community-wide activities, including, without limitation:

(1) Assemblies and rallies for peace;

(2) Marathons and walks for peace;

(3) Competitions of written, artistic and other creative expressions focused on promoting peace; and

(4) The wearing or displaying of symbols of peace.

Sec. 2. This act becomes effective upon passage and approval.

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 739 to Assembly Bill No. 461.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

The amendment clarifies that Peace Week commences on the day on which Martin Luther King Day is observed and concludes the following Saturday.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 77.

The following Senate amendment was read:

Amendment No. 849.

AN ACT relating to education; revising provisions governing the membership of the English Mastery Council; revising provisions concerning reporting and monitoring of criminal cases and actions taken pursuant to criminal convictions of certain charter school employees and applicants for employment; revising provisions relating to the suspension of a license to teach; revising provisions relating to the qualifications for the issuance of a license to teach middle school, junior high school education or secondary education; revising provisions relating to reciprocal licensure; providing that teachers and other educational personnel may obtain a license to teach pupils in a program of early childhood education; revising provisions governing the assignment of certain teachers and administrators; revising provisions governing the Commission on Professional Standards in Education; requiring that any cost associated with employing a substitute teacher while a teacher who is a member of certain councils or commissions attends meetings must be paid by certain persons or governmental entities; transferring, from the State Board of Education to the Commission on Professional Standards in Education, responsibility for prescribing standards for approval of a course of study or training offered by an educational institution to qualify a person to

be a teacher or administrator or perform other educational functions; authorizing the Department of Education to waive certain fees for licensure for certain veterans and members of the Armed Forces and their spouses; requiring each school district to submit to the Department the overall performance rating for each licensed employee employed by the district; **revising provisions relating to professional development training;** authorizing the Department to charge and collect certain fees for the monitoring of certain criminal cases; authorizing the Department to charge and collect a fee to review certain information submitted by a prospective applicant for licensure; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 21 of this bill adds a license to teach pupils in a program of early childhood education to the kinds of licenses available for teachers and other educational personnel. **Section 21** also removes language specifying the particular grades the holder of a license to teach middle school or junior high school may teach and instead authorizes such a person to teach in any middle school or junior high school. **Section 24** of this bill increases the minimum amount of the fee that the Commission on Professional Standards in Education may impose for the issuance or renewal of a license to teach. **Section 24** authorizes the Department of Education to waive this fee for veterans of the Armed Forces, members of the Armed Forces who are on active duty and the spouses of such veterans and members of the Armed Forces.

Section 13 of this bill authorizes the Department of Education to charge and collect a fee to: (1) review information pertaining to a person's qualifications for a license to teach or perform other educational functions; and (2) provide feedback to the person concerning whether the information submitted indicates that the person may satisfy one or more of the requirements for the issuance of a license and, if so, the kind of license for which the person may be eligible.

Section 13 requires any such fee that is collected to be applied toward the fee prescribed for the issuance of a license if the Department determines from the information submitted that the person satisfies the requirements for the issuance of a license. Existing law creates the English Mastery Council and requires the Council to include two members who hold a master's degree to teach English as a second language and meet certain other criteria. (NRS 388.409) **Section 1.7** of this bill provides that these two members may hold an endorsement to teach English as a second language instead of holding a master's degree.

Existing law requires the Department to adopt regulations that establish a procedure for the notification, tracking and monitoring of the status of criminal cases involving licensed educational personnel. (NRS 391.055) **Section 4** of this bill requires the Department to adopt regulations that establish a similar procedure for the notification, tracking and monitoring of

the status of criminal cases involving teachers and administrators who are employed by a charter school but are not licensed.

Existing law requires the board of trustees of each school district and the governing body of each charter school to adopt a policy which requires a licensed employee of the school district or charter school to report to the school district or charter school if the employee is arrested for or convicted of a crime. (NRS 391.056) **Section 5** of this bill requires the governing body of a charter school to adopt a similar policy regarding a teacher or administrator who is not licensed but who is employed by a charter school as a teacher or administrator.

Existing law requires the superintendent of schools of each school district and the administrative head of each charter school to submit certain information relating to the arrest of a licensed employee to the Department. (NRS 391.057) **Section 6** of this bill requires the administrative head of each charter school to submit information relating to the arrest of an unlicensed teacher or administrator to the Department.

Existing law provides immunity from civil or criminal liability for any person who makes a report, causes or conducts an investigation, or submits information relating to a licensed employee who is arrested for or convicted of a crime. (NRS 391.059) **Section 7** of this bill extends this immunity from liability to every person who makes a report, causes or conducts an investigation or submits information relating to an unlicensed teacher or administrator who is arrested for or convicted of a crime.

Existing law authorizes the State Board of Education, after notice and an opportunity for a hearing, to suspend or revoke the license of any teacher, administrator or other licensed employee under certain circumstances, including, without limitation, conviction of the teacher, administrator or other licensed employee of a felony, a crime involving moral turpitude or certain sex offenses. (NRS 391.330) **Section 8** of this bill requires the governing body of a charter school to terminate the employment of any teacher or administrator who is employed by the charter school but is not licensed upon conviction of a felony, a crime involving moral turpitude or certain sex offenses.

Section 26 of this bill provides that the board of trustees of a school district need only seek to obtain the consent of a principal before transferring certain teachers or administrators to a school. **Section 26** also requires the superintendent of a school district to submit the plan to address the assignment of certain teachers and administrators to the State Board of Education. **Sections 10 and 27** of this bill authorize the Superintendent of Public Instruction to prescribe the date by which each charter school and school district must submit certain information regarding licensed employees employed by the governing body of the charter school or the school district during that year.

Section 27 requires the information submitted by a school district to include the overall performance rating of each licensed employee employed by the school district.

Existing law provides that if an employee's license lapses during a time that school is in session, a certain period must pass before the employee is suspended from employment. (NRS 391.3015) **Section 29** of this bill provides that if the Superintendent denies an application for renewal of a license, the licensee may be suspended immediately.

Under existing law, the membership of the Advisory Council on Parental and Family Engagement, the Commission on Professional Standards in Education, the Teachers and Leaders Council of Nevada and the Statewide Council for the Coordination of the Regional Training Programs includes one or more members who are teachers. (NRS 385.610, 391.015, 391.455, 391A.130) **Section 1** of this bill provides that any costs associated with employing a substitute teacher while a member who is a teacher attends a meeting of the Advisory Council **[,]** **must be paid by** the school district or charter school that employs the member **.** ~~[is responsible for such costs.]~~ **Sections 18, 30 and 31** of this bill also require the school district or charter school that employs the teacher to pay the cost associated with employing a substitute needed for a teacher to serve on one of the other bodies but also allow the organization that submitted the name of the member to the Governor for appointment to pay the cost.

Sections 15-17 of this bill revise provisions governing the membership, terms and officers of the Commission on Professional Standards in Education.

Existing law requires the Commission on Professional Standards in Education to adopt regulations governing examinations for the initial licensing of teachers and authorizes the Commission to provide an exemption from such examinations for teachers and other educational personnel from another state under certain circumstances. (NRS 391.021, 391.032) **Section 19** of this bill requires the regulations establishing these qualifications to require an applicant for a license to teach middle school, junior high school or high school to demonstrate proficiency in a field of specialization or area of concentration by successfully completing certain course work or passing a subject matter competency examination prescribed by the Department. **Sections 19, 20, 22 and 25.5** of this bill revise provisions governing initial licensure for teachers and educational personnel from other states who obtain a reciprocal license.

Section 23.3 of this bill transfers, from the State Board to the Commission on Professional Standards in Education, responsibility for prescribing standards for approval of a course of study or training offered by an educational institution to qualify a person to be a teacher or administrator or perform other educational functions. **Sections 23.5 and 25.7** of this bill make conforming changes.

Existing law requires the board of trustees of each school district and the governing body of each charter school to ensure that teachers and administrators have access to certain professional development training. (NRS 391A.370) Section 31.7 of this bill requires the State Board to adopt regulations prescribing standards for the professional development training provided to teachers and administrators employed by a school district or charter school. Section 33.2 of this bill requires the State Board to consider the findings and recommendations made by the Advisory Task Force on Educator Professional Development when adopting such regulations.

Existing law requires the board of trustees of each school district to submit an annual report that includes certain information regarding professional development for the immediately preceding year. (NRS 391A.205) Section 31.5 of this bill requires the State Board to prescribe by regulation the contents of this report.

Existing law creates regional training programs for the professional development of teachers and administrators and requires the governing body of each regional training program to submit an annual report. (NRS 391A.190) Section 31.3 of this bill requires this report to evaluate whether the training included certain standards of content and performance, curriculum, instruction and pedagogy. Section 31.3 also requires the information reported by the regional training program to be aggregated for each regional training program and disaggregated by each school district served by the program.

Section 33.5 of this bill repeals a provision requiring the Superintendent of Public Instruction to file with the clerk of the board of trustees of each school district a directory of all teachers and other educational personnel who are entitled to draw salaries from the county school district fund. **Section 1.5** of this bill makes a conforming change.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.610 is hereby amended to read as follows:

385.610 1. The Superintendent of Public Instruction shall establish an Advisory Council on Parental Involvement and Family Engagement. The Advisory Council is composed of 11 members.

2. The Superintendent of Public Instruction shall appoint the following members to the Advisory Council:

(a) Two parents or legal guardians of pupils enrolled in public schools;

(b) Two teachers in public schools;

(c) One administrator of a public school;

(d) One representative of a private business or industry;

(e) One member of the board of trustees of a school district in a county whose population is 100,000 or more;

(f) One member of the board of trustees of a school district in a county whose population is less than 100,000; and

(g) One member who is the President of the Board of Managers of the Nevada Parent Teacher Association or its successor organization, or a designee nominated by the President.

➥ The Superintendent of Public Instruction shall, to the extent practicable, ensure that the members the Superintendent appoints to the Advisory Council reflect the ethnic, economic and geographic diversity of this State.

3. The Speaker of the Assembly shall appoint one member of the Assembly to the Advisory Council.

4. The Majority Leader of the Senate shall appoint one member of the Senate to the Advisory Council.

5. The Advisory Council shall elect a Chair and Vice Chair from among its members. The Chair and Vice Chair serve a term of 1 year.

6. After the initial terms:

(a) The term of each member of the Advisory Council who is appointed by the Superintendent of Public Instruction is 3 years.

(b) The term of each member of the Advisory Council who is appointed by the Speaker of the Assembly and the Majority Leader of the Senate is 2 years.

7. The Department shall provide:

(a) Administrative support to the Advisory Council; and

(b) All information that is necessary for the Advisory Council to carry out its duties.

8. For each day or portion of a day during which a member of the Advisory Council who is a Legislator attends a meeting of the Advisory Council or is otherwise engaged in the business of the Advisory Council, except during a regular or special session of the Legislature, the member is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers generally; and

(c) Travel expenses provided pursuant to NRS 218A.655.

➥ The compensation, per diem allowances and travel expenses of the legislative members of the Advisory Council must be paid from the Legislative Fund.

9. A member of the Advisory Council who is not a Legislator is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which the member attends a meeting of the Advisory Council or is otherwise engaged in the business of the Advisory Council. The per diem allowance and travel expenses for the members of the Advisory Council who are not Legislators must be paid by the Department.

10. Any costs associated with employing a substitute teacher while a member of the Advisory Council who is a teacher attends a meeting of the

Advisory Council must be paid by the school district or charter school that employs the member.

Sec. 1.5. NRS 387.310 is hereby amended to read as follows:

387.310 1. Except as otherwise provided by the board of trustees, the clerk of the board shall draw all orders for the payment of money belonging to the school district. The orders must be listed on cumulative voucher sheets.

2. The board of trustees shall prescribe the procedures by which the orders must be approved and the cumulative voucher sheets signed. The procedures must provide:

(a) That the approval of the board of trustees is required before orders are paid unless a payment must be expedited for the school district to:

(1) Receive a discount or other savings which is related to the timeliness of payment;

(2) Avoid a service charge or other cost which is related to the timeliness of payment; or

(3) Abide by a purchase order, contract or other order for payment which has been approved by the board of trustees at a public meeting.

(b) For ratification by the board of trustees at its next regularly scheduled meeting of any payment that is made without the approval of the board pursuant to an exception set forth in paragraph (a).

3. When the orders have been approved and the cumulative voucher sheets have been signed in accordance with such procedures, the orders are valid vouchers in the hands of the county auditor for the county auditor to issue warrants on the county treasurer to be paid out of money belonging to the school district.

4. No order in favor of the board of trustees or any member thereof, except for salaries as required by NRS 386.320 or travel expenses and subsistence as authorized by NRS 386.290, may be drawn.

5. ~~[No order for salary for any teacher may be drawn unless the teacher is included in the directory of teachers supplied to the clerk of the board of trustees pursuant to the provisions of NRS 391.045.~~

~~6.]~~ An order drawn by a clerk of a board of trustees pursuant to subsection 1 is void if not presented for payment within 1 year after the date of issuance.

~~[7.]~~ ***6.*** Any order remaining unpaid after the expiration of 1 year, whether outstanding or uncalled for in the office of the county auditor, must be cancelled by the county auditor, who shall immediately notify the county treasurer of the cancellation. The county treasurer shall not pay a warrant presented for payment more than 1 year after the date of issuance of such an order. This subsection does not apply if the board of trustees establishes and administers a separate account pursuant to NRS 354.603.

Sec. 1.7. NRS 388.409 is hereby amended to read as follows:

388.409 1. The English Mastery Council is hereby created. The English Mastery Council consists of the following 16 members:

(a) The Superintendent of Public Instruction, or his or her designee, who serves as an ex officio member of the English Mastery Council.

(b) Two members who have knowledge and expertise in language acquisition and who represent the Nevada System of Higher Education, appointed by the Chancellor of the Nevada System of Higher Education.

(c) Two members who are teachers at public schools in this State, hold a master's degree to teach English as a second language ***or an endorsement to teach English as a second language*** and have knowledge and expertise in providing instruction to pupils who are limited English proficient, appointed by the Governor from a list of nominees submitted by the Nevada State Education Association, or its successor organization. The Governor shall ensure that the members appointed pursuant to this paragraph represent the geographic and ethnic diversity of this State.

(d) Two members who are parents or legal guardians of pupils who are limited English proficient, one of whom is appointed by the Governor from a list of nominees submitted by the Speaker of the Assembly and one of whom is appointed by the Governor from a list of nominees submitted by the Majority Leader of the Senate. The Governor shall ensure that the members appointed pursuant to this paragraph represent the geographic and ethnic diversity of this State. The Nevada Parent Teacher Association shall submit a list of names of persons that the Association would recommend for inclusion on the list of nominees submitted by the Speaker of the Assembly and the Majority Leader of the Senate.

(e) Two members who are school-level administrators, one of whom is employed by a school district in a county whose population is 100,000 or more and one of whom is employed by a school district in a county whose population is less than 100,000, appointed by the Governor from a list of nominees submitted by the Nevada Association of School Administrators.

(f) Two members who are school-district-level administrators, one of whom is employed by a school district in a county whose population is 100,000 or more and one of whom is employed by a school district in a county whose population is less than 100,000, appointed by the Governor from a list of nominees submitted by the Nevada Association of School Administrators.

(g) One member who is a member of a board of trustees of a school district, appointed by the Governor from a list of nominees submitted by the Nevada Association of School Boards.

(h) Two members who are representatives of the general public, private business and industry in this State or nonprofit organizations and who have been leaders in education reform related to pupils who are limited English proficient, appointed by the Governor.

(i) Two members with expertise in the development of public policy relating to the education of pupils who are limited English proficient, appointed by the Superintendent of Public Instruction upon the advice and

recommendation of persons who have knowledge and expertise in providing instruction to pupils who are limited English proficient.

2. Each appointed member of the English Mastery Council serves a term of 2 years and may be reappointed to additional terms.

3. A vacancy on the English Mastery Council must be filled in the same manner as the original appointment.

4. The English Mastery Council shall, at its first meeting and annually thereafter, elect a Chair from among its members.

5. The English Mastery Council shall meet at least quarterly and may meet at other times upon the call of the Chair.

6. Members of the English Mastery Council serve without compensation, except that for each day or portion of a day during which a member of the Council attends a meeting of the Council or is otherwise engaged in the business of the Council, the member is entitled to receive the per diem allowances and travel expenses provided for state officers and employees generally.

7. A member of the English Mastery Council who is a public employee must be granted administrative leave from the member's duties to engage in the business of the Council without loss of his or her regular compensation. Such leave does not reduce the amount of the member's other accrued leave.

8. The English Mastery Council may apply for and accept gifts, grants, donations and contributions from any source for the purpose of carrying out its duties pursuant to NRS 388.411.

9. The Department shall provide administrative support to the English Mastery Council.

Sec. 2. Chapter 388A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 8, inclusive, of this act.

Sec. 3. ***As used in sections 3 to 8, inclusive, of this act, "arrest" has the meaning ascribed to it in NRS 171.104.***

Sec. 4. ***1. The Department shall adopt regulations that establish a procedure for the notification, tracking and monitoring of the status of criminal cases involving teachers and administrators who are employed by a charter school but are not licensed pursuant to chapter 391 of NRS. The procedure must include, without limitation:***

(a) The method by which the administrative head of a charter school must notify the Department in a timely manner of the arrest of such an employee if:

(1) The act for which the employee is arrested:

(I) May be a ground for the suspension or revocation of a person's license pursuant to NRS 391.330; and

(II) Is not excluded by the Department from the notification requirements of this section; and

(2) The charter school has knowledge of the arrest.

(b) The method by which the administrative head of a charter school must notify the Department in a timely manner of:

(1) Each action, if any, taken against the employee by the charter school after the arrest; and

(2) The conviction of the employee, if the employee is convicted of the act for which he or she was arrested.

(c) The steps the Department must follow in response to the receipt of notice pursuant to this section, including, without limitation, the preparation of a separate file on the employee for the documentation and monitoring of the status of the case.

2. Each file that is maintained on an employee pursuant to subsection 1 must include, without limitation:

(a) The date on which the employee was arrested and the date on which the Department received notice of the arrest from the charter school;

(b) The reason why the employee was arrested;

(c) The steps taken by the Department in response to all notices received by the Department from a charter school pursuant to subsection 1; and

(d) The final resolution of the case and the date of resolution.

3. If the Department maintains a file on an employee pursuant to this section and the employee is not convicted of an offense, the file and any related documents must not be made a part of that employee's permanent employment record.

4. The Department may prescribe a fee to be assessed against a charter school for the costs incurred by the Department for tracking and monitoring the status of a criminal case in accordance with the requirements prescribed pursuant to this section. Any fee prescribed pursuant to this section must be calculated to produce the revenue estimated to cover the costs related to tracking and monitoring the status of a criminal case, but the amount of the fee for tracking and monitoring the status of a criminal case must not exceed the actual cost to the Department of tracking and monitoring the status of the criminal case.

Sec. 5. *The governing body of each charter school shall adopt a policy which requires a person who is employed by the charter school as a teacher or administrator but who is not licensed pursuant to chapter 391 of NRS to report to the charter school if the employee is arrested for or convicted of a crime. The policy must include, without limitation, an identification of:*

1. The crimes for which an arrest or conviction must be reported;

2. The person to whom the report must be made; and

3. The time period after the arrest or conviction in which the report must be made.

Sec. 6. *The administrative head of each charter school shall submit all information required by the Department pursuant to section 4 of this act within the period prescribed by the Department.*

Sec. 7. *Immunity from civil or criminal liability extends to every person who, pursuant to sections 3 to 8, inclusive, of this act, in good faith:*

1. Participates in the making of a report;

2. Causes or conducts an investigation of a person who is employed by the charter school as a teacher or administrator who is not licensed pursuant to chapter 391 of NRS and who is arrested; or

3. Submits information to the Department concerning a person who is employed by the charter school as a teacher or administrator, who is not licensed pursuant to chapter 391 of NRS and who is arrested.

Sec. 8. ***The governing body of a charter school shall terminate the employment of any teacher or administrator who is employed by the charter school but is not licensed pursuant to chapter 391 of NRS upon his or her conviction of a:***

1. Felony or crime involving moral turpitude; or

2. Sex offense pursuant to NRS 200.366, 200.368, 201.190, 201.220, 201.230, 201.540 or 201.560.

Sec. 9. NRS 388A.515 is hereby amended to read as follows:

388A.515 1. Each applicant for employment with a charter school, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, must, as a condition to employment, submit to the governing body of the charter school a complete set of the applicant's fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

2. If the reports on the criminal history of an applicant indicate that the applicant has not been convicted of a ~~[felony or an offense involving moral turpitude,]~~ ***crime listed in section 8 of this act,*** the governing body of the charter school may employ the applicant.

3. If a report on the criminal history of an applicant indicates that the applicant has been convicted of a felony or an offense involving moral turpitude and the governing body of the charter school does not disqualify the applicant from further consideration of employment on the basis of that report, the governing body shall, upon the written authorization of the applicant, forward a copy of the report to the Superintendent of Public Instruction. If the applicant refuses to provide his or her written authorization to forward a copy of the report pursuant to this subsection, the charter school shall not employ the applicant.

4. ~~[The]~~ ***Not later than 15 days after receiving a report on the criminal history of an applicant, the*** Superintendent of Public Instruction or the Superintendent's designee shall ~~[promptly]~~ review the report to determine whether the conviction of the applicant is related or unrelated to the position with the charter school for which the applicant has applied. If the applicant desires employment with the charter school, the applicant shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the

designee determines is necessary to make the determination. If the governing body of the charter school desires to employ the applicant, the governing body shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. The Superintendent of Public Instruction or the Superintendent's designee shall provide written notice of the determination to the applicant and to the governing body of the charter school.

5. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant is related to the position with the charter school for which the applicant has applied, the governing body of the charter school shall not employ the applicant. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant is unrelated to the position with the charter school for which the applicant has applied, the governing body of the charter school may employ the applicant for that position.

Sec. 10. NRS 388A.524 is hereby amended to read as follows:

388A.524 1. A charter school shall not employ a person pursuant to NRS 388A.518 or 388A.521 if the person's license to teach or provide other educational services has been revoked or suspended in this State or another state.

2. ~~[On or before November 15 of each year, a]~~ ***A*** charter school shall ***annually, on or before the date prescribed by the Superintendent of Public Instruction,*** submit to the Department, in a format prescribed by the Superintendent of Public Instruction, the following information for each person who is licensed pursuant to chapter 391 of NRS and who is employed by the governing body ~~[on October 1 of]~~ ***during*** that year:

(a) The amount of salary or compensation of the licensed person, including, without limitation, verification of compliance with subsection 2 of NRS 388A.521, if applicable to that person; and

(b) The designated assignment, as that term is defined by the Department, of the licensed person.

Sec. 11. NRS 388A.533 is hereby amended to read as follows:

388A.533 1. All employees of a charter school shall be deemed public employees.

2. ~~[The]~~ ***Except as otherwise provided in section 8 of this act, the*** governing body of a charter school may make all decisions concerning the terms and conditions of employment with the charter school and any other matter relating to employment with the charter school. In addition, the governing body may make all employment decisions with regard to its employees pursuant to NRS 391.650 to 391.830, inclusive, unless a collective bargaining agreement entered into by the governing body pursuant to chapter 288 of NRS contains separate provisions relating to the discipline of licensed employees of a school.

3. Upon the request of the governing body of a charter school, the board of trustees of a school district shall, with the permission of the licensed employee who is seeking employment with the charter school, transmit to the governing body a copy of the employment record of the employee that is maintained by the school district. The employment record must include, without limitation, each evaluation of the licensed employee conducted by the school district and any disciplinary action taken by the school district against the licensed employee.

Sec. 12. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 13 and 14 of this act.

Sec. 13. ***1. The Department may charge and collect a fee of $50 to review information pertaining to and provide feedback concerning a person's qualifications for a license to teach or perform other educational functions, including, without limitation, records from a college or other educational institution and scores on examinations administered pursuant to the regulations adopted by the Commission, before the person applies for such a license. Except as otherwise provided in subsection 4, the money received from the fee collected pursuant to this section must be deposited with the State Treasurer for credit to the appropriate account of the Department.***

2. Upon submission and payment of the fee prescribed pursuant to subsection 1, the Department shall review the information submitted pursuant to that subsection and provide feedback to a person concerning whether the information submitted by the person is indicative of whether the person appears to satisfy all or some of the requirements for the issuance of a license and, if so, the kind of license for which it appears the person may satisfy the requirements.

3. The submission of information pursuant to subsection 1 or any feedback provided by the Department pursuant to subsection 2 is not a substitute for the application process prescribed by NRS 391.033 and does not confer upon any person a right to the issuance of a license.

4. If the Department determines from the information submitted pursuant to subsection 1 that the person satisfies the requirements for the issuance of a license, the fee prescribed pursuant to subsection 1 must be applied toward the fee prescribed for the initial issuance of a license by the Commission pursuant to NRS 391.040.

Sec. 14. (Deleted by amendment.)

Sec. 15. NRS 391.011 is hereby amended to read as follows:

391.011 1. The Commission on Professional Standards in Education, consisting of ~~[~~nine~~]~~ ***eleven*** members appointed by the Governor, is hereby created.

2. ~~[~~Four~~]~~ ***Five*** members of the Commission must be teachers who teach in the classroom as follows:

(a) One who ***holds a license to teach secondary education and*** teaches in a secondary school.

(b) One who ***holds a license to teach middle school or junior high school education and*** teaches in a middle school or junior high school.

(c) One who ***holds a license to teach elementary education and*** teaches in an elementary school.

(d) One who ***holds a license to teach special education and*** teaches special education.

(e) One who holds a license to teach pupils in a program of early childhood education and teaches in a program of early childhood education.

3. The remaining members of the Commission must include:

(a) One ***school*** counselor ***,*** ~~[or]~~ psychologist ***, speech-language pathologist, audiologist, or social worker who is licensed pursuant to chapter 391 of NRS and*** employed by a school district ~~[.]~~ ***or charter school.***

(b) Two administrators of schools ~~[, at least one of whom must be]~~ ***who are employed by*** a ~~[principal of a school.]~~ ***school district or charter school to provide administrative service at an individual school. Such administrators must not provide service at the district level.***

(c) The dean of the College of Education at one of the universities in the Nevada System of Higher Education, or a representative of one of the Colleges of Education nominated by such a dean for appointment by the Governor.

(d) One member who is ~~[a representative]~~ ***the parent or legal guardian*** of ~~[the general]~~ ***a pupil enrolled in a*** public ~~[.]~~ ***school.***

(e) One member who has expertise and experience in the operation of a business.

4. ~~[The appointments of a counselor, the administrators and three]~~ ***Three*** of the ~~[four teachers]~~ ***five appointments made pursuant to subsection 2*** must be made from a list of names of at least three persons for each position that is submitted to the Governor ~~[:~~

~~(a) For the counselor and teachers,]~~ by an employee organization representing the majority of ~~[counselors and the majority of]~~ teachers in the State ~~[of Nevada]~~ who teach in the educational level from which the appointment is being made ***.*** ~~[; or~~

~~(b) For administrators, by an organization of administrators for schools in which the majority of administrators of schools in this State have membership.]~~

5. ~~[One member]~~ ***The appointment made pursuant to:***

(a) Paragraph (a) of ***subsection 3 must be made from a list of names of at least three persons that is submitted to*** the ~~[Commission who is a teacher, administrator, counselor or psychologist must be employed by a private school licensed pursuant to chapter 394 of NRS.]~~ ***Governor by an employee organization representing the majority of school counselors, psychologists, speech-language pathologists, audiologists or social workers in this State who are not administrators.***

(b) Paragraph (b) of subsection 3 must be made from a list of names of at least three persons for each position that is submitted to the Governor by the organization of administrators for schools in which the majority of administrators of schools in this State have membership.

(c) Paragraph (d) of subsection 3 must be made from a list of names of persons submitted to the Governor by the Nevada Parent Teacher Association or its successor organization.

Sec. 16. NRS 391.013 is hereby amended to read as follows:

391.013 No member of the Commission ~~[who is a teacher, counselor, administrator or representative of the general public]~~ may serve more than two terms.

Sec. 17. NRS 391.015 is hereby amended to read as follows:

391.015 1. The Commission shall ***annually*** elect one of its members as President ~~[.]~~ ***and one of its members as Vice President,*** to serve at the pleasure of the Commission.

2. The Superintendent of Public Instruction or the Superintendent's designee shall serve as the nonvoting Secretary to the Commission. The Secretary shall coordinate the activities of the Commission.

Sec. 18. NRS 391.017 is hereby amended to read as follows:

391.017 1. The Commission may meet at least once each month.

2. A majority of the Commission constitutes a quorum for the transaction of business.

3. The members of the Commission are entitled to the travel expenses and subsistence allowances provided by law for state officers and employees generally while attending meetings of the Commission.

4. Any costs associated with employing a substitute teacher while a member of the Commission who is a teacher attends a meeting of the Commission must be:

(a) Paid by the school district or charter school that employs the member; or

(b) Reimbursed to the school district or charter school that employs the member by the organization that submitted the name of the member to the Governor for appointment pursuant to paragraph (a), (b) or (c) of subsection 5 of NRS 391.011.

Sec. 19. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations:

(a) Prescribing the qualifications for licensing teachers and other educational personnel, including, without limitation, the qualifications for a license to teach middle school or junior high school education, and the procedures for the issuance and renewal of those licenses. The regulations:

(1) Must include, without limitation, the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure which provides that the required education and training may be provided by any qualified provider which has been approved by the Commission,

including, without limitation, institutions of higher education and other providers that operate independently of an institution of higher education. The regulations adopted pursuant to this subparagraph must:

(I) Establish the requirements for approval as a qualified provider;

(II) Require a qualified provider to be selective in its acceptance of students;

(III) Require a qualified provider to provide supervised, school-based experiences and ongoing support for its students, such as mentoring and coaching;

(IV) Significantly limit the amount of course work required or provide for the waiver of required course work for students who achieve certain scores on tests;

(V) Allow for the completion in 2 years or less of the education and training required under the alternative route to licensure;

(VI) Provide that a person who has completed the education and training required under the alternative route to licensure and who has satisfied all other requirements for licensure may apply for a regular license pursuant to sub-subparagraph (VII) regardless of whether the person has received an offer of employment from a school district, charter school or private school; and

(VII) Upon the completion by a person of the education and training required under the alternative route to licensure and the satisfaction of all other requirements for licensure, provide for the issuance of a regular license to the person pursuant to the provisions of this chapter and the regulations adopted pursuant to this chapter.

(2) ***Must require an applicant for a license to teach middle school or junior high school education or secondary education to demonstrate proficiency in a field of specialization or area of concentration by successfully completing course work prescribed by the Department or completing a subject matter competency examination prescribed by the Department with a score deemed satisfactory.***

(3) Must not prescribe qualifications which are more stringent than the qualifications set forth in NRS 391.0315 for a licensed teacher who applies for an additional license in accordance with that section.

(b) Identifying fields of specialization in teaching which require the specialized training of teachers.

(c) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization, including, without limitation, an endorsement to teach English as a second language based upon the recommendations of the English Mastery Council pursuant to NRS 388.411.

(d) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(e) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without

limitation, being registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting.

(f) Requiring teachers and other educational personnel to be registered with the Aging and Disability Services Division pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting if they:

(1) Provide instruction or other educational services; and

(2) Concurrently engage in the practice of interpreting, as defined in NRS 656A.060.

(g) Providing for the issuance and renewal of a special qualifications license to an applicant who holds a bachelor's degree, a master's degree or a doctoral degree from an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and who has:

(1) At least 2 years of experience teaching at an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and at least 3 years of experience working in that field; or

(2) At least 5 years of experience working in a field for which the applicant will provide instruction in a classroom.

➥ An applicant for licensure pursuant to this paragraph who holds a bachelor's degree must submit proof of participation in a program of student teaching or mentoring or agree to participate in a program of mentoring or courses of pedagogy for the first 2 years of the applicant's employment as a teacher with a school district or charter school.

(h) Requiring an applicant for a special qualifications license to:

(1) Pass each examination required by ***subsection 1 of*** NRS 391.021 for the specific subject or subjects in which the applicant will provide instruction; or

(2) Hold a valid license issued by a professional licensing board of any state that is directly related to the subject area of the bachelor's degree, master's degree or doctoral degree held by the applicant.

(i) Setting forth the subject areas that may be taught by a person who holds a special qualifications license, based upon the subject area of the bachelor's degree, master's degree or doctoral degree held by that person.

(j) Providing for the issuance and renewal of a special qualifications license to an applicant who:

(1) Holds a bachelor's degree or a graduate degree from an accredited college or university in the field for which the applicant will be providing instruction;

(2) Is not licensed to teach public school in another state;

(3) Has at least 5 years of experience teaching with satisfactory evaluations at a school that is accredited by a national or regional accrediting agency recognized by the United States Department of Education; and

(4) Submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring for the first year of the applicant's employment as a teacher with a school district or charter school if the applicant holds a graduate degree or, if the applicant holds a bachelor's degree, submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring or courses of pedagogy for the first 2 years of his or her employment as a teacher with a school district or charter school.

➥ An applicant for licensure pursuant to this paragraph is exempt from each examination required by ***subsection 1 of*** NRS 391.021 if the applicant successfully passed the examination in another state.

(k) Prescribing course work on parental involvement and family engagement. The Commission shall work in cooperation with the Office of Parental Involvement and Family Engagement created by NRS 385.630 in developing the regulations required by this paragraph.

2. Except as otherwise provided in NRS 391.027, the Commission may adopt such other regulations as it deems necessary for its own government or to carry out its duties.

3. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

4. A person who is licensed pursuant to paragraph (g) or (j) of subsection 1:

(a) Shall comply with all applicable statutes and regulations.

(b) Except as otherwise provided by specific statute, is entitled to all benefits, rights and privileges conferred by statutes and regulations on licensed teachers.

(c) Except as otherwise provided by specific statute, if the person is employed as a teacher by the board of trustees of a school district or the governing body of a charter school, is entitled to all benefits, rights and privileges conferred by statutes and regulations on the licensed employees of a school district or charter school, as applicable.

Sec. 20. NRS 391.021 is hereby amended to read as follows:

391.021 ***1.*** Except as otherwise provided in paragraph (j) of subsection 1 of NRS 391.019 and NRS 391.027, the Commission shall adopt regulations governing examinations for the initial licensing of teachers and other educational personnel. The ***regulations adopted by the Commission must ensure that the*** examinations ~~[must]~~ test the ability of the applicant to teach and the applicant's knowledge of each specific subject he or she proposes to

teach. ~~[Each]~~ ***Except as otherwise provided in subsection 2, teachers and educational personnel from another state who obtain a reciprocal license pursuant to NRS 391.032 are not required to take the examinations for the initial licensing of teachers and other educational personnel described in this subsection or any other examination for initial licensing required by the regulations adopted by the Commission.***

2. Except as otherwise provided in subsection 3, in addition to the examinations for the initial licensing of teachers and other educational personnel governed by the regulations adopted by the Commission pursuant to subsection 1, an applicant for initial licensure must take and successfully pass an examination ~~[must include]~~ ***on*** the following subjects:

~~[1.]~~ ***(a)*** The laws of Nevada relating to schools;

~~[2.]~~ ***(b)*** The Constitution of the State of Nevada; and

~~[3.]~~ ***(c)*** The Constitution of the United States.

~~[~~**~~]~~** ***3.*** The ~~[provisions of this section do not prohibit the]~~ Commission ~~[from adopting]~~ ***may adopt*** regulations ~~[pursuant to subsection 2 of NRS 391.032 that]~~ ***which*** provide ~~[an exemption from the examinations for]~~ ***that*** teachers and other educational personnel from another state ~~[if the Commission determines that the examinations required for initial licensure for teachers and other educational personnel in that state are comparable to the examinations required for initial licensure in this State.]~~ ***who obtain a reciprocal license pursuant to NRS 391.032 may obtain an exemption from the requirement to take the examination required by subsection 2.***

Sec. 21. NRS 391.031 is hereby amended to read as follows:

391.031 There are the following kinds of licenses for teachers and other educational personnel in this State:

1. ***A license to teach pupils in a program of early childhood education, which authorizes the holder to teach in any program of early childhood education in the State.***

2. A license to teach elementary education, which authorizes the holder to teach in any elementary school in the State.

~~[2.]~~ ***3.*** A license to teach middle school or junior high school education, which authorizes the holder to teach in his or her major or minor field of preparation or in both fields in ~~[grades 7, 8 and 9 at]~~ any middle school or junior high school. He or she may teach only in these fields unless an exception is approved pursuant to regulations adopted by the Commission.

~~[3.]~~ ***4.*** A license to teach secondary education, which authorizes the holder to teach in his or her major or minor field of preparation or in both fields in any secondary school. He or she may teach only in these fields unless an exception is approved pursuant to regulations adopted by the Commission.

~~[4.]~~ ***5.*** A license to teach special education, which authorizes the holder to teach pupils with disabilities or gifted and talented pupils, or both.

~~[5.]~~ ***6.*** A special license, which authorizes the holder to teach or perform other educational functions in a school or program as designated in the license.

~~[6.]~~ ***7.*** A special license designated as a special qualifications license, which authorizes the holder to teach only in the grades and subject areas designated in the license. A special qualifications license is valid for 3 years and may be renewed in accordance with the applicable regulations of the Commission adopted pursuant to paragraph (g) or (j) of subsection 1 of NRS 391.019.

Sec. 22. NRS 391.032 is hereby amended to read as follows:

391.032 1. Except as otherwise provided in NRS 391.027, the Commission shall:

(a) ~~[Consider and may adopt]~~ ***Adopt*** regulations which provide for the issuance of ~~[conditional]~~ ***provisional*** licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State.

(b) Adopt regulations which provide for the reciprocal licensure of educational personnel from other states including, without limitation, for the reciprocal licensure of persons who hold a license to teach special education. Such regulations must include, without limitation, provisions for the reciprocal licensure of persons who obtained a license pursuant to an alternative route to licensure which the ~~[Commission]~~ ***Department*** determines is as rigorous or more rigorous than the alternative route to licensure prescribed pursuant to subparagraph (1) of paragraph (a) of subsection 1 of NRS 391.019.

2. ~~[The regulations adopted pursuant to paragraph (b) of subsection 1 may provide an exemption from the examinations required for initial licensure for teachers and other educational personnel from another state if the Commission determines that the examinations required for initial licensure for teachers and other educational personnel in that state are comparable to the examinations required for initial licensure in this State.~~

~~3.]~~ A person who is issued a ~~[conditional]~~ ***provisional*** license must complete all courses of study and other requirements for a license in this State which is not ~~[conditional]~~ ***provisional*** within 3 years after the date on which a ~~[conditional]~~ ***provisional*** license is issued.

Sec. 23. NRS 391.033 is hereby amended to read as follows:

391.033 1. All licenses for teachers and other educational personnel are granted by the Superintendent of Public Instruction pursuant to regulations adopted by the Commission and as otherwise provided by law.

2. An application for the issuance of a license must include the social security number of the applicant.

3. Every applicant for a license must submit with his or her application a complete set of his or her fingerprints and written permission authorizing the Superintendent to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its initial report on the criminal

history of the applicant and for reports thereafter upon renewal of the license pursuant to subsection 7 of NRS 179A.075, and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

4. The Superintendent may issue a provisional license pending receipt of the reports of the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History if the Superintendent determines that the applicant is otherwise qualified.

5. A license must be issued to, or renewed for, as applicable, an applicant if:

(a) The Superintendent determines that the applicant is qualified;

(b) The reports on the criminal history of the applicant from the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History:

(1) Do not indicate that the applicant has been convicted of a felony or any offense involving moral turpitude; or

(2) Indicate that the applicant has been convicted of a felony or an offense involving moral turpitude but the Superintendent determines that the conviction is unrelated to the position within the county school district or charter school for which the applicant applied or for which he or she is currently employed, as applicable; and

(c) For initial licensure, the applicant submits the statement required pursuant to NRS 391.034.

6. If the Superintendent denies an application pursuant to this section, the Superintendent must, within 15 days after the date on which the application is denied, provide notice of the denial to the school district or charter school that employs the applicant if the applicant is employed by a school district or charter school. Such notice must not state the reasons for denial.

Sec. 23.3. NRS 391.037 is hereby amended to read as follows:

391.037 1. The ~~[State Board]~~ ***Commission*** shall:

(a) Prescribe by regulation the standards for approval of a course of study or training offered by an educational institution to qualify a person to be a teacher or administrator or to perform other educational functions. The regulations prescribed pursuant to this paragraph must include, without limitation, training on how to identify a pupil who is at risk for dyslexia or related disorders.

(b) Maintain descriptions of the approved courses of study required to qualify for endorsements in fields of specialization and provide to an applicant, upon request, the approved course of study for a particular endorsement.

2. Except for an applicant who submits an application for the issuance of a license pursuant to subparagraph (1) of paragraph (a) or paragraph (g) or (j) of subsection 1 of NRS 391.019, an applicant for a license as a teacher or administrator or to perform some other educational function must submit with his or her application, in the form prescribed by the Superintendent of

Public Instruction, proof that the applicant has satisfactorily completed a course of study and training approved by the ~~[State Board]~~ ***Commission*** pursuant to subsection 1.

Sec. 23.5. NRS 391.038 is hereby amended to read as follows:

391.038 1. The ~~[State Board,]~~ ***Commission,*** in consultation with educational institutions in this State which offer courses of study and training for the education of teachers, the board of trustees of each school district in this State and other educational personnel, shall review and evaluate a course of study and training offered by an educational institution which is designed to provide the education required for:

(a) The licensure of teachers or other educational personnel;

(b) The renewal of licenses of teachers or other educational personnel; or

(c) An endorsement in a field of specialization.

➥ If the course of study and training meets the requirements established by the ~~[State Board,]~~ ***Commission,*** it must be approved by the ~~[State Board.]~~ ***Commission.*** The ~~[State Board]~~ ***Commission*** shall not approve a course of study or training unless the course of study and training provides instruction, to the extent deemed necessary by the ~~[State Board,]~~ ***Commission,*** in the standards of content and performance prescribed by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520.

2. The ~~[State Board]~~ ***Commission*** may review and evaluate such courses of study and training itself or may recognize a course of study and training approved by a national agency for accreditation acceptable to the ~~[Board.]~~ ***Commission.***

3. The ~~[State Board]~~ ***Commission*** shall adopt regulations establishing fees for the review by the ~~[Board]~~ ***Commission*** of a course of study and training submitted to the ~~[Board]~~ ***Commission*** by an educational institution.

4. The ~~[State Board,]~~ ***Commission,*** in consultation with educational institutions in this State which offer courses of study and training for the education of teachers and other educational personnel, shall adopt regulations governing the approval by the ~~[State Board]~~ ***Commission*** of courses of study and training.

5. If the ~~[State Board]~~ ***Commission*** denies or withdraws its approval of a course of study or training, the educational institution is entitled to a hearing and judicial review of the decision of the ~~[State Board.]~~ ***Commission.***

Sec. 23.7. NRS 391.039 is hereby amended to read as follows:

391.039 1. The State Board shall, on an annual basis, evaluate each provider approved by ~~[the State Board or]~~ the Commission to offer a course of study or training designed to qualify a person to be a teacher or administrator or to perform other educational functions, including, without limitation, a qualified provider approved by the Commission pursuant to subparagraph (1) of paragraph (a) of subsection 1 of NRS 391.019 to offer an alternative route to licensure. The evaluation must include, without limitation, for each provider, the number of persons:

(a) Who received a license pursuant to this chapter after completing the education, course of study or training offered by the provider; and

(b) Identified in paragraph (a) who are employed by a school district or a charter school in this State after receiving a license and information relating to the performance evaluations of those persons conducted by the school district or charter school. The information relating to the performance evaluations must be reported in an aggregated format and not reveal the identity of a person.

2. The Department shall post on its Internet website the evaluation conducted pursuant to subsection 1.

Sec. 24. NRS 391.040 is hereby amended to read as follows:

391.040 1. The Commission shall fix fees of not less than ~~[$65]~~ ***$100*** for the:

(a) Initial issuance of a license, which must include the fees for processing the fingerprints of the applicant by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation; and

(b) Renewal of a license, which must include the fees for processing the fingerprints of the applicant for renewal by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation.

2. The fee for issuing a duplicate license is the same as for issuing the original.

3. The portion of each fee which represents the amount charged by the Federal Bureau of Investigation for processing the fingerprints of the applicant must be deposited with the State Treasurer for credit to the appropriate account of the Department of Public Safety. The remaining portion of the money received from the fees must be deposited with the State Treasurer for credit to the appropriate account of the Department of Education.

4. The Department of Education may waive any fee for the initial issuance of a license, the renewal of a license or the issuance of a duplicate license for an applicant or licensee who is a veteran of the Armed Forces of the United States, an applicant or licensee who is a member of the Armed Forces of the United States who is on active duty or an applicant or licensee who is the spouse of such a veteran or member of the Armed Forces of the United States.

Sec. 25. (Deleted by amendment.)

Sec. 25.5. NRS 391.090 is hereby amended to read as follows:

391.090 1. ~~[Any]~~ ***Except as otherwise provided in subsection 3, any*** person who is:

(a) Granted a license to teach or perform other educational functions in the public schools of Nevada, in the school conducted at the Nevada Youth Training Center, the Caliente Youth Center or any other state facility for the detention of children that is operated pursuant to title 5 of NRS or for any program of instruction for kindergarten or grades 1 to 12, inclusive, conducted at any correctional institution in the Department of Corrections; or

(b) Charged with the duty at the Nevada Youth Training Center, the Caliente Youth Center or any other state facility for the detention of children that is operated pursuant to title 5 of NRS of giving instruction in the Constitution of the United States and the Constitution of the State of Nevada,

➥ must show, by examination or credentials showing college, university or normal school study, satisfactory evidence of adequate knowledge of the origin, history, provisions and principles of the Constitution of the United States and the Constitution of the State of Nevada.

2. The Commission may grant a reasonable time for compliance with the terms of this section.

3. The Department may waive the requirements of subsection 1 for a person who obtains a reciprocal license pursuant to NRS 391.032.

Sec. 25.7. NRS 391.095 is hereby amended to read as follows:

391.095 1. A school district may enter into an agreement with a branch of the Nevada System of Higher Education or an accredited postsecondary educational institution which is licensed by the Commission on Postsecondary Education and which offers courses of study and training for the education of teachers which are approved or recognized by the ~~[~~State Board~~]~~ ***Commission*** pursuant to NRS 391.038, for the assignment of students for training purposes as student teachers, counselors or trainees in a library, or for experience in a teaching laboratory. Students so assigned within the school district for training purposes may, under the direction and supervision of a licensed teacher, instruct and supervise pupils in the school, on the school grounds or on authorized field trips. The students so assigned are employees of the school district for purposes of NRS 41.038 and 41.039, while performing such authorized duties, whether or not the duties are performed entirely in the presence of the licensed teacher.

2. As used in this section:

(a) "Accredited" has the meaning ascribed to it in NRS 394.006.

(b) "Postsecondary educational institution" has the meaning ascribed to it in NRS 394.099.

Sec. 26. NRS 391.102 is hereby amended to read as follows:

391.102 1. Notwithstanding the provisions of any collective bargaining agreement or contract of employment to the contrary, before the board of trustees of a school district may transfer a teacher or administrator who has received an evaluation designating his or her overall performance as minimally effective or ineffective to another school as a result of decreased enrollment, administrative transfer or a reduction in workforce at a public school, the board of trustees of the school district must ~~[~~obtain~~]~~ ***seek*** the consent of the principal of the school to which the teacher or administrator is proposed to be transferred. If such consent is not obtained, the superintendent of schools of the school district:

(a) May assign the teacher or administrator to a school within the district other than the school from which the teacher or administrator was transferred; and

(b) May assign the teacher or administrator to the school at which the principal did not consent to the transfer of the teacher or administrator.

2. The superintendent of schools of a school district shall develop ***and submit to the State Board*** a plan to address the assignment of teachers or administrators who have received evaluations designating their overall performance as minimally effective or ineffective when the consent of a principal to a transfer pursuant to subsection 1 is not obtained. Such a plan must include, without limitation, a plan for any such teacher or administrator to receive assistance to help the teacher or administrator, as applicable, meet the standards for effective teaching, which may include, without limitation, peer assistance and review, participation in programs of professional development and other appropriate training.

Sec. 27. NRS 391.120 is hereby amended to read as follows:

391.120 1. Boards of trustees of the school districts in this State may employ legally qualified teachers and other licensed personnel and may determine their salaries and the length of the term of school for which they are employed. These conditions and any other conditions agreed upon by the parties must be embodied in a written contract, or notice of reemployment, to be approved by the board of trustees and accepted and signed by the employee. A copy of the contract or notice of reemployment, properly written, must be delivered to each teacher or other licensed employee not later than the opening of the term of school.

2. A board of trustees may not employ teachers or other licensed personnel for any school year commencing after the expiration of the time for which any member of the board of trustees was elected or appointed.

3. It is unlawful for the board of trustees of any school district to employ any teacher who is not legally qualified to teach all the grades which the teacher is engaged to teach. Except as otherwise provided in NRS 391.3015, the board of trustees shall suspend or terminate, as applicable, the employment of any teacher who fails to maintain a license issued pursuant to this chapter in force, if such a license is required for employment. Any such suspension or termination must comply with the requirements of NRS 391.301 to 391.309, inclusive.

4. ~~[On or before November 15 of each year, the]~~ ***The*** school district shall ***annually, on or before the date prescribed by the Superintendent of Public Instruction,*** submit to the Department, in a form prescribed by the Superintendent of Public Instruction, the following information for each licensed employee employed by the school district ~~[on October 1 of]~~ ***during*** that year:

(a) The amount of salary of the employee; ~~[and]~~

(b) The designated assignment, as that term is defined by the Department, of the employee ~~[.]~~ ***; and***

(c) The overall performance rating of the employee as highly effective, effective, minimally effective or ineffective under the statewide

performance evaluation system established by the State Board pursuant to NRS 391.465 and the criteria for making the designation.

5. Except as otherwise provided in NRS 239.0115, information submitted to the Department pursuant to paragraph (c) of subsection 4 is confidential.

Sec. 28. NRS 391.125 is hereby amended to read as follows:

391.125 1. If the board of trustees of a school district determines that a shortage of teachers exists within the school district in a particular subject area, the board of trustees may ***, on or before September 1 of the school year in which such a determination is made,*** submit a written request to the Superintendent of Public Instruction to employ persons who are licensed teachers but who do not hold an endorsement to teach in the subject area for which there is a shortage of teachers at a public school within the school district ***.*** ~~[that is not rated as underperforming pursuant to the statewide system of accountability for public schools.]~~ The Superintendent of Public Instruction may grant such a request if the Superintendent determines that a shortage of teachers exists in the subject area. If the Superintendent of Public Instruction grants a request pursuant to this subsection, a person who holds a license to teach but not an endorsement in the subject area for which the request was granted may be employed by the school district for not more than ~~[2]~~ ***3*** school years to teach in that subject area at a public school within the school district ***.*** ~~[that is not rated as underperforming pursuant to the statewide system of accountability for public schools.]~~

2. If the Superintendent of Public Instruction grants a request pursuant to subsection 1, the Superintendent shall submit a written report to the Commission ***and the State Board*** that includes the name of the school district for which the request was granted and the subject area for which the request was granted. Upon receipt of such a report, the Commission shall consider whether to adopt revisions to the requirements for an endorsement in that subject area to address the shortage of teachers.

Sec. 29. NRS 391.3015 is hereby amended to read as follows:

391.3015 1. Except as otherwise provided by subsection 3, if the license of an employee lapses during a time that school is in session:

(a) The school district that employs him or her shall provide written notice to the employee of the lapse of the employee's license and of the provisions of this section;

(b) The employee must not be suspended from employment for the lapsed license for a period of 90 days after the date of the notice pursuant to paragraph (a) or the end of the school year, whichever is longer; and

(c) The employee's license shall be deemed valid for the period described in paragraph (b) for purposes of the employee's continued employment with the school district during that period.

2. If a school district complies with subsection 1 and an employee fails to reinstate his or her license within the time prescribed in paragraph (b) of subsection 1, his or her employment shall be deemed terminated at the end of

the period described in paragraph (b) of subsection 1 and the school district is not otherwise required to comply with NRS 391.301 to 391.309, inclusive.

3. The provisions of this section do not apply to an employee whose ~~[~~license~~]~~ ***:***

(a) License has been suspended or revoked by the State Board pursuant to NRS 391.320 to 391.361, inclusive ~~[.]~~ ***; or***

(b) Application for renewal was denied by the Superintendent of Public Instruction pursuant to NRS 391.033.

Sec. 30. NRS 391.455 is hereby amended to read as follows:

391.455 1. There is hereby created the Teachers and Leaders Council of Nevada consisting of the following 15 members:

(a) The Superintendent of Public Instruction, or his or her designee, who serves as an ex officio member of the Council.

(b) The Chancellor of the Nevada System of Higher Education, or his or her designee, who serves as an ex officio member of the Council.

(c) Four teachers in public schools appointed by the Governor from a list of nominees submitted by the Nevada State Education Association. The members appointed pursuant to this paragraph must represent the geographical diversity of the school districts in this State.

(d) Two administrators in public schools appointed by the Governor from a list of nominees submitted by the Nevada Association of School Administrators and one superintendent of schools of a school district appointed by the Governor from a list of nominees submitted by the Nevada Association of School Superintendents. The members appointed pursuant to this paragraph must represent the geographical diversity of the school districts in this State.

(e) Two persons who are members of boards of trustees of school districts and who are appointed by the Governor from a list of nominees submitted by the Nevada Association of School Boards.

(f) One representative of the regional training programs for the professional development of teachers and administrators created by NRS 391A.120 appointed by the Governor from a list of nominees submitted by the Nevada Association of School Superintendents.

(g) One parent or legal guardian of a pupil enrolled in public school appointed by the Governor from a list of nominees submitted by the Nevada Parent Teacher Association.

(h) Two persons with expertise in the development of public policy relating to education appointed by the Superintendent of Public Instruction. The members appointed pursuant to this paragraph must not otherwise be eligible for appointment pursuant to paragraphs (a) to (g), inclusive.

2. After the initial terms, each appointed member of the Council serves a term of 3 years commencing on July 1 and may be reappointed to one additional 3-year term following his or her initial term. If any appointed member of the Council ceases to be qualified for the position to which he or she was appointed, the position shall be deemed vacant and the appointing

authority shall appoint a replacement for the remainder of the unexpired term. A vacancy must be filled in the same manner as the original appointment.

3. The Council shall, at its first meeting and annually thereafter, elect a Chair from among its members.

4. The Council shall meet at least semiannually and may meet at other times upon the call of the Chair or a majority of the members of the Council. Nine members of the Council constitute a quorum, and a quorum may exercise all the power and authority conferred on the Council.

5. Members of the Council serve without compensation, except that for each day or portion of a day during which a member of the Council attends a meeting of the Council or is otherwise engaged in the business of the Council, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. A member of the Council who is a public employee must be granted administrative leave from the member's duties to engage in the business of the Council without loss of his or her regular compensation. Such leave does not reduce the amount of the member's other accrued leave.

7. ***Any costs associated with employing a substitute teacher while a member of the Council who is a teacher attends a meeting of the Council must be:***

(a) Paid by the school district or charter school that employs the member; or

(b) Reimbursed to the school district or charter school that employs the member by the organization that submitted the name of the member to the Governor for appointment pursuant to paragraph (c), (d), (e), (f) or (g) of subsection 1.

8. The Department shall provide administrative support to the Council.

~~[8.]~~ ***9.*** The Council may apply for and accept gifts, grants, donations and contributions from any source for the purpose of carrying out its duties pursuant to NRS 391.460.

Sec. 30.5. **Chapter 391A of NRS is hereby amended by adding thereto a new section to read as follows:**

As used in this section and NRS 391A.350 to 391A.375, inclusive, unless the context otherwise requires, "professional development training" has the meaning ascribed to "professional development" in 20 U.S.C. § 7801(42).

Sec. 31. NRS 391A.130 is hereby amended to read as follows:

391A.130 1. The Statewide Council for the Coordination of the Regional Training Programs, consisting of nine members, is hereby created. The membership of the Council consists of:

(a) The Superintendent of Public Instruction or his or her designee.

(b) One member, who is not a Legislator, appointed by the Majority Leader of the Senate.

(c) One member, who is not a Legislator, appointed by the Speaker of the Assembly.

(d) One member who is a teacher appointed by the Governor from a list of nominees submitted by the Nevada State Education Association.

(e) One member who is an administrator at a public school employed to provide administrative services at the school level and not to provide administrative services at the district level, appointed by the Governor from a list of nominees submitted by the Nevada Association of School Administrators.

(f) One member appointed by the Governor.

(g) Three members, each of whom is a superintendent of schools, or his or her designee, appointed by the governing body of each regional training program to represent the school districts served by the regional training program.

2. In making the appointments pursuant to paragraphs (b) to (g), inclusive, of subsection 1, the appointing authorities shall consider whether the appointments provide a geographical balance between urban and rural areas of this State and represent the cultural diversity of this State.

3. The Statewide Council shall elect a Chair from among its members.

4. After the initial terms, the appointed members of the Statewide Council serve a term of 2 years, commencing on July 1 of the year of appointment. A member may not be appointed to serve more than 3 consecutive terms.

5. A vacancy on the Statewide Council must be filled for the remainder of the unexpired term in the same manner as the original appointment.

6. Members of the Statewide Council serve without salary for their service on the Council **.** ~~[but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which a member attends a meeting of the Statewide Council or is otherwise engaged in the work of the Statewide Council. The per diem allowance and travel expenses for:~~

~~(a)~~**]** The members who are appointed by the Majority Leader of the Senate and the Speaker of the Assembly ***are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which a member attends a meeting of the Statewide Council or is otherwise engaged in the work of the Statewide Council. The per diem allowance and travel expenses for the members who are appointed by the Majority Leader of the Senate and the Speaker of the Assembly*** must be paid from the Legislative Fund.

[~~(b) All~~**]** ***To the extent that money is appropriated for this purpose, all*** other members ***of the Statewide Council are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which a member attends a meeting of the Statewide Council or is otherwise engaged in the work of***

the Statewide Council. The per diem allowance and travel expenses for such members must be paid by the Department.

7. ***Any costs associated with employing a substitute teacher while a member of the Statewide Council who is a teacher attends a meeting of the Statewide Council must be:***

(a) Paid by the school district or charter school that employs the member; or

(b) Reimbursed to the school district or charter school that employs the member by the organization that submitted the name of the member to the Governor for appointment pursuant to paragraph (d), (e), (f) or (g) of subsection 1.

8. The Department shall provide administrative support to the Statewide Council.

~~[8.]~~ ***9.*** The governing bodies of the regional training programs may mutually agree to expend a portion of their respective budgets to pay for any administrative support of the Statewide Council that is required in addition to that provided pursuant to subsection ~~[7.]~~ ***8.***

Sec. 31.3. **NRS 391A.190 is hereby amended to read as follows:**

391A.190 1. The governing body of each regional training program shall:

(a) Establish a method for the evaluation of the success of the regional training program, including, without limitation, the Nevada Early Literacy Intervention Program. The method must be consistent with the uniform procedures and criteria adopted by the Statewide Council pursuant to NRS 391A.135 ~~[.]~~ ***and the standards for professional development training adopted by the State Board pursuant to subsection 1 of NRS 391A.370.***

(b) ~~[Before]~~ ***On or before September 1 of each year and before*** submitting the annual report pursuant to paragraph (c), submit the annual report to the Statewide Council for its review and incorporate into the annual report any revisions recommended by the Statewide Council.

(c) On or before ~~[September]~~ ***December*** 1 of each year, submit an annual report to the State Board, ***the board of trustees of each school district served by the regional training program,*** the Commission on Professional Standards in Education, the Legislative Committee on Education and the Legislative Bureau of Educational Accountability and Program Evaluation that includes ~~[:]~~ ***, without limitation:***

(1) The priorities for training adopted by the governing body pursuant to NRS 391A.175.

(2) The type of training offered through the regional training program in the immediately preceding year.

(3) The number of teachers and administrators who received training through the regional training program in the immediately preceding year.

(4) The number of administrators who received training pursuant to paragraph (c) of subsection 1 of NRS 391A.125 in the immediately preceding year.

(5) The number of teachers, administrators and other licensed educational personnel who received training pursuant to paragraph (d) of subsection 1 of NRS 391A.125 in the immediately preceding year.

(6) The number of teachers who received training pursuant to subparagraph (1) of paragraph (f) of subsection 1 of NRS 391A.125 in the immediately preceding year.

(7) The number of paraprofessionals, if any, who received training through the regional training program in the immediately preceding year.

(8) An evaluation of the ~~[success]~~ ***effectiveness*** of the regional training program, including, without limitation, the Nevada Early Literacy Intervention Program, in accordance with the method established pursuant to paragraph (a).

(9) ***An evaluation of whether the training included the:***

(I) Standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520;

(II) Curriculum and instruction required for the common core standards adopted by the State Board;

(III) Curriculum and instruction recommended by the Teachers and Leaders Council of Nevada created by NRS 391.455; and

(IV) Culturally relevant pedagogy, taking into account cultural diversity and demographic differences throughout this State.

(10) An evaluation of the effectiveness of training on improving the quality of instruction and the achievement of pupils.

(11) A description of the gifts and grants, if any, received by the governing body in the immediately preceding year and the gifts and grants, if any, received by the Statewide Council during the immediately preceding year on behalf of the regional training program. The description must include the manner in which the gifts and grants were expended.

~~[(10)]~~ ***(12)*** The 5-year plan for the regional training program prepared pursuant to NRS 391A.175 and any revisions to the plan made by the governing body in the immediately preceding year.

2. ***The information included in the annual report pursuant to paragraph (c) of subsection 1 must be aggregated for each regional training program and disaggregated for each school district served by the regional training program.***

3. As used in this section, "paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 31.5. **NRS 391A.205 is hereby amended to read as follows:**

391A.205 ~~[The]~~ ***1. On or before December 1 of each year, the*** board of trustees of each school district shall submit ***, on a form prescribed by the Department,*** an annual report ***concerning the professional development training offered by the school district*** to the State Board, the Commission on Professional Standards in Education, the Legislative Committee on

Education and the Legislative Bureau of Educational Accountability and Program Evaluation. ~~[that includes for the immediately preceding year:~~

~~1. The number of teachers and administrators employed by the school district who received training through the program, including, without limitation, the type of training received.]~~

2. ~~[An evaluation of whether that training included the:~~

~~(a) Standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520;~~

~~(b) Curriculum and instruction required for the common core standards adopted by the State Board;~~

~~(c) Curriculum and instruction recommended by the Teachers and Leaders Council of Nevada; and~~

~~(d) Culturally relevant pedagogy, taking into account cultural diversity and demographic differences throughout this State.~~

~~3. An evaluation of the effectiveness of the training on improving the quality of instruction and the achievement of pupils.]~~ ***The State Board shall prescribe by regulation the contents of the report required by subsection 1.***

Sec. 31.7. **NRS 391A.370 is hereby amended to read as follows:**

391A.370 ***1. The State Board shall adopt regulations prescribing standards for the professional development training provided to teachers and administrators employed by a school district or charter school.***

2. The board of trustees of each school district and the governing body of each charter school shall ensure that the teachers and administrators employed by the school district or charter school have access to high-quality, ongoing professional development training. The professional development training must ***meet the standards prescribed by the State Board pursuant to subsection 1 and*** include, without limitation, training concerning:

~~[1.]~~ ***(a)*** The academic standards adopted by the State Board, including, without limitation, the academic standards for science.

~~[2.]~~ ***(b)*** The academic standards and curriculum in English language development and literacy.

~~[3.]~~ ***(c)*** The curriculum and instruction required for courses of study in:

~~[(a)]~~ ***(1)*** Science, technology, engineering and mathematics.

~~[(b)]~~ ***(2)*** English language development and literacy.

~~[4.]~~ ***(d)*** The cultural competency required to meet the social, emotional and academic needs of certain categories of pupils enrolled in the school, including, without limitation, pupils who are at risk, pupils who are limited English proficient, pupils with disabilities and gifted and talented pupils.

Sec. 32. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880,

118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, ***391.120,*** 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945,

647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 33. The Governor shall, as soon as practicable on or after July 1, 2017, appoint to the Commission on Professional Standards in Education created by NRS 391.011 the members of the Commission described in paragraph (e) of subsection 2 and paragraph (e) of subsection 3 of NRS 391.011, as amended by section 15 of this act.

Sec. 33.2. **The State Board of Education shall consider the findings and recommendations made by the Advisory Task Force on Educator Professional Development created by section 3.5 of chapter 535, Statutes of Nevada 2015, at page 3699, when adopting regulations prescribing standards for the professional development training provided to teachers and administrators employed by a school district or charter school pursuant to NRS 391A.370, as amended by section 31.7 of this act.**

Sec. 33.3. Notwithstanding the amendatory provisions of this act transferring the authority to adopt regulations from the State Board of Education to the Commission on Professional Standards in Education, any regulations adopted by the State Board pursuant to NRS 391.037 or 391.038 before July 1, 2017, remain in effect and may be enforced by the State Board until the Commission adopts regulations to repeal or replace those regulations.

Sec. 33.5. NRS 391.045 is hereby repealed.

Sec. 34. 1. This act becomes effective on July 1, 2017.

2. Section 1.7 of this act expires by limitation on June 30, 2019.

TEXT OF REPEALED SECTION

391.045 Directory of licensed personnel to be filed with clerk of board of trustees. The Superintendent of Public Instruction shall file with the clerk of the board of trustees of each local school district a directory of all teachers and other educational personnel, including, without limitation, teachers and educational personnel employed by a charter school pursuant to NRS 388A.518, 388A.521, 388A.524, 388A.530 to 388A.544, inclusive, and 388B.400 to 388B.450, inclusive, who are entitled to draw salaries from the county school district fund, and shall advise the clerk from time to time of any changes or additions to the directory.

Assemblyman Thompson moved that the Assembly concur in the Senate Amendment No. 849 to Assembly Bill No. 77.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

The amendment requires the State Board of Education to adopt regulations prescribing professional development standards, giving consideration to the recommendations made by the task force on professional development that met over the interim. It requires professional development to be aligned to those standards and makes changes regarding certain reports on professional development.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 320.

The following Senate amendment was read:

Amendment No. 851.

AN ACT relating to education; revising provisions relating to pupil ~~[achievement]~~ data as a component of the statewide performance evaluation

system for employees; **requiring certain educational personnel to develop learning goals for pupils to measure pupil growth; providing for a review of the statewide performance evaluation system and the manner in which a school carries out certain evaluations; increasing the percentage of an evaluation of certain educational personnel that is based on pupil growth; revising the manner in which such evaluations are conducted;** revising provisions relating to the number of evaluations that certain ~~[employees]~~ **educational personnel** are required to receive; revising provisions relating to the Teachers and Leaders Council; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Education to adopt regulations establishing a statewide performance evaluation system for evaluating the performance of certain employees. **(NRS 391.465) Section 1.1 of this bill requires each teacher, principal, vice principal and other administrator who provides direct instructional services to pupils at a school to develop learning goals for such pupils. Section 1.1 requires the Department of Education to establish a list of assessments that may be used by a school or school district to measure the achievement of these learning goals. Section 1.1 also requires: (1) the board of trustees of each school district to ensure that the learning goals measure pupil growth in accordance with the criteria established by regulation of the State Board; and (2) that each teacher and administrator who establishes learning goals be evaluated in accordance with the criteria established by the State Board to determine the extent to which the learning goals of the pupils were achieved.**

Existing law requires ~~[this]~~ **the statewide performance evaluation** system to: (1) require that an employee's overall performance be determined to be highly effective, effective, minimally effective or ineffective; and (2) include a process for peer evaluation of teachers. (NRS 391.465) **Section 2** of this bill: (1) removes the term "minimally effective" and replaces it with the term "developing"; and (2) changes the term "peer evaluation" to "peer observation." **Sections 1, 1.5 and 3.5-5.7** of this bill make conforming changes. **Section 2** also provides that an administrator at the district level who provides direct supervision of the principal of a school and who also serves as the superintendent of schools of a school district must not be evaluated using the statewide performance evaluation system.

Existing law generally requires the statewide performance evaluation system to include a requirement that pupil achievement data account for at least 40 percent of an evaluation and that such data be derived both from statewide examinations and assessments and certain assessments approved by the board of trustees of a school district. (NRS 391.465) **Section 2** instead requires pupil ~~[achievement data]~~ **growth, as determined pursuant to section 1.1,** to account for ~~[20 percent of an]~~ **this portion of the** evaluation. Section ~~[2 also requires this data to be generated from the relevant school or~~

~~school district.]~~ **5.9 of this bill provides that, for the 2017-2018 school year, pupil growth must account for 20 percent of the evaluation of a teacher or administrator.**

Section 1.2 of this bill requires the: (1) State Board to annually review the statewide performance evaluation system to ensure accuracy and reliability; and (2) board of trustees of each school district to annually review the manner in which a school in the school district carries out the evaluation of teachers and administrators pursuant to the statewide performance evaluation system. Section 1.2 also authorizes the Department to review the manner in which the statewide performance evaluation system is carried out by each school district.

Existing law establishes the Teachers and Leaders Council of Nevada and prescribes the membership of the Council. (NRS 391.455) **Section 1.3** of this bill adds an additional member to the Council, who must be a school counselor, psychologist, speech-language pathologist, audiologist or social worker.

Existing law requires each postprobationary teacher or administrator who receives an evaluation designating his or her overall performance as effective or highly effective to receive one evaluation in the next school year. (NRS 391.690, 391.710) **Sections 4 and 5** of this bill instead require a postprobationary teacher or administrator who receives an evaluation designating his or her overall performance as highly effective for 2 consecutive school years to **: (1) participate in one observation cycle in the school year immediately following the school year in which the postprobationary teacher or administrator receives a second consecutive evaluation designating his or her performance as highly effective and; (2)** receive one evaluation in the ~~[next 2]~~ school ~~[years.]~~ **year immediately following the school year in which the postprobationary teacher or administrator participated in the observation cycle.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.1 and 1.2 of this act.**

Sec. 1.1. ***1. Each teacher at a school in a school district shall, in consultation with the principal of the school at which the teacher is employed or other administrator who is assigned by the principal, develop learning goals for the pupils of the teacher for a specified period.***

2. Each principal, vice principal and other administrator who provides direct instructional services to pupils at a school in a school district shall, in consultation with his or her direct supervisor, develop learning goals for the pupils at the school where the principal, vice principal or other administrator, as applicable, is employed for a specified period.

3. The Department shall establish a list of assessments that may be used by a school or school district to measure the achievement of learning goals established pursuant to this section.

4. The board of trustees of each school district shall ensure that the learning goals for pupils established pursuant to this section measure pupil growth in accordance with the criteria established by regulation of the State Board.

5. Each teacher and administrator who establishes learning goals for pupils pursuant to this section must be evaluated at the end of the specified period to determine the extent to which the learning goals of the pupils were achieved. Such an evaluation must be conducted in accordance with the criteria established by regulation of the State Board for determining the level of pupil growth for the purposes of the statewide performance evaluation system. The State Board may establish by regulation the manner in which to include certain categories of pupils in the evaluation conducted pursuant to this subsection.

Sec. 1.2. 1. The State Board shall annually review the statewide performance evaluation system to ensure accuracy and reliability. Such a review must include, without limitation, an analysis of the:

(a) Number and percentage of teachers and administrators who receive each designation identified in paragraph (a) of subsection 2 of NRS 391.465 in each school, school district, and the State as a whole;

(b) Data used to evaluate pupil growth in each school, school district and the State as a whole, including, without limitation, any observations; and

(c) Effect of the evaluations conducted pursuant to the statewide system of accountability for public schools on the academic performance of pupils enrolled in the school district in each school and school district, and the State as a whole.

2. The board of trustees of each school district shall annually review the manner in which schools in the school district carry out the evaluation of teachers and administrators pursuant to the statewide performance evaluation system.

3. The Department may review the manner in which the statewide performance evaluation system is carried out by each school district, including, without limitation, the manner in which the learning goals for pupils are established and evaluated pursuant to section 1.1 of this act.

~~[Section 1.]~~ ***Sec. 1.25.*** NRS 391.102 is hereby amended to read as follows:

391.102 1. Notwithstanding the provisions of any collective bargaining agreement or contract of employment to the contrary, before the board of trustees of a school district may transfer a teacher or administrator who has received an evaluation designating his or her overall performance as ~~[minimally effective]~~ ***developing*** or ineffective to another school as a result of decreased enrollment, administrative transfer or a reduction in workforce

at a public school, the board of trustees of the school district must obtain the consent of the principal of the school to which the teacher or administrator is proposed to be transferred. If such consent is not obtained, the superintendent of schools of the school district:

(a) May assign the teacher or administrator to a school within the district other than the school from which the teacher or administrator was transferred; and

(b) May assign the teacher or administrator to the school at which the principal did not consent to the transfer of the teacher or administrator.

2. The superintendent of schools of a school district shall develop a plan to address the assignment of teachers or administrators who have received evaluations designating their overall performance as ~~[minimally effective]~~ ***developing*** or ineffective when the consent of a principal to a transfer pursuant to subsection 1 is not obtained. Such a plan must include, without limitation, a plan for any such teacher or administrator to receive assistance to help the teacher or administrator, as applicable, meet the standards for effective teaching, which may include, without limitation, peer assistance and review, participation in programs of professional development and other appropriate training.

Sec. 1.28. **NRS 391.450 is hereby amended to read as follows:**

391.450 As used in NRS 391.450 to 391.470, inclusive, ***and sections 1.1 and 1.2 of this act,*** "Council" means the Teachers and Leaders Council of Nevada created by NRS 391.455.

Sec. 1.3. NRS 391.455 is hereby amended to read as follows:

391.455 1. There is hereby created the Teachers and Leaders Council of Nevada consisting of the following ~~[15]~~ ***16*** members:

(a) The Superintendent of Public Instruction, or his or her designee, who serves as an ex officio member of the Council.

(b) The Chancellor of the Nevada System of Higher Education, or his or her designee, who serves as an ex officio member of the Council.

(c) Four teachers in public schools appointed by the Governor from a list of nominees submitted by the Nevada State Education Association. The members appointed pursuant to this paragraph must represent the geographical diversity of the school districts in this State.

(d) ***One school counselor, psychologist, speech-language pathologist, audiologist or social worker who is licensed pursuant to chapter 391 of NRS appointed by the Governor from a list of nominees submitted by the Nevada State Education Association. The persons nominated pursuant to this paragraph must represent the geographical diversity of school districts in this State.***

(e) Two administrators in public schools appointed by the Governor from a list of nominees submitted by the Nevada Association of School Administrators and one superintendent of schools of a school district appointed by the Governor from a list of nominees submitted by the Nevada Association of School Superintendents. The members appointed pursuant to

this paragraph must represent the geographical diversity of the school districts in this State.

~~[(e)]~~ ***(f)*** Two persons who are members of boards of trustees of school districts and who are appointed by the Governor from a list of nominees submitted by the Nevada Association of School Boards.

~~[(f)]~~ ***(g)*** One representative of the regional training programs for the professional development of teachers and administrators created by NRS 391A.120 appointed by the Governor from a list of nominees submitted by the Nevada Association of School Superintendents.

~~[(g)]~~ ***(h)*** One parent or legal guardian of a pupil enrolled in public school appointed by the Governor from a list of nominees submitted by the Nevada Parent Teacher Association.

~~[(h)]~~ ***(i)*** Two persons with expertise in the development of public policy relating to education appointed by the Superintendent of Public Instruction. The members appointed pursuant to this paragraph must not otherwise be eligible for appointment pursuant to paragraphs (a) to ~~[(g),]~~ ***(h),*** inclusive.

2. After the initial terms, each appointed member of the Council serves a term of 3 years commencing on July 1 and may be reappointed to one additional 3-year term following his or her initial term. If any appointed member of the Council ceases to be qualified for the position to which he or she was appointed, the position shall be deemed vacant and the appointing authority shall appoint a replacement for the remainder of the unexpired term. A vacancy must be filled in the same manner as the original appointment.

3. The Council shall, at its first meeting and annually thereafter, elect a Chair from among its members.

4. The Council shall meet at least semiannually and may meet at other times upon the call of the Chair or a majority of the members of the Council. Nine members of the Council constitute a quorum, and a quorum may exercise all the power and authority conferred on the Council.

5. Members of the Council serve without compensation, except that for each day or portion of a day during which a member of the Council attends a meeting of the Council or is otherwise engaged in the business of the Council, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. A member of the Council who is a public employee must be granted administrative leave from the member's duties to engage in the business of the Council without loss of his or her regular compensation. Such leave does not reduce the amount of the member's other accrued leave.

7. The Department shall provide administrative support to the Council.

8. The Council may apply for and accept gifts, grants, donations and contributions from any source for the purpose of carrying out its duties pursuant to NRS 391.460.

Sec. 1.5. NRS 391.460 is hereby amended to read as follows:

391.460 1. The Council shall:

(a) Make recommendations to the State Board concerning the adoption of regulations for establishing a statewide performance evaluation system to ensure that teachers, administrators who provide primarily administrative services at the school level and administrators at the district level who provide direct supervision of the principal of a school, and who do not provide primarily direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal are:

(1) Evaluated using multiple, fair, timely, rigorous and valid methods, which includes evaluations based upon pupil ~~[achievement data]~~ ***growth*** as required by NRS 391.465;

(2) Afforded a meaningful opportunity to improve their effectiveness through professional development that is linked to their evaluations; and

(3) Provided with the means to share effective educational methods with other teachers and administrators throughout this State.

(b) Develop and recommend to the State Board a plan, including duties and associated costs, for the development and implementation of the performance evaluation system by the Department and school districts.

(c) Consider the role of professional standards for teachers and administrators to which paragraph (a) applies and, as it determines appropriate, develop a plan for recommending the adoption of such standards by the State Board.

(d) Develop and recommend to the State Board a process for peer ~~[evaluations]~~ ***observations*** of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching.

2. The performance evaluation system recommended by the Council must ensure that:

(a) Data derived from the evaluations is used to create professional development programs that enhance the effectiveness of teachers and administrators; and

(b) A timeline is included for monitoring the performance evaluation system at least annually for quality, reliability, validity, fairness, consistency and objectivity.

3. The Council may establish such working groups, task forces and similar entities from within or outside its membership as necessary to address specific issues or otherwise to assist in its work.

4. The State Board shall consider the recommendations made by the Council pursuant to this section and shall adopt regulations establishing a statewide performance evaluation system as required by NRS 391.465.

Sec. 2. NRS 391.465 is hereby amended to read as follows:

391.465 1. The State Board shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to NRS 391.460, adopt regulations establishing a statewide performance evaluation system which incorporates multiple measures of an employee's performance. Except as otherwise provided in subsection 4, the State Board shall prescribe the tools to be used by a school district for obtaining such measures.

2. The statewide performance evaluation system must:

(a) Require that an employee's overall performance is determined to be:

(1) Highly effective;

(2) Effective;

(3) ~~[~~Minimally effective;~~]~~ ***Developing;*** or

(4) Ineffective.

(b) Include the criteria for making each designation identified in paragraph (a).

(c) Except as otherwise provided in subsections 2 and 3 of NRS 391.695 and subsections 2 and 3 of NRS 391.715, require that pupil ~~[~~achievement data~~]~~ ***growth, as determined pursuant to section 1.1 of this act,*** account for ~~[~~at least~~]~~ 40 ***[20]*** percent of the evaluation.

(d) ~~[~~Except as otherwise provided in subsection 3, prescribe the pupil achievement data that must be used as part of the evaluation system pursuant to paragraph (c) which must require that:

(1) Pupil achievement data derived from statewide examinations and assessments must account for at least 20 percent of the evaluation of a teacher or administrator, as applicable; and

(2) Pupil achievement data derived from assessments approved by the board of trustees of a school district that employs the teacher or administrator, as applicable, must account for at least 20 percent of the evaluation.

(e)~~]~~ Include an evaluation of whether the teacher, or administrator who provides primarily administrative services at the school level or administrator at the district level who provides direct supervision of the principal of a school, and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal, employs practices and strategies to involve and engage the parents and families of pupils.

~~[~~(f)~~]~~ ***(e)*** Include a process for peer ~~[~~evaluations~~]~~ ***observations*** of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching. The regulations must include the criteria for school districts to determine which educational personnel are qualified to conduct peer reviews pursuant to the process.

3. ~~[The State Board shall, by regulation, designate the assessments that may be used by a school district to determine~~ ***The*** ~~pupil achievement~~ ***data required to be included as a part of the evaluation system*** ~~pursuant to subparagraph (2) of paragraph (d)~~ ***(c)*** ~~of subsection 2. The board of trustees of a school district may select one or more of the assessments designated by the State Board to determine pupil achievement, or the board of trustees may apply to the Superintendent of Public Instruction for approval to use a different assessment to determine pupil achievement.:~~

~~***(a) Must be:***~~

~~***(1) Generated from a school or school district in which the teacher or administrator was employed during the period covered by the evaluation; and***~~

~~***(2) Used by the school or school district in which the teacher or administrator was employed to measure the progress of a pupil toward meeting the student learning objectives prescribed by the school district.***~~

~~***(b) May not be derived from statewide examinations and assessments.***~~

~~4.]~~ A school district may apply to the State Board to use a performance evaluation system and tools that are different than the evaluation system and tools prescribed pursuant to subsection 1. The application must be in the form prescribed by the State Board and must include, without limitation, a description of the evaluation system and tools proposed to be used by the school district. The State Board may approve the use of the proposed evaluation system and tools if it determines that the proposed evaluation system and tools apply standards and indicators that are equivalent to those prescribed by the State Board.

~~***[5.]***~~ ***4. An administrator at the district level who provides direct supervision of the principal of a school and who also serves as the superintendent of schools of a school district must not be evaluated using the statewide performance evaluation system.***

Sec. 3. NRS 391.470 is hereby amended to read as follows:

391.470 On or before August 1 of each year, the board of trustees of each school district shall submit a report to the State Board and the Teachers and Leaders Council of Nevada created by NRS 391.455 concerning the implementation and effectiveness of the process for peer evaluations of teachers set forth in the regulations adopted by the State Board pursuant to paragraph ~~[(f)]~~ ***(e)*** of subsection 2 of NRS 391.465, including, without limitation, any recommendations for revisions to the process of peer ~~[evaluations.]~~ ***observations.***

Sec. 3.5. NRS 391.685 is hereby amended to read as follows:

391.685 1. A probationary teacher must receive one evaluation during each school year of his or her probationary employment. The evaluation must be based in part upon at least three scheduled observations of the teacher during the first school year of his or her probationary period as follows:

(a) The first scheduled observation must occur within 40 days after the first day of instruction of the school year;

(b) The second scheduled observation must occur after 40 days but within 80 days after the first day of instruction of the school year; and

(c) The third scheduled observation must occur after 80 days but within 120 days after the first day of instruction of the school year.

2. If a probationary teacher receives an evaluation designating his or her overall performance as effective or highly effective:

(a) During the first school year of his or her probationary period, the evaluation during the second school year of the probationary period must be based in part upon at least two scheduled observations of the teacher which must occur within the times specified in paragraphs (b) and (c) of subsection 1.

(b) During the first and second school years of his or her probationary period, the evaluation during the third school year of the probationary period must be based in part upon at least one scheduled observation of the teacher which must occur within 120 days after the first day of instruction of the school year.

3. If a probationary teacher receives an evaluation designating his or her overall performance as ~~[minimally effective]~~ ***developing*** or ineffective during the first or second school year of the probationary period, the probationary teacher must receive one evaluation during the immediately succeeding school year which is based in part upon three observations which must occur in accordance with the observation schedule set forth in subsection 1.

Sec. 4. NRS 391.690 is hereby amended to read as follows:

391.690 1. If a postprobationary teacher receives an evaluation designating his or her overall performance as ~~[minimally effective]~~ ***developing*** or ineffective, the postprobationary teacher must receive one evaluation in the immediately succeeding school year which is based in part upon three observations which must occur in accordance with the observation schedule set forth in subsection 1 of NRS 391.685. If a postprobationary teacher receives evidence from the first two observations during the school year indicating that, unless his or her performance improves, his or her overall performance may be rated as ~~[minimally effective]~~ ***developing*** or ineffective on the evaluation, the postprobationary teacher may request that the third observation be conducted by another administrator. If a postprobationary teacher requests that his or her third observation be conducted by another administrator, that administrator must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the postprobationary teacher from a list of three candidates submitted by the superintendent.

2. If a postprobationary teacher receives an evaluation designating his or her overall performance as effective ***,*** ~~[or]~~ ***the postprobationary teacher must receive one evaluation in the immediately succeeding school year. The evaluation must be based in part upon at least one scheduled observation,***

which must occur within 120 days after the first day of instruction of the school year.

3. If a postprobationary teacher receives an evaluation designating his or her overall performance as highly effective ~~[,]~~ ***for 2 consecutive school years,*** the postprobationary teacher must ~~[receive]~~ **:**

(a) Participate in one observation cycle in the school year immediately following the school year in which the postprobationary teacher receives a second consecutive evaluation designating his or her performance as highly effective; and

(b) Receive one evaluation in the ~~[~~immediately succeeding ~~*next 2]*~~ school year ~~[. *years.]*~~ ***immediately following the school year in which the postprobationary teacher participated in the observation cycle pursuant to paragraph (a).*** The evaluation must be based in part upon at least one scheduled observation **,** which must occur within 120 days after the first day of instruction of ~~[the]~~ ***that*** school year **.** ~~*[in which the evaluation occurs.]*~~

Sec. 4.5. NRS 391.705 is hereby amended to read as follows:

391.705 1. A probationary administrator must receive one evaluation during each school year of his or her probationary employment. The evaluation must be based in part upon at least three scheduled observations of the probationary administrator during the first school year of his or her probationary period which must occur as follows:

(a) The first scheduled observation must occur within 40 days after the first day of instruction of the school year;

(b) The second scheduled observation must occur after 40 days but within 80 days after the first day of instruction of the school year; and

(c) The third scheduled observation must occur after 80 days but within 120 days after the first day of instruction of the school year.

2. If a probationary administrator receives an evaluation designating his or her overall performance as effective or highly effective:

(a) During the first school year of his or her probationary period, the evaluation during the second school year of the probationary period must be based in part upon at least two scheduled observations of the administrator which must occur within the times specified in paragraphs (b) and (c) of subsection 1.

(b) During the first and second school year of his or her probationary period, the evaluation during the third school year of the probationary period must be based in part upon at least one scheduled observation of the administrator which must occur within 120 days after the first day of instruction of the school year.

3. If a probationary administrator receives an evaluation designating his or her overall performance as ~~[~~minimally effective~~]~~ ***developing*** or ineffective during the first or second school year of the probationary period, the probationary administrator must receive one evaluation during the immediately succeeding school year which is based in part upon three

observations which must occur in accordance with the observation schedule set forth in subsection 1.

4. Each probationary administrator is subject to the provisions of NRS 391.725 and 391.820.

Sec. 5. NRS 391.710 is hereby amended to read as follows:

391.710 1. If a postprobationary administrator receives an evaluation designating his or her overall performance as ~~[minimally effective]~~ ***developing*** or ineffective, the postprobationary administrator must receive one evaluation in the immediately succeeding school year which is based in part upon three observations which must occur in accordance with the observation schedule set forth in subsection 1 of NRS 391.705. If a postprobationary administrator receives evidence from the first two observations indicating that, unless his or her performance improves, his or her overall performance may be rated as ~~[minimally effective]~~ ***developing*** or ineffective on the evaluation, the postprobationary administrator may request that the third observation be conducted by another administrator. If a postprobationary administrator requests that his or her third observation be conducted by another administrator, that administrator must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the postprobationary administrator from a list of three candidates submitted by the superintendent.

2. If a postprobationary administrator receives an evaluation designating his or her overall performance as effective ~~[or]~~ ***, the postprobationary administrator must receive one evaluation in the immediately succeeding school year. The evaluation must be based in part upon at least one scheduled observation, which must occur within 120 days after the first day of instruction of the school year.***

3. If a postprobationary administrator receives an evaluation designating his or her overall performance as highly effective ~~[,]~~ ***for 2 consecutive school years,*** the postprobationary administrator must ~~[receive]~~ ***:***

(a) Participate in one observation cycle in the school year immediately following the school year in which the postprobationary administrator receives a second consecutive evaluation designating his or her performance as highly effective; and

(b) Receive one evaluation in the ~~[immediately succeeding *next 2]*~~ school year ~~[. *years.]*~~ ***immediately following the school year in which the postprobationary administrator participated in the observation cycle pursuant to paragraph (a).*** The evaluation must be based in part upon at least one scheduled observation **,** which must occur within 120 days after the first day of instruction of ~~[the]~~ ***that*** school year **.** ~~*[in which the evaluation occurs.]*~~

Sec. 5.3. NRS 391.725 is hereby amended to read as follows:

391.725 1. If a written evaluation of a probationary teacher, or a probationary administrator who provides primarily administrative services at

the school level and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal, designates the overall performance of the teacher or administrator as ~~["minimally effective"]~~ ***"developing"*** or "ineffective":

(a) The written evaluation must include the following statement: "Please be advised that, pursuant to Nevada law, your contract may not be renewed for the next school year. If you receive a ~~['minimally effective']~~ ***'developing'*** or 'ineffective' evaluation on the first or second evaluation, or both evaluations for this school year, you may request that the third evaluation be conducted by another administrator. You may also request, to the administrator who conducted the evaluation, reasonable assistance in improving your performance based upon the recommendations reported in the evaluation for which you request assistance, and upon such request, a reasonable effort will be made to assist you in improving your performance."

(b) The probationary teacher or probationary administrator, as applicable, must acknowledge in writing that he or she has received and understands the statement described in paragraph (a).

2. If a probationary teacher or probationary administrator to which subsection 1 applies requests that his or her next evaluation be conducted by another administrator in accordance with the notice required by subsection 1, the administrator conducting the evaluation must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the probationary teacher or probationary administrator, as applicable, from a list of three candidates submitted by the superintendent.

3. If a probationary teacher or probationary administrator to which subsection 1 applies requests assistance in improving performance reported in his or her evaluation, the administrator who conducted the evaluation shall ensure that a reasonable effort is made to assist the probationary teacher or probationary administrator in improving his or her performance.

Sec. 5.5. NRS 391.730 is hereby amended to read as follows:

391.730 Except as otherwise provided in NRS 391.825, a postprobationary employee who receives an evaluation designating his or her overall performance as:

1. ~~[Minimally effective;]~~ ***Developing;***
2. Ineffective; or
3. ~~[Minimally effective]~~ ***Developing*** during 1 year of the 2-year consecutive period and ineffective during the other year of the period,

➥ for 2 consecutive school years shall be deemed to be a probationary employee for the purposes of NRS 391.650 to 391.830, inclusive, and must serve an additional probationary period in accordance with the provisions of NRS 391.820.

Sec. 5.7. NRS 288.151 is hereby amended to read as follows:

288.151 Notwithstanding the provisions of any collective bargaining agreement or contract of employment to the contrary:

1. Except as otherwise provided in subsections 2 to 6, inclusive, if the board of trustees of a school district determines that a reduction in the existing workforce of the licensed educational personnel in the school district is necessary, the decision to lay off a teacher or an administrator must be based solely on the overall performance of the teacher or administrator under the statewide performance evaluation system adopted by the State Board pursuant to NRS 391.465. When determining the manner in which to reduce the existing workforce, the board of trustees of a school district must lay off a teacher or administrator whose overall performance has been determined to be:

(a) Ineffective, before laying off a teacher or administrator whose overall performance has been determined to be ~~[minimally effective,]~~ ***developing,*** effective or highly effective;

(b) ~~[Minimally effective,]~~ ***Developing,*** before laying off a teacher or administrator whose overall performance has been determined to be effective or highly effective; and

(c) Effective, before laying off a teacher or administrator whose overall performance has been determined to be highly effective.

2. Except as otherwise provided in subsection 6, if the board of trustees of a school district determines that a further reduction in the existing workforce of the licensed educational personnel in a school district beyond that made pursuant to subsection 1 is necessary, the board of trustees must lay off a teacher or administrator whose employment record includes:

(a) A criminal record that resulted in the suspension of the teacher or administrator; or

(b) Disciplinary action that resulted in the suspension of the teacher or administrator and that was uncontested or has been finally adjudicated;

➥ before laying off a teacher or administrator whose employment record does not include such a record or disciplinary action.

3. The board of trustees shall lay off teachers or administrators whose employment records include disciplinary actions that resulted in the suspension of the teacher or administrator pursuant to subsection 2 in the order of severity of the disciplinary action, with those employees whose employment record includes more severe disciplinary action being laid off first.

4. Except as otherwise provided in subsection 6, if the board of trustees of a school district determines that a further reduction in the existing workforce of licensed educational personnel beyond that made pursuant to subsection 2 is necessary, the decision to lay off a teacher or administrator must be based on the following factors:

(a) Whether the teacher or administrator is employed in a position which is hard to fill;

(b) Whether the teacher or administrator has received a national board certification;

(c) The type of licensure held by the teacher or administrator; and

(d) The type of degree attained by the teacher or administrator and whether the degree is in a subject area that is related to his or her position.

5. If, after consideration of the factors described in subsections 1 to 4, inclusive, two or more teachers or administrators are similarly situated, the board of trustees of the school district may give preference to the more senior teacher or administrator.

6. The board of trustees of a school district is not required to take the actions described in subsections 1 to 4, inclusive, with regard to a teacher who teaches in a school in the district in a subject area for which there is a shortage of teachers, which may include, without limitation, science, technology, engineering, mathematics, special education and English as a second language.

Sec. 5.9. **Notwithstanding the provisions of paragraph (c) of subsection 2 of NRS 391.465, as amended by section 2 of this act, for the 2017-2018 school year, pupil growth, as determined pursuant to section 1.1 of this act, must account for 20 percent of the evaluation of an employee pursuant to that section.**

Sec. 6. This act becomes effective on July 1, 2017.

Assemblyman Thompson moved that the Assembly concur in the Senate Amendment No. 851 to Assembly Bill No. 320.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

The amendment requires educational personnel to develop learning goals for students. It requires the use of student growth on those learning goals in personnel evaluations at 20 percent in school year 2017-2018, and 40 percent thereafter. It requires the state and local school boards to annually review evaluation outcomes, allows the Department of Education to review implementation of the evaluation system, and clarifies provisions regarding post-probationary employees who are rated as highly effective for two years in a row.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 447.

The following Senate amendment was read:

Amendment No. 930.

AN ACT relating to education; extending the duration of the Victory schools program; requiring the Department of Education to consult with the board of trustees of a school district when designating Victory schools; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

During the 78th Session of the Nevada Legislature (2015), the Legislature passed the Victory Schools Act, which provided for the distribution of money during the 2015-2017 biennium to certain underperforming public schools designated as Victory schools. (Chapter 389, Statutes of Nevada 2015, p. 2197) This bill continues the program in effect for the 2017-2019 biennium. This bill also requires the Department to consult with the board of trustees of a school district when designating Victory schools.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 2 of the Victory Schools Act, being chapter 389, Statutes of Nevada 2015, at page 2199, is hereby amended to read as follows:

Sec. 2. 1. The Department of Education shall ***, in consultation with the board of trustees of a school district,*** designate a public school as a Victory school if, relative to other public schools, including charter schools, that are located in the school district in which the school is also located:

(a) A high percentage of pupils enrolled in the school live in households that have household incomes that are less than the federally designated level signifying poverty, based on the most recent data compiled by the Bureau of the Census of the United States Department of Commerce; and

(b) The school received one of the two lowest possible ratings indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools, for the immediately preceding school year.

➥ ***The designation of a public school as a Victory school pursuant to this subsection must be made in consultation with the board of trustees of the school district in which the prospective Victory school is located.***

2. The Department shall designate each Victory school for the ~~[~~2015-2016~~]~~ ***2017-2018*** Fiscal Year on or before June 1, ~~[~~2015.~~]~~ ***2017.***

3. The Department shall transfer money from the Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.1247 to each school district in which a Victory school is designated and each sponsor of a charter school that is designated as a Victory school on a per pupil basis. The amount distributed per pupil must be determined by dividing the amount of money appropriated to the Account by the ~~[~~2015~~]~~ ***2017*** Legislature for Victory schools by the total number of pupils who are enrolled in Victory schools statewide. After receiving money from the Account pursuant to this subsection:

(a) A school district shall distribute the money to each Victory school in the school district on a per pupil basis.

(b) A sponsor of a charter school shall distribute the money to each Victory school that it sponsors on a per pupil basis.

4. The board of trustees of each school district in which a Victory school is located and the governing body of each charter school that is designated as a Victory school shall, as soon as practicable after the school is designated as a Victory school, conduct an assessment of the needs of pupils that attend the school. The assessment must include soliciting input from the community served by the Victory school and identify any barriers to improving pupil achievement and school performance and strategies to meet the needs of pupils at the school.

5. Except as otherwise provided in subsection 7, on or before August 15, ~~[2015,]~~ ***2017,*** the board of trustees of each school district in which a Victory school is designated for the ~~[2015-2016]~~ ***2017-2018*** Fiscal Year and the governing body of each charter school that is designated as a Victory school for the ~~[2015-2016]~~ ***2017-2018*** Fiscal Year shall submit to the Department a comprehensive plan for meeting the educational needs of pupils enrolled in each Victory school. The board of trustees of each school district in which a Victory school is designated and the governing body of each charter school that is designated as a Victory school shall select at least one person who is familiar with the public schools in the school district or with the charter school, respectively, to assist with the development of the plan. The plan must:

(a) Include appropriate means to determine the effectiveness of the plan;

(b) Be based on the assessment of the needs of the pupils who attend the school conducted pursuant to subsection 4;

(c) Analyze available data concerning pupil achievement and school performance, including, without limitation, data collected and maintained in the statewide system of accountability for public schools and other pupil achievement data collected and maintained by the school district or charter school;

(d) Include a description of the criteria used to select entities to provide programs and services to pupils enrolled in the Victory school;

(e) Include a description of the manner in which the school district or governing body will collaborate with selected entities so that academic programs and services and nonacademic programs and services, including, without limitation, transportation services, may be offered without charge to support pupils and their families within the region in which the school is located;

(f) Take into account the number and types of pupils who attend the school and the locations where such pupils reside;

(g) Provide for the coordination of the existing or planned engagement of other persons who provide services in the region in which the school is located;

(h) Coordinate all funding available to each school that is subject to the plan;

(i) Provide for the coordination of all available resources to each school that is subject to the plan, including, without limitation, instructional materials and textbooks;

(j) Identify, for each school or group of schools subject to the plan, which of the measures described in subsection 8 will be implemented; and

(k) Identify the person or persons selected pursuant to this subsection who assisted with the development of the plan.

6. The Department shall review each plan submitted pursuant to subsection 5 to determine whether, or the extent to which, the plan complies with the requirements of this section and either approve or request revisions to the plan.

7. If the board of trustees of a school district in which a Victory school is designated or the governing body of a charter school that is designated as a Victory school does not submit a comprehensive plan for meeting the educational needs of pupils enrolled in each Victory school on or before August 15, ~~[2015.]~~ ***2017,*** as required pursuant to subsection 5, the board of trustees of the school district or the governing body of the charter school, as applicable, may submit to the Department a letter of intent to meet the educational needs of pupils enrolled in each Victory school. The letter must include, without limitation:

(a) An initial assessment of the needs of the pupils who attend the school which is conducted pursuant to subsection 4;

(b) An analysis of available data concerning pupil achievement and school performance, including, without limitation, data collected and maintained in the statewide system of accountability for public schools and data collected and maintained by the school district or charter school; and

(c) A summary of activities that the board of trustees or governing body, as applicable, will take to ensure completion of the comprehensive plan required pursuant to subsection 5 by not later than September 15, ~~[2015.]~~ ***2017.***

8. A Victory school shall use the majority of the money distributed pursuant to subsection 3 to provide one or more of the following:

(a) A prekindergarten program free of charge, if such a program is not paid for by another grant.

(b) ~~[An expansion of full-day kindergarten classes, if such classes have not otherwise been paid for through legislative appropriation.~~

~~(c)]~~ A summer academy or other instruction for pupils free of charge at times during the year when school is not in session.

~~[(d)]~~ ***(c)*** Additional instruction or other learning opportunities free of charge at times of day when school is not in session.

~~[~~(e)~~]~~ ***(d)*** Professional development for teachers and other educational personnel concerning instructional practices and strategies that have proven to be an effective means to increase pupil achievement in populations of pupils similar to those served by the school.

~~[~~(f)~~]~~ ***(e)*** Incentives for hiring and retaining teachers and other licensed educational personnel who provide any of the programs or services set forth in this subsection from the list prescribed by the State Board of Education pursuant to subsection 14.

~~[~~(g)~~]~~ ***(f)*** Employment of paraprofessionals, other educational personnel and other persons who provide any of the programs or services set forth in this subsection.

~~[~~(h)~~]~~ ***(g)*** Reading skills centers.

(h) ~~***[Evidence-based programs, integrated]***~~ ***Integrated student supports*** ~~***,***~~ ~~***[and]***~~ ***wrap-around services and evidence-based programs designed to meet the needs of pupils who attend the school, as determined using the assessment conducted pursuant to subsection 4.***

9. A Victory school may use any money distributed pursuant to subsection 3 that is not used for the purposes described in subsection 8 to:

(a) Provide evidence-based social, psychological or health care services to pupils and their families ***;*** ~~***[***~~~~, including, without limitation, wrap-around services;~~~~***]***~~

(b) Provide programs and services designed to engage parents and families;

(c) Provide programs to improve school climate and culture; ~~***[or]***~~

(d) ~~[~~Provide evidence-based programs and services specifically designed to meet the needs of pupils who attend the school, as determined using the assessment conducted pursuant to subsection 4; or

(e)~~]~~ ***If the Victory school is a high school, provide additional instruction or other learning opportunities for pupils and professional development for teachers at an elementary school, middle school or junior high school that is located within the zone of attendance of the high school and is not also designated as a Victory school; or***

(e) Any combination thereof.

10. A Victory school shall not use any money distributed pursuant to subsection 3 for a purpose not described in subsection 8 or 9.

11. Any programs offered at a Victory school pursuant to subsection 8 or 9 must:

(a) ~~[~~Be~~]~~ ***Except as otherwise provided in paragraph (d) of subsection 9, be*** designed to meet the needs of pupils at the school, as determined using the assessment conducted pursuant to subsection 4 and to improve pupil achievement and school performance, as determined using the measures prescribed by the State Board of Education; and

(b) Be based on scientific research concerning effective practices to increase the achievement of pupils who live in poverty.

12. Each plan to improve the achievement of pupils enrolled in a Victory school that is prepared by the principal of the school pursuant to NRS 385A.650 must describe how the school will use the money distributed pursuant to subsection 3 to meet the needs of pupils who attend the school, as determined using the assessment described in subsection 4 and the requirements of this section.

13. The Department shall contract with an independent evaluator to evaluate the effectiveness of programs and services provided pursuant to this section. The evaluation must include, without limitation, consideration of the achievement of pupils who have participated in such programs and received such services. When complete, the evaluation must be provided contemporaneously to the Department and the Legislative Committee on Education.

14. The State Board of Education shall prescribe a list of recruitment and retention incentives that are available to the school districts and sponsors of charter schools that receive a distribution of money pursuant to this section to offer to teachers and other licensed educational personnel.

15. The State Board shall require a Victory school to take corrective action if pupil achievement and school performance at the school are unsatisfactory, as determined by the State Board. If unsatisfactory pupil achievement and school performance continue, the State Board may direct the Department to withhold any additional money that would otherwise be distributed pursuant to this section.

16. On or before November 30, 2016, and November 30, 2017, ***or, in the case of a Victory school designated for the 2017-2018 Fiscal Year, on or before November 30, 2018, and November 30, 2019,*** the board of trustees of each school district in which a Victory school is designated and the governing body of each charter school that is designated as a Victory school shall submit to the Department and to the Legislative Committee on Education a report, which must include, without limitation:

(a) An identification of schools to which money was distributed pursuant to subsection 3 for the previous fiscal year;

(b) The amount of money distributed to each such school;

(c) A description of the programs or services for which the money was used;

(d) The number of pupils who participated in such programs or received such services;

(e) The average expenditure per pupil for each program or service that was funded; and

(f) Recommendations concerning the manner in which the average expenditure per pupil reported pursuant to paragraph (e) may be used to determine formulas for allocating money from the State Distributive School Account in the State General Fund.

17. The Legislative Committee on Education shall consider the evaluations of the independent evaluator received pursuant to subsection 13 and the reports received pursuant to subsection 16 and advise the State Board regarding any action the Committee determines appropriate for the State Board to take based upon that information. The Committee shall also make any recommendations it deems appropriate concerning Victory schools to the next regular session of the Legislature which may include, without limitation, recommendations for legislation.

18. The money distributed pursuant to subsection 3:

(a) Must be accounted for separately from any other money received by Victory schools and used only for the purposes specified in this section;

(b) May not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district or the governing body of a charter school and the school district or governing body or to settle any negotiations; and

(c) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.

19. Upon request of the Legislative Commission, a Victory school to which money is distributed pursuant to subsection 3 shall make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of such money.

20. As used in this section:

(a) "Community" includes any person or governmental entity who resides or has a significant presence in the geographic area in which a school is located or who interacts with pupils and personnel at a school, and may include, without limitation, parents, businesses, nonprofit organizations, faith-based organizations, community groups, teachers, administrators and governmental entities.

(b) ~~["Evidence-based programs and services" means practices, interventions and services that have been proven, through scientifically based research, as defined in 20 U.S.C. § 7801(37), to be effective in improving outcomes for pupils when implemented with fidelity.~~ ***~~integrated]~~*** ***"Integrated student supports" means supports developed, secured or coordinated by a school to promote the academic success of pupils enrolled in the school by targeting academic and nonacademic barriers to pupil achievement.***

(c) "Victory school" means a school that is so designated by the Department pursuant to subsection 1.

(d) "Wrap-around services" means supplemental services provided to a pupil with special needs or the family of such a pupil that are not otherwise covered by any federal or state program of assistance.

Sec. 2. This act becomes effective:

1. Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of the act; and

2. On July 1, 2017, for all other purposes.

Assemblyman Thompson moved that the Assembly concur in the Senate Amendment No. 930 to Assembly Bill No. 447.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

The amendment allows a Victory high school to provide additional instruction, professional development, or other learning opportunities at non-Victory schools within the high school's feeder system. It clarifies language about integrated student supports and evidence-based programs.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 234.

The following Senate amendment was read:

Amendment No. 674.

AN ACT relating to motor carriers; requiring certain motor carriers of passengers which transport certain persons with disabilities to ensure that each vehicle used for the transport is equipped with first-aid equipment and to provide each driver of the vehicle training in first aid and cardiopulmonary resuscitation; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, common motor carriers of passengers and contract motor carriers of passengers are subject to supervision and regulation by the Nevada Transportation Authority, with some exceptions. (NRS 706.166)

Section 1 of this bill requires a common motor carrier of passengers, contract motor carrier of passengers and any other person or entity, other than a taxicab motor carrier, providing a means of public conveyance and transportation operating in this State and which transports for compensation certain persons with disabilities, commonly referred to as "paratransit services," to ensure that: (1) each vehicle used in the transport is equipped with a first-aid kit; and (2) each driver of a vehicle used for the transport receives training in first aid and cardiopulmonary resuscitation. **Section 1** also requires the carrier, person or entity to: (1) provide the training in first aid and cardiopulmonary resuscitation or arrange for its provision for the driver; (2) pay for the training; and (3) compensate each driver for the time spent receiving the training. **Section 1 provides an exemption from these requirements for a taxicab motor carrier or a transportation network company which provides paratransit services under a contract with any entity required to provide such services.** Existing law makes a violation of

this requirement a misdemeanor. (NRS 706.756) **Sections 2-5** of this bill make conforming changes. ~~[Section 6 of this bill provides that the provisions of this bill do not apply during the current term of any employment agreement between the motor carrier, person or entity and the employee drivers of the motor carrier, person or entity entered into before the effective date of this bill, but do apply to any extension or renewal of such an agreement and to any such agreement entered into on or after the effective date of this bill.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 706 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[A]~~ Except as otherwise provided in subsection 3, a common motor carrier of passengers, contract motor carrier of passengers or other person or entity providing a means of public conveyance and transportation operating within this State which, pursuant to the requirements of 49 C.F.R. § 37.121, transports for compensation within this State persons with disabilities who are eligible pursuant to 49 C.F.R. § 37.123 for the transportation shall ensure that:

(a) Each vehicle used for the transport is equipped with a first-aid kit; and

(b) Each driver of a vehicle used for the transport receives training in the use and administration of first aid and cardiopulmonary resuscitation that is conducted in accordance with the standards of the American Heart Association, the American Red Cross or any similar organization that includes certification in:

(1) First aid; and

(2) Cardiopulmonary resuscitation.

2. A common motor carrier of passengers, contract motor carrier of passengers or other person or entity who employs a driver required to receive the training required pursuant to paragraph (b) of subsection 1 must:

(a) Provide the training or arrange for its provision for the driver;

(b) Pay for the training; and

(c) Compensate each driver who receives the training at his or her regular rate of pay for the time the driver spent attending the training.

3. The provisions of this section do not apply to a taxicab motor carrier or transportation network company as defined in NRS 706A.050, who undertakes the transportation described in subsection 1 under a contract with an entity required by 49 C.F.R. § 37.121 to provide such transportation.

Sec. 2. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in

NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 706.156 is hereby amended to read as follows:

706.156 1. All common and contract motor carriers and brokers are hereby declared to be, to the extent provided in this chapter:

(a) Affected with a public interest; and

(b) Subject to NRS 706.011 to 706.791, inclusive ~~[.]~~ ***, and section 1 of this act.***

2. A purchaser or broker of transportation services which are provided by a common motor carrier who holds a certificate of public convenience and necessity may resell those services, in combination with other services and facilities that are not related to transportation, but only in a manner complying with the scope of authority set forth in the certificate of the common motor carrier. The Authority shall not prohibit or restrict such a purchaser or broker from reselling those
transportation services to any person based upon that person's affiliation, or lack of affiliation, with any group.

Sec. 4. NRS 706.745 is hereby amended to read as follows:

706.745 1. The provisions of NRS 706.386 and 706.421 do not apply to:

(a) Ambulances;

(b) Hearses; or

(c) Common motor carriers or contract motor carriers that are providing transportation services pursuant to a contract with the Department of Health and Human Services entered into pursuant to NRS 422.27495.

2. A common motor carrier that enters into an agreement for the purchase of its service by an incorporated city, county or regional transportation commission is not required to obtain a certificate of public convenience and necessity to operate a system of public transit consisting of:

(a) Regular routes and fixed schedules;

(b) Nonemergency medical transportation of persons to facilitate their participation in jobs and day training services as defined in NRS 435.176 if the transportation is available upon request and without regard to regular routes or fixed schedules;

(c) Nonmedical transportation of persons with disabilities without regard to regular routes or fixed schedules; or

(d) In a county whose population is less than 100,000 or an incorporated city within such a county, nonmedical transportation of persons if the transportation is available by reservation 1 day in advance of the transportation and without regard to regular routes or fixed schedules.

3. Under any agreement for a system of public transit that provides for the transportation of passengers that is described in subsection 2:

(a) The public entity shall provide for any required safety inspections; or

(b) If the public entity is unable to do so, the Authority shall provide for any required safety inspections.

4. In addition to the requirements of subsection 3, under an agreement for a system of public transit that provides for the transportation of passengers that is described in:

(a) Paragraph (a) of subsection 2, the public entity shall establish the routes and fares.

(b) Paragraph (c) or (d) of subsection 2, the common motor carrier:

(1) May provide transportation to any passenger who can board a vehicle with minimal assistance from the operator of the vehicle.

(2) ~~[~~Shall~~]~~ ***Except as otherwise provided in section 1 of this act, shall*** not offer medical assistance as part of its transportation service.

5. In a county whose population:

(a) Is less than 700,000, a nonprofit carrier of elderly persons or persons with disabilities is not required to obtain a certificate of public convenience and necessity to operate as a common motor carrier of such passengers only, but such a carrier is not exempt from inspection by the Authority to determine whether its vehicles and their operation are safe.

(b) Is 700,000 or more, a nonprofit carrier of elderly persons or persons with disabilities is not required to obtain a certificate of public convenience and necessity to operate as a common motor carrier of such passengers only, but:

(1) Only if the nonprofit carrier:

(I) Does not charge for transportation services;

(II) Provides transportation services pursuant to a contract with the Department of Health and Human Services entered into pursuant to NRS 422.27495; or

(III) Enters into an agreement for the purchase of its service by an incorporated city, county or regional transportation commission; and

(2) Such a carrier is not exempt from inspection by the Authority to determine whether its vehicles and their operation are safe.

6. An incorporated city, county or regional transportation commission is not required to obtain a certificate of public convenience and necessity to operate a system of public transportation.

7. Before an incorporated city or a county enters into an agreement with a common motor carrier for a system of public transit that provides for the transportation of passengers that is described in paragraph (c) or (d) of subsection 2 in an area of the incorporated city or an area of the county, it must determine that:

(a) There are no other common motor carriers of passengers who are authorized to provide such services in that area; or

(b) Although there are other common motor carriers of passengers who are authorized to provide such services in the area, the common motor carriers of passengers do not wish to provide, or are not capable of providing, such services.

Sec. 5. NRS 706.756 is hereby amended to read as follows:

706.756 1. Except as otherwise provided in subsection 2, any person who:

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, ***and section 1 of this act,*** apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, ***and section 1 of this act*** or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive ~~[;]~~ ***, and section 1 of this act;***

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive ~~[;]~~ ***, and section 1 of this act;***

(d) Fails to obey any order, decision or regulation of the Authority or the Department;

(e) Procures, aids or abets any person in the failure to obey such an order, decision or regulation of the Authority or the Department;

(f) Advertises, solicits, proffers bids or otherwise is held out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive ~~[;]~~ ***, and section 1 of this act;***

(g) Advertises as providing:

(1) The services of a fully regulated carrier; or

(2) Towing services,

➥ without including the number of the person's certificate of public convenience and necessity or contract carrier's permit in each advertisement;

(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;

(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;

(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;

(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been cancelled, revoked, suspended or altered;

(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or

(m) Refuses or fails to surrender to the Authority or Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter,

➥ is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. Any person who, in violation of the provisions of NRS 706.386, operates as a fully regulated common motor carrier without first obtaining a certificate of public convenience and necessity or any person who, in violation of the provisions of NRS 706.421, operates as a contract motor carrier without first obtaining a permit is guilty of a misdemeanor and shall be punished:

(a) For a first offense within a period of 12 consecutive months, by a fine of not less than $500 nor more than $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

(b) For a second offense within a period of 12 consecutive months and for each subsequent offense that is committed within a period of 12 consecutive months of any prior offense under this subsection, by a fine of $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

3. Any person who, in violation of the provisions of NRS 706.386, operates or permits the operation of a vehicle in passenger service without first obtaining a certificate of public convenience and necessity is guilty of a gross misdemeanor.

4. If a law enforcement officer witnesses a violation of any provision of subsection 2 or 3, the law enforcement officer may cause the vehicle to be towed immediately from the scene and impounded in accordance with NRS 706.476.

5. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.

6. Any bail allowed must not be less than the appropriate fine provided for by this section.

Sec. 6. ~~[The amendatory provisions of this act:~~

~~1. Do not apply during the current term of any employment agreement entered into before the effective date of this act between a motor carrier, person or other entity subject to the amendatory provisions of section 1 of this act and drivers who are employees of the motor carrier, person or other entity; and~~

~~2. Apply to any extension or renewal of such an agreement and to any such agreement entered into on or after the effective date of this act.]~~ **(Deleted by amendment.)**

Sec. 7. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 8. This act becomes effective ~~[upon passage and approval.]~~ **on January 1, 2020.**

Assemblyman Carrillo moved that the Assembly concur in the Senate Amendment No. 674 to Assembly Bill No. 234.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

The amendment changes the effective date to January 1, 2020; removes section 6 pertaining to current employment agreements, which is not needed because of the effective date change; and adds provisions to exclude taxi cabs and transportation companies from the provisions of the bill.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 485.

The following Senate amendment was read:

Amendment No. 812.

SUMMARY—Makes various changes relating to school ~~[buses.]~~ **vehicles.** (BDR 43-36)

AN ACT relating to school ~~[buses;]~~ **vehicles;** revising the definition of a school bus for certain purposes; **authorizing a school district to lease school buses or vehicles belonging to the school district in certain circumstances;** revising provisions relating to the inspection of school buses; requiring new school buses purchased on or after a certain date be equipped with safety belts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides a definition of a school bus for the purposes of certain laws regarding traffic laws and rules of the road. (NRS 484A.230) **Section 1** of this bill revises the definition of school bus to specify that such a vehicle must be "designed or used to carry more than 10 passengers in addition to the driver." This definition more closely comports with the definition of a school bus in the Federal Motor Carrier Safety Regulations. (49 C.F.R. § 390.5)

Existing law provides various restrictions on and requirements for a school bus, including required evacuation drills, adoption of a safety program, driver qualifications and training, and standards for how a school bus used to transport pupils must be equipped. (NRS 386.790-386.845) **Section 2** of this bill provides that the revised definition of school bus in **section 1** applies to all such existing laws. The revised definition of school bus in **section 1** also applies to various other uses of the term throughout title 34 of NRS, regarding such topics as the use of transportation funds by a school district to purchase school buses, the extension of the safe and respectful learning environment to include school buses, the prohibition on bullying and cyber-bullying on school buses, the authorization procedures for a pupil to self-administer certain medications on a school bus and the provision for suspension or expulsion of a pupil for certain behaviors committed on a school bus. (NRS 386.795, 388.132, 388.135, 392.425, 392.466)

Sections ~~[3]~~ **3.2 and 4** of this bill require that any new school bus which is purchased by a school district on or after July 1, 2019, must be equipped with a shoulder-harness-type safety belt assembly for each permanent seating position for passengers. The safety belts must meet certain federal standards

and specifications. **Section 6** of this bill imposes those same requirements on a private school which purchases a new school bus to transport pupils.

Existing law authorizes the board of trustees of a school district to allow school buses or vehicles belonging to the school district to be used for the transportation of public school pupils and children in certain circumstances. (NRS 386.790, 386.815) Sections 3.4 and 3.6 of this bill authorize a board of trustees to enter into a written agreement to lease school buses or vehicles belonging to the school district for special events taking place within the county in which the school district is located when a commercial bus is not reasonably available under certain circumstances. Section 3.4 also requires that any such agreement include provisions requiring the lessee to: (1) provide a security deposit; (2) pay a fee for the use of the school bus or vehicle; (3) accept responsibility for any damage to the bus or vehicle; (4) provide indemnification to the lessor school district and the school district's bus driver against any claim; (5) provide proof that each driver is licensed under the laws of this State and proof of insurance; (6) provide proof of a permit or other approval for the special event, if required by a governmental entity; (7) give preference to hiring a driver who is employed by the school district; and (8) acknowledge that the lessee is not entitled to the limitation on damages that applies to government employees and entities. (NRS 41.035) Additionally, section 3.4 limits the number of school buses and vehicles a school district may lease during any period of time to not more than 8.5 percent of the total number of school buses and vehicles belonging to that school district.

Under existing law, agents and employees of the Department of Motor Vehicles are required to inspect school buses to determine if the school buses comply with various equipment and identification requirements, and must report any violations to the superintendent of schools of the school district wherein the school buses are operating. (NRS 386.840) **Section 5** of this bill transfers those requirements to the Department of Public Safety.

Existing law provides that certain laws relating to the condition, equipment and identification of vehicles used for the transportation of pupils, including school buses, apply to private schools. (NRS 394.190) All such vehicles are subject to inspection at all times by the Department of Motor Vehicles, which is required to report any violation to the executive head of the private school. **Section 6** of this bill transfers those requirements to the Department of Public Safety.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 484A.230 is hereby amended to read as follows:

484A.230 1. "School bus" means every motor vehicle ~~[owned]~~ ***which is designed or used to carry more than 10 passengers in addition to the driver and which is:***

(a) Owned by or under the control of a public or governmental agency or a private school and regularly operated for the transportation of children to or from school or a school activity ***;*** or ~~[~~privately~~]~~

(b) Privately owned and regularly operated for compensation for the transportation of children to or from school or a school activity.

2. "School bus" does not include ~~[~~a~~]~~ ***:***

(a) A passenger car operated under a contract to transport children to and from school ~~[~~, a~~]~~ ***;***

(b) A common carrier or commercial vehicle under the jurisdiction of the Surface Transportation Board or the Nevada Transportation Authority when such vehicle is operated in the regular conduct of its business in interstate or intrastate commerce within the State of Nevada ~~[~~.~~]~~ ***; or***

(c) A multifunction school activity bus whose purposes do not include transporting students to and from home or school bus stops.

Sec. 2. NRS 385.007 is hereby amended to read as follows:

385.007 As used in this title, unless the context otherwise requires:

1. "Achievement charter school" means a public school operated by a charter management organization, as defined in NRS 388B.020, an educational management organization, as defined in NRS 388B.030, or other person pursuant to a contract with the Achievement School District pursuant to NRS 388B.210 and subject to the provisions of chapter 388B of NRS.

2. "Department" means the Department of Education.

3. ***"English learner" has the meaning ascribed to it in 20 U.S.C. § 7801(20).***

4. "Homeschooled child" means a child who receives instruction at home and who is exempt from compulsory attendance pursuant to NRS 392.070, but does not include an opt-in child.

~~[~~4. "Limited English proficient" has the meaning ascribed to it ***"English learner"*** in 20 U.S.C. § 7801(25). ***7801(20).]***

5. "Opt-in child" means a child for whom an education savings account has been established pursuant to NRS 353B.850, who is not enrolled full-time in a public or private school and who receives all or a portion of his or her instruction from a participating entity, as defined in NRS 353B.750.

6. "Public schools" means all kindergartens and elementary schools, junior high schools and middle schools, high schools, charter schools and any other schools, classes and educational programs which receive their support through public taxation and, except for charter schools, whose textbooks and courses of study are under the control of the State Board.

7. ***"School bus" has the meaning ascribed to it in NRS 484A.230.***

8. "State Board" means the State Board of Education.

~~[~~8.~~]~~ ***9.*** "University school for profoundly gifted pupils" has the meaning ascribed to it in NRS 388C.040.

Sec. 3. Chapter 386 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 3.2 and 3.4 of this act.**

Sec. 3.2. 1. On and after July 1, 2019, with respect to any new school bus which is purchased by a school district to transport pupils, the school bus must be equipped with a shoulder-harness-type safety belt assembly for use in each permanent seating position for passengers on the school bus.

2. Each shoulder-harness-type safety belt assembly required by subsection 1 must meet the applicable minimum standards and specifications which are set forth in the Federal Motor Vehicle Safety Standards of the National Highway Traffic Safety Administration of the United States Department of Transportation and which are in effect on the date the school district purchases the school bus.

Sec. 3.4. 1. The board of trustees of a school district may, except as otherwise provided in subsections 5 and 6, authorize the school district to enter into a written agreement to lease school buses or vehicles belonging to the school district for special events that take place within the county in which the school district is located, provided that such an agreement will not interfere with or prevent the school district from furnishing transportation for pupils for the purposes described in NRS 386.790 and 386.815.

2. If a school district enters into an agreement pursuant to this section, the agreement must include, without limitation, a provision requiring the lessee to:

(a) Provide a security deposit in an amount which is not less than 20 percent of the estimated total amount of the fee set forth in the agreement;

(b) Pay a fee in an amount which is not less than the total cost per mile for the use of a school bus or vehicle to the school district, as determined by the transportation department of the school district, if the school district has such a department, or by the board of trustees, if the school district does not have such a department, and any additional costs or expenses related to the use of the school bus or vehicle, including, without limitation, fuel, wear and tear, maintenance, appropriate staffing, administrative costs and an additional rental service fee;

(c) Indemnify and hold the school district harmless against any claim, demand, judgment or legal action, whatsoever, including, without limitation, any losses, damages, legal costs or expenses incident thereto;

(d) Indemnify and hold the driver of a school bus or vehicle harmless against any claim, demand, judgment or legal action, whatsoever, including, without limitation, any losses, damages, legal costs or expenses incident thereto incurred when acting in the scope of his or her employment;

(e) Accept responsibility for any damage to the school bus or vehicle while leased as determined by the transportation department of the school

district, if the school district has such a department, or by the board of trustees, if the school district does not have such a department;

(f) Provide proof that the school bus or vehicle leased will be operated by a person licensed under the laws of this State to operate the particular type of bus or vehicle leased;

(g) Provide proof of insurance which covers the school bus or vehicle while operated by the lessee up to an amount determined by the transportation department of the school district, if the school district has such a department, or by the board of trustees, if the school district does not have such a department;

(h) Provide proof of a permit or other approval for the special event, if required by a governmental entity;

(i) Give preference to a driver of a school bus or vehicle who is employed by the school district before hiring another driver who is not employed by the school district; and

(j) Acknowledge that by entering into such an agreement, the lessee does not become an agent or employee of the school district and is not entitled to the limitation on damages set forth in NRS 41.032 to 41.038, inclusive, for any act or failure to act by the lessee or an agent or employee of the lessee.

3. Except as otherwise provided in this subsection, whenever any school bus or vehicle belonging to a school district is leased, any lettering on the school bus or vehicle designating the vehicle as a school bus or vehicle must be covered and concealed, no signs or wording may be affixed to the school bus or vehicle and any system of flashing red lights or a mechanical device attached to the front of the school bus or vehicle must not be used in the operation of the school bus or vehicle by the lessee except in the case of an emergency. A system of flashing red lights or a mechanical device attached to the front of the school bus or vehicle may be used in the operation of a school bus or vehicle only during an emergency.

4. A school district shall separately account for any money collected as a result of an agreement to lease a school bus or vehicle which exceeds the actual cost to the school district and, except as otherwise provided in this subsection, such money may be used at the discretion of the school district. A school district may not use any money collected as a result of an agreement to lease a school bus or vehicle to:

(a) Settle or arbitrate disputes between a recognized organization representing employees of the school district and the school district, or to settle any negotiations; or

(b) Adjust the district-wide schedules of salaries and benefits of the employees of the school district.

5. A school district may not enter into an agreement pursuant to this section:

(a) For special events that take place outside the county in which the school district is located.

(b) If the school district determines that transportation by a commercial bus is reasonably available for a special event.

6. A school district may not lease during any period of time more than 8.5 percent of the total number of school buses and vehicles belonging to the school district.

7. For the purposes of this section, "special event" means an event or series of events that does not take place during the regular school day and is not an interscholastic contest, school festival or other activity properly a part of a school program.

Sec. 3.6. **NRS 386.815 is hereby amended to read as follows:**

386.815 1. A board of trustees of a school district may permit school buses or vehicles belonging to the school district to be used for the transportation of public school pupils to and from:

(a) Interscholastic contests;

(b) School festivals; or

(c) Other activities properly a part of a school program.

2. In addition to the use of school buses and vehicles authorized pursuant to subsection 1, the board of trustees of a school district may permit school buses and vehicles belonging to the school district to be used for the transportation of children to and from:

(a) Programs for the supervision of children before and after school; and

(b) Other programs or activities that the board of trustees deems appropriate,

➥ regardless of whether such programs or activities are part of a school program.

3. The use of school buses or vehicles belonging to the school district for the purposes enumerated in subsections 1 and 2 is governed by regulations made by the board of trustees, which must not conflict with regulations of the State Board. Proper supervision for each vehicle so used must be furnished by school authorities, and each school bus must be operated by a driver qualified under the provisions of NRS 386.790 to 386.840, inclusive ~~[.]~~ ***, and section 3.4 of this act.***

4. A driver shall not operate a vehicle for the purposes enumerated in subsections 1 and 2 for more than 10 hours in a 15-hour period. The time spent operating, inspecting, loading, unloading, repairing and servicing the vehicle and waiting for passengers must be included in determining the 15-hour period. After 10 hours of operating a vehicle, the driver must rest for 10 hours before he or she again operates a vehicle for such purposes.

5. Before January 1, 1984, the State Board shall adopt regulations to carry out the provisions of subsection 4.

Sec. 4. NRS 386.830 is hereby amended to read as follows:

386.830 1. All vehicles used in the transportation of pupils must be:

(a) In good condition and state of repair.

(b) Well equipped, and must contain sufficient room and seats so that the driver and each pupil being transported have a seat inside the vehicle. Each pupil shall remain seated when the vehicle is in motion.

~~[(c) Inspected]~~

2. Each school bus must be inspected semiannually by the Department of Public Safety to ensure that the vehicles are mechanically safe and meet the minimum specifications established by the State Board. The Department of Public Safety shall make written recommendations to the superintendent of schools of the school district wherein any such vehicle is operating for the correction of any defects discovered thereby.

~~[2.]~~ ***3.*** If the superintendent of schools fails or refuses to take appropriate action to have the defects corrected within 10 days after receiving notice of them from the Department of Public Safety, the superintendent is guilty of a misdemeanor, and upon conviction thereof may be removed from office.

~~[3.]~~ ***4.*** Except as otherwise provided in subsection ~~[4,]~~ ***5,*** all vehicles used for transporting pupils must meet the specifications established by regulation of the State Board.

~~[4.]~~ ***5.*** Except as otherwise provided in subsection ~~[5,]~~ ***6,*** any bus which is purchased and used by a school district to transport pupils to and from extracurricular activities is exempt from the specifications adopted by the State Board if the bus meets the federal safety standards for motor vehicles which were applicable at the time the bus was manufactured and delivered for introduction in interstate commerce.

~~[5.]~~ ***6.*** Any new school bus which is purchased by a school district to transport pupils must meet the standards set forth in:

(a) Subsection 1 of NRS 386.835 if the school bus is purchased on or after January 1, 2016; ~~[and]~~

(b) Subsection 2 or 3 of NRS 386.835 if the school bus is purchased on or after July 1, 2016 ~~[.]~~ ***; and***

(c) Section ~~[3]~~ 3.2 of this act if the school bus is purchased on or after July 1, 2019.

~~[6.]~~ ***7.*** Any person violating any of the requirements of this section is guilty of a misdemeanor.

Sec. 5. NRS 386.840 is hereby amended to read as follows:

386.840 1. Except as otherwise provided in this subsection, every school bus operated for the transportation of pupils to or from school must be equipped with:

(a) A system of flashing red lights of a type approved by the State Board and installed at the expense of the school district or operator. Except as otherwise provided in subsection 2, the driver shall operate this signal:

(1) When the bus is stopped to unload pupils.

(2) When the bus is stopped to load pupils.

(3) In times of emergency, accident or motor vehicle crash, when appropriate.

(b) A mechanical device, attached to the front of the bus which, when extended, causes persons to walk around the device. The device must be approved by the State Board and installed at the expense of the school district or operator. The driver shall operate the device when the bus is stopped to load or unload pupils. The installation of such a mechanical device is not required for a school bus which is used solely to transport pupils with special needs who are individually loaded and unloaded in a manner which does not require them to walk in front of the bus. The provisions of this paragraph do not prohibit a school district from upgrading or replacing such a mechanical device with a more efficient and effective device that is approved by the State Board.

2. A driver may stop to load and unload pupils in a designated area without operating the system of flashing red lights required by subsection 1 if the designated area:

(a) Has been designated by a school district and approved by the Department;

(b) Is of sufficient depth and length to provide space for the bus to park at least 8 feet off the traveled portion of the roadway;

(c) Is not within an intersection of roadways;

(d) Contains ample space between the exit door of the bus and the parking area to allow safe exit from the bus;

(e) Is located so as to allow the bus to reenter the traffic from its parked position without creating a traffic hazard; and

(f) Is located so as to allow pupils to enter and exit the bus without crossing the roadway.

3. In addition to the equipment required by subsection 1 and except as otherwise provided in subsection ~~[4]~~ ***5*** of NRS 386.830, each school bus must:

(a) Be equipped and identified as required by the regulations of the State Board; and

(b) If the bus is a new bus purchased by a school district to transport pupils, meet the standards set forth in:

(1) Subsection 1 of NRS 386.835 if the bus is purchased on or after January 1, 2016; ~~[and]~~

(2) Subsection 2 or 3 of NRS 386.835 if the bus is purchased on or after July 1, 2016 ~~[.]~~ ***; and***

(3) Section ~~[3]~~ 3.2 of this act if the bus is purchased on or after July 1, 2019.

4. The ~~[agents and employees of the]~~ Department of ~~[Motor Vehicles]~~ ***Public Safety*** shall inspect school buses to determine whether the provisions of this section concerning equipment and identification of the school buses have been complied with, and shall report any violations discovered to the superintendent of schools of the school district wherein the vehicles are operating.

5. If the superintendent of schools fails or refuses to take appropriate action to correct any such violation within 10 days after receiving notice of it from the Department of ~~[~~Motor Vehicles,~~]~~ ***Public Safety,*** the superintendent is guilty of a misdemeanor, and upon conviction must be removed from office.

6. Any person who violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 6. NRS 394.190 is hereby amended to read as follows:

394.190 1. The provisions of NRS 386.830 and 386.840 relating to the condition, equipment and identification of vehicles used for the transportation of pupils apply to private schools.

2. On and after January 1, 2016, ~~[or]~~ July 1, 2016, ***or July 1, 2019,*** as applicable, with respect to any new school bus purchased to transport pupils, the standards for school buses set forth in:

(a) Subsection 1 of NRS 386.835; ~~[and]~~

(b) Subsection 2 or 3 of NRS 386.835 ~~[.]~~ ***; and***

(c) Section ~~[3]~~ 3.2 of this act,

➥ apply to private schools.

3. All such vehicles are subject to inspection at all times by ~~[agents and employees of]~~ the Department of ~~[~~Motor Vehicles,~~]~~ ***Public Safety,*** who shall report any violations discovered thereby to the executive head of the private school.

4. If the executive head of the private school fails or refuses to take appropriate action to correct any such violation within 10 days after receiving the report from the Department of ~~[~~Motor Vehicles,~~]~~ ***Public Safety,*** the executive head is guilty of a misdemeanor.

Sec. 7. This act becomes effective ~~[on July 1, 2017.]~~ **upon passage and approval.**

Assemblyman Carrillo moved that the Assembly concur in the Senate Amendment No. 812 to Assembly Bill No. 485.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

The amendment makes two changes. It makes a minor change to reference "English learner" rather than "limited English proficient" to avoid a conflict during the codification process of this definition in NRS 385.007. It also incorporates the provisions of Senate Bill 164, which allows the school district to enter into rental agreements to lease school busses or vehicles for special events taking place within the school district that are not part of any school program as long as the agreements do not interfere with or prevent the regular transport of district students. The amendment also revises the distribution of proceeds of the lease. As discussed, the bill would prohibit use of proceeds for the purpose of salaries or benefits.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 276, 471, 495, 496; Senate Bills Nos. 12, 56, 71, 81, 164, 171, 183, 230, 233, 274, 281, 287, 322, 323, 356, 364, 384, 386, 397, 471, 477, 502; Senate Joint Resolutions Nos. 4 and 5.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Catie Fitzgerald.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Tuesday, May 30, 2017, at 11:30 a.m., and that it do so in memory of Dr. Alvin D. Blumberg.

Motion carried.

Assembly adjourned at 3:43 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

The

Journal of the Assembly

OF THE

SEVENTY-NINTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2017

BEGUN ON MONDAY, THE SIXTH DAY OF FEBRUARY, AND ENDED ON MONDAY, THE FIFTH DAY OF JUNE

VOLUME 5

**THE ONE HUNDRED AND FOURTEENTH DAY—
THE ONE HUNDRED AND EIGHTEENTH DAY**

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ASSEMBLY PROCEEDINGS 6623

THE ONE HUNDRED AND FOURTEENTH DAY

CARSON CITY (Tuesday), May 30, 2017

Assembly called to order at 9:05 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Wheeler, who was excused.

Prayer by Assemblyman John Hambrick.

Heavenly Father, we ask that You look down upon this Assembly. You truly are the only One who knows our hearts, and in the coming days, I ask You to give this group the grace and the courage to remember the oath they took at the beginning of this session and why they are here. We are here for the people of this state. Lord, please give us the patience to do thy will.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 106, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRENE BUSTAMANTE ADAMS, *Chair*

Mr. Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 66, 132, 457, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which was referred Senate Bill No. 213, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which was referred Senate Bill No. 212, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TYRONE THOMPSON, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 229, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 74, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HEIDI SWANK, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which were referred Senate Bill No. 414; Senate Joint Resolution No. 14, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DINA NEAL, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 427, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RICHARD CARRILLO, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 508, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 510, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 374, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 130, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 144, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 224, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 348, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 417, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 436, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 467, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 491, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Senate Bill No. 150, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 29, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 106, 141, 473, 480.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 88.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 126, 225, 355.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 402, 405, 438, 498.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 538.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 774 to Senate Bill No. 10; Assembly Amendment No. 802 to Senate Bill No. 60; Assembly Amendment No. 883 to Senate Bill No. 169; Assembly Amendment No. 897 to Senate Bill No. 194; Assembly Amendment No. 932 to Senate Bill No. 260; Assembly Amendment No. 744 to Senate Bill No. 262; Assembly Amendment No. 730 to Senate Bill No. 337; Assembly Amendment No. 880 to Senate Bill No. 360; Assembly Amendment No. 731 to Senate Bill No. 406; Assembly Amendment No. 776 to Senate Bill No. 407; Assembly Amendment No. 885 to Senate Bill No. 409; Assembly Amendment No. 790 to Senate Bill No. 433.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 912 to Senate Bill No. 470; Assembly Amendment No. 911 to Senate Bill No. 472.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 30, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 492.

Also, I have the honor to inform your honorable body that the Senate on this day receded from its action on Assembly Bill No. 83, Senate Amendment No. 853.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 454, Senate Amendment No. 697, and requests a conference, and appointed Senators Cannizzaro, Spearman and Hardy as a Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 527.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 325, 428.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 373, 500, 511, 522, 540.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 6.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 816 to Senate Bill No. 65; Assembly Amendment No. 840 to Senate Bill No. 84; Assembly Amendments Nos. 767, 938, 984 to Senate Bill No. 149; Assembly Amendment No. 725 to Senate Bill No. 162; Assembly Amendment No. 728 to Senate Bill No. 199; Assembly Amendment No. 834 to Senate Bill No. 251; Assembly Amendment No. 663 to Senate Bill No. 268; Assembly Amendment No. 835 to Senate Bill No. 270; Assembly Amendment No. 690 to Senate Bill No. 283; Assembly Amendments Nos. 888, 985 to Senate Bill No. 291; Assembly Amendment No. 768 to Senate Bill No. 320; Assembly Amendment No. 828 to Senate Bill No. 350; Assembly Amendment No. 879 to Senate Bill No. 352; Assembly Amendments Nos. 934, 971 to Senate Bill No. 357; Assembly Amendment No. 681 to Senate Bill No. 398; Assembly Amendment No. 688 to Senate Bill No. 399; Assembly Amendment No. 989 to Senate Bill No. 400; Assembly Amendment No. 878 to Senate Bill No. 415; Assembly Amendments Nos. 689, 978 to Senate Bill No. 452; Assembly Amendment No. 687 to Senate Bill No. 460; Assembly Amendment No. 733 to Senate Bill No. 468;

Assembly Amendment No. 941 to Senate Bill No. 516; Assembly Amendment No. 792 to Senate Joint Resolution No. 1; Assembly Amendment No. 764 to Senate Joint Resolution No. 3.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 892 to Senate Bill No. 144.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendments Nos. 756, 757 to Senate Bill No. 209; Assembly Amendment No. 948 to Senate Bill No. 259.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 6.

Assemblywoman Benitez-Thompson moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 505, 506, 507, and 509 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Concurrent Resolution No. 1 be taken from the Chief Clerk's desk and placed at the top of the Resolution File.

Motion carried.

Senate Concurrent Resolution No. 1.

Assemblywoman Diaz moved the adoption of the resolution.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Senate Concurrent Resolution 1 directs the Legislative Commission to appoint a committee to conduct an interim study relating to affordable housing in Nevada. The resolution specifies that the study must include, among other things, an examination of the present and prospective need for affordable housing, any impediments to the development of affordable housing, the methods to increase the availability of affordable housing, and other relevant matters relating to affordable housing.

Resolution adopted and ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 517—AN ACT relating to public employees; establishing the maximum allowed salaries for certain employees in the classified and unclassified service of the State; making appropriations from the State General Fund and State Highway Fund for increases in the salaries of certain employees of the State; and providing other matters properly relating thereto.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 518—AN ACT relating to state financial administration; making appropriations from the State General Fund and the State Highway Fund for the support of the civil government of the State of Nevada for the 2017-2019 biennium; providing for the use of the money so appropriated; making various other changes relating to the financial administration of the State; repealing the prospective expiration of certain provisions relating to the Nevada Supreme Court; and providing other matters properly relating thereto.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 9:20 p.m.

ASSEMBLY IN SESSION

At 9:26 p.m.

Mr. Speaker presiding.

Quorum present.

Senate Bill No. 88.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 126.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 225.

Assemblyman Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 325.

Assemblyman Sprinkle moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 355.

Assemblyman Sprinkle moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 373.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 402.

Assemblyman Ohrenschall moved that the bill be referred to the Committee on Corrections, Parole, and Probation.

Motion carried.

Senate Bill No. 405.

Assemblyman Yeager moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 428.

Assemblywoman Swank moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 438.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 498.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 500.

Assemblyman Flores moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 511.

Assemblywoman Swank moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 522.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 527.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 538.

Assemblyman Yeager moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 540.

Assemblywoman Diaz moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 77, 106, 141, 150, 161, 234, 320, 321, 379, 384, 415, 418, 431, 447, 457, 461, 473, 480, and 485; Assembly Joint Resolution No. 5; Senate Bills Nos. 3, 10, 25, 41, 60, 137, 138, 169, 194, 260, 262, 324, 337, 360, 369, 406, 407, 409, 433, 496, 501, 512, 518, 524; Senate Joint Resolutions Nos. 8, 12, and 13.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 36.

The following Senate amendment was read:

Amendment No. 960.

AN ACT relating to the City of Reno; revising provisions relating to appointive officers and employees; creating a sixth ward for the City; requiring that a candidate for Council Member be voted upon in a special or general election only by the registered voters of the ward that the candidate seeks to represent; **removing the Mayor from the City Council; authorizing the Mayor to veto, under certain circumstances, matters passed by the City Council;** revising provisions relating to interactions between the City Council and employees; eliminating the office of the Council Member who represents the City at large; requiring the City Council to adopt an ordinance requiring the Mayor and Council Members to submit reports of campaign contributions in certain years; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The existing Charter of the City of Reno specifies the persons within the City government who are considered appointive officers and also describes appointive employees of the City who: (1) are not appointive officers but regularly assist an appointive officer; (2) have duties that consist of administrative work directly related to management policies; and (3) have positions that require them customarily to exercise discretion and independent judgment. (Reno City Charter §§ 1.012, 1.090) The existing Charter of the City of Reno also authorizes the City Manager to appoint such staff as necessary for the functioning of the office, including specified

appointive employees. (Reno City Charter § 3.020) **Section 1** of this bill clarifies the definition of "appointive employee." **Section 6** of this bill authorizes the City Manager to appoint such staff as necessary for the functioning of the City, subject to certain limitations on the number of appointive offices and positions.

The existing Charter of the City of Reno prohibits the Mayor or any Council Member from dictating the appointment, suspension or removal of any appointive employee. The existing Charter also prohibits the City Council or its members from dealing directly with an appointive employee, instead of the City Manager, on matters pertaining to City business, except for the purpose of inquiry. (Reno City Charter § 3.140) **Section 7** of this bill prohibits the Mayor or a Council Member from dictating the appointment, suspension or removal of any employee unless specifically authorized in the Charter. **Section 7** also removes the exception authorizing the City Council or its members to deal directly with an employee for the purpose of inquiry and instead: (1) requires the City Council to deal directly with the City Manager; and (2) prohibits the City Council from giving any order to any subordinate to the City Manager.

Existing law requires candidates for public office to report campaign contributions. Five reports are required during the calendar year in which the office is up for election, and one report is required during each year in which the office is not up for election. (NRS 294A.120) **Section 8** of this bill requires the City Council of the City of Reno to adopt an ordinance requiring the Mayor and each Council Member to report the campaign contributions received during every year other than the year in which the general election for that office is held. These reports are in addition to the existing reports required of candidates for public office.

The existing Charter of the City of Reno divides the City into five wards, each of which is represented on the City Council by a Council Member. A sixth Council Member represents the City at large. (Reno City Charter §§ 1.050, 2.010) The existing Charter of the City of Reno also provides that the candidates for Council Member to represent a particular ward must be voted on in a primary election only by the registered voters of that ward and, in a general election, must be elected by the registered voters of the City at large. (Reno City Charter §§ 5.010, 5.020)

Sections 9 and 11 of this bill amend the Charter of the City of Reno to provide that all candidates for Council Member to represent a particular ward must be elected in a general election only by the registered voters of that ward. **Section 2** of this bill increases the number of wards in the City of Reno to six. **Section 10** of this bill replaces the office of Council Member at large with the office of Council Member to represent the newly created sixth ward, and **sections 4, 5 and 12** of this bill provide conforming changes to account for that replacement. **Section 13** of this bill requires the City Council to establish the boundaries of the sixth ward, and alter the boundaries of the first through fifth wards accordingly, after the completion of the 2020 federal

decennial census and before January 1, 2024. Under **sections 14 and 15** of this bill, the Council Member who represents the sixth ward will first be elected at the 2024 general election. **Section 14** also provides that Council Members representing wards one through five who are in office on January 1, 2024, will continue to represent those wards notwithstanding the altered boundaries for the remainders of their terms and that the Council Member who represents the City at large, who was last elected at the 2020 general election, will continue to represent the City at large for the remainder of his or her term.

Existing law requires that a vacancy in the office of a Council Member be filled by appointment by a majority vote of the City Council unless the City Council calls a special election to fill the vacancy. **Section 3** of this bill provides that if a special election is held to fill the vacancy in the office of Council Member who represents a ward, only registered voters of that ward may vote at the special election.

Existing law provides that the legislative power of the City is vested in the City Council consisting of six Council Members and a Mayor. (Reno City Charter § 2.010) Effective October 1, 2017: (1) section 4.5 of this bill removes the Mayor from the City Council; and (2) section 5.5 of this bill authorizes the Mayor, under certain circumstances, to veto matters passed by the City Council.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 1.012 of the Charter of the City of Reno, being chapter 349, Statutes of Nevada 2013, as amended by chapter 163, Statutes of Nevada 2015, at page 766, is hereby amended to read as follows:

Sec. 1.012 "Appointive employee" defined. "Appointive employee" means a person ***described in subsection 5 of section 1.090*** who is appointed to an appointive position established by ordinance pursuant to subsection 4 of section 1.090 **.** ~~[~~or a position described in subsection 5 of section 1.090.~~]~~

Sec. 2. Section 1.050 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 327, Statutes of Nevada 1999, at page 1365, is hereby amended to read as follows:

Sec. 1.050 Wards: Creation; boundaries.

1. The City must be divided into ~~[~~five~~]~~ ***six*** wards, which must be as nearly equal in population as can be conveniently provided. The territory comprising each ward must be contiguous, except that if any territory of the City which is not contiguous to the remainder of the City does not contain sufficient population to constitute a separate ward, it may be placed in any ward of the City.

2. The boundaries of the wards must be established and changed by ordinance, passed by a vote of at least five-sevenths of the City Council. The boundaries of the wards:

(a) Must be changed whenever the population, as determined by the last preceding national census of the Bureau of the Census of the United States Department of Commerce, in any ward exceeds the population in any other ward by more than 5 percent.

(b) May be changed to include territory that has been annexed, or whenever the population in any ward exceeds the population in another ward by more than 5 percent by any measure that is found to be reliable by the City Council.

Sec. 3. Section 1.070 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 163, Statutes of Nevada 2015, at page 767, is hereby amended to read as follows:

Sec. 1.070 Elective offices: Vacancies.

1. Except as otherwise provided in this section, a vacancy in the City Council or in the office of City Attorney or Municipal Judge must be filled by a majority vote of the members of the City Council within 30 days after the occurrence of the vacancy. A person may be selected to fill a prospective vacancy in the City Council before the vacancy occurs. In filling a prospective vacancy, each member of the Council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Council pursuant to this section. The appointee must have the same qualifications as are required of the elective official. The appointee shall serve until the next general municipal election and until his or her successor is elected and qualified.

2. If a prospective vacancy or vacancy occurs in ~~[an]~~ ***the*** office of ***a*** City Council ~~[.]~~ ***Member,*** in lieu of appointment, the City Council may, by resolution, declare a special election to fill the vacancy for the remainder of the unexpired term. The resolution declaring a special election must be adopted within 30 days after the occurrence of the vacancy and must state the date set by the City Council for the special election. In the case of a prospective vacancy, the Council may adopt the resolution before the vacancy occurs, but the special election may not be held until after the vacancy occurs. The special election must be conducted in accordance with the provisions of the resolution declaring the special election and section

5.030 of this Charter. A person elected to fill a vacancy at a special election must have the same qualifications as are required of the elected official.

3. A candidate at a special election to fill a vacancy in the office of a City Council Member who represents a ward must be elected only by the registered voters of the ward that the candidate seeks to represent.

Sec. 4. Section 1.070 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 163, Statutes of Nevada 2015, at page 767, is hereby amended to read as follows:

Sec. 1.070 Elective offices: Vacancies.

1. Except as otherwise provided in this section, a vacancy in the City Council or in the office of City Attorney or Municipal Judge must be filled by a majority vote of the members of the City Council within 30 days after the occurrence of the vacancy. A person may be selected to fill a prospective vacancy in the City Council before the vacancy occurs. In filling a prospective vacancy, each member of the Council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Council pursuant to this section. The appointee must have the same qualifications as are required of the elective official. The appointee shall serve until the next general municipal election and until his or her successor is elected and qualified.

2. If a prospective vacancy or vacancy occurs in the office of a City Council Member, in lieu of appointment, the City Council may, by resolution, declare a special election to fill the vacancy for the remainder of the unexpired term. The resolution declaring a special election must be adopted within 30 days after the occurrence of the vacancy and must state the date set by the City Council for the special election. In the case of a prospective vacancy, the Council may adopt the resolution before the vacancy occurs, but the special election may not be held until after the vacancy occurs. The special election must be conducted in accordance with the provisions of the resolution declaring the special election and section 5.030 of this Charter. A person elected to fill a vacancy at a special election must have the same qualifications as are required of the elected official.

3. A candidate at a special election to fill a vacancy in the office of a City Council Member ~~[who represents a ward]~~ must be elected only by the registered voters of the ward that the candidate seeks to represent.

Sec. 4.5. Section 2.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 327, Statutes of Nevada 1999, at page 1366, is hereby amended to read as follows:

Sec. 2.010 ~~[Mayor and]~~ City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of six Council Members~~.~~ ***.*** ~~[and a Mayor.]~~

2. The ~~[Mayor and]~~ Council Members must be qualified electors within the City. Each Council Member elected from a ward must continue to live in that ward for as long as he or she represents the ward.

3. ~~[The Mayor and one]~~ ***One*** Council Member ~~[represent]~~ ***represents*** the City at large and one Council Member represents each ward. The ~~[Mayor and]~~ Council Members serve for terms of 4 years.

4. The ~~[Mayor and]~~ Council Members are entitled to receive a salary in an amount fixed by the City Council.

Sec. 5. Section 2.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 327, Statutes of Nevada 1999, at page 1366, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of six Council Members.

2. The Council Members must be qualified electors within the City. Each Council Member elected from a ward must continue to live in that ward for as long as he or she represents the ward.

3. ~~[One Council Member represents the City at large and one]~~ ***One*** Council Member represents each ward. The Council Members serve for terms of 4 years.

4. The Council Members are entitled to receive a salary in an amount fixed by the City Council.

Sec. 5.5. **Section 3.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1824, is hereby amended to read as follows:**

Sec. 3.010 Mayor: ~~[Duties;]~~ ***Qualifications; term of office; duties; salary;*** Vice Mayor.

1. ***The Mayor shall:***

(a) Be a qualified elector within the City.

(b) Serve a term of 4 years.

2. The Mayor:

(a) Shall ~~[serve as a member of the City Council and]~~ preside over ~~[its]~~ ***the*** meetings ~~[.]~~ ***of the City Council, but he or she is not entitled to vote on any matter before the Council.***

(b) ***May veto any matter passed by the City Council if he or she gives notice in writing to the City Clerk within 10 days after the action taken by the City Council. A veto may be overturned only by a vote of at least five-sixths of the City Council.***

(c) Shall not have any administrative duties.

~~[(c)]~~ ***(d)*** Must be recognized as the head of the City Government for all ceremonial purposes.

~~[(d)]~~ ***(e)*** Shall determine the order of business at meetings pursuant to the rules of the City Council.

~~[(e) Is entitled to vote and shall vote last on all roll call votes.]~~

(f) Shall take all proper measures for the preservation of the public peace and order and for the suppression of riots and all forms of public disturbance, for which he or she is authorized to appoint extra police officers temporarily and without regard to Civil Service rules and regulations, and to call upon the County Sheriff or, if that force is inadequate, to call upon the Governor for assistance.

(g) Shall perform such other duties, except administrative duties, as are prescribed by ordinance or by the provisions of Nevada Revised Statutes which apply to a mayor of a city organized pursuant to the provisions of a special charter.

~~[2.]~~ ***(h) Is entitled to receive a salary in an amount fixed by the City Council.***

3. At the first regular City Council meeting in November of each year or whenever a vacancy occurs in the office of Vice Mayor, the City Council shall elect one of the Council Members to be Vice Mayor. That person:

(a) Holds that office and title, without additional compensation, for a term of 1 year or until removed after a hearing for cause by a vote of six-sevenths of the City Council or the office otherwise becomes vacant.

(b) Shall perform the duties of Mayor during the absence or disability of the Mayor.

(c) Shall act as Mayor if the office of Mayor becomes vacant until the vacancy is filled pursuant to section 1.070 of this Charter.

Sec. 6. Section 3.020 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 163, Statutes of Nevada 2015, at page 771, is hereby amended to read as follows:

Sec. 3.020 City Manager: Duties; compensation; residency; vacancy.

1. The City Manager is the Chief Executive and Administrative Officer of the City Government. He or she is responsible to the City Council for the proper administration of all affairs of the City. The duties and salary of the City Manager must be fixed by the City Council and he or she is entitled to be reimbursed for all expenses incurred in the performance of his or her duties.

2. Except as otherwise provided in this subsection, the City Manager must actually, as opposed to constructively, reside in the State. A person who is appointed as City Manager by the City Council must become an actual resident of the State not later than 6 months after the date of his or her appointment.

3. Any vacancy in the City Manager position must be filled by the City Council not later than 6 months after the vacancy occurs.

4. ~~[~~The~~]~~ ***Subject to the provisions of section 1.090, the*** City Manager may appoint such staff as he or she deems necessary for the proper functioning of ~~[~~his or her office, including, without limitation:

~~(a) A Chief of Staff, who is an appointive officer and not subject to the provisions of article IX of this Charter.~~

~~(b) One or more Assistant City Managers, who are appointive officers and not subject to the provisions of article IX of this Charter.~~

~~(c) An Executive Assistant, who is an appointive officer and not subject to the provisions of article IX of this Charter.~~

~~(d) Clerical and office support staff, who are subject to the provisions of article IX of this Charter.]~~ ***the City.***

5. The City Manager may designate an acting City Manager to serve in his or her absence or, if he or she fails to do so, the City Council may appoint an acting City Manager.

6. No member of the City Council may be appointed as City Manager during the term for which he or she was elected, or for 1 year thereafter.

7. The City Manager shall appoint all officers and employees of the City and may remove any officer or employee of the City except as otherwise provided in this Charter. The City Manager may authorize the head of a department or office to appoint or remove his or her subordinates.

Sec. 7. Section 3.140 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 163, Statutes of Nevada 2015, at page 773, is hereby amended to read as follows:

Sec. 3.140 Interference and direction by City Council.

1. ~~[The]~~ ***Except as specifically authorized in this Charter, the*** Mayor or Council Members shall not dictate the appointment, suspension or removal of any ~~[appointive]~~ employee. No person covered by the rules and regulations of the Commission may be appointed, suspended or removed except as provided in those rules and regulations.

2. Any action directed by the City Council in a public meeting shall be deemed to be direction to the City Manager and not to any subordinate of the City Manager. The City Council ~~[or]~~ ***and*** its members shall ~~[not:~~

~~(a) Deal]~~ ***deal*** directly with ~~[an appointive employee on a matter pertaining to City business, except for the purpose of inquiry, but shall deal through]~~ the City Manager ~~[; or~~

~~(b) Give]~~ ***and shall not give*** any order, publicly or privately, to any subordinate of the City Manager.

Sec. 8. The Charter of the City or Reno, being chapter 662, Statutes of Nevada 1971, at page 1962, is hereby amended by adding thereto a new section to be designated as section 5.120 immediately following section 5.110, to read as follows:

Sec. 5.120 Reports of Campaign Contributions.

1. The City Council shall adopt an ordinance requiring the Mayor and each member of the City Council to report contributions received during every year other than the year in which the general election for that office is held.

2. The reports required by an ordinance adopted pursuant to subsection 1 must be in addition to the reports required by chapter 294A of NRS.

3. As used in this section, "contribution" has the meaning ascribed to it in NRS 294A.007.

Sec. 9. Section 5.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1828, is hereby amended to read as follows:

Sec. 5.010 General elections.

1. On the date fixed by the election laws of the State for the statewide general election in November 2002, and at each successive interval of 6 years, there must be elected ~~[by the qualified voters of the City,]~~ at the general election, a Municipal Judge, who holds office for a term of 6 years and until his or her successor has been elected and qualified.

2. On the date fixed by the election laws of the State for the statewide general election in November 2002, and at each successive interval of 4 years, there must be elected ~~[by the qualified voters of the City,]~~ at the general election, a Mayor, Council Members from the second and fourth wards, and a City Attorney, all of whom hold office for a term of 4 years and until their successors have been elected and qualified.

3. On the date fixed by the election laws of the State for the statewide general election in November 2004, and at each successive interval of 6 years, there must be elected ~~[by the qualified voters of the City,]~~ at the general election, one or more Municipal Judges, other than the Municipal Judge referred to in subsection 1, all of whom hold office for a term of 6 years and until their successors have been elected and qualified.

4. On the date fixed by the election laws of the State for the statewide general election in November 2004, and at each successive interval of 4 years, there must be elected ~~[by the qualified voters of the City,]~~ at the general election, Council Members from the first, third and fifth wards and one Council Member at large, all of whom hold office for a term of 4 years and until their successors have been elected and qualified.

5. In the general election:

(a) A candidate for the office of Council Member who represents a ward must be elected only by the registered voters of the ward that the candidate seeks to represent.

(b) Candidates for the offices of Mayor, Municipal Judge, City Attorney and Council Member at large must be elected by the registered voters of the city at large.

Sec. 10. Section 5.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1828, is hereby amended to read as follows:

Sec. 5.010 General elections.

1. On the date fixed by the election laws of the State for the statewide general election in November 2002, and at each successive interval of 6 years, there must be elected at the general election, a

Municipal Judge, who holds office for a term of 6 years and until his or her successor has been elected and qualified.

2. On the date fixed by the election laws of the State for the statewide general election in November 2002, and at each successive interval of 4 years, there must be elected at the general election, a Mayor, Council Members from the second and fourth wards, and a City Attorney, all of whom hold office for a term of 4 years and until their successors have been elected and qualified.

3. On the date fixed by the election laws of the State for the statewide general election in November 2004, and at each successive interval of 6 years, there must be elected at the general election, one or more Municipal Judges, other than the Municipal Judge referred to in subsection 1, all of whom hold office for a term of 6 years and until their successors have been elected and qualified.

4. On the date fixed by the election laws of the State for the statewide general election in November 2004, and at each successive interval of 4 years, there must be elected at the general election, Council Members from the first, third and fifth wards ~~[and one Council Member at large,]~~ all of whom hold office for a term of 4 years and until their successors have been elected and qualified.

5. ***On the date fixed by the election laws of the State for the statewide general election in November 2024, and at each successive interval of 4 years, there must be elected at the general election a Council Member from the sixth ward, who holds office for a term of 4 years and until his or her successor has been elected and qualified.***

6. In the general election:

(a) A candidate for the office of Council Member ~~[who represents a ward]~~ must be elected only by the registered voters of the ward that the candidate seeks to represent.

(b) Candidates for the offices of Mayor, Municipal Judge ~~[,]~~ ***and*** City Attorney ~~[and Council Member at large]~~ must be elected by the registered voters of the city at large.

Sec. 11. Section 5.020 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1829, is hereby amended to read as follows:

Sec. 5.020 Primary elections; declaration of candidacy.

1. A candidate for any office to be voted for at an election must file a declaration of candidacy with the City Clerk. All filing fees collected by the City Clerk must be deposited to the credit of the General Fund of the City.

2. If for any general election, there are three or more candidates for any office to be filled at that election, a primary election for any such office must be held on the date fixed by the election laws of the State for statewide elections, at which time there must be nominated candidates for the office to be voted for at the next general election. If for any

general election there are two or fewer candidates for any office to be filled at that election, their names must not be placed on the ballot for the primary election but must be placed on the ballot for the general election. The general election must be held on the date fixed by the election laws of the State for the statewide general election.

3. In the primary election:

(a) The names of the two candidates for Municipal Judge, City Attorney or a particular City Council seat, as the case may be, who receive the highest number of votes must be placed on the ballot for the general election.

(b) Candidates for Council Member who represent a specific ward must be voted upon only by the registered voters of that ward.

(c) Candidates for Mayor ***, Municipal Judge, City Attorney*** and Council Member at large must be voted upon by all registered voters of the City.

~~[4. The Mayor and all Council Members must be voted upon by all registered voters of the City at the general election.]~~

Sec. 12. Section 5.020 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1829, is hereby amended to read as follows:

Sec. 5.020 Primary elections; declaration of candidacy.

1. A candidate for any office to be voted for at an election must file a declaration of candidacy with the City Clerk. All filing fees collected by the City Clerk must be deposited to the credit of the General Fund of the City.

2. If for any general election, there are three or more candidates for any office to be filled at that election, a primary election for any such office must be held on the date fixed by the election laws of the State for statewide elections, at which time there must be nominated candidates for the office to be voted for at the next general election. If for any general election there are two or fewer candidates for any office to be filled at that election, their names must not be placed on the ballot for the primary election but must be placed on the ballot for the general election. The general election must be held on the date fixed by the election laws of the State for the statewide general election.

3. In the primary election:

(a) The names of the two candidates for Municipal Judge, City Attorney or a particular City Council seat, as the case may be, who receive the highest number of votes must be placed on the ballot for the general election.

(b) Candidates for Council Member who represent a specific ward must be voted upon only by the registered voters of ~~[that]~~ ***the*** ward ~~[.]~~ ***that the candidate seeks to represent.***

(c) Candidates for Mayor, Municipal Judge ~~[,]~~ ***and*** City Attorney ~~[and Council Member at large]~~ must be voted upon by all registered voters of the City.

Sec. 13. After the completion of the 2020 decennial census of the Bureau of the Census of the United States Department of Commerce, and before January 1, 2024, the City Council of the City of Reno shall establish the boundaries of the additional ward created by the provisions of section 1.050 of the Charter of the City of Reno, as amended by section 2 of this act, which must be designated the sixth ward, and change the boundaries of the first through fifth wards to comply with the provisions of section 1.050 of the Charter of the City of Reno, as amended by section 2 of this act.

Sec. 14. Notwithstanding the provisions of sections 2.010 and 5.010 of the Charter of the City of Reno, as amended by sections 5 and 10 of this act:

1. A Council Member of the City or Reno who holds office on January 1, 2024:

(a) If elected or appointed to represent a ward, shall continue to represent that ward for the remainder of his or her term of office.

(b) If elected or appointed to represent the City at large, shall continue to represent the City at large for the remainder of his or her term of office.

2. The sixth ward created by the provisions of section 1.050 of the Charter of the City of Reno, as amended by section 2 of this act, must be filled initially at the general election held on the date fixed by the election laws of the State for the statewide general election in November 2024 and shall not be deemed to be vacant before that time.

Sec. 15. 1. This section and sections 1, 3, 6 to 9, inclusive, 11 and 13 of this act become effective on July 1, 2017.

2. Sections 2, 4, 5, 10, 12 and 14 of this act become effective:

(a) On July 1, 2017, for the purpose of passing ordinances, establishing the boundaries of the additional ward created by the provisions of section 1.050 of the Charter of the City of Reno, as amended by section 2 of this act, changing the boundaries of the first through fifth wards to comply with the provisions of section 1.050 of the Charter of the City of Reno, as amended by section 2 of this act, and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

3. Sections 4.5 and 5.5 of this act become effective on October 1, 2017.

Assemblywoman Benitez-Thompson moved that the Assembly do not concur in the Senate Amendment No. 960 to Assembly Bill No. 36.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

First of all, I want to thank the Chairman of Government Affairs for giving me the latitude to be able to make this motion and to be able to make comments on the record. It was important to me as I served as the Chair of Assembly Government Affairs during the 2013 Session. During that session, we heard and considered Assembly Bill 9, which was brought forth by the City of

Reno and addressed changes they would like to make to their charter. It was during that session that I worked with my colleague from Assembly District 31 to create and put in place a charter committee. The goal of the committee was to create a citizen-based process whereby due consideration of measures could be deliberated and voted upon. It is because of my role in helping to establish that process and my belief in that process and in that spirit that we not concur with Amendment 960.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 249.

The following Senate amendment was read:

Amendment No. 751.

ASSEMBLYMEN FRIERSON, BILBRAY-AXELROD, SPRINKLE, BENITEZ-THOMPSON, YEAGER; ELLIOT ANDERSON, ARAUJO, BROOKS, BUSTAMANTE ADAMS, CARLTON, CARRILLO, COHEN, DALY, DIAZ, FLORES, FUMO, JAUREGUI, JOINER, MCCURDY II, MILLER, MONROE-MORENO, NEAL, OHRENSCHALL, SPIEGEL, SWANK, THOMPSON AND WATKINS

JOINT SPONSORS: SENATORS FORD, RATTI AND CANCELA

AN ACT relating to health care; requiring the State Plan for Medicaid to provide certain benefits relating to contraception; revising provisions relating to dispensing of contraceptives; requiring all health insurance plans to provide certain benefits relating to contraception; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires most health insurance plans which cover prescription drugs and outpatient care to also include coverage for contraceptive drugs and devices without an additional copay, coinsurance or a higher deductible than that which may be charged for other prescription drugs and outpatient care under the plan. (NRS 689A.0415, 689A.0417, 689B.0376, 689B.0377, 695B.1916, 695B.1918, 695C.1694, 695C.1695) Certain plans, including small employer plans, benefit contracts provided by fraternal benefit societies, plans issued by a managed care organization and certain plans offered by governmental entities of this State are not currently subject to these requirements. (Chapters 287, 689C, 695A and 695G of NRS)

The federal Patient Protection and Affordable Care Act, Pub. L. 111-148, as amended, requires certain contraceptive drugs, devices and services to be covered by every health insurance plan without any copay, coinsurance or higher deductible. (42 U.S.C. § 300gg-13(a)(4); 45 C.F.R. § 147.130) **Sections 3, 4 and 7-25** of this bill align Nevada law with federal law, requiring all public and private health insurance plans made available in this State to provide coverage for certain benefits relating to contraception without any copay, coinsurance or a higher deductible. **Sections 3, 4 and 7-25** require ~~[all forms of]~~ **certain** contraceptive drugs, devices and services which are approved by the Food and Drug Administration to be covered by a health insurance plan, including, without limitation, up to a 12-month supply of ~~[contraceptives]~~ **a drug for contraception** or its therapeutic equivalent,

insertion ~~[or removal]~~ of a ~~[contraceptive]~~ device ~~[,]~~ **for contraception, removal of such a device that was inserted while the insured was covered by the same policy of health insurance,** education and counseling relating to contraception, management of side effects relating to contraception and voluntary sterilization for women. **Sections 3, 4 and 7-25** allow an insurer to require an insured to pay a higher deductible, copayment or coinsurance for a drug ~~[or device]~~ for contraception if the insured refuses to accept a therapeutic equivalent of the ~~[contraceptive]~~ drug **.** ~~[or device.]~~ In addition, a health insurance plan must include for each method of contraception which is approved by the Food and Drug Administration **and for which the insurer is required to provide coverage** at least one contraceptive drug or device for which no deductible, copayment or coinsurance may be charged to the insured. **Sections 3, 4 and 7-25** authorize an insurer to ~~[require a program of step therapy or prior authorization to obtain coverage for]~~ **use medical management techniques to determine the frequency of treatment using** the contraceptive drugs, devices and services required by this bill. **Sections 3, 4 and 7-25 prohibit an insurer from using medical management techniques to require an insured to use a method of contraception other than that prescribed by a provider of health care. Sections 3, 4 and 7-25 additionally require an insurer to provide a process by which an insured may request an exemption from a medical management technique required by an insurer. Sections 3, 4 and 7-25** also require a health insurance plan to provide coverage for certain therapeutic equivalent drugs ~~[and devices]~~ relating to contraception when a therapeutic equivalent covered by the plan is deemed to be medically inappropriate by a provider of health care. Additionally, **sections 7, 11, 14, 16, 17, 20 and 25** require that the benefits provided by a health insurance plan relating to contraception which are provided to the insured must also be provided to a covered dependent of an insured.

Existing law allows an insurer which is affiliated with a religious organization and which objects on religious grounds to providing coverage for contraceptive drugs and devices to exclude coverage in its policies, plans or contracts for such drugs and devices. (NRS 689A.0415, 689B.0376, 695B.1916, 695C.1694) **Sections 7, 11, 14, 16, 17, 20 and 25** of this bill move the religious exemption coverage for the contraceptive drugs, devices and services required by this bill to the new provisions relating to coverage of contraception.

Existing law requires this State to develop a State Plan for Medicaid which includes, without limitation, a list of the medical services provided to Medicaid recipients. (42 U.S.C. § 1396a; NRS 422.063) Existing federal law authorizes a state to charge a copay, coinsurance or deductible for most Medicaid services, but prohibits any copay, coinsurance or deductible for certain contraceptive drugs, devices and services. (42 U.S.C. § 1396o-1) Existing federal law also authorizes a state to define the parameters of contraceptive coverage provided under Medicaid. (42 U.S.C. § 1396u-7)

Existing Nevada law requires a number of specific medical services to be covered under Medicaid. (NRS 422.2717-422.27241) **Section 1** of this bill requires the State Plan for Medicaid to include certain benefits relating to contraception currently required to be covered by private health insurance plans pursuant to existing Nevada law and the Patient Protection and Affordable Care Act, Pub. L. 111-148, as amended, as well as ~~[the]~~ **certain** additional benefits related to contraception required by **sections 3, 4 and 7-25** of this bill without any copay, coinsurance or deductible in most cases. The benefits relating to ~~[contraceptive]~~ drugs **for contraception** which are provided by **section 1** of this bill are subject to step therapy and prior authorization requirements pursuant to existing law.

Existing law authorizes a pharmacist to dispense up to a 90-day supply of a drug pursuant to a valid prescription or order in certain circumstances. (NRS 639.2396) **Section 4.5** of this bill requires a pharmacist to dispense up to a 12-month supply of ~~[contraceptives]~~ **drugs for contraception** or a therapeutic equivalent **thereof** pursuant to a valid prescription or order if: (1) the patient has previously received a 3-month supply of the same drug; (2) the patient has previously received a 9-month supply of the same drug or a supply of the same drug for the balance of the plan year in which the 3-month supply was prescribed or ordered, whichever is less; (3) the patient is insured by the same health insurance plan; and (4) a provider of health care has not specified in the prescription or order that a different supply of the drug is necessary.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures for family planning services and supplies, including, without limitation:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Dispensed in accordance with section 4.5 of this act;

(b) Any type of device for contraception ~~[or its therapeutic equivalent]~~ which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;

(c) Insertion or removal of a device for contraception;

(d) Education and counseling relating to the initiation of the use of ~~[contraceptives]~~ contraception and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. [If a covered therapeutic equivalent described in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the Plan.

— 3.] Except as otherwise provided in subsections [5] 4 and [6,] 5, to obtain any benefit included in the Plan pursuant to subsection 1, a person enrolled in Medicaid must not be required to:

(a) Pay a higher deductible, any copayment or coinsurance; or

(b) Be subject to a longer waiting period or any other condition.

[4.] 3. The Director shall ensure that the provisions of this section are carried out in a manner which complies with the requirements established by the Drug Use Review Board and set forth in the list of preferred prescription drugs established by the Department pursuant to NRS 422.4025.

[5.] 4. The Plan may require a person enrolled in Medicaid to pay a higher deductible, copayment or coinsurance for a drug [or device] for contraception if the person refuses to accept a therapeutic equivalent of the [contraceptive] drug . [or device.

— 6.] 5. For each method of contraception which is approved by the Food and Drug Administration, the Plan must include at least one [contraceptive] drug or device for contraception for which no deductible, copayment or coinsurance may be charged to the person enrolled in Medicaid, but the Plan may charge a deductible, copayment or coinsurance for any other [contraceptive] drug or device that provides the same method of contraception.

[7.] 6. As used in this section, "therapeutic equivalent" means a drug which:

(a) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(b) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(c) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 2. (Deleted by amendment.)

Sec. 2.5. NRS 422.401 is hereby amended to read as follows:

422.401 As used in NRS 422.401 to 422.406, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 422.4015 and 422.402 have the meanings ascribed to them in those sections.

Sec. 3. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 687B.408, 689B.030 to 689B.050, inclusive, ***and section 11 of this act*** and 689B.287 apply to coverage provided pursuant to this paragraph ~~[.]~~ ***, except that the provisions of section 11 of this act only apply to coverage for active officers and employees of the governing body*** ~~***[of a county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada,]***~~ ***or the dependents of such officers and employees.***

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 4. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 689B.255, 695G.150, 695G.160, 695G.162, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.170 to 695G.173, inclusive, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, ***and section 25 of this act*** in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 4.5. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsections 2 and 3, pursuant to a valid prescription or order for a drug to be used for contraception or its therapeutic equivalent which has been approved by the Food and Drug Administration a pharmacist shall:

(a) The first time dispensing the drug or therapeutic equivalent to the patient, dispense up to a 3-month supply of the drug or therapeutic equivalent.

(b) The second time dispensing the drug or therapeutic equivalent to the patient, dispense up to a 9-month supply of the drug ~~[,]~~ or therapeutic equivalent, or any amount which covers the remainder of the plan year if the patient is covered by a health care plan, whichever is less.

(c) For a refill in a plan year following the initial dispensing of a drug or therapeutic equivalent pursuant to paragraphs (a) and (b) , ~~[of subsection 1,]~~ dispense up to a 12-month supply of the drug or therapeutic equivalent ~~[.]~~ or any amount which covers the remainder of the plan year if the patient is covered by a health care plan, whichever is less.

2. The provisions of paragraphs (b) and (c) of subsection 1 only apply if:

(a) The drug for contraception or the therapeutic equivalent of such drug is the same drug or therapeutic equivalent which was previously prescribed or ordered pursuant to paragraph (a) of subsection 1; and

(b) The patient is covered by the same health care plan.

3. If a prescription or order for a drug for contraception or its therapeutic equivalent limits the dispensing of the drug or therapeutic equivalent to a quantity which is less than the amount otherwise authorized to be dispensed pursuant to subsection 1, the pharmacist must dispense the drug or therapeutic equivalent in accordance with the quantity specified in the prescription or order.

4. As used in this section:

(a) "Health care plan" means a policy, contract, certificate or agreement offered or issued by an insurer, including without limitation, the State Plan for Medicaid, to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services.

(b) "Plan year" means the year ~~[in which an insured is covered by a health care plan.]~~ designated in the evidence of coverage of a health care plan in which a person is covered by such plan.

(c) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 5. NRS 639.2396 is hereby amended to read as follows:

639.2396 1. Except as otherwise provided by subsection 2, a prescription which bears specific authorization to refill, given by the prescribing practitioner at the time he or she issued the original prescription, or a prescription which bears authorization permitting the pharmacist to refill the prescription as needed by the patient, may be refilled for the number of

times authorized or for the period authorized if it was refilled in accordance with the number of doses ordered and the directions for use.

2. ~~[A]~~ ***Except as otherwise provided in section 4.5 of this act, a*** pharmacist may, in his or her professional judgment and pursuant to a valid prescription that specifies an initial amount of less than a 90-day supply of a drug other than a controlled substance followed by periodic refills of the initial amount of the drug, dispense not more than a 90-day supply of the drug if:

(a) The patient has used an initial 30-day supply of the drug or the drug has previously been prescribed to the patient in a 90-day supply;

(b) The total number of dosage units that are dispensed pursuant to the prescription does not exceed the total number of dosage units, including refills, that are authorized on the prescription by the prescribing practitioner; and

(c) The prescribing practitioner has not specified on the prescription that dispensing the prescription in an initial amount of less than a 90-day supply followed by periodic refills of the initial amount of the drug is medically necessary.

3. Nothing in this section shall be construed to alter the coverage provided under any contract or policy of health insurance, health plan or program or other agreement arrangement that provides health coverage.

Sec. 6. (Deleted by amendment.)

Sec. 7. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection ~~[6,]~~ 7, an insurer that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 10; and

~~[(3)]~~ (4) Dispensed in accordance with section 4.5 of this act;

(b) Any type of device for contraception ~~[or its therapeutic equivalent,]~~ which is ~~[lawfully]~~ :

(1) Lawfully prescribed or ordered ~~[and which has been approved]~~ ;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 10;

(c) Insertion ~~[or removal]~~ of a device for contraception ~~[,]~~ or removal of such a device if the device was inserted while the insured was covered by the same policy of health insurance;

(d) Education and counseling relating to the initiation of the use of ~~[contraceptives]~~ contraception and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

~~[3.]~~ 4. Except as otherwise provided in subsections ~~[7,]~~ 8 , ~~[and]~~ 9 ~~[,]~~ and 11, an insurer that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage to obtain any benefit included in the policy pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured any such benefit.

~~[4.]~~ 5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

~~[5.]~~ 6. Except as otherwise provided in subsection ~~[6,]~~ 7, a policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

~~[6.]~~ 7. An insurer that offers or issues a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance and before the renewal of such a policy, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

~~[7.]~~ 8. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug ~~[or device]~~ for contraception if the

insured refuses to accept a therapeutic equivalent of the ~~[contraceptive]~~ drug . ~~[or device.~~

~~8.]~~ 9. For each ~~[method]~~ of the 18 methods of contraception ~~[which is]~~ listed in subsection 10 that have been approved by the Food and Drug Administration, a policy of health insurance must include at least one ~~[contraceptive]~~ drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other ~~[contraceptive]~~ drug or device that provides the same method of contraception.

~~[9. An insurer may require an insured to:~~

~~(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.~~

~~(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the insurer that the benefit is medically necessary or appropriate for the insured.]~~

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Antiprogestin-based drugs for emergency contraception.

11. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. An insurer shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

13. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

~~*[(b)]*~~ ***(d) "Therapeutic equivalent" means a drug which:***

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 8. NRS 689A.0415 is hereby amended to read as follows:

689A.0415 1. ~~[Except as otherwise provided in subsection 5, an]~~ ***An*** insurer that offers or issues a policy of health insurance which provides coverage for prescription drugs or devices shall include in the policy coverage for ~~[:~~

~~(a) Any type of drug or device for contraception; and~~

~~(b) Any]~~ ***any*** type of hormone replacement therapy ~~[,~~

~~→]~~ which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. An insurer that offers or issues a policy of health insurance that provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for a prescription for ~~[a contraceptive or]~~ hormone replacement therapy than is required for other prescription drugs covered by the policy;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured.

3. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. The provisions of this section do not:

(a) Require an insurer to provide coverage for fertility drugs.

(b) Prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by ~~[paragraphs (a) and (b) of]~~ subsection 1 that is the same as the insured is required to pay for other prescription drugs covered by the policy.

5. ~~[An insurer which offers or issues a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance and before the renewal of such a policy, provide to the prospective insured, written notice of the coverage that the insurer refuses to provide pursuant to this subsection.~~

~~6.]~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 9. NRS 689A.0417 is hereby amended to read as follows:

689A.0417 1. ~~[Except as otherwise provided in subsection 5, an]~~ ***An*** insurer that offers or issues a policy of health insurance which provides coverage for outpatient care shall include in the policy coverage for any health care service related to ~~[contraceptives or]~~ hormone replacement therapy.

2. An insurer that offers or issues a policy of health insurance that provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for outpatient care related to ~~[contraceptives or]~~ hormone replacement therapy than is required for other outpatient care covered by the policy;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured.

3. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. The provisions of this section do not prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by subsection 1 that is the same as the insured is required to pay for other outpatient care covered by the policy.

5. ~~[An insurer which offers or issues such a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives required by this section if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance and before the renewal of such a policy, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.~~

~~6.]~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 10. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[.]~~ ***, and section 7 of this act.***

Sec. 11. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection ~~*[6,]*~~ *7, an insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:*

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 11; and

~~*[(3)]*~~ *(4) Dispensed in accordance with section 4.5 of this act;*

(b) Any type of device for contraception ~~*[or its therapeutic equivalent,]*~~ *which is* ~~*[lawfully]*~~ *:*

(1) Lawfully prescribed or ordered ~~*[and which has been approved]*~~ *;*

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 11;

(c) Insertion ~~*[or removal]*~~ *of a device for contraception [,] or removal of such a device if the device was inserted while the insured was covered by the same policy of group health insurance;*

(d) Education and counseling relating to the initiation of the use of ~~*[contraceptives]*~~ *contraception and any necessary follow-up after initiating such use;*

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

~~*[3.]*~~ *4. Except as otherwise provided in subsections* ~~*[8,]*~~ *9 ,* ~~*[and]*~~ *10 [,] and 12, an insurer that offers or issues a policy of group health insurance shall not:*

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the policy pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~[4.]~~ 5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

~~[5.]~~ 6. Except as otherwise provided in subsection ~~[6,]~~ 7, a policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

~~[6.]~~ 7. An insurer that offers or issues a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

~~[7.]~~ 8. If an insurer refuses, pursuant to subsection ~~[6,]~~ 7, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

*~~[8.]~~ 9. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug ~~[or device]~~ for contraception if the insured refuses to accept a therapeutic equivalent of the ~~[contraceptive]~~ drug. ~~[or device.~~

~~9.]~~ 10. For each ~~[method]~~ of the 18 methods of contraception ~~[which is]~~ listed in subsection 11 that have been approved by the Food and Drug Administration, a policy of group health insurance must include at least one ~~[contraceptive]~~ drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other ~~[contraceptive]~~ drug or device that provides the same method of contraception.

~~[10. An insurer may require an insured to:~~

~~(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.~~

~~(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the insurer that the benefit is medically necessary or appropriate for the insured.]~~

11. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Antiprogestin-based drugs for emergency contraception.

12. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

13. An insurer shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

14. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

15. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

~~[(b)]~~ *(d) "Therapeutic equivalent" means a drug which:*

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 12. NRS 689B.0376 is hereby amended to read as follows:

689B.0376 1. ~~[Except as otherwise provided in subsection 5, an]~~ ***An*** insurer that offers or issues a policy of group health insurance which provides coverage for prescription drugs or devices shall include in the policy coverage for ~~[:~~

~~(a) Any type of drug or device for contraception; and~~

~~(b) Any]~~ ***any*** type of hormone replacement therapy ~~[,~~ ~~➥]~~ which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. An insurer that offers or issues a policy of group health insurance that provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for a prescription for ~~[a contraceptive or]~~ hormone replacement therapy than is required for other prescription drugs covered by the policy;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured.

3. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. The provisions of this section do not:

(a) Require an insurer to provide coverage for fertility drugs.

(b) Prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by ~~[paragraphs (a) and (b) of]~~ subsection 1 that is the same as the insured is required to pay for other prescription drugs covered by the policy.

5. ~~[An insurer which offers or issues a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection. The insurer shall provide notice to each insured, at the time the insured receives his or her certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.~~

~~6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.]~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 13. NRS 689B.0377 is hereby amended to read as follows:

689B.0377 1. ~~[Except as otherwise provided in subsection 5, an]~~ ***An*** insurer that offers or issues a policy of group health insurance which provides coverage for outpatient care shall include in the policy coverage for any health care service related to ~~[contraceptives or]~~ hormone replacement therapy.

2. An insurer that offers or issues a policy of group health insurance that provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for outpatient care related to ~~[contraceptives or]~~ hormone replacement therapy than is required for other outpatient care covered by the policy;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[~~any of the services listed in subsection 1~~]~~ ***hormone replacement therapy*** to an insured.

3. ~~[~~Except as otherwise provided in subsection 5, a~~]~~ ***A*** policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. The provisions of this section do not prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by subsection 1 that is the same as the insured is required to pay for other outpatient care covered by the policy.

5. ~~[An insurer which offers or issues a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives required by this section if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection. The insurer shall provide notice to each insured, at the time the insured receives his or her certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.~~

~~6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.~~~~]~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 14. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection ~~[6,]~~ 7, a carrier that offers or issues a health benefit plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 10; and

~~[(3)]~~ (4) Dispensed in accordance with section 4.5 of this act;

(b) Any type of device for contraception ~~[or its therapeutic equivalent]~~ which is ~~[lawfully]~~ :

(1) Lawfully prescribed or ordered ~~[and which has been approved]~~ ;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 10;

(c) Insertion ~~[or removal]~~ of a device for contraception ~~[,]~~ or removal of such a device if the device was inserted while the insured was covered by the same health benefit plan;

(d) Education and counseling relating to the initiation of the use of ~~[contraceptives]~~ contraception and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the carrier.

~~[3.]~~ 4. Except as otherwise provided in subsections ~~[7,]~~ 8 , ~~[and]~~ 9 ~~[,]~~ and 11, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~[4.]~~ 5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

~~[5.]~~ 6. Except as otherwise provided in subsection ~~[6,]~~ 7, a health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

~~[6.]~~ 7. A carrier that offers or issues a health benefit plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the carrier objects on religious grounds. Such a carrier shall, before the issuance of a health benefit plan

and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the carrier refuses to provide pursuant to this subsection.

~~[7.]~~ 8. A carrier may require an insured to pay a higher deductible, copayment or coinsurance for a drug ~~[or device]~~ for contraception if the insured refuses to accept a therapeutic equivalent of the ~~[contraceptive]~~ drug . ~~[or device.~~

~~8.]~~ 9. For each ~~[method]~~ of the 18 methods of contraception ~~[which is]~~ listed in subsection 10 that have been approved by the Food and Drug Administration, a health benefit plan must include at least one ~~[contraceptive]~~ drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the carrier may charge a deductible, copayment or coinsurance for any other ~~[contraceptive]~~ drug or device that provides the same method of contraception.

~~[9. A carrier may require an insured to:~~

~~(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.~~

~~(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the carrier that the benefit is medically necessary or appropriate for the insured.]~~

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Antiprogestin-based drugs for emergency contraception.

11. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or

treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. A carrier shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

13. A carrier must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the carrier to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

~~[(b)]~~ (d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 15. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, ***and section 14 of this act,*** to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 16. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection ~~[6,]~~ 7, a society that offers or issues a benefit contract which provides coverage for prescription drugs or devices shall include in the contract coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 10; and

~~[(3)]~~ (4) Dispensed in accordance with section 4.5 of this act;

(b) Any type of device for contraception ~~[or its therapeutic equivalent]~~ which is ~~[lawfully]~~ :

(1) Lawfully prescribed or ordered ~~[and which has been approved]~~ ;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 10;

(c) Insertion ~~[or removal]~~ of a device for contraception ~~[,]~~ or removal of such a device if the device was inserted while the insured was covered by the same benefit contract;

(d) Education and counseling relating to the initiation of the use of ~~[contraceptives]~~ contraception and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the society.

~~[3.]~~ 4. Except as otherwise provided in subsections ~~[7]~~ 8 , ~~[and]~~ 9 ~~[,]~~ and 11, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage for any benefit included in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~[4.]~~ 5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

~~[5.]~~ 6. Except as otherwise provided in subsection ~~[6,]~~ 7, a benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

~~[6.]~~ 7. A society that offers or issues a benefit contract and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the society objects on religious grounds. Such a society shall, before the issuance of a benefit contract and before the renewal of such a contract, provide to the prospective insured written notice of the coverage that the society refuses to provide pursuant to this subsection.

~~[7.]~~ 8. A society may require an insured to pay a higher deductible, copayment or coinsurance for a drug ~~[or device]~~ for contraception if the insured refuses to accept a therapeutic equivalent of the ~~[contraceptive]~~ drug . ~~[or device.~~

~~8.]~~ 9. For each ~~[method]~~ of the 18 methods of contraception ~~[which is]~~ listed in subsection 10 that have been approved by the Food and Drug Administration, a benefit contract must include at least one ~~[contraceptive]~~ drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the society may charge a deductible, copayment or coinsurance for any other ~~[contraceptive]~~ drug or device that provides the same method of contraception.

~~*[9. A society may require an insured to:*~~

~~*(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.*~~

~~*(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the society that the benefit is medically necessary or appropriate for the insured.]*~~

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Antiprogestin-based drugs for emergency contraception.

11. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. A society shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

13. A society must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the society to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

~~[(b)]~~ (d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 17. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection ~~[6,]~~ 7, an insurer that offers or issues a contract for hospital or medical service shall include in the contract coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 11; and

~~[(3)]~~ (4) Dispensed in accordance with section 4.5 of this act;

(b) Any type of device for contraception ~~[or its therapeutic equivalent]~~ which is ~~[lawfully]~~ :

(1) Lawfully prescribed or ordered ~~[and which has been approved]~~ ;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 11;

(c) Insertion ~~[or removal]~~ of a device for contraception ~~[,]~~ or removal of such a device if the device was inserted while the insured was covered by the same contract for hospital or medical service;

(d) Education and counseling relating to the initiation of the use of ~~[contraceptives]~~ contraception and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. An insurer that offers or issues a contract for hospital or medical services must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

~~[3.]~~ 4. Except as otherwise provided in subsections ~~[8,]~~ 9 , ~~[and]~~ 10 ~~[,]~~ and 12, an insurer that offers or issues a contract for hospital or medical service shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~[4.]~~ 5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

~~[5.]~~ 6. Except as otherwise provided in subsection ~~[6,]~~ 7, a contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

~~[6.]~~ 7. An insurer that offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

~~[7.]~~ 8. If an insurer refuses, pursuant to subsection ~~[6,]~~ 7, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

*~~[8.]~~ 9. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug ~~[or device]~~ for contraception if the insured refuses to accept a therapeutic equivalent of the ~~[contraceptive]~~ drug. ~~[or device.~~

~~9.]~~ 10. For each ~~[method]~~ of the 18 methods of contraception ~~[which is]~~ listed in subsection 11 that have been approved by the Food and Drug Administration, a contract for hospital or medical service must include at least one ~~[contraceptive]~~ drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other ~~[contraceptive]~~ drug or device that provides the same method of contraception.

~~[10. An insurer may require an insured to:~~

~~(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.~~

~~(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the insurer that the benefit is medically necessary or appropriate for the insured.]~~

11. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Antiprogestin-based drugs for emergency contraception.

12. Except as otherwise provided in this section and federal law, an insurer that offers or issues a contract for hospital or medical services may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

13. An insurer shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

14. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

15. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a contract for hospital or medical service offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in

whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

~~***[(b)]***~~ ***(d) "Therapeutic equivalent" means a drug which:***

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 18. NRS 695B.1916 is hereby amended to read as follows:

695B.1916 1. ~~[Except as otherwise provided in subsection 5, an]~~ ***An*** insurer that offers or issues a contract for hospital or medical service which provides coverage for prescription drugs or devices shall include in the contract coverage for ~~[:~~

~~(a) Any type of drug or device for contraception; and~~

~~(b) Any]~~ ***any*** type of hormone replacement therapy ~~[,~~ ~~➥]~~ which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. An insurer that offers or issues a contract for hospital or medical service that provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for a prescription for ~~[a contraceptive or]~~ hormone replacement therapy than is required for other prescription drugs covered by the contract;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured.

3. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage

required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

4. The provisions of this section do not:

(a) Require an insurer to provide coverage for fertility drugs.

(b) Prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by ~~[paragraphs (a) and (b) of]~~ subsection 1 that is the same as the insured is required to pay for other prescription drugs covered by the contract.

5. ~~[An insurer which offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection. The insurer shall provide notice to each insured, at the time the insured receives his or her certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.~~

~~6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.]~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 19. NRS 695B.1918 is hereby amended to read as follows:

695B.1918 1. ~~[Except as otherwise provided in subsection 5, an]~~ ***An*** insurer that offers or issues a contract for hospital or medical service which provides coverage for outpatient care shall include in the contract coverage for any health care service related to ~~[contraceptives or]~~ hormone replacement therapy.

2. An insurer that offers or issues a contract for hospital or medical service that provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for outpatient care related to ~~[contraceptives or]~~ hormone replacement therapy than is required for other outpatient care covered by the contract;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured.

3. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

4. The provisions of this section do not prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by subsection 1 that is the same as the insured is required to pay for other outpatient care covered by the contract.

5. ~~[An insurer which offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives required by this section if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection. The insurer shall provide notice to each insured, at the time the insured receives his or her certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.~~

~~6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.]~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 20. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection ~~[6,]~~ 7, a health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 11; and

~~[(3)]~~ (4) Dispensed in accordance with section 4.5 of this act;

(b) Any type of device for contraception ~~[or its therapeutic equivalent]~~ which is ~~[lawfully]~~ :

(1) Lawfully prescribed or ordered ~~[and which has been approved]~~ ;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 11;

(c) Insertion ~~[or removal]~~ of a device for contraception ~~[,]~~ or removal of such a device if the device was inserted while the enrollee was covered by the same health care plan;

(d) Education and counseling relating to the initiation of the use of ~~[contraceptives]~~ contraception and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. A health maintenance organization must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the health maintenance organization.

~~[3.]~~ 4. Except as otherwise provided in subsections ~~[8,]~~ 9 , ~~[and]~~ 10 ~~[,]~~ and 12, a health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

~~[4.]~~ 5. Coverage pursuant to this section for the covered dependent of an enrollee must be the same as for the enrollee.

~~[5.]~~ 6. Except as otherwise provided in subsection ~~[6,]~~ 7, a health care plan subject to the provisions of this chapter that is delivered, issued for

delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

~~[6.]~~ 7. A health maintenance organization that offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the health maintenance organization objects on religious grounds. Such an organization shall, before the issuance of a health care plan and before the renewal of such a plan, provide to the prospective enrollee written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection.

~~[7.]~~ 8. If a health maintenance organization ~~[,]~~ refuses, pursuant to subsection ~~[6, refuses]~~ 7, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

*~~[8.]~~ 9. A health maintenance organization may require an enrollee to pay a higher deductible, copayment or coinsurance for a drug ~~[or device]~~ for contraception if the enrollee refuses to accept a therapeutic equivalent of the ~~[contraceptive]~~ drug . ~~[or device.~~

~~— 9.]~~ 10. For each ~~[method]~~ of the 18 methods of contraception ~~[which is]~~ listed in subsection 11 that have been approved by the Food and Drug Administration, a health care plan must include at least one ~~[contraceptive]~~ drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the enrollee, but the health maintenance organization may charge a deductible, copayment or coinsurance for any other ~~[contraceptive]~~ drug or device that provides the same method of contraception.

~~[— 10. A health maintenance organization may require an enrollee to:~~

~~— (a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.~~

~~— (b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the health maintenance organization that the benefit is medically necessary or appropriate for the enrollee.]~~

11. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Antiprogestin-based drugs for emergency contraception.

12. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

13. A health maintenance organization shall not use medical management techniques to require an enrollee to use a method of contraception other than the method prescribed or ordered by a provider of health care.

14. A health maintenance organization must provide an accessible, transparent and expedited process which is not unduly burdensome by which an enrollee, or the authorized representative of the enrollee, may request an exception relating to any medical management technique used by the health maintenance organization to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

15. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

~~[(b)]~~ (d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 21. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1735 to 695C.1755, inclusive, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694, 695C.1695, 695C.1708, 695C.1731, 695C.17345 ***,*** ~~[and]~~ 695C.1757 ***and section 20 of this act*** apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 22. NRS 695C.1694 is hereby amended to read as follows:

695C.1694 1. ~~[~~Except as otherwise provided in subsection 5, a~~]~~ ***A*** health maintenance organization which offers or issues a health care plan that provides coverage for prescription drugs or devices shall include in the plan coverage for ~~[~~:

~~(a) Any type of drug or device for contraception; and~~

~~(b) Any~~~~]~~ ***any*** type of hormone replacement therapy ~~[~~,

~~➥~~~~]~~ which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. A health maintenance organization that offers or issues a health care plan that provides coverage for prescription drugs shall not:

(a) Require an enrollee to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for

coverage for ~~[a prescription for a contraceptive or]~~ hormone replacement therapy than is required for other prescription drugs covered by the plan;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an enrollee.

3. ~~[Except as otherwise provided in subsection 5, evidence]~~ ***Evidence*** of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

4. The provisions of this section do not:

(a) Require a health maintenance organization to provide coverage for fertility drugs.

(b) Prohibit a health maintenance organization from requiring an enrollee to pay a deductible, copayment or coinsurance for the coverage required by ~~[paragraphs (a) and (b) of]~~ subsection 1 that is the same as the enrollee is required to pay for other prescription drugs covered by the plan.

5. ~~[A health maintenance organization which offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the health maintenance organization objects on religious grounds. The health maintenance organization shall, before the issuance of a health care plan and before renewal of enrollment in such a plan, provide to the group policyholder or prospective enrollee, as applicable, written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection. The health maintenance organization shall provide notice to each enrollee, at the time the enrollee receives his or her evidence of coverage, that the health maintenance organization refused to provide coverage pursuant to this subsection.~~

~~6. If a health maintenance organization refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an~~

~~employer may otherwise provide for the coverage for the employees of the employer.~~

~~— 7.~~**]** As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 23. NRS 695C.1695 is hereby amended to read as follows:

695C.1695 1. ~~**[**Except as otherwise provided in subsection 5, a~~**]** ***A*** health maintenance organization that offers or issues a health care plan which provides coverage for outpatient care shall include in the plan coverage for any health care service related to ~~**[**contraceptives or~~**]** hormone replacement therapy.

2. A health maintenance organization that offers or issues a health care plan that provides coverage for outpatient care shall not:

(a) Require an enrollee to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for outpatient care related to ~~**[**contraceptives or~~**]** hormone replacement therapy than is required for other outpatient care covered by the plan;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use in the future ~~**[**any of the services listed in subsection 1;~~**]** ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from accessing ~~**[**any of the services listed in subsection 1;~~**]** ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~**[**any of the services listed in subsection 1~~**]** ***hormone replacement therapy*** to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~**[**any of the services listed in subsection 1~~**]** ***hormone replacement therapy*** to an enrollee.

3. ~~**[**Except as otherwise provided in subsection 5, evidence~~**]** ***Evidence*** of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

4. The provisions of this section do not prohibit a health maintenance organization from requiring an enrollee to pay a deductible, copayment or coinsurance for the coverage required by subsection 1 that is the same as the enrollee is required to pay for other outpatient care covered by the plan.

5. ~~**[**A health maintenance organization which offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives~~

~~required by this section if the health maintenance organization objects on religious grounds. The health maintenance organization shall, before the issuance of a health care plan and before renewal of enrollment in such a plan, provide to the group policyholder or prospective enrollee, as applicable, written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection. The health maintenance organization shall provide notice to each enrollee, at the time the enrollee receives his or her evidence of coverage, that the health maintenance organization refused to provide coverage pursuant to this subsection.~~

~~6. If a health maintenance organization refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.~~**]** As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 24. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, ***and section 20 of this act*** or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 25. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection ~~[6,]~~ 7, a managed care organization that offers or issues a health care plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 10; and

~~[(3)]~~ (4) Dispensed in accordance with section 4.5 of this act;

(b) Any type of device for contraception ~~[or its therapeutic equivalent]~~ which is ~~[lawfully]~~ :

(1) Lawfully prescribed or ordered ~~[and which has been approved]~~ ;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 10;

(c) Insertion ~~[or removal]~~ of a device for contraception ~~[,]~~ or removal of such a device if the device was inserted while the insured was covered by the same health care plan;

(d) Education and counseling relating to the initiation of the use of ~~[contraceptives]~~ contraception and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the managed care organization.

~~[3.]~~ 4. Except as otherwise provided in subsections ~~[7,]~~ 8 , ~~[and]~~ 9 ~~[,]~~ and 11, a managed care organization that offers or issues a health care plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefits;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefits;

(d) Penalize a provider of health care who provides any such benefits to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefits to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefits.

~~[4.]~~ 5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

~~[5.]~~ 6. Except as otherwise provided in subsection ~~[6,]~~ 7, a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

~~[6.]~~ 7. A managed care organization that offers or issues a health care plan and which is affiliated with a religious organization is not required to

provide the coverage required by subsection 1 if the managed care organization objects on religious grounds. Such an organization shall, before the issuance of a health care plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the managed care organization refuses to provide pursuant to this subsection.

~~[7.]~~ 8. A managed care organization may require an insured to pay a higher deductible, copayment or coinsurance for a drug ~~[or device]~~ for contraception if the insured refuses to accept a therapeutic equivalent of the ~~[contraceptive]~~ drug . ~~[or device.~~

~~8.]~~ 9. For each ~~[method]~~ of the 18 methods of contraception ~~[which is]~~ listed in subsection 10 that have been approved by the Food and Drug Administration, a health care plan must include at least one ~~[contraceptive]~~ drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the managed care organization may charge a deductible, copayment or coinsurance for any other ~~[contraceptive]~~ drug or device that provides the same method of contraception.

~~[9. A managed care organization may require an insured to:~~

~~(a) Participate in a reasonable program of step therapy to obtain coverage for any benefit required by subsection 1.~~

~~(b) Obtain prior authorization before obtaining coverage for any benefit required by subsection 1 as part of a determination by the managed care organization that the benefit is medically necessary or appropriate for the insured.]~~

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Antiprogestin-based drugs for emergency contraception.

11. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. A managed care organization shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

13. A managed care organization must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the managed care organization to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

~~[(b)]~~ (d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 26. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 27. This act becomes effective on January 1, 2018.

Assemblyman Sprinkle moved that the Assembly do not concur in the Senate Amendment No. 751 to Assembly Bill No. 249.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Amendment 751 made numerous changes to Assembly Bill 249. The most substantive changes included listing the types of contraception that must be covered by certain health insurance providers and authorizing an insurer to use medical management techniques in certain circumstances.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 966.

AN ACT relating to health care; requiring the State Plan for Medicaid to provide certain benefits relating to contraception; revising provisions relating to dispensing of contraceptives; requiring all health insurance plans to provide certain benefits relating to contraception; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires most health insurance plans which cover prescription drugs and outpatient care to also include coverage for contraceptive drugs and devices without an additional copay, coinsurance or a higher deductible than that which may be charged for other prescription drugs and outpatient care under the plan. (NRS 689A.0415, 689A.0417, 689B.0376, 689B.0377, 695B.1916, 695B.1918, 695C.1694, 695C.1695) Certain plans, including small employer plans, benefit contracts provided by fraternal benefit societies, plans issued by a managed care organization and certain plans offered by governmental entities of this State are not currently subject to these requirements. (Chapters 287, 689C, 695A and 695G of NRS)

The federal Patient Protection and Affordable Care Act, Pub. L. 111-148, as amended, requires certain contraceptive drugs, devices and services to be covered by every health insurance plan without any copay, coinsurance or higher deductible. (42 U.S.C. § 300gg-13(a)(4); 45 C.F.R. § 147.130) **Sections 3, 4 and 7-25** of this bill align Nevada law with federal law, requiring all public and private health insurance plans made available in this State to provide coverage for certain benefits relating to contraception without any copay, coinsurance or a higher deductible. **Sections 3, 4 and 7-25** require certain contraceptive drugs, devices and services which are approved by the Food and Drug Administration to be covered by a health insurance plan, including, without limitation, up to a 12-month supply of a drug for contraception or its therapeutic equivalent, insertion of a device for contraception, removal of such a device that was inserted while the insured was covered by the same policy of health insurance, education and counseling relating to contraception, management of side effects relating to contraception and voluntary sterilization for women. **Sections 3, 4 and 7-25** allow an insurer to require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug. In addition, a health insurance plan must include for each method of contraception which is approved by the Food and Drug Administration and for which the insurer is required to provide

coverage at least one contraceptive drug or device for which no deductible, copayment or coinsurance may be charged to the insured. **Sections 3, 4 and 7-25** authorize an insurer to use medical management techniques to determine the frequency of treatment using the contraceptive drugs, devices and services required by this bill. **Sections 3, 4 and 7-25** prohibit an insurer from using medical management techniques to require an insured to use a method of contraception other than that prescribed by a provider of health care. **Sections 3, 4 and 7-25** additionally require an insurer to provide a process by which an insured may request an exemption from a medical management technique required by an insurer. **Sections 3, 4 and 7-25** also require a health insurance plan to provide coverage for certain therapeutic equivalent drugs relating to contraception when a therapeutic equivalent covered by the plan is deemed to be medically inappropriate by a provider of health care. Additionally, **sections 7, 11, 14, 16, 17, 20 and 25** require that the benefits provided by a health insurance plan relating to contraception which are provided to the insured must also be provided to a covered dependent of an insured.

Existing law allows an insurer which is affiliated with a religious organization and which objects on religious grounds to providing coverage for contraceptive drugs and devices to exclude coverage in its policies, plans or contracts for such drugs and devices. (NRS 689A.0415, 689B.0376, 695B.1916, 695C.1694) **Sections 7, 11, 14, 16, 17, 20 and 25** of this bill move the religious exemption coverage for the contraceptive drugs, devices and services required by this bill to the new provisions relating to coverage of contraception.

Existing law requires this State to develop a State Plan for Medicaid which includes, without limitation, a list of the medical services provided to Medicaid recipients. (42 U.S.C. § 1396a; NRS 422.063) Existing federal law authorizes a state to charge a copay, coinsurance or deductible for most Medicaid services, but prohibits any copay, coinsurance or deductible for certain contraceptive drugs, devices and services. (42 U.S.C. § 1396o-1) Existing federal law also authorizes a state to define the parameters of contraceptive coverage provided under Medicaid. (42 U.S.C. § 1396u-7) Existing Nevada law requires a number of specific medical services to be covered under Medicaid. (NRS 422.2717-422.27241) **Section 1** of this bill requires the State Plan for Medicaid to include certain benefits relating to contraception currently required to be covered by private health insurance plans pursuant to existing Nevada law and the Patient Protection and Affordable Care Act, Pub. L. 111-148, as amended, as well as certain additional benefits related to contraception required by **sections 3, 4 and 7-25** of this bill without any copay, coinsurance or deductible in most cases. The benefits relating to drugs for contraception which are provided by **section 1** of this bill are subject to step therapy and prior authorization requirements pursuant to existing law.

Existing law authorizes a pharmacist to dispense up to a 90-day supply of a drug pursuant to a valid prescription or order in certain circumstances. (NRS 639.2396) **Section 4.5** of this bill requires a pharmacist to dispense up to a 12-month supply of drugs for contraception or a therapeutic equivalent thereof pursuant to a valid prescription or order if: (1) the patient has previously received a 3-month supply of the same drug; (2) the patient has previously received a 9-month supply of the same drug or a supply of the same drug for the balance of the plan year in which the 3-month supply was prescribed or ordered, whichever is less; (3) the patient is insured by the same health insurance plan; and (4) a provider of health care has not specified in the prescription or order that a different supply of the drug is necessary.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures for family planning services and supplies, including, without limitation:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Dispensed in accordance with section 4.5 of this act;

(b) Any type of device for contraception which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;

(c) Insertion or removal of a device for contraception;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. Except as otherwise provided in subsections 4 and 5, to obtain any benefit included in the Plan pursuant to subsection 1, a person enrolled in Medicaid must not be required to:

(a) Pay a higher deductible, any copayment or coinsurance; or

(b) Be subject to a longer waiting period or any other condition.

3. The Director shall ensure that the provisions of this section are carried out in a manner which complies with the requirements established by the Drug Use Review Board and set forth in the list of preferred prescription drugs established by the Department pursuant to NRS 422.4025.

4. The Plan may require a person enrolled in Medicaid to pay a higher deductible, copayment or coinsurance for a drug for contraception if the person refuses to accept a therapeutic equivalent of the drug.

5. For each method of contraception which is approved by the Food and Drug Administration, the Plan must include at least one drug or device for contraception for which no deductible, copayment or coinsurance may be charged to the person enrolled in Medicaid, but the Plan may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

6. As used in this section, "therapeutic equivalent" means a drug which:

(a) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(b) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(c) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 2. (Deleted by amendment.)

Sec. 2.5. NRS 422.401 is hereby amended to read as follows:

422.401 As used in NRS 422.401 to 422.406, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 422.4015 and 422.402 have the meanings ascribed to them in those sections.

Sec. 3. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and

employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 687B.408, 689B.030 to 689B.050, inclusive, ***and section 11 of this act*** and 689B.287 apply to coverage provided pursuant to this paragraph ~~[.]~~ ***, except that the provisions of section 11 of this act only apply to coverage for active officers and employees of the governing body or the dependents of such officers and employees.***

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 4. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 689B.255, 695G.150, 695G.160, 695G.162, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.170 to 695G.173, inclusive, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, ***and section 25 of this act*** in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 4.5. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsections 2 and 3, pursuant to a valid prescription or order for a drug to be used for contraception or its therapeutic equivalent which has been approved by the Food and Drug Administration a pharmacist shall:

(a) The first time dispensing the drug or therapeutic equivalent to the patient, dispense up to a 3-month supply of the drug or therapeutic equivalent.

(b) The second time dispensing the drug or therapeutic equivalent to the patient, dispense up to a 9-month supply of the drug or therapeutic equivalent, or any amount which covers the remainder of the plan year if the patient is covered by a health care plan, whichever is less.

(c) For a refill in a plan year following the initial dispensing of a drug or therapeutic equivalent pursuant to paragraphs (a) and (b), dispense up to a 12-month supply of the drug or therapeutic equivalent or any amount which covers the remainder of the plan year if the patient is covered by a health care plan, whichever is less.

2. The provisions of paragraphs (b) and (c) of subsection 1 only apply if:

(a) The drug for contraception or the therapeutic equivalent of such drug is the same drug or therapeutic equivalent which was previously prescribed or ordered pursuant to paragraph (a) of subsection 1; and

(b) The patient is covered by the same health care plan.

3. If a prescription or order for a drug for contraception or its therapeutic equivalent limits the dispensing of the drug or therapeutic equivalent to a quantity which is less than the amount otherwise authorized

to be dispensed pursuant to subsection 1, the pharmacist must dispense the drug or therapeutic equivalent in accordance with the quantity specified in the prescription or order.

4. As used in this section:

(a) "Health care plan" means a policy, contract, certificate or agreement offered or issued by an insurer, including without limitation, the State Plan for Medicaid, to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services.

(b) "Plan year" means the year designated in the evidence of coverage of a health care plan in which a person is covered by such plan.

(c) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 5. NRS 639.2396 is hereby amended to read as follows:

639.2396 1. Except as otherwise provided by subsection 2, a prescription which bears specific authorization to refill, given by the prescribing practitioner at the time he or she issued the original prescription, or a prescription which bears authorization permitting the pharmacist to refill the prescription as needed by the patient, may be refilled for the number of times authorized or for the period authorized if it was refilled in accordance with the number of doses ordered and the directions for use.

2. ~~[A]~~ ***Except as otherwise provided in section 4.5 of this act, a*** pharmacist may, in his or her professional judgment and pursuant to a valid prescription that specifies an initial amount of less than a 90-day supply of a drug other than a controlled substance followed by periodic refills of the initial amount of the drug, dispense not more than a 90-day supply of the drug if:

(a) The patient has used an initial 30-day supply of the drug or the drug has previously been prescribed to the patient in a 90-day supply;

(b) The total number of dosage units that are dispensed pursuant to the prescription does not exceed the total number of dosage units, including refills, that are authorized on the prescription by the prescribing practitioner; and

(c) The prescribing practitioner has not specified on the prescription that dispensing the prescription in an initial amount of less than a 90-day supply followed by periodic refills of the initial amount of the drug is medically necessary.

3. Nothing in this section shall be construed to alter the coverage provided under any contract or policy of health insurance, health plan or program or other agreement arrangement that provides health coverage.

Sec. 6. (Deleted by amendment.)

Sec. 7. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 7, an insurer that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 10; and

(4) Dispensed in accordance with section 4.5 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 10;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same policy of health insurance;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

4. Except as otherwise provided in subsections 8, 9 and 11, an insurer that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage to obtain any benefit included in the policy pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

7. An insurer that offers or issues a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance and before the renewal of such a policy, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

8. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a policy of health insurance must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) ~~[Antiprogestin based drugs]~~ Ulipristal acetate for emergency contraception.

11. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. An insurer shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

13. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 8. NRS 689A.0415 is hereby amended to read as follows:

689A.0415 1. ~~[~~Except as otherwise provided in subsection 5, an~~]~~ ***An*** insurer that offers or issues a policy of health insurance which provides coverage for prescription drugs or devices shall include in the policy coverage for ~~[~~:

~~— (a) Any type of drug or device for contraception; and~~

~~— (b) Any~~] ***any*** type of hormone replacement therapy ~~[,~~ ~~→~~] which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. An insurer that offers or issues a policy of health insurance that provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for a prescription for ~~[a contraceptive or]~~ hormone replacement therapy than is required for other prescription drugs covered by the policy;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured.

3. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. The provisions of this section do not:

(a) Require an insurer to provide coverage for fertility drugs.

(b) Prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by ~~[paragraphs (a) and (b) of]~~ subsection 1 that is the same as the insured is required to pay for other prescription drugs covered by the policy.

~~5. [An insurer which offers or issues a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance and before the renewal of such a policy, provide to the prospective insured, written notice of the coverage that the insurer refuses to provide pursuant to this subsection.~~

~~— 6.]~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 9. NRS 689A.0417 is hereby amended to read as follows:

689A.0417 1. ~~[Except as otherwise provided in subsection 5, an]~~ ***An*** insurer that offers or issues a policy of health insurance which provides coverage for outpatient care shall include in the policy coverage for any health care service related to ~~[contraceptives or]~~ hormone replacement therapy.

2. An insurer that offers or issues a policy of health insurance that provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for outpatient care related to ~~[contraceptives or]~~ hormone replacement therapy than is required for other outpatient care covered by the policy;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured.

3. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. The provisions of this section do not prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by subsection 1 that is the same as the insured is required to pay for other outpatient care covered by the policy.

5. ~~[An insurer which offers or issues such a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives required by this section if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance and before the renewal of such a policy, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.~~

~~— 6.]~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 10. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[.]~~ ***, and section 7 of this act.***

Sec. 11. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 7, an insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 11; and

(4) Dispensed in accordance with section 4.5 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 11;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same policy of group health insurance;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

4. Except as otherwise provided in subsections 9, 10 and 12, an insurer that offers or issues a policy of group health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the policy pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

7. An insurer that offers or issues a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

8. If an insurer refuses, pursuant to subsection 7, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

9. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

10. For each of the 18 methods of contraception listed in subsection 11 that have been approved by the Food and Drug Administration, a policy of group health insurance must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

11. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) ~~[Antiprogestin based drugs]~~ Ulipristal acetate for emergency contraception.

12. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

13. An insurer shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

14. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

15. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 12. NRS 689B.0376 is hereby amended to read as follows:

689B.0376 1. ~~[Except as otherwise provided in subsection 5, an]~~ ***An*** insurer that offers or issues a policy of group health insurance which provides coverage for prescription drugs or devices shall include in the policy coverage for ~~[:~~

~~(a) Any type of drug or device for contraception; and~~

~~(b) Any]~~ ***any*** type of hormone replacement therapy ~~[,~~ ~~➥]~~ which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. An insurer that offers or issues a policy of group health insurance that provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for a prescription for ~~[a contraceptive or]~~ hormone replacement therapy than is required for other prescription drugs covered by the policy;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured.

3. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. The provisions of this section do not:

(a) Require an insurer to provide coverage for fertility drugs.

(b) Prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by ~~[paragraphs (a) and (b) of]~~ subsection 1 that is the same as the insured is required to pay for other prescription drugs covered by the policy.

5. ~~[An insurer which offers or issues a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection. The insurer shall provide notice to each insured, at the time the insured receives his or her certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.~~

~~6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.]~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 13. NRS 689B.0377 is hereby amended to read as follows:

689B.0377 1. ~~[Except as otherwise provided in subsection 5, an]~~ ***An*** insurer that offers or issues a policy of group health insurance which provides coverage for outpatient care shall include in the policy coverage for any health care service related to ~~[contraceptives or]~~ hormone replacement therapy.

2. An insurer that offers or issues a policy of group health insurance that provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for outpatient care related to ~~[contraceptives or]~~ hormone replacement therapy than is required for other outpatient care covered by the policy;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[~~any of the services listed in subsection 1~~]~~ ***hormone replacement therapy*** to an insured.

3. ~~[~~Except as otherwise provided in subsection 5, a~~]~~ ***A*** policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. The provisions of this section do not prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by subsection 1 that is the same as the insured is required to pay for other outpatient care covered by the policy.

5. ~~[An insurer which offers or issues a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives required by this section if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection. The insurer shall provide notice to each insured, at the time the insured receives his or her certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.~~

~~6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.~~~~]~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 14. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 7, a carrier that offers or issues a health benefit plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 10; and

(4) Dispensed in accordance with section 4.5 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 10;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same health benefit plan;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the carrier.

4. Except as otherwise provided in subsections 8, 9 and 11, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

7. A carrier that offers or issues a health benefit plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the carrier objects on religious grounds. Such a carrier shall, before the issuance of a health benefit plan and before the renewal of such a plan, provide to the prospective insured

written notice of the coverage that the carrier refuses to provide pursuant to this subsection.

8. A carrier may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a health benefit plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the carrier may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) ~~[Antiprogestin-based drugs]~~ Ulipristal acetate for emergency contraception.

11. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. A carrier shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

13. A carrier must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating

to any medical management technique used by the carrier to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 15. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, ***and section 14 of this act,*** to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 16. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 7, a society that offers or issues a benefit contract which provides coverage for prescription drugs or devices shall include in the contract coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 10; and

(4) Dispensed in accordance with section 4.5 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 10;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same benefit contract;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the society.

4. Except as otherwise provided in subsections 8, 9 and 11, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage for any benefit included in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

7. A society that offers or issues a benefit contract and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the society objects on religious grounds. Such a society shall, before the issuance of a benefit contract and

before the renewal of such a contract, provide to the prospective insured written notice of the coverage that the society refuses to provide pursuant to this subsection.

8. A society may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a benefit contract must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the society may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) ~~[Antiprogestin-based drugs]~~ Ulipristal acetate for emergency contraception.

11. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. A society shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

13. A society must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the

authorized representative of the insured, may request an exception relating to any medical management technique used by the society to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 17. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 7, an insurer that offers or issues a contract for hospital or medical service shall include in the contract coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 11; and

(4) Dispensed in accordance with section 4.5 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 11;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same contract for hospital or medical service;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. An insurer that offers or issues a contract for hospital or medical services must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

4. Except as otherwise provided in subsections 9, 10 and 12, an insurer that offers or issues a contract for hospital or medical service shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

7. An insurer that offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

8. If an insurer refuses, pursuant to subsection 7, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

9. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

10. For each of the 18 methods of contraception listed in subsection 11 that have been approved by the Food and Drug Administration, a contract for hospital or medical service must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

11. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) ~~[Antiprogestin-based drugs]~~ Ulipristal acetate for emergency contraception.

12. Except as otherwise provided in this section and federal law, an insurer that offers or issues a contract for hospital or medical services may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

13. An insurer shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

14. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

15. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a contract for hospital or medical service offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 18. NRS 695B.1916 is hereby amended to read as follows:

695B.1916 1. ~~[Except as otherwise provided in subsection 5, an]~~ ***An*** insurer that offers or issues a contract for hospital or medical service which provides coverage for prescription drugs or devices shall include in the contract coverage for ~~[:~~

~~(a) Any type of drug or device for contraception; and~~

~~(b) Any]~~ ***any*** type of hormone replacement therapy ~~[,~~

~~→]~~ which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. An insurer that offers or issues a contract for hospital or medical service that provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for a prescription for ~~[a contraceptive or]~~ hormone replacement therapy than is required for other prescription drugs covered by the contract;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying

for or covered by the contract uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured.

3. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

4. The provisions of this section do not:

(a) Require an insurer to provide coverage for fertility drugs.

(b) Prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by ~~[paragraphs (a) and (b) of]~~ subsection 1 that is the same as the insured is required to pay for other prescription drugs covered by the contract.

5. ~~[An insurer which offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection. The insurer shall provide notice to each insured, at the time the insured receives his or her certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.~~

~~6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.]~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 19. NRS 695B.1918 is hereby amended to read as follows:

695B.1918 1. ~~[Except as otherwise provided in subsection 5, an]~~ ***An*** insurer that offers or issues a contract for hospital or medical service which provides coverage for outpatient care shall include in the contract coverage

for any health care service related to ~~[contraceptives or]~~ hormone replacement therapy.

2. An insurer that offers or issues a contract for hospital or medical service that provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for outpatient care related to ~~[contraceptives or]~~ hormone replacement therapy than is required for other outpatient care covered by the contract;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured.

3. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

4. The provisions of this section do not prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by subsection 1 that is the same as the insured is required to pay for other outpatient care covered by the contract.

5. ~~[An insurer which offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives required by this section if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection. The insurer shall provide notice to each insured, at the time the insured receives his or her certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.~~

~~6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.~~] As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 20. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 7, a health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 11; and

(4) Dispensed in accordance with section 4.5 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 11;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the enrollee was covered by the same health care plan;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. A health maintenance organization must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the health maintenance organization.

4. Except as otherwise provided in subsections 9, 10 and 12, a health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an enrollee must be the same as for the enrollee.

6. Except as otherwise provided in subsection 7, a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

7. A health maintenance organization that offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the health maintenance organization objects on religious grounds. Such an organization shall, before the issuance of a health care plan and before the renewal of such a plan, provide to the prospective enrollee written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection.

8. If a health maintenance organization refuses, pursuant to subsection 7, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

9. A health maintenance organization may require an enrollee to pay a higher deductible, copayment or coinsurance for a drug for contraception if the enrollee refuses to accept a therapeutic equivalent of the drug.

10. For each of the 18 methods of contraception listed in subsection 11 that have been approved by the Food and Drug Administration, a health care plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the enrollee, but the health maintenance organization may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

11. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) ~~[Antiprogestin-based drugs]~~ Ulipristal acetate for emergency contraception.

12. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

13. A health maintenance organization shall not use medical management techniques to require an enrollee to use a method of contraception other than the method prescribed or ordered by a provider of health care.

14. A health maintenance organization must provide an accessible, transparent and expedited process which is not unduly burdensome by which an enrollee, or the authorized representative of the enrollee, may request an exception relating to any medical management technique used by the health maintenance organization to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

15. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 21. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1735 to 695C.1755, inclusive, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694, 695C.1695, 695C.1708, 695C.1731, 695C.17345 **,** ~~[and]~~ 695C.1757 ***and section 20 of this act*** apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 22. NRS 695C.1694 is hereby amended to read as follows:

695C.1694 1. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** health maintenance organization which offers or issues a health care plan that provides coverage for prescription drugs or devices shall include in the plan coverage for ~~[:~~

~~(a) Any type of drug or device for contraception; and~~

~~(b) Any]~~ ***any*** type of hormone replacement therapy ~~[,~~

~~.~~] which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. A health maintenance organization that offers or issues a health care plan that provides coverage for prescription drugs shall not:

(a) Require an enrollee to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for ~~[~~a prescription for a contraceptive or~~]~~ hormone replacement therapy than is required for other prescription drugs covered by the plan;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use in the future ~~[~~any of the services listed in subsection 1;~~]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from accessing ~~[~~any of the services listed in subsection 1;~~]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[~~any of the services listed in subsection 1~~]~~ ***hormone replacement therapy*** to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[~~any of the services listed in subsection 1~~]~~ ***hormone replacement therapy*** to an enrollee.

3. ~~[~~Except as otherwise provided in subsection 5, evidence~~]~~ ***Evidence*** of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

4. The provisions of this section do not:

(a) Require a health maintenance organization to provide coverage for fertility drugs.

(b) Prohibit a health maintenance organization from requiring an enrollee to pay a deductible, copayment or coinsurance for the coverage required by ~~[~~paragraphs (a) and (b) of~~]~~ subsection 1 that is the same as the enrollee is required to pay for other prescription drugs covered by the plan.

5. ~~[~~A health maintenance organization which offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the health maintenance organization objects on religious grounds. The health maintenance organization shall, before the issuance of a health care plan and before renewal of enrollment in such a plan, provide to the group policyholder or prospective enrollee, as applicable, written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection. The health maintenance organization shall

~~provide notice to each enrollee, at the time the enrollee receives his or her evidence of coverage, that the health maintenance organization refused to provide coverage pursuant to this subsection.~~

~~6. If a health maintenance organization refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.~~**]** As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 23. NRS 695C.1695 is hereby amended to read as follows:

695C.1695 1. **[**~~Except as otherwise provided in subsection 5, a~~**]** ***A*** health maintenance organization that offers or issues a health care plan which provides coverage for outpatient care shall include in the plan coverage for any health care service related to **[**~~contraceptives or~~**]** hormone replacement therapy.

2. A health maintenance organization that offers or issues a health care plan that provides coverage for outpatient care shall not:

(a) Require an enrollee to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for outpatient care related to **[**~~contraceptives or~~**]** hormone replacement therapy than is required for other outpatient care covered by the plan;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use in the future **[**~~any of the services listed in subsection 1;~~**]** ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from accessing **[**~~any of the services listed in subsection 1;~~**]** ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides **[**~~any of the services listed in subsection 1~~**]** ***hormone replacement therapy*** to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay **[**~~any of the services listed in subsection 1~~**]** ***hormone replacement therapy*** to an enrollee.

3. **[**~~Except as otherwise provided in subsection 5, evidence~~**]** ***Evidence*** of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

4. The provisions of this section do not prohibit a health maintenance organization from requiring an enrollee to pay a deductible, copayment or

coinsurance for the coverage required by subsection 1 that is the same as the enrollee is required to pay for other outpatient care covered by the plan.

5. ~~[A health maintenance organization which offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives required by this section if the health maintenance organization objects on religious grounds. The health maintenance organization shall, before the issuance of a health care plan and before renewal of enrollment in such a plan, provide to the group policyholder or prospective enrollee, as applicable, written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection. The health maintenance organization shall provide notice to each enrollee, at the time the enrollee receives his or her evidence of coverage, that the health maintenance organization refused to provide coverage pursuant to this subsection.~~

~~6. If a health maintenance organization refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.]~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 24. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, ***and section 20 of this act*** or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 25. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 7, a managed care organization that offers or issues a health care plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 10; and

(4) Dispensed in accordance with section 4.5 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 10;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same health care plan;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the managed care organization.

4. Except as otherwise provided in subsections 8, 9 and 11, a managed care organization that offers or issues a health care plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefits;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefits;

(d) Penalize a provider of health care who provides any such benefits to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefits to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefits.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

7. A managed care organization that offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the managed care organization objects on religious grounds. Such an organization shall, before the issuance of a health care plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the managed care organization refuses to provide pursuant to this subsection.

8. A managed care organization may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a health care plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the managed care organization may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) ~~[Antiprogestin-based drugs]~~ Ulipristal acetate for emergency contraception.

11. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. A managed care organization shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

13. A managed care organization must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the managed care organization to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 26. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 27. This act becomes effective on January 1, 2018.

Assemblyman Sprinkle moved that the Assembly concur in the Senate Amendment No. 966 to Assembly Bill No. 249.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

This amendment replaces antiprogestin-based drugs with ulipristal acetate for emergency contraception.

Motion carried by a constitutional majority.

Bill ordered transmitted to the Senate.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Yeager moved that the Assembly do not recede from its action on Senate Bill No. 258, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Yeager, Watkins, and Krasner as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 258.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Yeager moved that the Assembly do not recede from its action on Senate Bill No. 376, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Yeager, Ohrenschall, and Hansen as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 376.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Yeager moved that the Assembly do not recede from its action on Senate Bill No. 432, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Yeager, Cohen, and Tolles as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 432.

GENERAL FILE AND THIRD READING

Assembly Bill No. 505.

Bill read third time.

The following amendment was proposed by Assemblywoman Carlton:

Amendment No. 1010.

AN ACT making appropriations to the Department of Corrections for a new telephone system and for certain information system projects; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $2,339,477 for an electronic medical records system to store inmate medical records and interface with the Department's offender management system and other vendor software systems.

2. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $1,285,440 for the continuation of the transition from the Nevada Offender Tracking Information System to a new internal system.

3. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $2,263,231 for the installation of a new telephone system for the Department.

4. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $637,085 for the replacement of the Nevada Staffing Information System used to schedule correctional officers.

Sec. 2. Any remaining balance of the appropriations made by section 1 of this act must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2019.

Sec. 3. This act becomes effective ~~[on July 1, 2017.]~~ **upon passage and approval.**

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 506.

Bill read third time.

The following amendment was proposed by Assemblywoman Carlton:

Amendment No. 1011.

AN ACT making appropriations to the Nevada Gaming Control Board for certain costs relating to the Alpha Migration Project; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Nevada Gaming Control Board the sum of $2,091,590 for phase three of the Alpha Migration Project.

2. There is hereby appropriated from the State General Fund to the Nevada Gaming Control Board the sum of $124,908 for in-state travel costs for information technology staff to provide support for phase three of the Alpha Migration Project.

Sec. 2. Any remaining balance of the appropriations made by section 1 of this act must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2019.

Sec. 3. This act becomes effective ~~[on July 1, 2017.]~~ **upon passage and approval.**

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 507.

Bill read third time.

The following amendment was proposed by Assemblywoman Carlton:

Amendment No. 1012.

AN ACT making appropriations to the Department of Public Safety for the replacement of vehicles, pickup trucks and motorcycles for the Nevada Highway Patrol; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State Highway Fund to the Department of Public Safety the sum of $8,531,643 for the replacement of vehicles and pickup trucks for the Nevada Highway Patrol.

2. There is hereby appropriated from the State Highway Fund to the Department of Public Safety the sum of $385,252 for the replacement of motorcycles for the Nevada Highway Patrol.

Sec. 2. Any remaining balance of the appropriations made by section 1 of this act must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any

purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 20, 2019.

Sec. 3. This act becomes effective ~~[on July 1, 2017.]~~ **upon passage and approval.**

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 9:50 p.m.

ASSEMBLY IN SESSION

At 9:56 p.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 509.

Bill read third time.

The following amendment was proposed by Assemblywoman Carlton:

Amendment No. 1013.

AN ACT making an appropriation to the Department of Business and Industry for the implementation of an electronic management system for public works and prevailing wage surveys in the Office of the Labor Commissioner; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Department of Business and Industry the sum of $48,920 for the implementation of an electronic management system for public works and prevailing wage surveys in the Office of the Labor Commissioner.

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2019.

Sec. 3. This act becomes effective ~~[on July 1, 2017.]~~ **upon passage and approval.**

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 130.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1001.

AN ACT relating to guardianships; authorizing a court to require a proposed guardian to file a proposed preliminary care plan and budget; establishing the process by which a person may obtain the approval of the court for the payment of attorney's fees and costs from the assets of a ward; establishing the State Guardianship Compliance Office; replacing the term "incompetent" with the term "incapacitated" for purposes of guardianships and revising the definition thereof; revising various provisions relating to notice given to certain persons; revising provisions concerning the sale of real and personal property of a ward; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term "incompetent" for purposes of the provisions of law governing guardianships. (NRS 159.019) **Section 7** of this bill replaces the term "incompetent" with the term "incapacitated" and revises the definition thereof. **Sections 5, 6, 11, 12-17, 20, 22, 35 and 36-43** of this bill make conforming changes.

Existing law generally requires a petitioner in a guardianship proceeding to give notice of the time and place of the hearing on any petition filed in the guardianship proceeding to certain persons, including any minor ward who is 14 years of age or older. (NRS 159.034) **Section 8** of this bill revises this requirement and requires that notice be given to any ward who is 14 years of age or older, regardless of whether the ward is considered to have the capacity to understand or appreciate the contents of the petition.

Existing law provides that after the filing of a petition in a guardianship proceeding, the clerk is required to issue a citation setting forth a time and place for the hearing and directing certain persons to appear and show cause why a guardian should not be appointed for the proposed ward. (NRS 159.047) **Section 9** of this bill requires a copy of the petition to be served together with the citation on certain persons, including a proposed ward who is 14 years of age or older, regardless of whether the ward is considered to have the capacity to understand or appreciate the contents of the petition, and **section 10** of this bill requires that the proposed ward be served by personal service. **Section 9** also requires a person who serves notice upon the

proposed ward to file with the court an affidavit stating that notice was served.

Existing law requires a guardian of the person to file with the court a written report on the condition of the ward and the exercise of authority and performance of duties by the guardian at certain specified times. (NRS 159.081) **Section 18** of this bill requires that such a report be served on the ward.

Section 21 of this bill requires the guardian of the estate and the guardian of the person to be notified if the ward is a party to any criminal action. **Section 23** of this bill requires that notice be given to a ward upon the filing of certain petitions or any account.

Existing law establishes various provisions concerning transactions involving real and personal property of a ward, including the sale of such property. (NRS 159.127-159.175) **Sections 24-31** of this bill revise certain provisions concerning the sale of real property of a ward, and **section 44** of this bill repeals provisions of law relating to a public auction for the sale of real property. **Sections 32-34** of this bill revise provisions concerning the sale of personal property of a ward. **Section 32** of this bill authorizes a guardian to: (1) sell or dispose of personal property of a ward that has a total value of less than $10,000 if certain notice is given and no objection to the sale or disposal is received; and (2) authorize the immediate destruction of personal property of a ward without notice in certain circumstances. **Section 33** of this bill requires that notice of a sale of the personal property of a ward be given to a ward who is 14 years of age or older and certain other persons and, if the gross value of the estate of the ward is $10,000 or more, published in a newspaper before a guardian may sell the personal property of a ward.

Section 2 of this bill specifies that upon the filing of a petition for the appointment of a guardian, the court may require a proposed guardian to file a proposed preliminary care plan and budget, the format of which and the timing of the filing thereof must be specified by a court rule approved by the Supreme Court.

Section 3 of this bill provides that any person who retains an attorney for the purposes of representing a party in a guardianship proceeding is personally liable for any attorney's fees and costs incurred, but authorizes such a person to petition the court for an order authorizing the payment of such attorney's fees and costs from the estate of the ward. **Section 3** prohibits such attorney's fees and costs from being paid from the estate of the ward without court approval and establishes the process by which a person is able to obtain the approval of the court. **Section 3** also authorizes an attorney who is appointed by the court to seek compensation for his or her services from the guardianship estate in accordance with the established process. **Section 3** additionally provides that if two or more parties in a guardianship proceeding file competing petitions for the appointment of a guardian or otherwise litigate any contested issue in the guardianship proceeding, only the prevailing party may petition the court for the payment of attorney's fees and

costs. If the court determines that there is no prevailing party, the court may authorize a portion of each party's attorney's fees and costs to be paid.

Section 4 of this bill establishes the State Guardianship Compliance Office. **Section 4** provides that the State Guardianship Compliance Officer is appointed by the Supreme Court and serves at the pleasure of the Court. **Section 4** also authorizes the State Guardianship Compliance Officer to hire two accountants and two investigators to provide auditing and investigative services to the district courts during the administration of guardian proceedings. **Section 43.5 of this bill appropriates money to the Nevada Supreme Court to pay the costs of the State Guardianship Compliance Office.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 159 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***Upon the filing of a petition for the appointment of a guardian, the court may require a proposed guardian to file a proposed preliminary care plan and budget. The format of such a proposed preliminary care plan and budget and the timing of the filing thereof must be specified by a rule approved by the Supreme Court.***

Sec. 3. ***1. Any person, including, without limitation, a guardian or proposed guardian, who retains an attorney for the purposes of representing a party in a guardianship proceeding is personally liable for any attorney's fees and costs incurred as a result of such representation.***

2. Notwithstanding the provisions of subsection 1 and except as otherwise provided in subsection 5 of NRS 159.183, a person who is personally liable for attorney's fees and costs may petition the court for an order authorizing such attorney's fees and costs to be paid from the estate of the ward in accordance with this section. Any such attorney's fees and costs must not be paid from the guardianship estate unless and until the court authorizes the payment pursuant to this section.

3. When a person who intends to petition the court for payment of attorney's fees and costs from the guardianship estate first appears in the guardianship proceeding, the person must file written notice of his or her intent to seek payment of attorney's fees and costs from the guardianship estate. The written notice:

(a) Must provide a general explanation of the compensation arrangement and how compensation will be computed;

(b) Must include the hourly billing rates of all timekeepers, including, without limitation, attorneys, law clerks and paralegals;

(c) Must provide a general explanation of the reasons why the services of the attorney are necessary to further the best interests of the ward;

(d) Must be served by the person on all persons entitled to notice pursuant to NRS 159.034 and 159.047; and

(e) Is subject to approval by the court after a hearing.

4. If written notice was filed and approved by the court pursuant to subsection 3, a person may file with the court a petition requesting payment of attorney's fees and costs from the guardianship estate. Such a petition must include the following information:

(a) A detailed statement as to the nature and extent of the services performed by the attorney;

(b) An itemization of each task performed by the attorney, with reference to the time spent on each task in an increment to the nearest one-tenth of an hour and with no minimum billing unit in excess of one-tenth of an hour;

(c) An indication of whether any time billed, including, without limitation, any time spent traveling or waiting, benefited any clients of the attorney other than the ward and, if so, how many other clients benefited from such time; and

(d) Any other information considered relevant to a determination of whether attorney's fees are just, reasonable and necessary.

➥ Absent approval from all parties who have appeared in the proceeding, any supplemental requests for the payment of attorney's fees and costs cannot be augmented in open court and must be properly noticed in the same manner as the underlying petition requesting payment.

5. In determining whether attorney's fees are just, reasonable and necessary, the court may consider all the following factors:

(a) The written notice approved by the court pursuant to subsection 3.

(b) Whether the services conferred any actual benefit upon the ward or attempted to advance the best interests of the ward.

(c) The qualities of the attorney, including, without limitation, his or her ability, training, education, experience, professional standing and skill.

(d) The character of the work performed, including, without limitation, the difficulty, intricacy and importance of the work, the time and skill required to complete the work, the responsibility imposed and the nature of the proceedings.

(e) The work actually performed by the attorney, including, without limitation, the skill, time and attention given to the work.

(f) The result of the work, including, without limitation, whether the attorney was successful and any benefits that were derived.

(g) The usual and customary fees charged in the relevant professional communities for each task performed, regardless of who actually performed the task. The court may only award:

(1) Compensation at an attorney rate for time spent performing services that require an attorney;

(2) Compensation at a paralegal rate for time spent performing paralegal services;

(3) Compensation at a fiduciary rate for time spent performing fiduciary services; and

(4) No compensation for time spent performing secretarial or clerical services.

(h) The appropriate apportionment among multiple clients of any billed time that benefited multiple clients of the attorney.

(i) The extent to which the services were provided in a reasonable, efficient and cost-effective manner, including, without limitation, whether there was appropriate and prudent delegation of services to others.

(j) The ability of the estate of the ward to pay, including, without limitation:

(1) The value of the estate;

(2) The nature, extent and liquidity of the assets of the estate;

(3) The disposable net income of the estate;

(4) The anticipated future needs of the ward; and

(5) Any other foreseeable expenses.

(k) The efforts made by the person and attorney to reduce and minimize any issues.

(l) Any actions by the person or attorney that unnecessarily expanded issues or delayed or hindered the efficient administration of the estate.

(m) Whether any actions taken by the person or attorney were taken for the purpose of advancing or protecting the interests of the person as opposed to the interests of the ward.

(n) Any other factor that is relevant in determining whether attorney's fees are just, reasonable and necessary, including, without limitation, any other factor that is relevant in determining whether the person was acting in good faith and was actually pursuing the best interests of the ward.

6. The court shall not approve compensation for an attorney for:

(a) Time spent on internal business activities of the attorney, including, without limitation, clerical or secretarial support; or

(b) Time reported as a total amount of time spent on multiple tasks, rather than an itemization of the time spent on each task.

7. Any fees paid by a third party, including, without limitation, a trust of which the estate is a beneficiary, must be disclosed to and approved by the court.

8. In addition to any payment provided to a person pursuant to this section for the services of an attorney, a person may receive payment for ordinary costs and expenses incurred in the scope of the attorney's representation.

9. If two or more parties in a guardianship proceeding file competing petitions for the appointment of a guardian or otherwise litigate any contested issue in the guardianship proceeding, only the prevailing party may petition the court for payment of attorney's fees and costs from the guardianship estate pursuant to this section. If the court determines that there is no prevailing party, the court may authorize a portion of each party's attorney's fees and costs to be paid from the guardianship estate if

the court determines that such fees and costs are just, reasonable and necessary given the nature of any issues in dispute.

10. If an attorney is appointed by the court in a guardianship proceeding, he or she may petition the court for compensation for his or her services from the guardianship estate in accordance with the procedure set forth in this section.

Sec. 4. ***1. The State Guardianship Compliance Office is hereby created.***

2. The State Guardianship Compliance Officer is:

(a) Appointed by the Supreme Court and serves at the pleasure of the Court; and

(b) Entitled to receive an annual salary set by the Supreme Court within the limits of legislative appropriations.

3. The State Guardianship Compliance Officer may hire two accountants and two investigators to provide auditing and investigative services to the district courts during the administration of guardianship proceedings.

4. The State Guardianship Compliance Officer shall not act as a guardian for any ward.

Sec. 5. NRS 159.014 is hereby amended to read as follows:

159.014 "Care provider" includes any public or private institution located within or outside this state which provides facilities for the care or maintenance of **[**~~incompetents,~~**]** ***persons who are incapacitated,*** persons of limited capacity or minors.

Sec. 6. NRS 159.015 is hereby amended to read as follows:

159.015 "Court" means any court or judge having jurisdiction of the persons and estates of minors, **[**~~incompetent~~**]** persons **[**~~,~~**]** ***who are incapacitated*** or persons of limited capacity.

Sec. 7. NRS 159.019 is hereby amended to read as follows:

159.019 **[**~~"Incompetent" means an adult~~**]** ***A*** person **[**~~who, by reason of mental illness, mental deficiency, disease, weakness of mind or any other cause,~~**]** ***is "incapacitated" if he or she, for reasons other than being a minor,*** is unable **[**~~, without assistance, properly to manage and take care of himself or herself or his or her property, or both. The term includes a person who is mentally incapacitated.~~**]** ***to receive and evaluate information or make or communicate decisions to such an extent that the person lacks the ability to meet essential requirements for physical health, safety or self-care without appropriate assistance.***

Sec. 8. NRS 159.034 is hereby amended to read as follows:

159.034 1. Except as otherwise provided in this section, by specific statute or as ordered by the court, a petitioner in a guardianship proceeding shall give notice of the time and place of the hearing on any petition filed in the guardianship proceeding to:

(a) Any ~~[minor]~~ ward who is 14 years of age or older ~~[.]~~ ***, regardless of whether the ward is considered to have the capacity to understand or appreciate the contents of the petition.***

(b) The parent or legal guardian of any minor ward who is less than 14 years of age.

(c) The spouse of the ward and all other known relatives of the ward who are within the second degree of consanguinity.

(d) Any other interested person or the person's attorney who has filed a request for notice in the guardianship proceedings and has served a copy of the request upon the guardian. The request for notice must state the interest of the person filing the request and the person's name and address, or that of his or her attorney.

(e) The guardian, if the petitioner is not the guardian.

(f) Any person or care provider who is providing care for the ward, except that if the person or care provider is not related to the ward, such person or care provider must not receive copies of any inventory or accounting.

(g) Any office of the Department of Veterans Affairs in this State if the ward is receiving any payments or benefits through the Department of Veterans Affairs.

(h) The Director of the Department of Health and Human Services if the ward has received or is receiving benefits from Medicaid.

(i) Those persons entitled to notice if a proceeding were brought in the ward's home state.

2. The petitioner shall give notice not later than 10 days before the date set for the hearing:

(a) By mailing a copy of the notice by certified, registered or ordinary first-class mail to the residence, office or post office address of each person required to be notified pursuant to this section;

(b) By personal service; or

(c) In any other manner ordered by the court, upon a showing of good cause.

3. Except as otherwise provided in this subsection, if none of the persons entitled to notice of a hearing on a petition pursuant to this section can, after due diligence, be served by certified mail or personal service and this fact is proven by affidavit to the satisfaction of the court, service of the notice must be made by publication in the manner provided by N.R.C.P. 4(e). In all such cases, the notice must be published not later than 10 days before the date set for the hearing. If, after the appointment of a guardian, a search for relatives of the ward listed in paragraph (c) of subsection 1 fails to find any such relative, the court may waive the notice by publication required by this subsection.

4. For good cause shown, the court may waive the requirement of giving notice.

5. A person entitled to notice pursuant to this section may waive such notice. Such a waiver must be in writing and filed with the court.

6. On or before the date set for the hearing, the petitioner shall file with the court proof of giving notice to each person entitled to notice pursuant to this section.

Sec. 9. NRS 159.047 is hereby amended to read as follows:

159.047 1. Except as otherwise provided in NRS 159.0475 and 159.049 to 159.0525, inclusive, upon the filing of a petition under NRS 159.044, the clerk shall issue a citation setting forth a time and place for the hearing and directing the persons or care provider referred to in subsection 2 to appear and show cause why a guardian should not be appointed for the proposed ward.

2. A citation issued under subsection 1 ***, together with a copy of the petition filed under NRS 159.044,*** must be served upon:

(a) A proposed ward who is 14 years of age or older ~~[:]~~ ***, regardless of whether the proposed ward is considered to have the capacity to understand or appreciate the contents of the citation and petition;***

(b) The spouse of the proposed ward and all other known relatives of the proposed ward who are:

(1) Fourteen years of age or older; and

(2) Within the second degree of consanguinity;

(c) The parents and custodian of the proposed ward;

(d) Any person or officer of a care provider having the care, custody or control of the proposed ward;

(e) The proposed guardian, if the petitioner is not the proposed guardian;

(f) Any office of the Department of Veterans Affairs in this State if the proposed ward is receiving any payments or benefits through the Department of Veterans Affairs; and

(g) The Director of the Department of Health and Human Services if the proposed ward has received or is receiving any benefits from Medicaid.

3. A person who serves notice upon a proposed ward pursuant to paragraph (a) of subsection 2 shall file with the court an affidavit stating that he or she served notice upon the proposed ward in accordance with the provisions of NRS 159.0475.

Sec. 10. NRS 159.0475 is hereby amended to read as follows:

159.0475 1. A copy of the citation issued pursuant to NRS 159.047 ***, together with a copy of the petition filed under NRS 159.044,*** must be served ***:*** ~~[by:]~~

(a) ***Except as otherwise ordered by the court, on a proposed ward who is 14 years of age or older by personal service in the manner provided pursuant to N.R.C.P. 4(d) at least 10 days before the date set for the hearing; and***

(b) On each person required to be served pursuant to NRS 159.047 other than a proposed ward by:

(1) Certified mail, with a return receipt requested, ~~[on each person required to be served pursuant to NRS 159.047]~~ at least 20 days before the hearing; or

~~[(b)]~~ ***(2)*** Personal service in the manner provided pursuant to N.R.C.P. 4(d) at least 10 days before the date set for the hearing **.** ~~[on each person required to be served pursuant to NRS 159.047.]~~

2. If none of the persons on whom the citation ***and petition*** is to be served can, after due diligence, be served by certified mail or personal service **,** ***as applicable,*** and this fact is proven ~~[,]~~ by affidavit ~~[,]~~ to the satisfaction of the court, service of the citation ***and petition*** must be made by publication in the manner provided by N.R.C.P. 4(e). In all such cases, the citation ***and petition*** must be published at least 20 days before the date set for the hearing.

3. A citation ***and petition*** need not be served on a person or an officer of the care provider who has signed the petition or a written waiver of service of ***the*** citation ***and petition*** or who makes a general appearance.

4. The court may find that notice is sufficient if:

(a) ***The citation and petition have been served by personal service on the proposed ward and an affidavit of such service has been filed with the court pursuant to subsection 3 of NRS 159.047;***

(b) The citation ~~[has]~~ ***and petition have*** been served by certified mail, with a return receipt requested, or by personal service on the ~~[proposed ward,]~~ care provider or public guardian required to be served pursuant to NRS 159.047; and

~~[(b)]~~ ***(c)*** At least one relative of the proposed ward who is required to be served pursuant to NRS 159.047 has been served, as evidenced by the return receipt or the certificate of service. If the court finds that at least one relative of the proposed ward has not received notice that is sufficient, the court will require the citation ***and petition*** to be published pursuant to subsection 2.

Sec. 11. NRS 159.048 is hereby amended to read as follows:

159.048 The citation issued pursuant to NRS 159.047 must state that the:

1. Proposed ward may be adjudged to be ~~[incompetent]~~ ***incapacitated*** or of limited capacity and a guardian may be appointed for the proposed ward;

2. Proposed ward's rights may be affected as specified in the petition;

3. Proposed ward has the right to appear at the hearing and to oppose the petition; and

4. Proposed ward has the right to be represented by an attorney, who may be appointed for the proposed ward by the court if the proposed ward is unable to retain one.

Sec. 11.5. NRS 159.0485 is hereby amended to read as follows:

159.0485 1. At the first hearing for the appointment of a guardian for a proposed adult ward, the court shall advise the proposed adult ward who is in attendance at the hearing or who is appearing by videoconference at the hearing of his or her right to counsel and determine whether the proposed adult ward wishes to be represented by counsel in the guardianship proceeding. If the proposed adult ward is not in attendance at the hearing because the proposed adult ward has been excused pursuant to NRS 159.0535 and is not appearing by videoconference at the hearing, the

proposed adult ward must be advised of his or her right to counsel pursuant to subsection 2 of NRS 159.0535.

2. If an adult ward or proposed adult ward is unable to retain legal counsel and requests the appointment of counsel at any stage in a guardianship proceeding and whether or not the adult ward or proposed adult ward lacks or appears to lack capacity, the court shall, at or before the time of the next hearing, appoint an attorney who works for legal aid services, if available, or a private attorney to represent the adult ward or proposed adult ward. The appointed attorney shall represent the adult ward or proposed adult ward until relieved of the duty by court order.

3. Subject to the discretion and approval of the court, the attorney for the adult ward or proposed adult ward is entitled to reasonable compensation and expenses. Unless the court determines that the adult ward or proposed adult ward does not have the ability to pay such compensation and expenses or the court shifts the responsibility of payment to a third party, the compensation and expenses must be paid from the estate of the adult ward or proposed adult ward, unless the compensation and expenses are provided for or paid by another person or entity. If the court finds that a person has unnecessarily or unreasonably caused the appointment of an attorney, the court may order the person to pay to the estate of the adult ward or proposed adult ward all or part of the expenses associated with the appointment of the attorney. ***Any attorney who intends to seek compensation from the estate of the adult ward or proposed adult ward must follow the procedure established in section 3 of this act.***

Sec. 12. NRS 159.0487 is hereby amended to read as follows:

159.0487 Any court of competent jurisdiction may appoint:

1. Guardians of the person, of the estate, or of the person and estate for ~~[incompetents]~~ ***persons who are incapacitated*** or minors whose home state is this State.

2. Guardians of the person or of the person and estate for ~~[incompetents]~~ ***persons who are incapacitated*** or minors who, although not residents of this State, are physically present in this State and whose welfare requires such an appointment.

3. Guardians of the estate for nonresident ~~[incompetents]~~ ***persons who are incapacitated*** or nonresident minors who have property within this State.

4. Special guardians.

5. Guardians ad litem.

Sec. 13. NRS 159.054 is hereby amended to read as follows:

159.054 1. If the court finds ***that*** the proposed ward ~~[competent]~~ ***is not incapacitated*** and ***is*** not in need of a guardian, the court shall dismiss the petition.

2. If the court finds ***that*** the proposed ward ~~[to be]~~ ***is*** of limited capacity and ***is*** in need of a special guardian, the court shall enter an order accordingly and specify the powers and duties of the special guardian.

3. If the court finds that appointment of a general guardian is required, the court shall appoint a general guardian of the ward's person, estate, or person and estate.

Sec. 14. NRS 159.0593 is hereby amended to read as follows:

159.0593 1. If the court orders a general guardian appointed for a proposed ward, the court shall determine, by clear and convincing evidence, whether the proposed ward is a person with a mental defect who is prohibited from possessing a firearm pursuant to 18 U.S.C. § 922(d)(4) or (g)(4). If a court makes a finding pursuant to this section that the proposed ward is a person with a mental defect, the court shall include the finding in the order appointing the guardian and cause, within 5 business days after issuing the order, a record of the order to be transmitted to the Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

2. As used in this section:

(a) "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

(b) "Person with a mental defect" means a person who, as a result of marked subnormal intelligence, mental illness, ~~[incompetence,]~~ ***incapacitation,*** condition or disease, is:

(1) A danger to himself or herself or others; or

(2) Lacks the capacity to contract or manage his or her own affairs.

Sec. 15. NRS 159.0613 is hereby amended to read as follows:

159.0613 1. Except as otherwise provided in subsection 3, in a proceeding to appoint a guardian for an adult, the court shall give preference to a nominated person or relative, in that order of preference:

(a) Whether or not the nominated person or relative is a resident of this State; and

(b) If the court determines that the nominated person or relative is qualified and suitable to be appointed as guardian for the adult.

2. In determining whether any nominated person, relative or other person listed in subsection 4 is qualified and suitable to be appointed as guardian for an adult, the court shall consider, if applicable and without limitation:

(a) The ability of the nominated person, relative or other person to provide for the basic needs of the adult, including, without limitation, food, shelter, clothing and medical care;

(b) Whether the nominated person, relative or other person has engaged in the habitual use of alcohol or any controlled substance during the previous 6 months, except the use of marijuana in accordance with the provisions of chapter 453A of NRS;

(c) Whether the nominated person, relative or other person has been judicially determined to have committed abuse, neglect, exploitation, isolation or abandonment of a child, his or her spouse, his or her parent or

any other adult, unless the court finds that it is in the best interests of the ward to appoint the person as guardian for the adult;

(d) Whether the nominated person, relative or other person is ~~[incompetent]~~ ***incapacitated*** or has a disability; and

(e) Whether the nominated person, relative or other person has been convicted in this State or any other jurisdiction of a felony, unless the court determines that any such conviction should not disqualify the person from serving as guardian for the adult.

3. If the court finds that two or more nominated persons are qualified and suitable to be appointed as guardian for an adult, the court may appoint two or more nominated persons as co-guardians or shall give preference among them in the following order of preference:

(a) A person whom the adult nominated for the appointment as guardian for the adult in a will, trust or other written instrument that is part of the adult's established estate plan and was executed by the adult while ~~[competent.]~~ ***he or she was not incapacitated.***

(b) A person whom the adult requested for the appointment as guardian for the adult in a written instrument that is not part of the adult's established estate plan and was executed by the adult while ~~[competent.]~~ ***he or she was not incapacitated.***

4. Subject to the preferences set forth in subsections 1 and 3, the court shall appoint as guardian the qualified person who is most suitable and is willing to serve. In determining which qualified person is most suitable, the court shall, in addition to considering any applicable factors set forth in subsection 2, give consideration, among other factors, to:

(a) Any nomination or request for the appointment as guardian by the adult.

(b) Any nomination or request for the appointment as guardian by a relative.

(c) The relationship by blood, adoption, marriage or domestic partnership of the proposed guardian to the adult. In considering preferences of appointment, the court may consider relatives of the half blood equally with those of the whole blood. The court may consider any relative in the following order of preference:

(1) A spouse or domestic partner.

(2) A child.

(3) A parent.

(4) Any relative with whom the adult has resided for more than 6 months before the filing of the petition or any relative who has a power of attorney executed by the adult while ~~[competent.]~~ ***he or she was not incapacitated.***

(5) Any relative currently acting as agent.

(6) A sibling.

(7) A grandparent or grandchild.

(8) An uncle, aunt, niece, nephew or cousin.

(9) Any other person recognized to be in a familial relationship with the adult.

(d) Any recommendation made by a master of the court or special master pursuant to NRS 159.0615.

(e) Any request for the appointment of any other interested person that the court deems appropriate, including, without limitation, a person who is not a relative and who has a power of attorney executed by the adult while ~~[competent.]~~ ***he or she was not incapacitated.***

5. The court may appoint as guardian any nominated person, relative or other person listed in subsection 4 who is not a resident of this State. The court shall not give preference to a resident of this State over a nonresident if the court determines that:

(a) The nonresident is more qualified and suitable to serve as guardian; and

(b) The distance from the proposed guardian's place of residence and the adult's place of residence will not affect the quality of the guardianship or the ability of the proposed guardian to make decisions and respond quickly to the needs of the adult because:

(1) A person or care provider in this State is providing continuing care and supervision for the adult;

(2) The adult is in a secured residential long-term care facility in this State; or

(3) Within 30 days after the appointment of the proposed guardian, the proposed guardian will move to this State or the adult will move to the proposed guardian's state of residence.

6. If the court appoints a nonresident as guardian for the adult:

(a) The jurisdictional requirements of NRS 159.1991 to 159.2029, inclusive, must be met;

(b) The court shall order the guardian to designate a registered agent in this State in the same manner as a represented entity pursuant to chapter 77 of NRS; and

(c) The court may require the guardian to complete any available training concerning guardianships pursuant to NRS 159.0592, in this State or in the state of residence of the guardian, regarding:

(1) The legal duties and responsibilities of the guardian pursuant to this chapter;

(2) The preparation of records and the filing of annual reports regarding the finances and well-being of the adult required pursuant to NRS 159.073;

(3) The rights of the adult;

(4) The availability of local resources to aid the adult; and

(5) Any other matter the court deems necessary or prudent.

7. If the court finds that there is not any suitable nominated person, relative or other person listed in subsection 4 to appoint as guardian, the court may appoint as guardian:

(a) The public guardian of the county where the adult resides if:

(1) There is a public guardian in the county where the adult resides; and

(2) The adult qualifies for a public guardian pursuant to chapter 253 of NRS;

(b) A private fiduciary who may obtain a bond in this State and who is a resident of this State, if the court finds that the interests of the adult will be served appropriately by the appointment of a private fiduciary; or

(c) A private professional guardian who meets the requirements of NRS 159.0595.

8. A person is not qualified to be appointed as guardian for an adult if the person has been suspended for misconduct or disbarred from any of the professions listed in this subsection, but the disqualification applies only during the period of the suspension or disbarment. This subsection applies to:

(a) The practice of law;

(b) The practice of accounting; or

(c) Any other profession that:

(1) Involves or may involve the management or sale of money, investments, securities or real property; and

(2) Requires licensure in this State or any other state in which the person practices his or her profession.

9. As used in this section:

(a) "Adult" means a person who is a ward or a proposed ward and who is not a minor.

(b) "Domestic partner" means a person in a domestic partnership.

(c) "Domestic partnership" means:

(1) A domestic partnership as defined in NRS 122A.040; or

(2) A domestic partnership which was validly formed in another jurisdiction and which is substantially equivalent to a domestic partnership as defined in NRS 122A.040, regardless of whether it bears the name of a domestic partnership or is registered in this State.

(d) "Nominated person" means a person, whether or not a relative, whom an adult:

(1) Nominates for the appointment as guardian for the adult in a will, trust or other written instrument that is part of the adult's established estate plan and was executed by the adult while ~~[competent.]~~ ***he or she was not incapacitated.***

(2) Requests for the appointment as guardian for the adult in a written instrument that is not part of the adult's established estate plan and was executed by the adult while ~~[competent.]~~ ***he or she was not incapacitated.***

(e) "Relative" means a person who is 18 years of age or older and who is related to the adult by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity.

Sec. 16. NRS 159.062 is hereby amended to read as follows:

159.062 A parent or spouse of ~~[an incompetent,]~~ ***a*** minor ***, person who is incapacitated*** or person of limited capacity may by will nominate a guardian.

The person nominated must file a petition and obtain an appointment from the court before exercising the powers of a guardian.

Sec. 17. NRS 159.078 is hereby amended to read as follows:

159.078 1. Before taking any of the following actions, the guardian shall petition the court for an order authorizing the guardian to:

(a) Make or change the last will and testament of the ward.

(b) Except as otherwise provided in this paragraph, make or change the designation of a beneficiary in a will, trust, insurance policy, bank account or any other type of asset of the ward which includes the designation of a beneficiary. The guardian is not required to petition the court for an order authorizing the guardian to utilize an asset which has a designated beneficiary, including the closure or discontinuance of the asset, for the benefit of a ward if:

(1) The asset is the only liquid asset available with which to pay for the proper care, maintenance, education and support of the ward;

(2) The asset, or the aggregate amount of all the assets if there is more than one type of asset, has a value that does not exceed $5,000; or

(3) The asset is a bank account, investment fund or insurance policy and is required to be closed or discontinued in order for the ward to qualify for a federal program of public assistance.

(c) Create for the benefit of the ward or others a revocable or irrevocable trust of the property of the estate.

(d) Except as otherwise provided in this paragraph, exercise the right of the ward to revoke or modify a revocable trust or to surrender the right to revoke or modify a revocable trust. The court shall not authorize or require the guardian to exercise the right to revoke or modify a revocable trust if the instrument governing the trust:

(1) Evidences an intent of the ward to reserve the right of revocation or modification exclusively to the ward;

(2) Provides expressly that a guardian may not revoke or modify the trust; or

(3) Otherwise evidences an intent that would be inconsistent with authorizing or requiring the guardian to exercise the right to revoke or modify the trust.

2. Any other interested person may also petition the court for an order authorizing or directing the guardian to take any action described in subsection 1.

3. The court may authorize the guardian to take any action described in subsection 1 if, after notice to any person who is adversely affected by the proposed action and an opportunity for a hearing, the court finds by clear and convincing evidence that:

(a) A reasonably prudent person or the ward, if ~~[competent,]~~ ***not incapacitated,*** would take the proposed action and that a person has committed or is about to commit any act, practice or course of conduct which

operates or would operate as a fraud or act of exploitation upon the ward or estate of the ward and that person:

(1) Is designated as a beneficiary in or otherwise stands to gain from an instrument which was executed by or on behalf of the ward; or

(2) Will benefit from the lack of such an instrument; or

(b) The proposed action is otherwise in the best interests of the ward for any other reason not listed in this section.

4. The petition must contain, to the extent known by the petitioner:

(a) The name, date of birth and current address of the ward;

(b) A concise statement as to the condition of the ward's estate; and

(c) A concise statement as to the necessity for the proposed action.

5. As used in this section:

(a) "Exploitation" means any act taken by a person who has the trust and confidence of a ward or any use of the power of attorney of a ward to:

(1) Obtain control, through deception, intimidation or undue influence, over the money, assets or property of the ward with the intention of permanently depriving the ward of the ownership, use, benefit or possession of the ward's money, assets or property.

(2) Convert money, assets or property of the ward with the intention of permanently depriving the ward of the ownership, use, benefit or possession of the ward's money, assets or property.

➥ As used in this paragraph, "undue influence" does not include the normal influence that one member of a family has over another.

(b) "Fraud" means an intentional misrepresentation, deception or concealment of a material fact known to the person with the intent to deprive the ward of the ward's rights or property or to otherwise injure the ward.

(c) "Interested person" has the meaning ascribed to it in NRS 132.185 and also includes a named beneficiary under a trust or other instrument if the validity of the trust or other instrument may be in question.

Sec. 18. NRS 159.081 is hereby amended to read as follows:

159.081 1. A guardian of the person shall make and file in the guardianship proceeding for review of the court a written report on the condition of the ward and the exercise of authority and performance of duties by the guardian:

(a) Annually, not later than 60 days after the anniversary date of the appointment of the guardian;

(b) Within 10 days of moving a ward to a secured residential long-term care facility; and

(c) At such other times as the court may order.

2. A report filed pursuant to paragraph (b) of subsection 1 must:

(a) Include a copy of the written recommendation upon which the transfer was made; and

(b) Be served, without limitation, on the ***ward and any*** attorney for the ward **.** ~~[, if any.]~~

3. The court may prescribe the form and contents for filing a report described in subsection 1.

4. The guardian of the person shall give to the guardian of the estate, if any, a copy of each report not later than 30 days after the date the report is filed with the court.

5. The court is not required to hold a hearing or enter an order regarding the report.

Sec. 19. NRS 159.085 is hereby amended to read as follows:

159.085 1. Not later than 60 days after the date of the appointment of a general or special guardian of the estate or, if necessary, such further time as the court may allow, the guardian shall make and file in the guardianship proceeding a verified inventory of all of the property of the ward which comes to the possession or knowledge of the guardian.

2. A temporary guardian of the estate who is not appointed as the general or special guardian shall file an inventory with the court by not later than the date on which the temporary guardian files a final accounting as required pursuant to NRS 159.177.

3. The guardian shall take and subscribe an oath, which must be endorsed or attached to the inventory, before any person authorized to administer oaths, that the inventory contains a true statement of:

(a) All of the estate of the ward which has come into the possession of the guardian;

(b) All of the money that belongs to the ward; and

(c) All of the just claims of the ward against the guardian.

4. ***A copy of the inventory filed with the court and a notice of the filing must be served on the ward, his or her attorney and any guardian ad litem representing the ward.***

5. Whenever any property of the ward not mentioned in the inventory comes to the possession or knowledge of a guardian of the estate, the guardian shall:

(a) Make and file in the proceeding a verified supplemental inventory not later than 30 days after the date the property comes to the possession or knowledge of the guardian; or

(b) Include the property in the next accounting.

~~[5.]~~ ***6.*** The court may order which of the two methods described in subsection ~~[4]~~ ***5*** the guardian shall follow.

~~[6.]~~ ***7.*** The court may order all or any part of the property of the ward appraised as provided in NRS 159.0865 and 159.305.

~~[7.]~~ ***8.*** If the guardian neglects or refuses to file the inventory within the time required pursuant to subsection 1, the court may, for good cause shown and upon such notice as the court deems appropriate:

(a) Revoke the letters of guardianship and the guardian shall be liable on the bond for any loss or injury to the estate caused by the neglect of the guardian; or

(b) Enter a judgment for any loss or injury to the estate caused by the neglect of the guardian.

Sec. 20. NRS 159.0893 is hereby amended to read as follows:

159.0893 1. A guardian shall present a copy of the court order appointing the guardian and letters of guardianship to a bank or other financial institution that holds any account or other assets of the ward before the guardian may access the account or other assets.

2. The bank or other financial institution shall accept the copy of the court order appointing the guardian and letters of guardianship as proof of guardianship and allow the guardian access to the account or other assets of the ward, subject to any limitations set forth in the court order.

3. Unless the bank or other financial institution is a party to the guardianship proceeding, the bank or other financial institution is not entitled to a copy of any:

(a) ~~[Competency]~~ ***Capacity*** evaluation of the ward or any other confidential information concerning the medical condition or the placement of the ward; or

(b) Inventory or accounting of the estate of the ward.

Sec. 21. NRS 159.095 is hereby amended to read as follows:

159.095 1. A guardian of the estate shall appear for and represent the ward in all actions, suits or proceedings to which the ward is a party, unless the court finds that the interests of the guardian conflict with the interests of the ward or it is otherwise appropriate to appoint a guardian ad litem in the action, suit or proceeding.

2. Upon final resolution of the action, suit or proceeding, the guardian of the estate or the guardian ad litem shall notify the court of the outcome of the action, suit or proceeding.

3. If the person of the ward would be affected by the outcome of any action, suit or proceeding, the guardian of the person, if any, should be joined to represent the ward in the action, suit or proceeding.

4. If the ward is a party to any criminal action, the guardian of the estate and the guardian of the person must be notified of the action.

Sec. 22. NRS 159.097 is hereby amended to read as follows:

159.097 Any contract, except to the extent of the reasonable value of necessaries, and any transaction with respect to the property of a ward made by the ward are voidable by the guardian of the estate if such contract or transaction was made at any time by the ward while ~~[an incompetent]~~ ***he or she was incapacitated*** or a minor.

Sec. 22.5. NRS 159.105 is hereby amended to read as follows:

159.105 1. ~~[Other than claims for attorney's fees that are subject to the provisions of subsection 3, a]~~ ***A*** guardian of the estate may pay from the guardianship estate the following claims without complying with the provisions of this section and NRS 159.107 and 159.109:

(a) The guardian's claims against the ward or the estate; and

(b) Any claims accruing after the appointment of the guardian which arise from contracts entered into by the guardian on behalf of the ward.

2. The guardian shall report all claims and the payment of claims made pursuant to subsection 1 in the account that the guardian makes and files in the guardianship proceeding following each payment.

~~[3. Claims for attorney's fees which are associated with the commencement and administration of the guardianship of the estate:~~

~~(a) May be made at the time of the appointment of the guardian of the estate or any time thereafter; and~~

~~(b) May not be paid from the guardianship estate unless the payment is made in compliance with the provisions of this section and NRS 159.107 and 159.109.]~~

Sec. 23. NRS 159.115 is hereby amended to read as follows:

159.115 1. ~~[Upon]~~ ***Except as otherwise ordered by the court, upon*** the filing of any petition under NRS 159.078 or 159.113, or any account, notice must be given ***to the ward and the persons specified in NRS 159.034*** in the manner prescribed by ~~[NRS 159.034.]~~ ***that section.***

2. The notice must:

(a) Give the name of the ward.

(b) Give the name of the petitioner.

(c) Give the date, time and place of the hearing.

(d) State the nature of the petition.

(e) Refer to the petition for further particulars, and notify all persons interested to appear at the time and place mentioned in the notice and show cause why the court order should not be made.

Sec. 24. NRS 159.134 is hereby amended to read as follows:

159.134 1. All sales of real property of a ward must be ~~[:~~

~~(a) Reported to the court; and~~

~~(b) Confirmed]~~ ***confirmed*** by the court ***pursuant to NRS 159.146*** before ***escrow closes for*** the ***sale and*** title to the real property passes to the purchaser.

2. ~~[The report and a]~~ ***A*** petition for confirmation of the sale must be filed with the court not later than 30 days after the date of ~~[each]~~ ***the*** sale ~~[.]~~ ***, which is the date on which the contract for the sale was signed.***

3. The court shall set the date of the hearing ***for confirmation of the sale*** and give notice of the hearing in the manner required pursuant to NRS 159.115 or as the court may order.

4. An interested person may file written objections to the confirmation of the ***sale before the hearing for confirmation of the*** sale. If such objections are filed, the court shall conduct a hearing regarding those objections during which the interested person may offer witnesses in support of the objections. ***The court may, in its discretion, allow oral objections to the confirmation of the sale on the date of the hearing for confirmation of the sale.***

5. Before the court confirms a sale, the court must find that notice of the sale was given in the manner required pursuant to NRS 159.1425 ~~[, 159.1435]~~ and 159.144, unless the sale was exempt from notice pursuant to NRS 159.123.

Sec. 25. NRS 159.1385 is hereby amended to read as follows:

159.1385 1. ~~[A]~~ ***After the court has granted authority to sell real property of a ward, a*** guardian may enter into a written contract with any bona fide agent, broker or multiple agents or brokers to secure a purchaser for ~~[any real]~~ ***such*** property ***.*** ~~[of the estate.]~~ Such a contract may grant an exclusive right to sell the property to the agent, broker or multiple agents or brokers.

2. The guardian shall provide for the payment of a commission upon the sale of the real property which:

(a) Must be paid from the proceeds of the sale;

(b) Must be fixed in an amount not to exceed:

(1) Ten percent for unimproved real property; or

(2) Seven percent for ~~[improved]~~ real property ~~[,]~~ ***with any type of improvement;*** and

(c) Must be authorized by the court by confirmation of the sale.

3. Upon confirmation of the sale by the court, the contract for the sale becomes binding and enforceable against the estate.

4. A guardian may not be held personally liable and the estate is not liable for the payment of any commission set forth in a contract entered into with an agent or broker pursuant to this section until the sale is confirmed by the court, and then is liable only for the amount set forth in the contract.

Sec. 26. NRS 159.1415 is hereby amended to read as follows:

159.1415 1. ~~[When an offer]~~ ***Except as otherwise provided in subsection 10 of NRS 159.146, if a contract of sale*** to purchase real property of a guardianship estate is presented to the court for confirmation:

(a) Other persons may submit higher bids ~~[to the]~~ ***in open*** court; and

(b) The court may confirm the highest bid.

2. Upon confirmation of a sale of real property by the court, the commission for the sale must be divided between the listing agent or broker and the agent or broker who secured the purchaser to whom the sale was confirmed, if any, in accordance with the contract with the listing agent or broker.

Sec. 27. NRS 159.142 is hereby amended to read as follows:

159.142 1. If a ward owns real property jointly with one or more other persons, ***after the court grants authority to sell the property,*** the interest owned by the ward may be sold to one or more joint owners of the property only if:

(a) ***All joint owners of the property have been given notice that the court has granted the authority to sell the property;***

(b) The guardian files a petition with the court to confirm the sale pursuant to NRS 159.134; and

~~[(b)]~~ ***(c)*** The court confirms the sale.

2. The court shall confirm the sale only if:

(a) The net amount of the proceeds from the sale to the estate of the ward is not less than 90 percent of the fair market value of the portion of the property to be sold; and

(b) Upon confirmation, the estate of the ward will be released from all liability for any mortgage or lien on the property.

Sec. 28. NRS 159.1425 is hereby amended to read as follows:

159.1425 1. Except as otherwise provided in this section and except for a sale pursuant to NRS 159.123 or 159.142, a guardian may sell the real property of a ward only after ***the court grants authority for the sale pursuant to NRS 159.113 and*** notice of the sale is published ***:*** ~~[in:]~~

(a) ~~[A]~~ ***In a*** newspaper that is published in the county in which the property, or some portion of the property, is located; ~~[or]~~

(b) If a newspaper is not published in ~~[that]~~ ***the*** county ~~[:]~~ ***in which the property, or some portion of the property, is located:***

(1) In a newspaper of general circulation in the county; or

(2) In such other newspaper as the court orders ~~[.]~~ ***; or***

(c) On a public property listing service for a period of not less than 30 days.

2. Except as otherwise provided in this section and except for a sale of real property pursuant to NRS 159.123 or 159.142 ~~[:~~

~~(a) The notice of a public auction for the sale of real property must be published not less than three times before the date of the sale, over a period of 14 days and 7 days apart.~~

~~(b) The]~~ ***, the*** notice of a ~~[private]~~ sale must be published ***pursuant to paragraph (a) or (b) of subsection 1*** not less than three times before the date on which ~~[offers will]~~ ***the sale may*** be ~~[accepted,]~~ ***made,*** over a period of 14 days and 7 days apart.

3. For good cause shown, the court may order fewer publications and shorten the time of notice, but must not shorten the time of notice to less than 8 days.

4. The court may waive the requirement of publication pursuant to this section if:

(a) The guardian is the sole devisee or heir of the estate; or

(b) All devisees or heirs of the estate consent to the waiver in writing.

5. Publication for the sale of real property is not required pursuant to this section if the property to be sold is reasonably believed to have a ***net*** value of $10,000 or less. In lieu of publication, the guardian shall post notice of the sale in three of the most public places in the county in which the property, or some portion of the property, is located for at least 14 days before ~~[:~~

~~(a) The date of the sale at public auction; or~~

~~(b) The]~~ ***the*** date on ***or after*** which ~~[offers]~~ ***an offer*** will be accepted for a ~~[private]~~ sale.

6. Any notice published or posted pursuant to this section must include, without limitation:

(a) ~~[~~For a public auction:

~~(1) A description of the real property which reasonably identifies the property to be sold; and~~

~~(2) The date, time and location of the auction.~~

~~(b) For a private sale:~~

~~(1)~~] A description of the real property which reasonably identifies the property to be sold; and

~~[(2)~~] ***(b)*** The date, time and location ~~[that offers]~~ ***on or after which an offer*** will be accepted.

Sec. 29. NRS 159.144 is hereby amended to read as follows:

159.144 1. Except for the sale of real property pursuant to NRS 159.123 or 159.142, a sale of real property of a guardianship estate ***:*** ~~[at a private sale:]~~

(a) Must not occur before the date stated in the notice.

(b) Except as otherwise provided in this paragraph, must not occur sooner than 14 days after the date of the first publication or posting of the notice. For good cause shown, the court may shorten the time in which the sale may occur to not sooner than 8 days after the date of the first publication or posting of the notice. If the court so orders, the notice of the sale and the sale may be made to correspond with the court order.

(c) Must occur not later than 1 year after the date stated in the notice.

2. The offers made in a ~~[private]~~ sale:

(a) Must be in writing; and

(b) May be delivered to the place designated in the notice or to the guardian at any time ~~[:~~

~~(1) After~~] ***after*** the date of the first publication or posting of the notice ***.*** ~~[; and~~

~~(2) Before the date on which the sale is to occur.]~~

Sec. 30. NRS 159.1455 is hereby amended to read as follows:

159.1455 1. Except as otherwise provided in subsection 2, the court shall not confirm a sale of real property of a guardianship estate ~~[at a private sale]~~ unless:

(a) The court is satisfied that the amount offered represents the fair market value of the property to be sold; and

(b) Except for a sale of real property pursuant to NRS 159.123, the real property has been appraised within 1 year before the date of the sale. If the real property has not been appraised within this period, a new appraisal must be conducted pursuant to NRS 159.086 and 159.0865 at any time before the sale or confirmation by the court of the sale.

2. The court may waive the requirement of an appraisal ~~[and allow the guardian to rely on the assessed value of the real property for purposes of taxation in obtaining confirmation by the court of the sale.]~~ ***upon a showing to and specific findings by the court on the record that:***

(a) An additional appraisal will unduly delay the sale; and

(b) The delay will impair the estate of the ward.

Sec. 31. NRS 159.146 is hereby amended to read as follows:

159.146 1. At the hearing to confirm the sale of real property, the court shall:

(a) Consider whether the sale is necessary or in the best interest of the estate of the ward; and

(b) Examine the return on the investment and the evidence submitted in relation to the sale.

2. The court shall confirm the sale and order conveyances to be executed if it appears to the court that:

(a) Good reason existed for the sale;

(b) The sale was conducted in a legal and fair manner;

(c) The amount of the offer ~~[or bid]~~ is not disproportionate to the value of the property; and

(d) It is unlikely that ~~[an offer or]~~ ***a*** bid would be made which exceeds the original offer ***:*** ~~[or bid:]~~

(1) By at least 5 percent if the offer ~~[or bid]~~ is less than $100,000; or

(2) By at least $5,000 if the offer ~~[or bid]~~ is $100,000 or more.

3. The court shall not confirm the sale if the conditions in this section are not satisfied.

4. If the court does not confirm the sale, the court:

(a) May order a new sale; ***or***

(b) May conduct a public auction in open court ***.*** ~~[; or~~

~~(c) May accept a written offer or bid from a responsible person and confirm the sale to the person if the written offer complies with the laws of this state and exceeds the original bid:~~

~~(1) By at least 5 percent if the bid is less than $100,000; or~~

~~(2) By at least $5,000 if the bid is $100,000 or more.]~~

5. If the court ~~[does not confirm the sale and]~~ orders a new sale:

(a) Notice must be given in the manner set forth in NRS 159.1425; and

(b) The sale must be conducted in all other respects as though no previous sale has taken place.

6. If a higher offer ~~[or bid]~~ is received by the court during the hearing to confirm the sale, the court may continue the hearing ~~[rather than accept the offer or bid as set forth in paragraph (c) of subsection 4]~~ if the court determines that the person who made the ~~[original]~~ offer ~~[or bid]~~ ***being confirmed*** was not notified of the hearing and ~~[that the person who made the original offer or bid]~~ may wish to increase ***the price of*** his or her ~~[bid.]~~ ***offer.*** This subsection does not grant a right to a person to have a continuance granted and may not be used as a ground to set aside an order confirming a sale.

7. Except as otherwise provided in this ~~[subsection, if a higher offer or bid is received by the court during the hearing to confirm the sale and the~~

~~court does not accept that offer or bid, each successive bid must be for not less than:~~

~~(a) An additional $5,000, if the original offer is for $100,000 or more; or~~

~~(b) An additional $250 if the original offer is less than $100,000.~~

~~➥ Upon the request of the guardian during the hearing to confirm the sale, the court may set other incremental bid amounts.~~] ***section, only the name of the buyer and the price of the sale may be changed at a public auction in open court. An order confirming the sale is sufficient as an addendum to the original contract to allow escrow to close.***

8. The title company may be changed at a public auction in open court if the estate and the buyer have mutually agreed to the change in writing.

9. The date of the close of escrow must be at least 10 judicial days after the date that the notice of the entry of order confirming the sale is filed with the clerk of the court unless the contract specifies a later date. The parties to the sale may extend the date of the close of escrow by mutual agreement in writing.

10. If the estate owes more than the value of the property and the estate has made an agreement with all lienholders to accept the sale price and waive any deficiency between the sale price and the amount owed to all lienholders, the sale must be confirmed without the potential for bidding in court. All other portions of the confirmation of sale must be adhered to. The valuation by the bank shall be deemed to be sufficient to meet the appraisal requirement for the sale, and the date of the sale is the date on which the bank approves the sale.

Sec. 32. NRS 159.1515 is hereby amended to read as follows:

159.1515 1. ~~[A]~~ ***Except as otherwise provided in subsection 2, a*** guardian may sell ~~[perishable property and other]~~ ***or dispose of*** personal property of the ward ~~[without]~~ ***that has a total value of less than $10,000 if:***

(a) A notice ~~[, and title to]~~ ***of intent to sell or dispose of*** the property ~~[passes without confirmation by the court if the property:~~

~~(a) Will depreciate in value if not disposed of promptly; or~~

~~(b) Will incur loss or expense by being kept.~~

~~2. The~~] ***is mailed by certified mail or delivered personally to the ward, his or her attorney and the persons specified in NRS 159.034; and***

(b) No objection to the sale or disposal is made within 15 days after such notice is received.

2. A guardian ~~[is responsible for the actual value]~~ ***may authorize the immediate destruction*** of the personal property ~~[unless the guardian obtains confirmation by the court of the sale.]~~ ***of a ward without notice if:***

(a) The guardian determines that the property has been contaminated by vermin or biological or chemical agents;

(b) The expenses related to the decontamination of the property cause salvage to be impractical;

(c) The property constitutes an immediate threat to public health or safety;

(d) The handling, transfer or storage of the property might endanger public health or safety or exacerbate contamination; and

(e) The value of the property is less than $100 or, if the value of the property is $100 or more, a state or local health officer has endorsed the destruction of the property.

Sec. 33. NRS 159.1535 is hereby amended to read as follows:

159.1535 1. Except as otherwise provided in ***this section and*** NRS 159.1515 and 159.152, a guardian may sell the personal property of the ward only after notice of the sale is ~~[~~published~~]~~ ***:***

(a) Given to the:

(1) Ward if he or she is 14 years of age or older;

(2) Parent or legal guardian of the ward, if the ward is a minor who is less than 14 years of age; and

(3) Spouse of the ward and all other known relatives of the ward who are within the second degree of consanguinity; and

(b) Published in:

~~[~~(a)~~]~~ ***(1)*** A newspaper that is published in the county in which the property, or some portion of the property, is located; or

~~[~~(b)~~]~~ ***(2)*** If a newspaper is not published in ~~[~~that~~]~~ ***the*** county ~~[~~.~~]~~ ***in which the property, or some portion of the property, is located:***

~~[~~(1)~~]~~ ***(I)*** In a newspaper of general circulation in the county; or

~~[~~(2)~~]~~ ***(II)*** In such other newspaper as the court orders.

2. Except as otherwise provided in this section ~~[~~:

~~(a) The notice of a public sale must be published not less than three times before the date of the sale, over a period of 14 days and 7 days apart.~~

~~(b) The~~~~]~~ ***, the*** notice of a ~~[~~private~~]~~ sale must be published not less than three times before the date on which offers will be accepted, over a period of 14 days and 7 days apart.

3. For good cause shown, the court may order fewer publications and shorten the time of notice, but must not shorten the time of notice to less than 8 days.

4. The notice must include, without limitation:

(a) ~~[~~For a public sale:

~~(1) A description of the personal property to be sold; and~~

~~(2) The date, time and location of the sale.~~

~~(b)~~~~]~~ For a ~~[~~private~~]~~ sale ~~[~~:~~]~~ ***other than a sale described in paragraph (b):***

(1) A description of the personal property to be sold; and

(2) The date, time and location that offers will be ~~[~~accepted.

~~(c)~~~~]~~ ***received.***

(b) For a sale on an appropriate auction website on the Internet:

(1) A description of the personal property to be sold;

(2) The date the personal property will be listed; and

(3) The Internet address of the website on which the sale will be posted.

5. Notice of a sale is not required to be published pursuant to this section if the gross value of the estate of the ward is less than $10,000.

Sec. 34. NRS 159.154 is hereby amended to read as follows:

159.154 1. The guardian may sell the personal property of a ward ~~[by public sale]~~ at:

(a) The residence of the ward; or

(b) Any other location designated by the guardian.

2. The guardian may sell the personal property ~~[by public sale]~~ only if the property is made available for inspection at the time of the sale or photographs of the personal property are posted on an appropriate auction website on the Internet.

3. Personal property may be sold ~~[at a public or private sale]~~ for cash or upon credit.

4. Except as otherwise provided in NRS 159.1515, a sale or disposition of any personal property of the ward must not be commenced until 30 days after an inventory of the property is filed with the court and a copy thereof is sent by regular mail to the persons specified in NRS 159.034. An affidavit of mailing must be filed with the court.

5. The guardian is responsible for the actual value of the personal property unless the guardian makes a report to the court, not later than 90 days after the conclusion of the sale, showing that good cause existed for the sale and that the property was sold for a price that was not disproportionate to the value of the property.

6. The family members of the ward and any interested persons must be offered the first right of refusal to acquire the personal property of the ward at fair market value.

Sec. 35. NRS 159.173 is hereby amended to read as follows:

159.173 If a guardian of the estate sells or transfers any real or personal property that is specifically devised or bequeathed by the ward or which is held by the ward as a joint tenancy, designated as being held by the ward in trust for another person or held by the ward as a revocable trust and the ward ~~[was competent]~~ ***had the capacity*** to make a will or create the interest at the time the will or interest was created, but ~~[was not competent]~~ ***did not have the capacity*** to make a will or create the interest at the time of the sale or transfer and never executed a valid later will or changed the manner in which the ward held the interest, the devisee, beneficiary or legatee may elect to take the proceeds of the sale or other transfer of the interest, specific devise or bequest.

Sec. 35.5. NRS 159.183 is hereby amended to read as follows:

159.183 1. Subject to the discretion and approval of the court and except as otherwise provided in subsection ~~[4,]~~ ***5,*** a guardian must be allowed:

(a) Reasonable compensation for the guardian's services;

(b) Necessary and reasonable expenses incurred in exercising the authority and performing the duties of a guardian; and

(c) Reasonable expenses incurred in retaining accountants, attorneys, appraisers or other professional services.

2. Reasonable compensation and services must be based upon similar services performed for persons who are not under a legal disability. In determining whether compensation is reasonable, the court may consider:

(a) The nature of the guardianship;

(b) The type, duration and complexity of the services required; and

(c) Any other relevant factors.

3. In the absence of an order of the court pursuant to this chapter shifting the responsibility of the payment of compensation and expenses, the payment of compensation and expenses must be paid from the estate of the ward. In evaluating the ability of a ward to pay such compensation and expenses, the court may consider:

(a) The nature, extent and liquidity of the ward's assets;

(b) The disposable net income of the ward;

(c) Any foreseeable expenses; and

(d) Any other factors that are relevant to the duties of the guardian pursuant to NRS 159.079 or 159.083.

4. ***Any compensation or expenses, including, without limitation, attorney's fees, must not be paid from the estate of the ward unless and until the payment of such fees is approved by the court pursuant to this section or section 3 of this act, as applicable.***

5. A ~~[private professional]~~ guardian is not allowed compensation or expenses ***, including, without limitation, attorney's fees,*** for services incurred by the ~~[private professional]~~ guardian as a result of a petition to have him or her removed as guardian if the court removes the ~~[private professional]~~ guardian ***.*** ~~[pursuant to the provisions of paragraph (b), (d), (e), (f) or (h) of subsection 1 of NRS 159.185.]~~

Sec. 36. NRS 159.185 is hereby amended to read as follows:

159.185 1. The court may remove a guardian if the court determines that:

(a) The guardian has become mentally ~~[incompetent,]~~ ***incapacitated,*** unsuitable or otherwise incapable of exercising the authority and performing the duties of a guardian as provided by law;

(b) The guardian is no longer qualified to act as a guardian pursuant to NRS 159.0613 if the ward is an adult or NRS 159.061 if the ward is a minor;

(c) The guardian has filed for bankruptcy within the previous 5 years;

(d) The guardian of the estate has mismanaged the estate of the ward;

(e) The guardian has negligently failed to perform any duty as provided by law or by any order of the court and:

(1) The negligence resulted in injury to the ward or the estate of the ward; or

(2) There was a substantial likelihood that the negligence would result in injury to the ward or the estate of the ward;

(f) The guardian has intentionally failed to perform any duty as provided by law or by any lawful order of the court, regardless of injury;

(g) The best interests of the ward will be served by the appointment of another person as guardian; or

(h) The guardian is a private professional guardian who is no longer qualified as a private professional guardian pursuant to NRS 159.0595.

2. A guardian may not be removed if the sole reason for removal is the lack of money to pay the compensation and expenses of the guardian.

Sec. 37. NRS 159.1995 is hereby amended to read as follows:

159.1995 1. In a guardianship proceeding in this State, a court of this State may request the appropriate court of another state to do any of the following:

(a) Hold an evidentiary hearing;

(b) Order a person in that state to produce evidence or give testimony pursuant to the procedures of that state;

(c) Order that an evaluation or assessment be made of the ward;

(d) Order any appropriate investigation of a person involved in a proceeding;

(e) Forward to the court of this State a certified copy of the transcript or other record of a hearing under paragraph (a) or any other proceeding, any evidence otherwise produced under paragraph (b), and any evaluation or assessment prepared in compliance with an order under paragraph (c) or (d);

(f) Issue any order necessary to ensure the appearance in the proceeding of a person whose presence is necessary for the court to make a determination, including the proposed ward, the ward or the ~~[incompetent;]~~ ***person who is incapacitated;*** and

(g) Issue an order authorizing the release of medical, financial, criminal or other relevant information in that state relating to the ward or proposed ward, including protected health information as defined in 45 C.F.R. § 160.103.

2. If a court of another state in which a guardianship or conservatorship proceeding is pending requests assistance of the kind provided in subsection 1, a court of this State has jurisdiction for the limited purpose of granting the request or making reasonable efforts to comply with the request.

Sec. 38. NRS 159.215 is hereby amended to read as follows:

159.215 1. A member of the Armed Forces of the United States, a reserve component thereof or the National Guard may, by written instrument and without the approval of a court, appoint any ~~[competent]~~ adult residing in this State ***who is not incapacitated*** as the guardian of the person of a minor child who is a dependent of that member. The instrument must be:

(a) Executed by both parents if living, not divorced and having legal custody of the child, otherwise by the parent having legal custody; and

(b) Acknowledged in the same manner as a deed.

➥ If both parents do not execute the instrument, the executing parent shall send by certified mail, return receipt requested, to the other parent at his or

her last known address, a copy of the instrument and a notice of the provisions of subsection 3.

2. The instrument must contain a provision setting forth the:

(a) Branch of the Armed Forces;

(b) Unit of current assignment;

(c) Current rank or grade; and

(d) Social security number or service number,

➥ of the parent who is the member.

3. The appointment of a guardian pursuant to this section:

(a) May be terminated by a written instrument signed by either parent of the child if that parent has not been deprived of his or her parental rights to the child; and

(b) Is terminated by any order of a court.

Sec. 39. NRS 449.6922 is hereby amended to read as follows:

449.6922 ~~[~~"Incompetent"~~]~~ ***"Incapacitated"*** has the meaning ascribed to it in NRS 159.019.

Sec. 40. NRS 449.6942 is hereby amended to read as follows:

449.6942 1. A physician shall take the actions described in subsection 2:

(a) If the physician diagnoses a patient with a terminal condition;

(b) If the physician determines, for any reason, that a patient has a life expectancy of less than 5 years; or

(c) At the request of a patient.

2. Upon the occurrence of any of the events specified in subsection 1, the physician shall explain to the patient:

(a) The existence and availability of the Physician Order for Life-Sustaining Treatment form;

(b) The features of and procedures offered by way of the POLST form; and

(c) The differences between a POLST form and the other types of advance directives.

3. Upon the request of the patient, the physician shall complete the POLST form based on the preferences and medical indications of the patient.

4. A POLST form is valid upon execution by a physician and:

(a) If the patient is 18 years of age or older and of sound mind, the patient;

(b) If the patient is 18 years of age or older and ~~[~~incompetent,~~]~~ ***incapacitated,*** the representative of the patient; or

(c) If the patient is less than 18 years of age, the patient and a parent or legal guardian of the patient.

5. As used in this section, "terminal condition" has the meaning ascribed to it in NRS 449.590.

Sec. 41. NRS 449.6944 is hereby amended to read as follows:

449.6944 1. A Physician Order for Life-Sustaining Treatment form may be revoked at any time and in any manner by:

(a) The patient who executed it, if ~~[competent,]~~ ***not incapacitated,*** without regard to his or her age or physical condition;

(b) If the patient is ~~[incompetent,]~~ ***incapacitated,*** the representative of the patient; or

(c) If the patient is less than 18 years of age, a parent or legal guardian of the patient.

2. The revocation of a POLST form is effective upon the communication to a provider of health care, by the patient or a witness to the revocation, of the desire to revoke the form. The provider of health care to whom the revocation is communicated shall:

(a) Make the revocation a part of the medical record of the patient; or

(b) Cause the revocation to be made a part of the medical record of the patient.

Sec. 42. NRS 449.695 is hereby amended to read as follows:

449.695 1. Except as otherwise provided in this section and NRS 449.6946, a provider of health care shall comply with a valid Physician Order for Life-Sustaining Treatment form, regardless of whether the provider of health care is employed by a health care facility or other entity affiliated with the physician who executed the POLST form.

2. A physician may medically evaluate the patient and, based upon the evaluation, may recommend new orders consistent with the most current information available about the patient's health status and goals of care. Before making a modification to a valid POLST form, the physician shall consult the patient or, if the patient is ~~[incompetent,]~~ ***incapacitated,*** shall make a reasonable attempt to consult the representative of the patient and the patient's attending physician.

3. Except as otherwise provided in subsection 4, a provider of health care who is unwilling or unable to comply with a valid POLST form shall take all reasonable measures to transfer the patient to a physician or health care facility so that the POLST form will be followed.

4. Life-sustaining treatment must not be withheld or withdrawn pursuant to a POLST form of a patient known to the attending physician to be pregnant, so long as it is probable that the fetus will develop to the point of live birth with the continued application of life-sustaining treatment.

5. Nothing in this section requires a provider of health care to comply with a valid POLST form if the provider of health care does not have actual knowledge of the existence of the form.

Sec. 43. NRS 616C.505 is hereby amended to read as follows:

616C.505 If an injury by accident arising out of and in the course of employment causes the death of an employee in the employ of an employer, within the provisions of chapters 616A to 616D, inclusive, of NRS, the compensation is known as a death benefit and is payable as follows:

1. In addition to any other compensation payable pursuant to chapters 616A to 616D, inclusive, of NRS, burial expenses are payable in an amount not to exceed $10,000, plus the cost of transporting the remains of the

deceased employee. When the remains of the deceased employee and the person accompanying the remains are to be transported to a mortuary or mortuaries, the charge of transportation must be borne by the insurer.

2. Except as otherwise provided in subsection 3, to the surviving spouse of the deceased employee, 66 2/3 percent of the average monthly wage is payable until the death of the surviving spouse.

3. If there is a surviving spouse and any surviving children of the deceased employee who are not the children of the surviving spouse, the compensation otherwise payable pursuant to subsection 2 must be paid as follows until the entitlement of all children of the deceased employee to receive compensation pursuant to this subsection ceases:

(a) To the surviving spouse, 50 percent of the death benefit is payable until the death of the surviving spouse; and

(b) To each child of the deceased employee, regardless of whether the child is the child of the surviving spouse, the child's proportionate share of 50 percent of the death benefit and, except as otherwise provided in subsection 11, if the child has a guardian, the compensation the child is entitled to receive may be paid to the guardian.

4. In the event of the subsequent death of the surviving spouse:

(a) Each surviving child of the deceased employee, in addition to any amount the child may be entitled to pursuant to subsection 3, must share equally the compensation theretofore paid to the surviving spouse but not in excess thereof, and it is payable until the youngest child reaches the age of 18 years.

(b) Except as otherwise provided in subsection 11, if the children have a guardian, the compensation they are entitled to receive may be paid to the guardian.

5. If there are any surviving children of the deceased employee under the age of 18 years, but no surviving spouse, then each such child is entitled to his or her proportionate share of 66 2/3 percent of the average monthly wage for the support of the child.

6. Except as otherwise provided in subsection 7, if there is no surviving spouse or child under the age of 18 years, there must be paid:

(a) To a parent, if wholly dependent for support upon the deceased employee at the time of the injury causing the death of the deceased employee, 33 1/3 percent of the average monthly wage.

(b) To both parents, if wholly dependent for support upon the deceased employee at the time of the injury causing the death of the deceased employee, 66 2/3 percent of the average monthly wage.

(c) To each brother or sister until he or she reaches the age of 18 years, if wholly dependent for support upon the deceased employee at the time of the injury causing the death of the deceased employee, his or her proportionate share of 66 2/3 percent of the average monthly wage.

7. The aggregate compensation payable pursuant to subsection 6 must not exceed 66 2/3 percent of the average monthly wage.

8. In all other cases involving a question of total or partial dependency:

(a) The extent of the dependency must be determined in accordance with the facts existing at the time of the injury.

(b) If the deceased employee leaves dependents only partially dependent upon the earnings of the deceased employee for support at the time of the injury causing his or her death, the monthly compensation to be paid must be equal to the same proportion of the monthly payments for the benefit of persons totally dependent as the amount contributed by the deceased employee to the partial dependents bears to the average monthly wage of the deceased employee at the time of the injury resulting in his or her death.

(c) The duration of compensation to partial dependents must be fixed in accordance with the facts shown, but may not exceed compensation for 100 months.

9. Compensation payable to a surviving spouse is for the use and benefit of the surviving spouse and the dependent children, and the insurer may, from time to time, apportion such compensation between them in such a way as it deems best for the interest of all dependents.

10. In the event of the death of any dependent specified in this section before the expiration of the time during which compensation is payable to the dependent, funeral expenses are payable in an amount not to exceed $10,000.

11. If a dependent is entitled to receive a death benefit pursuant to this section and is less than 18 years of age or ~~[incompetent,]~~ ***incapacitated,*** the legal representative of the dependent shall petition for a guardian to be appointed for that dependent pursuant to NRS 159.044. An insurer shall not pay any compensation in excess of $3,000, other than burial expenses, to the dependent until a guardian is appointed and legally qualified. Upon receipt of a certified letter of guardianship, the insurer shall make all payments required by this section to the guardian of the dependent until the dependent is emancipated, the guardianship terminates or the dependent reaches the age of 18 years, whichever occurs first, unless paragraph (a) of subsection 12 is applicable. The fees and costs related to the guardianship must be paid from the estate of the dependent. A guardianship established pursuant to this subsection must be administered in accordance with chapter 159 of NRS, except that after the first annual review required pursuant to NRS 159.176, a court may elect not to review the guardianship annually. The court shall review the guardianship at least once every 3 years. As used in this subsection, ~~[“incompetent”]~~ ***“incapacitated”*** has the meaning ascribed to it in NRS 159.019.

12. Except as otherwise provided in paragraphs (a) and (b), the entitlement of any child to receive his or her proportionate share of compensation pursuant to this section ceases when the child dies, marries or reaches the age of 18 years. A child is entitled to continue to receive compensation pursuant to this section if the child is:

(a) Over 18 years of age and incapable of supporting himself or herself, until such time as the child becomes capable of supporting himself or herself; or

(b) Over 18 years of age and enrolled as a full-time student in an accredited vocational or educational institution, until the child reaches the age of 22 years.

13. As used in this section, "surviving spouse" means a surviving husband or wife who was married to the employee at the time of the employee's death.

Sec. 43.5. **1. There is hereby appropriated from the State General Fund to the Nevada Supreme Court to pay the costs of the State Guardianship Compliance Office created by section 4 of this act:**

For the Fiscal Year 2017-2018..... $295,732

For the Fiscal Year 2018-2019..... $659,019

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 21, 2018, and September 20, 2019, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 21, 2018, and September 20, 2019, respectively.

Sec. 44. NRS 159.1435 is hereby repealed.

Sec. 45. **1.** This ~~[act becomes]~~ **section and section 43.5 of this act become effective on July 1, 2017.**

2. Sections 1 to 43, inclusive, and 44 of this act become effective on January 1, 2018.

TEXT OF REPEALED SECTION

159.1435 Public auction for sale of real property: Where held; postponement.

1. Except for a sale pursuant to NRS 159.123 or 159.142, a public auction for the sale of real property must be held:

(a) In the county in which the property is located or, if the real property is located in two or more counties, in either county;

(b) Between the hours of 9 a.m. and 5 p.m.; and

(c) On the date specified in the notice, unless the sale is postponed.

2. If, on or before the date and time set for the public auction, the guardian determines that the auction should be postponed:

(a) The auction may be postponed for not more than 3 months after the date first set for the auction; and

(b) Notice of the postponement must be given by a public declaration at the place first set for the sale on the date and time that was set for the sale.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 144.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1000.

AN ACT relating to education; creating the Nevada Advisory Commission on Mentoring; providing for the membership, powers and duties of the Commission; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates the Nevada Advisory Commission on Mentoring for the purpose of supporting and facilitating existing mentorship programs in this State. **Section 3** of this bill creates the Commission and prescribes the membership of the Commission. **Sections 4 and 5** of this bill set forth the duties and powers of the Commission. **Section 4** requires the Commission to meet quarterly and authorizes the Commission to: (1) appoint committees from its members; (2) engage the services of volunteers and consultants without compensation; (3) enter into public-private partnerships; and (4) apply for and receive gifts, grants, contributions and other money from any source. **Section 4** further requires the Commission to appoint a Mentorship Advisory Council to advise the Commission on matters of importance relating to mentoring and mentorship programs in this State. **Section 5** requires the Commission to: (1) establish model guidelines and parameters for existing mentorship programs; (2) develop a model financial plan providing for the sustainability and financial stability of existing mentorship programs; (3) develop model protocols for the management of mentors, mentees and matches under existing mentorship programs; (4) employ a coordinator for mentorship programs in this State; and (5) develop and administer a competitive grants program to award grants of money to mentorship programs. **Section 6.5 of this bill makes an appropriation from the State General Fund to the Department of Education for the costs of the Commission during the 2017-2019 biennium.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 385 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 5, inclusive, of this act, unless the context otherwise requires, "Commission" means the Nevada Advisory Commission on Mentoring created by section 3 of this act.***

Sec. 3. ***1. The Nevada Advisory Commission on Mentoring is hereby created. The Commission consists of the following 13 members:***

(a) One member appointed by the Governor who is a representative of business and industry with a vested interest in supporting mentorship programs in this State.

(b) One member appointed by the Governor who represents an employment and training organization located in this State.

(c) One member appointed by the Governor who is a resident of a county whose population is less than 100,000.

(d) One member who is the superintendent of a school district in a county whose population is 700,000 or more.

(e) One member who is the superintendent of a school district in a county whose population is 100,000 or more but less than 700,000.

(f) One member appointed by the Majority Leader of the Senate.

(g) One member appointed by the Speaker of the Assembly.

(h) One member appointed by the Minority Leader of the Senate.

(i) One member appointed by the Minority Leader of the Assembly.

(j) Four members appointed to the Commission pursuant to subsection 2.

2. The members of the Commission appointed pursuant to paragraphs (a) to (i), inclusive, of subsection 1 shall, at the first meeting of the Commission, appoint to the Commission four additional voting members:

(a) One of whom must be a member of the state advisory group appointed by the Governor pursuant to 42 U.S.C. § 5633 and operating in this State as the Juvenile Justice Commission under the Division of Child and Family Services of the Department of Health and Human Services;

(b) One of whom must be a representative of business and industry with a vested interest in supporting mentorship programs in this State; and

(c) Two members between the ages of 16 years and 24 years who have a vested interest in supporting mentorship programs in this State.

3. After the initial terms, each member of the Commission appointed pursuant to subsections 1 and 2 serves a term of 4 years. A member of the Commission may be reappointed.

4. Any vacancy occurring in the membership of the Commission must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs. A member appointed to fill a vacancy shall

serve as a member of the Commission for the remainder of the original term of appointment.

5. Each member of the Commission:

(a) Serves without compensation; and

(b) While engaged in the business of the Commission, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 4. ***1. At the first meeting of each calendar year, the Commission shall elect from its members a Chair, a Vice Chair and a Secretary and shall adopt the rules and procedures of the Commission.***

2. The Commission shall meet at least once each calendar quarter and at other times at the call of the Chair or a majority of its members.

3. A majority of the members of the Commission constitutes a quorum for the transaction of business, and a quorum may exercise any power or authority conferred on the Commission.

4. Except as otherwise provided in section 5 of this act, the Commission may, for the purpose of carrying out the duties of the Commission prescribed by that section:

(a) Appoint committees from its members.

(b) Engage the services of volunteer workers and consultants without compensation.

(c) Enter into a public-private partnership with any business, for-profit organization or nonprofit organization.

(d) Apply for and receive gifts, grants, donations, contributions or other money from any source.

5. The Commission shall appoint a Mentorship Advisory Council consisting of five members who represent organizations which provide mentorship programs in this State. The members of the Council serve at the pleasure of the Commission. If a member of the Council is removed or if the position of a member otherwise becomes vacant, the Commission shall appoint a new member to fill the vacancy at the next regularly scheduled meeting of the Commission. The Council shall advise the Commission on matters of importance relating to mentoring and mentorship programs in this State.

6. The Commission shall, on or before February 1 of each year, prepare and submit a report outlining the activities and recommendations of the Commission to:

(a) The Governor; and

(b) The Director of the Legislative Counsel Bureau for transmittal to the Legislature or to the Legislative Commission if the Legislature is not in regular session.

Sec. 5. ***1. The Commission shall, within the scope of its duties, support and facilitate mentorship programs in this State for the purpose of addressing issues relating to education, health, criminal justice and***

employment with respect to children who reside in this State. The Commission shall:

(a) Establish model guidelines and parameters for existing mentorship programs, including, without limitation:

(1) The development of a model management plan setting forth guidelines for the operation of mentorship programs and strategic goals and benchmarks to measure the success of a mentorship program.

(2) The process for identifying children in need of mentorship and geographic areas of need within this State. Such a process must include, without limitation, consideration of children who:

(I) Are disproportionately at risk of being deprived of the opportunity to develop and maintain a competitive position in the economy.

(II) Are disproportionately at risk of failing to make adequate yearly progress in a school in this State.

(III) Have been involved with the system of juvenile justice in this State, either as a victim or as an offender.

(IV) Have been involved with the criminal justice system, either as a victim or as an offender.

(V) Are in the child welfare system.

(b) Develop a model financial plan that provides for the sustainability and financial stability of mentorship programs, including, without limitation:

(1) The development of a resource plan to provide for diversified fundraising.

(2) The identification of potential sources of revenue to fund the hiring of the coordinator for mentorship programs in this State, as required by paragraph (e).

(3) The identification of potential sources of revenue to fund the hiring of administrative support staff for mentorship programs in this State.

(4) The development, in coordination with the Office of Grant Procurement, Coordination and Management of the Department of Administration of a plan for seeking gifts, grants, donations and contributions from any source for the purpose of carrying out a mentorship program.

(5) The identification of potential strategic private partners to assist in the implementation and continuation of mentorship programs.

(6) The development of public relations and marketing campaigns for the purpose of increasing public awareness regarding existing mentorship programs and the value of mentorship programs.

(c) Develop model protocols for the recruitment, screening, training, matching, monitoring and support of mentors.

(d) Develop model protocols for the effective management of mentors, mentees and matches under mentorship programs, including, without

limitation, protocols for the introduction of a mentor to a mentee and closure of the relationship between a mentor and a mentee.

(e) Within the limits of legislative appropriations, employ a coordinator for mentorship programs in this State.

(f) Within the limits of legislative appropriations, develop a competitive grants program to award grants of money to mentorship programs in this State. In coordination with the Office of Grant Procurement, Coordination and Management of the Department of Administration, the Commission shall:

(1) Administer the grants program;

(2) Establish guidelines for the submission and review of applications to receive grants from the program; and

(3) Consider and approve or disapprove applications for grants from the program.

2. As used in this section, "child" means a person 24 years of age or younger.

Sec. 6. 1. The members of the Nevada Advisory Commission on Mentoring created by section 3 of this act appointed to initial terms in accordance with paragraphs (a) to (i), inclusive, of subsection 1 of section 3 of this act must be appointed on or before October 1, 2017.

2. The Governor shall call the first meeting of the Commission, which must take place on or before December 31, 2017.

3. At the first meeting of the Commission, and after the appointment of 4 voting members to the Commission pursuant to subsection 2 of section 3 of this act, the 13 members appointed to initial terms pursuant to subsections 1 and 2 of section 3 of this act shall choose their term of office by lot, in the following manner:

(a) Five members for terms of 2 years;

(b) Four members for terms of 3 years; and

(c) Four members for terms of 4 years.

Sec. 6.5. **1. There is hereby appropriated from the State General Fund to the Department of Education for the expenses incurred for meetings of the Nevada Advisory Commission on Mentoring created by section 3 of this act the following sums:**

For the Fiscal Year 2017-2018..... $7,400

For the Fiscal Year 2018-2019..... $7,400

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 21, 2018, and September 20, 2019, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or

transferred, and must be reverted to the State General Fund on or before September 21, 2018, and September 20, 2019, respectively.

Sec. 7. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 8. This act becomes effective on July 1, 2017.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 224.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 975.

AN ACT relating to disabilities; replacing the term "related conditions" with the term "developmental disability" for certain purposes; prohibiting a provider of jobs and day training services from entering into certain contracts or arrangements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Various provisions of existing law govern the care and services provided to persons with intellectual disabilities and persons with related conditions. (Chapters 433, 433A, 433C and 435 of NRS) For the purposes of these provisions, a "person with related conditions" is generally defined to mean a person with a condition "closely related to an intellectual disability" and requiring "treatment or services similar to those required by a person with an intellectual disability." (NRS 433.211) For the purposes of the provisions referred to above, this bill generally replaces references to the term "related conditions" with the term "developmental disability." Such a disability is defined in **sections 1 and 17** of this bill as autism, cerebral palsy, epilepsy **[**~~, a visual or hearing impairment~~**]** or any other neurological condition diagnosed by a qualified professional that: (1) is manifested before the age of 22 years and is likely to continue indefinitely; (2) substantially limits certain major life activities; and (3) results in a lifelong or protracted need for individually planned and coordinated services, support or other assistance.

Existing law permits a person or organization to provide jobs and day training services to persons with intellectual disabilities and persons with related conditions. (NRS 435.130-435.310) Such a provider may contract with county and school officials and public and private agencies for the provision of such services. (NRS 435.310) **Section 45** of this bill prohibits any such contract that provides for the employment of a person under 25 years of age unless the person is paid at least the federal minimum wage.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 433 of NRS is hereby amended by adding thereto a new section to read as follows:

"Developmental disability" has the meaning ascribed to it in NRS 435.007.

Sec. 2. NRS 433.005 is hereby amended to read as follows:

433.005 As used in chapters 433 to 433C, inclusive, of NRS, unless the context otherwise requires, or except as otherwise defined by specific statute, the words and terms defined in NRS 433.014 to 433.227, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 433.314 is hereby amended to read as follows:

433.314 The Commission shall:

1. Establish policies to ensure adequate development and administration of services for persons with mental illness, persons with intellectual ***disabilities, persons with developmental*** disabilities **,** **[**~~and persons with related conditions,~~**]** persons with substance use disorders or persons with co-occurring disorders, including services to prevent mental illness, intellectual ***disabilities, developmental*** disabilities **,** **[**~~and related conditions,~~**]** substance use disorders and co-occurring disorders, and services provided without admission to a facility or institution;

2. Set policies for the care and treatment of persons with mental illness, persons with intellectual ***disabilities, persons with developmental*** disabilities **,** **[**~~and persons with related conditions,~~**]** persons with substance use disorders or persons with co-occurring disorders provided by all state agencies;

3. Review the programs and finances of the Division; and

4. Report at the beginning of each year to the Governor and at the beginning of each odd-numbered year to the Legislature on the quality of the care and treatment provided for persons with mental illness, persons with intellectual ***disabilities, persons with developmental*** disabilities **,** **[**~~and persons with related conditions,~~**]** persons with substance use disorders or persons with co-occurring disorders in this State and on any progress made toward improving the quality of that care and treatment.

Sec. 4. NRS 433.316 is hereby amended to read as follows:

433.316 The Commission may:

1. Collect and disseminate information pertaining to mental health, intellectual ***disabilities, developmental*** disabilities **,** **[**~~and related conditions,~~**]** substance use disorders and co-occurring disorders.

2. Request legislation pertaining to mental health, intellectual ***disabilities, developmental*** disabilities **,** **[**~~and related conditions,~~**]** substance use disorders and co-occurring disorders.

3. Review findings of investigations of complaints about the care of any person in a public facility for the treatment of persons with mental illness, persons with intellectual ***disabilities, persons with developmental***

disabilities **,** ~~[and persons with related conditions,]~~ persons with substance use disorders or persons with co-occurring disorders.

4. Accept, as authorized by the Legislature, gifts and grants of money and property.

5. Take appropriate steps to increase the availability of and to enhance the quality of the care and treatment of persons with mental illness, persons with intellectual ***disabilities, persons with developmental*** disabilities **,** ~~[and persons with related conditions,]~~ persons with substance use disorders or persons with co-occurring disorders provided through private nonprofit organizations, governmental entities, hospitals and clinics.

6. Promote programs for the treatment of persons with mental illness, persons with intellectual ***disabilities, persons with developmental*** disabilities **,** ~~[and persons with related conditions,]~~ persons with substance use disorders or persons with co-occurring disorders and participate in and promote the development of facilities for training persons to provide services for persons with mental illness, persons with intellectual ***disabilities, persons with developmental*** disabilities **,** ~~[and persons with related conditions,]~~ persons with substance use disorders or persons with co-occurring disorders.

7. Create a plan to coordinate the services for the treatment of persons with mental illness, persons with intellectual ***disabilities, persons with developmental*** disabilities **,** ~~[and persons with related conditions,]~~ persons with substance use disorders or persons with co-occurring disorders provided in this State and to provide continuity in the care and treatment provided.

8. Establish and maintain an appropriate program which provides information to the general public concerning mental illness, intellectual ***disabilities, developmental*** disabilities **,** ~~[and related conditions,]~~ substance use disorders and co-occurring disorders and consider ways to involve the general public in the decisions concerning the policy on mental illness, intellectual ***disabilities, developmental*** disabilities **,** ~~[and related conditions,]~~ substance use disorders and co-occurring disorders.

9. Compile statistics on mental illness and study the cause, pathology and prevention of that illness.

10. Establish programs to prevent or postpone the commitment of residents of this State to facilities for the treatment of persons with mental illness, persons with intellectual ***disabilities, persons with developmental*** disabilities **,** ~~[and persons with related conditions,]~~ persons with substance use disorders or persons with co-occurring disorders.

11. Evaluate the future needs of this State concerning the treatment of mental illness, intellectual ***disabilities, developmental*** disabilities **,** ~~[and related conditions,]~~ substance use disorders and co-occurring disorders and develop ways to improve the treatment already provided.

12. Take any other action necessary to promote mental health in this State.

Sec. 5. NRS 433.318 is hereby amended to read as follows:

433.318 1. The Commission may appoint a subcommittee or an advisory committee composed of members who have experience and knowledge of matters relating to persons with mental illness, persons with intellectual ***disabilities, persons with developmental*** disabilities **,** ~~[and persons with related conditions,]~~ persons with substance use disorders or persons with co-occurring disorders and who, to the extent practicable, represent the ethnic and geographic diversity of this State.

2. A subcommittee or advisory committee appointed pursuant to this section shall consider specific issues and advise the Commission on matters related to the duties of the Commission.

3. The members of a subcommittee or advisory committee appointed pursuant to this section serve at the pleasure of the Commission. The members serve without compensation, except that each member is entitled, while engaged in the business of the subcommittee or advisory committee, to the per diem allowance and travel expenses provided for state officers and employees generally if funding is available for this purpose.

Sec. 6. NRS 433.325 is hereby amended to read as follows:

433.325 The Commission or its designated agent may inspect any state facility providing services for persons with mental illness, persons with intellectual ***disabilities, persons with developmental*** disabilities **,** ~~[and persons with related conditions,]~~ persons with substance use disorders or persons with co-occurring disorders to determine if the facility is in compliance with the provisions of this title and any regulations adopted pursuant thereto.

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 433C.110 is hereby amended to read as follows:

433C.110 The Legislature declares that the purposes of this chapter are:

1. To encourage and provide financial assistance to counties in the establishment and development of mental health services, including services to persons with intellectual ***disabilities and persons with developmental*** disabilities **,** ~~[and persons with related conditions,]~~ through locally controlled community mental health programs.

2. To promote the improvement and, if necessary, the expansion of already existing services which help to conserve the mental health of the people of Nevada. It is the intent of this chapter that services to individuals be rendered only upon voluntary application.

Sec. 10. NRS 433C.170 is hereby amended to read as follows:

433C.170 The county board shall:

1. Review and evaluate communities' needs, services, facilities and special problems in the fields of mental health **,** ~~[and]~~ intellectual ***disabilities and developmental*** disabilities **.** ~~[and related conditions.]~~

2. Advise the governing body as to programs of community mental health services and facilities and services to persons with intellectual ***disabilities and persons with developmental*** disabilities ~~[and persons with~~

~~related conditions,~~] and, when requested by the governing body, make recommendation regarding the appointment of a county director.

3. After adoption of a program, continue to act in an advisory capacity to the county director.

Sec. 11. NRS 433C.190 is hereby amended to read as follows:

433C.190 The county director shall:

1. Serve as chief executive officer of the county program and be accountable to the county board.

2. Exercise administrative responsibility and authority over the county program and facilities furnished, operated or supported in connection therewith, and over services to persons with intellectual ***disabilities or persons with developmental*** disabilities ***,*** [~~and persons with related conditions,~~] except as administrative responsibility is otherwise provided for in this title.

3. Recommend to the governing body, after consultation with the county board, the providing of services, establishment of facilities, contracting for services or facilities and other matters necessary or desirable to accomplish the purposes of this chapter.

4. Submit an annual report to the governing body reporting all activities of the program, including a financial accounting of expenditures and a forecast of anticipated needs for the ensuing year.

5. Carry on such studies as may be appropriate for the discharge of his or her duties, including the control and prevention of psychiatric disorders and the treatment of intellectual ***disabilities and developmental*** disabilities ***.*** [~~and related conditions.~~]

Sec. 12. NRS 433C.260 is hereby amended to read as follows:

433C.260 Expenditures made by counties for county programs, including services to persons with intellectual ***disabilities or persons with developmental*** disabilities ***,*** [~~and persons with related conditions,~~] pursuant to this chapter [~~,~~] must be reimbursed by the State pursuant to NRS 433C.270 to 433C.350, inclusive.

Sec. 13. NRS 433C.270 is hereby amended to read as follows:

433C.270 1. A service operated within a county program must be directed to at least one of the following mental health areas:

(a) Mental illness;

(b) Intellectual ***disabilities;***

(c) Developmental disabilities ***;*** [~~and related conditions;~~

~~(c)~~] ***(d)*** Organic brain and other neurological impairment;

[~~(d)~~] ***(e)*** Alcoholism; and

[~~(e)~~] ***(f)*** Drug abuse.

2. A service is any of the following:

(a) Diagnostic service;

(b) Emergency service;

(c) Inpatient service;

(d) Outpatient or partial hospitalization service;

(e) Residential, sheltered or protective care service;

(f) Habilitation or rehabilitation service;

(g) Prevention, consultation, collaboration, education or information service; and

(h) Any other service approved by the Division.

Sec. 14. NRS 433C.300 is hereby amended to read as follows:

433C.300 1. Money provided by direct legislative appropriation for purposes of reimbursement as provided by NRS 433C.260 to 433C.290, inclusive, must be allotted to the governing body as follows:

(a) The State shall pay to each county a sum equal to 90 percent of the total proposed expenditures as reflected by the plan of proposed expenditures submitted pursuant to NRS 433C.280 if the county has complied with the provisions of paragraph (b).

(b) Before payment under this subsection, the governing body of a county must submit evidence to the Administrator that 10 percent of the total proposed expenditures have been raised and budgeted by the county for the establishment or maintenance of a county program.

2. All state and federal moneys appropriated or authorized for the promotion of mental health or for services to persons with intellectual ***disabilities or persons with developmental*** disabilities **[**~~and persons with related conditions~~**]** in the State of Nevada must be disbursed through the Division in accordance with the provisions of this chapter and rules and regulations adopted in accordance therewith.

Sec. 15. NRS 433C.340 is hereby amended to read as follows:

433C.340 Fees for mental health services, including services to persons with intellectual ***disabilities or persons with developmental*** disabilities **, [**~~and persons with related conditions,~~**]** rendered pursuant to an approved county plan must be charged in accordance with ability to pay, but not in excess of actual cost.

Sec. 16. NRS 435.005 is hereby amended to read as follows:

435.005 Unless specifically excluded by law, the provisions of this chapter apply to all facilities within the Division offering services to persons with intellectual ***disabilities or persons with developmental*** disabilities **. [**~~and persons with related conditions.~~**]**

Sec. 17. NRS 435.007 is hereby amended to read as follows:

435.007 As used in this chapter, unless the context otherwise requires:

1. "Administrative officer" means a person with overall executive and administrative responsibility for those state or nonstate intellectual ***and developmental*** disability centers designated by the Administrator.

2. "Administrator" means the Administrator of the Division.

3. "Child" means any person under the age of 18 years who may be eligible for intellectual ***disability services or developmental*** disability services **. [**~~or services for a related condition.~~**]**

4. "Department" means the Department of Health and Human Services.

5. ***"Developmental disability" means autism, cerebral palsy, epilepsy*** ~~[,~~ ~~a visual or hearing impairment]~~ ***or any other neurological condition diagnosed by a qualified professional that:***

(a) Is manifested before the person affected attains the age of 22 years;

(b) Is likely to continue indefinitely;

(c) Results in substantial functional limitations, as measured by a qualified professional, in three or more of the following areas of major life activity:

(1) Taking care of oneself;

(2) Understanding and use of language;

(3) Learning;

(4) Mobility;

(5) Self-direction; and

(6) Capacity for independent living; and

(d) Results in the person affected requiring a combination of individually planned and coordinated services, support or other assistance that is lifelong or has an extended duration.

6. "Director of the Department" means the administrative head of the Department.

~~[6.]~~ ***7.*** "Division" means the Aging and Disability Services Division of the Department.

~~[7.]~~ ***8.*** "Division facility" means any unit or subunit operated by the Division for the care, treatment and training of consumers.

~~[8.]~~ ***9.*** "Intellectual disability" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period.

~~[9.]~~ ***10.*** "Intellectual ***and developmental*** disability center" means an organized program for providing appropriate services and treatment to persons with intellectual disabilities and persons with ~~[related conditions.]~~ ***developmental disabilities.*** An intellectual ***and developmental*** disability center may include facilities for residential treatment and training.

~~[10.]~~ ***11.*** "Medical director" means the chief medical officer of any program of the Division for persons with intellectual ***disabilities or developmental*** disabilities ***.*** ~~[and persons with other related conditions.~~

~~11.]~~ ***12.*** "Mental illness" has the meaning ascribed to it in NRS 433.164.

~~[12.]~~ ***13.*** "Parent" means the parent of a child. The term does not include the parent of a person who has attained the age of 18 years.

~~[13.]~~ ***14.*** "Person" includes a child and any other consumer with an intellectual ***disability and a child or any other consumer with a developmental*** disability ~~[or a related condition]~~ who has attained the age of 18 years.

~~[14.]~~ ***15.*** "Person professionally qualified in the field of psychiatric mental health" has the meaning ascribed to it in NRS 433.209.

~~[15. "Persons with related conditions" means persons who have a severe, chronic disability which:~~

~~(a) Is attributable to:~~

~~(1) Cerebral palsy or epilepsy; or~~

~~(2) Any other condition, other than mental illness, found to be closely related to an intellectual disability because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of a person with an intellectual disability and requires treatment or services similar to those required by a person with an intellectual disability;~~

~~(b) Is manifested before the person affected attains the age of 22 years;~~

~~(c) Is likely to continue indefinitely; and~~

~~(d) Results in substantial functional limitations in three or more of the following areas of major life activity:~~

~~(1) Taking care of oneself;~~

~~(2) Understanding and use of language;~~

~~(3) Learning;~~

~~(4) Mobility;~~

~~(5) Self-direction; and~~

~~(6) Capacity for independent living.~~**]**

16. "Residential facility for groups" means a structure similar to a private residence which will house a small number of persons in a homelike atmosphere.

17. "Training" means a program of services directed primarily toward enhancing the health, welfare and development of persons with intellectual ***disabilities or persons with developmental*** disabilities **[**~~and persons with related conditions~~**]** through the process of providing those experiences that will enable the person to:

(a) Develop his or her physical, intellectual, social and emotional capacities to the fullest extent;

(b) Live in an environment that is conducive to personal dignity; and

(c) Continue development of those skills, habits and attitudes essential to adaptation in contemporary society.

18. "Treatment" means any combination of procedures or activities, of whatever level of intensity and whatever duration, ranging from occasional counseling sessions to full-time admission to a residential facility.

Sec. 18. NRS 435.009 is hereby amended to read as follows:

435.009 It is the policy of this State that persons with intellectual ***disabilities and persons with developmental*** disabilities ***:*** **[**~~and persons with related conditions:~~**]**

1. Receive services in a considerate and respectful manner;

2. Are recognized as individuals before recognizing the disabilities of the persons; and

3. Are to be referred to using language which is commonly viewed as respectful and which refers to the person before referring to his or her disability.

Sec. 19. NRS 435.010 is hereby amended to read as follows:

435.010 1. The boards of county commissioners of the various counties shall make provision for the support, education and care of the children with intellectual ***disabilities and children with developmental*** disabilities ~~[and children with related conditions]~~ of their respective counties.

2. For that purpose, they are empowered to make all necessary contracts and agreements to carry out the provisions of this section and NRS 435.020 and 435.030. Any such contract or agreement may be made with any responsible person or facility in or without the State of Nevada.

3. The provisions of this section and NRS 435.020 and 435.030 supplement the services which other political subdivisions or agencies of the State are required by law to provide, and do not supersede or relieve the responsibilities of such political subdivisions or agencies.

Sec. 20. NRS 435.020 is hereby amended to read as follows:

435.020 All children with intellectual ***disabilities and children with developmental*** disabilities ~~[and children with related conditions]~~ are entitled to benefits under this section and NRS 435.010 and 435.030:

1. Who are unable to pay for their support and care;

2. Whose parents, relatives or guardians are unable to pay for their support and care; and

3. If division facilities are to be utilized, whom the Division recognizes as proper subjects for services within such division facilities.

Sec. 21. NRS 435.030 is hereby amended to read as follows:

435.030 1. A parent, relative, guardian or nearest friend of any child with an intellectual ***disability or any child with a developmental*** disability ~~[or any child with a related condition]~~ who is a resident of this State may file with the board of county commissioners of the proper county an application under oath stating:

(a) That the child meets the criteria set forth in NRS 435.020; and

(b) That the child requires services not otherwise required by law to be provided to the child by any other county, political subdivision or agency of this or any other state.

2. If the board of county commissioners is satisfied that the statements made in the application are true, the board shall issue a certificate to that effect.

3. The board of county commissioners shall make necessary arrangements for the transportation of a child with an intellectual ***disability or a child with a developmental*** disability ~~[or a child with a related condition]~~ to any responsible person or facility to be utilized pursuant to contract or agreement as designated in NRS 435.010 at the expense of the county.

4. A certificate of the board of county commissioners, when produced, shall be the authority of any responsible person or facility in or without the State of Nevada under contract with the board of county commissioners to receive any such child.

Sec. 22. NRS 435.035 is hereby amended to read as follows:

435.035 1. To the extent that money is available for that purpose, the Division of Health Care Financing and Policy of the Department ~~[of Health and Human Services]~~ and the Aging and Disability Services Division of the Department shall establish a pilot program to provide intensive care coordination services to children with intellectual ***disabilities or children with developmental*** disabilities ~~[and children with related conditions]~~ who are also diagnosed as having behavioral health needs and who reside in a county whose population is 100,000 or more.

2. The intensive care coordination services provided by the pilot program must include, without limitation:

(a) Medically necessary habilitation or rehabilitation and psychiatric or behavioral therapy provided using evidence-based practices to a child with intellectual ***disabilities or a child with developmental*** disabilities ~~[or a child with a related condition]~~ who is also diagnosed as having behavioral health needs;

(b) Support for the family of such a child, including, without limitation, respite care for the primary caregiver of the child;

(c) Coordination of all services provided to such a child and his or her family;

(d) Food and lodging expenses for such a child who is receiving supported living arrangement services and does not reside with his or her parent or guardian;

(e) Assistance with acquisition of life skills and community participation that is provided in the residence of a child with an intellectual ***disability or a child with a developmental*** disability ~~[or a child with a related condition]~~ who has also been diagnosed as having behavioral health needs;

(f) Nonmedical transportation;

(g) Career planning;

(h) Supported employment; and

(i) Prevocational services.

3. The Division of Health Care Financing and Policy and the Aging and Disability Services Division shall:

(a) Design and utilize a system to collect and analyze data concerning the evidence-based practices used pursuant to paragraph (a) of subsection 2;

(b) On or before July 1, 2017, obtain an independent evaluation of the effectiveness of the pilot program; and

(c) Collaborate with each person or governmental entity that provides services pursuant to the pilot program to obtain grants for the purpose of carrying out the pilot program. The Division of Health Care Financing and Policy, the Aging and Disability Services Division and any other governmental entity that provides services pursuant to the pilot program may apply for and accept any available grants and may accept any bequests, devises, donations or gifts from any public or private source to carry out the pilot program.

4. The Director of the Department of Health and Human Services shall make any amendments to the State Plan for Medicaid authorized by Federal law and obtain any Medicaid waivers from the Federal Government necessary to use money received pursuant to the State Plan for Medicaid to pay for any part of the pilot program described in subsection 1 for which such money is authorized to be used by federal law or by the waiver.

5. As used in this section:

(a) ~~[“Children with related conditions” means children who have a severe, chronic disability which:~~

~~(1) Is attributable to:~~

~~(I) Cerebral palsy or epilepsy; or~~

~~(II) Any other condition, other than mental illness, found to be closely related to an intellectual disability because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of a child with an intellectual disability and requires treatment or services similar to those required by a child with an intellectual disability;~~

~~(2) Is likely to continue indefinitely; and~~

~~(3) Results in substantial functional limitations in three or more of the following areas of major life activity:~~

~~(I) Taking care of oneself;~~

~~(II) Understanding and use of language;~~

~~(III) Learning;~~

~~(IV) Mobility;~~

~~(V) Self-direction; and~~

~~(VI) Capacity for independent living.~~

~~(b) “Intellectual disability” has the meaning ascribed to it in NRS 435.007.~~

~~(c)]~~ “Intensive care coordination services” means the delivery of comprehensive services provided to a child with an intellectual ***disability or a child with a developmental*** disability ~~[or a child with a related condition that]~~ ***who*** is also diagnosed as having behavioral health needs, or the family of such a child, that are coordinated by a single entity and delivered in an individualized and culturally appropriate manner.

~~[(d)]~~ ***(b)*** “Supported living arrangement services” means flexible, individualized services provided in a ~~[residential setting,]~~ ***homelike environment,*** for compensation, to a child with an intellectual ***disability or a child with a developmental*** disability ~~[or a person with a related condition]~~ who is also diagnosed as having behavioral health needs that are designed and coordinated to assist the person in maximizing the child’s independence, including, without limitation, training and habilitation services.

Sec. 23. NRS 435.060 is hereby amended to read as follows:

435.060 The Division may operate a residential facility for groups to care for and maintain persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ until they can live in a more normal situation.

Sec. 24. NRS 435.077 is hereby amended to read as follows:

435.077 1. The Administrator shall adopt regulations for the transfer of persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ from one facility to another facility operated by the Division.

2. Subject to the provisions of subsection 3, when the Administrator or his or her designee determines that it is in the best interest of the person, the Administrator or his or her designee may discharge, or place on convalescent leave, any person with an intellectual ***disability or a person with a developmental*** disability ~~[or person with a related condition]~~ in a facility operated by the Division.

3. When a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ is committed to a division facility by court order, the committing court must be given 10 days' notice before the discharge of that person.

Sec. 25. NRS 435.081 is hereby amended to read as follows:

435.081 1. The Administrator or the Administrator's designee may receive a person ***of this State*** with an intellectual ***disability or a person of this State with a developmental*** disability ~~[or a person with a related condition of this State]~~ for services in a facility operated by the Division if:

(a) The person is a person with an intellectual ***disability or a person with a developmental*** disability ~~[or is a person with a related condition]~~ and is in need of institutional training and treatment;

(b) Space is available which is designed and equipped to provide appropriate care for the person;

(c) The facility has or can provide an appropriate program of training and treatment for the person; and

(d) There is written evidence that no less restrictive alternative is available in the person's community.

2. A person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ may be accepted at a division facility for emergency evaluation when the evaluation is requested by a court. A person must not be retained pursuant to this subsection for more than 10 working days.

3. A court may order that a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ be admitted to a division facility if it finds that admission is necessary because of the death or sudden disability of the parent or guardian of the person. The person must not be retained pursuant to this subsection for more than 45 days. Before the expiration of the 45-day period, the Division shall report to the court its recommendations for placement or treatment of the person. If less restrictive alternatives are not available, the person may be admitted to the facility using the procedures for voluntary or involuntary admission, as appropriate.

4. A child may be received, cared for and examined at a division facility for persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[or persons with related conditions]~~ for not more than 10 working days without admission, if the examination is ordered by a court having jurisdiction of the minor in accordance with the provisions of NRS 62E.280 and subsection 1 of NRS 432B.560. At the end of the 10 days, the Administrator or the Administrator's designee shall report the result of the examination to the court and shall detain the child until the further order of the court, but not to exceed 7 days after the Administrator's report.

5. The parent or guardian of a person believed to be a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ may apply to the administrative officer of a division facility to have the person evaluated by personnel of the Division who are experienced in the diagnosis of intellectual ***disabilities and developmental*** disabilities ***.*** ~~[and related conditions.]~~ The administrative officer may accept the person for evaluation without admission.

6. If, after the completion of an examination or evaluation pursuant to subsection 4 or 5, the administrative officer finds that the person meets the criteria set forth in subsection 1, the person may be admitted to the facility using the procedures for voluntary or involuntary admission, as appropriate.

7. If, at any time, the parent or guardian of a person admitted to a division facility on a voluntary basis, or the person himself or herself if the person has attained the age of 18 years, requests in writing that the person be discharged, the administrative officer shall discharge the person. If the administrative officer finds that discharge from the facility is not in the person's best interests, the administrative officer may initiate proceedings for involuntary admission, but the person must be discharged pending those proceedings.

Sec. 26. NRS 435.085 is hereby amended to read as follows:

435.085 The administrative officer of a division facility may authorize the transfer of a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ to a general hospital for necessary diagnostic, medical or surgical services not available within the Division. All expenses incurred under this section must be paid as follows:

1. In the case of a person with an intellectual ***disability or person with a developmental*** disability who is judicially committed ***,*** ~~[or a person with a related condition who is judicially committed,]~~ the expenses must be paid by the person's parents or guardian to the extent of their reasonable financial ability as determined by the Administrator, and the remainder, if any, is a charge upon the county of the last known residence of the person with an intellectual ***disability or the person with a developmental*** disability ***;*** ~~[or the person with a related condition;]~~

2. In the case of a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ admitted to

a division facility pursuant to NRS 435.010, 435.020 and 435.030, the expenses are a charge upon the county from which a certificate was issued pursuant to subsection 2 of NRS 435.030; and

3. In the case of a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ admitted to a division facility upon voluntary application as provided in NRS 435.081, the expenses must be paid by the parents or guardian to the extent of their reasonable financial ability as determined by the Administrator, and for the remainder, if any, the Administrator shall explore all reasonable alternative sources of payment.

Sec. 27. NRS 435.090 is hereby amended to read as follows:

435.090 1. When any child with an intellectual ***disability or any child with a developmental*** disability ~~[or a child with a related condition]~~ is committed to a division facility by a court of competent jurisdiction, the court shall examine the parent, parents or guardian of the child regarding the ability of the parent, parents or guardian or the estate of the child to contribute to the care, support and maintenance of the child while residing in the facility.

2. If the court determines that the parent, parents or guardian of the child is able to contribute, it shall enter an order prescribing the amount to be contributed.

3. If the court determines that the estate of the child is able to contribute, it shall enter an order requiring that a guardian of the estate of the child be appointed, if there is none, and that the guardian of the estate contribute the amount prescribed by the court from the estate.

4. If the parent, parents or guardian fail or refuse to comply with the order of the court, the Division is entitled to recover from the parent, parents or guardian, by appropriate legal action, all sums due together with interest.

Sec. 28. NRS 435.100 is hereby amended to read as follows:

435.100 1. When any person with an intellectual ***disability or any person with a developmental*** disability ~~[or a person with a related condition]~~ is transferred from one care facility operated by the Division to another care facility operated by the Division, the parent, parents or guardian shall continue to contribute the amount for the care, support and maintenance of the person as may have previously been ordered by the court of competent jurisdiction committing the person.

2. If no such order was entered by the committing court, the Division may petition the court for an order requiring the parent, parents or guardian to contribute.

3. Any order for contribution entered under the provisions of subsection 2 must be entered in the same manner and has the same effect as an order for contribution entered under the provisions of NRS 435.090.

Sec. 29. NRS 435.110 is hereby amended to read as follows:

435.110 1. When any child with an intellectual ***disability or any child with a developmental*** disability ~~[or a child with a related condition]~~ is

admitted to a facility operated by the Division at the request of a parent, parents or guardian, the parent, parents or guardian shall enter into an agreement with the Division providing for the contribution of an amount for the care, support and maintenance of the child as determined by the Division to be reasonable. In determining the amount, the Division shall give consideration to the ability of the parent, parents or guardian to make such a contribution, and may excuse the making of any contribution.

2. If the parent, parents or guardian fail or refuse to perform under the terms of the agreement, the Division is entitled to recover from the parent, parents or guardian, by appropriate legal action, all sums due together with interest.

3. If the Division determines that the parent, parents or guardian do not have the ability to contribute an amount sufficient to pay for the care, support and maintenance of the child, but that the estate of the child is able to contribute, the Division may make application to a court of competent jurisdiction for the appointment of a guardian of the estate of the child, if there is none, and for an order requiring the guardian to contribute an amount as determined by the court.

Sec. 30. NRS 435.115 is hereby amended to read as follows:

435.115 The Administrator shall establish a fee schedule, in consultation with the State Association for Retarded Citizens and subject to the approval of the Board and the Director of the Department, for services rendered to persons with intellectual ***disabilities and persons with developmental*** disabilities ~~[~~and persons with related conditions~~]~~ by the Division.

Sec. 31. (Deleted by amendment.)

Sec. 32. NRS 435.121 is hereby amended to read as follows:

435.121 1. There are two types of admissions of persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[~~or persons with related conditions~~]~~ to an intellectual ***and developmental*** disability center:

(a) Voluntary admission.

(b) Involuntary admission.

2. An application for admission of a person with an intellectual ***disability or a person with a developmental*** disability ~~[~~or a person with a related condition~~]~~ to an intellectual ***and developmental*** disability center must be made on a form approved by the Division and the Attorney General. The clerk of each district court in the State shall make the forms available to any person upon request.

Sec. 33. NRS 435.122 is hereby amended to read as follows:

435.122 1. Any person with an intellectual ***disability or any person with a developmental*** disability ~~[~~or a person with a related condition~~]~~ may apply to any intellectual ***and developmental*** disability center for admission as a voluntary consumer. The person's parent or guardian or another responsible person may submit the application on his or her behalf.

2. If the person or a responsible party on behalf of the person objects to voluntary admission, the procedure for involuntary admission may be followed.

Sec. 34. NRS 435.123 is hereby amended to read as follows:

435.123 Whenever a person is alleged to be a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ and is alleged to be a clear and present danger to himself or herself or others, the person's parent or guardian or another responsible person may initiate proceedings for his or her involuntary admission to an intellectual ***and developmental*** disability center by petitioning the district court of the county where the person resides. The petition must be accompanied by a certificate signed by a physician or licensed psychologist experienced in the diagnosis of intellectual ***disabilities or developmental*** disabilities ~~[and related conditions]~~ stating that he or she has examined the person within the preceding 30 days and has concluded that the person is a person with an intellectual ***disability or a person with a developmental*** disability ~~[or is a person with a related condition,]~~ has demonstrated that the person is a clear and present danger to himself or herself or to others and is in need of institutional training and treatment.

Sec. 35. NRS 435.124 is hereby amended to read as follows:

435.124 Immediately after receiving the petition, the clerk of the district court shall transmit the petition to the district judge, who shall:

1. Determine whether appropriate space and programs are available for the person at the intellectual ***and developmental*** disability center to which it is proposed that the person be admitted; and

2. If appropriate space and programs are available, set a time and place for a hearing on the petition.

➥ The hearing must be held within 7 calendar days after the date when the petition was filed. The clerk of the court shall give notice of the hearing to the person who is the subject of the petition, the person's attorney, if known, the petitioner and the administrative officer of the intellectual ***and developmental*** disability center to which it is proposed that the person be admitted.

Sec. 36. NRS 435.125 is hereby amended to read as follows:

435.125 1. After the petition is filed, the court may cause a physician or licensed psychologist promptly to examine the person who is the subject of the petition or request an evaluation from the intellectual ***and developmental*** disability center to which it is proposed the person be admitted. Any physician or licensed psychologist requested by the court to conduct such an examination must be experienced in the diagnosis of intellectual ***disabilities and developmental*** disabilities ~~[and related conditions.]~~ The examination or evaluation must indicate whether the person is or is not a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ and whether the person is or is not in need of institutional training and treatment.

2. The court may allow the person alleged to be a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ to remain at his or her place of residence pending any ordered examination and to return upon completion of the examination. One or more of the person's relatives or friends may accompany the person to the place of examination.

Sec. 37. NRS 435.126 is hereby amended to read as follows:

435.126 1. The person alleged to be a person with an intellectual ***disability or a person with a developmental*** disability ***,*** ~~[or a person with a related condition,]~~ or any relative or friend acting on the person's behalf, is entitled to retain counsel to represent him or her in any proceeding before the district court relating to his or her involuntary admission to an intellectual ***and developmental*** disability center.

2. If counsel has not been retained, the court, before proceeding, shall advise the person and the person's guardian, or closest living relative if such a relative can be located, of the person's right to have counsel.

3. If the person fails or refuses to secure counsel, the court shall appoint counsel to represent the person. If the person is indigent, the counsel appointed may be the public defender.

4. Any counsel appointed by the court is entitled to fair and reasonable compensation for his or her services. The compensation must be charged against the property of the person for whom the counsel was appointed. If the person is indigent, the compensation must be charged against the county in which the person alleged to be a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ last resided.

Sec. 38. NRS 435.127 is hereby amended to read as follows:

435.127 In proceedings for involuntary admission of a person to an intellectual ***and developmental*** disability center:

1. The court shall hear and consider all relevant evidence, including the certificate, signed by a physician or licensed psychologist, which accompanied the petition and the testimony of persons who conducted examinations or evaluations ordered by the court after the petition was filed.

2. The person must be present and has the right to testify, unless the physician or licensed psychologist who signed the certificate, or who examined the person as ordered by the court, is present and testifies that the person is so severely disabled that he or she is unable to be present.

3. The person may obtain independent evaluation and expert opinion at his or her own expense, and may summon other witnesses.

Sec. 39. NRS 435.128 is hereby amended to read as follows:

435.128 1. Upon completion of the proceedings for involuntary admission of a person to an intellectual ***and developmental*** disability center, if the court finds:

(a) That the person is a person with an intellectual ***disability or a person with a developmental*** disability ***,*** ~~[or a person with a related condition,]~~ has

demonstrated that the person is a clear and present danger to himself or herself or others and is in need of institutional training and treatment;

(b) That appropriate space and programs are available at the intellectual ***and developmental*** disability center to which it is proposed that the person be admitted; and

(c) That there is no less restrictive alternative to admission to an intellectual ***and developmental*** disability center which would be consistent with the best interests of the person,

➥ the court shall by written order certify that the person is eligible for involuntary admission to an intellectual ***and developmental*** disability center.

2. A certificate of eligibility for involuntary admission expires 12 months after the date of issuance if the consumer has not been discharged earlier by the procedure provided in NRS 435.129. At the end of the 12-month period, the administrative officer of the intellectual ***and developmental*** disability center may petition the court to renew the certificate for an additional period of not more than 12 months. Each petition for renewal must set forth the specific reasons why further treatment is required. A certificate may be renewed more than once.

Sec. 40. NRS 435.129 is hereby amended to read as follows:

435.129 1. If the administrative officer of an intellectual ***and developmental*** disability center finds that a consumer is no longer in need of the services offered at the center, the administrative officer shall discharge that consumer.

2. A written notice of the discharge must be given to the consumer and the consumer's representatives at least 10 days before the discharge.

3. If the consumer was admitted involuntarily, the Administrator shall, at least 10 days before the discharge, notify the district court which issued the certificate of eligibility for the person's admission.

Sec. 41. NRS 435.130 is hereby amended to read as follows:

435.130 The intent of the Legislature in the enactment of NRS 435.130 to 435.310, inclusive, is to aid persons with intellectual ***disabilities and persons with developmental*** disabilities ~~[and persons with related conditions]~~ who are not served by existing programs in receiving high quality care and training in an effort to help them become useful citizens.

Sec. 42. NRS 435.176 is hereby amended to read as follows:

435.176 "Jobs and day training services" means individualized services for day habilitation, prevocational, employment and supported employment:

1. Which are provided:

(a) For compensation;

(b) In a division facility or in the community; and

(c) To a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ who is served by the Division; and

2. Which are designed to assist the person in:

(a) Learning or maintaining skills;

(b) Succeeding in paid or unpaid employment;

(c) Increasing self-sufficiency, including, without limitation, training and habilitation services; and

(d) Contributing to the person's community.

Sec. 43. NRS 435.220 is hereby amended to read as follows:

435.220 1. The Administrator shall adopt regulations governing jobs and day training services, including, without limitation, regulations that set forth:

(a) Standards for the provision of quality care and training by providers of jobs and day training services;

(b) The requirements for the issuance and renewal of a certificate; and

(c) The rights of consumers of jobs and day training services, including, without limitation, the right of a consumer to file a complaint and the procedure for filing the complaint.

2. The Division may enter into such agreements with public and private agencies as it deems necessary for the provision of jobs and day training services. Any such agreements must include a provision stating that employment is the preferred service option for all adults of working age.

3. For the purpose of entering into an agreement described in subsection 2, if the qualifications of more than one agency are equal, the Division shall give preference to the agency that will provide persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[or persons with related conditions]~~ with training and experience that demonstrates a progression of measurable skills that is likely to lead to competitive employment outcomes that provide employment that:

(a) Is comparable to employment of persons without intellectual ***disabilities or persons without developmental*** disabilities ***;*** ~~[and persons without related conditions;]~~ and

(b) Pays at or above the minimum wage prescribed by regulation of the Labor Commissioner pursuant to NRS 608.250.

Sec. 44. NRS 435.225 is hereby amended to read as follows:

435.225 1. A partnership, firm, corporation or association, including, without limitation, a nonprofit organization, or a state or local government or agency thereof shall not provide jobs and day training services in this State without first obtaining a certificate from the Division.

2. A natural person other than a person who is employed by an entity listed in subsection 1 shall not provide jobs and day training services in this State without first obtaining a certificate from the Division.

3. For the purpose of issuing a certificate pursuant to this section, if the qualifications of more than one applicant are equal, the Division shall give preference to the natural person who, or the nonprofit organization, state or local government or agency thereof that, will provide persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[or persons with related conditions]~~ with training and experience that

demonstrates a progression of measurable skills that is likely to lead to competitive employment outcomes that provide employment that:

(a) Is comparable to employment of persons without intellectual ***disabilities or persons without developmental*** disabilities ***;*** ~~[and persons without related conditions;]~~ and

(b) Pays at or above the minimum wage prescribed by regulation of the Labor Commissioner pursuant to NRS 608.250.

4. Each application for the issuance or renewal of a certificate issued pursuant to this section must include a provision stating that employment is the preferred service option for all adults of working age.

Sec. 45. NRS 435.310 is hereby amended to read as follows:

435.310 A provider of jobs and day training services certified pursuant to NRS 435.130 to 435.310, inclusive ~~[, may enter]~~ ***:***

1. Except as otherwise provided in subsection 2, may enter into contracts with authorized county and school officials and public and private agencies to give care and training to persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ who would also qualify for care or training programs offered by the public schools or by county welfare programs.

2. Shall not enter into a contract or other arrangement with any person or governmental entity to provide for the employment of a person under 25 years of age where the person will be paid less than the federal minimum wage.

Sec. 46. NRS 435.3315 is hereby amended to read as follows:

435.3315 "Supported living arrangement services" means flexible, individualized services provided in the home, for compensation, to a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ who is served by the Division that are designed and coordinated to assist the person in maximizing the person's independence, including, without limitation, training and habilitation services.

Sec. 47. NRS 435.340 is hereby amended to read as follows:

435.340 Neither voluntary admission nor judicial commitment nor any other procedure provided in this chapter may be construed as depriving a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ of the person's full civil and legal rights by any method other than a separate judicial proceeding resulting in a determination of incompetency wherein the civil and legal rights forfeited and the legal disabilities imposed are specifically stated.

Sec. 48. NRS 435.350 is hereby amended to read as follows:

435.350 1. Each person with an intellectual ***disability and each person with a developmental*** disability ~~[and each person with a related condition]~~ admitted to a division facility is entitled to all rights enumerated in NRS 435.006, 435.565 and 435.570.

2. The Administrator shall designate a person or persons to be responsible for establishment of regulations relating to denial of rights of persons with an intellectual ***disability or persons with a developmental*** disability **.** ~~[and persons with related conditions.]~~ The person designated shall file the regulations with the Administrator.

3. Consumers' rights specified in NRS 433.482, 433.484, 435.565 and 435.570 may be denied only for cause. Any denial of such rights must be entered in the consumer's treatment record, and notice of the denial must be forwarded to the Administrator's designee or designees as provided in subsection 2. Failure to report denial of rights by an employee may be grounds for dismissal.

4. Upon receipt of notice of a denial of rights as provided in subsection 3, the Administrator's designee or designees shall cause a full report to be prepared which sets forth in detail the factual circumstances surrounding the denial. A copy of the report must be sent to the Administrator and the Commission on Behavioral Health.

5. The Commission on Behavioral Health has such powers and duties with respect to reports of denial of rights as are enumerated for the Commission on Behavioral Health in subsection 3 of NRS 435.610.

Sec. 49. NRS 435.360 is hereby amended to read as follows:

435.360 1. The relatives of a consumer with an intellectual ***disability or a consumer with a developmental*** disability ~~[or a consumer with a related condition]~~ who is 18 years of age or older are not responsible for the costs of the consumer's care and treatment within a division facility.

2. The consumer or the consumer's estate, when able, may be required to contribute a reasonable amount toward the costs of the consumer's care and treatment. Otherwise, the full costs of the services must be borne by the State.

Sec. 50. NRS 435.365 is hereby amended to read as follows:

435.365 1. To the extent that money is available for that purpose, whenever a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a related condition]~~ is cared for by a parent or other relative with whom the person lives, that parent or relative is eligible to receive assistance on a monthly basis from the Division for each such person who lives and is cared for in the home if the Division finds that:

(a) The person with an intellectual ***disability or the person with a developmental*** disability ~~[or a related condition]~~ has been diagnosed as having a profound or severe intellectual ***disability or developmental*** disability or, if he or she is under 6 years of age, has developmental delays that require support that is equivalent to the support required by a person with a profound or severe intellectual ***disability or a person with a profound or severe developmental*** disability ***;*** ~~[or a related condition;]~~

(b) The person with an intellectual ***disability or the person with a developmental*** disability ~~[or a related condition]~~ is receiving adequate care; and

(c) The person with an intellectual ***disability or the person with a developmental*** disability ~~[or a related condition]~~ and the parent or other relative with whom the person lives is not reasonably able to pay for his or her care and support.

➥ The amount of the assistance must be established by legislative appropriation for each fiscal year.

2. The Administrator shall adopt regulations:

(a) Which establish a procedure of application for assistance;

(b) For determining the eligibility of an applicant pursuant to subsection 1; and

(c) For determining the amount of assistance to be provided to an eligible applicant.

3. The Administrator shall establish a waiting list for applicants who are eligible for assistance but who are denied assistance because the legislative appropriation is insufficient to provide assistance for all eligible applicants.

4. The decision of the Administrator regarding eligibility for assistance or the amount of assistance to be provided is a final administrative decision.

Sec. 51. NRS 435.370 is hereby amended to read as follows:

435.370 The Division may make such rules and regulations and enter such agreements with public and private agencies as are deemed necessary to implement residential placement-foster family care programs for persons with intellectual ***disabilities or persons with developmental*** disabilities **.** ~~[and persons with related conditions.]~~

Sec. 52. NRS 435.375 is hereby amended to read as follows:

435.375 1. The Division shall enter into a cooperative agreement with the Rehabilitation Division of the Department of Employment, Training and Rehabilitation to provide long-term support to persons with intellectual ***disabilities or persons with developmental*** disabilities **,** ~~[and persons with related conditions,]~~ including, without limitation, jobs and day training services and supported living arrangement services. The agreement must include a provision stating that employment is the preferred service option for all adults of working age.

2. The Administrator may adopt regulations governing the provision of services to persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ who are unable or unwilling to be employed.

Sec. 53. NRS 435.380 is hereby amended to read as follows:

435.380 1. All gifts or grants of money which the Division is authorized to accept must be spent in accordance with the provisions of the gift or grant. In the absence of those provisions, the Division must spend the money for the purpose approved by the Interim Finance Committee.

2. All such money must be deposited in the State Treasury to the credit of the Intellectual ***and Developmental*** Disability Gift Account in the Department of Health and Human Services' Gift Fund.

3. All claims must be approved by the Administrator before they are paid.

Sec. 54. NRS 435.390 is hereby amended to read as follows:

435.390 1. The administrative officer of any division facility where persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[or persons with related conditions]~~ reside may establish a canteen operated for the benefit of consumers and employees of the facility. The administrative officer shall keep a record of transactions in the operation of the canteen.

2. Each canteen must be self-supporting. No money provided by the State may be used for its operation.

3. The respective administrative officers shall deposit the money used for the operation of the canteen in one or more banks or credit unions of reputable standing, except that an appropriate sum may be maintained as petty cash at each canteen.

Sec. 55. NRS 435.400 is hereby amended to read as follows:

435.400 1. The division facilities providing services for persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ are designated as:

(a) Desert Regional Center;

(b) Sierra Regional Center; and

(c) Rural Regional Center.

2. Division facilities established after July 1, 1981, must be named by the Administrator, subject to the approval of the Director of the Department.

Sec. 56. NRS 435.411 is hereby amended to read as follows:

435.411 The administrative officer of a facility of the Division must:

1. Be selected on the basis of training and demonstrated administrative qualities of leadership in any one of the fields of psychiatry, medicine, psychology, social work, education or administration.

2. Be appointed on the basis of merit as measured by administrative training or experience in programs relating to intellectual ***disabilities and developmental*** disabilities, including care and treatment of persons with intellectual ***disabilities and persons with developmental*** disabilities **.** ~~[and persons with related conditions.]~~

Sec. 57. NRS 435.425 is hereby amended to read as follows:

435.425 1. The Division shall carry out a vocational and educational program for the certification of intellectual ***and developmental*** disability technicians, including forensic technicians employed by the Division, or other employees of the Division who perform similar duties, but are classified differently. The program must be carried out in cooperation with the Nevada System of Higher Education.

2. An intellectual ***and developmental*** disability technician is responsible to the director of the service in which his or her duties are performed. The director of a service may be a licensed physician, dentist, podiatric physician, psychiatrist, psychologist, rehabilitation therapist, social worker, registered

nurse or other professionally qualified person. This section does not authorize an intellectual ***and developmental*** disability technician to perform duties which require the specialized knowledge and skill of a professionally qualified person.

3. The Administrator shall adopt regulations to carry out the provisions of this section.

4. As used in this section, "intellectual ***and developmental*** disability technician" means an employee of the Division who, for compensation or personal profit, carries out procedures and techniques which involve cause and effect and which are used in the care, treatment and rehabilitation of persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions,]~~ and who has direct responsibility for:

(a) Administering or carrying out specific therapeutic procedures, techniques or treatments, excluding medical interventions, to enable consumers to make optimal use of their therapeutic regime, their social and personal resources, and their residential care; or

(b) The application of interpersonal and technical skills in the observation and recognition of symptoms and reactions of consumers, for the accurate recording of such symptoms and reactions, and for carrying out treatments authorized by members of the interdisciplinary team that determines the treatment of the consumers.

Sec. 58. NRS 435.430 is hereby amended to read as follows:

435.430 1. The Administrator shall adopt regulations:

(a) For the care and treatment of persons with intellectual ***disabilities and persons with developmental*** disabilities ~~[and persons with related conditions]~~ by all state agencies and facilities, and their referral to private facilities;

(b) To ensure continuity in the care and treatment provided to persons with intellectual ***disabilities and persons with developmental*** disabilities ~~[and persons with related conditions]~~ in this State; and

(c) Necessary for the proper and efficient operation of the facilities of the Division.

2. The Administrator may adopt regulations to promote programs relating to intellectual ***disabilities or developmental*** disabilities ***.*** ~~[and related conditions.]~~

Sec. 59. NRS 435.445 is hereby amended to read as follows:

435.445 The Division or its designated agent may inspect any division facility providing services for persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ to determine if the facility is in compliance with the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 60. NRS 435.455 is hereby amended to read as follows:

435.455 The Division may, by contract with general hospitals or other institutions having adequate facilities in the State of Nevada, provide for

inpatient care of persons with intellectual ***disabilities or persons with developmental*** disabilities **.** ~~[and persons with related conditions.]~~

Sec. 61. NRS 435.460 is hereby amended to read as follows:

435.460 The Division may contract with appropriate persons professionally qualified in the field of psychiatric mental health to provide inpatient and outpatient care for persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ when it appears that they can be treated best in that manner.

Sec. 62. NRS 435.470 is hereby amended to read as follows:

435.470 Nothing in this chapter precludes the involuntary court-ordered admission of a person with an intellectual ***disability or a person with a developmental*** disability ~~[or person with a related condition]~~ to a private institution where such admission is authorized by law.

Sec. 63. NRS 435.490 is hereby amended to read as follows:

435.490 1. Upon approval of the Director of the Department, the Administrator may accept:

(a) Donations of money and gifts of real or personal property; and

(b) Grants of money from the Federal Government,

➥ for use in public or private programs that provide services to persons in this State with intellectual ***disabilities or persons with developmental*** disabilities **.** ~~[and persons with related conditions.]~~

2. The Administrator shall disburse any donations, gifts and grants received pursuant to this section to programs that provide services to persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ in a manner that supports the plan to coordinate services created by the Commission on Behavioral Health pursuant to subsection 7 of NRS 433.316. In the absence of a plan to coordinate services, the Administrator shall make disbursements to programs that will maximize the benefit provided to persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ in consideration of the nature and value of the donation, gift or grant.

3. Within limits of legislative appropriations or other available money, the Administrator may enter into a contract for services related to the evaluation and recommendation of recipients for the disbursements required by this section.

Sec. 64. NRS 435.495 is hereby amended to read as follows:

435.495 1. The Division shall establish a fee schedule for services rendered through any program supported by the State pursuant to the provisions of this chapter. The schedule must be submitted to the Commission on Behavioral Health and the Director of the Department for joint approval before enforcement. The fees collected by facilities operated by the Division pursuant to this schedule must be deposited in the State Treasury to the credit of the State General Fund, except as otherwise provided in NRS 435.465 for fees collected pursuant to contract or agreement

and in NRS 435.120 for fees collected for services to consumers with intellectual ***disabilities or consumers with developmental*** disabilities **.** ~~[and related conditions.]~~

2. For a facility providing services for the treatment of persons with intellectual ***disabilities or persons with developmental*** disabilities **,** ~~[and persons with related conditions,]~~ the fee established must approximate the cost of providing the service, but if a consumer is unable to pay in full the fee established pursuant to this section, the Division may collect any amount the consumer is able to pay.

Sec. 65. NRS 435.505 is hereby amended to read as follows:

435.505 An intellectual ***and developmental*** disability center revolving account up to the amount of $5,000 is hereby created for each division intellectual ***and developmental*** disability center, and may be used for the payment of ***bills of the*** intellectual ***and developmental*** disability center ~~[bills]~~ requiring immediate payment and for no other purposes. The respective administrative officers shall deposit the money for the respective revolving accounts in one or more banks or credit unions of reputable standing. Payments made from each account must be promptly reimbursed from appropriated money of the respective intellectual ***and developmental*** disability centers on claims as other claims against the State are paid.

Sec. 66. NRS 435.515 is hereby amended to read as follows:

435.515 1. For the purpose of facilitating the return of nonresident consumers to the state in which they have legal residence, the Administrator may enter into reciprocal agreements, consistent with the provisions of this chapter, with the proper boards, commissioners or officers of other states for the mutual exchange of consumers confined in, admitted or committed to an intellectual ***or developmental*** disability facility in one state whose legal residence is in the other, and may give written permission for the return and admission to a division facility of any resident of this State when such permission is conformable to the provisions of this chapter governing admissions to a division facility.

2. The county clerk and board of county commissioners of each county, upon receiving notice from the Administrator that an application for the return of an alleged resident of this State has been received, shall promptly investigate and report to the Administrator their findings as to the legal residence of the consumer.

Sec. 67. NRS 435.535 is hereby amended to read as follows:

435.535 "Administrative officer" means a person with overall executive and administrative responsibility for a facility that provides services relating to intellectual ***disabilities or developmental*** disabilities ~~[and related conditions]~~ and that is operated by any public or private entity.

Sec. 68. NRS 435.575 is hereby amended to read as follows:

435.575 1. An individualized written plan of intellectual ***disability services or developmental*** disability services ~~[or plan of services for a related~~

~~condition~~] must be developed ***, as applicable,*** for each consumer of each facility. The plan must:

(a) Provide for the least restrictive treatment procedure that may reasonably be expected to benefit the consumer; and

(b) Be developed with the input and participation of:

(1) The consumer, to the extent that he or she is able to provide input and participate; and

(2) To the extent that the consumer is unable to provide input and participate, the parent or guardian of the consumer if the consumer is under 18 years of age and is not legally emancipated, or the legal guardian of a consumer who has been adjudicated mentally incompetent.

2. The plan must be kept current and must be modified, with the input and participation of the consumer, the parent or guardian of the consumer or the legal guardian of the consumer, as appropriate, when indicated. The plan must be thoroughly reviewed at least once every 3 months.

3. The person in charge of implementing the plan of services must be designated in the plan.

Sec. 69. NRS 435.645 is hereby amended to read as follows:

435.645 1. An employee of a public or private facility offering services for persons with intellectual ***disabilities or persons with developmental*** disabilities [~~and persons with related conditions~~] or any other person, except a consumer, who:

(a) Has reason to believe that a consumer of the Division or of a private facility offering services for consumers with intellectual ***disabilities or consumers with developmental*** disabilities [~~and consumers with related conditions~~] has been or is being abused or neglected and fails to report it;

(b) Brings intoxicating beverages or a controlled substance into any division facility occupied by consumers unless specifically authorized to do so by the administrative officer or a staff physician of the facility;

(c) Is under the influence of liquor or a controlled substance while employed in contact with consumers, unless in accordance with a lawfully issued prescription;

(d) Enters into any transaction with a consumer involving the transfer of money or property for personal use or gain at the expense of the consumer; or

(e) Contrives the escape, elopement or absence of a consumer,

➥ is guilty of a misdemeanor, in addition to any other penalties provided by law.

2. In addition to any other penalties provided by law, an employee of a public or private facility offering services for persons with intellectual ***disabilities or persons with developmental*** disabilities [~~and persons with related conditions~~] or any other person, except a consumer, who willfully abuses or neglects a consumer:

(a) For a first violation that does not result in substantial bodily harm to the consumer, is guilty of a gross misdemeanor.

(b) For a first violation that results in substantial bodily harm to the consumer, is guilty of a category B felony.

(c) For a second or subsequent violation, is guilty of a category B felony.

➥ A person convicted of a category B felony pursuant to this section shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

3. A person who is convicted pursuant to this section is ineligible for 5 years for appointment to or employment in a position in the state service and, if the person is an officer or employee of the State, the person forfeits his or her office or position.

4. A conviction pursuant to this section is, when applicable, grounds for disciplinary action against the person so convicted and the facility where the violation occurred. The Division may recommend to the appropriate agency or board the suspension or revocation of the professional license, registration, certificate or permit of a person convicted pursuant to this section.

5. For the purposes of this section:

(a) "Abuse" means any willful and unjustified infliction of pain, injury or mental anguish upon a consumer, including, but not limited to:

(1) The rape, sexual assault or sexual exploitation of the consumer;

(2) The use of any type of aversive intervention;

(3) Except as otherwise provided in NRS 433.5486, a violation of NRS 433.549; and

(4) The use of physical, chemical or mechanical restraints or the use of seclusion in violation of federal law.

➥ Any act which meets the standard of practice for care and treatment does not constitute abuse.

(b) "Consumer" includes any person who seeks, on the person's own or others' initiative, and can benefit from, care, treatment and training in a public or private institution or facility offering services for persons with intellectual ***disabilities or persons with developmental*** disabilities **.** **[**~~and persons with related conditions.~~**]**

(c) "Neglect" means any omission to act which causes injury to a consumer or which places the consumer at risk of injury, including, but not limited to, the failure to follow:

(1) An appropriate plan of treatment to which the consumer has consented; and

(2) The policies of the facility for the care and treatment of consumers.

➥ Any omission to act which meets the standard of practice for care and treatment does not constitute neglect.

(d) "Standard of practice" means the skill and care ordinarily exercised by prudent professional personnel engaged in health care.

Sec. 70. NRS 435.655 is hereby amended to read as follows:

435.655 1. When a person is admitted to a division facility or hospital under one of the various forms of admission prescribed by law, the parent or

legal guardian of a person with an intellectual ***disability or a person with a developmental*** disability ~~[or person with a related condition]~~ who is a minor or the husband or wife of a person with an intellectual ***disability or a person with a developmental*** disability ***,*** ~~[or person with a related condition,]~~ if of sufficient ability, and the estate of the person with an intellectual ***disability or the person with a developmental*** disability ***,*** ~~[or person with a related condition,]~~ if the estate is sufficient for the purpose, shall pay the cost of the maintenance for the person with an intellectual ***disability or the person with a developmental*** disability ***,*** ~~[or person with a related condition,]~~ including treatment and surgical operations, in any hospital in which the person is hospitalized under the provisions of this chapter:

(a) To the administrative officer if the person is admitted to a division facility; or

(b) In all other cases, to the hospital rendering the service.

2. If a person or an estate liable for the care, maintenance and support of a committed person neglects or refuses to pay the administrative officer or the hospital rendering the service, the State is entitled to recover, by appropriate legal action, all money owed to a division facility or which the State has paid to a hospital for the care of a committed person, plus interest at the rate established pursuant to NRS 99.040.

Sec. 71. NRS 435.700 is hereby amended to read as follows:

435.700 1. A public or private facility offering services for persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ may return a prescription drug that is dispensed to a patient of the facility, but will not be used by that patient, to the dispensing pharmacy for the purpose of reissuing the drug to fill other prescriptions for patients in that facility or for the purpose of transferring the drug to a nonprofit pharmacy designated by the State Board of Pharmacy pursuant to NRS 639.2676 if:

(a) The drug is not a controlled substance;

(b) The drug is dispensed in a unit dose, in individually sealed doses or in a bottle that is sealed by the manufacturer of the drug;

(c) The drug is returned unopened and sealed in the original manufacturer's packaging or bottle;

(d) The usefulness of the drug has not expired;

(e) The packaging or bottle contains the expiration date of the usefulness of the drug; and

(f) The name of the patient for whom the drug was originally prescribed, the prescription number and any other identifying marks are obliterated from the packaging or bottle before the return of the drug.

2. A dispensing pharmacy to which a drug is returned pursuant to this section may:

(a) Reissue the drug to fill other prescriptions for patients in the same facility if the registered pharmacist of the pharmacy determines that the drug

is suitable for that purpose in accordance with standards adopted by the State Board of Pharmacy pursuant to subsection 5; or

(b) Transfer the drug to a nonprofit pharmacy designated by the State Board of Pharmacy pursuant to NRS 639.2676.

3. No drug that is returned to a dispensing pharmacy pursuant to this section may be used to fill other prescriptions more than one time.

4. A facility offering services for persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ shall adopt written procedures for returning drugs to a dispensing pharmacy pursuant to this section. The procedures must:

(a) Provide appropriate safeguards for ensuring that the drugs are not compromised or illegally diverted during their return.

(b) Require the maintenance and retention of such records relating to the return of such drugs as are required by the State Board of Pharmacy.

(c) Be approved by the State Board of Pharmacy.

5. The State Board of Pharmacy shall adopt such regulations as are necessary to carry out the provisions of this section, including, without limitation, requirements for:

(a) Returning and reissuing such drugs pursuant to the provisions of this section.

(b) Transferring drugs to a nonprofit pharmacy pursuant to the provisions of this section and NRS 639.2676.

(c) Maintaining records relating to the return and the use of such drugs to fill other prescriptions.

Sec. 72. (Deleted by amendment.)

Sec. 73. NRS 220.125 is hereby amended to read as follows:

220.125 1. The Legislative Counsel shall, to the extent practicable, ensure that persons with physical, mental or cognitive disabilities are referred to in Nevada Revised Statutes using language that is commonly viewed as respectful and sentence structure that refers to the person before referring to his or her disability.

2. Words and terms that are preferred for use in Nevada Revised Statutes include, without limitation, "persons with disabilities," "persons with mental illness," ***"persons with developmental disabilities,"*** "persons with intellectual disabilities" and other words and terms that are structured in a similar manner.

3. Words and terms that are not preferred for use in Nevada Revised Statutes include, without limitation, "disabled," "handicapped," "mentally disabled," "mentally ill," "mentally retarded" and other words and terms that tend to equate the disability with the person.

Sec. 74. NRS 608.255 is hereby amended to read as follows:

608.255 For the purposes of this chapter and any other statutory or constitutional provision governing the minimum wage paid to an employee, the following relationships do not constitute employment relationships and are therefore not subject to those provisions:

1. The relationship between a rehabilitation facility or workshop established by the Department of Employment, Training and Rehabilitation pursuant to chapter 615 of NRS and an individual with a disability who is participating in a training or rehabilitative program of such a facility or workshop.

2. The relationship between a provider of jobs and day training services which is recognized as exempt pursuant to the provisions of 26 U.S.C. § 501(c)(3) and which has been issued a certificate by the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to NRS 435.130 to 435.310, inclusive, and a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ participating in a jobs and day training services program.

3. The relationship between a principal and an independent contractor.

4. As used in this section, "developmental disability" has the meaning ascribed to it in NRS 435.007.

Sec. 75. In preparing supplements to the Nevada Administrative Code, the Legislative Counsel shall make such changes as necessary so that references in chapters 433 and 435 of the Nevada Administrative Code to "mental retardation," "related conditions" and related terms are replaced with references to "developmental disabilities" and related terms.

Sec. 76. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 77. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 78. NRS 433.211 is hereby repealed.

Sec. 79. 1. This act becomes effective upon passage and approval for the purposes of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act, and on January 1, 2018, for all other purposes.

2. Section 22 of this act expires by limitation on June 30, 2019.

TEXT OF REPEALED SECTION

433.211 "Persons with related conditions" defined. "Persons with related conditions" means persons who have a severe, chronic disability which:

1. Is attributable to:

(a) Cerebral palsy or epilepsy; or

(b) Any other condition, other than mental illness, found to be closely related to an intellectual disability because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of a person with an intellectual disability and requires treatment or services similar to those required by a person with an intellectual disability;

2. Is manifested before the person affected attains the age of 22 years;

3. Is likely to continue indefinitely; and

4. Results in substantial functional limitations in three or more of the following areas of major life activity:

(a) Taking care of oneself;

(b) Understanding and use of language;

(c) Learning;

(d) Mobility;

(e) Self-direction; and

(f) Capacity for independent living.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

The following amendment was proposed by Assemblyman Carrillo:

Amendment No. 987.

AN ACT relating to disabilities; replacing the term "related conditions" with the term "developmental disability" for certain purposes; prohibiting a provider of jobs and day training services from entering into certain contracts or arrangements **~~[,]~~ except under certain conditions;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Various provisions of existing law govern the care and services provided to persons with intellectual disabilities and persons with related conditions. (Chapters 433, 433A, 433C and 435 of NRS) For the purposes of these provisions, a "person with related conditions" is generally defined to mean a person with a condition "closely related to an intellectual disability" and requiring "treatment or services similar to those required by a person with an intellectual disability." (NRS 433.211) For the purposes of the provisions referred to above, this bill generally replaces references to the term "related conditions" with the term "developmental disability." Such a disability is defined in **sections 1 and 17** of this bill as autism, cerebral palsy, epilepsy, a visual or hearing impairment or any other neurological condition diagnosed by a qualified professional that: (1) is manifested before the age of 22 years and is likely to continue indefinitely; (2) substantially limits certain major life activities; and (3) results in a lifelong or protracted need for individually planned and coordinated services, support or other assistance.

Existing federal law prohibits certain entities from compensating a person who is less than 25 years of age at a rate less than the federal minimum wage unless certain conditions are met. (29 U.S.C. § 794g) Existing law permits a person or organization to provide jobs and day training services to persons with intellectual disabilities and persons with related conditions. (NRS 435.130-435.310) Such a provider may contract with county and school officials and public and private agencies for the provision of such services. (NRS 435.310) **Section 45** of this bill prohibits any such contract that provides for the employment of a person under 25

years of age unless the person is paid at least the ~~[federal]~~ **state** minimum wage ~~[.]~~ **, except under the conditions prescribed in federal law under which such a person may be compensated at less than the federal minimum wage. Section 15.5 of this bill codifies those conditions into state law.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 433 of NRS is hereby amended by adding thereto a new section to read as follows:

"Developmental disability" has the meaning ascribed to it in NRS 435.007.

Sec. 2. NRS 433.005 is hereby amended to read as follows:

433.005 As used in chapters 433 to 433C, inclusive, of NRS, unless the context otherwise requires, or except as otherwise defined by specific statute, the words and terms defined in NRS 433.014 to 433.227, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 433.314 is hereby amended to read as follows:

433.314 The Commission shall:

1. Establish policies to ensure adequate development and administration of services for persons with mental illness, persons with intellectual ***disabilities, persons with developmental*** disabilities **,** ~~[and persons with related conditions,]~~ persons with substance use disorders or persons with co-occurring disorders, including services to prevent mental illness, intellectual ***disabilities, developmental*** disabilities **,** ~~[and related conditions,]~~ substance use disorders and co-occurring disorders, and services provided without admission to a facility or institution;

2. Set policies for the care and treatment of persons with mental illness, persons with intellectual ***disabilities, persons with developmental*** disabilities **,** ~~[and persons with related conditions,]~~ persons with substance use disorders or persons with co-occurring disorders provided by all state agencies;

3. Review the programs and finances of the Division; and

4. Report at the beginning of each year to the Governor and at the beginning of each odd-numbered year to the Legislature on the quality of the care and treatment provided for persons with mental illness, persons with intellectual ***disabilities, persons with developmental*** disabilities **,** ~~[and persons with related conditions,]~~ persons with substance use disorders or persons with co-occurring disorders in this State and on any progress made toward improving the quality of that care and treatment.

Sec. 4. NRS 433.316 is hereby amended to read as follows:

433.316 The Commission may:

1. Collect and disseminate information pertaining to mental health, intellectual ***disabilities, developmental*** disabilities **,** ~~[and related conditions,]~~ substance use disorders and co-occurring disorders.

2. Request legislation pertaining to mental health, intellectual ***disabilities, developmental*** disabilities **,** ~~[~~and related conditions,~~]~~ substance use disorders and co-occurring disorders.

3. Review findings of investigations of complaints about the care of any person in a public facility for the treatment of persons with mental illness, persons with intellectual ***disabilities, persons with developmental*** disabilities **,** ~~[~~and persons with related conditions,~~]~~ persons with substance use disorders or persons with co-occurring disorders.

4. Accept, as authorized by the Legislature, gifts and grants of money and property.

5. Take appropriate steps to increase the availability of and to enhance the quality of the care and treatment of persons with mental illness, persons with intellectual ***disabilities, persons with developmental*** disabilities **,** ~~[~~and persons with related conditions,~~]~~ persons with substance use disorders or persons with co-occurring disorders provided through private nonprofit organizations, governmental entities, hospitals and clinics.

6. Promote programs for the treatment of persons with mental illness, persons with intellectual ***disabilities, persons with developmental*** disabilities **,** ~~[~~and persons with related conditions,~~]~~ persons with substance use disorders or persons with co-occurring disorders and participate in and promote the development of facilities for training persons to provide services for persons with mental illness, persons with intellectual ***disabilities, persons with developmental*** disabilities **,** ~~[~~and persons with related conditions,~~]~~ persons with substance use disorders or persons with co-occurring disorders.

7. Create a plan to coordinate the services for the treatment of persons with mental illness, persons with intellectual ***disabilities, persons with developmental*** disabilities **,** ~~[~~and persons with related conditions,~~]~~ persons with substance use disorders or persons with co-occurring disorders provided in this State and to provide continuity in the care and treatment provided.

8. Establish and maintain an appropriate program which provides information to the general public concerning mental illness, intellectual ***disabilities, developmental*** disabilities **,** ~~[~~and related conditions,~~]~~ substance use disorders and co-occurring disorders and consider ways to involve the general public in the decisions concerning the policy on mental illness, intellectual ***disabilities, developmental*** disabilities **,** ~~[~~and related conditions,~~]~~ substance use disorders and co-occurring disorders.

9. Compile statistics on mental illness and study the cause, pathology and prevention of that illness.

10. Establish programs to prevent or postpone the commitment of residents of this State to facilities for the treatment of persons with mental illness, persons with intellectual ***disabilities, persons with developmental*** disabilities **,** ~~[~~and persons with related conditions,~~]~~ persons with substance use disorders or persons with co-occurring disorders.

11. Evaluate the future needs of this State concerning the treatment of mental illness, intellectual ***disabilities, developmental*** disabilities **,** ~~[~~and

~~related conditions,~~] substance use disorders and co-occurring disorders and develop ways to improve the treatment already provided.

12. Take any other action necessary to promote mental health in this State.

Sec. 5. NRS 433.318 is hereby amended to read as follows:

433.318 1. The Commission may appoint a subcommittee or an advisory committee composed of members who have experience and knowledge of matters relating to persons with mental illness, persons with intellectual ***disabilities, persons with developmental*** disabilities **,** [~~and persons with related conditions,~~] persons with substance use disorders or persons with co-occurring disorders and who, to the extent practicable, represent the ethnic and geographic diversity of this State.

2. A subcommittee or advisory committee appointed pursuant to this section shall consider specific issues and advise the Commission on matters related to the duties of the Commission.

3. The members of a subcommittee or advisory committee appointed pursuant to this section serve at the pleasure of the Commission. The members serve without compensation, except that each member is entitled, while engaged in the business of the subcommittee or advisory committee, to the per diem allowance and travel expenses provided for state officers and employees generally if funding is available for this purpose.

Sec. 6. NRS 433.325 is hereby amended to read as follows:

433.325 The Commission or its designated agent may inspect any state facility providing services for persons with mental illness, persons with intellectual ***disabilities, persons with developmental*** disabilities **,** [~~and persons with related conditions,~~] persons with substance use disorders or persons with co-occurring disorders to determine if the facility is in compliance with the provisions of this title and any regulations adopted pursuant thereto.

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 433C.110 is hereby amended to read as follows:

433C.110 The Legislature declares that the purposes of this chapter are:

1. To encourage and provide financial assistance to counties in the establishment and development of mental health services, including services to persons with intellectual ***disabilities and persons with developmental*** disabilities **,** [~~and persons with related conditions,~~] through locally controlled community mental health programs.

2. To promote the improvement and, if necessary, the expansion of already existing services which help to conserve the mental health of the people of Nevada. It is the intent of this chapter that services to individuals be rendered only upon voluntary application.

Sec. 10. NRS 433C.170 is hereby amended to read as follows:

433C.170 The county board shall:

1. Review and evaluate communities' needs, services, facilities and special problems in the fields of mental health **,** ~~[and]~~ intellectual ***disabilities and developmental*** disabilities **.** ~~[and related conditions.]~~

2. Advise the governing body as to programs of community mental health services and facilities and services to persons with intellectual ***disabilities and persons with developmental*** disabilities ~~[and persons with related conditions,]~~ and, when requested by the governing body, make recommendation regarding the appointment of a county director.

3. After adoption of a program, continue to act in an advisory capacity to the county director.

Sec. 11. NRS 433C.190 is hereby amended to read as follows:

433C.190 The county director shall:

1. Serve as chief executive officer of the county program and be accountable to the county board.

2. Exercise administrative responsibility and authority over the county program and facilities furnished, operated or supported in connection therewith, and over services to persons with intellectual ***disabilities or persons with developmental*** disabilities **,** ~~[and persons with related conditions,]~~ except as administrative responsibility is otherwise provided for in this title.

3. Recommend to the governing body, after consultation with the county board, the providing of services, establishment of facilities, contracting for services or facilities and other matters necessary or desirable to accomplish the purposes of this chapter.

4. Submit an annual report to the governing body reporting all activities of the program, including a financial accounting of expenditures and a forecast of anticipated needs for the ensuing year.

5. Carry on such studies as may be appropriate for the discharge of his or her duties, including the control and prevention of psychiatric disorders and the treatment of intellectual ***disabilities and developmental*** disabilities **.** ~~[and related conditions.]~~

Sec. 12. NRS 433C.260 is hereby amended to read as follows:

433C.260 Expenditures made by counties for county programs, including services to persons with intellectual ***disabilities or persons with developmental*** disabilities **,** ~~[and persons with related conditions,]~~ pursuant to this chapter ~~[,]~~ must be reimbursed by the State pursuant to NRS 433C.270 to 433C.350, inclusive.

Sec. 13. NRS 433C.270 is hereby amended to read as follows:

433C.270 1. A service operated within a county program must be directed to at least one of the following mental health areas:

(a) Mental illness;

(b) Intellectual ***disabilities;***

(c) Developmental disabilities ***;*** ~~[and related conditions;~~

~~(c)]~~ ***(d)*** Organic brain and other neurological impairment;

~~[(d)]~~ ***(e)*** Alcoholism; and

~~[(e)]~~ ***(f)*** Drug abuse.

2. A service is any of the following:

(a) Diagnostic service;

(b) Emergency service;

(c) Inpatient service;

(d) Outpatient or partial hospitalization service;

(e) Residential, sheltered or protective care service;

(f) Habilitation or rehabilitation service;

(g) Prevention, consultation, collaboration, education or information service; and

(h) Any other service approved by the Division.

Sec. 14. NRS 433C.300 is hereby amended to read as follows:

433C.300 1. Money provided by direct legislative appropriation for purposes of reimbursement as provided by NRS 433C.260 to 433C.290, inclusive, must be allotted to the governing body as follows:

(a) The State shall pay to each county a sum equal to 90 percent of the total proposed expenditures as reflected by the plan of proposed expenditures submitted pursuant to NRS 433C.280 if the county has complied with the provisions of paragraph (b).

(b) Before payment under this subsection, the governing body of a county must submit evidence to the Administrator that 10 percent of the total proposed expenditures have been raised and budgeted by the county for the establishment or maintenance of a county program.

2. All state and federal moneys appropriated or authorized for the promotion of mental health or for services to persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ in the State of Nevada must be disbursed through the Division in accordance with the provisions of this chapter and rules and regulations adopted in accordance therewith.

Sec. 15. NRS 433C.340 is hereby amended to read as follows:

433C.340 Fees for mental health services, including services to persons with intellectual ***disabilities or persons with developmental*** disabilities ***,*** ~~[and persons with related conditions,]~~ rendered pursuant to an approved county plan must be charged in accordance with ability to pay, but not in excess of actual cost.

Sec. 15.5. **Chapter 435 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in subsection 3, a provider of jobs and day training services certified pursuant to this section and NRS 435.130 to 435.310, inclusive, may enter into a contract or other arrangement with any person or governmental entity to provide for the employment of a person under 25 years of age under which the person will be paid less than the state minimum wage if the person was employed on July 22, 2016, by an entity that holds a valid certificate pursuant to 29 U.S.C. § 214(c) or, before beginning such employment, the person has:

(a) Received preemployment transition services available under the provisions of 29 U.S.C. § 733 or transition services under the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.;

(b) Received career counseling, information and referrals to federal and state programs and other resources in the geographic area in which the person resides that offer services and supports that are designed to enable the person to attain competitive integrated employment and meet the requirements of subsection 2; and

(c) Applied for vocational rehabilitation services under the provisions of 29 U.S.C. §§ 720 to 751, inclusive, and been found:

(1) Ineligible for such services; or

(2) Eligible for such services and:

(I) Has an individualized plan for employment pursuant to 29 U.S.C. § 722;

(II) Has been working, with appropriate supports and services, toward an employment outcome specified in that plan without success; and

(III) The person's vocational rehabilitation case has been closed.

2. Counseling, information, referrals, services and supports provided pursuant to paragraph (b) of subsection 1 must not be provided to a person for the purpose of obtaining employment compensated at less than the state minimum wage.

3. A provider of jobs and day training services certified pursuant to this section and NRS 435.130 to 435.310, inclusive, shall not enter into a contract or other arrangement described in subsection 1 with a local educational agency.

4. Except as otherwise provided in subsection 5, if a provider of jobs and day training services certified pursuant to this section and NRS 435.130 to 435.310, inclusive, enters into a contract or other arrangement described in subsection 1:

(a) The Division shall, at least once every 6 months for the first year of such employment and annually thereafter for the duration of the employment, provide the person employed pursuant to the arrangement with career counseling, information and referrals as described in paragraph (b) of subsection 1 in a manner that facilitates independent decisions and informed choice; and

(b) The employer of the person shall, at least once every 6 months for the first year of such employment and annually thereafter for the duration of the employment, inform the person of opportunities in the geographic area in which the person resides to receive training concerning self-advocacy, self-determination and peer mentoring that is provided by a person or entity that does not have a financial interest in the employment outcome of the person.

5. If a provider of jobs and day training services certified pursuant to this section and NRS 435.130 to 435.310, inclusive, enters into a contract or other arrangement described in subsection 1 with a business with fewer

than 15 employees, the business may satisfy the requirements of subsection 4 by referring a person employed pursuant to the arrangement to the Division for the services described in that subsection at least once every 6 months for the first year of such employment and annually thereafter for the duration of the employment.

6. The Division, in consultation with the Department of Education, shall adopt regulations prescribing the manner in which compliance with the requirements of subsections 1 and 4 may be documented.

7. An employer who employs a person pursuant to a contract or other arrangement described in subsection 1 shall:

(a) Before the employment begins, verify that the person meets the requirements of subsection 1 by reviewing the documentation prescribed for that purpose pursuant to subsection 6;

(b) For the duration of the employment:

(1) Verify that the person has received the services required by subsection 4 by reviewing the documentation prescribed for that purpose pursuant to subsection 6; and

(2) Maintain on file a copy of the documentation reviewed pursuant to subparagraph (1) and paragraph (a).

8. The Division may inspect the documentation maintained pursuant to subparagraph (2) of paragraph (b) of subsection 7 as necessary to ensure compliance with the requirements of this section.

9. As used in this section:

(a) "Competitive integrated employment" has the meaning ascribed to it in 29 U.S.C. § 705.

(b) "Local educational agency" has the meaning ascribed to it in 20 U.S.C. § 1401(19).

Sec. 16. NRS 435.005 is hereby amended to read as follows:

435.005 Unless specifically excluded by law, the provisions of this chapter apply to all facilities within the Division offering services to persons with intellectual ***disabilities or persons with developmental*** disabilities **.** ~~[~~and persons with related conditions.~~]~~

Sec. 17. NRS 435.007 is hereby amended to read as follows:

435.007 As used in this chapter, unless the context otherwise requires:

1. "Administrative officer" means a person with overall executive and administrative responsibility for those state or nonstate intellectual ***and developmental*** disability centers designated by the Administrator.

2. "Administrator" means the Administrator of the Division.

3. "Child" means any person under the age of 18 years who may be eligible for intellectual ***disability services or developmental*** disability services **.** ~~[~~or services for a related condition.~~]~~

4. "Department" means the Department of Health and Human Services.

5. ***"Developmental disability" means autism, cerebral palsy, epilepsy, a visual or hearing impairment or any other neurological condition diagnosed by a qualified professional that:***

(a) Is manifested before the person affected attains the age of 22 years;

(b) Is likely to continue indefinitely;

(c) Results in substantial functional limitations, as measured by a qualified professional, in three or more of the following areas of major life activity:

(1) Taking care of oneself;

(2) Understanding and use of language;

(3) Learning;

(4) Mobility;

(5) Self-direction; and

(6) Capacity for independent living; and

(d) Results in the person affected requiring a combination of individually planned and coordinated services, support or other assistance that is lifelong or has an extended duration.

6. "Director of the Department" means the administrative head of the Department.

~~[6.]~~ ***7.*** "Division" means the Aging and Disability Services Division of the Department.

~~[7.]~~ ***8.*** "Division facility" means any unit or subunit operated by the Division for the care, treatment and training of consumers.

~~[8.]~~ ***9.*** "Intellectual disability" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period.

~~[9.]~~ ***10.*** "Intellectual ***and developmental*** disability center" means an organized program for providing appropriate services and treatment to persons with intellectual disabilities and persons with ~~[related conditions.]~~ ***developmental disabilities.*** An intellectual ***and developmental*** disability center may include facilities for residential treatment and training.

~~[10.]~~ ***11.*** "Medical director" means the chief medical officer of any program of the Division for persons with intellectual ***disabilities or developmental*** disabilities ***.*** ~~[and persons with other related conditions.~~

~~11.]~~ ***12.*** "Mental illness" has the meaning ascribed to it in NRS 433.164.

~~[12.]~~ ***13.*** "Parent" means the parent of a child. The term does not include the parent of a person who has attained the age of 18 years.

~~[13.]~~ ***14.*** "Person" includes a child and any other consumer with an intellectual ***disability and a child or any other consumer with a developmental*** disability ~~[or a related condition]~~ who has attained the age of 18 years.

~~[14.]~~ ***15.*** "Person professionally qualified in the field of psychiatric mental health" has the meaning ascribed to it in NRS 433.209.

~~[15. "Persons with related conditions" means persons who have a severe, chronic disability which:~~

~~(a) Is attributable to:~~

~~(1) Cerebral palsy or epilepsy; or~~

~~(2) Any other condition, other than mental illness, found to be closely related to an intellectual disability because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of a person with an intellectual disability and requires treatment or services similar to those required by a person with an intellectual disability;~~

~~(b) Is manifested before the person affected attains the age of 22 years;~~

~~(c) Is likely to continue indefinitely; and~~

~~(d) Results in substantial functional limitations in three or more of the following areas of major life activity:~~

~~(1) Taking care of oneself;~~

~~(2) Understanding and use of language;~~

~~(3) Learning;~~

~~(4) Mobility;~~

~~(5) Self-direction; and~~

~~(6) Capacity for independent living.~~**]**

16. "Residential facility for groups" means a structure similar to a private residence which will house a small number of persons in a homelike atmosphere.

17. "Training" means a program of services directed primarily toward enhancing the health, welfare and development of persons with intellectual ***disabilities or persons with developmental*** disabilities **[**~~and persons with related conditions~~**]** through the process of providing those experiences that will enable the person to:

(a) Develop his or her physical, intellectual, social and emotional capacities to the fullest extent;

(b) Live in an environment that is conducive to personal dignity; and

(c) Continue development of those skills, habits and attitudes essential to adaptation in contemporary society.

18. "Treatment" means any combination of procedures or activities, of whatever level of intensity and whatever duration, ranging from occasional counseling sessions to full-time admission to a residential facility.

Sec. 18. NRS 435.009 is hereby amended to read as follows:

435.009 It is the policy of this State that persons with intellectual ***disabilities and persons with developmental*** disabilities ***:*** **[**~~and persons with related conditions:~~**]**

1. Receive services in a considerate and respectful manner;

2. Are recognized as individuals before recognizing the disabilities of the persons; and

3. Are to be referred to using language which is commonly viewed as respectful and which refers to the person before referring to his or her disability.

Sec. 19. NRS 435.010 is hereby amended to read as follows:

435.010 1. The boards of county commissioners of the various counties shall make provision for the support, education and care of the children with

intellectual ***disabilities and children with developmental*** disabilities ~~[and children with related conditions]~~ of their respective counties.

2. For that purpose, they are empowered to make all necessary contracts and agreements to carry out the provisions of this section and NRS 435.020 and 435.030. Any such contract or agreement may be made with any responsible person or facility in or without the State of Nevada.

3. The provisions of this section and NRS 435.020 and 435.030 supplement the services which other political subdivisions or agencies of the State are required by law to provide, and do not supersede or relieve the responsibilities of such political subdivisions or agencies.

Sec. 20. NRS 435.020 is hereby amended to read as follows:

435.020 All children with intellectual ***disabilities and children with developmental*** disabilities ~~[and children with related conditions]~~ are entitled to benefits under this section and NRS 435.010 and 435.030:

1. Who are unable to pay for their support and care;

2. Whose parents, relatives or guardians are unable to pay for their support and care; and

3. If division facilities are to be utilized, whom the Division recognizes as proper subjects for services within such division facilities.

Sec. 21. NRS 435.030 is hereby amended to read as follows:

435.030 1. A parent, relative, guardian or nearest friend of any child with an intellectual ***disability or any child with a developmental*** disability ~~[or any child with a related condition]~~ who is a resident of this State may file with the board of county commissioners of the proper county an application under oath stating:

(a) That the child meets the criteria set forth in NRS 435.020; and

(b) That the child requires services not otherwise required by law to be provided to the child by any other county, political subdivision or agency of this or any other state.

2. If the board of county commissioners is satisfied that the statements made in the application are true, the board shall issue a certificate to that effect.

3. The board of county commissioners shall make necessary arrangements for the transportation of a child with an intellectual ***disability or a child with a developmental*** disability ~~[or a child with a related condition]~~ to any responsible person or facility to be utilized pursuant to contract or agreement as designated in NRS 435.010 at the expense of the county.

4. A certificate of the board of county commissioners, when produced, shall be the authority of any responsible person or facility in or without the State of Nevada under contract with the board of county commissioners to receive any such child.

Sec. 22. NRS 435.035 is hereby amended to read as follows:

435.035 1. To the extent that money is available for that purpose, the Division of Health Care Financing and Policy of the Department ~~[of Health~~

~~and Human Services]~~ and the Aging and Disability Services Division of the Department shall establish a pilot program to provide intensive care coordination services to children with intellectual ***disabilities or children with developmental*** disabilities ~~[and children with related conditions]~~ who are also diagnosed as having behavioral health needs and who reside in a county whose population is 100,000 or more.

2. The intensive care coordination services provided by the pilot program must include, without limitation:

(a) Medically necessary habilitation or rehabilitation and psychiatric or behavioral therapy provided using evidence-based practices to a child with intellectual ***disabilities or a child with developmental*** disabilities ~~[or a child with a related condition]~~ who is also diagnosed as having behavioral health needs;

(b) Support for the family of such a child, including, without limitation, respite care for the primary caregiver of the child;

(c) Coordination of all services provided to such a child and his or her family;

(d) Food and lodging expenses for such a child who is receiving supported living arrangement services and does not reside with his or her parent or guardian;

(e) Assistance with acquisition of life skills and community participation that is provided in the residence of a child with an intellectual ***disability or a child with a developmental*** disability ~~[or a child with a related condition]~~ who has also been diagnosed as having behavioral health needs;

(f) Nonmedical transportation;

(g) Career planning;

(h) Supported employment; and

(i) Prevocational services.

3. The Division of Health Care Financing and Policy and the Aging and Disability Services Division shall:

(a) Design and utilize a system to collect and analyze data concerning the evidence-based practices used pursuant to paragraph (a) of subsection 2;

(b) On or before July 1, 2017, obtain an independent evaluation of the effectiveness of the pilot program; and

(c) Collaborate with each person or governmental entity that provides services pursuant to the pilot program to obtain grants for the purpose of carrying out the pilot program. The Division of Health Care Financing and Policy, the Aging and Disability Services Division and any other governmental entity that provides services pursuant to the pilot program may apply for and accept any available grants and may accept any bequests, devises, donations or gifts from any public or private source to carry out the pilot program.

4. The Director of the Department of Health and Human Services shall make any amendments to the State Plan for Medicaid authorized by Federal law and obtain any Medicaid waivers from the Federal Government

necessary to use money received pursuant to the State Plan for Medicaid to pay for any part of the pilot program described in subsection 1 for which such money is authorized to be used by federal law or by the waiver.

5. As used in this section:

(a) ~~[“Children with related conditions” means children who have a severe, chronic disability which:~~

~~(1) Is attributable to:~~

~~(I) Cerebral palsy or epilepsy; or~~

~~(II) Any other condition, other than mental illness, found to be closely related to an intellectual disability because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of a child with an intellectual disability and requires treatment or services similar to those required by a child with an intellectual disability;~~

~~(2) Is likely to continue indefinitely; and~~

~~(3) Results in substantial functional limitations in three or more of the following areas of major life activity:~~

~~(I) Taking care of oneself;~~

~~(II) Understanding and use of language;~~

~~(III) Learning;~~

~~(IV) Mobility;~~

~~(V) Self-direction; and~~

~~(VI) Capacity for independent living.~~

~~(b) “Intellectual disability” has the meaning ascribed to it in NRS 435.007.~~

~~(c)]~~ “Intensive care coordination services” means the delivery of comprehensive services provided to a child with an intellectual ***disability or a child with a developmental*** disability ~~[or a child with a related condition that]~~ ***who*** is also diagnosed as having behavioral health needs, or the family of such a child, that are coordinated by a single entity and delivered in an individualized and culturally appropriate manner.

~~[(d)]~~ ***(b)*** “Supported living arrangement services” means flexible, individualized services provided in a ~~[residential setting,]~~ ***homelike environment,*** for compensation, to a child with an intellectual ***disability or a child with a developmental*** disability ~~[or a person with a related condition]~~ who is also diagnosed as having behavioral health needs that are designed and coordinated to assist the person in maximizing the child’s independence, including, without limitation, training and habilitation services.

Sec. 23. NRS 435.060 is hereby amended to read as follows:

435.060 The Division may operate a residential facility for groups to care for and maintain persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ until they can live in a more normal situation.

Sec. 24. NRS 435.077 is hereby amended to read as follows:

435.077 1. The Administrator shall adopt regulations for the transfer of persons with intellectual ***disabilities or persons with developmental***

disabilities ~~[and persons with related conditions]~~ from one facility to another facility operated by the Division.

2. Subject to the provisions of subsection 3, when the Administrator or his or her designee determines that it is in the best interest of the person, the Administrator or his or her designee may discharge, or place on convalescent leave, any person with an intellectual ***disability or a person with a developmental*** disability ~~[or person with a related condition]~~ in a facility operated by the Division.

3. When a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ is committed to a division facility by court order, the committing court must be given 10 days' notice before the discharge of that person.

Sec. 25. NRS 435.081 is hereby amended to read as follows:

435.081 1. The Administrator or the Administrator's designee may receive a person ***of this State*** with an intellectual ***disability or a person of this State with a developmental*** disability ~~[or a person with a related condition of this State]~~ for services in a facility operated by the Division if:

(a) The person is a person with an intellectual ***disability or a person with a developmental*** disability ~~[or is a person with a related condition]~~ and is in need of institutional training and treatment;

(b) Space is available which is designed and equipped to provide appropriate care for the person;

(c) The facility has or can provide an appropriate program of training and treatment for the person; and

(d) There is written evidence that no less restrictive alternative is available in the person's community.

2. A person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ may be accepted at a division facility for emergency evaluation when the evaluation is requested by a court. A person must not be retained pursuant to this subsection for more than 10 working days.

3. A court may order that a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ be admitted to a division facility if it finds that admission is necessary because of the death or sudden disability of the parent or guardian of the person. The person must not be retained pursuant to this subsection for more than 45 days. Before the expiration of the 45-day period, the Division shall report to the court its recommendations for placement or treatment of the person. If less restrictive alternatives are not available, the person may be admitted to the facility using the procedures for voluntary or involuntary admission, as appropriate.

4. A child may be received, cared for and examined at a division facility for persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[or persons with related conditions]~~ for not more than 10 working days without admission, if the examination is ordered by a court having

jurisdiction of the minor in accordance with the provisions of NRS 62E.280 and subsection 1 of NRS 432B.560. At the end of the 10 days, the Administrator or the Administrator's designee shall report the result of the examination to the court and shall detain the child until the further order of the court, but not to exceed 7 days after the Administrator's report.

5. The parent or guardian of a person believed to be a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ may apply to the administrative officer of a division facility to have the person evaluated by personnel of the Division who are experienced in the diagnosis of intellectual ***disabilities and developmental*** disabilities ***.*** ~~[and related conditions.]~~ The administrative officer may accept the person for evaluation without admission.

6. If, after the completion of an examination or evaluation pursuant to subsection 4 or 5, the administrative officer finds that the person meets the criteria set forth in subsection 1, the person may be admitted to the facility using the procedures for voluntary or involuntary admission, as appropriate.

7. If, at any time, the parent or guardian of a person admitted to a division facility on a voluntary basis, or the person himself or herself if the person has attained the age of 18 years, requests in writing that the person be discharged, the administrative officer shall discharge the person. If the administrative officer finds that discharge from the facility is not in the person's best interests, the administrative officer may initiate proceedings for involuntary admission, but the person must be discharged pending those proceedings.

Sec. 26. NRS 435.085 is hereby amended to read as follows:

435.085 The administrative officer of a division facility may authorize the transfer of a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ to a general hospital for necessary diagnostic, medical or surgical services not available within the Division. All expenses incurred under this section must be paid as follows:

1. In the case of a person with an intellectual ***disability or person with a developmental*** disability who is judicially committed ***,*** ~~[or a person with a related condition who is judicially committed,]~~ the expenses must be paid by the person's parents or guardian to the extent of their reasonable financial ability as determined by the Administrator, and the remainder, if any, is a charge upon the county of the last known residence of the person with an intellectual ***disability or the person with a developmental*** disability ***;*** ~~[or the person with a related condition;]~~

2. In the case of a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ admitted to a division facility pursuant to NRS 435.010, 435.020 and 435.030, the expenses are a charge upon the county from which a certificate was issued pursuant to subsection 2 of NRS 435.030; and

3. In the case of a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ admitted to a division facility upon voluntary application as provided in NRS 435.081, the expenses must be paid by the parents or guardian to the extent of their reasonable financial ability as determined by the Administrator, and for the remainder, if any, the Administrator shall explore all reasonable alternative sources of payment.

Sec. 27. NRS 435.090 is hereby amended to read as follows:

435.090 1. When any child with an intellectual ***disability or any child with a developmental*** disability ~~[or a child with a related condition]~~ is committed to a division facility by a court of competent jurisdiction, the court shall examine the parent, parents or guardian of the child regarding the ability of the parent, parents or guardian or the estate of the child to contribute to the care, support and maintenance of the child while residing in the facility.

2. If the court determines that the parent, parents or guardian of the child is able to contribute, it shall enter an order prescribing the amount to be contributed.

3. If the court determines that the estate of the child is able to contribute, it shall enter an order requiring that a guardian of the estate of the child be appointed, if there is none, and that the guardian of the estate contribute the amount prescribed by the court from the estate.

4. If the parent, parents or guardian fail or refuse to comply with the order of the court, the Division is entitled to recover from the parent, parents or guardian, by appropriate legal action, all sums due together with interest.

Sec. 28. NRS 435.100 is hereby amended to read as follows:

435.100 1. When any person with an intellectual ***disability or any person with a developmental*** disability ~~[or a person with a related condition]~~ is transferred from one care facility operated by the Division to another care facility operated by the Division, the parent, parents or guardian shall continue to contribute the amount for the care, support and maintenance of the person as may have previously been ordered by the court of competent jurisdiction committing the person.

2. If no such order was entered by the committing court, the Division may petition the court for an order requiring the parent, parents or guardian to contribute.

3. Any order for contribution entered under the provisions of subsection 2 must be entered in the same manner and has the same effect as an order for contribution entered under the provisions of NRS 435.090.

Sec. 29. NRS 435.110 is hereby amended to read as follows:

435.110 1. When any child with an intellectual ***disability or any child with a developmental*** disability ~~[or a child with a related condition]~~ is admitted to a facility operated by the Division at the request of a parent, parents or guardian, the parent, parents or guardian shall enter into an agreement with the Division providing for the contribution of an amount for

the care, support and maintenance of the child as determined by the Division to be reasonable. In determining the amount, the Division shall give consideration to the ability of the parent, parents or guardian to make such a contribution, and may excuse the making of any contribution.

2. If the parent, parents or guardian fail or refuse to perform under the terms of the agreement, the Division is entitled to recover from the parent, parents or guardian, by appropriate legal action, all sums due together with interest.

3. If the Division determines that the parent, parents or guardian do not have the ability to contribute an amount sufficient to pay for the care, support and maintenance of the child, but that the estate of the child is able to contribute, the Division may make application to a court of competent jurisdiction for the appointment of a guardian of the estate of the child, if there is none, and for an order requiring the guardian to contribute an amount as determined by the court.

Sec. 30. NRS 435.115 is hereby amended to read as follows:

435.115 The Administrator shall establish a fee schedule, in consultation with the State Association for Retarded Citizens and subject to the approval of the Board and the Director of the Department, for services rendered to persons with intellectual ***disabilities and persons with developmental*** disabilities ~~[~~and persons with related conditions~~]~~ by the Division.

Sec. 31. (Deleted by amendment.)

Sec. 32. NRS 435.121 is hereby amended to read as follows:

435.121 1. There are two types of admissions of persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[~~or persons with related conditions~~]~~ to an intellectual ***and developmental*** disability center:

(a) Voluntary admission.

(b) Involuntary admission.

2. An application for admission of a person with an intellectual ***disability or a person with a developmental*** disability ~~[~~or a person with a related condition~~]~~ to an intellectual ***and developmental*** disability center must be made on a form approved by the Division and the Attorney General. The clerk of each district court in the State shall make the forms available to any person upon request.

Sec. 33. NRS 435.122 is hereby amended to read as follows:

435.122 1. Any person with an intellectual ***disability or any person with a developmental*** disability ~~[~~or a person with a related condition~~]~~ may apply to any intellectual ***and developmental*** disability center for admission as a voluntary consumer. The person's parent or guardian or another responsible person may submit the application on his or her behalf.

2. If the person or a responsible party on behalf of the person objects to voluntary admission, the procedure for involuntary admission may be followed.

Sec. 34. NRS 435.123 is hereby amended to read as follows:

435.123 Whenever a person is alleged to be a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ and is alleged to be a clear and present danger to himself or herself or others, the person's parent or guardian or another responsible person may initiate proceedings for his or her involuntary admission to an intellectual ***and developmental*** disability center by petitioning the district court of the county where the person resides. The petition must be accompanied by a certificate signed by a physician or licensed psychologist experienced in the diagnosis of intellectual ***disabilities or developmental*** disabilities ***,*** ~~[and related conditions]~~ stating that he or she has examined the person within the preceding 30 days and has concluded that the person is a person with an intellectual ***disability or a person with a developmental*** disability ***,*** ~~[or is a person with a related condition,]~~ has demonstrated that the person is a clear and present danger to himself or herself or to others and is in need of institutional training and treatment.

Sec. 35. NRS 435.124 is hereby amended to read as follows:

435.124 Immediately after receiving the petition, the clerk of the district court shall transmit the petition to the district judge, who shall:

1. Determine whether appropriate space and programs are available for the person at the intellectual ***and developmental*** disability center to which it is proposed that the person be admitted; and

2. If appropriate space and programs are available, set a time and place for a hearing on the petition.

➥ The hearing must be held within 7 calendar days after the date when the petition was filed. The clerk of the court shall give notice of the hearing to the person who is the subject of the petition, the person's attorney, if known, the petitioner and the administrative officer of the intellectual ***and developmental*** disability center to which it is proposed that the person be admitted.

Sec. 36. NRS 435.125 is hereby amended to read as follows:

435.125 1. After the petition is filed, the court may cause a physician or licensed psychologist promptly to examine the person who is the subject of the petition or request an evaluation from the intellectual ***and developmental*** disability center to which it is proposed the person be admitted. Any physician or licensed psychologist requested by the court to conduct such an examination must be experienced in the diagnosis of intellectual ***disabilities and developmental*** disabilities ***.*** ~~[and related conditions.]~~ The examination or evaluation must indicate whether the person is or is not a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ and whether the person is or is not in need of institutional training and treatment.

2. The court may allow the person alleged to be a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ to remain at his or her place of residence

pending any ordered examination and to return upon completion of the examination. One or more of the person's relatives or friends may accompany the person to the place of examination.

Sec. 37. NRS 435.126 is hereby amended to read as follows:

435.126 1. The person alleged to be a person with an intellectual ***disability or a person with a developmental*** disability **,** ~~[or a person with a related condition,]~~ or any relative or friend acting on the person's behalf, is entitled to retain counsel to represent him or her in any proceeding before the district court relating to his or her involuntary admission to an intellectual ***and developmental*** disability center.

2. If counsel has not been retained, the court, before proceeding, shall advise the person and the person's guardian, or closest living relative if such a relative can be located, of the person's right to have counsel.

3. If the person fails or refuses to secure counsel, the court shall appoint counsel to represent the person. If the person is indigent, the counsel appointed may be the public defender.

4. Any counsel appointed by the court is entitled to fair and reasonable compensation for his or her services. The compensation must be charged against the property of the person for whom the counsel was appointed. If the person is indigent, the compensation must be charged against the county in which the person alleged to be a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ last resided.

Sec. 38. NRS 435.127 is hereby amended to read as follows:

435.127 In proceedings for involuntary admission of a person to an intellectual ***and developmental*** disability center:

1. The court shall hear and consider all relevant evidence, including the certificate, signed by a physician or licensed psychologist, which accompanied the petition and the testimony of persons who conducted examinations or evaluations ordered by the court after the petition was filed.

2. The person must be present and has the right to testify, unless the physician or licensed psychologist who signed the certificate, or who examined the person as ordered by the court, is present and testifies that the person is so severely disabled that he or she is unable to be present.

3. The person may obtain independent evaluation and expert opinion at his or her own expense, and may summon other witnesses.

Sec. 39. NRS 435.128 is hereby amended to read as follows:

435.128 1. Upon completion of the proceedings for involuntary admission of a person to an intellectual ***and developmental*** disability center, if the court finds:

(a) That the person is a person with an intellectual ***disability or a person with a developmental*** disability **,** ~~[or a person with a related condition,]~~ has demonstrated that the person is a clear and present danger to himself or herself or others and is in need of institutional training and treatment;

(b) That appropriate space and programs are available at the intellectual ***and developmental*** disability center to which it is proposed that the person be admitted; and

(c) That there is no less restrictive alternative to admission to an intellectual ***and developmental*** disability center which would be consistent with the best interests of the person,

➥ the court shall by written order certify that the person is eligible for involuntary admission to an intellectual ***and developmental*** disability center.

2. A certificate of eligibility for involuntary admission expires 12 months after the date of issuance if the consumer has not been discharged earlier by the procedure provided in NRS 435.129. At the end of the 12-month period, the administrative officer of the intellectual ***and developmental*** disability center may petition the court to renew the certificate for an additional period of not more than 12 months. Each petition for renewal must set forth the specific reasons why further treatment is required. A certificate may be renewed more than once.

Sec. 40. NRS 435.129 is hereby amended to read as follows:

435.129 1. If the administrative officer of an intellectual ***and developmental*** disability center finds that a consumer is no longer in need of the services offered at the center, the administrative officer shall discharge that consumer.

2. A written notice of the discharge must be given to the consumer and the consumer's representatives at least 10 days before the discharge.

3. If the consumer was admitted involuntarily, the Administrator shall, at least 10 days before the discharge, notify the district court which issued the certificate of eligibility for the person's admission.

Sec. 41. NRS 435.130 is hereby amended to read as follows:

435.130 The intent of the Legislature in the enactment of NRS 435.130 to 435.310, inclusive, ***and section 15.5 of this act*** is to aid persons with intellectual ***disabilities and persons with developmental*** disabilities ~~[and persons with related conditions]~~ who are not served by existing programs in receiving high quality care and training in an effort to help them become useful citizens.

Sec. 41.5. **NRS 435.140 is hereby amended to read as follows:**

435.140 As used in NRS 435.130 to 435.310, inclusive, ***and section 15.5 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 435.172, 435.176 and 435.179 have the meanings ascribed to them in those sections.

Sec. 42. NRS 435.176 is hereby amended to read as follows:

435.176 "Jobs and day training services" means individualized services for day habilitation, prevocational, employment and supported employment:

1. Which are provided:

(a) For compensation;

(b) In a division facility or in the community; and

(c) To a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ who is served by the Division; and

2. Which are designed to assist the person in:

(a) Learning or maintaining skills;

(b) Succeeding in paid or unpaid employment;

(c) Increasing self-sufficiency, including, without limitation, training and habilitation services; and

(d) Contributing to the person's community.

Sec. 43. NRS 435.220 is hereby amended to read as follows:

435.220 1. The Administrator shall adopt regulations governing jobs and day training services, including, without limitation, regulations that set forth:

(a) Standards for the provision of quality care and training by providers of jobs and day training services;

(b) The requirements for the issuance and renewal of a certificate; and

(c) The rights of consumers of jobs and day training services, including, without limitation, the right of a consumer to file a complaint and the procedure for filing the complaint.

2. The Division may enter into such agreements with public and private agencies as it deems necessary for the provision of jobs and day training services. Any such agreements must include a provision stating that employment is the preferred service option for all adults of working age.

3. For the purpose of entering into an agreement described in subsection 2, if the qualifications of more than one agency are equal, the Division shall give preference to the agency that will provide persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[or persons with related conditions]~~ with training and experience that demonstrates a progression of measurable skills that is likely to lead to competitive employment outcomes that provide employment that:

(a) Is comparable to employment of persons without intellectual ***disabilities or persons without developmental*** disabilities ***;*** ~~[and persons without related conditions;]~~ and

(b) Pays at or above the minimum wage prescribed by regulation of the Labor Commissioner pursuant to NRS 608.250.

Sec. 44. NRS 435.225 is hereby amended to read as follows:

435.225 1. A partnership, firm, corporation or association, including, without limitation, a nonprofit organization, or a state or local government or agency thereof shall not provide jobs and day training services in this State without first obtaining a certificate from the Division.

2. A natural person other than a person who is employed by an entity listed in subsection 1 shall not provide jobs and day training services in this State without first obtaining a certificate from the Division.

3. For the purpose of issuing a certificate pursuant to this section, if the qualifications of more than one applicant are equal, the Division shall give

preference to the natural person who, or the nonprofit organization, state or local government or agency thereof that, will provide persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[or persons with related conditions]~~ with training and experience that demonstrates a progression of measurable skills that is likely to lead to competitive employment outcomes that provide employment that:

(a) Is comparable to employment of persons without intellectual ***disabilities or persons without developmental*** disabilities ***;*** ~~[and persons without related conditions;]~~ and

(b) Pays at or above the minimum wage prescribed by regulation of the Labor Commissioner pursuant to NRS 608.250.

4. Each application for the issuance or renewal of a certificate issued pursuant to this section must include a provision stating that employment is the preferred service option for all adults of working age.

Sec. 45. NRS 435.310 is hereby amended to read as follows:

435.310 A provider of jobs and day training services certified pursuant to NRS 435.130 to 435.310, inclusive, ~~[may enter:]~~ ***and section 15.5 of this act:***

1. Except as otherwise provided in subsection 2, may enter into contracts with authorized county and school officials and public and private agencies to give care and training to persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ who would also qualify for care or training programs offered by the public schools or by county welfare programs.

2. ~~[Shall]~~ Except as otherwise provided in section 15.5 of this act, shall not enter into a contract or other arrangement with any person or governmental entity to provide for the employment of a person under 25 years of age where the person will be paid less than the ~~[federal]~~ state minimum wage.

Sec. 46. NRS 435.3315 is hereby amended to read as follows:

435.3315 "Supported living arrangement services" means flexible, individualized services provided in the home, for compensation, to a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ who is served by the Division that are designed and coordinated to assist the person in maximizing the person's independence, including, without limitation, training and habilitation services.

Sec. 47. NRS 435.340 is hereby amended to read as follows:

435.340 Neither voluntary admission nor judicial commitment nor any other procedure provided in this chapter may be construed as depriving a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ of the person's full civil and legal rights by any method other than a separate judicial proceeding resulting in a determination of incompetency wherein the civil and legal rights forfeited and the legal disabilities imposed are specifically stated.

Sec. 48. NRS 435.350 is hereby amended to read as follows:

435.350 1. Each person with an intellectual ***disability and each person with a developmental*** disability ~~[and each person with a related condition]~~ admitted to a division facility is entitled to all rights enumerated in NRS 435.006, 435.565 and 435.570.

2. The Administrator shall designate a person or persons to be responsible for establishment of regulations relating to denial of rights of persons with an intellectual ***disability or persons with a developmental*** disability ***.*** ~~[and persons with related conditions.]~~ The person designated shall file the regulations with the Administrator.

3. Consumers' rights specified in NRS 433.482, 433.484, 435.565 and 435.570 may be denied only for cause. Any denial of such rights must be entered in the consumer's treatment record, and notice of the denial must be forwarded to the Administrator's designee or designees as provided in subsection 2. Failure to report denial of rights by an employee may be grounds for dismissal.

4. Upon receipt of notice of a denial of rights as provided in subsection 3, the Administrator's designee or designees shall cause a full report to be prepared which sets forth in detail the factual circumstances surrounding the denial. A copy of the report must be sent to the Administrator and the Commission on Behavioral Health.

5. The Commission on Behavioral Health has such powers and duties with respect to reports of denial of rights as are enumerated for the Commission on Behavioral Health in subsection 3 of NRS 435.610.

Sec. 49. NRS 435.360 is hereby amended to read as follows:

435.360 1. The relatives of a consumer with an intellectual ***disability or a consumer with a developmental*** disability ~~[or a consumer with a related condition]~~ who is 18 years of age or older are not responsible for the costs of the consumer's care and treatment within a division facility.

2. The consumer or the consumer's estate, when able, may be required to contribute a reasonable amount toward the costs of the consumer's care and treatment. Otherwise, the full costs of the services must be borne by the State.

Sec. 50. NRS 435.365 is hereby amended to read as follows:

435.365 1. To the extent that money is available for that purpose, whenever a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a related condition]~~ is cared for by a parent or other relative with whom the person lives, that parent or relative is eligible to receive assistance on a monthly basis from the Division for each such person who lives and is cared for in the home if the Division finds that:

(a) The person with an intellectual ***disability or the person with a developmental*** disability ~~[or a related condition]~~ has been diagnosed as having a profound or severe intellectual ***disability or developmental*** disability or, if he or she is under 6 years of age, has developmental delays that require support that is equivalent to the support required by a person

with a profound or severe intellectual ***disability or a person with a profound or severe developmental*** disability ***;*** ~~[or a related condition;]~~

(b) The person with an intellectual ***disability or the person with a developmental*** disability ~~[or a related condition]~~ is receiving adequate care; and

(c) The person with an intellectual ***disability or the person with a developmental*** disability ~~[or a related condition]~~ and the parent or other relative with whom the person lives is not reasonably able to pay for his or her care and support.

➥ The amount of the assistance must be established by legislative appropriation for each fiscal year.

2. The Administrator shall adopt regulations:

(a) Which establish a procedure of application for assistance;

(b) For determining the eligibility of an applicant pursuant to subsection 1; and

(c) For determining the amount of assistance to be provided to an eligible applicant.

3. The Administrator shall establish a waiting list for applicants who are eligible for assistance but who are denied assistance because the legislative appropriation is insufficient to provide assistance for all eligible applicants.

4. The decision of the Administrator regarding eligibility for assistance or the amount of assistance to be provided is a final administrative decision.

Sec. 51. NRS 435.370 is hereby amended to read as follows:

435.370 The Division may make such rules and regulations and enter such agreements with public and private agencies as are deemed necessary to implement residential placement-foster family care programs for persons with intellectual ***disabilities or persons with developmental*** disabilities ***.*** ~~[and persons with related conditions.]~~

Sec. 52. NRS 435.375 is hereby amended to read as follows:

435.375 1. The Division shall enter into a cooperative agreement with the Rehabilitation Division of the Department of Employment, Training and Rehabilitation to provide long-term support to persons with intellectual ***disabilities or persons with developmental*** disabilities ***,*** ~~[and persons with related conditions,]~~ including, without limitation, jobs and day training services and supported living arrangement services. The agreement must include a provision stating that employment is the preferred service option for all adults of working age.

2. The Administrator may adopt regulations governing the provision of services to persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ who are unable or unwilling to be employed.

Sec. 53. NRS 435.380 is hereby amended to read as follows:

435.380 1. All gifts or grants of money which the Division is authorized to accept must be spent in accordance with the provisions of the

gift or grant. In the absence of those provisions, the Division must spend the money for the purpose approved by the Interim Finance Committee.

2. All such money must be deposited in the State Treasury to the credit of the Intellectual ***and Developmental*** Disability Gift Account in the Department of Health and Human Services' Gift Fund.

3. All claims must be approved by the Administrator before they are paid.

Sec. 54. NRS 435.390 is hereby amended to read as follows:

435.390 1. The administrative officer of any division facility where persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[or persons with related conditions]~~ reside may establish a canteen operated for the benefit of consumers and employees of the facility. The administrative officer shall keep a record of transactions in the operation of the canteen.

2. Each canteen must be self-supporting. No money provided by the State may be used for its operation.

3. The respective administrative officers shall deposit the money used for the operation of the canteen in one or more banks or credit unions of reputable standing, except that an appropriate sum may be maintained as petty cash at each canteen.

Sec. 55. NRS 435.400 is hereby amended to read as follows:

435.400 1. The division facilities providing services for persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ are designated as:

(a) Desert Regional Center;

(b) Sierra Regional Center; and

(c) Rural Regional Center.

2. Division facilities established after July 1, 1981, must be named by the Administrator, subject to the approval of the Director of the Department.

Sec. 56. NRS 435.411 is hereby amended to read as follows:

435.411 The administrative officer of a facility of the Division must:

1. Be selected on the basis of training and demonstrated administrative qualities of leadership in any one of the fields of psychiatry, medicine, psychology, social work, education or administration.

2. Be appointed on the basis of merit as measured by administrative training or experience in programs relating to intellectual ***disabilities and developmental*** disabilities, including care and treatment of persons with intellectual ***disabilities and persons with developmental*** disabilities ***.*** ~~[and persons with related conditions.]~~

Sec. 57. NRS 435.425 is hereby amended to read as follows:

435.425 1. The Division shall carry out a vocational and educational program for the certification of intellectual ***and developmental*** disability technicians, including forensic technicians employed by the Division, or other employees of the Division who perform similar duties, but are

classified differently. The program must be carried out in cooperation with the Nevada System of Higher Education.

2. An intellectual ***and developmental*** disability technician is responsible to the director of the service in which his or her duties are performed. The director of a service may be a licensed physician, dentist, podiatric physician, psychiatrist, psychologist, rehabilitation therapist, social worker, registered nurse or other professionally qualified person. This section does not authorize an intellectual ***and developmental*** disability technician to perform duties which require the specialized knowledge and skill of a professionally qualified person.

3. The Administrator shall adopt regulations to carry out the provisions of this section.

4. As used in this section, "intellectual ***and developmental*** disability technician" means an employee of the Division who, for compensation or personal profit, carries out procedures and techniques which involve cause and effect and which are used in the care, treatment and rehabilitation of persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions,]~~ and who has direct responsibility for:

(a) Administering or carrying out specific therapeutic procedures, techniques or treatments, excluding medical interventions, to enable consumers to make optimal use of their therapeutic regime, their social and personal resources, and their residential care; or

(b) The application of interpersonal and technical skills in the observation and recognition of symptoms and reactions of consumers, for the accurate recording of such symptoms and reactions, and for carrying out treatments authorized by members of the interdisciplinary team that determines the treatment of the consumers.

Sec. 58. NRS 435.430 is hereby amended to read as follows:

435.430 1. The Administrator shall adopt regulations:

(a) For the care and treatment of persons with intellectual ***disabilities and persons with developmental*** disabilities ~~[and persons with related conditions]~~ by all state agencies and facilities, and their referral to private facilities;

(b) To ensure continuity in the care and treatment provided to persons with intellectual ***disabilities and persons with developmental*** disabilities ~~[and persons with related conditions]~~ in this State; and

(c) Necessary for the proper and efficient operation of the facilities of the Division.

2. The Administrator may adopt regulations to promote programs relating to intellectual ***disabilities or developmental*** disabilities ***.*** ~~[and related conditions.]~~

Sec. 59. NRS 435.445 is hereby amended to read as follows:

435.445 The Division or its designated agent may inspect any division facility providing services for persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ to

determine if the facility is in compliance with the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 60. NRS 435.455 is hereby amended to read as follows:

435.455 The Division may, by contract with general hospitals or other institutions having adequate facilities in the State of Nevada, provide for inpatient care of persons with intellectual ***disabilities or persons with developmental*** disabilities **.** ~~[and persons with related conditions.]~~

Sec. 61. NRS 435.460 is hereby amended to read as follows:

435.460 The Division may contract with appropriate persons professionally qualified in the field of psychiatric mental health to provide inpatient and outpatient care for persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ when it appears that they can be treated best in that manner.

Sec. 62. NRS 435.470 is hereby amended to read as follows:

435.470 Nothing in this chapter precludes the involuntary court-ordered admission of a person with an intellectual ***disability or a person with a developmental*** disability ~~[or person with a related condition]~~ to a private institution where such admission is authorized by law.

Sec. 63. NRS 435.490 is hereby amended to read as follows:

435.490 1. Upon approval of the Director of the Department, the Administrator may accept:

(a) Donations of money and gifts of real or personal property; and

(b) Grants of money from the Federal Government,

➥ for use in public or private programs that provide services to persons in this State with intellectual ***disabilities or persons with developmental*** disabilities **.** ~~[and persons with related conditions.]~~

2. The Administrator shall disburse any donations, gifts and grants received pursuant to this section to programs that provide services to persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ in a manner that supports the plan to coordinate services created by the Commission on Behavioral Health pursuant to subsection 7 of NRS 433.316. In the absence of a plan to coordinate services, the Administrator shall make disbursements to programs that will maximize the benefit provided to persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ in consideration of the nature and value of the donation, gift or grant.

3. Within limits of legislative appropriations or other available money, the Administrator may enter into a contract for services related to the evaluation and recommendation of recipients for the disbursements required by this section.

Sec. 64. NRS 435.495 is hereby amended to read as follows:

435.495 1. The Division shall establish a fee schedule for services rendered through any program supported by the State pursuant to the provisions of this chapter. The schedule must be submitted to the

Commission on Behavioral Health and the Director of the Department for joint approval before enforcement. The fees collected by facilities operated by the Division pursuant to this schedule must be deposited in the State Treasury to the credit of the State General Fund, except as otherwise provided in NRS 435.465 for fees collected pursuant to contract or agreement and in NRS 435.120 for fees collected for services to consumers with intellectual ***disabilities or consumers with developmental*** disabilities **.** ~~[and related conditions.]~~

2. For a facility providing services for the treatment of persons with intellectual ***disabilities or persons with developmental*** disabilities **,** ~~[and persons with related conditions,]~~ the fee established must approximate the cost of providing the service, but if a consumer is unable to pay in full the fee established pursuant to this section, the Division may collect any amount the consumer is able to pay.

Sec. 65. NRS 435.505 is hereby amended to read as follows:

435.505 An intellectual ***and developmental*** disability center revolving account up to the amount of $5,000 is hereby created for each division intellectual ***and developmental*** disability center, and may be used for the payment of ***bills of the*** intellectual ***and developmental*** disability center ~~[bills]~~ requiring immediate payment and for no other purposes. The respective administrative officers shall deposit the money for the respective revolving accounts in one or more banks or credit unions of reputable standing. Payments made from each account must be promptly reimbursed from appropriated money of the respective intellectual ***and developmental*** disability centers on claims as other claims against the State are paid.

Sec. 66. NRS 435.515 is hereby amended to read as follows:

435.515 1. For the purpose of facilitating the return of nonresident consumers to the state in which they have legal residence, the Administrator may enter into reciprocal agreements, consistent with the provisions of this chapter, with the proper boards, commissioners or officers of other states for the mutual exchange of consumers confined in, admitted or committed to an intellectual ***or developmental*** disability facility in one state whose legal residence is in the other, and may give written permission for the return and admission to a division facility of any resident of this State when such permission is conformable to the provisions of this chapter governing admissions to a division facility.

2. The county clerk and board of county commissioners of each county, upon receiving notice from the Administrator that an application for the return of an alleged resident of this State has been received, shall promptly investigate and report to the Administrator their findings as to the legal residence of the consumer.

Sec. 67. NRS 435.535 is hereby amended to read as follows:

435.535 "Administrative officer" means a person with overall executive and administrative responsibility for a facility that provides services relating

to intellectual ***disabilities or developmental*** disabilities ~~[and related conditions]~~ and that is operated by any public or private entity.

Sec. 68. NRS 435.575 is hereby amended to read as follows:

435.575 1. An individualized written plan of intellectual ***disability services or developmental*** disability services ~~[or plan of services for a related condition]~~ must be developed ***, as applicable,*** for each consumer of each facility. The plan must:

(a) Provide for the least restrictive treatment procedure that may reasonably be expected to benefit the consumer; and

(b) Be developed with the input and participation of:

(1) The consumer, to the extent that he or she is able to provide input and participate; and

(2) To the extent that the consumer is unable to provide input and participate, the parent or guardian of the consumer if the consumer is under 18 years of age and is not legally emancipated, or the legal guardian of a consumer who has been adjudicated mentally incompetent.

2. The plan must be kept current and must be modified, with the input and participation of the consumer, the parent or guardian of the consumer or the legal guardian of the consumer, as appropriate, when indicated. The plan must be thoroughly reviewed at least once every 3 months.

3. The person in charge of implementing the plan of services must be designated in the plan.

Sec. 69. NRS 435.645 is hereby amended to read as follows:

435.645 1. An employee of a public or private facility offering services for persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ or any other person, except a consumer, who:

(a) Has reason to believe that a consumer of the Division or of a private facility offering services for consumers with intellectual ***disabilities or consumers with developmental*** disabilities ~~[and consumers with related conditions]~~ has been or is being abused or neglected and fails to report it;

(b) Brings intoxicating beverages or a controlled substance into any division facility occupied by consumers unless specifically authorized to do so by the administrative officer or a staff physician of the facility;

(c) Is under the influence of liquor or a controlled substance while employed in contact with consumers, unless in accordance with a lawfully issued prescription;

(d) Enters into any transaction with a consumer involving the transfer of money or property for personal use or gain at the expense of the consumer; or

(e) Contrives the escape, elopement or absence of a consumer,

➥ is guilty of a misdemeanor, in addition to any other penalties provided by law.

2. In addition to any other penalties provided by law, an employee of a public or private facility offering services for persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with~~

~~related conditions.~~] or any other person, except a consumer, who willfully abuses or neglects a consumer:

(a) For a first violation that does not result in substantial bodily harm to the consumer, is guilty of a gross misdemeanor.

(b) For a first violation that results in substantial bodily harm to the consumer, is guilty of a category B felony.

(c) For a second or subsequent violation, is guilty of a category B felony.

➥ A person convicted of a category B felony pursuant to this section shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

3. A person who is convicted pursuant to this section is ineligible for 5 years for appointment to or employment in a position in the state service and, if the person is an officer or employee of the State, the person forfeits his or her office or position.

4. A conviction pursuant to this section is, when applicable, grounds for disciplinary action against the person so convicted and the facility where the violation occurred. The Division may recommend to the appropriate agency or board the suspension or revocation of the professional license, registration, certificate or permit of a person convicted pursuant to this section.

5. For the purposes of this section:

(a) "Abuse" means any willful and unjustified infliction of pain, injury or mental anguish upon a consumer, including, but not limited to:

(1) The rape, sexual assault or sexual exploitation of the consumer;

(2) The use of any type of aversive intervention;

(3) Except as otherwise provided in NRS 433.5486, a violation of NRS 433.549; and

(4) The use of physical, chemical or mechanical restraints or the use of seclusion in violation of federal law.

➥ Any act which meets the standard of practice for care and treatment does not constitute abuse.

(b) "Consumer" includes any person who seeks, on the person's own or others' initiative, and can benefit from, care, treatment and training in a public or private institution or facility offering services for persons with intellectual ***disabilities or persons with developmental*** disabilities **.** [~~and persons with related conditions.~~]

(c) "Neglect" means any omission to act which causes injury to a consumer or which places the consumer at risk of injury, including, but not limited to, the failure to follow:

(1) An appropriate plan of treatment to which the consumer has consented; and

(2) The policies of the facility for the care and treatment of consumers.

➥ Any omission to act which meets the standard of practice for care and treatment does not constitute neglect.

(d) "Standard of practice" means the skill and care ordinarily exercised by prudent professional personnel engaged in health care.

Sec. 70. NRS 435.655 is hereby amended to read as follows:

435.655 1. When a person is admitted to a division facility or hospital under one of the various forms of admission prescribed by law, the parent or legal guardian of a person with an intellectual ***disability or a person with a developmental*** disability ~~[or person with a related condition]~~ who is a minor or the husband or wife of a person with an intellectual ***disability or a person with a developmental*** disability ***,*** ~~[or person with a related condition,]~~ if of sufficient ability, and the estate of the person with an intellectual ***disability or the person with a developmental*** disability ***,*** ~~[or person with a related condition,]~~ if the estate is sufficient for the purpose, shall pay the cost of the maintenance for the person with an intellectual ***disability or the person with a developmental*** disability ***,*** ~~[or person with a related condition,]~~ including treatment and surgical operations, in any hospital in which the person is hospitalized under the provisions of this chapter:

(a) To the administrative officer if the person is admitted to a division facility; or

(b) In all other cases, to the hospital rendering the service.

2. If a person or an estate liable for the care, maintenance and support of a committed person neglects or refuses to pay the administrative officer or the hospital rendering the service, the State is entitled to recover, by appropriate legal action, all money owed to a division facility or which the State has paid to a hospital for the care of a committed person, plus interest at the rate established pursuant to NRS 99.040.

Sec. 71. NRS 435.700 is hereby amended to read as follows:

435.700 1. A public or private facility offering services for persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ may return a prescription drug that is dispensed to a patient of the facility, but will not be used by that patient, to the dispensing pharmacy for the purpose of reissuing the drug to fill other prescriptions for patients in that facility or for the purpose of transferring the drug to a nonprofit pharmacy designated by the State Board of Pharmacy pursuant to NRS 639.2676 if:

(a) The drug is not a controlled substance;

(b) The drug is dispensed in a unit dose, in individually sealed doses or in a bottle that is sealed by the manufacturer of the drug;

(c) The drug is returned unopened and sealed in the original manufacturer's packaging or bottle;

(d) The usefulness of the drug has not expired;

(e) The packaging or bottle contains the expiration date of the usefulness of the drug; and

(f) The name of the patient for whom the drug was originally prescribed, the prescription number and any other identifying marks are obliterated from the packaging or bottle before the return of the drug.

2. A dispensing pharmacy to which a drug is returned pursuant to this section may:

(a) Reissue the drug to fill other prescriptions for patients in the same facility if the registered pharmacist of the pharmacy determines that the drug is suitable for that purpose in accordance with standards adopted by the State Board of Pharmacy pursuant to subsection 5; or

(b) Transfer the drug to a nonprofit pharmacy designated by the State Board of Pharmacy pursuant to NRS 639.2676.

3. No drug that is returned to a dispensing pharmacy pursuant to this section may be used to fill other prescriptions more than one time.

4. A facility offering services for persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ shall adopt written procedures for returning drugs to a dispensing pharmacy pursuant to this section. The procedures must:

(a) Provide appropriate safeguards for ensuring that the drugs are not compromised or illegally diverted during their return.

(b) Require the maintenance and retention of such records relating to the return of such drugs as are required by the State Board of Pharmacy.

(c) Be approved by the State Board of Pharmacy.

5. The State Board of Pharmacy shall adopt such regulations as are necessary to carry out the provisions of this section, including, without limitation, requirements for:

(a) Returning and reissuing such drugs pursuant to the provisions of this section.

(b) Transferring drugs to a nonprofit pharmacy pursuant to the provisions of this section and NRS 639.2676.

(c) Maintaining records relating to the return and the use of such drugs to fill other prescriptions.

Sec. 72. (Deleted by amendment.)

Sec. 73. NRS 220.125 is hereby amended to read as follows:

220.125 1. The Legislative Counsel shall, to the extent practicable, ensure that persons with physical, mental or cognitive disabilities are referred to in Nevada Revised Statutes using language that is commonly viewed as respectful and sentence structure that refers to the person before referring to his or her disability.

2. Words and terms that are preferred for use in Nevada Revised Statutes include, without limitation, "persons with disabilities," "persons with mental illness," ***"persons with developmental disabilities,"*** "persons with intellectual disabilities" and other words and terms that are structured in a similar manner.

3. Words and terms that are not preferred for use in Nevada Revised Statutes include, without limitation, "disabled," "handicapped," "mentally disabled," "mentally ill," "mentally retarded" and other words and terms that tend to equate the disability with the person.

Sec. 74. NRS 608.255 is hereby amended to read as follows:

608.255 For the purposes of this chapter and any other statutory or constitutional provision governing the minimum wage paid to an employee, the following relationships do not constitute employment relationships and are therefore not subject to those provisions:

1. The relationship between a rehabilitation facility or workshop established by the Department of Employment, Training and Rehabilitation pursuant to chapter 615 of NRS and an individual with a disability who is participating in a training or rehabilitative program of such a facility or workshop.

2. The relationship between a provider of jobs and day training services which is recognized as exempt pursuant to the provisions of 26 U.S.C. § 501(c)(3) and which has been issued a certificate by the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to NRS 435.130 to 435.310, inclusive, ***and section 15.5 of this act,*** and a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ participating in a jobs and day training services program.

3. The relationship between a principal and an independent contractor.

4. As used in this section, "developmental disability" has the meaning ascribed to it in NRS 435.007.

Sec. 75. In preparing supplements to the Nevada Administrative Code, the Legislative Counsel shall make such changes as necessary so that references in chapters 433 and 435 of the Nevada Administrative Code to "mental retardation," "related conditions" and related terms are replaced with references to "developmental disabilities" and related terms.

Sec. 76. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 77. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 78. NRS 433.211 is hereby repealed.

Sec. 79. 1. This act becomes effective upon passage and approval for the purposes of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act, and on January 1, 2018, for all other purposes.

2. Section 22 of this act expires by limitation on June 30, 2019.

TEXT OF REPEALED SECTION

433.211 "Persons with related conditions" defined. "Persons with related conditions" means persons who have a severe, chronic disability which:

1. Is attributable to:

(a) Cerebral palsy or epilepsy; or

(b) Any other condition, other than mental illness, found to be closely related to an intellectual disability because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of a person with an intellectual disability and requires treatment or services similar to those required by a person with an intellectual disability;

2. Is manifested before the person affected attains the age of 22 years;

3. Is likely to continue indefinitely; and

4. Results in substantial functional limitations in three or more of the following areas of major life activity:

(a) Taking care of oneself;

(b) Understanding and use of language;

(c) Learning;

(d) Mobility;

(e) Self-direction; and

(f) Capacity for independent living.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 348.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 976.

SUMMARY—Revises provisions governing ~~[courses]~~ **a course or unit of a course** of instruction ~~[in sex education.]~~ **concerning acquired immune deficiency syndrome, the human reproductive system, related communicable diseases and sexual responsibility.** (BDR 34-285)

AN ACT relating to education; ~~[requiring the board of trustees of each school district to establish an evidence-based, age-appropriate and medically accurate course of instruction in sex education;]~~ **revising provisions governing the establishment of a course or unit of a course of instruction concerning acquired immune deficiency syndrome, the human reproductive system, related communicable diseases and sexual responsibility;** requiring each board of trustees to submit an annual report concerning such a course **or unit of such a course** of instruction **in certain topics** to the Legislature; ~~[requiring the Council to Establish Academic Standards for Public Schools to establish standards of content and performance for a course of instruction in sex education as part of a course of study in health;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of a school district to establish a course or unit of a course of instruction concerning acquired immune deficiency syndrome, the human reproductive system, related communicable

diseases and sexual responsibility which must be taught by a teacher, other professional educator or school nurse whose qualifications have been approved by the board of trustees. (NRS 389.036) ~~[Section 1.5 of this bill authorizes the board of trustees of a school district to approve a person other than a teacher, professional educator or school nurse to teach a course of instruction in sex education in certain circumstances.]~~

Existing law **further** requires notice to be given to a parent or guardian of a pupil to whom **such** a course **or unit of such a course** of instruction ~~[in sex education]~~ will be offered and requires the school district to provide a form for the parent or guardian of a pupil to provide written permission for the pupil to participate in the course **or unit of a course** of instruction. (NRS 389.036) **Section 1.5** of this bill authorizes a school district to make this form available on a secure Internet website and requires the form to include an option for a parent or guardian of a pupil to provide permission for the pupil to participate in a course of sex education: (1) for that school year only; or (2) for as long as the pupil is enrolled in the school district. **Section 1.5** also requires a school district to follow up with a parent or guardian and provide certain information to the parent or guardian if the form is not returned to the school district within 2 weeks.

~~[Existing law further requires the board of trustees of a school district to appoint an advisory committee to advise the district concerning the content and materials to be used in a course of instruction relating to sex education. (NRS 389.036) Section 1.5 of this bill instead requires the board of trustees of each school district to establish a course of instruction in sex education which is factual and prescribes the topics which must be included in the course of instruction. Section 1.5 also requires that the course of instruction in sex education be age appropriate for the pupils who receive the instruction, evidence-based and, as applicable, medically accurate.~~

~~Existing law requires the Council to Establish Academic Standards for Public Schools to establish standards of content and performance for certain courses of study, including, without limitation, health. (NRS 389.520) Section 2 of this bill requires the Council to establish standards of content and performance for the course of instruction in sex education required by section 1.5 as part of such a course of study in health.]~~

Section 1 of this bill requires the board of trustees of each school district to submit an annual report on the status of the establishment of **such** a course **or unit of such a course** of instruction ~~[in sex education]~~ in the district to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Education.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 4, on or before July 1 of each year, the board of trustees of a school district shall prepare and submit a report on the status of the establishment of a course or unit of a course of instruction [in sex education] pursuant to NRS 389.036 to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Education.

2. The report submitted pursuant to subsection 1 must include, without limitation, the following information relating to [sex education,] the course or unit of a course of instruction, categorized by school and grade level:

(a) The number of pupils who participated in [a] the course or unit of a course of instruction ; [in sex education;]

(b) The number of pupils who did not participate in [a] the course or unit of a course of instruction [in sex education] based on the choice of the parent or guardian of the pupil; and

(c) The number of pupils who did not participate in [a] the course or unit of a course of instruction [in sex education] based on the failure of the parent or guardian of the pupil to provide the consent required pursuant to NRS 389.036.

3. The report must also include the total number of hours of instruction and the content of the curriculum [for a] of the course or unit of a course of instruction [in sex education which was taught in] established by the school district pursuant to NRS 389.036 for each grade level in the school district [, if the curriculum of the school district relating to sex education] in which the instruction was taught. [In one grade level, the report may indicate that the curriculum was taught at that grade level only.]

4. If only a portion of the curriculum of the school district relating to [sex education] the course or unit of a course of instruction was taught [,] or if fewer hours of instruction were taught than the number of hours of instruction reported pursuant to subsection 3, the report must indicate which portion of the curriculum was not taught , if any, and the reason for its exclusion.

[5. If an alternative curriculum relating to sex education was used by the school district, the report must include a copy of the alternative curriculum or a link to the Internet website which includes such curriculum and an explanation of the reason for using the alternative curriculum.]

Sec. 1.5. NRS 389.036 is hereby amended to read as follows:

389.036 1. The board of trustees of a ***[each]*** school district shall establish a course or unit of a course of :

(a) Factual instruction concerning acquired ***[in sex education which is factual. The course of instruction must comply with the standards of content and performance for a course of study in health established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520 and must be age-appropriate for the pupils who receive the***

~~*instruction. Based upon the grade level of pupils designated by the board of trustees, the course of instruction must include evidence based and, as applicable, medically accurate information regarding:*~~

~~*(a) Acquired]*~~ immune deficiency syndrome ; and ~~*[, including the human immunodeficiency virus;]*~~

(b) Instruction on the ~~*[The]*~~ human reproductive system, related communicable ~~*[including, without limitation, anatomy and physiology, puberty, pregnancy, parenting, body image, gender stereotypes and the biological, psychosocial and emotional changes that accompany maturation;*~~

~~*(c) Communicable]*~~ diseases and sexual responsibility. ~~*[that are known to be sexually transmitted, including, without limitation, the proper use and effectiveness of methods to avoid such diseases, and the availability, effectiveness and safety of any vaccinations, tests and treatments for such diseases;*~~

~~*(d) Forms of domestic violence, sexual abuse, sexual assault, exploitation and human trafficking, including, without limitation, information relating to the prevention of these forms of violence and local resources and crisis centers which are available to victims;*~~

~~*(e) The development of skills necessary to promote sexual responsibility, including, without limitation, the skills to:*~~

~~*(1) Assist pupils in setting and meeting goals;*~~

~~*(2) Identify the characteristics of a healthy relationship;*~~

~~*(3) Negotiate;*~~

~~*(4) Communicate with parents and family;*~~

~~*(5) Refuse unwanted sexual advances or activity; and*~~

~~*(6) Obtain and provide affirmative consent before engaging in sexual activity.*~~

~~*(f) Methods of contraception which may be used to prevent pregnancy, including, without limitation, the proper use, effectiveness, safety, health benefits and side effects of each method of contraception;*~~

~~*(g) All options authorized by law for family planning in the event of a pregnancy;*~~

~~*(h) The importance of abstinence as the most effective method of preventing an unwanted pregnancy and sexually transmitted diseases;*~~

~~*(i) The identification and explanation of available counseling and legal and medical information concerning health services, including, without limitation, resources to assist pupils with addressing and escaping a violent or exploitative relationship, effective and safe methods of contraception and contraceptive devices, and screening and treatment for sexually transmitted diseases and other related communicable diseases;*~~

~~*(j) The effects of alcohol and drug use on responsible decision making;*~~

~~*(k) Data to counter misinformation about and the effects of peer pressure and of social and other media on the thoughts, feelings and behaviors of a pupil that are related to sexuality and sexual behavior; and*~~

~~*[(l) The state and federal laws relating to consent, the age of consent, statutory rape, the electronic transmission of sexual images prohibited by NRS 200.737 and any other legal issues relevant to sex education.]*~~

2. ***The board of trustees shall periodically revise the content of the course or unit of a course of instruction established pursuant to subsection 1 as necessary to ensure that the content is current, age-appropriate and, as applicable, medically accurate.***

3. The course or unit of a course of instruction established pursuant to subsection 1 must ~~*[:*~~

~~*(a) Use]*~~ ***use methods of teaching and include materials which are appropriate for a pupil of any race, sex, gender identity or expression, sexual orientation or ethnic or cultural background or a pupil who is an English learner or who is a pupil with a physical or mental disability . [;***~~

~~*(b) Appropriately prepare pupils who have or are currently engaged in sexual activity and pupils who may engage in sexual activity in the future; and*~~

~~*(c) Recognize the different sexual orientations and be inclusive of persons of all sexual orientations in any examples which may be provided to pupils.]*~~

4. Each board of trustees shall appoint an advisory committee consisting of:

(a) Five parents of children who attend schools in the district; and

(b) Four representatives, one from each of four of the following professions or occupations:

(1) Medicine or nursing;

(2) Counseling;

(3) Religion;

(4) Pupils who attend schools in the district; or

(5) Teaching.~~[~~

~~➥ This]~~

5. The advisory committee ***appointed pursuant to subsection 4*** shall advise the district ~~*[board of trustees]*~~ concerning ~~*[all aspects of]*~~ the ~~*[course of instruction established pursuant to this section, including, without limitation:*~~

~~*(a) Instructors who have demonstrated an appropriate level of competency to teach an evidence based, age appropriate and medically accurate course of instruction in sex education;*~~

~~*(b) The]*~~ content of and materials to be used in a ~~*[the]*~~ course ***or unit of a course*** of instruction ~~;~~ established pursuant to this section, and the recommended

~~*[(c) The]*~~ ages of the pupils to whom ~~*[each subject of]*~~ the course ***or unit*** is ~~*[of instruction may be]*~~ offered.

~~*[6.]*~~ The final decision on these matters ~~*[the course of instruction established pursuant to subsection 1]*~~ must be that of the board of trustees.

~~[3. 7.]~~ 6. The ~~[Except as otherwise provided in this subsection, the]~~ subjects of the ~~[courses]~~ *course or unit of a course of instruction* ~~[established pursuant to subsection 1]~~ may be taught only by a teacher or ~~[, other professional educator or]~~ school nurse ~~[.]~~ whose qualifications have been previously approved by the board of trustees.

~~[4. If a school does not have a sufficient number of teachers, other professional educators or school nurses to teach the course of instruction established pursuant to subsection 1 or does not have adequate funds to hire such a person to teach the course of instruction, the board of trustees of the school district may approve another person whom it determines to have an appropriate level of competency to teach the course of instruction.~~

~~8.]~~ 7. The parent or guardian of each pupil to whom a course *or unit of a course of instruction established pursuant to this section* is offered must first be furnished written notice that the course *or unit of a course of instruction* will be offered. ~~[The]~~ *Except as otherwise provided in subsection* ~~[9,]~~ *8, the* notice must be given in the usual manner used by the local district to transmit written material to parents, and must contain a form for the signature of the parent or guardian of the pupil consenting to the pupil's attendance. Upon receipt of the written consent of the parent or guardian, the pupil may attend the course ~~[.]~~ *during the school year in which consent was provided by the parent or guardian of the pupil or during any school year in which the pupil is enrolled in the school district, depending on the permission granted by the parent or guardian on the form.* If the written consent of the parent or guardian is not received, the pupil must be excused from such attendance without any penalty as to credits or academic standing. Any course offered pursuant to this section is not a requirement for graduation.

~~[5. 9.]~~ 8. *The form required to be provided to a parent or guardian of a pupil pursuant to subsection* ~~[8:]~~ 7:

(a) May be made available on the secure Internet website of the school district for the electronic signature of the parent or guardian and may be included with any on-line registration to register a child with a school.

(b) Must allow the parent or guardian of a pupil to consent to the pupil attending a course or unit of a course of instruction pursuant to this section during:

(1) The school year in which the consent is provided; or

(2) Any school year in which the pupil is enrolled in the school district.

(c) Must include a notification that consent may be revoked at any time and regardless of how consent is provided, the parent or guardian will receive written notice pursuant to subsection ~~[8]~~ 7 *when a course or unit of a course of instruction established pursuant to subsection 1 will be offered.*

~~[10.]~~ 9. *If the form provided to a parent or guardian of a pupil pursuant to subsection* ~~[8]~~ 7 *is not returned within 2 weeks, the school*

district must contact the parent or guardian before instruction begins to inform the parent or guardian that:

(a) The form was provided for the parent or guardian of a pupil to consent to the pupil attending a course or unit of a course of instruction ~~[in sex education;]~~ established pursuant to this section; and

(b) The parent or guardian may complete the form at the school of the pupil or electronically, if available.

~~[11.]~~ 10. All instructional materials to be used in a course ***or unit of a course of instruction established pursuant to this section*** must be available for inspection by parents or guardians of pupils at reasonable times and locations before the course is taught, and appropriate written notice of the availability of the material must be furnished to all parents and guardians.

~~[12. As used in this section:~~

~~(a) "Age-appropriate" means designed to teach concepts, information and skills based on the social, cognitive, emotional and experience level of most pupils of a particular age.~~

~~(b) "Evidence based" means that a program has been proven effective on the basis of rigorous scientific research and evaluation and has been identified through a systematic independent review.~~

~~(c) "Gender identity or expression" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.~~

~~(d) "Medically accurate" means:~~

~~(1) Verified or supported by current or prevailing scientific evidence;~~

~~(2) Published by peer-reviewed scientific or medical journals; or~~

~~(3) Recognized as accurate and objective by a professional organization or agency, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the American Academy of Pediatrics, the American Public Health Association or the American Congress of Obstetricians and Gynecologists.~~

~~(e) "Sex education" means a sexuality education program that builds a foundation of knowledge and skills relating to human development, relationships, decision-making, abstinence, contraception, family planning and disease prevention.~~

~~(f) "Sexual orientation" means having or being perceived as having a particular orientation within the continuum of sexual orientation, including, without limitation, heterosexuality, homosexuality and bisexuality.]~~

Sec. 2. ~~[NRS 389.520 is hereby amended to read as follows:~~

~~389.520 1. The Council shall:~~

~~(a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, for the grade levels set forth in subsection 4, based upon the content of each course, that is expected of pupils for the following courses of study:~~

~~(1) English language arts;~~
~~(2) Mathematics;~~
~~(3) Science;~~
~~(4) Social studies, which includes only the subjects of history, geography, economics and government;~~
~~(5) The arts;~~
~~(6) Computer education and technology;~~
~~(7) Health~~ **[;] *, including, without limitation, the course of instruction in sex education required by NRS 389.065;***
~~(8) Physical education; and~~
~~(9) A foreign or world language.~~
~~(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include, without limitation, the review required pursuant to NRS 390.115 of the results of pupils on the examinations administered pursuant to NRS 390.105.~~
~~(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.~~
~~2. The standards for computer education and technology must include a policy for the ethical, safe and secure use of computers and other electronic devices. The policy must include, without limitation:~~
~~(a) The ethical use of computers and other electronic devices, including, without limitation:~~
~~(1) Rules of conduct for the acceptable use of the Internet and other electronic devices; and~~
~~(2) Methods to ensure the prevention of:~~
~~(I) Cyber-bullying;~~
~~(II) Plagiarism; and~~
~~(III) The theft of information or data in an electronic form;~~
~~(b) The safe use of computers and other electronic devices, including, without limitation, methods to:~~
~~(1) Avoid cyber-bullying and other unwanted electronic communication, including, without limitation, communication with on-line predators;~~
~~(2) Recognize when an on-line electronic communication is dangerous or potentially dangerous; and~~
~~(3) Report a dangerous or potentially dangerous on-line electronic communication to the appropriate school personnel;~~
~~(c) The secure use of computers and other electronic devices, including, without limitation:~~
~~(1) Methods to maintain the security of personal identifying information and financial information, including, without limitation, identifying unsolicited electronic communication which is sent for the purpose of obtaining such personal and financial information for an unlawful purpose;~~
~~(2) The necessity for secure passwords or other unique identifiers;~~

~~(3) The effects of a computer contaminant;~~

~~(4) Methods to identify unsolicited commercial material; and~~

~~(5) The dangers associated with social networking Internet sites; and~~

~~(d) A designation of the level of detail of instruction as appropriate for the grade level of pupils who receive the instruction.~~

~~3. The standards for social studies must include multicultural education, including, without limitation, information relating to contributions made by men and women from various racial and ethnic backgrounds. The Council shall consult with members of the community who represent the racial and ethnic diversity of this State in developing such standards.~~

~~4. The Council shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English language arts and mathematics. The Council shall establish standards of content and performance for the grade levels selected by the Council for the other courses of study prescribed in subsection 1.~~

~~5. The Council shall forward to the State Board the standards of content and performance established by the Council for each course of study. The State Board shall:~~

~~(a) Adopt the standards for each course of study, as submitted by the Council; or~~

~~(b) If the State Board objects to the standards for a course of study or a particular grade level for a course of study, return those standards to the Council with a written explanation setting forth the reason for the objection.~~

~~6. If the State Board returns to the Council the standards of content and performance for a course of study or a grade level, the Council shall:~~

~~(a) Consider the objection provided by the State Board and determine whether to revise the standards based upon the objection; and~~

~~(b) Return the standards or the revised standards, as applicable, to the State Board.~~

~~→ The State Board shall adopt the standards of content and performance or the revised standards, as applicable.~~

~~7. The Council shall work in cooperation with the State Board to prescribe the examinations required by NRS 390.105.~~

~~8. As used in this section:~~

~~(a) "Computer contaminant" has the meaning ascribed to it in NRS 205.4737.~~

~~(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.~~

~~(c) "Electronic communication" has the meaning ascribed to it in NRS 388.124.~~] **(Deleted by amendment.)**

Sec. 2.3. The report of the board of trustees of a school district required pursuant to section 1 of this act for the 2016-2017 school year must be submitted to the Director of the Legislative Counsel Bureau on or before October 1, 2017.

Sec. 2.7. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 3. This act becomes effective on July 1, 2017.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 374.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 374, as amended, requires the Director of the Nevada Department of Health and Human Services to seek any necessary waiver of certain provisions of federal law to establish the Nevada Care Plan within Medicaid. The Nevada Care Plan would be offered by certain insurers or for purchase through the Silver State Health Insurance Exchange to make coverage available for purchase to any person who is otherwise ineligible for Medicaid. Additionally, the bill requires the Director to seek any necessary federal waiver to allow persons to use the federal income tax credits and cost-sharing reductions authorized by the Patient Protection and Affordable Care Act to purchase coverage through the Nevada Care Plan. Further, the bill requires the benefits offered by the Nevada Care Plan to be the same as those provided to other Medicaid recipients.

Roll call on Assembly Bill No. 374:

YEAS—27.

NAYS—Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Woodbury—13.

EXCUSED—Paul Anderson, Wheeler—2.

Assembly Bill No. 374 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 417.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 998.

SUMMARY—Creates the Nevada Main Street Program within the ~~[Department]~~ **Office** of ~~[Tourism and Cultural Affairs.]~~ **Economic Development in the Office of the Governor.** (BDR 18-1053)

AN ACT relating to tourism; creating the Nevada Main Street Program within the ~~[Department]~~ **Office** of ~~[Tourism and Cultural Affairs;]~~ **Economic Development in the Office of the Governor;** setting forth the requirements for the operation of the Program; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the ~~[Department]~~ **Office** of ~~[Tourism and Cultural Affairs, consisting]~~ **Economic Development within the Office** of the ~~[Division]~~ **Governor. (NRS 231.043) The Office** of ~~[Tourism, the Division of Museums]~~ **Economic Development is responsible for** ~~[and History, the Board of Museums and History, the Nevada Arts Council,]~~ **carrying out various economic development programs within** the ~~[Nevada Indian Commission, the Board of the Nevada Arts Council and the Commission on Tourism.]~~ **State.** (NRS **231.020-231.1597)** ~~[231.167)]~~ **Section 5** of this bill creates the Nevada Main Street Program within the ~~[Department.]~~ **Office of Economic Development.** The Program is designed to provide state-level coordination with the National Main Street Center, Inc., which is a wholly owned subsidiary of the National Trust for Historic Preservation. The National Trust for Historic Preservation is a nonprofit organization working to preserve historic places through programs such as the National Main Street Center.

Section 6 of this bill requires the **Executive** Director of the ~~[Department]~~ **Office** of ~~[Tourism and Cultural Affairs]~~ **Economic Development** to adopt regulations setting forth the requirements to apply for and receive approval as a designated local Main Street program or to apply for grants. **Section 6** also requires the **Executive** Director or his or her designee to coordinate the Program and approve or deny applications for designation under the Program or for grants to designated local Main Street programs. **Section 7** of this bill creates the Account for the Nevada Main Street Program in the State General Fund to accept donations, grants and other types of funding for the award of grants and operation of the Program. **Section 9** of this bill makes an appropriation of ~~[$500,000]~~ **$350,000** from the State General Fund to the Interim Finance Committee for allocation to the ~~[Department]~~ **Office** of ~~[Tourism and Cultural Affairs]~~ **Economic Development** for the operation of the Program and to provide grants to designated local Main Street programs.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 231 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Account" means the Account for the Nevada Main Street Program created by section 7 of this act.***

Sec. 4. ***"Program" means the Nevada Main Street Program created by section 5 of this act.***

Sec. 5. ***The Nevada Main Street Program is hereby created within the ~~[Department.]~~ Office. The Program must:***

1. Be administered in accordance with the standards developed by the National Main Street Center, Inc., a subsidiary of the National Trust for Historic Preservation;

2. Designate local Main Street programs in accordance with regulations adopted pursuant to section 6 of this act;

3. Coordinate those designated local Main Street programs;

4. Provide training and technical assistance to those designated local Main Street programs; and

5. Award grants from the Account to those designated local Main Street programs to further the community and economic revitalization and development of aging business districts and neighborhoods in this State.

Sec. 6. *1. The Executive Director shall adopt regulations setting forth:*

(a) The requirements to apply for and receive approval as a designated local Main Street program, including, without limitation, a requirement that each designated local Main Street program be administered by a county, city or nonprofit entity; and

(b) The requirements for applying for a grant from the Account.

2. The Executive Director or his or her designee shall coordinate the Program in accordance with the standards developed by the National Main Street Center, Inc., to further the requirements set forth in section 5 of this act and to approve or deny applications for designation as a local Main Street program or for grants from the Account which are submitted in accordance with the regulations adopted pursuant to subsection 1.

Sec. 7. *1. The Account for the Nevada Main Street Program is hereby created in the State General Fund.*

2. The Executive Director or his or her designee shall administer the Account and may apply for and accept any donation, gift, grant, bequest or other source of money for deposit in the Account.

3. The money in the Account must be used to:

(a) Provide technical assistance and training to local Main Street programs;

(b) Award grants to designated local Main Street programs approved pursuant to the regulations adopted pursuant to section 6 of this act; and

(c) Pay any reasonable administrative expenses incurred by the Executive Director or his or her designee to carry out the Program.

4. Any money appropriated from the State General Fund for the Program must be deposited in the Account.

5. The interest and income earned on money in the Account, after deducting any applicable charges, must be credited to the Account.

6. Any claims against the Account must be paid as other claims against the State are paid.

7. Any money in the Account remaining at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

Sec. 8. ~~[NRS 231.161 is hereby amended to read as follows:~~

~~"231.161 As used in NRS 231.161 to 231.360, inclusive, *and sections 2 to 7, inclusive, of this act,* unless the context otherwise requires, the words and terms defined in NRS 231.163 and 231.165 have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 9. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of ~~[$500,000]~~ **$350,000** for allocation to the ~~[Department of Tourism and Cultural Affairs]~~ **Office of Economic Development within the Office of the Governor** for the operation of the Nevada Main Street Program created by section 5 of this act **, including, without limitation, administrative expenses,** and the award of grants of money to designated local Main Street programs.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2019.

Sec. 10. The appropriation made by section 9 of this act is not intended to finance ongoing expenditures of state agencies, and the expenditures financed with that appropriation must not be included as base budget expenditures in the proposed budget for the Executive Department of the State Government for the 2019-2021 biennium.

Sec. 11. This act becomes effective on July 1, 2017.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 436.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 977.

SUMMARY—Revises provisions governing ~~[small]~~ business **.** ~~[loans.]~~ (BDR 18-1079)

AN ACT relating to ~~[economic development;]~~ **business;** requiring the Office of Economic Development **and the Regional Business Development Advisory Council for Clark County** to provide **certain** businesses ~~[certified as a local emerging small business]~~ with information concerning ~~[certain]~~ public and private programs to obtain financing for small businesses; ~~[revising provisions governing an application]~~ **requiring the**

Secretary of State to ensure that the state business portal enables an applicant for the issuance or renewal of a state business ~~[registration ;]~~ **license to provide certain information concerning the applicant;** requiring the Secretary of State to provide ~~[to certain businesses]~~ **through the state business portal and the Internet website of the Secretary of State certain** information concerning ~~[certain]~~ public and private programs to obtain financing for small businesses and the process for obtaining certification as a disadvantaged business enterprise; ~~[requiring the Regional Business Development Advisory Council for Clark County to provide to certain businesses information concerning certain public and private programs to obtain financing for small businesses;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) provides for the certification of eligible local emerging small businesses by the Office of Economic Development; and (2) requires the Office to establish an outreach program for local emerging small businesses to connect those businesses with state agencies seeking state purchasing contracts and contracts for public works of this State and goals concerning the participation of local emerging small businesses in those contracts. (NRS 231.1405, 231.14065, 231.1407) **Section 1** of this bill requires the Office to provide a business certified as an eligible local emerging small business with certain information concerning public and private programs to provide financing to small businesses and the criteria for obtaining financing through such programs.

Existing law requires a person to obtain a state business ~~[registration]~~ **license** and pay an annual fee before conducting business within this State, unless **the person is** exempted from the ~~[business registration]~~ requirement ~~[.]~~ **to obtain a state business license.** (NRS 76.100, 76.130) ~~[Sections 2 and 4 of this bill clarify that a person may obtain or renew a state business registration by submitting a written application or applying through the state business portal established by the Secretary of State. Sections 2 and 4 also require the Secretary of State, upon]~~ **Existing law also requires the Secretary of State to establish the state business portal to facilitate transactions among businesses and governmental agencies in this State. (Chapter 75A of NRS) Section 1.5 of this bill requires the Secretary of State to ensure that the state business portal enables an applicant who applies through the state business portal for** the issuance or renewal of a state business ~~[registration, to provide to the business certain information concerning public and private programs to provide financing to small businesses and the criteria for obtaining financing through such programs. Finally, sections 2 and 4 also require the Secretary of State to include on the form for an application for the issuance or renewal of a state business registration an opportunity for the applicant]~~ **license** to indicate whether the applicant's business is a minority-owned business, a woman-owned business or a veteran-owned business. If the applicant indicates that the business is a

minority-owned business**,** ~~[or]~~ a woman-owned business ~~[, sections 2 and 4 require]~~ **or a veteran-owned business, section 1.5 requires** the Secretary of State to provide **in electronic form through the state business portal** information concerning **: (1) certain public and private programs to provide financing to small businesses and the criteria for obtaining financing through such programs; and (2)** how the person may become certified as a disadvantaged business enterprise for certain purposes related to contracting for transportation projects and qualifying for loans to disadvantaged business enterprises. **Section 4.5 of this bill additionally requires the Secretary of State to include and maintain such information on the Secretary of State's Internet website.**

Existing law creates the Regional Business Development Advisory Council for Clark County and prescribes its duties. (Sections 15 and 20 of chapter 7, Statutes of Nevada 2003, 20th Special Session, at pp. 268-69) **Section 5** of this bill requires the Council to provide to local businesses owned and operated by disadvantaged persons certain information concerning public and private programs to provide financing to small businesses and the criteria for obtaining financing through such programs.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 231.14055 is hereby amended to read as follows:

231.14055 1. A business may apply, on a form prescribed by regulation of the Office, to the Office for certification as a local emerging small business. The application must be accompanied by such proof as the Office requires to demonstrate that the applicant is in compliance with the criteria set forth in NRS 231.1405 and any regulations adopted pursuant to NRS 231.1408.

2. Upon receipt of the application and when satisfied that the applicant meets the requirements set forth in this section, NRS 231.1405 and any regulations adopted pursuant to NRS 231.1408, the Office shall ~~[certify]~~ ***:***

(a) Certify the business as a local emerging small business ~~[.]~~ ***; and***

(b) Provide to the business, in written or electronic form, information concerning public and private programs to provide financing for small businesses and the criteria for obtaining financing through such programs. The information must include, without limitation, information concerning:

(1) Grants or loans of money from the Catalyst Account created by NRS 231.1573;

(2) The issuance of revenue bonds for industrial development pursuant to NRS 349.400 to 349.670, inclusive;

(3) The Nevada Collateral Support Program pursuant to 12 U.S.C. §§ 5701 et seq.;

(4) The Nevada Microenterprise Initiative Program pursuant to 12 U.S.C. §§ 5701 et seq.;

(5) The Nevada New Markets Jobs Act pursuant to chapter 231A of NRS;

(6) The Nevada Silver State Opportunities Fund pursuant to NRS 355.275;

(7) Loans from the Small Business Administration pursuant to 15 U.S.C. §§ 631 et seq.; and

(8) Any other private program to provide financing for small businesses approved by the Office.

3. The Office shall compile a list of the local emerging small businesses certified pursuant to this section and post the list on its Internet website.

Sec. 1.5. **Chapter 75A of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Secretary of State shall ensure that the state business portal enables a person who applies through the state business portal for the issuance or renewal of a state business license pursuant to chapter 76 of NRS to indicate whether the applicant is a minority-owned business, a woman-owned business or a veteran-owned business.

2. If a person who applies through the state business portal for the issuance or renewal of a state business license pursuant to chapter 76 of NRS indicates that the business is a minority-owned business, a woman-owned business or a veteran-owned business, the Secretary of State shall provide the following information to the person in electronic form through the state business portal:

(a) Information concerning programs to provide financing for small businesses. The information must include, without limitation, information concerning:

(1) Grants or loans of money from the Catalyst Account created by NRS 231.1573;

(2) The issuance of revenue bonds for industrial development pursuant to NRS 349.400 to 349.670, inclusive;

(3) The Nevada Collateral Support Program pursuant to 12 U.S.C. §§ 5701 et seq.;

(4) The Nevada Microenterprise Initiative Program pursuant to 12 U.S.C. §§ 5701 et seq.;

(5) The Nevada New Markets Jobs Act pursuant to chapter 231A of NRS;

(6) The Nevada Silver State Opportunities Fund pursuant to NRS 355.275;

(7) Loans from the Small Business Administration pursuant to 15 U.S.C. §§ 631 et seq.; and

(8) Any other program to provide financing for small businesses designated by the Secretary of State.

(b) Information concerning the process by which the business may become certified as a disadvantaged business enterprise for the purposes of

49 C.F.R. § 26.5 or a program to provide financing for disadvantaged business enterprises.

3. The Secretary of State may adopt regulations as he or she deems necessary to carry out the provisions of this section.

4. As used in this section:

(a) "Veteran" has the meaning ascribed to it in NRS 417.005.

(b) "Veteran-owned business" means a business that:

(1) Is owned by a natural person who is a veteran; or

(2) Has at least 51 percent of its ownership interest held by one or more veterans.

Sec. 2. ~~[~~NRS 76.100 is hereby amended to read as follows:

~~76.100 1. A person shall not conduct a business in this State unless and until the person obtains a state business registration issued by the Secretary of State. If the person is:~~

~~(a) An entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business registration at the time of filing the initial or annual list.~~

~~(b) Not an entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business registration before conducting a business in this State.~~

~~2. An application for a state business registration *may be submitted in writing or through the state business portal established pursuant to chapter 75A of NRS and* must:~~

~~(a) Be made upon a form prescribed by the Secretary of State~~ **[;] ,** ~~*which must enable the applicant to declare whether the applicant is a minority-owned business, a woman-owned business or a veteran-owned business;*~~

~~(b) Set forth the name under which the applicant transacts or intends to transact business, or if the applicant is an entity organized pursuant to this title and on file with the Secretary of State, the exact name on file with the Secretary of State, the business identification number as assigned by the Secretary of State pursuant to NRS 225.082, and the location in this State of the place or places of business;~~

~~(c) Be accompanied by a fee in the amount of $200, except that if the applicant is a corporation organized pursuant to chapter 78, 78A or 78B of NRS, or a foreign corporation required to file an initial or annual list with the Secretary of State pursuant to chapter 80 of NRS, the application must be accompanied by a fee of $500; and~~

~~(d) Include any other information that the Secretary of State deems necessary.~~

~~→ If the applicant is an entity organized pursuant to this title and on file with the Secretary of State and the applicant has no location in this State of its place of business, the address of its registered agent shall be deemed to be the location in this State of its place of business.~~

~~3. The application must be signed pursuant to NRS 239.330 by:~~

~~(a) The owner of a business that is owned by a natural person.~~

~~(b) A member or partner of an association or partnership.~~

~~(c) A general partner of a limited partnership.~~

~~(d) A managing partner of a limited liability partnership.~~

~~(e) A manager or managing member of a limited liability company.~~

~~(f) An officer of a corporation or some other person specifically authorized by the corporation to sign the application.~~

~~4. If the application for a state business registration is defective in any respect or the fee required by this section is not paid, the Secretary of State may return the application for correction or payment.~~

~~5. *Upon issuance of a state business registration, the Secretary of State shall provide to the business:*~~

~~*(a) Information, in written or electronic form, concerning public and private programs to provide financing for small businesses and the criteria for obtaining financing through such programs. The information must include, without limitation:*~~

~~*(1) Grants or loans of money from the Catalyst Account created by NRS 231.1573;*~~

~~*(2) The issuance of revenue bonds for industrial development pursuant to NRS 349.400 to 349.670, inclusive;*~~

~~*(3) The Nevada Collateral Support Program pursuant to 12 U.S.C. §§ 5701 et seq.;*~~

~~*(4) The Nevada Microenterprise Initiative Program pursuant to 12 U.S.C. §§ 5701 et seq.;*~~

~~*(5) The Nevada New Markets Jobs Act pursuant to chapter 231A of NRS;*~~

~~*(6) The Nevada Silver State Opportunities Fund pursuant to NRS 355.275;*~~

~~*(7) Loans from the Small Business Administration loans pursuant to 15 U.S.C. § 631 et seq.; and*~~

~~*(8) Any other program to provide financing for small businesses designated by the Secretary of State; and*~~

~~*(b) If the business indicated on its application for a state business registration that the business is a minority-owned business or a woman-owned business, information, in written or electronic form, concerning the process by which the business may become certified as a disadvantaged business enterprise for the purposes of 49 C.F.R. § 26.5 or a program to provide financing for disadvantaged business enterprises.*~~

~~*6.* A state business registration issued pursuant to this section must contain the business identification number assigned by the Secretary of State pursuant to NRS 225.082.~~

~~**[**6.**]** *7.* The state business registration required to be obtained pursuant to this section is in addition to any license to conduct business that must be obtained from the local jurisdiction in which the business is being conducted.~~

~~**[**7.**]** *8.* For the purposes of this chapter, a person:~~

~~(a) Shall be deemed to conduct a business in this State if a business for which the person is responsible:~~

~~(1) Is organized pursuant to this title, other than a business organized pursuant to:~~

~~(I) Chapter 82 or 84 of NRS; or~~

~~(II) Chapter 81 of NRS if the business is a nonprofit unit owners' association or a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c);~~

~~(2) Has an office or other base of operations in this State;~~

~~(3) Except as otherwise provided in NRS 76.103, has a registered agent in this State; or~~

~~(4) Pays wages or other remuneration to a natural person who performs in this State any of the duties for which he or she is paid.~~

~~(b) Shall be deemed not to conduct a business in this State if the business for which the person is responsible:~~

~~(1) Is not organized pursuant to this title;~~

~~(2) Does not have an office or base of operations in this State;~~

~~(3) Does not have a registered agent in this State;~~

~~(4) Does not pay wages or other remuneration to a natural person who performs in this State any of the duties for which he or she is paid, other than wages or other remuneration paid to a natural person for performing duties in connection with an activity described in subparagraph (5); and~~

~~(5) Is conducting activity in this State solely to provide vehicles or equipment on a short-term basis in response to a wildland fire, a flood, an earthquake or another emergency.~~

~~[8.]~~ ***9.*** ~~As used in this section [, "registered]~~ ***] :***

~~***(a) "Registered*** agent" has the meaning ascribed to it in NRS 77.230.~~

~~***(b) "Veteran" has the meaning ascribed to it in NRS 417.005.***~~

~~***(c) "Veteran-owned business" means a business that:***~~

~~***(1) Is owned by a natural person who is a veteran; or***~~

~~***(2) Has at least 51 percent of its ownership interest held by one or more veterans.]*** **(Deleted by amendment.)**

Sec. 3. ~~[NRS 76.103 is hereby amended to read as follows:~~

~~76.103 1. A manufacturer who maintains a registered agent in this State solely because of the requirements set forth in NRS 370.680 and who is not otherwise required to obtain a state business registration pursuant to NRS 76.100 is not deemed, pursuant to subparagraph (3) of paragraph (a) of subsection [7]~~ ***8*** ~~of NRS 76.100, to conduct a business in this State.~~

~~2. As used in this section, "manufacturer" has the meaning ascribed to it in NRS 370.0315.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 76.130 is hereby amended to read as follows:~~

~~76.130 1. Except as otherwise provided in subsection 2, a person who applies for renewal of a state business registration shall submit~~ ***in writing or through the state business portal established pursuant to chapter 75A of NRS an application on a form prescribed by the Secretary of State, which***

~~*must enable the applicant to declare whether the applicant is a minority-owned business, a woman-owned business or a veteran-owned business, and* a fee in the amount of $200 to the Secretary of State:~~

~~(a) If the person is an entity required to file an annual list with the Secretary of State pursuant to this title, at the time the person submits the annual list to the Secretary of State, unless the person submits a certificate or other form evidencing the dissolution of the entity; or~~

~~(b) If the person is not an entity required to file an annual list with the Secretary of State pursuant to this title, on the last day of the month in which the anniversary date of issuance of the state business registration occurs in each year, unless the person submits a written statement to the Secretary of State, at least 10 days before that date, indicating that the person will not be conducting a business in this State after that date.~~

~~2. If the person applying for the renewal of a state business registration pursuant to subsection 1 is a corporation organized pursuant to chapter 78, 78A or 78B of NRS, or a foreign corporation required to file an initial or annual list with the Secretary of State pursuant to chapter 80 of NRS, the fee for the renewal of a state business registration is $500.~~

~~3. The Secretary of State shall, 90 days before the last day for filing an application for renewal of the state business registration of a person who holds a state business registration, provide to the person a notice of the state business registration fee due pursuant to this section and a reminder to file the application for renewal required pursuant to this section. Failure of any person to receive a notice does not excuse the person from the penalty imposed by law.~~

~~4. *Upon renewal of a state business registration, the Secretary of State shall provide to the business:*~~

~~*(a) Information, in written or electronic form, concerning public and private programs to provide financing for small businesses and the criteria for obtaining financing through such programs. The information must include, without limitation:*~~

~~*(1) Grants or loans of money from the Catalyst Account created by NRS 231.1573;*~~

~~*(2) The issuance of revenue bonds for industrial development pursuant to NRS 349.400 to 349.670, inclusive;*~~

~~*(3) The Nevada Collateral Support Program pursuant to 12 U.S.C. §§ 5701 et seq.;*~~

~~*(4) The Nevada Microenterprise Initiative Program pursuant to 12 U.S.C. §§ 5701 et seq.;*~~

~~*(5) The Nevada New Markets Jobs Act pursuant to chapter 231A of NRS;*~~

~~*(6) The Nevada Silver State Opportunities Fund pursuant to NRS 355.275;*~~

~~*(7) Loans from the Small Business Administration loans pursuant to 15 U.S.C. § 631 et seq.; and*~~

~~*(8) Any other program to provide financing for small businesses approved by the Secretary of State; and*~~

~~*(b) If the business indicated on its application for a state business registration that the business is a minority-owned business or a woman-owned business, information, in written or electronic form, concerning the process by which the business may become certified as a disadvantaged business enterprise for the purposes of 49 C.F.R. § 26.5 or a program to provide financing for disadvantaged business enterprises.*~~

~~*5.* If a person fails to submit the annual state business registration fee required pursuant to this section in a timely manner and the person is:~~

~~(a) An entity required to file an annual list with the Secretary of State pursuant to this title, the person:~~

~~(1) Shall pay a penalty of $100 in addition to the annual state business registration fee;~~

~~(2) Shall be deemed to have not complied with the requirement to file an annual list with the Secretary of State; and~~

~~(3) Is subject to all applicable provisions relating to the failure to file an annual list, including, without limitation, the provisions governing default and revocation of its charter or right to transact business in this State, except that the person is required to pay the penalty set forth in subparagraph (1).~~

~~(b) Not an entity required to file an annual list with the Secretary of State, the person shall pay a penalty in the amount of $100 in addition to the annual state business registration fee. The Secretary of State shall provide to the person a written notice that:~~

~~(1) Must include a statement indicating the amount of the fees and penalties required pursuant to this section and the costs remaining unpaid.~~

~~(2) May be provided electronically, if the person has requested to receive communications by electronic transmission, by electronic mail or other electronic communication.~~

~~**[**5.**]** *6.* A person who continues to do business in this State without renewing the person's state business registration before its renewal date is subject to the fees and penalties provided for in this section unless the person files a certificate of cancellation of the person's state business registration with the Secretary of State.~~

~~**[**6.**]** *7.* The Secretary of State shall waive the annual state business registration fee and any related penalty imposed on a natural person or partnership if the natural person or partnership provides evidence satisfactory to the Secretary of State that the natural person or partnership conducted no business in this State during the period for which the fees and penalties would be waived.~~

~~*8. As used in this section:*~~

~~*(a) "Veteran" has the meaning ascribed to it in NRS 417.005.*~~

~~*(b) "Veteran-owned business" means a business that:*~~

~~*(1) Is owned by a natural person who is a veteran; or*~~

~~*(2) Has at least 51 percent of its ownership interest held by one or more veterans.]*~~ **(Deleted by amendment.)**

Sec. 4.5. **Chapter 225 of NRS is hereby amended to read as follows:**

1. The Secretary of State shall include and maintain on the Internet website of the Secretary of State information concerning:

(a) Programs to provide financing for small businesses. The information must include, without limitation, information concerning:

(1) Grants or loans of money from the Catalyst Account created by NRS 231.1573;

(2) The issuance of revenue bonds for industrial development pursuant to NRS 349.400 to 349.670, inclusive;

(3) The Nevada Collateral Support Program pursuant to 12 U.S.C. §§ 5701 et seq.;

(4) The Nevada Microenterprise Initiative Program pursuant to 12 U.S.C. §§ 5701 et seq.;

(5) The Nevada New Markets Jobs Act pursuant to chapter 231A of NRS;

(6) The Nevada Silver State Opportunities Fund pursuant to NRS 355.275;

(7) Loans from the Small Business Administration pursuant to 15 U.S.C. §§ 631 et seq.; and

(8) Any other program to provide financing for small businesses designated by the Secretary of State.

(b) The process by which the business may become certified as a disadvantaged business enterprise for the purposes of 49 C.F.R. § 26.5 or a program to provide financing for disadvantaged business enterprises.

2. The Secretary of State may adopt regulations as he or she deems necessary to carry out the provisions of this section.

3. As used in this section:

(a) "Veteran" has the meaning ascribed to it in NRS 417.005.

(b) "Veteran-owned business" means a business that:

(1) Is owned by a natural person who is a veteran; or

(2) Has at least 51 percent of its ownership interest held by one or more veterans.

Sec. 5. Section 20 of the Regional Business Development Advisory Council for Clark County Act, being chapter 7, Statutes of Nevada 2003, 20th Special Session, as amended by chapter 142, Statutes of Nevada 2015, at page 550, is hereby amended to read as follows:

Sec. 20. 1. The Council shall propose and implement policies, programs and procedures to encourage and promote the use of local businesses owned and operated by disadvantaged persons, particularly in the area of contracting and procurement by public agencies in Clark County.

2. On or before November 1 of each year, each public entity which has a representative on the Council pursuant to subsection 1 of section

15 of this act shall prepare and deliver a written report to the Council for the immediately preceding fiscal year which contains:

(a) The number of persons employed by the public entity, disaggregated by major ethnic and racial categories, including, without limitation, African-American, Asian, Caucasian, Hispanic and Native American.

(b) Expenditures made by the public entity during the immediately preceding fiscal year, disaggregated by discretionary and nondiscretionary expenditures.

(c) The percentage of expenditures paid by the public entity to local businesses owned and operated by disadvantaged persons, disaggregated by ethnic and racial categories and by gender.

(d) A summary of the efforts and programs used by the public entity to encourage and increase the involvement in contracting local businesses owned and operated by disadvantaged persons and any efforts or programs used by the public entity to encourage the economic development of local businesses owned and operated by disadvantaged persons.

(e) Such other information as the Council determines is necessary to achieve its goals.

3. The Council shall encourage each public and private entity which has a representative on the Council pursuant to subsection 2 of section 15 of this act to prepare and deliver to the Council an annual report similar to the report required pursuant to subsection 2.

4. ***The Council shall provide to local businesses owned and operated by disadvantaged persons information, in written or electronic form, concerning public and private programs to provide financing for small businesses and the criteria for obtaining financing through such programs. The information must include, without limitation:***

(a) Grants or loans of money from the Catalyst Account created by NRS 231.1573;

(b) The issuance of revenue bonds for industrial development pursuant to NRS 349.400 to 349.670, inclusive;

(c) The Nevada Collateral Support Program pursuant to 12 U.S.C. §§ 5701 et seq.;

(d) The Nevada Microenterprise Initiative Program pursuant to 12 U.S.C. §§ 5701 et seq.;

(e) The Nevada New Markets Jobs Act pursuant to chapter 231A of NRS;

(f) The Nevada Silver State Opportunities Fund pursuant to NRS 355.275;

(g) Loans from the Small Business Administration pursuant to 15 U.S.C. §§ 631 et seq.; and

(h) Any other private lending opportunity for small businesses with which the Council has a working relationship.

5. On or before January 15 of each odd-numbered year, the Council shall prepare a report regarding the policies, programs and procedures that the Council proposed and implemented during the immediately preceding 2 years to encourage and promote the use of local businesses owned and operated by disadvantaged persons, using the reports received pursuant to this section, and shall submit the report to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

Sec. 6. 1. This section and sections 1 and 5 of this act become effective on July 1, 2017.

2. Sections ~~[2, 3 and 4]~~ **1.5 to 4.5, inclusive,** of this act become effective on January 1, 2018.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 467.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 956.

SUMMARY—Revises provisions governing the Personnel Commission in the Division of Human Resource Management of the Department of Administration. ~~[and the Merit Award Program.]~~ (BDR 23-551)

AN ACT relating to state employees; requiring the Governor to appoint alternate members to the Personnel Commission in the Division of Human Resource Management of the Department of Administration; revising the requirements for establishing a quorum of the Commission; ~~[revising provisions governing the Merit Award Program;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the appointment of five members to the Personnel Commission in the Division of Human Resource Management of the Department of Administration and establishes that three members of the Commission constitute a quorum. Existing law further authorizes a quorum to exercise any power conferred on the Commission other than adopting, amending or rescinding regulations of the Commission which requires a majority vote of the entire Commission. (NRS 284.030, 284.055) **Sections 1 and 2** of this bill: (1) require the Governor to appoint five alternate members to the Commission; (2) revise the quorum requirements of the Commission; and (3) provide that a majority vote of the five members of the Commission is required for any action by the Commission.

~~[~~ ~~The Merit Award Program is established under existing law to provide awards to state employees who propose suggestions which would reduce or eliminate state expenditures or improve the operation of the State Government. (NRS 285.030, 285.060) The Program is administered by the Merit Award Board.~~

~~Under existing law, the Merit Award Board is authorized, within the limits of legislative appropriations, to expend a maximum of $1,000 for expenses relating to the operation of the Board. (NRS 285.030) Section 4 of this bill deletes those provisions regarding the maximum amount authorized for such expenditures. Existing law enumerates the criteria for an employee suggestion to be eligible for an award from the Merit Award Program and includes, as part of the criteria, the requirement that the suggestion is not under active consideration by the state agency affected. (NRS 285.050) Section 5 of this bill amends the criteria for eligibility for such an award to require that the suggestion has not been previously considered by the state agency affected.~~

~~Existing law requires the Secretary of the Board to refer the employee suggestion to the head of the state agency or agencies affected, or his or her designee, for consideration. Existing law further: (1) requires the head of the state agency, or his or her designee, to report his or her findings and recommendations concerning the employee suggestion to the Board within 30 days after the referral; and (2) sets forth the required contents of the report. (NRS 285.060) Section 6 of this bill: (1) requires the head of the state agency, or his or her designee, to report recommendations concerning the employee suggestion only if applicable rather than requiring such recommendations for each employee suggestion that was referred; (2) provides that the Board may extend the 30-day reporting period; and (3) revises the timeline for the Board to submit the required annual report concerning employee suggestions to the Budget Division of the Office of Finance and the Interim Finance Committee.~~

~~Under existing law, awards made to state employees under the Merit Award Program are required to be paid in two equal installments. One payment is required to be made within 30 days after the end of the first fiscal year during which the employee suggestion was adopted and one payment is required to be made within 30 days after the end of the subsequent fiscal year. (NRS 285.070) Section 7 of this bill provides instead that: (1) the first payment is required to be made within 90 days after the end of the fiscal year during which the State realized certain savings or improvement in the operation of State Government as a result of the adoption of the employee suggestion; and (2) the second payment is required to be made within 90 days after the end of the fiscal year immediately following the fiscal year during which the first installment was paid.~~ ~~]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 284.030 is hereby amended to read as follows:

284.030 1. There is hereby created in the Division a Personnel Commission composed of five members appointed by the Governor.

2. The Governor shall appoint:

(a) Three members who are representatives of the general public and have a demonstrated interest in or knowledge of the principles of public personnel administration.

(b) One member who is a representative of labor and has a background in personnel administration.

(c) One member who is a representative of employers or managers and has a background in personnel administration.

(d) An alternate member for each member appointed pursuant to paragraphs (a), (b) and (c) to serve when the regular member is unable to attend a meeting of the Commission.

Sec. 2. NRS 284.055 is hereby amended to read as follows:

284.055 1. The members of the Commission may meet at the times and places specified by the call of the Chair or a majority of the Commission, but a meeting of the Commission must be held regularly at least once every 3 months.

2. ~~[~~Three~~]~~ ***Five*** members of the Commission constitute a quorum. ~~[~~A quorum may exercise any power conferred on the Commission, but no regulations may be adopted, amended or rescinded except by a~~]~~ ***A*** majority vote of the ~~[~~entire membership~~]~~ ***five members*** of the Commission ~~[~~.~~]~~ ***is required for any official action taken by the Commission, including, without limitation:***

(a) To adopt, amend or rescind a regulation of the Commission; and

(b) To decide an appeal to the Commission made by an employee in the public service of the State.

3. ***If an alternate member attends a meeting of the Commission in place of the regular member, the alternate member fully assumes the duties, rights and responsibilities of the replaced regular member for the duration of that meeting***

and is entitled to the compensation, allowances and expenses otherwise payable for members who attend the meeting.

4. The Commission shall keep minutes and audio recordings or transcripts of the transactions of each meeting. Except as otherwise provided in NRS 241.035, the minutes, audio recordings and transcripts are public records and must be filed with the Division. A copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.

Sec. 3. ~~[~~NRS 285.010 is hereby amended to read as follows:

~~— 285.010 "Adoption" means the putting of an employee suggestion into [effect.] *practice.]*~~ **(Deleted by amendment.)**

Sec. 4. **[**~~NRS 285.030 is hereby amended to read as follows:~~

~~— 285.030 1. The controlling authority of the Merit Award Program is the Merit Award Board.~~

~~— 2. The Board must be composed of five members as follows:~~

~~— (a) Two persons who are members of the American Federation of State, County and Municipal Employees or its successor, designated by the executive committee of that Federation or its successor.~~

~~— (b) One member from the Budget Division of the Office of Finance appointed by the Chief of the Budget Division.~~

~~— (c) One member from the Division of Human Resource Management of the Department of Administration appointed by the Administrator of the Division.~~

~~— (d) One member appointed by and representing the Governor.~~

~~— 3. The member from either the Budget Division of the Office of Finance or the Division of Human Resource Management of the Department of Administration must serve as the Secretary of the Board.~~

~~— 4. The Board shall adopt regulations for transacting its business and carrying out the provisions of this chapter.~~

~~— [5. Within the limits of legislative appropriations, the Board may expend up to $1,000 per year on expenses relating to the operation of the Board.]]~~ **(Deleted by amendment.)**

Sec. 5. **[**~~NRS 285.050 is hereby amended to read as follows:~~

~~— 285.050 1. Except as otherwise provided in this section, any state employee or group of state employees may make an employee suggestion. An employee suggestion must be made in writing to the Board.~~

~~— 2. To be eligible for an award pursuant to NRS 285.070, a state employee or group of state employees must make a suggestion:~~

~~— (a) Which is not [currently] under active consideration *and has not been previously considered* by the state agency affected;~~

~~— (b) For which the act of developing or proposing is not a normal part of the job duties of the state employee, whether acting individually or as a member of a group of state employees;~~

~~— (c) Which is not within the state employee's authority or responsibility to carry out or implement, whether acting individually or as a member of a group of state employees;~~

~~— (d) Which proposes to do more than merely suggest that an existing policy or procedure be followed correctly;~~

~~— (e) Which does not concern an individual grievance or complaint;~~

~~— (f) Which would not reduce the quality or quantity of services provided by the relevant state agency; and~~

~~— (g) Which would not transfer costs from one state agency to another state agency.~~

~~3. If duplicate employee suggestions are submitted, only the state employee or group of state employees who makes the first employee suggestion received is eligible for an award pursuant to NRS 285.070.~~

~~4. Except as otherwise provided in this subsection, a state employee, either individually or as a member of a group of state employees, may not [make] *submit* more than two employee suggestions in any calendar year. For any employee suggestion [made] *submitted* by a state employee, either individually or as a member of a group of state employees, that is approved in a calendar year, the state employee may [make] *submit* one additional employee suggestion during [the] *that same* calendar year.~~

~~5. The Board may, in consultation with the Budget Division of the Office of Finance and the Interim Finance Committee, establish such additional standards for the making and submission of employee suggestions as it deems proper.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[NRS 285.060 is hereby amended to read as follows:~~

~~285.060 1. Upon receiving an employee suggestion pursuant to NRS 285.050, the Secretary of the Board shall:~~

~~(a) Record and acknowledge receipt of the employee suggestion;~~

~~(b) Notify the state employee or each state employee of a group of state employees who [made] *submitted* the employee suggestion of any undue delays in the consideration of the employee suggestion; and~~

~~(c) Refer the employee suggestion at once to the head of the state agency or agencies affected, or his or her designee, for consideration.~~

~~2. Within 30 days after receiving an employee suggestion that is referred pursuant to subsection 1, the head of the state agency, or his or her designee, shall report his or her findings and *, if applicable,* recommendations to the Board [.] *unless the Board has, for good cause, extended the period.* The report must indicate:~~

~~(a) Whether the employee suggestion has been adopted.~~

~~(b) If adopted:~~

~~(1) The day on which the employee suggestion was [placed in effect.] *put into practice.*~~

~~(2) The actual or estimated reduction, elimination or avoidance of *state* expenditures or any improvement in [operations] *the operation of the State Government* made possible by the employee suggestion.~~

~~(3) If the employee suggestion was [made] *submitted* by a group of state employees, a recommendation of the distribution of any potential award made pursuant to NRS 285.070 to each state employee in the group. Such a distribution must be proportionate, fair and equitable based on the contributions by each state employee to the employee suggestion.~~

~~(c) If rejected, the reasons for rejection.~~

~~(d) If applicable, whether legislation will be required before the employee suggestion may be adopted.~~

~~3. The Board shall:~~

~~(a) Review the findings and~~ ***, if applicable,*** ~~recommendations of the state agency and may obtain additional information or take such other action as is necessary for prompt, thorough and impartial consideration of each employee suggestion.~~

~~(b) Evaluate each employee suggestion, taking into consideration any action by the state agency, staff recommendations and the objectives of the Merit Award Program.~~

~~(c) Monitor the efficacy and progress of employee suggestions that have been adopted and~~ **[**~~placed into effect.~~**]** ***put into practice.***

~~(d) Provide a report to the Budget Division of the Office of Finance and the Interim Finance Committee not later than~~ **[**~~30~~**]** ***90*** ~~days after the end of each fiscal year summarizing, for that fiscal year:~~

~~(1) The employee suggestions that were rejected by state agencies.~~

~~(2) The employee suggestions that were adopted by state agencies and detailing any actual reduction, elimination or avoidance of expenditures or any improvement in~~ **[**~~operations~~**]** ***the operation of State Government*** ~~made possible by the employee suggestion.~~

~~(3) Any legislation required to be enacted before an employee suggestion may be adopted.~~**]** **(Deleted by amendment.)**

Sec. 7. **[**~~NRS 285.070 is hereby amended to read as follows:~~

~~285.070 1. Except as otherwise provided in this section, after reviewing and evaluating an employee suggestion, the Board, in consultation with the Budget Division of the Office of Finance, may make an award to the state employee or to each state employee of a group of state employees who~~ **[**~~made~~**]** ***submitted*** ~~the employee suggestion.~~

~~2. If the amount of a proposed award will exceed $5,000, the award must be approved by the Interim Finance Committee. On a quarterly basis, the Board shall transmit any proposed awards that exceed $5,000 to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee. In acting upon such an award, the Interim Finance Committee shall consider, among other things:~~

~~(a) The reduction, elimination or avoidance of~~ ***state*** ~~expenditures or any improvement in~~ **[**~~operations~~**]** ***the operation of the State Government*** ~~made possible by the employee suggestion; and~~

~~(b) The intent of the Legislature in enacting this chapter.~~

~~3. An award made pursuant to this section may not exceed:~~

~~(a) Ten percent of the amount of any actual savings to the State, as determined at the end of the second fiscal year after the adoption of the employee suggestion; or~~

~~(b) A total of $25,000,~~

~~whichever is less, whether distributed to an individual employee or to a group of state employees who~~ **[**~~made~~**]** ***submitted*** ~~the employee suggestion.~~

~~4. Awards to employees arising out of adopted employee suggestions must, insofar as is practicable, be paid from money other than money in the State General Fund.~~

~~5. The total amount of an award made pursuant to this section must be paid in two equal installments. The first installment must be paid not later than [30] *90* days after the end of the fiscal year during which *the State realized a reduction, elimination or avoidance of state expenditures or any improvement in the operation of State Government as a result of the adoption of* the employee suggestion . [was adopted, and the] *The* second installment must be paid not later than [30] *90* days after the end of the [subsequent] fiscal year [.] *immediately following the fiscal year during which the first installment was paid.*~~

~~6. A former state employee is eligible to receive an award pursuant to this section if the person was a state employee at the time he or she made an employee suggestion, or was a member of a group of state employees who [made] *submitted* an employee suggestion, that is subsequently adopted.~~

~~7. An award may not be made for an employee suggestion pursuant to this section until the State has realized a reduction, elimination or avoidance of *state* expenditures or any improvement in [operations] *the operation of the State Government* as a result of the *adopted* employee suggestion.~~

~~8. Any actual savings to the State resulting from the adoption of an employee suggestion that remains after an award is made pursuant to this section must be distributed as follows:~~

~~(a) Fifty percent must be transferred to the State General Fund; and~~

~~(b) After a revision to the appropriate work program pursuant to NRS 353.220, the remaining balance must be used by the state agency that employs the state employee or the group of state employees who [made] *submitted* the employee suggestion for one-time, nonoperational expenses which do not require ongoing maintenance, including, without limitation, training and equipment.]~~ **(Deleted by amendment.)**

Sec. 8. This act becomes effective on July 1, 2017.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 491.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 979.

CONTAINS UNFUNDED MANDATE ~~[(§§ 7,]~~ (§ 8)

(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to education; requiring, with limited exception, that a child in foster care remain enrolled in his or her school of origin; providing that the relevant agency which provides child welfare services and local education agency are jointly liable for the costs of transportation for the child in foster care to attend his or her school of origin; requiring the Department

of Education and each agency which provides child welfare services and local education agency to develop certain policies and procedures relating to children in foster care; eliminating the Program of School Choice for Children in Foster Care; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In 2015, Congress passed the Every Student Succeeds Act of 2015. (20 U.S.C. §§ 6301 et seq.) This Act requires each state to adopt a plan that describes the steps the state will take to ensure the educational stability of children in foster care, including requiring, with limited exception, a child in foster care to remain enrolled in the child's school of origin, which is the public school in which he or she was enrolled before entering foster care. (20 U.S.C. § 6311)

Section 7 of this bill requires that a child who enters foster care or changes placement while in foster care remain enrolled in the child's school of origin if the agency which provides child welfare services determines that it is in the best interests of the child. **Section 7** also ~~[: (1)]~~ sets forth certain criteria that must be used by the agency in making such a determination . ~~[; (2) requires that a child remain in his or her school of origin throughout any dispute that arises as a result of an agency's decision concerning the best interests of the child; and (3) requires the agency which provides child welfare services and the local education agency to provide and pay for the costs of transportation of a child in foster care to the child's school of origin until the dispute is resolved.]~~

Section 7.5 of this bill requires the board of trustees of a school district or the governing body of a charter school to allow a pupil who leaves foster care to remain enrolled in his or her school of origin until the end of the school year unless the parent or guardian of the pupil elects to enroll the pupil in a different school.

Section 8 of this bill requires the agency which provides child welfare services and the local education agency to provide and pay for the costs of transportation of a child in foster care to the child's school of origin. **Section 8** also requires the agency which provides the child welfare services and the local education agency to provide and pay for the costs of transportation of a child in foster care to the child's school of origin until any dispute concerning the cost of transportation is resolved.

Section 9 of this bill requires that the Department of Education, each local education agency and each agency which provides child welfare services to designate a single point of contact who is responsible for developing certain policies and procedures relating to children in foster care.

Section 10 of this bill requires the State Board of Education to prepare an annual report concerning the academic progress of children in foster care who attend a public school in this State. **Section 10** also requires: (1) each education agency to submit to the Department of Education a report relating to children in foster care; and (2) an agency which provides child welfare

services to a child enrolled in public school in this State to provide any information requested by a local education agency as soon as practicable.

If a court finds that a child is in need of protection and places the child other than with a parent, an agency acting as the custodian of the child is required to report to the court before any hearing for a review of the placement of the child. (NRS 432B.580) **Section 13.5** of this bill requires the agency to include in the report certain information about the education of the child.

Existing law establishes the Program of School Choice for Children in Foster Care. (NRS 388E.100) This program allows the legal guardian or custodian of a child who is in foster care to apply to participate in the Program so that the child may be enrolled in a public school other than the public school which the child is zoned to attend. (NRS 388E.110) **Section 15** of this bill eliminates this Program. **Section 15** also eliminates a provision which provides that a child who is in the legal or physical custody of an agency which provides child welfare services and is awaiting foster care placement is deemed to be homeless for the purposes of the federal McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 388.040 is hereby amended to read as follows:

388.040 1. Except as otherwise provided in subsection 2, the board of trustees of a school district that includes more than one school which offers instruction in the same grade or grades may zone the school district and determine which pupils must attend each school.

2. The establishment of zones pursuant to subsection 1 does not preclude a pupil from attending a:

(a) Charter school;

(b) University school for profoundly gifted pupils;

(c) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil is ~~[enrolled in the Program of School Choice for Children in Foster Care established pursuant to NRS 388E.100;]~~ ***a child in foster care who is remaining in his or her school of origin pursuant to section 7 of this act;*** or

(d) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive, or the parent or legal guardian with whom the pupil resides has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive.

Sec. 2. Chapter 388E of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 10, inclusive, of this act.

Sec. 3. ***"Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.***

Sec. 4. *"Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.*

Sec. 5. *"Local education agency" includes, without limitation, the board of trustees of a school district and the sponsor of a charter school.*

Sec. 6. *"School of origin" means the public school in which a child was enrolled at the time that the child was placed in foster care or the school in which a child who is in foster care is enrolled at the time of the most recent change in the placement of the child.*

Sec. 7. *1. When a child enters foster care or changes placement while in foster care, the agency which provides child welfare services to the child shall determine whether it is in the best interests of the child for the child to remain in his or her school of origin. In making this determination, there is a rebuttable presumption that it is in the best interests of the child to remain in his or her school of origin . ~~[and matriculate in accordance with the feeder pattern of the school of origin.]~~*

2. In determining whether it is in the best interests of a child in foster care to remain in his or her school of origin, the agency which provides child welfare services, in consultation with the local education agency, must consider, without limitation:

(a) The wishes of the child ; ~~[, if the child is of sufficient age and capacity to form an intelligent preference as to which public school he or she attends;]~~

(b) The educational success, stability and achievement of the child;

(c) Any individualized education program or academic plan developed for the child;

(d) Whether the child has been identified as an English learner;

(e) The health and safety of the child;

(f) The availability of necessary services for the child at the school of origin; and

(g) Whether the child has a sibling enrolled in the school of origin.

➥ The costs of transporting the child to the school of origin must not be considered when determining whether it is in the best interests of the child to remain at his or her school of origin.

3. If the agency which provides child welfare services determines that it is in the best interests of a child in foster care to attend a public school other than the child's school of origin:

(a) The agency which provides child welfare services must:

(1) Provide written notice of its determination to every interested party as soon as practicable; and

(2) In collaboration with the local education agency, ensure that the child is immediately enrolled in that public school; and

(b) The public school may not refuse to the enroll the child on the basis that the public school does not have:

(1) A certificate stating that the child has been immunized and has received proper boosters for that immunization;

(2) A birth certificate or other document suitable as proof of the child's identity;

(3) A copy of the child's records from the school the child most recently attended; or

(4) Any other documentation required by a policy adopted by the public school or the local education agency.

~~***[4. If a determination is made as described in subsection 3 that a child is to attend a public school other than the child's school of origin and a dispute arises as a result of such a decision:***~~

~~***(a) The child must remain in his or her school of origin; and***~~

~~***(b) The agency which provides child welfare services and the local education agency must provide the child with transportation to the school of origin until the dispute is resolved.***~~

~~***5. The costs of transportation of a child to the child's school of origin must be paid in the manner prescribed by subsection 2 of section 8 of this act. Any dispute that arises between the agency which provides child welfare services and the local education agency that is related to the transportation of a child in foster care to the child's school of origin must be resolved in the manner prescribed in subsection 3 of section 8 of this act.]***~~

Sec. 7.5. ***The board of trustees of a school district or the governing body of a charter school must allow a pupil who leaves foster care to remain enrolled in his or her school of origin until the end of the school year during which the child leaves foster care unless the parent or guardian of the pupil elects to enroll the pupil in a different school.***

Sec. 8. ***1. If the agency which provides child welfare services to a child has determined pursuant to section 7 of this act that it is in the best interests of the child to remain in his or her school of origin, the agency which provides child welfare services and the local education agency must provide the child with transportation to the school of origin:***

(a) For the entire time that the child is in foster care; and

(b) Until the end of the school year during which the child leaves foster care.

2. The agency which provides child welfare services and the local education agency are jointly responsible for the costs of transportation of a child to the child's school of origin unless the agency which provides child welfare services and the local education agency mutually agree otherwise.

3. If a dispute arises between the agency which provides child welfare services and the local education agency that is related to the transportation of a child in foster care to the child's school of origin, including, without limitation, a dispute related to the costs of transportation, and the dispute is not resolved within 5 business days, the juvenile or family court with jurisdiction over the child must resolve the dispute by court order within 5 business days.

4. If a dispute arises between the agency which provides child welfare services and the local education agency that is related to the transportation of a child in foster care, the agency which provides child welfare services and the local education agency must provide the child with transportation to the school of origin until the dispute is resolved.

Sec. 9. ***1. The Department, each local education agency and each agency which provides child welfare services shall designate a single point of contact who is responsible for:***

(a) Developing policies and procedures necessary for the Department, local education agency or agency which provides child welfare services, as applicable, to comply with the requirements of the Every Student Succeeds Act, 20 U.S.C. §§ 6301 et seq., including, without limitation, policies and procedures relating to the:

(1) Communication of information relating to children in foster care among the Department, local education agencies and agencies which provide child welfare services; and

(2) Transportation of children in foster care to their schools of origin.

(b) Communicating and coordinating with other single points of contact designated pursuant to this section.

2. Policies and procedures relating to transportation of a child in foster care to his or her school of origin must include, without limitation, a plan for paying the costs of such transportation.

3. As used in this section, "single point of contact" means a natural person or a team of personnel, each of whom has the ability and authority to perform the responsibilities described in this section.

Sec. 10. ***1. The State Board shall prepare an annual report concerning the academic progress of children in foster care who attend a public school in this State that includes, without limitation, the information prescribed by 20 U.S.C. § 6311(h)(1)(c)(i)-(iii).***

2. Each local education agency shall, on or before the date established by the Department, and in the form prescribed by the Department, prepare and submit to the Department a report on children in foster care who attend a public school within the jurisdiction of the local education agency. This report must include the information prescribed by 20 U.S.C. § 6311(h)(1)(c)(i)-(iii).

3. An agency which provides child welfare services to a child enrolled in public school in this State shall provide any information requested by the local education agency to the local education agency as soon as practicable.

Sec. 11. NRS 388E.010 is hereby amended to read as follows:

388E.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in ~~[NRS 388E.020, 388E.030 and 388E.040]~~ ***sections 3 to 6, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 12. NRS 392.010 is hereby amended to read as follows:

392.010 Except as to the attendance of a pupil pursuant to NRS 388.820 to 388.874, inclusive, ~~[388E.110]~~ or 392.015, ***or section 7 of this act,*** or a pupil who is ineligible for attendance pursuant to NRS 392.4675 and except as otherwise provided in NRS 392.264 and 392.268:

1. The board of trustees of any school district may, with the approval of the Superintendent of Public Instruction:

(a) Admit to the school or schools of the school district any pupil or pupils living in an adjoining school district within this State or in an adjoining state when the school district of residence in the adjoining state adjoins the receiving Nevada school district; or

(b) Pay tuition for pupils residing in the school district but who attend school in an adjoining school district within this State or in an adjoining state when the receiving district in the adjoining state adjoins the school district of Nevada residence.

2. With the approval of the Superintendent of Public Instruction, the board of trustees of the school district in which the pupil or pupils reside and the board of trustees of the school district in which the pupil or pupils attend school shall enter into an agreement providing for the payment of such tuition as may be agreed upon, but transportation costs must be paid by the board of trustees of the school district in which the pupil or pupils reside:

(a) If any are incurred in transporting a pupil or pupils to an adjoining school district within the State; and

(b) If any are incurred in transporting a pupil or pupils to an adjoining state, as provided by the agreement.

3. In addition to the provisions for the payment of tuition and transportation costs for pupils admitted to an adjoining school district as provided in subsection 2, the agreement may contain provisions for the payment of reasonable amounts of money to defray the cost of operation, maintenance and depreciation of capital improvements which can be allocated to such pupils.

Sec. 13. NRS 217.464 is hereby amended to read as follows:

217.464 1. If the Attorney General approves an application, the Attorney General shall:

(a) Designate a fictitious address for the participant; and

(b) Forward mail that the Attorney General receives for a participant to the participant.

2. The Attorney General shall not make any records containing the name, confidential address or fictitious address of a participant available for inspection or copying, unless:

(a) The address is requested by a law enforcement agency, in which case the Attorney General shall make the address available to the law enforcement agency; or

(b) The Attorney General is directed to do so by lawful order of a court of competent jurisdiction, in which case the Attorney General shall make the address available to the person identified in the order.

3. If a pupil is attending or wishes to attend ~~[a public school that is located outside the zone of attendance as authorized by paragraph (c) of subsection 2 of NRS 388.040 or]~~ a public school that is located in a school district other than the school district in which the pupil resides as authorized by NRS 392.016, the Attorney General shall, upon request of the public school that the pupil is attending or wishes to attend, inform the public school of whether the pupil is a participant and whether the parent or legal guardian with whom the pupil resides is a participant. The Attorney General shall not provide any other information concerning the pupil or the parent or legal guardian of the pupil to the public school.

Sec. 13.5. NRS 432B.580 is hereby amended to read as follows:

432B.580 1. Except as otherwise provided in this section and NRS 432B.513, if a child is placed pursuant to NRS 432B.550 other than with a parent, the placement must be reviewed by the court at least semiannually, and within 90 days after a request by a party to any of the prior proceedings. Unless the parent, guardian or the custodian objects to the referral, the court may enter an order directing that the placement be reviewed by a panel appointed pursuant to NRS 432B.585.

2. An agency acting as the custodian of the child shall, before any hearing for review of the placement of a child, submit a report to the court, or to the panel if it has been designated to review the matter, which includes:

(a) An evaluation of the progress of the child and the family of the child and any recommendations for further supervision, treatment or rehabilitation.

(b) Information concerning the placement of the child in relation to the child's siblings, including, without limitation:

(1) Whether the child was placed together with the siblings;

(2) Any efforts made by the agency to have the child placed together with the siblings;

(3) Any actions taken by the agency to ensure that the child has contact with the siblings; and

(4) If the child is not placed together with the siblings:

(I) The reasons why the child is not placed together with the siblings; and

(II) A plan for the child to visit the siblings, which must be approved by the court.

(c) ***Information concerning the child's education, including:***

(1) A copy of an academic plan developed for the child pursuant to NRS 388.155, 388.165 or 388.205 ~~[.]~~ ***;***

(2) The grade and school in which the child is enrolled;

(3) The name of the each school the child attended before enrolling in the school in which he or she is currently enrolled and the corresponding dates of attendance;

(4) Whether the child has not completed or passed any course of instruction that the child should have completed or passed by the time the report is submitted, which has resulted in the child having a deficiency in credits;

(5) A copy of any individualized education program developed for the child;

(6) A copy of any plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794;

(7) A summary of any special education services received by the child;

(8) Whether a request that the child receive special education services has been made and, if so, the outcome of such a request; and

(9) Whether, in the opinion of the agency, it is necessary to appoint a surrogate parent to represent the child in all matters relating to the provision of a free and appropriate public education to the child.

(d) A copy of any explanations regarding medication that has been prescribed for the child that have been submitted by a foster home pursuant to NRS 424.0383.

3. Except as otherwise provided in this subsection, a copy of the report submitted pursuant to subsection 2 must be given to the parents, the guardian ad litem and the attorney, if any, representing the parent or the child. If the child was delivered to a provider of emergency services pursuant to NRS 432B.630 and the parent has not appeared in the action, the report need not be sent to that parent.

4. After a plan for visitation between a child and the siblings of the child submitted pursuant to subparagraph (4) of paragraph (b) of subsection 2 has been approved by the court, the agency which provides child welfare services must request the court to issue an order requiring the visitation set forth in the plan for visitation. If a person refuses to comply with or disobeys an order issued pursuant to this subsection, the person may be punished as for a contempt of court.

5. The court or the panel shall hold a hearing to review the placement, unless the parent, guardian or custodian files a motion with the court to dispense with the hearing. If the motion is granted, the court or panel may make its determination from any report, statement or other information submitted to it.

6. Except as otherwise provided in this subsection and subsection 5 of NRS 432B.520, notice of the hearing must be given by registered or certified mail to:

(a) All the parties to any of the prior proceedings;

(b) Any persons planning to adopt the child;

(c) A sibling of the child, if known, who has been granted a right to visitation of the child pursuant to NRS 127.171 and his or her attorney, if any; and

(d) Any other relatives of the child or providers of foster care who are currently providing care to the child.

7. The notice of the hearing required to be given pursuant to subsection 6:

(a) Must include a statement indicating that if the child is placed for adoption the right to visitation of the child is subject to the provisions of NRS 127.171;

(b) Must not include any confidential information described in NRS 127.140; and

(c) Need not be given to a parent whose rights have been terminated pursuant to chapter 128 of NRS or who has voluntarily relinquished the child for adoption pursuant to NRS 127.040.

8. The court or panel may require the presence of the child at the hearing and shall provide to each person to whom notice was given pursuant to subsection 6 a right to be heard at the hearing.

9. The court or panel shall review:

(a) The continuing necessity for and appropriateness of the placement;

(b) The extent of compliance with the plan submitted pursuant to subsection 2 of NRS 432B.540;

(c) Any progress which has been made in alleviating the problem which resulted in the placement of the child; and

(d) The date the child may be returned to, and safely maintained in, the home or placed for adoption or under a legal guardianship.

10. The provision of notice and a right to be heard pursuant to this section does not cause any person planning to adopt the child, any sibling of the child or any other relative, any adoptive parent of a sibling of the child or a provider of foster care to become a party to the hearing.

11. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 14. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 15. NRS 388E.020, 388E.030, 388E.040, 388E.100, 388E.110, 388E.120, 388E.130, 388E.140, 388E.150 and 432B.135 are hereby repealed.

Sec. 16. This act becomes effective on July 1, 2017.

LEADLINES OF REPEALED SECTIONS

388E.020 "Custodian" defined.

388E.030 "Foster home" defined.

388E.040 "Program" defined.

388E.100 Administration of Program; regulations; provision of information concerning Program.

388E.110 Eligibility for participation; exemption; contents of application; notice of approval or denial; consideration of best interests of child; no duty to provide transportation.

388E.120 Eligibility for continued participation in Program; request for transfer or withdrawal from Program.

388E.130 Enrollment on basis of lottery system required under certain circumstances.

388E.140 Count of pupils for State Distributive School Account.

388E.150 Contract for evaluation of Program authorized.

432B.135 Child in custody of agency which provides child welfare services deemed homeless in certain circumstances.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 508.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1016.

AN ACT making an appropriation to the Department of Public Safety for the replacement of dispatch center consoles and portable hand-held radios; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State Highway Fund to the Department of Public Safety the sum of ~~[$1,329,123]~~ **$1,218,872** for the replacement of dispatch center consoles and portable hand-held radios.

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 20, 2019.

Sec. 3. This act becomes effective ~~[on July 1, 2017.]~~ **upon passage and approval.**

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 510.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1017.

AN ACT making appropriations to the Bureau of Services to Persons Who Are Blind or Visually Impaired of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation and the Bureau of Vocational Rehabilitation of the Rehabilitation Division of the Department for the enhancement of client information systems; authorizing the expenditure of certain money by those Bureaus for the same purposes; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Bureau of Services to Persons Who Are Blind or Visually Impaired of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation the sum of ~~[$118,665]~~ **$131,074** for an enhancement to the Bureau's client information system.

2. Expenditure of ~~[$438,448]~~ **$484,297** not appropriated from the State General Fund or the State Highway Fund is hereby authorized during Fiscal Year 2017-2018 and Fiscal Year 2018-2019 by the Bureau for the same purpose as set forth in subsection 1.

Sec. 2. 1. There is hereby appropriated from the State General Fund to the Bureau of Vocational Rehabilitation of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation the sum of ~~[$474,660]~~ **$524,295** for an enhancement to the Bureau's client information system.

2. Expenditure of ~~[$1,753,791]~~ **$1,937,185** not appropriated from the State General Fund or the State Highway Fund is hereby authorized during Fiscal Year 2017-2018 and Fiscal Year 2018-2019 by the Bureau for the same purpose as set forth in subsection 1.

Sec. 3. Any remaining balance of the appropriations made by sections 1 and 2 of this act must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2019.

Sec. 4. This act becomes effective ~~[on July 1, 2017.]~~ **upon passage and approval.**

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 505.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 505 makes the appropriation to the Department of Corrections. We have it listed as $2,339,477 for an electronic medical records system; $1,285,440 for the continued transition from the Nevada Offender Tracking Information System to a new internal system; $2,263,231 for the installation of a new telephone system; and $637,085 for the replacement of the Nevada Staffing Information System used to schedule correctional officers. This act becomes effective on July 1, 2017.

Roll call on Assembly Bill No. 505:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Wheeler—2.

Assembly Bill No. 505 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 506.

Bill read third time.

Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

Assembly Bill 506 appropriates from the State General Fund to the Nevada Gaming Control Board the sum of $2,091,590 for phase three of the Alpha Migration Project and to allow for in-state travel for information technology staff to provide support for the project.

Roll call on Assembly Bill No. 506:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Wheeler—2.

Assembly Bill No. 506 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 507.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 507 appropriates funding from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety for the following: the sum of $8,531,643 for the replacement of 125 fleet vehicles and 18 pickup trucks that have exceeded the mileage threshold and the sum of $385,252 for the replacement of 9 motorcycles that have exceeded the mileage threshold.

Roll call on Assembly Bill No. 507:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Wheeler—2.

Assembly Bill No. 507 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 509.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 509 appropriates from the State General Fund to the Department of Business and Industry $48,920 for the implementation of an electronic management system for public works and prevailing wage surveys in the Office of the Labor Commissioner. The bill requires that any remaining balance of the appropriation must not be committed for expenditure after June 30, 2019, and any portion of the appropriation remaining must revert to the State General Fund on or before September 20, 2019. The bill becomes effective on July 1, 2017.

Roll call on Assembly Bill No. 509:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Wheeler—2.

Assembly Bill No. 509 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 130.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 130, as amended, authorizes the court to require a proposed guardian to file a proposed preliminary care plan and budget. The bill provides that any person who retains an attorney for the purposes of representing a party in a guardianship proceeding is personally liable for any attorney fees and costs. It also requires that only the prevailing party in a guardianship case may petition the court for payment of attorney fees and costs from the guardianship estate, and if the court determines that there is no prevailing party, the court may authorize a portion of each party's attorney fees and costs to be paid from the guardianship estate. The bill allows a court-appointed attorney to petition the court in a guardianship case for compensation for services from the guardianship estate.

Lastly, the bill revises requirements of sales of real property of a ward and repeals NRS 159.1435 regarding provisions related to public auction for sale of real property.

Roll call on Assembly Bill No. 130:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Wheeler—2.

Assembly Bill No. 130 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 144.

Bill read third time.

Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

Assembly Bill 144, as amended, creates the Nevada Advisory Commission on Mentoring to support and facilitate existing mentorship programs in the state and requires the Commission, among other things, to establish model guidelines and parameters for existing mentorship programs and develop a financial plan model that provides for the sustainability and financial stability of mentorship programs. Within the limits of legislative appropriations, it shall employ a coordinator for mentorship programs and develop and administer a competitive grant program to award grants of money to mentorship programs.

The bill also requires the Commission to appoint a Mentorship Advisory Council and submit a report to the Governor and the Director of the Legislative Counsel Bureau on or before February 1 of each year outlining its activities and recommendations. Lastly, the bill, as amended, appropriates $7,400 in each year of the 2017-2019 biennium to the Department of Education for the expenses incurred for meetings of the Commission.

Roll call on Assembly Bill No. 144:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Wheeler—2.

Assembly Bill No. 144 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 224.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 224, as amended, replaces certain references to "related conditions" with the term "developmental disability" in certain provisions of the *Nevada Revised Statutes* governing the care and services provided to persons with intellectual disabilities. The measure specifies that such a disability includes autism, cerebral palsy, epilepsy, or any other neurological condition diagnosed by a qualified professional. Finally, the bill prohibits certain contracts for the provision of jobs and day training services to employ persons with developmental disabilities who are under 25 years of age unless the person is paid at least the federal minimum wage.

Roll call on Assembly Bill No. 224:

YEAS—36.

NAYS—Ellison, Marchant, McArthur, Titus—4.

EXCUSED—Paul Anderson, Wheeler—2.

Assembly Bill No. 224 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 348.

Bill read third time.

Remarks by Assemblymen Titus, Edwards, Pickard, Joiner, Bilbray-Axelrod, Elliot Anderson, and Hambrick.

ASSEMBLYWOMAN TITUS:

Assembly Bill 348, as amended, revises provisions concerning the establishment of a course or unit of instruction concerning acquired immune deficiency syndrome, human reproductive system, related communicable diseases, and sexual responsibility. It requires the board of trustees of a school district to periodically revise the content of such course of instruction, as necessary, to ensure that the content is current, age-appropriate, and as applicable, medically accurate. The board must prepare and submit a report categorized by school and grade level to the Director of Legislative Counsel Bureau on the status of the establishment of content of such course of instruction.

The bill, as amended, also allows such course of instruction to be taught by a teacher or school nurse whose qualifications have been previously approved by the board of trustees. Lastly, the bill, as amended, adds certain provisions related to the notification and consent of a parent or guardian with respect to the pupil's participation in such course of instruction.

Mr. Speaker, unfortunately there has been quite a bit of misinformation about this bill. Parental rights are indeed maintained and the makeup of the oversight board has not changed. The bill also requires that parents opt into sex education for their children. Schools may not teach it without the parent's permission. The bill also maintains that the course is only taught by a teacher or a qualified nurse, no outside teachers.

Mr. Speaker and members of this body, 20 years ago the teen birth rates were 61.8 for every 1,000 teenagers between the ages of 15 and 19. In 2014, the teen birth rate in Nevada was 28.5 for every 1,000 teenage girls between the ages of 15 and 19. I strongly believe that one of the improvements here—and the reason for this improvement—is that critical education. I would ask everyone in this body to please support this legislation. I think it is key to our young women and men in this state, and I appreciate your support.

ASSEMBLYMAN EDWARDS:

I rise in opposition to Assembly Bill 348. This bill continues to include some ambiguous language. It is a fatal flaw in the way that a student can be opted into the program against the wishes of their parents.

I do not underestimate the value of a good sex education program, and I think the results have proven that the curriculum they use is effective. I have received copies of the sex education curricula from each of the districts. If there are any changes that are needed, each school district is already empowered to implement such changes. We do not need to keep cluttering state statutes with laws that are, in reality, school district policy matters. I am among the members of this Chamber that are greatly dismayed by the number of laws we write that should be matters routinely handled by school districts.

I encourage all members to vote against this bill and send a message that school boards need to take care of these matters.

ASSEMBLYMAN PICKARD:

I have a question for my colleague from the north regarding section 1.5, subsection 9, with respect to the legislative intent as to whether or not the instruction can begin without the express consent of the parent.

ASSEMBLYWOMAN TITUS:

Thank you for the question. It is my impression and my interpretation of that item that, indeed, the parents have to give consent, but the obligation is on the school to reach out to them again before they start teaching. That does not allow the school to go ahead and teach anyway. The parents must give permission.

ASSEMBLYWOMAN JOINER:

If I may respond, I want to make very clear on the record that parents absolutely must give permission before a student may enter this course. That is not changing from the current law. Actually, in this current version of the bill, I have made it even easier for parents to make their wishes known. If their wish is to opt their child out of the program, for their child to not take the program, there are additional ways that that happens. We are authorizing the school districts to offer this permission slip online. We are also ensuring that if one is not returned to the school

district, the parents are notified again to make sure they know that permission slip is coming home so that their wish is known. It is absolutely not my intent that a child would take this unless they had their parents' permission.

ASSEMBLYWOMAN BILBRAY-AXELROD:

I did not plan on speaking, but I rise in support of this bill. I really have to give a tremendous amount of credit to my colleague from Assembly District 24. If it was up to me, we would be going a lot further, and honestly, it would not be an opt-in situation. If any of you can stand here and think that your teenagers do not need this information, then you need to talk to a few teenagers. Vote however you want to vote, but believe me, my colleague has done a ton of work, and I support her. I urge you to support this bill.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in support of Assembly Bill 348. I first want to speak to my colleague from the double-deuce and point out that section 1.5, subsection 8, is the existing law that still requires opt-in. The subsection that you referenced, subsection 9 of section 1.5, adds more heft to it.

Furthermore, one problem that Nevada has should be brought up in this discussion. Part of the bill requires better information about consent and that sort of thing. I think healthy choices in relationships is something that is important for kids to know. Oftentimes we have dealt with problems like human trafficking, and those sort of things start with those bad choices and not learning about making healthy choices. I think as a way to help prevent those situations from developing, getting information about responsible choices and proper relationship expectations is important. We should not underestimate that in all our talk about human trafficking.

ASSEMBLYMAN HAMBRICK:

I rise in opposition to Assembly Bill 348. I am troubled by the opt-in opt-out provisions that could last for years. I am also troubled by the fact that much of this is already codified in state law, and anything beyond our current standards are likely to go on for many more years.

Many of you know my wife Nancy. She and I are the parents of two beautiful children. I know that for Nancy and I, many of the details of this subject are best taught at home. This is a sacred issue for many, and I do not believe it is our place to take this any further than it already is.

Roll call on Assembly Bill No. 348:

YEAS—28.

NAYS—Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Tolles, Woodbury—12.

EXCUSED—Paul Anderson, Wheeler—2.

Assembly Bill No. 348 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 417.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Assembly Bill 417, as amended, creates the Nevada Main Street Program within the Office of Economic Development in the Office of the Governor and requires the Executive Director of the Office of Economic Development to adopt regulations setting forth the requirements to apply for and receive approval as a designated local Main Street program and also requires the Executive Director or designee to coordinate the program and approve or deny applications for grants to designated local Main Street programs.

Roll call on Assembly Bill No. 417:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Wheeler—2.

Assembly Bill No. 417 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 436.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 436, as amended, requires the Governor's Office of Economic Development and the Regional Business Development Advisory Council for Clark County to provide information regarding public and private programs for small business funding to certain businesses in the state and clarifies it may be provided either in written or electronic form through the state business portal.

The act is effective for the sections relating to the Secretary of State's Office on January 1, 2018, and for all other sections on July 1, 2017.

Roll call on Assembly Bill No. 436:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Wheeler—2.

Assembly Bill No. 436 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 467.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 467, as amended, requires that the Governor appoint five alternate members to the Personnel Commission who may serve as an alternate member when the regular member is unable to attend a meeting of the Commission and increases the quorum from three members to five members. Furthermore, Assembly Bill 467 requires a majority vote of the five members of the Commission to adopt, amend, or rescind a regulation and to decide an appeal to the Commission made by an employee of the state. The bill becomes effective on July 1, 2017.

Roll call on Assembly Bill No. 467:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Wheeler—2.

Assembly Bill No. 467 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 491.

Bill read third time.

Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

Assembly Bill 491, as amended, provides that when a child enters foster care or changes placement while in foster care, the agency that provides child welfare services to the child must determine, in consultation with the local education agency [LEA], whether it is in the child's best interest to remain in his or her school of origin.

If it is determined that the child should remain in his or her school of origin, the child welfare agency and the relevant LEA must provide the child with transportation to that school. If a dispute related to transportation arises between the agencies and is not resolved within five business days, the dispute must be resolved by court order.

Finally, the bill eliminates the Program of School Choice for Children in Foster Care and repeals a statute regarding deeming as homeless certain children in the custody of a child welfare agency.

Roll call on Assembly Bill No. 491:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Wheeler—2.

Assembly Bill No. 491 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 508.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 508, as amended, appropriates $1,218,872 for the replacement of dispatch center consoles and portable hand-held radios which have reached the end of their useful life. This act becomes effective upon passage and approval.

Roll call on Assembly Bill No. 508:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Wheeler—2.

Assembly Bill No. 508 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 510.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Assembly Bill 510, as amended, provides one-time funding to the Department of Employment, Training and Rehabilitation to upgrade the Vocational Rehabilitation Division's client information system.

As amended, the bill appropriates [State] General Funds of $655,369 and authorizes expenditures not appropriated by the State General Fund of $2,421,482. Project expenditures would be split between the Bureau of Vocational Rehabilitation and the Bureau of Services to the Blind and Visually Impaired to support and enhance the Bureaus' client information system.

Roll call on Assembly Bill No. 510:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Wheeler—2.

Assembly Bill No. 510 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 66, 74, 106, 132, 150, 212, 213, 229, 414, 427, and 457; Senate Joint Resolution No. 14 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

VETOED BILLS AND SPECIAL ORDERS OF THE DAY

Vetoed Assembly Bill No. 350 of the 79th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

May 30, 2017

THE HONORABLE JASON FRIERSON, SPEAKER OF THE NEVADA STATE ASSEMBLY, The Nevada Legislature, 401 South Carson Street, Carson City, NV 89701

RE: Assembly Bill 350 of the 79th Legislative Session

DEAR SPEAKER FRIERSON:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 350 ("AB 350"), which is entitled:

> AN ACT relating to state employment; requiring certain state agencies to provide an employee orientation to new employees, to allow certain employee organizations to provide a presentation during such an orientation or meet with a new employee under certain circumstances and to provide such an employee organization with certain information concerning new employees; requiring certain state agencies to allow certain employee organizations to meet with employees at certain locations; and providing other matters properly relating thereto.

At its core, AB 350 has good intentions. Improving the pay and working conditions for state employees has been a priority of mine and the Legislature. Whenever possible and prudent, my recommended executive budgets have included state employee raises, the end of furloughs, and other benefit increases for Nevada's public servants. In my proposed budget for the upcoming biennium, all state employees will receive a four percent raise with no additional retirement contributions.

Nevada has a long, bipartisan history of balancing the provision of state services to our citizens with the relationship between employer and employee. AB 350 upsets this balance, and creates a process that could end in collective bargaining for all state employees—a policy that has already been historically considered and rejected by prior administrations and legislatures.

Moreover, AB 350 mandates that employee organizations make their presentations during working hours paid for by taxpayers. Such a mandate is inconsistent with bipartisan reforms enacted during the 2015 Legislative Session.

For these reasons, I veto Assembly Bill 350 and return it without my signature or approval.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 350 of the 79th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 427 of the 79th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

May 30, 2017

THE HONORABLE JASON FRIERSON, SPEAKER OF THE NEVADA STATE ASSEMBLY, The Nevada Legislature, 401 South Carson Street, Carson City, NV 89701

RE: Assembly Bill 427 of the 79th Legislative Session

DEAR SPEAKER FRIERSON:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 427 ("AB 427"), which is entitled:

> AN ACT relating to public assistance; revising provisions relating to eligibility of certain convicted persons for public assistance; and providing other matters properly relating thereto.

Nevada law strikes an important and careful balance between the nutritional and financial needs of certain felony drug offenders and the public policy of ensuring that these individuals seek and receive drug treatment and are no longer possessing, using, or distributing controlled substances.

Under existing law, persons with felony convictions associated with the possession, use, or distribution of a controlled substance may be eligible for Temporary Assistance for Needy Families ("TANF") and the Supplemental Nutrition Assistance Program ("SNAP") if, among other requirements, he or she is participating in or has successfully completed a drug treatment program. A person is also required to demonstrate that he or she has not possessed, used, or distributed a controlled substance since that person began a drug treatment program.

AB 427 eliminates the drug treatment component, allowing felony drug offenders to access these public benefits without participating in or completing a drug program. This is a substantial change in public policy that I cannot support because it removes important tools and incentives for drug offenders to receive necessary treatment for addiction and rebuild their lives.

For these reasons I veto AB427 and return it without my signature or approval.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 427 of the 79th Session be placed on the Chief Clerk's desk.

Motion carried.

REMARKS FROM THE FLOOR

Assemblywoman Spiegel requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN SPIEGEL:

Mr. Speaker, I rise tonight with some sad news. Our friend Patrick Patin passed away this afternoon after a long illness. Those of us who have been involved in the Clark County Democratic Party and Nevada State Democratic Party knew Patrick for his many contributions and his bright smile. Patrick was an active member of both the Clark County and the Nevada

State Democratic Central Committees. He was President of the Nevada Stonewall Democratic Caucus and the Stonewall Democratic Club of Southern Nevada, and he was active with Gender Justice Nevada. Patrick was an integral part of the Nevada Democratic family. We will miss his many contributions and his friendship. Please keep Patrick's family and his partner Jimmy in your thoughts and prayers.

Assemblyman Thompson requested that the following remarks be entered in the Journal.

ASSEMBLYMAN THOMPSON:

There is another great Nevadan that we laid to rest today and that is Mr. Ardell Galbreth. He recently served as the Director of the Department of Employment, Training, and Rehabilitation. His last position was at Workforce Connections. He battled cancer for quite a while. One thing I want to say about him is that literally until the day he died, he worked hard to make sure that people who did not have skills and were not competitive in the workforce were able to attain those skills. He fought hard with the community—all the ridicule he may have received—but he kept on smiling, he kept on pushing forward towards the mark to help people. I would like for this body to acknowledge him. He served in the military and was truly the epitome of a public servant. My prayers and thoughts go out to his family and to his Workforce Connections family.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Hunter Lake Elementary School: Liam Britt, Lakota Dale, Kaitlyn Fowler, Isaac Goodfellow, Madison Jenks, Simon McCombs, Emily Mercer, Naomi Mick, Champ Notyce, Khellan O'Reilly, Violet Richter, Kaliel Russell, Angela Sanchez, Jackson Sellers, Julio Soto Mendoza, Delaney Sullivan, Imogen Valory, Alyssa Veliz, Winston Wayman, Ty Wedgworth, Ryder Wilson, Breck Worthen, Tanner York, Mahmud Zaman, Dakota Allred, Nadia Davis, Marissa Garcia, Rowen Garcia, Evan Green, Kalub Green, Jacob Heller, Riley Hopkins, Deshawn Joyner Nelson, Spencer Klupfell, Alexa Lehan, Pele Masina, Alexa Mauzy, Liberty O'Bryan, Jazlyn Ortiz, Nick Owens, Jorge Pizarro Chavez, Christian Powers, Jonas Przywara, Pam Stearne, Cash Tobin, Otto Wiest, and Sophia Williams.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Incline Elementary School: Hannah Bloomhuff, Ayana Boyce, Emily Brubaker, Cameron Collins, Orrin Drescher, Sofia Gomez, Bryan Guevara, Natalia Herrera, Whitney Kiesel, Addy LaForge, Emmie Larson, Daviel Lopez, Lainey Lowden, Santiago Martinez, Kira Noble, Samuel Perry, Dean Pluckhan, Cash Pollard, Jose Ramirez, Maritza Rangel, Fernanda Rojas, Jordan Thralls, Fatima Aguirre, Ben Aguirre, Chloe Clark, Gianna Damato, Dylan Deming, Liam Ellis, Kolby Engles, Klyie Erickson, Dawson Ferrell, Kayla Franczak, William Jones, Jacob Klein, Kelsey Marino, Isabel Martinez, Nathassa Martinez,

Josiah McMahan, Maya Phillips, Yuridia Ramirez, Kasandra Rangel, Zane Richards, Jonathan Santiago, Kyler Thompson, and Katherine Wechsler.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Minden Elementary School: Reese Ballingham, Nicolas Beier, Jackson Binder, Cooper Brown, Leila Etheridge, Dulce Franco, Rhiannon French, Ty Glover, Malia Haskins, Patience Hoffman, Annalise Irving, Brooke Jones, Nephi Langkilde, Kimberly Lopez, Devyn Maaka, Aiden Martinez, Marissa Romero-Mendoza, Vanessa Vargas-Ruiz, Gage Saucedo, Nathan Scribner, Leo Stancampiano, Mari Stone, Kaylee Taylor, Nathan Taylor, Caden Thacker, Andrew Campbell Weber, Titan Allen, Xander Bacon, Logan Barker, Ellie Barnes, Kylee Barron, Mason Britton, Ryan Brown, Ashlyn Charles, Demetra Dobson, Jacob Erickson, Brinley Ginocchio, Gracie Goss, Abby Hamer, Holly Hastings, Dash Jantos, Sofia Jones, Jeremy MacPherson, Emery Meenan, Soren Nilssen, Lizzy Peck, Violet Prouty, Jonathan Soto, Kaelyn Spriggs, Valerie Vieira, Brandon Marshall, Omar Orozco, and Liv Nillsen.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Wednesday, May 31, 2017, at 11:30 a.m., and that it do so in memory of Patrick Patin and Ardell Galbreth.

Motion carried.

Assembly adjourned at 10:51 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIFTEENTH DAY

CARSON CITY (Wednesday), May 31, 2017

Assembly called to order at 12:34 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by Assemblywoman Maggie Carlton.

I will start afresh each new day with petty littleness freed. I will cease to stand complaining of my ruthless neighbor's greed. I will cease to sit repining while my duty's call is clear. I will waste no moment whining, and my heart shall know no fear. I will not be swayed by envy when my rival's strength is shown. I will not deny his merit, but I will try to prove my own. I will try to see the beauty spread before me, rain or shine. I will cease to preach your duty and be more concerned with mine. If a task is once begun, never leave it until it is done. Be the labor great or small, do it well or not at all.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 541, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 517, 518, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 395, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 207, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 518 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Benitez-Thompson.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 517 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 517.

Bill read third time.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Assembly Bill 517 establishes the maximum allowable salaries for employees in unclassified service. The bill also makes appropriations from the General Fund and Highway Fund for salary increases for nonclassified, classified, and unclassified state employees. Specifically, the bill includes funding for a 2 percent salary increase for Fiscal Year 2018, effective July 1, 2017, and a 2 percent salary increase for Fiscal Year 2019, effective July 1, 2018. Additionally, the bill includes funding to support salary increases effective January 7, 2019, for elected officials in accordance with state law. That does not include my colleagues seated on this floor.

Assembly Bill 517 authorizes the Department of Health and Human Services and the Department of Corrections to provide callback pay for unclassified medical positions and pharmacists to perform on-call responsibilities to ensure 24-hour coverage in psychiatric and medical facilities. The bill also authorizes the Gaming Control Board to continue the credential pay plan, which provides up to $5,000 annually for unclassified employees who possess a current Nevada certified public accountant certificate, a license to practice law, or are in a qualifying position as electronic laboratory engineer and possess a bachelor of science or higher degree in engineering, electronic engineering, or computer science.

The bill becomes effective July 1, 2017.

Roll call on Assembly Bill No. 517:

YEAS—42.

NAYS—None.

Assembly Bill No. 517 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblywoman Benitez-Thompson moved that the Assembly recess until 7:30 p.m.

Motion carried.

Assembly in recess at 12:44 p.m.

ASSEMBLY IN SESSION

At 8:25 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 225, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which was referred Senate Bill No. 458, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TYRONE THOMPSON, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 290, 475, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 189, 355, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MICHAEL C. SPRINKLE, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 511, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HEIDI SWANK, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 410, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD CARRILLO, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 388, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 501, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 503, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 511, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 8:27 p.m.

ASSEMBLY IN SESSION

At 8:32 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 21, Amendment No. 946; Assembly Bill No. 309, Amendment No. 986, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendments Nos. 815, 959, 929 to Senate Bill No. 232.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

GENERAL FILE AND THIRD READING

Assembly Bill No. 207.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1045.

AN ACT relating to juries; revising the provisions governing the selection of jurors; requiring the jury commissioner to report certain information about trial jurors to the Court Administrator; ~~[prohibiting certain conduct relating to the use of certain employment information; providing a penalty;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a district court is authorized to assign a jury commissioner to select trial jurors. Existing law provides that the jury commissioner assigned to select trial jurors is required to select jurors from qualified electors of the county not exempt from jury duty, whether registered as voters or not. (NRS 6.045) Existing law further requires the Department of Motor Vehicles to provide a list of registered owners of motor vehicles and a list of licensed drivers for use in selecting jurors. (NRS 482.171, 483.225) Certain public utilities are also required to provide a list of customers for use in the selection of jurors. (NRS 704.206) ~~[Section 4.5 of this bill requires the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to provide a list of persons who receive benefits for use in jury selection.]~~

Section 1 of this bill revises the process for selecting trial jurors by requiring the jury commissioner to compile and maintain a list of qualified electors from information provided by: (1) a list of persons who are registered to vote in the county; (2) the Department of Motor Vehicles; **and** (3) ~~[the Employment Security Division of the Department of Employment, Training and Rehabilitation; and (4)]~~ certain public utilities. **Section 1** also requires the jury commissioner to: (1) keep a record of the name, occupation, address and race of each trial juror who is selected and of each trial juror who appears for jury service; and (2) report this information once a year to the Court Administrator.

~~[Existing law makes confidential the employment information collected by the Employment Security Division of the Department of Employment, Training and Rehabilitation and prohibits the release of such information except for limited purposes. (NRS 612.265) Section 4.5 provides that if, in addition to those acts prohibited by existing law, certain persons use information collected by the Division for purposes other than those authorized by the Administrator or by law, or fail to protect and prevent the unauthorized use or dissemination of such information, the person is guilty of a gross misdemeanor.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 6.045 is hereby amended to read as follows:

6.045 1. The district court may by rule of court designate the clerk of the court, one of the clerk's deputies or another person as a jury commissioner, and may assign to the jury commissioner such administrative duties in connection with trial juries and jurors as the court finds desirable for efficient administration.

2. If a jury commissioner is so selected, the jury commissioner shall from time to time estimate the number of trial jurors which will be required for attendance on the district court and shall select that number from the qualified electors of the county not exempt by law from jury duty, whether registered as voters or not. The jurors may be selected by computer whenever procedures to assure random selection from computerized lists are established by the jury commissioner. ~~[The jury commissioner shall keep a record of the name, occupation and address of each person selected.]~~

3. ***The jury commissioner shall, for the purpose of selecting trial jurors, compile and maintain a list of qualified electors from information provided by:***

(a) A list of persons who are registered to vote in the county;

(b) The Department of Motor Vehicles pursuant to NRS 482.171 and 483.225; and

(c) ~~[The Employment Security Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 612.265; and (d)]~~ A public utility pursuant to NRS 704.206.

4. In compiling and maintaining the list of qualified electors, the jury commissioner shall avoid duplication of names.

5. The jury commissioner shall:

(a) Keep a record of the name, occupation, address and race of each trial juror selected pursuant to subsection 2;

(b) Keep a record of the name, occupation, address and race of each trial juror who appears for jury service; and

(c) Prepare and submit a report to the Court Administrator which must:

(1) Include statistics from the records required to be maintained by the jury commissioner pursuant to this subsection, including, without

limitation, the name, occupation, address and race of each trial juror who is selected and of each trial juror who appears for jury service;

(2) Be submitted at least once a year; and

(3) Be submitted in the time and manner prescribed by the Court Administrator.

6. The jury commissioner shall not select the name of any person whose name was selected the previous year, and who actually served on the jury by attending in court in response to the venire from day to day until excused from further attendance by order of the court, unless there are not enough other suitable jurors in the county to do the required jury duty.

Sec. 2. NRS 482.171 is hereby amended to read as follows:

482.171 1. The Department shall provide a list of registered owners of motor vehicles in any county upon the request of a district judge ***or jury commissioner*** of the judicial district in which the county lies for use by the district judge ***or jury commissioner*** for purposes of jury selection.

2. The court ~~[which]~~ ***or jury commissioner who*** requests the list shall reimburse the Department for the reasonable cost of the list.

Sec. 3. NRS 483.225 is hereby amended to read as follows:

483.225 1. The Department shall provide a list of licensed drivers in any county upon the request of a district judge ***or jury commissioner*** of the judicial district in which the county lies for use in selecting jurors.

2. The court ~~[which]~~ ***or jury commissioner who*** requests the list shall reimburse the Department for the reasonable cost of the list.

Sec. 4. (Deleted by amendment.)

Sec. 4.5. ~~[~~NRS 612.265 is hereby amended to read as follows:

~~612.265 1. Except as otherwise provided in this section and NRS 239.0115 and 612.642, information obtained from any employing unit or person pursuant to the administration of this chapter and any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's or employing unit's identity.~~

~~2. Any claimant or a legal representative of a claimant is entitled to information from the records of the Division, to the extent necessary for the proper presentation of the claimant's claim in any proceeding pursuant to this chapter. A claimant or an employing unit is not entitled to information from the records of the Division for any other purpose.~~

~~3. The Administrator may, in accordance with a cooperative agreement among all participants in the statewide longitudinal data system developed pursuant to NRS 400.040, make the information obtained by the Division available to:~~

~~(a) The Board of Regents of the University of Nevada for the purpose of complying with the provisions of subsection 4 of NRS 396.531; and~~

~~(b) The Director of the Department of Employment, Training and Rehabilitation for the purpose of complying with the provisions of paragraph (d) of subsection 1 of NRS 232.920.~~

~~4. Subject to such restrictions as the Administrator may by regulation prescribe, the information obtained by the Division may be made available to:~~

~~(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of laws relating to unemployment compensation, public assistance, workers' compensation or labor and industrial relations, or the maintenance of a system of public employment offices;~~

~~(b) Any state or local agency for the enforcement of child support;~~

~~(c) The Internal Revenue Service of the Department of the Treasury;~~

~~(d) The Department of Taxation;~~

~~(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS; and~~

~~(f) The Secretary of State to operate the state business portal established pursuant to chapter 75A of NRS for the purposes of verifying that data submitted via the portal has satisfied the necessary requirements established by the Division, and as necessary to maintain the technical integrity and functionality of the state business portal established pursuant to chapter 75A of NRS.~~

~~→ Information obtained in connection with the administration of the Division may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a public assistance program.~~

~~5. Upon written request made by the State Controller or a public officer of a local government, the Administrator shall furnish from the records of the Division the name, address and place of employment of any person listed in the records of employment of the Division. The request may be made electronically and must set forth the social security number of the person about whom the request is made and contain a statement signed by the proper authority of the State Controller or local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation assigned to the State Controller for collection or owed to the local government, as applicable. Except as otherwise provided in NRS 239.0115, the information obtained by the State Controller or local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation assigned to the State Controller for collection or owed to that local government. The Administrator may charge a reasonable fee for the cost of providing the requested information.~~

~~6. The Administrator may publish or otherwise provide information on the names of employers, their addresses, their type or class of business or industry, and the approximate number of employees employed by each such employer, if the information released will assist unemployed persons to obtain employment or will be generally useful in developing and diversifying the economic interests of this State. Upon request by a state agency which is able to demonstrate that its intended use of the information will benefit the~~

~~residents of this State, the Administrator may, in addition to the information listed in this subsection, disclose the number of employees employed by each employer and the total wages paid by each employer. The Administrator may charge a fee to cover the actual costs of any administrative expenses relating to the disclosure of this information to a state agency. The Administrator may require the state agency to certify in writing that the agency will take all actions necessary to maintain the confidentiality of the information and prevent its unauthorized disclosure.~~

~~7. Upon request therefor, the Administrator shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation and employment status of each recipient of benefits and the recipient's rights to further benefits pursuant to this chapter.~~

~~8. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit a written request to the Administrator that the Administrator furnish, from the records of the Division, the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the Administrator shall furnish the information requested. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.~~

~~9. In addition to the provisions of subsection 6, the Administrator shall provide lists containing the names and addresses of employers, and information regarding the wages paid by each employer to the Department of Taxation, upon request, for use in verifying returns for the taxes imposed pursuant to chapters 363A, 363B and 363C of NRS. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.~~

~~10.~~ ***Upon the request of any district judge or jury commissioner of the judicial district in which the county is located, the Administrator shall, in accordance with other agreements entered into with other district courts and in compliance with 20 C.F.R. Part 603, and any other applicable federal laws and regulations governing the Division, furnish the name, address and date of birth of persons who receive benefits in any county, for use in the selection of trial jurors pursuant to NRS 6.045. The court or jury commissioner who requests the list of such persons shall reimburse the Division for the reasonable cost of providing the requested information.***

~~11.~~ ***11.*** ~~The Division of Industrial Relations of the Department of Business and Industry shall periodically submit to the Administrator, from information in the index of claims established pursuant to NRS 616B.018, a list containing the name of each person who received benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS. Upon receipt of~~

~~that information, the Administrator shall compare the information so provided with the records of the Employment Security Division regarding persons claiming benefits pursuant to this chapter for the same period. The information submitted by the Division of Industrial Relations must be in a form determined by the Administrator and must contain the social security number of each such person. If it appears from the information submitted that a person is simultaneously claiming benefits under this chapter and under chapters 616A to 616D, inclusive, or chapter 617 of NRS, the Administrator shall notify the Attorney General or any other appropriate law enforcement agency.~~

~~**[**11.**]** ***12.*** The Administrator may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 3305(c) of the Internal Revenue Code of 1954.~~

~~**[**12. If any employee or member of the Board of Review, the**]** ***13. The*** Administrator **, [**or**]** any employee ***or other person acting on behalf*** of the Administrator, **[**in violation of the provisions of this section, discloses**]** ***or any employee or other person acting on behalf of an agency or entity allowed to access*** information obtained from any employing unit or person in the administration of this chapter, or **[**if**]** any person who has obtained a list of applicants for work, or of claimants or recipients of benefits pursuant to this chapter **[**uses**] , *is guilty of a gross misdemeanor if he or she:***~~

~~***(a) Uses*** or permits the use of the list for any political purpose **[**, he or she is guilty of a gross misdemeanor.~~

~~13.**]** **;**~~

~~***(b) Uses or permits the use of the list for any purpose other than one authorized by the Administrator or by law; or***~~

~~***(c) Fails to protect and prevent the unauthorized use or dissemination of information derived from the list.***~~

~~***14.*** All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the Division or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.**]**~~ **(Deleted by amendment.)**

Sec. 5. This act becomes effective on July 1, 2017.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 290.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 1026.

SUMMARY—Makes ~~[various]~~ **certain** changes relating to collective bargaining. (BDR 23-35)

AN ACT relating to **collective bargaining by** local governments; ~~[authorizing the Local Government Employee-Management Relations Board to appoint a Deputy Commissioner; revising the period during which a new, extended or modified collective bargaining agreement or similar agreement must be posted and made available before a public hearing; requiring the chief executive officer of a local government to report to the governing body of the local government whether a proposed collective bargaining agreement or similar agreement is financially sustainable; revising the process of fact-finding and arbitration after an impasse in bargaining; revising provisions relating to the budgeted ending fund balance of the general fund of a local government; making an appropriation;]~~ **revising certain provisions relating to employee leave;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[The Local Government Employee-Management Relations Board administers the provisions governing labor relations between local government employers and employee organizations. (NRS 288.080, 288.110) The Board is authorized by existing law to appoint a Commissioner, who serves in the unclassified service of the State. (NRS 288.090) Section 4 of this bill additionally authorizes the Board to appoint a Deputy Commissioner, and section 10 of this bill makes an appropriation for that purpose.~~

~~Existing law provides that any new, extended or modified collective bargaining agreement or similar agreement between a local government employer and an employee organization must be approved at a public hearing by the governing body of the local government. Not less than 3 business days before the date of the hearing, the governing body must cause the proposed agreement and certain related documents to be posted and made available for downloading on the Internet website of the local government or, if the local government does not have such a website, deposited with the clerk of the governing body. At the hearing, the chief executive officer of the local government must report on the fiscal impact of the proposed agreement. (NRS 288.153) Section 5 of this bill requires that the proposed agreement and other documents be posted and made available not less than 21 business days before the hearing. Sections 1 and 5 of this bill require the chief executive officer to report on whether the proposed agreement is financially sustainable, meaning that the local government employer has the financial ability to pay compensation or monetary benefits in a given amount during the term of the agreement or for 3 years, whichever is longer, giving~~

~~consideration to reserved money, nonrecurring revenue or a potential loss of revenue and certain other criteria.~~

~~— If an impasse is reached in collective bargaining negotiations, existing law establishes a process of fact-finding and arbitration. Existing law requires a fact finder to make a determination of the financial ability of the local government to grant monetary benefits. After the fact finder makes his or her report, the governing body of the local government employer must meet to consider the fiscal impact of the fact finder's findings and recommendations, based upon a report from the chief executive officer of the local government. (NRS 288.200) Section 6 of this bill requires that the fact finder make a determination of the amount of compensation and monetary benefits that is financially sustainable for the local government employer, and that the chief executive officer and governing body also report on and consider whether the fact finder's findings and recommendations are financially sustainable. Sections 7 and 8 of this bill make similar changes relating to the process of final and binding arbitration.~~

~~— Existing law limits the extent to which money in certain governmental funds may be expended by a local government employer pursuant to a collective bargaining agreement or considered by a fact finder or arbitrator in determining the financial ability of the local government employer to pay monetary benefits. (NRS 288.200, 288.215, 288.217, 354.6241) Existing law further provides that for any local government other than a school district, a budgeted ending fund balance for the general fund of the local government of not more than 25 percent of the total budgeted expenditures from the general fund, less capital outlay: (1) is not subject to collective bargaining negotiations; and (2) must not be considered by a fact finder or arbitrator in resolving issues of ability to pay compensation or monetary benefits. (NRS 354.6241) Section 9 of this bill deletes the exception provided for a school district. Section 9 further provides that a fact finder or arbitrator may consider certain money previously reserved by a local government employer if the governing body of the local government employer makes a finding that the continued reservation of the money is no longer necessary.]~~

Existing law authorizes a local government employer to provide leave to any of its employees for time spent by the employee in providing services for an employee organization, conditioned upon: (1) payment or reimbursement of the cost of the leave by the affected employee organization; or (2) bargaining concessions by the employee organization that fully offset the cost of the leave. (NRS 288.225) Section 8.3 of this bill provides that if such leave was provided by a local government employer as of June 1, 2015, to a given number of employees, bargaining concessions are deemed to have been made by the employee organization for the past, present and future costs of providing the leave to that number of employees.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 288 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*"Financially sustainable" means that a local government employer has the financial ability to pay compensation and monetary benefits in a given amount during the term of a collective bargaining agreement or for 3 years, whichever is longer, giving consideration to the limitations set forth in NRS 354.6241, any nonrecurring revenue or potential loss of revenue and the other criteria set forth in NRS 288.200, 288.215 and 288.217, as applicable.*~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 288.020 is hereby amended to read as follows:~~

~~288.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 288.025 to 288.075, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 288.034 is hereby amended to read as follows:~~

~~288.034 "Commissioner" means the Commissioner *or Deputy Commissioner* appointed by the Board.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 288.090 is hereby amended to read as follows:~~

~~288.090 1. The members of the Board shall annually elect one of their number as Chair and one as Vice Chair. Any two members of the Board constitute a quorum.~~

~~2. The Board may, within the limits of legislative appropriations and any other available money:~~

~~(a) Appoint a Commissioner *, a Deputy Commissioner* and a Secretary, who are in the unclassified service of the State; and~~

~~(b) Employ such additional clerical personnel as may be necessary, who are in the classified service of the State.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 288.153 is hereby amended to read as follows:~~

~~288.153 1. Any new, extended or modified collective bargaining agreement or similar agreement between a local government employer and an employee organization must be approved by the governing body of the local government employer at a public hearing.~~

~~2. Not less than [3] *21* business days before the date of the hearing, the governing body shall cause the following documents to be posted and made available for downloading on the Internet website of the local government or, if the local government does not have such a website, deposited with the clerk of the governing body:~~

~~(a) The proposed agreement and any exhibits or other attachments to the proposed agreement;~~

~~(b) If the proposed agreement is a modification of a previous agreement, a document showing any language added to or deleted from the previous agreement; and~~

~~(c) Any supporting material prepared for the governing body and relating to the fiscal impact of the ***proposed*** agreement.~~

~~3. Any document deposited with the clerk of the governing body pursuant to subsection 2 is a public record and must be open for public inspection pursuant to NRS 239.010.~~

~~4. At the hearing, the chief executive officer of the local government shall report to the governing body of the local government the fiscal impact of the ***proposed*** agreement **[.]** ***and whether the proposed agreement is financially sustainable.]*** **(Deleted by amendment.)**

Sec. 6. ~~[NRS 288.200 is hereby amended to read as follows:~~

~~288.200 Except in cases to which NRS 288.205 and 288.215, or NRS 288.217 apply:~~

~~1. If:~~

~~(a) The parties have failed to reach an agreement after at least six meetings of negotiations; and~~

~~(b) The parties have participated in mediation and by April 1, have not reached agreement,~~

~~* either party to the dispute, at any time after April 1, may submit the dispute to an impartial fact-finder for the findings and recommendations of the fact finder. The findings and recommendations of the fact finder are not binding on the parties except as provided in subsections 5, 6 and 11. The mediator of a dispute may also be chosen by the parties to serve as the fact finder.~~

~~2. If the parties are unable to agree on an impartial fact finder or a panel of neutral arbitrators within 5 days, either party may request from the American Arbitration Association or the Federal Mediation and Conciliation Service a list of seven potential fact finders. If the parties are unable to agree upon which arbitration service should be used, the Federal Mediation and Conciliation Service must be used. Within 5 days after receiving a list from the applicable arbitration service, the parties shall select their fact finder from this list by alternately striking one name until the name of only one fact finder remains, who will be the fact finder to hear the dispute in question. The employee organization shall strike the first name.~~

~~3. The local government employer and employee organization each shall pay one-half of the cost of fact-finding. Each party shall pay its own costs of preparation and presentation of its case in fact-finding.~~

~~4. A schedule of dates and times for the hearing must be established within 10 days after the selection of the fact finder pursuant to subsection 2, and the fact finder shall report the findings and recommendations of the fact finder to the parties to the dispute within 30 days after the conclusion of the fact-finding hearing.~~

~~5. The parties to the dispute may agree, before the submission of the dispute to fact finding, to make the findings and recommendations on all or any specified issues final and binding on the parties.~~

~~6. If the parties do not agree on whether to make the findings and recommendations of the fact finder final and binding, either party may request the formation of a panel to determine whether the findings and recommendations of a fact finder on all or any specified issues in a particular dispute which are within the scope of subsection 11 are to be final and binding. The determination must be made upon the concurrence of at least two members of the panel and not later than the date which is 30 days after the date on which the matter is submitted to the panel, unless that date is extended by the Commissioner~~ **.** ~~**[**of the Board.**]** Each panel shall, when making its determination, consider whether the parties have bargained in good faith and whether it believes the parties can resolve any remaining issues. Any panel may also consider the actions taken by the parties in response to any previous fact finding between these parties, the best interests of the State and all its citizens, the potential fiscal effect both within and outside the political subdivision, and any danger to the safety of the people of the State or a political subdivision.~~

~~7. Except as otherwise provided in subsection 10, any fact finder, whether the fact finder's recommendations are to be binding or not, shall base such recommendations or award on the following criteria:~~

~~(a) A preliminary determination must be made as to the financial ability of~~ **[**~~the~~**]** ~~**:**~~

~~***(1) The*** local government employer based on all existing available revenues as established by the local government employer and within the limitations set forth in NRS 354.6241, with due regard for the obligation of the local government employer to provide facilities and services guaranteeing the health, welfare and safety of the people residing within the political subdivision **[**.**]** ***; and***~~

~~***(2) The amount of compensation and monetary benefits that is financially sustainable for the local government employer.***~~

~~***" Except as otherwise provided in this paragraph and NRS 354.6241, in making those determinations, the fact finder shall not consider any nonrecurring revenue or nonrecurring transfer of money or any money reserved by the local government employer to pay the current or future costs of health benefits for retired employees or workers' compensation benefits. The fact finder may consider nonrecurring revenue or a nonrecurring transfer of money in determining the ability of the local government employer to make a nonrecurring payment of compensation or monetary benefits.***~~

~~(b) **[**Once**]** ***If*** the fact finder **[**has determined**]** ***determines*** in accordance with paragraph (a) that there is a current financial ability to grant ***compensation and*** monetary benefits **[**,**]** and **[**subject to the provisions of paragraph (c),**]** the ***amount of compensation and monetary benefits that is financially sustainable, the*** fact finder shall consider, to the extent appropriate, ***the*** compensation of other government employees, both in and out of the State and use normal criteria for interest disputes regarding the

~~terms and provisions to be included in an agreement in assessing the reasonableness of the position of each party as to each issue in dispute and the fact finder shall consider whether the Board found that either party had bargained in bad faith.~~

~~**[**(c) A consideration of funding for the current year being negotiated. If the parties mutually agree to arbitrate a multiyear contract, the fact finder must consider the ability to pay over the life of the contract being negotiated or arbitrated.**]**~~

~~➥ The fact finder's report must contain the facts upon which the fact finder ***has*** based **[**the fact finder's**]** ***his or her*** determination of financial ability to grant ***compensation and*** monetary benefits and the ***amount of compensation and monetary benefits that is financially sustainable, and the*** fact finder's recommendations or award.~~

~~8. Within 45 days after the receipt of the report from the fact finder, the governing body of the local government employer shall hold a public meeting in accordance with the provisions of chapter 241 of NRS. The meeting must include a discussion of:~~

~~(a) The issues of the parties submitted **[**pursuant to subsection 3;**]** ***to the fact finder;***~~

~~(b) The report of findings and recommendations of the fact finder; and~~

~~(c) The overall fiscal impact of the findings and recommendations **[**,**]** ***and whether they are financially sustainable,*** which must not include a discussion of the details of the report.~~

~~➥ The fact finder must not be asked to discuss the decision during the meeting.~~

~~9. The chief executive officer of the local government shall report to the local government the fiscal impact of the findings and recommendations **[**.**]** ***and whether they are financially sustainable.*** The report must include, without limitation, an analysis of the impact of the findings and recommendations on compensation and reimbursement, funding, benefits, hours, working conditions or other terms and conditions of employment.~~

~~10. Any sum of money which is maintained in a fund whose balance is required by law to be:~~

~~(a) Used only for a specific purpose other than the payment of compensation to the bargaining unit affected; or~~

~~(b) Carried forward to the succeeding fiscal year in any designated amount, to the extent of that amount,~~

~~➥ must not be counted in determining the financial ability of a local government employer ***or the amount of compensation and monetary benefits that is financially sustainable*** and must not be used to pay any ***compensation or*** monetary benefits recommended or awarded by the fact finder.~~

~~11. The issues which may be included in a panel's order pursuant to subsection 6 are:~~

~~(a) Those enumerated in subsection 2 of NRS 288.150 as the subjects of mandatory bargaining, unless precluded for that year by an existing collective bargaining agreement between the parties; and~~

~~(b) Those which an existing collective bargaining agreement between the parties makes subject to negotiation in that year.~~

~~➡ This subsection does not preclude the voluntary submission of other issues by the parties pursuant to subsection 5.~~**] (Deleted by amendment.)**

Sec. 7. **[**~~NRS 288.215 is hereby amended to read as follows:~~

~~288.215 1. As used in this section:~~

~~(a) "Firefighters" means those persons who are salaried~~ ***or hourly*** ~~employees of a fire prevention or suppression unit organized by a political subdivision of the State and whose principal duties are controlling and extinguishing fires.~~

~~(b) "Police officers" means those persons who are salaried~~ ***or hourly*** ~~employees of a police department or other law enforcement agency organized by a political subdivision of the State and whose principal duties are to enforce the law.~~

~~2. The provisions of this section apply only to firefighters and police officers and their local government employers.~~

~~3. If the parties have not agreed to make the findings and recommendations of the fact finder final and binding upon all issues, and do not otherwise resolve their dispute, they shall, within 10 days after the fact finder's report is submitted, submit the issues remaining in dispute to an arbitrator who must be selected in the manner provided in NRS 288.200 and have the same powers provided for fact finders in NRS 288.210.~~

~~4. The arbitrator shall, within 10 days after the arbitrator is selected, and after 7 days' written notice is given to the parties, hold a hearing to receive information concerning the dispute. The hearings must be held in the county in which the local government employer is located and the arbitrator shall arrange for a full and complete record of the hearings.~~

~~5. At the hearing, or at any subsequent time to which the hearing may be adjourned, information may be presented by:~~

~~(a) The parties to the dispute; or~~

~~(b) Any interested person.~~

~~6. The parties to the dispute shall each pay one-half of the costs incurred by the arbitrator.~~

~~7. A determination~~ **[**~~of the~~**]** ***must be made as to:***

~~***(a) The*** financial ability of **[**~~a~~**]** ***the*** local government employer **[**~~must be~~**]** ~~based on~~ **[**~~:~~

~~(a) All~~**]** ***all*** ~~existing available revenues as established by the local government employer and within the limitations set forth in NRS 354.6241, with due regard for the obligation of the local government employer to provide facilities and services guaranteeing the health, welfare and safety of the people residing within the political subdivision~~ **[**~~.~~**]** ***; and***

~~(b) [Consideration of funding for the current year being negotiated. If the parties mutually agree to arbitrate a multi-year contract the arbitrator must consider the ability to pay over the life of the contract being negotiated or arbitrated.~~

~~"Once]~~ ***The amount of compensation and monetary benefits that is financially sustainable for the local government employer.***

~~***"Except as otherwise provided in this paragraph and NRS 354.6241, in making those determinations, the arbitrator shall not consider any nonrecurring revenue or nonrecurring transfer of money or any money reserved by the local government employer to pay the current or future costs of health benefits for retired employees or workers' compensation benefits. The arbitrator may consider nonrecurring revenue or a nonrecurring transfer of money in determining the ability of the local government employer to make a nonrecurring payment of compensation or monetary benefits.***~~

~~***8. If*** the arbitrator [has determined] ***determines*** in accordance with [this] subsection ***7*** that there is a current financial ability to grant ***compensation and*** monetary benefits [,] ***and the amount of compensation and monetary benefits that is financially sustainable,*** the arbitrator shall consider, to the extent appropriate, ***the*** compensation of other governmental employees, both in and out of this State.~~

~~[8.] ***9.*** At the recommendation of the arbitrator, the parties may, before the submission of a final offer, enter into negotiations. If the negotiations are begun, the arbitrator may adjourn the hearings for a period of 3 weeks. An agreement by the parties is final and binding, and upon notification to the arbitrator, the arbitration terminates.~~

~~[9.] ***10.*** If the parties do not enter into negotiations or do not agree within 30 days, each of the parties shall submit a single written statement containing its final offer for each of the unresolved issues.~~

~~[10.] ***11.*** The arbitrator shall, within 10 days after the final offers are submitted, accept one of the written statements, on the basis of the criteria provided in ***this section and*** NRS 288.200, and shall report the decision to the parties. The decision of the arbitrator is final and binding on the parties. Any award of the arbitrator is retroactive to the expiration date of the last contract.~~

~~[11.] ***12.*** The decision of the arbitrator must include a statement:~~

~~(a) Giving the arbitrator's reason for accepting the final offer that is the basis of the arbitrator's award; and~~

~~(b) Specifying the arbitrator's estimate of the total cost of the award.~~

~~[12.] ***13.*** Within 45 days after the receipt of the decision from the arbitrator pursuant to subsection [10,] ***11,*** the governing body of the local government employer shall hold a public meeting in accordance with the provisions of chapter 241 of NRS. The meeting must include a discussion of:~~

~~(a) The issues submitted pursuant to subsection 3;~~

~~(b) The statement of the arbitrator pursuant to subsection [11;] ***12;*** and~~

~~(c) The overall fiscal impact of the decision **[**,**]** ***and whether it is financially sustainable,*** which must not include a discussion of the details of the decision.~~

~~**"**~~ ~~The arbitrator must not be asked to discuss the decision during the meeting.~~

~~**[**13.**]** ***14.*** The chief executive officer of the local government shall report to the local government the fiscal impact of the decision **[**.**]** ***and whether it is financially sustainable.*** The report must include, without limitation, an analysis of the impact of the decision on compensation and reimbursement, funding, benefits, hours, working conditions or other terms and conditions of employment.**]** **(Deleted by amendment.)**

Sec. 8. **[**~~NRS 288.217 is hereby amended to read as follows:~~

~~288.217 1. The provisions of this section govern negotiations between school districts and employee organizations representing teachers and educational support personnel.~~

~~2. Not later than 330 days before the end of the term stated in their collective bargaining agreement, the parties shall select an arbitrator in the manner provided in subsection 2 of NRS 288.200 to conduct a hearing in the event that an impasse is declared pursuant to subsection 3. The parties and the arbitrator shall schedule a hearing of not less than 3 consecutive business days, to begin not later than June 10 immediately preceding the end of the term stated in the collective bargaining agreement or 60 days before the end of that term, whichever is earlier. As a condition of his or her selection, the arbitrator must agree to render a decision, if the hearing is held, within the time required by subsection **[**9.**]** ***10.*** If the arbitrator fails or refuses to agree to any of the conditions stated in this subsection, the parties shall immediately proceed to select another arbitrator in the manner provided in subsection 2 of NRS 288.200 until an arbitrator is selected who agrees to those conditions.~~

~~3. If the parties to a negotiation pursuant to this section have failed to reach an agreement after at least eight sessions of negotiation, either party may declare the negotiations to be at an impasse and, after 5 days' written notice is given to the other party, submit the issues remaining in dispute to the arbitrator selected pursuant to subsection 2. The arbitrator has the powers provided for fact finders in NRS 288.210.~~

~~4. The arbitrator shall, pursuant to subsection 2, hold a hearing to receive information concerning the dispute. The hearing must be held in the county in which the school district is located and the arbitrator shall arrange for a full and complete record of the hearing.~~

~~5. The parties to the dispute shall each pay one half of the costs of the arbitration.~~

~~6. A determination **[**of the**]** ***must be made as to:***~~

~~***(a) The*** financial ability of **[**a**]** ***the*** school district **[**must be**]** based on **[**:~~

~~(a) All**]** ***all*** existing available revenues as established by the school district and within the limitations set forth in NRS 354.6241, with due regard for the

~~obligation of the school district to provide an education to the children residing within the district **[**.**]** ***; and***~~

~~— (b) **[**Consideration of funding for the current year being negotiated. If the parties mutually agree to arbitrate a multi-year contract the arbitrator must consider the ability to pay over the life of the contract being negotiated or arbitrated.~~

~~**"** Once**]** ***The amount of compensation and monetary benefits that is financially sustainable for the school district.***~~

~~***"Except as otherwise provided in this paragraph and NRS 354.6241, in making those determinations, the arbitrator shall not consider any nonrecurring revenue or nonrecurring transfer of money or any other money reserved by the school district to pay the current or future costs of health benefits for retired employees or workers' compensation benefits. The arbitrator may consider nonrecurring revenue or a nonrecurring transfer of money in determining the ability of the local government employer to make a nonrecurring payment of compensation or monetary benefits.***~~

~~— ***7. If*** the arbitrator **[**has determined**]** ***determines*** in accordance with **[**this**]** subsection ***6*** that there is a current financial ability to grant ***compensation and*** monetary benefits **[**,**]** ***and the amount of compensation and monetary benefits that is financially sustainable,*** the arbitrator shall consider, to the extent appropriate, ***the*** compensation of other governmental employees, both in and out of this State.~~

~~— **[**7.**]** ***8.*** At the recommendation of the arbitrator, the parties may, before the submission of a final offer, enter into negotiations. If the negotiations are begun, the arbitrator may adjourn the hearing for a period of 3 weeks. If an agreement is reached, it must be submitted to the arbitrator, who shall certify it as final and binding.~~

~~— **[**8.**]** ***9.*** If the parties do not enter into negotiations or do not agree within 7 days after the hearing held pursuant to subsection 4, each of the parties shall submit a single written statement containing its final offer for each of the unresolved issues.~~

~~— **[**9.**]** ***10.*** The arbitrator shall, within 10 days after the final offers are submitted, render a decision on the basis of the criteria set forth in ***this section and*** NRS 288.200. The arbitrator shall accept one of the written statements and shall report the decision to the parties. The decision of the arbitrator is final and binding on the parties. Any award of the arbitrator is retroactive to the expiration date of the last contract between the parties.~~

~~— **[**10.**]** ***11.*** The decision of the arbitrator must include a statement:~~

~~— (a) Giving the arbitrator's reason for accepting the final offer that is the basis of the arbitrator's award; and~~

~~— (b) Specifying the arbitrator's estimate of the total cost of the award.~~

~~— **[**11.**]** ***12.*** Within 45 days after the receipt of the decision from the arbitrator, the board of trustees of the school district shall hold a public~~

~~meeting in accordance with the provisions of chapter 241 of NRS. The meeting must include a discussion of:~~

~~(a) The issues submitted pursuant to subsection 3;~~

~~(b) The statement of the arbitrator pursuant to subsection [10;] 11; and~~

~~(c) The overall fiscal impact of the decision and whether it is financially sustainable, which must not include a discussion of the details of the decision.~~

~~The arbitrator must not be asked to discuss the decision during the meeting.~~

~~[12.] 13. The superintendent of the school district shall report to the board of trustees the fiscal impact of the decision [.] and whether it is financially sustainable. The report must include, without limitation, an analysis of the impact of the decision on compensation and reimbursement, funding, benefits, hours, working conditions or other terms and conditions of employment.~~

~~[13.] 14. As used in this section:~~

~~(a) "Educational support personnel" means all classified employees of a school district, other than teachers, who are represented by an employee organization.~~

~~(b) "Teacher" means an employee of a school district who is licensed to teach in this State and who is represented by an employee organization.]~~ **(Deleted by amendment.)**

Sec. 8.3. **NRS 288.225 is hereby amended to read as follows:**

288.225 ***1.*** A local government employer may agree to provide leave to any of its employees for time spent by the employee in performing duties or providing services for an employee organization if the full cost of such leave is paid or reimbursed by the employee organization or is offset by the value of concessions made by the employee organization in the negotiation of an agreement with the local government employer pursuant to this chapter.

2. If such leave was provided by a local government employer as of June 1, 2015, the employee organization shall be deemed for the purposes of this section to have made concessions to offset the past, present and future costs of leave for the number of employees to whom leave was provided as of that date.

Sec. 9. ~~[NRS 354.6241 is hereby amended to read as follows:~~

~~354.6241 1. The statement required by paragraph (a) of subsection 5 of NRS 354.624 must indicate for each fund set forth in that paragraph:~~

~~(a) Whether the fund is being used in accordance with the provisions of this chapter.~~

~~(b) Whether the fund is being administered in accordance with generally accepted accounting procedures.~~

~~(c) Whether the reserve in the fund is limited to an amount that is reasonable and necessary to carry out the purposes of the fund.~~

~~(d) The sources of revenues available for the fund during the fiscal year, including transfers from any other funds.~~

~~(e) The statutory and regulatory requirements applicable to the fund.~~

~~(f) The balance and retained earnings of the fund.~~

~~2. Except as otherwise provided in subsection 3 and NRS~~ ***288.200, 288.215, 288.217,*** ~~354.59891 and 354.613, to the extent that the reserve in any fund set forth in paragraph (a) of subsection 5 of NRS 354.624 exceeds the amount that is reasonable and necessary to carry out the purposes for which the fund was created, the reserve may be expended by the local government pursuant to the provisions of chapter 288 of NRS.~~

~~3. For~~ **[**~~any local government other than a school district, for~~**]** ~~the purposes of chapter 288 of NRS~~ **[**~~, a~~**]** ***:***

(a) A ~~budgeted ending fund balance~~ ***for the general fund of a local government*** ~~of not more than 25 percent of the total budgeted expenditures, less capital outlay~~ **[**~~, for a general fund:~~

~~(a)~~**]** ***:***

(1) ~~Is not subject to negotiations with an employee organization; and~~

[~~(b)~~**]** ***(2)*** ~~Must not be considered by a fact finder or arbitrator in determining the financial ability of the local government to pay compensation or monetary benefits~~ **[**~~.~~**]** ***or the amount of compensation and monetary benefits that is financially sustainable.***

(b) If and to the extent that the governing body of a local government employer makes a finding that the continued reservation of money previously reserved by the local government employer to pay the current or future costs of health benefits for retired employees or workers' compensation benefits is no longer necessary, the money may be considered by a fact finder or arbitrator in determining the financial ability of the local government employer to pay compensation or monetary benefits or the amount of compensation and monetary benefits that is financially sustainable.

4. As used in this section:

(a) "Employee organization" has the meaning ascribed to it in NRS 288.040.

(b) "Financially sustainable" has the meaning ascribed to it in section 1 of this act.] **(Deleted by amendment.)**

Sec. 10. **[**~~1. There is hereby appropriated from the State General Fund to the Local Government Employee-Management Relations Board the sum of $300,000 for the purpose of employing a Deputy Commissioner pursuant to NRS 288.090, as amended by section 4 of this act.~~

~~2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted~~

~~or transferred, and must be reverted to the State General Fund on or before September 20, 2019.]~~ **(Deleted by amendment.)**

Sec. 11. ~~[1.]~~ This ~~[section and sections 1, 2 and 5 to 9, inclusive, of this act become effective upon passage and approval.~~

~~2. Sections 3, 4 and 10 of this act become]~~ **act becomes** effective on July 1, 2017.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 388.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1036.

AN ACT making an appropriation to the Division of Public and Behavioral Health of the Department of Health and Human Services for the cost of the Women's Health Connection Program; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services for the cost of the Women's Health Connection Program:

For the Fiscal Year 2017-2018 ..... ~~[$1,000,000]~~ **$500,000**

For the Fiscal Year 2018-2019 ..... ~~[$1,000,000]~~ **$500,000**

2. The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2019.

Sec. 2. This act becomes effective on July 1, 2017.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 475.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 1027.

AN ACT relating to education; requiring the Board of Trustees of the College Savings Plans of Nevada to establish the Nevada College Kick Start Program; **revising the membership of the Board; providing that the Nevada Higher Education Prepaid Tuition Trust Fund consists, in part, of payments received pursuant to a loan made to the Trust Fund for purposes of the fiscal stabilization of the Nevada Higher Education Prepaid Tuition Program;** requiring the transfer of money in accounts created under the Program to the Endowment Account in the State General Fund under certain circumstances; revising provisions governing the expenditures authorized from the Endowment Account; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Board of Trustees of the College Savings Plans of Nevada was created under existing law to oversee the Nevada Higher Education Prepaid Tuition Program and the Nevada College Savings Program. **The State Treasurer or his or her designee serves as the Chair of the Board.** (NRS 353B.001-353B.370) **Section 2 of this bill revises the membership of the Board to: (1) provide that the State Treasurer or his or her designee serves as an ex officio nonvoting member; and (2) add a new voting member who is appointed by the Governor. Section 2 also provides for the selection of the Chair of the Board by the voting members of the Board.**

Section 1 of this bill requires the Board to establish the Nevada College Kick Start Program to create college savings accounts for pupils enrolled in kindergarten in public schools in Nevada who are residents of Nevada. **Section 1** requires the Board, within limits of money available for this purpose, to deposit money in the accounts to be used for the costs of higher education of those pupils. **Section 1** also requires the Board to adopt regulations for the implementation of the Program and authorizes the Board to apply for and accept gifts, grants and donations to carry out the Program.

Existing law authorizes the State Treasurer to establish an Endowment Account in the State General Fund to carry out the State Treasurer's duties with respect to the Nevada College Savings Program. The Endowment Account is required to be used for the deposit of any money received by the Nevada College Savings Program that is not received pursuant to a savings account agreement and which the State Treasurer determines is not necessary for certain administration and marketing activities. The State Treasurer is authorized to expend money in the Endowment Account: (1) for any purpose related to the Nevada College Savings Program; (2) to pay the costs of administering the Governor Guinn Millennium Scholarship Program; or (3) in any other manner which assists residents of Nevada to attain

postsecondary education. (NRS 353B.350) **Section 6** of this bill limits the purposes for which the State Treasurer is authorized to expend money in the Endowment Account only to purposes related to the **funding of college savings accounts under the** Nevada College Kick Start Program **,** ~~[or]~~ the Governor Guinn Millennium Scholarship Program ~~[.]~~ **, administrative and marketing costs related to the Nevada Higher Education Prepaid Tuition Program and the Nevada College Savings Program, and programs for the financial education of residents of this State.** **Section 1** requires the Board of Trustees of the College Savings Plans of Nevada to transfer to the Endowment Account the balance in the account of a pupil created under the Nevada College Kick Start Program: (1) that has not been accessed by a parent or guardian of the pupil by the time the pupil is enrolled in the ~~[third]~~ **fifth** grade; or (2) which otherwise has not been used within the time prescribed by regulation.

Existing law creates the Nevada Higher Education Prepaid Tuition Trust Fund which consists of certain payments received by the Trust Fund. (NRS 353B.140) Section 2.5 of this bill adds to the list of payments included in the Trust Fund payments received pursuant to a loan made to the Trust Fund for the purpose of fiscal stabilization of the Nevada Higher Education Prepaid Tuition Program.

Existing law creates the Nevada College Savings Trust Fund and authorizes the State Treasurer to accept and expend for certain purposes money provided to the Trust Fund by a private entity. (NRS 353B.340, 353B.360) Section 6.5 of this bill removes this grant of authority from the State Treasurer and instead authorizes the Board of Trustees of the College Savings Plans of Nevada to accept and expend such money.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 353B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board shall establish the Nevada College Kick Start Program to provide for the creation of a college savings account for each pupil who is a resident of this State upon commencement of his or her enrollment in kindergarten at a public school in this State. Within the limits of money available for this purpose, the Board shall deposit money in such an account to be used to pay a portion of the costs of higher education of the pupil.

2. The Board shall adopt regulations for the implementation of the Program, including, without limitation, regulations regarding:

(a) Enrollment in the Program, including without limitation, opting in or opting out of the Program;

(b) Procedures for the parent or guardian of a pupil to access the account of the pupil created pursuant to subsection 1;

(c) The time within which the money in the account created pursuant to subsection 1 must be used; and

(d) Distributions from an account created pursuant to subsection 1.

3. The Board may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the Program.

4. The Board shall transfer to the Endowment Account established pursuant to NRS 353B.350 the balance in the account of a pupil created pursuant to subsection 1 that:

(a) Has not been accessed by a parent or guardian of the pupil in the manner prescribed in the regulations adopted pursuant to subsection 2 by the time the pupil is enrolled in grade ~~[3.]~~ 5.

(b) Is otherwise remaining after expiration of the time prescribed in the regulations adopted pursuant to subsection 2 within which the money in the account must be used.

Sec. 2. NRS 353B.005 is hereby amended to read as follows:

353B.005 1. There is hereby created a Board of Trustees of the College Savings Plans of Nevada.

2. The Board consists of ~~[five]~~ ***:***

(a) Five voting members composed of:

~~[(a) The State Treasurer, who may name a designee to serve on the Board on his or her behalf.~~

~~(b)]~~

(1) The Director of the Office of Finance, who may name a designee to serve on the Board on his or her behalf.

~~[(c)]~~ ***(2)*** The Chancellor of the System, who may name a designee to serve on the Board on his or her behalf.

~~[(d) Two]~~

(3) Three members appointed by the Governor. A member who is appointed by the Governor must possess knowledge, skill and experience in the field of:

~~[(1)]~~ ***(I)*** Accounting;

~~[(2)]~~ ***(II)*** Finance;

~~[(3)]~~ ***(III)*** Investment management; or

~~[(4)]~~ ***(IV)*** Marketing.

(b) The State Treasurer or his or her designee, who serves ex officio as a nonvoting member.

3. A member of the Board who is appointed by the Governor ~~[.]~~ ***pursuant to subparagraph (3) of paragraph (a) of subsection 2:***

(a) Serves for a term of 4 years;

(b) Except as otherwise provided in paragraph (c), may be reappointed by the Governor; and

(c) Except as otherwise provided in this paragraph, may serve for only two terms. A member who is appointed to fill a vacancy in an unexpired term that is not longer than 3 years may serve two terms in addition to the unexpired term.

4. The ~~[State Treasurer or his or her designee]~~ ***voting members of the Board*** shall ~~[serve as the]~~ ***elect a*** Chair of the Board ~~[.]~~ ***from among their number. The term of office of the Chair is 1 year.***

5. Each member of the Board serves without compensation, except that each member is entitled to receive:

(a) The per diem allowance and travel expenses provided for state officers and employees generally; and

(b) Reimbursement for any other actual and reasonable expense incurred while performing his or her duties.

6. As used in this section, the term "College Savings Plans of Nevada" includes the Nevada Higher Education Prepaid Tuition Program set forth in NRS 353B.010 to 353B.190, inclusive, and the Nevada College Savings Program set forth in NRS 353B.300 to 353B.370, inclusive ~~[.]~~ ***, and section 1 of this act ~~[.]~~ including the Nevada College Kick Start Program.***

Sec. 2.5. **NRS 353B.140 is hereby amended to read as follows:**

353B.140 1. The Nevada Higher Education Prepaid Tuition Trust Fund is hereby created within the State Treasury to allow the cost of tuition to be paid in advance of enrollment at an institution of higher education.

2. The Trust Fund consists of payments received pursuant to:

(a) A prepaid tuition contract;

(b) A bequest, endowment or grant from the Federal Government;

(c) A matching contribution made as described in NRS 363A.137 or 363B.117; ~~[or]~~

(d) ***A loan made to the Trust Fund for purposes of the fiscal stabilization of the Nevada Higher Education Prepaid Tuition Program; or***

(e) Any other public or private source of money.

3. Money in the Trust Fund that is not expended during any biennium does not revert to the State General Fund at any time.

Sec. 3. NRS 353B.320 is hereby amended to read as follows:

353B.320 The Board may delegate to the State Treasurer any of its administrative powers and duties specified in NRS 353B.300 to 353B.370, inclusive, ***and section 1 of this act*** if the Board determines that such delegation is necessary for the efficient and effective administration of the Nevada College Savings Program and the Trust Fund.

Sec. 4. NRS 353B.330 is hereby amended to read as follows:

353B.330 Savings trust accounts and agreements entered into pursuant to NRS 353B.300 to 353B.370, inclusive, ***and section 1 of this act*** are not guaranteed by the full faith and credit of the State of Nevada.

Sec. 5. ~~[NRS 353B.340 is hereby amended to read as follows:~~

~~353B.340 1. The Nevada College Savings Trust Fund is hereby created.~~

~~2. The Trust Fund is an instrumentality of this state, and its property and income are exempt from all taxation by this state and any political subdivision thereof.~~

~~3. The Trust Fund consists of:~~

~~(a) All money deposited in accordance with savings trust agreements;~~

~~(b) All money received as a matching contribution made as described in NRS 363A.137 or 363B.117; and~~

~~(c) All earnings on the money in the Trust Fund.~~

~~4. Money in the Trust Fund:~~

~~(a) Is not the property of this state, and this state has no claim to or interest in such money; and~~

~~(b) Must not be commingled with money of this state.~~

~~5. A savings trust agreement or any other contract entered into by or on behalf of the Trust Fund does not constitute a debt or obligation of this state, and no account owner is entitled to any money in the Trust Fund except for that money on deposit in or accrued to his or her account.~~

~~6. The money in the Trust Fund must be preserved, invested and expended solely pursuant to and for the purposes authorized by NRS 353B.300 to 353B.370, inclusive, *and section 1 of this act* and must not be loaned or otherwise transferred or used by this state for any other purpose.~~**]**

(Deleted by amendment.)

Sec. 6. NRS 353B.350 is hereby amended to read as follows:

353B.350 1. The Trust Fund and any account established by the State Treasurer pursuant to this section must be administered by the State Treasurer.

2. The State Treasurer shall establish such accounts as he or she determines necessary to carry out his or her duties pursuant to NRS 353B.300 to 353B.370, inclusive, ***and section 1 of this act,*** including, without limitation:

(a) A Program Account in the Trust Fund; and

(b) An Administrative Account and an Endowment Account in the State General Fund.

3. The Program Account must be used for the receipt, investment and disbursement of money pursuant to savings trust agreements.

4. The Administrative Account must be used for the deposit and disbursement of money to administer and market the Nevada College Savings Program and to supplement the administration and marketing of the Nevada Higher Education Prepaid Tuition Program set forth in NRS 353B.010 to 353B.190, inclusive.

5. ~~[~~The~~]~~ ***In addition to the money transferred pursuant to section 1 of this act, the*** Endowment Account must be used for the deposit of any money received by the Nevada College Savings Program that is not received pursuant to a savings trust agreement and, in the determination of the State Treasurer, is not necessary for the use of the Administrative Account. The money in the Endowment Account may be expended ~~[~~.~~]~~ ***for any purpose related to:***

(a) ~~[~~For any purpose related to the~~]~~ ***The funding of college savings accounts created under the*** Nevada College ~~[~~Savings~~]~~ ***Kick Start*** Program ~~[~~;~~]~~ ***established pursuant to section 1 of this act; [or]***

(b) ~~[To pay the costs of administering the]~~ ***The*** Governor Guinn Millennium Scholarship Program created pursuant to NRS 396.926 ~~***[.]***~~ ***, including, without limitation, the costs of administering the Program*** , but such costs must not exceed an amount equal to 3 percent of the anticipated annual revenue to the State of Nevada from the settlement agreements with and civil actions against manufacturers of tobacco products anticipated for deposit in the Trust Fund; ~~[or]~~

(c) ~~[In any other manner which assists the residents of this state to attain postsecondary education.]~~ ***The administrative costs, as approved by the Legislature or the Interim Finance Committee, of activities related to the Nevada Higher Education Prepaid Tuition Program set forth in NRS 353B.010 to 353B.190, inclusive, and the Nevada College Savings Program set forth in NRS 353B.300 to 353B.370, inclusive, and section 1 of this act, including the Nevada College Kick Start Program;***

(d) The costs of marketing related to the Nevada Higher Education Prepaid Tuition Program set forth in NRS 353B.010 to 353B.190, inclusive, and the Nevada College Savings Program set forth in NRS 353B.300 to 353B.370, inclusive, and section 1 of this act, including the Nevada College Kick Start Program, but such costs must not exceed an amount equal to 3 percent of the money in the Endowment Account that was received during the first fiscal year of the immediately preceding biennium by the Nevada College Savings Program, was not received pursuant to a savings trust agreement and, in the determination of the State Treasurer, was not necessary for the use of the Administrative Account; or

(e) The costs of providing programs for the financial education of residents of this State, but such costs must not exceed an amount equal to 3 percent of the money in the Endowment Account that was received during the first fiscal year of the immediately preceding biennium by the Nevada College Savings Program, was not received pursuant to a savings trust agreement and, in the determination of the State Treasurer, was not necessary for the use of the Administrative Account.

Sec. 6.5. **NRS 353B.360 is hereby amended to read as follows:**

353B.360 The ~~[State Treasurer]~~ ***Board*** may accept and expend on behalf of the Trust Fund money provided by private entities for direct expenses or marketing ~~[.]~~ ***in accordance with the provisions of NRS 353.150 to 353.245, inclusive.*** Such money is not a part of the Trust Fund.

Sec. 7. This act becomes effective upon passage and approval.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 501.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1037.

SUMMARY—Makes an appropriation to the Legislative Fund for dues and registration costs for national organizations and computer hardware **and radio** replacements. (BDR S-1191)

AN ACT making an appropriation to the Legislative Fund for dues and registration costs for national organizations and for computer hardware **and radio** replacements; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Legislative Fund created by NRS 218A.150 the sum of ~~[$1,062,855]~~ **$1,058,788** for dues and registration costs for national organizations and for computer hardware **and radio** replacements.

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2019.

Sec. 3. This act becomes effective ~~[on July 1, 2017.]~~ **upon passage and approval.**

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 503.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1038.

AN ACT making an appropriation to the Office of the Secretary of State for the second phase of the replacement of the Electronic Secretary of State System (ESOS) software and hardware; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Office of the Secretary of State the sum of $6,334,319 for the second phase of the replacement of the Electronic Secretary of State System (ESOS) software and hardware.

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2019.

Sec. 3. This act becomes effective ~~[on July 1, 2017.]~~ **upon passage and approval.**

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 511.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1039.

AN ACT making an appropriation to the Millennium Scholarship Trust Fund; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Millennium Scholarship Trust Fund created by NRS 396.926 the sum of $20,000,000.

Sec. 2. This act becomes effective ~~[on July 1, 2017.]~~ **upon passage and approval.**

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 395.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 395 revises statutes governing registration and community notification concerning certain juvenile sex offenders. The measure sets forth a revised registration and community notification process regarding a child who is 14 years of age or older at the time of an alleged offense and who is adjudicated delinquent for the offense. Procedures concerning the termination of registration and community notification requirements for such juveniles are also provided, as are continuing registration and community notification requirements for a child adjudicated delinquent for an aggravated sexual offense.

The bill authorizes a director of juvenile services and the Youth Parole Bureau to release certain information concerning a child to a law enforcement agency and to a school district under certain circumstances. In addition, the increased penalty for committing certain acts of open or gross lewdness or indecent or obscene exposure does not apply if the person committing the offense is under 18 years of age. Lastly, appropriations totaling $3.6 million from the State General Fund are made to each judicial district in the state to provide treatment to certain juvenile offenders.

This act becomes effective on July 1, 2017.

Roll call on Assembly Bill No. 395:

YEAS—39.

NAYS—Krasner, Marchant—2.

EXCUSED—Titus.

Assembly Bill No. 395 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 207.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

The bill, as amended, revises the process for selecting trial juries by requiring the jury commissioner to compile and maintain a list of qualified electors from information provided by the voter registration list in the county, the Department of Motor Vehicles, or certain public utilities. The bill also requires the jury commissioner to keep a record of the name, occupation, address, and the race of the each trial juror who is selected and each trial juror who appears for jury service and report this information annually to the Court Administrator.

Roll call on Assembly Bill No. 207:

YEAS—39.

NAYS—Marchant, McArthur—2.

EXCUSED—Titus.

Assembly Bill No. 207 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 290.

Bill read third time.

Remarks by Assemblyman McCurdy.

ASSEMBLYMAN MCCURDY:

Assembly Bill 290 provides that the cost of leave time that was granted by a local government employer to certain employees for the purpose of providing services for an employee organization as of June 1, 2015, is deemed to have been fully offset by bargaining concessions made by the employee organization. The effective date is July 1, 2017.

Roll call on Assembly Bill No. 290:

YEAS—41.

NAYS—None.

EXCUSED—Titus.

Assembly Bill No. 290 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 388.

Bill read third time.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

This bill makes an appropriation to Division of Public and Behavioral Health of the Department of Health and Human Services for the costs of the Women's Health Connection Program: for Fiscal Year 2017-2018, $500,000, and for Fiscal Year 2018-2019, $500,000.

Roll call on Assembly Bill No. 388:

YEAS—41.

NAYS—None.

EXCUSED—Titus.

Assembly Bill No. 388 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 475.

Bill read third time.

Remarks by Assemblywoman Joiner.

ASSEMBLYWOMAN JOINER:

Assembly Bill 475 requires the Board of Trustees of the College Savings Plans of Nevada to establish the Nevada College Kick Start Program to create college savings accounts for students enrolled in kindergarten in public schools in Nevada who are residents of this state. The Board must, within limits of money available for this purpose, deposit money in these accounts to be used for the costs of higher education for these students. The Board also must transfer to the Endowment Account the balance in a student's account that has not been accessed by a parent or guardian of the pupil by the time the pupil is enrolled in the fifth grade, or that otherwise has not been used within the time prescribed by regulation.

Roll call on Assembly Bill No. 475:

YEAS—27.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Tolles, Wheeler, Woodbury—14.

EXCUSED—Titus.

Assembly Bill No. 475 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 501.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

I stand in support of A.B. 501. It makes the appropriation to the Legislative Fund for the dues and the radio. I would be happy to answer any questions.

Roll call on Assembly Bill No. 501:

YEAS—41.

NAYS—None.

EXCUSED—Titus.

Assembly Bill No. 501 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 503.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 503 makes an appropriation to the Secretary of State for what we know as the ESOS [Electronic Secretary of State System] of $6,334,319.

Roll call on Assembly Bill No. 503:

YEAS—41.

NAYS—None.

EXCUSED—Titus.

Assembly Bill No. 503 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 511.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

I rise in support of Assembly Bill 511, which makes an appropriation to the Millennium Scholarship Trust Fund in the amount of $20,000,000. It is effective upon passage and approval.

Roll call on Assembly Bill No. 511:

YEAS—41.

NAYS—None.

EXCUSED—Titus.

Assembly Bill No. 511 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 66, 74, 106, 132, 150, 189, 212, 213, 225, 229, 355, 410, 414, 427, 457, 458, 511, and 541; Senate Joint Resolution No. 14 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 8:53 p.m.

ASSEMBLY IN SESSION

At 9:04 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 382, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 267, Amendments Nos. 780, 1031, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 235, 317, 392; Senate Joint Resolution No. 6.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 244, 306.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 390, 478.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 894 to Senate Joint Resolution No. 17 of the 78th Session.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 6.

Assemblywoman Benitez-Thompson moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 235.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 244.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 306.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 317.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 390.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 392.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 478.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 9:11 p.m.

ASSEMBLY IN SESSION

At 9:13 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that the Assembly reconsider the action whereby Senate Bill No. 306 was referred to the Committee on Judiciary.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 306 be referred to the Committee on Corrections, Parole, and Probation.

Motion carried.

Assembly Bill No. 382.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1065.

AN ACT relating to health care; requiring certain hospitals, independent centers for emergency medical care and physicians to accept certain rates as payment in full for the provision of emergency services and care to certain patients; providing an exception under certain circumstances; requiring the submission of certain reports relating to policies of health insurance and similar contractual agreements by certain third parties who issue those policies and agreements; requiring certain hospitals and independent centers for emergency medical care to submit reports to the ~~[Department of]~~ **Governor's Consumer** Health ~~[and Human Services]~~ **Advocate** concerning patient debt and rate increases; requiring the ~~[Governor's Consumer Health]~~ Advocate to adopt certain regulations; ~~[requiring the Commissioner of Insurance to consider certain information when determining the adequacy of a network plan;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a hospital is required to provide emergency services and care and to admit certain patients where appropriate, regardless of the financial status of the patient. (NRS 439B.410) Existing law also requires certain major hospitals to reduce total billed charges by at least 30 percent for hospital services provided to certain patients who have no insurance or other contractual provision for the payment of the charges by a third party. (NRS 439B.260) **Section 17** of this bill requires an out-of-network hospital with 100 or more beds that is not operated by a federal, state or local governmental entity or an out-of-network independent center for emergency medical care ~~[that is operated by a person who also operates such a hospital]~~ to accept, under certain circumstances, as payment in full for the provision of emergency services and care ~~[, other than services and care provided]~~ to stabilize a patient ~~[, to certain patients]~~ a **reasonable** rate ~~[which does not exceed the greater of: (1) the average amount that]~~ **offered by** the third party **.** ~~[has negotiated with other hospitals in this State; or (2) one hundred twenty-five percent of the average amount paid by Medicare for the same or similar services in the same geographic area. The Commissioner of Insurance is required to adopt regulations to interpret these provisions in a manner that is similar to the interpretation of the federal regulation establishing the amount that certain health insurance providers must pay to out-of-network hospitals for emergency services. (29 C.F.R. § 2590.715-2719A) Such regulations must provide for a system for verifying negotiated contract prices by a third party or out-of-network facility submitted to the Commissioner of Insurance pursuant to sections 17-19 of this bill.]~~ **Section 18** of this bill requires an out-

of-network physician ~~[on the medical staff of]~~ **at** an **in-network or** out-of-network hospital with 100 or more beds or an **in-network or** out-of-network independent center for emergency medical care ~~[that is operated by a person who also operates such a hospital]~~ to accept as payment in full for the provision of emergency services and care ~~[, other than services and care provided]~~ to stabilize a patient ~~[,]~~ a **reasonable** rate which is ~~[similarly calculated to that in section 17. Section 19 of this bill requires an out-of-network physician on the medical staff of an in-network hospital with 100 or more beds or an in-network independent center for emergency medical care that is operated by a person who also operates such a hospital to accept as payment in full for the provision of emergency services and care, other than services and care provided to stabilize a patient, a rate which is similarly calculated to that in sections 17 and 18.]~~ **offered by the third party. Sections 17 ~~[, 19]~~ and 18** further provide that, if a hospital, center or physician, as applicable, ~~[determines that]~~ **rejects** the amount ~~[prescribed]~~ **offered by the third party** pursuant to those sections ~~[is not sufficient reimbursement]~~ **as full payment** for the provision of emergency services and care to a patient, the hospital, center or physician may negotiate a different rate with the third party and may, under certain circumstances, file a complaint and request for mediation with the Governor's Consumer Health Advocate. **Sections 17 and 18 also authorize a third party to file a complaint and request such mediation under similar circumstances. Sections ~~[21.3]~~ 21.4 and 22** of this bill require the Advocate to establish a procedure for filing and processing such complaints and requests for mediation.

~~[Existing law requires the Commissioner of Insurance to make an annual determination concerning the availability and accessibility of the health care services of any network plan offered for sale in this State. (NRS 687B.490)]~~ **Section 20** of this bill requires a third party who wishes to pay the amounts ~~[prescribed]~~ **offered** pursuant to **sections 17 ~~[, 19]~~ and 18** to conduct a review of the adequacy of the network of the third party and submit certain reports to the ~~[Commissioner and to the Legislative Committee on]~~ **Governor's Consumer** Health ~~[Care. Section 23 of this bill requires the Commissioner to consider such a report when making a determination concerning the availability and accessibility of the network plan to which the report pertains.]~~ **Advocate.**

Section 21 of this bill requires a hospital with 100 or more beds that is not operated by a federal, state or local governmental entity or an independent center for emergency medical care ~~[that is operated by a person who also operates such a hospital]~~ to annually report certain information concerning the collection of debts, rate increases and negotiated payments for emergency services and care to the ~~[Department of]~~ **Governor's Consumer** Health ~~[and Human Services.]~~ **Advocate. Section 21.5 of this bill requires the Advocate to annually report, in aggregate form, a summary of the data**

received pursuant to section 21 to the Legislative Committee on Health Care.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 439B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 21, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 21, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 16, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Advocate" means the Governor's Consumer Health Advocate appointed pursuant to NRS 223.550.***

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. ***"Emergency services and care" has the meaning ascribed to it in NRS 439B.410.***

Sec. 7. (Deleted by amendment.)

Sec. 8. ***"Independent center for emergency medical care" has the meaning ascribed to it in NRS 449.013.***

Sec. 9. ***"In-network hospital" means, for a particular patient, a hospital that has entered into a contract with a third party for the provision of health care to persons who are covered by a policy of insurance or other contractual agreement which provides coverage to the patient and which is issued by that third party.***

Sec. 10. ***"In-network independent center for emergency medical care" means, for a particular patient, an independent center for emergency medical care that has entered into a contract with a third party for the provision of health care to persons who are covered by a policy of insurance or other contractual agreement which provides coverage to the patient and which is issued by that third party.***

Sec. 11. ***"In-network physician" means, for a particular patient, a physician who has entered into a contract with a third party for the provision of health care to persons who are covered by a policy of insurance or other contractual agreement which provides coverage to the patient and which is issued by that third party.***

Sec. 11.5. ***"Medically necessary emergency services" has the meaning ascribed to it in NRS 695G.170.***

Sec. 12. ***"Out-of-network hospital" means, for a particular patient, a hospital that has not entered into a contract with a third party for the provision of health care to persons who are covered by a policy of insurance or other contractual agreement which provides coverage to the patient and which is issued by that third party.***

Sec. 13. ***"Out-of-network independent center for emergency medical care" means, for a particular patient, an independent center for emergency medical care that has not entered into a contract with a third party for the***

provision of health care to persons who are covered by a policy of insurance or other contractual agreement which provides coverage to the patient and which is issued by that third party.

Sec. 14. *"Out-of-network physician" means, for a particular patient, a physician who has not entered into a contract with a third party for the provision of health care to persons who are covered by a policy of insurance or other contractual agreement which provides coverage to the patient and which is issued by that third party.*

Sec. 15. *1. "Third party" includes, without limitation:*

~~[1.]~~ (a) An insurer as defined in NRS 679B.540;

~~[2.]~~ (b) A health benefit plan, as defined in NRS 689A.540, for employees which provides coverage for emergency services and care at a hospital;

~~[3.]~~ (c) A participating public agency, as defined in NRS 287.04052, and any other local governmental agency of the State of Nevada which provides a system of health insurance for the benefit of its officers and employees, and the dependents of such officers and employees, pursuant to chapter 287 of NRS; and

~~[4.]~~ (d) Any other insurer or organization providing health coverage or benefits in accordance with state or federal law.

2. The term does not include the Public Employees' Benefits Program established pursuant to subsection 1 of NRS 287.043.

Sec. 16. *"To stabilize" has the meaning ascribed to it in 42 U.S.C. § 1395dd.*

Sec. 16.5. The provisions of sections 2 to 21, inclusive, of this act apply only to persons who:

1. Are residents of Nevada; or

2. Are covered by or receive benefits from:

(a) A policy of health insurance sold in this State; or

(b) Other contractual agreement issued in this State.

Sec. 17. *1. Except as otherwise provided in subsections ~~[3 and 4,]~~ 7 and 8, an out-of-network hospital with 100 or more beds that is not operated by a federal, state or local governmental agency or an out-of-network independent center for emergency medical care ~~[that is operated by a person who also operates such a hospital]~~ shall accept as payment in full for the provision of emergency services and care to a patient ~~[, other than services and care provided]~~ to stabilize the patient ~~[,]~~ a reasonable rate ~~[in accordance with subsection 2]~~ offered by the third-party if the patient:*

(a) Was presented to the out-of-network hospital or out-of-network independent center for emergency medical care for the provision of medically necessary emergency services; and

(b) Has a policy of insurance or other contractual agreement with a third party that provides coverage to the patient for emergency services and care provided by more than one hospital and independent center for emergency medical care in this State other than the hospital or

independent center for emergency medical care to which the patient was presented.

2. ~~[Except as otherwise provided in subsections 3 and 4, an out-of-network hospital with 100 or more beds that is not operated by a federal, state or local governmental agency or an out-of-network independent center for emergency medical care that is operated by a person who also operates such a hospital that provides to a patient described in subsection 1 emergency services and care, other than services and care provided to stabilize the patient, shall accept as payment in full for such emergency services and care a rate which does not exceed the greater of:~~

~~(a) The average amount negotiated by the third party with in-network hospitals in this State for the same or similar emergency services and care, excluding any deductible, copayment or coinsurance paid by the patient.~~

~~(b) One hundred twenty-five percent of the average amount paid by Medicare pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq., on a fee-for-service basis for the same or similar emergency services and care in the geographic region in which the emergency services and care are rendered, excluding any deductible, copayment or coinsurance paid by the patient.~~

~~The Commissioner of Insurance shall adopt regulations that interpret the provisions of this subsection which must provide for, without limitation, a system for verifying a negotiated contract price submitted to the Commissioner of Insurance by a third party or entity described in subsection 2, and which must be consistent with the provisions of 29 C.F.R. § 2590.715-2719A to the extent practicable. Except as otherwise provided in NRS 239.0115, any information submitted pursuant to this section must be kept confidential by the Commissioner of Insurance.~~

~~3. An out-of-network hospital or out-of-network independent center for emergency medical care is not required to accept as payment in full the amount specified pursuant to subsection 2 if:~~

~~(a) The third party that issued the policy of insurance or other contractual agreement which provides coverage to the patient has not submitted the quarterly reports required by section 20 of this act;~~

~~(b) The third party which provides coverage to the patient has not, in good faith, participated in a negotiation or mediation pursuant to subsection 4 and has not documented the occurrence and outcome of any negotiation or mediation;~~

~~(c) The patient has not paid the deductible, copayment or coinsurance that the patient would have paid for the provision of emergency services and care at an in-network hospital or in-network independent center for emergency medical care; or~~

~~(d)]~~ The third party ~~[has not paid the]~~ shall approve or deny a claim submitted by an out-of-network hospital or out-of-network independent center for emergency medical care, as applicable, for the emergency services and care described in subsection 1 within ~~[60]~~ 30 days after

~~[receipt of the bill and all necessary medical records required to pay]~~ the third party receives the claim . ~~[or, if applicable,]~~ If the claim is approved, the third party shall pay the claim within ~~[60]~~ 30 days after ~~[the conclusion of any negotiation or mediation between the third party and the out-of-network hospital or out-of-network independent center for emergency medical care.~~

~~4.]~~ it is approved.

3. If the third party requires additional information to determine whether to approve or deny the claim submitted pursuant to subsection 1, it shall notify the out-of-network hospital or out-of-network independent center for emergency medical care of its request for the additional information within 20 days after it receives the claim. The third party shall notify the out-of-network hospital or out-of-network independent center for emergency care of all the specific reasons for the delay in approving or denying the claim. The third party shall approve or deny the claim within 30 days after receiving the additional information. If the claim is approved, the third party shall pay the claim within 30 days after it receives the additional information.

4. A third party shall not request an out-of-network hospital or out-of-network independent center for emergency medical care to resubmit information that the out-of-network hospital or out-of-network independent center for emergency medical care has already provided to the third party, unless the third party provides a legitimate reason for the request and the purpose of the request is not to delay the payment of the claim, harass the claimant or discourage the filing of claims.

5. A third party shall not pay only part of a claim that has been approved and is fully payable.

6. An offer made by a third party as payment for emergency services and care described in subsection 1 must include a statement that:

(a) If such an offer is not accepted as payment in full within 90 days, the out-of-network hospital or out-of-network independent center for emergency medical care may file a complaint with the Advocate pursuant to NRS 223.560 and request that the Advocate mediate to determine the amount that must be paid for such emergency services and care; or

(b) If such an offer is accepted as payment in full, mediation conducted pursuant to NRS 223.560 may not be requested.

7. If an out-of-network hospital or out-of-network independent center for emergency medical care ~~[believes that]~~ rejects the ~~[amounts prescribed in subsection 2 are insufficient]~~ amount offered by the third party as full payment to compensate the out-of-network hospital or out-of-network independent center for emergency medical care for the emergency services and care provided by the out-of-network hospital or out-of-network independent center for emergency medical care, the out-of-network hospital or out-of-network independent center for emergency medical care must, within 30 days ~~[of]~~ after receiving written notice of such amount

from the third party, request in writing to enter into negotiations with the third party which provides coverage to the patient to resolve the difference between the amount charged by the out-of-network hospital or out-of-network independent center for emergency medical care and the amount paid by the third party. Such negotiations must begin within 2 weeks ~~[of]~~ after the out-of-network hospital or out-of-network independent center for emergency medical care ~~[making]~~ makes the request for negotiation ~~[.]~~ , or at a time agreed upon by the out-of-network hospital or out-of-network independent center for emergency medical care and the third party. If such negotiations do not result in an agreement on the amount that will be paid for the emergency services and care, the out-of-network hospital or out-of-network independent center for emergency medical care may file a complaint with the Advocate pursuant to NRS 223.560 and request that the Advocate mediate to determine the amount that must be paid for such emergency services and care.

8. If an out-of-network hospital or out-of-network independent center for emergency medical care does not make a request for negotiation pursuant to subsection 7 or accept as payment in full the amount offered by the third party, the third party may file a complaint with the Advocate pursuant to NRS 223.560 and request that the Advocate mediate to determine the amount that must be paid for such emergency services and care.

~~[5.]~~ 9. In no event shall the patient who received emergency services and care be:

(a) Responsible for payment of any amount greater than any deductible, copayment or coinsurance paid by the patient pursuant to his or her policy of insurance; or

(b) Required to participate in any negotiation entered into pursuant to this section or any mediation entered into pursuant to NRS 223.560.

Sec. 18. *1. Except as otherwise provided in subsections ~~[3 and 4,]~~ 7 and 8, an out-of-network physician ~~[on the medical staff of]~~ who provides services at an in-network or out-of-network hospital with 100 or more beds or at an in-network or out-of-network independent center for emergency medical care ~~[that is operated by a person who also operates such a hospital]~~ shall accept as payment in full for the provision of emergency services and care to a patient ~~[, other than services and care provided]~~ to stabilize the patient ~~[,]~~ a reasonable rate ~~[in accordance with subsection 2]~~ offered by the third party if the patient:*

(a) Was presented to the in-network or out-of-network hospital or in-network or out-of-network independent center for emergency medical care for the provision of medically necessary emergency services; and

(b) Has a policy of insurance or other contractual agreement with a third party that provides coverage to the patient for the provision of emergency services and care by more than one in-network physician in this State who provides the same type of emergency services and care other

than the out-of-network physician who provided the emergency services and care at the in-network or out-of-network hospital or in-network or out-of-network independent center for emergency medical care to which the patient was presented.

2. [Except as otherwise provided in subsections 3 and 4, an out-of-network physician on the medical staff of an out-of-network hospital with 100 or more beds or an out-of-network independent center for emergency medical care that is operated by a person who also operates such a hospital who provides to a patient described in subsection 1 emergency services and care, other than services and care provided to stabilize the patient, shall accept as payment in full for such emergency services and care a rate which does not exceed the greater of:

(a) The average amount negotiated by the third party with in-network physicians in this State for the same or similar emergency services and care, excluding any deductible, copayment or coinsurance paid by the patient.

(b) One hundred twenty five percent of the average amount paid by Medicare pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq., on a fee-for-service basis for the same or similar emergency services and care in the geographic region in which the emergency services and care are rendered, excluding any deductible, copayment or coinsurance paid by the patient.

The Commissioner of Insurance shall adopt regulations that interpret the provisions of this subsection which must provide for, without limitation, a system for verifying a negotiated contract price submitted to the Commissioner of Insurance by a third party or entity described in subsection 2, and which must be consistent with the provisions of 29 C.F.R. § 2590.715-2719A to the extent practicable. Except as otherwise provided in NRS 239.0115, any information submitted pursuant to this section must be kept confidential by the Commissioner of Insurance.

3. An out-of-network physician is not required to accept as payment in full the amount specified pursuant to subsection 2 if:

(a) The third party that issued the policy of insurance or other contractual agreement which provides coverage to the patient has not submitted the quarterly reports required by section 20 of this act;

(b) The third party which provides coverage to the patient has not, in good faith, participated in a negotiation or mediation pursuant to subsection 4 and has not documented the occurrence and outcome of any negotiation or mediation;

(c) The patient has not paid the deductible, copayment or coinsurance that the patient would have paid for the provision of emergency services and care by an in-network physician; or

(d)] The third party [has not paid the] shall approve or deny a claim submitted by an out-of-network physician for the emergency services and care described in subsection 1 within [60] 30 days after [receipt of the bill

~~and all necessary medical records required to pay~~ ***the third party receives the claim . ~~[or, if applicable,~~ If the claim is approved, the third party shall pay the claim within ~~[60]~~ 30 days after ~~[the conclusion of any negotiation or mediation between the third party and the out-of-network physician.~~***

~~4.]~~ it is approved.

3. If the third party requires additional information to determine whether to approve or deny the claim submitted pursuant to subsection 1, it shall notify the out-of-network physician of its request for the additional information within 20 days after it receives the claim. The third party shall notify the out-of-network physician of all the specific reasons for the delay in approving or denying the claim. The third party shall approve or deny the claim within 30 days after receiving the additional information. If the claim is approved, the third party shall pay the claim within 30 days after it receives the additional information.

4. A third party shall not request an out-of-network physician to resubmit information that the out-of-network physician has already provided to the third party, unless the third party provides a legitimate reason for the request and the purpose of the request is not to delay the payment of the claim, harass the claimant or discourage the filing of claims.

5. A third party shall not pay only part of a claim that has been approved and is fully payable.

6. An offer made by a third party as payment for emergency services and care described in subsection 1 must include a statement that:

(a) If such an offer is not accepted as payment in full within 90 days, the out-of-network physician may file a complaint with the Advocate pursuant to NRS 223.560 and request that the Advocate mediate to determine the amount that must be paid for such emergency services and care; or

(b) If such an offer is accepted as payment in full, mediation conducted pursuant to NRS 223.560 may not be requested.

7. If an out-of-network physician ~~[believes that]~~ rejects the ~~[amounts prescribed in subsection 2 are insufficient]~~ amount offered by the third party as full payment to compensate the out-of-network physician for the emergency services and care provided by the out-of-network physician, the out-of-network physician must, within 30 days ~~[of]~~ after receiving written notice of such amount from the third party, request in writing to enter into negotiations with the third party which provides coverage to the patient to resolve the difference between the amount charged by the out-of-network physician and the amount paid by the third party. Such negotiations must begin within 2 weeks ~~[of]~~ after the out-of-network physician ~~[making]~~ makes the request for negotiation ~~[.]~~ , or at a time agreed upon by the out-of-network physician and the third party. If such negotiations do not result in an agreement on the amount that will be paid for emergency services and care, the out-of-network physician may file a complaint with the Advocate pursuant to NRS 223.560 and request that the Advocate mediate

to determine the amount that must be paid for such emergency services and care.

8. If an out-of-network physician does not make a request for negotiation pursuant to subsection 7 or accept as payment in full the amount offered by the third party, the third party may file a complaint with the Advocate pursuant to NRS 223.560 and request that the Advocate mediate to determine the amount that must be paid for such emergency services and care.

~~[5.]~~ 9. In no event shall the patient who received emergency services and care be:

(a) Responsible for payment of any amount greater than any deductible, copayment or coinsurance paid by the patient pursuant to his or her policy of insurance; or

(b) Required to participate in any negotiation entered into pursuant to this section or any mediation entered into pursuant to NRS 223.560.

Sec. 19. *~~[1. Except as otherwise provided in subsections 3 and 4, an out-of-network physician on the medical staff of an in-network hospital with 100 or more beds or an in-network independent center for emergency medical care that is operated by a person who also operates such a hospital shall accept as payment in full for the provision of emergency services and care to a patient, other than services and care provided to stabilize the patient, a rate in accordance with subsection 2 if the patient has a policy of insurance or other contractual agreement with a third party that provides coverage to the patient for the provision of emergency services and care by more than one physician in this State who provides the same type of emergency services and care other than the physician who provided the emergency services and care.~~*

~~2. Except as otherwise provided in subsections 3 and 4, an out-of-network physician on the medical staff of an in-network hospital with 100 or more beds or an in-network independent center for emergency medical care that is operated by a person who also operates such a hospital who provides to a patient described in subsection 1 emergency services and care, other than services and care provided to stabilize the patient, shall accept as payment in full for such emergency services and care a rate which does not exceed the greater of:~~

~~(a) The average amount negotiated by the third party with in-network physicians in this State for the same or similar emergency services and care, excluding any deductible, copayment or coinsurance paid by the patient.~~

~~(b) One hundred twenty-five percent of the average amount paid by Medicare pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq., on a fee for service basis for the same or similar emergency services and care in the geographic region in which the services are rendered, excluding any deductible, copayment or coinsurance paid by the patient.~~

~~*→ The Commissioner of Insurance shall adopt regulations that interpret the provisions of this subsection which must provide for, without limitation, a system for verifying a negotiated contract price submitted to the Commissioner of Insurance by a third party or entity described in subsection 2, and which must be consistent with the provisions of 29 C.F.R. § 2590.715-2719A to the extent practicable. Except as otherwise provided in NRS 239.0115, any information submitted pursuant to this section must be kept confidential by the Commissioner of Insurance.*~~

~~*3. An out-of-network physician is not required to accept as payment in full the amount specified pursuant to subsection 2 if:*~~

~~*(a) The third party that issued the policy of insurance or other contractual agreement which provides coverage to the patient has not submitted the quarterly reports required by section 20 of this act;*~~

~~*(b) The third party which provides coverage to the patient has not, in good faith, participated in a negotiation or mediation pursuant to subsection 4 and has not documented the occurrence and outcome of any negotiation or mediation;*~~

~~*(c) The patient has not paid the deductible, copayment or coinsurance that the patient would have paid for the provision of emergency services and care to an in-network physician; or*~~

~~*(d) The third party has not paid the out-of-network physician for the emergency services and care within 60 days after receipt of the bill and all necessary medical records required to pay the claim or, if applicable, within 60 days after the conclusion of any negotiation or mediation between the third party and the out-of-network physician.*~~

~~*4. If an out-of-network physician believes that the amounts prescribed in subsection 2 are insufficient to compensate the out-of-network physician for the emergency services and care provided by the out-of-network physician, the out-of-network physician must, within 30 days of receiving written notice of such amount from the third party, request in writing to enter into negotiations with the third party which provides coverage to the patient to resolve the difference between the amount charged by the out-of-network physician and the amount paid by the third party. Such negotiations must begin within 2 weeks of the out-of-network physician making the request for negotiation. If such negotiations do not result in an agreement on the amount that will be paid for emergency services and care, the out-of-network physician may file a complaint with the Advocate pursuant to NRS 223.560 and request that the Advocate mediate to determine the amount that must be paid for such emergency services and care.*~~

~~*5. In no event shall the patient who received emergency services and care be:*~~

~~*(a) Responsible for payment of any amount greater than any deductible, copayment or coinsurance paid by the patient pursuant to his or her policy of insurance; or*~~

~~(b) Required to participate in any negotiation entered into pursuant to this section or any mediation entered into pursuant to NRS 223.560.]~~ **(Deleted by amendment.)**

Sec. 20. *If a third party who issues a policy of insurance or other contractual agreement that provides coverage for health care in this State wishes for out-of-network hospitals, out-of-network independent centers for emergency medical care and out-of-network physicians to accept as payment in full the ~~[amounts prescribed in]~~ amount offered pursuant to sections 17 ~~[,]~~ and 18 ~~[and 19]~~ of this act, the third party shall:*

1. Review the in-network hospitals, in-network independent centers for emergency medical care and in-network physicians of the third party to determine whether a person who is covered by that policy of insurance or other contractual agreement that provides coverage for health care has adequate access to health care, including, without limitation, a review of ~~[:~~

~~(a) The]~~ the number and types of in-network hospitals, in-network independent centers for emergency medical care and in-network physicians, including, without limitation, emergency room physicians, anesthesiologists and specialty physicians . ~~[;~~

~~(b) Whether a person who is covered by the policy of insurance or other contractual agreement that provides coverage for the provision of health care has access to in-network hospitals, in-network independent centers for emergency medical care and in-network physicians without experiencing an unreasonable delay in the provision of health care; and~~

~~(c) The in-network hospitals and in-network independent centers for emergency medical care which provide emergency services and care and the number and type of in-network physicians on the medical staff of those in-network hospitals and in-network independent centers for emergency medical care to ensure that the third party has contracted with a sufficient number and type of physicians who are on the medical staff of those in-network hospitals and in-network independent centers for emergency medical care.]~~

2. Review the frequency with which persons covered by the policy of insurance or other contractual agreement that provides coverage for the provision of health care are treated for emergency services and care by out-of-network physicians at in-network hospitals and in-network independent centers for emergency medical care . ~~[and the rate at which those services and care are reimbursed by the third party.]~~

3. Ensure that persons covered by the policy of insurance or other contractual agreement that provides coverage for the provision of health care receive adequate information regarding in-network hospitals, in-network independent centers for emergency medical care and in-network physicians and the financial impact of receiving emergency services and care from out-of-network hospitals, out-of-network independent centers for emergency medical care and out-of-network physicians, including, without limitation, the financial impact of receiving emergency services and care

from an out-of-network physician ~~[on the medical staff of]~~ at an in-network hospital or in-network independent center for emergency medical care. The information must be provided in a format that is meaningful for persons making an informed decision concerning emergency services and care and must be accessible to persons covered by the policy of insurance or other contractual agreement.

4. Submit once each calendar ~~[quarter]~~ year to the ~~[Commissioner of Insurance and the Legislative Committee on Health Care]~~ Advocate a report containing a summary of the reviews conducted pursuant to subsections 1 and 2 and the educational efforts undertaken pursuant to subsection 3.

Sec. 21. ***Each hospital with 100 or more beds that is not operated by a federal, state or local governmental agency and each independent center for emergency medical care that is operated by a person who also operates such a hospital shall submit to the ~~[Department]~~ Advocate an annual report which must include:***

1. The number of patients from whom the hospital or independent center for emergency medical care or a person acting on its behalf has attempted to collect a debt for any amount owed to the hospital or independent center for emergency medical care for emergency services and care;

2. The number of patients from whom a physician ~~[on the medical staff]~~ at the hospital or independent center for emergency medical care or a person acting on behalf of such a physician has attempted to collect a debt for any amount owed to the physician for emergency services and care;

3. The amount of any increase in the rate negotiated with a third party for emergency services and care that exceeds the percentage of increase in the Consumer Price Index, Medical Care Component, for the year in which the rate is increased and any justification for the increase; and

4. The amount of each payment negotiated by the hospital or independent center for emergency medical care pursuant to subsection ~~[4]~~ 7 of section 17 of this act or a physician ~~[on the medical staff of]~~ at the hospital or independent center for emergency medical care pursuant to subsection ~~[4]~~ 7 of section 18 ~~[or subsection 4 of section 19]~~ of this act and the emergency services and care for which the payment was made.

Sec. 21.3. Chapter 223 of NRS is hereby amended by adding thereto ~~[a new section to read]~~ **the provisions set forth** as ~~[follows:]~~ **sections 21.4 and 21.5 of this act.**

Sec. 21.4. 1. The procedure established by regulation pursuant to paragraph (j) of subsection 1 of NRS 223.560 for filing and processing complaints concerning the rate of payment ~~[prescribed by]~~ offered pursuant to sections 17 ~~[,]~~ and 18 ~~[and 19]~~ of this act and the mediation of those complaints must:

(a) Require the Advocate or the Advocate's designee to determine, if an agreement between the parties cannot be reached, an acceptable rate that

must be paid to the hospital, independent center for emergency medical care or physician within 10 days of the conclusion of the mediation;

(b) Provide that a decision made by the Advocate or the Advocate's designee is binding on both parties subject to the mediation; and

(c) Provide that the costs of the mediation must be equally shared between the two parties subject to the mediation.

2. The procedure established by regulation pursuant to paragraph (j) of subsection 1 of NRS 223.560 must require the Advocate, in determining an acceptable rate that must be paid to a hospital, independent center for emergency medical care or physician to consider:

(a) The average amount the third party pays for the same or similar emergency services and care in the county in which the services were rendered;

(b) The average amount paid by Medicare pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq., on a fee-for-service basis for the same or similar emergency services and care in the geographic region in which the services were rendered; and

(c) The usual and customary charges for the same or similar emergency services and care rendered by an out-of-network hospital, out-of-network independent center for emergency medical care or out-of-network physician in the geographic region in which the services were rendered.

3. Except as otherwise provided in NRS 239.0115, any information received by the Advocate or the Advocate's designee during the mediation procedure established pursuant to paragraph (j) of subsection 1 of NRS 233.560 must be kept confidential by the Advocate or the Advocate's designee.

Sec. 21.5. The Advocate shall submit once each calendar year to the Legislative Committee on Health Care a report containing a summary, in aggregate form, of the data received pursuant to section 21 of this act.

Sec. 21.6. NRS 223.500 is hereby amended to read as follows:

223.500 As used in NRS 223.500 to 223.575, inclusive, ***and ~~[section 21.3]~~ sections 21.4 and 21.5 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 223.505 to 223.535, inclusive, have the meanings ascribed to them in those sections.

Sec. 21.9. NRS 223.540 is hereby amended to read as follows:

223.540 The provisions of NRS 223.085 do not apply to the provisions of NRS 223.500 to 223.575, inclusive ~~[.]~~ ***, and ~~[section 21.3]~~ sections 21.4 and 21.5 of this act.***

Sec. 22. NRS 223.560 is hereby amended to read as follows:

223.560 1. The Advocate shall:

(a) Respond to written and telephonic inquiries received from consumers and injured employees regarding concerns and problems related to health care and workers' compensation;

(b) Assist consumers and injured employees in understanding their rights and responsibilities under health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance;

(c) Identify and investigate complaints of consumers and injured employees regarding their health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance and assist those consumers and injured employees to resolve their complaints, including, without limitation:

(1) Referring consumers and injured employees to the appropriate agency, department or other entity that is responsible for addressing the specific complaint of the consumer or injured employee; and

(2) Providing counseling and assistance to consumers and injured employees concerning health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance;

(d) Provide information to consumers and injured employees concerning health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance in this State;

(e) Establish and maintain a system to collect and maintain information pertaining to the written and telephonic inquiries received by the Office for Consumer Health Assistance;

(f) Take such actions as are necessary to ensure public awareness of the existence and purpose of the services provided by the Advocate pursuant to this section;

(g) In appropriate cases and pursuant to the direction of the Advocate, refer a complaint or the results of an investigation to the Attorney General for further action;

(h) Provide information to and applications for prescription drug programs for consumers without insurance coverage for prescription drugs or pharmaceutical services;

(i) Establish and maintain an Internet website which includes:

(1) Information concerning purchasing prescription drugs from Canadian pharmacies that have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328;

(2) Links to websites of Canadian pharmacies which have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328; and

(3) A link to the website established and maintained pursuant to NRS 439A.270 which provides information to the general public concerning the charges imposed and the quality of the services provided by the hospitals and surgical centers for ambulatory patients in this State; ~~[~~and~~]~~

(j) ***In accordance with section ~~[21.3]~~ 21.4 of this act, establish by regulation a procedure for filing and processing complaints concerning the rate of payment ~~[prescribed by]~~ offered pursuant to sections 17 ~~[,]~~ and 18 ~~[and 19]~~ of this act and the mediation of those complaints to determine:***

(1) Whether the rates paid pursuant to sections 17 [,] and 18 [and 19] of this act are sufficient in a particular circumstance; and

(2) If a determination is made that a rate is not sufficient, an acceptable rate that must be paid to the hospital, independent center for emergency medical care or physician that filed the complaint; and

(k) Assist consumers with filing complaints against health care facilities and health care professionals. As used in this paragraph, "health care facility" has the meaning ascribed to it in NRS 162A.740.

2. The Advocate may adopt regulations to carry out the provisions of NRS 223.560 to 223.575, inclusive.

Sec. 22.5. [NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665,

~~445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and sections 17, 18 and 19 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.~~

~~2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.~~

~~3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the~~

~~confidential information from the information included in the public book or record that is not otherwise confidential.~~

~~— 4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:~~

~~— (a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.~~

~~— (b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.~~**] (Deleted by amendment.)**

Sec. 23. ~~[NRS 687B.490 is hereby amended to read as follows:~~

~~— 687B.490 — 1. A carrier that offers coverage in the group or individual market must, before making any network plan available for sale in this State, demonstrate the capacity to deliver services adequately by applying to the Commissioner for the issuance of a network plan and submitting a description of the procedures and programs to be implemented to meet the requirements described in subsection 2.~~

~~— 2. The Commissioner shall determine, within 90 days after receipt of the application required pursuant to subsection 1, if the carrier, with respect to the network plan:~~

~~— (a) Has demonstrated the willingness and ability to ensure that health care services will be provided in a manner to ensure both availability and accessibility of adequate personnel and facilities in a manner that enhances availability, accessibility and continuity of service;~~

~~— (b) Has organizational arrangements established in accordance with regulations promulgated by the Commissioner; and~~

~~— (c) Has a procedure established in accordance with regulations promulgated by the Commissioner to develop, compile, evaluate and report statistics relating to the cost of its operations, the pattern of utilization of its services, the availability and accessibility of its services and such other matters as may be reasonably required by the Commissioner.~~

~~— 3. The Commissioner may certify that the carrier and the network plan meet the requirements of subsection 2, or may determine that the carrier and the network plan do not meet such requirements. Upon a determination that the carrier and the network plan do not meet the requirements of subsection 2, the Commissioner shall specify in what respects the carrier and the network plan are deficient.~~

~~— 4. A carrier approved to issue a network plan pursuant to this section must file annually with the Commissioner a summary of information compiled pursuant to subsection 2 in a manner determined by the Commissioner.~~

~~— 5. The Commissioner shall, not less than once each year, or more often if deemed necessary by the Commissioner for the protection of the interests of~~

~~the people of this State, make a determination concerning the availability and accessibility of the health care services of any network plan approved pursuant to this section.~~

~~6. The expense of any determination made by the Commissioner pursuant to this section must be assessed against the carrier and remitted to the Commissioner.~~

~~7. When making any determination concerning the availability and accessibility of the services of any network plan or proposed network plan pursuant to this section, the Commissioner shall consider [services] :~~

~~*(a) Services* that may be provided through telehealth, as defined in NRS 629.515, pursuant to the network plan or proposed network plan to be available services.~~

~~*(b) The information contained in the most recent report submitted pursuant to section 20 of this act that pertains to the network plan, if such a report has been submitted.~~

~~8. As used in this section, "network plan" has the meaning ascribed to it in NRS 689B.570.] (Deleted by amendment.)~~

Sec. 24. The Governor's Consumer Health Advocate appointed pursuant to NRS 223.550 shall adopt the regulations required by NRS 223.560, as amended by section 22 of this act, on or before October 1, 2017.

Sec. 25. ~~[1. On or before June 30, 2018, the Legislative Committee on Health Care shall review the provisions of this act, including, without limitation, the rate of payment set forth in sections 17, 18 and 19 of this act, to determine whether providers of health care are being adequately compensated for the provision of emergency services and care.~~

~~2. The Legislative Committee on Health Care shall forward to the Assembly Standing Committee on Health and Human Services and the Senate Standing Committee on Health and Human Services the results of the review conducted pursuant to subsection 1 and any proposed changes to the provisions of this act, including, without limitation, the rate of payment set forth in sections 17, 18 and 19 of this act.] (Deleted by amendment.)~~

Sec. 26. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 27. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2018, for all other purposes.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 382.

Bill read third time.

Remarks by Assemblymen Carlton, Paul Anderson, Oscarson, and Ohrenschall.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 382. The bill is otherwise known as the "bill charges" or "surprise bill." This bill has been worked on through almost the whole session. Numerous meetings were held. There are still negotiations going on. What is left in the bill right now is arbitration that would take the patient out of the mix of surprise bills and allow the insureds and the hospitals—the two sophisticated parties—to deal with what would be a reasonable rate as an offer on a surprise bill that a patient might receive. We are still trying to find a number for the rate, but it is very difficult because every hospital is different, every provider is different.

I have not given up yet. This is the first step toward completion, and I would ask the body to support it moving forward in order to make sure that the patients in this state are taken out of the middle of surprise bills.

ASSEMBLYMAN PAUL ANDERSON:

I rise in support of Assembly Bill 382. I know the sponsor has worked diligently on this bill. It was just recently amended out of Ways and Means. While I am still a bit nervous with the current language, I am confident in the sponsor's promise to continue to work on it with those that are invested in making sure this comes out and gets the consumer out of the middle and lets those bills get paid in a timely manner and at a reasonable rate. I think it is important and good public policy that we need to continue to work on, so I will be a yes to support this and keep the conversation flowing.

ASSEMBLYMAN OSCARSON:

I know that the sponsor has worked diligently with others in this building. I have been engaged in some of those conversations as well. I appreciate her diligence in trying to work with this. She has committed to myself and others in the building that she will continue to work to make this a bill that everyone can at least live with. The most important thing, as we have all noticed in the past, is that we need to have the patients out of the middle of the discussion. That, for sure, is one thing that in agreement between both parties, both entities, so I look forward to the further discussions and negotiations that I believe will transpire.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 382 is a great bill and I urge its support.

Roll call on Assembly Bill No. 382:

YEAS—31.

NAYS—Edwards, Ellison, Hambrick, Hansen, Krasner, Marchant, McArthur, Tolles, Wheeler, Woodbury—10.

EXCUSED—Titus.

Assembly Bill No. 382 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 9:22 p.m.

ASSEMBLY IN SESSION

At 9:24 p.m.
Mr. Speaker presiding.
Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 65, 84, 149, 162, 199, 268, 270, 283, 291, 320, 350, 352, 357, 398, 399, 400, 415, 452, 460, 468, and 516; Senate Joint Resolutions Nos. 1 and 3.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Brooks, the privilege of the floor of the Assembly Chamber for this day was extended to Briana Escamilla and Michelle White.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Denise Davis.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Sanson.

On request of Assemblywoman Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Claudia Martinez.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Sara Wainwright.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Thursday, June 1, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 9:25 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTEENTH DAY

CARSON CITY (Thursday), June 1, 2017

Assembly called to order at 5:42 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Hansen and Ohrenschall, who were excused.

Prayer by Assistant Sergeant at Arms Judy Doherty, read by Michele Burke.

If I could leave a legacy, what would it be? Good service, good will, good advice? Could it be love, kindness, and endurance?

As we all strive to do what is best for our humankind, may we exercise respect and the agreement to disagree as we carry out the will of those we serve.

What an amazing community, state, country, and world we are allowed to partake of. May we be good stewards of what we have been given and protect the freedoms that surround us. This is the legacy that I desire to leave; what about you?

God Bless the state of Nevada.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 72, 244, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 394, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL C. SPRINKLE, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 538, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 368, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 428, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HEIDI SWANK, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 371, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 397, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 502, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 94, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 399, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 181, 278.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 322, Amendment No. 972, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 9.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, June 1, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 45, Senate Amendment No. 953, and requests a conference, and appointed Senators Atkinson, Cannizzaro and Settelmeyer as a Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 528.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 545.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 120, 315, 544.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 439.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 529, 530, 531, 532, 533, 534, 536, 537.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 519—AN ACT making an appropriation to the Secretary of State to award grants of money to the counties in this State for the purchase of voting machines and certain related costs; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 120.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 315.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 439.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 528.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 529.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 530.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 531.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 532.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 533.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 534.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 536.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 537.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 544.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 545.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 94.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1054.

AN ACT relating to economic development; repealing the prospective expiration of the NV Grow Program that provides certain assistance to existing small businesses; recognizing the Small Business Development Center in Clark County and requiring the Centers in Clark and Washoe Counties to cooperatively expand the NV Grow Program; making appropriations to support the NV Grow Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law directs the Office of Economic Development within the Office of the Governor to create the NV Grow Program as a pilot program to provide certain informational and technical assistance to existing small businesses in this State that are expanding or ready to expand. (Section 2 of chapter 459, Statutes of Nevada 2015, p. 2681) Existing law provided a $150,000 appropriation for the 2015–2017 biennium to the Nevada System of Higher Education for the College of Southern Nevada to hire a geographic information technology specialist, purchase related software and provide other services related to the NV Grow Program. (Section 5 of chapter 459, Statutes of Nevada 2015, p. 2683) Existing law also provides that the NV Grow Program expires by limitation on June 30, 2017. (Section 8 of chapter 459, Statutes of Nevada 2015, p. 2683)

Sections 1-7 of this bill make the NV Grow Program ongoing by repealing the prospective expiration of the provisions that created the NV Grow Program and make conforming changes to remove the designation of the program as a pilot program. **Section 1.5** of this bill designates the NV Grow Act as the short title for the act that establishes the NV Grow Program.

Section 3 of this bill recognizes the Small Business Development Center in Clark County as a participant in the program and requires cooperation with the geographic information system specialist. **Section 3** also requires the Small Business Development Centers in Clark and Washoe Counties to select the lead counselor and manage the NV Grow Program jointly, including: (1) appointing the College of Southern Nevada as administrator of the geographic information system; (2) identifying businesses and business sectors in this State that are ready to expand; (3) determining those businesses and business sectors that will participate in the program; (4) identifying skilled labor in this State and its potential for growth; (5) targeting business sectors and occupations in the State that have demonstrated the ability to grow and stimulate the economy; (6) focusing on utilization of existing resources; (7) harnessing the academic expertise of the College of Southern Nevada; (8) using the geographic information systems to map areas in which retail sales and other commerce are flourishing or have capacity for further growth; and (9) facilitating informational and other assistance of the College of Southern Nevada to businesses and business sectors, including business training, monitoring marketing techniques and business mentoring. Additionally, **section 3**: (1) adds business mentorship within the program as part of the resources and expertise the Centers provide to businesses in this State; (2) expands the goal of the NV Grow Program from serving 10 businesses to serving 15 businesses in this State every year; and (3) reduces the minimum revenue threshold for participation in the NV Grow Program to businesses that generate at least $50,000 per year.

Section 8 of this bill increases the appropriations to provide grants for program support for business courses and allow the College of Southern

Nevada to hire a lead counselor. **Section 8** also requires the money appropriated by this bill to be used for direct program expenditures.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 459, Statutes of Nevada 2015, is hereby amended by adding thereto a new section to be designated as section 1.5, immediately following section 1, to read as follows:

Sec. 1.5. ***This act may be cited as the NV Grow Act.***

Sec. 2. Section 1 of chapter 459, Statutes of Nevada 2015, at page 2681, is hereby amended to read as follows:

Section 1. The Legislature hereby finds and declares that:

1. It is vital to the overall health and growth of the economy of the State of Nevada to promote favorable conditions which allow the expansion of Nevada businesses that demonstrate the ability to grow;

2. As a result of the extraordinary economic challenges which have been, and are, confronting the State, the public has an interest in expanding the resources of this State to stimulate investment in Nevada's economy;

3. It is the intent of the Legislature that resources be provided for the operation of the ~~[~~pilot~~]~~ program described in section 2 of this act; and

4. The purpose of the ~~[~~pilot~~]~~ program described in section 2 of this act is to stimulate investment in Nevada's economy by providing technical assistance for businesses in this State that are expanding or ready to expand.

Sec. 3. Section 2 of chapter 459, Statutes of Nevada 2015, at page 2681, is hereby amended to read as follows:

Sec. 2. 1. The Office, in consultation with the stakeholders group, shall develop, create and oversee the NV Grow Program ~~[~~as a pilot program~~]~~ to stimulate Nevada's economy with a view toward providing assistance to businesses that are already located and operating in this State rather than recruiting businesses from other states to relocate in Nevada.

2. Under the auspices of the ~~[~~pilot~~]~~ program:

(a) Institutions of the Nevada System of Higher Education located in Clark County and the Nevada Small Business Development Center in Clark County shall, in cooperation with the geographic information system specialist employed at the College of Southern Nevada, mentor and track businesses participating in the ~~[~~pilot~~]~~ program in Clark County. The Clark County Department of Business License will coordinate with the College to provide such data as may be necessary for the operation of the ~~[~~pilot~~]~~ program in Clark County.

(b) The Nevada Small Business Development ~~[~~Center~~]~~ ***Centers*** located in ***Clark County and*** Washoe County shall ***each*** cooperate with

the geographic information system specialist employed to assist businesses in
Clark County that are participating in the ~~[~~pilot~~]~~ program with marketing and other efforts.

3. The ~~[~~pilot program~~]~~ ***Centers, jointly, shall select the lead counselor and manage the NV Grow Program, which*** must include, without limitation:

(a) The employment of a geographic information specialist at the College of Southern Nevada who provides data to clients of the stakeholders group;

(b) The appointment of the ~~[~~Nevada Small Business Development Center in Washoe County~~]~~ ***College of Southern Nevada*** as administrator of the geographic information system;

(c) An analysis ***and identification by the Centers*** of businesses ***and business sectors*** in this State that are ready to expand ~~[~~,~~]~~ ***and a determination of which of these businesses and business sectors will participate in the program;***

(d) ~~[~~The identification~~]~~ ***Identification by the Centers*** of the skilled labor that exists in this State and its potential for growth;

(e) ~~[~~The targeting~~]~~ ***Targeting by the Centers*** of business sectors and occupations in this State that have demonstrated the ability to grow and stimulate the economy of the State;

(f) A focus ***by the Centers*** on the utilization of existing resources;

(g) The harnessing of the academic expertise of the ***College of Southern Nevada and the*** Centers to provide economic and market data to contribute to the diversification and growth of the economy of this State;

(h) The use of geographic information systems ***by the College of Southern Nevada and the Centers*** to map areas of this State to determine locations in which retail sales and other commerce are flourishing and locations in which retail sales and commerce demonstrate the capacity for further growth;

(i) ~~[~~The selection of businesses and business sectors in this State to participate in the pilot program;

(j) ~~]~~The elements described in subsection 2;

~~[(k)]~~ ***(j)*** The provision of informational and other assistance ***by the College of Southern Nevada*** to businesses and business sectors in this State ~~[~~,~~]~~ ***, including, without limitation, business training, nontraditional marketing techniques and business mentoring;*** and

~~[(l)]~~ ***(k)*** Such other components as the Office, in consultation with the stakeholders group, determines are likely to be necessary, advisable or advantageous for the growth and development of businesses located in this State.

4. The ~~[~~pilot~~]~~ program shall, insofar as is possible, use the resources and expertise of the Centers and make available those resources and that expertise to businesses in this State for the purposes of:

(a) Developing business connections ~~[~~,~~]~~ ***and business mentorships within the program;***

(b) Exchanging data and other information with and between businesses and trade associations;

(c) Creating and facilitating peer-to-peer mentoring sessions ~~[~~,~~]~~ ***for participants in the NV Grow Program;*** and

(d) Providing to businesses and business sectors data and other information that is calculated or otherwise generated through the use of geographic information systems.

5. To the extent possible, the ~~[~~pilot~~]~~ program must be conducted with the goal of selecting ~~[~~10~~]~~ ***15*** businesses in Clark County to participate in the ~~[~~pilot~~]~~ program ~~[~~.~~]~~ ***every year.***

6. To qualify to participate in the ~~[~~pilot~~]~~ program, a business must:

(a) Have its principal place of business within the State of Nevada and have had its principal place of business in this State for at least 2 years;

(b) Generate at least ~~[~~$100,000~~]~~ ***$50,000*** but not more than $700,000 in revenue; and

(c) Have a business plan.

7. As used in this section:

(a) "Business plan" means a written statement of a set of business goals, the reasons those goals are believed to be attainable and the plan for reaching those goals.

(b) "Centers" means all institutions of the Nevada System of Higher Education, including, without limitation, the College of Southern Nevada and the University of Nevada, Reno.

(c) "Geographic information system" means a computerized database management system for the capture, storage, retrieval, analysis and display of spatial or locationally defined data.

(d) "Office" means the Office of Economic Development within the Office of the Governor.

(e) "Stakeholders group" means a group of persons interested in economic development in this State selected by the Office, including, without limitation, a representative of the College of Southern Nevada, the University of Nevada, Las Vegas, the Urban Chamber of Commerce of Las Vegas, the Las Vegas Latin Chamber of Commerce, the Valley Center Opportunity Zone, the University of Nevada Cooperative Extension in Clark County, Clark County and incorporated cities in Clark County.

Sec. 4. Section 3 of chapter 459, Statutes of Nevada 2015, at page 2683, is hereby amended to read as follows:

Sec. 3. In assisting and carrying out the ~~[~~pilot~~]~~ program described in section 2 of this act, the Centers, as defined in section 2 of this act, shall, without limitation, perform the following services:

1. Analyze data;

2. Ensure that businesses participating in the ~~[~~pilot~~]~~ program understand the manner in which the data so analyzed will be applied to those businesses so that the businesses may make better business decisions and understand the current business market in which they exist;

3. Mentor the businesses as to the optimum use of data received under the ~~[~~pilot~~]~~ program relative to the making of business decisions; and

4. With respect to the businesses participating in the ~~[~~pilot~~]~~ program:

(a) Track the business decisions and growth of each business over the entire period of the ~~[~~pilot~~]~~ program; and

(b) Report the data tracked pursuant to paragraph (a), at least once each 6 months, to the Office of Economic Development within the Office of the Governor.

Sec. 5. Section 4.5 of chapter 459, Statutes of Nevada 2015, at page 2683, is hereby amended to read as follows:

Sec. 4.5. The Office of Economic Development within the Office of the Governor may apply for any available grants, accept any gifts, grants or donations and use any such gifts, grants or donations to aid the Office in carrying out the ~~[~~pilot~~]~~ program described in section 2 of this act.

Sec. 6. Section 7 of chapter 459, Statutes of Nevada 2015, at page 2683, is hereby amended to read as follows:

Sec. 7. The ~~[~~pilot~~]~~ program described in section 2 of this act must begin operating not later than January 1, 2016.

Sec. 7. Section 8 of chapter 459, Statutes of Nevada 2015, at page 2683, is hereby amended to read as follows:

Sec. 8. ~~[~~1.~~]~~ This act becomes effective upon passage and approval for the purpose of performing any preparatory administrative tasks necessary to carry out the provisions of this act, and on July 1, 2015, for all other purposes.

~~[~~2. This act expires by limitation on June 30, 2017.~~]~~

Sec. 8. 1. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education:

(a) The sum of ~~[~~$250,000~~]~~ **$225,000** to allow the Nevada Small Business Development Centers to provide such services as may be necessary to assist and carry out the NV Grow Program established pursuant to the NV Grow Act and to provide grants of $25,000 each to the Urban Chamber of Commerce and the Las Vegas Latin Chamber of Commerce for program support for business courses.

(b) The sum of ~~[$175,000]~~ **$125,000** to allow the College of Southern Nevada to hire a geographic information specialist to assist small businesses who participate in the NV Grow Program established pursuant to the NV Grow Act. Any portion of the money not used to hire the geographic information specialist may be used by the College to hire a lead counselor. Any money not used for these purposes must be used for direct program expenditures by the College, such as, without limitation, marketing tools, stipends and field trips.

2. All money appropriated by the provisions of this section must be distributed to the entities specified in paragraphs (a) and (b) of subsection 1 and must be used only for the purposes specified in those paragraphs and no portion of the money may be set aside, distributed or otherwise committed or used for any other purpose, including University indirect costs.

Sec. 9. Any remaining balance of the appropriation made by section 8 of this act must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2019.

Sec. 10. 1. This section and sections 1 to 7, inclusive, of this act become effective upon passage and approval.

2. Sections 8 and 9 of this act become effective on July 1, 2017.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 371.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 999.

SUMMARY— ~~[Makes an appropriation for the purchase of the Huntridge Theater located in Las Vegas, Nevada.]~~ **Authorizes the State Land Registrar to facilitate the restoration and preservation of certain historic buildings by entering into a public-private partnership.** (BDR ~~[S-883)]~~ **26-883)**

AN ACT ~~[making an appropriation to the Division of State Lands of the State Department of Conservation and Natural Resources for the purchase of the Huntridge Theater in Las Vegas, Nevada;]~~ **relating to historic buildings; authorizing the State Land Registrar to purchase certain historic buildings and enter into a public-private partnership to facilitate**

certain activities related to such a historic building; providing requirements and exemptions relating to such a public-private partnership; establishing the Restore Nevada's Treasures Revolving Account; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 8 of this bill authorizes the State Land Registrar, to the extent that money is available, to purchase a historic building that has been determined by the Office of Historic Preservation of the State Department of Conservation and Natural Resources to be a historic building that is at risk of loss. Section 8 also authorizes the State Land Registrar to enter into a public-private partnership for the preservation, rehabilitation, restoration, reconstruction or adaptive reuse of a historic building so purchased and sets forth certain provisions that a contract for a public-private partnership is required to include. Section 8 requires the public-private partnership to be structured so that the State will be repaid by the private partner for the purchase price of the historic building and the private partner will receive ownership of the historic building from the State. Section 10 of this bill exempts such a public-private partnership from existing law governing purchasing and public works, except regarding the payment of the prevailing wage.

Section 11 of this bill establishes the Restore Nevada's Treasures Revolving Account and requires that the money in the Revolving Account be used to acquire historic buildings and pay expenses related to a public-private partnership for the preservation, rehabilitation, restoration, reconstruction or adaptive reuse of a historic building.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[1. There is hereby appropriated from the State General Fund to the Division of State Lands of the State Department of Conservation and Natural Resources the sum of $3,000,000 to purchase the Huntridge Theater, located at 1208 East Charleston Boulevard, Las Vegas, Nevada.~~

~~2. The Administrator of the Division may enter into a contract with one or more public-private partners to assist with the purchase, repair and restoration of the Huntridge Theater.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2019.]~~ **(Deleted by amendment.)**

Sec. 3. **Chapter 321 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 11, inclusive, of this act.**

Sec. 4. ***As used in sections 4 to 11, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5, 6 and 7 of this act have the meanings ascribed to them in those sections.***

Sec. 5. ***"Historic building" means a site, building, structure, object or district which is eligible for or included in the State Register of Historic Places pursuant to NRS 383.085 or the National Register of Historic Places or is otherwise of historical significance.***

Sec. 6. ***"Private partner" means a person with whom the State Land Registrar enters into a public-private partnership.***

Sec. 7. ***"Public-private partnership" means a contract entered into by the State Land Registrar and a private partner pursuant to section 8 of this act.***

Sec. 8. ***1. To the extent that money is available in the Restore Nevada's Treasures Revolving Account created by section 11 of this act, the State Land Registrar may purchase a historic building that has been determined by the Office of Historic Preservation of the State Department of Conservation and Natural Resources to be a historic building that is at risk of loss.***

2. The State Land Registrar may enter into a public-private partnership with a private partner for the preservation, rehabilitation, restoration, reconstruction or adaptive reuse of a historic building purchased pursuant to subsection 1. The public-private partnership must be structured to facilitate the transfer of ownership of the historic building from the State to the private partner and repayment of the purchase price of the historic building to the State by the private partner from revenues generated by the historic building.

3. The contract for a public-private partnership must include, without limitation:

(a) The rate of interest on payments;

(b) A schedule for payments; and

(c) A provision to ensure all money expended or advanced by the State in connection with the public-private partnership is recovered in the event of a default by the private partner.

4. The State Land Registrar shall consult with the Office of Historic Preservation of the State Department of Conservation and Natural Resources regarding:

(a) Identification of historic buildings appropriate for public-private partnerships; and

(b) The design and restoration of a historic building pursuant to a public-private partnership.

Sec. 9. ***To carry out the provisions of sections 4 to 11, inclusive, of this act, the State Land Registrar may:***

1. Employ any necessary legal, financial, technical and other consultants.

2. Apply for grants and accept from any source any gift, grant, donation or other form of conveyance of land, money, other real or personal property or other thing of value.

3. Keep any proprietary information obtained by or disclosed to the State Land Registrar during the procurement or negotiation of the public-private partnership confidential.

4. Adopt such regulations as the State Land Registrar deems necessary.

Sec. 10. 1. The provisions of chapters 333, 338 and 341 of NRS do not apply to a public-private partnership, except the provisions of NRS 338.013 to 338.090, inclusive, apply to a contract to perform work in connection with the preservation, rehabilitation, restoration, reconstruction or adaptive use of a historic building pursuant to a public-private partnership. The private partner and a contractor who is awarded the contract or enters into the agreement to perform the preservation, rehabilitation, restoration, reconstruction or adaptive use of the historic building shall include in the contract or other agreement the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to the provisions of NRS 338.013 to 338.090, inclusive. The State Land Registrar, the private partner, any contractor who is awarded a contract or enters into an agreement to perform such work on the historic building project and any subcontractor who performs work on the historic building project shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if a public body had undertaken the project or had awarded the contract.

2. The Deputy Administrator of the Public Works - Compliance and Code Enforcement Section of the State Public Works Division of the Department of Administration shall serve as the building official on the work performed in connection with the preservation, rehabilitation, restoration, reconstruction or adaptive use of a historic building pursuant to a public-private partnership.

Sec. 11. 1. The Restore Nevada's Treasures Revolving Account is hereby created as a special account in the State General Fund.

2. The State Land Registrar shall deposit into the Revolving Account money received:

(a) As a gift, grant or donation pursuant to section 9 of this act; and

(b) From payments made by a private partner pursuant to a public-private partnership.

3. The State Land Registrar may use the money in the Revolving Account only for the expenses related to:

(a) The acquisition of a historic building pursuant to section 8 of this act; and

(b) Expenses relating to a public-private partnership.

4. The State Land Registrar shall:

(a) Approve any disbursements from the Revolving Account; and

(b) Maintain records of any such disbursement.

5. The balance of the Revolving Account must be carried forward at the end of each fiscal year.

Sec. 12. **NRS 321.007 is hereby amended to read as follows:**

321.007 1. Except as otherwise provided in subsection 5, NRS 321.008, 322.061, 322.063, 322.065 or 322.075, ***or sections 4 to 11, inclusive, of this act,*** except as otherwise required by federal law, except for land that is sold or leased to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for land that is sold or leased to a state or local governmental entity, except for a lease which is part of a contract entered into pursuant to chapter 333 of NRS and except for land that is sold or leased pursuant to an agreement entered into pursuant to NRS 277.080 to 277.170, inclusive, when offering any land for sale or lease, the State Land Registrar shall:

(a) Except as otherwise provided in this paragraph, obtain two independent appraisals of the land before selling or leasing it. If the Interim Finance Committee grants its approval after discussion of the fair market value of the land, one independent appraisal of the land is sufficient before selling or leasing it. The appraisal or appraisals, as applicable, must have been prepared not more than 6 months before the date on which the land is offered for sale or lease.

(b) Notwithstanding the provisions of chapter 333 of NRS, select the one independent appraiser or two independent appraisers, as applicable, from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the State Land Registrar as to the qualifications of an appraiser is conclusive.

2. The State Land Registrar shall adopt regulations for the procedures for creating or amending a list of appraisers qualified to conduct appraisals of land offered for sale or lease by the State Land Registrar. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the land that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income of the appraiser that may constitute a conflict of interest and any relationship of the appraiser with the owner of the land or the owner of an adjoining property.

4. An appraiser shall not perform an appraisal on any land offered for sale or lease by the State Land Registrar if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the land or an adjoining property.

5. If a lease of land is for residential property and the term of the lease is 1 year or less, the State Land Registrar shall obtain an analysis of the market

value of similar rental properties prepared by a licensed real estate broker or salesperson when offering such a property for lease.

6. If land is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the land is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 13. **NRS 321.335 is hereby amended to read as follows:**

321.335 1. Except as otherwise provided in NRS 321.008, 321.125, 322.061, 322.063, 322.065 or 322.075, ***or sections 4 to 11, inclusive, of this act,*** except as otherwise required by federal law, except for land that is sold or leased to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for land that is sold or leased to a state or local governmental entity, except for a lease which is part of a contract entered into pursuant to chapter 333 of NRS and except for an agreement entered into pursuant to the provisions of NRS 277.080 to 277.170, inclusive, or a lease of residential property with a term of 1 year or less, after April 1, 1957, all sales or leases of any lands that the Division is required to hold pursuant to NRS 321.001, including lands subject to contracts of sale that have been forfeited, are governed by the provisions of this section.

2. Whenever the State Land Registrar deems it to be in the best interests of the State of Nevada that any lands owned by the State and not used or set apart for public purposes be sold or leased, the State Land Registrar may, with the approval of the State Board of Examiners and the Interim Finance Committee, cause those lands to be sold or leased upon sealed bids, or oral offer after the opening of sealed bids for cash or pursuant to a contract of sale or lease, at a price not less than the highest appraised value for the lands plus the costs of appraisal and publication of notice of sale or lease.

3. Before offering any land for sale or lease, the State Land Registrar shall comply with the provisions of NRS 321.007.

4. After complying with the provisions of NRS 321.007, the State Land Registrar shall cause a notice of sale or lease to be published once a week for 4 consecutive weeks in a newspaper of general circulation published in the county where the land to be sold or leased is situated, and in such other newspapers as the State Land Registrar deems appropriate. If there is no newspaper published in the county where the land to be sold or leased is situated, the notice must be so published in a newspaper published in this State having a general circulation in the county where the land is situated.

5. The notice must contain:

(a) A description of the land to be sold or leased;

(b) A statement of the terms of sale or lease;

(c) A statement that the land will be sold pursuant to subsection 6; and

(d) The place where the sealed bids will be accepted, the first and last days on which the sealed bids will be accepted, and the time when and place

where the sealed bids will be opened and oral offers submitted pursuant to subsection 6 will be accepted.

6. At the time and place fixed in the notice published pursuant to subsection 4, all sealed bids which have been received must, in public session, be opened, examined and declared by the State Land Registrar. Of the proposals submitted which conform to all terms and conditions specified in the notice published pursuant to subsection 4 and which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral offer is accepted or the State Land Registrar rejects all bids and offers. Before finally accepting any written bid, the State Land Registrar shall call for oral offers. If, upon the call for oral offers, any responsible person offers to buy or lease the land upon the terms and conditions specified in the notice, for a price exceeding by at least 5 percent the highest written bid, then the highest oral offer which is made by a responsible person must be finally accepted.

7. The State Land Registrar may reject any bid or oral offer to purchase or lease submitted pursuant to subsection 6, if the State Land Registrar deems the bid or offer to be:

(a) Contrary to the public interest.

(b) For a lesser amount than is reasonable for the land involved.

(c) On lands which it may be more beneficial for the State to reserve.

(d) On lands which are requested by the State of Nevada or any department, agency or institution thereof.

8. Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of sale specified in the notice of sale, the State Land Registrar shall convey title by quitclaim or cause a patent to be issued as provided in NRS 321.320 and 321.330.

9. Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of lease specified in the notice of lease, the State Land Registrar shall enter into a lease agreement with the person submitting the accepted bid or oral offer pursuant to the terms of lease specified in the notice of lease.

10. The State Land Registrar may require any person requesting that state land be sold pursuant to the provisions of this section to deposit a sufficient amount of money to pay the costs to be incurred by the State Land Registrar in acting upon the application, including the costs of publication and the expenses of appraisal. This deposit must be refunded whenever the person making the deposit is not the successful bidder. The costs of acting upon the application, including the costs of publication and the expenses of appraisal, must be borne by the successful bidder.

11. If land that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the land, the State Land Registrar may offer the land for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the land, the State Land

Registrar must, as applicable, obtain a new appraisal or new appraisals of the land pursuant to the provisions of NRS 321.007 before offering the land for sale or lease a second time. If land that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the land, the State Land Registrar may list the land for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the land or an adjoining property.

~~[Sec. 3.]~~ ***Sec. 14.*** This act becomes effective on July 1, 2017.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 397.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1047.

SUMMARY—Makes an appropriation for grants to local governmental entities and nonprofit organizations for **certain** family planning services. (BDR S-856)

AN ACT making an appropriation to the Division of Public and Behavioral Health of the Department of Health and Human Services to provide grants of money to local governmental entities and nonprofit organizations for **certain** family planning services; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services ~~[the sum of $4,000,000.]~~ **the following sums:**

For the Fiscal Year 2017-2018..... $500,000

For the Fiscal Year 2018-2019..... $500,000

2. The Administrator of the Division of Public and Behavioral Health shall use the money appropriated by subsection 1 to award grants of money to local governmental entities and nonprofit organizations to provide family planning services ~~[recommended by the Centers for Disease Control and Prevention and the Office of Population Affairs of the United States Department of Health and Human Services]~~ to persons who would otherwise have difficulty obtaining such services because of poverty, lack of insurance or transportation or any other reason.

3. As used in this section, "family planning services" means:

(a) Counseling by trained personnel concerning family planning.

(b) Distributing information concerning family planning.

(c) Referring persons to appropriate agencies, organizations and providers of health care for consultation, examination, treatment, genetic counseling and prescriptions for the purpose of family planning.

(d) Distributing or providing the following methods of contraception approved by the United States Food and Drug Administration:

(1) Voluntary sterilization for women;

(2) Surgical sterilization implants for women;

(3) Implantable rod;

(4) Copper-based intrauterine device;

(5) Progesterone-based intrauterine device;

(6) Injection;

(7) Combined estrogen- and progestin-based drugs;

(8) Progestin-based drugs;

(9) Extended- or continuous-regimen drugs;

(10) Estrogen- and progestin-based patches;

(11) Vaginal contraceptive ring;

(12) Diaphragm with spermicide;

(13) Sponge with spermicide;

(14) Cervical cap with spermicide;

(15) Female condom;

(16) Spermicide;

(17) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(18) Ulipristal acetate for emergency contraception.

(e) Providing or referring persons for preconception health services and assistance to achieve pregnancy.

(f) Providing or referring persons for testing for and treatment of sexually transmitted infections or diseases.

Sec. 2. **The sums appropriated by section 1 of this act are available for either fiscal year.** Any remaining balance of ~~[the appropriation made by section 1 of this act]~~ **those sums** must not be committed for expenditure after June 30, ~~[2021,]~~ **2019,** by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September ~~[17, 2021,]~~ **20, 2019,** by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September ~~[17, 2021.]~~ **20, 2019.**

Sec. 3. This act becomes effective on July 1, 2017.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 399.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1040.

AN ACT relating to transportation; establishing the Nevada State Infrastructure Bank; providing for the governance of the Bank by a Board of Directors; establishing the powers and duties of the Board of Directors; providing for the administration of the Bank by an Executive Director **[,] to the extent that certain money is available;** establishing the powers and duties of the Executive Director; establishing the Nevada State Infrastructure Bank Fund; authorizing the Bank to perform certain acts in connection with the financing of certain transportation facilities and utility infrastructure **;** ~~[~~projects;~~]~~ providing civil immunity for certain persons for certain official actions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2-36.5 of this bill establish the Nevada State Infrastructure Bank. The purpose of the Bank is to provide loans and other financial assistance to various units of state and local government for the development, construction, repair, improvement, maintenance, decommissioning, operation and ownership of certain transportation facilities and utility infrastructure **.** ~~[~~projects.~~]~~ **Sections 20 and 37.1** of this bill create the Bank within the Department of Transportation and provide for its governance by a Board of Directors. **Section 21** of this bill establishes certain powers and duties of the Board of Directors. **Section 21** further authorizes the Board of Directors to issue bonds or other securities to raise money to carry out its statutory purposes and powers. **Section 22** of this bill requires the Governor **, to the extent that money is available from public or private sources for administrative costs,** to appoint an Executive Director to administer, manage and conduct the affairs of the Bank and establishes the powers and duties of the Executive Director. **Section 23** of this bill creates the Nevada State Infrastructure Bank Fund to be administered by the Board of Directors and used exclusively to capitalize and carry out the statutory powers and purpose of the Bank.

Section 24 of this bill establishes certain procedures relating to: (1) applications for a loan or other financial assistance from the Bank in connection with a project to develop, construct, repair, improve, operate, maintain, decommission or own a transportation facility or utility infrastructure **;** ~~[~~project;~~]~~ (2) the determination by the Executive Director of eligible projects; and (3) selection by the Board of Directors of projects that

qualify to obtain such a loan or assistance. **Section 25** of this bill requires a borrower whose project is qualified to receive a loan or other financial assistance to enter into a financing agreement with the Bank and, in case of a loan, to issue some kind of security to the Bank that evidences the borrower's obligation to repay the loan.

Section 26 of this bill authorizes the Bank to act as an insurer or reinsurer in connection with a loan or satisfaction of a related obligation made by the Bank. **Section 27** of this bill authorizes the Bank to provide security for any revenue bonds issued by the Bank.

Section 28 of this bill provides that any debt or obligation issued by the Bank is not a debt, liability or obligation of this State or of any political subdivision thereof, or a pledge of the faith and credit of this State or a political subdivision, other than the Bank itself.

If a borrower who has received a loan from the Bank fails to make a payment of any money owed to the Bank, **section 29** of this bill authorizes the Bank, under certain circumstances, to require other state agencies that are in possession of money of the State or other money that is allotted or appropriated to the borrower to withhold that money from that borrower and remit it to the Bank to use the money to make the necessary payment to the Bank.

Section 30 of this bill provides a grant of immunity from civil liability to the Board of Directors of the Bank or the officers and employees of the Bank for certain official acts under certain circumstances. **Section 31** of this bill exempts the Bank from certain procedural prerequisites that would otherwise be applicable to its actions. **Section 32** of this bill exempts the property of the Bank and its income from taxation. **Section 33** of this bill exempts the bonds and other securities issued by the Bank from most forms of taxation.

Section 34 of this bill provides that any authority given to a governmental borrower to issue bonds by this bill is supplemental to, and not in lieu of, any existing authority to issue bonds.

Section 35 of this bill also provides that the provisions of this bill are intended to supplement, not supplant, other existing laws concerning the development, construction, repair, improvement, maintenance, decommissioning, operation and ownership of transportation facilities and utility infrastructure and the issuance of bonds and other securities by this State and political subdivisions thereof. However, **section 35** also provides that if there is a conflict between those laws and this bill, the provisions of this bill control. **Section 35** also provides that a contract for construction on a qualified project funded in whole or in part by a loan or other financial assistance from the Bank is subject to the prevailing wage requirement.

Section 36 of this bill requires the Bank to submit an annual report concerning its activities to the Governor and the Legislature. **Section 36.5** of this bill authorizes the divisions of the Department of Transportation, to the extent that money is available for that purpose, to provide technical advice, support and assistance to the Bank.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 408 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 36.5, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 36.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 19, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Bank" means the Nevada State Infrastructure Bank.***

Sec. 4. ***"Board of Directors" means the Board of Directors of the Bank.***

Sec. 5. ***"Eligible costs" means, as applied to a qualified project to be financed from:***

1. The federal highway account established by section 23 of this act, the costs that are allowed under applicable federal laws, requirements, procedures

and guidelines in regard to establishing, operating and providing assistance from the Bank.

2. The state and local highway account established by section 23 of this act, costs including, without limitation, the cost of preliminary engineering, traffic and revenue studies, environmental studies, right-of-way acquisition, legal and financial services associated with the development of the qualified project, construction, construction management, facilities, sustainability certification and other costs necessary for the qualified project.

3. The federal utility infrastructure account established by section 23 of this act, costs including, without limitation, the cost of preliminary engineering, environmental studies, property right acquisition, legal and financial services associated with the development of the qualified project, construction, construction management, equipment, facilities and other nonoperating costs necessary for the qualified project.

4. A federal or state and local nonhighway account established by section 23 of this act, costs including, without limitation, the cost of preliminary engineering, traffic and revenue studies, environmental studies, right-of-way acquisition, legal and financial services associated with the development of the qualified project, construction, construction management, equipment, facilities and other nonoperating costs necessary for the qualified project.

5. The state and local utility infrastructure account established by section 23 of this act, costs including, without limitation, the cost of preliminary engineering, environmental studies, property right acquisition, legal and financial services associated with the development of the qualified project, construction, construction management, equipment, facilities, sustainability certification and other nonoperating costs necessary for the qualified project.

Sec. 6. *"Eligible project" means the development, construction, repair, improvement, operation, maintenance, decommissioning or ownership of a transportation facility ~~[project]~~ or utility infrastructure . ~~[project.]~~*

Sec. 7. *"Executive Director" means the Executive Director of the Bank.*

Sec. 8. *"Federal accounts" means the federal highway account, federal nonhighway account and federal utility infrastructure account established pursuant to section 23 of this act.*

Sec. 9. *1. "Financing agreement" means any agreement entered into between the Bank and a qualified borrower pertaining to a loan or other financial assistance for a qualified project, which may or may not include nonfinancial provisions relating to the qualified project, including, without limitation, terms and conditions relating to the regulation and supervision of the qualified project.*

2. The term includes, without limitation:

(a) A loan agreement;

(b) A trust indenture;

(c) A security agreement;

(d) A reimbursement agreement;

(e) A guarantee agreement;

(f) A bond or note; and

(g) An ordinance or a resolution or similar instrument.

Sec. 10. *"Governmental unit" means:*

1. The State of Nevada, including, without limitation, any board, commission, agency, department, division or instrumentality thereof;

2. A political subdivision of the State of Nevada, including, without limitation, a county, city, town, school district, general or local improvement district or a combination of two or more of those entities acting jointly, including, without limitation, as a regional transportation commission as defined in NRS 482.1825; and

3. A public or private utility.

Sec. 11. *"Loan" means any form of direct financial assistance that is provided by the Bank to a qualified borrower to defray all or part of the anticipated or actual costs of a qualified project and is required to be repaid by the borrower over a period of time.*

Sec. 12. *"Loan obligation" means a bond, note or other evidence of a qualified borrower's obligation to repay a loan given by the Bank.*

Sec. 13. *"Other financial assistance" means any use of money by the Bank for the benefit of a qualified borrower, including, without limitation, a grant, contribution, credit enhancement, capital or debt reserve for bonds or other debt instrument financing, an interest rate subsidy, letter of credit or other credit instrument, security for a bond or other debt financing instrument and other lawful forms of financing and methods of leveraging funds that are approved by the Board of Directors and, in the case of*

money made available to the State by the Federal Government, as allowed by applicable federal law.

Sec. 14. *"Project revenue" means any rate, rent, fee, assessment related specifically to the project, charge or other receipt derived or to be derived by a qualified borrower from a qualified project and, if so provided in the applicable financing agreement, derived from any system of which the qualified project is a part or from any other revenue producing facility under the ownership or control of the qualified borrower, including, without limitation, the proceeds of a grant, gift, appropriation or loan, including, without limitation, the proceeds of a loan made by the Bank, investment earnings, payments to a reserve for capital or current expenses, proceeds of insurance or condemnation and proceeds from the sale or other disposition of property.*

Sec. 15. *"Qualified borrower" means a governmental unit, or an entity established by an agreement between a governmental unit and a private entity, that is authorized to develop, construct, repair, improve, maintain, decommission, operate or own a qualified project.*

Sec. 16. *"Qualified project" means an eligible project that has been selected by the Bank to receive a loan or other financial assistance.*

Sec. 17. *"State and local accounts" means the state and local highway account, state and local nonhighway account and state and local utility infrastructure account established by the Bank pursuant to section 23 of this act.*

Sec. 18. *"Transportation facility" means any existing, enhanced, upgraded or new facility that is used or useful for the safe transport of people, information or goods via one or more modes of transport, including, without limitation, any of the following:*

1. A road, railroad, bridge, tunnel, overpass, airport, mass transit, light or commuter rail, conduit, ferry, boat, vessel, parking facility, intermodal or multimodal system or any other mode of transport, including, without limitation, those utilizing autonomous technology, and any rights of way necessary for any eligible transportation facility.

2. Related or ancillary to, or used or useful to provide, operate, maintain or generate revenue for, a facility described in subsection 1, including, without limitation, administrative buildings and other buildings, structures, rest areas, maintenance yards, rail yards, ports of entry or storage facilities, vehicles, rolling stock, energy systems, control, communications and information systems, parking facilities and similar commercial facilities used for the support of or the transportation of persons, information or goods or other related equipment, items or property, including, without limitation, any other property that is needed to operate the facility.

3. All improvements, including equipment necessary to the full utilization of a transportation facility, including, without limitation, site preparation, roads and streets, sidewalks, water supply, outdoor lighting,

belt line railroad sidings and lead tracks, bridges, causeways, terminals for railroad, automotive and air transportation and transportation facilities incidental to the project.

Sec. 18.5. "Utility" has the meaning ascribed to it in NRS 408.407.

Sec. 19. ***"Utility infrastructure" [project"] means [off site] any infrastructure which allows for the [engineering and construction of utilities from the point of connection of existing utilities to the boundary of] connection of the transmission or distribution system of a utility to a distribution facility installed by a master-planned industrial or business park [.] in conformance with the tariffs of the utility and includes, without limitation, the engineering and construction of the infrastructure.***

Sec. 20. ***1. The Nevada State Infrastructure Bank is hereby created within the Department.***

2. The purpose of the Bank is to provide loans and other financial assistance to various governmental units for the development, construction, repair, improvement, operation, maintenance, decommissioning and ownership of transportation facilities and utility infrastructure [projects] as necessary for public purposes, including, without limitation, economic development.

3. The Bank is administered by a Board of Directors consisting of:

(a) The Director of the Department of Transportation or his or her designee;

(b) The State Treasurer or his or her designee;

(c) The Director of the Department of Business and Industry or his or her designee;

(d) The Executive Director of the Office of Economic Development or his or her designee; and

(e) Two representatives of the general public, at least one of whom must reside in a county whose population is 700,000 or more, appointed by the Governor.

4. Each member of the Board of Directors who is appointed pursuant to subsection 3 serves at the pleasure of the appointing authority.

5. A vacancy on the Board of Directors in an appointed position must be filled by the appointing authority in the same manner as the original appointment.

6. The Board of Directors shall elect annually from among its members a Chair and a Vice Chair.

7. Four members of the Board of Directors constitute a quorum for the transaction of business, and the affirmative vote of at least four members of the Board of Directors is required to take action.

8. To the extent that money is available from public or private sources for administrative costs:

(a) Each member of the Board of Directors who is not otherwise an officer or employee of this State is entitled to receive $100 for each full day of attending a meeting of the Board of Directors.

(b) Each member of the Board of Directors is entitled, while engaged in the business of the Board of Directors, to receive the per diem allowance and travel expenses provided for state officers and employees generally. The per diem allowance and travel expenses provided to a member of the Board of Directors who is an officer or employee of this State or a political subdivision of this State must be paid by the state agency or political subdivision that employs him or her.

9. A member of the Board of Directors who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that he or she may prepare for and attend meetings of the Board of Directors and perform any work necessary to carry out the duties of the Board of Directors in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Board of Directors to:

(a) Make up the time the member is absent from work to carry out his or her duties as a member of the Board of Directors; or

(b) Take annual leave or compensatory time for the absence.

Sec. 21. ***1. The Board of Directors may:***

(a) Make, and from time to time amend and repeal, bylaws not inconsistent with sections 2 to 36.5, inclusive, of this act to carry into effect the powers and purposes of sections 2 to 36.5, inclusive, of this act.

(b) Sue and be sued in the name of the Bank.

(c) Have a seal and alter the same at the pleasure of the Board of Directors, but the failure to affix the seal does not affect the validity of an instrument executed on behalf of the Bank.

(d) Make loans to qualified borrowers to finance all or part of the eligible costs of a qualified project.

(e) Provide qualified borrowers with other financial assistance necessary to defray all or part of the eligible costs of a qualified project.

(f) Acquire, hold and sell loan obligations at such prices and in such a manner as the Board of Directors deems advisable.

(g) Enter into contracts, arrangements and agreements with qualified borrowers and other persons and execute and deliver all financing agreements and other instruments necessary or convenient to carry out the powers and duties of the Board of Directors.

(h) Enter into agreements with a department, agency or instrumentality of the United States or governmental unit of this State or another state for the purpose of providing for the financing of qualified projects.

(i) Establish:

(1) Policies and procedures to govern the selection of qualified projects and the issuance and administration of loans and other financial assistance provided by the Bank; and

(2) Fiscal controls and accounting procedures to ensure proper accounting and reporting by the Bank and qualified borrowers.

(j) Acquire, by purchase, lease, donation or other lawful means, real or personal property and any interest therein.

(k) Sell, convey, pledge, lease, exchange, transfer and dispose of all or any part of the property and assets of the Bank.

(l) Procure insurance, guarantees, letters of credit and other forms of collateral or security or credit support for the payment of bonds or other securities issued by the Bank and the payment of premiums or fees on such insurance, guarantees, letters of credit and other forms of collateral or security or credit support.

(m) Collect or authorize the trustee under any trust indenture that secures any bonds or other securities issued by the Bank to collect amounts due from a qualified borrower under any loan obligation owned by the Bank, including, without limitation, taking any lawful action required to obtain payment of any sums in default.

(n) Unless restricted by the terms of an agreement with the holders of bonds or other securities issued by the Bank, consent to any modification of the terms of any loan obligations owned by the Bank, including, without limitation, the rate of interest, period of repayment and payment of any installment of principal or interest.

(o) Borrow money through the issuance of bonds and other securities as provided in sections 2 to 36.5, inclusive, of this act.

(p) Incur expenses to obtain accounting, management, legal or financial consulting and other professional services necessary to the operations of the Bank.

(q) ~~*[Pay]*~~ *To the extent that money is available from public or private sources of administrative costs, pay any costs incurred for the administration of the operations of the Bank.*

(r) Establish advisory committees, which may include persons from the private sector with civil engineering, banking and financial expertise.

(s) Procure insurance against losses in connection with the Bank's property, assets or activities, including, without limitation, insurance against liability for any act of the Bank or its employees or agents, or establish cash reserves to enable the Bank to act as a self-insurer against such losses.

(t) Impose and collect fees and charges in connection with the activities of the Bank.

(u) Apply for, receive and accept from any source aid grants or contributions of money, property, labor or other things of value to be used to carry out the statutory purposes and powers of the Bank.

(v) Enter into contracts, arrangements or agreements for the servicing and processing of financial agreements.

(w) Accept and hold, with payment of interest, money deposited with the Bank.

(x) Request technical advice, support and assistance from the divisions of the Department.

(y) Do all other things necessary or convenient to exercise any power granted or reasonably implied by sections 2 to 36.5, inclusive, of this act.

2. Except as otherwise provided in sections 2 to 36.5, inclusive, of this act, the Bank may exercise any fiscal power granted to the Bank in sections 2 to 36.5, inclusive, of this act, without the review or approval of any other department, division or agency of the State or any political subdivision thereof, except for the Board of Directors.

3. This section does not authorize the Bank to be or conduct business as a:

(a) Bank or trust company within the jurisdiction of title 55 of NRS or under the control of an agency of United States or this State; or

(b) Bank, banker or dealer in securities within the meaning of, or subject to the provisions of, any securities, securities exchange or securities dealers' laws of the United States or of this State.

4. The Bank must, before accepting a deposit from any person or governmental unit, provide a notice to the depositor stating that the deposit is not insured by the Federal Deposit Insurance Corporation.

5. The provisions of titles 55, 56 and 57 of NRS do not apply to the Bank.

Sec. 22. *1. The Governor shall , to the extent that money is available from public or private sources for administrative costs, appoint an Executive Director of the Bank. The Executive Director is in the unclassified service of the State and serves at the pleasure of the Governor.*

2. The Executive Director shall administer, manage and conduct the business and affairs of the Bank subject to the direction of the Board of Directors, any conditions that the Board of Directors may from time to time prescribe or as delegated by the Board of Directors. Except as otherwise provided in this subsection, the Executive Director may exercise any power, function or duty conferred by law on the Bank in connection with the administration, management and conduct of the business and affairs of the Bank, including, without limitation:

(a) Hiring , to the extent that money is available from public or private sources for administrative costs, such employees in either the classified or unclassified service of the State as are necessary to carry out the statutory purposes and powers of the Bank.

(b) Entering into contracts concerning investments, guarantees or credit enhancements.

(c) Establishing procedures, guidelines, criteria, terms, conditions or other requirements of any contract, bond, loan, grant or program in order to carry out the intents and purposes of the Bank in authorizing the contract, bond, loan, grant or other program.

(d) Declining to guarantee any risk or to enter into any contract.

(e) Reinsuring any risk or any part of any risk, as provided in section 26 of this act.

(f) Making rules for payments through the Bank and determining to whom and through whom the payments are to be made.

(g) Investing and reinvesting any money belonging to the Bank.

(h) Entering into any contract or agreement, executing any instrument, conducting all business and affairs and performing any act necessary or convenient to carrying out the statutory purposes and powers of the Bank.

(i) Executing any instrument or performing any act necessary or convenient to carry out his or her duties pursuant to sections 2 to 36.5, inclusive, of this act.

Sec. 23. ***1. The Nevada State Infrastructure Bank Fund is hereby created as an enterprise fund. The Fund is a continuing fund without reversion.***

2. The Fund is administered by the Board of Directors.

3. The Board of Directors may establish accounts and subaccounts within the Fund, but shall establish, without limitation:

(a) A federal highway account;

(b) A federal nonhighway account;

(c) A state and local highway account;

(d) A state and local nonhighway account;

(e) A state and local utility infrastructure account; and

(f) A federal utility infrastructure account.

4. Except as otherwise provided in subsection 7, all money received by the Bank pursuant to sections 2 to 36.5, inclusive, of this act must be deposited in the Fund.

5. The Bank may accept for deposit into the Fund:

(a) Any money appropriated by the Legislature or authorized for allocation by the Interim Finance Committee;

(b) Federal funds made available to the State;

(c) Gifts, grants, donations and contributions from a governmental unit, private entity or any other source;

(d) Any money paid or credited to the Bank, by contract or otherwise, including, without limitation:

(1) Payment of principal and interest on a loan or other financial assistance provided to a qualified borrower by the Bank; and

(2) Interest earned from the investment or reinvestment of the Bank's money pursuant to section 26 of this act;

(e) Proceeds from the issuance of bonds or other securities pursuant to section 21 of this act; and

(f) Any other lawful source of money that is made available to the Bank and is not already dedicated for another purpose.

6. The Bank shall comply with all applicable federal laws governing the use of federal funds, including, without limitation, statutes and regulations governing:

(a) Any conditions or limitations on expenditures;

(b) Reporting; and

(c) The commingling of federal funds.

7. Earnings on balances in the federal accounts must be credited and invested in accordance with federal law. Earnings on state and local accounts must be deposited in the Fund to the credit of the state and local highway account, state and local nonhighway account or state and local utility infrastructure account that generates the earnings.

8. Money in the Fund may be used only:

(a) For the capitalization of the Bank; and

(b) To carry out the statutory purposes and powers of the Bank.

9. A local government may use money from any source that is made available to the local government for the purposes of developing, constructing, repairing, improving, operating, maintaining, decommissioning or owning a transportation facility or utility infrastructure ~~[project]~~ or for any other purpose set forth in sections 2 to 36.5, inclusive, of this act, to make a gift, grant, donation or contribution to the Bank or to satisfy any obligation owed by the local government to the Bank, including, without limitation, payments of principal and interest.

Sec. 24. *1. A governmental unit, or an entity established by agreement between a governmental unit and a private entity, that wishes to obtain a loan or other financial assistance from the Bank to develop, construct, repair, improve, operate, maintain, decommission or own an eligible project must apply to the Bank in the manner prescribed by the Bank.*

2. The Executive Director shall:

(a) Review each application and determine whether the transportation facility or utility infrastructure ~~[project]~~ described in the application is an eligible project; and

(b) At the request of the Board of Directors, submit information to the Board of Directors concerning any eligible project.

3. The Board of Directors shall, from time to time, designate qualified projects from among the eligible projects. The Board of Directors may give preference to an eligible project that has demonstrated local financial support.

4. The Bank may provide a loan and other financial assistance to a qualified borrower to pay for all or part of the eligible costs of a qualified project. The term of the loan or other financial assistance may not exceed the anticipated useful life of the qualified project. A loan or other financial assistance may be provided in anticipation of reimbursement for or direct payment of all or part of the eligible costs of a qualified project.

5. The Bank shall determine the form and content of a loan application, financing agreement or loan obligation, including, without limitation:

(a) The period for repayment and the rate or rates of interest on a loan; and

(b) Any nonfinancial provisions included in a financing statement or loan obligation, including, without limitation, terms and conditions relating to the regulation and supervision of a qualified project.

6. The terms and conditions set forth in a financing agreement or loan obligation for a loan or other financial assistance provided by the Bank using money from a federal account must comply with all applicable federal requirements.

Sec. 25. *1. A qualified borrower that wishes to obtain a loan or other financial assistance from the Bank must enter into a financing agreement with the Bank and may be required to issue a loan obligation to the Bank. Except as otherwise provided by specific statute, a qualified borrower entering into a financing agreement with the Bank or issuing a loan obligation to the Bank may perform any act, take any action, adopt any proceedings and make and carry out any contract or agreement with the Bank as may be agreed to by the Bank and the qualified borrower for carrying out the purposes contemplated by sections 2 to 36.5, inclusive, of this act.*

2. A qualified borrower may, in addition to any authorization set forth in this section, use any authorization granted by any other statute that allows the qualified borrower to borrow money and issue obligations in obtaining a loan or other financial assistance from the Bank to the extent determined necessary or useful by the qualified borrower in connection with any financing agreement or the issuance, securing or sale of a loan obligation to the Bank.

3. A qualified borrower may:

(a) Receive, apply, pledge, assign and grant security interests in its project revenues to secure its loan obligations as provided in sections 2 to 36.5, inclusive, of this act; and

(b) Impose and collect fees, rates, rents, assessments and other charges of general or special application for the operation of a qualified project, the system of which the qualified project is a part and any other revenue producing facilities from which the qualified borrower derives project revenues to meet its loan obligations under a financing agreement or to otherwise provide for the development, construction, repair, improvement, operation, maintenance, decommissioning or ownership of a qualified project.

Sec. 26. *1. The Bank may provide insurance or reinsurance of loans or portions thereof, or their debt service, including, without limitation, amounts payable as premiums or penalties in the event of mandatory or optional prepayment, made to finance a qualified project, and to provide insurance or reinsurance or reserves, or portions thereof, or the yield therefrom, established to secure bonds or other securities issued to fund those loans or reserves.*

2. The Bank may:

(a) Arrange an agreement for insurance or reinsurance with a user, mortgagor, lending institution, insurer or any other entity authorized to arrange such agreements in this State; and

(b) Enter into an agreement for insurance or reinsurance with any insurer authorized to reinsure or insure such risks in this State.

3. The Bank may fix a rate or rates of premium for insurance or reinsurance. The rates are not required to be uniform and may reflect any risk and classification of risk that the Bank determines to be reasonable.

4. The Bank may exercise any other power that is necessary or incidental to insurance, reinsurance and related matters.

5. The Bank shall make reasonable provisions for the security of loans made by the Bank, and any insurance, reinsurance and other financing arrangements negotiated by the Bank.

6. Any insurance or reinsurance provided by the Bank does not constitute a debt or pledge of the faith and credit of the State or any subdivision of the State.

Sec. 27. *The Bank may provide security for any issue of revenue bonds by the Bank through any commonly accepted financial instrument, including, without limitation:*

1. A deed of trust on the resources, facilities and revenues of one or more qualified projects financed by the Bank;

2. A credit enhancement, including, without limitation, a letter of credit, bond insurance or surety bond provided by a private financial institution; and

3. Insurance, reinsurance or a guarantee provided by the Bank itself.

Sec. 28. *1. Any obligation to a third person made by the Bank, including, without limitation, a bond or other security issued by the Bank pursuant to section 21 of this act and any insurance, reinsurance or reserve provided by the Bank pursuant to section 26 of this act:*

(a) Does not constitute a debt, liability or obligation of this State or any political subdivision thereof, or a pledge of the faith and credit of this State or any political subdivision thereof, but is payable solely from the revenues or assets of the Bank; and

(b) Must contain on the face thereof a statement to the effect that the Bank is not obligated to pay the obligation or any interest thereon except from the revenues or assets, if any, pledged therefor and that neither the faith and credit nor the taxing power of this State or any political subdivision thereof is pledged to the payment of the principal of or the interest on the obligation.

2. Except as otherwise provided in subsection 3, this section does not prohibit the Bank from:

(a) Pledging the full faith and credit of the Bank for the satisfaction of any obligation to a third person made by the Bank; or

(b) Issuing a bond guarantee or credit enhancement for bonds issued by a qualified borrower.

3. Notwithstanding any provision in sections 2 to 36.5, inclusive, of this act to the contrary, the Bank shall not act as a surety or guarantor for a private utility or any other private company, association or corporation.

Sec. 29. *1. Except as otherwise provided in this section, if a qualified borrower that has obtained a loan or other financial assistance from the Bank fails to remit in full any amount due to the Bank on the date on which the amount is due under the terms of any note or other loan obligation given to the Bank by the qualified borrower, the Bank shall notify the appropriate state agencies or officers, including, without limitation, the State Controller, who shall withhold all or a portion of any state money or other money administered by the State and its agencies, boards and instrumentalities that is allotted or appropriated to the qualified borrower and apply an amount necessary to the payment of the amount due.*

2. This section does not authorize the State or an agency, board or instrumentality thereof, or the State Controller, to withhold any money allocated or appropriated to a qualified borrower if to do so would violate the terms of:

(a) An appropriation by the Legislature;

(b) Any federal law;

(c) A contract to which the State is a party;

(d) A contract to which a governmental unit or qualified borrower is a party; or

(e) A judgment of a court that is binding upon the State.

Sec. 30. *The Board of Directors and any member thereof, and any officer, employee, agent or committee member of the Bank is not liable in a civil action for any act performed on behalf of the Bank in good faith and within the scope of their duties or the exercise of their authority pursuant to sections 2 to 36.5, inclusive, of this act.*

Sec. 31. *Except as otherwise provided in sections 2 to 36.5, inclusive, of this act, and notwithstanding any other provision of law, the Bank is not required to provide any notice or publication or to conduct any hearing or other proceeding before performing any act authorized in sections 2 to 36.5, inclusive, of this act.*

Sec. 32. *The Bank is an instrumentality of this State, and its property and income are exempt from all taxation by this State and any political subdivision thereof.*

Sec. 33. *1. Except as otherwise provided in subsection 2, bonds and other securities issued by the Bank pursuant to the provisions of sections 2 to 36.5, inclusive, of this act, their transfer and the income therefrom must forever be and remain free and exempt from taxation by this State or any subdivision thereof.*

2. The provisions of subsection 1 do not apply to the tax on estates imposed pursuant to the provisions of chapter 375A of NRS or the tax on

generation-skipping transfers imposed pursuant to the provisions of chapter 375B of NRS.

Sec. 34. ***Notwithstanding any provision in sections 2 to 36.5, inclusive, of this act to the contrary, sections 2 to 36.5, inclusive, of this act are supplemental to, and not in lieu of, the right of any qualified borrower to issue general obligation bonds or other bonds that the qualified borrower is otherwise lawfully authorized to issue.***

Sec. 35. ***1. To the extent possible, the provisions of sections 2 to 36.5, inclusive, of this act are intended to supplement other statutory provisions governing the development, construction, repair, improvement, maintenance, decommissioning, operation and ownership of transportation facilities and utility infrastructure*** ~~***[projects]***~~ ***and the issuance of bonds and other securities by this State or a political subdivision thereof, and such other provisions must be given effect to the extent that those provisions do not conflict with the provisions of sections 2 to 36.5, inclusive, of this act. If there is a conflict between such other provisions and the provisions of sections 2 to 36.5, inclusive, of this act, the provisions of sections 2 to 36.5, inclusive, of this act control.***

2. The provisions of NRS 338.013 to 338.090, inclusive, apply to any contract for construction work on a qualified project if all or part of the costs of the qualified project are paid for using a loan or other financial assistance from the Bank. The Bank, the qualified borrower, any contractor who is awarded a contract or enters into an agreement to perform construction work on the qualified project, and any subcontractor who performs any portion of the construction work shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if a public body had undertaken the qualified project or had awarded the contract.

Sec. 36. ***The Board of Directors shall, not later than 90 days after the end of each fiscal year:***

1. Prepare a report on the operations of the Bank during that year.

2. Submit the report prepared pursuant to subsection 1 to:

(a) The Governor; and

(b) The Director of the Legislative Counsel Bureau for transmittal to:

(1) If the report is prepared in an even-numbered year, the next regular session of the Legislature; or

(2) If the report is prepared in an odd-numbered year, the Legislative Commission.

Sec. 36.5. ***Any division of the Department may, to the extent that money is available for that purpose, provide technical advice, support and assistance to the Bank.***

Sec. 36.6. NRS 408.111 is hereby amended to read as follows:

408.111 1. The Department consists of a Director, two Deputy Directors, a Chief Engineer and the following ~~[divisions:]~~ ***:***

(a) Administrative Division.
(b) Operations Division.
(c) Engineering Division.
(d) Planning Division.
(e) Nevada State Infrastructure Bank.
2. The head of a Division is an assistant director. Assistant directors are in the unclassified service of the State.

Sec. 36.7. NRS 408.116 is hereby amended to read as follows:

408.116 ***Except as otherwise provided in sections 2 to 36.5, inclusive, of this act:***

1. All legal notices, writs, service and process issued or ordered by a court of competent jurisdiction wherein the Department is named as a defendant must be personally served upon both the Director and the Chair of the Board or, in the absence of the Director and the Chair of the Board, the process must be served personally upon both the Secretary of State and one of the Deputy Directors.
2. All legal actions brought and defended by the Department must be in the name of the State of Nevada on relation of its Department.
3. This section is not a consent on the part of the Department to be sued.

Sec. 36.8. NRS 408.131 is hereby amended to read as follows:

408.131 **[**~~The~~**]** ***Except as otherwise provided in sections 2 to 36.5, inclusive, of this act, the*** Board shall:

1. Consider, at its meetings, all questions relating to the general policy of the Department and transact such business as properly comes before it.
2. Receive and consider, at such time as the Board selects, an annual report by the Director.
3. Except as otherwise provided in NRS 408.203, act for the Department in all matters relating to recommendations, reports and such other matters as the Board finds advisable to submit to the Legislature.
4. Maintain a record of all proceedings of the Board.
5. Execute or approve all instruments and documents in the name of the State or the Department necessary to carry out the provisions of this chapter.
6. Except as otherwise provided in NRS 408.389, delegate to the Director such authority as it deems necessary under the provisions of this chapter.
7. Act by resolution, vote or order entered in its records.

Sec. 36.9. NRS 408.172 is hereby amended to read as follows:

408.172 1. Subject to the approval of the Board, the Attorney General shall, immediately upon request by the Board, appoint an attorney at law as the Chief Counsel of the Department, and such assistant attorneys as are necessary. Attorneys so appointed are deputy attorneys general.

2. **[**~~The~~**]** ***Except as otherwise provided in sections 2 to 36.5, inclusive, of this act, the*** Chief Counsel shall act as the attorney and legal adviser of the Department in all actions, proceedings, hearings and all matters relating to the Department and to the powers and duties of its officers.

3. Under the direction of or in the absence of the Chief Counsel, the assistant attorneys may perform any duty required or permitted by law to be performed by the Chief Counsel.

4. The Chief Counsel and assistant attorneys are in the unclassified service of the State.

5. ~~[All]~~ ***Except as otherwise provided in sections 2 to 36.5, inclusive, of this act, all*** contracts, instruments and documents executed by the Department must be first approved and endorsed as to legality and form by the Chief Counsel.

Sec. 37. (Deleted by amendment.)

Sec. 37.1. NRS 408.175 is hereby amended to read as follows:

408.175 1. The Director shall:

(a) Appoint one Deputy Director who in the absence, inability or failure of the Director has full authority to perform any duty required or permitted by law to be performed by the Director.

(b) Appoint one Deputy Director for southern Nevada whose principal office must be located in an urban area in southern Nevada.

(c) Appoint one Deputy Director with full authority to perform any duty required or allowed by law to be performed by the Director to implement, manage, oversee and enforce any environmental program of the Department. The Deputy Director described in this paragraph shall coordinate the implementation of NRS 408.441 to 408.451, inclusive, with the State Department of Conservation and Natural Resources.

(d) ~~[Employ]~~ ***Except as otherwise provided in section 22 of this act, employ*** such engineers, engineering and technical assistants, clerks and other personnel as in the Director's judgment may be necessary to the proper conduct of the Department and to carry out the provisions of this chapter.

2. Except as otherwise provided in NRS 284.143, the Deputy Directors shall devote their entire time and attention to the business of the office and shall not pursue any other business or occupation or hold any other office of profit.

3. The Director may delegate such authority as may be necessary for the Deputy Director appointed pursuant to paragraph (b) of subsection 1 to carry out his or her duties.

Sec. 37.2. NRS 408.205 is hereby amended to read as follows:

408.205 1. With the approval of the Board, the Director may execute all plans, specifications, contracts and instruments in the name of the State of Nevada necessary for the carrying out of the provisions of this chapter, except ***as otherwise provided in sections 2 to 36.5, inclusive, of this act and except*** those construction contracts as provided in NRS 408.327 and 408.347.

2. The Director has such other power and authority as is necessary and proper under the provisions of this chapter, or as the Board delegates to the Director.

3. The Director shall provide for the purchase of United States Savings Bonds or similar United States obligations by salary or wage deductions for

officers and employees of the Department who make written requests for such deductions and purchases. To allow all Department officers and employees the opportunity of requesting salary or wage deductions for the purchase of United States obligations, the Director shall provide forms authorizing the deductions and purchases and shall make them readily available to all Department officers and employees.

Sec. 37.3. NRS 408.215 is hereby amended to read as follows:

408.215 1. The Director has charge of all the records of the Department, keeping records of all proceedings pertaining to the Department and keeping on file information, plans, specifications, estimates, statistics and records prepared by the Department, except ***as otherwise provided in sections 2 to 36.5, inclusive, of this act and except*** those financial statements described in NRS 408.333 and the financial or proprietary information described in paragraph (c) of subsection 6 of NRS 408.3886, which must not become matters of public record.

2. The Director may photograph, film, place an image of on microfilm, save as an image in an electronic recordkeeping system or dispose of the records of the Department referred to in subsection 1 as provided in NRS 239.051, 239.080 and 239.085.

3. The Director shall maintain an index or record of deeds or other references of title or interests in and to all lands or interests in land owned or acquired by the Department.

4. The Director shall adopt such regulations as may be necessary to carry out and enforce the provisions of this chapter.

Sec. 37.4. NRS 408.225 is hereby amended to read as follows:

408.225 Except as otherwise provided in NRS 408.323 ~~[,]~~ ***and in sections 2 to 36.5, inclusive, of this act,*** the Director, with the approval of the Board, may rent, lease, purchase and contract for all equipment, materials, supplies, vehicles, road machinery, tools, implements and technical services required for the purpose of this chapter. Such equipment, supplies and services must be managed and used under the control of the Director.

Sec. 37.5. NRS 408.265 is hereby amended to read as follows:

408.265 ~~[All]~~ ***Except as otherwise provided in sections 2 to 36.5, inclusive, of this act, all*** money received from the Government of the United States and by virtue of the provisions of any Act of Congress for the engineering, planning, surveying, acquiring of property, constructing, reconstructing or improving of any highway in the State must be put into the State Treasury and become a part of the State Highway Fund and that Fund must not be used for any other purpose.

Sec. 37.6. NRS 408.389 is hereby amended to read as follows:

408.389 1. Except as otherwise provided in subsection 2 ~~[,]~~ ***and sections 2 to 36.5, inclusive, of this act,*** the Department shall not purchase any equipment which exceeds $50,000, unless the purchase is first approved by the Board.

2. Before the Board may approve the purchase of any mobile equipment which exceeds $50,000, the Department shall:

(a) Prepare and present to the Board an analysis of the costs and benefits, including, without limitation, all related personnel costs, that are associated with:

(1) Purchasing, operating and maintaining the same item of equipment;

(2) Leasing, operating and maintaining the same item of mobile equipment; or

(3) Contracting for the performance of the work which would have been performed using the mobile equipment; and

(b) Justify the need for the purchase based on that analysis.

3. The Board shall not:

(a) Delegate to the Director its authority to approve purchases of equipment pursuant to subsection 1; or

(b) Approve any purchase of mobile equipment which exceeds $50,000 and for which the Department is unable to provide justification pursuant to subsection 2.

Sec. 37.7. NRS 338.080 is hereby amended to read as follows:

338.080 ~~[None]~~ ***Except as otherwise provided in section 35 of this act, none*** of the provisions of NRS 338.020 to 338.090, inclusive, apply to:

1. Any work, construction, alteration, repair or other employment performed, undertaken or carried out, by or for any railroad company or any person operating the same, whether such work, construction, alteration or repair is incident to or in conjunction with a contract to which a public body is a party, or otherwise.

2. Apprentices recorded under the provisions of chapter 610 of NRS.

3. Any contract for a public work whose cost is less than $250,000. A unit of the project must not be separated from the total project, even if that unit is to be completed at a later time, in order to lower the cost of the project below $250,000.

4. Any contract for a public work or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property to which a charter school is a party, notwithstanding any other provision of law.

5. A public work of, or constructed by, a charter school, or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property of or constructed by a charter school, notwithstanding any other provision of law.

Sec. 38. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 39. 1. This act becomes effective upon passage and approval for the purposes of establishing the Nevada State Infrastructure Bank and appointing the Board of Directors.

2. For all other purposes, this act becomes effective on the date on which the Director of the Department of Transportation notifies the Governor and

the Director of the Legislative Counsel Bureau that sufficient money is available to capitalize and carry out the business of the Nevada State Infrastructure Bank created by section 20 of this act.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 502.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 772.

AN ACT making an appropriation to the Account for Pensions for Silicosis, Diseases Related to Asbestos and Other Disabilities; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Account for Pensions for Silicosis, Diseases Related to Asbestos and Other Disabilities created by NRS 617.1675 the sum of $80,000.

Sec. 2. ~~[Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2019.]~~ **(Deleted by amendment.)**

Sec. 3. This act becomes effective ~~[on July 1, 2017.]~~ **upon passage and approval.**

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 94.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Assembly Bill 94, as amended, removes the pilot designation from the NV Grow Program, designates the program as the NV Grow Act, and repeals the prospective June 30, 2017, expiration date. This measure also requires the Small Business Development Centers in Clark

and Washoe Counties to select the lead counselor and manage the NV Grow Program jointly, expands the goal of the program from serving 10 businesses annually to 15, and reduces the minimum revenue threshold for participation in the program to businesses that generate at least $50,000 per year.

Roll call on Assembly Bill No. 94:

YEAS—39.

NAYS—None.

EXCUSED—Hansen, Joiner, Ohrenschall—3.

Assembly Bill No. 94 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 371.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Assembly Bill 371, as amended, creates the Restore Nevada's Treasures Revolving Account in the State General Fund for the receipt of gifts, grants, or donations to be deposited into the Account by the State Land Registrar for expenses related to the acquisitions of historic buildings and expenses related to a public-private partnership.

Roll call on Assembly Bill No. 371:

YEAS—39.

NAYS—None.

EXCUSED—Hansen, Joiner, Ohrenschall—3.

Assembly Bill No. 371 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 397.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 397, as amended, appropriates State General Funds in the amount of $500,000 in each year of the 2017-2019 biennium to the Division of Public and Behavioral Health of the Department of Health and Human Services. The Administrator of the Division of Public and Behavioral Health shall use the money appropriated to award grants to local government entities and nonprofit organizations to provide certain family planning services to persons who would otherwise have difficulty obtaining such services.

The sums appropriated are available for either fiscal year. Funding not committed for expenditure after June 30, 2019, and not spent after September 20, 2019, must be reverted to the State General Fund.

The act becomes effective on July 1, 2017.

Roll call on Assembly Bill No. 397:

YEAS—25.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—14.

EXCUSED—Hansen, Joiner, Ohrenschall—3.

Assembly Bill No. 397 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 399.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

The bill, as amended, establishes the Nevada State Infrastructure Bank within the Department of Transportation for the purpose of providing loans and other financial assistance to various units of state and local government for the development, construction, improvement, operation, and ownership of certain transportation facilities and utility infrastructure.

Roll call on Assembly Bill No. 399:

YEAS—35.

NAYS—Krasner, Marchant, McArthur, Titus—4.

EXCUSED—Hansen, Joiner, Ohrenschall—3.

Assembly Bill No. 399 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 502.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 502 appropriates $80,000 from the State General Fund to the Account for Pensions for Silicosis, Diseases Related to Asbestos and Other Disabilities. This bill becomes effective upon passage and approval.

Roll call on Assembly Bill No. 502:

YEAS—39.

NAYS—None.

EXCUSED—Hansen, Joiner, Ohrenschall—3.

Assembly Bill No. 502 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 518 be taken from the Chief Clerk’s desk and placed at the top of the General File.

Motion carried.

Assemblywoman Carlton moved that Senate Bill No. 244 be rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 518.
Bill read third time.
Remarks by Assemblymen Sprinkle, Paul Anderson, and Carlton.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 6:13 p.m.

ASSEMBLY IN SESSION

At 6:19 p.m.
Mr. Speaker presiding.
Quorum present.

ASSEMBLYMAN SPRINKLE:

The General Fund appropriations included in the General Appropriations Act total $2.44 billion in Fiscal Year 2018 and $2.54 billion in Fiscal Year 2019, or $4.98 billion over the 2017-2019 biennium, an increase of approximately $544.2 million when compared to General Fund appropriations approved by the 2015 Legislature for the 2015-2017 biennium. The Act includes Highway Fund appropriations totaling $141.13 million in Fiscal Year 2018 and $145.72 million in Fiscal Year 2019, an increase of approximately $4.1 million from the previous biennium.

Highlights of the spending recommendations: the Office of Workforce Innovation, $192,000 to permanently establish the Office of Workforce Innovation to coordinate workforce development efforts, and transfer the Nevada P20 Workforce reporting budget, including General Fund appropriations of $1.7 million, to the Office.

The Nevada System of Higher Education: revenue from all sources totaling $1.9 billion, including $1.2 billion in General Fund appropriations. It continues funding for the seven instructional budgets using the funding formula adopted by the 2013 and 2015 Legislatures.

Aging and Disability Services Division: $3.4 million to support home-delivered meals programs for seniors and $12.2 million to retain the current Early Intervention Services delivery and reimbursement model.

Division of Health Care Financing and Policy: $1.42 billion to support a Medicaid average monthly caseload of approximately 663,000 in Fiscal Year 2018 and 679,000 in Fiscal Year 2019.

Division of Public and Behavioral Health: $22.7 million to replace Medicaid safety net pass-through revenues; $9.9 million to retain outpatient services in the Northern Nevada Adult Mental Health Services [NNAMHS] and Southern Nevada Adult Mental Health Services [SNAMHS] budgets, including 53.13 positions recommended for elimination; and savings of $20.2 million due to other service reductions in NNAMHS and SNAMHS and the elimination of 126.59 positions.

Division of Child and Family Services: savings of $3 million for the continued operation of 20 beds within the 58-bed Desert Willow Treatment Center facility, leaving 38 beds empty and available for an outside agency to operate under a provider agreement or contract.

Department of Corrections: $584.3 million to provide housing for an average of 14,000 inmates, including $11.4 million to fund the transfer of 200 inmates out of state to a privately contracted facility.

Department of Public Safety: $876,000 to create the Office of Cyber Defense and $3.4 million to support a pilot re-entry program, a state-funded electronic monitoring program, and a state-funded transitional housing program to improve and expedite the inmate release process.

Department of Conservation and Natural Resources: $6.6 million for the Governor's Explore Your Nevada Initiative for the Division of State Parks to develop the new Walker River State Recreation Area, Tule Springs State Park and the bi-state Van Sickle State Park.

Public Employees' Benefits Program: align the monthly premiums paid by non-state, non-Medicare retirees with similarly participating—same plan and tier—state non-Medicare retirees, and approved General Funds of $4.2 million to phase-in increased local government support of their retirees, contingent upon the passage and approval of enabling legislation.

ASSEMBLYMAN PAUL ANDERSON:

Together with my colleagues, we worked very hard on these budgets. We have made concessions and worked in good faith with our friends on both sides of the aisle and in no way do I want my statement here to dismiss these efforts. Frankly, with the amount of time and effort we have put into these budgets, it pains me to make these statements, and I do so with that in mind.

We did the work and made concessions with the understanding that we would work toward an agreement on Education Savings Accounts. While I recognize that this is not the budget that that particular account would be in, the culmination of the five budget bills certainly is part of that discussion. This budget leaves thousands of Nevada parents and students without a choice they have eagerly waited to participate in and many have elected to participate in. Because of that—and painfully, again—I cannot and my caucus will not vote today in favor of a budget.

When the Governor brought forth his spending priorities for the biennium, everyone had an opportunity to weigh in on them and contribute in ways that would lead to good conversations and workable solutions. That some of these conversations on central pieces of the budget did not happen until a week or two prior to the adjournment of this body tells me that, certainly, there were distinct differences in priorities for education. Our house, our Assembly, our Nevada Assembly, can and should do better than this. Those who sent me here expect more. I urge my colleagues to keep this in mind over the next few days as we work diligently to complete the people's business.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 518. With all respect to one of my colleagues from the committee—yes, he is absolutely correct. There was a lot of work put in. Staff worked very, very hard; every member of the committee worked hard. Everyone who testified before us had butterflies and worked very hard to make sure that the priorities in this state were funded. I was elected to come here and govern and to make sure that this state continued on, and we did our jobs. I am very proud of my committee; I am very proud of this Chamber that we did our jobs. We fulfilled our responsibilities.

I do not trade the budget for anything. It is my responsibility to get it done. Yes, in this building there are trades. We have to compromise; we have to work together. But this budget is not one of those budgets. This budget is the responsibility of everyone who stood in this Chamber at the beginning of February and put their hand up and said that they promised to do their duty in this building.

So I respectfully disagree with my colleague. I believe his comments would be much better suited towards the DSA [Distributive School Account] budget, which we will be processing in Ways and Means later today. I fully expect to have that conversation when we talk about the DSA later today. But this budget is not for trade. This budget is our responsibility to get done for the people of the state of Nevada.

Roll call on Assembly Bill No. 518:

YEAS—25.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—14.

EXCUSED—Hansen, Joiner, Ohrenschall—3.

Assembly Bill No. 518 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblywoman Benitez-Thompson moved that the Assembly recess until 8 p.m.

Motion carried.

Assembly in recess at 6:27 p.m.

ASSEMBLY IN SESSION

At 9:33 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Joint Resolution No. 14, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

OLIVIA DIAZ, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 97, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 487, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 545, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 1, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 7, 124, 296, 303, 327, 343, 354, 467, 494.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 545 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 487 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 520—AN ACT making an appropriation to the Nevada State Museum, Las Vegas for the construction of a new playground at the

Las Vegas Springs Preserve; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 14.

Resolution read third time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 1084.

SUMMARY—Proposes to amend the Nevada Constitution to ensure access to affordable emergency medical care **at reasonable rates** to all persons in this State. (BDR C-1218)

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to ensure access to affordable emergency medical care **at reasonable rates** to all persons in this State.

Legislative Counsel's Digest:

Existing federal law requires hospitals to provide certain services to persons who go to a hospital or independent facility for emergency medical care or who have an emergency medical condition, regardless of the ability of the person to pay and regardless of whether the person has health insurance. (42 U.S.C. § 1395dd) Existing state law requires a hospital in this State to provide emergency services and care to patients, regardless of their financial status. Existing state law further makes it a crime for a hospital to: (1) refuse to treat a patient in need of emergency services and care; (2) transfer a patient to another hospital or health facility in certain circumstances; or (3) order testing of a patient to be performed at another hospital if the hospital from which the orders are issued is capable of providing the testing. (NRS 439B.410) Existing state law further requires certain major hospitals to reduce the total billed charges by at least 30 percent for hospital services provided to certain patients who do not have insurance or any other contractual agreement with a third party for the payment of the charges. (NRS 439B.260)

This resolution proposes to amend the Nevada Constitution to guarantee persons in this State **who arrive at a hospital or independent facility for emergency medical care and who are seeking medically necessary emergency services are not denied** the right to receive medical ~~[care and]~~ services needed as a result of ~~[an]~~ **the** emergency, regardless of the ability of the patient to pay and regardless of whether the patient has insurance. In addition, this resolution provides persons in this State a right to receive **such** emergency medical ~~[care and]~~ services at a reasonable cost and **, with certain exceptions,** guarantees that a hospital or independent facility for emergency medical care will not charge for any treatment, service or

medication or other product provided to a person who arrives at ~~[a]~~ **the** hospital or facility as a result of an emergency more than 150 percent of the ~~[amount]~~ **lowest rate** that the hospital or facility has agreed to accept from a federal public insurer for the treatment, service, medication or other product received by the patient.

This resolution ~~[makes the]~~ **also provides that its** provisions **: (1) are** self-executing ~~[but]~~ **; (2) may not be waived in any manner or altered or varied by agreement; and (3) may be enforced by the State or a political subdivision and may additionally be enforced by a civil action brought by a person who is denied any right protected by this resolution.**

Finally, this resolution allows the Legislature by law to establish a different rate **that may be charged for medically necessary emergency services** if the Legislature establishes a commission to ensure that hospitals and independent facilities for emergency medical care provide medically necessary emergency services at a reasonable cost. **However, if the Legislature does not establish a different rate by law, the state agency authorized by law to regulate the hospitals or facilities may allow a rate increase only if the hospital or facility proves that the increase is absolutely necessary to avoid a rate that is confiscatory under the United States Constitution. (U.S. Const. Amend. V, XIV) If the state agency allows such an increase, the amount of the increase must not exceed the amount that the hospital or facility proves is absolutely necessary to avoid an unconstitutional result. (Duquesne Light Co. v. Barasch, 488 U.S. 299, 307-08 (1989) ("The guiding principle has been that the Constitution protects [private companies] from being limited to a charge for their property serving the public which is so 'unjust' as to be confiscatory."); Guar. Nat'l Ins. Co. v. Gates, 916 F.2d 508, 512-16 (9th Cir. 1990); Reinkemeyer v. Safeco Ins. Co., 117 Nev. 44, 50-53 (2001))**

If this resolution is passed by the 2017 Legislature, it must also be passed by the next Legislature and then approved and ratified by the voters in an election before the proposed amendments to the Nevada Constitution become effective.

WHEREAS, The charges for health care services rendered as a result of an emergency are often exorbitant; and

WHEREAS, Persons in the State of Nevada, some of whom are not indigent but do not have health insurance or are underinsured are often made to pay highly inflated prices for emergency medical care; and

WHEREAS, Such exorbitant pricing discourages persons from seeking necessary care and can be devastating financially to those who do seek such care; and

WHEREAS, It is of the utmost importance that all persons in this State have access to affordable health care services **at reasonable rates** when needed as a result of an emergency; and

WHEREAS, It is unconscionable for hospitals and independent facilities for emergency medical care to charge inflated **and unreasonable** rates for health care services provided as a result of an emergency to middle and lower income persons to subsidize the lower rates paid by public and private insurers; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 17, be added to Article 15 of the Nevada Constitution to read as follows:

Sec. 17. 1. No hospital or independent facility for emergency medical care shall deny treatment or services to a person who arrives at the hospital or facility seeking medically necessary emergency services, regardless of whether the person has health insurance and regardless of the ability of the person to pay for such services.

2. All persons in this State have a right to receive medically necessary emergency ~~[medical care and]~~ services at a reasonable cost, and except as otherwise provided in subsection 3, no hospital or independent facility for emergency medical care shall charge for any treatment, service or medication or other product provided to a person who arrives at ~~[a]~~ the hospital or facility seeking medically necessary emergency services, whether or not the person has insurance, an amount which is ~~[greater]~~ :

(a) Greater than 150 percent of the lowest rate which the hospital or facility has agreed to accept from a federal public insurer for the treatment, service or medication or other product ~~[.]~~ ; or

(b) If the Legislature provides by law for a different rate pursuant to subsection 5, greater than the rate provided by law.

3. If the Legislature has not provided by law for a different rate pursuant to subsection 5, the state agency authorized by law to regulate the hospital or independent facility for emergency medical care may allow the hospital or facility to increase the rate above the rate provided in paragraph (a) of subsection 2 only if the hospital or facility proves that the increase is absolutely necessary to avoid a rate that is confiscatory under the Constitution of the United States. If the state agency allows such an increase, the amount of the increase must not exceed the amount that the hospital or facility proves is absolutely necessary to avoid an unconstitutional result.

4. The provisions of subsections 1 , 2 and ~~[2 are]~~ 3:

(a) Are self-executing.

(b) May not be waived in any manner or altered or varied by agreement.

(c) May be enforced by:

(1) The State of Nevada or a political subdivision of the State of Nevada.

(2) A civil action brought by a person who is denied any right protected by those provisions.

5. The Legislature ~~[may]~~ :

(a) Shall provide by law for the administration and enforcement of the provisions of this section.

(b) May provide by law for a different rate than the rate provided in paragraph (a) of subsection 2 if the Legislature establishes, by law, a commission to ensure that hospitals and independent facilities for emergency medical care provide medically necessary emergency services at a reasonable cost. If such a commission is established, the Legislature shall provide by law for ~~[the]~~ :

(1) The appointment of the members of the commission; and ~~[fix, by law, their]~~

(2) The powers and duties of the commission consistent with the provisions of this section.

Assemblywoman Diaz moved the adoption of the amendment.

Remarks by Assemblywoman Diaz.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the General File.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Joint Resolution No. 14 be taken from its position on the General File and placed at the top of the General File.

Motion carried

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 14.

Resolution read third time.

Remarks by Assemblymen Araujo, Edwards, and Carlton.

ASSEMBLYMAN ARAUJO:

Assembly Joint Resolution 14 proposes to amend the *Nevada Constitution* to provide that no hospital or independent facility for emergency medical care shall deny medically necessary emergency treatment or services to a person, regardless of whether the person has health insurance and regardless of the person's ability to pay for such services.

The resolution provides that all persons in Nevada have a right to receive emergency medical care at a reasonable cost. No hospital or independent facility shall charge an amount greater than 150 percent of the lowest rate the hospital or facility has agreed to accept from a federal insurer or the rate provided by law, whichever is greater. If the Legislature has not provided a rate by law, the state agency authorized to regulate hospitals or independent facilities may allow an increase in the rate if the facility proves it is necessary to avoid a rate deemed confiscatory under the *United States Constitution*.

These provisions may not be waived or varied by agreement. They may be enforced by the state of Nevada or a political subdivision. They may also be enforced by a civil action brought by a person who is denied any protected rights. The Legislature shall provide for the administration and enforcement of the provisions and may provide for a different rate if it establishes a commission to ensure compliance.

ASSEMBLYMAN EDWARDS:

Assembly Joint Resolution 14 has some really good intentions, and it would be really great if we could implement those intentions, but this is definitely the wrong execution of the right idea. This would have a disastrous effect on the hospital industry, the medical industry, and the doctors who want to be here. If we are trying to build medical access, we cannot discourage doctors from coming here by telling them that the prices that they will be paid will be insufficient to even run their businesses. This resolution tells doctors to stay away from Nevada. This resolution is going to tell the hospitals, Start closing down your operations because we will not pay you enough to keep them open.

This will have absolutely disastrous effects if this comes into play. I ask every one of you to think about the future and all the money that we put into UNLV's medical school, all the money that we are putting into the residency programs. Think of how much of that money is going to be wasted—all of it. We will get every doctor here to start thinking about moving to another state. I just do not know how many times we have to see socialism fail before we will refuse to jump on that bandwagon. This will fail. This will fail Nevada; this will fail us all.

ASSEMBLYWOMAN CARLTON:

I rise in support of A.J.R. 14. I have worked very, very hard on this issue, and there has been another piece of legislation moving through this body that has the total intent of taking the patient out of the middle. Assembly Joint Resolution 14 will take this to a vote of the people. We have debated this issue in this body for as long as I have been here. We need to finally have some resolution, and if a vote of the people is good for other things, then a vote of the people is good for this also. We need to let them weigh in on what has been happening to them when they get caught in the middle of these bill charges.

And to correct the previous speaker, this does not apply to doctors. It only applies to hospitals and facilities. This is not socialized medicine. This is negotiation on bill charges. There is no socialized medicine here. I just want to make sure the body is very clear what this A.J.R. actually does. It allows the people of this state—no matter what happens to that other piece of legislation in this body—to have input on this very important issue. I think that is important to take home to our folks.

Roll call on Assembly Joint Resolution No. 14:

YEAS—26.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—14.

EXCUSED—Hansen, Ohrenschall—2.

Assembly Joint Resolution No. 14 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 97.

Bill read third time.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Assembly Bill 97, as amended, requires a law enforcement agency to submit a certain sexual assault forensic evidence kit—a SAFE kit—to a forensic laboratory within 30 days after receiving the kit. The bill requires each forensic laboratory that receives a SAFE kit to test the kit within 120 days of receiving it and then upon completion of the test, include the DNA profile obtained from the genetic marker analysis in the State DNA Database and the Federal Bureau of Investigation's Combined DNA Index System, otherwise known as CODIS. Assembly Bill 97, as amended, appropriates $3 million from the State General Fund to the Office of the Attorney General for the purpose of making payments to forensic laboratories to process SAFE kits in a timely matter.

The bill requires each forensic laboratory to submit a report on the status and number of SAFE kits to the Director of the Legislative Counsel Bureau for transmittal to the next session of the Legislature or to the Legislative Commission, as applicable. Further, the legislation authorizes the Department of Administration to order the payment of up to $10,000 from the Fund for the Compensation of Victims of Crime to a county for the reimbursement of costs associated with conducting forensic medical examinations of victims of sexual assault.

The bill will become effective on October 1, 2017.

Roll call on Assembly Bill No. 97:

YEAS—40.

NAYS—None.

EXCUSED—Hansen, Ohrenschall—2.

Assembly Bill No. 97 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 394 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 394.

Bill read third time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 1058.

AN ACT relating to health insurance; requiring health maintenance organizations to provide certain data relating to health insurance claims to the person responsible for overseeing the health care plan of certain group purchasers of health insurance upon request; **prohibiting the further disclosure of such data except in certain circumstances; requiring the Commissioner of Insurance to impose an administrative penalty against a person who engages in the unauthorized disclosure of such data;** requiring the Legislative Committee on Health Care to study certain issues relating to health care during the 2017-2018 interim; **providing a penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section ~~[1]~~ **1.3** of this bill requires a health maintenance organization which provides a health care plan to certain large employers or multiple employer trusts to provide to the person responsible for overseeing the health care plan for the employer or trust upon request, not more than once every ~~[3 months,]~~ **year,** either: (1) all claims data relating to the enrollees of the health care plan; or (2) sufficient data for the employer or trust to calculate the cost of providing certain medical services through the health maintenance organization. **Section** ~~[1]~~ **1.3** requires such data to: (1) be free of any personally identifiable information; (2) comply with all other federal and

state laws concerning privacy; and (3) be easily accessible. **Section ~~[1]~~ 1.3** also requires a health maintenance organization to prepare and provide, under certain circumstances, an annual report relating to the cost and percentage trends in such data. **Section 1.6 of this bill prohibits the further disclosure of data provided pursuant to section 1.3 to any person other than a person responsible for making decisions about the health care plan, except as otherwise authorized by the health maintenance organization that provided the data or ordered by a court. Section 1.6 also establishes a schedule of administrative and criminal penalties to be imposed against a person who engages in unauthorized disclosure of such data. The penalty imposed depends on the culpability of the person who disclosed the data, the nature and extent of the disclosure and the harm caused by the disclosure.**

Section 2 of this bill requires the Legislative Committee on Health Care to study certain issues relating to: (1) making a program similar to the Medicaid managed care program which is currently available to certain low-income persons in this State available to persons who are not eligible for Medicaid; and (2) ensuring the same level of health insurance coverage which is currently available in this State pursuant to the Patient Protection and Affordable Care Act (Public Law 111-148, as amended) is maintained if the Affordable Care Act is repealed by Congress. **Section 2** requires the Legislative Committee on Health Care to submit a report relating to these issues to the Director of the Legislative Counsel Bureau by not later than September 1, 2018.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 695C of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.3 and 1.6 of this act.**

Sec. 1.3. 1. ~~[Except as otherwise provided in subsection 4, not more than once every 3 months,]~~ Notwithstanding any other provision of law that provides for the confidentiality of the information described in this section, a health maintenance organization shall , except as otherwise provided in subsection 4, provide to the person responsible for overseeing the health care plan for a group purchaser upon written request from that person ~~[,]~~ not more than once each year:

(a) All claims data relating to the enrollees in a health care plan provided by the health maintenance organization pursuant to a contract with the group purchaser; or

(b) Sufficient data relating to the claims of enrollees in the health care plan to allow the group purchaser to calculate the cost-effectiveness of the benefits provided by the health maintenance organization. Such data must include, without limitation:

(1) Data necessary to calculate the actual cost of obtaining medical services through the health maintenance organization, organized by medical service and category of disease;

(2) Data relating to enrollees in the health care plan who receive care, including, without limitation, demographics of such enrollees, prescriptions, office visits with a provider of health care, inpatient services and outpatient services, as used by the health maintenance organization to make calculations which are required to comply with the risk adjustment, reinsurance and risk corridor requirements of 42 U.S.C. §§ 18061, 18062 and 18063; and

(3) Such data as used to establish an experience rating for the enrollees in the health care plan, including, without limitation, coding relating to diagnostics and procedures, the total cost charged to any person for each drug, device or service made available by the health care plan and all reimbursements made to a provider of health care for such drugs, devices or services.

2. If a written request is made pursuant to subsection 1, the health maintenance organization must also provide an annual report relating to the [quarterly] data required to be made available pursuant to subsection 1, which must include, without limitation, sufficient detail to demonstrate the annual changes in the cost and the percentage of increase or decrease, as applicable, for each category of information made available pursuant to subsection 1.

3. A health maintenance organization shall provide the data required by this section in an aggregated form which complies with federal and state law, including, without limitation, the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any applicable regulations.

4. Before providing any data pursuant to subsection 1, a health maintenance organization shall ensure that a professional statistician examines the data to confirm that such data cannot be used to identify and does not provide a reasonable basis upon which to identify a person whose information is included in the report. If the professional statistician is not able to make such a confirmation, the data must not be provided by the health maintenance organization until such confirmation is obtained.

5. A health maintenance organization must provide the data required by this section in a format which is easily searchable electronically or on a secure Internet website. A health maintenance organization may only provide the data described in this section relating to the health care plan of a group purchaser to the person responsible for overseeing the health care plan for the group purchaser and not relating to the health care plan of any other group purchaser.

6. A group purchaser must have policies and procedures in place which are compliant with federal law, including, without limitation, the Health Insurance Portability and Accountability Act of 1996, Public Law

104-191, and the regulations adopted pursuant thereto, and the laws of this State to ensure the privacy and security of the data made available to the person responsible for overseeing the health care plan for a group purchaser pursuant to this section.

7. As used in this section, "group purchaser" means:

(a) An employer that employs at least 1,000 employees, at least 300 of whom are enrolled in a health care plan which is offered by a health maintenance organization; or

(b) A group of employers that cumulatively employ at least 500 employees and which has formed a trust for the purpose of funding health care benefits for at least 300 employees who are enrolled in a health care plan which is offered by a health maintenance organization.

Sec. 1.6. 1. Except as otherwise provided in subsection 2:

(a) A person responsible for overseeing a health care plan for a group purchaser shall not disclose data made available to the person pursuant to section 1.3 of this act to any other person except for a person responsible for making decisions about the health care plan.

(b) A person responsible for making decisions about a health care plan for a group purchaser shall not further disclose data disclosed to the person pursuant to paragraph (a) to any other person except for another person responsible for making decisions about the health care plan.

2. A person described in subsection 1 may disclose data made available to the person pursuant to that subsection or section 1.3 of this act to another person not described in that subsection if:

(a) The health maintenance organization that provided the data agrees to the disclosure; or

(b) The disclosure is ordered by a court of competent jurisdiction.

3. Except as otherwise provided in subsections 4 to 7, inclusive, the Commissioner shall impose against any person who violates the requirements of this section:

(a) If the person did not know of the violation and would not have known about the violation if he or she had exercised reasonable diligence, an administrative penalty of not less than $100 and not more than $50,000 per violation.

(b) If the person knew of the violation or should have known about the violation if he or she had exercised reasonable diligence but the violation is not due to willful neglect, an administrative penalty of not less than $1,000 and not more than $50,000 per violation.

(c) If the violation is due to willful neglect, an administrative penalty of $50,000 per violation.

4. If a person who violates the requirements of this section corrects the violation not later than 30 days after the person knew of the violation or should have known of the violation if he or she had exercised reasonable diligence, or another date determined by the Commissioner, the Commissioner:

(a) Shall not impose an administrative penalty if the violation is not due to willful neglect.

(b) Except as otherwise provided in subsection 5, shall impose an administrative penalty of not less than $10,000 and not more than $50,000 per violation if the violation is due to willful neglect.

5. Administrative penalties imposed pursuant to this section against a person must not exceed $1,500,000 in a calendar year.

6. The Commissioner:

(a) Shall make a determination of the amount of an administrative penalty imposed pursuant to this section based upon the nature and extent of the violation and the harm resulting from the violation; and

(b) May reduce any administrative penalty imposed for a violation of the requirements of this section, other than a violation due to willful neglect, if the Commissioner determines that the amount prescribed by subsection 3 is excessive.

7. The Commissioner shall not impose an administrative penalty for a violation for which a penalty has been imposed pursuant to subsection 8.

8. Any person who knowingly violates the requirements of this section:

(a) Except as otherwise provided in paragraphs (b) and (c), is guilty of a gross misdemeanor and may be fined not more than $50,000.

(b) If the violation is committed under false pretenses, is guilty of a category C felony and shall be punished as provided in NRS 193.130, and may be further punished by a fine of not more than $100,000.

(c) If the violation is committed with intent to sell, transfer or use the data for commercial advantage, personal gain or malicious harm, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $250,000.

Sec. 2. 1. The Legislative Committee on Health Care shall, during the 2017-2018 interim, study opportunities for:

(a) The establishment of a program similar to the Medicaid managed care program authorized by NRS 422.273 to be made available through the Silver State Health Insurance Exchange established by NRS 695I.200 to a person who is otherwise ineligible for Medicaid;

(b) A person who is determined eligible for advance payments of the premium tax credit and cost-sharing reductions pursuant to 45 C.F.R. § 155.305 to use such credits and reductions to pay for coverage obtained through the program described in paragraph (a); and

(c) The Nevada Legislature to ensure the current level of health insurance coverage provided in this State pursuant to the Patient Protection and Affordable Care Act, Public Law 111-148, as it existed on the effective date of this act, is maintained if the Affordable Care Act is repealed by Congress.

2. The Legislative Committee on Health Care shall conduct the study required pursuant to subsection 1 in consultation with:

(a) The Department of Health and Human Services;

(b) The Division of Insurance of the Department of Business and Industry;

(c) The Silver State Health Insurance Exchange; and

(d) Any other entity identified by the Committee which has expertise in the topics listed in subsection 1.

3. The Legislative Committee on Health Care shall submit a report of the results of the study required pursuant to subsection 1 and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the Legislature not later than September 1, 2018.

Sec. 3. This act becomes effective upon passage and approval.

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 394.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 394 requires, upon written request, a health maintenance organization to provide certain data to the person responsible for overseeing the health care plan for a group purchaser. The data must be provided in an aggregated form that complies with federal and state law, including the Health Insurance Portability and Accountability Act of 1996.

Roll call on Senate Bill No. 394:

YEAS—26.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—14.

EXCUSED—Hansen, Ohrenschall—2.

Senate Bill No. 394 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 106, 212, 368, 410, 428, and 541 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 106.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 1008.

SUMMARY— ~~[Requires certain increases in]~~ **Revises provisions governing** the minimum wage **required to be** paid to employees in private employment in this State. (BDR 53-865)

AN ACT relating to employment; requiring certain increases in the minimum wage paid to employees in private employment in this State; **revising provisions governing a civil action brought by an employee whose employer violates the requirement to pay the minimum wage;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Labor Commissioner, in accordance with federal law, to establish by regulation the minimum wage that may be paid per hour to an employee in private employment in this State. (NRS 608.250) ~~[This]~~ **Section 1 of this** bill requires the Labor Commissioner, in adopting those regulations, to ensure that the minimum wage for such an employee is increased by 75 cents each year for 5 years or until the minimum wage: (1) is $12 or more, if the employer of the employee does not offer health insurance for the employee in accordance with regulations adopted by the Labor Commissioner; and (2) is $11 or more, if the employer of the employee offers health insurance for the employee in accordance with regulations adopted by the Labor Commissioner.

Section 16 of Article 15 of the Nevada Constitution provides that an employee claiming that he or she was paid less than the minimum wage required by that provision may bring a civil action against his or her employer. Under this constitutional provision, if the employee prevails in such a civil action, the employee: (1) is entitled to all legal and equitable remedies appropriate to remedy the violation, including back pay, damages, reinstatement or injunctive relief; and (2) must be awarded reasonable attorney's fees and costs. (Nev. Const. Art. 15, § 16) Section 1.5 of this bill would enact into statute the language of the minimum wage provision of the Nevada Constitution: (1) authorizing an employee who prevails in a civil action to recover all legal or equitable remedies appropriate to remedy the violation, including back pay, damages, reinstatement or injunctive relief; and (2) requiring a court to award reasonable attorney's fees and costs to an employee who prevails in such a civil action.

Section 2 of this bill provides that this bill becomes effective on January 1, 2018.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:

In adopting the regulations establishing the minimum wage that may be paid per hour pursuant to NRS 608.250, the Labor Commissioner shall ensure that the minimum wage for each employee to whom those

regulations apply is increased by 75 cents each year until the minimum wage that may be paid per hour pursuant to NRS 608.250 is:

1. If the employer of the employee does not offer health insurance for the employee in accordance with regulations adopted by the Labor Commissioner, $12 or more; and

2. If the employer of the employee offers health insurance for the employee in accordance with regulations adopted by the Labor Commissioner, $11 or more.

Sec. 1.5. **NRS 608.260 is hereby amended to read as follows:**

608.260 ***1.*** If any employer pays any employee a lesser amount than the minimum wage prescribed by regulation of the Labor Commissioner pursuant to the provisions of NRS 608.250, the employee may, at any time within 2 years, bring a civil action ~~[to recover the difference between the amount paid to the employee and the amount of the minimum wage.]~~ ***against his or her employer.*** A contract between the employer and the employee or any acceptance of a lesser wage by the employee is not a bar to the action.

2. If the employee prevails in a civil action brought pursuant to subsection 1:

(a) The employee is entitled to all remedies available under the law or in equity appropriate to remedy the violation by the employer, including, without limitation, back pay, damages, reinstatement or injunctive relief; and

(b) The court must award the employee reasonable attorney's fees and costs.

Sec. 2. This act becomes effective ~~[upon passage and approval.]~~ **on January 1, 2018.**

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 212.

Bill read third time.

The following amendment was proposed by the Committee on Education:

Amendment No. 1018.

AN ACT relating to the welfare of pupils; expanding the scope of the Safe-to-Tell Program; requiring the appointment of a team at each public school to receive reports from the Program; providing immunity from civil liability to such a team and its members; providing for the establishment of a support center to receive reports to the Program; requiring the Director of the Office for a Safe and Respectful Learning Environment of the Department of Education to provide certain training; requiring that certain plans used by schools in responding to a crisis or emergency include procedures for responding to a suicide of certain persons; authorizing a provider of mental

health services to provide services to a school after a crisis, emergency or such a suicide; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Office for a Safe and Respectful Learning Environment of the Department of Education to establish the Safe-to-Tell Program. The Program enables any person to report anonymously to the Program any dangerous, violent or unlawful activity which occurs or is threatened on school property, at an activity sponsored by a public school or on a school bus. (NRS 388.1455) **Sections 10 and 11** of this bill additionally allow a person to report to the Program any such activity which is conducted or threatened by a pupil who is enrolled at a public school.

Section 4 of this bill requires the appointment of a team of at least 3 members of the staff of each public school in this State to receive notice of any report submitted to the Program concerning the school. **Section 4** also requires this team to include: (1) a school counselor, psychologist, social worker or similar person, if the school employs such a person on a full-time basis; and (2) a school administrator. **Section 11** requires that information reported to the Program be promptly forwarded to the members of such a team, law enforcement agencies and certain other persons. **Section 11** also requires the Director to provide to each member of such a team training concerning the appropriate response to such a report. **Section 4.5** of this bill provides civil immunity to the team and the members of the team for any act or omission relating to the duties required pursuant to **section 4** of this bill.

Existing law authorizes the Director to enter into an agreement to operate a hotline or call center to receive reports through the Program. (NRS 388.1455) **Section 11** requires the Director to **establish and** operate a **support center, which includes, without limitation, a** hotline, Internet website, mobile telephone application **[, electronic mail address]** and **[support center] text messaging application,** or to enter into an agreement with a qualified organization to operate **the support center, which includes, without limitation,** a hotline, Internet website, mobile telephone application **[, electronic mail address]** and **[support center.] text messaging application.** **Section 4** requires the board of trustees of a school district or the governing body of a charter school to ensure that the telephone number of the hotline is: (1) printed on the back of each identification card provided to a pupil or member of the staff of a public school; and (2) posted in a conspicuous manner in certain locations around the school. **Section 5** of this bill establishes requirements concerning the operation of the support center. **Section 11** requires the Director to provide to teachers, pupils, family members and certain other persons training concerning the procedure for making a report and collaborating to prevent dangerous, violent or unlawful activity.

Existing law requires the board of trustees of a school district or the governing body of a charter school or a private school to establish a committee to develop a plan for schools in the school district or the charter

school, as applicable, to use in responding to a crisis or emergency. (NRS 388.241, 388.243, 394.1685, 394.1687) **Sections 14 and 27** of this bill require such a plan to also include provisions for making counseling and other services available to pupils after a crisis, emergency or suicide of a pupil, teacher or other member of the community of a school. Additionally, **sections 14 and 27** require the committee, in developing such a plan, to conduct a survey of the resources, including counseling, that could be made available to assist with recovery from a crisis, emergency or suicide. **Sections 13 and 26** of this bill make conforming changes.

Existing law requires the Department to develop a model plan for the management of a crisis or emergency. (NRS 388.253) **Section 18** of this bill requires the model plan to include procedures for providing pupils and staff with access to counseling and other resources after a crisis, emergency or suicide.

Existing law requires the principal of a public or private school or his or her designated representative to contact all appropriate local agencies to respond to a crisis or emergency. (NRS 388.257, 394.1687) **Sections 20 and 28** of this bill: (1) require the principal or his or her representative to also contact appropriate local agencies if a pupil, teacher or other member of the school community commits suicide; and (2) requires the local agencies contacted to include a provider of mental health services which is operated by a state or local agency. **Section 31** of this bill authorizes an agency which provides child welfare services to provide counseling and other services to pupils and staff upon being contacted by the principal or his or her designated representative after a crisis, emergency or suicide.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. ***"Public safety agency" has the meaning ascribed to it in NRS 388.2345.***

Sec. 3. ***"Support center" means the support center established and operated pursuant to NRS 388.1455.***

Sec. 4. ***1. The board of trustees of a school district or the governing body of a charter school shall:***

(a) Appoint a team of at least three members of the staff of each public school, other than a charter school, that is located in the school district or of the charter school, as applicable, including, without limitation, a school counselor, psychologist, social worker or a similar person, if the school employs such a person on a full-time basis, and a school administrator. The team must receive notification if the support center receives a report of any dangerous, violent or unlawful activity which is being conducted, or is threatened to be conducted, on the property of the school, at an activity

sponsored by the school, on a school bus of the school or by a pupil enrolled at the school.

(b) Ensure that information concerning the Program, including, without limitation, the telephone number for the hotline established pursuant to NRS 388.1455:

(1) Appears on the back of any identification card issued to pupils and staff at the school; and

(2) Is posted in conspicuous locations around the school, which may include, without limitation, the front office, the cafeteria or a school bus.

2. Upon receiving notification from the support center of dangerous, violent or unlawful activity which is being conducted, or is threatened to be conducted, on the property of a public school, at an activity sponsored by a public school, on a school bus of a public school or by a pupil enrolled at a public school, a member of the appropriate team appointed pursuant to paragraph (a) of subsection 1 shall take appropriate action in accordance with the training he or she has received pursuant to NRS 388.1455 to respond to the activity or threat.

3. The team appointed pursuant to paragraph (a) of subsection 1 may:

(a) Include a person appointed by the public school pursuant to NRS 388.247 to a committee to review the plan developed for the school pursuant to NRS 388.243.

(b) Allow another person to temporarily serve on the team if a member of the team is unavailable.

Sec. 4.5. *The team appointed pursuant to section 4 of this act and each member of the team are immune from civil liability for any damages resulting from an act or omission of the team or the member or another member of the team in performing the duties set forth in NRS 388.1455 and section 4 of this act.*

Sec. 5. *The support center must:*

1. Be capable of receiving reports made using the hotline, Internet website, ~~[and]~~ mobile telephone application and text messaging application established pursuant to NRS 388.1455; ~~[and through electronic mail;]~~

2. Be available to receive reports and staffed with trained personnel 24 hours a day, 7 days a week, including holidays and other days when school is not in session;

3. Establish a process for handling a report if personnel at the support center are unable to determine the location of the school or the person about whom the report is made, or if the report concerns a private school or an entity other than a school;

4. Train personnel at the support center who are involved in responding to reports to follow up on each report by gathering information necessary to determine the validity of the report and the severity of any threat;

5. Use a software system that is resistant to hacking and copying of information to protect the anonymity of persons who submit reports;

6. Develop and implement a standardized procedure for tracking the outcome of reports;

7. Compile statistics to determine:

(a) The most frequent days of the week on which reports are made;

(b) The most frequent times of the day for making reports;

(c) The types of dangerous, violent or unlawful activity that are reported and the frequency of reports of each type of dangerous, violent or unlawful activity;

(d) The frequency with which reports are submitted using the hotline, Internet website, mobile telephone application and ~~[electronic mail,]~~ text messaging application, respectively; and

(e) The outcome of reports;

8. Submit to the Director a quarterly report that contains the information compiled pursuant to subsection 7 and any other information necessary for the Director to evaluate the Program or that is requested by the Director; and

9. Provide each report received to the appropriate law enforcement agency.

Sec. 6. (Deleted by amendment.)

Sec. 7. ***"Public school" has the meaning ascribed to it in NRS 385.007.***

Sec. 8. ***"Suicide" means the suicide of a pupil, teacher or other member of the community of a public school.***

Sec. 9. NRS 388.1451 is hereby amended to read as follows:

388.1451 As used in NRS 388.1451 to 388.1459, inclusive, ***and sections 2 to 5, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 388.1452 and 388.1453 ***and sections 2 and 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 10. NRS 388.1454 is hereby amended to read as follows:

388.1454 The Legislature hereby finds and declares that:

1. The ability to anonymously report information about dangerous, violent or unlawful activities, or the threat of such activities, conducted on school property, at an activity sponsored by a public school ***,*** ~~[or]~~ on a school bus of a public school ***or by a pupil enrolled at a public school*** is critical in preventing, responding to and recovering from such activities.

2. It is in the best interest of this State to ensure the anonymity of a person who reports such an activity, or the threat of such an activity, and who wishes to remain anonymous and to ensure the confidentiality of any record or information associated with such a report.

3. It is the intent of the Legislature in enacting NRS 388.1451 to 388.1459, inclusive, ***and sections 2 to 5, inclusive, of this act,*** to enable the people of this State to easily and anonymously provide to appropriate state or local public safety agencies and to school administrators information about dangerous, violent or unlawful activities, or the threat of such activities,

conducted on school property, at an activity sponsored by a public school ***,*** ~~[or]~~ on a school bus of a public school ~~[.]~~ ***or by a pupil enrolled at a public school.***

Sec. 11. NRS 388.1455 is hereby amended to read as follows:

388.1455 1. The Director shall establish the Safe-to-Tell Program within the Office for a Safe and Respectful Learning Environment. The Program must enable any person to report anonymously to the Program any dangerous, violent or unlawful activity which is being conducted, or is threatened to be conducted, on school property, at an activity sponsored by a public school ***,*** ~~[or]~~ on a school bus of a public school ~~[.]~~ ***or by a pupil enrolled at a public school.*** Any information relating to any such dangerous, violent or unlawful activity, or threat thereof, received by the Program is confidential and, except as otherwise authorized pursuant to paragraph (a) of subsection 2 and NRS 388.1458, must not be disclosed to any person.

2. The Program must include, without limitation, methods and procedures to ensure that:

(a) Information reported to the Program is promptly forwarded to the appropriate public safety agencies ~~[and]~~ ***, the Department and other appropriate state agencies,*** school administrators ~~[,]~~ ***and other school employees, including, without limitation, the teams appointed pursuant to section 4 of this act;*** and

(b) The identity of a person who reports information to the Program:

(1) Is not known by any person designated by the Director to operate the Program;

(2) Is not known by any person employed by, contracting with, serving as a volunteer with or otherwise assisting an organization with whom the Director enters into an agreement pursuant to subsection 3; and

(3) Is not disclosed to any person.

3. On behalf of the Program, the Director ~~[may]~~ ***or his or her designee shall establish and operate a support center that meets the requirements of section 5 of this act, which includes, without limitation, a hotline, Internet website, mobile telephone application and*** ~~*[support center that meets the requirements of section 5 of this act]*~~ ***text messaging application or*** enter into ~~[agreements]~~ ***an agreement*** with ~~[any]~~ ***an*** organization that the Director determines is appropriately qualified and experienced, pursuant to which the organization will ***establish and*** operate ***such a support center, which includes, without limitation,*** a hotline ~~[or call]~~ ***, Internet website, mobile telephone application*** ~~*[, electronic mail address]*~~ ***and*** ~~*[support*~~ center, that will~~]~~ ***text messaging application. The support center shall*** receive initial reports made to the Program ***through the hotline, Internet website, mobile telephone application*** ~~*[and electronic mail]*~~ ***and text messaging application*** and forward the information contained in the reports in the manner required by subsection 2.

4. The Director shall provide training regarding ~~[the]~~ ***:***

(a) The Program to employees and volunteers of each public safety agency, public safety answering point, board of trustees of a school district, governing body of a charter school and any other entity whose employees and volunteers the Director determines should receive training regarding the Program.

(b) Properly responding to a report received from the support center, including, without limitation, the manner in which to respond to reports of different types of dangerous, violent and unlawful activity and threats of such activity, to each member of a team appointed pursuant to section 4 of this act.

(c) The procedure for making a report to the support center using the hotline, Internet website, mobile telephone application and ~~***[electronic mail]***~~ ***text messaging application and collaborating to prevent dangerous, violent and unlawful activity directed at teachers and other members of the staff of a school, pupils, family members of pupils and other persons.***

5. The Director shall:

(a) Post information concerning the Program on an Internet website maintained by the Director; ~~[and]~~

(b) Provide to each public school educational materials regarding the Program, including, without limitation, ***information about*** the telephone number ***, address of the Internet website, mobile telephone application,*** ~~***[electronic mail address]***~~ ***text messaging application*** and any other methods by which a report may be made ~~[.]~~ ***; and***

(c) On or before July 1 of each year, submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Education a report containing a summary of the information reported to the Director pursuant to section 5 of this act during the immediately preceding 12 months and any other information that the Director determines would assist the Committee to evaluate the Program.

6. As used in this section:

(a) "Public safety agency" has the meaning ascribed to it in NRS 239B.020.

(b) "Public safety answering point" has the meaning ascribed to it in NRS 707.500.

Sec. 12. NRS 388.229 is hereby amended to read as follows:

388.229 As used in NRS 388.229 to 388.261, inclusive, ***and sections 7 and 8 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 388.231 to 388.235, inclusive, ***and sections 7 and 8 of this act*** have the meanings ascribed to them in those sections.

Sec. 13. NRS 388.241 is hereby amended to read as follows:

388.241 1. The board of trustees of each school district shall establish a development committee to develop one plan to be used by all the public schools other than the charter schools in the school district in responding to a crisis ***,*** ~~[or an]~~ emergency ~~[.]~~ ***or suicide.*** The governing body of each charter school shall establish a development committee to develop a plan to be used

by the charter school in responding to a crisis **,** ~~[or an]~~ emergency ~~[.]~~ ***or suicide.***

2. The membership of a development committee must consist of:

(a) At least one member of the board of trustees or of the governing body that established the committee;

(b) At least one administrator of a school in the school district or of the charter school;

(c) At least one licensed teacher of a school in the school district or of the charter school;

(d) At least one employee of a school in the school district or of the charter school who is not a licensed teacher and who is not responsible for the administration of the school;

(e) At least one parent or legal guardian of a pupil who is enrolled in a school in the school district or in the charter school;

(f) At least one representative of a local law enforcement agency in the county in which the school district or charter school is located;

(g) At least one school police officer, including, without limitation, a chief of school police of the school district if the school district has school police officers; and

(h) At least one representative of a state or local organization for emergency management.

3. The membership of a development committee may also include any other person whom the board of trustees or the governing body deems appropriate, including, without limitation:

(a) A counselor of a school in the school district or of the charter school;

(b) A psychologist of a school in the school district or of the charter school;

(c) A licensed social worker of a school in the school district or of the charter school;

(d) A pupil in grade 10 or higher of a school in the school district or a pupil in grade 10 or higher of the charter school if a school in the school district or the charter school includes grade 10 or higher; and

(e) An attorney or judge who resides or works in the county in which the school district or charter school is located.

4. The board of trustees of each school district and the governing body of each charter school shall determine the term of each member of the development committee that it establishes. Each development committee may adopt rules for its own management and government.

Sec. 14. NRS 388.243 is hereby amended to read as follows:

388.243 1. Each development committee established by the board of trustees of a school district shall develop one plan to be used by all the public schools other than the charter schools in the school district in responding to a crisis **,** ~~[or an]~~ emergency ~~[.]~~ ***or suicide.*** Each development committee established by the governing body of a charter school shall develop a plan to be used by the charter school in responding to a crisis **,** ~~[or an]~~ emergency ~~[.]~~

or suicide. Each development committee shall, when developing the plan ***:*** ~~[,~~ ~~consult with:]~~

(a) ~~[The]~~ ***Consult with*** local social service agencies and local public safety agencies in the county in which its school district or charter school is located.

(b) ~~[The]~~ ***Consult with the*** director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

(c) Determine which persons and organizations in the community, including, without limitation, a provider of mental health services which is operated by a state or local agency, that could be made available to assist pupils and staff in recovering from a crisis, emergency or suicide.

2. The plan developed pursuant to subsection 1 must include, without limitation:

(a) The plans, procedures and information included in the model plan developed by the Department pursuant to NRS 388.253;

(b) A procedure for responding to a crisis or an emergency and for responding during the period after a crisis or an emergency has concluded, including, without limitation, a crisis or an emergency that results in immediate physical harm to a pupil or employee of a school in the school district or the charter school; ~~[and]~~

(c) A procedure for enforcing discipline within a school in the school district or the charter school and for obtaining and maintaining a safe and orderly environment during a crisis or an emergency ~~[.]~~ ***;***

(d) The names of persons and organizations in the community, including, without limitation, a provider of mental health services which is operated by a state or local agency, that are available to provide counseling and other services to pupils and staff of the school to assist them in recovering from a crisis, emergency or suicide; and

(e) A plan for making the persons and organizations described in paragraph (d) available to pupils and staff after a crisis, emergency or suicide.

3. Each development committee shall provide a copy of the plan that it develops pursuant to this section to the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee.

4. Except as otherwise provided in NRS 388.249 and 388.251, each public school ~~[, including, without limitation, each charter school,]~~ must comply with the plan developed for it pursuant to this section.

Sec. 15. NRS 388.245 is hereby amended to read as follows:

388.245 1. Each development committee shall, at least once each year, review and update as appropriate the plan that it developed pursuant to NRS 388.243. In reviewing and updating the plan, the development committee shall consult with the director of the local organization for emergency management or, if there is no local organization for emergency management,

with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

2. Each development committee shall provide an updated copy of the plan to the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee.

3. The board of trustees of each school district and the governing body of each charter school shall:

(a) Post a notice of the completion of each review and update that its development committee performs pursuant to subsection 1 at each school in its school district or at its charter school;

(b) File with the Department a copy of the notice provided pursuant to paragraph (a);

(c) Post a copy of NRS 388.229 to 388.261, inclusive, ***and sections 7 and 8 of this act*** at each school in its school district or at its charter school;

(d) Retain a copy of each plan developed pursuant to NRS 388.243, each plan updated pursuant to subsection 1 and each deviation approved pursuant to NRS 388.251;

(e) Provide a copy of each plan developed pursuant to NRS 388.243 and each plan updated pursuant to subsection 1 to:

(1) Each local public safety agency in the county in which the school district or charter school is located;

(2) The Division of Emergency Management of the Department of Public Safety; and

(3) The local organization for emergency management, if any;

(f) Upon request, provide a copy of each plan developed pursuant to NRS 388.243 and each plan updated pursuant to subsection 1 to a local agency that is included in the plan and to an employee of a school who is included in the plan;

(g) Provide a copy of each deviation approved pursuant to NRS 388.251 as soon as practicable to:

(1) The Department;

(2) A local public safety agency in the county in which the school district or charter school is located;

(3) The Division of Emergency Management of the Department of Public Safety;

(4) The local organization for emergency management, if any;

(5) A local agency that is included in the plan; and

(6) An employee of a school who is included in the plan; and

(h) At least once each year, provide training in responding to a crisis and training in responding to an emergency to each employee of the school district or of the charter school, including, without limitation, training concerning drills for evacuating and securing schools.

4. The board of trustees of each school district and the governing body of each charter school may apply for and accept gifts, grants and contributions

from any public or private source to carry out the provisions of NRS 388.229 to 388.261, inclusive ~~[.]~~ ***, and sections 7 and 8 of this act.***

Sec. 16. NRS 388.247 is hereby amended to read as follows:

388.247 1. The principal of each public school ~~[, including, without limitation, each charter school,]~~ shall establish a school committee to review the plan developed for the school pursuant to NRS 388.243.

2. The membership of a school committee must consist of:

(a) The principal of the school;

(b) Two licensed employees of the school;

(c) One employee of the school who is not a licensed employee and who is not responsible for the administration of the school;

(d) One school police officer of the school if the school has school police officers; and

(e) One parent or legal guardian of a pupil who is enrolled in the school.

3. The membership of a school committee may also include any other person whom the principal of the school deems appropriate, including, without limitation:

(a) A member of the board of trustees of the school district in which the school is located or a member of the governing body of the charter school;

(b) A counselor of the school;

(c) A psychologist of the school;

(d) A licensed social worker of the school;

(e) A representative of a local law enforcement agency in the county, city or town in which the school is located; and

(f) A pupil in grade 10 or higher from the school if the school includes grade 10 or higher.

4. The principal of a public school, including, without limitation, a charter school, shall determine the term of each member of the school committee. Each school committee may adopt rules for its own management and government.

Sec. 17. NRS 388.249 is hereby amended to read as follows:

388.249 1. Each school committee shall, at least once each year, review the plan developed for the school pursuant to NRS 388.243 and determine whether the school should deviate from the plan.

2. Each school committee shall, when reviewing the plan, consult with:

(a) The local social service agencies and law enforcement agencies in the county, city or town in which its school is located.

(b) The director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

3. If a school committee determines that the school should deviate from the plan, the school committee shall notify the development committee that developed the plan, describe the proposed deviation and explain the reason for the proposed deviation. The school may deviate from the plan only if the

deviation is approved by the development committee pursuant to NRS 388.251.

4. Each public school ~~[, including, without limitation, each charter school,]~~ shall post at the school a notice of the completion of each review that the school committee performs pursuant to this section.

Sec. 18. NRS 388.253 is hereby amended to read as follows:

388.253 1. The Department shall, with assistance from other state agencies, including, without limitation, the Division of Emergency Management, the Investigation Division, and the Nevada Highway Patrol Division of the Department of Public Safety, develop a model plan for the management of ~~[a]~~ ***:***

(a) A suicide; or

(b) A crisis or ~~[an]~~ emergency that involves a public school ~~[, including, without limitation, a charter school,]~~ or a private school and that requires immediate action.

2. The model plan must include, without limitation, a procedure for:

(a) ***In response to a crisis or emergency:***

(1) Coordinating the resources of local, state and federal agencies, officers and employees, as appropriate;

~~[(b)]~~ ***(2)*** Accounting for all persons within a school;

~~[(c)]~~ ***(3)*** Assisting persons within a school in a school district, a charter school or a private school to communicate with each other;

~~[(d)]~~ ***(4)*** Assisting persons within a school in a school district, a charter school or a private school to communicate with persons located outside the school, including, without limitation, relatives of pupils and relatives of employees of such a school, the news media and persons from local, state or federal agencies that are responding to a crisis or an emergency;

~~[(e)]~~ ***(5)*** Assisting pupils of a school in the school district, a charter school or a private school, employees of such a school and relatives of such pupils and employees to move safely within and away from the school, including, without limitation, a procedure for evacuating the school and a procedure for securing the school;

~~[(f)]~~ ***(6)*** Reunifying a pupil with his or her parent or legal guardian;

~~[(g)]~~ ***(7)*** Providing any necessary medical assistance;

~~[(h)]~~ ***(8)*** Recovering from a crisis or ~~[an]~~ emergency;

~~[(i)]~~ ***(9)*** Carrying out a lockdown at a school in which persons are not allowed to enter or exit the school;

~~[(j)]~~ ***and***

(10) Providing shelter in specific areas of a school; ~~[and~~

~~(k)]~~ ***(b)*** Providing specific information relating to managing a crisis or ~~[an]~~ emergency that is a result of:

(1) An incident involving hazardous materials;

(2) An incident involving mass casualties;

(3) An incident involving an active shooter;

(4) An outbreak of disease;

(5) Any threat or hazard identified in the hazard mitigation plan of the county in which the school district is located, if such a plan exists; or

(6) Any other situation, threat or hazard deemed appropriate ~~[.~~ ~~2.]~~ ***; and***

(c) Providing pupils and staff at a school that has experienced a crisis, emergency or suicide with access to counseling and other resources to assist in recovering from the crisis, emergency or suicide.

3. In developing the model plan, the Department shall consider the plans developed pursuant to NRS 388.243 and 394.1687 and updated pursuant to NRS 388.245 and 394.1688.

~~[3.]~~ ***4.*** The Department may disseminate to any appropriate local, state or federal agency, officer or employee, as the Department determines is necessary:

(a) The model plan developed by the Department pursuant to subsection 1;

(b) A plan developed pursuant to NRS 388.243 or updated pursuant to NRS 388.245;

(c) A plan developed pursuant to NRS 394.1687 or updated pursuant to NRS 394.1688; and

(d) A deviation approved pursuant to NRS 388.251 or 394.1692.

~~[4.]~~ ***5.*** The Department shall, at least once each year, review and update as appropriate the model plan developed pursuant to subsection 1.

Sec. 19. NRS 388.255 is hereby amended to read as follows:

388.255 1. The State Board shall adopt regulations setting forth requirements for:

(a) The plan required to be developed pursuant to NRS 388.243; and

(b) Reviewing and approving a deviation pursuant to NRS 388.251.

2. The regulations adopted pursuant to this section must include, without limitation, requirements concerning training and practice in procedures for responding to a crisis ***,*** ~~[or an]~~ emergency ~~[.]~~ ***or suicide.***

Sec. 20. NRS 388.257 is hereby amended to read as follows:

388.257 1. If a crisis or an emergency that requires immediate action occurs at a public school ~~[, including, without limitation, a charter school,]~~ ***or a suicide occurs,*** the principal of the school involved, or the principal's designated representative, shall, in accordance with the plan developed for the school pursuant to NRS 388.243 and in accordance with any deviation approved pursuant to NRS 388.251, contact all appropriate local agencies ***, including, without limitation, a provider of mental health services which is operated by a state or local agency,*** to respond to the crisis ***,*** ~~[or the]~~ emergency ~~[.]~~ ***or suicide.***

2. If a local agency that is responsible for responding to a crisis or an emergency is contacted pursuant to subsection 1 and the local agency determines that the crisis or the emergency requires assistance from a state agency, the local agency may:

(a) If a local organization for emergency management has been established in the city or county in which the local agency that was contacted

is located, through such local organization for emergency management, notify the Division of Emergency Management of the Department of Public Safety of the crisis or the emergency and request assistance from the Division in responding to the crisis or the emergency; or

(b) If a local organization for emergency management has not been established in the city or county in which the local agency that was contacted is located, directly notify the Division of Emergency Management of the Department of Public Safety of the crisis or the emergency and request assistance from the Division in responding to the crisis or the emergency.

3. If the Division of Emergency Management of the Department of Public Safety receives notification of a crisis or an emergency and a request for assistance pursuant to subsection 2 and the Governor or the Governor's designated representative determines that the crisis or the emergency requires assistance from a state agency, the Division shall carry out its duties set forth in the model plan developed pursuant to NRS 388.253 and its duties set forth in chapter 414 of NRS, including, without limitation, addressing the immediate crisis or emergency and coordinating the appropriate and available local, state and federal resources to provide support services and counseling to pupils, teachers, and parents or legal guardians of pupils, and providing support for law enforcement agencies, for as long as is reasonably necessary.

4. If a local law enforcement agency responds to a crisis ***,*** ~~[or an]~~ emergency ***or suicide*** that occurs at a public school or notifies a public school regarding a crisis ***,*** ~~[or an]~~ emergency ***or suicide*** that occurs outside of the public school, the local law enforcement agency must consider whether it is necessary and appropriate to notify any other public school ~~[, including, without limitation, a charter school,]~~ or any private school of the crisis ***,*** ~~[or]~~ emergency ~~[.]~~ ***or suicide.*** Such notification must include, without limitation, any information necessary for the public school or private school to appropriately respond to the crisis ***,*** ~~[or]~~ emergency ~~[.]~~ ***or suicide.***

Sec. 21. NRS 388.259 is hereby amended to read as follows:

388.259 A plan developed pursuant to NRS 388.243 or updated pursuant to NRS 388.245, a deviation and any information submitted to a development committee pursuant to NRS 388.249, a deviation approved pursuant to NRS 388.251 and the model plan developed pursuant to NRS 388.253 are confidential and, except as otherwise provided in NRS 239.0115 and NRS 388.229 to 388.261, inclusive, ***and sections 7 and 8 of this act*** must not be disclosed to any person or government, governmental agency or political subdivision of a government.

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:

"Suicide" means the suicide of a pupil, teacher or other member of the community of a private school.

Sec. 25. NRS 394.168 is hereby amended to read as follows:

394.168 As used in NRS 394.168 to 394.1699, inclusive, ***and section 24 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 394.1681 to 394.1683, inclusive, ***and section 24 of this act*** have the meanings ascribed to them in those sections.

Sec. 26. NRS 394.1685 is hereby amended to read as follows:

394.1685 1. The governing body of each private school shall establish a development committee to develop a plan to be used by the private school in responding to a crisis **,** ~~[~~or an~~]~~ emergency ~~[~~.~~]~~ ***or suicide.***

2. The membership of a development committee consists of:

(a) At least one member of the governing body;

(b) At least one administrator of the school;

(c) At least one teacher of the school;

(d) At least one employee of the school who is not a teacher and who is not responsible for the administration of the school;

(e) At least one parent or legal guardian of a pupil who is enrolled in the school;

(f) At least one representative of a local law enforcement agency in the county in which the school is located; and

(g) At least one representative of a state or local organization for emergency management.

3. The membership of a development committee may also include any other person whom the governing body deems appropriate, including, without limitation:

(a) A counselor of the school;

(b) A psychologist of the school;

(c) A licensed social worker of the school;

(d) A pupil in grade 10 or higher of the school if the school includes grade 10 or higher; and

(e) An attorney or judge who resides or works in the county in which the school is located.

4. The governing body of each private school shall determine the term of each member of the development committee that it established. Each development committee may adopt rules for its own management and government.

Sec. 27. NRS 394.1687 is hereby amended to read as follows:

394.1687 1. Each development committee shall develop a plan to be used by its school in responding to a crisis **,** ~~[~~or an~~]~~ emergency ~~[~~.~~]~~ ***or suicide.*** Each development committee shall, when developing the plan ***:*** ~~[~~, consult with:~~]~~

(a) ~~[~~The~~]~~ ***Consult with*** local social service agencies and local public safety agencies in the county in which its school is located.

(b) ~~[~~The~~]~~ ***Consult with the*** director of the local organization for emergency management or, if there is no local organization for emergency

management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

2. The plan developed pursuant to subsection 1 must include, without limitation:

(a) The plans, procedures and information included in the model plan developed by the Department pursuant to NRS 388.253;

(b) A procedure for immediately responding to a crisis or an emergency and for responding during the period after a crisis or an emergency has concluded, including, without limitation, a crisis or an emergency that results in immediate physical harm to a pupil or employee of the school; and

(c) A procedure for enforcing discipline within the school and for obtaining and maintaining a safe and orderly environment during a crisis or an emergency.

3. Each development committee shall provide a copy of the plan that it develops pursuant to this section to the governing body of the school that established the committee.

4. Except as otherwise provided in NRS 394.1691 and 394.1692, each private school must comply with the plan developed for it pursuant to this section.

Sec. 28. NRS 394.1696 is hereby amended to read as follows:

394.1696 1. If a crisis or an emergency that requires immediate action occurs at a private school ~~[.]~~ ***or a suicide occurs,*** the principal or other person in charge of the private school involved, or his or her designated representative, shall, in accordance with the plan developed for the school pursuant to NRS 394.1687 and in accordance with any deviation approved pursuant to NRS 394.1692, contact all appropriate local agencies ***, including, without limitation, a provider of mental health services which is operated by a state or local agency,*** to respond to the crisis ***,*** ~~[or the]~~ emergency ~~[.]~~ ***or suicide.***

2. If a local agency that is responsible for responding to a crisis or an emergency is contacted pursuant to subsection 1 and the local agency determines that the crisis or the emergency requires assistance from a state agency, the local agency may:

(a) If a local organization for emergency management has been established in the city or county in which the local agency that was contacted is located, through such local organization for emergency management, notify the Division of Emergency Management of the Department of Public Safety of the crisis or the emergency and request assistance from the Division in responding to the crisis or the emergency; or

(b) If a local organization for emergency management has not been established in the city or county in which the local agency that was contacted is located, directly notify the Division of Emergency Management of the Department of Public Safety of the crisis or the emergency and request assistance from the Division in responding to the crisis or the emergency.

3. If the Division of Emergency Management of the Department of Public Safety receives notification of a crisis or an emergency and a request for assistance pursuant to subsection 2 and the Governor or the Governor's designated representative determines that the crisis or the emergency requires assistance from a state agency, the Division shall carry out its duties set forth in the model plan developed pursuant to NRS 388.253 and its duties set forth in chapter 414 of NRS, including, without limitation, addressing the immediate crisis or emergency and coordinating the appropriate and available local, state and federal resources to provide support services and counseling to pupils, teachers, and parents or legal guardians of pupils, and providing support for law enforcement agencies, for as long as is reasonably necessary.

4. If a local law enforcement agency responds to a crisis **,** ~~[or an]~~ emergency ***or suicide*** that occurs at a private school or notifies a private school regarding a crisis **,** ~~[or an]~~ emergency ***or suicide*** that occurs outside of the private school, the local law enforcement agency must consider whether it is necessary and appropriate to notify any public school ~~[, including, without limitation, a charter school,]~~ or any other private school of the crisis **,** ~~[or]~~ emergency ~~[.]~~ ***or suicide.*** Such notification must include, without limitation, any information necessary for the public school or private school to appropriately respond to the crisis **,** ~~[or]~~ emergency ~~[.]~~ ***or suicide.***

Sec. 29. NRS 394.1698 is hereby amended to read as follows:

394.1698 A plan developed pursuant to NRS 394.1687 or updated pursuant to NRS 394.1688, a deviation and any information submitted to a development committee pursuant to NRS 394.1691 and a deviation approved pursuant to NRS 394.1692 are confidential and, except as otherwise provided in NRS 239.0115, 388.253 and 394.168 to 394.1699, inclusive, ***and section 24 of this act*** must not be disclosed to any person or government, governmental agency or political subdivision of a government.

Sec. 30. NRS 414.135 is hereby amended to read as follows:

414.135 1. There is hereby created in the State General Fund the Emergency Assistance Account. Beginning with the fiscal year that begins on July 1, 1999, the State Controller shall, at the end of each fiscal year, transfer the interest earned during the previous fiscal year on the money in the Disaster Relief Account created pursuant to NRS 353.2735 to the Emergency Assistance Account in an amount not to exceed $500,000.

2. The Division of Emergency Management of the Department of Public Safety shall administer the Emergency Assistance Account. The Division may adopt regulations authorized by this section before, on or after July 1, 1999.

3. Except as otherwise provided in paragraph (c), all expenditures from the Emergency Assistance Account must be approved in advance by the Division. Except as otherwise provided in subsection 4, all money in the Emergency Assistance Account must be expended:

(a) To provide supplemental emergency assistance to this state or to local governments in this state that are severely and adversely affected by a natural, technological or man-made emergency or disaster for which available resources of this state or the local government are inadequate to provide a satisfactory remedy;

(b) To pay any actual expenses incurred by the Division for administration during a natural, technological or man-made emergency or disaster; and

(c) For any other purpose authorized by the Legislature.

4. Beginning with the fiscal year that begins on July 1, 1999, if any balance remains in the Emergency Assistance Account at the end of a fiscal year and the balance has not otherwise been committed for expenditure, the Division may, with the approval of the Interim Finance Committee, allocate all or any portion of the remaining balance, not to exceed $250,000, to this state or to a local government to:

(a) Purchase equipment or supplies required for emergency management;

(b) Provide training to personnel related to emergency management; and

(c) Carry out the provisions of NRS 388.229 to 388.261, inclusive ~~[.]~~ ***, and sections 7 and 8 of this act.***

5. Beginning with the fiscal year that begins on July 1, 1999, the Division shall, at the end of each quarter of a fiscal year, submit to the Interim Finance Committee a report of the expenditures made from the Emergency Assistance Account for the previous quarter.

6. The Division shall adopt such regulations as are necessary to administer the Emergency Assistance Account.

7. The Division may adopt regulations to provide for reimbursement of expenditures made from the Emergency Assistance Account. If the Division requires such reimbursement, the Attorney General shall take such action as is necessary to recover the amount of any unpaid reimbursement plus interest at a rate determined pursuant to NRS 17.130, computed from the date on which the money was removed from the Disaster Relief Account, upon request by the Division.

Sec. 31. Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a public school or private school within the jurisdiction of an agency which provides child welfare services experiences a crisis, emergency or suicide, the agency which provides child welfare services may provide counseling and other services to pupils and staff of the school upon being contacted by the principal or other person in charge of the school or his or her designated representative pursuant to NRS 388.257 or 394.1696, as applicable.

2. As used in this section:

(a) "Private school" has the meaning ascribed to it in NRS 394.103.

(b) "Public school" has the meaning ascribed to it in NRS 385.007.

(c) With reference to:

(1) A private school:

(I) "Crisis" has the meaning ascribed to it in NRS 394.1681.

(II) "Emergency" has the meaning ascribed to it in NRS 394.16823.

(III) "Suicide" has the meaning ascribed to it in section 24 of this act.

(2) A public school:

(I) "Crisis" has the meaning ascribed to it in NRS 388.231.

(II) "Emergency" has the meaning ascribed to it in NRS 388.233.

(II) "Suicide" has the meaning ascribed to it in section 8 of this act.

Sec. 32. NRS 432B.190 is hereby amended to read as follows:

432B.190 The Division of Child and Family Services shall, in consultation with each agency which provides child welfare services, adopt:

1. Regulations establishing reasonable and uniform standards for:

(a) Child welfare services provided in this State;

(b) Programs for the prevention of abuse or neglect of a child and the achievement of the permanent placement of a child;

(c) The development of local councils involving public and private organizations;

(d) Reports of abuse or neglect, records of these reports and the response to these reports;

(e) Carrying out the provisions of NRS 432B.260, including, without limitation, the qualifications of persons with whom agencies which provide child welfare services enter into agreements to provide services to children and families;

(f) The management and assessment of reported cases of abuse or neglect;

(g) The protection of the legal rights of parents and children;

(h) Emergency shelter for a child;

(i) The prevention, identification and correction of abuse or neglect of a child in residential institutions;

(j) Developing and distributing to persons who are responsible for a child's welfare a pamphlet that is written in language which is easy to understand, is available in English and in any other language the Division determines is appropriate based on the demographic characteristics of this State and sets forth:

(1) Contact information regarding persons and governmental entities which provide assistance to persons who are responsible for the welfare of children, including, without limitation, persons and entities which provide assistance to persons who are being investigated for allegedly abusing or neglecting a child;

(2) The procedures for taking a child for placement in protective custody; and

(3) The state and federal legal rights of:

(I) A person who is responsible for a child's welfare and who is the subject of an investigation of alleged abuse or neglect of a child, including, without limitation, the legal rights of such a person at the time an agency which provides child welfare services makes initial contact with the person in

the course of the investigation and at the time the agency takes the child for placement in protective custody, and the legal right of such a person to be informed of any allegation of abuse or neglect of a child which is made against the person at the initial time of contact with the person by the agency; and

(II) Persons who are parties to a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, during all stages of the proceeding; and

(k) Making the necessary inquiries required pursuant to NRS 432B.397 to determine whether a child is an Indian child.

2. Regulations, which are applicable to any person who is authorized to place a child in protective custody without the consent of the person responsible for the child's welfare, setting forth reasonable and uniform standards for establishing whether immediate action is necessary to protect the child from injury, abuse or neglect for the purposes of determining whether to place the child into protective custody pursuant to NRS 432B.390. Such standards must consider the potential harm to the child in remaining in his or her home, including, without limitation:

(a) Circumstances in which a threat of harm suggests that a child is in imminent danger of serious harm.

(b) The conditions or behaviors of the child's family which threaten the safety of the child who is unable to protect himself or herself and who is dependent on others for protection, including, without limitation, conditions or behaviors that are beyond the control of the caregiver of the child and create an imminent threat of serious harm to the child.

➥ The Division of Child and Family Services shall ensure that the appropriate persons or entities to whom the regulations adopted pursuant to this subsection apply are provided with a copy of such regulations. As used in this subsection, "serious harm" includes the threat or evidence of serious physical injury, sexual abuse, significant pain or mental suffering, extreme fear or terror, extreme impairment or disability, death, substantial impairment or risk of substantial impairment to the child's mental or physical health or development.

3. Regulations establishing procedures for:

(a) Expeditiously locating any missing child who has been placed in the custody of an agency which provides child welfare services;

(b) Determining the primary factors that contributed to a child who has been placed in the custody of an agency which provides child welfare services running away or otherwise being absent from foster care, and to the extent possible and appropriate, responding to those factors in current and subsequent placements; and

(c) Determining the experiences of a child who has been placed in the custody of an agency which provides child welfare services during any period the child was missing, including, without limitation, determining whether the child may be a victim of sexual abuse or sexual exploitation.

4. Such other regulations as are necessary for the administration of NRS 432B.010 to 432B.606, inclusive ~~[.]~~ ***, and section 31 of this act.***

Sec. 33. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 34. (Deleted by amendment.)

Sec. 35. This act becomes effective on July 1, 2018.

Assemblyman Thompson moved the adoption of the amendment.

Remarks by Assemblyman Thompson.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 368.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1060.

AN ACT relating to criminal procedure; establishing requirements concerning certain motions to suppress evidence; providing for the return and inadmissibility as evidence of property which is seized as a result of certain unlawful stops or seizures and subsequent arrests and searches; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Generally, the exclusionary rule requires courts to exclude evidence that law enforcement obtains in violation of the Fourth Amendment of the United States Constitution, which bars unreasonable searches and seizures. The United States Supreme Court and the Nevada Supreme Court recognized an exception to the exclusionary rule under the "attenuation doctrine," holding that "when [a] constitutional violation is far enough removed from the acquisition of the evidence, the violation is sufficiently 'attenuated [so] as to dissipate the taint' of the illegality and the evidence may be admitted." (*Torres v. State*, 131 Nev. Adv. Op. 2, 341 P.3d 652 (2015), citing *Wong Sun v. United States*, 171 U.S. 471, 491 (1993)) However, the Nevada Supreme Court in *Torres* held that the discovery of a warrant of arrest does not purge the taint from an illegal seizure and that the attenuation doctrine does not apply under such circumstances. *See Torres*, 131 Nev. Adv. Op. 2, at 11, 341 P.3d at 658.

In 2016, the United States Supreme Court extended the attenuation doctrine to admit evidence seized in situations in which a law enforcement officer makes an unconstitutional investigatory stop, discovers during the stop that the person stopped is the subject of an outstanding arrest warrant, arrests the person and seizes evidence in a search conducted incident to the arrest. (*Utah v. Strieff*, 579 U.S. ___, 136 S.Ct. 2056 (2016)) Pursuant to the decision of the United States Supreme Court in *Strieff*, the judgment of the Nevada Supreme Court in *Torres* was vacated and the attenuation doctrine was extended to allow the admissibility of evidence seized under such

circumstances. (*State v. Torres*, 136 S.Ct. 2505 (2016)) **Section 1.5** of this bill provides that the attenuation doctrine is not extended to permit the admissibility of evidence seized under such circumstances.

Section 1 of this bill requires that a motion to suppress evidence **:** ~~[in any criminal proceeding in which the defendant is charged with a felony or gross misdemeanor:]~~ (1) ~~[be made in the district court having jurisdiction after any preliminary hearing; (2)]~~ generally be in writing; and ~~[(3) be made in accordance]~~ **(2) if submitted in writing, comply** with all applicable provisions of law and court rules governing the procedure for filing such a motion. **However, section 1 authorizes a motion to suppress evidence which is made in justice court to be made orally unless a party requests that the motion be submitted in writing.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 174 of NRS is hereby amended by adding thereto a new section to read as follows:

~~[A motion to suppress evidence in any criminal proceeding in which the defendant is charged with a felony or gross misdemeanor must be made in the district court having jurisdiction after any preliminary hearing. Such a motion must be:]~~

1. Except as otherwise provided in subsection 2, paragraph (a) of subsection 2 of NRS 174.125 or any other provision of law, a motion to suppress evidence must be in writing . ~~[; and]~~

2. ~~[Made in accordance]~~ A motion to suppress evidence which is made in justice court may be made orally unless a party requests that the motion be submitted to the court in writing. If a party requests that the motion to suppress evidence be submitted in writing, the court must allow the parties an opportunity to brief the issue in writing.

3. A written motion to suppress evidence must comply with all applicable provisions of law and court rules governing the procedure for filing such a motion.

Sec. 1.5. NRS 179.085 is hereby amended to read as follows:

179.085 1. A person aggrieved by an unlawful search and seizure or the deprivation of property may move the court having jurisdiction where the property was seized for the return of the property on the ground that:

(a) The property was illegally seized without warrant;

(b) The warrant is insufficient on its face;

(c) There was not probable cause for believing the existence of the grounds on which the warrant was issued;

(d) The warrant was illegally executed; or

(e) Retention of the property by law enforcement is not reasonable under the totality of the circumstances.

➥ The judge shall receive evidence on any issue of fact necessary to the decision of the motion.

2. If the motion is granted on a ground set forth in paragraph (a), (b), (c) or (d) of subsection 1, the property must be restored and it must not be admissible evidence at any hearing or trial.

3. If the motion is granted on the ground set forth in paragraph (e) of subsection 1, the property must be restored, but the court may impose reasonable conditions to protect access to the property and its use in later proceedings.

4. ***If a peace officer:***

(a) Makes an unlawful stop or seizure of a person;

(b) Discovers that there is an outstanding warrant for the arrest of the person;

(c) Arrests the person pursuant to the outstanding warrant of arrest;

(d) Conducts a search pursuant to that arrest; and

(e) Seizes property which is discovered during that search,

➥ a person aggrieved by the seizure or the deprivation of the property may move the court having jurisdiction where the property was seized for the return of the property on the ground that the property was seized as the result of an unlawful stop or seizure. The judge shall receive evidence on any issue of fact necessary to the decision of the motion. If the motion is granted, the property must be restored and it must not be admissible evidence at any hearing or trial. For the purposes of this subsection, the discovery of an outstanding warrant of arrest shall be deemed not to purge the taint of an unlawful stop or seizure and not to attenuate the connection between the unlawful stop or seizure and the seizure of property during a search incident to an arrest pursuant to the outstanding warrant of arrest.

5. A motion to suppress evidence on any ground set forth in paragraphs (a) to (d), inclusive, of subsection 1 ~~[may also]~~ ***or pursuant to subsection 4 must*** be made in ~~[the court where the trial is to be had. The motion must be made before trial or hearing unless opportunity therefor did not exist or the defendant was not aware of the grounds for the motion, but the court in its discretion may entertain the motion at the trial or hearing.~~

~~5.]~~ ***accordance with NRS 174.125 and section 1 of this act.***

6. If a motion pursuant to this section is filed when no criminal proceeding is pending, the motion must be treated as a civil complaint seeking equitable relief.

Sec. 2. ~~[NRS 189.120 is hereby amended to read as follows:~~

~~189.120 1. [The] *In a case in which a defendant is charged only with any misdemeanor offense and not any offense that is a gross misdemeanor or felony, the* State may appeal to the district court from an order of a justice court granting the motion of [a] *the* defendant to suppress evidence.~~

~~2. Such an appeal [shall] *must* be taken:~~

~~(a) Within 2 days after the rendition of such an order during a trial . [or preliminary examination.]~~

~~(b) Within 5 days after the rendition of such an order before a trial . [or preliminary examination.]~~

~~3. Upon perfecting such an appeal:~~

~~(a) After the commencement of a trial , [or preliminary examination,] further proceedings in the trial [shall] *must* be stayed pending the final determination of the appeal.~~

~~(b) Before trial , [or preliminary examination,] the time limitation within which a defendant [shall] *must* be brought to trial [shall] *must* be extended for the period necessary for the final determination of the appeal.]~~ **(Deleted by amendment.)**

Sec. 3. This act becomes effective upon passage and approval.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 410.

Bill read third time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 829.

AN ACT relating to driving; revising provisions relating to the punishment imposed for certain unauthorized speed contests or certain acts of reckless driving if the unauthorized speed contests or reckless driving proximately cause the death of or substantial bodily harm to another person; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, it is considered reckless driving if a person drives a vehicle in or organizes an unauthorized speed contest on a public highway, or if the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle while the driver is violating certain traffic laws concerning: (1) the duty of due care to pedestrians and persons riding bicycles; (2) crosswalks; (3) school crossing guards, school zones and school crossing zones; and (4) speeding. (NRS 484B.270, 484B.280, 484B.283, 484B.350, 484B.363, 484B.600, 484B.653) A person who commits reckless driving under such circumstances, or a person who organizes an unauthorized speed contest on a public highway, is guilty of a misdemeanor and, in addition to any punishment for the underlying traffic offense, shall be punished by a fine and community service, and may be imprisoned in the county jail for not more than 6 months. The punishment also includes a driver's license suspension, and may include the impoundment of any vehicle registered to the violator if the vehicle is used in the unauthorized speed contest. (NRS 484B.653) **Section 9** of this bill newly provides that such a person, if his or her violation proximately causes the death of or substantial bodily harm to another person, is guilty of a ~~[category B felony]~~ **gross misdemeanor** and shall be punished by imprisonment in the ~~[state prison for a minimum term of]~~ **county jail for** not ~~[less]~~ **more** than ~~[1~~

~~year and a maximum term of not more than 6 years and~~] **364 days, or** by a fine of not less than $2,000 but not more than $5,000 ~~.~~] **, or by both a fine and imprisonment.** **Sections 1-8** of this bill make conforming changes to various provisions of ~~[~~NRS~~]~~ **existing law** concerning the underlying traffic offenses.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 483.460 is hereby amended to read as follows:

483.460 1. Except as otherwise provided by specific statute, the Department shall revoke the license, permit or privilege of any driver upon receiving a record of his or her conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:

(a) For a period of 3 years if the offense is:

(1) A violation of subsection 6 ***or 7*** of NRS 484B.653.

(2) A third or subsequent violation within 7 years of NRS 484C.110 or 484C.120.

(3) A violation of NRS 484C.110 or 484C.120 resulting in a felony conviction pursuant to NRS 484C.400 or 484C.410.

(4) A violation of NRS 484C.430 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430.

➥ The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment and the period of revocation must resume when the Department is notified pursuant to NRS 209.517 or 213.12185 that the person has completed the period of imprisonment or that the person has been placed on residential confinement or parole.

(b) For a period of 1 year if the offense is:

(1) Any other manslaughter, including vehicular manslaughter as described in NRS 484B.657, resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.

(2) Failure to stop and render aid as required pursuant to the laws of this State in the event of a motor vehicle crash resulting in the death or bodily injury of another.

(3) Perjury or the making of a false affidavit or statement under oath to the Department pursuant to NRS 483.010 to 483.630, inclusive, or pursuant to any other law relating to the ownership or driving of motor vehicles.

(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.

(5) A second violation within 7 years of NRS 484C.110 or 484C.120 and the driver is not eligible for a restricted license during any of that period.

(6) A violation of NRS 484B.550.

(c) For a period of 90 days, if the offense is a first violation within 7 years of NRS 484C.110 or 484C.120.

2. The Department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484C.110 or 484C.120 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege to drive.

3. When the Department is notified by a court that a person who has been convicted of a first violation within 7 years of NRS 484C.110 has been permitted to enter a program of treatment pursuant to NRS 484C.320, the Department shall reduce by one-half the period during which the person is not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if notified that the person was not accepted for or failed to complete the treatment.

4. The Department shall revoke the license, permit or privilege to drive of a person who is required to install a device pursuant to NRS 484C.460 but who operates a motor vehicle without such a device:

(a) For 3 years, if it is his or her first such offense during the period of required use of the device.

(b) For 5 years, if it is his or her second such offense during the period of required use of the device.

5. A driver whose license, permit or privilege is revoked pursuant to subsection 4 is not eligible for a restricted license during the period set forth in paragraph (a) or (b) of that subsection, whichever applies.

6. In addition to any other requirements set forth by specific statute, if the Department is notified that a court has ordered the revocation, suspension or delay in the issuance of a license pursuant to title 5 of NRS, NRS 176.064, 206.330 or 392.148, chapters 484A to 484E, inclusive, of NRS or any other provision of law, the Department shall take such actions as are necessary to carry out the court's order.

7. As used in this section, "device" has the meaning ascribed to it in NRS 484C.450.

Sec. 2. NRS 483.490 is hereby amended to read as follows:

483.490 1. Except as otherwise provided in this section, after a driver's license has been suspended or revoked for an offense other than a second violation within 7 years of NRS 484C.110, and one-half of the period during which the driver is not eligible for a license has expired, the Department may, unless the statute authorizing the suspension prohibits the issuance of a restricted license, issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) To and from work or in the course of his or her work, or both; or

(b) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself, herself or a member of his or her immediate family.

➥ Before a restricted license may be issued, the applicant must submit sufficient documentary evidence to satisfy the Department that a severe hardship exists because the applicant has no alternative means of transportation and that the severe hardship outweighs the risk to the public if the applicant is issued a restricted license.

2. A person who has been ordered to install a device in a motor vehicle pursuant to NRS 484C.460:

(a) Shall install the device not later than 21 days after the date on which the order was issued; and

(b) May not receive a restricted license pursuant to this section until:

(1) After at least 1 year of the period during which the person is not eligible for a license, if the person was convicted of:

(I) A violation of NRS 484C.430 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or

(II) A violation of NRS 484C.110 that is punishable as a felony pursuant to NRS 484C.410 or 484C.420;

(2) After at least 180 days of the period during which the person is not eligible for a license, if the person was convicted of a violation of subsection 6 ***or 7*** of NRS 484B.653; or

(3) After at least 45 days of the period during which the person is not eligible for a license, if the person was convicted of a first violation within 7 years of NRS 484C.110.

3. If the Department has received a copy of an order requiring a person to install a device in a motor vehicle pursuant to NRS 484C.460, the Department shall not issue a restricted driver's license to such a person pursuant to this section unless the applicant has submitted proof of compliance with the order and subsection 2.

4. Except as otherwise provided in NRS 62E.630, after a driver's license has been revoked or suspended pursuant to title 5 of NRS or NRS 392.148, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his or her work, or both; or

(b) If applicable, to and from school.

5. After a driver's license has been suspended pursuant to NRS 483.443, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his or her work, or both;

(b) To receive regularly scheduled medical care for himself, herself or a member of his or her immediate family; or

(c) If applicable, as necessary to exercise a court-ordered right to visit a child.

6. A driver who violates a condition of a restricted license issued pursuant to subsection 1 or by another jurisdiction is guilty of a misdemeanor and, if the license of the driver was suspended or revoked for:

(a) A violation of NRS 484C.110, 484C.210 or 484C.430;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b),

➥ the driver shall be punished in the manner provided pursuant to subsection 2 of NRS 483.560.

7. The periods of suspensions and revocations required pursuant to this chapter and NRS 484C.210 must run consecutively, except as otherwise provided in NRS 483.465 and 483.475, when the suspensions must run concurrently.

8. Whenever the Department suspends or revokes a license, the period of suspension, or of ineligibility for a license after the revocation, begins upon the effective date of the revocation or suspension as contained in the notice thereof.

Sec. 3. NRS 484B.270 is hereby amended to read as follows:

484B.270 1. The driver of a motor vehicle shall not intentionally interfere with the movement of a person lawfully riding a bicycle or an electric bicycle.

2. When overtaking or passing a bicycle or electric bicycle proceeding in the same direction, the driver of a motor vehicle shall exercise due care and:

(a) If there is more than one lane for traffic proceeding in the same direction, move the vehicle to the lane to the immediate left, if the lane is available and moving into the lane is reasonably safe; or

(b) If there is only one lane for traffic proceeding in the same direction, pass to the left of the bicycle or electric bicycle at a safe distance, which must be not less than 3 feet between any portion of the vehicle and the bicycle or electric bicycle, and shall not move again to the right side of the highway until the vehicle is safely clear of the overtaken bicycle or electric bicycle.

3. The driver of a motor vehicle shall yield the right-of-way to any person riding a bicycle or an electric bicycle or a pedestrian as provided in subsection 6 of NRS 484B.297 on the pathway or lane. The driver of a motor vehicle shall not enter, stop, stand, park or drive within a pathway or lane provided for bicycles or electric bicycles except:

(a) When entering or exiting an alley or driveway;

(b) When operating or parking a disabled vehicle;

(c) To avoid conflict with other traffic;

(d) In the performance of official duties;

(e) In compliance with the directions of a police officer; or

(f) In an emergency.

4. Except as otherwise provided in subsection 3, the driver of a motor vehicle shall not enter or proceed through an intersection while driving within a pathway or lane provided for bicycles or electric bicycles.

5. The driver of a motor vehicle shall:

(a) Exercise due care to avoid a collision with a person riding a bicycle or an electric bicycle; and

(b) Give an audible warning with the horn of the vehicle if appropriate and when necessary to avoid such a collision.

6. If, while violating any provision of subsections 1 to 5, inclusive, the driver of a motor vehicle is the proximate cause of a collision with a person riding a bicycle, the driver is subject to the additional penalty set forth in subsection 4 ***or 7*** of NRS 484B.653.

7. The operator of a bicycle or an electric bicycle shall not:

(a) Intentionally interfere with the movement of a motor vehicle; or

(b) Overtake and pass a motor vehicle unless the operator can do so safely without endangering himself or herself or the occupants of the motor vehicle.

Sec. 4. NRS 484B.280 is hereby amended to read as follows:

484B.280 1. A driver of a motor vehicle shall:

(a) Exercise due care to avoid a collision with a pedestrian;

(b) Give an audible warning with the horn of the vehicle if appropriate and when necessary to avoid such a collision; and

(c) Exercise proper caution upon observing a pedestrian:

(1) On or near a highway, street or road;

(2) At or near a bus stop or bench, shelter or transit stop for passengers of public mass transportation or in the act of boarding a bus or other public transportation vehicle; or

(3) In or near a school zone or a school crossing zone marked in accordance with NRS 484B.363 or a marked or unmarked crosswalk.

2. If, while violating any provision of this section, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian, the driver is subject to the additional penalty set forth in subsection 4 ***or 7*** of NRS 484B.653.

3. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in NRS 484B.135.

Sec. 5. NRS 484B.283 is hereby amended to read as follows:

484B.283 1. Except as otherwise provided in NRS 484B.287, 484B.290 and 484B.350:

(a) When official traffic-control devices are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be so to yield, to a pedestrian crossing the highway within a crosswalk when the pedestrian is upon the half of the highway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the highway as to be in danger.

(b) A pedestrian shall not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(c) Whenever a vehicle is stopped at a marked crosswalk or at an unmarked crosswalk at an intersection, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle until the driver has determined that the vehicle being overtaken was not stopped for the purpose of permitting a pedestrian to cross the highway.

(d) Whenever signals exhibiting the words "Walk" or "Don't Walk" are in place, such signals indicate as follows:

(1) While the "Walk" indication is illuminated, pedestrians facing the signal may proceed across the highway in the direction of the signal and must be given the right-of-way by the drivers of all vehicles.

(2) While the "Don't Walk" indication is illuminated, either steady or flashing, a pedestrian shall not start to cross the highway in the direction of the signal, but any pedestrian who has partially completed the crossing during the "Walk" indication shall proceed to a sidewalk, or to a safety zone if one is provided.

(3) Whenever the word "Wait" still appears in a signal, the indication has the same meaning as assigned in this section to the "Don't Walk" indication.

(4) Whenever a signal system provides a signal phase for the stopping of all vehicular traffic and the exclusive movement of pedestrians, and "Walk" and "Don't Walk" indications control pedestrian movement, pedestrians may cross in any direction between corners of the intersection offering the shortest route within the boundaries of the intersection when the "Walk" indication is exhibited, and when signals and other official traffic-control devices direct pedestrian movement in the manner provided in this section and in NRS 484B.307.

2. If, while violating paragraph (a) or (c) of subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian, the driver is subject to the additional penalty set forth in subsection 4 ***or 7*** of NRS 484B.653.

3. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in NRS 484B.135.

Sec. 6. NRS 484B.350 is hereby amended to read as follows:

484B.350 1. The driver of a vehicle:

(a) Shall stop in obedience to the direction or traffic-control signal of a school crossing guard; and

(b) Shall not proceed until the highway is clear of all persons, including, without limitation, the school crossing guard.

2. A person who violates subsection 1 is guilty of a misdemeanor.

3. If, while violating subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle,

the driver is subject to the additional penalty set forth in subsection 4 ***or 7*** of NRS 484B.653.

4. As used in this section, "school crossing guard" means a volunteer or paid employee of a local authority, local law enforcement agency or school district whose duties include assisting pupils to cross a highway.

Sec. 7. NRS 484B.363 is hereby amended to read as follows:

484B.363 1. A person shall not drive a motor vehicle at a speed in excess of 15 miles per hour in an area designated as a school zone except:

(a) On a day on which school is not in session;

(b) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;

(c) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or

(d) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone indicates that the speed limit is not in effect.

2. A person shall not drive a motor vehicle at a speed in excess of 25 miles per hour in an area designated as a school crossing zone except:

(a) On a day on which school is not in session;

(b) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;

(c) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or

(d) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone indicates that the speed limit is not in effect.

3. The driver of a vehicle shall not make a U-turn in an area designated as a school zone or school crossing zone except:

(a) When there are no children present;

(b) On a day on which school is not in session;

(c) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;

(d) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or

(e) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone or school crossing zone indicates that the speed limit is not in effect.

4. The driver of a vehicle shall not overtake and pass another vehicle traveling in the same direction in an area designated as a school zone or school crossing zone except:

(a) On a day on which the school is not in session;

(b) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;

(c) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or

(d) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone or school crossing zone indicates that the speed limit is not in effect.

5. The governing body of a local government or the Department of Transportation shall designate school zones and school crossing zones. An area must not be designated as a school zone if imposing a speed limit of 15 miles per hour would be unsafe because of higher speed limits in adjoining areas.

6. Each such governing body and the Department of Transportation shall provide signs to mark the beginning and end of each school zone and school crossing zone which it respectively designates. Each sign marking the beginning of such a zone must include a designation of the hours when the speed limit is in effect or that the speed limit is in effect when children are present.

7. With respect to each school zone and school crossing zone in a school district, the superintendent of the school district or his or her designee, in conjunction with the Department of Transportation and the governing body of the local government that designated the school zone or school crossing zone and after consulting with the principal of the school and the agency that is responsible for enforcing the speed limit in the zone, shall determine the times when the speed limit is in effect.

8. If, while violating any provision of subsections 1 to 4, inclusive, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the driver is subject to the additional penalty set forth in subsection 4 ***or 7*** of NRS 484B.653.

9. As used in this section, "speed limit beacon" means a device which is used in conjunction with a sign and equipped with two or more yellow lights that flash alternately to indicate when the speed limit in a school zone or school crossing zone is in effect.

Sec. 8. NRS 484B.600 is hereby amended to read as follows:

484B.600 1. It is unlawful for any person to drive or operate a vehicle of any kind or character at:

(a) A rate of speed greater than is reasonable or proper, having due regard for the traffic, surface and width of the highway, the weather and other highway conditions.

(b) Such a rate of speed as to endanger the life, limb or property of any person.

(c) A rate of speed greater than that posted by a public authority for the particular portion of highway being traversed.

(d) In any event, a rate of speed greater than 80 miles per hour.

2. If, while violating any provision of subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the driver is subject to the additional penalty set forth in subsection 4 ***or 7*** of NRS 484B.653.

3. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in NRS 484B.130 or 484B.135.

Sec. 9. NRS 484B.653 is hereby amended to read as follows:

484B.653 1. It is unlawful for a person to:

(a) Drive a vehicle in willful or wanton disregard of the safety of persons or property.

(b) Drive a vehicle in an unauthorized speed contest on a public highway.

(c) Organize an unauthorized speed contest on a public highway.

➥ A violation of paragraph (a) or (b) of this subsection or subsection 1 of NRS 484B.550 constitutes reckless driving.

2. If, while violating the provisions of subsections 1 to 5, inclusive, of NRS 484B.270, NRS 484B.280, paragraph (a) or (c) of subsection 1 of NRS 484B.283, NRS 484B.350, subsections 1 to 4, inclusive, of NRS 484B.363 or subsection 1 of NRS 484B.600, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the violation constitutes reckless driving.

3. A person who violates paragraph (a) of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense, shall be punished:

(1) By a fine of not less than $250 but not more than $1,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(b) For the second offense, shall be punished:

(1) By a fine of not less than $1,000 but not more than $1,500; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense, shall be punished:

(1) By a fine of not less than $1,500 but not more than $2,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

4. ~~[~~A~~]~~ ***Except as otherwise provided in subsection 7, a*** person who violates paragraph (b) or (c) of subsection 1 or commits a violation which constitutes reckless driving pursuant to subsection 2 is guilty of a misdemeanor and:

(a) For the first offense:

(1) Shall be punished by a fine of not less than $250 but not more than $1,000;

(2) Shall perform not less than 50 hours, but not more than 99 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense:

(1) Shall be punished by a fine of not less than $1,000 but not more than $1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense:

(1) Shall be punished by a fine of not less than $1,500 but not more than $2,000;

(2) Shall perform 200 hours of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

5. In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection 4 ~~[,]~~ ***or 7,*** the court:

(a) Shall issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;

(b) Within 5 days after issuing an order pursuant to paragraph (a), shall forward to the Department any licenses, together with a copy of the order;

(c) For the first offense, may issue an order impounding, for a period of 15 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense; and

(d) For the second and each subsequent offense, shall issue an order impounding, for a period of 30 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense.

6. Unless a greater penalty is provided pursuant to subsection 4 of NRS 484B.550, a person who does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle in willful or wanton disregard of the safety of persons or property, if the act or neglect of duty proximately causes the death of or substantial bodily harm to another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not less than $2,000 but not more than $5,000.

7. ***Unless a greater penalty is provided pursuant to subsection 4 of NRS 484B.550, a person who violates paragraph (b) or (c) of subsection 1 or commits a violation which constitutes reckless driving pursuant to subsection 2, if the violation proximately causes the death of or substantial bodily harm to another person, is guilty of a ~~[category B felony]~~ gross misdemeanor and shall be punished by imprisonment in the ~~[state prison]~~ county jail for ~~[a minimum term of]~~ not ~~[less]~~ more than ~~[1 year and a maximum term of not more than 6 years and]~~ 364 days, or by a fine of not less than $2,000 but not more than $5,000 ~~[.]~~ , or by both a fine and imprisonment.***

8. A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135 unless the person is subject to the penalty provided pursuant to subsection 4 of NRS 484B.550.

~~[8.]~~ ***9.*** As used in this section, "organize" means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized speed contest on a public highway, regardless of whether a fee is charged for attending the unauthorized speed contest.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 428.

Bill read third time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 1056.

AN ACT relating to license plates; providing for the issuance of special license plates indicating support for Tule Springs State Park; ~~[providing for the issuance of special license plates indicating support for certain professional sports teams; exempting the special license plates from certain provisions otherwise applicable to special license plates;]~~ imposing a fee for the issuance and renewal of such license plates; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1.3 of this bill provides for the issuance of special license plates indicating support for Tule Springs State Park. The fees generated by the special license plates that are in addition to all other applicable registration and license fees and governmental services taxes are required to be deposited with the State Treasurer, who must, on a quarterly basis, distribute the fees to the Ice Age Park Foundation or its successor for use in programs, projects and activities in support of Tule Springs State Park. The special license plates must be approved by the Commission on Special License Plates and, after approval, must not be issued until one of the 30 design slots for the special

license plates becomes available. (NRS 482.367004, 482.367008, 482.36705) **Sections 2-5, 6 and 7-10** of this bill make conforming changes to various sections referring to the special license plates. This bill does not require, as a prerequisite to design, preparation and issuance, that the special license plates receive a minimum number of applications, but does require the posting of a surety bond with the Department of Motor Vehicles.

~~[Section 1.7 of this bill requires the Department to design, prepare and issue special license plates indicating support for any professional major league sports team based in Nevada that requests such a plate and meets certain requirements. A person wishing to obtain the special license plates must pay to the Department a fee of $35 for initial issuance and $10 for renewal, as well as all applicable registration and licensing fees and governmental services taxes. This bill does not require, as a prerequisite to design, preparation and issuance, the posting of a surety bond with the Department, but does require the Department to adopt regulations which provide a procedure whereby the sports team would pay for the production of the plates. Sections 5.5-6.5 of this bill exempt the special license plates indicating support for such a sports team from requirements for: (1) a recommendation from the Commission; (2) waiting for one of the 30 design slots for special license plates to become available; and (3) a minimum number of applications for the special license plate. Sections 2-5 and 7-10 of this bill make conforming changes.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 482 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.7 of this act.

Sec. 1.3. ***1. Except as otherwise provided in subsection 2, the Department, in conjunction with the Ice Age Park Foundation or its successor, shall design, prepare and issue license plates which indicate support for Tule Springs State Park, using any colors that the Department deems appropriate.***

2. The Department shall not design, prepare or issue the license plates described in subsection 1 unless:

(a) The Commission on Special License Plates recommends to the Department that the Department approve the design, preparation and issuance of those plates as described in NRS 482.367004; and

(b) A surety bond in the amount of $5,000 is posted with the Department.

3. If the conditions set forth in subsection 2 are met, the Department shall issue license plates which indicate support for Tule Springs State Park for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige

license plates issued pursuant to NRS 482.3667 be combined with license plates which indicate support for Tule Springs State Park if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates which indicate support for Tule Springs State Park pursuant to subsections 4 and 5.

4. The fee for license plates which indicate support for Tule Springs State Park is $35, in addition to all other applicable registration and license fees and governmental services tax. The license plates are renewable upon the payment of $10.

5. In addition to all other applicable registration and license fees and governmental services tax and the fee prescribed pursuant to subsection 4, a person who requests a set of license plates which indicate support for Tule Springs State Park must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20, to be deposited in accordance with subsection 6.

6. Except as otherwise provided in NRS 482.38279, the Department shall deposit the fees collected pursuant to subsection 5 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection to the Ice Age Park Foundation or its successor for use in programs, projects and activities in support of Tule Springs State Park.

7. The Department shall promptly release the surety bond that is required to be posted pursuant to paragraph (b) of subsection 2 if:

(a) The Department, based upon the recommendation of the Commission on Special License Plates, determines not to issue the special license plate; or

(b) It is determined that at least 1,000 special license plates have been issued pursuant to the assessment of the viability of the design of the special license plate conducted pursuant to NRS 482.367008.

8. The provisions of paragraph (a) of subsection 1 of NRS 482.36705 do not apply to license plates described in this section.

9. If, during a registration period, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 1.7. ***[1. The Department, in cooperation with any professional major league sports team based in Nevada which meets the requirements of this section, shall design, prepare and issue license plates that indicate support for the sports team using any colors and designs which the Department deems appropriate.***

~~*— 2. The Department shall issue license plates that indicate support for the sports team for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates that indicate support for the sports team if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates that indicate support for the sports team pursuant to subsection 1.*~~

~~*— 3. The fee for license plates which indicate support for the sports team is $35, in addition to all other applicable registration and license fees and governmental services tax. The license plates are renewable upon the payment of $10.*~~

~~*— 4. The provisions of NRS 482.36705 do not apply to license plates described in this section.*~~

~~*— 5. If, during a registration period, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:*~~

~~*— (a) Retain the plates and affix them to another vehicle that meets the requirements of this section; or*~~

~~*— (b) Within 30 days after removing the plates from the vehicle, return them to the Department.*~~

~~*— 6. The Department shall adopt regulations providing for the production and issuance of the special license plates pursuant to this section. The regulations must include, without limitation:*~~

~~*— (a) A definition of the term "professional major league sports team";*~~

~~*— (b) The procedure by which such a sports team may apply to have a special license plate produced and issued pursuant to this section; and*~~

~~*— (c) Provisions for payment by such a sports team for the costs of production and issuance of such a special license plate.*~~

~~*— 7. All money received pursuant to subsection 6 must be deposited in the Revolving Account for the Issuance of Special License Plates created by NRS 482.1805.]*~~ **(Deleted by amendment.)**

Sec. 2. NRS 482.2065 is hereby amended to read as follows:

482.2065 1. A trailer may be registered for a 3-year period as provided in this section.

2. A person who registers a trailer for a 3-year period must pay upon registration all fees and taxes that would be due during the 3-year period if he or she registered the trailer for 1 year and renewed that registration for 2 consecutive years immediately thereafter, including, without limitation:

(a) Registration fees pursuant to NRS 482.480 and 482.483.

(b) A fee for each license plate issued pursuant to NRS 482.268.

(c) Fees for the initial issuance, reissuance and renewal of a special license plate pursuant to NRS 482.265, if applicable.

(d) Fees for the initial issuance and renewal of a personalized prestige license plate pursuant to NRS 482.367, if applicable.

(e) Additional fees for the initial issuance and renewal of a special license plate issued pursuant to NRS 482.3667 to 482.3823, inclusive, ***and ~~[sections]~~ section 1.3 ~~[and 1.7]~~ of this act,*** which are imposed to generate financial support for a particular cause or charitable organization, if applicable.

(f) Governmental services taxes imposed pursuant to chapter 371 of NRS, as provided in NRS 482.260.

(g) The applicable taxes imposed pursuant to chapters 372, 374, 377 and 377A of NRS.

3. A license plate issued pursuant to this section will be reissued as provided in NRS 482.265 except that such reissuance will be done at the first renewal after the license plate has been issued for not less than 8 years.

4. As used in this section, the term "trailer" does not include a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483.

Sec. 3. NRS 482.216 is hereby amended to read as follows:

482.216 1. Except as otherwise provided in NRS 482.2155, upon the request of a new vehicle dealer, the Department may authorize the new vehicle dealer to:

(a) Accept applications for the registration of the new motor vehicles he or she sells and the related fees and taxes;

(b) Issue certificates of registration to applicants who satisfy the requirements of this chapter; and

(c) Accept applications for the transfer of registration pursuant to NRS 482.399 if the applicant purchased from the new vehicle dealer a new vehicle to which the registration is to be transferred.

2. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall:

(a) Transmit the applications received to the Department within the period prescribed by the Department;

(b) Transmit the fees collected from the applicants and properly account for them within the period prescribed by the Department;

(c) Comply with the regulations adopted pursuant to subsection 5; and

(d) Bear any cost of equipment which is necessary to issue certificates of registration, including any computer hardware or software.

3. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall not:

(a) Charge any additional fee for the performance of those services;

(b) Receive compensation from the Department for the performance of those services;

(c) Accept applications for the renewal of registration of a motor vehicle; or

(d) Accept an application for the registration of a motor vehicle if the applicant wishes to:

(1) Obtain special license plates pursuant to NRS 482.3667 to 482.3823, inclusive ~~[;]~~ ***, and ~~[sections]~~ section 1.3 ~~[and 1.7]~~ of this act;*** or

(2) Claim the exemption from the governmental services tax provided pursuant to NRS 361.1565 to veterans and their relations.

4. The provisions of this section do not apply to the registration of a moped pursuant to NRS 482.2155.

5. The Director shall adopt such regulations as are necessary to carry out the provisions of this section. The regulations adopted pursuant to this subsection must provide for:

(a) The expedient and secure issuance of license plates and decals by the Department; and

(b) The withdrawal of the authority granted to a new vehicle dealer pursuant to subsection 1 if that dealer fails to comply with the regulations adopted by the Department.

Sec. 4. NRS 482.2703 is hereby amended to read as follows:

482.2703 1. The Director may order the preparation of sample license plates which must be of the same design and size as regular license plates or license plates issued pursuant to NRS 482.384. The Director shall ensure that:

(a) Each license plate issued pursuant to this subsection, regardless of its design, is inscribed with the word SAMPLE and an identical designation which consists of the same group of three numerals followed by the same group of three letters; and

(b) The designation of numerals and letters assigned pursuant to paragraph (a) is not assigned to a vehicle registered pursuant to this chapter or chapter 706 of NRS.

2. The Director may order the preparation of sample license plates which must be of the same design and size as any of the special license plates issued pursuant to NRS 482.3667 to 482.3823, inclusive ~~[.]~~ ***, and ~~[sections]~~ section 1.3 ~~[and 1.7]~~ of this act.*** The Director shall ensure that:

(a) Each license plate issued pursuant to this subsection, regardless of its design, is inscribed with the word SAMPLE and the number zero in the location where any other numerals would normally be displayed on a license plate of that design; and

(b) The number assigned pursuant to paragraph (a) is not assigned to a vehicle registered pursuant to this chapter or chapter 706 of NRS.

3. The Director may establish a fee for the issuance of sample license plates of not more than $15 for each license plate.

4. A decal issued pursuant to NRS 482.271 may be displayed on a sample license plate issued pursuant to this section.

5. All money collected from the issuance of sample license plates must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

6. A person shall not affix a sample license plate issued pursuant to this section to a vehicle. A person who violates the provisions of this subsection is guilty of a misdemeanor.

Sec. 5. NRS 482.274 is hereby amended to read as follows:

482.274 1. The Director shall order the preparation of vehicle license plates for trailers in the same manner provided for motor vehicles in NRS 482.270, except that a vehicle license plate prepared for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 is not required to have displayed upon it the month and year the registration expires.

2. The Director shall order preparation of two sizes of vehicle license plates for trailers. The smaller plates may be used for trailers with a gross vehicle weight of less than 1,000 pounds.

3. The Director shall determine the registration numbers assigned to trailers.

4. Any license plates issued for a trailer before July 1, 1975, bearing a different designation from that provided for in this section, are valid during the period for which such plates were issued.

5. The Department shall not issue for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 a special license plate available pursuant to NRS 482.3667 to 482.3823, inclusive ~~[.]~~ ***, and ~~[sections]~~ section 1.3 ~~[and 1.7]~~ of this act.***

Sec. 5.5. ~~[~~NRS 482.367004 is hereby amended to read as follows:

482.367004 1. There is hereby created the Commission on Special License Plates. The Commission is advisory to the Department and consists of five Legislators and three nonvoting members as follows:

(a) Five Legislators appointed by the Legislative Commission:

(1) One of whom is the Legislator who served as the Chair of the Assembly Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Assembly Standing Committee on Transportation during the most recent legislative session.

(2) One of whom is the Legislator who served as the Chair of the Senate Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Senate Standing Committee on Transportation during the most recent legislative session.

(b) Three nonvoting members consisting of:

(1) The Director of the Department of Motor Vehicles, or a designee of the Director.

(2) The Director of the Department of Public Safety, or a designee of the Director.

(3) The Director of the Department of Tourism and Cultural Affairs, or a designee of the Director.

2. Each member of the Commission appointed pursuant to paragraph (a) of subsection 1 serves a term of 2 years, commencing on July 1 of each odd-

~~numbered year. A vacancy on the Commission must be filled in the same manner as the original appointment.~~

~~— 3. Members of the Commission serve without salary or compensation for their travel or per diem expenses.~~

~~— 4. The Director of the Legislative Counsel Bureau shall provide administrative support to the Commission.~~

~~— 5. The Commission shall recommend to the Department that the Department approve or disapprove:~~

~~— (a) Applications for the design, preparation and issuance of special license plates that are submitted to the Department pursuant to subsection 1 of NRS 482.367002;~~

~~— (b) The issuance by the Department of special license plates that have been designed and prepared pursuant to NRS 482.367002; and~~

~~— (c) Except as otherwise provided in subsection 7, applications for the design, preparation and issuance of special license plates that have been authorized by an act of the Legislature after January 1, 2007.~~

~~➥ In determining whether to recommend to the Department the approval of such an application or issuance, the Commission shall consider, without limitation, whether it would be appropriate and feasible for the Department to, as applicable, design, prepare or issue the particular special license plate. For the purpose of making recommendations to the Department, the Commission shall consider each application in the chronological order in which the application was received by the Department.~~

~~— 6. On or before September 1 of each fiscal year, the Commission shall compile a list of each special license plate for which the Commission, during the immediately preceding fiscal year, recommended to the Department that the Department approve the application for the special license plate or approve the issuance of the special license plate. The list so compiled must set forth, for each such plate, the cause or charitable organization for which the special license plate generates or would generate financial support, and the intended use to which the financial support is being put or would be put. The Commission shall transmit the information described in this subsection to the Department and the Department shall make that information available on its Internet website.~~

~~— 7. The provisions of paragraph (c) of subsection 5 do not apply with regard to special license plates that are issued pursuant to NRS 482.3751, 482.3752, 482.3757, 482.3783, 482.3785, 482.3787 or 482.37901~~ **~~[.] or section 1.7 of this act.~~**

~~— 8. The Commission shall:~~

~~— (a) Recommend to the Department that the Department approve or disapprove any proposed change in the distribution of money received in the form of additional fees. As used in this paragraph, "additional fees" means the fees that are charged in connection with the issuance or renewal of a special license plate for the benefit of a particular cause, fund or charitable~~

~~organization. The term does not include registration and license fees or governmental services taxes.~~

~~(b) If it recommends a proposed change pursuant to paragraph (a) and determines that legislation is required to carry out the change, recommend to the Department that the Department request the assistance of the Legislative Counsel in the preparation of a bill draft to carry out the change.~~**] (Deleted by amendment.)**

Sec. 6. NRS 482.367008 is hereby amended to read as follows:

482.367008 1. As used in this section, "special license plate" means:

(a) A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application and petition described in that section;

(b) A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37905, 482.37917, 482.379175, 482.37918, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.379375, 482.37938, 482.37939, 482.37945 or 482.37947 ~~[,]~~ ***or section 1.3 of this act;*** and

(c) Except for a license plate that is issued pursuant to NRS 482.3751, 482.3752, 482.3757, 482.3783, 482.3785, 482.3787 or 482.37901, ~~***[or section 1.7 of this act,]***~~ a license plate that is approved by the Legislature after July 1, 2005.

2. Notwithstanding any other provision of law to the contrary, and except as otherwise provided in subsection 3, the Department shall not, at any one time, issue more than 30 separate designs of special license plates. Whenever the total number of separate designs of special license plates issued by the Department at any one time is less than 30, the Department shall issue a number of additional designs of special license plates that have been authorized by an act of the Legislature or the application for which has been recommended by the Commission on Special License Plates to be approved by the Department pursuant to subsection 5 of NRS 482.367004, not to exceed a total of 30 designs issued by the Department at any one time. Such additional designs must be issued by the Department in accordance with the chronological order of their authorization or approval by the Department.

3. In addition to the special license plates described in subsection 2, the Department may issue not more than five separate designs of special license plates in excess of the limit set forth in that subsection. To qualify for issuance pursuant to this subsection:

(a) The Commission on Special License Plates must have recommended to the Department that the Department approve the design, preparation and issuance of the special plates as described in paragraphs (a) and (b) of subsection 5 of NRS 482.367004; and

(b) The special license plates must have been applied for, designed, prepared and issued pursuant to NRS 482.367002, except that:

(1) The application for the special license plates must be accompanied by a surety bond posted with the Department in the amount of $20,000; and

(2) Pursuant to the assessment of the viability of the design of the special license plates that is conducted pursuant to this section, it is determined that at least 3,000 special license plates have been issued.

4. Except as otherwise provided in this subsection, on October 1 of each year the Department shall assess the viability of each separate design of special license plate that the Department is currently issuing by determining the total number of validly registered motor vehicles to which that design of special license plate is affixed. The Department shall not determine the total number of validly registered motor vehicles to which a particular design of special license plate is affixed if:

(a) The particular design of special license plate was designed and prepared by the Department pursuant to NRS 482.367002; and

(b) On October 1, that particular design of special license plate has been available to be issued for less than 12 months.

5. If, on October 1, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates not described in subsection 3, less than 1,000; or

(b) In the case of special license plates described in subsection 3, less than 3,000,

➥ the Director shall provide notice of that fact in the manner described in subsection 6.

6. The notice required pursuant to subsection 5 must be provided:

(a) If the special license plate generates financial support for a cause or charitable organization, to that cause or charitable organization.

(b) If the special license plate does not generate financial support for a cause or charitable organization, to an entity which is involved in promoting the activity, place or other matter that is depicted on the plate.

7. If, on December 31 of the same year in which notice was provided pursuant to subsections 5 and 6, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates not described in subsection 3, less than 1,000; or

(b) In the case of special license plates described in subsection 3, less than 3,000,

➥ the Director shall, notwithstanding any other provision of law to the contrary, issue an order providing that the Department will no longer issue that particular design of special license plate. Except as otherwise provided in subsection 2 of NRS 482.265, such an order does not require existing holders of that particular design of special license plate to surrender their plates to the Department and does not prohibit those holders from renewing those plates.

Sec. 6.5. ~~[NRS 482.36705 is hereby amended to read as follows:~~

~~482.36705 1. Except as otherwise provided in subsection 2:~~

~~(a) If a new special license plate is authorized by an act of the Legislature after January 1, 2003, other than a special license plate that is authorized pursuant to NRS 482.379375, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Department receives at least 1,000 applications for the issuance of that plate within 2 years after the effective date of the act of the Legislature that authorized the plate.~~

~~(b) In addition to the requirements set forth in paragraph (a), if a new special license plate is authorized by an act of the Legislature after July 1, 2005, the Legislature will direct that the license plate not be issued by the Department unless its issuance complies with subsection 2 of NRS 482.367008.~~

~~(c) In addition to the requirements set forth in paragraphs (a) and (b), if a new special license plate is authorized by an act of the Legislature after January 1, 2007, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Commission on Special License Plates recommends to the Department that the Department approve the application for the authorized plate pursuant to NRS 482.367004.~~

~~2. The provisions of subsection 1 do not apply with regard to special license plates that are issued pursuant to NRS 482.3751, 482.3752, 482.3757, 482.3783, 482.3785, 482.3787 or 482.37901~~ ***[.] or section 1.7 of this act.]***

(Deleted by amendment.)

Sec. 7. NRS 482.3824 is hereby amended to read as follows:

482.3824 1. Except as otherwise provided in NRS 482.38279, with respect to any special license plate that is issued pursuant to NRS 482.3667 to 482.3823, inclusive, ***and ~~[sections]~~ section 1.3 ~~[and 1.7]~~ of this act,*** and for which additional fees are imposed for the issuance of the special license plate to generate financial support for a charitable organization:

(a) The Director shall, at the request of the charitable organization that is benefited by the particular special license plate:

(1) Order the design and preparation of souvenir license plates, the design of which must be substantially similar to the particular special license plate; and

(2) Issue such souvenir license plates, for a fee established pursuant to NRS 482.3825, only to the charitable organization that is benefited by the particular special license plate. The charitable organization may resell such souvenir license plates at a price determined by the charitable organization.

(b) The Department may, except as otherwise provided in this paragraph and after the particular special license plate is approved for issuance, issue the special license plate for a trailer, motorcycle or other type of vehicle that is not a passenger car or light commercial vehicle, excluding vehicles required to be registered with the Department pursuant to NRS 706.801 to 706.861, inclusive, full trailers or semitrailers registered pursuant to subsection 3 of NRS 482.483 and mopeds registered pursuant to NRS 482.2155, upon application by a person who is entitled to license plates

pursuant to NRS 482.265 or 482.272 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter or chapter 486 of NRS. The Department may not issue a special license plate for such other types of vehicles if the Department determines that the design or manufacture of the plate for those other types of vehicles would not be feasible. In addition, if the Department incurs additional costs to manufacture a special license plate for such other types of vehicles, including, without limitation, costs associated with the purchase, manufacture or modification of dies or other equipment necessary to manufacture the special license plate for such other types of vehicles, those additional costs must be paid from private sources without any expense to the State of Nevada.

2. If, as authorized pursuant to paragraph (b) of subsection 1, the Department issues a special license plate for a trailer, motorcycle or other type of vehicle that is not a passenger car or light commercial vehicle, the Department shall charge and collect for the issuance and renewal of such a plate the same fees that the Department would charge and collect if the other type of vehicle was a passenger car or light commercial vehicle. As used in this subsection, "fees" does not include any applicable registration or license fees or governmental services taxes.

3. As used in this section:

(a) "Additional fees" has the meaning ascribed to it in NRS 482.38273.

(b) "Charitable organization" means a particular cause, charity or other entity that receives money from the imposition of additional fees in connection with the issuance of a special license plate pursuant to NRS 482.3667 to 482.3823, inclusive ~~[.]~~ ***, and ~~[sections]~~ section 1.3 ~~[and 1.7]~~ of this act.*** The term includes the successor, if any, of a charitable organization.

Sec. 8. NRS 482.38276 is hereby amended to read as follows:

482.38276 "Special license plate" means:

1. A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application and petition described in that section;

2. A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37905, 482.37917, 482.379175, 482.37918, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.379375, 482.37938, 482.37939, 482.37945 or 482.37947 ~~[.]~~ ***or section 1.3 of this act;*** and

3. Except for a license plate that is issued pursuant to NRS 482.3757, 482.3785, 482.3787 or 482.37901, ~~***[or section 1.7 of this act,]***~~ a license plate that is approved by the Legislature after July 1, 2005.

Sec. 9. NRS 482.399 is hereby amended to read as follows:

482.399 1. Upon the transfer of the ownership of or interest in any vehicle by any holder of a valid registration, or upon destruction of the vehicle, the registration expires.

2. Except as otherwise provided in NRS 482.2155 and subsection 3 of NRS 482.483, the holder of the original registration may transfer the registration to another vehicle to be registered by the holder and use the same regular license plate or plates or special license plate or plates issued pursuant to NRS 482.3667 to 482.3823, inclusive, ***and ~~[sections]~~ section 1.3 ~~[and 1.7]~~ of this act,*** or 482.384, on the vehicle from which the registration is being transferred, if the license plate or plates are appropriate for the second vehicle, upon filing an application for transfer of registration and upon paying the transfer registration fee and the excess, if any, of the registration fee and governmental services tax on the vehicle to which the registration is transferred over the total registration fee and governmental services tax paid on all vehicles from which he or she is transferring ownership or interest. Except as otherwise provided in NRS 482.294, an application for transfer of registration must be made in person, if practicable, to any office or agent of the Department or to a registered dealer, and the license plate or plates may not be used upon a second vehicle until registration of that vehicle is complete.

3. In computing the governmental services tax, the Department, its agent or the registered dealer shall credit the portion of the tax paid on the first vehicle attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the second vehicle or on any other vehicle of which the person is the registered owner. If any person transfers ownership or interest in two or more vehicles, the Department or the registered dealer shall credit the portion of the tax paid on all of the vehicles attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner. The certificates of registration and unused license plates of the vehicles from which a person transfers ownership or interest must be submitted before credit is given against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner.

4. In computing the registration fee, the Department or its agent or the registered dealer shall credit the portion of the registration fee paid on each vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis against the registration fee due on the vehicle to which registration is transferred.

5. If the amount owed on the registration fee or governmental services tax on the vehicle to which registration is transferred is less than the credit on the total registration fee or governmental services tax paid on all vehicles from which a person transfers ownership or interest, the person may apply the unused portion of the credit to the registration of any other vehicle owned by the person. Any unused portion of such a credit expires on the date the registration of the vehicle from which the person transferred the registration was due to expire.

6. If the license plate or plates are not appropriate for the second vehicle, the plate or plates must be surrendered to the Department or registered dealer and an appropriate plate or plates must be issued by the Department. The Department shall not reissue the surrendered plate or plates until the next succeeding licensing period.

7. If application for transfer of registration is not made within 60 days after the destruction or transfer of ownership of or interest in any vehicle, the license plate or plates must be surrendered to the Department on or before the 60th day for cancellation of the registration.

8. Except as otherwise provided in subsection 2 of NRS 371.040, NRS 482.2155, subsections 7 and 8 of NRS 482.260 and subsection 3 of NRS 482.483, if a person cancels his or her registration and surrenders to the Department the license plates for a vehicle, the Department shall:

(a) In accordance with the provisions of subsection 9, issue to the person a refund of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis; or

(b) If the person does not qualify for a refund in accordance with the provisions of subsection 9, issue to the person a credit in the amount of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis. Such a credit may be applied by the person to the registration of any other vehicle owned by the person. Any unused portion of the credit expires on the date the registration of the vehicle from which the person obtained a refund was due to expire.

9. The Department shall issue a refund pursuant to subsection 8 only if the request for a refund is made at the time the registration is cancelled and the license plates are surrendered, the person requesting the refund is a resident of Nevada, the amount eligible for refund exceeds $100, and evidence satisfactory to the Department is submitted that reasonably proves the existence of extenuating circumstances. For the purposes of this subsection, the term “extenuating circumstances” means circumstances wherein:

(a) The person has recently relinquished his or her driver’s license and has sold or otherwise disposed of his or her vehicle.

(b) The vehicle has been determined to be inoperable and the person does not transfer the registration to a different vehicle.

(c) The owner of the vehicle is seriously ill or has died and the guardians or survivors have sold or otherwise disposed of the vehicle.

(d) Any other event occurs which the Department, by regulation, has defined to constitute an “extenuating circumstance” for the purposes of this subsection.

Sec. 10. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3, whenever upon application any duplicate or substitute certificate of

registration, indicator, decal or number plate is issued, the following fees must be paid:

For a certificate of registration	$5.00
For every substitute number plate or set of plates	5.00
For every duplicate number plate or set of plates	10.00
For every decal displaying a county name	.50
For every other indicator, decal, license plate sticker or tab	5.00

2. The following fees must be paid for any replacement plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.367002, 482.3672, 482.3675, 482.370 to 482.376, inclusive, ***and*** ~~***[sections]***~~ ***section 1.3*** ~~***[and 1.7]***~~ ***of this act*** or 482.379 to 482.3818, inclusive, a fee of $10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of $5.

(c) Except as otherwise provided in paragraph (a) of subsection 1 of NRS 482.3824, for any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the Director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for duplicate number plates and decals displaying county names must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to defray the costs of duplicating the plates and manufacturing the decals.

Sec. 11. 1. This section and section 1 of this act become effective on July 1, 2017.

2. Sections 1.3, 2 to 5, inclusive, 6 and 7 to 10, inclusive, of this act become effective on the date 2 years after the date on which the Administrator of the Division of State Parks of the State Department of Conservation and Natural Resources, pursuant to the authority granted in NRS 407.065, establishes Tule Springs State Park.

3. Sections 1.7, 5.5 and 6.5 of this act become effective on January 1, 2018.

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblywoman Swank.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 541.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1044.

SENATORS FORD, DENIS, PARKS, SPEARMAN, ATKINSON; CANCELA, CANNIZZARO, FARLEY, MANENDO, RATTI, SEGERBLOM AND WOODHOUSE

JOINT ~~[SPONSOR: ASSEMBLYMAN]~~ **SPONSORS: ASSEMBLYMEN ELLISON AND** FRIERSON

AN ACT relating to crimes; enhancing the criminal penalty for certain crimes committed against first responders; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides that any person who willfully commits certain crimes because of the fact that the victim is a first responder, which **section 1** defines as any peace officer, firefighter or emergency medical provider acting in the normal course of duty, may, in addition to the term of imprisonment prescribed by statute for the crime, be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 193 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in NRS 193.169, any person who willfully violates any provision of NRS 200.030, 200.050, 200.280, 200.310, 200.366, 200.380, 200.400, 200.460, NRS 200.471 which is punishable as a felony, NRS 200.481 which is punishable as a felony, NRS 205.0832 which is punishable as a felony, NRS 205.220, 205.226, 205.228, 205.270 or 206.150 because of the fact that the victim is a first responder may, in addition to the term of imprisonment prescribed by statute for the crime, be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years. In determining the length of any additional penalty imposed, the court shall consider the following information:

(a) The facts and circumstances of the crime;

(b) The criminal history of the person;

(c) The impact of the crime on any victim;

(d) Any mitigating factors presented by the person; and

(e) Any other relevant information.

➥ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of any additional penalty imposed.

2. A sentence imposed pursuant to this section:

(a) Must not exceed the sentence imposed for the crime; and

(b) Runs consecutively with the sentence prescribed by statute for the crime.

3. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

4. As used in this section, "first responder" means any peace officer, firefighter or emergency medical provider acting in the normal course of duty. As used in this subsection:

(a) "Emergency medical provider" has the meaning ascribed to it in NRS 450B.199.

(b) "Firefighter" has the meaning ascribed to it in NRS 450B.071.

(c) "Peace officer" has the meaning ascribed to it in NRS 169.125.

Sec. 2. NRS 193.169 is hereby amended to read as follows:

193.169 1. A person who is sentenced to an additional term of imprisonment pursuant to the provisions of subsection 1 of NRS 193.161, NRS 193.162, 193.163, 193.165, 193.166, 193.167, 193.1675, 193.168, subsection 1 of NRS 193.1685, NRS 453.3335, 453.3345, 453.3351 or subsection 1 of NRS 453.3353 ***or section 1 of this act*** must not be sentenced to an additional term of imprisonment pursuant to any of the other listed sections even if the person's conduct satisfies the requirements for imposing an additional term of imprisonment pursuant to another one or more of those sections.

2. A person who is sentenced to an alternative term of imprisonment pursuant to subsection 3 of NRS 193.161, subsection 3 of NRS 193.1685 or subsection 2 of NRS 453.3353 must not be sentenced to an additional term of imprisonment pursuant to subsection 1 of NRS 193.161, NRS 193.162, 193.163, 193.165, 193.166, 193.167, 193.1675, 193.168, 453.3335, 453.3345 or 453.3351 ***or section 1 of this act*** even if the person's conduct satisfies the requirements for imposing an additional term of imprisonment pursuant to another one or more of those sections.

3. This section does not:

(a) Affect other penalties or limitations upon probation or suspension of a sentence contained in the sections listed in subsection 1 or 2.

(b) Prohibit alleging in the alternative in the indictment or information that the person's conduct satisfies the requirements of more than one of the sections listed in subsection 1 or 2 and introducing evidence to prove the alternative allegations.

Sec. 3. The amendatory provisions of this act apply to an offense committed on or after October 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 448 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 448.

Bill read third time.

The following amendment was proposed by Assemblywoman Benitez-Thompson:

Amendment No. 1034.

AN ACT relating to public works; revising provisions concerning the authorization in certain counties of a private entity to undertake certain public works; authorizing a public body in certain counties to enter into a public-private partnership in connection with certain ~~[eligible]~~ **transportation** facilities; providing for the financing of certain ~~[eligible]~~ **transportation** facilities in certain counties; providing for the disposition of money which is received and is to be retained by a public body pursuant to a public-private partnership in certain counties; providing for the confidentiality of certain information submitted to a public body in certain counties; revising provisions concerning agreements between a public body and a person concerning certain ~~[eligible]~~ **transportation** facilities in certain counties; ~~[exempting property used for certain eligible facilities in certain counties from all real property and ad valorem taxes;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a public body is authorized to accept a request from a person who wishes to develop, construct, improve, maintain or operate a transportation facility. If the public body determines that the facility serves a public purpose, the public body may authorize the requestor to carry out the facility or may request other persons to submit proposals to develop, construct, improve, maintain or operate the facility. (NRS 338.162, 338.163, 338.164) ~~[Sections 14.1, 14.2 and 14.3 of this bill extend those provisions to also apply to certain other facilities, including certain tourism improvement projects in any county whose population is 700,000 or more (currently Clark County).]~~

This bill ~~[also]~~ provides **,** in ~~[such a]~~ **any** county **whose population is 700,000 or more (currently Clark County),** for the use of a public-private partnership to plan, finance, design, construct, improve, maintain, operate or acquire the rights-of-way for ~~[an eligible]~~ **a transportation** facility. **Section 9** of this bill authorizes a public body to enter into such a partnership. **Section 10** of this bill establishes various alternatives in which a public body may procure a public-private partnership, including the use of solicitations, requests for proposals and negotiations. **Section 11** of this bill provides that ~~[an eligible]~~ **a transportation** facility may be financed in whole or in part

with money from any lawful source. **Section 12** of this bill authorizes a public body to accept all such money and, with certain exceptions, to combine money from federal, state, local and private sources for the purposes of such a facility. **Section 13** of this bill requires that all money which is received and retained by a public body pursuant to a public-private partnership be: (1) deposited in the State Highway Fund; (2) accounted for separately; (3) used first to defray the obligations of the public body under the public-private partnership; and (4) except for costs of administration, used exclusively for the design, construction, operation, maintenance, financing and repair of the public highways in the county from which the money was received. **Section 13.5** of this bill prohibits the imposition of a fee for the use of certain roadways. **Section 14** of this bill provides that all information submitted to a public body in connection with a request, proposal or other submission concerning ~~[an eligible]~~ **a transportation** facility is confidential until a notice of intent to award the contract or agreement is issued. **Section 14** also establishes the procedures that a person who has submitted such information must follow to maintain the confidentiality of any trade secrets or confidential commercial, financial or proprietary information included in the submission. **Section 15** of this bill provides that the power of eminent domain may be exercised with respect to any property necessary for ~~[an eligible]~~ **a transportation** facility.

Existing law establishes the provisions that must be included in an agreement between a public body and a person with respect to the development, construction, improvement, maintenance or operation of a transportation facility. (NRS 338.166) **Section 14.4** of this bill imposes additional requirements applicable to such an agreement for ~~[an eligible]~~ **such a** facility in a county whose population is 700,000 or more (currently Clark County) and authorizes various other provisions that may be included in such an agreement. ~~[Section 14.4 also provides that an eligible facility that is developed, operated or held by a person pursuant to such an agreement is exempt from all state and local ad valorem and property taxes.]~~ **Sections 14.1-14.3, 14.5, 14.6, 24 and 25** of this bill make various conforming changes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 16.5, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Concession" means any lease, ground lease, franchise, easement, permit, right of entry, operating agreement or other binding agreement transferring rights for the use or control, in whole or in part, of ~~[an eligible]~~ a transportation facility by a public body to a private partner.***

Sec. 4. ~~*[“Eligible facility” means:*~~

~~*1. A transportation facility; and*~~

~~*2. A project as defined in NRS 271A.050.]*~~ **(Deleted by amendment.)**

Sec. 5. (Deleted by amendment.)

Sec. 6. ***“Private partner” means a person with whom a public body enters into a public-private partnership.***

Sec. 7. ***“Public-private partnership” means a contract entered into by a public body and a private partner.***

Sec. 7.5. ***“Transportation facility” means any existing, enhanced, upgraded or new facility used or useful for the safe transport of persons, information or goods by one or more modes of transport, including, without limitation, a road, railroad, bridge, tunnel, overpass, mass transit facility, light rail, commuter rail,***

conduit, ferry, boat, vessel, intermodal or multimodal system, a system using autonomous technology, as defined in NRS 482A.025, and any rights-of-way necessary for the facility. The term includes:

1. Related or ancillary facilities used or useful for providing, operating, maintaining or generating revenue for a transportation facility, including, without limitation, administrative buildings, structures, rest areas, maintenance yards and buildings, rail yards, rolling stock, storage facilities, ports of entry, vehicles, control systems, communication systems, information systems, energy systems, parking facilities and other related equipment or property that is needed or used to support the transportation facility or the transportation of persons, information or goods; and

2. All improvements, including equipment, necessary to the full utilization of a transportation facility, including, without limitation, site preparation, roads and streets, sidewalks, water supply, outdoor lighting, belt line railroad sidings and lead tracks, bridges, causeways, terminals for railroad, automotive and air transportation and transportation facilities incidental to the project.

Sec. 8. ***“User fee” means a fee, toll, fare or other similar charge, including, without limitation, any incidental, account maintenance, administrative, credit card or video tolling fee or charge, imposed on a person for his or her use of*** ~~*[an eligible]*~~ ***a transportation facility by a public body or by a private partner pursuant to a public-private partnership.***

Sec. 8.5. ***The provisions of sections 2 to 16, inclusive, of this act apply only in a county whose population is 700,000 or more.***

Sec. 9. ***1. A public body may enter into a public-private partnership to plan, finance, design, construct, improve, maintain, operate or acquire the rights-of-way for, or any combination thereof,*** ~~*[an eligible]*~~ ***a transportation facility.***

2. A public-private partnership may include, without limitation:

(a) A predevelopment agreement leading to another implementing agreement for ~~[an eligible]~~ a transportation facility as described in this subsection;

(b) A design-build contract;

(c) A design-build contract that includes the financing, maintenance or operation, or any combination thereof, of the ~~[eligible]~~ transportation facility;

(d) A contract involving a construction manager at risk;

(e) A concession, including, without limitation, a toll concession and an availability payment concession;

(f) A construction agreement that includes the financing, maintenance or operation, or any combination thereof, of the ~~[eligible]~~ transportation facility;

(g) An operation and maintenance agreement for ~~[an eligible]~~ a transportation facility;

(h) Any other method or agreement for completion of the ~~[eligible]~~ transportation facility that the public body determines will serve the public interest; or

(i) Any combination of paragraphs (a) to (h), inclusive.

Sec. 10. *1. A public body may procure a public-private partnership by means of:*

(a) Requests for project proposals in which the public body describes a class of ~~[eligible]~~ transportation facilities or a geographic area in which private entities are invited to submit proposals to develop ~~[eligible]~~ transportation facilities.

(b) Solicitations using requests for qualifications, short-listings of qualified proposers, requests for proposals, negotiations, best and final offers or other procurement procedures.

(c) Procurements seeking from the private sector development and finance plans most suitable for the project.

(d) Best value selection procurements based on price or financial proposals, or both, or other factors.

(e) Other procedures that the public body determines may further the implementation of a public-private partnership.

2. For any procurement in which the public body issues a request for qualifications, request for proposals or similar solicitation document, the request must generally set forth the factors that will be evaluated and the manner in which responses will be evaluated. Such factors may include, without limitation:

(a) The ability of the ~~[eligible]~~ transportation facility to promote economic growth and ~~[, in the case of a transportation facility,]~~ to improve safety, reduce congestion or increase capacity.

(b) The proposed cost and a proposed financial plan for the ~~[eligible]~~ transportation facility.

(c) The general reputation, qualifications, industry experience and financial capacity of the proposer.

(d) The proposed design, operation and feasibility of the ~~[eligible]~~ transportation facility.

(e) Comments from users, local citizens and affected jurisdictions.

(f) Benefits to the public.

(g) The safety record of the proposer.

(h) Other criteria that the public body deems appropriate.

3. In evaluating proposals, the public body may give such relative weight to factors such as cost, financial commitment, innovative financing, technical, scientific, technological or socioeconomic merit and other factors as the public body deems appropriate.

4. The public body may procure services, award agreements and administer revenues as authorized in this section notwithstanding any requirements of any other state or local statute, regulation or ordinance relating to public bidding or other procurement procedures . ~~[or other provisions otherwise applicable to public works, services or utilities.]~~

5. The public body may expend money from any lawful source reasonably necessary for the development of procurements, evaluation of concepts or proposals, negotiation of agreements and implementation of agreements for the development or operation of transportation facilities pursuant to sections 2 to 16, inclusive, of this act.

6. Any state agency or any county, municipality or other public agency may sell, lease, grant, transfer or convey to the public body, with or without consideration, any facility or any part or parts thereof or any real or personal property or interest therein which may be useful to the public body for any authorized purpose. In any case where the construction of a facility has not been completed, the public agency concerned may also transfer, sell, assign, and set over to the public body, with or without consideration, any existing contract for the construction of the facility.

Sec. 11. *1. ~~[An eligible]~~ A transportation facility may be financed, in whole or in part, with money from any lawful source, including, without limitation:*

(a) Any public or private funding, loan, grant, line of credit, loan guarantee, credit instrument, private activity bond allocation, grant anticipation revenue bond, credit assistance from the government of this State or the Federal Government or other type of assistance that is available for the purposes of the ~~[eligible]~~ transportation facility.

(b) Any grant, donation, gift or other form of conveyance of land, money, other real or personal property or other thing of value made to the public body for the purposes of the ~~[eligible]~~ transportation facility.

(c) A contribution of money or property made by any private entity or public sector partner that is a party to any agreement entered into pursuant to sections 2 to 16, inclusive, of this act.

(d) Money appropriated for the ~~[eligible]~~ transportation facility by the State or by the public body.

(e) User fees, lease proceeds, rents, availability payments, gross or net receipts from sales, proceeds from the sale of development rights, franchise charges, permit charges, rents, advertising and sponsorship charges, service charges or any other lawful form of consideration.

(f) Private activity bonds as described in 26 U.S.C. § 141.

(g) Any other form of public or private capital that is available for the purposes of the ~~[eligible]~~ transportation facility.

(h) Any combination of paragraphs (a) to (g), inclusive.

2. If a public body, in accordance with applicable law, issues a note, bond or other debt obligation to finance ~~[an eligible]~~ a transportation facility that is expected to generate revenue of any kind, the revenue from the ~~[eligible]~~ transportation facility may be pledged as security for the payment of the obligation, but the bonds or notes are special, limited obligations of the public body payable solely from the revenues specifically pledged to the payment of those obligations, as specified in the resolution for the issuance of the bonds or notes, and do not create a debt of the State for the purposes of Section 3 of Article 9 of the Nevada Constitution.

3. Any financing issued by a public body pursuant to this section may be structured on a senior, parity or subordinate basis to any other financing.

4. A public body may issue revenue bonds or notes to provide money for any transportation facility.

Sec. 12. *1. A public body, either directly or through a designated party, may:*

(a) Accept from the United States or any of its agencies money that is available to the public body for carrying out the purposes of sections 2 to 16, inclusive, of this act, whether the money is made available by grant, loan or other financing arrangement.

(b) Enter into agreements and other arrangements with the United States or any of its agencies as may be necessary, proper and convenient for carrying out the provisions of sections 2 to 16, inclusive, of this act.

(c) Accept from any source any grant, donation, gift or other form of conveyance of land, money, other real or personal property or other valuable thing made to the public body for carrying out the provisions of sections 2 to 16, inclusive, of this act.

2. Except as otherwise provided in section 13 of this act or applicable federal law, and notwithstanding any other provision of law, money from federal, state and local sources may be combined with money from any private source for carrying out the purposes of sections 2 to 16, inclusive, of this act.

Sec. 13. *All money which is received and is to be retained by a public body pursuant to a public-private partnership and which is derived from the imposition of any charge with respect to the operation of any motor*

vehicle upon any public highway in this State must be deposited in the State Highway Fund, accounted for separately and, except for costs of administration, be used exclusively for the design, construction, operation, maintenance, financing and repair of the public highways of the county from which the money is received. The money must first be used to defray the obligations for which the public body is responsible under the public-private partnership, including, without limitation, the costs of administration, design, construction, operation, maintenance, financing and repair of the ~~[eligible]~~ transportation facility from which the money is derived.

Sec. 13.5. *1. No user fee may be charged for the use of any roadway or portion of any roadway constructed or improved pursuant to any project undertaken as part of a public-private partnership authorized by NRS 338.161 to 338.168, inclusive, and sections 2 to 16, inclusive, of this act.*

2. The provisions of this section do not prohibit the imposition of a user fee for the use of any public transit system, regardless of whether the public transit system operates on or in the right-of-way for any such roadway.

3. As used in this section, "public transit system" has the meaning ascribed to it in NRS 277A.120.

Sec. 14. *1. Notwithstanding any other provision of law, any information obtained by or disclosed to a public body in connection with a request or proposal pursuant to section 14.2 or 14.3 of this act or during the procurement or negotiation of a public-private partnership pursuant to section 10 of this act must be kept confidential until a notice of intent to award the contract, agreement or public-private partnership is issued, absent an administrative or judicial order requiring release or disclosure.*

2. Except as otherwise provided in NRS 239.0115, a public body may exempt from release to the public any trade secrets or confidential commercial, financial or proprietary information included in a request or proposal submitted to the public body pursuant to subsection 1 if the submitter:

(a) Specifies the portions of the proposal or other submission that the submitter considers to be trade secrets or confidential commercial, financial or proprietary information;

(b) Invokes exclusion upon submission of the information or other materials for which protection is sought;

(c) Identifies the data or other materials for which protection is sought with conspicuous labeling;

(d) States the reasons why protection is necessary; and

(e) Fully complies with all applicable state law with respect to information that the submitter contends should be exempt from disclosure.

Sec. 14.1. *A public body may authorize a person to design, finance, lease, repair, acquire, extend, expand, plan, equip, replace, develop, construct, improve, maintain or operate, or any combination thereof, ~~[an~~*

~~*eligible]*~~ *a transportation facility pursuant to section 14.2 or 14.3 of this act.*

Sec. 14.2. *1. A person may submit a request to a public body to design, finance, lease, repair, acquire, extend, expand, plan, equip, replace, develop, construct, improve, maintain or operate, or any combination thereof,* ~~*[an eligible]*~~ *a transportation facility.*

2. The request must be accompanied by the following information:

(a) A topographic map indicating the location of the ~~*[eligible]*~~ *transportation facility.*

(b) A description of the ~~*[eligible]*~~ *transportation facility, including, without limitation, the conceptual design of the* ~~*[eligible]*~~ *transportation facility.*

(c) The projected total cost of the ~~*[eligible]*~~ *transportation facility over its life and the proposed date for the development of or the commencement of the construction of, or improvements to, the* ~~*[eligible]*~~ *transportation facility.*

(d) A statement setting forth the method by which the person submitting the request proposes to secure all property interests required for the ~~*[eligible]*~~ *transportation facility. The statement must include, without limitation:*

(1) The names and addresses, if known, of the current owners of any property needed for the ~~*[eligible]*~~ *transportation facility;*

(2) The nature of the property interests to be acquired; and

(3) Any property that the person submitting the request proposes that the public body condemn.

(e) A list of all permits and approvals required for the development or construction of or improvement to the ~~*[eligible]*~~ *transportation facility from local, state or federal agencies and a projected schedule for obtaining those permits and approvals.*

(f) A statement setting forth the general plans of the person submitting the request for financing and operating the ~~*[eligible]*~~ *transportation facility, which must include, without limitation:*

(1) A plan for the development, financing and operation of the ~~*[eligible]*~~ *transportation facility, including, without limitation, an indication of the proposed sources of money for the development and operation of the* ~~*[eligible]*~~ *transportation facility, the anticipated use of such money and the anticipated schedule for the receipt of such money;*

(2) A list of any assumptions made by the person about the anticipated use of the ~~*[eligible]*~~ *transportation facility, including, without limitation, the fees that will be charged for the use of the* ~~*[eligible]*~~ *transportation facility, and a discussion of those assumptions;*

(3) The identification of any risk factors identified by the person that are associated with developing, constructing or improving the ~~*[eligible]*~~ *transportation facility and the plan for addressing those risk factors;*

(4) The identification of any local, state or federal resources that the person anticipates requesting for development and operation of the ~~[eligible]~~ transportation facility, including, without limitation, an anticipated schedule for the receipt of those resources and the effect of those resources on any statewide or regional program for the improvement of transportation; and

(5) The identification and analysis of any costs or benefits associated with the proposed transportation facility, performed by a professional engineer who is licensed pursuant to chapter 625 of NRS.

(g) The names and addresses of the persons who may be contacted for further information concerning the request.

(h) Any additional material and information that the public body may request.

3. ~~[If the eligible facility is a transportation facility, the]~~ The request must also include:

(a) Information relating to the current transportation plans, if any, of any governmental entity in the jurisdiction of which any portion of the transportation facility is located.

(b) A list of the facilities of any utility or existing transportation facility that will be impacted by the transportation facility and a statement of the plans of the person submitting the request to accommodate such crossings.

Sec. 14.3. *If a public body receives a request regarding ~~[an eligible]~~ a transportation facility pursuant to section 14.2 of this act and the public body determines that the ~~[eligible]~~ transportation facility serves a public purpose, the public body may request other persons to submit proposals to design, finance, lease, repair, acquire, extend, expand, plan, equip, replace, develop, construct, improve, maintain or operate, or any combination thereof, the ~~[eligible]~~ transportation facility.*

Sec. 14.4. *1. A public body may approve a request, proposal or other submission submitted pursuant to section 10, 14.2 or 14.3 of this act if the public body determines that the ~~[eligible]~~ transportation facility serves a public purpose. In determining whether the ~~[eligible]~~ transportation facility serves a public purpose, the public body shall consider whether:*

(a) There is a public need for the type of ~~[eligible]~~ transportation facility that is proposed;

(b) ~~[If the eligible facility is a transportation facility, the]~~ The proposed interconnections between the transportation facility and existing transportation facilities and the plans of the person submitting the request for the operation of the transportation facility are reasonable and compatible with any statewide or regional program for the improvement of transportation and with the transportation plans of any other governmental entity in the jurisdiction of which any portion of the transportation facility will be located;

(c) The estimated cost of the ~~[eligible]~~ transportation facility is reasonable in relation to similar facilities, as determined by an analysis of

the cost performed by a professional engineer who is licensed pursuant to chapter 625 of NRS;

(d) The plans of the person submitting the request will result in the timely development or construction of, or improvement to, the ~~[eligible]~~ transportation facility or its more efficient operation;

(e) The plans of the person submitting the request contain any penalties for the failure of the person submitting the request to meet any deadline which results in the untimely development or construction of, or improvement to, the ~~[eligible]~~ transportation facility or failure to meet any deadline for its more efficient operation; and

(f) The long-term quality of the ~~[eligible]~~ transportation facility will meet a level of performance established by the public body over a sufficient duration of time to provide value to the public.

2. In evaluating a request, proposal or other submission submitted pursuant to section 10, 14.2 or 14.3 of this act, the public body may consider internal staff reports prepared by personnel of the public body who are familiar with the operation of similar ~~[eligible]~~ transportation facilities or the advice of outside advisors or consultants with relevant experience.

3. The public body shall furnish a copy of a request, proposal or other submission submitted pursuant to section 10, 14.2 or 14.3 of this act to each governmental entity that has jurisdiction over an area in which any part of the ~~[eligible]~~ transportation facility is located. Within 30 days after receipt of such a request or proposal, the governmental entity shall submit in writing to the public body, for consideration by the public body, any comments that the governmental entity has concerning the ~~[eligible]~~ transportation facility and shall indicate whether the ~~[eligible]~~ transportation facility is compatible with any local, regional or statewide plan or program that is applicable to the governmental entity.

4. A public body shall charge a reasonable fee to cover the costs of processing, reviewing and evaluating a request, proposal or other submission submitted pursuant to section 10, 14.2 or 14.3 of this act, including, without limitation, reasonable fees for the services of an attorney or a financial or other consultant or advisor, to be collected before the public body accepts the request, proposal or other submission for processing, review and evaluation.

5. The approval of a request, proposal or other submission by the public body is contingent on the person who submitted the request, proposal or other submission entering into an agreement with the public body. In such an agreement, the public body shall include, without limitation:

(a) Criteria that address the long-term quality of the ~~[eligible]~~ transportation facility.

(b) The date, if any, of termination of the authority and duties pursuant to sections 2 to 16, inclusive, of this act of the person whose request,

proposal or other submission was approved by the public body with respect to the ~~[eligible]~~ transportation facility and for the dedication of the ~~[eligible]~~ transportation facility to the public body.

(c) Provision by which the person whose request, proposal or other submission was approved by the public body expressly agrees that the person is prohibited from seeking injunctive or other equitable relief to delay, prevent or otherwise hinder the public body or any other jurisdiction from developing, constructing or maintaining any facility that was planned and that would or might impact the revenue that the person would or might derive from the facility developed under the agreement, except that the agreement may provide for reasonable compensation to the person for the adverse effect on user fee revenues resulting from the development, construction and maintenance of an unplanned revenue impacting facility.

(d) A provision requiring all plans and specifications for any ~~[eligible]~~ transportation facility constructed, operated or maintained pursuant to sections 2 to 16, inclusive, of this act to comply with state standards and any applicable federal standards.

(e) ~~[If the eligible facility is a transportation facility, a]~~ A provision requiring all user fee revenues generated from the transportation facility to be used for right-of-way acquisition, planning, design, construction, reconstruction, operation, maintenance and enforcement of transportation facilities within the same county in which the user fee revenues are generated, except to the extent such user fee revenues are otherwise pledged or allocated pursuant to the financial terms of an agreement entered into pursuant to sections 2 to 16, inclusive, of this act.

6. In any agreement between a public body and a person whose request, proposal or other submission for ~~[an eligible]~~ a transportation facility pursuant to sections 2 to 16, inclusive, of this act, was approved by the public body, the public body may also include provisions that:

(a) Except as otherwise provided in section 13.5 of this act, authorize the public body or the person to establish and collect user fees, rents, advertising and sponsorship charges, service charges or similar charges, including provisions related to traffic management strategies, if applicable.

(b) Specify technology to be used in the ~~[eligible]~~ transportation facility.

(c) Establish circumstances under which the public body may receive all or a share of revenues from such charges.

(d) Govern enforcement of tolls, if applicable, including provisions for use of cameras or other mechanisms to ensure that users have paid tolls that are due and provisions that allow the person access to relevant databases for enforcement purposes.

(e) Except as otherwise provided in section 13.5 of this act, authorize the public body to continue or cease collection of user charges, tolls, fares or similar charges after the end of the term of the agreement.

(f) Allow for payments to be made to the person, including, without limitation, availability payments or performance based payments.

(g) Allow the public body to accept payments of monies and share revenues with the person.

(h) Address how the person and public body will share management of the risks of the project.

(i) Specify how the person and public body will share development costs.

(j) Allocate financial responsibility for cost overruns.

(k) Establish the damages to be assessed for nonperformance.

(l) Establish performance criteria or incentives, or both.

(m) Address the acquisition of rights-of-way and other property interests that may be required, including provisions that address the exercise of eminent domain as provided in section 15 of this act.

(n) Establish recordkeeping, accounting and auditing standards to be used.

(o) For ~~[an eligible]~~ a transportation facility that reverts to public ownership, address responsibility for reconstruction or renovations that are required in order for the ~~[eligible]~~ transportation facility to meet all applicable government standards upon reversion of the facility.

(p) Provide for patrolling and law enforcement on public facilities.

(q) Identify any specifications that must be satisfied.

(r) Require the person to provide performance and payment bonds for design and construction pursuant to chapter 339 of NRS and, if additional security is required in addition to such bonds, require the person to provide surety bonds, parent company guarantees, letters of credit or other acceptable forms of security or a combination of those.

(s) Allow the public body to acquire real property that is needed for and related to the ~~[eligible]~~ transportation facility, including acquisition by exchange for other real property that is owned by the public body.

(t) Allow the public body to sell or lease naming rights with regard to any ~~[eligible]~~ transportation facility.

7. ~~[Notwithstanding any other provision of law, an eligible facility that is developed, operated or held by a person pursuant to an agreement pursuant to this section is exempt from all state and local ad valorem and property taxes that might otherwise apply.~~

~~8.]~~ In connection with the approval of ~~[an eligible]~~ a transportation facility, the public body shall establish a date for the development of or the commencement of the construction of, or improvements to, the ~~[eligible]~~ transportation facility. The public body may extend the date from time to time.

Sec. 14.5. *A public body may contract with a person whose request or proposal submitted pursuant to section 14.2 or 14.3 of this act is approved pursuant to section 14.4 of this act for services to be provided by the ~~[eligible]~~ transportation facility in exchange for such payments for service and other consideration as the public body may deem appropriate.*

Sec. 14.6. *The public body may take any action necessary to obtain federal, state or local assistance for ~~[an eligible]~~ a transportation facility*

that it approves and may enter into any contracts required to receive such assistance. The public body shall, by resolution, determine if it serves the public purpose for all or a portion of the costs of the ~~[eligible]~~ transportation facility to be paid, directly or indirectly, from the proceeds of a grant or loan made by the local, state or Federal Government or any agency or instrumentality thereof.

Sec. 15. ***This State, or any public agency so authorized under chapter 37 of NRS, may exercise the power of eminent domain to acquire property, rights-of-way or other rights in property for projects that are necessary to develop, operate or hold ~~[an eligible]~~ a transportation facility regardless of whether the property will be owned in fee simple by this State or applicable public body or whether the property will be leased according to the terms of an agreement executed pursuant to section 14.4 of this act.***

Sec. 16. ***If no federal money is used on ~~[an eligible]~~ a transportation facility, the laws of this State govern. Notwithstanding any other provision of sections 2 to 16, inclusive, of this act, if federal money is used on ~~[an eligible]~~ a transportation facility and applicable federal laws conflict with sections 2 to 16, inclusive, of this act, or require provisions or procedures inconsistent with those statutes, the applicable federal laws govern.***

Sec. 16.5. ***The provisions of this section and NRS 338.161 to 338.168, inclusive, apply to any county whose population is less than 700,000.***

Sec. 17. NRS 338.161 is hereby amended to read as follows:

338.161 As used in NRS 338.161 to 338.168, inclusive, ***and section 16.5 of this act,*** unless the context otherwise requires, "transportation facility" means a road, railroad, bridge, tunnel, overpass, airport, mass transit facility, parking facility for vehicles or similar commercial facility used for the support of or the transportation of persons or goods, including, without limitation, any other property that is needed to operate the facility. The term does not include a toll bridge or toll road.

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. NRS 338.1711 is hereby amended to read as follows:

338.1711 1. Except as otherwise provided in this section and NRS 338.161 to ~~[338.16995,]~~ ***338.168,*** inclusive, ***and sections 2 to 16, inclusive, of this act,*** a public body shall contract with a prime contractor for the construction of a public work for which the estimated cost exceeds $100,000.

2. A public body may contract with a design-build team for the design and construction of a public work that is a discrete project if the public body has approved the use of a design-build team for the design and construction of the public work and the public work has an estimated cost which exceeds $5,000,000.

Sec. 25. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555,

631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 14 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 26. This act becomes effective on July 1, 2017.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 66, 72, 74, 132, 150, 189, 213, 225, 229, 355, 414, 427, 457, 458, 511, and 538; Senate Joint Resolution No. 14 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 83 and 492; Senate Bill No. 232; Senate Concurrent Resolution No. 1.

VETOED BILLS AND SPECIAL ORDERS OF THE DAY

Vetoed Assembly Bill No. 188 of the 79th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

June 1, 2017

THE HONORABLE JASON FRIERSON, SPEAKER OF THE NEVADA STATE ASSEMBLY, The Nevada Legislature, 401 South Carson Street, Carson City, NV 89701

RE: Assembly Bill 188 of the 79th Legislative Session

DEAR SPEAKER FRIERSON:

I am forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 188 ("AB 188"), which is entitled:

> AN ACT relating to education; reducing the minimum number of credit hours required per semester for eligibility for a grant awarded under the Silver State Opportunity Grant Program; creating certain exceptions to the credit hour requirement; providing that grant money received by colleges pursuant to the Program does not revert; and providing other matters properly related thereto.

The Silver State Opportunity Grant Program ("SSOGP") was approved and signed into law in 2015. It represents a historic commitment to serving Nevada's students, particularly students facing financial barriers to post-secondary education. The program is Nevada's first ever state-supported, need-based scholarship program, and after only two years, is fully subscribed with a waiting list of approximately 2,000 students, and has already extended the promise of a college

education to more than 1,900 students. Based on the undeniably positive outcomes of this program, my Executive Budget for 2017-2019 includes doubling the amount of funds supporting SSOGP, from $5 million to $10 million over the biennium, which will eliminate the waiting list of eligible students who wish to participate. There is no question this program is a critical tool to promote student and economic success in Nevada.

While AB188 is commendable in its attempt to expand SSOGP eligibility, it will also undeniably lead to unintended outcomes and discourage timely post-secondary completion. Data published by the Nevada System of Higher Education clearly shows that students who enroll in 15 credits during the first term of college are significantly more likely to finish a degree or certificate program on-time, while merely 3% of students who enroll in 12 or fewer credits complete their respective degree or certificate program on-time. Thus, AB188 would undermine one of the primary goals behind the SSOGP, which is to provide an incentive for students to enroll in more credits per semester and finish their post-secondary education on time.

Moreover, the enhanced funding proposed by the Executive Budget for the coming biennium represents a funding level that will ensure every eligible student enrolled in 15 credits will be able to access the SSOGP. Expanding eligibility for students who are enrolled in 12 credits, and in some cases fewer than 12 credits, as AB 188 proposes, would create a "waiting list" of students, including those who are seeking to enroll as full-time students. Consequently, some of the hardest-working students who have chosen to enroll in more credit hours per semester would be excluded from participating, despite their commitment and likelihood of completing their degree requirements on time.

For these reasons I veto AB188 and return it without my signature or approval.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 188 of the 79th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 277 of the 79th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

June 1, 2017

THE HONORABLE JASON FRIERSON, SPEAKER OF THE NEVADA STATE ASSEMBLY, The Nevada Legislature, 401 South Carson Street, Carson City, NV 89701

RE: Assembly Bill 277 of the 79th Legislative Session

DEAR SPEAKER FRIERSON:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 277 ("AB 277"), which is entitled:

> AN ACT relating to land use planning; establishing uniform statewide standards that local governments must strictly comply with when exercising powers of land use planning, subdivision regulation and zoning with regard to certain lands within or surrounding national conservation areas; repealing provisions relating to land use planning, subdivision regulation and zoning with regard to certain national conservation areas, national recreation areas and adjacent lands; and providing other matters properly relating thereto.

Nevada's National Conservation Areas are national treasures. Black Rock Desert-High Rock Canyon Emigrant Trails, Sloan Canyon, and Red Rock Canyon offer visitors unparalleled natural beauty. Protecting these unique landscapes for future generations is a laudable goal that

we should all embrace. As some of Nevada's communities continue to grow, I understand and appreciate the heightened risks such growth poses to our conservation areas, and I am sympathetic to efforts to minimize those risks.

Nevertheless, even well-intended law must meet constitutional requirements, and AB 277 fails to meet those requirements. AB 277 is not the first legislative attempt to protect lands adjoining certain conservation areas. Similar law was passed in 2003 and ultimately deemed unconstitutional by the Nevada Supreme Court in 2013. *See Attorney General v. Gypsum Resources, LLC,* 294 P.3d 404 (2013). In that case, the Court held that the 2003 law was unconstitutional under Article 4, Sections 20, 21 , and 25 of the Nevada Constitution.

The Court found the 2003 law to be a "local law" regulating county business in violation of Sections 20 and 21 of the Nevada Constitution. *See also Clean Water Coalition v. The M Resort,* 255 P.3d 247 (2011). The Court also found the 2003 law unconstitutional pursuant to Article 4, Section 25 of the Nevada Constitution because it established a system of county government that was not uniform throughout the state.

It is apparent that AB 277 was drafted with the *Gypsum* and *Clean Water Coalition* decisions in mind. And, to that end, the bill does make some slight improvements on the 2003 law, but it is still constitutionally suspect. Based on the reasoning in *Gypsum* and *Clean Water Coalition,* AB 277 still appears to violate their holdings and thus would be considered unconstitutional. Given these constitutional concerns, I cannot support AB 277, even though I continue to support the intentions behind it.

For these reasons, I veto Assembly Bill 277 and return it without my signature or approval.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 277 of the 79th Session be placed on the Chief Clerk's desk.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Watkins, the privilege of the floor of the Assembly Chamber for this day was extended to Kanani Espinoza.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Friday, June 2, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 10:08 p.m.

Approved:

JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND SEVENTEENTH DAY

CARSON CITY (Friday), June 2, 2017

Assembly called to order at 3:21 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Father Chuck Durante, read by Assemblyman William McCurdy.

O God of Love and Grace, we thank You for this warm Spring day and for the work accomplished this week. Yet there is much to be done in the days ahead.

Bless and guide the Assembly and the Senate and the entire legislative staff. Grant them stamina and clarity, insight and wisdom. Send them a renewed compassion and understanding for one another and for the good of all in Nevada so that the many requests, pleas, and demands made may be heard rightly, weighed patiently, and resolved justly.

Thank You for the commitment of all who serve here for the common good and at the end of this day, grant them rest from a job well done.

We make this prayer as Your holy and humble people.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 69, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRENE BUSTAMANTE ADAMS, *Chair*

Mr. Speaker:

Your Committee on Corrections, Parole, and Probation, to which were referred Senate Bills Nos. 306, 402, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES OHRENSCHALL, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 515, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 120, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MICHAEL C. SPRINKLE, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 361, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 488, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 69, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD CARRILLO, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 519, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 493, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 497, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 499, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 504, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 407, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 413, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 422, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 423, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 484, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 489, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 544, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAGGIE CARLTON, *Chair*

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Paul Anderson, Krasner, Tolles, Edwards, Wheeler, Ellison, Hambrick, Hansen, Kramer, Marchant, McArthur, Oscarson, Pickard, Titus and Woodbury; Senator Hammond (Emergency Request of Assembly Minority Leader):

Assembly Bill No. 521—AN ACT relating to veterans; establishing a program authorizing a member of a veteran's family to apply to the Director of the Department of Veterans Services for financial assistance for the disinterment of a veteran for relocation to a veterans' cemetery; making an appropriation; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that Senate Bill No. 306 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 487 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 544 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 368 and 410 be taken from their positions on the General File and placed on the Chief Clerk's desk.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 3:30 p.m.

ASSEMBLY IN SESSION

At 3:35 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 544.

Bill read third time.

Remarks by Assemblymen Carlton, Paul Anderson, Thompson, Neal, Edwards, Tolles, and Diaz.

ASSEMBLYWOMAN CARLTON:

I rise in support of Senate Bill 544. This is our K-12 public education bill.

Senate Bill 544, as amended, appropriates $1.192 billion in the first year and $1.182 billion in the second year of the 2017-2019 biennium from the State General Fund to the Distributive School Account [DSA]. In addition, other revenues authorized to be received and expended for the state support of K-12 public education in Fiscal Years [FYs] 2018 and 2019 total $390.9 million and $405.3 million, respectively. These other revenues include annual excise tax on slot machines, sales tax collected on out-of-state sales, interest earned on the Permanent School Fund, revenue from mineral leases on federal land, and room tax revenues from the legislatively approved 2009 Initiative Petition, otherwise known as IP 1.

The statewide average basic support per pupil increases over the upcoming biennium from $5,774 in the current year to $5,897 in Fiscal Year 2018 and $5,967 in Fiscal Year 2019. Enrollment is projected to increase to 476,338 pupils in 2018 and to 482,292 pupils in 2019.

The bill includes General Fund appropriations of $186.7 million in 2018 and $199.8 million in 2019 for students with disabilities.

For continued support of the Class-Size Reduction [CSR] program, this bill appropriates $147.4 million in Fiscal Year 2018 and $152.1 million in Fiscal Year 2019 for salaries and benefits of at least 1,944 teachers hired to reduce pupil-teacher ratios in the first year and 1,968 teachers in the second year of the biennium. The bill continues the CSR program in the DSA and maintains the separate expenditure category to highlight the program. Funds will be allocated based upon the number of teachers needed in each school district to reach the pupil-teacher ratios of 17 to 1 in first and second grades and 20 to 1 in third grade.

Section 14 of the bill continues the flexibility for certain school districts to carry out alternative programs for reducing the ratio of pupils per teacher or to implement remedial programs that have been found to be effective in improving pupil achievement.

This bill appropriates a total of $76.4 million and $77.9 million in each year of the 2017-2019 biennium to the Other State Education Programs budget. Through this budget, State General Fund support is provided for programs including but not limited to Adult High School Diploma, Career and Technical Education, Read by Grade 3, Jobs for America's Graduates, and other miscellaneous programs.

Section 17 of the bill includes $6.4 million in Fiscal Year 2018 and $8.3 million in 2019 to assist schools in educating students identified as gifted and talented.

The Other State Education Programs budget also includes General Fund support of $3.3 million in each year of the 2017-2019 biennium for competitive grants to school districts and community-based organizations for early childhood education programs.

Section 19 provides $5 million in each year of the 2017-2019 biennium for the College and Career Readiness Grant program.

The bill continues funding in the amount of $2.5 million in both 2018 and 2019 for the Turnaround Grant program for underperforming schools.

General Fund support of $20.5 million in each fiscal year is provided for the continuation of the Read by Grade 3 program in section 21.

This bill appropriates a total of approximately $50 million in each year of the 2017-2019 biennium to the Account for Programs for Innovation and the Prevention of Remediation, with $38.7 million in each year for transfer to the Clark County School District, $7.3 million in each year for transfer to the Washoe County School District for continuation of the Zoom school program, and $3.9 million in each year to provide grants of money to the State Public Charter School Authority and to the other 15 school districts for the support of limited English proficient students.

Section 23 appropriates $10 million in each year of the upcoming biennium for the continuation of the Nevada Ready 21 Technology grant program, which provides statewide one-to-one computing in certain middle schools.

The bill also appropriates $25 million in each fiscal year to continue the Victory schools grant program to provide additional services to underperforming elementary, middle, and high schools.

Section 25 appropriates $10.7 million in each year and authorizes expenditure of $478,127 in each year for a block grant program to support contract or employee social workers or other licensed mental health workers in schools with identified needs.

This bill appropriates $2.5 million in each fiscal year to the Account for Programs for Innovation and the Prevention of Remediation to provide financial incentives to newly hired teachers.

The bill further appropriates a total of $7.6 million in each fiscal year to the Professional Development Programs budget for the continued support of the three Regional Professional Development programs to provide professional development to teachers and administrators.

Section 30 appropriates $4.9 million in each fiscal year to the new Great Teaching and Leading Fund for a competitive grant program to invest in high-quality professional development and improve leadership development and the teacher pipeline in the state. Expenditure of $40,776 of non-General Fund revenue in each fiscal year is also authorized from the Great Teaching and Leading Fund.

Additionally, the bill appropriates $100 in both Fiscal Years 2018 and 2019 to the Contingency Account for Special Education and authorizes approximately $2 million in each fiscal year to reimburse school districts and charter schools for extraordinary expenses related to the education of students with disabilities.

This bill also appropriates $1 million in each year of the 2017-2019 biennium to fund the outstanding liability of the cost of the one-fifth retirement credit program in the Grant Fund for Incentives for Licensed Educational Personnel.

Section 34 appropriates $2.5 million in each fiscal year and authorizes $13,892 in each year to continue the Teach Nevada Scholarship program.

The bill also appropriates a total of $5 million over the 2017-2019 biennium to the Teachers' School Supplies Reimbursement Account.

Finally, the bill temporarily transfers estimated funding of $185.1 million and $191.1 million in Fiscal Year 2018 and Fiscal Year 2019, respectively, from the State Supplemental School Support Account to the Distributive School Account as a state funding source for the 2017-2019 biennium.

I would be remiss if I did not thank all the staff that are not in this room but are in their offices right now listening to make sure that I say this all absolutely correctly. They have worked so hard. It is not just the 120 days; it is a two-year endeavor. The historical knowledge that they bring and institutional experience they have is just invaluable for us to be able to get this bill to this point in the session. I thank them greatly for all of their hard work.

ASSEMBLYMAN PAUL ANDERSON:

I would be remiss if I did not also thank the staff and the Ways and Means and Senate Finance Committees for all the work they have done on this budget. I served, as you know, in 2015 as Majority Leader and Chair of Ways and Means. I understand wholeheartedly the efforts, the time, and the diligence both the staff and the committee members put into this budget.

I think there needs to be some context given, and I apologize that I do not have any written remarks. I am just going to speak off the cuff. That said, in 2015 we passed significant reforms to education, and part of that was monumental investments in public education. I am not sure if anyone else recognizes that some of those votes came with consequences that were untenable in many ways. For example, my friend in Assembly District 36, where we had to dispatch police to his residence here in Carson City and sheriffs to his residence in Nye County in order to protect him from physical threats because he was going to vote for a budget and a revenue package that invested hundreds of millions of dollars, almost $400 million, into public education. With that came consequences not only to him, but for many members of our caucus. I myself had

customers, clients, my own livelihood jeopardized because they said that if you vote for this, we may have to reconsider using you as a vendor. I had staff—their employment, their families—in jeopardy for a vote on a package that provided the revenue to invest in public education.

With that, we had to balance the need of an all-of-the-above strategy, and we did that with not only the public investment in Zoom schools, in Victory schools, in CTE [Career Technical Education], in STEM [Science, Technology, Engineering and Math], but across the board in public schools where we thought there was a significant need, where we could move the needle in education significantly in Nevada. We know that we are at the bottom of all the wrong lists, and we were desperate to move that needle, as we are today.

Part of that, certainly, was an Education Savings Account [ESA]. We said We have invested in public education to the extent possible. We have provided Opportunity Scholarships for those in the federal poverty level, that was 300 percent or below, so they could get $7,100 to take a scholarship program and choose the education that was best for their kids. The Education Savings Account was another portion of that, a percentage of the DSA, which we know through the Supreme Court decision was maybe not the best funding mechanism but was a critical piece of the puzzle for parents to choose what is best for their children.

We had over 10,000 family members, parents of children, decide this was the best way for their children, this was the best opportunity for their children. Even in this session, we decided Well, we're going to put in a needs test. We are going to put in an extra bump for those who had disabilities. Those who had income levels that did not need this money, we were going to make sure that 70 percent of the money, based on the current applications, would go to those who needed it most. Yet, we could not come to a compromise. I recognize that is politics, that is part of this game, that is part of understanding how we get to a good point where we are all unhappy and we can vote for something that is probably best for Nevada.

That said, we understood that we needed an all-of-the-above approach still. We need to make sure that those in public school, in charter schools, using Opportunity Scholarships, whether they are in private school or not, get the education that their parents feel is best for their children. Their parents should be the arbiter as to who is the best educator for their children. That, unfortunately, did not make it into this budget. That is something that from the get-go, from the beginning of this session and even before, we struggled to make sure was a priority. It was a top priority for our caucus and we had hoped was a top priority for this building.

I believe, in good faith, this house negotiated to a point where we were comfortable, that we were close, that we had the ability to get this done. I can bring no fault to this house. That said, Mr. Speaker, I cannot vote for this DSA budget because it does not include the education needs for all children across Nevada and across the spectrum—whether they be disabled, in the bottom quartile, whether they be military, whether this be kindergarten, whether this be just a student that does not fit in and needs to get into a customized education. For that, I would encourage my caucus and my friends to vote no on this budget.

ASSEMBLYMAN THOMPSON:

I rise in support of Senate Bill 544. As a native Nevadan and a proud product of the Clark County School District, I was honored to serve as the Chairman of the Assembly Education Committee this session. When you look at me, you see the public education system, and for that I am very proud. I am very thankful for my parents who said Tyrone, you can be whatever you want to be. I thank them for that, and I know there are thousands of parents that say the exact same thing to their children every single day. I also saw firsthand the impact our actions have made on schools, our teachers, and most importantly, our children and their families. So I say to those who choose to vote against funding our schools, you are actively voting to harm our schools and to harm our children. Now is the time to vote in support for our children. You see, we have thousands of children in our education system, and this is our time to act on that.

As you heard from my colleague from the south, Senate Bill 544 covers a plethora of choices and needs for our students. I just want to highlight a few. The first is it provides crucial funding to the Bullying Prevention Account for programs such as bullying training programs, social awareness campaigns to address bullying prevention. Bullying is one of the key elements within our education system right now, and we have the opportunity to put the necessary funding in

place so that students do not have to be in fear when they go to school. School should be a safe place to go to.

Lastly, it also provides for funding over the biennium for textbooks and other extremely useful classroom instructional materials. You see, every single student deserves to have that. It is so disheartening to go to a school where some students have to share a book or they do not have a book. This is our opportunity, with these funds, to make sure—because we always talk about being equitable for all kids—now is our opportunity because not every kid has that in every community in our state.

Again, I rise in support. I really want—let us set stuff aside. Let us think about our children, and colleagues, please vote for Senate Bill 544.

ASSEMBLYWOMAN NEAL:

I rise in support of Senate Bill 544. This has been a very interesting dialogue. We sat through the 2015 Session where we, after onslaught and onslaught, we did not get any of what we wanted, but we forged ahead. We put the state first, and when it came down to choose between our own philosophical needs versus the universal needs of this state, we chose the greater good. We chose to vote for a budget knowing that the same things were on the line—our philosophy, our ideals were on the line, we were being beaten up every day for 120 days. So I find it interesting that we would place the needs of a few over the great and many needs of this state. I find it amazing that the political whims and games would be played at the expense of children.

She laid out a list of the budget needs of this state and all children—not some, all—who would serve and benefit from that action. Yet we stand here in our own selfishness to say that we want something small at the expense of the needs for the great. It gives me shame because you want to diminish the state, and our purpose here is to serve the greater needs of everyone, not a few. When you took that oath and you walked into this building, you pledged that the universal needs and the people of this state would come first. They always should come first. They are never last, and we never balance an act for the few. We save and we move forward for the greater good. I find it interesting that when you check your obligations to this state and you think about what are the foundations on which you are actually standing right now. Are they rooted in the greater good or are they rooted in your selfish need and your political need and your political drive?

SPEAKER FRIERSON:

Assemblywoman, if I could interrupt. I think we need to stick with our decorum and not question the motives of our other members.

ASSEMBLYWOMAN NEAL:

I will finish with this. We have had many battles in this house on our principles. We have been dealt blows to the things we care dearly about, but we have managed to forge ahead and fight another day and take those losses. I just ask you to take a step back and think about the moral ground that you are standing upon. Why would you sacrifice the greater needs of this state and the children of this state for the few?

ASSEMBLYMAN EDWARDS:

In the last legislative session, we came together and passed one of the most extensive education reform packages, probably in the previous 25 years. We put together with that hundreds of millions of dollars in order to give it a fair chance to succeed. When we did that, a whole lot of folks from my caucus put their political careers on the line. Nine of the 13 did not return. That is a price they were willing to pay.

SPEAKER FRIERSON:

Mr. Edwards, I think that you know better, decorum wise, than to reference election consequences. We are here to make some policies, so if you want to give comments on the bill and the remarks that are made, that is definitely appropriate.

ASSEMBLYMAN EDWARDS:

Yes, sir. We have an opportunity to have both the education budget with all the great things in it that are there, and every Republican is more than happy to support it. We do not understand why—when the money is also there for those 4,000, 5,000—it cannot be provided as well. Many of us talk about how we have to take care of all the children. Education Savings Accounts [ESAs] take care of a good portion of those children. The money is there. We can do this if we want to.

I understand that this Chamber has negotiated very well and very faithfully in order to make this a possibility. We are hugely disappointed that it may not be. I, and many of my colleagues, told our constituents we would come here and support it, come here and fight for it, do our absolute best to bring it home to them. We just do not understand how a program that actually leaves more money in the public schools than it takes out is at all harmful to any single child in the state. I had hoped much better would happen this session. I am truly disappointed that the ESAs have not been included.

ASSEMBLYWOMAN TOLLES:

I came into this building for the first time years ago as a mom, as a citizen advocating for public education, for funding and reforms. I have been an advocate for all those years since. I continue to be an advocate for taking care of our students in public schools, and I will continue beyond today. Over the past few years, I have also heard stories of students who needed an option outside of public schools, who needed a place to go because perhaps they had been bullied, and despite all of our wonderful interventions in schools, they just needed to hit the reset button. They just needed a new environment, or perhaps they were getting away from gang influence, or perhaps there was a school that had a special program that offered something to them that they just could not find.

I remember sitting here in this seat at the State of the State Address and being inspired by our Governor as he mapped out his vision for this session and thinking This is going to be a great session, because he mapped out a plan to be able to add additional funding to public schools and make a space for those students. Yes, the few, but to the few, that little difference could make the difference of a lifetime for them in the outcomes. I was excited about coming into this session feeling like we had a win-win solution that could meet everybody's needs so we could all go back to our constituents and say that we fought for every child according to what they needed. I still have hope that we can get there, but we need to keep this conversation going between now and the time we leave this building so that all of us can go back and say that we met the needs of all of the students in our state.

ASSEMBLYWOMAN DIAZ:

I rise in support of Senate Bill 544. As an educator, but Xavi's mom first, no one in this building needs to explain to me the impact of failing to properly fund our public—I would say starving public schools—which has an extreme impact on our students and our children.

I have seen the devastating impacts of the cuts that were forced onto our public schools almost ten years ago, and I think that is important to raise. I think a lot of people have forgotten that we did a lot of cutting in the last ten years. I have seen the gradual changes of policy this body had implemented when it comes to Zoom and Victory schools, making sure our students can read by three, and trying to find a funding formula that actually meets the needs of all of our communities.

Sadly, I suspect a lot of the bipartisan support of education we have seen in years past is not going to occur this session. Instead, we are going to see an opposition party in this body vote against our students, our educators, and the parents of Nevada so that they can adhere to a rigid orthodoxy that gives tax breaks to rich families at the expense of those trying to get ahead and make a future for their children.

We must invest in public education in this state, and it should not be done trading tax breaks for millionaires and some billionaires in the state. This budget helps to ensure we have quality teachers in every classroom and provides $2.5 million in competitive incentives to keep them here in Nevada. If history has taught us anything, it is that we must also give teachers the resources they need to help our children succeed. This budget provides almost $164 million more to help properly fund our classrooms for the upcoming school years.

This education budget is a good foundation to continue to grow. Sadly, others in this building have already decided this week to vote against a sales tax on voter-approved recreational marijuana that takes funding away from our public schools. So simply, we must pass this bill so our children can go back to school this fall. In the future, I hope we can do better by our future Nevadans by putting orthodoxy aside and instead enact good public policy for our students and parents in Nevada.

Roll call on Senate Bill No. 544:

YEAS—27.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.

Senate Bill No. 544 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 487.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1055.

AN ACT relating to vehicles; revising provisions relating to taxicabs in certain counties of this State; conferring ~~[concurrent]~~ **limited** enforcement jurisdiction upon the Taxicab Authority ~~[and the Nevada Transportation Authority]~~ over **persons who are drivers for** transportation network companies **;** ~~[and affiliated drivers;]~~ authorizing the use of money obtained from the imposition of a technology fee for certain purposes; revising provisions governing the exterior appearance of certain taxicabs; revising the amount of time a vehicle used as a taxicab may remain in service as a taxicab; requiring the inspection of a taxicab not more than once each year; revising provisions governing the authority of certain certificate holders to lease a taxicab to an independent contractor; authorizing an independent contractor who leases a taxicab to use the taxicab in accordance with an agreement with a transportation network company; ~~[repealing]~~ **revising** provisions relating to vehicles equipped with a dynamic display; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Taxicab Authority exercises regulatory authority over taxicabs in any county whose population is 700,000 or more (currently Clark County). (NRS 706.881) The Taxicab Authority may adopt regulations for the administration and enforcement of the provisions of existing law that apply to such taxicabs. (NRS 706.8818) Existing law requires the Nevada Transportation Authority to adopt regulations governing the operation in this State of a transportation network company and each driver who enters into an agreement with a transportation network company to receive connections to potential passengers and provide transportation services. (NRS 706A.100) **Section 3** of this bill confers ~~[concurrent]~~ **limited** enforcement jurisdiction upon the Taxicab Authority ~~[and the Nevada Transportation Authority]~~ over

a ~~[transportation network company and a]~~ person who is a driver for a transportation network company during any period in which the person provides transportation services in the county where the Taxicab Authority has jurisdiction. ~~[Sections 1 and 14-16]~~ **Section 16.5** of this bill ~~[make]~~ **makes a** conforming ~~[changes.]~~ **change, requiring a taxicab field investigator of the Taxicab Authority to have probable cause of a violation before initiating a stop of such a driver.**

Existing law requires payment to the Taxicab Authority of a technology fee in an amount set by the Taxicab Authority by each taxicab certificate holder for each compensable trip of each taxicab of the certificate holder. (NRS 706.8826) The money from the technology fee must be deposited in the Taxicab Authority Fund, and existing law requires that the money be used to implement technological improvements in safety, reliability and efficiency, including the implementation of a computerized real-time data system to assist with the regulation of taxicabs. (NRS 706.8825) **Section 5** of this bill removes the requirement for the money from the technology fee to be spent on such a system, and authorizes its use for the implementation of technological improvements in safety. **Section 26** of this bill repeals the provision of existing law authorizing the use of a computerized real-time data system.

Existing law requires the Taxicab Authority to approve or disapprove the color scheme, insigne and design of the cruising lights of the taxicabs of a certificate holder, and to ensure that each certificate holder's taxicabs are readily distinguishable from those of another certificate holder. (NRS 706.8833) **Section 6** of this bill retains the requirement that taxicabs of each certificate holder be readily distinguishable from those of each other certificate holder, but removes the requirement for the Taxicab Authority to approve such color schemes, insigne and design of cruising lights. **Section 6** also revises provisions governing the placement of advertisements on the exterior of taxicabs by authorizing the use of the advertisements if the placement of the advertisements does not impair the ability of the driver to operate the vehicle safely.

Under existing law, a certificate holder may only use for a taxicab a new vehicle or a vehicle with 30,000 miles or less on the odometer. A new vehicle used as a taxicab must be removed from service as a taxicab after 67 months of such use, and a vehicle with less than 30,000 miles on it when put into use as a taxicab must be removed from service after 55 months. If the vehicle is a hybrid electric vehicle, the vehicle is allowed an additional 24 months of service. (NRS 706.8834) **Section 7** of this bill provides instead that any vehicle used as a taxicab may only be used as a taxicab for 120 months after the date on which the vehicle was manufactured.

Section 8 of this bill newly requires each taxicab to display a statement indicating whether the certificate holder accepts credit cards and debit cards and, if so, listing the maximum fee a customer will be charged for the convenience of using a credit card or debit card. Existing law provides that

the maximum amount of such a fee may be prescribed in regulation by the Taxicab Authority. (NRS 706.88355)

Existing law authorizes the Taxicab Administrator of the Department of Business and Industry to inspect a taxicab at any reasonable time. (NRS 706.8839) **Section 9** of this bill requires the Taxicab Administrator to conduct such an inspection not more than once each year.

Existing law authorizes a certificate holder to lease a taxicab to an independent contractor, who may only use the taxicab in a manner authorized by the certificate holder's certificate of public convenience and necessity. (NRS 706.88396) **Section 10** of this bill expands existing law by authorizing the independent contractor to use the taxicab to provide transportation services pursuant to an agreement with a transportation network company. **Section 10** also requires the certificate holder who leases a taxicab to an independent contractor to inspect the taxicab at least monthly. **Section 10** also limits the number of unexpired leases a certificate holder may have to not more than the number of taxicabs allocated to the certificate holder by the Taxicab Authority. **Sections 14 and 15** of this bill make conforming changes.

Existing law requires an applicant for a driver's permit to drive a taxicab to prove that he or she has been a resident of this State for at least 30 days. (NRS 706.8841) **Section 11** of this bill requires the applicant to prove instead that he or she is a resident of this State or a state that adjoins the county in which the applicant has applied for the driver's permit. **Section 12** of this bill revises provisions regarding daily trip sheets to allow for the use of certain electronic operating systems.

Under existing law, a driver of a taxicab is not allowed to take a longer route to a passenger's destination than is necessary, unless specifically requested to do so by the passenger. (NRS 706.8846) **Section 13** of this bill provides that a driver must take the most direct route and is not allowed to take a longer or different route intentionally unless: (1) requested or agreed to by the passenger; or (2) the different route is approved by the Taxicab Authority. **Section 13** also provides that the Taxicab Authority may only conduct an investigation for a violation of this provision upon receipt of a complaint by a passenger.

Under existing law, a person may not operate on the highways of this State any motor vehicle equipped with a dynamic display unless the vehicle is also equipped with a display management system that is configured to prevent the image or content on the dynamic display from changing when the vehicle is moving, in a turnout or in a location where such a change may cause undue distraction to other drivers. Such a dynamic display is also prohibited from projecting moving images or other moving content. (NRS 484D.493) **Section ~~[~~26~~]~~ 24.5** of this bill **~~[~~repeals this provision.~~]~~ removes the prohibition on moving images or content and provides that the display management system must be configured to prevent the image or content from**

changing only when the vehicle is moving at a speed of 55 miles per hour or more.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 706.759 is hereby amended to read as follows:

706.759 1. ~~[A]~~ ***Except as otherwise provided in subsection 3, a*** person who drives a taxicab as an employee of a person who holds a certificate of public convenience and necessity which was issued for the operation of a taxicab business shall not act as a driver as defined in NRS 706A.040:

(a) Using the taxicab provided by his or her employer; or

(b) During any time for which the person receives wages from his or her employer for duties which include driving a taxicab.

2. A person who holds a certificate of public convenience and necessity which was issued for the operation of a taxicab business may terminate the employment of a person who violates the provisions of subsection 1.

3. The provisions of subsection 1 do not apply to an independent contractor who leases a taxicab pursuant to NRS 706.88396.

Sec. 2. NRS 706.8816 is hereby amended to read as follows:

706.8816 1. "Taxicab" means a motor vehicle or vehicles which is designed or constructed to accommodate and transport not more than six passengers, ***not*** including the driver, and:

(a) Uses a taximeter or some other device, method or system to indicate and determine the passenger fare charged;

(b) Is used in the transportation of passengers or light express or both for which a charge or fee is received; or

(c) Is operated in any service which is held out to the public as being available for the transportation of passengers from place to place in the State of Nevada.

2. "Taxicab" does not include a motor vehicle of:

(a) A common motor carrier.

(b) A contract motor carrier which operates along fixed routes.

(c) An employer who operates the vehicle for the transportation of the employees of that employer, whether or not the employees pay for the transportation.

Sec. 3. NRS 706.8818 is hereby amended to read as follows:

706.8818 1. The Taxicab Authority, consisting of five members appointed by the Governor, is hereby created. Except as otherwise provided in NRS 232A.020, the term of each member is 3 years and no member may serve for more than 6 years. No more than three members may be members of the same political party, and no elected officer of the State or any political subdivision is eligible for appointment.

2. Each member of the Taxicab Authority is entitled to receive a salary of not more than $80, as fixed by the Authority, for each day actually employed on work of the Authority.

3. While engaged in the business of the Taxicab Authority, each member and employee of the Authority is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

4. The Taxicab Authority shall maintain its principal office in the county or area of the State where it performs most of its regulatory activity.

5. The Taxicab Authority may adopt appropriate regulations for the administration and enforcement of NRS 706.881 to 706.885, inclusive, and, as it may deem necessary, for the conduct of the taxicab business and for the qualifications of and the issuance of permits to taxicab drivers, not inconsistent with the provisions of NRS 706.881 to 706.885, inclusive. The regulations may include different provisions to allow for differences among the counties to which NRS 706.881 to 706.885, inclusive, apply. Local law enforcement agencies and the Nevada Highway Patrol, upon request of the Authority, may assist in enforcing the provisions of NRS 706.881 to 706.885, inclusive, and regulations adopted pursuant thereto.

6. Except to the extent of any inconsistency with the provisions of NRS 706.881 to 706.885, inclusive, every regulation and order issued by the Nevada Transportation Authority remains effective in a county to which those sections apply until modified or rescinded by the Taxicab Authority, and must be enforced by the Taxicab Authority.

7. The Taxicab Authority ~~[and the Nevada Transportation Authority have concurrent enforcement jurisdiction over a transportation network company and]~~ may issue a written administrative citation to a person who is a driver for ~~[the]~~ a transportation network company during any period in which the person provides transportation services pursuant to chapter 706A of NRS in a county where the Taxicab Authority has jurisdiction pursuant to NRS 706.881 as follows:

(a) The enforcement jurisdiction of the Taxicab Authority over a person who is a driver for a transportation network company is limited to enforcement of the provisions of ~~[chapter 706A of NRS and the traffic laws of this State.]~~ subsection 1 of NRS 706A.280, except that such jurisdiction does not include enforcement of any violation or other matter which requires the Taxicab Authority to review or investigate the digital network or software application service of the transportation network company through which the driver is connected to potential passengers.

(b) A written administrative citation issued by the Taxicab Authority ~~[for a violation of any provision of chapter 706A of NRS]~~ to a ~~[transportation network company or a]~~ person who is a driver for a transportation network company must be adjudicated by the Nevada Transportation Authority pursuant to the provisions of chapter 706A of NRS.

Sec. 4. NRS 706.88183 is hereby amended to read as follows:

706.88183 1. The Taxicab Authority shall implement a system to verify ~~[~~through the computerized real-time data system implemented pursuant to subsection 4 of NRS 706.8825~~]~~ the validity of a temporary or permanent medallion issued by the Taxicab Authority.

2. As used in this section, "medallion" means the temporary or permanent authority to operate a taxicab within the jurisdiction of the Taxicab Authority which is issued by the Taxicab Authority pursuant to NRS 706.8811 to 706.885, inclusive.

Sec. 5. NRS 706.8825 is hereby amended to read as follows:

706.8825 1. All fees collected pursuant to NRS 706.881 to 706.885, inclusive, must be deposited by the Administrator to the credit of the Taxicab Authority Fund, which is hereby created as a special revenue fund. The transactions for each county subject to those sections must be accounted for separately within the Fund.

2. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund.

3. The revenues received pursuant to subsection 1 of NRS 706.8826 are hereby appropriated to defray the cost of regulating taxicabs in the county or the city, respectively, making the deposit under that subsection.

4. The fees received pursuant to subsection 3 of NRS 706.8826, NRS 706.8827, 706.8841, 706.8848, 706.8849 and 706.885 are hereby appropriated to defray the cost of regulating taxicabs in the county in which the certificate holder operates a taxicab business. The technology fees received pursuant to paragraph (c) of subsection 3 of NRS 706.8826 ~~[must]~~ ***may*** be used to implement technological improvements in safety **.** ~~[,~~ ~~reliability and efficiency, including, without limitation, the implementation of a computerized real-time data system to assist with the regulation of the taxicabs in the county in which the certificate holder operates a taxicab business. A computerized real-time data system implemented pursuant to this subsection must, at a minimum, satisfy the following criteria:~~

~~(a) While a taxicab is in service within the jurisdiction of the Taxicab Authority, the system must be capable of collecting in real-time from the onboard computer of the taxicab, by wireless access through the onboard diagnostic port or other means, the vehicle identification number and operating and telemetric data for the vehicle.~~

~~(b) While a taxicab is in service within the jurisdiction of the Taxicab Authority, the system must be capable of collecting in real-time, from an onboard diagnostic device capable of using a global positioning system that is installed in the taxicab or any other onboard computer software system capable of using a global positioning system that is installed in the taxicab, the location of the taxicab by latitude and longitude, a record of the time at which the taxicab is at that location and operating and telemetric data for the vehicle.~~

~~(c) The system must be capable of allowing the driver of a taxicab, while the taxicab is in service within the jurisdiction of the Taxicab Authority, to register in the system, at the beginning and end of each shift, his or her identity and the number of his or her driver's permit.~~

~~(d) The system must be capable of allowing, in a manner prescribed by the Taxicab Authority, a certificate holder to digitally associate a taxicab with a~~

~~temporary or permanent medallion for the purpose of verifying the validity of a temporary or permanent medallion pursuant to NRS 706.88183. As used in this paragraph, "medallion" has the meaning ascribed to it in NRS 706.88183.~~

~~(e) The system must be capable of presenting, in real-time to the Taxicab Authority, searchable histories, in both a format that displays the information and data in tables and a digital map format that displays streets and highways, of:~~

~~(1) The information and data described in this subsection; and~~

~~(2) The information described in NRS 706.8844.~~

~~(f) The system must be capable of presenting to a passenger, through an application on a mobile device or on an interactive, digital display or other onboard system in the taxicab, sufficient information for the passenger to select and direct the driver to the passenger's desired destination by the passenger's desired route. The information must include, without limitation, sufficient information for the passenger to:~~

~~(1) Select the shortest route by time or distance to the passenger's desired destination;~~

~~(2) Select a multi-segment trip directed by the passenger;~~

~~(3) Select the least expensive route to the passenger's desired destination; and~~

~~(4) Make a digital record of the passenger's selection that is accessible during and after the trip by the passenger, the Taxicab Authority, the driver and the certificate holder.~~

~~(g) The system must be capable of presenting to the driver, through an application on a mobile device or an interactive, digital display or other onboard system in the taxicab, sufficient information for the driver to:~~

~~(1) Determine the shortest route by time or distance to the passenger's desired destination and the least expensive route to the passenger's desired destination;~~

~~(2) Follow a multi-segment, passenger-directed trip by the least expensive route to the passenger's desired destination; and~~

~~(3) Allow the passenger to make a digital record of a selection of a desired route to the passenger's destination that is accessible during and after the trip by the passenger, the Taxicab Authority, the driver and the certificate holder.~~

~~(h) The system must be capable of allowing passengers to register comments and complaints with the Taxicab Authority, the driver and the certificate holder, through an application on a mobile device or an interactive digital display screen or other onboard system in the taxicab.~~

~~(i) The system must be capable of assisting the Taxicab Authority in the development of additional preventive measures to detect, investigate and deter the practice of transporting a passenger to a selected destination by a route that is more expensive than necessary under the circumstances of the trip.~~

~~(j) The system must be capable of providing to the Taxicab Authority reliable real-time and historic information concerning service demands, market data, vehicle usage, wait times and customer complaints and comments for use by the Taxicab Authority to make decisions concerning the allocation of medallions pursuant to NRS 706.88237, 706.8824 and 706.88245.~~

~~(k) The system must be capable of allowing certificate holders to use the system to provide cooperative dispatch and electronic hailing services to the public pursuant to NRS 706.88184.~~

~~5. The Taxicab Authority shall not use the information and data collected pursuant to paragraph (a) or (b) of subsection 4 for any purpose other than the purposes set forth in those paragraphs unless the Authority has adopted regulations governing the additional use.~~

~~6. The Taxicab Authority may operate the computerized real-time data system implemented pursuant to subsection 4 or enter into an agreement for the provision of such service. If the Taxicab Authority enters into such an agreement, the Taxicab Authority shall ensure that all the information and data collected by the computerized real-time data system is under the control of the Taxicab Authority.~~

~~7.~~**]** ***5.*** Any balance remaining in the Fund does not revert to the State General Fund. The Administrator may transfer to the Aging and Disability Services Division of the Department of Health and Human Services any balance over $200,000 and any interest earned on the Fund, within the limits of legislative authorization for each fiscal year, to subsidize transportation for elderly persons and persons with permanent disabilities in taxicabs. The money transferred to the Aging and Disability Services Division must be administered in accordance with regulations adopted by the Administrator of the Aging and Disability Services Division pursuant to NRS 427A.070.

[~~8.~~**]** ***6.*** The Administrator may establish an account for petty cash not to exceed $2,000 for the support of undercover investigation and if the account is created, the Administrator shall reimburse the account from the Taxicab Authority Fund in the same manner as other claims against the State are paid.

[~~9. As used in this section, "real time" means the transmission of information at a rate no longer than once every 6 seconds, unless the Taxicab Authority authorizes a longer rate while a taxicab is experiencing a low volume of trips.~~**]**

Sec. 6. NRS 706.8833 is hereby amended to read as follows:

706.8833 1. The color scheme **[**~~,~~**]** ***and*** insigne **[**~~and design of the cruising lights of each taxicab must conform to those approved for~~**]** ***of*** the ***taxicabs of each*** certificate holder **[**~~pursuant to regulations of the Taxicab Authority.~~

~~2. Except as otherwise provided in subsection 3, the Taxicab Authority shall approve or disapprove the color scheme, insigne and design of the cruising lights of the taxicabs of a certificate holder in any county, and shall ensure that the color scheme and insigne of one certificate holder are~~**]** ***must***

be readily distinguishable from the color schemes and insignia of other certificate holders operating in the same county.

~~[3.]~~ ***2.*** The Taxicab Authority shall allow a certificate holder in any county to place advertisements on the exterior of the vehicles used as taxicabs in the operations of the certificate holder, provided that the ~~[taxicabs of the certificate holder which bear such advertisements are readily distinguishable from the taxicabs of other certificate holders operating in the same county by meeting the requirements of subsection 2 of NRS 706.8835.]~~ ***placement of the advertisements does not impair the ability of the driver to operate the taxicab safely.***

Sec. 7. NRS 706.8834 is hereby amended to read as follows:

706.8834 1. ~~[Except as otherwise provided in subsection 4, if a]~~ ***A*** vehicle acquired for use as a taxicab by a certificate holder ~~[pursuant to paragraph (a) of subsection 3 has been]~~ ***may only be used*** in operation as a taxicab for ~~[67]~~ ***120*** months ~~[based on]~~ ***after*** the date ~~[it was originally placed into operation as a taxicab, the certificate holder:~~

~~(a) Shall remove the vehicle from operation as a taxicab; and~~

~~(b) Shall not permit the vehicle to be used as a taxicab in the operations of the certificate holder at any time thereafter.]~~ ***on which the vehicle was manufactured.***

2. ~~[Except as otherwise provided in subsection 4, if]~~ ***If*** a vehicle acquired for use as a taxicab by a certificate holder ~~[pursuant to paragraph (b) of subsection 3]~~ has been in operation as a taxicab for ~~[55]~~ ***120*** months ~~[based on]~~ ***after*** the date ~~[it was originally placed into operation as a taxicab,]~~ ***on which the vehicle was manufactured,*** the certificate holder:

(a) Shall remove the vehicle from operation as a taxicab; and

(b) Shall not permit the vehicle to be used as a taxicab in the operations of the certificate holder at any time thereafter.

~~[3. Any vehicle which a certificate holder acquires for use as a taxicab must:~~

~~(a) Be new; or~~

~~(b) Register not more than 30,000 miles on the odometer.~~

~~4. If a hybrid electric vehicle, as defined in 40 C.F.R. § 86.1702-99, is acquired for use as a taxicab by a certificate holder, the period of operation as a taxicab specified in subsections 1 and 2 shall be extended for an additional 24 months for that vehicle.]~~

Sec. 8. NRS 706.8835 is hereby amended to read as follows:

706.8835 1. A certificate holder shall display on each of the certificate holder's taxicabs ~~[the fare schedule under which it is being operated.]~~ ***a statement indicating whether the certificate holder accepts credit cards and debit cards and, if so, setting forth the maximum fee a customer will be charged for the convenience of using a credit card or debit card pursuant to NRS 706.88355.*** The ~~[schedule]~~ ***statement*** must be permanently affixed:

(a) On the outside of both front doors in bold block letters which are not less than three-fourths of an inch in height; and

(b) Inside the taxicab so as to be visible and easily readable by passengers.

2. A certificate holder shall have a unit number and the name of the certificate holder displayed on each taxicab in bold block letters not less than 4 inches in height and in a color which contrasts with the color of the taxicab.

Sec. 9. NRS 706.8839 is hereby amended to read as follows:

706.8839 1. The Administrator ~~[may]~~ ***shall*** inspect ~~[a]~~ ***each*** taxicab ~~[at any reasonable time.]~~ ***not more than once each year.***

2. If the Administrator finds that a taxicab is in a condition which violates NRS 706.8837, the Administrator shall remove the vehicle from service, shall place an out-of-service sticker on the windshield and shall notify the certificate holder of the defect. The vehicle shall remain out of service until the defect has been remedied and the Administrator upon reinspection has approved the vehicle and removed the out-of-service sticker.

3. If the Administrator finds that a taxicab is in a condition which violates NRS 706.8838, the Administrator shall notify the certificate holder of the improper condition and, after a reasonable time, shall reinspect the vehicle. If upon reinspection the violation has not been corrected, the vehicle shall be removed from service until it is reinspected and approved, as provided in subsection 2.

Sec. 10. NRS 706.88396 is hereby amended to read as follows:

706.88396 1. ~~[A]~~ ***Except as otherwise provided in subsection 8, a*** certificate holder may, upon approval from the Taxicab Authority, lease a taxicab to an independent contractor who is not a certificate holder. A certificate holder may lease only one taxicab to each independent contractor with whom the person enters into a lease agreement. The taxicab may be used ~~[only in]~~ ***, without limitation:***

(a) In a manner authorized by the certificate holder's certificate of public convenience and necessity ~~[.]~~ ***; or***

(b) By the independent contractor to provide transportation services in accordance with an agreement with a transportation network company entered into pursuant to chapter 706A of NRS.

2. A certificate holder who enters into a lease agreement with an independent contractor pursuant to this section shall submit a copy of the agreement to the Taxicab Authority for its approval. The agreement is not effective until approved by the Taxicab Authority.

3. ***Except as otherwise provided in subsection 8, the Taxicab Authority may not limit the number of:***

(a) Lease agreements entered into by a certificate holder; or

(b) Days for which a lease agreement remains in effect.

4. A certificate holder who leases a taxicab to an independent contractor shall inspect the taxicab not less than once each month.

5. An independent contractor may not operate more than one taxicab pursuant to a lease agreement with a certificate holder during any one 24-hour period.

6. A certificate holder who leases a taxicab to an independent contractor is jointly and severally liable with the independent contractor for any violation of the provisions of this chapter or the regulations adopted pursuant ***thereto or, if applicable, chapter 706A of NRS or the regulations adopted pursuant*** thereto, and shall ensure that the independent contractor complies with such provisions and regulations.

~~[4.]~~ ***7.*** The Taxicab Authority or any of its employees may intervene in a civil action involving a lease agreement entered into pursuant to this section.

8. A certificate holder may not have a number of unexpired leases that exceeds the number of taxicabs allocated to the certificate holder pursuant to NRS 706.8824 and 706.88245.

Sec. 11. NRS 706.8841 is hereby amended to read as follows:

706.8841 1. The Administrator shall issue a driver's permit to qualified persons who wish to be employed by certificate holders as taxicab drivers. Before issuing a driver's permit, the Administrator shall:

(a) Require the applicant to submit a complete set of the applicant's fingerprints which the Administrator may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to ascertain whether the applicant has a criminal record and the nature of any such record, and shall further investigate the applicant's background; and

(b) Require proof that the applicant:

(1) ~~[~~Has been~~]~~ ***Is*** a resident of ~~[~~the~~]~~ ***this*** State ~~[for 30 days before the application for a permit;]~~ ***or a state that adjoins the county in which the applicant has applied for a driver's permit;***

(2) Can read and orally communicate in the English language; and

(3) Has a valid license issued under NRS 483.325 which authorizes the applicant to drive a taxicab in this State.

2. The Administrator may refuse to issue a driver's permit if the applicant has been convicted of:

(a) A felony relating to the practice of taxicab drivers in this State or any other jurisdiction at any time before the date of the application;

(b) A felony involving any sexual offense in this State or any other jurisdiction at any time before the date of the application;

(c) A violation of NRS 484C.110, 484C.120 or 484C.430 or a law of any other jurisdiction that prohibits the same or similar conduct within 3 years before the date of the application; or

(d) A violation of NRS 484C.130 or a law of any other jurisdiction that prohibits the same or similar conduct.

3. The Administrator may refuse to issue a driver's permit if the Administrator, after the background investigation of the applicant, determines that the applicant is morally unfit or if the issuance of the driver's permit would be detrimental to public health, welfare or safety.

4. A taxicab driver shall pay to the Administrator, in advance, $40 for an original driver's permit and $10 for a renewal.

Sec. 12. NRS 706.8844 is hereby amended to read as follows:

706.8844 1. A certificate holder shall require the certificate holder's drivers to keep a daily trip sheet in a form to be prescribed by the Taxicab Authority, including, without limitation, in electronic form.

2. At the beginning of each period of duty the driver shall record on the driver's trip sheet:

(a) The driver's name and the number of the taxicab;

(b) The time at which the driver began the period of duty by means of a time clock provided by the certificate holder;

(c) If the taxicab is equipped with a taximeter, the meter readings for total miles, paid miles, trips, units, extra passengers and extra charges; and

(d) The odometer reading of the taxicab.

3. During each period of duty the driver shall record on the driver's trip sheet:

(a) The time, place of origin and destination of each trip; and

(b) The number of passengers and amount of fare for each trip.

4. At the end of each period of duty the driver shall record on the driver's trip sheet:

(a) ~~[~~The~~]~~ ***Except as otherwise provided in subsection 5, the*** time at which the driver ended the period of duty by means of a time clock provided by the certificate holder;

(b) If the taxicab is equipped with a taximeter, the meter readings for total miles, paid miles, trips, units and extra passengers; and

(c) The odometer reading of the taxicab.

5. ***A driver is not required to record on the driver's trip sheet the time at which the driver ended the period of duty if:***

(a) The certificate holder uses an operating system which records the time the driver ends the period of duty electronically; and

(b) The time entries recorded by the operating system are available to the Taxicab Authority if requested pursuant to an audit.

6. A certificate holder shall furnish a trip sheet form for each taxicab operated by a driver during the driver's period of duty and shall require the drivers to return their completed trip sheets at the end of each period of duty.

~~[~~6.~~]~~ ***7.*** A certificate holder shall retain all trip sheets of all drivers in a safe place for a period of 3 years immediately succeeding December 31 of the year to which they respectively pertain and shall make such manifests available for inspection by the Administrator upon reasonable demand.

~~[~~7.~~]~~ ***8.*** Any driver who maintains a trip sheet in a form less complete than that required by subsection 1 is guilty of a misdemeanor.

~~[~~8.~~]~~ ***9.*** The Administrator shall prescribe the requirements for the use of an electronic version of a daily trip sheet. If a certificate holder requires its drivers to keep a daily trip sheet in electronic form, the certificate holder may comply with the requirements of this section ~~[~~:

~~(a) By~~~~]~~ ***by*** maintaining the information collected from the daily trip sheet in a secure database and providing the Administrator with access to the

information in the database at regular intervals established by the Administrator and upon reasonable demand **.** ~~[~~**,** ~~or~~

~~— (b) By reporting the information to the Administrator on the computerized real-time data system implemented pursuant to subsection 4 of NRS 706.8825.]~~

10. As used in this section, "time clock" means a mechanism which records the time at which a driver begins or ends, as applicable, a period of duty by means of:

(a) A manual time stamp on the driver's trip sheet; or

(b) An electronically issued time stamp provided by the operating system of the certificate holder.

Sec. 13. NRS 706.8846 is hereby amended to read as follows:

706.8846 ***1.*** With respect to a passenger's destination, ~~[~~a~~]~~ ***unless a different route is requested or agreed to by the passenger, or a different route has been approved by the Taxicab Authority, a driver shall take the most direct route when transporting a passenger to his or her destination. A*** driver shall not:

~~[~~1.~~]~~ ***(a)*** Deceive or attempt to deceive any passenger who rides or desires to ride in the driver's taxicab.

~~[~~2.~~]~~ ***(b)*** Convey or attempt to convey any passenger to a destination other than the one directed by the passenger.

~~[~~3.~~]~~ ***(c)*** ~~[~~Take~~]~~ ***Except as otherwise provided in this subsection, intentionally take*** a longer route to the passenger's destination than is necessary **.** ~~[~~, unless specifically requested so to do by the passenger.

~~— 4.]~~

(d) Fail to comply with the reasonable and lawful requests of the passenger as to speed of travel and route to be taken.

2. The Taxicab Authority may only conduct an investigation for a violation of this section upon receipt of a complaint by a passenger.

Sec. 14. NRS 706A.075 is hereby amended to read as follows:

706A.075 1. Except as otherwise provided in subsection 2, the provisions of this chapter do not exempt any person from any law governing the operation of a motor vehicle upon the highways of this State.

2. A transportation network company which holds a valid permit issued by the Authority pursuant to this chapter, a driver who has entered into an agreement with such a company and a vehicle operated by such a driver are exempt from:

(a) The provisions of chapter 704 of NRS relating to public utilities; and

(b) ~~[~~The~~]~~ ***Except as otherwise provided in NRS 706.88396, the*** provisions of chapter 706 of NRS,

➥ to the extent that the services provided by the company or driver are within the scope of the permit.

Sec. 15. NRS 706A.110 is hereby amended to read as follows:

706A.110 1. A transportation network company shall not engage in business in this State unless the company holds a valid permit issued by the Authority pursuant to this chapter.

2. A driver shall not provide transportation services unless the company with which the driver is affiliated holds a valid permit issued by the Authority pursuant to this chapter.

3. The Authority is authorized and empowered to regulate, pursuant to the provisions of this chapter, all transportation network companies and drivers who operate or wish to operate within this State. ~~[The]~~ ***Except as otherwise provided in NRS ~~[706.8818 and]~~ 706.88396, the*** Authority shall not apply any provision of chapter 706 of NRS to a transportation network company or a driver who operates within the provisions of this chapter and the regulations adopted pursuant thereto.

Sec. 16. NRS 706A.130 is hereby amended to read as follows:

706A.130 1. Upon receipt of a completed application and upon a determination by the Authority that an applicant meets the requirements for the issuance of a permit to operate a transportation network company, the Authority shall issue to the applicant within 30 days a permit to operate a transportation network company in this State.

2. In accordance with the provisions of this chapter, a permit issued pursuant to this section:

(a) Authorizes a transportation network company to connect one or more passengers through the use of a digital network or software application service to a driver who can provide transportation services.

(b) Authorizes a transportation network company to make its digital network or software application service available to one or more drivers to receive connections to potential passengers from the company in exchange for the payment of a fee by the driver to the company.

(c) ~~[Does]~~ ***Except as otherwise provided in NRS 706.88396, does*** not authorize a transportation network company or any driver to engage in any activity otherwise regulated pursuant to chapter 706 of NRS other than the activity authorized by this chapter.

3. Nothing in this chapter prohibits the issuance of a permit to operate a transportation network company to a person who is regulated pursuant to chapter 706 of NRS if the person submits an application pursuant to NRS 706A.120 and meets the requirements for the issuance of a permit.

Sec. 16.5. **NRS 289.340 is hereby amended to read as follows:**

289.340 An employee designated by the Taxicab Administrator as:

1. A taxicab field investigator is a peace officer ~~[.]~~ ***for the purposes of enforcing the provisions of chapter 706 of NRS. Such an investigator enforcing the provisions of subsection 1 of NRS 706A.280 pursuant to NRS 706.8818 must have probable cause that a driver is violating subsection 1 of NRS 706A.280 to initiate a traffic stop of the driver's vehicle.***

2. An airport control officer is a peace officer only when on duty at the airport.

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. NRS 427A.070 is hereby amended to read as follows:

427A.070 1. The Administrator shall:

(a) Subject to the approval of the Director, adopt rules and regulations:

(1) Necessary to carry out the purposes of this chapter and chapter 435 of NRS; and

(2) Establishing a program to subsidize the transportation by taxicab of elderly persons and persons with permanent disabilities from money received pursuant to subsection ~~[7]~~ ***5*** of NRS 706.8825;

(b) Establish appropriate administrative units within the Division;

(c) Appoint such personnel and prescribe their duties as the Administrator deems necessary for the proper and efficient performance of the functions of the Division;

(d) Prepare and submit to the Governor, through the Director before September 1 of each even-numbered year for the biennium ending June 30 of such year, reports of activities and expenditures and estimates of sums required to carry out the purposes of this chapter and chapter 435 of NRS;

(e) Make certification for disbursement of funds available for carrying out the purposes of this chapter and chapter 435 of NRS; and

(f) Take such other action as may be necessary or appropriate for cooperation with public and private agencies and otherwise to carry out the purposes of this chapter and chapter 435 of NRS.

2. The Administrator may delegate to any officer or employee of the Division such of the powers and duties of the Administrator as the Administrator finds necessary to carry out the purposes of this chapter and chapter 435 of NRS.

Sec. 24.5. **NRS 484D.493 is hereby amended to read as follows:**

484D.493 1. Except as otherwise provided in subsection 2, a person shall not operate upon the highways of this State any motor vehicle that is equipped with a dynamic display unless ~~[:~~

~~(a) The]~~ ***the*** motor vehicle is equipped with a display management system which is configured to prevent the image or content displayed on the dynamic display from changing when the motor vehicle is ~~[:~~

~~(1) Moving;~~

~~(2) In a turnout; or~~

~~(3) In any other location where changing the image or content displayed on the dynamic display may cause undue distraction to the operators of other vehicles; and~~

~~(b) The dynamic display does not project or otherwise show moving images, moving information or other moving content.~~**]** ***moving at a speed of 55 miles per hour or more.***

2. This section does not prohibit the use of a dynamic display that is operated without a display management system if the dynamic display is being used exclusively for purposes other than advertisement, including, without limitation:

(a) For purposes that are personal and noncommercial in nature;

(b) For purposes of traffic control;

(c) For purposes of law enforcement or emergency response;

(d) As a warning device for a utility or utility vehicle, as described in NRS 484D.465; or

(e) To display the name, route number or destination of a bus or other vehicle of mass transit.

3. As used in this section:

(a) "Display management system" means equipment or software that is designed to operate a dynamic display, including, without limitation, periodically changing the image, information or content being shown on the dynamic display.

(b) "Dynamic display" means equipment which is attached to a motor vehicle and which consists of at least one monitor, screen or viewer that, without limitation:

(1) Is designed to display various images, information or other content, including, without limitation, advertisements, which change periodically;

(2) Is intended to be visible to the drivers of other vehicles on the highway and to persons who are near the highway; and

(3) May be visible to the operator of the motor vehicle.

Sec. 25. Any regulations adopted by the Taxicab Authority that conflict with the amendatory provisions of this act are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after July 1, 2017.

Sec. 26. NRS ~~**[**484D.493 and**]**~~ 706.88184 ~~**[**are**]**~~ **is** hereby repealed.

Sec. 27. This act becomes effective on July 1, 2017.

TEXT OF REPEALED ~~**[SECTIONS]**~~ SECTION

~~**[**484D.493 Dynamic display: Management system required; exceptions.~~

~~1. Except as otherwise provided in subsection 2, a person shall not operate upon the highways of this State any motor vehicle that is equipped with a dynamic display unless:~~

~~(a) The motor vehicle is equipped with a display management system which is configured to prevent the image or content displayed on the dynamic display from changing when the motor vehicle is:~~

~~(1) Moving;~~

~~(2) In a turnout; or~~

~~(3) In any other location where changing the image or content displayed on the dynamic display may cause undue distraction to the operators of other vehicles; and~~

~~(b) The dynamic display does not project or otherwise show moving images, moving information or other moving content.~~

~~2. This section does not prohibit the use of a dynamic display that is operated without a display management system if the dynamic display is being used exclusively for purposes other than advertisement, including, without limitation:~~

~~(a) For purposes that are personal and noncommercial in nature;~~

~~(b) For purposes of traffic control;~~

~~(c) For purposes of law enforcement or emergency response;~~

~~(d) As a warning device for a utility or utility vehicle, as described in NRS 484D.465; or~~

~~(e) To display the name, route number or destination of a bus or other vehicle of mass transit.~~

~~3. As used in this section:~~

~~(a) "Display management system" means equipment or software that is designed to operate a dynamic display, including, without limitation, periodically changing the image, information or content being shown on the dynamic display.~~

~~(b) "Dynamic display" means equipment which is attached to a motor vehicle and which consists of at least one monitor, screen or viewer that, without limitation:~~

~~(1) Is designed to display various images, information or other content, including, without limitation, advertisements, which change periodically;~~

~~(2) Is intended to be visible to the drivers of other vehicles on the highway and to persons who are near the highway; and~~

~~(3) May be visible to the operator of the motor vehicle.~~**]**

706.88184 Authority required to authorize use of certain technology by certificate holders and to impose reasonable charge.

1. Upon application by a certificate holder, the Taxicab Authority shall authorize the certificate holder to use the computerized real-time data system for the purposes of offering cooperative dispatch and electronic hailing services for taxicabs to the public.

2. If two or more certificate holders apply to the Taxicab Authority to use the computerized real-time data system for the purposes set forth in subsection 1, the Taxicab Authority must establish, by regulation or order, rules providing for the use of the computerized real-time data system by two or more certificate holders for the purposes set forth in subsection 1.

3. The Taxicab Authority shall:

(a) Authorize the certificate holders who are authorized to use the computerized real-time data system for the purposes set forth in subsection 1

to impose a reasonable charge for the use by a passenger of the computerized real-time data system. The charge:

(1) Must be separate from any other rate, fare or charge for taxicab service;

(2) Is not required to be uniform within a county; and

(3) May be assessed in accordance with a schedule of charges based upon factors approved by the Taxicab Authority.

(b) Establish, by regulation or order, requirements for the publication by certificate holders of the charge or the schedule of charges for the use by a passenger of the computerized real-time data system for the purposes set forth in subsection 1.

4. As used in this section, "computerized real-time data system" means the computerized real-time data system implemented by the Taxicab Authority pursuant to subsection 4 of NRS 706.8825.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 69.

Bill read third time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 691.

SUMMARY— ~~[Authorizes the use of an]~~ **Revises provisions relating to** autonomous ~~[vehicle to transport persons or property in certain circumstances.]~~ **vehicles.** (BDR 43-246)

AN ACT relating to transportation; ~~[requiring the approval of the Department of Motor Vehicles before an autonomous vehicle or autonomous technology may be used in this State;]~~ **revising requirements for the testing or operation of an autonomous vehicle on a highway within this State; authorizing the testing and use of driver-assistive platooning technology;** authorizing the use of ~~[an]~~ **a fully** autonomous vehicle ~~[or autonomous technology]~~ to provide transportation services in certain circumstances by persons licensed by the **Department of Motor Vehicles,** Nevada Transportation Authority or Taxicab Authority; ~~[revising provisions relating to the testing of an autonomous vehicle and autonomous technology; revising requirements relating to the operation of autonomous vehicles on the highways within this State; establishing provisions relating to the use of an autonomous vehicle or autonomous technology by a common motor carrier, contract motor carrier, holder of a certificate of public convenience and necessity for the operation of a taxicab business or transportation network company;]~~ **providing for the regulation of autonomous vehicle network companies;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Motor Vehicles to adopt regulations authorizing the operation of autonomous vehicles on highways within this State. (NRS 482A.100) Existing law also provides certain requirements which must be met before an autonomous vehicle is tested or operated on a highway within this State. (NRS 482A.060-482A.080) ~~[Section 5 of this bill requires the Department to adopt regulations necessary to authorize the use of a human-machine interface or operator interface to communicate with the autonomous technology in an autonomous vehicle. Section 6 of this bill requires the Department to adopt regulations authorizing the testing and use of an autonomous vehicle or autonomous technology without a human operator on the highways within this State.]~~ **Section 5.6 of this bill prohibits a local government from imposing a tax, fee or other requirement on an automated driving system or autonomous vehicle. Section 5.8 of this bill requires a person responsible for the testing of an autonomous vehicle to report certain crashes to the Department. Section 6 of this bill authorizes the Department to impose an administrative fine for violations of laws and regulations relating to autonomous vehicles. Section 8 of this bill allows a fully autonomous vehicle to be tested or operated on a highway within this State with the automated driving system engaged and without a human operator if the vehicle is capable of achieving a minimal risk condition upon a failure of its automated driving system. Section 9 of this bill allows an autonomous vehicle or fully autonomous vehicle to be tested or used on a highway within this State if the vehicle satisfies certain requirements relating to safety if an automated driving system fails. Section 9.5 of this bill extends immunity from liability for damages caused by modifications by a third party to the original manufacturer or developer of an automated driving system. Section 10** of this bill ~~[requires]~~ **authorizes** the Department to adopt **certain** regulations ~~[establishing certain requirements for the testing and use of an]~~ **relating to** autonomous ~~[vehicle on the highways within this State.]~~ **vehicles. Sections 5.2 and 5.4 of this bill provide for the testing and use of driver-assistive platooning technology within this State. Section 11.5 of this bill defines the term "driver" for the purposes of the traffic laws of this State to include the owner of a fully autonomous vehicle and the person who causes the automated driving system of any other autonomous vehicle to engage.**

Existing law requires **: (1)** each person operating as a common, contract or private motor carrier in this State to obtain a license from the Department of Motor Vehicles ~~[. (NRS 706.491) Section 21 of this bill requires the Nevada Transportation Authority to authorize the use of an autonomous vehicle or autonomous technology by a common motor carrier or a contract motor carrier in certain circumstances. Section 22 of this bill establishes a requirement for insurance to be maintained by a common motor carrier or contract motor carrier that uses an autonomous vehicle to provide~~

~~transportation services. Section 23 of this bill requires the use of an autonomous vehicle by a common motor carrier or contract motor carrier to meet the requirements imposed by certain agencies and the provisions of state law relating to autonomous vehicles. Section 24 of this bill establishes certain requirements for the operator of an autonomous vehicle.~~

~~Existing law requires~~**]** **; (2)** each person who engages in the taxicab business in certain counties to hold a certificate of public convenience and necessity issued by the Public Service Commission of Nevada before July 1, 1981, or by the Taxicab Authority **[**~~. (NRS 706.881, 706.8827) Sections 31-34 of this bill establish provisions for taxicab businesses regulated by the Taxicab Authority to use autonomous vehicles or autonomous technology which are similar to those established by sections 21-24 for motor carriers regulated by the Nevada Transportation Authority.~~

~~Existing law requires~~**]** **; and (3)** each person who engages in the business of a transportation network company in this State to hold a permit issued by the Nevada Transportation Authority. (NRS **706.491, 706.881, 706.8827,** 706A.110) **[**~~Sections 54-57 of this bill establish provisions for transportation network companies to use autonomous vehicles or autonomous technology which are similar to those established by sections 21-24 for motor carriers and sections 31-34 for taxicabs. Sections 59-67 and 69 of this bill revise various provisions of existing law to authorize the use of an autonomous vehicle by a transportation network company to provide transportation services.~~

~~Existing law establishes penalties for violations of the provisions of law or regulation applicable to motor carriers, taxicab companies and transportation network companies. (NRS 706.775, 706.8848, 706.8849, 706A.300) Section 5 of this bill requires the Department of Motor Vehicles, in consultation with several other agencies, to adopt regulations which must include provisions governing actions to be taken and sanctions that may be imposed if an autonomous vehicle or autonomous technology fails or violates any law or regulation of this State. Sections 25, 46 and 68 of this bill revise provisions of existing law which impose sanctions for certain violations relating to motor carriers, taxicab businesses and transportation network companies to make failure of autonomous technology or the violation of any law or regulation by an autonomous vehicle subject to the sanctions or requirements for corrective action, or both, provided in the regulations adopted by the Department of Motor Vehicles pursuant to section 4 of this bill.~~**] Sections 14.2-14.9 of this bill provide for the permitting by the Nevada Transportation Authority of autonomous vehicle network companies and the regulation by the Authority of the provision of transportation services using fully autonomous vehicles in a manner generally consistent with the regulation of transportation network companies by the Authority. Section 14.24 of this bill defines an "autonomous vehicle network company" as an entity that, for compensation, connects a passenger to a fully autonomous vehicle to provide transportation**

services or transports goods using a fully autonomous vehicle. Sections 14.03-14.09 of this bill impose an excise tax on the connection of a passenger to a fully autonomous vehicle for the purpose of providing transportation services in a manner generally consistent with similar excise taxes imposed on connections by common motor carriers, taxicabs and transportation network companies. Section 14.9 of this bill requires an autonomous vehicle network company to maintain insurance for the payment of tort liabilities arising from the operation of a fully autonomous vehicle to provide transportation services. Sections 21 and 31 of this bill require the Nevada Transportation Authority and the Taxicab Authority, respectively, to authorize a common motor carrier or contract motor carrier or a certificate holder to use one or more fully autonomous vehicles in certain circumstances. Section 54 of this bill provides that a transportation network company may obtain a permit to operate an autonomous vehicle network company.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 482A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ~~*[“Human-machine interface” means the method by which a human operator or passenger in an autonomous vehicle communicates with the autonomous technology in the autonomous vehicle.]*~~ ***“Driver-assistive platooning technology” means a combination of vehicle automation, safety technology, sensor arrays, vehicle-to-vehicle communication systems and specialized software that allows for the safety systems, acceleration and braking of two or more trucks or other motor vehicles to be linked while traveling on a highway. The term does not include an automated driving system.***

Sec. 2.3. “Dynamic driving task” means all of the real-time operational and tactical functions required to operate an autonomous vehicle in traffic on a highway. The term does not include functions relating to planning for the use of the vehicle, including, without limitation, the scheduling of a trip or the selection of a destination or waypoint.

Sec. 2.5. “Fully autonomous vehicle” means a vehicle equipped with an automated driving system which is designed to function at a level of driving automation of level 4 or 5 pursuant to SAE J3016.

Sec. 2.7. “Minimal risk condition” means a condition in which an autonomous vehicle operating without a human driver, upon experiencing a failure of its automated driving system that renders the autonomous vehicle unable to perform the dynamic driving task, achieves a reasonably safe state which may include, without limitation, bringing the autonomous vehicle to a complete stop.

Sec. 3. ~~*[“Human operator” means a natural person who is located within and capable of taking immediate control of an autonomous vehicle.]*~~ *“Operational design domain” means a description of the specific domain or domains in which an automated driving system is designed to properly operate, including, without limitation, types of roadways, ranges of speed and environmental conditions.*

Sec. 4. ~~*[“Operator interface” means the method by which a person outside of an autonomous vehicle communicates with the autonomous technology in the autonomous vehicle.]*~~ *“SAE J3016” means the document published by SAE International on September 30, 2016, as “Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles.”*

Sec. 5. ~~*[1. The Department shall, in consultation with the Department of Public Safety, the Department of Transportation, the Nevada Transportation Authority and the Taxicab Authority, adopt such regulations as are necessary to authorize the use of a human machine interface and an operator interface to communicate with the autonomous technology in an autonomous vehicle tested or used on a highway within this State.*~~

~~*2. The regulations adopted pursuant to subsection 1 must:*~~

~~*(a) Include provisions governing actions to be taken and any sanctions that may be imposed if an autonomous vehicle, autonomous technology, human machine interface or operator interface fails or violates any law or regulation of this State; and*~~

~~*(b) Set forth such other requirements as the Department determines to be necessary.]*~~ **(Deleted by amendment.)**

Sec. 5.2. 1. The Department may adopt regulations authorizing the testing of driver-assistive platooning technology on a truck or other motor vehicle within this State.

2. The regulations adopted pursuant to subsection 1 may:

(a) Set forth requirements that a truck or other motor vehicle which uses driver-assistive platooning technology must meet before it may be operated on a highway within this State;

(b) Set forth requirements for the insurance that is required to test a truck or other motor vehicle which uses driver-assistive platooning technology on a highway within this State; and

(c) Exempt a truck or other motor vehicle which uses driver-assistive platooning technology from the application of such motor vehicle laws or traffic laws of this State as the Department determines would allow for the safe testing of the technology.

Sec. 5.4. A truck or other motor vehicle may use driver-assistive platooning technology on a highway within this State only if the truck or other motor vehicle and the driver-assistive platooning technology:

1. Are capable of being operated in compliance with the applicable motor vehicle laws and traffic laws of this State; or

2. If the truck or other motor vehicle has been granted an exemption by the Department pursuant to regulations adopted pursuant to section 5.2 of this act, is capable of being operated in compliance with the applicable motor vehicle laws and traffic laws of this State other than laws for which the truck or other motor vehicle has been granted an exemption.

Sec. 5.6. 1. Notwithstanding any other provision of law and except as otherwise provided in this chapter, only the Department may adopt regulations or impose any requirement relating to the technology of an automated driving system or autonomous vehicle, and any such regulations adopted, ordinance enacted or requirement imposed by another governmental entity or local government is void.

2. A local government shall not impose any tax or fee or impose any other requirement on an automated driving system or autonomous vehicle or on a person who operates an autonomous vehicle.

Sec. 5.8. Any person responsible for the testing of an autonomous vehicle shall report to the Department, within 10 business days after a motor vehicle crash, any motor vehicle crash involving the testing of the autonomous vehicle which results in personal injury or property damage estimated to exceed $750. The Department shall prescribe by regulation the information which must be included in such a report.

Sec. 6. 1. The Department [shall adopt such regulations as are necessary to authorize the testing and use of an autonomous vehicle or autonomous technology without a human operator on a highway within this State. The regulations may include requirements or other standards that the Department determines to be necessary to ensure the safety of the public.] may impose an administrative fine, not to exceed $2,500, for a violation of any provision of this chapter or any regulation adopted pursuant thereto.

2. In addition to any other penalty provided by this chapter, it is a gross misdemeanor for any person knowingly to falsify an application to obtain a license for an autonomous vehicle certification facility or any other document submitted to or issued by the Department pursuant to this chapter.

Sec. 7. NRS 482A.010 is hereby amended to read as follows:

482A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 482A.025, 482A.030 and 482A.040 ***and sections 2 [, 3 and] to 4 , inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 7.3. **NRS 482A.025 is hereby amended to read as follows:**

482A.025 [“Autonomous technology” means technology which is installed on a motor vehicle and which has the capability to drive the motor vehicle without the active control or monitoring of a human operator. The term does not include an active safety system or a system for driver assistance, including, without limitation, a system to provide electronic blind spot detection, crash avoidance, emergency braking, parking assistance,

~~adaptive cruise control, lane keeping assistance, lane departure warning, or traffic jam and queuing assistance, unless any such system, alone or in combination with any other system, enables the vehicle on which the system is installed to be driven without the active control or monitoring of a human operator.]~~ ***"Automated driving system" has the meaning ascribed to it in SAE J3016.***

Sec. 7.5. **NRS 482A.030 is hereby amended to read as follows:**

482A.030 "Autonomous vehicle" means a motor vehicle that is equipped with ~~[autonomous technology.]~~ ***an automated driving system which is designed to function at a level of driving automation of level 3, 4 or 5 pursuant to SAE J3016. The term includes a fully autonomous vehicle.***

Sec. 7.7. **NRS 482A.060 is hereby amended to read as follows:**

482A.060 Before a person ~~[or entity]~~ begins testing an autonomous vehicle on a highway within this State, the person ~~[or entity]~~ must:

1. Submit to the Department proof of insurance or self-insurance acceptable to the Department in the amount of $5,000,000; or

2. Make a cash deposit or post and maintain a surety bond or other acceptable form of security with the Department in the amount of $5,000,000.

Sec. 8. NRS 482A.070 is hereby amended to read as follows:

482A.070 ~~[If]~~

1. Except as otherwise provided in ~~[section 6 of this act,]~~ subsection 2, if an autonomous vehicle ~~***[or autonomous technology]***~~ is being tested ***or operated*** on a highway within this State, a human operator must be:

~~[1.]~~ ***(a)*** Seated in a position which allows the human operator to take immediate manual control of the autonomous vehicle;

~~[2. Monitoring the safe operation of the autonomous vehicle; and

3.]~~ ***and***

(b) Capable of taking over immediate manual control of the autonomous vehicle in the event of a failure of the ~~[autonomous technology]~~ ***automated driving system*** or other emergency.

2. A fully autonomous vehicle may be tested or operated on a highway within this State with the automated driving system engaged and without a human operator being present within the fully autonomous vehicle if the fully autonomous vehicle satisfies the requirements of paragraph (b) of subsection 2 of NRS 482A.080.

Sec. 9. NRS 482A.080 is hereby amended to read as follows:

482A.080 1. An autonomous vehicle shall not be registered in this State unless the autonomous vehicle ~~[meets all *state and* federal standards and regulations that are applicable to a motor vehicle.]~~ ***has affixed to it a label pursuant to 49 C.F.R. § 567.4.***

2. An autonomous vehicle shall not be tested or ~~[operated]~~ ***used*** on a highway within this State ***with a human operator*** unless the autonomous vehicle is ~~[:]~~ ***capable of operating in compliance with the applicable motor***

vehicle laws and traffic laws of this State, unless an exemption has been granted by the Department, and:

(a) ***If the autonomous vehicle is not a fully autonomous vehicle, the autonomous vehicle is:***

(1) Equipped with a means to engage and disengage the ~~[autonomous technology]~~ ***automated driving system*** which is easily accessible to the human operator of the autonomous vehicle;

~~[(b)]~~ ***(2)*** Equipped with ~~[a visual]~~ ***an*** indicator located inside the autonomous vehicle which indicates when ~~[autonomous technology]~~ ***the automated driving system*** is operating the autonomous vehicle;

~~[(c)]~~ ***and***

(3) Equipped with a means to alert the human operator to take manual control of the autonomous vehicle if a failure of the ~~[autonomous technology has been detected and such failure affects the ability of the autonomous technology to operate safely the autonomous vehicle~~; and ***, if the human operator is unable to do so, to bring the autonomous vehicle to a safe stop; and***

~~(d) Capable of being~~ operated ~~***used***~~ ~~in compliance with the applicable motor vehicle laws and traffic laws of this State.~~

~~***3. Autonomous technology shall not be added to a vehicle in this State unless the technology meets all state and federal standards and regulations that are applicable to such technology.***~~

~~***4. An autonomous vehicle shall not be tested or used on a highway within this State without a human operator unless the autonomous vehicle has been approved for such use pursuant to this chapter and any regulations adopted pursuant thereto.]*** ***automated driving system occurs which renders the automated driving system unable to perform the dynamic driving task relevant to its intended operational design domain; and***

(b) If the autonomous vehicle is a fully autonomous vehicle, the fully autonomous vehicle is capable of achieving a minimal risk condition if a failure of the automated driving system occurs which renders the automated driving system unable to perform the dynamic driving task relevant to its intended operational design domain.

Sec. 9.5. **NRS 482A.090 is hereby amended to read as follows:**

482A.090 ***1.*** The ***original*** manufacturer of a motor vehicle that has been converted by a third party into an autonomous vehicle is not liable for damages to any person injured due to a defect caused by the conversion of the motor vehicle ~~[or by any equipment installed to facilitate the conversion]~~ ***by the third party*** unless the defect that caused the injury was present in the vehicle as originally manufactured.

2. The original manufacturer or developer of an automated driving system that has been modified by a third party is not liable for damages to any person injured due to a defect caused by the modification of the automated driving system by the third party unless the defect that caused

the injury was present in the automated driving system as originally manufactured or developed.

Sec. 10. NRS 482A.100 is hereby amended to read as follows:

482A.100 1. The Department ~~[shall]~~ ***may*** adopt regulations ~~[authorizing]~~ ***relating to*** the operation ***and testing*** ~~***[and use]***~~ of autonomous vehicles on highways within the State of Nevada ~~[.]~~ ***which are consistent with this chapter and do not impose additional requirements upon the operation and testing of autonomous vehicles.***

2. ***A regulation adopted pursuant to subsection 1 shall not become effective until at least 180 days after the regulation is adopted by the Department.***

3. The regulations ~~[required to be]~~ adopted ~~[by]~~ ***pursuant to*** subsection 1 ~~[must:]~~ ***may:***

(a) ~~[Set forth requirements]~~ ***Require*** that an autonomous vehicle ~~[must meet]~~ ***or automated driving system be certified to comply with the requirements of this chapter by its manufacturer or developer or an autonomous vehicle certification facility licensed pursuant to paragraph (c)*** before it may be operated ~~***[used]***~~ on a highway within this State;

(b) ~~[Set forth requirements for the insurance that is required to test or operate *use* an autonomous vehicle on a highway within this State; *which are not inconsistent with other laws of this State concerning insurance for the testing or use of an autonomous vehicle;]~~ ***Include provisions relating to license plates for and the registration of autonomous vehicles and the licensing and training of drivers that do not conflict with this chapter or unreasonably impede the testing and operation of autonomous vehicles in this State; and***

(c) ~~[Establish minimum safety standards for autonomous vehicles and their operation; *use;*~~

~~(d) Provide for the testing *and use* of autonomous vehicles;~~

~~(e) Restrict the testing of autonomous vehicles to specified geographic areas; and~~

~~(f) Set forth such other requirements as the Department determines to be necessary.~~

~~*3. The Department shall consider the guidelines, standards, recommendations and regulations proposed or adopted by the National Highway Traffic Safety Administration in adopting regulations pursuant to this section.]~~ ***Provide for the licensing of autonomous vehicle certification facilities.***

Sec. 11. NRS 482A.200 is hereby amended to read as follows:

482A.200 ~~[The Department shall by regulation establish a driver's license endorsement for the operation *use* of an autonomous vehicle on the highways of this State. The driver's license endorsement described in this section must, in its restrictions or lack thereof, recognize the fact that a person is not required to actively drive an autonomous vehicle.]~~ ***No motor vehicle laws or traffic laws of this State shall be construed to require a***

human driver to operate a fully autonomous vehicle which is being operated by an automated driving system. The automated driving system of a fully autonomous vehicle shall, when engaged, be deemed to fulfill any physical acts which would otherwise be required of a human driver except those acts which by their nature can have no application to such a system.

Sec. 11.5. **NRS 484A.080 is hereby amended to read as follows:**

484A.080 ~~["Driver"]~~

1. Except as otherwise provided in subsection 2, "driver" means every person who drives or is in actual physical control of a vehicle.

2. If a vehicle is an autonomous vehicle, as defined in NRS 482A.030, and the automated driving system, as defined in NRS 482A.025, of the autonomous vehicle is engaged, "driver" means a person who causes the automated driving system of the autonomous vehicle to engage.

3. If a vehicle is a fully autonomous vehicle, as defined in section 2.5 of this act, and the automated driving system, as defined in NRS 482A.025, of the fully autonomous vehicle is engaged, "driver" does not include a natural person who causes the automated driving system of the fully autonomous vehicle to engage unless the natural person is the owner of the fully autonomous vehicle.

Sec. 12. NRS 484B.165 is hereby amended to read as follows:

484B.165 1. Except as otherwise provided in this section, a person shall not, while operating a motor vehicle on a highway in this State:

(a) Manually type or enter text into a cellular telephone or other handheld wireless communications device, or send or read data using any such device to access or search the Internet or to engage in nonvoice communications with another person, including, without limitation, texting, electronic messaging and instant messaging.

(b) Use a cellular telephone or other handheld wireless communications device to engage in voice communications with another person, unless the device is used with an accessory which allows the person to communicate without using his or her hands, other than to activate, deactivate or initiate a feature or function on the device.

2. The provisions of this section do not apply to:

(a) A paid or volunteer firefighter, emergency medical technician, advanced emergency medical technician, paramedic, ambulance attendant or other person trained to provide emergency medical services who is acting within the course and scope of his or her employment.

(b) A law enforcement officer or any person designated by a sheriff or chief of police or the Director of the Department of Public Safety who is acting within the course and scope of his or her employment.

(c) A person who is reporting a medical emergency, a safety hazard or criminal activity or who is requesting assistance relating to a medical emergency, a safety hazard or criminal activity.

(d) A person who is responding to a situation requiring immediate action to protect the health, welfare or safety of the driver or another person and stopping the vehicle would be inadvisable, impractical or dangerous.

(e) A person who is licensed by the Federal Communications Commission as an amateur radio operator and who is providing a communication service in connection with an actual or impending disaster or emergency, participating in a drill, test, or other exercise in preparation for a disaster or emergency or otherwise communicating public information.

(f) An employee or contractor of a public utility who uses a handheld wireless communications device:

(1) That has been provided by the public utility; and

(2) While responding to a dispatch by the public utility to respond to an emergency, including, without limitation, a response to a power outage or an interruption in utility service.

3. The provisions of this section do not prohibit the use of a voice-operated global positioning or navigation system that is affixed to the vehicle.

4. A person who violates any provision of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense within the immediately preceding 7 years, shall pay a fine of $50.

(b) For the second offense within the immediately preceding 7 years, shall pay a fine of $100.

(c) For the third or subsequent offense within the immediately preceding 7 years, shall pay a fine of $250.

5. A person who violates any provision of subsection 1 may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.

6. The Department of Motor Vehicles shall not treat a first violation of this section in the manner statutorily required for a moving traffic violation.

7. For the purposes of this section, a person shall be deemed not to be operating a motor vehicle if the motor vehicle is driven autonomously ~~[through the use of artificial intelligence software]~~ and the autonomous operation of the motor vehicle is authorized by law.

8. As used in this section:

(a) "Handheld wireless communications device" means a handheld device for the transfer of information without the use of electrical conductors or wires and includes, without limitation, a cellular telephone, a personal digital assistant, a pager and a text messaging device. The term does not include a device used for two-way radio communications if:

(1) The person using the device has a license to operate the device, if required; and

(2) All the controls for operating the device, other than the microphone and a control to speak into the microphone, are located on a unit which is used to transmit and receive communications and which is separate from the microphone and is not intended to be held.

(b) "Public utility" means a supplier of electricity or natural gas or a provider of telecommunications service for public use who is subject to regulation by the Public Utilities Commission of Nevada.

Sec. 13. ~~[NRS 484D.490 is hereby amended to read as follows:~~

~~484D.490 1. [A]~~ ***Except as otherwise provided in subsection 2, a*** ~~person shall not drive any motor vehicle equipped with television type receiving equipment so located that the viewer or screen is visible from the driver's seat.~~

~~2. This section does not prohibit the use of television type receiving equipment used exclusively for traffic safety, law enforcement or the navigation of a motor vehicle~~ ***[.] or in an autonomous vehicle.]*** **(Deleted by amendment.)**

Sec. 14. ~~[NRS 239.010 is hereby amended to read as follows:~~

~~239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290,~~

~~432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536,~~ ***~~482A.100~~,*** ~~483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.~~

~~2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.~~

~~3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that~~

~~the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.~~

~~4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:~~

~~(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.~~

~~(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.~~**] (Deleted by amendment.)**

Sec. 14.01. **Chapter 372B of NRS is hereby amended by adding thereto the provisions set forth as sections 14.03 and 14.05 of this act.**

Sec. 14.03. ***"Autonomous vehicle network company" has the meaning ascribed to it in section 14.24 of this act.***

Sec. 14.05. ***1. In addition to any other fee or assessment imposed pursuant to this chapter, an excise tax is hereby imposed on the use of a dispatch center, software application or other digital means by an autonomous vehicle network company to connect a passenger to a fully autonomous vehicle for the purpose of providing transportation services at the rate of 3 percent of the total fare charged for transportation services, which must include, without limitation, all fees, surcharges, technology fees, convenience charges for the use of a credit or debit card and any other amount that is part of the fare. The Department shall charge and collect from each autonomous vehicle network company the excise tax imposed by this subsection.***

2. The excise tax collected by the Department pursuant to subsection 1 must be deposited with the State Treasurer in accordance with the provisions of NRS 372B.170.

3. As used in this section, "fully autonomous vehicle" has the meaning ascribed to it in section 2.5 of this act.

Sec. 14.07. **NRS 372B.010 is hereby amended to read as follows:**

372B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 372B.020 to 372B.090, inclusive, ***and section 14.03 of this act*** have the meanings ascribed to them in those sections.

Sec. 14.09. **NRS 372B.070 is hereby amended to read as follows:**

372B.070 "Taxpayer" means***:*** ~~[a:]~~

1. ~~[Common]~~ ***An autonomous vehicle network company;***

2. A common motor carrier of passengers;

~~[2. Taxicab;]~~

3. A taxicab; or

~~[3. Transportation]~~

4. A transportation network company.

Sec. 14.1. **Title 58 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 14.2 to 14.9, inclusive, of this act.**

Sec. 14.2. As used in this chapter unless the context otherwise requires, the words and terms defined in sections 14.22 to 14.28, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 14.22. "Authority" means the Nevada Transportation Authority.

Sec. 14.24. "Autonomous vehicle network company" or "company" means an entity that, for compensation:

1. Connects a passenger to a fully autonomous vehicle which can provide transportation services to the passenger; or

2. Transports goods from one location to another using a fully autonomous vehicle.

Sec. 14.26. "Fully autonomous vehicle" has the meaning ascribed to it in section 2.5 of this act.

Sec. 14.28. "Transportation services" means the transportation of one or more passengers between points chosen by the passenger or passengers or of goods between points chosen by a customer using a fully autonomous vehicle. The term includes only the period beginning when a company accepts a request to provide transportation for one or more passengers or goods using a fully autonomous vehicle and ending when all of the goods or passengers fully disembark from the fully autonomous vehicle.

Sec. 14.3. The provisions of this chapter do not apply to:

1. Common motor carriers or contract motor carriers that are providing transportation services pursuant to a contract with the Department of Health and Human Services entered into pursuant to NRS 422.27495.

2. A person who provides a method to enable persons who are interested in sharing expenses for transportation to a destination, commonly known as carpooling, to connect with each other, regardless of whether a fee is charged by the person who provides the method.

Sec. 14.33. 1. Except as otherwise provided in subsection 2, the provisions of this chapter do not exempt any person from any law governing the operation of a motor vehicle upon the highways of this State.

2. An autonomous vehicle network company which holds a valid permit issued by the Authority pursuant to this chapter and each fully autonomous vehicle operated by such a company are exempt from:

(a) The provisions of chapter 704 of NRS relating to public utilities; and

(b) The provisions of chapters 706 and 706A of NRS,

↪ to the extent that the services provided by the company are within the scope of the permit.

Sec. 14.37. 1. The Authority shall adopt such regulations as are necessary to carry out the provisions of this chapter.

2. The regulations adopted by the Authority pursuant to this section must not conflict with or regulate any matter described in chapter 482A of NRS.

Sec. 14.5. 1. An autonomous vehicle network company shall not engage in business in this State unless the company holds a valid permit issued by the Authority pursuant to this chapter.

2. The Authority is authorized and empowered to regulate, pursuant to the provisions of this chapter, all autonomous vehicle network companies who operate or wish to operate within this State. The Authority shall not apply any provision of chapter 706 of NRS to an autonomous vehicle network company who operates, or a fully autonomous vehicle operated by a company, within the provisions of this chapter and the regulations adopted pursuant thereto.

3. A person who is regulated pursuant to chapter 706 of NRS and who holds a valid permit issued pursuant to subsection 1 may apply to the Authority for a permit to use autonomous vehicles to provide transportation services. A person who holds a permit to use autonomous vehicles to provide transportation services:

(a) May combine the operations of an autonomous vehicle network company and a business regulated pursuant to chapter 706 of NRS; and

(b) Must comply with all requirements of this chapter and chapter 706 of NRS which apply to such combined operations.

4. Nothing in this chapter prohibits a company from collaborating to provide transportation services with any other person authorized to provide such services pursuant to this chapter or chapter 706 or 706A of NRS.

Sec. 14.53. A person who desires to operate an autonomous vehicle network company in this State must submit to the Authority an application for the issuance of a permit to operate an autonomous vehicle network company. The application must be in the form required by the Authority and must include such information as the Authority, by regulation, determines is necessary to prove the person meets the requirements of this chapter for the issuance of a permit.

Sec. 14.55. 1. Upon receipt of a completed application and upon a determination by the Authority that an applicant meets the requirements for the issuance of a permit to operate an autonomous vehicle network company, the Authority shall issue to the applicant within 30 days a permit to operate an autonomous vehicle network company in this State.

2. In accordance with the provisions of this chapter, a permit issued pursuant to this section:

(a) Authorizes an autonomous vehicle network company to use a dispatch center, software application or other digital means to connect passengers to a fully autonomous vehicle which can provide transportation services to the passenger or to arrange for the transportation of goods using a fully autonomous vehicle.

(b) Does not authorize an autonomous vehicle network company to engage in any activity otherwise regulated pursuant to chapter 706 or 706A of NRS other than the activity authorized by this chapter.

3. Nothing in this chapter prohibits the issuance of a permit to operate an autonomous vehicle network company to a person who is regulated pursuant to chapter 706 or 706A of NRS if the person submits an application pursuant to section 14.53 of this act and meets the requirements for the issuance of a permit.

Sec. 14.57. 1. The Authority shall charge and collect a fee, in an amount established by the Authority by regulation, from each applicant for a permit to operate an autonomous vehicle network company in this State. The fee required by this subsection is not refundable. The Authority shall not issue a permit to operate an autonomous vehicle network company in this State unless the applicant has paid the fee required by this subsection.

2. For each year after the year in which the Authority issues a permit to an autonomous vehicle network company, the Authority shall levy and collect an annual assessment from the autonomous vehicle network company at a rate determined by the Authority based on the gross operating revenue derived from the intrastate operations of the autonomous vehicle network company in this State.

3. The annual assessment levied and collected by the Authority pursuant to subsection 2 must be used by the Authority for the regulation of autonomous vehicle network companies.

Sec. 14.7. An autonomous vehicle network company shall appoint and keep in this State a registered agent as provided in NRS 14.020.

Sec. 14.71. 1. In accordance with the provisions of this chapter, an autonomous vehicle network company which holds a valid permit issued by the Authority pursuant to this chapter may charge a fare for transportation services.

2. If a fare is charged for transportation services provided to passengers, the company must disclose the rates charged by the company and the method by which the amount of a fare is calculated:

(a) On an Internet website maintained by the company; or

(b) Within the software application or other digital means used by the company to connect passengers to fully autonomous vehicles.

3. If a fare is charged for transportation services provided to passengers, the company must offer to each passenger the option to receive, before the passenger enters the fully autonomous vehicle of the company, an estimate of the amount of the fare that will be charged to the passenger.

4. An autonomous vehicle network company may accept payment of a fare only electronically. An autonomous vehicle network company shall not solicit or accept cash as payment of a fare.

5. An autonomous vehicle network company shall not impose any additional charge for providing transportation services to a person with a physical disability because of the disability.

6. The Authority may adopt regulations establishing a maximum fare that may be charged during an emergency, as defined in NRS 414.0345.

Sec. 14.72. 1. An autonomous vehicle network company shall not connect a fully autonomous vehicle to a potential passenger if the fully autonomous vehicle is not in compliance with the requirements of chapter 482A of NRS.

2. An autonomous vehicle network company shall inspect or cause to be inspected every fully autonomous vehicle used to provide transportation services before using the fully autonomous vehicle to provide transportation services and not less than once each year thereafter.

3. The inspection required by subsection 2 must ensure the proper functioning and safety of the fully autonomous vehicle pursuant to chapter 482A of NRS and any applicable federal law or regulation.

Sec. 14.73. 1. An autonomous vehicle network company shall adopt a policy which prohibits discrimination against a passenger or potential passenger on account of national origin, religion, age, disability, sex, race, color, sexual orientation or gender identity or expression.

2. An autonomous vehicle network company shall provide to each passenger an opportunity to indicate whether the passenger requires transportation in a fully autonomous vehicle that is wheelchair accessible. If the company cannot provide the passenger with transportation services in a fully autonomous vehicle that is wheelchair accessible, the company must direct the passenger to an alternative provider or means of transportation that is wheelchair accessible, if available.

Sec. 14.74. For each instance in which an autonomous vehicle network company uses a fully autonomous vehicle to provide transportation services to a passenger, the company shall provide to the passenger, before the passenger enters the fully autonomous vehicle, the license plate number of the fully autonomous vehicle. The information required by this section must be provided to the passenger:

1. On an Internet website maintained by the company; or

2. Within the software application or other digital means used by the company to connect passengers to fully autonomous vehicles.

Sec. 14.75. An autonomous vehicle network company which connected a passenger to a fully autonomous vehicle shall, within a reasonable period following the provision of transportation services to the passenger, transmit to the passenger an electronic receipt, which must include, without limitation:

1. A description of the point of origin and the destination of the transportation services;

2. The total time for which transportation services were provided;

3. The total distance traveled; and

4. An itemization of the fare, if any, charged for the transportation services.

Sec. 14.76. An autonomous vehicle network company may enter into a contract with any agency of the Department of Health and Human Services to provide assistance in transportation pursuant to the programs administered by the agency.

Sec. 14.77. 1. An autonomous vehicle network company shall maintain the following records relating to the business of the company for a period of at least 3 years after the date on which the record is created:

(a) Trip records;

(b) Vehicle inspection records;

(c) Records of each complaint and the resolution of each complaint; and

(d) Records of each accident or other incident that involved a fully autonomous vehicle and was reported to the company.

2. Each autonomous vehicle network company shall make its records available for inspection by the Authority upon request and only as necessary for the Authority to investigate complaints. This subsection does not require a company to make any proprietary information available to the Authority. Any records provided to the Authority are confidential and must not be disclosed other than to employees of the Authority.

Sec. 14.78. 1. Each autonomous vehicle network company shall:

(a) Keep uniform and detailed accounts of all business transacted in this State and provide such accounts to the Authority upon request;

(b) On or before May 15 of each year, provide an annual report to the Authority regarding all business conducted by the company in this State during the preceding calendar year; and

(c) Provide the information determined by the Authority to be necessary to verify the collection of money owed to the State.

2. The Authority shall adopt regulations setting forth the form and contents of the information required to be provided pursuant to subsection 1.

3. If the Authority determines that an autonomous vehicle network company has failed to include information in its accounts or the report required pursuant to subsection 1, the Authority shall notify the company to provide such information. A company which receives a notice pursuant to this subsection shall provide the specified information within 15 days after receipt of such a notice.

4. All information required to be provided pursuant to this section must be signed by an officer or agent of, or other person authorized by, the autonomous vehicle network company under oath.

Sec. 14.79. Except as otherwise provided in this section, an autonomous vehicle network company shall not disclose to any person the personally identifiable information of a passenger who received services from the company unless:

1. The disclosure is otherwise required by law;

2. The company determines that disclosure is required to protect or defend the terms of use of the services or to investigate violations of those terms of use; or

3. The passenger consents to the disclosure.

Sec. 14.8. Each autonomous vehicle network company shall:

1. Provide notice of the contact information of the Authority on an Internet website maintained by the company or within the software application or other digital means used by the company to connect passengers to fully autonomous vehicles; and

2. Create a system to receive and address complaints from consumers which is available during normal business hours in this State.

Sec. 14.82. 1. Each autonomous vehicle network company shall provide to the Authority reports containing information relating to motor vehicle crashes which occurred in this State while a fully autonomous vehicle was providing transportation services. The reports required by this subsection must contain the information identified in subsection 2 and be submitted:

(a) For all crashes that occurred during the first 6 months that the company operates within this State, not later than 7 months after the date the company was issued a permit.

(b) For all crashes that occurred during the first 12 months that the company operates within this State, not later than 13 months after the date the company was issued a permit.

2. The reports submitted pursuant to subsection 1 must include, for the period of time specified in subsection 1:

(a) The number of motor vehicle crashes which occurred in this State involving such a fully autonomous vehicle;

(b) The highest, lowest and average amount paid for bodily injury or death to one or more persons that occurred as a result of such a crash; and

(c) The highest, lowest and average amount paid for damage to property that occurred as a result of such a crash.

3. Except as otherwise provided in this subsection, any records provided to the Authority are confidential and must not be disclosed other than to employees of the Authority. The Authority shall collect the reports submitted by autonomous vehicle network companies pursuant to subsection 1 and determine whether the limits of coverage required pursuant to section 14.9 of this act are sufficient. The Authority shall submit a report stating whether the limits of coverage required pursuant to section 14.9 of this act are sufficient and containing the information, in an aggregated format which does not reveal the identity of any person, submitted by autonomous vehicle network companies pursuant to subsection 1 since the last report of the Authority pursuant to this subsection:

(a) To the Legislative Commission on or before December 1 of each odd-numbered year.

(b) To the Director of the Legislative Counsel Bureau for transmittal to the Legislature on or before December 1 of each even-numbered year.

Sec. 14.84. 1. With respect to a passenger's destination when using a fully autonomous vehicle provided by the company, an autonomous vehicle network company shall not:

(a) Deceive or attempt to deceive any passenger who rides or desires to ride in the vehicle.

(b) Convey or attempt to convey any passenger to a destination other than the one directed by the passenger.

(c) Take a longer route to the passenger's destination than is necessary, unless specifically requested to do so by the passenger.

2. The Authority shall not consider any action taken by a fully autonomous vehicle which is consistent with its operational design domain, as defined in section 3 of this act, or technological capabilities as a violation of subsection 1.

3. As used in this section, "longer route to the passenger's destination" means any route other than that which would result in the lowest fare to the passenger.

Sec. 14.86. 1. If the Authority determines that an autonomous vehicle network company has violated the terms of a permit issued pursuant to this chapter or any other provision of this chapter or any regulations adopted pursuant thereto, the Authority may, depending on whether the violation was committed by the company or a fully autonomous vehicle used by the company, or both:

(a) If the Authority determines that the violation is willful and endangers public safety in a manner unrelated to the provisions of chapter 482A of NRS, suspend or revoke the permit issued to the company;

(b) If the Authority determines that the violation is willful and endangers public safety in a manner unrelated to the provisions of chapter 482A of NRS, impose against the company an administrative fine in an amount not to exceed $100,000 per violation; or

(c) Impose any combination of the penalties provided in paragraphs (a) and (b).

2. To determine the amount of an administrative fine imposed pursuant to paragraph (b) or (c) of subsection 1, the Authority shall consider:

(a) The size of the company;

(b) The severity of the violation;

(c) Any good faith efforts by the company to remedy the violation;

(d) The history of previous violations by the company; and

(e) Any other factor that the Authority determines to be relevant.

3. Notwithstanding the provisions of NRS 193.170, a person who violates any provision of this chapter is not subject to any criminal penalty for such a violation.

Sec. 14.88. ***1. Except as otherwise provided in subsection 2, a local governmental entity shall not:***

(a) Impose any tax or fee on an autonomous vehicle network company operating within the scope of a valid permit issued by the Authority pursuant to this chapter or a fully autonomous vehicle used by such a company to provide transportation services.

(b) Require an autonomous vehicle network company operating within the scope of a valid permit issued by the Authority pursuant to this chapter to obtain from the local government any certificate, license or permit to operate within that scope.

(c) Impose any other requirement upon an autonomous vehicle network company which is not of general applicability to all persons who operate a motor vehicle within the jurisdiction of the local government.

2. Nothing in this section:

(a) Prohibits a local governmental entity from requiring an autonomous vehicle network company to obtain from the local government a business license or to pay any business license fee in the same manner that is generally applicable to any other business that operates within the jurisdiction of the local government.

(b) Prohibits an airport or its governing body from requiring an autonomous vehicle network company to:

(1) Obtain a permit or certification to operate at the airport;

(2) Pay a fee to operate at the airport; or

(3) Comply with any other requirement to operate at the airport.

(c) Exempts a fully autonomous vehicle used by a company from any tax imposed pursuant to NRS 354.705, 371.043 or 371.045.

3. The provisions of this chapter do not exempt any person from the requirement to obtain a state business license issued pursuant to chapter 76 of NRS.

Sec. 14.9. ***Each autonomous vehicle network company shall maintain insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State or a broker licensed pursuant to chapter 685A of NRS, procured directly from a nonadmitted insurer, as defined in NRS 685A.0375, or a program of self-insurance which meets criteria established by the Authority in an amount of $1,500,000 or more for bodily injury to or death of one or more persons and injury to or destruction of property of others in any one accident or motor vehicle crash that occurs while providing transportation services using a fully autonomous vehicle pursuant to this chapter.***

Sec. 15. Chapter 706 of NRS is hereby amended by adding thereto the provisions set forth as sections 16 to 34, inclusive, of this act.

Sec. 16. ~~***["Autonomous technology" has the meaning ascribed to it in NRS 482A.025.]***~~ **(Deleted by amendment.)**

Sec. 17. ~~*[“Autonomous]*~~ *“Fully autonomous vehicle” has the meaning ascribed to it in* ~~*[NRS 482A.030.]*~~ *section 2.5 of this act.*

Sec. 18. ~~*[“Human-machine interface” has the meaning ascribed to it in section 2 of this act.]*~~ **(Deleted by amendment.)**

Sec. 19. ~~*[“Operator interface” has the meaning ascribed to it in section 4 of this act.]*~~ **(Deleted by amendment.)**

Sec. 20. ~~*[“Operator of an autonomous vehicle” means the holder of a certificate, license or permit issued by the Authority under which an autonomous vehicle is used.]*~~ **(Deleted by amendment.)**

Sec. 21. ~~*[1.]*~~ *The Authority shall authorize a common motor carrier or contract motor carrier to use* ~~*[an]*~~ *one or more fully autonomous* ~~*[vehicle or autonomous technology]*~~ *vehicles if:*

~~*[(a)]*~~ *1. The fully autonomous* ~~*[vehicle has been registered pursuant to]*~~ *vehicles comply with the provisions of chapter 482A of NRS and the regulations adopted pursuant thereto;*

~~*[(b)]*~~ *2. The motor carrier* ~~*[has provided insurance as required by NRS 706.291 and 706.305 to 706.306, inclusive, and section 22 of this act and the regulations adopted pursuant to NRS 482.100 and 706.475;]*~~ *holds a permit issued pursuant to section 14.55 of this act as an autonomous vehicle network company and a permit to use autonomous vehicles to provide transportation services pursuant to section 14.5 of this act; and*

~~*[(c)]*~~ *3. The fully autonomous* ~~*[vehicle or autonomous technology]*~~ *vehicles will comply with the requirements of NRS 706.011 to 706.791, inclusive, and sections 16 to 25, inclusive, of this act, and any regulations adopted pursuant thereto.*

~~*[2. The Authority shall adopt regulations providing for the substitution of autonomous vehicles for traditional vehicles in the operations of a common motor carrier or contract motor carrier under the jurisdiction of the Authority or for the approval of the use of autonomous vehicles or autonomous technology. The regulations adopted pursuant to this subsection may not regulate the autonomous technology used in an autonomous vehicle, the human-machine interface or operator interface used to communicate with such autonomous technology or any other aspect of the autonomous vehicle or autonomous technology which is regulated by the Department of Motor Vehicles or the National Highway Traffic Safety Administration.]*~~

Sec. 22. ~~*[Each common motor carrier or contract motor carrier that uses an autonomous vehicle to provide transportation services shall maintain insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State or a broker licensed pursuant to chapter 685A of NRS, procured directly from a nonadmitted insurer, as defined in NRS 685A.0375, or a program of self-insurance which meets criteria established by the Authority in an amount of $5,000,000 or more for bodily injury to or death of one or more persons and injury to or*~~

~~*destruction of property of others in any one accident or motor vehicle crash that occurs during the operation of an autonomous vehicle.]*~~ **(Deleted by amendment.)**

Sec. 23. ~~*[Each autonomous vehicle used under NRS 706.011 to 706.791, inclusive, and sections 16 to 25, inclusive, of this act must meet the requirements imposed by the Authority, the Department of Motor Vehicles, the Department of Transportation and the National Highway Traffic Safety Administration and the provisions of chapter 482A of NRS.]*~~ **(Deleted by amendment.)**

Sec. 24. ~~*[The operator of an autonomous vehicle shall:*~~

~~*1. Not permit the autonomous vehicle to remain at a taxicab stand unless it is being held out for hire.*~~

~~*2. Discourage passengers from entering or leaving the autonomous vehicle from the left side except at the left curb of a one-way street or while the autonomous vehicle is parked perpendicularly to a curb.*~~

~~*3. Not load or unload passengers or luggage at an intersection or crosswalk or at any place in any manner that will interfere with the orderly flow of traffic.*~~

~~*4. Not carry more passengers in the front seat or in a back seat of the autonomous vehicle than are authorized by the manufacturer's recommendations.*~~

~~*5. Use the autonomous vehicle in accordance with all applicable state and local laws and regulations and with due regard for the safety, comfort and convenience of the passengers and of the general public.]*~~ **(Deleted by amendment.)**

Sec. 25. ~~*[If a violation of NRS 706.011 to 706.791, inclusive, and sections 16 to 25, inclusive, of this act is the result of the failure of an autonomous vehicle, autonomous technology, human machine interface or operator interface, the Administrator shall impose a sanction or require corrective action, or both, in accordance with the regulations adopted pursuant to section 5 of this act.]*~~ **(Deleted by amendment.)**

Sec. 26. ~~*[*~~*"Autonomous technology" has the meaning ascribed to it in NRS 482A.025.*~~*]*~~ **(Deleted by amendment.)**

Sec. 27. ~~*[*~~*"Autonomous]*~~ *"Fully autonomous vehicle" has the meaning ascribed to it in* ~~*[NRS 482A.030.]*~~ *section 2.5 of this act.*

Sec. 28. ~~*[*~~*"Human machine interface" has the meaning ascribed to it in section 2 of this act.]*~~ **(Deleted by amendment.)**

Sec. 29. ~~*[*~~*"Operator interface" has the meaning ascribed to it in section 4 of this act.]*~~ **(Deleted by amendment.)**

Sec. 30. ~~*[*~~*"Operator of an autonomous vehicle" means the certificate holder under whose certificate of public convenience and necessity an autonomous vehicle is operated.]*~~ **(Deleted by amendment.)**

Sec. 31. ~~*[1.]*~~ *The Taxicab Authority shall authorize a certificate holder to use* ~~*[an]*~~ *one or more fully autonomous* ~~*[vehicle or autonomous technology]*~~ *vehicles if:*

~~[(a)]~~ *1. The fully autonomous* ~~[vehicle has been pursuant to]~~ *vehicles comply with the provisions of chapter 482A of NRS and the regulations adopted pursuant thereto;*

~~[(b)]~~ *2. The certificate holder* ~~[has provided insurance as required by NRS 706.8828 and section 32 of this act and the regulations adopted pursuant to NRS 482.100 and 706.88181;]~~ *holds a permit issued pursuant to section 14.55 of this act as an autonomous vehicle network company and a permit to use autonomous vehicles to provide transportation services pursuant to section 14.5 of this act; and*

~~[(c)]~~ *3. The fully autonomous* ~~[vehicle or autonomous technology]~~ *vehicles will comply with the requirements of sections 706.881 to 706.885, inclusive, and sections 26 to 34, inclusive, of this act, and any regulations adopted pursuant thereto.*

~~*[2. The Taxicab Authority shall adopt regulations providing for the substitution of autonomous vehicles for traditional taxicabs in the operations of a certificate holder under the jurisdiction of the Taxicab Authority or for the approval of the use of autonomous vehicles or autonomous technology. The regulations adopted pursuant to this subsection may not regulate the autonomous technology used in an autonomous vehicle, the human machine interface or operator interface used to communicate with such autonomous technology or any other aspect of the autonomous vehicle or autonomous technology which is regulated by the Department of Motor Vehicles or the National Highway Traffic Safety Administration.]*~~

Sec. 32. ~~*[Each certificate holder that uses an autonomous vehicle as a taxicab shall maintain insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State or a broker licensed pursuant to chapter 685A of NRS, procured directly from a nonadmitted insurer, as defined in NRS 685A.0375, or a program of self-insurance which meets criteria established by the Taxicab Authority in an amount of $5,000,000 or more for bodily injury to or death of one or more persons and injury to or destruction of property of others in any one accident or motor vehicle crash that occurs during the operation of an autonomous vehicle.]*~~ **(Deleted by amendment.)**

Sec. 33. ~~*[Each autonomous vehicle used under NRS 706.881 to 706.885, inclusive, and sections 26 to 34, inclusive, of this act, must meet all requirements imposed by the Taxicab Authority, the Department of Motor Vehicles, the Department of Transportation and the National Highway Traffic Safety Administration and the provisions of chapter 482A of NRS.]*~~ **(Deleted by amendment.)**

Sec. 34. ~~*[The operator of an autonomous vehicle shall:*~~

~~*1. Not permit the autonomous vehicle to remain at a taxicab stand unless it is being held out for hire.*~~

~~*— 2. Discourage passengers from entering or leaving the autonomous vehicle from the left side except at the left curb of a one-way street or while the autonomous vehicle is parked perpendicularly to a curb.*~~

~~*— 3. Not load or unload passengers or luggage at an intersection or crosswalk or at any place in any manner that will interfere with the orderly flow of traffic.*~~

~~*— 4. Not carry more passengers in the front seat or in a back seat of the autonomous vehicle than are authorized by the manufacturer's recommendations.*~~

~~*— 5. Use the autonomous vehicle in accordance with all applicable state and local laws and regulations and with due regard for the safety, comfort and convenience of the passengers and of the general public.]*~~ **(Deleted by amendment.)**

Sec. 35. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, ***and sections 16 to 25, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, ***and sections 16 to 20, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 36. ~~[~~NRS 706.124 is hereby amended to read as follows:

~~— 706.124 "Taxicab" means a vehicle which is not operated over a fixed route, is designed or constructed to accommodate and transport not more than six passengers, including the driver~~ **[,]** ~~*if the vehicle is not an autonomous vehicle,* and:~~

~~— 1. Uses a taximeter or some other device, method or system to indicate and determine the passenger fare charged for the distance traveled;~~

~~— 2. Is used in the transportation of passengers or light express, or both, for which a charge or fee is received; or~~

~~— 3. Is operated in any service which is held out to the public as being available for the transportation of passengers from place to place in the State of Nevada.~~**]** **(Deleted by amendment.)**

Sec. 37. ~~[~~NRS 706.2885 is hereby amended to read as follows:

~~— 706.2885 1. A certificate of public convenience and necessity, permit or license issued in accordance with this chapter is not a franchise and may be revoked.~~

~~— 2. The Authority may at any time, for good cause shown, after investigation and hearing and upon 5 days' written notice to the grantee, suspend any certificate, permit or license issued in accordance with the provisions of NRS 706.011 to 706.791, inclusive,~~ ~~*and sections 16 to 25, inclusive, of this act* for a period not to exceed 60 days.~~

~~— 3. Upon receipt of a written complaint or on its own motion, the Authority may, after investigation and hearing, revoke any certificate, permit or license. If service of the notice required by subsection 2 cannot be made or if the grantee relinquishes the grantee's interest in the certificate, permit or~~

~~license by so notifying the Authority in writing, the Authority may revoke the certificate, permit or license without a hearing.~~

~~4. Except as otherwise provided in NRS 706.1519, the proceedings thereafter are governed by the provisions of chapter 233B of NRS.~~**] (Deleted by amendment.)**

Sec. 38. ~~[NRS 706.756 is hereby amended to read as follows:~~

~~706.756 1. Except as otherwise provided in subsection 2, any person who:~~

~~(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, *and sections 16 to 25, inclusive, of this act* apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;~~

~~(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, *and sections 16 to 25, inclusive, of this act* or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive~~ **[**~~;~~**] ,** ~~*and sections 16 to 25, inclusive, of this act;*~~

~~(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive~~ **[**~~;~~**] ,** ~~*and sections 16 to 25, inclusive, of this act;*~~

~~(d) Fails to obey any order, decision or regulation of the Authority or the Department;~~

~~(e) Procures, aids or abets any person in the failure to obey such an order, decision or regulation of the Authority or the Department;~~

~~(f) Advertises, solicits, proffers bids or otherwise is held out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive~~ **[**~~;~~**] ,** ~~*and sections 16 to 25, inclusive, of this act;*~~

~~(g) Advertises as providing:~~

~~(1) The services of a fully regulated carrier; or~~

~~(2) Towing services,~~

~~→ without including the number of the person's certificate of public convenience and necessity or contract carrier's permit in each advertisement;~~

~~(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;~~

~~(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;~~

~~(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;~~

~~(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been cancelled, revoked, suspended or altered;~~

~~(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or~~

~~(m) Refuses or fails to surrender to the Authority or Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter,~~

~~➥ is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.~~

~~2. Any person who, in violation of the provisions of NRS 706.386, operates as a fully regulated common motor carrier without first obtaining a certificate of public convenience and necessity or any person who, in violation of the provisions of NRS 706.421, operates as a contract motor carrier without first obtaining a permit is guilty of a misdemeanor and shall be punished:~~

~~(a) For a first offense within a period of 12 consecutive months, by a fine of not less than $500 nor more than $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.~~

~~(b) For a second offense within a period of 12 consecutive months and for each subsequent offense that is committed within a period of 12 consecutive months of any prior offense under this subsection, by a fine of $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.~~

~~3. Any person who, in violation of the provisions of NRS 706.386, operates or permits the operation of a vehicle in passenger service without first obtaining a certificate of public convenience and necessity is guilty of a gross misdemeanor.~~

~~4. If a law enforcement officer witnesses a violation of any provision of subsection 2 or 3, the law enforcement officer may cause the vehicle to be towed immediately from the scene and impounded in accordance with NRS 706.476.~~

~~5. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.~~

~~6. Any bail allowed must not be less than the appropriate fine provided for by this section.~~**] (Deleted by amendment.)**

Sec. 39. ~~[NRS 706.781 is hereby amended to read as follows:~~

~~706.781 In addition to all the other remedies provided by NRS 706.011 to 706.861, inclusive,~~ ***and sections 16 to 25, inclusive, of this act*** for the prevention and punishment of any violation of the provisions thereof and of all orders of the Authority or the Department, the Authority or the Department may compel compliance with the provisions of NRS 706.011 to 706.861, inclusive, ***and sections 16 to 25, inclusive, of this act*** and with the orders of the Authority or the Department by proceedings in mandamus, injunction or by other civil remedies.~~**] (Deleted by amendment.)**

Sec. 40. NRS 706.881 is hereby amended to read as follows:

706.881 1. The provisions of NRS 372B.160 and 706.8811 to 706.885, inclusive, ***and sections 26 to 34, inclusive, of this act*** apply to any county:

(a) Whose population is 700,000 or more; or

(b) For whom regulation by the Taxicab Authority is not required, if the board of county commissioners of the county has enacted an ordinance approving the inclusion of the county within the jurisdiction of the Taxicab Authority.

2. Upon receipt of a certified copy of such an ordinance from a county for whom regulation by the Taxicab Authority is not required, the Taxicab Authority shall exercise its regulatory authority pursuant to NRS 706.8811 to 706.885, inclusive, ***and sections 26 to 34, inclusive, of this act*** within that county.

3. Within any such county, the provisions of this chapter which confer regulatory authority over taxicab motor carriers upon the Nevada Transportation Authority do not apply.

Sec. 41. NRS 706.8811 is hereby amended to read as follows:

706.8811 As used in NRS 706.881 to 706.885, inclusive, ***and sections 26 to 34, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 706.8812 to 706.8817, inclusive, ***and sections 26 to 30, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 42. ~~[NRS 706.8814 is hereby amended to read as follows:~~

~~706.8814 "Driver" means an individual who operates a taxicab and includes a certificate holder when the certificate holder operates a taxicab.~~ ***~~The term does not include a certificate holder when the certificate holder acts as the operator of an autonomous vehicle.~~*** **~~]~~ (Deleted by amendment.)**

Sec. 43. ~~[NRS 706.8816 is hereby amended to read as follows:~~

~~706.8816 1. "Taxicab" means a motor vehicle or vehicles which is designed or constructed to accommodate and transport not more than six passengers, including the driver~~ **~~[,]~~** ***~~if the motor vehicle is not an autonomous vehicle,~~*** ~~and:~~

~~(a) Uses a taximeter or some other device, method or system to indicate and determine the passenger fare charged;~~

~~(b) Is used in the transportation of passengers or light express or both for which a charge or fee is received; or~~

~~(c) Is operated in any service which is held out to the public as being available for the transportation of passengers from place to place in the State of Nevada.~~

~~2. "Taxicab" does not include a motor vehicle of:~~

~~(a) A common motor carrier.~~

~~(b) A contract motor carrier which operates along fixed routes.~~

~~(c) An employer who operates the vehicle for the transportation of the employees of that employer, whether or not the employees pay for the transportation.~~**~~]~~ (Deleted by amendment.)**

Sec. 44. ~~[NRS 706.8846 is hereby amended to read as follows:~~

~~706.8846 With respect to a passenger's destination, a driver~~ ***~~or an operator of an autonomous vehicle~~*** ~~shall not:~~

~~— 1. Deceive or attempt to deceive any passenger who rides or desires to ride in the [driver's] taxicab [.] *of the driver or operator.*~~

~~— 2. Convey or attempt to convey any passenger to a destination other than the one directed by the passenger.~~

~~— 3. Take a longer *or slower* route to the passenger's destination than is necessary, unless *approved by or* specifically requested so to do by the passenger.~~

~~— 4. Fail to comply with the reasonable and lawful requests of the passenger as to speed of travel and route to be taken.]~~ **(Deleted by amendment.)**

Sec. 45. ~~[NRS 706.8847 is hereby amended to read as follows:~~

~~— 706.8847 1. A driver *or an operator of an autonomous vehicle* shall not refuse or neglect to transport any orderly person to that person's destination if:~~

~~— (a) That person requests the driver *or operator* to transport the person; and~~

~~— (b) The requested destination is within the area allocated to the certificate holder who employs the driver [.] *or operator.*~~

~~— 2. Subsection 1 does not apply if the driver *or operator of an autonomous vehicle* can show beyond a reasonable doubt that:~~

~~— (a) The driver *or operator* has good reason to fear for the [driver's] personal safety [;] *of the driver or operator;*~~

~~— (b) The taxicab has been previously engaged by another person; or~~

~~— (c) The driver *or operator* is forbidden by law or regulation to carry the person requesting transportation.]~~ **(Deleted by amendment.)**

Sec. 46. ~~[NRS 706.8848 is hereby amended to read as follows:~~

~~— 706.8848 1. [If] *Except as otherwise provided in subsection 3, if* a driver *or an operator of an autonomous vehicle* violates any provision of NRS 706.8844 to 706.8847, inclusive, the Administrator may impose the following sanctions:~~

~~— (a) First offense: Warning notice or a fine of not more than $100, or both warning and fine.~~

~~— (b) Second offense: 1 to 3 days' suspension of a driver's permit or a fine of not more than $200, or both suspension and fine.~~

~~— (c) Third offense: 4 to 6 days' suspension of a driver's permit or a fine of not more than $300, or both suspension and fine.~~

~~— (d) Fourth offense: 10 days' suspension of a driver's permit or a fine of not more than $500, or both suspension and fine.~~

~~— (e) Fifth offense: Revocation of a driver's permit or a fine of not more than $500, or both revocation and fine.~~

~~— 2. Only violations occurring in the 12 months immediately preceding the most current violation shall be considered for the purposes of subsection 1. The Administrator shall inspect the [driver's] record *of the driver or operator of an autonomous vehicle* for that period to compute the number of offenses committed.~~

~~3. *If a violation is the result of a failure of an autonomous vehicle, autonomous technology, human-machine interface or operator interface, the Administrator shall impose a sanction or require corrective action, or both, in accordance with the regulations adopted pursuant to section 5 of this act.*~~

~~*4.* The Administrator shall conduct a hearing prior to suspension or revocation of a driver's permit or imposing a fine under this section or NRS 706.8849.~~

~~*5. Nothing in this section shall be construed to require the operator of an autonomous vehicle or any passenger in an autonomous vehicle used without a human operator to obtain a driver's permit.]~~ **(Deleted by amendment.)**

Sec. 47. ~~[~~NRS 706.885 is hereby amended to read as follows:

~~706.885 1. Any person who knowingly makes or causes to be made, either directly or indirectly, a false statement on an application, account or other statement required by the Taxicab Authority or the Administrator or who violates any of the provisions of NRS 706.881 to 706.885, inclusive, *and sections 26 to 34, inclusive, of this act* is guilty of a misdemeanor.~~

~~2. The Taxicab Authority or Administrator may at any time, for good cause shown and upon at least 5 days' notice to the grantee of any certificate or driver's permit, and after a hearing unless waived by the grantee, penalize the grantee of a certificate to a maximum amount of $15,000 or penalize the grantee of a driver's permit to a maximum amount of $500 or suspend or revoke the certificate or driver's permit granted by the Taxicab Authority or Administrator, respectively, for:~~

~~(a) Any violation of any provision of NRS 706.881 to 706.885, inclusive, *and sections 26 to 34, inclusive, of this act* or any regulation of the Taxicab Authority or Administrator.~~

~~(b) Knowingly permitting or requiring any employee to violate any provision of NRS 706.881 to 706.885, inclusive, *and sections 26 to 34, inclusive, of this act* or any regulation of the Taxicab Authority or Administrator.~~

~~→ If a penalty is imposed on the grantee of a certificate pursuant to this section, the Taxicab Authority or Administrator may require the grantee to pay the costs of the proceeding, including investigative costs and attorney's fees.~~

~~3. When a driver or certificate holder fails to appear at the time and place stated in the notice for the hearing, the Administrator shall enter a finding of default. Upon a finding of default, the Administrator may suspend or revoke the license, permit or certificate of the person who failed to appear and impose the penalties provided in this chapter. For good cause shown, the Administrator may set aside a finding of default and proceed with the hearing.~~

~~4. Any person who operates or permits a taxicab to be operated in passenger service without a certificate of public convenience and necessity~~

~~issued pursuant to NRS 706.8827, is guilty of a gross misdemeanor. If a law enforcement officer witnesses a violation of this subsection, the law enforcement officer may cause the vehicle to be towed immediately from the scene.~~

~~5. The conviction of a person pursuant to subsection 1 does not bar the Taxicab Authority or Administrator from suspending or revoking any certificate, permit or license of the person convicted. The imposition of a fine or suspension or revocation of any certificate, permit or license by the Taxicab Authority or Administrator does not operate as a defense in any proceeding brought under subsection 1.~~] **(Deleted by amendment.)**

Sec. 48. Chapter 706A of NRS is hereby amended by adding thereto the provisions set forth as sections 49 to 57, inclusive, of this act.

Sec. 49. ~~[*"Autonomous technology" has the meaning ascribed to it in NRS 482A.025.*]~~ **(Deleted by amendment.)**

Sec. 50. ~~[*"Autonomous vehicle" has the meaning ascribed to it in NRS 482A.030.*]~~ **(Deleted by amendment.)**

Sec. 51. ~~[*"Human machine interface" has the meaning ascribed to it in section 2 of this act.*]~~ **(Deleted by amendment.)**

Sec. 52. ~~[*"Operator interface" has the meaning ascribed to it in section 4 of this act.*]~~ **(Deleted by amendment.)**

Sec. 53. ~~[*"Operator of an autonomous vehicle" means the holder of a permit issued by the Authority under which an autonomous vehicle is operated.*]~~ **(Deleted by amendment.)**

Sec. 54. ~~[*1. The Authority shall authorize a transportation network company to use an autonomous vehicle or autonomous technology if:*~~

~~*(a) The autonomous vehicle has been pursuant to Chapter 482A of NRS and the regulations adopted pursuant thereto;*~~

~~*(b) The company has provided insurance as required by NRS 690B.470 and section 55 of this act and the regulations adopted pursuant to NRS 482A.100 and 706A.100; and*~~

~~*(c) The autonomous vehicle or autonomous technology will comply with the requirements of this chapter and any regulations adopted pursuant thereto.*~~

~~*2. The Authority shall adopt regulations providing for the substitution of autonomous vehicles for drivers in the operations of a transportation network company under the jurisdiction of the Authority or for the approval of the use of autonomous vehicles or autonomous technology. The regulations adopted pursuant to this subsection:*~~

~~*(a) Must specify conditions for the safe and economical use of autonomous vehicles by a transportation network company; and*~~

~~*(b) May not regulate the autonomous technology used in an autonomous vehicle or the human machine interface or operator interface used to communicate with such autonomous technology.*~~] *Nothing in this chapter shall be construed to prohibit a transportation network company from obtaining a permit to act as an autonomous vehicle network company*

pursuant to section 14.55 of this act and providing, within the scope of such a permit, the services authorized by sections 14.2 to 14.9, inclusive, of this act.

Sec. 55. ~~[***Each transportation network company that uses an autonomous vehicle to provide transportation services shall maintain insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State or a broker licensed pursuant to chapter 685A of NRS, procured directly from a nonadmitted insurer, as defined in NRS 685A.0375, or a program of self insurance which meets criteria established by the Authority in an amount of $5,000,000 or more for bodily injury to or death of one or more persons and injury to or destruction of property of others in any one accident or motor vehicle crash that occurs during the operation of an autonomous vehicle.***]~~ **(Deleted by amendment.)**

Sec. 56. ~~[***Each autonomous vehicle used under this chapter must meet all requirements imposed by the Authority, the Department of Motor Vehicles, the Department of Transportation and the National Highway Traffic Safety Administration and the provisions of chapter 482A of NRS.***]~~ **(Deleted by amendment.)**

Sec. 57. ~~[***The operator of an autonomous vehicle shall:***~~

~~***1. Not permit the autonomous vehicle to remain at a taxicab stand, or a similar location designated for use by transportation network companies, unless it is being held out for hire.***~~

~~***2. Discourage passengers from entering or leaving the autonomous vehicle from the left side except at the left curb of a one-way street or while the autonomous vehicle is parked perpendicularly to a curb.***~~

~~***3. Not load or unload passengers or luggage at an intersection or crosswalk or at any place in any manner that will interfere with the orderly flow of traffic.***~~

~~***4. Not carry more passengers in the front seat or in a back seat of the autonomous vehicle than are authorized by the manufacturer's recommendations.***~~

~~***5. Use the autonomous vehicle in accordance with all applicable state and local laws and regulations and with due regard for the safety, comfort and convenience of the passengers and of the general public.***~~] **(Deleted by amendment.)**

Sec. 58. ~~[~~NRS 706A.020 is hereby amended to read as follows:

706A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 706A.030 to 706A.060, inclusive, ***and sections 49 to 53, inclusive, of this act*** have the meanings ascribed to them in those sections.~~]~~ **(Deleted by amendment.)**

Sec. 59. ~~[~~NRS 706A.050 is hereby amended to read as follows:

706A.050 "Transportation network company" or "company" means an entity that uses a digital network or software application service to connect a passenger to ~~[~~a~~]~~ ~~.~~

~~*1. A* driver who can provide transportation services to the passenger **[.] ;** ~~***or***

~~*2. An autonomous vehicle to provide transportation services to the passenger.]*~~ **(Deleted by amendment.)**

Sec. 60. ~~**[**NRS 706A.060 is hereby amended to read as follows:~~

~~706A.060 "Transportation services" means the transportation by a driver~~ ~~***or an autonomous vehicle***~~ ~~of one or more passengers between points chosen by the passenger or passengers and prearranged through the use of the digital network or software application service of a transportation network company. The term includes only the period beginning when a driver~~ ~~***or an operator of an autonomous vehicle***~~ ~~accepts a request by a passenger for transportation through the digital network or software application service of a transportation network company and ending when the last such passenger fully disembarks from the motor vehicle operated by the driver~~ ~~**[.]**~~ ~~***or operator of an autonomous vehicle.]***~~ **(Deleted by amendment.)**

Sec. 61. ~~**[**NRS 706A.130 is hereby amended to read as follows:~~

~~706A.130 1. Upon receipt of a completed application and upon a determination by the Authority that an applicant meets the requirements for the issuance of a permit to operate a transportation network company, the Authority shall issue to the applicant within 30 days a permit to operate a transportation network company in this State.~~

~~2. In accordance with the provisions of this chapter, a permit issued pursuant to this section:~~

~~(a) Authorizes a transportation network company to connect one or more passengers through the use of a digital network or software application service to~~ ~~**[**a**] :**~~

~~***(1) A*** driver who can provide transportation services~~ ~~**[.] ;**~~ ~~***or***~~

~~***(2) An autonomous vehicle to provide transportation services.***~~

~~(b) Authorizes a transportation network company to make its digital network or software application service available to one or more drivers to receive connections to potential passengers from the company in exchange for the payment of a fee by the driver to the company.~~

~~(c) Does not authorize a transportation network company or any driver to engage in any activity otherwise regulated pursuant to chapter 706 of NRS other than the activity authorized by this chapter.~~

~~3. Nothing in this chapter prohibits the issuance of a permit to operate a transportation network company to a person who is regulated pursuant to chapter 706 of NRS if the person submits an application pursuant to NRS 706A.120 and meets the requirements for the issuance of a permit.~~~~**]**~~ **(Deleted by amendment.)**

Sec. 62. ~~**[**NRS 706A.170 is hereby amended to read as follows:~~

~~706A.170 1. In accordance with the provisions of this chapter, a transportation network company which holds a valid permit issued by the Authority pursuant to this chapter may, on behalf of a driver~~ ~~**[.]**~~ ~~***or for the transportation services provided using an autonomous vehicle,***~~ ~~charge a

~~fare for transportation services provided to a passenger by the driver~~ **[.]** ~~or~~ ***autonomous vehicle.***

~~2. If a fare is charged, the company must disclose the rates charged by the company and the method by which the amount of a fare is calculated:~~

~~(a) On an Internet website maintained by the company; or~~

~~(b) Within the digital network or software application service of the company.~~

~~3. If a fare is charged, the company must offer to each passenger the option to receive, before the passenger enters the motor vehicle of a driver~~ **[,]** ~~or~~ ***the autonomous vehicle, as applicable,*** ~~an estimate of the amount of the fare that will be charged to the passenger.~~

~~4. A transportation network company may accept payment of a fare only electronically. A transportation network company or a driver shall not solicit or accept cash as payment of a fare.~~

~~5. A transportation network company shall not impose any additional charge for a driver who provides transportation services to a person with a physical disability because of the disability~~ **[.]** ~~or~~ ***for providing transportation services using an autonomous vehicle to a person with a physical disability because of the disability.***

~~6. The Authority may adopt regulations establishing a maximum fare that may be charged during an emergency, as defined in NRS 414.0345.~~**]**

(Deleted by amendment.)

Sec. 63. ~~**[**NRS 706A.180 is hereby amended to read as follows:~~

~~706A.180 1. A transportation network company shall not allow a driver to be connected to potential passengers~~ ***and shall not connect potential passengers to an autonomous vehicle*** ~~using the digital network or software application service of the company if the motor vehicle operated by the driver to provide transportation services~~ **[**~~:~~**]** ***or the autonomous vehicle:***

~~(a) Is not in compliance with all federal, state and local laws concerning the operation and maintenance of the~~ **[**~~motor~~**]** ~~vehicle.~~

~~(b) Has less than four doors.~~

~~(c) Is designed to carry more than eight passengers, including the driver~~ **[.]** ***, if applicable.***

~~(d) Is a farm tractor, mobile home, recreational vehicle, semitractor, semitrailer, trailer, bus, motorcycle or tow car.~~

~~2. A transportation network company shall inspect or cause to be inspected every~~ **[**~~motor~~**]** ~~:~~

~~*(a) Motor* vehicle used by a driver to provide transportation services before allowing the driver to use the motor vehicle to provide transportation services and not less than once each year thereafter~~ **[.]** ~~;~~ ***and***

~~*(b) Autonomous vehicle used to provide transportation services before allowing the use of the autonomous vehicle to provide transportation services and not less than once each year thereafter.***

~~3. The inspection required by subsection 2 must include, without limitation, an inspection of the foot and emergency brakes, steering,~~

~~windshield, rear window, other glass, windshield wipers, headlights, tail lights, turn indicator lights, braking lights, front seat adjustment mechanism, doors, horn, speedometer, bumpers, muffler, exhaust, tires, rear view mirrors and safety belts of the vehicle which ensures the proper functioning of each component.]~~ **(Deleted by amendment.)**

Sec. 64. ~~[NRS 706A.200 is hereby amended to read as follows:~~

~~706A.200 *1.* For each instance in which a driver provides transportation services to a passenger, the transportation network company which connected the passenger to the driver shall provide to the passenger, before the passenger enters the motor vehicle of a driver, a photograph of the driver who will provide the transportation services and the license plate number of the motor vehicle operated by the driver.~~

~~*2. For each instance in which a transportation network company connects a passenger to an autonomous vehicle to provide transportation services to the passenger, the company shall provide to the passenger, before the passenger enters the autonomous vehicle, a photograph of the autonomous vehicle and the license plate number of the autonomous vehicle.*~~

~~*3.* The information required by this section must be provided to the passenger:~~

~~[1.] *(a)* On an Internet website maintained by the company; or~~

~~[2.] *(b)* Within the digital network or software application service of the company.]~~ **(Deleted by amendment.)**

Sec. 65. ~~[NRS 706A.210 is hereby amended to read as follows:~~

~~706A.210 A transportation network company which connected a passenger to a driver *or an autonomous vehicle* shall, within a reasonable period following the provision of transportation services by the driver *or using the autonomous vehicle* to the passenger, transmit to the passenger an electronic receipt, which must include, without limitation:~~

~~1. A description of the point of origin and the destination of the transportation services;~~

~~2. The total time for which transportation services were provided;~~

~~3. The total distance traveled; and~~

~~4. An itemization of the fare, if any, charged for the transportation services.]~~ **(Deleted by amendment.)**

Sec. 66. ~~[NRS 706A.230 is hereby amended to read as follows:~~

~~706A.230 1. A transportation network company shall maintain the following records relating to the business of the company for a period of at least 3 years after the date on which the record is created:~~

~~(a) Trip records;~~

~~(b) Driver records *, autonomous vehicle records* and vehicle inspection records;~~

~~(c) Records of each complaint and the resolution of each complaint; and~~

~~(d) Records of each accident or other incident that involved a driver *or an autonomous vehicle* and was reported to the transportation network company.~~

~~2. Each transportation network company shall make its records available for inspection by the Authority upon request and only as necessary for the Authority to investigate complaints. This subsection does not require a company to make any proprietary information available to the Authority. Any records provided to the Authority are confidential and must not be disclosed other than to employees of the Authority.~~**]** **(Deleted by amendment.)**

Sec. 67. ~~[NRS 706A.270 is hereby amended to read as follows:~~

~~706A.270 1. Each transportation network company shall provide to the Authority reports containing information relating to motor vehicle crashes involving drivers affiliated with the company *or autonomous vehicles providing transportation services for the company* which occurred in this State while the driver was providing transportation services or logged into the digital network or software application service of the company and available to receive requests for transportation services~~ **[.]** ~~*or the autonomous vehicle was providing transportation services.* The reports required by this subsection must contain the information identified in subsection 2 and be submitted:~~

~~(a) For all crashes that occurred during the first 6 months that the company operates within this State, on or before the date 7 months after the company was issued a permit.~~

~~(b) For all crashes that occurred during the first 12 months that the company operates within this State, on or before the date 13 months after the company was issued a permit.~~

~~2. The reports submitted pursuant to subsection 1 must include, for the period of time specified in subsection 1:~~

~~(a) The number of motor vehicle crashes which occurred in this State involving such a driver~~ **[;]** ~~*or autonomous vehicle;*~~

~~(b) The highest, lowest and average amount paid for bodily injury or death to one or more persons that occurred as a result of such a crash; and~~

~~(c) The highest, lowest and average amount paid for damage to property that occurred as a result of such a crash.~~

~~3. The Authority shall collect the reports submitted by transportation network companies pursuant to subsection 1 and determine whether the limits of coverage required pursuant to NRS 690B.470 are sufficient. The Authority shall submit a report stating whether the limits of coverage required pursuant to NRS 690B.470 are sufficient and containing the information, in an aggregated format which does not reveal the identity of any person, submitted by transportation network companies pursuant to subsection 1 since the last report of the Authority pursuant to this subsection:~~

~~(a) To the Legislative Commission on or before December 1 of each odd-numbered year.~~

~~(b) To the Director of the Legislative Counsel Bureau for transmittal to the Nevada Legislature on or before December 1 of each even-numbered year.~~**] (Deleted by amendment.)**

Sec. 68. ~~[NRS 706A.300 is hereby amended to read as follows:~~

~~706A.300 1.~~ **[**If**]** ***Except as otherwise provided in subsection 4, if*** ~~the Authority determines that a transportation network company or driver has violated the terms of a permit issued pursuant to this chapter or any provision of this chapter or any regulations adopted pursuant thereto, the Authority may, depending on whether the violation was committed by the company, the driver, or both:~~

~~(a) If the Authority determines that the violation is willful and endangers public safety, suspend or revoke the permit issued to the transportation network company;~~

~~(b) If the Authority determines that the violation is willful and endangers public safety, impose against the transportation network company an administrative fine in an amount not to exceed $100,000 per violation;~~

~~(c) Prohibit a person from operating as a driver; or~~

~~(d) Impose any combination of the penalties provided in paragraphs (a), (b) and (c).~~

~~2. To determine the amount of an administrative fine imposed pursuant to paragraph (b) or (d) of subsection 1, the Authority shall consider:~~

~~(a) The size of the transportation network company;~~

~~(b) The severity of the violation;~~

~~(c) Any good faith efforts by the transportation network company to remedy the violation;~~

~~(d) The history of previous violations by the transportation network company; and~~

~~(e) Any other factor that the Authority determines to be relevant.~~

~~3. Notwithstanding the provisions of NRS 193.170, a person who violates any provision of this chapter is not subject to any criminal penalty for such a violation.~~

~~***4. If a violation is the result of a failure of an autonomous vehicle, autonomous technology, human machine interface or operator interface, the Authority shall impose a sanction or require corrective action, or both, in accordance with the regulations adopted pursuant to section 5 of this act.***~~**] (Deleted by amendment.)**

Sec. 69. ~~[NRS 706A.310 is hereby amended to read as follows:~~

~~706A.310 1. Except as otherwise provided in subsection 2, a local governmental entity shall not:~~

~~(a) Impose any tax or fee on a transportation network company operating within the scope of a valid permit issued by the Authority pursuant to this chapter, a driver who has entered into an agreement with such a company~~ **,** ~~**[**or**]** a vehicle operated by such a driver or for transportation services provided by such a driver~~ **[**.**]** ***or an autonomous vehicle used to provide***

~~*transportation services or for transportation services provided using such an autonomous vehicle.*~~

~~(b) Require a transportation network company operating within the scope of a valid permit issued by the Authority pursuant to this chapter to obtain from the local government any certificate, license or permit to operate within that scope or require a driver who has entered into an agreement with such a company to obtain from the local government any certificate, license or permit to provide transportation services.~~

~~(c) Impose any other requirement upon a transportation network company or a driver which is not of general applicability to all persons who operate a motor vehicle within the jurisdiction of the local government.~~

~~2. Nothing in this section:~~

~~(a) Prohibits a local governmental entity from requiring a transportation network company or driver to obtain from the local government a business license or to pay any business license fee in the same manner that is generally applicable to any other business that operates within the jurisdiction of the local government.~~

~~(b) Prohibits an airport or its governing body from requiring a transportation network company or a driver to:~~

~~(1) Obtain a permit or certification to operate at the airport;~~

~~(2) Pay a fee to operate at the airport; or~~

~~(3) Comply with any other requirement to operate at the airport.~~

~~(c) Exempts a vehicle operated by a driver *or an autonomous vehicle* from any tax imposed pursuant to NRS 354.705, 371.043 or 371.045.~~

~~3. The provisions of this chapter do not exempt any person from the requirement to obtain a state business registration issued pursuant to chapter 76 of NRS. A transportation network company shall notify each driver of the requirement to obtain a state business registration issued pursuant to chapter 76 of NRS and the penalties for failing to obtain a state business registration.~~**] (Deleted by amendment.)**

Sec. 69.3. **The Department of Motor Vehicles and the Nevada Transportation Authority shall, on or before January 1, 2018, adopt any regulations which are required by or necessary to carry out the provisions of this act.**

Sec. 69.5. **1. Notwithstanding any regulation adopted by the Nevada Transportation Authority pursuant to sections 14.2 to 14.9, inclusive, of this act, an autonomous vehicle network company, as defined in section 14.24 of this act, which is issued a permit by the Nevada Transportation Authority pursuant to section 14.55 of this act on or before January 1, 2018, may commence operations in this State immediately upon being issued a permit.**

2. Notwithstanding the effective date of any regulation adopted by the Nevada Transportation Authority pursuant to sections 14.2 to 14.9, inclusive, of this act on or before January 1, 2018, an autonomous vehicle network company must not be required to comply with the

provisions of the regulation until 30 days after the regulation is filed with the Secretary of State.

Sec. 69.7. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 70. This act becomes effective ~~[:~~

~~1. Upon]~~ **upon** passage and approval **.** ~~[for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and~~

~~2. On January 1, 2018, for all other purposes.]~~

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 407.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1074.

SUMMARY— ~~[Makes various changes relating to]~~ **Designates the state land grant institutions in this State and requires a legislative audit of** cooperative extension programs. (BDR 49-1162)

AN ACT relating to ~~[cooperative extension programs; establishing geographical regions of the State for the purposes of such programs; requiring the creation of an advisory board on cooperative extension education in each county of the State; requiring certain entities to enter into cooperative extension memorandums of understanding or agreement for cooperative extension programs; placing the operation of the programs in the respective regions under the control of the Presidents of the University of Nevada, Reno, and the University of Nevada, Las Vegas, or their designees;]~~ **the Nevada System of Higher Education; designating certain institutions within the Nevada System of Higher Education as the state land grant institutions; requiring the Legislative Auditor to conduct a performance and compliance audit of the cooperative extension program of the System;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 8 of Article 11 of the Nevada Constitution designates certain proceeds from public lands to be used for certain colleges in this State. **Section 1** of this bill designates the University of Nevada, Las Vegas, the University of Nevada, Reno, and the Desert Research Institute as the state land grant institutions.

Existing law provides for certain educational, research, outreach and service programs pertaining to agriculture, community development, health and nutrition, horticulture, personal and family development, and natural

resources in this State, conducted in accordance with cooperative agreements between the boards of county commissioners of participating counties and the Director of the Agricultural Extension Department of the Public Service Division of the Nevada System of Higher Education. The money for such programs is provided, in part, by property taxes levied in each participating county and legislative appropriations. (NRS 549.010, 549.020, 549.040)

Section ~~[~~1.3 of this bill establishes Northern and Southern Regions of this State and provides that the budgets and expenditures of those programs must be approved and directed in the respective regions of this State by the President, or a person designated by the President, of the University of Nevada, Reno, in the Northern region of the State, and of the University of Nevada, Las Vegas, in the Southern region of the State pursuant to a cooperative extension memorandum of understanding or agreement with each county.

~~Section 1.5 of this bill requires the creation of an advisory board on cooperative extension in each county in this State which enters into a cooperative extension memorandum of understanding or agreement. The advisory board is required to provide advice to the board of county commissioners of the county in which it is created concerning certain issues relating to such cooperative extension memorandums of understanding or agreements.~~

~~Sections 2-5 of this bill transfer certain responsibilities related to cooperative extension programs from the Director of the Agricultural Extension Department of the Public Service Division of the Nevada System of Higher Education to the Northern and Southern Directors of Cooperative Extension of the state land-grant institution of the University of Nevada. Section 2 of this bill further requires the Northern and Southern Directors to enter into cooperative extension memorandums of understanding or agreements and activities with the counties.~~

~~Section 5.5 of this bill requires the Northern and Southern Directors of Cooperative Extension of the state land-grant institution of the University of Nevada to prepare and transmit a report to the Legislature on or before December 1, 2018, which describes in detail the programs and services provided in their respective regions pursuant to a cooperative extension memorandum of understanding or agreement.~~] 5.7 of this bill requires the Legislative Auditor to: (1) conduct a performance and compliance audit of the cooperative extension program of the Nevada System of Higher Education for fiscal year 2017-2018 and any prior years deemed necessary by the Legislative Auditor; and (2) submit a report of the results of the audit to the Audit Subcommittee of the Legislative Commission on or before February 4, 2019.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 549 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.5 of this act.

Sec. 1.3. ~~*[1.]*~~ ***The state land grant institutions of the University of Nevada are the University of Nevada, Las Vegas, the University of Nevada, Reno, and the Desert Research Institute.***

~~*[2. Except as prohibited by federal law, the proceeds of the tax collected pursuant to NRS 549.020 in each participating county in the relevant region of this State, any money appropriated pursuant to NRS 549.020 and any other money available from any source to carry out the provisions of this chapter must be expended as directed for the relevant region of this State in accordance with subsection 3 or 4, as applicable.*~~

~~*3. For any cooperative extension work performed in a participating county in the Northern Region of this State, consisting of Carson City, Churchill County, Douglas County, Elko County, Esmeralda County, Eureka County, Humboldt County, Lander County, Lyon County, Mineral County, Pershing County, Storey County, Washoe County and White Pine County, the money described in subsection 2 must be expended as directed by the President of the University of Nevada, Reno, or a person designated by the President as the designee to be the Northern Director of Cooperative Extension of the state land grant institution of the University of Nevada, pursuant to a cooperative extension memorandum of understanding or agreement entered into with each county.*~~

~~*4. For any cooperative extension work performed in a participating county in the Southern Region of this State, consisting of Clark County, Lincoln County and Nye County, the money described in subsection 2 must be expended as directed by the President of the University of Nevada, Las Vegas, or a person*~~

~~*designated by the President as the designee to be the Southern Director of Cooperative Extension of the state land grant institution of the University of Nevada, pursuant to a cooperative extension memorandum of understanding or agreement entered into with each county.]*~~

Sec. 1.5. ~~*[1. An advisory board on cooperative extension education must be created for each county in this State which enters into a cooperative extension memorandum of understanding or agreement pursuant to section 1.3 of this act. Each advisory board shall provide advice to the board of county commissioners of the county in which the advisory board is created concerning:*~~

~~*(a) The scope of the cooperative extension memorandums of understanding or agreements and the services provided pursuant thereto to serve the communities and businesses within the county; and*~~

~~*(b) The budget for services to be provided pursuant to such a cooperative extension memorandum of understanding or agreement.*~~

~~*2. An advisory committee created pursuant to subsection 1 must consist of:*~~

~~*(a) Seven members appointed by the board of county commissioners for the county in which the advisory board is created. Such members may be members of the county who benefit from cooperative extension programs, members of the business community or chamber of commerce, members of a nonprofit entity, teachers or other educational personnel, administrators of county government or any other person whose experience the board deems appropriate; and*~~

~~*(b) One member of a research institution listed in subsection 1 of section 1.3 of this act which serves the county for which the advisory board is created who is appointed by the president of the research institution.*~~

~~*3. Each member of an advisory board serves for a term of 2 years and may be reappointed. A vacancy on the board must be filled in the same manner as the original appointment.*~~

~~*4. At the first meeting of an advisory board, the members of the advisory board shall elect a Chair and Vice Chair by majority vote. After the initial elections, the Chair and Vice Chair hold office for a term of 1 year beginning on July 1 of each year. If the position of Chair or Vice Chair becomes vacant, the members of the advisory board shall elect a Chair or Vice Chair, as appropriate, from among its members to serve for the balance of the term.*~~

~~*5. The members of an advisory board:*~~

~~*(a) Serve without compensation; and*~~

~~*(b) May, upon written request, receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the business of the advisory board.*~~

~~*6. A member of the advisory board who is an officer or employee of this State or a political subdivision of this State must be relieved from duties without loss of regular compensation so that the officer or employee may prepare for and attend meetings of the advisory board and perform any work necessary to carry out the duties of the advisory board in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the advisory board to make up the time the officer or employee is absent from work to carry out duties as a member of the advisory board or use annual vacation or compensatory time for the absence.]*~~ **(Deleted by amendment.)**

Sec. 2. ~~**[**NRS 549.010 is hereby amended to read as follows:~~

~~549.010 To provide for continued educational, research, outreach and service programs pertaining to agriculture, community development, health and nutrition, horticulture, personal and family development, and natural resources in the rural and urban communities in the State of Nevada, the **[**Director of the Agricultural Extension Department of the Public Service Division of the Nevada System of Higher Education**]**~~ ***Northern Director of Cooperative Extension of the state land grant institution of the University***

~~***of Nevada and the Southern Director of Cooperative Extension of the state land-grant institution of the University of Nevada who are designated pursuant to section 1.3 of this act*** and the boards of county commissioners of any or all of the respective counties of the State of Nevada **[**may**]** ***shall*** enter into cooperative ***extension memorandums of understanding or*** agreements and activities subject to the provisions of this chapter.**]**~~ **(Deleted by amendment.)**

Sec. 3. ~~**[**NRS 549.020 is hereby amended to read as follows:~~

~~549.020 1. **[**The Director of the Agricultural Extension Department of the Public Service Division of the Nevada System of Higher Education**]** ***The Northern Director of Cooperative Extension of the state land-grant institution of the University of Nevada and the Southern Director of Cooperative Extension of the state land-grant institution of the University of Nevada who are designated pursuant to section 1.3 of this act*** shall prepare and submit to the board of county commissioners, for each county participating, an annual financial budget covering the county, state and federal funds cooperating in the cost of educational, research, outreach and service programs pertaining to agriculture, community development, health and nutrition, horticulture, personal and family development, and natural resources in the rural and urban communities in the State of Nevada.~~

~~2. The budget must be adopted by the board of county commissioners and certified as a part of the annual county budget, and the county tax levy provided for agricultural extension work in the annual county budget must include a levy of not less than 1 cent on each $100 of taxable property. If the proceeds of the county tax levy of 1 cent are insufficient to meet the county's share of the cooperative agricultural extension work, as provided in the combined annual financial budget, the board of county commissioners may, by unanimous vote, levy an additional tax so that the total in no instance exceeds 5 cents on each $100 of the county tax rate.~~

~~3. The proceeds of such a tax must be placed in the agricultural extension fund in each county treasury and must be paid out on claims drawn by the agricultural extension agent of the county as **[**designated by the Director of the Agricultural Extension Department of the Public Service Division of the Nevada System of Higher Education, when approved by the Director and**]** ***directed by the cooperative extension memorandum of understanding or agreement entered into pursuant to NRS 549.010 and*** countersigned by the Treasurer of the Nevada System of Higher Education.~~

~~4. A record of all such claims approved and paid, segregated by counties, must be kept by the Treasurer of the Nevada System of Higher Education. The cost of maintaining the record must be paid from state funds provided for by this chapter.~~

~~5. The State's cooperative share of the cost of such agricultural extension work, as entered in the budget described in this section, must not be more than a sum equal to the proceeds of 1 cent of such county tax rate; but when the proceeds of a 1 cent tax rate are insufficient to carry out the provisions of~~

~~the budget previously adopted, the [Director of the Agricultural Extension Department of the Public Service Division of the Nevada System of Higher Education is]~~ ***Northern Director of Cooperative Extension of the state land grant institution of the University of Nevada and the Southern Director of Cooperative Extension of the state land grant institution of the University of Nevada who are designated pursuant to section 1.3 of this act are*** ~~authorized to supplement the State's cooperative share from the funds as may be made available in the Public Service Division Fund of the Nevada System of Higher Education.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 549.030 is hereby amended to read as follows:~~

~~549.030 1. [A]~~ ***Within 10 days after its approval by the board of county commissioners, a*** ~~certified copy of the county extension work budget as adopted and approved pursuant to NRS 549.020 must be filed with [the]~~ ***:***

~~***(a) The President, or a person designated by the President, of the University of Nevada, Reno, or the University of Nevada, Las Vegas, for the applicable region of this State as described in section 1.3 of this act; and***~~

~~***(b) The*** Treasurer of the Nevada System of Higher Education ***.*** ~~[within 10 days after its approval by the board of county commissioners.]~~

~~2. Necessary modifications thereof, involving county and state funds, resulting from leaves of absence without pay, resignations, changes in salary, dismissals or employment of any cooperative agent, variations in expense accounts or otherwise, not involving an increase in the total expenditures provided to be paid from the funds and consistent with the purposes of this chapter, may be made by filing with the~~ ***county, at the request of:***

~~***(a) The President, or a person designated by the President, of the University of Nevada, Reno, or the University of Nevada, Las Vegas, for the applicable region of this State as described in section 1.3 of this act;***~~

~~***(b) The*** Treasurer of the Nevada System of Higher Education ***;*** ~~and [the]~~

~~***(c) The*** board of county commissioners ***,***~~

~~",~~ a revised budget, approved by the ~~[Director of the Agricultural Extension Department of the Public Service Division of the Nevada System of Higher Education]~~ ***Northern Director of Cooperative Extension of the state land grant institution of the University of Nevada and the Southern Director of Cooperative Extension of the state land grant institution of the University of Nevada who are designated pursuant to section 1.3 of this act*** ~~and countersigned by the Treasurer of the Nevada System of Higher Education.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 549.050 is hereby amended to read as follows:~~

~~549.050 All moneys appropriated pursuant to NRS 549.040 must be expended [under the direction of the Director of the Agricultural Extension Department of the Public Service Division of the Nevada System of Higher Education]~~ ***as provided in section 1.3 of this act*** ~~to the extent of the financial budget for cooperation between the State and the respective counties provided for in NRS 549.020.]~~ **(Deleted by amendment.)**

Sec. 5.5. ~~[The Northern Director of Cooperative Extension of the state land-grant institution of the University of Nevada and the Southern Director of Cooperative Extension of the state land-grant institution of the University of Nevada who are designated pursuant to section 1.3 of this act shall each prepare and transmit a report to the Legislature on or before December 1, 2018, which describes in detail the programs and services being provided in their respective regions pursuant to a cooperative extension memorandum of understanding or agreement entered into pursuant to NRS 549.010.]~~ **(Deleted by amendment.)**

Sec. 5.7. **1. The Legislative Auditor shall conduct a performance and compliance audit of the cooperative extension program of the Nevada System of Higher Education for fiscal year 2017-2018 and any previous years as deemed necessary by the Legislative Auditor.**

2. The audit conducted pursuant to this section must include, without limitation, an examination and analysis of:

(a) The amount and use of program funds in counties participating in the cooperative extension program;

(b) Controls over the collection, distribution and expenditure of the program funds;

(c) Controls over the use of program assets; and

(d) Compliance with federal, state and local laws, regulations, agreements and policies applicable to the cooperative extension program.

3. On or before February 4, 2019, the Legislative Auditor shall prepare and present a final written report of the audit to the Audit Subcommittee of the Legislative Commission created by NRS 218E.240.

4. To the extent the provisions of NRS 218G.030 to 218G.270, inclusive, are consistent with the requirements of this section, those provisions apply to the audit conducted pursuant to this section. Upon the request of the Legislative Auditor or his or her authorized representative, the officers and employees of the Nevada System of Higher Education shall make available to the Legislative Auditor any of their books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise and irrespective of their form or location, which the Legislative Auditor deems necessary to conduct the audit required by this section.

Sec. 6. This act becomes effective on July 1, 2017.

Assemblywoman Carlton moved the adoption of the amendment.
Remarks by Assemblywoman Carlton.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 413.
Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1041.

AN ACT relating to electronic documents; establishing provisions relating to electronic wills and trusts; revising provisions governing electronic notaries public; authorizing electronic notaries public to perform authorized electronic notarial acts remotely using audio-video communication; **establishing provisions concerning electronic documents relating to real property located in this State; authorizing the Secretary of State to require notaries public registering as electronic notaries public to complete an online course on electronic notarization;** increasing the amount of the fees authorized to be charged by an electronic notary public for the performance of certain electronic notarial acts and authorizing the collection of a fee to recover certain costs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes provisions relating to electronic wills. (NRS 132.119, 133.085, 136.185) **Sections 10-17** of this bill establish various other provisions relating to electronic wills. **Sections 8 and 19** of this bill revise the description of an electronic will and **section 10** establishes the circumstances in which an electronic will is self-proving. **Sections 11 and 12** establish the qualifications and duties of a qualified custodian of an electronic will, who is required to store electronic records of electronic wills in a system that protects electronic records from destruction, alteration or unauthorized access and detects any change to an electronic record. **Sections 13 and 14** set forth the circumstances in which a qualified custodian is authorized to cease serving in such a capacity. **Section 15** establishes provisions concerning affidavits relating to the creation of a certified paper original of an electronic will, which **section 3** of this bill generally defines as a tangible document containing the text of an electronic will. **Section 16** sets forth provisions relating to the ability of an electronic notary public or other notarial officer to perform certain notarial acts. **Section 17** establishes various provisions for purposes relating to the execution and filing of any document with a court in any proceeding relating to an electronic will and for certain other purposes.

Section 18 of this bill establishes requirements relating to a declaration or affidavit of a witness to an electronic will. **Section 20** of this bill provides the methods by which an electronic will may be revoked. **Section 21** of this bill sets forth provisions relating to the jurisdiction in which an electronic will may be proved and the admittance of a certified paper original of an electronic will to probate.

Sections 23-28 of this bill revise provisions relating to trusts. **Section 24** provides that a video recording or other electronic record may be admissible in court as evidence of certain issues relating to a trust, and **section 28** revises the description of an electronic trust.

Existing law establishes the Electronic Notary Public Authorization Act pursuant to which an electronic notary public appointed by the Secretary of State is authorized to perform electronic notarial acts. (NRS 240.181-240.206) **Section 39** of this bill renames the act as the ~~[Remote]~~ **Electronic** Notarization Enabling Act and **section 45** of this bill requires electronic notaries public to register with, instead of be appointed by, the Secretary of State. **Section 35** of this bill: (1) authorizes an electronic notary public to perform authorized electronic notarial acts remotely using audio-video communication, which **section 30** of this bill **generally** defines as communication by which a person is able to see, hear and communicate with another person in real time using electronic means; and (2) sets forth certain requirements relating to such electronic notarial acts. **Section 36** of this bill ~~[generally provides that an authorized]~~ **authorizes an electronic notary public to perform an** electronic notarial act ~~[performed]~~ using audio-video communication ~~[shall be deemed to have been performed in this State and must be governed by the laws of]~~ **for a person located: (1) in** this State ~~[, regardless of whether the person for whom the act is performed is physically located in another jurisdiction.]~~ **; (2) outside this State but within the United States; or (3) in certain circumstances, outside the United States.**

Section 37 of this bill requires an electronic notary public to arrange for a recording to be made of each electronic notarial act performed using audio-video communication and to give all participating persons advance notice of the recording. **Section 37** also requires the recording to be kept for not less than ~~[5]~~ **7** years. **Section 51** of this bill requires an electronic notary public to keep an electronic journal of each notarial act which he or she performs and to maintain and protect the electronic journal at all times. **Section 51 also provides that, except as otherwise provided by law, an electronic notary public is required to keep all required notarial records for a period of 7 years after the termination of the registration of the electronic notary public.**

Section 38 of this bill establishes provisions relating to the confirmation of the identity of a person for whom an electronic notarial act is performed using audio-video communication. **Section 50** of this bill requires an electronic notary public to render an electronic document that is the subject of an electronic notarial act tamper-evident.

Section 38.3 of this bill establishes provisions concerning electronic documents relating to real property located in this State.

Section 46.5 of this bill authorizes the Secretary of State to require a notary public who registers with the Secretary of State as an electronic notary public to complete an online course of study on electronic notarization. Section 38.7 of this bill establishes provisions relating to the completion of such a course of study.

Section 48 of this bill increases the amount of fees which an electronic notary public may charge for performing certain electronic notarial acts and authorizes an electronic notary public to charge a reasonable fee to recover

any cost of providing a copy of an entry or a recording of an audio-video communication in the electronic journal maintained by the electronic notary public. **Section 48** also prohibits an electronic notary public who is an officer or employee of the State or a local government from charging a fee for an electronic notarial act that the electronic notary public performs within the scope of such employment.

Sections 56-60 of this bill delete certain provisions of Assembly Bill No. 476 of this session that are replaced with the provisions of sections 45, 46, 46.5, 51 and 52 of this bill, and section 61 of this bill provides that the provisions of this bill are intended to supersede any provisions of Assembly Bill No. 476 that conflict with the provisions of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 132 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***Except as otherwise specifically provided in this title, the provisions of this title must be construed in a manner consistent with the provisions of chapter 719 of NRS.***

Sec. 3. ***"Certified paper original" means a tangible document that contains the text of an electronic will and, if applicable, a self-proving affidavit concerning the electronic will.***

Sec. 4. ***"Electronic notary public" has the meaning ascribed to it in NRS 240.186.***

Sec. 5. ***"Qualified custodian" means a person who meets the requirements of section 11 of this act.***

Sec. 6. NRS 132.025 is hereby amended to read as follows:

132.025 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 132.030 to 132.370, inclusive, ***and sections 3, 4 and 5 of this act*** have the meanings ascribed to them in those sections.

Sec. 7. NRS 132.117 is hereby amended to read as follows:

132.117 "Electronic record" means a record created, generated ***, sent, communicated, received*** or stored by electronic means.

Sec. 8. NRS 132.119 is hereby amended to read as follows:

132.119 "Electronic will" means ~~[a testamentary document that complies]~~ ***an instrument, including, without limitation, a codicil, that is executed by a person in accordance*** with the requirements of NRS 133.085 ~~[.]~~ ***and which disposes of the property of the person upon or after his or her death.***

Sec. 9. Chapter 133 of NRS is hereby amended by adding thereto the provisions set forth as sections 10 to 17, inclusive, of this act.

Sec. 10. ***1. An electronic will is self-proving if:***

(a) The declarations or affidavits of the attesting witnesses are incorporated as part of, attached to or logically associated with the electronic will, as described in NRS 133.050;

(b) The electronic will designates a qualified custodian to maintain custody of the electronic record of the electronic will; and

(c) Before being offered for probate or being reduced to a certified paper original that is ~~[admitted to]~~ offered for probate, the electronic will was at all times under the custody of a qualified custodian.

2. A declaration or affidavit of an attesting witness made pursuant to NRS 133.050 and an affidavit of a person made pursuant to section 15 of this act must be accepted by a court as if made before the court.

Sec. 11. *A qualified custodian of an electronic will:*

1. Must not be an heir of the testator or a beneficiary or devisee under the electronic will.

2. Shall consistently employ, and store electronic records of electronic wills in, a system that protects electronic records from destruction, alteration or unauthorized access and detects any change to an electronic record.

3. Shall store in the electronic record of an electronic will each of the following:

(a) A photograph or other visual record of the testator and the attesting witnesses that was taken contemporaneously with the execution of the electronic will;

(b) A photocopy, photograph, facsimile or other visual record of any documentation that was taken contemporaneously with the execution of the electronic will and provides satisfactory evidence of the identities of the testator and the attesting witnesses, including, without limitation, documentation of the methods of identification used pursuant to subsection 4 of NRS 240.1655; and

(c) An audio and video recording of the testator, attesting witnesses and notary public, as applicable, taken at the time the testator, each attesting witness and notary public, as applicable, placed his or her electronic signature on the electronic will, as required pursuant to paragraph (b) of subsection 1 of NRS 133.085.

4. Shall provide to any court that is hearing a matter involving an electronic will which is currently or was previously stored by the qualified custodian any information requested by the court pertaining to the qualifications of the qualified custodian and the policies and practices of the qualified custodian concerning the maintenance, storage and production of electronic wills.

Sec. 12. *1. With regard to an electronic record of an electronic will, a qualified custodian:*

(a) Shall provide access to or information concerning the electronic will or the certified paper original of the electronic will only to:

(1) The testator or another person as directed by the written instructions of the testator; and

(2) After the death of the testator, the nominated personal representative of the testator or any interested person; and

(b) May, in the absolute discretion of the qualified custodian, destroy the electronic record at any time:

(1) Five or more years after the admission of any will of the testator to probate;

(2) Five or more years after the revocation of the electronic will;

(3) Five or more years after ceasing to serve as the qualified custodian of the electronic record of the electronic will pursuant to section 13 of this act;

(4) Ten or more years after the death of the testator; or

(5) One hundred and fifty years after the execution of the electronic will.

2. At the direction of a testator in a writing executed with the same formalities required for the execution of an electronic will, a qualified custodian shall cancel, render unreadable or obliterate the electronic record.

Sec. 13. *1. A qualified custodian may cease serving in such a capacity by:*

(a) If not designating a successor qualified custodian, providing to the testator:

(1) Thirty days' written notice that the qualified custodian has decided to cease serving in such a capacity; and

(2) The certified paper original of, and all records concerning, the electronic will.

(b) If designating a successor qualified custodian:

(1) Providing 30 days' written notice that the qualified custodian has decided to cease serving in such a capacity to:

(I) The testator; and

(II) The designated successor qualified custodian; and

(2) Providing to the successor qualified custodian the electronic record of the electronic will and an affidavit which states:

(I) That the qualified custodian ceasing to act in such a capacity is eligible to act as a qualified custodian in this State and is the qualified custodian designated by the testator in the electronic will or was designated to act in such a capacity by another qualified custodian pursuant to this paragraph;

(II) That an electronic record was created at the time the testator executed the electronic will;

(III) That the electronic record has been in the custody of one or more qualified custodians since the execution of the electronic will and has not been altered since the time it was created; and

(IV) The identity of all qualified custodians who have had custody of the electronic record since the execution of the electronic will.

2. For purposes of making the affidavit pursuant to subparagraph (2) of paragraph (b) of subsection 1, a qualified custodian is entitled to rely conclusively on any affidavits provided by a predecessor qualified

custodian if all such affidavits are provided to the successor qualified custodian.

3. Subject to the provisions of section 14 of this act, if the testator designates a successor qualified custodian in a writing executed with the same formalities required for the execution of an electronic will, a qualified custodian shall cease serving in such a capacity and provide to the designated successor qualified custodian:

(a) The electronic record; and

(b) The affidavit described in subparagraph (2) of paragraph (b) of subsection 1.

4. If a qualified custodian is an entity, an affidavit of a duly authorized officer or agent of such entity constitutes the affidavit of the qualified custodian.

Sec. 14. *1. A person must execute a written statement affirmatively agreeing to serve as the qualified custodian of an electronic will before he or she may serve in such a capacity.*

2. Except as otherwise provided in paragraph (a) of subsection 1 of section 13 of this act, a qualified custodian may not cease serving in such a capacity until a successor qualified custodian executes the written statement required by subsection 1.

Sec. 15. *1. Upon the creation of a certified paper original of an electronic will:*

(a) If the electronic will has always been in the custody of a qualified custodian, the ~~[designated]~~ qualified custodian shall state in an affidavit:

(1) That the qualified custodian is eligible to act as a qualified custodian in this State;

(2) That the qualified custodian is the qualified custodian designated by the testator in the electronic will or was designated to act in such a capacity pursuant to paragraph (b) of subsection 1 of section 13 of this act;

(3) That an electronic record was created at the time the testator executed the electronic will;

(4) That the electronic record has been in the custody of one or more qualified custodians since the execution of the electronic will, and has not been altered since the time it was created;

(5) The identity of all qualified custodians who have had custody of the electronic record since the execution of the electronic will;

(6) That the certified paper original is a true, correct and complete tangible manifestation of the electronic will; and

(7) That the records described in subsection 3 of section 11 of this act are in the custody of the qualified custodian.

(b) If the electronic will has not always been under the custody of a qualified custodian, the person who discovered the electronic will and the person who reduced the electronic will to the certified paper original shall each state in an affidavit the following information, to the best of their knowledge:

(1) When the electronic will was created, if not indicated in the electronic will;

(2) When, how and by whom the electronic will was discovered;

(3) The identities of each person who has had access to the electronic will;

(4) The method in which the electronic will was stored and the safeguards in place to prevent alterations to the electronic will;

(5) Whether the electronic will has been altered since its execution; and

(6) That the certified paper original is a true, correct and complete tangible manifestation of the electronic will.

2. For purposes of making an affidavit pursuant to paragraph (a) of subsection 1, the qualified custodian may rely conclusively on any affidavits delivered by a predecessor qualified custodian.

Sec. 16. *1. Notwithstanding any other provision of law, an electronic notary public or other notarial officer may, for purposes of this title, including, without limitation, all purposes relating to the execution and filing of any document with the court in any proceeding relating to an electronic will:*

(a) Notarize the signature or electronic signature of a person, as applicable, who is not in the physical presence of the electronic notary public or other notarial officer if the person is in his or her presence within the meaning of section 17 of this act; and

(b) Notarize any document relating to a will, codicil or testamentary trust.

2. This section must be liberally construed and applied to promote the purposes of NRS 133.085 and sections 10 to 17, inclusive, of this act.

Sec. 17. *1. For purposes of this title, including, without limitation, any declaration or affidavit made by an attesting witness as described in NRS 133.050, for all purposes relating to the execution and filing of any document with the court in any proceeding relating to an electronic will and for purposes of executing a power of attorney pursuant to NRS 162A.220, an advance directive or any document relating to an advance directive:*

(a) A person shall be deemed to be in the presence of or appearing before another person if such persons are in:

(1) The same physical location; or

(2) Different physical locations but can communicate with each other by means of audio-video communication.

(b) An electronic notary public may electronically notarize electronic documents, including, without limitation, documents constituting or relating to an electronic will, in accordance with NRS 240.181 to 240.206, inclusive, and sections 30 to ~~[38,]~~ 38.7, inclusive, of this act.

(c) Any requirement that a document be signed may be satisfied by an electronic signature.

(d) If a provision of law requires a written record, an electronic record satisfies such a provision.

(e) ~~[If]~~ Except as otherwise provided in subparagraph (3), regardless of the physical location of the person executing a document or of any witness, if a document is executed electronically, the document shall be deemed to be executed in this State and will be governed by the laws of this State and subject to the jurisdiction of the courts of this State if:

(1) The person executing the document states that he or she understands that he or she is executing, and that he or she intends to execute, the document in and pursuant to the laws of this State;

(2) The document states that the validity and effect of its execution are governed by the laws of this State;

(3) Any attesting witnesses or an electronic notary public whose electronic signatures are contained in the document were physically located within this State at the time the document was executed in accordance with this section; or

(4) In the case of a self-proving electronic will, the electronic will designates a qualified custodian who, at the time of execution:

(I) If a natural person, is domiciled in this State; or

(II) If an entity, is organized under the laws of this State or whose principal place of business is located in this State.

2. Notwithstanding the provisions of subsection 1, the validity of a notarial act performed by an electronic notary public must be determined by applying the laws of the jurisdiction in which the electronic notary public is commissioned or appointed.

3. As used in this section:

(a) "Advance directive" has the meaning ascribed to it in NRS 449.905.

(b) "Audio-video communication" ~~[has the meaning ascribed to it in section 30 of this act.]~~ means communication by which a person is able to see, hear and communicate with another person in real time using electronic means and that meets any rules or regulations adopted by the Secretary of State.

Sec. 18. NRS 133.050 is hereby amended to read as follows:

133.050 1. Any attesting witness to a will ***, including, without limitation, an electronic will,*** may sign a declaration under penalty of perjury or an affidavit before any person authorized to administer oaths in or out of the State, stating such facts as the witness would be required to testify to in court to prove the will. The declaration or affidavit must be written on the will or, if that is impracticable, on some paper attached thereto. ***If the will is an electronic will, the declaration or affidavit must be in a record incorporated as part of, attached to or logically associated with the electronic will.*** The sworn statement of any witness so taken must be accepted by the court as if it had been taken before the court.

2. The affidavit described in subsection 1 may be in substantially the following form:

State of Nevada }
}ss.
County of..... }

(Date).....

Then and there personally appeared ..... and ....., who, being duly sworn, depose and say: That they witnessed the execution of the foregoing will of the testator, ...; that the testator subscribed the will and declared it to be his or her last will and testament in their presence; that they thereafter subscribed the will as witnesses in the presence of the testator and in the presence of each other and at the request of the testator; and that the testator at the time of the execution of the will appeared to them to be of full age and of sound mind and memory.

.....
Affiant

.....
Affiant

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public

3. The declaration described in subsection 1 may be in substantially the following form:

Under penalty of perjury pursuant to the law of the State of Nevada, the undersigned, ... and ....., declare that the following is true of their own knowledge: That they witnessed the execution of the foregoing will of the testator, ...; that the testator subscribed the will and declared it to be his or her last will and testament in their presence; that they thereafter subscribed the will as witnesses in the presence of the testator and in the presence of each other and at the request of the testator; and that the testator at the time of the execution of the will appeared to them to be of full age and of sound mind and memory.

Dated this ..... day of ....., ...
..... Declarant
..... Declarant

4. If a testator or a witness signing an affidavit or declaration described in subsection 1 appears by means of audio-video communication, the form for the affidavit or declaration, as set forth in subsections 2 and 3, respectively, must be modified to indicate that fact.

5. As used in this section, "audio-video communication" has the meaning ascribed to it in section 17 of this act.

Sec. 19. NRS 133.085 is hereby amended to read as follows:

133.085 1. An electronic will is a will of a testator that:

(a) Is ~~[~~written,~~]~~ created and ~~[~~stored~~]~~ ***maintained*** in an electronic record; ***and***

(b) Contains the date and the electronic signature of the testator and which includes, without limitation, at least one ***of the following:***

(1) An authentication characteristic of the testator; ~~[~~and

~~(c) Is created and stored in such a manner that:~~

~~(1) Only one authoritative copy exists;~~]

(2) The ~~[~~authoritative copy is maintained and controlled by the testator or a custodian designated by the testator in the~~]~~ electronic ~~[~~will;~~]~~ ***signature and electronic seal of an electronic notary public, placed thereon in the presence of the testator and in whose presence the testator placed his or her electronic signature thereon; or***

(3) ~~[~~Any attempted alteration of the authoritative copy is readily identifiable; and

~~(4) Each copy of the authoritative copy is readily identifiable as a copy that is not the authoritative copy.~~] ***The electronic signatures of two or more attesting witnesses, placed thereon in the presence of the testator and in whose presence the testator placed his or her electronic signature thereon.***

2. Every person of sound mind over the age of 18 years may, by last electronic will, dispose of all of his or her estate, real and personal, but the estate is chargeable with the payment of the testator's debts.

3. ~~[~~An electronic will that meets the requirements of this section is subject to no other form, and may be made in or out of this State. An electronic will is valid and has the same force and effect as if formally executed.

~~4. An electronic will shall be deemed to be executed in this State if the authoritative copy of the electronic will is:~~

~~(a) Transmitted to and maintained by a custodian designated in the electronic will at the custodian's place of business in this State or at the custodian's residence in this State; or~~

~~(b) Maintained by the testator at the testator's place of business in this State or at the testator's residence in this State.~~

~~5.~~] ***Except as otherwise provided in this section and sections 10 to 17, inclusive, of this act, all questions relating to the force, effect, validity and interpretation of an electronic will that complies with the provisions of this section and sections 10 to 17, inclusive, of this act must be determined in the same manner as a will executed in accordance with NRS 133.040.***

4. The provisions of this section do not apply to a trust other than a trust contained in an electronic will.

~~[6.]~~ ***5.*** As used in this section:

(a) "Authentication characteristic" means a characteristic of a certain person that is unique to that person and that is capable of measurement and recognition in an electronic record as a biological aspect of or physical act performed by that person. Such a characteristic may consist of a fingerprint, a retinal scan, voice recognition, facial recognition, ***video recording,*** a digitized signature or other ***commercially reasonable*** authentication using a unique characteristic of the person.

(b) ~~[~~"Authoritative copy" means the original, unique, identifiable and unalterable electronic record of an electronic will.

~~(c)]~~ "Digitized signature" means a graphical image of a handwritten signature that is created, generated or stored by electronic means.

(c) "Electronic seal" has the meaning ascribed to it in NRS 240.187.

Sec. 20. NRS 133.120 is hereby amended to read as follows:

133.120 1. A written will ***other than an electronic will*** may only be revoked by:

(a) Burning, tearing, cancelling or obliterating the will, with the intention of revoking it, by the testator, or by some person in the presence and at the direction of the testator; ~~[or]~~

(b) Another will or codicil in writing, executed as prescribed in this chapter ~~[.]~~ ***; or***

(c) An electronic will, executed as prescribed in this chapter.

2. ***An electronic will may only be revoked by:***

(a) Another will, codicil, electronic will or other writing, executed as prescribed in this chapter; or

(b) Cancelling, rendering unreadable or obliterating the will with the intention of revoking it, by:

(1) The testator or a person in the presence and at the direction of the testator; or

(2) If the will is in the custody of a qualified custodian, the qualified custodian at the direction of a testator in an electronic will.

3. This section does not prevent the revocation implied by law from subsequent changes in the condition or circumstances of the testator.

Sec. 21. NRS 136.185 is hereby amended to read as follows:

136.185 ***1.*** An electronic will ***executed or deemed to be executed in or pursuant to the laws of this State*** may be proved ~~[by authentication satisfactory to the court.]~~ ***and letters granted in the county in which the decedent was a resident at the time of his or her death or the domicile or registered office of the qualified custodian exists.***

2. A certified paper original of an electronic will may be offered for and admitted to probate in the same manner as if it were a will executed in accordance with NRS 133.040.

3. A certified paper original of an electronic will that is self-proving pursuant to section 10 of this act is presumed to be valid and, absent any objection, must be admitted to probate expeditiously without requiring any further proof of validity.

4. An electronic will that is executed or deemed to be executed in or pursuant to the laws of another state in accordance with the laws of the other state or of this State is a valid electronic will in this State.

Sec. 22. Chapter 163 of NRS is hereby amended by adding thereto the provisions set forth as sections 23 and 24 of this act.

Sec. 23. ***As used in this chapter, unless the context otherwise requires, when the terms "execute" or "sign" are used in reference to a will, trust or instrument to convey property, the terms include the use of an electronic signature.***

Sec. 24. ***Subject to the provisions of any applicable court rules, a video recording or other electronic record may be admissible as evidence of:***

1. The proper execution of a trust.

2. The intentions of a settlor.

3. The mental state or capacity of a settlor.

4. The authenticity of a trust.

5. Matters that are determined by a court to be relevant to the administration of a trust.

Sec. 25. NRS 163.0016 is hereby amended to read as follows:

163.0016 "Nontestamentary trust" means a trust ***, including, without limitation, an electronic trust,*** that is created and takes effect during the lifetime of the settlor.

Sec. 26. NRS 163.0018 is hereby amended to read as follows:

163.0018 "Testamentary trust" means a trust that is created by the terms of the will ***, including, without limitation, the electronic will,*** of a person.

Sec. 27. NRS 163.00185 is hereby amended to read as follows:

163.00185 "Trust instrument" means a will, trust agreement, declaration, or other instrument ***, including, without limitation, an electronic trust,*** that creates or defines the duties and powers of a trustee and shall include a court order or any instrument that modifies a trust instrument or, in effect, alters the duties and powers of a trustee or other terms of a trust instrument.

Sec. 28. NRS 163.0095 is hereby amended to read as follows:

163.0095 1. An electronic trust is a trust instrument that:

(a) Is ~~[~~written,~~]~~ created and ~~[~~stored~~]~~ ***maintained*** in an electronic record ~~[~~;~~]~~ ***in such a manner that any alteration thereto is detectable;***

(b) Contains the electronic signature of the settlor ~~[~~,~~]~~ and ***the date and time thereof;***

(c) ***Includes, without limitation, an authentication method which is attached to or logically associated with the trust instrument to identify the settlor or is electronically notarized in accordance with all applicable provisions of law;***

(d) Is subject to the provisions of chapter 719 of NRS; and

(e) Meets the requirements set forth in this chapter for a valid trust.

2. ~~[~~An~~]~~ ***Regardless of the physical location of the settlor, an*** electronic trust shall be deemed to be executed in this State ***and will be governed by the***

laws of this State and subject to the jurisdiction of the courts of this State if the electronic trust is:

(a) Transmitted to and maintained by a custodian designated in the trust instrument at the custodian's place of business in this State or at the custodian's residence in this State; or

(b) Maintained by the settlor at the settlor's place of business in this State or at the settlor's residence in this State, or by the trustee at the trustee's place of business in this State or at the trustee's residence in this State.

3. ***Notwithstanding the provisions of subsection 2, the validity of a notarial act performed by an electronic notary public must be determined by applying the laws of the jurisdiction in which the electronic notary public is commissioned or appointed.***

4. The provisions of this section do not apply to a testamentary trust.

[4.] 5. As used in this section:

(a) "Authentication characteristic" has the meaning ascribed to it in NRS 133.085.

(b) "Authentication method" means a method of identification using [:

(1) A copy of the valid driver's license, passport or other government-issued identification card of a settlor; and

(2) A dynamic knowledge-based authentication assessment,] any applicable method authorized or required by law, including, without limitation, a digital certificate using a public key or a physical device, including, without limitation, a smart card, flash drive or other type of token, an authentication characteristic or another commercially reasonable method.

(c) ["Dynamic knowledge-based authentication assessment" has the meaning ascribed to it in section 32 of this act.

(d)] "Public key" has the meaning ascribed to it in NRS 720.110.

Sec. 29. Chapter 240 of NRS is hereby amended by adding thereto the provisions set forth as sections 30 to **[**38,**]** **38.7,** inclusive, of this act.

Sec. 30. ***"Audio-video communication" means communication by which a person is able to see, hear and communicate with another person in real time using electronic means [.] and that meets any rules or regulations adopted by the Secretary of State.***

Sec. 31. ***"Credential" means a tangible record evidencing the identity of a person.***

Sec. 32. ***"Dynamic knowledge-based authentication assessment" means an identity assessment that is based on a set of questions formulated from public or private data sources for which the person taking the assessment has not previously provided an answer [.] and that meets any rules or regulations adopted by the Secretary of State.***

Sec. 33. ***"Electronic" means of or relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.***

Sec. 34. ***"In the presence of" or "appear before" means being:***

1. In the same physical location as another person and close enough to see, hear, communicate with and exchange credentials with that person; or

2. In a different physical location from another person but able to see, hear and communicate with the person by means of audio-video communication ~~[.]~~ that meets any rules or regulations adopted by the Secretary of State.

Sec. 35. *1. An electronic notary public may perform any of the acts set forth in NRS 240.196 using audio-video communication in accordance with NRS 240.181 to 240.206, inclusive, and sections 30 to ~~[38,]~~ 38.7, inclusive, of this act and any rules or regulations adopted by the Secretary of State.*

2. Before an electronic notary public performs electronic notarial acts using audio-video communication, he or she must register with the Secretary of State pursuant to NRS ~~[240.196]~~ 240.192 and identify the technology that the electronic notary public intends to use, which must conform to any ~~[standards established by regulation]~~ rules or regulations adopted by the Secretary of State. ~~[The Secretary of State shall approve the use of the technology if it conforms to such standards.]~~

3. If an electronic notarial act is performed using audio-video communication:

(a) The technology used must allow the persons communicating to see and speak to each other simultaneously; ~~[and]~~

(b) The signal transmission must be in real time ~~[.]~~ ; and

(c) The electronic notarial act must be recorded in accordance with section 37 of this act.

Sec. 36. *1. An electronic notary public may perform an electronic notarial act using audio-video communication in accordance with NRS 240.181 to 240.206, inclusive, and sections 30 to ~~[38,]~~ 38.7, inclusive, of this act and any rules or regulations adopted by the Secretary of State for a person who is physically located:*

(a) In this State;

(b) Outside this State but within the United States; or

(c) Outside the United States if:

(1) The electronic notary public has no actual knowledge of the electronic notarial act being prohibited in the jurisdiction in which the person is physically located; and

(2) The person placing his or her electronic signature on the electronic document confirms to the electronic notary public that the requested electronic notarial act and the electronic document:

(I) Are part of or pertain to a matter that is to be filed with or is currently before a court, governmental entity or other entity in the United States;

(II) Relate to property located in the United States; or

(III) Relate to a transaction substantially connected to ~~[a territorial jurisdiction of]~~ the United States.

2. ~~[Subject to the provisions of section 17 of this act, an electronic notarial act performed by an]~~ An electronic notary public who is ~~[physically present in this State]~~ registered with the Secretary of State pursuant to NRS 240.192 may perform an electronic notarial act using audio-video communication in accordance with NRS 240.181 to 240.206, inclusive, and sections 30 to ~~[38,]~~ 38.7, inclusive, of this act and any rules or regulations adopted by the Secretary of State ~~[shall be deemed to have been performed in this State and must be governed by the laws of]~~ if the electronic notary public is physically present in this State ~~[,]~~ at the time of performing the electronic notarial act, regardless of whether the person who placed the electronic signature on the electronic document is physically located in another jurisdiction at the time of the electronic notarial act. The validity of the notarial act will be determined by applying the laws of this State.

Sec. 37. *1. An electronic notary public shall arrange for a recording to be made of each electronic notarial act performed using audio-video communication. Before performing any electronic notarial act using audio-video communication, the electronic notary public must inform all participating persons that the electronic notarization will be electronically recorded.*

2. If the person for whom the electronic notarial act is being performed is identified by personal knowledge, the recording of the electronic notarial act must include an explanation by the electronic notary public as to how he or she knows the person and how long he or she has known the person.

3. If the person for whom the electronic notarial act is being performed is identified by a credible witness:

(a) The credible witness must appear before the electronic notary public; and

(b) The recording of the electronic notarial act must include:

(1) A statement by the electronic notary public as to whether he or she identified the credible witness by personal knowledge or satisfactory evidence; and

(2) An explanation by the credible witness as to how he or she knows the person for whom the electronic notarial act is being performed and how long he or she has known the person.

4. An electronic notary public shall keep a recording made pursuant to this section for a period of not less than ~~[5]~~ 7 years, regardless of whether the electronic notarial act was actually completed.

Sec. 38. *1. For the purposes of performing an electronic notarial act for a person using audio-video communication, an electronic notary public has satisfactory or documentary evidence of the identity of the person if the electronic notary public confirms the identity of the person by:*

~~[1.]~~ (a) Personal knowledge;

~~[2. The successful completion by the person of a dynamic knowledge-based authentication assessment that is combined with at least one]~~

(b) Each of the following:

~~[(a) The use of software that relies on high resolution imaging and record classification by which to perform a forensic analysis of an unexpired]~~

(1) Remote presentation by the person of a government-issued identification credential ~~[of the person]~~ that contains a photograph ~~[;~~

~~(b) Visual inspection by the electronic notary public of a high resolution image of an unexpired government-issued credential of the person that contains a photograph and comparison, to the satisfaction of the electronic notary public, of the information thereon to the person appearing before the electronic notary public and to the identity]~~ and the signature of the person ~~[as established through the]~~ ;

(2) Credential analysis of the government-issued identification credential and the data thereon;

(3) A dynamic knowledge-based authentication assessment; ~~[or~~

~~(c)]~~ ; and

(4) Any other method that complies with any rules or regulations adopted by the Secretary of State; or

~~[3.]~~ (c) A valid certificate that complies with any rules or regulations adopted by the Secretary of State.

2. As used in this ~~[subsection, "certificate"]~~ section:

(a) "Certificate" has the meaning ascribed to it in NRS 720.030.

(b) "Credential analysis" means a process or service that complies with any rules or regulations adopted by the Secretary of State through which a third party affirms the validity of a government-issued identification credential or any data thereon through the review of data sources.

(c) "Remote presentation" means the transmission of a quality image of a government-issued identification credential to an electronic notary public through communication technology for the purpose of enabling the electronic notary public to identify the person appearing before the electronic notary public and to perform a credential analysis.

Sec. 38.3. 1. If an electronic document relating to real property located in this State contains an electronic acknowledgment, notwithstanding any omission or error in the certificate of acknowledgment or failure of the document to show an acknowledgment in compliance with applicable law, upon the document being recorded with the county recorder of the county in which the real property is located or filed with the Secretary of State:

(a) The electronic document shall be deemed to be lawfully recorded or filed; and

(b) All persons, including, without limitation, any creditor, encumbrancer, mortgagee, subsequent purchaser for valuable consideration or any other subsequent transferee thereof or of any interest therein, are deemed to have notice of its contents.

2. For the purposes of this section, a document is deemed to comply with all applicable requirements upon the acceptance for recording by the county recorder of the county in which the real property is located or the filing of the document with the Secretary of State, as required by law.

Sec. 38.7. 1. Except as otherwise provided in this section, a notary public who registers with the Secretary of State as an electronic notary public pursuant to NRS 240.192 for the first time must successfully complete any required course of study on electronic notarization required pursuant to NRS 240.195 before filing such registration with the Secretary of State.

2. A notary public may register with the Secretary of State as an electronic notary public pursuant to NRS 240.192 and thereafter perform the functions of an electronic notary public pursuant to this chapter without completing any course of study on electronic notarization required pursuant to NRS 240.195 if, at the time of registration, the course of study is not yet offered by the Secretary of State or a vendor approved by the Secretary of State.

3. If a notary public registers and performs the functions of an electronic notary public without first completing any required course of study on electronic notarization pursuant to subsection 2, he or she must complete the required course of study and pass any required examination within 120 days after the course of study is first offered by the Secretary of State or a vendor approved by the Secretary of State. The registrant shall thereafter complete any required course of study in accordance with paragraph (b) or (c) of subsection 3 of NRS 240.195, as applicable.

Sec. 39. NRS 240.181 is hereby amended to read as follows:

240.181 NRS 240.181 to 240.206, inclusive, ***and sections 30 to ~~[38,]~~ 38.7, inclusive, of this act*** may be cited as the Electronic ~~[~~Notary Public Authorization ***~~Remote]~~ Notarization Enabling*** Act.

Sec. 40. NRS 240.182 is hereby amended to read as follows:

240.182 As used in NRS 240.181 to 240.206, inclusive, ***and sections 30 to ~~[38,]~~ 38.7, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 240.183 to 240.188, inclusive, ***and sections 30 to 34, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 40.5. **NRS 240.185 is hereby amended to read as follows:**

240.185 "Electronic notarial act" means an act that an electronic notary public of this State is authorized to perform. The term includes:

1. Taking an acknowledgment;
2. Administering an oath or affirmation;
3. Executing a jurat; ~~[and]~~
4. ***Certifying a true and correct copy; and***
5. Performing such other duties as may be prescribed by a specific statute.

Sec. 41. NRS 240.186 is hereby amended to read as follows:

240.186 "Electronic notary public" means a person ~~[appointed by]~~ ***registered with*** the Secretary of State pursuant to NRS 240.181 to 240.206, inclusive, ***and sections 30 to*** ~~*[38,]*~~ ***38.7, inclusive, of this act*** to perform electronic notarial acts.

Sec. 42. NRS 240.187 is hereby amended to read as follows:

240.187 "Electronic seal" means information within a notarized electronic document that includes the name, jurisdiction and expiration date of the ~~[appointment]~~ ***registration*** of an electronic notary public and generally includes the information required to be set forth in a mechanical stamp pursuant to NRS 240.040.

Sec. 43. NRS 240.189 is hereby amended to read as follows:

240.189 An electronic notary public shall comply with those provisions of NRS 240.001 to 240.169, inclusive, which are not inconsistent with NRS 240.181 to 240.206, inclusive ~~[.]~~ ***, and sections 30 to*** ~~*[38,]*~~ ***38.7, inclusive, of this act.*** To the extent that the provisions of NRS 240.001 to 240.169, inclusive, conflict with the provisions of NRS 240.181 to 240.206, inclusive, ***and sections 30 to*** ~~*[38,]*~~ ***38.7, inclusive, of this act,*** the provisions of NRS 240.181 to 240.206, inclusive, ***and sections 30 to*** ~~*[38,]*~~ ***38.7, inclusive, of this act*** control.

Sec. 44. NRS 240.191 is hereby amended to read as follows:

240.191 1. ~~[The Secretary of State may appoint electronic notaries public in this State.~~

~~2. The Secretary of State shall not appoint as an electronic notary public a person who submits an application containing a substantial and material misstatement or omission of fact.~~

~~3. An electronic notary public may cancel his or her appointment by submitting a written notice to the Secretary of State.~~

~~4.]~~ It is unlawful for a person to:

(a) Represent himself or herself as an electronic notary public ~~[appointed pursuant to this section]~~ if the person has not ~~[received a certificate of appointment from]~~ ***registered with*** the Secretary of State pursuant to NRS 240.192.

(b) Submit ~~[an application for appointment]~~ ***a registration*** as an electronic notary public that contains a substantial and material misstatement or omission of fact.

~~[5.]~~ ***2.*** The Secretary of State may request that the Attorney General bring an action to enjoin any violation of paragraph (a) of subsection ~~[4.]~~ ***1.***

Sec. 45. NRS 240.192 is hereby amended to read as follows:

240.192 1. Each person ~~[applying for appointment~~ ~~*registration]*~~ ***registering*** as an electronic notary public must:

(a) At the time of ~~[application,]~~ ***registration,*** be a notarial officer in this State ~~[, and]~~ ***who has complied with the requirements pertaining to taking an oath and filing a bond set forth in NRS 240.030 and 240.033,*** have been a notarial officer in this State for not less than 4 years ~~[;]~~ ***and*** ~~*[comply]*~~ ***have***

complied** with all applicable notarial requirements set forth in this chapter **; [, including, without limitation, the bond requirements set forth in NRS 240.030 and 240.033;]

(b) **[**~~Submit to~~**]** ***Register with*** the Secretary of State ***by submitting*** an electronic **[**~~application~~**]** ***registration*** pursuant to subsection 2; ***[and]***

(c) Pay to the Secretary of State **[**~~an application~~**]** ***a registration*** fee of $50 **[**~~.~~**]** ***, which is in addition to the application fee required pursuant to NRS 240.030 to be a notarial officer in this State;***

~~(d) [Take and subscribe to the oath set forth in Section 2 of Article 15 of the Constitution of the State of Nevada as if the applicant were a public officer;~~

~~(e)]~~ Submit to the Secretary of State ***with the registration*** proof satisfactory to the Secretary of State that the **[**~~applicant~~**]** ***registrant*** has **[**~~successfully~~**]** ***:***

(1) Successfully completed **[**~~a~~**]** ***any required*** course of study ***on electronic notarization*** provided pursuant to NRS 240.195; and

~~[(f) Enter into a bond to the State of Nevada in the sum of $10,000, to be filed with the clerk of the county in which the applicant resides or, if the applicant is a resident of an adjoining state, with the clerk of the county in this State in which the applicant maintains a place of business or is employed. The applicant must submit to the Secretary of State a certificate issued by the appropriate county clerk which indicates that the applicant filed the bond required pursuant to this paragraph.~~ ***in addition to the application fee required pursuant to NRS 240.030 to be a notarial officer in this State.]***

(2) Complied with the requirements pertaining to taking an oath and filing a bond set forth in NRS 240.030 and 240.033.

2. **[**~~The application for an appointment~~**]** ***Unless the Secretary of State establishes a different process for submitting a registration as an electronic notary public, the registration*** as an electronic notary public must be submitted as an electronic document ***to the electronic mail address designated by the Secretary of State*** and must contain, without limitation, the following information:

(a) **[**~~The applicant's full legal name, and the name to be used for appointment, if different.~~**]** ***All information required to be included in an application for appointment as a notary public pursuant to NRS 240.030.***

(b) **[**~~The county in which the applicant resides.~~

~~(c) The electronic mail address of the applicant.~~

~~(d)]~~ A description of the technology or device **[**~~, approved by the Secretary of State,~~**]** that the **[**~~applicant~~**]** ***registrant*** intends to use to create his or her electronic signature in performing electronic notarial acts.

[~~(e)~~**]** ***(c)*** The electronic signature of the **[**~~applicant.~~

~~(f)~~**]** ***registrant.***

(d) Any other information **[**~~requested~~**]** ***required pursuant to any rules or regulations adopted*** by the Secretary of State.

3. ~~[An applicant for appointment as an electronic notary public who resides in an adjoining state, in addition to the requirements set forth in subsections 1 and 2, must submit to the Secretary of State with the application:~~

~~(a) An affidavit setting forth the adjoining state in which the applicant resides, the applicant's mailing address and the address of the applicant's place of business or employment that is located within the State of Nevada;~~

~~(b) A copy of the applicant's state business registration issued pursuant to chapter 76 of NRS and any business license required by the local government where the applicant's business is located, if the applicant is self-employed; and~~

~~(c) Unless the applicant is self-employed, a copy of the state business registration of the applicant's employer issued pursuant to chapter 76 of NRS, a copy of any business license of the applicant's employer that is required by the local government where the business is located and an affidavit from the applicant's employer setting forth the facts which show that the employer regularly employs the applicant at an office, business or facility which is located within the State of Nevada.~~

~~4. In completing an application, bond, oath or other document necessary to apply for appointment as an electronic notary public, an applicant must not be required to disclose his or her residential address or telephone number on any such document which will become available to the public.~~

~~5. The bond, together with the oath, must be filed and recorded in the office of the county clerk of the county in which the applicant resides when the applicant applies for appointment or, if the applicant is a resident of an adjoining state, with the clerk of the county in this State in which the applicant maintains a place of business or is employed. On a form provided by the Secretary of State, the county clerk shall immediately certify to the Secretary of State that the required bond and oath have been filed and recorded. Upon receipt of the application, fee and certification that the required bond and oath have been filed and recorded, the Secretary of State shall issue a certificate of appointment as an electronic notary public to the applicant.~~

~~6. The term of an electronic notary public commences on the effective date of the bond required pursuant to paragraph (f) of subsection 1. An electronic notary public shall not perform an electronic notarial act after the effective date of the bond unless the electronic notary public has been issued a certificate of appointment pursuant to subsection 5.~~

~~7. Except as otherwise provided in this subsection, the Secretary of State shall charge a fee of $10 for each duplicate or amended certificate of appointment which is issued to an electronic notary public. If the electronic notary public does not receive an original certificate of appointment, the Secretary of State shall provide a duplicate certificate of appointment without charge if the electronic notary public requests such a duplicate within 60 days after the date on which the original certificate was issued.]~~ ***Unless the***

Secretary of State establishes a different process for the payment of the registration fee required pursuant to paragraph (c) of subsection 1, the registration fee must be paid by check or draft, made payable to the Secretary of State and transmitted to the Office of the Secretary of State.

4. Registration as an electronic notary public shall be deemed effective upon the payment of the registration fee required pursuant to paragraph (c) of subsection 1 if the registrant has satisfied all other applicable requirements.

Sec. 46. NRS 240.194 is hereby amended to read as follows:

240.194 1. The ~~[initial term]~~ ***period*** of ~~[appointment]~~ ***registration*** ~~[as]~~ ***of*** an electronic notary public is ~~[2 years. Each]~~ ***coterminous with his or her*** term ~~***[period]***~~ of appointment ~~***[registration]***~~ ***as a notary public pursuant to NRS 240.010. Registration*** as an electronic notary public ~~[subsequent to the initial term is 4 years.]~~ ***must be renewed at the same time a person renews his or her appointment as a notary public.***

2. The ~~[appointment]~~ ***registration*** of an electronic notary public is suspended by operation of law when the electronic notary public is no longer appointed as a notary public in this State. If the ~~[appointment]~~ ***registration*** of an electronic notary public has expired or been revoked or suspended, the Secretary of State shall immediately notify the electronic notary public in writing that his or her ~~[appointment]~~ ***registration*** as an electronic notary public will be suspended by operation of law until he or she is appointed as a notary public in this State.

3. If, at any time ~~[during his or her appointment, an]~~ ***, a registered*** electronic notary public changes his or her electronic mail address, county of residence, name, electronic signature or the technology or device used to create his or her electronic signature, the electronic notary public shall, within 10 days after making the change, submit to the Secretary of State:

(a) An electronic document, signed with the electronic signature submitted by the electronic notary public pursuant to subsection 2 of NRS 240.192, that includes the change of information; and

(b) A fee of $10.

Sec. 46.5. **NRS 240.195 is hereby amended to read as follows:**

240.195 1. ***In addition to any courses of study a notary public is required to complete pursuant to NRS 240.018, the Secretary of State may, by rule or regulation, require a notary public who registers with the Secretary of State as an electronic notary public pursuant to NRS 240.192 to complete an additional course of study on electronic notarization in accordance with this section.***

2. Except as otherwise provided in subsection ~~[2, an applicant for appointment]~~ ***3, a registrant*** as an electronic notary public must successfully:

(a) Complete ~~[a]~~ ***any*** course of study ***on electronic notarization*** that is ***required pursuant to subsection 1*** in accordance with the requirements of subsection ~~[5,]~~ ***6;*** and

(b) Pass an examination at the completion of the course.

~~[2.]~~ ***3.*** The following persons are required to enroll in and successfully complete ~~[a]~~ ***any*** course of study ~~[as]~~ ***on electronic notarization that is*** required pursuant to subsection 1:

(a) A person ~~[applying]~~ ***registering*** for ~~[his or her]~~ ***the*** first ~~[appointment]~~ ***time*** as an electronic notary public;

(b) A person renewing his or her ~~[appointment]~~ ***registration*** as an electronic notary public; and

(c) A person who has committed a violation of this chapter or whose ~~[appointment]~~ ***registration*** as an electronic notary public has been suspended, and who has been required by the Secretary of State to enroll in a course of study provided pursuant to this section.

~~[3.]~~ ***4.*** A course of study required to be completed pursuant to subsection 1 must:

(a) ~~[Include at least]~~ ***Be taken online and be of a duration of not more than*** 3 hours ~~[of instruction;]~~ ***, including instruction and completion of an examination of the course content;***

(b) Provide instruction in electronic notarization, including, without limitation, notarial law and ethics, technology and procedures;

(c) ~~[Include an examination of the course content;~~

~~(d)]~~ Comply with ~~[the]~~ ***any*** regulations adopted pursuant to NRS 240.206 ~~[.]~~ ***relating to courses of study on electronic notarization;*** and

~~[(e)]~~ ***(d)*** Be approved by the Secretary of State.

~~[4.]~~ ***5.*** The Secretary of State may, with respect to a course of study required to be completed pursuant to subsection 1 ~~[:~~

~~(a) Provide such a course of study; and~~

~~(b) Charge]~~ ***, charge*** a reasonable fee to each person who enrolls in such a course of study.

~~[5.]~~ ***6.*** A course of study provided pursuant to this section:

(a) Must satisfy the criteria set forth in subsection ~~[3]~~ ***4*** and comply with ~~[the]~~ ***any*** requirements set forth in the regulations adopted pursuant to NRS 240.206 ~~[.]~~ ***relating to courses of study on electronic notarization.***

(b) May be provided ~~[in person or online]~~ by the Secretary of State or a vendor approved by the Secretary of State.

~~[6.]~~ ***7.*** The Secretary of State shall deposit the fees collected pursuant to ~~[paragraph (b) of]~~ subsection ~~[4]~~ ***5*** in the Notary Public Training Account created pursuant to NRS 240.018.

Sec. 47. NRS 240.196 is hereby amended to read as follows:

240.196 A person ~~[appointed]~~ ***registered*** as an electronic notary public pursuant to NRS 240.181 to 240.206, inclusive, ***and sections 30 to ~~[38,]~~ 38.7, inclusive, of this act*** may ~~[, during normal business hours,]~~ perform the following electronic notarial acts for a person who requests the electronic notarial act and tenders ~~[the appropriate]~~ ***any authorized*** fee:

1. Taking an acknowledgment;
2. Executing a jurat; ~~[and]~~
3. Administering an oath or affirmation ~~[.]~~ ***; ~~[and]~~***

4. Certifying a true and correct copy; and

5. Performing such other duties as prescribed by law.

Sec. 48. NRS 240.197 is hereby amended to read as follows:

240.197 1. ***Except as otherwise provided in this section:***

(a) An electronic notary public may charge the following fees***:*** ~~[and no more:~~

~~(a)]~~ ***(1)*** For taking an acknowledgment, for each signature .....~~[$10]~~ ***$25***

~~[(b)]~~ ***(2)*** For executing a jurat, for each signature .....~~[$10]~~ ***$25***

~~[(c)]~~ ***(3)*** For administering an oath or affirmation without a signature.....~~[$10]~~ ***$25***

~~[2.]~~ ***(b)*** An electronic notary public shall not charge a fee to perform ~~[a service]~~ ***an electronic notarial act*** unless he or she is authorized to charge a fee for such ~~[a service]~~ ***an electronic notarial act*** pursuant to this section.

~~[3.]~~ ***(c)*** All fees prescribed in this section are payable in advance, if demanded.

~~[4.]~~ ***(d)*** An electronic notary public may charge an additional fee for traveling to perform an electronic notarial act if:

~~[(a)]~~ ***(1)*** The person requesting the electronic notarial act asks the electronic notary public to travel;

~~[(b)]~~ ***(2)*** The electronic notary public explains to the person requesting the electronic notarial act that the fee for travel is in addition to the fee authorized in ~~[subsection 1]~~ ***paragraph (a)*** and is not required by law;

~~[(c)]~~ ***(3)*** The person requesting the electronic notarial act agrees in advance upon the hourly rate that the electronic notary public will charge for the additional fee for travel; and

~~[(d)]~~ ***(4)*** The additional fee for travel does not exceed:

~~[(1)]~~ ***(I)*** If the person requesting the electronic notarial act asks the electronic notary public to travel between the hours of 6 a.m. and 7 p.m., $10 per hour.

~~[(2)]~~ ***(II)*** If the person requesting the electronic notarial act asks the electronic notary public to travel between the hours of 7 p.m. and 6 a.m., $25 per hour.

➥ The electronic notary public may charge a minimum of 2 hours for such travel and shall charge on a pro rata basis after the first 2 hours.

~~[5.]~~ ***(e)*** An electronic notary public is entitled to charge the amount of the additional fee for travel agreed to in advance by the person requesting the electronic notarial act pursuant to ~~[subsection 4]~~ ***paragraph (d)*** if:

~~[(a)]~~ ***(1)*** The person requesting the electronic notarial act cancels the request after the electronic notary public begins traveling to perform the requested electronic notarial act.

~~[(b)]~~ ***(2)*** The electronic notary public is unable to perform the requested electronic notarial act as a result of the actions of the person who requested the electronic notarial act or any other person who is necessary for the performance of the electronic notarial act.

~~[6.]~~ ***(f)*** For each additional fee for travel that an electronic notary public charges pursuant to ~~[subsection 4,]~~ ***paragraph (d),*** the electronic notary public shall enter in the ***electronic*** journal that he or she keeps pursuant to NRS 240.201:

~~[(a)]~~ ***(1)*** The amount of the fee; and

~~[(b)]~~ ***(2)*** The date and time that the electronic notary public began and ended such travel.

~~[7.]~~ ***(g) An electronic notary public may charge a reasonable fee to recover any cost of providing a copy of an entry or a recording of an audio-video communication in an electronic journal maintained pursuant to NRS 240.201.***

2. A person who employs an electronic notary public may prohibit the electronic notary public from charging a fee for an electronic notarial act that the electronic notary public performs within the scope of the employment. Such a person shall not require the electronic notary public whom the person employs to surrender to the person all or part of a fee charged by the electronic notary public for an electronic notarial act performed outside the scope of the employment of the electronic notary public.

3. An electronic notary public who is an officer or employee of the State or a local government shall not charge a fee for an electronic notarial act that the electronic notary public performs within the scope of such employment.

4. This section does not apply to any compensation for services provided by an electronic notary public which do not constitute electronic notarial acts or comply with the other requirements of this chapter.

Sec. 49. NRS 240.198 is hereby amended to read as follows:

240.198 ***Except as otherwise specifically provided by law:***

1. An electronic notary public shall not willfully electronically notarize the signature or electronic signature of a person unless the person is in the presence of the electronic notary public at the time of notarization and:

(a) Is known to the electronic notary public; or

(b) If unknown to the electronic notary public, provides a credible witness or documentary evidence of identification to the electronic notary public.

2. A person who:

(a) Violates the provisions of subsection 1; or

(b) Aids and abets an electronic notary public to commit a violation of subsection 1,

➥ is guilty of a gross misdemeanor.

3. ~~[An electronic notary public shall not electronically notarize any electronic document related to the following:~~

~~(a) A will, codicil or testamentary trust; and~~

~~(b) Any *any* transaction governed by the Uniform Commercial Code other than NRS 104.1306, 104.2101 to 104.2725, inclusive, and 104A.2101 to 104A.2532, inclusive.~~

~~4. An appointment~~] ***Registration*** as an electronic notary public pursuant to NRS 240.181 to 240.206, inclusive, ***and sections 30 to*** ~~***[38,]***~~ ***38.7, inclusive, of this act*** does not authorize the electronic notary public to perform notarial acts in another state.

4. A notarial act performed by an electronic notary public in this State for a person located outside this State by means of audio-video communication in accordance with the provisions of this chapter shall not be deemed to be performed outside this State.

Sec. 50. NRS 240.199 is hereby amended to read as follows:

240.199 ***1.*** An electronic notarial act must be evidenced by the following, which must be attached to or logically associated with the electronic document that is the subject of the electronic notarial act and which must be immediately perceptible and reproducible:

~~[1.]~~ ***(a)*** The electronic signature of the electronic notary public;

~~[2.]~~ ***(b)*** The electronic seal of the electronic notary public; and

~~[3.]~~ ***(c)*** The wording of a notarial certificate pursuant to NRS 240.1655, 240.166 to 240.167, inclusive, 240.1685 or 240.169 ~~[.]~~ ***, including, without limitation, language explicitly stating that the notarial act was performed using audio-video communication, if applicable.***

2. Upon the completion of an electronic notarial act in accordance with subsection 1, an electronic notary public shall use technology to render the electronic document tamper-evident.

Sec. 51. NRS 240.201 is hereby amended to read as follows:

240.201 1. An electronic notary public shall keep ~~[a]~~ ***an electronic*** journal of each electronic notarial act which includes, without limitation, the requirements of subsections 1 and 5 of NRS 240.120 ~~[.]~~ ***, but does not include the electronic signatures of the person for whom the electronic notarial act was performed and any witnesses.***

2. ***An electronic notary public who performs electronic notarial acts shall:***

(a) Describe each electronic notarial act in the electronic journal and specify whether the electronic notarial act was performed using audio-video communication;

(b) Maintain and protect the electronic journal at all times under his or her sole control; and

(c) Provide for lawful inspection and copying of the electronic journal.

3. An electronic notary public may maintain more than one electronic journal to record electronic notarial acts.

4. The fact that the employer or contractor of an electronic notary public keeps a record of electronic notarial acts does not relieve the electronic notary public of the duties required by this section.

5. An electronic journal must:

(a) Enable access by a password or other secure means of authentication; and

(b) Be capable of providing tangible or electronic copies of any entry made therein.

6. The Secretary of State may suspend the ~~[~~appointment~~]~~ ***registration*** of an electronic notary public who fails to produce any ***electronic*** journal entry within 10 days after receipt of a request from the Secretary of State.

~~[3.]~~ ***7.*** Upon ~~[~~resignation,~~]~~ ***surrender,*** revocation or expiration of ~~[~~an appointment~~]~~ ***a registration*** as an electronic notary public, all notarial records required pursuant to NRS 240.001 to 240.206, inclusive, ***and sections 30 to ~~[38,]~~ 38.7, inclusive, of this act*** must ***, except as otherwise provided by law,*** be ~~[~~delivered to the Secretary of State.

~~*4. An electronic notary public who performs electronic notarial acts shall:*~~

~~*(a) Describe each electronic notarial act in the electronic journal;*~~

~~*(b) Maintain and protect the electronic journal at all times under his or her sole control; and*~~

~~*(c) Provide for lawful inspection and copying of the electronic journal.*~~

~~*5. An electronic notary public may maintain more than one electronic journal to record electronic notarial acts.*~~

~~*6. The fact that the employer or contractor of an electronic notary public keeps a record of electronic notarial acts does not relieve the electronic notary public of the duties required by this section.*~~

~~*7. An electronic journal must:*~~

~~*(a) Enable access by a password or other secure means of authentication; and*~~

~~*(b) Be capable of providing tangible or electronic copies of any entry made therein.]*~~ ***kept by the electronic notary public for a period of 7 years after the termination of the registration of the electronic notary public.***

8. As used in this section, "sole control" means being in the direct physical custody of or safeguarded by an electronic notary public with a password or other secure means of authentication.

Sec. 52. NRS 240.202 is hereby amended to read as follows:

240.202 1. The electronic signature and electronic seal of an electronic notary public must be used only for the purposes of performing electronic notarial acts.

2. An electronic notary public shall safeguard his or her electronic signature, the electronic seal and all notarial records maintained by the electronic notary public as follows:

(a) When not in use, the electronic notary public shall keep the electronic signature, electronic seal and all notarial records secure, under the exclusive control of the electronic notary public and protected by a password where applicable.

(b) An electronic notary public shall not permit his or her electronic signature or electronic seal to be used by any other person.

(c) An electronic notary public shall not surrender or destroy his or her notarial records except as otherwise required by the order of a court or as

allowed pursuant to NRS 240.001 to 240.206, inclusive, ***and sections 30 to 38.7, inclusive, of this act*** or any regulations adopted pursuant thereto.

(d) Except as otherwise provided in subsection 3, an electronic notary public, within 10 days after discovering that his or her electronic signature or electronic seal has been stolen, lost, damaged or otherwise rendered incapable of affixing a legible image, shall:

(1) Inform the appropriate law enforcement agency in the case of theft or vandalism; and

(2) Notify the Secretary of State ***and the entity from which the electronic notary public obtained the electronic signature or electronic seal*** in writing, including, without limitation, a signature using the name ~~[on the certificate of appointment issued]~~ ***under which the electronic notary public is registered*** pursuant to ~~[subsection 5 of]~~ NRS 240.192.

3. An electronic notary public shall take reasonable steps to maintain the technology or device used to create his or her electronic signature, and to ensure that the technology or device has not been recalled, revoked, terminated or otherwise rendered ineffective or unsecure by the entity that created the technology or device. Upon learning that the technology or device used to create his or her electronic signature has been rendered ineffective or unsecure, an electronic notary public shall cease performing electronic notarial acts until:

(a) A new technology or device is acquired; and

(b) The electronic notary public sends an electronic notice to the Secretary of State that includes ~~[, without limitation,]~~ the ~~[information]~~ ***electronic signature of the electronic notary public*** required pursuant to ~~[paragraphs (d)]~~ ~~*[(b)* and (c)]~~ ***paragraph (c)*** of subsection 2 of NRS 240.192 relating to the new technology or device.

Sec. 53. NRS 240.203 is hereby amended to read as follows:

240.203 1. Except as otherwise provided in subsection 3, if an electronic notary public dies ~~[or resigns]~~ during his or her ~~[appointment,]~~ ***period of registration,*** or if the ~~[appointment]~~ ***registration*** of the electronic notary public is ***surrendered or*** revoked or expires, the electronic notary public, the executor of his or her estate or an authorized representative of the electronic notary public, as appropriate, shall:

(a) Notify the Secretary of State of the resignation or death; and

(b) Erase, delete, destroy or otherwise render ineffective the technology or device used to create his or her electronic signature.

2. Upon receipt of the notice required by subsection 1, the Secretary of State shall cancel the ~~[appointment]~~ ***registration*** of the electronic notary public, effective on the date on which the notice was received.

3. A former electronic notary public whose previous ~~[appointment]~~ ***registration*** as an electronic notary public was not revoked and whose previous ~~[application for appointment]~~ ***registration*** as an electronic notary public was not denied is not required to erase, delete, destroy or otherwise render ineffective the technology or device used to create his or her

electronic signature if the former electronic notary public renews his or her ~~[~~appointment,~~]~~ ***registration,*** using the same electronic signature, within 3 months after the expiration of his or her previous ~~[~~appointment~~]~~ ***registration*** as an electronic notary public.

Sec. 54. NRS 240.204 is hereby amended to read as follows:

240.204 1. A person who knowingly creates, manufactures or distributes software or hardware for the purpose of allowing a person to act as an electronic notary public without being ~~[~~appointed~~]~~ ***registered*** in accordance with NRS 240.181 to 240.206, inclusive, ***and sections 30 to ~~[38,]~~ 38.7, inclusive, of this act*** is guilty of a gross misdemeanor.

2. A person who wrongfully obtains, conceals, damages or destroys the technology or device used to create the electronic signature of an electronic notary public is guilty of a gross misdemeanor.

Sec. 55. NRS 719.200 is hereby amended to read as follows:

719.200 1. Except as otherwise provided in subsection 2, the provisions of this chapter apply to electronic records and electronic signatures relating to a transaction.

2. The provisions of this chapter do not apply to a transaction to the extent it is governed by:

(a) ~~[~~A~~]~~ ***Except as otherwise specifically provided by law, a*** law governing the creation and execution of wills, codicils or testamentary trusts;

(b) The Uniform Commercial Code other than NRS 104.1306, 104.2101 to 104.2725, inclusive, and 104A.2101 to 104A.2532, inclusive; or

(c) The provisions of NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto.

3. The provisions of this chapter apply to an electronic record or electronic signature otherwise excluded from the application of this chapter under subsection 2 to the extent it is governed by a law other than those specified in subsection 2.

4. A transaction subject to the provisions of this chapter is also subject to other applicable substantive law.

Sec. 56. **Section 4 of Assembly Bill No. 476 of this session is hereby amended to read as follows:**

Sec. 4. ~~[~~NRS 240.192 is hereby amended to read as follows:

~~240.192 1. Each person applying for appointment as an electronic notary public must:~~

~~(a) At the time of application, be a notarial officer in this State ***who has complied with the requirements pertaining to taking an oath and filing a bond set forth in NRS 240.030*** and ~~[~~have~~]~~ ***has*** been a notarial officer in this State for not less than 4 years;~~

~~(b) Submit to the Secretary of State an electronic application pursuant to subsection 2;~~

~~(c) Pay to the Secretary of State an application fee of $50;~~ ***and***

~~(d) [Take and subscribe to the oath set forth in Section 2 of Article 15 of the Constitution of the State of Nevada as if the applicant were a public officer;~~

~~(e)] Submit to the Secretary of State proof satisfactory to the Secretary of State that the applicant has [successfully] :~~

~~*(1) Successfully* completed a course of study provided pursuant to NRS 240.195; and~~

~~[(f) Enter into a bond to the State of Nevada in the sum of $10,000, to be filed with the clerk of the county in which the applicant resides or, if the applicant is a resident of an adjoining state, with the clerk of the county in this State in which the applicant maintains a place of business or is employed. The applicant must submit to the Secretary of State a certificate issued by the appropriate county clerk which indicates that the applicant filed the bond required pursuant to this paragraph.]~~

~~*(2) Complied with the requirements pertaining to taking an oath and filing a bond set forth in NRS 240.030.*~~

~~2. The application for an appointment as an electronic notary public must be submitted as an electronic document and must contain, without limitation, the following information:~~

~~(a) The applicant's full legal name, and the name to be used for appointment, if different.~~

~~(b) The county in which the applicant resides.~~

~~(c) The electronic mail address of the applicant.~~

~~(d) [A description of the technology or device, approved by the Secretary of State, that the applicant intends to use to create his or her electronic signature in performing electronic notarial acts.~~

~~(e)] The electronic signature of the applicant.~~

~~[(f)] *(e)* Any other information requested by the Secretary of State.~~

~~3. An applicant for appointment as an electronic notary public who resides in an adjoining state, in addition to the requirements set forth in subsections 1 and 2, must submit to the Secretary of State with the application:~~

~~(a) An affidavit setting forth the adjoining state in which the applicant resides, the applicant's mailing address and the address of the applicant's place of business or employment that is located within the State of Nevada;~~

~~(b) A copy of the applicant's state business registration issued pursuant to chapter 76 of NRS and any business license required by the local government where the applicant's business is located, if the applicant is self-employed; and~~

~~(c) Unless the applicant is self-employed, a copy of the state business registration of the applicant's employer issued pursuant to chapter 76 of NRS, a copy of any business license of the applicant's employer that is required by the local government where the business is located and an affidavit from the applicant's employer setting forth the facts which~~

~~show that the employer regularly employs the applicant at an office, business or facility which is located within the State of Nevada.~~

~~4. In completing an application [, bond, oath] or other document necessary to apply for appointment as an electronic notary public, an applicant must not be required to disclose his or her residential address or telephone number on any such document which will become available to the public.~~

~~5. [The bond, together with the oath, must be filed and recorded in the office of the county clerk of the county in which the applicant resides when the applicant applies for appointment or, if the applicant is a resident of an adjoining state, with the clerk of the county in this State in which the applicant maintains a place of business or is employed. On a form provided by the Secretary of State, the county clerk shall immediately certify to the Secretary of State that the required bond and oath have been filed and recorded.] Upon receipt of the application, fee and [certification] *proof* that the [required] bond and oath *required by NRS 240.030* have been filed and recorded, the Secretary of State shall issue a certificate of appointment as an electronic notary public to the applicant.~~

~~6. The term of an electronic notary public commences on the [effective] date [of the bond required pursuant to paragraph (f) of subsection 1.] *on which the certificate of appointment is issued to the electronic notary public pursuant to subsection 5.* An electronic notary public shall not perform an electronic notarial act [after the effective date of the bond] unless the electronic notary public has been issued a certificate of appointment pursuant to subsection 5.~~

~~7. Except as otherwise provided in this subsection, the Secretary of State shall charge a fee of $10 for each duplicate or amended certificate of appointment which is issued to an electronic notary public. If the electronic notary public does not receive an original certificate of appointment, the Secretary of State shall provide a duplicate certificate of appointment without charge if the electronic notary public requests such a duplicate within 60 days after the date on which the original certificate was issued.]~~ **(Deleted by amendment.)**

Sec. 57. **Section 5 of Assembly Bill No. 476 of this session is hereby amended to read as follows:**

Sec. 5. ~~[NRS 240.194 is hereby amended to read as follows:~~

~~240.194 1. The [initial] term of appointment [as] *of* an electronic notary public is [2 years. Each] *coterminous with his or her* term of appointment as [an electronic] *a* notary public [subsequent to the initial term is 4 years.] *pursuant to NRS 240.010. An appointment as an electronic notary public must be renewed at the same time a person renews his or her appointment as a notary public.*~~

~~2. The appointment of an electronic notary public is suspended by operation of law when the electronic notary public is no longer~~

~~appointed as a notary public in this State. If the appointment of an electronic notary public has expired or been revoked or suspended, the Secretary of State shall immediately notify the electronic notary public in writing that his or her appointment as an electronic notary public will be suspended by operation of law until he or she is appointed as a notary public in this State.~~

~~3. If, at any time during his or her appointment, an electronic notary public changes his or her electronic mail address, county of residence, name, electronic signature or the technology or device used to create his or her electronic signature, the electronic notary public shall, within 10 days after making the change, submit to the Secretary of State:~~

~~(a) An electronic document, signed with the electronic signature submitted by the electronic notary public pursuant to subsection 2 of NRS 240.192, that includes the change of information; and~~

~~(b) A fee of $10.~~**] (Deleted by amendment.)**

Sec. 58. **Section 6 of Assembly Bill No. 476 of this session is hereby amended to read as follows:**

Sec. 6. ~~[NRS 240.195 is hereby amended to read as follows:~~

~~240.195 1. Except as otherwise provided in subsection 2, an applicant for appointment as an electronic notary public must successfully:~~

~~(a) Complete a course of study that is in accordance with the requirements of subsection 5; and~~

~~(b) Pass an examination at the completion of the course.~~

~~2. The following persons are required to enroll in and successfully complete a course of study as required pursuant to subsection 1:~~

~~(a) A person applying for his or her first appointment as an electronic notary public;~~

~~(b) A person renewing his or her appointment as an electronic notary public; and~~

~~(c) A person who has committed a violation of this chapter or whose appointment as an electronic notary public has been suspended, and who has been required by the Secretary of State to enroll in a course of study provided pursuant to this section.~~

~~3. A course of study required to be completed pursuant to subsection 1 must:~~

~~(a)~~ ~~[~~Include at least~~]~~ ~~***Be taken online and be of a duration of not more than***~~ 3 hours ~~[~~of instruction;~~]~~ ~~***, including instruction and completion of an examination of the course content;***~~

~~(b) Provide instruction in electronic notarization, including, without limitation, notarial law and ethics, technology and procedures;~~

~~(c) [Include an examination of the course content;~~

~~(d)]~~ ~~Comply with the regulations adopted pursuant to NRS 240.206; and~~

~~[(e)]~~ ~~***(d)*** Be approved by the Secretary of State.~~

~~4. The Secretary of State may, with respect to a course of study required to be completed pursuant to subsection 1~~ **[**~~:~~

~~(a) Provide such a course of study; and~~

~~(b) Charge~~**] , *charge*** ~~a reasonable fee to each person who enrolls in such a course of study.~~

~~5. A course of study provided pursuant to this section:~~

~~(a) Must satisfy the criteria set forth in subsection 3 and comply with the requirements set forth in the regulations adopted pursuant to NRS 240.206.~~

~~(b) May be provided~~ **[**~~in person or online~~**]** ~~by the Secretary of State or a vendor approved by the Secretary of State.~~

~~6. The Secretary of State shall deposit the fees collected pursuant to~~ **[**~~paragraph (b) of~~**]** ~~subsection 4 in the Notary Public Training Account created pursuant to NRS 240.018.~~**] (Deleted by amendment.)**

Sec. 59. **Section 8 of Assembly Bill No. 476 of this session is hereby amended to read as follows:**

Sec. 8. **[**~~NRS 240.201 is hereby amended to read as follows:~~

~~240.201 1. An electronic notary public shall keep a journal of each electronic notarial act which includes, without limitation, the requirements of subsections 1 and 5 of NRS 240.120.~~

~~2. The Secretary of State may suspend the appointment of an electronic notary public who fails to produce any journal entry within 10 days after receipt of a request from the Secretary of State.~~

~~3. Upon resignation, revocation or expiration of an appointment as an electronic notary public, all notarial records required pursuant to NRS 240.001 to 240.206, inclusive, must be~~ **[**~~delivered to the Secretary of State.~~**]** ***kept for a period of 7 years after the termination of the appointment as an electronic notary public.*** **] (Deleted by amendment.)**

Sec. 60. **Section 9 of Assembly Bill No. 476 of this session is hereby amended to read as follows:**

Sec. 9. **[**~~NRS 240.202 is hereby amended to read as follows:~~

~~240.202 1. The electronic signature and electronic seal of an electronic notary public must be used only for the purposes of performing electronic notarial acts.~~

~~2. An electronic notary public shall safeguard his or her electronic signature, the electronic seal and all notarial records maintained by the electronic notary public as follows:~~

~~(a) When not in use, the electronic notary public shall keep the electronic signature, electronic seal and all notarial records secure, under the exclusive control of the electronic notary public and protected by a password where applicable.~~

~~(b) An electronic notary public shall not permit his or her electronic signature or electronic seal to be used by any other person.~~

~~(c) An electronic notary public shall not surrender or destroy his or her notarial records except as otherwise required by the order of a court~~

~~or as allowed pursuant to NRS 240.001 to 240.206, inclusive, or any regulations adopted pursuant thereto.~~

~~(d) Except as otherwise provided in subsection 3, an electronic notary public, within 10 days after discovering that his or her electronic signature or electronic seal has been stolen, lost, damaged or otherwise rendered incapable of affixing a legible image, shall:~~

~~(1) Inform the appropriate law enforcement agency in the case of theft or vandalism; and~~

~~(2) Notify the Secretary of State ***and the entity from which the electronic notary public obtained the electronic signature or electronic seal*** in writing, including, without limitation, a signature using the name on the certificate of appointment issued pursuant to subsection 5 of NRS 240.192.~~

~~3. An electronic notary public shall take reasonable steps to maintain the technology or device used to create his or her electronic signature, and to ensure that the technology or device has not been recalled, revoked, terminated or otherwise rendered ineffective or unsecure by the entity that created the technology or device. Upon learning that the technology or device used to create his or her electronic signature has been rendered ineffective or unsecure, an electronic notary public shall cease performing electronic notarial acts until:~~

~~(a) A new technology or device is acquired; and~~

~~(b) The electronic notary public sends an electronic notice to the Secretary of State that includes **[**, without limitation,**]** the **[**information**]** ***electronic signature of the electronic notary public*** required pursuant to **[**paragraphs (d) and**]** ***paragraph*** (e) of subsection 2 of NRS 240.192 . **[**relating to the new technology or device.**]** **(Deleted by amendment.)**

Sec. 61. **The provisions of this act are intended to supersede any provisions of Assembly Bill No. 476 of this session that conflict with the provisions of this act.**

[~~Sec. 56.~~**]** ***Sec. 62.*** NRS 240.193 **[**~~and 240.195 are~~**]** **is** hereby repealed.

Sec. 63. **1. This section and sections 56 to 60, inclusive, of this act become effective upon passage and approval.**

2. Sections 1 to 28, inclusive, and 61 of this act become effective on July 1, 2017.

3. Sections 29 to 55, inclusive, and 62 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any rules and regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On December 1, 2017, for all other purposes.

TEXT OF REPEALED **[**~~SECTIONS~~**]** SECTION

240.193 Requirements for bond; notification of exhaustion of penal sum; release of surety; suspension of appointment; reinstatement of appointment.

1. The bond required to be filed pursuant to NRS 240.192 must be executed by the person applying to become an electronic notary public as principal and by a surety company qualified and authorized to do business in this State. The bond must be made payable to the State of Nevada and be conditioned to provide indemnification to a person determined to have suffered damage as a result of an act by the electronic notary public which violates a provision of NRS 240.001 to 240.206, inclusive. The surety company shall pay a final, nonappealable judgment of a court of this State that has jurisdiction, upon receipt of written notice of final judgment. The bond may be continuous, but regardless of the duration of the bond, the aggregate liability of the surety does not exceed the penal sum of the bond.

2. If the penal sum of the bond is exhausted, the surety company shall notify the Secretary of State in writing within 30 days after its exhaustion.

3. The surety bond must cover the period of the appointment of the electronic notary public, except when a surety is released.

4. A surety on a bond filed pursuant to NRS 240.192 may be released after the surety gives 30 days' written notice to the Secretary of State and the electronic notary public, but the release does not discharge or otherwise affect a claim filed by a person for damage resulting from an act of the electronic notary public which is alleged to have occurred while the bond was in effect.

5. The appointment of an electronic notary public is suspended by operation of law when the electronic notary public is no longer covered by a surety bond as required by this section and NRS 240.192 or the penal sum of the bond is exhausted. If the Secretary of State receives notice pursuant to subsection 4 that the bond will be released or pursuant to subsection 2 that the penal sum of the bond is exhausted, the Secretary of State shall immediately notify the electronic notary public in writing that his or her appointment will be suspended by operation of law until another surety bond is filed in the same manner and amount as the bond being terminated.

6. The Secretary of State may reinstate the appointment of an electronic notary public whose appointment has been suspended pursuant to subsection 5 if the electronic notary public, before his or her current term of appointment expires:

(a) Submits to the Secretary of State:

(1) An application for an amended certificate of appointment as an electronic notary public; and

(2) A certificate issued by the clerk of the county in which the applicant resides or, if the applicant is a resident of an adjoining state, the county in this State in which the applicant maintains a place of business or is employed, which indicates that the applicant filed a new surety bond with the clerk; and

(b) Pays to the Secretary of State a fee of $10.

~~[240.195 Courses of study required; persons required to successfully complete course of study; fees.~~

~~— 1. Except as otherwise provided in subsection 2, an applicant for appointment as an electronic notary public must successfully:~~
~~— (a) Complete a course of study that is in accordance with the requirements of subsection 5; and~~
~~— (b) Pass an examination at the completion of the course.~~
~~— 2. The following persons are required to enroll in and successfully complete a course of study as required pursuant to subsection 1:~~
~~— (a) A person applying for his or her first appointment as an electronic notary public;~~
~~— (b) A person renewing his or her appointment as an electronic notary public; and~~
~~— (c) A person who has committed a violation of this chapter or whose appointment or an electronic notary public has been suspended, and who has been required by the Secretary of State to enroll in a course of study provided pursuant to this section.~~
~~— 3. A course of study required to be completed pursuant to subsection 1 must:~~
~~— (a) Include at least 3 hours of instruction;~~
~~— (b) Provide instruction in electronic notarization, including, without limitation, notarial law and ethics, technology and procedures;~~
~~— (c) Include an examination of the course content;~~
~~— (d) Comply with the regulations adopted pursuant to NRS 240.206; and~~
~~— (e) Be approved by the Secretary of State.~~
~~— 4. The Secretary of State may, with respect to a course of study required to be completed pursuant to subsection 1:~~
~~— (a) Provide such a course of study; and~~
~~— (b) Charge a reasonable fee to each person who enrolls in such a course of study.~~
~~— 5. A course of study provided pursuant to this section:~~
~~— (a) Must satisfy the criteria set forth in subsection 3 and comply with the requirements set forth in the regulations adopted pursuant to NRS 240.206.~~
~~— (b) May be provided in person or online by the Secretary of State or a vendor approved by the Secretary of State.~~
~~— 6. The Secretary of State shall deposit the fees collected pursuant to paragraph (b) of subsection 4 in the Notary Public Training Account created pursuant to NRS 240.018.~~**]**

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 422.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1073.

AN ACT relating to marijuana; revising various provisions relating to the medical use of marijuana; transferring ~~[the program]~~ **responsibility** for the **regulation of** medical ~~[use of]~~ marijuana **establishments** from the Division of Public and Behavioral Health of the Department of Health and Human Services to the Department of Taxation; revising provisions relating to ~~[the]~~ registry ~~[of persons who are authorized to engage in or assist in the medical use of marijuana;]~~ **identification cards and letters of approval;** revising provisions relating to the authorization of nonresidents to engage in the medical use of marijuana; prohibiting the Department of Taxation from requiring a medical marijuana dispensary to determine whether a person has exceeded the legal limits for possession of marijuana for medical use; revising provisions relating to medical marijuana establishment agents; prohibiting the use of a vending machine to dispense marijuana; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law exempts a person who holds a valid registry identification card or letter of approval from state prosecution for the use, possession, delivery and production of marijuana. (NRS 453A.200, 453A.205) Existing law also exempts a person who holds a valid medical marijuana establishment registration certificate or medical marijuana establishment agent registration card from state prosecution for possession, delivery and production of marijuana and provides for the registration and regulation of such persons and establishments. (NRS 453A.200, 453A.320-453A.370) **Sections 2, ~~[3, 5, 7-9, 11-16, 18-23, 25-48, 51-55]~~ 8, 9, 11, 13-15, 27-42, 44-48, 51 and 66-68** of this bill transfer the responsibility for the regulation of ~~[the]~~ medical ~~[use of]~~ marijuana **establishments** from the Division of Public and Behavioral Health of the Department of Health and Human Services to the Department of Taxation. **Section 38** of this bill prohibits a medical marijuana establishment from dispensing or otherwise selling marijuana using a vending machine. **Section ~~[56.5]~~ 56.7** of this bill establishes a similar prohibition for recreational marijuana establishments after January 1, 2020.

~~[The Nevada Legislature is required to provide by law for a registry of patients and their attendants who are authorized to use marijuana for a medical purpose. (Nev. Const. Art. 4, § 38)]~~ Existing law ~~[carries this out by requiring such persons]~~ **requires a person who wishes to engage in the medical use of marijuana** to apply to the Division of Public and Behavioral Health of the Department of Health and Human Services for a registry identification card or letter of approval, as applicable, and ~~[granting a]~~ **grants the** holder of such a card or letter an exemption from state prosecution for certain crimes relating to marijuana. (NRS 453A.200, 453A.205) ~~[Sections 4, 5, 10, 13, 16-26, 35, 36, 38-40, 43, 44, 47-51 and 55-65 of this bill replace the requirement to obtain a registry identification card to qualify for the exemption from state prosecution with a requirement to be listed in the medical marijuana registry. Section 5 of this bill requires the Department of~~

~~Taxation to maintain the medical marijuana registry. Section 5 requires a medical marijuana dispensary to list in the medical marijuana registry a person who submits certain documentation to the medical marijuana dispensary. Section 18 of this bill applies the exemption from state prosecution for certain crimes relating to marijuana to a person who is listed in the medical marijuana registry. Sections 19-23 of this bill authorize the Department to issue a letter of registration or letter of approval to a person who is listed in the medical marijuana registry which may be presented to show that the person is exempt from state prosecution for engaging in the medical use of marijuana. Section 55 of this bill eliminates all existing fees relating to applications for and the issuance or renewal of registry identification cards and letters of approval. Section 65.5 of this bill provides for certain information of persons who hold a registry identification card or letter of approval issued on or before June 30, 2017, to be entered into the medical marijuana registry maintained by the Department.]~~ **Existing law requires such an application to be accompanied by valid, written documentation from the applicant's attending physician. (NRS 453A.210) Section 19 of this bill instead requires the applicant's attending physician to: (1) maintain such written documentation and make such written documentation available to the Division upon request; and (2) sign the application to affirm that the requirements of such written documentation have been met. Section 20 of this bill provides that such written documentation may be valid for either 1 year or 2 years and that a registry identification card or letter of approval based on such written documentation is valid for the same period of time. Section 55 of this bill reduces the maximum fee that the Division may charge for issuing a registry identification card or letter of approval from $75 per year to $50 per year.**

Existing law requires a medical marijuana establishment that wishes to retain as a volunteer or employ or contract with a person to provide labor to the medical marijuana establishment to submit an application to register the person as a medical marijuana establishment agent. (NRS 453A.332) **Section 31** of this bill allows such a person to submit an application for registration as a medical marijuana establishment agent on his or her own behalf. **Section 31** also provides for the temporary registration of a person as a medical marijuana establishment agent upon submission of a complete application for registration or renewal of registration. Finally, **section 31** allows an independent contractor or employee of an independent contractor who is registered as a medical marijuana establishment agent to provide labor to any medical marijuana establishment and any other person who is registered as a medical marijuana establishment agent to work or volunteer at any medical marijuana establishment for which the category of the person's medical marijuana establishment agent card is valid.

Existing law limits the exemption from state prosecution for the medical use of marijuana to the possession of not more than 2.5 ounces of usable

marijuana in a 14-day period, 12 marijuana plants and a quantity of edible marijuana products and marijuana-infused products established by regulation. (NRS 453A.200) Existing law also prohibits a medical marijuana dispensary from selling marijuana in excess of these limits to a person. (NRS 453A.358) **Section 41** of this bill instead: (1) prohibits a medical marijuana dispensary from selling more than 1 ounce of marijuana in a transaction; and (2) prohibits the Department of Taxation from requiring a medical marijuana dispensary to track the purchases of a person or determine whether a person has exceeded the legal limits for possession of marijuana for medical use. **Section 41 further provides that only persons who are 21 years of age or more or hold a registry identification card or letter of approval are allowed to enter a medical marijuana dispensary.**

Existing law allows a medical marijuana dispensary to recognize a nonresident card for the purpose of dispensing marijuana for medical use if the nonresident card meets certain requirements that make it the functional equivalent of a registry identification card. Existing law also requires, as of April 1, 2018, a nonresident card to be verified by the use of certain databases. (NRS 453A.364) **Section 43** of this bill instead: (1) deems a nonresident who is authorized to engage in the medical use of marijuana under the laws of his or her state or jurisdiction of residence to be listed in the medical marijuana registry for the purpose of exemption from state prosecution, if the person abides by the legal limits on the possession, delivery and production of marijuana in this State; and (2) authorizes a medical marijuana dispensary to dispense marijuana to such a person if the person presents a document which is valid proof of exemption under the laws of the state or jurisdiction of which the person is a resident. **Section 69** of this bill eliminates the prospective requirement to verify a nonresident authorization by the use of certain databases.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 453A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***"Department" means the Department of Taxation.***

Sec. 3. ~~***["Director" means the Executive Director of the Department of Taxation.]***~~ **(Deleted by amendment.)**

Sec. 4. ~~***["Medical marijuana registry" means the registry established pursuant to section 5 of this act.]***~~ **(Deleted by amendment.)**

Sec. 5. ~~***[1. The Department shall establish and maintain a registry of patients and the designated primary caregivers who are authorized to engage in or assist in the medical use of marijuana.***~~

~~***2. A person who is at least 18 years of age and wishes to be listed in the medical marijuana registry as a patient must submit to a medical marijuana dispensary:***~~

~~(a) Valid, written documentation from the person's attending physician stating that:~~

~~(1) The person has been diagnosed with a chronic or debilitating medical condition;~~

~~(2) The medical use of marijuana may mitigate the symptoms or effects of that condition; and~~

~~(3) The attending physician has explained the possible risks and benefits of the medical use of marijuana; and~~

~~(b) The name and date of birth of the person.~~

~~3. A medical marijuana dispensary may list a person who is less than 18 years of age in the medical marijuana registry only if the custodial parent or legal guardian with responsibility for health care decisions for the person who is less than 18 years of age submits:~~

~~(a) Valid, written documentation from the attending physician of the person who is less than 18 years of age stating that:~~

~~(1) The person has been diagnosed with a chronic or debilitating medical condition;~~

~~(2) The medical use of marijuana may mitigate the symptoms or effects of that condition; and~~

~~(3) The attending physician has explained the possible risks and benefits of the medical use of marijuana;~~

~~(b) The name and date of birth of the person who is less than 18 years of age;~~

~~(c) The name and date of birth of the custodial parent or legal guardian with responsibility for health care decisions for the person who is less than 18 years of age; and~~

~~(d) A written statement signed by the custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age setting forth that:~~

~~(1) The attending physician of the person under 18 years of age has explained to that person and to the custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age the possible risks and benefits of the medical use of marijuana;~~

~~(2) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age consents to the use of marijuana by the person under 18 years of age for medical purposes;~~

~~(3) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to serve as the designated primary caregiver for the person under 18 years of age; and~~

~~(4) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to control the acquisition of marijuana and the dosage and frequency of use by the person under 18 years of age.~~

~~*4. Upon submission of the information described in subsection 2 or 3 or NRS 453A.250 to a medical marijuana dispensary, the medical marijuana dispensary shall enter the name and date of birth of the person into the medical marijuana registry.*~~

~~*5. An attending physician who provides the written documentation described in subsection 2 or 3 must indicate on the written documentation that it expires either 1 year or 2 years after the date of issuance. A listing in the medical marijuana registry expires on the date that the written documentation which was submitted to the medical marijuana dispensary pursuant to subsection 2 or 3 or NRS 453A.250 expires or, for a listing for a designated primary caregiver, on the date of expiration for the listing of the patient for whom the person is a designated primary caregiver. A listing in the medical marijuana registry may be renewed by the submission of new written documentation to a medical marijuana dispensary.]*~~ **(Deleted by amendment.)**

Sec. 6. NRS 453A.010 is hereby amended to read as follows:

453A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 453A.020 to 453A.170, inclusive, ***and sections 2, 3 and 4 of this act*** have the meanings ascribed to them in those sections.

Sec. 7. ~~[~~NRS 453A.050 is hereby amended to read as follows:

~~453A.050 "Chronic or debilitating medical condition" means:~~

~~1. Acquired immune deficiency syndrome;~~

~~2. Cancer;~~

~~3. Glaucoma;~~

~~4. A medical condition or treatment for a medical condition that produces, for a specific patient, one or more of the following:~~

~~(a) Cachexia;~~

~~(b) Persistent muscle spasms, including, without limitation, spasms caused by multiple sclerosis;~~

~~(c) Seizures, including, without limitation, seizures caused by epilepsy;~~

~~(d) Severe nausea; or~~

~~(e) Severe pain; or~~

~~5. Any other medical condition or treatment for a medical condition that is:~~

~~(a) Classified as a chronic or debilitating medical condition by regulation of the [Division;] *Department;* or~~

~~(b) Approved as a chronic or debilitating medical condition pursuant to a petition submitted in accordance with NRS 453A.710.]~~ **(Deleted by amendment.)**

Sec. 8. NRS 453A.056 is hereby amended to read as follows:

453A.056 "Cultivation facility" means a business that:

1. Is registered with the ~~[Division]~~ ***Department*** pursuant to NRS 453A.322; and

2. Acquires, possesses, cultivates, delivers, transfers, transports, supplies or sells marijuana and related supplies to:

(a) Medical marijuana dispensaries;

(b) Facilities for the production of edible marijuana products or marijuana-infused products; or

(c) Other cultivation facilities.

Sec. 9. NRS 453A.102 is hereby amended to read as follows:

453A.102 "Electronic verification system" means an electronic database that:

1. Keeps track of data in real time; and

2. Is accessible by the Division ***and the Department*** and by registered medical marijuana establishments.

Sec. 10. ~~[NRS 453A.103 is hereby amended to read as follows:~~

~~453A.103 "Enclosed, locked facility" means a closet, display case, room, greenhouse or other enclosed area that meets the requirements of NRS 453A.362 and is equipped with locks or other security devices which allow access only by a medical marijuana establishment agent and [the holder of a valid registry identification card.]~~ ***[a person who is listed in the medical marijuana registry.]*** **(Deleted by amendment.)**

Sec. 11. NRS 453A.105 is hereby amended to read as follows:

453A.105 "Facility for the production of edible marijuana products or marijuana-infused products" means a business that:

1. Is registered with the ~~[Division]~~ ***Department*** pursuant to NRS 453A.322; and

2. Acquires, possesses, manufactures, delivers, transfers, transports, supplies or sells edible marijuana products or marijuana-infused products to medical marijuana dispensaries.

Sec. 12. ~~[NRS 453A.109 is hereby amended to read as follows:~~

~~453A.109 "Letter of approval" means a document issued by the [Division]~~ ***Department or its designee*** ~~to an applicant who is under 10 years of age pursuant to NRS 453A.220 which provides that the applicant is exempt from state prosecution for engaging in the medical use of marijuana.]~~ **(Deleted by amendment.)**

Sec. 13. NRS 453A.115 is hereby amended to read as follows:

453A.115 "Medical marijuana dispensary" means a business that:

1. Is registered with the ~~[Division]~~ Department pursuant to NRS 453A.322; and

2. Acquires, possesses, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to the holder of a valid registry identification card ~~*[. a person who is listed in the medical marijuana registry]*~~ ***or to another medical marijuana dispensary.***

Sec. 14. NRS 453A.118 is hereby amended to read as follows:

453A.118 "Medical marijuana establishment agent registration card" means a registration card that is issued by the ~~[Division]~~ ***Department***

pursuant to NRS 453A.332 to authorize a person to volunteer or work at a medical marijuana establishment.

Sec. 15. NRS 453A.119 is hereby amended to read as follows:

453A.119 "Medical marijuana establishment registration certificate" means a registration certificate that is issued by the ~~[~~Division~~]~~ ***Department*** pursuant to NRS 453A.322 to authorize the operation of a medical marijuana establishment.

Sec. 16. ~~[~~NRS 453A.140 is hereby amended to read as follows:

~~453A.140 [~~"Registry identification card"~~] "Letter of registration"~~ means a document issued by the ~~[~~Division~~]~~ ***Department*** or its designee ***pursuant to NRS 453A.220*** that identifies:

~~1. A person who is exempt from state prosecution for engaging in the medical use of marijuana; or~~

~~2. The designated primary caregiver, if any, of a person described in subsection 1.~~**]** **(Deleted by amendment.)**

Sec. 17. ~~[~~NRS 453A.170 is hereby amended to read as follows:

~~453A.170 *1.* "Written documentation" means:~~

~~[1.]~~ ***(a)*** ~~A statement signed by the attending physician of a person diagnosed with a chronic or debilitating medical condition; or~~

~~[2.]~~ ***(b)*** ~~Copies of the relevant medical records of a person diagnosed with a chronic or debilitating medical condition.~~

~~*2. The term includes such documentation which is submitted electronically to a medical marijuana dispensary.*~~**]** **(Deleted by amendment.)**

Sec. 18. NRS 453A.200 is hereby amended to read as follows:

453A.200 1. Except as otherwise provided in this section ~~*[.]*~~ and NRS 453A.300, a person who holds a valid registry identification card issued to the person pursuant to NRS 453A.220 or 453A.250 ~~*[is listed in the medical marijuana registry]*~~ is exempt from state prosecution for:

(a) Possession, delivery or production of marijuana;

(b) Possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of marijuana;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.

2. In addition to the provisions of subsections 1 and 5, no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the medical use of marijuana in accordance with the provisions of this chapter.

3. The exemption from state prosecution set forth in subsection 1 applies only to the extent that a person who holds a registry identification card issued to the person pursuant to paragraph (a) of subsection 1 of NRS 453A.220 and the designated primary caregiver, if any, of such a person: ***[is listed in the medical marijuana registry:]***

(a) Engage ***[Engages]*** in or assist ***[assists]*** in, as applicable, the medical use of marijuana in accordance with the provisions of this chapter as justified to mitigate the symptoms or effects of a person's chronic or debilitating medical condition; and

(b) Do ***[Does]*** not, at any one time, collectively possess with another who is authorized to possess, deliver or produce more than:

(1) Two and one-half ounces of usable marijuana ***[,]*** in any one 14-day period;

(2) Twelve marijuana plants, irrespective of whether the marijuana plants are mature or immature; and

(3) A maximum allowable quantity of edible marijuana products and marijuana-infused products as established by regulation of the Division. ***[Department.]***

➥ The persons described in this subsection must ensure that the usable marijuana and marijuana plants described in this subsection are safeguarded in an enclosed, secure location.

4. If the persons described in subsection 3 possess, deliver or produce marijuana in an amount which exceeds the amount described in paragraph (b) of that subsection, those persons:

(a) Are not exempt from state prosecution for possession, delivery or production of marijuana.

(b) May establish an affirmative defense to charges of possession, delivery or production of marijuana, or any combination of those acts, in the manner set forth in NRS 453A.310.

5. A person who holds a valid medical marijuana establishment registration certificate issued to the person pursuant to NRS 453A.322 or a valid medical marijuana establishment agent registration card issued to the person pursuant to NRS 453A.332, and who confines his or her activities to those authorized by NRS 453A.320 to 453A.370, inclusive, and the regulations adopted by the ~~[~~Division~~]~~ ***Department*** pursuant thereto, is exempt from state prosecution for:

(a) Possession, delivery or production of marijuana;

(b) Possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of marijuana;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.

6. Notwithstanding any other provision of law and except as otherwise provided in this subsection, after a medical marijuana dispensary opens in the county of residence of a person who holds a registry identification card, including, without limitation, a designated primary caregiver, ***[is listed in the medical marijuana registry,]*** such a person is not authorized to cultivate, grow or produce marijuana. The provisions of this subsection do not apply if:

(a) The person who holds the registry identification card ***[is listed in the medical marijuana registry]*** was cultivating, growing or producing marijuana in accordance with this chapter on or before July 1, 2013;

(b) All the medical marijuana dispensaries in the county of residence of the person who holds the registry identification card ***[is listed in the medical marijuana registry]*** close or are unable to supply the quantity or strain of marijuana necessary for the medical use of the person to treat his or her specific medical condition;

(c) Because of illness or lack of transportation, the person who holds the registry identification card ***[is listed in the medical marijuana registry]*** is unable reasonably to travel to a medical marijuana dispensary; or

(d) No medical marijuana dispensary was operating within 25 miles of the residence of the person who holds the registry identification card ***[is listed in the medical marijuana registry]*** at the time the person first applied for his or her registry identification card. ***[was listed in the medical marijuana registry.]***

7. As used in this section, "marijuana" includes, without limitation, edible marijuana products and marijuana-infused products.

Sec. 19. NRS 453A.210 is hereby amended to read as follows:

453A.210 1. The Division ***[Department]*** shall establish and maintain a program for the issuance of registry identification cards ***[letters of registration]*** and letters of approval to persons who meet the requirements of this section. ***[are listed in the medical marijuana registry.]***

2. Except as otherwise provided in subsections 3 and 5 ***[4]*** and NRS 453A.225, the Division ***[Department]*** or its designee shall issue a registry identification card ***[letter of registration upon request]*** to a person who is a resident of this State ***[listed in the medical marijuana registry]*** and who submits an application on ***[in]*** a form prescribed by the Division accompanied by the following:

(a) ~~[Valid, written documentation]~~ ***A signature*** from the person's attending physician ~~[stating]~~ ***affirming*** that:

(1) The person has been diagnosed with a chronic or debilitating medical condition;

(2) The medical use of marijuana may mitigate the symptoms or effects of that condition; ~~[and]~~

(3) The attending physician has explained the possible risks and benefits of the medical use of marijuana; ***and***

(4) The attending physician will keep, in the files maintained by the attending physician for the person, valid, written documentation and make such written documentation available to the Division upon request;

(b) The name, address, telephone ~~[number, social security]~~ number and date of birth of the person;

(c) Proof satisfactory to the Division that the person is a resident of this State;

(d) The name, address and telephone number of the person's attending physician;

(e) If the person elects to designate a primary caregiver at the time of application:

(1) The name, address ~~[,]~~ ***and*** telephone number ~~[and social security number]~~ of the designated primary caregiver; and

(2) A ~~[written, signed statement]~~ ***signature*** from the person's attending physician ~~[in which]~~ ***affirming that*** the attending physician approves of the designation of the primary caregiver; and

(f) If the person elects to designate a medical marijuana dispensary at the time of application, the name of the medical marijuana dispensary. ***[Department.]***

3. The Division ***[Department]*** or its designee shall issue a registry identification card ***[letter of registration]*** to a person who is at least 10 years of age but less than 18 years of age or a letter of approval to a person who is less than 10 years of age if:

(a) ***[The person is listed in the medical marijuana registry;***

(b)] The person submits the materials ***[application]*** required pursuant to subsection 2; and

(b) ***[(c)]*** The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age signs a written statement setting forth that:

(1) The attending physician of the person under 18 years of age has explained to that person and to the custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age the possible risks and benefits of the medical use of marijuana;

(2) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age consents to the use of marijuana by the person under 18 years of age for medical purposes;

(3) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to serve as the designated primary caregiver for the person under 18 years of age; and

(4) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to control the acquisition of marijuana and the dosage and frequency of use by the person under 18 years of age.

4. ~~[The form prescribed by the Division to be used by a person applying for a registry identification card or letter of approval pursuant to this section must be a form that is in quintuplicate.]~~ Upon receipt of an application that is completed and submitted pursuant to this section, the Division ~~*[Department]*~~ shall :

(a) Record on the application the date on which it was received;

(b) Retain one copy of the application for the records of the Division; and

(c) Distribute ~~[the other four]~~ copies of the application in the following manner:

(1) One copy to the person who submitted the application;

(2) One copy to the applicant's designated primary caregiver, if any; ***and***

(3) ~~[One copy to the Central Repository for Nevada Records of Criminal History; and~~

~~(4)]~~ One copy to:

(I) If the attending physician of the applicant is licensed to practice medicine pursuant to the provisions of chapter 630 of NRS, the Board of Medical Examiners; or

(II) If the attending physician of the applicant is licensed to practice osteopathic medicine pursuant to the provisions of chapter 633 of NRS, the State Board of Osteopathic Medicine.

➥ ~~[The Central Repository for Nevada Records of Criminal History shall report to the Division its findings as to the criminal history, if any, of an applicant within 15 days after receiving a copy of an application pursuant to subparagraph (3) of paragraph (c).]~~ The Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable, shall report to the Division its findings as to the licensure and standing of the applicant's attending physician within 15 days after receiving a copy of an application pursuant to subparagraph ~~[(4)]~~ ***(3)*** of paragraph (c).

5. The Division shall verify the information contained in an application submitted pursuant to this section ~~*[verify whether the applicant is listed in the medical marijuana registry]*~~ and shall approve or deny an ~~*[the]*~~ application within ~~[30 days after receiving the application.]~~ ***the period of time specified by the Division by regulation.*** The Division may contact an applicant, the applicant's attending physician and designated primary caregiver, if any, by telephone to determine that the information provided on or accompanying the application is accurate. The Division ~~*[Department]*~~ may deny an application only on the following grounds:

(a) The applicant failed to provide the information required pursuant to subsections 2 and 3 ~~; [to:~~

~~(1) Establish the applicant's chronic or debilitating medical condition; or~~

~~(2) Document the applicant's consultation with an attending physician regarding the medical use of marijuana in connection with that condition;]~~

(b) The applicant failed to comply with regulations adopted by the Division, including, without limitation, the regulations adopted by the Administrator ***of the Division*** pursuant to NRS 453A.740;

(c) The Division determines that the information provided by the applicant was falsified;

(d) The Division determines that the attending physician of the applicant is not licensed to practice medicine or osteopathic medicine in this State or is not in good standing, as reported by the Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable;

(e) ~~[~~The Division determines that the applicant, or the applicant's designated primary caregiver, if applicable, has been convicted of knowingly or intentionally selling a controlled substance;

~~(f)]~~ The Division ~~*[Department]*~~ has prohibited the applicant from obtaining or using a registry identification card or letter of approval ~~*[being listed in the medical marijuana registry]*~~ pursuant to subsection 2 of NRS 453A.300;

~~[(g)]~~ ***(f)*** The Division determines that the applicant, or the applicant's designated primary caregiver, if applicable, has had a registry identification card or letter of approval revoked pursuant to NRS 453A.225;

~~*[(h) The Department determines that the applicant is not listed in the medical marijuana registry;]*~~ or

~~[(h)~~ ~~*(e)]*~~ ***(g)*** In the case of a person under 18 years of age, the custodial parent or legal guardian with responsibility for health care decisions for the person has not signed the written statement required pursuant to paragraph (b) ~~*[(e)]*~~ of subsection 3.

6. ~~*[5.]*~~ The decision of the Division ~~*[Department]*~~ to deny an application for a registry identification card ~~*[letter of registration]*~~ or letter of approval is a final decision for the purposes of judicial review. Only the person whose application has been denied or, in the case of a person under 18 years of age whose application has been denied, the person's parent or legal guardian, has standing to contest the determination of the Division. ~~*[Department.]*~~ A judicial review authorized pursuant to this subsection must be limited to a determination of whether the denial was arbitrary, capricious or otherwise characterized by an abuse of discretion and must be conducted in accordance with the procedures set forth in chapter 233B of NRS for reviewing a final decision of an agency.

7. ~~*[6.]*~~ A person whose application has been denied may not reapply for 6 months after the date of the denial, unless the Division ~~*[Department]*~~ or a court of competent jurisdiction authorizes reapplication in a shorter time.

8. Except as otherwise provided in this subsection, if a person has applied for a registry identification card or letter of approval pursuant to this section and the Division has not yet approved or denied the application, the person, and the person's designated primary caregiver, if any, shall be deemed to hold a registry identification card or letter of approval ~~[upon the presentation to a law enforcement officer of the]~~ ***and may present a*** copy of

the application provided to him or her pursuant to subsection 4 ~~[.]~~ ***as proof that the person is deemed to hold a registry identification card to any person, including, without limitation, a law enforcement officer or a medical marijuana establishment agent at a medical marijuana dispensary.***

9. ***An attending physician who signs an application pursuant to subsection 2 for a patient shall maintain valid, written documentation in the file the attending physician maintains for the patient and make such written documentation available to the Division upon request.***

10. As used in this section, "resident" has the meaning ascribed to it in NRS 483.141.

Sec. 20. NRS 453A.220 is hereby amended to read as follows:

453A.220 1. If the Division ~~***[Department]***~~ approves an application pursuant to subsection 5 ~~***[4]***~~ of NRS 453A.210, the Division ~~***[Department]***~~ or its designee shall, as soon as practicable after the Division ~~***[Department]***~~ approves the application :

(a) Issue ~~***[, issue]***~~ a ~~***[letter of registration or]***~~ letter of approval ~~***[.]***~~ or serially numbered registry identification card, as applicable, to the applicant ~~***[.]***~~ ; and

(b) If the applicant has designated a primary caregiver, issue a serially numbered registry identification card to the designated primary caregiver.

2. A registry identification card ~~***[letter of registration]***~~ issued pursuant to paragraph (a) of subsection 1 must set forth:

(a) The name , address, photograph and date of birth of the applicant;

(b) The date of issuance and date of expiration of the registry identification card; ~~***[letter of registration and the date of expiration of the applicant's listing in the medical marijuana registry;]***~~

(c) The name and address ~~***[date of birth]***~~ of the applicant's designated primary caregiver , if any; ~~***[or the name and date of birth of the person for whom the applicant is a designated primary caregiver, as applicable;]***~~

(d) The name of the applicant's designated medical marijuana dispensary , if any; ~~***[that listed the applicant in the medical marijuana registry;]***~~

(e) Whether the applicant is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.200; and

(f) Any other information prescribed by regulation of the Division. ~~***[Department.]***~~

3. A letter of approval issued pursuant to paragraph (a) of subsection 1 must set forth:

(a) The name , address and date of birth of the applicant;

(b) The date of issuance and date of expiration of the registry identification card of the designated primary caregiver; ~~***[letter of approval and the date of expiration of the applicant's listing in the medical marijuana registry;]***~~

(c) The name and address ~~***[date of birth]***~~ of the applicant's designated primary caregiver;

(d) The name of the applicant's designated medical marijuana dispensary , if any; ~~*[that listed the applicant in the medical marijuana registry;]*~~ and

(e) Any other information prescribed by regulation of the Division. ~~*[Department.]*~~

4. A registry identification card issued pursuant to paragraph (b) of subsection 1 must set forth:

(a) The name, address and photograph of the designated primary caregiver;

(b) The date of issuance and date of expiration of the registry identification card;

(c) The name and address of the applicant for whom the person is the designated primary caregiver;

(d) The name of the designated primary caregiver's designated medical marijuana dispensary, if any;

(e) Whether the designated primary caregiver is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.200; and

(f) Any other information prescribed by regulation of the Division.

5. Except as otherwise provided in NRS 453A.225, subsection 3 of NRS 453A.230 and subsection 2 of NRS 453A.300, a registry identification card ~~*[, a letter of registration]*~~ or letter of approval issued pursuant to this section is valid for a period of ***either*** 1 year ***or 2 years, as specified by the attending physician on the application for the issuance or renewal of the registry identification card or letter of approval,*** and may be renewed in accordance with regulations adopted by the Division. ~~*[expires on the date on which the applicant's listing in the medical marijuana registry expires.]*~~

Sec. 21. NRS 453A.225 is hereby amended to read as follows:

453A.225 1. If, at any time after the Division ~~*[Department]*~~ or its designee has issued a registry identification card ~~*[letter of registration]*~~ or letter of approval to a person pursuant to paragraph (a) of subsection 1 of NRS 453A.220, the Division ~~*[Department]*~~ determines, on the basis of official documents or records or other credible evidence, that the person ~~[~~:

~~(a) Provided~~] ***provided*** falsified information on his or her application to the Division or its designee, as described in paragraph (c) of subsection 5 of NRS 453A.210 , ~~[~~; or

~~(b) Has been convicted of knowingly or intentionally selling a controlled substance, as described in paragraph (c) of subsection 5 of NRS 453A.210,~~

~~*→ is not listed in the medical marijuana registry,]*~~ the Division ~~*[Department]*~~ shall immediately revoke the registry identification card ~~*[letter of registration]*~~ or letter of approval issued to that person ~~*[.]*~~ and shall immediately revoke the registry identification card issued to that person's designated primary caregiver, if any.

2. ~~[If, at any time after the Division or its designee has issued a registry identification card to a person pursuant to paragraph (b) of subsection 1 of NRS 453A.220 or pursuant to NRS 453A.250, the Division determines, on the basis of official documents or records or other credible evidence, that the~~

~~person has been convicted of knowingly or intentionally selling a controlled substance, as described in paragraph (e) of subsection 5 of NRS 453A.210, the Division shall immediately revoke the registry identification card issued to that person.~~

~~3.~~ ~~*2.]*~~ Upon the revocation of a registry identification card ~~*[letter of registration]*~~ or letter of approval pursuant to this section:

(a) The Division ~~*[Department]*~~ shall send, by certified mail, return receipt requested, notice to the person whose registry identification card ~~*[letter of registration]*~~ or letter of approval has been revoked, advising the person of the requirements of paragraph (b); and

(b) The person shall return his or her registry identification card ~~*[letter of registration]*~~ or letter of approval to the Division ~~*[Department]*~~ within 7 days after receiving the notice sent pursuant to paragraph (a).

~~[4.]~~ ***3.*** The decision of the Division ~~*[Department]*~~ to revoke a registry identification card ~~*[letter of registration]*~~ or letter of approval pursuant to this section is a final decision for the purposes of judicial review.

~~[5.]~~ ***4.*** A person whose registry identification card ~~*[letter of registration]*~~ or letter of approval has been revoked pursuant to this section may not reapply for a registry identification card ~~*[letter of registration]*~~ or letter of approval pursuant to NRS 453A.210 for 12 months after the date of the revocation, unless the Division ~~*[Department]*~~ or a court of competent jurisdiction authorizes reapplication in a shorter time.

Sec. 22. NRS 453A.230 is hereby amended to read as follows:

453A.230 1. A person to whom the Division ~~*[Department]*~~ or its designee has issued a registry identification card ~~*[letter of registration]*~~ or letter of approval pursuant to paragraph (a) of subsection 1 of NRS 453A.220 shall, in accordance with regulations adopted by the Division:

(a) Notify ~~*[Department, notify]*~~ the Division ~~*[Department]*~~ of any change in the person's name, address, telephone number, designated medical marijuana dispensary, attending physician ~~*[registration with the medical marijuana registry]*~~ or designated primary caregiver, if any ~~*[.]*~~ ; and

(b) Submit ~~[annually]~~ to the ***Division, on a form prescribed by the*** Division:

(1) ~~[Updated written documentation]~~ ***On or before the date specified by the attending physician on the application for the issuance or renewal of the registry identification card or letter of approval pursuant to subsection 5 of NRS 453A.220, a signature*** from the person's attending physician ~~[in which the attending physician sets forth]~~ ***affirming*** that:

(I) The person continues to suffer from a chronic or debilitating medical condition;

(II) The medical use of marijuana may mitigate the symptoms or effects of that condition; and

(III) The attending physician has explained to the person the possible risks and benefits of the medical use of marijuana; and

(2) If the person elects to designate a primary caregiver for the subsequent year and the primary caregiver so designated was not the person's designated primary caregiver during the previous year:

(I) The name, address ~~[,]~~ ***and*** telephone number ~~[and social security number]~~ of the designated primary caregiver; and

(II) A ~~[written, signed statement]~~ ***signature*** from the person's attending physician ~~[in which]~~ ***affirming that*** the attending physician approves of the designation of the primary caregiver.

2. A person to whom the Division or its designee has issued a registry identification card pursuant to paragraph (b) of subsection 1 of NRS 453A.220 or pursuant to NRS 453A.250 shall, in accordance with regulations adopted by the Division, notify the Division of any change in the person's name, address, telephone number, designated medical marijuana dispensary or the identity of the person for whom he or she acts as designated primary caregiver.

3. ~~*[2.]*~~ If a person fails to comply with the provisions of subsection 1 or 2, the registry identification card ~~*[, the letter of registration]*~~ or letter of approval issued to the person shall be deemed expired. If the registry identification card ~~*[letter of registration]*~~ or letter of approval of a person to whom the Division ~~*[Department]*~~ or its designee issued the card or letter pursuant to paragraph (a) of subsection 1 of NRS 453A.220 is deemed expired pursuant to this subsection, a registry identification card ~~*[letter of registration]*~~ issued to the person's designated primary caregiver, if any, shall also be deemed expired. Upon the deemed expiration of a registry identification card ~~*[letter of registration]*~~ or letter of approval pursuant to this subsection:

(a) The Division ~~*[Department]*~~ shall send, by certified mail, return receipt requested, notice to the person whose registry identification card ~~*[letter of registration]*~~ or letter of approval has been deemed expired, advising the person of the requirements of paragraph (b); and

(b) The person shall return his or her registry identification card ~~*[letter of registration]*~~ or letter of approval to the Division ~~*[Department]*~~ within 7 days after receiving the notice sent pursuant to paragraph (a).

Sec. 23. ~~[NRS 453A.240 is hereby amended to read as follows:~~

~~453A.240 If a person to whom the [Division] *Department* or its designee has issued a [registry identification card] *letter of registration* or letter of approval pursuant to [paragraph (a) of] subsection 1 of NRS 453A.220 is [diagnosed by the person's attending physician as] no longer [having a chronic or debilitating medical condition,] *listed in the medical marijuana registry,* the person shall return his or her [registry identification card] *letter of registration* or letter of approval and his or her designated primary caregiver, if any, shall return his or her [registry identification card] *letter of registration* to the [Division] *Department* within 7 days after [notification of the diagnosis.] *the expiration of the listing.]*~~ **(Deleted by amendment.)**

Sec. 24. NRS 453A.250 is hereby amended to read as follows:

453A.250 1. If a person who applies to the Division for a registry identification card or letter of approval or to whom the Division or its designee has issued a registry identification card or letter of approval pursuant to paragraph (a) of subsection 1 of NRS 453A.220 ~~***[is listed in the medical marijuana registry]***~~ desires or is required to designate a primary caregiver, the person must:

(a) To designate a primary caregiver at the time of application, ~~***[the person is listed in the medical marijuana registry,]***~~ submit to the Division ***, on a form prescribed by the Division,*** the information required pursuant to paragraph (e) of subsection 2 of NRS 453A.210; ~~***[medical marijuana dispensary the name and date of birth of the designated primary caregiver;]***~~ or

(b) To designate a primary caregiver after the Division or its designee has issued a registry identification card or letter of approval to the person , ~~***[is listed in the medical marijuana registry,]***~~ submit to the Division ***, on a form prescribed by the Division,*** the information required pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 453A.230. ~~***[a medical marijuana dispensary the name and date of birth of the designated primary caregiver.]***~~

2. A person may have only one designated primary caregiver at any one time.

3. If a person designates a primary caregiver after the time that the person initially applies for a registry identification card or letter of approval, the Division or its designee shall, except as otherwise provided in subsection 5 of NRS 453A.210, issue a registry identification card to the designated primary caregiver as soon as practicable after receiving the information submitted pursuant to paragraph (b) of subsection 1.

4. A person who is the parent or legal guardian of one or more children who are listed in the medical marijuana registry may be the designated primary caregiver for each such child regardless of whether the person is also listed in the medical marijuana registry as a patient.

Sec. 25. ~~**[**NRS 453A.300 is hereby amended to read as follows:~~

~~453A.300 1. A person who **[**holds a registry identification card or letter of approval issued to him or her pursuant to NRS 453A.220 or 453A.250**]** ***is listed in the medical marijuana registry*** is not exempt from state prosecution for, nor may the person establish an affirmative defense to charges arising from, any of the following acts:~~

~~(a) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of marijuana.~~

~~(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420, 488.425 or 493.130.~~

~~(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257.~~

~~(d) Possessing marijuana in violation of NRS 453.336 or possessing paraphernalia in violation of NRS 453.560 or 453.566.~~

~~(1) If the possession of the marijuana or paraphernalia is discovered because the person engaged or assisted in the medical use of marijuana in:~~

~~(I) Any public place or in any place open to the public or exposed to public view; or~~

~~(II) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders; or~~

~~(2) If the possession of the marijuana or paraphernalia occurs on school property.~~

~~(e) Delivering marijuana to another person who he or she knows [does not lawfully hold a registry identification card or letter of approval issued by the Division or its designee pursuant to NRS 453A.220 or 453A.250.] *is not listed in the medical marijuana registry.*~~

~~(f) Delivering marijuana for consideration to any person, regardless of whether the recipient [lawfully holds a registry identification card or letter of approval issued by the Division or its designee pursuant to NRS 453A.220 or 453A.250.] *is listed in the medical marijuana registry.*~~

~~2. Except as otherwise provided in NRS 453A.225 and in addition to any other penalty provided by law, if the [Division] *Department* determines that a person has willfully violated a provision of this chapter or any regulation adopted by the [Division] *Department* to carry out the provisions of this chapter, the [Division] *Department* may, at its own discretion, prohibit the person from [obtaining or using a registry identification card or letter of approval] *being listed in the medical marijuana registry* for a period of up to 6 months.~~

~~3. As used in this section, "school property" means the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.]~~ **(Deleted by amendment.)**

Sec. 26. ~~[NRS 453A.310 is hereby amended to read as follows:~~

~~453A.310 1. Except as otherwise provided in this section and NRS 453A.300, it is an affirmative defense to a criminal charge of possession, delivery or production of marijuana, or any other criminal offense in which possession, delivery or production of marijuana is an element, that the person charged with the offense:~~

~~(a) Is a person who:~~

~~(1) Has been diagnosed with a chronic or debilitating medical condition within the 12 month period preceding his or her arrest and has been advised by his or her attending physician that the medical use of marijuana may mitigate the symptoms or effects of that chronic or debilitating medical condition;~~

~~(2) Is engaged in the medical use of marijuana; and~~

~~(3) Possesses, delivers or produces marijuana only in the amount described in paragraph (b) of subsection 3 of NRS 453A.200 or in excess of~~

~~that amount if the person proves by a preponderance of the evidence that the greater amount is medically necessary as determined by the person's attending physician to mitigate the symptoms or effects of the person's chronic or debilitating medical condition; or~~

~~(b) Is a person who:~~

~~(1) Is assisting a person described in paragraph (a) in the medical use of marijuana; and~~

~~(2) Possesses, delivers or produces marijuana only in the amount described in paragraph (b) of subsection 3 of NRS 453A.200 or in excess of that amount if the person proves by a preponderance of the evidence that the greater amount is medically necessary as determined by the assisted person's attending physician to mitigate the symptoms or effects of the assisted person's chronic or debilitating medical condition.~~

~~2. A person need not hold a [registry identification card] *letter of registration* or letter of approval issued to the person by the [Division] *Department* or its designee pursuant to NRS 453A.220 [or 453A.250] to assert an affirmative defense described in this section.~~

~~3. Except as otherwise provided in this section and in addition to the affirmative defense described in subsection 1, a person engaged or assisting in the medical use of marijuana who is charged with a crime pertaining to the medical use of marijuana is not precluded from:~~

~~(a) Asserting a defense of medical necessity; or~~

~~(b) Presenting evidence supporting the necessity of marijuana for treatment of a specific disease or medical condition,~~

~~→ if the amount of marijuana at issue is not greater than the amount described in paragraph (b) of subsection 3 of NRS 453A.200 and the person has taken steps to comply substantially with the provisions of this chapter.~~

~~4. A defendant who intends to offer an affirmative defense described in this section shall, not less than 5 days before trial or at such other time as the court directs, file and serve upon the prosecuting attorney a written notice of the defendant's intent to claim the affirmative defense. The written notice must:~~

~~(a) State specifically why the defendant believes he or she is entitled to assert the affirmative defense; and~~

~~(b) Set forth the factual basis for the affirmative defense.~~

~~→ A defendant who fails to provide notice of his or her intent to claim an affirmative defense as required pursuant to this subsection may not assert the affirmative defense at trial unless the court, for good cause shown, orders otherwise.]~~ **(Deleted by amendment.)**

Sec. 27. NRS 453A.322 is hereby amended to read as follows:

453A.322 1. Each medical marijuana establishment must register with the ~~[Division.]~~ ***Department.***

2. A person who wishes to operate a medical marijuana establishment must submit to the ~~[Division]~~ ***Department*** an application on a form prescribed by the ~~[Division.]~~ ***Department.***

3. Except as otherwise provided in NRS 453A.324, 453A.326, 453A.328 and 453A.340, not later than 90 days after receiving an application to operate a medical marijuana establishment, the ~~[~~Division~~]~~ ***Department*** shall register the medical marijuana establishment and issue a medical marijuana establishment registration certificate and a random 20-digit alphanumeric identification number if:

(a) The person who wishes to operate the proposed medical marijuana establishment has submitted to the ~~[~~Division~~]~~ ***Department*** all of the following:

(1) The application fee, as set forth in NRS 453A.344;

(2) An application, which must include:

(I) The legal name of the proposed medical marijuana establishment;

(II) The physical address where the proposed medical marijuana establishment will be located and the physical address of any co-owned additional or otherwise associated medical marijuana establishments, the locations of which may not be within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed medical marijuana establishment was submitted to the ~~[~~Division,~~]~~ ***Department,*** or within 300 feet of a community facility that existed on the date on which the application for the proposed medical marijuana establishment was submitted to the ~~[~~Division;~~]~~ ***Department;***

(III) Evidence that the applicant controls not less than $250,000 in liquid assets to cover the initial expenses of opening the proposed medical marijuana establishment and complying with the provisions of NRS 453A.320 to 453A.370, inclusive;

(IV) Evidence that the applicant owns the property on which the proposed medical marijuana establishment will be located or has the written permission of the property owner to operate the proposed medical marijuana establishment on that property;

(V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed medical marijuana establishment, a complete set of the person's fingerprints and written permission of the person authorizing the ~~[~~Division~~]~~ ***Department*** to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed medical marijuana establishment; and

(VII) The name, address and date of birth of each person who is proposed to be employed by or otherwise provide labor at the proposed medical marijuana establishment as a medical marijuana establishment agent;

(3) Operating procedures consistent with rules of the ~~[~~Division~~]~~ ***Department*** for oversight of the proposed medical marijuana establishment, including, without limitation:

(I) Procedures to ensure the use of adequate security measures; and

(II) The use of an electronic verification system and an inventory control system, pursuant to NRS 453A.354 and 453A.356;

(4) If the proposed medical marijuana establishment will sell or deliver edible marijuana products or marijuana-infused products, proposed operating procedures for handling such products which must be preapproved by the ~~[~~Division;~~]~~ ***Department;***

(5) If the city, town or county in which the proposed medical marijuana establishment will be located has enacted zoning restrictions, proof of licensure with the applicable local governmental authority or a letter from the applicable local governmental authority certifying that the proposed medical marijuana establishment is in compliance with those restrictions and satisfies all applicable building requirements; and

(6) Such other information as the ~~[~~Division~~]~~ ***Department*** may require by regulation;

(b) None of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment have been convicted of an excluded felony offense;

(c) None of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment have:

(1) Served as an owner, officer or board member for a medical marijuana establishment that has had its medical marijuana establishment registration certificate revoked; or

(2) Previously had a medical marijuana establishment agent registration card revoked; and

(d) None of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed medical marijuana establishment, the ~~[~~Division~~]~~ ***Department*** shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in subsection 6, if an application for registration as a medical marijuana establishment satisfies the requirements of this section and the establishment is not disqualified from being registered as a medical marijuana establishment pursuant to this section or other applicable law, the ~~[~~Division~~]~~ ***Department*** shall issue to the establishment a medical marijuana establishment registration certificate. A medical marijuana establishment registration certificate expires 1 year after the date of issuance and may be renewed upon:

(a) Resubmission of the information set forth in this section ~~[~~,~~]~~ ***, except that the fingerprints of each person who is an owner, officer or board***

member of a medical marijuana establishment required to be submitted pursuant to subsection 4 must only be submitted:

(1) If such a person holds 5 percent or less of the ownership interest in any one medical marijuana establishment or an ownership interest in more than one medical marijuana establishment of the same kind that, when added together, equals 5 percent or less, once in any 5-year period; and

(2) If such a person holds more than 5 percent of the ownership interest in any one medical marijuana establishment or an ownership interest in more than one medical marijuana establishment of the same kind that, when added together, equals more than 5 percent, or is an officer or board member of a medical marijuana establishment, once in any 3-year period; and

(b) Payment of the renewal fee set forth in NRS 453A.344.

6. In determining whether to issue a medical marijuana establishment registration certificate pursuant to this section, the ~~[~~Division~~]~~ ***Department*** shall consider the criteria of merit set forth in NRS 453A.328.

7. ***The Department:***

(a) Shall not require an applicant for registration as a medical marijuana establishment or for the renewal of a medical marijuana establishment registration certificate to submit a financial statement with the application for registration or renewal; and

(b) May require a medical marijuana establishment to submit a financial statement as determined to be necessary by the Department to ensure the collection of any taxes which may be owed by the medical marijuana establishment.

8. As used in this section, "community facility" means:

(a) A facility that provides day care to children.

(b) A public park.

(c) A playground.

(d) A public swimming pool.

(e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.

(f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

Sec. 28. NRS 453A.324 is hereby amended to read as follows:

453A.324 1. Except as otherwise provided in this section and NRS 453A.326, the ~~[~~Division~~]~~ ***Department*** shall issue medical marijuana establishment registration certificates for medical marijuana dispensaries in the following quantities for applicants who qualify pursuant to NRS 453A.322:

(a) In a county whose population is 700,000 or more, 40 certificates;

(b) In a county whose population is 100,000 or more but less than 700,000, ten certificates;

(c) In a county whose population is 55,000 or more but less than 100,000, two certificates; and

(d) In each other county, one certificate.

2. Notwithstanding the provisions of subsection 1, the ~~[~~Division:~~]~~ ***Department:***

(a) Shall not issue medical marijuana establishment registration certificates for medical marijuana dispensaries in such a quantity as to cause the existence within the applicable county of more than one medical marijuana dispensary for every ten pharmacies that have been licensed in the county pursuant to chapter 639 of NRS. The ~~[~~Division~~]~~ ***Department*** may issue medical marijuana establishment registration certificates for medical marijuana dispensaries in excess of the ratio otherwise allowed pursuant to this paragraph if to do so is necessary to ensure that the ~~[~~Division~~]~~ ***Department*** issues at least one medical marijuana establishment registration certificate in each county of this State in which the ~~[~~Division~~]~~ ***Department*** has approved an application for such an establishment to operate.

(b) Shall, for any county for which no applicants qualify pursuant to NRS 453A.322, within 2 months after the end of the period during which the ~~[~~Division~~]~~ ***Department*** accepts applications pursuant to subsection 4, reallocate the certificates provided for that county pursuant to subsection 1 to the other counties specified in subsection 1 in the same proportion as provided in subsection 1.

3. With respect to medical marijuana establishments that are not medical marijuana dispensaries, the ~~[~~Division~~]~~ ***Department*** shall determine the appropriate number of such establishments as are necessary to serve and supply the medical marijuana dispensaries to which the ~~[~~Division~~]~~ ***Department*** has granted medical marijuana establishment registration certificates.

4. The ~~[~~Division~~]~~ ***Department*** shall not, for more than a total of 10 business days in any 1 calendar year, accept applications to operate medical marijuana establishments.

Sec. 29. NRS 453A.326 is hereby amended to read as follows:

453A.326 1. Except as otherwise provided in this subsection, in a county whose population is 100,000 or more, the ~~[~~Division~~]~~ ***Department*** shall ensure that not more than 25 percent of the total number of medical marijuana dispensaries that may be certified in the county, as set forth in NRS 453A.324, are located in any one local governmental jurisdiction within the county. The board of county commissioners of the county may increase the percentage described in this subsection if it determines that to do so is necessary to ensure that the more populous areas of the county have access to sufficient distribution of marijuana for medical use.

2. To prevent monopolistic practices, the ~~[~~Division~~]~~ ***Department*** shall ensure, in a county whose population is 100,000 or more, that it does not issue, to any one person, group of persons or entity, the greater of:

(a) One medical marijuana establishment registration certificate; or

(b) More than 10 percent of the medical marijuana establishment registration certificates otherwise allocable in the county.

3. In a local governmental jurisdiction that issues business licenses, the issuance by the ~~[~~Division~~]~~ ***Department*** of a medical marijuana establishment registration certificate shall be deemed to be provisional until such time as:

(a) The establishment is in compliance with all applicable local governmental ordinances or rules; and

(b) The local government has issued a business license for the operation of the establishment.

4. As used in this section, "local governmental jurisdiction" means a city, town, township or unincorporated area within a county.

Sec. 30. NRS 453A.328 is hereby amended to read as follows:

453A.328 In determining whether to issue a medical marijuana establishment registration certificate pursuant to NRS 453A.322, the ~~[~~Division~~]~~ ***Department*** shall, in addition to the factors set forth in that section, consider the following criteria of merit:

1. The total financial resources of the applicant, both liquid and illiquid;

2. The previous experience of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment at operating other businesses or nonprofit organizations;

3. The educational achievements of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment;

4. Any demonstrated knowledge or expertise on the part of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment with respect to the compassionate use of marijuana to treat medical conditions;

5. Whether the proposed location of the proposed medical marijuana establishment would be convenient to serve the needs of persons who are authorized to engage in the medical use of marijuana;

6. The likely impact of the proposed medical marijuana establishment on the community in which it is proposed to be located;

7. The adequacy of the size of the proposed medical marijuana establishment to serve the needs of persons who are authorized to engage in the medical use of marijuana;

8. Whether the applicant has an integrated plan for the care, quality and safekeeping of medical marijuana from seed to sale;

9. The amount of taxes paid to, or other beneficial financial contributions made to, the State of Nevada or its political subdivisions by the applicant or the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment; and

10. Any other criteria of merit that the ~~[~~Division~~]~~ ***Department*** determines to be relevant.

Sec. 31. NRS 453A.332 is hereby amended to read as follows:

453A.332 1. Except as otherwise provided in this section, a person shall not volunteer or work at, contract to provide labor to or be employed by an independent contractor to provide labor to a medical marijuana establishment as a medical marijuana establishment agent unless the person is registered with the ~~[~~Division~~]~~ ***Department*** pursuant to this section.

2. A ***person who wishes to volunteer or work at a medical marijuana establishment, or a*** medical marijuana establishment that wishes to retain as a volunteer or employ ~~[~~a medical marijuana establishment agent~~]~~ ***such a person,*** shall submit to the ~~[~~Division~~]~~ ***Department*** an application on a form prescribed by the ~~[~~Division.~~]~~ ***Department.*** The application must be accompanied by:

(a) The name, address and date of birth of the prospective medical marijuana establishment agent;

(b) A statement signed by the prospective medical marijuana establishment agent pledging not to dispense or otherwise divert marijuana to any person who is not authorized to possess marijuana in accordance with the provisions of this chapter;

(c) A statement signed by the prospective medical marijuana establishment agent asserting that he or she has not previously had a medical marijuana establishment agent registration card revoked;

(d) A complete set of the fingerprints and written permission of the prospective medical marijuana establishment agent authorizing the ~~[~~Division~~]~~ ***Department*** to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(e) The application fee, as set forth in NRS 453A.344; and

(f) Such other information as the ~~[~~Division~~]~~ ***Department*** may require by regulation.

3. A ***person who wishes to contract to provide labor to or be employed by an independent contractor to provide labor to a medical marijuana establishment, or a*** medical marijuana establishment that wishes to contract with ~~[~~an independent contractor to provide labor as a medical marijuana establishment agent~~]~~ ***such a person,*** shall submit to the ~~[~~Division~~]~~ ***Department*** an application on a form prescribed by the ~~[~~Division~~]~~ ***Department*** for the registration of the independent contractor and each employee of the independent contractor who will provide labor as a medical marijuana establishment agent. The application must be accompanied by:

(a) The name, address and, if the prospective medical marijuana establishment agent has a state business registration, the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;

(b) The name, address and date of birth of each employee of the prospective medical marijuana establishment agent who will provide labor as a medical marijuana establishment agent;

(c) A statement signed by the prospective medical marijuana establishment agent pledging not to dispense or otherwise divert marijuana to, or allow any of its employees to dispense or otherwise divert marijuana to, any person who is not authorized to possess marijuana in accordance with the provisions of this chapter;

(d) A statement signed by the prospective medical marijuana establishment agent asserting that it has not previously had a medical marijuana establishment agent registration card revoked and that none of its employees who will provide labor as a medical marijuana establishment agent have previously had a medical marijuana establishment agent registration card revoked;

(e) A complete set of the fingerprints of each employee of the prospective medical marijuana establishment agent who will provide labor as a medical marijuana establishment agent and written permission of the prospective medical marijuana establishment agent and each employee of the prospective medical marijuana establishment agent authorizing the ~~[Division]~~ ***Department*** to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(f) The application fee, as set forth in NRS 453A.344; and

(g) Such other information as the ~~[Division]~~ ***Department*** may require by regulation.

4. A medical marijuana establishment shall notify the ~~[Division]~~ ***Department*** within 10 days after a medical marijuana establishment agent ceases to be employed by, volunteer at or provide labor as a medical marijuana establishment agent to the medical marijuana establishment.

5. A person who:

(a) Has been convicted of an excluded felony offense; or

(b) Is less than 21 years of age,

➥ shall not serve as a medical marijuana establishment agent.

6. The ~~[Division]~~ ***Department*** shall submit the fingerprints of an applicant for registration as a medical marijuana establishment agent to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of the applicant.

7. The provisions of this section do not require a person who is an owner, officer or board member of a medical marijuana establishment to resubmit information already furnished to the ~~[Division]~~ ***Department*** at the time the establishment was registered with the ~~[Division.]~~ ***Department.***

8. If an applicant for registration as a medical marijuana establishment agent satisfies the requirements of this section and is not disqualified from serving as such an agent pursuant to this section or any other applicable law, the ~~[Division]~~ ***Department*** shall issue to the person and, for an independent contractor, to each person identified in the independent contractor's application for registration as an employee who will provide labor as a

medical marijuana establishment agent, a medical marijuana establishment agent registration card. If the ~~[~~Division~~]~~ ***Department*** does not act upon an application for a medical marijuana establishment agent registration card within 30 days after the date on which the application is received, the application shall be deemed conditionally approved until such time as the ~~[~~Division~~]~~ ***Department*** acts upon the application. A medical marijuana establishment agent registration card expires 1 year after the date of issuance and may be renewed upon:

(a) Resubmission of the information set forth in this section; and

(b) Payment of the renewal fee set forth in NRS 453A.344.

9. A medical marijuana establishment agent registration card issued pursuant to this section to an independent contractor or an employee of an independent contractor authorizes the independent contractor or employee to provide labor to any medical marijuana establishment in this State.

10. A medical marijuana establishment agent registration card issued pursuant to this section to a person who wishes to volunteer or work at a medical marijuana establishment authorizes the person to volunteer or work at any medical marijuana establishment in this State for which the category of the medical marijuana establishment agent registration card authorizes the person to volunteer or work.

11. Except as otherwise prescribed by regulation of the Department, an applicant for registration or renewal of registration as a medical marijuana establishment agent is deemed temporarily registered as a medical marijuana establishment agent on the date on which a complete application for registration or renewal of registration is submitted to the Department. A temporary registration as a medical marijuana establishment agent expires 30 days after the date upon which the application is received.

Sec. 32. NRS 453A.334 is hereby amended to read as follows:

453A.334 1. Except as otherwise provided in subsection 2, the following are nontransferable:

(a) A medical marijuana establishment agent registration card.

(b) A medical marijuana establishment registration certificate.

2. A medical marijuana establishment may ***, upon submission of a statement signed by a person authorized to submit such a statement by the governing documents of the medical marijuana establishment,*** transfer all or any portion of its ownership to another party, and the ~~[~~Division~~]~~ ***Department*** shall transfer the medical marijuana establishment registration certificate issued to the establishment to the party acquiring ownership, if the party who will acquire the ownership of the medical marijuana establishment submits:

(a) ~~[~~Evidence~~]~~ ***If the party will acquire the entirety of the ownership interest in the medical marijuana establishment, evidence*** satisfactory to the ~~[~~Division~~]~~ ***Department*** that the party has complied with the provisions of sub-subparagraph (III) of subparagraph (2) of paragraph (a) of subsection 3

of NRS 453A.322 for the purpose of operating the medical marijuana establishment.

(b) For the party and each person who is proposed to be an owner, officer or board member of the proposed medical marijuana establishment, the name, address and date of birth of the person, a complete set of the person's fingerprints and written permission of the person authorizing the ~~[Division]~~ ***Department*** to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(c) Proof satisfactory to the ~~[Division]~~ ***Department*** that, as a result of the transfer of ownership, no person, group of persons or entity will, in a county whose population is 100,000 or more, hold more than one medical marijuana establishment registration certificate or more than 10 percent of the medical marijuana establishment registration certificates allocated to the county, whichever is greater.

Sec. 33. NRS 453A.336 is hereby amended to read as follows:

453A.336 1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a medical marijuana establishment agent registration card or medical marijuana establishment registration certificate shall:

(a) Include the social security number of the applicant in the application submitted to the ~~[Division.]~~ ***Department.***

(b) Submit to the ~~[Division]~~ ***Department*** the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The ~~[Division]~~ ***Department*** shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the medical marijuana establishment agent registration card or medical marijuana establishment registration certificate; or

(b) A separate form prescribed by the ~~[Division.]~~ ***Department.***

3. A medical marijuana establishment agent registration card or medical marijuana establishment registration certificate may not be issued or renewed by the ~~[Division]~~ ***Department*** if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment

of the amount owed pursuant to the order, the ~~[~~Division~~]~~ ***Department*** shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 34. NRS 453A.338 is hereby amended to read as follows:

453A.338 1. If the ~~[~~Division~~]~~ ***Department*** receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a medical marijuana establishment agent registration card or medical marijuana establishment registration certificate, the ~~[~~Division~~]~~ ***Department*** shall deem the card or certificate issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the ~~[~~Division~~]~~ ***Department*** receives a letter issued to the holder of the card or certificate by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the card or certificate has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The ~~[~~Division~~]~~ ***Department*** shall reinstate a medical marijuana establishment agent registration card or medical marijuana establishment registration certificate that has been suspended by a district court pursuant to NRS 425.540 if the ~~[~~Division~~]~~ ***Department*** receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose card or certificate was suspended stating that the person whose card or certificate was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 35. NRS 453A.340 is hereby amended to read as follows:

453A.340 The following acts constitute grounds for immediate revocation of a medical marijuana establishment registration certificate:

1. Dispensing, delivering or otherwise transferring marijuana to a person other than a medical marijuana establishment agent, another medical marijuana establishment or a person who holds a valid registry identification card, including, without limitation, a designated primary caregiver. ~~***[is listed in the medical marijuana registry.]***~~

2. Acquiring usable marijuana or mature marijuana plants from any person other than a medical marijuana establishment agent, another medical marijuana establishment or a person who holds a valid registry identification card, including, without limitation, a designated primary caregiver. ~~***[is listed in the medical marijuana registry.]***~~

3. Violating a regulation of the ~~[~~Division,~~]~~ ***Department,*** the violation of which is stated to be grounds for immediate revocation of a medical marijuana establishment registration certificate.

4. Failure to pay a fee imposed pursuant to NRS 453A.330.

Sec. 36. NRS 453A.342 is hereby amended to read as follows:

453A.342 The following acts constitute grounds for the immediate revocation of the medical marijuana establishment agent registration card of a medical marijuana establishment agent:

1. Having committed or committing any excluded felony offense.

2. Dispensing, delivering or otherwise transferring marijuana to a person other than a medical marijuana establishment agent, another medical marijuana establishment or a person who holds a valid registry identification card, including, without limitation, a designated primary caregiver. ~~***[is listed in the medical marijuana registry.]***~~

3. Violating a regulation of the ~~[~~Division,~~]~~ ***Department,*** the violation of which is stated to be grounds for immediate revocation of a medical marijuana establishment agent registration card.

Sec. 37. NRS 453A.344 is hereby amended to read as follows:

453A.344 1. Except as otherwise provided in subsection 2, the ~~[~~Division~~]~~ ***Department*** shall collect not more than the following maximum fees:

For the initial issuance of a medical marijuana establishment registration certificate for a medical marijuana dispensary	$30,000
For the renewal of a medical marijuana establishment registration certificate for a medical marijuana dispensary	5,000
For the initial issuance of a medical marijuana establishment registration certificate for a cultivation facility	3,000
For the renewal of a medical marijuana establishment registration certificate for a cultivation facility	1,000
For the initial issuance of a medical marijuana establishment registration certificate for a facility for the production of edible marijuana products or marijuana-infused products	3,000
For the renewal of a medical marijuana establishment registration certificate for a facility for the production of edible marijuana products or marijuana-infused products	1,000
For each person identified in an application for the initial issuance of a medical marijuana establishment agent registration card	75
For each person identified in an application for the renewal of a medical marijuana establishment agent registration card	75
For the initial issuance of a medical marijuana establishment registration certificate for an independent testing laboratory	5,000

For the renewal of a medical marijuana establishment registration certificate for an independent testing laboratory..... 3,000

2. In addition to the fees described in subsection 1, each applicant for a medical marijuana establishment registration certificate must pay to the ~~[~~Division:~~]~~ ***Department:***

(a) A one-time, nonrefundable application fee of $5,000; and

(b) The actual costs incurred by the ~~[~~Division~~]~~ ***Department*** in processing the application, including, without limitation, conducting background checks.

3. Any revenue generated from the fees imposed pursuant to this section:

(a) Must be expended first to pay the costs of the ~~[~~Division~~]~~ ***Department*** in carrying out the provisions of NRS 453A.320 to 453A.370, inclusive; and

(b) If any excess revenue remains after paying the costs described in paragraph (a), such excess revenue must be paid over to the State Treasurer to be deposited to the credit of the State Distributive School Account in the State General Fund.

Sec. 38. NRS 453A.352 is hereby amended to read as follows:

453A.352 1. The operating documents of a medical marijuana establishment must include procedures:

(a) For the oversight of the medical marijuana establishment; and

(b) To ensure accurate recordkeeping, including, without limitation, the provisions of NRS 453A.354 and 453A.356.

2. Except as otherwise provided in this subsection, a medical marijuana establishment:

(a) That is a medical marijuana dispensary must have a single entrance for patrons, which must be secure, and shall implement strict security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.

(b) That is not a medical marijuana dispensary must have a single secure entrance and shall implement strict security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.

➥ The provisions of this subsection do not supersede any state or local requirements relating to minimum numbers of points of entry or exit, or any state or local requirements relating to fire safety.

3. A medical marijuana establishment is prohibited from acquiring, possessing, cultivating, manufacturing, delivering, transferring, transporting, supplying or dispensing marijuana for any purpose except to:

(a) Directly or indirectly assist patients who possess valid registry identification cards; ~~***[are listed in the medical marijuana registry;***~~ and~~]~~

(b) Assist patients who possess valid registry identification cards or letters of approval ~~***[are listed in the medical marijuana registry]***~~ by way of those patients' designated primary caregivers ~~[.]~~ ***; and***

(c) Return for a refund marijuana, edible marijuana products or marijuana-infused products to the medical marijuana establishment from

which the marijuana, edible marijuana products or marijuana-infused products were acquired.

➥ For the purposes of this subsection, a person shall be deemed to be a patient who possesses a valid registry identification card or letter of approval ***[is listed in the medical marijuana registry]*** if he or she qualifies for nonresident reciprocity pursuant to NRS 453A.364.

4. All cultivation or production of marijuana that a cultivation facility carries out or causes to be carried out must take place in an enclosed, locked facility at the physical address provided to the ~~[~~Division~]~~ ***Department*** during the registration process for the cultivation facility. Such an enclosed, locked facility must be accessible only by medical marijuana establishment agents who are lawfully associated with the cultivation facility, except that limited access by persons necessary to perform construction or repairs or provide other labor is permissible if such persons are supervised by a medical marijuana establishment agent.

5. A medical marijuana dispensary and a cultivation facility may acquire usable marijuana or marijuana plants from a person who holds a valid registry identification card, including, without limitation, a designated primary caregiver. ***[is listed in the medical marijuana registry.]*** Except as otherwise provided in this subsection, the patient or caregiver, as applicable, must receive no compensation for the marijuana. A patient who holds a valid registry identification card, and the designated primary caregiver of such a patient, or the designated primary caregiver of a person who holds a letter of approval ***[is listed in the medical marijuana registry]*** may sell usable marijuana to a medical marijuana dispensary one time and may sell marijuana plants to a cultivation facility one time.

6. A medical marijuana establishment shall not allow any person to consume marijuana on the property or premises of the establishment.

7. Medical marijuana establishments are subject to reasonable inspection by the Division ***[Department]*** at any time, and a person who holds a medical marijuana establishment registration certificate must make himself or herself, or a designee thereof, available and present for any inspection by the Division ***[Department]*** of the establishment.

8. A dual licensee, as defined in NRS 453D.030:

(a) Shall comply with the regulations adopted by the Department pursuant to paragraph (k) of subsection 1 of NRS 453D.200 with respect to the medical marijuana establishment operated by the dual licensee; and

(b) May, to the extent authorized by such regulations, combine the location or operations of the medical marijuana establishment operated by the dual licensee with the marijuana establishment, as defined in NRS 453D.030, operated by the dual licensee.

9. A medical marijuana establishment shall not dispense or otherwise sell marijuana, edible marijuana products or marijuana-infused products from a vending machine or allow such a vending machine to be installed at

the interior or exterior of the premises of the medical marijuana establishment.

Sec. 39. NRS 453A.354 is hereby amended to read as follows:

453A.354 1. Each medical marijuana establishment, in consultation with the ~~[~~Division,~~]~~ ***Department,*** shall maintain an electronic verification system.

2. The electronic verification system required pursuant to subsection 1 must be able to monitor and report information, including, without limitation:

(a) In the case of a medical marijuana dispensary, for each person who holds a valid registry identification card ~~***[is listed in the medical marijuana registry]***~~ and who purchased marijuana from the dispensary in the immediately preceding 60-day period:

(1) The number ~~***[date of birth]***~~ of the card; ~~***[person;]***~~

(2) The date on which the card ~~***[person]***~~ was issued; ~~***[listed in the medical marijuana registry;]***~~ and

(3) The date on which the card ~~***[listing of the person in the medical marijuana registry]***~~ will expire.

(b) For each medical marijuana establishment agent who is employed by or volunteers at the medical marijuana establishment, the number of the person's medical marijuana establishment agent registration card.

(c) In the case of a medical marijuana dispensary, such information as may be required by the ~~[~~Division~~]~~ ***Department*** by regulation regarding persons who are not residents of this State and who have purchased marijuana from the dispensary.

(d) Verification of the identity of a person to whom marijuana, edible marijuana products or marijuana-infused products are sold or otherwise distributed.

(e) Such other information as the ~~[~~Division~~]~~ ***Department*** may require.

3. Nothing in this section prohibits more than one medical marijuana establishment from co-owning an electronic verification system in cooperation with other medical marijuana establishments, or sharing the information obtained therefrom.

4. A medical marijuana establishment must exercise reasonable care to ensure that the personal identifying information of persons who hold registry identification cards ~~***[are listed in the medical marijuana registry]***~~ which is contained in an electronic verification system is encrypted, protected and not divulged for any purpose not specifically authorized by law.

Sec. 40. NRS 453A.356 is hereby amended to read as follows:

453A.356 1. Each medical marijuana establishment, in consultation with the ~~[~~Division,~~]~~ ***Department,*** shall maintain an inventory control system.

2. The inventory control system required pursuant to subsection 1 must be able to monitor and report information, including, without limitation:

(a) Insofar as is practicable, the chain of custody and current whereabouts, in real time, of medical marijuana from the point that it is harvested at a cultivation facility until it is sold at a medical marijuana dispensary and, if

applicable, if it is processed at a facility for the production of edible marijuana products or marijuana-infused products;

(b) The name of each person or other medical marijuana establishment, or both, to which the establishment sold marijuana;

(c) In the case of a medical marijuana dispensary, the date on which it sold marijuana to a person who holds a registry identification card ~~***[is listed in the medical marijuana registry]***~~ and, if any, the quantity of edible marijuana products or marijuana-infused products sold, measured both by weight and potency; and

(d) Such other information as the ~~[~~Division~~]~~ ***Department*** may require.

3. Nothing in this section prohibits more than one medical marijuana establishment from co-owning an inventory control system in cooperation with other medical marijuana establishments, or sharing the information obtained therefrom.

4. A medical marijuana establishment must exercise reasonable care to ensure that the personal identifying information of persons who hold registry identification cards ~~***[are listed in the medical marijuana registry]***~~ which is contained in an inventory control system is encrypted, protected and not divulged for any purpose not specifically authorized by law.

Sec. 41. NRS 453A.358 is hereby amended to read as follows:

453A.358 ***1.*** Each medical marijuana dispensary shall ensure all of the following:

~~[~~1.~~]~~ ***(a)*** The weight, concentration and content of THC in all marijuana, edible marijuana products and marijuana-infused products that the dispensary sells is clearly and accurately stated on the product sold.

~~[~~2.~~]~~ ***(b)*** That the dispensary does not sell to a person, in any one ~~[~~14-day period, an amount~~]~~ ***transaction, more than 1 ounce*** of marijuana ***.*** ~~[~~for medical purposes that exceeds the limits set forth in NRS 453A.200.

~~3.]~~ ***(c)*** That, posted clearly and conspicuously within the dispensary, are the legal limits on the possession of marijuana for medical purposes, as set forth in NRS 453A.200.

~~[~~4.~~]~~ ***(d)*** That, posted clearly and conspicuously within the dispensary, is a sign stating unambiguously the legal limits on the possession of marijuana for medical purposes, as set forth in NRS 453A.200.

(e) That only persons who are at least 21 years of age or hold a registry identification card or letter of approval are allowed to enter the premises of the medical marijuana dispensary.

2. A medical marijuana dispensary may, but is not required to, track the purchases of marijuana for medical purposes by any person to ensure that the person does not exceed the legal limits on the possession of marijuana for medical purposes, as set forth in NRS 453A.200. The Department shall not adopt a regulation or in any other way require a medical marijuana dispensary to track the purchases of a person or determine whether the person has exceeded the legal limits on the

possession of marijuana for medical purposes, as set forth in NRS 453A.200.

3. A medical marijuana dispensary which is a dual licensee, as defined in NRS 453D.030, may, to the extent authorized by the regulations adopted by the Department pursuant to paragraph (k) of subsection 1 of NRS 453D.200, allow any person who is at least 21 years of age to enter the premises of the medical marijuana dispensary, regardless of whether such a person holds a valid registry identification card or letter of approval.

Sec. 42. NRS 453A.360 is hereby amended to read as follows:

453A.360 Each medical marijuana dispensary and facility for the production of edible marijuana products or marijuana-infused products shall, in consultation with the ~~[~~Division,~~]~~ ***Department,*** cooperate to ensure that all edible marijuana products and marijuana-infused products offered for sale:

1. Are labeled clearly and unambiguously as medical marijuana.
2. Are not presented in packaging that is appealing to children.
3. Are regulated and sold on the basis of the concentration of THC in the products and not by weight.
4. Are packaged and labeled in such a manner as to allow tracking by way of an inventory control system.

Sec. 43. NRS 453A.364 is hereby amended to read as follows:

453A.364 ~~[~~1. The State of Nevada and the medical marijuana dispensaries in this State which hold valid medical marijuana establishment registration certificates will recognize a nonresident card only under the following circumstances:

(a) The state or jurisdiction from which the holder or bearer obtained the nonresident card grants an exemption from criminal prosecution for the medical use of marijuana;

(b) The state or jurisdiction from which the holder or bearer obtained the nonresident card requires, as a prerequisite to the issuance of such a card, that a physician advise the person that the medical use of marijuana may mitigate the symptoms or effects of the person's medical condition;

(c) The nonresident card has an expiration date and has not yet expired;

(d) The holder or bearer of the nonresident card signs an affidavit in a form prescribed by the Division which sets forth that the holder or bearer is entitled to engage in the medical use of marijuana in his or her state or jurisdiction of residence; and

(e) The holder or bearer of the nonresident card agrees to abide by, and does abide by, the legal limits on the possession of marijuana for medical purposes in this State, as set forth in NRS 453A.200.

2. For the purposes of the reciprocity described in this section:

(a) The amount of medical marijuana that the holder or bearer of a nonresident card is entitled to possess in his or her state or jurisdiction of residence is not relevant; and

~~(b) Under no circumstances, while in this State, may the holder or bearer of a nonresident card possess marijuana for medical purposes in excess of the limits set forth in NRS 453A.200.~~

~~3. As used in this section, "nonresident card" means a card or other identification that:~~

~~(a) Is issued by a state or jurisdiction other than Nevada; and~~

~~(b) Is the functional equivalent of a registry identification card or letter of approval, as determined by the Division.~~**]**

1. A person who is not a resident of this State, but who is authorized to engage in the medical use of marijuana under the laws of his or her state or jurisdiction of residence, is deemed to ***[be listed in the medical marijuana registry]*** ***hold a valid registry identification card for the purpose of the exemption from state prosecution described in subsection 1 of NRS 453A.200 if the person abides by the legal limits on the possession, delivery and production of marijuana for medical purposes in this State, as set forth in NRS 453A.200.***

2. A medical marijuana dispensary may dispense marijuana to a person described in subsection 1 if the person presents to the medical marijuana dispensary any document which is valid to prove the authorization of the person to engage in the medical use of marijuana under the laws of his or her state or jurisdiction of residence. Such documentation may include, without limitation, written documentation from a physician if, under the laws of the person's state or jurisdiction of residence, written documentation from a physician is sufficient to exempt the person from prosecution for engaging in the medical use of marijuana.

Sec. 44. NRS 453A.366 is hereby amended to read as follows:

453A.366 1. A patient who holds a valid registry identification card or letter of approval and his or her designated primary caregiver, if any, ***[person who is listed in the medical marijuana registry]*** may select one medical marijuana dispensary to serve as his or her designated medical marijuana dispensary at any one time.

2. A patient who designates a medical marijuana dispensary as described in subsection 1:

(a) Shall communicate the designation to the Division ***and the Department*** within the time specified by the ~~[Division.]~~ ***Department.***

(b) May change his or her designation not more than once in a 30-day period.

Sec. 45. NRS 453A.368 is hereby amended to read as follows:

453A.368 1. The ~~[Division]~~ ***Department*** shall establish standards for and certify one or more private and independent testing laboratories to test marijuana, edible marijuana products and marijuana-infused products that are to be sold in this State.

2. Such an independent testing laboratory must be able to determine accurately, with respect to marijuana, edible marijuana products and

marijuana-infused products that are sold or will be sold at medical marijuana dispensaries in this State:

(a) The concentration therein of THC and cannabidiol.

(b) The presence and identification of molds and fungus.

(c) The composition of the tested material.

(d) The presence of chemicals in the tested material, including, without limitation, pesticides, herbicides or growth regulators.

3. To obtain certification by the ~~[~~Division~~]~~ ***Department*** on behalf of an independent testing laboratory, an applicant must:

(a) Apply successfully as required pursuant to NRS 453A.322.

(b) Pay the fees required pursuant to NRS 453A.344.

Sec. 46. NRS 453A.369 is hereby amended to read as follows:

453A.369 The ~~[~~Division~~]~~ ***Department*** may enter into an interlocal agreement pursuant to NRS 277.080 to 277.180, inclusive, to carry out the provisions of NRS 453A.320 to 453A.370, inclusive.

Sec. 47. NRS 453A.370 is hereby amended to read as follows:

453A.370 The ~~[~~Division~~]~~ ***Department*** shall adopt such regulations as it determines to be necessary or advisable to carry out the provisions of NRS 453A.320 to 453A.370, inclusive. Such regulations are in addition to any requirements set forth in statute and must, without limitation:

1. Prescribe the form and any additional required content of registration and renewal applications submitted pursuant to NRS 453A.322 and 453A.332.

2. Set forth rules pertaining to the safe and healthful operation of medical marijuana establishments, including, without limitation:

(a) The manner of protecting against diversion and theft without imposing an undue burden on medical marijuana establishments or compromising the confidentiality of the holders of registry identification cards and letters of approval. ~~[~~***persons who are listed in the medical marijuana registry.***~~]~~

(b) Minimum requirements for the oversight of medical marijuana establishments.

(c) Minimum requirements for the keeping of records by medical marijuana establishments.

(d) Provisions for the security of medical marijuana establishments, including, without limitation, requirements for the protection by a fully operational security alarm system of each medical marijuana establishment.

(e) Procedures pursuant to which medical marijuana dispensaries must use the services of an independent testing laboratory to ensure that any marijuana, edible marijuana products and marijuana-infused products sold by the dispensaries to end users are tested for content, quality and potency in accordance with standards established by the ~~[~~Division.~~]~~ ***Department.***

(f) Procedures pursuant to which a medical marijuana dispensary will be notified by the ~~[~~Division~~]~~ ***Department*** if a patient who holds a valid registry identification card or letter of approval ~~[~~***Department if a person who is listed***

in the medical marijuana registry] has chosen the dispensary as his or her designated medical marijuana dispensary, as described in NRS 453A.366.

3. Establish circumstances and procedures pursuant to which the maximum fees set forth in NRS 453A.344 may be reduced over time ~~[:~~

~~(a) To]~~ ***to*** ensure that the fees imposed pursuant to NRS 453A.344 are, insofar as may be practicable, revenue neutral . ~~[; and~~

~~(b) To reflect gifts and grants received by the Division ***Director*** pursuant to NRS 453A.720.]~~

4. Set forth the amount of usable marijuana that a medical marijuana dispensary may dispense to a person who holds a valid registry identification card, including, without limitation, a designated primary caregiver, ~~***[is listed in the medical marijuana registry]***~~ in any one 14-day period. Such an amount must not exceed the limits set forth in NRS 453A.200.

5. As far as possible while maintaining accountability, protect the identity and personal identifying information of each person who receives, facilitates or delivers services in accordance with this chapter.

6. In cooperation with the Board of Medical Examiners and the State Board of Osteopathic Medicine, establish a system to:

(a) Register and track attending physicians who advise their patients that the medical use of marijuana may mitigate the symptoms or effects of the patient's medical condition;

(b) Insofar as is possible, track and quantify the number of times an attending physician described in paragraph (a) makes such an advisement; and

(c) Provide for the progressive discipline of attending physicians who advise the medical use of marijuana at a rate at which the ***Department, in consultation with the*** Division , ~~***[Department]***~~ and Board determine and agree to be unreasonably high.

7. Establish different categories of medical marijuana establishment agent registration cards, including, without limitation, criteria for training and certification, for each of the different types of medical marijuana establishments at which such an agent may be employed or volunteer or provide labor as a medical marijuana establishment agent.

8. Provide for the maintenance of a log by the ***Department, in consultation with the*** Division , ~~***[Department]***~~ of each person who is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.200. The ~~[Division]~~ ***Department*** shall ensure that the contents of the log are available for verification by law enforcement personnel 24 hours a day.

9. Address such other matters as may assist in implementing the program of dispensation contemplated by NRS 453A.320 to 453A.370, inclusive.

Sec. 48. NRS 453A.400 is hereby amended to read as follows:

453A.400 1. The fact that a person ~~***[is listed in the medical marijuana registry or]***~~ possesses a registry identification card ~~***[letter of registration]***~~ or letter of approval issued to the person by the Division ~~***[Department]***~~ or its

designee pursuant to NRS 453A.220 ~~[,]~~ or 453A.250, a medical marijuana establishment registration certificate issued to the person by the ~~[Division]~~ ***Department*** or its designee pursuant to NRS 453A.322 or a medical marijuana establishment agent registration card issued to the person by the ~~[Division]~~ ***Department*** or its designee pursuant to NRS 453A.332 does not, alone:

(a) Constitute probable cause to search the person or the person's property; or

(b) Subject the person or the person's property to inspection by any governmental agency.

2. Except as otherwise provided in this subsection, if officers of a state or local law enforcement agency seize marijuana, paraphernalia or other related property from a person engaged in, facilitating or assisting in the medical use of marijuana:

(a) The law enforcement agency shall ensure that the marijuana, paraphernalia or other related property is not destroyed while in the possession of the law enforcement agency.

(b) Any property interest of the person from whom the marijuana, paraphernalia or other related property was seized must not be forfeited pursuant to any provision of law providing for the forfeiture of property, except as part of a sentence imposed after conviction of a criminal offense.

(c) Upon:

(1) A decision not to prosecute;

(2) The dismissal of charges; or

(3) Acquittal,

➥ the law enforcement agency shall, to the extent permitted by law, return to that person any usable marijuana, marijuana plants, paraphernalia or other related property that was seized. The provisions of this subsection do not require a law enforcement agency to care for live marijuana plants.

Sec. 49. NRS 453A.500 is hereby amended to read as follows:

453A.500 The Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable, shall not take any disciplinary action against an attending physician on the basis that the attending physician:

1. ~~[Advised]~~ ***Regardless of whether the person is a resident of this State, advised*** a person whom the attending physician has diagnosed as having a chronic or debilitating medical condition, or a person whom the attending physician knows has been so diagnosed by another physician licensed to practice medicine pursuant to the provisions of chapter 630 of NRS or licensed to practice osteopathic medicine pursuant to the provisions of chapter 633 of NRS:

(a) About the possible risks and benefits of the medical use of marijuana; or

(b) That the medical use of marijuana may mitigate the symptoms or effects of the person's chronic or debilitating medical condition,

➥ if the advice is based on the attending physician's personal assessment of the person's medical history and current medical condition.

2. Provided ***or maintained*** the written documentation ***or signature, as applicable,*** required pursuant to paragraph (a) of subsection 2 of NRS 453A.210 for the issuance of a registry identification card or letter of approval or pursuant to subparagraph (1) of paragraph (b) of subsection 1 of NRS 453A.230 for the renewal of a registry identification card or letter of approval ***[for a person to be listed in the medical marijuana registry or for the renewal of a person's listing in the medical marijuana registry,]*** **,** ***or any similar documentation required for the person to be authorized to engage in the medical use of marijuana pursuant to the laws of another state or jurisdiction,*** if:

(a) Such documentation is based on the attending physician's personal assessment of the person's medical history and current medical condition; and

(b) The physician has advised the person about the possible risks and benefits of the medical use of marijuana.

Sec. 50. ~~[NRS 453A.510 is hereby amended to read as follows:~~

~~453A.510 A professional licensing board shall not take any disciplinary action against a person licensed by the board on the basis that:~~

~~1. The person engages in or has engaged in the medical use of marijuana in accordance with the provisions of this chapter; or~~

~~2. The person acts as or has acted as the designated primary caregiver of a person who [holds a registry identification card or letter of approval issued to him or her pursuant to paragraph (a) of subsection 1 of NRS 453A.220.] is listed in the medical marijuana registry.]~~ **(Deleted by amendment.)**

Sec. 51. NRS 453A.700 is hereby amended to read as follows:

453A.700 1. Except as otherwise provided in this section **,** ~~[and]~~ NRS 239.0115 ~~[,]~~ and subsection 4 of NRS 453A.210, the Division ***and the Department*** shall not disclose:

(a) The contents of any tool used by the ~~[~~Division~~]~~ ***Department*** to evaluate an applicant or its affiliate.

(b) Any information, documents or communications provided to the ~~[~~Division~~]~~ ***Department*** by an applicant or its affiliate pursuant to the provisions of this chapter, without the prior written consent of the applicant or affiliate or pursuant to a lawful court order after timely notice of the proceedings has been given to the applicant or affiliate.

(c) The name or any other identifying information of:

(1) An attending physician; or

(2) A person who has applied for or to whom the Division ~~[Department]~~ or its designee has issued a registry identification card ~~[letter of registration]~~ or letter of approval.

➥ Except as otherwise provided in NRS 239.0115, the items of information described in this subsection are confidential, not subject to subpoena or discovery and not subject to inspection by the general public.

2. Notwithstanding the provisions of subsection 1, the Division ***[Department]*** or its designee may release the name and other identifying information of a person to whom the Division ***[Department]*** or its designee has issued a registry identification card ***[letter of registration]*** or letter of approval to:

(a) Authorized employees of the Division ***[Department]*** or its designee as necessary to perform official duties of the Division; ***[Department;]*** and

(b) Authorized employees of state and local law enforcement agencies, only as necessary to verify that a person is the lawful holder of a registry identification card or letter of approval issued to him or her pursuant to NRS 453A.220 or 453A.250. ***[listed in the medical marijuana registry.]***

Sec. 52. ~~[NRS 453A.710 is hereby amended to read as follows:~~

~~453A.710 1. A person may submit to the~~ **[**~~Division~~**]** ***Department*** ~~a petition requesting that a particular disease or condition be included among the diseases and conditions that qualify as chronic or debilitating medical conditions pursuant to NRS 453A.050.~~

~~2. The~~ **[**~~Division~~**]** ***Department*** ~~shall adopt regulations setting forth the manner in which the~~ **[**~~Division~~**]** ***Department*** ~~will accept and evaluate petitions submitted pursuant to this section. The regulations must provide, without limitation, that:~~

~~(a) The~~ **[**~~Division~~**]** ***Department*** ~~will approve or deny a petition within 180 days after the~~ **[**~~Division~~**]** ***Department*** ~~receives the petition; and~~

~~(b) The decision of the~~ **[**~~Division~~**]** ***Department*** ~~to deny a petition is a final decision for the purposes of judicial review.~~**]** **(Deleted by amendment.)**

Sec. 53. NRS 453A.720 is hereby amended to read as follows:

453A.720 1. The Administrator of the Division ***[Director]*** ***or his or her designee*** may apply for or accept any gifts, grants, donations or contributions from any source to carry out the provisions of this chapter **[**.**]** ***governing the issuance of registry identification cards and letters of approval and the regulation of the holders of such cards and letters.***

2. Any money the Administrator ***[Director]*** ***or his or her designee*** receives pursuant to subsection 1 must be deposited in the State Treasury pursuant to NRS 453A.730.

Sec. 54. NRS 453A.730 is hereby amended to read as follows:

453A.730 1. Any money the Administrator of the Division ***[Director]*** ***or his or her designee*** receives pursuant to NRS 453A.720 or that is appropriated to carry out the provisions of this chapter **[**.**]** ***governing the issuance of registry identification cards and letters of approval and the regulation of the holders of such cards and letters:***

(a) Must be deposited in the State Treasury and accounted for separately in the State General Fund;

(b) May only be used to carry out:

(1) The provisions of this chapter **[**,**]** ***governing the issuance of registry identification cards and letters of approval and the regulation of the holders of such cards and letters,*** including the dissemination of information

concerning ~~[the]~~ ***those*** provisions ~~[of this chapter]~~ and such other information as determined appropriate by the Administrator; ~~***[Director;]***~~ and

(2) Alcohol and drug abuse programs pursuant to NRS 458.094; and

(c) Does not revert to the State General Fund at the end of any fiscal year.

2. ~~***[The Director shall annually:***~~

~~***(a) Determine the amount of money necessary to carry out the provisions of this chapter pursuant to subparagraph (1) of paragraph (b) of subsection 1;***~~

~~***(b) Notify the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services of any amount of money in the account in excess of the amount determined pursuant to paragraph (a); and***~~

~~***(c) In consultation with the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services, use the excess money in the account to carry out alcohol and drug abuse programs pursuant to NRS 458.094.***~~

~~***3.]***~~ The Administrator of the Division ~~***[Director]***~~ shall administer the account. Any interest or income earned on the money in the account must be credited to the account. Any claims against the account must be paid as other claims against the State are paid.

Sec. 55. NRS 453A.740 is hereby amended to read as follows:

453A.740 The Administrator of the Division ~~***[Director]***~~ shall adopt such regulations as the Administrator ~~***[Director]***~~ determines are necessary to carry out the provisions of this chapter ~~**[.]**~~ ***governing the issuance of registry identification cards and letters of approval and the regulation of the holders of such cards and letters.*** The regulations must set forth, without limitation :

1. Procedures ~~***[, procedures]***~~ pursuant to which the Division ~~***[Department]***~~ will issue a registry identification card ~~***[letter of registration]***~~ or letter of approval ~~**[,]**~~ or, in cooperation with the Department of Motor Vehicles, cause a registry identification card to be prepared and issued to a qualified person as a type of identification card described in NRS 483.810 to 483.890, inclusive. The procedures described in this subsection must provide that the Division will:

(a) Issue a registry identification card or letter of approval to a qualified person; or

(b) Designate the Department of Motor Vehicles to issue a registry identification card to a person if:

(1) The person presents to the Department of Motor Vehicles valid documentation issued by the Division indicating that the Division has approved the issuance of a registry identification card to the person; and

(2) The Department of Motor Vehicles, before issuing the registry identification card, confirms by telephone or other reliable means that the Division has approved the issuance of a registry identification card to the person.

2. That if the Division issues a registry identification card pursuant to subsection 1, the Division may charge and collect any fee authorized for the issuance of an identification card described in NRS 483.810 to 483.890, inclusive.

3. Fees for ~~[~~:

~~(a) Providing to an applicant an application for a registry identification card or letter of approval, which fee must not exceed $25; and~~

~~(b) Processing~~~~]~~ ***processing*** and issuing a registry identification card or letter of approval, which ~~[~~fee~~]~~ must not exceed ~~[~~$75.~~]~~ ***:***

(a) For a registry identification card or letter of approval which is valid for 1 year, $50.

(b) For a registry identification card or letter of approval which is valid for 2 years, $100.

Sec. 56. ~~[NRS 453A.800 is hereby amended to read as follows:~~

~~453A.800 The provisions of this chapter do not:~~

~~1. Require an insurer, organization for managed care or any person or entity who provides coverage for a medical or health care service to pay for or reimburse a person for costs associated with the medical use of marijuana.~~

~~2. Require any employer to allow the medical use of marijuana in the workplace.~~

~~3. Except as otherwise provided in subsection 4, require an employer to modify the job or working conditions of a person who engages in the medical use of marijuana that are based upon the reasonable business purposes of the employer but the employer must attempt to make reasonable accommodations for the medical needs of an employee who engages in the medical use of marijuana if the employee [holds a valid registry identification card,~~~~]~~ ***is listed in the medical marijuana registry,*** ~~provided that such reasonable accommodation would not:~~

~~(a) Pose a threat of harm or danger to persons or property or impose an undue hardship on the employer; or~~

~~(b) Prohibit the employee from fulfilling any and all of his or her job responsibilities.~~

~~4. Prohibit a law enforcement agency from adopting policies and procedures that preclude an employee from engaging in the medical use of marijuana.~~

~~5. As used in this section, "law enforcement agency" means:~~

~~(a) The Office of the Attorney General, the office of a district attorney within this State or the Nevada Gaming Control Board and any attorney, investigator, special investigator or employee who is acting in his or her professional or occupational capacity for such an office or the Nevada Gaming Control Board; or~~

~~(b) Any other law enforcement agency within this State and any peace officer or employee who is acting in his or her professional or occupational capacity for such an agency.~~~~]~~ **(Deleted by amendment.)**

Sec. 56.5. Chapter 453D of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 56.7 and 56.9 of this act.**

Sec. 56.7. A marijuana establishment shall not dispense or otherwise sell marijuana or marijuana products from a vending machine or allow such a vending machine to be installed at the interior or exterior of the premises of the marijuana establishment.

Sec. 56.9. 1. When conducting a background check pursuant to subsection 6 of NRS 453D.200, the Department may require each prospective owner, officer and board member of a marijuana establishment license applicant to submit a complete set of fingerprints and written permission authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

2. When determining the criminal history of a person pursuant to paragraph (c) of subsection 1 of NRS 453D.300, a marijuana establishment may require the person to submit to the Department a complete set of fingerprints and written permission authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

Sec. 57. ~~[NRS 176.01247 is hereby amended to read as follows:~~

~~176.01247 1. There is hereby created the Subcommittee on the Medical Use of Marijuana of the Commission.~~

~~2. The Chair of the Commission shall appoint the members of the Subcommittee. The Subcommittee must consist of legislative and nonlegislative members, including, without limitation:~~

~~(a) At least four Legislators, who may or may not be members of the Commission.~~

~~(b) A representative of the Division of Public and Behavioral Health of the Department of Health and Human Services.~~

~~(c) A patient who [holds a valid registry identification card to engage in the medical use of marijuana pursuant to chapter 453A of NRS.]~~ ***is listed in the medical marijuana registry, as defined in section 4 of this act.***

~~(d) An owner or operator of a cultivation facility that is certified to operate pursuant to chapter 453A of NRS.~~

~~(e) An owner or operator of a facility for the production of edible marijuana products or marijuana-infused products that is certified to operate pursuant to chapter 453A of NRS.~~

~~(f) An owner or operator of a medical marijuana dispensary that is certified to operate pursuant to chapter 453A of NRS.~~

~~(g) A representative of the Attorney General.~~

~~(h) A representative of a civil liberties organization.~~

~~(i) A representative of an organization which advocates for persons who use marijuana for medicinal purposes.~~

~~(j) A representative of a law enforcement agency located within the jurisdiction of Clark County.~~

~~(k) A representative of a law enforcement agency located within the jurisdiction of Washoe County.~~

~~(l) A representative of local government.~~

~~3. The Chair of the Commission shall designate one of the legislative members of the Commission as Chair of the Subcommittee.~~

~~4. The Subcommittee shall meet at the times and places specified by a call of the Chair. A majority of the members of the Subcommittee constitutes a quorum, and a quorum may exercise any power or authority conferred on the Subcommittee.~~

~~5. The Subcommittee shall:~~

~~(a) Consider issues concerning the medical use of marijuana, the dispensation of marijuana for medical use and the implementation of provisions of law providing for the dispensation of marijuana for medical use; and~~

~~(b) Evaluate, review and submit a report to the Commission with recommendations concerning such issues.~~

~~6. Any Legislators who are members of the Subcommittee are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Subcommittee.~~

~~7. While engaged in the business of the Subcommittee, to the extent of legislative appropriation, each member of the Subcommittee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.~~**] (Deleted by amendment.)**

Sec. 58. ~~**[**NRS 207.335 is hereby amended to read as follows:~~

~~207.335 1. It is unlawful for any person to:~~

~~(a) Counterfeit or forge or attempt to counterfeit or forge a~~ **[**~~registry identification card~~**]** ***letter of registration*** ~~or letter of approval; or~~

~~(b) Have in his or her possession with the intent to use any counterfeit or forged~~ **[**~~registry identification card~~**]** ***letter of registration*** ~~or letter of approval.~~

~~2. Any person who violates the provisions of subsection 1 is guilty of a category E felony and shall be punished as provided in NRS 193.130.~~

~~3. As used in this section:~~

~~(a) "Letter of approval" has the meaning ascribed to it in NRS 453A.109.~~

~~(b)~~ **[**~~"Registry identification card"~~**]** ***"Letter of registration"*** ~~has the meaning ascribed to it in NRS 453A.140.~~**] (Deleted by amendment.)**

Sec. 58.5. NRS 212.160 is hereby amended to read as follows:

212.160 1. A person, who is not authorized by law, who knowingly furnishes, attempts to furnish, or aids or assists in furnishing or attempting to furnish to a prisoner confined in an institution of the Department of Corrections, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, any deadly weapon, explosive, a

facsimile of a firearm or an explosive, any controlled substance or intoxicating liquor, shall be punished:

(a) Where a deadly weapon, controlled substance, explosive or a facsimile of a firearm or explosive is involved, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

(b) Where an intoxicant is involved, for a gross misdemeanor.

2. Knowingly leaving or causing to be left any deadly weapon, explosive, facsimile of a firearm or explosive, controlled substance or intoxicating liquor where it may be obtained by any prisoner constitutes, within the meaning of this section, the furnishing of the article to the prisoner.

3. A prisoner confined in an institution of the Department of Corrections, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, who possesses a controlled substance without lawful authorization ***or marijuana or marijuana paraphernalia, regardless of whether the person ~~[is listed in the medical marijuana registry, as defined in section 4 of this act,]~~ holds a valid registry identification card to engage in the medical use of marijuana pursuant to chapter 453A of NRS,*** is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 59. ~~[NRS 284.4062 is hereby amended to read as follows:~~

~~284.4062 1. Except as otherwise provided in subsections 3 and 4, an employee who:~~

~~(a) Consumes or is under the influence of alcohol while on duty, unless the alcohol is an integral part of a commonly recognized medication which the employee consumes pursuant to the manufacturer's instructions or in accordance with a lawfully issued prescription;~~

~~(b) Possesses, consumes or is under the influence of a controlled substance while on duty, at a work site or on state property, except in accordance with a lawfully issued prescription; or~~

~~(c) Consumes or is under the influence of any other drug which could interfere with the safe and efficient performance of the employee's duties, unless the drug is an integral part of a commonly recognized medication which the employee consumes pursuant to the manufacturer's instructions or in accordance with a lawfully issued prescription,~~

~~* is subject to disciplinary action. An appointing authority may summarily discharge an employee who, within a period of 5 years, commits a second act which would subject the employee to disciplinary action pursuant to this subsection.~~

~~2. Except as otherwise provided in subsection 3, a state agency shall refer an employee who:~~

~~(a) Tests positive for the first time in a screening test; and~~

~~(b) Has committed no other acts for which the employee is subject to termination during the course of conduct giving rise to the screening test,~~

~~➥ to an employee assistance program. An employee who fails to accept such a referral or fails to complete such a program successfully is subject to further disciplinary action.~~

~~3. The Commission may adopt regulations setting forth the circumstances under which a person who [holds a valid registry identification card to engage in the medical use of marijuana pursuant to chapter 453A of NRS] *is listed in the medical marijuana registry, as defined in section 4 of this act,* is subject to disciplinary action pursuant to subsection 1 or must be referred to an employee assistance program pursuant to subsection 2.~~

~~4. Subsection 1 does not apply to:~~

~~(a) An employee who consumes alcohol in the course of the employment of the employee while hosting or attending a special event.~~

~~(b) A peace officer who possesses a controlled substance or consumes alcohol within the scope of the peace officer's duties.]~~ **(Deleted by amendment.)**

Sec. 60. ~~[NRS 284.4063 is hereby amended to read as follows:~~

~~284.4063 1. Except as otherwise provided in subsection 2 and subsection 5 of NRS 284.4065, an employee who:~~

~~(a) Fails to notify the employee's supervisor as soon as possible after consuming any drug which could interfere with the safe and efficient performance of the employee's duties;~~

~~(b) Fails or refuses to submit to a screening test as requested by a state agency pursuant to subsection 1 or 2 of NRS 284.4065; or~~

~~(c) After taking a screening test which indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested by the employee's appointing authority, that the employee had taken the controlled substance as directed pursuant to a current and lawful prescription issued in the employee's name,~~

~~➥ is subject to disciplinary action.~~

~~2. The Commission may adopt regulations setting forth the circumstances under which a person who [holds a valid registry identification card to engage in the medical use of marijuana pursuant to chapter 453A of NRS] *is listed in the medical marijuana registry, as defined in section 4 of this act,* is subject to disciplinary action pursuant to this section.]~~ **(Deleted by amendment.)**

Sec. 61. ~~[NRS 284.4064 is hereby amended to read as follows:~~

~~284.4064 1. If an employee informs the employee's appointing authority that the employee has consumed any drug which could interfere with the safe and efficient performance of the employee's duties, the appointing authority may require the employee to obtain clearance from the employee's physician before the employee continues to work.~~

~~2. If an appointing authority reasonably believes, based upon objective facts, that an employee's ability to perform the employee's duties safely and efficiently:~~

~~(a) May be impaired by the consumption of alcohol or other drugs, it may ask the employee whether the employee has consumed any alcohol or other drugs and, if so:~~

~~(1) The amount and types of alcohol or other drugs consumed and the time of consumption;~~

~~(2) If a controlled substance other than marijuana was consumed, the name of the person who prescribed its use; and~~

~~(3) If marijuana was consumed, to provide proof that the employee~~ **[**~~holds a valid registry identification card to engage in the medical use of marijuana pursuant to chapter 453A of NRS.~~**]** ***~~is listed in the medical marijuana registry, as defined in section 4 of this act.~~***

~~(b) Is impaired by the consumption of alcohol or other drugs, it shall prevent the employee from continuing work and transport the employee or cause the employee to be transported safely away from the employee's place of employment in accordance with regulations adopted by the Commission.~~**]**

(Deleted by amendment.)

Sec. 62. **[**~~NRS 284.4066 is hereby amended to read as follows:~~

~~284.4066 1. Each appointing authority shall, subject to the approval of the Commission, determine whether each of its positions of employment affects the public safety. The appointing authority shall not hire an applicant for such a position unless the applicant submits to a screening test to detect the general presence of a controlled substance. Notice of the provisions of this section must be given to each applicant for such a position at or before the time of application.~~

~~2. An appointing authority shall consider the results of a screening test in determining whether to employ an applicant. If those results indicate the presence of a controlled substance other than marijuana, the appointing authority shall not hire the applicant unless the applicant provides, within 72 hours after being requested, proof that the applicant had taken the controlled substance as directed pursuant to a current and lawful prescription issued in the applicant's name.~~

~~3. An appointing authority shall, at the request of an applicant, provide the applicant with the results of the applicant's screening test.~~

~~4. If the results of a screening test indicate the presence of a controlled substance, the appointing authority shall:~~

~~(a) Provide the Administrator with the results of the applicant's screening test.~~

~~(b) If applicable, inform the Administrator whether the applicant~~ **[**~~holds a valid registry identification card to engage in the medical use of marijuana pursuant to chapter 453A of NRS.~~**]** ***~~is listed in the medical marijuana registry, as defined in section 4 of this act.~~***

~~— 5. The Commission may adopt regulations relating to an applicant for a position which affects the public safety who tests positive for marijuana and [holds a valid registry identification card to engage in the medical use of marijuana pursuant to chapter 453A of NRS.] *is listed in the medical marijuana registry, as defined in section 4 of this act.]*~~ **(Deleted by amendment.)**

Sec. 63. ~~[NRS 484C.210 is hereby amended to read as follows:~~

~~— 484C.210 1. If a person fails to submit to an evidentiary test as requested by a police officer pursuant to NRS 484C.160, the license, permit or privilege to drive of the person must be revoked as provided in NRS 484C.220, and the person is not eligible for a license, permit or privilege to drive for a period of:~~

~~— (a) One year; or~~

~~— (b) Three years, if the license, permit or privilege to drive of the person has been revoked during the immediately preceding 7 years for failure to submit to an evidentiary test.~~

~~— 2. If the result of a test given under NRS 484C.150 or 484C.160 shows that a person had a concentration of alcohol of 0.08 or more in his or her blood or breath or a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or [hold a valid registry identification card, as defined in NRS 453A.140,] *for which he or she was not listed in the medical marijuana registry, as defined in section 4 of this act,* at the time of the test, the license, permit or privilege of the person to drive must be revoked as provided in NRS 484C.220 and the person is not eligible for a license, permit or privilege for a period of 90 days.~~

~~— 3. If a revocation of a person's license, permit or privilege to drive under NRS 62E.640 or 483.460 follows a revocation under subsection 2 which was based on the person having a concentration of alcohol of 0.08 or more in his or her blood or breath, the Department shall cancel the revocation under that subsection and give the person credit for any period during which the person was not eligible for a license, permit or privilege.~~

~~— 4. Periods of ineligibility for a license, permit or privilege to drive which are imposed pursuant to this section must run consecutively.]~~ **(Deleted by amendment.)**

Sec. 64. ~~[NRS 484C.220 is hereby amended to read as follows:~~

~~— 484C.220 1. As agent for the Department, the officer who requested that a test be given pursuant to NRS 484C.150 or 484C.160 or who obtained the result of a test given pursuant to NRS 484C.150 or 484C.160 shall immediately serve an order of revocation of the license, permit or privilege to drive on a person who failed to submit to a test requested by the police officer pursuant to NRS 484C.150 or 484C.160 or who has a concentration of alcohol of 0.08 or more in his or her blood or breath or has a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in~~

~~NRS 453.128, or [hold a valid registry identification card, as defined in NRS 453A.140,]~~ ***[for which he or she was not listed in the medical marijuana registry, as defined in section 4 of this act,]*** ~~if that person is present, and shall seize the license or permit to drive of the person. The officer shall then, unless the information is expressly set forth in the order of revocation, advise the person of his or her right to administrative and judicial review of the revocation pursuant to NRS 484C.230 and, except as otherwise provided in this subsection, that the person has a right to request a temporary license. If the person currently is driving with a temporary license that was issued pursuant to this section or NRS 484C.230, the person is not entitled to request an additional temporary license pursuant to this section or NRS 484C.230, and the order of revocation issued by the officer must revoke the temporary license that was previously issued. If the person is entitled to request a temporary license, the officer shall issue the person a temporary license on a form approved by the Department if the person requests one, which is effective for only 7 days including the date of issuance. The officer shall immediately transmit the person's license or permit to the Department along with the written certificate required by subsection 2.~~

~~2. When a police officer has served an order of revocation of a driver's license, permit or privilege on a person pursuant to subsection 1, or later receives the result of an evidentiary test which indicates that a person, not then present, had a concentration of alcohol of 0.08 or more in his or her blood or breath or had a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or [hold a valid registry identification card, as defined in NRS 453A.140,]~~ ***[for which he or she was not listed in the medical marijuana registry, as defined in section 4 of this act,]*** ~~the officer shall immediately prepare and transmit to the Department, together with the seized license or permit and a copy of the result of the test, if any, a written certificate that the officer had reasonable grounds to believe that the person had been driving or in actual physical control of a vehicle:~~

~~(a) With a concentration of alcohol of 0.08 or more in his or her blood or breath or with a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or [hold a valid registry identification card, as defined in NRS 453A.140,]~~ ***[for which he or she was not listed in the medical marijuana registry, as defined in section 4 of this act,]*** ~~as determined by a chemical test; or~~

~~(b) While under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine and the person refused to submit to a required evidentiary test.~~

~~The certificate must also indicate whether the officer served an order of revocation on the person and whether the officer issued the person a temporary license.~~

~~3. The Department, upon receipt of such a certificate for which an order of revocation has not been served, after examining the certificate and copy of the result of the chemical test, if any, and finding that revocation is proper, shall issue an order revoking the person's license, permit or privilege to drive by mailing the order to the person at the person's last known address. The order must indicate the grounds for the revocation and the period during which the person is not eligible for a license, permit or privilege to drive and state that the person has a right to administrative and judicial review of the revocation and to have a temporary license. The order of revocation becomes effective 5 days after mailing.~~

~~4. Notice of an order of revocation and notice of the affirmation of a prior order of revocation or the cancellation of a temporary license provided in NRS 484C.230 is sufficient if it is mailed to the person's last known address as shown by any application for a license. The date of mailing may be proved by the certificate of any officer or employee of the Department, specifying the time of mailing the notice. The notice is presumed to have been received upon the expiration of 5 days after it is deposited, postage prepaid, in the United States mail.~~**] (Deleted by amendment.)**

Sec. 65. **[**~~NRS 484C.230 is hereby amended to read as follows:~~

~~484C.230 1. At any time while a person is not eligible for a license, permit or privilege to drive following an order of revocation issued pursuant to NRS 484C.220, the person may request in writing a hearing by the Department to review the order of revocation, but the person is only entitled to one hearing. The hearing must be conducted as soon as is practicable at any location, if the hearing officer permits each party and witness to attend the hearing by telephone, videoconference or other electronic means. The Director or agent of the Director may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the requester. Unless the person is ineligible for a temporary license pursuant to NRS 484C.220, the Department shall issue an additional temporary license for a period which is sufficient to complete the administrative review.~~

~~2. The scope of the hearing must be limited to the issue of whether the person:~~

~~(a) Failed to submit to a required test provided for in NRS 484C.150 or 484C.160; or~~

~~(b) At the time of the test, had a concentration of alcohol of 0.08 or more in his or her blood or breath or a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or~~ **[**~~hold a valid registry identification card, as defined in NRS 453A.140.~~**]** ***for which he or she was not listed in the medical marijuana registry, as defined in section 4 of this act.***

~~3. Upon an affirmative finding on either issue, the Department shall affirm the order of revocation. Otherwise, the order of revocation must be rescinded.~~

~~3. If, after the hearing, the order of revocation is affirmed, the person whose license, privilege or permit has been revoked is entitled to a review of the same issues in district court in the same manner as provided by chapter 233B of NRS. The court shall notify the Department upon the issuance of a stay, and the Department shall issue an additional temporary license for a period which is sufficient to complete the review.~~

~~4. If a hearing officer grants a continuance of a hearing at the request of the person whose license was revoked, or a court does so after issuing a stay of the revocation, the officer or court shall notify the Department, and the Department shall cancel the temporary license and notify the holder by mailing the order of cancellation to the person's last known address.~~**]** **(Deleted by amendment.)**

Sec. 65.5. ~~[On or before June 30, 2017, the Division of Public and Behavioral Health of the Department of Health and Human Services shall ensure that the name, date of birth and unique identification number of each person who, on June 30, 2017, holds a valid registry identification card or valid letter of approval issued by the Division is entered into the medical marijuana registry of the Department of Taxation established pursuant to section 5 of this act.~~**]** **(Deleted by amendment.)**

Sec. 66. 1. ~~[A person who holds a valid, unexpired registry identification card on July 1, 2017, shall be deemed to be listed in the medical marijuana registry until the registry identification card expires.~~

~~2.~~**]** The amendatory provisions of this act do not affect the validity of an unexpired ~~[registry identification card, letter of approval,]~~ medical marijuana establishment registration certificate or medical marijuana establishment agent registration card that was issued by the Division of Public and Behavioral Health of the Department of Health and Human Services before July 1, 2017. However, upon the expiration of such a ~~[registry identification card, letter of approval,]~~ medical marijuana establishment registration certificate or medical marijuana establishment agent registration card, a person who wishes to retain the limited exemption from state prosecution which is set forth in NRS 453A.200 must:

(a) Reapply to the Department of Taxation for a new ~~[letter of approval,]~~ medical marijuana establishment registration certificate or medical marijuana establishment agent registration card issued by that agency**.** ~~[or comply with the provisions of section 5 of this act to be listed in the medical marijuana registry, as applicable.]~~

(b) Pay any necessary fees as ~~[determined by the Department of Taxation]~~ **set forth in NRS 453A.344, as amended by section 37 of this act,** or any regulations adopted pursuant to chapter 453A of NRS.

~~[3.]~~ **2.** As used in this section:

(a) ~~[~~"Letter of approval" has the meaning ascribed to it in NRS 453A.109.

~~(b)]~~ "Medical marijuana establishment agent registration card" has the meaning ascribed to it in NRS 453A.118.

~~[(c)]~~ **(b)** "Medical marijuana establishment registration certificate" has the meaning ascribed to it in NRS 453A.119.

~~[(d) "Medical marijuana registry" has the meaning ascribed to it in section 4 of this act.~~

~~(e) "Registry identification card" means a document issued by the Division of Public and Behavioral Health of the Department of Health and Human Services or its designee that identifies:~~

~~(1) A person who is exempt from state prosecution for engaging in the medical use of marijuana; or~~

~~(2) The designated primary caregiver, if any, of a person described in subparagraph (1).]~~

Sec. 67. 1. The administrative regulations adopted by the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to chapter 453A of NRS **governing the licensing and regulation of medical marijuana establishments** remain in force and are hereby transferred to become the administrative regulations of the Department of Taxation on July 1, 2017. On and after July 1, 2017, these regulations must be interpreted in a manner so that all references to the Division of Public and Behavioral Health of the Department of Health and Human Services and its constituent parts are read and interpreted as being references to the Department of Taxation and its constituent parts, regardless of whether those references have been conformed pursuant to section 68 of this act at the time of interpretation.

2. Any contracts or other agreements entered into by the Division of Public and Behavioral Health of the Department of Health and Human Services and its constituent parts pursuant to chapter 453A of NRS **governing the licensing and regulation of medical marijuana establishments** are binding upon the Department of Taxation on and after July 1, 2017, rather than the Division of Public and Behavioral Health of the Department of Health and Human Services and its constituent parts. Such contracts and other agreements may be enforced by the Department of Taxation on and after July 1, 2017.

3. Any action taken by the Division of Public and Behavioral Health of the Department of Health and Human Services or its constituent parts pursuant to chapter 453A of NRS **governing the licensing and regulation of medical marijuana establishments** before July 1, 2017, remains in effect as if taken by the Department of Taxation or its constituent parts on and after July 1, 2017.

4. As used in this section, "medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.

Sec. 68. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred

pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 69. ~~[1. NRS 453A.090 is hereby repealed.~~

~~2.]~~ Section 24.9 of chapter 547, Statutes of Nevada 2013, at page 3728, is hereby repealed.

Sec. 70. 1. This section and sections **56.5 and 56.9 of this act become effective upon passage and approval.**

2. Sections 1 to 56, inclusive, and 57 to 69, inclusive, of this act become effective:

(a) Upon passage and approval for the purposes of adopting any regulations and performing any preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On July 1, 2017, for all other purposes.

2. Section ~~[56.5]~~ **56.7** of this act becomes effective on January 1, 2020.

~~[TEXT OF REPEALED SECTION OF NRS AND]~~

TEXT OF REPEALED SECTION OF STATUTES OF NEVADA

~~[453A.090 "Division" defined. "Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.]~~

Section 24.9 of chapter 547, Statutes of Nevada 2013, at page 3728:

Sec. 24.9. Section 19.5 of this act is hereby amended to read as follows:

Sec. 19.5 1. The State of Nevada and the medical marijuana dispensaries in this State which hold valid medical marijuana establishment registration certificates will recognize a nonresident card only under the following circumstances:

(a) The state or jurisdiction from which the holder or bearer obtained the nonresident card grants an exemption from criminal prosecution for the medical use of marijuana;

(b) The state or jurisdiction from which the holder or bearer obtained the nonresident card requires, as a prerequisite to the issuance of such a card, that a physician advise the person that the medical use of marijuana may mitigate the symptoms or effects of the person's medical condition;

(c) The nonresident card has an expiration date and has not yet expired;

(d) The ~~[~~holder or bearer of the nonresident card signs an affidavit in a form prescribed by the Division which sets forth that the holder or bearer is entitled to engage in the medical use of marijuana in his or her state or jurisdiction of residence; and~~

~~(e)~~] ***state or jurisdiction from which the holder or bearer obtained the nonresident card maintains a database which preserves such information as may be necessary to verify the authenticity or validity of the nonresident card;***

(e) The state or jurisdiction from which the holder or bearer obtained the nonresident card allows the Division and medical marijuana dispensaries in this State to access the database described in paragraph (d);

(f) The Division determines that the database described in paragraph (d) is able to provide to medical marijuana dispensaries in this State information that is sufficiently accurate, current and specific as to allow those dispensaries to verify that a person who holds or bears a nonresident card is entitled lawfully to do so; and

(g) The holder or bearer of the nonresident card agrees to abide by, and does abide by, the legal limits on the possession of marijuana for medical purposes in this State, as set forth in NRS 453A.200.

2. For the purposes of the reciprocity described in this section:

(a) The amount of medical marijuana that the holder or bearer of a nonresident card is entitled to possess in his or her state or jurisdiction of residence is not relevant; and

(b) Under no circumstances, while in this State, may the holder or bearer of a nonresident card possess marijuana for medical purposes in excess of the limits set forth in NRS 453A.200.

3. As used in this section, "nonresident card" means a card or other identification that:

(a) Is issued by a state or jurisdiction other than Nevada; and

(b) Is the functional equivalent of a registry identification card, as determined by the Division.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblymen Carlton, Ohrenschall, and Paul Anderson.

Potential conflict of interest declared by Assemblyman Ohrenschall.

Assemblyman Ohrenschall requested that his remarks be entered in the journal.

ASSEMBLYMAN OHRENSCHALL:

I have a disclosure to make. Because we are considering Assembly Bill 422, which proposes to make changes relating to medical marijuana and marijuana establishments, I would like to advise this Chamber that my wife is employed as the executive director of the Nevada Dispensary Association, a trade association consisting of medical marijuana dispensaries and medical marijuana cultivators, which actively lobbies the Legislature and other governmental entities on issues affecting its members. I have sought the advice of our Legislative Counsel, and although Assembly Bill 422 does not affect the members of the trade association that my wife is employed with any differently than other medical marijuana dispensary owners and medical marijuana cultivators, I am making this disclosure, and I am abstaining from voting on Assembly Bill 422 out of an abundance of caution.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 423.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1076.

AN ACT relating to gender equality; requiring the Nevada Commission for Women to conduct a survey of certain employers to collect data and information related to issues of gender equality in the workplace; requiring the Commission to create and maintain a database that provides information about employers that have best practices and policies on issues of gender equality and submit a report to the Governor and the Director of the Legislative Counsel Bureau; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Nevada Commission for Women which is: (1) required to study the roles of women in society; and (2) authorized to collect and disseminate information on activities, programs and essential services available to women in Nevada. (NRS 233I.020, 233I.060) **Section 2** of this bill requires the Commission, with the assistance of the Director of the Department of Administration, to design and conduct a survey of employers in this State with 100 or more employees to collect data and information related to issues of gender equality in the workplace. The Commission must use the data and information to create and maintain a database that provides information about employers that have best practices and policies on issues of gender equality in the workplace. The database must be made available on the Internet website of the Department of Administration and the Commission must submit a report to the Governor and the Director of the Legislative Counsel Bureau on issues of gender equality in the workplace.

Section 3 of this bill provides that an employer is not required to respond to the Commission's survey. **Section 3** also provides that the Commission may include an employer in the database if the Commission is otherwise able to obtain sufficient information about the employer on issues of gender equality in the workplace from the public records of state agencies.

Sections ~~[4–6]~~ 4, 5 and 6 of this bill make conforming changes.

Section 5.5 of this bill makes an appropriation from the State General Fund to the Department of Administration for personnel and information technology expenses associated with the Commission's survey.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 233I of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***With the assistance of the Director of the Department of Administration, the Commission shall:***

1. Design and conduct a survey of employers in this State for the purpose of collecting data and information from employers related to issues of gender equality in the workplace. The survey:

(a) Must be considered and approved by the Commission at a public hearing; and

(b) May be conducted using a web-based system.

2. Use the data and information collected pursuant to subsection 1:

(a) To create and maintain a database that provides information about employers that have best practices and policies on issues of gender equality in the workplace. The database must be made available to the public on the Internet website of the Department of Administration.

(b) To create and submit a report to the Governor and the Director of the Legislative Counsel Bureau on issues of gender equality in the workplace.

Sec. 3. ***1. An employer:***

(a) Is not required to respond to a survey conducted pursuant to section 2 of this act.

(b) Is not subject to any penalty if the employer does not respond to a survey conducted pursuant to section 2 of this act.

2. If an employer does not respond to such a survey, the Commission may include the employer in the database created pursuant to section 2 of this act if the Commission is otherwise able to obtain sufficient information about the employer on issues of gender equality in the workplace from the public records of state agencies.

Sec. 4. NRS 233I.010 is hereby amended to read as follows:

233I.010 As used in this chapter, unless the context otherwise requires ~~[,]~~ ***:***

1. "Commission" means the Nevada Commission for Women.

2. "Employer" means any entity that performs a service or engages in a trade for profit and has 100 or more employees.

Sec. 5. NRS 233I.080 is hereby amended to read as follows:

233I.080 1. The Director of the Department of Administration shall provide staff assistance to the Commission ***in carrying out:***

(a) The provisions of sections 2 and 3 of this act; and

(b) Other duties and responsibilities of the Commission, as the Governor deems appropriate.

2. The Commission may engage the services of volunteer workers and consultants without salary as is necessary from time to time.

Sec. 5.5. **1. There is hereby appropriated from the State General Fund to the Department of Administration for personnel and information technology expenses of the Department that are associated with assisting the Nevada Commission for Women to design and conduct a survey of employers in this State on issues of gender equality as required by the provisions of this act the following sums:**

For the Fiscal Year 2017-2018..... $107,772

For the Fiscal Year 2018-2019..... $81,672

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 21, 2018, and September 20, 2019, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 21, 2018, and September 20, 2019, respectively.

Sec. 6. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 7. This act becomes effective on July 1, 2017.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 484.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 900.

AN ACT relating to education; ~~[eliminating the position of Administrator of the Commission on Postsecondary Education and providing for the assumption of the powers and duties of the Administrator by the Deputy Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation;]~~ **revising provisions relating to the accreditation of postsecondary educational institutions;** revising the composition of the Commission ~~[; authorizing the Director of the Department to accept certain federal money for use in workforce development and adult education programs; relocating the Commission within the Division; providing for the appointment and authority of the Deputy Administrator;]~~

on Postsecondary Education; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a postsecondary educational institution is considered "accredited" if it has met the standards required by an accrediting body recognized by the United States Department of Education. (NRS 394.006) Section 2.5 of this bill provides that a postsecondary educational institution is also considered to be accredited if it is recognized as accredited directly by the United States Department of Education.

Under existing law, the Commission on Postsecondary Education is an independent body, responsible for licensing and regulating certain academic, vocational, technical and business schools and privately owned colleges and universities. (NRS 394.099, 394.383, 394.415) The Administrator of the Commission serves as its Executive Secretary and is responsible for executing or supervising the execution of the policies and regulations of the Commission, subject to its direction and control. (NRS 394.385, 394.411)

Section ~~[39]~~ 6 of this bill **~~[~~relocates~~]~~ locates** the Commission within the Employment Security Division of the Department of Employment, Training and Rehabilitation. ~~[Section 44 of this bill provides for the appointment by the Division's Administrator of a Deputy Administrator, who replaces the Administrator of the Commission and, pursuant to sections 1-36 of this bill, generally has all the powers and duties presently vested in the Administrator of the Commission. However, section 44 provides that the Deputy Administrator works under the supervision of and serves at the pleasure of the Administrator of the Division as an unclassified employee. Section 8 makes a conforming change.~~] **Section 46 of this bill makes the Administrator of the Employment Security Division responsible for the administration of the Commission, through the Administrator of the Commission. Sections 8 and 41 of this bill make conforming changes.**

The Commission presently consists of seven members appointed by the Governor, including **~~[~~two members~~]~~ one member** who **~~[~~are representatives~~]~~ is a representative** of the **~~[~~general public.~~]~~ State Board of Education.** (NRS 394.383, 394.385) ~~[Sections 6 and 44 make the Deputy Administrator an ex officio member of the Commission, and section 7 reduces, from two to one, the number of public representatives serving on the Commission.~~

~~Notwithstanding the other provisions of this bill, section 49 of this bill authorizes the current Administrator of the Commission, who is a classified employee, to serve in the position of Deputy Administrator as a classified or unclassified employee, at his or her election, while he or she remains in that position.~~] **Section 6 of this bill revises the composition of the Commission such that it consists of six voting members and one employee of the Department of Employment, Training and Rehabilitation appointed by the Director of the Department who serves as a nonvoting member.**

Section 7 of this bill eliminates the member who is a representative of the State Board of Education from the Commission.

Existing law makes certain activities related to postsecondary educational institutions unlawful. (NRS 394.560) Section 35 of this bill makes the commission of such acts a gross misdemeanor.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*"Deputy Administrator" means the Deputy Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 394.005 is hereby amended to read as follows:~~

~~394.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 394.006 to 394.112, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 2.5. NRS 394.006 is hereby amended to read as follows:

394.006 A postsecondary educational institution is "accredited" if ~~[it]~~ ***:***

1. It has met the standards required by an accrediting body recognized by the United States Department of Education ~~[.]~~ ***; or***

2. The United States Department of Education recognizes it as accredited.

Sec. 3. NRS 394.024 is hereby amended to read as follows:

394.024 "Commissioner" means any member of the Commission on Postsecondary Education **.** ~~[except the Administrator.]~~

Sec. 4. ~~[NRS 394.026 is hereby amended to read as follows:~~

~~394.026 "Confidential" means information that is subject to disclosure only to:~~

~~1. The Attorney General;~~

~~2. A member of the Commission or its staff; or~~

~~3. As deemed appropriate by the *Deputy* Administrator, a person responsible for reviewing the curriculum or financial records of a postsecondary educational institution.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 394.160 is hereby amended to read as follows:~~

~~394.160 1. Any person who has the duty, in a private school, college or university in this state, of giving instruction in the Constitution of the United States and the Constitution of the State of Nevada must show, by examination or credentials showing college, university or normal school study, satisfactory evidence of adequate knowledge of the origin, history, provisions and principles of the Constitution of the United States and the Constitution of the State of Nevada.~~

~~2. The Superintendent with respect to a private school or the *Deputy* Administrator with respect to a private college or university may grant a~~

~~reasonable time for compliance with the terms of this section.~~] **(Deleted by amendment.)**

Sec. 6. NRS 394.383 is hereby amended to read as follows:

394.383 1. The Commission on Postsecondary Education [~~, consisting~~] ***is hereby created within the Employment Security Division of the Department of Employment, Training and Rehabilitation. The Commission consists*** of [~~seven *the Deputy Administrator*~~] ***:***

(a) An employee of the Department of Employment, Training and Rehabilitation designated by the Director of the Department of Employment, Training and Rehabilitation to serve as a nonvoting member; and ~~*[six]*~~

(b) Six voting members appointed by the Governor **.** [~~, is hereby created.~~]

2. The ~~*[appointed]*~~ ***voting*** members of the Commission are entitled to receive a salary of not more than $80, as fixed by the Commission, for each day's attendance at a meeting of the Commission.

3. ***The nonvoting member of the Commission designated pursuant to paragraph (a) of subsection 1 must be relieved from his or her duties with the Department of Employment, Training and Rehabilitation without loss of regular compensation so that he or she may prepare for and attend meetings of the Commission and perform any work necessary to carry out the duties of the Commission in the most timely manner practicable. The Department may not require the member to make up time or take annual vacation or compensatory time for the time that he or she is absent from work to carry out his or her duties as a member of the Commission.***

4. While engaged in the business of the Commission, each ~~*[appointed]*~~ member [~~and employee~~] of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 7. NRS 394.385 is hereby amended to read as follows:

394.385 1. The Governor shall appoint:

(a) [~~One member who is a representative of the State Board . of Education.~~

~~(b)~~] Two members who are knowledgeable in the field of education, but not persons representing postsecondary educational institutions, or colleges established or maintained under the laws of this State.

[~~(c)~~] ***(b)*** Two members who are representatives of private postsecondary educational institutions.

[~~(d)~~] ***(c)*** Two members ~~*[One member]*~~ who are representatives ~~*[is a representative]*~~ of the general public and are ~~*[is]*~~ not associated with the field of education.

2. The Commission shall designate a Chair. [~~The Administrator is the Executive Secretary.~~] The Commission may meet regularly at least four times each year at such places and times as may be specified by a call of the Chair or majority of the Commission. The Commission shall prescribe regulations for its own management. Four ***voting*** members of the

Commission constitute a quorum which may exercise all the authority conferred upon the Commission.

3. Any Commissioner may be removed by the Governor if, in the opinion of the Governor, the Commissioner is guilty of malfeasance in office or neglect of duty.

Sec. 8. NRS 394.411 is hereby amended to read as follows:

394.411 1. The Commission shall adopt regulations governing the administration of NRS 394.383 to 394.560, inclusive, and may adopt such other regulations as are proper or necessary for the execution of the powers and duties conferred upon it by law.

2. ~~[The *Deputy*]~~ ***Subject to the administrative supervision of the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 612.220, the*** Administrator ***of the Commission*** shall execute, direct or supervise all administrative, technical and procedural activities for which the ~~*[Deputy]*~~ Administrator is responsible in accordance with the policies and regulations of the Commission **.** ~~[and subject to the Commission's direction and control.]~~

Sec. 9. ~~[NRS 394.415 is hereby amended to read as follows:~~

~~394.415 Except as otherwise provided in NRS 397.060, the Commission is the sole authority for licensing a postsecondary educational institution. Any person who operates or claims to operate such an institution must be licensed by the Commission. The *Deputy* Administrator may require any person who operates or claims to operate such an institution to furnish information which will allow the Commission to determine whether a license is required.]~~ **(Deleted by amendment.)**

Sec. 10. ~~[NRS 394.430 is hereby amended to read as follows:~~

~~394.430 1. The *Deputy* Administrator shall:~~

~~(a) Receive and investigate applications for a license and applications to add a new vocational program or a new degree.~~

~~(b) Receive, investigate and act upon:~~

~~(1) Applications for an agent's permit, renewal of a license or agent's permit or authorization for the employment of agents; and~~

~~(2) Changes in ownership or requirements for a degree.~~

~~(c) Recommend to the Commission whether licensing is required.~~

~~2. The *Deputy* Administrator may:~~

~~(a) With the approval of the Commission, negotiate and enter into interstate reciprocity agreements with similar agencies in other states, if in the judgment of the *Deputy* Administrator the agreements are or will be helpful in effectuating the purposes of NRS 394.383 to 394.560, inclusive. Nothing contained in any reciprocity agreement may limit the powers, duties and responsibilities of the *Deputy* Administrator independently to investigate or act upon any application for a license to operate a postsecondary educational institution, or an application for issuance or renewal of any agent's permit, or with respect to the enforcement of any provision of this chapter, or any regulation promulgated pursuant to it.~~

~~(b) Investigate, on the ***Deputy*** Administrator's own initiative or in response to any complaint lodged with the ***Deputy*** Administrator, any person subject to, or reasonably believed by the ***Deputy*** Administrator to be subject to, the Commission's jurisdiction. During an investigation the ***Deputy*** Administrator may:~~

~~(1) Subpoena any persons, books, records or documents pertaining to the investigation;~~

~~(2) Require answers in writing under oath to questions prepared by the ***Deputy*** Administrator or the Commission; and~~

~~(3) Administer an oath or affirmation to any person.~~

~~" A subpoena issued by the ***Deputy*** Administrator may be enforced by any district court of this state.~~

~~(c) Exercise other powers implied but not enumerated in this section that are necessary in order to carry out the ***Deputy*** Administrator's duties.]~~ **(Deleted by amendment.)**

Sec. 11. ~~[NRS 394.440 is hereby amended to read as follows:~~

~~394.440 1. The ***Deputy*** Administrator may request from any department, division, board, bureau, commission or other agency of the State, and the latter agency shall provide at no cost, any information which it possesses or expert witnesses whom it employs that will enable the ***Deputy*** Administrator to exercise properly his or her powers and perform his or her duties. If the witness or information is requested to aid the Commission in deciding whether to issue or renew a license or to allow a postsecondary educational institution to add new programs or degrees, the ***Deputy*** Administrator may require the institution making the application to pay to the witness the per diem allowance and travel expenses allowed for state officers and employees generally.~~

~~2. If no agency of the State possesses the information or expert knowledge which the Commission finds is necessary to a determination of whether an applicant for the issuance or renewal of a license has complied with the minimum standards prescribed by the Commission pursuant to law, the Commission may consult with persons outside State Government who have the requisite expert knowledge, and may require that the necessary cost of such consultation be paid by the institution whose application is under consideration.]~~ **(Deleted by amendment.)**

Sec. 12. ~~[NRS 394.441 is hereby amended to read as follows:~~

~~394.441 A postsecondary educational institution shall:~~

~~1. Provide students and other interested persons with a catalog or brochure containing information describing the programs offered, objectives of the program, length of the program, schedule of tuition, fees and all other charges and expenses necessary for completion of the course of study, policies concerning cancellations and refunds, an explanation of the Account for Student Indemnification and other material facts concerning the institution and the program or course of instruction that are likely to affect the decision of the student to enroll therein, together with any other~~

~~disclosures specified by the ***Deputy*** Administrator or defined in the regulations of the Commission. The information must be provided before enrollment.~~

~~2. Provide each student who satisfactorily completes the training with appropriate educational credentials indicating:~~

~~(a) That the course of instruction or study has been satisfactorily completed by the student; and~~

~~(b) If the training does not lead to a degree, the number of hours of instruction or credits required of the student to complete the training.~~

~~3. Unless otherwise authorized by the Commission, maintain adequate records at the licensed facility to reflect the attendance, progress and performance of each student at the facility.~~

~~4. Provide each student with a copy of the agreement to enroll, dated and signed by the student or the student's guardian and an officer of the institution.~~

~~5. For each program offered at the institution that does not lead to a degree, collect and maintain information concerning:~~

~~(a) The number of students enrolled in the program and the number and names of students who have obtained employment in related fields, with their locations of placement;~~

~~(b) The number of:~~

~~(1) Students enrolled in the program;~~

~~(2) Students who have graduated from the program; and~~

~~(3) Graduates who have obtained employment in fields related to the instruction offered in the program, with the average compensation of such graduates; or~~

~~(c) For each such program offered to prepare students for a licensing examination:~~

~~(1) The number of students enrolled in the program;~~

~~(2) The number of such students who have graduated from the program; and~~

~~(3) The number of such graduates who have passed the examination.~~

~~6. Select, from the information collected pursuant to subsection 5, the information relating to any 6-month period within the 18-month period preceding its next date for enrollment. The information for the period selected must be set forth in written form and posted conspicuously at the institution.~~**]** **(Deleted by amendment.)**

Sec. 13. ~~**[**NRS 394.443 is hereby amended to read as follows:~~

~~394.443 A postsecondary educational institution shall:~~

~~1. Post in a conspicuous place a notice supplied by the ***Deputy*** Administrator stating that grievances may be submitted to the ***Deputy*** Administrator for resolution.~~

~~2. Issue a receipt to all students, and retain a copy, for all money paid to the institution.~~

~~— 3. Submit an annual report to the Commission on forms it supplies. The report must include, without limitation, the annual income received by the institution from tuition.~~**] (Deleted by amendment.)**

Sec. 14. ~~[NRS 394.447 is hereby amended to read as follows:~~

~~— 394.447 Accreditation may be accepted as evidence of compliance with the minimum standards established by the Commission, or the ***Deputy*** Administrator may require further evidence and make further investigation as in the judgment of the ***Deputy*** Administrator or the judgment of the Commission are necessary. Accreditation may be accepted as evidence of compliance only as to the portion or program of an institution accredited by the agency if the institution as a whole is not accredited. Upon request by the ***Deputy*** Administrator, the institution shall submit copies of all written materials in its possession relating to its accreditation. Except as otherwise provided in NRS 239.0115, the ***Deputy*** Administrator shall keep the materials confidential.~~**] (Deleted by amendment.)**

Sec. 15. ~~[NRS 394.449 is hereby amended to read as follows:~~

~~— 394.449 1. Each postsecondary educational institution shall have a policy for refunds which at least provides:~~

~~— (a) That if the institution has substantially failed to furnish the training program agreed upon in the enrollment agreement, the institution shall refund to a student all the money the student has paid.~~

~~— (b) That if a student cancels his or her enrollment before the start of the training program, the institution shall refund to the student all the money the student has paid, minus 10 percent of the tuition agreed upon in the enrollment agreement or $150, whichever is less, and that if the institution is accredited by a regional accrediting agency recognized by the United States Department of Education, the institution may also retain any amount paid as a nonrefundable deposit to secure a position in the program upon acceptance so long as the institution clearly disclosed to the applicant that the deposit was nonrefundable before the deposit was paid.~~

~~— (c) That if a student withdraws or is expelled by the institution after the start of the training program and before the completion of more than 60 percent of the program, the institution shall refund to the student a pro rata amount of the tuition agreed upon in the enrollment agreement, minus 10 percent of the tuition agreed upon in the enrollment agreement or $150, whichever is less.~~

~~— (d) That if a student withdraws or is expelled by the institution after completion of more than 60 percent of the training program, the institution is not required to refund the student any money and may charge the student the entire cost of the tuition agreed upon in the enrollment agreement.~~

~~— 2. If a refund is owed pursuant to subsection 1, the institution shall pay the refund to the person or entity who paid the tuition within 15 calendar days after the:~~

~~— (a) Date of cancellation by a student of his or her enrollment;~~

~~— (b) Date of termination by the institution of the enrollment of a student;~~

~~(c) Last day of an authorized leave of absence if a student fails to return after the period of authorized absence; or~~

~~(d) Last day of attendance of a student,~~

~~→ whichever is applicable.~~

~~3. Books, educational supplies or equipment for individual use are not included in the policy for refund required by subsection 1, and a separate refund must be paid by the institution to the student if those items were not used by the student. Disputes must be resolved by the ***Deputy*** Administrator for refunds required by this subsection on a case-by-case basis.~~

~~4. For the purposes of this section:~~

~~(a) The period of a student's attendance must be measured from the first day of instruction as set forth in the enrollment agreement through the student's last day of actual attendance, regardless of absences.~~

~~(b) The period of time for a training program is the period set forth in the enrollment agreement.~~

~~(c) Tuition must be calculated using the tuition and fees set forth in the enrollment agreement and does not include books, educational supplies or equipment that is listed separately from the tuition and fees.~~**] (Deleted by amendment.)**

Sec. 16. ~~[NRS 394.455 is hereby amended to read as follows:~~

~~394.455 1. The Commission shall not issue a license to operate an unaccredited institution which grants degrees until the institution has been evaluated by the Commission. Each existing or new institution must be evaluated at least once, but the Commission may require subsequent evaluations.~~

~~2. The Chair of the Commission shall appoint a panel of evaluators for each institution composed of representatives of institutions or businesses that are directly affected by the program and persons who significantly contribute to the evaluation because of special knowledge. The ***Deputy*** Administrator shall accompany the panel as an observer.~~

~~3. One hundred and twenty days before the meeting of the Commission at which the issuance or renewal of a license will be considered, the panel of evaluators shall present to the ***Deputy*** Administrator and to the institution a report specifying the extent to which the institution meets the standards established by the Commission, and recommending:~~

~~(a) Issuance or renewal of the license with no qualifications;~~

~~(b) Issuance of a provisional license; or~~

~~(c) Revocation of the license.~~

~~4. The institution's response to the report must be received in the office of the ***Deputy*** Administrator no later than 90 days before the meeting at which the license will be considered.~~

~~5. If the institution's response shows progress toward meeting the standards, or if the response furnishes information which indicates that the standards are being adhered to, the representatives of the panel of evaluators shall review the institution again to verify the response and incorporate it into~~

~~their report. The panel of evaluators shall make a final report to the ***Deputy*** Administrator no later than 45 days before the meeting at which the license will be considered.~~

~~6. The ***Deputy*** Administrator may recommend that the Commission accept the evaluation or that it reject the report. If the Commission rejects the panel's recommendation, it shall record the specific reason for doing so in its minutes.~~**] (Deleted by amendment.)**

Sec. 17. ~~[NRS 394.460 is hereby amended to read as follows:~~

~~394.460 1. Each person required to be licensed as a postsecondary educational institution by the Commission or each postsecondary educational institution requesting to add a new program or degree or to renew a license must apply to the ***Deputy*** Administrator, upon forms provided by the ***Deputy*** Administrator. The application must be accompanied by the required fees. The institution's curriculum and financial statement are confidential except as otherwise provided in NRS 239.0115 or unless, in the opinion of the Commission, they militate against the issuance of a license.~~

~~2. After review of the application, any other information required by the ***Deputy*** Administrator and the report of the panel of evaluators, and an investigation of the applicant if necessary, the Commission shall grant or deny a license or grant a provisional license for a term specified by the Commission. Before the expiration of a provisional license, the ***Deputy*** Administrator shall inspect the institution, or the Commission may require the appointment of a panel of evaluators to inspect the institution, and recommend whether to revoke or continue the provisional license or to grant an unqualified license. The Commission may accept or reject the recommendation.~~

~~3. The license must state at least the following information:~~

~~(a) The date of issuance, effective date and term of the license.~~

~~(b) The correct name, address and owner of the institution.~~

~~(c) The approved degrees or occupational subjects.~~

~~(d) Any limitation considered necessary by the Commission.~~

~~4. The term for which a license is given must not exceed 2 years. The license must be posted in a conspicuous place.~~

~~5. The license must be issued to the owner or governing body of the institution and is nontransferable. If a change in ownership of the institution occurs, the owner to whom the license was issued shall inform the ***Deputy*** Administrator, and the new owner or governing body must, within 10 days after the change in ownership, apply for an approval of the change of ownership. If it fails to do so, the license terminates.~~

~~6. Within 10 days after a change of location or an addition of buildings or other facilities, the institution must file a notice of the change with the ***Deputy*** Administrator.~~

~~7. At least 60 days before the expiration of a license, the institution must complete and file with the ***Deputy*** Administrator an application for renewal of its license.~~**] (Deleted by amendment.)**

Sec. 18. NRS 394.463 is hereby amended to read as follows:

394.463 1. The institution shall pay the per diem allowance and travel expenses allowed for state officers and employees generally ~~[,]~~ to the members of the panel of evaluators ~~[,]~~ ***and*** the ~~***[Deputy]***~~ Administrator ~~[and employees of the Commission]~~ during their inspections of the institution and to the member of the panel who attends the meeting of the Commission at which the license is discussed. The institution shall also pay the cost of preparing and printing the report of the panel.

2. Each claim for reimbursement of these expenses must be submitted to the ~~***[Deputy]***~~ Administrator within 30 days after they are incurred. The ~~***[Deputy]***~~ Administrator shall verify the claim and forward it to the institution. Within 30 days after its receipt, the institution shall issue a negotiable instrument which is payable to the claimant and send it to the ~~***[Deputy]***~~ Administrator, who shall send it to the claimant.

Sec. 19. ~~[NRS 394.465 is hereby amended to read as follows:~~

~~394.465 1. Except as otherwise provided in subsection 6, before a postsecondary educational institution employs or contracts with a person:~~

~~(a) To occupy an instructional position;~~

~~(b) To occupy an administrative or financial position, including a position as school director, personnel officer, counselor, admission representative, solicitor, canvasser, surveyor, financial aid officer or any similar position; or~~

~~(c) To act as an agent for the institution,~~

~~the applicant must submit to the ***Deputy*** Administrator the information set forth in subsection 2.~~

~~2. The applicant must submit to the ***Deputy*** Administrator:~~

~~(a) A complete set of fingerprints taken by a law enforcement agency and written permission authorizing the ***Deputy*** Administrator to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the ***Deputy*** Administrator deems necessary; or~~

~~(b) Written verification, on a form prescribed by the ***Deputy*** Administrator, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the ***Deputy*** Administrator deems necessary.~~

~~3. The ***Deputy*** Administrator may:~~

~~(a) Unless the applicant's fingerprints are directly forwarded pursuant to paragraph (b) of subsection 2, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such~~

~~other law enforcement agencies as the ***Deputy*** Administrator deems necessary; and~~

~~(b) Request from each such agency any information regarding the applicant's background as the ***Deputy*** Administrator deems necessary.~~

~~4. Except as otherwise provided in NRS 239.0115, the ***Deputy*** Administrator shall keep the results of the investigation confidential.~~

~~5. The applicant shall pay the cost of the investigation.~~

~~6. An applicant is not required to satisfy the requirements of this section if the applicant:~~

~~(a) Is licensed by the Superintendent of Public Instruction;~~

~~(b) Is an employee of the United States Department of Defense;~~

~~(c) Is a member of the faculty of an accredited postsecondary educational institution in another state who is domiciled in a state other than Nevada and is present in Nevada for a temporary period to teach at a branch of that accredited institution;~~

~~(d) Is an instructor who provides instruction from a location outside this State through a program of distance education for a postsecondary educational institution licensed by the Commission who previously underwent an investigation of his or her background and the ***Deputy*** Administrator determines that an additional investigation is not necessary; or~~

~~(e) Has satisfied the requirements of subsection 1 within the immediately preceding 5 years.~~

~~7. As used in this section, "distance education" means instruction delivered by means of video, computer, television, or the Internet or other electronic means of communication, or any combination thereof, in such a manner that the person supervising or providing the instruction and the student receiving the instruction are separated geographically.~~**] (Deleted by amendment.)**

Sec. 20. **[**~~NRS 394.470 is hereby amended to read as follows:~~

~~394.470 1. Each person desiring to solicit or perform the services of an agent in this state must apply to the ***Deputy*** Administrator upon forms provided by the ***Deputy*** Administrator. The application must:~~

~~(a) Be accompanied by evidence of the good reputation and character of the applicant;~~

~~(b) Be in a form prescribed by the ***Deputy*** Administrator;~~

~~(c) Include a copy of the application for an investigation of the applicant's background by the sheriff;~~

~~(d) Include the social security number of the applicant; and~~

~~(e) State the name of the institution the applicant intends to represent.~~

~~2. An agent representing more than one institution must obtain a separate agent's permit for each institution represented, except that if an agent represents institutions having a common ownership, only one agent's permit is required with respect to the institutions.~~

~~3. If any institution the applicant intends to represent does not have a license to operate in this state, the application must be accompanied by:~~

~~(a) The information required from institutions applying for a license;~~

~~(b) Evidence that the institution meets the criteria established for licensed institutions;~~

~~(c) Evidence of compliance with NRS 394.480 and the payment of the fees required by law; and~~

~~(d) Evidence that the institution is accredited.~~

~~4. After a review of the application and other information submitted by the applicant, as required by regulation of the Commission, and any investigation of the applicant the ***Deputy*** Administrator considers appropriate, the ***Deputy*** Administrator shall grant or deny an agent's permit to the applicant.~~

~~5. The agent's permit must state in a clear and conspicuous manner at least the following information:~~

~~(a) The date of issuance, effective date and term of the permit.~~

~~(b) The correct name and address of the agent.~~

~~(c) The names of the institutions the agent is authorized to represent.~~

~~6. An agent's permit must not be issued for a term of more than 1 year.~~

~~7. At least 30 days before the expiration of an agent's permit, the agent must complete and file with the ***Deputy*** Administrator an application for renewal of the permit. The ***Deputy*** Administrator shall review and act upon the renewal application as provided in this section for an original application.~~**]** **(Deleted by amendment.)**

Sec. 21. ~~**[**NRS 394.473 is hereby amended to read as follows:~~

~~394.473 1. An applicant for the issuance or renewal of an agent's permit shall submit to the ***Deputy*** Administrator the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.~~

~~2. The ***Deputy*** Administrator shall include the statement required pursuant to subsection 1 in:~~

~~(a) The application or any other forms that must be submitted for the issuance or renewal of the agent's permit; or~~

~~(b) A separate form prescribed by the ***Deputy*** Administrator.~~

~~3. An agent's permit may not be issued or renewed by the ***Deputy*** Administrator if the applicant:~~

~~(a) Fails to submit the statement required pursuant to subsection 1; or~~

~~(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.~~

~~4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment~~

~~of the amount owed pursuant to the order, the ***Deputy*** Administrator shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.~~] **(Deleted by amendment.)**

Sec. 22. [~~NRS 394.474 is hereby amended to read as follows:~~

~~394.474 1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of an agent's permit must indicate in the application submitted to the ***Deputy*** Administrator whether the applicant has a state business registration. If the applicant has a state business registration, the applicant must include in the application the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS.~~

~~2. An agent's permit may not be renewed by the ***Deputy*** Administrator if:~~

~~(a) The applicant fails to submit the information required by subsection 1; or~~

~~(b) The State Controller has informed the ***Deputy*** Administrator pursuant to subsection 5 of NRS 353C.1965 that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:~~

~~(1) Satisfied the debt;~~

~~(2) Entered into an agreement for the payment of the debt pursuant to NRS 353C.130; or~~

~~(3) Demonstrated that the debt is not valid.~~

~~3. As used in this section:~~

~~(a) "Agency" has the meaning ascribed to it in NRS 353C.020.~~

~~(b) "Debt" has the meaning ascribed to it in NRS 353C.040.~~] **(Deleted by amendment.)**

Sec. 23. [~~NRS 394.475 is hereby amended to read as follows:~~

~~394.475 Before a postsecondary educational institution employs agents or contracts with persons to act as agents for the institution, it must apply for and receive from the ***Deputy*** Administrator authorization for the employment of agents.~~] **(Deleted by amendment.)**

Sec. 24. [~~NRS 394.480 is hereby amended to read as follows:~~

~~394.480 1. Notwithstanding the provisions of NRS 100.065 to the contrary, each:~~

~~(a) Postsecondary educational institution initially licensed on or after July 1, 1995, shall file with the ***Deputy*** Administrator a surety bond in the amount of $10,000 or in a greater amount determined by the Commission for the period of the initial license to operate, including any provisional period.~~

~~(b) Postsecondary educational institution or other entity which is authorized to employ one or more agents in this State shall file with the ***Deputy*** Administrator a surety bond in the amount of $10,000 or in a greater amount determined by the Commission for the period of the agent's permit.~~

~~(c) Postsecondary educational institution that poses a financial risk to the students who are enrolled in the institution, as determined by the Commission, shall file with the ***Deputy*** Administrator a surety bond in the amount of $10,000 or in a greater amount determined by the Commission for a period that the Commission determines is appropriate.~~

~~(d) Postsecondary educational institution that files for a change of ownership shall file with the ***Deputy*** Administrator a surety bond in the amount of $10,000 or in a greater amount determined by the Commission for the period of the initial license to operate issued to the new owner, including any provisional period.~~

~~(e) Postsecondary educational institution may be required by the Commission to file a new or supplementary bond in an amount and for a period determined appropriate by the Commission if the Commission determines that the current bond filed by the institution is insufficient to cover all claims, accrued or contingent, against the institution.~~

~~2. The bond required of a postsecondary educational institution pursuant to subsection 1 must be executed by the entity that owns the institution as principal, by a surety company as surety and by a licensed insurance agent residing in this State. The bond must be payable to the State of Nevada and must be conditioned to provide indemnification to any student, enrollee or his or her parent or guardian determined by the Commission to have suffered damage as a result of any act by the postsecondary educational institution that is a violation of NRS 394.383 to 394.560, inclusive. The bonding company shall provide indemnification upon receipt of written notice of the determination by the Commission. The bond may be continuous, but regardless of the duration of the bond the aggregate liability of the surety does not exceed the penal sum of the bond.~~

~~3. A surety on any bond filed pursuant to this section may be released after the surety gives 30 days' written notice to the ***Deputy*** Administrator, but the release does not discharge or otherwise affect any claim filed by a student, enrollee or his or her parent or guardian for damage resulting from any act of the postsecondary educational institution or agent alleged to have occurred while the bond was in effect, or for an institution's ceasing operations during the term for which tuition had been paid while the bond was in force.~~

~~4. A license or an agent's permit is suspended by operation of law when the institution or agent is no longer covered by a surety bond as required by this section. The ***Deputy*** Administrator shall give the institution or agent, or both, at least 20 days' written notice before the release of the surety, to the effect that the license or permit will be suspended by operation of law until another surety bond is filed in the same manner and amount as the bond being terminated.~~

~~5. If any student is entitled to a refund from an institution pursuant to any provision of NRS 394.383 to 394.560, inclusive, the surety shall provide indemnification.~~**]** **(Deleted by amendment.)**

Sec. 25. ~~[NRS 394.490 is hereby amended to read as follows:~~

~~394.490 1. If the Commission, upon review and consideration of a person required to be licensed or of an application for a license to operate, or the ***Deputy*** Administrator, upon review and consideration of an application for an agent's permit, for renewal of a license or agent's permit or for authorization to employ agents, determines that the applicant fails to meet the criteria for granting the application, the ***Deputy*** Administrator shall notify the applicant by certified mail, setting forth the reasons for the denial of the application.~~

~~2. The ***Deputy*** Administrator may grant to an applicant for renewal an extension of time to eliminate the reasons recited in the denial letter if:~~

~~(a) The applicant has demonstrated his or her desire to meet the criteria; and~~

~~(b) The ***Deputy*** Administrator reasonably believes that the applicant can correct the deficiencies within the extension period.~~

~~3. If the ***Deputy*** Administrator denies an application for an agent's permit, or an application for renewal, the ***Deputy*** Administrator shall notify the institution the agent represented or sought to represent, setting forth the reasons for the denial.~~] **(Deleted by amendment.)**

Sec. 26. ~~[NRS 394.510 is hereby amended to read as follows:~~

~~394.510 1. The Commission may impose an administrative fine of not more than $10,000 against a licensee, revoke a license, or make a license conditional after its issuance, if the Commission reasonably believes that the holder has violated the provisions of NRS 394.383 to 394.560, inclusive, or regulations adopted pursuant to those sections, or has failed to comply with a lawful order of the Commission. The ***Deputy*** Administrator shall notify the institution of the reasons for the action by certified mail to its last known address, 20 days before the meeting of the Commission at which the action will be considered.~~

~~2. If the Commission revokes a license, the institution shall cease its operations and granting degrees and shall refund to each enrolled student the cost of the student's current course or program.~~

~~3. The ***Deputy*** Administrator may impose an administrative fine of not more than $10,000 against an institution or agent, revoke an agent's permit, or make a permit conditional after its issuance, if the ***Deputy*** Administrator reasonably believes that the holder has violated the provisions of NRS 394.383 to 394.560, inclusive, or regulations adopted pursuant thereto. Before action is taken, the ***Deputy*** Administrator shall notify the holder by certified mail of facts or conduct that warrant the impending action and advise the holder that if a hearing is desired it must be requested within 10 days after receipt of the notice letter. If no hearing is requested within the prescribed period the action becomes final.~~

~~4. If an agent is fined or the agent's permit is revoked or conditions imposed, the ***Deputy*** Administrator shall notify, by certified mail, the~~

~~institution the agent represented in addition to the agent and any other parties to any hearing.~~**] (Deleted by amendment.)**

Sec. 27. **[**~~NRS 394.515 is hereby amended to read as follows:~~

~~394.515 1. If the ***Deputy*** Administrator receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of an agent's permit, the ***Deputy*** Administrator shall deem the permit issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the ***Deputy*** Administrator receives a letter issued to the holder of the permit by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the permit has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.~~

~~2. The ***Deputy*** Administrator shall reinstate an agent's permit that has been suspended by a district court pursuant to NRS 425.540 if the ***Deputy*** Administrator receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose permit was suspended stating that the person whose permit was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.~~**] (Deleted by amendment.)**

Sec. 28. **[**~~NRS 394.520 is hereby amended to read as follows:~~

~~394.520 1. Until 1 year after the last date of attendance or date on which the damage occurred, whichever is later, a person claiming damage as a result of any act by a postsecondary educational institution or its agent, or both, that is a violation of NRS 394.383 to 394.560, inclusive, or regulations adopted pursuant thereto, may file with the ***Deputy*** Administrator a verified complaint against the institution, its agent, or both. The complaint must set forth the alleged violation and contain other information as required by regulations of the Commission. A complaint may also be filed by a Commissioner or the Attorney General or initiated by the ***Deputy*** Administrator.~~

~~2. The ***Deputy*** Administrator shall investigate any verified complaint and may, at his or her discretion, attempt to effectuate a settlement by arbitration, mediation or negotiation. The ***Deputy*** Administrator may also consult with the applicable accrediting body to resolve the complaint. If a settlement cannot be reached, the ***Deputy*** Administrator shall render a decision and notify each party of the decision and the reasons for it by certified mail to his or her last known address. Either party may request a hearing before the Commission by notifying the ***Deputy*** Administrator by certified mail within 15 days after the decision was mailed to the party. The hearing must be held at the next meeting of the Commission in the geographical area convenient to the parties. If a hearing is not requested, the decision of the ***Deputy*** Administrator is final.~~

~~3. If, after consideration of all the evidence presented at a hearing, the Commission finds that a postsecondary educational institution or its agent, or~~

~~both, are guilty of the violation alleged in the complaint, it shall issue and the ***Deputy*** Administrator shall serve upon the institution or agent, or both, an order to cease and desist from the violation. If the Commission finds the institution has substantially failed to furnish the instruction or services agreed upon in the agreement to enroll, it shall order the institution to make full restitution to the student of all money paid pursuant to the agreement. If the Commission finds that the institution has substantially furnished the instruction or services agreed upon in the agreement to enroll, but that conditions in the school were sufficiently substandard that it was not reasonable to expect the student to complete the instruction, the Commission shall order the institution to make restitution to the student of one-half the money paid pursuant to the agreement. The Commission may also, as appropriate, based on the ***Deputy*** Administrator's investigation and the evidence adduced at the hearing, or either of them, institute proceedings to revoke an institution's license or recommend that the ***Deputy*** Administrator institute proceedings to revoke an agent's permit.~~**]** **(Deleted by amendment.)**

Sec. 29. ~~**[**NRS 394.530 is hereby amended to read as follows:~~

~~394.530 If the Commission or the ***Deputy*** Administrator determines that irreparable injury would result from putting into immediate effect a final action or penalty, the Commission or ***Deputy*** Administrator, as appropriate, shall postpone the effective date of the action pending review.~~**] (Deleted by amendment.)**

Sec. 30. ~~**[**NRS 394.540 is hereby amended to read as follows:~~

~~394.540 1. The fees imposed pursuant to this section must be collected by the ***Deputy*** Administrator and deposited in the State Treasury to the credit of the State General Fund, and no fees so collected are subject to refund.~~

~~2. The fees are:~~

~~(a) For a new license ..... $2,000~~

~~(b) For an application by an unlicensed out-of-state educational institution to employ agents in this state or offer experiential courses ..... 1,500~~

~~(c) For a change of ownership ..... 1,000~~

~~(d) For approval of an alcohol awareness program ..... 500~~

~~(e) To add a new degree or vocational program ..... 500~~

~~(f) For an initial agent's permit ..... 200~~

~~(g) For the renewal of an agent's permit ..... 200~~

~~(h) For a transcript of an academic record which is in the possession of the ***Deputy*** Administrator pursuant to NRS 394.550 ..... 5~~

~~3. In addition, the ***Deputy*** Administrator shall collect from each licensed postsecondary educational institution a fee of $4 for each student from which the institution has received tuition or registration fees. The institution shall collect this fee from each such student at the time of the student's initial enrollment with the institution. On or before the first day of January, April, July and October, the institution shall transmit to the ***Deputy*** Administrator~~

~~the fees collected pursuant to this subsection during the preceding quarter. The *Deputy* Administrator shall deposit the fees so transmitted with the State Treasurer for credit to the State General Fund.~~] **(Deleted by amendment.)**

Sec. 31. [~~NRS 394.545 is hereby amended to read as follows:~~

~~394.545 1. A driving school:~~

~~(a) Must be located more than 200 feet from any office of the Department of Motor Vehicles;~~

~~(b) Must have the equipment necessary to instruct students in the safe operation of motor vehicles and maintain the equipment in a safe condition; and~~

~~(c) Must have insurance in at least the following amounts:~~

~~(1) For bodily injury to or death of two or more persons in one crash, $40,000; and~~

~~(2) For damage to property in any one crash, $10,000.~~

~~2. The Department of Motor Vehicles may review and approve or disapprove any application to issue, renew or revoke a license for a driving school. The Department of Motor Vehicles may, at any time, inspect a licensed driving school and may recommend that its license be suspended or revoked. The *Deputy* Administrator shall investigate and recommend to the Commission the appropriate action.~~] **(Deleted by amendment.)**

Sec. 32. [~~NRS 394.550 is hereby amended to read as follows:~~

~~394.550 If any postsecondary educational institution operating in this state discontinues or proposes to discontinue its operation, the chief administrative officer of the institution shall file with the *Deputy* Administrator original or true copies of all academic records of the institution specified by regulations of the Commission. The records must include, as a minimum, academic information customarily required by colleges when considering students for transfer or advanced study; and, as a separate document, the academic record of each former student. If the *Deputy* Administrator establishes the likelihood that academic records of an institution discontinuing its operations are in danger of being destroyed, secreted, mislaid or otherwise made unavailable to the Commission, the *Deputy* Administrator may obtain a court order permitting the seizure of such records. The *Deputy* Administrator shall receive and maintain a file of such records in the *Deputy* Administrator's possession.~~] **(Deleted by amendment.)**

Sec. 33. [~~NRS 394.553 is hereby amended to read as follows:~~

~~394.553 1. The Account for Student Indemnification is hereby created in the State General Fund. The existence of the Account does not create a right in any person to receive money from the Account. The *Deputy* Administrator shall administer the Account in accordance with regulations adopted by the Commission.~~

~~2. Except as otherwise limited by subsection 3, the money in the Account may be used to indemnify any student or enrollee who has suffered damage as a result of:~~

~~(a) The discontinuance of operation of a postsecondary educational institution licensed in this state; or~~

~~(b) The violation by such an institution of any provision of NRS 394.383 to 394.560, inclusive, or the regulations adopted pursuant thereto.~~

~~3. If a student or enrollee is entitled to indemnification from a surety bond pursuant to NRS 394.480, the bond must be used to indemnify the student or enrollee before any money in the Account may be used for indemnification.~~

~~4. In addition to the expenditures made for indemnification pursuant to subsection 2, the ***Deputy*** Administrator may use the money in the Account to pay extraordinary expenses incurred to investigate claims for indemnification or resulting from the discontinuance of the operation of a postsecondary educational institution licensed in this state. Money expended pursuant to this subsection must not exceed, for each institution for which indemnification is made, 15 percent of the total amount expended for indemnification pursuant to subsection 2 or $10,000, whichever is less.~~

~~5. No expenditure may be made from the Account if the expenditure would cause the balance in the Account to fall below $10,000.~~

~~6. Interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.~~

~~7. The money in the Account does not lapse to the State General Fund at the end of any fiscal year.~~**]** **(Deleted by amendment.)**

Sec. 34. ~~**[**NRS 394.557 is hereby amended to read as follows:~~

~~394.557 1. Except as otherwise provided in subsection 2, each postsecondary educational institution licensed in this state shall pay to the ***Deputy*** Administrator a fee of $5 for each student the institution initially enrolls in a program for which the student pays a tuition or registration fee. On or before January 1, April 1, July 1 and October 1 of each year, each institution shall transmit to the ***Deputy*** Administrator the fees required by this subsection for the immediately preceding quarter. The ***Deputy*** Administrator shall deposit the money in the State Treasury for credit to the Account for Student Indemnification.~~

~~2. The ***Deputy*** Administrator shall notify each postsecondary educational institution licensed in this state if the balance in the Account is $250,000 or more. If the balance in the Account is $250,000 or more, a postsecondary educational institution is not required to pay the fee required by subsection 1. If the balance in the Account subsequently falls below $250,000, the ***Deputy*** Administrator shall notify each postsecondary educational institution licensed in this state that the fee must be paid until the balance in the Account is $250,000 or more.~~**]** **(Deleted by amendment.)**

Sec. 35. NRS 394.610 is hereby amended to read as follows:

394.610 Unless a specific penalty is otherwise provided, a person who willfully violates the provisions of NRS 394.005 to ~~**[**394.550,~~**]** ***394.560,*** inclusive, ~~***[and section 1 of this act]***~~ is guilty of a gross misdemeanor. Each

day's failure to comply with the provisions of these sections is a separate offense.

Sec. 36. ~~[NRS 394.630 is hereby amended to read as follows:~~

~~394.630 A person, firm, association, partnership or corporation shall not award, bestow, confer, give, grant, convey or sell to another person a degree or honorary degree upon which is inscribed, in any language, the word "associate," "bachelor," "baccalaureate," "master," "doctor" or "fellow," or any abbreviation thereof, unless it is a school, academy, institute, community college, junior college, college, university or other educational organization or entity located in the State of Nevada or operating from a place of business in this state that offers courses of instruction or study wherein credits may be earned toward an academic or professional degree in a field of endeavor beyond the secondary school level, and:~~

~~1. Is accredited; or~~

~~2. Has filed and kept current with appropriate amendments, in the office of the *Deputy* Administrator, an affidavit by each president of two separate accredited colleges or universities stating that the majority of the course credits offered by the unaccredited institution are generally acceptable or transferable to the accredited college or university which each president represents.]~~ **(Deleted by amendment.)**

Sec. 37. ~~[Chapter 232 of NRS is hereby amended by adding thereto the provisions set forth as sections 38 and 39 of this act.]~~ **(Deleted by amendment.)**

Sec. 38. ~~*[1. The Director may accept, and adopt regulations or establish policies for the disbursement of, money appropriated by any Act of Congress and apportioned to the State of Nevada for use in connection with the workforce development and adult education programs of this State.*~~

~~*2. In accepting the benefits of the Acts of Congress referred to in subsection 1, the State of Nevada agrees to comply with all of their provisions and observe all of their requirements.]*~~ **(Deleted by amendment.)**

Sec. 39. ~~*[The Employment Security Division of the Department consists of the Administrator of the Division and the Commission on Postsecondary Education.]*~~ **(Deleted by amendment.)**

Sec. 40. ~~[NRS 232.900 is hereby amended to read as follows:~~

~~232.900 As used in NRS 232.900 to 232.960, inclusive, *and sections 38 and 39 of this act,* unless the context otherwise requires:~~

~~1. "Department" means the Department of Employment, Training and Rehabilitation.~~

~~2. "Director" means the Director of the Department.]~~ **(Deleted by amendment.)**

Sec. 41. NRS 232.920 is hereby amended to read as follows:

232.920 The Director:

1. Shall:

(a) Organize the Department into divisions and other operating units as needed to achieve the purposes of the Department;

(b) Upon request, provide the Director of the Department of Administration with a list of organizations and agencies in this State whose primary purpose is the training and employment of persons with disabilities;

(c) Except as otherwise provided by a specific statute, direct the divisions to share information in their records with agencies of local governments which are responsible for the collection of debts or obligations if the confidentiality of the information is otherwise maintained under the terms and conditions required by law; and

(d) Provide the employment and wage information to the Board of Regents of the University of Nevada for purposes of the reporting required of the Board of Regents by subsection 4 of NRS 396.531.

2. Is responsible for the administration, through the divisions of the Department, of the provisions of NRS ***394.383 to 394.560, inclusive,*** 426.010 to 426.720, inclusive, 426.740, 426.790 and 426.800, and chapters 612 and 615 of NRS, and all other provisions of law relating to the functions of the Department and its divisions, but is not responsible for the professional line activities of the divisions or other operating units except as otherwise provided by specific statute.

3. May employ, within the limits of legislative appropriations, such staff as is necessary for the performance of the duties of the Department.

Sec. 42. ~~[Chapter 612 of NRS is hereby amended by adding thereto the provisions set forth as sections 43 and 44 of this act.]~~ **(Deleted by amendment.)**

Sec. 43. ~~[*"Deputy Administrator" means the Deputy Administrator of the Division.]*~~ **(Deleted by amendment.)**

Sec. 44. ~~[*1. The Commission on Postsecondary Education is administered by the Deputy Administrator, who is appointed by and serves at the pleasure of the Administrator.*~~

~~*2. Subject to the provisions of NRS 394.383 to 394.560, inclusive, the Deputy Administrator:*~~

~~*(a) Is in the unclassified service of the State.*~~

~~*(b) Serves ex officio as a member of the Commission.*~~

~~*(c) Has full administrative authority with respect to the operation and functions of the Commission, subject to the administrative supervision of the Administrator.*~~

~~*(d) Shall devote his or her entire time and attention to the business of his or her office and shall not pursue any other business or occupation or hold any other office of profit.*~~

~~*(e) Is responsible for the administration of the provisions of this section, NRS 394.383 to 394.560, inclusive, and all other provisions of law relating to the functions of the Commission.]*~~ **(Deleted by amendment.)**

Sec. 45. ~~[NRS 612.015 is hereby amended to read as follows:~~

~~612.015 As used in this chapter, unless the context clearly requires otherwise, the words and terms defined in NRS 612.016 to 612.200, inclusive, *and section 43 of this act* have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 46. NRS 612.220 is hereby amended to read as follows:

612.220 The Administrator:

1. Shall administer this chapter.

2. ***Is responsible for the administration, through the ~~[Deputy]~~ Administrator ~~[and]~~ of the Commission on Postsecondary Education, of the provisions of NRS 394.383 to 394.560, inclusive.***

3. Has power and authority to adopt, amend or rescind such rules and regulations, to employ, in accordance with the provisions of this chapter, such persons, make such expenditures, require such reports, make such investigations, and take such other action as the Administrator deems necessary or suitable to that end.

~~[3.]~~ ***4.*** Shall determine his or her own organization and methods of procedure for the Division in accordance with the provisions of this chapter.

Sec. 47. ~~[NRS 612.230 is hereby amended to read as follows:~~

~~612.230 1. For the purpose of ensuring the impartial selection of personnel on the basis of merit, the Administrator shall fill all positions in the Division, except the [post] *posts* of Administrator [,] *and Deputy Administrator,* from registers prepared by the Division of Human Resource Management of the Department of Administration, in conformity with such rules, regulations and classification and compensation plans relating to the selection of personnel as may be adopted or prescribed by the Administrator.~~

~~2. The Administrator shall select all personnel either from the first five candidates on the eligible lists as provided in this chapter, or from the highest rating candidate within a radius of 60 miles of the place in which the duties of the position will be performed. The Administrator may fix the compensation and prescribe the duties and powers of such personnel, including such officers, accountants, attorneys, experts, and other persons as may be necessary in the performance of the duties under this chapter, and may delegate to any such person such power and authority as the Administrator deems reasonable and proper for its effective administration.~~

~~3. The Administrator shall classify positions under this chapter and shall establish salary schedules and minimum personnel standards for the positions so classified. The Administrator shall devise and establish fair and reasonable regulations governing promotions, demotions and terminations for cause in accordance with such established personnel practices as will tend to promote the morale and welfare of the organization.~~

~~4. The Administrator may grant educational leave stipends to officers and employees of the Division if all of the cost of the educational leave stipends may be paid from money of the Federal Government.]~~ **(Deleted by amendment.)**

Sec. 48. The term of the member of the Commission on Postsecondary Education:

1. Appointed pursuant to paragraph ~~[(d)]~~ **(a)** of subsection 1 of NRS 394.385; **and**

2. Who is incumbent on June 30, 2017**,** ~~[; and~~

~~3. Whose term, but for this section, would otherwise have expired first after that date,]~~

➥ expires on June 30, 2017.

Sec. 49. ~~[Notwithstanding any provision of this act to the contrary, the Administrator of the Commission on Postsecondary Education who is incumbent on June 30, 2017:~~

~~1. May be appointed Deputy Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation pursuant to section 44 of this act;~~

~~2. If so appointed, is entitled to remain in the classified service or serve in the unclassified service of the State, at his or her election, until he or she vacates the position of Deputy Administrator; and~~

~~3. If so appointed, has all the powers and duties vested in the Deputy Administrator by the provisions of this act or as otherwise provided by law.]~~ **(Deleted by amendment.)**

Sec. 50. The Legislative Counsel shall, in preparing the Nevada Revised Statutes or any supplements to the Nevada Administrative Code, use the authority set forth in subsection 10 of NRS 220.120 to change appropriately the name of any agency, officer or instrumentality of the State whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate agency, officer or instrumentality.

Sec. 51. ~~[NRS 394.007 is hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 52. ~~[1.]~~ This ~~[section and sections 48 and 49 of this]~~ act ~~[become]~~ **becomes** effective ~~[upon passage and approval.~~

~~2. Sections 1 to 47, inclusive, and 50 and 51 of this act become effective]~~ on July 1, 2017.

~~[~~

~~TEXT OF REPEALED SECTION~~

~~394.007 "Administrator" defined. "Administrator" means the Administrator of the Commission on Postsecondary Education.]~~

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 489.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 845.

AN ACT relating to state land; revising provisions governing the Revolving Account for Land Management; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Revolving Account for Land Management as a special account in the State General Fund. The State Land Registrar is required to use money in the Account to pay the expenses relating to the management of land held by the Division of State Lands of the State Department of Conservation and Natural Resources, including expenses for appraisals and surveys, construction of fences and barriers for vehicles and the cleanup and maintenance of the land. (NRS 321.067) **Section 1** of this bill expands the use of money in the Account to expenditures for: (1) ~~[activities to acquire land or an interest]~~ **the acquisition of or interests** in land; (2) **required** environmental assessments of the land, including surveys of the biological, environmental and cultural conditions and resources of the land; and (3) mitigation of the land.

Under existing law, the State Land Registrar is authorized to request an allocation from the Contingency Account in the State General Fund if the balance in the Revolving Account is below $5,000. (NRS 321.067) **Section 1** raises that threshold amount to $20,000.

Section 2 of this bill makes an appropriation of $200,000 to the Revolving Account for Land Management.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 321.067 is hereby amended to read as follows:

321.067 1. The Revolving Account for Land Management is hereby created as a special account in the State General Fund.

2. The State Land Registrar shall use the money in the ***Revolving*** Account to pay the expenses related to the management of land held by the Division ~~[.]~~ ***and*** ~~***[for activities to acquire land or an interest]***~~ ***the acquisition of or interests in land,*** including, without limitation, expenses for:

(a) Appraisals and ***land*** surveys;

(b) ~~***[Environmental]***~~ ***Required environmental assessments of the land, including, without limitation, surveys of the biological, environmental and cultural conditions and resources of the land;***

(c) Construction of fences and barriers for vehicles; ~~[and~~

~~(c)]~~ ***(d)*** The cleanup and maintenance of the land ~~[.]~~ ***; and***

(e) Any mitigation required of the land.

3. The State Land Registrar shall:

(a) Approve any disbursement from the Revolving Account; and

(b) Maintain records of any such disbursement.

4. The State Land Registrar shall deposit into the Revolving Account money received by the Division as a donation or as a reimbursement for or advance payment of an expense paid out of the Revolving Account.

5. The balance of the Revolving Account must be carried forward at the end of each fiscal year.

6. If the balance in the ~~[account]~~ ***Revolving Account*** is below ~~[$5,000,]~~ ***$20,000,*** the State Land Registrar may request an allocation from the Contingency Account in the State General Fund pursuant to NRS 353.266, 353.268 and 353.269.

Sec. 2. ~~[1.]~~ There is hereby appropriated from the State General Fund to the Revolving Account for Land Management created by NRS 321.067 the sum of $200,000 to replenish the balance of the Account.

~~[2. Any remaining balance of the appropriation made by this section must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2019.]~~

Sec. 3. This act becomes effective on July 1, 2017.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 493.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 680.

SUMMARY—Makes a supplemental appropriation to the Department of Corrections for a projected shortfall related to outside medical expenditures ~~[.]~~ **, contract temporary professional services and personnel expenditures.** (BDR S-1177)

AN ACT making a supplemental appropriation to the Department of Corrections for a projected shortfall related to outside medical expenditures ~~[.]~~ **, contract temporary professional services and personnel expenditures;** and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **1.** There is hereby appropriated from the State General Fund to the Department of Corrections the sum of ~~[$1,327,561 for a projected shortfall related to outside medical expenditures.]~~ **$5,952,535 for expenditure pursuant to subsection 2.** This appropriation is supplemental to that made by section 23 of chapter 534, Statutes of Nevada 2015, at page 3674.

2. The money appropriated by subsection 1 must be allocated as follows:

(a) For a projected shortfall for outside medical expenditures, $5,067,144;

(b) For contract temporary professional services, $321,239; and

(c) For personnel expenditures and revenue shortfalls at Florence McClure Women's Correctional Center, $564,152.

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 497.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 846.

AN ACT making a supplemental appropriation to the Division of Administrative Services of the Department of Motor Vehicles for a projected shortfall related to credit card processing fees; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State Highway Fund to the Division of Administrative Services of the Department of Motor Vehicles the sum of ~~[$847,022]~~ **$734,147** for a projected shortfall related to credit card processing fees. This appropriation is supplemental to that made by section 33 of chapter 534, Statutes of Nevada 2015, at page 3677.

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 499.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1075.

AN ACT making appropriations to restore the balances in the Stale Claims Account, Reserve for Statutory Contingency Account and Contingency Account; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to restore the balance in the Stale Claims Account created by NRS 353.097 the sum of $500,000.

2. There is hereby appropriated from the State General Fund to restore the balance in the Reserve for Statutory Contingency Account created by NRS 353.264 the sum of $2,000,000.

3. There is hereby appropriated from the State General Fund to restore the balance in the Contingency Account created by NRS 353.266 the sum of ~~[~~$5,000,000.~~]~~ **$7,000,000.**

Sec. 2. This act becomes effective ~~[~~on July 1, 2017.~~]~~ **upon passage and approval.**

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 504.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1072.

SUMMARY—Makes ~~[~~an appropriation~~]~~ **appropriations** to the Office of Finance **and the Interim Finance Committee** to replace the existing financial and human resource management information technology system. (BDR S-1194)

AN ACT making ~~[~~an appropriation~~]~~ **appropriations** to the Office of Finance **and the Interim Finance Committee** to replace the existing financial and human resource management information technology system**~~[;]~~ and requiring that certain related costs be included in the statewide cost allocation plan;** and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **1.** There is hereby appropriated ~~[from the State General Fund]~~ to the Office of Finance **in the Office of the Governor:**

(a) From the State General Fund the sum of ~~[$15,000,000]~~ **$486,000; and**

(b) From the State Highway Fund the sum of $114,000,

➥ for the development of a project plan and request for proposals and the evaluation of such proposals to replace the existing financial and human resource management information technology system.

2. Money appropriated to the Office of Finance pursuant to subsection 1 are available for both Fiscal Year 2017-2018 and 2018-2019, and may be transferred from 1 fiscal year to the other with the approval of the Interim Finance Committee upon the recommendation of the Governor.

Sec. 1.5. **1. There is hereby appropriated to the Interim Finance Committee:**

(a) From the State General Fund the sum of $11,664,000; and

(b) From the State Highway Fund the sum of $2,736,000.

2. Money appropriated to the Interim Finance Committee pursuant to subsection 1 are available for both Fiscal Year 2017-2018 and 2018-2019, and may be allocated to the Office of Finance in the Office of the Governor to replace the existing financial and human resource management information technology system upon presentation to the Interim Finance Committee of a project plan and an itemization of related costs.

Sec. 2. Any remaining balance of the ~~[appropriation]~~ **appropriations** made by ~~[section]~~ **sections** 1 **and 1.5** of this act must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the ~~[State General Fund]~~ **fund from which it was appropriated** on or before September 20, 2019.

Sec. 2.5. **Commencing in Fiscal Year 2019-2020, the portion of the actual costs associated with replacing the existing financial and human resource management information technology system derived from the State General Fund pursuant to sections 1 and 1.5 of this act must be included in the statewide cost allocation plan prepared pursuant to NRS 353.331.**

Sec. 3. This act becomes effective on July 1, 2017.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 515.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 1048.

SUMMARY—Revises provisions governing ~~[payday lending.]~~ **deferred deposit loans, title loans and high-interest loans.** (BDR 52-1227)

AN ACT relating to financial services; requiring the Commissioner of Financial Institutions to develop, implement and maintain a database storing certain information relating to deferred deposit loans**,** ~~[and]~~ title loans **and high-interest loans** made to customers in this State; providing that information in such a database is confidential under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes standards and procedures for the licensing and regulation of certain short-term loans, commonly referred to as "payday loans," high-interest loans and title loans. (Chapter 604A of NRS)

Section 1 of this bill requires the Commissioner of Financial Institutions to develop, implement and maintain, by contract with a vendor or service provider or otherwise, a database of all deferred deposit loans**,** ~~[and]~~ title loans **and high-interest loans** in this State. Under **section 1**, a licensee who makes such loans must enter and update certain information concerning each deferred deposit loan**,** ~~[and]~~ title loan **and high-interest loan** made by the licensee. **Section 1** further requires the Commissioner to establish a fee which must be charged and collected by the vendor or service provider from a licensee who is required to enter information into the database. The fee must be used to pay for the administration and operation of the database. Finally, **sections 1 and 2** of this bill provide that information in the database or obtained by the Commissioner from the database is confidential, except that the Commissioner may use such information for statistical purposes if the identity of a person is not discernible from the information disclosed.

Section 3 of this bill provides that the provisions of this bill do not apply to any loan made before October 1, 2017.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 604A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Commissioner shall, by contract with a vendor or service provider or otherwise, develop, implement and maintain a database by

which the Commissioner may generate a report related to deferred deposit loans , ~~[or]~~ title loans and high-interest loans made by licensees to customers in this State which includes, without limitation:

(a) Whether a customer has a deferred deposit loan , ~~[or]~~ title loan or high-interest loan outstanding with more than one licensee;

(b) Whether a customer has had such a loan outstanding with one or more licensees within the 30 days immediately preceding the making of a loan;

(c) Whether a customer has had a total of three or more such loans outstanding with one or more licensees within the 6 months immediately preceding the making of the loan; and

(d) Any other information necessary to ~~[comply]~~ determine compliance with the provisions of this chapter.

2. After the development and implementation of the database created pursuant to subsection 1, a licensee who makes a deferred deposit loan , ~~[or]~~ title loan or high-interest loan shall enter or update the following information in the database for each such loan made to a customer at the time a transaction takes place:

(a) The date on which the loan was made;

(b) The type of loan made;

(c) The principal amount of the loan;

(d) The fees charged for the loan;

(e) The annual percentage rate of the loan;

(f) The total finance charge associated with the loan;

(g) If the customer defaults on the loan, the date of default;

(h) If the customer enters into a repayment plan pursuant to NRS 604A.475, the date on which the customer enters into the repayment plan; and

(i) The date on which the customer pays the loan in full.

3. The Commissioner shall establish, and cause the vendor or service provider administering the database created pursuant to subsection 1 to charge and collect, a fee for each loan entered into the database by the licensee. The money collected pursuant to this subsection must be used to pay for the operation and administration of the database.

4. Except as otherwise provided in this subsection, any information in the database created pursuant to subsection 1 is confidential and shall not be considered a public book or record pursuant to NRS 239.010. The information may be used by the Commissioner for statistical purposes if the identity of the persons is not discernible from the information disclosed.

5. The Commissioner shall adopt regulations that:

(a) Prescribe the specifications for the information entered into the database created pursuant to subsection 1;

(b) Establish standards for the retention, access, reporting, archiving and deletion of information entered into or stored by the database;

(c) Establish the amount of the fee required pursuant to subsection 3; and

(d) Are necessary for the administration of the database.

6. For the purposes of this section, the term "high-interest loan" does not include a high-interest loan made to a customer if the licensee:

(a) Makes the high-interest loan pursuant to a loan agreement which, under its original terms:

(1) Charges an annual percentage rate of less than 200 percent;

(2) Requires the customer to make a payment on the loan at least once every 30 days;

(3) Requires the loan to be paid in full in not less than 150 days; and

(4) Provides that interest does not accrue on the loan at the annual percentage rate set forth in the loan agreement after the date of maturity of the loan;

(b) Performs a credit check of the customer with a major consumer reporting agency before making the loan;

(c) Reports information relating to the loan experience of the customer to a major consumer reporting agency;

(d) Gives the customer the right to rescind the new high-interest loan within 5 days after the loan is made without charging the customer any fee for rescinding the loan;

(e) Participates in good faith with a counseling agency that is:

(1) Accredited by the Council on Accreditation, or its successor organization; and

(2) A member of the National Foundation for Credit Counseling, or its successor organization; and

(f) Does not commence any civil action or process of alternative dispute resolution on a defaulted loan or any extension or repayment plan thereof.

Sec. 2. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300,

239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 1 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada

2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 3. The provisions of this act do not apply to any contract or agreement entered into pursuant to chapter 604A of NRS before October 1, 2017, and any such contract or agreement remains in effect in accordance with the provisions of the contract or agreement.

Sec. 4. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On October 1, 2017, for all other purposes.

Assemblyman McCurdy moved the adoption of the amendment.

Remarks by Assemblyman McCurdy.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 519.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 519. Assembly Bill 519 makes an appropriation of $8 million from the State General Fund to the Secretary of State for the award of grants to the counties in this state for the purchase of voting machines and related costs. The bill provides that the grants of money, upon application from the counties, shall be allocated as follows: Clark County, not more than $4.5 million; Washoe County, not more than $1.7 million; remaining counties, not more than $1.8 million. The act becomes effective on July 1, 2017, and this will be a grant process, Mr. Speaker.

Roll call on Assembly Bill No. 519:

YEAS—42.

NAYS—None.

Assembly Bill No. 519 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 487.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 487, as amended, confers to the Taxicab Authority limited enforcement jurisdiction over persons who are drivers for transportation network companies [TNCs] and solicit passengers or provide transportation services outside of the TNC application. The bill also makes various changes to provisions concerning the Taxicab Authority, including a number of the things that I cited earlier, and I would be happy to go over the whole list again if the body wishes me to.

Roll call on Assembly Bill No. 487:

YEAS—30.

NAYS—Paul Anderson, Ellison, Hansen, Jauregui, Krasner, Marchant, McArthur, Pickard, Titus, Tolles, Watkins, Woodbury—12.

Assembly Bill No. 487 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 69.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 69 authorizes a fully autonomous vehicle to be tested or operated on a highway within this state under certain circumstances. The bill also provides for the testing and use of driver-assistive platooning technology within this state. The bill authorizes Nevada's Department of Motor Vehicles to adopt certain regulations relating to autonomous vehicles. The bill further authorizes the Department to impose an administrative fine for violations of laws and regulations related to autonomous vehicles.

The bill requires a person responsible for testing of an autonomous vehicle to report certain crashes to the Department. The bill prohibits a local government from imposing fees, taxes, and

other requirements on any automated driving system or autonomous vehicle. The effective date is effective upon approval and passage.

This bill went through kind of a rollercoaster of working with the stakeholders to get to where we could get and have a bill that we could bring to the floor. Again, there was a lot of work put into this, and we still have to get it to the other side. I urge your support.

Roll call on Assembly Bill No. 69:

YEAS—36.

NAYS—Carlton, Diaz, Flores, Miller, Neal, Spiegel—6.

Assembly Bill No. 69 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 407.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Assembly Bill 407 will designate UNR [University of Nevada, Reno], UNLV [University of Nevada, Las Vegas], and DRI [Desert Research Institute] with land grant status—will give the status to those three entities as land grand institutions. Also, this bill seeks to have our legislative auditor conduct an audit into the Cooperative Extension programming to see where our dollars that we allocate for these purposes are being expended so that we can get more data moving forward.

Roll call on Assembly Bill No. 407:

YEAS—30.

NAYS—Benitez-Thompson, Ellison, Hambrick, Hansen, Joiner, Kramer, Krasner, Marchant, McArthur, Titus, Tolles, Wheeler—12.

Assembly Bill No. 407 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 413.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 413, as amended, revises various provisions relating to electronic wills and trusts, including establishing when an electronic will is self-proving, establishing the qualifications and duties of a qualified custodian of an electronic will, establishing requirements relating to a declaration or affidavit of a witness to an electronic will, and providing the methods by which an electronic will may be revoked.

The bill renames the Electronic Notary Public Authorization Act as the Electronic Notarization Enabling Act and makes various changes to provisions governing electronic notaries public. The bill authorizes electronic notaries public to perform electronic notarial acts remotely using audio-video communication. In addition, this bill authorizes the Secretary of State to require notaries public registering as electronic notaries public to complete an online course on electronic notarization.

Additionally, the measure increases the amount of fees that an electronic notary public may charge from $10 to $25 for performing certain electronic notarial acts and authorizes an electronic notary public to charge a reasonable fee to recover any cost of providing a copy of an entry or a recording of an audio-video communication in the electronic journal maintained by the

electronic notary public. Lastly, the measure prohibits government employees acting in their official capacity from charging a fee for an electronic notarial act.

The act becomes effective on October 1, 2017.

Roll call on Assembly Bill No. 413:

YEAS—41.

NAYS—Krasner.

Assembly Bill No. 413 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 422.

Bill read third time.

Remarks by Assemblymen Araujo and Ohrenschall.

Potential conflict of interest declared by Assemblyman Ohrenschall.

ASSEMBLYMAN ARAUJO:

Assembly Bill 422, as amended, transfers the responsibility of licensing and regulating medical marijuana establishments, owners, and agents from the Division of Public and Behavioral Health within the Department of Health and Human Services to the Department of Taxation. Assembly Bill 422, as amended, also revises certain procedures for renewal applications of a medical marijuana establishment and individuals with ownership interests in a medical marijuana establishment.

Assembly Bill 422, as amended, retains the Medical Marijuana Registry program within the Division of Public and Behavioral Health and revises provisions for obtaining a registry identification card to purchase medical marijuana. Specifically, A.B. 422 eliminates the requirement for the Central Repository for Nevada Records of Criminal History to conduct a criminal history check for registry card applicants; allows the attending physician to select a time period of either one or two years for the issuance of a registry identification card; and allows the Administrator of the Division of Public and Behavioral Health to adopt regulations necessary to carry out provisions governing the issuance and regulation of registry identification cards. Assembly Bill 422 revises the fees for processing and issuing a registry identification card from $75 per year to $50 per year and eliminates the initial $25 fee for requesting an application.

Assembly Bill 422 allows a medical marijuana dispensary to track the purchases of marijuana for medical purposes to ensure the person does not exceed the legal limits on the possession of marijuana for medical purposes.

The provisions of section 56.7 become effective on January 1, 2020.

ASSEMBLYMAN OHRENSCHALL:

I would like to refer to the earlier disclosure I made about 20 minutes ago on Assembly Bill 422—disclose and abstain. I'll be abstaining on this vote.

Roll call on Assembly Bill No. 422:

YEAS—36.

NAYS—Krasner, Marchant, McArthur, Tolles, Wheeler—5.

NOT VOTING—Ohrenschall.

Assembly Bill No. 422 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 423.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 423, as amended, requires the Nevada Commission for Women, with the assistance of the Director of the Department of Administration, to design and conduct a survey of employers in the state with 100 or more employees to collect data and information related to issues of gender equality in the workplace. The Commission must create, maintain, and make available to the public a database that provides information about employers that have best practices and policies on issues of gender equality in the workplace and must submit a report to the Governor and the Director of the Legislative Counsel Bureau on issues of gender equality in the workplace. The bill becomes effective on July 1, 2017.

Roll call on Assembly Bill No. 423:

YEAS—27.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.

Assembly Bill No. 423 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 484.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 484, as amended, would relocate the Commission on Postsecondary Education within the Employment Security Division of the Department of Employment, Training and Rehabilitation. This bill would also reduce the Governor-appointed voting members of the Commission from seven to six by eliminating a member representing the State Board of Education.

Roll call on Assembly Bill No. 484:

YEAS—42.

NAYS—None.

Assembly Bill No. 484 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 545 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblywoman Benitez-Thompson.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 545.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 545 has a 12-page floor statement which I will abbreviate and then will be happy to stand for any questions from the body. This is our Expenditures Act.

Senate Bill 545 represents authority for agencies to collect and expend monies, including federal funds, gifts, grants, interagency transfers, service fees, and other funds which total $16.2 billion over the 2017-2019 biennium. Additionally, due to specific statutory language for

these agencies, Senate Bill 545 includes authority for the Gaming Control Board and the Nevada Gaming Commission to expend $60.9 million from the General Fund over the 2017-2019 biennium. Similarly, the bill includes authority for Nevada's Department of Transportation to expend $650.1 million from the Highway Fund over the 2017-2019 biennium.

Under elected officials, the State Office of Energy, the money committees approved the Governor's recommendation to authorize $2.5 million of Renewable Energy Abatement Tax revenue in each year of the 2017-2019 biennium and $1 million of Renewable Energy Abatement Tax revenue in Fiscal Year 2018 to assist Nevada in securing the federal Frontier Observatory for Research in Geothermal Energy, otherwise known as FORGE, project.

In the Office of the Attorney General, the money committees approved the Governor's recommendation to use National Mortgage Settlement funds of $12.8 million over the 2017-2019 biennium to continue funding the Housing Call Center, Financial Guidance Center, and Legal Services contracts for the Home Again program, as well as the Criminal Mortgage Fraud unit and the Financial Fraud unit, and transfers to nonprofit legal entities to provide guardianship abuse assistance to Nevada consumers.

The money committees further approved $5.5 million in settlement funds to establish a new State Settlements budget and approved a $1.3 million transfer in settlement funds to the Department of Business and Industry to support the Consumer Affairs Unit and $205,000 over the biennium for the Confidential Address Program, which was transferred from the Attorney General's Office to the Division of Child and Family Services pursuant to S.B. 25. A reserve balance of $4 million remains in the new State Settlements budget.

In the Treasurer's Office, the money committees approved Endowment Account funds of $3.6 million over the 2017-2019 biennium to fund $50 deposits into College Kick Start accounts for public school kindergarten students.

Under the Judicial Branch, the money committees approved replacing General Fund appropriations of $575,000 in each year of the 2017-2019 biennium with fees from misdemeanor and felony convictions of driving under the influence to serve participants in the specialty courts.

In the Department of Financial Administration, the Director's Office, the money committees approved $209,000 for the licensing of an IT cloud-based email solution for the Department of Administration employees.

In the Administrative Services Division, the money committees approved the Governor's recommendation to eliminate three vacant Accounting Assistant positions and to add a new Administrative Services Officer position.

In Purchasing, contingent upon passage and approval of enabling legislation, the money committees approved expenditures of $1.5 million over the 2017-2019 biennium to implement a new E-Procurement system funded by a new vendor administrative fee.

In the Division of Human Resource Management, the money committees approved eliminating written employment tests, as recommended by the Governor, including the elimination of two filled positions, generating savings totaling $350,000 over the 2017-2019 biennium.

In the Division of Enterprise Information Technology Services [EITS], the money committees approved $98.1 million in authorized revenues for the Division of Enterprise IT for the 2017-2019 biennium. The money committees approved the intra-division transfer of 21 positions in five EITS budgets to better align employee duties with budgets and to improve customer service. The money committees also approved $6.9 million, including a $2 million loan from the General Fund, for bandwidth enhancements. A sum of $3.4 million was approved by the money committees for cybersecurity initiatives, including a $804,000 interest-free General Fund loan to EITS. The money committees chose not to eliminate two positions in order to preserve the agency's planning capabilities and approved a total of 9.51 new positions to address an increasing workload and new technology.

In the State Public Works Division, the money committees approved $1.5 million in the 2017-2019 biennium to fund deferred maintenance projects throughout the state. Inspection fees totaling $2.2 million were approved to fund three new project management and eight construction inspection positions resulting from the workload increase.

The Department of Taxation: The money committees approved the Governor's recommendation to fund 16 new positions for the Department of Taxation and funding for local

government to carry out the provisions of the Regulation and Taxation of Marijuana Act and the transfer of the net proceeds to—well, that doesn't work anymore; we won't talk about that.

Under the State Public Charter School Authority, in closing the State Public Charter School Authority budgets, the money committees approved reserve reductions totaling $950,000 over the 2017-2019 biennium to fund four new positions to support the agency's charter authorizer responsibilities, as recommended by the Governor.

In closing the budgets for NSHE [the Nevada System of Higher Education], the money committees approved revenue from all sources totaling $1.9 billion for the 2017-2019 biennium. Non-General Fund revenues total $673.1 million, or 35.5 percent of total funding, and include student registration fees, nonresident tuition, student application fees, federal and county revenues, operating capital investment income, and an interagency transfer of funds from the Governor's Office of Workforce Innovation.

Under commerce and industry, the Department of Agriculture, total authorizations to the Department of Agricultural increased by 38.2 percent, or $123.2 million, when compared to the 2015-2017 legislatively approved amount, primarily due to an increase in federal program funding for nutrition education and commodity food programs.

For the Gaming Control Board, the money committees approved the Governor's recommendation to eliminate seven vacant unclassified positions in the Investigation Division, resulting in a $1.3 million reduction in the transfer of investigation fees.

In the Department of Business and Industry, in closing of the budgets for the Department of Business and Industry, the money committees authorized funding of $289.8 million over the 2017-2019 biennium to the State Small Business Credit Initiative program and $5.2 million for the Rural Community Development program.

In the Department of Tourism and Cultural Affairs, the money committees authorized room tax revenues of $25.0 million in [Fiscal Year] 2018 and $25.7 million in 2019, reflecting significant increases from the 2016 actual receipts of $22.6 million.

In Health and Human Services, the Director's Office, in closing the budgets administered by the Department of Health and Human Services, Director's Office, the money committees approved the Healthy Nevada Fund spending plan recommended by the Governor for the Grants Management Unit, which allocates tobacco settlement funds totaling $16.7 million over the biennium, including: $ million for a new Health Center Incubator project; $4 million for food security; $760,000 for suicide prevention; $300,000 for immunizations; $1.22 million for the Nevada 2-1-1 system; $2.7 million for differential response; $2.73 million for family resource centers; $3 million for disability grants; and $949,000 for administrative costs. The money committees also approved $28.3 million in Title XX funds over the biennium to provide grants to state agencies and nonprofit organizations to support health and social service programs and approved $950,000 over the biennium in Temporary Assistance for Needy Families reserve funds for statewide Hunger One-Stop Shops. That particular budget is very large, and I will be making sure that all of my notes are given to the desk so everything will be included. I will be happy to answer any other questions on that.

Moving to the Division of Child and Family Services, in closing the budgets of the Division of Child and Family Services, the money committees approved non-General Fund revenues totaling $291.7 million over the 2017-2019 biennium. These revenues include federal grants and county assessments which support projected caseload increases in foster care and adoption subsidies, child protective services, and juvenile justice services.

The money committees authorized additional federal Title IV-E revenues of $3.4 million to increase expenditure authority for existing mandated statewide core training for social workers for the 2017-2019 biennium, for a total of $5 million. Additionally, the money committees authorized an increase to the China Spring/Aurora Pines youth camp budget of $324,000 over the biennium to address a projected salary deficit and an increase in the Douglas County cost allocation funded by county participation fees.

Within the Department of Rehabilitation, in closing the budgets of the Department of Employment, Training and Rehabilitation, the money committees authorized total non-General Fund revenues of $340 million over the 2017-2019 biennium. Mr. Speaker, I will not go into detail on that. It is a very long budget.

In the Department of Public Safety [DPS], Department of Motor Vehicles, the money committees approved funding of $301,000 over the 2017-2019 biennium for bond service payments associated with the Motor Vehicle Pollution Control budget's share of the DMV field office. In closing the budgets for the Department of Public Safety, the money committees approved $475.4 million over the 2017-2019 biennium, of which $202.7 million was authorized in non-General Fund and non-Highway Funds.

Nevada Highway Patrol, DPS Forfeitures, law enforcement—the money committees approved grant funding of $472,000 over the 2017-2019 biennium to support access charges for body-worn cameras. In an effort to reduce teen motor vehicle crashes and support the expansion of the Driving Responsibly Includes Vehicle Education, the DRIVE program, the money committees approved grant funding of $133,000 over the 2017-019 biennium.

We also provided dollars for the Highway Safety Grants Account, Parole and Probation, Emergency Management, Criminal History Repository, and General Services.

Under infrastructure in the Department of Conservation and Natural Resources, for the Department of Conservation and Natural Resources, the money committees authorized total funding of $194 million over the 2017-2019 biennium.

In the Department of Wildlife, the money committees authorized funding to modify the Department's information systems to implement license simplification measures contained in Senate Bill 511. The money committees also authorized Sportsmen Revenue totaling $69,000 to replace the Department's current email and established marketing system and $40,000 for equipment, travel, and training to establish a Wildlife Human Attack Response Team.

In the Nevada Department of Transportation, the money committees authorized funding of $678 million in 2018 and $669.5 million in 2019, including $419.8 million in 2018 and $416.2 million in 2019 to support highway and other capital construction. The money committees approved 19 new positions for the Department, including 10 positions to establish a new maintenance crew in southern Nevada and a new maintenance crew in northwestern Nevada.

Under special purpose agencies, Public Employees' Benefits Program, the money committees authorized a total of $476.1 million in Fiscal Year 2018 and $476.9 million in 2019 for the Public Employees' Benefits Program. With the exception of modifying enhanced health savings account/health reimbursement arrangement contributions to be tied to the completion of preventive services, the plan design for the 2017-2019 biennium did not change significantly from 2017.

In the Office of the Military the money committees approved a budget amendment to eliminate 37 state Army Military Security Officer positions and authorize federal funds of $1.2 million for contract security each year of the 2017-2019 biennium and $370,000 per year for additional contract costs that may be needed for increased security threats or for physical security improvements at bases throughout our state.

In the Office of Veterans Services, the money committees authorized funding of $55 million over the 2017-2019 biennium for the Department of Veterans Services, which is 0.8 percent less than the amount authorized in the 2015-2017 biennium. Additionally, the money committees approved transferring $2 million from the Southern Nevada Veterans Home to the new Northern Nevada Veterans Home in Sparks if it gets funded, which has an anticipated completion date of December 2018.

The money committees authorized revenues of $54.3 million over the 2017-2019 biennium for the Silver State Health Insurance Exchange and did not approve the Governor's recommendation to transition the Exchange to a privately developed health insurance exchange but instead directed the agency to continue using HealthCare.gov as its technology platform. Accordingly, the money committees approved funding of $6.2 million in 2018 and $9.3 million in 2019 to remain on HealthCare.gov and directed the agency to approach the 2019 Legislature or the Interim Finance Committee, as necessary, with a plan to transition to a private exchange if it is determined to be in the best interests of the state.

Roll call on Senate Bill No. 545:

YEAS—27.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.

Senate Bill No. 545 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 489.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 489, as amended, expands the use of money in the Revolving Account for Land Management to include expenditures for: (1) activities to acquire land or an interest in land; (2) environmental assessments of land, including surveys of the biological, environmental, and cultural conditions and resources of the lands; and (3) mitigation of the land. In addition, Assembly Bill 489, as amended, raises the threshold amount from below $5,000 to below $20,000 before the State Land Registrar is authorized to request an allocation from the Contingency Account in the State General Fund. Finally, this bill appropriates $200,000 from the State General Fund to the Revolving Account for Land Management to replenish the balance of the account. The bill is effective on July 1, 2017.

Roll call on Assembly Bill No. 489:

YEAS—41.

NAYS—None.

EXCUSED—Titus.

Assembly Bill No. 489 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 493.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 493, as amended, appropriates $5,067,144 from the General Fund to the Department of Corrections for outside medical expenditures and $321,239 for temporary staffing for prison medical in Fiscal Year 2017. The bill also appropriates $564,152 from the General Fund to the Department of Corrections for an unanticipated shortfall in personnel costs at Florence McClure Women's Correctional Center, for a total supplemental appropriation of $5,952,535 for the Department.

Roll call on Assembly Bill No. 493:

YEAS—41.

NAYS—None.

EXCUSED—Titus.

Assembly Bill No. 493 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 497.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 497, as amended, appropriates $734,147 from the Highway Fund to the Department of Motor Vehicles for a projected shortfall related to credit card processing fees. As amended, it becomes effective upon passage and approval.

Roll call on Assembly Bill No. 497:

YEAS—41.

NAYS—None.

EXCUSED—Titus.

Assembly Bill No. 497 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 499.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 499, as amended, appropriates $500,000 from the State General Fund to the Stale Claims Account, $2 million from the State General Fund to the Reserve for Statutory Contingency Account, and $7 million from the State General Fund to the Contingency Account to restore account balances. The act becomes effective upon passage and approval.

Roll call on Assembly Bill No. 499:

YEAS—41.

NAYS—None.

EXCUSED—Titus.

Assembly Bill No. 499 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 504.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 504, as amended, provides funding totaling $15 million in the 2017-2019 biennium for the first phase of an information technology project to replace the state's existing financial, human resource, procurement, and budgeting information systems. The bill, as amended, appropriates a total of $600,000, including $486,000 in General Fund and $114,000 in Highway Fund, to the Governor's Office of Finance for the development of a project plan and request for proposals and the evaluation of such proposals.

As amended, Assembly Bill 504 appropriates $14.4 million, including $11,664,000 in General Fund and $2,736,000 in Highway Fund, to the Interim Finance Committee for allocation to the Governor's Office of Finance for the project upon presentation of a project plan and the itemization of the costs. Finally, the bill requires that the portion of actual project costs funded with General Fund appropriations be included in the statewide cost recovery plan, beginning in Fiscal Year 2020. The bill becomes effective on July 1, 2017.

Roll call on Assembly Bill No. 504:

YEAS—41.

NAYS—None.

EXCUSED—Titus.

Assembly Bill No. 504 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 515.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Assembly Bill 515 requires the Commissioner of Financial Institutions to develop, implement, and maintain, by contract with a vendor or service provider or otherwise, a database of all deferred deposit loans, title loans, and high-interest loans in this state. The bill also provides that information in the database or obtained by the Commissioner from the database is confidential, except that the Commissioner may use such information for statistical purposes only if the identity of a person is not discernible from the information disclosed.

Roll call on Assembly Bill No. 515:

YEAS—30.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Krasner, Marchant, McArthur, Oscarson, Pickard, Wheeler, Woodbury—11.

EXCUSED—Titus.

Assembly Bill No. 515 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 5:07 p.m.

ASSEMBLY IN SESSION

At 5:08 p.m.

Mr. Speaker presiding.

Quorum present.

Senate Bill No. 69.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 1014.

AN ACT relating to regulatory bodies; ~~[authorizing the Governor to issue an executive order directing a regulatory body to expedite action on pending applications for licensure;]~~ requiring certain regulatory bodies to adopt regulations governing the issuance of a license by endorsement to a **natural** person who holds a comparable license issued by the District of Columbia or any state or territory of the United States and meets certain other

requirements; prohibiting the appointment as a member of a regulatory body of a person who has served as a member for 12 years or more under certain circumstances; prohibiting regulatory bodies from entering into an agreement for the payment of fees for legal services on a contingent basis; ~~[revising the information required to be included with an application for the issuance of a license to practice medicine and the biennial registration of a physician;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the regulation of certain occupations and professions in this State. (Title 54 of NRS) The various state agencies, boards and commissions that are authorized to license and regulate particular occupations or professions are generally referred to as "regulatory bodies." (NRS 622.060)

~~[Section 2 of this bill provides that if the Governor determines that there are critical unmet needs with regard to the number of persons within this State who are engaged in an occupation or profession that is regulated by a regulatory body that adversely affect public health or safety, the Governor may, by executive order, direct the regulatory body to take final action on all completed applications for licensure in its possession within the time specified by the executive order. Section 2 also sets forth the factors that the Governor may consider in determining whether there are such critical unmet needs.]~~

Section 3 of this bill requires a regulatory body that is not otherwise authorized or required by specific statute to issue a license to engage in an occupation or profession in this State to a **natural** person who has been issued a comparable license by another jurisdiction to adopt regulations providing for the issuance of a license by endorsement to engage in an occupation or profession in this State to a **natural** person who: (1) holds a corresponding valid and unrestricted license to engage in that occupation or profession in the District of Columbia or any state or territory of the United States; (2) possesses qualifications that are substantially similar to the qualifications required for issuance of a license to engage in that occupation or profession in this State; and (3) satisfies certain other requirements.

Section 4 of this bill establishes term limits for members of regulatory bodies. Specifically, **section 4** provides that a person may not be appointed as a member of a regulatory body if the person has served as a member of that regulatory body, or at the expiration of his or her current term if he or she is so serving will have served, 12 years or more at the time of his or her appointment, unless the person is serving as a member of a regulatory body with less than 250 licensees.

Existing law establishes specific requirements that must be satisfied before certain state agencies or officials may enter into a contingent fee contract with an attorney or law firm. (NRS 228.111-228.1118) **Section 5** of this bill prohibits any regulatory body from entering into such a contract. **Section 8** of this bill makes a conforming change.

~~[Existing law requires a regulatory body to exercise its authority over an occupation or profession for the protection and benefit of the public. (NRS 622.080) Section 6 of this bill requires a regulatory body also to exercise its authority over the occupation or profession for the expansion of economic opportunity, promotion of competition and encouragement of innovation. Section 6 also imposes certain limitations on the manner in which a regulatory body may exercise its authority over an occupation or profession.]~~

Existing law requires each regulatory body to submit a quarterly report to the Director of the Legislative Counsel Bureau that includes certain information concerning the disciplinary actions taken and the number of licenses issued by the regulatory body during the immediately preceding calendar quarter. (NRS 622.100) **Section 7** of this bill requires the regulatory body also to include in the report: (1) the total number of applications for licensure received by the regulatory body; (2) the number of applications rejected by the regulatory body as incomplete; (3) the average number of days between the date of rejection of an application as incomplete and the resubmission by the applicant of a complete application; (4) a list of each reason given by the regulatory body for the denial of an application and the number of applications denied by the regulatory body for each such reason; and (5) the number of applications reviewed on an individual basis by the regulatory body or the executive head of the regulatory body.

~~[Existing law requires an applicant for a license to practice medicine to submit to the Board of Medical Examiners a description of any complaints filed against the applicant with a licensing board of another state and any disciplinary action taken against the applicant by the licensing board of another state. (NRS 630.173) Section 7.3 of this bill provides that an applicant for such a license is not required to report with his or her application: (1) an anonymous complaint submitted to the licensing board of another state if such a board refused to consider or investigate the anonymous complaint; or (2) a complaint filed against the applicant that did not result in any disciplinary action taken against the applicant by the licensing board of another state.~~

~~Existing law also requires each holder of a license to practice medicine to register with the Board on or before June 30 of each odd-numbered year and provides that each license issued will expire if not renewed. Existing law further requires each holder of a license to practice medicine, when registering with the Board, to submit a list of all actions filed or claims submitted for malpractice against him or her during the previous 2 years. (NRS 630.267) Section 7.6 of this bill provides that the holder of such a license does not need to report with his or her biennial registration: (1) an anonymous complaint submitted to the Board that the Board refused to consider; or (2) a complaint filed against the holder of such a license that did not result in any disciplinary action taken against the holder by the Board.]~~

Section 18 of Senate Bill No. 516 of this session creates the Office of Workforce Innovation in the Office of the Governor. Section 19 of

Senate Bill No. 516 of this session requires the Governor to appoint the Executive Director of the Office of Workforce Innovation. Section 9.5 of this bill requires the Executive Director of the Office of Workforce Innovation, on or before January 1 of each year, to submit to the Director of the Legislative Counsel Bureau a written report that includes: (1) the number of persons in this State who are engaged in an occupation or profession that is regulated by a regulatory body; and (2) the demand for the services of such persons engaged in such a regulated occupation or profession.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 622 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ~~*[1. If the Governor determines, according to the provisions set forth in subsection 2, that there are critical unmet needs with regard to the number of persons within this State who are engaged in an occupation or profession that is regulated by a regulatory body and such unmet needs adversely affect public health or safety, the Governor may, by executive order, direct the regulatory body to take final action on all completed applications for licensure in the possession of the regulatory body within the time specified by the executive order.*~~

~~*2. Except as otherwise provided by specific statute, in determining whether there is a critically unmet need as described in subsection 1 that adversely affects public health or safety, the Governor may consider, without limitation:*~~

~~*(a) Statistical data based on an analysis of the number of persons within this State who are engaged in an occupation or profession that is regulated by a regulatory body in relation to the total population of this State or any geographic area within this State;*~~

~~*(b) The demand within this State or any geographic area within this State for types of services provided by persons within this State who are engaged in an occupation or profession that is regulated by a regulatory body; and*~~

~~*(c) Any other factors relating to the types of services provided by persons within this State who are engaged in an occupation or profession that is regulated by a regulatory body that adversely affect public health or safety.*~~

~~*3. As used in this section, "final action" means the approval or denial of an application for a license by a regulatory body.]*~~ **(Deleted by amendment.)**

Sec. 3. *1. Except as otherwise provided by specific statute relating to the issuance of a license by endorsement, a regulatory body shall adopt regulations providing for the issuance of a license by endorsement to engage in an occupation or profession in this State to any* **natural** *person who:*

(a) Holds a corresponding valid and unrestricted license to engage in that occupation or profession in the District of Columbia or any state or territory of the United States;

(b) Possesses qualifications that are substantially similar to the qualifications required for issuance of a license to engage in that occupation or profession in this State; and

(c) Satisfies the requirements of this section and the regulations ~~[.]~~ adopted pursuant thereto.

2. The regulations adopted pursuant to subsection 1 must not allow the issuance of a license by endorsement to engage in an occupation or profession in this State to a natural person unless ~~[the]~~ such a person:

(a) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(b) Has not been disciplined by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to engage in an occupation or profession;

(c) Has not been held civilly or criminally liable in the District of Columbia or any state or territory of the United States for misconduct relating to his or her occupation or profession;

(d) Has not had a license to engage in an occupation or profession suspended or revoked in the District of Columbia or any state or territory of the United States;

(e) Has not been refused a license to engage in an occupation or profession in the District of Columbia or any state or territory of the United States for any reason;

(f) Does not have pending any disciplinary action concerning his or her license to engage in an occupation or profession in the District of Columbia or any state or territory of the United States;

(g) Pays any applicable fees for the issuance of a license that are otherwise required for a natural person to obtain a license in this State;

(h) Submits to the regulatory body a complete set of his or her fingerprints and written permission authorizing the regulatory body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report or proof that the applicant has previously passed a comparable criminal background check; and

(i) Submits to the regulatory body the statement required by NRS 425.520.

3. A regulatory body may, by regulation, require an applicant for issuance of a license by endorsement to engage in an occupation or profession in this State to submit with his or her application:

(a) Proof satisfactory to the regulatory body that the applicant:

(1) Has achieved a passing score on a nationally recognized, nationally accredited or nationally certified examination or other examination approved by the regulatory body;

(2) Has completed the requirements of an appropriate vocational, academic or professional program of study in the occupation or profession for which the applicant is seeking a license by endorsement in this State;

(3) Has engaged in the occupation or profession for which the applicant is seeking a license by endorsement in this State pursuant to the applicant's existing licensure for the period determined by the regulatory body preceding the date of the application; and

(4) Possesses a sufficient degree of competency in the occupation or profession for which he or she is seeking licensure by endorsement in this State;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and complete; and

(c) Any other information required by the regulatory body.

4. Not later than ~~[15]~~ 21 business days after receiving an application for a license by endorsement to engage in an occupation or profession pursuant to this section, the regulatory body shall provide written notice to the applicant of any additional information required by the regulatory body to consider the application. Unless the regulatory body denies the application for good cause, the regulatory body shall approve the application and issue a license by endorsement to engage in the occupation or profession to the applicant not later than:

(a) ~~[Thirty]~~ Sixty days after receiving the application;

(b) If the regulatory body requires an applicant to submit fingerprints and authorize the preparation of a report on the applicant's background based on the submission of the applicant's fingerprints, ~~[10]~~ 15 days after the regulatory body receives the report; or

(c) If the regulatory body requires the filing and maintenance of a bond as a requirement for the issuance of a license, ~~[10]~~ 15 days after the filing of the bond with the regulatory body,

➥ whichever occurs later.

5. A license by endorsement to engage in an occupation or profession in this State issued pursuant to this section may be issued at a meeting of the regulatory body or between its meetings by the presiding member of the regulatory body and the executive head of the regulatory body. Such an action shall be deemed to be an action of the regulatory body.

6. A regulatory body may deny an application for licensure by endorsement if:

(a) An applicant willfully fails to comply with the provisions of paragraph (h) of subsection 2; or

(b) The report from the Federal Bureau of Investigation indicates that the applicant has been convicted of a crime that would be grounds for taking disciplinary action against the applicant as a licensee and the

regulatory body has not previously taken disciplinary action against the licensee based on that conviction.

7. The provisions of this section are intended to supplement other provisions of statute governing licensure by endorsement. If any provision of statute conflicts with this section, the other provision of statute prevails over this section to the extent that the other provisions provide more specific requirements relating to licensure by endorsement.

Sec. 4. ***1. Except as otherwise provided in subsection 2, notwithstanding any other provision of law, a person may not be appointed as a member of a regulatory body if the person has served as a member of that regulatory body, or at the expiration of his or her current term if he or she is so serving will have served, 12 years or more at the time of his or her appointment.***

2. The provisions of subsection 1 do not apply to a person who has served as a member of a regulatory body which has less than 250 licensees.

Sec. 5. ***1. Notwithstanding the provisions of NRS 228.111 to 228.1118, inclusive, and any other provision of law, a regulatory body shall not employ, retain or otherwise contract with an attorney or law firm pursuant to a contingent fee contract.***

2. As used in this section, "contingent fee contract" means a contract for legal services between a regulatory body and an attorney or law firm, pursuant to which the fee of the attorney or law firm is payable, in whole or in part, from any money recovered in a matter governed by the contract.

Sec. 6. ~~**[**NRS 622.080 is hereby amended to read as follows:~~

~~622.080~~ ***1.*** ~~In regulating an occupation or profession pursuant to this title, each regulatory body shall carry out and enforce the provisions of this title for the **[**protection**]**:~~

~~***(a) Protection*** and benefit of the public ***[.]***;~~

~~***(b) Expansion of economic opportunity;***~~

~~***(c) Promotion of competition; and***~~

~~***(d) Encouragement of innovation.***~~

~~***2. In adopting regulations pursuant to chapter 233B of NRS, a regulatory body shall consider whether a regulation under consideration:***~~

~~***(a) Expands economic opportunity;***~~

~~***(b) Promotes competition; and***~~

~~***(c) Encourages innovation.***~~

~~***3. If a regulatory body finds it necessary to take action that may limit or reduce competition in an occupation or profession that it is authorized to regulate, the regulatory body shall select the regulatory action that limits or reduces such competition no more than is necessary to protect the public from present, significant and substantiated harms that threaten public health and safety.***~~

~~***4. A regulatory body shall not enforce a law or regulation against a person except to the extent that the person engages in conduct that is***~~

~~*expressly included in a statute or regulation that establishes the authorized scope of practice of the occupation or profession.*~~

~~*5. Each regulatory body that issues a license by endorsement to engage in an occupation or profession in this State to a person who holds a corresponding valid and unrestricted license to engage in that occupation or profession in the District of Columbia or any state or territory of the United States shall ensure that its process of issuing such licenses is conducted with the highest possible levels of efficiency and transparency.]*~~ **(Deleted by amendment.)**

Sec. 7. NRS 622.100 is hereby amended to read as follows:

622.100 1. Each regulatory body shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director:

(a) A summary of each disciplinary action taken by the regulatory body during the immediately preceding calendar quarter against any licensee of the regulatory body; and

(b) A report that includes:

(1) ***For the immediately preceding calendar quarter:***

(I) The number of licenses issued by the regulatory body ~~[during the immediately preceding calendar quarter;]~~;

(II) The total number of applications for licensure received by the regulatory body;

(III) The number of applications rejected by the regulatory body as incomplete;

(IV) The average number of days between the date of rejection of an application as incomplete and the resubmission by the applicant of a complete application;

(V) A list of each reason given by the regulatory body for the denial of an application and the number of applications denied by the regulatory body for each such reason; and

(VI) The number of applications reviewed on an individual basis by the regulatory body or the executive head of the regulatory body; and

(2) Any other information that is requested by the Director or which the regulatory body determines would be helpful to the Legislature in evaluating whether the continued existence of the regulatory body is necessary.

2. The Director shall:

(a) Provide any information received pursuant to subsection 1 to a member of the public upon request;

(b) Cause a notice of the availability of such information to be posted on the public website of the Nevada Legislature on the Internet; and

(c) Transmit a compilation of the information received pursuant to subsection 1 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

3. The Director, on or before the first day of each regular session of the Legislature and at such other times as directed, shall compile the reports

received pursuant to paragraph (b) of subsection 1 and distribute copies of the compilation to the Senate Standing Committee on Commerce and Labor and the Assembly Standing Committee on Commerce and Labor, each of which shall review the compilation to determine whether the continued existence of each regulatory body is necessary.

Sec. 7.3. ~~[NRS 630.173 is hereby amended to read as follows:~~

~~630.173 1. In addition to the other requirements for licensure, an applicant for a license to practice medicine shall submit to the Board information describing:~~

~~(a) Any claims made against the applicant for malpractice, whether or not a civil action was filed concerning the claim;~~

~~(b)~~ **[**~~Any~~**]** ***Except as otherwise provided in subsection 4, any*** ~~complaints filed against the applicant with a licensing board of another state~~ **[**~~and~~**]** ***that resulted in*** ~~any disciplinary action taken against the applicant by a licensing board of another state; and~~

~~(c) Any complaints filed against the applicant with a hospital, clinic or medical facility or any disciplinary action taken against the applicant by a hospital, clinic or medical facility.~~

~~2. The Board may consider any information specified in subsection 1 that is more than 10 years old if the Board receives the information from the applicant or any other source from which the Board is verifying the information provided by the applicant.~~

~~3. The Board may refuse to consider any information specified in subsection 1 that is more than 10 years old if the Board determines that the claim or complaint is remote or isolated and that obtaining or attempting to obtain a record relating to the information will unreasonably delay the consideration of the application.~~

~~4.~~ ***An applicant for a license to practice medicine is not required to submit information describing:***

(a) An anonymous complaint that the licensing board of another state refused to consider or investigate; or

(b) A complaint filed against the applicant that did not result in any disciplinary action taken against the applicant by the licensing board of another state.

~~5. The Board shall not issue a license to the applicant until it has received all the information required by this section.~~**]** **(Deleted by amendment.)**

Sec. 7.6. ~~[NRS 630.267 is hereby amended to read as follows:~~

~~630.267 1. Each holder of a license to practice medicine must, on or before June 30, or if June 30 is a Saturday, Sunday or legal holiday, on the next business day after June 30, of each odd-numbered year:~~

~~(a)~~ **[**~~Submit~~**]** ***Except as otherwise provided in subsection 2, submit*** ~~a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against him or her during the previous 2 years.~~

~~(b) Pay to the Secretary-Treasurer of the Board the applicable fee for biennial registration. This fee must be collected for the period for which a physician is licensed.~~

~~(c) Submit all information required to complete the biennial registration.~~

~~2. *A holder of a license to practice medicine is not required to submit with his or her biennial registration information describing:*~~

~~*(a) An anonymous complaint that the Board refused to consider pursuant to subsection 1 of NRS 630.307; or*~~

~~*(b) A complaint filed against the holder of the license that did not result in any disciplinary action taken against the holder of the license by the Board.*~~

~~*3.* When a holder of a license fails to pay the fee for biennial registration and submit all information required to complete the biennial registration after they become due, his or her license to practice medicine in this State expires. The holder may, within 2 years after the date the license expires, upon payment of twice the amount of the current fee for biennial registration to the Secretary-Treasurer and submission of all information required to complete the biennial registration and after he or she is found to be in good standing and qualified under the provisions of this chapter, be reinstated to practice.~~

~~[3.] *4.* The Board shall make such reasonable attempts as are practicable to notify a licensee:~~

~~(a) At least once that the fee for biennial registration and all information required to complete the biennial registration are due; and~~

~~(b) That his or her license has expired.~~

~~The~~ ~~A copy of this notice must be sent to the Drug Enforcement Administration of the United States Department of Justice or its successor agency.~~] **(Deleted by amendment.)**

Sec. 8. NRS 228.1111 is hereby amended to read as follows:

228.1111 1. ~~[The]~~ ***Subject to the limitations of section 5 of this act, the*** Attorney General or any other officer, agency or employee in the Executive Department of the State Government shall not enter into a contingent fee contract unless:

(a) The Governor, in consultation with the Attorney General, has determined in writing:

(1) That the Attorney General lacks the resources, skill or expertise to provide representation in the matter that is the subject of the proposed contract; and

(2) That representation pursuant to a contingent fee contract is cost-effective and in the public interest; and

(b) The proposed contract complies with the requirements of NRS 228.111 to 228.1118, inclusive.

2. Before entering into a contingent fee contract, the Attorney General or other officer, agency or employee, as applicable, must obtain approval from the Interim Finance Committee to commit money for that purpose.

Sec. 9. Section 3 of this act is hereby amended to read as follows:

Sec. 3. 1. Except as otherwise provided by specific statute relating to the issuance of a license by endorsement, a regulatory body shall adopt regulations providing for the issuance of a license by endorsement to engage in an occupation or profession in this State to any natural person who:

(a) Holds a corresponding valid and unrestricted license to engage in that occupation or profession in the District of Columbia or any state or territory of the United States;

(b) Possesses qualifications that are substantially similar to the qualifications required for issuance of a license to engage in that occupation or profession in this State; and

(c) Satisfies the requirements of this section and the regulations adopted pursuant thereto.

2. The regulations adopted pursuant to subsection 1 must not allow the issuance of a license by endorsement to engage in an occupation or profession in this State to a natural person unless such a person:

(a) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(b) Has not been disciplined by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to engage in an occupation or profession;

(c) Has not been held civilly or criminally liable in the District of Columbia or any state or territory of the United States for misconduct relating to his or her occupation or profession;

(d) Has not had a license to engage in an occupation or profession suspended or revoked in the District of Columbia or any state or territory of the United States;

(e) Has not been refused a license to engage in an occupation or profession in the District of Columbia or any state or territory of the United States for any reason;

(f) Does not have pending any disciplinary action concerning his or her license to engage in an occupation or profession in the District of Columbia or any state or territory of the United States;

(g) Pays any applicable fees for the issuance of a license that are otherwise required for a natural person to obtain a license in this State; ***and***

(h) Submits to the regulatory body a complete set of his or her fingerprints and written permission authorizing the regulatory body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report or proof that the applicant has previously passed a comparable criminal background check. **[**~~, and~~

~~(i) Submits to the regulatory body the statement required by NRS 425.520.~~]

3. A regulatory body may, by regulation, require an applicant for issuance of a license by endorsement to engage in an occupation or profession in this State to submit with his or her application:

(a) Proof satisfactory to the regulatory body that the applicant:

(1) Has achieved a passing score on a nationally recognized, nationally accredited or nationally certified examination or other examination approved by the regulatory body;

(2) Has completed the requirements of an appropriate vocational, academic or professional program of study in the occupation or profession for which the applicant is seeking a license by endorsement in this State;

(3) Has engaged in the occupation or profession for which the applicant is seeking a license by endorsement in this State pursuant to the applicant's existing licensure for the period determined by the regulatory body preceding the date of the application; and

(4) Possesses a sufficient degree of competency in the occupation or profession for which he or she is seeking licensure by endorsement in this State;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and complete; and

(c) Any other information required by the regulatory body.

4. Not later than 21 business days after receiving an application for a license by endorsement to engage in an occupation or profession pursuant to this section, the regulatory body shall provide written notice to the applicant of any additional information required by the regulatory body to consider the application. Unless the regulatory body denies the application for good cause, the regulatory body shall approve the application and issue a license by endorsement to engage in the occupation or profession to the applicant not later than:

(a) Sixty days after receiving the application;

(b) If the regulatory body requires an applicant to submit fingerprints and authorize the preparation of a report on the applicant's background based on the submission of the applicant's fingerprints, 15 days after the regulatory body receives the report; or

(c) If the regulatory body requires the filing and maintenance of a bond as a requirement for the issuance of a license, 15 days after the filing of the bond with the regulatory body,

➥ whichever occurs later.

5. A license by endorsement to engage in an occupation or profession in this State issued pursuant to this section may be issued at a meeting of the regulatory body or between its meetings by the presiding member of the regulatory body and the executive head of the regulatory

body. Such an action shall be deemed to be an action of the regulatory body.

6. A regulatory body may deny an application for licensure by endorsement if:

(a) An applicant willfully fails to comply with the provisions of paragraph (h) of subsection 2; or

(b) The report from the Federal Bureau of Investigation indicates that the applicant has been convicted of a crime that would be grounds for taking disciplinary action against the applicant as a licensee and the regulatory body has not previously taken disciplinary action against the licensee based on that conviction.

7. The provisions of this section are intended to supplement other provisions of statute governing licensure by endorsement. If any provision of statute conflicts with this section, the other provision of statute prevails over this section to the extent that the other provisions provide more specific requirements relating to licensure by endorsement.

Sec. 9.5. **Section 20 of Senate Bill No. 516 of this session is hereby amended to read as follows:**

Sec. 20. The Executive Director of the Office of Workforce Innovation shall:

1. Provide support to the Office of the Governor, the Governor's Workforce Development Board created by NRS 232.935 and the industry sector councils established by the Governor's Workforce Development Board on matters relating to workforce development.

2. Work in coordination with the Office of Economic Development to establish criteria and goals for workforce development and diversification in this State.

3. Collect and systematize and present in biennial reports to the Governor and the Legislature such statistical details relating to workforce development in the State as the Executive Director of the Office may deem essential to further the objectives of the Office of Workforce Innovation.

4. At the direction of the Governor:

(a) Identify, recommend and implement policies related to workforce development.

(b) Define career pathways and identify priority career pathways for secondary and postsecondary education.

(c) Discontinue career pathways offered by the State which fail to meet minimum standards of quality, rigor and cross-education alignment, or that do not demonstrate a connection to priority industry needs.

(d) In consultation with the Governor's Workforce Development Board, identify industry-recognized credentials, workforce development programs and education.

(e) Maintain and oversee the statewide longitudinal data system that links data relating to early childhood education programs and K-12 public education with data relating to postsecondary education and the workforce in this State.

(f) Collect accurate educational data in the statewide longitudinal data system for the purpose of analyzing student performance through employment to assist in improving the educational system and workforce training program in this State.

(g) Apply for and administer grants, including, without limitation, those that may be available from funding reserved for statewide workforce investment activities.

(h) Review the status and structure of local workforce investment areas in the State, in coordination with the Governor and the Governor's Workforce Development Board.

(i) Report periodically to the Governor's Workforce Development Board concerning the administration of the policies and programs of the Office of Workforce Innovation.

(j) On or before March 31 of each year, submit to the Governor a complete report of the activities, discussions, findings and recommendations of the Office of Workforce Innovation.

(k) Oversee the State Apprenticeship Council and the State Apprenticeship Director pursuant to NRS 610.110 to 610.185, inclusive, and perform such other functions as may be necessary for the fulfillment of the intent and purposes of chapter 610 of NRS.

(l) Suggest improvements regarding the allocation of federal and state money to align workforce training and related education programs in the State, including, but not limited to, career and technical education.

(m) On or before January 1 of each year, collect and analyze data as needed to create a written report for the purposes of this paragraph, and submit such a report to the Director of the Legislative Counsel Bureau. The report must include, without limitation:

(1) Statistical data based on an analysis of the number of persons within this State who are engaged in an occupation or profession that is regulated by a regulatory body in relation to the total population of this State or any geographic area within this State;

(2) The demand within this State or any geographic area within this State for the types of services provided by persons within this State who are engaged in an occupation or profession that is regulated by a regulatory body; and

(3) Any other factors relating to the types of services provided by persons within this State who are engaged in an occupation or profession that is regulated by a regulatory body that adversely affect public health or safety.

➥ As used in this paragraph, "regulatory body" has the meaning ascribed to it in NRS 622.060.

Sec. 10. The provisions of section 4 of this act apply only to time served as a member of a regulatory body pursuant to an appointment made after the effective date of this act.

Sec. 11. The provisions of section 5 of this act do not apply to an agreement between a regulatory body and an attorney or law firm entered into before the effective date of this act, but do apply to any renewal or extension of such an agreement.

Sec. 12. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 13. A regulatory body that is required to adopt regulations pursuant to section 3 of this act shall adopt such regulations not later than February 1, 2018.

Sec. 14. 1. This section and sections 1 to ~~[7, inclusive,]~~ 8 **, inclusive,** and 10 to 13, inclusive, of this act become effective upon passage and approval.

2. ~~[Sections 7.3 and 7.6]~~ **Section 9.5** of this act ~~[become]~~ **becomes** effective on July 1, 2017 **~~[.]~~ , if and only if Senate Bill No. 516 of this session is enacted by the Legislature and approved by the Governor.**

3. Section 9 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 69 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 69.

Bill read third time.

Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

Senate Bill 69 provides that a regulatory body that is not otherwise authorized or required by a specific statute to issue a license to engage in an occupation or profession must adopt regulations providing for the issuance of a license by endorsement. The measure also establishes term limits for members of regulatory bodies. A regulatory body is prohibited from entering into a contingent fee contract with any attorney or law firm.

The bill also requires each regulatory body to submit a quarterly report to the Director of the Legislative Counsel Bureau that includes information concerning the number of applications rejected by, and the reasons for denial by, the regulatory body during the immediately preceding calendar quarter. Finally, S.B. 69 requires the Executive Director of the Office of Workforce Innovation, also known as OWINN, to submit to the Director of the Legislative Counsel Bureau a written report that includes the number of persons in this state who are engaged in an occupation or profession that is regulated by a regulatory body and the demand for services of persons engaged in those occupations or professions.

Roll call on Senate Bill No. 69:

YEAS—41.

NAYS—None.

EXCUSED—Titus.

Senate Bill No. 69 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblywoman Benitez-Thompson moved that the Assembly recess until 7:30 p.m.

Motion carried.

Assembly in recess at 5:13 p.m.

ASSEMBLY IN SESSION

At 10:05 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that the Assembly reconsider the action whereby Assembly Bill No. 487 was passed.

Motion carried.

Assemblywoman Benitez-Thompson moved Assembly Bill No. 487 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 498, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

IRENE BUSTAMANTE ADAMS, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 500, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 124, 344, 490, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 439, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DINA NEAL, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 520, 521, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 434, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 126, 373, 503, 522, 527, 528, 529, 530, 531, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 532, 533, 534, 536, 537, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Senate Bills Nos. 244, 481, 514, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 2, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 127, Amendment No. 1063; Assembly Bill No. 280, Amendment No. 1057; Assembly Bill No. 468, Amendment No. 1052, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 403, Amendments Nos. 805, 968, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day receded from its action on Assembly Bill No. 36, Senate Amendment No. 960.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 249, Senate Amendments Nos. 751, 966, and requests a conference, and appointed Senators Spearman, Ratti and Gansert as a Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 543.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 178.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 187, 192, 200, 343, 451, 467.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 249, 303.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 1058 to Senate Bill No. 394.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Segerblom, Cannizzaro and Gustavson as a Conference Committee concerning Senate Bill No. 258.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Segerblom, Cannizzaro and Harris as a Conference Committee concerning Senate Bill No. 376.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Segerblom, Cannizzaro and Harris as a Conference Committee concerning Senate Bill No. 432.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Frierson and Benitez-Thompson (Emergency Request of Speaker of the Assembly):

Assembly Bill No. 522—AN ACT making an appropriation to the NevadaTeach Program at the University of Nevada, Reno; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 178.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 187.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 192.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 200.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 249.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 303.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 343.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 451.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Corrections, Parole, and Probation.

Motion carried.

Senate Bill No. 467.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 543.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 10:16 p.m.

ASSEMBLY IN SESSION

At 10:35 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 522, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAGGIE CARLTON, *Chair*

GENERAL FILE AND THIRD READING

Assembly Bill No. 522.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 522 makes an appropriation to the NevadaTeach program of $300,000.

Roll call on Assembly Bill No. 522:

YEAS—39.

NAYS—None.

EXCUSED—Hansen, Pickard, Titus—3.

Assembly Bill No. 522 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 442 and Assembly Bill No. 487 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 442.

Bill read third time.

The following amendment was proposed by Assemblywoman Benitez-Thompson:

Amendment No. 1106.

AN ACT relating to economic development; revising the requirements that a business must satisfy to obtain a partial abatement of certain taxes and certain transferable tax credits; providing for the partial abatement of certain taxes imposed on a project located at multiple sites in this State that satisfies certain capital investment and other requirements; **creating the Legislative Committee on Tax Expenditures and Incentives for Economic Development; setting forth the composition and administration of the Committee; prescribing the powers and duties of the Committee;** authorizing a municipality to create an improvement district to acquire, improve, equip, operate and maintain a rail project for a qualified project; revising provisions governing an improvement district created to finance certain infrastructure improvements for a qualified project; revising provisions governing the creation of a tax increment area by the governing body of a municipality; authorizing the governing body of a municipality that creates a tax increment area to enter into a contract for the payment of money in the tax increment account to a property owner to reimburse the property owner for certain costs paid by the property owner for an undertaking; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Office of Economic Development to grant a partial abatement of property taxes, business taxes and sales and use taxes to a business that locates or expands in this State and meets certain qualifications for the abatement. (NRS 274.310, 274.320, 360.750, 360.752, 360.753, 360.754, 701A.210) Under existing law, a business applying for certain types of partial abatements may meet the requirements for the partial abatement if the business satisfies certain criteria, even if the business pays

its new employees less than the average hourly wage in this State and does not provide health insurance to its employees in this State. **Sections 1-3** of this bill revise the eligibility criteria for these partial abatements so that to qualify for the partial abatement, a business is required to pay the new employees hired by the business a wage that is at least equal to the average statewide hourly wage and offer to all of its employees health benefits that meet standards established by the Office. **Sections 1-3 and 22** of this bill remove provisions authorizing the Office to make less stringent the requirements related to the payment of wages and the offering of health benefits to employees. However, **section 1** also: (1) maintains a provision of existing law that authorizes the Office to approve a reduced partial abatement if the business pays the new employees hired by the business a wage that is less than the average statewide wage; and (2) revises the criteria under which the Office may approve a reduced partial abatement under that provision. Finally, **sections 1, 11 and 22** of this bill revise the eligibility criteria for certain partial abatements so that certain criteria applicable to a business expanding or locating in a county whose population is 100,000 or less (currently all counties other than Clark and Washoe Counties) also apply to a business expanding or locating in an area of such a county that is located: (1) within the geographic boundaries of an area that is designated as rural by the United States Department of Agriculture; and (2) at least 20 miles outside of the geographic boundaries of an area designated as urban by the United States Department of Agriculture.

Under existing law, the eligibility criteria for certain partial abatements of taxes and the issuance of certain transferable tax credits require at least 50 percent of the employees engaged or anticipated to be engaged in the construction of the project for which the partial abatement or tax credits are awarded to be residents of this State. **Sections 4, 6 and 9** of this bill remove the term "anticipated to be engaged" so that the eligibility criteria for the partial abatements and tax credits require at least 50 percent of the employees engaged in the construction of the project to be residents of this State.

Existing law authorizes the Office of Economic Development to approve applications for partial abatements of certain taxes and the issuance of transferable tax credits submitted by the lead participant engaged in a qualified project with other participants for a common purpose or business endeavor and which is located within the geographic boundaries of a single project site in this State. (NRS 360.880-360.980) **Sections 5-7** of this bill authorize the Office to approve an application for partial abatements of certain taxes for qualified projects located on multiple project sites if the capital investment by certain participants in the qualified project will be at least $1 billion and certain criteria are met. **Sections 5 and 8** of this bill revise the definition of a "project" so that: (1) the participants must be engaged in a common business purpose or industry; and (2) such participants must be deemed to be engaged in a common business purpose or industry if the participants are in the same supply chain related to the common business

purpose or industry or provide components or services related to the common business purpose or industry. **Sections 6 and 9** of this bill require the lead participant in the qualified project to enter into an agreement with the governing body of the city or county in which the qualified project is located, which requires: (1) the lead participant to pay the cost of certain engineering and design work necessary to determine the cost of infrastructure improvements required by the qualified project; and (2) the governing body of the city or county to reimburse the lead participant for those costs.

Under existing law governing a partial abatement of certain taxes for a qualified project that will make a capital investment in this State of at least $1 billion, as a condition of the partial abatement, the lead participant is required to pay all or a portion of the abated taxes into a trust fund in the State Treasury until part or all of the requirements for the partial abatement have been met. If the requirements for the partial abatement are met, the abated taxes paid into the trust fund, including the interest and income earned on that money, must be returned to the lead participant. If the requirements for the partial abatement are not met, the money in the trust fund must be transferred to the entity that would have received the money if the partial abatement had not been granted, as determined by the Department of Taxation. (NRS 360.893) **Sections 7 and 9.5** of this bill provide that if certain assessments, or installments thereof, used to pay bonds or other obligations of this State or a local government in connection with the qualified project are delinquent, the money in the trust fund must be used to repay any bonds or other obligations issued by this State or a local government in connection with the qualified project. **Section 14.5** of this bill provides that any money collected to enforce the assessment, or installment thereof, including the proceeds of a sale of property to collect or enforce the assessment, or installment thereof, must be used to repay any amounts paid from the trust fund to repay such bonds or other obligations.

Existing law establishes provisions pursuant to which a local government that receives notice from the Office of Economic Development that a qualified project will be located within the jurisdiction of the local government and that determines there is a need to finance infrastructure projects to support the development of the qualified project may submit to the Office an economic development financing proposal pursuant to which the infrastructure projects would be financed from the proceeds of bonds, securities or other indebtedness issued by the State of Nevada. (NRS 360.981-360.992) Before the issuance of any bonds, securities or other indebtedness of the State pursuant to such an economic development financing proposal, the lead participant in the qualified project is required to provide adequate security that the lead participant will carry out the qualified project. **Section 10** of this bill provides that a lien for special assessments imposed on the qualified project may constitute such adequate security.

Existing law requires a business applying to the Office for certain partial abatements of property taxes to satisfy certain requirements, including,

without limitation, a requirement to make a minimum amount of capital investment in the county in which the business is located. (NRS 361.0687) The minimum amount of the capital investment is scheduled to increase on July 1, 2017. **Section 11** of this bill permanently extends the current requirement for the minimum capital investment.

Section 11.5 of this bill creates the Legislative Committee on Tax Expenditures and Incentives for Economic Development and prescribes the appointment of its membership. Section 11.6 of this bill sets forth requirements for meetings of the Committee. Under section 11.6, members of the Committee must not receive compensation or per diem or travel expenses.

Existing law requires the Board of Economic Development to review and evaluate all programs of economic development in Nevada and to make recommendations to the Legislature for legislation to improve the effectiveness of those programs in implementing the State Plan for Economic Development. (NRS 231.037) Section 11.7 of this bill requires the Legislative Committee on Tax Expenditures and Incentives for Economic Development to identify and evaluate all incentives for economic development in this State and provide the Legislature with a report concerning its activities. Section 11.8 of this bill authorizes the Committee to evaluate, review and comment on tax expenditures and to make recommendations for the addition, modification or elimination of a tax expenditure or incentive for economic development.

Existing law authorizes the governing body of any county, city or unincorporated town to create an improvement district for the acquisition, operation and maintenance of certain improvement projects and to finance the cost of any project through the issuance of bonds and the levy of assessments upon property in the improvement district. (NRS 271.265, 271.270, 271.325) Existing law authorizes a municipality in which a qualified project is located to create an improvement district to acquire, improve, equip, operate and maintain an electrical project or a fire protection project for the qualified project. (NRS 271.265) **Sections 12 and 14** of this bill authorize such a municipality to create an improvement district to acquire, improve, equip, operate and maintain a rail project for a qualified project. **Section 16** of this bill amends provisions governing tax increment areas to enact the same definition for "rail project" as is set forth in **section 12**.

Existing law authorizes the governing body of a municipality to designate a tax increment area for the purpose of creating a special account for the payment of bonds or other securities issued to defray the cost of certain undertakings. The designation of a tax increment area by the governing body provides for the allocation of a portion of the taxes levied upon taxable property in the tax increment area each year to pay the bond requirements of loans, money advanced to or indebtedness incurred by the municipality to finance or refinance the undertaking. In addition to such property taxes, a

portion of the sales and use taxes imposed within the tax increment area and the excise tax imposed on financial institutions and employers (the "modified business tax") located in the tax increment area may be allocated to pay the debt incurred by the municipality to finance or refinance the undertaking if the undertaking is a rail project in relation to a qualified project or a natural resources project. (Chapter 278C of NRS) **Sections 17 and 18** of this bill authorize the governing body of a municipality to enter into an agreement with a property owner in a tax increment area under which the municipality is required to pay the property owner money from the tax increment account for costs incurred by the property owner in connection with an undertaking. **Section 15** of this bill enacts a definition of "bond requirements" for the purpose of enabling a municipality to pay a property owner money from the tax increment account in accordance with an agreement entered into pursuant to **sections 17 and 18**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 360.750 is hereby amended to read as follows:

360.750 1. A person who intends to locate or expand a business in this State may apply to the Office of Economic Development pursuant to this section for a partial abatement of one or more of the taxes imposed on the new or expanded business pursuant to chapter 361, 363B or 374 of NRS.

2. The Office of Economic Development shall approve an application for a partial abatement pursuant to this section if the Office makes the following determinations:

(a) The business offers primary jobs and is consistent with:

(1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which must:

(1) Comply with the requirements of NRS 360.755;

(2) State the date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application;

(3) State that the business will, after the date on which the abatement becomes effective, continue in operation in this State for a period specified by the Office, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection;

(4) State that the business will offer primary jobs; and

(5) Bind the successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) ***Except as otherwise provided in subsection 4 or 5, the average hourly wage that will be paid by the business to its new employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.***

(e) The business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, offer a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees, and the health care benefits the business offers to its employees in this State will meet the minimum requirements for health care benefits established by the Office.

(f) Except as otherwise provided in ***this subsection and*** NRS 361.0687, if the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business meets at least ~~[two]~~ ***one*** of the following requirements:

(1) The business will have 50 or more full-time employees on the payroll of the business by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(2) Establishing the business will require the business to make, not later than the date which is 2 years after the date on which the abatement becomes effective, a capital investment of at least $1,000,000 in this State in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

~~[(3) The average hourly wage that will be paid by the new business to its new employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:~~

~~(I) The business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and~~

~~(II) The health care benefits the business provides to its employees in this State will meet the minimum requirements for health care benefits established by the Office.~~

~~(e)]~~ ***(g)*** Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is less than 100,000 ***, in an area of a county whose population is 100,000 or more that is located within the geographic boundaries of an area that is designated as rural by the***

United States Department of Agriculture and at least 20 miles outside of the geographic boundaries of an area designated as urban by the United States Department of Agriculture, or ***in*** a city whose population is less than 60,000, the business meets at least ~~[two]~~ ***one*** of the following requirements:

(1) The business will have 10 or more full-time employees on the payroll of the business by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(2) Establishing the business will require the business to make, not later than the date which is 2 years after the date on which the abatement becomes effective, a capital investment of at least $250,000 in this State in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

~~[(3) The average hourly wage that will be paid by the new business to its new employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:~~

~~(I) The business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and~~

~~(II) The health care benefits the business provides to its employees in this State will meet the minimum requirements for health care benefits established by the Office.~~

~~(f)]~~ ***(h)*** If the business is an existing business, the business meets at least ~~[two]~~ ***one*** of the following requirements:

(1) For a business in:

(I) ~~[A]~~ ***Except as otherwise provided in sub-subparagraph (II), a*** county whose population is 100,000 or more or a city whose population is 60,000 or more, the business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, increase the number of employees on its payroll in that county or city by 10 percent more than it employed in the fiscal year immediately preceding the fiscal year in which the abatement becomes effective or by twenty-five employees, whichever is greater, who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective; or

(II) A county whose population is less than 100,000 ***, an area of a county whose population is 100,000 or more that is located within the geographic boundaries of an area that is designated as rural by the United States Department of Agriculture and at least 20 miles outside of the***

geographic boundaries of an area designated as urban by the United States Department of Agriculture, or a city whose population is less than 60,000, the business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, increase the number of employees on its payroll in that county or city by 10 percent more than it employed in the fiscal year immediately preceding the fiscal year in which the abatement becomes effective or by six employees, whichever is greater, who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(2) The business will expand by making a capital investment in this State, not later than the date which is 2 years after the date on which the abatement becomes effective, in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the fiscal year immediately preceding the fiscal year in which the abatement becomes effective, and the capital investment will be in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective. The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:

(I) County assessor of the county in which the business will expand, if the business is locally assessed; or

(II) Department, if the business is centrally assessed.

~~[(3) The average hourly wage that will be paid by the existing business to its new employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:~~

~~(I) The business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, provide a health insurance plan for all new employees that includes an option for health insurance coverage for dependents of the employees; and~~

~~(II) The health care benefits the business provides to its new employees in this State will meet the minimum requirements for health care benefits established by the Office.~~

~~(g)]~~ ***(i)*** The applicant has provided in the application an estimate of the total number of new employees which the business anticipates hiring in this State by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective if the Office approves the application.

3. Notwithstanding the provisions of subsection 2, the Office of Economic Development:

(a) Shall not consider an application for a partial abatement pursuant to this section unless the Office has requested a letter of acknowledgment of the

request for the abatement from any affected county, school district, city or town.

(b) Shall consider the level of health care benefits provided by the business to its employees, the projected economic impact of the business and the projected tax revenue of the business after deducting projected revenue from the abated taxes.

(c) May, if the Office determines that such action is necessary:

(1) Approve an application for a partial abatement pursuant to this section by a business that does not meet the requirements set forth in paragraph ~~[~~(d), (e) or~~]~~ (f) ***, (g) or (h)*** of subsection 2;

(2) Make ***any of*** the requirements set forth in ~~[~~paragraph (d), (e) or (f)~~]~~ ***paragraphs (d) to (h), inclusive,*** of subsection 2 more stringent; or

(3) Add additional requirements that a business must meet to qualify for a partial abatement pursuant to this section.

4. Notwithstanding any other provision of law, the Office of Economic Development shall not approve an application for a partial abatement pursuant to this section if:

(a) The applicant intends to locate or expand in a county in which the rate of unemployment is ~~[~~6~~]~~ ***7*** percent or more and the average hourly wage that will be paid by the applicant to its new employees in this State is less than ~~[~~65~~]~~ ***70*** percent of the average statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(b) The applicant intends to locate or expand in a county in which the rate of unemployment is less than ~~[~~6~~]~~ ***7*** percent and the average hourly wage that will be paid by the applicant to its new employees in this State is less than ~~[~~80~~]~~ ***85*** percent of the average statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

5. Notwithstanding any other provision of law, if the Office of Economic Development approves an application for a partial abatement pursuant to this section, in determining the types of taxes imposed on a new or expanded business for which the partial abatement will be approved and the amount of the partial abatement:

(a) If the new or expanded business is located in a county in which the rate of unemployment is ~~[~~6~~]~~ ***7*** percent or more and the average hourly wage that will be paid by the business to its new employees in this State is less than ~~[~~80~~]~~ ***85*** percent of the average statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year, the Office shall not:

(1) Approve an abatement of the taxes imposed pursuant to chapter 361 of NRS which exceeds 25 percent of the taxes on personal property payable by the business each year.

(2) Approve an abatement of the taxes imposed pursuant to chapter 363B of NRS which exceeds 25 percent of the amount of tax otherwise due pursuant to NRS 363B.110.

(b) If the new or expanded business is located in a county in which the rate of unemployment is less than ~~[6]~~ *7* percent and the average hourly wage that will be paid by the business to its new employees in this State is less than 100 percent of the average statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year, the Office shall not:

(1) Approve an abatement of the taxes imposed pursuant to chapter 361 of NRS which exceeds 25 percent of the taxes on personal property payable by the business each year.

(2) Approve an abatement of the taxes imposed pursuant to chapter 363B of NRS which exceeds 25 percent of the amount of tax otherwise due pursuant to NRS 363B.110.

(3) Approve an abatement of the taxes imposed pursuant to chapter 374 of NRS which exceeds the local sales and use taxes. As used in this subparagraph, "local sales and use taxes" means the taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the political subdivision in which the new or expanded business is located, except the taxes imposed by the Sales and Use Tax Act and the Local School Support Tax Law.

6. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer.

7. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

8. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 2,

➥ the business shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232

and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

9. A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection 8 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

10. The Office of Economic Development may adopt such regulations as the Office of Economic Development determines to be necessary to carry out the provisions of this section and NRS 360.755.

11. The Nevada Tax Commission:

(a) Shall adopt regulations regarding:

(1) The capital investment that a new business must make to meet the requirement set forth in paragraph ~~[(d)]~~ ***(f)*** or ~~[(e)]~~ ***(g)*** of subsection 2; and

(2) Any security that a business is required to post to qualify for a partial abatement pursuant to this section.

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section and NRS 360.755.

12. An applicant for a partial abatement pursuant to this section who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

13. For the purposes of this section, an employee is a "full-time employee" if he or she is in a permanent position of employment and works an average of 30 hours per week during the applicable period set forth in subsection 2.

Sec. 2. NRS 360.752 is hereby amended to read as follows:

360.752 1. A person who intends to locate or expand a business in this State may apply to the Office of Economic Development pursuant to this section for a partial abatement of the tax imposed on the new or expanded business pursuant to chapter 361 of NRS.

2. The Office of Economic Development shall approve an application for a partial abatement pursuant to this section if the Office makes the following determinations:

(a) The business is in one or more of the industry sectors for economic development promoted, identified or otherwise approved by the Governor's Workforce Investment Board described in NRS 232.935.

(b) The business is consistent with:

(1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

(c) The applicant has executed an agreement with the Office which must:

(1) Comply with the requirements of NRS 360.755;

(2) Require the business to submit to the Department the reports required by paragraph (c) of subsection 1 of NRS 218D.355;

(3) State the agreed terms of the partial abatement, which must comply with the requirements of subsection 4;

(4) State the date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application;

(5) State that the business will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 5, continue in operation in this State for a period specified by the Office, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(6) Bind the successors in interest of the business for the specified period.

(d) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(e) The business does not receive:

(1) Any funding from a governmental entity, other than any private activity bonds as defined in 26 U.S.C. § 141; or

(2) Any real or personal property from a governmental entity at no cost or at a reduced cost.

(f) ***The average hourly wage that will be paid by the business to its new employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.***

(g) The business will offer a health insurance plan for all full-time employees that includes an option for health insurance coverage for dependents of those employees, or will abide by all applicable provisions of the Patient Protection and Affordable Care Act, Public Law 111-148, or both, and the benefits the business offers to its employees in this State will meet the minimum requirements for benefits established by the Office.

(h) The business meets the following requirements:

(1) The business makes a capital investment of at least $1,000,000 in a program of the University of Nevada, Reno, the University of Nevada, Las Vegas, or the Desert Research Institute to be used in support of research, development or training related to the field of endeavor of the business.

(2) The business will employ 15 or more full-time employees for the duration of the abatement.

(3) The business will employ two or more graduate students from the program in which the capital investment is made on a part-time basis during years 2 through 5, inclusive, of the abatement.

(4) ~~[~~The average hourly wage that will be paid by the business to its new employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all full-time employees that includes an option for health insurance coverage for dependents of those employees, or will abide by all applicable provisions of the Patient Protection and Affordable Care Act, Public Law 111-148, or both; and

(II) The benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office.

(5)~~]~~ The business submits with its application for a partial abatement:

(I) A letter of support from the institution in which the capital investment is made, which is signed by the chief administrative officer of the institution and the director or chair of the program or the appropriate department, and which includes, without limitation, a summary of the financial and other resources the business will provide to the program and an agreement that the institution will provide to the Office periodic reports, at such times and containing such information as the Office may require, regarding the use of those resources; and

(II) A letter of support which is signed by the chair of the board of directors of the regional economic development authority within whose jurisdiction the institution is located and which includes, without limitation, a summary of the role the business will play in diversifying the economy and, if applicable, in achieving the broader goals of the regional economic development authority for economic development and diversification.

~~[~~(g)~~]~~ ***(i)*** In lieu of meeting the requirements of paragraph ~~[~~(f),~~]~~ ***(h),*** the business meets the following requirements:

(1) The business makes a capital investment of at least $500,000 in the Nevada State College or an institution of the Nevada System of Higher Education other than those set forth in subparagraph (1) of paragraph ~~[~~(f),~~]~~ ***(h),*** to be used in support of college certification or in support of research or training related to the field of endeavor of the business.

(2) The business will employ 15 or more full-time employees for the duration of the abatement.

(3) The business will employ two or more students from the college or institution in which the capital investment is made on a full-time basis during years 2 through 5, inclusive, of the abatement.

(4) ~~[The average hourly wage that will be paid by the business to its new employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:~~

~~(I) The business will provide a health insurance plan for all full-time employees that includes an option for health insurance coverage for dependents of those employees, or will abide by all applicable provisions of the Patient Protection and Affordable Care Act, Public Law 111-148, or both; and~~

~~(II) The benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office.~~

~~(5)]~~ The business submits with its application for a partial abatement:

(I) A letter of support from the college or institution in which the capital investment is made, which is signed by the chief administrative officer of the college or institution and which includes, without limitation, a summary of the financial and other resources the business will provide to the program and an agreement that the college or institution will provide to the Office periodic reports, at such times and containing such information as the Office may require, regarding the use of those resources; and

(II) A letter of support which is signed by the chair of the board of directors of the regional economic development authority within whose jurisdiction the college or institution is located and which includes, without limitation, a summary of the role the business will play in diversifying the economy and, if applicable, in achieving the broader goals of the regional economic development authority for economic development and diversification.

3. Notwithstanding the provisions of subsection 2, the Office of Economic Development:

(a) Shall furnish to the board of county commissioners of each affected county a copy of each application for a partial abatement pursuant to this section.

(b) Shall not consider an application for a partial abatement pursuant to this section unless the Office has requested a letter of acknowledgment of the request for the abatement from any affected county, school district, city or town.

(c) Shall not approve an application for a partial abatement pursuant to this section unless the abatement is approved or deemed approved as described in this paragraph. The board of county commissioners of each affected county must approve or deny the application not later than 30 days after the board of county commissioners receives a copy of the application as described in paragraph (a). If the board of county commissioners does not approve or deny the application within 30 days after the board of county commissioners receives a copy of the application, the application shall be deemed approved.

(d) May, if the Office determines that such action is necessary add additional requirements that a business must meet to qualify for a partial abatement pursuant to this section.

4. If the Office of Economic Development approves an application for a partial abatement pursuant to this section:

(a) The total amount of the abatement must not exceed;

(1) Fifty percent of the amount of the taxes imposed on the personal property of the business pursuant to chapter 361 of NRS during the period of the abatement; or

(2) Fifty percent of the amount of the capital investment by the business,

➥ whichever amount is less;

(b) The duration of the abatement must be for 5 years; and

(c) The abatement applies only to the business for which the abatement was approved pursuant to this section and the property used in connection with that business.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer of the county in which the business will be located.

6. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

7. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases to meet the requirements set forth in subsection 2 or ceases operation before the time specified in the agreement described in paragraph (c) of subsection 2:

(a) The business shall repay to the county treasurer the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

(b) The applicable institution of higher education is entitled to keep the entire capital investment made by the business in that institution.

8. A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection 7 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

9. The Office of Economic Development:

(a) Shall adopt regulations relating to the minimum level of benefits that a business must provide to its employees to qualify for a partial abatement pursuant to this section; and

(b) May adopt such regulations as the Office determines to be necessary to carry out the provisions of this section.

10. The Nevada Tax Commission:

(a) Shall adopt regulations regarding any security that a business is required to post to qualify for a partial abatement pursuant to this section; and

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section.

11. An applicant for a partial abatement pursuant to this section who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

12. Except as otherwise provided in this subsection, as used in this section, "capital investment" includes, without limitation, an investment of real or personal property, money or other assets by a business in an institution of the Nevada System of Higher Education. The Office of Economic Development may, by regulation, specify the types of real or personal property or assets that are included within the definition of "capital investment."

Sec. 3. NRS 360.753 is hereby amended to read as follows:

360.753 1. An owner of a business or a person who intends to locate or expand a business in this State may apply to the Office of Economic Development pursuant to this section for a partial abatement of one or more of:

(a) The personal property taxes imposed on an aircraft and the personal property used to own, operate, manufacture, service, maintain, test, repair, overhaul or assemble an aircraft or any component of an aircraft; and

(b) The local sales and use taxes imposed on the purchase of tangible personal property used to operate, manufacture, service, maintain, test, repair, overhaul or assemble an aircraft or any component of an aircraft.

2. Notwithstanding the provisions of any law to the contrary and except as otherwise provided in subsections 3 and 4, the Office of Economic Development shall approve an application for a partial abatement if the Office makes the following determinations:

(a) The applicant has executed an agreement with the Office which:

(1) Complies with the requirements of NRS 360.755;

(2) States the date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application;

(3) States that the business will, after the date on which a certificate of eligibility for the partial abatement is issued pursuant to subsection 5, continue in operation in this State for a period specified by the Office, which must be not less than 5 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(4) Binds any successor in interest of the applicant for the specified period;

(b) The business is registered pursuant to the laws of this State or the applicant commits to obtaining a valid business license and all other permits required by the county, city or town in which the business operates;

(c) The business owns, operates, manufactures, services, maintains, tests, repairs, overhauls or assembles an aircraft or any component of an aircraft;

(d) ***The average hourly wage that will be paid by the business to its employees in this State during the period of partial abatement is not less than 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.***

(e) The business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, offer a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees, and the health care benefits the business offers to its employees in this State will meet the minimum requirements for health care benefits established by the Office.

(f) If the business is:

(1) A new business, that it will have five or more full-time employees on the payroll of the business within 1 year after receiving its certificate of eligibility for a partial abatement; or

(2) An existing business, that it will increase its number of full-time employees on the payroll of the business in this State by 3 percent or three employees, whichever is greater, within 1 year after receiving its certificate of eligibility for a partial abatement; and

~~[(e)]~~ ***(g)*** The business meets at least one of the following requirements:

(1) The business will make a new capital investment of at least $250,000 in this State within 1 year after receiving its certificate of eligibility for a partial abatement.

(2) The business will maintain and possess in this State tangible personal property having a value of not less than $5,000,000 during the period of partial abatement.

(3) ~~[The average hourly wage that will be paid by the business to its employees in this State during the period of partial abatement is not less than~~

~~100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.~~

~~(4)~~**]** The business develops, refines or owns a patent or other intellectual property, or has been issued a type certificate by the Federal Aviation Administration pursuant to 14 C.F.R. Part 21.

3. The Office of Economic Development:

(a) Shall approve or deny an application submitted pursuant to this section and notify the applicant of its decision not later than 45 days after receiving the application.

(b) Must not:

(1) Consider an application for a partial abatement unless the Office has requested a letter of acknowledgment of the request for the partial abatement from any affected county, school district, city or town and has complied with the requirements of NRS 360.757; or

(2) Approve a partial abatement for any applicant for a period of more than 20 years.

4. The Office of Economic Development must not approve a partial abatement of personal property taxes for a business whose physical property is collectively valued and centrally assessed pursuant to NRS 361.320 and 361.3205 **.** **[**~~unless the business is regulated under 14 C.F.R. Part 125 or 135.~~**]**

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office shall immediately forward a certificate of eligibility for the partial abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from personal property taxes, the appropriate county treasurer.

6. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

7. If a business whose partial abatement has been approved pursuant to this section and whose partial abatement is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (a) of subsection 2,

➥ the business shall repay to the Department or, if the partial abatement was from personal property taxes, to the appropriate county treasurer, the amount of the partial abatement that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the partial abatement required

to be repaid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

8. The Office of Economic Development may adopt such regulations as the Office determines to be necessary to carry out the provisions of this section.

9. The Nevada Tax Commission may adopt such regulations as the Commission determines are necessary to carry out the provisions of this section.

10. An applicant for a partial abatement who is aggrieved by a final decision of the Office of Economic Development may petition a court of competent jurisdiction to review the decision in the manner provided in chapter 233B of NRS.

11. If the Office of Economic Development approves an application for a partial abatement of local sales and use taxes pursuant to this section, the Department shall issue to the business a document certifying the partial abatement which can be presented to retailers and customers of the business at the time of sale. The document must clearly state that the purchaser is only required to pay sales and use taxes imposed in this State at the rate of 2 percent.

12. As used in this section:

(a) "Aircraft" means any fixed-wing, rotary-wing or unmanned aerial vehicle.

(b) "Component of an aircraft" means any:

(1) Element that makes up the physical structure of an aircraft, or is affixed thereto;

(2) Mechanical, electrical or other system of an aircraft, including, without limitation, any component thereof; and

(3) Raw material or processed material, part, machinery, tool, chemical, gas or equipment used to operate, manufacture, service, maintain, test, repair, overhaul or assemble an aircraft or component of an aircraft.

(c) "Full-time employee" means a person who is in a permanent position of employment and works an average of 30 hours per week during the applicable period set forth in subparagraph (3) of paragraph (a) of subsection 2.

(d) "Local sales and use taxes" means any taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in any political subdivision of this State, except the taxes imposed by the Sales and Use Tax Act.

(e) "Personal property taxes" means any taxes levied on personal property by the State or a local government pursuant to chapter 361 of NRS.

Sec. 4. NRS 360.754 is hereby amended to read as follows:

360.754 1. A person who intends to locate or expand a data center in this State may apply to the Office of Economic Development pursuant to this section for a partial abatement of one or more of the taxes imposed on the new or expanded data center pursuant to chapter 361 or 374 of NRS.

2. The Office of Economic Development shall approve an application for a partial abatement pursuant to this section if the Office makes the following determinations:

(a) The application is consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053 and any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office of Economic Development which must:

(1) Comply with the requirements of NRS 360.755;

(2) State the date on which the abatement becomes effective, as agreed to by the applicant and the Office of Economic Development, which must not be earlier than the date on which the Office received the application;

(3) State that the data center will, after the date on which the abatement becomes effective, continue in operation in this State for a period specified by the Office of Economic Development, which must be at least 10 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(4) Bind the successors in interest of the applicant for the specified period.

(c) The applicant is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by each county, city or town in which the data center operates.

(d) If the applicant is seeking a partial abatement for a period of not more than 10 years, the applicant meets the following requirements:

(1) The data center will, by not later than the date that is 5 years after the date on which the abatement becomes effective, have or have added 10 or more full-time employees who are residents of Nevada and who will be employed at the data center and will continue to employ 10 or more full-time employees who are residents of Nevada at the data center until at least the date which is 10 years after the date on which the abatement becomes effective.

(2) Establishing or expanding the data center will require the data center or any combination of the data center and one or more colocated businesses to make in each county in this State in which the data center is located, by not later than the date which is 5 years after the date on which the abatement becomes effective, a cumulative capital investment of at least $25,000,000 in capital assets that will be used or located at the data center.

(3) The average hourly wage that will be paid by the data center to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The data center will, by not later than the date which is 2 years after the date on which the abatement becomes effective, provide a health insurance plan for all employees employed at the data center that includes an option for health insurance coverage for dependents of the employees; and

(II) The health care benefits provided to employees employed at the data center will meet the minimum requirements for health care benefits established by the Office of Economic Development by regulation pursuant to subsection 12.

(4) At least 50 percent of the employees engaged ~~[or anticipated to be engaged]~~ in the construction of the data center are residents of Nevada, unless waived by the Executive Director of the Office of Economic Development upon proof satisfactory to the Executive Director of the Office of Economic Development that there is an insufficient number of residents of Nevada available and qualified for such employment.

(e) If the applicant is seeking a partial abatement for a period of 10 years or more but not more than 20 years, the applicant meets the following requirements:

(1) The data center will, by not later than the date that is 5 years after the date on which the abatement becomes effective, have or have added 50 or more full-time employees who are residents of Nevada and who will be employed at the data center and will continue to employ 50 or more full-time employees who are residents of Nevada at the data center until at least the date which is 20 years after the date on which the abatement becomes effective.

(2) Establishing or expanding the data center will require the data center or any combination of the data center and one or more colocated businesses to make in each county in this State in which the data center is located, by not later than the date which is 5 years after the date on which the abatement becomes effective, a cumulative capital investment of at least $100,000,000 in capital assets that will be used or located at the data center.

(3) The average hourly wage that will be paid by the data center to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The data center will, by not later than the date which is 2 years after the date on which the abatement becomes effective, provide a health insurance plan for all employees employed at the data center that includes an option for health insurance coverage for dependents of the employees; and

(II) The health care benefits provided to employees employed at the data center will meet the minimum requirements for health care benefits established by the Office of Economic Development by regulation pursuant to subsection 12.

(4) At least 50 percent of the employees engaged ~~[or anticipated to be engaged]~~ in the construction of the data center are residents of Nevada, unless waived by the Executive Director of the Office of Economic Development upon proof satisfactory to the Executive Director of the Office of Economic Development that there is an insufficient number of residents of Nevada available and qualified for such employment.

(f) The applicant has provided in the application an estimate of the total number of new employees which the data center anticipates hiring in this State if the Office of Economic Development approves the application.

3. Notwithstanding the provisions of subsection 2, the Office of Economic Development:

(a) Shall not consider an application for a partial abatement pursuant to this section unless the Office of Economic Development has requested a letter of acknowledgment of the request for the abatement from each affected county, school district, city or town.

(b) Shall consider the level of health care benefits provided to employees employed at the data center, the projected economic impact of the data center and the projected tax revenue of the data center after deducting projected revenue from the abated taxes.

(c) May, if the Office of Economic Development determines that such action is necessary:

(1) Approve an application for a partial abatement pursuant to this section by a data center that does not meet the requirements set forth in paragraph (d) or (e) of subsection 2;

(2) Make the requirements set forth in paragraph (d) and (e) of subsection 2 more stringent; or

(3) Add additional requirements that an applicant must meet to qualify for a partial abatement pursuant to this section.

4. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer of each county in which the data center is or will be located.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office may also approve a partial abatement of taxes for each colocated business that enters into a contract to use or occupy, for a period of at least 2 years, all or a portion of the new or expanded data center. Each such colocated business shall obtain a

state business registration issued by the Secretary of State. The percentage amount of a partial abatement approved for a colocated business pursuant to this subsection must not exceed the percentage amount of the partial abatement approved for the data center. The duration of a partial abatement approved for a colocated business pursuant to this subsection must not exceed the duration of the contract or contracts entered into between the colocated business and the data center, including the duration of any contract or contracts extended or renewed by the parties. If a colocated business ceases to meet the requirements set forth in this subsection, the colocated business shall repay the amount of the abatement that was allowed in the same manner in which a data center is required by subsection 7 to repay the Department or a county treasurer. If a data center ceases to meet the requirements of subsection 2 or ceases operation before the time specified in the agreement described in paragraph (b) of subsection 2, any partial abatement approved for a colocated business ceases to be in effect, but the colocated business is not required to repay the amount of the abatement that was allowed before the date on which the abatement ceases to be in effect. A data center shall provide the Executive Director of the Office and the Department with a list of the colocated businesses that are qualified to receive a partial abatement pursuant to this subsection and shall notify the Executive Director within 30 days after any change to the list. The Executive Director shall provide the list and any updates to the list to the Department and the county treasurer of each affected county.

6. An applicant for a partial abatement pursuant to this section or a data center whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

7. If a data center whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 2,

➥ the data center shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the abatement that was allowed pursuant to this section before the failure of the data center to comply unless the Nevada Tax Commission determines that the data center has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the data center shall, in addition to the amount of the abatement required to be repaid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

8. A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection 5 or 7 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

9. An applicant for a partial abatement pursuant to this section who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

10. For an employee to be considered a resident of Nevada for the purposes of this section, a data center must maintain the following documents in the personnel file of the employee:

(a) A copy of the current and valid Nevada driver's license of the employee or a current and valid identification card for the employee issued by the Department of Motor Vehicles;

(b) If the employee is a registered owner of one or more motor vehicles in Nevada, a copy of the current motor vehicle registration of at least one of those vehicles;

(c) Proof that the employee is a full-time employee; and

(d) Proof that the employee is covered by the health insurance plan which the data center is required to provide pursuant to sub-subparagraph (I) of subparagraph (3) of paragraph (d) of subsection 2 or sub-subparagraph (I) of subparagraph (3) of paragraph (e) of subsection 2.

11. For the purpose of obtaining from the Executive Director of the Office of Economic Development any waiver of the requirements set forth in subparagraph (4) of paragraph (d) of subsection 2 or subparagraph (4) of paragraph (e) of subsection 2, a data center must submit to the Executive Director of the Office of Economic Development written documentation of the efforts to meet the requirements and documented proof that an insufficient number of Nevada residents is available and qualified for employment.

12. The Office of Economic Development:

(a) Shall adopt regulations relating to the minimum level of health care benefits that a data center must provide to its employees to meet the requirement set forth in paragraph (d) or (e) of subsection 2;

(b) May adopt such other regulations as the Office determines to be necessary to carry out the provisions of this section; and

(c) Shall not approve any application for a partial abatement submitted pursuant to this section which is received on or after January 1, 2036.

13. The Nevada Tax Commission:

(a) Shall adopt regulations regarding:

(1) The capital investment necessary to meet the requirement set forth in paragraph (d) or (e) of subsection 2; and

(2) Any security that a data center is required to post to qualify for a partial abatement pursuant to this section.

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section.

14. As used in this section, unless the context otherwise requires:

(a) "Colocated business" means a person who enters into a contract with a data center that is qualified to receive an abatement pursuant to this section to use or occupy all or part of the data center.

(b) "Data center" means one or more buildings located at one or more physical locations in this State which house a group of networked server computers for the purpose of centralizing the storage, management and dissemination of data and information pertaining to one or more businesses and includes any modular or preassembled components, associated telecommunications and storage systems and, if the data center includes more than one building or physical location, any network or connection between such buildings or physical locations.

(c) "Full-time employee" means a person who is in a permanent position of employment and works an average of 30 hours per week during the applicable period set forth in paragraph (d) or (e) of subsection 2.

Sec. 5. NRS 360.886 is hereby amended to read as follows:

360.886 "Project" means a project undertaken by a business or group of businesses:

1. Located within the geographic boundaries of a single project site ***or sites*** in this State; and

2. Engaged in a common ***business*** purpose or ~~[business endeavor.]~~ ***industry. A business or group of businesses must be deemed to be engaged in a common business purpose or industry if the business or group of businesses are in a supply chain related to the common business purpose or industry or provide components or services related to the common business purpose or industry.***

Sec. 5.5. NRS 360.888 is hereby amended to read as follows:

360.888 "Qualified project" means a project which the Office of Economic Development determines meets all the requirements set forth in subsections 2, ~~[3 and]~~ 4 ***and 5*** of NRS 360.889.

Sec. 6. NRS 360.889 is hereby amended to read as follows:

360.889 1. On behalf of a project, the lead participant in the project may apply to the Office of Economic Development for:

(a) A certificate of eligibility for transferable tax credits which may be applied to:

(1) Any tax imposed by chapters 363A and 363B of NRS;

(2) The gaming license fees imposed by the provisions of NRS 463.370;

(3) Any tax imposed by chapter 680B of NRS; or

(4) Any combination of the fees and taxes described in subparagraphs (1), (2) and (3).

(b) A partial abatement of property taxes, employer excise taxes or local sales and use taxes, or any combination of any of those taxes.

2. For a project to be eligible for the transferable tax credits described in paragraph (a) of subsection 1 and the partial abatement of the taxes described in paragraph (b) of subsection 1, the lead participant in the project must, on behalf of the project:

(a) Submit an application that meets the requirements of subsection ~~[3,]~~ ***4;***

(b) Provide documentation satisfactory to the Office that approval of the application would promote the economic development of this State and aid the implementation of the State Plan for Economic Development developed by the Executive Director of the Office pursuant to subsection 2 of NRS 231.053;

(c) Provide documentation satisfactory to the Office that the participants in the project collectively will make a total new capital investment of at least $1 billion in this State within the 10-year period immediately following approval of the application;

(d) Provide documentation satisfactory to the Office that the participants in the project are engaged in a common ***business*** purpose or ~~[business endeavor;]~~ ***industry;***

(e) Provide documentation satisfactory to the Office that the place of business of each participant is or will be located within the geographic boundaries of the project site ~~[,]~~ ***or sites;***

(f) Provide documentation satisfactory to the Office that each participant in the project is registered pursuant to the laws of this State or commits to obtaining a valid business license and all other permits required by the county, city or town in which the project operates;

(g) Provide documentation satisfactory to the Office of the number of employees engaged ~~[or anticipated to be engaged]~~ in the construction of the project;

(h) Provide documentation satisfactory to the Office of the number of qualified employees employed or anticipated to be employed at the project by the participants;

(i) Provide documentation satisfactory to the Office that each employer engaged in the construction of the project provides a plan of health insurance and that each employee engaged in the construction of the project is offered coverage under the plan of health insurance provided by his or her employer;

(j) Provide documentation satisfactory to the Office that each participant in the project provides a plan of health insurance and that each employee employed at the project by each participant is offered coverage under the plan of health insurance provided by his or her employer;

(k) Provide documentation satisfactory to the Office that at least 50 percent of the employees engaged ~~[or anticipated to be engaged]~~ in construction of the project and 50 percent of the employees employed at the project are residents of Nevada, unless waived by the Executive Director of the Office upon proof satisfactory to the Executive Director of the Office that there is an insufficient number of Nevada residents available and qualified for such employment;

(l) Agree to provide the Office with a full compliance audit of the participants in the project at the end of each fiscal year which:

(1) Shows the amount of money invested in this State by each participant in the project;

(2) Shows the number of employees engaged in the construction of the project and the number of those employees who are residents of Nevada;

(3) Shows the number of employees employed at the project by each participant and the number of those employees who are residents of Nevada; and

(4) Is certified by an independent certified public accountant in this State who is approved by the Office;

(m) Pay the cost of the audit required by paragraph (l); ~~[and]~~

(n) ***Enter into an agreement with governing body of the city or county in which the qualified project is located that:***

(1) Requires the lead participant to pay the cost of any engineering or design work necessary to determine the cost of infrastructure improvements required to be made by the governing body pursuant to an economic development financing proposal approved pursuant to NRS 360.990; and

(2) Requires the lead participant to seek reimbursement for any costs paid by the lead participant pursuant to subparagraph (1) from the proceeds of bonds issued pursuant to NRS 360.991; and

(o) Meet any other requirements prescribed by the Office.

3. ***In addition to meeting the requirements set forth in subsection 2, for a project located on more than one site in this State to be eligible for the partial abatement of the taxes described in paragraph (b) of subsection 1, the lead participant must, on behalf of the project, submit an application that meets the requirements of subsection 4 on or before June 30, 2019, and provide documentation satisfactory to the Office that:***

(a) The initial project will have a total of 500 or more full-time employees employed at the site of the initial project and the average hourly wage that will be paid to employees of the initial project in this State is at least 120 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year;

(b) Each participant in the project must be a subsidiary or affiliate of the lead participant; and

(c) Each participant offers primary jobs and:

(1) Except as otherwise provided in subparagraph (2), satisfies the requirements of paragraph (f) or (g) of subsection 2 of NRS 360.750, regardless of whether the business is a new business or an existing business; and

(2) If a participant owns, operates, manufactures, services, maintains, tests, repairs, overhauls or assembles an aircraft or any component of an

aircraft, that the participant satisfies the applicable requirements of paragraph (f) or (g) of subsection 2 of NRS 360.753.

➥ If any participant is a data center, as defined in NRS 360.754, any capital investment by that participant must not be counted in determining whether the participants in the project collectively will make a total new capital investment of at least $1 billion in this State within the 10-year period immediately following approval of the application, as required by paragraph (c) of subsection 2.

4. An application submitted pursuant to subsection 2 must include:

(a) A detailed description of the project, including a description of the common purpose or business endeavor in which the participants in the project are engaged;

(b) A detailed description of the location of the project, including a precise description of the geographic boundaries of the project site ~~[,]~~ ***or sites;***

(c) The name and business address of each participant in the project, which must be an address in this State;

(d) A detailed description of the plan by which the participants in the project intend to comply with the requirement that the participants collectively make a total new capital investment of at least $1 billion in this State in the 10-year period immediately following approval of the application;

(e) If the application includes one or more partial abatements, an agreement executed by the Office with the lead participant in the project which:

(1) Complies with the requirements of NRS 360.755;

(2) States the date on which the partial abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application;

(3) States that the project will, after the date on which a certificate of eligibility for the partial abatement is approved pursuant to NRS 360.893, continue in operation in this State for a period specified by the Office; and

(4) Binds successors in interest of the lead participant for the specified period; and

(f) Any other information required by the Office.

~~[4.]~~ ***5.*** For an employee to be considered a resident of Nevada for the purposes of this section, each participant in the project must maintain the following documents in the personnel file of the employee:

(a) A copy of the:

(1) Current and valid Nevada driver's license of the employee originally issued by the Department of Motor Vehicles more than 60 days before the hiring of the employee or a current and valid identification card for the employee originally issued by the Department of Motor Vehicles more than 60 days before the hiring of the employee; or

(2) If the employee is a veteran of the Armed Forces of the United States, a current and valid Nevada driver's license of the employee or a

current and valid identification card for the employee issued by the Department of Motor Vehicles;

(b) If the employee is a registered owner of one or more motor vehicles in Nevada, a copy of the current motor vehicle registration of at least one of those vehicles;

(c) Proof that the employee is employed full-time and scheduled to work for an average minimum of 30 hours per week; and

(d) Proof that the employee is offered coverage under a plan of health insurance provided by his or her employer.

~~[5.]~~ ***6.*** For the purpose of obtaining from the Executive Director of the Office any waiver of the requirement set forth in paragraph (k) of subsection 2, the lead participant in the project must submit to the Executive Director of the Office written documentation of the efforts to meet the requirement and documented proof that an insufficient number of Nevada residents is available and qualified for employment.

~~[6.]~~ ***7.*** The Executive Director of the Office shall make available to the public and post on the Internet website of the Office:

(a) Any request for a waiver of the requirements set forth in paragraph (k) of subsection 2; and

(b) Any approval of such a request for a waiver that is granted by the Executive Director of the Office.

~~[7.]~~ ***8.*** The Executive Director of the Office shall post a request for a waiver of the requirements set forth in paragraph (k) of subsection 2 on the Internet website of the Office within 3 days after receiving the request and shall keep the request posted on the Internet website for not less than 5 days. The Executive Director of the Office shall ensure that the Internet website allows members of the public to post comments regarding the request.

~~[8.]~~ ***9.*** The Executive Director of the Office shall consider any comments posted on the Internet website concerning any request for a waiver of the requirements set forth in paragraph (k) of subsection 2 before making a decision regarding whether to approve the request. If the Executive Director of the Office approves the request for a waiver, the Executive Director of the Office must post the approval on the Internet website of the Office within 3 days and ensure that the Internet website allows members of the public to post comments regarding the approval.

Sec. 7. NRS 360.893 is hereby amended to read as follows:

360.893 1. If the Office of Economic Development approves an application for a partial abatement of property taxes, employer excise taxes or local sales and use taxes submitted pursuant to paragraph (b) of subsection 1 of NRS 360.889, the Office shall immediately forward a certificate of eligibility for the partial abatement of the taxes described in that paragraph to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) The county treasurer of the county in which the qualified project will be located.

2. ~~[The]~~ ***Except as otherwise provided in subsection 3, the*** partial abatement for the lead participant in the qualified project must:

(a) For property taxes, be for a duration of not more than 10 years after the effective date of the partial abatement and in an amount that equals 75 percent of the amount of the property taxes that would otherwise be owed by each participant for the qualified project;

(b) For employer excise taxes, be for a duration of not more than 10 years after the effective date of the partial abatement and in an amount that equals 75 percent of the amount of the employer excise taxes that would otherwise be owed by each participant for employees employed by the participant for the qualified project; and

(c) For local sales and use taxes, be for a duration of not more than 15 years after the effective date of the partial abatement and in an amount that equals the amount of the local sales and use taxes that would otherwise be owed by each participant in the qualified project.

3. ***If the qualified project is a project located on more than one site in this State, the partial abatement for the lead participant must:***

(a) For property taxes, be for a duration of not more than 10 years after the effective date of the partial abatement and in an amount that equals 75 percent of the amount of the property taxes that would otherwise be owed by each participant for the qualified project;

(b) For employer excise taxes, be for a duration of not more than 10 years after the effective date of the partial abatement and in an amount that equals 75 percent of the amount of the employer excise taxes that would otherwise be owed by each participant for employees employed by the participant for the qualified project; and

(c) For local sales and use taxes, be for a duration of not more than 15 years after the effective date of the partial abatement and in an amount that equals that portion of the combined rate of all the local sales and use taxes payable by each participant in the qualified project each year which exceeds 0.6 percent. The Department of Taxation shall issue to the lead participant a document certifying the abatement which can be presented to retailers at the time of sale. The document must clearly state that the purchaser is only required to pay sales and use taxes imposed in this State at the rate of 2.6 percent. As used in this paragraph, "local sales and use taxes" means the taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the political subdivision in which the new or expanded business is located, except the taxes imposed by the Sales and Use Tax Act.

➥ Notwithstanding any other provision of law, if the Office of Economic Development approves an application for a partial abatement of property taxes, employer excise taxes or local sales and use taxes submitted

pursuant to paragraph (b) of subsection 1 of NRS 360.889 for a lead participant of a qualified project located on more than one site in this State, the State Controller shall allocate, transfer and remit an amount equal to all the sales and use taxes imposed in this State and collected from the qualified project for the period of the abatement in the same manner as if that amount consisted solely of the proceeds of the taxes imposed by NRS 374.110 and 374.190.

4. As a condition of approving a partial abatement of taxes pursuant to NRS 360.880 to 360.896, inclusive, the Executive Director of the Office of Economic Development, if he or she determines it to be in the best interests of the State of Nevada, may require the lead participant to pay at such time or times as deemed appropriate, an amount of money equal to all or a portion of the abated taxes into a trust fund in the State Treasury to be held until all or a portion of the requirements for the partial abatement have been met. Interest and income earned on money in the trust fund must be credited to the trust fund. Any money remaining in the trust fund at the end of a fiscal year does not revert to the State General Fund, and the balance in the trust fund must be carried forward to the next fiscal year. Money in the trust fund must not be used for any purpose other than the purposes set forth in ~~[subsection 4. 4.]~~ ***subsections 5 and 6.***

5. If any assessment, or installment thereof, imposed on a qualified project pursuant to chapter 271 of NRS is delinquent, the money in the trust fund established pursuant to subsection 4 must:

(a) First be used to repay the bonds or other obligations of the State which are issued in connection with the qualified project.

(b) If any money remains in the trust fund after payments are made pursuant to paragraph (a), be used to repay bonds or other obligations of a municipality issued in connection with the qualified project.

6. Upon a determination by the Executive Director of the Office of Economic Development that the requirements for the partial abatement have been met, the money in the trust fund established pursuant to subsection ~~[3,]~~ ***4,*** including any interest and income earned on the money during the time it was in the trust fund, must be returned to the lead participant. If the Executive Director of the Office of Economic Development determines that the requirements for the partial abatement have not been met:

(a) Except as otherwise provided in this subsection ~~[, the]~~ ***:***

(1) The money in the trust fund established pursuant to subsection ~~[3]~~ ***4, after any payment made pursuant to subsection 5,*** must be transferred to the entity that would have received the money if the Office had not approved the partial abatement, as determined by the Department ~~[.]~~ ***; and***

(2) Any amount of money in the trust fund used to repay bonds or other obligations of the State or municipality pursuant to subsection 5 must proportionally reduce the amount transferred to an entity pursuant to subparagraph (1).

(b) The interest and income earned on the money in the trust fund during the time it was in the trust fund must be distributed to an entity receiving a distribution pursuant to paragraph (a) in the proportion that the money distributed to the entity pursuant to that paragraph bears to the total money distributed pursuant to that paragraph.

~~[5.]~~ ***7.*** If the Office approves a partial abatement of local sales and use taxes, the Office shall issue to the lead participant in the qualified project a document certifying the partial abatement which can be presented to retailers at the time of sale. The document must clearly state the rate of sales and use taxes which the purchaser is required to pay in the county in which the abatement is effective.

Sec. 7.5. NRS 360.894 is hereby amended to read as follows:

360.894 1. The lead participant in a qualified project shall, upon the request of the Office of Economic Development, furnish the Office with copies of all records necessary to verify that the qualified project meets the eligibility requirements for any transferable tax credits issued pursuant to NRS 360.891 and the partial abatement of any taxes pursuant to NRS 360.893.

2. The lead participant shall repay to the Department or the Nevada Gaming Control Board, as applicable, any portion of the transferable tax credits to which the lead participant is not entitled if:

(a) The participants in the qualified project collectively fail to make the investment in this State necessary to support the determination by the Executive Director of the Office of Economic Development that the project is a qualified project;

(b) The participants in the qualified project collectively fail to employ the number of qualified employees identified in the certificate of eligibility approved for the qualified project;

(c) The lead participant submits any false statement, representation or certification in any document submitted for the purpose of obtaining transferable tax credits; or

(d) The lead participant otherwise becomes ineligible for transferable tax credits after receiving the transferable tax credits pursuant to NRS 360.880 to 360.896, inclusive.

3. Transferable tax credits purchased in good faith are not subject to forfeiture unless the transferee submitted fraudulent information in connection with the purchase.

4. Notwithstanding any provision of this chapter or chapter 361 of NRS, if the lead participant in a qualified project for which a partial abatement has been approved pursuant to NRS 360.893 and is in effect:

(a) Fails to meet the requirements for eligibility pursuant to that section; or

(b) Ceases operation before the time specified in the agreement described in paragraph (e) of subsection ~~[3]~~ ***4*** of NRS 360.889,

➥ the lead participant shall repay to the Department or, if the partial abatement is from the property tax imposed by chapter 361 of NRS, to the appropriate county treasurer, the amount of the partial abatement that was allowed to the lead participant pursuant to NRS 360.893 before the failure of the lead participant to meet the requirements for eligibility. Except as otherwise provided in NRS 360.232 and 360.320, the lead participant shall, in addition to the amount of the partial abatement required to be repaid by the lead participant pursuant to this subsection, pay interest on the amount due from the lead participant at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

5. The Secretary of State may, upon application by the Executive Director of the Office, revoke or suspend the state business registration of the lead participant in a qualified project which is required to repay any portion of transferable tax credits pursuant to subsection 2 or the amount of any partial abatement pursuant to subsection 4 and which the Office determines is not in compliance with the provisions of this section governing repayment. If the state business registration of the lead participant in a qualified project is suspended or revoked pursuant to this subsection, the Secretary of State shall provide written notice of the action to the lead participant. The Secretary of State shall not reinstate a state business registration suspended pursuant to this subsection or issue a new state business registration to the lead participant whose state business registration has been revoked pursuant to this subsection unless the Executive Director of the Office provides proof satisfactory to the Secretary of State that the lead participant is in compliance with the requirements of this section governing repayment.

Sec. 8. NRS 360.930 is hereby amended to read as follows:

360.930 "Project" means a project undertaken by a business or group of businesses:

1. Located within the geographic boundaries of a single project site in this State; and

2. Engaged in a common ***business*** purpose or ~~[business endeavor.]~~ ***industry. A business or group of businesses must be deemed to be engaged in a common business purpose or industry if the business or group of businesses are in a supply chain related to the common business purpose or industry or provide components or services related to the common business purpose or industry.***

Sec. 9. NRS 360.945 is hereby amended to read as follows:

360.945 1. On behalf of a project, the lead participant in the project may apply to the Office of Economic Development for:

(a) A certificate of eligibility for transferable tax credits which may be applied to:

(1) Any tax imposed by chapters 363A and 363B of NRS;

(2) The gaming license fees imposed by the provisions of NRS 463.370;

(3) Any tax imposed by chapter 680B of NRS; or

(4) Any combination of the fees and taxes described in subparagraphs (1), (2) and (3).

(b) An abatement of property taxes, employer excise taxes or local sales and use taxes, or any combination of any of those taxes.

2. For a project to be eligible for the transferable tax credits described in paragraph (a) of subsection 1 and abatement of the taxes described in paragraph (b) of subsection 1, the lead participant in the project must, on behalf of the project:

(a) Submit an application that meets the requirements of subsection 3;

(b) Provide documentation satisfactory to the Office that approval of the application would promote the economic development of this State and aid the implementation of the State Plan for Economic Development developed by the Executive Director of the Office pursuant to subsection 2 of NRS 231.053;

(c) Provide documentation satisfactory to the Office that the participants in the project collectively will make a total new capital investment of at least $3.5 billion in this State within the 10-year period immediately following approval of the application;

(d) Provide documentation satisfactory to the Office that the participants in the project are engaged in a common ***business*** purpose or ~~[business endeavor;]~~ ***industry;***

(e) Provide documentation satisfactory to the Office that the place of business of each participant is or will be located within the geographic boundaries of the project site;

(f) Provide documentation satisfactory to the Office that each participant in the project is registered pursuant to the laws of this State or commits to obtaining a valid business license and all other permits required by the county, city or town in which the project operates;

(g) Provide documentation satisfactory to the Office of the number of employees engaged ~~[or anticipated to be engaged]~~ in the construction of the project;

(h) Provide documentation satisfactory to the Office of the number of qualified employees employed or anticipated to be employed at the project by the participants;

(i) Provide documentation satisfactory to the Office that each employer engaged in the construction of the project provides a plan of health insurance and that each employee engaged in the construction of the project is offered coverage under the plan of health insurance provided by his or her employer;

(j) Provide documentation satisfactory to the Office that each participant in the project provides a plan of health insurance and that each employee employed at the project by each participant is offered coverage under the plan of health insurance provided by his or her employer;

(k) Provide documentation satisfactory to the Office that at least 50 percent of the employees engaged ~~[or anticipated to be engaged]~~ in construction of the project and 50 percent of the employees employed at the project are residents of Nevada, unless waived by the Executive Director of the Office upon proof satisfactory to the Executive Director of the Office that there is an insufficient number of Nevada residents available and qualified for such employment;

(l) Agree to provide the Office with a full compliance audit of the participants in the project at the end of each fiscal year which:

(1) Shows the amount of money invested in this State by each participant in the project;

(2) Shows the number of employees engaged in the construction of the project and the number of those employees who are residents of Nevada;

(3) Shows the number of employees employed at the project by each participant and the number of those employees who are residents of Nevada; and

(4) Is certified by an independent certified public accountant in this State who is approved by the Office;

(m) Pay the cost of the audit required by paragraph (l); ~~[and]~~

(n) ***Enter into an agreement with governing body of the city or county in which the qualified project is located that:***

(1) Requires the lead participant to pay the cost of any engineering or design work necessary to determine the cost of infrastructure improvements required to be made by the governing body pursuant to an economic development financing proposal approved pursuant to NRS 360.990; and

(2) Requires the lead participant to seek reimbursement for any costs paid by the lead participant pursuant to subparagraph (1) from the proceeds of bonds of the State of Nevada issued pursuant to NRS 360.991; and

(o) Meet any other requirements prescribed by the Office.

3. An application submitted pursuant to subsection 2 must include:

(a) A detailed description of the project, including a description of the common purpose or business endeavor in which the participants in the project are engaged;

(b) A detailed description of the location of the project, including a precise description of the geographic boundaries of the project site;

(c) The name and business address of each participant in the project, which must be an address in this State;

(d) A detailed description of the plan by which the participants in the project intend to comply with the requirement that the participants collectively make a total new capital investment of at least $3.5 billion in this State in the 10-year period immediately following approval of the application;

(e) If the application includes one or more abatements, an agreement executed by the Office with the lead participant in the project which:

(1) Complies with the requirements of NRS 360.755;

(2) States that the project will, after the date on which a certificate of eligibility for the abatement is approved pursuant to NRS 360.965, continue in operation in this State for a period specified by the Office; and

(3) Binds successors in interest of the lead participant for the specified period; and

(f) Any other information required by the Office.

4. For an employee to be considered a resident of Nevada for the purposes of this section, each participant in the project must maintain the following documents in the personnel file of the employee:

(a) A copy of the current and valid Nevada driver's license of the employee or a current and valid identification card for the employee issued by the Department of Motor Vehicles;

(b) If the employee is a registered owner of one or more motor vehicles in Nevada, a copy of the current motor vehicle registration of at least one of those vehicles;

(c) Proof that the employee is employed full-time and scheduled to work for an average minimum of 30 hours per week; and

(d) Proof that the employee is offered coverage under a plan of health insurance provided by his or her employer.

5. For the purpose of obtaining from the Executive Director of the Office any waiver of the requirement set forth in paragraph (k) of subsection 2, the lead participant in the project must submit to the Executive Director of the Office written documentation of the efforts to meet the requirement and documented proof that an insufficient number of Nevada residents is available and qualified for employment.

6. The Executive Director of the Office shall make available to the public and post on the Internet website for the Office:

(a) Any request for a waiver of the requirements set forth in paragraph (k) of subsection 2; and

(b) Any approval of such a request for a waiver that is granted by the Executive Director of the Office.

7. The Executive Director of the Office shall post a request for a waiver of the requirements set forth in paragraph (k) of subsection 2 on the Internet website of the Office within 3 days after receiving the request and shall keep the request posted on the Internet website for not less than 5 days. The Executive Director of the Office shall ensure that the Internet website allows members of the public to post comments regarding the request.

8. The Executive Director of the Office shall consider any comments posted on the Internet website concerning any request for a waiver of the requirements set forth in paragraph (k) of subsection 2 before making a decision regarding whether to approve the request. If the Executive Director of the Office approves the request for a waiver, the Executive Director of the

Office must post the approval on the Internet website of the Office within 3 days and ensure that the Internet website allows members of the public to post comments regarding the approval.

Sec. 9.5. NRS 360.990 is hereby amended to read as follows:

360.990 1. Upon receipt of an economic development financing proposal, the Office shall:

(a) Request from the State Treasurer a determination of the capacity available under the State's debt limit; and

(b) In consultation with any person or entity the Office determines is appropriate, review the proposal. The Office may request any additional information from the governing body as it determines is necessary to evaluate the proposal.

2. Except as otherwise provided in paragraph (c) of subsection 3, the Office shall approve, approve and modify, or reject any economic development financing proposal within 45 days after receiving the completed proposal.

3. The Executive Director of the Office may approve an economic development financing proposal only if:

(a) The proposal includes such provisions as the Executive Director of the Office determines are necessary to ensure that:

(1) The Office will enter into one or more agreements with the local government pursuant to which the Office will administer any districts or areas which are or may be created for the purpose of carrying out the infrastructure projects identified in the proposal, including, without limitation, any district or area created pursuant to chapters 271, 271A and 278C of NRS;

(2) The proceeds of any bonds, securities or other indebtedness issued pursuant to NRS 360.991 will be allocated to the Office for the purpose of providing financing for the infrastructure projects identified in the proposal;

(3) The revenues from any districts or areas created for the purpose of financing the infrastructure projects identified in the proposal will be pledged for the repayment of any bonds, securities or other indebtedness issued pursuant to NRS 360.991; and

(4) Notwithstanding any other provision of law, if the revenues from any districts or areas created for the purpose of financing the infrastructure projects identified in the proposal which are pledged for the repayment of the general obligation bonds of the State issued pursuant to NRS 360.991 are insufficient to pay any sums coming due on the bonds, before such sums are paid from the State General Fund, the local government that created the districts or areas shall promptly pay such sums to the extent of the money available in the uncommitted balance of the general fund of the local government. If the money available in the uncommitted balance of the general fund of the local government is insufficient to pay the sums coming due on the bonds ~~[.]~~ ***and if, pursuant to subsection 4 of NRS 360.893, the Executive Director of the Office of Economic Development required the***

lead participant to pay money into a trust fund in the State Treasury, the money in the trust fund, including any interest and income earned on the money during the time it was in the trust fund, must be used to pay sums coming due on the bonds. If the amount of money in the trust fund is insufficient to pay the sums coming due on the bonds, the remainder of such sums must be paid in accordance with the State Securities Law. The payment of any sums by a local government pursuant to this subparagraph is not secured by a pledge of the taxing power of the local government. For the purposes of this subparagraph the uncommitted balance of the general fund of a local government is the uncommitted balance as determined by the Department of Taxation.

(b) The Executive Director of the Office makes a finding, which shall be conclusive, that the revenues pledged as provided in subparagraph (3) of paragraph (a) will be sufficient, together with any capitalized interest, to fully repay any bonds, securities or other indebtedness issued pursuant to NRS 360.991.

(c) For a proposal submitted on or after July 1, 2017, the Office submits the proposal to and obtains the approval of the Legislature or the Interim Finance Committee if the Legislature is not in session.

4. In addition to the agreements described in subparagraph (1) of paragraph (a) of subsection 3, the Office may enter into one or more cooperative agreements with any state or local agency which the Office determines is necessary to carry out an economic development financing proposal approved pursuant to this section.

5. If the Office approves an economic development financing proposal, the Office shall provide notice and a copy of the decision approving the proposal to the governing body of the local government and the State Board of Finance.

Sec. 10. NRS 360.991 is hereby amended to read as follows:

360.991 1. As soon as practicable after receiving notice from the Office that it has approved an economic development financing agreement, the State Board of Finance shall issue general obligation bonds of the State of Nevada to finance the infrastructure projects identified in the economic development financing agreement. The provisions of the State Securities Law contained in chapter 349 of NRS apply to the issuance of bonds pursuant to this section. The State Board of Finance shall issue the bonds in the amount set forth in the economic development financing agreement but shall not issue bonds in an amount that exceeds $175,000,000 for each economic development financing agreement or have outstanding at any time bonds issued pursuant to this section in an amount that exceeds $200,000,000. Before any bonds may be issued pursuant to this section, the lead participant in the qualified project must provide adequate security that the lead participant will carry out the qualified project. The security may consist of one or more performance bonds or similar documents, actual expenditures on the qualified project, commitments to make such expenditures, ***a lien for***

special assessments pursuant to chapter 271 of NRS or other security deemed appropriate by the Executive Director of the Office ~~[.]~~ ***in consultation with the Office of the State Treasurer.*** A commitment to make an expenditure may be conditioned upon the issuance of bonds pursuant to this section but may not be subject to any other conditions.

2. The proceeds of any bonds issued pursuant to subsection 1 must be allocated to the Office in the manner prescribed by the economic development financing agreement.

Sec. 11. NRS 361.0687 is hereby amended to read as follows:

361.0687 1. A person who intends to locate or expand a business in this State may, pursuant to NRS 360.750, apply to the Office of Economic Development for a partial abatement from the taxes imposed by this chapter.

2. For a business to qualify pursuant to NRS 360.750 for a partial abatement from the taxes imposed by this chapter, the Office of Economic Development must determine that, in addition to meeting the other requirements set forth in subsection 2 of that section:

(a) ~~[If]~~ ***Except as otherwise provided in paragraph (b), if*** the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more ~~[:~~

~~(1) The~~**,** ***the*** business will, not later than the date which is 2 years after the date on which the abatement becomes effective, make a capital investment in the county or city of:

~~[(I)]~~ ***(1)*** At least ~~[$50,000,000]~~ ***$5,000,000*** if the business is an industrial or manufacturing business; or

~~[(II)]~~ ***(2)*** At least ~~[$5,000,000]~~ ***$1,000,000*** if the business is not an industrial or manufacturing business,

➥ in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective**.** ~~[; and~~

~~(2) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.]~~

(b) If the business is a new business in a county whose population is less than 100,000 ***, in an area of a county whose population is 100,000 or more that is located within the geographic boundaries of an area that is designated as rural by the United States Department of Agriculture and at least 20 miles outside of the geographic boundaries of an area designated as urban by the United States Department of Agriculture,*** or ***in*** a city whose population is less than 60,000 ~~[:~~

~~(1) The~~**,** ***the*** business will, not later than the date which is 2 years after the date on which the abatement becomes effective, make a capital investment in the county or city of:

~~[(I)]~~ ***(1)*** At least ~~[$5,000,000]~~ ***$1,000,000*** if the business is an industrial or manufacturing business; or

~~[(II)]~~ ***(2)*** At least ~~[$500,000]~~ ***$250,000*** if the business is not an industrial or manufacturing business,

➥ in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective**.** ~~[; and~~

~~(2) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.~~**]**

3. Except as otherwise provided in NRS 701A.210, if a partial abatement from the taxes imposed by this chapter is approved by the Office of Economic Development pursuant to NRS 360.750:

(a) The partial abatement must:

(1) Be for a duration of at least 1 year but not more than 10 years;

(2) Subject to any limitation on the abatement set forth in NRS 360.750, not exceed 50 percent of the taxes on personal property payable by a business each year pursuant to this chapter; and

(3) Be administered and carried out in the manner set forth in NRS 360.750.

(b) The Executive Director of the Office of Economic Development shall notify the county assessor of the county in which the business is or will be located of the approval of the partial abatement, including, without limitation, the duration and percentage of the partial abatement that the Office granted. The Executive Director shall, on or before April 15 of each year, advise the county assessor of each county in which a business qualifies for a partial abatement during the current fiscal year as to whether the business is still eligible for the partial abatement in the next succeeding fiscal year.

Sec. 11.1. **Chapter 218E of NRS is hereby amended by adding thereto the provisions set forth as sections 11.2 to 11.8, inclusive, of this act.**

Sec. 11.2. ***As used in sections 11.2 to 11.8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 11.3 and 11.4 of this act have the meanings ascribed to them in those sections.***

Sec. 11.3. ***"Committee" means the Legislative Committee on Tax Expenditures and Incentives for Economic Development created by section 11.5 of this act.***

Sec. 11.4. ***"Tax expenditure" has the meaning ascribed to it in NRS 360.137.***

Sec. 11.5. ***1. The Legislative Committee on Tax Expenditures and Incentives for Economic Development, consisting of six legislative members, is hereby created. The membership of the Committee consists of:***

(a) Two members of the Senate appointed by the Majority Leader of the Senate;

(b) One member of the Senate appointed by the Minority Leader of the Senate;

(c) Two members of the Assembly appointed by the Speaker of the Assembly; and

(d) One member of the Assembly appointed by the Minority Leader of the Assembly.

2. In making appointments pursuant to subsection 1:

(a) Appropriate regard must be given to a member's experience with and knowledge of matters relating to state and local government taxes and finances; and

(b) First preference must be given to members of the standing committees of the Legislature with primary jurisdiction over matters relating to taxation and second preference must be given to members of the standing committees of the Legislature with primary jurisdiction over matters relating to budgets and finances.

3. The Legislative Commission shall select the Chair and Vice Chair of the Committee from among the members of the Committee. After the initial selection, each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year. The office of Chair of the Committee must alternate each biennium between the Houses. If a vacancy occurs in the office of Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

4. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.

5. Any member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session convenes.

6. A vacancy on the Committee must be filled in the same manner as the original appointment for the remainder of the unexpired term.

Sec. 11.6. 1. Except as otherwise ordered by the Legislative Commission, the members of the Committee shall meet not earlier than November 1 of each odd-numbered year and not later than August 31 of the following even-numbered year at the times and places specified by a call of the Chair or a majority of the Committee.

2. The Director or his or her designee shall act as the nonvoting recording Secretary of the Committee.

3. Four members of the Committee constitute a quorum, and a quorum may exercise all the power and authority conferred upon the Committee.

4. Each member of the Committee serves without compensation and is not entitled to receive a per diem allowance or travel expenses.

Sec. 11.7. The Committee shall:

1. Meet at least once each biennium to review the most recent tax expenditure report submitted by the Executive Director of the Department of Taxation pursuant to NRS 360.137.

2. Review any other reports submitted to the Legislature relating to tax expenditures and incentives for economic development.

3. Identify all incentives for economic development provided for by law in this State, including, without limitation, tax incentives, grants, loans and initiatives for workforce development.

4. Evaluate and review each incentive for economic development identified pursuant to subsection 3 at least once every 6 years. The Committee shall examine, review and comment on, without limitation:

(a) The purpose, intent or goal of the incentive for economic development.

(b) Whether the incentive for economic development is accomplishing its purpose, intent or goal.

(c) Whether there is a more effective method to achieve the goal of the incentive for economic development.

(d) The cost of the incentive for economic development to the State, including, without limitation, administrative costs and lost revenue.

(e) The impact of the incentive for economic development on the revenues of and services provided by local governments.

(f) The economic and fiscal impact of the incentive for economic development, including, without limitation:

(1) The extent to which the incentive changes business behavior;

(2) The results of the incentive for the state and local economies, including, without limitation, both positive direct and indirect impacts and any negative impacts on businesses in this State; and

(3) A comparison to the results of other incentives or programs for economic development with similar goals.

(g) Any other matters that, in the determination of the Committee, concern incentives for economic development in this State.

Sec. 11.8. The Committee may:

1. Evaluate, review and comment upon any tax expenditure within this State, including, without limitation:

(a) The purpose, intent or goal of the tax expenditure.

(b) The intended beneficiaries of the tax expenditure.

(c) Whether the tax expenditure is accomplishing its purpose, intent or goal.

(d) The manner in which the tax expenditure compares to similar tax expenditures in other states.

(e) Whether there are other tax expenditures in this State that have the same or a similar purpose, intent or goal as the tax expenditure being reviewed and the manner in which the two tax expenditures are coordinated, including, without limitation, whether the coordination

between the two tax expenditures could be improved or if there are any redundancies that could be eliminated.

(f) Whether the evaluation of the tax expenditure is hindered by the unavailability of certain data.

(g) The cost of the tax expenditure, including, without limitation, administrative costs and lost revenue of the State and local governments, and an evaluation of the extent to which the tax expenditure is a cost-effective use of resources compared to other methods of accomplishing the same purpose or goal.

(h) Opportunities to improve the effectiveness of the tax expenditure.

2. Contract with private consultants or academic institutions to complete the reviews provided for by this section and section 11.7 of this act.

3. Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee.

4. Request that a representative of the Office of Economic Development within the Office of the Governor or a representative of the Office of Energy within the Office of the Governor appear before the Committee and provide information on programs for economic development, including, without limitation:

(a) The number of entities applying or approved for a particular program for economic development;

(b) The number of entities approved for a particular incentive for economic development;

(c) The number of entities that have used a particular incentive for economic development; and

(d) The projected and actual benefits of the programs for economic development in this State.

5. Request books, papers, records and other information from state or local governmental agencies, including, without limitation, the Nevada System of Higher Education.

6. Apply for any available grants and accept any gifts, grants or donations to assist the Committee in carrying out its duties.

7. Conduct investigations and hold hearings in connection with its duties pursuant to this section and section 11.7 of this act, and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive.

8. Make recommendations to the Legislature concerning the addition, elimination or modification of tax expenditures and incentives for economic development.

Sec. 12. Chapter 271 of NRS is hereby amended by adding thereto a new section to read as follows:

"Rail project" means any railroad, railroad tracks, rail spurs and any structures or facilities necessary for freight rail service provided by a regional transportation commission pursuant to NRS 277A.283, including,

without limitation, equipment, terminals, stations, platforms and other facilities necessary, useful or desirable for such a project and all property, easements, rights-of-way and other rights or interests incidental to the project.

Sec. 13. NRS 271.030 is hereby amended to read as follows:

271.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 271.035 to 271.253, inclusive, ***and section 12 of this act*** have the meanings ascribed to them in those sections.

Sec. 14. NRS 271.265 is hereby amended to read as follows:

271.265 1. The governing body of a county, city or town, upon behalf of the municipality and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, within or without the municipality, or both within and without the municipality:

(a) A curb and gutter project;
(b) A drainage project;
(c) An energy efficiency improvement project;
(d) A neighborhood improvement project;
(e) An off-street parking project;
(f) An overpass project;
(g) A park project;
(h) A public safety project;
(i) A renewable energy project;
(j) A sanitary sewer project;
(k) A security wall;
(l) A sidewalk project;
(m) A storm sewer project;
(n) A street project;
(o) A street beautification project;
(p) A transportation project;
(q) An underpass project;
(r) A water project;
(s) A waterfront project; and
(t) Any combination of such projects.

2. In addition to the power specified in subsection 1, the governing body of a city having a commission form of government as defined in NRS 267.010, upon behalf of the municipality and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, within or without the municipality, or both within and without the municipality:

(a) An electrical project;
(b) A telephone project;
(c) A combination of an electrical project and a telephone project;
(d) A combination of an electrical project or a telephone project with any of the projects, or any combination thereof, specified in subsection 1; and

(e) A combination of an electrical project and a telephone project with any of the projects, or any combination thereof, specified in subsection 1.

3. In addition to the power specified in subsections 1 and 2, the governing body of a municipality, on behalf of the municipality and in its name, without an election, may finance an underground conversion project with the approval of each service provider that owns the overhead service facilities to be converted.

4. In addition to the power specified in subsections 1, 2 and 3, if the governing body of a municipality in a county whose population is less than 700,000 complies with the provisions of NRS 271.650, the governing body of the municipality, on behalf of the municipality and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, within or without the municipality, or both within and without the municipality:

(a) An art project; and

(b) A tourism and entertainment project.

5. In addition to the power specified in this section, if a qualified project is located within the jurisdiction of the municipality, the governing body of the municipality, on behalf of the municipality and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, within or without the municipality, or both within and without the municipality, an electrical project for the qualified project **,** ~~[or]~~ a fire protection project for the qualified project ~~[.]~~ ***or a rail project for the qualified project.***

6. As used in this section, "qualified project" has the meaning ascribed to it in NRS 360.888 or 360.940.

Sec. 14.5. NRS 271.635 is hereby amended to read as follows:

271.635 1. Notwithstanding any provision of this chapter to the contrary, if the governing body submits to the Office of Economic Development an economic development financing proposal described in NRS 360.989 and the Office approves the proposal and an economic development financing agreement pursuant to NRS 360.990, any improvement district which is or may be created for the purpose of carrying out the projects identified in the proposal must be administered as provided in the agreement.

2. The economic development financing agreement may provide, without limitation, that:

(a) The Office of Economic Development, the Executive Director of the Office or any designee of either is authorized or required to perform any function or duty that under the provisions of this chapter would otherwise be performed by the municipality, the governing body or any officer or employee of the municipality.

(b) Any assessments or other money collected pursuant to this chapter must be paid, collected, deposited, distributed or remitted as provided in the agreement, notwithstanding any provision of this chapter to the contrary.

(c) It may be modified at any time by the Executive Director of the Office of Economic Development, in the exercise of his or her discretion and upon approval of the Board of Economic Development.

3. Notwithstanding any other provision of law, if an improvement district is administered pursuant to an economic development financing agreement and any assessment, or installment thereof, required to be paid pursuant to this chapter is delinquent, any money collected to enforce the assessment, or installment thereof, including, without limitation, the proceeds of a sale of property to collect or enforce the assessment, or installment thereof, must, before being deposited, distributed or remitted for any other purpose, be used to repay any amounts paid pursuant to subsection 5 of NRS 360.893 from the trust fund established pursuant to subsection 4 of that section.

Sec. 14.7. NRS 271B.070 is hereby amended to read as follows:

271B.070 1. Except as otherwise provided in this section, if a qualified project is located within the jurisdiction of a municipality, the governing body of the municipality may:

(a) Create an economic diversification district for the purposes of carrying out this chapter by adopting an ordinance describing the boundaries of the district, which must be the geographic boundaries of the qualified project, and generally describing the purposes within the district for which money pledged pursuant to this chapter may be used; and

(b) For the purposes of carrying out paragraph (a), include in an ordinance adopted pursuant to that paragraph the pledge of an amount equal to the proceeds of all sales and use taxes imposed on or owed by each participant in the qualified project with regard to tangible personal property purchased in the municipality for use in the district, or stored, used or otherwise consumed in the district by the participant, during a fiscal year other than the amount of any local sales and use taxes for which the lead participant has received an abatement pursuant to an application approved by the Office of Economic Development pursuant to NRS 360.950.

2. The governing body of a municipality may not include in an ordinance adopted to create a district pursuant to paragraph (a) of subsection 1 on or after September 11, 2014, the pledge of any proceeds of the taxes imposed pursuant to NRS 374.110 or 374.111 and NRS 374.190 or 374.191 with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, if the governing body obtains an opinion from independent bond counsel stating that the applicability of this provision would impair an existing contract for the sale of bonds which were issued before September 11, 2014.

3. If:

(a) The qualified project is a qualified project described in NRS 360.888;

(b) The governing body of the municipality includes in the ordinance adopted pursuant to paragraph (a) of subsection 1 a pledge of money pursuant to paragraph (b) of subsection 1; and

(c) The Executive Director of the Office of Economic Development has required the lead participant to make payments to a trust fund in the State Treasury pursuant to subsection ~~[3]~~ ***4*** of NRS 360.893,

➥ the governing body must include in the ordinance a provision providing that the pledge of that money is conditioned upon the lead participant qualifying for a return of the money paid into the trust fund pursuant to subsection ~~[4]~~ ***6*** of NRS 360.893.

4. A district created pursuant to this section by:

(a) A city must be located entirely within the boundaries of that city.

(b) A county must be located entirely within the boundaries of that county and, when the district is created, entirely outside of the boundaries of any city.

Sec. 14.9. NRS 271B.080 is hereby amended to read as follows:

271B.080 1. After the adoption of an ordinance pursuant to NRS 271B.070:

(a) The governing body of the municipality and the Department of Taxation shall enter into an agreement specifying the dates and procedure for distribution to the municipality of any money pledged pursuant to NRS 271B.070.

(b) If the qualified project is a qualified project described in NRS 360.888 and the Executive Director of the Office of Economic Development has required the lead participant to make payments to a trust fund in the State Treasury pursuant to subsection ~~[3]~~ ***4*** of NRS 360.893, the Department of Taxation shall deposit in that trust fund the proceeds of any taxes conditionally pledged pursuant to subsection 3 of NRS 271B.070 until:

(1) The lead participant qualifies for a return of the money paid into the trust fund pursuant to subsection ~~[4]~~ ***6*** of NRS 360.893, in which case the taxes conditionally pledged, including any interest and income earned on those taxes, must be distributed pursuant to the agreement described in paragraph (a); or

(2) The Executive Director determines that the requirements for the partial abatement set forth in NRS 360.893 have not been met, in which case any taxes conditionally pledged and deposited in the trust fund must be transferred to the entity that would have received those taxes if the taxes had not been conditionally pledged, as determined by the Department of Taxation. The interest and income earned on those taxes during the time the taxes were in the trust fund must be distributed to an entity receiving a distribution pursuant to this subparagraph in the proportion that the taxes distributed to the entity pursuant to this subparagraph bears to the total taxes distributed pursuant to this subparagraph.

2. If the qualified project is a qualified project described in NRS 360.940, the distributions pursuant to the agreement described in paragraph (a) of subsection 1 must:

(a) Be made not less frequently than monthly; and

(b) Cease at the end of the fiscal year in which the 20th anniversary of the adoption of the ordinance creating the district occurs.

3. If the qualified project is a qualified project described in NRS 360.888, the distributions pursuant to the agreement described in paragraph (a) of subsection 1 must:

(a) Be made not less frequently than monthly;

(b) Cease at the end of the fiscal year in which the 15th anniversary of the adoption of the ordinance creating the district occurs; and

(c) If the Executive Director of the Office of Economic Development has required the lead participant to make payments to a trust fund in the State Treasury pursuant to subsection ~~[3]~~ ***4*** of NRS 360.893, not commence until the lead participant qualifies for a return of the money paid into the trust fund pursuant to subsection ~~[4]~~ ***6*** of NRS 360.893.

Sec. 15. Chapter 278C of NRS is hereby amended by adding thereto a new section to read as follows:

"Bond requirements" means the principal of, any prior redemption premiums due in connection with and the interest on, or other amounts due in connection with, the designated bonds or other securities, advances, loans or indebtedness.

Sec. 16. NRS 278C.105 is hereby amended to read as follows:

278C.105 "Rail project" means any railroad, railroad tracks, rail spurs and any structures or facilities necessary for ~~[a]~~ ***freight*** rail ~~[port, and all appurtenances and incidentals, or any combination thereof, including real and other property therefor.]~~ ***service provided by a regional transportation commission pursuant to NRS 277A.283, including, without limitation, equipment, terminals, stations, platforms and other facilities necessary, useful or desirable for such a project and all property, easements, rights-of-way and other rights or interests incidental to the project.***

Sec. 17. NRS 278C.150 is hereby amended to read as follows:

278C.150 1. Except as otherwise provided in subsections 2, 3 and 4, the governing body of a municipality, on the behalf and in the name of the municipality, may designate a tax increment area comprising any specially benefited zone within the municipality designated for the purpose of creating a special account for the payment of bonds or securities issued or loans, money advanced or indebtedness incurred to defray the cost of an undertaking, including, without limitation, the condemnation of property for an undertaking, as supplemented by the Local Government Securities Law, except as otherwise provided in this chapter. ***The governing body of a municipality, on behalf and in the name of the municipality, may enter into a contract with any property owner in a tax increment area agreeing to pay tax increment revenues from the tax increment account created by NRS 278C.250 to such property owner for costs incurred by such owner in connection with an undertaking. Such a contract constitutes an***

indebtedness of the municipality for the purposes of this chapter but is not a security for the purposes of NRS 278C.280.

2. The right-of-way property of a railroad company that is under the jurisdiction of the Surface Transportation Board must not be included in a tax increment area unless the inclusion of the property is mutually agreed upon by the governing body and the railroad company.

3. A tax increment area may not include a property that is, at the time the boundaries of the tax increment area are created, included within a redevelopment area previously established pursuant to the laws of this State.

4. The taxable property of a tax increment area must not be included in any subsequently created tax increment area until at least 50 years after the effective date of creation of the first tax increment area in which the property was included.

Sec. 18. NRS 278C.157 is hereby amended to read as follows:

278C.157 1. A municipality may adopt an ordinance ordering an undertaking and creating the tax increment area and the tax increment account pertaining thereto pursuant to NRS 278C.220 which includes provisions for:

(a) The allocation of the proceeds of any tax on the sale or use of tangible personal property to the tax increment account of the proposed tax increment area pursuant to paragraph (b) of subsection 1 of NRS 278C.250;

(b) The allocation of the proceeds of any tax imposed pursuant to NRS 363A.130 and 363B.110 to the tax increment account of the proposed tax increment area pursuant to paragraph (c) of subsection 1 of NRS 278C.250; ~~[or]~~

(c) The issuance of municipal securities and revenue securities described in paragraph (f) of subsection 1 of NRS 278C.280 ~~[.]~~ ***; or***

(d) Making a contract with any property owner in a tax increment area agreeing to pay tax increment revenues from the tax increment account created by NRS 278C.250 to the property owner to reimburse the owner for costs incurred by the owner in connection with an undertaking, which contract constitutes an indebtedness of the municipality for the purposes of this chapter but is not a security for the purposes of NRS 278C.280,

➥ only for an undertaking that is a rail project in relation to a qualified project or a natural resources project, and only after approval by the Interim Finance Committee of a written request submitted by the municipality.

2. The Interim Finance Committee may approve a request submitted pursuant to this section only if the Interim Finance Committee determines that approval of the request:

(a) Will not impede the ability of the Legislature to carry out its duty to provide for an annual tax sufficient to defray the estimated expenses of the State for each fiscal year as set forth in Article 9, Section 2 of the Nevada Constitution; and

(b) Will not threaten the protection and preservation of the property and natural resources of the State of Nevada.

3. A request submitted pursuant to this section must include any information required by the Interim Finance Committee.

4. As used in this section, "qualified project" has the meaning ascribed to it in NRS 360.888 or 360.940.

Sec. 19. (Deleted by amendment.)

Sec. 20. NRS 278C.270 is hereby amended to read as follows:

278C.270 The Federal Government, the State, any public body or any ~~[natural]~~ person filing a written complaint, protest or objection in the manner and within the time provided in NRS 278C.170, may, within 30 days after the governing body has finally passed on the complaint, protest or objection by resolution pursuant to NRS 278C.210 or by ordinance pursuant to NRS 278C.220, commence an action or suit in a court of competent jurisdiction to correct or set aside the determination, but thereafter all actions or suits attacking the validity of the proceedings are perpetually barred.

Sec. 21. NRS 350A.070 is hereby amended to read as follows:

350A.070 "Municipal securities" means notes, warrants, interim debentures, bonds and temporary bonds validly issued as obligations for a purpose related to natural resources which are payable:

1. From taxes whether or not additionally secured by any municipal revenues available therefor;

2. For bonds issued by an irrigation district, from assessments against real property;

3. For bonds issued by a water authority organized as a political subdivision created by cooperative agreement, from revenues of the water system of the water authority or one or more of the water purveyors who are members of the water authority or any combination thereof;

4. For bonds issued by a wastewater authority, from revenues of the water reclamation system of the wastewater authority or one or more of the municipalities that are members of the wastewater authority, or any combination thereof;

5. For bonds issued by a flood management authority, from revenues of the flood management authority or one or more of the municipalities that are members of the flood management authority, or any combination thereof; or

6. For assessment bonds issued by a municipality under chapter 271 of NRS ~~[.]~~ ***from assessments against real property.***

Sec. 22. NRS 701A.365 is hereby amended to read as follows:

701A.365 1. The Director, in consultation with the Office of Economic Development, shall approve an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, if the Director, in consultation with the Office of Economic Development, makes the following determinations:

(a) The applicant has executed an agreement with the Director which must:

(1) State that the facility will, after the date on which the abatement becomes effective, continue in operation in this State for a period specified

by the Director, which must be at least 10 years, and will continue to meet the eligibility requirements for the abatement; and

(2) Bind the successors in interest in the facility for the specified period.

(b) The facility is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the facility operates.

(c) No funding is or will be provided by any governmental entity in this State for the acquisition, design or construction of the facility or for the acquisition of any land therefor, except any private activity bonds as defined in 26 U.S.C. § 141.

(d) ~~[If]~~ ***Except as otherwise provided in paragraph (e), if*** the facility will be located in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the facility meets the following requirements:

(1) There will be 75 or more full-time employees working on the construction of the facility during the second quarter of construction, including, unless waived by the Director for good cause, at least 50 percent who are residents of Nevada;

(2) Establishing the facility will require the facility to make a capital investment of at least $10,000,000 in this State in capital assets that will be retained at the location of the facility until at least the date which is 5 years after the date on which the abatement becomes effective;

(3) The average hourly wage that will be paid by the facility to its employees in this State is at least 110 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year; and

(4) Except as otherwise provided in subsection 6, the average hourly wage of the employees working on the construction of the facility will be at least 175 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The employees working on the construction of the facility must be provided a health insurance plan that is provided by a third-party administrator and includes health insurance coverage for dependents of the employees; and

(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Director by regulation pursuant to NRS 701A.390.

(e) If the facility will be located in a county whose population is less than 100,000 ***, in an area of a county whose population is 100,000 or more that is located within the geographic boundaries of an area that is designated as rural by the United States Department of Agriculture and at least 20 miles outside of the geographic boundaries of an area designated as urban by the***

United States Department of Agriculture, or ***in*** a city whose population is less than 60,000, the facility meets the following requirements:

(1) There will be 50 or more full-time employees working on the construction of the facility during the second quarter of construction, including, unless waived by the Director for good cause, at least 50 percent who are residents of Nevada;

(2) Establishing the facility will require the facility to make a capital investment of at least $3,000,000 in this State in capital assets that will be retained at the location of the facility until at least the date which is 5 years after the date on which the abatement becomes effective;

(3) The average hourly wage that will be paid by the facility to its employees in this State is at least 110 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year; and

(4) Except as otherwise provided in subsection 6, the average hourly wage of the employees working on the construction of the facility will be at least 175 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The employees working on the construction of the facility must be provided a health insurance plan that is provided by a third-party administrator and includes health insurance coverage for dependents of the employees; and

(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Director by regulation pursuant to NRS 701A.390.

(f) The financial benefits that will result to this State from the employment by the facility of the residents of this State and from capital investments by the facility in this State will exceed the loss of tax revenue that will result from the abatement.

(g) The facility is consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053.

2. The Director shall not approve an application for a partial abatement of the taxes imposed pursuant to chapter 361 of NRS submitted pursuant to NRS 701A.360 by a facility for the generation of process heat from solar renewable energy or a wholesale facility for the generation of electricity from renewable energy unless the application is approved or deemed approved pursuant to this subsection. The board of county commissioners of a county must provide notice to the Director that the board intends to consider an application and, if such notice is given, must approve or deny the application

not later than 30 days after the board receives a copy of the application. The board of county commissioners:

(a) Shall, in considering an application pursuant to this subsection, make a recommendation to the Director regarding the application;

(b) May, in considering an application pursuant to this subsection, deny an application only if the board of county commissioners determines, based on relevant information, that:

(1) The projected cost of the services that the local government is required to provide to the facility will exceed the amount of tax revenue that the local government is projected to receive as a result of the abatement; or

(2) The projected financial benefits that will result to the county from the employment by the facility of the residents of this State and from capital investments by the facility in the county will not exceed the projected loss of tax revenue that will result from the abatement;

(c) Must not condition the approval of the application on a requirement that the facility agree to purchase, lease or otherwise acquire in its own name or on behalf of the county any infrastructure, equipment, facilities or other property in the county that is not directly related to or otherwise necessary for the construction and operation of the facility; and

(d) May, without regard to whether the board has provided notice to the Director of its intent to consider the application, make a recommendation to the Director regarding the application.

➥ If the board of county commissioners does not approve or deny the application within 30 days after the board receives from the Director a copy of the application, the application shall be deemed approved.

3. Notwithstanding the provisions of subsection 1, the Director, in consultation with the Office of Economic Development, may, if the Director, in consultation with the Office, determines that such action is necessary:

(a) Approve an application for a partial abatement for a facility that does not meet ~~[the requirements]~~ ***any requirement*** set forth in ***subparagraph (1) or (2) of*** paragraph (d) or ***subparagraph (1) or (2) of paragraph*** (e) of subsection 1; or

(b) Add additional requirements that a facility must meet to qualify for a partial abatement.

4. The Director shall cooperate with the Office of Economic Development in carrying out the provisions of this section.

5. The Director shall submit to the Office of Economic Development an annual report, at such a time and containing such information as the Office may require, regarding the partial abatements granted pursuant to this section.

6. The provisions of subparagraph (4) of paragraph (d) of subsection 1 and subparagraph (4) of paragraph (e) of subsection 1 concerning the average hourly wage of the employees working on the construction of a facility do not apply to the wages of an apprentice as that term is defined in NRS 610.010.

7. As used in this section, "wage" or "wages" has the meaning ascribed to it in NRS 338.010.

Sec. 23. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 24. The amendatory provisions of this act do not apply to or otherwise affect any abatement of taxes or deferment of the payment of taxes approved by the Office of Economic Development or the Director of the Office of Energy before July 1, 2017.

Sec. 25. 1. This act becomes effective on July 1, 2017.

2. Section 2 of this act expires by limitation on June 30, 2023.

3. Sections 5, 5.5, 6, 7, 7.5, 14.7 and 14.9 of this act expire by limitation on June 30, 2032.

4. Section 3 of this act expires by limitation on June 30, 2035.

5. Sections 8 and 9 of this act expire by limitation on June 30, 2036.

6. Section 22 of this act expires by limitation on June 30, 2049.

7. Section 4 expires by limitation on December 31, 2056.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 487.

Bill read third time.

The following amendment was proposed by Assemblyman Frierson:

Amendment No. 1108.

AN ACT relating to vehicles; revising provisions relating to taxicabs in certain counties of this State; conferring limited enforcement jurisdiction upon the Taxicab Authority over persons who are drivers for transportation network companies; authorizing the use of money obtained from the imposition of a technology fee for certain purposes; revising provisions governing the exterior appearance of certain taxicabs; revising the amount of time a vehicle used as a taxicab may remain in service as a taxicab; requiring the inspection of a taxicab not more than once each year; revising provisions governing the authority of certain certificate holders to lease a taxicab to an independent contractor; authorizing an independent contractor who leases a taxicab to use the taxicab in accordance with an agreement with a transportation network company; revising provisions relating to vehicles equipped with a dynamic display; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Taxicab Authority exercises regulatory authority over taxicabs in any county whose population is 700,000 or more (currently Clark County). (NRS 706.881) The Taxicab Authority may adopt regulations

for the administration and enforcement of the provisions of existing law that apply to such taxicabs. (NRS 706.8818) Existing law requires the Nevada Transportation Authority to adopt regulations governing the operation in this State of a transportation network company and each driver who enters into an agreement with a transportation network company to receive connections to potential passengers and provide transportation services. (NRS 706A.100) **Section 3** of this bill confers limited enforcement jurisdiction upon the Taxicab Authority over a person who is a driver for a transportation network company during any period in which the person provides transportation services in the county where the Taxicab Authority has jurisdiction. **Section 16.5** of this bill makes a conforming change, requiring a taxicab field investigator of the Taxicab Authority to have probable cause of a violation before initiating a stop of such a driver.

Existing law requires payment to the Taxicab Authority of a technology fee in an amount set by the Taxicab Authority by each taxicab certificate holder for each compensable trip of each taxicab of the certificate holder. (NRS 706.8826) The money from the technology fee must be deposited in the Taxicab Authority Fund, and existing law requires that the money be used to implement technological improvements in safety, reliability and efficiency, including the implementation of a computerized real-time data system to assist with the regulation of taxicabs. (NRS 706.8825) **Section 5** of this bill removes the requirement for the money from the technology fee to be spent on such a system, and authorizes its use for the implementation of technological improvements in safety. **Section 26** of this bill repeals the provision of existing law authorizing the use of a computerized real-time data system.

Existing law requires the Taxicab Authority to approve or disapprove the color scheme, insigne and design of the cruising lights of the taxicabs of a certificate holder, and to ensure that each certificate holder's taxicabs are readily distinguishable from those of another certificate holder. (NRS 706.8833) **Section 6** of this bill retains the requirement that taxicabs of each certificate holder be readily distinguishable from those of each other certificate holder, but removes the requirement for the Taxicab Authority to approve such color schemes, insigne and design of cruising lights. **Section 6** also revises provisions governing the placement of advertisements on the exterior of taxicabs by authorizing the use of the advertisements if the placement of the advertisements does not impair the ability of the driver to operate the vehicle safely.

Under existing law, a certificate holder may only use for a taxicab a new vehicle or a vehicle with 30,000 miles or less on the odometer. A new vehicle used as a taxicab must be removed from service as a taxicab after 67 months of such use, and a vehicle with less than 30,000 miles on it when put into use as a taxicab must be removed from service after 55 months. If the vehicle is a hybrid electric vehicle, the vehicle is allowed an additional 24 months of service. (NRS 706.8834) **Section 7** of this bill provides instead that any

vehicle used as a taxicab may only be used as a taxicab for 120 months after the date on which the vehicle was manufactured.

Section 8 of this bill newly requires each taxicab to display a statement indicating whether the certificate holder accepts credit cards and debit cards and, if so, listing the maximum fee a customer will be charged for the convenience of using a credit card or debit card. Existing law provides that the maximum amount of such a fee may be prescribed in regulation by the Taxicab Authority. (NRS 706.88355)

Existing law authorizes the Taxicab Administrator of the Department of Business and Industry to inspect a taxicab at any reasonable time. (NRS 706.8839) **Section 9** of this bill requires the Taxicab Administrator to conduct such an inspection not more than once each year.

Existing law authorizes a certificate holder to lease a taxicab to an independent contractor, who may only use the taxicab in a manner authorized by the certificate holder's certificate of public convenience and necessity. (NRS 706.88396) **Section 10** of this bill expands existing law by authorizing the independent contractor to use the taxicab to provide transportation services pursuant to an agreement with a transportation network company. **Section 10** also requires the certificate holder who leases a taxicab to an independent contractor to inspect the taxicab at least monthly. **Section 10** also limits the number of unexpired leases a certificate holder may have to not more than the number of taxicabs allocated to the certificate holder by the Taxicab Authority. **Sections 14 and 15** of this bill make conforming changes.

Existing law requires an applicant for a driver's permit to drive a taxicab to prove that he or she has been a resident of this State for at least 30 days. (NRS 706.8841) **Section 11** of this bill requires the applicant to prove instead that he or she is a resident of this State or a state that adjoins the county in which the applicant has applied for the driver's permit. **Section 12** of this bill revises provisions regarding daily trip sheets to allow for the use of certain electronic operating systems.

Under existing law, a driver of a taxicab is not allowed to take a longer route to a passenger's destination than is necessary, unless specifically requested to do so by the passenger. (NRS 706.8846) **Section 13** of this bill provides that a driver must take the most direct route and is not allowed to take a longer or different route intentionally unless **[**~~: (1)~~**]** requested or agreed to by the passenger **. [**~~; or (2) the different route is approved by the Taxicab Authority. Section 13 also provides that the Taxicab Authority may only conduct an investigation for a violation of this provision upon receipt of a complaint by a passenger.~~**]**

Under existing law, a person may not operate on the highways of this State any motor vehicle equipped with a dynamic display unless the vehicle is also equipped with a display management system that is configured to prevent the image or content on the dynamic display from changing when the vehicle is moving, in a turnout or in a location where such a change may cause undue

distraction to other drivers. Such a dynamic display is also prohibited from projecting moving images or other moving content. (NRS 484D.493) **Section 24.5** of this bill removes the prohibition on moving images or content and provides that the display management system must be configured to prevent the image or content from changing only when the vehicle is moving at a speed of 55 miles per hour or more.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 706.759 is hereby amended to read as follows:

706.759 1. ~~[A]~~ ***Except as otherwise provided in subsection 3, a*** person who drives a taxicab as an employee of a person who holds a certificate of public convenience and necessity which was issued for the operation of a taxicab business shall not act as a driver as defined in NRS 706A.040:

(a) Using the taxicab provided by his or her employer; or

(b) During any time for which the person receives wages from his or her employer for duties which include driving a taxicab.

2. A person who holds a certificate of public convenience and necessity which was issued for the operation of a taxicab business may terminate the employment of a person who violates the provisions of subsection 1.

3. The provisions of subsection 1 do not apply to an independent contractor who leases a taxicab pursuant to NRS 706.88396.

Sec. 2. NRS 706.8816 is hereby amended to read as follows:

706.8816 1. "Taxicab" means a motor vehicle or vehicles which is designed or constructed to accommodate and transport not more than six passengers, ***not*** including the driver, and:

(a) Uses a taximeter or some other device, method or system to indicate and determine the passenger fare charged;

(b) Is used in the transportation of passengers or light express or both for which a charge or fee is received; or

(c) Is operated in any service which is held out to the public as being available for the transportation of passengers from place to place in the State of Nevada.

2. "Taxicab" does not include a motor vehicle of:

(a) A common motor carrier.

(b) A contract motor carrier which operates along fixed routes.

(c) An employer who operates the vehicle for the transportation of the employees of that employer, whether or not the employees pay for the transportation.

Sec. 3. NRS 706.8818 is hereby amended to read as follows:

706.8818 1. The Taxicab Authority, consisting of five members appointed by the Governor, is hereby created. Except as otherwise provided in NRS 232A.020, the term of each member is 3 years and no member may serve for more than 6 years. No more than three members may be members

of the same political party, and no elected officer of the State or any political subdivision is eligible for appointment.

2. Each member of the Taxicab Authority is entitled to receive a salary of not more than $80, as fixed by the Authority, for each day actually employed on work of the Authority.

3. While engaged in the business of the Taxicab Authority, each member and employee of the Authority is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

4. The Taxicab Authority shall maintain its principal office in the county or area of the State where it performs most of its regulatory activity.

5. The Taxicab Authority may adopt appropriate regulations for the administration and enforcement of NRS 706.881 to 706.885, inclusive, and, as it may deem necessary, for the conduct of the taxicab business and for the qualifications of and the issuance of permits to taxicab drivers, not inconsistent with the provisions of NRS 706.881 to 706.885, inclusive. The regulations may include different provisions to allow for differences among the counties to which NRS 706.881 to 706.885, inclusive, apply. Local law enforcement agencies and the Nevada Highway Patrol, upon request of the Authority, may assist in enforcing the provisions of NRS 706.881 to 706.885, inclusive, and regulations adopted pursuant thereto.

6. Except to the extent of any inconsistency with the provisions of NRS 706.881 to 706.885, inclusive, every regulation and order issued by the Nevada Transportation Authority remains effective in a county to which those sections apply until modified or rescinded by the Taxicab Authority, and must be enforced by the Taxicab Authority.

7. The Taxicab Authority may issue a written administrative citation to a person who is a driver for a transportation network company during any period in which the person provides transportation services pursuant to chapter 706A of NRS in a county where the Taxicab Authority has jurisdiction pursuant to NRS 706.881 as follows:

(a) The enforcement jurisdiction of the Taxicab Authority over a person who is a driver for a transportation network company is limited to enforcement of the provisions of subsection 1 of NRS 706A.280, except that such jurisdiction does not include enforcement of any violation or other matter which requires the Taxicab Authority to review or investigate the digital network or software application service of the transportation network company through which the driver is connected to potential passengers.

(b) A written administrative citation issued by the Taxicab Authority to a person who is a driver for a transportation network company must be adjudicated by the Nevada Transportation Authority pursuant to the provisions of chapter 706A of NRS.

Sec. 4. NRS 706.88183 is hereby amended to read as follows:

706.88183 1. The Taxicab Authority shall implement a system to verify **[**~~through the computerized real-time data system implemented~~

~~pursuant to subsection 4 of NRS 706.8825~~] the validity of a temporary or permanent medallion issued by the Taxicab Authority.

2. As used in this section, "medallion" means the temporary or permanent authority to operate a taxicab within the jurisdiction of the Taxicab Authority which is issued by the Taxicab Authority pursuant to NRS 706.8811 to 706.885, inclusive.

Sec. 5. NRS 706.8825 is hereby amended to read as follows:

706.8825 1. All fees collected pursuant to NRS 706.881 to 706.885, inclusive, must be deposited by the Administrator to the credit of the Taxicab Authority Fund, which is hereby created as a special revenue fund. The transactions for each county subject to those sections must be accounted for separately within the Fund.

2. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund.

3. The revenues received pursuant to subsection 1 of NRS 706.8826 are hereby appropriated to defray the cost of regulating taxicabs in the county or the city, respectively, making the deposit under that subsection.

4. The fees received pursuant to subsection 3 of NRS 706.8826, NRS 706.8827, 706.8841, 706.8848, 706.8849 and 706.885 are hereby appropriated to defray the cost of regulating taxicabs in the county in which the certificate holder operates a taxicab business. The technology fees received pursuant to paragraph (c) of subsection 3 of NRS 706.8826 [~~must~~] ***may*** be used to implement technological improvements in safety **.** [~~, reliability and efficiency, including, without limitation, the implementation of a computerized real-time data system to assist with the regulation of the taxicabs in the county in which the certificate holder operates a taxicab business. A computerized real-time data system implemented pursuant to this subsection must, at a minimum, satisfy the following criteria:~~

~~(a) While a taxicab is in service within the jurisdiction of the Taxicab Authority, the system must be capable of collecting in real-time from the onboard computer of the taxicab, by wireless access through the onboard diagnostic port or other means, the vehicle identification number and operating and telemetric data for the vehicle.~~

~~(b) While a taxicab is in service within the jurisdiction of the Taxicab Authority, the system must be capable of collecting in real-time, from an onboard diagnostic device capable of using a global positioning system that is installed in the taxicab or any other onboard computer software system capable of using a global positioning system that is installed in the taxicab, the location of the taxicab by latitude and longitude, a record of the time at which the taxicab is at that location and operating and telemetric data for the vehicle.~~

~~(c) The system must be capable of allowing the driver of a taxicab, while the taxicab is in service within the jurisdiction of the Taxicab Authority, to register in the system, at the beginning and end of each shift, his or her identity and the number of his or her driver's permit.~~

~~(d) The system must be capable of allowing, in a manner prescribed by the Taxicab Authority, a certificate holder to digitally associate a taxicab with a temporary or permanent medallion for the purpose of verifying the validity of a temporary or permanent medallion pursuant to NRS 706.88183. As used in this paragraph, "medallion" has the meaning ascribed to it in NRS 706.88183.~~

~~(e) The system must be capable of presenting, in real time to the Taxicab Authority, searchable histories, in both a format that displays the information and data in tables and a digital map format that displays streets and highways, of:~~

~~(1) The information and data described in this subsection; and~~

~~(2) The information described in NRS 706.8844.~~

~~(f) The system must be capable of presenting to a passenger, through an application on a mobile device or on an interactive, digital display or other onboard system in the taxicab, sufficient information for the passenger to select and direct the driver to the passenger's desired destination by the passenger's desired route. The information must include, without limitation, sufficient information for the passenger to:~~

~~(1) Select the shortest route by time or distance to the passenger's desired destination;~~

~~(2) Select a multi-segment trip directed by the passenger;~~

~~(3) Select the least expensive route to the passenger's desired destination; and~~

~~(4) Make a digital record of the passenger's selection that is accessible during and after the trip by the passenger, the Taxicab Authority, the driver and the certificate holder.~~

~~(g) The system must be capable of presenting to the driver, through an application on a mobile device or an interactive, digital display or other onboard system in the taxicab, sufficient information for the driver to:~~

~~(1) Determine the shortest route by time or distance to the passenger's desired destination and the least expensive route to the passenger's desired destination;~~

~~(2) Follow a multi-segment, passenger-directed trip by the least expensive route to the passenger's desired destination; and~~

~~(3) Allow the passenger to make a digital record of a selection of a desired route to the passenger's destination that is accessible during and after the trip by the passenger, the Taxicab Authority, the driver and the certificate holder.~~

~~(h) The system must be capable of allowing passengers to register comments and complaints with the Taxicab Authority, the driver and the certificate holder, through an application on a mobile device or an interactive digital display screen or other onboard system in the taxicab.~~

~~(i) The system must be capable of assisting the Taxicab Authority in the development of additional preventive measures to detect, investigate and deter the practice of transporting a passenger to a selected destination by a~~

~~route that is more expensive than necessary under the circumstances of the trip.~~

~~(j) The system must be capable of providing to the Taxicab Authority reliable real-time and historic information concerning service demands, market data, vehicle usage, wait times and customer complaints and comments for use by the Taxicab Authority to make decisions concerning the allocation of medallions pursuant to NRS 706.88237, 706.8824 and 706.88245.~~

~~(k) The system must be capable of allowing certificate holders to use the system to provide cooperative dispatch and electronic hailing services to the public pursuant to NRS 706.88184.~~

~~5. The Taxicab Authority shall not use the information and data collected pursuant to paragraph (a) or (b) of subsection 4 for any purpose other than the purposes set forth in those paragraphs unless the Authority has adopted regulations governing the additional use.~~

~~6. The Taxicab Authority may operate the computerized real-time data system implemented pursuant to subsection 4 or enter into an agreement for the provision of such service. If the Taxicab Authority enters into such an agreement, the Taxicab Authority shall ensure that all the information and data collected by the computerized real-time data system is under the control of the Taxicab Authority.~~

~~7.~~**]** ***5.*** Any balance remaining in the Fund does not revert to the State General Fund. The Administrator may transfer to the Aging and Disability Services Division of the Department of Health and Human Services any balance over $200,000 and any interest earned on the Fund, within the limits of legislative authorization for each fiscal year, to subsidize transportation for elderly persons and persons with permanent disabilities in taxicabs. The money transferred to the Aging and Disability Services Division must be administered in accordance with regulations adopted by the Administrator of the Aging and Disability Services Division pursuant to NRS 427A.070.

[~~8.~~**]** ***6.*** The Administrator may establish an account for petty cash not to exceed $2,000 for the support of undercover investigation and if the account is created, the Administrator shall reimburse the account from the Taxicab Authority Fund in the same manner as other claims against the State are paid.

[~~9. As used in this section, "real time" means the transmission of information at a rate no longer than once every 6 seconds, unless the Taxicab Authority authorizes a longer rate while a taxicab is experiencing a low volume of trips.~~**]**

Sec. 6. NRS 706.8833 is hereby amended to read as follows:

706.8833 1. The color scheme **[**~~,~~**]** ***and*** insigne **[**~~and design of the cruising lights of each taxicab must conform to those approved for~~**]** ***of*** the ***taxicabs of each*** certificate holder **[**~~pursuant to regulations of the Taxicab Authority.~~

~~2. Except as otherwise provided in subsection 3, the Taxicab Authority shall approve or disapprove the color scheme, insigne and design of the~~

~~cruising lights of the taxicabs of a certificate holder in any county, and shall ensure that the color scheme and insigne of one certificate holder are~~**]** ***must be*** readily distinguishable from the color schemes and insignia of other certificate holders operating in the same county.

[~~3.~~**]** ***2.*** The Taxicab Authority shall allow a certificate holder in any county to place advertisements on the exterior of the vehicles used as taxicabs in the operations of the certificate holder, provided that the **[**~~taxicabs of the certificate holder which bear such advertisements are readily distinguishable from the taxicabs of other certificate holders operating in the same county by meeting the requirements of subsection 2 of NRS 706.8835.~~**]** ***placement of the advertisements does not impair the ability of the driver to operate the taxicab safely.***

Sec. 7. NRS 706.8834 is hereby amended to read as follows:

706.8834 1. **[**~~Except as otherwise provided in subsection 4, if a~~**]** ***A*** vehicle acquired for use as a taxicab by a certificate holder **[**~~pursuant to paragraph (a) of subsection 3 has been~~**]** ***may only be used*** in operation as a taxicab for **[**~~67~~**]** ***120*** months **[**~~based on~~**]** ***after*** the date **[**~~it was originally placed into operation as a taxicab, the certificate holder:~~

~~(a) Shall remove the vehicle from operation as a taxicab; and~~

~~(b) Shall not permit the vehicle to be used as a taxicab in the operations of the certificate holder at any time thereafter.~~**]** ***on which the vehicle was manufactured.***

2. **[**~~Except as otherwise provided in subsection 4, if~~**]** ***If*** a vehicle acquired for use as a taxicab by a certificate holder **[**~~pursuant to paragraph (b) of subsection 3~~**]** has been in operation as a taxicab for **[**~~55~~**]** ***120*** months **[**~~based on~~**]** ***after*** the date **[**~~it was originally placed into operation as a taxicab,~~**]** ***on which the vehicle was manufactured,*** the certificate holder:

(a) Shall remove the vehicle from operation as a taxicab; and

(b) Shall not permit the vehicle to be used as a taxicab in the operations of the certificate holder at any time thereafter.

[~~3. Any vehicle which a certificate holder acquires for use as a taxicab must:~~

~~(a) Be new; or~~

~~(b) Register not more than 30,000 miles on the odometer.~~

~~4. If a hybrid electric vehicle, as defined in 40 C.F.R. § 86.1702-99, is acquired for use as a taxicab by a certificate holder, the period of operation as a taxicab specified in subsections 1 and 2 shall be extended for an additional 24 months for that vehicle.~~**]**

Sec. 8. NRS 706.8835 is hereby amended to read as follows:

706.8835 1. A certificate holder shall display on each of the certificate holder's taxicabs **[**~~the fare schedule under which it is being operated.~~**]** ***a statement indicating whether the certificate holder accepts credit cards and debit cards and, if so, setting forth the maximum fee a customer will be charged for the convenience of using a credit card or debit card pursuant to NRS 706.88355.*** The **[**~~schedule~~**]** ***statement*** must be permanently affixed:

(a) On the outside of both front doors in bold block letters which are not less than three-fourths of an inch in height; and

(b) Inside the taxicab so as to be visible and easily readable by passengers.

2. A certificate holder shall have a unit number and the name of the certificate holder displayed on each taxicab in bold block letters not less than 4 inches in height and in a color which contrasts with the color of the taxicab.

Sec. 9. NRS 706.8839 is hereby amended to read as follows:

706.8839 1. The Administrator ~~[may]~~ ***shall*** inspect ~~[a]~~ ***each*** taxicab ~~[at any reasonable time.]~~ ***not more than once each year.***

2. If the Administrator finds that a taxicab is in a condition which violates NRS 706.8837, the Administrator shall remove the vehicle from service, shall place an out-of-service sticker on the windshield and shall notify the certificate holder of the defect. The vehicle shall remain out of service until the defect has been remedied and the Administrator upon reinspection has approved the vehicle and removed the out-of-service sticker.

3. If the Administrator finds that a taxicab is in a condition which violates NRS 706.8838, the Administrator shall notify the certificate holder of the improper condition and, after a reasonable time, shall reinspect the vehicle. If upon reinspection the violation has not been corrected, the vehicle shall be removed from service until it is reinspected and approved, as provided in subsection 2.

Sec. 10. NRS 706.88396 is hereby amended to read as follows:

706.88396 1. ~~[A]~~ ***Except as otherwise provided in subsection 8, a*** certificate holder may, upon approval from the Taxicab Authority, lease a taxicab to an independent contractor who is not a certificate holder. A certificate holder may lease only one taxicab to each independent contractor with whom the person enters into a lease agreement. The taxicab may be used ~~[only in]~~ ***, without limitation:***

(a) In a manner authorized by the certificate holder's certificate of public convenience and necessity ~~[.]~~ ***; or***

(b) By the independent contractor to provide transportation services in accordance with an agreement with a transportation network company entered into pursuant to chapter 706A of NRS.

2. A certificate holder who enters into a lease agreement with an independent contractor pursuant to this section shall submit a copy of the agreement to the Taxicab Authority for its approval. The agreement is not effective until approved by the Taxicab Authority.

3. ***Except as otherwise provided in subsection 8, the Taxicab Authority may not limit the number of:***

(a) Lease agreements entered into by a certificate holder; or

(b) Days for which a lease agreement remains in effect.

4. A certificate holder who leases a taxicab to an independent contractor shall inspect the taxicab not less than once each month.

5. An independent contractor may not operate more than one taxicab pursuant to a lease agreement with a certificate holder during any one 24-hour period.

6. A certificate holder who leases a taxicab to an independent contractor is jointly and severally liable with the independent contractor for any violation of the provisions of this chapter or the regulations adopted pursuant ***thereto or, if applicable, chapter 706A of NRS or the regulations adopted pursuant*** thereto, and shall ensure that the independent contractor complies with such provisions and regulations.

~~[4.]~~ ***7.*** The Taxicab Authority or any of its employees may intervene in a civil action involving a lease agreement entered into pursuant to this section.

8. A certificate holder may not have a number of unexpired leases that exceeds the number of taxicabs allocated to the certificate holder pursuant to NRS 706.8824 and 706.88245.

Sec. 11. NRS 706.8841 is hereby amended to read as follows:

706.8841 1. The Administrator shall issue a driver's permit to qualified persons who wish to be employed by certificate holders as taxicab drivers. Before issuing a driver's permit, the Administrator shall:

(a) Require the applicant to submit a complete set of the applicant's fingerprints which the Administrator may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to ascertain whether the applicant has a criminal record and the nature of any such record, and shall further investigate the applicant's background; and

(b) Require proof that the applicant:

(1) ~~[~~Has been~~]~~ ***Is*** a resident of ~~[~~the~~]~~ ***this*** State ~~[~~for 30 days before the application for a permit;~~]~~ ***or a state that adjoins the county in which the applicant has applied for a driver's permit;***

(2) Can read and orally communicate in the English language; and

(3) Has a valid license issued under NRS 483.325 which authorizes the applicant to drive a taxicab in this State.

2. The Administrator may refuse to issue a driver's permit if the applicant has been convicted of:

(a) A felony relating to the practice of taxicab drivers in this State or any other jurisdiction at any time before the date of the application;

(b) A felony involving any sexual offense in this State or any other jurisdiction at any time before the date of the application;

(c) A violation of NRS 484C.110, 484C.120 or 484C.430 or a law of any other jurisdiction that prohibits the same or similar conduct within 3 years before the date of the application; or

(d) A violation of NRS 484C.130 or a law of any other jurisdiction that prohibits the same or similar conduct.

3. The Administrator may refuse to issue a driver's permit if the Administrator, after the background investigation of the applicant,

determines that the applicant is morally unfit or if the issuance of the driver's permit would be detrimental to public health, welfare or safety.

4. A taxicab driver shall pay to the Administrator, in advance, $40 for an original driver's permit and $10 for a renewal.

Sec. 12. NRS 706.8844 is hereby amended to read as follows:

706.8844 1. A certificate holder shall require the certificate holder's drivers to keep a daily trip sheet in a form to be prescribed by the Taxicab Authority, including, without limitation, in electronic form.

2. At the beginning of each period of duty the driver shall record on the driver's trip sheet:

(a) The driver's name and the number of the taxicab;

(b) The time at which the driver began the period of duty by means of a time clock provided by the certificate holder;

(c) If the taxicab is equipped with a taximeter, the meter readings for total miles, paid miles, trips, units, extra passengers and extra charges; and

(d) The odometer reading of the taxicab.

3. During each period of duty the driver shall record on the driver's trip sheet:

(a) The time, place of origin and destination of each trip; and

(b) The number of passengers and amount of fare for each trip.

4. At the end of each period of duty the driver shall record on the driver's trip sheet:

(a) ~~[The]~~ ***Except as otherwise provided in subsection 5, the*** time at which the driver ended the period of duty by means of a time clock provided by the certificate holder;

(b) If the taxicab is equipped with a taximeter, the meter readings for total miles, paid miles, trips, units and extra passengers; and

(c) The odometer reading of the taxicab.

5. ***A driver is not required to record on the driver's trip sheet the time at which the driver ended the period of duty if:***

(a) The certificate holder uses an operating system which records the time the driver ends the period of duty electronically; and

(b) The time entries recorded by the operating system are available to the Taxicab Authority if requested pursuant to an audit.

6. A certificate holder shall furnish a trip sheet form for each taxicab operated by a driver during the driver's period of duty and shall require the drivers to return their completed trip sheets at the end of each period of duty.

~~[6.]~~ ***7.*** A certificate holder shall retain all trip sheets of all drivers in a safe place for a period of 3 years immediately succeeding December 31 of the year to which they respectively pertain and shall make such manifests available for inspection by the Administrator upon reasonable demand.

~~[7.]~~ ***8.*** Any driver who maintains a trip sheet in a form less complete than that required by subsection 1 is guilty of a misdemeanor.

~~[8.]~~ ***9.*** The Administrator shall prescribe the requirements for the use of an electronic version of a daily trip sheet. If a certificate holder requires its

drivers to keep a daily trip sheet in electronic form, the certificate holder may comply with the requirements of this section ~~[~~:

~~(a) By~~ ***by*** maintaining the information collected from the daily trip sheet in a secure database and providing the Administrator with access to the information in the database at regular intervals established by the Administrator and upon reasonable demand **.** ~~[~~**;** ~~or~~

~~(b) By reporting the information to the Administrator on the computerized real-time data system implemented pursuant to subsection 4 of NRS 706.8825.~~]

10. As used in this section, "time clock" means a mechanism which records the time at which a driver begins or ends, as applicable, a period of duty by means of:

(a) A manual time stamp on the driver's trip sheet; or

(b) An electronically issued time stamp provided by the operating system of the certificate holder.

Sec. 13. NRS 706.8846 is hereby amended to read as follows:

706.8846 ~~*[1.]*~~ With respect to a passenger's destination, ~~[~~a~~]~~ ***unless a different route is requested or agreed to by the passenger,*** ~~*[or a different route has been approved by the Taxicab Authority,]*~~ ***a driver shall take the most direct route when transporting a passenger to his or her destination. A*** driver shall not:

1. ~~*[(a)]*~~ Deceive or attempt to deceive any passenger who rides or desires to ride in the driver's taxicab.

2. ~~*[(b)]*~~ Convey or attempt to convey any passenger to a destination other than the one directed by the passenger.

3. ~~*[(c)*~~ ~~Take~~~~]~~ ***Except as otherwise provided in this subsection, intentionally take*** a longer route to the passenger's destination than is necessary **.** ~~[~~**,** ~~unless specifically requested so to do by the passenger.~~]

4. ~~*[(d)]*~~ Fail to comply with the reasonable and lawful requests of the passenger as to speed of travel and route to be taken.

~~*[2. The Taxicab Authority may only conduct an investigation for a violation of this section upon receipt of a complaint by a passenger.]*~~

Sec. 14. NRS 706A.075 is hereby amended to read as follows:

706A.075 1. Except as otherwise provided in subsection 2, the provisions of this chapter do not exempt any person from any law governing the operation of a motor vehicle upon the highways of this State.

2. A transportation network company which holds a valid permit issued by the Authority pursuant to this chapter, a driver who has entered into an agreement with such a company and a vehicle operated by such a driver are exempt from:

(a) The provisions of chapter 704 of NRS relating to public utilities; and

(b) ~~[~~~~The~~~~]~~ ***Except as otherwise provided in NRS 706.88396, the*** provisions of chapter 706 of NRS,

➥ to the extent that the services provided by the company or driver are within the scope of the permit.

Sec. 15. NRS 706A.110 is hereby amended to read as follows:

706A.110 1. A transportation network company shall not engage in business in this State unless the company holds a valid permit issued by the Authority pursuant to this chapter.

2. A driver shall not provide transportation services unless the company with which the driver is affiliated holds a valid permit issued by the Authority pursuant to this chapter.

3. The Authority is authorized and empowered to regulate, pursuant to the provisions of this chapter, all transportation network companies and drivers who operate or wish to operate within this State. ~~[The]~~ ***Except as otherwise provided in NRS 706.88396, the*** Authority shall not apply any provision of chapter 706 of NRS to a transportation network company or a driver who operates within the provisions of this chapter and the regulations adopted pursuant thereto.

Sec. 16. NRS 706A.130 is hereby amended to read as follows:

706A.130 1. Upon receipt of a completed application and upon a determination by the Authority that an applicant meets the requirements for the issuance of a permit to operate a transportation network company, the Authority shall issue to the applicant within 30 days a permit to operate a transportation network company in this State.

2. In accordance with the provisions of this chapter, a permit issued pursuant to this section:

(a) Authorizes a transportation network company to connect one or more passengers through the use of a digital network or software application service to a driver who can provide transportation services.

(b) Authorizes a transportation network company to make its digital network or software application service available to one or more drivers to receive connections to potential passengers from the company in exchange for the payment of a fee by the driver to the company.

(c) ~~[Does]~~ ***Except as otherwise provided in NRS 706.88396, does*** not authorize a transportation network company or any driver to engage in any activity otherwise regulated pursuant to chapter 706 of NRS other than the activity authorized by this chapter.

3. Nothing in this chapter prohibits the issuance of a permit to operate a transportation network company to a person who is regulated pursuant to chapter 706 of NRS if the person submits an application pursuant to NRS 706A.120 and meets the requirements for the issuance of a permit.

Sec. 16.5. NRS 289.340 is hereby amended to read as follows:

289.340 An employee designated by the Taxicab Administrator as:

1. A taxicab field investigator is a peace officer ~~[.]~~ ***for the purposes of enforcing the provisions of chapter 706 of NRS. Such an investigator enforcing the provisions of subsection 1 of NRS 706A.280 pursuant to NRS 706.8818 must have probable cause that a driver is violating subsection 1 of NRS 706A.280 to initiate a traffic stop of the driver's vehicle.***

2. An airport control officer is a peace officer only when on duty at the airport.

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. NRS 427A.070 is hereby amended to read as follows:

427A.070 1. The Administrator shall:

(a) Subject to the approval of the Director, adopt rules and regulations:

(1) Necessary to carry out the purposes of this chapter and chapter 435 of NRS; and

(2) Establishing a program to subsidize the transportation by taxicab of elderly persons and persons with permanent disabilities from money received pursuant to subsection ~~[7]~~ ***5*** of NRS 706.8825;

(b) Establish appropriate administrative units within the Division;

(c) Appoint such personnel and prescribe their duties as the Administrator deems necessary for the proper and efficient performance of the functions of the Division;

(d) Prepare and submit to the Governor, through the Director before September 1 of each even-numbered year for the biennium ending June 30 of such year, reports of activities and expenditures and estimates of sums required to carry out the purposes of this chapter and chapter 435 of NRS;

(e) Make certification for disbursement of funds available for carrying out the purposes of this chapter and chapter 435 of NRS; and

(f) Take such other action as may be necessary or appropriate for cooperation with public and private agencies and otherwise to carry out the purposes of this chapter and chapter 435 of NRS.

2. The Administrator may delegate to any officer or employee of the Division such of the powers and duties of the Administrator as the Administrator finds necessary to carry out the purposes of this chapter and chapter 435 of NRS.

Sec. 24.5. NRS 484D.493 is hereby amended to read as follows:

484D.493 1. Except as otherwise provided in subsection 2, a person shall not operate upon the highways of this State any motor vehicle that is equipped with a dynamic display unless ~~[:~~

~~(a) The]~~ ***the*** motor vehicle is equipped with a display management system which is configured to prevent the image or content displayed on the dynamic display from changing when the motor vehicle is ~~[:~~

~~(1) Moving;~~

~~(2) In a turnout; or~~

~~(3) In any other location where changing the image or content displayed on the dynamic display may cause undue distraction to the operators of other vehicles; and~~

~~(b) The dynamic display does not project or otherwise show moving images, moving information or other moving content.~~**]** ***moving at a speed of 55 miles per hour or more.***

2. This section does not prohibit the use of a dynamic display that is operated without a display management system if the dynamic display is being used exclusively for purposes other than advertisement, including, without limitation:

(a) For purposes that are personal and noncommercial in nature;

(b) For purposes of traffic control;

(c) For purposes of law enforcement or emergency response;

(d) As a warning device for a utility or utility vehicle, as described in NRS 484D.465; or

(e) To display the name, route number or destination of a bus or other vehicle of mass transit.

3. As used in this section:

(a) "Display management system" means equipment or software that is designed to operate a dynamic display, including, without limitation, periodically changing the image, information or content being shown on the dynamic display.

(b) "Dynamic display" means equipment which is attached to a motor vehicle and which consists of at least one monitor, screen or viewer that, without limitation:

(1) Is designed to display various images, information or other content, including, without limitation, advertisements, which change periodically;

(2) Is intended to be visible to the drivers of other vehicles on the highway and to persons who are near the highway; and

(3) May be visible to the operator of the motor vehicle.

Sec. 25. Any regulations adopted by the Taxicab Authority that conflict with the amendatory provisions of this act are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after July 1, 2017.

Sec. 26. NRS 706.88184 is hereby repealed.

Sec. 27. This act becomes effective on July 1, 2017.

TEXT OF REPEALED SECTION

706.88184 Authority required to authorize use of certain technology by certificate holders and to impose reasonable charge.

1. Upon application by a certificate holder, the Taxicab Authority shall authorize the certificate holder to use the computerized real-time data system for the purposes of offering cooperative dispatch and electronic hailing services for taxicabs to the public.

2. If two or more certificate holders apply to the Taxicab Authority to use the computerized real-time data system for the purposes set forth in subsection 1, the Taxicab Authority must establish, by regulation or order, rules providing for the use of the computerized real-time data system by two or more certificate holders for the purposes set forth in subsection 1.

3. The Taxicab Authority shall:

(a) Authorize the certificate holders who are authorized to use the computerized real-time data system for the purposes set forth in subsection 1 to impose a reasonable charge for the use by a passenger of the computerized real-time data system. The charge:

(1) Must be separate from any other rate, fare or charge for taxicab service;

(2) Is not required to be uniform within a county; and

(3) May be assessed in accordance with a schedule of charges based upon factors approved by the Taxicab Authority.

(b) Establish, by regulation or order, requirements for the publication by certificate holders of the charge or the schedule of charges for the use by a passenger of the computerized real-time data system for the purposes set forth in subsection 1.

4. As used in this section, "computerized real-time data system" means the computerized real-time data system implemented by the Taxicab Authority pursuant to subsection 4 of NRS 706.8825.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 434.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Assembly Bill 434, as amended, appropriates $5 million over the 2017-2019 biennium from the State General Fund to the Department of Education to provide incentives for hiring new teachers to teach at Title I schools or schools that are designated as under-performing pursuant to the statewide system of accountability for public schools and to provide incentives for teachers who transfer to teach at those schools. The bill is effective on July 1, 2017.

Roll call on Assembly Bill No. 434:

YEAS—39.

NAYS—None.

EXCUSED—Hansen, Pickard, Titus—3.

Assembly Bill No. 434 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 520.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 520, which makes an appropriation to the Nevada State Museum of Las Vegas for construction of a new playground located at the Springs Preserve. It will be a play area associated with the teaching area and the butterfly house. It is an appropriation of $500,000.

Roll call on Assembly Bill No. 520:

YEAS—39.

NAYS—None.

EXCUSED—Hansen, Pickard, Titus—3.

Assembly Bill No. 520 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 521.

Bill read third time.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

I rise in support of Assembly Bill 521, which establishes a program to provide financial assistance to a veteran's family for the disinterment of a veteran for relocation to a veterans' cemetery. This bill also requires the Director of the Department of Veterans Services to adopt regulations prescribing the application process and the criteria for the award of such financial assistance. Finally, this bill makes an appropriation from the State General Fund to the Director of the Department of Veterans Services for the sum of $100,000 for the purpose of providing financial assistance for the program. Assembly Bill 521 is effective on July 1, 2017.

Roll call on Assembly Bill No. 521:

YEAS—39.

NAYS—None.

EXCUSED—Hansen, Pickard, Titus—3.

Assembly Bill No. 521 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 442.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Senate Bill 442 makes various changes to the administrative provisions, eligibility criteria, and the authority granted to the Governor's Office of Economic Development with respect to the issuance of tax credits and granting of partial abatements of taxes to new and expanding businesses. The bill increases the percentage of statewide average wage that must be paid in order to be eligible for an abatement and requires that healthcare benefits be provided by all businesses approved for abatements.

Roll call on Senate Bill No. 442:

YEAS—30.

NAYS—Carlton, Daly, Diaz, Flores, Krasner, Marchant, McArthur, Neal, Wheeler—9.

EXCUSED—Hansen, Pickard, Titus—3.

Senate Bill No. 442 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 487.

Bill read third time.

Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

Assembly Bill 487, again, confers to the Taxicab Authority limited enforcement jurisdiction over persons who are drivers for transportation network companies [TNC] and solicit passengers or provide transportation services outside of the TNC application.

Roll call on Assembly Bill No. 487:

YEAS—36.

NAYS—Jauregui, Monroe-Moreno, Watkins—3.

EXCUSED—Hansen, Pickard, Titus—3.

Assembly Bill No. 487 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 481, 150, 414, 448, and 189 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 126, 244, 534, and 533 be taken from their positions on the General File and placed after Senate Bill No. 189 on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 481.

Bill read third time.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Senate Bill 481, as amended, makes various changes to the Subcommittee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons with Speech Disabilities. Specifically, the bill will change the Subcommittee's name to the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired; require the Governor to appoint the Director of the Commission and provides that the Director serves without compensation; require the Legislative Committee on Health Care to study during the 2017–2018 interim grants and other sources of money that may be available to transform the Director position into a full-time position; and appropriates $25,000 from the State General Fund to the Commission in each fiscal year of the 2017–2019 biennium for per diem, travel, and administrative costs.

I want to thank the Chair of Health and Human Services and especially the Chair of Ways and Means. There was an attempt to fund the Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired in the other house, and I want to thank so much our Chair of Ways and Means and our Chair of Health and Human Services for working together to find this appropriation. I want to wish the Commission good luck in all of its endeavors.

Roll call on Senate Bill No. 481:

YEAS—39.

NAYS—None.

EXCUSED—Hansen, Pickard, Titus—3.

Senate Bill No. 481 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 150.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Senate Bill 150, as amended, requires the Public Utilities Commission of Nevada [PUCN] to establish by regulation goals for energy savings for each electric utility. The bill allows the Commission to modify a goal for energy savings that are not cost effective if the Commission determines that the energy efficiency plan as a whole is cost effective.

Senate Bill 150, as amended, requires that not less than 5 percent of the total expenditures related to energy efficiency programs must be directed to energy efficiency programs for low-income customers of the electric utility, unless the Commission determines it is not cost effective. The bill allows the Commission to include a rate adjustment mechanism to ensure that the revenue per customer authorized in a general rate application is recovered, without regard to the difference in the quantity of electricity actually sold by the electric utility subsequent to the date on which the rates take effect.

This bill becomes effective upon passage and approval for the purpose of adopting regulations and performing any preparatory administrative tasks to carry out the provisions of the bill and on July 1, 2017, for all other purposes.

Roll call on Senate Bill No. 150:

YEAS—34.

NAYS—Ellison, Krasner, Marchant, McArthur, Wheeler—5.

EXCUSED—Hansen, Pickard, Titus—3.

Senate Bill No. 150 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 414.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Senate Bill 414 revises the current exemption from property taxes for personal property owned by nonresidents of Nevada to specify that the following types of property that are located in Nevada by a nonresident are exempt from taxation: an exhibit that is used in a convention or tradeshow located in Nevada or a display, exhibition, carnival, fair, or circus that is transient in nature and which is located in Nevada for not more than 30 days.

Roll call on Senate Bill No. 414:

YEAS—39.

NAYS—None.

EXCUSED—Hansen, Pickard, Titus—3.

Senate Bill No. 414 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 448.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Senate Bill 448 provides, in any county whose population is 700,000 or more, for the use of a public-private partnership to plan, finance, design, construct, improve, maintain, operate, or acquire the rights-of-way for a transportation facility. The measure establishes procedures for the financing of a transportation facility and for the disposition of money that is received and is to be retained by a public body pursuant to a public-private partnership. The effective date is July 1, 2017.

Roll call on Senate Bill No. 448:

YEAS—35.

NAYS—Daly, Flores, Miller, Neal—4.

EXCUSED—Hansen, Pickard, Titus—3.

Senate Bill No. 448 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 189.

Bill read third time.

Remarks by Assemblywoman Joiner.

ASSEMBLYWOMAN JOINER:

Senate Bill 189 revises various provisions relating to child care facilities. Among other things, the bill revises training requirements for facility employees; expands background check requirements for certain employees, residents, and participants of such facilities; requires an employee, license applicant, or a licensee, resident, or participant of such a facility to provide notification within 24 hours of being charged with or convicted of certain crimes to the applicant or licensee who is then required to notify the Division of Public and Behavioral Health of DHHS [the Department of Health and Human Services]; and it requires the Division to establish by regulation a rating system that assigns a letter grade to each facility based on certain inspections, including compliance with laws and regulations as to the health, safety, and welfare of children in the care of the facility.

Roll call on Senate Bill No. 189:

YEAS—27.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Kramer, Krasner, Marchant, McArthur, Oscarson, Tolles, Wheeler, Woodbury—12.

EXCUSED—Hansen, Pickard, Titus—3.

Senate Bill No. 189 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 126.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Senate Bill 126, as amended, requires the Office of Economic Development [GOED] to develop and implement a program under which a business certified as a small business enterprise, minority-own business enterprise, woman-owned business enterprise, or disadvantaged business enterprise may obtain a loan to finance the expansion of its business in this state. The bill also establishes the Small Business Enterprise Loan Account in the State General Fund as a revolving loan account which must be administered by GOED and provides a General Fund appropriation of $1,000,000 to the account. The bill becomes effective on July 1, 2017.

Roll call on Senate Bill No. 126:

YEAS—36.

NAYS—Krasner, Marchant, McArthur—3.

EXCUSED—Hansen, Pickard, Titus—3.

Senate Bill No. 126 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 244.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Senate Bill 244, as amended, provides that both the Museum Director of the Nevada State Museum and the Office of Historic Preservation of the State Department of Conservation and Natural Resources, in consultation with Indian tribes, must adopt regulations concerning the process for repatriation of native Indian human remains and other cultural items.

As amended, Senate Bill 244 prohibits a person from knowingly excavating a historic or prehistoric site on private lands located in this state without first obtaining a permit from the Museum Director of the Nevada State Museum, with the exception of a person who is engaging in lawful activity on private lands, including construction, mining, logging, or farming activities.

Additionally, as amended, the bill adds $1,390 of General Fund appropriations to the Office of Historic Preservation of the State Department of Conservation in Fiscal Year 2018 and $4,589 in General Fund appropriations over the 2017-2019 biennium to the Division of Museums and History and $65,635 of General Fund appropriations over the 2017-2019 biennium to the Nevada State Museum.

The bill becomes effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory tasks.

Roll call on Senate Bill No. 244:

YEAS—33.

NAYS—Ellison, Krasner, Marchant, McArthur, Oscarson, Wheeler—6.

EXCUSED—Hansen, Pickard, Titus—3.

Senate Bill No. 244 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 534.

Bill read third time.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Senate Bill 534, as amended, appropriates $2.8 million from the State General Fund to the Division of Child and Family Services of the Department of Health and Human Services for deferred maintenance projects essential for the security and operation of Summit View Youth Center, the Caliente Youth Center, the Nevada Youth Training Center, the Northern Nevada Child and Adolescent Services, and the Southern Nevada Child and Adolescent Services. It becomes effective upon passage and approval.

Roll call on Senate Bill No. 534:

YEAS—39.

NAYS—None.

EXCUSED—Hansen, Pickard, Titus—3.

Senate Bill No. 534 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 533.

Bill read third time.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Senate Bill 533 makes appropriations to the Division of Welfare and Supportive Services of the Department of Health and Human Services for four information system projects as follows: Section 1 appropriates General Funds of $127,500 and authorizes other funds of $1.1 million for a master client index to develop a cross index of all databases of the Department. There are also additional appropriations for a modernization of the Access Nevada program, a case management system, and a second phase of the modernization program as well.

Roll call on Senate Bill No. 533:

YEAS—36.

NAYS—Krasner, Marchant, McArthur—3.

EXCUSED—Hansen, Pickard, Titus—3.

Senate Bill No. 533 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:07 p.m.

ASSEMBLY IN SESSION

At 11:11 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 66, 72, 74, 106, 120, 124, 132, 212, 213, 225, 229, 344, 355, 361, 373, 402, 427, 428, 439, 457, 458, 488, 498, 500, 503, 511, 514, 522, 527, 528, 529, 530, 531, 532, 536, 537, 538, 541; Senate Joint Resolution No. 14 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Olivia Komanduri.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to Dema Guinn.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Michelle Larime, Michael Yunkin, and Scott Swank.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Saturday, June 3, 2017, at 1 p.m.

Motion carried.

Assembly adjourned at 11:14 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND EIGHTEENTH DAY

CARSON CITY (Saturday), June 3, 2017

Assembly called to order at 1:30 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Oscarson and Woodbury, who were excused.

Prayer by Assemblywoman Ellen Spiegel.

Please guard my lips from evil and my lips from speaking guile. And to those who slander me, let me give no heed. May my heart be open and forgiving unto all. As we proceed today and throughout the rest of this session and the rest of our lives, may we all be open to the words and understanding of our colleagues and do what is right in our heart and what is right for this state.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 390, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TYRONE THOMPSON, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 478, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 203, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Senate Concurrent Resolution No. 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

OLIVIA DIAZ, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 2, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 224, 366, 374, 428, 440, 474.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 175, Amendment No. 1098; Assembly Bill No. 328, Amendments Nos. 1099, 1104; Assembly Bill No. 472, Amendment No. 1102, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 444, 548, 549, 553.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 155, 300, 443, 445, 482, 547, 551, 552.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 889 to Senate Bill No. 481.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 124, 344, 361, 488, 490, and 478 be taken from their positions on the General File and placed on the General File after Senate Bill No. 66.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 66.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Senate Bill 66 removes age requirements and the limitation on the number of credits a student may earn for successful completion of a work-based learning program.

Roll call on Senate Bill No. 66:

YEAS—34.

NAYS—Krasner, Marchant, McArthur, Wheeler—4.

EXCUSED—Paul Anderson, Oscarson, Pickard, Woodbury—4.

Senate Bill No. 66 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 124.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1083.

AN ACT relating to firearms; revising provisions concerning the surrender, sale or transfer of any firearm by an adverse party subject to an extended order for protection against domestic violence; requiring a person convicted of a battery which constitutes domestic violence and a person convicted of stalking in certain circumstances to permanently surrender, sell or transfer any such firearm; adding additional persons to the list of persons

who are prohibited from owning or having in their possession or under their custody or control any firearm; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a court to include in an extended order for protection against domestic violence: (1) a requirement that the adverse party surrender, sell or transfer any firearm in his or her possession or under his or her custody or control; and (2) a prohibition on the adverse party against possessing or having under his or her custody or control any firearm while the order is in effect. (NRS 33.031) Existing law also authorizes the court to include in such an extended order a limited exception from the prohibition to possess or have under the adverse party's custody or control any firearm if the adverse party establishes certain facts relating to the necessity of using or possessing a firearm for purposes of his or her employment. (NRS 33.031) **Section 1** of this bill adds the requirement that the adverse party establish that he or she only uses or possesses the firearm in the course of his or her employment. Additionally, existing law makes an adverse party who violates any provision included in an extended order for protection against domestic violence concerning the surrender, sale, transfer, possession, custody or control of a firearm guilty of a gross misdemeanor. (NRS 33.031) **Section 1** increases the crime to a category B felony.

Section 2 of this bill ~~[revises the methods by which]~~ **provides that if** an adverse party who is ordered to surrender, sell or transfer any firearm pursuant to an extended order for protection against domestic violence ~~[may do so by removing the option to surrender a firearm to a person designated by the court. Section 2 provides that an adverse party who]~~ does not have any firearm to surrender, sell or transfer **, the adverse party** must submit an affidavit to the court stating that fact. **Section 2** additionally provides that if an adverse party sells or transfers a firearm to a licensed firearm dealer, the licensed firearm dealer is required to provide the adverse party with a receipt containing certain information regarding the sale or transfer.

Section 3 of this bill provides that in every judgment of conviction **or admonishment of rights** issued for a battery which constitutes domestic violence, the court must inform the person convicted that he or she is prohibited from owning, possessing or having under his or her custody or control any firearm, and order the person convicted to permanently surrender, sell or transfer any firearm that he or she owns or has in his or her possession or under his or her custody or control. **Section 4** of this bill requires a court to include a finding ~~[on]~~ **in** the judgment of conviction **or admonishment of rights** of a person convicted of stalking if the court determines the victim has an ongoing, reasonable fear of physical harm and the convicted person has a relationship with the victim that also makes the act domestic violence. If such a finding is entered ~~[on]~~ **in** the judgment of conviction ~~[,]~~ **or admonishment of rights, section 4** prohibits the convicted person from owning, possessing or having under his or her custody or control any firearm. **Sections 3 and 4**

also provide that a person who violates a provision included in a judgment of conviction **or admonishment of rights** issued for a battery which constitutes domestic violence or stalking relating to owning, possessing or taking other actions relating to a firearm is guilty of a category B felony.

Existing law prohibits certain persons from owning or having in their possession or under their custody or control any firearm. A person who violates such a provision is guilty of a category B felony. (NRS 202.360) **Section 7** of this bill adds to such a list of persons: (1) a person who has been convicted of stalking pursuant to Nevada law or a substantially similar law of any other state and the court has entered a finding ~~[on]~~ **in** the judgment of conviction **or admonishment of rights** described above; and (2) a person currently subject to an extended order for protection against domestic violence in this State or an equivalent order in any other state. **Section 5** of this bill requires such a person to surrender, sell or transfer any firearm that the person owns, possesses or has under his or her custody or control, and sets forth the procedure relating to the surrender, sale or transfer of any such firearm.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 33.031 is hereby amended to read as follows:

33.031 1. A court may include in an extended order issued pursuant to NRS 33.030:

(a) A requirement that the adverse party surrender, sell or transfer any firearm in the adverse party's possession or under the adverse party's custody or control in the manner set forth in NRS 33.033; and

(b) A ~~[prohibition on]~~ ***statement that, unless the provisions of subsection 3 apply,*** the adverse party ~~[against]~~ ***is prohibited from*** possessing or having under the adverse party's custody or control any firearm while the order is in effect ~~[.]~~ ***pursuant to NRS 202.360.***

2. In determining whether to include the provisions set forth in subsection 1 in an extended order, the court must consider, without limitation, whether the adverse party:

(a) Has a documented history of domestic violence;

(b) Has used or threatened to use a firearm to injure or harass the applicant, a minor child or any other person; and

(c) Has used a firearm in the commission or attempted commission of any crime.

3. If a court includes the provisions set forth in subsection 1 in an extended order, the court may include a limited exception from the prohibition to possess or have under the adverse party's custody or control any firearm if the adverse party establishes that:

(a) The adverse party is employed by an employer who requires the adverse party to use or possess a firearm as an integral part of the adverse party's employment; ~~[and]~~

(b) ***The adverse party only uses or possesses the firearm in the course of such employment; and***

(c) The employer will provide for the storage of any such firearm during any period when the adverse party is not working.

4. An adverse party who violates any provision included in an extended order pursuant to this section concerning the surrender, sale, transfer, possession, custody or control of a firearm is guilty of a ~~[gross misdemeanor. If the court includes any such provision in an extended order, the]~~ ***category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000. The*** court must include in the order a statement that violation of such a provision in the order is a ~~[gross misdemeanor.]~~ ***category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.***

Sec. 2. NRS 33.033 is hereby amended to read as follows:

33.033 1. If a court orders an adverse party to surrender ***, sell or transfer*** any firearm pursuant to NRS 33.031, the adverse party shall, not later than 24 hours after service of the order:

(a) Surrender any firearm in the adverse party's possession or under the adverse party's custody or control to the appropriate local law enforcement agency designated by the court in the order;

(b) Surrender any firearm in the adverse party's possession or under the adverse party's custody or control to a person designated by the court in the order; ~~[or]~~

(c) Sell or transfer any firearm in the adverse party's possession or under the adverse party's custody or control to a licensed firearm dealer ~~[.]~~ ***; or***

~~[(c)]~~ ***(d) Submit an affidavit:***

(1) Informing the court that he or she currently does not have any firearm in his or her possession or under his or her custody or control; and

(2) Acknowledging that failure to surrender, sell or transfer any firearm in his or her possession or under his or her custody or control is a violation of the extended order and state law.

2. If the court orders the adverse party to surrender any firearm to a local law enforcement agency pursuant to paragraph (a) of subsection 1, the law enforcement agency shall provide the adverse party with a receipt which includes a description of each firearm surrendered and the ***serial number of each firearm surrendered. The*** adverse party shall, not later than 72 hours or 1 business day, whichever is later, after surrendering any such firearm, provide the receipt to the court.

3. If the court orders the adverse party to surrender any firearm to a person designated by the court pursuant to paragraph (b) of subsection 1, the adverse party shall, not later than 72 hours or 1 business day, whichever is later, after the adverse party surrenders any firearm to such person, provide to

the court and the appropriate local law enforcement agency the name and address of the person designated in the order and a written description of each firearm surrendered ***and the serial number of each firearm surrendered*** to such person.

4. If the adverse party sells or transfers any firearm to a licensed firearm dealer ~~[~~that is subject to an order~~]~~ pursuant to paragraph (c) ~~*[(b)]*~~ of subsection 1 ~~[~~, the~~]~~ ***:***

(a) The licensed firearm dealer shall provide the adverse party with a receipt which includes a description of each firearm sold or transferred , the serial number of each firearm sold or transferred and, if the firearm was transferred, whether the transfer is permanent or temporary; and

(b) The adverse party shall, not later than 72 hours or 1 business day, whichever is later, after such sale or transfer, provide ***the receipt*** to the court and the appropriate local law enforcement agency ***.*** ~~[~~a receipt of such sale or transfer and a written description of each firearm sold or transferred.~~]~~

5. ~~*[4.]*~~ If there is probable cause to believe that the adverse party has not surrendered, sold or transferred any firearm in the adverse party's possession or under the adverse party's custody or control within 24 hours after service of the order, the court may issue and deliver to any law enforcement officer a search warrant which authorizes the law enforcement officer to enter and search any place where there is probable cause to believe any firearm is located and seize the firearm.

6. ~~*[5.]*~~ A local law enforcement agency may charge and collect a fee from the adverse party for the collection and storage of a firearm pursuant to this section. The fee must not exceed the cost incurred by the local law enforcement agency to provide the service.

~~*[6.]*~~ ***7. A licensed firearm dealer may charge and collect a fee from the adverse party for the storage of a firearm pursuant to this section.***

~~*[7.]*~~ ***8. As used in this section, "licensed firearm dealer" means a person licensed pursuant to 18 U.S.C. § 923(a).***

Sec. 3. NRS 200.485 is hereby amended to read as follows:

200.485 1. Unless a greater penalty is provided pursuant to subsection 2 or NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018:

(a) For the first offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

➥ The person shall be further punished by a fine of not less than $200, but not more than $1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less

than 4 consecutive hours and must occur at a time when the person is not required to be at his or her place of employment or on a weekend.

(b) For the second offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

➥ The person shall be further punished by a fine of not less than $500, but not more than $1,000.

(c) For the third and any subsequent offense within 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed by strangulation as described in NRS 200.481, is guilty of a category C felony and shall be punished as provided in NRS 193.130 and by a fine of not more than $15,000.

3. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, the court shall:

(a) For the first offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

(b) For the second offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

➥ If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

4. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

5. In addition to any other fine or penalty, the court shall order such a person to pay an administrative assessment of $35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the

fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.

6. In addition to any other penalty, the court may require such a person to participate, at his or her expense, in a program of treatment for the abuse of alcohol or drugs that has been certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

7. If it appears from information presented to the court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence pursuant to NRS 33.018, the court may refer the child to an agency which provides child welfare services. If the court refers a child to an agency which provides child welfare services, the court shall require the person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 to reimburse the agency for the costs of any services provided, to the extent of the convicted person's ability to pay.

8. If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not dismiss such a charge in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. A court shall not grant probation to and, except as otherwise provided in NRS 4.373 and 5.055, a court shall not suspend the sentence of such a person.

9. ***In every judgment of conviction or admonishment of rights issued pursuant to this section, the court shall:***

(a) Inform the person convicted that he or she is prohibited from owning, possessing or having under his or her custody or control any firearm pursuant to NRS 202.360; and

(b) Order the person convicted to permanently surrender, sell or transfer any firearm that he or she owns or that is in his or her possession or under his or her custody or control in the manner set forth in section 5 of this act.

10. A person who violates any provision included in a judgment of conviction or admonishment of rights issued pursuant to this section concerning the surrender, sale, transfer, ownership, possession, custody or control of a firearm is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000. The court must include in the judgment of conviction or admonishment of rights a statement that a violation of such a provision in the judgment or admonishment is a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

11. As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(c) "Offense" includes a battery which constitutes domestic violence pursuant to NRS 33.018 or a violation of the law of any other jurisdiction that prohibits the same or similar conduct.

Sec. 4. NRS 200.575 is hereby amended to read as follows:

200.575 1. A person who, without lawful authority, willfully or maliciously engages in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated, harassed or fearful for the immediate safety of a family or household member, and that actually causes the victim to feel terrorized, frightened, intimidated, harassed or fearful for the immediate safety of a family or household member, commits the crime of stalking. Except where the provisions of subsection 2 or 3 are applicable, a person who commits the crime of stalking:

(a) For the first offense, is guilty of a misdemeanor.

(b) For any subsequent offense, is guilty of a gross misdemeanor.

2. A person who commits the crime of stalking and in conjunction therewith threatens the person with the intent to cause the person to be placed in reasonable fear of death or substantial bodily harm commits the crime of aggravated stalking. A person who commits the crime of aggravated stalking shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $5,000.

3. A person who commits the crime of stalking with the use of an Internet or network site, electronic mail, text messaging or any other similar means of communication to publish, display or distribute information in a manner that substantially increases the risk of harm or violence to the victim shall be punished for a category C felony as provided in NRS 193.130.

4. Except as otherwise provided in subsection 2 of NRS 200.571, a criminal penalty provided for in this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct or for any contempt of court arising from the same conduct.

5. ***If the court finds that a person convicted of stalking pursuant to this section committed the crime against a person listed in subsection 1 of NRS 33.018 and that the victim has an ongoing, reasonable fear of physical harm, the court shall enter the finding in its judgment of conviction*** ~~***[,]***~~ ***or admonishment of rights.***

6. If the court includes such a finding in a judgment of conviction or admonishment of rights issued pursuant to this section, the court shall:

(a) Inform the person convicted that he or she is prohibited from owning, possessing or having under his or her control or custody any firearm pursuant to NRS 202.360; and

(b) Order the person convicted to permanently surrender, sell or transfer any firearm that he or she owns or that is in his or her possession or under his or her custody or control in the manner set forth in section 5 of this act.

7. A person who violates any provision included in a judgment of conviction or admonishment of rights issued pursuant to this section concerning the surrender, sale, transfer, ownership, possession, custody or control of a firearm is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000. The court must include in the judgment of conviction or admonishment of rights a statement that a violation of such a provision in the judgment or admonishment is a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

8. The penalties provided in this section do not preclude the victim from seeking any other legal remedy available.

~~[6.]~~ ***9.*** As used in this section:

(a) "Course of conduct" means a pattern of conduct which consists of a series of acts over time that evidences a continuity of purpose directed at a specific person.

(b) "Family or household member" means a spouse, a former spouse, a parent or other person who is related by blood or marriage or is or was actually residing with the person.

(c) "Internet or network site" has the meaning ascribed to it in NRS 205.4744.

(d) "Network" has the meaning ascribed to it in NRS 205.4745.

(e) ~~[~~"Provider of Internet service" has the meaning ascribed to it in NRS 205.4758.

~~(f)]~~ "Text messaging" means a communication in the form of electronic text or one or more electronic images sent from a telephone or computer to another person's telephone or computer by addressing the communication to the recipient's telephone number.

~~[(g)]~~ ***(f)*** "Without lawful authority" includes acts which are initiated or continued without the victim's consent. The term does not include acts which are otherwise protected or authorized by constitutional or statutory law, regulation or order of a court of competent jurisdiction, including, but not limited to:

(1) Picketing which occurs during a strike, work stoppage or any other labor dispute.

(2) The activities of a reporter, photographer, camera operator or other person while gathering information for communication to the public if that person is employed or engaged by or has contracted with a newspaper, periodical, press association or radio or television station and is acting solely within that professional capacity.

(3) The activities of a person that are carried out in the normal course of his or her lawful employment.

(4) Any activities carried out in the exercise of the constitutionally protected rights of freedom of speech and assembly.

Sec. 5. Chapter 202 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a person is prohibited from owning, possessing or having under his or her custody or control a firearm pursuant to NRS 202.360, the court in which the person is convicted shall order the person to surrender any firearm that the person owns or that is in his or her possession or under his or her custody or control to a designated law enforcement agency , a person designated by court order or a licensed firearm dealer, and the person shall, not later than 24 hours after service of the order:

(a) Surrender any firearm that the person owns or that is in his or her possession or under his or her custody or control to the appropriate local law enforcement agency designated by the court in the order;

(b) Surrender any firearm that the person owns or that is in his or her possession or under his or her custody or control to a person designated by the court in the order;

(c) Sell or transfer any firearm that the person owns or that is in his or her possession or under his or her custody or control to a licensed firearm dealer; or

[(c)] (d) Submit an affidavit:

(1) Informing the court that he or she currently does not own or have any firearm in his or her possession or under his or her custody or control; and

(2) Acknowledging that failure to surrender, sell or transfer any firearm that he or she owns or has in his or her possession or under his or her custody or control is a violation of the order and state law.

2. If the court orders a person to surrender any firearm to a local law enforcement agency pursuant to paragraph (a) of subsection 1, the law enforcement agency shall provide the person with a receipt which includes a description of each firearm surrendered and the serial number of each firearm surrendered. The person shall, not later than 72 hours or 1 business day, whichever is later, after surrendering any such firearm, provide the receipt to the court.

3. If a person surrenders any firearm to a person designated by the court pursuant to paragraph (b) of subsection 1, the person who surrenders the firearm shall, not later than 72 hours or 1 business day, whichever is later, after the person surrenders any firearm to such person, provide to the

court and the appropriate local law enforcement agency the name and address of the person designated in the order and a written description of each firearm surrendered and the serial number of each firearm surrendered to such person

4. If a person sells or transfers any firearm to a licensed firearm dealer pursuant to paragraph ~~(b)~~ (c) of subsection 1:

(a) The licensed firearm dealer shall provide the person with a receipt which includes a description of each firearm sold or transferred and the serial number of each firearm sold or transferred; and

(b) The person shall, not later than 72 hours or 1 business day, whichever is later, after such sale or transfer, provide the receipt to the court and the appropriate local law enforcement agency.

~~4.~~ 5. If there is probable cause to believe that the person has not surrendered, sold or transferred any firearm that the person owns or in the person's possession or under the person's custody or control within 24 hours after service of the order, the court may issue and deliver to any law enforcement officer a search warrant which authorizes the law enforcement officer to enter and search any place where there is probable cause to believe any firearm is located and seize the firearm.

~~5.~~ 6. A local law enforcement agency may charge and collect a fee from the person for the collection of a firearm pursuant to this section. The fee must not exceed the cost incurred by the local law enforcement agency to provide the service.

~~6.~~ 7. As used in this section, "licensed firearm dealer" means a person licensed pursuant to 18 U.S.C. § 923(a).

Sec. 6. NRS 202.253 is hereby amended to read as follows:

202.253 As used in NRS 202.253 to 202.369, inclusive ~~.~~ ***, and section 5 of this act:***

1. "Explosive or incendiary device" means any explosive or incendiary material or substance that has been constructed, altered, packaged or arranged in such a manner that its ordinary use would cause destruction or injury to life or property.

2. "Firearm" means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.

3. "Firearm capable of being concealed upon the person" applies to and includes all firearms having a barrel less than 12 inches in length.

4. "Motor vehicle" means every vehicle that is self-propelled.

Sec. 7. NRS 202.360 is hereby amended to read as follows:

202.360 1. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:

(a) Has been convicted in this State or any other state of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33);

(b) Has been convicted of a felony in this State or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the

United States of America, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms;

(c) ***Has been convicted of a violation of NRS 200.575 or a law of any other state that prohibits the same or substantially similar conduct and the court entered a finding*** ~~***[on]***~~ ***in the judgment of conviction or admonishment of rights pursuant to subsection 5 of NRS 200.575;***

(d) Except as otherwise provided in NRS 33.031, is currently subject to ~~***[an]***~~ ***:***

(1) An extended order for protection against domestic violence pursuant to NRS 33.017 to 33.100, inclusive, which includes a statement that the adverse party is prohibited from possessing or having under his or her custody or control any firearm ~~***[,]***~~ ***while the order is in effect; or*** ~~***[an]***~~

(2) An equivalent order in any other state;

(e) Is a fugitive from justice;

~~[(d)]~~ ***(f)*** Is an unlawful user of, or addicted to, any controlled substance; or

~~[(e)]~~ ***(g)*** Is otherwise prohibited by federal law from having a firearm in his or her possession or under his or her custody or control.

➥ A person who violates the provisions of this subsection is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

2. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:

(a) Has been adjudicated as mentally ill or has been committed to any mental health facility by a court of this State, any other state or the United States;

(b) Has entered a plea of guilty but mentally ill in a court of this State, any other state or the United States;

(c) Has been found guilty but mentally ill in a court of this State, any other state or the United States;

(d) Has been acquitted by reason of insanity in a court of this State, any other state or the United States; or

(e) Is illegally or unlawfully in the United States.

➥ A person who violates the provisions of this subsection is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. As used in this section:

(a) "Controlled substance" has the meaning ascribed to it in 21 U.S.C. § 802(6).

(b) "Firearm" includes any firearm that is loaded or unloaded and operable or inoperable.

Sec. 8. 1. The provisions of NRS 33.031 and 33.033, as amended by sections 1 and 2 of this act, apply to an extended order issued pursuant to NRS 33.030 on or after October 1, 2017.

2. The provisions of NRS 200.485 and 200.575, as amended by sections 3 and 4 of this act, apply to a judgment of conviction **or admonishment of rights** issued on or after October 1, 2017.

3. The provisions of paragraph (c) of subsection 1 of NRS 202.360, as amended by section 7 of this act, apply to a judgment of conviction **or admonishment of rights** issued on or after October 1, 2017.

4. The provisions of paragraph (d) of subsection 1 of NRS 202.360, as amended by section 7 of this act, apply to an extended order issued pursuant to NRS 33.030 on or after October 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 344.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 881.

AN ACT relating to marijuana; revising standards for the labeling and packaging of marijuana for medical use; ~~[establishing limits on the quantity of marijuana for medical use that may be sold in a single package;]~~ prohibiting the production of edible marijuana products or marijuana-infused products that **are or** appear to be ~~[candy]~~ **lollipops** or may appeal to children; ~~[requiring]~~ **establishing certain requirements for the production, packaging and labeling of products by** a facility for the production of edible marijuana products or marijuana-infused products **;** ~~[which produces cookies or brownies to seal such a product in a container which is not transparent;]~~ prohibiting advertising by a medical marijuana establishment that would be appealing to children; requiring a medical marijuana dispensary to offer certain containers for sale and provide notification with each sale of marijuana; ~~[prohibiting the regulation of certain matters relating to marijuana by a local government or a state agency other than the Division of Public and Behavioral Health of the Department of Health and Human Services or the Department of Taxation;]~~ establishing similar provisions for recreational marijuana establishments with a delayed effective date; **establishing limits on the quantity of marijuana for recreational use that may be sold in a single package; establishing certain restrictions on advertising by a recreational marijuana establishment; prohibiting regulation of certain matters relating to marijuana which is more restrictive than or conflicts with state law or regulation by a local government;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each medical marijuana dispensary and facility for the production of edible marijuana products or marijuana-infused products in

this State to meet certain requirements for the packaging and labeling of such products. (NRS 453A.360) **Section 1** of this bill requires each edible marijuana product or marijuana-infused product offered for sale to be labeled with the amount of servings of THC in the product ~~[. Section 1 requires each edible marijuana product or marijuana-infused product to be sold in a single package and establishes limits on the amount of THC such products may contain per package and, if applicable, per unit.]~~ **and establishes certain other requirements for such products.** **Section 1** prohibits a facility for the production of edible marijuana products or marijuana-infused products from producing such a product in any form that **is or** appears to be ~~[candy]~~ **a lollipop** or may appeal to children. **Section 1** requires a facility for the production of edible marijuana products or marijuana-infused products which produces cookies or brownies to seal such a product in a bag or other container which is not transparent ~~[.]~~ **and establishes certain other requirements for the production, packaging and labeling of an edible marijuana product or marijuana-infused product by such a facility.** **Section 1** prohibits a medical marijuana dispensary or facility for the production of edible marijuana products or marijuana-infused products from engaging in advertising that would make marijuana, edible marijuana products or marijuana-infused products appeal to children. **Section 1** requires a medical marijuana dispensary to offer for sale containers for the storage of marijuana, edible marijuana products and marijuana-infused products which lock and are designed to prohibit children from unlocking and opening the container. **Section 1** requires a medical marijuana dispensary to provide a written notification **of certain information, including,** to keep marijuana, edible marijuana products and marijuana-infused products out of the reach of children with each sale of marijuana or such products. **Section 1** ~~[prohibits a local government or a state agency other than the Division of Public and Behavioral Health of the Department of Health and Human Services and the Department of Taxation from regulating certain issues relating to marijuana.]~~ **requires at least one employee of a facility for the production of edible marijuana products or marijuana-infused products or a medical marijuana dispensary which sells edible marijuana products to be certified to handle food in certain circumstances.**

Section 2 of this bill establishes similar requirements for recreational marijuana establishments at a future date. **Additionally, section 2 requires each marijuana product to be sold in a single package and establishes limits on the amount of THC such products may contain per package and, if applicable, per unit. Section 2 also imposes certain requirements for and restrictions on advertising by a recreational marijuana establishment.**

Sections 3-8 of this bill prohibit a local government from regulating a marijuana establishment or medical marijuana establishment in a manner which is more restrictive than or conflicts with a law or regulation of this State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 453A.360 is hereby amended to read as follows:

453A.360 ***1.*** Each medical marijuana dispensary and facility for the production of edible marijuana products or marijuana-infused products shall, in consultation with the Division, cooperate to ensure that all edible marijuana products and marijuana-infused products offered for sale:

~~[1.]~~ ***(a)*** Are labeled clearly and unambiguously ~~[as]~~ **:**

(1) As medical marijuana ~~[.~~

~~2.]~~ ***with the words "THIS IS A MEDICAL MARIJUANA PRODUCT" in bold type; and [as]***

(2) As required by NRS 453A.320 to 453A.370, inclusive, and any regulations adopted pursuant thereto.

(b) Are not presented in packaging that ~~[is appealing to children.~~

~~3.~~ , including, without limitation, packaging containing~~]~~ ***contains an image of a cartoon character, mascot, action figure, balloon [, fruit] or toy [.] , except that such an item may appear in the logo of the facility for the production of edible marijuana products or marijuana-infused products which produced the product.***

(c) Are regulated and sold on the basis of the concentration of THC in the products and not by weight.

~~[4.]~~ ***(d)*** Are packaged and labeled in such a manner as to allow tracking by way of an inventory control system.

(e) Are not packaged and labeled in a manner which is modeled after a brand of products primarily consumed by or marketed to children.

(f) Are labeled in a manner which indicates the [number of servings] amount of THC in the product, measured in [servings of a maximum of 10 milligrams per serving,] milligrams, and includes a statement that the product contains marijuana and its potency was tested with an allowable variance of the amount determined by the independent testing laboratory which performed the testing.

(g) Are not labeled or marketed as candy.

2. [An edible marijuana product or marijuana-infused product must be sold in a single package. A single package must not contain:

(a) For an edible marijuana product sold as a capsule, more than 100 milligrams of THC per capsule or more than 400 milligrams of THC per package.

(b) For an edible marijuana product sold as a tincture, more than 400 milligrams of THC.

(c) For an edible marijuana product other than a capsule or tincture, more than 400 milligrams of THC.

(d) For a marijuana infused product sold as a topical product, a concentration of more than 6 percent THC or more than 400 milligrams of THC per package.

~~*(e) For a marijuana-infused product sold as a suppository or transdermal patch, more than 100 milligrams of THC per suppository or transdermal patch or more than 400 milligrams of THC per package.*~~

~~*(f) For a marijuana-infused product other than a topical product, suppository or transdermal patch, more than 400 milligrams of THC.*~~

~~*3.]*~~ ***A facility for the production of edible marijuana products or marijuana-infused products shall not produce edible marijuana products in any form that:***

(a) ~~[Appears]~~ Is or appears to be ~~[candy.]~~ a lollipop.

(b) ~~[Is similar in appearance to]~~ Bears the likeness or contains characteristics of a real or fictional person, animal or fruit, including, without limitation, a caricature, cartoon ~~[character, mascot, action figure, balloon, fruit or toy.]~~ or artistic rendering.

(c) Is modeled after a brand of products primarily consumed by or marketed to children.

(d) Is made by applying concentrated cannabis, as defined in NRS 453.042, to a commercially available candy or snack food item ~~[.]~~ other than dried fruit, nuts or granola.

~~[4.]~~ 3. A facility for the production of edible marijuana products or marijuana-infused products shall ~~[seal]~~ :

(a) Seal any edible marijuana product that consists of cookies or brownies in a bag or other container which is not transparent.

(b) Affix a label to each edible marijuana product which includes without limitation, in a manner which must not mislead consumers, the following information:

(1) The words "Keep out of reach of children";

(2) A list of all ingredients used in the edible marijuana product;

(3) A list of all allergens in the edible marijuana product; and

(4) The total weight of marijuana contained in the edible marijuana product or an equivalent measure of THC concentration.

(c) Maintain a washing area with hot water, soap and a hand dryer or disposable towels which is located away from any area in which edible marijuana products are cooked or otherwise prepared.

(d) Require each person who handles edible marijuana products to wear a hair net and clean clothing and keep his or her fingernails neatly trimmed.

(e) Package all edible marijuana products or marijuana-infused products produced by the facility for the production of edible marijuana products or marijuana-infused products on the premises of the facility for the production of edible marijuana products or marijuana-infused products.

~~[5.]~~ 4. A medical marijuana dispensary or facility for the production of edible marijuana products or marijuana-infused products shall not engage in advertising that in any way makes marijuana, edible marijuana products or marijuana-infused products appeal to children, including without

limitation, advertising which uses an image of a cartoon character, mascot, action figure, balloon, fruit or toy.

~~[6.]~~ 5. Each medical marijuana dispensary shall offer for sale containers for the storage of marijuana, edible marijuana products and marijuana-infused products which lock and are designed to prohibit children from unlocking and opening the container.

~~[7.]~~ 6. A medical marijuana dispensary shall ~~[include]~~ :

(a) Include a written notification with each sale of marijuana, edible marijuana products or marijuana-infused products which advises the purchaser ~~[to]~~ :

(1) To keep marijuana, edible marijuana products and marijuana-infused products out of the reach of children ~~[.]~~ ;

(2) That edible marijuana products can cause severe illness in children;

(3) That allowing children to ingest marijuana or edible marijuana products or storing marijuana or edible marijuana products in a location which is accessible to children may result in an investigation by an agency which provides child welfare services or criminal prosecution for child abuse or neglect;

(4) That the intoxicating effects of edible marijuana products may be delayed by 2 hours or more and users of edible marijuana products should initially ingest a small amount of the product, then wait at least 120 minutes before ingesting any additional amount of the product;

(5) That pregnant women should consult with a physician before ingesting marijuana or edible marijuana products;

(6) That ingesting marijuana or edible marijuana products with alcohol or other drugs, including prescription medication, may result in unpredictable levels of impairment and that a person should consult with a physician before doing so;

(7) That marijuana or edible marijuana products can impair concentration, coordination and judgment and a person should not operate a motor vehicle while under the influence of marijuana or edible marijuana products; and

(8) That ingestion of any amount of marijuana or edible marijuana products before driving may result in criminal prosecution for driving under the influence.

(b) Enclose all marijuana, edible marijuana products and marijuana-infused products in opaque, child-resistant packaging upon sale.

7. A medical marijuana dispensary shall allow any person who is at least 21 years of age to enter the premises of the medical marijuana dispensary, regardless of whether such a person holds a valid registry identification card or letter of approval.

8. ~~[Notwithstanding any other provision of law and except as otherwise provided in chapter 453D of NRS, only the Division and the Department of Taxation may adopt a regulation or impose any requirement relating to the~~

~~*production, potency, appearance, packaging, labeling or advertising of marijuana, edible marijuana products, marijuana-infused products or marijuana products, as applicable, and any such regulation adopted, ordinance enacted or requirement imposed by another governmental entity or local government is void.*~~

~~*9. As used in this section, "candy" means a product which contains sugar and is produced in the shape of a cartoon character, mascot, action figure, human balloon, fruit or toy or any other shape determined by the Division to be likely to appeal primarily to children.]*~~ ***If the health authority, as defined in NRS 446.050, where a facility for the production of edible marijuana products or marijuana-infused products or medical marijuana dispensary which sells edible marijuana products is located requires persons who handle food at a food establishment to obtain certification, the facility for the production of edible marijuana products or marijuana-infused products or medical marijuana dispensary shall ensure that at least one employee maintains such certification.***

Sec. 2. Chapter 453D of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each retail marijuana store and marijuana product manufacturing facility shall, in consultation with the Department, cooperate to ensure that all marijuana products offered for sale:

(a) Are labeled clearly and unambiguously ~~*[as]*~~ ***:***

(1) As marijuana with the words "THIS IS A MARIJUANA PRODUCT" in bold type; and ~~*[as]*~~

(2) As required by this chapter and any regulations adopted pursuant thereto.

(b) Are not presented in packaging that ~~*[is appealing to children, including, without limitation, packaging containing]*~~ ***contains an image of a cartoon character, mascot, action figure, balloon*** ~~*[, fruit]*~~ ***or toy*** ~~*[.]*~~ ***, except that such an item may appear in the logo of the marijuana product manufacturing facility which produced the product.***

(c) Are regulated and sold on the basis of the concentration of THC in the products and not by weight.

(d) Are packaged and labeled in such a manner as to allow tracking by way of an inventory control system.

(e) Are not packaged and labeled in a manner which is modeled after a brand of products primarily consumed by or marketed to children.

(f) Are labeled in a manner which indicates the number of servings of THC in the product, measured in servings of a maximum of 10 milligrams per serving, and includes a statement that the product contains marijuana and its potency was tested with an allowable variance of the amount determined by the marijuana testing facility which performed the testing.

(g) Are not labeled or marketed as candy.

2. A marijuana product must be sold in a single package. A single package must not contain:

(a) For a marijuana product sold as a capsule, more than 100 milligrams of THC per capsule or more than ~~[400]~~ 800 milligrams of THC per package.

(b) For a marijuana product sold as a tincture, more than ~~[400]~~ 800 milligrams of THC.

(c) For a marijuana product sold as a food product, more than ~~[400]~~ 100 milligrams of THC.

(d) For a marijuana product sold as a topical product, a concentration of more than 6 percent THC or more than ~~[400]~~ 800 milligrams of THC per package.

(e) For a marijuana product sold as a suppository or transdermal patch, more than 100 milligrams of THC per suppository or transdermal patch or more than ~~[400]~~ 800 milligrams of THC per package.

(f) For any other marijuana product, more than ~~[400]~~ 800 milligrams of THC.

3. A marijuana product manufacturing facility shall not produce marijuana products in any form that:

(a) ~~[Appears]~~ Is or appears to be ~~[candy.]~~ a lollipop or ice cream.

(b) ~~[Is similar in appearance to]~~ Bears the likeness or contains characteristics of a real or fictional person, animal or fruit, including, without limitation, a caricature, cartoon ~~[character, mascot, action figure, balloon, fruit or toy.]~~ or artistic rendering.

(c) Is modeled after a brand of products primarily consumed by or marketed to children.

(d) Is made by applying concentrated marijuana to a commercially available candy or snack food item ~~[.]~~ other than dried fruit, nuts or granola.

4. A marijuana product manufacturing facility shall ~~[seal]~~ :

(a) Seal any marijuana product that consists of cookies or brownies in a bag or other container which is not transparent.

(b) Affix a label to each marijuana product intended for human consumption by oral ingestion which includes, without limitation, in a manner which must not mislead consumers, the following information:

(1) The words "Keep out of reach of children";

(2) A list of all ingredients used in the marijuana product;

(3) A list of all allergens in the marijuana product; and

(4) The total weight of marijuana contained in the marijuana product or an equivalent measure of THC concentration.

(c) Maintain a washing area with hot water, soap and a hand dryer or disposable towels which is located away from any area in which marijuana products intended for human consumption by oral ingestion are cooked or otherwise prepared.

(d) Require each person who handles marijuana products intended for human consumption by oral ingestion to wear a hair net and clean clothing and keep his or her fingernails neatly trimmed.

(e) Package all marijuana products produced by the marijuana product manufacturing facility on the premises of the marijuana product manufacturing facility.

5. A retail marijuana store or marijuana product manufacturing facility shall not engage in advertising that in any way makes marijuana or marijuana products appeal to children, including, without limitation, advertising which uses an image of a cartoon character, mascot, action figure, balloon, fruit or toy.

6. Each retail marijuana store shall offer for sale containers for the storage of marijuana and marijuana products which lock and are designed to prohibit children from unlocking and opening the container.

7. A retail marijuana store shall ~~[include]~~ :

(a) Include a written notification with each sale of marijuana or marijuana products which advises the purchaser ~~[to]~~ :

(1) To keep marijuana and marijuana products out of the reach of children ~~[.]~~ ;

(2) That marijuana and marijuana products can cause severe illness in children;

(3) That allowing children to ingest marijuana or marijuana products, or storing marijuana or marijuana products in a location which is accessible to children may result in an investigation by an agency which provides child welfare services or criminal prosecution for child abuse or neglect;

(4) That the intoxicating effects of marijuana products may be delayed by 2 hours or more and users of marijuana products should initially ingest a small amount of the product, then wait at least 120 minutes before ingesting any additional amount of the product;

(5) That pregnant women should consult with a physician before ingesting marijuana or marijuana products;

(6) That ingesting marijuana or marijuana products with alcohol or other drugs, including prescription medication, may result in unpredictable levels of impairment and that a person should consult with a physician before doing so;

(7) That marijuana or marijuana products can impair concentration, coordination and judgment and a person should not operate a motor vehicle while under the influence of marijuana or marijuana products; and

(8) That ingestion of any amount of marijuana or marijuana products before driving may result in criminal prosecution for driving under the influence.

(b) Enclose all marijuana and marijuana products in opaque, child-resistant packaging upon sale.

8. ~~[Notwithstanding any other provision of law and except as otherwise provided in chapter 453A of NRS, only the Department and the Division of Public and Behavioral Health of the Department of Health and Human Services may adopt a regulation or impose any requirement relating to the~~

~~*production, potency, appearance, packaging, labeling or advertising of marijuana, edible marijuana products, marijuana-infused products or marijuana products, as applicable, and any such regulation adopted, ordinance enacted or requirement imposed by another governmental entity or local government is void.*~~

~~*9. As used in this section, "candy" has the meaning ascribed to it in section 1 of this act.]*~~ *If the health authority, as defined in NRS 446.050, where a marijuana product manufacturing facility or retail marijuana store which sells marijuana products intended for human consumption by oral ingestion is located requires persons who handle food at a food establishment to obtain certification, the marijuana product manufacturing facility or retail marijuana store shall ensure that at least one employee maintains such certification.*

9. A marijuana establishment:

(a) Shall not engage in advertising which contains any statement or illustration that:

(1) Is false or misleading;

(2) Promotes overconsumption of marijuana or marijuana products;

(3) Depicts the actual consumption of marijuana or marijuana products; or

(4) Depicts a child or other person who is less than 21 years of age consuming marijuana or marijuana products or objects suggesting the presence of a child, including, without limitation, toys, characters or cartoons, or contains any other depiction which is designed in any manner to be appealing to or encourage consumption of marijuana or marijuana products by a person who is less than 21 years of age.

(b) Shall not advertise in any publication or on radio, television or any other medium if 30 percent or more of the audience of that medium is reasonably expected to be persons who are less than 21 years of age.

(c) Shall not place an advertisement:

(1) Within 1,000 feet of a public or private school, playground, public park or library, but may maintain such an advertisement if it was initially placed before the school, playground, public park or library was located within 1,000 feet of the location of the advertisement;

(2) On or inside of a motor vehicle used for public transportation or any shelter for public transportation; or

(3) At a sports or entertainment event to which persons who are less than 21 years of age are allowed entry.

(d) Shall not advertise or offer any marijuana or marijuana product as "free" or "donated" without a purchase.

(e) Shall ensure that all advertising by the marijuana establishment contains such warnings as may be prescribed by the Department, which must include, without limitation, the following words:

(1) "Keep out of reach of children"; and

(2) "For use only by adults 21 years of age and older".

10. Nothing in subsection 9 shall be construed to prohibit a local government, pursuant to chapter 244, 268 or 278 of NRS, from adopting an ordinance for the regulation of advertising relating to marijuana which is more restrictive than the provisions of subsection 9 relating to:

(a) The number, location and size of signs, including, without limitation, any signs carried or displayed by a natural person;

(b) Handbills, pamphlets, cards or other types of advertisements that are distributed, excluding an advertisement placed in a newspaper of general circulation, trade publication or other form of print media; and

(c) Any stationary or moving display that is located on or near the premises of a marijuana establishment.

Sec. 3. **Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A board of county commissioners shall not enact or enforce any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to:

(a) The packaging, labeling, testing, dosage or potency of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(b) The kinds of marijuana, edible marijuana products, marijuana products and marijuana-infused products authorized to be sold pursuant to chapters 453A and 453D of NRS and any regulations adopted pursuant to chapter 453A of NRS;

(c) The use of pesticides in the cultivation of marijuana;

(d) The tracking of marijuana from seed to sale;

(e) The transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products other than the direct transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products to a consumer and a requirement to notify the county of any transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(f) The issuance or verification of a registry identification card, letter of approval or written documentation;

(g) The training or certification of medical marijuana establishment agents or employees of a marijuana establishment; or

(h) The creation or maintenance of a registry or other system to obtain and track information relating to customers of marijuana establishments or holders of a registry identification card or letter of approval.

2. As used in this section:

(a) "Edible marijuana products" has the meaning ascribed to it in NRS 453A.101.

(b) "Letter of approval" has the meaning ascribed to it in NRS 453A.109.

(c) "Marijuana establishment" has the meaning ascribed to it in NRS 453D.030.

(d) "Marijuana products" has the meaning ascribed to it in NRS 453D.030.

(e) "Marijuana-infused products" has the meaning ascribed to it in NRS 453A.112.

(f) "Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.

(g) "Medical marijuana establishment agent" has the meaning ascribed to it in NRS 453A.117.

(h) "Registry identification card" has the meaning ascribed to it in NRS 453A.140.

(i) "Written documentation" has the meaning ascribed to it in NRS 453A.170.

Sec. 4. **NRS 244.335 is hereby amended to read as follows:**

244.335 1. Except as otherwise provided in subsections 2, 3 and 4, and NRS 244.33501, a board of county commissioners may:

(a) Except as otherwise provided in NRS 244.331 to 244.3345, inclusive, 598D.150 and 640C.100, ***and section 3 of this act,*** regulate all character of lawful trades, callings, industries, occupations, professions and business conducted in its county outside of the limits of incorporated cities and towns.

(b) Except as otherwise provided in NRS 244.3359 and 576.128, fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on such trades, callings, industries, occupations, professions and business.

2. The county license boards have the exclusive power in their respective counties to regulate entertainers employed by an entertainment by referral service and the business of conducting a dancing hall, escort service, entertainment by referral service or gambling game or device permitted by law, outside of an incorporated city. The county license boards may fix, impose and collect license taxes for revenue or for regulation, or for both revenue and regulation, on such employment and businesses.

3. A board of county commissioners shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

4. The board of county commissioners or county license board shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

5. The county license board shall provide upon request an application for a state business registration pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:

(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or

(b) Provides to the county license board the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:

(a) Presents written evidence that:

(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or

(b) Provides to the county license board the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied for the purposes of NRS 244.3358 or 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months after the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against the property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

8. The board of county commissioners may delegate the authority to enforce liens from taxes levied for the purposes of NRS 244A.597 to 244A.655, inclusive, to the county fair and recreation board. If the authority is so delegated, the board of county commissioners shall revoke or suspend the license of a business upon certification by the county fair and recreation board that the license tax has become delinquent, and shall not reinstate the

license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 244.3357, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of such license taxes or as the result of any audit or examination of the books by any authorized employee of a county fair and recreation board of the county for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, officer or employee of the county fair and recreation board or the county imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or Secretary of State for the exchange of information concerning taxpayers.

Sec. 5. **Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The governing body of an incorporated city, whether organized under general law or special charter, shall not enact or enforce any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to:

(a) The packaging, labeling, testing, dosage or potency of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(b) The kinds of marijuana, edible marijuana products, marijuana products and marijuana-infused products authorized to be sold pursuant to chapters 453A and 453D of NRS and any regulations adopted pursuant to chapter 453A of NRS;

(c) The use of pesticides in the cultivation of marijuana;

(d) The tracking of marijuana from seed to sale;

(e) The transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products other than the direct transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products to a consumer and a requirement to notify the city of any transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(f) The issuance or verification of a registry identification card, letter of approval or written documentation;

(g) The training or certification of medical marijuana establishment agents or employees of a marijuana establishment; or

(h) The creation or maintenance of a registry or other system to obtain and track information relating to customers of marijuana establishments or holders of a registry identification card or letter of approval.

2. As used in this section:

(a) "Edible marijuana products" has the meaning ascribed to it in NRS 453A.101.

(b) "Letter of approval" has the meaning ascribed to it in NRS 453A.109.

(c) "Marijuana establishment" has the meaning ascribed to it in NRS 453D.030.

(d) "Marijuana products" has the meaning ascribed to it in NRS 453D.030.

(e) "Marijuana-infused products" has the meaning ascribed to it in NRS 453A.112.

(f) "Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.

(g) "Medical marijuana establishment agent" has the meaning ascribed to it in NRS 453A.117.

(h) "Registry identification card" has the meaning ascribed to it in NRS 453A.140.

(i) "Written documentation" has the meaning ascribed to it in NRS 453A.170.

Sec. 6. **NRS 268.095 is hereby amended to read as follows:**

268.095 1. Except as otherwise provided in subsection 4 and NRS 268.0951, the city council or other governing body of each incorporated city in this State, whether organized under general law or special charter, may:

(a) Except as otherwise provided in subsection 2 and NRS 268.0968 and 576.128, ***and section 5 of this act,*** fix, impose and collect for revenues or for regulation, or both, a license tax on all character of lawful trades, callings, industries, occupations, professions and businesses conducted within its corporate limits.

(b) Assign the proceeds of any one or more of such license taxes to the county within which the city is situated for the purpose or purposes of making the proceeds available to the county:

(1) As a pledge as additional security for the payment of any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(2) For redeeming any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(3) For defraying the costs of collecting or otherwise administering any such license tax so assigned, of the county fair and recreation board and of officers, agents and employees hired thereby, and of incidentals incurred thereby;

(4) For operating and maintaining recreational facilities under the jurisdiction of the county fair and recreation board;

(5) For improving, extending and bettering recreational facilities authorized by NRS 244A.597 to 244A.655, inclusive; and

(6) For constructing, purchasing or otherwise acquiring such recreational facilities.

(c) Pledge the proceeds of any tax imposed on the revenues from the rental of transient lodging pursuant to this section for the payment of any

general or special obligations issued by the city for a purpose authorized by the laws of this State.

(d) Use the proceeds of any tax imposed pursuant to this section on the revenues from the rental of transient lodging:

(1) To pay the principal, interest or any other indebtedness on any general or special obligations issued by the city pursuant to the laws of this State;

(2) For the expense of operating or maintaining, or both, any facilities of the city; and

(3) For any other purpose for which other money of the city may be used.

2. The city council or other governing body of an incorporated city shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

3. The proceeds of any tax imposed pursuant to this section that are pledged for the repayment of general obligations may be treated as "pledged revenues" for the purposes of NRS 350.020.

4. The city council or other governing body of an incorporated city shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

5. The city licensing agency shall provide upon request an application for a state business registration pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:

(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or

(b) Provides to the city licensing agency the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the city may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:

(a) Presents written evidence that:

(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or

(b) Provides to the city licensing agency the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the city may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied under the provisions of this section constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months following the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against such property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

8. The city council or other governing body of each incorporated city may delegate the power and authority to enforce such liens to the county fair and recreation board. If the authority is so delegated, the governing body shall revoke or suspend the license of a business upon certification by the board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 268.0966, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of those license taxes or as the result of any audit or examination of the books of the city by any authorized employee of a county fair and recreation board for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, official or employee of the county fair and recreation board or the city imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or the Secretary of State for the exchange of information concerning taxpayers.

9. The powers conferred by this section are in addition and supplemental to, and not in substitution for, and the limitations imposed by this section do not affect the powers conferred by, any other law. No part of this section repeals or affects any other law or any part thereof, it being intended that this section provide a separate method of accomplishing its objectives, and not an exclusive one.

Sec. 7. **Chapter 269 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The town board or board of county commissioners in any unincorporated town shall not enact or enforce any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to:

(a) The packaging, labeling, testing, dosage or potency of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(b) The kinds of marijuana, edible marijuana products, marijuana products and marijuana-infused products authorized to be sold pursuant to chapters 453A and 453D of NRS and any regulations adopted pursuant to chapter 453A of NRS;

(c) The use of pesticides in the cultivation of marijuana;

(d) The tracking of marijuana from seed to sale;

(e) The transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products other than the direct transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products to a consumer and a requirement to notify the unincorporated town of any transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(f) The issuance or verification of a registry identification card, letter of approval or written documentation;

(g) The training or certification of medical marijuana establishment agents or employees of a marijuana establishment; or

(h) The creation or maintenance of a registry or other system to obtain and track information relating to customers of marijuana establishments or holders of a registry identification card or letter of approval.

2. As used in this section:

(a) "Edible marijuana products" has the meaning ascribed to it in NRS 453A.101.

(b) "Letter of approval" has the meaning ascribed to it in NRS 453A.109.

(c) "Marijuana establishment" has the meaning ascribed to it in NRS 453D.030.

(d) "Marijuana products" has the meaning ascribed to it in NRS 453D.030.

(e) "Marijuana-infused products" has the meaning ascribed to it in NRS 453A.112.

(f) "Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.

(g) "Medical marijuana establishment agent" has the meaning ascribed to it in NRS 453A.117.

(h) "Registry identification card" has the meaning ascribed to it in NRS 453A.140.

(i) "Written documentation" has the meaning ascribed to it in NRS 453A.170.

Sec. 8. **NRS 269.170 is hereby amended to read as follows:**

269.170 1. Except as otherwise provided in subsection 5 and NRS 576.128, 598D.150 and 640C.100, ***and section 7 of this act,*** the town board or board of county commissioners may, in any unincorporated town:

(a) Fix and collect a license tax on, and regulate, having due regard to the amount of business done by each person so licensed, and all places of business and amusement so licensed, as follows:

(1) Artisans, artists, assayers, auctioneers, bakers, banks and bankers, barbers, boilermakers, cellars and places where soft drinks are kept or sold, clothes cleaners, foundries, laundries, lumberyards, manufacturers of soap, soda, borax or glue, markets, newspaper publishers, pawnbrokers, funeral directors and wood and coal dealers.

(2) Bootmakers, cobblers, dressmakers, milliners, shoemakers and tailors.

(3) Boardinghouses, hotels, lodging houses, restaurants and refreshment saloons.

(4) Barrooms, gaming, manufacturers of liquors and other beverages, and saloons.

(5) Billiard tables, bowling alleys, caravans, circuses, concerts and other exhibitions, dance houses, melodeons, menageries, shooting galleries, skating rinks and theaters.

(6) Corrals, hay yards, livery and sale stables and wagon yards.

(7) Electric light companies, illuminating gas companies, power companies, telegraph companies, telephone companies and water companies.

(8) Carts, drays, express companies, freight companies, job wagons, omnibuses and stages.

(9) Brokers, commission merchants, factors, general agents, mercantile agents, merchants, traders and stockbrokers.

(10) Drummers, hawkers, peddlers and solicitors.

(11) Insurance agents, brokers, analysts, adjusters and managing general agents within the limitations and under the conditions prescribed in NRS 680B.020.

(b) Fix and collect a license tax upon all professions, trades or business within the town not specified in paragraph (a).

2. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license presents written evidence that:

(a) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(b) Another regulatory agency of the State has issued or will issue a license required for this activity.

3. Any license tax levied for the purposes of NRS 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien must be enforced in the same manner as liens for ad valorem taxes on real and personal property. The town board or other governing body of the unincorporated town may delegate the power to enforce such liens to the county fair and recreation board.

4. The governing body or the county fair and recreation board may agree with the Department of Taxation for the continuing exchange of information concerning taxpayers.

5. The town board or board of county commissioners shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060, or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

~~[Sec. 3.]~~ ***Sec. 9.*** 1. This section and ~~[section]~~ **sections** 1 **and 3 to 8, inclusive,** of this act become effective on July 1, 2017.

2. Section 2 of this act becomes effective on January 1, 2020.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblymen Yeager and Ohrenschall.

Potential conflict of interest declared by Assemblyman Ohrenschall.

Assemblyman Ohrenschall requested that his remarks be entered in the journal.

ASSEMBLYMAN OHRENSCHALL:

Because we are considering Senate Bill 344, which proposes to make changes relating to medical marijuana and marijuana establishments, I would like to advise this Chamber that my wife is currently employed as the executive director of the Nevada Dispensary Association, a trade association consisting of medical marijuana dispensaries and medical marijuana cultivators, which actively lobbies the Legislature and other governmental entities on issues affecting its members. I have sought the advice of our Legislative Counsel, and although Senate Bill 344 does not affect the members of the trade association that my wife is employed with any differently than other medical marijuana dispensary owners and medical marijuana cultivators, I am making this disclosure and I am abstaining from voting on Senate Bill 344 out of an abundance of caution.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 361.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1082.

AN ACT relating to domestic violence; providing under certain circumstances for hours of leave if an employee is a victim of an act which constitutes domestic violence; prohibiting the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation from disqualifying certain persons from receiving unemployment benefits under certain circumstances; prohibiting employers from conditioning employment in certain circumstances; ~~[increasing the penalty for violating certain orders for protection;]~~ **revising the list of persons against whom domestic violence may be committed; revising provisions that exclude certain misdemeanor offenses related to domestic violence from provisions that limit the time of day that an arrest for a misdemeanor may be made;** increasing the penalty for a battery which constitutes domestic violence in certain circumstances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain unlawful acts which constitute domestic violence when committed against certain specified persons. (NRS 33.018) **Section 1** of this bill requires an employer to provide certain hours of leave to an employee who has been employed by the employer for at least 90 days and who is a victim of an act which constitutes domestic violence, or such an employee whose family or household member is a victim of an act which constitutes domestic violence and the employee is not the alleged perpetrator. **Section 1** specifically requires that such an employee is entitled to 160 hours of leave during a 12-month period. Such leave: (1) may be paid or unpaid; (2) must be used within the 12 months immediately following the date on which the act which constitutes domestic violence occurred; (3) may be used consecutively or intermittently; and (4) under certain circumstances, must be deducted from leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq. **Section 1** authorizes an employee to use the leave for purposes related to a person who is a victim of an act which constitutes domestic violence. **Section 1** additionally requires an employer to maintain a record of the use of the hours of leave for each employee for a 2-year period and to make those records available for inspection by the Labor Commissioner. Finally, **section 1** requires the Labor Commissioner to prepare a bulletin setting forth the right to these benefits and requires employers to post the bulletin in the workplace.

Section 4 of this bill prohibits the Administrator of the Employment Security Division of the Department of Employment, Training and

Rehabilitation from disqualifying a person from receiving unemployment compensation benefits if: (1) the person left employment to protect himself or herself, or his or her family or household member, from an act which constitutes domestic violence; and (2) the person actively engaged in an effort to preserve employment. **Section 4** also authorizes the Administrator to request evidence from the person to support a claim for benefits.

Section 6 of this bill requires an employer to provide reasonable accommodations which will not create an undue hardship for an employee who is a victim of an act which constitutes domestic violence or whose family or household member is a victim of an act which constitutes domestic violence.

Section 7 of this bill prohibits an employer from conditioning the employment of an employee or prospective employee or taking certain employment actions because: (1) the employee is a victim of an act which constitutes domestic violence; (2) the employee's family or household member is a victim of an act which constitutes domestic violence; or (3) of other circumstances related to being a victim of an act which constitutes domestic violence.

~~[Existing law authorizes a court to issue a temporary or extended order for protection to protect a person from domestic violence. (NRS 33.020, 33.030) Further, existing law provides that a person who intentionally violates a temporary or extended order for protection against domestic violence is guilty of a misdemeanor unless a more severe penalty is prescribed for the act. Section 8 of this bill instead makes the intentional violation of: (1) a temporary order a gross misdemeanor; and (2) an extended order a category C felony punishable by the penalties applicable to other category C felonies.]~~

Section 7.5 of this bill revises the list of persons against whom domestic violence may be committed to remove certain persons with whom the person is or was actually residing. Section 8.3 of this bill makes a conforming change.

Existing law establishes the acts which constitute domestic violence, including committing a battery against a person with whom the aggressor has a certain relationship. (NRS 33.018) Under existing law, a person who is convicted of a third or subsequent offense of battery which constitutes domestic violence within 7 years is guilty of a category C felony. Additionally, if a person is convicted of a battery which constitutes domestic violence that is committed by strangulation, the person is guilty of a category C felony. (NRS 200.485) **Section 9** of this bill makes it a category B felony punishable by a minimum term of imprisonment of 2 years and a maximum term of 15 years, and a fine of not less than $2,000 but not more than $5,000, to commit a battery which constitutes domestic violence if the person has previously been convicted of: (1) a felony in this State for committing battery which constitutes domestic violence; or (2) a violation of the law of any other jurisdiction that prohibits conduct that is the same or similar to a felony in this State for committing a battery which constitutes domestic violence.

Existing law limits the time of day that an arrest for a misdemeanor may be made. Under existing law, a battery that constitutes domestic violence is excluded from such time limits and under certain circumstances such an arrest must be made. (NRS 171.136, 171.137) Section 8.7 of this bill makes conforming changes by deleting the reference to battery that constitutes domestic violence and instead providing that an arrest for battery committed upon certain persons, including a person with whom the person to be arrested is or was actually residing, may be made at any time of day if the circumstances prescribed by existing law for mandatory arrest for such an offense are met.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An employee who has been employed by an employer for at least 90 days and who is a victim of an act which constitutes domestic violence, or whose family or household member is a victim of an act which constitutes domestic violence, and the employee is not the alleged perpetrator, is entitled to not more than 160 hours of leave in one 12-month period. Hours of leave provided pursuant to this subsection:

(a) May be paid or unpaid by the employer;

(b) Must be used within the 12 months immediately following the date on which the act which constitutes domestic violence occurred;

(c) May be used consecutively or intermittently; and

(d) If used for a reason for which leave may also be taken pursuant to the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq., must be deducted from the amount of leave the employee is entitled to take pursuant to this section and from the amount of leave the employee is entitled to take pursuant to the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.

2. An employee may use the hours of leave pursuant to subsection 1 as follows:

(a) An employee may use the hours of leave only:

(1) For the diagnosis, care or treatment of a health condition related to an act which constitutes domestic violence committed against the employee or family or household member of the employee;

(2) To obtain counseling or assistance related to an act which constitutes domestic violence committed against the employee or family or household member of the employee;

(3) To participate in any court proceedings related to an act which constitutes domestic violence committed against the employee or family or household member of the employee; or

(4) To establish a safety plan, including, without limitation, any action to increase the safety of the employee or the family or household member of the employee from a future act which constitutes domestic violence.

(b) After taking any hours of leave upon the occurrence of the act which constitutes domestic violence, an employee shall give not less than 48 hours' advance notice to his or her employer of the need to use additional hours of leave for any purpose listed in paragraph (a).

3. An employer shall not:

(a) Deny an employee the right to use hours of leave in accordance with the conditions of this section;

(b) Require an employee to find a replacement worker as a condition of using hours of leave; or

(c) Retaliate against an employee for using hours of leave.

4. The employer of an employee who takes hours of leave pursuant to this section may require the employee to provide to the employer documentation that confirms or supports the reason the employee provided for requesting leave. Such documentation may include, without limitation, a police report, a copy of an application for an order for protection, an affidavit from an organization which provides services to victims of domestic violence or documentation from a physician. Any documentation provided to an employer pursuant to this subsection is confidential and must be retained by the employer in a manner consistent with the requirements of the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.

5. The Labor Commissioner shall prepare a bulletin which clearly sets forth the right to the benefits created by this section. The Labor Commissioner shall post the bulletin on the Internet website maintained by the Office of Labor Commissioner, if any, and shall require all employers to post the bulletin in a conspicuous location in each workplace maintained by the employer. The bulletin may be included in any printed abstract posted by the employer pursuant to NRS 608.013.

6. An employer shall maintain a record of the hours of leave taken pursuant to this section for each employee for a 2-year period following the entry of such information in the record and, upon request, shall make those records available for inspection by the Labor Commissioner. The employer shall exclude the names of the employees from the records, unless a request for a record is for the purpose of an investigation.

7. The provisions of this section do not:

(a) Limit or abridge any other rights, remedies or procedures available under the law.

(b) Negate any other rights, remedies or procedures available to an aggrieved party.

(c) Prohibit, preempt or discourage any contract or other agreement that provides a more generous leave benefit or paid leave benefit.

8. As used in this section:

(a) "Domestic violence" has the meaning ascribed to it in NRS 33.018.

(b) "Family or household member" means a:

(1) Spouse;

(2) Domestic partner;

(3) Minor child; or

(4) Parent or other adult person who is related within the first degree of consanguinity or affinity to the employee, or other adult person who is or was actually residing with the employee at the time of the act which constitutes domestic violence.

Sec. 2. NRS 608.180 is hereby amended to read as follows:

608.180 The Labor Commissioner or the representative of the Labor Commissioner shall cause the provisions of NRS 608.005 to 608.195, inclusive, ***and section 1 of this act*** to be enforced, and upon notice from the Labor Commissioner or the representative:

1. The district attorney of any county in which a violation of those sections has occurred;
2. The Deputy Labor Commissioner, as provided in NRS 607.050;
3. The Attorney General, as provided in NRS 607.160 or 607.220; or
4. The special counsel, as provided in NRS 607.065,

➥ shall prosecute the action for enforcement according to law.

Sec. 3. NRS 608.195 is hereby amended to read as follows:

608.195 1. Except as otherwise provided in NRS 608.0165, any person who violates any provision of NRS 608.005 to 608.195, inclusive, ***and section 1 of this act,*** or any regulation adopted pursuant thereto, is guilty of a misdemeanor.

2. In addition to any other remedy or penalty, the Labor Commissioner may impose against the person an administrative penalty of not more than $5,000 for each such violation.

Sec. 4. Chapter 612 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Administrator shall not deny any otherwise eligible person benefits if the Administrator finds that:

(a) The person left employment to protect himself or herself, or a family or household member, from an act which constitutes domestic violence; and

(b) The person actively engaged in an effort to preserve employment.

2. The Administrator may request the person to furnish evidence satisfactory to support the person's claim for benefits.

3. As used in this section:

(a) "Domestic violence" has the meaning ascribed to it in NRS 33.018.

(b) "Family or household member" means a:

(1) Spouse;

(2) Domestic partner;

(3) Minor child; or

(4) Parent or other adult person who is related within the first degree of consanguinity or affinity to the employee, or other adult person who is or was actually residing with the employee at the time of the act which constitutes domestic violence.

Sec. 5. Chapter 613 of NRS is hereby amended by adding thereto the provisions set forth as sections 6 and 7 of this act.

Sec. 6. ***1. An employer must make reasonable accommodations which will not create an undue hardship for an employee who is a victim of an act which constitutes domestic violence or whose family or household member is a victim of an act which constitutes domestic violence. The employer may provide such accommodations, including, without limitation, as:***

(a) A transfer or reassignment;

(b) A modified schedule;

(c) A new telephone number for work; or

(d) Any other reasonable accommodations which will not create an undue hardship deemed necessary to ensure the safety of the employee, the workplace, the employer or other employees.

2. An employer may require an employee to provide to the employer documentation that confirms or supports the reason the employee requires the reasonable accommodations.

3. As used in this section:

(a) "Domestic violence" has the meaning ascribed to it in NRS 33.018.

(b) "Family or household member" has the meaning ascribed to it in section 4 of this act.

Sec. 7. ***1. It is unlawful for any employer in this State to discharge, discipline, discriminate against in any manner or deny employment or promotion to, or threaten to take any such action against, an employee because:***

(a) The employee requested to use hours of leave pursuant to section 1 of this act;

(b) The employee participated as a witness or interested party in court proceedings related to an act which constitutes domestic violence which triggered the use of leave pursuant to section 1 of this act.

(c) The employee requested an accommodation pursuant to section 6 of this act; or

(d) ~~[A person who allegedly committed an]~~ An act which constitutes domestic violence ~~[commits an act which constitutes domestic violence]~~ was committed against the employee in the workplace of the employee.

2. As used in this section, "domestic violence" has the meaning ascribed to it in NRS 33.018.

Sec. 7.5. **NRS 33.018 is hereby amended to read as follows:**

33.018 1. Domestic violence occurs when a person commits one of the following acts against or upon the person's spouse or former spouse, any other person to whom the person is related by blood or marriage, ~~[any other~~

~~person with whom the person is or was actually residing,]~~ any other person with whom the person has had or is having a dating relationship, any other person with whom the person has a child in common, the minor child of any of those persons, the person's minor child or any other person who has been appointed the custodian or legal guardian for the person's minor child:

(a) A battery.

(b) An assault.

(c) Compelling the other person by force or threat of force to perform an act from which the other person has the right to refrain or to refrain from an act which the other person has the right to perform.

(d) A sexual assault.

(e) A knowing, purposeful or reckless course of conduct intended to harass the other person. Such conduct may include, but is not limited to:

(1) Stalking.

(2) Arson.

(3) Trespassing.

(4) Larceny.

(5) Destruction of private property.

(6) Carrying a concealed weapon without a permit.

(7) Injuring or killing an animal.

(f) A false imprisonment.

(g) Unlawful entry of the other person's residence, or forcible entry against the other person's will if there is a reasonably foreseeable risk of harm to the other person from the entry.

2. As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

Sec. 8. ~~[NRS 33.100 is hereby amended to read as follows:~~

~~33.100~~ **[**~~A~~**]** ***Unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order, any*** ~~person who intentionally violates~~ **[**~~a~~**]** ~~:~~

~~*1. A* temporary **[**or**]** *order is guilty of a gross misdemeanor;*~~

~~*2. An* extended order is guilty of a **[**misdemeanor, unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order.**]** *category C felony and shall be punished as provided in NRS 193.130.]*~~ **(Deleted by amendment.)**

Sec. 8.3. **NRS 171.1225 is hereby amended to read as follows:**

171.1225 1. When investigating an act of domestic violence, a peace officer shall:

(a) Make a good faith effort to explain the provisions of NRS 171.137 pertaining to domestic violence and advise victims of all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community.

(b) Provide a person suspected of being the victim of an act of domestic violence with a written copy of the following statements:

(1) My name is Officer ..... (naming the investigating officer). Nevada law requires me to inform you of the following information.

(2) If I have probable cause to believe that a battery has been committed against you, your minor child or the minor child of the person believed to have committed the battery in the last 24 hours by your spouse, your former spouse, any other person to whom you are related by blood or marriage, ~~[a person with whom you are or were actually residing,]~~ a person with whom you have had or are having a dating relationship or a person with whom you have a child in common, I am required, unless mitigating circumstances exist, to arrest the person suspected of committing the battery.

(3) If I am unable to arrest the person suspected of committing the battery, you have the right to request that the prosecutor file a criminal complaint against the person. I can provide you with information on this procedure. If convicted, the person who committed the battery may be placed on probation, ordered to see a counselor, put in jail or fined.

(4) The law provides that you may seek a court order for the protection of you, your minor children or any animal that is owned or kept by you, by the person who committed or threatened the act of domestic violence or by the minor child of either such person against further threats or acts of domestic violence. You do not need to hire a lawyer to obtain such an order for protection.

(5) An order for protection may require the person who committed or threatened the act of domestic violence against you to:

(I) Stop threatening, harassing or injuring you or your children;

(II) Move out of your residence;

(III) Stay away from your place of employment;

(IV) Stay away from the school attended by your children;

(V) Stay away from any place you or your children regularly go;

(VI) Avoid or limit all communication with you or your children;

(VII) Stop physically injuring, threatening to injure or taking possession of any animal that is owned or kept by you or your children, either directly or through an agent; and

(VIII) Stop physically injuring or threatening to injure any animal that is owned or kept by the person who committed or threatened the act or his or her children, either directly or through an agent.

(6) A court may make future orders for protection which award you custody of your children and require the person who committed or threatened the act of domestic violence against you to:

(I) Pay the rent or mortgage due on the place in which you live;

(II) Pay the amount of money necessary for the support of your children;

(III) Pay part or all of the costs incurred by you in obtaining the order for protection; and

(IV) Comply with the arrangements specified for the possession and care of any animal owned or kept by you or your children or by the person who committed or threatened the act or his or her children.

(7) To get an order for protection, go to room number ..... (state the room number of the office at the court) at the court, which is located at ..... (state the address of the court). Ask the clerk of the court to provide you with the forms for an order of protection.

(8) If the person who committed or threatened the act of domestic violence against you violates the terms of an order for protection, the person may be arrested and, if:

(I) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(II) The person has previously violated a temporary or extended order for protection; or

(III) At the time of the violation or within 2 hours after the violation, the person has a concentration of alcohol of 0.08 or more in the person's blood or breath or an amount of a prohibited substance in the person's blood or urine that is equal to or greater than the amount set forth in subsection 3 of NRS 484C.110,

➥ the person will not be admitted to bail sooner than 12 hours after arrest.

(9) You may obtain emergency assistance or shelter by contacting your local program against domestic violence at ..... (state name, address and telephone number of local program) or you may call, without charge to you, the Statewide Program Against Domestic Violence at ..... (state toll-free telephone number of Statewide Program).

2. The failure of a peace officer to carry out the requirements set forth in subsection 1 is not a defense in a criminal prosecution for the commission of an act of domestic violence, nor may such an omission be considered as negligence or as causation in any civil action against the peace officer or the officer's employer.

3. As used in this section:

(a) "Act of domestic violence" means any of the following acts committed by a person against his or her spouse, former spouse, any other person to whom he or she is related by blood or marriage, a person with whom he or she is or was actually residing, a person with whom he or she has had or is having a dating relationship, a person with whom he or she has a child in common, the minor child of any of those persons or his or her minor child:

(1) A battery.

(2) An assault.

(3) Compelling the other by force or threat of force to perform an act from which he or she has the right to refrain or to refrain from an act which he or she has the right to perform.

(4) A sexual assault.

(5) A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, but is not limited to:

(I) Stalking.

(II) Arson.

(III) Trespassing.

(IV) Larceny.

(V) Destruction of private property.

(VI) Carrying a concealed weapon without a permit.

(VII) Injuring or killing an animal.

(6) False imprisonment.

(7) Unlawful entry of the other's residence, or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the entry.

(b) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

Sec. 8.7. **NRS 171.136 is hereby amended to read as follows:**

171.136 1. If the offense charged is a felony or gross misdemeanor, the arrest may be made on any day, and at any time of day or night.

2. If it is a misdemeanor, the arrest cannot be made between the hours of 7 p.m. and 7 a.m., except:

(a) Upon the direction of a magistrate, endorsed upon the warrant;

(b) When the offense is committed in the presence of the arresting officer;

(c) When the person is found and the arrest is made in a public place or a place that is open to the public and:

(1) There is a warrant of arrest against the person; and

(2) The misdemeanor is discovered because there was probable cause for the arresting officer to stop, detain or arrest the person for another alleged violation or offense;

(d) When the offense is committed in the presence of a private person and the person makes an arrest immediately after the offense is committed;

(e) When ~~[the offense charged is battery that constitutes domestic violence pursuant to NRS 33.018 and]~~ the arrest is made in the manner provided in NRS 171.137;

(f) When the offense charged is a violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive;

(g) When the person is already in custody as a result of another lawful arrest; or

(h) When the person voluntarily surrenders himself or herself in response to an outstanding warrant of arrest.

Sec. 9. NRS 200.485 is hereby amended to read as follows:

200.485 1. Unless a greater penalty is provided pursuant to subsection 2 or ***3 or*** NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018:

(a) For the first offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

➥ The person shall be further punished by a fine of not less than $200, but not more than $1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur at a time when the person is not required to be at his or her place of employment or on a weekend.

(b) For the second offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

➥ The person shall be further punished by a fine of not less than $500, but not more than $1,000.

(c) For the third ~~[and any subsequent]~~ offense within 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. Unless a greater penalty is provided pursuant to ***subsection 3 or*** NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed by strangulation as described in NRS 200.481, is guilty of a category C felony and shall be punished as provided in NRS 193.130 and by a fine of not more than $15,000.

3. ***Unless a greater penalty is provided pursuant to NRS 200.481, a person who has been previously convicted of:***

(a) A battery which constitutes domestic violence pursuant to NRS 33.018 that is punishable as a felony pursuant to paragraph (c) of subsection 1 or subsection 2; or

(b) A violation of the law of any other jurisdiction that prohibits the same or similar conduct set forth in paragraph (a),

➥ and who commits a battery which constitutes domestic violence pursuant to NRS 33.018 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and shall be further punished by a fine of not less than $2,000 but more than $5,000.

4. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, the court shall:

(a) For the first offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his or her expense, in a

program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

(b) For the second offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

➥ If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

~~[4. An]~~

5. Except as otherwise provided in this subsection, an offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. ***An offense which is listed in paragraph (a) or (b) of subsection 3 that occurred on any date preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions.*** The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

~~[5.]~~ ***6.*** In addition to any other fine or penalty, the court shall order such a person to pay an administrative assessment of $35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.

~~[6.]~~ ***7.*** In addition to any other penalty, the court may require such a person to participate, at his or her expense, in a program of treatment for the abuse of alcohol or drugs that has been certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

~~[7.]~~ ***8.*** If it appears from information presented to the court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence pursuant to NRS 33.018, the court may refer the child to an agency which provides child welfare services. If the court refers a child to an agency which provides child welfare services, the court shall require the person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 to reimburse the agency for the costs of any services provided, to the extent of the convicted person's ability to pay.

~~[8.]~~ ***9.*** If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not dismiss such a charge in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. A court shall not grant probation to and, except as otherwise provided in NRS 4.373 and 5.055, a court shall not suspend the sentence of such a person.

~~[9.]~~ ***10.*** As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(c) "Offense" includes a battery which constitutes domestic violence pursuant to NRS 33.018 or a violation of the law of any other jurisdiction that prohibits the same or similar conduct.

Sec. 10. NRS 432B.640 is hereby amended to read as follows:

432B.640 1. Upon receiving a referral from a court pursuant to subsection ~~[7]~~ ***8*** of NRS 200.485, an agency which provides child welfare services may, as appropriate, conduct an assessment to determine whether a psychological evaluation or counseling is needed by a child.

2. If an agency which provides child welfare services conducts an assessment pursuant to subsection 1 and determines that a psychological evaluation or counseling would benefit the child, the agency may, with the approval of the parent or legal guardian of the child:

(a) Conduct the evaluation or counseling; or

(b) Refer the child to a person that has entered into an agreement with the agency to provide those services.

Sec. 11. This act becomes effective;

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2018, for all other purposes.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 488.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1078.

SUMMARY—Revises provisions relating to ~~[sexual offenses.]~~ **certain crimes.** (BDR 15-1086)

AN ACT relating to ~~[sexual offenses;]~~ **crimes;** establishing ~~[additional acts that constitute]~~ the crime of **facilitating** sex trafficking; **establishing a rebuttable presumption that certain children who commit the crime of sex trafficking or facilitating sex trafficking are acting under duress; establishing the privilege of confidential communication between persons who are victims of human trafficking and certain advocates for those victims;** requiring the Department of Health and Human Services to develop a Medicaid service package to assist victims of sexual trauma who are eligible for Medicaid; authorizing the Department to adopt regulations relating to the development of such a Medicaid service package; requiring the Department to hold certain periodic meetings relating to sex trafficking; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain specific acts that constitute the crime of sex trafficking and sets forth the penalties imposed upon a person who is found guilty of sex trafficking. Such penalties vary depending on whether the victim of sex trafficking is an adult or a child and, if a child, the age of the child. (NRS 201.300) **Section ~~[1]~~ 3** of this bill **establishes the crime of facilitating sex trafficking and** provides that a person is guilty of ~~[sex trafficking]~~ **such a crime** if he or she: (1) facilitates, arranges, provides or pays for the transportation of a person to or within this State ~~[for]~~ **with** the ~~[purpose of causing]~~ **intent of inducing** that person to engage in unlawful sexual conduct or prostitution or, if that person is a child, certain acts relating to pornography involving minors; (2) ~~[advertises,]~~ sells ~~[or offers to sell]~~ travel services that facilitate the travel of another person to this State with the knowledge that the other person is traveling to this State for the purpose of engaging in sexual conduct with a victim of sex trafficking, soliciting a child who is a victim of sex trafficking or engaging in certain acts relating to pornography involving minors; or (3) travels to or within this State by any means ~~[for]~~ **with** the ~~[purpose]~~ **intent** of engaging in sexual conduct with a victim of sex trafficking with the knowledge that the victim ~~[is compelled]~~ **has been induced** to engage in sexual conduct or prostitution or engaging in certain acts relating to pornography involving minors. **Section 3 provides that a person who is guilty of facilitating sex trafficking is guilty of a category B felony and is subject to certain minimum and maximum terms of imprisonment depending on whether the victim is an adult or a child. Section 4 of this bill provides that if a person who is less than 18 years of age and is a victim of sex trafficking or facilitating sex trafficking commits the crime of sex trafficking or facilitating sex trafficking and is prosecuted in a criminal proceeding as an adult, there is a rebuttable presumption that the person acted under duress.**

Existing law establishes a privilege for confidential communication between a victim of certain crimes and a victim's advocate who works for a nonprofit program that provides assistance to victims of those crimes. (NRS 49.2541-49.2549) Section 6 of this bill defines the crime of

"human trafficking," and section 8 of this bill revises the definition of "victim" to include a person who alleges that an act of human trafficking has been committed against the person, thus authorizing the person to assert the privilege of confidential communication between the person and a victim's advocate.

Section ~~[2]~~ 9 of this bill requires the Department of Health and Human Services to develop a Medicaid service package called the Sexual Trauma Services Guide for the purpose of assisting victims of sexual trauma who are eligible for Medicaid. **Section ~~[2]~~ 9** requires the Department to post information relating to the Sexual Trauma Services Guide on the Internet website of the Department and to make such information available to any person upon request at the office of the Department. **Section ~~[2]~~ 9** also authorizes the Department to adopt regulations relating to the development of the Sexual Trauma Services Guide.

In 2016, the Governor established by executive order the Nevada Coalition to Prevent the Commercial Sexual Exploitation of Children. (Executive Order 2016-14 (5-31-2016)) The Coalition is required to prepare a comprehensive statewide strategic plan and recommendations regarding how to address certain provisions of federal law relating to sex trafficking. **Section ~~[3]~~ 10** of this bill requires the Department to hold periodic informational meetings for the purpose of coordinating the efforts of various entities to improve services for victims of sex trafficking and achieve the goals set forth in the statewide strategic plan developed by the Coalition.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 201.300 is hereby amended to read as follows:~~

~~201.300 1. A person who without physical force or the immediate threat of physical force, induces an adult to unlawfully become a prostitute or to continue to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution is guilty of pandering which is a category C felony and shall be punished as provided in NRS 193.130. This subsection does not apply to the customer of a prostitute.~~

~~2. A person:~~

~~(a) Is guilty of sex trafficking if the person:~~

~~(1) Induces, causes, recruits, harbors, transports, provides, obtains or maintains a child to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution;~~

~~(2) Induces, recruits, harbors, transports, provides, obtains or maintains a person by any means, knowing, or in reckless disregard of the fact, that threats, violence, force, intimidation, fraud, duress or coercion will be used to cause the person to engage in prostitution, or to enter any place within this State in which~~

~~prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution;~~

~~(3) By threats, violence, force, intimidation, fraud, duress, coercion, by any device or scheme, or by abuse of any position of confidence or authority, or having legal charge, takes, places, harbors, induces, causes, compels or procures a person to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution; [or]~~

~~(4) *Facilitates, arranges, provides or pays for the transportation of a person to or within this State for the purpose of:*~~

~~*(I) Causing the person to engage in prostitution in violation of subparagraph (1), (2) or (3);*~~

~~*(II) Causing the person to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution in violation of subparagraph (1), (2) or (3); or*~~

~~*(III) If the person is a child, using the person for any act that is prohibited by NRS 200.710 or 200.720;*~~

~~*(5) Advertises, sells or offers to sell travel services that facilitate the travel of another person to this State with the knowledge that the other person is traveling to this State for the purpose of:*~~

~~*(I) Engaging in sexual conduct with a person who is compelled to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3);*~~

~~*(II) Soliciting a child who is compelled to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3); or*~~

~~*(III) Engaging in any act involving a child that is prohibited by NRS 200.710 or 200.720;*~~

~~*(6) Travels to or within this State by any means for the purpose of engaging in:*~~

~~*(I) Sexual conduct with a person who is compelled to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3), with the knowledge that such a person is compelled to engage in such sexual conduct or prostitution; or*~~

~~*(II) Any act involving a child that is prohibited by NRS 200.710 or 200.720; or*~~

~~*(7)* Takes or detains a person with the intent to compel the person by force, violence, threats or duress to marry him or her or any other person.~~

~~(b) Who is found guilty of sex trafficking:~~

~~(1) An adult is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.~~

~~(2) A child:~~

~~(I) If the child is less than 14 years of age when the offense is committed, is guilty of a category A felony and shall be punished by~~

~~imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served, and may be further punished by a fine of not more than $20,000.~~

~~(II) If the child is at least 14 years of age but less than 16 years of age when the offense is committed, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served, and may be further punished by a fine of not more than $10,000.~~

~~(III) If the child is at least 16 years of age but less than 18 years of age when the offense is committed, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served, and may be further punished by a fine of not more than $10,000.~~

~~3. A court shall not grant probation to or suspend the sentence of a person convicted of sex trafficking a child pursuant to subsection 2.~~

~~4. Consent of a victim of pandering or sex trafficking to an act of prostitution is not a defense to a prosecution for any of the acts prohibited by this section.~~

~~5. In a prosecution for sex trafficking a child pursuant to subsection 2, it is not a defense that the defendant did not have knowledge of the victim's age, nor is reasonable mistake of age a valid defense to a prosecution conducted pursuant to subsection 2.~~**]** **(Deleted by amendment.)**

Sec. 2. **Chapter 201 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.**

Sec. 3. ***1. A person is guilty of facilitating sex trafficking if the person:***

(a) Facilitates, arranges, provides or pays for the transportation of a person to or within this State with the intent of:

(1) Inducing the person to engage in prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300;

(2) Inducing the person to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300; or

(3) If the person is a child, using the person for any act that is prohibited by NRS 200.710 or 200.720;

(b) Sells travel services that facilitate the travel of another person to this State with the knowledge that the other person is traveling to this State for the purpose of:

(1) Engaging in sexual conduct with a person who has been induced to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300;

(2) Soliciting a child who has been induced to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300; or

(3) Engaging in any act involving a child that is prohibited by NRS 200.710 or 200.720; or

(c) Travels to or within this State by any means with the intent of engaging in:

(1) Sexual conduct with a person who has been induced to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300, with the knowledge that such a person has been induced to engage in such sexual conduct or prostitution; or

(2) Any act involving a child that is prohibited by NRS 200.710 or 200.720.

2. A person who is found guilty of facilitating sex trafficking is guilty of a category B felony and:

(a) If the victim is 18 years of age or older, shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

(b) If the victim is less than 18 years of age, shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 10 years.

Sec. 4. If a violation of NRS 201.300 or section 3 of this act is committed by a person who is:

1. Less than 18 years of age at the time of the commission of the violation;

2. Prosecuted in a criminal proceeding as an adult; and

3. A victim of sex trafficking or facilitating sex trafficking,

➥ there is a rebuttable presumption that the person who committed the violation acted under duress.

***Sec. 5.* NRS 201.295 is hereby amended to read as follows:**

201.295 As used in NRS 201.295 to 201.440, inclusive, ***and sections 3 and 4 of this act,*** unless the context otherwise requires:

1. "Adult" means a person 18 years of age or older.
2. "Child" means a person less than 18 years of age.
3. "Induce" means to persuade, encourage, inveigle or entice.
4. "Prostitute" means a male or female person who for a fee, monetary consideration or other thing of value engages in sexual intercourse, oral-genital contact or any touching of the sexual organs or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either person.
5. "Prostitution" means engaging in sexual conduct with another person in return for a fee, monetary consideration or other thing of value.
6. "Sexual conduct" means any of the acts enumerated in subsection 4.

7. "Transports" means to transport or cause to be transported, by any means of conveyance, into, through or across this State, or to aid or assist in obtaining such transportation.

Sec. 6. **Chapter 49 of NRS is hereby amended by adding thereto a new section to read as follows:**

"Human trafficking" means a violation of any provision of NRS 200.463 to 200.468, inclusive, 201.300 or 201.320 or 18 U.S.C. § 1589, 1590 or 1591.

Sec. 7. **NRS 49.2541 is hereby amended to read as follows:**

49.2541 As used in NRS 49.2541 to 49.2549, inclusive, ***and section 6 of this act,*** the words and terms defined in NRS 49.2542 to 49.2545, inclusive, ***and section 6 of this act*** have the meanings ascribed to them in those sections.

Sec. 8. **NRS 49.2544 is hereby amended to read as follows:**

49.2544 "Victim" means a person who alleges that an act of domestic violence ***, human trafficking*** or sexual assault has been committed against the person.

~~[Sec. 2.]~~ ***Sec. 9.*** Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent authorized by federal law, the Department shall develop a Medicaid service package called the Sexual Trauma Services Guide for the purpose of assisting victims of sexual trauma who are eligible for Medicaid.

2. The Department shall post information relating to the Sexual Trauma Services Guide, including, without limitation, information concerning the available services to which victims of sexual trauma are entitled, on the Internet website maintained by the Department and shall make such information available to any person upon request at the office of the Department.

3. The Department may adopt any regulations necessary to carry out the provisions of this section.

~~[Sec. 3.]~~ ***Sec. 10.*** Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

The Department shall periodically hold informational meetings, as deemed appropriate by the Director, for the purpose of coordinating the efforts of various entities associated with the provision of services for victims of sex trafficking to improve such services, including, without limitation, to ensure that any applicable funding received by such entities is used in the most effective and efficient way possible to assist victims of sex trafficking and to achieve the goals set forth in the statewide strategic plan developed by the Nevada Coalition to Prevent the Commercial Sexual Exploitation of Children, established by the Governor pursuant to Executive Order 2016-14, issued on May 31, 2016.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 490.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1103.

AN ACT relating to real property; revising provisions relating to the foreclosure of real property; **authorizing electronic delivery of certain notices relating to the foreclosure of real property;** revising provisions relating to the Foreclosure Mediation Program; requiring Home Means Nevada, Inc., or its successor organization, to administer certain functions of the Program; replacing the Account for Foreclosure Mediation with the Account for Foreclosure Mediation Assistance; requiring the Interim Finance committee to administer the Account; providing for the continuation of the Program; requiring the State Controller to transfer money remaining in the Account for Foreclosure Mediation to the Account for Foreclosure Mediation Assistance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth procedures governing the foreclosure of real property upon default. Existing law gives a trustee under a deed of trust the power to sell the property to which the deed of trust applies, subject to certain restrictions, and requires a notice of default and election to sell real property subject to a deed of trust to include an affidavit setting forth certain information concerning the deed of trust. (NRS 107.080) **Section 1.5** of this bill removes the requirement for such an affidavit and **section 1** of this bill replaces the requirement to include such an affidavit in residential foreclosures. **Sections 1 and 1.5 also authorize the electronic delivery of a notice of default and election to sell real property, if authorized by the parties.**

Existing law provides for the establishment of a program for foreclosure mediation and generally requires that mediation, unless waived, be conducted as a condition of a judicial foreclosure proceeding or the exercise of a power of sale affecting owner-occupied housing. (NRS 107.086) Existing law also authorizes a mortgagor under a mortgage secured by owner-occupied housing or a grantor or the person who holds the title of record with respect to a deed of trust concerning owner-occupied housing to initiate mediation under certain circumstances. (NRS 107.0865) Existing law also provides that in a judicial foreclosure action concerning owner-occupied property, the mortgagor may elect to participate in the program for foreclosure mediation. (NRS 40.437) The Nevada Supreme Court is required to adopt rules to implement the program for foreclosure mediation, commonly known as the

Foreclosure Mediation Program, including designating an entity to serve as the Mediation Administrator. (NRS 40.437, 107.086)

Sections 2, 3, 4 and 5 of this bill revise provisions governing the Foreclosure Mediation Program. **Section 2** removes the provision of existing law that requires the Nevada Supreme Court to designate an entity to serve as the Mediation Administrator and instead requires Home Means Nevada, Inc., or its successor organization, to administer the Program. **Section 2** requires Home Means Nevada, Inc., or its successor organization, to administer certain functions of the Program, including: (1) providing certain notices to certain grantors of a deed or persons who hold a title of record; (2) under certain circumstances, providing to the trustee a certificate which provides that mediation has been completed or is not required; ~~[and]~~ (3) serving upon certain persons a copy of a petition to participate in mediation, by certified mail ~~[,]~~ **or, if authorized by the parties, electronically; and (4) developing and maintaining an Internet portal for the purpose of streamlining the foreclosure mediation process.** After mediation, **section 2** requires Home Means Nevada, Inc., or its successor organization, to submit to the district court the terms of any loan modification or settlement agreement. The district court is required to enter an order describing the terms of any such modification or agreement.

Sections 2, 3, 4 and 5 authorize certain grantors of a deed, persons who hold the title of record or mortgagors to petition the court to participate in the Foreclosure Mediation Program. **Sections 2, 3, 4 and 5** require such a person who seeks to participate in the Program to: (1) pay a $25 filing fee upon filing such a petition; (2) serve a copy of the petition upon certain persons by certified mail, return receipt requested ~~[,]~~ **or, if authorized by the parties, electronically;** and (3) pay his or her share of the mediation fee. **Section 2** increases the fee for mediation services from $400 to $500. **Section 2** additionally requires that $100 of the fee collected for mediation services be deposited into the Account for Foreclosure Mediation Assistance.

Existing law also creates the Account for Foreclosure Mediation, the money in which may be expended only for the purpose of supporting the Foreclosure Mediation Program. Existing law provides for the payment of a fee of $45 for deposit into the Account for Foreclosure Mediation at the time of recording a notice of default and election to sell real property. (NRS 107.080) **Section 1.5** of this bill: (1) increases the fee from $45 to $95; (2) replaces the Account for Foreclosure Mediation with the Account for Foreclosure Mediation Assistance; (3) requires the Account to be administered by the Interim Finance Committee; and (4) provides that the money collected for the Program may only be expended for the purpose of supporting the Program and the development and maintenance of ~~[an]~~ **the** Internet portal for a program of foreclosure mediation ~~[.]~~ **required pursuant to section 2. Section 9** of this bill requires the State Controller to transfer all money remaining in the Account for Foreclosure Mediation to the newly established Account for Foreclosure Mediation Assistance.

Senate Bill No. 512 of the 2015 Legislative Session (S.B. 512) provided that the Foreclosure Mediation Program ends on June 30, 2017. **Sections 8 and 11** of this bill remove the prospective expiration, thereby establishing a permanent Foreclosure Mediation Program. (Chapter 517, Statutes of Nevada 2015, p. 3334)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 107 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to the requirements set forth in NRS 107.080, 107.085 and 107.086, the power of sale for a residential foreclosure is subject to the following requirements and conditions and must not be executed until:

(a) In the case of any trust agreement which concerns owner-occupied housing as defined in NRS 107.086, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period that commences in the manner and subject to the requirements described in subsection 2 and expires 5 days before the date of sale, failed to make good the deficiency in performance or payment.

(b) The beneficiary, the successor in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the recorder of the county wherein the trust property, or some part thereof, is situated a notice of the breach and of the election to sell or cause to be sold the property pursuant to subsection 2 of NRS 107.080, together with a notarized affidavit of authority to exercise the power of sale. The affidavit required by this paragraph must state under penalty of perjury the following information, which must be based on the direct, personal knowledge of the affiant or the personal knowledge which the affiant acquired by a review of the business records of the beneficiary, the successor in interest of the beneficiary or the servicer of the obligation or debt secured by the deed of trust, which business records must meet the standards set forth in NRS 51.135:

(1) The full name and business address of the current trustee or the current trustee's personal representative or assignee, the current holder of the note secured by the deed of trust, the current beneficiary of record and the current servicer of the obligation or debt secured by the deed of trust.

(2) That the beneficiary under the deed of trust, the successor in interest of the beneficiary or the trustee is in actual or constructive possession of the note secured by the deed of trust or that the beneficiary or its successor in interest or the trustee is entitled to enforce the obligation or debt secured by the deed of trust. For the purposes of this subparagraph, if the obligation or debt is an instrument, as defined in subsection 2 of NRS 104.3103, a beneficiary or its successor in interest or the trustee is entitled

to enforce the instrument if the beneficiary or its successor in interest or the trustee is:

(I) The holder of the instrument;

(II) A nonholder in possession of the instrument who has the rights of a holder; or

(III) A person not in possession of the instrument who is entitled to enforce the instrument pursuant to a court order issued under NRS 104.3309.

(3) That the beneficiary or its successor in interest, the servicer of the obligation or debt secured by the deed of trust or the trustee, or an attorney representing any of those persons, has sent to the obligor or borrower of the obligation or debt secured by the deed of trust a written statement of:

(I) That amount of payment required to make good the deficiency in performance or payment, avoid the exercise of the power of sale and reinstate the terms and conditions of the underlying obligation or debt existing before the deficiency in performance or payment, as of the date of the statement;

(II) The amount in default;

(III) The principal amount of the obligation or debt secured by the deed of trust;

(IV) The amount of accrued interest and late charges;

(V) A good faith estimate of all fees imposed in connection with the exercise of the power of sale; and

(VI) Contact information for obtaining the most current amounts due and the local or toll-free telephone number described in subparagraph (4).

(4) A local or toll-free telephone number that the obligor or borrower of the obligation or debt may call to receive the most current amounts due and a recitation of the information contained in the affidavit.

(5) The date and the recordation number or other unique designation of, and the name of each assignee under, each recorded assignment of the deed of trust. The information required to be stated in the affidavit pursuant to this subparagraph may be based on:

(I) The direct, personal knowledge of the affiant;

(II) The personal knowledge which the affiant acquired by a review of the business records of the beneficiary, the successor in interest of the beneficiary or the servicer of the obligation or debt secured by the deed of trust, which business records must meet the standards set forth in NRS 51.135;

(III) Information contained in the records of the recorder of the county in which the property is located; or

(IV) The title guaranty or title insurance issued by a title insurer or title agent authorized to do business in this State pursuant to chapter 692A of NRS.

2. The period provided in paragraph (a) of subsection 1, commences on the first day following the day upon which the notice of default and election to sell is recorded in the office of the county recorder of the county in which the property is located and a copy of the notice of default and election to sell is mailed by registered or certified mail, return receipt requested and with postage prepaid, to the grantor or to the person who holds the title of record on the date the notice of default and election to sell is recorded, at their respective addresses, if known, otherwise to the address of the trust property ~~[.]~~ ***or, if authorized by the parties delivered by electronic transmission. In addition to meeting the requirements set forth in subsection 1 and NRS 107.080, the notice of default and election must:***

(a) If the property is subject to the requirements of NRS 107.400 to 107.560, inclusive, contain the declaration required by subsection 6 of NRS 107.510;

(b) If, pursuant to NRS 107.130, an election has been made to use the expedited procedure for the exercise of the power of sale with respect to abandoned residential property, include the affidavit and certification required by subsection 6 of NRS 107.130; and

(c) Comply with the provisions of NRS 107.087.

3. In addition to providing notice pursuant to the requirements set forth in subsection 4 of NRS 107.080, the trustee, or other person authorized to make the sale under the terms of the deed of trust or transfer in trust with respect to a residential foreclosure, shall, after expiration of the applicable period specified in paragraph (d) of subsection 2 of NRS 107.080, following the recording of the notice of breach and election to sell, and before the making of the sale, comply with the provisions of NRS 107.087.

4. In addition to the grounds provided in paragraph (a) of subsection 5 of NRS 107.080, a sale made pursuant to this section must be declared void by any court of competent jurisdiction in the county where the sale took place if the trustee or other person authorized to make the sale does not substantially comply with any applicable provisions set forth in NRS 107.086 and 107.087, and the applicant otherwise complies with subsection 5 of NRS 107.080.

5. As used in this section:

(a) "Residential foreclosure" means the sale of a single-family residence under a power of sale granted by this section. As used in this paragraph, "single-family residence":

(1) Means a structure that is comprised of not more than four units.

(2) Does not include vacant land or any time share or other property regulated under chapter 119A of NRS.

(b) "Trustee" has the meaning ascribed in NRS 107.080.

Sec. 1.5. NRS 107.080 is hereby amended to read as follows:

107.080 1. Except as otherwise provided in NRS 106.210, 107.085 and 107.086, ***and section 1 of this act,*** if any transfer in trust of any estate in real

property is made after March 29, 1927, to secure the performance of an obligation or the payment of any debt, a power of sale is hereby conferred upon the trustee to be exercised after a breach of the obligation for which the transfer is security.

2. The power of sale must not be exercised, however, until:

(a) ~~[Except as otherwise provided in paragraph (b), in]~~ ***In*** the case of any trust agreement coming into force:

(1) On or after July 1, 1949, and before July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 15 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment; or

(2) On or after July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 35 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment.

(b) ~~[In the case of any trust agreement which concerns owner-occupied housing as defined in NRS 107.086, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period that commences in the manner and subject to the requirements described in subsection 3 and expires 5 days before the date of sale, failed to make good the deficiency in performance or payment.~~

~~(c)]~~ The beneficiary, the successor in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the recorder of the county wherein the trust property, or some part thereof, is situated a notice of the breach and of the election to sell or cause to be sold the property to satisfy the obligation ~~[which, except as otherwise provided in this paragraph, includes a notarized affidavit of authority to exercise the power of sale. Except as otherwise provided in subparagraph (5), the affidavit required by this paragraph must state under the penalty of perjury the following information, which must be based on the direct, personal knowledge of the affiant or the personal knowledge which the affiant acquired by a review of the business records of the beneficiary, the successor in interest of the beneficiary or the servicer of the obligation or debt secured by the deed of trust, which business records must meet the standards set forth in NRS 51.135:~~

~~(1) The full name and business address of the current trustee or the current trustee's personal representative or assignee, the current holder of the note secured by the deed of trust, the current beneficiary of record and the current servicer of the obligation or debt secured by the deed of trust.~~

~~(2) That the beneficiary under the deed of trust, the successor in interest of the beneficiary or the trustee is in actual or constructive possession of the~~

~~note secured by the deed of trust or that the beneficiary or its successor in interest or the trustee is entitled to enforce the obligation or debt secured by the deed of trust. For the purposes of this subparagraph, if the obligation or debt is an instrument, as defined in subsection 2 of NRS 104.3103, a beneficiary or its successor in interest or the trustee is entitled to enforce the instrument if the beneficiary or its successor in interest or the trustee is:~~

~~(I) The holder of the instrument;~~

~~(II) A nonholder in possession of the instrument who has the rights of a holder; or~~

~~(III) A person not in possession of the instrument who is entitled to enforce the instrument pursuant to a court order issued under NRS 104.3309.~~

~~(3) That the beneficiary or its successor in interest, the servicer of the obligation or debt secured by the deed of trust or the trustee, or an attorney representing any of those persons, has sent to the obligor or borrower of the obligation or debt secured by the deed of trust a written statement of:~~

~~(I) The amount of payment required to make good the deficiency in performance or payment, avoid the exercise of the power of sale and reinstate the terms and conditions of the underlying obligation or debt existing before the deficiency in performance or payment, as of the date of the statement;~~

~~(II) The amount in default;~~

~~(III) The principal amount of the obligation or debt secured by the deed of trust;~~

~~(IV) The amount of accrued interest and late charges;~~

~~(V) A good faith estimate of all fees imposed in connection with the exercise of the power of sale; and~~

~~(VI) Contact information for obtaining the most current amounts due and the local or toll-free telephone number described in subparagraph (4).~~

~~(4) A local or toll-free telephone number that the obligor or borrower of the obligation or debt may call to receive the most current amounts due and a recitation of the information contained in the affidavit.~~

~~(5) The date and the recordation number or other unique designation of, and the name of each assignee under, each recorded assignment of the deed of trust. The information required to be stated in the affidavit pursuant to this subparagraph may be based on:~~

~~(I) The direct, personal knowledge of the affiant;~~

~~(II) The personal knowledge which the affiant acquired by a review of the business records of the beneficiary, the successor in interest of the beneficiary or the servicer of the obligation or debt secured by the deed of trust, which business records must meet the standards set forth in NRS 51.135;~~

~~(III) Information contained in the records of the recorder of the county in which the property is located; or~~

~~(IV) The title guaranty or title insurance issued by a title insurer or title agent authorized to do business in this State pursuant to chapter 692A of NRS.~~

~~➥ The affidavit described in this paragraph is not required for the exercise of the trustee's power of sale with respect to any trust agreement which concerns a time share within a time share plan created pursuant to chapter 119A of NRS if the power of sale is being exercised for the initial beneficiary under the deed of trust or an affiliate of the initial beneficiary.~~

~~(d)~~] ***(c)*** The beneficiary or its successor in interest or the servicer of the obligation or debt secured by the deed of trust has instructed the trustee to exercise the power of sale with respect to the property.

~~[(e)~~] ***(d)*** Not less than 3 months have elapsed after the recording of the notice or, if the notice includes an affidavit and a certification indicating that, pursuant to NRS 107.130, an election has been made to use the expedited procedure for the exercise of the power of sale with respect to abandoned residential property, not less than 60 days have elapsed after the recording of the notice.

3. The 15- or 35-day period provided in paragraph (a) of subsection 2 ~~[,~~ ~~or the period provided in paragraph (b) of subsection 2,~~] commences on the first day following the day upon which the notice of default and election to sell is recorded in the office of the county recorder of the county in which the property is located and a copy of the notice of default and election to sell is mailed by registered or certified mail, return receipt requested and with postage prepaid to the grantor or, to the person who holds the title of record on the date the notice of default and election to sell is recorded, and, if the property is operated as a facility licensed under chapter 449 of NRS, to the State Board of Health, at their respective addresses, if known, otherwise to the address of the trust property ~~[.]~~ ***or, if authorized by the parties, delivered by electronic transmission.*** The notice of default and election to sell must ~~[:~~

~~(a) Describe~~] ***describe*** the deficiency in performance or payment and may contain a notice of intent to declare the entire unpaid balance due if acceleration is permitted by the obligation secured by the deed of trust, but acceleration must not occur if the deficiency in performance or payment is made good and any costs, fees and expenses incident to the preparation or recordation of the notice and incident to the making good of the deficiency in performance or payment are paid within the time specified in subsection 2 **.** ~~[;~~

~~(b) If the property is subject to the requirements of NRS 107.400 to 107.560, inclusive, contain the declaration required by subsection 6 of NRS 107.510;~~

~~(c) If, pursuant to NRS 107.130, an election has been made to use the expedited procedure for the exercise of the power of sale with respect to abandoned residential property, include the affidavit and certification required by subsection 6 of NRS 107.130; and~~

~~(d) If the property is a residential foreclosure, comply with the provisions of NRS 107.087.~~]

4. The trustee, or other person authorized to make the sale under the terms of the trust deed or transfer in trust, shall, after expiration of the applicable period specified in paragraph (d) of subsection 2 following the

recording of the notice of breach and election to sell, and before the making of the sale, give notice of the time and place thereof by recording the notice of sale and by:

(a) Providing the notice to each trustor, any other person entitled to notice pursuant to this section and, if the property is operated as a facility licensed under chapter 449 of NRS, the State Board of Health, by personal service ***, by electronic transmission if authorized by the parties*** or by mailing the notice by registered or certified mail to the last known address of the trustor and any other person entitled to such notice pursuant to this section;

(b) Posting a similar notice particularly describing the property, for 20 days successively, in a public place in the county where the property is situated; ***and***

(c) Publishing a copy of the notice three times, once each week for 3 consecutive weeks, in a newspaper of general circulation in the county where the property is situated or, if the property is a time share, by posting a copy of the notice on an Internet website and publishing a statement in a newspaper in the manner required by subsection 3 of NRS 119A.560 **.** ~~[; and~~

~~(d) If the property is a residential foreclosure, complying with the provisions of NRS 107.087.]~~

5. Every sale made under the provisions of this section and other sections of this chapter vests in the purchaser the title of the grantor and any successors in interest without equity or right of redemption. Except as otherwise provided in subsection 7, a sale made pursuant to this section must be declared void by any court of competent jurisdiction in the county where the sale took place if:

(a) The trustee or other person authorized to make the sale does not substantially comply with the provisions of this section ***;*** ~~[or any applicable provision of NRS 107.086 and 107.087;]~~

(b) Except as otherwise provided in subsection 6, an action is commenced in the county where the sale took place within 30 days after the date on which the trustee's deed upon sale is recorded pursuant to subsection 10 in the office of the county recorder of the county in which the property is located; and

(c) A notice of lis pendens providing notice of the pendency of the action is recorded in the office of the county recorder of the county where the sale took place within 5 days after commencement of the action.

6. If proper notice is not provided pursuant to subsection 3 or paragraph (a) of subsection 4 to the grantor, to the person who holds the title of record on the date the notice of default and election to sell is recorded, to each trustor or to any other person entitled to such notice, the person who did not receive such proper notice may commence an action pursuant to subsection 5 within 90 days after the date of the sale.

7. Upon expiration of the time for commencing an action which is set forth in subsections 5 and 6, any failure to comply with the provisions of this

section or any other provision of this chapter does not affect the rights of a bona fide purchaser as described in NRS 111.180.

8. If, in an action brought by the grantor or the person who holds title of record in the district court in and for the county in which the real property is located, the court finds that the beneficiary, the successor in interest of the beneficiary or the trustee did not comply with any requirement of subsection 2, 3 or 4, the court must award to the grantor or the person who holds title of record:

(a) Damages of $5,000 or treble the amount of actual damages, whichever is greater;

(b) An injunction enjoining the exercise of the power of sale until the beneficiary, the successor in interest of the beneficiary or the trustee complies with the requirements of subsections 2, 3 and 4; and

(c) Reasonable attorney's fees and costs,

➥ unless the court finds good cause for a different award. The remedy provided in this subsection is in addition to the remedy provided in subsection 5.

9. The sale of a lease of a dwelling unit of a cooperative housing corporation vests in the purchaser title to the shares in the corporation which accompany the lease.

10. After a sale of property is conducted pursuant to this section, the trustee shall:

(a) Within 30 days after the date of the sale, record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located; or

(b) Within 20 days after the date of the sale, deliver the trustee's deed upon sale to the successful bidder. Within 10 days after the date of delivery of the deed by the trustee, the successful bidder shall record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located.

11. Within 5 days after recording the trustee's deed upon sale, the trustee or successful bidder, whoever recorded the trustee's deed upon sale pursuant to subsection 10, shall cause a copy of the trustee's deed upon sale to be posted conspicuously on the property. The failure of a trustee or successful bidder to effect the posting required by this subsection does not affect the validity of a sale of the property to a bona fide purchaser for value without knowledge of the failure.

12. If the successful bidder fails to record the trustee's deed upon sale pursuant to paragraph (b) of subsection 10, the successful bidder:

(a) Is liable in a civil action to any party that is a senior lienholder against the property that is the subject of the sale in a sum of up to $500 and for reasonable attorney's fees and the costs of bringing the action; and

(b) Is liable in a civil action for any actual damages caused by the failure to comply with the provisions of subsection 10 and for reasonable attorney's fees and the costs of bringing the action.

13. The county recorder shall, in addition to any other fee, at the time of recording a notice of default and election to sell collect:

(a) A fee of $150 for deposit in the State General Fund.

(b) A fee of ~~[~~$45~~]~~ ***$95*** for deposit in the Account for Foreclosure ~~[~~Mediation,~~]~~ ***Mediation Assistance,*** which is hereby created in the State General Fund. The Account must be administered by the ~~[~~Court Administrator,~~]~~ ***Interim Finance Committee*** and the money in the Account may be expended only for the purpose of ~~[~~supporting~~]~~ ***:***

(1) Supporting a program of foreclosure mediation ~~[~~. established by Supreme Court Rule.~~]~~ ***; and***

(2) The development and maintenance of an Internet portal for a program of foreclosure mediation ~~[.]~~ pursuant to subsection 18 of NRS 107.086.

(c) A fee of $5 to be paid over to the county treasurer on or before the fifth day of each month for the preceding calendar month. The county recorder may direct that 1.5 percent of the fees collected by the county recorder pursuant to this paragraph be transferred into a special account for use by the office of the county recorder. The county treasurer shall remit quarterly to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent all the money received from the county recorder pursuant to this paragraph.

14. The fees collected pursuant to paragraphs (a) and (b) of subsection 13 must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and, except as otherwise provided in this subsection, must be placed to the credit of the State General Fund or the Account for Foreclosure Mediation ***Assistance*** as prescribed pursuant to subsection 13. The county recorder may direct that 1.5 percent of the fees collected by the county recorder be transferred into a special account for use by the office of the county recorder. The county treasurer shall, on or before the 15th day of each month, remit the fees deposited by the county recorder pursuant to this subsection to the State Controller for credit to the State General Fund or the Account as prescribed in subsection 13.

15. The beneficiary, the successor in interest of the beneficiary or the trustee who causes to be recorded the notice of default and election to sell shall not charge the grantor or the successor in interest of the grantor any portion of any fee required to be paid pursuant to subsection 13.

16. As used in this section ~~[~~:

~~(a) "Residential foreclosure" means the sale of a single family residence under a power of sale granted by this section. As used in this paragraph, "single family residence":~~

~~(1) Means a structure that is comprised of not more than four units.~~

~~(2) Does not include vacant land or any time share or other property regulated under chapter 119A of NRS.~~

~~(b) "Trustee"~~] , ***"trustee"*** means the trustee of record.

Sec. 2. NRS 107.086 is hereby amended to read as follows:

107.086 1. Except as otherwise provided in this subsection and subsection 4 of NRS 107.0865, in addition to the requirements of NRS 107.085, the exercise of the power of sale pursuant to NRS 107.080 with respect to any trust agreement which concerns owner-occupied housing [~~and for which a notice of default and election to sell is mailed on or before December 1, 2016, to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080~~] is subject to the provisions of this section. The provisions of this section do not apply to the exercise of the power of sale if the notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 includes an affidavit and a certification indicating that, pursuant to NRS 107.130, an election has been made to use the expedited procedure for the exercise of the power of sale with respect to abandoned residential property.

2. The trustee shall not exercise a power of sale pursuant to NRS 107.080 unless the trustee:

(a) Includes with the notice of default and election to sell which is mailed , ***or delivered by electronic transmission if authorized by the parties,*** to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080:

(1) Contact information which the grantor or the person who holds the title of record may use to reach a person with authority to negotiate a loan modification on behalf of the beneficiary of the deed of trust;

(2) ***Contact information which the grantor or the person who holds the title of record may use to serve notice as required pursuant to subsection 3 if the grantor or person who holds the title does not elect to waive mediation;***

(3) Contact information for at least one local housing counseling agency approved by the United States Department of Housing and Urban Development;

[~~(3)~~] ***(4)*** A notice provided by [~~the Mediation Administrator~~] ***Home Means Nevada, Inc., or its successor organization,*** indicating that the grantor or the person who holds the title of record [~~will be enrolled~~] ***may petition the district court*** to participate in mediation pursuant to this section if he or she ***files such a petition, pays a $25 filing fee, serves a copy of the petition upon the beneficiary of the deed, Home Means Nevada, Inc., or its successor organization, and the trustee by certified mail, return receipt requested*** ~~[,]~~ ***or, if authorized by the parties, by electronic transmission, and*** pays to the [~~Mediation Administrator~~] ***district court*** his or her share of the fee established pursuant to subsection [~~11;~~] ***12;*** and

[~~(4)~~] ***(5)*** A form upon which the grantor or the person who holds the title of record may indicate an election to waive mediation pursuant to this section and one envelope addressed to the trustee and one envelope addressed to [~~the Mediation Administrator,~~] ***Home Means Nevada, Inc., or***

its successor organization, which the grantor or the person who holds the title of record may use to comply with the provisions of subsection 3;

(b) In addition to including the information described in paragraph (a) with the notice of default and election to sell which is mailed ***or delivered by electronic transmission, as applicable,*** to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080, provides to the grantor or the person who holds the title of record the information described in paragraph (a) concurrently with, but separately from, the notice of default and election to sell which is mailed ***or delivered by electronic transmission, as applicable,*** to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080;

(c) Serves a copy of the notice upon ~~[the Mediation Administrator;]~~ ***Home Means Nevada, Inc., or its successor organization;***

(d) If the owner-occupied housing is located within a common-interest community, notifies the unit-owners' association of the common-interest community, not later than 10 days after mailing ***or delivering by electronic transmission, as applicable,*** the copy of the notice of default and election to sell as required by subsection 3 of NRS 107.080, that the exercise of the power of sale is subject to the provisions of this section; and

(e) Causes to be recorded in the office of the recorder of the county in which the trust property, or some part thereof, is situated:

(1) The certificate provided to the trustee by ~~[the Mediation Administrator]~~ ***Home Means Nevada, Inc., or its successor organization,*** pursuant to subsection 4 or 7 which provides that no mediation is required in the matter; or

(2) The certificate provided to the trustee by ~~[the Mediation Administrator]~~ ***Home Means Nevada, Inc., or its successor organization,*** pursuant to subsection 8 which provides that mediation has been completed in the matter.

3. If the grantor or the person who holds the title of record elects to waive mediation, he or she shall, not later than 30 days after service of the notice in the manner required by NRS 107.080 ***,*** ~~[or December 31, 2016, whichever is earlier,]~~ complete the form required by subparagraph ~~[(4)]~~ ***(5)*** of paragraph (a) of subsection 2 and return the form to the trustee and ~~[the Mediation Administrator]~~ ***Home Means Nevada, Inc., or its successor organization,*** by certified mail, return receipt requested ~~[.]~~ ***or, if authorized by the parties, by electronic transmission.*** If the grantor or the person who holds the title of record does not elect to waive mediation, he or she shall, not later than 30 days after the service of the notice in the manner required by NRS 107.080 ***,*** ~~[or December 31, 2016, whichever is earlier, pay to the Mediation Administrator]~~ ***petition the district court to participate in mediation pursuant to this section, at the time of filing such a petition, pay to the clerk of the court a fee of $25 and*** his or her share of the fee established pursuant to subsection ~~[11.]~~ ***12. The grantor or the person who holds the title of record shall serve a copy of the petition, by certified mail,***

return receipt requested ~~[,]~~ ***or, if authorized by the parties, by electronic transmission, upon the beneficiary of the deed of trust and Home Means Nevada, Inc., or its successor organization.*** Upon receipt of the ~~[share of the fee established pursuant to subsection 11 owed by the grantor or the person who holds title of record,]~~ ***copy of the petition,*** ~~[the Mediation Administrator]~~ ***Home Means Nevada, Inc., or its successor organization,*** shall notify the trustee ~~[,]~~ ***and every other person with an interest as defined in NRS 107.090,*** by certified mail, return receipt requested ~~[,]~~ ***or, if authorized by the parties, by electronic transmission,*** of the ~~[enrollment]~~ ***petition*** of the grantor or person who holds the title of record to participate in mediation pursuant to this section ***.*** ~~[and]~~ ***Upon receipt of a petition pursuant to this section, the district court*** shall assign the matter to a senior justice, judge, hearing master or other designee and schedule the matter for mediation. ~~[The trustee shall notify the beneficiary of the deed of trust and every other person with an interest as defined in NRS 107.090, by certified mail, return receipt requested, of the enrollment of the grantor or the person who holds the title of record to participate in mediation.]~~ If the grantor or person who holds the title of record ~~[is enrolled]~~ ***satisfies the requirements of this subsection*** to participate in mediation pursuant to this section, no further action may be taken to exercise the power of sale until the completion of the mediation.

4. If the grantor or the person who holds the title of record indicates on the form described in subparagraph ~~[(4)]~~ ***(5)*** of paragraph (a) of subsection 2 an election to waive mediation ~~[or]~~ ***, fails to petition the district court pursuant to subsection 3 or*** fails to pay to the ~~[Mediation Administrator]~~ ***district court*** his or her share of the fee established pursuant to subsection ~~[11,]~~ ***12*** as required by subsection 3, ~~[the Mediation Administrator]~~ ***Home Means Nevada, Inc., or its successor organization,*** shall, not later than 60 days after ~~[the Mediation Administrator]~~ ***Home Means Nevada, Inc., or its successor organization,*** receives the form indicating an election to waive mediation or 90 days after the service of the notice in the manner required by NRS 107.080, whichever is earlier, provide to the trustee a certificate which provides that no mediation is required in the matter.

5. Each mediation required by this section must be conducted by a senior justice, judge, hearing master or other designee pursuant to the rules adopted pursuant to subsection ~~[11.]~~ ***12.*** The beneficiary of the deed of trust or a representative shall attend the mediation. The grantor or his or her representative, or the person who holds the title of record or his or her representative, shall attend the mediation. The beneficiary of the deed of trust shall bring to the mediation the original or a certified copy of the deed of trust, the mortgage note ***,*** ~~[and]~~ each assignment of the deed of trust or mortgage note ~~[.]~~ ***and any documents created in connection with a loan modification.*** If the beneficiary of the deed of trust is represented at the mediation by another person, that person must have authority to negotiate a

loan modification on behalf of the beneficiary of the deed of trust or have access at all times during the mediation to a person with such authority.

6. If the beneficiary of the deed of trust or the representative fails to attend the mediation, fails to participate in the mediation in good faith or does not bring to the mediation each document required by subsection 5 or does not have the authority or access to a person with the authority required by subsection 5, the mediator shall prepare and submit to the ~~[Mediation Administrator]~~ ***district court*** a ~~[petition and]~~ recommendation concerning the imposition of sanctions against the beneficiary of the deed of trust or the representative. The court may issue an order imposing such sanctions against the beneficiary of the deed of trust or the representative as the court determines appropriate, including, without limitation, requiring a loan modification in the manner determined proper by the court.

7. If the grantor or the person who holds the title of record is enrolled to participate in mediation pursuant to this section but fails to attend the mediation, the ~~[Mediation Administrator]~~ ***district court shall dismiss the petition. Home Means Nevada, Inc., or its successor organization,*** shall, not later than 30 days after the scheduled mediation, provide to the trustee a certificate which states that no mediation is required in the matter.

8. If the mediator determines that the parties, while acting in good faith, are not able to agree to a loan modification, the mediator shall prepare and submit to the ~~[Mediation Administrator]~~ ***district court*** a recommendation that the ~~[matter be terminated.]~~ ***petition be dismissed. The court may dismiss the petition and if the petition is dismissed, transmit a copy of the order of dismissal to*** ~~[The Mediation Administrator]~~ ***Home Means Nevada, Inc., or its successor organization. Home Means Nevada, Inc., or its successor organization,*** shall, not later than 30 days after ~~[submittal of the mediator's recommendation that the matter be terminated,]~~ ***receipt of such an order,*** provide to the trustee a certificate which provides that the mediation required by this section has been completed in the matter.

9. ***If the parties agree to a loan modification or settlement, the mediator shall notify the district court. Upon receipt of such notification, the court shall enter an order describing the terms of any loan modification or settlement agreement.***

10. Upon receipt of the certificate provided to the trustee by ~~[the Mediation Administrator]~~ ***Home Means Nevada, Inc., or its successor organization,*** pursuant to subsection 4, 7 or 8, if the property is located within a common-interest community, the trustee shall, not later than 10 days after receipt of the certificate, notify the unit-owners' association of the existence of the certificate.

~~[10.]~~ ***11.*** During the pendency of any mediation pursuant to this section, a unit's owner must continue to pay any obligation, other than any past due obligation.

~~[~~11.~~]~~ ***12.*** The Supreme Court shall adopt rules necessary to carry out the provisions of this section. The rules must, without limitation, include provisions:

(a) ~~[~~Designating an entity to serve as the Mediation Administrator pursuant to this section. The entities that may be so designated include, without limitation, the Administrative Office of the Courts, the district court of the county in which the property is situated or any other judicial entity.

~~(b)]~~ Ensuring that mediations occur in an orderly and timely manner.

~~[~~(c)~~]~~ ***(b)*** Requiring each party to a mediation to provide such information as the mediator determines necessary.

~~[~~(d)~~]~~ ***(c)*** Establishing procedures to protect the mediation process from abuse and to ensure that each party to the mediation acts in good faith.

~~[~~(e)~~]~~ ***(d)*** Establishing a total fee of not more than ~~[~~$400~~]~~ ***$500*** that may be charged and collected by the ~~[~~Mediation Administrator~~]~~ ***district court*** for mediation services pursuant to this section and providing that the responsibility for payment of the fee must be shared equally by the parties to the mediation. ***On or before the first Monday of each month, the clerk of the district court shall pay over to the county treasurer an amount equal to $100 of each fee charged and collected pursuant to this paragraph. The county treasurer shall remit quarterly all such amounts turned over to the county treasurer to the State Controller for deposit to the Account for Foreclosure Mediation Assistance created by paragraph (b) of subsection 13 of NRS 107.080.***

~~[~~12.~~]~~ ***(e) Prescribing a form supplied by the district court to file a petition to participate in mediation pursuant to this section.***

13. Except as otherwise provided in subsection ~~[~~14,~~]~~ ***15,*** the provisions of this section do not apply if:

(a) The grantor or the person who holds the title of record has surrendered the property, as evidenced by a letter confirming the surrender or delivery of the keys to the property to the trustee, the beneficiary of the deed of trust or the mortgagee, or an authorized agent thereof; or

(b) A petition in bankruptcy has been filed with respect to the grantor or the person who holds the title of record under chapter 7, 11, 12 or 13 of Title 11 of the United States Code and the bankruptcy court has not entered an order closing or dismissing the case or granting relief from a stay of foreclosure.

~~[~~13.~~]~~ ***14.*** A noncommercial lender is not excluded from the application of this section.

~~[~~14. The Mediation Administrator and each~~]~~

15. Each mediator who acts pursuant to this section in good faith and without gross negligence are immune from civil liability for those acts.

~~[~~15.~~]~~ ***16. Home Means Nevada, Inc., or its successor organization, shall, at least once each calendar quarter, submit to the Interim Finance Committee a report:***

(a) Concerning the status of the Account for Foreclosure Mediation Assistance; and

(b) Any other information required by the Interim Finance Committee.

17. The Administrator of the Division of Internal Audits of the Office of Finance shall cause to be conducted, not less than annually, an audit of Home Means Nevada, Inc., or its successor organization.

18. Home Means Nevada, Inc., or its successor organization, shall develop and maintain an Internet portal for a program of foreclosure mediation to streamline the process of foreclosure mediation. Home Means Nevada, Inc., or its successor organization shall:

(a) Make available on the Internet portal the option to receive by electronic transmission any notification required as part of the process of foreclosure mediation;

(b) Require authorization in writing from any party who wants to receive notification by electronic transmission; and

(c) Authorize notification by electronic transmission at each stage of the process of foreclosure mediation.

19. As used in this section:

(a) "Common-interest community" has the meaning ascribed to it in NRS 116.021.

(b) ~~[~~"Mediation Administrator" means the entity so designated pursuant to subsection 11.

~~(c)~~**]** "Noncommercial lender" means a lender which makes a loan secured by a deed of trust on owner-occupied housing and which is not a bank, financial institution or other entity regulated pursuant to title 55 or 56 of NRS.

~~[(d)]~~ ***(c)*** "Obligation" has the meaning ascribed to it in NRS 116.310313.

~~[(e)]~~ ***(d)*** "Owner-occupied housing" means housing that is occupied by an owner as the owner's primary residence. The term does not include vacant land or any time share or other property regulated under chapter 119A of NRS.

~~[(f)]~~ ***(e)*** "Unit-owners' association" has the meaning ascribed to it in NRS 116.011.

~~[(g)]~~ ***(f)*** "Unit's owner" has the meaning ascribed to it in NRS 116.095.

Sec. 3. NRS 107.0865 is hereby amended to read as follows:

107.0865 1. A mortgagor under a mortgage secured by owner-occupied housing or a grantor or the person who holds the title of record with respect to any trust agreement which concerns owner-occupied housing may initiate mediation to negotiate a loan modification under the mediation process set forth in NRS 107.086 if ***:*** ~~[~~**,** on or before December 31, 2016:~~]~~

(a) A local housing counseling agency approved by the United States Department of Housing and Urban Development certifies that the mortgagor, grantor or person who holds the title of record:

(1) Has a documented financial hardship; and

(2) Is in imminent risk of default; and

(b) The mortgagor, grantor or person who holds the title of record:

(1) ~~[Submits a form prescribed by the Mediation Administrator]~~ ***Files a petition with the district court*** indicating an election to enter into mediation pursuant to this section; ~~[and]~~

(2) ***At the time of filing such a petition, pays to the clerk of the court a fee of $25;***

(3) Pays to the ~~[Mediation Administrator]~~ ***district court*** his or her share of the fee established pursuant to subsection ~~[11]~~ ***12*** of NRS 107.086 ~~[.]~~ ***; and***

(4) Serves a copy of the petition upon Home Means Nevada, Inc., or its successor organization, and the beneficiary of the deed of trust, by certified mail, return receipt requested ~~[.]~~ or, if authorized by the parties, by electronic transmission.

2. Upon ~~[satisfaction of the requirements of]~~ ***receipt of a copy of a petition pursuant to*** subsection 1, ~~[the Mediation Administrator]~~ ***Home Means Nevada, Inc., or its successor organization,*** shall notify the mortgage servicer, by certified mail, return receipt requested ~~[,]~~ ***or, if authorized by the parties, by electronic transmission,*** of the ~~[enrollment]~~ ***petition*** of the mortgagor, grantor or person who holds the title of record to participate in mediation pursuant to this section ***.*** ~~[and]~~ ***Upon receipt of a copy of a petition pursuant to subsection 1, the district court*** shall assign the matter to a senior justice, judge, hearing master or other designee and schedule the matter for mediation. ~~[The mortgage servicer]~~ ***Home Means Nevada, Inc., or its successor organization,*** shall notify ~~[the mortgagee or the beneficiary of the deed of trust, as applicable, and]~~ every other person with an interest as defined in NRS 107.090, by certified mail, return receipt requested ~~[,]~~ ***or, if authorized by the parties, by electronic transmission,*** of the ~~[enrollment]~~ ***petition*** of the mortgagor, grantor or person who holds the title of record to participate in mediation.

3. Each mediation required by this section must be conducted in conformity with the requirements of subsections 5 and 6 of NRS 107.086.

4. If the mediator determines that the parties, while acting in good faith, are not able to agree to a loan modification, the mediator shall prepare and submit to the ~~[Mediation Administrator]~~ ***district court*** a recommendation that the ~~[matter be terminated.]~~ ***petition be dismissed. The court may dismiss the petition and transmit a copy of the order of dismissal to*** ~~[The Mediation Administrator]~~ ***Home Means Nevada, Inc., or its successor organization. Home Means Nevada, Inc., or its successor organization*** shall, not later than 30 days after ~~[submittal of the mediator's recommendation that the matter be terminated,]~~ ***receipt of the order of dismissal,*** provide to the mortgage servicer a certificate which provides that the mediation required by this section has been completed in the matter. If ~~[the Mediation Administrator]~~ ***Home Means Nevada, Inc., or its successor organization,*** provides such a certificate, the requirement for mediation pursuant to NRS 107.086 is satisfied.

5. The certificate provided pursuant to subsection 4 must be in the same form as the certificate provided pursuant to subsection 8 of NRS 107.086, and may be recorded in the office of the county recorder in which the trust property, or some part thereof, is situated. The recording of the certificate in the office of the county recorder in which the trust property, or some part thereof, is situated shall be deemed to be the recording of the certificate required pursuant to subparagraph (2) of paragraph (e) of subsection 2 of NRS 107.086.

6. A noncommercial lender is not excluded from the application of this section.

7. ~~[~~The Mediation Administrator~~]~~ ***Home Means Nevada, Inc., or its successor organization,*** and each mediator who acts pursuant to this section in good faith and without gross negligence are immune from civil liability for those acts.

8. As used in this section:

(a) "Financial hardship" means a documented event that would prevent the long-term payment of any debt relating to a mortgage or deed of trust secured by owner-occupied housing, including, without limitation:

(1) The death of the borrower or co-borrower;

(2) Serious illness;

(3) Divorce or separation; or

(4) Job loss or a reduction in pay.

(b) "Imminent risk of default" means the inability of a grantor or the person who holds the title of record to make his or her mortgage payment within the next 90 days.

(c) ~~[~~"Mediation Administrator" has the meaning ascribed to it in NRS 107.086.

~~(d)]~~ "Noncommercial lender" has the meaning ascribed to it in NRS 107.086.

~~[(e)]~~ ***(d)*** "Owner-occupied housing" has the meaning ascribed to it in NRS 107.086.

Sec. 3.5. NRS 107.095 is hereby amended to read as follows:

107.095 1. The notice of default required by NRS 107.080 must also be sent by registered or certified mail, return receipt requested and with postage prepaid ~~[,]~~ ***or, if authorized by the parties, by electronic transmission*** to each guarantor or surety of the debt. If the address of the guarantor or surety is unknown, the notice must be sent to the address of the trust property. Failure to give the notice, except as otherwise provided in subsection 3, releases the guarantor or surety from his or her obligation to the beneficiary, but does not affect the validity of a sale conducted pursuant to NRS 107.080 or the obligation of any guarantor or surety to whom the notice was properly given.

2. Failure to give the notice of default required by NRS 107.090, except as otherwise provided in subsection 3, releases the obligation to the beneficiary of any person who has complied with NRS 107.090 and who is

or may otherwise be held liable for the debt or other obligation secured by the deed of trust, but such a failure does not affect the validity of a sale conducted pursuant to NRS 107.080 or the obligation of any person to whom the notice was properly given pursuant to this section or to NRS 107.080 or 107.090.

3. A guarantor, surety or other obligor is not released pursuant to this section if:

(a) The required notice is given at least 15 days before the later of:

(1) The expiration of the 15- or 35-day period described in paragraph (a) of subsection 2 of NRS 107.080;

(2) In the case of any trust agreement which concerns owner-occupied housing as defined in NRS 107.086, the expiration of the period described in paragraph ~~[(b)]~~ ***(a)*** of subsection ~~[2]~~ ***1*** of ~~[NRS 107.080;]~~ ***section 1 of this act;*** or

(3) Any extension of the applicable period by the beneficiary; or

(b) The notice is rescinded before the sale is advertised.

Sec. 4. NRS 107.550 is hereby amended to read as follows:

107.550 1. A civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan must be dismissed without prejudice, any notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 or any notice of sale recorded pursuant to subsection 4 of NRS 107.080 must be rescinded, and any pending foreclosure sale must be cancelled, if:

(a) The borrower accepts a permanent foreclosure prevention alternative;

(b) A notice of sale is not recorded within 9 months after the notice of default and election to sell is recorded pursuant to subsection 2 of NRS 107.080; or

(c) A foreclosure sale is not conducted within 90 calendar days after a notice of sale is recorded pursuant to subsection 4 of NRS 107.080.

2. The periods specified in paragraphs (b) and (c) of subsection 1 are tolled:

(a) If a borrower has filed a case under 11 U.S.C. Chapter 7, 11, 12 or 13, until the bankruptcy court enters an order closing or dismissing the bankruptcy case or granting relief from a stay of foreclosure or trustee's sale;

(b) If mediation pursuant to NRS 107.086 is required, until the date on which ~~[the Mediation Administrator, as defined in NRS 107.086,]~~ ***Home Means Nevada, Inc., or its successor organization,*** issues the certificate ***pursuant to NRS 107.086*** that mediation has been completed in the matter;

(c) If mediation pursuant to NRS 40.437 is required or if a court orders participation in a settlement program, until the date on which the mediation or participation in a settlement program is terminated; or

(d) If a borrower has submitted an application for a foreclosure prevention alternative, until the date on which:

(1) A written offer for a foreclosure prevention alternative is submitted to the borrower;

(2) A written statement of the denial of the application has been submitted to the borrower pursuant to subsection 4 of NRS 107.530, and any appeal period pursuant to subsection 5 of NRS 107.530 has expired; or

(3) If the borrower has appealed the denial of an application for a foreclosure prevention alternative, a written offer for a foreclosure prevention alternative or a written denial of the appeal is submitted to the borrower.

3. If, pursuant to subsection 1, a civil action is dismissed, a notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 or any notice of sale recorded pursuant to subsection 4 of NRS 107.080 is rescinded, or any pending foreclosure sale is cancelled, the mortgagee or beneficiary of the deed of trust is thereupon restored to its former position and has the same rights as though an action for a judicial foreclosure had not been commenced or a notice of default and election to sell had not been recorded.

Sec. 5. NRS 40.437 is hereby amended to read as follows:

40.437 1. An action pursuant to NRS 40.430 affecting owner-occupied housing that is commenced in a court of competent jurisdiction ~~[on or before December 1, 2016,]~~ is subject to the provisions of this section.

2. In an action described in subsection 1:

(a) The copy of the complaint served on the mortgagor must include a separate document containing:

(1) Contact information which the mortgagor may use to reach a person with authority to negotiate a loan modification on behalf of the plaintiff;

(2) Contact information for at least one local housing counseling agency approved by the United States Department of Housing and Urban Development;

(3) A notice provided by ~~[the Mediation Administrator]~~ ***Home Means Nevada, Inc., or its successor organization,*** indicating that the mortgagor ~~[will be enrolled]~~ ***may petition the court*** to participate in mediation pursuant to this section if he or she pays to the ~~[Mediation Administrator]~~ ***court*** his or her share of the fee established pursuant to subsection ~~[11]~~ ***12*** of NRS 107.086; and

(4) A form upon which the mortgagor may indicate an election to enter into mediation or to waive mediation pursuant to this section and one envelope addressed to the plaintiff and one envelope addressed to ~~[the Mediation Administrator,]~~ ***Home Means Nevada, Inc., or its successor organization,*** which the mortgagor may use to comply with the provisions of subsection 3; and

(b) The plaintiff must submit a copy of the complaint to ~~[the Mediation Administrator.]~~ ***Home Means Nevada, Inc., or its successor organization.***

3. If the mortgagor elects to waive mediation, he or she shall, not later than the date on which an answer to the complaint is due ~~[or December 31, 2016, whichever is earlier,]~~ complete the form required by subparagraph (4) of paragraph (a) of subsection 2 and file the form with the court and return a copy of the form to the plaintiff by certified mail, return receipt requested ~~[.]~~

or, if authorized by the parties, by electronic transmission. If the mortgagor does not elect to waive mediation, he or she shall, not later than the date on which an answer to the complaint is due, pay to the ~~[~~Mediation Administrator~~]~~ ***court*** his or her share of the fee established pursuant to subsection ~~[~~11~~]~~ ***12*** of NRS 107.086. Upon receipt of the share of the fee established pursuant to subsection ~~[~~11~~]~~ ***12*** of NRS 107.086 owed by the mortgagor, the ~~[~~Mediation Administrator~~]~~ ***court*** shall notify the plaintiff, by certified mail, return receipt requested ~~[~~,~~]~~ ***or, if authorized by the parties, by electronic transmission,*** of the ~~[~~enrollment~~]~~ ***grant of the petition*** of the mortgagor to participate in mediation pursuant to this section and shall assign the matter to a senior justice, judge, hearing master or other designee and schedule the matter for mediation. Upon the plaintiff's receipt of such notice, the plaintiff shall notify any person with an interest as defined in NRS 107.090, by certified mail, return receipt requested ~~[~~,~~]~~ ***or, if authorized by the parties, by electronic transmission,*** of the election of the mortgagor to participate in mediation. The judicial foreclosure action must be stayed until the completion of the mediation. If the mortgagor indicates on the form required by subparagraph (4) of paragraph (a) of subsection 2 of his or her election to waive mediation or fails to pay the ~~[~~Mediation Administrator~~]~~ ***court*** his or her share of the fee established pursuant to subsection ~~[~~11~~]~~ ***12*** of NRS 107.086, as required by this subsection, no mediation is required in the action and the action pursuant to NRS 40.430 must proceed.

4. Each mediation required by this section must be conducted by a senior justice, judge, hearing master or other designee pursuant to the rules adopted pursuant to subsection ~~[~~11~~]~~ ***12*** of NRS 107.086. The plaintiff or a representative, and the mortgagor or his or her representative, shall attend the mediation. If the plaintiff is represented at the mediation by another person, that person must have authority to negotiate a loan modification on behalf of the plaintiff or have access at all times during the mediation to a person with such authority.

5. If the plaintiff or the representative fails to attend the mediation, fails to participate in the mediation in good faith or does not have the authority or access to a person with the authority required by subsection 4, the mediator shall prepare and submit to the ~~[~~Mediation Administrator and the~~]~~ court a petition and recommendation concerning the imposition of sanctions against the plaintiff or the representative. The court may issue an order imposing such sanctions against the plaintiff or the representative as the court determines appropriate, including, without limitation, requiring a loan modification in the manner determined proper by the court.

6. If the mortgagor is enrolled to participate in mediation pursuant to this section but fails to attend the mediation, no mediation is required and the judicial foreclosure action must proceed as if the mortgagor had elected to waive mediation.

7. If the mediator determines that the parties, while acting in good faith, are not able to agree to a loan modification, the mediator shall prepare and

submit to the court ~~[~~and the Mediation Administrator~~]~~ a recommendation that the mediation be terminated. The court may terminate the mediation and proceed with the judicial foreclosure action.

8. The rules adopted by the Supreme Court pursuant to subsection ~~[11]~~ ***12*** of NRS 107.086 apply to a mediation conducted pursuant to this section, and the Supreme Court may adopt any additional rules necessary to carry out the provisions of this section.

9. Except as otherwise provided in subsection 11, the provisions of this section do not apply if:

(a) The mortgagor has surrendered the property, as evidenced by a letter confirming the surrender or delivery of the keys to the property to the trustee, the beneficiary of the deed of trust or the mortgagee, or an authorized agent thereof; or

(b) A petition in bankruptcy has been filed with respect to the defendant under 11 U.S.C. Chapter 7, 11, 12 or 13 and the bankruptcy court has not entered an order closing or dismissing the case or granting relief from a stay of foreclosure.

10. A noncommercial lender is not excluded from the application of this section.

11. ~~[~~The Mediation Administrator and each~~]~~ ***Each*** mediator who acts pursuant to this section in good faith and without gross negligence are immune from civil liability for those acts.

12. As used in this section:

(a) ~~[~~"Mediation Administrator" has the meaning ascribed to it in NRS 107.086.

~~(b)]~~ "Mortgagor" includes the grantor of a deed of trust or the person who holds the title of record to the real property.

~~[(c)]~~ ***(b)*** "Noncommercial lender" has the meaning ascribed to it in NRS 107.086.

~~[(d)]~~ ***(c)*** "Owner-occupied housing" has the meaning ascribed to it in NRS 107.086.

Sec. 5.5. NRS 100.091 is hereby amended to read as follows:

100.091 1. For each loan requiring the deposit of money to an escrow account, loan trust account or other impound account for the payment of taxes, assessments, rental or leasehold payments, insurance premiums or other obligations related to the encumbered property, the lender shall:

(a) Require contributions in an amount reasonably necessary to pay the obligations as they become due.

(b) Unless money in the account is insufficient, pay in a timely manner the obligations as they become due.

(c) At least annually, analyze the account. The analysis of each account must be performed to determine whether sufficient money is contributed to the account on a monthly basis to pay for the projected disbursements from the account. At least 30 days before the effective date of any increased contribution to the account based on the analysis, a statement must be sent to

the borrower showing the method of determining the amount of money held in the account, the amount of projected disbursements from the account and the amount of the reserves which may be held in accordance with federal guidelines.

2. If, upon completion of the analysis, it is determined that an account is not sufficiently funded to pay from the normal payment the items when due on the account, the lender shall offer the borrower the opportunity to correct the deficiency by making one lump-sum payment or by making increased monthly contributions, in an amount required by the lender. The lender shall not declare a default on the account solely because the borrower is unable to pay the amount of the deficiency in one lump sum.

3. Except for payments made by a borrower for a lender to recover previous deficiencies in contributions to the account pursuant to subsection 2, the borrower is entitled pursuant to subsection 4 to the amount by which the borrower's contributions to the account exceed the amount reasonably necessary to pay the annual obligations due from the account, together with interest thereon at the rate established pursuant to NRS 99.040.

4. If, upon completion of the analysis, it is determined that the amount of money held by the lender in the account, together with anticipated future monthly contributions to the account to be credited to the account before the dates items are due on the account, exceed the amount of money required to pay the items when due, the lender shall, not later than 30 days after completion of its annual review of the account, notify the borrower:

(a) Of the amount by which the contributions and interest earned pursuant to subsection 3 exceed the amount reasonably necessary to pay the annual obligations due from the account; and

(b) That the borrower may, not later than 20 days after receipt of the notice, specify that the lender:

(1) Repay the excess money and interest promptly to the borrower;

(2) Apply the excess money and interest to the outstanding principal balance; or

(3) Retain the excess money and interest in the account.

5. If the borrower fails to specify the disposition of the excess money and interest as provided in paragraph (b) of subsection 4, the lender shall maintain the excess money and interest in the account.

6. If any payment on the loan is delinquent at the time of the analysis, the lender shall retain any excess money and interest in the account and apply the excess money and interest in the account toward payment of the delinquency.

7. A lender who violates any provision of subsections 4, 5 and 6 is liable to the borrower for a civil penalty of not more than $1,000.

8. The provisions of this section apply exclusively to:

(a) A loan secured by a single family residence, as that term is defined in ~~[~~NRS 107.080;~~]~~ ***section 1 of this act;*** and

(b) A unit in a common-interest community that is used exclusively for residential use, as those terms are defined in chapter 116 of NRS.

9. As used in this section:

(a) "Borrower" means any person who receives a loan secured by real property and who is required to make advance contributions for the payment of taxes, insurance premiums or other expenses related to the property.

(b) "Lender" means any person who makes loans secured by real property and who requires advance contributions for the payment of taxes, insurance premiums or other expenses related to the property.

Sec. 6. NRS 116.31162 is hereby amended to read as follows:

116.31162 1. Except as otherwise provided in subsection 5, 6 or 7, in a condominium, in a planned community, in a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, or in a cooperative where the owner's interest in a unit is personal property under NRS 116.1105 and the declaration provides that a lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the association may foreclose its lien by sale after all of the following occur:

(a) The association has mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest, at his or her address, if known, and at the address of the unit ~~[,]~~ ***or, if the authorized by the parties, delivered by electronic transmission,*** a notice of delinquent assessment which states the amount of the assessments and other sums which are due in accordance with subsection 1 of NRS 116.3116, a description of the unit against which the lien is imposed and the name of the record owner of the unit.

(b) Not less than 30 days after mailing ***or delivering by electronic transmission*** the notice of delinquent assessment pursuant to paragraph (a), the association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, a notice of default and election to sell the unit to satisfy the lien which must contain the same information as the notice of delinquent assessment and which must also comply with the following:

(1) Describe the deficiency in payment.

(2) State the total amount of the deficiency in payment, with a separate statement of:

(I) The amount of the association's lien that is prior to the first security interest on the unit pursuant to subsection 3 of NRS 116.3116 as of the date of the notice;

(II) The amount of the lien described in sub-subparagraph (I) that is attributable to assessments based on the periodic budget adopted by the association pursuant to NRS 116.3115 as of the date of the notice;

(III) The amount of the lien described in sub-subparagraph (I) that is attributable to amounts described in NRS 116.310312 as of the date of the notice; and

(IV) The amount of the lien described in sub-subparagraph (I) that is attributable to the costs of enforcing the association's lien as of the date of the notice.

(3) State that:

(I) If the holder of the first security interest on the unit does not satisfy the amount of the association's lien that is prior to that first security interest pursuant to subsection 3 of NRS 116.3116, the association may foreclose its lien by sale and that the sale may extinguish the first security interest as to the unit; and

(II) If, not later than 5 days before the date of the sale, the holder of the first security interest on the unit satisfies the amount of the association's lien that is prior to that first security interest pursuant to subsection 3 of NRS 116.3116 and, not later than 2 days before the date of the sale, a record of such satisfaction is recorded in the office of the recorder of the county in which the unit is located, the association may foreclose its lien by sale but the sale may not extinguish the first security interest as to the unit.

(4) State the name and address of the person authorized by the association to enforce the lien by sale.

(5) Contain, in 14-point bold type, the following warning:

WARNING! IF YOU FAIL TO PAY THE AMOUNT SPECIFIED IN THIS NOTICE, YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE!

(c) The unit's owner or his or her successor in interest has failed to pay the amount of the lien, including costs, fees and expenses incident to its enforcement, for 90 days following the recording of the notice of default and election to sell.

(d) The unit's owner or his or her successor in interest, or the holder of a recorded security interest on the unit, has, for a period which commences in the manner and subject to the requirements described in subsection 3 and which expires 5 days before the date of sale, failed to pay the assessments and other sums that are due to the association in accordance with subsection 1 of NRS 116.3116.

(e) The association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, an affidavit which states, based on the direct, personal knowledge of the affiant, the personal knowledge which the affiant acquired by a review of a trustee sale guarantee or a similar product or the personal knowledge which the affiant acquired by a review of the business records of the association or other person conducting the sale, which business records must meet the standards set forth in NRS 51.135, the following:

(1) The name of each holder of a security interest on the unit to which the notice of default and election to sell and the notice of sale was mailed, as

required by subsection 2 of NRS 116.31163 and paragraph (d) of subsection 1 of NRS 116.311635; and

(2) The address at which the notices were mailed to each such holder of a security interest.

2. The notice of default and election to sell must be signed by the person designated in the declaration or by the association for that purpose or, if no one is designated, by the president of the association.

3. The period of 90 days described in paragraph (c) of subsection 1 begins on the first day following:

(a) The date on which the notice of default and election to sell is recorded; or

(b) The date on which a copy of the notice of default and election to sell is mailed by certified or registered mail, return receipt requested ~~[,]~~ ***or delivered by electronic transmission, as applicable,*** to the unit's owner or his or her successor in interest at his or her address, if known, and at the address of the unit,

➥ whichever date occurs later.

4. An association may not mail ***or deliver by electronic transmission*** to a unit's owner or his or her successor in interest a letter of its intent to mail ***or deliver by electronic transmission*** a notice of delinquent assessment pursuant to paragraph (a) of subsection 1, mail ***or deliver by electronic transmission*** the notice of delinquent assessment or take any other action to collect a past due obligation from a unit's owner or his or her successor in interest unless:

(a) Not earlier than 60 days after the obligation becomes past due, the association mails to the address on file for the unit's owner ~~[,]~~ ***or, if authorized by the parties, delivers by electronic transmission:***

(1) A schedule of the fees that may be charged if the unit's owner fails to pay the past due obligation;

(2) A proposed repayment plan; and

(3) A notice of the right to contest the past due obligation at a hearing before the executive board and the procedures for requesting such a hearing; and

(b) Within 30 days after the date on which the information described in paragraph (a) is mailed ~~[,]~~ ***or delivered by electronic transmission, as applicable,*** the past due obligation has not been paid in full or the unit's owner or his or her successor in interest has not entered into a repayment plan or requested a hearing before the executive board. If the unit's owner or his or her successor in interest requests a hearing or enters into a repayment plan within 30 days after the date on which the information described in paragraph (a) is mailed ***or delivered by electronic transmission, as applicable,*** and is unsuccessful at the hearing or fails to make a payment under the repayment plan within 10 days after the due date, the association may take any lawful action pursuant to subsection 1 to enforce its lien.

5. The association may not foreclose a lien by sale if the association has not mailed a copy of the notice of default and election to sell and a copy of the notice of sale to each holder of a security interest on the unit in the manner and subject to the requirements set forth in subsection 2 of NRS 116.31163 and paragraph (d) of subsection 1 of 116.311635.

6. The association may not foreclose a lien by sale based on a fine or penalty for a violation of the governing documents of the association unless:

(a) The violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community; or

(b) The penalty is imposed for failure to adhere to a schedule required pursuant to NRS 116.310305.

7. The association may not foreclose a lien by sale if the association has received notice pursuant to NRS 107.086 that the unit is subject to foreclosure mediation pursuant to that section, unless:

(a) The trustee of record has recorded the certificate provided to the trustee pursuant to subparagraph (1) or (2) of paragraph (e) of subsection 2 of NRS 107.086; or

(b) The unit's owner has failed to pay to the association any amounts enforceable as assessments pursuant to subsection 1 of NRS 116.3116 that become due during the pendency of foreclosure mediation pursuant to NRS 107.086, other than past due obligations as described in subsection **[**~~10~~**]** ***11*** of NRS 107.086.

Sec. 7. Section 10.5 of chapter 517, Statutes of Nevada 2015, at page 3334, is hereby amended to read as follows:

Sec. 10.5. If the **[**~~Court Administrator~~**]** ***Interim Finance Committee*** determines that money in the Account for Foreclosure Mediation ***Assistance*** created by NRS 107.080 is not sufficient to support the mediation process set forth in NRS 107.086, as amended by section 2.5 of this act, and the mediation process set forth in section 1 of this act, **[**~~the Court Administrator~~**]** ***Home Means Nevada, Inc., or its successor organization,*** may submit to the Interim Finance Committee a request for an allocation from the Contingency Account created by NRS 353.266 for deposit in the Account for Foreclosure Mediation ***Assistance*** for such purpose.

Sec. 8. Section 13 of chapter 517, Statutes of Nevada 2015, at page 3334, is hereby amended to read as follows:

Sec. 13. 1. This section and sections 2.5, 8.5, 10.5 and 11 of this act become effective upon passage and approval.

2. Section 1 of this act becomes effective upon passage and approval **.** **[**~~and expires by limitation on June 30, 2017.~~

~~3. Sections 1.5, 2, 3 to 8, inclusive, 9, 10 and 12 of this act become effective on June 30, 2017.~~

~~4. Section 10.5 of this act expires by limitation on June 30, 2017.~~**]**

Sec. 9. The State Controller shall transfer to the Account for Foreclosure Mediation Assistance created by NRS 107.080, as amended by section 1.5 of this act, as soon as practicable on or after the effective date of this act, all money remaining in the Account for Foreclosure Mediation created by NRS 107.080 that has not been committed for expenditure.

Sec. 9.5. **1. Notwithstanding any other provision of law, a person may enroll in the Foreclosure Mediation Program if:**

(a) The person otherwise could have enrolled in the Foreclosure Mediation Program after December 31, 2016, or was mailed a notice of default and election to sell pursuant to NRS 107.080 after December 2, 2016;

(b) Before the effective date of this act, the person received a notice of default required by NRS 107.080 or a civil action was commenced against the person pursuant to NRS 40.430; and

(c) Before the effective date of this act, the property has not been sold.

2. A person described in subsection 1 shall have until 30 days after the effective date of this act to enroll in the Foreclosure Mediation Program.

Sec. 10. ~~[1. The amendatory provisions of this act apply to any person who:~~

~~(a) Otherwise could have enrolled in the Foreclosure Mediation Program after December 31, 2016, or was mailed a notice of default and election to sell after December 2, 2016; and~~

~~(b) Received a notice of default required by NRS 107.080 before the effective date of this act. Such a person shall have until the date 30 days after the effective date of this act to enroll in the Foreclosure Mediation Program.~~

~~2.]~~ The amendatory provisions of sections 1 and 1.5 of this act apply only to a notice of default and election to sell which is recorded pursuant to NRS 107.080, as amended by section 1.5 of this act, on or after the effective date of this act.

Sec. 11. Sections 1.5, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of chapter 517, Statutes of Nevada 2015, at pages 3317, 3322, 3327, 3328, 3330, 3333 and 3334, are hereby repealed.

Sec. 12. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTIONS

Section 1.5 of chapter 517, Statutes of Nevada 2015, at page 3317:

Sec. 1.5. NRS 107.080 is hereby amended to read as follows:

107.080 1. Except as otherwise provided in NRS 106.210 ~~[,]~~ ***and*** 107.085**,** ~~[and 107.086,]~~ if any transfer in trust of any estate in real property is made after March 29, 1927, to secure the performance of an obligation or the payment of any debt, a power of sale is hereby conferred upon the trustee to be exercised after a breach of the obligation for which the transfer is security.

2. The power of sale must not be exercised, however, until:

(a) Except as otherwise provided in paragraph (b), in the case of any trust agreement coming into force:

(1) On or after July 1, 1949, and before July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 15 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment; or

(2) On or after July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 35 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment.

(b) In the case of any trust agreement which concerns owner-occupied housing**, [**~~as defined in NRS 107.086,~~**]** the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period that commences in the manner and subject to the requirements described in subsection 3 and expires 5 days before the date of sale, failed to make good the deficiency in performance or payment.

(c) The beneficiary, the successor in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the recorder of the county wherein the trust property, or some part thereof, is situated a notice of the breach and of the election to sell or cause to be sold the property to satisfy the obligation which, except as otherwise provided in this paragraph, includes a notarized affidavit of authority to exercise the power of sale. Except as otherwise provided in subparagraph (5), the affidavit required by this paragraph must state under the penalty of perjury the following information, which must be based on the direct, personal knowledge of the affiant or the personal knowledge which the affiant acquired by a review of the business records of the beneficiary, the successor in interest of the beneficiary or the servicer of the obligation or debt secured by the deed of trust, which business records must meet the standards set forth in NRS 51.135:

(1) The full name and business address of the current trustee or the current trustee's personal representative or assignee, the current holder of the note secured by the deed of trust, the current beneficiary of record and the current servicer of the obligation or debt secured by the deed of trust.

(2) That the beneficiary under the deed of trust, the successor in interest of the beneficiary or the trustee is in actual or constructive possession of the note secured by the deed of trust or that the beneficiary or its successor in interest or the trustee is entitled to enforce the

obligation or debt secured by the deed of trust. For the purposes of this subparagraph, if the obligation or debt is an instrument, as defined in subsection 2 of NRS 104.3103, a beneficiary or its successor in interest or the trustee is entitled to enforce the instrument if the beneficiary or its successor in interest or the trustee is:

(I) The holder of the instrument;

(II) A nonholder in possession of the instrument who has the rights of a holder; or

(III) A person not in possession of the instrument who is entitled to enforce the instrument pursuant to a court order issued under NRS 104.3309.

(3) That the beneficiary or its successor in interest, the servicer of the obligation or debt secured by the deed of trust or the trustee, or an attorney representing any of those persons, has sent to the obligor or borrower of the obligation or debt secured by the deed of trust a written statement of:

(I) The amount of payment required to make good the deficiency in performance or payment, avoid the exercise of the power of sale and reinstate the terms and conditions of the underlying obligation or debt existing before the deficiency in performance or payment, as of the date of the statement;

(II) The amount in default;

(III) The principal amount of the obligation or debt secured by the deed of trust;

(IV) The amount of accrued interest and late charges;

(V) A good faith estimate of all fees imposed in connection with the exercise of the power of sale; and

(VI) Contact information for obtaining the most current amounts due and the local or toll-free telephone number described in subparagraph (4).

(4) A local or toll-free telephone number that the obligor or borrower of the obligation or debt may call to receive the most current amounts due and a recitation of the information contained in the affidavit.

(5) The date and the recordation number or other unique designation of, and the name of each assignee under, each recorded assignment of the deed of trust. The information required to be stated in the affidavit pursuant to this subparagraph may be based on:

(I) The direct, personal knowledge of the affiant;

(II) The personal knowledge which the affiant acquired by a review of the business records of the beneficiary, the successor in interest of the beneficiary or the servicer of the obligation or debt secured by the deed of trust, which business records must meet the standards set forth in NRS 51.135;

(III) Information contained in the records of the recorder of the county in which the property is located; or

(IV) The title guaranty or title insurance issued by a title insurer or title agent authorized to do business in this State pursuant to chapter 692A of NRS.

➥ The affidavit described in this paragraph is not required for the exercise of the trustee's power of sale with respect to any trust agreement which concerns a time share within a time-share plan created pursuant to chapter 119A of NRS if the power of sale is being exercised for the initial beneficiary under the deed of trust or an affiliate of the initial beneficiary.

(d) The beneficiary or its successor in interest or the servicer of the obligation or debt secured by the deed of trust has instructed the trustee to exercise the power of sale with respect to the property.

(e) Not less than 3 months have elapsed after the recording of the notice or, if the notice includes an affidavit and a certification indicating that, pursuant to NRS 107.130, an election has been made to use the expedited procedure for the exercise of the power of sale with respect to abandoned residential property, not less than 60 days have elapsed after the recording of the notice.

3. The 15- or 35-day period provided in paragraph (a) of subsection 2, or the period provided in paragraph (b) of subsection 2, commences on the first day following the day upon which the notice of default and election to sell is recorded in the office of the county recorder of the county in which the property is located and a copy of the notice of default and election to sell is mailed by registered or certified mail, return receipt requested and with postage prepaid to the grantor or, to the person who holds the title of record on the date the notice of default and election to sell is recorded, and, if the property is operated as a facility licensed under chapter 449 of NRS, to the State Board of Health, at their respective addresses, if known, otherwise to the address of the trust property. The notice of default and election to sell must:

(a) Describe the deficiency in performance or payment and may contain a notice of intent to declare the entire unpaid balance due if acceleration is permitted by the obligation secured by the deed of trust, but acceleration must not occur if the deficiency in performance or payment is made good and any costs, fees and expenses incident to the preparation or recordation of the notice and incident to the making good of the deficiency in performance or payment are paid within the time specified in subsection 2;

(b) If the property is subject to the requirements of NRS 107.400 to 107.560, inclusive, contain the declaration required by subsection 6 of NRS 107.510;

(c) If, pursuant to NRS 107.130, an election has been made to use the expedited procedure for the exercise of the power of sale with respect to

abandoned residential property, include the affidavit and certification required by subsection 6 of NRS 107.130; and

(d) If the property is a residential foreclosure, comply with the provisions of NRS 107.087.

4. The trustee, or other person authorized to make the sale under the terms of the trust deed or transfer in trust, shall, after expiration of the applicable period specified in paragraph (d) of subsection 2 following the recording of the notice of breach and election to sell, and before the making of the sale, give notice of the time and place thereof by recording the notice of sale and by:

(a) Providing the notice to each trustor, any other person entitled to notice pursuant to this section and, if the property is operated as a facility licensed under chapter 449 of NRS, the State Board of Health, by personal service or by mailing the notice by registered or certified mail to the last known address of the trustor and any other person entitled to such notice pursuant to this section;

(b) Posting a similar notice particularly describing the property, for 20 days successively, in a public place in the county where the property is situated;

(c) Publishing a copy of the notice three times, once each week for 3 consecutive weeks, in a newspaper of general circulation in the county where the property is situated or, if the property is a time share, by posting a copy of the notice on an Internet website and publishing a statement in a newspaper in the manner required by subsection 3 of NRS 119A.560; and

(d) If the property is a residential foreclosure, complying with the provisions of NRS 107.087.

5. Every sale made under the provisions of this section and other sections of this chapter vests in the purchaser the title of the grantor and any successors in interest without equity or right of redemption. A sale made pursuant to this section must be declared void by any court of competent jurisdiction in the county where the sale took place if:

(a) The trustee or other person authorized to make the sale does not substantially comply with the provisions of this section or any applicable provision of NRS ~~[107.086 and]~~ 107.087;

(b) Except as otherwise provided in subsection 6, an action is commenced in the county where the sale took place within 45 days after the date of the sale; and

(c) A notice of lis pendens providing notice of the pendency of the action is recorded in the office of the county recorder of the county where the sale took place within 15 days after commencement of the action.

6. If proper notice is not provided pursuant to subsection 3 or paragraph (a) of subsection 4 to the grantor, to the person who holds the title of record on the date the notice of default and election to sell is

recorded, to each trustor or to any other person entitled to such notice, the person who did not receive such proper notice may commence an action pursuant to subsection 5 within 60 days after the date on which the person received actual notice of the sale.

7. If, in an action brought by the grantor or the person who holds title of record in the district court in and for the county in which the real property is located, the court finds that the beneficiary, the successor in interest of the beneficiary or the trustee did not comply with any requirement of subsection 2, 3 or 4, the court must award to the grantor or the person who holds title of record:

(a) Damages of $5,000 or treble the amount of actual damages, whichever is greater;

(b) An injunction enjoining the exercise of the power of sale until the beneficiary, the successor in interest of the beneficiary or the trustee complies with the requirements of subsections 2, 3 and 4; and

(c) Reasonable attorney's fees and costs,

➥ unless the court finds good cause for a different award. The remedy provided in this subsection is in addition to the remedy provided in subsection 5.

8. The sale of a lease of a dwelling unit of a cooperative housing corporation vests in the purchaser title to the shares in the corporation which accompany the lease.

9. After a sale of property is conducted pursuant to this section, the trustee shall:

(a) Within 30 days after the date of the sale, record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located; or

(b) Within 20 days after the date of the sale, deliver the trustee's deed upon sale to the successful bidder. Within 10 days after the date of delivery of the deed by the trustee, the successful bidder shall record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located.

10. If the successful bidder fails to record the trustee's deed upon sale pursuant to paragraph (b) of subsection 9, the successful bidder:

(a) Is liable in a civil action to any party that is a senior lienholder against the property that is the subject of the sale in a sum of up to $500 and for reasonable attorney's fees and the costs of bringing the action; and

(b) Is liable in a civil action for any actual damages caused by the failure to comply with the provisions of subsection 9 and for reasonable attorney's fees and the costs of bringing the action.

11. The county recorder shall, in addition to any other fee, at the time of recording a notice of default and election to sell collect:

(a) A fee of $150 for deposit in the State General Fund.

(b) ~~[A fee of $45 for deposit in the Account for Foreclosure Mediation, which is hereby created in the State General Fund. The Account must be administered by the Court Administrator, and the money in the Account may be expended only for the purpose of supporting a program of foreclosure mediation established by Supreme Court Rule.~~

~~(c)]~~ A fee of $5 to be paid over to the county treasurer on or before the fifth day of each month for the preceding calendar month. The county recorder may direct that 1.5 percent of the fees collected by the county recorder pursuant to this paragraph be transferred into a special account for use by the office of the county recorder. The county treasurer shall remit quarterly to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent all the money received from the county recorder pursuant to this paragraph.

12. The fees collected pursuant to ~~[paragraphs]~~ ***paragraph*** (a) ~~[and (b)]~~ of subsection 11 must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and, except as otherwise provided in this subsection, must be placed to the credit of the State General Fund**.** ~~[or the Account for Foreclosure Mediation as prescribed pursuant to subsection 11.]~~ The county recorder may direct that 1.5 percent of the fees collected by the county recorder be transferred into a special account for use by the office of the county recorder. The county treasurer shall, on or before the 15th day of each month, remit the fees deposited by the county recorder pursuant to this subsection to the State Controller for credit to the State General Fund. ~~[or the Account as prescribed in subsection 11.]~~

13. The beneficiary, the successor in interest of the beneficiary or the trustee who causes to be recorded the notice of default and election to sell shall not charge the grantor or the successor in interest of the grantor any portion of any fee required to be paid pursuant to subsection 11.

14. As used in this section:

(a) ***"Owner-occupied housing" means housing that is occupied by an owner as the owner's primary residence. The term does not include vacant land or any time share or other property regulated under chapter 119A of NRS.***

(b) "Residential foreclosure" means the sale of a single family residence under a power of sale granted by this section. As used in this paragraph, "single family residence":

(1) Means a structure that is comprised of not more than four units.

(2) Does not include vacant land or any time share or other property regulated under chapter 119A of NRS.

~~[(b)]~~ ***(c)*** "Trustee" means the trustee of record.

Section 2 of chapter 517, Statutes of Nevada 2015, at page 3322:

Sec. 2. NRS 107.085 is hereby amended to read as follows:

107.085 1. With regard to a transfer in trust of an estate in real property to secure the performance of an obligation or the payment of a debt, the provisions of this section apply to the exercise of a power of sale pursuant to NRS 107.080 only if:

(a) The trust agreement becomes effective on or after October 1, 2003, and, on the date the trust agreement is made, the trust agreement is subject to the provisions of § 152 of the Home Ownership and Equity Protection Act of 1994, 15 U.S.C. § 1602(bb), and the regulations adopted by the Board of Governors of the Federal Reserve System pursuant thereto, including, without limitation, 12 C.F.R. § 226.32; or

(b) The trust agreement concerns owner-occupied housing as defined in NRS ~~[107.086.]~~ ***107.080.***

2. The trustee shall not exercise a power of sale pursuant to NRS 107.080 unless:

(a) In the manner required by subsection 3, not later than 60 days before the date of the sale, the trustee causes to be served upon the grantor or the person who holds the title of record a notice in the form described in subsection 3; and

(b) If an action is filed in a court of competent jurisdiction claiming an unfair lending practice in connection with the trust agreement, the date of the sale is not less than 30 days after the date the most recent such action is filed.

3. The notice described in subsection 2 must be:

(a) Served upon the grantor or the person who holds the title of record:

(1) Except as otherwise provided in subparagraph (2), by personal service or, if personal service cannot be timely effected, in such other manner as a court determines is reasonably calculated to afford notice to the grantor or the person who holds the title of record; or

(2) If the trust agreement concerns owner-occupied housing as defined in NRS ~~[107.086:]~~ ***107.080:***

(I) By personal service;

(II) If the grantor or the person who holds the title of record is absent from his or her place of residence or from his or her usual place of business, by leaving a copy with a person of suitable age and discretion at either place and mailing a copy to the grantor or the person who holds the title of record at his or her place of residence or place of business; or

(III) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the trust property, delivering a copy to a person there residing if the person can be found and mailing a

copy to the grantor or the person who holds the title of record at the place where the trust property is situated; and

(b) In substantially the following form, with the applicable telephone numbers and mailing addresses provided on the notice and, except as otherwise provided in subsection 4, a copy of the promissory note attached to the notice:

NOTICE
YOU ARE IN DANGER OF LOSING YOUR HOME!

Your home loan is being foreclosed. In not less than 60 days your home may be sold and you may be forced to move. For help, call:

Consumer Credit Counseling _____
The Attorney General _____
The Division of Mortgage Lending _____
The Division of Financial Institutions _____
Legal Services _____
Your Lender _____
Nevada Fair Housing Center _____

4. The trustee shall cause all social security numbers to be redacted from the copy of the promissory note before it is attached to the notice pursuant to paragraph (b) of subsection 3.

5. This section does not prohibit a judicial foreclosure.

6. As used in this section, "unfair lending practice" means an unfair lending practice described in NRS 598D.010 to 598D.150, inclusive.

Section 3 of chapter 517, Statutes of Nevada 2015, at page 3327:

Sec. 3. NRS 107.095 is hereby amended to read as follows:

107.095 1. The notice of default required by NRS 107.080 must also be sent by registered or certified mail, return receipt requested and with postage prepaid, to each guarantor or surety of the debt. If the address of the guarantor or surety is unknown, the notice must be sent to the address of the trust property. Failure to give the notice, except as otherwise provided in subsection 3, releases the guarantor or surety from his or her obligation to the beneficiary, but does not affect the validity of a sale conducted pursuant to NRS 107.080 or the obligation of any guarantor or surety to whom the notice was properly given.

2. Failure to give the notice of default required by NRS 107.090, except as otherwise provided in subsection 3, releases the obligation to the beneficiary of any person who has complied with NRS 107.090 and who is or may otherwise be held liable for the debt or other obligation secured by the deed of trust, but such a failure does not affect the validity of a sale conducted pursuant to NRS 107.080 or the obligation of any person to whom the notice was properly given pursuant to this section or to NRS 107.080 or 107.090.

3. A guarantor, surety or other obligor is not released pursuant to this section if:

(a) The required notice is given at least 15 days before the later of:

(1) The expiration of the 15- or 35-day period described in paragraph (a) of subsection 2 of NRS 107.080;

(2) In the case of any trust agreement which concerns owner-occupied housing as defined in NRS **[**~~107.086,~~**]** ***107.080,*** the expiration of the period described in paragraph (b) of subsection 2 of NRS 107.080; or

(3) Any extension of the applicable period by the beneficiary; or

(b) The notice is rescinded before the sale is advertised.

Section 4 of chapter 517, Statutes of Nevada 2015, at page 3327:

Sec. 4. NRS 107.450 is hereby amended to read as follows:

107.450 "Residential mortgage loan" means a loan which is primarily for personal, family or household use and which is secured by a mortgage or deed of trust on owner-occupied housing as defined in NRS **[**~~107.086.~~**]** ***107.080.***

Section 5 of chapter 517, Statutes of Nevada 2015, at page 3327:

Sec. 5. NRS 107.460 is hereby amended to read as follows:

107.460 The provisions of NRS 107.400 to 107.560, inclusive, do not apply to a financial institution, as defined in NRS 660.045, that, during its immediately preceding annual reporting period, as established with its primary regulator, has foreclosed on 100 or fewer real properties located in this State which constitute owner-occupied housing, as defined in NRS **[**~~107.086.~~**]** ***107.080.***

Section 6 of chapter 517, Statutes of Nevada 2015, at page 3327:

Sec. 6. NRS 107.480 is hereby amended to read as follows:

107.480 1. In addition to the requirements of NRS 107.085**, [**~~and 107.086,~~**]** the exercise of a trustee's power of sale pursuant to NRS 107.080 with respect to a deed of trust securing a residential mortgage loan is subject to the provisions of NRS 107.400 to 107.560, inclusive.

2. In addition to the requirements of NRS 40.430 to 40.4639, inclusive, a civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan is subject to the requirements of NRS 107.400 to 107.560, inclusive.

Section 7 of chapter 517, Statutes of Nevada 2015, at page 3328:

Sec. 7. NRS 107.550 is hereby amended to read as follows:

107.550 1. A civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan must be dismissed without prejudice, any notice of default and election to sell recorded pursuant to subsection 2 of NRS

107.080 or any notice of sale recorded pursuant to subsection 4 of NRS 107.080 must be rescinded, and any pending foreclosure sale must be cancelled, if:

(a) The borrower accepts a permanent foreclosure prevention alternative;

(b) A notice of sale is not recorded within 9 months after the notice of default and election to sell is recorded pursuant to subsection 2 of NRS 107.080; or

(c) A foreclosure sale is not conducted within 90 calendar days after a notice of sale is recorded pursuant to subsection 4 of NRS 107.080.

2. The periods specified in paragraphs (b) and (c) of subsection 1 are tolled:

(a) If a borrower has filed a case under 11 U.S.C. Chapter 7, 11, 12 or 13, until the bankruptcy court enters an order closing or dismissing the bankruptcy case or granting relief from a stay of foreclosure or trustee's sale;

(b) ~~[If mediation pursuant to NRS 107.086 is required, until the date on which the Mediation Administrator, as defined in NRS 107.086, issues the certificate that mediation has been completed in the matter;~~

~~(c)~~] If ~~[mediation pursuant to NRS 40.437 is required or if~~] a court orders participation in a settlement program, until the date on which the ~~[mediation or~~] participation in a settlement program is terminated; or

~~[(d)~~] *(c)* If a borrower has submitted an application for a foreclosure prevention alternative, until the date on which:

(1) A written offer for a foreclosure prevention alternative is submitted to the borrower;

(2) A written statement of the denial of the application has been submitted to the borrower pursuant to subsection 4 of NRS 107.530, and any appeal period pursuant to subsection 5 of NRS 107.530 has expired; or

(3) If the borrower has appealed the denial of an application for a foreclosure prevention alternative, a written offer for a foreclosure prevention alternative or a written denial of the appeal is submitted to the borrower.

3. If, pursuant to subsection 1, a civil action is dismissed, a notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 or any notice of sale recorded pursuant to subsection 4 of NRS 107.080 is rescinded, or any pending foreclosure sale is cancelled, the mortgagee or beneficiary of the deed of trust is thereupon restored to its former position and has the same rights as though an action for a judicial foreclosure had not been commenced or a notice of default and election to sell had not been recorded.

Section 8 of chapter 517, Statutes of Nevada 2015, at page 3328:

Sec. 8. NRS 2.125 is hereby amended to read as follows:

2.125 The Supreme Court may adopt rules providing for voluntary mediation with respect to [:

~~1. A homeowner who is not in default but is at risk of default.~~

~~2. A~~] *a* small business whose commercial property is in default. If the Supreme Court adopts such rules, the Supreme Court shall consider:

[~~(a)~~] ***1.*** The goals and purposes of the mediation process;

[~~(b)~~] ***2.*** The necessity, efficiency and desirability of allowing mediation for the various types of commercial property; and

[~~(c)~~] ***3.*** Any other factor that is relevant in determining whether allowing mediation under the circumstances is in the best interests of the residents, businesses and governmental entities in this State.

Section 9 of chapter 517, Statutes of Nevada 2015, at page 3330:

Sec. 9. Section 2 of Senate Bill 306 of this session is hereby amended to read as follows:

Sec. 2. NRS 116.31162 is hereby amended to read as follows:

116.31162 1. Except as otherwise provided in subsection 5 [~~, 6~~] or [~~7,~~] ***6,*** in a condominium, in a planned community, in a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, or in a cooperative where the owner's interest in a unit is personal property under NRS 116.1105 and the declaration provides that a lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the association may foreclose its lien by sale after all of the following occur:

(a) The association has mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest, at his or her address, if known, and at the address of the unit, a notice of delinquent assessment which states the amount of the assessments and other sums which are due in accordance with subsection 1 of NRS 116.3116, a description of the unit against which the lien is imposed and the name of the record owner of the unit.

(b) Not less than 30 days after mailing the notice of delinquent assessment pursuant to paragraph (a), the association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, a notice of default and election to sell the unit to satisfy the lien which must contain the same information as the notice of delinquent assessment and which must also comply with the following:

(1) Describe the deficiency in payment.

(2) State the total amount of the deficiency in payment, with a separate statement of:

(I) The amount of the association's lien that is prior to the first security interest on the unit pursuant to subsection 3 of NRS 116.3116 as of the date of the notice;

(II) The amount of the lien described in sub-subparagraph (I) that is attributable to assessments based on the periodic budget adopted by the association pursuant to NRS 116.3115 as of the date of the notice;

(III) The amount of the lien described in sub-subparagraph (I) that is attributable to amounts described in NRS 116.310312 as of the date of the notice; and

(IV) The amount of the lien described in sub-subparagraph (I) that is attributable to the costs of enforcing the association's lien as of the date of the notice.

(3) State that:

(I) If the holder of the first security interest on the unit does not satisfy the amount of the association's lien that is prior to that first security interest pursuant to subsection 3 of NRS 116.3116, the association may foreclose its lien by sale and that the sale may extinguish the first security interest as to the unit; and

(II) If, not later than 5 days before the date of the sale, the holder of the first security interest on the unit satisfies the amount of the association's lien that is prior to that first security interest pursuant to subsection 3 of NRS 116.3116 and, not later than 2 days before the date of the sale, a record of such satisfaction is recorded in the office of the recorder of the county in which the unit is located, the association may foreclose its lien by sale but the sale may not extinguish the first security interest as to the unit.

(4) State the name and address of the person authorized by the association to enforce the lien by sale.

(5) Contain, in 14-point bold type, the following warning:

WARNING! IF YOU FAIL TO PAY THE AMOUNT SPECIFIED IN THIS NOTICE, YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE!

(c) The unit's owner or his or her successor in interest has failed to pay the amount of the lien, including costs, fees and expenses incident to its enforcement, for 90 days following the recording of the notice of default and election to sell.

(d) The unit's owner or his or her successor in interest, or the holder of a recorded security interest on the unit, has, for a period which commences in the manner and subject to the requirements described in subsection 3 and which expires 5 days before the date of sale, failed to pay the assessments and other sums that are due to the association in accordance with subsection 1 of NRS 116.3116.

(e) The association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, an affidavit which states, based on the direct, personal knowledge of the affiant, the personal knowledge which the affiant acquired by a review of a trustee sale guarantee or a similar product or the personal knowledge which the affiant acquired by a review of the business records of the association or other person conducting the sale, which business records must meet the standards set forth in NRS 51.135, the following:

(1) The name of each holder of a security interest on the unit to which the notice of default and election to sell and the notice of sale was mailed, as required by subsection 2 of NRS 116.31163 and paragraph (d) of subsection 1 of NRS 116.311635; and

(2) The address at which the notices were mailed to each such holder of a security interest.

2. The notice of default and election to sell must be signed by the person designated in the declaration or by the association for that purpose or, if no one is designated, by the president of the association.

3. The period of 90 days described in paragraph (c) of subsection 1 begins on the first day following:

(a) The date on which the notice of default and election to sell is recorded; or

(b) The date on which a copy of the notice of default and election to sell is mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest at his or her address, if known, and at the address of the unit,

➥ whichever date occurs later.

4. An association may not mail to a unit's owner or his or her successor in interest a letter of its intent to mail a notice of delinquent assessment pursuant to paragraph (a) of subsection 1, mail the notice of delinquent assessment or take any other action to collect a past due obligation from a unit's owner or his or her successor in interest unless:

(a) Not earlier than 60 days after the obligation becomes past due, the association mails to the address on file for the unit's owner:

(1) A schedule of the fees that may be charged if the unit's owner fails to pay the past due obligation;

(2) A proposed repayment plan; and

(3) A notice of the right to contest the past due obligation at a hearing before the executive board and the procedures for requesting such a hearing; and

(b) Within 30 days after the date on which the information described in paragraph (a) is mailed, the past due obligation has not been paid in full or the unit's owner or his or her successor in interest

has not entered into a repayment plan or requested a hearing before the executive board. If the unit's owner or his or her successor in interest requests a hearing or enters into a repayment plan within 30 days after the date on which the information described in paragraph (a) is mailed and is unsuccessful at the hearing or fails to make a payment under the repayment plan within 10 days after the due date, the association may take any lawful action pursuant to subsection 1 to enforce its lien.

5. The association may not foreclose a lien by sale if the association has not mailed a copy of the notice of default and election to sell and a copy of the notice of sale to each holder of a security interest on the unit in the manner and subject to the requirements set forth in subsection 2 of NRS 116.31163 and paragraph (d) of subsection 1 of 116.311635.

6. The association may not foreclose a lien by sale based on a fine or penalty for a violation of the governing documents of the association unless:

(a) The violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community; or

(b) The penalty is imposed for failure to adhere to a schedule required pursuant to NRS 116.310305.

~~[7. The association may not foreclose a lien by sale if the association has received notice pursuant to NRS 107.086 that the unit is subject to foreclosure mediation pursuant to that section, unless:~~

~~(a) The trustee of record has recorded the certificate provided to the trustee pursuant to subparagraph (1) or (2) of paragraph (e) of subsection 2 of NRS 107.086; or~~

~~(b) The unit's owner has failed to pay to the association any amounts enforceable as assessments pursuant to subsection 1 of NRS 116.3116 that become due during the pendency of foreclosure mediation pursuant to NRS 107.086, other than past due obligations as described in subsection 10 of NRS 107.086.]~~

Section 10 of chapter 517, Statutes of Nevada 2015, at page 3333:

Sec. 10. Section 8.5 of Senate Bill 306 of this session is hereby amended to read as follows:

Sec. 8.5. Chapter 657 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A bank, credit union, savings bank, savings and loan association, thrift company or other financial institution which is licensed, registered or otherwise authorized to do business in this State and which is the mortgagee or beneficiary of a deed of trust under a residential mortgage loan shall provide to the Division of

Financial Institutions the name, street address and any other contact information of a person to whom ~~[~~:

~~(a) A borrower or a representative of a borrower must send any document, record or notification necessary to facilitate a mediation conducted pursuant to NRS 40.437 or 107.086.~~

~~(b) A~~] ***a*** unit-owners' association must send any notice required to be given pursuant to NRS 116.3116 to 116.31168, inclusive.

2. The Division of Financial Institutions shall maintain on its Internet website the information provided to the Division pursuant to subsection 1 and provide a prominent display of, or a link to, the information described in subsection 1, on the home page of its Internet website.

3. As used in this section ~~[~~:

~~(a) "Borrower" means a person who is a mortgagor or grantor of a deed of trust under a residential mortgage loan.~~

~~(b) "Residential~~]***, "residential*** mortgage loan" means a loan which is primarily for personal, family or household use and which is secured by a mortgage or deed of trust on owner-occupied housing as defined in NRS ~~[107.086.]~~ ***107.080.***

Section 11 of chapter 517, Statutes of Nevada 2015, at page 3334:

Sec. 11. Any balance remaining in the Account for Foreclosure Mediation created by NRS 107.080 that has not been committed for expenditure before June 30, 2017, must be reverted to the State General Fund.

Section 12 of chapter 517, Statutes of Nevada 2015, at page 3334:

Sec. 12. NRS 40.437 and 107.086 are hereby repealed.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 478.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 1101.

AN ACT relating to state employees; revising provisions governing the dismissal, involuntary demotion or suspension of a permanent classified employee in the state service; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an appointing authority to take certain actions when dismissing, involuntarily demoting or suspending a permanent classified

employee in the state service or conducting an internal administrative investigation which may result in the dismissal, involuntary demotion or suspension of a permanent classified employee. (NRS 284.385, 284.387; NAC 284.655) **Section 2** of this bill requires an appointing authority to provide an employee with notice of the allegations against the employee within 30 days after the appointing authority becomes aware, or reasonably should have become aware, of the allegations **.** ~~[and requires the appointing authority to provide such notice before commencing any part of the internal administrative investigation into those allegations.]~~

Existing law requires an appointing authority to complete an internal administrative investigation and make a determination whether to dismiss, involuntarily demote or suspend an employee within 90 days after providing the employee with notice of the allegations, unless the appointing authority obtains approval for an extension of time. (NRS 284.387) **Section 2** prohibits an appointing authority from dismissing, involuntarily demoting or suspending an employee based on allegations if the investigation into those allegations does not result in a determination regarding disciplinary action within the prescribed time period.

Existing law authorizes a permanent employee to appeal a dismissal, involuntary demotion or suspension in a hearing before the hearing officer of the Personnel Commission. (NRS 284.390) If the employee requests such a hearing, **section 3** of this bill requires the appointing authority of the employee to produce and allow the employee or his or her representative to inspect or receive a copy of any document or evidence related to the internal investigation leading to the employee's dismissal, involuntary demotion or suspension within 5 days after a request is made by the employee or his or her representative.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. NRS 284.387 is hereby amended to read as follows:

284.387 1. An employee who is the subject of an internal administrative investigation that could lead to disciplinary action against the employee pursuant to NRS 284.385 must be:

(a) Provided notice in writing of the allegations against the employee ***within 30 days after the date on which the appointing authority becomes aware, or reasonably should have become aware, of the allegations. The notice must be provided*** before ~~***[any part of the investigation begins and before]***~~ the employee is questioned regarding the allegations **.** ~~[; and]~~

(b) Afforded the right to have a lawyer or other representative of the employee's choosing present with the employee at any time that the employee is questioned regarding those allegations. The employee must be given not less than 2 business days to obtain such representation, unless the employee waives the employee's right to be represented.

2. An internal administrative investigation that could lead to disciplinary action against an employee pursuant to NRS 284.385 and any determination made as a result of such an investigation must be completed and the employee notified of any disciplinary action within 90 days after the employee is provided notice of the allegations pursuant to paragraph (a) of subsection 1. If the appointing authority cannot complete the investigation and make a determination within 90 days after the employee is provided notice of the allegations pursuant to paragraph (a) of subsection 1, the appointing authority may request an extension of not more than 60 days from the Administrator upon showing good cause for the delay. No further extension may be granted unless approved by the Governor.

3. If the appointing authority does not make a determination within 90 days after the employee is provided notice of the allegations or within any extended time period approved pursuant to subsection 2, the appointing authority shall not take any disciplinary action against the employee pursuant to NRS 284.385 which is based on those allegations.

Sec. 3. NRS 284.390 is hereby amended to read as follows:

284.390 1. Within 10 working days after the effective date of an employee's dismissal, demotion or suspension pursuant to NRS 284.385, the employee who has been dismissed, demoted or suspended may request in writing a hearing before the hearing officer of the Commission to determine the reasonableness of the action. The request may be made by mail and shall be deemed timely if it is postmarked within 10 working days after the effective date of the employee's dismissal, demotion or suspension.

2. The hearing officer shall grant the employee a hearing within 20 working days after receipt of the employee's written request unless the time limitation is waived, in writing, by the employee or there is a conflict with the hearing calendar of the hearing officer, in which case the hearing must be scheduled for the earliest possible date after the expiration of the 20 days.

3. ***Upon verification that a request for a hearing has been made pursuant to subsection 1, the appointing authority of the employee who was the subject of the internal administrative investigation shall, within 5 days after receiving a request by the employee or his or her representative, produce and allow the employee or his or her representative to inspect or receive a copy of any document concerning the internal administrative investigation, including, without limitation, any recordings, notes, transcripts of interviews or other documents or evidence related to the internal administrative investigation.***

4. The employee may represent himself or herself at the hearing or be represented by an attorney or other person of the employee's own choosing.

~~[4.]~~ ***5.*** Technical rules of evidence do not apply at the hearing.

~~[5.]~~ ***6.*** After the hearing and consideration of the evidence, the hearing officer shall render a decision in writing, setting forth the reasons therefor.

~~[6.]~~ ***7.*** If the hearing officer determines that the dismissal, demotion or suspension was without just cause as provided in NRS 284.385, the action

must be set aside and the employee must be reinstated, with full pay for the period of dismissal, demotion or suspension.

~~[7.]~~ ***8.*** The decision of the hearing officer is binding on the parties.

~~[8.]~~ ***9.*** Any petition for judicial review of the decision of the hearing officer must be filed in accordance with the provisions of chapter 233B of NRS.

Sec. 4. This act becomes effective on July 1, 2017.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 3, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 391.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 155.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 300.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 391.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 443.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 444.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 445.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 482.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 547.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 548.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 549.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 551.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 552.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 553.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:57 p.m.

ASSEMBLY IN SESSION

At 2:15 p.m.
Mr. Speaker presiding.
Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 7, 124, 181, 278, 296, 303, 327, 343, 354, 467, and 494; Assembly Concurrent Resolution No. 9; Senate Bills Nos. 394, 544, and 545.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Diaz, Benitez-Thompson, and Hambrick as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 45.

Mr. Speaker appointed Assemblymen Sprinkle, Benitez-Thompson, and Titus as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 249.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Diaz moved that the Assembly do not recede from its action on Senate Bill No. 144, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Diaz.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Diaz, Ohrenschall, and Oscarson as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 144.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 286.

The following Senate amendment was read:

Amendment No. 872.

ASSEMBLYMAN ELLIOT ANDERSON

JOINT SPONSOR: SENATOR CANNIZZARO

AN ACT relating to criminal procedure; revising provisions concerning the eligibility of a defendant for assignment to a program for the treatment of veterans and members of the military; authorizing a district court, justice court or municipal court to establish such a program; making various other changes relating to such a program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a district court to establish an appropriate program for the treatment of veterans and members of the military to which it may assign an eligible defendant. A justice court or municipal court is authorized, upon approval of the district court, to transfer original jurisdiction of a case

involving such an eligible defendant to the district court. (NRS 176A.280, 176A.285) **Section 3** of this bill additionally authorizes a justice court or municipal court to establish such a program and revises the provisions concerning the eligibility of a defendant for assignment to such a program. **Section 3** also provides that the assignment of a defendant to such a program must be for a period of not less than 12 months.

Section 2 of this bill provides that a defendant is ineligible for assignment to such a program if he or she: (1) has previously been assigned to such a program; or (2) was discharged or released from the Armed Forces of the United States, a reserve component thereof or the National Guard under dishonorable conditions. **Section 2** also provides that a defendant who was discharged or released from the Armed Forces of the United States, a reserve component thereof or the National Guard under dishonorable conditions may be assigned to such a program if a court determines that extraordinary circumstances exist to warrant the assignment.

Existing law provides that upon violation of a term or condition of such a program, the court may: (1) enter a judgment of conviction and proceed as provided in the section pursuant to which the defendant was charged; and (2) order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison. (NRS 176A.290) **Section 5** of this bill authorizes the imposition of certain sanctions against a defendant for such a violation.

Existing law provides that upon fulfillment of the terms and conditions of such a program, the court shall discharge the defendant and dismiss the proceedings. (NRS 176A.290) **Section 5** provides that for defendants in the program who were charged with battery constituting domestic violence or driving under the influence, the court may conditionally dismiss the charges. Under **section 6** of this bill, if the charges are conditionally dismissed, then not sooner than 7 years after such a conditional dismissal and upon the filing of a petition by the defendant, the court must order that all records relating to the charges be sealed.

Under existing law, before accepting a plea from a defendant or proceeding to trial, a justice of the peace or municipal judge must address the defendant personally and ask the defendant if he or she is a veteran or a member of the military. (NRS 4.374, 5.057) **Sections 9 and 10** of this bill require that the justice of the peace or municipal judge must, as soon as possible after a defendant is arrested or cited, attempt to determine whether the defendant is a veteran or a member of the military and, if so, whether the defendant qualifies for a program for the treatment of veterans and members of the military.

Sections 11 and 12 of this bill provide that: (1) persons who are charged with first misdemeanor offenses of battery constituting domestic violence or driving under the influence are eligible to be assigned to a program for the treatment of veterans and members of the military; and (2) offenses that are conditionally dismissed in connection with successful completion of such a

program or a diversionary or specialty court program constitute prior offenses for the purpose of determining whether the person is subject to an enhanced penalty with respect to a subsequent offense.

The remaining sections of this bill make conforming changes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 176.015 is hereby amended to read as follows:

176.015 1. Sentence must be imposed without unreasonable delay. Pending sentence, the court may commit the defendant or continue or alter the bail.

2. Before imposing sentence, the court shall:

(a) Afford counsel an opportunity to speak on behalf of the defendant; and

(b) Address the defendant personally and ask the defendant if:

(1) The defendant wishes to make a statement in his or her own behalf and to present any information in mitigation of punishment; and

(2) The defendant is a veteran or a member of the military. If the defendant ~~[~~is a veteran or a member of the military and~~]~~ meets the qualifications of ~~[~~paragraphs (b) and (c) of~~]~~ subsection ~~[~~2~~]~~ ***1*** of NRS ~~[~~176A.285,~~]~~ ***176A.280,*** the court may, if appropriate, assign the defendant to:

(I) A program of treatment established pursuant to NRS 176A.280; or

(II) If a program of treatment established pursuant to NRS 176A.280 is not available for the defendant, a program of treatment established pursuant to NRS 176A.250 or 453.580.

3. After hearing any statements presented pursuant to subsection 2 and before imposing sentence, the court shall afford the victim an opportunity to:

(a) Appear personally, by counsel or by personal representative; and

(b) Reasonably express any views concerning the crime, the person responsible, the impact of the crime on the victim and the need for restitution.

4. The prosecutor shall give reasonable notice of the hearing to impose sentence to:

(a) The person against whom the crime was committed;

(b) A person who was injured as a direct result of the commission of the crime;

(c) The surviving spouse, parents or children of a person who was killed as a direct result of the commission of the crime; and

(d) Any other relative or victim who requests in writing to be notified of the hearing.

➥ Any defect in notice or failure of such persons to appear are not grounds for an appeal or the granting of a writ of habeas corpus. All personal information, including, but not limited to, a current or former address, which pertains to a victim or relative and which is received by the prosecutor pursuant to this subsection is confidential.

5. For the purposes of this section:

(a) "Member of the military" has the meaning ascribed to it in NRS 176A.043.

(b) "Relative" of a person includes:

(1) A spouse, parent, grandparent or stepparent;

(2) A natural born child, stepchild or adopted child;

(3) A grandchild, brother, sister, half brother or half sister; or

(4) A parent of a spouse.

(c) "Veteran" has the meaning ascribed to it in NRS 176A.090.

(d) "Victim" includes:

(1) A person, including a governmental entity, against whom a crime has been committed;

(2) A person who has been injured or killed as a direct result of the commission of a crime; and

(3) A relative of a person described in subparagraph (1) or (2).

6. This section does not restrict the authority of the court to consider any reliable and relevant evidence at the time of sentencing.

Sec. 2. Chapter 176A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a defendant is not eligible for assignment to a program of treatment established pursuant to NRS 176A.280 if the defendant:

(a) Has previously been assigned to such a program; or

(b) Was discharged or released from the Armed Forces of the United States, a reserve component thereof or the National Guard under dishonorable conditions.

2. A defendant described in paragraph (b) of subsection 1 may be assigned to a program of treatment established pursuant to NRS 176A.280 if a justice court, municipal court or district court, as applicable, determines that extraordinary circumstances exist which warrant the assignment of the defendant to the program.

Sec. 3. NRS 176A.280 is hereby amended to read as follows:

176A.280 ~~[A]~~

1. A district court, justice court or municipal court may establish an appropriate program for the treatment of veterans and members of the military to which it may assign a defendant pursuant to NRS 176A.290 ~~[.]~~ ***if the defendant is a veteran or member of the military and:***

(a) ~~[Appears]~~ Is the victim of a military sexual assault or appears to suffer from mental illness, alcohol or drug abuse , ~~[or]~~ posttraumatic stress disorder ~~[,]~~ or a traumatic brain injury, any of which appear to be related to military service, including, without limitation, any readjustment to civilian life which is necessary after combat service;

(b) Would benefit from assignment to the program; and

(c) Is not ineligible for assignment to the program pursuant to section 2 of this act or any other provision of law.

2. The assignment ***of a defendant to a program pursuant to this section*** must ~~[include]~~ ***:***

(a) Include the terms and conditions for successful completion of the program ~~[and provide]~~ ***;***

(b) Provide for progress reports at intervals set by the court to ensure that the defendant is making satisfactory progress towards completion of the program ~~[.]~~ ***; and***

(c) Be for a period of not less than 12 months.

3. As used in this section, "military sexual assault" means an act of sexual assault that occurred while the veteran or member of the military was serving on active duty, active duty for training, or inactive duty training.

Sec. 4. NRS 176A.285 is hereby amended to read as follows:

176A.285 ~~[1. A]~~ ***If a*** justice court or ~~[a]~~ municipal court ***has not established a program pursuant to NRS 176A.280, the justice court or municipal court, as applicable,*** may, upon approval of the district court, transfer original jurisdiction to the district court of a case involving ~~[an eligible]~~ ***a*** defendant ~~[.~~

~~2. As used in this section, "eligible defendant" means a veteran or a member of the military who:~~

~~(a) Has]~~ ***who meets the qualifications of subsection 1 of NRS 176A.280 and has*** not tendered a plea of guilty, guilty but mentally ill or nolo contendere to, or been found guilty or guilty but mentally ill of, an offense that is a misdemeanor ***.*** ~~[;~~

~~(b) Appears to suffer from mental illness, alcohol or drug abuse or posttraumatic stress disorder, any of which appear to be related to military service, including, without limitation, any readjustment to civilian life which is necessary after combat service; and~~

~~(c) Would benefit from assignment to a program established pursuant to NRS 176A.280.]~~

Sec. 5. NRS 176A.290 is hereby amended to read as follows:

176A.290 1. Except as otherwise provided in subsection 2 ~~[,]~~ ***and section 2 of this act,*** if a defendant ~~[who is a veteran or a member of the military and who suffers from mental illness, alcohol or drug abuse or posttraumatic stress disorder as]~~ described in NRS ~~[176A.285]~~ ***176A.280*** tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, any offense for which the suspension of sentence or the granting of probation is not prohibited by statute, the ***district court, justice court or municipal*** court ***, as applicable,*** may, without entering a judgment of conviction and with the consent of the defendant, suspend further proceedings and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.280.

2. If the offense committed by the defendant involved the use or threatened use of force or violence or if the defendant was previously

convicted in this State or in any other jurisdiction of a felony that involved the use or threatened use of force or violence, the ***district court, justice court or municipal*** court ***, as applicable,*** may not assign the defendant to the program unless the prosecuting attorney stipulates to the assignment. For the purposes of this subsection, in determining whether an offense involved the use or threatened use of force or violence, the ***district court, justice court or municipal*** court ***, as applicable,*** shall consider the facts and circumstances surrounding the offense, including, without limitation, whether the defendant intended to place another person in reasonable apprehension of bodily harm.

3. Upon violation of a term or condition:

(a) ***The district court, justice court or municipal court, as applicable, may impose sanctions against the defendant for the violation, but allow the defendant to remain in the program. Before imposing a sanction, the court shall notify the defendant of the violation and provide the defendant an opportunity to respond. Any sanction imposed pursuant to this paragraph:***

(1) Must be in accordance with any applicable guidelines for sanctions established by the National Association of Drug Court Professionals or any successor organization; and

(2) May include, without limitation, imprisonment in a county or city jail or detention facility for a term set by the court, which must not exceed 25 days.

(b) The ***district court, justice court or municipal*** court ***, as applicable,*** may enter a judgment of conviction and proceed as provided in the section pursuant to which the defendant was charged.

~~[(b)]~~ ***(c)*** Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the ***district*** court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

4. ~~[Upon]~~ ***Except as otherwise provided in subsection 5, upon*** fulfillment of the terms and conditions, the ***district court, justice court or municipal*** court ***, as applicable,*** shall discharge the defendant and dismiss the proceedings. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, ***complaint,*** indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, ***complaint,*** indictment, information or trial in response to an inquiry made of the defendant for any purpose.

5. If the defendant was charged with a violation of NRS 200.485, 484C.110 or 484C.120, upon fulfillment of the terms and conditions, the

district court, justice court or municipal court, as applicable, may conditionally dismiss the charges. If a court conditionally dismisses the charges, the court shall notify the defendant that the conditionally dismissed charges are a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail in a future case, but are not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose. Conditional dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, complaint, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, complaint, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

Sec. 6. NRS 176A.295 is hereby amended to read as follows:

176A.295 1. ~~[~~After~~]~~ ***Except as otherwise provided in subsection 2, after*** a defendant is discharged from probation pursuant to NRS 176A.290, the ***justice court, municipal court or district*** court ***, as applicable,*** shall order sealed all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order if the defendant fulfills the terms and conditions imposed by the court and the Division. The ***justice court, municipal court or district*** court ***, as applicable,*** shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. ***If the defendant is charged with a violation of NRS 200.485, 484C.110 or 484C.120 and the charges are conditionally dismissed as provided in subsection 5 of NRS 176A.290, not sooner than 7 years after such a conditional dismissal and upon the filing of a petition by the defendant, the justice court, municipal court or district court, as applicable, shall order that all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order be sealed. The justice court, municipal court or district court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.***

3. If the ***justice court, municipal court or district*** court ***, as applicable,*** orders sealed the record of a defendant discharged ***or whose charges were conditionally dismissed*** pursuant to NRS 176A.290, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the ***justice court, municipal court or district*** court ***, as applicable,*** in writing of its compliance with the order.

Sec. 7. NRS 4.370 is hereby amended to read as follows:

4.370 1. Except as otherwise provided in subsection 2, justice courts have jurisdiction of the following civil actions and proceedings and no others except as otherwise provided by specific statute:

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed $15,000.

(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed $15,000.

(c) Except as otherwise provided in paragraph (l), in actions for a fine, penalty or forfeiture not exceeding $15,000, given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed $15,000, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed $15,000.

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed $15,000.

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed $15,000 or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed $15,000 or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed $15,000.

(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $15,000.

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $15,000.

(l) In actions for a fine imposed for a violation of NRS 484D.680.

(m) Except as otherwise provided in this paragraph, in any action for the issuance of a temporary or extended order for protection against domestic violence. A justice court does not have jurisdiction in an action for the issuance of a temporary or extended order for protection against domestic violence:

(1) In a county whose population is 100,000 or more and less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more; or

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court.

(n) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.

(o) In small claims actions under the provisions of chapter 73 of NRS.

(p) In actions to contest the validity of liens on mobile homes or manufactured homes.

(q) In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment.

(r) In any action pursuant to NRS 200.378 for the issuance of a protective order against a person alleged to have committed the crime of sexual assault.

(s) In actions transferred from the district court pursuant to NRS 3.221.

(t) In any action for the issuance of a temporary or extended order pursuant to NRS 33.400.

(u) In any action seeking an order pursuant to NRS 441A.195.

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real property or mining claims or questions affecting the boundaries of land are involved.

3. Justice courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. Upon approval of the district court, a justice court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 or ***, if the justice court has not established a program pursuant to NRS*** 176A.280 ~~[.]~~ ***, to a program established pursuant to that section.***

4. Except as otherwise provided in subsections 5 and 6, in criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.

5. In the case of any arrest made by a member of the Nevada Highway Patrol, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.

6. Each justice court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established.

Sec. 8. NRS 4.374 is hereby amended to read as follows:

4.374 1. ***As soon as possible after a defendant is arrested or cited, the justice of the peace shall attempt to determine whether the defendant is a***

veteran or a member of the military and, if so, whether the defendant meets the qualifications of subsection 1 of NRS 176A.280.

2. Before accepting a plea from a defendant or proceeding to trial, the justice of the peace shall ~~[address]~~ ***:***

(a) Address the defendant personally and ask the defendant if he or she is a veteran or a member of the military ~~[.]~~ ***; and***

(b) Determine whether the defendant meets the qualifications of subsection 1 of NRS 176A.280.

~~[2.]~~ ***3.*** If the defendant ~~[is a veteran or a member of the military and]~~ meets the qualifications of ***subsection 1 of*** NRS ~~[176A.285,]~~ ***176A.280,*** the justice court may, ***if the justice court has not established a program pursuant to NRS 176A.280 and,*** if appropriate, take any action authorized by law for the purpose of having the defendant assigned to:

(a) A program of treatment established pursuant to NRS 176A.280; or

(b) If a program of treatment established pursuant to NRS 176A.280 is not available for the defendant, a program of treatment established pursuant to NRS 176A.250 or 453.580.

~~[3.]~~ ***4.*** As used in this section:

(a) "Member of the military" has the meaning ascribed to it in NRS 176A.043.

(b) "Veteran" has the meaning ascribed to it in NRS 176A.090.

Sec. 9. NRS 5.050 is hereby amended to read as follows:

5.050 1. Municipal courts have jurisdiction of civil actions or proceedings:

(a) For the violation of any ordinance of their respective cities.

(b) To prevent or abate a nuisance within the limits of their respective cities.

2. The municipal courts have jurisdiction of all misdemeanors committed in violation of the ordinances of their respective cities. Upon approval of the district court, a municipal court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 or ***, if the municipal court has not established a program pursuant to NRS*** 176A.280 ~~[.]~~ ***, to a program established pursuant to that section.***

3. The municipal courts have jurisdiction of:

(a) Any action for the collection of taxes or assessments levied for city purposes, when the principal sum thereof does not exceed $2,500.

(b) Actions to foreclose liens in the name of the city for the nonpayment of those taxes or assessments when the principal sum claimed does not exceed $2,500.

(c) Actions for the breach of any bond given by any officer or person to or for the use or benefit of the city, and of any action for damages to which the city is a party, and upon all forfeited recognizances given to or for the use or benefit of the city, and upon all bonds given on appeals from the municipal

court in any of the cases named in this section, when the principal sum claimed does not exceed $2,500.

(d) Actions for the recovery of personal property belonging to the city, when the value thereof does not exceed $2,500.

(e) Actions by the city for the collection of any damages, debts or other obligations when the amount claimed, exclusive of costs or attorney's fees, or both if allowed, does not exceed $2,500.

(f) Actions seeking an order pursuant to NRS 441A.195.

4. Nothing contained in subsection 3 gives the municipal court jurisdiction to determine any such cause when it appears from the pleadings that the validity of any tax, assessment or levy, or title to real property, is necessarily an issue in the cause, in which case the court shall certify the cause to the district court in like manner and with the same effect as provided by law for certification of causes by justice courts.

Sec. 10. NRS 5.057 is hereby amended to read as follows:

5.057 1. ***As soon as possible after a defendant is arrested or cited, the municipal judge shall attempt to determine whether the defendant is a veteran or a member of the military and, if so, whether the defendant meets the qualifications of subsection 1 of NRS 176A.280.*** Before accepting a plea from a defendant or proceeding to trial, the municipal judge shall ~~[address]~~ ***:***

(a) Address the defendant personally and ask the defendant if he or she is a veteran or a member of the military ~~[.]~~ ***; and***

(b) Determine whether the defendant meets the qualifications of subsection 1 of NRS 176A.280.

2. If the defendant ~~[is a veteran or a member of the military and]~~ meets the qualifications of ***subsection 1 of*** NRS ~~[176A.285,]~~ ***176A.280,*** the municipal court may, ***if the municipal court has not established a program pursuant to NRS 176A.280 and,*** if appropriate, take any action authorized by law for the purpose of having the defendant assigned to:

(a) A program of treatment established pursuant to NRS 176A.280; or

(b) If a program of treatment established pursuant to NRS 176A.280 is not available for the defendant, a program of treatment established pursuant to NRS 176A.250 or 453.580.

3. As used in this section:

(a) "Member of the military" has the meaning ascribed to it in NRS 176A.043.

(b) "Veteran" has the meaning ascribed to it in NRS 176A.090.

Sec. 11. NRS 200.485 is hereby amended to read as follows:

200.485 1. Unless a greater penalty is provided pursuant to subsection 2 or NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018:

(a) For the first offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

➥ The person shall be further punished by a fine of not less than $200, but not more than $1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur at a time when the person is not required to be at his or her place of employment or on a weekend.

(b) For the second offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

➥ The person shall be further punished by a fine of not less than $500, but not more than $1,000.

(c) For the third and any subsequent offense within 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed by strangulation as described in NRS 200.481, is guilty of a category C felony and shall be punished as provided in NRS 193.130 and by a fine of not more than $15,000.

3. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, the court shall:

(a) For the first offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

(b) For the second offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

➥ If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

4. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section ~~[when]~~ ***:***

(a) When evidenced by a conviction ~~[,]~~ ***; or***

(b) If the offense is conditionally dismissed pursuant to NRS 176A.290 or dismissed in connection with successful completion of a diversionary program or specialty court program,

➥ without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

5. In addition to any other fine or penalty, the court shall order such a person to pay an administrative assessment of $35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.

6. In addition to any other penalty, the court may require such a person to participate, at his or her expense, in a program of treatment for the abuse of alcohol or drugs that has been certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

7. If it appears from information presented to the court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence pursuant to NRS 33.018, the court may refer the child to an agency which provides child welfare services. If the court refers a child to an agency which provides child welfare services, the court shall require the person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 to reimburse the agency for the costs of any services provided, to the extent of the convicted person's ability to pay.

8. If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not dismiss such a charge in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. ~~[A court shall not grant probation to and, except]~~ ***Except*** as otherwise provided in ~~[NRS 4.373 and 5.055,]~~ ***this subsection,*** a court shall not ***grant probation to or*** suspend the sentence of such a person. ***A court may grant probation to or suspend the sentence of such a person:***

(a) As set forth in NRS 4.373 and 5.055; or

(b) To assign the person to a program for the treatment of veterans and members of the military pursuant to NRS 176A.290 if the charge is for a first offense punishable as a misdemeanor.

9. As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(c) "Offense" includes a battery which constitutes domestic violence pursuant to NRS 33.018 or a violation of the law of any other jurisdiction that prohibits the same or similar conduct.

Sec. 11.5. NRS 484C.400 is hereby amended to read as follows:

484C.400 1. Unless a greater penalty is provided pursuant to NRS 484C.430 or 484C.440, and except as otherwise provided in NRS 484C.410, a person who violates the provisions of NRS 484C.110 or 484C.120:

(a) For the first offense within 7 years, is guilty of a misdemeanor. Unless the person is allowed to undergo treatment as provided in NRS 484C.320, the court shall:

(1) Except as otherwise provided in subparagraph (4) of this paragraph or subsection 2 of NRS 484C.420, order the person to pay tuition for an educational course on the abuse of alcohol and controlled substances approved by the Department and complete the course within the time specified in the order, and the court shall notify the Department if the person fails to complete the course within the specified time;

(2) Unless the sentence is reduced pursuant to NRS 484C.320, sentence the person to imprisonment for not less than 2 days nor more than 6 months in jail, or to perform not less than 48 hours, but not more than 96 hours, of community service while dressed in distinctive garb that identifies the person as having violated the provisions of NRS 484C.110 or 484C.120;

(3) Fine the person not less than $400 nor more than $1,000; and

(4) If the person is found to have a concentration of alcohol of 0.18 or more in his or her blood or breath, order the person to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484C.360.

(b) For a second offense within 7 years, is guilty of a misdemeanor. Unless the sentence is reduced pursuant to NRS 484C.330, the court shall:

(1) Sentence the person to:

(I) Imprisonment for not less than 10 days nor more than 6 months in jail; or

(II) Residential confinement for not less than 10 days nor more than 6 months, in the manner provided in NRS 4.376 to 4.3766, inclusive, or 5.0755 to 5.078, inclusive;

(2) Fine the person not less than $750 nor more than $1,000, or order the person to perform an equivalent number of hours of community service while dressed in distinctive garb that identifies the person as having violated the provisions of NRS 484C.110 or 484C.120; and

(3) Order the person to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484C.360.

➥ A person who willfully fails or refuses to complete successfully a term of residential confinement or a program of treatment ordered pursuant to this paragraph is guilty of a misdemeanor.

(c) Except as otherwise provided in NRS 484C.340, for a third offense within 7 years, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and shall be further punished by a fine of not less than $2,000 nor more than $5,000. An offender who is imprisoned pursuant to the provisions of this paragraph must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section ~~[when]~~ ***:***

(a) When evidenced by a conviction ~~[,]~~ ***; or***

(b) If the offense is conditionally dismissed pursuant to NRS 176A.290 or dismissed in connection with successful completion of a diversionary program or specialty court program,

➥ without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

3. A term of confinement imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace, except that a person who is convicted of a second or subsequent offense within 7 years must be confined for at least one segment of not less than 48 consecutive hours. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the offender, but any sentence of 30 days or less must be served within 6 months after the date of conviction or, if the offender was sentenced pursuant to NRS 484C.320 or 484C.330 and the suspension of his or her sentence was revoked, within 6 months after the date of revocation. Any time for which the offender is confined must consist of not less than 24 consecutive hours.

4. Jail sentences simultaneously imposed pursuant to this section and NRS 482.456, 483.560, 484C.410 or 485.330 must run consecutively.

5. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

6. For the purpose of determining whether one offense occurs within 7 years of another offense, any period of time between the two offenses during

which, for any such offense, the offender is imprisoned, serving a term of residential confinement, placed under the supervision of a treatment provider, on parole or on probation must be excluded.

7. As used in this section, unless the context otherwise requires, "offense" means:

(a) A violation of NRS 484C.110, 484C.120 or 484C.430;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).

Sec. 12. NRS 484C.420 is hereby amended to read as follows:

484C.420 1. ~~[A]~~ ***Except as otherwise provided in subsection 2, a*** person convicted of violating the provisions of NRS 484C.110 or 484C.120 must not be released on probation, and a sentence imposed for violating those provisions must not be suspended except, as provided in NRS 4.373, 5.055, 484C.320, 484C.330 and 484C.340, that portion of the sentence imposed that exceeds the mandatory minimum. A prosecuting attorney shall not dismiss a charge of violating the provisions of NRS 484C.110 or 484C.120 in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial.

2. ***The court may grant probation to or suspend the sentence of a person to assign the person to a program for the treatment of veterans and members of the military pursuant to NRS 176A.290 if the charge is for a first violation of the provisions of NRS 484C.110 or 484C.120 that is punishable as a misdemeanor.***

3. If the person who violated the provisions of NRS 484C.110 or 484C.120 possesses a driver's license issued by a state other than the State of Nevada and does not reside in the State of Nevada, in carrying out the provisions of subparagraph (1) of paragraph (a) of subsection 1 of NRS 484C.400, the court shall:

(a) Order the person to pay tuition for and submit evidence of completion of an educational course on the abuse of alcohol and controlled substances approved by a governmental agency of the state of the person's residence within the time specified in the order; or

(b) Order the person to complete an educational course by correspondence on the abuse of alcohol and controlled substances approved by the Department within the time specified in the order,

➥ and the court shall notify the Department if the person fails to complete the assigned course within the specified time.

Sec. 13. **This act becomes effective upon passage and approval.**

Assemblyman Ohrenschall moved that the Assembly concur in the Senate Amendment No. 872 to Assembly Bill No. 286.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:
We like it.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 939.

AN ACT relating to criminal procedure; revising provisions concerning the eligibility of a defendant for assignment to a program for the treatment of veterans and members of the military; authorizing a district court, justice court or municipal court to establish such a program; making various other changes relating to such a program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a district court to establish an appropriate program for the treatment of veterans and members of the military to which it may assign an eligible defendant. A justice court or municipal court is authorized, upon approval of the district court, to transfer original jurisdiction of a case involving such an eligible defendant to the district court. (NRS 176A.280, 176A.285) **Section 3** of this bill additionally authorizes a justice court or municipal court to establish such a program and revises the provisions concerning the eligibility of a defendant for assignment to such a program. **Section 3** also provides that the assignment of a defendant to such a program must be for a period of not less than 12 months.

Section 2 of this bill provides that a defendant is ineligible for assignment to such a program if he or she: (1) has previously been assigned to such a program; or (2) was discharged or released from the Armed Forces of the United States, a reserve component thereof or the National Guard under dishonorable conditions. **Section 2** also provides that a defendant who was discharged or released from the Armed Forces of the United States, a reserve component thereof or the National Guard under dishonorable conditions may be assigned to such a program if a court determines that extraordinary circumstances exist to warrant the assignment.

Existing law provides that upon violation of a term or condition of such a program, the court may: (1) enter a judgment of conviction and proceed as provided in the section pursuant to which the defendant was charged; and (2) order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison. (NRS 176A.290) **Section 5** of this bill authorizes the imposition of certain sanctions against a defendant for such a violation.

Existing law provides that upon fulfillment of the terms and conditions of such a program, the court shall discharge the defendant and dismiss the proceedings. (NRS 176A.290) **Section 5** provides that for defendants in the

program who were charged with battery constituting domestic violence or driving under the influence, the court may conditionally dismiss the charges. Under **section 6** of this bill, if the charges are conditionally dismissed, then not sooner than 7 years after such a conditional dismissal and upon the filing of a petition by the defendant, the court must order that all records relating to the charges be sealed.

Under existing law, before accepting a plea from a defendant or proceeding to trial, a justice of the peace or municipal judge must address the defendant personally and ask the defendant if he or she is a veteran or a member of the military. (NRS 4.374, 5.057) **Sections 8 and 10** of this bill require that the justice of the peace or municipal judge must, as soon as possible after a defendant is arrested or cited, attempt to determine whether the defendant is a veteran or a member of the military and, if so, whether the defendant qualifies for a program for the treatment of veterans and members of the military.

Sections 11 and 12 of this bill provide that: (1) persons who are charged with first misdemeanor offenses of battery constituting domestic violence or driving under the influence are eligible to be assigned to a program for the treatment of veterans and members of the military; and (2) offenses that are conditionally dismissed in connection with successful completion of such a program or a diversionary or specialty court program constitute prior offenses for the purpose of determining whether the person is subject to an enhanced penalty with respect to a subsequent offense.

The remaining sections of this bill make conforming changes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 176.015 is hereby amended to read as follows:

176.015 1. Sentence must be imposed without unreasonable delay. Pending sentence, the court may commit the defendant or continue or alter the bail.

2. Before imposing sentence, the court shall:

(a) Afford counsel an opportunity to speak on behalf of the defendant; and

(b) Address the defendant personally and ask the defendant if:

(1) The defendant wishes to make a statement in his or her own behalf and to present any information in mitigation of punishment; and

(2) The defendant is a veteran or a member of the military. If the defendant ~~[~~is a veteran or a member of the military and~~]~~ meets the qualifications of ~~[~~paragraphs (b) and (c) of~~]~~ subsection ~~[~~2~~]~~ ***1*** of NRS ~~[~~176A.285,~~]~~ ***176A.280,*** the court may, if appropriate, assign the defendant to:

(I) A program of treatment established pursuant to NRS 176A.280; or

(II) If a program of treatment established pursuant to NRS 176A.280 is not available for the defendant, a program of treatment established pursuant to NRS 176A.250 or 453.580.

3. After hearing any statements presented pursuant to subsection 2 and before imposing sentence, the court shall afford the victim an opportunity to:

(a) Appear personally, by counsel or by personal representative; and

(b) Reasonably express any views concerning the crime, the person responsible, the impact of the crime on the victim and the need for restitution.

4. The prosecutor shall give reasonable notice of the hearing to impose sentence to:

(a) The person against whom the crime was committed;

(b) A person who was injured as a direct result of the commission of the crime;

(c) The surviving spouse, parents or children of a person who was killed as a direct result of the commission of the crime; and

(d) Any other relative or victim who requests in writing to be notified of the hearing.

➥ Any defect in notice or failure of such persons to appear are not grounds for an appeal or the granting of a writ of habeas corpus. All personal information, including, but not limited to, a current or former address, which pertains to a victim or relative and which is received by the prosecutor pursuant to this subsection is confidential.

5. For the purposes of this section:

(a) "Member of the military" has the meaning ascribed to it in NRS 176A.043.

(b) "Relative" of a person includes:

(1) A spouse, parent, grandparent or stepparent;

(2) A natural born child, stepchild or adopted child;

(3) A grandchild, brother, sister, half brother or half sister; or

(4) A parent of a spouse.

(c) "Veteran" has the meaning ascribed to it in NRS 176A.090.

(d) "Victim" includes:

(1) A person, including a governmental entity, against whom a crime has been committed;

(2) A person who has been injured or killed as a direct result of the commission of a crime; and

(3) A relative of a person described in subparagraph (1) or (2).

6. This section does not restrict the authority of the court to consider any reliable and relevant evidence at the time of sentencing.

Sec. 2. Chapter 176A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a defendant is not eligible for assignment to a program of treatment established pursuant to NRS 176A.280 if the defendant:

(a) Has previously been assigned to such a program; or

(b) Was discharged or released from the Armed Forces of the United States, a reserve component thereof or the National Guard under dishonorable conditions.

2. A defendant described in paragraph (b) of subsection 1 may be assigned to a program of treatment established pursuant to NRS 176A.280 if a justice court, municipal court or district court, as applicable, determines that extraordinary circumstances exist which warrant the assignment of the defendant to the program.

Sec. 3. NRS 176A.280 is hereby amended to read as follows:

176A.280 ~~[A]~~

1. A district court, justice court or municipal court may establish an appropriate program for the treatment of veterans and members of the military to which it may assign a defendant pursuant to NRS 176A.290 ~~[.]~~ ***if the defendant is a veteran or member of the military and:***

(a) ~~[Is the victim of a military sexual assault or appears]~~ Appears to suffer from ~~[mental]~~ :

(1) Mental illness, alcohol or drug abuse, posttraumatic stress disorder or a traumatic brain injury, any of which appear to be related to military service, including, without limitation, any readjustment to civilian life which is necessary after combat service; or

(2) Military sexual trauma;

(b) Would benefit from assignment to the program; and

(c) Is not ineligible for assignment to the program pursuant to section 2 of this act or any other provision of law.

2. The assignment ***of a defendant to a program pursuant to this section*** must ~~[include]~~ ***:***

(a) Include the terms and conditions for successful completion of the program ~~[and provide]~~ ***;***

(b) Provide for progress reports at intervals set by the court to ensure that the defendant is making satisfactory progress towards completion of the program ~~[.]~~ ***; and***

(c) Be for a period of not less than 12 months.

3. As used in this section ~~[, "military]~~ :

(a) "Military sexual ~~[assault"]~~ trauma" means psychological trauma that is the result of sexual harassment or an act of sexual assault that occurred while the veteran or member of the military was serving on active duty, active duty for training or inactive duty training.

(b) "Sexual harassment" means repeated, unsolicited verbal or physical contact of a sexual nature that is threatening in character.

Sec. 4. NRS 176A.285 is hereby amended to read as follows:

176A.285 ~~[1. A]~~ ***If a*** justice court or ~~[a]~~ municipal court ***has not established a program pursuant to NRS 176A.280, the justice court or municipal court, as applicable,*** may, upon approval of the district court, transfer original jurisdiction to the district court of a case involving ~~[an eligible]~~ ***a*** defendant ~~[.~~

~~2. As used in this section, "eligible defendant" means a veteran or a member of the military who:~~

~~(a) Has~~**]** ***who meets the qualifications of subsection 1 of NRS 176A.280 and has*** not tendered a plea of guilty, guilty but mentally ill or nolo contendere to, or been found guilty or guilty but mentally ill of, an offense that is a misdemeanor **.** ~~[,~~

~~(b) Appears to suffer from mental illness, alcohol or drug abuse or posttraumatic stress disorder, any of which appear to be related to military service, including, without limitation, any readjustment to civilian life which is necessary after combat service; and~~

~~(c) Would benefit from assignment to a program established pursuant to NRS 176A.280.~~**]**

Sec. 5. NRS 176A.290 is hereby amended to read as follows:

176A.290 1. Except as otherwise provided in subsection 2 ~~[,]~~ ***and section 2 of this act,*** if a defendant ~~[who is a veteran or a member of the military and who suffers from mental illness, alcohol or drug abuse or posttraumatic stress disorder as]~~ described in NRS ~~[176A.285]~~ ***176A.280*** tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, any offense for which the suspension of sentence or the granting of probation is not prohibited by statute, the ***district court, justice court or municipal*** court ***, as applicable,*** may, without entering a judgment of conviction and with the consent of the defendant, suspend further proceedings and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.280.

2. If the offense committed by the defendant involved the use or threatened use of force or violence or if the defendant was previously convicted in this State or in any other jurisdiction of a felony that involved the use or threatened use of force or violence, the ***district court, justice court or municipal*** court ***, as applicable,*** may not assign the defendant to the program unless the prosecuting attorney stipulates to the assignment. For the purposes of this subsection, in determining whether an offense involved the use or threatened use of force or violence, the ***district court, justice court or municipal*** court ***, as applicable,*** shall consider the facts and circumstances surrounding the offense, including, without limitation, whether the defendant intended to place another person in reasonable apprehension of bodily harm.

3. Upon violation of a term or condition:

(a) ***The district court, justice court or municipal court, as applicable, may impose sanctions against the defendant for the violation, but allow the defendant to remain in the program. Before imposing a sanction, the court shall notify the defendant of the violation and provide the defendant an opportunity to respond. Any sanction imposed pursuant to this paragraph:***

(1) Must be in accordance with any applicable guidelines for sanctions established by the National Association of Drug Court Professionals or any successor organization; and

(2) May include, without limitation, imprisonment in a county or city jail or detention facility for a term set by the court, which must not exceed 25 days.

(b) The ***district court, justice court or municipal*** court ***, as applicable,*** may enter a judgment of conviction and proceed as provided in the section pursuant to which the defendant was charged.

~~[(b)]~~ ***(c)*** Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the ***district*** court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

4. ~~[Upon]~~ ***Except as otherwise provided in subsection 5, upon*** fulfillment of the terms and conditions, the ***district court, justice court or municipal*** court ***, as applicable,*** shall discharge the defendant and dismiss the proceedings. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, ***complaint,*** indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, ***complaint,*** indictment, information or trial in response to an inquiry made of the defendant for any purpose.

5. If the defendant was charged with a violation of NRS 200.485, 484C.110 or 484C.120, upon fulfillment of the terms and conditions, the district court, justice court or municipal court, as applicable, may conditionally dismiss the charges. If a court conditionally dismisses the charges, the court shall notify the defendant that the conditionally dismissed charges are a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail in a future case, but are not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose. Conditional dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, complaint, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, complaint, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

Sec. 6. NRS 176A.295 is hereby amended to read as follows:

176A.295 1. ~~[After]~~ ***Except as otherwise provided in subsection 2, after*** a defendant is discharged from probation pursuant to NRS 176A.290, the ***justice court, municipal court or district*** court ***, as applicable,*** shall order

sealed all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order if the defendant fulfills the terms and conditions imposed by the court and the Division. The ***justice court, municipal court or district*** court ***, as applicable,*** shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. ***If the defendant is charged with a violation of NRS 200.485, 484C.110 or 484C.120 and the charges are conditionally dismissed as provided in subsection 5 of NRS 176A.290, not sooner than 7 years after such a conditional dismissal and upon the filing of a petition by the defendant, the justice court, municipal court or district court, as applicable, shall order that all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order be sealed. The justice court, municipal court or district court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.***

3. If the ***justice court, municipal court or district*** court ***, as applicable,*** orders sealed the record of a defendant discharged ***or whose charges were conditionally dismissed*** pursuant to NRS 176A.290, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the ***justice court, municipal court or district*** court ***, as applicable,*** in writing of its compliance with the order.

Sec. 7. NRS 4.370 is hereby amended to read as follows:

4.370 1. Except as otherwise provided in subsection 2, justice courts have jurisdiction of the following civil actions and proceedings and no others except as otherwise provided by specific statute:

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed $15,000.

(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed $15,000.

(c) Except as otherwise provided in paragraph (l), in actions for a fine, penalty or forfeiture not exceeding $15,000, given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed $15,000, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed $15,000.

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed $15,000.

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed $15,000 or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed $15,000 or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed $15,000.

(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $15,000.

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $15,000.

(l) In actions for a fine imposed for a violation of NRS 484D.680.

(m) Except as otherwise provided in this paragraph, in any action for the issuance of a temporary or extended order for protection against domestic violence. A justice court does not have jurisdiction in an action for the issuance of a temporary or extended order for protection against domestic violence:

(1) In a county whose population is 100,000 or more and less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more; or

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court.

(n) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.

(o) In small claims actions under the provisions of chapter 73 of NRS.

(p) In actions to contest the validity of liens on mobile homes or manufactured homes.

(q) In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment.

(r) In any action pursuant to NRS 200.378 for the issuance of a protective order against a person alleged to have committed the crime of sexual assault.

(s) In actions transferred from the district court pursuant to NRS 3.221.

(t) In any action for the issuance of a temporary or extended order pursuant to NRS 33.400.

(u) In any action seeking an order pursuant to NRS 441A.195.

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real property or mining claims or questions affecting the boundaries of land are involved.

3. Justice courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. Upon approval of the district court, a justice court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 or ***, if the justice court has not established a program pursuant to NRS*** 176A.280 ~~[.]~~ ***, to a program established pursuant to that section.***

4. Except as otherwise provided in subsections 5 and 6, in criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.

5. In the case of any arrest made by a member of the Nevada Highway Patrol, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.

6. Each justice court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established.

Sec. 8. NRS 4.374 is hereby amended to read as follows:

4.374 1. ***As soon as possible after a defendant is arrested or cited, the justice of the peace shall attempt to determine whether the defendant is a veteran or a member of the military and, if so, whether the defendant meets the qualifications of subsection 1 of NRS 176A.280.***

2. Before accepting a plea from a defendant or proceeding to trial, the justice of the peace shall ~~[address]~~ ***:***

(a) Address the defendant personally and ask the defendant if he or she is a veteran or a member of the military ~~[.]~~ ***; and***

(b) Determine whether the defendant meets the qualifications of subsection 1 of NRS 176A.280.

~~[2.]~~ ***3.*** If the defendant ~~[is a veteran or a member of the military and]~~ meets the qualifications of ***subsection 1 of*** NRS ~~[176A.285,]~~ ***176A.280,*** the justice court may, ***if the justice court has not established a program pursuant to NRS 176A.280 and,*** if appropriate, take any action authorized by law for the purpose of having the defendant assigned to:

(a) A program of treatment established pursuant to NRS 176A.280; or

(b) If a program of treatment established pursuant to NRS 176A.280 is not available for the defendant, a program of treatment established pursuant to NRS 176A.250 or 453.580.

~~[3.]~~ ***4.*** As used in this section:

(a) "Member of the military" has the meaning ascribed to it in NRS 176A.043.

(b) "Veteran" has the meaning ascribed to it in NRS 176A.090.

Sec. 9. NRS 5.050 is hereby amended to read as follows:

5.050 1. Municipal courts have jurisdiction of civil actions or proceedings:

(a) For the violation of any ordinance of their respective cities.

(b) To prevent or abate a nuisance within the limits of their respective cities.

2. The municipal courts have jurisdiction of all misdemeanors committed in violation of the ordinances of their respective cities. Upon approval of the district court, a municipal court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 or ***, if the municipal court has not established a program pursuant to NRS*** 176A.280 ~~[.]~~ ***, to a program established pursuant to that section.***

3. The municipal courts have jurisdiction of:

(a) Any action for the collection of taxes or assessments levied for city purposes, when the principal sum thereof does not exceed $2,500.

(b) Actions to foreclose liens in the name of the city for the nonpayment of those taxes or assessments when the principal sum claimed does not exceed $2,500.

(c) Actions for the breach of any bond given by any officer or person to or for the use or benefit of the city, and of any action for damages to which the city is a party, and upon all forfeited recognizances given to or for the use or benefit of the city, and upon all bonds given on appeals from the municipal court in any of the cases named in this section, when the principal sum claimed does not exceed $2,500.

(d) Actions for the recovery of personal property belonging to the city, when the value thereof does not exceed $2,500.

(e) Actions by the city for the collection of any damages, debts or other obligations when the amount claimed, exclusive of costs or attorney's fees, or both if allowed, does not exceed $2,500.

(f) Actions seeking an order pursuant to NRS 441A.195.

4. Nothing contained in subsection 3 gives the municipal court jurisdiction to determine any such cause when it appears from the pleadings that the validity of any tax, assessment or levy, or title to real property, is necessarily an issue in the cause, in which case the court shall certify the cause to the district court in like manner and with the same effect as provided by law for certification of causes by justice courts.

Sec. 10. NRS 5.057 is hereby amended to read as follows:

5.057 1. ***As soon as possible after a defendant is arrested or cited, the municipal judge shall attempt to determine whether the defendant is a veteran or a member of the military and, if so, whether the defendant meets the qualifications of subsection 1 of NRS 176A.280.*** Before accepting a plea from a defendant or proceeding to trial, the municipal judge shall ~~[address]~~ ***:***

(a) Address the defendant personally and ask the defendant if he or she is a veteran or a member of the military ~~[.]~~ ***; and***

(b) Determine whether the defendant meets the qualifications of subsection 1 of NRS 176A.280.

2. If the defendant ~~[is a veteran or a member of the military and]~~ meets the qualifications of ***subsection 1 of*** NRS ~~[176A.285,]~~ ***176A.280,*** the municipal court may, ***if the municipal court has not established a program pursuant to NRS 176A.280 and,*** if appropriate, take any action authorized by law for the purpose of having the defendant assigned to:

(a) A program of treatment established pursuant to NRS 176A.280; or

(b) If a program of treatment established pursuant to NRS 176A.280 is not available for the defendant, a program of treatment established pursuant to NRS 176A.250 or 453.580.

3. As used in this section:

(a) "Member of the military" has the meaning ascribed to it in NRS 176A.043.

(b) "Veteran" has the meaning ascribed to it in NRS 176A.090.

Sec. 11. NRS 200.485 is hereby amended to read as follows:

200.485 1. Unless a greater penalty is provided pursuant to subsection 2 or NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018:

(a) For the first offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

➥ The person shall be further punished by a fine of not less than $200, but not more than $1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur at a time when the person is not required to be at his or her place of employment or on a weekend.

(b) For the second offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

➥ The person shall be further punished by a fine of not less than $500, but not more than $1,000.

(c) For the third and any subsequent offense within 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to

NRS 33.018, if the battery is committed by strangulation as described in NRS 200.481, is guilty of a category C felony and shall be punished as provided in NRS 193.130 and by a fine of not more than $15,000.

3. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, the court shall:

(a) For the first offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

(b) For the second offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

➥ If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

4. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section ~~[when]~~ ***:***

(a) When evidenced by a conviction ~~[,]~~ ***; or***

(b) If the offense is conditionally dismissed pursuant to NRS 176A.290 or dismissed in connection with successful completion of a diversionary program or specialty court program,

➥ without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

5. In addition to any other fine or penalty, the court shall order such a person to pay an administrative assessment of $35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.

6. In addition to any other penalty, the court may require such a person to participate, at his or her expense, in a program of treatment for the abuse of alcohol or drugs that has been certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

7. If it appears from information presented to the court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence pursuant to NRS 33.018, the

court may refer the child to an agency which provides child welfare services. If the court refers a child to an agency which provides child welfare services, the court shall require the person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 to reimburse the agency for the costs of any services provided, to the extent of the convicted person's ability to pay.

8. If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not dismiss such a charge in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. ~~[A court shall not grant probation to and, except]~~ ***Except*** as otherwise provided in ~~[NRS 4.373 and 5.055,]~~ ***this subsection,*** a court shall not ***grant probation to or*** suspend the sentence of such a person. ***A court may grant probation to or suspend the sentence of such a person:***

(a) As set forth in NRS 4.373 and 5.055; or

(b) To assign the person to a program for the treatment of veterans and members of the military pursuant to NRS 176A.290 if the charge is for a first offense punishable as a misdemeanor.

9. As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(c) "Offense" includes a battery which constitutes domestic violence pursuant to NRS 33.018 or a violation of the law of any other jurisdiction that prohibits the same or similar conduct.

Sec. 11.5. NRS 484C.400 is hereby amended to read as follows:

484C.400 1. Unless a greater penalty is provided pursuant to NRS 484C.430 or 484C.440, and except as otherwise provided in NRS 484C.410, a person who violates the provisions of NRS 484C.110 or 484C.120:

(a) For the first offense within 7 years, is guilty of a misdemeanor. Unless the person is allowed to undergo treatment as provided in NRS 484C.320, the court shall:

(1) Except as otherwise provided in subparagraph (4) of this paragraph or subsection ~~[2]~~ ***3*** of NRS 484C.420, order the person to pay tuition for an educational course on the abuse of alcohol and controlled substances approved by the Department and complete the course within the time specified in the order, and the court shall notify the Department if the person fails to complete the course within the specified time;

(2) Unless the sentence is reduced pursuant to NRS 484C.320, sentence the person to imprisonment for not less than 2 days nor more than 6 months in jail, or to perform not less than 48 hours, but not more than 96 hours, of

community service while dressed in distinctive garb that identifies the person as having violated the provisions of NRS 484C.110 or 484C.120;

(3) Fine the person not less than $400 nor more than $1,000; and

(4) If the person is found to have a concentration of alcohol of 0.18 or more in his or her blood or breath, order the person to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484C.360.

(b) For a second offense within 7 years, is guilty of a misdemeanor. Unless the sentence is reduced pursuant to NRS 484C.330, the court shall:

(1) Sentence the person to:

(I) Imprisonment for not less than 10 days nor more than 6 months in jail; or

(II) Residential confinement for not less than 10 days nor more than 6 months, in the manner provided in NRS 4.376 to 4.3766, inclusive, or 5.0755 to 5.078, inclusive;

(2) Fine the person not less than $750 nor more than $1,000, or order the person to perform an equivalent number of hours of community service while dressed in distinctive garb that identifies the person as having violated the provisions of NRS 484C.110 or 484C.120; and

(3) Order the person to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484C.360.

➥ A person who willfully fails or refuses to complete successfully a term of residential confinement or a program of treatment ordered pursuant to this paragraph is guilty of a misdemeanor.

(c) Except as otherwise provided in NRS 484C.340, for a third offense within 7 years, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and shall be further punished by a fine of not less than $2,000 nor more than $5,000. An offender who is imprisoned pursuant to the provisions of this paragraph must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section ~~[when]~~ ***:***

(a) When evidenced by a conviction ~~[,]~~ ***; or***

(b) If the offense is conditionally dismissed pursuant to NRS 176A.290 or dismissed in connection with successful completion of a diversionary program or specialty court program,

➥ without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a

felony, must also be shown at the preliminary examination or presented to the grand jury.

3. A term of confinement imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace, except that a person who is convicted of a second or subsequent offense within 7 years must be confined for at least one segment of not less than 48 consecutive hours. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the offender, but any sentence of 30 days or less must be served within 6 months after the date of conviction or, if the offender was sentenced pursuant to NRS 484C.320 or 484C.330 and the suspension of his or her sentence was revoked, within 6 months after the date of revocation. Any time for which the offender is confined must consist of not less than 24 consecutive hours.

4. Jail sentences simultaneously imposed pursuant to this section and NRS 482.456, 483.560, 484C.410 or 485.330 must run consecutively.

5. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

6. For the purpose of determining whether one offense occurs within 7 years of another offense, any period of time between the two offenses during which, for any such offense, the offender is imprisoned, serving a term of residential confinement, placed under the supervision of a treatment provider, on parole or on probation must be excluded.

7. As used in this section, unless the context otherwise requires, "offense" means:

(a) A violation of NRS 484C.110, 484C.120 or 484C.430;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).

Sec. 12. NRS 484C.420 is hereby amended to read as follows:

484C.420 1. ~~[A]~~ ***Except as otherwise provided in subsection 2, a*** person convicted of violating the provisions of NRS 484C.110 or 484C.120 must not be released on probation, and a sentence imposed for violating those provisions must not be suspended except, as provided in NRS 4.373, 5.055, 484C.320, 484C.330 and 484C.340, that portion of the sentence imposed that exceeds the mandatory minimum. A prosecuting attorney shall not dismiss a charge of violating the provisions of NRS 484C.110 or 484C.120 in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the attorney knows or it is

obvious that the charge is not supported by probable cause or cannot be proved at the time of trial.

2. ***The court may grant probation to or suspend the sentence of a person to assign the person to a program for the treatment of veterans and members of the military pursuant to NRS 176A.290 if the charge is for a first violation of the provisions of NRS 484C.110 or 484C.120 that is punishable as a misdemeanor.***

3. If the person who violated the provisions of NRS 484C.110 or 484C.120 possesses a driver's license issued by a state other than the State of Nevada and does not reside in the State of Nevada, in carrying out the provisions of subparagraph (1) of paragraph (a) of subsection 1 of NRS 484C.400, the court shall:

(a) Order the person to pay tuition for and submit evidence of completion of an educational course on the abuse of alcohol and controlled substances approved by a governmental agency of the state of the person's residence within the time specified in the order; or

(b) Order the person to complete an educational course by correspondence on the abuse of alcohol and controlled substances approved by the Department within the time specified in the order,

➥ and the court shall notify the Department if the person fails to complete the assigned course within the specified time.

Sec. 13. This act becomes effective upon passage and approval.

Assemblyman Ohrenschall moved that the Assembly concur in the Senate Amendment No. 939 to Assembly Bill No. 286.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

There were two bills, both houses, dealing with our veterans' courts. Assembly Bill 286 was sponsored by my colleague from Assembly District 15. He worked tirelessly on this. He worked with the vice chairman of Senate Judiciary over on the other side, and I think they made the bill even better, worked together, and this is the final product. I think my colleague from Assembly District 15 deserves a lot of commendation on this because I believe it will help a lot of our vets who find themselves in the criminal justice system. We like this amendment too.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Diaz moved that the Assembly do not recede from its action on Senate Joint Resolution No. 17 of the 78th Session, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Diaz.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Joiner, Monroe-Moreno, and Hambrick as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Joint Resolution No. 17 of the 78th Session.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 322.

The following Senate amendment was read:

Amendment No. 972.

AN ACT relating to driver authorization cards; revising provisions governing the administration of driver authorization cards; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Motor Vehicles to adopt regulations prescribing the period for which a driver's license is valid. (NRS 483.380) Those regulations specify that a driver's license expires on the eighth anniversary or fourth anniversary of the birthday of the licensee, depending upon certain circumstances. (NAC 483.043) Under existing law a driver authorization card expires on the anniversary of its issuance or renewal. (NRS 483.291) **Section 1** of this bill removes the annual expiration requirement for a driver authorization card, and ~~[section 2 of this bill]~~ requires instead that ~~[the regulations which prescribe the date of expiration of a driver's license also prescribe the date of expiration of a driver authorization card and that they must be valid for the same period, unless otherwise required by federal law.]~~ **such a card expires on the fourth anniversary of the holder's birthday, measured from the birthday nearest the date of issuance or renewal.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 483.291 is hereby amended to read as follows:

483.291 1. An application for an instruction permit or for a driver authorization card must:

(a) Be made upon a form furnished by the Department.

(b) Be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.

(c) Be accompanied by the required fee.

(d) State the name, date of birth, sex and residence address of the applicant and briefly describe the applicant.

(e) State whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been

suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal.

(f) Include such other information as the Department may require to determine the competency and eligibility of the applicant.

2. Every applicant must furnish proof of his or her name and age by displaying an original or certified copy of:

(a) Any one of the following documents:

(1) A birth certificate issued by a state, a political subdivision of a state, the District of Columbia or any territory of the United States;

(2) A driver's license issued by another state, the District of Columbia or any territory of the United States which is issued pursuant to the standards established by 6 C.F.R. Part 37, Subparts A to E, inclusive, and which contains a security mark approved by the United States Department of Homeland Security in accordance with 6 C.F.R. § 37.17;

(3) A passport issued by the United States Government;

(4) A military identification card or military dependent identification card issued by any branch of the Armed Forces of the United States;

(5) For persons who served in any branch of the Armed Forces of the United States, a report of separation;

(6) A Certificate of Degree of Indian ***or Alaska Native*** Blood issued by the United States Government;

(7) A Certificate of Citizenship, Certificate of Naturalization, Permanent Resident Card or Temporary Resident Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security;

(8) A Consular Report of Birth Abroad issued by the Department of State; or

(9) Such other documentation as specified by the Department by regulation; or

(b) Any two of the following documents:

(1) A driver's license issued by another state, the District of Columbia or any territory of the United States other than such a driver's license described in subparagraph (2) of paragraph (a);

(2) A passport issued by a foreign government;

(3) A birth certificate issued by a foreign government;

(4) A consular identification card issued by the Government of Mexico or a document issued by another government that the Department determines is substantially similar; or

(5) Any other proof acceptable to the Department.

➥ No document which is written in a language other than English may be accepted by the Department pursuant to this subsection unless it is accompanied by a verified translation of the document in the English language.

3. Every applicant must prove his or her residence in this State by displaying an original or certified copy of any two of the following documents:

(a) A receipt from the rent or lease of a residence located in this State;

(b) A record from a public utility for a service address located in this State which is dated within the previous 60 days;

(c) A bank or credit card statement indicating a residential address located in this State which is dated within the previous 60 days;

(d) A stub from an employment check indicating a residential address located in this State;

(e) A document issued by an insurance company or its agent, including, without limitation, an insurance card, binder or bill, indicating a residential address located in this State;

(f) A record, receipt or bill from a medical provider indicating a residential address located in this State; or

(g) Any other document as prescribed by the Department by regulation.

4. Except as otherwise provided in subsection 5, a driver authorization card or instruction permit obtained in accordance with this section must:

(a) Contain the same information as prescribed for a driver's license pursuant to NRS 483.340 and any regulations adopted pursuant thereto;

(b) Be of the same design as a driver's license and contain only the minimum number of changes from that design that are necessary to comply with subsection 5; and

(c) Be numbered from the same sequence of numbers as a driver's license.

5. A driver authorization card or instruction permit obtained in accordance with this section must comply with the requirements of section 202(d)(11) of the Real ID Act of 2005, Public Law 109-13, Division B, Title II, 119 Stat. 302, 312-15, 49 U.S.C. § 30301 note.

6. Notwithstanding the provisions of NRS 483.380, every ~~***[Every]***~~ driver authorization card ~~**[**expires on the anniversary of its issuance or renewal. Every driver authorization card is**]**~~ ***:***

(a) Expires ~~***[as provided in regulations adopted by the Department pursuant to NRS 483.380.]***~~ ***on the fourth anniversary of the holder's birthday, measured in the case of initial issuance or renewal from the birthday nearest the date of issuance or renewal.***

(b) Is renewable at any time before its expiration upon application and payment of the required fee. The Department may, by regulation, defer the expiration of the driver authorization card of a person who is on active duty in the Armed Forces of the United States upon such terms and conditions as it may prescribe. The Department may similarly defer the expiration of the driver authorization card of the spouse or dependent son or daughter of that person if the spouse or child is residing with the person.

7. A driver authorization card shall not be used to determine eligibility for any benefits, licenses or services issued or provided by this State or its political subdivisions.

8. Except as otherwise provided in this section or by specific statute, any provision of this title that applies to drivers' licenses shall be deemed to apply to a driver authorization card and an instruction permit obtained in accordance with this section.

Sec. 2. ~~[NRS 483.380 is hereby amended to read as follows:~~

~~483.380 1. Except as otherwise provided in NRS 483.283, every driver's license *and driver authorization card* expires as prescribed by regulation.~~

~~2. The Department shall adopt regulations prescribing when a driver's license [expires.] *and a driver authorization card expire.* The Department may, by regulation, defer the expiration of the driver's license *or driver authorization card* of a person who is on active duty in the Armed Forces upon such terms and conditions as it may prescribe. The Department may similarly defer the expiration of the *driver's* license *or driver authorization card* of the spouse or dependent son or daughter of that person if the spouse or child is residing with the person.~~

~~*3. Except as otherwise required by federal law, the regulations required pursuant to subsection 2 must ensure that the period between the issuance and expiration of a driver authorization card is equal to the period between the issuance and expiration of a driver's license.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~[As soon as practicable after July 1, 2017, the Department of Motor Vehicles shall adopt the regulations required pursuant to NRS 483.380, as amended by section 2 of this act.]~~ **(Deleted by amendment.)**

Sec. 4. This act becomes effective on July 1, 2017.

Assemblyman Carrillo moved that the Assembly concur in the Senate Amendment No. 972 to Assembly Bill No. 322.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

The amendment removes provisions requiring the regulations of the Department of Motor Vehicles which prescribe the expiration date of a driver's license and also prescribe the expiration date of driver authorization card must be valid for the same time period. Instead, the amendment provides that a driver authorization card expires on the fourth anniversary of the holder's birthday, measured from the birthday nearest the date of issuance or renewal.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 25.

The following Senate amendment was read:

Amendment No. 954.

AN ACT relating to criminal offenders; revising provisions relating to certain allowable deductions from the period of probation or sentence of a person; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that a person who is sentenced to serve a period of probation for a felony or gross misdemeanor be allowed for the period of probation a deduction of a certain number of days from that period for each month the person serves if he or she is in compliance with the terms and conditions of the probation and is: (1) current with any fee to defray the costs of the person's supervision and any fines, fees and restitution ordered by the court; and (2) actively involved in employment or enrolled in a program of education, rehabilitation or another program approved by the Division of Parole and Probation of the Department of Public Safety. (NRS 176A.500) Existing law similarly requires that certain persons who are on parole or released on parole be allowed for the period the person is on parole a deduction of a certain number of days from the person's sentence for each month served if the person is current with any fee to defray the costs of his or her supervision and any payment of restitution required by the State Board of Parole Commissioners. (NRS 209.4475)

Section 1 of this bill revises the requirements that a probationer must satisfy to be allowed a deduction from his or her period of probation. **Section 1** removes the requirements that the probationer be in compliance with the terms and conditions of the probation and be current on the payment of fines and fees ordered by the court, thereby making the requirements for probationers to be allowed a deduction more similar to the existing requirements imposed on parolees. **Section 1** also removes the requirement that a probationer, to be allowed a deduction, must be both: (1) current with any fee to defray the costs of his or her supervision and any payment of restitution; and (2) actively involved in employment or enrolled in a program approved by the Division, and instead provides that a probationer is allowed a separate deduction for satisfying each such requirement.

Sections 1 and 2 of this bill, respectively, provide that for the purpose of determining whether a probationer is allowed a deduction from his or her period of probation for being current with any fee to defray the costs of his or her supervision and any payment of restitution or whether a parolee is allowed a deduction from his or her sentence, the probationer or parolee shall be deemed to be current with any fee to defray the costs of his or her supervision and any payment of restitution for any given month if, during that month, the probationer or parolee makes at least the minimum monthly payment established by the court, the Division or the Board, as applicable.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 176A.500 is hereby amended to read as follows:

176A.500 1. The period of probation or suspension of sentence may be indeterminate or may be fixed by the court and may at any time be extended or terminated by the court, but the period, including any extensions thereof, must not be more than:

(a) Three years for a:

(1) Gross misdemeanor; or

(2) Suspension of sentence pursuant to NRS 176A.260, 176A.290 or 453.3363; or

(b) Five years for a felony.

2. At any time during probation or suspension of sentence, the court may issue a warrant for violating any of the conditions of probation or suspension of sentence and cause the defendant to be arrested. Except for the purpose of giving a dishonorable discharge from probation, and except as otherwise provided in this subsection, the time during which a warrant for violating any of the conditions of probation is in effect is not part of the period of probation. If the warrant is cancelled or probation is reinstated, the court may include any amount of that time as part of the period of probation.

3. Any parole and probation officer or any peace officer with power to arrest may arrest a probationer without a warrant, or may deputize any other officer with power to arrest to do so by giving the probationer a written statement setting forth that the probationer has, in the judgment of the parole and probation officer, violated the conditions of probation. Except as otherwise provided in subsection 4, the parole and probation officer or the peace officer, after making an arrest, shall present to the detaining authorities, if any, a statement of the charges against the probationer. The parole and probation officer shall at once notify the court which granted probation of the arrest and detention or residential confinement of the probationer and shall submit a report in writing showing in what manner the probationer has violated the conditions of probation.

4. A parole and probation officer or a peace officer may immediately release from custody without any further proceedings any person the officer arrests without a warrant for violating a condition of probation if the parole and probation officer or peace officer determines that there is no probable cause to believe that the person violated the condition of probation.

5. A person who is sentenced to serve a period of probation for a felony or a gross misdemeanor ~~[must be allowed for the period of the probation a deduction as set forth in subsection 6 if the offender is in compliance with the terms and conditions of the probation as determined by the Division and is:~~

~~(a) Current with any fee to defray the cost of the supervision charged pursuant to NRS 213.1076 and with any fines, fees and restitution ordered by the court, including, without limitation, any payment of restitution required pursuant to NRS 176A.430; and~~

~~(b) Actively involved in employment or enrolled in a program of education, rehabilitation or any other program approved by the Division.~~

~~6. A person described in subsection 5~~] must be allowed for the period of the probation a deduction of:

(a) Ten days from that period for each month the person serves and is current ~~[on]~~ ***with*** any ~~[fees]~~ ***fee*** to defray the ~~[cost]~~ ***costs*** of ~~[the]~~ ***his or her*** supervision ~~[owed]~~ ***charged by the Division of Parole and Probation of the***

Department of Public Safety pursuant to NRS 213.1076 and ~~[on]~~ ***with*** any ~~[fines, fees and]~~ ***payment of*** restitution ordered by the court ~~[; and]~~ ***, including, without limitation, any payment of restitution required pursuant to NRS 176A.430. A person shall be deemed to be current with any such fee and payment of restitution for any given month if, during that month, the person makes at least the minimum monthly payment established by the court or, if the court does not establish a minimum monthly payment, by the Division.***

(b) Except as otherwise provided in subsection 7, ~~[an additional]~~ 10 days from that period for each month the person serves and is actively involved in employment or enrolled in a program of education, rehabilitation or any other program approved by the Division.

6. A person must be allowed a deduction pursuant to paragraph (a) or (b) of subsection 5 regardless of whether the person has satisfied the requirements of the other paragraph and must be allowed a deduction pursuant to paragraphs (a) and (b) of subsection 5 if the person has satisfied the requirements of both paragraphs of that subsection.

7. A person who is sentenced to serve a period of probation for a felony or a gross misdemeanor and who is a participant in a specialty court program must be allowed a deduction from the period of probation for being actively involved in employment or enrolled in a program of education, rehabilitation or any other program approved by the Division only if the person successfully completes the specialty court program. Such a deduction must not exceed the length of time remaining on the person's period of probation.

8. As used in this section, "specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from mental illnesses or abuse alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250 or 453.580.

Sec. 2. NRS 209.4475 is hereby amended to read as follows:

209.4475 1. In addition to any credits earned pursuant to NRS 209.447, an offender who is on parole as of January 1, 2004, or who is released on parole on or after January 1, 2004, for a term less than life must be allowed for the period the offender is actually on parole a deduction of 20 days from the offender's sentence for each month the offender serves if:

(a) The offender is current with any fee to defray the costs of his or her supervision ***charged by the Division of Parole and Probation of the Department of Public Safety*** pursuant to NRS 213.1076; and

(b) The offender is current with any payment of restitution required ***by the State Board of Parole Commissioners*** pursuant to NRS 213.126.

2. ***An offender shall be deemed to be current with any fee and payment of restitution described in subsection 1 for any given month if, during that month, the offender makes at least the minimum monthly payment established by:***

(a) The Division of Parole and Probation of the Department of Public Safety, if any; and

(b) The State Board of Parole Commissioners, if any.

3. In addition to any credits earned pursuant to subsection 1 and NRS 209.447, the Director may allow not more than 10 days of credit each month for an offender:

(a) Who is on parole as of January 1, 2004, or who is released on parole on or after January 1, 2004, for a term less than life; and

(b) Whose diligence in labor or study merits such credits.

~~[3.]~~ ***4.*** An offender is entitled to the deductions authorized by this section only if the offender satisfies the conditions of subsection 1 or ~~[2,]~~ ***3,*** as determined by the Director. The Chief Parole and Probation Officer or other person responsible for the supervision of an offender shall report to the Director the failure of an offender to satisfy those conditions.

~~[4.]~~ ***5.*** Credits earned pursuant to this section must, in addition to any credits earned pursuant to NRS 209.443, 209.446, 209.4465, 209.447, 209.448 and 209.449, be deducted from the maximum term or the maximum aggregate term imposed by the sentence, as applicable.

~~[5.]~~ ***6.*** The Director shall maintain records of the credits to which each offender is entitled pursuant to this section.

Sec. 3. 1. The amendatory provisions of this act apply to offenses committed before, on or after ~~[the effective date of this act.]~~ **July 1, 2017.**

2. For the purpose of calculating credits earned by a person pursuant to NRS 176A.500 or 209.4475, the amendatory provisions of this act must be applied only to credits earned by the person on or after ~~[the effective date of this act.]~~ **July 1, 2017.**

Sec. 4. This act becomes effective ~~[upon passage and approval.]~~ **on July 1, 2017.**

Assemblyman Ohrenschall moved that the Assembly do not concur in the Senate Amendment No. 954 to Assembly Bill No. 25.

Remarks by Assemblyman Ohrenschall.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 76.

The following Senate amendment was read:

Amendment No. 785.

AN ACT relating to records of criminal history; revising provisions governing requirements for the submission of information to the Central Repository for Nevada Records of Criminal History; reducing the period in which the Central Repository may not charge a fee for providing certain information relating to an applicant for professional licensure; revising provisions relating to the Revolving Account to Investigate the Background of Volunteers Who Work With Children; revising the information which must be included within the record of the Repository for Information

Concerning Crimes Against Older Persons; revising and repealing certain provisions regarding the dissemination of certain information from the Central Repository; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Central Repository for Nevada Records of Criminal History for the collection and maintenance of certain information relating to records of criminal history. Under existing law, the General Services Division of the Department of Public Safety is authorized to request of and receive from the Federal Bureau of Investigation the background and personal history of a person by submitting to the Federal Bureau of Investigation a complete set of fingerprints of the person which was received by the Central Repository. (NRS 179A.075) **Section 4** of this bill revises the definition of the term "record of criminal history" to include "biometric identifiers," which is defined in **section 2** of this bill as a fingerprint, palm print, scar, bodily mark, tattoo, voiceprint, facial image, retina image or iris image of a person.

Existing law requires each agency of criminal justice and any other agency dealing with crime or delinquency of children to collect, maintain and submit certain information to the Central Repository. (NRS 179A.075) **Section 5** of this bill eliminates those duties as they pertain to agencies dealing with delinquency of children and establishes certain reporting requirements for compliance with the policies, procedures and definitions prescribed by the Federal Bureau of Investigation for the submission of information to the Uniform Crime Reporting Program.

Existing law sets forth a list of persons and governmental entities to whom records of criminal history must be disseminated by an agency of criminal justice upon request. (NRS 179A.100) **Section 8** of this bill adds to that list **: (1) a reporter or editorial employee who is employed or affiliated with a newspaper, press association or commercially operated, federally licensed radio or television station, under certain circumstances; and (2)** a county coroner or medical examiner, as needed to conduct an investigation of the death of a person.

Existing law prohibits the Central Repository from charging a fee for information relating to records of criminal history relating to a person regarding whom the Central Repository provided a similar report within the immediately preceding 6 months in conjunction with an application by the person for professional licensure. (NRS 179A.140) **Section 10** of this bill reduces the period in which the fee may not be charged to 90 days.

Existing law establishes the Revolving Account to Investigate the Background of Volunteers Who Work With Children. Money in the Account is to be used to pay the costs to process requests from nonprofit agencies to determine whether a volunteer or prospective volunteer of such an agency who works, or will work, directly with children has committed certain offenses. (NRS 179A.310) **Section 12** of this bill: (1) clarifies that the Central Repository processes requests from the agencies for information on

the background of such volunteers; and (2) changes the name of the Account to the Revolving Account to Process Requests for Information on the Background of Volunteers Who Work With Children.

Existing law establishes the Repository for Information Concerning Crimes Against Older Persons within the Central Repository. (NRS 179A.450) **Section 14** of this bill revises the information which must be included within the record of the Repository for Information Concerning Crimes Against Older Persons.

Existing law governs the dissemination of information relating to certain offenses as that information relates to persons who work with children. (NRS 179A.180-179A.240) **Section 21** of this bill repeals those provisions, as provisions governing dissemination of that information are included in federal laws and regulations.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 179.301 is hereby amended to read as follows:

179.301 1. The Nevada Gaming Control Board and the Nevada Gaming Commission and their employees, agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, if the event or conviction was related to gaming, to determine the suitability or qualifications of any person to hold a state gaming license, manufacturer's, seller's or distributor's license or registration as a gaming employee pursuant to chapter 463 of NRS. Events and convictions, if any, which are the subject of an order sealing records:

(a) May form the basis for recommendation, denial or revocation of those licenses.

(b) Must not form the basis for denial or rejection of a gaming work permit unless the event or conviction relates to the applicant's suitability or qualifications to hold the work permit.

2. The Division of Insurance of the Department of Business and Industry and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, if the event or conviction was related to insurance, to determine the suitability or qualifications of any person to hold a license, certification or authorization issued in accordance with title 57 of NRS. Events and convictions, if any, which are the subject of an order sealing records may form the basis for recommendation, denial or revocation of those licenses, certifications and authorizations.

3. A prosecuting attorney may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 if:

(a) The records relate to a violation or alleged violation of NRS 202.575; and

(b) The person who is the subject of the records has been arrested or issued a citation for violating NRS 202.575.

4. The Central Repository for Nevada Records of Criminal History and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 that constitute information relating to sexual offenses, and may notify employers of the information in accordance with ~~[NRS 179A.180 to 179A.240, inclusive.]~~ ***federal laws and regulations.***

5. Records which have been sealed pursuant to NRS 179.245 or 179.255 and which are retained in the statewide registry established pursuant to NRS 179B.200 may be inspected pursuant to chapter 179B of NRS by an officer or employee of the Central Repository for Nevada Records of Criminal History or a law enforcement officer in the regular course of his or her duties.

6. The State Board of Pardons Commissioners and its agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 if the person who is the subject of the records has applied for a pardon from the Board.

7. As used in this section:

(a) "Information relating to sexual offenses" means information contained in or concerning a record relating in any way to a sexual offense.

(b) "Sexual offense" has the meaning ascribed to it in NRS 179A.073.

Sec. 2. Chapter 179A of NRS is hereby amended by adding thereto a new section to read as follows:

"Biometric identifier" means a fingerprint, palm print, scar, bodily mark, tattoo, voiceprint, facial image, retina image or iris image of a person.

Sec. 3. NRS 179A.010 is hereby amended to read as follows:

179A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 179A.020 to 179A.073, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 4. NRS 179A.070 is hereby amended to read as follows:

179A.070 1. "Record of criminal history" means information contained in records collected and maintained by agencies of criminal justice, the subject of which is a natural person, consisting of descriptions which identify the subject and notations of summons in a criminal action, warrants, arrests, citations for misdemeanors issued pursuant to NRS 171.1773, citations issued for violations of NRS 484C.110, 484C.120, 484C.130 and 484C.430, detentions, decisions of a district attorney or the Attorney General not to prosecute the subject, indictments, informations or other formal criminal charges and dispositions of charges, including, without limitation, dismissals, acquittals, convictions, sentences, information set forth in NRS 209.353 concerning an offender in prison, any postconviction relief, correctional supervision occurring in Nevada, information concerning the status of an offender on parole or probation, and information concerning a convicted person who has registered as such pursuant to chapter 179C of NRS. The term includes only information contained in a record, maintained in written or electronic form, of a formal transaction between a person and an agency of criminal justice in this State, including, without limitation, the fingerprints

and other biometric identifiers of a person who is arrested and taken into custody and of a person who is placed on parole or probation and supervised by the Division of Parole and Probation of the Department.

2. "Record of criminal history" does not include:

(a) Investigative or intelligence information, reports of crime or other information concerning specific persons collected in the course of the enforcement of criminal laws;

(b) Information concerning juveniles;

(c) Posters, announcements or lists intended to identify fugitives or wanted persons and aid in their apprehension;

(d) Original records of entry maintained by agencies of criminal justice if the records are chronological and not cross-indexed;

(e) Records of application for and issuance, suspension, revocation or renewal of occupational licenses, including, without limitation, permits to work in the gaming industry;

(f) Except as otherwise provided in subsection 1, court indexes and records of public judicial proceedings, court decisions and opinions, and information disclosed during public judicial proceedings;

(g) Except as otherwise provided in subsection 1, records of traffic violations constituting misdemeanors;

(h) Records of traffic offenses maintained by the Department to regulate the issuance, suspension, revocation or renewal of drivers' or other operators' licenses;

(i) Announcements of actions by the State Board of Pardons Commissioners and the State Board of Parole Commissioners, except information concerning the status of an offender on parole or probation; or

(j) Records which originated in an agency other than an agency of criminal justice in this State.

Sec. 5. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the General Services Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime ~~[~~or delinquency of children~~]~~ shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository ~~[~~in~~]~~ ***:***

(1) In the manner approved by the Director of the Department ~~[.]~~ ***; and***

(2) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates, issues or collects, and any information in its possession relating to the DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or

176.0913, to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department,

➥ within 60 days after the date of the disposition of the case. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. ***Each state and local law enforcement agency shall submit Uniform Crime Reports to the Central Repository:***

(a) In the manner prescribed by the Director of the Department;

(b) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation; and

(c) Within the time prescribed by the Director of the Department.

5. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.

(c) Upon request, provide the information that is contained in the Central Repository to the State Disaster Identification Team of the Division of Emergency Management of the Department.

(d) Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to a multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored by the Attorney General pursuant to NRS 228.495.

~~[5.]~~ ***6.*** The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints or other biometric identifier the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required or authorized to be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

~~[6.]~~ ***7.*** To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to subsection ~~[5,]~~ ***6,*** the Central Repository must receive:

(a) The person's complete set of fingerprints for the purposes of:

(1) Booking the person into a city or county jail or detention facility;

(2) Employment;

(3) Contractual services; or

(4) Services related to occupational licensing;

(b) One or more of the person's fingerprints for the purposes of mobile identification by an agency of criminal justice; or

(c) Any other biometric identifier of the person as it may require for the purposes of:

(1) Arrest; or

(2) Criminal investigation,

➥ from the agency of criminal justice or agency of the State of Nevada or any political subdivision thereof and submit the received data to the Federal Bureau of Investigation for its report.

~~[7.]~~ ***8.*** The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;

(2) Has applied to a county school district, charter school or private school for employment; or

(3) Is employed by a county school district, charter school or private school,

➥ and notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

➥ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits one or more fingerprints or other biometric identifier or has such data submitted pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or 449.4329.

(g) On or before July 1 of each year, prepare and post on the Central Repository's Internet website an annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be posted to the Central Repository's Internet website throughout the year regarding specific areas of crime if they are approved by the Director of the Department.

(h) On or before July 1 of each year, prepare and post on the Central Repository's Internet website a report containing statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice ~~[and the delinquency of children]~~ by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

(j) Adopt regulations governing biometric identifiers and the information and data derived from biometric identifiers, including, without limitation:

(1) Their collection, use, safeguarding, handling, retention, storage, dissemination and destruction; and

(2) The methods by which a person may request the removal of his or her biometric identifiers from the Central Repository and any other agency where his or her biometric identifiers have been stored.

~~[8.]~~ ***9.*** The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime **.** ~~[or the delinquency of children.]~~

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime ~~[or the delinquency of children]~~ which is required to submit information pursuant to subsection 2 or the State Disaster Identification Team of the Division of Emergency Management of the Department. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

~~[9.]~~ ***10.*** As used in this section:

(a) ~~["Biometric identifier" means a fingerprint, palm print, scar, bodily mark, tattoo, voiceprint, facial image, retina image or iris image of a person.~~

~~(b)]~~ "Mobile identification" means the collection, storage, transmission, reception, search, access or processing of a biometric identifier using a handheld device.

~~[(c)]~~ ***(b)*** "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) A biometric identifier of a person.

~~[(d)]~~ ***(c)*** "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 6. NRS 179A.078 is hereby amended to read as follows:

179A.078 The Director of the Department shall establish within the Central Repository a Uniform Program for Reporting Crimes that is designed to collect statistical data relating to crime ~~[or delinquency of children]~~ and to facilitate the collection and analysis of statistical data relating to crime at a central location.

Sec. 7. NRS 179A.080 is hereby amended to read as follows:

179A.080 The Director of the Department is responsible for administering this chapter and may adopt regulations for that purpose. The Director shall:

1. Adopt regulations for the security of the Central Repository so that it is adequately protected from fire, theft, loss, destruction, other hazards and unauthorized access.

2. Adopt regulations and standards for personnel employed by agencies of criminal justice in positions of responsibility for maintenance and dissemination of information relating to records of criminal history and information disseminated pursuant to ~~[~~NRS 179A.180 to 179A.240, inclusive.~~]~~ ***federal laws and regulations.***

3. Provide for audits of informational systems by qualified public or private agencies, organizations or persons.

Sec. 8. NRS 179A.100 is hereby amended to read as follows:

179A.100 1. The following records of criminal history may be disseminated by an agency of criminal justice without any restriction pursuant to this chapter:

(a) Any which reflect records of conviction only; and

(b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.

2. Without any restriction pursuant to this chapter, a record of criminal history or the absence of such a record may be:

(a) Disclosed among agencies which maintain a system for the mutual exchange of criminal records.

(b) Furnished by one agency to another to administer the system of criminal justice, including the furnishing of information by a police department to a district attorney.

(c) Reported to the Central Repository.

3. An agency of criminal justice shall disseminate to a prospective employer, upon request, records of criminal history concerning a prospective employee or volunteer which are the result of a name-based inquiry and which:

(a) Reflect convictions only; or

(b) Pertain to an incident for which the prospective employee or volunteer is currently within the system of criminal justice, including parole or probation.

4. ~~[~~In addition to any other information to which an employer is entitled or authorized to receive from a name-based inquiry, the Central Repository shall disseminate to a prospective or current employer, or a person or entity designated to receive the information on behalf of such an employer, the information contained in a record of registration concerning an employee, prospective employee, volunteer or prospective volunteer who is a sex offender or an offender convicted of a crime against a child, regardless of whether the employee, prospective employee, volunteer or prospective

~~volunteer gives written consent to the release of that information. The Central Repository shall disseminate such information in a manner that does not reveal the name of an individual victim of an offense or the information described in subsection 7 of NRS 179B.250. A request for information pursuant to this subsection must conform to the requirements of the Central Repository and must include:~~

~~(a) The name and address of the employer, and the name and signature of the person or entity requesting the information on behalf of the employer;~~

~~(b) The name and address of the employer's facility in which the employee, prospective employee, volunteer or prospective volunteer is employed or volunteers or is seeking to become employed or volunteer; and~~

~~(c) The name and other identifying information of the employee, prospective employee, volunteer or prospective volunteer.~~

~~5. In addition to any other information to which an employer is entitled or authorized to receive, the Central Repository shall disseminate to a prospective or current employer, or a person or entity designated to receive the information on behalf of such an employer, the information described in subsection 4 of NRS 179A.190 concerning an employee, prospective employee, volunteer or prospective volunteer who gives written consent to the release of that information if the employer submits a request in the manner set forth in NRS 179A.200 for obtaining a notice of information. The Central Repository shall search for and disseminate such information in the manner set forth in NRS 179A.210 for the dissemination of a notice of information.~~

~~6. Except as otherwise provided in subsection 5, the provisions of NRS 179A.180 to 179A.240, inclusive, do not apply to an employer who requests information and to whom such information is disseminated pursuant to subsections 4 and 5.~~

~~7.~~ Records of criminal history must be disseminated by an agency of criminal justice, upon request, to the following persons or governmental entities:

(a) The person who is the subject of the record of criminal history for the purposes of NRS 179A.150.

(b) The person who is the subject of the record of criminal history when the subject is a party in a judicial, administrative, licensing, disciplinary or other proceeding to which the information is relevant.

(c) The Nevada Gaming Control Board.

(d) The State Board of Nursing.

(e) The Private Investigator's Licensing Board to investigate an applicant for a license.

(f) A public administrator to carry out the duties as prescribed in chapter 253 of NRS.

(g) A public guardian to investigate a ward or proposed ward or persons who may have knowledge of assets belonging to a ward or proposed ward.

(h) Any agency of criminal justice of the United States or of another state or the District of Columbia.

(i) Any public utility subject to the jurisdiction of the Public Utilities Commission of Nevada when the information is necessary to conduct a security investigation of an employee or prospective employee or to protect the public health, safety or welfare.

(j) Persons and agencies authorized by statute, ordinance, executive order, court rule, court decision or court order as construed by appropriate state or local officers or agencies.

(k) Any person or governmental entity which has entered into a contract to provide services to an agency of criminal justice relating to the administration of criminal justice, if authorized by the contract, and if the contract also specifies that the information will be used only for stated purposes and that it will be otherwise confidential in accordance with state and federal law and regulation.

(l) Any reporter ~~[for the electronic or printed media]~~ ***or editorial employee who is employed or affiliated with a newspaper, press association or commercially operated, federally licensed radio or television station who requests a record of a named person or aggregate information for statistical purposes, excluding any personal identifying information,*** in a professional capacity for communication to the public.

(m) Prospective employers if the person who is the subject of the information has given written consent to the release of that information by the agency which maintains it.

(n) For the express purpose of research, evaluative or statistical programs pursuant to an agreement with an agency of criminal justice.

(o) An agency which provides child welfare services, as defined in NRS 432B.030.

(p) The Division of Welfare and Supportive Services of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.

(q) The Aging and Disability Services Division of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.

(r) An agency of this or any other state or the Federal Government that is conducting activities pursuant to Part D of Subchapter IV of Chapter 7 of Title 42 of the Social Security Act, 42 U.S.C. §§ 651 et seq.

(s) The State Disaster Identification Team of the Division of Emergency Management of the Department.

(t) The Commissioner of Insurance.

(u) The Board of Medical Examiners.

(v) The State Board of Osteopathic Medicine.

(w) The Board of Massage Therapists and its Executive Director.

(x) The Board of Examiners for Social Workers.

(y) A multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored by the Attorney General pursuant to NRS 228.495.

(z) A county coroner or medical examiner, as needed to conduct an investigation of the death of a person.

~~[8.]~~ ***5.*** Agencies of criminal justice in this State which receive information from sources outside this State concerning transactions involving criminal justice which occur outside Nevada shall treat the information as confidentially as is required by the provisions of this chapter.

Sec. 9. NRS 179A.110 is hereby amended to read as follows:

179A.110 A record of criminal history or any records of criminal history of the United States or another state obtained pursuant to this chapter must be used solely for the purpose for which the record was requested. No person who receives information relating to records of criminal history pursuant to this chapter or who receives information pursuant to ~~[NRS 179A.180 to 179A.240, inclusive,]~~ ***federal laws or regulations*** may disseminate the information further without express authority of law or in accordance with a court order. This section does not prohibit the dissemination of material by an employee of the electronic or printed media in a professional capacity for communication to the public.

Sec. 10. NRS 179A.140 is hereby amended to read as follows:

179A.140 1. Except as otherwise provided in this section, an agency of criminal justice may charge a reasonable fee for information relating to records of criminal history provided to any person or governmental entity.

2. An agency of criminal justice shall not charge a fee for providing such information to another agency of criminal justice if the information is provided for purposes of the administration of criminal justice, or for providing such information to the State Disaster Identification Team of the Division of Emergency Management of the Department.

3. The Central Repository shall not charge such a fee:

(a) For information relating to a person regarding whom the Central Repository provided a similar report within the immediately preceding ~~[6 months]~~ ***90 days*** in conjunction with the application by that person for professional licensure; or

(b) For information provided to any organization that meets the criteria established by regulation pursuant to paragraph (b) of subsection 5 of NRS 179A.310.

4. The Director may request an allocation from the Contingency Account pursuant to NRS 353.266, 353.268 and 353.269 to cover the costs incurred by the Department to carry out the provisions of paragraph (b) of subsection 3.

5. All money received or collected by the Department pursuant to this section must be used to defray the cost of operating the Central Repository.

Sec. 11. NRS 179A.150 is hereby amended to read as follows:

179A.150 1. The Central Repository and each state, municipal, county or metropolitan police agency shall permit a person, who is or believes he or she may be the subject of information relating to records of criminal history maintained by that agency, to appear in person during normal business hours of the agency and inspect any recorded information held by that agency pertaining to that person. This right of access does not extend to data contained in intelligence, investigative or other related files, and does not include any information other than information contained in a record of criminal history.

2. Each such agency shall adopt regulations and make available necessary forms to permit inspection and review of information relating to other records of criminal history by those persons who are the subjects thereof. The regulations must specify:

(a) The reasonable periods during which the records are available for inspection;

(b) The requirements for proper identification of the persons seeking access to the records; and

(c) The reasonable charges or fees, if any, for inspecting records.

3. Each such agency shall procure for and furnish to any person who requests it and pays a reasonable fee therefor, all of the information contained in the Central Repository which pertains to the person making the request.

4. The Director of the Department shall adopt regulations governing:

(a) All challenges to the accuracy or sufficiency of information relating to records of criminal history by the person who is the subject of the allegedly inaccurate or insufficient record;

(b) The correction of any information relating to records of criminal history found by the Director to be inaccurate, insufficient or incomplete in any material respect;

(c) The dissemination of corrected information to those persons or agencies which have previously received inaccurate or incomplete information; and

(d) A time limit of not more than 90 days within which inaccurate or insufficient information relating to records of criminal history must be corrected and the corrected information disseminated. The corrected information must be sent to each person who requested the information in the 12 months preceding the date on which the correction was made, and notice of the correction must be sent to each person entitled thereto pursuant to ~~[~~NRS 179A.210,~~]~~ ***federal laws or regulations,*** to the address given by each person who requested the information when the request was made.

Sec. 12. NRS 179A.310 is hereby amended to read as follows:

179A.310 1. The Revolving Account to ~~[~~Investigate~~]~~ ***Process Requests for Information on*** the Background of Volunteers Who Work With Children is hereby created in the State General Fund.

2. The Director of the Department shall administer the Account **.** ~~[to Investigate the Background of Volunteers Who Work With Children.]~~ The money in the Account must be expended only to pay the costs of the Central Repository to process requests from nonprofit agencies ~~[to determine whether]~~ ***for information on the background of*** a volunteer of a nonprofit agency who works directly with children or a prospective volunteer of the nonprofit agency who will work directly with children **.** ~~[has committed an offense listed in subsection 4 of NRS 179A.190.]~~ The existence of the Account ~~[to Investigate the Background of Volunteers Who Work With Children]~~ does not create a right in any person to receive money from the Account.

3. The Director of the Department may apply for and accept any gift, donation, bequest, grant or other source of money. Any money so received must be deposited in the Account **.** ~~[to Investigate the Background of Volunteers Who Work With Children.]~~

4. The interest and income earned on money in the Account from any gift, donation or bequest, after deducting any applicable charges, must be credited to the Account. Money from any gift, donation or bequest that remains in the Account at the end of the fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

5. The Director of the Department shall adopt regulations to carry out the provisions of this section. The regulations must include, without limitation:

(a) The procedure by which a person may apply for a grant of money from the Account ***;*** ~~[to Investigate the Background of Volunteers Who Work With Children;]~~

(b) The criteria that the Department will consider in determining whether to award such a grant of money from the Account; and

(c) Procedures to distribute the money in the Account in a fair and equitable manner.

6. The following facts must not be considered as evidence of negligence or causation in any civil action brought against a nonprofit agency:

(a) The fact that the nonprofit agency did not apply for a grant of money from the Account.

(b) The fact that the nonprofit agency did not request that the Central Repository, through the use of the Account, ~~[determine whether]~~ ***provide information on the background of*** a volunteer or prospective volunteer of the nonprofit agency **.** ~~[has committed an offense listed in subsection 4 of NRS 179A.190.]~~

Sec. 13. NRS 179A.315 is hereby amended to read as follows:

179A.315 A state or local governmental agency:

1. May establish forms and procedures for a person to donate money to the Account to ~~[Investigate]~~ ***Process Requests for Information on*** the Background of Volunteers Who Work With Children while the person is transacting business with the State or local governmental agency; and

2. Shall deposit any money received for the Account ~~[to Investigate the Background of Volunteers Who Work With Children]~~ with the State Treasurer for credit to the Account.

Sec. 14. NRS 179A.450 is hereby amended to read as follows:

179A.450 1. The Repository for Information Concerning Crimes Against Older Persons is hereby created within the Central Repository.

2. The Repository for Information Concerning Crimes Against Older Persons must contain a complete and systematic record of all reports of the abuse, neglect, exploitation, isolation or abandonment of older persons in this State. The record must be prepared in a manner approved by the Director of the Department and must include, without limitation, the following information:

(a) All incidents that are reported to ~~[any entity.]~~ ***state and local law enforcement agencies and the Aging and Disability Services Division of the Department of Health and Human Services.***

(b) All cases that ~~[are currently under investigation]~~ ***were investigated*** and the type of such cases.

~~[(c) All cases that are referred for prosecution and the type of such cases.~~

~~(d) All cases in which prosecution is declined or dismissed and any reason for such action.~~

~~(e) All cases that are prosecuted and the final disposition of such cases.~~

~~(f) All cases that are resolved by agencies which provide protective services and the type of such cases.]~~

3. ~~[The Director of the Department shall compile and analyze the data collected pursuant to this section to assess the incidence of the abuse, neglect, exploitation, isolation or abandonment of older persons.~~

~~4.]~~ On or before July 1 of each year, the Director of the Department shall prepare and submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature that sets forth statistical data on the abuse, neglect, exploitation, isolation or abandonment of older persons.

~~[5. The data acquired pursuant to this section is confidential and must be used only for the purpose of research.]~~

4. The data and findings generated pursuant to this section must not contain information that may reveal the identity of an individual victim or a person accused of the abuse, neglect, exploitation, isolation or abandonment of older persons.

~~[6.]~~ ***5.*** As used in this section:

(a) "Abandonment" has the meaning ascribed to it in NRS 200.5092.

(b) "Abuse" has the meaning ascribed to it in NRS 200.5092.

(c) "Exploitation" has the meaning ascribed to it in NRS 200.5092.

(d) "Isolation" has the meaning ascribed to it in NRS 200.5092.

(e) "Neglect" has the meaning ascribed to it in NRS 200.5092.

(f) "Older person" means a person who is 60 years of age or older.

Sec. 15. NRS 179B.250 is hereby amended to read as follows:

179B.250 1. The Department shall establish and maintain within the Central Repository a community notification website to provide the public with access to certain information contained in the statewide registry in accordance with the procedures set forth in this section.

2. The community notification website is the source of record for information available to the public concerning offenders listed in the statewide registry, and must:

(a) Be maintained in a manner that will allow the public to obtain relevant information for each offender by a single query for any given zip code or geographical radius set by the user;

(b) Include in its design all the search field capabilities needed for full participation in the Dru Sjodin National Sex Offender Public Website maintained by the Attorney General of the United States pursuant to 42 U.S.C. § 16920;

(c) Include, to the extent practicable, links to sex offender safety and education resources;

(d) Include instructions on how to seek correction of information that a person contends is erroneous; and

(e) Include a warning that the information on the website should not be used to unlawfully injure, harass or commit a crime against any person named in the registry or residing or working at any reported address and a notice that any such action could result in civil or criminal penalties.

3. For each inquiry to the community notification website, the requester may provide:

(a) The name of the subject of the search;

(b) Any alias of the subject of the search;

(c) The zip code of the residence, place of work or school of the subject of the search; or

(d) Any other information concerning the identity or location of the subject of the search that is deemed sufficient in the discretion of the Department.

4. For each inquiry to the community notification website made by the requester, the Central Repository shall:

(a) Explain the levels of registration and community notification that are assigned to sex offenders pursuant to NRS 179D.010 to 179D.550, inclusive; and

(b) Explain that the Central Repository is prohibited by law from disclosing certain information concerning certain offenders, even if those offenders are listed in the statewide registry.

5. If an offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search, the Central Repository shall disclose to the requester information in the statewide registry concerning the offender as provided pursuant to subsection 6.

6. After each inquiry to the community notification website made by the requester, the Central Repository shall inform the requester that:

(a) No offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search;

(b) The search of the statewide registry has not produced information that is available to the public through the statewide registry; or

(c) An offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search. Except as otherwise provided in subsection 7, if a search of the statewide registry results in a match pursuant to this paragraph, the Central Repository shall provide the requester with the following information:

(1) The name of the offender and all aliases that the offender has used or under which the offender has been known.

(2) A complete physical description of the offender.

(3) A current photograph of the offender.

(4) The year of birth of the offender.

(5) The complete address of any residence at which the offender resides or will reside.

(6) The address of any location where the offender is or will be:

(I) A student, as defined in NRS 179D.110; or

(II) A worker, as defined in NRS 179D.120.

(7) The license plate number and a description of any motor vehicle owned or operated by the offender.

(8) The following information for each offense for which the offender has been convicted:

(I) The offense that was committed, including a citation to and the text of the specific statute that the offender violated.

(II) The court in which the offender was convicted.

(III) The name under which the offender was convicted.

(IV) The name and location of each penal institution, school, hospital, mental facility or other institution to which the offender was committed for the offense.

(V) The city, township or county where the offense was committed.

(9) The tier level of registration and community notification assigned to the offender pursuant to NRS 179D.010 to 179D.550, inclusive.

(10) Any other information required by federal law.

7. If a search of the statewide registry results in a match pursuant to paragraph (c) of subsection 6, the Central Repository shall not provide the requester with:

(a) The identity of any victim of a sexual offense or crime against a child;

(b) Any information relating to a Tier I offender unless the offender has been convicted of a sexual offense against a child or a crime against a child;

(c) The social security number of the offender;

(d) The name of any location where the offender is or will be:

(1) A student, as defined in NRS 179D.110; or

(2) A worker, as defined in NRS 179D.120;

(e) Any reference to arrests of the offender that did not result in conviction;

(f) Any other information that is included in the record of registration for the offender other than the information required pursuant to paragraph (c) of subsection 6; or

(g) Any other information exempted from disclosure by the Attorney General of the United States pursuant to federal law.

8. ~~[A person may not use information obtained through the community notification website as a substitute for information relating to the offenses listed in subsection 4 of NRS 179A.190 that must be provided by the Central Repository pursuant to NRS 179A.180 to 179A.240, inclusive, or another provision of law.~~

~~9.]~~ The provisions of this section do not prevent law enforcement officers, the Central Repository and its officers and employees, or any other person from:

(a) Accessing information in the statewide registry pursuant to NRS 179B.200;

(b) Carrying out any duty pursuant to chapter 179D of NRS; or

(c) Carrying out any duty pursuant to another provision of law.

~~[10.]~~ ***9.*** As used in this section, "Tier I offender" has the meaning ascribed to it in NRS 179D.113.

Sec. 16. NRS 41.100 is hereby amended to read as follows:

41.100 1. Except as otherwise provided in this section **, [**~~and NRS 179A.230,~~**]** no cause of action is lost by reason of the death of any person, but may be maintained by or against the person's executor or administrator.

2. In an action against an executor or administrator, any damages may be awarded which would have been recovered against the decedent if the decedent had lived, except damages awardable under NRS 42.005 or 42.010 or other damages imposed primarily for the sake of example or to punish the defendant.

3. Except as otherwise provided in this subsection, when a person who has a cause of action dies before judgment, the damages recoverable by the decedent's executor or administrator include all losses or damages which the decedent incurred or sustained before the decedent's death, including any penalties or punitive and exemplary damages which the decedent would have recovered if the decedent had lived, and damages for pain, suffering or disfigurement and loss of probable support, companionship, society, comfort and consortium. This subsection does not apply to the cause of action of a decedent brought by the decedent's personal representatives for the decedent's wrongful death.

4. The executor or administrator of the estate of a person insured under a policy of life insurance may recover on behalf of the estate any loss, including, without limitation, consequential damages and attorney's fees,

arising out of the commission of an act that constitutes an unfair practice pursuant to subsection 1 of NRS 686A.310.

5. This section does not prevent subrogation suits under the terms and conditions of an uninsured motorists' provision of an insurance policy.

Sec. 17. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, ~~[179A.450,]~~ 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110,

599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 18. NRS 391.033 is hereby amended to read as follows:

391.033 1. All licenses for teachers and other educational personnel are granted by the Superintendent of Public Instruction pursuant to regulations adopted by the Commission and as otherwise provided by law.

2. An application for the issuance of a license must include the social security number of the applicant.

3. Every applicant for a license must submit with his or her application a complete set of his or her fingerprints and written permission authorizing the Superintendent to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its initial report on the criminal history of the applicant and for reports thereafter upon renewal of the license pursuant to subsection ~~[7]~~ ***8*** of NRS 179A.075, and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

4. The Superintendent may issue a provisional license pending receipt of the reports of the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History if the Superintendent determines that the applicant is otherwise qualified.

5. A license must be issued to, or renewed for, as applicable, an applicant if:

(a) The Superintendent determines that the applicant is qualified;

(b) The reports on the criminal history of the applicant from the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History:

(1) Do not indicate that the applicant has been convicted of a felony or any offense involving moral turpitude; or

(2) Indicate that the applicant has been convicted of a felony or an offense involving moral turpitude but the Superintendent determines that the conviction is unrelated to the position within the county school district or charter school for which the applicant applied or for which he or she is currently employed, as applicable; and

(c) For initial licensure, the applicant submits the statement required pursuant to NRS 391.034.

Sec. 19. NRS 391.035 is hereby amended to read as follows:

391.035 1. Except as otherwise provided in NRS 239.0115, an application to the Superintendent of Public Instruction for a license as a teacher or to perform other educational functions and all documents in the Department's file relating to the application, including:

(a) The applicant's health records;

(b) The applicant's fingerprints and any report from the Federal Bureau of Investigation or the Central Repository for Nevada Records of Criminal History;

(c) Transcripts of the applicant's records at colleges or other educational institutions;

(d) The applicant's scores on the examinations administered pursuant to the regulations adopted by the Commission;

(e) Any correspondence concerning the application; and

(f) Any other personal information,

➥ are confidential.

2. It is unlawful to disclose or release the information in an application or any related document except pursuant to paragraph (d) of subsection ~~[7]~~ ***8*** of NRS 179A.075 or the applicant's written authorization.

3. The Department shall, upon request, make available the applicant's file for inspection by the applicant during regular business hours.

Sec. 20. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 21. NRS 179A.105, 179A.180, 179A.190, 179A.200, 179A.210, 179A.220, 179A.230 and 179A.240 are hereby repealed.

Sec. 22. This act becomes effective on January 1, 2018.

LEADLINES OF REPEALED SECTIONS

179A.105 Immunity of employer who fails to request certain information concerning volunteer.

179A.180 Definitions.

179A.190 Notice of information may be disseminated to employers; use by employer; employer not liable for discrimination; other dissemination or release; offenses for which notice may be disseminated.

179A.200 Employer may request notice of information; requirements for making request.

179A.210 Request by employer for notice of information; search by Central Repository; dissemination of notice; written report required; correction of information; receipt of new information.

179A.220 Hearings.

179A.230 When person who is subject of notice of information may bring action for damages; when child who is victim of offense committed by employee may bring action for damages against employer; statute of limitations.

179A.240 Unlawful acts.

Assemblyman Ohrenschall moved that the Assembly concur in the Senate Amendment No. 785 to Assembly Bill No. 76.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

The Senate amendment actually clarified the definition of a "reporter," and as I understand it, there was no opposition. I urge that we concur.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 420.

The following Senate amendment was read:

Amendment No. 827.

AN ACT relating to corrections; authorizing the Director of the Department of Corrections to establish by regulation a charge on the use of videoconference equipment by offenders to conduct certain visits; ~~[revising provisions governing the use of electronic devices by offenders for certain purposes;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that money received for the benefit of offenders through contributions, that is not required to be deposited elsewhere, be placed in the Offenders' Store Fund and expended for the welfare and benefit of all offenders sentenced to imprisonment in the state prison. (NRS 209.221) **Existing law additionally requires the Department of Corrections, under certain circumstances, to allow a prisoner to videoconference with his or her child if such equipment is available. (NRS 209.42305)** **Section 1** of this bill authorizes the Director of the Department**,** ~~[of Corrections,]~~ with approval of the Board of State Prison Commissioners, to establish by regulation a charge on the use by offenders of videoconferencing equipment for conducting visits **and correspondence** to defray the costs of operating and maintaining such equipment. **Section 1 also prohibits such a charge on the use of videoconference equipment for an offender to conduct a visit or correspondence with his or her child.**

~~[Existing law prohibits offenders from having access to telecommunications devices except under certain circumstances. (NRS 209.417) Section 2 of this bill authorizes an offender to use an approved telecommunications device to conduct certain visits and correspondence. Section 2 also authorizes the Department to enter into an agreement with an offender allowing the offender to use a telecommunications device for certain purposes related to correctional activities and educational, vocational and legal research.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 209.221 is hereby amended to read as follows:

209.221 1. The Offenders' Store Fund is hereby created as a special revenue fund. All money received for the benefit of offenders through contributions, and from other sources not otherwise required to be deposited in another fund, must be deposited in the Offenders' Store Fund.

2. The Director shall:

(a) Keep, or cause to be kept, a full and accurate account of the Fund;

(b) Submit reports to the Board relative to money in the Fund as may be required from time to time; and

(c) Submit a monthly report to the offenders of the amount of money in the Fund by posting copies of the report at locations accessible to offenders generally or by delivery of copies to the appropriate representatives of the offenders if any are selected.

3. Except as otherwise provided in subsections 4 to ~~[9,]~~ ***10,*** inclusive, money in the Offenders' Store Fund, except interest earned upon it, must be expended for the welfare and benefit of all offenders.

4. If necessary to cover a shortfall of money in the Prisoners' Personal Property Fund, the Director may, after obtaining the approval of the Interim Finance Committee, authorize the State Controller to transfer money from the Offenders' Store Fund to the Prisoners' Personal Property Fund, and the State Controller shall make the transfer.

5. If an offender has insufficient money in his or her individual account in the Prisoners' Personal Property Fund to repay or defray costs assessed to the offender pursuant to NRS 209.246, the Director shall authorize the State Controller to transfer sufficient money from the Offenders' Store Fund to the appropriate account in the State General Fund to pay costs remaining unpaid, and the State Controller shall make the transfer. Any money so transferred must be accounted for separately. The Director shall cause the Offenders' Store Fund to be reimbursed from the offender's individual account in the Prisoners' Personal Property Fund, as money becomes available.

6. If the Department incurs costs related to state property that has been willfully damaged, destroyed or lost or incurs costs related to medical examination, diagnosis or treatment for an injury to an offender, the Director may authorize the State Controller to transfer money from the Offenders' Store Fund to the appropriate account in the State General Fund to repay or defray those costs if:

(a) The Director has reason to believe that an offender caused the damage, destruction, loss or injury; and

(b) The identity of the offender is unknown or cannot be determined by the Director with reasonable certainty.

➥ The State Controller shall make the transfer if authorized by the Director. Any money transferred must be accounted for separately. If the identity of the offender is determined after money has been transferred, the Director shall cause the Offenders' Store Fund to be reimbursed from the offender's individual account in the Prisoners' Personal Property Fund, as money becomes available.

7. The Director may, with approval of the Board, establish by regulation criteria for a reasonable deduction from money credited to the Offenders' Store Fund to repay or defray the costs relating to the operation and maintenance of the offenders' store, coffee shop, gymnasium and correctional officers' salaries for visitation posts where they exist in each

facility. Any regulations adopted pursuant to this subsection must be adopted in accordance with the provisions of chapter 233B of NRS.

8. The Director may, with approval of the Board, establish by regulation a charge on the purchase of electronic devices by offenders to defray the costs relating to the operation of the devices. The Director shall utilize the proceeds collected from the charge established for operation of the devices to offset the energy costs of the facilities within the Department. Any regulations adopted pursuant to this subsection must be adopted in accordance with the provisions of chapter 233B of NRS.

9. ***The Director may, with approval of the Board, establish by regulation a charge on the use by offenders of videoconferencing equipment for conducting visits or correspondence which is authorized pursuant to NRS 209.423 and subject to the limitations set forth in NRS 209.419, to defray the costs relating to the operation and maintenance of the equipment. Such charges must not include a charge on the use by an offender of videoconferencing equipment for conducting visits or correspondence with his or her child pursuant to NRS 209.42305. The Director shall utilize the proceeds collected from the charge established for the operation and maintenance of the equipment to offset the costs of operating and maintaining the videoconferencing equipment and correctional officers' salaries for posts for conducting visits by videoconference where the posts exist in each facility.***

10. If an offender who has been assigned to a center for the purpose of making restitution is returned to an institution for committing an infraction of the regulations of the Department and the center has not been fully compensated for the cost of providing the offender with housing, transportation, meals, or medical or dental services at the center, the Director may authorize the State Controller to transfer money from the Offenders' Store Fund to the appropriate account in the State General Fund to repay or defray those costs. The State Controller shall make the transfer if authorized by the Director. Any money transferred must be accounted for separately. The Director shall cause the Offenders' Store Fund to be reimbursed from the offender's individual account in the Prisoners' Personal Property Fund, as money becomes available.

~~[10.]~~ ***11.*** If an offender has insufficient money in his or her individual account in the Prisoners' Personal Property Fund to repay or defray costs assessed to the offender pursuant to NRS 209.246, the offender shall sign a statement under penalty of perjury concerning his or her financial situation. Such a statement must include, but is not limited to, the following information:

(a) The value of any interest the offender has in real estate;
(b) The value of the personal property of the offender;
(c) The assets in any bank account of the offender; and
(d) The employment status of the offender.

~~[~~11.~~]~~ ***12.*** The statement required by subsection ~~[~~10~~]~~ ***11*** must also authorize the Department to access any relevant document, for the purpose of verifying the accuracy of the information provided by the offender pursuant to this section, including, but not limited to, information regarding any bank account of the offender, information regarding any bank account held in trust for the offender and any federal income tax return, report or withholding form of the offender.

~~[~~12.~~]~~ ***13.*** An offender who conceals assets from the Department or provides false or misleading information on a statement prepared pursuant to this section is guilty of a gross misdemeanor.

~~[~~13.~~]~~ ***14.*** A person who aids or encourages an offender to conceal assets from the Department or to provide false or misleading information on a statement prepared pursuant to this section is guilty of a gross misdemeanor.

Sec. 2. ~~[~~NRS 209.417 is hereby amended to read as follows:

~~209.417 1. Except as otherwise provided in this section, the warden or manager of an institution or facility shall ensure that no offender in the institution or facility, or in a vehicle of the Department, has access to a telecommunications device.~~

~~2. An offender may use a telephone or, for the purpose of communicating with his or her child pursuant to NRS 209.42305, any other approved telecommunications device subject to the limitations set forth in NRS 209.419.~~

~~3. ***An offender may use an approved telecommunications device for the purpose of conducting a visit or correspondence which is authorized pursuant to NRS 209.423, subject to the limitations set forth in NRS 209.419.***~~

~~***4.*** The Department may enter into an agreement with ~~[~~an~~]~~ ***:***~~

~~***(a) An offender authorizing the offender to use a telecommunications device to facilitate or participate in correctional activities or to perform educational, vocational or legal research, subject to the limitations set forth in NRS 209.419; or***~~

~~***(b) An*** offender who is assigned to transitional housing, a center for the purpose of making restitution pursuant to NRS 209.4827 to 209.4843, inclusive, or a specific program of education or vocational training authorizing the offender to use a telecommunications device:~~

~~~~[~~(a)~~]~~ ***(1)*** To access a network, including, without limitation, the Internet, for the purpose of:~~

~~~~[~~(1)~~]~~ ***(I)*** Obtaining educational or vocational training that is approved by the Department;~~

~~~~[~~(2)~~]~~ ***(II)*** Searching for or applying for employment; or~~

~~~~[~~(3)~~]~~ ***(III)*** Performing essential job functions.~~

~~~~[~~(b)~~]~~ ***(2)*** For any other purpose if a telecommunications device is required by an employer of the offender to perform essential job functions.~~

~~~~[~~4.~~]~~ ***5.*** As used in this section, "telecommunications device" means a device, or an apparatus associated with a device, that can enable an offender

~~to communicate with a person outside of the institution or facility at which the offender is incarcerated. The term includes, without limitation, a telephone, a cellular telephone, a personal digital assistant, a transmitting radio or a computer that is connected to a computer network, is capable of connecting to a computer network through the use of wireless technology or is otherwise capable of communicating with a person or device outside of the institution or facility.~~**] (Deleted by amendment.)**

Sec. 3. **[**~~NRS 212.165 is hereby amended to read as follows:~~

~~212.165 1. A person shall not, without lawful authorization, knowingly furnish, attempt to furnish, or aid or assist in furnishing or attempting to furnish to a prisoner confined in an institution or a facility of the Department of Corrections, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, a portable telecommunications device. A person who violates this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.~~

~~2. A person shall not, without lawful authorization, carry into an institution or a facility of the Department, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, a portable telecommunications device. A person who violates this subsection is guilty of a misdemeanor.~~

~~3. A prisoner confined in an institution or a facility of the Department, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, shall not, without lawful authorization, possess or have in his or her custody or control a portable telecommunications device. A prisoner who violates this subsection is guilty of a category D felony and shall be punished as provided in NRS 193.130.~~

~~4. A prisoner confined in a jail or any other place where such prisoners are authorized to be or are assigned by the sheriff, chief of police or other officer responsible for the operation of the jail, shall not, without lawful authorization, possess or have in his or her custody or control a portable telecommunications device. A prisoner who violates this subsection and who is in lawful custody or confinement for a charge, conviction or sentence for:~~

~~(a) A felony is guilty of a category D felony and shall be punished as provided in NRS 193.130.~~

~~(b) A gross misdemeanor is guilty of a gross misdemeanor.~~

~~(c) A misdemeanor is guilty of a misdemeanor.~~

~~5. A sentence imposed upon a prisoner pursuant to subsection 3 or 4:~~

~~(a) Is not subject to suspension or the granting of probation; and~~

~~(b) Must run consecutively after the prisoner has served any sentences imposed upon the prisoner for the offense or offenses for which the prisoner was in lawful custody or confinement when the prisoner violated the provisions of subsection 3 or 4.~~

~~6. A person who was convicted and sentenced pursuant to subsection 4 may file a petition, if the underlying charge for which the person was in lawful custody or confinement has been reduced to a charge for which the~~

~~penalty is less than the penalty which was imposed upon the person pursuant to subsection 4, with the court of original jurisdiction requesting that the court, for good cause shown:~~

~~(a) Order that his or her sentence imposed pursuant to subsection 4 be modified to a sentence equivalent to the penalty imposed for the underlying charge for which the person was convicted; and~~

~~(b) Resentence him or her in accordance with the penalties prescribed for the underlying charge for which the person was convicted.~~

~~7. A person who was convicted and sentenced pursuant to subsection 4 may file a petition, if the underlying charge for which the person was in lawful custody or confinement has been declined for prosecution or dismissed, with the court of original jurisdiction requesting that the court, for good cause shown:~~

~~(a) Order that his or her original sentence pursuant to subsection 4 be reduced to a misdemeanor; and~~

~~(b) Resentence him or her in accordance with the penalties prescribed for a misdemeanor.~~

~~8. No person has a right to the modification of a sentence pursuant to subsection 6 or 7, and the granting or denial of a petition pursuant to subsection 6 or 7 does not establish a basis for any cause of action against this State, any political subdivision of this State or any agency, board, commission, department, officer, employee or agent of this State or a political subdivision of this State.~~

~~9. As used in this section:~~

~~(a) "Facility" has the meaning ascribed to it in NRS 209.065.~~

~~(b) "Institution" has the meaning ascribed to it in NRS 209.071.~~

~~(c) "Jail" means a jail, branch county jail or other local detention facility.~~

~~(d) "Telecommunications device" has the meaning ascribed to it in subsection [4] 5 of NRS 209.417.]~~ **(Deleted by amendment.)**

Sec. 4. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2018, for all other purposes.

Assemblyman Ohrenschall moved that the Assembly do not concur in the Senate Amendment No. 827 to Assembly Bill No. 420.

Remarks by Assemblyman Ohrenschall.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 123.

The following Senate amendment was read:

Amendment No. 870.

SUMMARY—Revises provisions governing ~~[a series created by a limited liability company.]~~ **business organizations.** (BDR 7-531)

AN ACT relating to business organizations; **revising provisions governing the initial and annual lists filed with the Secretary of State by business entities;** revising provisions relating to a series created by a limited-liability company; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each business entity organizing under the laws of this State or transacting business in this State to: (1) file with the Secretary of State an initial and an annual list of the directors and officers of the entity or the persons holding the equivalent office; and (2) pay a fee for that filing. Under existing law, the initial list must be filed with the Secretary of State on or before the last day of the month after the entity is organized or begins transacting business in this State or on an alternative date approved by the Secretary of State. (NRS 78.150, 80.110, 82.523, 86.263, 86.5461, 87.510, 87.541, 87A.290, 87A.560, 88.395, 88.591, 88A.600, 88A.732, 89.250) Sections 1-3, 8 and 11-20 of this bill require: (1) a domestic entity to file the initial list at the time that the domestic entity files its organizational documents with the Secretary of State or on the alternate date; and (2) a foreign entity to file the initial list at the time that the foreign entity registers with the Secretary of State to transact business in this State or on the alternate date. Under sections 1-3, 8 and 11-20, if an entity files an amended list within 60 days after the filing of its initial list, the Secretary of State must not charge a fee for filing that amended list.

Existing law authorizes the articles of organization or operating agreement of a limited-liability company to create one or more series of members with separate rights, powers or duties with respect to the property or obligations of the company. (NRS 86.296) **Section ~~[1.7]~~ 7 of this bill requires a limited-liability company, if the company intends to create one or more series, to include in its articles of organization a statement to that effect. If the articles of organization include such a statement, section 9** of this bill authorizes a series to be created by the **articles of organization or** adoption of an operating agreement by the members of the series. **Section ~~[1]~~ 4** of this bill provides that if the articles of organization or operating agreement of a limited-liability company ~~[authorizes the creation of a]~~ **creates one or more** series, the registered agent of the limited-liability company shall be deemed to be the registered agent of any series of the company.

Under existing law, the liabilities of a series are enforceable only against the assets of that series and not against the assets of the company or any other series if: (1) the articles of organization or an amendment to those articles contain certain statements indicating that the company is to have one or more such series; and (2) separate and distinct records are maintained for each series and the assets associated with each series are held, directly or indirectly, and accounted for separately from the other assets of the company and any other series. (NRS 86.161, 86.296) Existing law further provides that

property owned or purchased by a limited-liability company must be held, owned and conveyed in the name of the company. (NRS 86.311)

Section ~~[2]~~ 10 of this bill clarifies that a series may purchase, own and convey property in the name of the series, as an asset of the series. **Section ~~[2]~~ 10** also specifies the persons who are authorized to bind a series to an instrument or record providing for the acquisition, mortgage or disposition of property by the series. **Section ~~[1.7]~~ 9** expands the powers of a series to authorize a series to sue and be sued in its own name, make contracts in its own name and purchase, own and convey property. **Section 9 also clarifies that the liabilities of a series are enforceable only against the assets of that series and not against the assets of the company or any other series if: (1) the articles of organization contain a statement indicating that the company is authorized to have one or more series; (2) separate and distinct records are maintained for each series and the assets associated with each series are held and accounted for separately; and (3) the articles of organization or operating agreement indicates that the liabilities with respect to a particular series are enforceable against only the assets of that series.**

Existing law requires that a person doing business in this State under an assumed or fictitious name which is different from the legal name of each person who owns an interest in the business must file a certificate with the county clerk of each county in which the business is being conducted. (NRS 602.010) Section **~~[3]~~ 21** of this bill provides that a series shall be deemed to be doing business under an assumed name if the name of the series does not indicate: (1) that it is a series; and (2) the name of the limited-liability company which created the series. **Section ~~[4]~~ 22** of this bill requires a series to provide certain information in the certificate required to be filed pursuant to **section ~~[3.]~~ 21.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 78.150 is hereby amended to read as follows:**

78.150 1. A corporation organized pursuant to the laws of this State shall, **~~[on or before the last day of the first month after]~~** ***at the time of*** the filing of its articles of incorporation with the Secretary of State or, if the corporation has selected an alternative due date pursuant to subsection **~~[11,]~~** ***12,*** on or before that alternative due date, file with the Secretary of State a list, on a form furnished by the Secretary of State, containing:

(a) The name of the corporation;

(b) The file number of the corporation, if known;

(c) The names and titles of the president, secretary and treasurer, or the equivalent thereof, and of all the directors of the corporation;

(d) The address, either residence or business, of each officer and director listed, following the name of the officer or director; and

(e) The signature of an officer of the corporation, or some other person specifically authorized by the corporation to sign the list, certifying that the list is true, complete and accurate.

2. The corporation shall annually thereafter, on or before the last day of the month in which the anniversary date of incorporation occurs in each year , or, if, pursuant to subsection ~~[11,]~~ ***12,*** the corporation has selected an alternative due date for filing the list required by subsection 1, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State, on a form furnished by the Secretary of State, an annual list containing all of the information required in subsection 1.

3. Each list required by subsection 1 or 2 must be accompanied by:

(a) A declaration under penalty of perjury that:

(1) The corporation has complied with the provisions of chapter 76 of NRS;

(2) The corporation acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State; and

(3) None of the officers or directors identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of an officer or director in furtherance of any unlawful conduct.

(b) A statement as to whether the corporation is a publicly traded company. If the corporation is a publicly traded company, the corporation must list its Central Index Key. The Secretary of State shall include on the Secretary of State's Internet website the Central Index Key of a corporation provided pursuant to this paragraph and instructions describing the manner in which a member of the public may obtain information concerning the corporation from the Securities and Exchange Commission.

4. Upon filing the list required by:

(a) Subsection 1, the corporation shall pay to the Secretary of State a fee of $150.

(b) Subsection 2, the corporation shall pay to the Secretary of State, if the amount represented by the total number of shares provided for in the articles is:

$75,000 or less	$150
Over $75,000 and not over $200,000	200
Over $200,000 and not over $500,000	300
Over $500,000 and not over $1,000,000	400
Over $1,000,000:	
For the first $1,000,000	400
For each additional $500,000 or fraction thereof	275

➥ The maximum fee which may be charged pursuant to paragraph (b) for filing the annual list is $11,125.

5. If ***a corporation files an amended list of directors and officers with the Secretary of State within 60 days after the date on which the list required by subsection 1 is filed, the corporation or the resigning director or officer is not required to pay a fee for filing the amended list.***

6. Except as otherwise provided in subsection 5, if a director or officer of a corporation resigns and the resignation is not reflected on the annual or amended list of directors and officers, the corporation or the resigning director or officer shall pay to the Secretary of State a fee of $75 to file the resignation.

~~[6.]~~ ***7.*** The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 2, provide to each corporation which is required to comply with the provisions of NRS 78.150 to 78.185, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 4 and a reminder to file the annual list required by subsection 2. Failure of any corporation to receive a notice does not excuse it from the penalty imposed by law.

~~[7.]~~ ***8.*** If the list to be filed pursuant to the provisions of subsection 1 or 2 is defective in any respect or the fee required by subsection 4 is not paid, the Secretary of State may return the list for correction or payment.

~~[8.]~~ ***9.*** An annual list for a corporation not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and must be accompanied by the appropriate fee as provided in subsection 4 for filing. A payment submitted pursuant to this subsection does not satisfy the requirements of subsection 2 for the year to which the due date is applicable.

~~[9.]~~ ***10.*** A person who files with the Secretary of State a list required by subsection 1 or 2 which identifies an officer or director with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of an officer or director in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

~~[10.]~~ ***11.*** For the purposes of this section, a stockholder is not deemed to exercise actual control of the daily operations of a corporation based solely on the fact that the stockholder has voting control of the corporation.

~~[11.]~~ ***12.*** The Secretary of State may allow a corporation to select an alternative due date for filing the list required by subsection 1.

~~[12.]~~ ***13.*** The Secretary of State may adopt regulations to administer the provisions of subsection ~~[11.]~~ ***12.***

Sec. 2. **NRS 80.110 is hereby amended to read as follows:**

80.110 1. Each foreign corporation doing business in this State shall, ~~[on or before the last day of the first month after]~~ ***at the time that*** the information required by NRS 80.010 is filed with the Secretary of State, or, if the foreign corporation has selected an alternative due date pursuant to subsection ~~[9,]~~ ***10,*** on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year, or, if

applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list, on a form furnished by the Secretary of State, that contains:

(a) The names and addresses, either residence or business, of its president, secretary and treasurer, or the equivalent thereof, and all of its directors; and

(b) The signature of an officer of the corporation or some other person specifically authorized by the corporation to sign the list.

2. Each list filed pursuant to subsection 1 must be accompanied by:

(a) A declaration under penalty of perjury that:

(1) The foreign corporation has complied with the provisions of chapter 76 of NRS;

(2) The foreign corporation acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State; and

(3) None of the officers or directors identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of an officer or director in furtherance of any unlawful conduct.

(b) A statement as to whether the foreign corporation is a publicly traded company. If the corporation is a publicly traded company, the corporation must list its Central Index Key. The Secretary of State shall include on the Secretary of State's Internet website the Central Index Key of a corporation provided pursuant to this subsection and instructions describing the manner in which a member of the public may obtain information concerning the corporation from the Securities and Exchange Commission.

3. Upon filing:

(a) The initial list required by subsection 1, the corporation shall pay to the Secretary of State a fee of $150.

(b) Each annual list required by subsection 1, the corporation shall pay to the Secretary of State, if the amount represented by the total number of shares provided for in the articles is:

$75,000 or less	$150
Over $75,000 and not over $200,000	200
Over $200,000 and not over $500,000	300
Over $500,000 and not over $1,000,000	400
Over $1,000,000:	
For the first $1,000,000	400
For each additional $500,000 or fraction thereof	275

➥ The maximum fee which may be charged pursuant to paragraph (b) for filing the annual list is $11,125.

4. If ***a foreign corporation files an amended list of directors and officers with the Secretary of State within 60 days after the date on which the initial list required by subsection 1 is filed, the foreign corporation or***

the resigning director or officer is not required to pay a fee for filing the amended list.

5. Except as otherwise provided in subsection 4, if a director or officer of a corporation resigns and the resignation is not reflected on the annual or amended list of directors and officers, the corporation or the resigning director or officer shall pay to the Secretary of State a fee of $75 to file the resignation.

~~[5.]~~ ***6.*** The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, provide to each corporation which is required to comply with the provisions of NRS 80.110 to 80.175, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 3 and a reminder to file the list pursuant to subsection 1. Failure of any corporation to receive a notice does not excuse it from the penalty imposed by the provisions of NRS 80.110 to 80.175, inclusive.

~~[6.]~~ ***7.*** An annual list for a corporation not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

~~[7.]~~ ***8.*** A person who files with the Secretary of State a list required by subsection 1 which identifies an officer or director with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of an officer or director in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

~~[8.]~~ ***9.*** For the purposes of this section, a stockholder is not deemed to exercise actual control of the daily operations of a corporation based solely on the fact that the stockholder has voting control of the corporation.

~~[9.]~~ ***10.*** The Secretary of State may allow a foreign corporation to select an alternative due date for filing the initial list required by subsection 1.

~~[10.]~~ ***11.*** The Secretary of State may adopt regulations to administer the provisions of subsection ~~[9.]~~ ***10.***

Sec. 3. **NRS 82.523 is hereby amended to read as follows:**

82.523 1. Each foreign nonprofit corporation doing business in this State shall, ~~[on or before the last day of the first month after]~~ ***at the time of*** the filing of its application for registration as a foreign nonprofit corporation with the Secretary of State, or, if the foreign nonprofit corporation has selected an alternative due date pursuant to subsection ~~[9,]~~ ***10,*** on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year, or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list, on a form furnished by the Secretary of State, that contains:

(a) The name of the foreign nonprofit corporation;

(b) The file number of the foreign nonprofit corporation, if known;

(c) The names and titles of the president, the secretary and the treasurer, or the equivalent thereof, and all the directors of the foreign nonprofit corporation;

(d) The address, either residence or business, of the president, secretary and treasurer, or the equivalent thereof, and each director of the foreign nonprofit corporation; and

(e) The signature of an officer of the foreign nonprofit corporation, or some other person specifically authorized by the foreign nonprofit corporation to sign the list, certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that:

(a) The foreign nonprofit corporation has complied with the provisions of chapter 76 of NRS;

(b) The foreign nonprofit corporation acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State; and

(c) None of the officers or directors identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of an officer or director in furtherance of any unlawful conduct.

3. Upon filing the initial list and each annual list pursuant to this section, the foreign nonprofit corporation must pay to the Secretary of State a fee of $50.

4. ***If a foreign nonprofit corporation files an amended list of officers and directors with the Secretary of State within 60 days after the filing of the initial list pursuant to this section, the foreign nonprofit corporation is not required to pay a fee for filing the amended list.***

5. The Secretary of State shall, 60 days before the last day for filing each annual list, provide to each foreign nonprofit corporation which is required to comply with the provisions of NRS 82.523 to 82.524, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1. Failure of any foreign nonprofit corporation to receive a notice does not excuse it from the penalty imposed by the provisions of NRS 82.523 to 82.524, inclusive.

~~[5.]~~ ***6.*** If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

~~[6.]~~ ***7.*** An annual list for a foreign nonprofit corporation not in default that is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

~~[7.]~~ ***8.*** A person who files with the Secretary of State a list pursuant to this section which identifies an officer or director with the fraudulent intent

of concealing the identity of any person or persons exercising the power or authority of an officer or director in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

~~[8.]~~ ***9.*** For the purposes of this section, a member of a foreign nonprofit corporation is not deemed to exercise actual control of the daily operations of the foreign nonprofit corporation based solely on the fact that the member has voting control of the foreign nonprofit corporation.

~~[9.]~~ ***10.*** The Secretary of State may allow a foreign nonprofit corporation to select an alternative due date for filing the initial list required by this section.

~~[10.]~~ ***11.*** The Secretary of State may adopt regulations to administer the provisions of subsection ~~[9.]~~ ***10.***

~~[Section 1.]~~ ***Sec. 4.*** Chapter 86 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the articles of organization or operating agreement of a limited-liability company ~~[authorizes the creation of a]~~ creates one or more series, the registered agent of the company shall be deemed to be the registered agent for each series of the limited-liability company.

2. Each series may be served with any legal process, notice or demand required or authorized by law by serving the registered agent of the limited-liability company which authorized the creation of the series.

~~[Sec. 1.3.]~~ ***Sec. 5.*** NRS 86.061 is hereby amended to read as follows:

86.061 "Limited-liability company" or "company" means a limited-liability company organized ***by filing articles of organization with the Secretary of State*** and existing under this chapter, including a restricted limited-liability company.

~~[Sec. 1.5.]~~ ***Sec. 6.*** NRS 86.1255 is hereby amended to read as follows:

86.1255 "Series" and "series of members" are synonymous terms and, unless the context otherwise requires, ~~[mean a series of members' interests having separate rights, powers or duties with respect to property, obligations or profits and losses associated with property or obligations, which are specified in the articles of organization or operating agreement or specified by one or more members or managers or other persons as provided in the articles of organization or operating agreement.]~~ ***means a limited-liability company whose creation has been authorized pursuant to subsection 2 of NRS 86.296 by a limited-liability company formed by filing articles of organization with the Secretary of State pursuant to NRS 86.151.***

Sec. 7. **NRS 86.161 is hereby amended to read as follows:**

86.161 1. The articles of organization must set forth:

(a) The name of the limited-liability company;

(b) The information required pursuant to NRS 77.310;

(c) The name and address, either residence or business, of each of the organizers signing the articles;

(d) If the company is to be managed by:

(1) One or more managers, the name and address, either residence or business, of each initial manager; or

(2) The members, the name and address, either residence or business, of each initial member;

(e) If the company is ***authorized*** to have one or more series of members**,** ~~[and the debts or liabilities of any series are to be enforceable against the assets of that series only and not against the assets of another series or the company generally,]~~ a statement to that effect**;** ~~[and a statement:~~

~~(1) Setting forth the relative rights, powers and duties of the series; or~~

~~(2) Indicating that the relative rights, powers and duties of the series will be set forth in the operating agreement or established as provided in the operating agreement;]~~ and

(f) If the company is to be a restricted limited-liability company, a statement to that effect.

2. The articles may set forth any other provision, not inconsistent with law, which the members elect to set out in the articles of organization for the regulation of the internal affairs of the company, including any provisions which under this chapter are required or permitted to be set out in the operating agreement of the company.

3. It is not necessary to set out in the articles of organization:

(a) The rights of the members to contract debts on behalf of the limited-liability company if the limited-liability company is managed by its members;

(b) The rights of the manager or managers to contract debts on behalf of the limited-liability company if the limited-liability company is managed by a manager or managers; or

(c) Any of the powers enumerated in this chapter.

Sec. 8. **NRS 86.263 is hereby amended to read as follows:**

86.263 1. A limited-liability company shall, ~~[on or before the last day of the first month after]~~ ***at the time of*** the filing of its articles of organization with the Secretary of State**,** or, if the limited-liability company has selected an alternative due date pursuant to subsection ~~[11,]~~ ***12,*** on or before that alternative due date, file with the Secretary of State, on a form furnished by the Secretary of State, a list that contains:

(a) The name of the limited-liability company;

(b) The file number of the limited-liability company, if known;

(c) The names and titles of all of its managers or, if there is no manager, all of its managing members;

(d) The address, either residence or business, of each manager or managing member listed, following the name of the manager or managing member; and

(e) The signature of a manager or managing member of the limited-liability company, or some other person specifically authorized by the limited-liability company to sign the list, certifying that the list is true, complete and accurate.

2. The limited-liability company shall thereafter, on or before the last day of the month in which the anniversary date of its organization occurs, or, if, pursuant to subsection ~~[11,]~~ ***12,*** the limited-liability company has selected an alternative due date for filing the list required by subsection 1, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State, on a form furnished by the Secretary of State, an annual list containing all of the information required in subsection 1.

3. Each list required by subsections 1 and 2 must be accompanied by a declaration under penalty of perjury that:

(a) The limited-liability company has complied with the provisions of chapter 76 of NRS;

(b) The limited-liability company acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State; and

(c) None of the managers or managing members identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a manager or managing member in furtherance of any unlawful conduct.

4. Upon filing:

(a) The initial list required by subsection 1, the limited-liability company shall pay to the Secretary of State a fee of $150.

(b) Each annual list required by subsection 2, the limited-liability company shall pay to the Secretary of State a fee of $150.

5. If ***a limited-liability company files an amended list of managers and managing members with the Secretary of State within 60 days after the date on which the initial list required by subsection 1 is filed, the limited-liability company or the resigning manager or managing member is not required to pay a fee for filing the amended list.***

6. Except as otherwise provided in subsection 5, if a manager or managing member of a limited-liability company resigns and the resignation is not reflected on the annual or amended list of managers and managing members, the limited-liability company or the resigning manager or managing member shall pay to the Secretary of State a fee of $75 to file the resignation.

~~[6.]~~ ***7.*** The Secretary of State shall, 90 days before the last day for filing each list required by subsection 2, provide to each limited-liability company which is required to comply with the provisions of this section, and which has not become delinquent, a notice of the fee due under subsection 4 and a reminder to file the list required by subsection 2. Failure of any company to receive a notice does not excuse it from the penalty imposed by law.

~~[7.]~~ ***8.*** If the list to be filed pursuant to the provisions of subsection 1 or 2 is defective or the fee required by subsection 4 is not paid, the Secretary of State may return the list for correction or payment.

~~[8.]~~ ***9.*** An annual list for a limited-liability company not in default received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year.

~~[9.]~~ ***10.*** A person who files with the Secretary of State a list required by subsection 1 or 2 which identifies a manager or managing member with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a manager or managing member in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

~~[10.]~~ ***11.*** For the purposes of this section, a member is not deemed to exercise actual control of the daily operations of a limited-liability company based solely on the fact that the member has voting control of the limited-liability company.

~~[11.]~~ ***12.*** The Secretary of State may allow a limited-liability company to select an alternative due date for filing the list required by subsection 1.

~~[12.]~~ ***13.*** The Secretary of State may adopt regulations to administer the provisions of subsection ~~[11.]~~ ***12.***

~~[Sec. 1.7.]~~ ***Sec. 9.*** NRS 86.296 is hereby amended to read as follows:

86.296 1. The articles of organization or operating agreement of a limited-liability company may create classes of members or managers, define their relative rights, powers and duties, and may authorize the creation, in the manner provided in the operating agreement, of additional classes of members or managers with the relative rights, powers and duties as may from time to time be established, including, without limitation, rights, powers and duties senior to existing classes of members or managers. The articles of organization or operating agreement may provide that any member, or class or group of members, has voting rights that differ from other classes or groups.

2. The articles of organization or operating agreement of a limited-liability company may ~~[create]~~ ***authorize the creation of*** one or more series of members, or vest authority in one or more members or managers of the company or in other persons to create one or more series of members, including, without limitation, rights, powers and duties senior to existing series of members. ***A series may be created as a limited-liability company, without the filing of articles of organization with the Secretary of State, by the adoption of an operating agreement by the members of the series.*** The ~~[articles of organization or]~~ operating agreement ***of the series*** may provide that any member associated with ~~[a]~~ ***the*** series has voting rights that differ from other members or series, or no voting rights at all. A series may ~~[have]~~ ***:***

(a) Have separate powers, rights or duties with respect to specified property or obligations of the company or profits and losses associated with specified property or obligations ~~[, and any series may have]~~ ***;***

(b) Have a separate business purpose or investment objective ~~[.]~~ ***;***

(c) Sue and be sued, complain and defend, in its own name;

(d) Make contracts in its own name;

(e) Purchase, take, receive, lease or otherwise acquire, own, hold, improve, use and otherwise deal in and with real or personal property, or an interest in it, wherever situated; and

(f) Sell, convey, mortgage, pledge, lease, exchange, transfer and otherwise dispose of all or any part of its property and assets.

3. The debts, liabilities, obligations and expenses incurred, contracted for or otherwise existing with respect to a particular series are enforceable against the assets of that series only, and not against the assets of the company generally or any other series, if:

(a) Separate and distinct records are maintained for the series and the assets associated with the series are held, directly or indirectly, including through a nominee or otherwise, and accounted for separately from the other assets of the company and any other series; and

(b) ~~[The articles of organization comply, or an amendment to the articles complies, with the provisions of paragraph (c) of subsection 1 of NRS 86.161.~~

~~→ Unless otherwise provided in the articles of organization or operating agreement, no debts, liabilities, obligations and expenses incurred, contracted for or otherwise existing with respect to the company generally or any other series are enforceable against the assets of the series.~~

~~4.]~~ The articles of organization or operating agreement ~~[may provide]~~ ***provides*** that the debts, liabilities, obligations and expenses incurred, contracted for or otherwise existing with respect to a particular series are enforceable against the assets of that series only, and not against the assets of the company generally or any other series.

~~[5.]~~ ***4.*** Unless otherwise provided in the articles of organization or operating agreement, any event described in this chapter or in the articles of organization or operating agreement that causes a manager to cease to be a manager with respect to a series does not, in itself, cause the manager to cease to be a manager with respect to the company or with respect to any other series. Unless otherwise provided in the articles of organization or operating agreement, any event described in this chapter or in the articles of organization or operating agreement that causes a manager to cease to be associated with a series does not, in itself, cause the member to cease to be associated with any other series, terminate the continued membership of a member in the company or cause the termination of the series, regardless of whether the member was the last remaining member associated with the series.

~~[Sec. 2.]~~ ***Sec. 10.*** NRS 86.311 is hereby amended to read as follows:

86.311 ~~[Real]~~

1. Except as otherwise provided in subsection 2, real and personal property owned or purchased by a company must be held and owned, and conveyance made, in the name of the company. Except as otherwise provided in the company's articles of organization or operating agreement, instruments

and records providing for the acquisition, mortgage or disposition of property of the company are valid and binding upon the company if signed by:

~~[1.]~~ ***(a)*** One or more managers of a company which is managed by a manager or managers;

~~[2.]~~ ***(b)*** Any member of a company which is managed by its members;

~~[3.]~~ ***(c)*** Any agent, officer, employee or other representative of the company authorized in the operating agreement or in another writing by a manager or managers, if the company is managed by a manager or managers; or

~~[4.]~~ ***(d)*** Any agent, officer, employee or other representative of the company authorized in the operating agreement or in another writing by a member, if the company is managed by its members.

2. Real and personal property may be purchased, owned and conveyed by a series separately in the name of the series, as the asset of the series only. Except as otherwise provided in the articles of organization or operating agreement of the series, instruments and records providing for the acquisition, mortgage or disposition of property by a series are valid and binding upon the series if signed by:

(a) One or more managers of the series, if the series is managed by a manager or managers;

(b) Any member associated with the series, if the series is managed by the members associated with the series;

(c) Any agent, officer, employee or other representative of the series authorized in the operating agreement or in another writing by a manager or managers of the series, if the series is managed by a manager or managers; or

(d) Any agent, officer, employee or other representative of the series authorized in the operating agreement or in another writing by a member associated with the series, if the series is managed by its members.

Sec. 11. **NRS 86.5461 is hereby amended to read as follows:**

86.5461 1. Each foreign limited-liability company doing business in this State shall, ~~[on or before the last day of the first month after]~~ ***at the time of*** the filing of its application for registration as a foreign limited-liability company with the Secretary of State**,** or, if the foreign limited-liability company has selected an alternative due date pursuant to subsection ~~[10,]~~ ***11,*** on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year**,** or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list on a form furnished by the Secretary of State that contains:

(a) The name of the foreign limited-liability company;

(b) The file number of the foreign limited-liability company, if known;

(c) The names and titles of all its managers or, if there is no manager, all its managing members;

(d) The address, either residence or business, of each manager or managing member listed pursuant to paragraph (c); and

(e) The signature of a manager or managing member of the foreign limited-liability company, or some other person specifically authorized by the foreign limited-liability company to sign the list, certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that:

(a) The foreign limited-liability company has complied with the provisions of chapter 76 of NRS;

(b) The foreign limited-liability company acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State; and

(c) None of the managers or managing members identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a manager or managing member in furtherance of any unlawful conduct.

3. Upon filing:

(a) The initial list required by this section, the foreign limited-liability company shall pay to the Secretary of State a fee of $150.

(b) Each annual list required by this section, the foreign limited-liability company shall pay to the Secretary of State a fee of $150.

4. If ***a foreign limited-liability company files an amended list of managers and managing members with the Secretary of State within 60 days after the date on which the initial list required by this section is filed, the foreign limited-liability company or the resigning manager or managing member is not required to pay a fee for filing the amended list.***

5. Except as otherwise provided in subsection 4, if a manager or managing member of a foreign limited-liability company resigns and the resignation is not reflected on the annual or amended list of managers and managing members, the foreign limited-liability company or the resigning manager or managing member shall pay to the Secretary of State a fee of $75 to file the resignation.

~~[5.]~~ ***6.*** The Secretary of State shall, 90 days before the last day for filing each annual list required by this section, provide to each foreign limited-liability company which is required to comply with the provisions of NRS 86.5461 to 86.5468, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1. Failure of any foreign limited-liability company to receive a notice does not excuse it from the penalty imposed by the provisions of NRS 86.5461 to 86.5468, inclusive.

~~[6.]~~ ***7.*** If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

~~[7.]~~ ***8.*** An annual list for a foreign limited-liability company not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of this section for the year to which the due date is applicable.

~~[8.]~~ ***9.*** A person who files with the Secretary of State a list required by this section which identifies a manager or managing member with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a manager or managing members in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

~~[9.]~~ ***10.*** For the purposes of this section, a member is not deemed to exercise actual control of the daily operations of a foreign limited-liability company based solely on the fact that the member has voting control of the foreign limited-liability company.

~~[10.]~~ ***11.*** The Secretary of State may allow a foreign limited-liability company to select an alternative due date for filing the initial list required by this section.

~~[11.]~~ ***12.*** The Secretary of State may adopt regulations to administer the provisions of subsection ~~[10.]~~ ***11.***

Sec. 12. **NRS 87.510 is hereby amended to read as follows:**

87.510 1. A registered limited-liability partnership shall, ~~[on or before the last day of the first month after]~~ ***at the time of*** the filing of its certificate of registration with the Secretary of State**,** or, if the registered limited-liability partnership has selected an alternative due date pursuant to subsection ~~[8,]~~ ***10,*** on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of registration with the Secretary of State occurs**,** or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State, on a form furnished by the Secretary of State, a list that contains:

(a) The name of the registered limited-liability partnership;

(b) The file number of the registered limited-liability partnership, if known;

(c) The names of all of its managing partners;

(d) The address, either residence or business, of each managing partner; and

(e) The signature of a managing partner of the registered limited-liability partnership, or some other person specifically authorized by the registered limited-liability partnership to sign the list, certifying that the list is true, complete and accurate.

~~[~~

2. Each list filed pursuant to ~~[this]~~ subsection ***1*** must be accompanied by a declaration under penalty of perjury that ~~[the]~~ **:**

(a) The registered limited-liability partnership has complied with the provisions of chapter 76 of NRS ~~[, that the]~~ **;**

(b) The registered limited-liability partnership acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State **;** and ~~[that none]~~

(c) None of the managing partners identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a managing partner in furtherance of any unlawful conduct.

~~[2.]~~ ***3.*** Upon filing:

(a) The initial list required by subsection 1, the registered limited-liability partnership shall pay to the Secretary of State a fee of $150.

(b) Each annual list required by subsection 1, the registered limited-liability partnership shall pay to the Secretary of State a fee of $150.

~~[3.]~~ ***4.*** If ***a registered limited-liability partnership files an amended list of managing partners with the Secretary of State within 60 days after the date on which the initial list required by subsection 1 is filed, the registered limited-liability partnership or the resigning managing partner is not required to pay a fee for filing the amended list.***

5. Except as otherwise provided in subsection 4, if a managing partner of a registered limited-liability partnership resigns and the resignation is not reflected on the annual or amended list of managing partners, the registered limited-liability partnership or the resigning managing partner shall pay to the Secretary of State a fee of $75 to file the resignation.

~~[4.]~~ ***6.*** The Secretary of State shall, at least 90 days before the last day for filing each annual list required by subsection 1, provide to the registered limited-liability partnership a notice of the fee due pursuant to subsection ~~[2.]~~ ***3*** and a reminder to file the annual list required by subsection 1. The failure of any registered limited-liability partnership to receive a notice does not excuse it from complying with the provisions of this section.

~~[5.]~~ ***7.*** If the list to be filed pursuant to the provisions of subsection 1 is defective, or the fee required by subsection ~~[2.]~~ ***3*** is not paid, the Secretary of State may return the list for correction or payment.

~~[6.]~~ ***8.*** An annual list that is filed by a registered limited-liability partnership which is not in default more than 90 days before it is due shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

~~[7.]~~ ***9.*** A person who files with the Secretary of State an initial list or annual list required by subsection 1 which identifies a managing partner with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a managing partner in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

~~[8.]~~ ***10.*** The Secretary of State may allow a registered limited-liability partnership to select an alternative due date for filing the initial list required by subsection 1.

~~[9.]~~ ***11.*** The Secretary of State may adopt regulations to administer the provisions of subsection ~~[8.]~~ ***10.***

Sec. 13. **NRS 87.541 is hereby amended to read as follows:**

87.541 1. Each foreign registered limited-liability partnership doing business in this State shall, ~~[on or before the last day of the first month after]~~ ***at the time of*** the filing of its application for registration as a foreign registered limited-liability partnership with the Secretary of State, or, if the foreign registered limited-liability partnership has selected an alternative due date pursuant to subsection ~~[9,]~~ ***10,*** on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year, or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list, on a form furnished by the Secretary of State, that contains:

(a) The name of the foreign registered limited-liability partnership;

(b) The file number of the foreign registered limited-liability partnership, if known;

(c) The names of all its managing partners;

(d) The address, either residence or business, of each managing partner; and

(e) The signature of a managing partner of the foreign registered limited-liability partnership, or some other person specifically authorized by the foreign registered limited-liability partnership to sign the list, certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that:

(a) The foreign registered limited-liability partnership has complied with the provisions of chapter 76 of NRS;

(b) The foreign registered limited-liability partnership acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State; and

(c) None of the managing partners identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a managing partner in furtherance of any unlawful conduct.

3. Upon filing:

(a) The initial list required by this section, the foreign registered limited-liability partnership shall pay to the Secretary of State a fee of $150.

(b) Each annual list required by this section, the foreign registered limited-liability partnership shall pay to the Secretary of State a fee of $150.

4. If ***a foreign registered limited-liability partnership files an amended list of managing partners with the Secretary of State within 60 days after the date on which the initial list required by this section is filed, the foreign registered limited-liability partnership or the resigning managing partner is not required to pay a fee for filing the amended list.***

5. Except as otherwise provided in subsection 4, if a managing partner of a foreign registered limited-liability partnership resigns and the resignation is not reflected on the annual or amended list of managing partners, the foreign registered limited-liability partnership or the managing partner shall pay to the Secretary of State a fee of $75 to file the resignation.

~~[5.]~~ ***6.*** The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, provide to each foreign registered limited-liability partnership which is required to comply with the provisions of NRS 87.541 to 87.5443, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1. Failure of any foreign registered limited-liability partnership to receive a notice does not excuse it from the penalty imposed by the provisions of NRS 87.541 to 87.5443, inclusive.

~~[6.]~~ ***7.*** If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

~~[7.]~~ ***8.*** An annual list for a foreign registered limited-liability partnership not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

~~[8.]~~ ***9.*** A person who files with the Secretary of State an initial list or annual list required by subsection 1 which identifies a managing partner with the fraudulent intent of concealing the identity of any person or persons exercising the power and authority of a managing partner in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

~~[9.]~~ ***10.*** The Secretary of State may allow a foreign registered limited-liability partnership to select an alternative due date for filing the initial list required by this section.

~~[10.]~~ ***11.*** The Secretary of State may adopt regulations to administer the provisions of subsection ~~[9.]~~ ***10.***

Sec. 14. **NRS 87A.290 is hereby amended to read as follows:**

87A.290 1. A limited partnership shall, ~~[on or before the last day of the first month after]~~ ***at the time of*** the filing of its certificate of limited partnership with the Secretary of State**,** or, if the limited partnership has selected an alternative due date pursuant to subsection ~~[10,]~~ ***12,*** on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of limited partnership occurs**,** or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in

each year, file with the Secretary of State, on a form furnished by the Secretary of State, a list that contains:

(a) The name of the limited partnership;

(b) The file number of the limited partnership, if known;

(c) The names of all of its general partners;

(d) The address, either residence or business, of each general partner; and

(e) The signature of a general partner of the limited partnership, or some other person specifically authorized by the limited partnership to sign the list, certifying that the list is true, complete and accurate.

~~[~~

2. Each list filed pursuant to ~~[this]~~ subsection ***1*** must be accompanied by a declaration under penalty of perjury that ~~[the]~~ ***:***

(a) The limited partnership has complied with the provisions of chapter 76 of NRS ~~[, that the]~~ ***;***

(b) The limited partnership acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State ***;*** ~~[,]~~ and ~~[that none]~~

(c) None of the general partners identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a general partner in furtherance of any unlawful conduct.

~~[2.]~~ ***3.*** Except as otherwise provided in subsection ~~[3,]~~ ***4,*** a limited partnership shall, upon filing:

(a) The initial list required by subsection 1, pay to the Secretary of State a fee of $150.

(b) Each annual list required by subsection 1, pay to the Secretary of State a fee of $150.

~~[3.]~~ ***4.*** A registered limited-liability limited partnership shall, upon filing:

(a) The initial list required by subsection 1, pay to the Secretary of State a fee of $150.

(b) Each annual list required by subsection 1, pay to the Secretary of State a fee of $150.

~~[4.]~~ ***5.*** If ***a limited partnership files an amended list of general partners with the Secretary of State within 60 days after the date on which the initial list required by subsection 1 is filed, the limited partnership or the resigning general partner is not required to pay a fee for filing the amended list.***

6. Except as otherwise provided in subsection 5, if a general partner of a limited partnership resigns and the resignation is not reflected on the annual or amended list of general partners, the limited partnership or the resigning general partner shall pay to the Secretary of State a fee of $75 to file the resignation.

~~[5.]~~ ***7.*** The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, provide to each limited partnership

which is required to comply with the provisions of this section, and which has not become delinquent, a notice of the fee due pursuant to the provisions of subsection ~~[2]~~ ***3*** or ~~[3,]~~ ***4*** as appropriate, and a reminder to file the annual list required pursuant to subsection 1. Failure of any limited partnership to receive a notice does not excuse it from the penalty imposed by NRS 87A.300.

~~[6.]~~ ***8.*** If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection ~~[2]~~ ***3*** or ~~[3]~~ ***4, as appropriate,*** is not paid, the Secretary of State may return the list for correction or payment.

~~[7.]~~ ***9.*** An annual list for a limited partnership not in default that is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

~~[8.]~~ ***10.*** A filing made pursuant to this section does not satisfy the provisions of NRS 87A.240 and may not be substituted for filings submitted pursuant to NRS 87A.240.

~~[9.]~~ ***11.*** A person who files with the Secretary of State a list required by subsection 1 which identifies a general partner with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a general partner in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

~~[10.]~~ ***12.*** The Secretary of State may allow a limited partnership to select an alternative due date for filing the initial list required by subsection 1.

~~[11.]~~ ***13.*** The Secretary of State may adopt regulations to administer the provisions of subsection ~~[10.]~~ ***12.***

Sec. 15. **NRS 87A.560 is hereby amended to read as follows:**

87A.560 1. Each foreign limited partnership doing business in this State shall, ~~[on or before the last day of the first month after]~~ ***at the time of*** the filing of its application for registration as a foreign limited partnership with the Secretary of State ***,*** or, if the foreign limited partnership has selected an alternative due date pursuant to subsection ~~[9,]~~ ***10,*** on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year ***,*** or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list, on a form furnished by the Secretary of State, that contains:

(a) The name of the foreign limited partnership;

(b) The file number of the foreign limited partnership, if known;

(c) The names of all its general partners;

(d) The address, either residence or business, of each general partner; and

(e) The signature of a general partner of the foreign limited partnership, or some other person specifically authorized by the foreign limited partnership to sign the list, certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that:

(a) The foreign limited partnership has complied with the provisions of chapter 76 of NRS;

(b) The foreign limited partnership acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State; and

(c) None of the general partners identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a general partner in furtherance of any unlawful conduct.

3. Upon filing:

(a) The initial list required by this section, the foreign limited partnership shall pay to the Secretary of State a fee of $150.

(b) Each annual list required by this section, the foreign limited partnership shall pay to the Secretary of State a fee of $150.

4. If ***a foreign limited partnership files an amended list of general partners with the Secretary of State within 60 days after the date on which the initial list required by this section is filed, the foreign limited partnership or the resigning general partner is not required to pay a fee for filing the amended list.***

5. Except as otherwise provided in subsection 4, if a general partner of a foreign limited partnership resigns and the resignation is not reflected on the annual or amended list of general partners, the foreign limited partnership or the resigning general partner shall pay to the Secretary of State a fee of $75 to file the resignation of the general partner.

~~[5.]~~ ***6.*** The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, provide to each foreign limited partnership, which is required to comply with the provisions of NRS 87A.560 to 87A.600, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1. Failure of any foreign limited partnership to receive a notice does not excuse it from the penalty imposed by the provisions of NRS 87A.560 to 87A.600, inclusive.

~~[6.]~~ ***7.*** If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

~~[7.]~~ ***8.*** An annual list for a foreign limited partnership not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

~~[8.]~~ ***9.*** A person who files with the Secretary of State a list required by this section which identifies a general partner with the fraudulent intent of concealing the identity of any person or persons exercising the power or

authority of a general partner in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

~~[9.]~~ ***10.*** The Secretary of State may allow a foreign limited partnership to select an alternative due date for filing the initial list required by this section.

~~[10.]~~ ***11.*** The Secretary of State may adopt regulations to administer the provisions of subsection ~~[9.]~~ ***10.***

Sec. 16. **NRS 88.395 is hereby amended to read as follows:**

88.395 1. A limited partnership shall, ~~[on or before the last day of the first month after]~~ ***at the time of*** the filing of its certificate of limited partnership with the Secretary of State**,** or, if the limited partnership has selected an alternative due date pursuant to subsection ~~[10,]~~ ***12,*** on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of limited partnership occurs**,** or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State, on a form furnished by the Secretary of State, a list that contains:

(a) The name of the limited partnership;

(b) The file number of the limited partnership, if known;

(c) The names of all of its general partners;

(d) The address, either residence or business, of each general partner; and

(e) The signature of a general partner of the limited partnership, or some other person specifically authorized by the limited partnership to sign the list, certifying that the list is true, complete and accurate.

~~[2.]~~

2. Each list filed pursuant to ~~[this]~~ subsection ***1*** must be accompanied by a declaration under penalty of perjury that ~~[the]~~ ***:***

(a) The limited partnership has complied with the provisions of chapter 76 of NRS ~~[, that the]~~ ***;***

(b) The limited partnership acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State ***;*** ~~[,]~~ and ~~[that none]~~

(c) None of the general partners identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a general partner in furtherance of any unlawful conduct.

~~[2.]~~ ***3.*** Except as otherwise provided in subsection ~~[3,]~~ ***4,*** a limited partnership shall, upon filing:

(a) The initial list required by subsection 1, pay to the Secretary of State a fee of $150.

(b) Each annual list required by subsection 1, pay to the Secretary of State a fee of $150.

~~[3.]~~ ***4.*** A registered limited-liability limited partnership shall, upon filing:

(a) The initial list required by subsection 1, pay to the Secretary of State a fee of $150.

(b) Each annual list required by subsection 1, pay to the Secretary of State a fee of $200.

~~[4.]~~ ***5.*** If ***a limited partnership files an amended list of general partners with the Secretary of State within 60 days after the date on which the initial list required by subsection 1 is filed, the limited partnership or the resigning general partner is not required to pay a fee for filing the amended list.***

6. Except as otherwise provided in subsection 5, if a general partner of a limited partnership resigns and the resignation is not reflected on the annual or amended list of general partners, the limited partnership or the resigning general partner shall pay to the Secretary of State a fee of $75 to file the resignation.

~~[5.]~~ ***7.*** The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, provide to each limited partnership which is required to comply with the provisions of this section, and which has not become delinquent, a notice of the fee due pursuant to the provisions of subsection ~~[2]~~ ***3*** or ~~[3,]~~ ***4,*** as appropriate, and a reminder to file the annual list required pursuant to subsection 1. Failure of any limited partnership to receive a notice does not excuse it from the penalty imposed by NRS 88.400.

~~[6.]~~ ***8.*** If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection ~~[2]~~ ***3*** or ~~[3]~~ ***4*** is not paid, the Secretary of State may return the list for correction or payment.

~~[7.]~~ ***9.*** An annual list for a limited partnership not in default that is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

~~[8.]~~ ***10.*** A filing made pursuant to this section does not satisfy the provisions of NRS 88.355 and may not be substituted for filings submitted pursuant to NRS 88.355.

~~[9.]~~ ***11.*** A person who files with the Secretary of State a list required by subsection 1 which identifies a general partner with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a general partner in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

~~[10.]~~ ***12.*** The Secretary of State may allow a limited partnership to select an alternative due date for filing the initial list required by subsection 1.

~~[11.]~~ ***13.*** The Secretary of State may adopt regulations to administer the provisions of subsection ~~[10.]~~ ***12.***

Sec. 17. **NRS 88.591 is hereby amended to read as follows:**

88.591 1. Each foreign limited partnership doing business in this State shall, ~~[on or before the last day of the first month after]~~ ***at the time of*** the filing of its application for registration as a foreign limited partnership with the Secretary of State ~~,~~ or, if the foreign limited partnership has selected an

alternative due date pursuant to subsection ~~[9,]~~ ***10,*** on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year**,** or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list, on a form furnished by the Secretary of State, that contains:

(a) The name of the foreign limited partnership;

(b) The file number of the foreign limited partnership, if known;

(c) The names of all its general partners;

(d) The address, either residence or business, of each general partner; and

(e) The signature of a general partner of the foreign limited partnership, or some other person specifically authorized by the foreign limited partnership to sign the list, certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that:

(a) The foreign limited partnership has complied with the provisions of chapter 76 of NRS;

(b) The foreign limited partnership acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State; and

(c) None of the general partners identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a general partner in furtherance of any unlawful conduct.

3. Upon filing:

(a) The initial list required by this section, the foreign limited partnership shall pay to the Secretary of State a fee of $150.

(b) Each annual list required by this section, the foreign limited partnership shall pay to the Secretary of State a fee of $150.

4. If ***a foreign limited partnership files an amended list of general partners with the Secretary of State within 60 days after the date on which the initial list required by this section is filed, the foreign limited partnership or the resigning general partner is not required to pay a fee for filing the amended list.***

5. Except as otherwise provided in subsection 4, if a general partner of a foreign limited partnership resigns and the resignation is not reflected on the annual or amended list of general partners, the foreign limited partnership or the resigning general partner shall pay to the Secretary of State a fee of $75 to file the resignation of the general partner.

~~[5.]~~ ***6.*** The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, provide to each foreign limited partnership, which is required to comply with the provisions of NRS 88.591 to 88.5945, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 3 and a reminder to file the list required

pursuant to subsection 1. Failure of any foreign limited partnership to receive a notice does not excuse it from the penalty imposed by the provisions of NRS 88.591 to 88.5945, inclusive.

~~[6.]~~ ***7.*** If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

~~[7.]~~ ***8.*** An annual list for a foreign limited partnership not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

~~[8.]~~ ***9.*** A person who files with the Secretary of State a list required by this section which identifies a general partner with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a general partner in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

~~[9.]~~ ***10.*** The Secretary of State may allow a foreign limited partnership to select an alternative due date for filing the initial list required by this section.

~~[10.]~~ ***11.*** The Secretary of State may adopt regulations to administer the provisions of subsection ~~[9.]~~ ***10.***

Sec. 18. **NRS 88A.600 is hereby amended to read as follows:**

88A.600 1. A business trust formed pursuant to this chapter shall, ~~[on or before the last day of the first month after]~~ ***at the time of*** the filing of its certificate of trust with the Secretary of State, or, if the business trust has selected an alternative due date pursuant to subsection ~~[8,]~~ ***9,*** on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of trust with the Secretary of State occurs, file with the Secretary of State, or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, on a form furnished by the Secretary of State, a list signed by at least one trustee, or by some other person specifically authorized by the business trust to sign the list, that contains the name and street address of at least one trustee. Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that:

(a) The business trust has complied with the provisions of chapter 76 of NRS;

(b) The business trust acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State; and

(c) None of the trustees identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a trustee in furtherance of any unlawful conduct.

2. Upon filing:

(a) The initial list required by subsection 1, the business trust shall pay to the Secretary of State a fee of $150.

(b) Each annual list required by subsection 1, the business trust shall pay to the Secretary of State a fee of $150.

3. If ***a business trust files an amended list of trustees with the Secretary of State within 60 days after the date on which the initial list required by subsection 1 is filed, the business trust or the resigning trustee is not required to pay a fee for filing the amended list.***

4. Except as otherwise provided in subsection 3, if a trustee of a business trust resigns and the resignation is not reflected on the annual or amended list of trustees, the business trust or the resigning trustee shall pay to the Secretary of State a fee of $75 to file the resignation.

~~[4.]~~ ***5.*** The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, provide to each business trust which is required to comply with the provisions of NRS 88A.600 to 88A.665, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 2 and a reminder to file the list required pursuant to subsection 1. Failure of a business trust to receive a notice does not excuse it from the penalty imposed by law.

~~[5.]~~ ***6.*** An annual list for a business trust not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year.

~~[6.]~~ ***7.*** A person who files with the Secretary of State an initial list or annual list required by subsection 1 which identifies a trustee with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a trustee in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

~~[7.]~~ ***8.*** For the purposes of this section, a person who is a beneficial owner is not deemed to exercise actual control of the daily operations of a business trust based solely on the fact that the person is a beneficial owner.

~~[8.]~~ ***9.*** The Secretary of State may allow a business trust to select an alternative due date for filing the initial list required by subsection 1.

~~[9.]~~ ***10.*** The Secretary of State may adopt regulations to administer the provisions of subsection ~~[8.]~~ ***9.***

Sec. 19. **NRS 88A.732 is hereby amended to read as follows:**

88A.732 1. Each foreign business trust doing business in this State shall, ~~[on or before the last day of the first month after]~~ ***at the time of*** the filing of its application for registration as a foreign business trust with the Secretary of State**,** or, if the foreign business trust has selected an alternative due date pursuant to subsection ~~[10,]~~ ***11,*** on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year**,** or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with

the Secretary of State a list, on a form furnished by the Secretary of State, that contains:

(a) The name of the foreign business trust;

(b) The file number of the foreign business trust, if known;

(c) The name of at least one of its trustees;

(d) The address, either residence or business, of the trustee listed pursuant to paragraph (c); and

(e) The signature of a trustee of the foreign business trust, or some other person specifically authorized by the foreign business trust to sign the list, certifying that the list is true, complete and accurate.

2. Each list required to be filed pursuant to this section must be accompanied by a declaration under penalty of perjury that:

(a) The foreign business trust has complied with the provisions of chapter 76 of NRS;

(b) The foreign business trust acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State; and

(c) None of the trustees identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a trustee in furtherance of any unlawful conduct.

3. Upon filing:

(a) The initial list required by this section, the foreign business trust shall pay to the Secretary of State a fee of $150.

(b) Each annual list required by this section, the foreign business trust shall pay to the Secretary of State a fee of $150.

4. If ***a foreign business trust files an amended list of trustees with the Secretary of State within 60 days after the date on which the initial list required by this section is filed, the foreign business trust or the resigning trustee is not required to pay a fee for filing the amended list.***

5. Except as otherwise provided in subsection 4, if a trustee of a foreign business trust resigns and the resignation is not reflected on the annual or amended list of trustees, the foreign business trust or the resigning trustee shall pay to the Secretary of State a fee of $75 to file the resignation.

~~[5.]~~ ***6.*** The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, provide to each foreign business trust which is required to comply with the provisions of NRS 88A.732 to 88A.738, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1. Failure of any foreign business trust to receive a notice does not excuse it from the penalty imposed by the provisions of NRS 88A.732 to 88A.738, inclusive.

~~[6.]~~ ***7.*** If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

~~[7.]~~ ***8.*** An annual list for a foreign business trust not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

~~[8.]~~ ***9.*** A person who files with the Secretary of State a list required by this section which identifies a trustee with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a trustee in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

~~[9.]~~ ***10.*** For the purposes of this section, a person who is a beneficial owner is not deemed to exercise actual control of the daily operations of a foreign business trust based solely on the fact that the person is a beneficial owner.

~~[10.]~~ ***11.*** The Secretary of State may allow a foreign business trust to select an alternative due date for filing the initial list required by this section.

~~[11.]~~ ***12.*** The Secretary of State may adopt regulations to administer the provisions of subsection ~~[10.]~~ ***11.***

Sec. 20. **NRS 89.250 is hereby amended to read as follows:**

89.250 1. Except as otherwise provided in subsection 2, a professional association shall, ~~[on or before the last day of the first month after]~~ ***at the time of*** the filing of its articles of association with the Secretary of State, or, if the professional association has selected an alternative due date pursuant to subsection ~~[7,]~~ ***8,*** on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its organization occurs in each year, or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list showing the names and addresses, either residence or business, of all members and employees in the professional association and certifying that all members and employees are licensed to render professional service in this State.

2. A professional association organized and practicing pursuant to the provisions of this chapter and NRS 623.349 shall, ~~[on or before the last day of the first month after]~~ ***at the time of*** the filing of its articles of association with the Secretary of State, or, if the professional association has selected an alternative due date pursuant to subsection ~~[7,]~~ ***8,*** on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its organization occurs in each year, or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list:

(a) Showing the names and addresses, either residence or business, of all members and employees of the professional association who are licensed or otherwise authorized by law to render professional service in this State;

(b) Certifying that all members and employees who render professional service are licensed or otherwise authorized by law to render professional service in this State; and

(c) Certifying that all members who are not licensed to render professional service in this State do not render professional service on behalf of the professional association except as authorized by law.

3. Each list filed pursuant to this section must be:

(a) Made on a form furnished by the Secretary of State and must not contain any fiscal or other information except that expressly called for by this section.

(b) Signed by the chief executive officer of the professional association or by some other person specifically authorized by the chief executive officer to sign the list.

(c) Accompanied by a declaration under penalty of perjury that:

(1) The professional association has complied with the provisions of chapter 76 of NRS;

(2) The professional association acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State; and

(3) None of the members or employees identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a member or employee in furtherance of any unlawful conduct.

4. Upon filing:

(a) The initial list required by this section, the professional association shall pay to the Secretary of State a fee of $150.

(b) Each annual list required by this section, the professional association shall pay to the Secretary of State a fee of $150.

5. ***If a professional association files an amended list of members and employees with the Secretary of State within 60 days after the date on which the initial list required by this section is filed, the professional association is not required to pay a fee for filing the amended list.***

6. A person who files with the Secretary of State an initial list or annual list required by this section which identifies a member or an employee of a professional association with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a member or employee in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

~~[6.]~~ ***7.*** For the purposes of this section, a person is not deemed to exercise actual control of the daily operations of a professional association based solely on the fact that the person holds an ownership interest in the professional association.

~~[7.]~~ ***8.*** The Secretary of State may allow a professional association to select an alternative due date for filing the initial list required by this section.

~~[8.]~~ ***9.*** The Secretary of State may adopt regulations to administer the provisions of subsection ~~[7.]~~ ***8.***

~~[Sec. 3.]~~ ***Sec. 21.*** NRS 602.010 is hereby amended to read as follows:

602.010 1. Every person doing business in this state under an assumed or fictitious name that is in any way different from the legal name of each person who owns an interest in the business must file with the county clerk of each county in which the business is being conducted a certificate containing the information required by NRS 602.020.

2. A person intending to conduct a business under an assumed or fictitious name may, before initiating the conduct of the business, file a certificate with the county clerk of each county in which the business is intended to be conducted.

3. A series created pursuant to NRS 86.296 and doing business in this State shall be deemed to be doing business in this State under an assumed or fictitious name that is different from the legal name of each person who owns an interest in the business, if the name of the series does not indicate:

(a) That it is a series; and

(b) The name of the limited-liability company which authorized the creation of the series pursuant to NRS 86.296.

~~[Sec. 4.]~~ ***Sec. 22.*** NRS 602.020 is hereby amended to read as follows:

602.020 1. A certificate filed pursuant to NRS 602.010 or a renewal certificate filed pursuant to NRS 602.035 must state the assumed or fictitious name under which the business is being conducted or is intended to be conducted, and if conducted by:

(a) A natural person:

(1) His or her full name;

(2) The street address of his or her residence or business; and

(3) If the mailing address is different from the street address, the mailing address of his or her residence or business;

(b) An artificial person:

(1) Its name; and

(2) Its mailing address;

(c) A general partnership:

(1) The full name of each partner who is a natural person;

(2) The street address of the residence or business of each partner who is a natural person;

(3) If the mailing address is different from the street address, the mailing address of the residence or business of each partner who is a natural person; and

(4) If one or more of the partners is an artificial person described in paragraph (b), the information required by paragraph (b) for each such partner; ~~[or]~~

(d) A trust:

(1) The full name of each trustee of the trust;

(2) The street address of the residence or business of each trustee of the trust; and

(3) If the mailing address is different from the street address, the mailing address of the residence or business of each trustee of the trust ~~[.]~~ ***; or***

(e) A series created pursuant to NRS 86.296:

(1) The name of the limited-liability company which authorized the creation of the series;

(2) The street address of the limited-liability company which authorized the creation of the series; and

(3) If the mailing address is different from the street address, the mailing address of the limited-liability company which authorized the creation of the series.

2. The certificate must be:

(a) Signed:

(1) In the case of a natural person, by that natural person;

(2) In the case of an artificial person, by an officer, director, manager, general partner, trustee or other natural person having the authority to bind the artificial person to a contract;

(3) In the case of a general partnership, by each of the partners who is a natural person and, if one or more of the partners is an artificial person described in subparagraph (2), by the person described in subparagraph (2); ~~[or]~~

(4) In the case of a trust, by each of the trustees; ~~[and]~~ ***or***

(5) In the case of a series created pursuant to NRS 86.296, by:

(I) One or more managers of the series, if the series is managed by a manager or managers;

(II) Any member associated with the series, if the series is managed by the members associated with the series;

(III) Any agent, officer, employee or other representative of the series authorized in the operating agreement or in another writing by a manager or managers of the series, if the series is managed by a manager or managers; or

(IV) Any agent, officer, employee or other representative of the series authorized in the operating agreement or in another writing by a member associated with the series, if the series is managed by its members; and

(b) Notarized, unless the board of county commissioners of the county adopts an ordinance providing that the certificate may be filed without being notarized.

3. As used in this section:

(a) "Artificial person" means any organization organized under the law of the United States, any foreign country, or a state, province, territory, possession, commonwealth or dependency of the United States or any

foreign country, and as to which the government, state, province, territory, possession, commonwealth or dependency must maintain a record showing the organization to have been organized.

(b) "Record" means information which is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form.

~~[Sec. 5.]~~ ***Sec. 23.*** The amendatory provisions of sections ~~[1 to 2, inclusive,]~~ **4, 5, 7, 9 and 10** of this act:

1. Apply to any transfer or conveyance of property occurring before, on or after October 1, 2017; and

2. Apply to any administrative or judicial proceedings:

(a) Commenced on or after October 1, 2017; or

(b) Commenced before October 1, 2017, if the proceedings are pending or otherwise unresolved on October 1, 2017.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 870 to Assembly Bill No. 123.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

The amendment requires the filing of an initial list at the time of formation of a corporation, LLC, limited partnership business trust, or other similar business entity. It also deletes language in the bill that is redundant.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 268.

The following Senate amendment was read:

Amendment No. 981.

SUMMARY— ~~[Authorizes certain persons to file]~~ **Revises provisions relating to** a postconviction petition ~~[to pay the cost of]~~ **for** a genetic marker analysis. (BDR 14-638)

AN ACT relating to criminal procedure; ~~[authorizing certain persons to file]~~ **revising provisions relating to** a postconviction petition ~~[to pay the cost of]~~ **for** a genetic marker analysis; ~~[requiring a court to order a genetic marker analysis upon the filing of such a petition; authorizing the State to charge a reasonable fee for the cataloging of evidence subject to such a genetic marker analysis and the transferring of such evidence to a forensic laboratory in certain circumstances; requiring a petitioner to pay the cost of such a genetic marker analysis before the analysis is performed; providing that the provisions of this act are not severable;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person convicted of a felony to file a postconviction petition requesting a genetic marker analysis of evidence within the possession or custody of the State which may contain genetic

marker information relating to the investigation or prosecution that resulted in the judgment of conviction. After such a petition is filed, the court may schedule a hearing on the petition. (NRS 176.0918) Existing law requires the court to order a genetic marker analysis if, after considering the information contained in the petition and any other evidence, the court makes certain findings. (NRS 176.09183) ~~[Existing law further requires the petitioner to pay for the cost of the genetic marker analysis unless: (1) the petitioner is incarcerated at the time he or she files the petition and is found to be indigent; and (2) the results of the genetic marker analysis are favorable to the petitioner. If the petitioner is not required to pay the cost of the genetic marker analysis, the expense is a charge against the Department of Corrections. (NRS 176.09187)~~

~~Section 1 of this bill authorizes a person convicted of a felony to file a postconviction petition requesting to pay the cost of a genetic marker analysis. Section 1 provides that such a petition is generally subject to the same requirements imposed for a postconviction petition for a genetic marker analysis filed pursuant to existing law, but there is no requirement for a hearing on such a petition. Section 1 also requires a petitioner to: (1) indicate in such a petition whether he or she prefers to have a specific forensic laboratory conduct the genetic marker analysis; and (2) select from certain forensic laboratories in certain circumstances. Section 3 of this bill requires a court to order a genetic marker analysis if such a petition is filed. Section 3 also provides that if the court selects a forensic laboratory that is not operated by this State or one of its political subdivisions to conduct or oversee such a genetic marker analysis, the State is authorized to charge the petitioner a reasonable fee for the cataloging of the evidence subject to the genetic marker analysis and the transferring of such evidence to the forensic laboratory. Section 4 of this bill provides that a petitioner who files a petition requesting to pay the cost of a genetic marker analysis is required to pay the cost before the analysis is performed and is not eligible for an exemption from payment. Sections 2 and 5 of this bill make conforming changes.~~

~~Section 5.5 of this bill provides that the provisions of this bill are not severable and, if any portion of this bill is held to be unconstitutional or invalid for any reason by a court of competent jurisdiction, the remaining provisions of this bill shall be deemed to be invalid.]~~ **Section 5.7 of this bill revises such findings.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. A person convicted of a felony may file a postconviction petition requesting to pay the cost of a genetic marker analysis of evidence within the possession or custody of the State which may contain genetic marker information relating to the investigation or prosecution that resulted in the*~~

~~*judgment of conviction. If the case involves a sentence of death, the petition must include, without limitation, the date scheduled for the execution, if it has been scheduled.*~~

~~*— 2. Such a petition must be filed with the clerk of the district court for the county in which the petitioner was convicted on a form prescribed by the Department of Corrections. A copy of the petition must be served by registered mail upon:*~~

~~*— (a) The Attorney General; and*~~

~~*— (b) The district attorney in the county in which the petitioner was convicted.*~~

~~*— 3. A petition filed pursuant to this section must be accompanied by a declaration under penalty of perjury attesting that the information contained in the petition does not contain any material misrepresentation of fact and that the petitioner has a good faith basis relying on particular facts for the request. The petition must include, without limitation:*~~

~~*— (a) Information identifying specific evidence either known or believed to be in the possession or custody of the State that can be subject to genetic marker analysis;*~~

~~*— (b) An identification of the type of genetic marker analysis the petitioner is requesting to be conducted on the evidence identified in paragraph (a);*~~

~~*— (c) If applicable, the results of all prior genetic marker analyses performed on evidence in the trial which resulted in the petitioner's conviction; and*~~

~~*— (d) An indication as to whether, subject to the provisions of subsection 5, the petitioner prefers to have a specific forensic laboratory conduct the genetic marker analysis.*~~

~~*— 4. If a petition is filed pursuant to this section, the court shall determine which person or agency has possession or custody of the evidence and shall*~~

~~*immediately issue an order requiring each person or agency in possession or custody of the evidence to:*~~

~~*— (a) Preserve all evidence within the possession or custody of the person or agency that may be subjected to genetic marker analysis pursuant to this section;*~~

~~*— (b) Within 90 days, prepare an inventory of all evidence relevant to the claims in the petition within the possession or custody of the person or agency that may be subjected to genetic marker analysis pursuant to this section; and*~~

~~*— (c) Within 90 days, submit a copy of the inventory to the petitioner, the prosecuting attorney and the court.*~~

~~*— 5. If a petitioner does not wish to have a forensic laboratory that is operated by this State or one of its political subdivisions conduct the genetic marker analysis requested pursuant to this section and this State or one of its political subdivisions has a contract with two or more private forensic laboratories that are capable of conducting a genetic marker*~~

~~*analysis, the petitioner shall, when indicating any preference for a forensic laboratory to conduct the genetic marker analysis pursuant to paragraph (d) of subsection 3, select such a private forensic laboratory with which the State or one of its political subdivisions has a contract.*~~

~~*6. If a petitioner files a petition pursuant to this section and a victim of the crime for which the petitioner was convicted has requested notice pursuant to NRS 178.5698, the district attorney in the county in which the petitioner was convicted shall provide to the victim notice of the fact that the petitioner filed a petition pursuant to this section.]*~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 176.0911 is hereby amended to read as follows:~~

~~176.0911 As used in NRS 176.0911 to 176.0919, inclusive, *and section 1 of this act,* unless the context otherwise requires, the words and terms defined in NRS 176.09111 to 176.09119, inclusive, have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 176.09183 is hereby amended to read as follows:~~

~~176.09183 1. The court shall order a genetic marker analysis [,] *if:*~~

~~*(a) The petition for the analysis was filed pursuant to NRS 176.0918 and,* after considering the information contained in the petition [pursuant to subsection 3 of NRS 176.0918] and any other evidence, [if] the court finds that:~~

~~[(a)] *(1)* A reasonable possibility exists that the petitioner would not have been prosecuted or convicted if exculpatory results had been obtained through a genetic marker analysis of the evidence identified in the petition;~~

~~[(b)] *(2)* The evidence to be analyzed exists; and~~

~~[(c)] *(3)* Except as otherwise provided in subsection 2, the evidence was not previously subjected to a genetic marker analysis [.] *; or*~~

~~*(b) The petition for the analysis was filed pursuant to section 1 of this act.*~~

~~2. If the evidence was previously subjected to a genetic marker analysis, the court shall order a genetic marker analysis pursuant to *paragraph (a) of* subsection 1 if the court finds that:~~

~~(a) The result of the previous analysis was inconclusive;~~

~~(b) The evidence was not subjected to the type of analysis that is now requested and the requested analysis may resolve an issue not resolved by the previous analysis; or~~

~~(c) The requested analysis would provide results that are significantly more accurate and probative of the identity of the perpetrator than the previous analysis.~~

~~3. If the court orders a genetic marker analysis pursuant to subsection 1 or 2, the court shall:~~

~~(a) [Order] *Subject to the provisions of subsection 4, order* the analysis to be conducted promptly under reasonable conditions designed to protect the interest of the State and the petitioner in the integrity of the evidence and the analysis process.~~

~~(b) Select a forensic laboratory to conduct or oversee the analysis. The forensic laboratory selected by the court must:~~

~~(1) [Be] *If the analysis is ordered pursuant to paragraph (a) of subsection 1, be* operated by this state or one of its political subdivisions, when possible; [and]~~

~~(2) *If the analysis is ordered pursuant to paragraph (b) of subsection 1, be the forensic laboratory indicated by the petitioner pursuant to paragraph (d) of subsection 3 of section 1 of this act, when possible, if the petitioner complied with the provisions of subsection 5 of section 1 of this act; and*~~

~~*(3)* Satisfy the standards for quality assurance that are established for forensic laboratories by the Federal Bureau of Investigation.~~

~~(c) Order the forensic laboratory selected pursuant to paragraph (b) to perform a genetic marker analysis of evidence. The analysis to be performed and evidence to be analyzed must:~~

~~(1) Be specified in the order; and~~

~~(2) Include such analysis, testing and comparison of genetic marker information contained in the evidence and the genetic marker information of the petitioner as the court determines appropriate under the circumstances.~~

~~(d) Order the production of any reports that are prepared by a forensic laboratory in connection with the analysis and any data and notes upon which the report is based.~~

~~(e) Order the preservation of evidence used in [a] *the* genetic marker analysis [performed pursuant to this section and NRS 176.0918 and 176.09187] for purposes of a subsequent proceeding or analysis, if any.~~

~~(f) Order the results of the genetic marker analysis [performed pursuant to this section and NRS 176.0918 and 176.09187] to be sent to the State Board of Parole Commissioners if the results of the genetic marker analysis are not favorable to the petitioner.~~

~~4. *Notwithstanding the provisions of paragraph (a) of subsection 3, if the petition for a genetic marker analysis was filed pursuant to section 1 of this act, the forensic laboratory ordered to perform the analysis pursuant to paragraph (c) of subsection 3 shall not perform the analysis until the petitioner pays the cost of the analysis, as required by subsection 3 of NRS 176.09187.*~~

~~*5. If the court selects a forensic laboratory that is not operated by this State or one of its political subdivisions to conduct or oversee a genetic marker analysis pursuant to subparagraph (2) of paragraph (b) of subsection 3, the State may charge the petitioner a reasonable fee for the cataloging of the evidence subject to the genetic marker analysis and the transferring of such evidence to the forensic laboratory.*~~

~~*6.* If the court orders a genetic marker analysis pursuant to subsection 1 or 2, the State may appeal to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution within 30 days after the notice of the~~

~~entry of the order by filing a notice of appeal with the clerk of the district court.~~

~~**[**5.**]** ***7.*** The court shall enter an order dismissing a petition filed pursuant to NRS 176.0918 ***or section 1 of this act*** if:~~

~~(a) The requirements for ordering a genetic marker analysis pursuant to this section and NRS 176.0918 and 176.09187 are not satisfied; or~~

~~(b) The results of a genetic marker analysis performed **[**pursuant to this section and NRS 176.0918 and 176.09187**]** ***as the result of the petition*** are not favorable to the petitioner.~~

~~**[**6.**]** ***8.*** If the court enters an order dismissing a petition filed pursuant to NRS 176.0918 **[**,**]** ***or section 1 of this act,*** the person aggrieved by the order may appeal to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution within 30 days after the notice of the entry of the order by filing a notice of appeal with the clerk of the district court.**]**~~ **(Deleted by amendment.)**

Sec. 4. ~~**[**NRS 176.09187 is hereby amended to read as follows:~~

~~176.09187 1. If the results of a genetic marker analysis performed ***as the result of a petition filed*** pursuant to **[**this section and**]** NRS 176.0918 **[**and 176.09183**]** ***or section 1 of this act*** are favorable to the petitioner:~~

~~(a) The petitioner may bring a motion for a new trial based on the ground of newly discovered evidence pursuant to NRS 176.515; and~~

~~(b) The restriction on the time for filing the motion set forth in subsection 3 of NRS 176.515 is not applicable.~~

~~2. For the purposes of a genetic marker analysis **, [**pursuant to this section and NRS 176.0918 and 176.09183,**]** a person who files a petition pursuant to NRS 176.0918 ***or section 1 of this act*** shall be deemed to consent to the:~~

~~(a) Submission of a biological specimen by the petitioner to determine genetic marker information; and~~

~~(b) Release and use of genetic marker information concerning the petitioner.~~

~~3. **[**The**]** ***Except as otherwise provided in subsection 4, the*** petitioner shall pay the cost of a genetic marker analysis performed ***as the result of a petition filed*** pursuant to **[**this section and**]** NRS 176.0918 **[**and 176.09183, unless**]** ***or section 1 of this act. If the petition was filed pursuant to section 1 of this act, the petitioner must pay the cost of the analysis before the analysis is performed.***~~

~~***4. The petitioner is not responsible for paying the cost of a genetic marker analysis performed as the result of a petition filed pursuant to NRS 176.0918 if*** the petitioner is incarcerated at the time the petitioner files the petition, ***is*** found to be indigent pursuant to NRS 171.188 and the results of the genetic marker analysis are favorable to the petitioner.~~

~~***5.*** If the petitioner is not required to pay the cost of the analysis pursuant to **[**this**]** subsection **[**,**]** ***4,*** the expense of an analysis **[**ordered**]** ***performed as***~~

~~***the result of a petition filed*** pursuant to **[**this section and**]** NRS 176.0918 **[**and 176.09183**]** is a charge against the Department of Corrections and must be paid upon approval by the Board of State Prison Commissioners as other claims against the State are paid.~~

~~**[**4.**]** ***6.*** The remedy provided by this section and NRS 176.0918 and 176.09183 ***and section 1 of this act*** is in addition to, is not a substitute for and is not exclusive of any other remedy, right of action or proceeding available to a person convicted of a crime.**]** **(Deleted by amendment.)**~~

Sec. 5. ~~**[**NRS 176.0919 is hereby amended to read as follows:~~

~~176.0919 1. After a judge grants a petition requesting a genetic marker analysis pursuant to NRS 176.0918 **[**, 176.09183 and 176.09187,**]** ***or section 1 of this act,*** if the case involves a sentence of death and a judge determines that the genetic marker analysis cannot be completed before the date of the execution of the petitioner, the judge shall stay the execution of the judgment of death pending the results of the analysis.~~

~~2. If the case involves a sentence of death and the results of an analysis ordered and conducted ***as the result of a petition filed*** pursuant to NRS 176.0918 **[**, 176.09183 and 176.09187**]** ***or section 1 of this act*** are not favorable to the petitioner:~~

~~(a) Except as otherwise provided in paragraph (b), the Director of the Department of Corrections shall, in due course, execute the judgment of death.~~

~~(b) If the judgment of death has been stayed pursuant to subsection 1, the judge shall cause a certified copy of the order staying the execution of the judgment and a certified copy of the report of genetic marker analysis that indicates results which are not favorable to the petitioner to be immediately forwarded by the clerk of the court to the district attorney. Upon receipt, the district attorney shall pursue the issuance of a new warrant of execution of the judgment of death in the manner provided in NRS 176.495.**]** **(Deleted by amendment.)**~~

Sec. 5.5. ~~**[**Notwithstanding the provisions of NRS 0.020, the provisions of this act are not severable. If any portion of this act is held to be unconstitutional or invalid for any reason by the decision of any court of competent jurisdiction, the remaining provisions of this act shall be deemed to be invalid.**]** **(Deleted by amendment.)**~~

Sec. 5.7. **NRS 176.09183 is hereby amended to read as follows:**

176.09183 1. The court shall order a genetic marker analysis, after considering the information contained in the petition pursuant to subsection 3 of NRS 176.0918 and any other evidence, if the court finds that:

(a) ~~**[**A reasonable possibility exists that the petitioner would not have been prosecuted or convicted if exculpatory results had been obtained through a genetic marker analysis of the evidence identified in the petition;~~

~~(b)**]**~~ The evidence to be analyzed exists; ~~**[**and~~

~~(c)**]**~~ ***(b)*** Except as otherwise provided in subsection 2, the evidence was not previously subjected to a genetic marker analysis ~~**[**.**]**~~ ***, including, without***

limitation, because such an analysis was not available at the time of trial; and

(c) One or more of the following situations applies:

(1) A reasonable possibility exists that the petitioner would not have been prosecuted or convicted if exculpatory results had been obtained through a genetic marker analysis of the evidence identified in the petition;

(2) The petitioner alleges and supports with facts that he or she asked his or her attorney to request to have a genetic marker analysis conducted, but the attorney refused or neglected to do so; or

(3) The court previously ordered a genetic marker analysis to be conducted, but an analysis was never conducted.

2. If the evidence was previously subjected to a genetic marker analysis, the court shall order a genetic marker analysis pursuant to subsection 1 if the court finds that:

(a) The result of the previous analysis was inconclusive;

(b) The evidence was not subjected to the type of analysis that is now requested and the requested analysis may resolve an issue not resolved by the previous analysis; or

(c) The requested analysis would provide results that are significantly more accurate and probative of the identity of the perpetrator than the previous analysis.

3. If the court orders a genetic marker analysis pursuant to subsection 1 or 2, the court shall:

(a) Order the analysis to be conducted promptly under reasonable conditions designed to protect the interest of the State and the petitioner in the integrity of the evidence and the analysis process.

(b) Select a forensic laboratory to conduct or oversee the analysis. The forensic laboratory selected by the court must:

(1) Be operated by this state or one of its political subdivisions, when possible; and

(2) Satisfy the standards for quality assurance that are established for forensic laboratories by the Federal Bureau of Investigation.

(c) Order the forensic laboratory selected pursuant to paragraph (b) to perform a genetic marker analysis of evidence. The analysis to be performed and evidence to be analyzed must:

(1) Be specified in the order; and

(2) Include such analysis, testing and comparison of genetic marker information contained in the evidence and the genetic marker information of the petitioner as the court determines appropriate under the circumstances.

(d) Order the production of any reports that are prepared by a forensic laboratory in connection with the analysis and any data and notes upon which the report is based.

(e) Order the preservation of evidence used in a genetic marker analysis performed pursuant to this section and NRS 176.0918 and 176.09187 for purposes of a subsequent proceeding or analysis, if any.

(f) Order the results of the genetic marker analysis performed pursuant to this section and NRS 176.0918 and 176.09187 to be sent to the State Board of Parole Commissioners if the results of the genetic marker analysis are not favorable to the petitioner.

4. If the court orders a genetic marker analysis pursuant to subsection 1 or 2, the State may appeal to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution within 30 days after the notice of the entry of the order by filing a notice of appeal with the clerk of the district court.

5. The court shall enter an order dismissing a petition filed pursuant to NRS 176.0918 if:

(a) The requirements for ordering a genetic marker analysis pursuant to this section and NRS 176.0918 and 176.09187 are not satisfied; or

(b) The results of a genetic marker analysis performed pursuant to this section and NRS 176.0918 and 176.09187 are not favorable to the petitioner.

6. If the court enters an order dismissing a petition filed pursuant to NRS 176.0918, the person aggrieved by the order may appeal to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution within 30 days after the notice of the entry of the order by filing a notice of appeal with the clerk of the district court.

Sec. 6. This act becomes effective on July 1, ~~[~~2018.~~]~~ **2017.**

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 981 to Assembly Bill No. 268.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

The amendment deletes sections 1 through 5.5 of the bill and adds language that revises provisions relating to post-conviction petitions for a genetic marker analysis. The amendment also changes the effective date to July 1, 2017.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 288.

The following Senate amendment was read:

Amendment No. 873.

ASSEMBLYMEN JOINER, FRIERSON, BENITEZ-THOMPSON, CARRILLO, DIAZ; ARAUJO, CARLTON, FUMO, JAUREGUI, MONROE-MORENO **, SPIEGEL** AND SWANK

AN ACT relating to the protection of certain persons; **revising provisions governing the additional penalty that must be imposed for certain crimes of criminal violations of law committed against an older person or a vulnerable person;** revising provisions relating to immunity from civil or criminal liability for certain acts; increasing the maximum term of

imprisonment for a person who commits certain acts against an older person or a vulnerable person that result in substantial bodily or mental harm to or the death of the person; revising the penalties for committing certain acts against an older person or a vulnerable person or conspiring to commit certain acts against an older person or a vulnerable person; establishing provisions relating to certain arbitration clauses included in contracts used by facilities for long-term care; **providing penalties;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the imposition of an additional penalty upon a person who commits certain crimes or criminal violations of law against a person 60 years of age or older or a vulnerable person, and provides that the sentence prescribed runs consecutively with the sentence prescribed by statute for the crime or criminal violation. (NRS 193.167) Section 1 of this bill provides that the additional sentence prescribed must not exceed the sentence imposed for the crime or criminal violation.

Existing law extends immunity from civil or criminal liability to every person who, in good faith: (1) participates in the making of a report concerning the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person; (2) submits information contained in such a report to a licensing board; or (3) causes or conducts an investigation of alleged abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person. (NRS 200.5096) **Section ~~[1]~~ 1.5** of this bill provides that such immunity does not extend to any person who abused, neglected, exploited, isolated or abandoned the older person or vulnerable person who is the subject of the report or investigation or any person who committed certain other acts relating to the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person.

Existing law establishes the penalties to be imposed upon a person who abuses, neglects, exploits, isolates or abandons an older person or a vulnerable person. Any person who has assumed responsibility to care for an older person or a vulnerable person and who neglects the older person or vulnerable person or commits certain other related acts, thereby causing substantial bodily or mental harm to or the death of the older person or vulnerable person, is guilty of a category B felony and is punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years. (NRS 200.5099) **Section 2** of this bill increases the maximum term of imprisonment for the commission of such acts from 6 years to 20 years. **Section 2** also revises the penalties for certain offenses relating to the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person and provides that a person who commits any such offense is guilty of: (1) **either** a category C felony or gross misdemeanor **, as determined by the court,** for the first offense or, if the offense is exploitation, the monetary value involved is less

than $650 or cannot be determined; or (2) a category B felony for the second and all subsequent offenses or, if the offense is exploitation, if the monetary value involved is $650 or more.

Existing law provides that a person who conspires with another to commit abuse, exploitation or isolation of an older person or a vulnerable person is punished: (1) for the first offense, for a gross misdemeanor; or (2) for the second and all subsequent offenses, for a category C felony. (NRS 200.50995) **Section 3** of this bill ~~[revises]~~ **increases** the penalty ~~[for all such offenses and provides that a person is punished: (1) for the first offense, for a category C felony or gross misdemeanor; or (2)]~~ for the **commission of a** second ~~[and all]~~ **or** subsequent offenses ~~[, for]~~ **to** a category B felony **punishable** by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years.

Section 4 of this bill: (1) provides that if a facility for long-term care wishes to include as part of any contract relating to the provision of care a clause providing that the parties to the contract agree to resolve any dispute through arbitration, the clause must be included as an addendum to the contract; and (2) establishes requirements pertaining to the form and content of such an addendum.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 193.167 is hereby amended to read as follows:**

193.167 1. Except as otherwise provided in NRS 193.169, any person who commits the crime of:

(a) Murder;

(b) Attempted murder;

(c) Assault;

(d) Battery;

(e) Kidnapping;

(f) Robbery;

(g) Sexual assault;

(h) Embezzlement of, or attempting or conspiring to embezzle, money or property of a value of $650 or more;

(i) Obtaining, or attempting or conspiring to obtain, money or property of a value of $650 or more by false pretenses; or

(j) Taking money or property from the person of another,

➥ against any person who is 60 years of age or older or against a vulnerable person shall, in addition to the term of imprisonment prescribed by statute for the crime, be punished, if the crime is a misdemeanor or gross misdemeanor, by imprisonment in the county jail for a term equal to the term of imprisonment prescribed by statute for the crime, and, if the crime is a felony, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.

2. Except as otherwise provided in NRS 193.169, any person who commits a criminal violation of the provisions of chapter 90 or 91 of NRS against any person who is 60 years of age or older or against a vulnerable person shall, in addition to the term of imprisonment prescribed by statute for the criminal violation, be punished, if the criminal violation is a misdemeanor or gross misdemeanor, by imprisonment in the county jail for a term equal to the term of imprisonment prescribed by statute for the criminal violation, and, if the criminal violation is a felony, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.

3. In determining the length of the additional penalty imposed pursuant to this section, the court shall consider the following information:

(a) The facts and circumstances of the crime or criminal violation;

(b) The criminal history of the person;

(c) The impact of the crime or criminal violation on any victim;

(d) Any mitigating factors presented by the person; and

(e) Any other relevant information.

➥ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

4. The sentence prescribed by this section ~~[must run]~~ **:**

(a) Must not exceed the sentence imposed for the crime or criminal violation; and

(b) Must run consecutively with the sentence prescribed by statute for the crime or criminal violation.

5. This section does not create any separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

6. As used in this section, "vulnerable person" has the meaning ascribed to it in NRS 200.5092.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 200.5096 is hereby amended to read as follows:

200.5096 ~~[Immunity]~~

1. Except as otherwise provided in subsection 2, immunity from civil or criminal liability extends to every person who, pursuant to NRS 200.5091 to 200.50995, inclusive, in good faith:

~~[1.]~~ ***(a)*** Participates in the making of a report;

~~[2.]~~ ***(b)*** Causes or conducts an investigation of alleged abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person; or

~~[3.]~~ ***(c)*** Submits information contained in a report to a licensing board pursuant to subsection 4 of NRS 200.5095.

2. The immunity provided in subsection 1 does not extend to any person who has:

(a) Abused, neglected, exploited, isolated or abandoned the older person or vulnerable person who is the subject of the report or investigation as prohibited by NRS 200.5099;

(b) Conspired with another to commit abuse, exploitation or isolation of the older person or vulnerable person who is the subject of the report or investigation as prohibited by NRS 200.50995; or

(c) Aided and abetted in or was an accessory to the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person who is the subject of the report or investigation or the conspiracy to commit abuse, exploitation or isolation of the older person or vulnerable person.

Sec. 2. NRS 200.5099 is hereby amended to read as follows:

200.5099 1. Except as otherwise provided in subsection 6, any person who abuses an older person or a vulnerable person is guilty:

(a) For the first offense, of ~~[a gross :]~~ ***either of the following, as determined by the court:***

(1) ~~[Category]~~ A category C felony and shall be punished as provided in NRS 193.130; or

(2) ~~[Gross]~~ A gross misdemeanor ~~[;]~~ ***and shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $2,000, or by both fine and imprisonment;*** or

(b) For ~~[any]~~ ***the second and all*** subsequent ~~[offense]~~ ***offenses*** or if the person has been previously convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct, ~~***[offenses,]***~~ of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years,

➥ unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.

2. Except as otherwise provided in subsection 7, any person who has assumed responsibility, legally, voluntarily or pursuant to a contract, to care for an older person or a vulnerable person and who ~~[:~~

~~(a) Neglects]~~ ***neglects*** the older person or vulnerable person, causing the older person or vulnerable person to suffer physical pain or mental suffering ~~[;~~

~~(b) Permits]~~ ***, permits*** or allows the older person or vulnerable person to suffer unjustifiable physical pain or mental suffering ~~[;]~~ or

~~[(c) Permits]~~ ***permits*** or allows the older person or vulnerable person to be placed in a situation where the older person or vulnerable person may suffer physical pain or mental suffering as the result of abuse or neglect ~~[,~~

➥ ~~]~~ is guilty ***:***

(a) For the first offense, of ~~[a gross :]~~ ***either of the following, as determined by the court:***

(1) ~~[Category]~~ A category C felony and shall be punished as provided in NRS 193.130; or

(2) [Gross] A gross misdemeanor ***and shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $2,000, or by both fine and imprisonment; or***

(b) For the second and all subsequent offenses, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years,

➥ unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.

3. Except as otherwise provided in subsection 4, any person who exploits an older person or a vulnerable person shall be punished [,] ***:***

(a) For the first offense, if the value of any money, assets and property obtained or used:

[(a)] ***(1)*** Is less than $650, [for a gross:

~~***(1) Category]***~~ ***of either of the following, as determined by the court:***

(I) A category C felony as provided in NRS 193.130; or

~~***[(2) Gross]***~~

(II) A gross misdemeanor by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $2,000, or by both fine and imprisonment;

[(b)] ***(2)*** Is at least $650, but less than $5,000, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment; or

[(c)] ***(3)*** Is $5,000 or more, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than $25,000, or by both fine and imprisonment [,] ***; or***

(b) For the second and all subsequent offenses, regardless of the value of any money, assets and property obtained or used, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than $25,000, or by both fine and imprisonment,

➥ unless a more severe penalty is prescribed by law for the act which brought about the exploitation. The monetary value of all of the money, assets and property of the older person or vulnerable person which have been obtained or used, or both, may be combined for the purpose of imposing punishment for an offense charged pursuant to this subsection.

4. If a person exploits an older person or a vulnerable person and the monetary value of any money, assets and property obtained cannot be determined, the person shall be punished [for a gross] ***:***

(a) [Category] For the first offense, of either of the following, as determined by the court:

(1) A category C felony as provided in NRS 193.130; or

~~***[(b) Gross]***~~

(2) A gross misdemeanor by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $2,000, or by both fine and imprisonment ~~[.]~~ ***;*** ***or***

(b) For the second and all subsequent offenses, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than $25,000, or by both fine and imprisonment,

➥ unless a more severe penalty is prescribed by law for the act which brought about the exploitation.

5. Any person who isolates or abandons an older person or a vulnerable person is guilty:

(a) For the first offense, of ~~[a gross :]~~ ***either of the following, as determined by the court:***

(1) ~~[Category]~~ A category C felony and shall be punished as provided in NRS 193.130; or

(2) ~~[Gross]~~ A gross misdemeanor ~~[;]~~ ***and shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $2,000, or by both fine and imprisonment;*** or

(b) For ~~[any]~~ ***the second and all*** subsequent ~~[offense,]~~ ***offenses,*** of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $5,000 ~~[.]~~ ***,***

➥ unless a more severe penalty is prescribed by law for the act or omission which brings about the isolation or abandonment.

6. A person who violates any provision of subsection 1, if substantial bodily or mental harm or death results to the older person or vulnerable person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.

7. A person who violates any provision of subsection 2, if substantial bodily or mental harm or death results to the older person or vulnerable person, shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than ~~[6]~~ ***20*** years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.

8. In addition to any other penalty imposed against a person for a violation of any provision of NRS 200.5091 to 200.50995, inclusive, the court shall order the person to pay restitution.

9. As used in this section:

(a) "Allow" means to take no action to prevent or stop the abuse or neglect of an older person or a vulnerable person if the person knows or has reason to know that the older person or vulnerable person is being abused or neglected.

(b) "Permit" means permission that a reasonable person would not grant and which amounts to a neglect of responsibility attending the care and custody of an older person or a vulnerable person.

(c) "Substantial mental harm" means an injury to the intellectual or psychological capacity or the emotional condition of an older person or a vulnerable person as evidenced by an observable and substantial impairment of the ability of the older person or vulnerable person to function within his or her normal range of performance or behavior.

Sec. 3. NRS 200.50995 is hereby amended to read as follows:

200.50995 ***1.*** A person who conspires with another to commit abuse, exploitation or isolation of an older person or a vulnerable person as prohibited by NRS 200.5099 shall be punished:

~~[1.]~~ ***(a)*** For the first offense, for a gross ~~[:~~

~~*(1) Category C felony as provided in NRS 193.130; or*~~

~~*(2) Gross)*~~ misdemeanor ~~[.~~

~~2.]~~ ***by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $2,000, or by both fine and imprisonment; or***

(b) For the second and all subsequent offenses, for a category ~~[C]~~ ***B*** felony ~~[as provided in NRS 193.130.~~

~~➥]~~ ***by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years.***

2. Each person found guilty of such a conspiracy is jointly and severally liable for the restitution ordered by the court pursuant to NRS 200.5099 with each other person found guilty of the conspiracy.

Sec. 4. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a facility for long-term care wishes to include as part of any contract relating to the provision of care a clause providing that the parties to the contract agree to resolve any dispute through arbitration, the clause must be included as an addendum to the contract and:

(a) Be printed in large font on a separate page with a separate signature line;

(b) Fully explain the effect of signing the addendum, including, without limitation, that any dispute will be resolved through the arbitration process instead of in court; and

(c) Clearly state that the person signing the contract is not required to sign the addendum.

2. As used in this section, "facility for long-term care" means:

(a) A residential facility for groups;

(b) A facility for intermediate care;

(c) A facility for skilled nursing;

(d) A home for individual residential care; and

(e) Any unlicensed establishment that provides food, shelter, assistance and limited supervision to a resident.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 873 to Assembly Bill No. 288.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

The amendment adds language providing that a sentence imposed under the provisions of NRS 193.167 must not exceed the sentence for the crime and also runs consecutively with the sentence. It includes portions of a similar bill, Senate Bill 360; deletes language in section 3 regarding certain penalties for conspiracy; and adds a sponsor to the bill.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 969.

ASSEMBLYMEN JOINER, FRIERSON, BENITEZ-THOMPSON, CARRILLO, DIAZ; ARAUJO, CARLTON, FUMO, JAUREGUI, MONROE-MORENO, SPIEGEL AND SWANK

JOINT SPONSOR: SENATOR CANNIZZARO

AN ACT relating to the protection of certain persons; revising provisions governing the additional penalty that must be imposed for certain crimes of criminal violations of law committed against an older person or a vulnerable person; revising provisions relating to immunity from civil or criminal liability for certain acts; increasing the maximum term of imprisonment for a person who commits certain acts against an older person or a vulnerable person that result in substantial bodily or mental harm to or the death of the person; revising the penalties for committing certain acts against an older person or a vulnerable person or conspiring to commit certain acts against an older person or a vulnerable person; establishing provisions relating to certain ~~[arbitration]~~ clauses **relating to dispute resolution** included in contracts used by facilities for long-term care; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the imposition of an additional penalty upon a person who commits certain crimes or criminal violations of law against a person 60 years of age or older or a vulnerable person, and provides that the sentence prescribed runs consecutively with the sentence prescribed by statute for the crime or criminal violation. (NRS 193.167) **Section 1** of this bill provides that the additional sentence prescribed must not exceed the sentence imposed for the crime or criminal violation.

Existing law extends immunity from civil or criminal liability to every person who, in good faith: (1) participates in the making of a report concerning the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person; (2) submits information contained in such a report to a licensing board; or (3) causes or conducts an investigation of alleged abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person. (NRS 200.5096) **Section 1.5** of this bill provides that such immunity does not extend to any person who abused, neglected, exploited, isolated or abandoned the older person or vulnerable

person who is the subject of the report or investigation or any person who committed certain other acts relating to the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person.

Existing law establishes the penalties to be imposed upon a person who abuses, neglects, exploits, isolates or abandons an older person or a vulnerable person. Any person who has assumed responsibility to care for an older person or a vulnerable person and who neglects the older person or vulnerable person or commits certain other related acts, thereby causing substantial bodily or mental harm to or the death of the older person or vulnerable person, is guilty of a category B felony and is punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years. (NRS 200.5099) **Section 2** of this bill increases the maximum term of imprisonment for the commission of such acts from 6 years to 20 years. **Section 2** also revises the penalties for certain offenses relating to the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person and provides that a person who commits any such offense is guilty of: (1) either a category C felony or gross misdemeanor, as determined by the court, for the first offense or, if the offense is exploitation, the monetary value involved is less than $650 or cannot be determined; or (2) a category B felony for the second and all subsequent offenses or, if the offense is exploitation, if the monetary value involved is $650 or more.

Existing law provides that a person who conspires with another to commit abuse, exploitation or isolation of an older person or a vulnerable person is punished: (1) for the first offense, for a gross misdemeanor; or (2) for the second and all subsequent offenses, for a category C felony. (NRS 200.50995) **Section 3** of this bill increases the penalty for the commission of a second or subsequent offenses to a category B felony punishable by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years.

Section 4 of this bill: (1) provides that if a facility for long-term care wishes to include as part of any contract relating to the provision of care a clause ~~[providing that]~~ **which specifies or restricts the means by which** the parties to the contract ~~[agree]~~ **are required** to resolve any dispute, ~~[through arbitration,]~~ the clause must be included as an addendum to the contract; and (2) establishes requirements pertaining to the form and content of such an addendum.

Section 5 of this bill amends Senate Bill No. 360 of this session, which includes a provision that is identical to section 4, to ensure that the provisions in the two bills do not conflict with each other.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 193.167 is hereby amended to read as follows:

193.167 1. Except as otherwise provided in NRS 193.169, any person who commits the crime of:

(a) Murder;

(b) Attempted murder;

(c) Assault;

(d) Battery;

(e) Kidnapping;

(f) Robbery;

(g) Sexual assault;

(h) Embezzlement of, or attempting or conspiring to embezzle, money or property of a value of $650 or more;

(i) Obtaining, or attempting or conspiring to obtain, money or property of a value of $650 or more by false pretenses; or

(j) Taking money or property from the person of another,

➥ against any person who is 60 years of age or older or against a vulnerable person shall, in addition to the term of imprisonment prescribed by statute for the crime, be punished, if the crime is a misdemeanor or gross misdemeanor, by imprisonment in the county jail for a term equal to the term of imprisonment prescribed by statute for the crime, and, if the crime is a felony, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.

2. Except as otherwise provided in NRS 193.169, any person who commits a criminal violation of the provisions of chapter 90 or 91 of NRS against any person who is 60 years of age or older or against a vulnerable person shall, in addition to the term of imprisonment prescribed by statute for the criminal violation, be punished, if the criminal violation is a misdemeanor or gross misdemeanor, by imprisonment in the county jail for a term equal to the term of imprisonment prescribed by statute for the criminal violation, and, if the criminal violation is a felony, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.

3. In determining the length of the additional penalty imposed pursuant to this section, the court shall consider the following information:

(a) The facts and circumstances of the crime or criminal violation;

(b) The criminal history of the person;

(c) The impact of the crime or criminal violation on any victim;

(d) Any mitigating factors presented by the person; and

(e) Any other relevant information.

➥ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

4. The sentence prescribed by this section ~~[must run]~~:

(a) Must not exceed the sentence imposed for the crime or criminal violation; and

(b) Must run consecutively with the sentence prescribed by statute for the crime or criminal violation.

5. This section does not create any separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

6. As used in this section, "vulnerable person" has the meaning ascribed to it in NRS 200.5092.

Sec. 1.5. NRS 200.5096 is hereby amended to read as follows:

200.5096 ~~[~~Immunity~~]~~

1. Except as otherwise provided in subsection 2, immunity from civil or criminal liability extends to every person who, pursuant to NRS 200.5091 to 200.50995, inclusive, in good faith:

~~[~~1.~~]~~ ***(a)*** Participates in the making of a report;

~~[~~2.~~]~~ ***(b)*** Causes or conducts an investigation of alleged abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person; or

~~[~~3.~~]~~ ***(c)*** Submits information contained in a report to a licensing board pursuant to subsection 4 of NRS 200.5095.

2. The immunity provided in subsection 1 does not extend to any person who has:

(a) Abused, neglected, exploited, isolated or abandoned the older person or vulnerable person who is the subject of the report or investigation as prohibited by NRS 200.5099;

(b) Conspired with another to commit abuse, exploitation or isolation of the older person or vulnerable person who is the subject of the report or investigation as prohibited by NRS 200.50995; or

(c) Aided and abetted in or was an accessory to the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person who is the subject of the report or investigation or the conspiracy to commit abuse, exploitation or isolation of the older person or vulnerable person.

Sec. 2. NRS 200.5099 is hereby amended to read as follows:

200.5099 1. Except as otherwise provided in subsection 6, any person who abuses an older person or a vulnerable person is guilty:

(a) For the first offense, of ~~[~~a gross~~]~~ ***either of the following, as determined by the court:***

(1) A category C felony and shall be punished as provided in NRS 193.130; or

(2) A gross misdemeanor ~~[~~,~~]~~ ***and shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $2,000, or by both fine and imprisonment;*** or

(b) For ~~[~~any~~]~~ ***the second and all*** subsequent ~~[~~offense~~]~~ ***offenses*** or if the person has been previously convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct, of a category B felony

and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years,

➥ unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.

2. Except as otherwise provided in subsection 7, any person who has assumed responsibility, legally, voluntarily or pursuant to a contract, to care for an older person or a vulnerable person and who ~~[:~~

~~(a) Neglects]~~ ***neglects*** the older person or vulnerable person, causing the older person or vulnerable person to suffer physical pain or mental suffering ~~[;~~

~~(b) Permits]~~, ***permits*** or allows the older person or vulnerable person to suffer unjustifiable physical pain or mental suffering ~~[;]~~ or

~~[(c) Permits]~~ ***permits*** or allows the older person or vulnerable person to be placed in a situation where the older person or vulnerable person may suffer physical pain or mental suffering as the result of abuse or neglect ~~[,~~

~~➥]~~ is guilty:

(a) For the first offense, of ~~[a gross]~~ ***either of the following, as determined by the court:***

(1) A category C felony and shall be punished as provided in NRS 193.130; or

(2) A gross misdemeanor ***and shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $2,000, or by both fine and imprisonment; or***

(b) For the second and all subsequent offenses, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years,

➥ unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.

3. Except as otherwise provided in subsection 4, any person who exploits an older person or a vulnerable person shall be punished ~~[,]~~:

(a) For the first offense, if the value of any money, assets and property obtained or used:

~~[(a)]~~ ***(1)*** Is less than $650, ~~[for a gross]~~ ***of either of the following, as determined by the court:***

(I) A category C felony as provided in NRS 193.130; or

(II) A gross misdemeanor by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $2,000, or by both fine and imprisonment;

~~[(b)]~~ ***(2)*** Is at least $650, but less than $5,000, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment; or

~~[(c)]~~ ***(3)*** Is $5,000 or more, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum

term of not more than 20 years, or by a fine of not more than $25,000, or by both fine and imprisonment ~~[.]~~; ***or***

(b) For the second and all subsequent offenses, regardless of the value of any money, assets and property obtained or used, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than $25,000, or by both fine and imprisonment,

➥ unless a more severe penalty is prescribed by law for the act which brought about the exploitation. The monetary value of all of the money, assets and property of the older person or vulnerable person which have been obtained or used, or both, may be combined for the purpose of imposing punishment for an offense charged pursuant to this subsection.

4. If a person exploits an older person or a vulnerable person and the monetary value of any money, assets and property obtained cannot be determined, the person shall be punished ~~[for a gross]~~:

(a) For the first offense, of either of the following, as determined by the court:

(1) A category C felony as provided in NRS 193.130; or

(2) A gross misdemeanor by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $2,000, or by both fine and imprisonment ~~[.]~~; ***or***

(b) For the second and all subsequent offenses, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than $25,000, or by both fine and imprisonment,

➥ unless a more severe penalty is prescribed by law for the act which brought about the exploitation.

5. Any person who isolates or abandons an older person or a vulnerable person is guilty:

(a) For the first offense, of ~~[a gross]~~ ***either of the following, as determined by the court:***

(1) A category C felony and shall be punished as provided in NRS 193.130; or

(2) A gross misdemeanor ~~[.]~~ ***and shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $2,000, or by both fine and imprisonment;*** or

(b) For ~~[any]~~ ***the second and all*** subsequent ~~[offense,]~~ ***offenses,*** of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $5,000 ~~[.]~~,

➥ unless a more severe penalty is prescribed by law for the act or omission which brings about the isolation or abandonment.

6. A person who violates any provision of subsection 1, if substantial bodily or mental harm or death results to the older person or vulnerable

person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.

7. A person who violates any provision of subsection 2, if substantial bodily or mental harm or death results to the older person or vulnerable person, shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than ~~[6]~~ ***20*** years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.

8. In addition to any other penalty imposed against a person for a violation of any provision of NRS 200.5091 to 200.50995, inclusive, the court shall order the person to pay restitution.

9. As used in this section:

(a) "Allow" means to take no action to prevent or stop the abuse or neglect of an older person or a vulnerable person if the person knows or has reason to know that the older person or vulnerable person is being abused or neglected.

(b) "Permit" means permission that a reasonable person would not grant and which amounts to a neglect of responsibility attending the care and custody of an older person or a vulnerable person.

(c) "Substantial mental harm" means an injury to the intellectual or psychological capacity or the emotional condition of an older person or a vulnerable person as evidenced by an observable and substantial impairment of the ability of the older person or vulnerable person to function within his or her normal range of performance or behavior.

Sec. 3. NRS 200.50995 is hereby amended to read as follows:

200.50995 ***1.*** A person who conspires with another to commit abuse, exploitation or isolation of an older person or a vulnerable person as prohibited by NRS 200.5099 shall be punished:

~~[1.]~~ ***(a)*** For the first offense, for a gross misdemeanor ~~[.~~ ~~2.]~~ ***by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $2,000, or by both fine and imprisonment; or***

(b) For the second and all subsequent offenses, for a category ~~[C]~~ ***B*** felony ~~[as provided in NRS 193.130.~~ ~~→]~~ ***by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years.***

2. Each person found guilty of such a conspiracy is jointly and severally liable for the restitution ordered by the court pursuant to NRS 200.5099 with each other person found guilty of the conspiracy.

Sec. 4. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a facility for long-term care wishes to include as part of any contract relating to the provision of care a clause ~~[providing that]~~ which specifies or restricts the means by which the parties to the contract ~~[agree]~~

***are required** to resolve any dispute **,** ~~[through arbitration,]~~ the clause must be included as an addendum to the contract and:*

(a) Be printed in large font on a separate page with a separate signature line;

(b) Fully explain the effect of signing the addendum, including, without limitation, that any dispute ~~[will]~~ **must** be resolved **exclusively** through the ~~[arbitration process instead of in court;]~~ **means authorized by the clause;** and

(c) Clearly state that the person signing the contract is not required to sign the addendum.

2. As used in this section, "facility for long-term care" means:

(a) A residential facility for groups;

(b) A facility for intermediate care;

(c) A facility for skilled nursing;

(d) A home for individual residential care; and

(e) Any unlicensed establishment that provides food, shelter, assistance and limited supervision to a resident.

Sec. 5. **Section 7.5 of Senate Bill No. 360 of this session is hereby amended to read as follows:**

Sec. 7.5. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a facility for long-term care wishes to include as part of any contract relating to the provision of care a clause ~~[providing that]~~ ***which specifies or restricts the means by which*** the parties to the contract ~~[agree]~~ ***are required*** to resolve any dispute **,** ~~[through arbitration,]~~ the clause must be included as an addendum to the contract and:

(a) Be printed in large font on a separate page with a separate signature line;

(b) Fully explain the effect of signing the addendum, including, without limitation, that any dispute ~~[will]~~ ***must*** be resolved ***exclusively*** through the ~~[arbitration process instead of in court;]~~ ***means authorized by the clause;*** and

(c) Clearly state that the person signing the contract is not required to sign the addendum.

2. As used in this section, "facility for long-term care" means:

(a) A residential facility for groups;

(b) A facility for intermediate care;

(c) A facility for skilled nursing;

(d) A home for individual residential care; and

(e) Any unlicensed establishment that provides food, shelter, assistance and limited supervision to a resident.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 969 to Assembly Bill No. 288.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

The amendment adds language regarding dispute resolution included in contracts for long-term care facilities and also adds further language to ensure that the provisions of this bill and Senate Bill 360 are not in conflict with one another.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 376.

The following Senate amendment was read:

Amendment No. 874.

AN ACT relating to criminal procedure; revising provisions governing the filing of a complaint after an arrest without a warrant; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a complaint to be filed forthwith when a person arrested without a warrant is brought before a magistrate. (NRS 171.178) **Section 1** of this bill requires the complaint to be filed within 72 hours after the person is arrested, **excluding Saturdays, Sundays and legal holidays,** unless the magistrate extends the time ~~[by]~~ **up to** an additional ~~[48]~~ **72** hours for good cause shown. Thereafter, the magistrate may order **an** additional ~~[extensions]~~ **extension** of ~~[48]~~ **up to 72** hours for good cause shown. **An extension must not be ordered if the person is to remain in custody unless counsel is appointed. The sole remedy for a violation of these provisions is release from custody.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 171.178 is hereby amended to read as follows:

171.178 1. Except as otherwise provided in subsections 5 and 6, a peace officer making an arrest under a warrant issued upon a complaint or without a warrant shall take the arrested person without unnecessary delay before the magistrate who issued the warrant or the nearest available magistrate empowered to commit persons charged with offenses against the laws of the State of Nevada.

2. A private person making an arrest without a warrant shall deliver the arrested person without unnecessary delay to a peace officer. Except as otherwise provided in subsections 5 and 6 and NRS 171.1772, the peace officer shall take the arrested person without unnecessary delay before the nearest available magistrate empowered to commit persons charged with offenses against the laws of the State of Nevada.

3. If an arrested person is not brought before a magistrate within 72 hours after arrest, excluding nonjudicial days, the magistrate:

(a) Shall give the prosecuting attorney an opportunity to explain the circumstances leading to the delay; and

(b) May release the arrested person if the magistrate determines that the person was not brought before a magistrate without unnecessary delay.

4. When a person arrested without a warrant is brought before a magistrate, a complaint must be filed ~~[forthwith.]~~ ***within 72 hours after the person is arrested, excluding Saturdays, Sundays and legal holidays, unless the magistrate extends the time ~~[by]~~ up to an additional ~~[48]~~ 72 hours , excluding legal holidays, for good cause shown. Thereafter, the magistrate may order an additional ~~[extensions]~~ extension of ~~[48]~~ up to 72 hours , excluding legal holidays, for good cause shown. An extension must not be ordered pursuant to this subsection if the person arrested is to remain in custody during the extension unless counsel has been appointed. Release from custody is the sole remedy for a violation of this subsection.***

5. Except as otherwise provided in NRS 178.484 and 178.487, where the defendant can be admitted to bail without appearing personally before a magistrate, the defendant must be so admitted with the least possible delay, and required to appear before a magistrate at the earliest convenient time thereafter.

6. A peace officer may immediately release from custody without any further proceedings any person the peace officer arrests without a warrant if the peace officer is satisfied that there are insufficient grounds for issuing a criminal complaint against the person arrested. Any record of the arrest of a person released pursuant to this subsection must also include a record of the release. A person so released shall be deemed not to have been arrested but only detained.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 874 to Assembly Bill No. 376.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

The amendment clarifies language in the bill regarding how soon a complaint must be filed when a person arrested without a warrant is brought before a magistrate.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 377.

The following Senate amendment was read:

Amendment No. 895.

AN ACT relating to criminal procedure; prohibiting a prosecuting attorney from seeking an indictment while competency proceedings are pending except with leave of the court; prohibiting a prosecuting attorney from refiling charges against a defendant who has been found incompetent except with leave of the court; **authorizing the extension of the commitment of a person in a forensic facility under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that: (1) a person may not be tried or adjudged to punishment for a public offense while incompetent; and (2) any time after the arrest of a defendant, if doubt arises as to the competence of the defendant, the court must suspend the proceedings, the trial or the pronouncing of the judgment until the question of competence is determined. (NRS 178.400, 178.405) **Section 1** of this bill provides that a prosecuting attorney may not seek an indictment of the defendant for any offense during the period in which the court is considering whether the defendant is competent or incompetent except upon the prosecuting attorney's application for leave of the court. **Section 1** requires the prosecuting attorney to: (1) demonstrate that an objective factor significantly impacts the ability of the State to prosecute the matter in the absence of such leave of the court; and (2) give at least 24 hours' notice of the application to the defendant's attorney.

Existing law provides that, under certain circumstances, when a criminal defendant has been found incompetent, the proceedings against the defendant must be dismissed. (NRS 178.425) **Section 2** of this bill provides for the refiling of charges arising out of the same circumstances in cases in which the prosecuting attorney applies for, and is granted, leave of the court where: (1) the State has a good faith belief, based on articulable facts, that the defendant has regained competency; (2) the State has a compelling interest in bringing charges again; and (3) the period for commencing the criminal action has not lapsed. **Section 2** requires the prosecuting attorney to give at least 24 hours' notice of the application to the defendant's attorney.

Existing law provides that if a court dismisses the proceedings against a defendant who is charged with a category A or certain category B felonies because the court finds that the defendant is incompetent with no substantial probability of attaining competence in the foreseeable future, the prosecuting attorney is authorized to file a motion with the court for a hearing to determine whether to commit the person to the custody of the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services. The maximum length of such commitment is 10 years. (NRS 178.461) Section 4 of this bill revises these provisions to: (1) authorize the Administrator to file a motion to request an extension of the length of commitment for not more

than 5 additional years of a person charged with murder or sexual assault under certain circumstances; (2) authorize a court to grant the motion for an extension of commitment after a hearing to determine whether the person meets certain criteria requiring placement at a forensic facility; and (3) provide that a person committed has the right to be represented by counsel at such a hearing and the right to have an attorney appointed for him or her if the person does not have counsel.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 178.415 is hereby amended to read as follows:

178.415 1. Except as otherwise provided in this subsection, the court shall appoint two psychiatrists, two psychologists, or one psychiatrist and one psychologist, to examine the defendant. If the defendant is accused of a misdemeanor, the court of jurisdiction shall appoint a psychiatric social worker, or other person who is especially qualified by the Division, to examine the defendant.

2. Except as otherwise provided in this subsection, at a hearing in open court, the court that orders the examination must receive the report of the examination. If a justice court orders the examination of a defendant who is charged with a gross misdemeanor or felony, the district court must receive the report of the examination.

3. The court that receives the report of the examination shall permit counsel for both sides to examine the person or persons appointed to examine the defendant. The prosecuting attorney and the defendant may:

(a) Introduce other evidence including, without limitation, evidence related to treatment to competency and the possibility of ordering the involuntary administration of medication; and

(b) Cross-examine one another's witnesses.

4. ***A prosecuting attorney may not seek an indictment of the defendant for any offense during the period in which the court is considering whether the defendant is competent or incompetent except upon application by the prosecuting attorney to the chief judge of the district court, or his or her designee, and with leave of the court. The prosecuting attorney must demonstrate that adequate cause exists for the court to grant leave to seek an indictment on the grounds that the availability or unavailability of a witness, or any other objective factor, significantly impacts the ability of the State to prosecute the matter in the absence of such leave. The prosecuting attorney must give notice of an application made pursuant to this subsection to the attorney for the defendant not less than 24 hours before the hearing on the application.***

5. The court that receives the report of the examination shall then make and enter its finding of competence or incompetence.

~~[5.]~~ ***6.*** The court shall not appoint a person to provide a report or an evaluation pursuant to this section, unless the person is certified by the Division pursuant to NRS 178.417.

Sec. 2. NRS 178.425 is hereby amended to read as follows:

178.425 1. If the court finds the defendant incompetent, and dangerous to himself or herself or to society and that commitment is required for a determination of the defendant's ability to receive treatment to competency and to attain competence, the judge shall order the sheriff to convey the defendant forthwith, together with a copy of the complaint, the commitment and the physicians' certificate, if any, into the custody of the Administrator or the Administrator's designee for detention and treatment at a division facility that is secure. The order may include the involuntary administration of medication if appropriate for treatment to competency.

2. The defendant must be held in such custody until a court orders the defendant's release or until the defendant is returned for trial or judgment as provided in NRS 178.450, 178.455 and 178.460.

3. If the court finds the defendant incompetent but not dangerous to himself or herself or to society, and finds that commitment is not required for a determination of the defendant's ability to receive treatment to competency and to attain competence, the judge shall order the defendant to report to the Administrator or the Administrator's designee as an outpatient for treatment, if it might be beneficial, and for a determination of the defendant's ability to receive treatment to competency and to attain competence. The court may require the defendant to give bail for any periodic appearances before the Administrator or the Administrator's designee.

4. Except as otherwise provided in subsection 5, proceedings against the defendant must be suspended until the Administrator or the Administrator's designee or, if the defendant is charged with a misdemeanor, the judge finds the defendant capable of standing trial or opposing pronouncement of judgment as provided in NRS 178.400.

5. Whenever the defendant has been found incompetent, with no substantial probability of attaining competency in the foreseeable future, and released from custody or from obligations as an outpatient pursuant to paragraph (d) of subsection 4 of NRS 178.460, the proceedings against the defendant which were suspended must be dismissed. No new charge arising out of the same circumstances may be brought ~~[after a]~~ ***except upon application by the prosecuting attorney to the chief judge of the district court, or his or her designee, and with leave of the court where:***

(a) The State has a good faith belief, based on articulable facts, that the defendant has attained competency;

(b) The State has a compelling interest in bringing charges again; and

(c) The period, equal to the maximum time allowed by law for commencing a criminal action for the crime with which the defendant was charged, has ***not*** lapsed since the date of the alleged offense.

➥ ***The prosecuting attorney must give notice of an application made pursuant to this subsection to the attorney for the defendant not less than 24 hours before the hearing on the application.***

6. If a defendant is found incompetent pursuant to this section, the court shall cause, within 5 business days after the finding, on a form prescribed by the Department of Public Safety, a record of that finding to be transmitted to the Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

7. As used in this section, "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

Sec. 3. **NRS 178.460 is hereby amended to read as follows:**

178.460 1. If requested by the district attorney or counsel for the defendant within 10 days after the report by the Administrator or the Administrator's designee is sent to them, the judge shall hold a hearing within 10 days after the request at which the district attorney and the defense counsel may examine the members of the treatment team on their report.

2. If the judge orders the appointment of a licensed psychiatrist or psychologist who is not employed by the Division to perform an additional evaluation and report concerning the defendant, the cost of the additional evaluation and report is a charge against the county.

3. Within 10 days after the hearing or 10 days after the report is sent, if no hearing is requested, the judge shall make and enter a finding of competence or incompetence, and if the judge finds the defendant to be incompetent:

(a) Whether there is substantial probability that the defendant can receive treatment to competency and will attain competency to stand trial or receive pronouncement of judgment in the foreseeable future; and

(b) Whether the defendant is at that time a danger to himself or herself or to society.

4. If the judge finds the defendant:

(a) Competent, the judge shall, within 10 days, forward the finding to the prosecuting attorney and counsel for the defendant. Upon receipt thereof, the prosecuting attorney shall notify the sheriff of the county or chief of police of the city that the defendant has been found competent and prearrange with the facility for the return of the defendant to that county or city for trial upon the offense there charged or the pronouncement of judgment, as the case may be.

(b) Incompetent, but there is a substantial probability that the defendant can receive treatment to competency and will attain competency to stand trial or receive pronouncement of judgment in the foreseeable future and finds that the defendant is dangerous to himself or herself or to society, the judge shall recommit the defendant and may order the involuntary administration of medication for the purpose of treatment to competency.

(c) Incompetent, but there is a substantial probability that the defendant can receive treatment to competency and will attain competency to stand trial or receive pronouncement of judgment in the foreseeable future and finds that the defendant is not dangerous to himself or herself or to society, the judge shall order that the defendant remain an outpatient or be transferred to the status of an outpatient under the provisions of NRS 178.425.

(d) Incompetent, with no substantial probability of attaining competency in the foreseeable future, the judge shall order the defendant released from custody or, if the defendant is an outpatient, released from any obligations as an outpatient if, within 10 judicial days, the prosecuting attorney has not filed a motion pursuant to NRS 178.461 or if, within 10 judicial days, a petition is not filed to commit the person pursuant to NRS 433A.200. After the initial 10 judicial days, the person may remain an outpatient or in custody under the provisions of this chapter only as long as the motion or petition is pending unless the person is committed to the custody of the Administrator pursuant to NRS 178.461 or involuntarily committed pursuant to chapter 433A of NRS.

5. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 4 ***and 7*** of NRS 178.461, no person who is committed under the provisions of this chapter may be held in the custody of the Administrator or the Administrator's designee longer than the longest period of incarceration provided for the crime or crimes with which the person is charged or 10 years, whichever period is shorter. Upon expiration of the applicable period provided in this section, subsection 4 ***or 7*** of NRS 178.461 or subsection 4 of NRS 178.463, the person must be returned to the committing court for a determination as to whether or not involuntary commitment pursuant to chapter 433A of NRS is required.

Sec. 4. **NRS 178.461 is hereby amended to read as follows:**

178.461 1. If the proceedings against a defendant who is charged with any category A felony or a category B felony listed in subsection 6 are dismissed pursuant to subsection 5 of NRS 178.425, the prosecuting attorney may, within 10 judicial days after the dismissal, file a motion with the court for a hearing to determine whether to commit the person to the custody of the Administrator pursuant to subsection 3. Except as otherwise provided in subsection 2, the court shall hold the hearing within 10 judicial days after the motion is filed with the court.

2. If the prosecuting attorney files a motion pursuant to subsection 1, the prosecuting attorney shall, not later than the date on which the prosecuting attorney files the motion, request from the Division a comprehensive risk assessment which indicates whether the person requires the level of security provided by a forensic facility. The Division shall provide the requested comprehensive risk assessment to the court, the prosecuting attorney and counsel for the person not later than three judicial days before the hearing. If the person was charged with any category A felony other than murder or sexual assault or a category B felony listed in subsection 6 and the

comprehensive risk assessment indicates that the person does not require the level of security provided by a forensic facility, the court shall dismiss the motion.

3. At a hearing held pursuant to subsection 1, if the court finds by clear and convincing evidence that the person has a mental disorder, that the person is a danger to himself or herself or others and that the person's dangerousness is such that the person requires placement at a forensic facility, the court may order:

(a) The sheriff to take the person into protective custody and transport the person to a forensic facility; and

(b) That the person be committed to the custody of the Administrator and kept under observation until the person is eligible for conditional release pursuant to NRS 178.463 or until the maximum length of commitment described in subsection 4 ***or 7*** has expired.

4. ~~[The]~~ ***Except as otherwise provided in subsection 7, the*** length of commitment of a person pursuant to subsection 3 must not exceed 10 years, including any time that the person has been on conditional release pursuant to NRS 178.463.

5. At least once every 12 months, the court shall review the eligibility of the defendant for conditional release.

6. The provisions of subsection 1 apply to any of the following category B felonies:

(a) Voluntary manslaughter pursuant to NRS 200.050;

(b) Mayhem pursuant to NRS 200.280;

(c) Kidnapping in the second degree pursuant to NRS 200.330;

(d) Assault with a deadly weapon pursuant to NRS 200.471;

(e) Battery with a deadly weapon pursuant to NRS 200.481;

(f) Aggravated stalking pursuant to NRS 200.575;

(g) First degree arson pursuant to NRS 205.010;

(h) Burglary with a deadly weapon pursuant to NRS 205.060;

(i) Invasion of the home with a deadly weapon pursuant to NRS 205.067;

(j) Any category B felony involving the use of a firearm; and

(k) Any attempt to commit a category A felony.

7. If a person is within 6 months of the maximum length of commitment set forth in this subsection or subsection 4, as applicable, and:

(a) Was charged with murder or sexual assault; and

(b) Was committed to the custody of the Administrator pursuant to this subsection or subsection 3,

➥ the Administrator may file a motion to request an extension of the length of commitment for not more than 5 additional years.

8. The court may grant a motion for an extension of the length of commitment pursuant to subsection 7 if, at a hearing conducted on the motion, the court finds by clear and convincing evidence that the person is a danger to himself or herself or others and that the person's

dangerousness is such that the person requires placement at a forensic facility.

9. At a hearing conducted pursuant to subsection 8, a person who is committed has the right to be represented by counsel. If the person does not have counsel, the court shall appoint an attorney to represent the person.

Sec. 5. **NRS 178.463 is hereby amended to read as follows:**

178.463 1. The Division or a person who is committed to the custody of the Administrator pursuant to NRS 178.461 may petition the court which committed the person for conditional release.

2. A person who is committed to the custody of the Administrator pursuant to NRS 178.461 is eligible for conditional release only after:

(a) The Division has completed a comprehensive risk assessment concerning the person;

(b) A decision to release the person from commitment with conditions imposed by the court in consultation with the Division has been made based on input from the person's treatment team, the prosecuting attorney, the counsel for the person and the team that will supervise the person in the community; and

(c) The court which committed the person has approved the conditional release.

3. If a person is serving a period of conditional release pursuant to this section, the court must, at least once every 12 months, review the eligibility of the defendant for discharge from conditional release. If, at the conclusion of the review required by this subsection, the court finds by clear and convincing evidence that the person is not a danger to himself or herself or others, the court must discharge the person from conditional release.

4. The length of the period of conditional release must not exceed 10 years, including any time that the person has been committed to the custody of the Administrator pursuant to NRS 178.461 and 178.464 ~~[.]~~ ***, except that the length of the period of conditional release may be extended for not more than 5 additional years if the length of the period of commitment has been extended pursuant to subsection 7 of NRS 178.461.***

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 895 to Assembly Bill No. 377.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

The amendment addresses extended commitment to a forensic facility for persons who have not yet attained competency.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 380.

The following Senate amendment was read:

Amendment No. 875.

ASSEMBLYMAN ~~[ELLIOT ANDERSON]~~ **YEAGER**

JOINT SPONSORS: SENATORS CANNIZZARO, DENIS, FORD, GUSTAVSON, HARRIS, ROBERSON AND SEGERBLOM

AN ACT relating to real property; authorizing the recording of certain documents relating to real property; limiting an action constituting an easement by prescription under certain circumstances; authorizing the governing body of a city or county to adopt certain ordinances governing a sign posted by an owner of land; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the recording of certain documents relating to real property. (Chapter 111 of NRS) **Section 1** of this bill authorizes an owner of real property to record a notice in the office of any county recorder, wherein the subject property is located, which provides that ~~[any]~~ **public** use **for pedestrian access** of the owner's real property is with the permission of and subject to the control of the owner.

Existing law limits certain actions for the recovery of real property. (NRS 11.030-11.180) **Section 3** of this bill: (1) authorizes an owner of land to post certain notice stating that the right to pass over such land is by permission and subject to the control of the owner; and (2) prohibits a person from maintaining an action constituting an easement by prescription regardless of whether the owner posts certain notice on the property or records a notice pursuant to **section 1**. **Section 3** also authorizes a governing body of a city or county to adopt ordinances governing a sign posted by an owner of land under certain circumstances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 111 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any owner of real property, who opens any part of his or her real property for use by the public ~~[,]~~ for pedestrian access and has improved such real property for that specific purpose, may record in the office of the county recorder of the county or counties in which any part of the real property is situated, a description of the real property and notice in substantially the following form:

> ***The right of the public or any person to make ~~[any]~~ use ~~[whatsoever]~~ of the real property described or any portion thereof, for pedestrian access, other than any use expressly allowed by a written or recorded map, agreement, grant of easement, deed or dedication, is by permission, and subject to control, of owner pursuant to section 1 of this act.***

2. The recording of a notice pursuant to this section is conclusive evidence that subsequent use of the real property during the time such notice is in effect by the public or any person for ~~[any purpose,]~~ pedestrian access, other than any use in accordance with a right granted by a written or recorded map, agreement, grant of easement, deed or dedication, is permissive and with consent in any judicial proceeding involving the issue as to whether all or any portion of such real property has been dedicated to public use or whether any person has a prescriptive right in such real property or any portion thereof. The notice may be revoked by the owner of the real property by recording a notice of revocation in the office of the county recorder where the notice is recorded. After recording the notice, and before any revocation of such notice, the owner of the real property shall not prevent any appropriate ~~[public use]~~ pedestrian access by physical obstruction, notice or otherwise.

3. The notice pursuant to this section shall not be deemed to affect rights vested at the time of recording.

4. Permission for the use of real property by the public or any person, for pedestrian access, other than any use expressly allowed by a written or recorded map, agreement, grant of easement, deed or dedication described in the notice recorded pursuant to subsection 1 , may be conditioned upon reasonable restrictions on the time, place and manner of such use. Any use of the real property in violation of such restrictions may not be considered public use for the purposes of a finding of implied dedication.

Sec. 2. NRS 111.312 is hereby amended to read as follows:

111.312 1. The county recorder shall not record with respect to real property, a notice of completion, a declaration of homestead, a lien or notice of lien, an affidavit of death, a mortgage or deed of trust, ~~[or]~~ any conveyance of real property or instrument in writing setting forth an agreement to convey real property ***or a notice pursuant to section 1 of this act*** unless the document being recorded contains:

(a) The mailing address of the grantee or, if there is no grantee, the mailing address of the person who is requesting the recording of the document; and

(b) Except as otherwise provided in subsection 2, the assessor's parcel number of the property at the top left corner of the first page of the document, if the county assessor has assigned a parcel number to the property. The parcel number must comply with the current system for numbering parcels used by the county assessor's office. The county recorder is not required to verify that the assessor's parcel number is correct.

2. Any document relating exclusively to the transfer of water rights may be recorded without containing the assessor's parcel number of the property.

3. The county recorder shall not record with respect to real property any deed, including, without limitation:

(a) A grant, bargain or deed of sale;

(b) Quitclaim deed;

(c) Warranty deed; or

(d) Trustee's deed upon sale,

➥ unless the document being recorded contains the name and address of the person to whom a statement of the taxes assessed on the real property is to be mailed.

4. The assessor's parcel number shall not be deemed to be a complete legal description of the real property conveyed.

5. Except as otherwise provided in subsection 6, if a document that is being recorded includes a legal description of real property that is provided in metes and bounds, the document must include the name and mailing address of the person who prepared the legal description. The county recorder is not required to verify the accuracy of the name and mailing address of such a person.

6. If a document including the same legal description described in subsection 5 previously has been recorded, the document must include all information necessary to identify and locate the previous recording, but the name and mailing address of the person who prepared the legal description is not required for the document to be recorded. The county recorder is not required to verify the accuracy of the information concerning the previous recording.

Sec. 3. Chapter 11 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If an owner of land opens his or her land for use by the public ~~[,]~~ for pedestrian access and has improved such land for that specific purpose, no such use by any person or the public, no matter for how long of a period, of any land shall ever ripen into an easement by prescription, if the owner of the land posts at each entrance to the land or at intervals of not more than 200 feet along the boundary of such land a sign reading substantially as follows:

> ***Right to pass by permission, and subject to control, of owner: section 3 of this act.***

2. Regardless of whether an owner of land has recorded a notice pursuant to section 1 of this act or has posted signs on such land pursuant to subsection 1, ~~[and except as otherwise provided in subsection 3,]~~ if an owner of land opens his or her land for use by the public ~~[,]~~ for pedestrian access and has improved such land for that specific purpose, no such use of such land by any person or the public on or after October 1, 2017, shall ever ripen to confer upon the public or any governmental entity a vested right to continue to make such use permanently, in the absence of an express written grant of easement or other conveyance of such land for such use, or irrevocable offer of dedication of such property for such use, made by the owner, which has been accepted by the governmental entity to which the offer of dedication was made.

3. ~~[Where a governmental entity is using private land by an expenditure of public money on visible improvements on or across such lands or on the cleaning or maintenance related to the public use of such land in such a manner so that the owner knows or should have known that the public is making such use of his or her land, such use, including any public use reasonably related to the purposes of such improvement, in the absence of either express permission by the owner to continue such use or the taking by the owner of reasonable steps to enjoin, remove or prohibit such use, shall after 5 years ripen to confer upon the governmental entity a vested right to continue such use if the owner of land opens his or her land for use by the public.~~

~~4.]~~ The governing body of any city or county pursuant to the powers granted in NRS 278.010 to 278.630, inclusive, may by ordinance establish provisions governing the size, placement and ~~[contents]~~ composition of a sign posted by an owner of land pursuant to subsection 1.

~~[5.]~~ 4. As used in this section, "governmental entity" has the meaning ascribed to it in NRS 363C.040.

Sec. 4. NRS 107A.200 is hereby amended to read as follows:

107A.200 "Submit for recording" means to submit a document complying with applicable legal standards, with required fees and taxes, to the appropriate governmental office pursuant to NRS 111.310 to 111.365, inclusive ~~[.]~~ ***, and section 1 of this act.***

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 875 to Assembly Bill No. 380.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

The amendment does the following: It deletes section 3.3 of the bill, adds language to sections 1 and 3 addressing improvements to property made specifically for pedestrian access, changes the word "contents" to "composition" in section 3, and it changes the sponsor of the bill and adds cosponsors to the bill.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 470.

The following Senate amendment was read:

Amendment No. 788.

SUMMARY— ~~[Creates]~~ **Authorizes the creation of** a preprosecution diversion program for defendants charged with certain misdemeanor offenses. (BDR 14-1062)

AN ACT relating to criminal procedure; ~~[creating]~~ **authorizing the creation of** a preprosecution diversion program for defendants charged with certain misdemeanor offenses; establishing qualifications for participation in ~~[the]~~ **such a** program; requiring discharge of the defendant and dismissal of the original charge upon the successful completion of ~~[the]~~ **such a** program;

requiring a defendant who fails to complete the program to enter a plea on the original charge; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates a diversion program for certain offenders who have violated the terms of their probation. (NRS 209.4291) Existing law authorizes a court to assign such an offender to a program of treatment for mental illness or substance abuse issues. (NRS 209.4293) Existing law also authorizes a person who has successfully completed a preprosecution diversion program to request that any biological or DNA sample which was provided by the person to the State be destroyed. (NRS 176.09125) **Sections 2-5** of this bill ~~[create]~~ **authorize the creation of** a preprosecution diversion program for certain persons who have been accused of committing ~~[a crime]~~ **certain crimes** which ~~[is]~~ **are** punishable as a misdemeanor. **Section 2** provides that **if such a program has been created, the court may determine that** a defendant is eligible to complete ~~[a]~~ **the** preprosecution diversion program if the defendant: (1) is charged with a misdemeanor other than a violent crime**,** ~~[or]~~ driving under the influence of intoxicating liquor or a controlled substance ~~[;]~~ **, vehicular manslaughter or a minor traffic offense;** (2) has not previously been convicted of a crime other than a minor traffic offense; and (3) has not been previously ordered by a court to complete a preprosecution diversion program in this State. ~~[Section]~~ **If a justice court or municipal court has developed a preprosecution diversion program pursuant to section 3 of this bill, section 2** authorizes, but does not require, ~~[a]~~ **the** justice court or municipal court to order a defendant to complete a preprosecution diversion program and provides that the decision of the court relating to the participation of a defendant in the program may not be appealed.

Section 3 of this bill ~~[requires]~~ **authorizes a justice court or municipal court to develop a preprosecution diversion program. Section 3 requires** a justice court or municipal court to establish the terms and conditions which a defendant must complete as part of **such** a preprosecution diversion program, if a defendant is ordered to complete such a program pursuant to **section 2**. **Section 3** authorizes the court to include in the terms and conditions that the defendant complete a program of treatment and to impose any appropriate sanctions on the defendant, which may include, without limitation, community service, restitution or a curfew. **Section 3** requires the court to issue an order containing the terms and conditions for successful completion of ~~[the]~~ **such a** preprosecution diversion program. **Section 3** provides that the defendant must: (1) complete the program before the date established by the court in the order, which must not be more than 18 months after the date of the order; and (2) appear before the court at least once every 3 months for a status hearing. **Section 4** of this bill requires the court to dismiss the charge or charges against the defendant if he or she successfully completes the terms and conditions of ~~[the]~~ **such a** preprosecution diversion program. Finally, **section 4** of this bill requires a defendant who fails to

complete the terms and conditions of ~~[the]~~ **such a** preprosecution diversion program to be dismissed from the program and be prosecuted in the normal manner provided by law.

Existing law requires the criminal records of a defendant to be sealed and treated as confidential if a defendant is acquitted or the charges are dropped, a certain period of time has passed since the conviction or if he or she completes a program for reentry or a program of treatment for: (1) veterans and the members of the military; (2) persons with mental illness or intellectual disabilities; or (3) substance abuse issues. (NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365, 458.330) **Sections 5 and 10-12** of this bill similarly provide that the criminal records of a defendant who has successfully completed a preprosecution diversion program are sealed and confidential except as otherwise required by law. **Section 7** of this bill authorizes the defendant to request that any biological or DNA sample provided to the State by the defendant be destroyed upon the successful completion of the preprosecution diversion program.

Existing law authorizes a court to establish a program of treatment for certain offenders who are charged with specified offenses, including, without limitation, veterans and members of the military, persons with mental illness or intellectual disabilities or persons with substance abuse issues. (NRS 176A.250, 176A.280, 453.580) **Sections 3, 8, 9 and 13** of this bill authorize a justice court or municipal court, as part of a preprosecution diversion program, to require a defendant to complete a program of treatment. **Section 3** provides that such a program of treatment may include, without limitation, a program of treatment for veterans and members of the military, persons with mental illness or intellectual disabilities or persons with substance abuse issues, educational programs, participation in a support group, anger management therapy or counseling.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 174 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***1. At the arraignment of a defendant in justice court or municipal court, but before the entry of a plea, the court*** ~~***[shall]***~~ ***may determine whether the defendant is eligible for assignment to*** ~~***[complete]***~~ ***a preprosecution diversion program*** ~~***[.]***~~ ***established pursuant to section 3 of this act. The court shall receive input from the prosecuting attorney and the attorney for the defendant, if any, whether the defendant would benefit from and is eligible for assignment to the program.***

2. A defendant ~~***[is]***~~ ***may be determined to be eligible by the court for assignment to*** ~~***[complete]***~~ ***a preprosecution diversion program if the defendant:***

(a) Is charged with a misdemeanor other than:

(1) A crime of violence as defined in NRS 200.408; ~~[or]~~

(2) Vehicular manslaughter as described in NRS 484B.657;

(3) Driving under the influence of intoxicating liquor or a controlled substance in violation of NRS 484C.110, 484C.120 or 484C.130; ~~[and]~~ or

(4) A minor traffic offense; and

(b) Has not previously been:

(1) Convicted of violating any criminal law other than a minor traffic offense; or

(2) Ordered by a court to complete a preprosecution diversion program in this State.

3. If a defendant is determined to be eligible for assignment to ~~[complete]~~ a preprosecution diversion program pursuant to subsection 2, the justice court or municipal court may order the defendant to complete ~~[a preprosecution diversion]~~ the program pursuant to subsection 5 of section 3 of this act.

4. ~~[If a defendant is ordered to complete a preprosecution diversion program, the defendant must be immediately released from custody upon his or her own recognizance.~~

~~5.]~~ A defendant has no right to complete a preprosecution diversion program or to appeal the decision of the justice court or municipal court relating to the participation of the defendant in such a program.

Sec. 3. *1. ~~[If a defendant is ordered by a]~~ A justice court or municipal court ~~[to complete]~~ may establish a preprosecution diversion program to which it may assign a defendant if he or she is determined to be eligible pursuant to section 2 of this act . ~~[, the court shall develop an appropriate preprosecution diversion program for the defendant. The court shall]~~*

2. If a defendant is determined to be eligible for assignment to a preprosecution diversion program pursuant to section 2 of this act, the justice or municipal court must receive input from the prosecuting attorney, the attorney for the defendant , if any, and the defendant relating to the terms and conditions ~~[of]~~ for the defendant's participation in the program.

~~[2.]~~ 3. A preprosecution diversion program ~~[created]~~ established by a justice court or municipal court pursuant to this section may include, without limitation:

(a) A program of treatment which may rehabilitate ~~[the]~~ a defendant, including, without limitation, educational programs, participation in a support group, anger management therapy, counseling or a program of treatment for veterans and members of the military, mental illness or intellectual disabilities or the abuse of alcohol or drugs;

(b) Any appropriate sanctions to impose on ~~[the]~~ a defendant, which may include, without limitation, community service, restitution, prohibiting contact with certain persons or the imposition of a curfew; and

(c) Any other factor which may be relevant to determining an appropriate program of treatment or sanctions to require for participation of ~~[the]~~ a defendant in the preprosecution diversion program.

~~[3.]~~ 4. If the justice court or municipal court determines that ~~[the]~~ a defendant may be rehabilitated by a program of treatment for veterans and members of the military, persons with mental illness or intellectual disabilities or the abuse of alcohol or drugs, the court may refer the defendant to an appropriate program of treatment established pursuant to NRS 176A.250, 176A.280 or 453.580. The court shall retain jurisdiction over the defendant while the defendant completes such a program of treatment.

~~[4.]~~ 5. The justice court or municipal court shall , when assigning a defendant to a preprosecution diversion program, issue an order setting forth the terms and conditions for successful completion of the preprosecution diversion program, which may include, without limitation:

(a) Any program of treatment the defendant is required to complete;

(b) Any sanctions and the manner in which they must be carried out by the defendant;

(c) The date by which the terms and conditions must be completed by the defendant, which must not be more than 18 months after the date of the order;

(d) A requirement that the defendant appear before the court at least one time every 3 months for a status hearing on the progress of the defendant toward completion of the terms and conditions set forth in the order; and

(e) A notice relating to the provisions of subsection 3 of section 4 of this act.

~~[5. The]~~

6. A defendant assigned to a preprosecution diversion program shall pay the cost of any program of treatment required by this section to the extent of his or her financial resources. The court shall not refuse to place a defendant in a program of treatment if the defendant does not have the financial resources to pay any or all of the costs of such program.

~~[6.]~~ 7. If restitution is ordered to be paid pursuant to subsection ~~[4,]~~ 5, the defendant must make a good faith effort to pay the required amount of restitution in full. If the justice court or municipal court determines that a defendant is unable to pay such restitution, the court must require the defendant to enter into a judgment by confession for the amount of restitution.

Sec. 4. *1. If the justice court or municipal court determines that a defendant has successfully completed the terms and conditions of a preprosecution diversion program ordered pursuant to subsection ~~[4]~~ 5 of section 3 of this act, the court must discharge the defendant and dismiss the indictment, information, complaint or citation.*

2. Discharge and dismissal pursuant to subsection 1 is without adjudication of guilt and is not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the indictment, information, complaint or citation. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge the indictment, information, complaint or citation in response to an inquiry made of the defendant for any purpose.

3. If the justice court or municipal court determines that a defendant has not successfully completed the terms or conditions of a preprosecution diversion program ordered pursuant to subsection ~~[4]~~ 5 of section 3 of this act, the court must issue an order terminating the participation of the defendant in the preprosecution diversion program and order the defendant to appear for an arraignment to enter a plea based on the original indictment, information, complaint or citation pursuant to NRS 174.015.

Sec. 5. ***1. If the defendant is discharged and the indictment, information, complaint or citation is dismissed pursuant to section 4 of this act, the justice court or municipal court must order sealed all documents, papers and exhibits in the record of the defendant, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the order of the court. The court shall order those records sealed without a hearing unless the district attorney petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.***

2. If the justice court or municipal court orders the record of a defendant sealed, the ~~[court]~~ defendant must send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

Sec. 6. NRS 174.015 is hereby amended to read as follows:

174.015 1. ~~[~~Arraignment~~]~~ ***Except as otherwise provided in subsection 3, arraignment*** shall be conducted in open court and shall consist of reading the indictment or information to the defendant or stating the substance of the charge and calling on the defendant to plead thereto. The defendant shall be given a copy of the indictment or information before the defendant is called upon to plead.

2. In justice court ~~[,]~~ ***or municipal court,*** before the trial commences, the complaint must be distinctly read to the defendant before the defendant is called upon to plead.

3. In justice court or municipal court, before the defendant is called upon to plead, the court shall determine whether the defendant is eligible for assignment to ~~[complete]~~ a preprosecution diversion program pursuant to section 2 of this act.

Sec. 7. NRS 176.09125 is hereby amended to read as follows:

176.09125 1. A person whose record of criminal history indicates the collection of a biological specimen and whose DNA profile and DNA record have been included in the State DNA Database and CODIS pursuant to NRS 176.09123 may make a written request to the Central Repository for Nevada Records of Criminal History, using the form created pursuant to NRS 176.09165, that the biological specimen be destroyed and the DNA profile and DNA record be purged from the forensic laboratory, the State DNA Database and CODIS on the grounds that:

(a) The conviction on which the authority for keeping the biological specimen or the DNA profile or DNA record has been reversed and the case dismissed; or

(b) The arrest which led to the inclusion of the biological specimen or the DNA profile or DNA record:

(1) Has resulted in a felony charge that has been resolved by a dismissal, the successful completion of a preprosecution diversion program ~~[,]~~ ***pursuant to section 4 of this act,*** a conditional discharge, an acquittal or an agreement entered into by a prosecuting attorney and a defendant in which the defendant, in exchange for a plea of guilty, guilty but mentally ill or nolo contendere, receives a charge other than a felony; or

(2) Has not resulted in any additional criminal charge for a felony within 3 years after the date of the arrest.

2. Within 6 weeks after receiving a written request pursuant to subsection 1, the Central Repository for Nevada Records of Criminal History shall forward the request and all supporting documentation to the forensic laboratory holding the biological specimen. Except as otherwise provided in subsection 3, upon receipt of the written request, the forensic laboratory shall destroy any biological specimen from the person and purge the DNA profile of the person if the written request is accompanied by:

(a) A certified copy of the court order reversing and dismissing the conviction; or

(b) For any biological specimen obtained pursuant to an arrest for which a biological specimen must be provided pursuant to NRS 176.09123:

(1) A certified copy of the dismissal, the successful completion of a preprosecution diversion program ~~[,]~~ ***pursuant to section 4 of this act,*** a conditional discharge, an acquittal or the agreement entered into by the prosecuting attorney and the defendant in which the defendant, in exchange for a plea of guilty, guilty but mentally ill or nolo contendere, received a charge other than a felony; or

(2) A sworn affidavit from the law enforcement agency which submitted the biological specimen that no felony charges arising from the arrest have been filed within 3 years after the date of the arrest.

3. The forensic laboratory shall not destroy a biological specimen or purge the DNA profile of a person if the forensic laboratory is notified by a law enforcement agency that the person has a prior felony, a new felony

arrest or a pending felony charge for which collection of a biological specimen is authorized pursuant to NRS 176.09123.

4. If a forensic laboratory:

(a) Determines that the requirements to destroy a biological specimen or purge a DNA profile or DNA record of a person have not been met, the forensic laboratory shall notify the Central Repository of Nevada Records of Criminal History of that fact. The Central Repository shall, as soon as reasonably practicable, notify the person that his or her request has been denied.

(b) Destroys a biological specimen and purges a DNA profile pursuant to this section, the forensic laboratory shall take the following actions:

(1) Notify the State DNA Database that the DNA profile and DNA record of the person must be purged from the State DNA Database and from CODIS. Upon receipt of such notification, the DNA profile and DNA record of the person must be purged from the State DNA Database and CODIS.

(2) Notify the Central Repository for Nevada Records of Criminal History that the forensic laboratory has destroyed the biological specimen and purged the DNA profile of the person and has notified the State DNA Database that the DNA profile and DNA record of the person must be purged from the State DNA Database and CODIS. Upon receipt of such notification, the Central Repository shall, as soon as reasonably practicable, notify the person that his or her request has been granted, his or her biological specimen has been destroyed by the forensic laboratory and his or her DNA profile and DNA record have been purged from the forensic laboratory, the State DNA Database and CODIS.

Sec. 8. NRS 176A.250 is hereby amended to read as follows:

176A.250 A court may establish an appropriate program for the treatment of mental illness or intellectual disabilities to which it may assign a defendant pursuant to NRS 176A.260 ~~[.]~~ ***or section 3 of this act.*** The assignment must include the terms and conditions for successful completion of the program and provide for progress reports at intervals set by the court to ensure that the defendant is making satisfactory progress towards completion of the program.

Sec. 9. NRS 176A.280 is hereby amended to read as follows:

176A.280 A court may establish an appropriate program for the treatment of veterans and members of the military to which it may assign a defendant pursuant to NRS 176A.290 ~~[.]~~ ***or section 3 of this act.*** The assignment must include the terms and conditions for successful completion of the program and provide for progress reports at intervals set by the court to ensure that the defendant is making satisfactory progress towards completion of the program.

Sec. 10. NRS 179.275 is hereby amended to read as follows:

179.275 Where the court orders the sealing of a record pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330, ***or section 5 of this act,*** a copy of the order must be sent to:

1. The Central Repository for Nevada Records of Criminal History; and

2. Each agency of criminal justice and each public or private company, agency, official or other custodian of records named in the order, and that person shall seal the records in his or her custody which relate to the matters contained in the order, shall advise the court of compliance and shall then seal the order.

Sec. 11. NRS 179.285 is hereby amended to read as follows:

179.285 Except as otherwise provided in NRS 179.301:

1. If the court orders a record sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 ~~[.]~~ ***or section 5 of this act:***

(a) All proceedings recounted in the record are deemed never to have occurred, and the person to whom the order pertains may properly answer accordingly to any inquiry, including, without limitation, an inquiry relating to an application for employment, concerning the arrest, conviction, dismissal or acquittal and the events and proceedings relating to the arrest, conviction, dismissal or acquittal.

(b) The person is immediately restored to the following civil rights if the person's civil rights previously have not been restored:

(1) The right to vote;

(2) The right to hold office; and

(3) The right to serve on a jury.

2. Upon the sealing of the person's records, a person who is restored to his or her civil rights pursuant to subsection 1 must be given:

(a) An official document which demonstrates that the person has been restored to the civil rights set forth in paragraph (b) of subsection 1; and

(b) A written notice informing the person that he or she has not been restored to the right to bear arms, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms.

3. A person who has had his or her records sealed in this State or any other state and whose official documentation of the restoration of civil rights is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has had his or her records sealed, the court shall issue an order restoring the person to the civil rights to vote, to hold office and to serve on a jury. A person must not be required to pay a fee to receive such an order.

4. A person who has had his or her records sealed in this State or any other state may present official documentation that the person has been restored to his or her civil rights or a court order restoring civil rights as proof that the person has been restored to the right to vote, to hold office and to serve as a juror.

Sec. 12. NRS 179.295 is hereby amended to read as follows:

179.295 1. The person who is the subject of the records that are sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365

or 458.330 ***or section 5 of this act*** may petition the court that ordered the records sealed to permit inspection of the records by a person named in the petition, and the court may order such inspection. Except as otherwise provided in this section, subsection 8 of NRS 179.255 and NRS 179.259 and 179.301, the court may not order the inspection of the records under any other circumstances.

2. If a person has been arrested, the charges have been dismissed and the records of the arrest have been sealed, the court may order the inspection of the records by a prosecuting attorney upon a showing that as a result of newly discovered evidence, the person has been arrested for the same or a similar offense and that there is sufficient evidence reasonably to conclude that the person will stand trial for the offense.

3. The court may, upon the application of a prosecuting attorney or an attorney representing a defendant in a criminal action, order an inspection of such records for the purpose of obtaining information relating to persons who were involved in the incident recorded.

4. This section does not prohibit a court from considering a conviction for which records have been sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 ***or section 5 of this act*** in determining whether to grant a petition pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 for a conviction of another offense.

Sec. 13. NRS 453.580 is hereby amended to read as follows:

453.580 1. A court may establish an appropriate treatment program to which it may assign a person pursuant to subsection 4 of NRS 453.336, NRS 453.3363 or 458.300 ~~[,]~~ or ***section 3 of this act, or*** it may assign such a person to an appropriate treatment provider. The assignment must include the terms and conditions for successful completion of the program and provide for progress reports at intervals set by the court to ensure that the person is making satisfactory progress toward completion of the program.

2. A program to which a court assigns a person pursuant to subsection 1 must include:

(a) Information and encouragement for the participant to cease abusing alcohol or using controlled substances through educational, counseling and support sessions developed with the cooperation of various community, health, substance abuse, religious, social service and youth organizations;

(b) The opportunity for the participant to understand the medical, psychological and social implications of substance abuse; and

(c) Alternate courses within the program based on the different substances abused and the addictions of participants.

3. If the offense with which the person was charged involved the use or possession of a controlled substance, in addition to the program or as a part of the program, the court must also require random testing or screening to determine that the person is not using a controlled substance.

4. Before the court assigns a person to a program pursuant to this section, the person must agree to pay the cost of the program to which the person is assigned and the cost of any additional supervision required pursuant to subsection 3, to the extent of the financial resources of the person. If the person does not have the financial resources to pay all of the related costs, the court shall, to the extent practicable, arrange for the person to be assigned to a program with a treatment provider that receives a sufficient amount of federal or state funding to offset the remainder of the costs.

5. If a court places a person under the supervision of a treatment provider to receive treatment for the abuse of alcohol or use of controlled substances pursuant to this section, the court may authorize the person to complete any period of treatment remaining under the supervision of a treatment provider in another jurisdiction if the court determines that:

(a) The person is eligible to receive treatment under a program of treatment in the other jurisdiction; and

(b) The program of treatment in the other jurisdiction is substantially similar to the program of treatment to which the person is assigned in this State.

6. As used in this section:

(a) "Treatment provider" has the meaning ascribed to it in NRS 458.010.

(b) "Treatment provider in another jurisdiction" means a person or a public or private agency, residential treatment center, facility for the treatment of abuse of alcohol or drugs, or voluntary organization which holds a license, certificate or other credential issued by a regulatory agency in another jurisdiction.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 788 to Assembly Bill No. 470.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

The amendment does the following: It provides that the implementation of a diversion program is discretionary, provides that the determination of eligibility for the program is contingent on the judge actually creating a program, grants the justice or municipal court judge the discretion to determine how a defendant applies to the program if one exists, removes the mandatory release provision, excludes vehicular manslaughter as an eligible offense, and also excludes minor traffic violations.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assemblywoman Benitez-Thompson moved that the Assembly recess until 6 p.m.

Motion carried.

Assembly in recess at 2:40 p.m.

ASSEMBLY IN SESSION

At 10:18 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 467, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TYRONE THOMPSON, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 325, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MICHAEL C. SPRINKLE, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Senate Bill No. 146, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 178, 187, 192, 200, 249, 303, 543, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Senate Bill No. 306, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAGGIE CARLTON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 439 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 124, 225, 344, 355, 361, 373, 402, and 427 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 146 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 10:21 p.m.

ASSEMBLY IN SESSION

At 10:35 p.m.
Mr. Speaker presiding.
Quorum present.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 175.
The following Senate amendment was read:
Amendment No. 1098.

AN ACT relating to employment; prescribing certain requirements for health benefits for the purpose of determining the minimum wage paid to employees in private employment in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 16 of article 15 of the Nevada Constitution requires each employer in this State to pay a certain minimum wage to each employee of the employer. Under this provision of the Nevada Constitution, if an employer offers health benefits to an employee and his or her dependents, the minimum wage required to be paid to the employee is lower than the minimum wage otherwise required to be paid to the employee. (Nev. Const. Art. 15, § 16) This bill establishes the minimum level of health benefits that an employer must make available to an employee and his or her dependents for the purpose of determining whether the employer is authorized to pay the lower minimum wage to the employee.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:

For the purpose of determining the minimum wage that may be paid per hour to an employee in private employment pursuant to Section 16 of Article 15 of the Nevada Constitution and NRS 608.250, an employer:

1. Provides health benefits as described in Section 16 of Article 15 of the Nevada Constitution only if the employer makes available to the employee and the employee's dependents:

(a) At least one health insurance plan that provides:

(1) Coverage for services in the following categories and the items and services covered within the following categories:

(I) Ambulatory patient services;

(II) Emergency services;

(III) Hospitalization;

(IV) Maternity and newborn care;

(V) Mental health and substance use disorder services, including, without limitation, behavioral health treatment;

(VI) Prescription drugs;

(VII) Rehabilitative and habilitative services and devices;

(VIII) Laboratory services;

(IX) Preventive and wellness services and chronic disease management;

(X) Pediatric services, including, without limitation, oral and vision care; and

(XI) Any other health care service or coverage level required to be included in an individual or group health insurance plan pursuant to any applicable provision of chapter 689A or 689B of NRS; and

(2) Provides a level of coverage that is designed to provide benefits that are actuarially equivalent to at least 60 percent of the full actuarial value of the benefits provided under the plan; or

(b) Health benefits pursuant to a Taft-Hartley trust which is formed pursuant to 29 U.S.C. § 186(c)(5) and qualifies as an employee welfare benefits plan pursuant to:

(1) The Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 et seq.; or

(2) The provisions of the Internal Revenue Code; and

2. Does not provide health benefits as described in Section 16 of Article 15 of the Nevada Constitution if the employer makes available to the employee and the employee's dependents a hospital-indemnity insurance plan or fixed-indemnity insurance plan unless the employer separately makes available to the employee and the employee's dependents at least one health insurance plan that complies with the requirements of subsection 1.

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Bustamante Adams moved that the Assembly concur in the Senate Amendment No. 1098 to Assembly Bill No. 175.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

It amends subsection 1(a)(2) of section 1 of the bill to add that an employer is required to provide "at least" the level of coverage described in that paragraph.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 267.

The following Senate amendment was read:

Amendment No. 780.

AN ACT relating to industrial insurance; revising provisions governing prohibitions on the payment of compensation for disability caused by certain occupational diseases under certain circumstances; restricting the

dissemination and use of the results of certain physical examinations required of certain firefighters, arson investigators and police officers for insurance coverage of cancer, lung disease and heart disease; providing for the payment of a **benefit penalty and a** claimant's ~~[reasonable attorney's fees and other associated]~~ **medical** costs under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the payment of compensation under chapter 617 of NRS for temporary or permanent disability or death for the occupational diseases of lung disease and heart disease for certain firefighters, arson investigators and police officers. Existing law provides that these occupational diseases are conclusively presumed to have arisen out of and in the course of the employment under certain circumstances. (NRS 617.455, 617.457) **Sections 4 and 5** of this bill provide that if an employer, insurer or third-party administrator denies a claim for compensation for these occupational diseases and the claimant ultimately prevails, the **Administrator of the Division of Industrial Relations of the Department of Business and Industry is required to order the** employer, insurer or third-party administrator ~~[must]~~ **to** pay the ~~[claimant's reasonable attorney's fees and associated costs.]~~ **claimant a benefit penalty of $200 for each day that the claim is under appeal.** **Sections 4 and 5** further ~~[set forth that reasonable attorney's fees and associated costs do not include any attorney's fees and associated]~~ **require the employer, insurer or third-party administrator to pay all medical** costs that are **associated with the occupational disease and** incurred by the claimant on or ~~[before]~~ **after** the date of the hearing before the hearing officer ~~[.]~~ **, but provide for the recovery of such amounts paid if the employer, insurer or third-party administrator ultimately prevails.**

Existing law requires certain tests when administering certain physical examinations to firefighters, arson investigators and police officers regarding the occupational diseases of lung and heart disease for the purposes of industrial insurance coverage. (NRS 617.454) **Section 3** of this bill restricts: (1) to whom the results of such physical examinations may be disseminated; and (2) the use of such results. **Section 3** additionally authorizes the employer's officer who is responsible for risk management or human resources or ~~[a similar position]~~ **his or her designee** to release to certain persons a report only containing certain information based on the results of a physical examination.

Existing law prohibits the payment of compensation for disability because of an occupational injury or disease which does not incapacitate the employee for at least 5 cumulative days within a 20-day period from earning full wages. (NRS 616C.400, 617.420) **Section 1** of this bill exempts a claim for compensation under chapters 616A to 616D of NRS for disability for the occupational diseases of cancer, lung disease and heart disease from that prohibition. **Section 2** of this bill: (1) revises the prohibition as it relates to

occupational diseases to apply exclusively to compensation for temporary total disability; and (2) clarifies that the prohibition does not apply to medical benefits for the occupational diseases of cancer, lung disease or heart disease.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 616C.400 is hereby amended to read as follows:

616C.400 1. Temporary compensation benefits must not be paid under chapters 616A to 616D, inclusive, of NRS for an injury which does not incapacitate the employee for at least 5 consecutive days, or 5 cumulative days within a 20-day period, from earning full wages, but if the incapacity extends for 5 or more consecutive days, or 5 cumulative days within a 20-day period, compensation must then be computed from the date of the injury.

2. The period prescribed in this section does not apply to:

(a) Accident benefits, whether they are furnished pursuant to NRS 616C.255 or 616C.265, if the injured employee is otherwise covered by the provisions of chapters 616A to 616D, inclusive, of NRS and entitled to those benefits.

(b) Compensation paid to the injured employee pursuant to subsection 1 of NRS 616C.477.

(c) A claim which is filed pursuant to NRS 617.453, 617.455 or 617.457.

Sec. 2. NRS 617.420 is hereby amended to read as follows:

617.420 ***1.*** No compensation may be paid under this chapter for ***temporary total*** disability which does not incapacitate the employee for at least 5 cumulative days within a 20-day period from earning full wages, but if the incapacity extends for 5 or more days within a 20-day period, the compensation must then be computed from the date of disability.

2. The limitations in this section do not apply to medical benefits, ***including, without limitation, medical benefits pursuant to NRS 617.453, 617.455 or 617.457,*** which must be paid from the date of application for payment of medical benefits.

Sec. 3. NRS 617.454 is hereby amended to read as follows:

617.454 1. Any physical examination administered pursuant to NRS 617.455 or 617.457 must include:

(a) A thorough test of the functioning of the hearing of the employee; and

(b) A purified protein derivative skin test to screen for exposure to tuberculosis.

2. Except as otherwise provided in subsection 8 of NRS 617.457, the tests required by this section must be paid for by the employer.

3. Except as otherwise provided by the provisions governing privacy in the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended, and applicable regulations, or an employee's collective bargaining agreement, whichever is more restrictive:

(a) The results of a physical examination administered pursuant to NRS 617.455 or 617.457 may only be provided to:

(1) The examining physician;

(2) The employee;

(3) The employer's officer who is responsible for risk management or human resources or ~~[a similar position;]~~ his or her designee; and

(4) If the employee has filed a claim pursuant to NRS 617.455 or 617.457, the insurer.

(b) A person who receives the results of a physical examination pursuant to paragraph (a) may only use the results for the purposes of:

(1) Complying with the requirements of NRS 617.455 or 617.457, as applicable; or

(2) Creating a report pursuant to paragraph (c).

(c) The employer's officer who is responsible for risk management or human resources or ~~[a similar position]~~ his or her designee may create and release a report that is based on the results of a physical examination administered pursuant to NRS 617.455 or 617.457 to any person whom the employer's officer determines has a need to know the information in the report. The report must only contain the following information:

(1) The name of the employee who was the subject of the physical examination; and

(2) A statement that the employee, as applicable:

(I) Satisfies the physical qualifications required for his or her employment; or

(II) Does not satisfy the physical qualifications required for his or her employment.

Sec. 4. NRS 617.455 is hereby amended to read as follows:

617.455 1. Notwithstanding any other provision of this chapter, diseases of the lungs, resulting in either temporary or permanent disability or death, are occupational diseases and compensable as such under the provisions of this chapter if caused by exposure to heat, smoke, fumes, tear gas or any other noxious gases, arising out of and in the course of the employment of a person who, for 2 years or more, has been:

(a) Employed in this State in a full-time salaried occupation of fire fighting or the investigation of arson for the benefit or safety of the public;

(b) Acting as a volunteer firefighter in this State and is entitled to the benefits of chapters 616A to 616D, inclusive, of NRS pursuant to the provisions of NRS 616A.145; or

(c) Employed in a full-time salaried occupation as a police officer in this State.

2. Except as otherwise provided in subsection 3, each employee who is to be covered for diseases of the lungs pursuant to the provisions of this section shall submit to a physical examination, including a thorough test of the functioning of his or her lungs and the making of an X-ray film of the employee's lungs, upon employment, upon commencement of the coverage, once every 2 years until the employee is 40 years of age or older and thereafter on an annual basis during his or her employment.

3. Each volunteer firefighter who is to be covered for diseases of the lungs pursuant to the provisions of this section shall submit to:

(a) A physical examination upon employment and upon commencement of the coverage; and

(b) The making of an X-ray film of the volunteer firefighter's lungs once every 3 years after the physical examination that is required upon commencement of the coverage,

➥ until the volunteer firefighter reaches the age of 50 years. Each volunteer firefighter who is 50 years of age or older shall submit to a physical examination once every 2 years during his or her employment. As used in this subsection, "physical examination" includes the making of an X-ray film of the volunteer firefighter's lungs but excludes a thorough test of the functioning of his or her lungs.

4. All physical examinations required pursuant to subsections 2 and 3 must be paid for by the employer.

5. A disease of the lungs is conclusively presumed to have arisen out of and in the course of the employment of a person who has been employed in a full-time continuous, uninterrupted and salaried occupation as a police officer, firefighter or arson investigator for 2 years or more before the date of disablement if the disease is diagnosed and causes the disablement:

(a) During the course of that employment;

(b) If the person ceases employment before completing 20 years of service as a police officer, firefighter or arson investigator, during the period after separation from employment which is equal to the number of years worked; or

(c) If the person ceases employment after completing 20 years or more of service as a police officer, firefighter or arson investigator, at any time during the person's life.

➥ Service credit which is purchased in a retirement system must not be calculated towards the years of service of a person for the purposes of this section.

6. Frequent or regular use of a tobacco product within 1 year, or a material departure from a physician's prescribed plan of care by a person within 3 months, immediately preceding the filing of a claim for compensation excludes a person who has separated from service from the benefit of the conclusive presumption provided in subsection 5.

7. Failure to correct predisposing conditions which lead to lung disease when so ordered in writing by the examining physician after a physical examination required pursuant to subsection 2 or 3 excludes the employee from the benefits of this section if the correction is within the ability of the employee.

8. A person who is determined to be:

(a) Partially disabled from an occupational disease pursuant to the provisions of this section; and

(b) Incapable of performing, with or without remuneration, work as a firefighter, police officer or arson investigator,

➥ may elect to receive the benefits provided under NRS 616C.440 for a permanent total disability.

9. A person who files a claim for a disease of the lungs specified in this section after he or she retires from employment as a police officer, firefighter or arson investigator is not entitled to receive any compensation for that disease other than medical benefits.

10. Except as otherwise provided in this subsection, if an employer, insurer or third-party administrator denies a claim that was filed pursuant to this section and the claimant ultimately prevails, the Administrator shall order the employer, insurer or third-party administrator, as applicable, ~~[must pay all the claimant's reasonable attorney's fees and associated costs.]~~ to pay to the claimant a benefit penalty of $200 for each day from the date on which an appeal is filed until the date on which the claim is adjudicated to a final decision. Such ~~[fees and costs are]~~ benefit penalty is payable in addition to any benefits to which the claimant is entitled under the claim and any fines and penalties imposed by the Administrator pursuant to NRS 616D.120. If a hearing before a hearing officer is requested pursuant to NRS 616C.315 and held pursuant to NRS 616C.330, ~~[such fees and costs do not include any attorney's fees and associated costs that are incurred by the claimant on or before the date of the hearing before the hearing officer.]~~ the employer, insurer or third-party administrator, as applicable, shall pay to the claimant all medical costs which are associated with the occupational disease and are incurred from the date on which the hearing is requested until the date on which the claim is adjudicated to a final decision. If the employer, insurer or third-party administrator, as applicable, ultimately prevails, the employer, insurer or third-party administrator, as applicable, is entitled to recover the amount paid pursuant to this subsection in accordance with the provisions of NRS 616C.138.

Sec. 5. NRS 617.457 is hereby amended to read as follows:

617.457 1. Notwithstanding any other provision of this chapter, diseases of the heart of a person who, for 2 years or more, has been employed in a full-time continuous, uninterrupted and salaried occupation as a firefighter, arson investigator or police officer in this State before the date of disablement are conclusively presumed to have arisen out of and in the course of the employment if the disease is diagnosed and causes the disablement:

(a) During the course of that employment;

(b) If the person ceases employment before completing 20 years of service as a police officer, firefighter or arson investigator, during the period after separation from employment which is equal to the number of years worked; or

(c) If the person ceases employment after completing 20 years or more of service as a police officer, firefighter or arson investigator, at any time during the person's life.

➥ Service credit which is purchased in a retirement system must not be calculated towards the years of service of a person for the purposes of this section.

2. Frequent or regular use of a tobacco product within 1 year, or a material departure from a physician's prescribed plan of care by a person within 3 months, immediately preceding the filing of a claim for compensation excludes a person who has separated from service from the benefit of the conclusive presumption provided in subsection 1.

3. Notwithstanding any other provision of this chapter, diseases of the heart, resulting in either temporary or permanent disability or death, are occupational diseases and compensable as such under the provisions of this chapter if caused by extreme overexertion in times of stress or danger and a causal relationship can be shown by competent evidence that the disability or death arose out of and was caused by the performance of duties as a volunteer firefighter by a person entitled to the benefits of chapters 616A to 616D, inclusive, of NRS pursuant to the provisions of NRS 616A.145 and who, for 5 years or more, has served continuously as a volunteer firefighter in this State by continuously maintaining an active status on the roster of a volunteer fire department.

4. Except as otherwise provided in subsection 5, each employee who is to be covered for diseases of the heart pursuant to the provisions of this section shall submit to a physical examination, including an examination of the heart, upon employment, upon commencement of coverage and thereafter on an annual basis during his or her employment.

5. During the period in which a volunteer firefighter is continuously on active status on the roster of a volunteer fire department, a physical examination for the volunteer firefighter is required:

(a) Upon employment;

(b) Upon commencement of coverage; and

(c) Once every 3 years after the physical examination that is required pursuant to paragraph (b),

➥ until the firefighter reaches the age of 50 years. Each volunteer firefighter who is 50 years of age or older shall submit to a physical examination once every 2 years during his or her employment.

6. The employer of the volunteer firefighter is responsible for scheduling the physical examination. The employer shall mail to the volunteer firefighter a written notice of the date, time and place of the physical examination at least 10 days before the date of the physical examination and shall obtain, at the time of mailing, a certificate of mailing issued by the United States Postal Service.

7. Failure to submit to a physical examination that is scheduled by his or her employer pursuant to subsection 6 excludes the volunteer firefighter from the benefits of this section.

8. The chief of a volunteer fire department may require an applicant to pay for any physical examination required pursuant to this section if the applicant:

(a) Applies to the department for the first time as a volunteer firefighter; and

(b) Is 50 years of age or older on the date of his or her application.

9. The volunteer fire department shall reimburse an applicant for the cost of a physical examination required pursuant to this section if the applicant:

(a) Paid for the physical examination in accordance with subsection 8;

(b) Is declared physically fit to perform the duties required of a firefighter; and

(c) Becomes a volunteer with the volunteer fire department.

10. Except as otherwise provided in subsection 8, all physical examinations required pursuant to subsections 4 and 5 must be paid for by the employer.

11. Failure to correct predisposing conditions which lead to heart disease when so ordered in writing by the examining physician subsequent to a physical examination required pursuant to subsection 4 or 5 excludes the employee from the benefits of this section if the correction is within the ability of the employee.

12. A person who is determined to be:

(a) Partially disabled from an occupational disease pursuant to the provisions of this section; and

(b) Incapable of performing, with or without remuneration, work as a firefighter, arson investigator or police officer,

➥ may elect to receive the benefits provided under NRS 616C.440 for a permanent total disability.

13. Claims filed under this section may be reopened at any time during the life of the claimant for further examination and treatment of the claimant upon certification by a physician of a change of circumstances related to the occupational disease which would warrant an increase or rearrangement of compensation.

14. A person who files a claim for a disease of the heart specified in this section after he or she retires from employment as a firefighter, arson investigator or police officer is not entitled to receive any compensation for that disease other than medical benefits.

15. Except as otherwise provided in this subsection, if an employer, insurer or third-party administrator denies a claim that was filed pursuant to this section and the claimant ultimately prevails, the Administrator shall order the employer, insurer or third-party administrator, as applicable, ~~[must pay all the claimant's reasonable attorney's fees and associated costs.]~~ to pay to the claimant a benefit penalty of $200 for each day from

the date on which an appeal is filed until the date on which the claim is adjudicated to a final decision. Such ~~[fees and costs are]~~ benefit penalty is payable in addition to any benefits to which the claimant is entitled under the claim and any fines and penalties imposed by the Administrator pursuant to NRS 616D.120. If a hearing before a hearing officer is requested pursuant to NRS 616C.315 and held pursuant to NRS 616C.330, ~~[such fees and costs do not include any attorney's fees and associated costs that are incurred by the claimant on or before the date of the hearing before the hearing officer.]~~ the employer, insurer or third-party administrator, as applicable, shall pay to the claimant all medical costs which are associated with the occupational disease and are incurred from the date on which the hearing is requested until the date on which the claim is adjudicated to a final decision. If the employer, insurer or third-party administrator, as applicable, ultimately prevails, the employer, insurer or third-party administrator, as applicable, is entitled to recover the amount paid pursuant to this subsection in accordance with the provisions of NRS 616C.138.

Sec. 6. The amendatory provisions of sections 1, 2, 4 and 5 of this act apply only to claims filed on or after October 1, 2017.

Assemblywoman Bustamante Adams moved that the Assembly concur in the Senate Amendment No. 780 to Assembly Bill No. 267.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Amendment No. 780 authorizes a designee of the employer's risk management or human resources officer to release to certain persons reports containing certain information based on the results of a physical examination. It also provides for the payment of a benefit penalty and a claimant's medical costs if an employer, insurer, or third-party administrator denies a claim for compensation for a certain occupational disease and the claimant ultimately prevails. Lastly, it requires an employer, insurer, or third-party administrator to pay all medical costs that are associated with the occupational disease and incurred by the claimant on or after the date of the hearing before the hearing officer but provides for the recovery of such amounts paid if the employer, insurer, or third-party administrator ultimately prevails.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 1031.

AN ACT relating to industrial insurance; revising provisions governing prohibitions on the payment of compensation for disability caused by certain occupational diseases under certain circumstances; restricting the dissemination and use of the results of certain physical examinations required of certain firefighters, arson investigators and police officers for insurance coverage of cancer, lung disease and heart disease; ~~[providing for]~~ **authorizing the Administrator of the Division of Industrial Relations of the Department of Business and Industry to order** the payment of a benefit penalty ~~[and]~~ **; providing for the payment of** a claimant's medical

costs under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the payment of compensation under chapter 617 of NRS for temporary or permanent disability or death for the occupational diseases of lung disease and heart disease for certain firefighters, arson investigators and police officers. Existing law provides that these occupational diseases are conclusively presumed to have arisen out of and in the course of the employment under certain circumstances. (NRS 617.455, 617.457) **Sections 4 and 5** of this bill provide that if an employer, insurer or third-party administrator denies a claim for compensation for these occupational diseases and the claimant ultimately prevails, the Administrator of the Division of Industrial Relations of the Department of Business and Industry is ~~[required]~~ **authorized** to order the employer, insurer or third-party administrator to pay the claimant a benefit penalty of **not more than** $200 for each day that the claim is under appeal. **Sections 4 and 5** ~~[further]~~ require the employer, insurer or third-party administrator to pay all medical costs that are associated with the occupational disease and incurred by the claimant on or after the date of the hearing before the hearing officer but provide for the recovery of such amounts paid if the employer, insurer or third-party administrator ultimately prevails. **Sections 4 and 5 additionally require the Administrator to review a claim for the occupational disease that has been in the appeals process for longer than 6 months to determine the circumstances causing the delay in processing the claim.**

Existing law requires certain tests when administering certain physical examinations to firefighters, arson investigators and police officers regarding the occupational diseases of lung and heart disease for the purposes of industrial insurance coverage. (NRS 617.454) **Section 3** of this bill restricts: (1) to whom the results of such physical examinations may be disseminated; and (2) the use of such results. **Section 3** additionally authorizes the employer's officer who is responsible for risk management or human resources or his or her designee to release to certain persons a report only containing certain information based on the results of a physical examination.

Existing law prohibits the payment of compensation for disability because of an occupational injury or disease which does not incapacitate the employee for at least 5 cumulative days within a 20-day period from earning full wages. (NRS 616C.400, 617.420) **Section 1** of this bill exempts a claim for compensation under chapters 616A to 616D of NRS for disability for the occupational diseases of cancer, lung disease and heart disease from that prohibition. **Section 2** of this bill: (1) revises the prohibition as it relates to occupational diseases to apply exclusively to compensation for temporary total disability; and (2) clarifies that the prohibition does not apply to medical benefits for the occupational diseases of cancer, lung disease or heart disease.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 616C.400 is hereby amended to read as follows:

616C.400 1. Temporary compensation benefits must not be paid under chapters 616A to 616D, inclusive, of NRS for an injury which does not incapacitate the employee for at least 5 consecutive days, or 5 cumulative days within a 20-day period, from earning full wages, but if the incapacity extends for 5 or more consecutive days, or 5 cumulative days within a 20-day period, compensation must then be computed from the date of the injury.

2. The period prescribed in this section does not apply to:

(a) Accident benefits, whether they are furnished pursuant to NRS 616C.255 or 616C.265, if the injured employee is otherwise covered by the provisions of chapters 616A to 616D, inclusive, of NRS and entitled to those benefits.

(b) Compensation paid to the injured employee pursuant to subsection 1 of NRS 616C.477.

(c) A claim which is filed pursuant to NRS 617.453, 617.455 or 617.457.

Sec. 2. NRS 617.420 is hereby amended to read as follows:

617.420 ***1.*** No compensation may be paid under this chapter for ***temporary total*** disability which does not incapacitate the employee for at least 5 cumulative days within a 20-day period from earning full wages, but if the incapacity extends for 5 or more days within a 20-day period, the compensation must then be computed from the date of disability.

2. The limitations in this section do not apply to medical benefits, ***including, without limitation, medical benefits pursuant to NRS 617.453, 617.455 or 617.457,*** which must be paid from the date of application for payment of medical benefits.

Sec. 3. NRS 617.454 is hereby amended to read as follows:

617.454 1. Any physical examination administered pursuant to NRS 617.455 or 617.457 must include:

(a) A thorough test of the functioning of the hearing of the employee; and

(b) A purified protein derivative skin test to screen for exposure to tuberculosis.

2. Except as otherwise provided in subsection 8 of NRS 617.457, the tests required by this section must be paid for by the employer.

3. Except as otherwise provided by the provisions governing privacy in the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended, and applicable regulations, or an employee's collective bargaining agreement, whichever is more restrictive:

(a) The results of a physical examination administered pursuant to NRS 617.455 or 617.457 may only be provided to:

(1) The examining physician;

(2) The employee;

(3) The employer's officer who is responsible for risk management or human resources or his or her designee; and

(4) If the employee has filed a claim pursuant to NRS 617.455 or 617.457, the insurer.

(b) A person who receives the results of a physical examination pursuant to paragraph (a) may only use the results for the purposes of:

(1) Complying with the requirements of NRS 617.455 or 617.457, as applicable; or

(2) Creating a report pursuant to paragraph (c).

(c) The employer's officer who is responsible for risk management or human resources or his or her designee may create and release a report that is based on the results of a physical examination administered pursuant to NRS 617.455 or 617.457 to any person whom the employer's officer determines has a need to know the information in the report. The report must only contain the following information:

(1) The name of the employee who was the subject of the physical examination; and

(2) A statement that the employee, as applicable:

(I) Satisfies the physical qualifications required for his or her employment; or

(II) Does not satisfy the physical qualifications required for his or her employment.

Sec. 4. NRS 617.455 is hereby amended to read as follows:

617.455 1. Notwithstanding any other provision of this chapter, diseases of the lungs, resulting in either temporary or permanent disability or death, are occupational diseases and compensable as such under the provisions of this chapter if caused by exposure to heat, smoke, fumes, tear gas or any other noxious gases, arising out of and in the course of the employment of a person who, for 2 years or more, has been:

(a) Employed in this State in a full-time salaried occupation of fire fighting or the investigation of arson for the benefit or safety of the public;

(b) Acting as a volunteer firefighter in this State and is entitled to the benefits of chapters 616A to 616D, inclusive, of NRS pursuant to the provisions of NRS 616A.145; or

(c) Employed in a full-time salaried occupation as a police officer in this State.

2. Except as otherwise provided in subsection 3, each employee who is to be covered for diseases of the lungs pursuant to the provisions of this section shall submit to a physical examination, including a thorough test of the functioning of his or her lungs and the making of an X-ray film of the employee's lungs, upon employment, upon commencement of the coverage, once every 2 years until the employee is 40 years of age or older and thereafter on an annual basis during his or her employment.

3. Each volunteer firefighter who is to be covered for diseases of the lungs pursuant to the provisions of this section shall submit to:

(a) A physical examination upon employment and upon commencement of the coverage; and

(b) The making of an X-ray film of the volunteer firefighter's lungs once every 3 years after the physical examination that is required upon commencement of the coverage,

➥ until the volunteer firefighter reaches the age of 50 years. Each volunteer firefighter who is 50 years of age or older shall submit to a physical examination once every 2 years during his or her employment. As used in this subsection, "physical examination" includes the making of an X-ray film of the volunteer firefighter's lungs but excludes a thorough test of the functioning of his or her lungs.

4. All physical examinations required pursuant to subsections 2 and 3 must be paid for by the employer.

5. A disease of the lungs is conclusively presumed to have arisen out of and in the course of the employment of a person who has been employed in a full-time continuous, uninterrupted and salaried occupation as a police officer, firefighter or arson investigator for 2 years or more before the date of disablement if the disease is diagnosed and causes the disablement:

(a) During the course of that employment;

(b) If the person ceases employment before completing 20 years of service as a police officer, firefighter or arson investigator, during the period after separation from employment which is equal to the number of years worked; or

(c) If the person ceases employment after completing 20 years or more of service as a police officer, firefighter or arson investigator, at any time during the person's life.

➥ Service credit which is purchased in a retirement system must not be calculated towards the years of service of a person for the purposes of this section.

6. Frequent or regular use of a tobacco product within 1 year, or a material departure from a physician's prescribed plan of care by a person within 3 months, immediately preceding the filing of a claim for compensation excludes a person who has separated from service from the benefit of the conclusive presumption provided in subsection 5.

7. Failure to correct predisposing conditions which lead to lung disease when so ordered in writing by the examining physician after a physical examination required pursuant to subsection 2 or 3 excludes the employee from the benefits of this section if the correction is within the ability of the employee.

8. A person who is determined to be:

(a) Partially disabled from an occupational disease pursuant to the provisions of this section; and

(b) Incapable of performing, with or without remuneration, work as a firefighter, police officer or arson investigator,

➥ may elect to receive the benefits provided under NRS 616C.440 for a permanent total disability.

9. A person who files a claim for a disease of the lungs specified in this section after he or she retires from employment as a police officer, firefighter or arson investigator is not entitled to receive any compensation for that disease other than medical benefits.

10. The Administrator shall review a claim filed by a claimant pursuant to this section that has been in the appeals process for longer than 6 months to determine the circumstances causing the delay in processing the claim. As used in this subsection, "appeals process" means the period of time that:

(a) Begins on the date on which the claimant first files or submits a request for a hearing or an appeal of a determination regarding the claim; and

(b) Continues until the date on which the claim is adjudicated to a final decision.

11. Except as otherwise provided in this subsection, if an employer, insurer or third-party administrator denies a claim that was filed pursuant to this section and the claimant ultimately prevails, the Administrator ~~[shall]~~ may order the employer, insurer or third-party administrator, as applicable, to pay to the claimant a benefit penalty of not more than $200 for each day from the date on which an appeal is filed until the date on which the claim is adjudicated to a final decision. Such benefit penalty is payable in addition to any benefits to which the claimant is entitled under the claim and any fines and penalties imposed by the Administrator pursuant to NRS 616D.120. If a hearing before a hearing officer is requested pursuant to NRS 616C.315 and held pursuant to NRS 616C.330, the employer, insurer or third-party administrator, as applicable, shall pay to the claimant all medical costs which are associated with the occupational disease and are incurred from the date on which the hearing is requested until the date on which the claim is adjudicated to a final decision. If the employer, insurer or third-party administrator, as applicable, ultimately prevails, the employer, insurer or third-party administrator, as applicable, is entitled to recover the amount paid pursuant to this subsection in accordance with the provisions of NRS 616C.138.

Sec. 5. NRS 617.457 is hereby amended to read as follows:

617.457 1. Notwithstanding any other provision of this chapter, diseases of the heart of a person who, for 2 years or more, has been employed in a full-time continuous, uninterrupted and salaried occupation as a firefighter, arson investigator or police officer in this State before the date of disablement are conclusively presumed to have arisen out of and in the course of the employment if the disease is diagnosed and causes the disablement:

(a) During the course of that employment;

(b) If the person ceases employment before completing 20 years of service as a police officer, firefighter or arson investigator, during the period after separation from employment which is equal to the number of years worked; or

(c) If the person ceases employment after completing 20 years or more of service as a police officer, firefighter or arson investigator, at any time during the person's life.

➥ Service credit which is purchased in a retirement system must not be calculated towards the years of service of a person for the purposes of this section.

2. Frequent or regular use of a tobacco product within 1 year, or a material departure from a physician's prescribed plan of care by a person within 3 months, immediately preceding the filing of a claim for compensation excludes a person who has separated from service from the benefit of the conclusive presumption provided in subsection 1.

3. Notwithstanding any other provision of this chapter, diseases of the heart, resulting in either temporary or permanent disability or death, are occupational diseases and compensable as such under the provisions of this chapter if caused by extreme overexertion in times of stress or danger and a causal relationship can be shown by competent evidence that the disability or death arose out of and was caused by the performance of duties as a volunteer firefighter by a person entitled to the benefits of chapters 616A to 616D, inclusive, of NRS pursuant to the provisions of NRS 616A.145 and who, for 5 years or more, has served continuously as a volunteer firefighter in this State by continuously maintaining an active status on the roster of a volunteer fire department.

4. Except as otherwise provided in subsection 5, each employee who is to be covered for diseases of the heart pursuant to the provisions of this section shall submit to a physical examination, including an examination of the heart, upon employment, upon commencement of coverage and thereafter on an annual basis during his or her employment.

5. During the period in which a volunteer firefighter is continuously on active status on the roster of a volunteer fire department, a physical examination for the volunteer firefighter is required:

(a) Upon employment;

(b) Upon commencement of coverage; and

(c) Once every 3 years after the physical examination that is required pursuant to paragraph (b),

➥ until the firefighter reaches the age of 50 years. Each volunteer firefighter who is 50 years of age or older shall submit to a physical examination once every 2 years during his or her employment.

6. The employer of the volunteer firefighter is responsible for scheduling the physical examination. The employer shall mail to the volunteer firefighter a written notice of the date, time and place of the physical examination at

least 10 days before the date of the physical examination and shall obtain, at the time of mailing, a certificate of mailing issued by the United States Postal Service.

7. Failure to submit to a physical examination that is scheduled by his or her employer pursuant to subsection 6 excludes the volunteer firefighter from the benefits of this section.

8. The chief of a volunteer fire department may require an applicant to pay for any physical examination required pursuant to this section if the applicant:

(a) Applies to the department for the first time as a volunteer firefighter; and

(b) Is 50 years of age or older on the date of his or her application.

9. The volunteer fire department shall reimburse an applicant for the cost of a physical examination required pursuant to this section if the applicant:

(a) Paid for the physical examination in accordance with subsection 8;

(b) Is declared physically fit to perform the duties required of a firefighter; and

(c) Becomes a volunteer with the volunteer fire department.

10. Except as otherwise provided in subsection 8, all physical examinations required pursuant to subsections 4 and 5 must be paid for by the employer.

11. Failure to correct predisposing conditions which lead to heart disease when so ordered in writing by the examining physician subsequent to a physical examination required pursuant to subsection 4 or 5 excludes the employee from the benefits of this section if the correction is within the ability of the employee.

12. A person who is determined to be:

(a) Partially disabled from an occupational disease pursuant to the provisions of this section; and

(b) Incapable of performing, with or without remuneration, work as a firefighter, arson investigator or police officer,

➥ may elect to receive the benefits provided under NRS 616C.440 for a permanent total disability.

13. Claims filed under this section may be reopened at any time during the life of the claimant for further examination and treatment of the claimant upon certification by a physician of a change of circumstances related to the occupational disease which would warrant an increase or rearrangement of compensation.

14. A person who files a claim for a disease of the heart specified in this section after he or she retires from employment as a firefighter, arson investigator or police officer is not entitled to receive any compensation for that disease other than medical benefits.

15. The Administrator shall review a claim filed by a claimant pursuant to this section that has been in the appeals process for longer than 6 months to determine the circumstances causing the delay in

processing the claim. As used in this subsection, "appeals process" means the period of time that:

(a) Begins on the date on which the claimant first files or submits a request for a hearing or an appeal of a determination regarding the claim; and

(b) Continues until the date on which the claim is adjudicated to a final decision.

16. Except as otherwise provided in this subsection, if an employer, insurer or third-party administrator denies a claim that was filed pursuant to this section and the claimant ultimately prevails, the Administrator [shall] may order the employer, insurer or third-party administrator, as applicable, to pay to the claimant a benefit penalty of not more than $200 for each day from the date on which an appeal is filed until the date on which the claim is adjudicated to a final decision. Such benefit penalty is payable in addition to any benefits to which the claimant is entitled under the claim and any fines and penalties imposed by the Administrator pursuant to NRS 616D.120. If a hearing before a hearing officer is requested pursuant to NRS 616C.315 and held pursuant to NRS 616C.330, the employer, insurer or third-party administrator, as applicable, shall pay to the claimant all medical costs which are associated with the occupational disease and are incurred from the date on which the hearing is requested until the date on which the claim is adjudicated to a final decision. If the employer, insurer or third-party administrator, as applicable, ultimately prevails, the employer, insurer or third-party administrator, as applicable, is entitled to recover the amount paid pursuant to this subsection in accordance with the provisions of NRS 616C.138.

Sec. 6. The amendatory provisions of sections 1, 2, 4 and 5 of this act apply only to claims filed on or after October 1, 2017.

Assemblywoman Bustamante Adams moved that the Assembly concur in the Senate Amendment No. 1031 to Assembly Bill No. 267.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

The amendment modifies the benefit penalty provision by authorizing, rather than mandating, the Division of Industrial Relations to order the payment and places an upper limit of $200 per day. It also requires the Administrator of the Division to review an occupational disease claim under appeal for longer than six months to determine the circumstances causing the delay.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 328.

The following Senate amendment was read:

Amendment No. 1099.

AN ACT relating to professions; establishing limitations on the employment or retention of attorneys by certain regulatory bodies; requiring attorneys who contract with certain regulatory bodies to act as legal counsel for the regulatory body to carry professional liability insurance that satisfies certain criteria; requiring the Department of Administration to adopt regulations relating to the financial operation and administration of certain regulatory bodies; revising the qualifications for the executive director or executive secretary of certain regulatory bodies; revising the disciplinary process for certain regulatory bodies which administer occupational licensing; revising requirements for certain regulatory bodies of this State to prepare a balance sheet or hire a public accountant or accounting firm to conduct an audit of the body for a fiscal year; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally imposes certain requirements on regulatory bodies that regulate professions in this State. (Chapter 622 of NRS) **Section 2** of this bill prohibits an attorney from being employed as legal counsel by more than one regulatory body. **Section 2** further requires an attorney who contracts with a regulatory body to act as legal counsel as an independent contractor to carry a policy of professional liability insurance**.** ~~[that names the State as an additional insured in the insurance policy.]~~ **Section 4** of this bill prohibits a person from being employed as an executive director or executive secretary by more than one regulatory body and requires a person employed by a regulatory body as an executive director or executive secretary to be a resident of this State. **Section 3** of this bill requires the Department of Administration to adopt regulations that establish standards for the financial operation and administration of regulatory bodies.

Existing law requires regulatory bodies to comply with certain administrative procedures governing the disciplinary process for licensees. (Chapter 622A of NRS) Existing law also provides an exemption for certain regulatory bodies from having to comply with the uniform disciplinary process. (NRS 622A.120) **Section 8** of this bill removes the exemption for regulatory bodies that issue professional licenses and are not under the direct supervision of a department of the Executive Branch of State Government. **Section 6** of this bill prohibits a deputy attorney general from acting as legal counsel for a regulatory body in a contested case if he or she prosecuted the contested case before the regulatory body. **Section 7** of this bill prohibits an attorney who is employed or retained as legal counsel to a regulatory body from prosecuting a contested case before the regulatory body at any time while employed or retained by the regulatory body.

Existing law, with certain exceptions, requires certain regulatory bodies of this State which: (1) receive less than $75,000 in revenue during a fiscal year to prepare a balance sheet for that fiscal year; or (2) receive $75,000 or more in revenue during any fiscal year to hire a public accountant or accounting firm to conduct an audit of the regulatory body's fiscal records for that fiscal

year. Upon completion of the balance sheet or audit, existing law requires the regulatory body to file the balance sheet or a report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year. (NRS 218G.400) **Section 30.5** of this bill increases from $75,000 to $200,000 the amount of revenue received in any fiscal year for the purpose of determining whether a regulatory body is required to prepare a balance sheet or hire a public accountant or accounting firm to conduct the audit and subsequently file a report of the audit with the Legislative Auditor and the Chief of the Budget Division.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 622 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. Each regulatory body shall contribute to the Fund for Insurance Premiums as required by NRS 331.187.***

2. If a regulatory body employs an attorney as legal counsel, the attorney may not be employed as legal counsel of another regulatory body.

3. If a regulatory body retains an attorney to act as legal counsel for the regulatory body as an independent contractor, the attorney:

(a) May contract with more than one regulatory body to act as legal counsel as an independent contractor.

(b) Shall obtain or otherwise carry, before acting as legal counsel for a regulatory body, a policy of professional liability insurance which ~~***[:***~~

~~***(1) Insures]***~~ ***insures*** ***the attorney against any liability arising from acting as legal counsel for the regulatory body*** ***.*** ~~***[; and***~~

~~***(2) Names this State as an additional insured in the insurance policy.]***~~

Sec. 3. ***The Department of Administration shall adopt regulations establishing standards for the financial operation and administration of regulatory bodies. The regulations must include, without limitation, provisions which establish the minimum level of professional liability insurance that an attorney who contracts with a regulatory body to act as legal counsel must carry pursuant to subsection 3 of section 2 of this act.***

Sec. 4. NRS 622.220 is hereby amended to read as follows:

622.220 If a regulatory body employs a person as an executive director or executive secretary or in a position with powers and duties similar to those of an executive director or executive secretary, the person:

1. Must possess a level of education or experience, or a combination of both, to qualify the person to perform the administrative and managerial tasks required of the position;

2. Must be a resident of this State;

3. Must not be employed by another regulatory body as an executive director or executive secretary or in a position with powers and duties similar to those of an executive director or executive secretary; and

~~[2.]~~ ***4.*** Must not be the immediate relative of:

(a) A member or employee of the regulatory body; or

(b) A licensee of the regulatory body.

Sec. 5. Chapter 622A of NRS is hereby amended by adding thereto the provisions set forth as sections 6 and 7 of this act.

Sec. 6. ***If a deputy attorney general prosecutes a contested case for a regulatory body, he or she may not also act as legal counsel for the regulatory body when the regulatory body considers or makes decisions concerning the contested case.***

Sec. 7. ***If a regulatory body employs or retains an attorney to serve as legal counsel for and advise the regulatory body on any and all matters, and the attorney prosecutes a contested case for the regulatory body, the attorney may not also act as legal counsel for the regulatory body when the regulatory body considers or makes a decision regarding the contested case.***

Sec. 8. NRS 622A.120 is hereby amended to read as follows:

622A.120 1. The following regulatory bodies are exempted from the provisions of this chapter:

(a) ~~[~~State Contractors' Board.

~~(b) State Board of Professional Engineers and Land Surveyors.~~

~~(c) Nevada State Board of Accountancy.~~

~~(d) Board of Medical Examiners.~~

~~(e) Board of Dental Examiners of Nevada.~~

~~(f) State Board of Nursing.~~

~~(g) Chiropractic Physicians' Board of Nevada.~~

~~(h) Nevada State Board of Optometry.~~

~~(i) State Board of Pharmacy.~~

~~(j) Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors.~~

~~(k)~~**]** Real Estate Commission, Real Estate Administrator and Real Estate Division of the Department of Business and Industry.

~~[(l)]~~ ***(b)*** Commission of Appraisers of Real Estate.

~~[(m)]~~ ***(c)*** Commissioner of Mortgage Lending and Division of Mortgage Lending of the Department of Business and Industry.

~~[(n)]~~ ***(d)*** Commissioner of Financial Institutions and Division of Financial Institutions of the Department of Business and Industry.

~~[(o) Private Investigator's Licensing Board.~~

~~(p)~~**]** ***(e)*** State Board of Health and Division of Public and Behavioral Health of the Department of Health and Human Services.

2. Any regulatory body which is exempted from the provisions of this chapter pursuant to subsection 1 may elect by regulation to follow the provisions of this chapter or any portion thereof.

Sec. 9. NRS 622A.130 is hereby amended to read as follows:

622A.130 1. The provisions of this chapter must be interpreted so as to effectuate their general purpose to make uniform among the regulatory

bodies that are subject to the provisions of this chapter the procedures used to prosecute contested cases and take administrative action against a person who violates any law or regulation governing occupational licensing.

2. To the extent possible, the provisions of this chapter are intended to supplement other statutory provisions governing administrative procedure, occupational licensing and regulatory bodies, and such other provisions must be given effect to the extent that those provisions do not conflict with the provisions of this chapter. If there is a conflict between such other provisions and the provisions of this chapter, the provisions of this chapter control.

3. The provisions of this chapter do not prohibit a regulatory body from adopting procedures used to prosecute contested cases that:

(a) Impose stricter requirements on the regulatory body relating to such prosecution; or

(b) Provide greater due process protections for licensees,

➥ so long as such procedures do not hinder the duty of the regulatory body to protect the public.

Sec. 10. (Deleted by amendment.)

Sec. 11. NRS 623.133 is hereby amended to read as follows:

623.133 1. The Attorney General is hereby designated as the legal adviser of the Board.

2. ~~[~~Nothing~~]~~ ***Subject to the provisions of sections 6 and 7 of this act, nothing*** in this section shall be construed so as to prevent the Board from employing legal counsel as provided elsewhere in this chapter.

Sec. 12. NRS 623A.160 is hereby amended to read as follows:

623A.160 The Attorney General is the legal adviser of the Board, but the Board may employ legal counsel ~~[.]~~ ***subject to the provisions of sections 6 and 7 of this act.***

Sec. 13. NRS 628.410 is hereby amended to read as follows:

628.410 1. The Board may initiate proceedings under this chapter:

(a) On its own motion;

(b) On the complaint of any person; or

(c) On a complaint made by a board of accountancy of another state.

2. A written notice of the hearing must be served on the respondent not less than 30 days before the date of the hearing, either personally or by mailing a copy thereof by registered or certified mail to the address of the respondent last known to the Board.

3. If, after having been served with the notice of hearing, the respondent fails to appear at the hearing and defend, the Board may proceed to hear evidence against the respondent and may enter such order as is justified by the evidence. The order is final unless the respondent petitions for a review thereof. Within 30 days after the date of any order, upon a showing of good cause for failing to appear and defend, the Board may reopen the proceedings and may permit the respondent to submit evidence in his or her behalf.

4. At any hearing, a respondent may be represented before the Board by counsel or by a certified public accountant or registered public accountant of

this State in good standing. The respondent is entitled, on application to the Board, to the issuance of subpoenas to compel the attendance of witnesses on his or her behalf.

5. The Board, or any member thereof, may issue subpoenas to compel the attendance of witnesses and the production of documents. In case of disobedience to a subpoena, the Board may invoke the aid of any court of this State in requiring the attendance and testimony of witnesses and the production of documentary evidence.

6. A hearing may be conducted by:

(a) The Board, less any member or members who have been disqualified, without the appointment of persons to hear the case in place of the disqualified members; or

(b) A member of the Board appointed by the Board as a hearing officer, with the remaining members of the Board, less any member or members who have been disqualified, to review the record, make a final decision and issue the order,

➥ unless the Board, after disqualifications, consists of less than three members to hear or review the case, in which circumstance the Governor must appoint one or more qualified persons so that the panel which hears or reviews the case consists of at least three persons.

7. A stenographic record of the hearing must be kept and a transcript thereof filed with the Board.

8. At all hearings, the Attorney General or a deputy designated by the Attorney General or such other legal counsel as may be employed shall appear and represent the Board ~~[.]~~ ***subject to the provisions of sections 6 and 7 of this act.***

9. The decision of the Board must be by majority vote thereof.

Sec. 14. NRS 630.346 is hereby amended to read as follows:

630.346 In any disciplinary hearing:

1. The Board, a panel of the members of the Board and a hearing officer are not bound by formal rules of evidence ***, except that evidence must be taken and considered in the hearing pursuant to NRS 233B.123,*** and a witness must not be barred from testifying solely because the witness was or is incompetent.

2. A finding of the Board must be supported by a preponderance of the evidence.

3. Proof of actual injury need not be established.

4. A certified copy of the record of a court or a licensing agency showing a conviction or plea of nolo contendere or the suspension, revocation, limitation, modification, denial or surrender of a license to practice medicine, perfusion or respiratory care is conclusive evidence of its occurrence.

Sec. 15. NRS 630.352 is hereby amended to read as follows:

630.352 1. Any member of the Board, other than a member of an investigative committee of the Board who participated in any determination regarding a formal complaint in the matter or any member serving on a panel

of the Board at the hearing of the matter, may participate in an adjudication to obtain the final order of the Board. At the adjudication, the Board shall consider any findings of fact and conclusions of law submitted after the hearing and shall allow:

(a) Counsel for the Board to present a disciplinary recommendation and argument in support of the disciplinary recommendation ~~[;]~~ ***subject to the provisions of sections 6 and 7 of this act;***

(b) The respondent or counsel of the respondent to present a disciplinary recommendation and argument in support of the disciplinary recommendation; and

(c) The complainant in the matter to make a statement to the Board regarding the disciplinary recommendations by the parties and to address the effect of the respondent's conduct upon the complainant or the patient involved, if other than the complainant.

➥ The Board may limit the time within which the parties and the complainant may make their arguments and statements.

2. At the conclusion of the presentations of the parties and the complainant, the Board shall deliberate and may by a majority vote impose discipline based upon the findings of fact and conclusions of law and the presentations of the parties and the complainant.

3. If, in the findings of fact and conclusions of law, the Board, hearing officer or panel of the Board determines that no violation has occurred, the Board shall dismiss the charges, in writing, and notify the respondent that the charges have been dismissed.

4. Except as otherwise provided in subsection 5, if the Board finds that a violation has occurred, it shall by order take one or more of the following actions:

(a) Place the person on probation for a specified period on any of the conditions specified in the order;

(b) Administer a written public reprimand to the person;

(c) Limit the person's practice or exclude one or more specified branches of medicine from his or her practice;

(d) Suspend the person's license for a specified period or until further order of the Board;

(e) Revoke the person's license;

(f) Require the person to participate in a program to correct alcohol or drug dependence or any other impairment;

(g) Require supervision of the person's practice;

(h) Impose a fine not to exceed $5,000 for each violation;

(i) Require the person to perform community service without compensation;

(j) Require the person to take a physical or mental examination or an examination testing his or her competence; and

(k) Require the person to fulfill certain training or educational requirements.

5. If the Board finds that the respondent has violated the provisions of NRS 439B.425, the Board shall suspend the respondent's license for a specified period or until further order of the Board.

6. The Board shall not administer a private reprimand if the Board finds that a violation has occurred.

7. Within 30 days after the hearing before the Board, the Board shall issue a final order, certified by the Secretary-Treasurer of the Board, that imposes discipline and incorporates the findings of fact and conclusions of law obtained from the hearing. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 16. NRS 631.190 is hereby amended to read as follows:

631.190 In addition to the powers and duties provided in this chapter, the Board shall:

1. Adopt rules and regulations necessary to carry out the provisions of this chapter.

2. Appoint such committees, examiners, officers, employees, agents, attorneys, investigators and other professional consultants and define their duties and incur such expense as it may deem proper or necessary to carry out the provisions of this chapter, the expense to be paid as provided in this chapter. ~~[Notwithstanding the provisions of this subsection, the Attorney General in his or her sole discretion may, but is not required to, serve as legal counsel for the Board at any time and in any and all matters.]~~

3. Fix the time and place for and conduct examinations for the granting of licenses to practice dentistry and dental hygiene.

4. Examine applicants for licenses to practice dentistry and dental hygiene.

5. Collect and apply fees as provided in this chapter.

6. Keep a register of all dentists and dental hygienists licensed in this State, together with their addresses, license numbers and renewal certificate numbers.

7. Have and use a common seal.

8. Keep such records as may be necessary to report the acts and proceedings of the Board. Except as otherwise provided in NRS 631.368, the records must be open to public inspection.

9. Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

10. Have discretion to examine work authorizations in dental offices or dental laboratories.

Sec. 17. NRS 636.090 is hereby amended to read as follows:

636.090 1. The Board may employ:

(a) Agents and inspectors to secure evidence of, and report on, violations of this chapter.

(b) Attorneys, investigators and other professional consultants and clerical personnel necessary to administer this chapter.

2. The Attorney General may act as counsel for the Board ~~[.]~~ ***subject to the provisions of section 6 of this act.***

Sec. 18. NRS 636.330 is hereby amended to read as follows:

636.330 If the Board makes a decision which is adverse to the licensee, the licensee may apply for a rehearing within ~~[10]~~ ***15*** days after the Board announces its decision. The Board shall grant or deny the application within a reasonable time thereafter.

Sec. 19. NRS 636.340 is hereby amended to read as follows:

636.340 Unless a license is suspended pursuant to NRS 425.540, on or after the expiration of ~~[6 months]~~ ***1 year*** following the revocation or suspension of a license, an application may be made for the restoration of the license and the Board may, in the exercise of reasonable discretion, restore the license absolutely or upon specified conditions.

Sec. 19.5. NRS 639.070 is hereby amended to read as follows:

639.070 1. The Board may:

(a) Adopt such regulations, not inconsistent with the laws of this State, as are necessary for the protection of the public, appertaining to the practice of pharmacy and the lawful performance of its duties.

(b) Adopt regulations requiring that prices charged by retail pharmacies for drugs and medicines which are obtained by prescription be posted in the pharmacies and be given on the telephone to persons requesting such information.

(c) Adopt regulations, not inconsistent with the laws of this State, authorizing the Executive Secretary of the Board to issue certificates, licenses and permits required by this chapter and chapters 453 and 454 of NRS.

(d) Adopt regulations governing the dispensing of poisons, drugs, chemicals and medicines.

(e) Regulate the practice of pharmacy.

(f) Regulate the sale and dispensing of poisons, drugs, chemicals and medicines.

(g) Regulate the means of recordkeeping and storage, handling, sanitation and security of drugs, poisons, medicines, chemicals and devices, including, but not limited to, requirements relating to:

(1) Pharmacies, institutional pharmacies and pharmacies in correctional institutions;

(2) Drugs stored in hospitals; and

(3) Drugs stored for the purpose of wholesale distribution.

(h) Examine and register, upon application, pharmacists and other persons who dispense or distribute medications whom it deems qualified.

(i) Charge and collect necessary and reasonable fees for the expedited processing of a request or for any other incidental service the Board provides, other than those specifically set forth in this chapter.

(j) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(k) Employ ~~[an attorney,]~~ ***attorneys,*** inspectors, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

(l) Enforce the provisions of NRS 453.011 to 453.552, inclusive, and enforce the provisions of this chapter and chapter 454 of NRS.

(m) Adopt regulations concerning the information required to be submitted in connection with an application for any license, certificate or permit required by this chapter or chapter 453 or 454 of NRS.

(n) Adopt regulations concerning the education, experience and background of a person who is employed by the holder of a license or permit issued pursuant to this chapter and who has access to drugs and devices.

(o) Adopt regulations concerning the use of computerized mechanical equipment for the filling of prescriptions.

(p) Participate in and expend money for programs that enhance the practice of pharmacy.

2. The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

3. This section does not authorize the Board to prohibit open-market competition in the advertising and sale of prescription drugs and pharmaceutical services.

Sec. 20. NRS 639.252 is hereby amended to read as follows:

639.252 1. If the respondent wishes to contest or appeal the decision of the Board, the order or any part thereof, the respondent may, not later than ~~[10]~~ ***15*** days after the time the order becomes effective, apply in writing to the Board for a rehearing. The application must set forth with particularity the part or parts of the decision or order to which the respondent objects and the basis of the objection.

2. The Executive Secretary of the Board shall, within 10 days after receipt of a written application for rehearing, notify the respondent and the respondent's attorney of record in writing, by registered or certified mail, of his or her action, either granting or denying the application. If the application is granted, the notice must contain the date, time and place of the rehearing. The rehearing must be held at the next regularly scheduled meeting of the Board. Granting of the application by the Executive Secretary does not serve as an automatic stay of execution of the order pending conclusion of the rehearing.

Sec. 21. NRS 640C.190 is hereby amended to read as follows:

640C.190 ***Subject to the provisions of sections 6 and 7 of this act:***

1. The Attorney General and his or her deputies are hereby designated as the attorneys for the Board.

2. The provisions of this section do not prevent the Board from employing or retaining other attorneys as it may deem necessary to carry out the provisions of this chapter.

Sec. 22. NRS 641A.370 is hereby amended to read as follows:

641A.370 If the Board revokes or suspends a license for a fixed time, the licensee may apply for a rehearing within ~~[10]~~ ***15*** days after the date of the suspension or revocation and the Board may grant the application upon the terms and conditions it deems appropriate within 30 days after the application.

Sec. 23. NRS 645A.193 is hereby amended to read as follows:

645A.193 ***1.*** The Attorney General shall act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to any of the provisions of this chapter.

2. Notwithstanding the provision of paragraph (c) of subsection 1 of NRS 622A.120, representation of the Division pursuant to subsection 1 shall be conducted in a manner consistent with the provisions of sections 6 and 7 of this act.

Sec. 24. NRS 645A.235 is hereby amended to read as follows:

645A.235 1. A person who engages in an activity for which a license as an escrow agent or escrow agency is required pursuant to this chapter, without regard to whether such a person is licensed pursuant to this chapter, may be required by the Commissioner to pay restitution to any person who has suffered an economic loss as a result of a violation of the provisions of this chapter or any regulation adopted pursuant thereto.

2. Notwithstanding the provision of paragraph ~~[(m)]~~ ***(c)*** of subsection 1 of NRS 622A.120, payment of restitution pursuant to subsection 1 shall be done in a manner consistent with the provisions of chapter 622A of NRS.

Sec. 25. NRS 645B.955 is hereby amended to read as follows:

645B.955 1. A person who engages in an activity for which a license as a mortgage broker or mortgage agent is required pursuant to this chapter, without regard to whether such a person is licensed pursuant to this chapter, may be required by the Commissioner to pay restitution to any person who has suffered an economic loss as a result of a violation of the provisions of this chapter or any regulation adopted pursuant thereto.

2. Notwithstanding the provision of paragraph ~~[(m)]~~ ***(c)*** of subsection 1 of NRS 622A.120, payment of restitution pursuant to subsection 1 shall be done in a manner consistent with the provisions of chapter 622A of NRS.

Sec. 26. NRS 645C.250 is hereby amended to read as follows:

645C.250 1. The Attorney General shall render to the Division opinions upon questions of law relating to the construction or interpretation of this chapter, or arising in the administration thereof, submitted to the Attorney General by the Division or the Commission.

2. The Attorney General shall act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to any of the provisions of this chapter ~~[.]~~ ***subject to the provisions of sections 6 and 7 of this act.***

Sec. 27. NRS 645D.150 is hereby amended to read as follows:

645D.150 1. The Attorney General shall render to the Division opinions upon questions of law relating to the construction or interpretation of this chapter, or arising in the administration thereof, submitted to the Attorney General by the Division.

2. The Attorney General shall act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to any of the provisions of this chapter ~~[.]~~ ***subject to the provisions of sections 6 and 7 of this act.***

Sec. 28. NRS 645E.955 is hereby amended to read as follows:

645E.955 1. A person who engages in an activity for which a license as a mortgage banker is required pursuant to this chapter, without regard to whether such a person is licensed pursuant to this chapter, may be required by the Commissioner to pay restitution to any person who has suffered an economic loss as a result of a violation of the provisions of this chapter or any regulation adopted pursuant thereto.

2. Notwithstanding the provision of paragraph ~~[(m)]~~ ***(c)*** of subsection 1 of NRS 622A.120, payment of restitution pursuant to subsection 1 shall be done in a manner consistent with the provisions of chapter 622A of NRS.

Sec. 29. NRS 645H.370 is hereby amended to read as follows:

645H.370 1. The Attorney General shall render to the Division opinions upon questions of law relating to the construction or interpretation of this chapter, or arising in the administration thereof, submitted to the Attorney General by the Division.

2. The Attorney General shall act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to any of the provisions of this chapter ~~[.]~~ ***subject to the provisions of sections 6 and 7 of this act.***

Sec. 30. (Deleted by amendment.)

Sec. 30.5. NRS 218G.400 is hereby amended to read as follows:

218G.400 1. Except as otherwise provided in subsection 2, each board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS shall:

(a) If the revenue of the board from all sources is less than ~~[$75,000]~~ ***$200,000*** for any fiscal year and, if the board is a regulatory body pursuant to NRS 622.060, the board has submitted to the Director of the Legislative Counsel Bureau for each quarter of that fiscal year the information required by NRS 622.100, prepare a balance sheet for that fiscal year on the form provided by the Legislative Auditor and file the balance sheet with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year. The Legislative Auditor shall prepare and make available a form that must be used by a board to prepare such a balance sheet.

(b) If the revenue of the board from all sources is ~~[$75,000]~~ ***$200,000*** or more for any fiscal year, or if the board is a regulatory body pursuant to NRS

622.060 and has failed to submit to the Director of the Legislative Counsel Bureau for each quarter of that fiscal year the information required by NRS 622.100, engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for that fiscal year and file a report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year.

2. In lieu of preparing a balance sheet or having an audit conducted for a single fiscal year, a board may engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for a period covering two successive fiscal years. If such an audit is conducted, the board shall file the report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of the second fiscal year.

3. The cost of each audit conducted pursuant to subsection 1 or 2 must be paid by the board that is audited. Each such audit must be conducted in accordance with generally accepted auditing standards, and all financial statements must be prepared in accordance with generally accepted principles of accounting for special revenue funds.

4. Whether or not a board is required to have its fiscal records audited pursuant to subsection 1 or 2, the Legislative Auditor shall audit the fiscal records of any such board whenever directed to do so by the Legislative Commission. When the Legislative Commission directs such an audit, the Legislative Commission shall also determine who is to pay the cost of the audit.

5. A person who is a state officer or employee of a board is guilty of nonfeasance if the person:

(a) Is responsible for preparing a balance sheet or having an audit conducted pursuant to this section or is responsible for preparing or maintaining the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section; and

(b) Knowingly fails to prepare the balance sheet or have the audit conducted pursuant to this section or knowingly fails to prepare or maintain the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section.

6. In addition to any other remedy or penalty, a person who is guilty of nonfeasance pursuant to this section forfeits the person's state office or employment and may not be appointed to a state office or position of state employment for a period of 2 years following the forfeiture. The provisions of this subsection do not apply to a state officer who may be removed from office only by impeachment pursuant to Article 7 of the Nevada Constitution.

Sec. 31. This act becomes effective on ~~[July]~~ **October** 1, 2017.

Assemblywoman Bustamante Adams moved that the Assembly concur in the Senate Amendment No. 1099 to Assembly Bill No. 328.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

The amendment deletes the requirement for an attorney who contracts with a regulatory body to act as legal counsel as an independent contractor to carry a policy of professional liability insurance that names the state as an additional insured in the insurance policy. It changes the effective date of the bill to October 1, 2017.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 1104.

AN ACT relating to professions; establishing limitations on the employment or retention of attorneys by certain regulatory bodies; requiring attorneys who contract with certain regulatory bodies to act as legal counsel for the regulatory body to carry professional liability insurance that satisfies certain criteria; requiring the Department of Administration to adopt regulations relating to the financial operation and administration of certain regulatory bodies; revising the qualifications for the executive director or executive secretary of certain regulatory bodies; revising the disciplinary process for certain regulatory bodies which administer occupational licensing; revising requirements for certain regulatory bodies of this State to prepare a balance sheet or hire a public accountant or accounting firm to conduct an audit of the body for a fiscal year; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally imposes certain requirements on regulatory bodies that regulate professions in this State. (Chapter 622 of NRS) **Section 2** of this bill prohibits an attorney from being employed as legal counsel by more than one regulatory body. **Section 2** further requires an attorney who contracts with a regulatory body to act as legal counsel as an independent contractor to carry a policy of professional liability insurance that names the State as an additional insured in the insurance policy. **Section 4** of this bill prohibits a person from being employed as an executive director or executive secretary by more than one regulatory body and requires a person employed by a regulatory body as an executive director or executive secretary to be a resident of this State. **Section 3** of this bill requires the Department of Administration to adopt regulations that establish standards for the financial operation and administration of regulatory bodies.

Existing law requires regulatory bodies to comply with certain administrative procedures governing the disciplinary process for licensees. (Chapter 622A of NRS) Existing law also provides an exemption for certain regulatory bodies from having to comply with the uniform disciplinary process. (NRS 622A.120) **Section 8** of this bill removes the exemption for regulatory bodies that issue professional licenses and are not under the direct supervision of a department of the Executive Branch of State Government [,]

, except that the State Contractors' Board would continue to be exempt from the uniform disciplinary process. **Section 6** of this bill prohibits a deputy attorney general from acting as legal counsel for a regulatory body in a contested case if he or she prosecuted the contested case before the regulatory body. **Section 7** of this bill prohibits an attorney who is employed or retained as legal counsel to a regulatory body from prosecuting a contested case before the regulatory body at any time while employed or retained by the regulatory body.

Existing law, with certain exceptions, requires certain regulatory bodies of this State which: (1) receive less than $75,000 in revenue during a fiscal year to prepare a balance sheet for that fiscal year; or (2) receive $75,000 or more in revenue during any fiscal year to hire a public accountant or accounting firm to conduct an audit of the regulatory body's fiscal records for that fiscal year. Upon completion of the balance sheet or audit, existing law requires the regulatory body to file the balance sheet or a report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year. (NRS 218G.400) **Section 30.5** of this bill increases from $75,000 to $200,000 the amount of revenue received in any fiscal year for the purpose of determining whether a regulatory body is required to prepare a balance sheet or hire a public accountant or accounting firm to conduct the audit and subsequently file a report of the audit with the Legislative Auditor and the Chief of the Budget Division.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 622 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. Each regulatory body shall contribute to the Fund for Insurance Premiums as required by NRS 331.187.***

2. If a regulatory body employs an attorney as legal counsel, the attorney may not be employed as legal counsel of another regulatory body.

3. If a regulatory body retains an attorney to act as legal counsel for the regulatory body as an independent contractor, the attorney:

(a) May contract with more than one regulatory body to act as legal counsel as an independent contractor.

(b) Shall obtain or otherwise carry, before acting as legal counsel for a regulatory body, a policy of professional liability insurance which:

(1) Insures the attorney against any liability arising from acting as legal counsel for the regulatory body; and

(2) Names this State as an additional insured in the insurance policy.

Sec. 3. ***The Department of Administration shall adopt regulations establishing standards for the financial operation and administration of regulatory bodies. The regulations must include, without limitation, provisions which establish the minimum level of professional liability***

insurance that an attorney who contracts with a regulatory body to act as legal counsel must carry pursuant to subsection 3 of section 2 of this act.

Sec. 4. NRS 622.220 is hereby amended to read as follows:

622.220 If a regulatory body employs a person as an executive director or executive secretary or in a position with powers and duties similar to those of an executive director or executive secretary, the person:

1. Must possess a level of education or experience, or a combination of both, to qualify the person to perform the administrative and managerial tasks required of the position;

2. Must be a resident of this State;

3. Must not be employed by another regulatory body as an executive director or executive secretary or in a position with powers and duties similar to those of an executive director or executive secretary; and

~~[2.]~~ ***4.*** Must not be the immediate relative of:

(a) A member or employee of the regulatory body; or

(b) A licensee of the regulatory body.

Sec. 5. Chapter 622A of NRS is hereby amended by adding thereto the provisions set forth as sections 6 and 7 of this act.

Sec. 6. ***If a deputy attorney general prosecutes a contested case for a regulatory body, he or she may not also act as legal counsel for the regulatory body when the regulatory body considers or makes decisions concerning the contested case.***

Sec. 7. ***If a regulatory body employs or retains an attorney to serve as legal counsel for and advise the regulatory body on any and all matters, and the attorney prosecutes a contested case for the regulatory body, the attorney may not also act as legal counsel for the regulatory body when the regulatory body considers or makes a decision regarding the contested case.***

Sec. 8. NRS 622A.120 is hereby amended to read as follows:

622A.120 1. The following regulatory bodies are exempted from the provisions of this chapter:

(a) State Contractors' Board.

(b) ~~[~~State Board of Professional Engineers and Land Surveyors.

~~(c) Nevada State Board of Accountancy.~~

~~(d) Board of Medical Examiners.~~

~~(e) Board of Dental Examiners of Nevada.~~

~~(f) State Board of Nursing.~~

~~(g) Chiropractic Physicians' Board of Nevada.~~

~~(h) Nevada State Board of Optometry.~~

~~(i) State Board of Pharmacy.~~

~~(j) Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors.~~

~~(k)]~~ Real Estate Commission, Real Estate Administrator and Real Estate Division of the Department of Business and Industry.

~~[~~(l) ~~*(b)]*~~ ***(c)*** Commission of Appraisers of Real Estate.

~~[~~(m)~~ (c)]~~ ***(d)*** Commissioner of Mortgage Lending and Division of Mortgage Lending of the Department of Business and Industry.

~~[~~(n)~~ (d)]~~ ***(e)*** Commissioner of Financial Institutions and Division of Financial Institutions of the Department of Business and Industry.

~~[~~(o) Private Investigator's Licensing Board.

~~(p) (e)]~~ ***(f)*** State Board of Health and Division of Public and Behavioral Health of the Department of Health and Human Services.

2. Any regulatory body which is exempted from the provisions of this chapter pursuant to subsection 1 may elect by regulation to follow the provisions of this chapter or any portion thereof.

Sec. 9. NRS 622A.130 is hereby amended to read as follows:

622A.130 1. The provisions of this chapter must be interpreted so as to effectuate their general purpose to make uniform among the regulatory bodies that are subject to the provisions of this chapter the procedures used to prosecute contested cases and take administrative action against a person who violates any law or regulation governing occupational licensing.

2. To the extent possible, the provisions of this chapter are intended to supplement other statutory provisions governing administrative procedure, occupational licensing and regulatory bodies, and such other provisions must be given effect to the extent that those provisions do not conflict with the provisions of this chapter. If there is a conflict between such other provisions and the provisions of this chapter, the provisions of this chapter control.

3. The provisions of this chapter do not prohibit a regulatory body from adopting procedures used to prosecute contested cases that:

(a) Impose stricter requirements on the regulatory body relating to such prosecution; or

(b) Provide greater due process protections for licensees,

➥ so long as such procedures do not hinder the duty of the regulatory body to protect the public.

Sec. 10. (Deleted by amendment.)

Sec. 11. NRS 623.133 is hereby amended to read as follows:

623.133 1. The Attorney General is hereby designated as the legal adviser of the Board.

2. ~~[~~Nothing~~]~~ ***Subject to the provisions of sections 6 and 7 of this act, nothing*** in this section shall be construed so as to prevent the Board from employing legal counsel as provided elsewhere in this chapter.

Sec. 12. NRS 623A.160 is hereby amended to read as follows:

623A.160 The Attorney General is the legal adviser of the Board, but the Board may employ legal counsel ~~[.]~~ ***subject to the provisions of sections 6 and 7 of this act.***

Sec. 13. NRS 628.410 is hereby amended to read as follows:

628.410 1. The Board may initiate proceedings under this chapter:

(a) On its own motion;

(b) On the complaint of any person; or

(c) On a complaint made by a board of accountancy of another state.

2. A written notice of the hearing must be served on the respondent not less than 30 days before the date of the hearing, either personally or by mailing a copy thereof by registered or certified mail to the address of the respondent last known to the Board.

3. If, after having been served with the notice of hearing, the respondent fails to appear at the hearing and defend, the Board may proceed to hear evidence against the respondent and may enter such order as is justified by the evidence. The order is final unless the respondent petitions for a review thereof. Within 30 days after the date of any order, upon a showing of good cause for failing to appear and defend, the Board may reopen the proceedings and may permit the respondent to submit evidence in his or her behalf.

4. At any hearing, a respondent may be represented before the Board by counsel or by a certified public accountant or registered public accountant of this State in good standing. The respondent is entitled, on application to the Board, to the issuance of subpoenas to compel the attendance of witnesses on his or her behalf.

5. The Board, or any member thereof, may issue subpoenas to compel the attendance of witnesses and the production of documents. In case of disobedience to a subpoena, the Board may invoke the aid of any court of this State in requiring the attendance and testimony of witnesses and the production of documentary evidence.

6. A hearing may be conducted by:

(a) The Board, less any member or members who have been disqualified, without the appointment of persons to hear the case in place of the disqualified members; or

(b) A member of the Board appointed by the Board as a hearing officer, with the remaining members of the Board, less any member or members who have been disqualified, to review the record, make a final decision and issue the order,

➥ unless the Board, after disqualifications, consists of less than three members to hear or review the case, in which circumstance the Governor must appoint one or more qualified persons so that the panel which hears or reviews the case consists of at least three persons.

7. A stenographic record of the hearing must be kept and a transcript thereof filed with the Board.

8. At all hearings, the Attorney General or a deputy designated by the Attorney General or such other legal counsel as may be employed shall appear and represent the Board ~~[.]~~ ***subject to the provisions of sections 6 and 7 of this act.***

9. The decision of the Board must be by majority vote thereof.

Sec. 14. NRS 630.346 is hereby amended to read as follows:

630.346 In any disciplinary hearing:

1. The Board, a panel of the members of the Board and a hearing officer are not bound by formal rules of evidence ***, except that evidence must be taken and considered in the hearing pursuant to NRS 233B.123,*** and a

witness must not be barred from testifying solely because the witness was or is incompetent.

2. A finding of the Board must be supported by a preponderance of the evidence.

3. Proof of actual injury need not be established.

4. A certified copy of the record of a court or a licensing agency showing a conviction or plea of nolo contendere or the suspension, revocation, limitation, modification, denial or surrender of a license to practice medicine, perfusion or respiratory care is conclusive evidence of its occurrence.

Sec. 15. NRS 630.352 is hereby amended to read as follows:

630.352 1. Any member of the Board, other than a member of an investigative committee of the Board who participated in any determination regarding a formal complaint in the matter or any member serving on a panel of the Board at the hearing of the matter, may participate in an adjudication to obtain the final order of the Board. At the adjudication, the Board shall consider any findings of fact and conclusions of law submitted after the hearing and shall allow:

(a) Counsel for the Board to present a disciplinary recommendation and argument in support of the disciplinary recommendation ~~[.]~~ ***subject to the provisions of sections 6 and 7 of this act;***

(b) The respondent or counsel of the respondent to present a disciplinary recommendation and argument in support of the disciplinary recommendation; and

(c) The complainant in the matter to make a statement to the Board regarding the disciplinary recommendations by the parties and to address the effect of the respondent's conduct upon the complainant or the patient involved, if other than the complainant.

➥ The Board may limit the time within which the parties and the complainant may make their arguments and statements.

2. At the conclusion of the presentations of the parties and the complainant, the Board shall deliberate and may by a majority vote impose discipline based upon the findings of fact and conclusions of law and the presentations of the parties and the complainant.

3. If, in the findings of fact and conclusions of law, the Board, hearing officer or panel of the Board determines that no violation has occurred, the Board shall dismiss the charges, in writing, and notify the respondent that the charges have been dismissed.

4. Except as otherwise provided in subsection 5, if the Board finds that a violation has occurred, it shall by order take one or more of the following actions:

(a) Place the person on probation for a specified period on any of the conditions specified in the order;

(b) Administer a written public reprimand to the person;

(c) Limit the person's practice or exclude one or more specified branches of medicine from his or her practice;

(d) Suspend the person's license for a specified period or until further order of the Board;

(e) Revoke the person's license;

(f) Require the person to participate in a program to correct alcohol or drug dependence or any other impairment;

(g) Require supervision of the person's practice;

(h) Impose a fine not to exceed $5,000 for each violation;

(i) Require the person to perform community service without compensation;

(j) Require the person to take a physical or mental examination or an examination testing his or her competence; and

(k) Require the person to fulfill certain training or educational requirements.

5. If the Board finds that the respondent has violated the provisions of NRS 439B.425, the Board shall suspend the respondent's license for a specified period or until further order of the Board.

6. The Board shall not administer a private reprimand if the Board finds that a violation has occurred.

7. Within 30 days after the hearing before the Board, the Board shall issue a final order, certified by the Secretary-Treasurer of the Board, that imposes discipline and incorporates the findings of fact and conclusions of law obtained from the hearing. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 16. NRS 631.190 is hereby amended to read as follows:

631.190 In addition to the powers and duties provided in this chapter, the Board shall:

1. Adopt rules and regulations necessary to carry out the provisions of this chapter.

2. Appoint such committees, examiners, officers, employees, agents, attorneys, investigators and other professional consultants and define their duties and incur such expense as it may deem proper or necessary to carry out the provisions of this chapter, the expense to be paid as provided in this chapter. ~~[Notwithstanding the provisions of this subsection, the Attorney General in his or her sole discretion may, but is not required to, serve as legal counsel for the Board at any time and in any and all matters.]~~

3. Fix the time and place for and conduct examinations for the granting of licenses to practice dentistry and dental hygiene.

4. Examine applicants for licenses to practice dentistry and dental hygiene.

5. Collect and apply fees as provided in this chapter.

6. Keep a register of all dentists and dental hygienists licensed in this State, together with their addresses, license numbers and renewal certificate numbers.

7. Have and use a common seal.

8. Keep such records as may be necessary to report the acts and proceedings of the Board. Except as otherwise provided in NRS 631.368, the records must be open to public inspection.

9. Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

10. Have discretion to examine work authorizations in dental offices or dental laboratories.

Sec. 17. NRS 636.090 is hereby amended to read as follows:

636.090 1. The Board may employ:

(a) Agents and inspectors to secure evidence of, and report on, violations of this chapter.

(b) Attorneys, investigators and other professional consultants and clerical personnel necessary to administer this chapter.

2. The Attorney General may act as counsel for the Board ~~[.]~~ ***subject to the provisions of section 6 of this act.***

Sec. 18. NRS 636.330 is hereby amended to read as follows:

636.330 If the Board makes a decision which is adverse to the licensee, the licensee may apply for a rehearing within ~~[10]~~ ***15*** days after the Board announces its decision. The Board shall grant or deny the application within a reasonable time thereafter.

Sec. 19. NRS 636.340 is hereby amended to read as follows:

636.340 Unless a license is suspended pursuant to NRS 425.540, on or after the expiration of ~~[6 months]~~ ***1 year*** following the revocation or suspension of a license, an application may be made for the restoration of the license and the Board may, in the exercise of reasonable discretion, restore the license absolutely or upon specified conditions.

Sec. 19.5. NRS 639.070 is hereby amended to read as follows:

639.070 1. The Board may:

(a) Adopt such regulations, not inconsistent with the laws of this State, as are necessary for the protection of the public, appertaining to the practice of pharmacy and the lawful performance of its duties.

(b) Adopt regulations requiring that prices charged by retail pharmacies for drugs and medicines which are obtained by prescription be posted in the pharmacies and be given on the telephone to persons requesting such information.

(c) Adopt regulations, not inconsistent with the laws of this State, authorizing the Executive Secretary of the Board to issue certificates, licenses and permits required by this chapter and chapters 453 and 454 of NRS.

(d) Adopt regulations governing the dispensing of poisons, drugs, chemicals and medicines.

(e) Regulate the practice of pharmacy.

(f) Regulate the sale and dispensing of poisons, drugs, chemicals and medicines.

(g) Regulate the means of recordkeeping and storage, handling, sanitation and security of drugs, poisons, medicines, chemicals and devices, including, but not limited to, requirements relating to:

(1) Pharmacies, institutional pharmacies and pharmacies in correctional institutions;

(2) Drugs stored in hospitals; and

(3) Drugs stored for the purpose of wholesale distribution.

(h) Examine and register, upon application, pharmacists and other persons who dispense or distribute medications whom it deems qualified.

(i) Charge and collect necessary and reasonable fees for the expedited processing of a request or for any other incidental service the Board provides, other than those specifically set forth in this chapter.

(j) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(k) Employ ~~[an attorney,]~~ ***attorneys,*** inspectors, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

(l) Enforce the provisions of NRS 453.011 to 453.552, inclusive, and enforce the provisions of this chapter and chapter 454 of NRS.

(m) Adopt regulations concerning the information required to be submitted in connection with an application for any license, certificate or permit required by this chapter or chapter 453 or 454 of NRS.

(n) Adopt regulations concerning the education, experience and background of a person who is employed by the holder of a license or permit issued pursuant to this chapter and who has access to drugs and devices.

(o) Adopt regulations concerning the use of computerized mechanical equipment for the filling of prescriptions.

(p) Participate in and expend money for programs that enhance the practice of pharmacy.

2. The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

3. This section does not authorize the Board to prohibit open-market competition in the advertising and sale of prescription drugs and pharmaceutical services.

Sec. 20. NRS 639.252 is hereby amended to read as follows:

639.252 1. If the respondent wishes to contest or appeal the decision of the Board, the order or any part thereof, the respondent may, not later than ~~[10]~~ ***15*** days after the time the order becomes effective, apply in writing to the Board for a rehearing. The application must set forth with particularity the part or parts of the decision or order to which the respondent objects and the basis of the objection.

2. The Executive Secretary of the Board shall, within 10 days after receipt of a written application for rehearing, notify the respondent and the

respondent's attorney of record in writing, by registered or certified mail, of his or her action, either granting or denying the application. If the application is granted, the notice must contain the date, time and place of the rehearing. The rehearing must be held at the next regularly scheduled meeting of the Board. Granting of the application by the Executive Secretary does not serve as an automatic stay of execution of the order pending conclusion of the rehearing.

Sec. 21. NRS 640C.190 is hereby amended to read as follows:

640C.190 ***Subject to the provisions of sections 6 and 7 of this act:***

1. The Attorney General and his or her deputies are hereby designated as the attorneys for the Board.

2. The provisions of this section do not prevent the Board from employing or retaining other attorneys as it may deem necessary to carry out the provisions of this chapter.

Sec. 22. NRS 641A.370 is hereby amended to read as follows:

641A.370 If the Board revokes or suspends a license for a fixed time, the licensee may apply for a rehearing within ~~[10]~~ ***15*** days after the date of the suspension or revocation and the Board may grant the application upon the terms and conditions it deems appropriate within 30 days after the application.

Sec. 23. NRS 645A.193 is hereby amended to read as follows:

645A.193 ***1.*** The Attorney General shall act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to any of the provisions of this chapter.

2. Notwithstanding the provision of paragraph ~~[(c)]~~ (d) of subsection 1 of NRS 622A.120, representation of the Division pursuant to subsection 1 shall be conducted in a manner consistent with the provisions of sections 6 and 7 of this act.

Sec. 24. NRS 645A.235 is hereby amended to read as follows:

645A.235 1. A person who engages in an activity for which a license as an escrow agent or escrow agency is required pursuant to this chapter, without regard to whether such a person is licensed pursuant to this chapter, may be required by the Commissioner to pay restitution to any person who has suffered an economic loss as a result of a violation of the provisions of this chapter or any regulation adopted pursuant thereto.

2. Notwithstanding the provision of paragraph ~~[(m) (c)]~~ ***(d)*** of subsection 1 of NRS 622A.120, payment of restitution pursuant to subsection 1 shall be done in a manner consistent with the provisions of chapter 622A of NRS.

Sec. 25. NRS 645B.955 is hereby amended to read as follows:

645B.955 1. A person who engages in an activity for which a license as a mortgage broker or mortgage agent is required pursuant to this chapter, without regard to whether such a person is licensed pursuant to this chapter, may be required by the Commissioner to pay restitution to any person who has suffered an economic loss as a result of a violation of the provisions of this chapter or any regulation adopted pursuant thereto.

2. Notwithstanding the provision of paragraph ~~[~~(m)~~ *(c)]~~ ***(d)*** of subsection 1 of NRS 622A.120, payment of restitution pursuant to subsection 1 shall be done in a manner consistent with the provisions of chapter 622A of NRS.

Sec. 26. NRS 645C.250 is hereby amended to read as follows:

645C.250 1. The Attorney General shall render to the Division opinions upon questions of law relating to the construction or interpretation of this chapter, or arising in the administration thereof, submitted to the Attorney General by the Division or the Commission.

2. The Attorney General shall act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to any of the provisions of this chapter ~~[.]~~ ***subject to the provisions of sections 6 and 7 of this act.***

Sec. 27. NRS 645D.150 is hereby amended to read as follows:

645D.150 1. The Attorney General shall render to the Division opinions upon questions of law relating to the construction or interpretation of this chapter, or arising in the administration thereof, submitted to the Attorney General by the Division.

2. The Attorney General shall act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to any of the provisions of this chapter ~~[.]~~ ***subject to the provisions of sections 6 and 7 of this act.***

Sec. 28. NRS 645E.955 is hereby amended to read as follows:

645E.955 1. A person who engages in an activity for which a license as a mortgage banker is required pursuant to this chapter, without regard to whether such a person is licensed pursuant to this chapter, may be required by the Commissioner to pay restitution to any person who has suffered an economic loss as a result of a violation of the provisions of this chapter or any regulation adopted pursuant thereto.

2. Notwithstanding the provision of paragraph ~~[~~(m)~~ *(c)]~~ ***(d)*** of subsection 1 of NRS 622A.120, payment of restitution pursuant to subsection 1 shall be done in a manner consistent with the provisions of chapter 622A of NRS.

Sec. 29. NRS 645H.370 is hereby amended to read as follows:

645H.370 1. The Attorney General shall render to the Division opinions upon questions of law relating to the construction or interpretation of this chapter, or arising in the administration thereof, submitted to the Attorney General by the Division.

2. The Attorney General shall act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to any of the provisions of this chapter ~~[.]~~ ***subject to the provisions of sections 6 and 7 of this act.***

Sec. 30. (Deleted by amendment.)

Sec. 30.5. NRS 218G.400 is hereby amended to read as follows:

218G.400 1. Except as otherwise provided in subsection 2, each board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS shall:

(a) If the revenue of the board from all sources is less than ~~[$75,000]~~ ***$200,000*** for any fiscal year and, if the board is a regulatory body pursuant to NRS 622.060, the board has submitted to the Director of the Legislative Counsel Bureau for each quarter of that fiscal year the information required by NRS 622.100, prepare a balance sheet for that fiscal year on the form provided by the Legislative Auditor and file the balance sheet with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year. The Legislative Auditor shall prepare and make available a form that must be used by a board to prepare such a balance sheet.

(b) If the revenue of the board from all sources is ~~[$75,000]~~ ***$200,000*** or more for any fiscal year, or if the board is a regulatory body pursuant to NRS 622.060 and has failed to submit to the Director of the Legislative Counsel Bureau for each quarter of that fiscal year the information required by NRS 622.100, engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for that fiscal year and file a report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year.

2. In lieu of preparing a balance sheet or having an audit conducted for a single fiscal year, a board may engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for a period covering two successive fiscal years. If such an audit is conducted, the board shall file the report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of the second fiscal year.

3. The cost of each audit conducted pursuant to subsection 1 or 2 must be paid by the board that is audited. Each such audit must be conducted in accordance with generally accepted auditing standards, and all financial statements must be prepared in accordance with generally accepted principles of accounting for special revenue funds.

4. Whether or not a board is required to have its fiscal records audited pursuant to subsection 1 or 2, the Legislative Auditor shall audit the fiscal records of any such board whenever directed to do so by the Legislative Commission. When the Legislative Commission directs such an audit, the Legislative Commission shall also determine who is to pay the cost of the audit.

5. A person who is a state officer or employee of a board is guilty of nonfeasance if the person:

(a) Is responsible for preparing a balance sheet or having an audit conducted pursuant to this section or is responsible for preparing or maintaining the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section; and

(b) Knowingly fails to prepare the balance sheet or have the audit conducted pursuant to this section or knowingly fails to prepare or maintain

the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section.

6. In addition to any other remedy or penalty, a person who is guilty of nonfeasance pursuant to this section forfeits the person's state office or employment and may not be appointed to a state office or position of state employment for a period of 2 years following the forfeiture. The provisions of this subsection do not apply to a state officer who may be removed from office only by impeachment pursuant to Article 7 of the Nevada Constitution.

Sec. 31. This act becomes effective on July 1, 2017.

Assemblywoman Bustamante Adams moved that the Assembly concur in the Senate Amendment No. 1104 to Assembly Bill No. 328.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

This amendment retains the exemption for the State Contractors' Board from the provisions of Chapter 622 of *Nevada Revised Statutes*.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 339.

The following Senate amendment was read:

Amendment No. 781.

AN ACT relating to health care; authorizing the Board of Medical Examiners to take possession of the health care records of a licensee's patients under certain circumstances; requiring the Board **of Medical Examiners** to adopt policies and procedures for placing information on the Internet website of the Board; **revising provisions relating to communications concerning certain background checks by the Board of Medical Examiners or the State Board of Osteopathic Medicine;** revising provisions relating to the requirement for certain persons to maintain a permanent mailing address with the Board **[.]** **of Medical Examiners;** revising provisions requiring certain information be reported to the Board **[.]** **of Medical Examiners;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain providers of health care to retain the health care records of patients for 5 years after their receipt or production. (NRS 629.051) **Section 1** of this bill authorizes the Board of Medical Examiners to take possession of the health care records of a licensee's patients in the event of the licensee's death, disability, incarceration or other incapacitation that would render the licensee unable to continue his or her practice. **Section 1** further authorizes the Board to provide such records to the patient or to the patient's subsequent provider of health care. **Section 1** also requires that certain disclosures regarding such records be provided to patients.

Existing law provides for the maintenance of an Internet website by the Board of Medical Examiners. (NRS 630.144) **Section 3** of this bill requires the Board to adopt policies and procedures for placing information on its Internet website.

Existing law imposes a fine on a person who is licensed under chapter 630 of NRS and fails to maintain a permanent mailing address with the Board of Medical Examiners. (NRS 630.254) Existing law similarly imposes a fine on an inactive registrant for such a failure. (NRS 630.255) **Sections 5 and 6** of this bill authorize, rather than require, the Board to impose such fines.

Existing law requires persons who are licensed to practice medicine by the Board of Medical Examiners to make certain reports to the Board concerning surgeries requiring conscious sedation, deep sedation or general anesthesia which were performed by the holder of the license and the occurrence of any sentinel events arising from those surgeries. The Board is required to submit the reports to the Division of Public and Behavioral Health of the Department of Health and Human Services. (NRS 449.447, 630.30665) **Sections 8.5 and 10** of this bill revise these reporting requirements.

Existing law ratifies the Interstate Medical Licensure Compact. If a physician or osteopathic physician is licensed in this State, the Compact provides for reciprocal licensure for that physician or osteopathic physician in all other member states of the Compact. The Compact regulates the licensure and discipline of physicians and osteopathic physicians holding reciprocal licenses through the Compact. (NRS 629A.100) Sections 3.5 and 8.7 of this bill provide that any communication between the Board of Medical Examiners or the State Board of Osteopathic Medicine and the Interstate Medical Licensure Compact Commission relating to verification of a physician's eligibility under the Compact must not include any information received by either Board in a report from the Federal Bureau of Investigation relating to a state and federal criminal records check.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a licensee becomes incapable of keeping his or her office open because of death, disability, incarceration or any other incapacitation, the Board may take possession of the health care records kept by the licensee of his or her patients pursuant to NRS 629.051 to:

(a) Make a patient's health care records available to the patient either directly or through a third-party vendor; or

(b) Forward a patient's health care records to the patient's subsequent provider of health care.

2. A licensee shall post, in a conspicuous place in each location at which the licensee provides health care services, a sign which discloses to

patients that their health care records may be accessed by the Board pursuant to subsection 1.

3. When a licensee provides health care services for a patient for the first time, the licensee shall deliver to the patient a written statement which discloses to the patient that the health care records of the patient may be accessed by the Board pursuant to subsection 1.

4. The Board shall adopt:

(a) Regulations prescribing the form, size, contents and placement of the sign and written statement required pursuant to this section; and

(b) Any other regulations necessary to carry out the provisions of this section.

5. As used in this section, "health care records" has the meaning ascribed to it in NRS 629.021.

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 630.144 is hereby amended to read as follows:

630.144 1. The Board shall maintain a website on the Internet or its successor.

2. ~~[Except as otherwise provided in this section, a member or employee of the Board shall not place any information on the Internet website maintained by the Board without the approval of the Executive Director and the Board. A member or employee of the Board shall submit any information proposed to be placed on the Internet website to the Executive Director for approval. Upon approving the proposal, the Executive Director shall present the proposal to the Board for approval at its next regularly scheduled meeting.]~~ ***The Board shall adopt policies and procedures for placing information on its Internet website.***

3. The Board shall place on its Internet website ***:*** ~~[, without having to approve the placement at a meeting:]~~

(a) Each application form for the issuance or renewal of a license issued by the Board pursuant to this chapter.

(b) A list of questions that are frequently asked concerning the processes of the Board and the answers to those questions.

(c) An alphabetical list, by last name, of each ~~[physician]~~ ***licensee*** and a brief description of each disciplinary action, if any, taken against the ~~[physician,]~~ ***licensee,*** in this State and elsewhere, which relates to ~~[the]~~ ***his or her*** practice ~~[of medicine]~~ and which is noted in the records of the Board. The Board shall include, as part of the list on the Internet website, the name of each ~~[physician]~~ ***licensee*** whose license has been revoked by the Board. The Board shall make the list on the Internet website easily accessible and user friendly for the public.

(d) All financial reports received by the Board.

(e) All financial reports prepared by the Board.

(f) Any other information that the Board is required to place on its Internet website pursuant to any other provision of law.

Sec. 3.5. NRS 630.167 is hereby amended to read as follows:

630.167 ***1.*** In addition to any other requirements set forth in this chapter, each applicant for a license to practice medicine, ***including, without limitation, an expedited license pursuant to NRS 630.1606 or 630.1607 or chapter 629A of NRS, and each applicant for a license*** to practice as a perfusionist, to practice as a physician assistant or to practice respiratory care shall submit to the Board a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. Any fees or costs charged by the Board for this service pursuant to NRS 630.268 are not refundable.

2. Any communication between the Board and the Interstate Medical Licensure Compact Commission created by NRS 629A.100 relating to verification of a physician's eligibility for expedited licensure pursuant to that section must not include any information received in a report from the Federal Bureau of Investigation relating to a state and federal criminal records check performed for the purposes of an application for an expedited license issued pursuant to NRS 629A.100.

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 630.254 is hereby amended to read as follows:

630.254 1. Each licensee shall maintain a permanent mailing address with the Board to which all communications from the Board to the licensee must be sent. A licensee who changes his or her permanent mailing address shall notify the Board in writing of the new permanent mailing address within 30 days after the change. If a licensee fails to notify the Board in writing of a change in his or her permanent mailing address within 30 days after the change, the Board:

(a) ~~[Shall]~~ ***May*** impose upon the licensee a fine not to exceed $250; and

(b) May initiate disciplinary action against the licensee as provided pursuant to paragraph (j) of subsection 1 of NRS 630.306.

2. Any licensee who changes the location of his or her office in this State shall notify the Board in writing of the change before practicing at the new location.

3. Any licensee who closes his or her office in this State shall:

(a) Notify the Board in writing of this occurrence within 14 days after the closure; and

(b) For a period of 5 years thereafter, unless a longer period of retention is provided by federal law, keep the Board apprised in writing of the location of the medical records of the licensee's patients.

4. In addition to the requirements of subsection 1, any licensee who performs any of the acts described in subsection 3 of NRS 630.020 from outside this State or the United States shall maintain an electronic mail address with the Board to which all communications from the Board to the licensee may be sent.

Sec. 6. NRS 630.255 is hereby amended to read as follows:

630.255 1. Any licensee who changes the location of his or her practice of medicine from this State to another state or country, has never engaged in the practice of medicine in this State after licensure or has ceased to engage in the practice of medicine in this State for 12 consecutive months may be placed on inactive status by order of the Board.

2. Each inactive ~~[registrant]~~ ***licensee*** shall maintain a permanent mailing address with the Board to which all communications from the Board to the ~~[registrant]~~ ***licensee*** must be sent. An inactive ~~[registrant]~~ ***licensee*** who changes his or her permanent mailing address shall notify the Board in writing of the new permanent mailing address within 30 days after the change. If an inactive ~~[registrant]~~ ***licensee*** fails to notify the Board in writing of a change in his or her permanent mailing address within 30 days after the change, the Board ~~[shall]~~ ***may*** impose upon the ~~[registrant]~~ ***licensee*** a fine not to exceed $250.

3. In addition to the requirements of subsection 2, any licensee who changes the location of his or her practice of medicine from this State to another state or country ~~[and any inactive registrant]~~ shall maintain an electronic mail address with the Board to which all communications from the Board to him or her may be sent.

4. Before resuming the practice of medicine in this State, the inactive ~~[registrant]~~ ***licensee*** must:

(a) Notify the Board in writing of his or her intent to resume the practice of medicine in this State;

(b) File an affidavit with the Board describing the activities of the ~~[registrant]~~ ***licensee*** during the period of inactive status;

(c) Complete the form for registration for active status;

(d) Pay the applicable fee for biennial registration; and

(e) Satisfy the Board of his or her competence to practice medicine.

5. If the Board determines that the conduct or competence of the ~~[registrant]~~ ***licensee*** during the period of inactive status would have warranted denial of an application for a license to practice medicine in this State, the Board may refuse to place the ~~[registrant]~~ ***licensee*** on active status.

Sec. 7. NRS 630.258 is hereby amended to read as follows:

630.258 1. A physician who is retired from active practice and who:

(a) Wishes to donate his or her expertise for the medical care and treatment of persons in this State who are indigent, uninsured or unable to afford health care; or

(b) Wishes to provide services for any disaster relief operations conducted by a governmental entity or nonprofit organization,

➥ may obtain a special volunteer medical license by submitting an application to the Board pursuant to this section.

2. An application for a special volunteer medical license must be on a form provided by the Board and must include:

(a) Documentation of the history of medical practice of the physician;

(b) Proof that the physician previously has been issued an unrestricted license to practice medicine in any state of the United States and that the physician has never been the subject of disciplinary action by a medical board in any jurisdiction;

(c) Proof that the physician satisfies the requirements for licensure set forth in NRS 630.160 or the requirements for licensure by endorsement set forth in NRS 630.1605, 630.1606 or 630.1607;

(d) Acknowledgment that the practice of the physician under the special volunteer medical license will be exclusively devoted to providing medical care:

(1) To persons in this State who are indigent, uninsured or unable to afford health care; or

(2) As part of any disaster relief operations conducted by a governmental entity or nonprofit organization; and

(e) Acknowledgment that the physician will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for providing medical care under the special volunteer medical license, except for payment by a medical facility at which the physician provides volunteer medical services of the expenses of the physician for necessary travel, continuing education, malpractice insurance or fees of the State Board of Pharmacy.

3. If the Board finds that the application of a physician satisfies the requirements of subsection 2 and that the retired physician is competent to practice medicine, the Board must issue a special volunteer medical license to the physician.

4. The initial special volunteer medical license issued pursuant to this section expires 1 year after the date of issuance. The license may be renewed pursuant to this section, and any license that is renewed expires 2 years after the date of issuance ~~[.]~~ ***of the renewed license.***

5. The Board shall not charge a fee for:

(a) The review of an application for a special volunteer medical license; or

(b) The issuance or renewal of a special volunteer medical license pursuant to this section.

6. A physician who is issued a special volunteer medical license pursuant to this section and who accepts the privilege of practicing medicine in this State pursuant to the provisions of the special volunteer medical license is subject to all the provisions governing disciplinary action set forth in this chapter.

7. A physician who is issued a special volunteer medical license pursuant to this section shall comply with the requirements for continuing education adopted by the Board.

Sec. 8. (Deleted by amendment.)

Sec. 8.5. NRS 630.30665 is hereby amended to read as follows:

630.30665 1. The Board shall require each holder of a license to practice medicine to submit to the Board, on a form provided by the Board, a

report stating the number and type of surgeries requiring conscious sedation, deep sedation or general anesthesia performed by the holder of the license at his or her office or any other facility, excluding any surgical care performed:

(a) At a medical facility as that term is defined in NRS 449.0151; or

(b) Outside of this State.

2. ~~[In addition to the report required pursuant to subsection 1, the Board shall require each holder of a license to practice medicine to submit a report to the Board concerning the occurrence of any sentinel event arising from any surgery described in subsection 1. The report must be submitted in the manner prescribed by the Board which must be substantially similar to the manner prescribed by the State Board of Health for reporting information pursuant to NRS 439.835.~~

~~3. Each holder of a license to practice medicine shall submit the reports required pursuant to subsections 1 and 2:~~

~~(a) At the time the holder of a license renews his or her license; and~~

~~(b) Whether or not the holder of the license performed any surgery described in subsection 1. Failure to submit a report or knowingly or willfully filing false information in a report constitutes grounds for initiating disciplinary action pursuant to paragraph (i) of subsection 1 of NRS 630.306.~~

~~4. In addition to the reports required pursuant to subsections 1 and 2, the~~] ***The*** Board shall require each holder of a license to practice medicine to submit a report to the Board concerning the occurrence of any sentinel event arising from any surgery described in subsection 1 within 14 days after the occurrence of the sentinel event. The report must be submitted in the manner prescribed by the Board.

~~[5.]~~ ***3.*** The Board shall:

(a) Collect and maintain reports received pursuant to subsections 1 ~~[,]~~ ***and*** 2 ~~[and 4;]~~ ***; and***

(b) Ensure that the reports, and any additional documents created from the reports, are protected adequately from fire, theft, loss, destruction and other hazards, and from unauthorized access**.** ~~[; and~~

~~(c) Submit to the Division of Public and Behavioral Health a copy of the report submitted pursuant to subsection 1. The Division shall maintain the confidentiality of such reports in accordance with subsection 6.~~

~~6.]~~ ***4.*** Except as otherwise provided in NRS 239.0115, a report received pursuant to subsection 1 ~~[,]~~ ***or*** 2 ~~[or 4]~~ is confidential, not subject to subpoena or discovery, and not subject to inspection by the general public.

~~[7.]~~ ***5.*** The provisions of this section do not apply to surgical care requiring only the administration of oral medication to a patient to relieve the patient's anxiety or pain, if the medication is not given in a dosage that is sufficient to induce in a patient a controlled state of depressed consciousness or unconsciousness similar to general anesthesia, deep sedation or conscious sedation.

~~[8.]~~ ***6.*** In addition to any other remedy or penalty, if a holder of a license to practice medicine fails to submit a report or knowingly or willfully files

false information in a report submitted pursuant to this section, the Board may, after providing the holder of a license to practice medicine with notice and opportunity for a hearing, impose against the holder of a license to practice medicine an administrative penalty for each such violation. The Board shall establish by regulation a sliding scale based on the severity of the violation to determine the amount of the administrative penalty to be imposed against the holder of the license pursuant to this subsection. The regulations must include standards for determining the severity of the violation and may provide for a more severe penalty for multiple violations.

~~[9.]~~ ***7.*** As used in this section:

(a) "Conscious sedation" has the meaning ascribed to it in NRS 449.436.

(b) "Deep sedation" has the meaning ascribed to it in NRS 449.437.

(c) "General anesthesia" has the meaning ascribed to it in NRS 449.438.

(d) "Sentinel event" has the meaning ascribed to it in NRS 439.830.

Sec. 8.7. **NRS 633.309 is hereby amended to read as follows:**

633.309 ***1.*** In addition to any other requirements set forth in this chapter, each applicant for a license, ***including, without limitation, an expedited license pursuant to NRS 633.399 or 633.400 or chapter 629A of NRS,*** except a temporary or special license, must submit to the Board a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

2. Any communication between the Board and the Interstate Medical Licensure Compact Commission created by NRS 629A.100 relating to verification of a physician's eligibility for expedited licensure pursuant to that section must not include any information received in a report from the Federal Bureau of Investigation relating to a state and federal criminal records check performed for the purposes of an application for an expedited license issued pursuant to NRS 629A.100.

Sec. 9. (Deleted by amendment.)

Sec. 10. NRS 449.447 is hereby amended to read as follows:

449.447 1. If an office of a physician or a facility that provides health care, other than a medical facility, violates the provisions of NRS 449.435 to 449.448, inclusive, or the regulations adopted pursuant thereto, or fails to correct a deficiency indicated in a report pursuant to NRS 449.446, the Division, in accordance with the regulations adopted pursuant to NRS 449.448, may take any of the following actions:

(a) Decline to issue or renew a permit;

(b) Suspend or revoke a permit; or

(c) Impose an administrative penalty of not more than $1,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum.

2. The Division may review a report submitted pursuant to NRS ~~[630.30665 or]~~ 633.524 to determine whether an office of a physician or a

facility is in violation of the provisions of NRS 449.435 to 449.448, inclusive, or the regulations adopted pursuant thereto. If the Division determines that such a violation has occurred, the Division shall immediately notify the ~~[appropriate professional licensing board of the physician.]~~ ***State Board of Osteopathic Medicine.***

3. If a surgical center for ambulatory patients violates the provisions of NRS 449.435 to 449.448, inclusive, or the regulations adopted pursuant thereto, or fails to correct a deficiency indicated in a report pursuant to NRS 449.446, the Division may impose administrative sanctions pursuant to NRS 449.163.

Sec. 11. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 12. (Deleted by amendment.)

Sec. 13. This act becomes effective on July 1, 2017.

Assemblywoman Bustamante Adams moved that the Assembly concur in the Senate Amendment No. 781 to Assembly Bill No. 339.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

It provides that any communication between the Board of Medical Examiners or the State Board of Osteopathic Medicine and the Interstate Medical Licensure Compact Commission relating to verification of a doctor's eligibility under the Compact must not include any information received by either Board in a report from the Federal Bureau of Investigation relating to a state and federal criminal records check.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 468.

The following Senate amendment was read:

Amendment No. 1052.

SHORT FORM AMENDMENT

Section 2.3 of this act is the only section affected by this amendment

Section 2.3 of Assembly Bill No. 468 First Reprint is hereby amended as follows:

Sec. 2.3. ***"Commercial mortgage loan" means a loan primarily for a business, commercial or agricultural purpose that:***

1. Directly or indirectly, is secured by a lien on commercial property; and

2. Is created with the consent of the owner of the commercial property.

Assemblywoman Bustamante Adams moved that the Assembly concur in the Senate Amendment No. 1052 to Assembly Bill No. 468.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

The amendment defines "commercial mortgage loan" as a loan primarily for a business, commercial, or agricultural purpose.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 359.

The following Senate amendment was read:

Amendment No. 858.

AN ACT relating to contractors; exempting certain entities that enter into contracts or agreements with the State or a political corporation or subdivision of this State from certain provisions relating to contractors; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that chapter 624 of NRS, which provides for the licensing and regulation of contractors, does not apply to work performed by an authorized representative of the State of Nevada or an incorporated city, county, irrigation district, reclamation district, or other municipal or political corporation or subdivision of this State. (NRS 624.031) This bill expands this exemption to include a nonprofit entity which ~~[:]~~ **takes the following actions without performing any act that requires a contractor's license:** (1) enters into a contract with the State of Nevada, or any such political corporation or subdivision of this State, to facilitate the repair or maintenance of properties; (2) facilitates work to be performed on such a property by a licensed contractor; and (3) ~~[is]~~ **becomes** a party with the owner of such a property and a licensed contractor to a contract or agreement for the work on the property.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 624.031 is hereby amended to read as follows:

624.031 The provisions of this chapter do not apply to:

1. Work performed exclusively by an authorized representative of the United States Government, the State of Nevada, or an incorporated city, county, irrigation district, reclamation district, or other municipal or political corporation or subdivision of this State.

2. ***Any entity that is recognized as exempt under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), which ~~[:]~~ takes the following actions without performing any act that requires a license pursuant to this chapter:***

(a) Enters into a contract or other agreement with the State of Nevada, or an incorporated city, county, irrigation district, reclamation district, or other municipal or political corporation or subdivision of this State, to facilitate the repair or maintenance of properties, including, without limitation, weatherization and energy efficiency services;

(b) Facilitates work to be performed on such a property by a person licensed pursuant to this chapter; and

(c) ~~[Is]~~ Becomes a party with the owner of such a property and a person licensed pursuant to this chapter to a contract or agreement for the work on the property.

3. An officer of a court when acting within the scope of his or her office.

~~[3.]~~ ***4.*** Work performed exclusively by a public utility operating pursuant to the regulations of the Public Utilities Commission of Nevada on construction, maintenance and development work incidental to its business.

~~[4.]~~ ***5.*** An owner of property who is building or improving a residential structure on the property for his or her own occupancy and not intended for sale or lease. The sale or lease, or the offering for sale or lease, of the newly built structure within 1 year after its completion creates a rebuttable presumption for the purposes of this section that the building of the structure was performed with the intent to sell or lease that structure. An owner of property who requests an exemption pursuant to this subsection must apply to the Board for the exemption. The Board shall adopt regulations setting forth the requirements for granting the exemption.

~~[5.]~~ ***6.*** Any work to repair or maintain property the value of which is less than $1,000, including labor and materials, unless:

(a) A building permit is required to perform the work;

(b) The work is of a type performed by a plumbing, electrical, refrigeration, heating or air-conditioning contractor;

(c) The work is of a type performed by a contractor licensed in a classification prescribed by the Board that significantly affects the health, safety and welfare of members of the general public;

(d) The work is performed as a part of a larger project:

(1) The value of which is $500 or more; or

(2) For which contracts of less than $500 have been awarded to evade the provisions of this chapter; or

(e) The work is performed by a person who is licensed pursuant to this chapter or by an employee of that person.

~~[6.]~~ ***7.*** The sale or installation of any finished product, material or article of merchandise which is not fabricated into and does not become a permanent fixed part of the structure.

~~[7.]~~ ***8.*** The construction, alteration, improvement or repair of personal property.

~~[8.]~~ ***9.*** The construction, alteration, improvement or repair financed in whole or in part by the Federal Government and conducted within the limits and boundaries of a site or reservation, the title of which rests in the Federal Government.

~~[9.]~~ ***10.*** An owner of property, the primary use of which is as an agricultural or farming enterprise, building or improving a structure on the property for his or her use or occupancy and not intended for sale or lease.

~~[10.]~~ ***11.*** Construction oversight services provided to a long-term recovery group by a qualified person within a particular geographic area that is described in a proclamation of a state of emergency or declaration of disaster by the State or Federal Government, including, without limitation, pursuant to NRS 414.070. A long-term recovery group may reimburse such reasonable expenses as the qualified person incurs in providing construction oversight services to that group. Except as otherwise provided in this subsection, nothing in this subsection authorizes a person who is not a licensed contractor to perform the acts described in paragraphs (a) and (b) of subsection 1 of NRS 624.700. As used in this subsection:

(a) "Construction oversight services" means the coordination and oversight of labor by volunteers.

(b) "Long-term recovery group" means a formal group of volunteers coordinating response and recovery efforts related to a state of emergency or disaster that is proclaimed or declared by the State or Federal Government.

(c) "Qualified person" means a person who possesses the abilities, education, experience, knowledge, skills and training that a long-term recovery group has identified as being necessary to provide construction oversight services for a project to be performed by that group.

~~[11.]~~ ***12.*** A person licensed as a real estate broker, real estate broker-salesperson or real estate salesperson pursuant to chapter 645 of NRS who, acting within the scope of the license or a permit to engage in property management issued pursuant to NRS 645.6052, assists a client in scheduling work to repair or maintain residential property pursuant to a written brokerage agreement or a property management agreement. Such assistance includes, without limitation, assisting a client in the hiring of any number of licensed contractors to perform the work. Nothing in this subsection authorizes the performance of any work for which a license is required pursuant to this chapter by a person who is not licensed pursuant to this chapter or the payment of any additional compensation to a person licensed as a real estate broker, real estate broker-salesperson or real estate salesperson for assisting a client in scheduling the work. The provisions of this subsection apply only if a building permit is not required to perform the work and if the value of the work does not exceed $10,000 per residential property during the fixed term of the written brokerage agreement, if the assistance is provided pursuant to such an agreement, or during a period not to exceed 6 months if the assistance is provided pursuant to a property management agreement. As used in this subsection:

(a) "Brokerage agreement" has the meaning ascribed to it in NRS 645.005.

(b) "Property management agreement" has the meaning ascribed to it in NRS 645.0192.

(c) "Real estate broker" has the meaning ascribed to it in NRS 645.030.

(d) "Real estate broker-salesperson" has the meaning ascribed to it in NRS 645.035.

(e) "Real estate salesperson" has the meaning ascribed to it in NRS 645.040.

(f) "Residential property" means:

(1) Improved real estate that consists of not more than four residential units; or

(2) A single-family residential unit, including a condominium, townhouse or home within a subdivision, if the unit is sold, leased or otherwise conveyed unit by unit, regardless of whether the unit is part of a larger building or parcel that consists of more than four units.

Sec. 2. NRS 645.6051 is hereby amended to read as follows:

645.6051 1. A person licensed pursuant to this chapter as a real estate broker, real estate broker-salesperson or real estate salesperson shall maintain a record of all work performed on a residential property that the person assists a client in scheduling pursuant to subsection ~~[11]~~ ***12*** of NRS 624.031.

2. The record required by subsection 1 must include, without limitation:

(a) The name of any person licensed pursuant to chapter 624 of NRS who performs such work;

(b) The date on which the work was performed;

(c) A copy of any written contract to perform the work; and

(d) A copy of any invoice prepared in connection with the work.

3. As used in this section, "residential property" has the meaning ascribed to it in NRS 624.031.

Sec. 3. This act becomes effective on July 1, 2017.

Assemblywoman Bustamante Adams moved that the Assembly do not concur in the Senate Amendment No. 858 to Assembly Bill No. 359.

Remarks by Assemblywoman Bustamante Adams.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 110.

The following Senate amendment was read:

Amendment No. 931.

AN ACT relating to education; requiring the Department of Education to establish a pilot program to provide competency-based education; requiring the State Board of Education to adopt regulations relating to the pilot program; establishing the Competency-Based Education Network; revising provisions governing the requirements for a pupil to receive credit for a course of study without attending the classes for the course; requiring the Department of Education to conduct a public awareness campaign regarding competency-based education; authorizing the Department to distribute certain money through a competitive grants program to carry out the pilot program to provide competency-based education; requiring the Competency-Based Education Network to prepare a comprehensive report relating to competency-based education; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1.2 of this bill requires the Department of Education to establish a pilot program to provide competency-based education and requires the State Board of Education to adopt regulations that prescribe the process for submission of an application by a school district or charter school to participate in the pilot program and the qualifications and conditions for participation by a school in the pilot program. **Section 1.2 also requires the Department to select at least one school that primarily serves pupils who are at risk, credit deficient or in need of credit retrieval for participation in the program if an application is made on behalf of such a school to participate in the program.** **Section 1.1** of this bill defines "competency-based education" to mean a system of instruction by which a pupil advances to a higher level of learning when the pupil demonstrates mastery of a concept or skill, regardless of the time, place or pace at which the pupil progresses.

Section 1.4 of this bill requires the Department to establish a Competency-Based Education Network and prescribes the membership and duties of the Network, including a requirement that the Network submit a report to the Governor and the Legislature on the implementation of competency-based education once each biennium.

Section 1.6 of this bill requires the Department of Education to: (1) conduct a public campaign to raise awareness about competency-based education; and (2) conduct at least one meeting with the superintendents of the school districts relating to competency-based education. **Section 3.5** of this bill appropriates money to the Department for the cost of travel associated with such a meeting with the superintendents of the school districts. **Section 1.6** also authorizes the Department to distribute through a competitive grants program money appropriated to the Department to carry out the pilot program to provide competency-based education.

Existing law provides that a pupil may be granted credit for certain courses in lieu of course attendance if the pupil: (1) demonstrates proficiency on certain examinations; and (2) applies to the board of trustees of the school district in which the pupil attends school to be granted credit. (NRS 389.171) **Section 1.8** of this bill provides that a pupil may also be granted credit in lieu of course attendance if the pupil demonstrates proficiency to meet the objectives of a course or of a particular area or areas of a course: (1) through a portfolio of the pupil's work; (2) through the pupil's performance of a task that is designed to measure the proficiency of the pupil; or (3) as measured by criteria prescribed by the State Board of Education. **Section 1.8** also requires the State Board to adopt regulations that: (1) provide that a pupil may apply to the governing body of the charter school in which the pupil is enrolled to be granted credit in lieu of course attendance; and (2) prescribe other criteria that may be used to determine whether a pupil has achieved proficiency in a course.

Section 4 of this bill requires the Competency-Based Education Network to prepare a comprehensive report with its findings and recommendations on or before April 1, 2022, which must be posted on the Internet website of the Department of Education and submitted to the Governor, the Legislative Committee on Education and the Director of the Legislative Counsel Bureau for distribution to the next regular session of the Legislature.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 389 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.1 to 1.6, inclusive, of this act.

Sec. 1.1. ***As used in sections 1.1 to 1.6, inclusive, of this act, "competency-based education" means a system of instruction by which a pupil advances to a higher level of learning when the pupil demonstrates mastery of a concept or skill, regardless of the time, place or pace at which the pupil progresses.***

Sec. 1.2. ***1. The Department shall establish a pilot program to provide competency-based education.***

2. The State Board shall adopt regulations that prescribe:

(a) The process for submission of an application by the board of trustees of a school district or the governing body of a charter school to participate in the pilot program; and

(b) The qualifications and conditions for participation by a school in the pilot program, including, without limitation:

(1) A commitment by the school district or charter school to implement competency-based education for not less than 5 years;

(2) Evidence of support for the implementation of competency-based education by the community served by the school district or charter school; and

(3) A commitment to participate in the Competency-Based Education Network established by section 1.4 of this act.

3. A school selected to participate in the pilot program to provide competency-based education shall:

(a) Implement a system of instruction by which a pupil advances to a higher level of learning when the pupil demonstrates mastery of a concept or skill;

(b) Establish concrete skills on which a pupil will be evaluated that include explicit, measurable and transferable learning objectives;

(c) Ensure that assessment is a meaningful and positive learning experience for pupils;

(d) Ensure that pupils receive timely and differentiated support based upon their individual learning needs; and

(e) Ensure that pupils are able to apply knowledge learned, create new knowledge and develop important skills and dispositions relating to such knowledge.

4. If at least one application to participate in the pilot program is made on behalf of a school that primarily serves pupils who are at risk, credit deficient or in need of credit retrieval, the Department must select at least one such school to participate in the pilot program.

5. As used in this section, a pupil is "at risk" if the pupil has an economic or academic disadvantage such that he or she requires special services and assistance to enable him or her to succeed in educational programs. The term includes, without limitation, pupils who are members of economically disadvantaged families, pupils who are English learners, pupils who are at risk of dropping out of high school and pupils who do not meet minimum standards of academic proficiency. The term does not include a pupil with a disability.

Sec. 1.4. ***1. The Department shall establish a Competency-Based Education Network.***

2. The Competency-Based Education Network must consist of the following members:

(a) The principal of each school selected to participate in the pilot program established pursuant to section 1.2 of this act.

(b) At least one teacher who teaches in each school selected to participate in the pilot program established pursuant to section 1.2 of this act, selected by the principal of the school.

(c) The Chancellor of the Nevada System of Higher Education or his or her designee.

(d) The Chancellor of Western Governors University Nevada or his or her designee.

(e) One teacher who does not teach in a school selected to participate in the pilot program established pursuant to section 1.2 of this act, selected by the Nevada State Education Association to represent the Association.

(f) One parent or guardian of a pupil who is enrolled in a school selected to participate in the pilot program established pursuant to section 1.2 of this act, selected by the Nevada Parent Teacher Association to represent the Association.

(g) One parent or guardian of a pupil who is not enrolled in a school selected to participate in the pilot program established pursuant to section 1.2 of this act, selected by the Nevada Parent Teacher Association to represent the Association.

3. The Competency-Based Education Network shall:

(a) Study approaches to converting requirements regarding the amount of time a pupil is required to spend in a classroom into competency measures;

(b) Study tools for use in personalized learning and competency-based education;

(c) Study approaches to ensure appropriate examinations are prescribed by the State Board pursuant to NRS 389.171;

(d) Study strategies for improving competency-based education through the use of technology;

(e) Study professional development relating to competency-based education and other support to assist educators in transitioning to a system of competency-based education;

(f) Provide support and share data and best practices among schools participating in the pilot program established pursuant to section 1.2 of this act;

(g) Identify barriers and possible solutions to implementing a statewide system of competency-based education;

(h) Develop evidence-based recommendations for the continued implementation of a system of competency-based education; and

(i) On or before January 31 of every even-numbered year, submit a report to the Governor and the Legislature on the implementation of a system of competency-based education in this State.

4. The Competency-Based Education Network shall initially meet at the call of the Superintendent of Public Instruction. After the first meeting, the Network shall meet at the call of the Chair.

5. At the first meeting of the Competency-Based Education Network, the members of the Network shall elect a Chair by majority vote.

6. A majority of the members of the Competency-Based Education Network constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Network.

7. The Department of Education shall provide the Competency-Based Education Network with such staff as is necessary to carry out the duties of the Network.

8. Members of the Competency-Based Education Network serve without compensation, and travel and per diem expenses may not be reimbursed.

Sec. 1.6. ***1. The Department of Education shall:***

(a) Conduct a public campaign to raise awareness about competency-based education.

(b) Conduct one or more meetings with the superintendents of the school districts for the purpose of increasing:

(1) Understanding of competency-based education; and

(2) Interest in implementing a system of competency-based education.

2. To the extent that money is available for that purpose, the Department of Education may, through a competitive grants program, distribute any money appropriated to the Department to carry out the pilot program to provide competency-based education established pursuant to section 1.2 of this act. Grants must be awarded by the Department to schools selected to participate in the program based upon money available for this purpose.

Sec. 1.8. NRS 389.171 is hereby amended to read as follows:

389.171 1. A pupil may be granted credit for a specific course of study without having attended the regularly scheduled classes in the course if the pupil demonstrates his or her proficiency to meet the:

(a) Objectives of the course through the pupil's performance on an examination prescribed by the State Board;

(b) Objectives of a particular area or areas of the course in which the pupil is deficient through the pupil's performance on an examination developed by the principal and the pupil's teacher who provides instruction in the course that is designed to measure the proficiency of the pupil in that particular area or areas; ~~[or]~~

(c) Objectives of the course through the pupil's performance on an examination that the principal determines is as rigorous or more rigorous than the examination prescribed by the State Board pursuant to paragraph (a), including, without limitation, an advanced placement examination in the subject area of the course ~~[.]~~ ***;***

(d) Objectives of the course through a portfolio of the pupil's work;

(e) Objectives of a particular area or areas of the course through the pupil's performance of a task that is designed to measure the proficiency of the pupil in that particular area or areas; or

(f) Objectives of the course as measured against the criteria prescribed by the State Board pursuant to paragraph (d) of subsection 2.

2. The State Board shall adopt regulations that prescribe the:

(a) Form on which a pupil may apply to the board of trustees of a school district in which the pupil attends school ***or the governing body of the charter school in which the pupil is enrolled*** to be granted credit pursuant to subsection 1;

(b) Courses of study for which pupils may be granted credit pursuant to subsection 1; ~~[and]~~

(c) Minimum score on the examination prescribed pursuant to paragraph (a) of subsection 1 that is required to demonstrate proficiency in a course ~~[.]~~ ***; and***

(d) Criteria, other than the criteria described in paragraphs (a) to (e), inclusive, of subsection 1, that may be used to determine whether a pupil has achieved proficiency in a course.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 3.5. 1. There is hereby appropriated from the State General Fund to the Department of Education for the cost of travel related to meetings with the superintendents of the school districts required by section 1.6 of this act the following sums:

For the Fiscal Year 2017-2018 ..... $1,500

For the Fiscal Year 2018-2019 ..... $1,500

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after

June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 21, 2018, and September 20, 2019, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 21, 2018, and September 20, 2019, respectively.

Sec. 4. In addition to the report required by section 1.4 of this act, the Competency-Based Education Network shall, on or before April 1, 2022:

1. Complete a comprehensive report with its findings and any recommendations relating to competency-based education;

2. Post a copy of the report on the Internet website maintained by the Department of Education; and

3. Submit a copy of the report to the Governor, the Legislative Committee on Education and the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

Sec. 5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 6. This act becomes effective upon passage and approval for the purposes of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act, and on July 1, 2017, for all other purposes.

Assemblyman Thompson moved that the Assembly concur in the Senate Amendment No. 931 to Assembly Bill No. 110.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

The amendment requires the pilot program in competency-based education to include at least one school focused on serving students who are at risk, credit deficient, or in need of credit retrieval if any such school applies for the program.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 127.

The following Senate amendment was read:

Amendment No. 1063.

AN ACT relating to education; requiring school districts in certain counties to appoint an emergency manager; requiring boards of trustees of school districts and governing bodies of charter schools to consult with certain persons and entities before constructing, expanding or remodeling buildings for schools or related facilities or acquiring sites for those purposes; requiring the Department of Education to conduct an annual conference regarding safety in public schools; **requiring the State Public**

Charter School Authority to annually discuss safety in charter schools at a meeting, workshop or conference; requiring the Department, to the extent that money is available, to make block grants to provide certain mental health workers in public schools; revising provisions governing the development and contents of a plan to respond to a crisis or an emergency in a school; revising provisions governing emergency drills in schools; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for crisis and emergency response in public schools. (NRS 388.229-388.261) **Section 4** of this bill requires each school district in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to designate an employee to serve as an emergency manager, whose duties are defined in that section. **Section 5** of this bill requires the board of trustees of each school district and the governing body of each charter school to consult with the emergency manager, the chief of school police or his or her designee, or the Division of Emergency Management of the Department of Public Safety, as applicable, before: (1) designing, constructing or purchasing new school buildings or related facilities; (2) enlarging, remodeling or renovating existing school buildings or related facilities; or (3) acquiring sites for building schools or related facilities.

Section 6 of this bill requires the Department of Education to coordinate with the Division of Emergency Management, any emergency manager, any chief of police of a school district that has police officers and any school resource officer to conduct an annual conference regarding safety in public schools. **Section 6** additionally requires the board of trustees of each school district ~~[and the governing body of each charter school]~~ to designate certain persons to attend this conference ~~[.]~~ **and authorizes certain other persons to attend the conference. Section 6 also requires the State Public Charter School Authority to annually discuss safety in charter schools at a designated meeting of the Authority or at a workshop or conference coordinated by the Authority. Finally, section 6 requires the governing body of each charter school to designate persons to attend such a meeting, workshop or conference.**

Section 7 of this bill requires the Department of Education, to the extent that money is available for the purpose, to: (1) develop and carry into effect a program of block grants; and (2) make and administer block grants to school districts and charter schools to employ or contract with social workers and other mental health workers in schools with identified needs.

Existing law requires the Department of Education to develop a model plan for the management of a crisis or emergency in a public school, including a charter school, and a private school. Among other requirements, the model plan must include a procedure for carrying out a lockdown at a school. (NRS 388.253) **Section 2** of this bill defines "lockdown" for these purposes. Existing law also requires the board of trustees of a school district and the governing body of a charter school to establish a development

committee to develop a plan to be used by each public school of the school district or the charter school, as applicable, in responding to a crisis or an emergency and requires the development committee to consult with certain persons and entities when developing the plan. (NRS 388.241, 388.243) **Section 9** of this bill requires each development committee, when developing the plan, to also consult with an emergency manager, a school resource officer or the chief of school police of the school district, if such a person exists in the school district.

Existing law requires each school district, each charter school and each private school to provide drills for pupils at least once each month during the school year to instruct those pupils in the procedures to be followed in the event of a fire or other emergency. (NRS 392.450, 394.170) **Sections 13 and 14** of this bill require at least one-half of these drills to include instruction in appropriate procedures to be followed in the event of a lockdown, as defined in **section 2** of this bill. **Sections 13 and 14** also revise provisions governing the emergency drills conducted at a school located in a city or town to require the drills to be approved by the chief of the fire department of the city or town or voluntary fire department, as applicable. Finally, **section 13** requires: (1) any public school located in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) to conduct the drills under the supervision of the person designated for that purpose by the board of trustees of the school district or the governing body of the charter school, as applicable; and (2) a public school located in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to conduct such drills under the supervision of the emergency manager.

WHEREAS, The Legislature recognizes that it is of utmost importance that the public schools in this State are built and maintained in a manner which provides the greatest protection for pupils and staff against harm; and

WHEREAS, Each school must be built and maintained to meet or exceed recommended safety standards and be designed to anticipate and protect against modern threats; and

WHEREAS, Academic achievement of pupils is adversely affected when the pupils do not feel safe from harm; and

WHEREAS, Acts of violence which occur at schools have devastating effects on pupils which may include depression, fear and inappropriate behavior; and

WHEREAS, Efforts must be taken to mitigate acts of violence at schools; and

WHEREAS, Social workers and other licensed mental health workers who are employed by schools help ensure the safety of pupils, prevent violent and other inappropriate actions by pupils and address the overall well-being of pupils by assessing the needs of pupils and providing pupils with necessary mental health services, counseling and other assistance; and

WHEREAS, The Legislature hereby finds and declares that it is optimal to have a ratio of at least 1 social worker or licensed health worker per 250 pupils; and

WHEREAS, Each school district must ensure that administrators, teachers and other staff are properly trained regarding the appropriate response to a crisis and crisis management, prevention of violence and emergency response planning so that all schools are prepared to respond appropriately to a crisis or emergency and to quickly mitigate any effects of such a crisis or emergency; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ***"Lockdown" means a circumstance in which the persons on school property are restricted to the interior of a school building and isolated from threats until the school property and surrounding vicinity are deemed to be secure by:***

1. If the school district has school police officers, the chief of school police of the school district or a person designated by him or her; or

2. If the school district does not have school police officers, the school resource officer or a person designated by him or her or, if the school district does not have school resource officers, a local law enforcement agency.

Sec. 3. ***"School resource officer" means a deputy sheriff or other peace officer employed by a local law enforcement agency who is assigned to duty at one or more schools, interacts directly with pupils and whose responsibilities include, without limitation, providing guidance and information to pupils, families and educational personnel concerning the avoidance and prevention of crime.***

Sec. 4. ***Each school district in a county whose population is 100,000 or more shall designate a full-time employee to serve as an emergency manager whose job responsibilities are focused solely on the planning and coordination of available resources for the mitigation of, preparation and training for, response to and recovery from emergencies or crises.***

Sec. 5. ***1. The board of trustees of each school district and the governing body of each charter school shall consult with the person described in subsection 2 or 3, as applicable, regarding safety in schools before:***

(a) Designing, constructing or purchasing new buildings for schools or related facilities;

(b) Enlarging, remodeling or renovating existing buildings for schools or related facilities; or

(c) Acquiring sites for building schools or related facilities.

2. In a county whose population is 100,000 or more, the board of trustees of a school district or the governing body of a charter school that plans to take an action described in subsection 1 shall consult with the emergency manager designated pursuant to section 4 of this act or, if the school district has school police officers, the chief of school police of the school district or a person designated by him or her.

3. In a county whose population is less than 100,000, the board of trustees of a school district or the governing body of a charter school that plans to take an action described in subsection 1 shall consult with:

(a) If the school district has school police officers, the chief of school police of the school district or a person designated by him or her or, if the school district has designated a full-time employee to serve as an emergency manager, the emergency manager; or

(b) If the county has not designated a full-time employee to serve as an emergency manager and does not have school police officers, the Division of Emergency Management of the Department of Public Safety.

Sec. 6. *1. The Department of Education shall, at least once each year, coordinate with the Division of Emergency Management of the Department of Public Safety, any emergency manager designated pursuant to section 4 of this act, any chief of police of a school district that has police officers and any school resource officer to conduct a conference regarding safety in public schools.*

2. The board of trustees of each school district ~~[and the governing body of each charter school]~~ shall designate persons to attend the conference held pursuant to subsection 1. The persons so designated must include, without limitation:

(a) An administrator from the school district ; ~~[or charter school, as applicable;]~~

(b) If the school district has school resource officers, a school resource officer or a person designated by him or her;

(c) If the school district has school police officers, the chief of school police of the school district or a person designated by him or her; and

(d) If the school district has an emergency manager designated pursuant to section 4 of this act, the emergency manager.

3. The conference conducted pursuant to subsection 1 may be attended by:

(a) A licensed teacher of a school or charter school;

(b) Educational support personnel employed by a school district or charter school;

(c) The parent or legal guardian of a pupil who is enrolled in a public school; and

(d) An employee of a local law enforcement agency.

4. The State Public Charter School Authority shall annually, at a designated meeting of the State Public Charter School Authority or at a workshop or conference coordinated by the State Public Charter School

Authority, discuss safety in charter schools. The governing body of each charter school shall designate persons to attend a meeting, workshop or conference at which such a discussion will take place pursuant to this subsection.

Sec. 7. ***To the extent that money is available for the purpose, the Department shall:***

1. Develop and carry into effect a program of block grants for the purposes described in subsection 2; and

2. Make and administer block grants to school districts and charter schools to employ or contract with social workers and other mental health workers in schools with identified needs.

Sec. 8. NRS 388.229 is hereby amended to read as follows:

388.229 As used in NRS 388.229 to 388.261, inclusive, ***and sections 2 to 7, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 388.231 to 388.235, inclusive, ***and sections 2 and 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 9. NRS 388.243 is hereby amended to read as follows:

388.243 1. Each development committee established by the board of trustees of a school district shall develop one plan to be used by all the public schools other than the charter schools in the school district in responding to a crisis or an emergency. Each development committee established by the governing body of a charter school shall develop a plan to be used by the charter school in responding to a crisis or an emergency. Each development committee shall, when developing the plan, consult with:

(a) The local social service agencies and local public safety agencies in the county in which its school district or charter school is located.

(b) ***If the school district has an emergency manager designated pursuant to section 4 of this act, the emergency manager.***

(c) If the school district has school resource officers, a school resource officer or a person designated by him or her.

(d) If the school district has school police officers, the chief of school police of the school district or a person designated by him or her.

(e) The director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

2. The plan developed pursuant to subsection 1 must include, without limitation:

(a) The plans, procedures and information included in the model plan developed by the Department pursuant to NRS 388.253;

(b) A procedure for responding to a crisis or an emergency and for responding during the period after a crisis or an emergency has concluded, including, without limitation, a crisis or an emergency that results in immediate physical harm to a pupil or employee of a school in the school district or the charter school; and

(c) A procedure for enforcing discipline within a school in the school district or the charter school and for obtaining and maintaining a safe and orderly environment during a crisis or an emergency.

3. Each development committee shall provide a copy of the plan that it develops pursuant to this section to the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee.

4. Except as otherwise provided in NRS 388.249 and 388.251, each public school, including, without limitation, each charter school, must comply with the plan developed for it pursuant to this section.

Sec. 10. NRS 388.245 is hereby amended to read as follows:

388.245 1. Each development committee shall, at least once each year, review and update as appropriate the plan that it developed pursuant to NRS 388.243. In reviewing and updating the plan, the development committee shall consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

2. Each development committee shall provide an updated copy of the plan to the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee.

3. The board of trustees of each school district and the governing body of each charter school shall:

(a) Post a notice of the completion of each review and update that its development committee performs pursuant to subsection 1 at each school in its school district or at its charter school;

(b) File with the Department a copy of the notice provided pursuant to paragraph (a);

(c) Post a copy of NRS 388.229 to 388.261, inclusive, ***and sections 2 to 7, inclusive, of this act*** at each school in its school district or at its charter school;

(d) Retain a copy of each plan developed pursuant to NRS 388.243, each plan updated pursuant to subsection 1 and each deviation approved pursuant to NRS 388.251;

(e) Provide a copy of each plan developed pursuant to NRS 388.243 and each plan updated pursuant to subsection 1 to:

(1) Each local public safety agency in the county in which the school district or charter school is located;

(2) The Division of Emergency Management of the Department of Public Safety; and

(3) The local organization for emergency management, if any;

(f) Upon request, provide a copy of each plan developed pursuant to NRS 388.243 and each plan updated pursuant to subsection 1 to a local agency that

is included in the plan and to an employee of a school who is included in the plan;

(g) Provide a copy of each deviation approved pursuant to NRS 388.251 as soon as practicable to:

(1) The Department;

(2) A local public safety agency in the county in which the school district or charter school is located;

(3) The Division of Emergency Management of the Department of Public Safety;

(4) The local organization for emergency management, if any;

(5) A local agency that is included in the plan; and

(6) An employee of a school who is included in the plan; and

(h) At least once each year, provide training in responding to a crisis and training in responding to an emergency to each employee of the school district or of the charter school, including, without limitation, training concerning drills for evacuating and securing schools.

4. The board of trustees of each school district and the governing body of each charter school may apply for and accept gifts, grants and contributions from any public or private source to carry out the provisions of NRS 388.229 to 388.261, inclusive ~~[.]~~ ***, and sections 2 to 7, inclusive, of this act.***

Sec. 11. NRS 388.253 is hereby amended to read as follows:

388.253 1. The Department shall, with assistance from other state agencies, including, without limitation, the Division of Emergency Management, the Investigation Division, and the Nevada Highway Patrol Division of the Department of Public Safety, develop a model plan for the management of a crisis or an emergency that involves a public school, including, without limitation, a charter school, or a private school and that requires immediate action. The model plan must include, without limitation, a procedure for:

(a) Coordinating the resources of local, state and federal agencies, officers and employees, as appropriate;

(b) Accounting for all persons within a school;

(c) Assisting persons within a school in a school district, a charter school or a private school to communicate with each other;

(d) Assisting persons within a school in a school district, a charter school or a private school to communicate with persons located outside the school, including, without limitation, relatives of pupils and relatives of employees of such a school, the news media and persons from local, state or federal agencies that are responding to a crisis or an emergency;

(e) Assisting pupils of a school in the school district, a charter school or a private school, employees of such a school and relatives of such pupils and employees to move safely within and away from the school, including, without limitation, a procedure for evacuating the school and a procedure for securing the school;

(f) Reunifying a pupil with his or her parent or legal guardian;

(g) Providing any necessary medical assistance;

(h) Recovering from a crisis or an emergency;

(i) Carrying out a lockdown at a school ***;*** ~~[in which persons are not allowed to enter or exit the school;]~~

(j) Providing shelter in specific areas of a school; and

(k) Providing specific information relating to managing a crisis or an emergency that is a result of:

(1) An incident involving hazardous materials;

(2) An incident involving mass casualties;

(3) An incident involving an active shooter;

(4) An outbreak of disease;

(5) Any threat or hazard identified in the hazard mitigation plan of the county in which the school district is located, if such a plan exists; or

(6) Any other situation, threat or hazard deemed appropriate.

2. In developing the model plan, the Department shall consider the plans developed pursuant to NRS 388.243 and 394.1687 and updated pursuant to NRS 388.245 and 394.1688.

3. The Department may disseminate to any appropriate local, state or federal agency, officer or employee, as the Department determines is necessary:

(a) The model plan developed by the Department pursuant to subsection 1;

(b) A plan developed pursuant to NRS 388.243 or updated pursuant to NRS 388.245;

(c) A plan developed pursuant to NRS 394.1687 or updated pursuant to NRS 394.1688; and

(d) A deviation approved pursuant to NRS 388.251 or 394.1692.

4. The Department shall, at least once each year, review and update as appropriate the model plan developed pursuant to subsection 1.

Sec. 12. NRS 388.259 is hereby amended to read as follows:

388.259 A plan developed pursuant to NRS 388.243 or updated pursuant to NRS 388.245, a deviation and any information submitted to a development committee pursuant to NRS 388.249, a deviation approved pursuant to NRS 388.251 and the model plan developed pursuant to NRS 388.253 are confidential and, except as otherwise provided in NRS 239.0115 and NRS 388.229 to 388.261, inclusive, ***and sections 2 to 7, inclusive, of this act,*** must not be disclosed to any person or government, governmental agency or political subdivision of a government.

Sec. 13. NRS 392.450 is hereby amended to read as follows:

392.450 1. The board of trustees of each school district and the governing body of each charter school shall provide drills for the pupils in the schools in the school district or the charter schools at least once each month during the school year to instruct those pupils in the appropriate procedures to be followed in the event of a ***lockdown,*** fire or other emergency ***.*** ~~[, except a crisis governed by NRS 388.229 to 388.261, inclusive.]~~ Not more than three of ~~[those]~~ ***the*** drills ***provided pursuant to this***

subsection may include instruction in the appropriate procedures to be followed in the event of a chemical explosion, related emergencies and other natural disasters. ***At least one-half of the drills provided pursuant to this subsection must include instruction in appropriate procedures to be followed in the event of a lockdown.***

2. In all cities or towns **,** ~~[which have regularly organized, paid fire departments or voluntary fire departments,]~~ the drills required by subsection 1 must be ~~[conducted under the supervision of]~~ ***approved by*** the ~~[:]~~ ***chief of the fire department of the city or town, if the city or town has a regularly organized, paid fire department or voluntary fire department. In addition, the drills in each school must be conducted under the supervision of the:***

(a) Person designated for this purpose by the board of trustees of the school district or the governing body of a charter school ~~[; and]~~ ***in a county whose population is less than 100,000; or***

(b) ~~[Chief of the fire department of the city or town.]~~ ***Emergency manager designated pursuant to section 4 of this act in a county whose population is 100,000 or more.***

3. A diagram of the approved escape route and any other information related to the drills required by subsection 1 which is approved by the chief of the fire department or, if there is no fire department, the State Fire Marshal must be kept posted in every classroom of every public school by the principal or teacher in charge thereof.

4. The principal, teacher or other person in charge of each school building shall cause the provisions of this section to be enforced.

5. Any violation of the provisions of this section is a misdemeanor.

6. As used in this section, "lockdown" has the meaning ascribed to it in section 2 of this act.

Sec. 14. NRS 394.170 is hereby amended to read as follows:

394.170 1. The authorities in charge of every private school within this State shall provide drills for the pupils in the schools at least once in each month during the school year to instruct those pupils in the appropriate procedures to be followed in the event of a ***lockdown,*** fire or other emergency **.** ~~[, except a crisis governed by NRS 394.168 to 394.1699, inclusive.]~~ Not more than two of ~~[those]~~ ***the*** drills ***provided pursuant to this subsection*** may include instruction in the appropriate procedures to be followed in the event of a chemical explosion, related emergencies and other natural disasters. ***At least one-half of the drills provided pursuant to this subsection must include instruction in the appropriate procedures to be followed in the event of a lockdown.***

2. In all cities or towns **,** ~~[which have regularly organized, paid fire departments or voluntary fire departments,]~~ the drills required by subsection 1 must be ~~[conducted under the supervision of]~~ ***approved by*** the chief of the fire department of the city or town ~~[.]~~ **,** ***if the city or town has a regularly organized, paid fire department or voluntary fire department.***

3. The State Fire Marshal shall prescribe general regulations governing the drills required by subsection 1 and shall, with the cooperation of the Superintendent of Public Instruction, arrange for the supervision of drills in schools **.** ~~[where the drills are not supervised pursuant to subsection 2.]~~

4. A copy of this section must be kept posted in every classroom of every private school by the principal or teacher in charge thereof.

5. The principal, teacher or other person in charge of each school building shall cause the provisions of this section to be enforced.

6. Any violation of the provisions of this section is a misdemeanor.

7. As used in this section, "lockdown" has the meaning ascribed to it in section 2 of this act.

Sec. 15. NRS 414.135 is hereby amended to read as follows:

414.135 1. There is hereby created in the State General Fund the Emergency Assistance Account. Beginning with the fiscal year that begins on July 1, 1999, the State Controller shall, at the end of each fiscal year, transfer the interest earned during the previous fiscal year on the money in the Disaster Relief Account created pursuant to NRS 353.2735 to the Emergency Assistance Account in an amount not to exceed $500,000.

2. The Division of Emergency Management of the Department of Public Safety shall administer the Emergency Assistance Account. The Division may adopt regulations authorized by this section before, on or after July 1, 1999.

3. Except as otherwise provided in paragraph (c), all expenditures from the Emergency Assistance Account must be approved in advance by the Division. Except as otherwise provided in subsection 4, all money in the Emergency Assistance Account must be expended:

(a) To provide supplemental emergency assistance to this state or to local governments in this state that are severely and adversely affected by a natural, technological or man-made emergency or disaster for which available resources of this state or the local government are inadequate to provide a satisfactory remedy;

(b) To pay any actual expenses incurred by the Division for administration during a natural, technological or man-made emergency or disaster; and

(c) For any other purpose authorized by the Legislature.

4. Beginning with the fiscal year that begins on July 1, 1999, if any balance remains in the Emergency Assistance Account at the end of a fiscal year and the balance has not otherwise been committed for expenditure, the Division may, with the approval of the Interim Finance Committee, allocate all or any portion of the remaining balance, not to exceed $250,000, to this state or to a local government to:

(a) Purchase equipment or supplies required for emergency management;

(b) Provide training to personnel related to emergency management; and

(c) Carry out the provisions of NRS 388.229 to 388.261, inclusive ~~[.]~~ ***, and sections 2 to 7, inclusive, of this act.***

5. Beginning with the fiscal year that begins on July 1, 1999, the Division shall, at the end of each quarter of a fiscal year, submit to the Interim Finance Committee a report of the expenditures made from the Emergency Assistance Account for the previous quarter.

6. The Division shall adopt such regulations as are necessary to administer the Emergency Assistance Account.

7. The Division may adopt regulations to provide for reimbursement of expenditures made from the Emergency Assistance Account. If the Division requires such reimbursement, the Attorney General shall take such action as is necessary to recover the amount of any unpaid reimbursement plus interest at a rate determined pursuant to NRS 17.130, computed from the date on which the money was removed from the Disaster Relief Account, upon request by the Division.

Sec. 16. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 17. This act becomes effective on July 1, 2017.

Assemblyman Thompson moved that the Assembly concur in the Senate Amendment No. 1063 to Assembly Bill No. 127.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

The amendment provides charter schools the necessary flexibility to convene each year and discuss school safety.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 472.

The following Senate amendment was read:

Amendment No. 1102.

AN ACT relating to juvenile justice; creating the Juvenile Justice Oversight Commission **~~[,]~~ and an Advisory Committee to the Commission;** prescribing the powers and duties of the Commission **~~[,]~~ and the Advisory Committee;** imposing requirements related to juvenile justice on the Division of Child and Family Services of the Department of Health and Human Services and local departments of juvenile services; providing for the establishment of an evidence-based program resource center; requiring the juvenile court to make certain findings before committing a child to the custody of a state facility for the detention of children or a public or private institution or agency in another state; requiring departments of juvenile services to conduct a risk assessment and a mental health screening before the disposition of a case involving a child who is adjudicated delinquent; requiring the Division to consider the results of such an assessment and screening in making decisions concerning the placement of a child; revising provisions relating to mental health screenings of children referred to the system of juvenile justice; revising provisions concerning the

release of certain information relating to a child subject to the jurisdiction of the juvenile court; requiring the Youth Parole Bureau to adopt policies and procedures relating to responses to a child's violation of his or her terms and conditions of parole; requiring the juvenile court to consider the adherence of the Youth Parole Bureau to such policies and procedures in determining whether to suspend, modify or revoke a child's parole; revising provisions relating to revocation of a child's parole; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides generally for a system of juvenile justice in this State. (Title 5 of NRS) ~~[Federal law requires a state seeking grant money for the administration of a system of juvenile justice to have a state advisory group that oversees such a system. (42 U.S.C. § 5633(a)(3))]~~ **Section 4** of this bill creates the Juvenile Justice Oversight Commission ~~[and designates the Commission as the state advisory group for the purposes of federal law.]~~ **to perform certain functions relating to the juvenile justice system. Section 4.5 of this bill creates an Advisory Committee consisting of two members of the Senate, two members of the Assembly and two judges of a juvenile court to provide recommendations to the Commission.** **Section 5** of this bill requires the Commission to: (1) establish a uniform procedure for the Division of Child and Family Services of the Department of Health and Human Services, the Youth Parole Bureau and each department of juvenile services in this State to follow when developing performance measures related to the juvenile justice system; (2) establish standard procedures for measuring outcomes for children subject to the jurisdiction of the juvenile court; (3) select a validated risk assessment tool to assist the juvenile court, the Division and each department of juvenile services in determining the appropriate actions to take for children subject to the jurisdiction of the juvenile court and a validated mental health screening tool to determine the appropriate actions to take for children in need of supervision; and (4) contract with a qualified vendor or provider to provide technical assistance and training to employees of the juvenile justice system on the implementation and operation of such tools.

Section 6 of this bill requires the Commission to develop a 5-year strategic plan that establishes policies and procedures for the Division and each department of juvenile services relating to the use of evidence-based practices when providing services to children subject to the jurisdiction of the juvenile court. **Section 7** of this bill requires the members of the Commission to conduct annual quality assurance reviews of each state facility for the detention of children and each regional facility for the treatment and rehabilitation of children, which **section 13.2** of this bill defines as a regional facility which: (1) provides court-ordered treatment and rehabilitation for children; and (2) is administered by or for the benefit of more than one governmental entity. **Section 7** requires such a quality assurance review to include a review of the facility's: (1) service delivery; (2) case management

procedures; (3) policies on supervision and behavior management; and (4) procedures relating to the release of children from the facility. **Section 7** also requires a facility to: (1) develop a facility improvement plan, in coordination with the Division or a local department of juvenile services, if such a plan is required to address any issues raised in the review; and (2) submit such a plan to the Commission. **Section 7** further requires the Commission to compile all such facility improvement plans and submit the plans to the Governor and the Director of the Legislative Counsel Bureau with its annual review.

Section 8 of this bill requires the Division and each department of juvenile services to, on or before July 1, 2018, implement the validated risk assessment tool and the validated mental health screening tool selected by the Commission for evaluation of children subject to the jurisdiction of the juvenile court. **Section 8** also establishes the cost allocation for the expenses of implementing such tools, such that the responsibility for those expenses will shift from the State to each department of juvenile services over the next 2 fiscal years. **Section 9** of this bill requires the Division and each department of juvenile services that receives money from the state, other than any money received from the State Plan for Medicaid, to use such money to develop, promote and coordinate evidence-based programs and services. **Section 9** also requires any contract between the Division or a department of juvenile services and a treatment provider for the provision of juvenile services to require the treatment provider to comply with the evidence-based standards developed by the Commission.

Section 10 of this bill requires the Division to issue a request for proposals to establish an evidence-based program resource center. **Section 10** requires the resource center to: (1) provide technical assistance to the Division, each department of juvenile services and treatment providers to support the implementation and operation of evidence-based programs and practices as set forth in the Commission's 5-year strategic plan; (2) provide various types of training to persons employed in the juvenile justice system; (3) act as a resource clearinghouse on evidence-based programs and practices; and (4) facilitate collaboration among state and local agencies and treatment providers who serve the juvenile justice system. **Section 12** of this bill requires the Division and each department of juvenile services to develop and implement a family engagement plan to increase the participation of the family of a child who is subject to the jurisdiction of the juvenile court in the rehabilitation of the child.

Existing law establishes provisions governing the disposition by a juvenile court of cases of children subject to the court's jurisdiction. (Chapter 62E of NRS) **Section 15** of this bill requires the department of juvenile services, before the disposition of a child's case, to conduct a risk assessment and a mental health screening on the child using the validated tools selected by the Commission and, in certain circumstances, a full mental health assessment, and to prepare a report based on the results of the risk assessment, mental

health screening and any full mental health assessment as to the most appropriate disposition of the case. **Section 16** of this bill requires a department of juvenile services to develop an individualized case plan for each child placed under the supervision of the juvenile court, placed under the informal supervision of a probation officer or committed to a regional facility for the treatment and rehabilitation of children. **Section 16** sets forth the information required to be included in each case plan. **Section 17** of this bill requires the Division to: (1) consider the results of a validated risk assessment, a validated mental health screening and any full mental health assessment to make decisions concerning the placement of a child; and (2) develop a case plan for each child committed to the Division for placement in a state facility for the detention of children. **Section 14.5** of this bill requires the juvenile court to make certain findings before committing a child to the custody of a state facility for the detention of children, and **section 18** of this bill requires the juvenile court to make certain findings before committing a child to a public or private institution or agency in another state. **Sections 20 and 21** of this bill revise the process for how mental health screenings of children who are adjudicated delinquent and committed to a state facility for the detention of children or a regional facility for the treatment and rehabilitation of children are to be conducted.

Existing law requires the Division to: (1) establish a standardized system for the reporting, collection, analysis, maintenance and retrieval of information concerning juvenile justice in this State; and (2) adopt regulations that require juvenile courts, local juvenile probation departments and the staff of the youth correctional services to submit certain information to the Division. (NRS 62H.200) **Section 25** of this bill revises the types of juvenile justice information required to be submitted to the Division. **Section 22** of this bill requires the Division to analyze such information and submit a report to the Governor and to the Legislature relating to the trends that exist in the juvenile justice system and the effectiveness of the system's programs and services. **Section 33** of this bill repeals a similar provision that requires each local juvenile probation department to analyze such information and submit a report to the Division.

Section 24 of this bill authorizes the Division to withhold money from a juvenile court that does not comply with the regulations adopted by the Division relating to the submittal of certain juvenile justice information.

Existing law authorizes a director of juvenile services and the Youth Parole Bureau to release certain information concerning a child who is within the purview of the juvenile court to certain other persons involved in the juvenile justice system. (NRS 62H.025) **Section 23** of this bill revises the list of persons to whom a director of juvenile services and the Youth Parole Bureau may release information to include: (1) the Chief Parole and Probation Officer; (2) the Director of the Department of Corrections; (3) a law enforcement agency; (4) the director of a regional facility for the

treatment and rehabilitation of children; or (5) the director of an agency which provides mental health services.

Existing law provides for the suspension, modification or revocation of the parole of a child. (NRS 63.770) **Section 26** of this bill requires the Youth Parole Bureau to establish policies and procedures to be used when determining the most appropriate and least restrictive response to a violation of a child of the terms and conditions of his or her parole. **Section 26** requires, among other things, the Youth Parole Bureau to create a sliding scale of offenses based on the severity of the violation. **Section 28** of this bill requires the juvenile court to consider the policies and procedures adopted by the Youth Parole Bureau pursuant to **section 26** and consider the adherence of the Youth Parole Bureau to such policies and procedures when determining whether to suspend, modify or revoke the parole of a child. **Section 29** of this bill prohibits the Chief of the Youth Parole Bureau from recommending to the juvenile court that a child's parole be revoked unless: (1) the child poses a risk to public safety; or (2) the other responses set forth in the policies and procedures adopted by the Youth Parole Bureau pursuant to **section 26** would not be appropriate for the child.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 62A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. ***"Commission" means the Juvenile Justice Oversight Commission established by section 4 of this act.***

Sec. 2.5. ***"Committee" means the Advisory Committee to the Commission established by section 4.5 of this act.***

Sec. 3. ***"Department of juvenile services" means the entity designated pursuant to chapter 62G of NRS to administer the provision of services relating to the delinquency of children.***

Sec. 4. ***1. The Juvenile Justice Oversight Commission is hereby established. [The Commission is hereby designated as the state advisory group on juvenile justice required to be established pursuant to 42 U.S.C. § 5633(a)(3).]***

2. The Commission consists of the Governor or his or her designee and 25 members appointed by the Governor. The Governor shall appoint to the Commission:

(a) Two members [who are members of] nominated by the Senate, [one of whom must be from the majority political party and one of whom must be from the minority political party.] who are not members of the Senate or public officers.

(b) Two members [who are members of] nominated by the Assembly, [one of whom must be from the majority political party and one of whom must be from the minority political party.] who are not members of the Assembly or public officers.

(c) Two members nominated by the Supreme Court, who are not judges ~~[of a juvenile court,]~~ , justices or public officers.

(d) The Administrator of the Division of Child and Family Services or his or her designee.

(e) The Deputy Administrator of Juvenile Services of the Division of Child and Family Services or his or her designee.

(f) Three members who are directors of juvenile services, one each of whom must represent a county whose population:

(1) Is less than 100,000.

(2) Is 100,000 or more but less than 700,000.

(3) Is 700,000 or more.

(g) Two members who are district attorneys.

(h) Two members who are public defenders.

(i) One member who is a representative of a law enforcement agency.

(j) Two members who are representatives of a nonprofit organization which provides programs to prevent juvenile delinquency.

(k) One member who is a volunteer who works with children who have been adjudicated delinquent.

(l) Six members who are under the age of 24 years at the time of appointment.

3. At least three of the persons appointed to the Commission pursuant to subsection 2 must be persons who are currently or were formerly subject to the jurisdiction of the juvenile court.

4. Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Commission must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs. Nine of the initial members of the Commission who are appointed pursuant to subsection 2 must be appointed to an initial term of 1 year. Each member of the Commission continues in office until his or her successor is appointed.

5. The members of the Commission serve without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. A majority of the members of the Commission constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Commission.

7. A member of the Commission who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Commission and perform any work necessary to carry out the duties of the Commission in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Commission to:

(a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Commission; or

(b) Take annual leave or compensatory time for the absence.

8. At the first meeting of the Commission and annually thereafter:

(a) The Governor shall appoint a Chair of the Commission;

(b) The Commission shall elect a Secretary from among its members; and

(c) The Commission shall adopt rules for its own management and government.

9. The Commission shall:

(a) Hold its first meeting within 60 days after all the initial appointments to the Commission are made pursuant to subsection 2; and

(b) Meet at least once every 4 months and may meet at such further times as deemed necessary by the Chair.

10. As used in this section, "public officer" has the meaning ascribed to it in NRS 205.4627.

Sec. 4.5. 1. The Advisory Committee to the Commission is hereby established.

2. The Committee consists of six members appointed by the Governor. The Governor shall appoint:

(a) Two members of the Senate, one of whom must be from the majority political party and one of whom must be from the minority political party.

(b) Two members of the Assembly, one of whom must be from the majority political party and one of whom must be from the minority political party.

(c) Two members who are judges of a juvenile court.

3. The Committee shall make recommendations concerning any duties assigned to the Commission.

4. Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Committee must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

5. The members of the Committee serve without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. A majority of the members of the Committee constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Commission.

Sec. 5. *In addition to the duties set forth in sections 6 and 7 of this act, the Commission shall:*

1. On or before July 1, 2018, establish a uniform procedure for the Division of Child and Family Services, the Youth Parole Bureau and each department of juvenile services to use for developing performance measures to determine the effectiveness of the juvenile justice system,

including, without limitation, performance measures for juvenile court referrals and dispositions, supervision of a child subject to the jurisdiction of the juvenile court, services provided by agencies which provide juvenile justice services and rates of recidivism.

2. On or before July 1, 2018, establish standard procedures for measuring outcomes for a child subject to the jurisdiction of the juvenile court, including, without limitation, standard procedures for measuring and reporting rates of recidivism in accordance with NRS 62H.200, and define any necessary terms.

3. On or before January 1, 2018, select:

(a) A validated risk assessment tool that uses a currently accepted standard of assessment to assist the juvenile court, the Division of Child and Family Services and departments of juvenile services in determining the appropriate actions to take for each child subject to the jurisdiction of the juvenile court; and

(b) A validated mental health screening tool that uses a currently accepted standard of assessment to determine the appropriate actions to take for each child in need of supervision pursuant to this title.

4. Contract with a qualified vendor or provider of technical assistance to assist the Division of Child and Family Services and each department of juvenile services with the implementation of the validated risk assessment tool. Such assistance must include, without limitation, employee training, policy development and the establishment of quality assurance protocols.

Sec. 6. ***1. The Commission shall develop a 5-year strategic plan that establishes policies and procedures for the Division of Child and Family Services and each department of juvenile services relating to the use of evidence-based practices in providing services to children subject to the jurisdiction of the juvenile court. The plan must include, without limitation:***

(a) Uniform standards that an evidence-based practice or program must follow, including, without limitation, model programs, staffing requirements and quality assurance protocols;

(b) Strategies, including, without limitation, measurable goals, timelines and responsible parties, to enhance the capacity of the Division of Child and Family Services and each department of juvenile services to:

(1) Comply with the evidence-based standards developed by the Commission; and

(2) Partner with treatment providers that offer evidence-based programs for the treatment of children subject to the jurisdiction of the juvenile court;

(c) A requirement for the collection and reporting of data to the Commission by each department of juvenile services relating to the programs offered and services rendered by each department; and

(d) Protocols for improvement and corrective action for:

(1) A department of juvenile services that does not comply with the reporting requirements established pursuant to paragraph (c); and

(2) A treatment provider that does not comply with the evidence-based standards established by the Commission.

2. The Division of Child and Family Services shall adopt regulations to implement the provisions of the strategic plan developed pursuant to subsection 1.

3. On or before July 1, 2018, and every 5 years thereafter, the Commission shall submit the strategic plan developed pursuant to subsection 1 to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

Sec. 7. *1. The members of the Commission shall conduct an annual quality assurance review of each state facility for the detention of children and regional facility for the treatment and rehabilitation of children. Each review must use a validated service assessment tool, selected by the Commission, which includes, without limitation:*

(a) An analysis of the facility's service delivery;

(b) A review of the facility's case management procedures;

(c) A review of the facility's policies on supervision and behavior management of children placed in the facility; and

(d) An analysis of the facility's procedures relating to the release of children from the jurisdiction of the juvenile court.

2. Before conducting a review pursuant to subsection 1, a member of the Commission must receive training on the use of the validated service assessment tool selected by the Commission pursuant to subsection 1.

3. The members of the Commission who conduct a review pursuant to subsection 1 shall share the results of the review and recommendations for improvement with the facility and the Division of Child and Family Services or a local department of juvenile services.

4. A facility shall develop a facility improvement plan, in coordination with the Division of Child and Family Services or a local department of juvenile services, if such a plan is required to address any issues raised in the review. Not more than 60 days after receiving the results of the review and recommendations for improvement pursuant to subsection 3, the facility shall submit the facility improvement plan to the Commission. The Commission shall compile all such facility improvement plans and submit the plans to the Governor and to the Director of the Legislative Counsel Bureau with its annual review.

Sec. 8. *1. On or before July 1, 2018, the Division of Child and Family Services and each department of juvenile services shall:*

(a) Implement the validated risk assessment tool and the validated mental health screening tool selected by the Commission pursuant to subsection 3 of section 5 of this act; and

(b) Comply with the policies and quality assurance protocols set forth by the qualified vendor or other provider selected to provide technical

assistance for the validated risk assessment tool pursuant to subsection 4 of section 5 of this act.

2. The costs of implementing and operating the validated risk assessment tool and the validated mental health screening tool pursuant to subsection 1 must be allocated in the following manner:

(a) In Fiscal Year 2017-2018, the Division of Child and Family Services pays 100 percent of the costs incurred by each department of juvenile services associated with the validated risk assessment tool and the validated mental health screening tool.

(b) In Fiscal Year 2018-2019, the Division of Child and Family Services pays 50 percent of the costs incurred by each department of juvenile services associated with the validated risk assessment tool and the validated mental health screening tool.

(c) In Fiscal Year 2019-2020 and in every subsequent fiscal year, each department of juvenile services is responsible for 100 percent of the costs that the department incurs associated with the validated risk assessment tool and the validated mental health screening tool.

Sec. 9. ***1. Except as otherwise provided in subsection 2 and subject to the provisions of subsection 4, the Division of Child and Family Services and each department of juvenile services that receives money from the State, except money received from the State Plan for Medicaid as a benefit for a child subject to the jurisdiction of a juvenile court, must use such money to develop, promote and coordinate evidence-based programs and practices.***

2. A department of juvenile services in a county whose population is less than 100,000 must be evaluated for compliance with the requirement set forth in subsection 1 based on the amount of money received from the State, other limitations on resources and the availability of treatment providers in the county.

3. A contract or provider agreement between the Division of Child and Family Services or a department of juvenile services and a treatment provider for the provision of any juvenile services that uses money from the State must require the treatment provider to comply with the evidence-based standards developed by the Commission pursuant to section 6 of this act.

4. The Division of Child and Family Services and each department of juvenile services shall use the following percentages of money received from the State as described in subsection 1 to develop, promote and coordinate evidence-based programs and practices:

(a) In Fiscal Year 2019-2020, 25 percent.

(b) In Fiscal Year 2020-2021, 50 percent.

(c) In Fiscal Year 2021-2022, 75 percent.

(d) In Fiscal Year 2022-2023 and each subsequent fiscal year, 100 percent.

Sec. 10. *1. On or before September 1, 2017, the Division of Child and Family Services shall issue a request for proposals to establish an evidence-based program resource center.*

2. The evidence-based program resource center shall:

(a) Provide technical assistance to the Division of Child and Family Services, each department of juvenile services and treatment providers to support the implementation and operation of evidence-based programs and practices as set forth in the strategic plan developed by the Commission pursuant to section 6 of this act;

(b) Provide on a statewide basis to persons employed in the juvenile justice system training relating to:

(1) The use of evidence-based programs and practices; and

(2) The analysis of quality assurance protocols to ensure such programs meet the evidence-based standards developed by the Commission pursuant to section 6 of this act;

(c) Act as a clearinghouse for information and statewide resources on evidence-based programs and practices for children subject to the jurisdiction of the juvenile court;

(d) Facilitate collaboration among state and local agencies and treatment providers to increase access to such providers; and

(e) Provide support for the assessment of the implementation of evidence-based standards by such state and local agencies.

Sec. 11. *On or before July 1, 2019, and on or before July 1 of every year thereafter, the Division of Child and Family Services shall submit to the Governor, to the Commission and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature, a report detailing the Division's compliance with the evidence-based standards developed by the Commission pursuant to section 6 of this act and an analysis of the data collected based on the performance measures adopted by the Division pursuant to NRS 62H.200.*

Sec. 12. *The Division of Child and Family Services and each department of juvenile services shall develop and implement a family engagement plan to enhance family engagement in the juvenile justice system. The plan must include strategies for:*

1. Increasing the family's contact with a child subject to the jurisdiction of the juvenile court;

2. Engaging family members in the case plan of a child and in planning meetings for the release of the child from the jurisdiction of the juvenile court;

3. Involving family members in the child's treatment; and

4. Soliciting the feedback of family members relating to improvements to the services rendered to children subject to the jurisdiction of the juvenile court.

Sec. 13. NRS 62A.010 is hereby amended to read as follows:

62A.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 62A.020 to 62A.350, inclusive, ***and sections 2 and 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 13.2. NRS 62A.280 is hereby amended to read as follows:

62A.280 1. "Regional facility for the ~~[detention]~~ ***treatment and rehabilitation*** of children" means a regional facility ~~[for the detention or commitment of]~~ ***which provides court-ordered treatment and rehabilitation for*** children ***and*** which is administered by or for the benefit of more than one governmental entity.

2. The term includes, but is not limited to:

(a) The ~~[institution]~~ ***facility*** in Clark County known as Spring Mountain Youth Camp;

(b) The ~~[institution]~~ ***facility*** in Douglas County known as China Spring Youth Camp; and

(c) The ~~[institution]~~ ***facility*** in Lyon County known as Western Nevada Regional Youth Facility.

3. The term does not include:

(a) Any local facility for the detention of children; or

(b) The Nevada Youth Training Center, the Caliente Youth Center or any state facility for the detention of children.

Sec. 13.3. NRS 62B.130 is hereby amended to read as follows:

62B.130 1. If a child is detained other than pursuant to a court order in a local ~~[or regional]~~ facility for the detention of children, the county that has detained the child is entitled to reimbursement from the parent or guardian of the child for all money expended by the county for the support of the child during the period of the child's detention.

2. If the parent or guardian of the child fails or refuses to reimburse the county, the board of county commissioners may recover from the parent or guardian, by appropriate legal action, all money due plus interest thereon at the rate of 7 percent per annum.

Sec. 13.4. NRS 62B.140 is hereby amended to read as follows:

62B.140 1. Except as otherwise provided in this subsection, if a child is committed to the custody of a regional facility for the ~~[detention]~~ ***treatment and rehabilitation*** of children, the juvenile court may order the county where the child has a legal residence to pay the expenses incurred for the support of the child in an amount equal to any money paid for that purpose by the Division of Child and Family Services. Such an order may not be entered if the county maintains the facility to which the child is committed.

2. The juvenile court may order the parent or guardian of the child to reimburse the county, in whole or in part, for any money expended by the county for the support of the child.

3. This section does not prohibit the juvenile court from providing for the support of the child in any other manner authorized by law.

Sec. 13.5. NRS 62B.150 is hereby amended to read as follows:

62B.150 1. Except as otherwise provided in subsection 6, each county shall pay an assessment for the operation of each regional facility for the ~~[~~detention~~]~~ ***treatment and rehabilitation*** of children that is partially supported by the State of Nevada and is operated by a county whose population is less than 700,000.

2. The assessment owed by each county equals the total amount budgeted by the Legislature for the operation of the regional facility, minus any money appropriated by the Legislature for the support of the regional facility, divided by the total number of pupils in this State in the preceding school year, excluding pupils in counties whose population is 700,000 or more, and multiplied by the number of pupils in the assessed county. The Administrator of the Division of Child and Family Services shall calculate the assessment owed by each county in June of each year for the ensuing fiscal year.

3. Each county must pay the assessed amount to the Division of Child and Family Services in quarterly installments that are due the first day of the first month of each calendar quarter.

4. The Administrator of the Division of Child and Family Services shall deposit the money received pursuant to subsection 3 in a separate account in the State General Fund. The money in the account may be withdrawn only by the Administrator for the operation of regional facilities for the ~~[~~detention~~]~~ ***treatment and rehabilitation*** of children.

5. Revenue raised by a county to pay the assessment required pursuant to subsection 1 is not subject to the limitations on revenue imposed pursuant to chapter 354 of NRS and must not be included in the calculation of those limitations.

6. The provisions of this section do not apply to a county whose population is 700,000 or more.

7. As used in this section, "regional facility for the ~~[~~detention~~]~~ ***treatment and rehabilitation*** of children" or "regional facility" does not include the ~~[~~institution~~]~~ ***facility*** in Lyon County known as Western Nevada Regional Youth Center.

Sec. 13.6. NRS 62B.160 is hereby amended to read as follows:

62B.160 1. Except as otherwise provided in subsection 5, each county shall pay an assessment for the operation of a regional facility for the ~~[~~detention~~]~~ ***treatment and rehabilitation*** of children that serves the county if the regional facility:

(a) Is operated by a county whose population is less than 700,000 or an administrative entity established pursuant to NRS 277.080 to 277.180, inclusive, by counties whose populations are less than 700,000 each;

(b) Is established by two or more counties pursuant to an interlocal agreement or by one county if the regional facility is operated pursuant to an interlocal agreement to benefit other counties; and

(c) Is not partially supported by the State of Nevada and does not receive money from the State of Nevada other than any fees paid to the regional facility for a child referred to the regional facility by the State of Nevada.

2. The administrator of a regional facility for the ~~[~~detention~~]~~ ***treatment and rehabilitation*** of children shall calculate the assessment owed by each county pursuant to subsection 1 on or before March 1 of each year for the ensuing fiscal year. The assessment owed by each county equals:

(a) For the first 2 years of operation of the regional facility, the total amount budgeted for the operation of the regional facility by the governing body of the county or other entity responsible for the operation of the regional facility, minus any money received from the State of Nevada to pay for fees for a child referred to the regional facility by the State of Nevada, divided by the total number of pupils in the preceding school year in all counties served by the regional facility and multiplied by the number of pupils in the preceding school year in the assessed county.

(b) For each year subsequent to the second year of operation of the regional facility, unless the counties served by the regional facility enter into an interlocal agreement to the contrary, the total of:

(1) The total amount budgeted for the operation of the regional facility by the governing body of the county or other entity responsible for the operation of the regional facility, minus any money received from the State of Nevada to pay for fees for a child referred to the regional facility by the State of Nevada, divided by the total number of pupils in the preceding school year in all counties served by the regional facility, multiplied by the number of pupils in the preceding school year in the assessed county and multiplied by one-fourth; and

(2) The total amount budgeted for the operation of the regional facility by the governing body of the county or other entity responsible for the operation of the regional facility, minus any money received from the State of Nevada to pay for fees for a child referred to the regional facility by the State of Nevada, divided by the total number of pupils who were served by the regional facility in the preceding school year from all counties served by the regional facility, multiplied by the number of pupils who were served by the regional facility in the preceding school year from the assessed county and multiplied by three-fourths.

3. Each county shall pay the assessment required pursuant to subsection 1 to the treasurer of the county if the regional facility is operated by a county or to the administrative entity responsible for the operation of the regional facility in quarterly installments that are due on the first day of the first month of each calendar quarter. The money must be accounted for separately and may only be withdrawn by the administrator of the regional facility.

4. The board of county commissioners of each county may pay the assessment from revenue raised by a tax levied pursuant to NRS 354.59818, any other available money, or a combination thereof.

5. The provisions of this section do not apply to a county whose population is 700,000 or more.

6. As used in this section, "regional facility for the ~~[detention]~~ ***treatment and rehabilitation*** of children" or "regional facility" does not include the ~~[institution]~~ ***facility*** in Douglas County known as China Spring Youth Camp.

Sec. 13.7. NRS 62B.215 is hereby amended to read as follows:

62B.215 1. A child who is detained in a local ~~[or regional]~~ facility for the detention of children ***or committed to a regional facility for the treatment and rehabilitation of children*** may be subjected to corrective room restriction only if all other less-restrictive options have been exhausted and only for the purpose of:

(a) Modifying the negative behavior of the child;

(b) Holding the child accountable for a violation of a rule of the facility; or

(c) Ensuring the safety of the child, staff or others or ensuring the security of the facility.

2. Any action that results in corrective room restriction for more than 2 hours must be documented in writing and approved by a supervisor.

3. A local ~~[or regional]~~ facility for the detention of children ***or regional facility for the treatment and rehabilitation of children*** shall conduct a safety and well-being check on a child subjected to corrective room restriction at least once every 10 minutes while the child is subjected to corrective room restriction.

4. A child may be subjected to corrective room restriction only for the minimum time required to address the negative behavior, rule violation or threat to the safety of the child, staff or others or to the security of the facility, and the child must be returned to the general population of the facility as soon as reasonably possible.

5. A child who is subjected to corrective room restriction for more than 24 hours must be provided:

(a) Not less than 1 hour of out-of-room, large muscle exercise each day, including, without limitation, access to outdoor recreation if weather permits;

(b) Access to the same meals and medical and mental health treatment, the same access to contact with parents or legal guardians, and the same access to legal assistance and educational services as is provided to children in the general population of the facility; and

(c) A review of the corrective room restriction status at least once every 24 hours. If, upon review, the corrective room restriction is continued, the continuation must be documented in writing, including, without limitation, an explanation as to why no other less-restrictive option is available.

6. A local ~~[or regional]~~ facility for the detention of children ***or regional facility for the treatment and rehabilitation of children*** shall not subject a child to corrective room restriction for more than 72 consecutive hours.

7. ~~[A]~~ ***Each*** local ~~[or regional]~~ facility for the detention of children ***and regional facility for the treatment and rehabilitation of children*** shall report

monthly to the Juvenile Justice Programs Office of the Division of Child and Family Services the number of children who were subjected to corrective room restriction during that month and the length of time that each child was in corrective room restriction. Any incident that resulted in the use of corrective room restriction for 72 consecutive hours must be addressed in the monthly report, and the report must include the reason or reasons any attempt to return the child to the general population of the facility was unsuccessful.

8. As used in this section, "corrective room restriction" means the confinement of a child to his or her room as a disciplinary or protective action and includes, without limitation:

(a) Administrative seclusion;

(b) Behavioral room confinement;

(c) Corrective room rest; and

(d) Room confinement.

Sec. 13.8. NRS 62C.035 is hereby amended to read as follows:

62C.035 1. Each child who is taken into custody by a peace officer or probation officer and detained in a local facility for the detention of children ~~[or a regional facility for the detention of children]~~ while awaiting a detention hearing pursuant to NRS 62C.040 or 62C.050 must be screened to determine whether the child is in need of mental health services or is an abuser of alcohol or drugs.

2. The facility in which the child is detained shall cause the screening required pursuant to subsection 1 to be conducted as soon as practicable after the child has been detained in the facility.

3. The method for conducting the screening required pursuant to subsection 1 must satisfy the requirements of NRS 62E.516.

Sec. 14. Chapter 62E of NRS is hereby amended by adding thereto the provisions set forth as sections 14.5 to 17, inclusive, of this act.

Sec. 14.5. ***Before the juvenile court commits a delinquent child to the custody of a state facility for the detention of children, the court must find that:***

1. Appropriate alternatives that could satisfactorily meet the needs of the child do not exist in the community or were previously used to attempt to meet such needs and proved unsuccessful; and

2. The child poses a public safety risk based on the child's risk of reoffending, as determined by a risk assessment conducted pursuant to section 15 of this act, any history of delinquency and the seriousness of the offense committed by the child.

Sec. 15. ***1. Beginning on the date selected by the Commission for implementation of the requirement for use of the validated risk assessment tool and the validated mental health screening tool selected pursuant to section 5 of this act, before the disposition of a case involving a child who is adjudicated delinquent, the department of juvenile services shall conduct a validated risk assessment and validated mental health screening on the child, using the tools selected by the Commission. If the mental health***

screening indicates that the child is in need of a full mental health assessment, the department of juvenile services shall, to the extent money is available, provide for a full mental health assessment of the child.

2. The department of juvenile services shall prepare a report on the results of the risk assessment, mental health screening and, if applicable, the full mental health assessment conducted pursuant to subsection 1. The report must be included in the child's file and provided to all parties to the case. The report must identify the child's risk to reoffend and provide a recommendation for the type of supervision and services that the child needs.

3. The juvenile court shall use the report created pursuant to subsection 2 to assist the juvenile court in determining the disposition of the child's case.

Sec. 16. ***1. The department of juvenile services shall develop a written individualized case plan for each child placed under the supervision of the juvenile court pursuant to a supervision and consent decree, placed under the informal supervision of a probation officer pursuant to NRS 62C.200 or committed to a regional facility for the treatment and rehabilitation of children. In developing such a case plan, the department of juvenile services must use, without limitation:***

(a) The results of the risk assessment and mental health screening conducted pursuant to section 15 of this act;

(b) The trauma, if any, experienced by the child;

(c) The education level of the child;

(d) The seriousness of the offense committed by the child; and

(e) Any relevant information provided by the family of the child.

2. A case plan developed pursuant to subsection 1 must:

(a) Address the risks the child presents and the service needs of the child based on the results of the risk assessment and mental health screening conducted pursuant to section 15 of this act;

(b) Specify the level of supervision and intensity of services that the child needs;

(c) Provide referrals to treatment providers that may address the child's risks and needs;

(d) Be developed in consultation with the child's family or guardian, as appropriate;

(e) Specify the responsibilities of each person or agency involved with the child; and

(f) Provide for the full reentry of the child into the community.

3. In addition to the requirements of subsection 2, if a child is committed to a regional facility for the treatment and rehabilitation of children, the child's case plan must:

(a) Identify the projected length of stay and release criteria based on a risk assessment conducted pursuant to section 15 of this act, the seriousness of the offense committed by the child and treatment progress;

(b) Include a comprehensive plan for complete reentry of the child into the community; and

(c) Be reviewed at least once every 3 months by the department of juvenile services.

4. A reentry plan developed pursuant to subsection 3 must include, without limitation:

(a) A detailed description of the education, counseling and treatment provided to the child;

(b) A proposed plan for the continued education, counseling and treatment of the child upon his or her release;

(c) A proposed plan for the provision of any supervision or services necessary for the transition of the child; and

(d) A proposed plan for any engagement of the child's family or guardian.

5. The department of juvenile services must update a child's case plan at least once every 6 months, or when significant changes in the child's treatment occur, by conducting another risk assessment and mental health screening using the tools selected by the Commission pursuant to section 5 of this act.

6. A reentry planning meeting must be held at least 30 days before a child's scheduled release from a regional facility for the treatment and rehabilitation of children. As appropriate, based on the child's case plan, the meeting should be attended by:

(a) The child;

(b) A family member or the guardian of the child;

(c) The child's probation officer;

(d) Members of the staff of the regional facility for the treatment and rehabilitation of children; and

(e) Any treatment providers of the child.

Sec. 17. *1. The Division of Child and Family Services shall consider, without limitation, the results of a validated risk assessment, a validated mental health screening and, if applicable, a full mental health assessment conducted pursuant to section 15 of this act to make decisions concerning the placement of the child. The Division may consider the results of a risk and needs assessment of the child that was conducted by a local department of juvenile services if the assessment was conducted within the immediately preceding 6 months and no significant changes have occurred relating to the child's case.*

2. The Division of Child and Family Services shall develop a length of stay matrix and establish release criteria for a state facility for the detention of children that are based on a child's risk of reoffending, as determined by the risk assessment for the child, the seriousness of the act for which the child was adjudicated delinquent and the child's progress in meeting treatment goals. In making release and discharge decisions, the

Division shall use the matrix and release criteria developed pursuant to this subsection.

3. The Division of Child and Family Services shall develop a written individualized case plan for each child committed to the custody of the Division pursuant to NRS 62E.520. In developing such a case plan, the Division must use, without limitation:

(a) The results of the risk assessment, mental health screening and any full mental health assessment conducted pursuant to section 15 of this act;

(b) The trauma, if any, experienced by the child;

(c) The education level of the child;

(d) The seriousness of the offense committed by the child;

(e) The child's progress in meeting treatment goals; and

(f) Any relevant information provided by the family of the child.

4. A case plan developed pursuant to subsection 3 must:

(a) Address the risks the child presents and the service needs of the child based on the results of the risk assessment, mental health screening and any full mental health assessment conducted pursuant to section 15 of this act;

(b) Specify the level of supervision and services that the child needs;

(c) Provide referrals to treatment providers that may address the child's risks and needs;

(d) Be developed in consultation with the child's family or guardian, as appropriate;

(e) Specify the responsibilities of each person or agency involved with the child; and

(f) Provide for the full reentry of the child into the community.

5. In addition to the requirements of subsection 4, if a child is committed to a state facility for the detention of children, the child's case plan must:

(a) Include a comprehensive plan for complete reentry of the child into the community; and

(b) Be reviewed at least once every 3 months by the Division of Child and Family Services.

6. A reentry plan developed pursuant to subsection 5 must include, without limitation:

(a) A detailed description of the education, counseling and treatment provided to the child;

(b) A proposed plan for the continued education, counseling and treatment of the child upon his or her release;

(c) A proposed plan for the provision of any supervision or services necessary for the transition of the child; and

(d) A proposed plan for any engagement of the child's family or guardian.

7. The Division of Child and Family Services must update a child's case plan at least once every 6 months, or when significant changes in the

child's treatment occur, by conducting another risk assessment and mental health screening using the tools selected by the Commission pursuant to section 5 of this act.

8. A reentry planning meeting must be held at least 30 days before a child's scheduled release from a state facility for the detention of children. As appropriate, based on the child's case plan, the meeting should be attended by:

(a) The child;

(b) A family member or the guardian of the child;

(c) The child's youth parole counselor;

(d) The superintendent of the state facility for the detention of children; and

(e) Any treatment providers of the child.

Sec. 18. NRS 62E.110 is hereby amended to read as follows:

62E.110 1. Except as otherwise provided in this chapter, the juvenile court may:

(a) Place a child in the custody of a suitable person for supervision in the child's own home or in another home; ~~[or]~~

(b) Commit the child to the custody of a public or private institution or agency authorized to care for children ~~[.]~~ ***; or***

(c) Commit the child to the custody of the Division of Child and Family Services pursuant to NRS 62E.520.

2. If the juvenile court places the child under supervision in a home:

(a) The juvenile court may impose such conditions as the juvenile court deems proper; and

(b) The program of supervision in the home may include electronic surveillance of the child.

3. If the juvenile court commits the child to the custody of a public or private institution or agency ~~[,]~~ ***other than the Division of Child and Family Services,*** the juvenile court shall select one that is required to be licensed by:

(a) The Department of Health and Human Services to care for such children; or

(b) If the institution or agency is in another state, the analogous department of that state.

4. Before committing a child to a public or private institution or agency in another state, the juvenile court must find that:

(a) No public or private institution or agency in this State met the needs of the child or that such an institution or agency had previously attempted to meet such needs and proved unsuccessful; and

(b) Reasonable efforts had been made to consult with public or private institutions and agencies in this State to place or commit the child in this State, and that those efforts had failed.

Sec. 19. NRS 62E.500 is hereby amended to read as follows:

62E.500 1. The provisions of NRS 62E.500 to 62E.730, inclusive ~~[.]~~ ***, and sections 14.5 to 17, inclusive, of this act:***

(a) Apply to the disposition of a case involving a child who is adjudicated delinquent.

(b) Except as otherwise provided in NRS 62E.700 and 62E.705, do not apply to the disposition of a case involving a child who is found to have committed a minor traffic offense.

2. If a child is adjudicated delinquent:

(a) The juvenile court may issue any orders or take any actions set forth in NRS 62E.500 to 62E.730, inclusive, ***and sections 14.5 to 17, inclusive, of this act*** that the juvenile court deems proper for the disposition of the case; and

(b) If required by a specific statute, the juvenile court shall issue the appropriate orders or take the appropriate actions set forth in the statute.

Sec. 20. NRS 62E.513 is hereby amended to read as follows:

62E.513 1. Each child who is adjudicated delinquent and committed by the juvenile court to a regional facility for the ~~[~~detention~~]~~ ***treatment and rehabilitation*** of children or state facility for the detention of children or ordered by the juvenile court to be placed in a facility for the detention of children pursuant to NRS 62E.710 must be screened to determine whether the child is in need of mental health services or is an abuser of alcohol or drugs ~~[.]~~ ***once every 6 months or when significant changes to the child's case plan developed pursuant to section 16 or 17 of this act, as applicable, are made.***

2. The facility to which the child is committed or in which the child is placed shall cause the screening required pursuant to subsection 1 to be conducted as soon as practicable after the child has been committed to or placed in the facility.

3. The method for conducting the screening required pursuant to subsection 1 must satisfy the requirements of NRS 62E.516.

Sec. 21. NRS 62E.516 is hereby amended to read as follows:

62E.516 1. Each local facility for the detention of children ~~[~~and regional facility for the detention of children~~]~~ shall conduct the screening required pursuant to NRS 62C.035 ~~[~~and 62E.513~~]~~ using a method that has been approved by the Division of Child and Family Services. The Division shall approve a method upon determining that the method is:

(a) Based on research; and

(b) Reliable and valid for identifying a child who is in need of mental health services or who is an abuser of alcohol or other drugs.

2. Each local facility for the detention of children ~~[~~and regional facility for the detention of children~~]~~ shall submit its method for conducting the screening required pursuant to NRS 62C.035 ~~[~~and 62E.513~~]~~ to the Division of Child and Family Services for approval on or before July 1 of each fifth year after the date on which the method was initially approved by the Division. Before a local facility for the detention of children ~~[~~or regional facility for the detention of children~~]~~ may begin using a new method for conducting the screening required pursuant to NRS 62C.035 **,** ~~[~~and 62E.513,~~]~~

the facility must obtain approval of the method from the Division pursuant to subsection 1.

3. If the Division of Child and Family Services does not approve a method for conducting the screening required pursuant to NRS 62C.035 ~~[and 62E.513]~~ that is submitted by a local facility for the detention of children **,** ~~[or a regional facility for the detention of children,]~~ and the facility does not submit a new method for conducting the screening for approval within 90 days after the denial, the Division of Child and Family Services shall notify the appropriate board of county commissioners or other governing body which administers the facility and the chief judge of the appropriate judicial district that the facility has not received approval of its method for conducting the screening as required by this section.

4. Upon receiving the notice required by subsection 3, the appropriate board of county commissioners or governing body and the chief judge shall take appropriate action to ensure that the facility complies with the requirements of this section and NRS 62C.035 **.** ~~[and 62E.513.]~~

5. ***Each regional facility for the treatment and rehabilitation of children shall conduct the screening required pursuant to NRS 62E.513 using the assessment tool that has been approved by the Commission pursuant to section 5 of this act.***

6. Each state facility for the detention of children shall use ~~[a method]~~ ***the assessment tool*** for conducting the screening required pursuant to NRS 62E.513 ~~[that satisfies]~~ ***selected by*** the ~~[requirements of paragraphs (a) and (b)]~~ ***Commission pursuant to section 5*** of ~~[subsection 1. The Division of Child and Family Services shall review the method used by each state facility for the detention of children at least once every 5 years to ensure the method used by the facility continues to satisfy the requirements of paragraphs (a) and (b) of subsection 1.~~

~~6.]~~ ***this act.***

7. The Division of Child and Family Services shall adopt such regulations as are necessary to carry out the provisions of this section and NRS 62C.035 and 62E.513, including, without limitation, regulations prescribing the requirements for:

(a) Transmitting information obtained from the screening conducted pursuant to NRS 62C.035 and 62E.513; and

(b) Protecting the confidentiality of information obtained from such screening.

Sec. 21.5. NRS 62E.520 is hereby amended to read as follows:

62E.520 1. The juvenile court may commit a delinquent child to the custody of the Division of Child and Family Services for ~~[suitable]~~ placement ***in a correctional or institutional facility*** if:

(a) The child is at least 8 years of age but less than 12 years of age, and the juvenile court finds that the child is in need of placement in a correctional or institutional facility; or

(b) The child is at least 12 years of age but less than 18 years of age, and the juvenile court finds that the child:

(1) Is in need of placement in a correctional or institutional facility; ~~[and]~~ ***or***

(2) Is in need of residential psychiatric services or other residential services for the mental health of the child.

2. Before the juvenile court commits a delinquent child to the custody of the Division of Child and Family Services, the juvenile court shall:

(a) Notify the Division at least 3 working days before the juvenile court holds a hearing to consider such a commitment; and

(b) At the request of the Division, provide the Division with not more than 10 working days within which to:

(1) Investigate the child and the circumstances of the child; and

(2) Recommend a suitable placement to the juvenile court.

Sec. 22. Chapter 62H of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division of Child and Family Services shall annually analyze the information submitted to the Division pursuant to NRS 62H.210 to determine:

(a) Juvenile justice system trends, including, without limitation, referrals to the juvenile justice system, diversion and disposition of cases, levels of supervision provided to children, placement of children and programs and services offered to children;

(b) Whether children of racial or ethnic minorities or children from economically disadvantaged backgrounds are receiving disparate treatment in the juvenile justice system;

(c) The effectiveness of the different levels of supervision in the juvenile justice system;

(d) The effectiveness of services provided by the juvenile justice system, including, without limitation, the effectiveness of the evidence-based standards developed by the Commission pursuant to section 6 of this act; and

(e) The rates of recidivism for children either supervised by local juvenile probation departments or committed to the Division.

2. On or before January 31 of each year, the Division shall submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report detailing the information compiled pursuant to subsection 1.

Sec. 23. NRS 62H.025 is hereby amended to read as follows:

62H.025 1. Juvenile justice information is confidential and may only be released in accordance with the provisions of this section or as expressly authorized by other federal or state law.

2. For the purpose of ensuring the safety, permanent placement, rehabilitation, educational success and well-being of a child or the safety of

the public, a juvenile justice agency may release juvenile justice information to:

(a) A director of juvenile services or his or her designee;

(b) The Chief of the Youth Parole Bureau or his or her designee;

(c) ***The Chief Parole and Probation Officer or his or her designee;***

(d) The Director of the Department of Corrections or his or her designee;

(e) A district attorney or his or her designee;

~~[(d)]~~ ***(f)*** An attorney representing the child;

~~[(e)]~~ ***(g) The director, chief or sheriff of a state or local law enforcement agency or his or her designee;***

(h) The director of a state ***or local*** agency which administers juvenile justice or his or her designee;

~~[(f)]~~ ***(i)*** A director of a state ~~[, regional]~~ or local facility for the detention of children ***or regional facility for the treatment and rehabilitation of children*** or his or her designee;

~~[(g)]~~ ***(j)*** The director of an agency which provides child welfare services or his or her designee;

~~[(h)]~~ ***(k) The director of an agency which provides mental health services or his or her designee;***

(l) A guardian ad litem or court appointed special advocate who represents the child;

~~[(i)]~~ ***(m)*** A parent or guardian of the child;

~~[(j)]~~ ***(n)*** The child to whom the juvenile justice information pertains if the child has reached the age of majority, or a person who presents a release that is signed by the child who has reached the age of majority and which specifies the juvenile justice information to be released and the purpose for the release;

~~[(k)]~~ ***(o)*** A school district, if the juvenile justice agency and the school district have entered into a written agreement to share juvenile justice information for a purpose consistent with the purposes of this section;

~~[(l)]~~ ***(p)*** A person or organization who has entered into a written agreement with the juvenile justice agency to provide assessments or juvenile justice services;

~~[(m)]~~ ***(q)*** A person engaged in bona fide research that may be used to improve juvenile justice services or secure additional funding for juvenile justice services if the juvenile justice information is provided in the aggregate and without any personal identifying information; or

~~[(n)]~~ ***(r)*** A person who is authorized by a court order to receive the juvenile justice information, if the juvenile justice agency was provided with notice and opportunity to be heard before the issuance of the order.

3. A juvenile justice agency may deny a request for juvenile justice information if:

(a) The request does not, in accordance with the purposes of this section, demonstrate good cause for the release of the information; or

(b) The release of the information would cause material harm to the child or would prejudice any court proceeding to which the child is subject.

➥ A denial pursuant to this subsection must be made in writing to the person requesting the information not later than 5 business days after receipt of the request.

4. Any juvenile justice information provided pursuant to this section may not be used to deny a child access to any service for which the child would otherwise be eligible, including, without limitation:

(a) Educational services;

(b) Social services;

(c) Mental health services;

(d) Medical services; or

(e) Legal services.

5. Except as otherwise provided in this subsection, any person who is provided with juvenile justice information pursuant to this section and who further disseminates the information or makes the information public is guilty of a gross misdemeanor. This subsection does not apply to:

(a) A district attorney who uses the information solely for the purpose of initiating legal proceedings; or

(b) A person or organization described in subsection 2 who provides a report concerning juvenile justice information to a court or other party pursuant to this title or chapter 432B of NRS.

6. As used in this section:

(a) "Juvenile justice agency" means the Youth Parole Bureau or a director of juvenile services.

(b) "Juvenile justice information" means any information which is directly related to a child in need of supervision, a delinquent child or any other child who is otherwise subject to the jurisdiction of the juvenile court.

Sec. 24. NRS 62H.200 is hereby amended to read as follows:

62H.200 1. The Division of Child and Family Services shall:

(a) Establish a standardized system for the reporting, collection, analysis, maintenance and retrieval of information concerning juvenile justice in this State.

(b) Be responsible for the retrieval and analysis of the categories of information contained in the standardized system and the development of any reports from that information.

(c) Adopt such regulations as are necessary to carry out the provisions of this section, including requirements for the transmittal of information to the standardized system from the juvenile courts, local juvenile probation departments and the staff of the youth correctional services, as directed by the Department of Health and Human Services.

(d) Adopt such regulations as are necessary to implement the performance measures and evidence-based standards developed by the Commission pursuant to sections 5 and 6 of this act.

2. Each juvenile court and local juvenile probation department and the staff of the youth correctional services, as directed by the Department of Health and Human Services, shall comply with the regulations adopted pursuant to this section.

3. The Division of Child and Family Services may withhold state money from a juvenile court or department of juvenile services that does not comply with the regulations adopted pursuant to this section. Before any money is withheld, the Division shall:

(a) Notify the department of juvenile services of the specific provisions of the regulations adopted pursuant to this section with which the department is not in compliance;

(b) Require the department of juvenile services to submit a corrective action plan to the Division within 60 days after receiving such a notice of noncompliance; and

(c) If the department of juvenile services does not submit or adhere to a corrective action plan, notify the department that money will be withheld and specify the amount thereof.

Sec. 25. NRS 62H.210 is hereby amended to read as follows:

62H.210 1. Except as otherwise provided in subsection 3, the standardized system established pursuant to NRS 62H.200 must collect, categorize and maintain the following information from the juvenile courts, local juvenile probation departments ***, the staff of regional facilities for the treatment and rehabilitation of children*** and the staff of the youth correctional services, as directed by the Department of Health and Human Services, regarding each child referred to the system of juvenile justice in this State:

(a) ~~[A unique number]~~ ***Any unique identifying information*** assigned to the child ***;*** ~~[for identification;]~~

(b) Basic demographic information regarding the child, including, but not limited to:

(1) The age, sex and race or other ethnic background of the child;

(2) The composition of the household in which the child resides; and

(3) The economic ***and educational*** background of the child;

(c) The charges for which the child is referred ~~[;]~~ ***, including, without limitation, any charges of violations of probation or parole;***

(d) The dates of any detention of the child;

(e) The nature of the disposition of each referral of the child;

(f) The dates any petitions are filed regarding the child, and the charges set forth in those petitions; ~~[and]~~

(g) The disposition of any petitions filed regarding the child, including any applicable findings ~~[.]~~ ***;***

(h) The assessed risks and needs of the child;

(i) The supervision of the child, including, without limitation, whether the child was placed in a residential facility; and

(j) Any programs and services provided to the child.

2. In addition to the information required pursuant to subsection 1 and except as otherwise provided in subsection 3, the Department of Health and Human Services shall require the staff of ***regional facilities for the treatment and rehabilitation of children and the staff of*** the youth correctional services to collect and transmit the following information to the standardized system regarding each child committed to or otherwise placed in the custody of the Division of Child and Family Services:

(a) A record of each placement of the child, including, but not limited to, the ***location and*** period of each placement and the ***programs and*** services provided to the child during each placement;

(b) ***Any disciplinary action taken against the child during the child's placement;***

(c) Any education or vocational training provided to the child during the child's placement and the educational and employment status of the child after release of the child on parole;

(d) The dates of each release of the child, including any release of the child on parole;

~~[(c)]~~ ***(e)*** If the child is released on parole, the period of each release and the services provided to the child during each release; and

~~[(d)]~~ ***(f)*** The nature of or reason for each discharge of the child from the custody of the ***regional facility for the treatment and rehabilitation of children or the*** Division of Child and Family Services.

3. The information maintained in the standardized system must not include the name or address of any person.

Sec. 26. Chapter 63 of NRS is hereby amended by adding thereto a new section to read as follows:

The Youth Parole Bureau shall establish policies and procedures to be used by parole officers and juvenile courts in determining the most appropriate response to a child's violation of the terms and conditions of his or her parole. The policies and procedures must:

1. Establish a sliding scale based on the severity of the violation to determine the appropriate response to the child;

2. Require that a response to a child's violation of the terms and conditions of his or her parole timely take into consideration:

(a) The risk of the child to reoffend, as determined by the results of a risk and needs assessment;

(b) The previous history of violations of the child;

(c) The severity of the current violation of the child;

(d) The child's case plan; and

(e) The previous responses by the child to past violations; and

3. Include incentives that encourage compliance with the terms and conditions of a child's parole.

Sec. 27. NRS 63.715 is hereby amended to read as follows:

63.715 1. A county that receives approval to carry out the provisions of NRS 63.700 to 63.780, inclusive, ***and section 26 of this act*** and an exemption from the assessment imposed pursuant to NRS 62B.165 shall:

(a) Carry out the provisions of NRS 63.700 to 63.780, inclusive ~~[,]~~ ***, and section 26 of this act;*** and

(b) Appoint a person to act in the place of the Chief of the Youth Parole Bureau in carrying out those provisions.

2. When a person is appointed by the county to act in the place of the Chief of the Youth Parole Bureau pursuant to subsection 1, the person so appointed shall be deemed to be the Chief of the Youth Parole Bureau for the purposes of NRS 63.700 to 63.780, inclusive ~~[.]~~ ***, and section 26 of this act.***

Sec. 28. NRS 63.770 is hereby amended to read as follows:

63.770 1. A petition may be filed with the juvenile court to request that the parole of a child be suspended, modified or revoked.

2. Pending a hearing, the juvenile court may order that the child be held in the local ~~[or regional]~~ facility for the detention of children ~~[.]~~ ***or committed to the regional facility for the treatment and rehabilitation of children.***

3. If the child is held in a local ~~[or regional]~~ facility for the detention of children ***or committed to a regional facility for the treatment and rehabilitation of children*** pending a hearing, the Youth Parole Bureau may pay all actual and reasonably necessary costs for the confinement of the child in the local ~~[or regional]~~ facility ***or the commitment of the child to the regional facility*** to the extent that money is available for that purpose.

4. If requested, the juvenile court shall allow the child reasonable time to prepare for the hearing.

5. The juvenile court shall render a decision within 10 days after the conclusion of the hearing.

6. The juvenile court shall consider the policies and procedures adopted by the Youth Parole Bureau pursuant to section 26 of this act and, in determining whether to suspend, modify or revoke the parole of the child, consider the adherence of the Youth Parole Bureau to such policies and procedures.

Sec. 29. NRS 63.780 is hereby amended to read as follows:

63.780 ***1. The Chief of the Youth Parole Bureau may recommend to the juvenile court that a child's parole be revoked and that the child be committed to a facility only if the Chief or his or her designee has determined that:***

(a) The child poses a risk to public safety, and the policies and procedures adopted by the Youth Parole Bureau pursuant to section 26 of this act recommend such a revocation; or

(b) The other responses set forth in such policies and procedures would not be appropriate for the child.

2. The Chief of the Youth Parole Bureau may ***not*** recommend to the juvenile court that a child's parole be revoked and that the child be

committed to a facility ~~[unless]~~ ***if*** the superintendent of the facility determines that:

~~[1.]~~ ***(a)*** There is not adequate room or resources in the facility to provide the necessary care;

~~[2.]~~ ***(b)*** There is not adequate money available for the support of the facility; or

~~[3.]~~ ***(c)*** The child is not suitable for admission to the facility.

Sec. 29.5. NRS 354.557 is hereby amended to read as follows:

354.557 "Regional facility" means a facility that is used by each county that levies a tax ad valorem for its operation pursuant to NRS 354.59818 and provides services related to public safety, health or criminal justice. The term includes a regional facility for the ~~[detention]~~ ***treatment and rehabilitation*** of children for which an assessment is paid pursuant to NRS 62B.160.

Sec. 30. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 31. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 32. The Governor shall appoint the members of the Juvenile Justice Oversight Commission **established by section 4 of this act and the Advisory Committee to the Commission established by section 4.5 of this act** on or before September 1, 2017.

Sec. 33. NRS 62H.230 is hereby repealed.

Sec. 34. 1. This section and sections 1 to 32, inclusive, of this act become effective on July 1, 2017.

2. Section 33 of this act becomes effective on July 1, 2018.

TEXT OF REPEALED SECTION

62H.230 Probation departments to analyze information submitted to standardized system annually and compile reports concerning disparate treatment of children; Division of Child and Family Services to publish reports annually.

1. On or before January 31 of each year, each local juvenile probation department shall:

(a) Analyze the information it submitted to the standardized system during the previous year pursuant to NRS 62H.210 to determine whether children of racial or ethnic minorities and children from economically disadvantaged homes are receiving disparate treatment in the system of juvenile justice in comparison to the general population;

(b) As necessary, develop appropriate recommendations to address any disparate treatment; and

(c) Prepare and submit to the Division of Child and Family Services a report which includes:

(1) The results of the analysis it conducted pursuant to paragraph (a); and

(2) Any recommendations it developed pursuant to paragraph (b).

2. The Division of Child and Family Services shall annually:

(a) Compile the reports it receives pursuant to subsection 1; and

(b) Publish a document which includes a compilation of the reports.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 1102 to Assembly Bill No. 472.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

The amendment changes the make-up of the Commission and also adds an advisory committee.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Yeager moved that the Assembly do not recede from its action on Senate Bill No. 259, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Yeager.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Yeager, Fumo, and Wheeler as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 259.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 205.

The following Senate amendment was read:

Amendment No. 896.

AN ACT relating to cremation; authorizing the use of alkaline hydrolysis for cremation; requiring notice be provided to certain ~~[governmental]~~ entities relating to a crematory which intends to use alkaline hydrolysis for cremation; revising provisions relating to the location of a crematory; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law regulates the cremation of human remains and the operation of facilities for cremation. (NRS 451.600-451.715, chapter 642 of NRS) For the purposes of those provisions, **sections 3 and 10** of this bill expand the current definition of cremation to include "alkaline hydrolysis," which is a water-based process for reducing human remains to bone fragments through the use of alkaline chemicals and agitation. A result of this change is to make certain fee and penalty provisions applicable to this type of cremation. **Section 3.5** of this bill requires a crematory to provide written notice of its

intent to use alkaline hydrolysis to the Division of Environment Protection of the State Department of Conservation and Natural Resources and any ~~[local]~~ **private,** public ~~[utility]~~ **or cooperative entity** which operates a sewer system in order to ensure compliance with certain laws relating to the pollution of water.

In certain cities and towns, existing law limits the location of a crematory to an area that is zoned for mixed, commercial or industrial use and at least 1,500 feet from any parcel zoned for residential use. (NRS 451.635) **Sections 5 and 6.5** of this bill require a crematory **that only uses alkaline hydrolysis for cremation** to comply with these zoning restrictions or obtain authorization from the board of county commissioners or the governing body of the city or town, as applicable, for an exemption. **Sections 7 and 8** of this bill make conforming changes to account for differences between cremation by incineration and cremation by alkaline hydrolysis.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 451 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 3.5 of this act.

Sec. 2. ***"Alkaline hydrolysis" means the:***

1. Reduction of human remains to bone fragments through a water-based process of dissolution using alkaline chemicals and agitation to accelerate natural decomposition; and

2. Processing of the hydrolyzed human remains after their removal from the container in which the process of dissolution occurs.

Sec. 3. ***"Cremation" means the technical process that reduces human remains to bone fragments by using alkaline hydrolysis or incineration.***

Sec. 3.5. ***1. After obtaining a license pursuant to NRS 451.635 and at least 90 days before the operator of a crematory purchases equipment for alkaline hydrolysis for cremation, the operator must provide to the Division of Environmental Protection of the State Department of Conservation and Natural Resources and any ~~[public utility which operates]~~ private, public or cooperative operator of a sanitary sewer in the area in which the crematory is located written notice containing:***

(a) The date on which the equipment for alkaline hydrolysis is proposed to be purchased; and

(b) A list of the equipment that is proposed to be purchased.

2. The Division and ~~[the public utility]~~ each operator of a sanitary sewer notified pursuant to subsection 1 shall ensure that the equipment ~~[for alkaline hydrolysis]~~ which the operator proposes to purchase for alkaline hydrolysis complies with the provisions of NRS 445A.300 to 445A.730, inclusive, and any local law, ordinance or regulation.

~~*[3. As used in this section, "public utility" has the meaning ascribed to it in NRS 360.815.]*~~

Sec. 4. NRS 451.600 is hereby amended to read as follows:

451.600 As used in NRS 451.600 to 451.715, inclusive, ***and sections 2, 3 and 3.5 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 451.605 to 451.630, inclusive, ***and sections 2 and 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 5. NRS 451.635 is hereby amended to read as follows:

451.635 1. No person may cremate human remains except in a crematory whose operator is licensed by the Nevada Funeral and Cemetery Services Board.

2. The licensed operator of a crematory shall ensure that all persons physically operating the crematory equipment have completed a crematory certification program approved by the Board and maintain proof of completion of the program at the site where the crematory equipment operated by the person is located. Such proof of completion must be made available to the Board upon request or as part of any inspection or investigation conducted by the Board.

3. ~~[If]~~ ***Except as otherwise provided in subsection 4, if*** a crematory is proposed to be located in an incorporated city whose population is 60,000 or more or in an unincorporated town that is contiguous to such an incorporated city, the Board shall not issue a license to the applicant unless the proposed location of all structures associated with the crematory are:

(a) In an area which is zoned for mixed, commercial or industrial use; and

(b) At least 1,500 feet from the boundary line of any parcel zoned for residential use.

4. ***If a crematory proposes to cremate human remains only through alkaline hydrolysis, the Board may issue a license to the applicant regardless of the location if the board of county commissioners of the county or the governing body of the city or town, as applicable, in which the crematory is proposed to be located provides written notice to the Board consenting to the proposed location of the crematory.***

5. The Board shall prescribe and furnish forms for application for licensing. An application must be in writing and contain:

(a) The name and address of the applicant and the location or proposed location of the crematory;

(b) A description of the structure and equipment to be used in operating the crematory; and

(c) Any further information that the Board may reasonably require.

~~[5.]~~ ***6.*** An application must be signed by the applicant personally, by one of the partners if the applicant is a partnership, or by an authorized officer if the applicant is a corporation or other form of business organization.

~~[6.]~~ ***7.*** The Board shall examine the structure and equipment and, if applicable, the location and shall issue the license if:

(a) It appears that the proposed operation will meet the requirements of NRS 451.600 to 451.715, inclusive ~~[.]~~ ***, and sections 2, 3 and 3.5 of this act;*** and

(b) The applicant has paid all fees related to the application.

~~[7.]~~ ***8.*** If the ownership of a crematory is to be changed, the proposed operator shall apply for licensing at least 30 days before the change.

Sec. 6. NRS 451.640 is hereby amended to read as follows:

451.640 1. The Nevada Funeral and Cemetery Services Board shall adopt regulations for the administration of NRS 451.600 to 451.715, inclusive ~~[.]~~ ***, and sections 2, 3 and 3.5 of this act.*** Unless governed by the regulations of the State Board of Health, the regulations of the Nevada Funeral and Cemetery Services Board must include, without limitation:

(a) The conditions under which the remains of a person who has died from a communicable or otherwise dangerous disease may be transported to a crematory for cremation; and

(b) The minimum standards for sanitation, required equipment and protection from fire.

2. The Nevada Funeral and Cemetery Services Board may bring legal proceedings to enjoin any person who violates any provision of NRS 451.600 to 451.715, inclusive, ***and sections 2, 3 and 3.5 of this act,*** any regulation adopted pursuant thereto or any order of the Board from operating a crematory. Any person who is so enjoined is liable to the Board for attorney's fees and court costs.

Sec. 6.5. NRS 451.645 is hereby amended to read as follows:

451.645 1. A cemetery or funeral home may erect and conduct a crematory if licensed as the operator.

2. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 3 ***and 4*** of NRS 451.635, a crematory may be erected on or adjacent to the premises of a cemetery or funeral establishment if the location is zoned for commercial or industrial use, or at any other location where the local zoning permits. A crematory must conform to all local building codes and environmental standards.

Sec. 7. NRS 451.670 is hereby amended to read as follows:

451.670 1. No operator of a crematory may require that human remains be placed in a casket, or refuse to accept human remains for cremation because they are not in a casket.

2. The container used must:

(a) Consist of readily combustible materials ~~[.]~~ ***or, if alkaline hydrolysis will be used to cremate the human remains, materials that are readily dissolvable by alkaline hydrolysis;***

(b) Cover the human remains completely when closed;

(c) Resist leaking or spilling;

(d) Be rigid enough for easy handling ~~[.]~~ ***or, if alkaline hydrolysis will be used to cremate the human remains, be properly supported during transport;*** and

(e) Protect the health and safety of employees of the operator.

3. Unless otherwise ordered in writing by the agent, the operator shall incinerate ***or dissolve*** the container ***, as applicable,*** as the remains are cremated.

Sec. 8. NRS 451.680 is hereby amended to read as follows:

451.680 1. The agent, or the person charged with arranging for disposition of the body of a person who has ordered his or her own cremation, shall ensure that any artificial device ~~[whose incineration]~~ ***that*** would be dangerous ***if incinerated or subjected to alkaline hydrolysis, as applicable,*** is removed from ***the*** human remains before their cremation. If he or she is unable to arrange for its removal before the remains are delivered to a crematory, he or she shall inform the operator of the crematory.

2. The space within a crematory where cremation takes place must be enclosed and must not be used for any other purpose than the cremation of human remains. Immediately before a container is placed in this chamber, the identification of the human remains within it must be verified by the operator and any identifying document or label for the urn must be removed from the container and kept near the control panel until cremation is complete.

3. Upon the completion of cremation, the operator shall:

(a) Remove the recoverable residue from the chamber;

(b) Place the bone fragments in an urn with proper identification and insofar as practicable place no other material with them unless authorized by the agent; and

(c) Dispose of the remaining residue.

4. If the cremated remains will not fit in the urn selected by the agent, the operator of the crematory shall hold the remains until the agent selects an urn or urns in which the remains will fit.

Sec. 9. NRS 451.715 is hereby amended to read as follows:

451.715 1. It is unlawful for any person to:

(a) Hold himself or herself out to the public as the operator of a crematory without being licensed pursuant to NRS 451.635;

(b) Sign an order for cremation knowing that the order contains incorrect information; or

(c) Violate any other provision of NRS 451.600 to 451.715, inclusive, ***and sections 2, 3 and 3.5 of this act,*** any regulation adopted pursuant thereto or any order of the Nevada Funeral and Cemetery Services Board.

2. It is unlawful for the operator of a crematory to perform a cremation without an order signed by a person authorized to order the cremation pursuant to NRS 451.024 or 451.655.

3. If a crematory is operated in this State in violation of any provision of NRS 451.600 to 451.715, inclusive, ***and sections 2, 3 and 3.5 of this act,*** any regulation adopted pursuant thereto or any order of the Nevada Funeral and Cemetery Services Board, the crematory is a public nuisance and may be abated as such.

Sec. 10. NRS 642.011 is hereby amended to read as follows:

642.011 "Cremation" ~~[means the technical process that reduces human remains to bone fragments by using heat and evaporation.]~~ ***has the meaning ascribed to it in section 3 of this act.***

Sec. 11. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and on January 1, 2018, for all other purposes.

Assemblyman Sprinkle moved that the Assembly concur in the Senate Amendment No. 896 to Assembly Bill No. 205.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

This amendment revises Assembly Bill 205 by replacing the term "public utility" with "private, public, or cooperative operator of" a sanitary sewer to ensure that the bill applies to both public and private sewer services provided in the state.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 408.

The following Senate amendment was read:

Amendment No. 869.

AN ACT relating to health care; requiring the State Plan for Medicaid to cover certain preventive health care services and maternity and newborn care; **revising provisions relating to the dispensing of contraceptives;** requiring insurers to offer health insurance coverage regardless of the health status of a person; requiring insurers to allow the covered adult child of an insured to remain covered by the health insurance of the insured until 26 years of age; requiring insurers to provide coverage for certain **family planning services and supplies and** preventive health care services for women, adults and children at no cost; requiring insurers to provide coverage for maternity and newborn care; prohibiting providers of health care and insurers from discriminating against a person on certain grounds; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that an insurer may not deny, limit or exclude a benefit provided by a health care plan in certain limited circumstances, including, without limitation, when a person has contracted for a blanket policy of accident or health insurance or in certain cases relating to adoption. (NRS 689B.500, 689C.190, 695A.159, 695B.193, 695C.173, 695F.480) The Patient Protection and Affordable Care Act (Public Law 111-148, as amended) prohibits an insurer from establishing rules for eligibility for a health care plan based on sex or certain health status factors, including, without limitation, preexisting conditions, claims history or genetic information, and also prohibits an insurer from charging a higher premium,

deductible or copay based on sex or these health status factors. (42 U.S.C. § 300gg-4) **Sections 15, 31, 41, 48, 57, 68, 80, 83 and 94** of this bill align Nevada law with federal law and require all insurers to offer health insurance coverage regardless of the health status of a person and prohibits an insurer from denying, limiting or excluding a benefit or requiring an insured to pay a higher premium, deductible, coinsurance or copay based on the health status of the insured or the covered spouse or dependent of the insured.

The Patient Protection and Affordable Care Act (Public Law 111-148, as amended) requires all insurers to extend coverage for the covered adult child of an insured until such child reaches 26 years of age. (42 U.S.C. § 300gg-14) **Sections 16, 25, 34, 49, 58, 69, 81 and 84** of this bill align Nevada law with federal law in this manner.

The Patient Protection and Affordable Care Act (Public Law 111-148, as amended) requires all health insurance plans to include coverage for maternity and newborn care. (42 U.S.C. § 18022(b)) **Sections 21, 32, 43, 53, 62, 73 and 88** of this bill align Nevada law with federal law in this manner. ~~[Section 5 of this bill also requires the State Plan for Medicaid to include coverage for maternity and newborn care.]~~

The Patient Protection and Affordable Care Act (Public Law 111-148, as amended) requires all health insurance plans to include coverage, without any higher deductible or any copay or coinsurance, for certain preventive health care services for women, adults and children, including, without limitation, screenings and tests for certain diseases, counseling, contraceptive **and other family planning** drugs, devices and services as well as vaccinations. (42 U.S.C. § 300gg-13; 45 C.F.R. § 147.130) **Sections** ~~[17-20,]~~ **9-10, 16.5-20, 22,** ~~[26-30, 35-39, 50-52, 54,]~~ **25.5-30, 34.5-39, 49.5-52, 54, 55,** ~~[59-61,]~~ **58.5-61, 63, 64,** ~~[70-72,]~~ **69.5-72, 76, 77,** ~~[85-87,]~~ **84.5-87, 89 and 90** of this bill align Nevada law with federal law in this manner, and extend these requirements to health insurance purchased by local governments and the Public Employees' Benefits Program. **Sections** ~~[2, 3, 4,]~~ **1.5-4, 5.5, 6 and 7** of this bill also require the State Plan for Medicaid to include these preventive health care services for women, adults and children. ~~[Section 93 of this bill requires the Director of the Department of Health and Human Services to adopt regulations specifying the preventive health care services which are required to be covered by insurers and that these requirements must include, without limitation, the preventive health care services currently required by federal law.]~~

Existing law allows an insurer which is affiliated with a religious organization and which objects on religious grounds to providing coverage for contraceptive drugs and devices to exclude coverage in its policies, plans or contracts for such drugs and devices. (NRS 689A.0415, 689B.0376, 695B.1916, 695C.1694) Sections 16.5, 20.3, 20.6, 25.5, 30.3, 30.6, 58.5, 63.3, 63.6, 69.5, 74.3 and 74.6 of this bill move the religious exemption coverage for the contraceptive drugs, devices and services required by this bill to the new provisions relating to coverage of

contraception. Sections 34.5, 49.5 and 84.5 of this bill provide a religious exemption for insurers who are newly required by this bill to provide coverage of drugs and devices for contraception.

Existing law authorizes a pharmacist to dispense up to a 90-day supply of a drug pursuant to a valid prescription or order in certain circumstances. (NRS 639.2396) Section 11.3 of this bill requires a pharmacist to dispense up to a 12-month supply of a drug for contraception or a therapeutic equivalent pursuant to a valid prescription or order if: (1) the patient has previously received a 3-month supply of the same drug; (2) the patient has previously received a 9-month supply of the same drug or a supply of the same drug for the balance of the plan year in which the 3-month supply was prescribed or ordered, whichever is less; (3) the patient is insured by the same health insurance plan; and (4) a provider of health care has not specified in the prescription or order that a different supply of the drug is necessary.

The Patient Protection and Affordable Care Act (Public Law 111-148, as amended) prohibits a provider of health care or state health insurance exchange who receives federal money from discriminating against a person on the basis of race, color, national origin, sex, age, or disability in providing health care services to the person. The Act also prohibits an insurer who receives federal money from discriminating against a person on those same grounds, as well as gender identity or expression. (42 U.S.C. § 18116; 45 C.F.R. § 92.207) The federal regulation that prohibits insurers from discriminating on the basis of gender identity or expression is no longer enforceable, however, because it was recently held to exceed the statutory authority granted by the Act. (*Franciscan Alliance Inc., v. Burwell*, 2016 WL 7638311 (N.D. Tex. Dec. 31, 2016)) Federal regulations also require providers of health care, state health insurance exchanges and insurers to provide certain assistive services and notice of these nondiscrimination provisions to all persons who receive health care services. (45 C.F.R. §§ 92.8, 92.201, 92.202) **Sections 11 and 12** of this bill generally align Nevada law with federal law, and prohibit a provider of health care or an insurer from discriminating against a person on these grounds, including, without limitation, discrimination based on gender identity or expression or sexual orientation.

WHEREAS, Passage of the Patient Protection and Affordable Care Act, Public Law 111-148, as amended by Congress in 2010, granted all Nevadans certain rights relating to health insurance coverage and provided greater access to health care benefits in this State; and

WHEREAS, Congress currently is considering the repeal of the Patient Protection and Affordable Care Act; and

WHEREAS, The Nevada Legislature wishes to ensure that all Nevadans continue to have access to certain rights and health care benefits currently guaranteed by the Patient Protection and Affordable Care Act; and

WHEREAS, The Nevada Legislature intends to maintain, not expand, those rights and health care benefits as they existed on January 1, 2017; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[2]~~ **1.5** to 6, inclusive, of this act.

Sec. 1.5. ***1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures for family planning services and supplies, including, without limitation:***

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Dispensed in accordance with section 11.3 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered; and

(2) Approved by the Food and Drug Administration;

(c) Insertion or removal of a device for contraception;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. Except as otherwise provided in subsections 4 and 5, to obtain any benefit included in the Plan pursuant to subsection 1, a person enrolled in Medicaid must not be required to:

(a) Pay a higher deductible, any copayment or coinsurance; or

(b) Be subject to a longer waiting period or any other condition.

3. The Director shall ensure that the provisions of this section are carried out in a manner which complies with the requirements established by the Drug Use Review Board and set forth in the list of preferred prescription drugs established by the Department pursuant to NRS 422.4025.

4. The Plan may require a person enrolled in Medicaid to pay a higher deductible, copayment or coinsurance for a drug for contraception if the person refuses to accept a therapeutic equivalent of the drug.

5. For each method of contraception which is approved by the Food and Drug Administration, the Plan must include at least one drug or device for contraception for which no deductible, copayment or coinsurance may be charged to the person enrolled in Medicaid, but the Plan may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

6. As used in this section, "therapeutic equivalent" means a drug which:

(a) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(b) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(c) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 2. *1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for : [such preventive health care services relating to women as the Director establishes by regulation, which must include, without limitation:]*

(a) [Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;] Counseling and support for breastfeeding;

(b) Screening and counseling for interpersonal and domestic violence;

(c) [Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration;

(d) Contraceptive drugs, devices and services;

(e)] Counseling for sexually transmitted diseases;

(d) Screening for blood pressure abnormalities and diabetes, including gestational diabetes;

(e) An annual screening for cervical cancer;

(f) Screening for depression;

(g) Such well-woman preventive visits as recommended by the Health Resources and Services Administration;

[(f) Any supplements, drugs or devices recommended by the Health Resources and Services Administration; and

(g) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.]

(h) A daily dose of 0.4 to 0.8 milligrams of folic acid for women who are capable of becoming pregnant;

(i) Aspirin for the prevention of preeclampsia for women who are determined to be at a high risk of that condition after 12 weeks of gestation;

(j) Medication to prevent breast cancer for women who are at a high risk of developing breast cancer and have a low risk of adverse side effects from the medication; and

(k) Prophylactic ocular tubal medication for the prevention of gonococcal ophthalmia in newborns.

2. [A person enrolled in Medicaid must not be required pay a higher deductible, any copayment or coinsurance to obtain the services required

~~*by this section.]*~~ *To obtain any benefit provided in the Plan pursuant to subsection 1, a recipient of Medicaid must not be required to:*

(a) Pay a higher deductible, any copayment or coinsurance; or

(b) Be subject to a longer waiting period or any other condition.

Sec. 3. *1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for* : ~~*[such preventive health care services relating to persons 18 years of age or older as the Director establishes by regulation, which must include, without limitation:]*~~

(a) ~~*[Screening, tests and counseling for such other health conditions and diseases as recommended by the United States Preventive Services Task Force or its successor organization;*~~

~~*(b)]*~~ *Counseling relating to the dietary needs of* ~~*[certain]*~~ *adults who are at* ~~*[high risk]*~~ *a high risk of chronic diseases;*

~~*[(c) Smoking cessation programs;*~~

~~*(d) Any supplements, drugs or devices recommended by the United States Preventive Services Task Force or its successor organization; and*~~

~~*(e) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.]*~~

(b) Statin preventive medication for persons between the ages of 40 and 75 years who do not have a history of cardiovascular disease, but who have:

(1) One or more risk factors for cardiovascular disease; and

(2) A calculated risk of at least 10 percent of acquiring cardiovascular disease within the next 10 years;

(c) Aspirin for persons between the ages of 50 and 59 years who have a calculated risk of at least 10 percent of acquiring cardiovascular disease within the next 10 years and a life expectancy of at least 10 years;

(d) Vitamin D supplements for persons who are at least 65 years of age to prevent the person from falling if the person:

(1) Does not reside in a medical facility or a facility for the dependent; and

(2) Has an increased risk of falls;

(e) Tuberculosis screenings for latent tuberculosis infection in persons with increased risk of contracting tuberculosis;

(f) Screening for high blood pressure to confirm a diagnosis made outside a clinical setting before treatment is commenced;

(g) One abdominal aortic screening by ultrasound to detect abdominal aortic aneurisms for men between the ages of 65 and 75 years who have smoked during their lifetimes;

(h) Screening for hepatitis B infection for persons who are at a high risk of contracting hepatitis B;

(i) Screening for hepatitis C infection for persons who are at a high risk of contracting hepatitis C;

(j) One screening for hepatitis C infection for persons born between 1945 and 1965;

(k) Screening for osteoporosis for women who:

(1) Are 65 years of age and older; or

(2) Have a risk of fracturing a bone equal to or greater than that of a woman who is 65 years of age without any additional risk factors;

(l) Screening for alcohol misuse for persons 18 years of age or older;

(m) If a person engages in risky or hazardous consumption of alcohol, as determined by the screening described in paragraph (l), behavioral counseling to reduce such behavior; and

(n) Screening for lung cancer using low-dose computed tomography for persons between the ages of 55 and 80 years who:

(1) Have a smoking history of 30 pack-years;

(2) Smoke or have stopped smoking within the immediately preceding 15 years; and

(3) Do not suffer from a health problem that substantially limits the life expectancy of the person or the willingness of the person to undergo curative surgery.

2. ~~[A person enrolled in Medicaid must not be required pay a higher deductible, any copayment or coinsurance to obtain the services required by this section.]~~ To obtain any benefit provided in the Plan pursuant to subsection 1, a recipient of Medicaid must not be required to:

(a) Pay a higher deductible, any copayment or coinsurance; or

(b) Be subject to a longer waiting period or any other condition.

3. As used in this section:

(a) "Computed tomography" means the process of producing sectional and three-dimensional images using external ionizing radiation.

(b) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(d) "Pack-year" means the product of the number of packs of cigarettes smoked per day and the number of years that the person has smoked.

Sec. 4. *1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for ~~[such preventive health care services relating to persons less than 18 years of age as the Director establishes by regulation, which must include, without limitation:]~~ :*

(a) Screening for depression;

(b) Smoking cessation programs, consisting of more than two cessation attempts per year and four counseling sessions of not more than 10 minutes each per year;

(c) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration ***[,***

~~*(b)]*~~ ***for persons less than 18 years of age;***

(d) Assessments relating to height, weight, body mass index and medical history ***[,***

~~*(c) Any supplements, drugs or devices recommended by the Health Resources and Services Administration;]*~~ ***of persons less than 18 years of age; and***

~~*[(d)]*~~ ***(e)*** *All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.*

2. ~~*[A person enrolled in Medicaid must not be required pay a higher deductible, any copayment or coinsurance to obtain the services required by this section.]*~~ ***To obtain any benefit provided in the Plan pursuant to subsection 1, a recipient of Medicaid must not be required to:***

(a) Pay a higher deductible, any copayment or coinsurance; or

(b) Be subject to a longer waiting period or any other condition.

Sec. 5. ~~*[The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for such maternal and newborn care as the Director establishes by regulation.]*~~ **(Deleted by amendment.)**

Sec. 5.5. ***The Director may include in the State Plan for Medicaid a requirement that, to the extent money is available, the State pay the nonfederal share of expenditures incurred for:***

1. Supplies for breastfeeding; and

2. Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization.

Sec. 6. *1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:*

(a) ~~*[An annual cytologic screening test for women 18 years of age or older;*~~

~~*(b) A baseline mammogram for women between the ages of 35 and 40 years;*~~

~~*(c) An annual]*~~ ***A*** *mammogram* ***not less than once every 2 years, or annually if ordered by a provider of health care,*** *for women 40 years of age or older;*

~~*[(d)]*~~ ***(b)*** *Counseling concerning genetic testing for breast cancer* ~~*[,]*~~ ***for women who are at a high risk of developing breast cancer; and***

~~*[(e)]*~~ ***(c)*** *Counseling concerning breast cancer chemoprevention* ~~*[.]*~~ ***for women who are at risk of developing breast cancer.***

2. [A person enrolled in Medicaid must not be required pay a higher deductible, any copayment or coinsurance or obtain prior authorization for any service required by this section.] To obtain any benefit provided in the Plan pursuant to subsection 1, a recipient of Medicaid must not be required to:

(a) Pay a higher deductible, any copayment or coinsurance; or

(b) Be subject to a longer waiting period or any other condition.

Sec. 7. NRS 422.2718 is hereby amended to read as follows:

422.2718 1. The Director shall include in the State Plan for Medicaid a requirement that the State shall pay the nonfederal share of expenses incurred for [administering] ***:***

(a) [Deoxyribonucleic acid testing] Testing for high-risk strains of the human papillomavirus [;] every 3 years for women 30 years of age or older; and

(b) Administering the human papillomavirus vaccine [to women and girls] at such ages as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. ***[A person enrolled in Medicaid must not be required pay a higher deductible, any copayment or coinsurance or obtain prior authorization for any service required by this section.] To obtain any benefit provided in the Plan pursuant to subsection 1, a recipient of Medicaid must not be required to:***

(a) Pay a higher deductible, any copayment or coinsurance; or

(b) Be subject to a longer waiting period or any other condition.

3. For the purposes of this section, "human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration to be used for the prevention of human papillomavirus infection and cervical cancer.

Sec. 7.5. **NRS 422.401 is hereby amended to read as follows:**

422.401 As used in NRS 422.401 to 422.406, inclusive, ***and section 1.5 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 422.4015 and 422.402 have the meanings ascribed to them in those sections.

Sec. 8. NRS 422.403 is hereby amended to read as follows:

422.403 1. [The] ***Except as otherwise provided in NRS 422.2718, the*** Department shall, by regulation, establish and manage the use by the Medicaid program of step therapy and prior authorization for prescription drugs.

2. [The] ***Except as otherwise provided in NRS 422.2718, the*** Drug Use Review Board shall:

(a) Advise the Department concerning the use by the Medicaid program of step therapy and prior authorization for prescription drugs;

(b) Develop step therapy protocols and prior authorization policies and procedures for use by the Medicaid program for prescription drugs; and

(c) Review and approve, based on clinical evidence and best clinical practice guidelines and without consideration of the cost of the prescription drugs being considered, step therapy protocols used by the Medicaid program for prescription drugs.

3. The Department shall not require the Drug Use Review Board to develop, review or approve prior authorization policies or procedures necessary for the operation of the list of preferred prescription drugs developed for the Medicaid program pursuant to NRS 422.4025.

4. The Department shall accept recommendations from the Drug Use Review Board as the basis for developing or revising step therapy protocols and prior authorization policies and procedures used by the Medicaid program for prescription drugs.

Sec. 9. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS

687B.408, 689B.030 to 689B.050, inclusive, ***and sections 25 to 28, inclusive, of this act*** and 689B.287 ***and 689B.500 and 689B.520*** apply to coverage provided pursuant to this paragraph ~~[.]~~ ***, except that the provisions of NRS 689B.500 and 689B.520 and sections 25 to 28, inclusive, of this act only apply to coverage for active officers and employees of the governing body or the dependents of such officers and employees.***

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 9.5. **NRS 287.0272 is hereby amended to read as follows:**

287.0272 1. If the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada provides health insurance through a plan of self-insurance, the plan must provide coverage for benefits payable for expenses incurred for administering the human papillomavirus vaccine ~~[to women and girls]~~ at such ages as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. The plan of self-insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. A plan of self-insurance described in subsection 1 which is delivered, issued for delivery or renewed on or after July 1, 2007, has the legal effect of including the coverage required by subsection 1, and any provision of the plan which is in conflict with subsection 1 is void.

4. For the purposes of this section, "human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

Sec. 10. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 689B.255, 695G.150, 695G.160, 695G.162, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.170 to 695G.173, inclusive, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, ***and sections 83 to 89, inclusive, of this act,*** in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 11. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a provider of health care shall not discriminate in providing a health care service to a person on the basis of race, color, national origin, sex, age, physical or mental disability, sexual orientation or gender identity or expression.

2. A provider of health care may make distinctions in providing health care services based on sex or gender identity or expression if the provider has an exceedingly persuasive justification for the distinction, which may include, without limitation, that the distinction is substantially related to the achievement of an important health or scientific objective.

3. A provider of health care must provide reasonable notice to a person who receives health care services relating to the provisions of this section.

4. A provider of health care must take reasonable steps to ensure that a person with limited English proficiency or physical or mental disabilities who receives health care services from the provider has access to any assistance services which may be needed for the person to communicate effectively with the provider.

5. As used in this section:

(a) "Gender identity or expression" has the meaning ascribed to it in NRS 193.0148.

(b) "Health care service" means the care and observation of patients, the diagnosis of human diseases, the treatment and rehabilitation of patients, or related services.

(c) "Sexual orientation" has the meaning ascribed to it in NRS 118.093.

Sec. 11.3. **Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in subsections 2 and 3, pursuant to a valid prescription or order for a drug to be used for contraception or its therapeutic equivalent which has been approved by the Food and Drug Administration a pharmacist shall:

(a) The first time dispensing the drug or therapeutic equivalent to the patient, dispense up to a 3-month supply of the drug or therapeutic equivalent.

(b) The second time dispensing the drug or therapeutic equivalent to the patient, dispense up to a 9-month supply of the drug or therapeutic equivalent, or any amount which covers the remainder of the plan year if the patient is covered by a health care plan, whichever is less.

(c) For a refill in a plan year following the initial dispensing of a drug or therapeutic equivalent pursuant to paragraphs (a) and (b), dispense up to a 12-month supply of the drug or therapeutic equivalent or any amount which covers the remainder of the plan year if the patient is covered by a health care plan, whichever is less.

2. The provisions of paragraphs (b) and (c) of subsection 1 only apply if:

(a) The drug for contraception or the therapeutic equivalent of such drug is the same drug or therapeutic equivalent which was previously prescribed or ordered pursuant to paragraph (a) of subsection 1; and

(b) The patient is covered by the same health care plan.

3. If a prescription or order for a drug for contraception or its therapeutic equivalent limits the dispensing of the drug or therapeutic equivalent to a quantity which is less than the amount otherwise authorized to be dispensed pursuant to subsection 1, the pharmacist must dispense the drug or therapeutic equivalent in accordance with the quantity specified in the prescription or order.

4. As used in this section:

(a) "Health care plan" means a policy, contract, certificate or agreement offered or issued by an insurer, including without limitation, the

State Plan for Medicaid, to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services.

(b) "Plan year" means the year designated in the evidence of coverage of a health care plan in which a person is covered by such plan.

(c) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 11.6. **NRS 639.2396 is hereby amended to read as follows:**

639.2396 1. Except as otherwise provided by subsection 2, a prescription which bears specific authorization to refill, given by the prescribing practitioner at the time he or she issued the original prescription, or a prescription which bears authorization permitting the pharmacist to refill the prescription as needed by the patient, may be refilled for the number of times authorized or for the period authorized if it was refilled in accordance with the number of doses ordered and the directions for use.

2. ~~[A]~~ ***Except as otherwise provided in section 11.3 of this act, a*** pharmacist may, in his or her professional judgment and pursuant to a valid prescription that specifies an initial amount of less than a 90-day supply of a drug other than a controlled substance followed by periodic refills of the initial amount of the drug, dispense not more than a 90-day supply of the drug if:

(a) The patient has used an initial 30-day supply of the drug or the drug has previously been prescribed to the patient in a 90-day supply;

(b) The total number of dosage units that are dispensed pursuant to the prescription does not exceed the total number of dosage units, including refills, that are authorized on the prescription by the prescribing practitioner; and

(c) The prescribing practitioner has not specified on the prescription that dispensing the prescription in an initial amount of less than a 90-day supply followed by periodic refills of the initial amount of the drug is medically necessary.

3. Nothing in this section shall be construed to alter the coverage provided under any contract or policy of health insurance, health plan or program or other agreement arrangement that provides health coverage.

Sec. 12. Chapter 679A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, an insurer who offers a policy of health insurance shall not refuse to provide coverage to or discriminate against a person based on race, color, national origin, sex, age, physical or mental disability, sexual orientation or gender identity or expression. Such discriminatory actions include, without limitation:

(a) Cancelling a policy;

(b) Refusing to provide a benefit which is available under a policy to other similarly situated persons;

(c) Limiting coverage of a claim; or

(d) Imposing an additional deductible, premium, copay, coinsurance or any other limitation or restriction on coverage.

2. An insurer may include distinctions in a policy of health insurance based on sex or gender identity or expression if the insurer has an exceedingly persuasive justification for the distinction, which may include, without limitation, that the distinction is substantially related to the achievement of an important health or scientific objective.

3. An insurer must provide reasonable notice to an insured relating to the provisions of this section.

4. An insurer must take reasonable steps to ensure that an insured with limited English proficiency or physical or mental disabilities has access to any assistance services which may be needed for the insured to communicate effectively with the insurer.

5. Nothing in this section may be construed as preventing an insurer from determining whether a benefit is medically necessary or whether any such benefit meets any other requirement for coverage included in a policy of health insurance which is not prohibited by this section or any other provision of law.

6. As used in this section:

(a) "Gender identity or expression" has the meaning ascribed to it in NRS 193.0148.

(b) "Sexual orientation" has the meaning ascribed to it in NRS 118.093.

Sec. 13. NRS 687B.225 is hereby amended to read as follows:

687B.225 1. Except as otherwise provided in NRS 689A.0405, 689A.0413, 689A.044, 689A.0445, 689B.031, 689B.0313, 689B.0317, 689B.0374, 695B.1912, 695B.1914, 695B.1925, 695B.1942, 695C.1713, 695C.1735, 695C.1745, 695C.1751, 695G.170, 695G.171 and 695G.177, ***and sections 38, 39, 54, 55 and 89 of this act,*** any contract for group, blanket or individual health insurance or any contract by a nonprofit hospital, medical or dental service corporation or organization for dental care which provides for payment of a certain part of medical or dental care may require the insured or member to obtain prior authorization for that care from the insurer or organization. The insurer or organization shall:

(a) File its procedure for obtaining approval of care pursuant to this section for approval by the Commissioner; and

(b) Respond to any request for approval by the insured or member pursuant to this section within 20 days after it receives the request.

2. The procedure for prior authorization may not discriminate among persons licensed to provide the covered care.

Sec. 14. Chapter 689A of NRS is hereby amended by adding thereto the provisions set forth as sections 15 to 19, inclusive, of this act.

Sec. 15. ***1. An insurer shall offer or issue a policy of health insurance to any person regardless of the health status of the person*** ~~***[, the spouse of the person]***~~ ***or any dependent of the person. Such health status includes, without limitation:***

(a) Any preexisting medical condition of the person, including, without limitation, any physical or mental illness;

(b) The claims history of the person, including, without limitation, any prior health care services received by the person;

(c) Genetic information relating to the person; and

(d) Any increased risk for illness, injury or any other medical condition of the person, including, without limitation, any medical condition caused by an act of domestic violence.

2. An insurer that offers or issues a policy of health insurance shall not:

(a) Deny, limit or exclude a benefit based on the health status of an insured; or

(b) Require an insured, as a condition of enrollment or renewal, to pay a premium, deductible, copay or coinsurance based on his or her health status which is greater than the premium, deductible, copay or coinsurance charged to a similarly situated insured or the covered ~~***[spouse or]***~~ ***dependent of such an insured who does not have such a health status.***

3. An insurer that offers or issues a policy of health insurance shall not adjust a premium, deductible, copay or coinsurance for any insured on the basis of genetic information relating to the insured or the covered ~~***[spouse or]***~~ ***dependent of the insured.***

Sec. 16. ***1. An insurer that offers or issues a policy of health insurance which provides coverage for dependent children shall continue to make such coverage available for an adult child of an insured until such child reaches 26 years of age.***

2. Nothing in this section shall be construed as requiring an insurer to make coverage available for a dependent of an adult child of an insured.

Sec. 16.5. ***1. Except as otherwise provided in subsection 7, an insurer that offers or issues a policy of health insurance shall include in the policy coverage for:***

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 10; and

(4) Dispensed in accordance with section 11.3 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 10;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same policy of health insurance;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

4. Except as otherwise provided in subsections 8, 9 and 11, an insurer that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage to obtain any benefit included in the policy pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

7. An insurer that offers or issues a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious

grounds. Such an insurer shall, before the issuance of a policy of health insurance and before the renewal of such a policy, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

8. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a policy of health insurance must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Antiprogestin-based drugs for emergency contraception.

11. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. An insurer shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

13. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the

authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 17. *1. An insurer that offers or issues a policy of health insurance shall include in the policy coverage for ~~[such preventive health care services relating to women as the Director of the Department of Health and Human Services requires.]~~ :*

(a) Counseling and support for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually, with initial intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active women who are at increased risk for such diseases;

(d) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(e) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(f) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(g) Such well-woman preventive visits as recommended by the Health Resources and Services Administration, which must include at least one such visit per year beginning at 14 years of age;

(h) A daily dose of 0.4 to 0.8 milligrams of folic acid for women who are capable of becoming pregnant;

(i) Aspirin for the prevention of preeclampsia for women who are determined to be at a high risk of that condition after 12 weeks of gestation;

(j) Medication to prevent breast cancer for women who are at a high risk of developing breast cancer and have a low risk of adverse side effects from the medication; and

(k) Prophylactic ocular tubal medication for the prevention of gonococcal ophthalmia in newborns.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use a benefit provided in the policy of health insurance pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~[3.]~~ 4. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

~~*[4. The Director of the Department of Health and Human Services shall adopt regulations to establish the preventive health care services which must be covered by a policy of health insurance pursuant to subsection 1, including, without limitation:*~~

~~*(a) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;*~~

~~*(b) Screening and counseling for interpersonal and domestic violence;*~~

~~*(c) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration;*~~

~~*(d) Contraceptive drugs, devices and services;*~~

~~*(e) Such well woman preventive visits as recommended by the Health Resources and Services Administration;*~~

~~*(f) Any supplements, drugs or devices recommended by the Health Resources and Services Administration; and*~~

~~*(g) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.]*~~

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section ~~[, "provider]~~ :

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 18. *1. An insurer that offers or issues a policy of health insurance shall include in the policy coverage for ~~[such preventive health care services relating to persons 18 years of age or older as the Director of the Department of Health and Human Services requires.]~~ :*

(a) Counseling relating to the dietary needs of adults who are at a high risk of chronic diseases;

(b) Statin preventive medication for persons between the ages of 40 and 75 years who do not have a history of cardiovascular disease, but who have:

(1) One or more risk factors for cardiovascular disease; and

(2) A calculated risk of at least 10 percent of acquiring cardiovascular disease within the next 10 years;

(c) Aspirin for persons between the ages of 50 and 59 years who have a calculated risk of at least 10 percent of acquiring cardiovascular disease within the next 10 years and a life expectancy of at least 10 years;

(d) Vitamin D supplements for persons who are at least 65 years of age to prevent the person from falling if the person:

(1) Does not reside in a medical facility or a facility for the dependent; and

(2) Has an increased risk of falls;

(e) Tuberculosis screenings for latent tuberculosis infection in persons with increased risk of contracting tuberculosis;

(f) Screening for high blood pressure to confirm a diagnosis made outside a clinical setting before treatment is commenced;

(g) One abdominal aortic screening by ultrasound to detect abdominal aortic aneurisms for men between the ages of 65 and 75 years who have smoked during their lifetimes;

(h) Screening for hepatitis B infection for persons who are at a high risk of contracting hepatitis B;

(i) Screening for hepatitis C infection for persons who are at a high risk of contracting hepatitis C;

(j) One screening for hepatitis C infection for persons born between 1945 and 1965;

(k) Screening for osteoporosis for women who:

(1) Are 65 years of age and older; or

(2) Have a risk of fracturing a bone equal to or greater than that of a woman who is 65 years of age without any additional risk factors;

(l) Screening for alcohol misuse for persons 18 years of age or older;

(m) If a person engages in risky or hazardous consumption of alcohol, as determined by the screening described in paragraph (l), behavioral counseling to reduce such behavior; and

(n) Screening for lung cancer using low-dose computed tomography for persons between the ages of 55 and 80 years who:

(1) Have a smoking history of 30 pack-years;

(2) Smoke or have stopped smoking within the immediately preceding 15 years; and

(3) Do not suffer from a health problem that substantially limits the life expectancy of the person or the willingness of the person to undergo curative surgery.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use a benefit provided in the policy of health insurance pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~[3.]~~ 4. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

~~[4. The Director of the Department of Health and Human Services shall adopt regulations to establish the preventive health care services which must be covered by a policy of health insurance pursuant to subsection 1, including, without limitation:~~

~~(a) Screening, tests and counseling for such other health conditions and diseases as recommended by the United States Preventive Services Task Force or its successor organization;~~

~~(b) Counseling relating to the dietary needs of certain adults who are at high risk of chronic diseases;~~

~~(c) Smoking cessation programs;~~

~~(d) Any supplements, drugs or devices recommended by the United States Preventive Services Task Force or its successor organization; and~~

~~(e) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.]~~

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section [, "provider] :

(a) "Computed tomography" means the process of producing sectional and three-dimensional images using external ionizing radiation.

(b) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(d) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(e) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(f) "Pack-year" means the product of the number of packs of cigarettes smoked per day and the number of years that the person has smoked.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 19. *1. An insurer that offers or issues a policy of health insurance shall include in the policy coverage for [such preventive health care services relating to persons less than 18 years of age as the Director of the Department of Health and Human Services requires.] :*

(a) Screening for depression;

(b) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization;

(c) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration for persons less than 18 years of age; and

(d) Assessments relating to height, weight, body mass index and medical history for persons less than 18 years of age.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use a benefit provided in the policy of health insurance pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~[3.]~~ 4. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

~~[4. The Director of the Department of Health and Human Services shall adopt regulations to establish the preventive health care services which must be covered by a policy of health insurance pursuant to subsection 1, including, without limitation:~~

~~(a) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration;~~

~~(b) Assessments relating to height, weight, body mass index and medical history;~~

~~(c) Any supplements, drugs or devices recommended by the Health Resources and Services Administration; and~~

~~(d) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.]~~

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section ~~[, "provider]~~ :

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 20. NRS 689A.0405 is hereby amended to read as follows:

689A.0405 1. A policy of health insurance must provide coverage for benefits payable for expenses incurred for:

(a) ~~[An annual cytologic screening test for women 18 years of age or older;~~

~~(b) A baseline mammogram for women between the ages of 35 and 40; and~~

~~(c) An annual]~~ ***A*** mammogram ***every 2 years, or annually if ordered by a provider of health care,*** for women 40 years of age or older ~~[.]~~ ***;***

~~[(d)]~~ ***(b) Counseling concerning genetic testing for breast cancer ~~[;]~~ for women who are at a high risk of developing breast cancer; and***

~~[(e)]~~ ***(c) Counseling concerning breast cancer chemoprevention ~~[.]~~ for women who are at risk of developing breast cancer.***

2. ~~[A policy of health insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.]~~ ***An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.***

3. ~~[An]~~ ***Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of health insurance shall not:***

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use a benefit provided in the policy of health insurance pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[October 1, 1989,]~~ ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with ~~[subsection 1]~~ ***this section*** is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section ~~[, "provider]~~ :

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 20.3. **NRS 689A.0415 is hereby amended to read as follows:**

689A.0415 1. ~~[Except as otherwise provided in subsection 5, an]~~ ***An*** insurer that offers or issues a policy of health insurance which provides coverage for prescription drugs or devices shall include in the policy coverage for ~~[:~~

~~(a) Any type of drug or device for contraception; and~~

~~(b) Any]~~ ***any*** type of hormone replacement therapy ~~[,~~ ~~"]~~ which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. An insurer that offers or issues a policy of health insurance that provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for a prescription for ~~[a contraceptive or]~~ hormone replacement therapy than is required for other prescription drugs covered by the policy;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured.

3. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. The provisions of this section do not:

(a) Require an insurer to provide coverage for fertility drugs.

(b) Prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by ~~[paragraphs (a) and (b) of]~~ subsection 1 that is the same as the insured is required to pay for other prescription drugs covered by the policy.

5. ~~[An insurer which offers or issues a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance and before the renewal of such a policy, provide to the prospective insured, written notice of the coverage that the insurer refuses to provide pursuant to this subsection.~~

~~6.]~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 20.6. **NRS 689A.0417 is hereby amended to read as follows:**

689A.0417 1. ~~[Except as otherwise provided in subsection 5, an]~~ ***An*** insurer that offers or issues a policy of health insurance which provides coverage for outpatient care shall include in the policy coverage for any health care service related to ~~[contraceptives or]~~ hormone replacement therapy.

2. An insurer that offers or issues a policy of health insurance that provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for

coverage for outpatient care related to ~~[contraceptives or]~~ hormone replacement therapy than is required for other outpatient care covered by the policy;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured.

3. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. The provisions of this section do not prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by subsection 1 that is the same as the insured is required to pay for other outpatient care covered by the policy.

5. ~~[An insurer which offers or issues such a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives required by this section if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance and before the renewal of such a policy, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.~~

~~6.]~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 21. NRS 689A.0425 is hereby amended to read as follows:

689A.0425 1. ~~***[An insurer that offers or issues a policy of health insurance shall include in the policy coverage for such health care services relating to maternal and newborn care as the Director of the Department of Health and Human Services requires.***~~

~~***2.]***~~ Except as otherwise provided in this subsection, an individual health benefit plan issued pursuant to this chapter ~~[that includes coverage for maternity care and pediatric care for newborn infants]~~ may not restrict

benefits for any length of stay in a hospital in connection with childbirth for a mother or newborn infant covered by the plan to:

(a) Less than 48 hours after a normal vaginal delivery; and

(b) Less than 96 hours after a cesarean section.

➥ If a different length of stay is provided in the guidelines established by the American College of Obstetricians and Gynecologists, or its successor organization, and the American Academy of Pediatrics, or its successor organization, the individual health benefit plan may follow such guidelines in lieu of following the length of stay set forth above. The provisions of this subsection do not apply to any individual health benefit plan in any case in which the decision to discharge the mother or newborn infant before the expiration of the minimum length of stay set forth in this subsection is made by the attending physician of the mother or newborn infant.

2. ~~*[3.]*~~ Nothing in this section requires a mother to:

(a) Deliver her baby in a hospital; or

(b) Stay in a hospital for a fixed period following the birth of her child.

3. ~~*[4.]*~~ An individual health benefit plan ~~[that offers coverage for maternity care and pediatric care of newborn infants]~~ may not:

(a) Deny a mother or her newborn infant coverage or continued coverage under the terms of the plan or coverage if the sole purpose of the denial of coverage or continued coverage is to avoid the requirements of this section;

(b) Provide monetary payments or rebates to a mother to encourage her to accept less than the minimum protection available pursuant to this section;

(c) Penalize, or otherwise reduce or limit, the reimbursement of an attending provider of health care because the attending provider of health care provided care to a mother or newborn infant in accordance with the provisions of this section;

(d) Provide incentives of any kind to an attending physician to induce the attending physician to provide care to a mother or newborn infant in a manner that is inconsistent with the provisions of this section; or

(e) Except as otherwise provided in subsection 4, ~~*[5.]*~~ restrict benefits for any portion of a hospital stay required pursuant to the provisions of this section in a manner that is less favorable than the benefits provided for any preceding portion of that stay.

4. ~~*[5.]*~~ Nothing in this section:

(a) Prohibits an individual health benefit plan from imposing a deductible, coinsurance or other mechanism for sharing costs relating to benefits for hospital stays in connection with childbirth for a mother or newborn child covered by the plan, except that such coinsurance or other mechanism for sharing costs for any portion of a hospital stay required by this section may not be greater than the coinsurance or other mechanism for any preceding portion of that stay.

(b) Prohibits an arrangement for payment between an individual health benefit plan and a provider of health care that uses capitation or other financial incentives, if the arrangement is designed to provide services

efficiently and consistently in the best interest of the mother and her newborn infant.

(c) Prevents an individual health benefit plan from negotiating with a provider of health care concerning the level and type of reimbursement to be provided in accordance with this section.

~~[6.]~~ 5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

~~[7. The Director of the Department of Health and Human Services shall adopt regulations to establish the health care services which must be covered by a policy of health insurance pursuant to subsection 1.~~

~~8.]~~ 6. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 22. NRS 689A.044 is hereby amended to read as follows:

689A.044 1. A policy of health insurance must provide coverage for benefits payable for expenses incurred for ~~[~~administering~~]~~ ***:***

(a) Deoxyribonucleic acid testing for high-risk strains of the human papillomavirus ~~[;]~~ every 3 years for women 30 years of age or older; and

(b) Administering the human papillomavirus vaccine as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. ~~[A policy of health insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.]~~ ***An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.***

3. ***~~[An]~~ Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of health insurance shall not:***

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use a benefit provided in the policy of health insurance pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[July 1, 2007,]~~ ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with ~~[subsection 1]~~ ***this section*** is void.

~~[4. For the purposes of this section, "human]~~

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(c) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 23. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[.]~~ ***, and sections 15 to 19, inclusive, of this act.***

Sec. 24. Chapter 689B of NRS is hereby amended by adding thereto the provisions set forth as sections 25 to 28, inclusive, of this act.

Sec. 25. *1. An insurer that offers or issues a policy of group health insurance which provides coverage for dependent children shall continue to make such coverage available for an adult child of an insured until such child reaches 26 years of age.*

2. Nothing in this section shall be construed as requiring an insurer to make coverage available for a dependent of an adult child of an insured.

Sec. 25.5. ***1. Except as otherwise provided in subsection 7, an insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:***

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 11; and

(4) Dispensed in accordance with section 11.3 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 11;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same policy of group health insurance;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

4. Except as otherwise provided in subsections 9, 10 and 12, an insurer that offers or issues a policy of group health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage to obtain any benefit included in the policy pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

7. An insurer that offers or issues a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

8. If an insurer refuses, pursuant to subsection 7, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

9. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

10. For each of the 18 methods of contraception listed in subsection 11 that have been approved by the Food and Drug Administration, a policy of group health insurance must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

11. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Antiprogestin-based drugs for emergency contraception.

12. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

13. An insurer shall not use medical management techniques to require an insured to use a different method of contraception other than the method prescribed or ordered by a provider of health care.

14. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

15. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 26. *1. An insurer that offers or issues a policy of group health insurance shall include in the policy coverage for ~~[such preventive health care services relating to women as the Director of the Department of Health and Human Services requires.]~~ :*

(a) Counseling and support for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually, with initial intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active women who are at increased risk for such diseases;

(d) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(e) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(f) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(g) Such well-woman preventive visits as recommended by the Health Resources and Services Administration, which must include at least one such visit per year beginning at 14 years of age;

(h) A daily dose of 0.4 to 0.8 milligrams of folic acid for women who are capable of becoming pregnant;

(i) Aspirin for the prevention of preeclampsia for women who are determined to be at a high risk of that condition after 12 weeks of gestation;

(j) Medication to prevent breast cancer for women who are at a high risk of developing breast cancer and have a low risk of adverse side effects from the medication; and

(k) Prophylactic ocular tubal medication for the prevention of gonococcal ophthalmia in newborns.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of group health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain

any benefit provided in the policy of group health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use a benefit provided in the policy of group health insurance pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~[3.]~~ 4. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

~~[4. The Director of the Department of Health and Human Services shall adopt regulations to establish the preventive health care services which must be covered by a policy of group health insurance pursuant to subsection 1, including, without limitation:~~

~~(a) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;~~

~~(b) Screening and counseling for interpersonal and domestic violence;~~

~~(c) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration;~~

~~(d) Contraceptive drugs, devices and services;~~

~~(e) Such well-woman preventive visits as recommended by the Health Resources and Services Administration;~~

~~(f) Any supplements, drugs or devices recommended by the Health Resources and Services Administration; and~~

~~(g) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.~~]

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section ~~[, "provider]~~ :

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 27. *1. An insurer that offers or issues a policy of group health insurance shall include in the policy coverage for ~~[such preventive health care services relating to persons 18 years of age or older as the Director of the Department of Health and Human Services requires.]~~ :*

(a) Counseling relating to the dietary needs of adults who are at a high risk of chronic diseases;

(b) Statin preventive medication for persons between the ages of 40 and 75 years who do not have a history of cardiovascular disease, but who have:

(1) One or more risk factors for cardiovascular disease; and

(2) A calculated risk of at least 10 percent of acquiring cardiovascular disease within the next 10 years;

(c) Aspirin for persons between the ages of 50 and 59 years who have a calculated risk of at least 10 percent of acquiring cardiovascular disease within the next 10 years and a life expectancy of at least 10 years;

(d) Vitamin D supplements for persons who are at least 65 years of age to prevent the person from falling if the person:

(1) Does not reside in a medical facility or a facility for the dependent; and

(2) Has an increased risk of falls;

(e) Tuberculosis screenings for latent tuberculosis infection in persons with increased risk of contracting tuberculosis;

(f) Screening for high blood pressure to confirm a diagnosis made outside a clinical setting before treatment is commenced;

(g) One abdominal aortic screening by ultrasound to detect abdominal aortic aneurisms for men between the ages of 65 and 75 years who have smoked during their lifetimes;

(h) Screening for hepatitis B infection for persons who are at a high risk of contracting hepatitis B;

(i) Screening for hepatitis C infection for persons who are at a high risk of contracting hepatitis C;

(j) One screening for hepatitis C infection for persons born between 1945 and 1965;

(k) Screening for osteoporosis for women who:

(1) Are 65 years of age and older; or

(2) Have a risk of fracturing a bone equal to or greater than that of a woman who is 65 years of age without any additional risk factors;

(l) Screening for alcohol misuse for persons 18 years of age or older;

(m) If a person engages in risky or hazardous consumption of alcohol, as determined by the screening described in paragraph (l), behavioral counseling to reduce such behavior; and

(n) Screening for lung cancer using low-dose computed tomography for persons between ages of 55 and 80 years who:

(1) Have a smoking history of 30 pack-years;

(2) Smoke or have stopped smoking within the immediately preceding 15 years; and

(3) Do not suffer from a health problem that substantially limits the life expectancy of the person or the willingness of the person to undergo curative surgery.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of group health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of group health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use a benefit provided in the policy of group health insurance pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~[3.]~~ 4. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by

subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

~~[4. The Director of the Department of Health and Human Services shall adopt regulations to establish the preventive health care services which must be covered by a policy of group health insurance pursuant to subsection 1, including, without limitation:~~

~~(a) Screening, tests and counseling for such other health conditions and diseases as recommended by the United States Preventive Services Task Force or its successor organization;~~

~~(b) Counseling relating to the dietary needs of certain adults who are at high risk of chronic diseases;~~

~~(c) Smoking cessation programs;~~

~~(d) Any supplements, drugs or devices recommended by the United States Preventive Services Task Force or its successor organization; and~~

~~(e) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.]~~

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section ~~[, "provider]~~ :

(a) "Computed tomography" means the process of producing sectional and three-dimensional images using external ionizing radiation.

(b) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(d) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(e) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(f) "Pack-year" means the product of the number of packs of cigarettes smoked per day and the number of years that the person has smoked.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 28. *1. An insurer that offers or issues a policy of group health insurance shall include in the policy coverage for ~~[such preventive health care services relating to persons less than 18 years of age as the Director of the Department of Health and Human Services requires.]~~ :*

(a) Screening for depression;

(b) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization;

(c) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration for persons less than 18 years of age; and

(d) Assessments relating to height, weight, body mass index and medical history for persons less than 18 years of age.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of group health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of group health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use a benefit provided in the policy of group health insurance pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~[3.]~~ 4. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

~~[4. The Director of the Department of Health and Human Services shall adopt regulations to establish the preventive health care services which~~

~~*must be covered by a policy of group health insurance pursuant to subsection 1, including, without limitation:*~~

~~*(a) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration;*~~

~~*(b) Assessments relating to height, weight, body mass index and medical history;*~~

~~*(c) Any supplements, drugs or devices recommended by the Health Resources and Services Administration; and*~~

~~*(d) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.]*~~

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section ~~*[, "provider]*~~ ***:***

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 29. NRS 689B.0313 is hereby amended to read as follows:

689B.0313 1. A policy of group health insurance must provide coverage for benefits payable for expenses incurred for ~~[~~administering~~]~~ ***:***

(a) Deoxyribonucleic acid testing for high-risk strains of the human papillomavirus ~~*[,]*~~ ***every 3 years for women 30 years of age or older; and***

(b) Administering the human papillomavirus vaccine as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. ~~[A policy of group health insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.]~~ ***An insurer must ensure that the benefits required by subsection 1 are made***

available to an insured through a provider of health care who participates in the network plan of the insurer.

3. ~~***[An]***~~ ***Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of group health insurance shall not:***

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of group health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use a benefit provided in the policy of group health insurance pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy ***of group health insurance*** subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[July 1, 2007,]~~ ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with ~~[subsection 1]~~ ***this section*** is void.

~~[4. For the purposes of this section, "human]~~

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(c) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care,

including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 30. NRS 689B.0374 is hereby amended to read as follows:

689B.0374 1. A policy of group health insurance must provide coverage for benefits payable for expenses incurred for:

(a) ~~[An annual cytologic screening test for women 18 years of age or older;~~

~~(b) A baseline mammogram for women between the ages of 35 and 40; and~~

~~(c) An annual]~~ ***A*** mammogram ***every 2 years, or annually if ordered by a provider of health care,*** for women 40 years of age or older ~~[.]~~ ***;***

~~[(d)]~~ ***(b) Counseling concerning genetic testing for breast cancer ~~[,]~~ for women who are at a high risk of developing breast cancer; and***

~~[(e)]~~ ***(c) Counseling concerning breast cancer chemoprevention ~~[.]~~ for women who are at risk of developing breast cancer.***

2. ~~[A policy of group health insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.]~~ ***An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.***

3. ~~[An]~~ ***Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of group health insurance shall not:***

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of group health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use a benefit provided in the policy of group health insurance pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy ***of group health insurance*** subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[October 1, 1989,]~~ ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with ~~[subsection 1]~~ ***this section*** is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section ~~[, "provider]~~ :

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 30.3. **NRS 689B.0376 is hereby amended to read as follows:**

689B.0376 1. ~~[Except as otherwise provided in subsection 5, an]~~ ***An*** insurer that offers or issues a policy of group health insurance which provides coverage for prescription drugs or devices shall include in the policy coverage for ~~[:~~

~~(a) Any type of drug or device for contraception; and~~

~~(b) Any]~~ ***any*** type of hormone replacement therapy ~~[,~~ ~~"]~~ which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. An insurer that offers or issues a policy of group health insurance that provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for a prescription for ~~[a contraceptive or]~~ hormone replacement therapy than is required for other prescription drugs covered by the policy;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured.

3. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. The provisions of this section do not:

(a) Require an insurer to provide coverage for fertility drugs.

(b) Prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by ~~[paragraphs (a) and (b) of]~~ subsection 1 that is the same as the insured is required to pay for other prescription drugs covered by the policy.

5. ~~[An insurer which offers or issues a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection. The insurer shall provide notice to each insured, at the time the insured receives his or her certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.~~

~~6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.]~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 30.6. **NRS 689B.0377 is hereby amended to read as follows:**

689B.0377 1. ~~[Except as otherwise provided in subsection 5, an]~~ ***An*** insurer that offers or issues a policy of group health insurance which provides coverage for outpatient care shall include in the policy coverage for any health care service related to ~~[contraceptives or]~~ hormone replacement therapy.

2. An insurer that offers or issues a policy of group health insurance that provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for outpatient care related to ~~[contraceptives or]~~ hormone replacement therapy than is required for other outpatient care covered by the policy;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured.

3. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. The provisions of this section do not prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by subsection 1 that is the same as the insured is required to pay for other outpatient care covered by the policy.

5. ~~[An insurer which offers or issues a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives required by this section if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection. The insurer shall provide notice to each insured, at the time the insured receives his or her certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.~~

~~6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.]~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 31. NRS 689B.500 is hereby amended to read as follows:

689B.500 ~~[A carrier that issues a group health plan or coverage under blanket accident and health insurance or group health insurance shall not deny, exclude or limit a benefit for a preexisting condition.]~~

1. An insurer shall offer or issue a policy of group health insurance to any person regardless of the health status of the person ~~[, the spouse of the person]~~ or any dependent of the person. Such health status includes, without limitation:

(a) Any preexisting medical condition of the person, including, without limitation, any physical or mental illness;

(b) The claims history of the person, including, without limitation, any prior health care services received by the person;

(c) Genetic information relating to the person; and

(d) Any increased risk for illness, injury or any other medical condition of the person, including, without limitation, any medical condition caused by an act of domestic violence.

2. An insurer that offers or issues a policy of group health insurance shall not:

(a) Deny, limit or exclude a benefit based on the health status of an insured; or

(b) Require an insured, as a condition of enrollment or renewal, to pay a premium, deductible, copay or coinsurance based on his or her health status which is greater than the premium, deductible, copay or coinsurance charged to a similarly situated insured or the covered ~~[spouse or]~~ dependent of such an insured who does not have such a health status.

3. An insurer that offers or issues a policy of group health insurance shall not adjust a premium, deductible, copay or coinsurance for any insured on the basis of genetic information relating to the insured or the covered ~~[spouse or]~~ dependent of the insured.

Sec. 32. NRS 689B.520 is hereby amended to read as follows:

689B.520 1. ~~***[An insurer that offers or issues a policy of group health insurance shall include in the policy coverage for such health care services relating to maternal and newborn care as the Director of the Department of Health and Human Services requires.***~~

~~***2.]***~~ Except as otherwise provided in this subsection, a group health plan or coverage offered under group health insurance issued pursuant to this chapter ~~[that includes coverage for maternity care and pediatric care for newborn infants]~~ may not restrict benefits for any length of stay in a hospital in connection with childbirth for a mother or newborn infant covered by the plan or coverage to:

(a) Less than 48 hours after a normal vaginal delivery; and

(b) Less than 96 hours after a cesarean section.

➥ If a different length of stay is provided in the guidelines established by the American College of Obstetricians and Gynecologists, or its successor organization, and the American Academy of Pediatrics, or its successor

organization, the group health plan or health insurance coverage may follow such guidelines in lieu of following the length of stay set forth above. The provisions of this subsection do not apply to any group health plan or health insurance coverage in any case in which the decision to discharge the mother or newborn infant before the expiration of the minimum length of stay set forth in this subsection is made by the attending physician of the mother or newborn infant.

2. ~~[3.]~~ Nothing in this section requires a mother to:

(a) Deliver her baby in a hospital; or

(b) Stay in a hospital for a fixed period following the birth of her child.

3. ~~[4.]~~ A group health plan or coverage under group health insurance ~~[~~that offers coverage for maternity care and pediatric care of newborn infants~~]~~ may not:

(a) Deny a mother or her newborn infant coverage or continued coverage under the terms of the plan or coverage if the sole purpose of the denial of coverage or continued coverage is to avoid the requirements of this section;

(b) Provide monetary payments or rebates to a mother to encourage her to accept less than the minimum protection available pursuant to this section;

(c) Penalize, or otherwise reduce or limit, the reimbursement of an attending provider of health care because the attending provider of health care provided care to a mother or newborn infant in accordance with the provisions of this section;

(d) Provide incentives of any kind to an attending physician to induce the attending physician to provide care to a mother or newborn infant in a manner that is inconsistent with the provisions of this section; or

(e) Except as otherwise provided in subsection 4, ~~[5,]~~ restrict benefits for any portion of a hospital stay required pursuant to the provisions of this section in a manner that is less favorable than the benefits provided for any preceding portion of that stay.

4. ~~[5.]~~ Nothing in this section:

(a) Prohibits a group health plan or carrier from imposing a deductible, coinsurance or other mechanism for sharing costs relating to benefits for hospital stays in connection with childbirth for a mother or newborn child covered by the plan, except that such coinsurance or other mechanism for sharing costs for any portion of a hospital stay required by this section may not be greater than the coinsurance or other mechanism for any preceding portion of that stay.

(b) Prohibits an arrangement for payment between a group health plan or carrier and a provider of health care that uses capitation or other financial incentives, if the arrangement is designed to provide services efficiently and consistently in the best interest of the mother and her newborn infant.

(c) Prevents a group health plan or carrier from negotiating with a provider of health care concerning the level and type of reimbursement to be provided in accordance with this section.

~~*[6.]*~~ *5. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.*

~~*[7. The Director of the Department of Health and Human Services shall adopt regulations to establish the health care services which must be covered by a policy of group health insurance pursuant to subsection 1.*~~

~~*8.]*~~ *6. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.*

Sec. 33. Chapter 689C of NRS is hereby amended by adding thereto the provisions set forth as sections 34 to 39, inclusive, of this act.

Sec. 34. *1. A carrier that offers or issues a health benefit plan which provides coverage for dependent children shall continue to make such coverage available for an adult child of an insured until such child reaches 26 years of age.*

2. Nothing in this section shall be construed as requiring a carrier to make coverage available for a dependent of an adult child of an insured.

Sec. 34.5. 1. Except as otherwise provided in subsection 7, a carrier that offers or issues a health benefit plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 10; and

(4) Dispensed in accordance with section 11.3 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 10;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same health benefit plan;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic

equivalent prescribed by a provider of health care must be covered by the carrier.

4. Except as otherwise provided in subsections 8, 9 and 11, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage to obtain any benefit included in the plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

7. A carrier that offers or issues a health benefit plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the carrier objects on religious grounds. Such a carrier shall, before the issuance of a health benefit plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the carrier refuses to provide pursuant to this subsection.

8. A carrier may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a health benefit plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the carrier may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Antiprogestin-based drugs for emergency contraception.

11. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. A carrier shall not use medical management techniques to require an insured to use a different method of contraception other than the method prescribed or ordered by a provider of health care.

13. A carrier must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the carrier to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the

carrier. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 35. ***1. A carrier that offers or issues a health benefit plan shall include in the plan coverage for*** ~~***[such preventive health care services relating to women as the Director of the Department of Health and Human Services requires.]***~~ ***:***

(a) Counseling and support for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually, with initial intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active women who are at increased risk for such diseases;

(d) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(e) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(f) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(g) Such well-woman preventive visits as recommended by the Health Resources and Services Administration, which must include at least one such visit per year beginning at 14 years of age;

(h) A daily dose of 0.4 to 0.8 milligrams of folic acid for women who are capable of becoming pregnant;

(i) Aspirin for the prevention of preeclampsia for women who are determined to be at a high risk of that condition after 12 weeks of gestation;

(j) Medication to prevent breast cancer for women who are at a high risk of developing breast cancer and have a low risk of adverse side effects from the medication; and

(k) Prophylactic ocular tubal medication for the prevention of gonococcal ophthalmia in newborns.

2. A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

3. Except as otherwise provided in subsection 5, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health benefit plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~[3.]~~ *4. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.*

~~*[4. The Director of the Department of Health and Human Services shall adopt regulations to establish the preventive health care services which must be covered by a health benefit plan pursuant to subsection 1, including, without limitation:*~~

~~*(a) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;*~~

~~*(b) Screening and counseling for interpersonal and domestic violence;*~~

~~*(c) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration;*~~

~~*(d) Contraceptive drugs, devices and services;*~~

~~*(e) Such well-woman preventive visits as recommended by the Health Resources and Services Administration;*~~

~~*(f) Any supplements, drugs or devices recommended by the Health Resources and Services Administration; and*~~

~~*(g) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention*~~

~~*of the United States Department of Health and Human Services or its successor organization.]*~~

5. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section ~~[, "provider]~~ :

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 36. *1. A carrier that offers or issues a health benefit plan shall include in the plan coverage for ~~[such preventive health care services relating to persons 18 years of age or older as the Director of the Department of Health and Human Services requires.]~~ :*

(a) Counseling relating to the dietary needs of adults who are at a high risk of chronic diseases;

(b) Statin preventive medication for persons between the ages of 40 and 75 years who do not have a history of cardiovascular disease, but who have:

(1) One or more risk factors for cardiovascular disease; and

(2) A calculated risk of at least 10 percent of acquiring cardiovascular disease within the next 10 years;

(c) Aspirin for persons between the ages of 50 and 59 years who have a calculated risk of at least 10 percent of acquiring cardiovascular disease within the next 10 years and a life expectancy of at least 10 years;

(d) Vitamin D supplements for persons who are at least 65 years of age to prevent the person from falling if the person:

(1) Does not reside in a medical facility or a facility for the dependent; and

(2) Has an increased risk of falls;

(e) Tuberculosis screenings for latent tuberculosis infection in persons with increased risk of contracting tuberculosis;

(f) Screening for high blood pressure to confirm a diagnosis made outside a clinical setting before treatment is commenced;

(g) One abdominal aortic screening by ultrasound to detect abdominal aortic aneurisms for men between ages of 65 and 75 years who have smoked during their lifetimes;

(h) Screening for hepatitis B infection for persons who are at a high risk of contracting hepatitis B;

(i) Screening for hepatitis C infection for persons who are at a high risk of contracting hepatitis C;

(j) One screening for hepatitis C infection for persons born between 1945 and 1965;

(k) Screening for osteoporosis for women who:

(1) Are 65 years of age and older; or

(2) Have a risk of fracturing a bone equal to or greater than that of a woman who is 65 years of age without any additional risk factors;

(l) Screening for alcohol misuse for persons 18 years of age or older;

(m) If a person engages in risky or hazardous consumption of alcohol, as determined by the screening described in paragraph (l), behavioral counseling to reduce such behavior; and

(n) Screening for lung cancer using low-dose computed tomography for persons between the ages of 55 and 80 years who:

(1) Have a smoking history of 30 pack-years;

(2) Smoke or have stopped smoking within the immediately preceding 15 years; and

(3) Do not suffer from a health problem that substantially limits the life expectancy of the person or the willingness of the person to undergo curative surgery.

2. A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

3. Except as otherwise provided in subsection 5, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health benefit plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~[3.]~~ 4. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

~~[4. The Director of the Department of Health and Human Services shall adopt regulations to establish the preventive health care services which must be covered by a health benefit plan pursuant to subsection 1, including, without limitation:~~

~~(a) Screening, tests and counseling for such other health conditions and diseases as recommended by the United States Preventive Services Task Force or its successor organization;~~

~~(b) Counseling relating to the dietary needs of certain adults who are at high risk of chronic diseases;~~

~~(c) Smoking cessation programs;~~

~~(d) Any supplements, drugs or devices recommended by the United States Preventive Services Task Force or its successor organization; and~~

~~(e) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.]~~

5. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section ~~[, "provider]~~ :

(a) "Computed tomography" means the process of producing sectional and three-dimensional images using external ionizing radiation.

(b) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(d) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(e) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(f) "Pack-year" means the product of the number of packs of cigarettes smoked per day and the number of years that the person has smoked.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 37. *1. A carrier that offers or issues a health benefit plan shall include in the plan coverage for ~~[such preventive health care services relating to persons less than 18 years of age as the Director of the Department of Health and Human Services requires,]~~ :*

(a) Screening for depression;

(b) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization;

(c) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration for persons less than 18 years of age; and

(d) Assessments relating to height, weight, body mass index and medical history for persons less than 18 years of age.

2. A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

3. Except as otherwise provided in subsection 5, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health benefit plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~[3.]~~ 4. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

~~*[4. The Director of the Department of Health and Human Services shall adopt regulations to establish the preventive health care services which must be covered by a health benefit plan pursuant to subsection 1, including, without limitation:*~~

~~*(a) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration;*~~

~~*(b) Assessments relating to height, weight, body mass index and medical history;*~~

~~*(c) Any supplements, drugs or devices recommended by the Health Resources and Services Administration; and*~~

~~*(d) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.]*~~

5. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section ~~[, "provider]~~ :

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 38. *1. A health benefit plan must provide coverage for benefits payable for expenses incurred for:*

(a) Deoxyribonucleic acid testing for high-risk strains of the human papillomavirus ~~[,]~~ every 3 years for women 30 years of age or older; and

(b) Administering the human papillomavirus vaccine as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A ~~[health benefit plan must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.]~~ carrier

must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

3. ~~[A]~~ Except as otherwise provided in subsection 5, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health benefit plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A health benefit plan subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with ~~[subsection 1]~~ this section is void.

5. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(c) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the

carrier. The term does not include an arrangement for the financing of premiums.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 39. *1. A health benefit plan must provide coverage for benefits payable for expenses incurred for:*

(a) [An annual cytologic screening test for women 18 years of age or older;

(b) A baseline mammogram for women between the ages of 35 and 40 years;

(c) An annual] A mammogram every 2 years, or annually if ordered by a provider of health care, for women 40 years of age or older;

[(d)] (b) Counseling concerning genetic testing for breast cancer [;] for women who are at a high risk of developing breast cancer; and

[(e)] (c) Counseling concerning breast cancer chemoprevention [.] for women who are at risk of developing breast cancer.

2. A [health benefit plan must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.] carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

3. [A] Except as otherwise provided in subsection 5, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health benefit plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A health benefit plan subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with [subsection 1] this section is void.

5. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section [, "provider] :

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 40. NRS 689C.159 is hereby amended to read as follows:

689C.159 The provisions of NRS 689C.156 [and 689C.190] do not apply to health benefit plans offered by a carrier if the carrier makes the health benefit plan available in the small employer market only through a bona fide association.

Sec. 41. NRS 689C.190 is hereby amended to read as follows:

689C.190 [A carrier serving small employers that issues a health benefit plan shall not deny, exclude or limit a benefit for a preexisting condition.]

1. A carrier shall offer or issue a health benefit plan to any person regardless of the health status of the person [, the spouse of the person] or any dependent of the person. Such health status includes, without limitation:

(a) Any preexisting medical condition of the person, including, without limitation, any physical or mental illness;

(b) The claims history of the person, including, without limitation, any prior health care services received by the person;

(c) Genetic information relating to the person; and

(d) Any increased risk for illness, injury or any other medical condition of the person, including, without limitation, any medical condition caused by an act of domestic violence.

2. A carrier that offers or issues a health benefit plan shall not:

(a) Deny, limit or exclude a benefit based on the health status of an insured; or

(b) Require an insured, as a condition of enrollment or renewal, to pay a premium, deductible, copay or coinsurance based on his or her health status which is greater than the premium, deductible, copay or coinsurance

charged to a similarly situated insured or the covered ~~[spouse or]~~ dependent of such an insured who does not have such a health status.

3. A carrier that offers or issues a health benefit plan shall not adjust a premium, deductible, copay or coinsurance for any insured on the basis of genetic information relating to the insured or the covered ~~[spouse or]~~ dependent of the insured.

Sec. 42. NRS 689C.193 is hereby amended to read as follows:

689C.193 1. A carrier shall not place any restriction on a small employer or an eligible employee or a dependent of the eligible employee as a condition of being a participant in or a beneficiary of a health benefit plan that is inconsistent with NRS 689C.015 to 689C.355, inclusive ~~[.]~~ ***, and sections 34 to 39, inclusive, of this act.***

2. A carrier that offers health insurance coverage to small employers pursuant to this chapter shall not establish rules of eligibility, including, but not limited to, rules which define applicable waiting periods, for the initial or continued enrollment under a health benefit plan offered by the carrier that are based on the following factors relating to the eligible employee or a dependent of the eligible employee:

(a) Health status.

(b) Medical condition, including physical and mental illnesses, or both.

(c) Claims experience.

(d) Receipt of health care.

(e) Medical history.

(f) Genetic information.

(g) Evidence of insurability, including conditions which arise out of acts of domestic violence.

(h) Disability.

3. Except as otherwise provided in NRS 689C.190, the provisions of subsection 1 do not require a carrier to provide particular benefits other than those that would otherwise be provided under the terms of the health benefit plan or coverage.

4. As a condition of enrollment or continued enrollment under a health benefit plan, a carrier shall not require any person to pay a premium or contribution that is greater than the premium or contribution for a similarly situated person covered by similar coverage on the basis of any factor described in subsection 2 in relation to the person or a dependent of the person.

5. Nothing in this section:

(a) Restricts the amount that a small employer may be charged for coverage by a carrier;

(b) Prevents a carrier from establishing premium discounts or rebates or from modifying otherwise applicable copayments or deductibles in return for adherence by the insured person to programs of health promotion and disease prevention; or

(c) Precludes a carrier from establishing rules relating to employer contribution or group participation when offering health insurance coverage to small employers in this State.

6. As used in this section:

(a) "Contribution" means the minimum employer contribution toward the premium for enrollment of participants and beneficiaries in a health benefit plan.

(b) "Group participation" means the minimum number of participants or beneficiaries that must be enrolled in a health benefit plan in relation to a specified percentage or number of eligible persons or employees of the employer.

Sec. 43. NRS 689C.194 is hereby amended to read as follows:

689C.194 1. ~~***[A carrier that offers or issues a health benefit plan shall include in the plan coverage for such health care services relating to maternal and newborn care as the Director of the Department of Health and Human Services requires.***~~

~~***2.]***~~ Except as otherwise provided in this subsection, a health benefit plan issued pursuant to this chapter ~~**[**that includes coverage for maternity care and pediatric care for newborn infants**]**~~ may not restrict benefits for any length of stay in a hospital in connection with childbirth for a mother or newborn infant covered by the plan to:

(a) Less than 48 hours after a normal vaginal delivery; and

(b) Less than 96 hours after a cesarean section.

➥ If a different length of stay is provided in the guidelines established by the American College of Obstetricians and Gynecologists, or its successor organization, and the American Academy of Pediatrics, or its successor organization, the health benefit plan may follow such guidelines in lieu of following the length of stay set forth above. The provisions of this subsection do not apply to any health benefit plan in any case in which the decision to discharge the mother or newborn infant before the expiration of the minimum length of stay set forth in this subsection is made by the attending physician of the mother or newborn infant.

2. ~~***[3.]***~~ Nothing in this section requires a mother to:

(a) Deliver her baby in a hospital; or

(b) Stay in a hospital for a fixed period following the birth of her child.

3. ~~***[4.]***~~ A health benefit plan ~~**[**that offers coverage for maternity care and pediatric care of newborn infants**]**~~ may not:

(a) Deny a mother or her newborn infant coverage or continued coverage under the terms of the plan if the sole purpose of the denial of coverage or continued coverage is to avoid the requirements of this section;

(b) Provide monetary payments or rebates to a mother to encourage her to accept less than the minimum protection available pursuant to this section;

(c) Penalize, or otherwise reduce or limit, the reimbursement of an attending provider of health care because the attending provider of health

care provided care to a mother or newborn infant in accordance with the provisions of this section;

(d) Provide incentives of any kind to an attending physician to induce the attending physician to provide care to a mother or newborn infant in a manner that is inconsistent with the provisions of this section; or

(e) Except as otherwise provided in subsection 4, ~~[5,]~~ restrict benefits for any portion of a hospital stay required pursuant to the provisions of this section in a manner that is less favorable than the benefits provided for any preceding portion of that stay.

4. ~~[5.]~~ Nothing in this section:

(a) Prohibits a health benefit plan or carrier from imposing a deductible, coinsurance or other mechanism for sharing costs relating to benefits for hospital stays in connection with childbirth for a mother or newborn child covered by the plan, except that such coinsurance or other mechanism for sharing costs for any portion of a hospital stay required by this section may not be greater than the coinsurance or other mechanism for any preceding portion of that stay.

(b) Prohibits an arrangement for payment between a health benefit plan or carrier and a provider of health care that uses capitation or other financial incentives, if the arrangement is designed to provide services efficiently and consistently in the best interest of the mother and her newborn infant.

(c) Prevents a health benefit plan or carrier from negotiating with a provider of health care concerning the level and type of reimbursement to be provided in accordance with this section.

~~[6.]~~ 5. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

~~[7. The Director of the Department of Health and Human Services shall adopt regulations to establish the health care services which must be covered by a health benefit plan pursuant to subsection 1.~~

~~8.]~~ 6. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 44. NRS 689C.270 is hereby amended to read as follows:

689C.270 1. The Commissioner shall adopt regulations which require a carrier to file with the Commissioner, for approval by the Commissioner, a disclosure offered by the carrier to a small employer. The disclosure must include:

(a) Any significant exception, reduction or limitation that applies to the policy;

(b) Any restrictions on payments for emergency care, including, without limitation, related definitions of an emergency and medical necessity;

(c) The provision of the health benefit plan concerning the carrier's right to change premium rates and the characteristics, other than claim experience, that affect changes in premium rates;

(d) The provisions relating to renewability of policies and contracts; ***and***

(e) ~~[~~The provisions relating to any preexisting condition; and

~~(f)]~~ Any other information that the Commissioner finds necessary to provide for full and fair disclosure of the provisions of a policy or contract of insurance issued pursuant to this chapter.

2. The disclosure must be written in language which is easily understood and must include a statement that the disclosure is a summary of the policy only, and that the policy itself should be read to determine the governing contractual provisions.

3. The Commissioner shall not approve any proposed disclosure submitted to the Commissioner pursuant to this section which does not comply with the requirements of this section and the applicable regulations.

4. The carrier shall make available to a small employer or a producer acting on behalf of a small employer, upon request, a copy of the disclosure approved by the Commissioner pursuant to this section for policies of health insurance for which that employer may be eligible.

Sec. 45. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, ***and sections 34 to 39, inclusive, of this act,*** to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 46. NRS 689C.440 is hereby amended to read as follows:

689C.440 1. The Commissioner shall adopt regulations which require a carrier to file with the Commissioner, for approval by the Commissioner, a disclosure offered by the carrier to a voluntary purchasing group. The disclosure must include:

(a) Any significant exception, prior authorization, reduction or limitation that applies to a contract;

(b) Any restrictions on payments for emergency care, including, without limitation, related definitions of an emergency and medical necessity;

(c) Any provision of a contract concerning the carrier's right to change premium rates and the characteristics, other than claim experience, that affect changes in premium rates;

(d) The provisions relating to renewability of contracts; ***and***

(e) ~~[~~The provisions relating to any preexisting condition; and

~~(f)]~~ Any other information that the Commissioner finds necessary to provide for full and fair disclosure of the provisions of a contract.

2. The disclosure must be written in a language which is easily understood and must include a statement that the disclosure is a summary of the contract only, and that the contract itself should be read to determine the governing contractual provisions.

3. The Commissioner shall not approve any proposed disclosure submitted to the Commissioner pursuant to this section which does not comply with the requirements of this section and the applicable regulations.

Sec. 47. Chapter 695A of NRS is hereby amended by adding thereto the provisions set forth as sections 48 to 55, inclusive, of this act.

Sec. 48. ***1. A society shall offer or issue a benefit contract to any person regardless of the health status of the person*** ***[, the spouse of the person]*** ***or any dependent of the person. Such health status includes, without limitation:***

(a) Any preexisting medical condition of the person, including, without limitation, any physical or mental illness;

(b) The claims history of the person, including, without limitation, any prior health care services received by the person;

(c) Genetic information relating to the person; and

(d) Any increased risk for illness, injury or any other medical condition of the person, including, without limitation, any medical condition caused by an act of domestic violence.

2. A society that offers or issues a benefit contract shall not:

(a) Deny, limit or exclude a benefit based on the health status of an insured; or

(b) Require an insured, as a condition of enrollment or renewal, to pay a premium, deductible, copay or coinsurance based on his or her health status which is greater than the premium, deductible, copay or coinsurance charged to a similarly situated insured or the covered ***[spouse or]*** ***dependent of such an insured who does not have such a health status.***

3. A society that offers or issues a benefit contract shall not adjust a premium, deductible, copay or coinsurance for any insured on the basis of genetic information relating to the insured or the covered ***[spouse or]*** ***dependent of the insured.***

Sec. 49. ***1. A society that offers or issues a benefit contract which provides coverage for dependent children shall continue to make such coverage available for an adult child of an insured until such child reaches 26 years of age.***

2. Nothing in this section shall be construed as requiring a society to make coverage available for a dependent of an adult child of an insured.

Sec. 49.5. 1. Except as otherwise provided in subsection 7, a society that offers or issues a benefit contract shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 10; and

(4) Dispensed in accordance with section 11.3 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 10;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same benefit contract;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the society.

4. Except as otherwise provided in subsections 8, 9 and 11, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage to obtain any benefit included in the plan pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

7. A society that offers or issues a benefit contract and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the society objects on religious grounds. Such a society shall, before the issuance of a benefit contract and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the society refuses to provide pursuant to this subsection.

8. A society may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a benefit contract must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the society may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Antiprogestin-based drugs for emergency contraception.

11. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. A society shall not use medical management techniques to require an insured to use a different method of contraception other than the method prescribed or ordered by a provider of health care.

13. A society must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the society to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 50. ***1. A society that offers or issues a benefit contract shall include in the contract coverage for ~~[such preventive health care services relating to women as the Director of the Department of Health and Human Services requires.]~~ :***

(a) Counseling and support for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually, with initial intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active women who are at increased risk for such diseases;

(d) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(e) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(f) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(g) Such well-woman preventive visits as recommended by the Health Resources and Services Administration, which must include at least one such visit per year beginning at 14 years of age;

(h) A daily dose of 0.4 to 0.8 milligrams of folic acid for women who are capable of becoming pregnant;

(i) Aspirin for the prevention of preeclampsia for women who are determined to be at a high risk of that condition after 12 weeks of gestation;

(j) Medication to prevent breast cancer for women who are at a high risk of developing breast cancer and have a low risk of adverse side effects from the medication; and

(k) Prophylactic ocular tubal medication for the prevention of gonococcal ophthalmia in newborns.

2. A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

3. Except as otherwise provided in subsection 5, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use a benefit provided in the benefit contract pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~[3.]~~ 4. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

~~[4. The Director of the Department of Health and Human Services shall adopt regulations to establish the preventive health care services which must be covered by a benefit contract pursuant to subsection 1, including, without limitation:~~

~~(a) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;~~

~~(b) Screening and counseling for interpersonal and domestic violence;~~

~~(c) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration;~~

~~(d) Contraceptive drugs, devices and services;~~

~~(e) Such well woman preventive visits as recommended by the Health Resources and Services Administration;~~

~~(f) Any supplements, drugs or devices recommended by the Health Resources and Services Administration; and~~

~~(g) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.]~~

5. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section ~~[, "provider]~~ :

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 51. *1. A society that offers or issues a benefit contract shall include in the contract coverage for ~~[such preventive health care services relating to persons 18 years of age or older as the Director of the Department of Health and Human Services requires.]~~ :*

(a) Counseling relating to the dietary needs of adults who are at a high risk of chronic diseases;

(b) Statin preventive medication for persons between the ages of 40 and 75 years who do not have a history of cardiovascular disease, but who have:

(1) One or more risk factors for cardiovascular disease; and

(2) A calculated risk of at least 10 percent of acquiring cardiovascular disease within the next 10 years;

(c) Aspirin for persons between the ages of 50 and 59 years who have a calculated risk of at least 10 percent of acquiring cardiovascular disease within the next 10 years and a life expectancy of at least 10 years;

(d) Vitamin D supplements for persons who are at least 65 years of age to prevent the person from falling if the person:

(1) Does not reside in a medical facility or a facility for the dependent; and

(2) Has an increased risk of falls;

(e) Tuberculosis screenings for latent tuberculosis infection in persons with increased risk of contracting tuberculosis;

(f) Screening for high blood pressure to confirm a diagnosis made outside a clinical setting before treatment is commenced;

(g) One abdominal aortic screening by ultrasound to detect abdominal aortic aneurisms for men between the ages of 65 and 75 years who have smoked during their lifetimes;

(h) Screening for hepatitis B infection for persons who are at a high risk of contracting hepatitis B;

(i) Screening for hepatitis C infection for persons who are at a high risk of contracting hepatitis C;

(j) One screening for hepatitis C infection for persons born between 1945 and 1965;

(k) Screening for osteoporosis for women who:

(1) Are 65 years of age and older; or

(2) Have a risk of fracturing a bone equal to or greater than that of a woman who is 65 years of age without any additional risk factors;

(l) Screening for alcohol misuse for persons 18 years of age or older;

(m) If a person engages in risky or hazardous consumption of alcohol, as determined by the screening described in paragraph (l), behavioral counseling to reduce such behavior; and

(n) Screening for lung cancer using low-dose computed tomography for persons between the ages of 55 and 80 years who:

(1) Have a smoking history of 30 pack-years;

(2) Smoke or have stopped smoking within the immediately preceding 15 years; and

(3) Do not suffer from a health problem that substantially limits the life expectancy of the person or the willingness of the person to undergo curative surgery.

2. A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

3. Except as otherwise provided in subsection 5, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use a benefit provided in the benefit contract pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~[3.]~~ 4. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

~~[4. The Director of the Department of Health and Human Services shall adopt regulations to establish the preventive health care services which must be covered by a benefit contract pursuant to subsection 1, including, without limitation:~~

~~(a) Screening, tests and counseling for such other health conditions and diseases as recommended by the United States Preventive Services Task Force or its successor organization;~~

~~(b) Counseling relating to the dietary needs of certain adults who are at high risk of chronic diseases;~~

~~(c) Smoking cessation programs;~~

~~(d) Any supplements, drugs or devices recommended by the United States Preventive Services Task Force or its successor organization; and~~

~~(e) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.]~~

5. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or

treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section ~~[, "provider]~~ :

(a) "Computed tomography" means the process of producing sectional and three-dimensional images using external ionizing radiation.

(b) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(d) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(e) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the society. The term does not include an arrangement for the financing of premiums.

(f) "Pack-year" means the product of the number of packs of cigarettes smoked per day and the number of years that the person has smoked.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 52. *1. A society that offers or issues a benefit contract shall include in the contract coverage for ~~[such preventive health care services relating to persons less than 18 years of age as the Director of the Department of Health and Human Services requires,]~~ :*

(a) Screening for depression;

(b) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization;

(c) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration for persons less than 18 years of age; and

(d) Assessments relating to height, weight, body mass index and medical history for persons less than 18 years of age.

2. A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

3. Except as otherwise provided in subsection 5, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use a benefit provided in the benefit contract pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~[3.]~~ 4. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

~~[4. The Director of the Department of Health and Human Services shall adopt regulations to establish the preventive health care services which must be covered by a benefit contract pursuant to subsection 1, including, without limitation:~~

~~(a) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration;~~

~~(b) Assessments relating to height, weight, body mass index and medical history;~~

~~(c) Any supplements, drugs or devices recommended by the Health Resources and Services Administration; and~~

~~(d) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.]~~

5. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section ~~[, "provider]~~ :

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 53. *1. ~~[A society that offers or issues a benefit contract shall include in the contract coverage for such health care services relating to maternal and newborn care as the Director of the Department of Health and Human Services requires.~~*

~~2.]~~ Except as otherwise provided in this subsection, a benefit contract issued pursuant to this chapter may not restrict benefits for any length of stay in a hospital in connection with childbirth for a mother or newborn infant covered by the contract to:

(a) Less than 48 hours after a normal vaginal delivery; and

(b) Less than 96 hours after a cesarean section.

➥ If a different length of stay is provided in the guidelines established by the American College of Obstetricians and Gynecologists, or its successor organization, and the American Academy of Pediatrics, or its successor organization, the benefit contract may follow such guidelines in lieu of following the length of stay set forth above. The provisions of this subsection do not apply to any benefit contract in any case in which the decision to discharge the mother or newborn infant before the expiration of the minimum length of stay set forth in this subsection is made by the attending physician of the mother or newborn infant.

~~[3.]~~ 2. Nothing in this section requires a mother to:

(a) Deliver her baby in a hospital; or

(b) Stay in a hospital for a fixed period following the birth of her child.

~~[4.]~~ 3. A benefit contract may not:

(a) Deny a mother or her newborn infant coverage or continued coverage under the terms of the contract or coverage if the sole purpose of the denial of coverage or continued coverage is to avoid the requirements of this section;

(b) Provide monetary payments or rebates to a mother to encourage her to accept less than the minimum protection available pursuant to this section;

(c) Penalize, or otherwise reduce or limit, the reimbursement of an attending provider of health care because the attending provider of health care provided care to a mother or newborn infant in accordance with the provisions of this section;

(d) Provide incentives of any kind to an attending physician to induce the attending physician to provide care to a mother or newborn infant in a manner that is inconsistent with the provisions of this section; or

(e) Except as otherwise provided in subsection ~~[5,]~~ 4, restrict benefits for any portion of a hospital stay required pursuant to the provisions of this section in a manner that is less favorable than the benefits provided for any preceding portion of that stay.

~~[5.]~~ 4. Nothing in this section:

(a) Prohibits a benefit contract from imposing a deductible, coinsurance or other mechanism for sharing costs relating to benefits for hospital stays in connection with childbirth for a mother or newborn child covered by the contract, except that such coinsurance or other mechanism for sharing costs for any portion of a hospital stay required by this section may not be greater than the coinsurance or other mechanism for any preceding portion of that stay.

(b) Prohibits an arrangement for payment between a benefit contract or society and a provider of health care that uses capitation or other financial incentives, if the arrangement is designed to provide services efficiently and consistently in the best interest of the mother and her newborn infant.

(c) Prevents a benefit contract or society from negotiating with a provider of health care concerning the level and type of reimbursement to be provided in accordance with this section.

~~[6.]~~ 5. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

~~[7. The Director of the Department of Health and Human Services shall adopt regulations to establish the health care services which must be covered by a benefit contract pursuant to subsection 1.~~

~~8.]~~ 6. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 54. *1. A benefit contract must provide coverage for benefits payable for expenses incurred for:*

(a) Deoxyribonucleic acid testing for high-risk strains of the human papillomavirus ~~[,]~~ every 3 years for women 30 years of age or older; and

(b) Administering the human papillomavirus vaccine as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A ~~[benefit contract must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.]~~ society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

3. ~~[A]~~ Except as otherwise provided in subsection 5, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use a benefit provided in the benefit contract pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A benefit contract subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with ~~[subsection 1]~~ this section is void.

5. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(c) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the society. The term does not include an arrangement for the financing of premiums.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 55. *1. A benefit contract must provide coverage for benefits payable for expenses incurred for:*

(a) ~~[An annual cytologic screening test for women 18 years of age or older;~~

~~(b) A baseline mammogram for women between the ages of 35 and 40 years;~~

~~(c) An annual]~~ A mammogram every 2 years, or annually if ordered by a provider of health care, for women 40 years of age or older;

~~[(d)]~~ (b) Counseling concerning genetic testing for breast cancer ~~[;]~~ for women who are at a high risk of developing breast cancer; and

~~[(e)]~~ (c) Counseling concerning breast cancer chemoprevention ~~[.]~~ for women who are at risk of developing breast cancer.

2. A ~~[benefit contract must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.]~~ society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

3. ~~[A]~~ Except as otherwise provided in subsection 5, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use a benefit provided in the benefit contract pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A benefit contract subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with ~~[subsection 1]~~ this section is void.

5. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section ~~[, "provider]~~ :

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 56. Chapter 695B of NRS is hereby amended by adding thereto the provisions set forth as sections 57 to 62, inclusive, of this act.

Sec. 57. ***1. An insurer shall offer or issue a contract for hospital or medical service to any person regardless of the health status of the person [, the spouse of the person] or any dependent of the person. Such health status includes, without limitation:***

(a) Any preexisting medical condition of the person, including, without limitation, any physical or mental illness;

(b) The claims history of the person, including, without limitation, any prior health care services received by the person;

(c) Genetic information relating to the person; and

(d) Any increased risk for illness, injury or any other medical condition of the person, including, without limitation, any medical condition caused by an act of domestic violence.

2. An insurer that offers or issues a contract for hospital or medical service shall not:

(a) Deny, limit or exclude a benefit based on the health status of an insured; or

(b) Require an insured, as a condition of enrollment or renewal, to pay a premium, deductible, copay or coinsurance based on his or her health status which is greater than the premium, deductible, copay or coinsurance charged to a similarly situated insured or the covered [spouse or] dependent of such an insured who does not have such a health status.

3. An insurer that offers or issues a contract for hospital or medical service shall not adjust a premium, deductible, copay or coinsurance for any insured on the basis of genetic information relating to the insured or the covered [spouse or] dependent of the insured.

Sec. 58. ***1. An insurer that offers or issues a contract for hospital or medical service which provides coverage for dependent children shall continue to make such coverage available for an adult child of an insured until such child reaches 26 years of age.***

2. Nothing in this section shall be construed as requiring a hospital or medical service corporation to make coverage available for a dependent of an adult child of an insured.

Sec. 58.5. 1. Except as otherwise provided in subsection 7, an insurer that offers or issues a contract for hospital or medical service shall include in the contract coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 11; and

(4) Dispensed in accordance with section 11.3 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 11;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same contract for hospital or medical service;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

4. Except as otherwise provided in subsections 9, 10 and 12, an insurer that offers or issues a contract for hospital or medical service shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage to obtain any benefit included in the contract pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

7. An insurer that offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

8. If an insurer refuses, pursuant to subsection 7, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

9. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

10. For each of the 18 methods of contraception listed in subsection 11 that have been approved by the Food and Drug Administration, a contract for hospital or medical service must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

11. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Antiprogestin-based drugs for emergency contraception.

12. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

13. An insurer shall not use medical management techniques to require an insured to use a different method of contraception other than the method prescribed or ordered by a provider of health care.

14. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

15. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a contract for hospital or medical service offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 59. *1. An insurer that offers or issues a contract for hospital or medical service shall include in the contract coverage for ~~[such preventive health care services relating to women as the Director of the Department of Health and Human Services requires.]~~ :*

(a) Counseling and support for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually, with initial intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active women who are at increased risk for such diseases;

(d) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(e) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(f) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(g) Such well-woman preventive visits as recommended by the Health Resources and Services Administration, which must include at least one such visit per year beginning at 14 years of age;

(h) A daily dose of 0.4 to 0.8 milligrams of folic acid for women who are capable of becoming pregnant;

(i) Aspirin for the prevention of preeclampsia for women who are determined to be at a high risk of that condition after 12 weeks of gestation;

(j) Medication to prevent breast cancer for women who are at a high risk of developing breast cancer and have a low risk of adverse side effects from the medication; and

(k) Prophylactic ocular tubal medication for the prevention of gonococcal ophthalmia in newborns.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a contract for hospital or medical service shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use a benefit provided in the contract for hospital or medical service pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~[3.]~~ 4. A contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

~~[4. The Director of the Department of Health and Human Services shall adopt regulations to establish the preventive health care services which must be covered by a contract for hospital or medical service pursuant to subsection 1, including, without limitation:~~

~~(a) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;~~

~~(b) Screening and counseling for interpersonal and domestic violence;~~

~~(c) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration;~~

~~(d) Contraceptive drugs, devices and services;~~

~~(e) Such well-woman preventive visits as recommended by the Health Resources and Services Administration;~~

~~(f) Any supplements, drugs or devices recommended by the Health Resources and Services Administration; and~~

~~(g) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.]~~

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section ~~[, "provider]~~ :

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a contract for hospital or medical service offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 60. *1. An insurer that offers or issues a contract for hospital or medical service shall include in the contract coverage for ~~[such preventive health care services relating to persons 18 years of age or older as the Director of the Department of Health and Human Services requires,]~~ :*

(a) Counseling relating to the dietary needs of adults who are at a high risk of chronic diseases;

(b) Statin preventive medication for persons between the ages of 40 and 75 years who do not have a history of cardiovascular disease, but who have:

(1) One or more risk factors for cardiovascular disease; and

(2) A calculated risk of at least 10 percent of acquiring cardiovascular disease within the next 10 years;

(c) Aspirin for persons between the ages of 50 and 59 years who have a calculated risk of at least 10 percent of acquiring cardiovascular disease within the next 10 years and a life expectancy of at least 10 years;

(d) Vitamin D supplements for persons who are at least 65 years of age to prevent the person from falling if the person:

(1) Does not reside in a medical facility or a facility for the dependent; and

(2) Has an increased risk of falls;

(e) Tuberculosis screenings for latent tuberculosis infection in persons with increased risk of contracting tuberculosis;

(f) Screening for high blood pressure to confirm a diagnosis made outside a clinical setting before treatment is commenced;

(g) One abdominal aortic screening by ultrasound to detect abdominal aortic aneurisms for men between the ages of 65 and 75 years who have smoked during their lifetimes;

(h) Screening for hepatitis B infection for persons who are at a high risk of contracting hepatitis B;

(i) Screening for hepatitis C infection for persons who are at a high risk of contracting hepatitis C;

(j) One screening for hepatitis C infection for persons born between 1945 and 1965;

(k) Screening for osteoporosis for women who:

(1) Are 65 years of age and older; or

(2) Have a risk of fracturing a bone equal to or greater than that of a woman who is 65 years of age without any additional risk factors;

(l) Screening for alcohol misuse for persons 18 years of age or older;

(m) If a person engages in risky or hazardous consumption of alcohol, as determined by the screening described in paragraph (l), behavioral counseling to reduce such behavior; and

(n) Screening for lung cancer using low-dose computed tomography for persons between the ages of 55 and 80 years who:

(1) Have a smoking history of 30 pack-years;

(2) Smoke or have stopped smoking within the immediately preceding 15 years; and

(3) Do not suffer from a health problem that substantially limits the life expectancy of the person or the willingness of the person to undergo curative surgery.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a contract for hospital or medical service shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use a benefit provided in the contract for hospital or medical service pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~[3.]~~ 4. A contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage

required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

~~*[4. The Director of the Department of Health and Human Services shall adopt regulations to establish the preventive health care services which must be covered by a contract for hospital or medical service pursuant to subsection 1, including, without limitation:*~~

~~*(a) Screening, tests and counseling for such other health conditions and diseases as recommended by the United States Preventive Services Task Force or its successor organization;*~~

~~*(b) Counseling relating to the dietary needs of certain adults who are at high risk of chronic diseases;*~~

~~*(c) Smoking cessation programs;*~~

~~*(d) Any supplements, drugs or devices recommended by the United States Preventive Services Task Force or its successor organization; and*~~

~~*(e) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.]*~~

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section ~~[, "provider]~~ :

(a) "Computed tomography" means the process of producing sectional and three-dimensional images using external ionizing radiation.

(b) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(d) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(e) "Network plan" means a contract for hospital or medical service offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(f) "Pack-year" means the product of the number of packs of cigarettes smoked per day and the number of years that the person has smoked.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 61. *1. An insurer that offers or issues a contract for hospital or medical service shall include in the contract coverage for ~~[such preventive health care services relating to persons less than 18 years of age as the Director of the Department of Health and Human Services requires,]~~ :*

(a) Screening for depression;

(b) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization;

(c) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration for persons less than 18 years of age; and

(d) Assessments relating to height, weight, body mass index and medical history for persons less than 18 years of age.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a contract for hospital or medical service shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use a benefit provided in the contract for hospital or medical service pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~[3.]~~ 4. A contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

~~[4. The Director of the Department of Health and Human Services shall adopt regulations to establish the preventive health care services which~~

~~*must be covered by a contract for hospital or medical service pursuant to subsection 1, including, without limitation:*~~

~~*(a) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration;*~~

~~*(b) Assessments relating to height, weight, body mass index and medical history;*~~

~~*(c) Any supplements, drugs or devices recommended by the Health Resources and Services Administration; and*~~

~~*(d) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.]*~~

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section ~~[, "provider]~~ :

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a contract for hospital or medical service offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 62. *1. ~~[An insurer that offers or issues a contract for hospital or medical service shall include in the contract coverage for such health care services relating to maternal and newborn care as the Director of the Department of Health and Human Services requires.~~*

~~2.]~~ Except as otherwise provided in this subsection, a contract for hospital or medical service issued pursuant to this chapter may not restrict benefits for any length of stay in a hospital in connection with childbirth for a mother or newborn infant covered by the contract to:

(a) Less than 48 hours after a normal vaginal delivery; and

(b) Less than 96 hours after a cesarean section.

➥ If a different length of stay is provided in the guidelines established by the American College of Obstetricians and Gynecologists, or its successor organization, and the American Academy of Pediatrics, or its successor

organization, the contract for hospital or medical service may follow such guidelines in lieu of following the length of stay set forth above. The provisions of this subsection do not apply to any contract for hospital or medical service in any case in which the decision to discharge the mother or newborn infant before the expiration of the minimum length of stay set forth in this subsection is made by the attending physician of the mother or newborn infant.

~~[3.]~~ 2. Nothing in this section requires a mother to:

(a) Deliver her baby in a hospital; or

(b) Stay in a hospital for a fixed period following the birth of her child.

~~[4.]~~ 3. A contract for hospital or medical service may not:

(a) Deny a mother or her newborn infant coverage or continued coverage under the terms of the contract or coverage if the sole purpose of the denial of coverage or continued coverage is to avoid the requirements of this section;

(b) Provide monetary payments or rebates to a mother to encourage her to accept less than the minimum protection available pursuant to this section;

(c) Penalize, or otherwise reduce or limit, the reimbursement of an attending provider of health care because the attending provider of health care provided care to a mother or newborn infant in accordance with the provisions of this section;

(d) Provide incentives of any kind to an attending physician to induce the attending physician to provide care to a mother or newborn infant in a manner that is inconsistent with the provisions of this section; or

(e) Except as otherwise provided in subsection ~~[5.]~~ 4, restrict benefits for any portion of a hospital stay required pursuant to the provisions of this section in a manner that is less favorable than the benefits provided for any preceding portion of that stay.

~~[5.]~~ 4. Nothing in this section:

(a) Prohibits a contract for hospital or medical service from imposing a deductible, coinsurance or other mechanism for sharing costs relating to benefits for hospital stays in connection with childbirth for a mother or newborn child covered by the contract, except that such coinsurance or other mechanism for sharing costs for any portion of a hospital stay required by this section may not be greater than the coinsurance or other mechanism for any preceding portion of that stay.

(b) Prohibits an arrangement for payment between an insurer and a provider of health care that uses capitation or other financial incentives, if the arrangement is designed to provide services efficiently and consistently in the best interest of the mother and her newborn infant.

(c) Prevents an insurer from negotiating with a provider of health care concerning the level and type of reimbursement to be provided in accordance with this section.

~~[6.]~~ ***5. A contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.***

~~[7. The Director of the Department of Health and Human Services shall adopt regulations to establish the health care services which must be covered by a contract for hospital or medical service pursuant to subsection 1.~~

~~8.]~~ ***6. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.***

Sec. 63. NRS 695B.1912 is hereby amended to read as follows:

695B.1912 1. A ~~[~~policy of health insurance~~]~~ ***contract for hospital or medical service*** issued by a hospital or medical service corporation must provide coverage for benefits payable for expenses incurred for:

(a) ~~[~~An annual cytologic screening test for women 18 years of age or older;

(b) A baseline mammogram for women between the ages of 35 and 40; and

(c) An annual~~]~~ ***A*** mammogram ***every 2 years, or annually if ordered by a provider of health care,*** for women 40 years of age or older ~~[.]~~ ***;***

~~[(d)]~~ ***(b) Counseling concerning genetic testing for breast cancer*** ~~[,]~~ ***for women who are at a high risk of developing breast cancer; and***

~~[(e)]~~ ***(c) Counseling concerning breast cancer chemoprevention*** ~~[.]~~ ***for women who are at risk of developing breast cancer.***

2. ~~[~~A policy of health insurance ~~contract for hospital or medical service~~ issued by a hospital or medical service corporation must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.~~]~~ ***An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.***

3. ~~[An]~~ ***Except as otherwise provided in subsection 5, an insurer that offers or issues a contract for hospital or medical service shall not:***

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use a benefit provided in the contract for hospital or medical service pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A ~~[policy]~~ ***contract for hospital or medical service*** subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[October 1, 1989,]~~ ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the ~~[policy]~~ ***contract*** or the renewal which is in conflict with ~~[subsection 1]~~ ***this section*** is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section ~~[, "provider]~~ :

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a contract for hospital or medical service offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 63.3. **NRS 695B.1916 is hereby amended to read as follows:**

695B.1916 1. ~~[Except as otherwise provided in subsection 5, an]~~ ***An*** insurer that offers or issues a contract for hospital or medical service which provides coverage for prescription drugs or devices shall include in the contract coverage for ~~[:~~

~~(a) Any type of drug or device for contraception; and~~

~~(b) Any]~~ ***any*** type of hormone replacement therapy ~~[,~~ ~~"]~~ which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. An insurer that offers or issues a contract for hospital or medical service that provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for a prescription for ~~[a contraceptive or]~~ hormone replacement therapy than is required for other prescription drugs covered by the contract;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured.

3. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

4. The provisions of this section do not:

(a) Require an insurer to provide coverage for fertility drugs.

(b) Prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by ~~[paragraphs (a) and (b) of]~~ subsection 1 that is the same as the insured is required to pay for other prescription drugs covered by the contract.

~~5. [An insurer which offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection. The insurer shall provide notice to each insured, at the time the insured receives his or her certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.~~

~~6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 63.6. **NRS 695B.1918 is hereby amended to read as follows:**

695B.1918 1. ~~[Except as otherwise provided in subsection 5, an]~~ ***An*** insurer that offers or issues a contract for hospital or medical service which provides coverage for outpatient care shall include in the contract coverage for any health care service related to ~~[contraceptives or]~~ hormone replacement therapy.

2. An insurer that offers or issues a contract for hospital or medical service that provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for outpatient care related to ~~[contraceptives or]~~ hormone replacement therapy than is required for other outpatient care covered by the contract;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured.

3. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

4. The provisions of this section do not prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by subsection 1 that is the same as the insured is required to pay for other outpatient care covered by the contract.

5. ~~[An insurer which offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives required by this section if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the group policyholder or~~

~~prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection. The insurer shall provide notice to each insured, at the time the insured receives his or her certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.~~

~~6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.~~**]** As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 64. NRS 695B.1925 is hereby amended to read as follows:

695B.1925 1. A **[**~~policy of health insurance~~**]** ***contract for hospital or medical service*** issued by a hospital or medical service corporation must provide coverage for benefits payable for expenses incurred for **[**~~administering~~**]** ***:***

(a) Deoxyribonucleic acid testing for high-risk strains of the human papillomavirus ***[***~~,~~***]*** ***every 3 years for women 30 years of age or older; and***

(b) Administering the human papillomavirus vaccine **[**~~to women and girls~~**]** at such ages as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. **[**~~A policy of health insurance~~ ***contract for hospital or medical service*** ~~issued by a hospital or medical service corporation must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.~~**]** ***An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.***

3. ***[***~~An~~***]*** ***Except as otherwise provided in subsection 5, an insurer that offers or issues a contract for hospital or medical service shall not:***

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use a benefit provided in the contract for hospital or medical service pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A ~~[policy]~~ ***contract for hospital or medical service*** subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[July 1, 2007,]~~ ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with ~~[subsection 1]~~ ***this section*** is void.

~~[4. For the purposes of this section, "human]~~

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(c) "Network plan" means a contract for hospital or medical service offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 65. NRS 695B.193 is hereby amended to read as follows:

695B.193 1. All individual and group service or indemnity-type contracts issued by a nonprofit corporation which provide coverage for a family member of the subscriber must as to such coverage provide that the health benefits applicable for children are payable with respect to:

(a) A newly born child of the subscriber from the moment of birth;

(b) An adopted child from the date the adoption becomes effective, if the child was not placed in the home before adoption; and

(c) A child placed with the subscriber for the purpose of adoption from the moment of placement as certified by the public or private agency making the placement. The coverage of such a child ceases if the adoption proceedings

are terminated as certified by the public or private agency making the placement.

➥ The contracts must provide the coverage specified in subsection 3, and must not exclude premature births.

2. The contract may require that notification of:

(a) The birth of a newly born child;

(b) The effective date of adoption of a child; or

(c) The date of placement of a child for adoption,

➥ and payments of the required fees, if any, must be furnished to the nonprofit service corporation within 31 days after the date of birth, adoption or placement for adoption in order to have the coverage continue beyond the 31-day period.

3. The coverage for newly born and adopted children and children placed for adoption consists of coverage of injury or sickness, including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities and, within the limits of the policy, necessary transportation costs from place of birth to the nearest specialized treatment center under major medical policies, and with respect to basic policies to the extent such costs are charged by the treatment center.

4. ~~[A corporation shall not restrict the coverage of a dependent child adopted or placed for adoption solely because of a preexisting condition the child has at the time the child would otherwise become eligible for coverage pursuant to that contract. Any provision relating to an exclusion for a preexisting condition must comply with NRS 689C.190.~~

~~5.]~~ For covered services provided to the child, the corporation shall reimburse noncontracted providers of health care to an amount equal to the average amount of payment for which the organization has agreements, contracts or arrangements for those covered services.

Sec. 66. NRS 695B.2555 is hereby amended to read as follows:

695B.2555 A ~~[converted contract must not exclude a preexisting condition not excluded by the group contract, but a]~~ converted contract may provide that any hospital, surgical or medical benefits payable under it may be reduced by the amount of any benefits payable under the group contract after his or her termination. A converted contract may provide that during the first contract year the benefits payable under it, together with the benefits payable under the group contract, must not exceed those that would have been payable if the subscriber's coverage under the group contract had remained in effect.

Sec. 67. Chapter 695C of NRS is hereby amended by adding thereto the provisions set forth as sections 68 to 73, inclusive, of this act.

Sec. 68. ***1. A health maintenance organization shall offer or issue a health care plan to any person regardless of the health status of the person*** ~~*[, the spouse of the person]*~~ ***or any dependent of the person. Such health status includes, without limitation:***

(a) Any preexisting medical condition of the person, including, without limitation, any physical or mental illness;

(b) The claims history of the person, including, without limitation, any prior health care services received by the person;

(c) Genetic information relating to the person; and

(d) Any increased risk for illness, injury or any other medical condition of the person, including, without limitation, any medical condition caused by an act of domestic violence.

2. A health maintenance organization that offers or issues a health care plan shall not:

(a) Deny, limit or exclude a benefit based on the health status of an enrollee; or

(b) Require an enrollee, as a condition of enrollment or renewal, to pay a premium, deductible, copay or coinsurance based on his or her health status which is greater than the premium, deductible, copay or coinsurance charged to a similarly situated enrollee or the covered ~~[spouse or]~~ dependent of such an enrollee who does not have such a health status.

3. A health maintenance organization that offers or issues a health care plan shall not adjust a premium, deductible, copay or coinsurance for any enrollee on the basis of genetic information relating to the enrollee or the covered ~~[spouse or]~~ dependent of the enrollee.

Sec. 69. *1. A health maintenance organization that offers or issues a health care plan which provides coverage for dependent children shall continue to make such coverage available for an adult child of an enrollee until such child reaches 26 years of age.*

2. Nothing in this section shall be construed as requiring a health maintenance organization to make coverage available for a dependent of an adult child of an enrollee.

Sec. 69.5. *1. Except as otherwise provided in subsection 7, a health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:*

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 11; and

(4) Dispensed in accordance with section 11.3 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 11;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the enrollee was covered by the same health care plan;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. A health maintenance organization must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the health maintenance organization.

4. Except as otherwise provided in subsections 9, 10 and 12, a health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage to obtain any benefit included in the plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an enrollee must be the same as for the enrollee.

6. Except as otherwise provided in subsection 7, a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

7. A health maintenance organization that offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the health maintenance organization objects on religious grounds. Such a health maintenance organization shall, before the issuance of a health care plan and before the renewal of such a plan, provide to the prospective enrollee

written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection.

8. If a health maintenance organization refuses, pursuant to subsection 7, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

9. A health maintenance organization may require an enrollee to pay a higher deductible, copayment or coinsurance for a drug for contraception if the enrollee refuses to accept a therapeutic equivalent of the drug.

10. For each of the 18 methods of contraception listed in subsection 11 that have been approved by the Food and Drug Administration, a health care plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the enrollee, but the health maintenance organization may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

11. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Antiprogestin-based drugs for emergency contraception.

12. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

13. A health maintenance organization shall not use medical management techniques to require an enrollee to use a different method of

contraception other than the method prescribed or ordered by a provider of health care.

14. A health maintenance organization must provide an accessible, transparent and expedited process which is not unduly burdensome by which an enrollee, or the authorized representative of the enrollee, may request an exception relating to any medical management technique used by the health maintenance organization to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

15. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 70. ***1. A health maintenance organization that offers or issues a health care plan shall include in the plan coverage for ~~[such preventive health care services relating to women as the Director of the Department of Health and Human Services requires.]~~ :***

(a) Counseling and support for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually, with initial intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active women who are at increased risk for such diseases;

(d) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(e) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(f) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(g) Such well-woman preventive visits as recommended by the Health Resources and Services Administration, which must include at least one such visit per year beginning at 14 years of age;

(h) A daily dose of 0.4 to 0.8 milligrams of folic acid for women who are capable of becoming pregnant;

(i) Aspirin for the prevention of preeclampsia for women who are determined to be at a high risk of that condition after 12 weeks of gestation;

(j) Medication to prevent breast cancer for women who are at a high risk of developing breast cancer and have a low risk of adverse side effects from the medication; and

(k) Prophylactic ocular tubal medication for the prevention of gonococcal ophthalmia in newborns.

2. A health maintenance organization must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

3. Except as otherwise provided in subsection 5, a health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health care plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

~~[3.]~~ 4. An evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection

1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

~~[4. The Director of the Department of Health and Human Services shall adopt regulations to establish the preventive health care services which must be covered by a health care plan pursuant to subsection 1, including, without limitation:~~

~~(a) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;~~

~~(b) Screening and counseling for interpersonal and domestic violence;~~

~~(c) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration;~~

~~(d) Contraceptive drugs, devices and services;~~

~~(e) Such well-woman preventive visits as recommended by the Health Resources and Services Administration;~~

~~(f) Any supplements, drugs or devices recommended by the Health Resources and Services Administration; and~~

~~(g) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.]~~

5. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section ~~[, "provider]~~ :

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 71. *1. A health maintenance organization that offers or issues a health care plan shall include in the plan coverage for ~~[such preventive health care services relating to persons 18 years of age or older as the Director of the Department of Health and Human Services requires.]~~ :*

(a) Counseling relating to the dietary needs of adults who are at a high risk of chronic diseases;

(b) Statin preventive medication for persons between the ages of 40 and 75 years who do not have a history of cardiovascular disease, but who have:

(1) One or more risk factors for cardiovascular disease; and

(2) A calculated risk of at least 10 percent of acquiring cardiovascular disease within the next 10 years;

(c) Aspirin for persons between the ages of 50 and 59 years who have a calculated risk of at least 10 percent of acquiring cardiovascular disease within the next 10 years and a life expectancy of at least 10 years;

(d) Vitamin D supplements for persons who are at least 65 years of age to prevent the person from falling if the person:

(1) Does not reside in a medical facility or a facility for the dependent; and

(2) Has an increased risk of falls;

(e) Tuberculosis screenings for latent tuberculosis infection in persons with increased risk of contracting tuberculosis;

(f) Screening for high blood pressure to confirm a diagnosis made outside a clinical setting before treatment is commenced;

(g) One abdominal aortic screening by ultrasound to detect abdominal aortic aneurisms for men between the ages of 65 and 75 years who have smoked during their lifetimes;

(h) Screening for hepatitis B infection for persons who are at a high risk of contracting hepatitis B;

(i) Screening for hepatitis C infection for persons who are at a high risk of contracting hepatitis C;

(j) One screening for hepatitis C infection for persons born between 1945 and 1965;

(k) Screening for osteoporosis for women who:

(1) Are 65 years of age and older; or

(2) Have a risk of fracturing a bone equal to or greater than that of a woman who is 65 years of age without any additional risk factors;

(l) Screening for alcohol misuse for persons 18 years of age or older;

(m) If a person engages in risky or hazardous consumption of alcohol, as determined by the screening described in paragraph (l), behavioral counseling to reduce such behavior; and

(n) Screening for lung cancer using low-dose computed tomography for persons between the ages of 55 and 80 years who:

(1) Have a smoking history of 30 pack-years;

(2) Smoke or have stopped smoking within the immediately preceding 15 years; and

(3) Do not suffer from a health problem that substantially limits the life expectancy of the person or the willingness of the person to undergo curative surgery.

2. A health maintenance organization must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

3. Except as otherwise provided in subsection 5, a health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health care plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

~~[3.]~~ 4. An evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

~~[4. The Director of the Department of Health and Human Services shall adopt regulations to establish the preventive health care services which must be covered by a health care plan pursuant to subsection 1, including, without limitation:~~

~~(a) Screening, tests and counseling for such other health conditions and diseases as recommended by the United States Preventive Services Task Force or its successor organization;~~

~~(b) Counseling relating to the dietary needs of certain adults who are at high risk of chronic diseases;~~

~~(c) Smoking cessation programs;~~

~~(d) Any supplements, drugs or devices recommended by the United States Preventive Services Task Force or its successor organization; and~~

~~(e) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.]~~

5. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management

techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section ~~[, "provider]~~ :

(a) "Computed tomography" means the process of producing sectional and three-dimensional images using external ionizing radiation.

(b) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(d) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(e) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(f) "Pack-year" means the product of the number of packs of cigarettes smoked per day and the number of years that the person has smoked.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 72. *1. A health maintenance organization that offers or issues a health care plan shall include in the plan coverage for ~~[such preventive health care services relating to persons less than 18 years of age as the Director of the Department of Health and Human Services requires.]~~ :*

(a) Screening for depression;

(b) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization;

(c) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration for persons less than 18 years of age; and

(d) Assessments relating to height, weight, body mass index and medical history for persons less than 18 years of age.

2. A health maintenance organization must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

3. Except as otherwise provided in subsection 5, a health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health care plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

~~[3.]~~ 4. An evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

~~[4. The Director of the Department of Health and Human Services shall adopt regulations to establish the preventive health care services which must be covered by a health care plan pursuant to subsection 1, including, without limitation:~~

~~(a) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration;~~

~~(b) Assessments relating to height, weight, body mass index and medical history;~~

~~(c) Any supplements, drugs or devices recommended by the Health Resources and Services Administration; and~~

~~(d) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.]~~

5. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section ~~[, "provider]~~ :

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug

use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 73. *1. ~~[A health maintenance organization that offers or issues a health care plan shall include in the plan coverage for such health care services relating to maternal and newborn care as the Director of the Department of Health and Human Services requires.~~*

~~2.]~~ Except as otherwise provided in this subsection, an evidence of coverage issued pursuant to this chapter may not restrict benefits for any length of stay in a hospital in connection with childbirth for a mother or newborn infant covered by the health care plan to:

(a) Less than 48 hours after a normal vaginal delivery; and

(b) Less than 96 hours after a cesarean section.

➥ *If a different length of stay is provided in the guidelines established by the American College of Obstetricians and Gynecologists, or its successor organization, and the American Academy of Pediatrics, or its successor organization, the health care plan may follow such guidelines in lieu of following the length of stay set forth above. The provisions of this subsection do not apply to any health care plan in any case in which the decision to discharge the mother or newborn infant before the expiration of the minimum length of stay set forth in this subsection is made by the attending physician of the mother or newborn infant.*

~~[3.]~~ 2. Nothing in this section requires a mother to:

(a) Deliver her baby in a hospital; or

(b) Stay in a hospital for a fixed period following the birth of her child.

~~[4.]~~ 3. A health care plan may not:

(a) Deny a mother or her newborn infant coverage or continued coverage under the terms of the plan or coverage if the sole purpose of the denial of coverage or continued coverage is to avoid the requirements of this section;

(b) Provide monetary payments or rebates to a mother to encourage her to accept less than the minimum protection available pursuant to this section;

(c) Penalize, or otherwise reduce or limit, the reimbursement of an attending provider of health care because the attending provider of health care provided care to a mother or newborn infant in accordance with the provisions of this section;

(d) Provide incentives of any kind to an attending physician to induce the attending physician to provide care to a mother or newborn infant in a manner that is inconsistent with the provisions of this section; or

(e) Except as otherwise provided in subsection ~~[5.]~~ 4., restrict benefits for any portion of a hospital stay required pursuant to the provisions of this section in a manner that is less favorable than the benefits provided for any preceding portion of that stay.

~~[5.]~~ 4. Nothing in this section:

(a) Prohibits a health care plan from imposing a deductible, coinsurance or other mechanism for sharing costs relating to benefits for hospital stays in connection with childbirth for a mother or newborn child covered by the plan, except that such coinsurance or other mechanism for sharing costs for any portion of a hospital stay required by this section may not be greater than the coinsurance or other mechanism for any preceding portion of that stay.

(b) Prohibits an arrangement for payment between a health maintenance organization and a provider of health care that uses capitation or other financial incentives, if the arrangement is designed to provide services efficiently and consistently in the best interest of the mother and her newborn infant.

(c) Prevents a health maintenance organization from negotiating with a provider of health care concerning the level and type of reimbursement to be provided in accordance with this section.

~~[6.]~~ 5. An evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

~~[7. The Director of the Department of Health and Human Services shall adopt regulations to establish the health care services which must be covered by a health care plan pursuant to subsection 1.~~

~~8.]~~ 6. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 74. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, ~~[695C.1735 to]~~ ***695C.1751,*** 695C.1755, ~~[inclusive,]~~ 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694, 695C.1695, 695C.1708, 695C.1731, 695C.17345 ~~[and]~~ ***, 695C.1735, 695C.1745 and*** 695C.1757 ***and sections 68 to 73, inclusive, of this act*** apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 74.3. **NRS 695C.1694 is hereby amended to read as follows:**

695C.1694 1. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** health maintenance organization which offers or issues a health care plan that provides coverage for prescription drugs or devices shall include in the plan coverage for ~~[:~~

~~(a) Any type of drug or device for contraception; and~~

~~(b) Any]~~ ***any*** type of hormone replacement therapy ~~[,~~ ~~"]~~ which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. A health maintenance organization that offers or issues a health care plan that provides coverage for prescription drugs shall not:

(a) Require an enrollee to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for ~~[a prescription for a contraceptive or]~~ hormone replacement therapy than is required for other prescription drugs covered by the plan;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an enrollee.

3. ~~[Except as otherwise provided in subsection 5, evidence]~~ ***Evidence*** of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

4. The provisions of this section do not:

(a) Require a health maintenance organization to provide coverage for fertility drugs.

(b) Prohibit a health maintenance organization from requiring an enrollee to pay a deductible, copayment or coinsurance for the coverage required by ~~[paragraphs (a) and (b) of]~~ subsection 1 that is the same as the enrollee is required to pay for other prescription drugs covered by the plan.

5. ~~[A health maintenance organization which offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the health maintenance organization objects on religious grounds. The health maintenance organization shall, before the issuance of a health care plan and before renewal of enrollment in such a plan, provide to the group policyholder or prospective enrollee, as applicable, written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection. The health maintenance organization shall provide notice to each enrollee, at the time the enrollee receives his or her evidence of coverage, that the health maintenance organization refused to provide coverage pursuant to this subsection.~~

~~6. If a health maintenance organization refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.]~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 74.6. **NRS 695C.1695 is hereby amended to read as follows:**

695C.1695 1. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** health maintenance organization that offers or issues a health care plan which provides coverage for outpatient care shall include in the plan coverage for any health care service related to ~~[contraceptives or]~~ hormone replacement therapy.

2. A health maintenance organization that offers or issues a health care plan that provides coverage for outpatient care shall not:

(a) Require an enrollee to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for

coverage for outpatient care related to ~~[contraceptives or]~~ hormone replacement therapy than is required for other outpatient care covered by the plan;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an enrollee.

3. ~~[Except as otherwise provided in subsection 5, evidence]~~ ***Evidence*** of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

4. The provisions of this section do not prohibit a health maintenance organization from requiring an enrollee to pay a deductible, copayment or coinsurance for the coverage required by subsection 1 that is the same as the enrollee is required to pay for other outpatient care covered by the plan.

5. ~~[A health maintenance organization which offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives required by this section if the health maintenance organization objects on religious grounds. The health maintenance organization shall, before the issuance of a health care plan and before renewal of enrollment in such a plan, provide to the group policyholder or prospective enrollee, as applicable, written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection. The health maintenance organization shall provide notice to each enrollee, at the time the enrollee receives his or her evidence of coverage, that the health maintenance organization refused to provide coverage pursuant to this subsection.~~

~~6. If a health maintenance organization refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.~~] As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 75. NRS 695C.173 is hereby amended to read as follows:

695C.173 1. All individual and group health care plans which provide coverage for a family member of the enrollee must as to such coverage provide that the health care services applicable for children are payable with respect to:

(a) A newly born child of the enrollee from the moment of birth;

(b) An adopted child from the date the adoption becomes effective, if the child was not placed in the home before adoption; and

(c) A child placed with the enrollee for the purpose of adoption from the moment of placement as certified by the public or private agency making the placement. The coverage of such a child ceases if the adoption proceedings are terminated as certified by the public or private agency making the placement.

➥ The plans must provide the coverage specified in subsection 3, and must not exclude premature births.

2. The evidence of coverage may require that notification of:

(a) The birth of a newly born child;

(b) The effective date of adoption of a child; or

(c) The date of placement of a child for adoption,

➥ and payments of the required charge, if any, must be furnished to the health maintenance organization within 31 days after the date of birth, adoption or placement for adoption in order to have the coverage continue beyond the 31-day period.

3. The coverage for newly born and adopted children and children placed for adoption consists of preventive health care services as well as coverage of injury or sickness, including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities and, within the limits of the policy, necessary transportation costs from place of birth to the nearest specialized treatment center under major medical policies, and with respect to basic policies to the extent such costs are charged by the treatment center.

4. ~~[A health maintenance organization shall not restrict the coverage of a dependent child adopted or placed for adoption solely because of a preexisting condition the child has at the time the child would otherwise become eligible for coverage pursuant to that plan. Any provision relating to an exclusion for a preexisting condition must comply with NRS 689B.500 or 689C.190, as appropriate.~~

~~5.~~] For covered services provided to the child, the health maintenance organization shall reimburse noncontracted providers of health care to an amount equal to the average amount of payment for which the organization has agreements, contracts or arrangements for those covered services.

Sec. 76. NRS 695C.1735 is hereby amended to read as follows:

695C.1735 1. A health maintenance ***organization which offers or issues a health care*** plan must provide coverage for benefits payable for expenses incurred for:

(a) ~~[An annual cytologic screening test for women 18 years of age or older;~~

~~(b) A baseline mammogram for women between the ages of 35 and 40; and~~

~~(c) An annual]~~ ***A*** mammogram ***every 2 years, or annually if ordered by a provider of health care,*** for women 40 years of age or older ~~[.]~~ ***;***

~~[(d)]~~ ***(b) Counseling concerning genetic testing for breast cancer ~~[,]~~ for women who are at a high risk of developing breast cancer; and***

~~[(e)]~~ ***(c) Counseling concerning breast cancer chemoprevention ~~[.]~~ for women who are at risk of developing breast cancer.***

2. A health maintenance ~~[***care*** plan must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.]~~ ***organization must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.***

3. ~~[***A***]~~ ***Except as otherwise provided in subsection 5, a health maintenance organization that offers or issues a health care plan shall not:***

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health care plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

4. ~~[A policy]~~ ***An evidence of coverage*** subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[October 1, 1989,]~~ ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the ~~[policy]~~ ***evidence of coverage*** or the renewal which is in conflict with ~~[subsection 1]~~ ***this section*** is void.

5. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management

techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section [, "provider] :

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 77. NRS 695C.1745 is hereby amended to read as follows:

695C.1745 1. A health care plan of a health maintenance organization must provide coverage for benefits payable for expenses incurred for [administering] ***:***

(a) Deoxyribonucleic acid testing for high-risk strains of the human papillomavirus [;] every 3 years for women 30 years of age or older; and

(b) Administering the human papillomavirus vaccine as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A health [care plan of a health maintenance organization must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.] ***maintenance organization must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.***

3. ***[A] Except as otherwise provided in subsection 5, a health maintenance organization that offers or issues a health care plan shall not:***

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health care plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

4. Any evidence of coverage subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[July 1, 2007,]~~ ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with ~~[subsection 1]~~ ***this section*** is void.

~~[4. For the purposes of this section, "human]~~

5. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(c) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 78. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a

manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, ***and sections 68 to 73, inclusive, of this act*** or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective

date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 79. Chapter 695F of NRS is hereby amended by adding thereto the provisions set forth as sections 80 and 81 of this act.

Sec. 80. ***1. A prepaid limited health service organization shall offer or issue evidence of coverage to any person regardless of the health status of the person*** ~~***[, the spouse of the person]***~~ ***or any dependent of the person. Such health status includes, without limitation:***

(a) Any preexisting medical condition of the person, including, without limitation, any physical or mental illness;

(b) The claims history of the person, including, without limitation, any prior health care services received by the person;

(c) Genetic information relating to the person; and

(d) Any increased risk for illness, injury or any other medical condition of the person, including, without limitation, any medical condition caused by an act of domestic violence.

2. A prepaid limited health service organization that offers or issues evidence of coverage shall not:

(a) Deny, limit or exclude a benefit based on the health status of an enrollee; or

(b) Require an enrollee, as a condition of enrollment or renewal, to pay a premium, deductible, copay or coinsurance based on his or her health status which is greater than the premium, deductible, copay or coinsurance charged to a similarly situated enrollee or the covered ~~***[spouse or]***~~ ***dependent of such an enrollee who does not have such a health status.***

3. A prepaid limited health service organization that offers or issues evidence of coverage shall not adjust a premium, deductible, copay or coinsurance for any enrollee on the basis of genetic information relating to the enrollee or the covered ~~***[spouse or]***~~ ***dependent of the enrollee.***

Sec. 81. ***1. A prepaid limited health service organization that offers or issues evidence of coverage which provides coverage for dependent children shall continue to make such coverage available for an adult child of an enrollee until such child reaches 26 years of age.***

2. Nothing in this section shall be construed as requiring a prepaid limited health service organization to make coverage available for a dependent of an adult child of an enrollee.

Sec. 82. Chapter 695G of NRS is hereby amended by adding thereto the provisions set forth as sections 83 to 89, inclusive, of this act.

Sec. 83. ***1. A managed care organization shall offer or issue a health care plan to any person regardless of the health status of the person*** ~~***[, the***~~

~~*spouse of the person]*~~ *or any dependent of the person. Such health status includes, without limitation:*

(a) Any preexisting medical condition of the person, including, without limitation, any physical or mental illness;

(b) The claims history of the person, including, without limitation, any prior health care services received by the person;

(c) Genetic information relating to the person; and

(d) Any increased risk for illness, injury or any other medical condition of the person, including, without limitation, any medical condition caused by an act of domestic violence.

2. A managed care organization that offers or issues a health care plan shall not:

(a) Deny, limit or exclude a benefit based on the health status of an insured; or

(b) Require an insured, as a condition of enrollment or renewal, to pay a premium, deductible, copay or coinsurance based on his or her health status which is greater than the premium, deductible, copay or coinsurance charged to a similarly situated insured or the covered ~~*[spouse or]*~~ *dependent of such an insured who does not have such a health status.*

3. A managed care organization that offers or issues a health care plan shall not adjust a premium, deductible, copay or coinsurance for any insured on the basis of genetic information relating to the insured or the covered ~~*[spouse or]*~~ *dependent of the insured.*

Sec. 84. *1. A managed care organization that offers or issues a health care plan which provides coverage for dependent children shall continue to make such coverage available for an adult child of an insured until such child reaches 26 years of age.*

2. Nothing in this section shall be construed as requiring a managed care organization to make coverage available for a dependent of an adult child of an insured.

Sec. 84.5. *1. Except as otherwise provided in subsection 7, a managed care organization that offers or issues a health care plan shall include in the plan coverage for:*

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 10; and

(4) Dispensed in accordance with section 11.3 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 10;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same health care plan;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the managed care organization.

4. Except as otherwise provided in subsections 8, 9 and 11, a managed care organization that offers or issues a health care plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage to obtain any benefit included in the plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

7. A managed care organization that offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the managed care

organization objects on religious grounds. Such a managed care organization shall, before the issuance of a health care plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the managed care organization refuses to provide pursuant to this subsection.

8. A managed care organization may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a health care plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the managed care organization may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Antiprogestin-based drugs for emergency contraception.

11. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. A managed care organization shall not use medical management techniques to require an insured to use a different method of contraception other than the method prescribed or ordered by a provider of health care.

13. A managed care organization must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the managed care organization to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 85. *1. A managed care organization that offers or issues a health care plan shall include in the plan coverage for ~~[such preventive health care services relating to women as the Director of the Department of Health and Human Services requires.]~~ :*

(a) Counseling and support for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually, with initial intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active women who are at increased risk for such diseases;

(d) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(e) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(f) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(g) Such well-woman preventive visits as recommended by the Health Resources and Services Administration, which must include at least one such visit per year beginning at 14 years of age;

(h) A daily dose of 0.4 to 0.8 milligrams of folic acid for women who are capable of becoming pregnant;

(i) Aspirin for the prevention of preeclampsia for women who are determined to be at a high risk of that condition after 12 weeks of gestation;

(j) Medication to prevent breast cancer for women who are at a high risk of developing breast cancer and have a low risk of adverse side effects from the medication; and

(k) Prophylactic ocular tubal medication for the prevention of gonococcal ophthalmia in newborns.

2. A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

3. Except as otherwise provided in subsection 5, a managed care organization that offers or issues a health care plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health care plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~[3.]~~ 4. An evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by

subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

~~[4. The Director of the Department of Health and Human Services shall adopt regulations to establish the preventive health care services which must be covered by a health care plan pursuant to subsection 1, including, without limitation:~~

~~(a) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;~~

~~(b) Screening and counseling for interpersonal and domestic violence;~~

~~(c) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration;~~

~~(d) Contraceptive drugs, devices and services;~~

~~(e) Such well-woman preventive visits as recommended by the Health Resources and Services Administration;~~

~~(f) Any supplements, drugs or devices recommended by the Health Resources and Services Administration; and~~

~~(g) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.]~~

5. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section ~~[, "provider]~~ :

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 86. *1. A managed care organization that offers or issues a health care plan shall include in the plan coverage for ~~[such preventive health care services relating to persons 18 years of age or older as the Director of the Department of Health and Human Services requires.]~~ :*

(a) Counseling relating to the dietary needs of adults who are at a high risk of chronic diseases;

(b) Statin preventive medication for persons between the ages of 40 and 75 years who do not have a history of cardiovascular disease, but who have:

(1) One or more risk factors for cardiovascular disease; and

(2) A calculated risk of at least 10 percent of acquiring cardiovascular disease within the next 10 years;

(c) Aspirin for persons between the ages of 50 and 59 years who have a calculated risk of at least 10 percent of acquiring cardiovascular disease within the next 10 years and a life expectancy of at least 10 years;

(d) Vitamin D supplements for persons who are at least 65 years of age to prevent the person from falling if the person:

(1) Does not reside in a medical facility or a facility for the dependent; and

(2) Has an increased risk of falls;

(e) Tuberculosis screenings for latent tuberculosis infection in persons with increased risk of contracting tuberculosis;

(f) Screening for high blood pressure to confirm a diagnosis made outside a clinical setting before treatment is commenced;

(g) One abdominal aortic screening by ultrasound to detect abdominal aortic aneurisms for men between the ages of 65 and 75 years who have smoked during their lifetimes;

(h) Screening for hepatitis B infection for persons who are at a high risk of contracting hepatitis B;

(i) Screening for hepatitis C infection for persons who are at a high risk of contracting hepatitis C;

(j) One screening for hepatitis C infection for persons born between 1945 and 1965;

(k) Screening for osteoporosis for women who:

(1) Are 65 years of age and older; or

(2) Have a risk of fracturing a bone equal to or greater than that of a woman who is 65 years of age without any additional risk factors;

(l) Screening for alcohol misuse for persons 18 years of age or older;

(m) If a person engages in risky or hazardous consumption of alcohol, as determined by the screening described in paragraph (l), behavioral counseling to reduce such behavior; and

(n) Screening for lung cancer using low-dose computed tomography for persons between the ages of 55 and 80 years who:

(1) Have a smoking history of 30 pack-years;

(2) Smoke or have stopped smoking within the immediately preceding 15 years; and

(3) Do not suffer from a health problem that substantially limits the life expectancy of the person or the willingness of the person to undergo curative surgery.

2. A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

3. Except as otherwise provided in subsection 5, a managed care organization that offers or issues a health care plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health care plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~[3.]~~ 4. An evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

~~[4. The Director of the Department of Health and Human Services shall adopt regulations to establish the preventive health care services which must be covered by a health care plan pursuant to subsection 1, including, without limitation:~~

~~(a) Screening, tests and counseling for such other health conditions and diseases as recommended by the United States Preventive Services Task Force or its successor organization;~~

~~(b) Counseling relating to the dietary needs of certain adults who are at high risk of chronic diseases;~~

~~(c) Smoking cessation programs;~~

~~(d) Any supplements, drugs or devices recommended by the United States Preventive Services Task Force or its successor organization; and~~

~~(e) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.]~~

5. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques,

including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section ~~[, "provider]~~ :

(a) "Computed tomography" means the process of producing sectional and three-dimensional images using external ionizing radiation.

(b) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(d) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(e) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(f) "Pack-year" means the product of the number of packs of cigarettes smoked per day and the number of years that the person has smoked.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 87. *1. A managed care organization that offers or issues a health care plan shall include in the plan coverage for ~~[such preventive health care services relating to persons less than 18 years of age as the Director of the Department of Health and Human Services requires,]~~ :*

(a) Screening for depression;

(b) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization;

(c) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration for persons less than 18 years of age; and

(d) Assessments relating to height, weight, body mass index and medical history for persons less than 18 years of age.

2. A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

3. Except as otherwise provided in subsection 5, a managed care organization that offers or issues a health care plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health care plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~[3.]~~ 4. An evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

~~[4. The Director of the Department of Health and Human Services shall adopt regulations to establish the preventive health care services which must be covered by a health care plan pursuant to subsection 1, including, without limitation:~~

~~(a) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration;~~

~~(b) Assessments relating to height, weight, body mass index and medical history;~~

~~(c) Any supplements, drugs or devices recommended by the Health Resources and Services Administration; and~~

~~(d) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.]~~

5. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section ~~[, "provider]~~ :

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior

authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 88. *1. ~~[A managed care organization that offers or issues a health care plan shall include in the plan coverage for such health care services relating to maternal and newborn care as the Director of the Department of Health and Human Services requires.~~*

~~2.]~~ Except as otherwise provided in this subsection, an evidence of coverage issued pursuant to this chapter may not restrict benefits for any length of stay in a hospital in connection with childbirth for a mother or newborn infant covered by the health care plan to:

(a) Less than 48 hours after a normal vaginal delivery; and

(b) Less than 96 hours after a cesarean section.

➥ *If a different length of stay is provided in the guidelines established by the American College of Obstetricians and Gynecologists, or its successor organization, and the American Academy of Pediatrics, or its successor organization, the health care plan may follow such guidelines in lieu of following the length of stay set forth above. The provisions of this subsection do not apply to any health care plan in any case in which the decision to discharge the mother or newborn infant before the expiration of the minimum length of stay set forth in this subsection is made by the attending physician of the mother or newborn infant.*

~~[3.]~~ 2. Nothing in this section requires a mother to:

(a) Deliver her baby in a hospital; or

(b) Stay in a hospital for a fixed period following the birth of her child.

~~[4.]~~ 3. A health care plan may not:

(a) Deny a mother or her newborn infant coverage or continued coverage under the terms of the plan or coverage if the sole purpose of the denial of coverage or continued coverage is to avoid the requirements of this section;

(b) Provide monetary payments or rebates to a mother to encourage her to accept less than the minimum protection available pursuant to this section;

(c) Penalize, or otherwise reduce or limit, the reimbursement of an attending provider of health care because the attending provider of health care provided care to a mother or newborn infant in accordance with the provisions of this section;

(d) Provide incentives of any kind to an attending physician to induce the attending physician to provide care to a mother or newborn infant in a manner that is inconsistent with the provisions of this section; or

(e) Except as otherwise provided in subsection ~~[5,]~~ 4, restrict benefits for any portion of a hospital stay required pursuant to the provisions of this section in a manner that is less favorable than the benefits provided for any preceding portion of that stay.

~~[5.]~~ 4. Nothing in this section:

(a) Prohibits a health care plan from imposing a deductible, coinsurance or other mechanism for sharing costs relating to benefits for hospital stays in connection with childbirth for a mother or newborn child covered by the plan, except that such coinsurance or other mechanism for sharing costs for any portion of a hospital stay required by this section may not be greater than the coinsurance or other mechanism for any preceding portion of that stay.

(b) Prohibits an arrangement for payment between a managed care organization and a provider of health care that uses capitation or other financial incentives, if the arrangement is designed to provide services efficiently and consistently in the best interest of the mother and her newborn infant.

(c) Prevents a managed care organization from negotiating with a provider of health care concerning the level and type of reimbursement to be provided in accordance with this section.

~~[6.]~~ 5. An evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

~~[7. The Director of the Department of Health and Human Services shall adopt regulations to establish the health care services which must be covered by a health care plan pursuant to subsection 1.~~

~~8.]~~ 6. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 89. *1. A managed care organization which offers or issues a health care plan must provide coverage for benefits payable for expenses incurred for:*

(a) ~~[An annual cytologic screening test for women 18 years of age or older;~~

~~(b) A baseline mammogram for women between the ages of 35 and 40 years;~~

~~(c) An annual]~~ A mammogram every 2 years, or annually if ordered by a provider of health care, for women 40 years of age or older;

~~[(d)]~~ (b) Counseling concerning genetic testing for breast cancer ~~[,]~~ for women who are at a high risk of developing breast cancer; and

~~[(c)]~~ *(c) Counseling concerning breast cancer chemoprevention ~~[.]~~ for women who are at risk of developing breast cancer.*

2. A ~~[health care plan must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.]~~ managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

3. ~~[A]~~ Except as otherwise provided in subsection 5, a managed care organization that offers or issues a health care plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health care plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. An evidence of coverage subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with ~~[subsection 1]~~ this section is void.

5. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section ~~[, "provider]~~ :

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under

contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 90. NRS 695G.171 is hereby amended to read as follows:

695G.171 1. A health care plan issued by a managed care organization must provide coverage for benefits payable for expenses incurred for ~~[~~administering~~]~~ ***:***

(a) Deoxyribonucleic acid testing for high-risk strains of the human papillomavirus ~~[;]~~ every 3 years for women 30 years of age or older; and

(b) Administering the human papillomavirus vaccine as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. ~~[A health care plan must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.]~~ ***A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.***

3. ~~[4]~~ ***Except as otherwise provided in subsection 5, a managed care organization that offers or issues a health care plan shall not:***

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health care plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. An evidence of coverage for a health care plan subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[~~July 1, 2007,~~]~~ ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal thereof which is in conflict with ~~[~~subsection 1~~]~~ ***this section*** is void.

~~[~~4. For the purposes of this section, "human~~]~~

5. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(c) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 91. (Deleted by amendment.)

Sec. 92. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 93. ~~[1. The Director of the Department of Health and Human Services shall adopt regulations as soon as possible after the effective date of this act which establish the health care services which must be covered by a policy of health insurance, policy of group health insurance, health benefit plan, benefit contract, contract for hospital or medical service or health care plan pursuant to sections 2 to 5, inclusive, 17, 18, 19, 21, 26, 27, 28, 32, 35, 36, 37, 43, 50 to 53, inclusive, 59 to 62, inclusive, 70 to 73, inclusive, and 85 to 88, inclusive, of this act.~~

~~2. The regulations adopted pursuant to subsection 1 must include, without limitation, the health care services which are required to be covered pursuant to 45 C.F.R. § 147.130 and the Patient Protection and Affordable Care Act, Pub. L. 111-148, as amended.~~] **(Deleted by amendment.)**

Sec. 94. NRS 689A.523, 689A.585, 689B.450, 689C.082, 695A.159 and 695F.480 are hereby repealed.

Sec. 95. This act becomes effective:

1. Upon passage and approval for the purposes of ~~[adopting any regulations and]~~ performing any ~~[other]~~ preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2018, for all other purposes.

LEADLINES OF REPEALED SECTIONS

689A.523 "Exclusion for a preexisting condition" defined.

689A.585 "Preexisting condition" defined.

689B.450 "Preexisting condition" defined.

689C.082 "Preexisting condition" defined.

695A.159 Society prohibited from restricting coverage of child based on preexisting condition when person who is eligible for group coverage adopts or assumes legal obligation for child.

695F.480 Organization prohibited from restricting coverage of child based on preexisting condition if person who is eligible for group coverage adopts or assumes legal obligation for child.

Assemblyman Sprinkle moved that the Assembly concur in the Senate Amendment No. 869 to Assembly Bill No. 408.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

This amendment requires certain health insurers to cover and authorize pharmacists to dispense up to a 12-month supply of a drug for contraception or therapeutic equivalent pursuant to a valid prescription or order if certain conditions are met. It requires Medicaid and certain private health insurers to cover certain methods of contraception and contraception-related service without a copayment, coinsurance, or a higher deductible in most instances.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 967.

AN ACT relating to health care; requiring the State Plan for Medicaid to cover certain preventive health care services and maternity and newborn care; revising provisions relating to the dispensing of contraceptives; requiring insurers to offer health insurance coverage regardless of the health status of a person; requiring insurers to allow the covered adult child of an insured to remain covered by the health insurance of the insured until 26 years of age; requiring insurers to provide coverage for certain family planning services and supplies and preventive health care services for women, adults and children at no cost; requiring insurers to provide coverage for maternity and newborn care; prohibiting providers of health care and insurers from discriminating against a person on certain grounds; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that an insurer may not deny, limit or exclude a benefit provided by a health care plan in certain limited circumstances, including, without limitation, when a person has contracted for a blanket policy of accident or health insurance or in certain cases relating to adoption. (NRS 689B.500, 689C.190, 695A.159, 695B.193, 695C.173, 695F.480) The Patient Protection and Affordable Care Act (Public Law 111-148, as amended) prohibits an insurer from establishing rules for eligibility for a health care plan based on sex or certain health status factors, including,

without limitation, preexisting conditions, claims history or genetic information, and also prohibits an insurer from charging a higher premium, deductible or copay based on sex or these health status factors. (42 U.S.C. § 300gg-4) **Sections 15, 31, 41, 48, 57, 68, 80, 83 and 94** of this bill align Nevada law with federal law and require all insurers to offer health insurance coverage regardless of the health status of a person and prohibits an insurer from denying, limiting or excluding a benefit or requiring an insured to pay a higher premium, deductible, coinsurance or copay based on the health status of the insured or the covered spouse or dependent of the insured.

The Patient Protection and Affordable Care Act (Public Law 111-148, as amended) requires all insurers to extend coverage for the covered adult child of an insured until such child reaches 26 years of age. (42 U.S.C. § 300gg-14) **Sections 16, 25, 34, 49, 58, 69, 81 and 84** of this bill align Nevada law with federal law in this manner.

The Patient Protection and Affordable Care Act (Public Law 111-148, as amended) requires all health insurance plans to include coverage for maternity and newborn care. (42 U.S.C. § 18022(b)) **Sections 21, 32, 43, 53, 62, 73 and 88** of this bill align Nevada law with federal law in this manner.

The Patient Protection and Affordable Care Act (Public Law 111-148, as amended) requires all health insurance plans to include coverage, without any higher deductible or any copay or coinsurance, for certain preventive health care services for women, adults and children, including, without limitation, screenings and tests for certain diseases, counseling, contraceptive and other family planning drugs, devices and services as well as vaccinations. (42 U.S.C. § 300gg-13; 45 C.F.R. § 147.130) **Sections 9-10, 16.5-20, 22, 25.5-30, 34.5-39, 49.5-52, 54, 55, 58.5-61, 63, 64, 69.5-72, 76, 77, 84.5-87, 89 and 90** of this bill align Nevada law with federal law in this manner, and extend these requirements to health insurance purchased by local governments and the Public Employees' Benefits Program. **Sections 1.5-4, 5.5, 6 and 7** of this bill also require the State Plan for Medicaid to include ~~[these]~~ **certain** preventive health care services for women, adults and children.

Existing law allows an insurer which is affiliated with a religious organization and which objects on religious grounds to providing coverage for contraceptive drugs and devices to exclude coverage in its policies, plans or contracts for such drugs and devices. (NRS 689A.0415, 689B.0376, 695B.1916, 695C.1694) **Sections 16.5, 20.3, 20.6, 25.5, 30.3, 30.6, 58.5, 63.3, 63.6, 69.5, 74.3 and 74.6** of this bill move the religious exemption coverage for the contraceptive drugs, devices and services required by this bill to the new provisions relating to coverage of contraception. **Sections 34.5, 49.5 and 84.5** of this bill provide a religious exemption for insurers who are newly required by this bill to provide coverage of drugs and devices for contraception.

Existing law authorizes a pharmacist to dispense up to a 90-day supply of a drug pursuant to a valid prescription or order in certain circumstances. (NRS

639.2396) **Section 11.3** of this bill requires a pharmacist to dispense up to a 12-month supply of a drug for contraception or a therapeutic equivalent pursuant to a valid prescription or order if: (1) the patient has previously received a 3-month supply of the same drug; (2) the patient has previously received a 9-month supply of the same drug or a supply of the same drug for the balance of the plan year in which the 3-month supply was prescribed or ordered, whichever is less; (3) the patient is insured by the same health insurance plan; and (4) a provider of health care has not specified in the prescription or order that a different supply of the drug is necessary.

The Patient Protection and Affordable Care Act (Public Law 111-148, as amended) prohibits a provider of health care or state health insurance exchange who receives federal money from discriminating against a person on the basis of race, color, national origin, sex, age, or disability in providing health care services to the person. The Act also prohibits an insurer who receives federal money from discriminating against a person on those same grounds, as well as gender identity or expression. (42 U.S.C. § 18116; 45 C.F.R. § 92.207) The federal regulation that prohibits insurers from discriminating on the basis of gender identity or expression is no longer enforceable, however, because it was recently held to exceed the statutory authority granted by the Act. (*Franciscan Alliance Inc., v. Burwell*, 2016 WL 7638311 (N.D. Tex. Dec. 31, 2016)) Federal regulations also require providers of health care, state health insurance exchanges and insurers to provide certain assistive services and notice of these nondiscrimination provisions to all persons who receive health care services. (45 C.F.R. §§ 92.8, 92.201, 92.202) **Sections 11 and 12** of this bill generally align Nevada law with federal law, and prohibit a provider of health care or an insurer from discriminating against a person on these grounds, including, without limitation, discrimination based on gender identity or expression or sexual orientation.

WHEREAS, Passage of the Patient Protection and Affordable Care Act, Public Law 111-148, as amended by Congress in 2010, granted all Nevadans certain rights relating to health insurance coverage and provided greater access to health care benefits in this State; and

WHEREAS, Congress currently is considering the repeal of the Patient Protection and Affordable Care Act; and

WHEREAS, The Nevada Legislature wishes to ensure that all Nevadans continue to have access to certain rights and health care benefits currently guaranteed by the Patient Protection and Affordable Care Act; and

WHEREAS, The Nevada Legislature intends to maintain, not expand, those rights and health care benefits as they existed on January 1, 2017; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 to 6, inclusive, of this act.

Sec. 1.5. ***1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures for family planning services and supplies, including, without limitation:***

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Dispensed in accordance with section 11.3 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered; and

(2) Approved by the Food and Drug Administration;

(c) Insertion or removal of a device for contraception;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. Except as otherwise provided in subsections 4 and 5, to obtain any benefit included in the Plan pursuant to subsection 1, a person enrolled in Medicaid must not be required to:

(a) Pay a higher deductible, any copayment or coinsurance; or

(b) Be subject to a longer waiting period or any other condition.

3. The Director shall ensure that the provisions of this section are carried out in a manner which complies with the requirements established by the Drug Use Review Board and set forth in the list of preferred prescription drugs established by the Department pursuant to NRS 422.4025.

4. The Plan may require a person enrolled in Medicaid to pay a higher deductible, copayment or coinsurance for a drug for contraception if the person refuses to accept a therapeutic equivalent of the drug.

5. For each method of contraception which is approved by the Food and Drug Administration, the Plan must include at least one drug or device for contraception for which no deductible, copayment or coinsurance may be charged to the person enrolled in Medicaid, but the Plan may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

6. As used in this section, "therapeutic equivalent" means a drug which:

(a) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(b) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(c) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 2. *1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:*

(a) Counseling and support for breastfeeding;

(b) Screening and counseling for interpersonal and domestic violence;

(c) Counseling for sexually transmitted diseases;

(d) Screening for blood pressure abnormalities and diabetes, including gestational diabetes;

(e) An annual screening for cervical cancer;

(f) Screening for depression;

(g) Such well-woman preventive visits as recommended by the Health Resources and Services Administration;

(h) A daily dose of 0.4 to 0.8 milligrams of folic acid for women who are capable of becoming pregnant;

(i) Aspirin for the prevention of preeclampsia for women who are determined to be at a high risk of that condition after 12 weeks of gestation;

(j) Medication to prevent breast cancer for women who are at a high risk of developing breast cancer and have a low risk of adverse side effects from the medication; and

(k) Prophylactic ocular tubal medication for the prevention of gonococcal ophthalmia in newborns.

2. To obtain any benefit provided in the Plan pursuant to subsection 1, a recipient of Medicaid must not be required to:

(a) Pay a higher deductible, any copayment or coinsurance; or

(b) Be subject to a longer waiting period or any other condition.

Sec. 3. *1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:*

(a) Counseling relating to the dietary needs of adults who are at a high risk of chronic diseases;

(b) Statin preventive medication for persons between the ages of 40 and 75 years who do not have a history of cardiovascular disease, but who have:

(1) One or more risk factors for cardiovascular disease; and

(2) A calculated risk of at least 10 percent of acquiring cardiovascular disease within the next 10 years;

(c) Aspirin for persons between the ages of 50 and 59 years who have a calculated risk of at least 10 percent of acquiring cardiovascular disease within the next 10 years and a life expectancy of at least 10 years;

(d) Vitamin D supplements for persons who are at least 65 years of age to prevent the person from falling if the person:

(1) Does not reside in a medical facility or a facility for the dependent; and

(2) Has an increased risk of falls;

(e) Tuberculosis screenings for latent tuberculosis infection in persons with increased risk of contracting tuberculosis;

(f) Screening for high blood pressure to confirm a diagnosis made outside a clinical setting before treatment is commenced;

(g) One abdominal aortic screening by ultrasound to detect abdominal aortic aneurisms for men between the ages of 65 and 75 years who have smoked during their lifetimes;

(h) Screening for hepatitis B infection for persons who are at a high risk of contracting hepatitis B;

(i) Screening for hepatitis C infection for persons who are at a high risk of contracting hepatitis C;

(j) One screening for hepatitis C infection for persons born between 1945 and 1965;

(k) Screening for osteoporosis for women who:

(1) Are 65 years of age and older; or

(2) Have a risk of fracturing a bone equal to or greater than that of a woman who is 65 years of age without any additional risk factors;

(l) Screening for alcohol misuse for persons 18 years of age or older;

(m) If a person engages in risky or hazardous consumption of alcohol, as determined by the screening described in paragraph (l), behavioral counseling to reduce such behavior; and

(n) Screening for lung cancer using low-dose computed tomography for persons between the ages of 55 and 80 years who:

(1) Have a smoking history of 30 pack-years;

(2) Smoke or have stopped smoking within the immediately preceding 15 years; and

(3) Do not suffer from a health problem that substantially limits the life expectancy of the person or the willingness of the person to undergo curative surgery.

2. To obtain any benefit provided in the Plan pursuant to subsection 1, a recipient of Medicaid must not be required to:

(a) Pay a higher deductible, any copayment or coinsurance; or

(b) Be subject to a longer waiting period or any other condition.

3. As used in this section:

(a) "Computed tomography" means the process of producing sectional and three-dimensional images using external ionizing radiation.

(b) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(d) "Pack-year" means the product of the number of packs of cigarettes smoked per day and the number of years that the person has smoked.

Sec. 4. *1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:*

(a) Screening for depression;

(b) Smoking cessation programs ; ~~[, consisting of more than two cessation attempts per year and four counseling sessions of not more than 10 minutes each per year;]~~

(c) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration for persons less than 18 years of age;

(d) Assessments relating to height, weight, body mass index and medical history of persons less than 18 years of age; and

(e) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.

2. To obtain any benefit provided in the Plan pursuant to subsection 1, a recipient of Medicaid must not be required to:

(a) Pay a higher deductible, any copayment or coinsurance; or

(b) Be subject to a longer waiting period or any other condition.

Sec. 5. (Deleted by amendment.)

Sec. 5.5. *The Director may include in the State Plan for Medicaid a requirement that, to the extent money is available, the State pay the nonfederal share of expenditures incurred for:*

1. Supplies for breastfeeding; and

2. Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization.

Sec. 6. *~~[1.]~~ The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:*

~~[(a)]~~ 1. A mammogram ; ~~[not less than once every 2 years, or annually if ordered by a provider of health care, for women 40 years of age or older;~~

~~(b)]~~ 2. Counseling concerning genetic testing for breast cancer for women who are at a high risk of developing breast cancer; and

~~[(c)]~~ 3. Counseling concerning breast cancer chemoprevention for women who are at risk of developing breast cancer.

~~[2. To obtain any benefit provided in the Plan pursuant to subsection 1, a recipient of Medicaid must not be required to:~~

~~(a) Pay a higher deductible, any copayment or coinsurance; or~~

~~(b) Be subject to a longer waiting period or any other condition.]~~

Sec. 7. NRS 422.2718 is hereby amended to read as follows:

422.2718 1. The Director shall include in the State Plan for Medicaid a requirement that the State shall pay the nonfederal share of expenses incurred for ~~[~~administering~~]~~ ***:***

(a) Testing for ~~[high-risk strains of the]~~ human papillomavirus ; ~~[every 3 years for women 30 years of age or older;]~~ and

(b) Administering the human papillomavirus vaccine ~~[~~to women and girls~~]~~ at such ages as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. ~~*[To obtain any benefit provided in the Plan pursuant to subsection 1, a recipient of Medicaid must not be required to:*~~

~~*(a) Pay a higher deductible, any copayment or coinsurance; or*~~

~~*(b) Be subject to a longer waiting period or any other condition.*~~

~~*3.]*~~ For the purposes of this section, "human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration to be used for the prevention of human papillomavirus infection and cervical cancer.

Sec. 7.5. NRS 422.401 is hereby amended to read as follows:

422.401 As used in NRS 422.401 to 422.406, inclusive, ***and section 1.5 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 422.4015 and 422.402 have the meanings ascribed to them in those sections.

Sec. 8. NRS 422.403 is hereby amended to read as follows:

422.403 1. ~~[~~The~~]~~ ***Except as otherwise provided in NRS 422.2718, the*** Department shall, by regulation, establish and manage the use by the Medicaid program of step therapy and prior authorization for prescription drugs.

2. ~~[~~The~~]~~ ***Except as otherwise provided in NRS 422.2718, the*** Drug Use Review Board shall:

(a) Advise the Department concerning the use by the Medicaid program of step therapy and prior authorization for prescription drugs;

(b) Develop step therapy protocols and prior authorization policies and procedures for use by the Medicaid program for prescription drugs; and

(c) Review and approve, based on clinical evidence and best clinical practice guidelines and without consideration of the cost of the prescription drugs being considered, step therapy protocols used by the Medicaid program for prescription drugs.

3. The Department shall not require the Drug Use Review Board to develop, review or approve prior authorization policies or procedures necessary for the operation of the list of preferred prescription drugs developed for the Medicaid program pursuant to NRS 422.4025.

4. The Department shall accept recommendations from the Drug Use Review Board as the basis for developing or revising step therapy protocols

and prior authorization policies and procedures used by the Medicaid program for prescription drugs.

Sec. 9. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 687B.408, 689B.030 to 689B.050, inclusive, ***and sections 25 to 28, inclusive, of this act*** and 689B.287 ***and 689B.500 and 689B.520*** apply to coverage provided pursuant to this paragraph ~~[.]~~ ***, except that the provisions of NRS 689B.500 and 689B.520 and sections 25 to 28, inclusive, of this act only apply to coverage for active officers and employees of the governing body or the dependents of such officers and employees.***

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 9.5. NRS 287.0272 is hereby amended to read as follows:

287.0272 1. If the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada provides health insurance through a plan of self-insurance, the plan must provide coverage for benefits payable for expenses incurred for administering the human papillomavirus vaccine ~~[to women and girls]~~ at such ages as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health

and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. The plan of self-insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. A plan of self-insurance described in subsection 1 which is delivered, issued for delivery or renewed on or after July 1, 2007, has the legal effect of including the coverage required by subsection 1, and any provision of the plan which is in conflict with subsection 1 is void.

4. For the purposes of this section, "human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

Sec. 10. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 689B.255, 695G.150, 695G.160, 695G.162, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.170 to 695G.173, inclusive, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, ***and sections 83 to 89, inclusive, of this act,*** in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 11. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a provider of health care shall not discriminate in providing a health care service to a person on the basis of race, color, national origin, sex, age, physical or mental disability, sexual orientation or gender identity or expression.

2. A provider of health care may make distinctions in providing health care services based on sex or gender identity or expression if the provider has an exceedingly persuasive justification for the distinction, which may include, without limitation, that the distinction is substantially related to the achievement of an important health or scientific objective.

3. A provider of health care must provide reasonable notice to a person who receives health care services relating to the provisions of this section.

4. A provider of health care must take reasonable steps to ensure that a person with limited English proficiency or physical or mental disabilities who receives health care services from the provider has access to any assistance services which may be needed for the person to communicate effectively with the provider.

5. As used in this section:

(a) "Gender identity or expression" has the meaning ascribed to it in NRS 193.0148.

(b) "Health care service" means the care and observation of patients, the diagnosis of human diseases, the treatment and rehabilitation of patients, or related services.

(c) "Sexual orientation" has the meaning ascribed to it in NRS 118.093.

Sec. 11.3. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsections 2 and 3, pursuant to a valid prescription or order for a drug to be used for contraception or its therapeutic equivalent which has been approved by the Food and Drug Administration a pharmacist shall:

(a) The first time dispensing the drug or therapeutic equivalent to the patient, dispense up to a 3-month supply of the drug or therapeutic equivalent.

(b) The second time dispensing the drug or therapeutic equivalent to the patient, dispense up to a 9-month supply of the drug or therapeutic equivalent, or any amount which covers the remainder of the plan year if the patient is covered by a health care plan, whichever is less.

(c) For a refill in a plan year following the initial dispensing of a drug or therapeutic equivalent pursuant to paragraphs (a) and (b), dispense up to a 12-month supply of the drug or therapeutic equivalent or any amount which covers the remainder of the plan year if the patient is covered by a health care plan, whichever is less.

2. The provisions of paragraphs (b) and (c) of subsection 1 only apply if:

(a) The drug for contraception or the therapeutic equivalent of such drug is the same drug or therapeutic equivalent which was previously prescribed or ordered pursuant to paragraph (a) of subsection 1; and

(b) The patient is covered by the same health care plan.

3. If a prescription or order for a drug for contraception or its therapeutic equivalent limits the dispensing of the drug or therapeutic equivalent to a quantity which is less than the amount otherwise authorized to be dispensed pursuant to subsection 1, the pharmacist must dispense the drug or therapeutic equivalent in accordance with the quantity specified in the prescription or order.

4. As used in this section:

(a) "Health care plan" means a policy, contract, certificate or agreement offered or issued by an insurer, including without limitation, the State Plan for Medicaid, to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services.

(b) "Plan year" means the year designated in the evidence of coverage of a health care plan in which a person is covered by such plan.

(c) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 11.6. NRS 639.2396 is hereby amended to read as follows:

639.2396 1. Except as otherwise provided by subsection 2, a prescription which bears specific authorization to refill, given by the prescribing practitioner at the time he or she issued the original prescription, or a prescription which bears authorization permitting the pharmacist to refill the prescription as needed by the patient, may be refilled for the number of times authorized or for the period authorized if it was refilled in accordance with the number of doses ordered and the directions for use.

2. ~~[A]~~ ***Except as otherwise provided in section 11.3 of this act, a*** pharmacist may, in his or her professional judgment and pursuant to a valid prescription that specifies an initial amount of less than a 90-day supply of a drug other than a controlled substance followed by periodic refills of the initial amount of the drug, dispense not more than a 90-day supply of the drug if:

(a) The patient has used an initial 30-day supply of the drug or the drug has previously been prescribed to the patient in a 90-day supply;

(b) The total number of dosage units that are dispensed pursuant to the prescription does not exceed the total number of dosage units, including refills, that are authorized on the prescription by the prescribing practitioner; and

(c) The prescribing practitioner has not specified on the prescription that dispensing the prescription in an initial amount of less than a 90-day supply followed by periodic refills of the initial amount of the drug is medically necessary.

3. Nothing in this section shall be construed to alter the coverage provided under any contract or policy of health insurance, health plan or program or other agreement arrangement that provides health coverage.

Sec. 12. Chapter 679A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, an insurer who offers a policy of health insurance shall not refuse to provide coverage to or discriminate against a person based on race, color, national origin, sex, age, physical or mental disability, sexual orientation or gender identity or expression. Such discriminatory actions include, without limitation:

(a) Cancelling a policy;

(b) Refusing to provide a benefit which is available under a policy to other similarly situated persons;

(c) Limiting coverage of a claim; or

(d) Imposing an additional deductible, premium, copay, coinsurance or any other limitation or restriction on coverage.

2. An insurer may include distinctions in a policy of health insurance based on sex or gender identity or expression if the insurer has an exceedingly persuasive justification for the distinction, which may include, without limitation, that the distinction is substantially related to the achievement of an important health or scientific objective.

3. An insurer must provide reasonable notice to an insured relating to the provisions of this section.

4. An insurer must take reasonable steps to ensure that an insured with limited English proficiency or physical or mental disabilities has access to any assistance services which may be needed for the insured to communicate effectively with the insurer.

5. Nothing in this section may be construed as preventing an insurer from determining whether a benefit is medically necessary or whether any such benefit meets any other requirement for coverage included in a policy of health insurance which is not prohibited by this section or any other provision of law.

6. As used in this section:

(a) "Gender identity or expression" has the meaning ascribed to it in NRS 193.0148.

(b) "Sexual orientation" has the meaning ascribed to it in NRS 118.093.

Sec. 13. NRS 687B.225 is hereby amended to read as follows:

687B.225 1. Except as otherwise provided in NRS 689A.0405, 689A.0413, 689A.044, 689A.0445, 689B.031, 689B.0313, 689B.0317, 689B.0374, 695B.1912, 695B.1914, 695B.1925, 695B.1942, 695C.1713, 695C.1735, 695C.1745, 695C.1751, 695G.170, 695G.171 and 695G.177, ***and sections 38, 39, 54, 55 and 89 of this act,*** any contract for group, blanket or individual health insurance or any contract by a nonprofit hospital, medical or dental service corporation or organization for dental care which provides for payment of a certain part of medical or dental care may require the insured or member to obtain prior authorization for that care from the insurer or organization. The insurer or organization shall:

(a) File its procedure for obtaining approval of care pursuant to this section for approval by the Commissioner; and

(b) Respond to any request for approval by the insured or member pursuant to this section within 20 days after it receives the request.

2. The procedure for prior authorization may not discriminate among persons licensed to provide the covered care.

Sec. 14. Chapter 689A of NRS is hereby amended by adding thereto the provisions set forth as sections 15 to 19, inclusive, of this act.

Sec. 15. ***1. An insurer shall offer or issue a policy of health insurance to any person regardless of the health status of the person or any dependent of the person. Such health status includes, without limitation:***

(a) Any preexisting medical condition of the person, including, without limitation, any physical or mental illness;

(b) The claims history of the person, including, without limitation, any prior health care services received by the person;

(c) Genetic information relating to the person; and

(d) Any increased risk for illness, injury or any other medical condition of the person, including, without limitation, any medical condition caused by an act of domestic violence.

2. An insurer that offers or issues a policy of health insurance shall not:

(a) Deny, limit or exclude a benefit based on the health status of an insured; or

(b) Require an insured, as a condition of enrollment or renewal, to pay a premium, deductible, copay or coinsurance based on his or her health status which is greater than the premium, deductible, copay or coinsurance charged to a similarly situated insured or the covered dependent of such an insured who does not have such a health status.

3. An insurer that offers or issues a policy of health insurance shall not adjust a premium, deductible, copay or coinsurance for any insured on the basis of genetic information relating to the insured or the covered dependent of the insured.

Sec. 16. *1. An insurer that offers or issues a policy of health insurance which provides coverage for dependent children shall continue to make such coverage available for an adult child of an insured until such child reaches 26 years of age.*

2. Nothing in this section shall be construed as requiring an insurer to make coverage available for a dependent of an adult child of an insured.

Sec. 16.5. *1. Except as otherwise provided in subsection 7, an insurer that offers or issues a policy of health insurance shall include in the policy coverage for:*

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 10; and

(4) Dispensed in accordance with section 11.3 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 10;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same policy of health insurance;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic

equivalent prescribed by a provider of health care must be covered by the insurer.

4. Except as otherwise provided in subsections 8, 9 and 11, an insurer that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage to obtain any benefit included in the policy pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

7. An insurer that offers or issues a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance and before the renewal of such a policy, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

8. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a policy of health insurance must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) ~~[Antiprogestin-based drugs]~~ Ulipristal acetate for emergency contraception.

11. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. An insurer shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

13. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in

part, through a defined set of providers of health care under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 17. ***1. An insurer that offers or issues a policy of health insurance shall include in the policy coverage for:***

(a) Counseling and support for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually, with initial intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active women who are at increased risk for such diseases;

(d) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(e) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(f) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(g) Such well-woman preventive visits as recommended by the Health Resources and Services Administration, which must include at least one such visit per year beginning at 14 years of age;

(h) A daily dose of 0.4 to 0.8 milligrams of folic acid for women who are capable of becoming pregnant;

(i) Aspirin for the prevention of preeclampsia for women who are determined to be at a high risk of that condition after 12 weeks of gestation;

(j) Medication to prevent breast cancer for women who are at a high risk of developing breast cancer and have a low risk of adverse side effects from the medication; and

(k) Prophylactic ocular tubal medication for the prevention of gonococcal ophthalmia in newborns.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use a benefit provided in the policy of health insurance pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 18. ***1. An insurer that offers or issues a policy of health insurance shall include in the policy coverage for:***

(a) Counseling relating to the dietary needs of adults who are at a high risk of chronic diseases;

(b) Statin preventive medication for persons between the ages of 40 and 75 years who do not have a history of cardiovascular disease, but who have:

(1) One or more risk factors for cardiovascular disease; and

(2) A calculated risk of at least 10 percent of acquiring cardiovascular disease within the next 10 years;

(c) Aspirin for persons between the ages of 50 and 59 years who have a calculated risk of at least 10 percent of acquiring cardiovascular disease within the next 10 years and a life expectancy of at least 10 years;

(d) Vitamin D supplements for persons who are at least 65 years of age to prevent the person from falling if the person:

(1) Does not reside in a medical facility or a facility for the dependent; and

(2) Has an increased risk of falls;

(e) Tuberculosis screenings for latent tuberculosis infection in persons with increased risk of contracting tuberculosis;

(f) Screening for high blood pressure to confirm a diagnosis made outside a clinical setting before treatment is commenced;

(g) One abdominal aortic screening by ultrasound to detect abdominal aortic aneurisms for men between the ages of 65 and 75 years who have smoked during their lifetimes;

(h) Screening for hepatitis B infection for persons who are at a high risk of contracting hepatitis B;

(i) Screening for hepatitis C infection for persons who are at a high risk of contracting hepatitis C;

(j) One screening for hepatitis C infection for persons born between 1945 and 1965;

(k) Screening for osteoporosis for women who:

(1) Are 65 years of age and older; or

(2) Have a risk of fracturing a bone equal to or greater than that of a woman who is 65 years of age without any additional risk factors;

(l) Screening for alcohol misuse for persons 18 years of age or older;

(m) If a person engages in risky or hazardous consumption of alcohol, as determined by the screening described in paragraph (l), behavioral counseling to reduce such behavior; and

(n) Screening for lung cancer using low-dose computed tomography for persons between the ages of 55 and 80 years who:

(1) Have a smoking history of 30 pack-years;

(2) Smoke or have stopped smoking within the immediately preceding 15 years; and

(3) Do not suffer from a health problem that substantially limits the life expectancy of the person or the willingness of the person to undergo curative surgery.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use a benefit provided in the policy of health insurance pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Computed tomography" means the process of producing sectional and three-dimensional images using external ionizing radiation.

(b) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(d) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(e) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(f) "Pack-year" means the product of the number of packs of cigarettes smoked per day and the number of years that the person has smoked.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 19. ***1. An insurer that offers or issues a policy of health insurance shall include in the policy coverage for:***

(a) Screening for depression;

(b) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization;

(c) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration for persons less than 18 years of age; and

(d) Assessments relating to height, weight, body mass index and medical history for persons less than 18 years of age.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use a benefit provided in the policy of health insurance pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 20. NRS 689A.0405 is hereby amended to read as follows:

689A.0405 1. A policy of health insurance must provide coverage for benefits payable for expenses incurred for:

(a) ~~[An annual cytologic screening test for women 18 years of age or older;~~

~~(b) A baseline mammogram for women between the ages of 35 and 40; and~~

~~(c) An annual]~~ ***A*** mammogram ***every 2 years, or annually if ordered by a provider of health care,*** for women 40 years of age or older ~~[.]~~ ***;***

(b) Counseling concerning genetic testing for breast cancer for women who are at a high risk of developing breast cancer; and

(c) Counseling concerning breast cancer chemoprevention for women who are at risk of developing breast cancer.

2. ~~[A policy of health insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.]~~ ***An insurer must ensure that the benefits required by subsection 1 are made***

available to an insured through a provider of health care who participates in the network plan of the insurer.

3. ***Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of health insurance shall not:***

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use a benefit provided in the policy of health insurance pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[October 1, 1989,]~~ ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with ~~[subsection 1]~~ ***this section*** is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 20.3. NRS 689A.0415 is hereby amended to read as follows:

689A.0415 1. ~~[Except as otherwise provided in subsection 5, an]~~ ***An*** insurer that offers or issues a policy of health insurance which provides coverage for prescription drugs or devices shall include in the policy coverage for ~~[:~~

~~(a) Any type of drug or device for contraception; and~~

~~(b) Any]~~ ***any*** type of hormone replacement therapy ~~[,~~

~~→]~~ which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. An insurer that offers or issues a policy of health insurance that provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for a prescription for ~~[a contraceptive or]~~ hormone replacement therapy than is required for other prescription drugs covered by the policy;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured.

3. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. The provisions of this section do not:

(a) Require an insurer to provide coverage for fertility drugs.

(b) Prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by ~~[paragraphs (a) and (b) of]~~ subsection 1 that is the same as the insured is required to pay for other prescription drugs covered by the policy.

5. ~~[An insurer which offers or issues a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of~~

~~health insurance and before the renewal of such a policy, provide to the prospective insured, written notice of the coverage that the insurer refuses to provide pursuant to this subsection.~~

~~6.~~] As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 20.6. NRS 689A.0417 is hereby amended to read as follows:

689A.0417 1. [~~Except as otherwise provided in subsection 5, an~~] ***An*** insurer that offers or issues a policy of health insurance which provides coverage for outpatient care shall include in the policy coverage for any health care service related to [~~contraceptives or~~] hormone replacement therapy.

2. An insurer that offers or issues a policy of health insurance that provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for outpatient care related to [~~contraceptives or~~] hormone replacement therapy than is required for other outpatient care covered by the policy;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use in the future [~~any of the services listed in subsection 1;~~] ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing [~~any of the services listed in subsection 1;~~] ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides [~~any of the services listed in subsection 1~~] ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay [~~any of the services listed in subsection 1~~] ***hormone replacement therapy*** to an insured.

3. [~~Except as otherwise provided in subsection 5, a~~] ***A*** policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. The provisions of this section do not prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by subsection 1 that is the same as the insured is required to pay for other outpatient care covered by the policy.

5. [~~An insurer which offers or issues such a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives required by this~~

~~section if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance and before the renewal of such a policy, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.~~

~~— 6.~~**]** As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 21. NRS 689A.0425 is hereby amended to read as follows:

689A.0425 1. Except as otherwise provided in this subsection, an individual health benefit plan issued pursuant to this chapter **[**~~that includes coverage for maternity care and pediatric care for newborn infants~~**]** may not restrict benefits for any length of stay in a hospital in connection with childbirth for a mother or newborn infant covered by the plan to:

(a) Less than 48 hours after a normal vaginal delivery; and

(b) Less than 96 hours after a cesarean section.

➥ If a different length of stay is provided in the guidelines established by the American College of Obstetricians and Gynecologists, or its successor organization, and the American Academy of Pediatrics, or its successor organization, the individual health benefit plan may follow such guidelines in lieu of following the length of stay set forth above. The provisions of this subsection do not apply to any individual health benefit plan in any case in which the decision to discharge the mother or newborn infant before the expiration of the minimum length of stay set forth in this subsection is made by the attending physician of the mother or newborn infant.

2. Nothing in this section requires a mother to:

(a) Deliver her baby in a hospital; or

(b) Stay in a hospital for a fixed period following the birth of her child.

3. An individual health benefit plan **[**~~that offers coverage for maternity care and pediatric care of newborn infants~~**]** may not:

(a) Deny a mother or her newborn infant coverage or continued coverage under the terms of the plan or coverage if the sole purpose of the denial of coverage or continued coverage is to avoid the requirements of this section;

(b) Provide monetary payments or rebates to a mother to encourage her to accept less than the minimum protection available pursuant to this section;

(c) Penalize, or otherwise reduce or limit, the reimbursement of an attending provider of health care because the attending provider of health care provided care to a mother or newborn infant in accordance with the provisions of this section;

(d) Provide incentives of any kind to an attending physician to induce the attending physician to provide care to a mother or newborn infant in a manner that is inconsistent with the provisions of this section; or

(e) Except as otherwise provided in subsection 4, restrict benefits for any portion of a hospital stay required pursuant to the provisions of this section in a manner that is less favorable than the benefits provided for any preceding portion of that stay.

4. Nothing in this section:

(a) Prohibits an individual health benefit plan from imposing a deductible, coinsurance or other mechanism for sharing costs relating to benefits for hospital stays in connection with childbirth for a mother or newborn child covered by the plan, except that such coinsurance or other mechanism for sharing costs for any portion of a hospital stay required by this section may not be greater than the coinsurance or other mechanism for any preceding portion of that stay.

(b) Prohibits an arrangement for payment between an individual health benefit plan and a provider of health care that uses capitation or other financial incentives, if the arrangement is designed to provide services efficiently and consistently in the best interest of the mother and her newborn infant.

(c) Prevents an individual health benefit plan from negotiating with a provider of health care concerning the level and type of reimbursement to be provided in accordance with this section.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

6. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 22. NRS 689A.044 is hereby amended to read as follows:

689A.044 1. A policy of health insurance must provide coverage for benefits payable for expenses incurred for ~~[~~administering~~]~~ ***:***

(a) Deoxyribonucleic acid testing for high-risk strains of the human papillomavirus every 3 years for women 30 years of age or older; and

(b) Administering the human papillomavirus vaccine as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. ~~[~~A policy of health insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.~~]~~ ***An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.***

3. ***Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of health insurance shall not:***

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the

policy uses or may use a benefit provided in the policy of health insurance pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[July 1, 2007,]~~ ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with ~~[subsection 1]~~ ***this section*** is void.

~~[4. For the purposes of this section, "human]~~

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(c) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 23. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the

Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~.~~ , *and sections 15 to 19, inclusive, of this act.*

Sec. 24. Chapter 689B of NRS is hereby amended by adding thereto the provisions set forth as sections 25 to 28, inclusive, of this act.

Sec. 25. *1. An insurer that offers or issues a policy of group health insurance which provides coverage for dependent children shall continue to make such coverage available for an adult child of an insured until such child reaches 26 years of age.*

2. Nothing in this section shall be construed as requiring an insurer to make coverage available for a dependent of an adult child of an insured.

Sec. 25.5. *1. Except as otherwise provided in subsection 7, an insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:*

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 11; and

(4) Dispensed in accordance with section 11.3 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 11;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same policy of group health insurance;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

4. Except as otherwise provided in subsections 9, 10 and 12, an insurer that offers or issues a policy of group health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for

coverage to obtain any benefit included in the policy pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

7. An insurer that offers or issues a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

8. If an insurer refuses, pursuant to subsection 7, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

9. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

10. For each of the 18 methods of contraception listed in subsection 11 that have been approved by the Food and Drug Administration, a policy of group health insurance must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

11. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;
(b) Surgical sterilization implants for women;
(c) Implantable rods;
(d) Copper-based intrauterine devices;
(e) Progesterone-based intrauterine devices;
(f) Injections;
(g) Combined estrogen- and progestin-based drugs;
(h) Progestin-based drugs;
(i) Extended- or continuous-regimen drugs;
(j) Estrogen- and progestin-based patches;
(k) Vaginal contraceptive rings;
(l) Diaphragms with spermicide;
(m) Sponges with spermicide;
(n) Cervical caps with spermicide;
(o) Female condoms;
(p) Spermicide;
(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
(r) ~~[Antiprogestin-based drugs]~~ Ulipristal acetate for emergency contraception.

12. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

13. An insurer shall not use medical management techniques to require an insured to use a different method of contraception other than the method prescribed or ordered by a provider of health care.

14. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

15. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under

contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 26. ***1. An insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:***

(a) Counseling and support for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually, with initial intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active women who are at increased risk for such diseases;

(d) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(e) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(f) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(g) Such well-woman preventive visits as recommended by the Health Resources and Services Administration, which must include at least one such visit per year beginning at 14 years of age;

(h) A daily dose of 0.4 to 0.8 milligrams of folic acid for women who are capable of becoming pregnant;

(i) Aspirin for the prevention of preeclampsia for women who are determined to be at a high risk of that condition after 12 weeks of gestation;

(j) Medication to prevent breast cancer for women who are at a high risk of developing breast cancer and have a low risk of adverse side effects from the medication; and

(k) Prophylactic ocular tubal medication for the prevention of gonococcal ophthalmia in newborns.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of group health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of group health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use a benefit provided in the policy of group health insurance pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 27. *1. An insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:*

(a) Counseling relating to the dietary needs of adults who are at a high risk of chronic diseases;

(b) Statin preventive medication for persons between the ages of 40 and 75 years who do not have a history of cardiovascular disease, but who have:

(1) One or more risk factors for cardiovascular disease; and

(2) A calculated risk of at least 10 percent of acquiring cardiovascular disease within the next 10 years;

(c) Aspirin for persons between the ages of 50 and 59 years who have a calculated risk of at least 10 percent of acquiring cardiovascular disease within the next 10 years and a life expectancy of at least 10 years;

(d) Vitamin D supplements for persons who are at least 65 years of age to prevent the person from falling if the person:

(1) Does not reside in a medical facility or a facility for the dependent; and

(2) Has an increased risk of falls;

(e) Tuberculosis screenings for latent tuberculosis infection in persons with increased risk of contracting tuberculosis;

(f) Screening for high blood pressure to confirm a diagnosis made outside a clinical setting before treatment is commenced;

(g) One abdominal aortic screening by ultrasound to detect abdominal aortic aneurisms for men between the ages of 65 and 75 years who have smoked during their lifetimes;

(h) Screening for hepatitis B infection for persons who are at a high risk of contracting hepatitis B;

(i) Screening for hepatitis C infection for persons who are at a high risk of contracting hepatitis C;

(j) One screening for hepatitis C infection for persons born between 1945 and 1965;

(k) Screening for osteoporosis for women who:

(1) Are 65 years of age and older; or

(2) Have a risk of fracturing a bone equal to or greater than that of a woman who is 65 years of age without any additional risk factors;

(l) Screening for alcohol misuse for persons 18 years of age or older;

(m) If a person engages in risky or hazardous consumption of alcohol, as determined by the screening described in paragraph (l), behavioral counseling to reduce such behavior; and

(n) Screening for lung cancer using low-dose computed tomography for persons between ages of 55 and 80 years who:

(1) Have a smoking history of 30 pack-years;

(2) Smoke or have stopped smoking within the immediately preceding 15 years; and

(3) Do not suffer from a health problem that substantially limits the life expectancy of the person or the willingness of the person to undergo curative surgery.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of group health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of group health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use a benefit provided in the policy of group health insurance pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Computed tomography" means the process of producing sectional and three-dimensional images using external ionizing radiation.

(b) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(d) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(e) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(f) "Pack-year" means the product of the number of packs of cigarettes smoked per day and the number of years that the person has smoked.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 28. *1. An insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:*

(a) Screening for depression;

(b) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization;

(c) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration for persons less than 18 years of age; and

(d) Assessments relating to height, weight, body mass index and medical history for persons less than 18 years of age.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of group health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of group health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use a benefit provided in the policy of group health insurance pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 29. NRS 689B.0313 is hereby amended to read as follows:

689B.0313 1. A policy of group health insurance must provide coverage for benefits payable for expenses incurred for ~~[~~administering~~]~~ ***:***

(a) Deoxyribonucleic acid testing for high-risk strains of the human papillomavirus every 3 years for women 30 years of age or older; and

(b) Administering the human papillomavirus vaccine as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. ~~[~~A policy of group health insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.~~]~~ ***An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.***

3. ***Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of group health insurance shall not:***

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of group health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use a benefit provided in the policy of group health insurance pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy ***of group health insurance*** subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[July 1, 2007,]~~ ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with ~~[subsection 1]~~ ***this section*** is void.

~~[4. For the purposes of this section, "human]~~

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(c) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under

contract with the insurer. The term does not include an arrangement for the financing of premiums.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 30. NRS 689B.0374 is hereby amended to read as follows:

689B.0374 1. A policy of group health insurance must provide coverage for benefits payable for expenses incurred for:

(a) ~~[An annual cytologic screening test for women 18 years of age or older;~~

~~(b) A baseline mammogram for women between the ages of 35 and 40; and~~

~~(c) An annual]~~ ***A*** mammogram ***every 2 years, or annually if ordered by a provider of health care,*** for women 40 years of age or older ~~[.]~~ ***;***

(b) Counseling concerning genetic testing for breast cancer for women who are at a high risk of developing breast cancer; and

(c) Counseling concerning breast cancer chemoprevention for women who are at risk of developing breast cancer.

2. ~~[A policy of group health insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.]~~ ***An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.***

3. ***Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of group health insurance shall not:***

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of group health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use a benefit provided in the policy of group health insurance pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy ***of group health insurance*** subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[October 1, 1989,]~~ ***January 1, 2018,*** has the legal effect of including the

coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with ~~[subsection 1]~~ ***this section*** is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 30.3. NRS 689B.0376 is hereby amended to read as follows:

689B.0376 1. ~~[Except as otherwise provided in subsection 5, an]~~ ***An*** insurer that offers or issues a policy of group health insurance which provides coverage for prescription drugs or devices shall include in the policy coverage for ~~[:~~

~~(a) Any type of drug or device for contraception; and~~

~~(b) Any]~~ ***any*** type of hormone replacement therapy ~~[,~~

~~→]~~ which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. An insurer that offers or issues a policy of group health insurance that provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for a prescription for ~~[a contraceptive or]~~ hormone replacement therapy than is required for other prescription drugs covered by the policy;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured,

including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[~~any of the services listed in subsection 1~~]~~ ***hormone replacement therapy*** to an insured.

3. ~~[~~Except as otherwise provided in subsection 5, a~~]~~ ***A*** policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. The provisions of this section do not:

(a) Require an insurer to provide coverage for fertility drugs.

(b) Prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by ~~[~~paragraphs (a) and (b) of~~]~~ subsection 1 that is the same as the insured is required to pay for other prescription drugs covered by the policy.

5. ~~[~~An insurer which offers or issues a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection. The insurer shall provide notice to each insured, at the time the insured receives his or her certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.

6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

7.~~]~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 30.6. NRS 689B.0377 is hereby amended to read as follows:

689B.0377 1. ~~[~~Except as otherwise provided in subsection 5, an~~]~~ ***An*** insurer that offers or issues a policy of group health insurance which provides coverage for outpatient care shall include in the policy coverage for any health care service related to ~~[~~contraceptives or~~]~~ hormone replacement therapy.

2. An insurer that offers or issues a policy of group health insurance that provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for outpatient care related to ~~[~~contraceptives or~~]~~ hormone replacement therapy than is required for other outpatient care covered by the policy;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured.

3. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. The provisions of this section do not prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by subsection 1 that is the same as the insured is required to pay for other outpatient care covered by the policy.

5. ~~[An insurer which offers or issues a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives required by this section if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection. The insurer shall provide notice to each insured, at the time the insured receives his or her certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.~~

~~6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.]~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 31. NRS 689B.500 is hereby amended to read as follows:

689B.500 ~~[A carrier that issues a group health plan or coverage under blanket accident and health insurance or group health insurance shall not deny, exclude or limit a benefit for a preexisting condition.]~~

1. An insurer shall offer or issue a policy of group health insurance to any person regardless of the health status of the person or any dependent of the person. Such health status includes, without limitation:

(a) Any preexisting medical condition of the person, including, without limitation, any physical or mental illness;

(b) The claims history of the person, including, without limitation, any prior health care services received by the person;

(c) Genetic information relating to the person; and

(d) Any increased risk for illness, injury or any other medical condition of the person, including, without limitation, any medical condition caused by an act of domestic violence.

2. An insurer that offers or issues a policy of group health insurance shall not:

(a) Deny, limit or exclude a benefit based on the health status of an insured; or

(b) Require an insured, as a condition of enrollment or renewal, to pay a premium, deductible, copay or coinsurance based on his or her health status which is greater than the premium, deductible, copay or coinsurance charged to a similarly situated insured or the covered dependent of such an insured who does not have such a health status.

3. An insurer that offers or issues a policy of group health insurance shall not adjust a premium, deductible, copay or coinsurance for any insured on the basis of genetic information relating to the insured or the covered dependent of the insured.

Sec. 32. NRS 689B.520 is hereby amended to read as follows:

689B.520 1. Except as otherwise provided in this subsection, a group health plan or coverage offered under group health insurance issued pursuant to this chapter **[**~~that includes coverage for maternity care and pediatric care for newborn infants~~**]** may not restrict benefits for any length of stay in a hospital in connection with childbirth for a mother or newborn infant covered by the plan or coverage to:

(a) Less than 48 hours after a normal vaginal delivery; and

(b) Less than 96 hours after a cesarean section.

➥ If a different length of stay is provided in the guidelines established by the American College of Obstetricians and Gynecologists, or its successor organization, and the American Academy of Pediatrics, or its successor organization, the group health plan or health insurance coverage may follow such guidelines in lieu of following the length of stay set forth above. The provisions of this subsection do not apply to any group health plan or health insurance coverage in any case in which the decision to discharge the mother or newborn infant before the expiration of the minimum length of stay set forth in this subsection is made by the attending physician of the mother or newborn infant.

2. Nothing in this section requires a mother to:

(a) Deliver her baby in a hospital; or

(b) Stay in a hospital for a fixed period following the birth of her child.

3. A group health plan or coverage under group health insurance ~~[that offers coverage for maternity care and pediatric care of newborn infants]~~ may not:

(a) Deny a mother or her newborn infant coverage or continued coverage under the terms of the plan or coverage if the sole purpose of the denial of coverage or continued coverage is to avoid the requirements of this section;

(b) Provide monetary payments or rebates to a mother to encourage her to accept less than the minimum protection available pursuant to this section;

(c) Penalize, or otherwise reduce or limit, the reimbursement of an attending provider of health care because the attending provider of health care provided care to a mother or newborn infant in accordance with the provisions of this section;

(d) Provide incentives of any kind to an attending physician to induce the attending physician to provide care to a mother or newborn infant in a manner that is inconsistent with the provisions of this section; or

(e) Except as otherwise provided in subsection 4, restrict benefits for any portion of a hospital stay required pursuant to the provisions of this section in a manner that is less favorable than the benefits provided for any preceding portion of that stay.

4. Nothing in this section:

(a) Prohibits a group health plan or carrier from imposing a deductible, coinsurance or other mechanism for sharing costs relating to benefits for hospital stays in connection with childbirth for a mother or newborn child covered by the plan, except that such coinsurance or other mechanism for sharing costs for any portion of a hospital stay required by this section may not be greater than the coinsurance or other mechanism for any preceding portion of that stay.

(b) Prohibits an arrangement for payment between a group health plan or carrier and a provider of health care that uses capitation or other financial incentives, if the arrangement is designed to provide services efficiently and consistently in the best interest of the mother and her newborn infant.

(c) Prevents a group health plan or carrier from negotiating with a provider of health care concerning the level and type of reimbursement to be provided in accordance with this section.

5. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

6. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 33. Chapter 689C of NRS is hereby amended by adding thereto the provisions set forth as sections 34 to 39, inclusive, of this act.

Sec. 34. ***1. A carrier that offers or issues a health benefit plan which provides coverage for dependent children shall continue to make such coverage available for an adult child of an insured until such child reaches 26 years of age.***

2. Nothing in this section shall be construed as requiring a carrier to make coverage available for a dependent of an adult child of an insured.

Sec. 34.5. ***1. Except as otherwise provided in subsection 7, a carrier that offers or issues a health benefit plan shall include in the plan coverage for:***

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 10; and

(4) Dispensed in accordance with section 11.3 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 10;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same health benefit plan;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the carrier.

4. Except as otherwise provided in subsections 8, 9 and 11, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage to obtain any benefit included in the plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

7. A carrier that offers or issues a health benefit plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the carrier objects on religious grounds. Such a carrier shall, before the issuance of a health benefit plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the carrier refuses to provide pursuant to this subsection.

8. A carrier may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a health benefit plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the carrier may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) ~~[Antiprogestin-based drugs]~~ Ulipristal acetate for emergency contraception.

11. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. A carrier shall not use medical management techniques to require an insured to use a different method of contraception other than the method prescribed or ordered by a provider of health care.

13. A carrier must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the carrier to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 35. *1. A carrier that offers or issues a health benefit plan shall include in the plan coverage for:*

(a) Counseling and support for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually, with initial intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active women who are at increased risk for such diseases;

(d) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(e) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(f) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(g) Such well-woman preventive visits as recommended by the Health Resources and Services Administration, which must include at least one such visit per year beginning at 14 years of age;

(h) A daily dose of 0.4 to 0.8 milligrams of folic acid for women who are capable of becoming pregnant;

(i) Aspirin for the prevention of preeclampsia for women who are determined to be at a high risk of that condition after 12 weeks of gestation;

(j) Medication to prevent breast cancer for women who are at a high risk of developing breast cancer and have a low risk of adverse side effects from the medication; and

(k) Prophylactic ocular tubal medication for the prevention of gonococcal ophthalmia in newborns.

2. A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

3. Except as otherwise provided in subsection 5, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health benefit plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorizati on or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the carrier. The te rm does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 36. *1. A carrier that offers or issues a health benefit plan shall include in the plan coverage for:*

(a) Counseling relating to the dietary needs of adults who are at a high risk of chronic diseases;

(b) Statin preventive medication for persons between the ages of 40 and 75 years who do not have a history of cardiovascular disease, but who have:

(1) One or more risk factors for cardiovascular disease; and

(2) A calculated risk of at least 10 percent of acquiring cardiovascular disease within the next 10 years;

(c) Aspirin for persons between the ages of 50 and 59 years who have a calculated risk of at least 10 percent of acquiring cardiovascular disease within the next 10 years and a life expectancy of at least 10 years;

(d) Vitamin D supplements for persons who are at least 65 years of age to prevent the person from falling if the person:

(1) Does not reside in a medical facility or a facility for the dependent; and

(2) Has an increased risk of falls;

(e) Tuberculosis screenings for latent tuberculosis infection in persons with increased risk of contracting tuberculosis;

(f) Screening for high blood pressure to confirm a diagnosis made outside a clinical setting before treatment is commenced;

(g) One abdominal aortic screening by ultrasound to detect abdominal aortic aneurisms for men between ages of 65 and 75 years who have smoked during their lifetimes;

(h) Screening for hepatitis B infection for persons who are at a high risk of contracting hepatitis B;

(i) Screening for hepatitis C infection for persons who are at a high risk of contracting hepatitis C;

(j) One screening for hepatitis C infection for persons born between 1945 and 1965;

(k) Screening for osteoporosis for women who:

(1) Are 65 years of age and older; or

(2) Have a risk of fracturing a bone equal to or greater than that of a woman who is 65 years of age without any additional risk factors;

(l) Screening for alcohol misuse for persons 18 years of age or older;

(m) If a person engages in risky or hazardous consumption of alcohol, as determined by the screening described in paragraph (l), behavioral counseling to reduce such behavior; and

(n) Screening for lung cancer using low-dose computed tomography for persons between the ages of 55 and 80 years who:

(1) Have a smoking history of 30 pack-years;

(2) Smoke or have stopped smoking within the immediately preceding 15 years; and

(3) Do not suffer from a health problem that substantially limits the life expectancy of the person or the willingness of the person to undergo curative surgery.

2. A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

3. Except as otherwise provided in subsection 5, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health benefit plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Computed tomography" means the process of producing sectional and three-dime nsional images using external ionizing radiation.

(b) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(d) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(e) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(f) "Pack-year" means the product of the number of packs of cigarettes smoked per day and the number of years that the person has smoked.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 37. *1. A carrier that offers or issues a health benefit plan shall include in the plan coverage for:*

(a) Screening for depression;

(b) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization;

(c) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration for persons less than 18 years of age; and

(d) Assessments relating to height, weight, body mass index and medical history for persons less than 18 years of age.

2. A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

3. Except as otherwise provided in subsection 5, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health benefit plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or

treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 38. ***1. A health benefit plan must provide coverage for benefits payable for expenses incurred for:***

(a) Deoxyribonucleic acid testing for high-risk strains of the human papillomavirus every 3 years for women 30 years of age or older; and

(b) Administering the human papillomavirus vaccine as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

3. Except as otherwise provided in subsection 5, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health benefit plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A health benefit plan subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(c) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 39. ***1. A health benefit plan must provide coverage for benefits payable for expenses incurred for:***

(a) A mammogram every 2 years, or annually if ordered by a provider of health care, for women 40 years of age or older;

(b) Counseling concerning genetic testing for breast cancer for women who are at a high risk of developing breast cancer; and

(c) Counseling concerning breast cancer chemoprevention for women who are at risk of developing breast cancer.

2. A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

3. Except as otherwise provided in subsection 5, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health benefit plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A health benefit plan subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 40. NRS 689C.159 is hereby amended to read as follows:

689C.159 The provisions of NRS 689C.156 ~~[~~and 689C.190~~]~~ do not apply to health benefit plans offered by a carrier if the carrier makes the health benefit plan available in the small employer market only through a bona fide association.

Sec. 41. NRS 689C.190 is hereby amended to read as follows:

689C.190 ~~[A carrier serving small employers that issues a health benefit plan shall not deny, exclude or limit a benefit for a preexisting condition.]~~

1. A carrier shall offer or issue a health benefit plan to any person regardless of the health status of the person or any dependent of the person. Such health status includes, without limitation:

(a) Any preexisting medical condition of the person, including, without limitation, any physical or mental illness;

(b) The claims history of the person, including, without limitation, any prior health care services received by the person;

(c) Genetic information relating to the person; and

(d) Any increased risk for illness, injury or any other medical condition of the person, including, without limitation, any medical condition caused by an act of domestic violence.

2. A carrier that offers or issues a health benefit plan shall not:

(a) Deny, limit or exclude a benefit based on the health status of an insured; or

(b) Require an insured, as a condition of enrollment or renewal, to pay a premium, deductible, copay or coinsurance based on his or her health status which is greater than the premium, deductible, copay or coinsurance charged to a similarly situated insured or the covered dependent of such an insured who does not have such a health status.

3. A carrier that offers or issues a health benefit plan shall not adjust a premium, deductible, copay or coinsurance for any insured on the basis of genetic information relating to the insured or the covered dependent of the insured.

Sec. 42. NRS 689C.193 is hereby amended to read as follows:

689C.193 1. A carrier shall not place any restriction on a small employer or an eligible employee or a dependent of the eligible employee as a condition of being a participant in or a beneficiary of a health benefit plan that is inconsistent with NRS 689C.015 to 689C.355, inclusive ~~[.]~~ ***, and sections 34 to 39, inclusive, of this act.***

2. A carrier that offers health insurance coverage to small employers pursuant to this chapter shall not establish rules of eligibility, including, but not limited to, rules which define applicable waiting periods, for the initial or continued enrollment under a health benefit plan offered by the carrier that are based on the following factors relating to the eligible employee or a dependent of the eligible employee:

(a) Health status.

(b) Medical condition, including physical and mental illnesses, or both.

(c) Claims experience.

(d) Receipt of health care.

(e) Medical history.

(f) Genetic information.

(g) Evidence of insurability, including conditions which arise out of acts of domestic violence.

(h) Disability.

3. Except as otherwise provided in NRS 689C.190, the provisions of subsection 1 do not require a carrier to provide particular benefits other than those that would otherwise be provided under the terms of the health benefit plan or coverage.

4. As a condition of enrollment or continued enrollment under a health benefit plan, a carrier shall not require any person to pay a premium or contribution that is greater than the premium or contribution for a similarly situated person covered by similar coverage on the basis of any factor described in subsection 2 in relation to the person or a dependent of the person.

5. Nothing in this section:

(a) Restricts the amount that a small employer may be charged for coverage by a carrier;

(b) Prevents a carrier from establishing premium discounts or rebates or from modifying otherwise applicable copayments or deductibles in return for adherence by the insured person to programs of health promotion and disease prevention; or

(c) Precludes a carrier from establishing rules relating to employer contribution or group participation when offering health insurance coverage to small employers in this State.

6. As used in this section:

(a) "Contribution" means the minimum employer contribution toward the premium for enrollment of participants and beneficiaries in a health benefit plan.

(b) "Group participation" means the minimum number of participants or beneficiaries that must be enrolled in a health benefit plan in relation to a specified percentage or number of eligible persons or employees of the employer.

Sec. 43. NRS 689C.194 is hereby amended to read as follows:

689C.194 1. Except as otherwise provided in this subsection, a health benefit plan issued pursuant to this chapter ~~[that includes coverage for maternity care and pediatric care for newborn infants]~~ may not restrict benefits for any length of stay in a hospital in connection with childbirth for a mother or newborn infant covered by the plan to:

(a) Less than 48 hours after a normal vaginal delivery; and

(b) Less than 96 hours after a cesarean section.

➥ If a different length of stay is provided in the guidelines established by the American College of Obstetricians and Gynecologists, or its successor organization, and the American Academy of Pediatrics, or its successor organization, the health benefit plan may follow such guidelines in lieu of following the length of stay set forth above. The provisions of this subsection do not apply to any health benefit plan in any case in which the decision to

discharge the mother or newborn infant before the expiration of the minimum length of stay set forth in this subsection is made by the attending physician of the mother or newborn infant.

2. Nothing in this section requires a mother to:

(a) Deliver her baby in a hospital; or

(b) Stay in a hospital for a fixed period following the birth of her child.

3. A health benefit plan ~~[that offers coverage for maternity care and pediatric care of newborn infants]~~ may not:

(a) Deny a mother or her newborn infant coverage or continued coverage under the terms of the plan if the sole purpose of the denial of coverage or continued coverage is to avoid the requirements of this section;

(b) Provide monetary payments or rebates to a mother to encourage her to accept less than the minimum protection available pursuant to this section;

(c) Penalize, or otherwise reduce or limit, the reimbursement of an attending provider of health care because the attending provider of health care provided care to a mother or newborn infant in accordance with the provisions of this section;

(d) Provide incentives of any kind to an attending physician to induce the attending physician to provide care to a mother or newborn infant in a manner that is inconsistent with the provisions of this section; or

(e) Except as otherwise provided in subsection 4, restrict benefits for any portion of a hospital stay required pursuant to the provisions of this section in a manner that is less favorable than the benefits provided for any preceding portion of that stay.

4. Nothing in this section:

(a) Prohibits a health benefit plan or carrier from imposing a deductible, coinsurance or other mechanism for sharing costs relating to benefits for hospital stays in connection with childbirth for a mother or newborn child covered by the plan, except that such coinsurance or other mechanism for sharing costs for any portion of a hospital stay required by this section may not be greater than the coinsurance or other mechanism for any preceding portion of that stay.

(b) Prohibits an arrangement for payment between a health benefit plan or carrier and a provider of health care that uses capitation or other financial incentives, if the arrangement is designed to provide services efficiently and consistently in the best interest of the mother and her newborn infant.

(c) Prevents a health benefit plan or carrier from negotiating with a provider of health care concerning the level and type of reimbursement to be provided in accordance with this section.

5. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

6. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 44. NRS 689C.270 is hereby amended to read as follows:

689C.270 1. The Commissioner shall adopt regulations which require a carrier to file with the Commissioner, for approval by the Commissioner, a disclosure offered by the carrier to a small employer. The disclosure must include:

(a) Any significant exception, reduction or limitation that applies to the policy;

(b) Any restrictions on payments for emergency care, including, without limitation, related definitions of an emergency and medical necessity;

(c) The provision of the health benefit plan concerning the carrier's right to change premium rates and the characteristics, other than claim experience, that affect changes in premium rates;

(d) The provisions relating to renewability of policies and contracts; ***and***

(e) ~~[~~The provisions relating to any preexisting condition; and

~~(f)]~~ Any other information that the Commissioner finds necessary to provide for full and fair disclosure of the provisions of a policy or contract of insurance issued pursuant to this chapter.

2. The disclosure must be written in language which is easily understood and must include a statement that the disclosure is a summary of the policy only, and that the policy itself should be read to determine the governing contractual provisions.

3. The Commissioner shall not approve any proposed disclosure submitted to the Commissioner pursuant to this section which does not comply with the requirements of this section and the applicable regulations.

4. The carrier shall make available to a small employer or a producer acting on behalf of a small employer, upon request, a copy of the disclosure approved by the Commissioner pursuant to this section for policies of health insurance for which that employer may be eligible.

Sec. 45. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, ***and sections 34 to 39, inclusive, of this act,*** to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 46. NRS 689C.440 is hereby amended to read as follows:

689C.440 1. The Commissioner shall adopt regulations which require a carrier to file with the Commissioner, for approval by the Commissioner, a disclosure offered by the carrier to a voluntary purchasing group. The disclosure must include:

(a) Any significant exception, prior authorization, reduction or limitation that applies to a contract;

(b) Any restrictions on payments for emergency care, including, without limitation, related definitions of an emergency and medical necessity;

(c) Any provision of a contract concerning the carrier's right to change premium rates and the characteristics, other than claim experience, that affect changes in premium rates;

(d) The provisions relating to renewability of contracts; ***and***

(e) ~~[The provisions relating to any preexisting condition; and~~

~~(f)]~~ Any other information that the Commissioner finds necessary to provide for full and fair disclosure of the provisions of a contract.

2. The disclosure must be written in a language which is easily understood and must include a statement that the disclosure is a summary of the contract only, and that the contract itself should be read to determine the governing contractual provisions.

3. The Commissioner shall not approve any proposed disclosure submitted to the Commissioner pursuant to this section which does not comply with the requirements of this section and the applicable regulations.

Sec. 47. Chapter 695A of NRS is hereby amended by adding thereto the provisions set forth as sections 48 to 55, inclusive, of this act.

Sec. 48. ***1. A society shall offer or issue a benefit contract to any person regardless of the health status of the person or any dependent of the person. Such health status includes, without limitation:***

(a) Any preexisting medical condition of the person, including, without limitation, any physical or mental illness;

(b) The claims history of the person, including, without limitation, any prior health care services received by the person;

(c) Genetic information relating to the person; and

(d) Any increased risk for illness, injury or any other medical condition of the person, including, without limitation, any medical condition caused by an act of domestic violence.

2. A society that offers or issues a benefit contract shall not:

(a) Deny, limit or exclude a benefit based on the health status of an insured; or

(b) Require an insured, as a condition of enrollment or renewal, to pay a premium, deductible, copay or coinsurance based on his or her health status which is greater than the premium, deductible, copay or coinsurance charged to a similarly situated insured or the covered dependent of such an insured who does not have such a health status.

3. A society that offers or issues a benefit contract shall not adjust a premium, deductible, copay or coinsurance for any insured on the basis of genetic information relating to the insured or the covered dependent of the insured.

Sec. 49. ***1. A society that offers or issues a benefit contract which provides coverage for dependent children shall continue to make such coverage available for an adult child of an insured until such child reaches 26 years of age.***

2. Nothing in this section shall be construed as requiring a society to make coverage available for a dependent of an adult child of an insured.

Sec. 49.5. ***1. Except as otherwise provided in subsection 7, a society that offers or issues a benefit contract shall include in the plan coverage for:***

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 10; and

(4) Dispensed in accordance with section 11.3 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 10;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same benefit contract;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the society.

4. Except as otherwise provided in subsections 8, 9 and 11, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage to obtain any benefit included in the plan pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

7. A society that offers or issues a benefit contract and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the society objects on religious grounds. Such a society shall, before the issuance of a benefit contract and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the society refuses to provide pursuant to this subsection.

8. A society may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a benefit contract must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the society may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) ~~*[Antiprogestin based drugs]*~~ *Ulipristal acetate for emergency contraception.*

11. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. A society shall not use medical management techniques to require an insured to use a different method of contraception other than the method prescribed or ordered by a provider of health care.

13. A society must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the society to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 50. *1. A society that offers or issues a benefit contract shall include in the contract coverage for:*

(a) Counseling and support for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually, with initial intervention services consisting of

education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active women who are at increased risk for such diseases;

(d) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(e) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(f) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(g) Such well-woman preventive visits as recommended by the Health Resources and Services Administration, which must include at least one such visit per year beginning at 14 years of age;

(h) A daily dose of 0.4 to 0.8 milligrams of folic acid for women who are capable of becoming pregnant;

(i) Aspirin for the prevention of preeclampsia for women who are determined to be at a high risk of that condition after 12 weeks of gestation;

(j) Medication to prevent breast cancer for women who are at a high risk of developing breast cancer and have a low risk of adverse side effects from the medication; and

(k) Prophylactic ocular tubal medication for the prevention of gonococcal ophthalmia in newborns.

2. A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

3. Except as otherwise provided in subsection 5, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use a benefit provided in the benefit contract pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 51. ***1. A society that offers or issues a benefit contract shall include in the contract coverage for:***

(a) Counseling relating to the dietary needs of adults who are at a high risk of chronic diseases;

(b) Statin preventive medication for persons between the ages of 40 and 75 years who do not have a history of cardiovascular disease, but who have:

(1) One or more risk factors for cardiovascular disease; and

(2) A calculated risk of at least 10 percent of acquiring cardiovascular disease within the next 10 years;

(c) Aspirin for persons between the ages of 50 and 59 years who have a calculated risk of at least 10 percent of acquiring cardiovascular disease within the next 10 years and a life expectancy of at least 10 years;

(d) Vitamin D supplements for persons who are at least 65 years of age to prevent the person from falling if the person:

(1) Does not reside in a medical facility or a facility for the dependent; and

(2) Has an increased risk of falls;

(e) Tuberculosis screenings for latent tuberculosis infection in persons with increased risk of contracting tuberculosis;

(f) Screening for high blood pressure to confirm a diagnosis made outside a clinical setting before treatment is commenced;

(g) One abdominal aortic screening by ultrasound to detect abdominal aortic aneurisms for men between the ages of 65 and 75 years who have smoked during their lifetimes;

(h) Screening for hepatitis B infection for persons who are at a high risk of contracting hepatitis B;

(i) Screening for hepatitis C infection for persons who are at a high risk of contracting hepatitis C;

(j) One screening for hepatitis C infection for persons born between 1945 and 1965;

(k) Screening for osteoporosis for women who:

(1) Are 65 years of age and older; or

(2) Have a risk of fracturing a bone equal to or greater than that of a woman who is 65 years of age without any additional risk factors;

(l) Screening for alcohol misuse for persons 18 years of age or older;

(m) If a person engages in risky or hazardous consumption of alcohol, as determined by the screening described in paragraph (l), behavioral counseling to reduce such behavior; and

(n) Screening for lung cancer using low-dose computed tomography for persons between the ages of 55 and 80 years who:

(1) Have a smoking history of 30 pack-years;

(2) Smoke or have stopped smoking within the immediately preceding 15 years; and

(3) Do not suffer from a health problem that substantially limits the life expectancy of the person or the willingness of the person to undergo curative surgery.

2. A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

3. Except as otherwise provided in subsection 5, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use a benefit provided in the benefit contract pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Computed tomography" means the process of producing sectional and three-dimensional images using external ionizing radiation.

(b) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(d) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(e) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the society. The term does not include an arrangement for the financing of premiums.

(f) "Pack-year" means the product of the number of packs of cigarettes smoked per day and the number of years that the person has smoked.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 52. ***1. A society that offers or issues a benefit contract shall include in the contract coverage for:***

(a) Screening for depression;

(b) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization;

(c) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration for persons less than 18 years of age; and

(d) Assessments relating to height, weight, body mass index and medical history for persons less than 18 years of age.

2. A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

3. Except as otherwise provided in subsection 5, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use a benefit provided in the benefit contract pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 53. ***1. Except as otherwise provided in this subsection, a benefit contract issued pursuant to this chapter may not restrict benefits for any length of stay in a hospital in connection with childbirth for a mother or newborn infant covered by the contract to:***

(a) Less than 48 hours after a normal vaginal delivery; and

(b) Less than 96 hours after a cesarean section.

➥ If a different length of stay is provided in the guidelines established by the American College of Obstetricians and Gynecologists, or its successor organization, and the American Academy of Pediatrics, or its successor organization, the benefit contract may follow such guidelines in lieu of following the length of stay set forth above. The provisions of this subsection do not apply to any benefit contract in any case in which the decision to discharge the mother or newborn infant before the expiration of the minimum length of stay set forth in this subsection is made by the attending physician of the mother or newborn infant.

2. Nothing in this section requires a mother to:

(a) Deliver her baby in a hospital; or

(b) Stay in a hospital for a fixed period following the birth of her child.

3. A benefit contract may not:

(a) Deny a mother or her newborn infant coverage or continued coverage under the terms of the contract or coverage if the sole purpose of the denial of coverage or continued coverage is to avoid the requirements of this section;

(b) Provide monetary payments or rebates to a mother to encourage her to accept less than the minimum protection available pursuant to this section;

(c) Penalize, or otherwise reduce or limit, the reimbursement of an attending provider of health care because the attending provider of health care provided care to a mother or newborn infant in accordance with the provisions of this section;

(d) Provide incentives of any kind to an attending physician to induce the attending physician to provide care to a mother or newborn infant in a manner that is inconsistent with the provisions of this section; or

(e) Except as otherwise provided in subsection 4, restrict benefits for any portion of a hospital stay required pursuant to the provisions of this section in a manner that is less favorable than the benefits provided for any preceding portion of that stay.

4. Nothing in this section:

(a) Prohibits a benefit contract from imposing a deductible, coinsurance or other mechanism for sharing costs relating to benefits for hospital stays in connection with childbirth for a mother or newborn child covered by the contract, except that such coinsurance or other mechanism for sharing costs for any portion of a hospital stay required by this section may not be

greater than the coinsurance or other mechanism for any preceding portion of that stay.

(b) Prohibits an arrangement for payment between a benefit contract or society and a provider of health care that uses capitation or other financial incentives, if the arrangement is designed to provide services efficiently and consistently in the best interest of the mother and her newborn infant.

(c) Prevents a benefit contract or society from negotiating with a provider of health care concerning the level and type of reimbursement to be provided in accordance with this section.

5. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

6. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 54. ***1. A benefit contract must provide coverage for benefits payable for expenses incurred for:***

(a) Deoxyribonucleic acid testing for high-risk strains of the human papillomavirus every 3 years for women 30 years of age or older; and

(b) Administering the human papillomavirus vaccine as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

3. Except as otherwise provided in subsection 5, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use a benefit provided in the benefit contract pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A benefit contract subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(c) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the society. The term does not include an arrangement for the financing of premiums.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 55. ***1. A benefit contract must provide coverage for benefits payable for expenses incurred for:***

(a) A mammogram every 2 years, or annually if ordered by a provider of health care, for women 40 years of age or older;

(b) Counseling concerning genetic testing for breast cancer for women who are at a high risk of developing breast cancer; and

(c) Counseling concerning breast cancer chemoprevention for women who are at risk of developing breast cancer.

2. A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

3. Except as otherwise provided in subsection 5, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use a benefit provided in the benefit contract pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A benefit contract subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 56. Chapter 695B of NRS is hereby amended by adding thereto the provisions set forth as sections 57 to 62, inclusive, of this act.

Sec. 57. ***1. An insurer shall offer or issue a contract for hospital or medical service to any person regardless of the health status of the person or any dependent of the person. Such health status includes, without limitation:***

(a) Any preexisting medical condition of the person, including, without limitation, any physical or mental illness;

(b) The claims history of the person, including, without limitation, any prior health care services received by the person;

(c) Genetic information relating to the person; and

(d) Any increased risk for illness, injury or any other medical condition of the person, including, without limitation, any medical condition caused by an act of domestic violence.

2. An insurer that offers or issues a contract for hospital or medical service shall not:

(a) Deny, limit or exclude a benefit based on the health status of an insured; or

(b) Require an insured, as a condition of enrollment or renewal, to pay a premium, deductible, copay or coinsurance based on his or her health status which is greater than the premium, deductible, copay or coinsurance charged to a similarly situated insured or the covered dependent of such an insured who does not have such a health status.

3. An insurer that offers or issues a contract for hospital or medical service shall not adjust a premium, deductible, copay or coinsurance for any insured on the basis of genetic information relating to the insured or the covered dependent of the insured.

Sec. 58. *1. An insurer that offers or issues a contract for hospital or medical service which provides coverage for dependent children shall continue to make such coverage available for an adult child of an insured until such child reaches 26 years of age.*

2. Nothing in this section shall be construed as requiring a hospital or medical service corporation to make coverage available for a dependent of an adult child of an insured.

Sec. 58.5. *1. Except as otherwise provided in subsection 7, an insurer that offers or issues a contract for hospital or medical service shall include in the contract coverage for:*

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 11; and

(4) Dispensed in accordance with section 11.3 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 11;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same contract for hospital or medical service;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

4. Except as otherwise provided in subsections 9, 10 and 12, an insurer that offers or issues a contract for hospital or medical service shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage to obtain any benefit included in the contract pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

7. An insurer that offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract,

provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

8. If an insurer refuses, pursuant to subsection 7, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

9. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

10. For each of the 18 methods of contraception listed in subsection 11 that have been approved by the Food and Drug Administration, a contract for hospital or medical service must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

11. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) ~~[Antiprogestin based drugs]~~ Ulipristal acetate for emergency contraception.

12. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

13. An insurer shall not use medical management techniques to require an insured to use a different method of contraception other than the method prescribed or ordered by a provider of health care.

14. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

15. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a contract for hospital or medical service offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 59. ***1. An insurer that offers or issues a contract for hospital or medical service shall include in the contract coverage for:***

(a) Counseling and support for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually, with initial intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active women who are at increased risk for such diseases;

(d) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(e) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(f) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(g) Such well-woman preventive visits as recommended by the Health Resources and Services Administration, which must include at least one such visit per year beginning at 14 years of age;

(h) A daily dose of 0.4 to 0.8 milligrams of folic acid for women who are capable of becoming pregnant;

(i) Aspirin for the prevention of preeclampsia for women who are determined to be at a high risk of that condition after 12 weeks of gestation;

(j) Medication to prevent breast cancer for women who are at a high risk of developing breast cancer and have a low risk of adverse side effects from the medication; and

(k) Prophylactic ocular tubal medication for the prevention of gonococcal ophthalmia in newborns.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a contract for hospital or medical service shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use a benefit provided in the contract for hospital or medical service pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a contract for hospital or medical service offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 60. *1. An insurer that offers or issues a contract for hospital or medical service shall include in the contract coverage for:*

(a) Counseling relating to the dietary needs of adults who are at a high risk of chronic diseases;

(b) Statin preventive medication for persons between the ages of 40 and 75 years who do not have a history of cardiovascular disease, but who have:

(1) One or more risk factors for cardiovascular disease; and

(2) A calculated risk of at least 10 percent of acquiring cardiovascular disease within the next 10 years;

(c) Aspirin for persons between the ages of 50 and 59 years who have a calculated risk of at least 10 percent of acquiring cardiovascular disease within the next 10 years and a life expectancy of at least 10 years;

(d) Vitamin D supplements for persons who are at least 65 years of age to prevent the person from falling if the person:

(1) Does not reside in a medical facility or a facility for the dependent; and

(2) Has an increased risk of falls;

(e) Tuberculosis screenings for latent tuberculosis infection in persons with increased risk of contracting tuberculosis;

(f) Screening for high blood pressure to confirm a diagnosis made outside a clinical setting before treatment is commenced;

(g) One abdominal aortic screening by ultrasound to detect abdominal aortic aneurisms for men between the ages of 65 and 75 years who have smoked during their lifetimes;

(h) Screening for hepatitis B infection for persons who are at a high risk of contracting hepatitis B;

(i) Screening for hepatitis C infection for persons who are at a high risk of contracting hepatitis C;

(j) One screening for hepatitis C infection for persons born between 1945 and 1965;

(k) Screening for osteoporosis for women who:

(1) Are 65 years of age and older; or

(2) Have a risk of fracturing a bone equal to or greater than that of a woman who is 65 years of age without any additional risk factors;

(l) Screening for alcohol misuse for persons 18 years of age or older;

(m) If a person engages in risky or hazardous consumption of alcohol, as determined by the screening described in paragraph (l), behavioral counseling to reduce such behavior; and

(n) Screening for lung cancer using low-dose computed tomography for persons between the ages of 55 and 80 years who:

(1) Have a smoking history of 30 pack-years;

(2) Smoke or have stopped smoking within the immediately preceding 15 years; and

(3) Do not suffer from a health problem that substantially limits the life expectancy of the person or the willingness of the person to undergo curative surgery.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a contract for hospital or medical service shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use a benefit provided in the contract for hospital or medical service pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Computed tomography" means the process of producing sectional and three-dimensional images using external ionizing radiation.

(b) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(d) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(e) "Network plan" means a contract for hospital or medical service offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(f) "Pack-year" means the product of the number of packs of cigarettes smoked per day and the number of years that the person has smoked.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 61. *1. An insurer that offers or issues a contract for hospital or medical service shall include in the contract coverage for:*

(a) Screening for depression;

(b) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization;

(c) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration for persons less than 18 years of age; and

(d) Assessments relating to height, weight, body mass index and medical history for persons less than 18 years of age.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a contract for hospital or medical service shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use a benefit provided in the contract for hospital or medical service pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a contract for hospital or medical service offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 62. *1. Except as otherwise provided in this subsection, a contract for hospital or medical service issued pursuant to this chapter may not restrict benefits for any length of stay in a hospital in connection with childbirth for a mother or newborn infant covered by the contract to:*

(a) Less than 48 hours after a normal vaginal delivery; and

(b) Less than 96 hours after a cesarean section.

➥ If a different length of stay is provided in the guidelines established by the American College of Obstetricians and Gynecologists, or its successor organization, and the American Academy of Pediatrics, or its successor organization, the contract for hospital or medical service may follow such guidelines in lieu of following the length of stay set forth above. The provisions of this subsection do not apply to any contract for hospital or medical service in any case in which the decision to discharge the mother or newborn infant before the expiration of the minimum length of stay set forth in this subsection is made by the attending physician of the mother or newborn infant.

2. Nothing in this section requires a mother to:

(a) Deliver her baby in a hospital; or

(b) Stay in a hospital for a fixed period following the birth of her child.

3. A contract for hospital or medical service may not:

(a) Deny a mother or her newborn infant coverage or continued coverage under the terms of the contract or coverage if the sole purpose of the denial of coverage or continued coverage is to avoid the requirements of this section;

(b) Provide monetary payments or rebates to a mother to encourage her to accept less than the minimum protection available pursuant to this section;

(c) Penalize, or otherwise reduce or limit, the reimbursement of an attending provider of health care because the attending provider of health care provided care to a mother or newborn infant in accordance with the provisions of this section;

(d) Provide incentives of any kind to an attending physician to induce the attending physician to provide care to a mother or newborn infant in a manner that is inconsistent with the provisions of this section; or

(e) Except as otherwise provided in subsection 4, restrict benefits for any portion of a hospital stay required pursuant to the provisions of this section in a manner that is less favorable than the benefits provided for any preceding portion of that stay.

4. Nothing in this section:

(a) Prohibits a contract for hospital or medical service from imposing a deductible, coinsurance or other mechanism for sharing costs relating to benefits for hospital stays in connection with childbirth for a mother or newborn child covered by the contract, except that such coinsurance or

other mechanism for sharing costs for any portion of a hospital stay required by this section may not be greater than the coinsurance or other mechanism for any preceding portion of that stay.

(b) Prohibits an arrangement for payment between an insurer and a provider of health care that uses capitation or other financial incentives, if the arrangement is designed to provide services efficiently and consistently in the best interest of the mother and her newborn infant.

(c) Prevents an insurer from negotiating with a provider of health care concerning the level and type of reimbursement to be provided in accordance with this section.

5. A contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

6. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 63. NRS 695B.1912 is hereby amended to read as follows:

695B.1912 1. A ~~[policy of health insurance]~~ ***contract for hospital or medical service*** issued by a hospital or medical service corporation must provide coverage for benefits payable for expenses incurred for:

(a) ~~[An annual cytologic screening test for women 18 years of age or older;~~

~~(b) A baseline mammogram for women between the ages of 35 and 40; and~~

~~(c) An annual]~~ ***A*** mammogram ***every 2 years, or annually if ordered by a provider of health care,*** for women 40 years of age or older ~~[.]~~ ***;***

(b) Counseling concerning genetic testing for breast cancer for women who are at a high risk of developing breast cancer; and

(c) Counseling concerning breast cancer chemoprevention for women who are at risk of developing breast cancer.

2. ~~[A policy of health insurance issued by a hospital or medical service corporation must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.]~~ ***An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.***

3. ***Except as otherwise provided in subsection 5, an insurer that offers or issues a contract for hospital or medical service shall not:***

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying

for or covered by the contract uses or may use a benefit provided in the contract for hospital or medical service pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A ~~[policy]~~ ***contract for hospital or medical service*** subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[October 1, 1989,]~~ ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the ~~[policy]~~ ***contract*** or the renewal which is in conflict with ~~[subsection 1]~~ ***this section*** is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a contract for hospital or medical service offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 63.3. NRS 695B.1916 is hereby amended to read as follows:

695B.1916 1. ~~[Except as otherwise provided in subsection 5, an]~~ ***An*** insurer that offers or issues a contract for hospital or medical service which provides coverage for prescription drugs or devices shall include in the contract coverage for ~~[:~~

~~(a) Any type of drug or device for contraception; and~~

~~(b) Any]~~ ***any*** type of hormone replacement therapy ~~[,~~

~~,~~ which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. An insurer that offers or issues a contract for hospital or medical service that provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for a prescription for ~~[~~a contraceptive or~~]~~ hormone replacement therapy than is required for other prescription drugs covered by the contract;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use in the future ~~[~~any of the services listed in subsection 1;~~]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~[~~any of the services listed in subsection 1;~~]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[~~any of the services listed in subsection 1~~]~~ ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[~~any of the services listed in subsection 1~~]~~ ***hormone replacement therapy*** to an insured.

3. ~~[~~Except as otherwise provided in subsection 5, a~~]~~ ***A*** contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

4. The provisions of this section do not:

(a) Require an insurer to provide coverage for fertility drugs.

(b) Prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by ~~[~~paragraphs (a) and (b) of~~]~~ subsection 1 that is the same as the insured is required to pay for other prescription drugs covered by the contract.

5. ~~[~~An insurer which offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection. The insurer shall provide notice to each insured, at the time the insured receives his or her certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.

~~— 6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~— 7.~~**]** As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 63.6. NRS 695B.1918 is hereby amended to read as follows:

695B.1918 1. **[**~~Except as otherwise provided in subsection 5, an~~**]** ***An*** insurer that offers or issues a contract for hospital or medical service which provides coverage for outpatient care shall include in the contract coverage for any health care service related to **[**~~contraceptives or~~**]** hormone replacement therapy.

2. An insurer that offers or issues a contract for hospital or medical service that provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for outpatient care related to **[**~~contraceptives or~~**]** hormone replacement therapy than is required for other outpatient care covered by the contract;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use in the future **[**~~any of the services listed in subsection 1;~~**]** ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing **[**~~any of the services listed in subsection 1;~~**]** ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides **[**~~any of the services listed in subsection 1~~**]** ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay **[**~~any of the services listed in subsection 1~~**]** ***hormone replacement therapy*** to an insured.

3. **[**~~Except as otherwise provided in subsection 5, a~~**]** ***A*** contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

4. The provisions of this section do not prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by subsection 1 that is the same as the insured is required to pay for other outpatient care covered by the contract.

5. **[**~~An insurer which offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives required~~

~~by this section if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection. The insurer shall provide notice to each insured, at the time the insured receives his or her certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.~~

~~6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.~~**]** As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 64. NRS 695B.1925 is hereby amended to read as follows:

695B.1925 1. A **[**~~policy of health insurance~~**]** ***contract for hospital or medical service*** issued by a hospital or medical service corporation must provide coverage for benefits payable for expenses incurred for **[**~~administering~~**]** ***:***

(a) Deoxyribonucleic acid testing for high-risk strains of the human papillomavirus every 3 years for women 30 years of age or older; and

(b) Administering the human papillomavirus vaccine **[**~~to women and girls~~**]** at such ages as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. **[**~~A policy of health insurance issued by a hospital or medical service corporation must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.~~**]** ***An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.***

3. ***Except as otherwise provided in subsection 5, an insurer that offers or issues a contract for hospital or medical service shall not:***

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use a benefit provided in the contract for hospital or medical service pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A ~~[policy]~~ ***contract for hospital or medical service*** subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[July 1, 2007,]~~ ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with ~~[subsection 1]~~ ***this section*** is void.

~~[4. For the purposes of this section, "human]~~

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(c) "Network plan" means a contract for hospital or medical service offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 65. NRS 695B.193 is hereby amended to read as follows:

695B.193 1. All individual and group service or indemnity-type contracts issued by a nonprofit corporation which provide coverage for a family member of the subscriber must as to such coverage provide that the health benefits applicable for children are payable with respect to:

(a) A newly born child of the subscriber from the moment of birth;

(b) An adopted child from the date the adoption becomes effective, if the child was not placed in the home before adoption; and

(c) A child placed with the subscriber for the purpose of adoption from the moment of placement as certified by the public or private agency making the placement. The coverage of such a child ceases if the adoption proceedings are terminated as certified by the public or private agency making the placement.

➥ The contracts must provide the coverage specified in subsection 3, and must not exclude premature births.

2. The contract may require that notification of:

(a) The birth of a newly born child;

(b) The effective date of adoption of a child; or

(c) The date of placement of a child for adoption,

➥ and payments of the required fees, if any, must be furnished to the nonprofit service corporation within 31 days after the date of birth, adoption or placement for adoption in order to have the coverage continue beyond the 31-day period.

3. The coverage for newly born and adopted children and children placed for adoption consists of coverage of injury or sickness, including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities and, within the limits of the policy, necessary transportation costs from place of birth to the nearest specialized treatment center under major medical policies, and with respect to basic policies to the extent such costs are charged by the treatment center.

4. ~~[A corporation shall not restrict the coverage of a dependent child adopted or placed for adoption solely because of a preexisting condition the child has at the time the child would otherwise become eligible for coverage pursuant to that contract. Any provision relating to an exclusion for a preexisting condition must comply with NRS 689C.190.~~

~~5.]~~ For covered services provided to the child, the corporation shall reimburse noncontracted providers of health care to an amount equal to the average amount of payment for which the organization has agreements, contracts or arrangements for those covered services.

Sec. 66. NRS 695B.2555 is hereby amended to read as follows:

695B.2555 A ~~[converted contract must not exclude a preexisting condition not excluded by the group contract, but a]~~ converted contract may provide that any hospital, surgical or medical benefits payable under it may be reduced by the amount of any benefits payable under the group contract after his or her termination. A converted contract may provide that during the first contract year the benefits payable under it, together with the benefits payable under the group contract, must not exceed those that would have been payable if the subscriber's coverage under the group contract had remained in effect.

Sec. 67. Chapter 695C of NRS is hereby amended by adding thereto the provisions set forth as sections 68 to 73, inclusive, of this act.

Sec. 68. ***1. A health maintenance organization shall offer or issue a health care plan to any person regardless of the health status of the person***

or any dependent of the person. Such health status includes, without limitation:

(a) Any preexisting medical condition of the person, including, without limitation, any physical or mental illness;

(b) The claims history of the person, including, without limitation, any prior health care services received by the person;

(c) Genetic information relating to the person; and

(d) Any increased risk for illness, injury or any other medical condition of the person, including, without limitation, any medical condition caused by an act of domestic violence.

2. A health maintenance organization that offers or issues a health care plan shall not:

(a) Deny, limit or exclude a benefit based on the health status of an enrollee; or

(b) Require an enrollee, as a condition of enrollment or renewal, to pay a premium, deductible, copay or coinsurance based on his or her health status which is greater than the premium, deductible, copay or coinsurance charged to a similarly situated enrollee or the covered dependent of such an enrollee who does not have such a health status.

3. A health maintenance organization that offers or issues a health care plan shall not adjust a premium, deductible, copay or coinsurance for any enrollee on the basis of genetic information relating to the enrollee or the covered dependent of the enrollee.

Sec. 69. ***1. A health maintenance organization that offers or issues a health care plan which provides coverage for dependent children shall continue to make such coverage available for an adult child of an enrollee until such child reaches 26 years of age.***

2. Nothing in this section shall be construed as requiring a health maintenance organization to make coverage available for a dependent of an adult child of an enrollee.

Sec. 69.5. ***1. Except as otherwise provided in subsection 7, a health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:***

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 11; and

(4) Dispensed in accordance with section 11.3 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 11;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the enrollee was covered by the same health care plan;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. A health maintenance organization must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the health maintenance organization.

4. Except as otherwise provided in subsections 9, 10 and 12, a health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage to obtain any benefit included in the plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an enrollee must be the same as for the enrollee.

6. Except as otherwise provided in subsection 7, a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

7. A health maintenance organization that offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the health

maintenance organization objects on religious grounds. Such a health maintenance organization shall, before the issuance of a health care plan and before the renewal of such a plan, provide to the prospective enrollee written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection.

8. If a health maintenance organization refuses, pursuant to subsection 7, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

9. A health maintenance organization may require an enrollee to pay a higher deductible, copayment or coinsurance for a drug for contraception if the enrollee refuses to accept a therapeutic equivalent of the drug.

10. For each of the 18 methods of contraception listed in subsection 11 that have been approved by the Food and Drug Administration, a health care plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the enrollee, but the health maintenance organization may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

11. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) ~~[Antiprogestin-based drugs]~~ Ulipristal acetate for emergency contraception.

12. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required

by this section or the type of provider of health care to use for such treatment.

13. A health maintenance organization shall not use medical management techniques to require an enrollee to use a different method of contraception other than the method prescribed or ordered by a provider of health care.

14. A health maintenance organization must provide an accessible, transparent and expedited process which is not unduly burdensome by which an enrollee, or the authorized representative of the enrollee, may request an exception relating to any medical management technique used by the health maintenance organization to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

15. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 70. *1. A health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:*

(a) Counseling and support for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually, with initial intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active women who are at increased risk for such diseases;

(d) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(e) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(f) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(g) Such well-woman preventive visits as recommended by the Health Resources and Services Administration, which must include at least one such visit per year beginning at 14 years of age;

(h) A daily dose of 0.4 to 0.8 milligrams of folic acid for women who are capable of becoming pregnant;

(i) Aspirin for the prevention of preeclampsia for women who are determined to be at a high risk of that condition after 12 weeks of gestation;

(j) Medication to prevent breast cancer for women who are at a high risk of developing breast cancer and have a low risk of adverse side effects from the medication; and

(k) Prophylactic ocular tubal medication for the prevention of gonococcal ophthalmia in newborns.

2. A health maintenance organization must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

3. Except as otherwise provided in subsection 5, a health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health care plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

4. An evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has

the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 71. ***1. A health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:***

(a) Counseling relating to the dietary needs of adults who are at a high risk of chronic diseases;

(b) Statin preventive medication for persons between the ages of 40 and 75 years who do not have a history of cardiovascular disease, but who have:

(1) One or more risk factors for cardiovascular disease; and

(2) A calculated risk of at least 10 percent of acquiring cardiovascular disease within the next 10 years;

(c) Aspirin for persons between the ages of 50 and 59 years who have a calculated risk of at least 10 percent of acquiring cardiovascular disease within the next 10 years and a life expectancy of at least 10 years;

(d) Vitamin D supplements for persons who are at least 65 years of age to prevent the person from falling if the person:

(1) Does not reside in a medical facility or a facility for the dependent; and

(2) Has an increased risk of falls;

(e) Tuberculosis screenings for latent tuberculosis infection in persons with increased risk of contracting tuberculosis;

(f) Screening for high blood pressure to confirm a diagnosis made outside a clinical setting before treatment is commenced;

(g) One abdominal aortic screening by ultrasound to detect abdominal aortic aneurisms for men between the ages of 65 and 75 years who have smoked during their lifetimes;

(h) Screening for hepatitis B infection for persons who are at a high risk of contracting hepatitis B;

(i) Screening for hepatitis C infection for persons who are at a high risk of contracting hepatitis C;

(j) One screening for hepatitis C infection for persons born between 1945 and 1965;

(k) Screening for osteoporosis for women who:

(1) Are 65 years of age and older; or

(2) Have a risk of fracturing a bone equal to or greater than that of a woman who is 65 years of age without any additional risk factors;

(l) Screening for alcohol misuse for persons 18 years of age or older;

(m) If a person engages in risky or hazardous consumption of alcohol, as determined by the screening described in paragraph (l), behavioral counseling to reduce such behavior; and

(n) Screening for lung cancer using low-dose computed tomography for persons between the ages of 55 and 80 years who:

(1) Have a smoking history of 30 pack-years;

(2) Smoke or have stopped smoking within the immediately preceding 15 years; and

(3) Do not suffer from a health problem that substantially limits the life expectancy of the person or the willingness of the person to undergo curative surgery.

2. A health maintenance organization must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

3. Except as otherwise provided in subsection 5, a health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health care plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

4. An evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Computed tomography" means the process of producing sectional and three-dimensional images using external ionizing radiation.

(b) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(d) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(e) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(f) "Pack-year" means the product of the number of packs of cigarettes smoked per day and the number of years that the person has smoked.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 72. ***1. A health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:***

(a) Screening for depression;

(b) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization;

(c) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration for persons less than 18 years of age; and

(d) Assessments relating to height, weight, body mass index and medical history for persons less than 18 years of age.

2. A health maintenance organization must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

3. Except as otherwise provided in subsection 5, a health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health care plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

4. An evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health

care under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 73. ***1. Except as otherwise provided in this subsection, an evidence of coverage issued pursuant to this chapter may not restrict benefits for any length of stay in a hospital in connection with childbirth for a mother or newborn infant covered by the health care plan to:***

(a) Less than 48 hours after a normal vaginal delivery; and

(b) Less than 96 hours after a cesarean section.

➥ If a different length of stay is provided in the guidelines established by the American College of Obstetricians and Gynecologists, or its successor organization, and the American Academy of Pediatrics, or its successor organization, the health care plan may follow such guidelines in lieu of following the length of stay set forth above. The provisions of this subsection do not apply to any health care plan in any case in which the decision to discharge the mother or newborn infant before the expiration of the minimum length of stay set forth in this subsection is made by the attending physician of the mother or newborn infant.

2. Nothing in this section requires a mother to:

(a) Deliver her baby in a hospital; or

(b) Stay in a hospital for a fixed period following the birth of her child.

3. A health care plan may not:

(a) Deny a mother or her newborn infant coverage or continued coverage under the terms of the plan or coverage if the sole purpose of the denial of coverage or continued coverage is to avoid the requirements of this section;

(b) Provide monetary payments or rebates to a mother to encourage her to accept less than the minimum protection available pursuant to this section;

(c) Penalize, or otherwise reduce or limit, the reimbursement of an attending provider of health care because the attending provider of health care provided care to a mother or newborn infant in accordance with the provisions of this section;

(d) Provide incentives of any kind to an attending physician to induce the attending physician to provide care to a mother or newborn infant in a manner that is inconsistent with the provisions of this section; or

(e) Except as otherwise provided in subsection 4, restrict benefits for any portion of a hospital stay required pursuant to the provisions of this section in a manner that is less favorable than the benefits provided for any preceding portion of that stay.

4. Nothing in this section:

(a) Prohibits a health care plan from imposing a deductible, coinsurance or other mechanism for sharing costs relating to benefits for hospital stays in connection with childbirth for a mother or newborn child

covered by the plan, except that such coinsurance or other mechanism for sharing costs for any portion of a hospital stay required by this section may not be greater than the coinsurance or other mechanism for any preceding portion of that stay.

(b) Prohibits an arrangement for payment between a health maintenance organization and a provider of health care that uses capitation or other financial incentives, if the arrangement is designed to provide services efficiently and consistently in the best interest of the mother and her newborn infant.

(c) Prevents a health maintenance organization from negotiating with a provider of health care concerning the level and type of reimbursement to be provided in accordance with this section.

5. An evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

6. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 74. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, ~~[695C.1735 to]~~ ***695C.1751,*** 695C.1755, ~~[inclusive,]~~ 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694, 695C.1695, 695C.1708, 695C.1731, 695C.17345 ~~[and]~~ ***, 695C.1735, 695C.1745 and*** 695C.1757 ***and sections 68 to 73, inclusive, of this act*** apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 74.3. NRS 695C.1694 is hereby amended to read as follows:

695C.1694 1. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** health maintenance organization which offers or issues a health care plan that provides coverage for prescription drugs or devices shall include in the plan coverage for ~~[:~~

~~(a) Any type of drug or device for contraception; and~~

~~(b) Any]~~ ***any*** type of hormone replacement therapy ~~[,~~

~~→]~~ which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. A health maintenance organization that offers or issues a health care plan that provides coverage for prescription drugs shall not:

(a) Require an enrollee to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for ~~[a prescription for a contraceptive or]~~ hormone replacement therapy than is required for other prescription drugs covered by the plan;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an enrollee.

3. ~~[Except as otherwise provided in subsection 5, evidence]~~ ***Evidence*** of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

4. The provisions of this section do not:

(a) Require a health maintenance organization to provide coverage for fertility drugs.

(b) Prohibit a health maintenance organization from requiring an enrollee to pay a deductible, copayment or coinsurance for the coverage required by ~~[~~paragraphs (a) and (b) of~~]~~ subsection 1 that is the same as the enrollee is required to pay for other prescription drugs covered by the plan.

5. ~~[~~A health maintenance organization which offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the health maintenance organization objects on religious grounds. The health maintenance organization shall, before the issuance of a health care plan and before renewal of enrollment in such a plan, provide to the group policyholder or prospective enrollee, as applicable, written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection. The health maintenance organization shall provide notice to each enrollee, at the time the enrollee receives his or her evidence of coverage, that the health maintenance organization refused to provide coverage pursuant to this subsection.

6. If a health maintenance organization refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

7.~~]~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 74.6. NRS 695C.1695 is hereby amended to read as follows:

695C.1695 1. ~~[~~Except as otherwise provided in subsection 5, a~~]~~ ***A*** health maintenance organization that offers or issues a health care plan which provides coverage for outpatient care shall include in the plan coverage for any health care service related to ~~[~~contraceptives or~~]~~ hormone replacement therapy.

2. A health maintenance organization that offers or issues a health care plan that provides coverage for outpatient care shall not:

(a) Require an enrollee to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for outpatient care related to ~~[~~contraceptives or~~]~~ hormone replacement therapy than is required for other outpatient care covered by the plan;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use in the future ~~[~~any of the services listed in subsection 1;~~]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from accessing ~~[~~any of the services listed in subsection 1;~~]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[~~any of the services listed in subsection 1~~]~~ ***hormone replacement therapy*** to an enrollee,

including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an enrollee.

3. ~~[Except as otherwise provided in subsection 5, evidence]~~ ***Evidence*** of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

4. The provisions of this section do not prohibit a health maintenance organization from requiring an enrollee to pay a deductible, copayment or coinsurance for the coverage required by subsection 1 that is the same as the enrollee is required to pay for other outpatient care covered by the plan.

5. ~~[A health maintenance organization which offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives required by this section if the health maintenance organization objects on religious grounds. The health maintenance organization shall, before the issuance of a health care plan and before renewal of enrollment in such a plan, provide to the group policyholder or prospective enrollee, as applicable, written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection. The health maintenance organization shall provide notice to each enrollee, at the time the enrollee receives his or her evidence of coverage, that the health maintenance organization refused to provide coverage pursuant to this subsection.~~

~~6. If a health maintenance organization refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.]~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 75. NRS 695C.173 is hereby amended to read as follows:

695C.173 1. All individual and group health care plans which provide coverage for a family member of the enrollee must as to such coverage provide that the health care services applicable for children are payable with respect to:

(a) A newly born child of the enrollee from the moment of birth;

(b) An adopted child from the date the adoption becomes effective, if the child was not placed in the home before adoption; and

(c) A child placed with the enrollee for the purpose of adoption from the moment of placement as certified by the public or private agency making the placement. The coverage of such a child ceases if the adoption proceedings

are terminated as certified by the public or private agency making the placement.

➥ The plans must provide the coverage specified in subsection 3, and must not exclude premature births.

2. The evidence of coverage may require that notification of:

(a) The birth of a newly born child;

(b) The effective date of adoption of a child; or

(c) The date of placement of a child for adoption,

➥ and payments of the required charge, if any, must be furnished to the health maintenance organization within 31 days after the date of birth, adoption or placement for adoption in order to have the coverage continue beyond the 31-day period.

3. The coverage for newly born and adopted children and children placed for adoption consists of preventive health care services as well as coverage of injury or sickness, including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities and, within the limits of the policy, necessary transportation costs from place of birth to the nearest specialized treatment center under major medical policies, and with respect to basic policies to the extent such costs are charged by the treatment center.

4. ~~[A health maintenance organization shall not restrict the coverage of a dependent child adopted or placed for adoption solely because of a preexisting condition the child has at the time the child would otherwise become eligible for coverage pursuant to that plan. Any provision relating to an exclusion for a preexisting condition must comply with NRS 689B.500 or 689C.190, as appropriate.~~

~~5.]~~ For covered services provided to the child, the health maintenance organization shall reimburse noncontracted providers of health care to an amount equal to the average amount of payment for which the organization has agreements, contracts or arrangements for those covered services.

Sec. 76. NRS 695C.1735 is hereby amended to read as follows:

695C.1735 1. A health maintenance ***organization which offers or issues a health care*** plan must provide coverage for benefits payable for expenses incurred for:

(a) ~~[An annual cytologic screening test for women 18 years of age or older;~~

~~(b) A baseline mammogram for women between the ages of 35 and 40; and~~

~~(c) An annual]~~ ***A*** mammogram ***every 2 years, or annually if ordered by a provider of health care,*** for women 40 years of age or older ~~[.]~~ ***;***

(b) Counseling concerning genetic testing for breast cancer for women who are at a high risk of developing breast cancer; and

(c) Counseling concerning breast cancer chemoprevention for women who are at risk of developing breast cancer.

2. A health maintenance ~~[plan must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.]~~

organization must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

3. ***Except as otherwise provided in subsection 5, a health maintenance organization that offers or issues a health care plan shall not:***

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health care plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

4. ~~[A policy]~~ ***An evidence of coverage*** subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[October 1, 1989,]~~ ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the ~~[policy]~~ ***evidence of coverage*** or the renewal which is in conflict with ~~[subsection 1]~~ ***this section*** is void.

5. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 77. NRS 695C.1745 is hereby amended to read as follows:

695C.1745 1. A health care plan of a health maintenance organization must provide coverage for benefits payable for expenses incurred for ~~[~~administering~~]~~ ***:***

(a) Deoxyribonucleic acid testing for high-risk strains of the human papillomavirus every 3 years for women 30 years of age or older; and

(b) Administering the human papillomavirus vaccine as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A health ~~[~~care plan of a health maintenance organization must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.~~]~~ ***maintenance organization must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.***

3. ***Except as otherwise provided in subsection 5, a health maintenance organization that offers or issues a health care plan shall not:***

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health care plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

4. Any evidence of coverage subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[~~July 1, 2007,~~]~~ ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with ~~[~~subsection 1~~]~~ ***this section*** is void.

~~[~~4. For the purposes of this section, "human~~]~~

5. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management

techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(c) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 78. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, ***and sections 68 to 73, inclusive, of this act*** or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 79. Chapter 695F of NRS is hereby amended by adding thereto the provisions set forth as sections 80 and 81 of this act.

Sec. 80. ***1. A prepaid limited health service organization shall offer or issue evidence of coverage to any person regardless of the health status of the person or any dependent of the person. Such health status includes, without limitation:***

(a) Any preexisting medical condition of the person, including, without limitation, any physical or mental illness;

(b) The claims history of the person, including, without limitation, any prior health care services received by the person;

(c) Genetic information relating to the person; and

(d) Any increased risk for illness, injury or any other medical condition of the person, including, without limitation, any medical condition caused by an act of domestic violence.

2. A prepaid limited health service organization that offers or issues evidence of coverage shall not:

(a) Deny, limit or exclude a benefit based on the health status of an enrollee; or

(b) Require an enrollee, as a condition of enrollment or renewal, to pay a premium, deductible, copay or coinsurance based on his or her health status which is greater than the premium, deductible, copay or coinsurance charged to a similarly situated enrollee or the covered dependent of such an enrollee who does not have such a health status.

3. A prepaid limited health service organization that offers or issues evidence of coverage shall not adjust a premium, deductible, copay or coinsurance for any enrollee on the basis of genetic information relating to the enrollee or the covered dependent of the enrollee.

Sec. 81. ***1. A prepaid limited health service organization that offers or issues evidence of coverage which provides coverage for dependent children shall continue to make such coverage available for an adult child of an enrollee until such child reaches 26 years of age.***

2. Nothing in this section shall be construed as requiring a prepaid limited health service organization to make coverage available for a dependent of an adult child of an enrollee.

Sec. 82. Chapter 695G of NRS is hereby amended by adding thereto the provisions set forth as sections 83 to 89, inclusive, of this act.

Sec. 83. ***1. A managed care organization shall offer or issue a health care plan to any person regardless of the health status of the person or any dependent of the person. Such health status includes, without limitation:***

(a) Any preexisting medical condition of the person, including, without limitation, any physical or mental illness;

(b) The claims history of the person, including, without limitation, any prior health care services received by the person;

(c) Genetic information relating to the person; and

(d) Any increased risk for illness, injury or any other medical condition of the person, including, without limitation, any medical condition caused by an act of domestic violence.

2. A managed care organization that offers or issues a health care plan shall not:

(a) Deny, limit or exclude a benefit based on the health status of an insured; or

(b) Require an insured, as a condition of enrollment or renewal, to pay a premium, deductible, copay or coinsurance based on his or her health status which is greater than the premium, deductible, copay or coinsurance charged to a similarly situated insured or the covered dependent of such an insured who does not have such a health status.

3. A managed care organization that offers or issues a health care plan shall not adjust a premium, deductible, copay or coinsurance for any insured on the basis of genetic information relating to the insured or the covered dependent of the insured.

Sec. 84. *1. A managed care organization that offers or issues a health care plan which provides coverage for dependent children shall continue to make such coverage available for an adult child of an insured until such child reaches 26 years of age.*

2. Nothing in this section shall be construed as requiring a managed care organization to make coverage available for a dependent of an adult child of an insured.

Sec. 84.5. *1. Except as otherwise provided in subsection 7, a managed care organization that offers or issues a health care plan shall include in the plan coverage for:*

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 10; and

(4) Dispensed in accordance with section 11.3 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 10;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same health care plan;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic

equivalent prescribed by a provider of health care must be covered by the managed care organization.

4. Except as otherwise provided in subsections 8, 9 and 11, a managed care organization that offers or issues a health care plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage to obtain any benefit included in the plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

7. A managed care organization that offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the managed care organization objects on religious grounds. Such a managed care organization shall, before the issuance of a health care plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the managed care organization refuses to provide pursuant to this subsection.

8. A managed care organization may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a health care plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the managed care organization may charge a

deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) ~~[Antiprogestin-based drugs]~~ Ulipristal acetate for emergency contraception.

11. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. A managed care organization shall not use medical management techniques to require an insured to use a different method of contraception other than the method prescribed or ordered by a provider of health care.

13. A managed care organization must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the managed care organization to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 85. ***1. A managed care organization that offers or issues a health care plan shall include in the plan coverage for:***

(a) Counseling and support for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually, with initial intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active women who are at increased risk for such diseases;

(d) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(e) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(f) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(g) Such well-woman preventive visits as recommended by the Health Resources and Services Administration, which must include at least one such visit per year beginning at 14 years of age;

(h) A daily dose of 0.4 to 0.8 milligrams of folic acid for women who are capable of becoming pregnant;

(i) Aspirin for the prevention of preeclampsia for women who are determined to be at a high risk of that condition after 12 weeks of gestation;

(j) Medication to prevent breast cancer for women who are at a high risk of developing breast cancer and have a low risk of adverse side effects from the medication; and

(k) Prophylactic ocular tubal medication for the prevention of gonococcal ophthalmia in newborns.

2. A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

3. Except as otherwise provided in subsection 5, a managed care organization that offers or issues a health care plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health care plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. An evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care,

including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 86. ***1. A managed care organization that offers or issues a health care plan shall include in the plan coverage for:***

(a) Counseling relating to the dietary needs of adults who are at a high risk of chronic diseases;

(b) Statin preventive medication for persons between the ages of 40 and 75 years who do not have a history of cardiovascular disease, but who have:

(1) One or more risk factors for cardiovascular disease; and

(2) A calculated risk of at least 10 percent of acquiring cardiovascular disease within the next 10 years;

(c) Aspirin for persons between the ages of 50 and 59 years who have a calculated risk of at least 10 percent of acquiring cardiovascular disease within the next 10 years and a life expectancy of at least 10 years;

(d) Vitamin D supplements for persons who are at least 65 years of age to prevent the person from falling if the person:

(1) Does not reside in a medical facility or a facility for the dependent; and

(2) Has an increased risk of falls;

(e) Tuberculosis screenings for latent tuberculosis infection in persons with increased risk of contracting tuberculosis;

(f) Screening for high blood pressure to confirm a diagnosis made outside a clinical setting before treatment is commenced;

(g) One abdominal aortic screening by ultrasound to detect abdominal aortic aneurisms for men between the ages of 65 and 75 years who have smoked during their lifetimes;

(h) Screening for hepatitis B infection for persons who are at a high risk of contracting hepatitis B;

(i) Screening for hepatitis C infection for persons who are at a high risk of contracting hepatitis C;

(j) One screening for hepatitis C infection for persons born between 1945 and 1965;

(k) Screening for osteoporosis for women who:

(1) Are 65 years of age and older; or

(2) Have a risk of fracturing a bone equal to or greater than that of a woman who is 65 years of age without any additional risk factors;

(l) Screening for alcohol misuse for persons 18 years of age or older;

(m) If a person engages in risky or hazardous consumption of alcohol, as determined by the screening described in paragraph (l), behavioral counseling to reduce such behavior; and

(n) Screening for lung cancer using low-dose computed tomography for persons between the ages of 55 and 80 years who:

(1) Have a smoking history of 30 pack-years;

(2) Smoke or have stopped smoking within the immediately preceding 15 years; and

(3) Do not suffer from a health problem that substantially limits the life expectancy of the person or the willingness of the person to undergo curative surgery.

2. A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

3. Except as otherwise provided in subsection 5, a managed care organization that offers or issues a health care plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health care plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. An evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Computed tomography" means the process of producing sectional and three-dimensional images using external ionizing radiation.

(b) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(d) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(e) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(f) "Pack-year" means the product of the number of packs of cigarettes smoked per day and the number of years that the person has smoked.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 87. ***1. A managed care organization that offers or issues a health care plan shall include in the plan coverage for:***

(a) Screening for depression;

(b) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization;

(c) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration for persons less than 18 years of age; and

(d) Assessments relating to height, weight, body mass index and medical history for persons less than 18 years of age.

2. A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

3. Except as otherwise provided in subsection 5, a managed care organization that offers or issues a health care plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health care plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. An evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 88. *1. Except as otherwise provided in this subsection, an evidence of coverage issued pursuant to this chapter may not restrict benefits for any length of stay in a hospital in connection with childbirth for a mother or newborn infant covered by the health care plan to:*

(a) Less than 48 hours after a normal vaginal delivery; and

(b) Less than 96 hours after a cesarean section.

➥ If a different length of stay is provided in the guidelines established by the American College of Obstetricians and Gynecologists, or its successor organization, and the American Academy of Pediatrics, or its successor organization, the health care plan may follow such guidelines in lieu of following the length of stay set forth above. The provisions of this subsection do not apply to any health care plan in any case in which the decision to discharge the mother or newborn infant before the expiration of the minimum length of stay set forth in this subsection is made by the attending physician of the mother or newborn infant.

2. Nothing in this section requires a mother to:

(a) Deliver her baby in a hospital; or

(b) Stay in a hospital for a fixed period following the birth of her child.

3. A health care plan may not:

(a) Deny a mother or her newborn infant coverage or continued coverage under the terms of the plan or coverage if the sole purpose of the denial of coverage or continued coverage is to avoid the requirements of this section;

(b) Provide monetary payments or rebates to a mother to encourage her to accept less than the minimum protection available pursuant to this section;

(c) Penalize, or otherwise reduce or limit, the reimbursement of an attending provider of health care because the attending provider of health care provided care to a mother or newborn infant in accordance with the provisions of this section;

(d) Provide incentives of any kind to an attending physician to induce the attending physician to provide care to a mother or newborn infant in a manner that is inconsistent with the provisions of this section; or

(e) Except as otherwise provided in subsection 4, restrict benefits for any portion of a hospital stay required pursuant to the provisions of this section in a manner that is less favorable than the benefits provided for any preceding portion of that stay.

4. Nothing in this section:

(a) Prohibits a health care plan from imposing a deductible, coinsurance or other mechanism for sharing costs relating to benefits for hospital stays in connection with childbirth for a mother or newborn child covered by the plan, except that such coinsurance or other mechanism for sharing costs for any portion of a hospital stay required by this section may not be greater than the coinsurance or other mechanism for any preceding portion of that stay.

(b) Prohibits an arrangement for payment between a managed care organization and a provider of health care that uses capitation or other financial incentives, if the arrangement is designed to provide services efficiently and consistently in the best interest of the mother and her newborn infant.

(c) Prevents a managed care organization from negotiating with a provider of health care concerning the level and type of reimbursement to be provided in accordance with this section.

5. An evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

6. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 89. *1. A managed care organization which offers or issues a health care plan must provide coverage for benefits payable for expenses incurred for:*

(a) A mammogram every 2 years, or annually if ordered by a provider of health care, for women 40 years of age or older;

(b) Counseling concerning genetic testing for breast cancer for women who are at a high risk of developing breast cancer; and

(c) Counseling concerning breast cancer chemoprevention for women who are at risk of developing breast cancer.

2. A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

3. Except as otherwise provided in subsection 5, a managed care organization that offers or issues a health care plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health care plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. An evidence of coverage subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior

authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 90. NRS 695G.171 is hereby amended to read as follows:

695G.171 1. A health care plan issued by a managed care organization must provide coverage for benefits payable for expenses incurred for ~~[~~administering~~]~~ ***:***

(a) Deoxyribonucleic acid testing for high-risk strains of the human papillomavirus every 3 years for women 30 years of age or older; and

(b) Administering the human papillomavirus vaccine as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. ~~[A health care plan must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.]~~ ***A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.***

3. ***Except as otherwise provided in subsection 5, a managed care organization that offers or issues a health care plan shall not:***

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use a benefit provided in the health care plan pursuant to subsection 1;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. An evidence of coverage for a health care plan subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after ~~[~~July 1, 2007,~~]~~ ***January 1, 2018,*** has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal thereof which is in conflict with ~~[~~subsection 1~~]~~ ***this section*** is void.

~~[~~4. For the purposes of this section, "human~~]~~

5. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(c) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 91. (Deleted by amendment.)

Sec. 92. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 93. (Deleted by amendment.)

Sec. 94. NRS 689A.523, 689A.585, 689B.450, 689C.082, 695A.159 and 695F.480 are hereby repealed.

Sec. 95. This act becomes effective:

1. Upon passage and approval for the purposes of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2018, for all other purposes.

LEADLINES OF REPEALED SECTIONS

689A.523 "Exclusion for a preexisting condition" defined.

689A.585 "Preexisting condition" defined.

689B.450 "Preexisting condition" defined.

689C.082 "Preexisting condition" defined.

695A.159 Society prohibited from restricting coverage of child based on preexisting condition when person who is eligible for group coverage adopts or assumes legal obligation for child.

695F.480 Organization prohibited from restricting coverage of child based on preexisting condition if person who is eligible for group coverage adopts or assumes legal obligation for child.

Assemblyman Sprinkle moved that the Assembly concur in the Senate Amendment No. 967 to Assembly Bill No. 408.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

This amendment revises various services that must be included in the State Plan for Medicaid, including those related to smoking cessation programs, mammograms, and testing for human papillomavirus. It removes the prohibition for requiring recipients of Medicaid to pay higher deductibles and copayments or coinsurance or making them subject to a longer waiting period or other conditions and replaces antiprogestin-based drugs with ulipristal acetate for emergency contraception.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Swank moved that the Assembly do not recede from its action on Senate Bill No. 47, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Swank.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Swank, Carlton, and Kramer as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 47.

GENERAL FILE AND THIRD READING

Senate Bill No. 146.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 146 requires each utility to file a plan on or before June 1, 2018, and on or before June 1 of every third year thereafter indicating how it plans to increase its supply of electricity or decrease the demands made on its system by its customers. A distributive resource plan must evaluate locational benefits and costs of distributive resources; propose or identify standard tariffs, contracts, or other mechanisms for the deployment of cost-effective distributive resources; propose cost-effective methods of effectively coordinating existing programs approved by the Commission; identify additional spending necessary to integrate cost-effective

distributive resources in distribution planning; and identify barriers to the deployment of distributive resources.

The fiscal impact of the bill was from the PUCN [Public Utilities Commission of Nevada]. It does come from the mill tax which is put on electric bills. It should be about 3 cents a month on a bill.

Roll call on Senate Bill No. 146:

YEAS—34.

NAYS—Ellison, Krasner, Marchant, McArthur—4.

EXCUSED—Hansen, Oscarson, Titus, Woodbury—4.

Senate Bill No. 146 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 124.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Senate Bill 124 provides that a court may order a person who is subject to an extended order for protection related to domestic violence to surrender, sell, or transfer any firearms in that person's possession while the order is in place except in certain circumstances where a firearm is necessary for employment. The court must inform a person who is convicted of battery constituting domestic violence, or a person convicted of stalking under certain circumstances, that he or she is prohibited from owning, possessing, or having a firearm under his or her control and order that person to permanently surrender, sell, or transfer any firearm under his or her control. The penalty for violating these provisions is a category B felony.

If the offender does not own a firearm, the offender must acknowledge understanding of these provisions via affidavit to the court. If a person surrenders a firearm to a person designated by the court, the person must do so within 72 hours or one business day, whichever is later. In instances where a firearm is sold or transferred to a licensed dealer, the dealer must provide a receipt detailing the transfer of the firearm and whether the transfer is temporary or permanent, and the offender must provide the receipt and the serial number for each firearm to the court and to law enforcement.

The bill also adds any person who has been convicted in Nevada or any other state of a crime constituting domestic violence or stalking—and the court has entered a finding in the judgment of conviction or admonishment of rights or who is subject to an extended order for protection against domestic violence on or after October 1, 2017, while the order is in effect—to the list of persons prohibited from possessing a firearm in Nevada. This bill is effective on October 1, 2017.

Roll call on Senate Bill No. 124:

YEAS—28.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Kramer, Krasner, Marchant, McArthur, Wheeler—9.

EXCUSED—Carrillo, Hansen, Oscarson, Titus, Woodbury—5.

Senate Bill No. 124 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 225.

Bill read third time.

Remarks by Assemblywoman Joiner.

ASSEMBLYWOMAN JOINER:

Senate Bill 225 clarifies that statutes related to bullying and cyber-bullying apply to all public schools, including charter schools. It requires the statewide policy concerning a safe and respectful learning environment to include requirements and methods for addressing the rights and needs of persons with diverse gender identities or expressions and training for employees and governing bodies in the needs of students with disabilities, students with autism spectrum disorder, and persons with diverse gender identities or expressions.

Roll call on Senate Bill No. 225:

YEAS—31.

NAYS—Edwards, Ellison, Kramer, Krasner, Marchant, McArthur, Wheeler—7.

EXCUSED—Hansen, Oscarson, Titus, Woodbury—4.

Senate Bill No. 225 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 344.

Bill read third time.

The following amendment was proposed by Assemblyman Yeager:

Amendment No. 1114.

AN ACT relating to marijuana; revising standards for the labeling and packaging of marijuana for medical use; prohibiting the production of edible marijuana products or marijuana-infused products that are or appear to be lollipops or may appeal to children; establishing certain requirements for the production, packaging and labeling of products by a facility for the production of edible marijuana products or marijuana-infused products; prohibiting advertising by a medical marijuana establishment that would be appealing to children; requiring a medical marijuana dispensary to offer certain containers for sale and provide notification with each sale of marijuana; establishing similar provisions for recreational marijuana establishments with a delayed effective date; establishing limits on the quantity of marijuana for recreational use that may be sold in a single package; establishing certain restrictions on advertising by a recreational marijuana establishment; prohibiting regulation of certain matters relating to marijuana which is more restrictive than or conflicts with state law or regulation by a local government; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each medical marijuana dispensary and facility for the production of edible marijuana products or marijuana-infused products in this State to meet certain requirements for the packaging and labeling of such products. (NRS 453A.360) **Section 1** of this bill requires each edible marijuana product or marijuana-infused product offered for sale to be labeled with the amount of servings of THC in the product and establishes certain other requirements for such products. **Section 1** prohibits a facility for the production of edible marijuana products or marijuana-infused products from producing such a product in any form that is or appears to be a lollipop or may appeal to children. **Section 1** requires a facility for the production of

edible marijuana products or marijuana-infused products which produces cookies or brownies to seal such a product in a bag or other container which is not transparent and establishes certain other requirements for the production, packaging and labeling of an edible marijuana product or marijuana-infused product by such a facility. **Section 1** prohibits a medical marijuana dispensary or facility for the production of edible marijuana products or marijuana-infused products from engaging in advertising that would make marijuana, edible marijuana products or marijuana-infused products appeal to children. **Section 1** requires a medical marijuana dispensary to offer for sale containers for the storage of marijuana, edible marijuana products and marijuana-infused products which lock and are designed to prohibit children from unlocking and opening the container. **Section 1** requires a medical marijuana dispensary to provide a written notification of certain information, including, to keep marijuana, edible marijuana products and marijuana-infused products out of the reach of children with each sale of marijuana or such products. **Section 1** requires at least one employee of a facility for the production of edible marijuana products or marijuana-infused products or a medical marijuana dispensary which sells edible marijuana products to be certified to handle food in certain circumstances.

Section 2 of this bill establishes similar requirements for recreational marijuana establishments at a future date. Additionally, **section 2** requires each marijuana product to be sold in a single package and establishes limits on the amount of THC such products may contain per package and, if applicable, per unit. **Section 2** also imposes certain requirements for and restrictions on advertising by a recreational marijuana establishment.

Sections 3-8 of this bill prohibit a local government from regulating a marijuana establishment or medical marijuana establishment in a manner which is more restrictive than or conflicts with a law or regulation of this State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 453A.360 is hereby amended to read as follows:

453A.360 ***1.*** Each medical marijuana dispensary and facility for the production of edible marijuana products or marijuana-infused products shall, in consultation with the Division, cooperate to ensure that all edible marijuana products and marijuana-infused products offered for sale:

~~[1.]~~ ***(a)*** Are labeled clearly and unambiguously ~~[as]~~ ***:***

(1) As medical marijuana ~~[.~~ ~~2.]~~ ***with the words "THIS IS A MEDICAL MARIJUANA PRODUCT" in bold type; and***

(2) As required by NRS 453A.320 to 453A.370, inclusive, and any regulations adopted pursuant thereto.

(b) Are not presented in packaging that ~~[is appealing to children.~~

~~3.]~~ ***contains an image of a cartoon character, mascot, action figure, balloon or toy, except that such an item may appear in the logo of the facility for the production of edible marijuana products or marijuana-infused products which produced the product.***

(c) Are regulated and sold on the basis of the concentration of THC in the products and not by weight.

~~[4.]~~ ***(d)*** Are packaged and labeled in such a manner as to allow tracking by way of an inventory control system.

(e) Are not packaged and labeled in a manner which is modeled after a brand of products primarily consumed by or marketed to children.

(f) Are labeled in a manner which indicates the amount of THC in the product, measured in milligrams, and includes a statement that the product contains marijuana and its potency was tested with an allowable variance of the amount determined by the ~~[independent testing laboratory which performed the testing.]~~ Division by regulation.

(g) Are not labeled or marketed as candy.

2. A facility for the production of edible marijuana products or marijuana-infused products shall not produce edible marijuana products in any form that:

(a) Is or appears to be a lollipop.

(b) Bears the likeness or contains characteristics of a real or fictional person, animal or fruit, including, without limitation, a caricature, cartoon or artistic rendering.

(c) Is modeled after a brand of products primarily consumed by or marketed to children.

(d) Is made by applying concentrated cannabis, as defined in NRS 453.042, to a commercially available candy or snack food item other than dried fruit, nuts or granola.

3. A facility for the production of edible marijuana products or marijuana-infused products shall:

(a) Seal any edible marijuana product that consists of cookies or brownies in a bag or other container which is not transparent.

(b) Affix a label to each edible marijuana product which includes without limitation, in a manner which must not mislead consumers, the following information:

(1) The words "Keep out of reach of children";

(2) A list of all ingredients used in the edible marijuana product;

(3) A list of all allergens in the edible marijuana product; and

(4) The total weight of marijuana contained in the edible marijuana product or an equivalent measure of THC concentration.

(c) Maintain a washing area with hot water, soap and a hand dryer or disposable towels which is located away from any area in which edible marijuana products are cooked or otherwise prepared.

(d) Require each person who handles edible marijuana products to wear a hair net and clean clothing and keep his or her fingernails neatly trimmed.

(e) Package all edible marijuana products or marijuana-infused products produced by the facility for the production of edible marijuana products or marijuana-infused products on the premises of the facility for the production of edible marijuana products or marijuana-infused products.

4. A medical marijuana dispensary or facility for the production of edible marijuana products or marijuana-infused products shall not engage in advertising that in any way makes marijuana, edible marijuana products or marijuana-infused products appeal to children, including without limitation, advertising which uses an image of a cartoon character, mascot, action figure, balloon, fruit or toy.

5. Each medical marijuana dispensary shall offer for sale containers for the storage of marijuana, edible marijuana products and marijuana-infused products which lock and are designed to prohibit children from unlocking and opening the container.

6. A medical marijuana dispensary shall:

(a) Include a written notification with each sale of marijuana, edible marijuana products or marijuana-infused products which advises the purchaser:

(1) To keep marijuana, edible marijuana products and marijuana-infused products out of the reach of children;

(2) That edible marijuana products can cause severe illness in children;

(3) That allowing children to ingest marijuana or edible marijuana products or storing marijuana or edible marijuana products in a location which is accessible to children may result in an investigation by an agency which provides child welfare services or criminal prosecution for child abuse or neglect;

(4) That the intoxicating effects of edible marijuana products may be delayed by 2 hours or more and users of edible marijuana products should initially ingest a small amount of the product, then wait at least 120 minutes before ingesting any additional amount of the product;

(5) That pregnant women should consult with a physician before ingesting marijuana or edible marijuana products;

(6) That ingesting marijuana or edible marijuana products with alcohol or other drugs, including prescription medication, may result in unpredictable levels of impairment and that a person should consult with a physician before doing so;

(7) That marijuana or edible marijuana products can impair concentration, coordination and judgment and a person should not operate a motor vehicle while under the influence of marijuana or edible marijuana products; and

(8) That ingestion of any amount of marijuana or edible marijuana products before driving may result in criminal prosecution for driving under the influence.

(b) Enclose all marijuana, edible marijuana products and marijuana-infused products in opaque, child-resistant packaging upon sale.

7. A medical marijuana dispensary shall allow any person who is at least 21 years of age to enter the premises of the medical marijuana dispensary, regardless of whether such a person holds a valid registry identification card or letter of approval.

8. If the health authority, as defined in NRS 446.050, where a facility for the production of edible marijuana products or marijuana-infused products or medical marijuana dispensary which sells edible marijuana products is located requires persons who handle food at a food establishment to obtain certification, the facility for the production of edible marijuana products or marijuana-infused products or medical marijuana dispensary shall ensure that at least one employee maintains such certification.

Sec. 2. Chapter 453D of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each retail marijuana store and marijuana product manufacturing facility shall, in consultation with the Department, cooperate to ensure that all marijuana products offered for sale:

(a) Are labeled clearly and unambiguously:

(1) As marijuana with the words "THIS IS A MARIJUANA PRODUCT" in bold type; and

(2) As required by this chapter and any regulations adopted pursuant thereto.

(b) Are not presented in packaging that contains an image of a cartoon character, mascot, action figure, balloon or toy, except that such an item may appear in the logo of the marijuana product manufacturing facility which produced the product.

(c) Are regulated and sold on the basis of the concentration of THC in the products and not by weight.

(d) Are packaged and labeled in such a manner as to allow tracking by way of an inventory control system.

(e) Are not packaged and labeled in a manner which is modeled after a brand of products primarily consumed by or marketed to children.

(f) Are labeled in a manner which indicates the number of servings of THC in the product, measured in servings of a maximum of 10 milligrams per serving, and includes a statement that the product contains marijuana and its potency was tested with an allowable variance of the amount determined by the [marijuana testing facility which performed the testing.] Department by regulation.

(g) Are not labeled or marketed as candy.

2. A marijuana product must be sold in a single package. A single package must not contain:

(a) For a marijuana product sold as a capsule, more than 100 milligrams of THC per capsule or more than 800 milligrams of THC per package.

(b) For a marijuana product sold as a tincture, more than 800 milligrams of THC.

(c) For a marijuana product sold as a food product, more than 100 milligrams of THC.

(d) For a marijuana product sold as a topical product, a concentration of more than 6 percent THC or more than 800 milligrams of THC per package.

(e) For a marijuana product sold as a suppository or transdermal patch, more than 100 milligrams of THC per suppository or transdermal patch or more than 800 milligrams of THC per package.

(f) For any other marijuana product, more than 800 milligrams of THC.

3. A marijuana product manufacturing facility shall not produce marijuana products in any form that:

(a) Is or appears to be a lollipop or ice cream.

(b) Bears the likeness or contains characteristics of a real or fictional person, animal or fruit, including, without limitation, a caricature, cartoon or artistic rendering.

(c) Is modeled after a brand of products primarily consumed by or marketed to children.

(d) Is made by applying concentrated marijuana to a commercially available candy or snack food item other than dried fruit, nuts or granola.

4. A marijuana product manufacturing facility shall:

(a) Seal any marijuana product that consists of cookies or brownies in a bag or other container which is not transparent.

(b) Affix a label to each marijuana product intended for human consumption by oral ingestion which includes, without limitation, in a manner which must not mislead consumers, the following information:

(1) The words "Keep out of reach of children";

(2) A list of all ingredients used in the marijuana product;

(3) A list of all allergens in the marijuana product; and

(4) The total weight of marijuana contained in the marijuana product or an equivalent measure of THC concentration.

(c) Maintain a washing area with hot water, soap and a hand dryer or disposable towels which is located away from any area in which marijuana products intended for human consumption by oral ingestion are cooked or otherwise prepared.

(d) Require each person who handles marijuana products intended for human consumption by oral ingestion to wear a hair net and clean clothing and keep his or her fingernails neatly trimmed.

(e) Package all marijuana products produced by the marijuana product manufacturing facility on the premises of the marijuana product manufacturing facility.

5. A retail marijuana store or marijuana product manufacturing facility shall not engage in advertising that in any way makes marijuana or marijuana products appeal to children, including, without limitation, advertising which uses an image of a cartoon character, mascot, action figure, balloon, fruit or toy.

6. Each retail marijuana store shall offer for sale containers for the storage of marijuana and marijuana products which lock and are designed to prohibit children from unlocking and opening the container.

7. A retail marijuana store shall:

(a) Include a written notification with each sale of marijuana or marijuana products which advises the purchaser:

(1) To keep marijuana and marijuana products out of the reach of children;

(2) That marijuana and marijuana products can cause severe illness in children;

(3) That allowing children to ingest marijuana or marijuana products, or storing marijuana or marijuana products in a location which is accessible to children may result in an investigation by an agency which provides child welfare services or criminal prosecution for child abuse or neglect;

(4) That the intoxicating effects of marijuana products may be delayed by 2 hours or more and users of marijuana products should initially ingest a small amount of the product, then wait at least 120 minutes before ingesting any additional amount of the product;

(5) That pregnant women should consult with a physician before ingesting marijuana or marijuana products;

(6) That ingesting marijuana or marijuana products with alcohol or other drugs, including prescription medication, may result in unpredictable levels of impairment and that a person should consult with a physician before doing so;

(7) That marijuana or marijuana products can impair concentration, coordination and judgment and a person should not operate a motor vehicle while under the influence of marijuana or marijuana products; and

(8) That ingestion of any amount of marijuana or marijuana products before driving may result in criminal prosecution for driving under the influence.

(b) Enclose all marijuana and marijuana products in opaque, child-resistant packaging upon sale.

8. If the health authority, as defined in NRS 446.050, where a marijuana product manufacturing facility or retail marijuana store which sells marijuana products intended for human consumption by oral ingestion is located requires persons who handle food at a food

establishment to obtain certification, the marijuana product manufacturing facility or retail marijuana store shall ensure that at least one employee maintains such certification.

9. A marijuana establishment:

(a) Shall not engage in advertising which contains any statement or illustration that:

(1) Is false or misleading;

(2) Promotes overconsumption of marijuana or marijuana products;

(3) Depicts the actual consumption of marijuana or marijuana products; or

(4) Depicts a child or other person who is less than 21 years of age consuming marijuana or marijuana products or objects suggesting the presence of a child, including, without limitation, toys, characters or cartoons, or contains any other depiction which is designed in any manner to be appealing to or encourage consumption of marijuana or marijuana products by a person who is less than 21 years of age.

(b) Shall not advertise in any publication or on radio, television or any other medium if 30 percent or more of the audience of that medium is reasonably expected to be persons who are less than 21 years of age.

(c) Shall not place an advertisement:

(1) Within 1,000 feet of a public or private school, playground, public park or library, but may maintain such an advertisement if it was initially placed before the school, playground, public park or library was located within 1,000 feet of the location of the advertisement;

(2) On or inside of a motor vehicle used for public transportation or any shelter for public transportation; or

(3) At a sports or entertainment event to which persons who are less than 21 years of age are allowed entry.

(d) Shall not advertise or offer any marijuana or marijuana product as "free" or "donated" without a purchase.

(e) Shall ensure that all advertising by the marijuana establishment contains such warnings as may be prescribed by the Department, which must include, without limitation, the following words:

(1) "Keep out of reach of children"; and

(2) "For use only by adults 21 years of age and older".

10. Nothing in subsection 9 shall be construed to prohibit a local government, pursuant to chapter 244, 268 or 278 of NRS, from adopting an ordinance for the regulation of advertising relating to marijuana which is more restrictive than the provisions of subsection 9 relating to:

(a) The number, location and size of signs, including, without limitation, any signs carried or displayed by a natural person;

(b) Handbills, pamphlets, cards or other types of advertisements that are distributed, excluding an advertisement placed in a newspaper of general circulation, trade publication or other form of print media; and

(c) Any stationary or moving display that is located on or near the premises of a marijuana establishment.

Sec. 3. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A board of county commissioners shall not enact or enforce any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to:

(a) The packaging, labeling, testing, dosage or potency of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(b) The kinds of marijuana, edible marijuana products, marijuana products and marijuana-infused products authorized to be sold pursuant to chapters 453A and 453D of NRS and any regulations adopted pursuant to chapter 453A of NRS;

(c) The use of pesticides in the cultivation of marijuana;

(d) The tracking of marijuana from seed to sale;

(e) The transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products other than the direct transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products to a consumer and a requirement to notify the county of any transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(f) The issuance or verification of a registry identification card, letter of approval or written documentation;

(g) The training or certification of medical marijuana establishment agents or employees of a marijuana establishment; or

(h) The creation or maintenance of a registry or other system to obtain and track information relating to customers of marijuana establishments or holders of a registry identification card or letter of approval.

2. As used in this section:

(a) "Edible marijuana products" has the meaning ascribed to it in NRS 453A.101.

(b) "Letter of approval" has the meaning ascribed to it in NRS 453A.109.

(c) "Marijuana establishment" has the meaning ascribed to it in NRS 453D.030.

(d) "Marijuana products" has the meaning ascribed to it in NRS 453D.030.

(e) "Marijuana-infused products" has the meaning ascribed to it in NRS 453A.112.

(f) "Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.

(g) "Medical marijuana establishment agent" has the meaning ascribed to it in NRS 453A.117.

(h) "Registry identification card" has the meaning ascribed to it in NRS 453A.140.

(i) "Written documentation" has the meaning ascribed to it in NRS 453A.170.

Sec. 4. NRS 244.335 is hereby amended to read as follows:

244.335 1. Except as otherwise provided in subsections 2, 3 and 4, and NRS 244.33501, a board of county commissioners may:

(a) Except as otherwise provided in NRS 244.331 to 244.3345, inclusive, 598D.150 and 640C.100, ***and section 3 of this act,*** regulate all character of lawful trades, callings, industries, occupations, professions and business conducted in its county outside of the limits of incorporated cities and towns.

(b) Except as otherwise provided in NRS 244.3359 and 576.128, fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on such trades, callings, industries, occupations, professions and business.

2. The county license boards have the exclusive power in their respective counties to regulate entertainers employed by an entertainment by referral service and the business of conducting a dancing hall, escort service, entertainment by referral service or gambling game or device permitted by law, outside of an incorporated city. The county license boards may fix, impose and collect license taxes for revenue or for regulation, or for both revenue and regulation, on such employment and businesses.

3. A board of county commissioners shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

4. The board of county commissioners or county license board shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

5. The county license board shall provide upon request an application for a state business registration pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:

(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or

(b) Provides to the county license board the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:

(a) Presents written evidence that:

(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or

(b) Provides to the county license board the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied for the purposes of NRS 244.3358 or 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months after the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against the property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

8. The board of county commissioners may delegate the authority to enforce liens from taxes levied for the purposes of NRS 244A.597 to 244A.655, inclusive, to the county fair and recreation board. If the authority is so delegated, the board of county commissioners shall revoke or suspend the license of a business upon certification by the county fair and recreation board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 244.3357, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the

payment of such license taxes or as the result of any audit or examination of the books by any authorized employee of a county fair and recreation board of the county for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, officer or employee of the county fair and recreation board or the county imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or Secretary of State for the exchange of information concerning taxpayers.

Sec. 5. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of an incorporated city, whether organized under general law or special charter, shall not enact or enforce any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to:

(a) The packaging, labeling, testing, dosage or potency of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(b) The kinds of marijuana, edible marijuana products, marijuana products and marijuana-infused products authorized to be sold pursuant to chapters 453A and 453D of NRS and any regulations adopted pursuant to chapter 453A of NRS;

(c) The use of pesticides in the cultivation of marijuana;

(d) The tracking of marijuana from seed to sale;

(e) The transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products other than the direct transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products to a consumer and a requirement to notify the city of any transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(f) The issuance or verification of a registry identification card, letter of approval or written documentation;

(g) The training or certification of medical marijuana establishment agents or employees of a marijuana establishment; or

(h) The creation or maintenance of a registry or other system to obtain and track information relating to customers of marijuana establishments or holders of a registry identification card or letter of approval.

2. As used in this section:

(a) "Edible marijuana products" has the meaning ascribed to it in NRS 453A.101.

(b) "Letter of approval" has the meaning ascribed to it in NRS 453A.109.

(c) "Marijuana establishment" has the meaning ascribed to it in NRS 453D.030.

(d) "Marijuana products" has the meaning ascribed to it in NRS 453D.030.

(e) "Marijuana-infused products" has the meaning ascribed to it in NRS 453A.112.

(f) "Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.

(g) "Medical marijuana establishment agent" has the meaning ascribed to it in NRS 453A.117.

(h) "Registry identification card" has the meaning ascribed to it in NRS 453A.140.

(i) "Written documentation" has the meaning ascribed to it in NRS 453A.170.

Sec. 6. NRS 268.095 is hereby amended to read as follows:

268.095 1. Except as otherwise provided in subsection 4 and NRS 268.0951, the city council or other governing body of each incorporated city in this State, whether organized under general law or special charter, may:

(a) Except as otherwise provided in subsection 2 and NRS 268.0968 and 576.128, ***and section 5 of this act,*** fix, impose and collect for revenues or for regulation, or both, a license tax on all character of lawful trades, callings, industries, occupations, professions and businesses conducted within its corporate limits.

(b) Assign the proceeds of any one or more of such license taxes to the county within which the city is situated for the purpose or purposes of making the proceeds available to the county:

(1) As a pledge as additional security for the payment of any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(2) For redeeming any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(3) For defraying the costs of collecting or otherwise administering any such license tax so assigned, of the county fair and recreation board and of officers, agents and employees hired thereby, and of incidentals incurred thereby;

(4) For operating and maintaining recreational facilities under the jurisdiction of the county fair and recreation board;

(5) For improving, extending and bettering recreational facilities authorized by NRS 244A.597 to 244A.655, inclusive; and

(6) For constructing, purchasing or otherwise acquiring such recreational facilities.

(c) Pledge the proceeds of any tax imposed on the revenues from the rental of transient lodging pursuant to this section for the payment of any general or special obligations issued by the city for a purpose authorized by the laws of this State.

(d) Use the proceeds of any tax imposed pursuant to this section on the revenues from the rental of transient lodging:

(1) To pay the principal, interest or any other indebtedness on any general or special obligations issued by the city pursuant to the laws of this State;

(2) For the expense of operating or maintaining, or both, any facilities of the city; and

(3) For any other purpose for which other money of the city may be used.

2. The city council or other governing body of an incorporated city shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

3. The proceeds of any tax imposed pursuant to this section that are pledged for the repayment of general obligations may be treated as "pledged revenues" for the purposes of NRS 350.020.

4. The city council or other governing body of an incorporated city shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

5. The city licensing agency shall provide upon request an application for a state business registration pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:

(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or

(b) Provides to the city licensing agency the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the city may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:

(a) Presents written evidence that:

(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or

(b) Provides to the city licensing agency the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the city may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied under the provisions of this section constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months following the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against such property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

8. The city council or other governing body of each incorporated city may delegate the power and authority to enforce such liens to the county fair and recreation board. If the authority is so delegated, the governing body shall revoke or suspend the license of a business upon certification by the board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 268.0966, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of those license taxes or as the result of any audit or examination of the books of the city by any authorized employee of a county fair and recreation board for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, official or employee of the county fair and recreation board or the city imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or the Secretary of State for the exchange of information concerning taxpayers.

9. The powers conferred by this section are in addition and supplemental to, and not in substitution for, and the limitations imposed by this section do not affect the powers conferred by, any other law. No part of this section repeals or affects any other law or any part thereof, it being intended that this

section provide a separate method of accomplishing its objectives, and not an exclusive one.

Sec. 7. Chapter 269 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The town board or board of county commissioners in any unincorporated town shall not enact or enforce any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to:

(a) The packaging, labeling, testing, dosage or potency of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(b) The kinds of marijuana, edible marijuana products, marijuana products and marijuana-infused products authorized to be sold pursuant to chapters 453A and 453D of NRS and any regulations adopted pursuant to chapter 453A of NRS;

(c) The use of pesticides in the cultivation of marijuana;

(d) The tracking of marijuana from seed to sale;

(e) The transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products other than the direct transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products to a consumer and a requirement to notify the unincorporated town of any transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(f) The issuance or verification of a registry identification card, letter of approval or written documentation;

(g) The training or certification of medical marijuana establishment agents or employees of a marijuana establishment; or

(h) The creation or maintenance of a registry or other system to obtain and track information relating to customers of marijuana establishments or holders of a registry identification card or letter of approval.

2. As used in this section:

(a) "Edible marijuana products" has the meaning ascribed to it in NRS 453A.101.

(b) "Letter of approval" has the meaning ascribed to it in NRS 453A.109.

(c) "Marijuana establishment" has the meaning ascribed to it in NRS 453D.030.

(d) "Marijuana products" has the meaning ascribed to it in NRS 453D.030.

(e) "Marijuana-infused products" has the meaning ascribed to it in NRS 453A.112.

(f) "Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.

(g) "Medical marijuana establishment agent" has the meaning ascribed to it in NRS 453A.117.

(h) "Registry identification card" has the meaning ascribed to it in NRS 453A.140.

(i) "Written documentation" has the meaning ascribed to it in NRS 453A.170.

Sec. 8. NRS 269.170 is hereby amended to read as follows:

269.170 1. Except as otherwise provided in subsection 5 and NRS 576.128, 598D.150 and 640C.100, ***and section 7 of this act,*** the town board or board of county commissioners may, in any unincorporated town:

(a) Fix and collect a license tax on, and regulate, having due regard to the amount of business done by each person so licensed, and all places of business and amusement so licensed, as follows:

(1) Artisans, artists, assayers, auctioneers, bakers, banks and bankers, barbers, boilermakers, cellars and places where soft drinks are kept or sold, clothes cleaners, foundries, laundries, lumberyards, manufacturers of soap, soda, borax or glue, markets, newspaper publishers, pawnbrokers, funeral directors and wood and coal dealers.

(2) Bootmakers, cobblers, dressmakers, milliners, shoemakers and tailors.

(3) Boardinghouses, hotels, lodging houses, restaurants and refreshment saloons.

(4) Barrooms, gaming, manufacturers of liquors and other beverages, and saloons.

(5) Billiard tables, bowling alleys, caravans, circuses, concerts and other exhibitions, dance houses, melodeons, menageries, shooting galleries, skating rinks and theaters.

(6) Corrals, hay yards, livery and sale stables and wagon yards.

(7) Electric light companies, illuminating gas companies, power companies, telegraph companies, telephone companies and water companies.

(8) Carts, drays, express companies, freight companies, job wagons, omnibuses and stages.

(9) Brokers, commission merchants, factors, general agents, mercantile agents, merchants, traders and stockbrokers.

(10) Drummers, hawkers, peddlers and solicitors.

(11) Insurance agents, brokers, analysts, adjusters and managing general agents within the limitations and under the conditions prescribed in NRS 680B.020.

(b) Fix and collect a license tax upon all professions, trades or business within the town not specified in paragraph (a).

2. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license presents written evidence that:

(a) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(b) Another regulatory agency of the State has issued or will issue a license required for this activity.

3. Any license tax levied for the purposes of NRS 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien must be enforced in the same manner as liens for ad valorem taxes on real and personal property. The town board or other governing body of the unincorporated town may delegate the power to enforce such liens to the county fair and recreation board.

4. The governing body or the county fair and recreation board may agree with the Department of Taxation for the continuing exchange of information concerning taxpayers.

5. The town board or board of county commissioners shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060, or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

Sec. 9. 1. This section and sections ~~**[1 and]**~~ 3 to 8, inclusive, of this act become effective on July 1, 2017.

2. **Section 1 of this act becomes effective on October 1, 2017.**

3. Section 2 of this act becomes effective on January 1, 2020.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblymen Yeager and Ohrenschall.

Potential conflict of interest declared by Assemblyman Ohrenschall.

Assemblyman Ohrenschall requested that his remarks be entered in the journal.

ASSEMBLYMAN OHRENSCHALL:

Because we are considering Senate Bill 344 which proposes to make changes relating to medical marijuana and marijuana establishments, I would like to advise this Chamber that my wife is currently employed as the executive director of the Nevada Dispensary Association, a trade association consisting of medical marijuana dispensaries and medical marijuana cultivators, which actively lobbies the Legislature and other governmental entities on issues affecting its members. I have sought the advice of our Legislative Counsel, and although Senate Bill 344 does not affect the members of the trade association that my wife is employed with any differently than other medical marijuana dispensary owners and medical marijuana cultivators, I am making this disclosure and I am abstaining from voting on Senate Bill 344 out of an abundance of caution.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 355.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 355 creates the Grief Support Trust Account in the State General Fund. The Director of the Department of Health and Human Services is required to administer the Account. The measure increases the fee charged for a copy of a death certificate by 50 cents, with the funds being deposited in the Account. Money in the Account must be used to support nonprofit community organizations that provide grief services to children, parents, and adult caregivers.

Roll call on Senate Bill No. 355:

YEAS—32.

NAYS—Ellison, Kramer, Krasner, Marchant, McArthur, Wheeler—6.

EXCUSED—Hansen, Oscarson, Titus, Woodbury—4.

Senate Bill No. 355 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 361.

Bill read third time.

Remarks by Assemblywoman Miller.

ASSEMBLYWOMAN MILLER:

Senate Bill 361 requires an employer to provide paid or unpaid leave to an employee who has been employed for at least 90 days and who is—or whose family or household member is—a victim of domestic violence. The leave must be used within one year of the date on which the violence occurred, may be used consecutively or intermittently, and may be deducted from leave permitted by the federal Family and Medical Leave Act of 1993. An employer must maintain a record of leave days used by each employee for a two-year period and make those records available for inspection by the Labor Commissioner.

The Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation may request evidence to support a claim for benefits, and the Administrator is prohibited from disqualifying a person from receiving unemployment compensation benefits if the person left employment to protect himself or herself or his or her family or household member, and secondly, if the person actively engaged in an effort to preserve employment.

An employer may not condition employment on or take certain employment actions because the employee or the employee's family or household member is a victim of domestic violence. The measure revises the definition of domestic violence by removing an act committed against or upon any other person who is or was residing with the person.

This bill makes it a category B felony to commit battery constituting domestic violence if the person has previously been convicted of a felony for committing battery. Lastly, the bill clarifies that an officer may still arrest an individual for battery upon a cohabitant.

Roll call on Senate Bill No. 361:

YEAS—38.

NAYS—None.

EXCUSED—Hansen, Oscarson, Titus, Woodbury—4.

Senate Bill No. 361 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 373.

Bill read third time.

Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

Senate Bill 373, as amended, creates a Minority Affairs Management Analyst position within the Office of the Director of the Department of Business and Industry to collect data and perform statistical analysis to support the Nevada Commission on Minority Affairs and perform investigation, data collection and statistical analysis, as necessary, to determine whether discrimination on the basis of race is occurring in state or local purchasing, public works, or other areas. The bill, as amended, adds General Fund appropriations totaling $159,134 over the 2017-2019 biennium to fund the positon and associated operating costs. The bill becomes effective July 1, 2017.

Roll call on Senate Bill No. 373:

YEAS—31.

NAYS—Edwards, Ellison, Kramer, Krasner, Marchant, McArthur, Wheeler—7.

EXCUSED—Hansen, Oscarson, Titus, Woodbury—4.

Senate Bill No. 373 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 402.

Bill read third time.

Remarks by Assemblywoman Miller.

ASSEMBLYWOMAN MILLER:

Senate Bill 402 prohibits the Department of Corrections or a private facility or institution from imposing solitary confinement on a person in prison unless the offender is found guilty of an infraction, is provided written notice of the charges, and a hearing is held after the completion of an investigation of the alleged violation. The Department of Corrections shall not place offenders with serious mental illness or other significant mental impairment in solitary confinement unless the offender poses a safety threat to themselves, staff, or other inmates. The bill also establishes a requirement for the psychological evaluation of offenders with a serious mental illness or significant mental impairment prior to holding a hearing concerning charges against the offender.

An offender may request placement into solitary confinement to protect his or her safety after an independent assessment is performed and only for the duration of the threat. In such instances, the offender must receive a health and welfare check at his or her cell at least once daily by a health care provider.

The use of solitary confinement must be limited to the shortest time possible to address the issue at hand, and an offender may petition the warden of the facility for early release from solitary confinement. The Department is required to provide certain provisions and accommodations to an offender who is subject to disciplinary segregation. It allows an offender the ability to petition the warden of the institution or facility for release from segregation if the offender has demonstrated good behavior.

Roll call on Senate Bill No. 402:

YEAS—33.

NAYS—Ellison, Krasner, Marchant, McArthur, Wheeler—5.

EXCUSED—Hansen, Oscarson, Titus, Woodbury—4.

Senate Bill No. 402 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 427.

Bill read third time.

Remarks by Assemblywoman Bilbray-Axelrod.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Senate Bill 427 requires any Class I freight railroad, Class I railroad, or Class II railroad for transporting freight that operates a train or locomotive in Nevada and any officer of such a railroad to ensure the train or locomotive contains a crew of not less than two persons. The bill offers limited exceptions to these provisions and provides that any railroad or officer of a railroad who violates these provisions is liable to the Public Utilities Commission of Nevada for a civil penalty of $1,000 for the first violation and $5,000 for the second or subsequent violation within three years. Finally, the bill repeals outdated provisions concerning employment protections for certain railroad employees.

This measure is effective on October 1, 2017.

Roll call on Senate Bill No. 427:

YEAS—27.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Kramer, Krasner, Marchant, McArthur, Pickard, Tolles, Wheeler—11.

EXCUSED—Hansen, Oscarson, Titus, Woodbury—4.

Senate Bill No. 427 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 344 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 344.

Bill read third time.

Remarks by Assemblymen Miller and Ohrenschall.

Potential conflict of interest declared by Assemblyman Ohrenschall.

Assemblyman Ohrenschall requested that his remarks be entered in the journal.

ASSEMBLYWOMAN MILLER:

Senate Bill 344 revises various provisions concerning the production, packaging, and labeling of edible marijuana products and marijuana-infused products which are applicable to both medical marijuana establishments and recreational marijuana establishments.

Additional requirements are set forth for recreational marijuana establishments including (1) requiring each marijuana product to be sold in a single package; (2) limiting the amount of THC such products may contain per package and, if applicable, per unit; and (3) imposing certain requirements and restrictions on advertising.

In addition, this measure prohibits a local government from regulating a marijuana establishment or medical marijuana establishment in a manner that is more restrictive than or conflicts with a law or regulation of this state.

ASSEMBLYMAN OHRENSCHALL:

Because we are considering Senate Bill 344, which proposes to make changes relating to medical marijuana and marijuana establishments, I would like to advise this Chamber that my wife is currently employed as the executive director of the Nevada Dispensary Association, a trade association consisting of medical marijuana dispensaries and medical marijuana cultivators, which actively lobbies the Legislature and other governmental entities on issues affecting its members. I have sought the advice of our Legislative Counsel, and although Senate Bill 344 does not affect the members of the trade association that my wife is employed with any differently than other medical marijuana dispensary owners and medical marijuana cultivators, I am making this disclosure and I am abstaining from voting on Senate Bill 344 out of an abundance of caution.

Roll call on Senate Bill No. 344:

YEAS—37.

NAYS—None.

NOT VOTING—Ohrenschall.

EXCUSED—Hansen, Oscarson, Titus, Woodbury—4.

Senate Bill No. 344 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 72, 74, 106, 120, 132, 178, 187, 192, 200, 203, 212, 213, 229, 249, 303, 306, 325, 390, 428, 457, 458, 467, 478, 488, 490, 498, 500, 503, 511, 514, 522, 527, 528, 529, 530, 531, 532, 536, 537, 538, 541, and 543; Senate Joint Resolution No. 14 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Concurrent Resolution No. 6 be taken from the Resolution File and placed on the Resolution File for the next legislative day.

Motion carried.

REMARKS FROM THE FLOOR

Assemblywoman Spiegel requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN SPIEGEL:

Today marks the 99th birthday of my mother-in law, Toby Spiegel. A heroic woman in many ways, she raised two boys on her own and helped educate thousands of other children during her career as a New York City schoolteacher, where she also served as chapter chair of the teacher's union.

But perhaps her most unsung moment of heroism came on July 28, 1945, shortly before the end of World War II when she was 27 and working in the Empire State Building. That was the foggy day that a B-25 accidentally crashed into the building, killing many people, starting a massive fire, and rendering the elevators unusable. During the evacuation, Toby saw another woman who was unable to walk, so she carried her down dozens of flights of stairs to safety. Toby now lives in Los Angeles, and I ask the Assembly to wish her a happy 99th birthday.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Sunday, June 4, 2017, at 1 p.m.

Motion carried.

Assembly adjourned at 11:36 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

The

Journal of the Assembly

OF THE

SEVENTY-NINTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2017

BEGUN ON MONDAY, THE SIXTH DAY OF FEBRUARY, AND ENDED ON MONDAY, THE FIFTH DAY OF JUNE

VOLUME 6

**THE ONE HUNDRED AND NINETEENTH DAY—
THE ONE HUNDRED AND TWENTIETH DAY**

SEE VOLUME 1 FOR TABLE OF CONTENTS

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THE ONE HUNDRED AND NINETEENTH DAY

CARSON CITY (Sunday), June 4, 2017

Assembly called to order at 3:02 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by Assemblywoman Bustamante Adams.

Creator, thank You for the day that You have created today. Thank You for all of those who work, especially those who stay behind after we leave this building, and those who we may not notice, but we know that they help us to get our work done.

Watching the Legislature wind down is painful. Some of us do celebrate, but some of us are crushed by disappointment for the things that we were not able to get across. But I know that You are generous and that You will give us the wisdom that we need to remember that we are here to serve and that we can make the right decisions.

It is in Your Name I pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 392, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 438, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRENE BUSTAMANTE ADAMS, *Chair*

Mr. Speaker:

Your Committee on Corrections, Parole, and Probation, to which was referred Senate Bill No. 451, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OHRENSCHALL, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 443, 551, 552, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 3, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 23, 122, 144, 290, 291, 371, 395, 417, 436, 491, 505, 506, 507, 508, 509, 510, 514, 517, 518.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 29, Amendments Nos. 950, 1123, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 362, Amendments Nos. 1049, 1124, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 550.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 49, 377.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 167, 418.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendments Nos. 769, 937, 958, 1034 to Senate Bill No. 448.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 889 to Senate Bill No. 481.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 1014 to Senate Bill No. 69.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 1106 to Senate Bill No. 442.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 3:07 p.m.

ASSEMBLY IN SESSION

At 3:08 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 438 be taken from the General File and placed on the Chief Clerk’s desk.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 478, 443, 551, and 552 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 492 be taken from the Chief Clerk’s desk and placed at the top of the General File.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 3:10 p.m.

ASSEMBLY IN SESSION

At 3:12 p.m.
Mr. Speaker presiding.
Quorum present.

Assemblywoman Benitez-Thompson moved that Senate Concurrent Resolution No. 6 be taken from the Resolution File and placed on the Chief Clerk's desk.
Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 49.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 167.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 377.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Senate Bill No. 418.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 550.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 492.
Bill read third time.
The following amendment was proposed by Assemblyman Frierson:
Amendment No. 1136.
SUMMARY—Revises provisions relating to ~~[polling places.]~~ **elections.** (BDR 24-450)

AN ACT relating to elections; ~~[authorizing each county clerk to establish polling places where any registered voter of the county may vote in person on the day of a primary or general election;]~~ **requiring, under certain circumstances, county and city clerks to establish polling places within the boundaries of Indian reservations and Indian colonies; authorizing voting materials to be provided in certain languages; authorizing a voter to sign a signature card rather than a roster;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires a county clerk to establish the boundaries of election precincts and authorizes election precincts to be combined into election districts. (NRS 293.205-293.209) Existing law prohibits a person from applying for or receiving a ballot at any election precinct or district other than the one at which the person is entitled to vote. (NRS 293.730)~~

~~Section 2 of this bill authorizes each county clerk to establish one or more polling places in the county where any person entitled to vote in the county by personal appearance may do so on the day of a primary or general election. If any such polling place is established: (1) section 3 of this bill requires the county clerk to publicize the location of any such polling place; and (2) section 4 of this bill requires the county clerk to prepare a roster of eligible voters in the county for any such polling place. Section 5 of this bill sets forth the procedure for a person to vote in person at any such polling place. Sections 6-15 of this bill make conforming changes.]~~

Sections 1 and 15.51 of this bill require, under certain circumstances, county and city clerks, respectively, to establish at least one polling place for the day of a primary election, general election, primary city election or general city election, as applicable, within the boundaries of an Indian reservation or Indian colony at a location or locations approved by the Indian tribe.

Existing law generally requires a voter to sign his or her name in a roster when the voter applies to vote in person. (NRS 293.277, 293.285, 293C.270, 293C.275) Sections 9, 9.5, 10, 11.8, 11.9, 15, 15.53, 15.54, 15.55, 15.85 and 15.9 of this bill allow a person to sign a signature card rather than a roster.

Existing law requires voting materials to be provided in English and any other languages necessary to be in compliance with federal law. (NRS 293.2699) Section 8.5 of this bill authorizes the county or city clerk to provide voting materials in additional languages if the clerk determines that there is significant and substantial need for such.

Existing law authorizes a county or city clerk to establish permanent polling places for early voting by personal appearance. (NRS 293.3564, 293C.3564) Sections 11.4 and 15.6 of this bill require a county or city clerk to establish at least one permanent polling place for early voting. Sections 11.6 and 15.8 of this bill require, under certain circumstances, a county or city clerk to establish at least one temporary polling place for

early voting within the boundaries of an Indian reservation or Indian colony.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto ~~[the provisions set forth as sections 2 to 5, inclusive, of this act.]~~ **a new section to read as follows:**

1. If an Indian reservation or Indian colony is located in whole or in part within a county, the Indian tribe may submit a request to the county clerk for the establishment of a polling place within the boundaries of the Indian reservation or Indian colony for the day of a primary election or general election.

2. A request for the establishment of a polling place within the boundaries of an Indian reservation or Indian colony for the day of a primary election or general election:

(a) Must be submitted to the county clerk by the Indian tribe on or before:

(1) If the request is for a primary election, the first Friday in January of the year in which the primary election is to be held.

(2) If the request is for a general election, the first Friday in July of the year in which the general election is to be held.

(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the polling place. Any proposed location must satisfy the criteria the county clerk uses for the establishment of any other polling place.

3. Except as otherwise provided in this subsection, if the county clerk receives a request that satisfies the requirements set forth in subsection 2, the county clerk must establish at least one polling place within the boundaries of the Indian reservation or Indian colony at a location or locations, as applicable, approved by the Indian tribe for the day of a primary election or general election. The county clerk is not required to establish a polling place within the boundaries of an Indian reservation or Indian colony for the day of a primary election or general election if the county clerk established a temporary branch polling place for early voting pursuant to NRS 293.3572 within the boundaries of the Indian reservation or Indian colony for the same election.

Sec. 2. ~~*[1. A county clerk may establish one or more polling places in the county where any person entitled to vote in the county by personal appearance may do so on the day of a primary election or general election.*~~

~~*2. Any person entitled to vote in the county by personal appearance may do so at any polling place established pursuant to subsection 1.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~[1. Except as otherwise provided in subsection 2, if a county clerk establishes one or more polling places pursuant to section 2 of this act, the county clerk must:~~

~~(a) Publish during the week before the election in a newspaper of general circulation a notice of the location of each such polling place.~~

~~(b) Post a list of the location of each such polling place on any bulletin board used for posting notice of meetings of the board of county commissioners. The list must be posted continuously for a period beginning not later than the fifth business day before the election and ending at 7 p.m. on the day of the election. The county clerk shall make copies of the list available to the public during the period of posting in reasonable quantities without charge.~~

~~2. The provisions of subsection 1 do not apply if every polling place in the county is a polling place where any person entitled to vote in the county by personal appearance may do so on the day of the primary election or general election.~~

~~3. No additional polling place may be established pursuant to section 2 of this act after the publication pursuant to this section, except in the case of an emergency and if approved by the Secretary of State.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[1. For each polling place established pursuant to section 2 of this act, if any, the county clerk shall prepare a roster that contains, for every registered voter in the county, the voter's name, the address where he or she is registered to vote, his or her voter identification number, the voter's precinct or district number and the voter's signature.~~

~~2. The roster must be delivered or caused to be delivered by the county clerk to an election board officer of the proper polling place before the opening of the polls.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[1. Except as otherwise provided in NRS 293.283, upon the appearance of a person to cast a ballot at a polling place established pursuant to section 2 of this act, the election board officer shall:~~

~~(a) Determine that the person is a registered voter in the county and has not already voted in that county in the election;~~

~~(b) Instruct the voter to sign the roster or a signature card; and~~

~~(c) Verify the signature of the voter in the manner set forth in NRS 293.277.~~

~~2. If the signature of the voter does not match, the voter must be identified by:~~

~~(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;~~

~~(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or~~

~~(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote.~~

~~*3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.*~~

~~*4. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that county in the current election.*~~

~~*5. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place where he or she applies to vote.*~~

~~*6. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:*~~

~~*(a) Prepare the mechanical recording device for the voter;*~~

~~*(b) Ensure that the voter's precinct or voting district and the form of the ballot are indicated on the voting receipt, if the county clerk uses voting receipts; and*~~

~~*(c) Allow the voter to cast a vote.*~~

~~*7. A voter applying to vote at a polling place established pursuant to section 2 of this act may be challenged pursuant to NRS 293.303.]*~~ **(Deleted by amendment.)**

Sec. 6. **[**~~NRS 293.2546 is hereby amended to read as follows:~~

~~293.2546 The Legislature hereby declares that each voter has the right:~~

~~1. To receive and cast a ballot that:~~

~~(a) Is written in a format that allows the clear identification of candidates; and~~

~~(b) Accurately records the voter's preference in the selection of candidates.~~

~~2. To have questions concerning voting procedures answered and to have an explanation of the procedures for voting posted in a conspicuous place at the polling place.~~

~~3. To vote without being intimidated, threatened or coerced.~~

~~4. To vote on election day if the voter is waiting in line~~ ***to vote before 7 p.m.*** ~~at~~ **[**~~his or her~~**]** ***a*** ~~polling place~~ ***at which he or she is entitled*** ~~to vote~~ **[**~~before 7 p.m.~~**]** ~~and the voter has not already cast a vote in that election.~~

~~5. To return a spoiled ballot and is entitled to receive another ballot in its place.~~

~~6. To request assistance in voting, if necessary.~~

~~7. To a sample ballot which is accurate, informative and delivered in a timely manner.~~

~~8. To receive instruction in the use of the equipment for voting during early voting or on election day.~~

~~9. To have nondiscriminatory equal access to the elections system, including, without limitation, a voter who is elderly, disabled, a member of a minority group, employed by the military or a citizen who is overseas.~~

~~10. To have a uniform, statewide standard for counting and recounting all votes accurately.~~

~~11. To have complaints about elections and election contests resolved fairly, accurately and efficiently.~~**]** **(Deleted by amendment.)**

Sec. 7. **[**~~NRS 293.273 is hereby amended to read as follows:~~

~~293.273 1. Except as otherwise provided in subsection 2 and NRS 293.305, at all elections held under the provisions of this title, the polls must open at 7 a.m. and close at 7 p.m.~~

~~2.~~ **[**~~Whenever~~**]** ***Except as otherwise provided in this subsection, whenever*** ~~at any election all the votes of the polling place, as shown on the roster, have been cast, the election board officers shall close the polls, and the counting of votes must begin and continue without unnecessary delay until the count is completed.~~ ***This subsection does not apply to a polling place established pursuant to section 2 of this act.***

~~3. Upon opening the polls, one of the election board officers shall cause a proclamation to be made that all present may be aware of the fact that applications of registered voters to vote will be received.~~

~~4. No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this title.~~**]** **(Deleted by amendment.)**

Sec. 7.5. **[**~~NRS 293.2735 is hereby amended to read as follows:~~

~~293.2735~~ **[**~~The~~**]**

1. Except as otherwise provided in subsection 2, the ~~county clerk shall establish at least one polling place for a precinct in any residential development exclusively for elderly persons if:~~

[~~1.~~**]** ***(a)*** ~~More than 100 of the residents of the development are registered to vote;~~

[~~2.~~**]** ***(b)*** ~~There is a common area which is adequate and available; and~~

[~~3.~~**]** ***(c)*** ~~The owner of the development consents to the establishment of the polling place on the property.~~

2. The county clerk is not required to establish a polling place in a residential development as described in subsection 1 if, with the consent of the owner of the residential development, the county clerk establishes a temporary branch polling place for early voting at the residential development for at least 1 day.~~]~~ **(Deleted by amendment.)**

Sec. 8. **[**~~NRS 293.275 is hereby amended to read as follows:~~

~~293.275~~ **[**~~No~~**]**

1. Except as otherwise provided in subsection 2, an ~~election board may~~ ***not*** ~~perform its duty in serving registered voters at any polling place in any election provided for in this title, unless it has before it the roster for the polling place.~~

2. For a polling place established pursuant to section 2 of this act, the election board may perform its duty in serving registered voters at the

~~*polling place in an election if the election board has before it the roster for the county.]*~~ **(Deleted by amendment.)**

Sec. 8.5. **NRS 293.2699 is hereby amended to read as follows:**

293.2699 1. Each voting system used by a county or city shall provide voting materials in **:**

(a) English ~~[and other languages]~~ ***; and***

(b) Every language in which voting materials are required to be prepared in ~~[compliance with the provisions of 42 U.S.C. § 1973aa-1a.]~~ ***the county or city pursuant to 52 U.S.C. § 10503.***

2. ***In addition to the requirements set forth in subsection 1, if a county clerk or city clerk determines that there is a significant and substantial need for voting materials of the county or city, as applicable, to be provided in the language or languages of a minority group, the county clerk or city clerk may prepare voting materials in such language or languages. For the purposes of this subsection, there is a significant and substantial need for voting materials to be provided in the language or languages of a minority group if, without limitation, the minority group has been subject to historical discrimination and unequal educational opportunities, and, as a result, members of the minority group are of limited-English proficiency.***

3. As used in this section ~~[, the term "voting]~~ **:**

(a) "Limited-English proficiency" means being unable to speak or understand English adequately to participate in the electoral process.

(b) "Minority group" includes, without limitation, United States citizens of Chinese heritage.

(c) "Voting materials" has the meaning ascribed to it in ~~[42]~~ ***52*** U.S.C. § ~~[1973aa-1a.]~~ ***10503.***

Sec. 9. NRS 293.277 is hereby amended to read as follows:

293.277 1. Except as otherwise provided in NRS 293.283 and 293.541, if a person's name appears in the roster or if the person provides an affirmation pursuant to NRS 293.525, the person is entitled to vote and must sign his or her name in the roster ***or on a signature card*** when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's application to register to vote or one of the forms of identification listed in subsection 2.

2. Except as otherwise provided in NRS 293.2725, the forms of identification which may be used individually to identify a voter at the polling place are:

(a) The card issued to the voter at the time he or she registered to vote;

(b) A driver's license;

(c) An identification card issued by the Department of Motor Vehicles;

(d) A military identification card; or

(e) Any other form of identification issued by a governmental agency which contains the voter's signature and physical description or picture.

[3. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that county in the current election.]

Sec. 9.5. NRS 293.283 is hereby amended to read as follows:

293.283 1. If, because of physical limitations, a registered voter is unable to sign his or her name in the roster ***or on a signature card*** as required by NRS 293.277, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote.

2. If the identity of the voter is verified, the election board officer shall indicate in the roster "Identified" by the voter's name.

Sec. 10. NRS 293.285 is hereby amended to read as follows:

293.285 1. Except as otherwise provided in NRS 293.283, a registered voter applying to vote shall state his or her name to the election board officer in charge of the roster, and the officer shall immediately announce the name, instruct the voter to sign the roster ~~[and]~~ ***or signature card,*** verify the signature of the voter in the manner set forth in NRS 293.277 . ***[and verify that the registered voter has not already voted in that county in the current election.]***

2. If the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

Sec. 11. ~~[NRS 293.296 is hereby amended to read as follows:~~

~~293.296 1. Any registered voter who by reason of a physical disability or an inability to read or write English is unable to mark a ballot or use any voting device without assistance is entitled to assistance from a consenting person of his or her own choice, except:~~

~~(a) The voter's employer or an agent of the voter's employer; or~~

~~(b) An officer or agent of the voter's labor organization.~~

~~2. A person providing assistance pursuant to this section to a voter in casting a vote shall not disclose any information with respect to the casting of that ballot.~~

~~3. The right to assistance in casting a ballot may not be denied or impaired when the need for assistance is apparent or is known to the election board or any member thereof or when the registered voter requests such assistance in any manner.~~

~~4. In addition to complying with the requirements of this section, the county clerk and election board officer shall, upon the request of a registered voter with a physical disability, make reasonable accommodations to allow the voter to vote at~~ **~~[~~**~~his or her~~**~~]~~** ~~*a*~~ ~~polling place~~ **~~[.]~~** ~~*at which he or she is entitled to vote.]*~~ **(Deleted by amendment.)**

Sec. 11.2. **~~[~~**~~NRS 293.3561 is hereby amended to read as follows:~~

~~293.3561 1. [The]~~ ~~*Except as otherwise provided in subsection 3, the*~~ ~~permanent and temporary polling places for early voting by personal appearance must satisfy the criteria to be used to select permanent and temporary polling places for early voting by personal appearance provided by the county clerk pursuant to subsection 2.~~

~~2. The county clerk shall:~~

~~(a) Provide by rule or regulation for the criteria to be used to select permanent and temporary polling places for early voting by personal appearance; and~~

~~(b) At a meeting of the board of county commissioners, inform the board of the sites selected as permanent and temporary polling places for early voting by personal appearance.~~

~~*3. The provisions of subsection 1 do not apply to a temporary polling place for early voting established at a residential development exclusively for elderly persons with the consent of the owner pursuant to NRS 293.3572.]*~~ **(Deleted by amendment.)**

Sec. 11.4. NRS 293.3564 is hereby amended to read as follows:

293.3564 1. ~~**[**The**]**~~ ***Each*** county clerk ~~**[**may**]**~~ ***shall*** establish ***at least one*** permanent polling ~~**[**places**]**~~ ***place*** for early voting by personal appearance in the county ***.*** ~~**[**at the locations selected pursuant to NRS 293.3561.~~

~~2. Except as otherwise provided in subsection 3, *and NRS 293.3572,* any**]**~~

2. ***Any*** person entitled to vote early by personal appearance may do so at any polling place for early voting.

~~**[**3. If it is impractical for the county clerk to provide at each polling place for early voting a ballot in every form required in the county, the county clerk may:~~

~~(a) Provide appropriate forms of ballots for all offices within a township, city, town or county commissioner election district, as determined by the county clerk; and~~

~~(b) Limit voting at that polling place to registered voters in that township, city, town or county commissioner election district.**]**~~

Sec. 11.6. NRS 293.3572 is hereby amended to read as follows:

293.3572 1. In addition to permanent polling places for early voting, ***except as otherwise provided in subsection 3,*** the county clerk may establish

temporary branch polling places for early voting which may include, without limitation , the ~~[:~~

~~(a) The]~~ clerk's office pursuant to NRS 293.3561.

~~[(b) With the consent of the owner, a residential development exclusively for elderly persons. If the county clerk establishes a temporary branch polling place for early voting at a residential development exclusively for elderly persons pursuant to this paragraph, only residents of the development are entitled to vote at the temporary branch polling place.]~~

2. ***If an Indian reservation or Indian colony is located in whole or in part within a county, the Indian tribe may submit a request to the county clerk for the establishment of a temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony.***

3. A request for the establishment of a temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony:

(a) Must be submitted to the county clerk by the Indian tribe on or before:

(1) If the request is for a primary election, the first Friday in January of the year in which the general election is to be held.

(2) If the request is for a general election, the first Friday in July of the year in which the general election is to be held.

(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the temporary branch polling place and proposed hours of operation thereof. Any proposed location must satisfy the criteria established by the county clerk for the selection of temporary branch polling places pursuant to NRS 293.3561.

4. Except as otherwise provided in this subsection, if the county clerk receives a request that satisfies the requirements set forth in subsection 3, the county clerk must establish at least one temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony. The location and hours of operation of such a temporary branch polling place for early voting must be approved by the Indian tribe. The county clerk is not required to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony if the county clerk determines that it is not logistically feasible to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony.

5. The provisions of subsection 3 of NRS 293.3568 do not apply to a temporary ***branch*** polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the county clerk.

~~[3.]~~ ***6.*** The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

~~[4.]~~ *7.* The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.

Sec. 11.8. NRS 293.3585 is hereby amended to read as follows:

293.3585 1. Except as otherwise provided in NRS 293.283, upon the appearance of a person to cast a ballot for early voting, an election board officer shall:

(a) Determine that the person is a registered voter in the county.

(b) Instruct the voter to sign the roster for early voting ~~[.]~~ ***or a signature card.***

(c) Verify the signature of the voter in the manner set forth in NRS 293.277.

(d) Verify that the voter has not already voted ~~***[in that county]***~~ in the current election pursuant to this section.

2. If the signature of the voter does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in the current election pursuant to this section.

5. The roster for early voting ***or a signature card, as applicable,*** must contain:

(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number, if that information is available; and

(c) The date of voting early in person.

6. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

7. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district, if that information is available, and the form of ballot are indicated on the voting receipt, if the county clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

8. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293.303.

Sec. 11.9. NRS 293.3604 is hereby amended to read as follows:

293.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election other than a presidential preference primary election:

1. At the close of each voting day, the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

(1) The title of the election;

(2) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;

(3) The number of ballots voted on the mechanical recording device for that day; ~~[and]~~

(4) The number of signatures in the roster for early voting for that day ~~[.]~~ ***; and***

(5) The number of signatures on signature cards for the day.

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293.3594; and

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293.3594.

2. At the close of the last voting day, the county clerk shall deliver to the ballot board for early voting:

(a) The statements for all polling places for early voting;

(b) The voting rosters used for early voting;

(c) ***The signature cards used for early voting;***

(d) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and

~~[(d)]~~ ***(e)*** Any other items as determined by the county clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

(a) Indicate the number of ballots on an official statement of ballots; and

(b) Place the storage devices in the container provided to transport those items to the central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the storage devices to the central counting place.

Sec. 12. ~~[NRS 293.4689 is hereby amended to read as follows:~~

~~293.4689 1. If a county clerk maintains a website on the Internet for information related to elections, the website must contain public information maintained, collected or compiled by the county clerk that relates to elections, which must include, without limitation:~~

~~(a) The locations of polling places for casting a ballot on election day in such a format that a registered voter may search the list to determine the location of the polling place *or places* at which the registered voter is [required] *entitled* to cast a ballot; and~~

~~(b) The abstract of votes required pursuant to the provisions of NRS 293.388.~~

~~2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.~~

~~3. If the information required to be maintained by a county clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, another county clerk or a city clerk, the county clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.]~~ **(Deleted by amendment.)**

Sec. 12.5. ~~[NRS 293.563 is hereby amended to read as follows:~~

~~293.563 1. During the interval between the closing of registration and the election, the county clerk shall prepare for [each] :~~

~~*(a) Each* polling place a roster containing the registered voters eligible to vote at the polling place.~~

~~*(b) Each polling place established pursuant to section 2 of this act, if any, a roster containing the registered voters eligible to vote in the county.*~~

~~2. The [roster] *rosters* must be delivered or caused to be delivered by the county or city clerk to an election board officer of the proper polling place before the opening of the polls.]~~ **(Deleted by amendment.)**

Sec. 13. ~~[NRS 293.565 is hereby amended to read as follows:~~

~~293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:~~

~~(a) If applicable, the statement required by NRS 293.267;~~

~~(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;~~

~~(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;~~

~~(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and~~

~~(e) The full text of each proposed constitutional amendment.~~

~~2. If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.~~

~~3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:~~

~~(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;~~

~~(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and~~

~~(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.~~

~~4. A county clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a county clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the county clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.~~

~~5. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 4, the county clerk shall distribute the sample ballot to the registered voter by mail.~~

~~6. Before the period for early voting for any election begins, the county clerk shall distribute to each registered voter in the county by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place~~ **[.]** ~~***or places.*** If the location of the polling place ***or places*** has changed since the last election:~~

~~(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before distributing the sample ballots; or~~

~~(b) The sample ballot must also include a notice in bold type immediately above the location which states:~~

~~NOTICE: THE LOCATION OF YOUR POLLING PLACE ***OR PLACES*** HAS CHANGED SINCE THE LAST ELECTION~~

~~— 7. Except as otherwise provided in subsection 8, a sample ballot required to be distributed pursuant to this section must:~~

~~— (a) Be prepared in at least 12-point type; and~~

~~— (b) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:~~

~~NOTICE: TO RECEIVE A SAMPLE BALLOT IN LARGE TYPE, CALL (Insert appropriate telephone number)~~

~~— 8. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.~~

~~— 9. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.~~

~~— 10. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots distributed to that person from the county are in large type.~~

~~— 11. The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place~~ ***or places*** ~~and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:~~

~~— (a) The addresses of such centralized voting locations;~~

~~— (b) The types of specially equipped voting devices available at such centralized voting locations; and~~

~~— (c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place~~ **[.]** ***or places.***

~~— 12. The cost of distributing sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.~~**]** **(Deleted by amendment.)**

Sec. 14. **[**~~NRS 293.730 is hereby amended to read as follows:~~

~~— 293.730 1. A person shall not:~~

~~— (a) Remain in or outside of any polling place so as to interfere with the conduct of the election.~~

~~— (b) Except an election board officer, receive from any voter a ballot prepared by the voter.~~

~~— (c) Remove a ballot from any polling place before the closing of the polls.~~

~~(d) Apply for or receive a ballot at any election precinct or district other than [the] one at which the person is entitled to vote.~~

~~(e) Show his or her ballot to any person, after voting, so as to reveal any of the names voted for.~~

~~(f) Inside a polling place, ask another person for whom he or she intends to vote.~~

~~(g) Except an election board officer, deliver a ballot to a voter.~~

~~(h) Except an election board officer in the course of the election board officer's official duties, inside a polling place, ask another person his or her name, address or political affiliation.~~

~~2. A voter shall not:~~

~~(a) Receive a ballot from any person other than an election board officer.~~

~~(b) Deliver to an election board or to any member thereof any ballot other than the one received.~~

~~(c) Place any mark upon his or her ballot by which it may afterward be identified as the one voted by the person.~~

~~3. Any person who violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.]~~ **(Deleted by amendment.)**

Sec. 15. ~~[NRS 293.790 is hereby amended to read as follows:~~

~~293.790 If any person whose vote has been rejected offers to vote at the same election, at any polling place other than [the] one in which the person is [registered] *entitled* to vote, such person is guilty of a gross misdemeanor.]~~ **(Deleted by amendment.)**

Sec. 15.3. ~~[NRS 293C.268 is hereby amended to read as follows:~~

~~293C.268 [The]~~

~~*1. Except as otherwise provided in subsection 2, the* city clerk shall establish at least one polling place for a precinct in any residential development exclusively for elderly persons if:~~

~~[1.] *(a)* More than 100 of the residents of the development are registered to vote;~~

~~[2.] *(b)* There is a common area in the development which is adequate and available; and~~

~~[3.] *(c)* The owner of the development consents to the establishment of the polling place on his or her property.~~

~~*2. The city clerk is not required to establish a polling place in a residential development as described in subsection 1 if, with the consent of the owner of the residential development, the city clerk establishes a temporary branch polling place for early voting pursuant to NRS 293C.3572 at the residential development for at least 1 day.]*~~ **(Deleted by amendment.)**

Sec. 15.5. ~~[NRS 293C.3561 is hereby amended to read as follows:~~

~~293C.3561 1. [The] *Except as otherwise provided in subsection 3, the* permanent and temporary polling places for early voting by personal appearance must satisfy the criteria to be used to select permanent and

~~temporary polling places for early voting by personal appearance provided by the city clerk pursuant to subsection 2.~~

~~2. The city clerk shall:~~

~~(a) Provide by rule or regulation for the criteria to be used to select permanent and temporary polling places for early voting by personal appearance; and~~

~~(b) At a meeting of the city council or other governing body of the city, inform the city council or other governing body of the sites selected as permanent and temporary polling places for early voting by personal appearance.~~

~~*3. The provisions of subsection 1 do not apply to a temporary polling place for early voting established at a residential development exclusively for elderly persons with the consent of the owner pursuant to NRS 293C.3572.]*~~ **(Deleted by amendment.)**

Sec. 15.51. **Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If an Indian reservation or Indian colony is located in whole or in part within a city, the Indian tribe may submit a request to the city clerk for the establishment of a polling place within the boundaries of the Indian reservation or Indian colony for the day of a primary city election or general city election.

2. A request for the establishment of a polling place within the boundaries of an Indian reservation or Indian colony for the day of a primary city election or general city election:

(a) Must be submitted to the city clerk by the Indian tribe on or before:

(1) If the request is for a primary city election that is held:

(I) On the dates set forth for primary elections pursuant to the provisions of chapter 293 of NRS, the first Friday in January of the year in which the primary city election is to be held.

(II) On the dates set forth for primary city elections pursuant to the provisions of this chapter, the first Friday in December of the year immediately preceding the year in which the primary city election is to be held.

(2) If the request is for a general city election that is held:

(I) On the dates set forth for general elections pursuant to the provisions of chapter 293 of NRS, the first Friday in July of the year in which the general city election is to be held.

(II) On the dates set forth for general city elections pursuant to the provisions of this chapter, the first Friday in January of the year in which the general city election is to be held.

(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the polling place. Any proposed location for a polling place must satisfy the criteria the city clerk uses for the establishment of any other polling place.

3. Except as otherwise provided in this subsection, if the city clerk receives a request that satisfies the requirements set forth in subsection 2, the city clerk must establish at least one polling place within the boundaries of the Indian reservation or Indian colony at a location or locations, as applicable, approved by the Indian tribe for the day of a primary city election or general city election. The city clerk is not required to establish a polling place within the boundaries of the Indian reservation or Indian colony for the day of a primary city election or general city election if the city clerk established a temporary branch polling place for early voting pursuant to NRS 293C.3572 within the boundaries of the Indian reservation or Indian colony for the same election.

Sec. 15.52. **NRS 293C.112 is hereby amended to read as follows:**

293C.112 1. The governing body of a city may conduct a city election in which all ballots must be cast by mail if:

(a) The election is a special election; or

(b) The election is a primary city election or general city election in which the ballot includes only:

(1) Offices and ballot questions that may be voted on by the registered voters of only one ward; or

(2) One office or ballot question.

2. The provisions of NRS 293C.265 to 293C.302, inclusive, ***and section 15.51 of this act,*** 293C.305 to 293C.340, inclusive, and 293C.355 to 293C.361, inclusive, do not apply to an election conducted pursuant to this section.

3. For the purposes of an election conducted pursuant to this section, each precinct in the city shall be deemed to have been designated a mailing precinct pursuant to NRS 293C.342.

Sec. 15.53. **NRS 293C.270 is hereby amended to read as follows:**

293C.270 1. Except as otherwise provided in NRS 293C.272, if a person's name appears in the roster or if the person provides an affirmation pursuant to NRS 293C.525, the person is entitled to vote and must sign his or her name in the roster ***or on a signature card*** when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's application to register to vote or one of the forms of identification listed in subsection 2.

2. The forms of identification that may be used to identify a voter at the polling place are:

(a) The card issued to the voter at the time he or she registered to vote;

(b) A driver's license;

(c) An identification card issued by the Department of Motor Vehicles;

(d) A military identification card; or

(e) Any other form of identification issued by a governmental agency that contains the voter's signature and physical description or picture.

Sec. 15.54. **NRS 293C.272 is hereby amended to read as follows:**

293C.272 1. If, because of physical limitations, a registered voter is unable to sign his or her name in the roster ***or on a signature card*** as required by NRS 293C.270, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the card issued to the voter at the time he or she registered to vote.

2. If the identity of the voter is verified, the election board officer shall indicate in the roster "Identified" by the voter's name.

Sec. 15.55. **NRS 293C.275 is hereby amended to read as follows:**

293C.275 1. Except as otherwise provided in NRS 293C.272, a registered voter who applies to vote must state his or her name to the election board officer in charge of the roster, and the officer shall immediately announce the name, instruct the voter to sign the roster ***or signature card*** and verify the signature of the voter in the manner set forth in NRS 293C.270.

2. If the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the card issued to the voter at the time he or she registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

Sec. 15.6. NRS 293C.3564 is hereby amended to read as follows:

293C.3564 1. The city clerk ~~[may]~~ ***in a city providing for early voting pursuant to subparagraph (1) of paragraph (b) of subsection 2 of NRS 293C.110 shall*** establish ***at least one*** permanent polling ~~[places]~~ ***place*** for early voting by personal appearance in the city at the locations selected pursuant to NRS 293C.3561.

2. Any ~~***[Except as otherwise provided in NRS 293C.3572, any]***~~ person entitled to vote early by personal appearance may do so at any polling place for early voting.

Sec. 15.8. NRS 293C.3572 is hereby amended to read as follows:

293C.3572 1. In addition to permanent polling places for early voting, ***except as otherwise provided in subsection 3,*** the city clerk may establish temporary branch polling places for early voting pursuant to NRS 293C.3561 . ~~***[, including, without limitation, with the consent of the owner, at a residential development exclusively for elderly persons. If the city clerk***~~

~~*establishes a temporary branch polling place for early voting at a residential development exclusively for elderly persons pursuant to this subsection, only residents of the development are entitled to vote at the temporary branch polling place.]*~~

2. ***If an Indian reservation or Indian colony is located in whole or in part within a city, the Indian tribe may submit a request to the city clerk for the establishment of a temporary branch polling place within the boundaries of the Indian reservation or Indian colony.***

3. A request for the establishment of a temporary branch polling place within the boundaries of an Indian reservation or Indian colony:

(a) Must be submitted to the city clerk by the Indian tribe on or before:

(1) If the request is for a primary city election that is held:

(I) On the dates set forth for primary elections pursuant to the provisions of chapter 293 of NRS, the first Friday in January of the year in which the primary city election is to be held.

(II) On the dates set forth for primary city elections pursuant to the provisions of this chapter, the first Friday in December of the year immediately preceding the year in which the primary city election is to be held.

(2) If the request is for a general city election that is held:

(I) On the dates set forth for general elections pursuant to the provisions of chapter 293 of NRS, the first Friday in July of the year in which the general city election is to be held.

(II) On the dates set forth for general city elections pursuant to the provisions of this chapter, the first Friday in January of the year in which the general city election is to be held.

(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the temporary branch polling place and proposed hours thereof. Any proposed location must satisfy the criteria established by the city clerk pursuant to NRS 293C.3561.

4. Except as otherwise provided in this subsection, if the city clerk receives a request that satisfies the requirements set forth in subsection 3, the city clerk must establish at least one temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony. The location and hours of operation of such a temporary branch polling place for early voting must be approved by the Indian tribe. The city clerk is not required to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony if the city clerk determines that it is not logistically feasible to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony.

5. The provisions of subsection 3 of NRS 293C.3568 do not apply to a temporary ***branch*** polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the

period for early voting by personal appearance, as determined by the city clerk.

~~[3.]~~ ***6.*** The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

~~[4.]~~ ***7.*** The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.

Sec. 15.85. **NRS 293C.3585 is hereby amended to read as follows:**

293C.3585 1. Except as otherwise provided in NRS 293C.272, upon the appearance of a person to cast a ballot for early voting, an election board officer shall:

(a) Determine that the person is a registered voter in the county.

(b) Instruct the voter to sign the roster for early voting ~~[.]~~ ***or a signature card.***

(c) Verify the signature of the voter in the manner set forth in NRS 293C.270.

(d) Verify that the voter has not already voted in the current election pursuant to this section.

2. If the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the card issued to the voter at the time he or she registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The city clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in the current election pursuant to this section.

5. The roster for early voting ***or signature card, as applicable,*** must contain:

(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number, if that information is available; and

(c) The date of voting early in person.

6. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

7. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district, if that information is available, and the form of ballot are indicated on the voting receipt, if the city clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

8. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293C.292.

Sec. 15.9. **NRS 293C.3604 is hereby amended to read as follows:**

293C.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election other than a presidential preference primary election:

1. At the close of each voting day, the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

(1) The title of the election;

(2) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;

(3) The number of ballots voted on the mechanical recording device for that day; ~~[and]~~

(4) The number of signatures in the roster for early voting for that day ~~[.]~~ ***; and***

(5) The number of signatures on signature cards for that day.

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293C.3594; and

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293C.3594.

2. At the close of the last voting day, the city clerk shall deliver to the ballot board for early voting:

(a) The statements for all polling places for early voting;

(b) The voting rosters used for early voting;

(c) ***The signature cards used for early voting;***

(d) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and

~~[(d)]~~ ***(e)*** Any other items as determined by the city clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

(a) Indicate the number of ballots on an official statement of ballots; and

(b) Place the storage devices in the container provided to transport those items to the central counting place and seal the container with a number seal. The official statement of ballots must accompany the storage devices to the central counting place.

Sec. 15.95. **The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.**

Sec. 16. This act becomes effective ~~[on]~~ **:**

1. On July 1, 2017 ~~[.]~~ **, for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and**

2. On January 1, 2018, for all other purposes.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 492 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 492.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Senate Bill 492, among other things, requires under certain circumstances county and city clerks to establish polling places within the boundaries of Native American reservations and Native American colonies; authorizes voting materials to be provided in certain additional languages; and authorizes a voter to sign a signature card rather than a roster. I urge its support.

Roll call on Senate Bill No. 492:

YEAS—27.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.

Senate Bill No. 492 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 478.

Bill read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Senate Bill 478 requires an appointing authority—before taking action to dismiss, involuntarily demote, or suspend a permanent classified employee in the state service or when conducting a related internal administrative investigation—to conduct an impartial, fact-finding investigation into the allegations against the employee to determine whether evidence exists to justify the action. The employee has the option to waive this investigation.

An appointing authority must provide an employee with notice of the allegations against the employee within 30 days after the appointing authority becomes aware, or reasonably should have become aware, of the allegations. The bill prohibits an appointing authority from dismissing, demoting, or suspending a state employee based on allegations if the investigation into the allegations does not result in a determination of disciplinary action within 90 days of such a notice.

Finally, S.B. 478 provides that if the employee requests a hearing before the Personnel Commission to appeal his or her dismissal, demotion, or suspension, the appointing authority must produce and allow the employee or his or her representative to inspect or receive a copy of any document or evidence related to the internal investigation leading to the employee's dismissal, involuntary demotion, or suspension within five days after a request is made by the employee or his or her representative. The measure will become effective on July 1, 2017.

Roll call on Senate Bill No. 478:

YEAS—35.

NAYS—Ellison, Hansen, Krasner, Marchant, McArthur, Titus, Wheeler—7.

Senate Bill No. 478 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 443.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Senate Bill 443, as amended, requires the Aging and Disability Services Division, to the extent money is available, to employ one or more interpreters in the unclassified service. Senate Bill 443 also requires the Division of Human Resources Management within the Department of Administration to examine and submit a list of the position, duties, and responsibilities along with a recommended salary to the Interim Finance Committee to establish a salary for the positions. This bill is effective July 1, 2017.

Roll call on Senate Bill No. 443:

YEAS—40.

NAYS—Ellison, Marchant—2.

Senate Bill No. 443 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 551.

Bill read third time.

Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

Senate Bill 551, as amended, establishes the state's share of the cost of monthly contributions or premiums for group insurance for each active state officer and employee who elects to participate in the Public Employees' Benefits Program. For FY [Fiscal Year] 2018 and FY 2019, the monthly state contribution for active employee group insurance is $743.00 and $740.92, respectively.

Senate Bill 551 also establishes the state's share of the cost of monthly contributions and premiums for group health insurance for retired employee group insurance not eligible for Medicare. For FY 2018 and FY 2019, the monthly state contribution for retired employee group insurance is $445.03 and $451.23, respectively.

For Medicare-eligible state retirees, Senate Bill 551 establishes a monthly state contribution of $180.00 per in each year of the 2017-2019 biennium for those state employees who retired before January 1, 1994. For those employees who retired on or after January 1, 1994, the monthly state contribution is up to $240.00 per month in the 2017-2019 biennium.

Roll call on Senate Bill No. 551:
YEAS—42.
NAYS—None.
Senate Bill No. 551 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 552.
Bill read third time.
Roll call on Senate Bill No. 552:
YEAS—38.
NAYS—Ellison, Krasner, Marchant, McArthur—4.
Senate Bill No. 552 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 74, 390, 467, 500, 503, 511, 514, 522, 527, 528, 529, 530, 531, 532, 536, and 537 be taken from their positions on the General File and placed at the top of the General File.
Remarks by Assemblywoman Benitez-Thompson.
Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 3:26 p.m.

ASSEMBLY IN SESSION

At 3:28 p.m.
Mr. Speaker presiding.
Quorum present.

Assemblywoman Benitez-Thompson moved that the Assembly recess until 6 p.m.
Motion carried.

Assembly in recess at 3:28 p.m.

ASSEMBLY IN SESSION

At 9:03 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 377, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Senate Bills Nos. 497, 540; Senate Joint Resolution No. 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

OLIVIA DIAZ, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 155, 445, 482, 549, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 444, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 548, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 4, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 49, Amendment No. 1088; Assembly Bill No. 69, Amendment No. 1129; Assembly Bill No. 130, Amendment No. 1111; Assembly Bill No. 183, Amendment No. 1107; Assembly Bill No. 326, Amendment No. 1109; Assembly Bill No. 405, Amendment No. 1100; Assembly Bill No. 421, Amendment No. 1105; Assembly Bill No. 498, Amendment No. 1121; Assembly Bill No. 500, Amendment No. 1122, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 25, Senate Amendment No. 954, and requests a conference, and appointed Senators Segerblom, Cannizzaro and Denis as a Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 554.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 430.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 430.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 554.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 392 and 451 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 392.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 1138.

AN ACT relating to energy; revising provisions relating to payment of incentives to certain participants in the Solar Energy Systems Incentive Program, the Wind Energy Systems Demonstration Program and the Waterpower Energy Systems Demonstration Program; requiring the Public Utilities Commission of Nevada to adopt regulations establishing standards for the operation of community solar gardens; requiring a subscriber to a community solar garden to receive a credit on the subscriber's monthly utility bill for the subscriber's share of the electricity generated by the community solar garden; ~~[authorizing a utility to charge a net metering adjustment charge to subscribers under certain circumstances;]~~ setting forth the contractual requirements for a subscription to a community solar garden; requiring a utility to purchase the unsubscribed electricity of a community solar garden; requiring the Commission to issue portfolio energy credits to a subscriber organization that installs a community solar garden; providing that such portfolio energy credits are the property of the subscriber organization; repealing provisions requiring an electric utility to create a Lower Income Solar Energy Pilot Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Solar Energy Systems Incentive Program, the Wind Energy Systems Demonstration Program and the Waterpower Energy Systems Demonstration Program. Existing law further establishes the amount of incentives that may be authorized for payment by the Public Utilities Commission of Nevada to each Program. (NRS 701B.005, 701B.010-701B.290, 701B.400-701B.650, 701B.700-701B.880) **Section 1** of this bill combines the amount of existing incentives available for payment to each Program into a single pool of money from which the Commission may authorize the payment of an incentive to a Program. **Section 1** further

requires the Commission, for the period beginning on January 1, 2018, and ending on December 31, 2023, to authorize the payment of incentives in an amount of not more than $1,000,000 per year for the installation of solar energy systems, community solar gardens and distributed generation systems at locations throughout the service territories of electric utilities in this State which benefit low-income and moderate-income customers. **Section 2** of this bill authorizes that such incentives be made available to a participant for the installed cost of a community solar garden.

Sections 4-15 of this bill enact provisions governing community solar gardens in this State. **Section 5** defines a community solar garden as a solar energy system that: (1) has a nameplate capacity of not more than 12 megawatts; (2) is owned or operated by a subscriber organization; and (3) generates electricity for subscribers of the community solar garden. **Section 11** requires the Commission to adopt regulations establishing standards for the operation of community solar gardens in this State. The regulations adopted pursuant to **section 11** must: (1) establish goals for the generation of electricity by community solar gardens in this State; (2) establish eligibility requirements for subscriber organizations, including, without limitation, a requirement that a subscriber organization have at least 20 subscribers; (3) authorize any customer in any rate class to become a subscriber of a community solar garden; and (4) establish standards, charges, fees and processes for the interconnection of a community solar garden. **Sections 12 and 12.2** entitle a subscriber who participates in a community solar garden to a ~~[kilowatt-hour]~~ credit on the subscriber's monthly utility bill for the subscriber's share of the electricity generated by the community solar garden. ~~[Section]~~ **If Assembly Bill No. 405 of this session is enacted and becomes effective, sections 12** ~~[authorizes]~~ **and 17 of this bill provide for** a utility to ~~[charge the net metering adjustment charge established by section 28]~~ **apply a monetary credit on a subscriber's monthly utility bill that is less than the value of a full kilowatt-hour credit. The reduced credit will match the reduced credit which would be received by a customer-generator who receives a reduced credit for a kilowatt-hour pursuant to NRS 704.766 to 704.775, inclusive.** ~~[of Assembly Bill No. 405 of this session to each subscriber to a community solar garden.]~~ If Assembly Bill No. 405 of this session is not enacted or does not become effective, **sections 12.2 and 17** of this bill ~~[provide that a net metering adjustment charge will not be charged by a utility.]~~ **require the utility to apply a full monetary credit on a subscriber's monthly utility bill. Sections 12.4-12.8** of this bill set forth the requirements for the cover page, provisions and summary disclosure statement for a subscription to a community solar garden.

Section 13 requires a utility to purchase the unsubscribed electricity of a community solar garden located in the utility's service territory. **Section 14** requires the Commission to issue portfolio energy credits for community solar gardens and provides that: (1) such credits must be the property of the subscriber organization that owns or operates the community solar garden;

and (2) the subscriber organization is authorized to assign such credits to the utility. **Section 15** exempts community solar gardens, subscriber organizations and subscribers from regulation as public utilities unless a community solar garden, subscriber organization or subscriber otherwise constitutes a public utility.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 701B.005 is hereby amended to read as follows:

701B.005 1. For the purposes of carrying out the Solar Energy Systems Incentive Program created by NRS 701B.240, and subject to the limitations prescribed by ~~[~~subsection 2,~~]~~ ***subsections 2 and 3,*** the Public Utilities Commission of Nevada shall set incentive levels and schedules, with a goal of approving solar energy systems totaling at least 250,000 kilowatts of capacity in this State for the period beginning on July 1, 2010, and ending on December 31, 2021.

2. ~~[~~The~~]~~ ***Subject to the limitations prescribed by subsection 3, the*** Commission shall not authorize the payment of an incentive pursuant to ~~[~~:

~~(a) The~~~~]~~ ***the*** Solar Energy Systems Incentive Program ***created by NRS 701B.240, the Wind Energy Systems Demonstration Program created by NRS 701B.580 or the Waterpower Energy Systems Demonstration Program created by NRS 701B.820*** if the payment of the incentive would cause the total amount of incentives paid by all utilities in this State for the installation of solar energy systems ***, community solar gardens*** and solar distributed generation systems to exceed ~~[~~$255,270,000~~]~~ ***$295,270,000*** for the period beginning on July 1, 2010, and ending on December 31, 2025.

~~[(b) The Wind Energy Systems Demonstration Program created by NRS 701B.580 and the Waterpower Energy Systems Demonstration Program created by NRS 701B.820 if the payment of the incentive would cause the total amount of incentives paid by all utilities in this State for the installation of wind energy systems and waterpower energy systems to exceed $40,000,000 for the period beginning on July 1, 2009, and ending on December 31, 2025. The Commission shall by regulation determine the allocation of incentives for each Program.]~~

3. ***For the period beginning on January 1, 2018, and ending on December 31, 2023, the Commission shall, from the money authorized for the payment of incentives pursuant to subsection 2, authorize the payment of incentives in an amount of not more than $1,000,000 per year for the installation of solar energy systems, community solar gardens and distributed generation systems at locations throughout the service territories of the utilities in this State which benefit low- and moderate-income customers, including, without limitation, homeless shelters, low-income housing developments, Indian reservations, Indian colonies and public entities, other than municipalities, that serve significant populations of low-income and moderate-income residents.***

4. The Commission may, subject to the limitations prescribed by ~~[~~subsection 2,~~]~~ ***subsections 2 and 3,*** authorize the payment of performance-based incentives for the period ending on December 31, 2025.

~~[~~4.~~]~~ ***5.*** A utility may file with the Commission one combined annual plan which meets the requirements set forth in NRS 701B.230, 701B.610 and 701B.850. The Commission shall review and approve any plan submitted pursuant to this subsection in accordance with the requirements of NRS 701B.230, 701B.610 and 701B.850, as applicable.

~~[~~5.~~]~~ ***6.*** As used in this section:

(a) ***"Community solar garden" has the meaning ascribed to it in section 5 of this act.***

(b) "Distributed generation system" has the meaning ascribed to it in NRS 701B.055.

~~[~~(b)~~]~~ ***(c)*** "Utility" means a public utility that supplies electricity in this State.

Sec. 2. NRS 701B.200 is hereby amended to read as follows:

701B.200 The Commission shall adopt regulations necessary to carry out the provisions of NRS 701B.010 to 701B.290, inclusive, including, without limitation, regulations that:

1. Establish the type of incentives available to participants in the Solar Program and the level or amount of those incentives. The incentives must be market-based incentives that:

(a) Do not exceed 50 percent of the installed cost of a solar energy system ***, community solar garden*** or distributed generation system, as determined by using the average installed cost of the solar energy systems ***, community solar gardens*** or distributed generation systems, as applicable, installed in the immediately preceding year;

(b) Are designed to maximize the number of customer categories participating in the Solar Program based on demographics and location, including, without limitation, categories for public entities, customers of lower socioeconomic status, nonprofit organizations and commercial, industrial and residential customers; and

(c) Provide for a sustainable Solar Program that maintains sufficient customer participation and that provides for the measured award of incentives to as many participants as possible on or before December 31, 2021.

2. Establish the requirements for a utility's annual plan for carrying out and administering the Solar Program. A utility's annual plan must include, without limitation:

(a) A detailed plan for advertising the Solar Program;

(b) A detailed budget and schedule for carrying out and administering the Solar Program;

(c) A detailed account of administrative processes and forms that will be used to carry out and administer the Solar Program, including, without limitation, a description of the application process and copies of all

applications and any other forms that are necessary to apply for and participate in the Solar Program;

(d) A detailed account of the procedures that will be used for inspection and verification of a participant's solar energy system and compliance with the Solar Program;

(e) A detailed account of training and educational activities that will be used to carry out and administer the Solar Program;

(f) Any other information that the Commission requires from the utility as part of the administration of the Solar Program; and

(g) Any other information required by the Commission.

3. Authorize a utility to recover the reasonable costs incurred in carrying out and administering the installation of distributed generation systems.

Sec. 3. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 15, inclusive, of this act.

Sec. 4. ***As used in sections 4 to 15, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5 to 10, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 5. ***"Community solar garden" means a facility or energy system that uses a solar photovoltaic device to generate electricity which:***

1. Has a nameplate capacity of not more than 12 megawatts; and

2. Is owned or operated by a subscriber organization.

Sec. 6. ***"Subscriber" means a customer of a utility who subscribes to a community solar garden that is located in the service territory of the utility.***

Sec. 7. ***"Subscriber organization" means an entity that owns or operates a community solar garden, which may include, without limitation, a public utility.***

Sec. 8. ***"Subscription" means a contract between a subscriber organization and a subscriber setting forth the subscriber's proportional interest in a community solar garden.***

Sec. 9. ***"Unsubscribed electricity" means electricity, measured in kilowatt-hours, generated by a community solar garden that is not allocated to a subscriber.***

Sec. 10. ***"Utility" means a public utility that supplies electricity in this State.***

Sec. 11. ***1. The Commission shall adopt regulations establishing standards for the operation of community solar gardens. The regulations must:***

(a) Establish goals for the procurement of electricity from community solar gardens in this State, including, without limitation:

(1) A goal that, by 2023, community solar gardens in this State generate at least 200 megawatts of electric energy.

(2) A goal for the number of megawatts of electric energy in this State to be generated by community solar gardens in each year after 2023.

(b) Establish requirements for community solar gardens and subscriber organizations, which must:

(1) Require a community solar garden to have at least 20 subscribers;

(2) Prohibit a subscriber organization from allowing a subscriber to have a subscription that exceeds 40 percent of a proportional interest in a community solar garden owned or operated by the subscriber organization;

(3) Require a subscriber organization to make at least 40 percent of the total generating capacity of the community solar garden available in subscriptions to the community solar garden that are 25 kilowatts or less;

(4) Prohibit the location of one or more community solar gardens with a combined total nameplate capacity of more than 12 megawatts on a single parcel of land; and

(5) Require each community solar garden to be separately metered and interconnected, unless a utility grants a waiver to authorize joint metering or interconnection.

(c) Authorize a subscriber organization to enter into leases, sale-and-leaseback transactions, operating agreements and ownership arrangements with third parties.

(d) Require at least 10 percent of the total generating capacity of community solar gardens in this State be available for use by low-income residential customers of a utility or by persons providing services which benefit low-income customers, including, without limitation, homeless shelters, low-income housing developments, Indian reservations, Indian colonies and schools with a significant population of low-income pupils.

(e) Authorize any customer of a utility in any rate class of a utility to be a subscriber.

(f) Prohibit a utility from placing a subscriber into a different rate class because the subscriber has subscribed to a community solar garden.

(g) Provide for the transferability of subscriptions.

(h) Establish standards, charges, fees and processes for the interconnection of a community solar garden that allow the utility to recover reasonable interconnection costs for each community solar garden.

2. The regulations adopted by the Commission pursuant to subsection 1 must not impose different requirements for a community solar garden that is not owned or operated by a utility than the requirements imposed for a community solar garden owned or operated by a utility.

3. On or before September 1 of each year, each subscriber organization shall submit a report to the Commission demonstrating its compliance with the regulations adopted pursuant to subparagraph (2) of paragraph (b) of subsection 1.

Sec. 12. ***1. For a period of 25 years after a community solar garden owned or operated by a subscriber organization begins generating electricity, a subscriber is entitled to a kilowatt-hour credit on the subscriber's monthly utility bill for the proportional output of the community solar garden attributable to that subscriber for the preceding month. Except as otherwise required by the Commission, a utility may apply the credit to the subscriber's monthly utility bill as a reduction in***

metered use or a monetary credit to the total amount due for the bill. Any excess credit must be carried over to subsequent billing periods. Except as otherwise provided in subsection 2, any monetary credit applied on a subscriber's monthly utility bill pursuant to this subsection shall be not less than the value of the credit had it been applied as a kilowatt-hour credit on the subscriber's monthly utility bill.

2. ~~[The Commission shall authorize a utility to charge a subscriber an adjustment charge for each kilowatt-hour of electricity credited to the subscriber. The adjustment charge must equal the net metering adjustment charge in effect pursuant to section 28 of Assembly Bill No. 405 of this session.]~~ A utility shall apply a monetary credit on a subscriber's monthly utility bill that is less than the value of the credit had it been applied as a kilowatt-hour credit on the subscriber's monthly utility bill if a provision of NRS 704.766 to 704.775, inclusive, expressly requires a customer-generator to receive a reduced credit for each kilowatt-hour of excess electricity fed back to the utility by the customer-generator. The amount of the monetary credit on a subscriber's monthly utility bill must equal the amount of the reduced credit applicable to a customer-generator at the time that the community solar garden was allocated capacity pursuant to section 4 to 15, inclusive, of this act.

3. A subscriber organization shall, on a monthly basis and at other reasonable times determined by the utility in the service territory in which the community solar garden owned or operated by the subscriber organization is located, provide to the utility information necessary to determine the proportional share of each subscription.

4. As used in this section, "customer-generator" has the meaning ascribed to it in NRS 704.768.

Sec. 12.2. *1. For a period of 25 years after a community solar garden owned or operated by a subscriber organization begins generating electricity, a subscriber is entitled to a kilowatt-hour credit on the subscriber's monthly utility bill for the proportional output of the community solar garden attributable to that subscriber for the preceding month. Except as otherwise required by the Commission, a utility may apply the credit to the subscriber's monthly utility bill as a reduction in metered use or a monetary credit to the total amount due for the bill. Any excess credit must be carried over to subsequent billing periods. ~~[Except as otherwise provided in subsection 2, any]~~ Any monetary credit applied on a subscriber's monthly utility bill pursuant to this subsection shall be not less than the value of the credit had it been applied as a kilowatt-hour credit on the subscriber's monthly utility bill.*

2. ~~[Except as otherwise provided in subsection 3, the Commission may appropriately increase or reduce the value of a kilowatt-hour credit earned by a subscriber to a community solar garden pursuant to subsection 1 if the Commission determines that a community solar garden:~~

~~*(a) Relieves loading on the transmission or distribution system and reduces the long-term cost of transmission or distribution capacity; or*~~

~~*(b) Increases loading on the transmission or distribution system and imposes incremental increases on the long-term cost of transmission or distribution capacity.*~~

~~*3. The Commission shall ensure that any increase or reduction in the value of a kilowatt-hour credit does not duplicate a cost that has already been credited by or paid to a utility from a subscriber or subscriber organization.*~~

~~*4.]*~~ ***A subscriber organization shall, on a monthly basis and at other reasonable times determined by the utility in the service territory in which the community solar garden owned or operated by the subscriber organization is located, provide to the utility information necessary to determine the proportional share of each subscription.***

Sec. 12.3. ***A subscription to a community solar garden must be in writing and comply with the requirements of sections 12.4, 12.6 and 12.8 of this act.***

Sec. 12.4. ***A subscription to a community solar garden must include a cover page that provides the following information in writing in at least 10-point font:***

1. The amount due at the signing of the subscription.

2. An estimated timeline for the month in which the subscriber will begin receiving kilowatt-hour credits on the subscriber's monthly utility bill.

3. The estimated amount of any monthly payments due under the subscription for the first year of operation of the community solar garden and any known increases in monthly payments for the term of the subscription.

4. The length of the term of the subscription.

5. A description of any guarantees relating to the performance of the community solar garden.

6. The rate of any payment increases.

7. The estimated production of the community solar garden attributable to the subscription in the first year of operation.

8. A description of the terms for renewal or any other options available at the end of the term of the subscription.

Sec. 12.6. ***A subscription to a community solar garden must include, without limitation, the following information in writing in at least 10-point font:***

1. The name, mailing address and telephone number of the subscriber organization.

2. An estimated timeline for the month in which the subscriber will begin receiving kilowatt-hour credits on the subscriber's monthly utility bill.

3. The length of the term of the subscription.

4. A general description of the community solar garden to which the subscription is applied.

5. The amounts, if any, of the:

(a) Monthly payments due under the subscription; and

(b) Total payments due under the subscription, excluding taxes.

6. A description of any other one-time or recurring charges, including, without limitation, a description of the circumstances that trigger any late fees.

7. A description of any obligation the subscriber organization has regarding the installation, repair or removal of the community solar garden.

8. A description of any guarantees relating to the performance of the community solar garden.

9. A description of any:

(a) Taxes due at the commencement of the subscription; and

(b) Estimation of taxes known to be applicable during the term of the subscription, subject to any change in the state or local tax rate or tax structure.

10. A disclosure notifying the subscriber of the transferability of the obligations under the subscription to a subsequent subscriber.

11. The identification of any state or federal tax incentives that are included in calculating the amount of the monthly payments due under the lease.

12. A description of the ownership of any tax credits, tax rebates, tax incentives or portfolio energy credits in connection with the community solar garden.

13. Any terms for renewal of the subscription.

14. A description of all options available to the subscriber in the event of a change of the subscriber's location or residence:

(a) Within the same service territory; or

(b) To another service territory.

15. An estimate of the amount of electricity that could be generated by the community solar garden attributable to the subscription in the first year of operation.

16. The granting to the subscriber of the right to rescind the subscription for a period ending not less than 3 business days after the subscription is signed.

17. A signature block that is signed and dated by the subscriber and the subscriber organization.

Sec. 12.8. ***1. The subscription to a community solar garden must include a written disclosure that is not more than three pages in length and is in at least 10-point font.***

2. The disclosure described in subsection 1 must be separate from the cover page and subscription described in sections 12.4 and 12.6 of this act.

3. The disclosure described in subsection 1 must include, without limitation:

(a) The name, mailing address, telephone number and electronic mail address of the subscriber organization;

(b) The length of the term of the subscription;

(c) The amount due at the signing of the subscription;

(d) The estimated amount of the monthly payments due under the subscription;

(e) The estimated amount of the total payments due under the subscription;

(f) A description of any one-time or recurring fees, including, without limitation, a description of the circumstances that trigger:

(1) Any late fees; and

(2) Any cancellation fees;

(g) The total number of payments to be made under the subscription;

(h) The due date of any payment and the manner in which the subscriber will receive an invoice for such payments;

(i) The rate of any payment increases and the date on which the first increase in the rate may occur, if applicable;

(j) Assumptions concerning the design of the community solar garden, including, without limitation:

(1) The size of the community solar garden;

(2) The estimated amount of production for the community solar garden in the first year of operation;

(3) The estimated annual degradation to the community solar garden; and

(4) As specified by the subscription at the time of installation of the community solar garden, whether or not an electric utility must credit a subscriber for any excess energy that is generated by the community solar garden attributable to the subscription;

(k) A disclosure notifying the subscriber if maintenance and repairs of the community solar garden are included in the subscription;

(l) A disclosure describing the transferability of the subscription;

(m) A description of any guarantees relating to the performance of the community solar garden;

(n) A description of the basis for any estimates of savings that were provided to the subscriber, if applicable; and

(o) A disclosure concerning the retention of any portfolio energy credits, if applicable.

Sec. 13. ***A utility shall purchase unsubscribed electricity generated by a community solar garden within the service area of the utility. Compensation for unsubscribed energy must be provided to the subscriber organization at the rate offered for short-term purchases from qualifying facilities set forth in regulations adopted pursuant to NRS 704.210.***

Sec. 14. ***1. After a subscriber organization installs a community solar garden, the Commission shall issue portfolio energy credits for use within the system of portfolio energy credits adopted by the Commission pursuant to NRS 704.7821 and 704.78213.***

2. The Commission shall designate the portfolio energy credits issued pursuant to this section as portfolio energy credits generated, acquired or saved from solar renewable energy systems for the purposes of the portfolio standard.

3. Notwithstanding any other provision of law, portfolio energy credits issued for a community solar garden installed pursuant to the regulations adopted pursuant to section 11 of this act must be considered the property of the subscriber organization. The subscriber organization may assign such portfolio energy credits to the utility for the service territory of the community solar garden generating the portfolio energy credits.

Sec. 15. ***Notwithstanding any other provision of law, a community solar garden, subscriber organization or subscriber is not a public utility and is not subject to regulation as a public utility by the Commission, other than regulation under sections 4 to 15, inclusive, of this act, unless the community solar garden, subscriber organization or subscriber constitutes a public utility and is subject to regulation by the Commission under the provisions of this chapter other than sections 4 to 15, inclusive, of this act.***

Sec. 16. NRS 704.786 is hereby repealed.

Sec. 17. 1. This section and sections 1 to 11, inclusive, and 12.3 to 16, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations or performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On July 1, 2017, for all other purposes.

2. If, and only if, Assembly Bill No. 405 of this session is enacted and becomes effective, section 12 of this act becomes effective:

(a) Upon passage and approval for the purpose of adopting any regulations or performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On July 1, 2017, for all other purposes.

3. If, and only if, Assembly Bill No. 405 of this session is not enacted or does not become effective, section 12.2 of this act becomes effective:

(a) Upon passage and approval for the purpose of adopting any regulations or performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On July 1, 2017, for all other purposes.

4. Sections 1 and 2 of this act expire by limitation on December 31, 2025.

TEXT OF REPEALED SECTION

704.786 Lower Income Solar Energy Pilot Program: Creation required by each electric utility in State.

1. Each electric utility in this State shall create a Lower Income Solar Energy Pilot Program for the purpose of installing, before January 1, 2017, distributed generation systems with a cumulative capacity of at least 1 megawatt at locations throughout its service territory which benefit low-income customers, including, without limitation, homeless shelters, low-income housing developments and schools with significant populations of low-income pupils. Each electric utility shall submit the Program as part of its annual plan submitted pursuant to NRS 701B.230. The Commission shall approve the Program with such modifications and upon such terms and conditions as the Commission deems necessary or appropriate to enable the Program to meet the purposes set forth in this subsection.

2. The Office of Energy shall advise the Commission and each electric utility regarding grants and other sources of money available to defray the costs of the Program.

3. As used in this section, "distributed generation system" has the meaning ascribed to it in NRS 701B.055.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 451.

Bill read third time.

The following amendment was proposed by the Committee on Corrections, Parole, and Probation:

Amendment No. 1130.

AN ACT relating to criminal justice; creating the Nevada Sentencing Commission; prescribing the membership and duties of the Sentencing Commission; enacting various provisions relating to the Sentencing Commission; authorizing the Sentencing Commission to issue subpoenas; revising certain provisions governing the Advisory Commission on the Administration of Justice; authorizing the Sentencing Commission to request the drafting of not more than 1 legislative measure for each regular session of the Legislature; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Advisory Commission on the Administration of Justice and directs the Advisory Commission, among other duties, to identify and study the elements of this State's system of criminal justice, including certain issues relating to the sentencing of persons convicted of

felonies and gross misdemeanors. (NRS 176.0123, 176.0125) **Section 5** of this bill creates the Nevada Sentencing Commission and provides for the membership of the Sentencing Commission. **Section 6** of this bill prescribes the duties of the Sentencing Commission, and includes, among other duties related to the sentencing of offenders convicted of a crime, a duty to make recommendations concerning the adoption of sentencing guidelines. **Section 12** of this bill repeals certain duties of the Advisory Commission on the Administration of Justice under existing law, as those duties are reenacted and replaced in **section 6**.

Existing law prescribes the number of legislative measures which may be requested by various departments, agencies and other entities of this State for each regular session of the Legislature. (NRS 218D.100-218D.220) **Section 17** of this bill authorizes the Nevada Sentencing Commission to request for each regular session of the Legislature the drafting of not more than 1 legislative measure which relates to matters within the scope of the Sentencing Commission.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 176 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. ***The Legislature hereby finds, and declares to be the public policy of this State, that:***

1. Sentencing and corrections policies should embody fairness, consistency, proportionality and opportunity.

2. The laws of this State should convey a clear and purposeful rationale regarding sentencing and corrections. The statutes governing criminal justice should articulate the purpose of sentencing, and related policies and practices should be logical, understandable and transparent to stakeholders and the public.

3. A continuum of sentencing and corrections options should be available, with imprisonment reserved for the most serious offenders and adequate community programs for diversion and supervision of other offenders.

4. Sentencing and corrections policies should be resource sensitive as those policies may impact costs, inmate populations and public safety. Criminal justice agencies should strive to effectively measure costs and benefits.

5. Criminal justice information should be a foundation for effective data driven sentencing and corrections policies.

6. Sentencing and corrections policies should reflect current circumstances and needs.

7. Strategies to reduce crime and victimization should involve prevention, treatment, health and labor and must endeavor to utilize all available federal, academic and private resources and expertise.

Sec. 4. *As used in sections 4 to 11, inclusive, of this act, "Sentencing Commission" means the Nevada Sentencing Commission created by section 5 of this act.*

Sec. 5. *1. The Nevada Sentencing Commission is hereby created. The Sentencing Commission consists of:*

(a) One member appointed by the Governor;

(b) One member who is a justice of the Supreme Court of Nevada or a retired justice of the Supreme Court of Nevada, appointed by the Chief Justice of the Supreme Court of Nevada;

(c) Two members who are judges appointed by the Chief Justice of the Supreme Court of Nevada;

(d) One member who is a representative of the Administrative Office of the Courts appointed by the Chief Justice of the Supreme Court of Nevada;

(e) The Director of the Department of Corrections;

(f) The Attorney General;

(g) One member who is a representative of the Office of the Attorney General, appointed by the Attorney General;

(h) One member who is a district attorney, appointed by the governing body of the Nevada District Attorneys Association;

(i) The State Public Defender;

(j) One member who is a representative of ~~[an]~~ the office of a county public defender, appointed by the governing body of the State Bar of Nevada;

~~[(j)]~~ (k) One member who is an attorney in private practice, experienced in defending criminal actions, appointed by the governing body of the State Bar of Nevada;

~~[(k)]~~ (l) One member who has been a victim of a crime or is a representative of an organization supporting the rights of victims of crime, appointed by the Governor;

~~[(l)]~~ (m) One member who is a member of the State Board of Parole Commissioners, appointed by the State Board of Parole Commissioners;

~~[(m)]~~ (n) One member who is a representative of the Division of Parole and Probation of the Department of Public Safety, appointed by the Governor;

~~[(n)]~~ (o) One member who is a representative of the Nevada Sheriffs' and Chiefs' Association, appointed by the Nevada Sheriffs' and Chiefs' Association;

~~[(o)]~~ (p) One member who is a representative of the Las Vegas Metropolitan Police Department, appointed by the Sheriff of Clark County;

~~[(p)]~~ (q) One member who is a representative of the Division of Public and Behavioral Health of the Department of Health and Human Services;

~~[(q)]~~ (r) One member who is a representative of an organization that advocates on behalf of inmates, appointed by the Governor;

~~[(r)]~~ (s) Two members who are Senators, one of whom is appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate; ~~[and~~

~~(s)]~~

(t) Two members who are members of the Assembly, one of whom is appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly ~~[.]~~ ;

(u) The Director of the Department of Employment, Training and Rehabilitation; and

(v) One member who is a representative of an organization that works with offenders upon release from incarceration to assist in reentry into the community appointed by the Chair of the Legislative Commission.

2. If any organization listed in subsection 1 ceases to exist, the appointment required pursuant to that subsection must be made by the association's successor in interest, or, if there is no successor in interest, by the Governor.

3. Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Sentencing Commission must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

4. The Legislators who are members of the Sentencing Commission are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Sentencing Commission.

5. At the first regular meeting of each odd-numbered year, the members of the Sentencing Commission shall elect a Chair by majority vote who shall serve until the next Chair is elected.

6. The Sentencing Commission shall meet at least once every 3 months and may meet at such further times as deemed necessary by the Chair.

7. A member of the Sentencing Commission may designate a nonvoting alternate to attend a meeting in his or her place.

8. A majority of the members of the Sentencing Commission constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Sentencing Commission.

~~[8.]~~ A nonvoting alternate designated by a member pursuant to subsection 7 who attends a meeting of the Sentencing Commission for which the alternate is designated shall be deemed to be a member of the Sentencing Commission for the purpose of determining whether a quorum exists.

9. While engaged in the business of the Sentencing Commission, to the extent of legislative appropriation, each member of the Sentencing

Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

~~[9.]~~ 10. To the extent of legislative appropriation, the Director of the Legislative Counsel Bureau shall provide the Sentencing Commission with such staff as is necessary to carry out the duties of the Sentencing Commission.

Sec. 6. *The Sentencing Commission shall:*

1. Advise the Legislature on proposed legislation and make recommendations with respect to all matters relating to the elements of this State's system of criminal justice which affect the sentences imposed for felonies and gross misdemeanors.

2. Evaluate the effectiveness and fiscal impact of various policies and practices regarding sentencing which are employed in this State and other states, including, without limitation, the use of plea bargaining, probation, programs of intensive supervision, programs of regimental discipline, imprisonment, sentencing recommendations, mandatory and minimum sentencing, mandatory sentencing for crimes involving the possession, manufacture and distribution of controlled substances, enhanced penalties for habitual criminals, parole, credits against sentences, residential confinement and alternatives to incarceration.

3. Recommend changes in the structure of sentencing in this State which, to the extent practicable and with consideration for their fiscal impact, incorporate general objectives and goals for sentencing, including, without limitation, the following:

(a) Offenders must receive sentences that increase in direct proportion to the severity of their crimes and their histories of criminality.

(b) Offenders who have extensive histories of criminality or who have exhibited a propensity to commit crimes of a predatory or violent nature must receive sentences which reflect the need to ensure the safety and protection of the public and which allow for the imprisonment for life of such offenders.

(c) Offenders who have committed offenses that do not include acts of violence and who have limited histories of criminality must receive sentences which reflect the need to conserve scarce economic resources through the use of various alternatives to traditional forms of incarceration.

(d) Offenders with similar histories of criminality who are convicted of similar crimes must receive sentences that are generally similar.

(e) Offenders sentenced to imprisonment must receive sentences which do not confuse or mislead the public as to the actual time those offenders must serve while incarcerated or before being released from confinement or supervision.

(f) Offenders must not receive disparate sentences based upon factors such as race, gender or economic status.

(g) Offenders must receive sentences which are based upon the specific circumstances and facts of their offenses, including the nature of the offense and any aggravating factors, the savagery of the offense, as evidenced by the extent of any injury to the victim, and the degree of criminal sophistication demonstrated by the offender's acts before, during and after commission of the offense.

4. Facilitate the development and maintenance of a statewide sentencing database in collaboration with state and local agencies, using existing databases or resources where appropriate.

5. Provide training regarding sentencing and related issues, policies and practices, and act as a sentencing policy resource for this State.

6. Evaluate the impact of pretrial, sentencing diversion, incarceration and postrelease supervision programs.

7. Identify potential areas of sentencing disparity related to race, gender and economic status.

8. Propose and recommend statutory sentencing guidelines, based on reasonable offense and offender characteristics which aim to preserve judicial discretion and provide for individualized sentencing, for the use of the district courts. If such guidelines are enacted by the Legislature, the Sentencing Commission shall review and propose any recommended changes.

9. Evaluate whether sentencing guidelines recommended pursuant to subsection 8 should be mandatory and if judicial findings should be required for any departures from the sentencing guidelines.

10. For each regular session of the Legislature, prepare a comprehensive report including:

(a) The Sentencing Commission's recommended changes pertaining to sentencing;

(b) The Sentencing Commission's findings and any recommendations for proposed legislation; and

(c) A reference to any legislative measure requested pursuant to section 17 of this act.

➥ The report must be submitted to the Director of the Legislative Counsel Bureau for distribution to the Legislature not later than January 1 of each odd-numbered year.

Sec. 7. *1. The Chair of the Sentencing Commission may apply for and accept any available grants and may accept any bequests, devises, donations or gifts from any public or private source to carry out the provisions of sections 4 to 11, inclusive, of this act.*

2. Any money received pursuant to this section must be deposited in the Special Account for the Support of the Nevada Sentencing Commission, which is hereby created in the State General Fund. Interest and income earned on money in the Account must be credited to the Account. Money in the Account may only be used for the support of the Sentencing

Commission and its activities pursuant to sections 4 to 11, inclusive, of this act.

Sec. 8. ***1. To carry out its powers and duties pursuant to sections 4 to 11, inclusive, of this act, the Sentencing Commission, or any member thereof acting on behalf of the Sentencing Commission with a concurrence of a majority of the members of the Sentencing Commission, may issue subpoenas to compel the attendance of witnesses and the production of books, records, documents or other papers and testimony.***

2. If any person fails to comply with a subpoena issued by the Sentencing Commission or any member thereof pursuant to this section within 20 days after the date of service of the subpoena, the Sentencing Commission may petition the district court for an order of the court compelling compliance with the subpoena.

3. Upon such a petition, the court shall enter an order directing the person subpoenaed to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 20 days after the date of service of the order, and show cause why the person has not complied with the subpoena. A certified copy of the order must be served upon the person subpoenaed.

4. If it appears to the court that the subpoena was regularly issued by the Sentencing Commission or a member thereof pursuant to this section, the court shall enter an order compelling compliance with the subpoena, and upon failure to obey the order the person shall be dealt with as for contempt of court.

Sec. 9. ***1. The Department of Corrections shall:***

(a) Provide the Sentencing Commission with any available statistical information or research requested by the Sentencing Commission and assist the Sentencing Commission in the compilation and development of information requested by the Sentencing Commission, including, without limitation, information or research concerning the facilities and institutions of the Department of Corrections, the offenders who are or were within those facilities or institutions, rates of recidivism, the effectiveness of educational and vocational programs and the sentences which are being served or were served by those offenders;

(b) If requested by the Sentencing Commission, make available to the Sentencing Commission the use of the computers and programs which are owned by the Department of Corrections; and

(c) Provide the independent contractor retained by the Department of Administration pursuant to NRS 176.0129 with any available statistical information requested by the independent contractor for the purpose of performing the projections required by NRS 176.0129.

2. The Division shall:

(a) Provide the Sentencing Commission with any available statistical information or research requested by the Sentencing Commission and assist the Sentencing Commission in the compilation and development of

information concerning sentencing, probation, parole and any offenders who are or were subject to supervision by the Division;

(b) If requested by the Sentencing Commission, make available to the Sentencing Commission the use of the computers and programs which are owned by the Division; and

(c) Provide the independent contractor retained by the Department of Administration pursuant to NRS 176.0129 with any available statistical information requested by the independent contractor for the purpose of performing the projections required by NRS 176.0129.

Sec. 10. ***The Central Repository for Nevada Records of Criminal History shall provide the Sentencing Commission with any statistical data and information required to be collected pursuant to NRS 176.0128, as requested by the Sentencing Commission.***

Sec. 11. ***The Department of Administration shall provide the Sentencing Commission with any projections on persons imprisoned, on probation, on parole and serving a term of residential confinement required pursuant to NRS 176.0129, as requested by the Sentencing Commission.***

Sec. 12. NRS 176.0125 is hereby amended to read as follows:

176.0125 The Commission shall:

1. ~~[~~Identify~~]~~ ***Except as otherwise provided pursuant to section 6 of this act, evaluate*** and study the elements of this State's system of criminal justice ***.*** ~~[~~which affect the sentences imposed for felonies and gross misdemeanors.

~~2. Evaluate the effectiveness and fiscal impact of various policies and practices regarding sentencing which are employed in this State and other states, including, but not limited to, the use of plea bargaining, probation, programs of intensive supervision, programs of regimental discipline, imprisonment, sentencing recommendations, mandatory and minimum sentencing, mandatory sentencing for crimes involving the possession, manufacture and distribution of controlled substances, structured or tiered sentencing, enhanced penalties for habitual criminals, parole, credits against sentences, residential confinement and alternatives to incarceration.~~

~~3. Recommend changes in the structure of sentencing in this State which, to the extent practicable and with consideration for their fiscal impact, incorporate general objectives and goals for sentencing, including, but not limited to, the following:~~

~~(a) Offenders must receive sentences that increase in direct proportion to the severity of their crimes and their histories of criminality.~~

~~(b) Offenders who have extensive histories of criminality or who have exhibited a propensity to commit crimes of a predatory or violent nature must receive sentences which reflect the need to ensure the safety and protection of the public and which allow for the imprisonment for life of such offenders.~~

~~(c) Offenders who have committed offenses that do not include acts of violence and who have limited histories of criminality must receive sentences~~

~~which reflect the need to conserve scarce economic resources through the use of various alternatives to traditional forms of incarceration.~~

~~(d) Offenders with similar histories of criminality who are convicted of similar crimes must receive sentences that are generally similar.~~

~~(e) Offenders sentenced to imprisonment must receive sentences which do not confuse or mislead the public as to the actual time those offenders must serve while incarcerated or before being released from confinement or supervision.~~

~~(f) Offenders must not receive disparate sentences based upon factors such as race, gender or economic status.~~

~~(g) Offenders must receive sentences which are based upon the specific circumstances and facts of their offenses, including the nature of the offense and any aggravating factors, the savagery of the offense, as evidenced by the extent of any injury to the victim, and the degree of criminal sophistication demonstrated by the offender's acts before, during and after commission of the offense.~~

~~4.~~**]** ***2.*** Evaluate the effectiveness and efficiency of the Department of Corrections and the State Board of Parole Commissioners with consideration as to whether it is feasible and advisable to establish an oversight or advisory board to perform various functions and make recommendations concerning:

(a) Policies relating to parole;

(b) Regulatory procedures and policies of the State Board of Parole Commissioners;

(c) Policies for the operation of the Department of Corrections;

(d) Budgetary issues; and

(e) Other related matters.

[~~5.~~**]** ***3.*** Evaluate the effectiveness of specialty court programs in this State with consideration as to whether such programs have the effect of limiting or precluding reentry of offenders and parolees into the community.

[~~6.~~**]** ***4.*** Evaluate the policies and practices concerning presentence investigations and reports made by the Division of Parole and Probation of the Department of Public Safety, including, without limitation, the resources relied on in preparing such investigations and reports and the extent to which judges in this State rely on and follow the recommendations contained in such presentence investigations and reports.

[~~7.~~**]** ***5.*** Evaluate, review and comment upon issues relating to juvenile justice in this State, including, but not limited to:

(a) The need for the establishment and implementation of evidence-based programs and a continuum of sanctions for children who are subject to the jurisdiction of the juvenile court; and

(b) The impact on the criminal justice system of the policies and programs of the juvenile justice system.

[~~8. Compile and develop statistical information concerning sentencing in this State.~~

~~9.~~] ***6.*** Identify and study issues relating to the application of chapter 241 of NRS to meetings held by the:

(a) State Board of Pardons Commissioners to consider an application for clemency; and

(b) State Board of Parole Commissioners to consider an offender for parole.

~~[10.]~~ ***7.*** Identify and study issues relating to the operation of the Department of Corrections, including, without limitation, the system for allowing credits against the sentences of offenders, the accounting of such credits and any other policies and procedures of the Department which pertain to the operation of the Department.

~~[11.]~~ ***8.*** Evaluate the policies and practices relating to the involuntary civil commitment of sexually dangerous persons.

~~[12.]~~ ***9.*** Identify and study the impacts and effects of collateral consequences of convictions in this State. Such identification and study:

(a) Must cause to be identified any provision in the Nevada Constitution, the Nevada Revised Statutes and the Nevada Administrative Code which imposes a collateral sanction or authorizes the imposition of a disqualification, and any provision of law that may afford relief from a collateral consequence;

(b) May rely on the study of this State's collateral sanctions, disqualifications and relief provisions prepared by the National Institute of Justice described in section 510 of the Court Security Improvement Act of 2007, Public Law 110-177; and

(c) Must include the posting of a hyperlink on the Commission's website to any study of this State's collateral sanctions, disqualifications and relief provisions prepared by the National Institute of Justice described in section 510 of the Court Security Improvement Act of 2007, Public Law 110-177.

~~[13.]~~ ***10.*** For each regular session of the Legislature, prepare a comprehensive report including the Commission's recommended changes pertaining to the administration of justice in this State, the Commission's findings and any recommendations of the Commission for proposed legislation. The report must be submitted to the Director of the Legislative Counsel Bureau for distribution to the Legislature not later than September 1 of each even-numbered year.

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. Chapter 218D of NRS is hereby amended by adding thereto a new section to read as follows:

1. For a regular session, the Nevada Sentencing Commission created by section 5 of this act may request the drafting of not more than 1 legislative measure which relates to matters within the scope of the

Commission. The request must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. A request made pursuant to this section must be on a form prescribed by the Legislative Counsel. A legislative measure requested pursuant to this section must be prefiled on or before the third Wednesday in November preceding the regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.

3. The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.

Sec. 18. NRS 218D.100 is hereby amended to read as follows:

218D.100 1. The provisions of NRS 218D.100 to 218D.220, inclusive, ***and section 17 of this act*** apply to requests for the drafting of legislative measures for a regular session.

2. Except as otherwise provided by a specific statute, joint rule or concurrent resolution, the Legislative Counsel shall not honor a request for the drafting of a legislative measure if the request:

(a) Exceeds the number of requests authorized by NRS 218D.100 to 218D.220, inclusive, ***and section 17 of this act*** for the requester; or

(b) Is submitted by an authorized nonlegislative requester pursuant to NRS 218D.175 to 218D.220, inclusive, ***and section 17 of this act*** but is not in a subject related to the function of the requester.

3. The Legislative Counsel shall not:

(a) Assign a number to a request for the drafting of a legislative measure to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.

(b) Honor a request to change the subject matter of a request for the drafting of a legislative measure after it has been submitted for drafting.

(c) Honor a request for the drafting of a legislative measure which has been combined in violation of Section 17 of Article 4 of the Nevada Constitution.

Sec. 18.5. 1. There is hereby appropriated from the State General Fund to the Legislative Fund the sum of $8,336 for the operating and other costs relating to the participation of the legislative members of the Nevada Sentencing Commission created by section 5 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2019.

Sec. 19. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 20. This act becomes effective on July 1, 2017.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 444.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1142.

AN ACT making an appropriation to the Department of Veterans Services to provide financial assistance and support for the Adopt a Vet Dental Program; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to Department of Veterans Services to provide financial assistance and support for the Adopt a Vet Dental Program the following sums:

For the Fiscal Year 2017-2018.....~~[$124,981]~~ **$174,981**

For the Fiscal Year 2018-2019.....~~[$124,981]~~ **$174,981**

Sec. 2. Any balance of the sums appropriated by section 1 of this act remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 21, 2018, and September 20, 2019, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 21, 2018, and September 20, 2019, respectively.

Sec. 3. This act becomes effective on July 1, 2017.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 548.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1141.

AN ACT relating to education; providing for the establishment of the Nevada Institute on Teaching and Educator Preparation; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Regents of the University of Nevada to establish a program of student teaching and practicum. (NRS 396.519) Existing law also establishes the Teach Nevada Scholarship Program, which provides scholarships for students to complete a teaching program offered by a university, college or other provider of an alternative licensure program in this State. (NRS 391A.550-391A.590) This bill authorizes a college or university within the Nevada System of Higher Education to apply to the State Board of Education for a grant of money to establish the Nevada Institute on Teaching and Educator Preparation. The Institute will: (1) establish a highly selective program for the education and training of teachers; (2) conduct research concerning approaches and methods used to educate and train teachers and to teach pupils; and (3) evaluate, develop and disseminate approaches to teaching.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A college or university within the System is eligible to apply to the State Board for a grant of money to establish the Nevada Institute on Teaching and Educator Preparation.

2. The Nevada Institute on Teaching and Educator Preparation shall:

(a) Establish a highly selective program for the education and training of teachers that:

(1) Recruits promising students pursuing teaching degrees from inside and outside this State;

(2) Upon completion of the program, makes a student eligible to obtain a license to teach pupils in a program of early childhood education, kindergarten, any grade from grades 1 through 12 or in the subject area of special education in this State;

(3) Is thorough and rigorous and provides a student with increasing professional autonomy and responsibility;

(4) Allows a student to obtain experience in schools that serve high populations of pupils with disabilities or who are at risk or have other significant needs;

(5) Provides, in a manner that is aligned to the demographics of pupils in this State, the skills and knowledge necessary to teach the diverse population of pupils in this State; and

(6) Provides instruction concerning the most contemporary and effective pedagogies, curricula, technology and behavior management techniques for teaching;

(b) Conduct innovative and extensive research concerning approaches and methods used to educate and train teachers and to teach pupils, including, without limitation, pupils with disabilities or pupils who are at risk or have other significant needs; and

(c) Continually evaluate, develop and disseminate approaches to teaching that address the variety of settings in which pupils in this State are educated.

3. An application to establish the Nevada Institute on Teaching and Educator Preparation pursuant to subsection 1 must demonstrate the ability of the applicant to:

(a) Meet the requirements of subsection 2;

(b) Provide additional money for the establishment and operation of the Institute that matches the grant of money awarded by the State Board; and

(c) Sustain and expand the Institute over time.

4. As used in this section, "pupil 'at risk'" has the meaning ascribed to it in NRS 388A.045.

Sec. 2. 1. There is hereby appropriated from the State General Fund to the State Board of Education for the purpose of awarding a grant of money to a college or university within the Nevada System of Higher Education pursuant to section 1 of this act:

For the Fiscal Year 2017-2018 ..... $500,000
For the Fiscal Year 2018-2019 ..... $500,000

2. The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2019.

Sec. 3. This act becomes effective on July 1, 2017.

Assemblywoman Diaz moved the adoption of the amendment.
Remarks by Assemblywoman Diaz.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 74.
Bill read third time.
Remarks by Assemblyman Watkins.

ASSEMBLYMAN WATKINS:

Senate Bill 74 expands the time for review of water conservation plans by the State Engineer to 120 days and revises the content of water conservation plans to include a plan for progress towards the installation of meters on municipal water connections; standards for water efficiency for new development; tiered rate structures to promote water conservation; and watering restrictions based on the time of day and day of the week.

Roll call on Senate Bill No. 74:

YEAS—35.

NAYS—Ellison, Krasner, Marchant, McArthur, Oscarson, Titus, Wheeler—7.

Senate Bill No. 74 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 390.

Bill read third time.

Roll call on Senate Bill No. 390:

YEAS—37.

NAYS—Ellison, Krasner, Marchant, McArthur, Titus—5.

Senate Bill No. 390 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 467.

Bill read third time.

Roll call on Senate Bill No. 467:

YEAS—38.

NAYS—Ellison, Krasner, Marchant, Titus—4.

Senate Bill No. 467 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 500.

Bill read third time.

Roll call on Senate Bill No. 500:

YEAS—36.

NAYS—Carlton, Krasner, Marchant, McArthur, Ohrenschall, Titus—6.

Senate Bill No. 500 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 503.

Bill read third time.

Roll call on Senate Bill No. 503:

YEAS—40.

NAYS—Krasner, Marchant—2.

Senate Bill No. 503 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 511.
Bill read third time.
Roll call on Senate Bill No. 511:
YEAS—34.
NAYS—Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Titus, Wheeler—8.
Senate Bill No. 511 having received a two-thirds majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 514.
Bill read third time.
Roll call on Senate Bill No. 514:
YEAS—42.
NAYS—None.
Senate Bill No. 514 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 522.
Bill read third time.
Roll call on Senate Bill No. 522:
YEAS—42.
NAYS—None.
Senate Bill No. 522 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 527.
Bill read third time.
Roll call on Senate Bill No. 527:
YEAS—42.
NAYS—None.
Senate Bill No. 527 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 528.
Bill read third time.
Roll call on Senate Bill No. 528:
YEAS—42.
NAYS—None.
Senate Bill No. 528 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 529.
Bill read third time.

Roll call on Senate Bill No. 529:
YEAS—34.
NAYS—Ellison, Hansen, Kramer, Krasner, Marchant, McArthur, Titus, Wheeler—8.
Senate Bill No. 529 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 530.
Bill read third time.
Roll call on Senate Bill No. 530:
YEAS—42.
NAYS—None.
Senate Bill No. 530 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 531.
Bill read third time.
Roll call on Senate Bill No. 531:
YEAS—42.
NAYS—None.
Senate Bill No. 531 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 532.
Bill read third time.
Roll call on Senate Bill No. 532:
YEAS—42.
NAYS—None.
Senate Bill No. 532 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 536.
Bill read third time.
Roll call on Senate Bill No. 536:
YEAS—42.
NAYS—None.
Senate Bill No. 536 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 537.
Bill read third time.
Roll call on Senate Bill No. 537:
YEAS—42.
NAYS—None.

Senate Bill No. 537 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 9:26 p.m.

ASSEMBLY IN SESSION

At 11:15 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 36, 76, 123, 224, 268, 286, 288, 322, 366, 374, 376, 377, 380, 428, 440, 470, and 474; Senate Bills Nos. 66, 126, 150, 189, 244, 414, 448, 481, 533, and 534.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Ohrenschall, Cohen, and Krasner as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 25.

Mr. Speaker appointed Assemblymen Benitez-Thompson, Araujo, and Woodbury as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 454.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Bustamante Adams moved that the Assembly do not recede from its action on Senate Bill No. 69, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Yeager, Benitez-Thompson, and Oscarson as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 69.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 405.

The following Senate amendment was read:

Amendment No. 1100.

ASSEMBLYMEN BROOKS, WATKINS, FRIERSON, YEAGER, MCCURDY II; ARAUJO, BILBRAY-AXELROD, CARRILLO, COHEN, DIAZ, FUMO, JAUREGUI, JOINER, MILLER, MONROE-MORENO, NEAL, SWANK AND THOMPSON

JOINT ~~[SPONSOR: SENATOR]~~ **SPONSORS: SENATORS ATKINSON, FORD, MANENDO,** SEGERBLOM **AND SPEARMAN**

AN ACT relating to renewable energy; creating the contractual requirements for an agreement for the lease or purchase of a distributed generation system and a power purchase agreement; describing utility rates; establishing the minimum warranty requirements for an agreement concerning a distributed generation system; creating the Renewable Energy Bill of Rights; requiring certain electric utilities to file a request with the Public Utilities Commission of Nevada to establish an optional time-variant rate schedule for customers; requiring a utility to ~~[charge a net metering adjustment charge]~~ **provide a credit** to certain customer-generators ~~[;~~ ~~requiring the Legislative Committee on Energy to make certain recommendations to the Legislature;]~~ **for excess electricity generated by the net metering systems of such customer-generators;** revising provisions governing the eligibility of certain customers of electric utilities in this State to participate in net metering; **revising various other provisions relating to net metering;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 9-11 of this bill set forth the requirements for the cover page, provisions and summary disclosure statement of agreements for the lease of a distributed generation system. **Sections 12-14** of this bill set forth the requirements for the cover page, provisions and summary disclosure statement of agreements for the purchase of a distributed generation system. **Sections 15-17** of this bill set forth the requirements for the cover page, provisions and summary disclosure statement of agreements for the sale of the output of a distributed generation system, known as a power purchase agreement.

Section 18 of this bill sets forth the disclosure relating to utility rates that must be included with an agreement created pursuant to **sections 9-17** if the agreement makes a written reference to the price of electricity that is provided by an electric utility. **Section 19** of this bill sets forth the minimum warranty requirements for an agreement created pursuant to **sections 9-17** concerning a distributed generation system.

Section 20 of this bill**: (1)** establishes that it is a deceptive trade practice if a person fails to comply with **sections 2-20** of this bill ~~[.]~~ **; and (2) authorizes the Public Utilities Commission of Nevada to direct a customer to the appropriate person or agency to resolve a complaint concerning a solar installation company. Section 20** additionally establishes that it is consumer fraud if a person violates any provision of **sections 2-20**. **Section 20** further requires that any document described in

sections 9-19 be provided in: (1) English; or (2) Spanish, if any person so requests.

Sections 22-25 of this bill create the Renewable Energy Bill of Rights that applies to each natural person who is a resident of this State.

Existing law defines "net metering" as the measure of the difference between the electricity supplied by an electric utility and the electricity generated by a customer-generator that is fed back to the utility. (NRS 704.769) **Section 27** of this bill requires electric utilities to file a request with the ~~[~~Public Utilities~~]~~ Commission ~~[~~of Nevada~~]~~ to establish an optional time-variant rate schedule for customers, including customer-generators that acquire an energy storage system. **Section 27** further requires that such a request be designed to expand and accelerate the development and use of energy storage systems in this State. **Section 27** additionally authorizes the Commission to approve any such request that the Commission finds to be in the public interest.

Section ~~[~~28~~]~~ 28.3 of this bill ~~[~~requires~~]~~ **provides that if a customer-generator accepts the offer of** a utility ~~[~~to charge a net metering adjustment charge to each~~]~~ **for net metering and has a net metering system with a capacity of 25 kilowatts or less, the utility is required to provide the** customer-generator ~~[~~who accepts the offer of a utility for net metering.~~]~~ **a credit for certain excess electricity that is generated by the customer-generator. Section ~~[~~28~~]~~ 28.3** requires that this ~~[~~net metering adjustment charge:~~]~~ **credit:** (1) ~~[~~applies~~]~~ **apply** to each kilowatt-hour of excess electricity that is generated by a customer-generator; and (2) equals a percentage of the rate the customer-generator would have paid for a kilowatt-hour of electricity supplied by the utility at the time the customer-generator fed the kilowatt-hour of excess electricity back to the utility. **Section ~~[~~28~~]~~ 28.3** further provides that this percentage be tiered based on the amount of cumulative installed capacity ~~[~~and peak demand for electricity~~]~~ in this State ~~[~~. Section 29 of this bill requires the Legislative Committee on Energy, in consultation with the Commission, to make certain recommendations to the Legislature within 6 months of the Commission determining that the cumulative installed capacity of all net metering systems in this State exceeds 800 megawatts and 10 percent of the peak demand for electricity in this State for the previous year.~~]~~ **of net metering systems with a capacity of not more than 25 kilowatts.**

Section 28.5 of this bill requires the Commission to open an investigatory docket to establish a methodology for determining the effect of net metering on rates charged by a utility to its customers. On or before June 30, 2020 and biennially thereafter, the Commission is required to submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report concerning the impact of net metering on such rates.

Section 28.7 of this bill enacts provisions relating to net metering that would become effective on the date that the Legislature provides by law

for an open, competitive electric energy market in a service territory. Under section 28.7, if the Legislature provides by law for such a market: (1) each person providing electric service in the service territory under such a law would be required to offer net metering to its customers; (2) the Commission or any other agency designated by such a law to regulate electric service in this State must prohibit any person providing electric service in the service territory from impeding or interrupting the operation or performance or otherwise restricting the output of an existing net metering system; and (3) a customer-generator must be required to pay any costs charged to other customers of the customer-generator's provider of electric service who are in the rate class to which the customer-generator would belong if the customer-generator did not have a net metering system.

Existing law requires each electric utility in this State to offer net metering to customer-generators operating in the service area of the utility until the date on which the cumulative capacity of all net metering systems in this State for which electric utilities have accepted completed applications is 235 megawatts. (NRS 704.773)

Section 31 of this bill amends existing law to require each electric utility to offer net metering to customer-generators operating within the service area of the utility. **Section 31** further requires the utility to not: (1) charge the customer-generator any fee or charge that is different than that charged to other customers of the utility to which the customer-generator would belong if he or she did not have a net metering system; and (2) reduce the amount of the minimum monthly charge of the customer-generator based on the electricity the customer-generator feeds back to the utility. **Section 31** additionally requires the Commission and a utility to allow the customer-generator to continue net metering at the location at which the system is originally installed ~~[for the life of the net metering system or]~~ for 20 years**. [**~~, whichever is longer.~~**]**

Existing law sets forth that after the date on which the cumulative capacity is 235 megawatts, electric utilities are to offer net metering to customer-generators in accordance with a tariff filed by the utility and approved by the Commission. (NRS 704.7735) **Section 33** of this bill repeals this provision.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **The Legislature hereby finds and declares that the provisions of this act are necessary to provide for the immediate reestablishment of the rooftop solar market in this State for the purposes of:**

1. Encouraging the creation of new jobs opportunities in this State;

2. Advancing the development of renewable energy using the natural solar resources of this State; and

3. Ensuring that this State maintains flexibility considering the possibility that the ballot question known as the "Energy Choice Initiative" may be approved by the voters at the 2018 general election and alter the structure of the electricity market in this State.

~~[Section 1.]~~ ***Sec. 1.5.*** Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 20, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 20, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Commission" means the Public Utilities Commission of Nevada.***

Sec. 3.5. ***"Disclosure" means a written statement.***

Sec. 4. ***"Distributed generation system" means a system or facility for the generation of electricity:***

1. That uses solar energy to generate electricity;

2. That is located on the property of a customer of an electric utility;

3. That is connected on the customer's side of the electricity meter;

4. That provides electricity primarily to offset customer load on that property; and

5. The excess generation from which is periodically exported to the grid in accordance with the provisions governing net metering systems used by customer-generators pursuant to NRS 704.766 to 704.775, inclusive ~~.]~~ ***, and sections 27 to 29, inclusive, of this act.***

Sec. 5. ***"Host customer" means either:***

1. The customer of record of an electric utility at the location where an energy system that uses photovoltaic cells and solar energy to generate electricity will be located; or

2. A person who has been designated by the customer of record of an electric utility in a letter to the utility explaining the relationship between that person and the customer of record.

Sec. 6. ***"Portfolio energy credit" has the meaning ascribed to it in NRS 704.7803.***

Sec. 7. ***"Power purchase agreement" means an agreement in which a solar installation company:***

1. Arranges for the design, installation, maintenance and energy output of a distributed generation system; and

2. Sells the electricity generated from a distributed generation system to the host customer.

Sec. 8. ***1. "Solar installation company" means any form of business organization or any other nongovernmental legal entity, including, without limitation, a corporation, partnership, association, trust or unincorporated organization, that transacts business directly with a residential customer of an electric utility to:***

(a) Sell and install a distributed generation system; or

(b) Install a distributed generation system owned by a third party from whom the customer:

(1) Leases a distributed generation system; or

(2) Purchases electricity generated by a distributed generation system.

2. The term does not include entities that are third party:

(a) Owners of a distributed generation system; or

(b) Financiers of a distributed generation system who do not sell or install the distributed generation system.

Sec. 9. ***An agreement for the lease of a distributed generation system must include a cover page that provides the following information in at least 10-point font:***

1. The amounts due at the signing for and at the completion of the installation or any inspection of the distributed generation system.

2. An estimated timeline for the installation of the distributed generation system.

3. The estimated amount of the monthly payments due under the lease in the first year of operation of the distributed generation system.

4. The length of the term of the lease.

5. A description of any warranties.

6. The rate of any payment increases.

7. The identification of any state or federal tax incentives that are included in calculating the amount of the monthly payments due under the lease.

8. The estimated production of the distributed generation system in the first year of operation.

9. A description of the terms for renewal or any other options available at the end of the term of the lease.

10. A description of any option to purchase the distributed generation system before the end of the term of the lease.

11. Notice of the existence of the Recovery Fund administered by the State Contractors' Board pursuant to NRS 624.470.

12. Notice that a person financially damaged by a licensed contractor who performs work on a residence may be eligible to recover certain financial damages from the Recovery Fund.

13. Notice that a host customer may file a complaint with the Public Utilities Commission of Nevada.

14. Contact information for the State Contractors' Board [.] and the Public Utilities Commission of Nevada, including, without limitation, a telephone number.

Sec. 10. ***An agreement for the lease of a distributed generation system must include, without limitation, the following information in at least 10-point font:***

1. The name, mailing address, telephone number and number of the contractor's license of the solar installation company.

2. The name, mailing address and telephone number of:

(a) The lessor of the distributed generation system; and

(b) The name, mailing address and telephone number of the person responsible for all maintenance of the distributed generation system, if different from the solar installation company.

3. An estimated timeline for the installation of the distributed generation system.

4. The length of the term of the lease.

5. A general description of the distributed generation system.

6. The amounts due at the signing for and at the completion of the installation or any inspection of the distributed generation system.

7. A description of any warranties.

8. The amount of the:

(a) Monthly payments due under the lease; and

(b) Total payments due under the lease, excluding taxes.

9. A description of any other one-time or recurring charges, including, without limitation, a description of the circumstances that trigger any late fees.

10. A description of any obligation the lessor has regarding the installation, repair or removal of the distributed generation system.

11. A description of any obligation the lessor has regarding construction of and insurance for the distributed generation system.

12. A description of any:

(a) Taxes due at the commencement of the lease; and

(b) Estimation of taxes known to be applicable during the term of the lease, subject to any change in the state or local tax rate or tax structure.

13. A copy of the warranty for the distributed generation system.

14. A disclosure notifying the lessee of the transferability of the obligations under the warranty to a subsequent lessee.

15. The identification of any state or federal tax incentives that are included in calculating the amount of the monthly payments due under the lease.

16. A description of the ownership of any tax credits, tax rebates, tax incentives or portfolio energy credits in connection with the distributed generation system.

17. Any terms for renewal of the lease.

18. A description of any option to purchase the distributed generation system before the end of the term of the lease.

19. A description of all options available to the host customer in connection with the continuation, termination or transfer of the lease in the event of the:

(a) Sale of the property to which the distributed generation system is affixed; or

(b) Death of the lessee.

20. A description of any restrictions that the lease imposes on the modification or transfer of the property to which the distributed generation system is affixed.

21. The granting to the lessee of the right to rescind the lease for a period ending not less than 3 business days after the lease is signed.

22. An estimate of the amount of electricity that could be generated by the distributed generation system in the first year of operation.

23. A signature block that is signed and dated by the lessor and the lessee of the distributed generation system.

Sec. 11. ***1. An agreement for the lease of a distributed generation system must include a disclosure that is not more than 3 pages in length and is in at least 10-point font.***

2. The disclosure described in subsection 1 must be separate from the cover page and agreement described in sections 9 and 10 of this act.

3. The disclosure described in subsection 1 must include, without limitation:

(a) The name, mailing address, telephone number and electronic mail address of the lessor;

(b) The name, mailing address, telephone number, electronic mail address and number of the contractor's license of the person who installed the distributed generation system, if different from the solar installation company;

(c) The name, mailing address, telephone number, electronic mail address and the number of the contractor's license of the person responsible for all maintenance of the distributed generation system, if different from the solar installation company;

(d) The length of the term of the lease;

(e) The amount of the monthly payments due under the lease in the first year of operation;

(f) The amounts due at the signing for and at the completion of the installation of the distributed generation system;

(g) The estimated amount of the total payments due under the lease, including, without limitation, any incentives that are included in the estimated lease payments;

(h) A description of any one-time or recurring fees, including, without limitation, a description of the circumstances that trigger:

(1) Any late fees;

(2) Estimated fees for the removal of the distributed generation system;

(3) Fees for a notice of removal and refiling pursuant to the Uniform Commercial Code;

(4) Fees for connecting to the Internet; and

(5) Fees for not enrolling in a program in which payments are made through an electronic transfer of money cleared through an automated clearinghouse;

(i) The total number of payments to be made under the lease;

(j) The due date of any payment and the manner in which the consumer will receive an invoice for such payments;

(k) The rate of any payment increases and the date on which the first increase in the rate may occur, if applicable;

(l) Assumptions concerning the design of the distributed generation system, including, without limitation:

(1) The size of the distributed generation system;

(2) The estimated amount of production for the distributed generation system in the first year of operation;

(3) The estimated annual degradation to the distributed generation system; and

(4) As specified by the lease at the time of installation, whether or not an electric utility must credit a customer of the electric utility for any excess energy that is generated by the distributed ~~[energy]~~ generation system;

(m) A disclosure notifying the lessee of the intent of the lessor to file a fixture filing, as defined in NRS 104A.2309, on the distributed generation system;

(n) A disclosure notifying the lessee if maintenance and repairs of the distributed generation system are included in the lease;

(o) A disclosure describing any warranty for the repair of any damage to the roof of the property owned by the lessee in connection with the installation or removal of the distributed generation system;

(p) A disclosure describing:

(1) The transferability of the lease; and

(2) Any conditions on transferring the lease in connection with the lessee selling his or her property;

(q) A description of any guarantees of the performance of the distributed generation system;

(r) A description of the basis for any estimates of savings that were provided to the lessee, if applicable; and

(s) A disclosure concerning the retention of any portfolio energy credits, if applicable.

Sec. 12. *An agreement for the purchase of a distributed generation system must include a cover page that provides the following information in at least 10-point font:*

1. The size of the distributed generation system.

2. The length of the term of the warranty for the distributed generation system.

3. An estimated timeline for the installation of the distributed generation system.

4. A description of any warranties.

5. The total cost of the distributed generation system.

6. The estimated value of any portfolio energy credits and rebates of any incentives included in the calculation of the total cost of the distributed generation system.

7. The amounts due at the signing for and at the completion of the installation of the distributed generation system.

8. The estimated production of the distributed generation system in the first year of operation.

9. Notice of the existence of the Recovery Fund administered by the State Contractors' Board pursuant to NRS 624.470.

10. Notice that a person financially damaged by a licensed contractor who performs work on a residence may be eligible to recover certain financial damages from the Recovery Fund.

11. Notice that a host customer may file a complaint with the Public Utilities Commission of Nevada.

12. Contact information for the State Contractors' Board ~~[.]~~ and Public Utilities Commission of Nevada, including, without limitation, a telephone number.

Sec. 13. *An agreement for the purchase of a distributed generation system must include, without limitation, the following information in at least 10-point font:*

1. The name, mailing address, telephone number, electronic mail address and number of the contractor's license of the solar installation company.

2. The name, mailing address, telephone number and electronic mail address of:

(a) The purchaser of the distributed generation system; and

(b) The name, mailing address, telephone number and electronic mail address of the person responsible for all maintenance of the distributed generation system, if different from the solar installation company.

3. A description, which includes, without limitation, any assumptions, concerning the design and installation of the distributed generation system. Such a description must include, without limitation:

(a) The size of the distributed generation system;

(b) The estimated amount of production for the distributed generation system in the first year of operation; and

(c) The estimated annual degradation to the distributed generation system.

4. The total cost of the distributed generation system.

5. An estimated timeline for the installation of the distributed generation system.

6. A payment schedule, including, without limitation:

(a) The due dates for any deposit; and

(b) Any subsequent payments that are not to exceed the total system cost stated on the cover page pursuant to section 12 of this act.

7. The granting to the purchaser the right to rescind the agreement for a period ending not less than 3 business days after the agreement is signed.

8. A copy of the warranty for the distributed generation system.

9. A disclosure notifying the purchaser of the transferability of the obligations under the warranty to a subsequent purchaser.

10. The identification of any incentives included in the calculation of the total cost of the distributed generation system.

11. A description of any guarantee of the performance of the distributed generation system.

12. A signature block that is signed and dated by the purchaser of the distributed generation system and the solar installation company.

13. A description of the basis for any estimates of savings that were provided to the purchaser, if applicable.

14. A disclosure concerning the retention of any portfolio energy credits, if applicable.

Sec. 14. *1. An agreement for the purchase of a distributed generation system must include a disclosure that is not more than 3 pages in length and is in at least 10-point font.*

2. The disclosure described in subsection 1 must be separate from the cover page and agreement described in sections 12 and 13 of this act.

3. The disclosure described in subsection 1 must include, without limitation:

(a) The name, mailing address, telephone number and electronic mail address of the solar installation company;

(b) The name, mailing address, telephone number, electronic mail address and number of the contractor's license of the person who installed the distributed generation system, if different from the solar installation company;

(c) The name, mailing address, telephone number, electronic mail address and the number of the contractor's license of the person responsible for all maintenance of the distributed generation system, if different from the solar installation company;

(d) The purchase price of the distributed generation system;

(e) The payment schedule for the distributed generation system;

(f) The approximate start and completion dates for the installation of the distributed generation system;

(g) A disclosure notifying the purchaser of the responsible party for obtaining approval for connecting the distributed generation system to the electricity meter on the host customer's side;

(h) Assumptions concerning the design of the distributed generation system, including, without limitation:

(1) The size of the distributed generation system;

(2) The estimated amount of production for the distributed generation system in the first year of operation;

(3) The estimated annual degradation to the distributed generation system; and

(4) As specified by the agreement at the time of installation, whether or not an electric utility must credit a customer of the electric utility for any excess energy that is generated by the distributed ~~[energy]~~ generation system;

(i) A disclosure notifying the purchaser if maintenance and repairs of the distributed generation system are included in the purchase;

(j) A disclosure describing any warranty for the repair of any damage to the roof of the property owned by the purchaser in connection with the installation or removal of the distributed generation system;

(k) A description of any guarantees of the performance of the distributed generation system;

(l) A description of the basis for any estimates of savings that were provided to the purchaser, if applicable; and

(m) A disclosure concerning the retention of any portfolio energy credits, if applicable.

Sec. 15. *A power purchase agreement for the sale of the output of a distributed generation system must include a cover page that provides the following information in at least 10-point font:*

1. The rate of any increase in the payments to be made during the term of the agreement and, if applicable, the date of the first such increase.

2. An estimated timeline for the installation of the distributed generation system.

3. The rate of electricity per kilowatt-hour of electricity for the first year of the agreement.

4. The length of the term of the agreement.

5. The amounts due at the signing for and at the completion of the installation or any inspection of the distributed generation system.

6. The estimated production of the distributed generation system in the first year of operation.

7. A description of the options available at the end of the term of the agreement.

8. A description of any option to purchase the distributed generation system before the end of the term of the agreement.

9. Notice of the existence of the Recovery Fund administered by the State Contractors' Board pursuant to NRS 624.470.

10. Notice that a person financially damaged by a licensed contractor who performs work on a residence may be eligible to recover certain financial damages from the Recovery Fund.

11. Notice that a host customer may file a complaint with the Public Utilities Commission of Nevada.

12. Contact information for the State Contractors' Board ~~[.]~~ and the Public Utilities Commission of Nevada, including, without limitation, a telephone number.

Sec. 16. *A power purchase agreement for the sale of the output of a distributed generation system must include, without limitation, the following information in at least 10-point font:*

1. The name, mailing address, telephone number, electronic mail address and number of the contractor's license of the solar installation company.

2. The name, mailing address, telephone number and electronic mail address of:

(a) The provider of the distributed generation system; and

(b) The name, mailing address, telephone number and electronic mail address of the person responsible for all maintenance of the distributed generation system, if different from the solar installation company.

3. The length of the term of the agreement.

4. An estimated timeline for the installation of the distributed generation system.

5. The payments made during the first year of the agreement for the price of electricity, which includes, without limitation, the price per kilowatt-hour of electricity and the price per monthly system electrical output.

6. The estimated annual electrical output of the distributed generation system.

7. The rate of any increase in the payments to be made during the term of the agreement and, if applicable, the date of the first such increase.

8. A description of any obligation the solar installation company has regarding construction and repair of and insurance for the distributed generation system.

9. A description of any one-time or recurring fees, including, without limitation, a description of the circumstances that trigger any late fees.

10. A description of any:

(a) Taxes due at the commencement of the agreement; and

(b) Estimation of taxes known to be applicable during the term of the agreement, subject to a change in the state or local tax rate or tax structure.

11. A copy of the warranty for the distributed generation system.

12. A description of the ownership of any tax credits, tax rebates, tax incentives or portfolio energy credits in connection with the distributed generation system.

13. Any terms for renewal of the agreement.

14. A description of any option to purchase the distributed generation system before the end of the term of the agreement.

15. A description of all options available to the host customer in connection with the continuation, termination or transfer of the agreement in the event of the:

(a) Sale of the property to which the distributed generation system is affixed; or

(b) Death of the purchaser.

16. The granting to the purchaser of the right to rescind the agreement for a period ending not less than 3 business days after the agreement is signed.

17. A description of any restrictions that the agreement imposes on the modification or transfer of the property to which the distributed generation system is affixed.

18. A description of any guarantees of the performance of the distributed generation system.

19. A disclosure notifying the host customer of the transferability of the obligations under the warranty to a subsequent purchaser.

20. A signature block that is signed and dated by the purchaser and the solar installation company.

21. A statement describing the due dates of any payments.

Sec. 17. *1. A power purchase agreement for the sale of output of a distributed generation system must include a disclosure that is not more than 3 pages in length and is in at least 10-point font.*

2. The disclosure described in subsection 1 must be separate from the cover page and agreement described in sections 15 and 16 of this act.

3. The disclosure described in subsection 1 must include, without limitation:

(a) The name, mailing address, telephone number and electronic mail address of the solar installation company;

(b) The name, mailing address, telephone number, electronic mail address and number of the contractor's license of the person who installed the distributed generation system, if different from the solar installation company;

(c) The name, mailing address, telephone number, electronic mail address and the number of the contractor's license of the person responsible for all maintenance of the distributed generation system if different from the solar installation company;

(d) The payment schedule for the distributed generation system, including, without limitation, any payments that are due, if applicable, at:

(1) Signing for the distributed generation system;

(2) Commencement of installation of the distributed generation system; and

(3) Completion of installation of the distributed generation system;

(e) A description of any one-time or recurring fees, including, without limitation, a description of the circumstances that trigger:

(1) Any late fees;

(2) Estimated fees for the removal of the distributed generation system;

(3) Fees for a notice of removal and refiling pursuant to the Uniform Commercial Code;

(4) Fees for connecting to the Internet; and

(5) Fees for not enrolling in a program in which payments are made through an electronic transfer of money cleared through an automated clearinghouse;

(f) A statement that describes when payments are due;

(g) The rate of any payment increases and the date on which the first increase in the rate may occur, if applicable;

(h) Assumptions concerning the design of the distributed generation system, including, without limitation:

(1) The size of the distributed generation system;

(2) The estimated amount of production for the distributed generation system in the first year of operation;

(3) The estimated annual degradation to the distributed generation system; and

(4) As specified by the agreement at the time of installation, whether or not an electric utility must credit a customer of the electric utility for any excess energy that is generated by the distributed ~~[energy]~~ generation system;

(i) A disclosure notifying the purchaser of the intent of the owner of the distributed generation system to file a fixture filing, as defined in NRS 104A.2309, on the distributed generation system;

(j) A disclosure notifying the purchaser if maintenance and repairs of the distributed generation system are included in the agreement;

(k) A disclosure describing any warranty for the repair of any damage to the roof of the property owned by the purchaser in connection with the installation or removal of the distributed generation system;

(l) A disclosure describing the transferability of the distributed generation system in connection with the purchaser selling his or her property;

(m) A description of any guarantees of the performance of the distributed generation system;

(n) A description of the basis for any estimates of savings that were provided to the purchaser, if applicable; and

(o) A disclosure concerning the retention of any portfolio energy credits, if applicable.

Sec. 18. ***If an agreement for the lease or purchase of a distributed generation system or if a power purchase agreement makes a written reference to the price of electricity that is provided by an electric utility, the agreement or power purchase agreement, as applicable, must also provide, in 12-point font, a disclosure in substantially the following form:***

Actual utility rates may go up or down and actual savings may vary. For further information regarding rates, you may contact your local utility or the Public Utilities Commission of Nevada.

Sec. 19. ***1. An agreement for the lease or purchase of a distributed generation system and a power purchase agreement must include an express warranty for the installation of the distributed generation system and the penetration into the roof by the distributed generation system. Such warranties must:***

(a) Be express and in writing; and

(b) Expire not earlier than 10 years after the installation of the distributed generation system.

2. An agreement for the lease of a distributed generation system and a power purchase agreement must include an express warranty that:

(a) Is in writing; and

(b) Does not expire earlier than 10 years after the installation of the distributed generation system.

3. An agreement for the purchase of a distributed generation system must include the following express warranties in writing for the component parts, including parts and labor, of the distributed generation system, either directly from the solar installation company or passed through from the manufacturer of the component parts:

(a) For collectors and storage units, not less than a 10-year warranty; and

(b) For inverters, not less than a 7-year warranty.

4. The provisions of this section that relate to a person who installs a distributed generation system do not apply to a person who installs a system on his or her own property.

Sec. 20. ***1. A host customer may file a complaint concerning a solar installation company with the Public Utilities Commission of Nevada. Upon receipt of a complaint, the Commission may direct the host customer to the appropriate agency or person to resolve the complaint.***

2. The failure of a person to comply with sections 2 to 20, inclusive, of this act constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

~~[2.]~~ 3. A violation of any provision of sections 2 to 20, inclusive, of this act constitutes consumer fraud for the purposes of NRS 41.600.

~~[3.]~~ 4. Any document described in sections 9 to 19, inclusive, of this act must be provided in:

(a) English; or

(b) Spanish, if any person so requests.

Sec. 21. Chapter 701 of NRS is hereby amended by adding thereto the provisions set forth as sections 22 to 25, inclusive, of this act.

Sec. 22. (Deleted by amendment.)

Sec. 23. ***Sections 22 to 25, inclusive, of this act may be cited as the Renewable Energy Bill of Rights.***

Sec. 24. ***The Legislature hereby declares that each natural person who is a resident of this State has the right to:***

1. Generate, consume and export renewable energy and reduce his or her use of electricity that is obtained from the grid.

2. Use technology to store energy at his or her residence.

3. If the person generates renewable energy pursuant to subsection 1, or stores energy pursuant to subsection 2, or any combination thereof, be allowed to connect his or her system that generates renewable energy or stores energy, or any combination thereof, with the electricity meter on the customer's side that is provided by an electric utility or any other person named and defined in chapters 704, 704A and 704B of NRS:

(a) In a timely manner;

(b) ~~[Without any unnecessary, burdensome or restrictive requirement;]~~ In accordance with requirements established by the electric utility to ensure the safety of utility workers; and

(c) ~~[Without the permission of an electric utility or any other person named and defined in chapters 704, 704A and 704B of NRS]~~ After providing written notice to the electric utility providing service in the service territory and installing a nomenclature plate on the electrical meter panel indicating that a system that generates renewable energy or stores energy, or any combination thereof, is present if the system:

(1) Is not used for exporting renewable energy past the electric utility meter on the customer's side; and

(2) Meets ~~[reasonable]~~ all applicable state and local safety and electrical code requirements.

4. Fair credit for any energy exported to the grid.

5. Consumer protections in contracts for renewable energy pursuant to sections 2 to 20, inclusive, of this act.

6. Have his or her generation of renewable energy given priority in planning and acquisition of energy resources by an electric utility.

7. ~~[Remain]~~ Except as otherwise provided in section 27 or 28.3 of this act, remain within the existing broad rate class to which the resident would belong in the absence of a net metering system or a system that generates renewable energy or stores energy, or any combination thereof, without any fees or charges that are different than the fees and charges assessed to customers of the same rate class, regardless of the technologies on the customer's side of the electricity meter, including, without limitation, energy production, energy savings, energy consumption, energy storage or energy shifting technologies, provided that such technologies do not compromise the safety and reliability of the utility grid.

Sec. 25. (Deleted by amendment.)

Sec. 26. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 27 **~~[, 28 and]~~ to** 29**, inclusive,** of this act.

Sec. 27. ***1. An electric utility that primarily serves densely populated counties shall, on or before August 1, 2017, file with the Commission in a***

manner authorized by NRS 704.110 a request that the Commission establish an optional time-variant rate schedule for customers, including, without limitation, customer-generators who acquire an energy storage system.

2. An electric utility that primarily serves less densely populated counties shall, on or before January 16, 2018, file with the Commission in a manner authorized by NRS 704.100 a request that the Commission establish an optional time-variant rate schedule for customers, including, without limitation, customer-generators who acquire an energy storage system.

3. A request filed pursuant to subsection 1 or 2 must be designed to expand and accelerate the development and use of energy storage systems in this State.

4. The Commission:

(a) Shall review each request filed pursuant to subsection 1 or 2;

(b) May approve each request that the Commission finds to be in the public interest; and

(c) Not later than March 15, 2018, shall issue a written order approving or denying each request filed pursuant to subsection 1 or 2.

5. As used in this section:

(a) "Electric utility that primarily serves densely populated counties" has the meaning ascribed to it in NRS 704.110.

(b) "Electric utility that primarily serves less densely populated counties" has the meaning ascribed to it in NRS 704.110.

(c) "Energy storage system" means any commercially available technology that is capable of retaining energy, storing the energy for a period of time and delivering the energy after storage, including, without limitation, by chemical, thermal or mechanical means.

(d) "Time-variant rate schedule" means a rate schedule that incorporates different rates for different times of day during which electricity may be used by a customer or fed back to the utility by the customer.

Sec. 28. ~~***[1. A utility shall charge a net metering adjustment charge pursuant to this section to each customer-generator who, on or after the effective date of this section, accepts the offer of the utility for net metering.***~~

~~***2. The net metering adjustment charge required by this section applies to each kilowatt hour of excess electricity governed by paragraph (c) of subsection 2 of NRS 704.775 that is generated by a customer-generator described in subsection 1.***~~

~~***3. The net metering adjustment charge on each kilowatt hour of excess electricity described in subsection 2 must equal a percentage, as set forth in subsection 4, of the rate the customer-generator would have paid for a kilowatt hour of electricity supplied by the utility at the time the customer-generator fed the kilowatt hour of excess electricity back to the utility.***~~

~~*4. The percentage to be used to determine the net metering adjustment charge pursuant to subsection 3 on each kilowatt-hour of excess electricity must equal:*~~

~~*(a) Five percent, if the customer-generator accepts the offer of the utility for net metering:*~~

~~*(1) On or after the effective date of this section; and*~~

~~*(2) Before the date on which the Commission determines and posts to its Internet website its determination that the cumulative installed capacity of all net metering systems in this State equals or exceeds:*~~

~~*(I) Four hundred and eighty megawatts; and*~~

~~*(II) Six percent of the peak demand for electricity in this State for the previous calendar year, as determined by the Commission pursuant to subsection 6;*~~

~~*(b) Ten percent, if the customer-generator accepts the offer of the utility for net metering:*~~

~~*(1) On or after the date the Commission determines, pursuant to subsection 6, that the conditions set forth in sub-subparagraphs (I) and (II) of subparagraph (2) of paragraph (a) have been met; and*~~

~~*(2) Before the date on which the Commission determines and posts to its Internet website its determination that the cumulative installed capacity of all net metering systems in this State equals or exceeds:*~~

~~*(I) Six hundred and forty megawatts; and*~~

~~*(II) Eight percent of the peak demand for electricity in this State for the previous calendar year, as determined by the Commission pursuant to subsection 6;*~~

~~*(c) Fifteen percent, if the customer-generator accepts the offer of the utility for net metering:*~~

~~*(1) On or after the date the Commission determines, pursuant to subsection 6, that the conditions set forth in sub-subparagraphs (I) and (II) of subparagraph (2) of paragraph (b) have been met; and*~~

~~*(2) Before the date on which the Commission determines and posts to its Internet website its determination that the cumulative installed capacity of all net metering systems in this State equals or exceeds:*~~

~~*(I) Eight hundred megawatts; and*~~

~~*(II) Ten percent of the peak demand for electricity in this State for the previous calendar year, as determined by the Commission pursuant to subsection 6; or*~~

~~*(d) Twenty percent, if the customer-generator accepts the offer of the utility for net metering on or after the date the Commission determines, pursuant to subsection 6, that the conditions set forth in sub-subparagraphs (I) and (II) of subparagraph (2) of paragraph (c) have been met.*~~

~~*5. Each utility shall:*~~

~~(a) On or before January 15 of each calendar year, report to the Commission the peak demand for electricity experienced by that utility each day of the immediately preceding calendar year; and~~

~~(b) On or before the 15th day of each calendar month, post on its Internet website and report to the Commission the cumulative installed capacity of the net metering systems for which a customer-generator has accepted the offer of that utility as of the close of business of the utility on the last business day of the immediately preceding calendar month.~~

~~6. The Commission shall:~~

~~(a) After January 15 of each calendar year and on or before the immediately succeeding January 31 of each calendar year, determine and post on its Internet website the peak demand for electricity in this State for the immediately preceding calendar year, based upon the information the Commission most recently received pursuant to paragraph (a) of subsection 5;~~

~~(b) For the purposes of subsection 4, during January of each calendar year, until the Commission determines and posts on its Internet website pursuant to paragraph (a) a new peak demand for electricity in this State, deem the peak demand for electricity in this State to continue to be the same peak demand for electricity in this State as was applicable during the immediately preceding December;~~

~~(c) On the first business day of each calendar month, determine and post on its Internet website the cumulative installed capacity of all net metering systems in this State, based upon the information the Commission most recently received pursuant to paragraph (b) of subsection 5; and~~

~~(d) Based upon the peak demand for electricity in this State determined pursuant to paragraph (a) or (b), as applicable, and the cumulative installed capacity of all net metering systems in this State determined pursuant to paragraph (c):~~

~~(1) On the first business day of each calendar month before the Commission determines that the conditions set forth in sub-subparagraphs (I) and (II) of subparagraph (2) of paragraph (a) of subsection 4 have been met, determine and post on its Internet website the remaining capacity of net metering systems which may be installed in this State before those conditions are met;~~

~~(2) On the first business day of the calendar month on which the Commission determines that the conditions set forth in sub-subparagraphs (I) and (II) of subparagraph (2) of paragraph (a) of subsection 4 have been met, post on its Internet website:~~

~~(I) A statement indicating that those conditions have been met; and~~

~~(II) A statement indicating that all offers for net metering accepted on or after this business day are governed by paragraph (b), (c) or (d) of subsection 4, as applicable, and are not governed by paragraph (a) of subsection 4;~~

~~*(3) On the first business day of each calendar month after the date described in subparagraph (2) and before the Commission determines that the conditions set forth in sub-subparagraphs (I) and (II) of subparagraph (2) of paragraph (b) of subsection 4 have been met, determine and post on its Internet website the remaining capacity of net metering systems which may be installed in this State before those conditions are met;*~~

~~*(4) On the first business day of the calendar month on which the Commission determines that the conditions set forth in sub-subparagraphs (I) and (II) of subparagraph (2) of paragraph (b) of subsection 4 have been met, post on its Internet website:*~~

~~*(I) A statement indicating that those conditions have been met; and*~~

~~*(II) A statement indicating that all offers for net metering accepted on or after this business day are governed by paragraph (c) or (d) of subsection 4, as applicable, and are not governed by paragraph (a) or (b) of subsection 4;*~~

~~*(5) On the first business day of each calendar month after the date described in subparagraph (4) and before the Commission determines that the conditions set forth in sub-subparagraphs (I) and (II) of subparagraph (2) of paragraph (c) of subsection 4 have been met, determine and post on its Internet website the remaining capacity of net metering systems which may be installed in this State before those conditions are met; and*~~

~~*(6) On the first business day of the calendar month on which the Commission determines that the conditions set forth in sub-subparagraphs (I) and (II) of subparagraph (2) of paragraph (c) of subsection 4 have been met, post on its Internet website:*~~

~~*(I) A statement indicating that those conditions have been met; and*~~

~~*(II) A statement indicating that all offers for net metering accepted on or after this business day are governed by paragraph (d) of subsection 4 and are not governed by paragraph (a), (b) or (c) of subsection 4.*~~

~~*7. Except as otherwise provided in this subsection, a customer-generator shall be deemed to accept the offer of the utility for net metering on the date the customer-generator submits to the utility a complete application to install a net metering system within the service area of the utility. A customer-generator who accepted the offer of the utility for net metering before the effective date of this section may, but is not required to, submit a request to be treated for all purposes, including, without limitation, for the purposes of subsection 4, as a customer-generator who accepted the offer of the utility for net metering on the date of the request.]*~~
(Deleted by amendment.)

Sec. 28.3. ***1. If a customer-generator accepts the offer of a utility for net metering on or after the effective date of this act and the net metering system of the customer-generator has a capacity of not more than 25 kilowatts, the utility must, in accordance with this section, provide to the customer-generator a credit for each kilowatt-hour of excess electricity***

governed by paragraph (c) of subsection 2 of NRS 704.775 that is generated by the customer-generator.

2. The credit for each kilowatt-hour of excess electricity described in subsection 1 must equal a percentage, as set forth in subsection 3, of the rate the customer-generator would have paid for a kilowatt-hour of electricity supplied by the utility at the time the customer-generator fed the kilowatt-hour of excess electricity back to the utility.

3. The percentage to be used to determine the credit pursuant to subsection 2 for each kilowatt-hour of excess electricity must equal:

(a) Ninety-five percent, if the customer-generator accepts the offer of the utility for net metering:

(1) On or after the effective date of this section; and

(2) Before the date on which the Commission determines and posts on its Internet website its determination that the cumulative installed capacity of all net metering systems in this State with a capacity of not more than 25 kilowatts for customer-generators who accepted the offer of the utility for net metering on or after the effective date of this section is equal to 80 megawatts;

(b) Eighty-eight percent, if the customer-generator accepts the offer of the utility for net metering:

(1) On or after the date that the Commission determines that the condition set forth in subparagraph (2) of paragraph (a) has been met; and

(2) Before the date on which the Commission determines and posts on its Internet website its determination that the cumulative installed capacity of all net metering systems in this State with a generating capacity of not more than 25 kilowatts for customer generators who accepted the offer of the utility for net metering on or after the date described in subparagraph (1) is equal to 80 megawatts;

(c) Eighty-one percent, if the customer-generator accepts the offer of the utility for net metering:

(1) On or after the date that the Commission determines that the condition set forth in subparagraph (2) of paragraph (b) has been met; and

(2) Before the date on which the Commission determines and posts on its Internet website its determination that the cumulative installed capacity of all net metering systems in this State with a generating capacity of not more than 25 kilowatts for customer generators who accepted the offer of the utility for net metering on or after the date described in subparagraph (1) is equal to 80 megawatts;

(d) Seventy-five percent, if the customer-generator accepts the offer of the utility for net metering on or after the date that the Commission determines that the condition set forth in subparagraph (2) of paragraph (c) has been met.

4. On or before the 15th day of each calendar month, a utility shall post on its Internet website and report to the Commission the cumulative installed capacity of the net metering systems with a capacity of not more

than 25 kilowatts for which a customer-generator has accepted the offer of that utility as of the close of business of the utility on the last business day of the immediately preceding calendar month.

5. Except as otherwise provided in this subsection, for the purposes of this section, a customer-generator shall be deemed to accept the offer of the utility for net metering on the date the customer-generator submits to the utility a complete application to install a net metering system within the service area of the utility. A customer-generator who accepted the offer of the utility for net metering before the effective date of this section and whose net metering system has a capacity of not more than 25 kilowatts may, but is not required to, submit a request to be treated for all purposes, including, without limitation, for the purposes of subsection 4, as a customer-generator who accepted the offer of the utility for net metering on the date of submitting the request.

Sec. 28.5. 1. The Commission shall open an investigatory docket to establish a methodology to determine the impact, if any, of net metering pursuant to NRS 704.766 to 704.775, inclusive, and sections 27 to 29, inclusive, of this act on rates charged by a utility to its customers in this State.

2. On or before June 30, 2020, and biennially thereafter, the Commission shall submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a report concerning the impact of net metering pursuant to NRS 704.766 to 704.775, inclusive, and sections 27 to 29, inclusive, on rates charged by a utility to its customers in this State. The report must contain:

(a) Based on the methodology established pursuant to subsection 1, calculations of:

(1) Whether net metering pursuant to NRS 704.766 to 704.775, inclusive, and sections 27 to 29, inclusive, of this act has an impact on rates charged by a utility to its customers in this State; and

(2) The amount of any increase or decrease in such rates as a result of net metering pursuant to NRS 704.766 to 704.775, inclusive, and sections 27 to 29, inclusive, of this act;

(b) An explanation of the methodology used to make the calculations required by paragraph (a);

(c) The data used to make the calculations required by paragraph (a), including, without limitation, avoided generation capacity, avoided transmission and generation capacity and avoided system upgrades;

(d) A comparison of the impact on rates of net metering pursuant to NRS 704.766 to 704.775, inclusive, and sections 27 to 29, inclusive, of this act and the impact on rates of capital expenditures by the utility;

(e) A description of the process for obtaining input from stakeholders in developing the methodology required by subsection 1; and

(f) A summary of comments on the written report from interested persons.

Sec. 28.7. ***If the Legislature provides by law for an open, competitive retail electric energy market for all electricity customers within a service territory:***

1. Each person providing electric service in that service territory shall be deemed to be a utility for the purposes of NRS 704.766 to 704.775, inclusive, and sections 27 to 29, inclusive, of this act;

2. The Commission or any other agency designated by law to regulate electric service in this State shall prohibit any person providing electric service in the service territory from impeding or interrupting the operation or performance or otherwise restrict the output of an existing net metering system; and

3. A customer-generator must be required to pay any costs charged to other customers of the person providing electric service to the customer-generator in the rate class to which the customer-generator would belong if the customer-generator did not have a net metering system.

Sec. 29. ~~***[Within 6 months after the date the Commission determines that the conditions set forth in sub-subparagraphs (I) and (II) of subparagraph (2) of paragraph (c) of subsection 4 of section 28 of this act have been met, the Legislative Committee on Energy created by NRS 218E.805 shall, in consultation with the Commission, make recommendations to the Legislature concerning:***~~

~~***1. Whether the net metering adjustment charge required by section 28 of this act is adequate to offset any known impacts of customer-generators on the electricity grid, the system for distribution of electricity and the rates for electricity. The Legislative Committee on Energy, in consultation with the Commission, shall take into account any benefits to the electricity grid and any benefits to society that it determines are caused by the net metering systems of customer-generators.***~~

~~***2. Any revision to the net metering adjustment charge that is determined by the Legislative Committee on Energy to be appropriate.***~~

~~***3. Whether a different rate design or different compensation for excess electricity that is fed back to the utility by customer-generators would increase any benefits caused by the net metering systems of customer-generators to the electricity grid and to all customers of utilities in this State.***~~

~~***4. Any revision to the rate design or the compensation for excess electricity that is fed back to the utility by customer-generators that the Legislative Committee on Energy determines to be appropriate.]***~~ **(Deleted by amendment.)**

Sec. 30. NRS 704.767 is hereby amended to read as follows:

704.767 As used in NRS 704.766 to 704.775, inclusive, ***and sections 27*** ~~***[, 28 and]***~~ ***to 29 , inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 704.7675 to 704.772, inclusive, have the meanings ascribed to them in those sections.

Sec. 31. NRS 704.773 is hereby amended to read as follows:

704.773 1. A utility shall offer net metering ~~[.~~

~~— (a) In]~~ ***in*** accordance with the provisions of ~~[this section, NRS 704.774 and 704.775,]~~ ***NRS 704.766 to 704.775, inclusive, and sections 27 ~~[, 28 and]~~ to 29, inclusive, of this act*** to the customer-generators operating within its service area ***.*** ~~[until the date on which the cumulative capacity of all net metering systems for which all utilities in this State have accepted or approved completed applications for net metering is equal to 235 megawatts.~~

~~— (b) After the date on which the cumulative capacity requirement described in paragraph (a) is met, in accordance with a tariff filed by the utility and approved by the Commission pursuant to NRS 704.7735.]~~

2. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of not more than 25 kilowatts, the utility:

(a) Shall offer to make available to the customer-generator an energy meter that is capable of registering the flow of electricity in two directions.

(b) May, at its own expense and with the written consent of the customer-generator, install one or more additional meters to monitor the flow of electricity in each direction.

(c) Except as otherwise provided in subsection ~~[5,]~~ ***7, ~~[and section 28 of this act,]~~*** shall not charge ~~[a]~~ ***the*** customer-generator any fee or charge that ~~[would increase the customer-generator's minimum monthly charge to an amount greater]~~ ***is different*** than that ~~[of]~~ ***charged to*** other customers of the utility in the ~~[same]~~ rate class ~~[as]~~ ***to which*** the customer-generator ~~[.]~~ ***would belong if the customer-generator did not have a net metering system.***

(d) Shall not reduce the minimum monthly charge of the customer-generator based on the electricity generated by the customer-generator and fed back to the utility.

3. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of more than 25 kilowatts, the utility:

(a) May require the customer-generator to install at its own cost:

(1) An energy meter that is capable of measuring generation output and customer load; and

(2) Any upgrades to the system of the utility that are required to make the net metering system compatible with the system of the utility.

(b) Except as otherwise provided in paragraph ~~[(c) and]~~ ***(d) ~~[,]~~ and*** subsection ~~[5, may]~~ ***7, ~~[and section 28 of this act,]~~ shall not*** charge the customer-generator any ~~[applicable]~~ fee or charge ***that is different than that*** charged to other customers of the utility in the ~~[same]~~ rate class ~~[as]~~ ***to which*** the customer-generator ~~[,]~~ ***would belong if the customer-generator did not have a net metering system,*** including, without limitation, customer, demand and facility charges.

(c) ***Shall not reduce the minimum monthly charge of the customer-generator based on the electricity generated by the customer-generator and fed back to the utility.***

(d) Shall not charge the customer-generator any standby charge.

~~[➥]~~

4. At the time of installation or upgrade of any portion of a net metering system, the utility must allow a customer-generator governed by ~~[this]~~ subsection ***3*** to pay the entire cost of the installation or upgrade of the portion of the net metering system.

~~[4.]~~ ***5. Except as otherwise provided in subsections 2, 3 and 6 and section ~~[28]~~ 28.3 of this act, the utility shall not for any purpose assign a customer-generator to a rate class other than the rate class to which the customer-generator would belong if the customer-generator did not have a net metering system, including, without limitation, for the purpose of any fee or charge.***

6. If the net metering system of a customer-generator is a net metering system described in paragraph (b) or (c) of subsection 1 of NRS 704.771 and:

(a) The system is intended primarily to offset part or all of the customer-generator's requirements for electricity on property contiguous to the property on which the net metering system is located; and

(b) The customer-generator sells or transfers his or her interest in the contiguous property,

➥ the net metering system ceases to be eligible to participate in net metering.

~~[5.]~~ ***7.*** A utility shall assess against a customer-generator:

(a) If applicable, the universal energy charge imposed pursuant to NRS 702.160; ***and***

(b) Any charges imposed pursuant to chapter 701B of NRS or NRS 704.7827 or 704.785 which are assessed against other customers in the same rate class as the customer-generator ***.*** ~~[; and~~

~~(c) The charges or rates, if any, which the Commission determines must be assessed against the customer-generator pursuant to any tariff submitted to and approved by the Commission pursuant to NRS 704.7735.]~~

➥ For any such charges calculated on the basis of a kilowatt-hour rate, the customer-generator must only be charged with respect to kilowatt-hours of energy delivered by the utility to the customer-generator.

~~[6.]~~ ***8. The Commission and the utility must allow a customer-generator who accepts the offer of the utility for net metering to continue net metering pursuant to NRS 704.766 to 704.775, inclusive, and sections 27 ~~[, 28 and]~~ to 29 , inclusive, of this act at the location at which the net metering system is originally installed ~~[for the life of the net metering system that is originally installed or]~~ for 20 years . ~~[, whichever is longer.]~~ For the purposes of this subsection, "to continue net metering" includes, without limitation:***

(a) Retaining the percentage set forth in subsection ~~[4]~~ 3 of section ~~[28]~~ 28.3 of this act to be used to determine the ~~[net metering adjustment

~~charge]~~ ***credit for electricity governed by paragraph (c) of subsection 2 of NRS 704.775, which is applicable to the customer-generator; and***

(b) Replacing the originally installed net metering system, as needed, at any time before 20 years after the date of the installation of the originally installed net metering system.

9. The Commission shall adopt regulations prescribing the form and substance for a net metering tariff and a standard net metering contract. The regulations must include, without limitation:

(a) The particular provisions, limitations and responsibilities of a customer-generator which must be included in a net metering tariff with regard to:

(1) Metering equipment;

(2) Net energy metering and billing; and

(3) Interconnection,

➥ based on the allowable size of the net metering system.

(b) The particular provisions, limitations and responsibilities of a customer-generator and the utility which must be included in a standard net metering contract.

(c) A timeline for processing applications and contracts for net metering applicants.

(d) Any other provisions the Commission finds necessary to carry out the provisions of NRS 704.766 to 704.775, inclusive ~~[.]~~ ***, and sections 27 ~~[, 28 and]~~ to 29 , inclusive, of this act.***

Sec. 31.5. **NRS 704.775 is hereby amended to read as follows:**

704.775 1. The billing period for net metering must be a monthly period.

2. The net energy measurement must be calculated in the following manner:

(a) The utility shall measure, in kilowatt-hours, the net electricity produced or consumed during the billing period, in accordance with normal metering practices.

(b) If the electricity supplied by the utility exceeds the electricity generated by the customer-generator which is fed back to the utility during the billing period, the customer-generator must be billed for the net electricity supplied by the utility.

(c) ~~[If]~~ ***Except as otherwise provided in section 28.3 of this act, if*** the electricity generated by the customer-generator which is fed back to the utility exceeds the electricity supplied by the utility during the billing period:

(1) Neither the utility nor the customer-generator is entitled to compensation for the electricity provided to the other during the billing period.

(2) The excess electricity which is fed back to the utility during the billing period is carried forward to the next billing period as an addition to the kilowatt-hours generated by the customer-generator in that billing period. If the customer-generator is billed for electricity pursuant to a time-of-use

rate schedule, the excess electricity carried forward must be added to the same time-of-use period as the time-of-use period in which it was generated unless the subsequent billing period lacks a corresponding time-of-use period. In that case, the excess electricity carried forward must be apportioned evenly among the available time-of-use periods.

(3) Excess electricity may be carried forward to subsequent billing periods indefinitely, but a customer-generator is not entitled to receive compensation for any excess electricity that remains if:

(I) The net metering system ceases to operate or is disconnected from the utility's transmission and distribution facilities;

(II) The customer-generator ceases to be a customer of the utility at the premises served by the net metering system; or

(III) The customer-generator transfers the net metering system to another person.

(4) The value of the excess electricity must not be used to reduce any other fee or charge imposed by the utility.

3. If the cost of purchasing and installing a net metering system was paid for:

(a) In whole or in part by a utility, the electricity generated by the net metering system shall be deemed to be electricity that the utility generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard pursuant to NRS 704.7801 to 704.7828, inclusive.

(b) Entirely by a customer-generator, the Commission shall issue to the customer-generator portfolio energy credits for use within the system of portfolio energy credits adopted by the Commission pursuant to NRS 704.7821 and 704.78213 equal to the electricity generated by the net metering system.

4. A bill for electrical service is due at the time established pursuant to the terms of the contract between the utility and the customer-generator.

Sec. 32. ~~[1. For the purposes of compliance with section 28 of this act, from the effective date of section 28 of this act until the date in January 2018 on which the Public Utilities Commission of Nevada first determines the peak demand for electricity in this State pursuant to paragraph (a) of subsection 6 of section 28 of this act, the Commission shall deem the peak demand for electricity in this State for the previous calendar year to be 8,000 megawatts.~~

~~2. For the purposes of compliance with paragraph (a) of subsection 5 of section 28 of this act in January 2018, a utility to which section 28 of this act applies may, on or before January 15, 2018, report the peak demand for electricity experienced by the utility each day of calendar year 2017 beginning on the effective date of section 28 of this act and ending on December 31, 2017.~~] **(Deleted by amendment.)**

Sec. 32.5. **1. Not later than 45 days after the effective date of this act, a utility shall file with the Public Utilities Commission of Nevada any**

amendments to its tariff or tariffs that are necessary to comply with the provisions of section 28.3 of this act.

2. As used in this section, "utility" has the meaning ascribed to it in NRS 704.772.

Sec. 32.7. **The provisions of subsection 1 of NRS 318D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 33. NRS 704.7735 is hereby repealed.

Sec. 34. 1. This section and sections ~~[26]~~ **25** to **28.5, inclusive, and 29 to** 33, inclusive, of this act become effective upon passage and approval.

2. Sections 1 to 24, inclusive, of this act become effective on September 1, 2017.

3. If the Legislature provides by law for an open, competitive retail electric energy market for all electricity customers within a service territory, including, without limitation, if the Legislature does so as a result of the proposed state constitutional amendment known as the Energy Choice Initiative, section 28.7 of this act becomes effective with regard to the customers within that service territory on the date on which such customers have the right to choose the provider of their electric utility service pursuant to that law. As used in this section, "electricity customer" means every person, business, association of persons or businesses, state agency, political subdivision of this State or any other entity in this State that is a customer of a provider of electric service.

TEXT OF REPEALED SECTION

704.7735 Utility required to offer net metering in accordance with tariff after certain cumulative capacity requirements are met.

1. Except as otherwise provided in subsection 3, each utility shall, in accordance with a tariff filed by the utility and approved by the Commission, offer net metering to customer-generators who submit applications to install net metering systems within its service territory after the date on which the cumulative capacity requirement described in paragraph (a) of subsection 1 of NRS 704.773 is met.

2. For the purposes of evaluating and approving any tariff filed with the Commission pursuant to subsection 1 and otherwise carrying out the provisions of this section, the Commission:

(a) May establish one or more rate classes for customer-generators.

(b) May establish terms and conditions for the participation by customer-generators in net metering, including, without limitation, limitations on enrollment in net metering which the Commission determines are appropriate to further the public interest.

(c) May close to new customer-generators a tariff filed pursuant to subsection 1 and approved by the Commission if the Commission determines that closing the tariff to new customer-generators is in the public interest.

(d) May authorize a utility to establish just and reasonable rates and charges to avoid, reduce or eliminate an unreasonable shifting of costs from customer-generators to other customers of the utility.

(e) Shall not approve a tariff filed pursuant to subsection 1 or authorize any rates or charges for net metering that unreasonably shift costs from customer-generators to other customers of the utility.

3. In approving any tariff submitted pursuant to subsection 1, the Commission shall determine whether and the extent to which any tariff approved or rates or charges authorized pursuant to this section are applicable to customer-generators who, on or before the date on which the cumulative capacity requirement described in paragraph (a) of subsection 1 of NRS 704.773 is met, submitted a complete application to install a net metering system within the service territory of a utility.

Assemblywoman Bustamante Adams moved that the Assembly concur in the Senate Amendment No. 1100 to Assembly Bill No. 405.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

It adds several Senators as joint sponsors. It adds a legislative declaration regarding the necessity to provide for the immediate reestablishment of the rooftop solar market in Nevada.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 130.

The following Senate amendment was read:

Amendment No. 1111.

AN ACT relating to guardianships; authorizing a court to require a proposed guardian to file a proposed preliminary care plan and budget; establishing the process by which a person may obtain the approval of the court for the payment of attorney's fees and costs from the assets of a ward; establishing the State Guardianship Compliance Office; replacing the term "incompetent" with the term "incapacitated" for purposes of guardianships and revising the definition thereof; revising various provisions relating to notice given to certain persons; revising provisions concerning the sale of real and personal property of a ward; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term "incompetent" for purposes of the provisions of law governing guardianships. (NRS 159.019) **Section 7** of this bill replaces the term "incompetent" with the term "incapacitated" and revises the definition thereof. **Sections 5, 6, 11, 12-17, 20, 22, 35 and 36-43** of this bill make conforming changes.

Existing law generally requires a petitioner in a guardianship proceeding to give notice of the time and place of the hearing on any petition filed in the guardianship proceeding to certain persons, including any minor ward who is

14 years of age or older. (NRS 159.034) **Section 8** of this bill revises this requirement and requires that notice be given to any ward who is 14 years of age or older, regardless of whether the ward is considered to have the capacity to understand or appreciate the contents of the petition.

Existing law provides that after the filing of a petition in a guardianship proceeding, the clerk is required to issue a citation setting forth a time and place for the hearing and directing certain persons to appear and show cause why a guardian should not be appointed for the proposed ward. (NRS 159.047) **Section 9** of this bill requires a copy of the petition to be served together with the citation on certain persons, including a proposed ward who is 14 years of age or older, regardless of whether the ward is considered to have the capacity to understand or appreciate the contents of the petition, and **section 10** of this bill requires that the proposed ward be served by personal service. **Section 9** also requires a person who serves notice upon the proposed ward to file with the court an affidavit stating that notice was served.

Existing law requires a guardian of the person to file with the court a written report on the condition of the ward and the exercise of authority and performance of duties by the guardian at certain specified times. (NRS 159.081) **Section 18** of this bill requires that such a report be served on the ward.

Section 21 of this bill requires the guardian of the estate and the guardian of the person to be notified if the ward is a party to any criminal action. **Section 23** of this bill requires that notice be given to a ward upon the filing of certain petitions or any account.

Existing law establishes various provisions concerning transactions involving real and personal property of a ward, including the sale of such property. (NRS 159.127-159.175) **Sections 24-31** of this bill revise certain provisions concerning the sale of real property of a ward, and **section 44** of this bill repeals provisions of law relating to a public auction for the sale of real property. **Sections 32-34** of this bill revise provisions concerning the sale of personal property of a ward. **Section 32** of this bill authorizes a guardian to: (1) sell or dispose of personal property of a ward that has a total value of less than $10,000 if certain notice is given and no objection to the sale or disposal is received; and (2) authorize the immediate destruction of personal property of a ward without notice in certain circumstances. **Section 33** of this bill requires that notice of a sale of the personal property of a ward be given to a ward who is 14 years of age or older and certain other persons and, if the gross value of the estate of the ward is $10,000 or more, published in a newspaper before a guardian may sell the personal property of a ward.

Section 2 of this bill specifies that upon the filing of a petition for the appointment of a guardian, the court may require a proposed guardian to file a proposed preliminary care plan and budget, the format of which and the timing of the filing thereof must be specified by a court rule approved by the Supreme Court.

Section 3 of this bill provides that any person who retains an attorney for the purposes of representing a party in a guardianship proceeding is personally liable for any attorney's fees and costs incurred, but authorizes such a person to petition the court for an order authorizing the payment of such attorney's fees and costs from the estate of the ward. **Section 3** prohibits such attorney's fees and costs from being paid from the estate of the ward without court approval and establishes the process by which a person is able to obtain the approval of the court. **Section 3** also authorizes an attorney who is appointed by the court to seek compensation for his or her services from the guardianship estate in accordance with the established process. **Section 3** additionally provides that if two or more parties in a guardianship proceeding file competing petitions for the appointment of a guardian or otherwise litigate any contested issue in the guardianship proceeding, only the prevailing party may petition the court for the payment of attorney's fees and costs. If the court determines that there is no prevailing party, the court may authorize a portion of each party's attorney's fees and costs to be paid.

Section 4 of this bill establishes the State Guardianship Compliance Office. **Section 4** provides that the State Guardianship Compliance Officer is appointed by the Supreme Court and serves at the pleasure of the Court. **Section 4** also authorizes the State Guardianship Compliance Officer to hire two accountants and two investigators to provide auditing and investigative services to the district courts during the administration of guardian proceedings. **Section 43.5** of this bill appropriates money to the Nevada Supreme Court to pay the costs of the State Guardianship Compliance Office.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 159 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***Upon the filing of a petition for the appointment of a guardian, the court may require a proposed guardian to file a proposed preliminary care plan and budget. The format of such a proposed preliminary care plan and budget and the timing of the filing thereof must be specified by a rule approved by the Supreme Court.***

Sec. 3. ***1. Any person, including, without limitation, a guardian or proposed guardian, who retains an attorney for the purposes of representing a party in a guardianship proceeding is personally liable for any attorney's fees and costs incurred as a result of such representation.***

2. Notwithstanding the provisions of subsection 1 and except as otherwise provided in subsection 5 of NRS 159.183, a person who is personally liable for attorney's fees and costs may petition the court for an order authorizing such attorney's fees and costs to be paid from the estate of the ward in accordance with this section. Any such attorney's fees and costs must not be paid from the guardianship estate unless and until the court authorizes the payment pursuant to this section.

3. When a person who intends to petition the court for payment of attorney's fees and costs from the guardianship estate first appears in the guardianship proceeding, the person must file written notice of his or her intent to seek payment of attorney's fees and costs from the guardianship estate. The written notice:

(a) Must provide a general explanation of the compensation arrangement and how compensation will be computed;

(b) Must include the hourly billing rates of all timekeepers, including, without limitation, attorneys, law clerks and paralegals;

(c) Must provide a general explanation of the reasons why the services of the attorney are necessary to further the best interests of the ward;

(d) Must be served by the person on all persons entitled to notice pursuant to NRS 159.034 and 159.047; and

(e) Is subject to approval by the court after a hearing.

4. If written notice was filed and approved by the court pursuant to subsection 3, a person may file with the court a petition requesting payment of attorney's fees and costs from the guardianship estate. Such a petition must include the following information:

(a) A detailed statement as to the nature and extent of the services performed by the attorney;

(b) An itemization of each task performed by the attorney, with reference to the time spent on each task in an increment to the nearest one-tenth of an hour and with no minimum billing unit in excess of one-tenth of an hour;

(c) An indication of whether any time billed, including, without limitation, any time spent traveling or waiting, benefited any clients of the attorney other than the ward and, if so, how many other clients benefited from such time; and

(d) Any other information considered relevant to a determination of whether attorney's fees are just, reasonable and necessary.

➥ Absent approval from all parties who have appeared in the proceeding, any supplemental requests for the payment of attorney's fees and costs cannot be augmented in open court and must be properly noticed in the same manner as the underlying petition requesting payment.

5. In determining whether attorney's fees are just, reasonable and necessary, the court may consider all the following factors:

(a) The written notice approved by the court pursuant to subsection 3.

(b) Whether the services conferred any actual benefit upon the ward or attempted to advance the best interests of the ward.

(c) The qualities of the attorney, including, without limitation, his or her ability, training, education, experience, professional standing and skill.

(d) The character of the work performed, including, without limitation, the difficulty, intricacy and importance of the work, the time and skill required to complete the work, the responsibility imposed and the nature of the proceedings.

(e) The work actually performed by the attorney, including, without limitation, the skill, time and attention given to the work.

(f) The result of the work, including, without limitation, whether the attorney was successful and any benefits that were derived.

(g) The usual and customary fees charged in the relevant professional communities for each task performed, regardless of who actually performed the task. The court may only award:

(1) Compensation at an attorney rate for time spent performing services that require an attorney;

(2) Compensation at a paralegal rate for time spent performing paralegal services;

(3) Compensation at a fiduciary rate for time spent performing fiduciary services; and

(4) No compensation for time spent performing secretarial or clerical services.

(h) The appropriate apportionment among multiple clients of any billed time that benefited multiple clients of the attorney.

(i) The extent to which the services were provided in a reasonable, efficient and cost-effective manner, including, without limitation, whether there was appropriate and prudent delegation of services to others.

(j) The ability of the estate of the ward to pay, including, without limitation:

(1) The value of the estate;

(2) The nature, extent and liquidity of the assets of the estate;

(3) The disposable net income of the estate;

(4) The anticipated future needs of the ward; and

(5) Any other foreseeable expenses.

(k) The efforts made by the person and attorney to reduce and minimize any issues.

(l) Any actions by the person or attorney that unnecessarily expanded issues or delayed or hindered the efficient administration of the estate.

(m) Whether any actions taken by the person or attorney were taken for the purpose of advancing or protecting the interests of the person as opposed to the interests of the ward.

(n) Any other factor that is relevant in determining whether attorney's fees are just, reasonable and necessary, including, without limitation, any other factor that is relevant in determining whether the person was acting in good faith and was actually pursuing the best interests of the ward.

6. The court shall not approve compensation for an attorney for:

(a) Time spent on internal business activities of the attorney, including, without limitation, clerical or secretarial support; or

(b) Time reported as a total amount of time spent on multiple tasks, rather than an itemization of the time spent on each task.

7. Any fees paid by a third party, including, without limitation, a trust of which the estate is a beneficiary, must be disclosed to and approved by the court.

8. In addition to any payment provided to a person pursuant to this section for the services of an attorney, a person may receive payment for ordinary costs and expenses incurred in the scope of the attorney's representation.

9. If two or more parties in a guardianship proceeding file competing petitions for the appointment of a guardian or otherwise litigate any contested issue in the guardianship proceeding, only the prevailing party may petition the court for payment of attorney's fees and costs from the guardianship estate pursuant to this section. If the court determines that there is no prevailing party, the court may authorize a portion of each party's attorney's fees and costs to be paid from the guardianship estate if the court determines that such fees and costs are just, reasonable and necessary given the nature of any issues in dispute.

10. If an attorney is appointed by the court in a guardianship proceeding, he or she may petition the court for compensation for his or her services from the guardianship estate in accordance with the procedure set forth in this section.

Sec. 4. ***1. The State Guardianship Compliance Office is hereby created.***

2. The State Guardianship Compliance Officer is:

(a) Appointed by the Supreme Court and serves at the pleasure of the Court; and

(b) Entitled to receive an annual salary set by the Supreme Court within the limits of legislative appropriations.

3. The State Guardianship Compliance Officer may hire two accountants and two investigators to provide auditing and investigative services to the district courts during the administration of guardianship proceedings.

4. The State Guardianship Compliance Officer shall not act as a guardian for any ward.

Sec. 5. NRS 159.014 is hereby amended to read as follows:

159.014 "Care provider" includes any public or private institution located within or outside this state which provides facilities for the care or maintenance of ~~[~~incompetents,~~]~~ ***persons who are incapacitated,*** persons of limited capacity or minors.

Sec. 6. NRS 159.015 is hereby amended to read as follows:

159.015 "Court" means any court or judge having jurisdiction of the persons and estates of minors, ~~[~~incompetent~~]~~ persons ~~[~~,~~]~~ ***who are incapacitated*** or persons of limited capacity.

Sec. 7. NRS 159.019 is hereby amended to read as follows:

159.019 ~~[~~"Incompetent" means an adult~~]~~ ***A*** person ~~[~~who, by reason of mental illness, mental deficiency, disease, weakness of mind or any other

~~cause,~~] ***is "incapacitated" if he or she, for reasons other than being a minor,*** is unable ~~[, without assistance, properly to manage and take care of himself or herself or his or her property, or both. The term includes a person who is mentally incapacitated.~~] ***to receive and evaluate information or make or communicate decisions to such an extent that the person lacks the ability to meet essential requirements for physical health, safety or self-care without appropriate assistance.***

Sec. 8. NRS 159.034 is hereby amended to read as follows:

159.034 1. Except as otherwise provided in this section, by specific statute or as ordered by the court, a petitioner in a guardianship proceeding shall give notice of the time and place of the hearing on any petition filed in the guardianship proceeding to:

(a) Any ~~[minor]~~ ward who is 14 years of age or older ~~[.]~~ ***, regardless of whether the ward is considered to have the capacity to understand or appreciate the contents of the petition.***

(b) The parent or legal guardian of any minor ward who is less than 14 years of age.

(c) The spouse of the ward and all other known relatives of the ward who are within the second degree of consanguinity.

(d) Any other interested person or the person's attorney who has filed a request for notice in the guardianship proceedings and has served a copy of the request upon the guardian. The request for notice must state the interest of the person filing the request and the person's name and address, or that of his or her attorney.

(e) The guardian, if the petitioner is not the guardian.

(f) Any person or care provider who is providing care for the ward, except that if the person or care provider is not related to the ward, such person or care provider must not receive copies of any inventory or accounting.

(g) Any office of the Department of Veterans Affairs in this State if the ward is receiving any payments or benefits through the Department of Veterans Affairs.

(h) The Director of the Department of Health and Human Services if the ward has received or is receiving benefits from Medicaid.

(i) Those persons entitled to notice if a proceeding were brought in the ward's home state.

2. The petitioner shall give notice not later than 10 days before the date set for the hearing:

(a) By mailing a copy of the notice by certified, registered or ordinary first-class mail to the residence, office or post office address of each person required to be notified pursuant to this section;

(b) By personal service; or

(c) In any other manner ordered by the court, upon a showing of good cause.

3. Except as otherwise provided in this subsection, if none of the persons entitled to notice of a hearing on a petition pursuant to this section can, after

due diligence, be served by certified mail or personal service and this fact is proven by affidavit to the satisfaction of the court, service of the notice must be made by publication in the manner provided by N.R.C.P. 4(e). In all such cases, the notice must be published not later than 10 days before the date set for the hearing. If, after the appointment of a guardian, a search for relatives of the ward listed in paragraph (c) of subsection 1 fails to find any such relative, the court may waive the notice by publication required by this subsection.

4. For good cause shown, the court may waive the requirement of giving notice.

5. A person entitled to notice pursuant to this section may waive such notice. Such a waiver must be in writing and filed with the court.

6. On or before the date set for the hearing, the petitioner shall file with the court proof of giving notice to each person entitled to notice pursuant to this section.

Sec. 9. NRS 159.047 is hereby amended to read as follows:

159.047 1. Except as otherwise provided in NRS 159.0475 and 159.049 to 159.0525, inclusive, upon the filing of a petition under NRS 159.044, the clerk shall issue a citation setting forth a time and place for the hearing and directing the persons or care provider referred to in subsection 2 to appear and show cause why a guardian should not be appointed for the proposed ward.

2. A citation issued under subsection 1 ***, together with a copy of the petition filed under NRS 159.044,*** must be served upon:

(a) A proposed ward who is 14 years of age or older ~~[;]~~ ***, regardless of whether the proposed ward is considered to have the capacity to understand or appreciate the contents of the citation and petition;***

(b) The spouse of the proposed ward and all other known relatives of the proposed ward who are:

(1) Fourteen years of age or older; and

(2) Within the second degree of consanguinity;

(c) The parents and custodian of the proposed ward;

(d) Any person or officer of a care provider having the care, custody or control of the proposed ward;

(e) The proposed guardian, if the petitioner is not the proposed guardian;

(f) Any office of the Department of Veterans Affairs in this State if the proposed ward is receiving any payments or benefits through the Department of Veterans Affairs; and

(g) The Director of the Department of Health and Human Services if the proposed ward has received or is receiving any benefits from Medicaid.

3. A person who serves notice upon a proposed ward pursuant to paragraph (a) of subsection 2 shall file with the court an affidavit stating that he or she served notice upon the proposed ward in accordance with the provisions of NRS 159.0475.

Sec. 10. NRS 159.0475 is hereby amended to read as follows:

159.0475 1. A copy of the citation issued pursuant to NRS 159.047 ***, together with a copy of the petition filed under NRS 159.044,*** must be served ***:*** ~~[by:]~~

(a) ***Except as otherwise ordered by the court, on a proposed ward who is 14 years of age or older by personal service in the manner provided pursuant to N.R.C.P. 4(d) at least 10 days before the date set for the hearing; and***

(b) On each person required to be served pursuant to NRS 159.047 other than a proposed ward by:

(1) Certified mail, with a return receipt requested, ~~[on each person required to be served pursuant to NRS 159.047]~~ at least 20 days before the hearing; or

~~[(b)]~~ ***(2)*** Personal service in the manner provided pursuant to N.R.C.P. 4(d) at least 10 days before the date set for the hearing ***.*** ~~[on each person required to be served pursuant to NRS 159.047.]~~

2. If none of the persons on whom the citation ***and petition*** is to be served can, after due diligence, be served by certified mail or personal service ***, as applicable,*** and this fact is proven ~~[,]~~ by affidavit ~~[,]~~ to the satisfaction of the court, service of the citation ~~***[and petition]***~~ must be made by publication in the manner provided by N.R.C.P. 4(e). In all such cases, the citation ~~***[and petition]***~~ must be published at least 20 days before the date set for the hearing.

3. A citation ***and petition*** need not be served on a person or an officer of the care provider who has signed the petition or a written waiver of service of ***the*** citation ***and petition*** or who makes a general appearance.

4. The court may find that notice is sufficient if:

(a) ***The citation and petition have been served by personal service on the proposed ward and an affidavit of such service has been filed with the court pursuant to subsection 3 of NRS 159.047;***

(b) The citation ~~[has]~~ ***and petition have*** been served by certified mail, with a return receipt requested, or by personal service on the ~~[proposed ward,]~~ care provider or public guardian required to be served pursuant to NRS 159.047; and

~~[(b)]~~ ***(c)*** At least one relative of the proposed ward who is required to be served pursuant to NRS 159.047 has been served, as evidenced by the return receipt or the certificate of service. If the court finds that at least one relative of the proposed ward has not received notice that is sufficient, the court will require the citation ~~***[and petition]***~~ to be published pursuant to subsection 2.

Sec. 11. NRS 159.048 is hereby amended to read as follows:

159.048 The citation issued pursuant to NRS 159.047 must state that the:

1. Proposed ward may be adjudged to be ~~[incompetent]~~ ***incapacitated*** or of limited capacity and a guardian may be appointed for the proposed ward;

2. Proposed ward's rights may be affected as specified in the petition;

3. Proposed ward has the right to appear at the hearing and to oppose the petition; and

4. Proposed ward has the right to be represented by an attorney, who may be appointed for the proposed ward by the court if the proposed ward is unable to retain one.

Sec. 11.5. NRS 159.0485 is hereby amended to read as follows:

159.0485 1. At the first hearing for the appointment of a guardian for a proposed adult ward, the court shall advise the proposed adult ward who is in attendance at the hearing or who is appearing by videoconference at the hearing of his or her right to counsel and determine whether the proposed adult ward wishes to be represented by counsel in the guardianship proceeding. If the proposed adult ward is not in attendance at the hearing because the proposed adult ward has been excused pursuant to NRS 159.0535 and is not appearing by videoconference at the hearing, the proposed adult ward must be advised of his or her right to counsel pursuant to subsection 2 of NRS 159.0535.

2. If an adult ward or proposed adult ward is unable to retain legal counsel and requests the appointment of counsel at any stage in a guardianship proceeding and whether or not the adult ward or proposed adult ward lacks or appears to lack capacity, the court shall, at or before the time of the next hearing, appoint an attorney who works for legal aid services, if available, or a private attorney to represent the adult ward or proposed adult ward. The appointed attorney shall represent the adult ward or proposed adult ward until relieved of the duty by court order.

3. Subject to the discretion and approval of the court, the attorney for the adult ward or proposed adult ward is entitled to reasonable compensation and expenses. Unless the court determines that the adult ward or proposed adult ward does not have the ability to pay such compensation and expenses or the court shifts the responsibility of payment to a third party, the compensation and expenses must be paid from the estate of the adult ward or proposed adult ward, unless the compensation and expenses are provided for or paid by another person or entity. If the court finds that a person has unnecessarily or unreasonably caused the appointment of an attorney, the court may order the person to pay to the estate of the adult ward or proposed adult ward all or part of the expenses associated with the appointment of the attorney. ***Any attorney who intends to seek compensation from the estate of the adult ward or proposed adult ward must follow the procedure established in section 3 of this act.***

Sec. 12. NRS 159.0487 is hereby amended to read as follows:

159.0487 Any court of competent jurisdiction may appoint:

1. Guardians of the person, of the estate, or of the person and estate for ~~[~~incompetents~~]~~ ***persons who are incapacitated*** or minors whose home state is this State.

2. Guardians of the person or of the person and estate for ~~[~~incompetents~~]~~ ***persons who are incapacitated*** or minors who, although not residents of this

State, are physically present in this State and whose welfare requires such an appointment.

3. Guardians of the estate for nonresident ~~[incompetents]~~ ***persons who are incapacitated*** or nonresident minors who have property within this State.

4. Special guardians.

5. Guardians ad litem.

Sec. 13. NRS 159.054 is hereby amended to read as follows:

159.054 1. If the court finds ***that*** the proposed ward ~~[competent]~~ ***is not incapacitated*** and ***is*** not in need of a guardian, the court shall dismiss the petition.

2. If the court finds ***that*** the proposed ward ~~[to be]~~ ***is*** of limited capacity and ***is*** in need of a special guardian, the court shall enter an order accordingly and specify the powers and duties of the special guardian.

3. If the court finds that appointment of a general guardian is required, the court shall appoint a general guardian of the ward's person, estate, or person and estate.

Sec. 14. NRS 159.0593 is hereby amended to read as follows:

159.0593 1. If the court orders a general guardian appointed for a proposed ward, the court shall determine, by clear and convincing evidence, whether the proposed ward is a person with a mental defect who is prohibited from possessing a firearm pursuant to 18 U.S.C. § 922(d)(4) or (g)(4). If a court makes a finding pursuant to this section that the proposed ward is a person with a mental defect, the court shall include the finding in the order appointing the guardian and cause, within 5 business days after issuing the order, a record of the order to be transmitted to the Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

2. As used in this section:

(a) "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

(b) "Person with a mental defect" means a person who, as a result of marked subnormal intelligence, mental illness, ~~[incompetence,]~~ ***incapacitation,*** condition or disease, is:

(1) A danger to himself or herself or others; or

(2) Lacks the capacity to contract or manage his or her own affairs.

Sec. 15. NRS 159.0613 is hereby amended to read as follows:

159.0613 1. Except as otherwise provided in subsection 3, in a proceeding to appoint a guardian for an adult, the court shall give preference to a nominated person or relative, in that order of preference:

(a) Whether or not the nominated person or relative is a resident of this State; and

(b) If the court determines that the nominated person or relative is qualified and suitable to be appointed as guardian for the adult.

2. In determining whether any nominated person, relative or other person listed in subsection 4 is qualified and suitable to be appointed as guardian for an adult, the court shall consider, if applicable and without limitation:

(a) The ability of the nominated person, relative or other person to provide for the basic needs of the adult, including, without limitation, food, shelter, clothing and medical care;

(b) Whether the nominated person, relative or other person has engaged in the habitual use of alcohol or any controlled substance during the previous 6 months, except the use of marijuana in accordance with the provisions of chapter 453A of NRS;

(c) Whether the nominated person, relative or other person has been judicially determined to have committed abuse, neglect, exploitation, isolation or abandonment of a child, his or her spouse, his or her parent or any other adult, unless the court finds that it is in the best interests of the ward to appoint the person as guardian for the adult;

(d) Whether the nominated person, relative or other person is ~~[~~incompetent~~]~~ ***incapacitated*** or has a disability; and

(e) Whether the nominated person, relative or other person has been convicted in this State or any other jurisdiction of a felony, unless the court determines that any such conviction should not disqualify the person from serving as guardian for the adult.

3. If the court finds that two or more nominated persons are qualified and suitable to be appointed as guardian for an adult, the court may appoint two or more nominated persons as co-guardians or shall give preference among them in the following order of preference:

(a) A person whom the adult nominated for the appointment as guardian for the adult in a will, trust or other written instrument that is part of the adult's established estate plan and was executed by the adult while ~~[~~competent.~~]~~ ***he or she was not incapacitated.***

(b) A person whom the adult requested for the appointment as guardian for the adult in a written instrument that is not part of the adult's established estate plan and was executed by the adult while ~~[~~competent.~~]~~ ***he or she was not incapacitated.***

4. Subject to the preferences set forth in subsections 1 and 3, the court shall appoint as guardian the qualified person who is most suitable and is willing to serve. In determining which qualified person is most suitable, the court shall, in addition to considering any applicable factors set forth in subsection 2, give consideration, among other factors, to:

(a) Any nomination or request for the appointment as guardian by the adult.

(b) Any nomination or request for the appointment as guardian by a relative.

(c) The relationship by blood, adoption, marriage or domestic partnership of the proposed guardian to the adult. In considering preferences of appointment, the court may consider relatives of the half blood equally with

those of the whole blood. The court may consider any relative in the following order of preference:

(1) A spouse or domestic partner.

(2) A child.

(3) A parent.

(4) Any relative with whom the adult has resided for more than 6 months before the filing of the petition or any relative who has a power of attorney executed by the adult while ~~[competent.]~~ ***he or she was not incapacitated.***

(5) Any relative currently acting as agent.

(6) A sibling.

(7) A grandparent or grandchild.

(8) An uncle, aunt, niece, nephew or cousin.

(9) Any other person recognized to be in a familial relationship with the adult.

(d) Any recommendation made by a master of the court or special master pursuant to NRS 159.0615.

(e) Any request for the appointment of any other interested person that the court deems appropriate, including, without limitation, a person who is not a relative and who has a power of attorney executed by the adult while ~~[competent.]~~ ***he or she was not incapacitated.***

5. The court may appoint as guardian any nominated person, relative or other person listed in subsection 4 who is not a resident of this State. The court shall not give preference to a resident of this State over a nonresident if the court determines that:

(a) The nonresident is more qualified and suitable to serve as guardian; and

(b) The distance from the proposed guardian's place of residence and the adult's place of residence will not affect the quality of the guardianship or the ability of the proposed guardian to make decisions and respond quickly to the needs of the adult because:

(1) A person or care provider in this State is providing continuing care and supervision for the adult;

(2) The adult is in a secured residential long-term care facility in this State; or

(3) Within 30 days after the appointment of the proposed guardian, the proposed guardian will move to this State or the adult will move to the proposed guardian's state of residence.

6. If the court appoints a nonresident as guardian for the adult:

(a) The jurisdictional requirements of NRS 159.1991 to 159.2029, inclusive, must be met;

(b) The court shall order the guardian to designate a registered agent in this State in the same manner as a represented entity pursuant to chapter 77 of NRS; and

(c) The court may require the guardian to complete any available training concerning guardianships pursuant to NRS 159.0592, in this State or in the state of residence of the guardian, regarding:

(1) The legal duties and responsibilities of the guardian pursuant to this chapter;

(2) The preparation of records and the filing of annual reports regarding the finances and well-being of the adult required pursuant to NRS 159.073;

(3) The rights of the adult;

(4) The availability of local resources to aid the adult; and

(5) Any other matter the court deems necessary or prudent.

7. If the court finds that there is not any suitable nominated person, relative or other person listed in subsection 4 to appoint as guardian, the court may appoint as guardian:

(a) The public guardian of the county where the adult resides if:

(1) There is a public guardian in the county where the adult resides; and

(2) The adult qualifies for a public guardian pursuant to chapter 253 of NRS;

(b) A private fiduciary who may obtain a bond in this State and who is a resident of this State, if the court finds that the interests of the adult will be served appropriately by the appointment of a private fiduciary; or

(c) A private professional guardian who meets the requirements of NRS 159.0595.

8. A person is not qualified to be appointed as guardian for an adult if the person has been suspended for misconduct or disbarred from any of the professions listed in this subsection, but the disqualification applies only during the period of the suspension or disbarment. This subsection applies to:

(a) The practice of law;

(b) The practice of accounting; or

(c) Any other profession that:

(1) Involves or may involve the management or sale of money, investments, securities or real property; and

(2) Requires licensure in this State or any other state in which the person practices his or her profession.

9. As used in this section:

(a) "Adult" means a person who is a ward or a proposed ward and who is not a minor.

(b) "Domestic partner" means a person in a domestic partnership.

(c) "Domestic partnership" means:

(1) A domestic partnership as defined in NRS 122A.040; or

(2) A domestic partnership which was validly formed in another jurisdiction and which is substantially equivalent to a domestic partnership as defined in NRS 122A.040, regardless of whether it bears the name of a domestic partnership or is registered in this State.

(d) "Nominated person" means a person, whether or not a relative, whom an adult:

(1) Nominates for the appointment as guardian for the adult in a will, trust or other written instrument that is part of the adult's established estate plan and was executed by the adult while ~~[competent.]~~ ***he or she was not incapacitated.***

(2) Requests for the appointment as guardian for the adult in a written instrument that is not part of the adult's established estate plan and was executed by the adult while ~~[competent.]~~ ***he or she was not incapacitated.***

(e) "Relative" means a person who is 18 years of age or older and who is related to the adult by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity.

Sec. 16. NRS 159.062 is hereby amended to read as follows:

159.062 A parent or spouse of ~~[an incompetent,]~~ ***a*** minor ***, person who is incapacitated*** or person of limited capacity may by will nominate a guardian. The person nominated must file a petition and obtain an appointment from the court before exercising the powers of a guardian.

Sec. 17. NRS 159.078 is hereby amended to read as follows:

159.078 1. Before taking any of the following actions, the guardian shall petition the court for an order authorizing the guardian to:

(a) Make or change the last will and testament of the ward.

(b) Except as otherwise provided in this paragraph, make or change the designation of a beneficiary in a will, trust, insurance policy, bank account or any other type of asset of the ward which includes the designation of a beneficiary. The guardian is not required to petition the court for an order authorizing the guardian to utilize an asset which has a designated beneficiary, including the closure or discontinuance of the asset, for the benefit of a ward if:

(1) The asset is the only liquid asset available with which to pay for the proper care, maintenance, education and support of the ward;

(2) The asset, or the aggregate amount of all the assets if there is more than one type of asset, has a value that does not exceed $5,000; or

(3) The asset is a bank account, investment fund or insurance policy and is required to be closed or discontinued in order for the ward to qualify for a federal program of public assistance.

(c) Create for the benefit of the ward or others a revocable or irrevocable trust of the property of the estate.

(d) Except as otherwise provided in this paragraph, exercise the right of the ward to revoke or modify a revocable trust or to surrender the right to revoke or modify a revocable trust. The court shall not authorize or require the guardian to exercise the right to revoke or modify a revocable trust if the instrument governing the trust:

(1) Evidences an intent of the ward to reserve the right of revocation or modification exclusively to the ward;

(2) Provides expressly that a guardian may not revoke or modify the trust; or

(3) Otherwise evidences an intent that would be inconsistent with authorizing or requiring the guardian to exercise the right to revoke or modify the trust.

2. Any other interested person may also petition the court for an order authorizing or directing the guardian to take any action described in subsection 1.

3. The court may authorize the guardian to take any action described in subsection 1 if, after notice to any person who is adversely affected by the proposed action and an opportunity for a hearing, the court finds by clear and convincing evidence that:

(a) A reasonably prudent person or the ward, if ~~[competent,]~~ ***not incapacitated,*** would take the proposed action and that a person has committed or is about to commit any act, practice or course of conduct which operates or would operate as a fraud or act of exploitation upon the ward or estate of the ward and that person:

(1) Is designated as a beneficiary in or otherwise stands to gain from an instrument which was executed by or on behalf of the ward; or

(2) Will benefit from the lack of such an instrument; or

(b) The proposed action is otherwise in the best interests of the ward for any other reason not listed in this section.

4. The petition must contain, to the extent known by the petitioner:

(a) The name, date of birth and current address of the ward;

(b) A concise statement as to the condition of the ward's estate; and

(c) A concise statement as to the necessity for the proposed action.

5. As used in this section:

(a) "Exploitation" means any act taken by a person who has the trust and confidence of a ward or any use of the power of attorney of a ward to:

(1) Obtain control, through deception, intimidation or undue influence, over the money, assets or property of the ward with the intention of permanently depriving the ward of the ownership, use, benefit or possession of the ward's money, assets or property.

(2) Convert money, assets or property of the ward with the intention of permanently depriving the ward of the ownership, use, benefit or possession of the ward's money, assets or property.

➥ As used in this paragraph, "undue influence" does not include the normal influence that one member of a family has over another.

(b) "Fraud" means an intentional misrepresentation, deception or concealment of a material fact known to the person with the intent to deprive the ward of the ward's rights or property or to otherwise injure the ward.

(c) "Interested person" has the meaning ascribed to it in NRS 132.185 and also includes a named beneficiary under a trust or other instrument if the validity of the trust or other instrument may be in question.

Sec. 18. NRS 159.081 is hereby amended to read as follows:

159.081 1. A guardian of the person shall make and file in the guardianship proceeding for review of the court a written report on the

condition of the ward and the exercise of authority and performance of duties by the guardian:

(a) Annually, not later than 60 days after the anniversary date of the appointment of the guardian;

(b) Within 10 days of moving a ward to a secured residential long-term care facility; and

(c) At such other times as the court may order.

2. A report filed pursuant to paragraph (b) of subsection 1 must:

(a) Include a copy of the written recommendation upon which the transfer was made; and

(b) Be served, without limitation, on the ***ward and any*** attorney for the ward **.** ~~[, if any.]~~

3. The court may prescribe the form and contents for filing a report described in subsection 1.

4. The guardian of the person shall give to the guardian of the estate, if any, a copy of each report not later than 30 days after the date the report is filed with the court.

5. The court is not required to hold a hearing or enter an order regarding the report.

Sec. 19. NRS 159.085 is hereby amended to read as follows:

159.085 1. Not later than 60 days after the date of the appointment of a general or special guardian of the estate or, if necessary, such further time as the court may allow, the guardian shall make and file in the guardianship proceeding a verified inventory of all of the property of the ward which comes to the possession or knowledge of the guardian.

2. A temporary guardian of the estate who is not appointed as the general or special guardian shall file an inventory with the court by not later than the date on which the temporary guardian files a final accounting as required pursuant to NRS 159.177.

3. The guardian shall take and subscribe an oath, which must be endorsed or attached to the inventory, before any person authorized to administer oaths, that the inventory contains a true statement of:

(a) All of the estate of the ward which has come into the possession of the guardian;

(b) All of the money that belongs to the ward; and

(c) All of the just claims of the ward against the guardian.

4. ***A copy of the inventory filed with the court and a notice of the filing must be served on the ward, his or her attorney and any guardian ad litem representing the ward.***

5. Whenever any property of the ward not mentioned in the inventory comes to the possession or knowledge of a guardian of the estate, the guardian shall:

(a) Make and file in the proceeding a verified supplemental inventory not later than 30 days after the date the property comes to the possession or knowledge of the guardian; or

(b) Include the property in the next accounting.

~~[5.]~~ ***6.*** The court may order which of the two methods described in subsection ~~[4]~~ ***5*** the guardian shall follow.

~~[6.]~~ ***7.*** The court may order all or any part of the property of the ward appraised as provided in NRS 159.0865 and 159.305.

~~[7.]~~ ***8.*** If the guardian neglects or refuses to file the inventory within the time required pursuant to subsection 1, the court may, for good cause shown and upon such notice as the court deems appropriate:

(a) Revoke the letters of guardianship and the guardian shall be liable on the bond for any loss or injury to the estate caused by the neglect of the guardian; or

(b) Enter a judgment for any loss or injury to the estate caused by the neglect of the guardian.

Sec. 20. NRS 159.0893 is hereby amended to read as follows:

159.0893 1. A guardian shall present a copy of the court order appointing the guardian and letters of guardianship to a bank or other financial institution that holds any account or other assets of the ward before the guardian may access the account or other assets.

2. The bank or other financial institution shall accept the copy of the court order appointing the guardian and letters of guardianship as proof of guardianship and allow the guardian access to the account or other assets of the ward, subject to any limitations set forth in the court order.

3. Unless the bank or other financial institution is a party to the guardianship proceeding, the bank or other financial institution is not entitled to a copy of any:

(a) ~~[Competency]~~ ***Capacity*** evaluation of the ward or any other confidential information concerning the medical condition or the placement of the ward; or

(b) Inventory or accounting of the estate of the ward.

Sec. 21. NRS 159.095 is hereby amended to read as follows:

159.095 1. A guardian of the estate shall appear for and represent the ward in all actions, suits or proceedings to which the ward is a party, unless the court finds that the interests of the guardian conflict with the interests of the ward or it is otherwise appropriate to appoint a guardian ad litem in the action, suit or proceeding.

2. Upon final resolution of the action, suit or proceeding, the guardian of the estate or the guardian ad litem shall notify the court of the outcome of the action, suit or proceeding.

3. If the person of the ward would be affected by the outcome of any action, suit or proceeding, the guardian of the person, if any, should be joined to represent the ward in the action, suit or proceeding.

4. If the ward is a party to any criminal action, the guardian of the estate and the guardian of the person must be notified of the action.

Sec. 22. NRS 159.097 is hereby amended to read as follows:

159.097 Any contract, except to the extent of the reasonable value of necessaries, and any transaction with respect to the property of a ward made by the ward are voidable by the guardian of the estate if such contract or transaction was made at any time by the ward while ~~[an incompetent]~~ ***he or she was incapacitated*** or a minor.

Sec. 22.5. NRS 159.105 is hereby amended to read as follows:

159.105 1. ~~[Other than claims for attorney's fees that are subject to the provisions of subsection 3, a]~~ ***A*** guardian of the estate may pay from the guardianship estate the following claims without complying with the provisions of this section and NRS 159.107 and 159.109:

(a) The guardian's claims against the ward or the estate; and

(b) Any claims accruing after the appointment of the guardian which arise from contracts entered into by the guardian on behalf of the ward.

2. The guardian shall report all claims and the payment of claims made pursuant to subsection 1 in the account that the guardian makes and files in the guardianship proceeding following each payment.

~~[3. Claims for attorney's fees which are associated with the commencement and administration of the guardianship of the estate:~~

~~(a) May be made at the time of the appointment of the guardian of the estate or any time thereafter; and~~

~~(b) May not be paid from the guardianship estate unless the payment is made in compliance with the provisions of this section and NRS 159.107 and 159.109.]~~

Sec. 23. NRS 159.115 is hereby amended to read as follows:

159.115 1. ~~[Upon]~~ ***Except as otherwise ordered by the court, upon*** the filing of any petition under NRS 159.078 or 159.113, or any account, notice must be given ***to the ward and the persons specified in NRS 159.034*** in the manner prescribed by ~~[NRS 159.034.]~~ ***that section.***

2. The notice must:

(a) Give the name of the ward.

(b) Give the name of the petitioner.

(c) Give the date, time and place of the hearing.

(d) State the nature of the petition.

(e) Refer to the petition for further particulars, and notify all persons interested to appear at the time and place mentioned in the notice and show cause why the court order should not be made.

Sec. 24. NRS 159.134 is hereby amended to read as follows:

159.134 1. All sales of real property of a ward must be ~~[:~~

~~(a) Reported to the court; and~~

~~(b) Confirmed]~~ ***confirmed*** by the court ***pursuant to NRS 159.146*** before ***escrow closes for*** the ***sale and*** title to the real property passes to the purchaser.

2. ~~[The report and a]~~ ***A*** petition for confirmation of the sale must be filed with the court not later than 30 days after the date of ~~[each]~~ ***the*** sale ~~[.]~~ ***, which is the date on which the contract for the sale was signed.***

3. The court shall set the date of the hearing ***for confirmation of the sale*** and give notice of the hearing in the manner required pursuant to NRS 159.115 or as the court may order.

4. An interested person may file written objections to the confirmation of the ***sale before the hearing for confirmation of the*** sale. If such objections are filed, the court shall conduct a hearing regarding those objections during which the interested person may offer witnesses in support of the objections. ***The court may, in its discretion, allow oral objections to the confirmation of the sale on the date of the hearing for confirmation of the sale.***

5. Before the court confirms a sale, the court must find that notice of the sale was given in the manner required pursuant to NRS 159.1425 ~~[, 159.1435]~~ and 159.144, unless the sale was exempt from notice pursuant to NRS 159.123.

Sec. 25. NRS 159.1385 is hereby amended to read as follows:

159.1385 1. ~~[A]~~ ***After the court has granted authority to sell real property of a ward, a*** guardian may enter into a written contract with any bona fide agent, broker or multiple agents or brokers to secure a purchaser for ~~[any real]~~ ***such*** property **.** ~~[of the estate.]~~ Such a contract may grant an exclusive right to sell the property to the agent, broker or multiple agents or brokers.

2. The guardian shall provide for the payment of a commission upon the sale of the real property which:

(a) Must be paid from the proceeds of the sale;

(b) Must be fixed in an amount not to exceed:

(1) Ten percent for unimproved real property; or

(2) Seven percent for ~~[improved]~~ real property ~~[,]~~ ***with any type of improvement;*** and

(c) Must be authorized by the court by confirmation of the sale.

3. Upon confirmation of the sale by the court, the contract for the sale becomes binding and enforceable against the estate.

4. A guardian may not be held personally liable and the estate is not liable for the payment of any commission set forth in a contract entered into with an agent or broker pursuant to this section until the sale is confirmed by the court, and then is liable only for the amount set forth in the contract.

Sec. 26. NRS 159.1415 is hereby amended to read as follows:

159.1415 1. ~~[When an offer]~~ ***Except as otherwise provided in subsection 10 of NRS 159.146, if a contract of sale*** to purchase real property of a guardianship estate is presented to the court for confirmation:

(a) Other persons may submit higher bids ~~[to the]~~ ***in open*** court; and

(b) The court may confirm the highest bid.

2. Upon confirmation of a sale of real property by the court, the commission for the sale must be divided between the listing agent or broker

and the agent or broker who secured the purchaser to whom the sale was confirmed, if any, in accordance with the contract with the listing agent or broker.

Sec. 27. NRS 159.142 is hereby amended to read as follows:

159.142 1. If a ward owns real property jointly with one or more other persons, ***after the court grants authority to sell the property,*** the interest owned by the ward may be sold to one or more joint owners of the property only if:

(a) ***All joint owners of the property have been given notice that the court has granted the authority to sell the property;***

(b) The guardian files a petition with the court to confirm the sale pursuant to NRS 159.134; and

~~[(b)]~~ ***(c)*** The court confirms the sale.

2. The court shall confirm the sale only if:

(a) The net amount of the proceeds from the sale to the estate of the ward is not less than 90 percent of the fair market value of the portion of the property to be sold; and

(b) Upon confirmation, the estate of the ward will be released from all liability for any mortgage or lien on the property.

Sec. 28. NRS 159.1425 is hereby amended to read as follows:

159.1425 1. Except as otherwise provided in this section and except for a sale pursuant to NRS 159.123 or 159.142, a guardian may sell the real property of a ward only after ***the court grants authority for the sale pursuant to NRS 159.113 and*** notice of the sale is published ***:*** ~~[in:]~~

(a) ~~[A]~~ ***In a*** newspaper that is published in the county in which the property, or some portion of the property, is located; ~~[or]~~

(b) If a newspaper is not published in ~~[that]~~ ***the*** county ~~[:]~~ ***in which the property, or some portion of the property, is located:***

(1) In a newspaper of general circulation in the county; or

(2) In such other newspaper as the court orders ~~[.]~~ ***; or***

(c) On a public property listing service for a period of not less than 30 days.

2. Except as otherwise provided in this section and except for a sale of real property pursuant to NRS 159.123 or 159.142 ~~[:~~

~~(a) The notice of a public auction for the sale of real property must be published not less than three times before the date of the sale, over a period of 14 days and 7 days apart.~~

~~(b) The]~~ ***, the*** notice of a ~~[private]~~ sale must be published ***pursuant to paragraph (a) or (b) of subsection 1*** not less than three times before the date on which ~~[offers will]~~ ***the sale may*** be ~~[accepted,]~~ ***made,*** over a period of 14 days and 7 days apart.

3. For good cause shown, the court may order fewer publications and shorten the time of notice, but must not shorten the time of notice to less than 8 days.

4. The court may waive the requirement of publication pursuant to this section if:

(a) The guardian is the sole devisee or heir of the estate; or

(b) All devisees or heirs of the estate consent to the waiver in writing.

5. Publication for the sale of real property is not required pursuant to this section if the property to be sold is reasonably believed to have a ***net*** value of $10,000 or less. In lieu of publication, the guardian shall post notice of the sale in three of the most public places in the county in which the property, or some portion of the property, is located for at least 14 days before ~~[~~**:**

~~(a) The date of the sale at public auction; or~~

~~(b) The~~~~]~~ ***the*** date on ***or after*** which ~~[offers]~~ ***an offer*** will be accepted for a ~~[private]~~ sale.

6. Any notice published or posted pursuant to this section must include, without limitation:

(a) ~~[For a public auction:~~

~~(1) A description of the real property which reasonably identifies the property to be sold; and~~

~~(2) The date, time and location of the auction.~~

~~(b) For a private sale:~~

~~(1)~~~~]~~ A description of the real property which reasonably identifies the property to be sold; and

~~[(2)]~~ ***(b)*** The date, time and location ~~[that offers]~~ ***on or after which an offer*** will be accepted.

Sec. 29. NRS 159.144 is hereby amended to read as follows:

159.144 1. Except for the sale of real property pursuant to NRS 159.123 or 159.142, a sale of real property of a guardianship estate ***:*** ~~[at a private sale:]~~

(a) Must not occur before the date stated in the notice.

(b) Except as otherwise provided in this paragraph, must not occur sooner than 14 days after the date of the first publication or posting of the notice. For good cause shown, the court may shorten the time in which the sale may occur to not sooner than 8 days after the date of the first publication or posting of the notice. If the court so orders, the notice of the sale and the sale may be made to correspond with the court order.

(c) Must occur not later than 1 year after the date stated in the notice.

2. The offers made in a ~~[private]~~ sale:

(a) Must be in writing; and

(b) May be delivered to the place designated in the notice or to the guardian at any time ~~[~~**:**

~~(1) After~~~~]~~ ***after*** the date of the first publication or posting of the notice **.** ~~[; and~~

~~(2) Before the date on which the sale is to occur.]~~

Sec. 30. NRS 159.1455 is hereby amended to read as follows:

159.1455 1. Except as otherwise provided in subsection 2, the court shall not confirm a sale of real property of a guardianship estate ~~[at a private sale]~~ unless:

(a) The court is satisfied that the amount offered represents the fair market value of the property to be sold; and

(b) Except for a sale of real property pursuant to NRS 159.123, the real property has been appraised within 1 year before the date of the sale. If the real property has not been appraised within this period, a new appraisal must be conducted pursuant to NRS 159.086 and 159.0865 at any time before the sale or confirmation by the court of the sale.

2. The court may waive the requirement of an appraisal ~~[and allow the guardian to rely on the assessed value of the real property for purposes of taxation in obtaining confirmation by the court of the sale.]~~ ***upon a showing to and specific findings by the court on the record that:***

(a) An additional appraisal will unduly delay the sale; and

(b) The delay will impair the estate of the ward.

Sec. 31. NRS 159.146 is hereby amended to read as follows:

159.146 1. At the hearing to confirm the sale of real property, the court shall:

(a) Consider whether the sale is necessary or in the best interest of the estate of the ward; and

(b) Examine the return on the investment and the evidence submitted in relation to the sale.

2. The court shall confirm the sale and order conveyances to be executed if it appears to the court that:

(a) Good reason existed for the sale;

(b) The sale was conducted in a legal and fair manner;

(c) The amount of the offer ~~[or bid]~~ is not disproportionate to the value of the property; and

(d) It is unlikely that ~~[an offer or]~~ ***a*** bid would be made which exceeds the original offer ***:*** ~~[or bid:]~~

(1) By at least 5 percent if the offer ~~[or bid]~~ is less than $100,000; or

(2) By at least $5,000 if the offer ~~[or bid]~~ is $100,000 or more.

3. The court shall not confirm the sale if the conditions in this section are not satisfied.

4. If the court does not confirm the sale, the court:

(a) May order a new sale; ***or***

(b) May conduct a public auction in open court **.** ~~[, or~~

~~(c) May accept a written offer or bid from a responsible person and confirm the sale to the person if the written offer complies with the laws of this state and exceeds the original bid:~~

~~(1) By at least 5 percent if the bid is less than $100,000; or~~

~~(2) By at least $5,000 if the bid is $100,000 or more.]~~

5. If the court ~~[does not confirm the sale and]~~ orders a new sale:

(a) Notice must be given in the manner set forth in NRS 159.1425; and

(b) The sale must be conducted in all other respects as though no previous sale has taken place.

6. If a higher offer ~~[or bid]~~ is received by the court during the hearing to confirm the sale, the court may continue the hearing ~~[rather than accept the offer or bid as set forth in paragraph (c) of subsection 4]~~ if the court determines that the person who made the ~~[original]~~ offer ~~[or bid]~~ ***being confirmed*** was not notified of the hearing and ~~[that the person who made the original offer or bid]~~ may wish to increase ***the price of*** his or her ~~[bid.]~~ ***offer.*** This subsection does not grant a right to a person to have a continuance granted and may not be used as a ground to set aside an order confirming a sale.

7. Except as otherwise provided in this ~~[subsection, if a higher offer or bid is received by the court during the hearing to confirm the sale and the court does not accept that offer or bid, each successive bid must be for not less than:~~

~~(a) An additional $5,000, if the original offer is for $100,000 or more; or~~

~~(b) An additional $250 if the original offer is less than $100,000.~~

~~➥ Upon the request of the guardian during the hearing to confirm the sale, the court may set other incremental bid amounts.]~~ ***section, only the name of the buyer and the price of the sale may be changed at a public auction in open court. An order confirming the sale is sufficient as an addendum to the original contract to allow escrow to close.***

8. The title company may be changed at a public auction in open court if the estate and the buyer have mutually agreed to the change in writing.

9. The date of the close of escrow must be at least 10 judicial days after the date that the notice of the entry of order confirming the sale is filed with the clerk of the court unless the contract specifies a later date. The parties to the sale may extend the date of the close of escrow by mutual agreement in writing.

10. If the estate owes more than the value of the property and the estate has made an agreement with all lienholders to accept the sale price and waive any deficiency between the sale price and the amount owed to all lienholders, the sale must be confirmed without the potential for bidding in court. All other portions of the confirmation of sale must be adhered to. The valuation by the bank shall be deemed to be sufficient to meet the appraisal requirement for the sale, and the date of the sale is the date on which the bank approves the sale.

Sec. 32. NRS 159.1515 is hereby amended to read as follows:

159.1515 1. ~~[A]~~ ***Except as otherwise provided in subsection 2, a*** guardian may sell ~~[perishable property and other]~~ ***or dispose of*** personal property of the ward ~~[without]~~ ***that has a total value of less than $10,000 if:***

(a) A notice ~~[, and title to]~~ ***of intent to sell or dispose of*** the property ~~[passes without confirmation by the court if the property:~~

~~(a) Will depreciate in value if not disposed of promptly; or~~

~~(b) Will incur loss or expense by being kept.~~

~~2. The~~] ***is mailed by certified mail or delivered personally to the ward, his or her attorney and the persons specified in NRS 159.034; and***

(b) No objection to the sale or disposal is made within 15 days after such notice is received.

2. A guardian [~~is responsible for the actual value~~] ***may authorize the immediate destruction*** of the personal property [~~unless the guardian obtains confirmation by the court of the sale.~~] ***of a ward without notice if:***

(a) The guardian determines that the property has been contaminated by vermin or biological or chemical agents;

(b) The expenses related to the decontamination of the property cause salvage to be impractical;

(c) The property constitutes an immediate threat to public health or safety;

(d) The handling, transfer or storage of the property might endanger public health or safety or exacerbate contamination; and

(e) The value of the property is less than $100 or, if the value of the property is $100 or more, a state or local health officer has endorsed the destruction of the property.

Sec. 33. NRS 159.1535 is hereby amended to read as follows:

159.1535 1. Except as otherwise provided in ***this section and*** NRS 159.1515 and 159.152, a guardian may sell the personal property of the ward only after notice of the sale is [~~published~~] ***:***

(a) Given to the:

(1) Ward if he or she is 14 years of age or older;

(2) Parent or legal guardian of the ward, if the ward is a minor who is less than 14 years of age; and

(3) Spouse of the ward and all other known relatives of the ward who are within the second degree of consanguinity; and

(b) Published in:

[~~(a)~~] ***(1)*** A newspaper that is published in the county in which the property, or some portion of the property, is located; or

[~~(b)~~] ***(2)*** If a newspaper is not published in [~~that~~] ***the*** county [~~.~~] ***in which the property, or some portion of the property, is located:***

[~~(1)~~] ***(I)*** In a newspaper of general circulation in the county; or

[~~(2)~~] ***(II)*** In such other newspaper as the court orders.

2. Except as otherwise provided in this section [~~:~~

~~(a) The notice of a public sale must be published not less than three times before the date of the sale, over a period of 14 days and 7 days apart.~~

~~(b) The~~] ***, the*** notice of a [~~private~~] sale must be published not less than three times before the date on which offers will be accepted, over a period of 14 days and 7 days apart.

3. For good cause shown, the court may order fewer publications and shorten the time of notice, but must not shorten the time of notice to less than 8 days.

4. The notice must include, without limitation:

(a) ~~[For a public sale:~~

~~(1) A description of the personal property to be sold; and~~

~~(2) The date, time and location of the sale.~~

~~(b)]~~ For a ~~[private]~~ sale ~~[:]~~ ***other than a sale described in paragraph (b):***

(1) A description of the personal property to be sold; and

(2) The date, time and location that offers will be ~~[accepted.~~

~~(c)]~~ ***received.***

(b) For a sale on an appropriate auction website on the Internet:

(1) A description of the personal property to be sold;

(2) The date the personal property will be listed; and

(3) The Internet address of the website on which the sale will be posted.

5. Notice of a sale is not required to be published pursuant to this section if the gross value of the estate of the ward is less than $10,000.

Sec. 34. NRS 159.154 is hereby amended to read as follows:

159.154 1. The guardian may sell the personal property of a ward ~~[by public sale]~~ at:

(a) The residence of the ward; or

(b) Any other location designated by the guardian.

2. The guardian may sell the personal property ~~[by public sale]~~ only if the property is made available for inspection at the time of the sale or photographs of the personal property are posted on an appropriate auction website on the Internet.

3. Personal property may be sold ~~[at a public or private sale]~~ for cash or upon credit.

4. Except as otherwise provided in NRS 159.1515, a sale or disposition of any personal property of the ward must not be commenced until 30 days after an inventory of the property is filed with the court and a copy thereof is sent by regular mail to the persons specified in NRS 159.034. An affidavit of mailing must be filed with the court.

5. The guardian is responsible for the actual value of the personal property unless the guardian makes a report to the court, not later than 90 days after the conclusion of the sale, showing that good cause existed for the sale and that the property was sold for a price that was not disproportionate to the value of the property.

6. The family members of the ward and any interested persons must be offered the first right of refusal to acquire the personal property of the ward at fair market value.

Sec. 35. NRS 159.173 is hereby amended to read as follows:

159.173 If a guardian of the estate sells or transfers any real or personal property that is specifically devised or bequeathed by the ward or which is held by the ward as a joint tenancy, designated as being held by the ward in

trust for another person or held by the ward as a revocable trust and the ward ~~[was competent]~~ ***had the capacity*** to make a will or create the interest at the time the will or interest was created, but ~~[was not competent]~~ ***did not have the capacity*** to make a will or create the interest at the time of the sale or transfer and never executed a valid later will or changed the manner in which the ward held the interest, the devisee, beneficiary or legatee may elect to take the proceeds of the sale or other transfer of the interest, specific devise or bequest.

Sec. 35.5. NRS 159.183 is hereby amended to read as follows:

159.183 1. Subject to the discretion and approval of the court and except as otherwise provided in subsection ~~[4,]~~ ***5,*** a guardian must be allowed:

(a) Reasonable compensation for the guardian's services;

(b) Necessary and reasonable expenses incurred in exercising the authority and performing the duties of a guardian; and

(c) Reasonable expenses incurred in retaining accountants, attorneys, appraisers or other professional services.

2. Reasonable compensation and services must be based upon similar services performed for persons who are not under a legal disability. In determining whether compensation is reasonable, the court may consider:

(a) The nature of the guardianship;

(b) The type, duration and complexity of the services required; and

(c) Any other relevant factors.

3. In the absence of an order of the court pursuant to this chapter shifting the responsibility of the payment of compensation and expenses, the payment of compensation and expenses must be paid from the estate of the ward. In evaluating the ability of a ward to pay such compensation and expenses, the court may consider:

(a) The nature, extent and liquidity of the ward's assets;

(b) The disposable net income of the ward;

(c) Any foreseeable expenses; and

(d) Any other factors that are relevant to the duties of the guardian pursuant to NRS 159.079 or 159.083.

4. ***Any compensation or expenses, including, without limitation, attorney's fees, must not be paid from the estate of the ward unless and until the payment of such fees is approved by the court pursuant to this section or section 3 of this act, as applicable.***

5. A ~~[private professional]~~ guardian is not allowed compensation or expenses ***, including, without limitation, attorney's fees,*** for services incurred by the ~~[private professional]~~ guardian as a result of a petition to have him or her removed as guardian if the court removes the ~~[private professional]~~ guardian ***.*** ~~[pursuant to the provisions of paragraph (b), (d), (e), (f) or (h) of subsection 1 of NRS 159.185.]~~

Sec. 36. NRS 159.185 is hereby amended to read as follows:

159.185 1. The court may remove a guardian if the court determines that:

(a) The guardian has become mentally ~~[incompetent,]~~ ***incapacitated,*** unsuitable or otherwise incapable of exercising the authority and performing the duties of a guardian as provided by law;

(b) The guardian is no longer qualified to act as a guardian pursuant to NRS 159.0613 if the ward is an adult or NRS 159.061 if the ward is a minor;

(c) The guardian has filed for bankruptcy within the previous 5 years;

(d) The guardian of the estate has mismanaged the estate of the ward;

(e) The guardian has negligently failed to perform any duty as provided by law or by any order of the court and:

(1) The negligence resulted in injury to the ward or the estate of the ward; or

(2) There was a substantial likelihood that the negligence would result in injury to the ward or the estate of the ward;

(f) The guardian has intentionally failed to perform any duty as provided by law or by any lawful order of the court, regardless of injury;

(g) The best interests of the ward will be served by the appointment of another person as guardian; or

(h) The guardian is a private professional guardian who is no longer qualified as a private professional guardian pursuant to NRS 159.0595.

2. A guardian may not be removed if the sole reason for removal is the lack of money to pay the compensation and expenses of the guardian.

Sec. 37. NRS 159.1995 is hereby amended to read as follows:

159.1995 1. In a guardianship proceeding in this State, a court of this State may request the appropriate court of another state to do any of the following:

(a) Hold an evidentiary hearing;

(b) Order a person in that state to produce evidence or give testimony pursuant to the procedures of that state;

(c) Order that an evaluation or assessment be made of the ward;

(d) Order any appropriate investigation of a person involved in a proceeding;

(e) Forward to the court of this State a certified copy of the transcript or other record of a hearing under paragraph (a) or any other proceeding, any evidence otherwise produced under paragraph (b), and any evaluation or assessment prepared in compliance with an order under paragraph (c) or (d);

(f) Issue any order necessary to ensure the appearance in the proceeding of a person whose presence is necessary for the court to make a determination, including the proposed ward, the ward or the ~~[incompetent;]~~ ***person who is incapacitated;*** and

(g) Issue an order authorizing the release of medical, financial, criminal or other relevant information in that state relating to the ward or proposed ward, including protected health information as defined in 45 C.F.R. § 160.103.

2. If a court of another state in which a guardianship or conservatorship proceeding is pending requests assistance of the kind provided in subsection 1, a court of this State has jurisdiction for the limited purpose of granting the request or making reasonable efforts to comply with the request.

Sec. 38. NRS 159.215 is hereby amended to read as follows:

159.215 1. A member of the Armed Forces of the United States, a reserve component thereof or the National Guard may, by written instrument and without the approval of a court, appoint any ~~[competent]~~ adult residing in this State ***who is not incapacitated*** as the guardian of the person of a minor child who is a dependent of that member. The instrument must be:

(a) Executed by both parents if living, not divorced and having legal custody of the child, otherwise by the parent having legal custody; and

(b) Acknowledged in the same manner as a deed.

➥ If both parents do not execute the instrument, the executing parent shall send by certified mail, return receipt requested, to the other parent at his or her last known address, a copy of the instrument and a notice of the provisions of subsection 3.

2. The instrument must contain a provision setting forth the:

(a) Branch of the Armed Forces;

(b) Unit of current assignment;

(c) Current rank or grade; and

(d) Social security number or service number,

➥ of the parent who is the member.

3. The appointment of a guardian pursuant to this section:

(a) May be terminated by a written instrument signed by either parent of the child if that parent has not been deprived of his or her parental rights to the child; and

(b) Is terminated by any order of a court.

Sec. 39. NRS 449.6922 is hereby amended to read as follows:

449.6922 ~~["Incompetent"]~~ ***"Incapacitated"*** has the meaning ascribed to it in NRS 159.019.

Sec. 40. NRS 449.6942 is hereby amended to read as follows:

449.6942 1. A physician shall take the actions described in subsection 2:

(a) If the physician diagnoses a patient with a terminal condition;

(b) If the physician determines, for any reason, that a patient has a life expectancy of less than 5 years; or

(c) At the request of a patient.

2. Upon the occurrence of any of the events specified in subsection 1, the physician shall explain to the patient:

(a) The existence and availability of the Physician Order for Life-Sustaining Treatment form;

(b) The features of and procedures offered by way of the POLST form; and

(c) The differences between a POLST form and the other types of advance directives.

3. Upon the request of the patient, the physician shall complete the POLST form based on the preferences and medical indications of the patient.

4. A POLST form is valid upon execution by a physician and:

(a) If the patient is 18 years of age or older and of sound mind, the patient;

(b) If the patient is 18 years of age or older and ~~[incompetent,]~~ ***incapacitated,*** the representative of the patient; or

(c) If the patient is less than 18 years of age, the patient and a parent or legal guardian of the patient.

5. As used in this section, "terminal condition" has the meaning ascribed to it in NRS 449.590.

Sec. 41. NRS 449.6944 is hereby amended to read as follows:

449.6944 1. A Physician Order for Life-Sustaining Treatment form may be revoked at any time and in any manner by:

(a) The patient who executed it, if ~~[competent,]~~ ***not incapacitated,*** without regard to his or her age or physical condition;

(b) If the patient is ~~[incompetent,]~~ ***incapacitated,*** the representative of the patient; or

(c) If the patient is less than 18 years of age, a parent or legal guardian of the patient.

2. The revocation of a POLST form is effective upon the communication to a provider of health care, by the patient or a witness to the revocation, of the desire to revoke the form. The provider of health care to whom the revocation is communicated shall:

(a) Make the revocation a part of the medical record of the patient; or

(b) Cause the revocation to be made a part of the medical record of the patient.

Sec. 42. NRS 449.695 is hereby amended to read as follows:

449.695 1. Except as otherwise provided in this section and NRS 449.6946, a provider of health care shall comply with a valid Physician Order for Life-Sustaining Treatment form, regardless of whether the provider of health care is employed by a health care facility or other entity affiliated with the physician who executed the POLST form.

2. A physician may medically evaluate the patient and, based upon the evaluation, may recommend new orders consistent with the most current information available about the patient's health status and goals of care. Before making a modification to a valid POLST form, the physician shall consult the patient or, if the patient is ~~[incompetent,]~~ ***incapacitated,*** shall make a reasonable attempt to consult the representative of the patient and the patient's attending physician.

3. Except as otherwise provided in subsection 4, a provider of health care who is unwilling or unable to comply with a valid POLST form shall take all reasonable measures to transfer the patient to a physician or health care facility so that the POLST form will be followed.

4. Life-sustaining treatment must not be withheld or withdrawn pursuant to a POLST form of a patient known to the attending physician to be pregnant, so long as it is probable that the fetus will develop to the point of live birth with the continued application of life-sustaining treatment.

5. Nothing in this section requires a provider of health care to comply with a valid POLST form if the provider of health care does not have actual knowledge of the existence of the form.

Sec. 43. NRS 616C.505 is hereby amended to read as follows:

616C.505 If an injury by accident arising out of and in the course of employment causes the death of an employee in the employ of an employer, within the provisions of chapters 616A to 616D, inclusive, of NRS, the compensation is known as a death benefit and is payable as follows:

1. In addition to any other compensation payable pursuant to chapters 616A to 616D, inclusive, of NRS, burial expenses are payable in an amount not to exceed $10,000, plus the cost of transporting the remains of the deceased employee. When the remains of the deceased employee and the person accompanying the remains are to be transported to a mortuary or mortuaries, the charge of transportation must be borne by the insurer.

2. Except as otherwise provided in subsection 3, to the surviving spouse of the deceased employee, 66 2/3 percent of the average monthly wage is payable until the death of the surviving spouse.

3. If there is a surviving spouse and any surviving children of the deceased employee who are not the children of the surviving spouse, the compensation otherwise payable pursuant to subsection 2 must be paid as follows until the entitlement of all children of the deceased employee to receive compensation pursuant to this subsection ceases:

(a) To the surviving spouse, 50 percent of the death benefit is payable until the death of the surviving spouse; and

(b) To each child of the deceased employee, regardless of whether the child is the child of the surviving spouse, the child's proportionate share of 50 percent of the death benefit and, except as otherwise provided in subsection 11, if the child has a guardian, the compensation the child is entitled to receive may be paid to the guardian.

4. In the event of the subsequent death of the surviving spouse:

(a) Each surviving child of the deceased employee, in addition to any amount the child may be entitled to pursuant to subsection 3, must share equally the compensation theretofore paid to the surviving spouse but not in excess thereof, and it is payable until the youngest child reaches the age of 18 years.

(b) Except as otherwise provided in subsection 11, if the children have a guardian, the compensation they are entitled to receive may be paid to the guardian.

5. If there are any surviving children of the deceased employee under the age of 18 years, but no surviving spouse, then each such child is entitled to

his or her proportionate share of 66 2/3 percent of the average monthly wage for the support of the child.

6. Except as otherwise provided in subsection 7, if there is no surviving spouse or child under the age of 18 years, there must be paid:

(a) To a parent, if wholly dependent for support upon the deceased employee at the time of the injury causing the death of the deceased employee, 33 1/3 percent of the average monthly wage.

(b) To both parents, if wholly dependent for support upon the deceased employee at the time of the injury causing the death of the deceased employee, 66 2/3 percent of the average monthly wage.

(c) To each brother or sister until he or she reaches the age of 18 years, if wholly dependent for support upon the deceased employee at the time of the injury causing the death of the deceased employee, his or her proportionate share of 66 2/3 percent of the average monthly wage.

7. The aggregate compensation payable pursuant to subsection 6 must not exceed 66 2/3 percent of the average monthly wage.

8. In all other cases involving a question of total or partial dependency:

(a) The extent of the dependency must be determined in accordance with the facts existing at the time of the injury.

(b) If the deceased employee leaves dependents only partially dependent upon the earnings of the deceased employee for support at the time of the injury causing his or her death, the monthly compensation to be paid must be equal to the same proportion of the monthly payments for the benefit of persons totally dependent as the amount contributed by the deceased employee to the partial dependents bears to the average monthly wage of the deceased employee at the time of the injury resulting in his or her death.

(c) The duration of compensation to partial dependents must be fixed in accordance with the facts shown, but may not exceed compensation for 100 months.

9. Compensation payable to a surviving spouse is for the use and benefit of the surviving spouse and the dependent children, and the insurer may, from time to time, apportion such compensation between them in such a way as it deems best for the interest of all dependents.

10. In the event of the death of any dependent specified in this section before the expiration of the time during which compensation is payable to the dependent, funeral expenses are payable in an amount not to exceed $10,000.

11. If a dependent is entitled to receive a death benefit pursuant to this section and is less than 18 years of age or ~~[incompetent,]~~ ***incapacitated,*** the legal representative of the dependent shall petition for a guardian to be appointed for that dependent pursuant to NRS 159.044. An insurer shall not pay any compensation in excess of $3,000, other than burial expenses, to the dependent until a guardian is appointed and legally qualified. Upon receipt of a certified letter of guardianship, the insurer shall make all payments required by this section to the guardian of the dependent until the dependent is emancipated, the guardianship terminates or the dependent reaches the age of

18 years, whichever occurs first, unless paragraph (a) of subsection 12 is applicable. The fees and costs related to the guardianship must be paid from the estate of the dependent. A guardianship established pursuant to this subsection must be administered in accordance with chapter 159 of NRS, except that after the first annual review required pursuant to NRS 159.176, a court may elect not to review the guardianship annually. The court shall review the guardianship at least once every 3 years. As used in this subsection, ~~["incompetent"]~~ ***"incapacitated"*** has the meaning ascribed to it in NRS 159.019.

12. Except as otherwise provided in paragraphs (a) and (b), the entitlement of any child to receive his or her proportionate share of compensation pursuant to this section ceases when the child dies, marries or reaches the age of 18 years. A child is entitled to continue to receive compensation pursuant to this section if the child is:

(a) Over 18 years of age and incapable of supporting himself or herself, until such time as the child becomes capable of supporting himself or herself; or

(b) Over 18 years of age and enrolled as a full-time student in an accredited vocational or educational institution, until the child reaches the age of 22 years.

13. As used in this section, "surviving spouse" means a surviving husband or wife who was married to the employee at the time of the employee's death.

Sec. 43.3. **Section 41 of Senate Bill No. 433 of this session is hereby amended to read as follows:**

Sec. 41. 1. This section and sections 1 to ~~[36,]~~ **35,** inclusive, 38, 39 and 40 of this act become effective on July 1, 2017.

2. **Section 36 of this act becomes effective on October 1, 2017.**

3. Section 37 of this act becomes effective on ~~[July]~~ **October** 1, 2017, if, and only if, Assembly Bill No. 319 of this session is enacted by the Legislature and becomes effective.

Sec. 43.5. 1. There is hereby appropriated from the State General Fund to the Nevada Supreme Court to pay the costs of the State Guardianship Compliance Office created by section 4 of this act:

For the Fiscal Year 2017-2018 ..... $295,732

For the Fiscal Year 2018-2019 ..... $659,019

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 21, 2018, and September 20, 2019, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently

granted or transferred, and must be reverted to the State General Fund on or before September 21, 2018, and September 20, 2019, respectively.

Sec. 44. NRS 159.1435 is hereby repealed.

Sec. 45. 1. This section and section ~~[43.5]~~ **43.3** of this act become effective ~~[on July 1, 2017.]~~ **upon passage and approval.**

2. **Section 43.5 of this act becomes effective on July 1, 2017.**

3. Sections 1 to 43, inclusive, and 44 of this act become effective on January 1, 2018.

TEXT OF REPEALED SECTION

159.1435 Public auction for sale of real property: Where held; postponement.

1. Except for a sale pursuant to NRS 159.123 or 159.142, a public auction for the sale of real property must be held:

(a) In the county in which the property is located or, if the real property is located in two or more counties, in either county;

(b) Between the hours of 9 a.m. and 5 p.m.; and

(c) On the date specified in the notice, unless the sale is postponed.

2. If, on or before the date and time set for the public auction, the guardian determines that the auction should be postponed:

(a) The auction may be postponed for not more than 3 months after the date first set for the auction; and

(b) Notice of the postponement must be given by a public declaration at the place first set for the sale on the date and time that was set for the sale.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 1111 to Assembly Bill No. 130.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

The amendment removes the requirement to publish a petition for guardianship and also changes the effective date.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 183.

The following Senate amendment was read:

Amendment No. 1107.

AN ACT relating to hospitals; limiting the amount that a hospital may collect or attempt to collect from a patient or other responsible party under certain circumstances; establishing provisions relating to statutory liens on a judgment or settlement; requiring a hospital to provide notice of intent to file such a lien in certain circumstances; ~~[providing for an award of damages for improperly asserting or perfecting such a lien;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law limits the collection rights of a hospital if a patient is covered by a policy of health insurance issued by a third party and the hospital has a contract with that party. The hospital may not collect or attempt to collect its charges from an insurer other than a health insurer, including an insurer that provides coverage under a policy of casualty or property insurance. These limitations currently do not apply to Medicaid, the Children's Health Insurance Program or any other public program which may pay all or part of the hospital bill. (NRS 449.758) **Section 2** of this bill limits the amount that the hospital may collect or attempt to collect from the patient or other responsible party to ~~[the lesser of: (1)]~~ the amounts payable by or on behalf of the patient under the policy **.** ~~[; or (2) the amount provided in the contract between the hospital and the third party.]~~ **Section 2** also deletes the specific reference to property insurance **.** ~~[and removes the exemption for Medicaid, the Children's Health Insurance Program and other public programs.]~~

Section 2 additionally requires a hospital that collects or receives any payments from an insurer that provides medical payment coverage under a policy of casualty insurance to return to the patient ~~[or the person identified in the hospital bill as the responsible party]~~ any amount collected or received that is in excess of the deductible, copayment or coinsurance payable by or on behalf of the patient under the policy of health insurance not later than 30 days after a determination is made concerning coverage.

Existing law provides that a hospital has statutory liens for any amount due to the hospital for the reasonable value of the care rendered to an injured person. The liens apply to any award of damages or settlement obtained by the injured person or the personal representative of the injured person from a person responsible for the injury causing the hospitalization or, in the case of a county or district hospital, any real property of the injured person or other responsible party. (NRS 108.590, 108.662) Under **section 2.5** of this bill, if a hospital provides care to an injured person who has a policy of health insurance issued by a third party and the hospital has a contract with that party and wishes to be able to perfect a statutory lien on a judgment or settlement, the hospital is required to send a notice of intent to file a lien to certain persons ~~[after the hospital submits a claim to the third party but]~~ not later than 90 days after the termination of the hospitalization of the injured person. ~~[After the claim is accepted by the third party or, if the claim is denied, all available appeals have been exhausted, the hospital is required to mail written notice to the injured person or the personal representative of the injured person, specifying the amount due. Section 2.5 authorizes a hospital to perfect the statutory lien for any amount due if, within 30 days after such written notice is mailed, the amount due is not paid or an agreement for a payment plan is not entered into.]~~ **Within 30 days after sending such a notice, section 2.5 requires a hospital to proceed with any efforts to collect on any amount owed to the hospital in accordance with existing law. Section 2.5** additionally provides that if a hospital provides notice of

intent to file a lien, the hospital must be provided notice of any judgment, settlement or compromise.

~~[Section 2.7 of this bill provides that a statutory lien on a judgment or settlement is the exclusive method of collection against an injured person and any amount received pursuant to the lien constitutes complete satisfaction of any debt owed by the injured person to the hospital for the care provided.~~

~~— Section 2.9 of this bill provides that if a hospital improperly asserts or perfects a statutory lien on a judgment or settlement, the injured person is entitled to damages equal to twice the amount of the lien.~~

~~— Under section]~~ **Section 3.7** of this bill ~~[, if a hospital perfects a lien and subsequently receives information that the injured person has a policy of health insurance issued by a third party and the hospital has a contract with that party, the hospital is required to file a claim with the third party and wait for the claim to be adjudicated and all available appeals to be exhausted before the hospital is able to collect any amount under the lien.~~

~~— Sections 3 and 4 of this bill limit the amount of a hospital's statutory liens in certain circumstances.]~~ **makes conforming changes.**

Section 2.6 of this bill prohibits the hospital from receiving an amount more than 55 percent of the charges billed by the hospital if an injured person may be eligible for Medicaid, Medicare, the Children's Health Insurance Program or any other public program which may pay all or part of the bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. NRS 449.758 is hereby amended to read as follows:

449.758 1. Except as otherwise provided in subsection ~~[2,]~~ ***3,*** if a hospital provides hospital care to a person who has a policy of health insurance issued by a third party that provides health coverage for care provided at that hospital and the hospital has a contractual agreement with the third party, the hospital ~~[shall]~~ ***:***

(a) Shall proceed with any efforts to collect on any amount owed to the hospital for the hospital care in accordance with the provisions of NRS 449.757 **.** ~~[and shall]~~

(b) Shall not collect or attempt to collect from the patient or other responsible party more than the ~~***[lesser of:***~~

~~***(1) The]***~~ ***sum of the amounts of any deductible, copayment or coinsurance payable by or on behalf of the patient under the policy of health insurance*** ***.*** ~~***[; or***~~

~~***(2) The amount provided in the contractual agreement between the hospital and the third party.]***~~

(c) Shall not collect or attempt to collect that amount from:

~~[~~(a)~~]~~ ***(1)*** Any proceeds or potential proceeds of a civil action brought by or on behalf of the patient, including, without limitation, any amount awarded for medical expenses; or

~~[~~(b)~~]~~ ***(2)*** An insurer other than ~~[~~a health~~]~~ ***an*** insurer ~~[~~, including, without limitation,~~]~~ ***that provides coverage under a policy of health insurance or*** an insurer that provides coverage ***for medical payments*** under a policy of casualty ~~[~~or property~~]~~ insurance.

2. ***If the hospital collects or receives any payments from an insurer that provides coverage for medical payments under a policy of casualty insurance, the hospital shall, not later than 30 days after a determination is made concerning coverage, return to the patient ~~[or the person identified in the hospital bill as the responsible party]~~ any amount collected or received that is in excess of the deductible, copayment or coinsurance payable by or on behalf of the patient ~~[or person]~~ under the policy of health insurance.***

3. This section does not apply to :

(a) Amounts ~~[~~***amounts]*** owed to the hospital ***which are not covered*** under the policy of health insurance ~~[~~that are not collectible .~~]~~ ; or

(b) Medicaid, ***Medicare,*** the Children's Health Insurance Program or any other public program which may pay all or part of the bill.

~~[~~3.~~]~~ ***4.*** This section does not limit any rights of a patient to contest an attempt to collect an amount owed to a hospital, including, without limitation, contesting a lien obtained by a hospital.

~~[~~4.~~]~~ ***5.*** As used in this section, "third party" ~~[~~has the meaning ascribed to it in NRS 439B.260.~~]~~ ***means:***

(a) An insurer, as defined in NRS 679B.540;

(b) A health benefit plan, as defined in NRS 689A.540, for employees which provides coverage for services and care at a hospital;

(c) A participating public agency, as defined in NRS 287.04052, and any other local governmental agency of the State of Nevada which provides a system of health insurance for the benefit of its officers and employees, and the dependents of officers and employees, pursuant to chapter 287 of NRS; or

(d) Any other insurer or organization providing health coverage or benefits in accordance with state or federal law.

Sec. 2.1. Chapter 108 of NRS is hereby amended by adding thereto the provisions set forth as sections 2.3 to 2.9, inclusive, of this act.

Sec. 2.3. ***As used in NRS 108.590 to 108.660, inclusive, and sections 2.3 to 2.9, inclusive, of this act, unless the context otherwise requires, "third party" has the meaning ascribed to it in subsection 5 of NRS 449.758.***

Sec. 2.5. ***1. If a hospital provides hospital care to an injured person who has a policy of health insurance issued by a third party that provides health coverage for care provided at the hospital and the hospital has a contractual agreement with the third party and wishes to be able to perfect a lien pursuant to NRS 108.610, the hospital shall, ~~[after submitting a~~***

~~*claim to the third party but]*~~ *not later than 90 days after the termination of hospitalization, send a notice of intent to file a lien by registered or certified mail to:*

(a) The insurance carrier, if known, which has insured against liability of the person alleged to be responsible for causing the injury and liable on account thereof and from which damages are claimed and any legal representative of that person; and

(b) The injured person or personal representative of the injured person, as applicable, and any legal representative of the injured person or personal representative.

2. ~~*[The]*~~ *Within 30 days after sending a notice* ~~*[sent]*~~ *pursuant to subsection 1* ~~*[must contain the following information:*~~

~~*— (a) The charges billed by the hospital for the services provided to the injured person;*~~

~~*— (b) The reasonable estimate by the hospital of the amount to be paid by the third party; and*~~

~~*— (c) The reasonable estimate by the hospital of the amount of any deductible, copayment or coinsurance to be paid by the injured person.]*~~ *, the hospital shall proceed with any efforts to collect on any amount owed to the hospital for the hospital care in accordance with the provisions of NRS 449.757.*

3. ~~*[After a claim is submitted to a third party and the claim is accepted or, if the claim is denied, all available appeals have been exhausted, the hospital shall deliver written notice by first-class mail to the injured person or the personal representative of the injured person, as applicable, specifying the total amount due.*~~

~~*— 4. If, within 30 days after the date that written notice is mailed pursuant to subsection 3, the total amount due is not paid or the injured person or the personal representative of the injured person does not enter into an agreement with the hospital to make payments toward the amount due, the hospital may perfect the lien for any amount due in accordance with the provisions of NRS 108.610.*~~

~~*— 5.]*~~ *If an injured person or the personal representative of an injured person is awarded by judgment or obtains by a settlement or compromise a sum of money after a notice of intent to file a lien is received pursuant to this section:*

(a) Any person receiving such notice shall provide written notice to the hospital of the judgment, settlement or compromise; and

(b) The insurance carrier and any attorney holding the money in trust shall proceed as if the lien is perfected pursuant to NRS 108.610 ~~*[.]*~~ *unless the hospital fails to comply with subsection 2.*

4. If the hospital fails to comply with subsection 2, the notice of intent to file a lien shall be deemed void ab initio.

5. This section does not apply to Medicaid, Medicare, the Children's Health Insurance Program or any other public program which may pay all or part of the bill.

Sec. 2.6. If an injured person may be eligible for Medicaid, Medicare, the Children's Health Insurance Program or any other public program which may pay all or part of the bill, the hospital shall not receive any amount pursuant to a lien asserted pursuant to NRS 108.590 to 108.660, inclusive, and sections 2.3 to 2.9, inclusive, of this act which is equal to more than 55 percent of the charges billed by the hospital.

Sec. 2.7. ~~[*A lien asserted pursuant to NRS 108.590 to 108.660, inclusive, and sections 2.3 to 2.9, inclusive, of this act is the exclusive method of collection against an injured person, and any amount received pursuant to the lien constitutes complete satisfaction of any debt owed by the injured person to the hospital for the hospital care provided.]~~ **(Deleted by amendment.)**

Sec. 2.9. ~~[*If a hospital asserts or perfects a lien in violation of NRS 108.590 to 108.660, inclusive, and sections 2.3 to 2.9, inclusive, of this act, the injured person is entitled to damages equal to twice the amount of the lien.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 108.590 is hereby amended to read as follows:~~

~~108.590 1. [Whenever] *Except as otherwise provided in subsection 2, whenever* any person receives hospitalization on account of any injury, and the injured person, or a personal representative after the person's death, claims damages from the person responsible for causing the injury, the hospital has a lien upon any sum awarded the injured person or the personal representative by judgment or obtained by a settlement or compromise to the extent of the amount due the hospital for the reasonable value of the hospitalization rendered before the date of judgment, settlement or compromise.~~

~~2. *Except as otherwise provided in subsection 3, if a hospital provides hospital care to an injured person who has a policy of health insurance issued by a third party that provides health coverage for care provided at the hospital and the hospital has a contractual agreement with the third party, the reasonable value of the hospitalization rendered is limited to the lesser of:*~~

~~*(a) The sum of the amounts of any deductible, copayment or coinsurance payable by or on behalf of the injured person under the policy of health insurance; or*~~

~~*(b) The amount provided in the contractual agreement between the hospital and the third party.*~~

~~*3. The provisions of subsection 2 do not apply if the third party denies coverage for the services provided to the injured person and all available appeals provided pursuant to the policy of health insurance have been exhausted. For the purposes of this subsection, a claims adjudication by a*~~

~~*third party that another person is responsible for payment is not a denial of coverage.*~~

~~*4.* The lien provided by this section is:~~

~~(a) Not valid against anyone coming under the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS.~~

~~(b) In addition to the lien provided by NRS 108.662.~~] **(Deleted by amendment.)**

Sec. 3.3. NRS 108.600 is hereby amended to read as follows:

108.600 1. No rights or claims for liens under NRS 108.590 to 108.660, inclusive, ***and sections 2.3 to 2.9, inclusive, of this act*** shall be allowed for hospitalization rendered an injured person after a settlement has been effected by or on behalf of the party causing the injury.

2. No lien shall apply or be allowed against any sum incurred by the injured party for necessary attorney fees, costs and expenses incurred by the injured party in securing a settlement, compromise or recovering damages by an action at law.

Sec. 3.7. NRS 108.610 is hereby amended to read as follows:

108.610 ~~*[1.]*~~ In order to perfect ~~[the]~~ ***a*** lien ~~[,]~~ ***provided by NRS 108.590,*** the hospital or the owner or operator thereof ~~[shall:~~

~~1.]~~ ***must comply with the provisions of section 2.5 of this act, if applicable, and:***

~~*[(a)]*~~ ***1.*** Before the payment of any money to the injured person ***, the personal representative of the injured person*** or to a legal representative as compensation for injuries received, record a notice of lien, substantially in the form prescribed in NRS 108.620, containing an itemized statement of the amount claimed. The notice of lien must be filed with:

(a) ~~*[(1)]*~~ The county recorder of the county wherein the hospital is located; and

(b) ~~*[(2)]*~~ The county recorder of the county wherein the injury was suffered, if the injury was suffered in a county other than that wherein the hospital is located.

2. ~~*[(b)]*~~ Before the date of judgment, settlement or compromise, serve a certified copy of the notice of lien by registered or certified mail upon the person alleged to be responsible for causing the injury and liable for damages on account thereof and from which damages are claimed.

3. ~~*[(c)]*~~ Before the date of judgment, settlement or compromise, serve a certified copy of the notice of lien by registered or certified mail upon the insurance carrier, if known, which has insured against liability of the person alleged to be responsible for causing the injury and liable for damages on account thereof and from which damages are claimed.

~~*[2. If a hospital perfects a lien and, before collecting any amount under the lien, receives information that the injured person has a policy of health insurance issued by a third party that provides health coverage for care provided at the hospital and the hospital has a contractual agreement with the third party, the hospital must file a claim with the third party and wait*~~

~~*for the claim to be adjudicated and all available appeals to be exhausted before the hospital may collect any amount under the lien.]*~~

Sec. 4. ~~[NRS 108.662 is hereby amended to read as follows:~~

~~"108.662 1. Except as otherwise provided in subsection 4, a county or district hospital has a lien upon the real property of a person for charges incurred and unpaid for the care of the owner of the property or a person for whose support the owner is legally responsible.~~ ~~*If the provisions of NRS 449.757 or 449.758 are applicable, the amount of the lien is limited to the amount the hospital is entitled to collect pursuant to those sections.*~~

~~2. The notice of the lien must be served upon the owner by certified or registered mail and filed in the office of the county recorder of the county where the real property is located not sooner than 90 days nor later than:~~

~~(a) Three years after the patient's discharge; or~~

~~(b) One year after the patient defaults on payments made pursuant to a written contract,~~

~~whichever is later, except that the notice may be served and filed within 6 months after any default pursuant to a written contract.~~

~~3. The notice of the lien must contain:~~

~~(a) The amount due;~~

~~(b) The name of the owner of record of the property; and~~

~~(c) A description of the property sufficient for identification.~~

~~4. If the amount due as stated in the notice of lien is reduced by payments and any person listed in subsection 2 of NRS 108.665 gives written notice of that reduction to the county or district hospital which recorded the lien, the county or district hospital shall amend the notice of lien stating the amount then due, within 10 days after it receives the written notice.~~

~~5. A county or district hospital shall not assign, sell or transfer the interest of the hospital in a lien created pursuant to this section.~~~~]~~ **(Deleted by amendment.)**

Sec. 4.5. **1.** The amendatory provisions of **section 2.6 of** this act apply to a person who is admitted to a hospital on or after July 1, 2017.

2. The amendatory provisions of sections 2, 2.3, 2.5 and 2.7 to 4, inclusive, of this act apply to a person who is admitted to a hospital on or after October 1, 2017.

Sec. 5. **1.** This ~~[act becomes]~~ **section and sections 2.1, 2.6 and 4.5 of this act become** effective on July 1, 2017.

2. Sections 1, 2, 2.3, 2.5 and 2.7 to 4, inclusive, of this act become effective on October 1, 2017.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 1107 to Assembly Bill No. 183.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

The amendment establishes a lien rate against patients with Medicaid, Medicare, or government assistance programs up to 55 percent of bill charges. The amendment also removes the private cause of action.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 362.

The following Senate amendment was read:

Amendment No. 1049.

ASSEMBLYMEN TOLLES, WATKINS; BENITEZ-THOMPSON, **DIAZ,** KRASNER, **MONROE-MORENO,** OSCARSON, PICKARD, WHEELER, WOODBURY AND YEAGER

JOINT SPONSORS: SENATORS **DENIS, FORD, GUSTAVSON, HAMMOND, HARRIS,** GANSERT **[; AND] , SEGERBLOM,** SPEARMAN **AND WOODHOUSE**

AN ACT relating to education; prohibiting certain persons from assisting certain employees, contractors or agents who work at a public school to obtain new employment; prohibiting a local educational agency or public school from entering into certain agreements; requiring an applicant for employment who may have direct contact with pupils to provide certain information and written authorizations; requiring the board of trustees of a school district, governing body of a charter school, governing body of a university school for profoundly gifted pupils and certain independent contractors to take certain action regarding persons who may have direct contact with children; requiring certain employers to provide certain information regarding an applicant for employment who may have direct contact with children; providing that an employer who fails to provide certain information regarding an applicant for employment who may have direct contact with children is subject to certain disciplinary action; providing that a teacher or administrator may be subject to disciplinary action for certain violations; **authorizing the Superintendent of Public Instruction to deny an application for a license if a report on the criminal history of the applicant indicates that an applicant has been arrested for or charged with a sexual offense involving a minor or pupil;** requiring the Superintendent [of Public Instruction] to provide certain notice when an application for a license is denied; requiring the Department of Education to maintain a list of the names of persons whose application for a license has been denied for certain purposes; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 6, 7 and 22 of this bill incorporate in state law certain provisions of federal law designed to prevent persons who have engaged in sexual misconduct with a minor from obtaining new employment.

Section 8 of this bill requires an applicant for employment with a school district, charter school, university school for profoundly gifted pupils and

certain independent contractors who may have direct contact with pupils to provide to the prospective employer: (1) information relating to his or her employment history; and (2) written authorization for a current or previous employer to release information relating to his or her employment. **Section 8** also provides that any action brought by such an applicant for employment based upon information obtained about the applicant to determine his or her fitness for employment must be brought in a court in this State and governed by the laws of this State. Finally, **section 8** provides that an applicant for employment who knowingly provides false information or willfully fails to disclose information is subject to discipline and is guilty of a misdemeanor.

Section 9 of this bill requires the governing body of a public school, including the board of trustees of a school district, governing body of a charter school and governing body of a university school for profoundly gifted pupils, or an independent contractor who receives the information described in **section 8** to: (1) verify the information received; (2) ensure that the applicant has a license authorizing him or her to teach or perform other educational functions if a license is required; and (3) verify that the Department of Education has not received notice that the applicant is a defendant in a criminal case.

Section 10 of this bill requires the governing body of a public school and an independent contractor to take certain action to obtain additional information if a current or previous employer of an applicant indicates that the applicant is or was the subject of an investigation concerning an alleged sexual offense.

Sections 9 and 10 also provide that any ~~[person]~~ **employer or former employer** who is contacted by the governing body of a public school or an independent contractor and asked to provide information, but willfully fails to disclose information is subject to discipline, including a civil penalty. **Sections 9 and 10** further provide that, in addition to being subject to discipline, including a civil penalty, a private school that willfully fails to disclose any such information is subject to discipline, which may include being placed on a corrective action plan. **Sections 9 and 10** provide immunity from liability for providing the information and makes the information privileged.

Section 11 of this bill authorizes the governing body of a public school and an independent contractor to: (1) consider the information received pursuant to **sections 8-10** when making an employment decision; and (2) report the information received to certain entities. **Section 11** also provides that the board of trustees of a school district, governing body of a charter school, governing body of a university school for profoundly gifted pupils or independent contractor: (1) shall not be held liable for any damages resulting from failure of an entity not subject to the jurisdiction of this State to respond to certain requests for information or any inaccuracy or omission in the information submitted; and (2) is immune from civil or criminal liability for

considering the information received pursuant to **sections 8-10** when making employment decisions.

Section 12 of this bill requires an independent contractor who employs a person who may have direct contact with pupils to maintain a record for each such employee and, upon request, provide this record to the governing body of the public school at which an employee has been assigned to perform work. **Section 12** also: (1) requires an independent contractor to provide certain information to the governing body of a public school before assigning an employee to perform work at a location; and (2) prohibits an independent contractor from assigning an employee to perform work at a school if the governing body of the school objects to the assignment.

Section 13 of this bill authorizes the governing body of a public school to allow provisional employment of a person pending review of the information received pursuant to **sections 8-10** in certain circumstances.

Section 14 of this bill provides that nothing in **sections 2-17** of this bill shall be construed to: (1) prevent a prospective employer from conducting further investigations of a prospective employee; (2) prohibit a person from disclosing more information than is required by this bill; or (3) relieve a person of a duty to report prescribed by state or federal law.

Section 15 prohibits the governing body of a public school or an independent contractor from entering into any agreement that: (1) has the effect of suppressing information relating to an investigation concerning a report of suspected abuse or sexual misconduct by a current or former employee; (2) affects the ability of the governing body or independent contractor to report suspected abuse or sexual misconduct; or (3) requires the governing body or independent contractor to expunge certain information from any documents maintained by the governing body or independent contractor. **Section 15** also requires an employer to maintain certain documents if the agreement requires the removal of the document from an employee's personnel file.

Sections 16 and 21 provide that any information collected from an applicant for employment or an employer pursuant to **sections 8-10** is confidential and is not a public book or record.

Section 17 provides that any person who willfully violates any provision of **sections 2-17** is subject to a civil penalty, which must be recovered in a civil action. **Section 17** also prohibits the governing body of a public school from contracting with an independent contractor who has been found to have willfully violated the provisions of **sections 2-17**. **Section 19** provides that a teacher or administrator may be subject to disciplinary action for willfully violating the provisions of **sections 2-17**.

Existing law requires the Superintendent of Public Instruction to grant all licenses for teachers and other educational personnel. (NRS 391.033) **Section 18 of this bill authorizes the Superintendent to deny an application for a license if a report on the criminal history of the applicant from the Federal Bureau of Investigation or the Central Repository for Nevada**

Records of Criminal History indicates that an applicant has been arrested for or charged with a sexual offense involving a minor or pupil. Section 18 requires the Superintendent or his or her designee to provide written notice of his or her intent to deny the application for a license and authorizes an applicant to whom such notice has been provided to request a hearing within 15 days after receipt of such notice. Section 18: (1) requires such a hearing to be conducted in accordance with regulations adopted by the State Board; and (2) authorizes the Superintendent to deny a license if no request for a hearing is filed within the prescribed period of time.

Section 18 also requires the Superintendent to provide notice to a school district or charter school that employs an applicant whenever an application for a license is denied. ~~[Section]~~ **Finally, section 18** ~~[also]~~ requires the Department of Education to: (1) maintain a list of the names of persons whose application for a license is denied due to conviction of a sexual offense involving a minor; and (2) provide such a list to certain persons upon request.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Local educational agency" has the meaning ascribed to it in 20 U.S.C. § 7801(30)(A).***

Sec. 4. ***"Sexual misconduct" means any act, including, without limitation, any verbal, nonverbal, written or electronic communication or physical activity, directed toward or with a child, regardless of the age of the child, that is designed to establish a romantic or sexual relationship with the child.***

Sec. 5. ***"Sexual offense" has the meaning ascribed to it in NRS 179D.097.***

Sec. 6. ***1. Except as otherwise provided in subsection 2, the Department, a local educational agency or an employee, contractor or agent thereof who works at a public school shall not assist an employee, contractor or agent who works at a school to obtain new employment, apart from the routine transmission of administrative and personnel files, if the person or entity has actual or constructive knowledge that such an employee, contractor or agent has engaged in sexual misconduct regarding a minor or pupil.***

2. The provisions of subsection 1 do not apply if:

(a) The information giving rise to actual or constructive knowledge has been properly reported to a law enforcement agency with jurisdiction over

the alleged misconduct and any other authorities required by federal, state or local law, including, without limitation, Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq., and any regulations adopted pursuant thereto, and the matter has been officially closed, or the District Attorney or law enforcement agency with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish that the employee, contractor or agent engaged in sexual misconduct regarding a minor or pupil;

(b) The employee, contractor or agent has been charged with and acquitted or otherwise exonerated of the alleged misconduct; or

(c) The case or investigation remains open and there have been no charges filed against, or indictment of, the employee, contractor or agent within 4 years after the date on which the information was reported to a law enforcement agency.

3. The State Board may adopt regulations to enforce the provisions of this section.

Sec. 7. ***A local educational agency or a public school shall not enter into any agreement with a person convicted of a sexual offense involving a minor to keep the conviction or the circumstances surrounding the offense confidential.***

Sec. 8. ***1. In addition to fulfilling the requirements for employment prescribed by NRS 388A.323, 388A.515, 388C.200, 391.104 or 391.281, as applicable, or fulfilling the requirements for the issuance of a license prescribed by NRS 391.033, any applicant for employment with a school district, charter school or university school for profoundly gifted pupils who may have direct contact with pupils must, as a condition to employment, submit to the board of trustees of the school district, governing body of the charter school or governing body of the university school for profoundly gifted pupils with which the applicant seeks to obtain employment, on a form prescribed by the Department:***

(a) The name, address and telephone number for the applicant's current employer, any former employer of the applicant that was a school or school district and any other former employer with whom the applicant was employed in a position that involved direct contact with children;

(b) Any other contact information for ~~***[the persons]***~~ ***an employer or former employer described in paragraph (a) prescribed by the board of trustees of the school district, governing body of the charter school or governing body of the university school for profoundly gifted pupils with which the applicant seeks to obtain employment;***

(c) Written authorization for ~~***[the persons]***~~ ***an employer or former employer described in paragraph (a) to release the information prescribed in section 9 of this act; and***

(d) A written statement indicating whether the ~~***[person]***~~ ***applicant has:***

(1) Except as otherwise provided in this subparagraph, been the subject of an investigation concerning an alleged sexual offense conducted by an employer, licensing agency, law enforcement agency, agency which provides child welfare services, agency which provides child protective services or a similar agency. ~~[A person]~~ The applicant is not required to provide the information described in this subparagraph if, after investigating the alleged violation, the employer or agency determined that the allegations were false, unfounded, unsubstantiated or inconclusive.

(2) Been discharged, disciplined, had a contract not renewed, asked to resign from employment, resigned from employment or otherwise separated from employment while an investigation concerning an alleged sexual offense was pending or upon conclusion of such an investigation, and was found, upon conclusion of the investigation, to have committed the sexual offense.

(3) Had a license or certificate suspended or revoked or has been required to surrender a license or certificate while an investigation concerning an alleged sexual offense was pending or upon conclusion of such an investigation and was found, upon conclusion of the investigation, to have committed the sexual offense.

2. Any action brought by an applicant for employment described in subsection 1 against a board of trustees, the governing body of a charter school or the governing body of a university school for profoundly gifted pupils, or an employee thereof, which is based upon information obtained by ~~[a]~~ the board of trustees ~~[of a school district,]~~ or the governing body ~~[of a charter school or the governing body of a university school for profoundly gifted pupils]~~ with which the applicant seeks employment to determine the fitness of the applicant for employment, including, without limitation, an action for defamation, must be brought in a court in the State of Nevada and governed by the laws of this State. The provisions of this subsection shall not be deemed to waive any immunity from liability to which the board of trustees or governing body, as applicable, or employee thereof, is entitled.

3. An applicant for employment with an independent contractor of a school district, charter school or university school for profoundly gifted pupils who may have direct contact with pupils must, before having direct contact with pupils, submit to the independent contractor on a form prescribed by the Department:

(a) The information described in paragraphs (a), (c) and (d) of subsection 1; and

(b) Any other contact information for the ~~[persons]~~ employers and former employers described in paragraph (a) of subsection 1 requested by the independent contractor with which the applicant seeks to obtain employment.

4. Any applicant for employment described in subsection 1 or 3 who knowingly provides false information or willfully fails to disclose any information required by this section:

(a) Is subject to discipline, including, without limitation, suspension or revocation of the person's license pursuant to NRS 391.330 or 391.750, termination of employment or a civil penalty pursuant to section 17 of this act; and

(b) Is guilty of a misdemeanor.

Sec. 9. ***1. Upon receipt of the information required by section 8 of this act, the board of trustees of a school district, governing body of a charter school, governing body of a university school for profoundly gifted pupils or independent contractor shall:***

(a) Contact each ~~[person]~~ employer and former employer described in paragraph (a) of subsection 1 of section 8 of this act and request that the ~~[person]~~ employer provide:

(1) The dates of employment of the applicant; and

(2) On a form prescribed by the Department, a written statement indicating whether the applicant has:

(I) Except as otherwise provided in this sub-subparagraph, been the subject of an investigation concerning an alleged sexual offense conducted by the employer. ~~[A person]~~ An employer or former employer is not required to provide the information described in this sub-subparagraph if, after investigating the alleged violation, the employer determined that the allegations were false, unfounded, unsubstantiated or inconclusive.

(II) Been discharged, disciplined, had a contract not renewed, asked to resign from employment, resigned from employment or otherwise separated from employment while an investigation concerning an alleged sexual offense was pending or upon conclusion of such an investigation and was found, upon conclusion of the investigation, to have committed the sexual offense.

(III) Had a license or certificate suspended or revoked or has been required to surrender a license or certificate while an investigation concerning an alleged sexual offense was pending or upon conclusion of such an investigation and was found, upon conclusion of the investigation, to have committed the sexual offense.

(b) Ensure that the applicant has a license authorizing him or her to teach or perform other educational functions at the level and, except as otherwise provided in NRS 391.125, in the field for which he or she is applying for employment, if a license is required, and that the applicant is otherwise eligible for employment.

(c) Verify that the Department has not received notice, including, without limitation, notice provided pursuant to NRS 391.055, that the applicant is a defendant in a criminal case.

2. ~~[A person]~~ An employer or former employer contacted by a board of trustees of a school district, governing body of a charter school, governing

body of a university school for profoundly gifted pupils or independent contractor pursuant to paragraph (a) of subsection 1:

(a) Shall provide the information requested not later than 20 days after the date on which the board of trustees, governing body or independent contractor contacts the ~~[person.]~~ employer or former employer.

(b) Is immune from civil and criminal liability for any act relating to the provision of such information, unless the ~~[person]~~ employer or former employer knowingly provides false information. Such information is privileged and must not be used as the basis for any action against the person or entity that provided the information.

3. Except as otherwise prohibited by federal or state law, ~~[a person who]~~ an employer or former employer willfully fails to disclose any information required by subsection 1 is subject to discipline, including, without limitation, a civil penalty pursuant to section 17 of this act.

4. In addition to the penalty set forth in subsection 3, a private school that willfully fails to disclose any information required by subsection 1 is subject to discipline, which may include, without limitation, being placed on a plan of corrective action by the Department.

Sec. 10. *1. If a statement provided pursuant to paragraph (d) of subsection 1 of section 8 of this act or subparagraph (2) of paragraph (a) of subsection 2 of section 9 of this act indicates that the ~~[person]~~ applicant meets any of the criteria prescribed in ~~[those paragraphs,]~~ that paragraph or subparagraph, as applicable, the board of trustees of a school district, governing body of a charter school, governing body of a university school for profoundly gifted pupils or independent contractor who receives the statement shall request ~~[that]~~ the employer that conducted the investigation concerning an alleged sexual offense, discharged, disciplined or dismissed the employee or asked the employee to resign from employment to provide additional information concerning the matter and all records related to the matter, including, without limitation, any documents relating to a disciplinary action taken against the employee, disciplinary records or documents used in the decision made by the employer concerning the investigation.*

2. ~~[A person]~~ An employer contacted by the board of trustees of a school district, governing body of a charter school, governing body of a university school for profoundly gifted pupils or independent contractor pursuant to subsection 1:

(a) Except as otherwise provided in this subsection, shall provide the information requested not later than 60 days after the date on which the board of trustees, governing body or independent contractor contacts the ~~[person.]~~ employer.

(b) Is not required to disclose any information or records held by the school police of the school district, if the school district has school police officers.

(c) Is immune from civil and criminal liability to the same extent provided in paragraph (b) of subsection 2 of section 9 of this act.

3. Except as otherwise prohibited by federal or state law, ~~[a person]~~ an employer who willfully fails to disclose any information required by subsection 1 is subject to discipline, including, without limitation, a civil penalty pursuant to section 17 of this act.

4. In addition to the penalty set forth in subsection 3, a private school that willfully fails to disclose any information required by subsection 1 is subject to discipline, which may include, without limitation, being placed on a plan of corrective action by the Department.

Sec. 11. *The board of trustees of a school district, governing body of a charter school, governing body of a university school for profoundly gifted pupils or independent contractor:*

1. May consider the information submitted pursuant to sections 8, 9 and 10 of this act when deciding whether to employ an applicant or continue to employ a person.

2. May report the information submitted pursuant to sections 8, 9 and 10 of this act to the Department or a licensing agency, law enforcement agency, agency which provides child welfare services, agency which provides child protective services or a similar agency.

3. Shall not be held liable for any damages resulting from the failure of an entity not subject to the jurisdiction of this State to respond to a request for information pursuant to section 9 or 10 of this act or any inaccuracy or omission in the information submitted to the school district, charter school, university school for profoundly gifted pupils or independent contractor pursuant to section 9 or 10 of this act.

4. Is immune from civil or criminal liability for considering the information submitted pursuant to sections 8, 9 and 10 of this act when deciding whether to employ an applicant or continue to employ a person.

Sec. 12. *1. An independent contractor of a school district, charter school or university school for profoundly gifted pupils who employs a person who may have direct contact with pupils shall:*

(a) Maintain a record for each such employee that includes, without limitation, the information submitted pursuant to subsection 2 of section 8 of this act and the information submitted pursuant to subsection 2 of section 9 of this act; and

(b) Upon request, provide the record maintained pursuant to paragraph (a) to the board of trustees of the school district, governing body of the charter school or governing body of the university school for profoundly gifted pupils, as applicable, for the school at which an employee has been assigned to perform work.

2. Before assigning an employee to perform work at a location where the employee may have direct contact with pupils, an independent contractor shall inform the board of trustees of the school district, governing body of the charter school or governing body of the university

school for profoundly gifted pupils, as applicable, with which the employee will be assigned to perform work of any instance known in which the employee:

(a) Except as otherwise provided in this paragraph, has been the subject of an investigation concerning an alleged sexual offense conducted by an employer. A person is not required to provide the information described in this paragraph if, after investigating the alleged violation, the employer determined that the allegations were false, unfounded, unsubstantiated or inconclusive.

(b) Has ever been discharged, disciplined, had a contract not renewed, asked to resign from employment, resigned from employment or otherwise separated from employment while an investigation concerning an alleged sexual offense was pending or upon conclusion of such an investigation and was found, upon conclusion of the investigation, to have committed the sexual offense.

(c) Had a license or certificate suspended or revoked or has been required to surrender a license or certificate while an investigation concerning an alleged sexual offense was pending or upon conclusion of such an investigation and was found, upon conclusion of the investigation, to have committed the sexual offense.

3. An independent contractor may not assign an employee to perform work at a public school, charter school or university school for profoundly gifted pupils if the board of trustees of the school district in which the school is located, governing body of the charter school or governing body of the university school for profoundly gifted pupils, as applicable, objects to such an assignment upon receiving the notification required by subsection 2.

Sec. 13. ***The board of trustees of a school district, governing body of a charter school or governing body of a university school for profoundly gifted pupils may authorize provisional employment of a person for a period not to exceed 90 days pending the review of information submitted pursuant to sections 8, 9 and 10 of this act if the board of trustees or the governing body determines the applicant is otherwise qualified and:***

1. The applicant provided the statement described in paragraph (d) of subsection 1 of section 8 of this act.

2. The board of trustees of the school district, governing body of the charter school or governing body of the university school for profoundly gifted pupils, as applicable, has no knowledge of information pertaining to the applicant that would disqualify the applicant from employment.

3. The applicant swears or affirms that he or she is not disqualified from employment.

4. The applicant is directly supervised by a permanent employee in any duties that involve direct contact with pupils. The supervision must be such that the applicant is in the immediate location of the permanent employee and is readily available during such times as supervision is required.

Sec. 14. *Nothing in sections 2 to 17, inclusive, of this act shall be construed to:*

1. Prevent a board of trustees of a school district, governing body of a charter school, governing body of a university school for profoundly gifted pupils or independent contractor from:

(a) Conducting further investigations of a prospective employee; or

(b) Requiring an applicant to submit additional information or authorizations beyond what is required by sections 8, 9 and 10 of this act.

2. Prohibit a person or governmental entity from disclosing more information than is required by sections 8, 9 and 10 of this act.

3. Relieve a person of a duty to report prescribed by NRS 432B.220 or any other provision of state or federal law.

Sec. 15. *1. The board of trustees of a school district, governing body of a charter school, governing body of a university school for profoundly gifted pupils or the independent contractor of a school district, charter school or university school for profoundly gifted pupils shall not enter into an agreement that:*

(a) Has the effect of suppressing information relating to an investigation concerning a report of suspected abuse or sexual misconduct by a current or former employee.

(b) Affects the ability of the school district, charter school, university school for profoundly gifted pupils or independent contractor to report suspected abuse or sexual misconduct to the appropriate authorities.

(c) Requires the school district, charter school, university school for profoundly gifted pupils or independent contractor to expunge information about allegations or findings of suspected abuse or sexual misconduct from any documents maintained by the school district, charter school, university school for profoundly gifted pupils or independent contractor unless, after investigating the alleged violation, the school district, charter school, university school for profoundly gifted pupils or independent contractor determines that the allegations were false, unfounded, unsubstantiated or inconclusive.

2. If an agreement requires the removal of a document from the personnel file of an employee, the employer must maintain the document with the agreement.

3. Any provisions in an agreement that violate the provisions of this section are void.

Sec. 16. *Any information collected pursuant to section 8, 9 or 10 of this act is confidential and is not a public book or record within the meaning of NRS 239.010.*

Sec. 17. *1. Any person who willfully violates any provision of sections 2 to 17, inclusive, of this act is subject to a civil penalty of not more than $10,000 for each violation. This penalty must be recovered in a civil action, brought in the name of the State of Nevada by the Attorney General. In such an action, the Attorney General may recover reasonable*

attorney's fees and costs. If a civil penalty is imposed against an independent contractor for willfully violating any provision of sections 2 to 17, inclusive, of this act, the Attorney General shall, within 30 days after the imposition of the civil penalty, notify the Department of the name of the independent contractor.

2. The Department shall maintain a list of any independent contractors who have been found to have willfully violated the provisions of sections 2 to 17, inclusive, of this act and make the list available, upon request, to the board of trustees of a school district, governing body of a charter school or governing body of a university school for profoundly gifted pupils.

3. The board of trustees of a school district, governing body of a charter school or governing body of a university school for profoundly gifted pupils shall not contract with an independent contractor who has been found to have willfully violated the provisions of sections 2 to 17, inclusive, of this act.

Sec. 18. NRS 391.033 is hereby amended to read as follows:

391.033 1. All licenses for teachers and other educational personnel are granted by the Superintendent of Public Instruction pursuant to regulations adopted by the Commission and as otherwise provided by law.

2. An application for the issuance of a license must include the social security number of the applicant.

3. Every applicant for a license must submit with his or her application a complete set of his or her fingerprints and written permission authorizing the Superintendent to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its initial report on the criminal history of the applicant and for reports thereafter upon renewal of the license pursuant to subsection 7 of NRS 179A.075, and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

4. The Superintendent may issue a provisional license pending receipt of the reports of the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History if the Superintendent determines that the applicant is otherwise qualified.

5. ~~[A]~~ ***Except as otherwise provided in subsection 6, a*** license must be issued to, or renewed for, as applicable, an applicant if:

(a) The Superintendent determines that the applicant is qualified;

(b) The reports on the criminal history of the applicant from the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History:

(1) Do not indicate that the applicant has been convicted of a felony or any offense involving moral turpitude; or

(2) Indicate that the applicant has been convicted of a felony or an offense involving moral turpitude but the Superintendent determines that the conviction is unrelated to the position within the county school district or charter school for which the applicant applied or for which he or she is currently employed, as applicable; and

(c) For initial licensure, the applicant submits the statement required pursuant to NRS 391.034.

6. The Superintendent may deny an application for a license pursuant to this section if a report on the criminal history of the applicant from the Federal Bureau of Investigation or the Central Repository for Nevada Records of Criminal History indicates that the applicant has been arrested for or charged with a sexual offense involving a minor or pupil, including, without limitation, any attempt, solicitation or conspiracy to commit such an offense.

7. The Superintendent or his or her designee may deny the application for a license after providing written notice of his or her intent to deny the application to the applicant and providing an opportunity for the applicant to have a hearing.

8. To request a hearing pursuant to subsection 7, an applicant must submit a written request to the Superintendent within 15 days after receipt of the notice by the applicant. Such a hearing must be conducted in accordance with regulations adopted by the State Board. If no request for a hearing is filed within that time, the Superintendent may deny the license.

9. If the Superintendent denies an application for a license pursuant to this section, the Superintendent must, within 15 days after the date on which the application is denied, provide notice of the denial to the school district or charter school that employs the applicant if the applicant is employed by a school district or charter school. Such a notice must not state the reasons for denial.

~~[7.]~~ 10. The Department shall:

(a) Maintain a list of the names of persons whose ~~[application]~~ applications for a license ~~[is]~~ are denied due to conviction of a sexual offense involving a minor;

(b) Update the list maintained pursuant to paragraph (a) monthly; and

(c) Provide this list to the board of trustees of a school district or the governing body of a charter school upon request.

~~[8.]~~ 11. As used in this section, "sexual offense" has the meaning ascribed to it in NRS 179D.097.

Sec. 19. NRS 391.750 is hereby amended to read as follows:

391.750 1. A teacher may be suspended, dismissed or not reemployed and an administrator may be demoted, suspended, dismissed or not reemployed for the following reasons:

(a) Inefficiency;

(b) Immorality;

(c) Unprofessional conduct;

(d) Insubordination;

(e) Neglect of duty;

(f) Physical or mental incapacity;

(g) A justifiable decrease in the number of positions due to decreased enrollment or district reorganization;

(h) Conviction of a felony or of a crime involving moral turpitude;

(i) Inadequate performance;

(j) Evident unfitness for service;

(k) Failure to comply with such reasonable requirements as a board may prescribe;

(l) Failure to show normal improvement and evidence of professional training and growth;

(m) Advocating overthrow of the Government of the United States or of the State of Nevada by force, violence or other unlawful means, or the advocating or teaching of communism with the intent to indoctrinate pupils to subscribe to communistic philosophy;

(n) Any cause which constitutes grounds for the revocation of a teacher's license;

(o) Willful neglect or failure to observe and carry out the requirements of this title;

(p) Dishonesty;

(q) Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations and assessments adopted pursuant to NRS 390.270 or 390.275;

(r) An intentional violation of NRS 388.497 or 388.499;

(s) Knowingly and willfully failing to comply with the provisions of NRS 388.1351;

(t) ***Knowingly and willfully violating any provision of sections 2 to 17, inclusive, of this act;***

(u) Gross misconduct; or

~~[(u)]~~ ***(v)*** An intentional failure to report a violation of NRS 388.135 if the teacher or administrator witnessed the violation.

2. If a teacher or administrator is found, through an investigation of a testing irregularity, to have willfully breached the security or confidentiality of the questions and answers of the examinations that are administered pursuant to NRS 390.105 or 390.600 or the college and career readiness assessment administered pursuant to NRS 390.610, the board of trustees of a school district, governing body of a charter school or governing body of a university school for profoundly gifted pupils, as applicable, shall:

(a) Suspend, dismiss or fail to reemploy the teacher; or

(b) Demote, suspend, dismiss or fail to reemploy the administrator.

3. In determining whether the professional performance of a licensed employee is inadequate, consideration must be given to the regular and special evaluation reports prepared in accordance with the policy of the employing school district and to any written standards of performance which may have been adopted by the board.

4. As used in this section, "gross misconduct" includes any act or omission that is in wanton, willful, reckless or deliberate disregard of the interests of a school or school district or a pupil thereof.

Sec. 20. NRS 391.755 is hereby amended to read as follows:

391.755 1. Whenever an administrator charged with supervision of a licensed employee believes it is necessary to admonish the employee for a reason that the administrator believes may lead to demotion or dismissal or may cause the employee not to be reemployed under the provisions of NRS 391.750, the administrator shall:

(a) Except as otherwise provided in subsection 3, bring the matter to the attention of the employee involved, in writing, stating the reasons for the admonition and that it may lead to the employee's demotion, dismissal or a refusal to reemploy him or her, and make a reasonable effort to assist the employee to correct whatever appears to be the cause for the employee's potential demotion, dismissal or a potential recommendation not to reemploy him or her; and

(b) Except as otherwise provided in NRS 391.760, allow reasonable time for improvement, which must not exceed 3 months for the first admonition.

➥ The admonition must include a description of the deficiencies of the teacher and the action that is necessary to correct those deficiencies.

2. An admonition issued to a licensed employee who, within the time granted for improvement, has met the standards set for the employee by the administrator who issued the admonition must be removed from the records of the employee together with all notations and indications of its having been issued. The admonition must be removed from the records of the employee not later than 3 years after it is issued.

3. An administrator need not admonish an employee pursuant to paragraph (a) of subsection 1 if his or her employment will be terminated pursuant to NRS 391.820.

4. A licensed employee is subject to immediate dismissal or a refusal to reemploy according to the procedures provided in NRS 391.650 to 391.830, inclusive, without the admonition required by this section, on grounds contained in paragraphs (b), (f), (g), (h), (p), (s) ***,*** ~~[and]~~ (t) ***and (u)*** of subsection 1 of NRS 391.750.

Sec. 21. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521,

211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615,

696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 16 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 22. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by prenatal illegal substance abuse or has withdrawal symptoms resulting from prenatal drug exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B or 641C of NRS.

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person working in a school who is licensed or endorsed pursuant to chapter 391 or 641B of NRS.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children ~~[.]~~ ***, including, without limitation, a person who is employed by a school district or public school as defined in NRS 385.007.***

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed,

certified or endorsed in this State must, upon initial employment of the person:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

Sec. 23. The provisions of section 15 of this act do not apply to any agreement entered into before July 1, 2017, until the agreement is extended or renewed.

Sec. 24. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 25. This act becomes effective on July 1, 2017.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 1049 to Assembly Bill No. 362.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

The amendment gives the superintendent flexibility to deny employment if an applicant has been arrested or charged with a sexual offense involving a minor or a pupil.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 1124.

AN ACT relating to education; prohibiting certain persons from assisting certain employees, contractors or agents who work at a public school to obtain new employment; prohibiting a local educational agency or public school from entering into certain agreements; requiring an applicant for employment who may have direct contact with pupils to provide certain information and written authorizations; requiring the board of trustees of a school district, governing body of a charter school, governing body of a university school for profoundly gifted pupils **, governing body of a private school** and certain independent contractors to take certain action regarding persons who may have direct contact with children; requiring certain employers to provide certain information regarding an applicant for employment who may have direct contact with children; providing that an employer who fails to provide certain information regarding an applicant for employment who may have direct contact with children is subject to certain disciplinary action; providing that a teacher or administrator may be subject to disciplinary action for certain violations; authorizing the Superintendent of Public Instruction to deny an application for a license if a report on the criminal history of the applicant indicates that an applicant has been arrested for or charged with a sexual offense involving a minor or pupil; requiring the Superintendent to provide certain notice when an application for a license is

denied; requiring the Department of Education to maintain a list of the names of persons whose application for a license has been denied for certain purposes; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 6, 7 and 22 of this bill incorporate in state law certain provisions of federal law designed to prevent persons who have engaged in sexual misconduct with a minor from obtaining new employment.

Section 8 of this bill requires an applicant for employment with a school district, charter school, university school for profoundly gifted pupils and certain independent contractors who may have direct contact with pupils to provide to the prospective employer: (1) information relating to his or her employment history; and (2) written authorization for a current or previous employer to release information relating to his or her employment. **Section 8** also provides that any action brought by such an applicant for employment based upon information obtained about the applicant to determine his or her fitness for employment must be brought in a court in this State and governed by the laws of this State. Finally, **section 8** provides that an applicant for employment who knowingly provides false information or willfully fails to disclose information is subject to discipline and is guilty of a misdemeanor. **Section 25 of this bill places the same requirements and penalties on an applicant for employment with a private school.**

Section 9 of this bill requires the governing body of a public school, including the board of trustees of a school district, governing body of a charter school and governing body of a university school for profoundly gifted pupils, or an independent contractor who receives the information described in **section 8** to: (1) verify the information received; (2) ensure that the applicant has a license authorizing him or her to teach or perform other educational functions if a license is required; and (3) verify that the Department of Education has not received notice that the applicant is a defendant in a criminal case. **Section 26 of this bill similarly requires the governing body of a private school that receives the information described in section 25 to verify the information received.**

~~[~~Section~~]~~ **Sections 10 and 27** of this bill ~~[~~requires~~]~~ **require** the governing body of a public school **,** ~~[~~and~~]~~ an independent contractor **and the governing body of a private school, respectively,** to take certain action to obtain additional information if a current or previous employer of an applicant indicates that the applicant is or was the subject of an investigation concerning an alleged sexual offense.

Sections 9 , ~~[~~and~~]~~ 10 , 26 and 27 of this bill also provide that any employer or former employer who is contacted by the governing body of a public school **,** ~~[~~or~~]~~ an independent contractor **or the governing body of a private school, respectively,** and asked to provide information, but willfully fails to disclose information is subject to discipline, including a civil penalty. **Sections 9 , ~~[~~and~~]~~ 10 , 26 and 27** further provide that, in addition to being

subject to discipline, including a civil penalty, a private school that willfully fails to disclose any such information is subject to discipline, which may include being placed on a corrective action plan. **Sections 9 , ~~[and]~~ 10 , 26 and 27** provide immunity from liability for providing the information and makes the information privileged.

~~[~~Section~~]~~ Sections 11 and 28 of this bill **~~[~~authorizes~~]~~ authorize** the governing body of a public school **, ~~[~~and~~]~~** an independent contractor **and the governing body of a private school, respectively** to: (1) consider the information received pursuant to **sections 8-10 and 25-27** when making an employment decision; and (2) report the information received to certain entities. **~~[~~Section~~]~~ Sections 11 and 28 of this bill** also **~~[~~provides~~]~~ provide** that the board of trustees of a school district, governing body of a charter school, governing body of a university school for profoundly gifted pupils **, ~~[~~or~~]~~** independent contractor **~~[~~,~~]~~ or governing body of a private school:** (1) shall not be held liable for any damages resulting from failure of an entity not subject to the jurisdiction of this State to respond to certain requests for information or any inaccuracy or omission in the information submitted; and (2) is immune from civil or criminal liability for considering the information received pursuant to **sections 8-10 or 25-27, as applicable,** when making employment decisions.

Section 12 of this bill requires an independent contractor who employs a person who may have direct contact with pupils to maintain a record for each such employee and, upon request, provide this record to the governing body of the public school at which an employee has been assigned to perform work. **Section 12** also: (1) requires an independent contractor to provide certain information to the governing body of a public school before assigning an employee to perform work at a location; and (2) prohibits an independent contractor from assigning an employee to perform work at a school if the governing body of the school objects to the assignment.

Section 13 and 29 of this bill **~~[~~authorizes~~]~~ authorize** the governing body of a public school **and the governing body of a private school, respectively,** to allow provisional employment of a person pending review of the information received pursuant to **sections 8-10 or 25-27, as applicable,** in certain circumstances.

Section 14 of this bill provides that nothing in **sections 2-17** of this bill shall be construed to: (1) prevent a prospective employer from conducting further investigations of a prospective employee; (2) prohibit a person from disclosing more information than is required by this bill; or (3) relieve a person of a duty to report prescribed by state or federal law. **Section 30 of this bill similarly provides that nothing in sections 22-32 of this bill shall be construed to: (1) prevent a private school from conducting further investigations of a prospective employee; (2) prohibit a person from disclosing more information than is required by this bill; or (3) relieve a person of a duty to report prescribed by state or federal law.**

~~[~~Section~~]~~ **Sections 15** ~~[~~prohibits~~]~~ **and 31 of this bill prohibit** the governing body of a public school **,** ~~[~~or~~]~~ an independent contractor **or the governing body of a private school, respectively,** from entering into any agreement that: (1) has the effect of suppressing information relating to an investigation concerning a report of suspected abuse or sexual misconduct by a current or former employee; (2) affects the ability of the governing body or independent contractor to report suspected abuse or sexual misconduct; or (3) requires the governing body or independent contractor to expunge certain information from any documents maintained by the governing body or independent contractor. ~~[~~Section~~]~~ **Sections 15 and 31** also ~~[~~requires~~]~~ **require** an employer to maintain certain documents if the agreement requires the removal of the document from an employee's personnel file.

Sections 16 and 21 provide that any information collected from an applicant for employment or an employer pursuant to **sections 8-10** is confidential and is not a public book or record.

~~[~~Section~~]~~ **Sections 17 and 32 of this bill provide** provides that any person who willfully violates any provision of **sections 2-17 or 22-32, respectively,** is subject to a civil penalty, which must be recovered in a civil action. **Section 17** also prohibits the governing body of a public school from contracting with an independent contractor who has been found to have willfully violated the provisions of **sections 2-17**. **Section 19** provides that a teacher or administrator may be subject to disciplinary action for willfully violating the provisions of **sections 2-17**.

Existing law requires the Superintendent of Public Instruction to grant all licenses for teachers and other educational personnel. (NRS 391.033) **Section 18** of this bill authorizes the Superintendent to deny an application for a license if a report on the criminal history of the applicant from the Federal Bureau of Investigation or the Central Repository for Nevada Records of Criminal History indicates that an applicant has been arrested for or charged with a sexual offense involving a minor or pupil. **Section 18** requires the Superintendent or his or her designee to provide written notice of his or her intent to deny the application for a license and authorizes an applicant to whom such notice has been provided to request a hearing within 15 days after receipt of such notice. **Section 18**: (1) requires such a hearing to be conducted in accordance with regulations adopted by the State Board; and (2) authorizes the Superintendent to deny a license if no request for a hearing is filed within the prescribed period of time.

Section 18 also requires the Superintendent to provide notice to a school district or charter school that employs an applicant whenever an application for a license is denied. Finally, **section 18** requires the Department of Education to: (1) maintain a list of the names of persons whose application for a license is denied due to conviction of a sexual offense involving a minor; and (2) provide such a list to certain persons upon request.

Existing law requires each private school desiring to operate in this State to apply to the Superintendent of Public Instruction to obtain a

license to operate a private school. (NRS 394.451) Section 33 of this bill requires such an application to be accompanied by documentation of the actions the applicant has taken to comply with the requirements prescribed in sections 25, 26 and 27. Section 33 requires the State Board to deny a license to operate a private school or fail to renew such a license for an applicant who does not provide such documentation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Local educational agency" has the meaning ascribed to it in 20 U.S.C. § 7801(30)(A).***

Sec. 4. ***"Sexual misconduct" means any act, including, without limitation, any verbal, nonverbal, written or electronic communication or physical activity, directed toward or with a child, regardless of the age of the child, that is designed to establish a romantic or sexual relationship with the child.***

Sec. 5. ***"Sexual offense" has the meaning ascribed to it in NRS 179D.097.***

Sec. 6. ***1. Except as otherwise provided in subsection 2, the Department, a local educational agency or an employee, contractor or agent thereof who works at a public school shall not assist an employee, contractor or agent who works at a school to obtain new employment, apart from the routine transmission of administrative and personnel files, if the person or entity has actual or constructive knowledge that such an employee, contractor or agent has engaged in sexual misconduct regarding a minor or pupil.***

2. The provisions of subsection 1 do not apply if:

(a) The information giving rise to actual or constructive knowledge has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct and any other authorities required by federal, state or local law, including, without limitation, Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq., and any regulations adopted pursuant thereto, and the matter has been officially closed, or the District Attorney or law enforcement agency with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish that the employee, contractor or agent engaged in sexual misconduct regarding a minor or pupil;

(b) The employee, contractor or agent has been charged with and acquitted or otherwise exonerated of the alleged misconduct; or

(c) The case or investigation remains open and there have been no charges filed against, or indictment of, the employee, contractor or agent within 4 years after the date on which the information was reported to a law enforcement agency.

3. The State Board may adopt regulations to enforce the provisions of this section.

Sec. 7. *A local educational agency or a public school shall not enter into any agreement with a person convicted of a sexual offense involving a minor to keep the conviction or the circumstances surrounding the offense confidential.*

Sec. 8. *1. In addition to fulfilling the requirements for employment prescribed by NRS 388A.323, 388A.515, 388C.200, 391.104 or 391.281, as applicable, or fulfilling the requirements for the issuance of a license prescribed by NRS 391.033, any applicant for employment with a school district, charter school or university school for profoundly gifted pupils who may have direct contact with pupils must, as a condition to employment, submit to the board of trustees of the school district, governing body of the charter school or governing body of the university school for profoundly gifted pupils with which the applicant seeks to obtain employment, on a form prescribed by the Department:*

(a) The name, address and telephone number for the applicant's current employer, any former employer of the applicant that was a school or school district and any other former employer with whom the applicant was employed in a position that involved direct contact with children;

(b) Any other contact information for an employer or former employer described in paragraph (a) prescribed by the board of trustees of the school district, governing body of the charter school or governing body of the university school for profoundly gifted pupils with which the applicant seeks to obtain employment;

(c) Written authorization for an employer or former employer described in paragraph (a) to release the information prescribed in section 9 of this act; and

(d) A written statement indicating whether the applicant has:

(1) Except as otherwise provided in this subparagraph, been the subject of an investigation concerning an alleged sexual offense conducted by an employer, licensing agency, law enforcement agency, agency which provides child welfare services, agency which provides child protective services or a similar agency. The applicant is not required to provide the information described in this subparagraph if, after investigating the alleged violation, the employer or agency determined that the allegations were false, unfounded, unsubstantiated or inconclusive.

(2) Been discharged, disciplined, had a contract not renewed, asked to resign from employment, resigned from employment or otherwise separated from employment while an investigation concerning an alleged sexual offense was pending or upon conclusion of such an investigation, and was

found, upon conclusion of the investigation, to have committed the sexual offense.

(3) Had a license or certificate suspended or revoked or has been required to surrender a license or certificate while an investigation concerning an alleged sexual offense was pending or upon conclusion of such an investigation and was found, upon conclusion of the investigation, to have committed the sexual offense.

2. Any action brought by an applicant for employment described in subsection 1 against a board of trustees, the governing body of a charter school or the governing body of a university school for profoundly gifted pupils, or an employee thereof, which is based upon information obtained by the board of trustees or the governing body with which the applicant seeks employment to determine the fitness of the applicant for employment, including, without limitation, an action for defamation, must be brought in a court in the State of Nevada and governed by the laws of this State. The provisions of this subsection shall not be deemed to waive any immunity from liability to which the board of trustees or governing body, as applicable, or employee thereof, is entitled.

3. An applicant for employment with an independent contractor of a school district, charter school or university school for profoundly gifted pupils who may have direct contact with pupils must, before having direct contact with pupils, submit to the independent contractor on a form prescribed by the Department:

(a) The information described in paragraphs (a), (c) and (d) of subsection 1; and

(b) Any other contact information for the employers and former employers described in paragraph (a) of subsection 1 requested by the independent contractor with which the applicant seeks to obtain employment.

4. Any applicant for employment described in subsection 1 or 3 who knowingly provides false information or willfully fails to disclose any information required by this section:

(a) Is subject to discipline, including, without limitation, suspension or revocation of the person's license pursuant to NRS 391.330 or 391.750, termination of employment or a civil penalty pursuant to section 17 of this act; and

(b) Is guilty of a misdemeanor.

Sec. 9. ***1. Upon receipt of the information required by section 8 of this act, the board of trustees of a school district, governing body of a charter school, governing body of a university school for profoundly gifted pupils or independent contractor shall:***

(a) Contact each employer and former employer described in paragraph (a) of subsection 1 of section 8 of this act and request that the employer provide:

(1) The dates of employment of the applicant; and

(2) On a form prescribed by the Department, a written statement indicating whether the applicant has:

(I) Except as otherwise provided in this sub-subparagraph, been the subject of an investigation concerning an alleged sexual offense conducted by the employer. An employer or former employer is not required to provide the information described in this sub-subparagraph if, after investigating the alleged violation, the employer determined that the allegations were false, unfounded, unsubstantiated or inconclusive.

(II) Been discharged, disciplined, had a contract not renewed, asked to resign from employment, resigned from employment or otherwise separated from employment while an investigation concerning an alleged sexual offense was pending or upon conclusion of such an investigation and was found, upon conclusion of the investigation, to have committed the sexual offense.

(III) Had a license or certificate suspended or revoked or has been required to surrender a license or certificate while an investigation concerning an alleged sexual offense was pending or upon conclusion of such an investigation and was found, upon conclusion of the investigation, to have committed the sexual offense.

(b) Ensure that the applicant has a license authorizing him or her to teach or perform other educational functions at the level and, except as otherwise provided in NRS 391.125, in the field for which he or she is applying for employment, if a license is required, and that the applicant is otherwise eligible for employment.

(c) Verify that the Department has not received notice, including, without limitation, notice provided pursuant to NRS 391.055, that the applicant is a defendant in a criminal case.

2. An employer or former employer contacted by a board of trustees of a school district, governing body of a charter school, governing body of a university school for profoundly gifted pupils or independent contractor pursuant to paragraph (a) of subsection 1:

(a) Shall provide the information requested not later than 20 days after the date on which the board of trustees, governing body or independent contractor contacts the employer or former employer.

(b) Is immune from civil and criminal liability for any act relating to the provision of such information, unless the employer or former employer knowingly provides false information. Such information is privileged and must not be used as the basis for any action against the person or entity that provided the information.

3. Except as otherwise prohibited by federal or state law, an employer or former employer willfully fails to disclose any information required by subsection 1 is subject to discipline, including, without limitation, a civil penalty pursuant to section 17 of this act.

4. In addition to the penalty set forth in subsection 3, a private school that willfully fails to disclose any information required by subsection 1 is subject to discipline, which may include, without limitation, being placed on a plan of corrective action by the Department.

Sec. 10. ***1. If a statement provided pursuant to paragraph (d) of subsection 1 of section 8 of this act or subparagraph (2) of paragraph (a) of subsection 2 of section 9 of this act indicates that the applicant meets any of the criteria prescribed in that paragraph or subparagraph, as applicable, the board of trustees of a school district, governing body of a charter school, governing body of a university school for profoundly gifted pupils or independent contractor who receives the statement shall request the employer that conducted the investigation concerning an alleged sexual offense, discharged, disciplined or dismissed the employee or asked the employee to resign from employment to provide additional information concerning the matter and all records related to the matter, including, without limitation, any documents relating to a disciplinary action taken against the employee, disciplinary records or documents used in the decision made by the employer concerning the investigation.***

2. An employer contacted by the board of trustees of a school district, governing body of a charter school, governing body of a university school for profoundly gifted pupils or independent contractor pursuant to subsection 1:

(a) Except as otherwise provided in this subsection, shall provide the information requested not later than 60 days after the date on which the board of trustees, governing body or independent contractor contacts the employer.

(b) Is not required to disclose any information or records held by the school police of the school district, if the school district has school police officers.

(c) Is immune from civil and criminal liability to the same extent provided in paragraph (b) of subsection 2 of section 9 of this act.

3. Except as otherwise prohibited by federal or state law, an employer who willfully fails to disclose any information required by subsection 1 is subject to discipline, including, without limitation, a civil penalty pursuant to section 17 of this act.

4. In addition to the penalty set forth in subsection 3, a private school that willfully fails to disclose any information required by subsection 1 is subject to discipline, which may include, without limitation, being placed on a plan of corrective action by the Department.

Sec. 11. ***The board of trustees of a school district, governing body of a charter school, governing body of a university school for profoundly gifted pupils or independent contractor:***

1. May consider the information submitted pursuant to sections 8, 9 and 10 of this act when deciding whether to employ an applicant or continue to employ a person.

2. May report the information submitted pursuant to sections 8, 9 and 10 of this act to the Department or a licensing agency, law enforcement agency, agency which provides child welfare services, agency which provides child protective services or a similar agency.

3. Shall not be held liable for any damages resulting from the failure of an entity not subject to the jurisdiction of this State to respond to a request for information pursuant to section 9 or 10 of this act or any inaccuracy or omission in the information submitted to the school district, charter school, university school for profoundly gifted pupils or independent contractor pursuant to section 9 or 10 of this act.

4. Is immune from civil or criminal liability for considering the information submitted pursuant to sections 8, 9 and 10 of this act when deciding whether to employ an applicant or continue to employ a person.

Sec. 12. ***1. An independent contractor of a school district, charter school or university school for profoundly gifted pupils who employs a person who may have direct contact with pupils shall:***

(a) Maintain a record for each such employee that includes, without limitation, the information submitted pursuant to subsection 2 of section 8 of this act and the information submitted pursuant to subsection 2 of section 9 of this act; and

(b) Upon request, provide the record maintained pursuant to paragraph (a) to the board of trustees of the school district, governing body of the charter school or governing body of the university school for profoundly gifted pupils, as applicable, for the school at which an employee has been assigned to perform work.

2. Before assigning an employee to perform work at a location where the employee may have direct contact with pupils, an independent contractor shall inform the board of trustees of the school district, governing body of the charter school or governing body of the university school for profoundly gifted pupils, as applicable, with which the employee will be assigned to perform work of any instance known in which the employee:

(a) Except as otherwise provided in this paragraph, has been the subject of an investigation concerning an alleged sexual offense conducted by an employer. A person is not required to provide the information described in this paragraph if, after investigating the alleged violation, the employer determined that the allegations were false, unfounded, unsubstantiated or inconclusive.

(b) Has ever been discharged, disciplined, had a contract not renewed, asked to resign from employment, resigned from employment or otherwise separated from employment while an investigation concerning an alleged sexual offense was pending or upon conclusion of such an investigation and was found, upon conclusion of the investigation, to have committed the sexual offense.

(c) Had a license or certificate suspended or revoked or has been required to surrender a license or certificate while an investigation concerning an alleged sexual offense was pending or upon conclusion of such an investigation and was found, upon conclusion of the investigation, to have committed the sexual offense.

3. An independent contractor may not assign an employee to perform work at a public school, charter school or university school for profoundly gifted pupils if the board of trustees of the school district in which the school is located, governing body of the charter school or governing body of the university school for profoundly gifted pupils, as applicable, objects to such an assignment upon receiving the notification required by subsection 2.

Sec. 13. *The board of trustees of a school district, governing body of a charter school or governing body of a university school for profoundly gifted pupils may authorize provisional employment of a person for a period not to exceed 90 days pending the review of information submitted pursuant to sections 8, 9 and 10 of this act if the board of trustees or the governing body determines the applicant is otherwise qualified and:*

1. The applicant provided the statement described in paragraph (d) of subsection 1 of section 8 of this act.

2. The board of trustees of the school district, governing body of the charter school or governing body of the university school for profoundly gifted pupils, as applicable, has no knowledge of information pertaining to the applicant that would disqualify the applicant from employment.

3. The applicant swears or affirms that he or she is not disqualified from employment.

4. The applicant is directly supervised by a permanent employee in any duties that involve direct contact with pupils. The supervision must be such that the applicant is in the immediate location of the permanent employee and is readily available during such times as supervision is required.

Sec. 14. *Nothing in sections 2 to 17, inclusive, of this act shall be construed to:*

1. Prevent a board of trustees of a school district, governing body of a charter school, governing body of a university school for profoundly gifted pupils or independent contractor from:

(a) Conducting further investigations of a prospective employee; or

(b) Requiring an applicant to submit additional information or authorizations beyond what is required by sections 8, 9 and 10 of this act.

2. Prohibit a person or governmental entity from disclosing more information than is required by sections 8, 9 and 10 of this act.

3. Relieve a person of a duty to report prescribed by NRS 432B.220 or any other provision of state or federal law.

Sec. 15. *1. The board of trustees of a school district, governing body of a charter school, governing body of a university school for profoundly gifted pupils or the independent contractor of a school district, charter*

school or university school for profoundly gifted pupils shall not enter into an agreement that:

(a) Has the effect of suppressing information relating to an investigation concerning a report of suspected abuse or sexual misconduct by a current or former employee.

(b) Affects the ability of the school district, charter school, university school for profoundly gifted pupils or independent contractor to report suspected abuse or sexual misconduct to the appropriate authorities.

(c) Requires the school district, charter school, university school for profoundly gifted pupils or independent contractor to expunge information about allegations or findings of suspected abuse or sexual misconduct from any documents maintained by the school district, charter school, university school for profoundly gifted pupils or independent contractor unless, after investigating the alleged violation, the school district, charter school, university school for profoundly gifted pupils or independent contractor determines that the allegations were false, unfounded, unsubstantiated or inconclusive.

2. If an agreement requires the removal of a document from the personnel file of an employee, the employer must maintain the document with the agreement.

3. Any provisions in an agreement that violate the provisions of this section are void.

Sec. 16. *Any information collected pursuant to section 8, 9 or 10 of this act is confidential and is not a public book or record within the meaning of NRS 239.010.*

Sec. 17. *1. Any person who willfully violates any provision of sections 2 to 17, inclusive, of this act is subject to a civil penalty of not more than $10,000 for each violation. This penalty must be recovered in a civil action, brought in the name of the State of Nevada by the Attorney General. In such an action, the Attorney General may recover reasonable attorney's fees and costs. If a civil penalty is imposed against an independent contractor for willfully violating any provision of sections 2 to 17, inclusive, of this act, the Attorney General shall, within 30 days after the imposition of the civil penalty, notify the Department of the name of the independent contractor.*

2. The Department shall maintain a list of any independent contractors who have been found to have willfully violated the provisions of sections 2 to 17, inclusive, of this act and make the list available, upon request, to the board of trustees of a school district, governing body of a charter school or governing body of a university school for profoundly gifted pupils.

3. The board of trustees of a school district, governing body of a charter school or governing body of a university school for profoundly gifted pupils shall not contract with an independent contractor who has been found to have willfully violated the provisions of sections 2 to 17, inclusive, of this act.

Sec. 18. NRS 391.033 is hereby amended to read as follows:

391.033 1. All licenses for teachers and other educational personnel are granted by the Superintendent of Public Instruction pursuant to regulations adopted by the Commission and as otherwise provided by law.

2. An application for the issuance of a license must include the social security number of the applicant.

3. Every applicant for a license must submit with his or her application a complete set of his or her fingerprints and written permission authorizing the Superintendent to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its initial report on the criminal history of the applicant and for reports thereafter upon renewal of the license pursuant to subsection 7 of NRS 179A.075, and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

4. The Superintendent may issue a provisional license pending receipt of the reports of the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History if the Superintendent determines that the applicant is otherwise qualified.

5. ~~[A]~~ ***Except as otherwise provided in subsection 6, a*** license must be issued to, or renewed for, as applicable, an applicant if:

(a) The Superintendent determines that the applicant is qualified;

(b) The reports on the criminal history of the applicant from the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History:

(1) Do not indicate that the applicant has been convicted of a felony or any offense involving moral turpitude; or

(2) Indicate that the applicant has been convicted of a felony or an offense involving moral turpitude but the Superintendent determines that the conviction is unrelated to the position within the county school district or charter school for which the applicant applied or for which he or she is currently employed, as applicable; and

(c) For initial licensure, the applicant submits the statement required pursuant to NRS 391.034.

6. The Superintendent may deny an application for a license pursuant to this section if a report on the criminal history of the applicant from the Federal Bureau of Investigation or the Central Repository for Nevada Records of Criminal History indicates that the applicant has been arrested for or charged with a sexual offense involving a minor or pupil, including, without limitation, any attempt, solicitation or conspiracy to commit such an offense.

7. The Superintendent or his or her designee may deny the application for a license after providing written notice of his or her intent to deny the application to the applicant and providing an opportunity for the applicant to have a hearing.

8. To request a hearing pursuant to subsection 7, an applicant must submit a written request to the Superintendent within 15 days after receipt

of the notice by the applicant. Such a hearing must be conducted in accordance with regulations adopted by the State Board. If no request for a hearing is filed within that time, the Superintendent may deny the license.

9. If the Superintendent denies an application for a license pursuant to this section, the Superintendent must, within 15 days after the date on which the application is denied, provide notice of the denial to the school district or charter school that employs the applicant if the applicant is employed by a school district or charter school. Such a notice must not state the reasons for denial.

10. The Department shall:

(a) Maintain a list of the names of persons whose applications for a license are denied due to conviction of a sexual offense involving a minor;

(b) Update the list maintained pursuant to paragraph (a) monthly; and

(c) Provide this list to the board of trustees of a school district or the governing body of a charter school upon request.

11. As used in this section, "sexual offense" has the meaning ascribed to it in NRS 179D.097.

Sec. 19. NRS 391.750 is hereby amended to read as follows:

391.750 1. A teacher may be suspended, dismissed or not reemployed and an administrator may be demoted, suspended, dismissed or not reemployed for the following reasons:

(a) Inefficiency;

(b) Immorality;

(c) Unprofessional conduct;

(d) Insubordination;

(e) Neglect of duty;

(f) Physical or mental incapacity;

(g) A justifiable decrease in the number of positions due to decreased enrollment or district reorganization;

(h) Conviction of a felony or of a crime involving moral turpitude;

(i) Inadequate performance;

(j) Evident unfitness for service;

(k) Failure to comply with such reasonable requirements as a board may prescribe;

(l) Failure to show normal improvement and evidence of professional training and growth;

(m) Advocating overthrow of the Government of the United States or of the State of Nevada by force, violence or other unlawful means, or the advocating or teaching of communism with the intent to indoctrinate pupils to subscribe to communistic philosophy;

(n) Any cause which constitutes grounds for the revocation of a teacher's license;

(o) Willful neglect or failure to observe and carry out the requirements of this title;

(p) Dishonesty;

(q) Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations and assessments adopted pursuant to NRS 390.270 or 390.275;

(r) An intentional violation of NRS 388.497 or 388.499;

(s) Knowingly and willfully failing to comply with the provisions of NRS 388.1351;

(t) ***Knowingly and willfully violating any provision of sections 2 to 17, inclusive, of this act;***

(u) Gross misconduct; or

~~[(u)]~~ ***(v)*** An intentional failure to report a violation of NRS 388.135 if the teacher or administrator witnessed the violation.

2. If a teacher or administrator is found, through an investigation of a testing irregularity, to have willfully breached the security or confidentiality of the questions and answers of the examinations that are administered pursuant to NRS 390.105 or 390.600 or the college and career readiness assessment administered pursuant to NRS 390.610, the board of trustees of a school district, governing body of a charter school or governing body of a university school for profoundly gifted pupils, as applicable, shall:

(a) Suspend, dismiss or fail to reemploy the teacher; or

(b) Demote, suspend, dismiss or fail to reemploy the administrator.

3. In determining whether the professional performance of a licensed employee is inadequate, consideration must be given to the regular and special evaluation reports prepared in accordance with the policy of the employing school district and to any written standards of performance which may have been adopted by the board.

4. As used in this section, "gross misconduct" includes any act or omission that is in wanton, willful, reckless or deliberate disregard of the interests of a school or school district or a pupil thereof.

Sec. 20. NRS 391.755 is hereby amended to read as follows:

391.755 1. Whenever an administrator charged with supervision of a licensed employee believes it is necessary to admonish the employee for a reason that the administrator believes may lead to demotion or dismissal or may cause the employee not to be reemployed under the provisions of NRS 391.750, the administrator shall:

(a) Except as otherwise provided in subsection 3, bring the matter to the attention of the employee involved, in writing, stating the reasons for the admonition and that it may lead to the employee's demotion, dismissal or a refusal to reemploy him or her, and make a reasonable effort to assist the employee to correct whatever appears to be the cause for the employee's potential demotion, dismissal or a potential recommendation not to reemploy him or her; and

(b) Except as otherwise provided in NRS 391.760, allow reasonable time for improvement, which must not exceed 3 months for the first admonition.

➥ The admonition must include a description of the deficiencies of the teacher and the action that is necessary to correct those deficiencies.

2. An admonition issued to a licensed employee who, within the time granted for improvement, has met the standards set for the employee by the administrator who issued the admonition must be removed from the records of the employee together with all notations and indications of its having been issued. The admonition must be removed from the records of the employee not later than 3 years after it is issued.

3. An administrator need not admonish an employee pursuant to paragraph (a) of subsection 1 if his or her employment will be terminated pursuant to NRS 391.820.

4. A licensed employee is subject to immediate dismissal or a refusal to reemploy according to the procedures provided in NRS 391.650 to 391.830, inclusive, without the admonition required by this section, on grounds contained in paragraphs (b), (f), (g), (h), (p), (s) ***,*** ~~[and]~~ (t) ***and (u)*** of subsection 1 of NRS 391.750.

Sec. 21. **Chapter 394 of NRS is hereby amended by adding thereto the provisions set forth as sections 22 to 32, inclusive, of this act.**

Sec. 22. ***As used in sections 22 to 32, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 23 and 24 of this act have the meanings ascribed to them in those sections.***

Sec. 23. ***"Sexual misconduct" has the meaning ascribed to it in section 4 of this act.***

Sec. 24. ***"Sexual offense" has the meaning ascribed to it in NRS 179D.097.***

Sec. 25. ***1. Any applicant for employment with a private school who may have direct contact with pupils must, as a condition to employment, submit to the governing body of the private school with which the applicant seeks to obtain employment, on a form prescribed by the Department:***

(a) The name, address and telephone number for the applicant's current employer, any former employer of the applicant that was a school or school district and any other former employer with whom the applicant was employed in a position that involved direct contact with children;

(b) Any other contact information for the employer or former employer described in paragraph (a) prescribed by the governing body of the school with which the applicant seeks to obtain employment;

(c) Written authorization for the employer or former employer described in paragraph (a) to release the information prescribed in section 26 of this act; and

(d) A written statement indicating whether the applicant has:

(1) Except as otherwise provided in this subparagraph, been the subject of an investigation concerning an alleged sexual offense conducted by an employer, licensing agency, law enforcement agency, agency which provides child welfare services, agency which provides child protective services or a similar agency. An applicant is not required to provide the information described in this subparagraph if, after investigating the

alleged violation, the employer or agency determined that the allegations were false, unfounded, unsubstantiated or inconclusive.

(2) Been discharged, disciplined, had a contract not renewed, asked to resign from employment, resigned from employment or otherwise separated from employment while an investigation concerning an alleged sexual offense was pending or upon conclusion of such an investigation, and was found, upon conclusion of the investigation, to have committed the sexual offense.

(3) Had a license or certificate suspended or revoked or has been required to surrender a license or certificate while an investigation concerning an alleged sexual offense was pending or upon conclusion of such an investigation and was found, upon conclusion of the investigation, to have committed the sexual offense.

2. Any action brought by an applicant for employment described in subsection 1 against the governing body of a private school or an employee thereof which is based upon information obtained by the governing body of the private school with which the applicant seeks employment to determine the fitness of the applicant for employment, including, without limitation, an action for defamation, must be brought in a court in the State of Nevada and governed by the laws of this State.

3. Any applicant for employment described in subsection 1 who knowingly provides false information or willfully fails to disclose any information required by this section:

(a) Is subject to discipline, including, without limitation, termination of employment or a civil penalty pursuant to section 32 of this act; and

(b) Is guilty of a misdemeanor.

Sec. 26. 1. Upon receipt of the information required by section 25 of this act, the governing body of a private school shall contact each employer and former employer described in paragraph (a) of subsection 1 of section 25 of this act and request that the employer provide:

(a) The dates of employment of the applicant; and

(b) On a form prescribed by the Department, a written statement indicating whether the applicant has:

(1) Except as otherwise provided in this subparagraph, been the subject of an investigation concerning an alleged sexual offense conducted by the employer. An employer or former employer is not required to provide the information described in this subparagraph if, after investigating the alleged violation, the employer determined that the allegations were false, unfounded, unsubstantiated or inconclusive.

(2) Been discharged, disciplined, had a contract not renewed, asked to resign from employment, resigned from employment or otherwise separated from employment while an investigation concerning an alleged sexual offense was pending or upon conclusion of such an investigation and was found, upon conclusion of the investigation, to have committed the sexual offense.

(3) Had a license or certificate suspended or revoked or has been required to surrender a license or certificate while an investigation concerning an alleged sexual offense was pending or upon conclusion of such an investigation and was found, upon conclusion of the investigation, to have committed the sexual offense.

2. An employer or former employer contacted by a governing body of a private school pursuant to subsection 1:

(a) Shall provide the information requested not later than 20 days after the date on which the governing body contacts the employer or former employer.

(b) Is immune from civil and criminal liability for any act relating to the provision of such information, unless the employer or former employer knowingly provides false information. Such information is privileged and must not be used as the basis for any action against the person or entity that provided the information.

3. Except as otherwise prohibited by federal or state law, an employer or former employer that willfully fails to disclose any information required by subsection 1 is subject to discipline, including, without limitation, a civil penalty pursuant to section 32 of this act.

4. In addition to the penalty set forth in subsection 3, a private school that willfully fails to disclose any information required by subsection 1 is subject to discipline, which may include, without limitation, being placed on a plan of corrective action by the Department.

Sec. 27. 1. If a statement provided pursuant to paragraph (d) of subsection 1 of section 25 of this act or paragraph (b) of subsection 1 of section 26 of this act indicates that the applicant meets any of the criteria prescribed in those paragraphs, the governing body of the private school that receives the statement shall request the employer that conducted the investigation concerning an alleged sexual offense, discharged, disciplined or dismissed the employee or asked the employee to resign from employment to provide additional information concerning the matter and all records related to the matter, including, without limitation, any documents relating to a disciplinary action taken against the employee, disciplinary records or documents used in the decision made by the employer concerning the investigation.

2. An employer contacted by the governing body of a private school pursuant to subsection 1:

(a) Except as otherwise provided in this subsection, shall provide the information requested not later than 60 days after the date on which the governing body contacts the employer.

(b) Is immune from civil and criminal liability to the same extent provided in paragraph (b) of subsection 2 of section 26 of this act.

3. Except as otherwise prohibited by federal or state law, an employer who willfully fails to disclose any information required by subsection 1 is

subject to discipline, including, without limitation, a civil penalty pursuant to section 32 of this act.

4. In addition to the penalty set forth in subsection 3, a private school that willfully fails to disclose any information required by subsection 1 is subject to discipline, which may include, without limitation, being placed on a plan of corrective action by the Department.

Sec. 28. The governing body of a private school:

1. May consider the information submitted pursuant to sections 25, 26 and 27 of this act when deciding whether to employ an applicant or continue to employ a person.

2. May report the information submitted pursuant to sections 25, 26 and 27 of this act to the Department or a licensing agency, law enforcement agency, agency which provides child welfare services, agency which provides child protective services or a similar agency.

3. Shall not be held liable for any damages resulting from the failure of an entity not subject to the jurisdiction of this State to respond to a request for information pursuant to section 26 or 27 of this act or any inaccuracy or omission in the information submitted to the private school pursuant to section 26 or 27 of this act.

4. Is immune from civil or criminal liability for considering the information submitted pursuant to sections 25, 26 and 27 of this act when deciding whether to employ an applicant or continue to employ a person.

Sec. 29. The governing body of a private school may authorize provisional employment of a person for a period not to exceed 90 days pending the review of information submitted pursuant to sections 25, 26 and 27 of this act if the governing body determines the applicant is otherwise qualified and:

1. The applicant provided the statement described in paragraph (d) of subsection 1 of section 25 of this act.

2. The governing body of the private school has no knowledge of information pertaining to the applicant that would disqualify the applicant from employment.

3. The applicant swears or affirms that he or she is not disqualified from employment.

4. The applicant is directly supervised by a permanent employee in any duties that involve direct contact with pupils. The supervision must be such that the applicant is in the immediate location of the permanent employee and is readily available during such times as supervision is required.

Sec. 30. Nothing in sections 22 to 32, inclusive, of this act shall be construed to:

1. Prevent a governing body of a private school from:

(a) Conducting further investigations of a prospective employee; or

(b) Requiring an applicant to submit additional information or authorizations beyond what is required by sections 25, 26 and 27 of this act.

2. Prohibit a person or governmental entity from disclosing more information than is required by sections 25, 26 and 27 of this act.

3. Relieve a person of a duty to report prescribed by NRS 432B.220 or any other provision of state or federal law.

Sec. 31. 1. The governing body of a private school shall not enter into an agreement that:

(a) Has the effect of suppressing information relating to an investigation concerning a report of suspected abuse or sexual misconduct by a current or former employee.

(b) Affects the ability of the private school to report suspected abuse or sexual misconduct to the appropriate authorities.

(c) Requires the private school to expunge information about allegations or findings of suspected abuse or sexual misconduct from any documents maintained by the private school unless, after investigating the alleged violation, the private school determines that the allegations were false, unfounded, unsubstantiated or inconclusive.

2. If an agreement requires the removal of a document from the personnel file of an employee, the private school must maintain the document with the agreement.

3. Any provisions in an agreement that violate the provisions of this section are void.

Sec. 32. Any person who willfully violates any provision of sections 22 to 32, inclusive, of this act is subject to a civil penalty of not more than $10,000 for each violation. This penalty must be recovered in a civil action, brought in the name of the State of Nevada by the Attorney General. In such an action, the Attorney General may recover reasonable attorney's fees and costs.

Sec. 33. **NRS 394.251 is hereby amended to read as follows:**

394.251 1. Each elementary or secondary educational institution desiring to operate in this State must apply to the Superintendent upon forms provided by the Department. The application must be accompanied by the catalog or brochure published or proposed to be published by the institution. The application must also be accompanied by ~~[evidence]~~ ***:***

(a) Evidence of the required surety bond or certificate of deposit and payment of the fees required by law ~~[.]~~ ***; and***

(b) Documentation of the actions the institution has taken to comply with the requirements prescribed in sections 25, 26 and 27 of this act.

2. After review of the application and any further information required by the Superintendent, and an investigation of the applicant if necessary, the Board shall either grant or deny a license to operate to the applicant. ***The Board must deny a license to operate to an applicant who does not provide the documentation required by paragraph (b) of subsection 1.***

3. The license must state in a clear and conspicuous manner at least the following information:

(a) The date of issuance, effective date and term of the license.

(b) The correct name and address of the institution licensed to operate.

(c) The authority for approval and conditions of operation.

(d) Any limitation of the authorization, as considered necessary by the Board.

4. Except as otherwise provided in this subsection, the term for which authorization is given must not exceed 2 years. A provisional license may be issued for a shorter period of time if the Board finds that the applicant has not fully complied with the standards established by NRS 394.241. Authorization may be given for a term of not more than 4 years if:

(a) The institution has been licensed to operate for not less than 4 years preceding the authorization; and

(b) The institution has operated during that period without the filing of a verified complaint against it and without violating any provision of NRS 394.201 to 394.351, inclusive, or any regulation adopted pursuant to those sections.

5. The license must be issued to the owner or governing body of the applicant institution and is nontransferable. If a change in ownership of the institution occurs, the new owner or governing body must, within 10 days after the change in ownership, apply for a new license, and if it fails to do so, the institution's license terminates. Application for a new license because of a change in ownership of the institution is, for purposes of NRS 394.281, an application for renewal of the institution's license.

6. At least 60 days before the expiration of a license, the institution must complete and file with the Superintendent an application form for renewal of its license. The renewal application must ~~[be]~~ ***:***

(a) Be reviewed and acted upon as provided in this section ~~[.]~~ ***; and***

(b) Include documentation of the actions the institution has taken to comply with the requirements prescribed in sections 25, 26 and 27 of this act.

7. An institution not yet in operation when its application for a license is filed may not begin operation until the license is issued. An institution in operation when its application for a license is filed may continue operation until its application is acted upon by the Board, and thereafter its authority to operate is governed by the action of the Board.

~~[Sec. 21.]~~ ***Sec. 34.*** NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161,

126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380,

676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 16 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

~~[Sec. 22.]~~ ***Sec. 35.*** NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by prenatal illegal substance abuse or has withdrawal symptoms resulting from prenatal drug exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B or 641C of NRS.

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person working in a school who is licensed or endorsed pursuant to chapter 391 or 641B of NRS.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children ~~[.]~~ ***, including, without limitation, a person who is employed by a school district or public school as defined in NRS 385.007.***

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

~~[Sec. 23.]~~ ***Sec. 36.*** The provisions of ~~[section]~~ **sections** 15 **and 31** of this act do not apply to any agreement entered into before July 1, 2017, until the agreement is extended or renewed.

~~[Sec. 24.]~~ ***Sec. 37.*** The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

~~[Sec. 25.]~~ ***Sec. 38.*** This act becomes effective on July 1, 2017.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 1124 to Assembly Bill No. 362.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:
The amendment applies the provisions of the bill to private schools.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 258, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 765 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 1, which is attached to and hereby made a part of this report.

ASSEMBLYMAN STEVE YEAGER	SENATOR TICK SEGERBLOM
ASSEMBLYMAN JUSTIN WATKINS	SENATOR NICOLE J. CANNIZZARO
Assembly Conference Committee	*Senate Conference Committee*

Amendment No. CA1.

SUMMARY—Revises provisions ~~[governing common interest communities.]~~ **relating to property.** (BDR 10-994)

AN ACT relating to ~~[common interest communities;]~~ **property;** establishing the requirements for a written notice to request the curing of a violation of the governing documents of ~~[an]~~ **a unit-owners'** association without imposition of a fine; **establishing provisions relating to property owned by more than one person;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

If an owner or a tenant or an invitee of the owner or tenant violates a provision of the governing documents of an association, existing law allows the executive board of the common-interest community to prohibit the owner, tenant or invitee from voting on matters related to the common-interest community or using the common elements. Existing law also permits the executive board to impose a fine on the owner, tenant or invitee for each such violation under certain circumstances. (NRS 116.31031) ~~[This]~~ **Section 1 of this** bill authorizes an executive board to send a written notice to cure an alleged violation of a provision of the governing documents to an owner and, if different, a person responsible for curing the alleged violation, without the imposition of a fine. ~~[This bill]~~ **Section 1** also requires that any such written notice meet certain requirements.

Existing law establishes provisions relating to local improvements, including improvement districts and neighborhood improvement projects. (Chapter 271 of NRS) Section 2 of this bill authorizes certain property owners who own additional property jointly with certain other property owners or who own a fractional interest in additional property as a tenant in common along with certain other property owners to act on behalf of all such property owners in certain circumstances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 116.31031 is hereby amended to read as follows:

116.31031 1. Except as otherwise provided in this section, if a unit's owner or a tenant or an invitee of a unit's owner or a tenant violates any provision of the governing documents of an association, the executive board may, if the governing documents so provide:

(a) Prohibit, for a reasonable time, the unit's owner or the tenant or the invitee of the unit's owner or the tenant from:

(1) Voting on matters related to the common-interest community.

(2) Using the common elements. The provisions of this subparagraph do not prohibit the unit's owner or the tenant or the invitee of the unit's owner or the tenant from using any vehicular or pedestrian ingress or egress to go to or from the unit, including any area used for parking.

(b) Impose a fine against the unit's owner or the tenant or the invitee of the unit's owner or the tenant for each violation, except that:

(1) A fine may not be imposed for a violation that is the subject of a construction penalty pursuant to NRS 116.310305; and

(2) A fine may not be imposed against a unit's owner or a tenant or invitee of a unit's owner or a tenant for a violation of the governing documents which involves a vehicle and which is committed by a person who is delivering goods to, or performing services for, the unit's owner or tenant or invitee of the unit's owner or the tenant.

➥ If the violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community, the amount of the fine must be commensurate with the severity of the violation and must be determined by the executive board in accordance with the governing documents. If the violation does not pose an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community, the amount of the fine must be commensurate with the severity of the violation and must be determined by the executive board in accordance with the governing documents, but the amount of the fine must not exceed $100 for each violation or a total amount of $1,000, whichever is less. The limitations on the amount of the fine do not apply to any charges or costs that may be collected by the association pursuant to this section if the fine becomes past due.

(c) Send a written notice to cure an alleged violation, without the imposition of a fine, to the unit's owner and, if different, the person responsible for curing the alleged violation. Any such written notice must:

(1) Include an explanation of the applicable provisions of the governing documents that form the basis of the alleged violation;

(2) Specify in detail the alleged violation and the proposed action to cure the alleged violation;

(3) Provide a clear and detailed photograph of the alleged violation, if the alleged violation relates to the physical condition of the unit or the grounds of the unit or an act or a failure to act of which it is possible to obtain a photograph; and

(4) Provide the unit's owner or the tenant a reasonable opportunity to cure the alleged violation before the executive board may take additional actions, including, without limitation, other remedies available pursuant to this section.

2. The executive board may not impose a fine pursuant to subsection 1 against a unit's owner for a violation of any provision of the governing documents of an association committed by an invitee of the unit's owner or the tenant unless the unit's owner:

(a) Participated in or authorized the violation;

(b) Had prior notice of the violation; or

(c) Had an opportunity to stop the violation and failed to do so.

3. If the association adopts a policy imposing fines for any violations of the governing documents of the association, the secretary or other officer specified in the bylaws shall prepare and cause to be hand-delivered or sent prepaid by United States mail to the mailing address of each unit or to any

other mailing address designated in writing by the unit's owner, a schedule of the fines that may be imposed for those violations.

4. The executive board may not impose a fine pursuant to subsection 1 unless:

(a) Not less than 30 days before the alleged violation, the unit's owner and, if different, the person against whom the fine will be imposed had been provided with written notice of the applicable provisions of the governing documents that form the basis of the alleged violation; and

(b) Within a reasonable time after the discovery of the alleged violation, the unit's owner and, if different, the person against whom the fine will be imposed has been provided with:

(1) Written notice:

(I) Specifying in detail the alleged violation, the proposed action to cure the alleged violation, the amount of the fine, and the date, time and location for a hearing on the alleged violation; and

(II) Providing a clear and detailed photograph of the alleged violation, if the alleged violation relates to the physical condition of the unit or the grounds of the unit or an act or a failure to act of which it is possible to obtain a photograph; and

(2) A reasonable opportunity to cure the alleged violation or to contest the alleged violation at the hearing.

➥ For the purposes of this subsection, a unit's owner shall not be deemed to have received written notice unless written notice is mailed to the address of the unit and, if different, to a mailing address specified by the unit's owner.

5. The executive board must schedule the date, time and location for the hearing on the alleged violation so that the unit's owner and, if different, the person against whom the fine will be imposed is provided with a reasonable opportunity to prepare for the hearing and to be present at the hearing.

6. The executive board must hold a hearing before it may impose the fine, unless the fine is paid before the hearing or unless the unit's owner and, if different, the person against whom the fine will be imposed:

(a) Executes a written waiver of the right to the hearing; or

(b) Fails to appear at the hearing after being provided with proper notice of the hearing.

7. If a fine is imposed pursuant to subsection 1 and the violation is not cured within 14 days, or within any longer period that may be established by the executive board, the violation shall be deemed a continuing violation. Thereafter, the executive board may impose an additional fine for the violation for each 7-day period or portion thereof that the violation is not cured. Any additional fine may be imposed without providing the opportunity to cure the violation and without the notice and an opportunity to be heard required by paragraph (b) of subsection 4.

8. If the governing documents so provide, the executive board may appoint a committee, with not less than three members, to conduct hearings on alleged violations and to impose fines pursuant to this section. While

acting on behalf of the executive board for those limited purposes, the committee and its members are entitled to all privileges and immunities and are subject to all duties and requirements of the executive board and its members.

9. A member of the executive board shall not participate in any hearing or cast any vote relating to a fine imposed pursuant to subsection 1 if the member has not paid all assessments which are due to the association by the member. If a member of the executive board:

(a) Participates in a hearing in violation of this subsection, any action taken at the hearing is void.

(b) Casts a vote in violation of this subsection, the vote is void.

10. The provisions of this section establish the minimum procedural requirements that the executive board must follow before it may impose a fine. The provisions of this section do not preempt any provisions of the governing documents that provide greater procedural protections.

11. Any past due fine must not bear interest, but may include any costs incurred by the association during a civil action to enforce the payment of the past due fine.

12. If requested by a person upon whom a fine was imposed, not later than 60 days after receiving any payment of a fine, an association shall provide to the person upon whom the fine was imposed a statement of the remaining balance owed.

Sec. 2. **Chapter 271 of NRS is hereby amended by adding thereto a new section to read as follows:**

Except as otherwise provided by law or an agreement between the respective parties, and regardless of the date on which an interest in property was acquired, if a property owner:

1. Owns property that is:

(a) Subject to a covenant, condition or restriction recorded against the property before July 1, 2017; and

(b) Not subject to the provisions of chapter 116 of NRS; and

2. Owns additional property jointly with one or more other such property owners or owns a fractional interest in additional property as a tenant in common along with one or more other such property owners,

➥ any property owners representing at least a majority of the ownership of such additional property may act on behalf of all the property owners who own such additional property.

Sec. 3. **1. This section and section 2 of this act become effective on July 1, 2017.**

2. Section 1 of this act becomes effective on October 1, 2017.

Assemblyman Yeager moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 258.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

The conference committee maintains the version of the bill that was passed out of this body and also amends Chapter 271 of NRS to allow for a majority of fractional owners of jointly held property to act on behalf of all fractional owners.

Motion carried by a constitutional majority.

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 432, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 886 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 2, which is attached to and hereby made a part of this report.

ASSEMBLYMAN STEVE YEAGER	SENATOR TICK SEGERBLOM
ASSEMBLYWOMAN LESLEY E. COHEN	SENATOR NICOLE J. CANNIZZARO
Assembly Conference Committee	*Senate Conference Committee*

Amendment No. CA2.

SUMMARY—~~[~~Authorizes the filing of a motion for~~]~~ **Revises provisions governing proceedings for** the termination of parental rights**.** ~~[~~as part of a proceeding relating to the abuse or neglect of a child.~~]~~ (BDR 38-475)

AN ACT relating to public welfare; authorizing the filing of a motion for the termination of parental rights as part of a proceeding relating to the abuse or neglect of a child; establishing provisions concerning the process for the termination of parental rights following the filing of such a motion; **requiring the court to conduct a hearing to determine whether to transfer venue for proceedings on a petition for the termination of parental rights under certain circumstances; revising provisions governing in which county a petition for the termination of parental rights may be filed;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes procedures governing the termination of parental rights. (Chapter 128 of NRS) Existing law also establishes procedures governing the protection of children from abuse and neglect. (Chapter 432B of NRS) **Section 2** of this bill provides that if a juvenile court determines that a child is in need of protection, an agency which provides child welfare services is authorized to file a motion for the termination of parental rights as part of the proceeding concerning the abuse or neglect of the child. **Sections 2 and** ~~[10]~~ **10.3** of this bill provide that the provisions of existing law governing the termination of parental rights apply to all proceedings concerning the termination of parental rights that are commenced by an agency which provides child welfare services, but only to the extent they do not conflict with the provisions established in this bill.

Section 3 of this bill establishes provisions concerning notice of the hearing on the motion for the termination of parental rights and requires the court to ensure that any prospective adoptive parent is provided a copy of the notice. **Section 3** also provides that the name and address of a prospective

adoptive parent generally must be kept confidential. **Section 4** of this bill authorizes a party who has been informed of the allegations set forth in the motion to contest such allegations and request an evidentiary hearing or voluntarily relinquish his or her parental rights. **Section 5** of this bill authorizes the court to order the parties to the proceeding, any prospective adoptive parent and a representative from an agency which provides child welfare services to participate in mediation for the purpose of negotiating the terms of an open adoption agreement.

Section 6 of this bill authorizes a court to permit a witness or party to the proceeding to testify by telephone or videoconference in certain circumstances during an evidentiary hearing on a motion for the termination of parental rights. **Section 7** of this bill requires the court to use its best efforts to ensure that a final written decision on such a motion is rendered not later than 30 days after the conclusion of the evidentiary hearing, and **section 8** of this bill requires the appellate court of competent jurisdiction to use its best efforts to ensure that any appeal is resolved not later than 6 months after the appeal is filed or, if the court orders full briefings on the matter, not later than 12 months after the appeal is filed. **Section 9** of this bill requires that a petition for the restoration of parental rights be filed as part of a proceeding concerning the abuse or neglect of a child in certain circumstances.

Existing law establishes criteria to determine in which county a petition alleging that a child should be declared free from the custody and control of his or her parent or parents may be filed. (NRS 128.030) Section 10.7 of this bill adds certain criteria to that list.

Section 10.5 of this bill requires the court to conduct a hearing to determine whether to transfer venue for proceedings pursuant to a petition for the termination of parental rights to another county when a parent whose consent is required objects in writing to venue.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 432B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. ***1. The provisions of chapter 128 of NRS, to the extent they do not conflict with the provisions of sections 2 to 9, inclusive, of this act, apply to all proceedings concerning the termination of parental rights that are commenced pursuant to this section by an agency which provides child welfare services.***

2. If a child is determined to be a child in need of protection pursuant to NRS 432B.550, an agency which provides child welfare services may, at any stage of a proceeding held pursuant to this chapter, file a motion for the termination of parental rights as part of the proceeding.

Sec. 3. ***1. After a motion for the termination of parental rights is filed pursuant to section 2 of this act, unless a party to be served voluntarily appears and consents to the hearing, and except as otherwise provided in***

subsection 3, a copy of the motion and notice of the hearing must be served, either together or separately, upon all parties to the proceeding by personal service or, if the whereabouts of the person are unknown, obtaining an order from the court that service may be made by publication in accordance with the procedure set forth in subsections 1, 3, 4 and 5 of NRS 128.070 and subsection 2.

2. If a court orders that service be made by publication pursuant to subsection 1 and the person to be served by publication has a last known address, personal service must also be attempted before service of the notice is deemed to be complete. The court order must direct the publication to be made in a newspaper designated by the court at least once every week for a period of 4 weeks. If personal service is also attempted, service of the notice shall be deemed to be complete at the expiration of such a period. The provisions of this subsection and subsection 1 must not be construed to preclude personal service and service by publication from being attempted simultaneously.

3. Service shall be deemed to be complete if a party to be served appears in court for a hearing held pursuant to this chapter and the court provides the party with a copy of the motion, notifies the party of the date of the hearing on the motion and records such service.

4. Except as otherwise provided in subsection 5, a copy of the motion and notice of the hearing on the motion must be sent by certified mail to:

(a) The attorneys and any guardians ad litem for the child and the parent of the child who is the subject of the motion;

(b) If applicable, each Indian tribe of the child who is the subject of the motion, in accordance with NRS 128.023; and

(c) Any known relative of the child who is the subject of the motion within the fifth degree of consanguinity who is residing in this State.

5. If an attorney has consented to electronic service, a copy of the motion and notice of the hearing on the motion may be sent to the attorney electronically instead of by certified mail.

6. The court shall ensure that any prospective adoptive parent of the child who is the subject of the motion is provided with a copy of the notice of the hearing on the motion. Except as otherwise provided in section 5 of this act or another provision of law, the name and address of the prospective adoptive parent must be kept confidential.

7. Any party to the proceeding may file a written response to the motion.

Sec. 4. ***1. At the time stated in the notice of the hearing, or at the earliest time thereafter to which the hearing may be postponed, the parties to the proceeding shall, except as otherwise provided in this subsection, appear in person before the court and must be informed of the specific allegations set forth in the motion for the termination of parental rights. The court may allow a party to participate in the proceeding by telephone or videoconference if he or she is unable to appear in person because he or***

she is incarcerated outside this State or hospitalized and cannot be transported to the court.

2. After a party has been informed of the allegations set forth in the motion, he or she may:

(a) Contest such allegations and request an evidentiary hearing, in which case an evidentiary hearing must be scheduled; or

(b) Voluntarily relinquish his or her parental rights with or without the possibility of an open adoption agreement established through mediation pursuant to section 5 of this act, in which case a hearing must be scheduled for the purpose of confirming such voluntary relinquishment.

3. If an evidentiary hearing is scheduled pursuant to paragraph (a) of subsection 2, the court may also order a party to the proceeding to participate in mediation pursuant to section 5 of this act.

4. If a party to the proceeding does not appear at the time stated in the notice and the court determines that he or she was given proper notice pursuant to section 3 of this act, the court may proceed to hear evidence and render its decision or postpone hearing any evidence until an evidentiary hearing is conducted concerning any other party to the proceeding.

5. If the court postpones hearing evidence pursuant to subsection 4, further notice to the absent party is required unless the court, in its discretion, considering the facts and circumstances of the case, determines that no additional notice to the absent party is required.

Sec. 5. *1. The court may, upon its own motion or the motion of a party to the proceeding, order the parties, any prospective adoptive parent and a representative from an agency which provides child welfare services to participate in mediation for the purpose of negotiating the terms of an open adoption agreement.*

2. A party to the proceeding may make a motion for mediation at any time after the commencement of a proceeding for the termination of parental rights but not less than 5 judicial days before a scheduled evidentiary hearing.

3. Persons ordered to participate in mediation pursuant to subsection 1 shall complete such mediation not later than 60 calendar days after the court issues the order for mediation.

4. If the persons ordered to participate in mediation agree to the terms of an open adoption, the terms must be set forth in a written agreement at the time of mediation.

Sec. 6. *During an evidentiary hearing, at the request of a party to the proceeding, the court may permit a witness to testify by telephone or videoconference if the court determines that it is able to adequately assess witness credibility. Except as otherwise permitted by the court, a party to the proceeding may not testify by telephone or videoconference unless he or she is incarcerated outside this State or hospitalized and cannot be transported to the court.*

Sec. 7. ***The court shall use its best efforts to ensure that a final written decision on a motion for the termination of parental rights which includes detailed findings of fact is rendered not later than 30 days after the conclusion of the evidentiary hearing. Such a decision may be rendered orally in court before being set forth in a written order. The order of the court must include a notice of the right of a party to appeal the decision of the court. The order granting or denying a motion for the termination of parental rights is a final order of the court and the parties have the right to appeal the decision of the court in accordance with chapter 128 of NRS.***

Sec. 8. ***Except as otherwise provided in this section, if a party appeals the decision of the court pursuant to section 7 of this act, the appellate court of competent jurisdiction shall use its best efforts to ensure that the matter is resolved not later than 6 months after the appeal is filed. If the appellate court orders full briefings on the matter, it shall use its best efforts to ensure that the matter is resolved not later than 12 months after the appeal is filed.***

Sec. 9. ***If a person seeks to restore the parental rights of a natural parent or parents pursuant to NRS 128.170 to 128.190, inclusive, and the child whose natural parent or parents have had their parental rights terminated or have relinquished their parental rights is subject to the jurisdiction of the juvenile court pursuant to this chapter, the petition for the restoration of parental rights must be filed as part of a proceeding held pursuant to this chapter.***

Sec. 10. Chapter 128 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 10.3 and 10.5 of this act.**

Sec. 10.3. The provisions of this chapter, to the extent they do not conflict with the provisions of sections 2 to 9, inclusive, of this act, apply to all proceedings concerning the termination of parental rights that are commenced pursuant to section 2 of this act by an agency which provides child welfare services.

Sec. 10.5. 1. If a petition for termination of parental rights has been filed and a parent whose consent is required objects in writing to venue, the court must conduct a hearing to determine whether to transfer venue to another county. For the purpose of determining whether to transfer venue to another county, the court shall consider the ease of access to the court for the defendant and the factors set forth in NRS 13.050 and 128.030.

2. For the purpose of conducting a hearing pursuant to subsection 1, a party or witness located in another jurisdiction may testify by telephone or audiovisual or other electronic means.

Sec. 10.7. **NRS 128.030 is hereby amended to read as follows:**

128.030 A petition alleging that ~~[there is or resides within the county]~~ a child ~~[who]~~ should be declared free from the custody and control of his or her parent or parents may be filed at the election of the petitioner in:

1. The county in which the child is found;
2. The county in which the acts complained of occurred; ~~[or]~~
3. The county in which the child resides. ~~[.]~~ ***;***

4. The county in which the child is the subject of another court proceeding;

5. The county in which an agency which provides child welfare services is located;

6. The county in which the guardian or custodian of the child resides;

7. The county in which the defendant resides; or

8. The county in which the convenience of the witnesses and the ends of justice would be promoted.

Sec. 11. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420,

440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 3 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential

if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 12. This act becomes effective on January 1, 2018.

Assemblyman Yeager moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 432.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

The conference committee report maintains the version of the bill passed out of this body and makes some changes to the venue statute for termination of parental rights proceedings.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 29.

The following Senate amendment was read:

Amendment No. 1123.

AN ACT relating to off-highway vehicles; creating the Off-Highway Vehicles Program in the State Department of Conservation and Natural Resources; placing the Commission on Off-Highway Vehicles within the Department; revising provisions regarding the membership and duties of the Commission; reducing the late fee imposed for failure to register an off-highway vehicle; **requiring the Commission to conduct an evaluation and develop certain recommendations for legislation related to the operation of an off-highway vehicle on certain highways in this State;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Commission on Off-Highway Vehicles and authorizes the Commission to award grants of money from the Account for Off-Highway Vehicles to certain applicants for projects relating to off-highway vehicle use and off-highway trails and facilities. (NRS 490.067, 490.068, 490.069) **Sections 4 and 6** of this bill place the Commission within the State Department of Conservation and Natural Resources.

Section 1 of this bill creates the Off-Highway Vehicles Program in the State Department of Conservation and Natural Resources. In administering the Program, the Director of the Department, within the limits of approved

funding, is required to: (1) provide certain support and assistance to the Commission on Off-Highway Vehicles; and (2) administer the Account for Off-Highway Vehicles. **Section 1** further requires the Director to include in his or her budget the money necessary, within the limits of legislative appropriations for the Account, for: (1) certain expenses of the Program and the Commission; and (2) a reserve amount.

Under existing law, each member of the Commission on Off-Highway Vehicles is entitled to receive, if money is available for that purpose, the per diem allowance and travel expenses provided for state officers and employees generally. (NRS 490.067) **Section 6** provides that, if money is available for that purpose, any member of the Commission who is not an officer or employee of the State is entitled to receive a salary of not more than $80 per day for each day of attendance at a meeting of the Commission. **Section 6** further provides a procedure for replacing a member of the Commission who fails to attend at least three consecutive meetings.

Under existing law, the Commission on Off-Highway Vehicles is required to solicit nine nonvoting advisors to the Commission from various state and federal agencies. (NRS 490.068) **Section 7** of this bill removes that requirement, and **section 6** also: (1) revises the membership of the Commission; and (2) adds to the Commission four nonvoting, ex officio members. **Section 7** also sets forth requirements for establishing a quorum of the Commission for transacting business. Finally, **sections 1 and 7** revise provisions requiring a comprehensive report that must be submitted to the Legislature, providing that the report must be prepared by the Director of the State Department of Conservation and Natural Resources, then reviewed and approved by the Chair of the Commission before being submitted to each regular session of the Legislature.

Under existing law, fees paid for titling and registration of an off-highway vehicle are deposited into the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration. (NRS 490.084) The Department of Motor Vehicles is required to transfer, at least once each fiscal quarter, any amount in excess of $150,000 in that Account into the Account for Off-Highway Vehicles. (NRS 490.085) The Commission on Off-Highway Vehicles is required to administer the money in the Account for Off-Highway Vehicles. (NRS 490.069) **Section 8** of this bill requires the Director of the State Department of Conservation and Natural Resources to administer the Account. **Section 8** also requires a portion of the money in the Account be used to maintain a reserve amount.

Under existing law, if the owner of an off-highway vehicle that is registered in this State fails to renew the registration before it expires, the registration may be reinstated upon payment of the annual renewal fee, a late fee of $25 and, if applicable, the submission of proof of insurance, which is only required for certain larger all-terrain vehicles that are authorized to operate on certain county roads. (NRS 490.082, 490.0825, 490.105) **Section 9** of this bill reduces the late fee to $10.

Under existing law, with certain exceptions, a person may not operate an off-highway vehicle on a paved highway in this State unless a governmental entity has designated the highway for use by off-highway vehicles. Such a designation is prohibited on any portion of an interstate highway. (NRS 490.090, 490.100, 490.110) Section 11.5 of this bill requires the Commission on Off-Highway Vehicles to evaluate the statutory presumption that an off-highway vehicle is prohibited from operating on a paved highway unless authorized to do so. The Commission is required to survey local governmental entities and other interested parties to solicit input. The Commission is required to submit any recommendations for proposed legislation to the Director of the Legislative Counsel Bureau for transmission to the 80th Session of the Nevada Legislature.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Off-Highway Vehicles Program is hereby created in the Department. The Director shall administer the Program. The Commission on Off-Highway Vehicles created by NRS 490.067 shall provide direction to the Program pursuant to its authority and duties provided in NRS 490.068 and 490.069.

2. In administering the Program, the Director shall, within the limits of authorized expenditures:

(a) Administer the Account for Off-Highway Vehicles created by NRS 490.069; and

(b) Provide staff to the Commission on Off-Highway Vehicles for the purposes of:

(1) Providing assistance, support and technical advice to the Commission; and

(2) Assisting in the coordination of the activities and duties of the Commission.

3. The Director may form a technical advisory committee as needed to provide input to the Commission on Off-Highway Vehicles regarding the completeness and merit of applications received by the Commission for a grant from the Account for Off-Highway Vehicles.

4. The Director shall prepare, for each regular session of the Legislature, a comprehensive report that includes, without limitation:

(a) The general activities of the Commission on Off-Highway Vehicles;

(b) The fiscal activities of the Commission on Off-Highway Vehicles; and

(c) A summary of any grants awarded by the Commission on Off-Highway Vehicles.

➥ Upon completion of the report, the Director shall submit the report to the Chair of the Commission on Off-Highway Vehicles for review pursuant to NRS 490.068.

5. The Director shall include in his or her budget the money necessary, within the limits of legislative authorizations for the Account for Off-Highway Vehicles, for:

(a) The operating expenses of the Commission on Off-Highway Vehicles;

(b) The administrative expenses of the Program to carry out the provisions of this section; and

(c) A reserve amount as approved by the Legislature.

6. The Director may adopt regulations for the operation of the Commission on Off-Highway Vehicles and the Program.

7. As used in this section:

(a) "Administrative expenses" includes, without limitation, hiring any staff necessary to carry out the provisions of this section.

(b) "Operating expenses" includes, without limitation, any costs of contracting with a third party to provide education and information to the members of the public relating to the provisions of chapter 490 of NRS governing the lawful use and registration of off-highway vehicles.

Sec. 2. NRS 232.010 is hereby amended to read as follows:

232.010 As used in NRS 232.010 to 232.162, inclusive ~~[.]~~ ***, and section 1 of this act:***

1. "Department" means the State Department of Conservation and Natural Resources.

2. "Director" means the Director of the State Department of Conservation and Natural Resources.

Sec. 3. NRS 232.070 is hereby amended to read as follows:

232.070 1. As executive head of the Department, the Director is responsible for the administration, through the divisions and other units of the Department, of all provisions of law relating to the functions of the Department, except functions assigned by law to the State Environmental Commission, the State Conservation Commission, the Commission for Cultural Centers and Historic Preservation ***, the Commission on Off-Highway Vehicles*** or the Sagebrush Ecosystem Council.

2. Except as otherwise provided in subsection 4, the Director shall:

(a) Establish departmental goals, objectives and priorities.

(b) Approve divisional goals, objectives and priorities.

(c) Approve divisional and departmental budgets, legislative proposals, contracts, agreements and applications for federal assistance.

(d) Coordinate divisional programs within the Department and coordinate departmental and divisional programs with other departments and with other levels of government.

(e) Appoint the executive head of each division within the Department.

(f) Delegate to the executive heads of the divisions such authorities and responsibilities as the Director deems necessary for the efficient conduct of the business of the Department.

(g) Establish new administrative units or programs which may be necessary for the efficient operation of the Department, and alter departmental organization and reassign responsibilities as the Director deems appropriate.

(h) From time to time adopt, amend and rescind such regulations as the Director deems necessary for the administration of the Department.

(i) Consider input from members of the public, industries and representatives of organizations, associations, groups or other entities concerned with matters of conservation and natural resources on the following:

(1) Matters relating to the establishment and maintenance of an adequate policy of forest and watershed protection;

(2) Matters relating to the park and recreational policy of the State;

(3) The use of land within this State which is under the jurisdiction of the Federal Government;

(4) The effect of state and federal agencies' programs and regulations on the users of land under the jurisdiction of the Federal Government, and on the problems of those users of land; and

(5) The preservation, protection and use of this State's natural resources.

3. Except as otherwise provided in subsection 4, the Director may enter into cooperative agreements with any federal or state agency or political subdivision of the State, any public or private institution located in or outside the State of Nevada, or any other person, in connection with studies and investigations pertaining to any activities of the Department.

4. This section does not confer upon the Director any powers or duties which are delegated by law to the State Environmental Commission, the State Conservation Commission, the Commission for Cultural Centers and Historic Preservation ***, the Commission on Off-Highway Vehicles*** or the Sagebrush Ecosystem Council, but the Director may foster cooperative agreements and coordinate programs and activities involving the powers and duties of the Commissions and the Council.

5. Except as otherwise provided in NRS 232.159 and 232.161, all gifts of money and other property which the Director is authorized to accept must be accounted for in the Department of Conservation and Natural Resources Gift Fund which is hereby created as a trust fund.

Sec. 4. NRS 232.090 is hereby amended to read as follows:

232.090 1. The Department consists of the Director and the following:

(a) The Division of Water Resources.

(b) The Division of State Lands.

(c) The Division of Forestry.

(d) The Division of State Parks.

(e) The Division of Environmental Protection.

(f) The Office of Historic Preservation.

(g) Such other divisions as the Director may from time to time establish.

2. The State Environmental Commission, the State Conservation Commission, the Commission for Cultural Centers and Historic Preservation, ***the Commission on Off-Highway Vehicles,*** the Conservation Districts Program, the Nevada Natural Heritage Program, the Sagebrush Ecosystem Council and the Board to Review Claims are within the Department.

Sec. 5. NRS 490.066 is hereby amended to read as follows:

490.066 ~~[~~The~~]~~ ***Except as otherwise provided in NRS 490.068 and section 1 of this act, the*** Director may adopt and enforce such administrative regulations as are necessary to carry out the provisions of this chapter.

Sec. 6. NRS 490.067 is hereby amended to read as follows:

490.067 1. The Commission on Off-Highway Vehicles is hereby created ~~[.]~~ ***in the State Department of Conservation and Natural Resources.***

2. The Commission consists of ***:*** ~~[~~11 members as follows:~~]~~

(a) One member who is an authorized dealer, appointed by the Governor;

(b) One member who is a sportsman, appointed by the Governor from a list of persons submitted by the Director of the Department of Wildlife;

(c) One member who is a rancher, appointed by the Governor from a list of persons submitted by the Director of the State Department of Agriculture;

(d) One member who is a representative of the Nevada Association of Counties, appointed by the Governor from a list of persons submitted by the Executive Director of the Association;

(e) One member who is a representative of law enforcement, appointed by the Governor from a list of persons submitted by the Nevada Sheriffs' and Chiefs' Association;

(f) One member ~~[,]~~ ***who is actively engaged in and possesses experience and expertise in advocating for issues relating to conservation,*** appointed by the Governor ~~[~~from a list of persons submitted by the Director of the State Department of Conservation and Natural Resources, who:

~~(1) Possesses a degree in soil science, rangeland ecosystems science or a related field;~~

~~(2) Has at least 5 years of experience working in one of the fields described in subparagraph (1); and~~

~~(3) Is knowledgeable about the ecosystems of the Great Basin Region of central Nevada or the Mojave Desert;~~

~~(g) One member, appointed by the Governor, who is a representative of an organization that represents persons who use off-highway vehicles to access areas to participate in recreational activities that do not primarily involve off-highway vehicles; and~~

~~(h) Four~~~~]~~ ***; and***

(g) Three members, appointed by the Governor, who reside in the State of Nevada and have participated in recreational activities for off-highway

vehicles for at least 5 years using the type of off-highway vehicle owned or operated by the persons they will represent, as follows:

(1) One member who represents persons who own or operate all-terrain vehicles;

(2) One member who represents persons who own or operate all-terrain motorcycles **[**~~.~~**]** ***and who is involved with or participates in the racing of off-highway motorcycles; and***

(3) One member who represents persons who own or operate snowmobiles **.** **[**~~; and~~

~~(4) One member who represents persons who own or operate, and participate in the racing of, off-highway motorcycles.~~**]**

3. ***The following are nonvoting, ex officio members of the Commission:***

(a) The State Director of the Nevada State Office of the Bureau of Land Management;

(b) The Forest Supervisor for the Humboldt-Toiyabe National Forest;

(c) The Director of the Department of Tourism and Cultural Affairs; and

(d) The Director of the Department of Motor Vehicles.

4. A nonvoting, ex officio member of the Commission may appoint, in writing, an alternate to serve in his or her place on the Commission.

5. The Governor shall not appoint to the Commission any member described in paragraph **[**~~(h)~~**]** ***(g)*** of subsection 2 unless the member has been recommended to the Governor by an off-highway vehicle organization. As used in this subsection, "off-highway vehicle organization" means a profit or nonprofit corporation, association or organization formed pursuant to the laws of this State and which promotes off-highway vehicle recreation or racing.

[~~4.~~**]** ***6.*** After the initial terms, each member of the Commission ***appointed pursuant to subsection 2*** serves for a term of 3 years. A vacancy on the Commission must be filled in the same manner as the original appointment.

[~~5.~~**]** ***7.*** Except as otherwise provided in this subsection, a member of the Commission ***who is appointed*** may not serve more than two consecutive terms on the Commission. A member who has served two consecutive terms on the Commission may be reappointed if the Governor does not receive any applications for that member's seat or if the Governor determines that no qualified applicants are available to fill that member's seat.

[~~6.~~**]** ***8.*** The Governor shall ensure that, insofar as practicable, the members appointed to the Commission ***pursuant to subsection 2*** reflect the geographical diversity of this State.

[~~7.~~**]** ***9.*** Each member of the Commission:

(a) Is entitled to receive, if money is available for that purpose **,** **[**~~from the fees collected pursuant to NRS 490.084,~~**]** the per diem allowance and travel expenses provided for state officers and employees generally.

(b) ***Who is not an officer or employee of the State of Nevada is entitled to receive, if money is available for that purpose, a salary of not more than $80 per day for each day of attendance at a meeting of the Commission.***

(c) Shall swear or affirm that he or she will work to create and promote responsible off-highway vehicle recreation in the State. **[**~~The Governor may remove a member from the Commission if the member violates the oath described in this paragraph.~~

~~8. The Commission may employ an Executive Secretary, who must not be a member of the Commission, to assist in its daily operations and in administering the Account for Off-Highway Vehicles created by NRS 490.069.~~

~~9. The Commission may adopt regulations for the operation of the Commission. Upon request by the Commission, the nonvoting advisers solicited by the Commission pursuant to NRS 490.068 may provide assistance to the Commission in adopting those regulations.~~**]**

10. A member of the Commission who is appointed by the Governor and who fails to attend at least three consecutive meetings of the Commission is subject to replacement. The Commission shall notify the appointing authority or group who recommended the member for appointment, if any, and the appointing authority or group may recommend a person to replace that member of the Commission. The replacement of a member pursuant to this subsection must be conducted in the same manner as the original appointment.

Sec. 7. NRS 490.068 is hereby amended to read as follows:

490.068 1. The Commission shall:

(a) Elect a Chair **[**~~,~~**]** ***and*** Vice Chair **[**~~, Secretary and Treasurer~~**]** from among its members.

(b) Meet at the call of the Chair.

(c) Meet at least four times each year.

(d) **[**~~Solicit nine nonvoting advisers to the Commission to serve for terms of 2 years as follows:~~

~~(1) One adviser from the Bureau of Land Management.~~

~~(2) One adviser from the United States Forest Service.~~

~~(3) One adviser who is:~~

~~(I) From the Natural Resources Conservation Service of the United States Department of Agriculture; or~~

~~(II) A teacher, instructor or professor at an institution of the Nevada System of Higher Education and who provides instruction in environmental science or a related field.~~

~~(4) One adviser from the State Department of Conservation and Natural Resources.~~

~~(5) One adviser from the Department of Wildlife.~~

~~(6) One adviser from the Department of Motor Vehicles.~~

~~(7) One adviser from the Commission on Tourism, other than the Chair of the Nevada Indian Commission.~~

~~(8) One adviser from the Nevada Indian Commission.~~

~~(9) One adviser from the United States Fish and Wildlife Service.~~] ***Provide direction to the Off-Highway Vehicles Program created by section 1 of this act.***

(e) Perform the duties assigned to the Commission set forth in NRS 490.083 and 490.084.

2. ***A majority of the voting members of the Commission constitutes a quorum for the transaction of business, and a majority vote of those members present at any meeting is sufficient for any official action taken by the Commission.***

3. The Commission may award a grant of money from the Account for Off-Highway Vehicles created by NRS 490.069. Any such grant must comply with the requirements set forth in NRS 490.069. The Commission shall:

(a) Adopt regulations setting forth who may apply for a grant of money from the Account for Off-Highway Vehicles and the manner in which such [~~a person~~] ***an applicant*** may submit the application to the Commission. The regulations adopted pursuant to this paragraph must include, without limitation, requirements that:

(1) Any [~~person~~] ***applicant*** requesting a grant provide proof satisfactory to the Commission that the appropriate federal, state or local governmental agency has been consulted regarding the nature of the project to be funded by the grant and regarding the area affected by the project;

(2) The application for the grant address all applicable laws and regulations, including, without limitation, those concerning:

(I) Threatened and endangered species in the area affected by the project;

(II) Ecological, cultural and archaeological sites in the area affected by the project; and

(III) Existing land use authorizations and prohibitions, land use plans, special designations and local ordinances for the area affected by the project; and

(3) Any compliance information provided by an appropriate federal, state or local governmental agency, and any information or advice provided by any agency, group or individual be submitted with the application for the grant.

(b) Adopt regulations for awarding grants from the Account [~~.~~

~~(c) Adopt regulations for determining the~~] ***, including, without limitation, developing criteria:***

(1) That promote projects which integrate multiple grant categories;

(2) That encourage a distribution of grants among all grant categories; and

(3) For the determination of acceptable performance of work on a project for which a grant is awarded.

~~[(d) Approve the completion of, and payment of money for, work performed on a project for which a grant is awarded, if the Commission determines the work is acceptable.~~

~~(e) Monitor the accounting activities of the Account.~~

~~3. The nonvoting advisers solicited by the~~]

4. The Commission ~~[pursuant to paragraph (d) of subsection 1 shall assist the Commission in carrying out the duties set forth in this section and shall review for completeness and for compliance with the requirements of paragraph (a) of subsection 2 all~~] ***may solicit input regarding*** applications for grants ~~[.~~

~~4.~~] ***from a technical advisory committee formed pursuant to section 1 of this act.***

5. For each regular session of the Legislature, the ***Chair of the*** Commission shall ~~[prepare a~~] ***review the*** comprehensive report ~~[, including, without limitation, a summary of any grants that the Commission awarded and of the accounting activities of the Account, and any recommendations of the Commission for proposed legislation. The~~] ***prepared pursuant to section 1 of this act. Upon approval of the report by the Chair of the Commission, the*** report must be submitted to the Director of the Legislative Counsel Bureau for distribution to the Legislature not later than September 1 of each even-numbered year.

Sec. 8. NRS 490.069 is hereby amended to read as follows:

490.069 1. The Account for Off-Highway Vehicles is hereby created in the State General Fund as a revolving account. The ~~[Commission]~~ ***Director of the State Department of Conservation and Natural Resources*** shall administer the Account. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

2. ~~[During the period beginning on July 1, 2012, and ending on June 30, 2013, money in the Account may only be used by the Commission for the reasonable administrative costs of the Commission and to inform the public of the requirements of this chapter.~~

~~3.~~] On or after July 1, ~~[2013,]~~ ***2017,*** money in the Account may only be used ~~[by the Commission]~~ as follows:

(a) ~~[Not more than 5 percent of the money that is in the Account as of January 1 of each year may be used for the reasonable]~~ ***To pay for the operating expenses of the Commission, including, without limitation, any debts or obligations lawfully incurred by the Commission before July 1, 2017, and the*** administrative ~~[costs]~~ ***expenses*** of the ~~[Account.]~~ ***Off-Highway Vehicles Program created by section 1 of this act, consistent with the legislatively approved budget of the State Department of Conservation and Natural Resources pursuant to section 1 of this act.***

(b) ~~[Except as otherwise provided in subsection 4, 20 percent of any money in the Account as of January 1 of each year that is not used pursuant to paragraph (a) must be used for law enforcement, as recommended by the~~

~~Office of Criminal Justice Assistance of the Department of Public Safety, or its successor, and any remaining portion of that money may be used as follows:~~

~~(1) Sixty percent of the money may be used for projects relating to:~~

~~(I)~~**]** ***To fund a reserve amount as provided in the legislatively approved budget of the State Department of Conservation and Natural Resources pursuant to section 1 of this act.***

(c) Any money in the Account that is not used pursuant to paragraph (a) or (b) each fiscal year may be used by the Commission to award grants as provided in NRS 490.068 for projects relating to:

(1) Studies or planning for trails and facilities for use by owners and operators of off-highway vehicles. Money received pursuant to this ~~[sub-subparagraph]~~ ***subparagraph*** may be used to prepare environmental assessments and environmental impact studies that are required pursuant to 42 U.S.C. §§ 4321 et seq.

~~[(II)]~~ ***(2)*** The mapping and signing of those trails and facilities.

~~[(III)]~~ ***(3)*** The acquisition of land for those trails and facilities.

~~[(IV)]~~ ***(4)*** The enhancement ~~[and]~~ ***or*** maintenance ***, or both,*** of those trails and facilities.

~~[(V)]~~ ***(5)*** The construction of those trails and facilities.

~~[(VI)]~~ ***(6)*** The restoration of areas that have been damaged by the use of off-highway vehicles.

~~[(2) Fifteen percent of the money may be used for safety]~~

(7) The construction of trail features and features ancillary to a trail including, without limitation, a trailhead or a parking area near a trailhead, which minimize impacts to environmentally sensitive areas or important wildlife habitat areas.

(8) Safety training and education relating to ***the use of*** off-highway vehicles.

~~[4. If money is used for the projects described in paragraph (b) of subsection 3, not more than 30 percent of such money may be allocated to any one category of projects described in subparagraph (1) of that paragraph.]~~

(9) Efforts to improve compliance with and enforcement of the requirements relating to off-highway vehicles.

Sec. 9. NRS 490.082 is hereby amended to read as follows:

490.082 1. An owner of an off-highway vehicle that is acquired:

(a) Before July 1, 2011:

(1) May apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, a certificate of title for the off-highway vehicle.

(2) Except as otherwise provided in subsection 3, shall, within 1 year after July 1, 2011, apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, the registration of the off-highway vehicle.

(b) On or after July 1, 2011, shall, within 30 days after acquiring ownership of the off-highway vehicle:

(1) Apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, a certificate of title for the off-highway vehicle.

(2) Except as otherwise provided in subsection 3, apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, the registration of the off-highway vehicle pursuant to this section or NRS 490.0825.

2. If an owner of an off-highway vehicle applies to the Department or to an authorized dealer for:

(a) A certificate of title for the off-highway vehicle, the owner shall submit to the Department or to the authorized dealer proof prescribed by the Department that he or she is the owner of the off-highway vehicle.

(b) Except as otherwise provided in NRS 490.0825, the registration of the off-highway vehicle, the owner shall submit:

(1) If ownership of the off-highway vehicle was obtained before July 1, 2011, proof prescribed by the Department:

(I) That he or she is the owner of the off-highway vehicle; and

(II) Of the unique vehicle identification number, serial number or distinguishing number obtained pursuant to NRS 490.0835 for the off-highway vehicle; or

(2) If ownership of the off-highway vehicle was obtained on or after July 1, 2011:

(I) Evidence satisfactory to the Department that he or she has paid all taxes applicable in this State relating to the purchase of the off-highway vehicle, or submit an affidavit indicating that he or she purchased the vehicle through a private party sale and no tax is due relating to the purchase of the off-highway vehicle; and

(II) Proof prescribed by the Department that he or she is the owner of the off-highway vehicle and of the unique vehicle identification number, serial number or distinguishing number obtained pursuant to NRS 490.0835 for the off-highway vehicle.

3. Registration of an off-highway vehicle is not required if the off-highway vehicle:

(a) Is owned and operated by:

(1) A federal agency;

(2) An agency of this State; or

(3) A county, incorporated city or unincorporated town in this State;

(b) Is part of the inventory of a dealer of off-highway vehicles and is affixed with a special plate provided to the off-highway vehicle dealer pursuant to NRS 490.0827;

(c) Is registered or certified in another state and is located in this State for not more than 15 days;

(d) Is used solely for husbandry on private land or on public land that is leased to or used under a permit issued to the owner or operator of the off-highway vehicle;

(e) Is used for work conducted by or at the direction of a public or private utility;

(f) Was manufactured before January 1, 1976;

(g) Is operated solely in an organized race, festival or other event that is conducted:

(1) Under the auspices of a sanctioning body; or

(2) By permit issued by a governmental entity having jurisdiction;

(h) Except as otherwise provided in paragraph (d), is operated or stored on private land or on public land that is leased to the owner or operator of the off-highway vehicle, including when operated in an organized race, festival or other event;

(i) Is used in a search and rescue operation conducted by a governmental entity having jurisdiction; or

(j) Has a displacement of not more than 70 cubic centimeters.

➥ As used in this subsection, "sanctioning body" means an organization that establishes a schedule of racing events, grants rights to conduct those events and establishes and administers rules and regulations governing the persons who conduct or participate in those events.

4. The registration of an off-highway vehicle pursuant to this section or NRS 490.0825 expires 1 year after its issuance. If an owner of an off-highway vehicle fails to renew the registration of the off-highway vehicle before it expires, the registration may be reinstated upon the payment to the Department of the annual renewal fee, a late fee of ~~[~~$25~~]~~ ***$10*** and, if applicable, proof of insurance required pursuant to NRS 490.0825. Any late fee collected by the Department must be deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.

5. If a certificate of title or registration for an off-highway vehicle is lost or destroyed, the owner of the off-highway vehicle may apply to the Department by mail, or to an authorized dealer, for a duplicate certificate of title or registration. The Department may collect a fee to replace a certificate of title or registration certificate, sticker or decal that is lost, damaged or destroyed. Any such fee collected by the Department must be:

(a) Set forth by the Department by regulation; and

(b) Deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.

6. The provisions of subsections 1 to 5, inclusive, do not apply to an owner of an off-highway vehicle who is not a resident of this State.

Sec. 10. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 11. 1. The terms of the members of the Commission on Off-Highway Vehicles who are appointed pursuant to paragraphs (f) and (g) and subparagraphs (2) and (4) of paragraph (h) of subsection 2 of NRS 490.067, as those provisions exist on June 30, 2017, expire on July 1, 2017.

2. On or before July 1, 2017, the Governor shall appoint to the Commission on Off-Highway Vehicles the members of the Commission on Off-Highway Vehicles specified in paragraph (f) and subparagraph (2) of paragraph (g) of subsection 2 of NRS 490.067, as amended by section 6 of this act, to initial terms of 3 years commencing on July 1, 2017.

Sec. 11.5. **As soon as practicable after July 1, 2017, the Commission on Off-Highway Vehicles shall:**

1. Evaluate whether the statutory presumption set forth in NRS 490.090 to NRS 490.130, inclusive, that the operation of an off-highway vehicle on a paved highway is prohibited unless authorized by a governmental entity should be amended.

2. Conduct a survey of local governmental entities and other interested parties to solicit input for the evaluation required pursuant to subsection 1.

3. Develop recommendations for legislation to make any such amendments as may be proposed based on the evaluation made pursuant to subsection 1.

4. On or before January 1, 2019, submit the recommendations developed pursuant to subsection 3 to the Director of the Legislative Counsel Bureau for transmission to the 80th Session of the Nevada Legislature.

Sec. 12. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2017, for all other purposes.

Assemblyman Carrillo moved that the Assembly concur in the Senate Amendment No. 1123 to Assembly Bill No. 29.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

The amendment requires the Commission on Off-highway Vehicles to develop recommendations for legislation related to operating an off-highway vehicle on paved highway. The amendment also requires the Commission to submit those recommendations to the Director of the Legislative Counsel Bureau for transmission to the 80th Legislative Session.

Motion carried by a constitutional majority.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:32 p.m.

ASSEMBLY IN SESSION

At 11:34 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that the Assembly reconsider the action whereby Senate Amendment No. 1123 to Assembly Bill No. 29. was concurred in.

Motion carried.

Assemblywoman Benitez-Thompson moved that the Assembly do not concur in Senate Amendment No. 1123 to Assembly Bill No. 29.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 29.

The following Senate amendment was read:

Amendment No. 950.

AN ACT relating to off-highway vehicles; creating the Off-Highway Vehicles Program in the State Department of Conservation and Natural Resources; placing the Commission on Off-Highway Vehicles within the Department; revising provisions regarding the membership and duties of the Commission; reducing the late fee imposed for failure to register an off-highway vehicle; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Commission on Off-Highway Vehicles and authorizes the Commission to award grants of money from the Account for Off-Highway Vehicles to certain applicants for projects relating to off-highway vehicle use and off-highway trails and facilities. (NRS 490.067, 490.068, 490.069) **Sections 4 and 6** of this bill place the Commission within the State Department of Conservation and Natural Resources.

Section 1 of this bill creates the Off-Highway Vehicles Program in the State Department of Conservation and Natural Resources. In administering the Program, the Director of the Department, within the limits of approved funding, is required to: (1) provide certain support and assistance to the Commission on Off-Highway Vehicles; and (2) administer the Account for Off-Highway Vehicles. **Section 1** further requires the Director to include in his or her budget the money necessary, within the limits of legislative appropriations for the Account, for: (1) certain expenses of the Program and the Commission; and (2) a reserve amount.

Under existing law, each member of the Commission on Off-Highway Vehicles is entitled to receive, if money is available for that purpose, the per diem allowance and travel expenses provided for state officers and

employees generally. (NRS 490.067) **Section 6** provides that, if money is available for that purpose, any member of the Commission who is not an officer or employee of the State is entitled to receive a salary of not more than $80 per day for each day of attendance at a meeting of the Commission. **Section 6** further provides a procedure for replacing a member of the Commission who fails to attend at least three consecutive meetings.

Under existing law, the Commission on Off-Highway Vehicles is required to solicit nine nonvoting advisors to the Commission from various state and federal agencies. (NRS 490.068) **Section 7** of this bill removes that requirement, and **section 6** also: (1) revises the membership of the Commission; and (2) adds to the Commission four nonvoting, ex officio members. **Section 7** also sets forth requirements for establishing a quorum of the Commission for transacting business. Finally, **sections 1 and 7** revise provisions requiring a comprehensive report that must be submitted to the Legislature, providing that the report must be prepared by the Director of the State Department of Conservation and Natural Resources, then reviewed and approved by the Chair of the Commission before being submitted to each regular session of the Legislature.

Under existing law, fees paid for titling and registration of an off-highway vehicle are deposited into the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration. (NRS 490.084) The Department of Motor Vehicles is required to transfer, at least once each fiscal quarter, any amount in excess of $150,000 in that Account into the Account for Off-Highway Vehicles. (NRS 490.085) The Commission on Off-Highway Vehicles is required to administer the money in the Account for Off-Highway Vehicles. (NRS 490.069) **Section 8** of this bill requires the Director of the State Department of Conservation and Natural Resources to administer the Account. **Section 8** also requires a portion of the money in the Account be used to maintain a reserve amount.

Under existing law, if the owner of an off-highway vehicle that is registered in this State fails to renew the registration before it expires, the registration may be reinstated upon payment of the annual renewal fee, a late fee of $25 and, if applicable, the submission of proof of insurance, which is only required for certain larger all-terrain vehicles that are authorized to operate on certain county roads. (NRS 490.082, 490.0825, 490.105) **Section 9** of this bill reduces the late fee to $10.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Off-Highway Vehicles Program is hereby created in the Department. The Director shall administer the Program. The Commission on Off-Highway Vehicles created by NRS 490.067 shall provide direction

to the Program pursuant to its authority and duties provided in NRS 490.068 and 490.069.

2. In administering the Program, the Director shall, within the limits of authorized expenditures:

(a) Administer the Account for Off-Highway Vehicles created by NRS 490.069; and

(b) Provide staff to the Commission on Off-Highway Vehicles for the purposes of:

(1) Providing assistance, support and technical advice to the Commission; and

(2) Assisting in the coordination of the activities and duties of the Commission.

3. The Director may form a technical advisory committee as needed to provide input to the Commission on Off-Highway Vehicles regarding the completeness and merit of applications received by the Commission for a grant from the Account for Off-Highway Vehicles.

4. The Director shall prepare, for each regular session of the Legislature, a comprehensive report that includes, without limitation:

(a) The general activities of the Commission on Off-Highway Vehicles;

(b) The fiscal activities of the Commission on Off-Highway Vehicles; and

(c) A summary of any grants awarded by the Commission on Off-Highway Vehicles.

➥ Upon completion of the report, the Director shall submit the report to the Chair of the Commission on Off-Highway Vehicles for review pursuant to NRS 490.068.

5. The Director shall include in his or her budget the money necessary, within the limits of legislative authorizations for the Account for Off-Highway Vehicles, for:

(a) The operating expenses of the Commission on Off-Highway Vehicles;

(b) The administrative expenses of the Program to carry out the provisions of this section; and

(c) A reserve amount as approved by the Legislature.

6. The Director may adopt regulations for the operation of the Commission on Off-Highway Vehicles and the Program.

7. As used in this section:

(a) "Administrative expenses" includes, without limitation, hiring any staff necessary to carry out the provisions of this section.

(b) "Operating expenses" includes, without limitation, any costs of contracting with a third party to provide education and information to the members of the public relating to the provisions of chapter 490 of NRS governing the lawful use and registration of off-highway vehicles.

Sec. 2. NRS 232.010 is hereby amended to read as follows:

232.010 As used in NRS 232.010 to 232.162, inclusive ~~[.]~~ ***, and section 1 of this act:***

1. "Department" means the State Department of Conservation and Natural Resources.

2. "Director" means the Director of the State Department of Conservation and Natural Resources.

Sec. 3. NRS 232.070 is hereby amended to read as follows:

232.070 1. As executive head of the Department, the Director is responsible for the administration, through the divisions and other units of the Department, of all provisions of law relating to the functions of the Department, except functions assigned by law to the State Environmental Commission, the State Conservation Commission, the Commission for Cultural Centers and Historic Preservation ***, the Commission on Off-Highway Vehicles*** or the Sagebrush Ecosystem Council.

2. Except as otherwise provided in subsection 4, the Director shall:

(a) Establish departmental goals, objectives and priorities.

(b) Approve divisional goals, objectives and priorities.

(c) Approve divisional and departmental budgets, legislative proposals, contracts, agreements and applications for federal assistance.

(d) Coordinate divisional programs within the Department and coordinate departmental and divisional programs with other departments and with other levels of government.

(e) Appoint the executive head of each division within the Department.

(f) Delegate to the executive heads of the divisions such authorities and responsibilities as the Director deems necessary for the efficient conduct of the business of the Department.

(g) Establish new administrative units or programs which may be necessary for the efficient operation of the Department, and alter departmental organization and reassign responsibilities as the Director deems appropriate.

(h) From time to time adopt, amend and rescind such regulations as the Director deems necessary for the administration of the Department.

(i) Consider input from members of the public, industries and representatives of organizations, associations, groups or other entities concerned with matters of conservation and natural resources on the following:

(1) Matters relating to the establishment and maintenance of an adequate policy of forest and watershed protection;

(2) Matters relating to the park and recreational policy of the State;

(3) The use of land within this State which is under the jurisdiction of the Federal Government;

(4) The effect of state and federal agencies' programs and regulations on the users of land under the jurisdiction of the Federal Government, and on the problems of those users of land; and

(5) The preservation, protection and use of this State's natural resources.

3. Except as otherwise provided in subsection 4, the Director may enter into cooperative agreements with any federal or state agency or political subdivision of the State, any public or private institution located in or outside the State of Nevada, or any other person, in connection with studies and investigations pertaining to any activities of the Department.

4. This section does not confer upon the Director any powers or duties which are delegated by law to the State Environmental Commission, the State Conservation Commission, the Commission for Cultural Centers and Historic Preservation ***, the Commission on Off-Highway Vehicles*** or the Sagebrush Ecosystem Council, but the Director may foster cooperative agreements and coordinate programs and activities involving the powers and duties of the Commissions and the Council.

5. Except as otherwise provided in NRS 232.159 and 232.161, all gifts of money and other property which the Director is authorized to accept must be accounted for in the Department of Conservation and Natural Resources Gift Fund which is hereby created as a trust fund.

Sec. 4. NRS 232.090 is hereby amended to read as follows:

232.090 1. The Department consists of the Director and the following:

(a) The Division of Water Resources.

(b) The Division of State Lands.

(c) The Division of Forestry.

(d) The Division of State Parks.

(e) The Division of Environmental Protection.

(f) The Office of Historic Preservation.

(g) Such other divisions as the Director may from time to time establish.

2. The State Environmental Commission, the State Conservation Commission, the Commission for Cultural Centers and Historic Preservation, ***the Commission on Off-Highway Vehicles,*** the Conservation Districts Program, the Nevada Natural Heritage Program, the Sagebrush Ecosystem Council and the Board to Review Claims are within the Department.

Sec. 5. NRS 490.066 is hereby amended to read as follows:

490.066 ~~[The]~~ ***Except as otherwise provided in NRS 490.068 and section 1 of this act, the*** Director may adopt and enforce such administrative regulations as are necessary to carry out the provisions of this chapter.

Sec. 6. NRS 490.067 is hereby amended to read as follows:

490.067 1. The Commission on Off-Highway Vehicles is hereby created ~~[.]~~ ***in the State Department of Conservation and Natural Resources.***

2. The Commission consists of ***:*** ~~[11 members as follows:]~~

(a) One member who is an authorized dealer, appointed by the Governor;

(b) One member who is a sportsman, appointed by the Governor from a list of persons submitted by the Director of the Department of Wildlife;

(c) One member who is a rancher, appointed by the Governor from a list of persons submitted by the Director of the State Department of Agriculture;

(d) One member who is a representative of the Nevada Association of Counties, appointed by the Governor from a list of persons submitted by the Executive Director of the Association;

(e) One member who is a representative of law enforcement, appointed by the Governor from a list of persons submitted by the Nevada Sheriffs' and Chiefs' Association;

(f) One member ~~[,]~~ ***who is actively engaged in and possesses experience and expertise in advocating for issues relating to conservation,*** appointed by the Governor ~~[~~from a list of persons submitted by the Director of the State Department of Conservation and Natural Resources, who:

~~(1) Possesses a degree in soil science, rangeland ecosystems science or a related field;~~

~~(2) Has at least 5 years of experience working in one of the fields described in subparagraph (1); and~~

~~(3) Is knowledgeable about the ecosystems of the Great Basin Region of central Nevada or the Mojave Desert;~~

~~(g) One member, appointed by the Governor, who is a representative of an organization that represents persons who use off-highway vehicles to access areas to participate in recreational activities that do not primarily involve off-highway vehicles; and~~

~~(h) Four~~~~]~~ ***; and***

(g) Three members, appointed by the Governor, who reside in the State of Nevada and have participated in recreational activities for off-highway vehicles for at least 5 years using the type of off-highway vehicle owned or operated by the persons they will represent, as follows:

(1) One member who represents persons who own or operate all-terrain vehicles;

(2) One member who represents persons who own or operate all-terrain motorcycles ~~[,]~~ ***and who is involved with or participates in the racing of off-highway motorcycles; and***

(3) One member who represents persons who own or operate snowmobiles **.** ~~[; and~~

~~(4) One member who represents persons who own or operate, and participate in the racing of, off-highway motorcycles.]~~

3. ***The following are nonvoting, ex officio members of the Commission:***

(a) The State Director of the Nevada State Office of the Bureau of Land Management;

(b) The Forest Supervisor for the Humboldt-Toiyabe National Forest;

(c) The Director of the Department of Tourism and Cultural Affairs; and

(d) The Director of the Department of Motor Vehicles.

4. A nonvoting, ex officio member of the Commission may appoint, in writing, an alternate to serve in his or her place on the Commission.

5. The Governor shall not appoint to the Commission any member described in paragraph ~~[(h)]~~ ***(g)*** of subsection 2 unless the member has been

recommended to the Governor by an off-highway vehicle organization. As used in this subsection, "off-highway vehicle organization" means a profit or nonprofit corporation, association or organization formed pursuant to the laws of this State and which promotes off-highway vehicle recreation or racing.

~~[4.]~~ ***6.*** After the initial terms, each member of the Commission ***appointed pursuant to subsection 2*** serves for a term of 3 years. A vacancy on the Commission must be filled in the same manner as the original appointment.

~~[5.]~~ ***7.*** Except as otherwise provided in this subsection, a member of the Commission ***who is appointed*** may not serve more than two consecutive terms on the Commission. A member who has served two consecutive terms on the Commission may be reappointed if the Governor does not receive any applications for that member's seat or if the Governor determines that no qualified applicants are available to fill that member's seat.

~~[6.]~~ ***8.*** The Governor shall ensure that, insofar as practicable, the members appointed to the Commission ***pursuant to subsection 2*** reflect the geographical diversity of this State.

~~[7.]~~ ***9.*** Each member of the Commission:

(a) Is entitled to receive, if money is available for that purpose ***,*** ~~[from the fees collected pursuant to NRS 490.084,]~~ the per diem allowance and travel expenses provided for state officers and employees generally.

(b) ***Who is not an officer or employee of the State of Nevada is entitled to receive, if money is available for that purpose, a salary of not more than $80 per day for each day of attendance at a meeting of the Commission.***

(c) Shall swear or affirm that he or she will work to create and promote responsible off-highway vehicle recreation in the State. ~~[The Governor may remove a member from the Commission if the member violates the oath described in this paragraph.~~

~~8. The Commission may employ an Executive Secretary, who must not be a member of the Commission, to assist in its daily operations and in administering the Account for Off-Highway Vehicles created by NRS 490.069.~~

~~9. The Commission may adopt regulations for the operation of the Commission. Upon request by the Commission, the nonvoting advisers solicited by the Commission pursuant to NRS 490.068 may provide assistance to the Commission in adopting those regulations.]~~

10. A member of the Commission who is appointed by the Governor and who fails to attend at least three consecutive meetings of the Commission is subject to replacement. The Commission shall notify the appointing authority or group who recommended the member for appointment, if any, and the appointing authority or group may recommend a person to replace that member of the Commission. The replacement of a member pursuant to this subsection must be conducted in the same manner as the original appointment.

Sec. 7. NRS 490.068 is hereby amended to read as follows:

490.068 1. The Commission shall:

(a) Elect a Chair ~~[,]~~ ***and*** Vice Chair ~~[, Secretary and Treasurer]~~ from among its members.

(b) Meet at the call of the Chair.

(c) Meet at least four times each year.

(d) ~~[Solicit nine nonvoting advisers to the Commission to serve for terms of 2 years as follows:~~

~~(1) One adviser from the Bureau of Land Management.~~

~~(2) One adviser from the United States Forest Service.~~

~~(3) One adviser who is:~~

~~(I) From the Natural Resources Conservation Service of the United States Department of Agriculture; or~~

~~(II) A teacher, instructor or professor at an institution of the Nevada System of Higher Education and who provides instruction in environmental science or a related field.~~

~~(4) One adviser from the State Department of Conservation and Natural Resources.~~

~~(5) One adviser from the Department of Wildlife.~~

~~(6) One adviser from the Department of Motor Vehicles.~~

~~(7) One adviser from the Commission on Tourism, other than the Chair of the Nevada Indian Commission.~~

~~(8) One adviser from the Nevada Indian Commission.~~

~~(9) One adviser from the United States Fish and Wildlife Service.]~~ ***Provide direction to the Off-Highway Vehicles Program created by section 1 of this act.***

(e) Perform the duties assigned to the Commission set forth in NRS 490.083 and 490.084.

2. ***A majority of the voting members of the Commission constitutes a quorum for the transaction of business, and a majority vote of those members present at any meeting is sufficient for any official action taken by the Commission.***

3. The Commission may award a grant of money from the Account for Off-Highway Vehicles created by NRS 490.069. Any such grant must comply with the requirements set forth in NRS 490.069. The Commission shall:

(a) Adopt regulations setting forth who may apply for a grant of money from the Account for Off-Highway Vehicles and the manner in which such ~~[a person]~~ ***an applicant*** may submit the application to the Commission. The regulations adopted pursuant to this paragraph must include, without limitation, requirements that:

(1) Any ~~[person]~~ ***applicant*** requesting a grant provide proof satisfactory to the Commission that the appropriate federal, state or local governmental agency has been consulted regarding the nature of the project to be funded by the grant and regarding the area affected by the project;

(2) The application for the grant address all applicable laws and regulations, including, without limitation, those concerning:

(I) Threatened and endangered species in the area affected by the project;

(II) Ecological, cultural and archaeological sites in the area affected by the project; and

(III) Existing land use authorizations and prohibitions, land use plans, special designations and local ordinances for the area affected by the project; and

(3) Any compliance information provided by an appropriate federal, state or local governmental agency, and any information or advice provided by any agency, group or individual be submitted with the application for the grant.

(b) Adopt regulations for awarding grants from the Account ~~[~~.

~~(c) Adopt regulations for determining the~~] ***, including, without limitation, developing criteria:***

(1) That promote projects which integrate multiple grant categories;

(2) That encourage a distribution of grants among all grant categories; and

(3) For the determination of acceptable performance of work on a project for which a grant is awarded.

~~[(d) Approve the completion of, and payment of money for, work performed on a project for which a grant is awarded, if the Commission determines the work is acceptable.~~

~~(e) Monitor the accounting activities of the Account.~~

~~3. The nonvoting advisers solicited by the~~]

4. The Commission ~~[pursuant to paragraph (d) of subsection 1 shall assist the Commission in carrying out the duties set forth in this section and shall review for completeness and for compliance with the requirements of paragraph (a) of subsection 2 all~~] ***may solicit input regarding*** applications for grants ~~[~~.

~~4.~~] ***from a technical advisory committee formed pursuant to section 1 of this act.***

5. For each regular session of the Legislature, the ***Chair of the*** Commission shall ~~[prepare a~~] ***review the*** comprehensive report ~~[, including, without limitation, a summary of any grants that the Commission awarded and of the accounting activities of the Account, and any recommendations of the Commission for proposed legislation. The~~] ***prepared pursuant to section 1 of this act. Upon approval of the report by the Chair of the Commission, the*** report must be submitted to the Director of the Legislative Counsel Bureau for distribution to the Legislature not later than September 1 of each even-numbered year.

Sec. 8. NRS 490.069 is hereby amended to read as follows:

490.069 1. The Account for Off-Highway Vehicles is hereby created in the State General Fund as a revolving account. The ~~[Commission]~~ ***Director***

of the State Department of Conservation and Natural Resources shall administer the Account. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

2. ~~[During the period beginning on July 1, 2012, and ending on June 30, 2013, money in the Account may only be used by the Commission for the reasonable administrative costs of the Commission and to inform the public of the requirements of this chapter.~~

~~3.~~] On or after July 1, ~~[2013,]~~ ***2017,*** money in the Account may only be used ~~[by the Commission]~~ as follows:

(a) ~~[Not more than 5 percent of the money that is in the Account as of January 1 of each year may be used for the reasonable]~~ ***To pay for the operating expenses of the Commission, including, without limitation, any debts or obligations lawfully incurred by the Commission before July 1, 2017, and the*** administrative ~~[costs]~~ ***expenses*** of the ~~[Account.]~~ ***Off-Highway Vehicles Program created by section 1 of this act, consistent with the legislatively approved budget of the State Department of Conservation and Natural Resources pursuant to section 1 of this act.***

(b) ~~[Except as otherwise provided in subsection 4, 20 percent of any money in the Account as of January 1 of each year that is not used pursuant to paragraph (a) must be used for law enforcement, as recommended by the Office of Criminal Justice Assistance of the Department of Public Safety, or its successor, and any remaining portion of that money may be used as follows:~~

~~(1) Sixty percent of the money may be used for projects relating to:~~

~~(I)~~] ***To fund a reserve amount as provided in the legislatively approved budget of the State Department of Conservation and Natural Resources pursuant to section 1 of this act.***

(c) Any money in the Account that is not used pursuant to paragraph (a) or (b) each fiscal year may be used by the Commission to award grants as provided in NRS 490.068 for projects relating to:

(1) Studies or planning for trails and facilities for use by owners and operators of off-highway vehicles. Money received pursuant to this ~~[sub-subparagraph]~~ ***subparagraph*** may be used to prepare environmental assessments and environmental impact studies that are required pursuant to 42 U.S.C. §§ 4321 et seq.

~~[(II)]~~ ***(2)*** The mapping and signing of those trails and facilities.

~~[(III)]~~ ***(3)*** The acquisition of land for those trails and facilities.

~~[(IV)]~~ ***(4)*** The enhancement ~~[and]~~ ***or*** maintenance ***, or both,*** of those trails and facilities.

~~[(V)]~~ ***(5)*** The construction of those trails and facilities.

~~[(VI)]~~ ***(6)*** The restoration of areas that have been damaged by the use of off-highway vehicles.

~~[(2) Fifteen percent of the money may be used for safety]~~

(7) The ~~[prevention of]~~ construction of trail features and features ancillary to a trail including, without limitation, a trailhead or a parking area near a trailhead, which minimize impacts to ~~[important environmental]~~ environmentally sensitive areas or important wildlife habitat ~~[that would be subject to damage by the use of off-highway vehicles.]~~ areas.

(8) Safety training and education relating to ***the use of*** off-highway vehicles.

~~[4. If money is used for the projects described in paragraph (b) of subsection 3, not more than 30 percent of such money may be allocated to any one category of projects described in subparagraph (1) of that paragraph.]~~

(9) Efforts to improve compliance with and enforcement of the requirements relating to off-highway vehicles.

Sec. 9. NRS 490.082 is hereby amended to read as follows:

490.082 1. An owner of an off-highway vehicle that is acquired:

(a) Before July 1, 2011:

(1) May apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, a certificate of title for the off-highway vehicle.

(2) Except as otherwise provided in subsection 3, shall, within 1 year after July 1, 2011, apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, the registration of the off-highway vehicle.

(b) On or after July 1, 2011, shall, within 30 days after acquiring ownership of the off-highway vehicle:

(1) Apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, a certificate of title for the off-highway vehicle.

(2) Except as otherwise provided in subsection 3, apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, the registration of the off-highway vehicle pursuant to this section or NRS 490.0825.

2. If an owner of an off-highway vehicle applies to the Department or to an authorized dealer for:

(a) A certificate of title for the off-highway vehicle, the owner shall submit to the Department or to the authorized dealer proof prescribed by the Department that he or she is the owner of the off-highway vehicle.

(b) Except as otherwise provided in NRS 490.0825, the registration of the off-highway vehicle, the owner shall submit:

(1) If ownership of the off-highway vehicle was obtained before July 1, 2011, proof prescribed by the Department:

(I) That he or she is the owner of the off-highway vehicle; and

(II) Of the unique vehicle identification number, serial number or distinguishing number obtained pursuant to NRS 490.0835 for the off-highway vehicle; or

(2) If ownership of the off-highway vehicle was obtained on or after July 1, 2011:

(I) Evidence satisfactory to the Department that he or she has paid all taxes applicable in this State relating to the purchase of the off-highway vehicle, or submit an affidavit indicating that he or she purchased the vehicle through a private party sale and no tax is due relating to the purchase of the off-highway vehicle; and

(II) Proof prescribed by the Department that he or she is the owner of the off-highway vehicle and of the unique vehicle identification number, serial number or distinguishing number obtained pursuant to NRS 490.0835 for the off-highway vehicle.

3. Registration of an off-highway vehicle is not required if the off-highway vehicle:

(a) Is owned and operated by:

(1) A federal agency;

(2) An agency of this State; or

(3) A county, incorporated city or unincorporated town in this State;

(b) Is part of the inventory of a dealer of off-highway vehicles and is affixed with a special plate provided to the off-highway vehicle dealer pursuant to NRS 490.0827;

(c) Is registered or certified in another state and is located in this State for not more than 15 days;

(d) Is used solely for husbandry on private land or on public land that is leased to or used under a permit issued to the owner or operator of the off-highway vehicle;

(e) Is used for work conducted by or at the direction of a public or private utility;

(f) Was manufactured before January 1, 1976;

(g) Is operated solely in an organized race, festival or other event that is conducted:

(1) Under the auspices of a sanctioning body; or

(2) By permit issued by a governmental entity having jurisdiction;

(h) Except as otherwise provided in paragraph (d), is operated or stored on private land or on public land that is leased to the owner or operator of the off-highway vehicle, including when operated in an organized race, festival or other event;

(i) Is used in a search and rescue operation conducted by a governmental entity having jurisdiction; or

(j) Has a displacement of not more than 70 cubic centimeters.

➥ As used in this subsection, "sanctioning body" means an organization that establishes a schedule of racing events, grants rights to conduct those events and establishes and administers rules and regulations governing the persons who conduct or participate in those events.

4. The registration of an off-highway vehicle pursuant to this section or NRS 490.0825 expires 1 year after its issuance. If an owner of an off-

highway vehicle fails to renew the registration of the off-highway vehicle before it expires, the registration may be reinstated upon the payment to the Department of the annual renewal fee, a late fee of ~~[~~$25~~]~~ ***$10*** and, if applicable, proof of insurance required pursuant to NRS 490.0825. Any late fee collected by the Department must be deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.

5. If a certificate of title or registration for an off-highway vehicle is lost or destroyed, the owner of the off-highway vehicle may apply to the Department by mail, or to an authorized dealer, for a duplicate certificate of title or registration. The Department may collect a fee to replace a certificate of title or registration certificate, sticker or decal that is lost, damaged or destroyed. Any such fee collected by the Department must be:

(a) Set forth by the Department by regulation; and

(b) Deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.

6. The provisions of subsections 1 to 5, inclusive, do not apply to an owner of an off-highway vehicle who is not a resident of this State.

Sec. 10. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 11. 1. The terms of the members of the Commission on Off-Highway Vehicles who are appointed pursuant to paragraphs (f) and (g) and subparagraphs (2) and (4) of paragraph (h) of subsection 2 of NRS 490.067, as those provisions exist on June 30, 2017, expire on July 1, 2017.

2. On or before July 1, 2017, the Governor shall appoint to the Commission on Off-Highway Vehicles the members of the Commission on Off-Highway Vehicles specified in paragraph (f) and subparagraph (2) of paragraph (g) of subsection 2 of NRS 490.067, as amended by section 6 of this act, to initial terms of 3 years commencing on July 1, 2017.

Sec. 12. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2017, for all other purposes.

Assemblyman Carrillo moved that the Assembly concur in the Senate Amendment No. 950 to Assembly Bill No. 29.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Amendment No. 950 clarifies that grant funds may be used in OHV [off-highway vehicle] trails and areas to minimize impacts to certain environmentally sensitive and important wildlife habitats—areas that through the development of trails features to sustain long-term OHV recreation—but the grant funds may not be used to prohibit OHV use.

Motion carried by a constitutional majority.

Bill ordered transmitted to the Senate.

Assembly Bill No. 69.

The following Senate amendment was read:

Amendment No. 1129.

AN ACT relating to transportation; revising requirements for the testing or operation of an autonomous vehicle on a highway within this State; authorizing the ~~[testing and]~~ use of driver-assistive platooning technology; authorizing the use of a fully autonomous vehicle to provide transportation services in certain circumstances by persons licensed by the Department of Motor Vehicles, Nevada Transportation Authority or Taxicab Authority; providing for the regulation of autonomous vehicle network companies; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Motor Vehicles to adopt regulations authorizing the operation of autonomous vehicles on highways within this State. (NRS 482A.100) Existing law also provides certain requirements which must be met before an autonomous vehicle is tested or operated on a highway within this State. (NRS 482A.060-482A.080) **Section 5.6** of this bill prohibits a local government from imposing a tax, fee or other requirement on an automated driving system or autonomous vehicle. **Section 5.8** of this bill requires a person responsible for the testing of an autonomous vehicle to report certain crashes to the Department. **Section 6** of this bill authorizes the Department to impose an administrative fine for violations of laws and regulations relating to autonomous vehicles. **Section 8** of this bill allows a fully autonomous vehicle to be tested or operated on a highway within this State with the automated driving system engaged and without a human operator if the vehicle is capable of achieving a minimal risk condition upon a failure of its automated driving system. **Section 9** of this bill allows an autonomous vehicle or fully autonomous vehicle to be tested or ~~[used]~~ **operated** on a highway within this State if the vehicle satisfies certain requirements relating to safety if an automated driving system fails. **Section 9.5** of this bill extends immunity from liability for damages caused by modifications by ~~[a]~~ **an unauthorized** third party to the original manufacturer or developer of an automated driving system. **Section 10** of this bill authorizes the Department to adopt certain regulations relating to autonomous vehicles. ~~[Sections 5.2 and]~~ **Section 5.4** of this bill ~~[provide for]~~ **authorizes** the ~~[testing and]~~ use of driver-assistive platooning technology within this State. **Section 11.7 of this bill excludes a vehicle using driver-assistive platooning technology from the provisions of law prohibiting the driver of a vehicle from following another vehicle too closely.** **Section 11.5** of this bill defines the term "driver" for the purposes of the traffic laws of this State to include the owner of a fully autonomous vehicle and the

person who causes the automated driving system of any other autonomous vehicle to engage.

Existing law requires: (1) each person operating as a common, contract or private motor carrier in this State to obtain a license from the Department of Motor Vehicles; (2) each person who engages in the taxicab business in certain counties to hold a certificate of public convenience and necessity issued by the Public Service Commission of Nevada before July 1, 1981, or by the Taxicab Authority; and (3) each person who engages in the business of a transportation network company in this State to hold a permit issued by the Nevada Transportation Authority. (NRS 706.491, 706.881, 706.8827, 706A.110) **Sections 14.2-14.9** of this bill provide for the permitting by the Nevada Transportation Authority of autonomous vehicle network companies and the regulation by the Authority of the provision of transportation services using fully autonomous vehicles in a manner generally consistent with the regulation of transportation network companies by the Authority. **Section 14.24** of this bill defines an "autonomous vehicle network company" as an entity that, for compensation, connects a passenger to a fully autonomous vehicle to provide transportation services **.** ~~[or transports goods using a fully autonomous vehicle.]~~ **Sections 14.03-14.09** of this bill impose an excise tax on the connection of a passenger to a fully autonomous vehicle for the purpose of providing transportation services in a manner generally consistent with similar excise taxes imposed on connections by common motor carriers, taxicabs and transportation network companies. **Section 14.9** of this bill requires an autonomous vehicle network company to maintain insurance for the payment of tort liabilities arising from the operation of a fully autonomous vehicle to provide transportation services. **Sections 21 and 31** of this bill require the Nevada Transportation Authority and the Taxicab Authority, respectively, to authorize a common motor carrier or contract motor carrier or a certificate holder to use one or more fully autonomous vehicles in certain circumstances. **Section 54** of this bill provides that a transportation network company may obtain a permit to operate an autonomous vehicle network company.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 482A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***"Driver-assistive platooning technology" means*** ~~***[a combination of vehicle automation, safety technology, sensor arrays, vehicle to vehicle communication systems and specialized software that allows for the safety systems, acceleration and braking of]***~~ ***technology which enables two or more trucks or other motor vehicles to*** ~~***[be linked while traveling]***~~ ***travel on a highway*** ~~***[.]***~~ ***at electronically coordinated speeds in a unified manner at a following distance that is closer than would be***

reasonable and prudent without the use of the technology. The term does not include an automated driving system.

Sec. 2.3. ***"Dynamic driving task" means all of the real-time operational and tactical functions required to operate an autonomous vehicle in traffic on a highway. The term does not include functions relating to planning for the use of the vehicle, including, without limitation, the scheduling of a trip or the selection of a destination or waypoint.***

Sec. 2.5. ***"Fully autonomous vehicle" means a vehicle equipped with an automated driving system which is designed to function at a level of driving automation of level 4 or 5 pursuant to SAE J3016.***

Sec. 2.7. ***"Minimal risk condition" means a condition in which an autonomous vehicle operating without a human driver, upon experiencing a failure of its automated driving system that renders the autonomous vehicle unable to perform the dynamic driving task, achieves a reasonably safe state which may include, without limitation, bringing the autonomous vehicle to a complete stop.***

Sec. 3. ***"Operational design domain" means a description of the specific domain or domains in which an automated driving system is designed to properly operate, including, without limitation, types of roadways, ranges of speed and environmental conditions.***

Sec. 4. ***"SAE J3016" means the document published by SAE International on September 30, 2016, as "Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles ~~[.”]~~ " or a document determined by the Department to be a subsequent version which is approved by the Department by regulation.***

Sec. 5. (Deleted by amendment.)

Sec. 5.2. ***~~[1. The Department may adopt regulations authorizing the testing of driver-assistive platooning technology on a truck or other motor vehicle within this State.~~***

~~2. The regulations adopted pursuant to subsection 1 may:~~

~~(a) Set forth requirements that a truck or other motor vehicle which uses driver-assistive platooning technology must meet before it may be operated on a highway within this State;~~

~~(b) Set forth requirements for the insurance that is required to test a truck or other motor vehicle which uses driver-assistive platooning technology on a highway within this State; and~~

~~(c) Exempt a truck or other motor vehicle which uses driver-assistive platooning technology from the application of such motor vehicle laws or traffic laws of this State as the Department determines would allow for the safe testing of the technology.]~~ **(Deleted by amendment.)**

Sec. 5.4. ***A truck or other motor vehicle may use driver-assistive platooning technology on a highway within this State only if the truck or other motor vehicle and the driver-assistive platooning technology ~~[:~~***

~~*1. Are]*~~ *are capable of being operated in compliance with the applicable motor vehicle laws and traffic laws of this State* ~~*[; or*~~

~~*2. If]*~~ *, unless the truck or other motor vehicle has been granted an exemption by the Department .* ~~*[pursuant to regulations adopted pursuant to section 5.2 of this act, is capable of being operated in compliance with the applicable motor vehicle laws and traffic laws of this State other than laws for which the truck or other motor vehicle has been granted an exemption.]*~~

Sec. 5.6. *1. Notwithstanding any other provision of law and except as otherwise provided in this chapter, only the Department may adopt regulations or impose any requirement relating to the technology of an automated driving system or autonomous vehicle, and any such regulations adopted, ordinance enacted or requirement imposed by another governmental entity or local government is void.*

2. A local government shall not impose any tax or fee or impose any other requirement on an automated driving system or autonomous vehicle or on a person who operates an autonomous vehicle.

Sec. 5.8. *Any person responsible for the testing of an autonomous vehicle shall report to the Department, within 10 business days after a motor vehicle crash, any motor vehicle crash involving the testing of the autonomous vehicle which results in personal injury or property damage estimated to exceed $750. The Department shall prescribe by regulation the information which must be included in such a report.*

Sec. 6. *1. The Department may impose an administrative fine, not to exceed $2,500, for a violation of any provision of this chapter or any regulation adopted pursuant thereto.*

2. In addition to any other penalty provided by this chapter, it is a gross misdemeanor for any person knowingly to falsify an application to obtain a license for an autonomous vehicle certification facility or any other document submitted to or issued by the Department pursuant to this chapter.

Sec. 7. NRS 482A.010 is hereby amended to read as follows:

482A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 482A.025, 482A.030 and 482A.040 ***and sections 2 to 4, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 7.3. NRS 482A.025 is hereby amended to read as follows:

482A.025 ~~[~~"Autonomous technology" means technology which is installed on a motor vehicle and which has the capability to drive the motor vehicle without the active control or monitoring of a human operator. The term does not include an active safety system or a system for driver assistance, including, without limitation, a system to provide electronic blind spot detection, crash avoidance, emergency braking, parking assistance, adaptive cruise control, lane keeping assistance, lane departure warning, or traffic jam and queuing assistance, unless any such system, alone or in

~~combination with any other system, enables the vehicle on which the system is installed to be driven without the active control or monitoring of a human operator.]~~ ***"Automated driving system" has the meaning ascribed to it in SAE J3016.***

Sec. 7.5. NRS 482A.030 is hereby amended to read as follows:

482A.030 "Autonomous vehicle" means a motor vehicle that is equipped with ~~[autonomous technology.]~~ ***an automated driving system which is designed to function at a level of driving automation of level 3, 4 or 5 pursuant to SAE J3016. The term includes a fully autonomous vehicle.***

Sec. 7.7. NRS 482A.060 is hereby amended to read as follows:

482A.060 Before a person ~~[or entity]~~ begins testing an autonomous vehicle on a highway within this State, the person ~~[or entity]~~ must:

1. Submit to the Department proof of insurance or self-insurance acceptable to the Department in the amount of $5,000,000; or

2. Make a cash deposit or post and maintain a surety bond or other acceptable form of security with the Department in the amount of $5,000,000.

Sec. 8. NRS 482A.070 is hereby amended to read as follows:

482A.070 ~~[If]~~

1. Except as otherwise provided in subsection 2, if an autonomous vehicle is being tested ***or operated*** on a highway within this State, a human operator must be:

~~[1.]~~ ***(a)*** Seated in a position which allows the human operator to take immediate manual control of the autonomous vehicle;

~~[2. Monitoring the safe operation of the autonomous vehicle; and~~

~~3.]~~ ***and***

(b) Capable of taking over immediate manual control of the autonomous vehicle in the event of a failure of the ~~[autonomous technology]~~ ***automated driving system*** or other emergency.

2. A fully autonomous vehicle may be tested or operated on a highway within this State with the automated driving system engaged and without a human operator being present within the fully autonomous vehicle if the fully autonomous vehicle satisfies the requirements of paragraph (b) of subsection 2 of NRS 482A.080.

Sec. 9. NRS 482A.080 is hereby amended to read as follows:

482A.080 1. An autonomous vehicle shall not be registered in this State unless the autonomous vehicle ~~[meets all federal standards and regulations that are applicable to a motor vehicle.]~~ ***has affixed to it a label pursuant to 49 C.F.R. § 567.4.***

2. ~~[An]~~ ***Except as otherwise provided in subsection 3, an*** autonomous vehicle shall not be tested or operated ~~***[used]***~~ on a highway within this State ***with a human operator*** unless the autonomous vehicle is ~~[:]~~ ***capable of operating in compliance with the applicable motor vehicle laws and traffic laws of this State, unless an exemption has been granted by the Department, and:***

(a) ***If the autonomous vehicle is not a fully autonomous vehicle, the autonomous vehicle is:***

(1) Equipped with a means to engage and disengage the ~~[~~autonomous technology~~]~~ ***automated driving system*** which is easily accessible to the human operator of the autonomous vehicle;

~~[(b)]~~ ***(2)*** Equipped with ~~[~~a visual~~]~~ ***an*** indicator located inside the autonomous vehicle which indicates when ~~[~~autonomous technology~~]~~ ***the automated driving system*** is operating the autonomous vehicle;

~~[(c)]~~ ***and***

(3) Equipped with a means to alert the human operator to take manual control of the autonomous vehicle if a failure of the ~~[~~autonomous technology has been detected and such failure affects the ability of the autonomous technology to operate safely the autonomous vehicle; and

(d) Capable of being operated in compliance with the applicable motor vehicle laws and traffic laws of this State.~~]~~ ***automated driving system occurs which renders the automated driving system unable to perform the dynamic driving task relevant to its intended operational design domain; and***

(b) If the autonomous vehicle is a fully autonomous vehicle, the fully autonomous vehicle is capable of achieving a minimal risk condition if a failure of the automated driving system occurs which renders the automated driving system unable to perform the dynamic driving task relevant to its intended operational design domain.

3. If a federal law or regulation provides standards for the operation of an autonomous vehicle, an autonomous vehicle may be tested or used on a highway within this State with a human operator if the autonomous vehicle is capable of operating in compliance with the applicable motor vehicle laws and traffic laws of this State and such a federal law or regulation.

Sec. 9.5. NRS 482A.090 is hereby amended to read as follows:

482A.090 ***1.*** The ***original*** manufacturer of a motor vehicle that has been converted by a third party into an autonomous vehicle is not liable for damages to any person injured due to a defect caused by the conversion of the motor vehicle ~~[~~or by any equipment installed to facilitate the conversion~~]~~ ***by the third party*** unless the defect that caused the injury was present in the vehicle as originally manufactured.

2. The original manufacturer or developer of an automated driving system that has been modified by ~~[a]~~ an unauthorized third party is not liable for damages to any person injured due to a defect caused by the modification of the automated driving system by the third party unless the defect that caused the injury was present in the automated driving system as originally manufactured or developed.

Sec. 10. NRS 482A.100 is hereby amended to read as follows:

482A.100 1. The Department ~~[~~shall~~]~~ ***may*** adopt regulations ~~[~~authorizing~~]~~ ***relating to*** the operation ***and testing*** of autonomous vehicles on highways within the State of Nevada ~~[~~.~~]~~ ***which are consistent with this***

chapter and do not impose additional requirements upon the operation and testing of autonomous vehicles.

2. ***A regulation adopted pursuant to subsection 1 shall not become effective until at least 180 days after the regulation is adopted by the Department.***

3. The regulations ~~[required to be]~~ adopted ~~[by]~~ ***pursuant to*** subsection 1 ~~[must:]~~ ***may:***

(a) ~~[Set forth requirements]~~ ***Require*** that an autonomous vehicle ~~[must meet]~~ ***or automated driving system be certified to comply with the requirements of this chapter by ~~[its]~~ the manufacturer of the autonomous vehicle, the manufacturer or developer of the automated driving system or an autonomous vehicle certification facility licensed pursuant to paragraph (c)*** before it may be operated on a highway within this State;

(b) ~~[Set forth requirements for the insurance that is required to test or operate an autonomous vehicle on a highway within this State;]~~ ***Include provisions relating to license plates for and the registration of autonomous vehicles and the licensing and training of drivers that do not conflict with this chapter or unreasonably impede the testing and operation of autonomous vehicles in this State; and***

(c) ~~[Establish minimum safety standards for autonomous vehicles and their operation;~~

~~(d) Provide for the testing of autonomous vehicles;~~

~~(e) Restrict the testing of autonomous vehicles to specified geographic areas; and~~

~~(f) Set forth such other requirements as the Department determines to be necessary.]~~ ***Provide for the licensing of autonomous vehicle certification facilities.***

Sec. 11. NRS 482A.200 is hereby amended to read as follows:

482A.200 ~~[The Department shall by regulation establish a driver's license endorsement for the operation of an autonomous vehicle on the highways of this State. The driver's license endorsement described in this section must, in its restrictions or lack thereof, recognize the fact that a person is not required to actively drive an autonomous vehicle.]~~ ***No motor vehicle laws or traffic laws of this State shall be construed to require a human driver to operate a fully autonomous vehicle which is being operated by an automated driving system. The automated driving system of a fully autonomous vehicle shall, when engaged, be deemed to fulfill any physical acts which would otherwise be required of a human driver except those acts which by their nature can have no application to such a system.***

Sec. 11.5. NRS 484A.080 is hereby amended to read as follows:

484A.080 ~~["Driver"]~~

1. Except as otherwise provided in subsection 2, "driver" means every person who drives or is in actual physical control of a vehicle.

2. If a vehicle is an autonomous vehicle, as defined in NRS 482A.030, and the automated driving system, as defined in NRS 482A.025, of the

autonomous vehicle is engaged, "driver" means a person who causes the automated driving system of the autonomous vehicle to engage.

3. If a vehicle is a fully autonomous vehicle, as defined in section 2.5 of this act, and the automated driving system, as defined in NRS 482A.025, of the fully autonomous vehicle is engaged, "driver" does not include a natural person who causes the automated driving system of the fully autonomous vehicle to engage unless the natural person is the owner of the fully autonomous vehicle.

Sec. 11.7. **NRS 484B.127 is hereby amended to read as follows:**

484B.127 1. The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

2. The driver of any truck or combination of vehicles 80 inches or more in overall width, which is following a truck, or combination of vehicles 80 inches or more in overall width, shall, whenever conditions permit, leave a space of 500 feet so that an overtaking vehicle may enter and occupy such space without danger, but this shall not prevent a truck or combination of vehicles from overtaking and passing any vehicle or combination of vehicles. This subsection does not apply to any vehicle or combination of vehicles while moving on a highway on which there are two or more lanes available for traffic moving in the same direction.

3. Motor vehicles being driven upon any highway outside of a business district in a caravan or motorcade, whether or not towing other vehicles, shall be operated to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle or combination of vehicles to enter and occupy such space without danger.

4. This section does not apply to a vehicle which is using driver-assistive platooning technology, as defined in section 2 of this act.

Sec. 12. NRS 484B.165 is hereby amended to read as follows:

484B.165 1. Except as otherwise provided in this section, a person shall not, while operating a motor vehicle on a highway in this State:

(a) Manually type or enter text into a cellular telephone or other handheld wireless communications device, or send or read data using any such device to access or search the Internet or to engage in nonvoice communications with another person, including, without limitation, texting, electronic messaging and instant messaging.

(b) Use a cellular telephone or other handheld wireless communications device to engage in voice communications with another person, unless the device is used with an accessory which allows the person to communicate without using his or her hands, other than to activate, deactivate or initiate a feature or function on the device.

2. The provisions of this section do not apply to:

(a) A paid or volunteer firefighter, emergency medical technician, advanced emergency medical technician, paramedic, ambulance attendant or

other person trained to provide emergency medical services who is acting within the course and scope of his or her employment.

(b) A law enforcement officer or any person designated by a sheriff or chief of police or the Director of the Department of Public Safety who is acting within the course and scope of his or her employment.

(c) A person who is reporting a medical emergency, a safety hazard or criminal activity or who is requesting assistance relating to a medical emergency, a safety hazard or criminal activity.

(d) A person who is responding to a situation requiring immediate action to protect the health, welfare or safety of the driver or another person and stopping the vehicle would be inadvisable, impractical or dangerous.

(e) A person who is licensed by the Federal Communications Commission as an amateur radio operator and who is providing a communication service in connection with an actual or impending disaster or emergency, participating in a drill, test, or other exercise in preparation for a disaster or emergency or otherwise communicating public information.

(f) An employee or contractor of a public utility who uses a handheld wireless communications device:

(1) That has been provided by the public utility; and

(2) While responding to a dispatch by the public utility to respond to an emergency, including, without limitation, a response to a power outage or an interruption in utility service.

3. The provisions of this section do not prohibit the use of a voice-operated global positioning or navigation system that is affixed to the vehicle.

4. A person who violates any provision of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense within the immediately preceding 7 years, shall pay a fine of $50.

(b) For the second offense within the immediately preceding 7 years, shall pay a fine of $100.

(c) For the third or subsequent offense within the immediately preceding 7 years, shall pay a fine of $250.

5. A person who violates any provision of subsection 1 may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.

6. The Department of Motor Vehicles shall not treat a first violation of this section in the manner statutorily required for a moving traffic violation.

7. For the purposes of this section, a person shall be deemed not to be operating a motor vehicle if the motor vehicle is driven autonomously ~~[~~through the use of artificial intelligence software~~]~~ and the autonomous operation of the motor vehicle is authorized by law.

8. As used in this section:

(a) "Handheld wireless communications device" means a handheld device for the transfer of information without the use of electrical conductors or wires and includes, without limitation, a cellular telephone, a personal digital

assistant, a pager and a text messaging device. The term does not include a device used for two-way radio communications if:

(1) The person using the device has a license to operate the device, if required; and

(2) All the controls for operating the device, other than the microphone and a control to speak into the microphone, are located on a unit which is used to transmit and receive communications and which is separate from the microphone and is not intended to be held.

(b) "Public utility" means a supplier of electricity or natural gas or a provider of telecommunications service for public use who is subject to regulation by the Public Utilities Commission of Nevada.

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 14.01. Chapter 372B of NRS is hereby amended by adding thereto the provisions set forth as sections 14.03 and 14.05 of this act.

Sec. 14.03. ***"Autonomous vehicle network company" has the meaning ascribed to it in section 14.24 of this act.***

Sec. 14.05. ***1. In addition to any other fee or assessment imposed pursuant to this chapter, an excise tax is hereby imposed on the use of a dispatch center, software application or other digital means by an autonomous vehicle network company to connect a passenger to a fully autonomous vehicle for the purpose of providing transportation services at the rate of 3 percent of the total fare charged for transportation services, which must include, without limitation, all fees, surcharges, technology fees, convenience charges for the use of a credit or debit card and any other amount that is part of the fare. The Department shall charge and collect from each autonomous vehicle network company the excise tax imposed by this subsection.***

2. The excise tax collected by the Department pursuant to subsection 1 must be deposited with the State Treasurer in accordance with the provisions of NRS 372B.170.

3. As used in this section, "fully autonomous vehicle" has the meaning ascribed to it in section 2.5 of this act.

Sec. 14.07. NRS 372B.010 is hereby amended to read as follows:

372B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 372B.020 to 372B.090, inclusive, ***and section 14.03 of this act*** have the meanings ascribed to them in those sections.

Sec. 14.09. NRS 372B.070 is hereby amended to read as follows:

372B.070 "Taxpayer" means ***:*** ~~[~~a.~~]~~

1. ~~[~~Common~~]~~ ***An autonomous vehicle network company;***

2. A common motor carrier of passengers;

~~[~~2. Taxicab;~~]~~

3. A taxicab; or

~~[~~3. Transportation~~]~~

4. A transportation network company.

Sec. 14.1. Title 58 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 14.2 to 14.9, inclusive, of this act.

Sec. 14.2. ***As used in this chapter unless the context otherwise requires, the words and terms defined in sections 14.22 to 14.28, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 14.22. ***"Authority" means the Nevada Transportation Authority.***

Sec. 14.24. ***"Autonomous vehicle network company" or "company" means an entity that, for compensation*** ~~***[:***~~

~~***1. Connects]***~~ ***, connects*** ***a passenger to a fully autonomous vehicle which can provide transportation services to the passenger*** ***.*** ~~***[; or***~~

~~***2. Transports goods from one location to another using a fully autonomous vehicle.]***~~

Sec. 14.26. ***"Fully autonomous vehicle" has the meaning ascribed to it in section 2.5 of this act.***

Sec. 14.28. ***"Transportation services" means the transportation of one or more passengers between points chosen by the passenger or passengers*** ~~***[or of goods between points chosen by a customer]***~~ ***using a fully autonomous vehicle. The term includes only the period beginning when a company accepts a request to provide transportation for one or more passengers*** ~~***[or goods]***~~ ***using a fully autonomous vehicle and ending when all of the*** ~~***[goods or]***~~ ***passengers fully disembark from the fully autonomous vehicle.***

Sec. 14.3. ***The provisions of this chapter do not apply to:***

1. Common motor carriers or contract motor carriers that are providing transportation services pursuant to a contract with the Department of Health and Human Services entered into pursuant to NRS 422.27495.

2. A person who provides a method to enable persons who are interested in sharing expenses for transportation to a destination, commonly known as carpooling, to connect with each other, regardless of whether a fee is charged by the person who provides the method.

Sec. 14.33. ***1. Except as otherwise provided in subsection 2, the provisions of this chapter do not exempt any person from any law governing the operation of a motor vehicle upon the highways of this State.***

2. An autonomous vehicle network company which holds a valid permit issued by the Authority pursuant to this chapter and each fully autonomous vehicle operated by such a company are exempt from:

(a) The provisions of chapter 704 of NRS relating to public utilities; and

(b) The provisions of chapters 706 and 706A of NRS,

↪ to the extent that the services provided by the company are within the scope of the permit.

Sec. 14.37. ***1. The Authority shall adopt such regulations as are necessary to carry out the provisions of this chapter.***

2. The regulations adopted by the Authority pursuant to this section must not conflict with or regulate any matter described in chapter 482A of NRS.

Sec. 14.5. *1. An autonomous vehicle network company shall not engage in business in this State unless the company holds a valid permit issued by the Authority pursuant to this chapter.*

2. The Authority is authorized and empowered to regulate, pursuant to the provisions of this chapter, all autonomous vehicle network companies who operate or wish to operate within this State. The Authority shall not apply any provision of chapter 706 of NRS to an autonomous vehicle network company who operates, or a fully autonomous vehicle operated by a company, within the provisions of this chapter and the regulations adopted pursuant thereto.

3. A person who is regulated pursuant to chapter 706 of NRS and who holds a valid permit issued pursuant to subsection 1 may apply to the Authority for a permit to use autonomous vehicles to provide transportation services. A person who holds a permit to use autonomous vehicles to provide transportation services:

(a) May combine the operations of an autonomous vehicle network company and a business regulated pursuant to chapter 706 of NRS; and

(b) Must comply with all requirements of this chapter and chapter 706 of NRS which apply to such combined operations.

4. Nothing in this chapter prohibits a company from collaborating to provide transportation services with any other person authorized to provide such services pursuant to this chapter or chapter 706 or 706A of NRS.

Sec. 14.53. *A person who desires to operate an autonomous vehicle network company in this State must submit to the Authority an application for the issuance of a permit to operate an autonomous vehicle network company. The application must be in the form required by the Authority and must include such information as the Authority, by regulation, determines is necessary to prove the person meets the requirements of this chapter for the issuance of a permit.*

Sec. 14.55. *1. Upon receipt of a completed application and upon a determination by the Authority that an applicant meets the requirements for the issuance of a permit to operate an autonomous vehicle network company, the Authority shall issue to the applicant within 30 days a permit to operate an autonomous vehicle network company in this State.*

2. In accordance with the provisions of this chapter, a permit issued pursuant to this section:

(a) Authorizes an autonomous vehicle network company to use a dispatch center, software application or other digital means to connect passengers to a fully autonomous vehicle which can provide transportation services to the passenger . ~~*[or to arrange for the transportation of goods using a fully autonomous vehicle.]*~~

(b) Does not authorize an autonomous vehicle network company to engage in any activity otherwise regulated pursuant to chapter 706 or 706A of NRS other than the activity authorized by this chapter.

3. Nothing in this chapter prohibits the issuance of a permit to operate an autonomous vehicle network company to a person who is regulated pursuant to chapter 706 or 706A of NRS if the person submits an application pursuant to section 14.53 of this act and meets the requirements for the issuance of a permit.

Sec. 14.57. *1. The Authority shall charge and collect a fee, in an amount established by the Authority by regulation, from each applicant for a permit to operate an autonomous vehicle network company in this State. The fee required by this subsection is not refundable. The Authority shall not issue a permit to operate an autonomous vehicle network company in this State unless the applicant has paid the fee required by this subsection.*

2. For each year after the year in which the Authority issues a permit to an autonomous vehicle network company, the Authority shall levy and collect an annual assessment from the autonomous vehicle network company at a rate determined by the Authority based on the gross operating revenue derived from the intrastate operations of the autonomous vehicle network company in this State.

3. The annual assessment levied and collected by the Authority pursuant to subsection 2 must be used by the Authority for the regulation of autonomous vehicle network companies.

Sec. 14.7. *An autonomous vehicle network company shall appoint and keep in this State a registered agent as provided in NRS 14.020.*

Sec. 14.71. *1. In accordance with the provisions of this chapter, an autonomous vehicle network company which holds a valid permit issued by the Authority pursuant to this chapter may charge a fare for transportation services.*

2. If a fare is charged for transportation services provided to passengers, the company must disclose the rates charged by the company and the method by which the amount of a fare is calculated:

(a) On an Internet website maintained by the company; or

(b) Within the software application or other digital means used by the company to connect passengers to fully autonomous vehicles.

3. If a fare is charged for transportation services provided to passengers, the company must offer to each passenger the option to receive, before the passenger enters the fully autonomous vehicle of the company, an estimate of the amount of the fare that will be charged to the passenger.

4. An autonomous vehicle network company may accept payment of a fare only electronically. An autonomous vehicle network company shall not solicit or accept cash as payment of a fare.

5. An autonomous vehicle network company shall not impose any additional charge for providing transportation services to a person with a physical disability because of the disability.

6. The Authority may adopt regulations establishing a maximum fare that may be charged during an emergency, as defined in NRS 414.0345.

Sec. 14.72. *1. An autonomous vehicle network company shall not connect a fully autonomous vehicle to a potential passenger if the fully autonomous vehicle is not in compliance with the requirements of chapter 482A of NRS.*

2. An autonomous vehicle network company shall inspect or cause to be inspected every fully autonomous vehicle used to provide transportation services before using the fully autonomous vehicle to provide transportation services and not less than once each year thereafter.

3. The inspection required by subsection 2 must ensure the proper functioning and safety of the fully autonomous vehicle pursuant to chapter 482A of NRS and any applicable federal law or regulation.

Sec. 14.73. *1. An autonomous vehicle network company shall adopt a policy which prohibits discrimination against a passenger or potential passenger on account of national origin, religion, age, disability, sex, race, color, sexual orientation or gender identity or expression.*

2. An autonomous vehicle network company shall provide to each passenger an opportunity to indicate whether the passenger requires transportation in a fully autonomous vehicle that is wheelchair accessible. If the company cannot provide the passenger with transportation services in a fully autonomous vehicle that is wheelchair accessible, the company must direct the passenger to an alternative provider or means of transportation that is wheelchair accessible, if available.

Sec. 14.74. *For each instance in which an autonomous vehicle network company uses a fully autonomous vehicle to provide transportation services to a passenger, the company shall provide to the passenger, before the passenger enters the fully autonomous vehicle, the license plate number of the fully autonomous vehicle. The information required by this section must be provided to the passenger:*

1. On an Internet website maintained by the company; or

2. Within the software application or other digital means used by the company to connect passengers to fully autonomous vehicles.

Sec. 14.75. *An autonomous vehicle network company which connected a passenger to a fully autonomous vehicle shall, within a reasonable period following the provision of transportation services to the passenger, transmit to the passenger an electronic receipt, which must include, without limitation:*

1. A description of the point of origin and the destination of the transportation services;

2. The total time for which transportation services were provided;

3. The total distance traveled; and

4. An itemization of the fare, if any, charged for the transportation services.

Sec. 14.76. ***An autonomous vehicle network company may enter into a contract with any agency of the Department of Health and Human Services to provide assistance in transportation pursuant to the programs administered by the agency.***

Sec. 14.77. ***1. An autonomous vehicle network company shall maintain the following records relating to the business of the company for a period of at least 3 years after the date on which the record is created:***

(a) Trip records;

(b) Vehicle inspection records;

(c) Records of each complaint and the resolution of each complaint; and

(d) Records of each accident or other incident that involved a fully autonomous vehicle and was reported to the company.

2. Each autonomous vehicle network company shall make its records available for inspection by the Authority upon request and only as necessary for the Authority to investigate complaints. This subsection does not require a company to make any proprietary information available to the Authority. Any records provided to the Authority are confidential and must not be disclosed other than to employees of the Authority.

Sec. 14.78. ***1. Each autonomous vehicle network company shall:***

(a) Keep uniform and detailed accounts of all business transacted in this State and provide such accounts to the Authority upon request;

(b) On or before May 15 of each year, provide an annual report to the Authority regarding all business conducted by the company in this State during the preceding calendar year; and

(c) Provide the information determined by the Authority to be necessary to verify the collection of money owed to the State.

2. The Authority shall adopt regulations setting forth the form and contents of the information required to be provided pursuant to subsection1.

3. If the Authority determines that an autonomous vehicle network company has failed to include information in its accounts or the report required pursuant to subsection 1, the Authority shall notify the company to provide such information. A company which receives a notice pursuant to this subsection shall provide the specified information within 15 days after receipt of such a notice.

4. All information required to be provided pursuant to this section must be signed by an officer or agent of, or other person authorized by, the autonomous vehicle network company under oath.

Sec. 14.79. ***Except as otherwise provided in this section, an autonomous vehicle network company shall not disclose to any person the personally identifiable information of a passenger who received services from the company unless:***

1. The disclosure is otherwise required by law;

2. The company determines that disclosure is required to protect or defend the terms of use of the services or to investigate violations of those terms of use; or

3. The passenger consents to the disclosure.

Sec. 14.8. *Each autonomous vehicle network company shall:*

1. Provide notice of the contact information of the Authority on an Internet website maintained by the company or within the software application or other digital means used by the company to connect passengers to fully autonomous vehicles; and

2. Create a system to receive and address complaints from consumers which is available during normal business hours in this State.

Sec. 14.82. *1. Each autonomous vehicle network company shall provide to the Authority reports containing information relating to motor vehicle crashes which occurred in this State while a fully autonomous vehicle was providing transportation services. The reports required by this subsection must contain the information identified in subsection 2 and be submitted:*

(a) For all crashes that occurred during the first 6 months that the company operates within this State, not later than 7 months after the date the company was issued a permit.

(b) For all crashes that occurred during the first 12 months that the company operates within this State, not later than 13 months after the date the company was issued a permit.

2. The reports submitted pursuant to subsection 1 must include, for the period of time specified in subsection 1:

(a) The number of motor vehicle crashes which occurred in this State involving such a fully autonomous vehicle;

(b) The highest, lowest and average amount paid for bodily injury or death to one or more persons that occurred as a result of such a crash; and

(c) The highest, lowest and average amount paid for damage to property that occurred as a result of such a crash.

3. Except as otherwise provided in this subsection, any records provided to the Authority are confidential and must not be disclosed other than to employees of the Authority. The Authority shall collect the reports submitted by autonomous vehicle network companies pursuant to subsection 1 and determine whether the limits of coverage required pursuant to section 14.9 of this act are sufficient. The Authority shall submit a report stating whether the limits of coverage required pursuant to section 14.9 of this act are sufficient and containing the information, in an aggregated format which does not reveal the identity of any person, submitted by autonomous vehicle network companies pursuant to subsection 1 since the last report of the Authority pursuant to this subsection:

(a) To the Legislative Commission on or before December 1 of each odd-numbered year.

(b) To the Director of the Legislative Counsel Bureau for transmittal to the Legislature on or before December 1 of each even-numbered year.

Sec. 14.84. ***1. With respect to a passenger's destination when using a fully autonomous vehicle provided by the company, an autonomous vehicle network company shall not:***

(a) Deceive or attempt to deceive any passenger who rides or desires to ride in the vehicle.

(b) Convey or attempt to convey any passenger to a destination other than the one directed by the passenger.

(c) Take a longer route to the passenger's destination than is necessary, unless specifically requested to do so by the passenger.

2. The Authority shall not consider any action taken by a fully autonomous vehicle which is consistent with its operational design domain, as defined in section 3 of this act, or technological capabilities as a violation of subsection 1.

3. As used in this section, "longer route to the passenger's destination" means any route other than that which would result in the lowest fare to the passenger.

Sec. 14.86. ***1. If the Authority determines that an autonomous vehicle network company has violated the terms of a permit issued pursuant to this chapter or any other provision of this chapter or any regulations adopted pursuant thereto, the Authority may, depending on whether the violation was committed by the company or a fully autonomous vehicle used by the company, or both:***

(a) If the Authority determines that the violation is willful and endangers public safety in a manner unrelated to the provisions of chapter 482A of NRS, suspend or revoke the permit issued to the company;

(b) If the Authority determines that the violation is willful and endangers public safety in a manner unrelated to the provisions of chapter 482A of NRS, impose against the company an administrative fine in an amount not to exceed $100,000 per violation; or

(c) Impose any combination of the penalties provided in paragraphs (a) and (b).

2. To determine the amount of an administrative fine imposed pursuant to paragraph (b) or (c) of subsection 1, the Authority shall consider:

(a) The size of the company;

(b) The severity of the violation;

(c) Any good faith efforts by the company to remedy the violation;

(d) The history of previous violations by the company; and

(e) Any other factor that the Authority determines to be relevant.

3. Notwithstanding the provisions of NRS 193.170, a person who violates any provision of this chapter is not subject to any criminal penalty for such a violation.

Sec. 14.88. ***1. Except as otherwise provided in subsection 2, a local governmental entity shall not:***

(a) Impose any tax or fee on an autonomous vehicle network company operating within the scope of a valid permit issued by the Authority pursuant to this chapter or a fully autonomous vehicle used by such a company to provide transportation services.

(b) Require an autonomous vehicle network company operating within the scope of a valid permit issued by the Authority pursuant to this chapter to obtain from the local government any certificate, license or permit to operate within that scope.

(c) Impose any other requirement upon an autonomous vehicle network company which is not of general applicability to all persons who operate a motor vehicle within the jurisdiction of the local government.

2. Nothing in this section:

(a) Prohibits a local governmental entity from requiring an autonomous vehicle network company to obtain from the local government a business license or to pay any business license fee in the same manner that is generally applicable to any other business that operates within the jurisdiction of the local government.

(b) Prohibits an airport or its governing body from requiring an autonomous vehicle network company to:

(1) Obtain a permit or certification to operate at the airport;

(2) Pay a fee to operate at the airport; or

(3) Comply with any other requirement to operate at the airport.

(c) Exempts a fully autonomous vehicle used by a company from any tax imposed pursuant to NRS 354.705, 371.043 or 371.045.

3. The provisions of this chapter do not exempt any person from the requirement to obtain a state business license issued pursuant to chapter 76 of NRS.

Sec. 14.9. ***Each autonomous vehicle network company shall maintain insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State or a broker licensed pursuant to chapter 685A of NRS, procured directly from a nonadmitted insurer, as defined in NRS 685A.0375, or a program of self-insurance which meets criteria established by the Authority in an amount of $1,500,000 or more for bodily injury to or death of one or more persons and injury to or destruction of property of others in any one accident or motor vehicle crash that occurs while providing transportation services using a fully autonomous vehicle pursuant to this chapter.***

Sec. 15. Chapter 706 of NRS is hereby amended by adding thereto the provisions set forth as sections 16 to 34, inclusive, of this act.

Sec. 16. (Deleted by amendment.)

Sec. 17. ***"Fully autonomous vehicle" has the meaning ascribed to it in section 2.5 of this act.***

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. ***1. The Authority shall authorize a common motor carrier or contract motor carrier to use one or more fully autonomous vehicles to transport passengers if:***

~~[1.]~~ (a) The fully autonomous vehicles comply with the provisions of chapter 482A of NRS and the regulations adopted pursuant thereto;

~~[2.]~~ (b) The motor carrier holds a permit issued pursuant to section 14.55 of this act as an autonomous vehicle network company and a permit to use autonomous vehicles to provide transportation services pursuant to section 14.5 of this act; and

~~[3.]~~ (c) The fully autonomous vehicles will comply with the requirements of NRS 706.011 to 706.791, inclusive, and sections 16 to 25, inclusive, of this act, and any regulations adopted pursuant thereto.

2. A common motor carrier or contract motor carrier may use one or more fully autonomous vehicles to transport property if the fully autonomous vehicles:

(a) Comply with the provisions of chapter 482A of NRS and the regulations adopted pursuant thereto; and

(b) Will comply with the applicable requirements of NRS 706.011 to 706.791, inclusive, and sections 16 to 25, inclusive, of this act, and any regulations adopted pursuant thereto.

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. ***"Fully autonomous vehicle" has the meaning ascribed to it in section 2.5 of this act.***

Sec. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

Sec. 30. (Deleted by amendment.)

Sec. 31. ***The Taxicab Authority shall authorize a certificate holder to use one or more fully autonomous vehicles if:***

1. The fully autonomous vehicles comply with the provisions of chapter 482A of NRS and the regulations adopted pursuant thereto;

2. The certificate holder holds a permit issued pursuant to section 14.55 of this act as an autonomous vehicle network company and a permit to use autonomous vehicles to provide transportation services pursuant to section 14.5 of this act; and

3. The fully autonomous vehicles will comply with the requirements of sections 706.881 to 706.885, inclusive, and sections 26 to 34, inclusive, of this act, and any regulations adopted pursuant thereto.

Sec. 32. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 34. (Deleted by amendment.)

Sec. 35. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, ***and sections 16 to 25, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, ***and sections 16 to 20, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 36. (Deleted by amendment.)

Sec. 37. (Deleted by amendment.)

Sec. 38. (Deleted by amendment.)

Sec. 39. (Deleted by amendment.)

Sec. 40. NRS 706.881 is hereby amended to read as follows:

706.881 1. The provisions of NRS 372B.160 and 706.8811 to 706.885, inclusive, ***and sections 26 to 34, inclusive, of this act*** apply to any county:

(a) Whose population is 700,000 or more; or

(b) For whom regulation by the Taxicab Authority is not required, if the board of county commissioners of the county has enacted an ordinance approving the inclusion of the county within the jurisdiction of the Taxicab Authority.

2. Upon receipt of a certified copy of such an ordinance from a county for whom regulation by the Taxicab Authority is not required, the Taxicab Authority shall exercise its regulatory authority pursuant to NRS 706.8811 to 706.885, inclusive, ***and sections 26 to 34, inclusive, of this act*** within that county.

3. Within any such county, the provisions of this chapter which confer regulatory authority over taxicab motor carriers upon the Nevada Transportation Authority do not apply.

Sec. 41. NRS 706.8811 is hereby amended to read as follows:

706.8811 As used in NRS 706.881 to 706.885, inclusive, ***and sections 26 to 34, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 706.8812 to 706.8817, inclusive, ***and sections 26 to 30, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 42. (Deleted by amendment.)

Sec. 43. (Deleted by amendment.)

Sec. 44. (Deleted by amendment.)

Sec. 45. (Deleted by amendment.)

Sec. 46. (Deleted by amendment.)

Sec. 47. (Deleted by amendment.)

Sec. 48. Chapter 706A of NRS is hereby amended by adding thereto the provisions set forth as sections 49 to 57, inclusive, of this act.

Sec. 49. (Deleted by amendment.)

Sec. 50. (Deleted by amendment.)

Sec. 51. (Deleted by amendment.)

Sec. 52. (Deleted by amendment.)

Sec. 53. (Deleted by amendment.)

Sec. 54. ***Nothing in this chapter shall be construed to prohibit a transportation network company from obtaining a permit to act as an autonomous vehicle network company pursuant to section 14.55 of this act and providing, within the scope of such a permit, the services authorized by sections 14.2 to 14.9, inclusive, of this act.***

Sec. 55. (Deleted by amendment.)

Sec. 56. (Deleted by amendment.)

Sec. 57. (Deleted by amendment.)

Sec. 58. (Deleted by amendment.)

Sec. 59. (Deleted by amendment.)

Sec. 60. (Deleted by amendment.)

Sec. 61. (Deleted by amendment.)

Sec. 62. (Deleted by amendment.)

Sec. 63. (Deleted by amendment.)

Sec. 64. (Deleted by amendment.)

Sec. 65. (Deleted by amendment.)

Sec. 66. (Deleted by amendment.)

Sec. 67. (Deleted by amendment.)

Sec. 68. (Deleted by amendment.)

Sec. 69. (Deleted by amendment.)

Sec. 69.3. The Department of Motor Vehicles and the Nevada Transportation Authority shall, on or before January 1, 2018, adopt any regulations which are required by or necessary to carry out the provisions of this act.

Sec. 69.5. 1. Notwithstanding **the provisions of section 14.55 of this act to the contrary and** any regulation adopted by the Nevada Transportation Authority pursuant to sections 14.2 to 14.9, inclusive, of this act, **the Nevada Transportation Authority shall issue a permit to operate** an autonomous vehicle network company ~~[, as defined in section 14.24 of this act, which is issued a permit by the Nevada Transportation Authority pursuant to section 14.55 of this act]~~ **to any person who,** on or before January 1, 2018, **demonstrates to the Nevada Transportation Authority that the person meets the requirements of sections 14.2 to 14.9, inclusive, of this act to operate an autonomous vehicle network company, regardless of whether such a person has submitted a completed application, and** may commence operations in this State immediately upon being issued a permit.

2. Notwithstanding the effective date of any regulation adopted by the Nevada Transportation Authority pursuant to sections 14.2 to 14.9, inclusive, of this act on or before January 1, 2018, an autonomous vehicle network company **issued a permit pursuant to subsection 1** must not be required to comply with the provisions of the regulation until ~~[30]~~ **180** days after the regulation is filed with the Secretary of State.

3. A permit issued pursuant to subsection 1 expires on the date 180 days after a regulation adopted by the Nevada Transportation Authority

to carry out the provisions of sections 14.2 to 14.9, inclusive, of this act is filed with the Secretary of State. If a person who holds such a permit wishes to continue to operate an autonomous vehicle network company, the person must apply for and be issued a permit pursuant to sections 14.2 to 14.9, inclusive, of this act and the regulations adopted pursuant thereto.

4. As used in this section, "autonomous vehicle network company" has the meaning ascribed to it in section 14.24 of this act.

Sec. 69.7. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 70. This act becomes effective upon passage and approval.

Assemblyman Carrillo moved that the Assembly concur in the Senate Amendment No. 1129 to Assembly Bill No. 69.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

The amendment does the following: It adds federal preemption language, amends the definition of certain provisions related to driver-assisted platooning technology; allows the certification of automated driving systems by various methods; clarifies when a common or contract motor carrier of passengers or property may use an autonomous vehicle; and allows for testing operation of autonomous vehicles between passage of this bill and adoption of regulations.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 49.

The following Senate amendment was read:

Amendment No. 1088.

AN ACT relating to education; revising the requirements for a charter school to be eligible to be rated using the alternative performance framework; prohibiting certain actions relating to written charters and charter contracts; creating a process for filing complaints regarding charter schools which are sponsored by the State Public Charter School Authority; requiring a charter school to give **written** notice to the parent or legal guardian of each pupil and take certain actions after the occurrence of certain events; establishing a process for a charter school to have an expedited review to become a qualified provider of an alternative route to licensure; prohibiting a member of the State Public Charter School Authority from engaging in certain acts; revising provisions relating to the appointment of the Executive Director of the Authority; revising various other provisions relating to charter schools; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the sponsor of a charter school to amend a written charter or charter contract upon the request of the governing body of a charter school. (NRS 388A.276) Existing law also requires the State Board of

Education to adopt regulations which prescribe an alternative performance framework to evaluate certain schools which serve certain populations and prescribes eligibility requirements for a school to be rated using the alternative performance framework. (NRS 385A.730, 385A.740) **Sections 1 and 2** of this bill establish additional eligibility requirements for a charter school to be rated using the alternative performance framework. **Section 11** of this bill provides for the amendment of a written charter or charter contract or the execution of a charter contract of a charter school to comply with the requirements of **sections 1 and 2**. **Section 25** of this bill allows the formation of a charter school dedicated to providing educational services exclusively to pupils described in **section 1**.

Existing law provides for the formation and operation of charter schools in this State. (Chapter 388A of NRS) Existing law authorizes the State Public Charter School Authority or, with the approval of the Department of Education, the board of trustees of a school district or a college or university within the Nevada System of Higher Education to sponsor a charter school. (NRS 388A.220) For any charter school approved before June 11, 2013, existing law requires the sponsor of the charter school to grant a written charter to the governing body of the charter school. For any charter school approved on or after that date, existing law requires the sponsor to enter into a charter contract with the governing body of the charter school. (NRS 388A.270) **Section 4** of this bill: (1) provides that a written charter or charter contract is not assignable or transferable and may not be delegated to a third party; and (2) prohibits the use of a written charter or charter contract as security for a loan. **Section 5** of this bill requires a charter school to designate any information submitted to the sponsor of the charter school that is intended to remain confidential and requires the sponsor to determine whether such information should be declared confidential. **Sections 5.5-10** of this bill provide for the filing, investigation and resolution of complaints regarding charter schools sponsored by the State Public Charter School Authority. **Section 11.5** of this bill requires a charter school to give **written** notice to the parent or legal guardian of each pupil and take certain actions upon the occurrence of certain events. **Section 12.3 of this bill authorizes the governing body of a high-achieving charter school to submit a written request for the sponsor of the charter school to authorize the establishment of an experimental academic program or new school model at the school. Section 12.5 of this bill deems a charter school to be a political subdivision of this State for certain purposes relating to purchasing or leasing public land. Section 12.7 of this bill authorizes the State Public Charter School Authority to select not more than two charter schools sponsored by the Authority to act as a local educational agency for certain purposes. Section 13** of this bill requires the Department of Education to satisfy certain requirements before submitting an application for a grant which may result in the distribution of money to a charter school or a sponsor of a charter school.

Existing law requires the Commission on Professional Standards in Education to adopt regulations providing for an alternative route to licensure for teachers and other educational personnel and establishing the requirements for approval as a qualified provider of such an alternate route. (NRS 391.019) **Section 12** of this bill authorizes a charter school or charter management organization that meets certain requirements to request its sponsor or proposed sponsor to submit a request for an expedited review from the Commission of the application of the charter school or charter management organization to become a qualified provider. **Section 12** also authorizes the sponsor or proposed sponsor of the charter school to include a request for a waiver by the Commission of any requirement not prescribed by existing law for the charter school or charter management organization.

Existing law creates the State Public Charter School Authority, requires the Authority to appoint an Executive Director and authorizes the Authority to sponsor charter schools. (NRS 388A.150, 388A.190, 388A.220) **Section 15** of this bill, with the exception of allowing not more than two members of the Authority to be teachers or administrators employed by certain charter schools or charter management organizations, prohibits a member of the Authority from actively engaging in business with or holding a direct pecuniary interest relating to charter schools. **Section 16** of this bill revises the process for appointing and the qualifications required of the Executive Director of the Authority.

Existing law authorizes the proposed sponsor of a charter school to review an application to form a charter school and approve the application if it satisfies certain requirements. (NRS 388A.249) **Section 21** of this bill provides that the identity of each member of a team of reviewers assembled by the proposed sponsor of a charter school to review an application to form a charter school is confidential for a certain period of time after review of the application. **Sections 14, 19, 20, 23, 24 and 26** of this bill make various other changes relating to charter schools.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385A.740 is hereby amended to read as follows:

385A.740 1. A public school, including, without limitation, a charter school, that wishes to be rated using the alternative performance framework prescribed by the State Board pursuant to NRS 385A.730 must request the board of trustees of the school district or sponsor of the charter school, as applicable, to apply to the State Board on behalf of the school for approval to be rated using the alternative performance framework.

2. The board of trustees of a school district or the sponsor of a charter school, as applicable, may apply to the State Board on behalf of a school for the school to be rated using the alternative performance framework by submitting a form prescribed by the Department.

3. A ***public*** school ~~***[other than a charter school]***~~ is eligible to be rated using the alternative performance framework if:

(a) The school specifies that the mission of the school is to serve pupils who:

(1) Have been expelled or suspended from a public school, including, without limitation, a charter school;

(2) Have been deemed to be a habitual disciplinary problem pursuant to NRS 392.4655;

(3) Are academically disadvantaged;

(4) Have been adjudicated delinquent;

(5) Have been adjudicated to be in need of supervision for a reason set forth in NRS 62B.320; or

(6) Have an individualized education program; and

(b) At least 75 percent of the pupils enrolled at the school fall within one or more of the categories listed in paragraph (a).

4. ~~***[A]***~~ ***In addition to the provisions of subsection 3, a charter school is eligible to be rated using the alternative performance framework if the charter school:***

(a) Specifies in its written charter or charter contract that:

(1) The mission of the charter school is to serve ~~***[only]***~~ ***primarily pupils who are described in subparagraphs (1) to (6), inclusive, of paragraph (a) of subsection 3; and***

(2) The admissions policy of the charter school only allows the pupils identified in its mission statement to newly enroll in the charter school; ~~***[and]***~~

(b) At the time of its application to be rated using the alternative performance framework, has an enrollment of at least 75 percent of pupils who are pupils identified in its mission statement; and

(c) Completes any requirements to transition to the alternative performance framework required by the proposed sponsor of the charter school pursuant to section 11 of this act.

~~***5. [In addition to the requirements of subsection 4, if the charter school, at the time of its application to be rated using the alternative performance framework, has one or more enrolled pupils who are not identified in its mission statement, the charter school must have a plan approved by its sponsor for at least 75 percent of pupils enrolled in the charter school to be pupils identified in its mission statement by a certain date.***~~

~~***6.]***~~ As used in this section, "academically disadvantaged" includes, without limitation, being retained in the same grade level two or more times or having a deficiency in the credits required to graduate on time.

Sec. 2. NRS 385A.740 is hereby amended to read as follows:

385A.740 1. A public school, including, without limitation, a charter school, that wishes to be rated using the alternative performance framework prescribed by the State Board pursuant to NRS 385A.730 must request the

board of trustees of the school district or sponsor of the charter school, as applicable, to apply to the State Board on behalf of the school for approval to be rated using the alternative performance framework.

2. The board of trustees of a school district or the sponsor of a charter school, as applicable, may apply to the State Board on behalf of a school for the school to be rated using the alternative performance framework by submitting a form prescribed by the Department.

3. A public school is eligible to be rated using the alternative performance framework if:

(a) The school specifies that the mission of the school is to serve pupils who:

(1) Have been expelled or suspended from a public school, including, without limitation, a charter school;

(2) Have been deemed to be a habitual disciplinary problem pursuant to NRS 392.4655;

(3) Are academically disadvantaged;

(4) Have been adjudicated delinquent;

(5) Have been adjudicated to be in need of supervision for a reason set forth in NRS 62B.320; or

(6) Have an individualized education program; and

(b) At least 75 percent of the pupils enrolled at the school fall within one or more of the categories listed in paragraph (a).

4. In addition to the provisions of subsection 3, a charter school is eligible to be rated using the alternative performance framework if the charter school:

(a) Specifies in its ~~[written charter or]~~ charter contract that:

(1) The mission of the charter school is to serve primarily pupils who are described in subparagraphs (1) to (6), inclusive, of paragraph (a) of subsection 3; and

(2) The admissions policy of the charter school only allows the pupils identified in its mission statement to newly enroll in the charter school;

(b) At the time of its application to be rated using the alternative performance framework, has an enrollment of at least 75 percent of pupils who are pupils identified in its mission statement; and

(c) Completes any requirements to transition to the alternative performance framework required by the proposed sponsor of the charter school pursuant to section 11 of this act.

5. As used in this section, "academically disadvantaged" includes, without limitation, being retained in the same grade level two or more times or having a deficiency in the credits required to graduate on time.

Sec. 3. Chapter 388A of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 13, inclusive, of this act.

Sec. 4. ***1. A written charter issued by the sponsor of a charter school to the governing body of the charter school is not assignable or transferable and may not be delegated to a third party.***

2. A charter contract entered into between the governing body of a charter school and the sponsor of the charter school is not assignable or transferable and may not be delegated to a third party.

3. A written charter or charter contract may not be used as security for any loan and shall be deemed to have no monetary value.

4. For the purpose of this section, an amendment to a written charter or charter contract which consolidates two or more charter schools, the restart of a charter school pursuant to NRS 388A.300 and the reconstitution of the governing body of a charter school pursuant to NRS 388A.330 do not constitute the assignment, transfer or delegation of a written charter or charter contract.

Sec. 5. *1. Except as otherwise provided in subsection 2, any information ~~[relating to an educational management organization or other person who provides educational or management services to a charter school or charter management organization]~~ that is provided to the sponsor of the charter school ~~[or a charter school operated by the charter management organization]~~ by a charter management organization, a committee to form a charter school or a charter school is ~~[not confidential and may be disclosed to any member of the general]~~ a public ~~[upon request.]~~ record that is subject to the provisions of chapter 239 of NRS.*

2. A charter school must designate any information contained in a submission by the charter school to the sponsor of the charter school that is intended to remain confidential and request for the sponsor to declare such information confidential. Upon receipt of such a request, the sponsor of the charter school shall determine whether the designated information should be declared confidential. If the sponsor of the charter school determines the information should not be declared confidential, the sponsor must give the charter school an opportunity to redact such information. Except as otherwise provided in NRS 239.0115, if the sponsor of the charter school determines that the information should be declared confidential, the information is confidential and must not be disclosed.

Sec. 5.5. *The provisions of sections 5.5 to 10, inclusive, of this act apply only to a charter school which is sponsored by the State Public Charter School Authority.*

Sec. 6. *1. Except as otherwise provided by federal law, a parent or legal guardian of a pupil enrolled in a charter school, a pupil who is at least 18 years of age enrolled in a charter school, a member of the governing body of a charter school or an employee of a charter school may file a written complaint relating to that charter school with the State Public Charter School Authority which alleges a violation of the provisions of this chapter, the written charter or charter contract of the charter school or any other provision of law or regulation relating to the management or operation of the charter school.*

2. Upon receipt of a complaint filed pursuant to subsection 1, the State Public Charter School Authority shall investigate the allegations contained

within the complaint, conduct a review to determine whether the charter school has complied with the provisions of this chapter, the written charter or charter contract and respond in writing to the complaining party within 30 days after receipt of the complaint. The staff of the charter school and any other person named in the complaint shall cooperate with the State Public Charter School Authority during such an investigation.

Sec. 7. ***1. A parent or legal guardian of a pupil enrolled in a charter school, a pupil who is at least 18 years of age enrolled in a charter school, a member of the governing body of a charter school or an employee of a charter school who has evidence that a charter school has violated any state or federal law or regulation relating to special education or pupils who are limited English proficient may file a complaint relating to that charter school directly with the Department and notify the State Public Charter School Authority in writing. The Department shall investigate the complaint and notify the State Public Charter School Authority of its findings.***

2. A person who has evidence that a charter school or an employee or vendor of a charter school has committed a crime shall file a complaint directly with a law enforcement agency and notify the State Public Charter School Authority in writing. The law enforcement agency may investigate the complaint and notify the State Public Charter School Authority of its findings.

3. A person who has evidence that a charter school has violated any law or regulation which is within the jurisdiction of an agency of this State other than the Department may file a complaint directly with the appropriate agency and notify the State Public Charter School Authority in writing. If the agency determines that credible evidence exists to support the complaint, the agency shall investigate the complaint and notify the State Public Charter School Authority of its findings.

4. The State Public Charter School Authority shall accept the findings of the Department, a law enforcement agency or an agency pursuant to subsection 1, 2 or 3, as applicable, as conclusive unless it is shown that the Department, law enforcement agency or agency acted with fraud or a gross abuse of discretion.

Sec. 8. ***1. A parent or legal guardian of a pupil enrolled in a charter school, a pupil who is at least 18 years of age enrolled in a charter school, a member of the governing body of a charter school or an employee of a charter school may file a complaint relating to that charter school directly with the State Public Charter School Authority if the person has evidence that the charter school has:***

(a) Violated any law or regulation relating to the health and safety of pupils;

(b) Violated any law or regulation relating to the civil rights of pupils, except for a law or regulation described in subsection 1 of section 7 of this act;

(c) Violated any law or regulation or policy of the sponsor of the charter school relating to the enrollment, suspension or expulsion of pupils;

(d) Committed fraud, financial mismanagement or financial malfeasance; or

(e) Committed academic dishonesty, including, without limitation, engaging in a policy or practice that has the intent or effect of inappropriately increasing the graduation rate or inappropriately increasing performance on assessments mandated by this State or the State Public Charter School Authority.

2. If the State Public Charter School Authority determines that credible evidence exists to support a complaint submitted pursuant to subsection 1, the State Public Charter School Authority shall investigate the complaint and respond to the complaining party in writing.

Sec. 9. *1. If the State Public Charter School Authority determines that external expertise is necessary to conduct an investigation of a complaint filed pursuant to sections 5.5 to 10, inclusive, of this act, the State Public Charter School Authority may select an investigator to conduct the investigation and make any appropriate determinations or recommendations to the State Public Charter School Authority.*

2. If the State Public Charter School Authority determines that a violation has occurred, the State Public Charter School Authority may petition a court of competent jurisdiction for an order directing the charter school to reimburse the State Public Charter School Authority for all or part of the actual costs of its investigation. If the court confirms that a violation has occurred, the court may order the charter school to reimburse the State Public Charter School Authority for all or part of the actual costs of its investigation in an amount the court determines to be reasonable under the circumstances. A charter school subject to such an order must reimburse the State Public Charter School Authority within 30 days after issuance of the order. Any money received by the State Public Charter School Authority pursuant to this subsection must be used for investigations, audits and other proceedings of the State Public Charter School Authority and does not revert to the State General Fund.

3. If the State Public Charter School Authority determines that a current or former member of the governing body of the charter school or a current or former employee of the charter school failed to cooperate with any investigation conducted pursuant to this section, the State Public Charter School Authority may begin a proceeding to revoke the written charter or terminate the charter contract of the charter school pursuant to NRS 388A.330.

4. If the State Public Charter School Authority determines that the charter school or an employee of the charter school has violated any provision of this chapter or another statute or regulation applicable to charter schools or has materially breached the terms and conditions of the

written charter or charter contract of the charter school, the State Public Charter School Authority may:

(a) Begin a proceeding to revoke the written charter or terminate the charter contract of the charter school pursuant to NRS 388A.330; and

(b) Refer the matter to the district attorney of the county in which the charter school is located, the Attorney General or any other appropriate agency for further action.

5. If the State Public Charter School Authority determines that the current operations of the charter school pose an imminent danger to the health and safety of the pupils or staff of the charter school, the State Public Charter School Authority shall order the charter school to suspend its operations at any or all of its facilities until appropriate corrective action has been taken.

Sec. 10. *The governing body of a charter school shall develop a policy for accepting, investigating and responding to complaints and submit the policy to the State Public Charter School Authority for review and approval. Such a policy may allow for a complaint to be delegated to the staff of the charter school or an educational management organization if the policy allows a complaining party who does not believe the staff of the charter school or educational management organization has adequately addressed a complaint to submit the complaint to the governing body of the charter school for its investigation and response.*

Sec. 11. *1. If a charter school wishes to be rated using the alternative performance framework prescribed by the State Board pursuant to NRS 385A.730, the governing body of the charter school may submit to the sponsor of the charter school a request to amend the written charter or charter contract, as applicable, of the charter school pursuant to NRS 388A.276 to include the mission statement and admissions policy required by subsection 4 of NRS 385A.740.*

2. The sponsor of a charter school may require that:

(a) A request to amend a written charter or charter contract described in subsection 1 also include such changes to the academic program, organizational plan and financial model of the charter school as the sponsor of the charter school determines are necessary for a charter school rated using the alternative performance framework; and

(b) A charter school which submits a request to amend a written charter or charter contract described in subsection 1 perform such actions as the sponsor of the charter school determines to be necessary to successfully transition to being rated using the alternative performance framework.

3. The sponsor of a charter school shall evaluate a request to amend a written charter or charter contract described in subsection 1 by reviewing the academic, organizational and financial performance of the charter school. If the sponsor of the charter school determines that the charter school is unlikely to achieve academic, organizational or financial success

if the request to amend its written charter or charter contract is approved, the sponsor of the charter school must deny the request.

4. Unless invited to do so by the sponsor of the charter school, the governing body of a charter school whose request to amend its written charter or charter contract is denied pursuant to subsection 3 may not submit a materially similar request for 1 year after the denial of its request.

5. If a proposed sponsor of a charter school approves an application to form a charter school and the proposed sponsor of the charter school determines that the charter school has a mission statement and an admissions policy which satisfy the requirements of subsection 4 of NRS 385A.740, the proposed sponsor of the charter school shall include language in the charter contract entered into with the charter school which provides that:

(a) Except as otherwise provided in paragraph (b), the proposed sponsor of the charter school will submit an application to the State Board on behalf of the charter school for the charter school to be rated using the alternative performance framework within 2 years after the charter school commences operation;

(b) The proposed sponsor of the charter school will submit the application described in paragraph (a) only upon the successful completion by the charter school of such actions as the proposed sponsor of the charter school determines to be necessary to successfully transition to being rated using the alternative performance framework; and

(c) Upon approval of such an application by the State Board, the performance framework adopted by the proposed sponsor of the charter school will be replaced by the alternative performance framework.

Sec. 11.5. *1. A charter school shall ~~[provide]~~ mail a written notification to the parent or legal guardian of each pupil enrolled in the charter school ~~[,]~~ and post a notice prominently on the Internet website of the charter school ~~[and revise the marketing materials of the charter school to include such a notice]~~ within 5 business days after:*

(a) The Department reports that the graduation rate of the charter school for that school year was less than 67 percent;

(b) The Department reports that the charter school was rated in the lowest 5 percent of public schools in the State pursuant to the statewide system of accountability for public schools;

(c) The Department reports that the charter school received an annual rating established as one of the two lowest ratings possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools;

(d) The governing body of the charter school submits to the sponsor of the charter school a written request for an amendment of the written charter or charter contract of the charter school which would result in the:

(1) Relocation of the charter school to a location more than 1 mile from its current location;

(2) Closure of a campus of the charter school or the elimination of one or more grade levels; or

(3) Reduction of enrollment as a result of an academic, financial or organizational issue;

(e) The sponsor of the charter school issues a notice of intent to revoke the written charter or terminate the charter contract of the charter school; or

(f) The sponsor of the charter school revokes the written charter or terminates the charter contract of the charter school.

2. Within 10 days after a charter school provides all notices required by subsection 1, the charter school shall certify compliance with that subsection to the sponsor of the charter school.

3. A written notice provided to a parent or legal guardian pursuant to subsection 1 must include a list of other public schools to which a pupil may transfer if the charter school closes or adopts changes which a parent or legal guardian finds unacceptable.

[3.] 4. Within [10] 30 days after a charter school provides the notice required by subsection 1 [,] and on a date determined by the sponsor of the charter school, the charter school shall hold a public hearing to discuss a plan to correct any issue which caused the issuance of such a notice and to solicit suggestions to improve the performance of the charter school.

Sec. 12. *1. A charter school that has received, within the immediately preceding 2 consecutive school years, one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools may request that its sponsor submit a request to the Commission on Professional Standards in Education for an expedited review of an application to become a qualified provider of an alternative route to licensure pursuant to subparagraph (1) of paragraph (a) of subsection 1 of NRS 391.019.*

2. A charter management organization which operates a charter school that has received, within the immediately preceding 2 consecutive school years, one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools, or equivalent ratings in another state, as determined by the Department, and which intends to form a new charter school in this State may request that its proposed sponsor submit a request to the Commission on Professional Standards in Education for an expedited review of an application to become a qualified provider of an alternative route to licensure pursuant to subparagraph (1) of paragraph (a) of subsection 1 of NRS 391.019.

3. If a sponsor or proposed sponsor receives a request pursuant to subsection 1 or 2 and determines that the charter school or charter management organization, as applicable, is eligible to become a qualified provider, the sponsor or proposed sponsor may submit a request for an expedited review of the appropriate application to the Commission on Professional Standards in Education.

4. A charter school or charter management organization may include in a request made pursuant to subsection 1 or 2 a request for the Commission on Professional Standards in Education to waive any requirement which may apply to a program for an alternative route to licensure that is not prescribed by NRS 391.019. If the sponsor or proposed sponsor, as applicable, approves the request made pursuant to this subsection, the sponsor or proposed sponsor may include the request for a waiver with the request for an expedited review submitted pursuant to subsection 3.

5. Upon receipt of the written request of a sponsor of a charter school or a proposed sponsor of a charter management organization for an expedited review submitted pursuant to subsection 3 and an application to become a qualified provider, the Commission on Professional Standards in Education shall review the application to become a qualified provider and approve or deny the application within 45 days after receipt of the application and the written request. If the request for an expedited review includes a request for a waiver pursuant to subsection 4, the Commission on Professional Standards in Education shall waive any requirement which may apply to a program for an alternative route to licensure that is not prescribed by NRS 391.019.

Sec. 12.3. 1. The governing body of a charter school that receives one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools may submit a written request for the sponsor of the charter school to authorize the establishment of an experimental academic program or new school model in the charter school. If the sponsor of the charter school approves the request, such a program or model must be established in the charter school. Enrollment in such a program or model:

(a) Must not exceed 50 pupils during the first year in which the program or model is in operation.

(b) Must not exceed 100 pupils during the second year in which the program or model is in operation.

(c) Must not exceed 150 pupils during the third year in which the program or model is in operation.

(d) Must not exceed any number prescribed by the sponsor of the charter school during the fourth year in which the program or model is in operation, or any year thereafter.

2. If an experimental academic program or new school model established pursuant to subsection 1 receives one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools, the governing body of the charter school in which the program or model is established may:

(a) Submit to the sponsor of the charter school a written request for an amendment of the written charter or charter contract, as applicable, to

divide the charter school into multiple charter schools operating under the same governing body; or

(b) Establish a committee to form a charter school and submit to a proposed sponsor an application to form a charter school using the experimental academic program or new school model.

3. If the sponsor of a charter school grants a request for an amendment of the written charter or charter contract submitted pursuant to subsection 2, the sponsor shall negotiate and execute a charter contract with the governing body of the charter school for each experimental academic program or new school model.

4. Before a charter school formed pursuant to this section enrolls any pupil who is eligible for enrollment pursuant to NRS 388A.453 and 388A.456, the charter school may enroll a child who was enrolled in the experimental academic program or new school model before the charter school was formed.

Sec. 12.5. 1. A charter school is deemed to be a political subdivision of this State for the purposes of 43 U.S.C. §§ 869 et seq. and any law of this State relating to purchasing or leasing public land.

2. Any property acquired by a charter school as a result of subsection 1 may only be transferred to this State or a political subdivision of this State.

3. If a charter school which has acquired property as a result of subsection 1 relocates, closes or otherwise ceases operations, the ownership of all such property must be transferred to this State or a political subdivision of this State.

Sec. 12.7. 1. The State Public Charter School Authority may select not more than two charter schools sponsored by the State Public Charter School Authority to act as a local educational agency for the purposes described in subsection 2.

2. A charter school selected pursuant to subsection 1 is hereby deemed a local educational agency for the purpose of receiving any money available from federal and state categorical grant programs. A charter school that receives money pursuant to such a program shall comply with any applicable reporting requirements to receive the grant.

3. If a charter school selected pursuant to subsection 1 is eligible to receive special education program units, the Department shall pay the special education program units directly to the charter school.

4. As used in this section, "local educational agency" has the meaning ascribed to it in 20 U.S.C. § 7801(30)(A).

Sec. 13. ***Before submitting an application for any grant which may result in the distribution of money to a charter school or the sponsor of a charter school, the Department shall:***

1. Consider the definitions and measures of school performance specified in the grant and make any necessary adjustments to the information submitted by the Department to conform to the definitions and measures of school performance specified in the grant;

2. Separately determine the academic performance for each campus of the charter school and the charter school as a whole; and

3. If the State Board has approved an application by a charter school to be rated using the alternative performance framework prescribed by the State Board pursuant to NRS 385A.730, apply the alternative performance framework to evaluate the performance of the charter school.

Sec. 14. NRS 388A.150 is hereby amended to read as follows:

388A.150 ***1.*** The State Public Charter School Authority is hereby created. The purpose of the State Public Charter School Authority is to:

~~[1.]~~ ***(a)*** Authorize charter schools of high-quality throughout this State with the goal of expanding the opportunities for pupils in this State, including, without limitation, pupils who are at risk.

~~[2.]~~ ***(b)*** Provide oversight to the charter schools that it sponsors to ensure that those charter schools maintain high educational and operational standards, preserve autonomy and safeguard the interests of pupils and the community.

~~[3.]~~ ***(c)*** Serve as a model of the best practices in sponsoring charter schools and foster a climate in this State in which all ***high-quality*** charter schools, regardless of sponsor, can flourish.

2. The provisions of this section shall not be construed to create a duty for the State Public Charter School Authority to provide any assistance, support or services to a charter school other than to carry out its purpose as described in subsection 1.

Sec. 15. NRS 388A.153 is hereby amended to read as follows:

388A.153 1. The State Public Charter School Authority consists of seven members. The membership of the State Public Charter School Authority consists of:

(a) Two members appointed by the Governor in accordance with subsection 2;

(b) Two members, who must not be Legislators, appointed by the Majority Leader of the Senate in accordance with subsection 2;

(c) Two members, who must not be Legislators, appointed by the Speaker of the Assembly in accordance with subsection 2; and

(d) One member appointed by the Charter School Association of Nevada or its successor organization.

2. The Governor, the Majority Leader of the Senate and the Speaker of the Assembly shall ensure that the membership of the State Public Charter School Authority:

(a) Includes persons with a demonstrated understanding of charter schools and a commitment to using charter schools as a way to strengthen public education in this State;

(b) Includes a parent or legal guardian of a pupil enrolled in a charter school in this State;

(c) Includes persons with specific knowledge of:

(1) Issues relating to elementary and secondary education;
(2) School finance or accounting, or both;
(3) Management practices;
(4) Assessments required in elementary and secondary education;
(5) Educational technology;
(6) The laws and regulations applicable to charter schools;

(d) Insofar as practicable, reflects the ethnic and geographical diversity of this State; and

(e) Insofar as practicable, consists of persons who are experts on best practices for authorizing charter schools and developing and operating high-quality charter schools and charter management organizations.

3. Each member of the State Public Charter School Authority must be a resident of this State.

4. ***Except as otherwise provided in subsection 5, a member of the State Public Charter School Authority must not be actively engaged in business with or hold a direct pecuniary interest relating to charter schools, including, without limitation, serving as a vendor, contractor, employee, officer, director or member of the governing body of a charter school, educational management organization or charter management organization.***

5. Not more than two members of the State Public Charter School Authority may be teachers or administrators who are employed by a charter school or charter management organization in this State. For a teacher or administrator employed by a charter school or charter management organization to be eligible to serve as a member of the State Public Charter School Authority, the charter school or charter management organization which employs the teacher or administrator must not have ever received an annual rating established as one of the three lowest ratings of performance pursuant to the statewide system of accountability for public schools.

6. After the initial terms, the term of each member of the State Public Charter School Authority is 3 years, commencing on July 1 of the year in which he or she is appointed. A vacancy in the membership of the State Public Charter School Authority must be filled for the remainder of the unexpired term in the same manner as the original appointment. A member shall continue to serve on the State Public Charter School Authority until his or her successor is appointed.

~~[5.]~~ ***7.*** The members of the State Public Charter School Authority shall select a Chair and Vice Chair from among its members. After the initial selection of those officers, each of those officers holds the position for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

~~[6.]~~ ***8.*** Each member of the State Public Charter School Authority is entitled to receive:

(a) For each day or portion of a day during which he or she attends a meeting of the State Public Charter School Authority a salary of not more than $80, as fixed by the State Public Charter School Authority; and

(b) For each day or portion of a day during which he or she attends a meeting of the State Public Charter School Authority or is otherwise engaged in the business of the State Public Charter School Authority the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 15.5. **NRS 388A.159 is hereby amended to read as follows:**

388A.159 1. ~~[The]~~ ***Except as otherwise provided in section 12.7 of this act, the*** State Public Charter School Authority is hereby deemed a local educational agency for the purpose of directing the proportionate share of any money available from federal and state categorical grant programs to charter schools which are sponsored by the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that are eligible to receive such money. A college or university within the Nevada System of Higher Education that sponsors a charter school shall enter into an agreement with the State Public Charter School Authority for the provision of any necessary functions of a local educational authority. A charter school that receives money pursuant to such a grant program shall comply with any applicable reporting requirements to receive the grant.

2. As used in this section, "local educational agency" has the meaning ascribed to it in 20 U.S.C. § 7801(26)(A).

Sec. 16. NRS 388A.190 is hereby amended to read as follows:

388A.190 1. The ~~[State Public Charter School Authority shall appoint an]~~ Executive Director of the State Public Charter School Authority ~~[for a term of 3 years. The State Public Charter School Authority shall ensure that the Executive Director has a demonstrated understanding of charter schools and a commitment to using charter schools as a way to strengthen public education in this State.~~

~~2. A vacancy in the position of Executive Director must be filled by the State Public Charter School Authority for the remainder of the unexpired term.~~

~~3. The Executive Director is~~]:

(a) Must be appointed by the Governor from a list of three candidates submitted by the State Public Charter School Authority and serves at the pleasure of the Governor.

(b) Is in the unclassified service of the State.

2. To be eligible for appointment to the office of Executive Director of the State Public Charter School Authority, a person must:

(a) Be at least 21 years of age at the time of appointment; and

(b) Possess a demonstrated understanding of charter schools and a commitment to using charter schools to strengthen public education in this State.

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. NRS 388A.223 is hereby amended to read as follows:

388A.223 1. Each sponsor of a charter school shall carry out the following duties and powers:

(a) Evaluating applications to form charter schools as prescribed by NRS 388A.249;

(b) Approving applications to form charter schools that the sponsor determines are high quality, meet the identified educational needs of pupils and will serve to promote the diversity of public educational choices in this State;

(c) Declining to approve applications to form charter schools that do not satisfy the requirements of NRS 388A.249;

(d) Negotiating, ***developing*** and executing charter contracts pursuant to NRS 388A.270;

(e) Monitoring, in accordance with this chapter and in accordance with the terms and conditions of the applicable charter contract, the performance and compliance of each charter school sponsored by the entity;

(f) Determining whether the charter contract of a charter school that the entity sponsors merits renewal or whether the renewal of the charter contract should be denied or whether the written charter should be revoked or the charter contract terminated or restarted, as applicable, in accordance with NRS 388A.285, 388A.300 or 388A.330, as applicable;

(g) Determining whether the governing body of a charter school should be reconstituted in accordance with NRS 388A.330; and

(h) Adopting a policy for appointing a new governing body of a charter school for which the governing body is reconstituted in accordance with NRS 388A.330.

2. Each sponsor of a charter school shall develop policies and practices that are consistent with state laws and regulations governing charter schools. In developing the policies and practices, the sponsor shall review and evaluate nationally recognized policies and practices for sponsoring organizations of charter schools. The policies and practices must include, without limitation:

(a) The organizational capacity and infrastructure of the sponsor for sponsorship of charter schools, which must not be described as a limit on the number of charter schools the sponsor will approve;

(b) The procedure and criteria for soliciting and evaluating charter school applications in accordance with NRS 388A.249, which must include, without limitation:

(1) Specific application procedures and timelines for committees to form a charter school that plan to enter into a contract with an educational management organization to operate the charter school, committees to form a charter school that do not plan to enter into such a contract and charter management organizations; and

(2) A description of the manner in which the sponsor will evaluate the previous performance of an educational management organization or other person with whom a committee to form a charter school plans to enter into a contract to operate a charter school or a charter management organization that submits an application to form a charter school;

(c) The procedure and criteria for evaluating applications for the renewal of charter contracts pursuant to NRS 388A.285;

(d) The procedure for amending a written charter or charter contract and the criteria for determining whether a request for such an amendment will be approved which must include, without limitation, any manner in which such procedures and criteria will differ if the sponsor determines that the amendment is material or strategically important;

(e) If deemed appropriate by the sponsor, a strategic plan for recruiting charter management organizations, educational management organizations or other persons to operate charter schools based on the priorities of the sponsor and the needs of the pupils that will be served by the charter schools that will be sponsored by the sponsor;

(f) A description of how the sponsor will maintain oversight of the charter schools it sponsors, which must include, without limitation:

(1) An assessment of the needs of the charter schools that are sponsored by the sponsor that is prepared with the input of the governing bodies of such charter schools; and

(2) A strategic plan for the oversight and provision of technical support to charter schools that are sponsored by the sponsor in the areas of academic, fiscal and organizational performance; and

(g) A description of the process of evaluation for the charter schools it sponsors in accordance with NRS 388A.351.

3. Evidence of material or persistent failure to carry out the powers and duties of a sponsor prescribed by this section constitutes grounds for revocation of the entity's authority to sponsor charter schools.

4. The provisions of this section do not establish a private right of action against the sponsor of a charter school.

Sec. 20. NRS 388A.246 is hereby amended to read as follows:

388A.246 An application to form a charter school must include all information prescribed by the Department by regulation and:

1. A summary of the plan for the proposed charter school.

2. A clear written description of the mission of the charter school and the goals for the charter school. A charter school must have as its stated purpose at least one of the following goals:

(a) Improving the academic achievement of pupils;

(b) Encouraging the use of effective and innovative methods of teaching;

(c) Providing an accurate measurement of the educational achievement of pupils;

(d) Establishing accountability and transparency of public schools;

(e) Providing a method for public schools to measure achievement based upon the performance of the schools; or

(f) Creating new professional opportunities for teachers.

3. A clear description of the indicators, measures and metrics for the categories of academics, finances and organization that the charter school proposes to use, the external assessments that will be used to assess performance in those categories and the objectives that the committee to form a charter school plans to achieve in those categories, which must be expressed in terms of the objectives, measures and metrics. The objectives and the indicators, measures and metrics used by the charter school must be consistent with the performance framework adopted by the sponsor pursuant to NRS 388A.270.

4. A resume and background information for each person who serves on the board of the charter management organization or the committee to form a charter school, as applicable, which must include the name, telephone number, electronic mail address, background, qualifications, any past or current affiliation with any charter school in this State or any other state, any potential conflicts of interest and any other information required by the sponsor.

5. The proposed location of, or the geographic area to be served by, the charter school and evidence of a need and community support for the charter school in that area.

6. The minimum, planned and maximum projected enrollment of pupils in each grade in the charter school for each year that the charter school would operate under the proposed charter contract.

7. The procedure for applying for enrollment in the proposed charter school, which must include, without limitation, the proposed dates for accepting applications for enrollment in each year of operation under the proposed charter contract and a statement of whether the charter school will enroll pupils who are in a particular category of at-risk pupils before enrolling other children who are eligible to attend the charter school pursuant to NRS 388A.456 and the method for determining eligibility for enrollment in each such category of at-risk pupils served by the charter school.

8. The academic program that the charter school proposes to use, a description of how the academic program complies with the requirements of NRS 388A.366, the proposed academic calendar for the first year of operation and a sample daily schedule for a pupil in each grade served by the charter school.

9. A description of the proposed instructional design of the charter school and the type of learning environment the charter school will provide, including, without limitation, whether the charter school will provide a program of distance education, the planned class size and structure, the proposed curriculum for the charter school and the teaching methods that will be used at the charter school.

10. The manner in which the charter school plans to identify and serve the needs of pupils with disabilities, pupils who are English language learners, pupils who are academically behind their peers and gifted pupils.

11. A description of any co-curricular or extracurricular activities that the charter school plans to offer and the manner in which these programs will be funded.

12. Any uniform or dress code policy that the charter school plans to use.

13. Plans and timelines for recruiting and enrolling students, including procedures for any lottery for admission that the charter school plans to conduct.

14. The rules of behavior and punishments that the charter school plans to adopt pursuant to NRS 388A.495, including, without limitation, any unique discipline policies for pupils enrolled in a program of special education.

15. A chart that clearly presents the proposed organizational structure of the charter school and a clear description of the roles and responsibilities of the governing body, administrators and any other persons included on the chart and a table summarizing the decision-making responsibilities of the staff and governing body of the charter school and, if applicable, the charter management organization that operates the charter school. The table must also identify the person responsible for each activity conducted by the charter school, including, without limitation, the person responsible for establishing curriculum and culture, providing professional development to employees of the charter school and making determinations concerning the staff of the charter school.

16. The names of any external organizations that will play a role in operating the charter school and the role each such organization will play.

17. The manner in which the governing body of the charter school will be chosen.

18. A staffing chart for the first year in which the charter school plans to operate and a projected staffing plan for the term of the charter contract.

19. Plans for recruiting administrators, teachers and other staff, providing professional development to such staff.

20. Proposed bylaws for the governing body, a description of the manner in which the charter school will be governed, including, without limitation, any governance training that will be provided to the governing body, and a code of ethics for members and employees of the governing body. The code of ethics must be prepared with guidance from the Nevada Commission on Ethics and must not conflict with any policy adopted by the sponsor.

21. Explanations of any partnerships or contracts central to the operations or mission of the charter school.

22. A statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school will provide transportation, the application must include the proposed plan for the transportation of pupils. If the charter school will not provide

transportation, the application must include a statement that the charter school will work with the parents and guardians of pupils enrolled in the charter school to develop a plan for transportation to ensure that pupils have access to transportation to and from the charter school.

23. The procedure for the evaluation of teachers of the charter school, if different from the procedure prescribed in NRS 391.680 and 391.725. If the procedure is different from the procedure prescribed in NRS 391.680 and 391.725, the procedure for the evaluation of teachers of the charter school must provide the same level of protection and otherwise comply with the standards for evaluation set forth in NRS 391.680 and 391.725.

24. A statement of the charter school's plans for food service and other significant operational services, including a statement of whether the charter school will provide food service or participate in the National School Lunch Program, 42 U.S.C. §§ 1751 et seq. If the charter school will not provide food service or participate in the National School Lunch Program, the application must include an explanation of the manner in which the charter school will ensure that the lack of such food service or participation does not prevent pupils from attending the charter school.

25. Opportunities and expectations for involving the parents of pupils enrolled in the charter school in instruction at the charter school and the operation of the charter school, including, without limitation, the manner in which the charter school will solicit input concerning the governance of the charter school from such parents.

26. A detailed plan for starting operation of the charter school that identifies necessary tasks, the persons responsible for performing them and the dates by which such tasks will be accomplished.

27. A description of the financial plan and policies to be used by the charter school.

28. A description of the insurance coverage the charter school will obtain.

29. Budgets for starting operation at the charter school, the first year of operation of the charter school and the first 5 years of operation of the charter school, with any assumptions inherent in the budgets clearly stated.

30. Evidence of any money pledged or contributed to the budget of the charter school.

31. A statement of the facilities that will be used to operate the charter school and a plan for operating such facilities, including, without limitation, any backup plan to be used if the charter school cannot be operated out of the planned facilities.

32. If the charter school ~~[is]~~ ***operates*** a vocational school, a description of the career and technical education program that will be used by the charter school.

33. If the charter school will provide a program of distance education, a description of the system of course credits that the charter school will use and the manner in which the charter school will:

(a) Monitor and verify the participation in and completion of courses by pupils;

(b) Require pupils to participate in assessments and submit coursework;

(c) Conduct parent-teacher conferences; and

(d) Administer any test, examination or assessment required by state or federal law in a proctored setting.

34. If the charter school will provide a program where a student may earn college credit for courses taken in high school, a draft memorandum of understanding between the charter school and the college or university through which the credits will be earned and a term sheet, which must set forth:

(a) The proposed duration of the relationship between the charter school and the college or university and the conditions for renewal and termination of the relationship;

(b) The roles and responsibilities of the governing body of the charter school, the employees of the charter school and the college or university;

(c) The scope of the services and resources that will be provided by the college or university;

(d) The manner and amount that the college or university will be compensated for providing such services and resources, including, without limitation, any tuition and fees that pupils at the charter school will pay to the college or university;

(e) The manner in which the college or university will ensure that the charter school effectively monitors pupil enrollment and attendance and the acquisition of college credits; and

(f) Any employees of the college or university who will serve on the governing body of the charter school.

35. If the applicant currently operates a charter school in another state, evidence of the performance of such charter schools and the capacity of the applicant to operate the proposed charter school.

36. If the applicant proposes to contract with an educational management organization or any other person to provide educational or management services:

(a) Evidence of the performance of the educational management organization or other person when providing such services to a population of pupils similar to the population that will be served by the proposed charter school;

(b) A term sheet that sets forth:

(1) The proposed duration of the proposed contract between the governing body of the charter school and the educational management organization;

(2) A description of the responsibilities of the governing body of the charter school, employees of the charter school and the educational management organization or other person;

(3) All fees that will be paid to the educational management organization or other person;

(4) The manner in which the governing body of the charter school will oversee the services provided by the educational management organization or other person and enforce the terms of the contract;

(5) A disclosure of the investments made by the educational management organization or other person in the proposed charter school; and

(6) The conditions for renewal and termination of the contract; and

(c) A disclosure of any conflicts of interest concerning the applicant and the educational management organization or other person, including, without limitation, any past or current employment, business or familial relationship between any prospective employee of the charter school and a member of the committee to form a charter school or the board of directors of the charter management organization, as applicable.

37. Any additional information that the sponsor determines is necessary to evaluate the ability of the proposed charter school to serve pupils in the school district in which the proposed charter school will be located.

Sec. 21. NRS 388A.249 is hereby amended to read as follows:

388A.249 1. A committee to form a charter school or charter management organization may submit the application to the proposed sponsor of the charter school. Except as otherwise provided in NRS 388B.290, if an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the proposed sponsor shall deny the application.

2. The proposed sponsor of a charter school shall, in reviewing an application to form a charter school:

(a) Assemble a team of reviewers, which may include, without limitation, natural persons from different geographic areas of the United States who possess the appropriate knowledge and expertise with regard to the academic, financial and organizational experience of charter schools, to review and evaluate the application;

(b) Conduct a thorough evaluation of the application, which includes an in-person interview with the applicant designed to elicit any necessary clarifications or additional information about the proposed charter school and determine the ability of the applicants to establish a high-quality charter school;

(c) Base its determination on documented evidence collected through the process of reviewing the application; and

(d) Adhere to the policies and practices developed by the proposed sponsor pursuant to subsection 2 of NRS 388A.223.

3. The proposed sponsor of a charter school may approve an application to form a charter school only if the proposed sponsor determines that:

(a) The application:

(1) Complies with this chapter and the regulations applicable to charter schools; and

(2) Is complete in accordance with the regulations of the Department and the policies and practices of the sponsor; and

(b) The applicant has demonstrated competence in accordance with the criteria for approval prescribed by the sponsor pursuant to subsection 2 of NRS 388A.223 that will likely result in a successful opening and operation of the charter school.

4. ***The identity of each member of the team of reviewers assembled by a proposed sponsor of a charter school is confidential for 5 years after the review of an application to form a charter school is complete and must not be disclosed unless ordered by a district court in an action brought pursuant to subsection 3 of NRS 388A.255.***

5. On or before January 1 of each odd-numbered year, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report must include:

(a) A list of each application to form a charter school that was submitted to the board of trustees of a school district, the State Public Charter School Authority, a college or a university during the immediately preceding biennium;

(b) The educational focus of each charter school for which an application was submitted;

(c) The current status of the application; and

(d) If the application was denied, the reasons for the denial.

Sec. 22. (Deleted by amendment.)

Sec. 23. NRS 388A.270 is hereby amended to read as follows:

388A.270 1. If the proposed sponsor of a charter school approves an application to form a charter school, it shall, before June 11, 2013, grant a written charter to the governing body of the charter school or, on or after June 11, 2013, negotiate, ***develop*** and execute a charter contract with the governing body of the charter school. A charter contract must be executed not later than 60 days before the charter school commences operation. The charter contract must be in writing and incorporate, without limitation:

(a) The performance framework for the charter school;

(b) A description of the administrative relationship between the sponsor of the charter school and the governing body of the charter school, including, without limitation, the rights and duties of the sponsor and the governing body; and

(c) Any pre-opening conditions which the sponsor has determined are necessary for the charter school to satisfy before the commencement of operation to ensure that the charter school meets all building, health, safety, insurance and other legal requirements.

2. The charter contract must be signed by a member of the governing body of the charter school and:

(a) If the board of trustees of a school district is the sponsor of the charter school, the superintendent of schools of the school district;

(b) If the State Public Charter School Authority is the sponsor of the charter school, the Chair of the State Public Charter School Authority; or

(c) If a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the president of the college or university.

3. Before the charter contract is executed, the sponsor of the charter school must approve the charter contract at a meeting of the sponsor held in accordance with chapter 241 of NRS.

4. The sponsor of the charter school shall, not later than 10 days after the execution of the charter contract, provide to the Department:

(a) Written notice of the charter contract and the date of execution; and

(b) A copy of the charter contract and any other documentation relevant to the charter contract.

5. If the board of trustees approves the application, the board of trustees shall be deemed the sponsor of the charter school.

6. If the State Public Charter School Authority approves the application:

(a) The State Public Charter School Authority shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board, the State Public Charter School Authority nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

7. If a college or university within the Nevada System of Higher Education approves the application:

(a) That institution shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

8. A written charter or a charter contract, as applicable, must be for a term of 6 years. The term of the charter contract begins on the first day of operation of the charter school after the charter contract has been executed. The sponsor of the charter school may require, or the governing body of the charter school may request that the sponsor authorize, the charter school to delay commencement of operation for 1 school year.

Sec. 24. NRS 388A.330 is hereby amended to read as follows:

388A.330 Except as otherwise provided in NRS 388A.300:

1. Except as otherwise provided in subsection 6, the sponsor of a charter school may reconstitute the governing body of a charter school, revoke a written charter or terminate a charter contract before the expiration of the charter if the sponsor determines that:

(a) The charter school, its officers or its employees:

(1) Committed a material breach of the terms and conditions of the written charter or charter contract;

(2) Failed to comply with generally accepted standards of fiscal management;

(3) Failed to comply with the provisions of this chapter or any other statute or regulation applicable to charter schools; or

(4) If the charter school holds a charter contract, has persistently underperformed, as measured by the performance indicators, measures and metrics set forth in the performance framework for the charter school;

(b) The charter school has filed for a voluntary petition of bankruptcy, is adjudicated bankrupt or insolvent, or is otherwise financially impaired such that the charter school cannot continue to operate;

(c) There is reasonable cause to believe that reconstitution, revocation or termination is necessary to protect the health and safety of the pupils who are enrolled in the charter school or persons who are employed by the charter school from jeopardy, or to prevent damage to or loss of the property of the school district or the community in which the charter school is located;

(d) The committee to form the charter school or charter management organization, as applicable, or any member of the committee to form the charter school or charter management organization, as applicable, or the governing body of the charter school has at any time made a material misrepresentation or omission concerning any information disclosed to the sponsor;

(e) The charter school ~~[is]~~ ***operates*** a high school that has a graduation rate for the immediately preceding school year that is less than 60 percent;

(f) The charter school ~~[is]~~ ***operates*** an elementary or middle school or junior high school that is rated in the lowest 5 percent of elementary schools, middle schools or junior high schools in the State in pupil achievement and school performance, as determined by the Department pursuant to the statewide system of accountability for public schools; or

(g) Pupil achievement and school performance at the charter school is unsatisfactory as determined by the Department pursuant to criteria prescribed by regulation by the Department to measure the performance of any public school ~~[.]~~ ***pursuant to the statewide system of accountability for public schools.***

2. Before the sponsor reconstitutes a governing body, revokes a written charter or terminates a charter contract, the sponsor shall provide written notice of its intention to the governing body of the charter school. The written notice must:

(a) Include a statement of the deficiencies or reasons upon which the action of the sponsor is based;

(b) Except as otherwise provided in subsection 4, prescribe a period, not less than 30 days, during which the charter school may correct the deficiencies, including, without limitation, the date on which the period to correct the deficiencies begins and the date on which that period ends;

(c) Prescribe the date on which the sponsor will make a determination regarding whether the charter school has corrected the deficiencies, which determination may be made during the public hearing held pursuant to subsection 3; and

(d) Prescribe the date on which the sponsor will hold a public hearing to consider whether to reconstitute the governing body, revoke the written charter or terminate the charter contract.

3. Except as otherwise provided in subsection 4, not more than 90 days after the notice is provided pursuant to subsection 2, the sponsor shall hold a public hearing to make a determination regarding whether to reconstitute the governing body, revoke the written charter or terminate the charter contract. If the charter school corrects the deficiencies to the satisfaction of the sponsor within the time prescribed in paragraph (b) of subsection 2, the sponsor shall not reconstitute the governing body, revoke the written charter or terminate the charter contract of the charter school. The sponsor may not include in a written notice pursuant to subsection 2 any deficiency which was included in a previous written notice and which was corrected by the charter school, unless the deficiency recurred after being corrected or the sponsor determines that the deficiency is evidence of an ongoing pattern of deficiencies in a particular area.

4. The sponsor of a charter school and the governing body of the charter school may enter into a written agreement that prescribes different time periods than those set forth in subsections 2 and 3.

5. If the governing body of a charter school is reconstituted, the written charter is revoked or the charter contract is terminated, the sponsor of the charter school shall submit a written report to the Department and the governing body of the charter school setting forth the reasons for the reconstitution, revocation or termination, as applicable, not later than 10 days after reconstituting the governing body, revoking the written charter or terminating the charter contract.

6. The governing body of a charter school may not be reconstituted if it has been previously reconstituted.

7. If the sponsor of a charter school determines that not all of the grade levels in the charter school meet the criteria described in paragraphs (a) to (g), inclusive, of subsection 1 and that the charter school can remain financially viable if the charter school continues to operate and serve only the grade levels which do not meet the criteria described in those paragraphs, the sponsor may amend the written charter or charter contract, as applicable, to eliminate the grade levels that meet the criteria described in paragraphs (a) to (g), inclusive, of subsection 1 and limit the enrollment in all other grade levels in the charter school.

Sec. 24.5. **NRS 388A.330 is hereby amended to read as follows:**

388A.330 Except as otherwise provided in NRS 388A.300:

1. Except as otherwise provided in subsection 6, the sponsor of a charter school may reconstitute the governing body of a charter school, revoke a written charter or terminate a charter contract before the expiration of the charter if the sponsor determines that:

(a) The charter school, its officers or its employees:

(1) Committed a material breach of the terms and conditions of the written charter or charter contract;

(2) Failed to comply with generally accepted standards of fiscal management;

(3) Failed to comply with the provisions of this chapter or any other statute or regulation applicable to charter schools; or

(4) If the charter school holds a charter contract, has persistently underperformed, as measured by the performance indicators, measures and metrics set forth in the performance framework for the charter school;

(b) The charter school has filed for a voluntary petition of bankruptcy, is adjudicated bankrupt or insolvent, or is otherwise financially impaired such that the charter school cannot continue to operate;

(c) There is reasonable cause to believe that reconstitution, revocation or termination is necessary to protect the health and safety of the pupils who are enrolled in the charter school or persons who are employed by the charter school from jeopardy, or to prevent damage to or loss of the property of the school district or the community in which the charter school is located;

(d) The committee to form the charter school or charter management organization, as applicable, or any member of the committee to form the charter school or charter management organization, as applicable, or the governing body of the charter school has at any time made a material misrepresentation or omission concerning any information disclosed to the sponsor;

(e) The charter school operates a high school that has a graduation rate for the immediately preceding school year that is less than 60 percent;

(f) The charter school operates an elementary or middle school or junior high school that is rated in the lowest 5 percent of elementary schools, middle schools or junior high schools in the State in pupil achievement and school performance, as determined by the Department pursuant to the statewide system of accountability for public schools; or

(g) Pupil achievement and school performance at the charter school is unsatisfactory as determined by the Department pursuant to criteria prescribed by regulation by the Department to measure the performance of any public school pursuant to the statewide system of accountability for public schools.

2. Before the sponsor reconstitutes a governing body, revokes a written charter or terminates a charter contract, the sponsor shall provide written notice of its intention to the governing body of the charter school. The written notice must:

(a) Include a statement of the deficiencies or reasons upon which the action of the sponsor is based;

(b) Except as otherwise provided in subsection 4, prescribe a period, not less than 30 days, during which the charter school may correct the deficiencies, including, without limitation, the date on which the period to correct the deficiencies begins and the date on which that period ends;

(c) Prescribe the date on which the sponsor will make a determination regarding whether the charter school has corrected the deficiencies, which determination may be made during the public hearing held pursuant to subsection 3; and

(d) Prescribe the date on which the sponsor will hold a public hearing to consider whether to reconstitute the governing body, revoke the written charter or terminate the charter contract.

3. Except as otherwise provided in subsection 4, not more than 90 days after the notice is provided pursuant to subsection 2, the sponsor shall hold a public hearing to make a determination regarding whether to reconstitute the governing body, revoke the written charter or terminate the charter contract. If the charter school corrects the deficiencies to the satisfaction of the sponsor within the time prescribed in paragraph (b) of subsection 2, the sponsor shall not reconstitute the governing body, revoke the written charter or terminate the charter contract of the charter school. The sponsor may not include in a written notice pursuant to subsection 2 any deficiency which was included in a previous written notice and which was corrected by the charter school, unless the deficiency recurred after being corrected or the sponsor determines that the deficiency is evidence of an ongoing pattern of deficiencies in a particular area.

4. The sponsor of a charter school and the governing body of the charter school may enter into a written agreement that prescribes different time periods than those set forth in subsections 2 and 3.

5. If the governing body of a charter school is reconstituted, the written charter is revoked or the charter contract is terminated, the sponsor of the charter school shall submit a written report to the Department and the governing body of the charter school setting forth the reasons for the reconstitution, revocation or termination, as applicable, not later than 10 days after reconstituting the governing body, revoking the written charter or terminating the charter contract.

6. The governing body of a charter school may not be reconstituted if it has been previously reconstituted.

7. If the sponsor of a charter school determines that not all of the grade levels in the charter school meet the criteria described in paragraphs (a) to (g), inclusive, of subsection 1 and that the charter school can remain financially viable if the charter school continues to operate and serve only the grade levels which do not meet the criteria described in those paragraphs, the sponsor may amend the ~~[written charter or]~~ charter contract ~~[, as applicable,]~~ to eliminate the grade levels that meet the criteria described in paragraphs (a) to (g), inclusive, of subsection 1 and limit the enrollment in all other grade levels in the charter school.

Sec. 25. NRS 388A.453 is hereby amended to read as follows:

388A.453 1. An application for enrollment in a charter school may be submitted annually to the governing body of the charter school by the parent or legal guardian of any child who resides in this State.

2. Except as otherwise provided in subsections 1 to 5, inclusive, NRS 388A.336 and subsections 1 and 2 of NRS 388A.456, a charter school shall enroll pupils who are eligible for enrollment in the order in which the applications are received.

3. If the board of trustees of the school district in which the charter school is located has established zones of attendance pursuant to NRS 388.040, the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located.

4. If a charter school is sponsored by the board of trustees of a school district located in a county whose population is 100,000 or more, except for a program of distance education provided by the charter school, the charter school shall enroll pupils who are eligible for enrollment who reside in the school district in which the charter school is located before enrolling pupils who reside outside the school district.

5. Except as otherwise provided in subsections 1 and 2 of NRS 388A.456, if more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to subsections 1 to 4, inclusive, on the basis of a lottery system.

6. Except as otherwise provided in subsection 9, a charter school shall not accept applications for enrollment in the charter school or otherwise discriminate based on the:

(a) Race;

(b) Gender;

(c) Religion;

(d) Ethnicity; or

(e) Disability,

➥ of a pupil.

7. A lottery held pursuant to subsection 5 must be held not sooner than 45 days after the date on which a charter school begins accepting applications for enrollment unless the sponsor of the charter school determines there is good cause to hold it sooner.

8. If the governing body of a charter school determines that the charter school is unable to provide an appropriate special education program and related services for a particular disability of a pupil who is enrolled in the charter school, the governing body may request that the board of trustees of the school district of the county in which the pupil resides transfer that pupil to an appropriate school.

9. This section does not preclude the formation of a charter school that is dedicated to provide educational services exclusively to pupils:

(a) With disabilities;

(b) Who pose such severe disciplinary problems that they warrant a specific educational program, including, without limitation, a charter school

specifically designed to serve a single gender that emphasizes personal responsibility and rehabilitation; or

(c) Who are at risk ~~[.]~~ ***or, for a charter school that is eligible to be rated using the alternative performance framework pursuant to subsection 4 of NRS 385A.740, who are described in subparagraphs (1) to (6), inclusive, of paragraph (a) of subsection 3 of NRS 385A.740.***

➥ If more eligible pupils apply for enrollment in such a charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

Sec. 25.5. **NRS 388A.456 is hereby amended to read as follows:**

388A.456 1. Before a charter school enrolls pupils who are eligible for enrollment pursuant to NRS 388A.453, a charter school may enroll a child who:

(a) Is a sibling of a pupil who is currently enrolled in the charter school.

(b) Was enrolled, free of charge and on the basis of a lottery system, in a prekindergarten program at the charter school or any other early childhood educational program affiliated with the charter school.

(c) Is a child of a person:

(1) Who is employed by the charter school;

(2) Who is a member of the committee to form the charter school;

(3) Who is a member of the governing body of the charter school; or

(4) Who resides on or is employed on the federal military installation, if the charter school is located on a federal military installation;

(d) ***Is enrolled at a charter school with which the charter school has an articulation agreement, approved by the sponsor, providing for priority enrollment.***

(e) Is in a particular category of at-risk pupils and the child meets the eligibility for enrollment prescribed by the charter school for that particular category.

~~[(e)]~~ ***(f)*** At the time his or her application is submitted, is enrolled in a public school of a school district with an enrollment that is more than 25 percent over the public school's intended capacity, as reported on the list maintained by the school district pursuant to subsection 4. If a charter school enrolls pupils who are enrolled in such a public school before enrolling other pupils who are eligible for enrollment, the charter school must enroll such pupils who reside within 2 miles of the charter school before enrolling other such pupils.

~~[(f)]~~ ***(g)*** At the time his or her application is submitted, is enrolled in a public school that received an annual rating established as one of the two lowest ratings possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools for the immediately preceding school year. If a charter school enrolls pupils who are enrolled in such a public school before enrolling other pupils who are eligible for enrollment, the charter

school must enroll such pupils who reside within 2 miles of the charter school before enrolling other such pupils.

~~[(g)]~~ ***(h)*** Resides within the school district and within 2 miles of the charter school if the charter school is located in an area that the sponsor of the charter school determines includes a high percentage of children who are at risk. If space is available after the charter school enrolls pupils pursuant to this paragraph, the charter school may enroll children who reside outside the school district but within 2 miles of the charter school if the charter school is located within an area that the sponsor determines includes a high percentage of children who are at risk.

2. If more pupils described in this section who are eligible apply for enrollment than the number of spaces available, the charter school shall determine which applicants to enroll pursuant to this section on the basis of a lottery system.

3. A lottery held pursuant to subsection 2 must be held not sooner than 45 days after the date on which a charter school begins accepting applications for enrollment unless the sponsor of the charter school determines there is good cause to hold it sooner.

4. Each school district shall create and maintain a list which specifies for each public school of the school district, the maximum enrollment capacity for each school, the actual number of pupils enrolled at each school and the percentage by which enrollment at each school exceeds the intended enrollment capacity, if applicable. Each school district shall post the list on the Internet website maintained by the school district as soon as practicable after the count of pupils is completed pursuant to NRS 387.1223 but not later than November 1 of each year.

Sec. 26. NRS 388A.518 is hereby amended to read as follows:

388A.518 1. Except as otherwise provided in this subsection, at least 70 percent of the teachers who provide instruction at a charter school must be highly qualified. If a charter school ~~[is]~~ ***operates*** a vocational school, the charter school shall, to the extent practicable, ensure that at least 70 percent of the teachers who provide instruction at the school are highly qualified, but in no event may less than 50 percent of the teachers who provide instruction at the school be highly qualified.

2. If a charter school specializes in:

(a) Arts and humanities, physical education or health education, a teacher must be highly qualified to teach those courses of study.

(b) The construction industry or other building industry, teachers ***at the school who are employed full-time*** must ~~[be highly qualified]~~ ***hold a license issued by the Superintendent of Public Instruction which contains an endorsement*** to teach courses of study relating to ~~[the]~~ ***business and*** industry. ~~[if those teachers are employed full-time.~~

~~(c) The construction industry or other building industry and the school offers courses of study in computer education, technology or business,~~

~~teachers must be highly qualified to teach those courses of study if those teachers are employed full-time.~~**]**

3. A person who is initially hired by the governing body of a charter school on or after January 8, 2002, to teach in a program supported with money from Title I must be highly qualified. For the purposes of this subsection, a person is not "initially hired" if the person has been employed as a teacher by another school district or charter school in this State without an interruption in employment before the date of hire by his or her current employer.

4. A teacher who is employed by a charter school, regardless of the date of hire, must, on or before July 1, 2006, be highly qualified if the teacher teaches one or more of the following subjects:

(a) English language arts;

(b) Mathematics;

(c) Science;

(d) A foreign or world language;

(e) Civics or government;

(f) Economics;

(g) Geography;

(h) History; or

(i) The arts.

5. Except as otherwise provided in NRS 388A.515, a charter school may employ a person who is not highly qualified to teach a course of study for which a teacher is not required to be highly qualified if the person has:

(a) A degree, a license or a certificate in the field for which the person is employed to teach at the charter school; and

(b) At least 2 years of experience in that field.

6. A teacher who is employed by a charter school to teach special education or English as a second language must be licensed to teach special education or English as a second language, as applicable.

7. For purposes of this section, a teacher is highly qualified:

(a) If employed by a charter school that has not received, within the immediately preceding 2 consecutive school years, one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools, or equivalent ratings in another state, as determined by the Department, if the teacher **[**~~:~~

~~(1) Meets the qualifications prescribed in 20 U.S.C. § 7801(23)(B) or (C), as applicable; and~~

~~(2) Is~~**]** ***is*** licensed to teach pursuant to chapter 391 of NRS.

(b) If employed by a charter school that has received, within the immediately preceding 2 consecutive school years, one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools, or equivalent ratings in another state, as determined by the Department, if the teacher **[**~~meets the qualifications prescribed in 20 U.S.C. § 7801(23)(B) or (C), as applicable,~~**]** ***holds a bachelor's degree or a graduate***

degree from an accredited college or university and has demonstrated expertise in the subject area for which the teacher provides instruction on an assessment approved by the Department, in consultation with sponsors of charter schools described in this paragraph, regardless of whether the teacher is licensed to teach pursuant to chapter 391 of NRS.

8. If a charter school that has received within the immediately preceding 2 consecutive school years, one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools, or equivalent ratings in another state, as determined by the Department, intends to employ persons to teach who are not licensed, the charter school shall within 3 years:

(a) Obtain approval for and offer an alternative route to licensure pursuant to NRS 391.019; or

(b) Enter into an agreement with a qualified provider of an alternative route to licensure to provide the required education and training to unlicensed teachers who are employed by the school to teach such a course of study.

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300,

379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, ***388A.249,*** 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 5 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge,

diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 30. Section 4 of this act is hereby amended to read as follows:

Sec. 4. 1. ~~[~~A written charter issued by the sponsor of a charter school to the governing body of the charter school is not assignable or transferable and may not be delegated to a third party.

~~2.]~~ A charter contract entered into between the governing body of a charter school and the sponsor of the charter school is not assignable or transferable and may not be delegated to a third party.

~~[3.]~~ ***2.*** A ~~[written charter or]~~ charter contract may not be used as security for any loan and shall be deemed to have no monetary value.

~~[4.]~~ ***3.*** For the purpose of this section, an amendment to a ~~[written charter or]~~ charter contract which consolidates two or more charter schools, the restart of a charter school pursuant to NRS 388A.300 and the reconstitution of the governing body of a charter school pursuant to NRS 388A.330 do not constitute the assignment, transfer or delegation of a ~~[written charter or]~~ charter contract.

Sec. 31. (Deleted by amendment.)

Sec. 32. Section 6 of this act is hereby amended to read as follows:

Sec. 6. 1. Except as otherwise provided by federal law, a parent or legal guardian of a pupil enrolled in a charter school, a pupil who is at least 18 years of age enrolled in a charter school, a member of the governing body of a charter school or an employee of a charter school may file a written complaint relating to that charter school with the State Public Charter School Authority which alleges a violation of the provisions of this chapter, the ~~[written charter or]~~ charter contract of the

charter school or any other provision of law or regulation relating to the management or operation of the charter school.

2. Upon receipt of a complaint filed pursuant to subsection 1, the State Public Charter School Authority shall investigate the allegations contained within the complaint, conduct a review to determine whether the charter school has complied with the provisions of this chapter, the ~~[written charter or]~~ charter contract and respond in writing to the complaining party within 30 days after receipt of the complaint. The staff of the charter school and any other person named in the complaint shall cooperate with the State Public Charter School Authority during such an investigation.

Sec. 33. Section 9 of this act is hereby amended to read as follows:

Sec. 9. 1. If the State Public Charter School Authority determines that external expertise is necessary to conduct an investigation of a complaint filed pursuant to sections 5.5 to 10, inclusive, of this act, the State Public Charter School Authority may select an investigator to conduct the investigation and make any appropriate determinations or recommendations to the State Public Charter School Authority.

2. If the State Public Charter School Authority determines that a violation has occurred, the State Public Charter School Authority may petition a court of competent jurisdiction for an order directing the charter school to reimburse the State Public Charter School Authority for all or part of the actual costs of its investigation. If the court confirms that a violation has occurred, the court may order the charter school to reimburse the State Public Charter School Authority for all or part of the actual costs of its investigation in an amount the court determines to be reasonable under the circumstances. A charter school subject to such an order must reimburse the State Public Charter School Authority within 30 days after issuance of the order. Any money received by the State Public Charter School Authority pursuant to this subsection must be used for investigations, audits and other proceedings of the State Public Charter School Authority and does not revert to the State General Fund.

3. If the State Public Charter School Authority determines that a current or former member of the governing body of the charter school or a current or former employee of the charter school failed to cooperate with any investigation conducted pursuant to this section, the State Public Charter School Authority may begin a proceeding to ~~[revoke the written charter or]~~ terminate the charter contract of the charter school pursuant to NRS 388A.330.

4. If the State Public Charter School Authority determines that the charter school or an employee of the charter school has violated any provision of this chapter or another statute or regulation applicable to charter schools or has materially breached the terms and conditions of the ~~[written charter or]~~ charter contract of the charter school, the State Public Charter School Authority may:

(a) Begin a proceeding to ~~[revoke the written charter or]~~ terminate the charter contract of the charter school pursuant to NRS 388A.330; and

(b) Refer the matter to the district attorney of the county in which the charter school is located, the Attorney General or any other appropriate agency for further action.

5. If the State Public Charter School Authority determines that the current operations of the charter school pose an imminent danger to the health and safety of the pupils or staff of the charter school, the State Public Charter School Authority shall order the charter school to suspend its operations at any or all of its facilities until appropriate corrective action has been taken.

Sec. 34. Section 11 of this act is hereby amended to read as follows:

Sec. 11. 1. If a charter school wishes to be rated using the alternative performance framework prescribed by the State Board pursuant to NRS 385A.730, the governing body of the charter school may submit to the sponsor of the charter school a request to amend the ~~[written charter or]~~ charter contract ~~[, as applicable,]~~ of the charter school pursuant to NRS 388A.276 to include the mission statement and admissions policy required by subsection 4 of NRS 385A.740.

2. The sponsor of a charter school may require that:

(a) A request to amend a ~~[written charter or]~~ charter contract described in subsection 1 also include such changes to the academic program, organizational plan and financial model of the charter school as the sponsor of the charter school determines are necessary for a charter school rated using the alternative performance framework; and

(b) A charter school which submits a request to amend a ~~[written charter or]~~ charter contract described in subsection 1 perform such actions as the sponsor of the charter school determines to be necessary to successfully transition to being rated using the alternative performance framework.

3. The sponsor of a charter school shall evaluate a request to amend a ~~[written charter or]~~ charter contract described in subsection 1 by reviewing the academic, organizational and financial performance of the charter school. If the sponsor of the charter school determines that the charter school is unlikely to achieve academic, organizational or financial success if the request to amend its ~~[written charter or]~~ charter contract is approved, the sponsor of the charter school must deny the request.

4. Unless invited to do so by the sponsor of the charter school, the governing body of a charter school whose request to amend its ~~[written charter or]~~ charter contract is denied pursuant to subsection 3 may not submit a materially similar request for 1 year after the denial of its request.

5. If a proposed sponsor of a charter school approves an application to form a charter school and the proposed sponsor of the charter school

determines that the charter school has a mission statement and an admissions policy which satisfy the requirements of subsection 4 of NRS 385A.740, the proposed sponsor of the charter school shall include language in the charter contract entered into with the charter school which provides that:

(a) Except as otherwise provided in paragraph (b), the proposed sponsor of the charter school will submit an application to the State Board on behalf of the charter school for the charter school to be rated using the alternative performance framework within 2 years after the charter school commences operation;

(b) The proposed sponsor of the charter school will submit the application described in paragraph (a) only upon the successful completion by the charter school of such actions as the proposed sponsor of the charter school determines to be necessary to successfully transition to being rated using the alternative performance framework; and

(c) Upon approval of such an application by the State Board, the performance framework adopted by the proposed sponsor of the charter school will be replaced by the alternative performance framework.

Sec. 34.5. Section 11.5 of this act is hereby amended to read as follows:

Sec. 11.5. 1. A charter school shall mail a written notification to the parent or legal guardian of each pupil enrolled in the charter school and post a notice prominently on the Internet website of the charter school within 5 business days after:

(a) The Department reports that the graduation rate of the charter school for that school year was less than 67 percent;

(b) The Department reports that the charter school was rated in the lowest 5 percent of public schools in the State pursuant to the statewide system of accountability for public schools;

(c) The Department reports that the charter school received an annual rating established as one of the two lowest ratings possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools;

(d) The governing body of the charter school submits to the sponsor of the charter school a written request for an amendment of the ~~[written charter or]~~ charter contract of the charter school which would result in the:

(1) Relocation of the charter school to a location more than 1 mile from its current location;

(2) Closure of a campus of the charter school or the elimination of one or more grade levels; or

(3) Reduction of enrollment as a result of an academic, financial or organizational issue;

(e) The sponsor of the charter school issues a notice of intent to ~~[revoke the written charter or]~~ terminate the charter contract of the charter school; or

(f) The sponsor of the charter school ~~[revokes the written charter or]~~ terminates the charter contract of the charter school.

2. Within 10 days after a charter school provides all notices required by subsection 1, the charter school shall certify compliance with that subsection to the sponsor of the charter school.

3. A written notice provided to a parent or legal guardian pursuant to subsection 1 must include a list of other public schools to which a pupil may transfer if the charter school closes or adopts changes which a parent or legal guardian finds unacceptable.

4. Within 30 days after a charter school provides the notice required by subsection 1 and on a date determined by the sponsor of the charter school, the charter school shall hold a public hearing to discuss a plan to correct any issue which caused the issuance of such a notice and to solicit suggestions to improve the performance of the charter school.

Sec. 34.6. **Section 12.3 of this act is hereby amended to read as follows:**

Sec. 12.3. 1. The governing body of a charter school that receives one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools may submit a written request for the sponsor of the charter school to authorize the establishment of an experimental academic program or new school model in the charter school. If the sponsor of the charter school approves the request, such a program or model must be established in the charter school. Enrollment in such a program or model:

(a) Must not exceed 50 pupils during the first year in which the program or model is in operation.

(b) Must not exceed 100 pupils during the second year in which the program or model is in operation.

(c) Must not exceed 150 pupils during the third year in which the program or model is in operation.

(d) Must not exceed any number prescribed by the sponsor of the charter school during the fourth year in which the program or model is in operation, or any year thereafter.

2. If an experimental academic program or new school model established pursuant to subsection 1 receives one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools, the governing body of the charter school in which the program or model is established may:

(a) Submit to the sponsor of the charter school a written request for an amendment of the ~~[written charter or]~~ charter contract ~~[, as applicable,]~~ to divide the charter school into multiple charter schools operating under the same governing body; or

(b) Establish a committee to form a charter school and submit to a proposed sponsor an application to form a charter school using the experimental academic program or new school model.

3. If the sponsor of a charter school grants a request for an amendment of the ~~[written charter or]~~ charter contract submitted pursuant to subsection 2, the sponsor shall negotiate and execute a charter contract with the governing body of the charter school for each experimental academic program or new school model.

4. Before a charter school formed pursuant to this section enrolls any pupil who is eligible for enrollment pursuant to NRS 388A.453 and 388A.456, the charter school may enroll a child who was enrolled in the experimental academic program or new school model before the charter school was formed.

Sec. 34.7. **Section 1 of Senate Bill No. 132 of this session is hereby amended to read as follows:**

Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of each school district shall, and the governing body of each charter school that operates as a high school and is in good standing with its sponsor may, adopt a policy to authorize the establishment of individual graduation plans for pupils enrolled in a high school within the school district or operated by the charter school, as applicable, who:

(a) Are deficient in credits and not likely to graduate according to schedule;

(b) Have performed poorly on the college and career readiness assessment administered pursuant to NRS 390.610; or

(c) Have attended or will attend school in another country as a foreign exchange student for at least one semester.

2. In addition to the conditions set forth in paragraphs (a), (b) and (c) of subsection 1, the Superintendent of Public Instruction may establish other conditions for a pupil to be eligible for an individual graduation plan.

3. An individual graduation plan must establish an academic plan for a pupil to allow the pupil to graduate with a standard high school diploma not later than 3 semesters after the date on which the pupil was otherwise scheduled to graduate. The individual graduation plan must include any conditions to which a pupil must agree to comply to remain enrolled in the high school. Such conditions may include, without limitation, any subjects that must be completed, the minimum number of units of credit in which the pupil must enroll each semester, the minimum grade point average that must be maintained by the pupil and any other conditions necessary to ensure that the pupil makes adequate progress to obtain a standard high school diploma within the time allowed.

4. The Superintendent of Public Instruction shall make a determination each year concerning:

(a) The number of credits by which a pupil must be deficient to be eligible for an individual graduation plan;

(b) The maximum score on the college and career readiness assessment administered pursuant to NRS 390.610 that a pupil may receive to be eligible for an individual graduation plan; and

(c) Any other conditions that must be met for participation in an individual graduation plan.

5. An individual graduation plan may be withdrawn by the school district or charter school if the pupil is not making adequate progress as outlined in the individual graduation plan or for other good cause.

6. A pupil for whom an individual graduation plan has been established must be counted when calculating the graduation rates of pupils in the annual report of accountability for the school district or charter school in which the pupil is enrolled pursuant to NRS 385A.070 and the annual report of accountability prepared by the State Board pursuant to NRS 385A.400 for the year in which the pupil was scheduled to graduate until the pupil obtains a standard high school diploma and then must be counted for the appropriate year as determined by the Department pursuant to subsection 8.

7. A pupil for whom an individual graduation plan has been established must not be counted when calculating the graduation rates of pupils used to determine whether the sponsor of a charter school may take certain actions concerning the charter school pursuant to NRS 388A.330.

8. If a pupil for whom an individual graduation plan has been established:

(a) Obtains a standard high school diploma within the time allowed by the individual graduation plan, the pupil must be counted as having received a standard high school diploma when calculating the graduation rates of pupils for the purposes of NRS 388A.330, if applicable, in the annual report of accountability for the school district or charter school in which the pupil is enrolled pursuant to NRS 385A.070 and the annual report of accountability prepared by the State Board pursuant to NRS 385A.400 for the year in which the pupil graduates.

(b) Fails to obtain a standard high school diploma within the time allowed by the individual graduation plan, the pupil must be counted as having failed to receive a standard high school diploma when calculating the graduation rates of pupils for the purpose of NRS 388A.330, if applicable, in the annual report of accountability for the school district or charter school in which the pupil is enrolled pursuant to NRS 385A.070 and the annual report of accountability prepared by the State Board pursuant to NRS 385A.400 for the year in which the pupil was scheduled to graduate pursuant to his or her individual graduation plan.

9. Any pupil for whom an individual graduation plan has been established who receives a score on the college and career readiness assessment that is less than the score prescribed by the Superintendent of Public Instruction pursuant to paragraph (b) of subsection 4 must, unless his or her individual graduation plan provides otherwise, enroll in the maximum number of units of credit per semester allowed by the public school in which the pupil is enrolled.

10. For the purposes of this section, a charter school ***for which the governing body has been reconstituted, the written charter revoked or the charter contract terminated or restarted in accordance with NRS 388A.285, 388A.300 or 388A.330, as applicable,*** shall ***not*** be deemed to be in good standing ~~[if:~~

~~(a) The]~~ ***unless the*** charter school is carrying out an improvement plan approved by the sponsor of the charter school ~~[; or~~

~~(b) The charter school:~~

~~(1) Operates as a high school;~~

~~(2) Has a graduation rate that is more than 60 percent; and~~

~~(3) Is not rated in the lowest 5 percent of high schools in this State in pupil achievement and school performance as determined by the Department pursuant to the statewide system of accountability for public schools.]~~ ***and incorporated into the written charter or charter contract, as applicable.***

Sec. 34.8. **Senate Bill No. 132 of this session is hereby amended by adding thereto a new section to read as follows:**

Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of each school district shall, and the governing body of each charter school that operates as a high school and is in good standing with its sponsor may, adopt a policy to authorize the establishment of individual graduation plans for pupils enrolled in a high school within the school district or operated by the charter school, as applicable, who:

(a) Are deficient in credits and not likely to graduate according to schedule;

(b) Have performed poorly on the college and career readiness assessment administered pursuant to NRS 390.610; or

(c) Have attended or will attend school in another country as a foreign exchange student for at least one semester.

2. In addition to the conditions set forth in paragraphs (a), (b) and (c) of subsection 1, the Superintendent of Public Instruction may establish other conditions for a pupil to be eligible for an individual graduation plan.

3. An individual graduation plan must establish an academic plan for a pupil to allow the pupil to graduate with a standard high school diploma not later than 3 semesters after the date on which the pupil was

otherwise scheduled to graduate. The individual graduation plan must include any conditions to which a pupil must agree to comply to remain enrolled in the high school. Such conditions may include, without limitation, any subjects that must be completed, the minimum number of units of credit in which the pupil must enroll each semester, the minimum grade point average that must be maintained by the pupil and any other conditions necessary to ensure that the pupil makes adequate progress to obtain a standard high school diploma within the time allowed.

4. The Superintendent of Public Instruction shall make a determination each year concerning:

(a) The number of credits by which a pupil must be deficient to be eligible for an individual graduation plan;

(b) The maximum score on the college and career readiness assessment administered pursuant to NRS 390.610 that a pupil may receive to be eligible for an individual graduation plan; and

(c) Any other conditions that must be met for participation in an individual graduation plan.

5. An individual graduation plan may be withdrawn by the school district or charter school if the pupil is not making adequate progress as outlined in the individual graduation plan or for other good cause.

6. A pupil for whom an individual graduation plan has been established must be counted when calculating the graduation rates of pupils in the annual report of accountability for the school district or charter school in which the pupil is enrolled pursuant to NRS 385A.070 and the annual report of accountability prepared by the State Board pursuant to NRS 385A.400 for the year in which the pupil was scheduled to graduate until the pupil obtains a standard high school diploma and then must be counted for the appropriate year as determined by the Department pursuant to subsection 8.

7. A pupil for whom an individual graduation plan has been established must not be counted when calculating the graduation rates of pupils used to determine whether the sponsor of a charter school may take certain actions concerning the charter school pursuant to NRS 388A.330.

8. If a pupil for whom an individual graduation plan has been established:

(a) Obtains a standard high school diploma within the time allowed by the individual graduation plan, the pupil must be counted as having received a standard high school diploma when calculating the graduation rates of pupils for the purposes of NRS 388A.330, if applicable, in the annual report of accountability for the school district or charter school in which the pupil is enrolled pursuant to NRS 385A.070 and the annual report of accountability prepared by the State Board pursuant to NRS 385A.400 for the year in which the pupil graduates.

(b) Fails to obtain a standard high school diploma within the time allowed by the individual graduation plan, the pupil must be counted as having failed to receive a standard high school diploma when calculating the graduation rates of pupils for the purpose of NRS 388A.330, if applicable, in the annual report of accountability for the school district or charter school in which the pupil is enrolled pursuant to NRS 385A.070 and the annual report of accountability prepared by the State Board pursuant to NRS 385A.400 for the year in which the pupil was scheduled to graduate pursuant to his or her individual graduation plan.

9. Any pupil for whom an individual graduation plan has been established who receives a score on the college and career readiness assessment that is less than the score prescribed by the Superintendent of Public Instruction pursuant to paragraph (b) of subsection 4 must, unless his or her individual graduation plan provides otherwise, enroll in the maximum number of units of credit per semester allowed by the public school in which the pupil is enrolled.

10. For the purposes of this section, a charter school for which the governing body has been reconstituted ~~[, the written charter revoked]~~ or the charter contract terminated or restarted in accordance with NRS 388A.285, 388A.300 or 388A.330, as applicable, shall not be deemed to be in good standing unless the charter school is carrying out an improvement plan approved by the sponsor of the charter school and incorporated into the ~~[written charter or]~~ charter contract . ~~[, as applicable.]~~

Sec. 34.9. **Section 4 of Senate Bill No. 132 of this session is hereby amended to read as follows:**

Sec. 4. ~~[This]~~

1. This section and sections 1, 2 and 3 of this act ~~[becomes]~~ **become** effective on July 1, 2018.

2. Section 3.5 of this act becomes effective on January 1, 2020.

Sec. 35. The governing body of each charter school formed on or before June 30, 2017, shall submit a request to its sponsor to amend its written charter or charter contract pursuant to NRS 388A.276 to include the policy for accepting, investigating and responding to complaints required by section 10 of this act on or before September 1, 2017.

Sec. 35.5. **1. The Legislative Committee on Education shall study issues relating to the deeming of a charter school as a local educational agency, as defined in 20 U.S.C. § 7801(30)(a), during the 2017-2019 interim.**

2. The study must include, without limitation, an examination of the effects of section 12.7 of this act on the charter schools selected pursuant to subsection 1 of that section.

3. On or before February 1, 2019, the Legislative Committee on Education shall submit the report of its findings and any

recommendations to the Director of the Legislative Counsel Bureau for transmission to the 80th Session of the Nevada Legislature.

Sec. 36. 1. This section and sections 1, 3 to 17, inclusive, 19, 20, 22, **23, 24, 25** to 29, inclusive, ~~[and]~~ 35 **and 35.5** of this act become effective on July 1, 2017.

2. **Sections 34.7, 34.8 and 34.9 of this act become effective on July 1, 2017, if, and only if, Senate Bill No. 132 of this session is enacted by the Legislature and becomes effective.**

3. Sections 12.7 and 15.5 of this act expire by limitation on June 30, 2019.

4. Sections 2, 18, 21, **24.5** and 30 to ~~[34, 34.5,]~~ **34.6,** inclusive, of this act become effective on January 1, 2020.

Assemblyman Thompson moved that the Assembly concur in the Senate Amendment No. 1088 to Assembly Bill No. 49.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

The amendment revises various provisions for charter schools. For example, it clarifies provisions regarding complaints against a charter school; revises provisions concerning parental notification of certain circumstances related to the performance, relocation, or closure of a charter school; allows high-performing charter schools to pursue innovative pilot programs; and a limited pilot of charter schools to function as their own local educational agencies; as well as others.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 80.

The following Senate amendment was read:

Amendment No. 877.

AN ACT relating to redevelopment; allowing certain cities to extend the date for termination of certain redevelopment plans under certain circumstances; **requiring that the payment of certain costs by a redevelopment agency be made pursuant to a written agreement; revising provisions relating to the area included within a redevelopment area; requiring certain cities to set aside a portion of the revenues from taxes imposed on property in certain redevelopment areas to be used to improve and preserve existing public educational facilities;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a redevelopment plan adopted before January 1, 1991, by a redevelopment agency of a city whose population is 500,000 or more (currently the City of Las Vegas), and any amendments to the plan must terminate at the end of the fiscal year in which the principal and interest of the last maturing of the securities issued before that date concerning the redevelopment area are fully paid or, if certain conditions are met, 60 years after the date on which the original redevelopment plan was adopted,

whichever is later. Any other redevelopment plan adopted before January 1, 1991, and any amendments to the plan also must terminate upon the retirement of the last maturing securities or up to 45 years after the date on which the original redevelopment plan was adopted, whichever is later. (NRS 279.438) **Section 1** of this bill authorizes a city whose population is 220,000 or more located in a county whose population is 100,000 or more but less than 700,000 (currently the City of Reno) to extend the date of termination of a redevelopment plan adopted before January 1, 1991, to the later of the retirement of the last maturing securities or 60 years after the date on which the original redevelopment plan was adopted, whichever is later. The extension of the termination period from 45 years to 60 years is only available if the legislative body of the city adopts an extension of the redevelopment plan by ordinance. The adoption of an extension of a redevelopment plan has no effect on the allocation of revenues among taxing authorities within the redevelopment area.

Under existing law, the redevelopment agency of a city or county, with the consent of the governing body of the city or county, is authorized, in certain circumstances, to pay all or part of the value of the land for and the cost of the construction of a building, facility, structure or other improvement to real property or installation of an improvement which is publicly or privately owned and is located within or without a redevelopment area for which the agency has adopted a redevelopment plan. (NRS 279.486) Section 1.2 of this bill provides that an agency may only make such payments pursuant to a written agreement with one or more developers or other persons.

Existing law imposes various requirements relating to the area included within a redevelopment area. (NRS 279.519) Section 1.4 of this bill requires that the boundaries of a redevelopment area created after July 1, 2017, and the boundaries of an area added to a redevelopment area after July 1, 2017: (1) follow, in the same manner as for election precincts, visible ground features or extensions of visible ground features, except where the boundary coincides with the official boundary of the State or a county or city; and (2) be regular in shape, except to the extent of physical or political boundaries. Sections 1.4 and 1.6 of this bill require a redevelopment area to contain all taxable property in the area, except for certain property which is specifically excluded.

Existing law authorizes an amendment to an existing redevelopment area, including the addition of one or more areas to the redevelopment area. (NRS 279.608) Section 1.8 of this bill prohibits the removal of an area from a redevelopment area by amendment.

Under existing law, if the redevelopment agency of a city whose population is 220,000 or more but less than 500,000 located in a county whose population is 700,000 or more (currently the City of Henderson) adopts an ordinance extending the date of termination of its redevelopment plan, 18 percent of the incremental revenues received

from taxes on the taxable property located in the redevelopment area affected by the ordinance on or after the effective date of the ordinance is required to be set aside and used to improve and preserve existing public educational facilities which are located within the redevelopment area or which serve pupils who reside within the redevelopment area. Existing law also provides that the obligation to set aside such revenues is subordinate to any existing obligations of the agency. (NRS 279.6855) Section 2.5 of this bill extends the applicability of these provisions to any city whose population is 220,000 or more but less than 500,000, regardless of the population of the county in which it is located (currently the cities of Henderson and Reno), but only if the city adopts an ordinance extending the date of termination of its redevelopment plan.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 279.438 is hereby amended to read as follows:

279.438 1. A redevelopment plan adopted before January 1, 1991, and any amendments to the plan must terminate at the end of the fiscal year in which the principal and interest of the last maturing of the securities issued before that date concerning the redevelopment area are fully paid or:

(a) ***With respect to a redevelopment plan adopted by the agency of a city whose population is 220,000 or more located in a county whose population is 100,000 or more but less than 700,000, if the legislative body adopts an extension of the redevelopment plan by ordinance, 60 years after the date on which the original redevelopment plan was adopted, whichever is later. Such an extension of a redevelopment plan has no effect on the allocation of revenues among taxing authorities within such a redevelopment area.***

(b) With respect to a redevelopment plan adopted by the agency of a city whose population is 500,000 or more, if the requirements set forth in subsection 2 are met, 60 years after the date on which the original redevelopment plan was adopted, whichever is later.

~~[(b)]~~ ***(c)*** With respect to any other redevelopment plan, including a redevelopment plan adopted by an agency of a city ~~[whose population is 500,000 or more,]~~ ***specified in paragraph (a) or (b),*** if the requirements set forth in ~~[subsection 2]~~ ***paragraph (a) or (b)*** are not met, 45 years after the date on which the original redevelopment plan was adopted, whichever is later.

2. A redevelopment plan adopted by an agency of a city whose population is 500,000 or more may terminate on the date prescribed by paragraph ~~[(a)]~~ ***(b)*** of subsection 1 only if the legislative body adopts an extension of the redevelopment plan by ordinance and, on the date on which the extension is adopted:

(a) The assessed value of the aggregate number of redevelopment projects in the redevelopment area is not less than the assessed value of the aggregate

number of redevelopment projects in the year in which the redevelopment plan was adopted; and

(b) The assessed value of the redevelopment area is not less than 75 percent of the assessed value of the redevelopment area in the year in which the redevelopment plan was adopted.

Sec. 1.2. **NRS 279.486 is hereby amended to read as follows:**

279.486 1. An agency may, with the consent of the legislative body ~~[,]~~ ***and pursuant to a written agreement with one or more developers or other persons,*** pay all or part of the value of the land for and the cost of the construction of any building, facility, structure or other improvement and the installation of any improvement which is publicly or privately owned and located within or without the redevelopment area.

2. Within 14 days before a meeting at which the legislative body of a city whose population is 500,000 or more is scheduled to consider an action proposed by the agency of the city pursuant to subsection 1, the agency shall make available to the public a detailed report which includes, without limitation:

(a) A copy of any contract, memorandum of understanding or other agreement between the agency or the legislative body and any other person relating to the redevelopment project.

(b) A summary of the redevelopment project which includes, without limitation:

(1) A full and complete description of:

(I) The costs of the redevelopment project, including, without limitation, the costs of acquiring any real property, clearance costs, relocation costs, the costs of any improvements which will be paid by the agency and the amount of the anticipated interest on any bonds issued or sold to finance the project.

(II) The estimated current value of the real property interest to be conveyed or leased, determined at its highest and best use permitted under the redevelopment plan.

(III) The estimated value of the real property interest to be conveyed or leased, determined at the use and with the conditions, covenants and restrictions, and development costs required by the sale or lease, and the current purchase price or present value of the lease payments which the lessee is required to make during the term of the lease. If the sale price or present value of the total rental amount to be paid to the agency or legislative body is less than the fair market value of the real property interest to be conveyed or leased, determined at the highest and best use permitted under the redevelopment plan, the agency shall provide an explanation of the reason for the difference.

(2) An explanation of how the project will assist in the elimination of blight, including, without limitation, reference to all supporting facts and materials relied on in reaching the conclusions presented in the explanation.

3. Before the legislative body may give its consent to an action proposed by the agency pursuant to subsection 1, it must determine that:

(a) The buildings, facilities, structures or other improvements are of benefit to the redevelopment area or the immediate neighborhood in which the redevelopment area is located; and

(b) No other reasonable means of financing those buildings, facilities, structures or other improvements are available.

➥ Those determinations by the agency and the legislative body are final and conclusive.

4. In reaching its determination that the buildings, facilities, structures or other improvements are of benefit to the redevelopment area or the immediate neighborhood in which the redevelopment area is located, the legislative body shall consider:

(a) Whether the buildings, facilities, structures or other improvements are likely to:

(1) Encourage the creation of new business or other appropriate development;

(2) Create jobs or other business opportunities for nearby residents;

(3) Increase local revenues from desirable sources;

(4) Increase levels of human activity in the redevelopment area or the immediate neighborhood in which the redevelopment area is located;

(5) Possess attributes that are unique, either as to type of use or level of quality and design;

(6) Require for their construction, installation or operation the use of qualified and trained labor; and

(7) Demonstrate greater social or financial benefits to the community than would a similar set of buildings, facilities, structures or other improvements not paid for by the agency.

(b) The opinions of persons who reside in the redevelopment area or the immediate neighborhood in which the redevelopment area is located.

(c) Comparisons between the level of spending proposed by the agency and projections, made on a pro forma basis by the agency, of future revenues attributable to the buildings, facilities, structures or other improvements.

5. If the value of that land or the cost of the construction of that building, facility, structure or other improvement, or the installation of any improvement has been, or will be, paid or provided for initially by the community or other governmental entity, the agency may enter into a contract with that community or governmental entity under which it agrees to reimburse the community or governmental entity for all or part of the value of that land or of the cost of the building, facility, structure or other improvement, or both, by periodic payments over a period of years. The obligation of the agency under that contract constitutes an indebtedness of the agency which may be payable out of taxes levied and allocated to the agency under paragraph (b) of subsection 1 of NRS 279.676, or out of any other available money.

Sec. 1.4. **NRS 279.519 is hereby amended to read as follows:**

279.519 1. A redevelopment area need not be restricted to buildings, improvements or lands which are detrimental or inimical to the public health, safety or welfare, but may consist of an area in which such conditions predominate and injuriously affect the entire area. A redevelopment area may include, in addition to blighted areas, lands, buildings or improvements which are not detrimental to the public health, safety or welfare, but whose inclusion is found necessary for the effective redevelopment of the area of which they are a part.

2. At least 75 percent of the area included within a redevelopment area must be improved land and may include, without limitation:

(a) Public land upon which public buildings have been erected or improvements have been constructed.

(b) Land on which an abandoned mine, landfill or other similar use is located and which is surrounded by or directly abuts the improved land.

3. The area included within a redevelopment area may be contiguous or noncontiguous.

4. If the subject of the redevelopment is an eligible railroad or facilities related to an eligible railroad, the area included within a redevelopment area may consist of contiguous or noncontiguous vacant land that:

(a) Is located near the eligible railroad; and

(b) May accommodate commercial or industrial facilities that may use the eligible railroad.

5. ***The boundaries of a redevelopment area created after July 1, 2017, and of each area of land added to a redevelopment area by an amendment adopted pursuant to NRS 279.608 after July 1, 2017, must:***

(a) Follow visible ground features or extensions of visible ground features, except where the boundary coincides with the official boundary of the State or a county or city; and

(b) Except to the extent of physical or political boundaries, be regular in shape.

6. A redevelopment area must include all taxable property within the area except for property which is taxable pursuant to NRS 361.157 or which must be excluded pursuant to subsection 7.

7. The taxable property in a redevelopment area must not be included in any subsequently created redevelopment area until at least 50 years after the effective date of creation of the first redevelopment area in which the property was included.

~~[6.]~~ ***8.*** As used in this section ~~[, "improved]~~ ***:***

(a) "Improved land" means:

~~[(a)]~~ ***(1)*** Land that contains structures which:

~~[(1)]~~ ***(I)*** Are used for residential, commercial, industrial or governmental purposes; and

~~[(2)]~~ ***(II)*** Have been connected to water facilities, sewer facilities or roads, or any combination thereof;

~~[(b)]~~ ***(2)*** Any areas related to the structures described in ~~[paragraph (a),]~~ ***subparagraph (1),*** including, without limitation, landscaping areas, parking areas, parks and streets; and

~~[(c)]~~ ***(3)*** If the subject of the redevelopment is an eligible railroad or facilities related to an eligible railroad:

~~[(1)]~~ ***(I)*** Land on which the eligible railroad is located; and

~~[(2)]~~ ***(II)*** Any areas related to the eligible railroad, including, without limitation, land on which is located railroad tracks, a railroad right-of-way or a facility related to the eligible railroad.

(b) "Visible ground feature" includes, without limitation, a street, road, highway, river, stream, shoreline, drainage ditch, railroad right-of-way or any other physical feature which is clearly visible from the ground.

Sec. 1.6. **NRS 279.583 is hereby amended to read as follows:**

279.583 ~~[After]~~ ***Except as otherwise provided in this section, after*** publication of notice of the public hearing pursuant to NRS 279.580 and before approval of the redevelopment plan by the legislative body, the legislative body may submit to the planning commission a proposal to exclude land from a proposed redevelopment area. ***The legislative body may not exclude any taxable property within the area except for property which is taxable pursuant to NRS 361.157 or which must be excluded pursuant to subsection 7 of NRS 279.519.*** Within 30 days after that change is submitted to it for consideration, the planning commission shall submit its report and recommendation to the legislative body. If the planning commission does not report upon the change within 30 days after its submission by the legislative body, the legislative body may proceed to exclude the land from the proposed redevelopment area without that report and recommendation.

Sec. 1.8. **NRS 279.608 is hereby amended to read as follows:**

279.608 1. If, at any time after the adoption of a redevelopment plan by the legislative body, the agency desires to take an action that will constitute a material deviation from the plan or otherwise determines that it would be necessary or desirable to amend the plan, the agency must recommend the amendment of the plan to the legislative body. An amendment may include the addition of one or more areas to any redevelopment area ~~[.]~~ ***but may not include the removal of an area from any redevelopment area, regardless of whether that area was initially a part of the redevelopment area or was added later through amendment.***

2. Before recommending amendment of the plan, the agency shall hold a public hearing on the proposed amendment. Notice of that hearing must be published at least 10 days before the date of hearing in a newspaper of general circulation, printed and published in the community, or, if there is none, in a newspaper selected by the agency. The notice of hearing must include a legal description of the boundaries of the area designated in the plan to be amended and a general statement of the purpose of the amendment.

3. In addition to the notice published pursuant to subsection 2, the agency shall cause a notice of hearing on a proposed amendment to the plan to be sent by mail at least 10 days before the date of the hearing to each owner of real property, as listed in the records of the county assessor, whom the agency determines is likely to be directly affected by the proposed amendment. The notice must:

(a) Set forth the date, time, place and purpose of the hearing and a physical description of, or a map detailing, the proposed amendment; and

(b) Contain a brief summary of the intent of the proposed amendment.

4. If after the public hearing, the agency recommends substantial changes in the plan which affect the master or community plan adopted by the planning commission or the legislative body, those changes must be submitted by the agency to the planning commission for its report and recommendation. The planning commission shall give its report and recommendations to the legislative body within 30 days after the agency submitted the changes to the planning commission.

5. After receiving the recommendation of the agency concerning the changes in the plan, the legislative body shall hold a public hearing on the proposed amendment, notice of which must be published in a newspaper in the manner designated for notice of hearing by the agency. If after that hearing the legislative body determines that the amendments in the plan, proposed by the agency, are necessary or desirable, the legislative body shall adopt an ordinance amending the ordinance adopting the plan.

6. As used in this section, "material deviation" means an action that, if taken, would alter significantly one or more of the aspects of a redevelopment plan that are required to be shown in the redevelopment plan pursuant to NRS 279.572. The term includes, without limitation, the vacation of a street that is depicted in the streets and highways plan of the master plan described in NRS 278.160 which has been adopted for the community and the relocation of a public park. The term does not include the vacation of a street that is not depicted in the streets and highways plan of the master plan described in NRS 278.160 which has been adopted for the community.

Sec. 2. (Deleted by amendment.)

Sec. 2.5. **NRS 279.6855 is hereby amended to read as follows:**

279.6855 1. Except as otherwise provided in this section, an agency of a city whose population is 220,000 or more but less than 500,000 ~~[located in a county whose population is 700,000 or more]~~ that adopts an ordinance pursuant to ***paragraph (a) of subsection 1 of NRS 279.438 or*** subsection 4 of NRS 279.439 and which receives revenue pursuant to paragraph (b) of subsection 1 of NRS 279.676 from taxes on the taxable property located in the redevelopment area affected by the ordinance shall set aside not less than 18 percent of such revenue received on or after the effective date of the ordinance to improve and preserve existing public educational facilities which are located within the redevelopment area or which serve pupils who reside within the redevelopment area. The provisions of this subsection do

not apply if such an agency is required pursuant to subsection 6 of NRS 279.676 to set aside not less than 18 percent of revenue received pursuant to paragraph (b) of subsection 1 of NRS 279.676 from taxes on the taxable property located in the redevelopment area affected by the ordinance adopted by the agency pursuant to subsection 5 of NRS 279.676 on or after the effective date of that ordinance to improve and preserve existing public educational facilities which are located within the redevelopment area or which serve pupils who reside within the redevelopment area. For each fiscal year, the agency shall prepare a written report concerning the amount of money expended for the purposes set forth in this subsection and shall, on or before November 30 of each year, submit a copy of the report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year.

2. The obligation of an agency pursuant to subsection 1 to set aside not less than 18 percent of the revenue allocated to and received by the agency pursuant to paragraph (b) of subsection 1 of NRS 279.676 from taxes on the taxable property located in the redevelopment area affected by the ordinance adopted by the agency pursuant to ***paragraph (a) of subsection 1 of NRS 279.438 or*** subsection 4 of NRS 279.439 is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations" means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by the agency before the effective date of the ordinance adopted by the agency pursuant to ***paragraph (a) of subsection 1 of NRS 279.438 or*** subsection 4 of NRS 279.439, to finance or refinance in whole or in part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency on or after the effective date of the ordinance adopted by the agency pursuant to ***paragraph (a) of subsection 1 of NRS 279.438 or*** subsection 4 of NRS 279.439 shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.

Sec. 3. (Deleted by amendment.)

Sec. 3.5. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 4. This act becomes effective upon passage and approval.

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 877 to Assembly Bill No. 80.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

The amendment requires that the payment of certain costs by a redevelopment agency be made pursuant to a written agreement; makes certain changes regarding the boundary line of

redevelopment districts; and requires certain cities to set aside a portion of the revenues from taxes imposed on properties in certain redevelopment areas to be used to improve and preserve existing public educational facilities.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 309.

The following Senate amendment was read:

Amendment No. 986.

AN ACT relating to state employment; imposing additional duties on the Administrator of the Division of Human Resource Management of the Department of Administration and certain state agencies relating to veterans and certain widows and widowers; revising provisions governing the preference provided to veterans and certain other persons relating to employment in the classified service; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Administration to provide an annual report of the total number of veterans employed by each agency in the State to the Interagency Council on Veterans Affairs, which includes the Director of the Department of Veterans Services as one of its members. (NRS 417.0191, 417.0194) **Section 3** of this bill requires the Administrator of the Division of Human Resource Management of the Department of Administration to submit to: (1) the Director of the Department of Veterans Services and make available to the public a monthly report listing the names of all veterans and **, to the extent the information is available,** widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States **,** who are employed in the classified or unclassified service of the State; and (2) the Governor and the Director of the Legislative Counsel Bureau for distribution to the Legislature a quarterly report on the number of veterans and **, to the extent the information is available,** widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States **,** who were hired in the classified or unclassified service of the State during the quarter. **Section 6** of this bill makes a conforming change to the annual report. Finally, **section 3** requires the Administrator to ensure that the percentage of officers and employees in such state employment that are veterans and **, to the extent the information is available,** widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States **,** is proportional to the percentage of veterans and **, to the extent the information is available,** such widows and widowers ~~[residing]~~ **, who reside** in this State ~~[.]~~ **and are in the labor force.**

Existing law requires, with certain exceptions, state agencies in the Executive Department of the State Government to periodically report to the Administrator of the Division of Human Resource Management any

appointment, transfer, separation, suspension, reinstatement or any reduction or other change to a position in the public service. (NRS 284.121) **Section 4** of this bill requires that such a report include whether ~~[any person appointed to such state employment]~~ **the affected appointee or employee** is a veteran or **, to the extent the information is available,** a widow or widower of a person killed in the line of duty while on active duty in the Armed Forces of the United States.

Under existing law, the State is required, in establishing lists of persons eligible for appointment or promotion to positions in the classified service, to add 10 points to the passing grade on a competitive examination of a veteran with a disability and 5 points to a passing grade on such an examination of a veteran who does not have a disability or a widow or widower of a veteran. Existing law authorizes the application of such preference points to any open competitive examination in the classified service, but only to one promotional examination. (NRS 284.260)

Section 5 of this bill ~~[increases to 15 points the number of points required to be added to the passing grade of a veteran with a disability. Section 5 also: (1) increases to ten points the number of points to]~~ **provides that 10 preference points must** be added to the passing grade of ~~[a veteran who does not have a disability; and (2) requires the addition of 10 points]~~ **all veterans and** to the passing grade of widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States. **Section 5** also **provides that a person who qualifies under more than one category for preference points cannot combine all those points but is entitled to receive points for only one qualifying category that is most beneficial to the person. Finally, section 5** removes the restriction on applying such **preference** points to more than one promotional examination.

Existing law requires, with certain exceptions, a state agency in the Executive Department of the State Government to give notice to the Administrator of the Division of Human Resource Management of its intention to fill ~~[a vacancy]~~ **certain vacant positions** in the classified service. After receipt of such notice, the Administrator is required to certify from the list of eligible persons, appropriate to the grade and class in which the position is classified, the names of the persons with the highest scores **.** ~~[.]~~ **and, if so certified, the appointing state agency may interview those persons for the position. (NRS 284.265) Section 5.5** of this bill requires the Administrator to ~~[also]~~ certify **additionally for the position** the name of any veteran **with a service-connected disability who is also** on the list of eligible persons and ~~[requires]~~ **, if so certified,** the **appointing** state agency ~~[to]~~ **must** interview ~~[any veteran so certified]~~ **the veteran** for the position **.** ~~[.]~~

Under existing law, certain vacant positions in the classified service are not filled by using the foregoing procedure. (Chapter 284 of NRS; chapter 284 of NAC) With regard to such positions, section 5.5 requires the appointing state agency to interview for the position each veteran

with a service-connected disability who is a qualified applicant for the position. Additionally, if there are veterans without a service-connected disability who are qualified applicants for the position, section 5.5 requires the appointing state agency to interview for the position a number of such veterans that is equal to at least 22 percent of the total number of qualified applicants interviewed for the position or, if there is not a sufficient number to reach that percentage, interview for the position each such veteran who is a qualified applicant for the position.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 284.015 is hereby amended to read as follows:

284.015 As used in this chapter, unless the context otherwise requires:

1. "Administrator" means the Administrator of the Division.

2. "Commission" means the Personnel Commission.

3. "Disability," includes, but is not limited to, physical disability, intellectual disability and mental or emotional disorder.

4. "Division" means the Division of Human Resource Management of the Department of Administration.

5. "Essential functions" has the meaning ascribed to it in 29 C.F.R. § 1630.2.

6. "Public service" means positions providing service for any office, department, board, commission, bureau, agency or institution in the Executive Department of the State Government operating by authority of the Constitution or law, and supported in whole or in part by any public money, whether the money is received from the Government of the United States or any branch or agency thereof, or from private or any other sources.

7. "Veteran" has the meaning ascribed to it in NRS 417.005.

8. "Veteran with a service-connected disability" has the meaning ascribed to it in NRS 338.13843 and includes a veteran who is deemed to be a veteran with a service-connected disability pursuant to section 1 of Senate Bill No. 191 of this session.

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 284.105 is hereby amended to read as follows:

284.105 1. The Administrator shall direct and supervise all administrative and technical activities of the Division.

2. In addition to the duties imposed upon the Administrator elsewhere in this chapter, the Administrator shall:

(a) Apply and carry out the provisions of this chapter and the regulations adopted pursuant to it.

(b) Establish objectives for the Division in terms which are specific, measurable and conducive to reliable evaluation, and develop a plan for accomplishing those objectives.

(c) Establish a system of appropriate policies for each function within the Division.

(d) Attend all meetings of the Commission.

(e) Advise the Commission with respect to the preparation and adoption of regulations to carry out the provisions of this chapter.

(f) Report to the Governor and the Commission upon all matters concerning the administration of the Administrator's office and request the advice of the Commission on matters concerning the policies of the Division, but the Administrator is responsible for the conduct of the Division and its administrative functions unless otherwise provided by law.

(g) Establish and maintain a roster of all employees in the public service. The roster must set forth, as to each employee:

(1) The class title of the position held.

(2) The salary or pay.

(3) Any change in class title, pay or status.

(4) Other pertinent data.

(h) ***Submit to the Director of the Department of Veterans Services and make available to the public a monthly report which lists the names of all veterans and , to the extent the information is available, widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States , who are employed in the classified or unclassified service of the State.***

(i) Submit to the Governor and the Director of the Legislative Counsel Bureau for distribution to the Legislature a report for each calendar quarter on the total combined number of veterans and , to the extent the information is available, widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States , who were hired in the classified or unclassified service of the State during the quarter.

(j) Ensure, to the extent practicable, that the combined total percentage of officers and employees in public service who are veterans and , to the extent the information is available, widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States , is proportional to the combined total percentage of veterans and , to the extent the information is available, such widows and widowers ~~[residing]~~ , who reside in this State ~~.]~~ and are in the labor force.

(k) In cooperation with appointing authorities and others, foster and develop programs for improving the effectiveness and morale of employees, including training and procedures for hearing and adjusting grievances.

~~[(i)]~~ ***(l)*** Encourage and exercise leadership in the development of effective personnel administration within the several departments in the public service, and make available the facilities and services of the Division and its employees to this end.

~~[(j)]~~ ***(m)*** Make to the Commission and to the Governor such special reports as the Administrator may consider desirable.

~~[(k)]~~ ***(n)*** Maintain a continuous program of recruiting for the classified service.

~~[(l)]~~ ***(o)*** Perform any other lawful acts which the Administrator may consider necessary or desirable to carry out the purposes and provisions of this chapter.

Sec. 4. NRS 284.121 is hereby amended to read as follows:

284.121 Each appointing authority shall report to the Administrator in writing, from time to time, any appointment, transfer, separation, suspension, reinstatement or any reduction or other change to a position in the public service. The report must contain:

1. The name of the appointee or employee.
2. The title and status of the employment of the appointee or employee.
3. The date of commencement of the action.
4. The salary or compensation of the appointee or employee.

5. Whether the appointee or employee is a veteran or , to the extent the information is available, a widow or widower of a person killed in the line of duty while on active duty in the Armed Forces of the United States.

Sec. 5. NRS 284.260 is hereby amended to read as follows:

284.260 1. In establishing the lists of eligible persons, ~~[certain]~~ ***the following*** preferences must be allowed ~~[for: .]~~ ***, except that if a person qualifies for more than one of the following preferences, the person is not entitled to combine preference points for each such qualifying preference but is entitled to receive preference points for only one such qualifying preference that is most beneficial to the person:***

(a) ~~[Veterans not dishonorably discharged from the Armed Forces of the United States.]~~ For veterans , ~~[with disabilities,]~~ 10 ~~*[15]*~~ points must be added to the passing grade achieved on the examination.

(b) For [veterans who have not suffered disabilities and] widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States, 10 points must be added to the passing grade achieved on the examination.

(c) For ~~[ex-servicemen and women who have not suffered disabilities, and for the]~~ widows and widowers of veterans, 5 points must be added to the passing grade achieved on the examination.

~~[(b) Members of the Nevada National Guard.]~~

(d) For a member of the Nevada National Guard who submits a letter of recommendation from the commanding officer of the member's unit, 5 points must be added to the passing grade achieved on the examination.

2. Any person qualifying for preference points pursuant to subsection 1 is entitled to have the points applied to any open competitive ***or promotional*** examination in the classified service . ~~[, but only to one promotional examination.~~

~~3. For the purposes of this section, "veteran" has the meaning ascribed to "eligible veteran" in 38 U.S.C. § 4211.]~~

Sec. 5.5. NRS 284.265 is hereby amended to read as follows:

284.265 ***1.*** Except as otherwise provided in NRS 284.305, appointing authorities shall give notice to the Administrator of their intention to fill any vacancy in the classified service.

2. Except as otherwise provided in this ~~[section,]~~ ***subsection,*** within a reasonable time after the receipt of the notice, the Administrator shall certify from the list of eligible persons, appropriate for the grade and class in which the position is classified ~~[, the]~~ ***:***

(a) The five names at the head thereof. If the competitive examination for that position is scored to the nearest one-hundredth of a point and there are more than five persons having the five highest scores, the names of each of those persons must be so certified.

(b) Unless otherwise included among the names certified pursuant to paragraph (a), the name of any eligible person on the list who is a veteran ~~[,]~~ ***with a service-connected disability. The appointing authority shall interview for the position each veteran with a service-connected disability who is so certified.***

3. If, pursuant to this chapter or the regulations adopted pursuant thereto, the process for filling the position in the classified service is not governed by the provisions of subsection 2, the appointing authority shall:

(a) Interview for the position each veteran with a service-connected disability who is a qualified applicant for the position; and

(b) If there are veterans without a service-connected disability who are qualified applicants for the position, interview for the position a number of such veterans that is equal to at least 22 percent of the total number of qualified applicants interviewed for the position or, if there is not a sufficient number to reach that percentage, interview for the position each such veteran who is a qualified applicant for the position. For the purpose of calculating percentages pursuant to this paragraph, percentages that are not whole numbers must be rounded to the next highest whole number.

Sec. 6. NRS 417.0194 is hereby amended to read as follows:

417.0194 1. Each state agency and regulatory body identified in subsections 2 to 15, inclusive, shall report, subject to any limitations or restrictions contained in any state or federal law governing the privacy or confidentiality of records, the data identified in subsections 2 to 15, inclusive, as applicable, to the Interagency Council on Veterans Affairs. Each state agency and regulatory body shall submit such information to the Council not later than November 30 of each year and shall provide the information in aggregate and in digital form, and in a manner such that the data is capable of integration by the Council.

2. The Department of Administration shall provide:

(a) Descriptions of and the total amount of the grant dollars received for veteran-specific programs;

(b) The total ***combined*** number of veterans ***and , to the extent the information is available, widows and widowers of persons killed in the line***

of duty while on active duty in the Armed Forces of the United States ***, who are*** employed by each agency in the State; and

(c) The total number of veterans with service-connected disabilities who are seeking preferences through the Purchasing Division and the State Public Works Division of the Department of Administration pursuant to NRS 333.3366 and 338.13844.

3. The State Department of Conservation and Natural Resources shall provide the total number of veterans receiving:

(a) Expedited certification for the grade I certification examination for wastewater treatment plant operators based on their military experience; and

(b) Any discounted fees for access to or the use of state parks.

4. The Department of Corrections shall provide:

(a) An annual overview of the monthly population of inmates in this State who are veterans; and

(b) The success rates for any efforts developed by the Incarcerated Veterans Reintegration Council.

5. The Office of Economic Development shall provide an overview of the workforce that is available statewide of veterans, organized by O*NET-SOC code from the United States Department of Labor or the trade, job title, employment status, zip code, county, highest education level and driver's license class.

6. The Department of Education shall provide the distribution of dependents of service members enrolled in Nevada's public schools.

7. The Department of Employment, Training and Rehabilitation shall provide a summary of:

(a) The average number of veterans served by a veteran employment specialist of the Department per week;

(b) The average number of initial and continuing claims for benefits filed per week by veterans pursuant to NRS 612.455 to 612.530, inclusive;

(c) The average weekly benefit received by veterans receiving benefits pursuant to chapter 612 of NRS; and

(d) The average duration of a claim by claimants who are veterans receiving benefits pursuant to chapter 612 of NRS.

8. The Department of Health and Human Services shall provide:

(a) The total number of veterans who have applied for and received certification as an Emergency Medical Technician-B, Advanced Emergency Medical Technician and Paramedic through the State Emergency Medical Systems program; and

(b) A report from the State Registrar of Vital Statistics setting forth the suicide mortality rate of veterans in this State.

9. The Department of Motor Vehicles shall provide:

(a) The total number of veterans who have declared themselves as a veteran and who applied for and received a commercial driver's license;

(b) The average monthly total of veteran license plates issued; and

(c) An overview of the data on veterans collected pursuant to NRS 483.292, 483.852 and 483.927.

10. The Adjutant General shall provide the total number of:

(a) Members of the Nevada National Guard using waivers for each semester and identifying which schools accepted the waivers;

(b) Members of the Nevada National Guard identified by Military Occupational Specialty and zip code; and

(c) Members of the Nevada National Guard employed under a grant from Beyond the Yellow Ribbon.

11. The Department of Public Safety shall provide the percentage of veterans in each graduating class of its academy for training peace officers.

12. The Department of Taxation shall provide the total number of veterans receiving tax exemptions pursuant to NRS 361.090, 361.091, 361.155, 371.103 and 371.104.

13. The Department of Wildlife shall provide the total number of:

(a) Veterans holding hunting or fishing licenses based on disability; and

(b) Service members holding hunting or fishing licenses who are residents of this State but are stationed outside this State.

14. The Commission on Postsecondary Education shall provide, by industry, the total number of schools in this State approved by the United States Department of Veterans Affairs that are serving veterans.

15. Each regulatory body shall provide the total number of veterans and service members applying for licensure by the regulatory body.

16. The Council shall, upon receiving the information submitted pursuant to this section, synthesize and compile the information, including any recommendations of the Council, and submit the information with the report submitted pursuant to subsection 8 of NRS 417.0195.

17. As used in this section:

(a) "Regulatory body" has the meaning ascribed to it in NRS 622.060.

(b) "Service member" has the meaning ascribed to it in NRS 125C.0635.

Sec. 7. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 8. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On ~~[July]~~ **October** 1, 2017, for all other purposes.

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 986 to Assembly Bill No. 309.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

The amendment clarifies the reports required to be submitted by the Division of Human Resources Management must be based on available information. It clarifies that the desired state

public employee workforce ratio on veterans, widows, widowers, or persons killed in the line of duty is proportional to Nevada's labor force and requires at least 22 percent of qualified applicants who are a veteran with a service-connected disability must be interviewed, or if there are fewer than that amount, all such veterans must be interviewed.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The Conference Committee concerning Assembly Bill No. 249, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 966 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 3, which is attached to and hereby made a part of this report.

ASSEMBLYMAN MICHAEL C. SPRINKLE	SENATOR PAT SPEARMAN
ASSEMBLYWOMAN TERESA BENITEZ-THOMPSON	SENATOR JULIA RATTI
	SENATOR HEIDI S. GANSERT
Assembly Conference Committee	*Senate Conference Committee*

Amendment No. CA3.

AN ACT relating to health care; requiring the State Plan for Medicaid to provide certain benefits relating to contraception; revising provisions relating to dispensing of contraceptives; requiring all health insurance plans to provide certain benefits relating to contraception; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires most health insurance plans which cover prescription drugs and outpatient care to also include coverage for contraceptive drugs and devices without an additional copay, coinsurance or a higher deductible than that which may be charged for other prescription drugs and outpatient care under the plan. (NRS 689A.0415, 689A.0417, 689B.0376, 689B.0377, 695B.1916, 695B.1918, 695C.1694, 695C.1695) Certain plans, including small employer plans, benefit contracts provided by fraternal benefit societies, plans issued by a managed care organization and certain plans offered by governmental entities of this State are not currently subject to these requirements. (Chapters 287, 689C, 695A and 695G of NRS)

The federal Patient Protection and Affordable Care Act, Pub. L. 111-148, as amended, requires certain contraceptive drugs, devices and services to be covered by every health insurance plan without any copay, coinsurance or higher deductible. (42 U.S.C. § 300gg-13(a)(4); 45 C.F.R. § 147.130) **The provisions of this bill do not require a public or private insurer to provide coverage for the purpose of terminating a pregnancy. Sections 3, 4 and 7-25** of this bill align Nevada law with federal law, requiring all public and private health insurance plans made available in this State to provide coverage for certain benefits relating to contraception without any copay, coinsurance or a higher deductible. **Sections 3, 4 and 7-25** require certain contraceptive drugs, devices and services which are approved by the Food

and Drug Administration to be covered by a health insurance plan, including, without limitation, up to a 12-month supply of a drug for contraception or its therapeutic equivalent, insertion of a device for contraception, removal of such a device that was inserted while the insured was covered by the same policy of health insurance, education and counseling relating to contraception, management of side effects relating to contraception and voluntary sterilization for women. **Sections 3, 4 and 7-25** allow an insurer to require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug. In addition, a health insurance plan must include for each method of contraception which is approved by the Food and Drug Administration and for which the insurer is required to provide coverage at least one contraceptive drug or device for which no deductible, copayment or coinsurance may be charged to the insured. **Sections 3, 4 and 7-25** authorize an insurer to use medical management techniques to determine the frequency of treatment using the contraceptive drugs, devices and services required by this bill. **Sections 3, 4 and 7-25** prohibit an insurer from using medical management techniques to require an insured to use a method of contraception other than that prescribed by a provider of health care. **Sections 3, 4 and 7-25** additionally require an insurer to provide a process by which an insured may request an exemption from a medical management technique required by an insurer. **Sections 3, 4 and 7-25** also require a health insurance plan to provide coverage for certain therapeutic equivalent drugs relating to contraception when a therapeutic equivalent covered by the plan is deemed to be medically inappropriate by a provider of health care. Additionally, **sections 7, 11, 14, 16, 17, 20 and 25** require that the benefits provided by a health insurance plan relating to contraception which are provided to the insured must also be provided to a covered dependent of an insured.

Existing law allows an insurer which is affiliated with a religious organization and which objects on religious grounds to providing coverage for contraceptive drugs and devices to exclude coverage in its policies, plans or contracts for such drugs and devices. (NRS 689A.0415, 689B.0376, 695B.1916, 695C.1694) **Sections 7, 11, 14, 16, 17, 20 and 25** of this bill move the religious exemption coverage for the contraceptive drugs, devices and services required by this bill to the new provisions relating to coverage of contraception.

Existing law requires this State to develop a State Plan for Medicaid which includes, without limitation, a list of the medical services provided to Medicaid recipients. (42 U.S.C. § 1396a; NRS 422.063) Existing federal law authorizes a state to charge a copay, coinsurance or deductible for most Medicaid services, but prohibits any copay, coinsurance or deductible for certain contraceptive drugs, devices and services. (42 U.S.C. § 1396o-1) Existing federal law also authorizes a state to define the parameters of contraceptive coverage provided under Medicaid. (42 U.S.C. § 1396u-7)

Existing Nevada law requires a number of specific medical services to be covered under Medicaid. (NRS 422.2717-422.27241) **Section 1** of this bill requires the State Plan for Medicaid to include certain benefits relating to contraception currently required to be covered by private health insurance plans pursuant to existing Nevada law and the Patient Protection and Affordable Care Act, Pub. L. 111-148, as amended, as well as certain additional benefits related to contraception required by **sections 3, 4 and 7-25** of this bill without any copay, coinsurance or deductible in most cases. The benefits relating to drugs for contraception which are provided by **section 1** of this bill are subject to step therapy and prior authorization requirements pursuant to existing law.

Existing law authorizes a pharmacist to dispense up to a 90-day supply of a drug pursuant to a valid prescription or order in certain circumstances. (NRS 639.2396) **Section 4.5** of this bill requires a pharmacist to dispense up to a 12-month supply of drugs for contraception or a therapeutic equivalent thereof pursuant to a valid prescription or order if: (1) the patient has previously received a 3-month supply of the same drug; (2) the patient has previously received a 9-month supply of the same drug or a supply of the same drug for the balance of the plan year in which the 3-month supply was prescribed or ordered, whichever is less; (3) the patient is insured by the same health insurance plan; and (4) a provider of health care has not specified in the prescription or order that a different supply of the drug is necessary.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures for family planning services and supplies, including, without limitation:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Dispensed in accordance with section 4.5 of this act;

(b) Any type of device for contraception which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;

(c) Insertion or removal of a device for contraception;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. Except as otherwise provided in subsections 4 and 5, to obtain any benefit included in the Plan pursuant to subsection 1, a person enrolled in Medicaid must not be required to:

(a) Pay a higher deductible, any copayment or coinsurance; or

(b) Be subject to a longer waiting period or any other condition.

3. The Director shall ensure that the provisions of this section are carried out in a manner which complies with the requirements established by the Drug Use Review Board and set forth in the list of preferred prescription drugs established by the Department pursuant to NRS 422.4025.

4. The Plan may require a person enrolled in Medicaid to pay a higher deductible, copayment or coinsurance for a drug for contraception if the person refuses to accept a therapeutic equivalent of the drug.

5. For each method of contraception which is approved by the Food and Drug Administration, the Plan must include at least one drug or device for contraception for which no deductible, copayment or coinsurance may be charged to the person enrolled in Medicaid, but the Plan may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

6. As used in this section, "therapeutic equivalent" means a drug which:

(a) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(b) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(c) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 2. (Deleted by amendment.)

Sec. 2.5. NRS 422.401 is hereby amended to read as follows:

422.401 As used in NRS 422.401 to 422.406, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 422.4015 and 422.402 have the meanings ascribed to them in those sections.

Sec. 3. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the

dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 687B.408, 689B.030 to 689B.050, inclusive, ***and section 11 of this act*** and 689B.287 apply to coverage provided pursuant to this paragraph ~~[.]~~ ***, except that the provisions of section 11 of this act only apply to coverage for active officers and employees of the governing body or the dependents of such officers and employees.***

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district,

municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 4. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 689B.255, 695G.150, 695G.160, 695G.162, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.170 to 695G.173, inclusive, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, ***and section 25 of this act*** in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 4.5. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsections 2 and 3, pursuant to a valid prescription or order for a drug to be used for contraception or its therapeutic equivalent which has been approved by the Food and Drug Administration a pharmacist shall:

(a) The first time dispensing the drug or therapeutic equivalent to the patient, dispense up to a 3-month supply of the drug or therapeutic equivalent.

(b) The second time dispensing the drug or therapeutic equivalent to the patient, dispense up to a 9-month supply of the drug or therapeutic equivalent, or any amount which covers the remainder of the plan year if the patient is covered by a health care plan, whichever is less.

(c) For a refill in a plan year following the initial dispensing of a drug or therapeutic equivalent pursuant to paragraphs (a) and (b), dispense up to a 12-month supply of the drug or therapeutic equivalent or any amount

which covers the remainder of the plan year if the patient is covered by a health care plan, whichever is less.

2. The provisions of paragraphs (b) and (c) of subsection 1 only apply if:

(a) The drug for contraception or the therapeutic equivalent of such drug is the same drug or therapeutic equivalent which was previously prescribed or ordered pursuant to paragraph (a) of subsection 1; and

(b) The patient is covered by the same health care plan.

3. If a prescription or order for a drug for contraception or its therapeutic equivalent limits the dispensing of the drug or therapeutic equivalent to a quantity which is less than the amount otherwise authorized to be dispensed pursuant to subsection 1, the pharmacist must dispense the drug or therapeutic equivalent in accordance with the quantity specified in the prescription or order.

4. As used in this section:

(a) "Health care plan" means a policy, contract, certificate or agreement offered or issued by an insurer, including without limitation, the State Plan for Medicaid, to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services.

(b) "Plan year" means the year designated in the evidence of coverage of a health care plan in which a person is covered by such plan.

(c) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 5. NRS 639.2396 is hereby amended to read as follows:

639.2396 1. Except as otherwise provided by subsection 2, a prescription which bears specific authorization to refill, given by the prescribing practitioner at the time he or she issued the original prescription, or a prescription which bears authorization permitting the pharmacist to refill the prescription as needed by the patient, may be refilled for the number of times authorized or for the period authorized if it was refilled in accordance with the number of doses ordered and the directions for use.

2. ~~[A]~~ ***Except as otherwise provided in section 4.5 of this act, a*** pharmacist may, in his or her professional judgment and pursuant to a valid prescription that specifies an initial amount of less than a 90-day supply of a drug other than a controlled substance followed by periodic refills of the initial amount of the drug, dispense not more than a 90-day supply of the drug if:

(a) The patient has used an initial 30-day supply of the drug or the drug has previously been prescribed to the patient in a 90-day supply;

(b) The total number of dosage units that are dispensed pursuant to the prescription does not exceed the total number of dosage units, including refills, that are authorized on the prescription by the prescribing practitioner; and

(c) The prescribing practitioner has not specified on the prescription that dispensing the prescription in an initial amount of less than a 90-day supply followed by periodic refills of the initial amount of the drug is medically necessary.

3. Nothing in this section shall be construed to alter the coverage provided under any contract or policy of health insurance, health plan or program or other agreement arrangement that provides health coverage.

Sec. 6. (Deleted by amendment.)

Sec. 7. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 7, an insurer that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 10; and

(4) Dispensed in accordance with section 4.5 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 10;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same policy of health insurance;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

4. Except as otherwise provided in subsections 8, 9 and 11, an insurer that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage to obtain any benefit included in the policy pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

7. An insurer that offers or issues a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance and before the renewal of such a policy, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

8. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a policy of health insurance must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Ulipristal acetate for emergency contraception.

11. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. An insurer shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

13. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 8. NRS 689A.0415 is hereby amended to read as follows:

689A.0415 1. ~~[Except as otherwise provided in subsection 5, an]~~ ***An*** insurer that offers or issues a policy of health insurance which provides coverage for prescription drugs or devices shall include in the policy coverage for ~~[:~~

~~(a) Any type of drug or device for contraception; and~~

~~(b) Any]~~ ***any*** type of hormone replacement therapy ~~[,~~

~~➥]~~ which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. An insurer that offers or issues a policy of health insurance that provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for a prescription for ~~[a contraceptive or]~~ hormone replacement therapy than is required for other prescription drugs covered by the policy;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured.

3. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. The provisions of this section do not:

(a) Require an insurer to provide coverage for fertility drugs.

(b) Prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by ~~[paragraphs (a) and~~

~~(b) of~~] subsection 1 that is the same as the insured is required to pay for other prescription drugs covered by the policy.

5. ~~[An insurer which offers or issues a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance and before the renewal of such a policy, provide to the prospective insured, written notice of the coverage that the insurer refuses to provide pursuant to this subsection.~~

~~6.~~] As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 9. NRS 689A.0417 is hereby amended to read as follows:

689A.0417 1. ~~[Except as otherwise provided in subsection 5, an]~~ ***An*** insurer that offers or issues a policy of health insurance which provides coverage for outpatient care shall include in the policy coverage for any health care service related to ~~[contraceptives or]~~ hormone replacement therapy.

2. An insurer that offers or issues a policy of health insurance that provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for outpatient care related to ~~[contraceptives or]~~ hormone replacement therapy than is required for other outpatient care covered by the policy;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured.

3. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. The provisions of this section do not prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by subsection 1 that is the same as the insured is required to pay for other outpatient care covered by the policy.

5. ~~[An insurer which offers or issues such a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives required by this section if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance and before the renewal of such a policy, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.~~

~~6.]~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 10. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[.]~~ ***, and section 7 of this act.***

Sec. 11. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 7, an insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 11; and

(4) Dispensed in accordance with section 4.5 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 11;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same policy of group health insurance;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

4. Except as otherwise provided in subsections 9, 10 and 12, an insurer that offers or issues a policy of group health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the policy pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

7. An insurer that offers or issues a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

8. If an insurer refuses, pursuant to subsection 7, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

9. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

10. For each of the 18 methods of contraception listed in subsection 11 that have been approved by the Food and Drug Administration, a policy of group health insurance must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

11. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Ulipristal acetate for emergency contraception.

12. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

13. An insurer shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

14. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

15. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 12. NRS 689B.0376 is hereby amended to read as follows:

689B.0376 1. ~~[Except as otherwise provided in subsection 5, an]~~ ***An*** insurer that offers or issues a policy of group health insurance which provides coverage for prescription drugs or devices shall include in the policy coverage for ~~[:~~

~~(a) Any type of drug or device for contraception; and~~

~~(b) Any]~~ ***any*** type of hormone replacement therapy ~~[,~~ ~~→]~~ which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. An insurer that offers or issues a policy of group health insurance that provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for a prescription for ~~[a contraceptive or]~~ hormone replacement therapy than is required for other prescription drugs covered by the policy;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured,

including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[~~any of the services listed in subsection 1~~]~~ ***hormone replacement therapy*** to an insured.

3. ~~[~~Except as otherwise provided in subsection 5, a~~]~~ ***A*** policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. The provisions of this section do not:

(a) Require an insurer to provide coverage for fertility drugs.

(b) Prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by ~~[~~paragraphs (a) and (b) of~~]~~ subsection 1 that is the same as the insured is required to pay for other prescription drugs covered by the policy.

5. ~~[~~An insurer which offers or issues a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection. The insurer shall provide notice to each insured, at the time the insured receives his or her certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.

6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

7.~~]~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 13. NRS 689B.0377 is hereby amended to read as follows:

689B.0377 1. ~~[~~Except as otherwise provided in subsection 5, an~~]~~ ***An*** insurer that offers or issues a policy of group health insurance which provides coverage for outpatient care shall include in the policy coverage for any health care service related to ~~[~~contraceptives or~~]~~ hormone replacement therapy.

2. An insurer that offers or issues a policy of group health insurance that provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for outpatient care related to ~~[~~contraceptives or~~]~~ hormone replacement therapy than is required for other outpatient care covered by the policy;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured.

3. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. The provisions of this section do not prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by subsection 1 that is the same as the insured is required to pay for other outpatient care covered by the policy.

5. ~~[An insurer which offers or issues a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives required by this section if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection. The insurer shall provide notice to each insured, at the time the insured receives his or her certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.~~

~~6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.]~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 14. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 7, a carrier that offers or issues a health benefit plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 10; and

(4) Dispensed in accordance with section 4.5 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 10;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same health benefit plan;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the carrier.

4. Except as otherwise provided in subsections 8, 9 and 11, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

7. A carrier that offers or issues a health benefit plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the carrier objects on religious grounds. Such a carrier shall, before the issuance of a health benefit plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the carrier refuses to provide pursuant to this subsection.

8. A carrier may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a health benefit plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the carrier may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Ulipristal acetate for emergency contraception.

11. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without

limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. A carrier shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

13. A carrier must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the carrier to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 15. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, ***and section 14 of this act,*** to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 16. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 7, a society that offers or issues a benefit contract which provides coverage for prescription drugs or devices shall include in the contract coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 10; and

(4) Dispensed in accordance with section 4.5 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 10;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same benefit contract;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the society.

4. Except as otherwise provided in subsections 8, 9 and 11, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage for any benefit included in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

7. A society that offers or issues a benefit contract and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the society objects on religious grounds. Such a society shall, before the issuance of a benefit contract and before the renewal of such a contract, provide to the prospective insured written notice of the coverage that the society refuses to provide pursuant to this subsection.

8. A society may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a benefit contract must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the society may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Ulipristal acetate for emergency contraception.

11. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without

limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. A society shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

13. A society must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the society to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 17. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 7, an insurer that offers or issues a contract for hospital or medical service shall include in the contract coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 11; and

(4) Dispensed in accordance with section 4.5 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 11;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same contract for hospital or medical service;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. An insurer that offers or issues a contract for hospital or medical services must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

4. Except as otherwise provided in subsections 9, 10 and 12, an insurer that offers or issues a contract for hospital or medical service shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

7. An insurer that offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

8. If an insurer refuses, pursuant to subsection 7, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

9. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

10. For each of the 18 methods of contraception listed in subsection 11 that have been approved by the Food and Drug Administration, a contract for hospital or medical service must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

11. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Ulipristal acetate for emergency contraception.

12. Except as otherwise provided in this section and federal law, an insurer that offers or issues a contract for hospital or medical services may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment

relating to any benefit required by this section or the type of provider of health care to use for such treatment.

13. An insurer shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

14. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

15. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a contract for hospital or medical service offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 18. NRS 695B.1916 is hereby amended to read as follows:

695B.1916 1. ~~[Except as otherwise provided in subsection 5, an]~~ ***An*** insurer that offers or issues a contract for hospital or medical service which provides coverage for prescription drugs or devices shall include in the contract coverage for ~~[:~~

~~(a) Any type of drug or device for contraception; and~~

~~(b) Any]~~ ***any*** type of hormone replacement therapy ~~[,~~

~~→]~~ which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. An insurer that offers or issues a contract for hospital or medical service that provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for

coverage for a prescription for ~~[a contraceptive or]~~ hormone replacement therapy than is required for other prescription drugs covered by the contract;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured.

3. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

4. The provisions of this section do not:

(a) Require an insurer to provide coverage for fertility drugs.

(b) Prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by ~~[paragraphs (a) and (b) of]~~ subsection 1 that is the same as the insured is required to pay for other prescription drugs covered by the contract.

5. ~~[An insurer which offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection. The insurer shall provide notice to each insured, at the time the insured receives his or her certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.~~

~~6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.]~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 19. NRS 695B.1918 is hereby amended to read as follows:

695B.1918 1. ~~[Except as otherwise provided in subsection 5, an]~~ ***An*** insurer that offers or issues a contract for hospital or medical service which provides coverage for outpatient care shall include in the contract coverage for any health care service related to ~~[contraceptives or]~~ hormone replacement therapy.

2. An insurer that offers or issues a contract for hospital or medical service that provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for outpatient care related to ~~[contraceptives or]~~ hormone replacement therapy than is required for other outpatient care covered by the contract;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an insured.

3. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

4. The provisions of this section do not prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by subsection 1 that is the same as the insured is required to pay for other outpatient care covered by the contract.

5. ~~[An insurer which offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives required by this section if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection. The insurer shall~~

~~provide notice to each insured, at the time the insured receives his or her certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.~~

~~6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.~~**]** As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 20. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 7, a health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 11; and

(4) Dispensed in accordance with section 4.5 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 11;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the enrollee was covered by the same health care plan;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. A health maintenance organization must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the health maintenance organization.

4. Except as otherwise provided in subsections 9, 10 and 12, a health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an enrollee must be the same as for the enrollee.

6. Except as otherwise provided in subsection 7, a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

7. A health maintenance organization that offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the health maintenance organization objects on religious grounds. Such an organization shall, before the issuance of a health care plan and before the renewal of such a plan, provide to the prospective enrollee written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection.

8. If a health maintenance organization refuses, pursuant to subsection 7, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

9. A health maintenance organization may require an enrollee to pay a higher deductible, copayment or coinsurance for a drug for contraception if the enrollee refuses to accept a therapeutic equivalent of the drug.

10. For each of the 18 methods of contraception listed in subsection 11 that have been approved by the Food and Drug Administration, a health care plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the enrollee, but the health maintenance organization may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

11. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Ulipristal acetate for emergency contraception.

12. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

13. A health maintenance organization shall not use medical management techniques to require an enrollee to use a method of contraception other than the method prescribed or ordered by a provider of health care.

14. A health maintenance organization must provide an accessible, transparent and expedited process which is not unduly burdensome by which an enrollee, or the authorized representative of the enrollee, may request an exception relating to any medical management technique used by the health maintenance organization to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

15. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 21. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1735 to 695C.1755, inclusive, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694, 695C.1695, 695C.1708, 695C.1731, 695C.17345 ***,*** ~~[and]~~ 695C.1757 ***and section 20 of this act*** apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 22. NRS 695C.1694 is hereby amended to read as follows:

695C.1694 1. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** health maintenance organization which offers or issues a health care plan that provides coverage for prescription drugs or devices shall include in the plan coverage for ~~[:~~

~~(a) Any type of drug or device for contraception; and~~

~~(b) Any~~] ***any*** type of hormone replacement therapy ~~[,~~ ~~.~~] which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. A health maintenance organization that offers or issues a health care plan that provides coverage for prescription drugs shall not:

(a) Require an enrollee to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for ~~[a prescription for a contraceptive or]~~ hormone replacement therapy than is required for other prescription drugs covered by the plan;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use in the future ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from accessing ~~[any of the services listed in subsection 1;]~~ ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay ~~[any of the services listed in subsection 1]~~ ***hormone replacement therapy*** to an enrollee.

3. ~~[Except as otherwise provided in subsection 5, evidence]~~ ***Evidence*** of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

4. The provisions of this section do not:

(a) Require a health maintenance organization to provide coverage for fertility drugs.

(b) Prohibit a health maintenance organization from requiring an enrollee to pay a deductible, copayment or coinsurance for the coverage required by ~~[paragraphs (a) and (b) of]~~ subsection 1 that is the same as the enrollee is required to pay for other prescription drugs covered by the plan.

5. ~~[A health maintenance organization which offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the health maintenance organization objects on religious grounds. The health maintenance organization shall, before the issuance of a health care plan and before renewal of enrollment in such a plan, provide to the group policyholder or prospective enrollee, as applicable, written notice of the coverage that the health maintenance organization refuses to provide~~

~~pursuant to this subsection. The health maintenance organization shall provide notice to each enrollee, at the time the enrollee receives his or her evidence of coverage, that the health maintenance organization refused to provide coverage pursuant to this subsection.~~

~~6. If a health maintenance organization refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.~~**]** As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 23. NRS 695C.1695 is hereby amended to read as follows:

695C.1695 1. **[**~~Except as otherwise provided in subsection 5, a~~**]** ***A*** health maintenance organization that offers or issues a health care plan which provides coverage for outpatient care shall include in the plan coverage for any health care service related to **[**~~contraceptives or~~**]** hormone replacement therapy.

2. A health maintenance organization that offers or issues a health care plan that provides coverage for outpatient care shall not:

(a) Require an enrollee to pay a higher deductible, copayment or coinsurance or require a longer waiting period or other condition for coverage for outpatient care related to **[**~~contraceptives or~~**]** hormone replacement therapy than is required for other outpatient care covered by the plan;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use in the future **[**~~any of the services listed in subsection 1;~~**]** ***hormone replacement therapy;***

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from accessing **[**~~any of the services listed in subsection 1;~~**]** ***hormone replacement therapy;***

(d) Penalize a provider of health care who provides **[**~~any of the services listed in subsection 1~~**]** ***hormone replacement therapy*** to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay **[**~~any of the services listed in subsection 1~~**]** ***hormone replacement therapy*** to an enrollee.

3. **[**~~Except as otherwise provided in subsection 5, evidence~~**]** ***Evidence*** of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

4. The provisions of this section do not prohibit a health maintenance organization from requiring an enrollee to pay a deductible, copayment or coinsurance for the coverage required by subsection 1 that is the same as the enrollee is required to pay for other outpatient care covered by the plan.

5. ~~[A health maintenance organization which offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives required by this section if the health maintenance organization objects on religious grounds. The health maintenance organization shall, before the issuance of a health care plan and before renewal of enrollment in such a plan, provide to the group policyholder or prospective enrollee, as applicable, written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection. The health maintenance organization shall provide notice to each enrollee, at the time the enrollee receives his or her evidence of coverage, that the health maintenance organization refused to provide coverage pursuant to this subsection.~~

~~6. If a health maintenance organization refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~7.]~~ As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 24. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, ***and section 20 of this act*** or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 25. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 7, a managed care organization that offers or issues a health care plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 10; and

(4) Dispensed in accordance with section 4.5 of this act;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 10;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same health care plan;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the managed care organization.

4. Except as otherwise provided in subsections 8, 9 and 11, a managed care organization that offers or issues a health care plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefits;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefits;

(d) Penalize a provider of health care who provides any such benefits to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefits to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefits.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

7. A managed care organization that offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the managed care organization objects on religious grounds. Such an organization shall, before the issuance of a health care plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the managed care organization refuses to provide pursuant to this subsection.

8. A managed care organization may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a health care plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the managed care organization may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Ulipristal acetate for emergency contraception.

11. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. A managed care organization shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

13. A managed care organization must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the managed care organization to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 26. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 27. This act becomes effective on January 1, 2018.

Assemblyman Sprinkle moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 249.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:
This report clarifies in the digest of the third reprint that the provisions of this bill do not require a public or private insurer to provide coverage for the purpose of terminating a pregnancy.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 498.
The following Senate amendment was read:
Amendment No. 1121.
AN ACT making an appropriation to the Division of Emergency Management of the Department of Public Safety for a joint field office to work with the Federal Emergency Management Agency on certain flood reimbursements; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Division of Emergency Management of the Department of Public Safety the sum of $351,938 to set up a joint field office to work with the Federal Emergency Management Agency on flood reimbursements related to the 2017 floods.

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2019.

Sec. 3. This act becomes effective ~~[on July 1, 2017.]~~ **upon passage and approval.**

Assemblywoman Carlton moved that the Assembly concur in the Senate Amendment No. 1121 to Assembly Bill No. 498.
Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:
This changes the effective date to passage and approval.

Motion carried by a constitutional majority.
Bill ordered to enrollment.

Assembly Bill No. 500.
The following Senate amendment was read:
Amendment No. 1122.

AN ACT making an appropriation to the Account for the Governor's Portrait for the preparation and framing of a portrait of Governor Brian Sandoval; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Account for the Governor's Portrait created by NRS 223.121 the sum of $25,000 for the preparation and framing of a portrait of Governor Brian Sandoval.

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2019.

Sec. 3. This act becomes effective ~~[on July 1, 2017.]~~ **upon passage and approval.**

Assemblywoman Carlton moved that the Assembly concur in the Senate Amendment No. 1122 to Assembly Bill No. 500.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:
This changes the effective date to passage and approval.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 326.

The following Senate amendment was read:

Amendment No. 1109.

AN ACT relating to criminal procedure; revising provisions relating to certain information included in reports of presentence investigations; authorizing the court to order the Division of Parole and Probation of the Department of Public Safety to correct the contents of a report of any presentence investigation or general investigation in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Division of Parole and Probation of the Department of Public Safety to include in the report of any presentence investigation any information that it believes may be helpful in imposing a sentence, in granting probation or in correctional treatment. (NRS 176.145) Existing law also generally requires the Division to disclose to the

prosecuting attorney, the counsel for the defendant, the defendant and the court the factual content of the report of any presentence investigation and the recommendations of the Division not later than 14 calendar days before the defendant will be sentenced. (NRS 176.153)

Section 1 of this bill provides that if the Division includes in the report of any presentence investigation any information relating to the defendant being affiliated with or a member in a criminal gang and the Division reasonably believes such information is disputed by the defendant, the Division is required to provide with the information disclosed, before the defendant will be sentenced, copies of all documentation relied upon by the Division as a basis for including such information in the report. ~~[Section 1 also provides that if such information is disputed by the defendant, the Division or the prosecuting attorney is required to prove by clear and convincing evidence that the information is accurate.]~~

Existing law requires the Division to afford an opportunity to the prosecuting attorney, the counsel for the defendant and the defendant to object to factual errors in a report of any presentence investigation or general investigation. (NRS 176.156) **Section 2** of this bill authorizes the court to order the Division to correct the contents of any such report following sentencing of the defendant if the prosecuting attorney and the defendant stipulate to correcting the contents of any such report within 180 days after the date on which the judgment of conviction was entered.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 176.153 is hereby amended to read as follows:

176.153 ***1.*** Except as otherwise provided in ~~[this section,]~~ ***subsection 3,*** the Division shall disclose to the prosecuting attorney, the counsel for the defendant, the defendant and the court, not later than 14 calendar days before the defendant will be sentenced, the factual content of the report of any presentence investigation made pursuant to NRS 176.135 and the recommendations of the Division.

2. In addition to the disclosure requirements set forth in subsection 1, if the Division includes in the report of any presentence investigation made pursuant to NRS 176.135 any information relating to the defendant being affiliated with or a member in a criminal gang and the Division reasonably believes such information is disputed by the defendant, the Division shall provide with the information disclosed pursuant to subsection 1 copies of all documentation relied upon by the Division as a basis for including such information in the report, including, without limitation, any field interview cards. ~~*[If such information is disputed by the defendant, the Division or the prosecuting attorney must prove by clear and convincing evidence that the information is accurate.]*~~

3. The defendant may waive the minimum period required by ~~[this section.]~~ ***subsection 1.***

4. As used in this section, "criminal gang" has the meaning ascribed to it in NRS 193.168.

Sec. 2. NRS 176.156 is hereby amended to read as follows:

176.156 1. The Division shall disclose to the prosecuting attorney, the counsel for the defendant and the defendant the factual content of the report of:

(a) Any presentence investigation made pursuant to NRS 176.135 and the recommendations of the Division ~~[,]~~ ***and, if applicable, provide the documentation required pursuant to subsection 2 of NRS 176.153,*** in the period provided in NRS 176.153.

(b) Any general investigation made pursuant to NRS 176.151.

➥ The Division shall afford an opportunity to each party to object to factual errors in any such report and to comment on any recommendations. ***The court may order the Division to correct the contents of any such report following sentencing of the defendant if, within 180 days after the date on which the judgment of conviction was entered, the prosecuting attorney and the defendant stipulate to correcting the contents of any such report.***

2. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a presentence investigation or general investigation to a law enforcement agency of this State or a political subdivision thereof and to a law enforcement agency of the Federal Government for the limited purpose of performing their duties, including, without limitation, conducting hearings that are public in nature.

3. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a presentence investigation or general investigation to the Division of Public and Behavioral Health of the Department of Health and Human Services for the limited purpose of performing its duties, including, without limitation, evaluating and providing any report or information to the Division concerning the mental health of:

(a) A sex offender as defined in NRS 213.107; or

(b) An offender who has been determined to be mentally ill.

4. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a presentence investigation or general investigation to the Nevada Gaming Control Board for the limited purpose of performing its duties in the administration of the provisions of chapters 462 to 467, inclusive, of NRS.

5. Except for the disclosures required by subsections 1 to 4, inclusive, a report of a presentence investigation or general investigation and the sources of information for such a report are confidential and must not be made a part of any public record.

Sec. 3. The amendatory provisions of this act apply to a report of any presentence investigation or general investigation that is made on or after October 1, 2017.

Assemblyman Ohrenschall moved that the Assembly concur in the Senate Amendment No. 1109 to Assembly Bill No. 326.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

My colleague from Assembly District 6 and my colleague from Assembly District 9 worked hard to address the concerns of the prosecutorial bar. The Senate amendment removes a requirement that if there were a dispute about possible gang affiliation in a presentence investigation report, the requirement that the Division or the prosecuting attorney would need to prove by clear and convincing evidence that that allegation of gang affiliation was correct. That has been deleted, and that gave the prosecutorial bar a lot more comfort with the bill.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 421.

The following Senate amendment was read:

Amendment No. 1105.

AN ACT relating to corrections; requiring the coordination ~~[and oversight]~~ of certain care for a prisoner **to be arranged** by a sheriff, chief of police or town marshal in certain counties and the Department of Health and Human Services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes upon sheriffs, chiefs of police and town marshals certain duties relating to the control and care of prisoners in their custody. (NRS 211.140) This bill requires, in a county whose population is 700,000 or more (currently Clark County), a sheriff, chief of police or town marshal ~~[to arrange for, and]~~ **, in collaboration with** the Department of Health and Human Services **,** ~~[to provide,]~~ for the purpose of maintaining continuity of care, **to arrange for the** coordination ~~[and oversight]~~ of certain care provided to a prisoner while the prisoner is in custody **.** ~~[and]~~ **This bill requires the Department to arrange for the coordination of such care** after the prisoner is released from custody. This bill also requires each such sheriff and the Director of the Department to report to the Legislative Committee on Health Care regarding such **collaboration and** coordination **.** ~~[and oversight.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 211.140 is hereby amended to read as follows:

211.140 1. The sheriff of each county has charge and control over all prisoners committed to his or her care in the respective county jails, and the chiefs of police and town marshals in the several cities and towns throughout

this State have charge and control over all prisoners committed to their respective city and town jails and detention facilities.

2. A court shall not, at the request of any prisoner in a county, city or town jail, issue an order which affects the conditions of confinement of the prisoner

unless, except as otherwise provided in this subsection, the court provides the sheriff, chief of police or town marshal having control over the prisoner with:

(a) Sufficient prior notice of the court's intention to enter the order. Notice by the court is not necessary if the prisoner has filed an action with the court challenging his or her conditions of confinement and has served a copy of the action on the sheriff, chief of police or town marshal.

(b) An opportunity to be heard on the issue.

➥ As used in this subsection, "conditions of confinement" includes, but is not limited to, a prisoner's access to the law library, privileges regarding visitation and the use of the telephone, the type of meals provided to the prisoner and the provision of medical care in situations which are not emergencies.

3. The sheriffs, chiefs of police and town marshals shall see that the prisoners under their care are kept at labor for reasonable amounts of time within the jail or detention facility, on public works in the county, city or town, or as part of a program of release for work established pursuant to NRS 211.120 or 211.171 to 211.200, inclusive.

4. The sheriff, chief of police or town marshal shall arrange for the administration of medical care required by prisoners while in his or her custody. The county, city or town shall pay the cost of appropriate medical:

(a) Treatment provided to a prisoner while in custody for injuries incurred by a prisoner while the prisoner is in custody and for injuries incurred during the prisoner's arrest for commission of a public offense if the prisoner is not convicted of that offense;

(b) Treatment provided to a prisoner while in custody for any infectious, contagious or communicable disease which the prisoner contracts while the prisoner is in custody; and

(c) Examinations required by law or by court order conducted while the prisoner is in custody unless the order otherwise provides.

5. A prisoner shall pay the cost of medical treatment for:

(a) Injuries incurred by the prisoner during his or her commission of a public offense or for injuries incurred during his or her arrest for commission of a public offense if the prisoner is convicted of that offense;

(b) Injuries or illnesses which existed before the prisoner was taken into custody;

(c) Self-inflicted injuries; and

(d) Except treatment provided pursuant to subsection 4, any other injury or illness incurred by the prisoner.

6. A medical facility furnishing treatment pursuant to subsection 5 shall attempt to collect the cost of the treatment from the prisoner or the prisoner's

insurance carrier. If the facility is unable to collect the cost and certifies to the appropriate board of county commissioners that it is unable to collect the cost of the medical treatment, the board of county commissioners shall pay the cost of the medical treatment.

7. A sheriff, chief of police or town marshal who arranges for the administration of medical care pursuant to this section may attempt to collect from the prisoner or the insurance carrier of the prisoner the cost of arranging for the administration of medical care including the cost of any transportation of the prisoner for the purpose of medical care. The prisoner shall obey the requests of, and fully cooperate with the sheriff, chief of police or town marshal in collecting the costs from the prisoner or the prisoner's insurance carrier.

8. In a county whose population is 700,000 or more [,] :

(a) While a prisoner is in custody, a sheriff, chief of police or town marshal [shall arrange for, and] , in collaboration with the Department of Health and Human Services and the various divisions thereof , [shall provide,] for the purpose of maintaining continuity of care, shall arrange for the coordination [and oversight] of the care for mental health and substance abuse treatment provided to [a] the prisoner by [:

[(a) All] all providers of such care in the county, city or town jail or detention facility . [while the prisoner is in custody; and

[(b) All providers of such care after the]

(b) After a prisoner is released from custody [.

[,] :

(1) The Department and the various divisions thereof shall arrange for the coordination of the care for mental health and substance abuse treatment provided to the prisoner.

(2) The sheriff, chief of police or town marshal is no longer responsible for arranging the coordination of such care.

9. Each [such] sheriff [,] described in subsection 8, or his or her representative, and the Director of the Department of Health and Human Services, or his or her representative, shall, at [each meeting] the request of the Legislative Committee on Health Care, appear before the Committee during the legislative interim to report on the collaboration and coordination [and oversight] provided pursuant to [this] subsection [.] 8.

10. Mental health and substance abuse treatment provided pursuant to subsection 8 may include any medication that has been:

(a) Approved by the United States Food and Drug Administration; and

(b) Prescribed by a treating physician as medically necessary for use by the prisoner to address mental health or substance abuse issues.

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. This act becomes effective on July 1, 2017.

Assemblyman Ohrenschall moved that the Assembly concur in the Senate Amendment No. 1105 to Assembly Bill No. 421.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 421 deals with continuity of mental health care and substance abuse treatment for inmates in detention facilities down in Clark County. The Senate amendment addresses concerns that the Metropolitan Police Department had regarding clarifying that once an inmate has left the detention center, any responsibility for mental health treatment or substance abuse treatment ceases—once that inmate has left that detention facility.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 375.

The following Senate amendment was read:

Amendment No. 771.

SUMMARY—Allows the imposition of certain taxes **, fees, rates, charges, levies or assessments** in a county to fund **approved** flood management projects of a flood management authority based on the recommendations of a flood control project needs committee **.** ~~[and voter approval.]~~ (BDR S-473)

AN ACT relating to taxation; authorizing the governing body of a flood management authority under specified circumstances to adopt a resolution establishing a flood control project needs committee to recommend the imposition of certain taxes **, fees, rates, charges, levies or assessments** to fund the **approved** flood management projects of the flood management authority; providing that if such a committee is established and submits its recommendations to the **governing body of the flood management authority and the** board of county commissioners within the time prescribed, the **governing body of the flood management authority is required to impose certain recommended fees, rates or charges and the** board of county commissioners is required to submit a question to the voters at the 2018 General Election asking whether the **other** recommended taxes **, fees, levies or assessments** should be imposed in the county; requiring the board of county commissioners to adopt an ordinance imposing any such taxes **, fees, levies or assessments** that are approved by the voters; providing for the use of the proceeds of such taxes **, fees, rates, charges, levies or assessments** for ~~[certain]~~ **approved** flood management projects; providing that if a flood control project needs committee is established, the committee is required to obtain information and submit a report concerning certain flooding issues in the county; providing for the prospective expiration of the authority of a governing body to establish such a committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes the governing body of a flood management authority to establish by resolution a flood control project needs committee to recommend the imposition of certain **: (1) flood management fees, rates, charges, levies or assessments; or (2)** taxes for consideration by the voters at the 2018 General Election to fund the **approved** flood management projects of the flood management authority.

Sections 2 and 3 of this bill provide that if such a committee is established, the committee **: (1) must recommend the imposition of certain flood management fees, rates, charges, levies or assessments; and (2)** may recommend the imposition of one or more ~~[of the following]~~ **other** taxes **. ~~[:~~ The taxes which may be recommended for imposition are:** (1) an additional tax on the gross receipts from the rental of transient lodging in the county; (2) a supplemental governmental services tax for the privilege of operating a vehicle upon the public streets, roads and highways of the county; (3) an additional tax on the transfer of real property in the county; (4) ~~[an additional sales and use tax in the county; (5)]~~ an additional property tax in the county; and ~~[(6)]~~ **(5)** any other tax, fee, levy or assessment the county is authorized under the law of this State to impose. The recommendations of the committee must specify the rate or rates for each of the recommended taxes, fees, **rates, charges,** levies or assessments and may specify the period during which the recommended taxes, fees, **rates, charges,** levies or assessments will be imposed. ~~[If]~~ **The committee may dissolve itself without making recommendations if the committee is unable to develop recommendations because of a lack of sufficient documentation or technical information necessary to make such recommendations. However, if** the committee submits its recommendations to the **governing body of the flood management authority and the** board of county commissioners on or before April 2, 2018 **~~[,]~~ : (1) the governing body of the flood management authority is required to impose the recommended flood management fees, rates or charges; and (2)** the board of county commissioners is required to submit a question to the voters at the November 6, 2018, General Election asking whether any of the **other** taxes, fees, levies or assessments recommended by the committee should be imposed in the county. If a majority of the voters approve the question, the board of county commissioners is required to impose the approved taxes, fees, levies and assessments at the rate or rates specified in the question submitted to the voters. If a majority of the voters approve the imposition of an additional property tax, the additional rate is exempt from the partial abatement of property taxes on certain property and the requirement that taxes ad valorem not exceed $3.64 on each $100 of assessed valuation.

Section 4 of this bill provides that the proceeds resulting from the imposition of such taxes, fees, **rates, charges,** levies and assessments: (1) must be deposited in the fund for flood management projects of the flood management authority; and (2) may be pledged to the payment of the

principal and interest on bonds or other obligations issued for ~~[certain]~~ **approved** flood management projects.

Section 5 of this bill provides that if a flood control project needs committee is established, the committee must conduct meetings to receive information and evidence about flooding issues in the county and provide a report to the Governor, the Legislature, **the regional planning commission,** the board of county commissioners, the city council or other governing body of each city in the county and the ~~[board of directors]~~ **governing body** of the flood management authority of the county.

Section 6 of this bill provides that the provisions of this bill authorizing the governing body of a flood management authority to establish such a flood control project needs committee expire by limitation on April 2, 2018.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. The governing body of a flood management authority may, by resolution, establish a flood control project needs committee to recommend the imposition of one or more of the taxes, fees, **rates, charges,** levies or assessments described in ~~[section]~~ **sections 2 and** 3 of this act ~~[for consideration by the voters at the 2018 General Election]~~ to fund the **approved** flood management projects of the flood management authority. If such a resolution is adopted, the committee must be appointed consisting of:

(a) The chief executive officer of the flood management authority, who serves ex officio, or his or her designee.

(b) One Senator whose legislative district includes all or part of the flood management authority. If the legislative district of more than one Senator includes the flood management authority, those Senators shall jointly appoint the member to serve.

(c) One member of the Assembly whose legislative district includes all or part of the flood management authority. If the legislative district of more than one member of the Assembly includes the flood management authority, those members of the Assembly shall jointly appoint the member to serve.

(d) One member who is a representative of the Nevada Association of Realtors, or its successor, appointed by that Association.

(e) One member who is a representative of the Retail Association of Nevada, or its successor, appointed by that Association.

(f) One member appointed by the board of county commissioners.

(g) If the county includes one or more cities, the mayor of each such city shall appoint a member to serve.

(h) One member who is a representative of a labor organization, appointed by the State of Nevada AFL-CIO, or its successor.

(i) One member of the general public, appointed by the Governor of the State of Nevada.

(j) One member who represents economic development in the county, appointed by the regional development authority, as defined in NRS 231.009, for that county.

(k) One member who represents gaming, appointed by the gaming association with the largest membership in the county or, if there are no members of a gaming association in the county, the governing body of the flood management authority.

(l) One member who represents business or commercial interests, other than gaming, appointed by the local chamber of commerce with the largest membership in the county or, if there is no local chamber of commerce in the county, the governing body of the flood management authority.

(m) One member who represents homebuilders in the county, appointed by the association of homebuilders with the largest membership in the county or, if there are no members of an association of homebuilders in the county, the governing body of the flood management authority.

(n) One member who represents the largest airport in the county, if any, appointed by that airport's governing board as a nonvoting member of the committee.

(o) One member representing commercial developers in the county, appointed by the Northern Nevada Chapter of NAIOP Commercial Real Estate Development Association, or its successor.

2. The members appointed pursuant to paragraphs ~~[(d)]~~ **(f), (g) and (i)** to (o), inclusive, of subsection 1 must be residents of the county.

3. Any vacancy occurring in the appointed membership of a committee established pursuant to subsection 1 must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

4. If a committee is established pursuant to subsection 1, the committee shall hold its first meeting upon the call of the chief executive officer of the flood management authority as soon as practicable after the appointments are made pursuant to subsection 1. At the first meeting of the committee, the members of the committee shall elect a Chair.

5. A majority of the voting members of a committee established pursuant to subsection 1 constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the committee.

6. If a committee is established pursuant to subsection 1, the chief executive officer of the flood management authority shall provide administrative support to the committee.

7. As used in this section, "flood management authority" has the meaning ascribed to it in NRS 244A.0293.

Sec. 2. 1. ~~[If]~~ **Except as otherwise provided in subsection 2, if** a flood control project needs committee is established pursuant to subsection 1 of section 1 of this act, the committee shall, on or before April 2, 2018:

(a) Prepare recommendations for the imposition of one or more of the taxes, fees, **rates, charges,** levies or assessments described in **this section**

and section 3 of this act **, or any combination thereof,** in the county to provide funding to the flood management authority for one or more **approved** flood management projects, as defined in NRS 244A.0297. The recommendations ~~[must]~~ **:**

(1) Must include a proposal for the imposition of a fee, rate or charge that the governing body of a flood management authority is authorized to impose for services or facilities rendered by the flood management project pursuant to NRS 244A.063 and 268.738 and any interlocal agreement entered into pursuant to chapter 277 of NRS;

(2) May include a proposal for the imposition of one or more of the taxes, fees, levies or assessments described in section 3 of this act in the county; and

(3) Must specify the proposed rate or rates for each of the recommended taxes, fees, **rates, charges,** levies or assessments and may specify the period during which one or more of the recommended taxes, fees, **rates, charges,** levies or assessments will be imposed.

(b) Submit the recommendations to the **governing body of the flood management authority and the** board of county commissioners.

2. **If a flood control project needs committee is established pursuant to subsection 1 of section 1 of this act and the committee is unable to develop the recommendations required by subsection 1 because of a lack of sufficient documentation or technical information necessary to develop such recommendations, the committee may dissolve itself without submitting the recommendations required by subsection 1. If the committee dissolves itself pursuant to this subsection, the committee must submit the report required by paragraph (b) of subsection 1 of section 5 of this act and include in the report a summary of the meetings conducted by the committee and the reason that the committee was unable to develop the recommendations required by subsection 1.**

3. Upon the receipt of recommendations pursuant to subsection 1 ~~[, the board of county commissioners shall , at]~~ **:**

(a) The governing body of a flood management authority shall impose the fee, rate or charge recommended pursuant to subparagraph (1) of paragraph (a) of subsection 1 at the rate or rates and for the period or periods specified in the recommendations submitted pursuant subsection 1, if the period was specified in those recommendations. The fee, rate or charge must be administered and enforced in the same manner as similar fees, rates or charges imposed pursuant to NRS 244A.063 and 268.738 and any interlocal agreement entered into pursuant to chapter 277 of NRS.

(b) The board of county commissioners shall, at the General Election on November 6, 2018, submit a question to the voters of the county asking whether any of the ~~[recommended]~~ taxes, fees, levies or assessments **recommended pursuant to subparagraph (2) of paragraph (a) of subsection 1** should be imposed in the county. The question submitted to the

voters of the county must specify the proposed rate or rates for each of the recommended taxes, fees, levies or assessments and the period during which each of the recommended taxes, fees, levies or assessments will be imposed, if the period was specified in the recommendations submitted pursuant to subsection 1. If the question submitted to the voters pursuant to this subsection asks the voters of the county whether to impose the tax described in subsection ~~[5]~~ **4** of section 3 of this act or any other property tax, the question must state that any such tax imposed is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.

~~[3.]~~ **4.** If a majority of the voters voting on the question submitted to the voters pursuant to **paragraph (b) of** subsection ~~[2]~~ **3** vote affirmatively on the question:

(a) The board of county commissioners shall impose the recommended taxes, fees, levies or assessments in accordance with the provisions of section 3 of this act and at the rate or rates specified in the question submitted to the voters pursuant to **paragraph (b) of** subsection ~~[2.]~~ **3.**

(b) If the question recommended the imposition of the tax described in subsection ~~[5]~~ **4** of section 3 of this act or any other property tax:

(1) Any such tax imposed is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.

(2) The provisions of NRS 361.453 do not apply to any such tax imposed.

~~[(c)]~~ **5.** The taxes, fees, **rates, charges,** levies and assessments **imposed pursuant to this section** must be imposed notwithstanding the provisions of any specific statute to the contrary and, except as otherwise specifically provided in sections 1 to 4, inclusive, of this act, such taxes, fees, **rates, charges,** levies and assessments are not subject to any limitations set forth in any statute which authorizes the board of county commissioners to impose such taxes, fees, **rates, charges,** levies and assessments, including, without limitation, any limitations on the maximum rate or rates which may be imposed or the duration of the period during which such taxes, fees, **rates, charges,** levies and assessments may be imposed.

Sec. 3. 1. Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 2 of this act recommending the imposition of a tax on the gross receipts from the rental of transient lodging, in addition to all other taxes imposed on the revenue from the rental of transient lodging, the board of county commissioners shall impose a tax on the gross receipts from the rental of transient lodging at the rate specified in the question presented to the voters pursuant to section 2 of this act. The tax must be imposed throughout the county, including its incorporated cities, upon all persons in the business of providing transient lodging. The tax must be administered and enforced in the same manner as similar taxes imposed pursuant to chapter 244 of NRS on the revenue from the rental of transient lodging are administered and enforced.

2. Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 2 of this act recommending the imposition of a supplemental governmental services tax for the privilege of operating a vehicle upon the public streets, roads and highways of the county, the board of county commissioners shall, in addition to any supplemental governmental services tax imposed pursuant to NRS 371.043 or 371.045, impose a supplemental governmental services tax at the rate specified in the question presented to the voters pursuant to section 2 of this act on each vehicle based in the county except:

(a) A vehicle exempt from the governmental services tax pursuant to chapter 371 of NRS; or

(b) A vehicle subject to NRS 706.011 to 706.861, inclusive, which is engaged in interstate or intercounty operations.

➥ The tax must be administered and enforced in the same manner as the taxes imposed pursuant to NRS 371.043 and 371.045 are administered and enforced.

3. Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 2 of this act recommending the imposition of a tax on transfers of real property, in addition to all other taxes imposed on transfers of real property pursuant to chapter 375 of NRS, the board of county commissioners shall impose a tax at the rate specified in the question presented to the voters pursuant to section 2 of this act on each deed by which any lands, tenements or other realty is granted, assigned, transferred or otherwise conveyed to, or vested in, another person, or land sale installment contract, if the consideration or value of the interest or property conveyed exceeds $100. The amount of the tax must be computed on the basis of the value of the real property that is the subject of the transfer or land sale installment contract as declared pursuant to NRS 375.060. The county recorder shall collect the tax in the manner provided in NRS 375.030.

4. ~~[Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 2 of this act recommending the imposition of a tax on the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed in the county, the board of county commissioners shall impose the tax at the rate specified in the question presented to the voters pursuant to section 2 of this act. The tax must be administered and enforced in the same manner as the taxes imposed pursuant to chapter 374 of NRS are administered and enforced.~~

~~5.~~] Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 2 of this act recommending an increase in the rate of the tax levied in accordance with NRS 361.460, the board of county commissioners shall, in addition to any tax levied in accordance with NRS 361.460, levy a tax on the assessed valuation of taxable property within the county in the amount described in

the question presented to the voters pursuant to section 2 of this act. The tax must be administered and enforced in the same manner as the tax imposed pursuant to NRS 361.460 is administered and enforced.

~~[6.]~~ **5.** Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 2 of this act recommending the imposition of any other tax, fee, levy or assessment not described in subsections 1 to ~~[5,]~~ **4,** inclusive, that the county is authorized under the law of this State to impose, the board of county commissioners shall levy or otherwise impose such a tax, fee, levy or assessment at the rate or rates specified in the question presented to the voters pursuant to section 2 of this act. Each tax, fee, levy or assessment must be administered and enforced as provided for under the laws of this State.

Sec. 4. The proceeds of any taxes, fees, **rates, charges,** levies and assessments imposed pursuant to sections 2 and 3 of this act:

1. Must be deposited in the flood management authority's fund for flood management projects to be held and, except as otherwise provided in subsection 2, expended to pay the costs of one or more of the **approved** flood management projects set forth in NRS 244A.0297.

2. May be pledged to the payment of principal and interest on bonds or other obligations issued for one or more of the **approved** flood management projects set forth in NRS 244A.0297. The proceeds of such taxes, fees, **rates, charges,** levies and assessments so pledged may be treated as pledged revenues for the purposes of subsection 3 of NRS 350.020, and the governing body of the flood management authority may issue bonds for those purposes in accordance with the provisions of chapter 350 of NRS.

Sec. 5. 1. If a flood control project needs committee is established pursuant to subsection 1 of section 1 of this act, the committee shall, not later than 18 months after the date of the first meeting of the committee:

(a) Conduct meetings at which the committee receives information and evidence concerning the issue of flooding in areas of the county not covered by a plan for protection against floods which is adopted by the flood management authority of the county, regardless of the source or cause of such flooding; and

(b) Submit a report to the Governor, the Director of the Legislative Counsel Bureau for transmission to the next session of the Legislature, the **regional planning commission in the jurisdiction of the flood management authority, the** board of county commissioners, the city council or other governing body of each incorporated city in the county and the ~~[board of directors]~~ **governing body** of the flood management authority. The report must contain:

(1) **A summary of any existing flood management plans adopted by the county or an incorporated city located within the county, including, without limitation, any policy or capital improvement recommendations included in such plans;**

(2) A description of the areas of the county which are most affected by flooding and which are not covered by the plan for protection against floods which is adopted by the flood management authority of the county;

~~[(2)]~~ **(3)** A description of the source of flooding in the areas of the county described pursuant to subparagraph ~~[(1);~~

~~(3)]~~ **(2);**

(4) A compilation of projects suggested in existing community planning documents that would address known areas of flooding in the county;

~~[(4)]~~ **(5)** Recommendations for flood protection or mitigation measures for known sources of flooding and sources of flooding identified during the course of the meetings conducted pursuant to ~~[subsection 1;]~~ **paragraph (a);** and

~~[(5)]~~ **(6)** Recommendations of issues that need further study and modeling.

2. As used in this section, "flood management authority" has the meaning ascribed to it in NRS 244A.0293.

Sec. 6. 1. This act becomes effective upon passage and approval.

2. Section 1 of this act expires by limitation on April 2, 2018.

Assemblywoman Neal moved that the Assembly concur in the Senate Amendment No. 771 to Assembly Bill No. 375.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

Amendment 771 makes recommendations that the committee that is formed for the flood control project is submitted to the governing body of the flood management authority. The sales and use tax is removed from the list of revenues that may be recommended. The recommendations prepared by the committee must include a proposal which does not require voter approval.

The flood control project needs committee is authorized, rather than required. If the flood control project needs committee is unable to provide recommendations due to lack of sufficient documentation or technical information, the committee may dissolve itself. Upon receipt of a recommendation for the imposition of a fee rate or charge, the governing body of the flood management authority is currently authorized to impose, without voter approval—the flood management authority is required to impose a fee in a specified period in time. The amendment finally allows a representative from certain statewide organizations who are not residents of the county to be named to the flood control project.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Neal moved that the Assembly recede from its action on Senate Bill No. 442.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

The amendment on Senate Bill 442 is not congruent, and we are just choosing to use another vehicle.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 155, 444, 445, 482, 548, and 549 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 155.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 155, as amended, provides General Fund appropriations totaling $1 million over the 2017-2019 biennium to the Department of Education contract with the Clark County Public Education Foundation for the implementation and operation of education leadership training programs.

Roll call on Senate Bill No. 155:

YEAS—37.

NAYS—Ellison, Krasner, Marchant, McArthur, Titus—5.

Senate Bill No. 155 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 444.

Bill read third time.

Roll call on Senate Bill No. 444:

YEAS—42.

NAYS—None.

Senate Bill No. 444 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 445.

Bill read third time.

Roll call on Senate Bill No. 445:

YEAS—41.

NAYS—Oscarson.

Senate Bill No. 445 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 482.

Bill read third time.

Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

Senate Bill 482 amends *Nevada Revised Statutes* Chapter 449 to improve public and patient access to information on quality of care ratings assigned by the federal government for medical facilities and facilities for dependents in Nevada by requiring the state Division of Public and Behavioral Health to post an Internet link to the most recent star rating assigned by the federal

Centers for Medicare and Medicaid Services to each medical facility or facility for the dependent in Nevada that receives such a rating.

Roll call on Senate Bill No. 482:

YEAS—29.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, Oscarson, Pickard, Tolles, Wheeler, Woodbury—13.

Senate Bill No. 482 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 548.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 548, as amended, authorizes a college or university within the Nevada System of Higher Education to apply to the State Board of Education for a grant of money to establish the Nevada Institute on Teaching and Educator Preparation. The Institute will establish a highly selective program for the education and training of teachers; conduct research concerning approaches and methods used to educate and train teachers and to teach pupils; and evaluate, develop and disseminate approaches to teaching.

Senate Bill 548, as amended, appropriates $500,000 in General Fund appropriations in each fiscal year of the 2017-2019 biennium to the State Board of Education for the purpose of awarding a grant of money to a college or university within the Nevada System of Higher Education.

Roll call on Senate Bill No. 548:

YEAS—37.

NAYS—Ellison, Krasner, Marchant, McArthur, Titus—5.

Senate Bill No. 548 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 549.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Senate Bill 549 appropriates from the State General Fund to the Division of State Library, Archives and Public Records of the Department of Administration the sum of $500,000 for library collection development, bookmobile services, statewide databases, and emerging technology.

Roll call on Senate Bill No. 549:

YEAS—42.

NAYS—None.

Senate Bill No. 549 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:06 a.m.

ASSEMBLY IN SESSION

At 12:32 a.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 4, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 207, Amendment No. 1110, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day receded from its action on Assembly Bill No. 359, Senate Amendment No. 858.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 546.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 555.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 121.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 257.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 487.

Also, I have the honor to inform your honorable body that the Senate on this day adopted, as amended, Senate Concurrent Resolution No. 11.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 1082 to Senate Bill No. 361.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Cancela, Ratti and Goicoechea as a Conference Committee concerning Senate Bill No. 47.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 258.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 432.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that the Assembly reconsider the action whereby Senate Amendment No. 1123 to Assembly Bill No. 29 was not concurred in.

Motion carried.

Assemblywoman Benitez-Thompson moved that the Assembly concur in the Senate Amendment No. 1123 to Assembly Bill No. 29.

Motion carried by a constitutional majority.

Senate Concurrent Resolution No. 11.

Assemblywoman Benitez-Thompson moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 121.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 257.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 487.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 546.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 555.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Taxation.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 72, 106, 120, 132, 178, 187, 192, 200, 203, 212, 213, 229, 249, 303, 306, 325, 377, 392, 428, 451, 457, 458, 488, 490, 497, 498, 538, 540, 541, and 543; Senate Joint Resolutions Nos. 6 and 14 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Monday, June 5, 2017, at 12 noon.

Motion carried.

Assembly adjourned at 12:41 a.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND TWENTIETH DAY

CARSON CITY (Monday), June 5, 2017

Assembly called to order at 2:17 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by Assemblywoman Jill Tolles.

Lord, You say in Your Word, do nothing from selfishness or empty conceit. But in humility, count others more significant than yourselves. Let each of you look not only to your own interests but also to the interests of others. Have this mind among yourselves which is yours in Christ, Jesus.

Lord, thank You for these 120 days. I pray that we served the people of Nevada well. I pray You guide us in our final decisions and I pray, Lord, that we would serve with humility, with sacrifice; Lord that Your grace would cover all of our decisions, that Your power would go forth before us as we leave this place to bring good into this land.

Lord, I pray that You bless each and every one who came to serve their districts. I pray that You bless each and every one who served as staff and administration and leaders and press and the people in this building, God, who've come to let their voices be heard. I pray we heard them well and we acted in Jesus' precious Name.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 286, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL C. SPRINKLE, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 235, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which were referred Senate Bills Nos. 487, 555, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DINA NEAL, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 546, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 4, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 94, 348, 382, 388, 397, 407, 484, 487, 489, 493, 497, 501, 502, 503, 504, 511, 512, 519, 520, 521, 522; Assembly Joint Resolution No. 14.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 539.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 1083 to Senate Bill No. 124.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Cannizzaro, Segerblom and Gansert as a Conference Committee concerning Senate Bill No. 144.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Farley, Manendo and Gustavson as a Conference Committee concerning Senate Bill No. 259.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Segerblom, Roberson and Ford as a Conference Committee concerning Senate Joint Resolution No. 17 of the 78th Session.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, June 5, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 97, Amendment No. 1131, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 206, Amendments Nos. 1126, 1144; Assembly Bill No. 475, Amendment No. 1150, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendments Nos. 881, 1114 to Senate Bill No. 344.

Also, I have the honor to inform your honorable body that the Senate on this day receded from its action on Assembly Bill No. 420, Senate Amendment No. 827.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 539.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 23, 110, 122, 127, 144, 175, 205, 267, 290, 291, 328, 339, 371, 395, 408, 417, 436, 468, 472, 491, 505, 506, 507, 508, 509, 510, 514, 517, and 518; Senate Bills Nos. 124, 146, 225, 355, 361, 373, 402, and 427.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 555, 487, 546, 286, and 490 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 97.

The following Senate amendment was read:

Amendment No. 1131.

CONTAINS UNFUNDED MANDATE ~~[(§ 1)]~~ **(§§ 1.3, 1.7)**

(Not Requested by Affected Local Government)

AN ACT relating to crimes; requiring a law enforcement agency to submit certain sexual assault forensic evidence kits to a forensic laboratory within a certain period after receipt thereof; requiring a forensic laboratory to test sexual assault forensic evidence kits within a certain period after receipt thereof and to report certain information concerning sexual assault forensic evidence kits on an annual basis; **requiring the Attorney General to designate a department or division of the Executive Department of State Government to establish a statewide sexual assault forensic evidence kit tracking program; making various changes to the Subcommittee to Review Arrestee DNA of the Advisory Commission on the Administration of Justice;** authorizing a county to be reimbursed from the Fund for the Compensation of Victims of Crime for the payment of costs associated with forensic medical examinations of victims of sexual assault; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section ~~[1]~~ **1.3** of this bill requires a law enforcement agency to submit a sexual assault forensic evidence kit (hereinafter "SAFE kit") to the applicable forensic laboratory responsible for conducting a genetic marker analysis not later than 30 days after receiving the SAFE kit. Such a requirement does not apply with regard to any noninvestigatory SAFE kit associated with a victim who ~~[: (1)]~~ has chosen to remain anonymous **.** ~~[; or (2) indicates that he or she is not a victim of sexual assault.]~~ **Section** ~~[1]~~ **1.3** also requires each forensic laboratory that receives a SAFE kit from a law enforcement agency

to: (1) test the SAFE kit not later than 120 days after receiving the SAFE kit; and (2) upon completion of a genetic marker analysis, include the DNA profile obtained from the genetic marker analysis in the State DNA Database and the Federal Bureau of Investigation's Combined DNA Index System. **Section ~~[1]~~ 1.3** further requires each forensic laboratory to submit a report annually to the Director of the Legislative Counsel Bureau, for transmittal to the next session of the Legislature or to the Legislative Commission, as applicable. The report must include certain information concerning SAFE kits received by the forensic laboratory, depending on whether a SAFE kit was received by the forensic laboratory before January 1, 2015, or on or after January 1, 2015.

Section 1.7 of this bill requires the Attorney General to designate a department or division of the Executive Department of State Government to establish a statewide program to track SAFE kits. Section 1.7: (1) requires the designated department or division to submit to the Governor and the Director of the Legislative Counsel Bureau, for transmittal to a Subcommittee of the Advisory Commission on the Administration of Justice, biannual reports concerning the program; and (2) authorizes the designated department or division to apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions relating to the program. Section 1.7 also requires each law enforcement agency, prosecutor, forensic laboratory and provider of health care who performs forensic medical examinations in this State to participate in the program and provides immunity from civil liability to any agency or person who participates in the program in good faith and without gross negligence.

Existing law establishes the Subcommittee to Review Arrestee DNA of the Advisory Commission on the Administration of Justice and requires the Subcommittee to evaluate, review and submit a report to the Commission regarding certain issues relating to arrestee DNA. (NRS 176.01246) Section 3.1 of this bill: (1) revises the name of the Subcommittee to reflect the broader duties assigned pursuant to this bill; and (2) requires the Subcommittee to additionally evaluate, review and submit a report to the Commission regarding the submittal, storage and testing of SAFE kits.

Existing law requires a county in whose jurisdiction a sexual assault is committed to pay any costs incurred by a hospital for the forensic medical examination of the victim of the sexual assault. (NRS 217.300) Existing law also authorizes a compensation officer of the Department of Administration to order the payment of compensation from the Fund for the Compensation of Victims of Crime to or for the benefit of victims of certain crimes or to certain other specified persons. (NRS 217.033, 217.160, 217.260) **Section 3.3** of this bill additionally authorizes a compensation officer to order the payment of compensation to a county for the reimbursement of costs associated with conducting forensic medical examinations of victims of

sexual assault that are paid by the county, in an amount equal to the cost of 10 forensic medical examinations or $10,000, whichever is less, each fiscal year.

Section 3.7 of this bill makes an appropriation of $3,000,000 to the Office of the Attorney General to be allocated pursuant to an interlocal agreement to a public entity for the purpose of making payments to forensic laboratories to reduce the backlog of sexual assault forensic evidence kits that have not been tested.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 200 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.3 and 1.7 of this act.**

Sec. 1.3. 1. Except as otherwise provided in this subsection, a law enforcement agency shall, not later than 30 days after receiving a sexual assault forensic evidence kit, submit the sexual assault forensic evidence kit to the applicable forensic laboratory responsible for conducting a genetic marker analysis. The provisions of this subsection do not apply to any noninvestigatory sexual assault forensic evidence kit associated with a victim who ~~*[:*~~

~~*(a) Has]*~~ ***has chosen to remain anonymous*** ~~*. [; or*~~

~~*(b) Indicates that he or she is not a victim of sexual assault.]*~~

2. A forensic laboratory shall, not later than 120 days after receiving a sexual assault forensic evidence kit from a law enforcement agency, test the sexual assault forensic evidence kit. Upon completion of a genetic marker analysis, the forensic laboratory shall include the DNA profile obtained from the genetic marker analysis in the State DNA Database and CODIS.

3. Each forensic laboratory that receives a sexual assault forensic evidence kit from a law enforcement agency shall, on or before January 31 of each year, submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, if the Legislature is in session, or to the Legislative Commission, if the Legislature is not in session. If the Legislature is in session, the Director shall ensure that each member of the Assembly and Senate Standing Committees on Judiciary receives a copy of the report. The report must contain:

(a) With regard to any sexual assault forensic evidence kit received by the forensic laboratory before January 1, 2015:

(1) The total number of such sexual assault forensic evidence kits tested during the immediately preceding calendar year; and

(2) The total number of such sexual assault forensic evidence kits that have not been tested.

(b) With regard to any sexual assault forensic evidence kit received by the forensic laboratory on or after January 1, 2015:

(1) The total number of such sexual assault forensic evidence kits tested during the immediately preceding calendar year and, for each such sexual assault forensic evidence kit, the date on which:

(I) The forensic evidence was obtained from a forensic medical examination;

(II) The sexual assault forensic evidence kit was submitted to the forensic laboratory; and

(III) The DNA profile obtained from the genetic marker analysis was included in the State DNA Database and CODIS.

(2) The total number of such sexual assault forensic evidence kits that have not been tested and, for each such sexual assault forensic evidence kit, the date on which:

(I) The forensic evidence was obtained from a forensic medical examination; and

(II) The sexual assault forensic evidence kit was submitted to the forensic laboratory.

4. As used in this section:

(a) "CODIS" has the meaning ascribed to it in NRS 176.09113.

(b) ~~[~~"Forensic laboratory" has the meaning ascribed to it in NRS 176.09117.

~~(c) "Forensic medical examination" has the meaning ascribed to it in NRS 217.300.~~

~~(d) "Genetic marker analysis" has the meaning ascribed to it in NRS 176.09118.~~

~~(e) "Sexual assault forensic evidence kit" means the forensic evidence obtained from a forensic medical examination.~~

~~(f)~~ "State DNA Database" has the meaning ascribed to it in NRS 176.09119.

~~[(g) "Victim of sexual assault" has the meaning ascribed to it in NRS 217.280.]~~

Sec. 1.7. 1. A statewide program to track sexual assault forensic evidence kits must be established in this State. The Attorney General shall, pursuant to the recommendation of the Sexual Assault Kit Working Group, designate a department or division of the Executive Department of State Government to establish the program. The designated department or division may contract with any appropriate public or private agency, organization or institution to carry out the provisions of this section.

2. The program to track sexual assault forensic evidence kits must:

(a) Track the location and status of sexual assault forensic evidence kits, including, without limitation, the initial forensic medical examination, receipt by a law enforcement agency and receipt and genetic marker analysis at a forensic laboratory.

(b) Allow providers of health care who perform forensic medical examinations, law enforcement agencies, prosecutors, forensic laboratories and any other entities having sexual assault forensic evidence kits in their

custody to track the status and location of sexual assault forensic evidence kits.

(c) Allow a victim of sexual assault to anonymously track or receive updates regarding the status and location of his or her sexual assault forensic evidence kit.

3. The department or division designated pursuant to subsection 1 shall, on or before January 1 and July 1 of each year, submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Subcommittee to Review DNA of the Advisory Commission on the Administration of Justice and post on the Internet website maintained by the department or division a report concerning the statewide program to track sexual assault forensic evidence kits. The report must include:

(a) The number of sexual assault forensic evidence kits in the program in each county.

(b) The number of sexual assault forensic evidence kits for which genetic marker analysis has been completed for each county for the last 6 months.

(c) The number of sexual assault forensic evidence kits added to the program in each county during the last 6 months.

(d) The number of sexual assault forensic evidence kits for which genetic marker analysis has been requested but not completed for each county.

(e) For this State as a whole and each county, the average and median time between a forensic medical examination and receipt of a sexual assault forensic evidence kit by a forensic laboratory for genetic marker analysis, overall and for the last 6 months.

(f) For this State as a whole and each county, the average and median time between receipt of a sexual assault forensic evidence kit by a forensic laboratory and genetic marker analysis, overall and for the last 6 months.

(g) The number of sexual assault forensic evidence kits in each county awaiting genetic marker analysis for more than 1 year and 6 months after forensic medical examination.

4. Each law enforcement agency, prosecutor, forensic laboratory and provider of health care who performs forensic medical examinations in this State shall participate in the statewide program to track sexual assault forensic evidence kits for the purpose of tracking the status of any sexual assault forensic evidence kits in the custody of the agency, prosecutor, laboratory or provider, or a third party under contract with such agency, prosecutor, laboratory or provider.

5. Any agency or person who acts pursuant to this section in good faith and without gross negligence is immune from civil liability for those acts.

6. The department or division designated pursuant to subsection 1 may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of this section.

7. As used in this section, "Sexual Assault Kit Working Group" means the statewide working group led by the Office of the Attorney General to create policies and procedures to address the backlog of sexual assault forensic evidence kits that have not been tested.

Sec. 2. NRS 200.364 is hereby amended to read as follows:

200.364 As used in NRS 200.364 to 200.3784, inclusive, ***and section ~~[1]~~ 1.3 of this act,*** unless the context otherwise requires:

1. ***"Forensic laboratory" has the meaning ascribed to it in NRS 176.09117.***

2. "Forensic medical examination" has the meaning ascribed to it in NRS 217.300.

3. "Genetic marker analysis" has the meaning ascribed to it in NRS 176.09118.

4. "Offense involving a pupil" means any of the following offenses:

(a) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(b) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

~~[2.]~~ ***5.*** "Perpetrator" means a person who commits a sexual offense, an offense involving a pupil or sex trafficking.

~~[3.]~~ ***6.*** "Sex trafficking" means a violation of subsection 2 of NRS 201.300.

~~[4.]~~ ***7. "Sexual assault forensic evidence kit" means the forensic evidence obtained from a forensic medical examination.***

8. "Sexual offense" means any of the following offenses:

(a) Sexual assault pursuant to NRS 200.366.

(b) Statutory sexual seduction pursuant to NRS 200.368.

~~[5.]~~ ***9.*** "Sexual penetration" means cunnilingus, fellatio, or any intrusion, however slight, of any part of a person's body or any object manipulated or inserted by a person into the genital or anal openings of the body of another, including sexual intercourse in its ordinary meaning. The term does not include any such conduct for medical purposes.

~~[6.]~~ ***10.*** "Statutory sexual seduction" means ordinary sexual intercourse, anal intercourse or sexual penetration committed by a person 18 years of age or older with a person who is 14 or 15 years of age and who is at least 4 years younger than the perpetrator.

~~[7.]~~ ***11.*** "Victim" means a person who is a victim of a sexual offense, an offense involving a pupil or sex trafficking.

12. "Victim of sexual assault" has the meaning ascribed to it in NRS 217.280.

Sec. 2.5. NRS 200.364 is hereby amended to read as follows:

200.364 As used in NRS 200.364 to 200.3784, inclusive, and ~~[section]~~ ***sections*** 1.3 ***and 1.7*** of this act, unless the context otherwise requires:

1. "Forensic laboratory" has the meaning ascribed to it in NRS 176.09117.

2. "Forensic medical examination" has the meaning ascribed to it in NRS 217.300.

3. "Genetic marker analysis" has the meaning ascribed to it in NRS 176.09118.

4. "Offense involving a pupil" means any of the following offenses:

(a) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(b) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

5. "Perpetrator" means a person who commits a sexual offense, an offense involving a pupil or sex trafficking.

6. "Sex trafficking" means a violation of subsection 2 of NRS 201.300.

7. "Sexual assault forensic evidence kit" means the forensic evidence obtained from a forensic medical examination.

8. "Sexual offense" means any of the following offenses:

(a) Sexual assault pursuant to NRS 200.366.

(b) Statutory sexual seduction pursuant to NRS 200.368.

9. "Sexual penetration" means cunnilingus, fellatio, or any intrusion, however slight, of any part of a person's body or any object manipulated or inserted by a person into the genital or anal openings of the body of another, including sexual intercourse in its ordinary meaning. The term does not include any such conduct for medical purposes.

10. "Statutory sexual seduction" means ordinary sexual intercourse, anal intercourse or sexual penetration committed by a person 18 years of age or older with a person who is 14 or 15 years of age and who is at least 4 years younger than the perpetrator.

11. "Victim" means a person who is a victim of a sexual offense, an offense involving a pupil or sex trafficking.

12. "Victim of sexual assault" has the meaning ascribed to it in NRS 217.280.

Sec. 3. (Deleted by amendment.)

Sec. 3.1. **NRS 176.01246 is hereby amended to read as follows:**

176.01246 1. There is hereby created the Subcommittee to Review ~~[Arrestee]~~ DNA of the Commission.

2. The Chair of the Commission shall appoint the members of the Subcommittee which must include, without limitation:

(a) A member experienced in defending criminal actions.

(b) A member of a minority community organization whose mission includes the protection of civil rights for minorities.

3. The Chair of the Commission shall designate one of the members of the Subcommittee as Chair of the Subcommittee.

4. The Subcommittee shall meet at the times and places specified by a call of the Chair. A majority of the members of the Subcommittee constitutes a quorum, and a quorum may exercise any power or authority conferred on the Subcommittee.

5. The Subcommittee shall consider issues relating to DNA ~~[of arrested persons]~~ and shall evaluate, review and submit a report to the Commission with recommendations concerning such issues. The issues considered by the Subcommittee and the report submitted by the Subcommittee must include, without limitation:

(a) The costs and procedures relating to the methods, implementation and utilization of the provisions for the destruction of biological specimens and purging of DNA profiles and DNA records of arrested persons; ~~[and]~~

(b) The collection and review of information concerning the number of requests for the destruction of biological specimens and purging of DNA profiles and DNA records of arrested persons and the number and percentage of such requests that are denied ~~[.]~~ ***; and***

(c) The submittal, storage and testing of sexual assault forensic evidence kits, including, without limitation, the review of any report required pursuant to section 1.7 of this act.

6. Any Legislators who are members of the Subcommittee are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Subcommittee.

7. While engaged in the business of the Subcommittee, to the extent of legislative appropriation, each member of the Subcommittee is entitled to receive the per diem allowance and travel expenses as provided for state officers and employees generally.

8. As used in this section:

(a) "Biological specimen" has the meaning ascribed to it in NRS 176.09112.

(b) "DNA" has the meaning ascribed to it in NRS 176.09114.

(c) "DNA profile" has the meaning ascribed to it in NRS 176.09115.

(d) "DNA record" has the meaning ascribed to it in NRS 176.09116.

(e) "Sexual assault forensic evidence kit" has the meaning ascribed to it in NRS 200.364.

Sec. 3.3. NRS 217.160 is hereby amended to read as follows:

217.160 1. The compensation officer may order the payment of compensation:

(a) To or for the benefit of the victim.

(b) If the victim has suffered personal injury, to any person responsible for the maintenance of the victim who has suffered pecuniary loss or incurred expenses as a result of the injury.

(c) If the victim dies, to or for the benefit of any one or more of the dependents of the victim.

(d) To a minor who is a member of the household or immediate family of a victim of a battery which constitutes domestic violence pursuant to NRS 33.018 who needs an assessment, a psychological evaluation or psychological counseling for emotional trauma suffered by the minor as a result of the battery.

(e) To a member of the victim's household or immediate family for psychological counseling for emotional trauma suffered by the member as a result of the crime of murder as defined in NRS 200.010.

(f) To a county in whose jurisdiction a sexual assault was committed for the reimbursement of costs associated with a forensic medical examination of a victim of sexual assault that are paid by the county pursuant to NRS 217.300. A county may be reimbursed pursuant to this paragraph in an amount equal to the cost of 10 forensic medical examinations or $10,000, whichever is less, each fiscal year.

2. As used in this section:

(a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) ***"Forensic medical examination" has the meaning ascribed to it in NRS 217.300.***

(c) "Household" means an association of persons who live in the same home or dwelling and who:

(1) Have significant personal ties to the victim; or

(2) Are related by blood, adoption or marriage, within the first degree of consanguinity or affinity.

~~[(c)]~~ ***(d)*** "Immediate family" means persons who are related by blood, adoption or marriage, within the first degree of consanguinity or affinity.

(e) "Victim of sexual assault" has the meaning ascribed to it in NRS 217.280.

Sec. 3.7. There is hereby appropriated from the State General Fund to the Office of the Attorney General the sum of $3,000,000 to be allocated pursuant to an interlocal agreement to a public entity for the purpose of making payments to forensic laboratories to reduce the backlog of sexual assault forensic evidence kits that have not been tested.

Sec. 4. 1. The amendatory provisions of:

(a) Subsections 1 and 2 of section ~~[1]~~ **1.3** of this act apply to any sexual assault forensic evidence kit received by a forensic laboratory from a law enforcement agency on or after October 1, 2017.

(b) Section 3.3 of this act apply to costs associated with a forensic medical examination of a victim of sexual assault that are paid by a county on or after October 1, 2017.

2. Each forensic laboratory shall, on or before January 31, 2018, submit its first report to the Legislative Commission.

3. As used in this section:

(a) "Forensic laboratory" has the meaning ascribed to it in NRS 176.09117.

(b) "Forensic medical examination" has the meaning ascribed to it in NRS 217.300.

(c) "Sexual assault forensic evidence kit" has the meaning ascribed to it in **NRS 200.364, as amended by** section ~~[1]~~ **2** of this act.

(d) "Victim of sexual assault" has the meaning ascribed to it in NRS 217.280.

Sec. 4.5. **The department or division designated by the Attorney General pursuant to section 1.7 of this act to establish a statewide program to track sexual assault forensic evidence kits shall, on or before July 1, 2021, submit to the Governor and the Subcommittee to Review DNA of the Advisory Commission on the Administration of Justice created by NRS 176.01246, as amended by section 3.1 of this act, a report concerning the status of the program and a plan for launching the program, including a plan for phased implementation.**

Sec. 5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 6. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 7. (Deleted by amendment.)

Sec. 8. **1. This section and sections 1, 1.3, 2, 3.3 to 4, inclusive, 5 and 6 of this act become effective on October 1, 2017.**

2. Sections 1.7, 2.5, 3.1 and 4.5 of this bill become effective on January 1, 2021.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 1131 to Assembly Bill No. 97.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

These amendments bring the former provisions from Senate Bill 169 regarding the tracking of sexual assault kits and put them into this bill. So what you have in front of you now is an omnibus sexual assault tracking bill.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 207.

The following Senate amendment was read:

Amendment No. 1110.

AN ACT relating to juries; revising the provisions governing the selection of jurors; requiring the jury commissioner to report certain information about trial jurors to the Court Administrator; **prohibiting certain conduct relating to the use of certain employment information; providing a penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a district court is authorized to assign a jury commissioner to select trial jurors. Existing law provides that the jury commissioner assigned to select trial jurors is required to select jurors from qualified electors of the county not exempt from jury duty, whether registered as voters or not. (NRS 6.045) Existing law further requires the

Department of Motor Vehicles to provide a list of registered owners of motor vehicles and a list of licensed drivers for use in selecting jurors. (NRS 482.171, 483.225) Certain public utilities are also required to provide a list of customers for use in the selection of jurors. (NRS 704.206) **Section 4.7 of this bill requires the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to provide a list of persons who receive benefits for use in jury selection.**

Section 1 of this bill revises the process for selecting trial jurors by requiring the jury commissioner to compile and maintain a list of qualified electors from information provided by: (1) a list of persons who are registered to vote in the county; (2) the Department of Motor Vehicles; ~~[and]~~ (3) **the Employment Security Division of the Department of Employment, Training and Rehabilitation; and (4)** certain public utilities. **Section 1** also requires the jury commissioner to: (1) keep a record of the name, occupation, address and race of each trial juror who is selected and of each trial juror who appears for jury service; and (2) report this information once a year to the Court Administrator.

Existing law makes confidential the employment information collected by the Employment Security Division of the Department of Employment, Training and Rehabilitation and prohibits the release of such information except for limited purposes. (NRS 612.265) Section 4.7 provides that if, in addition to those acts prohibited by existing law, certain persons use information collected by the Division for purposes other than those authorized by the Administrator or by law, or fail to protect and prevent the unauthorized use or dissemination of such information, the person is guilty of a gross misdemeanor.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 6.045 is hereby amended to read as follows:

6.045 1. The district court may by rule of court designate the clerk of the court, one of the clerk's deputies or another person as a jury commissioner, and may assign to the jury commissioner such administrative duties in connection with trial juries and jurors as the court finds desirable for efficient administration.

2. If a jury commissioner is so selected, the jury commissioner shall from time to time estimate the number of trial jurors which will be required for attendance on the district court and shall select that number from the qualified electors of the county not exempt by law from jury duty, whether registered as voters or not. The jurors may be selected by computer whenever procedures to assure random selection from computerized lists are established by the jury commissioner. ~~[The jury commissioner shall keep a record of the name, occupation and address of each person selected.]~~

3. ***The jury commissioner shall, for the purpose of selecting trial jurors, compile and maintain a list of qualified electors from information provided by:***

(a) A list of persons who are registered to vote in the county;

(b) The Department of Motor Vehicles pursuant to NRS 482.171 and 483.225; ~~[and]~~

(c) The Employment Security Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 612.265; and

(d) A public utility pursuant to NRS 704.206.

4. In compiling and maintaining the list of qualified electors, the jury commissioner shall avoid duplication of names.

5. The jury commissioner shall:

(a) Keep a record of the name, occupation, address and race of each trial juror selected pursuant to subsection 2;

(b) Keep a record of the name, occupation, address and race of each trial juror who appears for jury service; and

(c) Prepare and submit a report to the Court Administrator which must:

(1) Include statistics from the records required to be maintained by the jury commissioner pursuant to this subsection, including, without limitation, the name, occupation, address and race of each trial juror who is selected and of each trial juror who appears for jury service;

(2) Be submitted at least once a year; and

(3) Be submitted in the time and manner prescribed by the Court Administrator.

6. The jury commissioner shall not select the name of any person whose name was selected the previous year, and who actually served on the jury by attending in court in response to the venire from day to day until excused from further attendance by order of the court, unless there are not enough other suitable jurors in the county to do the required jury duty.

Sec. 2. NRS 482.171 is hereby amended to read as follows:

482.171 1. The Department shall provide a list of registered owners of motor vehicles in any county upon the request of a district judge ***or jury commissioner*** of the judicial district in which the county lies for use by the district judge ***or jury commissioner*** for purposes of jury selection.

2. The court ~~[which]~~ ***or jury commissioner who*** requests the list shall reimburse the Department for the reasonable cost of the list.

Sec. 3. NRS 483.225 is hereby amended to read as follows:

483.225 1. The Department shall provide a list of licensed drivers in any county upon the request of a district judge ***or jury commissioner*** of the judicial district in which the county lies for use in selecting jurors.

2. The court ~~[which]~~ ***or jury commissioner who*** requests the list shall reimburse the Department for the reasonable cost of the list.

Sec. 4. (Deleted by amendment.)

Sec. 4.5. (Deleted by amendment.)

Sec. 4.7. **NRS 612.265 is hereby amended to read as follows:**

612.265 1. Except as otherwise provided in this section and NRS 239.0115 and 612.642, information obtained from any employing unit or person pursuant to the administration of this chapter and any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's or employing unit's identity.

2. Any claimant or a legal representative of a claimant is entitled to information from the records of the Division, to the extent necessary for the proper presentation of the claimant's claim in any proceeding pursuant to this chapter. A claimant or an employing unit is not entitled to information from the records of the Division for any other purpose.

3. The Administrator may, in accordance with a cooperative agreement among all participants in the statewide longitudinal data system developed pursuant to NRS 400.040, make the information obtained by the Division available to:

(a) The Board of Regents of the University of Nevada for the purpose of complying with the provisions of subsection 4 of NRS 396.531; and

(b) The Director of the Department of Employment, Training and Rehabilitation for the purpose of complying with the provisions of paragraph (d) of subsection 1 of NRS 232.920.

4. Subject to such restrictions as the Administrator may by regulation prescribe, the information obtained by the Division may be made available to:

(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of laws relating to unemployment compensation, public assistance, workers' compensation or labor and industrial relations, or the maintenance of a system of public employment offices;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation;

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS; and

(f) The Secretary of State to operate the state business portal established pursuant to chapter 75A of NRS for the purposes of verifying that data submitted via the portal has satisfied the necessary requirements established by the Division, and as necessary to maintain the technical integrity and functionality of the state business portal established pursuant to chapter 75A of NRS.

➥ Information obtained in connection with the administration of the Division may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a public assistance program.

5. Upon written request made by the State Controller or a public officer of a local government, the Administrator shall furnish from the records of the Division the name, address and place of employment of any person listed in

the records of employment of the Division. The request may be made electronically and must set forth the social security number of the person about whom the request is made and contain a statement signed by the proper authority of the State Controller or local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation assigned to the State Controller for collection or owed to the local government, as applicable. Except as otherwise provided in NRS 239.0115, the information obtained by the State Controller or local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation assigned to the State Controller for collection or owed to that local government. The Administrator may charge a reasonable fee for the cost of providing the requested information.

6. The Administrator may publish or otherwise provide information on the names of employers, their addresses, their type or class of business or industry, and the approximate number of employees employed by each such employer, if the information released will assist unemployed persons to obtain employment or will be generally useful in developing and diversifying the economic interests of this State. Upon request by a state agency which is able to demonstrate that its intended use of the information will benefit the residents of this State, the Administrator may, in addition to the information listed in this subsection, disclose the number of employees employed by each employer and the total wages paid by each employer. The Administrator may charge a fee to cover the actual costs of any administrative expenses relating to the disclosure of this information to a state agency. The Administrator may require the state agency to certify in writing that the agency will take all actions necessary to maintain the confidentiality of the information and prevent its unauthorized disclosure.

7. Upon request therefor, the Administrator shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation and employment status of each recipient of benefits and the recipient's rights to further benefits pursuant to this chapter.

8. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit a written request to the Administrator that the Administrator furnish, from the records of the Division, the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the Administrator shall furnish the information requested. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

9. In addition to the provisions of subsection 6, the Administrator shall provide lists containing the names and addresses of employers, and information regarding the wages paid by each employer to the Department of Taxation, upon request, for use in verifying returns for the taxes imposed pursuant to chapters 363A, 363B and 363C of NRS. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

10. ***Upon the request of any district judge or jury commissioner of the judicial district in which the county is located, the Administrator shall, in accordance with other agreements entered into with other district courts and in compliance with 20 C.F.R. Part 603, and any other applicable federal laws and regulations governing the Division, furnish the name, address and date of birth of persons who receive benefits in any county, for use in the selection of trial jurors pursuant to NRS 6.045. The court or jury commissioner who requests the list of such persons shall reimburse the Division for the reasonable cost of providing the requested information.***

11. The Division of Industrial Relations of the Department of Business and Industry shall periodically submit to the Administrator, from information in the index of claims established pursuant to NRS 616B.018, a list containing the name of each person who received benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS. Upon receipt of that information, the Administrator shall compare the information so provided with the records of the Employment Security Division regarding persons claiming benefits pursuant to this chapter for the same period. The information submitted by the Division of Industrial Relations must be in a form determined by the Administrator and must contain the social security number of each such person. If it appears from the information submitted that a person is simultaneously claiming benefits under this chapter and under chapters 616A to 616D, inclusive, or chapter 617 of NRS, the Administrator shall notify the Attorney General or any other appropriate law enforcement agency.

~~[11.]~~ ***12.*** The Administrator may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 3305(c) of the Internal Revenue Code of 1954.

~~[12. If any employee or member of the Board of Review, the]~~

13. The Administrator ***,*** ~~[or]~~ any employee ***or other person acting on behalf*** of the Administrator, ~~[in violation of the provisions of this section, discloses]~~ ***or any employee or other person acting on behalf of an agency or entity allowed to access*** information obtained from any employing unit or person in the administration of this chapter, or ~~[if]~~ any person who has obtained a list of applicants for work, or of claimants or recipients of benefits

pursuant to this chapter ~~[uses]~~ ***, is guilty of a gross misdemeanor if he or she:***

(a) Uses or permits the use of the list for any political purpose ~~[, he or she is guilty of a gross misdemeanor.~~

~~13.]~~ ***;***

(b) Uses or permits the use of the list for any purpose other than one authorized by the Administrator or by law; or

(c) Fails to protect and prevent the unauthorized use or dissemination of information derived from the list.

14. All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the Division or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

Sec. 5. This act becomes effective on July 1, 2017.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 1110 to Assembly Bill No. 207.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

The amendment puts DETR [Department of Employment, Training and Rehabilitation] back in the bill as a provider of information for juror selection and also provides penalties for anyone who would misuse confidential information.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 403.

The following Senate amendment was read:

Amendment No. 805.

AN ACT relating to governmental administration; authorizing the Legislative Commission to suspend or nullify certain **administrative** regulations; abolishing the Subcommittee to Review Regulations of the Legislative Commission; revising provisions relating to administrative regulations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[The]~~ Under the separation-of-powers provision of the Nevada Constitution **, one branch of the State Government may not exercise powers properly belonging to another branch of the State Government "except in the cases expressly directed or permitted in this constitution." (Nev. Const. Art. 3, § 1) As a general rule under the separation-of-powers doctrine, because the question of whether a regulation adopted by an executive agency exceeds its statutory authority or is inconsistent with legislative intent presents a question of statutory interpretation, the**

power to resolve that question of statutory interpretation and determine whether to invalidate or nullify the regulation is usually regarded as judicial power because "it is emphatically the province and duty of the judicial department to say what the law is." (*Nevadans for Nev. v. Beers*, 122 Nev. 930, 943 n.20 (2006) (quoting *Marbury v. Madison*, 5 U.S. 137, 177-78 (1803)); *Berkson v. LePome*, 126 Nev. 492, 499 (2010) (explaining that "[t]o declare what the law is or has been is judicial power; to declare what the law shall be is legislative." (quoting 1 Thomas M. Cooley, *Constitutional Limitations* 191 (8th ed. 1927)); *Silver State Elec. Supply Co. v. State ex rel. Dep't of Tax'n*, 123 Nev. 80, 84 (2007) ("Appeals involving interpretation of a statute or regulation present questions of law subject to our independent review.")).

For example, in applying the separation-of-powers doctrine to the Federal Government and other state governments, courts have found that the separation-of-powers doctrine ordinarily prohibits legislative committees or other legislative bodies from exercising the power to nullify a regulation adopted by an executive agency on the basis that the regulation exceeds the statutory authority of the agency or is inconsistent with legislative intent, unless Congress or the state legislature passes a law that expressly nullifies the regulation or revises or repeals the agency's statutory authority. (*I.N.S. v. Chadha*, 462 U.S. 919, 953 n.16 (1983); *State v. A.L.I.V.E. Voluntary*, 606 P.2d 769, 772-79 (Alaska 1980); *Legis. Research Comm'n v. Brown*, 664 S.W.2d 907, 917-20 (Ky. 1984); *Blank v. Dep't of Corr.*, 611 N.W.2d 530, 537-39 (Mich. 2000); *General Assembly of N.J. v. Byrne*, 448 A.2d 438, 443-49 (N.J. 1982); *State ex rel. Barker v. Manchin*, 279 S.E.2d 622, 630-36 (W. Va. 1981)).

However, in Nevada, the voters in 1996 approved a constitutional amendment to Nevada's separation-of-powers provision which expressly empowers the Legislature to provide by law for legislative agencies and legislative bodies composed of members of the Senate and Assembly to suspend or nullify regulations adopted by executive agencies on the basis that the regulations exceed the statutory authority of the agencies or are inconsistent with legislative intent. The constitutional amendment provides that if the Legislature authorizes the adoption of regulations by ~~[an agency of the Executive Department of the State Government]~~ **executive agencies** which bind persons outside the ~~[agency,]~~ **agencies,** the Legislature is authorized to enact laws providing for: (1) the review of such regulations by a legislative agency before their effective date to determine whether each such regulation is within the statutory authority for its adoption; (2) the suspension by a legislative ~~[body]~~ **agency** of any such regulation which appears to exceed the statutory authority for its adoption until the regulation is reviewed by a legislative body composed of members of the Senate and Assembly; and (3) the nullification of any such regulation by a majority vote of a legislative body composed of members of the Senate and Assembly.

(Nev. Const. Art. 3, § 1) ~~[The]~~ **When the constitutional amendment was presented to the voters, the ballot materials explained that its purpose was to ensure that the Legislative Branch had the specific constitutional power to suspend or nullify regulations adopted by executive agencies which exceed the statutory authority granted by the Legislature when it passed the laws that authorized the agencies to adopt the regulations. (*State of Nevada Ballot Questions 1996*, Question No. 5, at pp. 1-2 (Nev. Sec'y of State 1996)**

When the Nevada Constitution expressly grants specific powers to the Legislative Branch, the other branches may not infringe upon the exercise of those powers out of respect for an equal and coordinate branch of government. (*Heller v. Legislature*, 120 Nev. 456, 466-72 (2004); *Comm'n on Ethics v. Hardy*, 125 Nev. 285, 291-94 (2009)) For example, the Nevada Supreme Court has determined that because the Nevada Constitution expressly grants to each legislative House the specific power to "judge" the qualifications, returns and elections of its own members, the constitutional assignment of that power to the Legislative Branch "insulates a legislator's qualifications to hold office from judicial review. In other words, a legislative body's decision to admit or expel a member is almost unreviewable in the courts." (*Heller v. Legislature*, 120 Nev. 456, 466-67 (2004)) Because Nevada's voters expressly granted specific constitutional power to the Legislature to provide by law for legislative agencies and legislative bodies composed of members of the Senate and Assembly to suspend or nullify regulations adopted by executive agencies, the other branches may not infringe upon the exercise of that power out of respect for an equal and coordinate branch of government.

In exercising its expressly granted and specific constitutional power regarding regulations, the Legislature has enacted provisions of the Nevada Administrative Procedure Act ~~[sets]~~ **which set** forth the procedures for the adoption of emergency, temporary and permanent regulations by ~~[nonexempt state]~~ **certain executive** agencies. (NRS 233B.0395-233B.120) ~~[With]~~ **Under existing law, with** limited exceptions, the Legislative Commission or the Subcommittee to Review Regulations of the Legislative Commission ~~[is required under existing law]~~ **has the authority** to **review and to** approve **or object to certain temporary or** permanent regulations before those regulations become effective. (NRS **233B.0633,** 233B.067-233B.070)

Section 10 of this bill authorizes the Legislative Commission to suspend or nullify a regulation adopted pursuant to the Nevada Administrative Procedure Act if the regulation: (1) exceeds the statutory authority for its adoption; (2) is inconsistent with the intent of the Legislature in granting the statutory authority for its adoption; or (3) is no longer being administered or interpreted in a manner that is consistent with the agency's stated intention when adopting the regulation or the agency's stated intention during the

review and approval of the regulation by the Legislative Commission. **Section 10** also ~~[precludes]~~ **establishes procedures that the Legislative Commission must follow before and after it takes action to suspend or nullify a regulation.**

Additionally, sections 10 and 12 of this bill preclude judicial review of ~~[a decision of]~~ **any action taken or determination made by** the Legislative Commission **in exercising its powers** to **review, object to,** suspend or nullify a regulation **,** and ~~[authorizes]~~ **sections 10 and 13 of this bill allow** the Legislative Commission to determine ~~[what]~~ **whether an agency rule, standard, directive or statement** constitutes a regulation for the purposes of exercising ~~[the Legislative Commission's power to suspend or nullify a regulation. Sections 12,]~~ **those powers. Sections 17.5, 26 and 28** of this bill make conforming changes.

Section 22 of this bill abolishes the Subcommittee to Review Regulations of the Legislative Commission and **~~[~~**~~, with limited exceptions, requires]~~ **provides** only the Legislative Commission ~~[to review and approve]~~ **with the powers of reviewing and approving or objecting to certain temporary or** permanent regulations before those regulations become effective. **Sections 16, 19, 21-24, 27 and 29** of this bill make conforming changes.

Section 11 of this bill ~~[authorizes]~~ **directs** the Legislative Commission to adopt **such** regulations **as are** necessary to carry out the provisions of the Nevada Administrative Procedure Act governing administrative regulations. **Section 11 also requires the regulations to establish certain procedural rights and standards for proceedings of the Legislative Commission concerning the suspension or nullification of a regulation, including: (1) procedural rights that provide regulated persons and other interested persons with an opportunity to comment on whether the regulation should be suspended or nullified; and (2) standards and requirements for making a determination that the immediate suspension or nullification of the regulation is necessary to protect public health or safety.**

Existing law excludes the application of certain agency policies as applied to a person with sufficient prior actual notice of the policy from the definition of "regulation" for the purposes of the Nevada Administrative Procedure Act. (NRS 233B.038) **Section 13** of this bill removes this exception.

Existing law ratifies the Nevada Administrative Code as revised or supplemented before May 15, 1987. (NRS 233B.0395) **Section 14** of this bill ratifies the Code as revised or supplemented before February 6, 2017.

Existing law requires an agency to adopt a proposed regulation not later than 2 years after the proposed regulation is submitted to the Legislative Counsel. (NRS 233B.040) **Section 15** of this bill requires an agency to also submit the proposed regulation to the Legislative Commission for review within the same 2-year period.

Existing law requires an agency to hold an oral public hearing on a proposed regulation if an oral hearing is requested by certain persons and the

proposed regulation is substantive. (NRS 233B.061) **Section 17** of this bill eliminates the requirement regarding the substantiveness of the regulation.

Under existing law, the Legislative Counsel is required to prepare and publish a Register of Administrative Regulations, which includes information relating to adopted permanent regulations. (NRS 233B.0653) **Section 20** of this bill eliminates the requirement that the Legislative Counsel publish paper copies of the Register and instead requires the Legislative Counsel to publish the Register electronically on the public website of the Legislature on the Internet.

An emergency regulation becomes effective when certain documents are filed with the Secretary of State. (NRS 233B.070) **Section 25** of this bill requires that a copy of the written statement of the emergency endorsed by the Governor is included with the information that must be filed with the Secretary of State before an emergency regulation becomes effective.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 8.5. **1. The Legislature hereby finds that:**

(a) Under the separation-of-powers provision of Section 1 of Article 3 of the Nevada Constitution, one branch of the State Government may not exercise powers properly belonging to another branch of the State Government except in the cases expressly directed or permitted in the Nevada Constitution.

(b) In 1996, Nevada's voters approved a constitutional amendment to the separation-of-powers provision which expressly empowers the Legislature to provide by law for legislative agencies and legislative bodies composed of members of the Senate and Assembly to suspend or nullify regulations adopted by executive agencies on the basis that the regulations exceed the statutory authority of the agencies or are inconsistent with legislative intent.

(c) When the constitutional amendment was presented to the voters, the ballot materials explained that its purpose was to ensure that the Legislative Branch had the specific constitutional power to suspend or nullify regulations adopted by executive agencies which exceed the statutory authority granted by the Legislature when it passed the laws that authorized the agencies to adopt the regulations.

(d) Because Nevada's voters expressly granted specific constitutional power to the Legislature to provide by law for legislative agencies and legislative bodies composed of members of the Senate and Assembly to suspend or nullify regulations adopted by executive agencies, the other branches may not infringe upon the exercise of that power out of respect for an equal and coordinate branch of government.

(e) When executive agencies adopt regulations which exceed their statutory authority or are inconsistent with legislative intent, the regulations thwart and undermine the will of the people who, through their elected representatives in the Legislature, determine by properly enacted laws the scope and extent of the authority granted to executive agencies to adopt the regulations.

2. The Legislature hereby declares that there is a legitimate and compelling need to exercise its expressly granted and specific constitutional power under Section 1 of Article 3 of the Nevada Constitution, in the manner set forth in the provisions of this act, in order to:

(a) Provide by law for legislative agencies and legislative bodies composed of members of the Senate and Assembly to suspend or nullify regulations adopted by executive agencies which exceed their statutory authority or are inconsistent with legislative intent; and

(b) Protect and safeguard the rights of the people against such unlawful and invalid regulations.

Sec. 9. Chapter 233B of NRS is hereby amended by adding thereto the provisions set forth as sections 10 and 11 of this act.

Sec. 10. ***1. Upon its own initiative, the Legislative Commission may suspend or nullify a regulation , in whole or in part, adopted pursuant to this chapter if, in the opinion of the Legislative Commission, the regulation:***

(a) Exceeds the statutory authority for the adoption of the regulation;

(b) Is inconsistent with the intent of the Legislature in granting the statutory authority for the adoption of the regulation; or

(c) Is no longer being administered or interpreted by the adopting agency in a manner consistent with the stated intent of the agency when adopting the regulation or during the review and approval of the regulation by the Legislative Commission.

2. Before holding the initial meeting to consider the suspension or nullification of a regulation, the Legislative Commission shall, at least 30 days before the meeting, provide the adopting agency with written notice of the meeting which informs the agency of:

(a) The specific regulation that will be considered at the meeting; and

(b) The potential reasons for the suspension or nullification of the regulation. The potential reasons provided in the written notice:

(1) Must include sufficient information to allow the agency to prepare for the meeting.

(2) Do not preclude the Legislative Commission from considering other reasons at the initial meeting or any subsequent meeting held to consider the suspension or nullification of the regulation.

3. At the initial meeting to consider the suspension or nullification of a regulation, the Legislative Commission:

(a) Shall provide the adopting agency with an opportunity to comment on whether the regulation should be suspended or nullified.

(b) May not take action to suspend or nullify the regulation unless the Legislative Commission makes a specific determination that the immediate suspension or nullification of the regulation is necessary to protect public health or safety. If the Legislative Commission does not make such a specific determination, the Legislative Commission may not take action to suspend or nullify the regulation unless such action is taken at a subsequent meeting held at least 30 days after the date of the initial meeting to consider the suspension or nullification of the regulation.

4. If the Legislative Commission ~~[exercises its authority]~~ takes action to suspend or nullify a regulation pursuant to this section, the Legislative Commission shall ~~[:~~

~~(a) Notify]~~ , as soon as practicable after taking such action, provide the Secretary of State and the adopting agency ~~[that]~~ with written notice of:

(a) The suspension of the regulation ~~[has been suspended or nullified; and~~

~~(b) Within 120 days after]~~ and when the suspension ~~[or nullification]~~ becomes effective ~~[, provide the reason for the suspension or nullification to the agency.~~

~~3.]~~ and when it expires; or

(b) The nullification of the regulation and when the nullification becomes effective.

5. Any ~~[decision of]~~ action taken or determination made by the Legislative Commission pursuant to this section, including, without limitation, any action to suspend or nullify a regulation , is final and not subject to judicial review.

~~[4.]~~ 6. In exercising the powers granted in this section, the Legislative Commission ~~[shall have]~~ :

(a) Has the authority to determine ~~[if]~~ whether an agency rule, standard, directive or statement is a regulation ~~[pursuant to]~~ as defined in NRS 233B.038 ~~[.]~~ ; and

(b) After making such a determination, may take action to suspend or nullify the regulation pursuant to this section.

7. Any ~~[agency rule, standard, directive or statement]~~ regulation which is nullified by the Legislative Commission pursuant to this section must be removed from the Nevada Administrative Code and from any agency publications and notices.

8. As used in this section, "adopting agency" or "agency" means the agency that adopted the regulation or any successor agency that administers the regulation.

Sec. 11. ***1. The Legislative Commission ~~[may]~~ shall adopt such regulations as are necessary to carry out the provisions of this section and NRS 233B.0395 to 233B.120, inclusive, and section 10 of this act.***

2. The regulations adopted by the Legislative Commission must establish for proceedings of the Legislative Commission concerning the suspension or nullification of a regulation pursuant to section 10 of this act:

(a) Procedural rights that provide persons who are regulated by or otherwise interested in the regulation with an opportunity to comment on whether the regulation should be suspended or nullified.

(b) Standards and requirements for making a specific determination that the immediate suspension or nullification of the regulation is necessary to protect public health or safety.

Sec. 12. NRS 233B.020 is hereby amended to read as follows:

233B.020 1. By this chapter, the Legislature intends to establish ~~[~~minimum~~]~~ procedural requirements for ***:***

(a) Except as otherwise provided in paragraph (b), the regulation-making and ~~***[adoption, review, suspension or nullification of regulations, for the]***~~ adjudication procedure of all agencies of the Executive Department of the State Government and for judicial review of both functions, ~~***[contested cases,]***~~ except ***as to*** those agencies expressly exempted pursuant to the provisions of this chapter.

(b) The exercise by the Legislative Commission of the power to review, object to, suspend or nullify a regulation as authorized by Section 1 of Article 3 of the Nevada Constitution and NRS 233B.0395 to 233B.120, inclusive, and sections 10 and 11 of this act, except that the exercise of such a power by the Legislative Commission is final and not subject to judicial review.

2. This chapter confers no additional regulation-making authority upon any agency except to the extent provided in subsection 1 of NRS 233B.050.

~~***[2.]***~~ ***3.*** The provisions of this chapter are intended to supplement statutes applicable to specific agencies. This chapter does not abrogate or limit additional requirements imposed on such agencies by statute or otherwise recognized by law.

Sec. 13. NRS 233B.038 is hereby amended to read as follows:

233B.038 1. "Regulation" means:

(a) An agency rule, standard, directive or statement of general applicability which effectuates or interprets law or policy, or describes the organization, procedure or practice requirements of any agency ~~***[.]***~~ ***, including, without limitation, an agency rule, standard, directive or statement that the Legislative Commission determines is a regulation pursuant to section 10 of this act;***

(b) A proposed regulation;

(c) The amendment or repeal of a prior regulation; and

(d) The general application by an agency of a written policy, interpretation, process or procedure to determine whether a person is in compliance with a federal or state statute or regulation in order to assess a fine, monetary penalty or monetary interest.

2. The term does not include:

(a) A statement concerning only the internal management of an agency and not affecting private rights or procedures available to the public;

(b) A declaratory ruling;

(c) An intraagency memorandum;

(d) A manual of internal policies and procedures or audit procedures of an agency which is used solely to train or provide guidance to employees of the agency and which is not used as authority in a contested case to determine whether a person is in compliance with a federal or state statute or regulation;

(e) An agency decision or finding in a contested case;

(f) An advisory opinion issued by an agency that is not of general applicability;

(g) A published opinion of the Attorney General;

(h) An interpretation of an agency that has statutory authority to issue interpretations;

(i) Letters of approval, concurrence or disapproval issued in relation to a permit for a specific project or activity;

(j) A contract or agreement into which an agency has entered;

(k) The provisions of a federal law, regulation or guideline;

(l) An emergency action taken by an agency that is necessary to protect public health and safety;

(m) ~~[The application by an agency of a policy, interpretation, process or procedure to a person who has sufficient prior actual notice of the policy, interpretation, process or procedure to determine whether the person is in compliance with a federal or state statute or regulation in order to assess a fine, monetary penalty or monetary interest;~~

~~(n)]~~ A regulation concerning the use of public roads or facilities which is indicated to the public by means of signs, signals and other traffic-control devices that conform with the manual and specifications for a uniform system of official traffic-control devices adopted pursuant to NRS 484A.430;

~~[(o)]~~ ***(n)*** The classification of wildlife or the designation of seasons for hunting, fishing or trapping by regulation of the Board of Wildlife Commissioners pursuant to the provisions of title 45 of NRS; or

~~[(p)]~~ ***(o)*** A technical bulletin prepared pursuant to NRS 360.133.

Sec. 14. NRS 233B.0395 is hereby amended to read as follows:

233B.0395 The Nevada Administrative Code as most recently revised or supplemented before ~~[May 15, 1987,]~~ ***February 6, 2017,*** and the text of those regulations which have been prepared by the Legislative Counsel for

inclusion in the Nevada Administrative Code on or before ~~[May 15, 1987,]~~ ***February 6, 2017,*** but have not been included, are hereby ratified.

Sec. 15. NRS 233B.040 is hereby amended to read as follows:

233B.040 1. To the extent authorized by the statutes applicable to it, each agency may adopt reasonable regulations to aid it in carrying out the functions assigned to it by law and shall adopt such regulations as are necessary to the proper execution of those functions. If adopted and filed in accordance with the provisions of this chapter, the following regulations have the force of law and must be enforced by all peace officers:

(a) The Nevada Administrative Code; and

(b) Temporary and emergency regulations.

➥ In every instance, the power to adopt regulations to carry out a particular function is limited by the terms of the grant of authority pursuant to which the function was assigned.

2. Every regulation adopted by an agency must include:

(a) A citation of the authority pursuant to which it, or any part of it, was adopted; and

(b) The address of the agency and, to the extent not elsewhere provided in the regulation, a brief explanation of the procedures for obtaining clarification of the regulation or relief from the strict application of any of its terms, if the agency is authorized by a specific statute to grant such relief, or otherwise dealing with the agency in connection with the regulation.

3. An agency may adopt by reference in a regulation material published by another authority in book or pamphlet form if:

(a) It files one copy of the publication with the Secretary of State and one copy with the State Library, Archives and Public Records Administrator, and makes at least one copy available for public inspection with its regulations; and

(b) The reference discloses the source and price for purchase of the publication.

➥ An agency shall not attempt to incorporate any other material in a regulation by reference.

4. An agency shall adopt ***and submit*** a proposed regulation ***to the Legislative Commission for review*** not later than 2 years after the date on which the proposed regulation is submitted to the Legislative Counsel pursuant to subsection 1 of NRS 233B.063. If an agency does not adopt ***and submit*** a proposed regulation ***to the Legislative Commission for review*** within the time prescribed by this subsection, the executive head of the agency shall appear personally before the Legislative Commission and explain why the proposed regulation has not been adopted ~~[.]~~ ***and submitted to the Legislative Commission for review.***

Sec. 16. NRS 233B.060 is hereby amended to read as follows:

233B.060 1. Except as otherwise provided in subsection 2 and NRS 233B.061, before adopting, amending or repealing:

(a) A permanent regulation, the agency must, after receiving the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063, give at least 30 days' notice of its intended action, unless a shorter period of notice is specifically permitted by statute.

(b) A temporary regulation, the agency must give at least 30 days' notice of its intended action, unless a shorter period of notice is specifically permitted by statute.

2. Except as otherwise provided in subsection 3, if an agency has adopted a temporary regulation after notice and the opportunity for a hearing as provided in this chapter, it may adopt, after providing a second notice and the opportunity for a hearing, a permanent regulation, but the language of the permanent regulation must first be approved or revised by the Legislative Counsel and the adopted regulation must be approved by the Legislative Commission **.** ~~[or the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067.]~~

3. If the Public Utilities Commission of Nevada has adopted a temporary regulation after notice and the opportunity for a hearing as provided in this chapter, it may adopt a substantively equivalent permanent regulation without further notice or hearing, but the language of the permanent regulation must first be approved or revised by the Legislative Counsel and the adopted regulation must be approved by the Legislative Commission **.** ~~[or the Subcommittee to Review Regulations.]~~

Sec. 17. NRS 233B.061 is hereby amended to read as follows:

233B.061 1. All interested persons must be afforded a reasonable opportunity to submit data, views or arguments upon a proposed regulation, orally or in writing.

2. Before holding the public hearing required pursuant to subsection 3, an agency shall conduct at least one workshop to solicit comments from interested persons on one or more general topics to be addressed in a proposed regulation. Not less than 15 days before the workshop, the agency shall provide notice of the time and place set for the workshop:

(a) In writing to each person who has requested to be placed on a mailing list; and

(b) In any other manner reasonably calculated to provide such notice to the general public and any business that may be affected by a proposed regulation which addresses the general topics to be considered at the workshop.

3. ~~[With respect to substantive regulations, the]~~ ***The*** agency shall set a time and place for an oral public hearing, but if no one appears who will be directly affected by the proposed regulation and requests an oral hearing, the agency may proceed immediately to act upon any written submissions. The agency shall consider fully all written and oral submissions respecting the proposed regulation.

4. An agency shall not hold the public hearing required pursuant to subsection 3 on the same day that the agency holds the workshop required pursuant to subsection 2.

5. Each workshop and public hearing required pursuant to subsections 2 and 3 must be conducted in accordance with the provisions of chapter 241 of NRS.

Sec. 17.5. **NRS 233B.0613 is hereby amended to read as follows:**

233B.0613 1. If an agency determines that an emergency exists **[,]** ***and wants to adopt an emergency regulation,*** it shall submit to the Governor ***the original copy of the proposed emergency regulation with*** a written statement of the emergency which sets forth the reasons for **[**the**]** ***its*** determination **[**. If**]** ***that an emergency exists.***

2. Except as otherwise provided in this section, if the Governor endorses the statement of the emergency by written endorsement at the end of the full text of the statement of ***the*** emergency on the original copy of **[**a**]** ***the*** proposed ***emergency*** regulation, the ***emergency*** regulation may be adopted and become effective immediately upon its being filed in the Office of the Secretary of State pursuant to subsection 3 of NRS 233B.070. The statement of the emergency endorsed by the Governor must be included as a part of the ***emergency*** regulation for all purposes.

[2.**]** ***3.*** If practicable, the agency shall, not later than 9 a.m. on the first working day before the date on which the emergency regulation is filed in the Office of the Secretary of State pursuant to subsection 3 of NRS 233B.070, make the emergency regulation available to the public by:

(a) Providing a copy of the emergency regulation to a member of the public upon request; and

(b) Making a copy of the emergency regulation available on its website on the Internet, if any.

[3.**]** ***4.*** If practicable, the agency shall, not later than 9 a.m. on the first working day before the date of any hearing at which the agency considers the emergency regulation, make the version of the proposed emergency regulation that will be considered at the hearing available to the public by:

(a) Providing a copy of the proposed emergency regulation to a member of the public upon request; and

(b) Making a copy of the proposed emergency regulation available on its website on the Internet, if any.

[4. A**]**

5. An emergency regulation adopted pursuant to this section may ***not*** be **[**effective**]** ***:***

(a) Effective for a period **[**of not**]** longer than 120 days ***.*** **[**. A regulation may be adopted**]**

(b) Adopted by this emergency procedure **[**only once.

5.**]** ***more than once.***

(c) Substantially identical, in whole or in part, to a regulation suspended or nullified by the Legislative Commission pursuant to Section 1 of Article

3 of the Nevada Constitution and NRS 233B.0395 to 233B.120, inclusive, and sections 10 and 11 of this act.

6. If an agency adopts, after providing notice and the opportunity for a hearing as required in this chapter, a permanent or temporary regulation which becomes effective and is substantially identical to its effective emergency regulation, the emergency regulation expires automatically on the effective date of the temporary or permanent regulation.

Sec. 18. NRS 233B.0617 is hereby amended to read as follows:

233B.0617 No regulation adopted after July 1, 1965, is valid unless adopted in substantial compliance with this chapter but no objection to any regulation on the ground of noncompliance with the procedural requirements of NRS 233B.060 to 233B.0617, inclusive, may be made more than 2 years after its effective date. ***Nothing in this section shall be construed to preclude the making of an objection to a regulation on a ground other than noncompliance with the procedural requirements of NRS 233B.060 to 233B.0617, inclusive.*** Regulations in effect on July 1, 1965, continue in effect until amended ***, suspended, nullified*** or repealed in accordance with the provisions of this chapter, if an original and two copies were deposited with the Secretary of State on or before July 1, 1965.

Sec. 19. NRS 233B.0633 is hereby amended to read as follows:

233B.0633 1. Upon the request of a Legislator, the Legislative Commission may examine a temporary regulation adopted by an agency that is not yet effective pursuant to subsection 2 of NRS 233B.070 to determine whether the temporary regulation conforms to the statutory authority pursuant to which it was adopted and whether the temporary regulation carries out the intent of the Legislature in granting that authority.

2. If a temporary regulation that the Legislative Commission is requested to examine pursuant to subsection 1 was required to be adopted by the agency pursuant to a federal statute or regulation and the temporary regulation exceeds the specific statutory authority of the agency or sets forth requirements that are more stringent than a statute of this State, the agency shall submit a statement to the Legislative Commission that adoption of the temporary regulation was required by a federal statute or regulation. The statement must include the specific citation of the federal statute or regulation requiring such adoption.

3. **[**~~Except as otherwise provided in subsection 4, the~~**]** ***The*** Legislative Commission shall **[**~~:~~

~~(a) Review~~**]** ***review*** the temporary regulation at its next regularly scheduled meeting if the request for examination of the temporary regulation is received more than 10 working days before the meeting **. [**~~; or~~

~~(b) Refer the temporary regulation for review to the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067.~~

~~4. If an agency determines that an emergency exists which requires a temporary regulation of the agency for which a Legislator requested an examination pursuant to subsection 1 to become effective before the next~~

~~meeting of the Legislative Commission is scheduled to be held, the agency may notify the Legislative Counsel in writing of the emergency. Upon receipt of such a notice, the Legislative Counsel shall refer the temporary regulation for review by the Subcommittee to Review Regulations as soon as practicable.~~

~~5.~~ ***4.*** If the Legislative Commission ~~[, or the Subcommittee to Review Regulations if the temporary regulation was referred,]~~ approves the temporary regulation, the Legislative Counsel shall notify the agency that the agency may file the temporary regulation with the Secretary of State. If the Commission ~~[or the Subcommittee]~~ objects to the temporary regulation after determining that:

(a) If subsection 2 is applicable, the temporary regulation is not required pursuant to a federal statute or regulation;

(b) The temporary regulation does not conform to statutory authority; or

(c) The temporary regulation does not carry out legislative intent,

➥ the Legislative Counsel shall attach to the temporary regulation a written notice of the objection, including, if practicable, a statement of the reasons for the objection, and shall promptly return the temporary regulation to the agency.

~~[6.]~~ ***5.*** If the Legislative Commission ~~[or the Subcommittee to Review Regulations]~~ has objected to a temporary regulation, the agency that adopted the temporary regulation shall revise the temporary regulation to conform to the statutory authority pursuant to which it was adopted and to carry out the intent of the Legislature in granting that authority and return it to the Legislative Counsel within 60 days after the agency received the written notice of the objection to the temporary regulation pursuant to subsection ~~[5.]~~ ***4.*** Upon receipt of the revised temporary regulation, the Legislative Counsel shall resubmit the temporary regulation to the Legislative Commission ***.*** ~~[or the Subcommittee for review.]~~ If the Legislative Commission ~~[or the Subcommittee]~~ approves the revised temporary regulation, the Legislative Counsel shall notify the agency that the agency may file the revised temporary regulation with the Secretary of State.

~~[7.]~~ ***6.*** If the Legislative Commission ~~[or the Subcommittee to Review Regulations]~~ objects to the revised temporary regulation, the Legislative Counsel shall attach to the revised temporary regulation a written notice of the objection, including, if practicable, a statement of the reasons for the objection, and shall promptly return the revised temporary regulation to the agency. The agency shall continue to revise it and resubmit it to the Legislative Commission ~~[or the Subcommittee]~~ within 30 days after the agency received the written notice of the objection to the revised temporary regulation.

Sec. 20. NRS 233B.0653 is hereby amended to read as follows:

233B.0653 1. The Legislative Counsel shall ***periodically*** prepare and publish ~~[or cause to be prepared and published]~~ ***electronically*** a Register of Administrative Regulations ~~[.]~~ ***on the public website of the Legislature on***

the Internet. The Register must include the following information regarding each permanent regulation adopted by an agency:

(a) The proposed and adopted text of the regulation and any revised version of the regulation;

(b) The notice of intent to act upon the regulation set forth in NRS 233B.0603;

(c) The written notice of adoption of the regulation required pursuant to NRS 233B.064;

(d) The informational statement required pursuant to NRS 233B.066; and

(e) The effective date of the regulation, as determined pursuant to NRS 233B.070.

~~[➥ In carrying out the duties set forth in this subsection, the Legislative Counsel may use the services of the State Printing Office.~~

~~2. The Legislative Counsel shall publish the Register not less than 10 times per year but not more than once every 2 weeks.~~

~~3. The Register must be provided to and maintained by:~~

~~(a) The Secretary of State;~~

~~(b) The Attorney General;~~

~~(c) The Supreme Court Law Library;~~

~~(d) The State Library, Archives and Public Records;~~

~~(e) Each county clerk;~~

~~(f) Each county library; and~~

~~(g) The Legislative Counsel Bureau.~~

~~4. The Legislative Counsel may sell an additional copy of the Register to any person or governmental entity that requests a copy, at a price which does not exceed the cost of publishing the additional copy.~~

~~5.]~~ ***2.*** The Legislative Counsel is immune from civil liability which may result from failure to include any information in the Register.

Sec. 21. NRS 233B.0665 is hereby amended to read as follows:

233B.0665 If a regulation submitted to the Legislative Counsel Bureau pursuant to NRS 233B.067 is not accompanied by an informational statement which complies with the requirements of NRS 233B.066 or a small business impact statement which complies with the requirements of NRS 233B.0608 and 233B.0609, the Legislative Counsel shall return the regulation to the agency with a note indicating the statement which is missing. Unless the missing statement is supplied, the Legislative Counsel shall not submit the regulation to the Legislative Commission ~~[or the Subcommittee to Review Regulations, as applicable,]~~ and the regulation never becomes effective.

Sec. 22. NRS 233B.067 is hereby amended to read as follows:

233B.067 1. After adopting a permanent regulation, the agency shall submit the informational statement prepared pursuant to NRS 233B.066 and one copy of each regulation adopted to the Legislative Counsel for review by the Legislative Commission to determine whether to approve the regulation. The Legislative Counsel shall endorse on the original and the copy of each adopted regulation the date of their receipt. The Legislative Counsel shall

maintain the copy of the regulation in a file and make the copy available for public inspection for 2 years.

2. If an agency submits an adopted regulation to the Legislative Counsel pursuant to subsection 1 that:

(a) The agency is required to adopt pursuant to a federal statute or regulation; and

(b) Exceeds the specific statutory authority of the agency or sets forth requirements that are more stringent than a statute of this State,

➥ it shall include a statement that adoption of the regulation is required by a federal statute or regulation. The statement must include the specific citation of the federal statute or regulation requiring such adoption.

3. ~~[Except as otherwise provided in subsection 4, the]~~ ***The*** Legislative Commission shall ~~[:~~

~~(a) Review]~~ ***review*** the regulation at its next regularly scheduled meeting if the regulation is received more than 10 working days before the meeting **.** ~~[; or~~

~~(b) Refer the regulation for review to the Subcommittee to Review Regulations appointed pursuant to subsection 6.~~

~~4. If an agency determines that an emergency exists which requires a regulation of the agency submitted pursuant to subsection 1 to become effective before the next meeting of the Legislative Commission is scheduled to be held, the agency may notify the Legislative Counsel in writing of the emergency. Upon receipt of such a notice, the Legislative Counsel shall refer the regulation for review by the Subcommittee to Review Regulations. The Subcommittee shall meet to review the regulation as soon as practicable.~~

~~5.]~~ ***4.*** If the Legislative Commission ~~[, or the Subcommittee to Review Regulations if the regulation was referred,]~~ approves the regulation, the Legislative Counsel shall promptly file the regulation with the Secretary of State and notify the agency of the filing. If the Commission ~~[or Subcommittee]~~ objects to the regulation after determining that:

(a) If subsection 2 is applicable, the regulation is not required pursuant to a federal statute or regulation;

(b) The regulation does not conform to statutory authority;

(c) The regulation does not carry out legislative intent;

(d) The small business impact statement is inaccurate, incomplete or did not adequately consider or significantly underestimated the economic effect of the regulation on small businesses; or

(e) The agency has not provided a satisfactory explanation of the need for the regulation in its informational statement as required pursuant to NRS 233B.066, or the informational statement is insufficient or incomplete,

➥ the Legislative Counsel shall attach to the regulation a written notice of the objection, including, if practicable, a statement of the reasons for the objection, and shall promptly return the regulation to the agency.

~~[6. As soon as practicable after each regular legislative session, the Legislative Commission shall appoint a Subcommittee to Review~~

~~Regulations consisting of at least three members or alternate members of the Legislative Commission.]~~

Sec. 23. NRS 233B.0675 is hereby amended to read as follows:

233B.0675 1. If the Legislative Commission ~~[, or the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067,]~~ has objected to a regulation, the agency shall revise the regulation to conform to the statutory authority pursuant to which it was adopted and to carry out the intent of the Legislature in granting that authority and return it to the Legislative Counsel within 60 days after the agency received the written notice of the objection to the regulation pursuant to NRS 233B.067. Upon receipt of the revised regulation, the Legislative Counsel shall resubmit the regulation to the Commission ~~[or Subcommittee]~~ for review. If the Commission ~~[or Subcommittee]~~ approves the revised regulation, the Legislative Counsel shall promptly file the revised regulation with the Secretary of State and notify the agency of the filing.

2. If the Legislative Commission ~~[or Subcommittee]~~ objects to the revised regulation, the Legislative Counsel shall attach to the revised regulation a written notice of the objection, including, if practicable, a statement of the reasons for the objection, and shall promptly return the revised regulation to the agency. The agency shall continue to revise it and resubmit it to the Commission ~~[or Subcommittee]~~ within 30 days after the agency received the written notice of the objection to the revised regulation.

Sec. 24. NRS 233B.0677 is hereby amended to read as follows:

233B.0677 1. Before holding a meeting to review temporary regulations pursuant to NRS 233B.0633 or adopted regulations pursuant to NRS 233B.067 or 233B.0675, the Legislative Commission ~~[or the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067, as applicable,]~~ shall provide written notice of the meeting at least 3 working days before the meeting. The notice must include, without limitation:

(a) A list of the regulations that the Legislative Commission ~~[or the Subcommittee to Review Regulations]~~ will review at the meeting; and

(b) An explanation of the manner in which a person may obtain a copy of a regulation that the Legislative Commission ~~[or Subcommittee to Review Regulations]~~ will review at the meeting.

2. If the Legislative Counsel Bureau maintains a website on the Internet or its successor, the Legislative Counsel Bureau shall, at least 3 working days before the Legislative Commission ~~[or the Subcommittee to Review Regulations]~~ holds a meeting to review temporary regulations pursuant to NRS 233B.0633 or adopted regulations pursuant to NRS 233B.067 or 233B.0675, post on its website a list of the regulations that the Legislative Commission ~~[or the Subcommittee to Review Regulations]~~ will review at the meeting, unless the Legislative Counsel Bureau is unable to do so because of technical problems relating to the operation or maintenance of its website.

Sec. 25. NRS 233B.070 is hereby amended to read as follows:

233B.070 1. A permanent regulation becomes effective when the Legislative Counsel files with the Secretary of State the original of the final draft or revision of a regulation, except as otherwise provided in NRS 293.247 or where a later date is specified in the regulation.

2. Except as otherwise provided in NRS 233B.0633, an agency that has adopted a temporary regulation may not file the temporary regulation with the Secretary of State until 35 days after the date on which the temporary regulation was adopted by the agency. A temporary regulation becomes effective when the agency files with the Secretary of State the original of the final draft or revision of the regulation, together with the informational statement prepared pursuant to NRS 233B.066. The agency shall also file a copy of the temporary regulation with the Legislative Counsel, together with the informational statement prepared pursuant to NRS 233B.066.

3. An emergency regulation becomes effective when the agency files with the Secretary of State the original of the final draft or revision of an emergency regulation, together with the informational statement prepared pursuant to NRS 233B.066 ~~[.]~~ ***and a copy of the written statement of the emergency endorsed by the Governor pursuant to NRS 233B.0613.*** The agency shall also file a copy of the emergency regulation with the Legislative Counsel, together with the informational statement prepared pursuant to NRS 233B.066 ~~[.]~~ ***and a copy of the written statement of the emergency endorsed by the Governor pursuant to NRS 233B.0613.***

4. The Secretary of State shall maintain the original of the final draft or revision of each regulation in a permanent file to be used only for the preparation of official copies.

5. The Secretary of State shall file, with the original of each agency's rules of practice, the current statement of the agency concerning the date and results of its most recent review of those rules.

6. Immediately after each permanent or temporary regulation is filed, the agency shall deliver one copy of the final draft or revision, bearing the stamp of the Secretary of State indicating that it has been filed, including material adopted by reference which is not already filed with the State Library, Archives and Public Records Administrator, to the State Library, Archives and Public Records Administrator for use by the public. If the agency is a licensing board as defined in NRS 439B.225 and it has adopted a permanent regulation relating to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the agency, the agency shall also deliver one copy of the regulation, bearing the stamp of the Secretary of State, to the Legislative Committee on Health Care within 10 days after the regulation is filed with the Secretary of State.

7. Each agency shall furnish a copy of all or part of that part of the Nevada Administrative Code which contains its regulations, to any person who requests a copy, and may charge a reasonable fee for the copy based on

the cost of reproduction if it does not have money appropriated or authorized for that purpose.

8. An agency which publishes any regulations included in the Nevada Administrative Code shall use the exact text of the regulation as it appears in the Nevada Administrative Code, including the leadlines and numbers of the sections. Any other material which an agency includes in a publication with its regulations must be presented in a form which clearly distinguishes that material from the regulations.

Sec. 26. NRS 233B.100 is hereby amended to read as follows:

233B.100 1. Any interested person may petition an agency requesting the adoption, filing, amendment or repeal of any regulation and shall accompany the petition with relevant data, views and arguments. Each agency shall prescribe by regulation the form for such petitions and the procedure for their submission, consideration and disposition. Upon submission of such a petition, the agency shall within 30 days either deny the petition in writing, stating its reasons, or initiate regulation-making proceedings.

2. Any regulation of any agency is subject to ~~[amendment]~~ ***:***

(a) Amendment or suspension by the Governor pursuant to the provisions of NRS 416.060.

(b) Suspension or nullification by the Legislative Commission pursuant to ~~[section 10 of this act,]~~ Section 1 of Article 3 of the Nevada Constitution and NRS 233B.0395 to 233B.120, inclusive, and sections 10 and 11 of this act.

Sec. 27. NRS 233B.105 is hereby amended to read as follows:

233B.105 1. A small business that is aggrieved by a regulation adopted by an agency on or after January 1, 2000, may object to all or a part of the regulation by filing a petition with the agency that adopted the regulation within 90 days after the date on which the regulation was adopted. An agency which receives such a petition shall transmit a copy of the petition to the Legislative Counsel for submission to the Legislative Commission **.** ~~[or the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067.]~~

2. A petition filed pursuant to subsection 1 may be based on the following grounds:

(a) The agency failed to prepare a small business impact statement as required pursuant to NRS 233B.0608 and 233B.0609; or

(b) The small business impact statement prepared by the agency pursuant to NRS 233B.0608 and 233B.0609 is inaccurate, incomplete or did not adequately consider or significantly underestimated the economic effect of the regulation on small businesses.

3. After receiving a petition pursuant to subsection 1, an agency shall determine whether the petition has merit. If the agency determines that the petition has merit, the agency may, pursuant to this chapter, take action to amend the regulation to which the small business objected.

Sec. 28. NRS 233B.110 is hereby amended to read as follows:

233B.110 1. The validity or applicability of any regulation may be determined in a proceeding for a declaratory judgment in the district court in and for Carson City, or in and for the county where the plaintiff resides, when it is alleged that the regulation, or its proposed application, interferes with or impairs, or threatens to interfere with or impair, the legal rights or privileges of the plaintiff. A declaratory judgment may be rendered after the plaintiff has first requested the agency to pass upon the validity of the regulation in question. The court shall declare the regulation invalid if it finds that it violates constitutional or statutory provisions or exceeds the statutory authority of the agency. The agency whose regulation is made the subject of the declaratory action shall be made a party to the action.

2. An agency may institute an action for declaratory judgment to establish the validity of any one or more of its own regulations.

3. Actions for declaratory judgment provided for in subsections 1 and 2 shall be in accordance with the Uniform Declaratory Judgments Act (chapter 30 of NRS), and the Nevada Rules of Civil Procedure. In all actions under subsections 1 and 2, the plaintiff shall serve a copy of the complaint upon the Attorney General, who is also entitled to be heard.

4. Nothing in this section shall be construed to limit the authority of the Legislative Commission to suspend or nullify a regulation ~~[as provided in this chapter.]~~ pursuant to Section 1 of Article 3 of the Nevada Constitution and NRS 233B.0395 to 233B.120, inclusive, and sections 10 and 11 of this act.

Sec. 29. NRS 514A.110 is hereby amended to read as follows:

514A.110 A permanent regulation adopted by the:

1. Nevada Tax Commission, pursuant to NRS 360.090, concerning any taxation related to the extraction of any mineral in this State, including, without limitation, the taxation of the net proceeds pursuant to chapter 362 of NRS and Section 5 of Article 10 of the Nevada Constitution;

2. Administrator of the Division of Industrial Relations of the Department of Business and Industry for mine health and safety pursuant to NRS 512.131;

3. Commission on Mineral Resources pursuant to NRS 513.063, 513.094 or 519A.290; and

4. State Environmental Commission pursuant to NRS 519A.160,

➥ is not effective unless it is reviewed by the Mining Oversight and Accountability Commission before it is approved pursuant to chapter 233B of NRS by the Legislative Commission **.** ~~[or the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067.]~~ After conducting its review of the regulation, the Mining Oversight and Accountability Commission shall provide a report of its findings and recommendations regarding the regulation to the Legislative Counsel for submission to the Legislative Commission **.** ~~[or the Subcommittee to Review Regulations, as appropriate.]~~

Sec. 29.5. **Section 1 of Senate Bill No. 160 of this session is hereby amended to read as follows:**

Section 1. NRS 233B.060 is hereby amended to read as follows:

233B.060 1. Except as otherwise provided in subsection 2 and NRS 233B.061, before adopting, amending or repealing:

(a) A permanent regulation, the agency must, after receiving the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063:

(1) If it is the first hearing on the regulation, give at least 30 days' notice of its intended action, unless a shorter period of notice is specifically permitted by statute. When posted, the agency must include notice that the regulation that is posted on the Internet website of the agency 3 working days before the hearing will be the regulation considered. The agency shall ensure that the regulation to be considered at the hearing is posted on the Internet website of the agency 3 working days before the hearing.

(2) If it is the second or subsequent hearing on the regulation, including, without limitation, a subsequent hearing on an adopted regulation that has not been approved by the Legislative Commission ~~[or the Subcommittee to Review Regulations]~~ pursuant to NRS 233B.067, in order to approve a revision to the regulation, give at least 3 working days' notice of its intended action.

(b) A temporary regulation, the agency must give at least 30 days' notice of its intended action, unless a shorter period of notice is specifically permitted by statute.

2. Except as otherwise provided in subsection 3, if an agency has adopted a temporary regulation after notice and the opportunity for a hearing as provided in this chapter, it may adopt, after providing a second notice and the opportunity for a hearing, a permanent regulation, but the language of the permanent regulation must first be approved or revised by the Legislative Counsel and the adopted regulation must be approved by the Legislative Commission. ~~[or the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067.]~~

3. If the Public Utilities Commission of Nevada has adopted a temporary regulation after notice and the opportunity for a hearing as provided in this chapter, it may adopt a substantively equivalent permanent regulation without further notice or hearing, but the language of the permanent regulation must first be approved or revised by the Legislative Counsel and the adopted regulation must be approved by the Legislative Commission. ~~[or the Subcommittee to Review Regulations.]~~

Sec. 30. This act becomes effective on July 1, 2017.

Assemblywoman Diaz moved that the Assembly concur in the Senate Amendment No. 805 to Assembly Bill No. 403.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:
We are good with it.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 968.

AN ACT relating to governmental administration; authorizing the Legislative Commission to suspend or nullify certain administrative regulations; ~~[abolishing the Subcommittee to Review Regulations of the Legislative Commission;]~~ revising provisions relating to administrative regulations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under the separation-of-powers provision of the Nevada Constitution, one branch of the State Government may not exercise powers properly belonging to another branch of the State Government "except in the cases expressly directed or permitted in this constitution." (Nev. Const. Art. 3, § 1) As a general rule under the separation-of-powers doctrine, because the question of whether a regulation adopted by an executive agency exceeds its statutory authority or is inconsistent with legislative intent presents a question of statutory interpretation, the power to resolve that question of statutory interpretation and determine whether to invalidate or nullify the regulation is usually regarded as judicial power because "it is emphatically the province and duty of the judicial department to say what the law is." (*Nevadans for Nev. v. Beers*, 122 Nev. 930, 943 n.20 (2006) (quoting *Marbury v. Madison*, 5 U.S. 137, 177-78 (1803)); *Berkson v. LePome*, 126 Nev. 492, 499 (2010) (explaining that "[t]o declare what the law is or has been is judicial power; to declare what the law shall be is legislative." (quoting 1 Thomas M. Cooley, *Constitutional Limitations* 191 (8th ed. 1927)); *Silver State Elec. Supply Co. v. State ex rel. Dep't of Tax'n*, 123 Nev. 80, 84 (2007) ("Appeals involving interpretation of a statute or regulation present questions of law subject to our independent review.")

For example, in applying the separation-of-powers doctrine to the Federal Government and other state governments, courts have found that the separation-of-powers doctrine ordinarily prohibits legislative committees or other legislative bodies from exercising the power to nullify a regulation adopted by an executive agency on the basis that the regulation exceeds the statutory authority of the agency or is inconsistent with legislative intent, unless Congress or the state legislature passes a law that expressly nullifies the regulation or revises or repeals the agency's statutory authority. (*I.N.S. v. Chadha*, 462 U.S. 919, 953 n.16 (1983); *State v. A.L.I.V.E. Voluntary*, 606 P.2d 769, 772-79 (Alaska 1980); *Legis. Research Comm'n v. Brown*, 664 S.W.2d 907, 917-20 (Ky. 1984); *Blank v. Dep't of Corr.*, 611 N.W.2d 530,

537-39 (Mich. 2000); *General Assembly of N.J. v. Byrne*, 448 A.2d 438, 443-49 (N.J. 1982); *State ex rel. Barker v. Manchin*, 279 S.E.2d 622, 630-36 (W. Va. 1981))

However, in Nevada, the voters in 1996 approved a constitutional amendment to Nevada's separation-of-powers provision which expressly empowers the Legislature to provide by law for legislative agencies and legislative bodies composed of members of the Senate and Assembly to suspend or nullify regulations adopted by executive agencies on the basis that the regulations exceed the statutory authority of the agencies or are inconsistent with legislative intent. The constitutional amendment provides that if the Legislature authorizes the adoption of regulations by executive agencies which bind persons outside the agencies, the Legislature is authorized to enact laws providing for: (1) the review of such regulations by a legislative agency before their effective date to determine whether each such regulation is within the statutory authority for its adoption; (2) the suspension by a legislative agency of any such regulation which appears to exceed the statutory authority for its adoption until the regulation is reviewed by a legislative body composed of members of the Senate and Assembly; and (3) the nullification of any such regulation by a majority vote of a legislative body composed of members of the Senate and Assembly. (Nev. Const. Art. 3, § 1) When the constitutional amendment was presented to the voters, the ballot materials explained that its purpose was to ensure that the Legislative Branch had the specific constitutional power to suspend or nullify regulations adopted by executive agencies which exceed the statutory authority granted by the Legislature when it passed the laws that authorized the agencies to adopt the regulations. (*State of Nevada Ballot Questions 1996*, Question No. 5, at pp. 1-2 (Nev. Sec'y of State 1996)

When the Nevada Constitution expressly grants specific powers to the Legislative Branch, the other branches may not infringe upon the exercise of those powers out of respect for an equal and coordinate branch of government. (*Heller v. Legislature*, 120 Nev. 456, 466-72 (2004); *Comm'n on Ethics v. Hardy*, 125 Nev. 285, 291-94 (2009)) For example, the Nevada Supreme Court has determined that because the Nevada Constitution expressly grants to each legislative House the specific power to "judge" the qualifications, returns and elections of its own members, the constitutional assignment of that power to the Legislative Branch "insulates a legislator's qualifications to hold office from judicial review. In other words, a legislative body's decision to admit or expel a member is almost unreviewable in the courts." (*Heller v. Legislature*, 120 Nev. 456, 466-67 (2004)) Because Nevada's voters expressly granted specific constitutional power to the Legislature to provide by law for legislative agencies and legislative bodies composed of members of the Senate and Assembly to suspend or nullify regulations adopted by executive agencies, the other branches may not infringe upon the exercise of that power out of respect for an equal and coordinate branch of government.

In exercising its expressly granted and specific constitutional power regarding regulations, the Legislature has enacted provisions of the Nevada Administrative Procedure Act which set forth the procedures for the adoption of emergency, temporary and permanent regulations by certain executive agencies. (NRS 233B.0395-233B.120) Under existing law, with limited exceptions, the Legislative Commission or the Subcommittee to Review Regulations of the Legislative Commission has the authority to review and to approve or object to certain temporary or permanent regulations before those regulations become effective. (NRS 233B.0633, 233B.067-233B.070)

Section 10 of this bill authorizes the Legislative Commission to suspend or nullify a regulation adopted pursuant to the Nevada Administrative Procedure Act if the regulation: (1) exceeds the statutory authority for its adoption; (2) is inconsistent with the intent of the Legislature in granting the statutory authority for its adoption; or (3) is no longer being administered or interpreted in a manner that is consistent with the agency's stated intention when adopting the regulation or the agency's stated intention during the review and approval of the regulation by the Legislative Commission. **Section 10** also establishes procedures that the Legislative Commission must follow before and after it takes action to suspend or nullify a regulation.

Additionally, **sections 10 and 12** of this bill preclude judicial review of any action taken or determination made by the Legislative Commission in exercising its powers to review, object to, suspend or nullify a regulation, and **sections 10 and 13** of this bill allow the Legislative Commission to determine whether an agency rule, standard, directive or statement constitutes a regulation for the purposes of exercising those powers. **Sections 17.5, 26 and 28** of this bill make conforming changes.

~~[Section 22 of this bill abolishes the Subcommittee to Review Regulations of the Legislative Commission and provides only the Legislative Commission with the powers of reviewing and approving or objecting to certain temporary or permanent regulations before those regulations become effective. Sections 16, 19, 21-24, 27 and 29 of this bill make conforming changes.]~~

Section 11 of this bill directs the Legislative Commission to adopt such regulations as are necessary to carry out the provisions of the Nevada Administrative Procedure Act governing administrative regulations. **Section 11** also requires the regulations to establish certain procedural rights and standards for proceedings of the Legislative Commission concerning the suspension or nullification of a regulation, including: (1) procedural rights that provide regulated persons and other interested persons with an opportunity to comment on whether the regulation should be suspended or nullified; and (2) standards and requirements for making a determination that the immediate suspension or nullification of the regulation is necessary to protect public health or safety.

Existing law excludes the application of certain agency policies as applied to a person with sufficient prior actual notice of the policy from the definition

of "regulation" for the purposes of the Nevada Administrative Procedure Act. (NRS 233B.038) **Section 13** of this bill removes this exception.

Existing law ratifies the Nevada Administrative Code as revised or supplemented before May 15, 1987. (NRS 233B.0395) **Section 14** of this bill ratifies the Code as revised or supplemented before February 6, 2017.

Existing law requires an agency to adopt a proposed regulation not later than 2 years after the proposed regulation is submitted to the Legislative Counsel. (NRS 233B.040) **Section 15** of this bill requires an agency to also submit the proposed regulation to the Legislative Commission for review within the same 2-year period.

Existing law requires an agency to hold an oral public hearing on a proposed regulation if an oral hearing is requested by certain persons and the proposed regulation is substantive. (NRS 233B.061) **Section 17** of this bill eliminates the requirement regarding the substantiveness of the regulation.

Under existing law, the Legislative Counsel is required to prepare and publish a Register of Administrative Regulations, which includes information relating to adopted permanent regulations. (NRS 233B.0653) **Section 20** of this bill eliminates the requirement that the Legislative Counsel publish paper copies of the Register and instead requires the Legislative Counsel to publish the Register electronically on the public website of the Legislature on the Internet.

An emergency regulation becomes effective when certain documents are filed with the Secretary of State. (NRS 233B.070) **Section 25** of this bill requires that a copy of the written statement of the emergency endorsed by the Governor is included with the information that must be filed with the Secretary of State before an emergency regulation becomes effective.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 8.5. 1. The Legislature hereby finds that:

(a) Under the separation-of-powers provision of Section 1 of Article 3 of the Nevada Constitution, one branch of the State Government may not exercise powers properly belonging to another branch of the State Government except in the cases expressly directed or permitted in the Nevada Constitution.

(b) In 1996, Nevada's voters approved a constitutional amendment to the separation-of-powers provision which expressly empowers the Legislature to

provide by law for legislative agencies and legislative bodies composed of members of the Senate and Assembly to suspend or nullify regulations adopted by executive agencies on the basis that the regulations exceed the statutory authority of the agencies or are inconsistent with legislative intent.

(c) When the constitutional amendment was presented to the voters, the ballot materials explained that its purpose was to ensure that the Legislative Branch had the specific constitutional power to suspend or nullify regulations adopted by executive agencies which exceed the statutory authority granted by the Legislature when it passed the laws that authorized the agencies to adopt the regulations.

(d) Because Nevada's voters expressly granted specific constitutional power to the Legislature to provide by law for legislative agencies and legislative bodies composed of members of the Senate and Assembly to suspend or nullify regulations adopted by executive agencies, the other branches may not infringe upon the exercise of that power out of respect for an equal and coordinate branch of government.

(e) When executive agencies adopt regulations which exceed their statutory authority or are inconsistent with legislative intent, the regulations thwart and undermine the will of the people who, through their elected representatives in the Legislature, determine by properly enacted laws the scope and extent of the authority granted to executive agencies to adopt the regulations.

2. The Legislature hereby declares that there is a legitimate and compelling need to exercise its expressly granted and specific constitutional power under Section 1 of Article 3 of the Nevada Constitution, in the manner set forth in the provisions of this act, in order to:

(a) Provide by law for legislative agencies and legislative bodies composed of members of the Senate and Assembly to suspend or nullify regulations adopted by executive agencies which exceed their statutory authority or are inconsistent with legislative intent; and

(b) Protect and safeguard the rights of the people against such unlawful and invalid regulations.

Sec. 9. Chapter 233B of NRS is hereby amended by adding thereto the provisions set forth as sections 10 and 11 of this act.

Sec. 10. ***1. Upon its own initiative, the Legislative Commission may suspend or nullify a regulation, in whole or in part, adopted pursuant to this chapter if, in the opinion of the Legislative Commission, the regulation:***

(a) Exceeds the statutory authority for the adoption of the regulation;

(b) Is inconsistent with the intent of the Legislature in granting the statutory authority for the adoption of the regulation; or

(c) Is no longer being administered or interpreted by the adopting agency in a manner consistent with the stated intent of the agency when adopting the regulation or during the review and approval of the regulation by the Legislative Commission.

2. Before holding the initial meeting to consider the suspension or nullification of a regulation, the Legislative Commission shall, at least 30 days before the meeting, provide the adopting agency with written notice of the meeting which informs the agency of:

(a) The specific regulation that will be considered at the meeting; and

(b) The potential reasons for the suspension or nullification of the regulation. The potential reasons provided in the written notice:

(1) Must include sufficient information to allow the agency to prepare for the meeting.

(2) Do not preclude the Legislative Commission from considering other reasons at the initial meeting or any subsequent meeting held to consider the suspension or nullification of the regulation.

3. At the initial meeting to consider the suspension or nullification of a regulation, the Legislative Commission:

(a) Shall provide the adopting agency with an opportunity to comment on whether the regulation should be suspended or nullified.

(b) May not take action to suspend or nullify the regulation unless the Legislative Commission makes a specific determination that the immediate suspension or nullification of the regulation is necessary to protect public health or safety. If the Legislative Commission does not make such a specific determination, the Legislative Commission may not take action to suspend or nullify the regulation unless such action is taken at a subsequent meeting held at least 30 days after the date of the initial meeting to consider the suspension or nullification of the regulation.

4. If the Legislative Commission takes action to suspend or nullify a regulation pursuant to this section, the Legislative Commission shall, as soon as practicable after taking such action, provide the Secretary of State and the adopting agency with written notice of:

(a) The suspension of the regulation and when the suspension becomes effective and when it expires; or

(b) The nullification of the regulation and when the nullification becomes effective.

5. Any action taken or determination made by the Legislative Commission pursuant to this section, including, without limitation, any action to suspend or nullify a regulation, is final and not subject to judicial review.

6. In exercising the powers granted in this section, the Legislative Commission:

(a) Has the authority to determine whether an agency rule, standard, directive or statement is a regulation as defined in NRS 233B.038; and

(b) After making such a determination, may take action to suspend or nullify the regulation pursuant to this section.

7. Any regulation which is nullified by the Legislative Commission pursuant to this section must be removed from the Nevada Administrative Code and from any agency publications and notices.

8. As used in this section, "adopting agency" or "agency" means the agency that adopted the regulation or any successor agency that administers the regulation.

Sec. 11. ***1. The Legislative Commission shall adopt such regulations as are necessary to carry out the provisions of this section and NRS 233B.0395 to 233B.120, inclusive, and section 10 of this act.***

2. The regulations adopted by the Legislative Commission must establish for proceedings of the Legislative Commission concerning the suspension or nullification of a regulation pursuant to section 10 of this act:

(a) Procedural rights that provide persons who are regulated by or otherwise interested in the regulation with an opportunity to comment on whether the regulation should be suspended or nullified.

(b) Standards and requirements for making a specific determination that the immediate suspension or nullification of the regulation is necessary to protect public health or safety.

Sec. 12. NRS 233B.020 is hereby amended to read as follows:

233B.020 1. By this chapter, the Legislature intends to establish ~~[minimum]~~ procedural requirements for ***:***

(a) Except as otherwise provided in paragraph (b), the regulation-making and adjudication procedure of all agencies of the Executive Department of the State Government and for judicial review of both functions, except ***as to*** those agencies expressly exempted pursuant to the provisions of this chapter.

(b) The exercise by the Legislative Commission of the power to review, object to, suspend or nullify a regulation as authorized by Section 1 of Article 3 of the Nevada Constitution and NRS 233B.0395 to 233B.120, inclusive, and sections 10 and 11 of this act, except that the exercise of such a power by the Legislative Commission is final and not subject to judicial review.

2. This chapter confers no additional regulation-making authority upon any agency except to the extent provided in subsection 1 of NRS 233B.050.

~~[2.]~~ ***3.*** The provisions of this chapter are intended to supplement statutes applicable to specific agencies. This chapter does not abrogate or limit additional requirements imposed on such agencies by statute or otherwise recognized by law.

Sec. 13. NRS 233B.038 is hereby amended to read as follows:

233B.038 1. "Regulation" means:

(a) An agency rule, standard, directive or statement of general applicability which effectuates or interprets law or policy, or describes the organization, procedure or practice requirements of any agency ~~[.]~~ ***, including, without limitation, an agency rule, standard, directive or statement that the Legislative Commission determines is a regulation pursuant to section 10 of this act;***

(b) A proposed regulation;

(c) The amendment or repeal of a prior regulation; and

(d) The general application by an agency of a written policy, interpretation, process or procedure to determine whether a person is in compliance with a federal or state statute or regulation in order to assess a fine, monetary penalty or monetary interest.

2. The term does not include:

(a) A statement concerning only the internal management of an agency and not affecting private rights or procedures available to the public;

(b) A declaratory ruling;

(c) An intraagency memorandum;

(d) A manual of internal policies and procedures or audit procedures of an agency which is used solely to train or provide guidance to employees of the agency and which is not used as authority in a contested case to determine whether a person is in compliance with a federal or state statute or regulation;

(e) An agency decision or finding in a contested case;

(f) An advisory opinion issued by an agency that is not of general applicability;

(g) A published opinion of the Attorney General;

(h) An interpretation of an agency that has statutory authority to issue interpretations;

(i) Letters of approval, concurrence or disapproval issued in relation to a permit for a specific project or activity;

(j) A contract or agreement into which an agency has entered;

(k) The provisions of a federal law, regulation or guideline;

(l) An emergency action taken by an agency that is necessary to protect public health and safety;

(m) ~~[~~The application by an agency of a policy, interpretation, process or procedure to a person who has sufficient prior actual notice of the policy, interpretation, process or procedure to determine whether the person is in compliance with a federal or state statute or regulation in order to assess a fine, monetary penalty or monetary interest;

~~(n)~~**]** A regulation concerning the use of public roads or facilities which is indicated to the public by means of signs, signals and other traffic-control devices that conform with the manual and specifications for a uniform system of official traffic-control devices adopted pursuant to NRS 484A.430;

~~[(o)]~~ ***(n)*** The classification of wildlife or the designation of seasons for hunting, fishing or trapping by regulation of the Board of Wildlife Commissioners pursuant to the provisions of title 45 of NRS; or

~~[(p)]~~ ***(o)*** A technical bulletin prepared pursuant to NRS 360.133.

Sec. 14. NRS 233B.0395 is hereby amended to read as follows:

233B.0395 The Nevada Administrative Code as most recently revised or supplemented before ~~[May 15, 1987,]~~ ***February 6, 2017,*** and the text of those regulations which have been prepared by the Legislative Counsel for inclusion in the Nevada Administrative Code on or before ~~[May 15, 1987,]~~ ***February 6, 2017,*** but have not been included, are hereby ratified.

Sec. 15. NRS 233B.040 is hereby amended to read as follows:

233B.040 1. To the extent authorized by the statutes applicable to it, each agency may adopt reasonable regulations to aid it in carrying out the functions assigned to it by law and shall adopt such regulations as are necessary to the proper execution of those functions. If adopted and filed in accordance with the provisions of this chapter, the following regulations have the force of law and must be enforced by all peace officers:

(a) The Nevada Administrative Code; and

(b) Temporary and emergency regulations.

➥ In every instance, the power to adopt regulations to carry out a particular function is limited by the terms of the grant of authority pursuant to which the function was assigned.

2. Every regulation adopted by an agency must include:

(a) A citation of the authority pursuant to which it, or any part of it, was adopted; and

(b) The address of the agency and, to the extent not elsewhere provided in the regulation, a brief explanation of the procedures for obtaining clarification of the regulation or relief from the strict application of any of its terms, if the agency is authorized by a specific statute to grant such relief, or otherwise dealing with the agency in connection with the regulation.

3. An agency may adopt by reference in a regulation material published by another authority in book or pamphlet form if:

(a) It files one copy of the publication with the Secretary of State and one copy with the State Library, Archives and Public Records Administrator, and makes at least one copy available for public inspection with its regulations; and

(b) The reference discloses the source and price for purchase of the publication.

➥ An agency shall not attempt to incorporate any other material in a regulation by reference.

4. An agency shall adopt ***and submit*** a proposed regulation ***to the Legislative Commission for review*** not later than 2 years after the date on which the proposed regulation is submitted to the Legislative Counsel pursuant to subsection 1 of NRS 233B.063. If an agency does not adopt ***and submit*** a proposed regulation ***to the Legislative Commission for review*** within the time prescribed by this subsection, the executive head of the agency shall appear personally before the Legislative Commission and explain why the proposed regulation has not been adopted ~~[.]~~ ***and submitted to the Legislative Commission for review.***

Sec. 16. ~~[NRS 233B.060 is hereby amended to read as follows:~~

~~233B.060 1. Except as otherwise provided in subsection 2 and NRS 233B.061, before adopting, amending or repealing:~~

~~(a) A permanent regulation, the agency must, after receiving the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063, give at least 30 days' notice of its~~

~~intended action, unless a shorter period of notice is specifically permitted by statute.~~

~~(b) A temporary regulation, the agency must give at least 30 days' notice of its intended action, unless a shorter period of notice is specifically permitted by statute.~~

~~2. Except as otherwise provided in subsection 3, if an agency has adopted a temporary regulation after notice and the opportunity for a hearing as provided in this chapter, it may adopt, after providing a second notice and the opportunity for a hearing, a permanent regulation, but the language of the permanent regulation must first be approved or revised by the Legislative Counsel and the adopted regulation must be approved by the Legislative Commission . [or the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067.]~~

~~3. If the Public Utilities Commission of Nevada has adopted a temporary regulation after notice and the opportunity for a hearing as provided in this chapter, it may adopt a substantively equivalent permanent regulation without further notice or hearing, but the language of the permanent regulation must first be approved or revised by the Legislative Counsel and the adopted regulation must be approved by the Legislative Commission . [or the Subcommittee to Review Regulations.]]~~ **(Deleted by amendment.)**

Sec. 17. NRS 233B.061 is hereby amended to read as follows:

233B.061 1. All interested persons must be afforded a reasonable opportunity to submit data, views or arguments upon a proposed regulation, orally or in writing.

2. Before holding the public hearing required pursuant to subsection 3, an agency shall conduct at least one workshop to solicit comments from interested persons on one or more general topics to be addressed in a proposed regulation. Not less than 15 days before the workshop, the agency shall provide notice of the time and place set for the workshop:

(a) In writing to each person who has requested to be placed on a mailing list; and

(b) In any other manner reasonably calculated to provide such notice to the general public and any business that may be affected by a proposed regulation which addresses the general topics to be considered at the workshop.

3. ~~[With respect to substantive regulations, the]~~ ***The*** agency shall set a time and place for an oral public hearing, but if no one appears who will be directly affected by the proposed regulation and requests an oral hearing, the agency may proceed immediately to act upon any written submissions. The agency shall consider fully all written and oral submissions respecting the proposed regulation.

4. An agency shall not hold the public hearing required pursuant to subsection 3 on the same day that the agency holds the workshop required pursuant to subsection 2.

5. Each workshop and public hearing required pursuant to subsections 2 and 3 must be conducted in accordance with the provisions of chapter 241 of NRS.

Sec. 17.5. NRS 233B.0613 is hereby amended to read as follows:

233B.0613 1. If an agency determines that an emergency exists ~~[,]~~ ***and wants to adopt an emergency regulation,*** it shall submit to the Governor ***the original copy of the proposed emergency regulation with*** a written statement of the emergency which sets forth the reasons for ~~[the]~~ ***its*** determination ~~[. If]~~ ***that an emergency exists.***

2. Except as otherwise provided in this section, if the Governor endorses the statement of the emergency by written endorsement at the end of the full text of the statement of ***the*** emergency on the original copy of ~~[a]~~ ***the*** proposed ***emergency*** regulation, the ***emergency*** regulation may be adopted and become effective immediately upon its being filed in the Office of the Secretary of State pursuant to subsection 3 of NRS 233B.070. The statement of the emergency endorsed by the Governor must be included as a part of the ***emergency*** regulation for all purposes.

~~[2.]~~ ***3.*** If practicable, the agency shall, not later than 9 a.m. on the first working day before the date on which the emergency regulation is filed in the Office of the Secretary of State pursuant to subsection 3 of NRS 233B.070, make the emergency regulation available to the public by:

(a) Providing a copy of the emergency regulation to a member of the public upon request; and

(b) Making a copy of the emergency regulation available on its website on the Internet, if any.

~~[3.]~~ ***4.*** If practicable, the agency shall, not later than 9 a.m. on the first working day before the date of any hearing at which the agency considers the emergency regulation, make the version of the proposed emergency regulation that will be considered at the hearing available to the public by:

(a) Providing a copy of the proposed emergency regulation to a member of the public upon request; and

(b) Making a copy of the proposed emergency regulation available on its website on the Internet, if any.

~~[4. A]~~

5. An emergency regulation adopted pursuant to this section may ***not*** be ~~[effective]~~ ***:***

(a) Effective for a period ~~[of not]~~ longer than 120 days ***.*** ~~[. A regulation may be adopted]~~

(b) Adopted by this emergency procedure ~~[only once.~~

~~5.]~~ ***more than once.***

(c) Substantially identical, in whole or in part, to a regulation suspended or nullified by the Legislative Commission pursuant to Section 1 of Article 3 of the Nevada Constitution and NRS 233B.0395 to 233B.120, inclusive, and sections 10 and 11 of this act.

6. If an agency adopts, after providing notice and the opportunity for a hearing as required in this chapter, a permanent or temporary regulation which becomes effective and is substantially identical to its effective emergency regulation, the emergency regulation expires automatically on the effective date of the temporary or permanent regulation.

Sec. 18. NRS 233B.0617 is hereby amended to read as follows:

233B.0617 No regulation adopted after July 1, 1965, is valid unless adopted in substantial compliance with this chapter but no objection to any regulation on the ground of noncompliance with the procedural requirements of NRS 233B.060 to 233B.0617, inclusive, may be made more than 2 years after its effective date. ***Nothing in this section shall be construed to preclude the making of an objection to a regulation on a ground other than noncompliance with the procedural requirements of NRS 233B.060 to 233B.0617, inclusive.*** Regulations in effect on July 1, 1965, continue in effect until amended ***, suspended, nullified*** or repealed in accordance with the provisions of this chapter, if an original and two copies were deposited with the Secretary of State on or before July 1, 1965.

Sec. 19. ~~**[**NRS 233B.0633 is hereby amended to read as follows:~~

~~233B.0633 1. Upon the request of a Legislator, the Legislative Commission may examine a temporary regulation adopted by an agency that is not yet effective pursuant to subsection 2 of NRS 233B.070 to determine whether the temporary regulation conforms to the statutory authority pursuant to which it was adopted and whether the temporary regulation carries out the intent of the Legislature in granting that authority.~~

~~2. If a temporary regulation that the Legislative Commission is requested to examine pursuant to subsection 1 was required to be adopted by the agency pursuant to a federal statute or regulation and the temporary regulation exceeds the specific statutory authority of the agency or sets forth requirements that are more stringent than a statute of this State, the agency shall submit a statement to the Legislative Commission that adoption of the temporary regulation was required by a federal statute or regulation. The statement must include the specific citation of the federal statute or regulation requiring such adoption.~~

~~3. **[**Except as otherwise provided in subsection 4, the**]** ***The*** Legislative Commission shall **[**:~~

~~(a) Review**]** ***review*** the temporary regulation at its next regularly scheduled meeting if the request for examination of the temporary regulation is received more than 10 working days before the meeting. **[**; or~~

~~(b) Refer the temporary regulation for review to the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067.~~

~~4. If an agency determines that an emergency exists which requires a temporary regulation of the agency for which a Legislator requested an examination pursuant to subsection 1 to become effective before the next meeting of the Legislative Commission is scheduled to be held, the agency may notify the Legislative Counsel in writing of the emergency. Upon receipt~~

~~of such a notice, the Legislative Counsel shall refer the temporary regulation for review by the Subcommittee to Review Regulations as soon as practicable.~~

~~5.~~ **~~]~~** ***4.*** ~~If the Legislative Commission~~ **~~[~~**~~, or the Subcommittee to Review Regulations if the temporary regulation was referred,~~**~~]~~** ~~approves the temporary regulation, the Legislative Counsel shall notify the agency that the agency may file the temporary regulation with the Secretary of State. If the Commission~~ **~~[~~**~~or the Subcommittee~~**~~]~~** ~~objects to the temporary regulation after determining that:~~

~~(a) If subsection 2 is applicable, the temporary regulation is not required pursuant to a federal statute or regulation;~~

~~(b) The temporary regulation does not conform to statutory authority; or~~

~~(c) The temporary regulation does not carry out legislative intent,~~

~~the Legislative Counsel shall attach to the temporary regulation a written notice of the objection, including, if practicable, a statement of the reasons for the objection, and shall promptly return the temporary regulation to the agency.~~

~~**[**6.**]** 5. If the Legislative Commission **[**or the Subcommittee to Review Regulations**]** has objected to a temporary regulation, the agency that adopted the temporary regulation shall revise the temporary regulation to conform to the statutory authority pursuant to which it was adopted and to carry out the intent of the Legislature in granting that authority and return it to the Legislative Counsel within 60 days after the agency received the written notice of the objection to the temporary regulation pursuant to subsection **[**5.**]** ***4.*** Upon receipt of the revised temporary regulation, the Legislative Counsel shall resubmit the temporary regulation to the Legislative Commission **.** **[**or the Subcommittee for review.**]** If the Legislative Commission **[**or the Subcommittee**]** approves the revised temporary regulation, the Legislative Counsel shall notify the agency that the agency may file the revised temporary regulation with the Secretary of State.~~

~~**[**7.**]** *6.* If the Legislative Commission **[**or the Subcommittee to Review Regulations**]** objects to the revised temporary regulation, the Legislative Counsel shall attach to the revised temporary regulation a written notice of the objection, including, if practicable, a statement of the reasons for the objection, and shall promptly return the revised temporary regulation to the agency. The agency shall continue to revise it and resubmit it to the Legislative Commission **[**or the Subcommittee**]** within 30 days after the agency received the written notice of the objection to the revised temporary regulation.**]**~~ **(Deleted by amendment.)**

Sec. 20. NRS 233B.0653 is hereby amended to read as follows:

233B.0653 1. The Legislative Counsel shall ***periodically*** prepare and publish **[**~~or cause to be prepared and published~~**]** ***electronically*** a Register of Administrative Regulations **[**~~.~~**]** ***on the public website of the Legislature on the Internet.*** The Register must include the following information regarding each permanent regulation adopted by an agency:

(a) The proposed and adopted text of the regulation and any revised version of the regulation;

(b) The notice of intent to act upon the regulation set forth in NRS 233B.0603;

(c) The written notice of adoption of the regulation required pursuant to NRS 233B.064;

(d) The informational statement required pursuant to NRS 233B.066; and

(e) The effective date of the regulation, as determined pursuant to NRS 233B.070.

~~[~~ ~~In carrying out the duties set forth in this subsection, the Legislative Counsel may use the services of the State Printing Office.~~

~~2. The Legislative Counsel shall publish the Register not less than 10 times per year but not more than once every 2 weeks.~~

~~3. The Register must be provided to and maintained by:~~

~~(a) The Secretary of State;~~

~~(b) The Attorney General;~~

~~(c) The Supreme Court Law Library;~~

~~(d) The State Library, Archives and Public Records;~~

~~(e) Each county clerk;~~

~~(f) Each county library; and~~

~~(g) The Legislative Counsel Bureau.~~

~~4. The Legislative Counsel may sell an additional copy of the Register to any person or governmental entity that requests a copy, at a price which does not exceed the cost of publishing the additional copy.~~

~~5.~~**]** ***2.*** The Legislative Counsel is immune from civil liability which may result from failure to include any information in the Register.

Sec. 21. **[**~~NRS 233B.0665 is hereby amended to read as follows:~~

~~233B.0665 If a regulation submitted to the Legislative Counsel Bureau pursuant to NRS 233B.067 is not accompanied by an informational statement which complies with the requirements of NRS 233B.066 or a small business impact statement which complies with the requirements of NRS 233B.0608 and 233B.0609, the Legislative Counsel shall return the regulation to the agency with a note indicating the statement which is missing. Unless the missing statement is supplied, the Legislative Counsel shall not submit the regulation to the Legislative Commission~~ **[**~~or the Subcommittee to Review Regulations, as applicable,~~**]** ~~and the regulation never becomes effective.~~**]** **(Deleted by amendment.)**

Sec. 22. **[**~~NRS 233B.067 is hereby amended to read as follows:~~

~~233B.067 1. After adopting a permanent regulation, the agency shall submit the informational statement prepared pursuant to NRS 233B.066 and one copy of each regulation adopted to the Legislative Counsel for review by the Legislative Commission to determine whether to approve the regulation. The Legislative Counsel shall endorse on the original and the copy of each adopted regulation the date of their receipt. The Legislative Counsel shall~~

~~maintain the copy of the regulation in a file and make the copy available for public inspection for 2 years.~~

~~2. If an agency submits an adopted regulation to the Legislative Counsel pursuant to subsection 1 that:~~

~~(a) The agency is required to adopt pursuant to a federal statute or regulation; and~~

~~(b) Exceeds the specific statutory authority of the agency or sets forth requirements that are more stringent than a statute of this State,~~

~~➥ it shall include a statement that adoption of the regulation is required by a federal statute or regulation. The statement must include the specific citation of the federal statute or regulation requiring such adoption.~~

~~3. [Except as otherwise provided in subsection 4, the] *The* Legislative Commission shall [:~~

~~(a) Review] *review* the regulation at its next regularly scheduled meeting if the regulation is received more than 10 working days before the meeting . [; or~~

~~(b) Refer the regulation for review to the Subcommittee to Review Regulations appointed pursuant to subsection 6.~~

~~4. If an agency determines that an emergency exists which requires a regulation of the agency submitted pursuant to subsection 1 to become effective before the next meeting of the Legislative Commission is scheduled to be held, the agency may notify the Legislative Counsel in writing of the emergency. Upon receipt of such a notice, the Legislative Counsel shall refer the regulation for review by the Subcommittee to Review Regulations. The Subcommittee shall meet to review the regulation as soon as practicable.~~

~~5.] 4. If the Legislative Commission [, or the Subcommittee to Review Regulations if the regulation was referred,] approves the regulation, the Legislative Counsel shall promptly file the regulation with the Secretary of State and notify the agency of the filing. If the Commission [or Subcommittee] objects to the regulation after determining that:~~

~~(a) If subsection 2 is applicable, the regulation is not required pursuant to a federal statute or regulation;~~

~~(b) The regulation does not conform to statutory authority;~~

~~(c) The regulation does not carry out legislative intent;~~

~~(d) The small business impact statement is inaccurate, incomplete or did not adequately consider or significantly underestimated the economic effect of the regulation on small businesses; or~~

~~(e) The agency has not provided a satisfactory explanation of the need for the regulation in its informational statement as required pursuant to NRS 233B.066, or the informational statement is insufficient or incomplete,~~

~~➥ the Legislative Counsel shall attach to the regulation a written notice of the objection, including, if practicable, a statement of the reasons for the objection, and shall promptly return the regulation to the agency.~~

~~[6. As soon as practicable after each regular legislative session, the Legislative Commission shall appoint a Subcommittee to Review~~

~~Regulations consisting of at least three members or alternate members of the Legislative Commission.]~~ **(Deleted by amendment.)**

Sec. 23. ~~[NRS 233B.0675 is hereby amended to read as follows:~~

~~233B.0675 1. If the Legislative Commission [, or the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067,] has objected to a regulation, the agency shall revise the regulation to conform to the statutory authority pursuant to which it was adopted and to carry out the intent of the Legislature in granting that authority and return it to the Legislative Counsel within 60 days after the agency received the written notice of the objection to the regulation pursuant to NRS 233B.067. Upon receipt of the revised regulation, the Legislative Counsel shall resubmit the regulation to the Commission [or Subcommittee] for review. If the Commission [or Subcommittee] approves the revised regulation, the Legislative Counsel shall promptly file the revised regulation with the Secretary of State and notify the agency of the filing.~~

~~2. If the Legislative Commission [or Subcommittee] objects to the revised regulation, the Legislative Counsel shall attach to the revised regulation a written notice of the objection, including, if practicable, a statement of the reasons for the objection, and shall promptly return the revised regulation to the agency. The agency shall continue to revise it and resubmit it to the Commission [or Subcommittee] within 30 days after the agency received the written notice of the objection to the revised regulation.]~~ **(Deleted by amendment.)**

Sec. 24. ~~[NRS 233B.0677 is hereby amended to read as follows:~~

~~233B.0677 1. Before holding a meeting to review temporary regulations pursuant to NRS 233B.0633 or adopted regulations pursuant to NRS 233B.067 or 233B.0675, the Legislative Commission [or the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067, as applicable,] shall provide written notice of the meeting at least 3 working days before the meeting. The notice must include, without limitation:~~

~~(a) A list of the regulations that the Legislative Commission [or the Subcommittee to Review Regulations] will review at the meeting; and~~

~~(b) An explanation of the manner in which a person may obtain a copy of a regulation that the Legislative Commission [or Subcommittee to Review Regulations] will review at the meeting.~~

~~2. If the Legislative Counsel Bureau maintains a website on the Internet or its successor, the Legislative Counsel Bureau shall, at least 3 working days before the Legislative Commission [or the Subcommittee to Review Regulations] holds a meeting to review temporary regulations pursuant to NRS 233B.0633 or adopted regulations pursuant to NRS 233B.067 or 233B.0675, post on its website a list of the regulations that the Legislative Commission [or the Subcommittee to Review Regulations] will review at the meeting, unless the Legislative Counsel Bureau is unable to do so because of~~

~~technical problems relating to the operation or maintenance of its website.]~~ **(Deleted by amendment.)**

Sec. 25. NRS 233B.070 is hereby amended to read as follows:

233B.070 1. A permanent regulation becomes effective when the Legislative Counsel files with the Secretary of State the original of the final draft or revision of a regulation, except as otherwise provided in NRS 293.247 or where a later date is specified in the regulation.

2. Except as otherwise provided in NRS 233B.0633, an agency that has adopted a temporary regulation may not file the temporary regulation with the Secretary of State until 35 days after the date on which the temporary regulation was adopted by the agency. A temporary regulation becomes effective when the agency files with the Secretary of State the original of the final draft or revision of the regulation, together with the informational statement prepared pursuant to NRS 233B.066. The agency shall also file a copy of the temporary regulation with the Legislative Counsel, together with the informational statement prepared pursuant to NRS 233B.066.

3. An emergency regulation becomes effective when the agency files with the Secretary of State the original of the final draft or revision of an emergency regulation, together with the informational statement prepared pursuant to NRS 233B.066 ~~[.]~~ ***and a copy of the written statement of the emergency endorsed by the Governor pursuant to NRS 233B.0613.*** The agency shall also file a copy of the emergency regulation with the Legislative Counsel, together with the informational statement prepared pursuant to NRS 233B.066 ~~[.]~~ ***and a copy of the written statement of the emergency endorsed by the Governor pursuant to NRS 233B.0613.***

4. The Secretary of State shall maintain the original of the final draft or revision of each regulation in a permanent file to be used only for the preparation of official copies.

5. The Secretary of State shall file, with the original of each agency's rules of practice, the current statement of the agency concerning the date and results of its most recent review of those rules.

6. Immediately after each permanent or temporary regulation is filed, the agency shall deliver one copy of the final draft or revision, bearing the stamp of the Secretary of State indicating that it has been filed, including material adopted by reference which is not already filed with the State Library, Archives and Public Records Administrator, to the State Library, Archives and Public Records Administrator for use by the public. If the agency is a licensing board as defined in NRS 439B.225 and it has adopted a permanent regulation relating to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the agency, the agency shall also deliver one copy of the regulation, bearing the stamp of the Secretary of State, to the Legislative Committee on Health Care within 10 days after the regulation is filed with the Secretary of State.

7. Each agency shall furnish a copy of all or part of that part of the Nevada Administrative Code which contains its regulations, to any person who requests a copy, and may charge a reasonable fee for the copy based on the cost of reproduction if it does not have money appropriated or authorized for that purpose.

8. An agency which publishes any regulations included in the Nevada Administrative Code shall use the exact text of the regulation as it appears in the Nevada Administrative Code, including the leadlines and numbers of the sections. Any other material which an agency includes in a publication with its regulations must be presented in a form which clearly distinguishes that material from the regulations.

Sec. 26. NRS 233B.100 is hereby amended to read as follows:

233B.100 1. Any interested person may petition an agency requesting the adoption, filing, amendment or repeal of any regulation and shall accompany the petition with relevant data, views and arguments. Each agency shall prescribe by regulation the form for such petitions and the procedure for their submission, consideration and disposition. Upon submission of such a petition, the agency shall within 30 days either deny the petition in writing, stating its reasons, or initiate regulation-making proceedings.

2. Any regulation of any agency is subject to ~~[amendment]~~ ***:***

(a) Amendment or suspension by the Governor pursuant to the provisions of NRS 416.060.

(b) Suspension or nullification by the Legislative Commission pursuant to Section 1 of Article 3 of the Nevada Constitution and NRS 233B.0395 to 233B.120, inclusive, and sections 10 and 11 of this act.

Sec. 27. ~~[NRS 233B.105 is hereby amended to read as follows:~~

~~233B.105 1. A small business that is aggrieved by a regulation adopted by an agency on or after January 1, 2000, may object to all or a part of the regulation by filing a petition with the agency that adopted the regulation within 90 days after the date on which the regulation was adopted. An agency which receives such a petition shall transmit a copy of the petition to the Legislative Counsel for submission to the Legislative Commission . [or the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067.]~~

~~2. A petition filed pursuant to subsection 1 may be based on the following grounds:~~

~~(a) The agency failed to prepare a small business impact statement as required pursuant to NRS 233B.0608 and 233B.0609; or~~

~~(b) The small business impact statement prepared by the agency pursuant to NRS 233B.0608 and 233B.0609 is inaccurate, incomplete or did not adequately consider or significantly underestimated the economic effect of the regulation on small businesses.~~

~~3. After receiving a petition pursuant to subsection 1, an agency shall determine whether the petition has merit. If the agency determines that the~~

~~petition has merit, the agency may, pursuant to this chapter, take action to amend the regulation to which the small business objected.~~**] (Deleted by amendment.)**

Sec. 28. NRS 233B.110 is hereby amended to read as follows:

233B.110 1. The validity or applicability of any regulation may be determined in a proceeding for a declaratory judgment in the district court in and for Carson City, or in and for the county where the plaintiff resides, when it is alleged that the regulation, or its proposed application, interferes with or impairs, or threatens to interfere with or impair, the legal rights or privileges of the plaintiff. A declaratory judgment may be rendered after the plaintiff has first requested the agency to pass upon the validity of the regulation in question. The court shall declare the regulation invalid if it finds that it violates constitutional or statutory provisions or exceeds the statutory authority of the agency. The agency whose regulation is made the subject of the declaratory action shall be made a party to the action.

2. An agency may institute an action for declaratory judgment to establish the validity of any one or more of its own regulations.

3. Actions for declaratory judgment provided for in subsections 1 and 2 shall be in accordance with the Uniform Declaratory Judgments Act (chapter 30 of NRS), and the Nevada Rules of Civil Procedure. In all actions under subsections 1 and 2, the plaintiff shall serve a copy of the complaint upon the Attorney General, who is also entitled to be heard.

4. Nothing in this section shall be construed to limit the authority of the Legislative Commission to suspend or nullify a regulation pursuant to Section 1 of Article 3 of the Nevada Constitution and NRS 233B.0395 to 233B.120, inclusive, and sections 10 and 11 of this act.

Sec. 29. ~~[~~NRS 514A.110 is hereby amended to read as follows:

~~514A.110 A permanent regulation adopted by the:~~

~~1. Nevada Tax Commission, pursuant to NRS 360.090, concerning any taxation related to the extraction of any mineral in this State, including, without limitation, the taxation of the net proceeds pursuant to chapter 362 of NRS and Section 5 of Article 10 of the Nevada Constitution;~~

~~2. Administrator of the Division of Industrial Relations of the Department of Business and Industry for mine health and safety pursuant to NRS 512.131;~~

~~3. Commission on Mineral Resources pursuant to NRS 513.063, 513.094 or 519A.290; and~~

~~4. State Environmental Commission pursuant to NRS 519A.160,~~

~~→ is not effective unless it is reviewed by the Mining Oversight and Accountability Commission before it is approved pursuant to chapter 233B of NRS by the Legislative Commission . [or the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067.] After conducting its review of the regulation, the Mining Oversight and Accountability Commission shall provide a report of its findings and recommendations regarding the regulation to the Legislative Counsel for~~

~~submission to the Legislative Commission . [or the Subcommittee to Review Regulations, as appropriate.]]~~ **(Deleted by amendment.)**

Sec. 29.5. ~~[Section 1 of Senate Bill No. 160 of this session is hereby amended to read as follows:~~

~~"Section 1. NRS 233B.060 is hereby amended to read as follows:~~

~~233B.060 1. Except as otherwise provided in subsection 2 and NRS 233B.061, before adopting, amending or repealing:~~

~~(a) A permanent regulation, the agency must, after receiving the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063:~~

~~(1) If it is the first hearing on the regulation, give at least 30 days' notice of its intended action, unless a shorter period of notice is specifically permitted by statute. When posted, the agency must include notice that the regulation that is posted on the Internet website of the agency 3 working days before the hearing will be the regulation considered. The agency shall ensure that the regulation to be considered at the hearing is posted on the Internet website of the agency 3 working days before the hearing.~~

~~(2) If it is the second or subsequent hearing on the regulation, including, without limitation, a subsequent hearing on an adopted regulation that has not been approved by the Legislative Commission [or the Subcommittee to Review Regulations] pursuant to NRS 233B.067, in order to approve a revision to the regulation, give at least 3 working days' notice of its intended action.~~

~~(b) A temporary regulation, the agency must give at least 30 days' notice of its intended action, unless a shorter period of notice is specifically permitted by statute.~~

~~2. Except as otherwise provided in subsection 3, if an agency has adopted a temporary regulation after notice and the opportunity for a hearing as provided in this chapter, it may adopt, after providing a second notice and the opportunity for a hearing, a permanent regulation, but the language of the permanent regulation must first be approved or revised by the Legislative Counsel and the adopted regulation must be approved by the Legislative Commission . [or the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067.]]~~

~~3. If the Public Utilities Commission of Nevada has adopted a temporary regulation after notice and the opportunity for a hearing as provided in this chapter, it may adopt a substantively equivalent permanent regulation without further notice or hearing, but the language of the permanent regulation must first be approved or revised by the Legislative Counsel and the adopted regulation must be approved by the Legislative Commission . [or the Subcommittee to Review Regulations.]]~~ **(Deleted by amendment.)**

Sec. 30. This act becomes effective on July 1, 2017.

Assemblywoman Diaz moved that the Assembly concur in the Senate Amendment No. 968 to Assembly Bill No. 403.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:
It is all good.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 21.

The following Senate amendment was read:

Amendment No. 946.

AN ACT relating to elections; providing certain remedies and penalties in a preelection challenge to the qualifications of a candidate; revising the forms for declarations of candidacy, acceptances of candidacy and declarations of residency; ~~[requiring]~~ **allowing** certain proofs of identity and residency when filing for candidacy; clarifying the deadlines for filing written challenges of the qualifications of candidates and determining if probable cause exists to support such challenges; requiring, under certain circumstances, that a candidate, committee for political action, committee sponsored by a political party and committee for the recall of a public officer open and maintain a separate account in certain financial institutions; making changes to the definition of "actual residence" for purposes of candidacy; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, several different statutes provide that if a court finds that a candidate fails to meet certain qualifications required for office: (1) the candidate is disqualified from taking office; and (2) the name of the candidate must not appear on the ballot, except that if the candidate's name cannot be removed from the ballot because the statutory deadline for changing the ballot has passed, a sign must be posted at each polling place where the candidate's name will appear on the ballot informing voters that the candidate is disqualified from taking office. (NRS 293.177, 293.182, 293C.185, 293C.186) Existing law also sets forth the same remedies if a candidate files a declaration or acceptance of candidacy which contains a false statement. (NRS 293.184, 293C.1865) Finally, under existing law, there are different types of preelection court actions that may be brought to challenge a candidate on grounds that the candidate fails to meet any qualification required for office. (NRS 281.050, 293.182, 293C.186; *DeStefano v. Berkus*, 121 Nev. 627, 628-31 (2005); *Child v. Lomax*, 124 Nev. 600, 604-05 (2008))

To ensure consistency in this existing law, this bill revises and clarifies the remedies that are available when a candidate fails to meet any qualification required for office or files a declaration or acceptance of candidacy which contains a false statement. **Sections 1.3, ~~[1.5,]~~ 3 and 5-7.5** of this bill

reorganize existing law so that the remedies available in preelection court actions are set forth clearly in **section 1.3**, which provides that in any preelection action where the court finds that a candidate fails to meet any qualification required for office: (1) the candidate is disqualified from taking office; **and** (2) the name of the candidate must not appear on the ballot, except that if the candidate's name cannot be removed from the ballot because the statutory deadline for changing the ballot has passed, a sign must be posted at each polling place where the candidate's name will appear on the ballot informing voters that the candidate is disqualified from taking office**.** ~~**[**; and (3) the court may order the candidate to pay the attorney's fees and costs of the party who brought the action, other than the Attorney General or a district attorney or city attorney. Section 1.5 provides that the amount of any attorney's fees and costs awarded must be determined under the provisions of existing law governing attorney's fees and costs and the Nevada Rules of Civil Procedure.**]~~

Under existing constitutional law, Section 6 of Article 4 of the Nevada Constitution invests each House of the Legislature with certain plenary and exclusive constitutional powers which may be exercised only by that House and which cannot be usurped, infringed or impaired by the other House or by any other branch of Nevada's State Government. (*Heller v. Legislature*, 120 Nev. 456 (2004); *Commission on Ethics v. Hardy*, 125 Nev. 285 (2009); *Mason's Manual of Legislative Procedure* §§ 560-564 (2010)) To provide assistance to the reader of the statutes who may be unfamiliar with the existing constitutional law, **section 1.7** of this bill reiterates well-established principles of constitutional law that any statutes relating to the qualifications, elections and returns of members or members-elect of the Legislature do not apply to the extent that they conflict or are otherwise inconsistent with any provision of Section 6 of Article 4 of the Nevada Constitution.

Existing law: (1) requires a candidate to file a declaration or acceptance of candidacy before his or her name may appear on a ballot; and (2) provides that a candidate who knowingly and willfully files a declaration or acceptance of candidacy which contains a false statement regarding residency is guilty of a gross misdemeanor. (NRS 293.1755, 293.177, 293C.185, 293C.200) Existing law also requires a candidate for election to the Legislature to file a declaration of residency with his or her declaration or acceptance of candidacy. (NRS 293.181) To ensure consistency in this existing law, **sections 2-4, 6 and 8** of this bill use uniform language to provide that a candidate who knowingly and willfully files a declaration of candidacy, acceptance of candidacy or declaration of residency which contains a false statement is guilty of a gross misdemeanor.

Existing law specifies the forms for a declaration or acceptance of candidacy and a declaration of residency and requires certain information to be included on the forms. Existing law also requires a candidate to present the filing officer with one type of acceptable identification or documentation

as proof of the candidate's identity and residency when the candidate files a declaration or acceptance of candidacy. (NRS 293.177, 293.181, 293C.185)

Sections 3, 4 and 6 revise the forms for a declaration or acceptance of candidacy and a declaration of residency to include a statement that the candidate understands that knowingly and willfully filing such a document which contains a false statement is a crime punishable as a gross misdemeanor and also subjects the candidate to a civil action disqualifying the candidate from taking office**.** ~~[and making the candidate liable upon order of the court to pay the attorney's fees and costs of the party who brings the action.]~~ **Sections 3 and 6** also **revise the provisions which** require the candidate to present the filing officer with ~~[two]~~ **certain** types of acceptable identification and documentation as proof of the candidate's identity and residency. ~~[However,]~~ **Specifically,** in certain limited circumstances, **sections 3 and 6** allow the candidate to present the filing officer with alternative proof of the candidate's residency when a street address has not been assigned to the candidate's residence or when the rural or remote location of the candidate's residence makes it impracticable to present any of the traditional types of documentation as proof of residency.

Existing law establishes deadlines for filing certain written challenges to the qualifications of candidates and for determining whether probable cause exists to support such challenges, but the deadlines are not consistent. (NRS 293.182, 293C.186) **Sections 5 and 7** remedy the inconsistencies in the deadlines to make the deadlines uniform for all such challenges.

Existing law defines the term "actual residence" to mean the place where a candidate is legally domiciled and maintains a permanent habitation, and when a candidate maintains more than one place of permanent habitation, the place designated by the candidate as his or her principal permanent habitation is deemed to be the candidate's actual residence. (NRS 281.050) The Nevada Supreme Court has held that the place designated by the candidate as his or her principal permanent habitation must be the place where the candidate actually resides and is legally domiciled in order for the candidate to be eligible to the office. (*Williams v. Clark County Dist. Att'y*, 118 Nev. 473, 484-86 (2002); *Chachas v. Miller*, 120 Nev. 51, 53-56 (2004)) **Section 10** of this bill amends existing statutory law to reflect the holdings from the Supreme Court and also to adopt and codify the legal principles from its cases that are used for determining whether a place of permanent habitation is the place where a person actually resides and is legally domiciled.

Existing law requires a candidate to open and maintain a separate account in a financial institution for the deposit of campaign contributions once the candidate receives minimum contributions of $100. (NRS 294A.130) **Section 9** of this bill requires that the separate account be in a financial institution located in the United States. **Section 9** also requires every committee for political action, committee sponsored by a political party and committee for the recall of a public officer that receives minimum contributions the sum of which, in the aggregate, is $1,000 or more, to open a separate account in a

financial institution located in the United States. **Section 11** of this bill provides that every candidate, every committee for political action and committee for the recall of a public officer that is registered with the Secretary of State on July 1, 2017, and every committee sponsored by a political party that exists on July 1, 2017, must comply with the requirements of **section 9** on or before June 30, 2018.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3, 1.5 and 1.7 of this act.

Sec. 1.3. ***1. In addition to any other remedy or penalty provided by law, but except as otherwise provided in section 1.7 of this act, if a court of competent jurisdiction finds in any preelection action that a person who is a candidate for any office fails to meet any qualification required for the office pursuant to the Constitution or laws of this State:***

(a) The name of the person must not appear on any ballot for the election for which the person filed a declaration of candidacy or acceptance of candidacy, except that if the statutory deadline for making changes to the ballot has passed, the provisions of subsection 2 apply; and

(b) The person is disqualified from entering upon the duties of the office for which the person filed a declaration of candidacy or acceptance of candidacy . [; and

(c) The court may order the person to pay the reasonable attorney's fees and costs of the party who brought the action, unless the party who brought the action is the Attorney General or a district attorney or city attorney.]

2. If the name of a person who is disqualified from entering upon the duties of an office pursuant to subsection 1 appears on a ballot for the election because the statutory deadline for making changes to the ballot has passed, the appropriate election officers shall post a sign at each polling place where the person's name will appear on the ballot informing voters that the person is disqualified from entering upon the duties of the office.

3. The provisions of this section apply to any preelection action brought to challenge a person who is a candidate for any office on the grounds that the person fails to meet any qualification required for the office pursuant to the Constitution or laws of this State, including, without limitation, any action brought pursuant to NRS 281.050, 293.182 or 293C.186 or any action brought for:

(a) Declaratory or injunctive relief pursuant to chapter 30 or 33 of NRS;

(b) Writ relief pursuant to chapter 34 of NRS; or

(c) Any other legal or equitable relief.

Sec. 1.5. ***[If any provision of this chapter provides for the payment of reasonable attorney's fees or costs, the reasonable attorney's fees or costs***

~~*must be determined in accordance with chapter 18 of NRS and the Nevada Rules of Civil Procedure.]*~~ **(Deleted by amendment.)**

Sec. 1.7. ***1. The provisions of this chapter or any other provision of law relating to the qualifications, elections and returns of members or members-elect of the Legislature do not apply to the extent that they conflict or are otherwise inconsistent with any provision of Section 6 of Article 4 of the Nevada Constitution, including, without limitation, any provision relating to the jurisdiction and power of each House of the Legislature to judge of the qualifications, elections and returns of its members, punish its members for disorderly conduct or expel or remove its members from office.***

2. Each House of the Legislature has plenary and exclusive jurisdiction and power concerning any matter relating to any provision of Section 6 of Article 4 of the Nevada Constitution, and a member or member-elect of the Legislature cannot be disqualified from entering upon, taking, holding or exercising any powers or duties of the office unless disqualified by his or her own House.

3. A person becomes a member-elect of the Legislature on the day next after his or her election pursuant to Sections 3 and 4 of Article 4 of the Nevada Constitution and, on and after that date:

(a) Each House of the Legislature has plenary and exclusive jurisdiction and power with regard to the member-elect concerning any matter relating to any provision of Section 6 of Article 4 of the Nevada Constitution; and

(b) No action may be brought or maintained against the member-elect or the House concerning any matter relating to any provision of Section 6 of Article 4 of the Nevada Constitution.

4. If there is a conflict between any other provision of law and the provisions of this section, the provisions of this section control.

Sec. 2. NRS 293.1755 is hereby amended to read as follows:

293.1755 1. In addition to any other requirement provided by law, no person may be a candidate for any office unless, for at least the 30 days immediately preceding the date of the close of filing of declarations of candidacy or acceptances of candidacy for the office which the person seeks, the person has, in accordance with NRS 281.050, actually, as opposed to constructively, resided in the State, district, county, township or other area prescribed by law to which the office pertains and, if elected, over which he or she will have jurisdiction or will represent.

2. Any person who knowingly and willfully files ~~[an acceptance of candidacy or]~~ ***a*** declaration of candidacy ***or acceptance of candidacy*** which contains a false statement ~~[in this respect]~~ ***regarding the person's residency in violation of this section*** is guilty of a gross misdemeanor.

3. The provisions of this section do not apply to candidates for ~~[the]~~ ***:***

(a) Any federal office.

(b) The office of district attorney.

Sec. 3. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165 ~~[,]~~ ***and 293.166,*** a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy or an acceptance of candidacy, and has paid the fee required by NRS 293.193 not earlier than:

(a) For a candidate for judicial office, the first Monday in January of the year in which the election is to be held ~~[nor]~~ ***and not*** later than 5 p.m. on the second Friday after the first Monday in January; and

(b) For all other candidates, the first Monday in March of the year in which the election is to be held ~~[nor]~~ ***and not*** later than 5 p.m. on the second Friday after the first Monday in March.

2. A declaration of candidacy or an acceptance of candidacy required to be filed by this section must be in substantially the following form:

(a) For partisan office:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot as a candidate for the ..... Party nomination for the office of ……, I, the undersigned …….., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ……., in the City or Town of ……., County of ……., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am registered as a member of the ..... Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since December 31 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the ..... Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining

and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; ***that I understand that knowingly and willfully filing a declaration of candidacy or acceptance of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office*** **_** ~~***[and making me liable upon order of the court to pay the reasonable attorney's fees and costs of the party who brings the action;]***~~ and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

(b) For nonpartisan office:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ……, in the City or Town of ……., County of ……, State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of

competent jurisdiction; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; ***that I understand that knowingly and willfully filing a declaration of candidacy or acceptance of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office*** **;** ~~***[and making me liable upon order of the court to pay the reasonable attorney's fees and costs of the party who brings the action;]***~~ and ***that I understand that*** my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate which must be included in the declaration of candidacy or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if ~~[:]~~ ***the candidate fails to comply with the following provisions of this subsection or, if applicable, the provisions of subsection 4:***

(a) The ***candidate shall not list the*** candidate's address ~~[is listed]~~ as a post office box unless a street address has not been assigned to his or her residence; ~~[or]~~ ***and***

(b) ~~[The]~~ ***Except as otherwise provided in subsection 4, the*** candidate ~~[does not]~~ ***shall*** present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or ~~***[and]***~~

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's

name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.

4. ***If the candidate executes an oath or affirmation under penalty of perjury stating that the candidate is unable to present to the filing officer the proof of residency required by subsection 3 because a street address has not been assigned to the candidate's residence or because the rural or remote location of the candidate's residence makes it impracticable to present the proof of residency required by subsection 3, the candidate shall present to the filing officer:***

(a) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate; and

(b) Alternative proof of the candidate's residential address that the filing officer determines is sufficient to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050. The Secretary of State may adopt regulations establishing the forms of alternative proof of the candidate's residential address that the filing officer may accept to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050.

5. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to ~~[~~paragraph (b) of~~]~~ subsection 3 ~~[.]~~ ***or 4.*** Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number ***,*** ~~[or]~~ driver's license or identification card number ***or account number*** of the candidate.

~~[5.]~~ ***6.*** By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.

~~[6.]~~ ***7.*** If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the filing officer:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored by a court of competent jurisdiction; and

(b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of

State, or to the district attorney, if the filing officer is a person other than the Secretary of State.

~~[7.]~~ ***8.*** The receipt of information by the Attorney General or district attorney pursuant to subsection ~~[6]~~ ***7*** must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182 ~~[. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the filing officer must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.~~

~~8]~~ ***to which the provisions of section 1.3 of this act apply.***

9. Any person who knowingly and willfully files a declaration of candidacy or acceptance of candidacy which contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 4. NRS 293.181 is hereby amended to read as follows:

293.181 1. A candidate for the office of State Senator, Assemblyman or Assemblywoman must execute and file with his or her declaration of candidacy or acceptance of candidacy a declaration of residency which must be in substantially the following form:

> I, the undersigned, do swear or affirm under penalty of perjury that I have been a citizen resident of this State as required by NRS 218A.200 ***; that I understand that knowingly and willfully filing a declaration of residency which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office*** ***.*** ~~***[and making me liable upon order of the court to pay the reasonable attorney's fees and costs of the party who brings the action;]***~~ and ***that I*** have actually, as opposed to constructively, resided at the following residence or residences since November 1 of the preceding year:
>
> | | |
> |---|---|
> | ..... | ..... |
> | Street Address | Street Address |
> | ..... | ..... |
> | City or Town | City or Town |
> | ..... | ..... |
> | State | State |
> | From..... To ..... | From..... To ..... |
> | Dates of Residency | Dates of Residency |
> | ..... | ..... |
> | Street Address | Street Address |

.....	.....
City or Town	City or Town
.....	.....
State	State
From..... To	From..... To.....
Dates of Residency	Dates of Residency

(Attach additional sheet or sheets of residences as necessary)

2. Each address of a candidate which must be included in the declaration of residency pursuant to subsection 1 must be the street address of the residence where the candidate actually, as opposed to constructively, resided or resides in accordance with NRS 281.050, if one has been assigned. The declaration of residency must not be accepted for filing if any of the candidate's addresses are listed as a post office box unless a street address has not been assigned to the residence.

3. Any person who knowingly and willfully files a declaration of residency which contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 5. NRS 293.182 is hereby amended to read as follows:

293.182 1. After a person files a declaration of candidacy or an acceptance of candidacy to be a candidate for an office, and not later than 5 days after the last day the person may withdraw his or her candidacy pursuant to NRS 293.202, an elector may file with the filing officer for the office a written challenge of the person on the grounds that the person fails to meet any qualification required for the office pursuant to the Constitution or ~~[~~a statute~~]~~ ***laws*** of this State **.** ~~[, including, without limitation, a requirement concerning age or residency.]~~ Before accepting the challenge from the elector, the filing officer shall notify the elector that if the challenge is found by a court to be frivolous, the elector may be required to pay the reasonable attorney's fees and court costs of the ***person who is being*** challenged **.** ~~[~~person.~~]~~

2. A challenge filed pursuant to subsection 1 must:

(a) Indicate each qualification the person fails to meet;

(b) Have attached all documentation and evidence supporting the challenge; and

(c) Be in the form of an affidavit, signed by the elector under penalty of perjury.

3. Upon receipt of a challenge pursuant to subsection 1:

(a) The Secretary of State shall immediately transmit the challenge to the Attorney General.

(b) A filing officer other than the Secretary of State shall immediately transmit the challenge to the district attorney.

4. If the Attorney General or district attorney determines that probable cause exists to support the challenge, the Attorney General or district attorney shall, not later than 5 working days after receiving the challenge,

petition a court of competent jurisdiction to order the person to appear before the court. Upon receipt of such a petition, the court shall enter an order directing the person to appear before the court at a hearing, at a time and place to be fixed by the court in the order, to show cause why the challenge is not valid. A certified copy of the order must be served upon the person. The court shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

5. If, at the hearing, the court determines by a preponderance of the evidence that the challenge is valid or that the person otherwise fails to meet any qualification required for the office pursuant to the Constitution or **[**~~a statute~~**]** ***laws*** of this State, or if the person fails to appear at the hearing **[**~~:~~

~~(a) The name of the person must not appear on any ballot for the election for the office for which the person filed the declaration of candidacy or acceptance of candidacy; and~~

~~(b) The~~**]** ***, the*** person is **[**~~disqualified from entering upon the duties of the office for which he or she filed the declaration of candidacy or acceptance of candidacy.~~**]** ***subject to the provisions of section 1.3 of this act.***

6. If, at the hearing, the court determines that the challenge is frivolous, the court may order the elector who filed the challenge to pay the reasonable attorney's fees and court costs of the ***person who was*** challenged **. [**~~person.~~**]**

Sec. 5.5. NRS 293.184 is hereby amended to read as follows:

293.184 1. In addition to any other ***remedy or*** penalty provided by law, if a person ***knowingly and*** willfully files a declaration of candidacy or acceptance of candidacy **[**~~knowing that the declaration of candidacy or acceptance of candidacy~~**]** ***which*** contains a false statement:

(a) **[**~~Except as otherwise provided in NRS 293.165 and 293.166, the~~**]** ***The*** name of the person must not appear on any ballot for the election for which the person filed the declaration of candidacy or acceptance of candidacy **[**~~;~~**]** ***, except that if the statutory deadline for making changes to the ballot has passed, the provisions of subsection 2 apply;*** and

(b) The person is disqualified from entering upon the duties of the office for which **[**~~he or she was a candidate.~~**]** ***the person filed the declaration of candidacy or acceptance of candidacy.***

2. If the name of a person who is disqualified from entering upon the duties of an office pursuant to subsection 1 appears on a ballot for the election **[**~~is disqualified~~**]** because the ***statutory*** deadline **[**~~set forth in NRS 293.165 and 293.166~~**]** for making changes to the ballot has passed, the **[**~~Secretary of State and county clerk must~~**]** ***appropriate election officers shall*** post a sign at each polling place where the person's name will appear on the ballot informing voters that the person is disqualified from entering upon the duties of ***the*** office.

3. The provisions of this section may be enforced in any preelection action to which the provisions of section 1.3 of this act apply.

Sec. 6. NRS 293C.185 is hereby amended to read as follows:

293C.185 1. Except as otherwise provided in NRS 293C.115 and 293C.190, a name may not be printed on a ballot to be used at a primary city election unless the person named has filed a declaration of candidacy or an acceptance of candidacy and has paid the fee established by the governing body of the city not earlier than 70 days before the primary city election and not later than 5 p.m. on the 60th day before the primary city election.

2. A declaration of candidacy required to be filed by this section must be in substantially the following form:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, ..., the undersigned do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the city, township or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a candidate at the ensuing election I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; ***that I understand that knowingly and willfully filing a declaration of candidacy or acceptance of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office*** ***;*** ~~***[and making me liable upon order of the court to pay the reasonable attorney's fees and costs of the party who brings the action;]***~~ and ***that I understand that*** my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate that must be included in the declaration or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if ~~[:]~~ ***the candidate fails to comply with the following provisions of this subsection or, if applicable, the provisions of subsection 4:***

(a) The ***candidate shall not list the*** candidate's address ~~[is listed]~~ as a post office box unless a street address has not been assigned to the residence; ~~[or]~~ ***and***

(b) ~~[The]~~ ***Except as otherwise provided in subsection 4, the*** candidate ~~[does not]~~ ***shall*** present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or ~~***[and]***~~

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.

4. ***If the candidate executes an oath or affirmation under penalty of perjury stating that the candidate is unable to present to the filing officer the proof of residency required by subsection 3 because a street address has not been assigned to the candidate's residence or because the rural or remote location of the candidate's residence makes it impracticable to present the proof of residency required by subsection 3, the candidate shall present to the filing officer:***

(a) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate; and

(b) Alternative proof of the candidate's residential address that the filing officer determines is sufficient to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050. The Secretary of State may adopt regulations establishing the forms of alternative proof of the candidate's residential address that the filing

officer may accept to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050.

5. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to ~~[~~paragraph (b) of~~]~~ subsection 3 ~~[.]~~ ***or 4.*** Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number ***,*** ~~[or]~~ driver's license or identification card number ***or account number*** of the candidate.

~~[5.]~~ ***6.*** By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the city clerk as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293C.186. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the city clerk duplicate copies of the process. The city clerk shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the city clerk a different address for that purpose, in which case the city clerk shall mail the copy to the last address so designated.

~~[6.]~~ ***7.*** If the city clerk receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the city clerk:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored by a court of competent jurisdiction; and

(b) Shall transmit the credible evidence and the findings from such investigation to the city attorney.

~~[7.]~~ ***8.*** The receipt of information by the city attorney pursuant to subsection ~~[6]~~ ***7*** must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293C.186 ~~[. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the city clerk must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.~~

~~8~~] ***to which the provisions of section 1.3 of this act apply.***

9. Any person who knowingly and willfully files a declaration of candidacy or acceptance of candidacy which contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 7. NRS 293C.186 is hereby amended to read as follows:

293C.186 1. After a person files a declaration of candidacy or an acceptance of candidacy to be a candidate for an office, and not later than 5

~~[working]~~ days after the last day the person may withdraw his or her candidacy pursuant to NRS 293C.195, an elector may file with the city clerk a written challenge of the person on the grounds that the person fails to meet any qualification required for the office pursuant to the constitution or ~~[~~a statute~~]~~ ***laws*** of this State **.** ~~[, including, without limitation, a requirement concerning age or residency.]~~ Before accepting the challenge from the elector, the filing officer shall notify the elector that if the challenge is found by a court to be frivolous, the elector may be required to pay the reasonable attorney's fees and court costs of the ***person who is being*** challenged **.** ~~[~~person.~~]~~

2. A challenge filed pursuant to subsection 1 must:

(a) Indicate each qualification the person fails to meet;

(b) Have attached all documentation and evidence supporting the challenge; and

(c) Be in the form of an affidavit, signed by the elector under penalty of perjury.

3. Upon receipt of a challenge pursuant to subsection 1, the city clerk shall immediately transmit the challenge to the city attorney.

4. If the city attorney determines that probable cause exists to support the challenge, the city attorney shall, not later than 5 ***working*** days after receiving the challenge, petition a court of competent jurisdiction to order the person to appear before the court. Upon receipt of such a petition, the court shall enter an order directing the person to appear before the court at a hearing, at a time and place to be fixed by the court in the order, to show cause why the challenge is not valid. A certified copy of the order must be served upon the person. The court shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

5. If, at the hearing, the court determines by a preponderance of the evidence that the challenge is valid or that the person otherwise fails to meet any qualification required for the office pursuant to the constitution or ~~[~~a statute~~]~~ ***laws*** of this State, or if the person fails to appear at the hearing ~~[~~:

~~(a) The name of the person must not appear on any ballot for the election for the office for which the person filed the declaration of candidacy or acceptance of candidacy; and~~

~~(b) The~~] ***, the*** person is ~~[~~disqualified from entering upon the duties of the office for which he or she filed the declaration of candidacy or acceptance of candidacy.~~]~~ ***subject to the provisions of section 1.3 of this act.***

6. If, at the hearing, the court determines that the challenge is frivolous, the court may order the elector who filed the challenge to pay the reasonable attorney's fees and court costs of the ***person who was*** challenged **.** ~~[~~person.~~]~~

Sec. 7.5. NRS 293C.1865 is hereby amended to read as follows:

293C.1865 1. In addition to any other ***remedy or*** penalty provided by law, if a person ***knowingly and*** willfully files a declaration of candidacy or

acceptance of candidacy ~~[knowing that the declaration of candidacy or acceptance of candidacy]~~ ***which*** contains a false statement:

(a) ~~[Except as otherwise provided in NRS 293.165 or 293.166, the]~~ ***The*** name of the person must not appear on any ballot for the election for which the person filed the declaration of candidacy or acceptance of candidacy ~~[,]~~ ***, except that if the statutory deadline for making changes to the ballot has passed, the provisions of subsection 2 apply;*** and

(b) The person is disqualified from entering upon the duties of the office for which ~~[he or she was a candidate.]~~ ***the person filed the declaration of candidacy or acceptance of candidacy.***

2. If the name of a person who is disqualified from entering upon the duties of an office pursuant to subsection 1 appears on a ballot for the election ~~[is disqualified]~~ because the ***statutory*** deadline ~~[set forth in NRS 293.165 and 293.166]~~ for making changes to the ballot has passed, the ~~[Secretary of State and city clerk must]~~ ***appropriate election officers shall*** post a sign at each polling place where the person's name will appear on the ballot informing voters that the person is disqualified from entering upon the duties of ***the*** office.

3. The provisions of this section may be enforced in any preelection action to which the provisions of section 1.3 of this act apply.

Sec. 8. NRS 293C.200 is hereby amended to read as follows:

293C.200 1. In addition to any other requirement provided by law, no person may be a candidate for a city office unless, for at least the 30 days immediately preceding the date of the close of filing of declarations or acceptances of candidacy for the office that the person seeks, the person has in accordance with NRS 281.050, actually, as opposed to constructively, resided in the city or other area prescribed by law to which the office pertains and, if elected, over which he or she will have jurisdiction or which he or she will represent.

2. Any person who knowingly and willfully files a declaration of candidacy or ~~[an]~~ acceptance of candidacy ~~[that]~~ ***which*** contains a false statement ~~[in this respect]~~ ***regarding the person's residency in violation of this section*** is guilty of a gross misdemeanor.

Sec. 9. NRS 294A.130 is hereby amended to read as follows:

294A.130 1. Every candidate shall, not later than 1 week after receiving minimum contributions of $100, open and maintain a separate account in a financial institution ***located in the United States*** for the deposit of any contributions received. The candidate shall not commingle the money in the account with money collected for other purposes.

2. The candidate may close the separate account if the candidate:

(a) Was a candidate in a special election, after that election;

(b) Lost in the primary election, after the primary election; or

(c) Won the primary election, after the general election,

➥ and as soon as all payments of money committed have been made.

3. Every committee for political action, committee sponsored by a political party and committee for the recall of a public officer shall, not later than 1 week after receiving contributions the sum of which, in the aggregate, is $1,000 or more, open and maintain a separate account in a financial institution located in the United States for the deposit of any contributions received. The committee for political action, committee sponsored by a political party or committee for the recall of a public officer shall not commingle the money in the account with money collected for other purposes.

Sec. 10. NRS 281.050 is hereby amended to read as follows:

281.050 1. The residence of a person with reference to ***his or her*** eligibility to ***any*** office is the person's actual residence within the State ***,*** ~~[or]~~ county ***,*** ~~[or]~~ district, ***ward, subdistrict or any other unit prescribed by law,*** as the case may be, during all the period for which residence is claimed by the person. ~~[If]~~

2. Except as otherwise provided in subsections 3 and 4, if any person absents himself or herself from the jurisdiction of that person's ***actual*** residence with the intention in good faith to return without delay and continue such ***actual*** residence, the period of absence must not be considered in determining the question of residence.

~~[2.]~~ ***3.*** If a person who has filed ~~[as a candidate]~~ ***a declaration of candidacy or acceptance of candidacy*** for ***any*** elective office moves the person's ***actual*** residence out of the State, county, district, ward, subdistrict or any other unit prescribed by law ~~[for which the person is a candidate and]~~ ***, as the case may be,*** in which the person is required actually, as opposed to constructively, to reside ~~[,]~~ ***in order for the person to be eligible to the office,*** a vacancy is created thereby and the appropriate action for filling the vacancy must be taken. ~~[A]~~

4. Once a person's actual residence is fixed, the person shall be deemed to have moved the person's ***actual*** residence for the purposes of this section if:

(a) The person has acted affirmatively ~~[to remove]~~ ***and has actually removed*** himself or herself from ~~[one place; and]~~ ***the place of permanent habitation where the person actually resided and was legally domiciled;***

(b) ***The person has an intention to abandon the place of permanent habitation where the person actually resided and was legally domiciled; and***

(c) The person has an intention to remain in another place ~~[.~~

~~3. The]~~ ***of permanent habitation where the person actually resides and is legally domiciled.***

5. Except as otherwise provided in this subsection and section 1.7 of this act, the district court has jurisdiction to determine the question of residence in ~~[an]~~ ***any preelection*** action for declaratory judgment ~~[.~~

~~4.]~~ ***brought against a person who has filed a declaration of candidacy or acceptance of candidacy for any elective office. If the question of residence***

relates to whether an incumbent meets any qualification concerning residence required for the term of office in which the incumbent is presently serving, the district court does not have jurisdiction to determine the question of residence in an action for declaratory judgment brought by a person pursuant to this section but has jurisdiction to determine the question of residence only in an action to declare the office vacant that is authorized by NRS 283.040 and brought by the Attorney General or the appropriate district attorney pursuant to that section.

6. Except as otherwise provided in section 1.7 of this act, if in any preelection action for declaratory judgment, the district court finds that a person who has filed a declaration of candidacy or acceptance of candidacy for any elective office fails to meet any qualification concerning residence required for the office pursuant to the Constitution or laws of this State, the person is subject to the provisions of section 1.3 of this act.

7. For the purposes of this section, in determining whether a place of permanent habitation is the place where a person actually resides and is legally domiciled:

(a) It is the public policy of this State to avoid sham residences and to ensure that the person actually, as opposed to constructively, resides in the area prescribed by law for the office so the person has an actual connection with the constituents who reside in the area and has particular knowledge of their concerns.

(b) The person may have more than one residence but only one legal domicile, and the person's legal domicile requires both the fact of actual living in the place and the intention to remain there as a permanent residence. If the person temporarily leaves the person's legal domicile, or leaves for a particular purpose, and does not take up a permanent residence in another place, then the person's legal domicile has not changed. Once the person's legal domicile is fixed, the fact of actual living in another place, the intention to remain in the other place and the intention to abandon the former legal domicile must all exist before the person's legal domicile can change.

(c) Evidence of the person's legal domicile includes, without limitation:

(1) The place where the person lives the majority of the time and the length of time the person has lived in that place.

(2) The place where the person lives with the person's spouse or domestic partner, if any.

(3) The place where the person lives with the person's children, dependents or relatives, if any.

(4) The place where the person lives with any other individual whose relationship with the person is substantially similar to a relationship with a spouse, domestic partner, child, dependent or relative.

(5) The place where the person's dogs, cats or other pets, if any, live.

(6) The place listed as the person's residential address on the voter registration card issued to the person pursuant to NRS 293.517.

(7) The place listed as the person's residential address on any driver's license or identification card issued to the person by the Department of Motor Vehicles, any passport or military identification card issued to the person by the United States or any other form of identification issued to the person by a governmental agency.

(8) The place listed as the person's residential address on any registration for a motor vehicle issued to the person by the Department of Motor Vehicles or any registration for another type of vehicle or mode of transportation, including, without limitation, any aircraft, vessels or watercraft, issued to the person by a governmental agency.

(9) The place listed as the person's residential address on any applications for issuance or renewal of any license, certificate, registration, permit or similar type of authorization issued to the person by a governmental agency which has the authority to regulate an occupation or profession.

(10) The place listed as the person's residential address on any document which the person is authorized or required by law to file or record with a governmental agency, including, without limitation, any deed, declaration of homestead or other record of real or personal property, any applications for services, privileges or benefits or any tax documents, forms or returns, but excluding the person's declaration of candidacy or acceptance of candidacy.

(11) The place listed as the person's residential address on any type of check, payment, benefit or reimbursement issued to the person by a governmental agency or by any type of company that provides insurance, workers' compensation, health care or medical benefits or any self-insured employer or third-party administrator.

(12) The place listed as the person's residential address on the person's paycheck, paystub or employment records.

(13) The place listed as the person's residential address on the person's bank statements, insurance statements, mortgage statements, loan statements, financial accounts, credit card accounts, utility accounts or other billing statements or accounts.

(14) The place where the person receives mail or deliveries from the United States Postal Service or commercial carriers.

(d) The evidence listed in paragraph (c) is intended to be illustrative and is not intended to be exhaustive or exclusive. The presence or absence of any particular type of evidence listed in paragraph (c) is not, by itself, determinative of the person's legal domicile, but such a determination must be based upon all the facts and circumstances of the person's particular case.

8. As used in this section ~~[, "actual]~~ ***:***

(a) "Actual residence" means the place ***of permanent habitation*** where a person ***actually resides and*** is legally domiciled ***.*** ~~[and maintains a permanent habitation.]~~ If the person maintains more than one ~~[such]~~ ***place of permanent***

habitation, the place the person declares to be the person's principal permanent habitation when filing a declaration ***of candidacy*** or ~~[affidavit pursuant to NRS 293.177 or 293C.185 shall be deemed to]~~ ***acceptance of candidacy for any elective office must*** be the ~~[person's actual residence.]~~ ***place where the person actually resides and is legally domiciled in order for the person to be eligible to the office.***

(b) "Declaration of candidacy or acceptance of candidacy" means a declaration of candidacy or acceptance of candidacy filed pursuant to chapter 293 or 293C of NRS.

Sec. 11. 1. Every person who is a candidate on July 1, 2017, every committee for political action and committee for the recall of a public officer that is registered with the Secretary of State pursuant to NRS 294A.230 or 294A.250, as applicable, on July 1, 2017, and every committee sponsored by a political party that exists on July 1, 2017, shall comply with the requirements of NRS 294A.130, as amended by section 9 of this act, on or before June 30, 2018. If any such candidate or committee does not comply with the requirements of NRS 294A.130, as amended by section 9 of this act, on or before June 30, 2018, the Secretary of State may take action against the candidate or committee pursuant to NRS 294A.410 or 294A.420.

2. As soon as practicable after July 1, 2017, the Secretary of State shall notify each committee for political action and committee for the recall of a public officer that is registered with the Secretary of State pursuant to NRS 294A.230 or 294A.250, as applicable, on July 1, 2017, of:

(a) The requirements of NRS 294A.130, as amended by section 9 of this act; and

(b) The requirements of subsection 1.

3. As used in this section:

(a) "Candidate" has the meaning ascribed to it in NRS 294A.005.

(b) "Committee for political action" has the meaning ascribed to it in NRS 294A.0055.

(c) "Committee for the recall of a public officer" has the meaning ascribed to it in NRS 294A.006.

(d) "Committee sponsored by a political party" has the meaning ascribed to it in NRS 294A.0065.

Sec. 12. This act becomes effective:

1. Upon passage and approval for the purpose of performing any preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On July 1, 2017, for all other purposes.

Assemblywoman Diaz moved that the Assembly concur in the Senate Amendment No. 946 to Assembly Bill No. 21.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:
The amendment removes attorney's fees.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Bustamante Adams moved that the Assembly recede from Amendment No. 756 on Senate Bill No. 209.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:
We decided to go with the Senate version of the bill.

Motion carried.

Assemblywoman Bustamante Adams moved that the Assembly recede from Amendment No. 757 on Senate Bill No. 209.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:
We decided to go with the Senate version.

Motion carried.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 206.

The following Senate amendment was read:

Amendment No. 1126.

SUMMARY—Revises provisions relating to **renewable energy and** the renewable portfolio standard. (BDR 58-746)

AN ACT relating to renewable energy; **authorizing the establishment of certain programs for the purchase of electricity produced by certain renewable energy facilities;** declaring the policy of this State concerning renewable energy; revising the portfolio standard for providers of electric service in this State; revising the manner in which providers of electric service may comply with the portfolio standard; expanding the definition of "provider of electric service" for the purposes of the portfolio standard; requiring the Public Utilities Commission of Nevada to revise any existing portfolio standard applicable to a provider of new electric resources to comply with the portfolio standard established by this act; **revising provisions relating to the approval of a plan filed by an electric utility to increase the supply of electricity or reduce demand;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an electric utility in this State to apply to the Public Utilities Commission of Nevada for authority to establish a program of optional pricing for electricity that is generated from renewable energy. Such a programs may provide the customers of the utility with the option of paying a higher rate for electricity to support the increased use by the utility of renewable energy in the generation of

electricity. (NRS 704.738) Section 1.4 of this bill provides that if the Commission makes certain determinations, the Commission may authorize an electric utility to establish a program to provide a retail customer of the electric utility the option to purchase electricity from a renewable energy facility owned by the utility or with which the utility has a contract for the purchase of electricity. Section 1.4 further authorizes the Commission: (1) upon the request of an electric utility, to exclude a renewable energy facility owned by the electric utility from the rate base of the utility; and (2) to determine a reasonable rate for the electricity generated by the renewable energy facility.

Section 2 of this bill sets forth findings and declarations of the Legislature that it is the policy of this State to: (1) encourage and accelerate the development of new renewable energy projects for the economic, health and environmental benefits provided to the people of this State; ~~[and]~~ (2) become a leading producer and consumer of clean and renewable energy ~~[, with a goal of achieving by 2040 an amount of renewable energy production of at least 80 percent of the electricity sold by providers of electric service in this State.]~~ **; and (3) ensure that the benefits of the increased use of portfolio energy systems and energy efficiency measures are received by the residents of this State.**

Existing law requires the Public Utilities Commission of Nevada to establish a portfolio standard which requires each provider of electric service in this State to generate, acquire or save electricity from renewable energy systems or efficiency measures a certain percentage of the total amount of electricity sold by the provider to its retail customers in this State during a calendar year. (NRS 704.7821) **Section 3** of this bill revises the portfolio standard for calendar year 2018 and each calendar year thereafter so that by calendar year 2030 and for each calendar year thereafter, each provider of electric service will be required to generate, acquire or save electricity from renewable energy systems or efficiency measures not less than ~~[50]~~ **40** percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year. **Section 3** also: (1) eliminates the requirement that a minimum percentage of the amount of electricity that the provider is required to generate, acquire or save be generated or acquired from solar renewable energy systems; ~~[and]~~ (2) **provides that a provider of electric service is deemed to have complied with its portfolio standard for a calendar year if the average amount of portfolio energy credits earned by the provider during the calendar year and the immediately preceding 2 calendar years is equal to or greater than the average of the number of portfolio energy credits needed to comply with the provider's portfolio standard for those years; (3)** revises, for the purposes of compliance with the portfolio standard, the provisions governing the calculation of the total amount of electricity sold by a provider to its retail customers in this State ~~[.]~~ **; and (4) revises the circumstances under which the Commission is required to exempt a**

provider of electric service from the requirements of its portfolio standard for a calendar year.

Sections 1.5, 1.7, 2.2 and 2.7 of this bill provide for qualified energy storage systems to be used for compliance with the portfolio standard. **Section 3** limits the use of such qualified energy storage systems to not more than 10 percent of the total amount of electricity that the provider is required to generate, acquire or save from portfolio energy systems.

~~[Sections 2.1 and 2.9 of this bill limit the facilities or energy systems that qualify as a renewable energy system for the purposes of the portfolio standard.]~~

Section 2.3 and 4.3 of this bill revise provisions governing the use of geothermal energy to comply with the portfolio standard.

Section 2.8 of this bill expands the definition of "provider of electric service" for the purposes of compliance with the portfolio standard. ~~[Sections]~~ **Section 2.5** ~~[and 4.7]~~ of this bill ~~[provide that these additional entities which are providers]~~ **provides that even though section 2.8 includes this State or an agency or instrumentality of this State in the definition of "provider** of electric service**"** for the purposes of the portfolio standard ~~[are]~~ **, this State or an agency or instrumentality of this State is** not subject to the jurisdiction of the Commission**.** ~~[and are not required to provide certain reports to the Commission.]~~ **Sections 2.4 and 7** of this bill provide that ~~[these additional entities]~~ **if this State or an agency or instrumentality of this State sells electricity to retail customers for consumption in this State, the State or the agency or instrumentality** must, beginning on July 1, 2020, and each year thereafter, provide reports to the Director of the Office of Energy.

Sections 3 and 4 of this bill provide that the portfolio standard established by NRS 704.7821 is applicable to providers of new electric resources, and also revises the limits on energy efficiency measures used to comply with the portfolio standard. **Section 5** of this bill requires the Commission to revise certain portfolio standards established for a provider of new electric resources to comply with the revised portfolio standard established by **section 3**.

Existing law requires an electricity utility with an annual operating revenue of $2,500,000 or more in this State to submit to the Commission, on or before July 1 of every third year, a plan to increase its supply of electricity or decrease the demands on its system by its customers. (NRS 704.741) Section 2.59 of this bill: (1) prohibits the Commission from rejecting any portion of such a plan, or a portion of an amendment to such a plan, that includes a new renewable energy contract or the construction or acquisition of a new renewable energy facility for the purpose of complying with the utility's portfolio standard solely on the grounds of any uncertainty relating to a ballot question to require the Legislature to provide by law for an open, competitive retail electric energy market for all electricity customers in a service territory; and (2)

enacts provisions governing the costs and benefits of such new renewable energy contracts or facilities if the Legislature provides by law for an open, competitive retail electric energy market.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 1.3. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[1.5]~~ **1.4** to 2.5, inclusive, of this act.

Sec. 1.4. 1. Upon the request of an electric utility, the Commission may exclude a renewable energy facility from the rate base of the electric utility and determine, without regard to cost-of-service principles, a reasonable rate for the electricity produced by the renewable energy facility. The Commission may determine a reasonable rate for such electricity by reference to:

(a) A competitive solicitation;

(b) A market index; or

(c) Other relevant pricing benchmarks or proxies.

2. In addition to the program authorized by NRS 704.738, the Commission may authorize an electric utility which owns, or has a contract to purchase electricity from, a renewable energy facility to establish a program to provide a retail customer of the electric utility the option to purchase electricity produced by the renewable energy facility if the Commission determines that:

(a) The charge for the electricity purchased pursuant to the program is reasonable;

(b) The program does not adversely affect customers of the electric utility who do not participate in the program; and

(c) The program advances the goals of this State for economic development and the development of renewable energy.

3. As used in this section:

(a) "Renewable energy" has the meaning ascribed to it in NRS 704.7811.

(b) "Renewable energy facility" has the meaning ascribed to it in NRS 704.7315.

Sec. 1.5. ***"Energy storage system" means commercially available technology that is capable of retaining energy, storing the energy for a period of time and delivering the energy after storage, including, without limitation, by chemical, thermal or mechanical means.***

Sec. 1.7. ***"Qualified energy storage system" means an energy storage system that is used to:***

1. Store electricity which is generated by renewable energy and which is delivered during a peak load period; or

2. Provide ancillary services for integrating electricity which is generated by renewable energy into the electricity grid. Such ancillary

services include, without limitation, providing reserve electricity, reserve capacity, frequency regulation, reactive power and voltage support.

Sec. 2. *The Legislature finds and declares that it is the policy of this State to:*

1. Encourage and accelerate the development of new renewable energy projects for the economic, health and environmental benefits provided to the people of this State; ~~[and]~~

2. Become a leading producer and consumer of clean and renewable energy ~~[, with a goal of achieving by 2040 an amount of renewable energy production equal to at least 80 percent of the total amount of electricity sold by providers of electric service in this State.]~~ ; and

3. Ensure that the benefits of the increased use of portfolio energy systems and energy efficiency measures are received by the residents of this State. Such benefits include, without limitation, improved air quality, reduced water use, a more diverse portfolio of resources for generating electricity, reduced fossil fuel consumption and more stable rates for retail customers of electricity.

Sec. 2.1. ~~*[1. The Legislature finds and declares that the requirements set forth in this section are necessary to ensure that the benefits of the increased use of renewable energy systems are received by the residents of this State. Such benefits include, without limitation, improved air quality, reduced water use, a more diverse portfolio of resources for generating electricity, reduced fossil fuel consumption and more stable rates for retail customers of electricity.*~~

~~*2. To qualify as a renewable energy system for the purposes of paragraph (b) of subsection 1 of NRS 704.7815, a facility or energy system must:*~~

~~*(a) Have its first point of interconnection with:*~~

~~*(1) A Nevada balancing authority;*~~

~~*(2) A distribution facility which serves retail customers located within an area controlled by a Nevada balancing authority; or*~~

~~*(3) An entity described in paragraph (a), (b), (c), (d) or (e) of subsection 3 of NRS 704.7808;*~~

~~*(b) Subject to the limitations set forth in subsection 3, generate electricity that is scheduled for transmission or distribution into a Nevada balancing authority without substitution of electricity from another source; or*~~

~~*(c) Generate electricity that is dynamically transferred into a Nevada balancing authority.*~~

~~*3. For the purpose of determining whether a facility or energy system qualifies as a renewable energy system pursuant to paragraph (b) of subsection 2, electricity may be substituted from another source if:*~~

~~*(a) Both:*~~

~~*(1) The substitution is limited to the amount of electricity from another source which is required to provide ancillary services necessary to*~~

~~*maintain the scheduled transmission or distribution of electricity into the Nevada balancing authority; and*~~

~~*(2) The amount of electricity substituted pursuant to paragraph (a) is not included in the amount of electricity generated by the facility or energy system; or*~~

~~*(b) Both:*~~

~~*(1) The substitution is limited to the amount of electricity from another source which is required for firming and shaping the electricity that is scheduled for transmission or distribution into the Nevada balancing authority; and*~~

~~*(2) The electricity which is substituted is incremental electricity.*~~

~~*4. As used in this section, "Nevada balancing authority" means an entity:*~~

~~*(a) With control over the electricity loads and electricity resources for an area which includes the majority of the territory of this State;*~~

~~*(b) Which maintains in real time the balance between electricity loads and electricity resources within the area the entity controls; and*~~

~~*(c) Is responsible for keeping the actual interchange of electricity equal to the scheduled interchange of electricity for the area the entity controls.]*~~ **(Deleted by amendment.)**

Sec. 2.2. ***1. Subject to the limitations set forth in this section and paragraph (b) of subsection 2 of NRS 704.7821, for the purpose of complying with a portfolio standard established pursuant to NRS 704.7821 or 704.78213, a provider shall be deemed to have generated or acquired 2.0 kilowatt-hours of electricity from a renewable energy system for each 1.0 kilowatt-hour of actual electricity delivered by or acquired from a qualified energy storage system, if the owner or operator of the qualified energy storage system demonstrates to the Commission:***

(a) For the purposes of subsection 1 of section 1.7 of this act, that the electricity:

(1) Stored in the qualified energy storage system was generated by renewable energy; and

(2) Delivered by the qualified energy storage system was delivered during a peak load period.

(b) For the purposes of subsection 2 of section 1.7 of this act, that the ancillary services provided by the qualified energy storage system were used to integrate into the grid electricity which was generated by renewable energy.

2. For the purposes of subsection 1, a provider shall not be deemed to have generated or acquired more than 2.0 kilowatt-hours of electricity from a renewable energy system per day for each 1.0 kilowatt-hour of installed capacity of the qualified energy storage system.

3. For the purposes of subsection 1, the owner or operator of the qualified energy storage system must make his or her demonstration to the Commission using the operating algorithms, rules and schedules and

market participation of the qualified energy storage system, to the extent applicable.

4. For the purposes of subsection 1, if the provider has paid for or directly reimbursed, in whole or in part, the costs of the acquisition of a qualified energy storage system by one or more of its retail customers, the electricity delivered by or acquired from the qualified energy storage system shall be deemed to be electricity delivered by or acquired from the provider.

5. For the purposes of subsection 1, the owner or operator of a qualified energy storage system is responsible for paying the cost of any metering required to measure the electricity delivery by or acquired from a qualified energy storage system.

Sec. 2.3. ***For the purpose of complying with a portfolio standard established pursuant to NRS 704.7821 or 704.78213, a provider shall be deemed to have generated or acquired 1.5 kilowatt-hours of electricity from a renewable energy system for each 1.0 kilowatt-hour of actual electricity generated or acquired from a portfolio energy system that generates electricity from geothermal energy, if the system was placed into operation on or after January 1, 2018.***

Sec. 2.4. ***A provider of electric service described in paragraph (a) of subsection 3 of NRS 704.7808 shall, on or before July 1 of each year, submit to the Director of the Office of Energy appointed pursuant to NRS 701.150 a report which contains the information described in subsection 4 of NRS 704.7825.***

Sec. 2.5. ***Notwithstanding any provision of law to the contrary, a provider of electric service described in paragraph (a) of subsection 3 of NRS 704.7808 is not subject to the jurisdiction of the Commission.***

Sec. 2.51. **NRS 704.032 is hereby amended to read as follows:**

704.032 The Office of Economic Development may participate in proceedings before the Public Utilities Commission of Nevada concerning a public utility in the business of supplying electricity or natural gas to advocate the accommodation of the State Plan for Economic Development developed by the Executive Director of the Office pursuant to subsection 2 of NRS 231.053. The Office of Economic Development may intervene as a matter of right in a proceeding pursuant to NRS 704.736 to 704.754, inclusive, ***and section 1.4 of this act*** or 704.991.

Sec. 2.53. **NRS 704.635 is hereby amended to read as follows:**

704.635 When a complaint has been filed with the Commission alleging that a person is providing a service which requires a certificate of public convenience and necessity, or when the Commission has reason to believe that any provision of NRS 704.005 to 704.754, inclusive, ***and section 1.4 of this act*** or 704.9901 is being violated, the Commission shall investigate the operation and may, after a hearing, issue an order requiring that the person cease and desist from any operation in violation of NRS 704.005 to 704.754, inclusive, ***and section 1.4 of this act*** or 704.9901. The Commission shall enforce the order under the powers vested in the Commission by NRS

704.005 to 704.754, inclusive, ***and section 1.4 of this act*** or 704.9901 or other law.

Sec. 2.55. **NRS 704.640 is hereby amended to read as follows:**

704.640 Except as otherwise provided in NRS 704.6881 to 704.6884, inclusive, any person who:

1. Operates any public utility to which NRS 704.005 to 704.754, inclusive, ***and section 1.4 of this act,*** 704.9901 and 704.993 to 704.999, inclusive, apply without first obtaining a certificate of public convenience and necessity or in violation of its terms;

2. Fails to make any return or report required by NRS 704.005 to 704.754, inclusive, ***and section 1.4 of this act,*** 704.9901 and 704.993 to 704.999, inclusive, or by the Commission pursuant to NRS 704.005 to 704.754, inclusive, ***and section 1.4 of this act,*** 704.9901 and 704.993 to 704.999, inclusive;

3. Violates, or procures, aids or abets the violating of any provision of NRS 704.005 to 704.754, inclusive, ***and section 1.4 of this act,*** 704.9901 and 704.993 to 704.999, inclusive;

4. Fails to obey any order, decision or regulation of the Commission;

5. Procures, aids or abets any person in the failure to obey the order, decision or regulation; or

6. Advertises, solicits, proffers bids or otherwise holds himself, herself or itself out to perform as a public utility in violation of any of the provisions of NRS 704.005 to 704.754, inclusive, ***and section 1.4 of this act,*** 704.9901 and 704.993 to 704.999, inclusive,

➥ shall be fined not more than $500.

Sec. 2.57. **NRS 704.736 is hereby amended to read as follows:**

704.736 The application of NRS 704.736 to 704.754, inclusive, ***and section 1.4 of this act*** is limited to any public utility in the business of supplying electricity which has an annual operating revenue in this state of $2,500,000 or more.

Sec. 2.59. **NRS 704.751 is hereby amended to read as follows:**

704.751 1. After a utility has filed the plan required pursuant to NRS 704.741, the Commission shall issue an order accepting or modifying the plan or specifying any portions of the plan it deems to be inadequate:

(a) Within 135 days for any portion of the plan relating to the energy supply plan for the utility for the 3 years covered by the plan; and

(b) Within 180 days for all portions of the plan not described in paragraph (a).

➥ If the Commission issues an order modifying the plan, the utility may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order. If such a notice is filed, any petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.

2. If a utility files an amendment to a plan, the Commission shall issue an order accepting or modifying the amendment or specifying any portions of the amendment it deems to be inadequate:

(a) Within 135 days after the filing of the amendment; or

(b) Within 180 days after the filing of the amendment for all portions of the amendment which contain an element of the emissions reduction and capacity replacement plan.

➥ If the Commission issues an order modifying the amendment, the utility may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order. If such a notice is filed, any petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.

3. ***The Commission shall not reject any portion of a plan required pursuant to NRS 704.741, or a portion of an amendment to such a plan, that includes a new renewable energy contract or the construction or acquisition of a renewable energy facility for the purpose of complying with the provisions of NRS 704.7801 to 704.7828, inclusive, and sections 1.5 to 2.5, inclusive, of this act solely on the grounds of any uncertainty relating to a ballot question to require the Legislature to provide by law for an open, competitive retail electric energy market for all electricity customers in a service territory. If such a ballot question is approved by the voters of this State and the Legislature provides by law for such an open, competitive market in a service territory, the costs and benefits of any such renewable energy contract or renewable energy facility approved by the Commission must be transferred to a provider of electricity or the retail customers of a provider of electricity.***

4. All prudent and reasonable expenditures made to develop the utility's plan, including environmental, engineering and other studies, must be recovered from the rates charged to the utility's customers.

~~[4.]~~ ***5.*** The Commission may accept a transmission plan submitted pursuant to subsection 4 of NRS 704.741 for a renewable energy zone if the Commission determines that the construction or expansion of transmission facilities would facilitate the utility meeting the portfolio standard, as defined in NRS 704.7805.

~~[5.]~~ ***6.*** The Commission shall adopt regulations establishing the criteria for determining the adequacy of a transmission plan submitted pursuant to subsection 4 of NRS 704.741.

~~[6.]~~ ***7.*** Any order issued by the Commission accepting or modifying an element of an emissions reduction and capacity replacement plan must include provisions authorizing the electric utility to construct or acquire and own electric generating plants necessary to meet the capacity amounts approved in, and carry out the provisions of, the plan. As used in this subsection, "capacity" means an amount of firm electric generating capacity

used by the electric utility for the purpose of preparing a plan filed with the Commission pursuant to NRS 704.736 to 704.754, inclusive ~~[.]~~ ***, and section 1.4 of this act.***

Sec. 2.6. NRS 704.7801 is hereby amended to read as follows:

704.7801 As used in NRS 704.7801 to 704.7828, inclusive, ***and sections 1.5 to 2.5, inclusive, of this act*** unless the context otherwise requires, the words and terms defined in NRS 704.7802 to 704.7819, inclusive, ***and sections 1.5 and 1.7 of this act*** have the meanings ascribed to them in those sections.

Sec. 2.7. NRS 704.7804 is hereby amended to read as follows:

704.7804 "Portfolio energy system or efficiency measure" means:

1. Any renewable energy system:

(a) Placed into operation before July 1, 1997, if a provider of electric service used electricity generated or acquired from the renewable energy system to satisfy its portfolio standard before July 1, 2009; or

(b) Placed into operation on or after July 1, 1997; ~~[or]~~

2. Any energy efficiency measure installed on or before December 31, 2019 ~~[.]~~ ***; or***

3. Any qualified energy storage system.

Sec. 2.8. NRS 704.7808 is hereby amended to read as follows:

704.7808 1. "Provider of electric service" and "provider" mean any person or entity that is in the business of selling electricity to retail customers for consumption in this State, regardless of whether the person or entity is otherwise subject to regulation by the Commission.

2. The term includes, without limitation, a provider of new electric resources that is selling electricity to an eligible customer for consumption in this State pursuant to the provisions of chapter 704B of NRS.

3. ~~[The]~~ ***Except as otherwise provided in this subsection, the*** term does not include:

(a) This State or an agency or instrumentality of this State.

(b) A rural electric cooperative established pursuant to chapter 81 of NRS.

(c) A general improvement district established pursuant to chapter 318 of NRS.

(d) A utility established pursuant to chapter 709 or 710 of NRS.

(e) A cooperative association, nonprofit corporation, nonprofit association or provider of electric service which is declared to be a public utility pursuant to NRS 704.673 and which provides service only to its members.

~~[(f)]~~

➥ For calendar year 2018 and for each calendar year thereafter, the term includes an entity identified in this subsection during the entirety of any calendar year in which the total amount of electricity sold by the entity to its retail customers in this State during that calendar year equals or exceeds 1,000,000 megawatt-hours.

4. The term does not include:

(a) A landlord of a manufactured home park or mobile home park or owner of a company town who is subject to any of the provisions of NRS 704.905 to 704.960, inclusive.

~~[(g)]~~ ***(b)*** A landlord who pays for electricity that is delivered through a master meter and who distributes or resells the electricity to one or more tenants for consumption in this State.

Sec. 2.9. ~~[NRS 704.7815 is hereby amended to read as follows:~~

~~704.7815 "Renewable energy system" means:~~

~~1. A facility or energy system that uses renewable energy or energy from a qualified energy recovery process to generate electricity and:~~

~~(a) Uses the electricity that it generates from renewable energy or energy from a qualified recovery process in this State; or~~

~~(b)~~ **[**~~Transmits~~**]** ***Satisfies the requirements of section 2.1 of this act and transmits*** ~~or distributes the electricity that it generates from renewable energy or energy from a qualified energy recovery process to a provider of electric service for delivery into and use in this State.~~

~~2. A solar energy system that reduces the consumption of electricity or any fossil fuel.~~

~~3. A net metering system used by a customer generator pursuant to NRS 704.766 to 704.775, inclusive.~~**]** **(Deleted by amendment.)**

Sec. 3. NRS 704.7821 is hereby amended to read as follows:

704.7821 1. For each provider of electric service, the Commission shall establish a portfolio standard. ~~[The]~~ ***Except as otherwise provided in [subsection] subsections 5, 6 and 8, the*** portfolio standard must require each provider to generate, acquire or save electricity from portfolio energy systems or efficiency measures in an amount that is:

(a) For calendar years 2005 and 2006, not less than 6 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(b) For calendar years 2007 and 2008, not less than 9 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(c) For calendar years 2009 and 2010, not less than 12 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(d) For calendar years 2011 and 2012, not less than 15 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(e) For calendar years 2013 and 2014, not less than 18 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(f) For calendar years 2015 through ~~[2019,]~~ ***2017,*** inclusive, not less than 20 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(g) For calendar years ~~[2020 through 2024, inclusive,]~~ ***2018 ~~[and 2019,] through 2020, inclusive,~~*** not less than ~~[22]~~ ***24*** percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(h) For calendar years ~~[2020 and]~~ 2021 ~~[,]~~ through 2023, inclusive, not less than 28 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(i) For calendar years ~~[2022 and 2023,]~~ 2024 through 2026, inclusive, not less than 32 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(j) For calendar years ~~[2024 and 2025,]~~ 2027 through 2029, inclusive, not less than 36 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(k) ~~[For calendar years 2026 and 2027, not less than 40 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.~~

~~(l) For calendar years 2028 and 2029, not less than 46 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.~~

~~(m)]~~ For calendar year ~~[2025]~~ ***2030*** and for each calendar year thereafter, not less than ~~[25~~ ***~~50]~~ 40*** percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

2. In addition to the requirements set forth in subsection 1, the portfolio standard for each provider must require that:

(a) ~~[Of the total amount of electricity that the provider is required to generate, acquire or save from portfolio energy systems or efficiency measures during each calendar year, not less than:~~

~~(1) For calendar years 2009 through 2015, inclusive, 5 percent of that amount must be generated or acquired from solar renewable energy systems.~~

~~(2) For calendar year 2016 and for each calendar year thereafter, 6 percent of that amount must be generated or acquired from solar renewable energy systems.~~

~~(b)]~~ Of the total amount of electricity that the provider is required to generate, acquire or save from portfolio energy systems or efficiency measures:

(1) During calendar years 2013 and 2014, not more than 25 percent of that amount may be based on energy efficiency measures;

(2) During each calendar year 2015 to 2019, inclusive, not more than 20 percent of that amount may be based on energy efficiency measures;

(3) During each calendar year 2020 to 2024, inclusive, not more than 10 percent of that amount may be based on energy efficiency measures; and

(4) For calendar year 2025 and each calendar year thereafter, no portion of that amount may be based on energy efficiency measures.

➥ If the provider intends to use energy efficiency measures to comply with its portfolio standard during any calendar year, of the total amount of

electricity saved from energy efficiency measures for which the provider seeks to obtain portfolio energy credits pursuant to this paragraph, at least 50 percent of that amount must be saved from energy efficiency measures installed at service locations of residential customers of the provider, unless a different percentage is approved by the Commission.

~~[(c)]~~ ***(b) Of the total amount of electricity that the provider is required to generate, acquire or save from portfolio energy systems or efficiency measures, for calendar year 2018 and each calendar year thereafter, not more than 10 percent of that amount may be based on qualified energy storage systems.***

(c) If the provider acquires or saves electricity from a portfolio energy system or efficiency measure pursuant to a renewable energy contract or energy efficiency contract with another party:

(1) The term of the contract must be not less than 10 years, unless the other party agrees to a contract with a shorter term; and

(2) The terms and conditions of the contract must be just and reasonable, as determined by the Commission. If the provider is a utility provider and the Commission approves the terms and conditions of the contract between the utility provider and the other party, the contract and its terms and conditions shall be deemed to be a prudent investment and the utility provider may recover all just and reasonable costs associated with the contract.

3. If, for the benefit of one or more retail customers in this State, the provider has paid for or directly reimbursed, in whole or in part, the costs of the acquisition or installation of a solar energy system which qualifies as a renewable energy system and which reduces the consumption of electricity, the total reduction in the consumption of electricity during each calendar year that results from the solar energy system shall be deemed to be electricity that the provider generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard.

4. The Commission shall adopt regulations that establish a system of portfolio energy credits that may be used by a provider to comply with its portfolio standard.

5. Except as otherwise provided in ***this subsection and*** subsection 6, each provider shall comply with its portfolio standard during each calendar year. ***For calendar year 2020 and each calendar year thereafter, a provider shall be deemed to have complied with its portfolio standard during the calendar year if the average number of portfolio energy credits earned by the provider during the calendar year and the immediately preceding 2 calendar years is equal to or greater than the average of the number of portfolio energy credits needed to comply with the provider's portfolio standards for the calendar year and the immediately preceding 2 calendar years.***

6. If, for any calendar year, a provider is unable to comply with its portfolio standard through the generation of electricity from its own

renewable energy systems or, if applicable, through the use of portfolio energy credits, the provider shall take actions to acquire or save electricity pursuant to one or more renewable energy contracts or energy efficiency contracts. ~~[If the Commission determines that, for a calendar year, there is not or will not be a sufficient supply of electricity or a sufficient amount of energy savings made available to the provider pursuant to renewable energy contracts and energy efficiency contracts with just and reasonable terms and conditions, the]~~ ***The*** Commission shall exempt the provider, for that calendar year, from the remaining requirements of its portfolio standard or from any appropriate portion thereof, as determined by the Commission ~~[.]~~ ***if the Commission determines that, for a calendar year:***

(a) There is not or will not be a sufficient supply of electricity or a sufficient amount of energy savings made available to the provider pursuant to renewable energy contracts and energy efficiency contracts with just and reasonable terms and conditions;

(b) The provider is unable to obtain a sufficient supply of electricity to comply with the portfolio standard because the Commission has rejected a proposal included by a provider in a plan filed pursuant to NRS 704.741, or an amendment to such a plan, to acquire or save electricity pursuant to new renewable energy contracts or energy efficiency contracts or to construct or acquire a new renewable energy facility; or

(c) The provider is unable to obtain a sufficient supply of electricity to comply with the portfolio standard because of a delay in the completion of the construction of a renewable energy facility that is under the control of a person or entity other than the provider and that was intended to provide electricity.

7. The Commission shall adopt regulations that establish:

(a) Standards for the determination of just and reasonable terms and conditions for the renewable energy contracts and energy efficiency contracts that a provider must enter into to comply with its portfolio standard.

(b) Methods to classify the financial impact of each long-term renewable energy contract and energy efficiency contract as an additional imputed debt of a utility provider. The regulations must allow the utility provider to propose an amount to be added to the cost of the contract, at the time the contract is approved by the Commission, equal to a compensating component in the capital structure of the utility provider. In evaluating any proposal made by a utility provider pursuant to this paragraph, the Commission shall consider the effect that the proposal will have on the rates paid by the retail customers of the utility provider.

8. ~~[Except as otherwise provided in NRS 704.78213, the provisions of this section do not apply to a provider of new electric resources as defined in NRS 704B.130.]~~ ***For the purposes of subsection 1, for calendar year 2018 and for each calendar year thereafter, the total amount of electricity sold by a provider:***

(a) Described in subsection 3 of NRS 704.7808 to its retail customers in this State during a calendar year does not include the first 1,000,000 megawatt-hours of electricity sold by the provider to such customers during that calendar year.

(b) To its retail customers in this State during a calendar year does not include the amount of electricity sold by the provider as part of a program of optional pricing authorized by the Commission pursuant to NRS 704.738 ~~[.]~~ or section 1.4 of this act.

9. As used in this section:

(a) "Energy efficiency contract" means a contract to attain energy savings from one or more energy efficiency measures owned, operated or controlled by other parties.

(b) "Renewable energy contract" means a contract to acquire electricity from one or more renewable energy systems owned, operated or controlled by other parties.

(c) "Terms and conditions" includes, without limitation, the price that a provider must pay to acquire electricity pursuant to a renewable energy contract or to attain energy savings pursuant to an energy efficiency contract.

Sec. 4. NRS 704.78213 is hereby amended to read as follows:

704.78213 1. If the Commission issues an order approving an application that is filed pursuant to NRS 704B.310 or a request that is filed pursuant to NRS 704B.325 regarding a provider of new electric resources and an eligible customer, the Commission must establish in the order a portfolio standard applicable to the electricity sold by the provider of new electric resources to the eligible customer in accordance with the order. The portfolio standard must require the provider of new electric resources to generate, acquire or save electricity from portfolio energy systems or efficiency measures in the amounts described in the portfolio standard set forth in NRS 704.7821 **.** ~~[which is effective on the date on which the order approving the application or request is approved.]~~

2. ~~[Of]~~ ***Except as otherwise provided in this subsection, of*** the total amount of electricity that a provider of new electric resources is required to generate, acquire or save from portfolio energy systems or efficiency measures during each calendar year, not more than 25 percent of that amount may be based on energy efficiency measures. ***Subject to the provisions of paragraphs (a) and (b), the provisions of this subsection apply to an order of the Commission approving an application that is filed pursuant to NRS 704B.310 or a request that is filed pursuant to NRS 704B.325 regarding a provider of new electric resources and an eligible customer only if the order is issued by the Commission before July 1, 2017. If such an order was issued by the Commission:***

(a) Before July 1, 2012, the provisions of this subsection apply for all calendar years.

(b) On or after July 1, 2012, and before July 1, 2017, the provisions of this subsection apply only for calendar years before calendar year 2025.

3. If, for the benefit of one or more eligible customers, the eligible customer of a provider of new electric resources has paid for or directly reimbursed, in whole or in part, the costs of the acquisition or installation of a solar energy system which qualifies as a renewable energy system and which reduces the consumption of electricity, the total reduction in the consumption of electricity during each calendar year that results from the solar energy system shall be deemed to be electricity that the provider of new electric resources generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard.

4. As used in this section:

(a) "Eligible customer" has the meaning ascribed to it in NRS 704B.080.

(b) "Provider of new electric resources" has the meaning ascribed to it in NRS 704B.130.

Sec. 4.3. ~~[NRS 704.78215 is hereby amended to read as follows:~~

~~704.78215 1. Except as otherwise provided in this section or by specific statute, a provider is entitled to one portfolio energy credit for each kilowatt-hour of electricity that the provider generates, acquires or saves from a portfolio energy system or efficiency measure.~~

~~2. The Commission may adopt regulations that give a provider more than one portfolio energy credit for each kilowatt-hour of electricity saved by the provider during its peak load period from energy efficiency measures.~~

~~3. Except as otherwise provided in this subsection, for portfolio energy systems placed into operation on or after January 1, 2016, the amount of electricity generated or acquired from a portfolio energy system does not include the amount of any electricity used by the portfolio energy system for its basic operations that reduce the amount of renewable energy delivered to the transmission grid for distribution and sale to customers of the provider. The provisions of this subsection do not apply to a portfolio energy system placed into operation on or after January 1, 2016, if a provider entered into a contract for the purchase of electricity generated by the portfolio energy system on or before December 31, 2012. For the purposes of this subsection, the amount of any electricity used by a portfolio energy system for its basic operations:~~

~~(a) Except as otherwise provided in paragraph (b), includes electricity used for the heating, lighting, air-conditioning and equipment of a building located on the site of the portfolio energy system, and for operating any other equipment located on such site.~~

~~(b) [Does] *If the portfolio energy system is placed into operation on or before December 31, 2017, does* not include the electricity used by a portfolio energy system that generates electricity from geothermal energy for the extraction and transportation of geothermal brine or used to pump or compress geothermal brine.]~~ **(Deleted by amendment.)**

Sec. 4.7. NRS 704.7825 is hereby amended to read as follows:

704.7825 1. Each provider of electric service shall submit to the Commission an annual report that provides information relating to the actions taken by the provider to comply with its portfolio standard.

2. Each provider shall submit the annual report to the Commission after the end of each calendar year and within the time prescribed by the Commission. The report must be submitted in a format approved by the Commission.

3. The Commission may adopt regulations that require providers to submit to the Commission additional reports during each calendar year.

4. Each annual report and each additional report must include clear and concise information that sets forth:

(a) The amount of electricity which the provider generated, acquired or saved from portfolio energy systems or efficiency measures during the reporting period and, if applicable, the amount of portfolio energy credits that the provider acquired, sold or traded during the reporting period to comply with its portfolio standard;

(b) The capacity of each renewable energy system owned, operated or controlled by the provider, the total amount of electricity generated by each such system during the reporting period and the percentage of that total amount which was generated directly from renewable energy;

(c) Whether, during the reporting period, the provider began construction on, acquired or placed into operation any renewable energy system and, if so, the date of any such event;

(d) Whether, during the reporting period, the provider participated in the acquisition or installation of any energy efficiency measures and, if so, the date of any such event; and

(e) Any other information that the Commission by regulation may deem relevant.

5. Based on the reports submitted by providers pursuant to this section, the Commission shall compile information that sets forth whether any provider has used energy efficiency measures to comply with its portfolio standard and, if so, the type of energy efficiency measures used and the amount of energy savings attributable to each such energy efficiency measure. The Commission shall report such information to:

(a) The Legislature, not later than the first day of each regular session; and

(b) The Legislative Commission, if requested by the Chair of the Commission.

6. The provisions of this section do not apply to a provider of electric service described in paragraph (a) of subsection 3 of NRS 704.7808.

Sec. 5. Notwithstanding the provisions of any other law or any ruling or order issued by or portfolio standard established by the Public Utilities Commission of Nevada to the contrary, for any portfolio standard established by the Commission pursuant to the provisions of subsection 1 of NRS 704.78213, as that section existed before July 1, 2017, on or after July 1, 2012, and before July 1, 2017, the Commission shall, for calendar year 2018

and for each calendar year thereafter, revise the portfolio standard to require the provider of new electric resources as defined in NRS 704B.130 to generate, acquire or save electricity from portfolio energy systems or energy efficiency measures in the amounts described in the portfolio standard set forth in NRS 704.7821, as amended by section 3 of this act.

Sec. 6. (Deleted by amendment.)

Sec. 7. 1. This section and sections 1 to 2.3, inclusive, and 2.5 to 6, inclusive, of this act become effective on July 1, 2017.

2. Section 2.4 of this act becomes effective on July 1, 2020.

Assemblywoman Bustamante Adams moved that the Assembly concur in the Senate Amendment No. 1126 to Assembly Bill No. 206.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

The amendment adds that the PUCN [Public Utility Commission of Nevada] may authorize—at the request of the electric utility under certain circumstances—an electric utility that owns or has a contract to purchase electricity from a renewable energy facility to establish a program to provide a retail customer the option to purchase electricity produced by the renewable energy facility. It also revises the legislative declaration concerning renewable energy in this state.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 1144.

AN ACT relating to renewable energy; authorizing the establishment of certain programs for the purchase of electricity produced by certain renewable energy facilities; declaring the policy of this State concerning renewable energy; revising the portfolio standard for providers of electric service in this State; revising the manner in which providers of electric service may comply with the portfolio standard; expanding the definition of "provider of electric service" for the purposes of the portfolio standard; requiring the Public Utilities Commission of Nevada to revise any existing portfolio standard applicable to a provider of new electric resources to comply with the portfolio standard established by this act; revising provisions relating to the approval of a plan filed by an electric utility to increase the supply of electricity or reduce demand; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an electric utility in this State to apply to the Public Utilities Commission of Nevada for authority to establish a program of optional pricing for electricity that is generated from renewable energy. Such a program may provide the customers of the utility with the option of paying a higher rate for electricity to support the increased use by the utility of renewable energy in the generation of electricity. (NRS 704.738) **Section 1.4** of this bill provides that if the Commission makes certain determinations, the Commission may authorize an electric utility to establish a program to provide a retail customer of the electric utility the option to purchase

electricity from a renewable energy facility owned by the utility or with which the utility has a contract for the purchase of electricity. **Section 1.4** further authorizes the Commission: (1) upon the request of an electric utility, to exclude a renewable energy facility owned by the electric utility from the rate base of the utility; and (2) to determine a reasonable rate for the electricity generated by the renewable energy facility.

Section 2 of this bill sets forth findings and declarations of the Legislature that it is the policy of this State to: (1) encourage and accelerate the development of new renewable energy projects for the economic, health and environmental benefits provided to the people of this State; (2) become a leading producer and consumer of clean and renewable energy; and (3) ensure that the benefits of the increased use of portfolio energy systems and energy efficiency measures are received by the residents of this State.

Existing law requires the Public Utilities Commission of Nevada to establish a portfolio standard which requires each provider of electric service in this State to generate, acquire or save electricity from renewable energy systems or efficiency measures a certain percentage of the total amount of electricity sold by the provider to its retail customers in this State during a calendar year. (NRS 704.7821) **Section 3** of this bill revises the portfolio standard for calendar year 2018 and each calendar year thereafter so that by calendar year 2030 and for each calendar year thereafter, each provider of electric service will be required to generate, acquire or save electricity from renewable energy systems or efficiency measures not less than 40 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year. **Section 3** also: (1) eliminates the requirement that a minimum percentage of the amount of electricity that the provider is required to generate, acquire or save be generated or acquired from solar renewable energy systems; (2) provides that a provider of electric service is deemed to have complied with its portfolio standard for a calendar year if the average amount of portfolio energy credits ~~[earned]~~ **eligible for use** by the provider **to** ~~[during]~~ **comply with the provider's portfolio standard for** the calendar year and the immediately preceding 2 calendar years is equal to or greater than the average of the number of portfolio energy credits needed to comply with the provider's portfolio standard for those years; (3) revises, for the purposes of compliance with the portfolio standard, the provisions governing the calculation of the total amount of electricity sold by a provider to its retail customers in this State; and (4) revises the circumstances under which the Commission is required to exempt a provider of electric service from the requirements of its portfolio standard for a calendar year.

Sections 1.5, 1.7, 2.2 and 2.7 of this bill provide for qualified energy storage systems to be used for compliance with the portfolio standard. **Section 3** limits the use of such qualified energy storage systems to not more than 10 percent of the total amount of electricity that the provider is required to generate, acquire or save from portfolio energy systems.

Section 2.3 and 4.3 of this bill revise provisions governing the use of geothermal energy to comply with the portfolio standard.

Section 2.8 of this bill expands the definition of "provider of electric service" for the purposes of compliance with the portfolio standard. **Section 2.5** of this bill provides that even though **section 2.8** includes this State or an agency or instrumentality of this State in the definition of "provider of electric service" for the purposes of the portfolio standard, this State or an agency or instrumentality of this State is not subject to the jurisdiction of the Commission. **Sections 2.4 and 7** of this bill provide that if this State or an agency or instrumentality of this State sells electricity to retail customers for consumption in this State, the State or the agency or instrumentality must, beginning on July 1, 2020, and each year thereafter, provide reports to the Director of the Office of Energy.

Sections 3 and 4 of this bill provide that the portfolio standard established by NRS 704.7821 is applicable to providers of new electric resources, and also revises the limits on energy efficiency measures used to comply with the portfolio standard. **Section 5** of this bill requires the Commission to revise certain portfolio standards established for a provider of new electric resources to comply with the revised portfolio standard established by **section 3**.

Existing law requires an electricity utility with an annual operating revenue of $2,500,000 or more in this State to submit to the Commission, on or before July 1 of every third year, a plan to increase its supply of electricity or decrease the demands on its system by its customers. (NRS 704.741) **Section 2.59** of this bill: (1) prohibits the Commission from rejecting any portion of such a plan, or a portion of an amendment to such a plan, that includes a new renewable energy contract or the construction or acquisition of a new renewable energy facility for the purpose of complying with the utility's portfolio standard solely on the grounds of any uncertainty relating to a ballot question to require the Legislature to provide by law for an open, competitive retail electric energy market for all electricity customers in a service territory; and (2) enacts provisions governing the costs and benefits of such new renewable energy contracts or facilities if the Legislature provides by law for an open, competitive retail electric energy market.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 1.3. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.4 to 2.5, inclusive, of this act.

Sec. 1.4. ***1. Upon the request of an electric utility, the Commission may exclude a renewable energy facility from the rate base of the electric utility and determine, without regard to cost-of-service principles, a reasonable rate for the electricity produced by the renewable energy***

facility. The Commission may determine a reasonable rate for such electricity by reference to:

(a) A competitive solicitation;

(b) A market index; or

(c) Other relevant pricing benchmarks or proxies.

2. In addition to the program authorized by NRS 704.738, the Commission may authorize an electric utility which owns, or has a contract to purchase electricity from, a renewable energy facility to establish a program to provide a retail customer of the electric utility the option to purchase electricity produced by the renewable energy facility if the Commission determines that:

(a) The charge for the electricity purchased pursuant to the program is reasonable;

(b) The program does not adversely affect customers of the electric utility who do not participate in the program; and

(c) The program advances the goals of this State for economic development and the development of renewable energy.

3. As used in this section:

(a) "Renewable energy" has the meaning ascribed to it in NRS 704.7811.

(b) "Renewable energy facility" has the meaning ascribed to it in NRS 704.7315.

Sec. 1.5. *"Energy storage system" means commercially available technology that is capable of retaining energy, storing the energy for a period of time and delivering the energy after storage, including, without limitation, by chemical, thermal or mechanical means.*

Sec. 1.7. *"Qualified energy storage system" means an energy storage system that is used to:*

1. Store electricity which is generated by renewable energy and which is delivered during a peak load period; or

2. Provide ancillary services for integrating electricity which is generated by renewable energy into the electricity grid. Such ancillary services include, without limitation, providing reserve electricity, reserve capacity, frequency regulation, reactive power and voltage support.

Sec. 2. *The Legislature finds and declares that it is the policy of this State to:*

1. Encourage and accelerate the development of new renewable energy projects for the economic, health and environmental benefits provided to the people of this State;

2. Become a leading producer and consumer of clean and renewable energy; and

3. Ensure that the benefits of the increased use of portfolio energy systems and energy efficiency measures are received by the residents of this State. Such benefits include, without limitation, improved air quality, reduced water use, a more diverse portfolio of resources for generating

electricity, reduced fossil fuel consumption and more stable rates for retail customers of electricity.

Sec. 2.1. (Deleted by amendment.)

Sec. 2.2. ***1. Subject to the limitations set forth in this section and paragraph (b) of subsection 2 of NRS 704.7821, for the purpose of complying with a portfolio standard established pursuant to NRS 704.7821 or 704.78213, a provider shall be deemed to have generated or acquired 2.0 kilowatt-hours of electricity from a renewable energy system for each 1.0 kilowatt-hour of actual electricity delivered by or acquired from a qualified energy storage system, if the owner or operator of the qualified energy storage system demonstrates to the Commission:***

(a) For the purposes of subsection 1 of section 1.7 of this act, that the electricity:

(1) Stored in the qualified energy storage system was generated by renewable energy; and

(2) Delivered by the qualified energy storage system was delivered during a peak load period.

(b) For the purposes of subsection 2 of section 1.7 of this act, that the ancillary services provided by the qualified energy storage system were used to integrate into the grid electricity which was generated by renewable energy.

2. For the purposes of subsection 1, a provider shall not be deemed to have generated or acquired more than 2.0 kilowatt-hours of electricity from a renewable energy system per day for each 1.0 kilowatt-hour of installed capacity of the qualified energy storage system.

3. For the purposes of subsection 1, the owner or operator of the qualified energy storage system must make his or her demonstration to the Commission using the operating algorithms, rules and schedules and market participation of the qualified energy storage system, to the extent applicable.

4. For the purposes of subsection 1, if the provider has paid for or directly reimbursed, in whole or in part, the costs of the acquisition of a qualified energy storage system by one or more of its retail customers, the electricity delivered by or acquired from the qualified energy storage system shall be deemed to be electricity delivered by or acquired from the provider.

5. For the purposes of subsection 1, the owner or operator of a qualified energy storage system is responsible for paying the cost of any metering required to measure the electricity delivery by or acquired from a qualified energy storage system.

Sec. 2.3. ***For the purpose of complying with a portfolio standard established pursuant to NRS 704.7821 or 704.78213, a provider shall be deemed to have generated or acquired 1.5 kilowatt-hours of electricity from a renewable energy system for each 1.0 kilowatt-hour of actual electricity generated or acquired from a portfolio energy system that generates***

electricity from geothermal energy, if the system was placed into operation on or after January 1, 2018.

Sec. 2.4. ***A provider of electric service described in paragraph (a) of subsection 3 of NRS 704.7808 shall, on or before July 1 of each year, submit to the Director of the Office of Energy appointed pursuant to NRS 701.150 a report which contains the information described in subsection 4 of NRS 704.7825.***

Sec. 2.5. ***Notwithstanding any provision of law to the contrary, a provider of electric service described in paragraph (a) of subsection 3 of NRS 704.7808 is not subject to the jurisdiction of the Commission.***

Sec. 2.51. NRS 704.032 is hereby amended to read as follows:

704.032 The Office of Economic Development may participate in proceedings before the Public Utilities Commission of Nevada concerning a public utility in the business of supplying electricity or natural gas to advocate the accommodation of the State Plan for Economic Development developed by the Executive Director of the Office pursuant to subsection 2 of NRS 231.053. The Office of Economic Development may intervene as a matter of right in a proceeding pursuant to NRS 704.736 to 704.754, inclusive, ***and section 1.4 of this act*** or 704.991.

Sec. 2.53. NRS 704.635 is hereby amended to read as follows:

704.635 When a complaint has been filed with the Commission alleging that a person is providing a service which requires a certificate of public convenience and necessity, or when the Commission has reason to believe that any provision of NRS 704.005 to 704.754, inclusive, ***and section 1.4 of this act*** or 704.9901 is being violated, the Commission shall investigate the operation and may, after a hearing, issue an order requiring that the person cease and desist from any operation in violation of NRS 704.005 to 704.754, inclusive, ***and section 1.4 of this act*** or 704.9901. The Commission shall enforce the order under the powers vested in the Commission by NRS 704.005 to 704.754, inclusive, ***and section 1.4 of this act*** or 704.9901 or other law.

Sec. 2.55. NRS 704.640 is hereby amended to read as follows:

704.640 Except as otherwise provided in NRS 704.6881 to 704.6884, inclusive, any person who:

1. Operates any public utility to which NRS 704.005 to 704.754, inclusive, ***and section 1.4 of this act,*** 704.9901 and 704.993 to 704.999, inclusive, apply without first obtaining a certificate of public convenience and necessity or in violation of its terms;

2. Fails to make any return or report required by NRS 704.005 to 704.754, inclusive, ***and section 1.4 of this act,*** 704.9901 and 704.993 to 704.999, inclusive, or by the Commission pursuant to NRS 704.005 to 704.754, inclusive, ***and section 1.4 of this act,*** 704.9901 and 704.993 to 704.999, inclusive;

3. Violates, or procures, aids or abets the violating of any provision of NRS 704.005 to 704.754, inclusive, ***and section 1.4 of this act,*** 704.9901 and 704.993 to 704.999, inclusive;

4. Fails to obey any order, decision or regulation of the Commission;

5. Procures, aids or abets any person in the failure to obey the order, decision or regulation; or

6. Advertises, solicits, proffers bids or otherwise holds himself, herself or itself out to perform as a public utility in violation of any of the provisions of NRS 704.005 to 704.754, inclusive, ***and section 1.4 of this act,*** 704.9901 and 704.993 to 704.999, inclusive,

➥ shall be fined not more than $500.

Sec. 2.57. NRS 704.736 is hereby amended to read as follows:

704.736 The application of NRS 704.736 to 704.754, inclusive, ***and section 1.4 of this act*** is limited to any public utility in the business of supplying electricity which has an annual operating revenue in this state of $2,500,000 or more.

Sec. 2.59. NRS 704.751 is hereby amended to read as follows:

704.751 1. After a utility has filed the plan required pursuant to NRS 704.741, the Commission shall issue an order accepting or modifying the plan or specifying any portions of the plan it deems to be inadequate:

(a) Within 135 days for any portion of the plan relating to the energy supply plan for the utility for the 3 years covered by the plan; and

(b) Within 180 days for all portions of the plan not described in paragraph (a).

➥ If the Commission issues an order modifying the plan, the utility may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order. If such a notice is filed, any petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.

2. If a utility files an amendment to a plan, the Commission shall issue an order accepting or modifying the amendment or specifying any portions of the amendment it deems to be inadequate:

(a) Within 135 days after the filing of the amendment; or

(b) Within 180 days after the filing of the amendment for all portions of the amendment which contain an element of the emissions reduction and capacity replacement plan.

➥ If the Commission issues an order modifying the amendment, the utility may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order. If such a notice is filed, any petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.

3. ***The Commission shall not reject any portion of a plan required pursuant to NRS 704.741, or a portion of an amendment to such a plan, that includes a new renewable energy contract or the construction or acquisition of a renewable energy facility for the purpose of complying with the provisions of NRS 704.7801 to 704.7828, inclusive, and sections 1.5 to 2.5, inclusive, of this act solely on the grounds of any uncertainty relating to a ballot question to require the Legislature to provide by law for an open, competitive retail electric energy market for all electricity customers in a service territory. If such a ballot question is approved by the voters of this State and the Legislature provides by law for such an open, competitive market in a service territory, the costs and benefits of any such renewable energy contract or renewable energy facility approved by the Commission must be transferred to a provider of electricity or the retail customers of a provider of electricity.***

4. All prudent and reasonable expenditures made to develop the utility's plan, including environmental, engineering and other studies, must be recovered from the rates charged to the utility's customers.

~~[4.]~~ ***5.*** The Commission may accept a transmission plan submitted pursuant to subsection 4 of NRS 704.741 for a renewable energy zone if the Commission determines that the construction or expansion of transmission facilities would facilitate the utility meeting the portfolio standard, as defined in NRS 704.7805.

~~[5.]~~ ***6.*** The Commission shall adopt regulations establishing the criteria for determining the adequacy of a transmission plan submitted pursuant to subsection 4 of NRS 704.741.

~~[6.]~~ ***7.*** Any order issued by the Commission accepting or modifying an element of an emissions reduction and capacity replacement plan must include provisions authorizing the electric utility to construct or acquire and own electric generating plants necessary to meet the capacity amounts approved in, and carry out the provisions of, the plan. As used in this subsection, "capacity" means an amount of firm electric generating capacity used by the electric utility for the purpose of preparing a plan filed with the Commission pursuant to NRS 704.736 to 704.754, inclusive ~~[.]~~ ***, and section 1.4 of this act.***

Sec. 2.6. NRS 704.7801 is hereby amended to read as follows:

704.7801 As used in NRS 704.7801 to 704.7828, inclusive, ***and sections 1.5 to 2.5, inclusive, of this act*** unless the context otherwise requires, the words and terms defined in NRS 704.7802 to 704.7819, inclusive, ***and sections 1.5 and 1.7 of this act*** have the meanings ascribed to them in those sections.

Sec. 2.7. NRS 704.7804 is hereby amended to read as follows:

704.7804 "Portfolio energy system or efficiency measure" means:

1. Any renewable energy system:

(a) Placed into operation before July 1, 1997, if a provider of electric service used electricity generated or acquired from the renewable energy system to satisfy its portfolio standard before July 1, 2009; or

(b) Placed into operation on or after July 1, 1997; ~~[or]~~

2. Any energy efficiency measure installed on or before December 31, 2019 ~~[.]~~ ***; or***

3. Any qualified energy storage system.

Sec. 2.8. NRS 704.7808 is hereby amended to read as follows:

704.7808 1. "Provider of electric service" and "provider" mean any person or entity that is in the business of selling electricity to retail customers for consumption in this State, regardless of whether the person or entity is otherwise subject to regulation by the Commission.

2. The term includes, without limitation, a provider of new electric resources that is selling electricity to an eligible customer for consumption in this State pursuant to the provisions of chapter 704B of NRS.

3. ~~[The]~~ ***Except as otherwise provided in this subsection, the*** term does not include:

(a) This State or an agency or instrumentality of this State.

(b) A rural electric cooperative established pursuant to chapter 81 of NRS.

(c) A general improvement district established pursuant to chapter 318 of NRS.

(d) A utility established pursuant to chapter 709 or 710 of NRS.

(e) A cooperative association, nonprofit corporation, nonprofit association or provider of electric service which is declared to be a public utility pursuant to NRS 704.673 and which provides service only to its members.

~~[(f)]~~

➥ ***For calendar year 2018 and for each calendar year thereafter, the term includes an entity identified in this subsection during the entirety of any calendar year in which the total amount of electricity sold by the entity to its retail customers in this State during that calendar year equals or exceeds 1,000,000 megawatt-hours.***

4. The term does not include:

(a) A landlord of a manufactured home park or mobile home park or owner of a company town who is subject to any of the provisions of NRS 704.905 to 704.960, inclusive.

~~[(g)]~~ ***(b)*** A landlord who pays for electricity that is delivered through a master meter and who distributes or resells the electricity to one or more tenants for consumption in this State.

Sec. 2.9. (Deleted by amendment.)

Sec. 3. NRS 704.7821 is hereby amended to read as follows:

704.7821 1. For each provider of electric service, the Commission shall establish a portfolio standard. ~~[The]~~ ***Except as otherwise provided in subsections 5, 6 and 8, the*** portfolio standard must require each provider to generate, acquire or save electricity from portfolio energy systems or efficiency measures in an amount that is:

(a) For calendar years 2005 and 2006, not less than 6 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(b) For calendar years 2007 and 2008, not less than 9 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(c) For calendar years 2009 and 2010, not less than 12 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(d) For calendar years 2011 and 2012, not less than 15 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(e) For calendar years 2013 and 2014, not less than 18 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(f) For calendar years 2015 through ~~[2019,]~~ ***2017,*** inclusive, not less than 20 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(g) For calendar years ~~[2020 through 2024, inclusive,]~~ ***2018 through 2020, inclusive,*** not less than ~~[22]~~ ***24*** percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(h) For calendar years 2021 through 2023, inclusive, not less than 28 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(i) For calendar years 2024 through 2026, inclusive, not less than 32 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(j) For calendar years 2027 through 2029, inclusive, not less than 36 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(k) For calendar year ~~[2025]~~ ***2030*** and for each calendar year thereafter, not less than ~~[25]~~ ***40*** percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

2. In addition to the requirements set forth in subsection 1, the portfolio standard for each provider must require that:

(a) ~~[Of the total amount of electricity that the provider is required to generate, acquire or save from portfolio energy systems or efficiency measures during each calendar year, not less than:~~

~~(1) For calendar years 2009 through 2015, inclusive, 5 percent of that amount must be generated or acquired from solar renewable energy systems.~~

~~(2) For calendar year 2016 and for each calendar year thereafter, 6 percent of that amount must be generated or acquired from solar renewable energy systems.~~

~~— (b)~~] Of the total amount of electricity that the provider is required to generate, acquire or save from portfolio energy systems or efficiency measures:

(1) During calendar years 2013 and 2014, not more than 25 percent of that amount may be based on energy efficiency measures;

(2) During each calendar year 2015 to 2019, inclusive, not more than 20 percent of that amount may be based on energy efficiency measures;

(3) During each calendar year 2020 to 2024, inclusive, not more than 10 percent of that amount may be based on energy efficiency measures; and

(4) For calendar year 2025 and each calendar year thereafter, no portion of that amount may be based on energy efficiency measures.

➥ If the provider intends to use energy efficiency measures to comply with its portfolio standard during any calendar year, of the total amount of electricity saved from energy efficiency measures for which the provider seeks to obtain portfolio energy credits pursuant to this paragraph, at least 50 percent of that amount must be saved from energy efficiency measures installed at service locations of residential customers of the provider, unless a different percentage is approved by the Commission.

~~[(c)~~] ***(b) Of the total amount of electricity that the provider is required to generate, acquire or save from portfolio energy systems or efficiency measures, for calendar year 2018 and each calendar year thereafter, not more than 10 percent of that amount may be based on qualified energy storage systems.***

(c) If the provider acquires or saves electricity from a portfolio energy system or efficiency measure pursuant to a renewable energy contract or energy efficiency contract with another party:

(1) The term of the contract must be not less than 10 years, unless the other party agrees to a contract with a shorter term; and

(2) The terms and conditions of the contract must be just and reasonable, as determined by the Commission. If the provider is a utility provider and the Commission approves the terms and conditions of the contract between the utility provider and the other party, the contract and its terms and conditions shall be deemed to be a prudent investment and the utility provider may recover all just and reasonable costs associated with the contract.

3. If, for the benefit of one or more retail customers in this State, the provider has paid for or directly reimbursed, in whole or in part, the costs of the acquisition or installation of a solar energy system which qualifies as a renewable energy system and which reduces the consumption of electricity, the total reduction in the consumption of electricity during each calendar year that results from the solar energy system shall be deemed to be electricity that the provider generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard.

4. The Commission shall adopt regulations that establish a system of portfolio energy credits that may be used by a provider to comply with its portfolio standard.

5. Except as otherwise provided in ***this subsection and*** subsection 6, each provider shall comply with its portfolio standard during each calendar year. ***For calendar year 2020 and each calendar year thereafter, a provider shall be deemed to have complied with its portfolio standard during the calendar year if the average number of portfolio energy credits*** ~~***[earned]***~~ ***eligible for use by the provider*** ~~***[during]***~~ ***to comply with the provider's portfolio standard for the calendar year and the immediately preceding 2 calendar years is equal to or greater than the average of the number of portfolio energy credits needed to comply with the provider's portfolio standards for the calendar year and the immediately preceding 2 calendar years.***

6. If, for any calendar year, a provider is unable to comply with its portfolio standard through the generation of electricity from its own renewable energy systems or, if applicable, through the use of portfolio energy credits, the provider shall take actions to acquire or save electricity pursuant to one or more renewable energy contracts or energy efficiency contracts. ~~[If the Commission determines that, for a calendar year, there is not or will not be a sufficient supply of electricity or a sufficient amount of energy savings made available to the provider pursuant to renewable energy contracts and energy efficiency contracts with just and reasonable terms and conditions, the]~~ ***The*** Commission shall exempt the provider, for that calendar year, from the remaining requirements of its portfolio standard or from any appropriate portion thereof, as determined by the Commission ~~[.]~~ ***if the Commission determines that, for a calendar year:***

(a) There is not or will not be a sufficient supply of electricity or a sufficient amount of energy savings made available to the provider pursuant to renewable energy contracts and energy efficiency contracts with just and reasonable terms and conditions;

(b) The provider is unable to obtain a sufficient supply of electricity to comply with the portfolio standard because the Commission has rejected a proposal included by a provider in a plan filed pursuant to NRS 704.741, or an amendment to such a plan, to acquire or save electricity pursuant to new renewable energy contracts or energy efficiency contracts or to construct or acquire a new renewable energy facility; or

(c) The provider is unable to obtain a sufficient supply of electricity to comply with the portfolio standard because of a delay in the completion of the construction of a renewable energy facility that is under the control of a person or entity other than the provider and that was intended to provide electricity.

7. The Commission shall adopt regulations that establish:

(a) Standards for the determination of just and reasonable terms and conditions for the renewable energy contracts and energy efficiency contracts that a provider must enter into to comply with its portfolio standard.

(b) Methods to classify the financial impact of each long-term renewable energy contract and energy efficiency contract as an additional imputed debt of a utility provider. The regulations must allow the utility provider to propose an amount to be added to the cost of the contract, at the time the contract is approved by the Commission, equal to a compensating component in the capital structure of the utility provider. In evaluating any proposal made by a utility provider pursuant to this paragraph, the Commission shall consider the effect that the proposal will have on the rates paid by the retail customers of the utility provider.

8. ~~[Except as otherwise provided in NRS 704.78213, the provisions of this section do not apply to a provider of new electric resources as defined in NRS 704B.130.]~~ ***For the purposes of subsection 1, for calendar year 2018 and for each calendar year thereafter, the total amount of electricity sold by a provider:***

(a) Described in subsection 3 of NRS 704.7808 to its retail customers in this State during a calendar year does not include the first 1,000,000 megawatt-hours of electricity sold by the provider to such customers during that calendar year.

(b) To its retail customers in this State during a calendar year does not include the amount of electricity sold by the provider as part of a program of optional pricing authorized by the Commission pursuant to NRS 704.738 or section 1.4 of this act.

9. As used in this section:

(a) "Energy efficiency contract" means a contract to attain energy savings from one or more energy efficiency measures owned, operated or controlled by other parties.

(b) "Renewable energy contract" means a contract to acquire electricity from one or more renewable energy systems owned, operated or controlled by other parties.

(c) "Terms and conditions" includes, without limitation, the price that a provider must pay to acquire electricity pursuant to a renewable energy contract or to attain energy savings pursuant to an energy efficiency contract.

Sec. 4. NRS 704.78213 is hereby amended to read as follows:

704.78213 1. If the Commission issues an order approving an application that is filed pursuant to NRS 704B.310 or a request that is filed pursuant to NRS 704B.325 regarding a provider of new electric resources and an eligible customer, the Commission must establish in the order a portfolio standard applicable to the electricity sold by the provider of new electric resources to the eligible customer in accordance with the order. The portfolio standard must require the provider of new electric resources to generate, acquire or save electricity from portfolio energy systems or efficiency measures in the amounts described in the portfolio standard set

forth in NRS 704.7821 . ~~[which is effective on the date on which the order approving the application or request is approved.]~~

2. ~~[Of]~~ ***Except as otherwise provided in this subsection, of*** the total amount of electricity that a provider of new electric resources is required to generate, acquire or save from portfolio energy systems or efficiency measures during each calendar year, not more than 25 percent of that amount may be based on energy efficiency measures. ***Subject to the provisions of paragraphs (a) and (b), the provisions of this subsection apply to an order of the Commission approving an application that is filed pursuant to NRS 704B.310 or a request that is filed pursuant to NRS 704B.325 regarding a provider of new electric resources and an eligible customer only if the order is issued by the Commission before July 1, 2017. If such an order was issued by the Commission:***

(a) Before July 1, 2012, the provisions of this subsection apply for all calendar years.

(b) On or after July 1, 2012, and before July 1, 2017, the provisions of this subsection apply only for calendar years before calendar year 2025.

3. If, for the benefit of one or more eligible customers, the eligible customer of a provider of new electric resources has paid for or directly reimbursed, in whole or in part, the costs of the acquisition or installation of a solar energy system which qualifies as a renewable energy system and which reduces the consumption of electricity, the total reduction in the consumption of electricity during each calendar year that results from the solar energy system shall be deemed to be electricity that the provider of new electric resources generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard.

4. As used in this section:

(a) "Eligible customer" has the meaning ascribed to it in NRS 704B.080.

(b) "Provider of new electric resources" has the meaning ascribed to it in NRS 704B.130.

Sec. 4.3. (Deleted by amendment.)

Sec. 4.7. NRS 704.7825 is hereby amended to read as follows:

704.7825 1. Each provider of electric service shall submit to the Commission an annual report that provides information relating to the actions taken by the provider to comply with its portfolio standard.

2. Each provider shall submit the annual report to the Commission after the end of each calendar year and within the time prescribed by the Commission. The report must be submitted in a format approved by the Commission.

3. The Commission may adopt regulations that require providers to submit to the Commission additional reports during each calendar year.

4. Each annual report and each additional report must include clear and concise information that sets forth:

(a) The amount of electricity which the provider generated, acquired or saved from portfolio energy systems or efficiency measures during the

reporting period and, if applicable, the amount of portfolio energy credits that the provider acquired, sold or traded during the reporting period to comply with its portfolio standard;

(b) The capacity of each renewable energy system owned, operated or controlled by the provider, the total amount of electricity generated by each such system during the reporting period and the percentage of that total amount which was generated directly from renewable energy;

(c) Whether, during the reporting period, the provider began construction on, acquired or placed into operation any renewable energy system and, if so, the date of any such event;

(d) Whether, during the reporting period, the provider participated in the acquisition or installation of any energy efficiency measures and, if so, the date of any such event; and

(e) Any other information that the Commission by regulation may deem relevant.

5. Based on the reports submitted by providers pursuant to this section, the Commission shall compile information that sets forth whether any provider has used energy efficiency measures to comply with its portfolio standard and, if so, the type of energy efficiency measures used and the amount of energy savings attributable to each such energy efficiency measure. The Commission shall report such information to:

(a) The Legislature, not later than the first day of each regular session; and

(b) The Legislative Commission, if requested by the Chair of the Commission.

6. The provisions of this section do not apply to a provider of electric service described in paragraph (a) of subsection 3 of NRS 704.7808.

Sec. 5. Notwithstanding the provisions of any other law or any ruling or order issued by or portfolio standard established by the Public Utilities Commission of Nevada to the contrary, for any portfolio standard established by the Commission pursuant to the provisions of subsection 1 of NRS 704.78213, as that section existed before July 1, 2017, on or after July 1, 2012, and before July 1, 2017, the Commission shall, for calendar year 2018 and for each calendar year thereafter, revise the portfolio standard to require the provider of new electric resources as defined in NRS 704B.130 to generate, acquire or save electricity from portfolio energy systems or energy efficiency measures in the amounts described in the portfolio standard set forth in NRS 704.7821, as amended by section 3 of this act.

Sec. 6. (Deleted by amendment.)

Sec. 7. 1. This section and sections 1 to 2.3, inclusive, and 2.5 to 6, inclusive, of this act become effective on July 1, 2017.

2. Section 2.4 of this act becomes effective on July 1, 2020.

Assemblywoman Bustamante Adams moved that the Assembly concur in the Senate Amendment No. 1144 to Assembly Bill No. 206.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

This amendment makes a technical correction to subsection 5 of section 3 of the bill so that the average number of portfolio energy credits will be calculated based on the number of credits eligible for use by the provider to comply with the provider's portfolio standard.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 280.

The following Senate amendment was read:

Amendment No. 1057.

ASSEMBLYMEN FRIERSON, CARRILLO, MONROE-MORENO, SPRINKLE, NEAL; ARAUJO, BENITEZ-THOMPSON, BILBRAY-AXELROD, CARLTON, COHEN, DALY, FUMO, JAUREGUI, JOINER, MCCURDY II, MILLER, OHRENSCHALL, SPIEGEL, THOMPSON, **TOLLES,** WATKINS AND YEAGER

JOINT SPONSORS: SENATORS FORD AND CANNIZZARO

AN ACT relating to procurement; establishing provisions relating to preferences in bidding for certain contracts with Nevada-based businesses for state purchasing; revising provisions relating to the disclosure of the weight assigned to certain factors used to evaluate proposals for certain state purchasing contracts; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law grants a preference of 5 percent for a bid or proposal for a state purchasing contract which is submitted by a local business owned and operated by a veteran with a service-connected disability. (NRS 333.3361-333.3369) **Sections 2-8** of this bill create a preference of 5 percent for a bid or proposal for a state purchasing contract which is submitted by a Nevada-based business. To qualify for this preference, **section 3** requires such a business to certify that: (1) its principal place of business is in this State; or (2) a majority of the goods provided for in a state purchasing contract are produced in this State. **Section 5** establishes that **: (1)** a bid ~~[or proposal]~~ which qualifies for the preference will be deemed to be 5 percent lower than the bid ~~[or proposal]~~ actually submitted **; ~~[.]~~ and (2) a proposal which qualifies for the preference will be deemed to have a score which is 5 percent higher than the score actually awarded. Section 5** also prohibits granting the preference for the award of any contract which uses federal money, unless such a preference is authorized by federal law **~~[.]~~ or any contract which has been procured on a multistate basis. Section 6** imposes certain penalties and restrictions upon a business that makes a material misrepresentation or commits a fraudulent act in applying for a preference or fails to comply with the requirements for a preference. **Sections 9 and 10** of this bill make conforming changes.

Existing law requires each proposal submitted for certain state purchasing contracts to be evaluated based on certain factors to determine whether the proposal is in the best interest of the State. Each factor is assigned a relative

weight which must not be disclosed before the proposals are submitted. (NRS 333.335) **Section 9.5** of this bill removes the requirement that the weight of each factor must not be disclosed before the proposals are submitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 333 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Nevada-based business" means a business which certifies that:***

1. Its principal place of business is in this State; or

2. The majority of goods provided for in a state purchasing contract are produced in this State.

Sec. 4. ***"State purchasing contract" means a contract awarded pursuant to the provisions of this chapter.***

Sec. 5. ***1. ~~[For the purposes of awarding a formal contract solicited pursuant to subsection 2 of NRS 333.300, if]~~ If a business that qualifies as a Nevada-based business ~~[and]~~ submits a ~~[bid or proposal and is a responsive and responsible bidder,]~~ :***

(a) Bid to furnish commodities that was solicited pursuant to NRS 333.300, the bid ~~[or proposal]~~ shall be deemed to be 5 percent lower than the bid ~~[or proposal]~~ actually submitted ~~[.]~~ ; or

(b) Proposal to contract for services, the score assigned to the proposal pursuant to NRS 333.335 shall be deemed to be 5 percent higher than the score actually awarded.

2. The preference described in subsection 1 may not be:

(a) Combined with any other preference.

(b) Granted for the award of any contract which uses federal money unless such a preference is authorized by federal law.

(c) Granted for the award of any contract procured on a multistate basis.

Sec. 6. ***1. In addition to any other remedy or penalty provided by law, if the Purchasing Division determines that a business has made a material misrepresentation or otherwise committed a fraudulent act in applying for a preference described in section 5 of this act or has failed to comply with the requirements of that section, the business:***

(a) Shall pay to the Purchasing Division, if awarded a state purchasing contract, a penalty in the amount of 1 percent of the cost of the state purchasing contract;

(b) Shall not bid on a state purchasing contract or a contract awarded by any local government for 1 year after the date upon which the Purchasing Division makes such a determination; and

(c) Shall not apply for or receive a preference described in section 5 of this act for 5 years after the date upon which the Purchasing Division makes such a determination.

2. If the Purchasing Division determines, as described in subsection 1, that a business has made a material misrepresentation or otherwise committed a fraudulent act in applying for a preference described in section 5 of this act or has failed to comply with the requirements of that section, the business may apply to the Administrator to review the decision pursuant to chapter 233B of NRS.

Sec. 7. (Deleted by amendment.)

Sec. 8. ***The Purchasing Division may adopt such regulations as it determines to be necessary or advisable to carry out the provisions of sections 2 to 8, inclusive, of this act. The regulations may include, without limitation, provisions setting forth:***

1. The method by which a business may apply to receive a preference described in section 5 of this act;

2. The documentation or other proof that a business must submit to demonstrate that it qualifies for a preference described in section 5 of this act; and

3. Such other matters as the Purchasing Division deems relevant.

Sec. 9. NRS 333.310 is hereby amended to read as follows:

333.310 1. An advertisement must contain a general description of the classes of commodities or services for which a bid or proposal is wanted and must state:

(a) The name and location of the department, agency, local government, district or institution for which the purchase is to be made.

(b) Where and how specifications and quotation forms may be obtained.

(c) If the advertisement is for bids, whether the Administrator is authorized by the using agency to be supplied to consider a bid for an article that is an alternative to the article listed in the original request for bids if:

(1) The specifications of the alternative article meet or exceed the specifications of the article listed in the original request for bids;

(2) The purchase of the alternative article results in a lower price; and

(3) The Administrator deems the purchase of the alternative article to be in the best interests of the State of Nevada.

(d) Notice of the ~~[~~preference~~]~~ ***preferences*** set forth in NRS 333.3366 ~~[.]~~ ***and section 5 of this act.***

(e) The date and time not later than which responses must be received by the Purchasing Division.

(f) The date and time when responses will be opened.

➥ The Administrator or a designated agent of the Administrator shall approve the copy for the advertisement.

2. Each advertisement must be published:

(a) In at least one newspaper of general circulation in the State. The selection of the newspaper to carry the advertisement must be made in the

manner provided by this chapter for other purchases, on the basis of the lowest price to be secured in relation to the paid circulation; and

(b) On the Internet website of the Purchasing Division.

Sec. 9.5. NRS 333.335 is hereby amended to read as follows:

333.335 1. Each proposal must be evaluated by:

(a) The chief of the using agency, or a committee appointed by the chief of the using agency in accordance with the regulations adopted pursuant to NRS 333.135, if the proposal is for a using agency; or

(b) The Administrator of the Purchasing Division, or a committee appointed by the Administrator in accordance with the regulations adopted pursuant to NRS 333.135, if the Administrator is responsible for administering the proposal.

2. A committee appointed pursuant to subsection 1 must consist of not less than two members. A majority of the members of the committee must be state officers or employees. The committee may include persons who are not state officers or employees and possess expert knowledge or special expertise that the chief of the using agency or the Administrator of the Purchasing Division determines is necessary to evaluate a proposal. The members of the committee are not entitled to compensation for their service on the committee, except that members of the committee who are state officers or employees are entitled to receive their salaries as state officers and employees. No member of the committee may have a financial interest in a proposal. If the contract is being awarded for the Public Employees' Benefits Program, the Executive Officer of the Program may observe the activities of the committee, but may not vote or otherwise participate in the evaluation.

3. In making an award, the chief of the using agency, the Administrator of the Purchasing Division or each member of the committee, if a committee is established, shall consider and assign a score for each of the following factors for determining whether the proposal is in the best interests of the State of Nevada:

(a) The experience and financial stability of the person submitting the proposal;

(b) Whether the proposal complies with the requirements of the request for proposals as prescribed in NRS 333.311;

(c) The price of the proposal; and

(d) Any other factor disclosed in the request for proposals.

4. The chief of the using agency, the Administrator of the Purchasing Division or the committee, if a committee is established, shall determine the relative weight of each factor set forth in subsection 3 before a request for proposals is advertised. ~~[The weight of each factor must not be disclosed before the date proposals are required to be submitted.]~~

5. Except as otherwise provided in this subsection, the chief of the using agency, the Administrator of the Purchasing Division or the committee, if a committee is established, shall award the contract based on the best interests of the State, as determined by the total scores assigned pursuant to subsection

3, and is not required to accept the lowest-priced proposal. If the contract is being awarded for the Public Employees' Benefits Program, the Administrator of the Purchasing Division or the committee, if a committee is established, shall submit recommendations for awarding the contract to the Board for the Public Employees' Benefits Program, which shall award the contract in accordance with NRS 287.04345.

6. Except as otherwise provided in NRS 239.0115, each proposal evaluated pursuant to the provisions of this section is confidential and may not be disclosed until the contract is awarded.

Sec. 10. NRS 333.340 is hereby amended to read as follows:

333.340 1. Every contract or order for goods must be awarded to the lowest responsible bidder. To determine the lowest responsible bidder, the Administrator:

(a) Shall consider, if applicable:

(1) The granting of the preference described in NRS 333.3366.

(2) ***The granting of the preference described in section 5 of this act.***

(3) The required standards adopted pursuant to NRS 333.4611.

(b) May consider:

(1) The location of the using agency to be supplied.

(2) The qualities of the articles to be supplied.

(3) The total cost of ownership of the articles to be supplied.

(4) Except as otherwise provided in subparagraph (5), the conformity of the articles to be supplied with the specifications.

(5) If the articles are an alternative to the articles listed in the original request for bids, whether the advertisement for bids included a statement that bids for an alternative article will be considered if:

(I) The specifications of the alternative article meet or exceed the specifications of the article listed in the original request for bids;

(II) The purchase of the alternative article results in a lower price; and

(III) The Administrator deems the purchase of the alternative article to be in the best interests of the State of Nevada.

(6) The purposes for which the articles to be supplied are required.

(7) The dates of delivery of the articles to be supplied.

2. If a contract or an order is not awarded to the lowest bidder, the Administrator shall provide the lowest bidder with a written statement which sets forth the specific reasons that the contract or order was not awarded to him or her.

3. As used in this section, "total cost of ownership" includes, but is not limited to:

(a) The history of maintenance or repair of the articles;

(b) The cost of routine maintenance and repair of the articles;

(c) Any warranties provided in connection with the articles;

(d) The cost of replacement parts for the articles; and

(e) The value of the articles as used articles when given in trade on a subsequent purchase.

Sec. 11. NRS 338.0117 is hereby amended to read as follows:

338.0117 1. To qualify to receive a preference in bidding pursuant to subsection 2 of NRS 338.1389, subsection 2 of NRS 338.147, subsection 3 of NRS 338.1693, subsection 3 of NRS 338.1727 or subsection 2 of NRS 408.3886, a contractor, an applicant or a design-build team, respectively, must submit to the public body sponsoring or financing a public work a signed affidavit which certifies that, for the duration of the project, collectively, and not on any specific day:

(a) At least 50 percent of the workers employed on the public work, including, without limitation, any employees of the contractor, applicant or design-build team and of any subcontractor engaged on the public work, will hold a valid driver's license or identification card issued by the Department of Motor Vehicles of the State of Nevada;

(b) All vehicles used primarily for the public work will be:

(1) Registered and partially apportioned to Nevada pursuant to the International Registration Plan, as adopted by the Department of Motor Vehicles pursuant to NRS 706.826; or

(2) Registered in this State;

(c) If applying to receive a preference in bidding pursuant to subsection 3 of NRS 338.1727 or subsection 2 of NRS 408.3886, at least 50 percent of the design professionals working on the public work, including, without limitation, employees of the design-build team and of any subcontractor or consultant engaged in the design of the public work, will have a valid driver's license or identification card issued by the Department of Motor Vehicles of the State of Nevada; and

(d) The contractor, applicant or design-build team and any subcontractor engaged on the public work will maintain and make available for inspection within this State his or her records concerning payroll relating to the public work.

2. Any contract for a public work that is awarded to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 as a result of the contractor, applicant or design-build team receiving a preference in bidding described in subsection 1 must:

(a) Include a provision in the contract that substantially incorporates the requirements of paragraphs (a) to (d), inclusive, of subsection 1; and

(b) Provide that a failure to comply with any requirement of paragraphs (a) to (d), inclusive, of subsection 1 entitles the public body to a penalty only as provided in subsections 5 and 6.

3. A person who submitted a bid on the public work or an entity who believes that a contractor, applicant or design-build team has obtained a preference in bidding as described in subsection 1 but has failed to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1 may file, before the substantial completion of the public work, a written objection with the public body for which the contractor, applicant or design-build team is performing the public work. A written objection authorized pursuant to this

subsection must set forth proof or substantiating evidence to support the belief of the person or entity that the contractor, applicant or design-build team has failed to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1.

4. If a public body receives a written objection pursuant to subsection 3, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection. If the public body determines that the objection is accompanied by the required proof or substantiating evidence or if the public body determines on its own initiative that proof or substantiating evidence of a failure to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1 exists, the public body shall determine whether the contractor, applicant or design-build team has failed to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1 and the public body or its authorized representative may proceed to award the contract accordingly or, if the contract has already been awarded, seek the remedy authorized in subsection 5.

5. ~~[A]~~ ***In addition to any other remedy or penalty provided by law, a*** public body may recover, by civil action against the party responsible for a failure to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1, a penalty as described in subsection 6 for a failure to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1. If a public body recovers a penalty pursuant to this subsection, the public body shall report to the State Contractors' Board the date of the failure to comply, the name of each entity which failed to comply and the cost of the contract to which the entity that failed to comply was a party. The Board shall maintain this information for not less than 6 years. Upon request, the Board shall provide this information to any public body or its authorized representative.

6. If a contractor, applicant or design-build team submits the affidavit described in subsection 1, receives a preference in bidding described in subsection 1 and is awarded the contract as a result of that preference, the contract between the contractor, applicant or design-build team and the public body, each contract between the contractor, applicant or design-build team and a subcontractor and each contract between a subcontractor and a lower tier subcontractor must provide that:

(a) If a party to the contract causes the contractor, applicant or design-build team to fail to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1, the party is liable to the public body for a penalty in the amount of 1 percent of the cost of the largest contract to which he or she is a party;

(b) The right to recover the amount determined pursuant to paragraph (a) by the public body pursuant to subsection 5 may be enforced by the public body directly against the party that caused the failure to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1; and

(c) No other party to the contract is liable to the public body for a penalty.

7. A public body that awards a contract for a public work to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1 shall, on or before July 31 of each year, submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission. The report must include information on each contract for a public work awarded to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1, including, without limitation, the name of the contractor, applicant or design-build team who was awarded the contract, the cost of the contract, a brief description of the public work and a description of the degree to which the contractor, applicant or design-build team and each subcontractor complied with the requirements of paragraphs (a) to (d), inclusive, of subsection 1.

8. As used in this section:

(a) "Lower tier subcontractor" means a subcontractor who contracts with another subcontractor to provide labor, materials or services to the other subcontractor for a construction project.

(b) "Vehicle used primarily for the public work" does not include any vehicle that is present at the site of the public work only occasionally and for a purpose incidental to the public work including, without limitation, the delivery of materials. Notwithstanding the provisions of this paragraph, the term includes any vehicle which is:

(1) Owned or operated by the contractor or any subcontractor who is engaged on the public work; and

(2) Present at the site of the public work.

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. This act becomes effective on July 1, 2017.

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 1057 to Assembly Bill No. 280.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Amongst other things, the amendment excludes any contract which has been procured on a multistate basis.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 475.

The following Senate amendment was read:

Amendment No. 1150.

AN ACT relating to education; **authorizing the Board of Trustees of the College Savings Plans of Nevada to delegate certain powers and duties relating to the Nevada Higher Education Prepaid Tuition Program to the State Treasurer;** requiring the Board of Trustees of the College Savings Plans of Nevada to establish the Nevada College Kick Start Program; revising the membership of the Board; **authorizing certain qualified beneficiaries to apply unused prepaid tuition benefits toward graduate-level studies;** providing that the Nevada Higher Education Prepaid Tuition Trust Fund consists, in part, of payments received pursuant to a loan made to the Trust Fund for purposes of the fiscal stabilization of the Nevada Higher Education Prepaid Tuition Program; **transferring the duty to adopt regulations governing the Nevada College Savings Program from the State Treasurer to the Board;** requiring the transfer of money in accounts created under the Program to the Endowment Account in the State General Fund under certain circumstances; revising provisions governing the expenditures authorized from the Endowment Account; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Board of Trustees of the College Savings Plans of Nevada was created under existing law to oversee the Nevada Higher Education Prepaid Tuition Program and the Nevada College Savings Program. The State Treasurer or his or her designee serves as the Chair of the Board. (NRS 353B.001-353B.370) **Section 2** of this bill revises the membership of the Board to: (1) provide that the State Treasurer or his or her designee serves as an ex officio nonvoting member; and (2) add a new voting member who is appointed by the Governor. **Section 2** also provides for the selection of the Chair of the Board by the voting members of the Board.

Under existing law, the Board is required to develop and maintain the Nevada Higher Education Prepaid Tuition Program for the prepayment of the tuition of the beneficiary of a prepaid tuition contract at an eligible in-state or out-of-state public or private university, college or community college. The tuition paid under the contract is at a guaranteed rate based on an annual actuarial study for undergraduate studies at a university, state college or community college that is a member of the Nevada System of Higher Education. (NRS 353B.090) Existing law also: (1) creates the Nevada Higher Education Prepaid Tuition Trust Fund for the deposit of payments under prepaid tuition contracts and other sources of money for the Program and requires the State Treasurer to administer the Trust Fund; and (2) sets forth certain powers and duties of the Board relating to promotion, investment and contracting services for the Program and the Trust Fund. (NRS 353B.010-353B.190)

Section 1.3 of this bill authorizes the Board to delegate to the State Treasurer those powers and duties necessary for the efficient and

effective administration of the Nevada Higher Education Prepaid Tuition Program and the Trust Fund. Under existing law, the Board is authorized to make such a delegation to the State Treasurer with respect to the Nevada College Savings Program and the Nevada College Savings Program Trust Fund. (NRS 353B.320)

Section ~~[1]~~ 1.5 of this bill requires the Board to establish the Nevada College Kick Start Program to create college savings accounts for pupils enrolled in kindergarten in public schools in Nevada who are residents of Nevada. **Section ~~[1]~~ 1.5** requires the Board, within **the** limits of money available for this purpose, to deposit money in the accounts to be used for the costs of higher education of those pupils. **Section ~~[1]~~ 1.5** also requires the Board to adopt regulations for the implementation of the Program and authorizes the Board to apply for and accept gifts, grants and donations to carry out the Program.

Existing law authorizes the State Treasurer to establish an Endowment Account in the State General Fund to carry out the State Treasurer's duties with respect to the Nevada College Savings Program. The Endowment Account is required to be used for the deposit of any money received by the Nevada College Savings Program that is not received pursuant to a savings account agreement and which the State Treasurer determines is not necessary for certain administration and marketing activities. The State Treasurer is authorized to expend money in the Endowment Account: (1) for any purpose related to the Nevada College Savings Program; (2) to pay the costs of administering the Governor Guinn Millennium Scholarship Program; or (3) in any other manner which assists residents of Nevada to attain postsecondary education. (NRS 353B.350) **Section 6** of this bill limits the purposes for which the State Treasurer is authorized to expend money in the Endowment Account only to purposes related to the funding of college savings accounts under the Nevada College Kick Start Program, the Governor Guinn Millennium Scholarship Program, administrative and marketing costs related to the Nevada Higher Education Prepaid Tuition Program and the Nevada College Savings Program, and programs for the financial education of residents of this State. **Section ~~[1]~~ 1.5** requires the Board of Trustees of the College Savings Plans of Nevada to transfer to the Endowment Account the balance in the account of a pupil created under the Nevada College Kick Start Program: (1) that has not been accessed by a parent or guardian of the pupil by the time the pupil is enrolled in the fifth grade; or (2) which otherwise has not been used within the time prescribed by regulation.

~~[Existing law creates the Nevada Higher Education Prepaid Tuition Trust Fund which consists of certain payments received by the Trust Fund. (NRS 353B.140)]~~

Sections 2.4 and 2.45 of this bill expand the authorized use of benefits under a prepaid tuition contract to allow a qualified beneficiary to apply any unused prepaid tuition benefits after his or her graduation with an

undergraduate degree toward his or her graduate-level studies. Section 2.4 also specifically requires the Board to adopt requirements for a master agreement for the Nevada Higher Education Prepaid Tuition Program by regulation. Section 6.7 of this bill requires the Board to amend the master agreement for the Program to make the expanded authorization for graduate-level studies applicable to existing prepaid tuition contracts.

Section 2.5 of this bill adds to the list of payments included in the Trust Fund payments received pursuant to a loan made to the Trust Fund for the purpose of fiscal stabilization of the Nevada Higher Education Prepaid Tuition Program.

Existing law requires the State Treasurer to adopt regulations to establish and carry out the Nevada College Savings Program, which offers tax-free investment plans for saving money for the costs of higher education. (NRS 353B.310) Section 2.8 of this bill transfers the duty to adopt regulations for the Nevada College Savings Program from the State Treasurer to the Board.

Existing law creates the Nevada College Savings Trust Fund and authorizes the State Treasurer to accept and expend for certain purposes money provided to the Trust Fund by a private entity. (NRS 353B.340, 353B.360) **Section 6.5** of this bill removes this grant of authority from the State Treasurer and instead authorizes the Board ~~[of Trustees of the College Savings Plans of Nevada]~~ to accept and expend such money.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 353B of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.3 and 1.5 of this act.**

Sec. 1.3. The Board may delegate to the State Treasurer any of its administrative powers and duties specified in this section and NRS 353B.010 to 353B.190, inclusive, if the Board determines that such delegation is necessary for the efficient and effective administration of the Nevada Higher Education Prepaid Tuition Program and the Trust Fund.

Sec. 1.5. 1. The Board shall establish the Nevada College Kick Start Program to provide for the creation of a college savings account for each pupil who is a resident of this State upon commencement of his or her enrollment in kindergarten at a public school in this State. Within the limits of money available for this purpose, the Board shall deposit money in such an account to be used to pay a portion of the costs of higher education of the pupil.

2. The Board shall adopt regulations for the implementation of the Program, including, without limitation, regulations regarding:

(a) Enrollment in the Program, including without limitation, opting in or opting out of the Program;

(b) Procedures for the parent or guardian of a pupil to access the account of the pupil created pursuant to subsection 1;

(c) The time within which the money in the account created pursuant to subsection 1 must be used; and

(d) Distributions from an account created pursuant to subsection 1.

3. The Board may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the Program.

4. The Board shall transfer to the Endowment Account established pursuant to NRS 353B.350 the balance in the account of a pupil created pursuant to subsection 1 that:

(a) Has not been accessed by a parent or guardian of the pupil in the manner prescribed in the regulations adopted pursuant to subsection 2 by the time the pupil is enrolled in grade 5.

(b) Is otherwise remaining after expiration of the time prescribed in the regulations adopted pursuant to subsection 2 within which the money in the account must be used.

Sec. 2. NRS 353B.005 is hereby amended to read as follows:

353B.005 1. There is hereby created a Board of Trustees of the College Savings Plans of Nevada.

2. The Board consists of ~~[~~five~~]~~ ***:***

(a) Five voting members composed of:

~~[~~(a) The State Treasurer, who may name a designee to serve on the Board on his or her behalf.

~~(b)]~~ ***(1)*** The Director of the Office of Finance, who may name a designee to serve on the Board on his or her behalf.

~~[~~(c)~~]~~ ***(2)*** The Chancellor of the System, who may name a designee to serve on the Board on his or her behalf.

~~[~~(d) Two~~]~~

(3) Three members appointed by the Governor. A member who is appointed by the Governor must possess knowledge, skill and experience in the field of:

~~[~~(1)~~]~~ ***(I)*** Accounting;

~~[~~(2)~~]~~ ***(II)*** Finance;

~~[~~(3)~~]~~ ***(III)*** Investment management; or

~~[~~(4)~~]~~ ***(IV)*** Marketing.

(b) The State Treasurer or his or her designee, who serves ex officio as a nonvoting member.

3. A member of the Board who is appointed by the Governor ~~[.]~~ ***pursuant to subparagraph (3) of paragraph (a) of subsection 2:***

(a) Serves for a term of 4 years;

(b) Except as otherwise provided in paragraph (c), may be reappointed by the Governor; and

(c) Except as otherwise provided in this paragraph, may serve for only two terms. A member who is appointed to fill a vacancy in an unexpired term that

is not longer than 3 years may serve two terms in addition to the unexpired term.

4. The ~~[~~State Treasurer or his or her designee~~]~~ ***voting members of the Board*** shall ~~[~~serve as the~~]~~ ***elect a*** Chair of the Board ~~[.]~~ ***from among their number. The term of office of the Chair is 1 year.***

5. Each member of the Board serves without compensation, except that each member is entitled to receive:

(a) The per diem allowance and travel expenses provided for state officers and employees generally; and

(b) Reimbursement for any other actual and reasonable expense incurred while performing his or her duties.

6. As used in this section, the term "College Savings Plans of Nevada" includes the Nevada Higher Education Prepaid Tuition Program set forth in NRS 353B.010 to 353B.190, inclusive, ***and section 1.3 of this act*** and the Nevada College Savings Program set forth in NRS 353B.300 to 353B.370, inclusive ~~[.]~~ ***, and section ~~[1]~~ 1.5 of this act including the Nevada College Kick Start Program.***

Sec. 2.3. **NRS 353B.010 is hereby amended to read as follows:**

353B.010 As used in NRS 353B.010 to 353B.190, ***and section 1.3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 353B.030 to 353B.070, inclusive, have the meanings ascribed to them in those sections.

Sec. 2.4. **NRS 353B.090 is hereby amended to read as follows:**

353B.090 1. The Board shall develop the Nevada Higher Education Prepaid Tuition Program for the prepayment of tuition ***for a qualified beneficiary for:***

(a) Undergraduate studies at:

(1) A university, state college or community college that is a member of the System;

(2) An accredited college or university in this State that is not a member of the System; or

(3) An accredited community college, college or university in another state.

(b) If any money paid into the Trust Fund under a prepaid tuition contract is remaining after a qualified beneficiary has graduated with an undergraduate degree, for graduate-level studies at:

(1) A university, state college or community college that is a member of the System;

(2) An accredited college or university in this State that is not a member of the System; or

(3) An accredited community college, college or university in another state.

2. The amount of the tuition under a prepaid tuition contract must be at a guaranteed rate which is established based on the annual actuarial study

required pursuant to NRS 353B.190 for undergraduate studies at a university, state college or community college that is a member of the System.

~~[2.]~~ ***3.*** The Board shall adopt regulations for the implementation of the Program, including, without limitation, regulations setting forth requirements for:

(a) Residency;

(b) A limit on the number of qualified beneficiaries;

(c) The termination, withdrawal and transfer of money paid into the Trust Fund;

(d) A payment received by the Trust Fund as a matching contribution made as described in NRS 363A.137 or 363B.117 to be credited to the qualified beneficiary on whose behalf the matching contribution was made;

(e) The time within which the money paid into the Trust Fund must be used; ~~[and]~~

(f) Payment schedules ~~[.]~~ ***; and***

(g) A master agreement for the Program.

Sec. 2.45. **NRS 353B.100 is hereby amended to read as follows:**

353B.100 1. The Board may enter into a prepaid tuition contract with a purchaser.

2. The Board shall create a prepaid tuition contract in accordance with the provisions of this section.

3. The prepaid tuition contract must include, without limitation:

(a) The terms and conditions under which the purchaser shall remit payment, including, without limitation:

(1) The amount and number of payments that are required from the purchaser on behalf of the qualified beneficiary;

(2) The date upon which each payment is due; and

(3) A provision for a reasonable penalty for a delinquent payment or default.

(b) The name and date of birth of the qualified beneficiary on whose behalf the prepaid tuition contract is drawn.

(c) The terms and conditions under which another person may be substituted as the qualified beneficiary.

(d) The terms and conditions under which the purchaser, or another person designated by the purchaser, may terminate the prepaid tuition contract, receive a refund of money that he or she has paid into the Trust Fund or withdraw money that he or she has paid into the Trust Fund, including, without limitation, a provision allowing the Board to impose a fee that amounts to more than a de minimis penalty.

(e) A provision that the Board shall, after making a reasonable effort to contact the purchaser, report any money that has been deposited under a prepaid tuition contract that has not been terminated and has not been used within a specified period to the State Treasurer for proper disposition.

(f) The number of semesters for which the purchaser is contracting.

(g) A provision that money paid into the Trust Fund under a prepaid tuition contract may be applied toward tuition ***for an undergraduate degree*** at:

(1) A university, state college or community college that is a member of the System;

(2) An accredited college or university in this State that is not a member of the System; or

(3) An accredited community college, college or university in another state.

➥ Payments authorized pursuant to subparagraph (2) or (3) must not exceed the projected highest payment for tuition for the current academic year at a university that is a member of the System.

(h) ***A provision that any money under a prepaid tuition contract that is remaining after a qualified beneficiary has graduated with an undergraduate degree may be applied toward tuition for graduate-level studies at:***

(1) A university, state college or community college that is a member of the System;

(2) An accredited college or university in this State that is not a member of the System; or

(3) An accredited community college, college or university in another state.

➥ Payments authorized pursuant to this paragraph may not exceed the total amount payable under the prepaid tuition contract of the qualified beneficiary.

(i) Any other term or condition that the Board considers necessary or proper.

Sec. 2.47. **NRS 353B.110 is hereby amended to read as follows:**

353B.110 The Board:

1. May modify the regulations for the implementation of the Program adopted pursuant to subsection ~~[2]~~ ***3*** of NRS 353B.090.

2. May establish agreements to fulfill its obligations under the prepaid tuition contracts.

3. May contract for any necessary good or service, including, without limitation, the power to engage financial consultants, actuaries or legal counsel.

4. May procure insurance against any loss in connection with the property, assets or activities of the Trust Fund, the State Treasurer or the Board.

5. May solicit and accept a gift, including, without limitation, a bequeathment or other testamentary gift, grant, loan or aid from any source.

6. Shall solicit answers to requests for rulings from the Internal Revenue Service regarding the tax status of fees paid to or on behalf of a purchaser or a qualified beneficiary pursuant to a prepaid tuition contract.

Sec. 2.5. NRS 353B.140 is hereby amended to read as follows:

353B.140 1. The Nevada Higher Education Prepaid Tuition Trust Fund is hereby created within the State Treasury to allow the cost of tuition to be paid in advance of enrollment at an institution of higher education.

2. The Trust Fund consists of payments received pursuant to:

(a) A prepaid tuition contract;

(b) A bequest, endowment or grant from the Federal Government;

(c) A matching contribution made as described in NRS 363A.137 or 363B.117; ~~[or]~~

(d) ***A loan made to the Trust Fund for purposes of the fiscal stabilization of the Nevada Higher Education Prepaid Tuition Program; or***

(e) Any other public or private source of money.

3. Money in the Trust Fund that is not expended during any biennium does not revert to the State General Fund at any time.

Sec. 2.8. **NRS 353B.310 is hereby amended to read as follows:**

353B.310 1. The ~~[State Treasurer]~~ ***Board*** shall adopt regulations to establish and carry out the Nevada College Savings Program, which must comply with the requirements of a qualified state tuition program pursuant to 26 U.S.C. § 529.

2. The regulations must be consistent with the provisions of the Internal Revenue Code set forth in Title 26 of the United States Code, and the regulations adopted pursuant thereto, to ensure that the Nevada College Savings Program meets all criteria for federal tax-deferred or tax-exempt benefits, or both.

3. The regulations must provide for the use of savings trust agreements and savings trust accounts to apply distributions toward qualified higher education expenses at eligible educational institutions in accordance with 26 U.S.C. § 529.

4. The regulations must set forth requirements for a payment received by the Trust Fund as a matching contribution made as described in NRS 363A.137 or 363B.117 to be credited to the savings trust account to which the contribution was made.

5. The regulations may include any other provisions not inconsistent with federal law that the ~~[State Treasurer]~~ ***Board*** determines are necessary for the efficient and effective administration of the Nevada College Savings Program and the Trust Fund.

Sec. 3. NRS 353B.320 is hereby amended to read as follows:

353B.320 The Board may delegate to the State Treasurer any of its administrative powers and duties specified in NRS 353B.300 to 353B.370, inclusive, ***and section ~~[1]~~ 1.5 of this act*** if the Board determines that such delegation is necessary for the efficient and effective administration of the Nevada College Savings Program and the Trust Fund.

Sec. 4. NRS 353B.330 is hereby amended to read as follows:

353B.330 Savings trust accounts and agreements entered into pursuant to NRS 353B.300 to 353B.370, inclusive, ***and section ~~[1]~~ 1.5 of this act*** are not guaranteed by the full faith and credit of the State of Nevada.

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 353B.350 is hereby amended to read as follows:

353B.350 1. The Trust Fund and any account established by the State Treasurer pursuant to this section must be administered by the State Treasurer.

2. The State Treasurer shall establish such accounts as he or she determines necessary to carry out his or her duties pursuant to NRS 353B.300 to 353B.370, inclusive, ***and section ~~[1]~~ 1.5 of this act,*** including, without limitation:

(a) A Program Account in the Trust Fund; and

(b) An Administrative Account and an Endowment Account in the State General Fund.

3. The Program Account must be used for the receipt, investment and disbursement of money pursuant to savings trust agreements.

4. The Administrative Account must be used for the deposit and disbursement of money to administer and market the Nevada College Savings Program and to supplement the administration and marketing of the Nevada Higher Education Prepaid Tuition Program set forth in NRS 353B.010 to 353B.190, inclusive ~~[.]~~ ***, and section 1.3 of this act.***

5. ~~[The]~~ ***In addition to the money transferred pursuant to section ~~[1]~~ 1.5 of this act, the*** Endowment Account must be used for the deposit of any money received by the Nevada College Savings Program that is not received pursuant to a savings trust agreement and, in the determination of the State Treasurer, is not necessary for the use of the Administrative Account. The money in the Endowment Account may be expended ~~[.]~~ ***for any purpose related to:***

(a) ~~[For any purpose related to the]~~ ***The funding of college savings accounts created under the*** Nevada College ~~[Savings]~~ ***Kick Start*** Program ~~[.]~~ ***established pursuant to section ~~[1]~~ 1.5 of this act;***

(b) ~~[To pay the costs of administering the]~~ ***The*** Governor Guinn Millennium Scholarship Program created pursuant to NRS 396.926, ***including, without limitation, the costs of administering the Program,*** but such costs must not exceed an amount equal to 3 percent of the anticipated annual revenue to the State of Nevada from the settlement agreements with and civil actions against manufacturers of tobacco products anticipated for deposit in the Trust Fund; ~~[or]~~

(c) ~~[In any other manner which assists the residents of this state to attain postsecondary education.]~~ ***The administrative costs, as approved by the Legislature or the Interim Finance Committee, of activities related to the Nevada Higher Education Prepaid Tuition Program set forth in NRS 353B.010 to 353B.190, inclusive, and section 1.3 of this act and the Nevada College Savings Program set forth in NRS 353B.300 to 353B.370,***

inclusive, and section ~~[1]~~ 1.5 of this act, including the Nevada College Kick Start Program;

(d) The costs of marketing related to the Nevada Higher Education Prepaid Tuition Program set forth in NRS 353B.010 to 353B.190, inclusive, and section 1.3 of this act and the Nevada College Savings Program set forth in NRS 353B.300 to 353B.370, inclusive, and section ~~[1]~~ 1.5 of this act, including the Nevada College Kick Start Program, but such costs must not exceed an amount equal to 3 percent of the money in the Endowment Account that was received during the first fiscal year of the immediately preceding biennium by the Nevada College Savings Program, was not received pursuant to a savings trust agreement and, in the determination of the State Treasurer, was not necessary for the use of the Administrative Account; or

(e) The costs of providing programs for the financial education of residents of this State, but such costs must not exceed an amount equal to 3 percent of the money in the Endowment Account that was received during the first fiscal year of the immediately preceding biennium by the Nevada College Savings Program, was not received pursuant to a savings trust agreement and, in the determination of the State Treasurer, was not necessary for the use of the Administrative Account.

Sec. 6.5. NRS 353B.360 is hereby amended to read as follows:

353B.360 The ~~[State Treasurer]~~ ***Board*** may accept and expend on behalf of the Trust Fund money provided by private entities for direct expenses or marketing ~~[.]~~ ***in accordance with the provisions of NRS 353.150 to 353.245, inclusive.*** Such money is not a part of the Trust Fund.

Sec. 6.7. **1. On or before October 1, 2017, the Board of Trustees of the College Savings Plans of Nevada created by NRS 353B.005, as amended by section 2 of this act, shall amend the master agreement for the Nevada Higher Education Prepaid Tuition Program created in accordance with regulations adopted pursuant to NRS 353B.090, as amended by section 2.4 of this act, to authorize, pursuant to NRS 353B.090, as amended by section 2.4 of this act, the application of any money paid into the Nevada Higher Education Prepaid Tuition Trust Fund created by NRS 353B.140, as amended by section 2.5 of this act, under a prepaid tuition contract that is remaining after a qualified beneficiary has graduated with an undergraduate degree toward tuition for graduate-level studies by the qualified beneficiary at:**

(a) A university, state college or community college that is a member of the Nevada System of Higher Education;

(b) An accredited college or university in this State that is not a member of the System; or

(c) An accredited community college, college or university in another state.

2. As used in this section:

(a) "Prepaid tuition contract" has the meaning ascribed to it in NRS 353B.030.

(b) "Qualified beneficiary" has the meaning ascribed to it in NRS 353B.050.

Sec. 6.8. **Notwithstanding the amendatory provisions of this act transferring authority to adopt regulations from the State Treasurer to the Board of Trustees of the College Savings Plans of Nevada, any regulations adopted by the State Treasurer pursuant to NRS 353B.310 before July 1, 2017, remain in effect and may be enforced by the Board or the State Treasurer, as applicable, until the Board adopts regulations to repeal or replace those regulations.**

Sec. 6.9. **The money authorized for expenditure from the Nevada College Savings Trust Fund in section 1 of Senate Bill No. 545 of this session is reduced from $4,220,813 to $3,599,776 in Fiscal Year 2017-2018 and from $4,272,299 to $3,651,262 in Fiscal Year 2018-2019.**

Sec. 7. 1. This **section and sections 1, 1.5, 2, 2.5 and 3 to 6.5, inclusive, of this** act ~~[becomes]~~ **become** effective upon passage and approval.

2. Sections 1.3, 2.3 to 2.47, inclusive, 2.6, 2.8, 6.7, 6.8 and 6.9 of this act become effective on July 1, 2017.

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 1150 to Assembly Bill No. 475.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Amongst other things, the amendment allows a beneficiary of a prepaid tuition program to use unspent program funds for graduate-level studies.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:43 p.m.

ASSEMBLY IN SESSION

At 2:48 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 555.

Bill read third time.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

Senate Bill 555 authorizes the Department of Taxation to approve, in addition to the amount of tax credits authorized under current law for this purpose, an amount of tax credits equal to $20 million against the modified business tax in Fiscal Year [FY] 2018 for eligible donations to certain scholarship organizations that provide grants on behalf of pupils who are members of a household with a household income of not more than 300 percent of the federal poverty level to attend schools in this state, including private schools, chosen by the parents or legal guardians of those pupils.

If the amount of these credits authorized and issued by the Department of Taxation in FY 2018 is less than $20 million, the remaining amount of credits must be carried forward and made available for approval in subsequent fiscal years.

Finally, Senate Bill 555 specifies that the additional $20 million in credits authorized for this purpose are not subject to the annual increases under existing law of the other tax credits authorized for this purpose.

This act becomes effective on July 1, 2017.

Roll call on Senate Bill No. 555:

YEAS—34.

NAYS—Carrillo, Daly, Diaz, Flores, Joiner, Miller, Neal, Ohrenschall—8.

Senate Bill No. 555 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 487.

Bill read third time.

Remarks by Assemblymen Cohen and Ohrenschall.

Potential conflict of interest declared by Assemblyman Ohrenschall.

ASSEMBLYWOMAN COHEN:

Senate Bill 487, in its second reprint, transfers the responsibility for licensing and regulation of medical marijuana establishments pursuant to Chapter 453A of NRS from the Division of Public and Behavioral Health within the Department of Health and Human Services to the Department of Taxation and repeals the current 2 percent excise tax imposed on all types of medical marijuana establishments.

The bill provides for a 15 percent excise tax to be imposed on the fair market value at wholesale of all marijuana sold by a marijuana cultivation facility, and the proceeds from the 15 percent excise tax are required to be distributed to the Department of Taxation and local governments to pay the costs to carry out the provisions of Chapter 453A, with any remaining revenue to be deposited in the state Distributive School Account [DSA]. A total amount equal to $5 million per fiscal year is deemed to be a sufficient portion of the 15 percent wholesale excise tax to pay the costs of all local governments to carry out the provisions of Chapters 453A and 453D, and the Department of Taxation is required to establish regulations to provide for the manner in which local governments may be reimbursed for the costs of carrying out the provisions of Chapter 453A and Chapter 453D. The bill provides for a 10 percent excise tax to be imposed on all marijuana and marijuana products sold by a retail recreational marijuana store, and the proceeds from the 10 percent excise tax are required to be deposited in the Rainy Day Fund.

The bill specifies that counties, cities, and towns are authorized to impose a license tax on both recreational and medical marijuana establishments in an amount not to exceed 3 percent of the gross revenue of the establishment. Counties, cities, or towns are prohibited from enacting or enforcing certain marijuana-related ordinances which are more restrictive than or conflict with certain marijuana-related laws or regulations of this state.

The bill requires all medical and recreational marijuana establishments to report certain statistical information to the Department of Taxation related to the amounts, types, and prices of marijuana and marijuana products purchased or sold.

Finally, the Department of Taxation is authorized, under certain circumstances, to approve one medical marijuana registration certificate for a dispensary in each city within a county with less than 100,000 in population, and the Department is also required to issue a medical marijuana establishment registration certificate for at least one cultivation facility and at least one facility for the production of edible marijuana products and marijuana-infused products in each county.

ASSEMBLYMAN OHRENSCHALL:

I think this may be my last disclosure to this Chamber of my career in the Assembly. Because we are considering Senate Bill 487, which proposes to make changes relating to medical marijuana and marijuana establishments, I would like to advise this honorable body that my much better half, my bride, is employed by the Nevada Dispensary Association as their executive director, that is, as you all know, a trade association consisting of medical marijuana dispensaries and medical marijuana cultivators which actively lobbies our Legislature and other governmental entities on issues affecting its members. As you all are aware, I have sought the advice of our Legislative Counsel, and although Senate Bill 487 does not affect the members of my wife's trade association any differently than any other medical marijuana dispensary owners or medical marijuana cultivators, I am a very cautious legislator, as you know, and I am making this disclosure out of an abundance of that caution, and I will be abstaining from voting on Senate Bill 487.

Roll call on Senate Bill No. 487:

YEAS—32.

NAYS—Ellison, Hansen, Krasner, Marchant, McArthur, Oscarson, Titus, Tolles, Wheeler—9.

NOT VOTING—Ohrenschall.

Senate Bill No. 487 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 546.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 546 is our Capital Improvement Program projects bill. It is really the jobs bill that we do every legislative session. Senate Bill 546 provides for the implementation of the 2017 Capital Improvement Program as approved by the money committees. The bill includes funding in the amount of $354.1 million for the Capital Improvement Program. The bill includes the following major funding sources to support the program: $201.4 million in general obligation bonds; $48.3 million in agency and donor funds; $48 million in General Fund appropriations; $36.5 million in federal funds for the Office of the Military; $12.1 million in excess funding reallocated from projects approved in prior Capital Improvement Programs; $4.3 million in state Highway Funds for the Department of Motor Vehicles; and $3.5 million in slot tax funding from the Special Capital Construction Fund for Higher Education.

Some of our construction projects that I think should be duly noted include $42 million to construct a new Department of Motor Vehicles facility in south Reno; $37.1 million to construct a 78,000 square foot National Guard Readiness Center in North Las Vegas; and $84.7 to construct a new engineering building at the University of Nevada, Reno. You very rarely get applause in the CIP committee, but this one brought down the house: Item 17-C13, $36 million to advance the construction of the new Northern Nevada Veterans Home in Sparks.

Our maintenance projects in Senate Bill 546—provides $97.4 million in various maintenance projects for existing state facilities. The planning projects include $541,000 for advance planning for the Southern Nevada Fleet Services maintenance facility at the Grant Sawyer Building; $1.5 million for the advance planning of a new housing unit at Southern Desert Correctional Center; $4.4 million for the advance planning of a new Health Sciences Building at

the College of Southern Nevada; and $3.5 million for the advance planning of a new academic building at Nevada State College.

The property tax levy in the bill includes a 15.45-cent property tax levy for debt service in each year of the 2017-2019 biennium for general obligation bonds issued to finance the CIP. The bill includes an additional 1.55-cent levy that must be used exclusively for the repayment of bonded indebtedness issued as a result of the approval by the voters of Question 1 on the November 2002 ballot. The approval of Question 1 by the voters authorized the issuance of bonds not to exceed $200 million to protect, preserve, and obtain the benefits of the property and natural resources of the state. The total property tax levy of 17 cents remains unchanged from the levies approved for the 2015-2017 biennium. The levies above the historic 15-cent levy—2 cents—are not subject to the $3.64 local government property tax cap.

This bill becomes effective upon passage and approval so people can go to work.

Roll call on Senate Bill No. 546:

YEAS—34.

NAYS—Ellison, Hansen, Krasner, Marchant, McArthur, Oscarson, Titus, Wheeler—8.

Senate Bill No. 546 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 286.

Bill read third time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 1152.

AN ACT relating to applied behavior analysis; creating the Board of Applied Behavior Analysis; transferring the responsibility for the regulation of applied behavior analysis from the Board of Psychological Examiners to the Board of Applied Behavior Analysis; requiring the Aging and Disability Services Division of the Department of Health and Human Services to enforce provisions of law governing applied behavior analysis and the regulations of the Board of Applied Behavior Analysis; replacing the term "autism behavior interventionist" with the term "registered behavior technician"; requiring a behavior technician to obtain registration from the Division; providing for the certification of state certified behavior interventionists; revising the composition of the Board of Psychological Examiners; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term "autism behavior interventionist" to mean a person who is registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization, and provides behavioral therapy under the supervision of certain professionals. (NRS 641.0204) **Sections 11.5, 48 and 77** of this bill: (1) replace that term with the term "registered behavior technician"; and (2) require a behavior technician to be registered by the Division. **Sections 11.7, 16, 20, 21 and 48** of this bill additionally provide for the certification of state certified behavior interventionists, who have the

same practice authority as a registered behavior technician. **Section 21** requires a state certified behavior interventionist to meet the qualifications prescribed by the Board of Applied Behavior Analysis created by **section 13.3** of this bill. Such qualifications must be no less stringent than the requirements for registration as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization. **Section 25** of this bill requires each state certified behavior interventionist, but not each registered behavior technician, to obtain continuing education.

Under existing law, the Board of Psychological Examiners regulates the practice of applied behavior analysis and licenses behavior analysts and assistant behavior analysts. (NRS 641.100, 641.170) **Section 13.3** of this bill creates the Board of Applied Behavior Analysis. **Section 13.7** of this bill prescribes the compensation of the Board. **Sections 14 and 17** of this bill authorize the Board to adopt regulations governing: (1) the licensure of behavior analysts and assistant behavior analysts; (2) the certification of state certified behavior interventionists; (3) the registration of registered behavior technicians; and (4) the practice of applied behavior analysis. **Sections 13, 15, 16 and 18** of this bill prescribe the duties of the Aging and Disability Services Division of the Department of Health and Human Services to keep certain records and enforce provisions of law governing applied behavior analysis and the regulations of the Board of Applied Behavior Analysis. **Section 16** of this bill authorizes the Division to prescribe fees for the licensure of behavior analysts and assistant behavior analysts, the certification of state certified behavior interventionists and the registration of registered behavior technicians. **Section 19** of this bill exempts an employee or agent of the Division from liability for actions taken in good faith in the performance of the duties of the Division. **Sections 20-27** of this bill prescribe the requirements to obtain or renew a license as a behavior analyst or assistant behavior analyst, certification as a state certified behavior interventionist or registration as a registered behavior technician. **Sections 12 and 12.3** of this bill specify that certain persons are not required to be licensed, certified or registered by the Division. **Section 12.6** of this bill authorizes a student, intern, trainee or fellow who has matriculated at an accredited college or university but is not licensed, certified or registered by the Division to practice applied behavior analysis under the direct supervision of a behavior analyst or assistant behavior analyst under certain circumstances.

Section 29 of this bill prescribes the grounds for disciplinary action against a behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician, and **section 30** of this bill requires the Board to prescribe additional grounds for such disciplinary action by regulation. **Section 31** of this bill establishes the disciplinary action that the Division may impose against a behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior

technician. **Sections 33-38 and 41-43** of this bill prescribe procedures relating to the filing of a complaint and conducting an investigation and disciplinary hearing. **Sections 39 and 40** of this bill authorize the Division to require a behavioral analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician to take an examination to demonstrate his or her competence. **Sections 44 and 45** of this bill authorize the Division or the Attorney General to maintain an action to enjoin certain unprofessional conduct or the practice of applied behavior analysis without the required license or credential. **Section 46** of this bill grants immunity from liability to any person who initiates a complaint or assists in an investigation or the discipline of a behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician without malicious intent. **Section 47** of this bill authorizes a behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician to apply to the Division for the removal of certain administrative sanctions against his or her license. **Sections 48-50** of this bill prohibit the practice of applied behavior analysis without the proper license, credentials or supervision and certain other acts. **Section 50** makes the fraudulent practice of applied behavior analysis or practice as a behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician without the proper license or credential a gross misdemeanor.

The Board of Psychological Examiners currently consists of seven members appointed by the Governor. One of the members of the Board is a licensed behavior analyst. (NRS 641.030, 641.040) **Sections 58, 59 and 74** of this bill remove that member from the Board and reduce the size of the Board to six members. **Sections 56, 57 and 60-66** of this bill remove references to applied behavior analysis from the provisions of statute administered by the Board, and **sections 53 and 67-71** of this bill make conforming changes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 39 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 50, inclusive, of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 11.7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Assistant behavior analyst" means a person who holds current certification as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, and is licensed as an assistant behavior analyst by the Division.***

Sec. 4. (Deleted by amendment.)

Sec. 5. ***"Behavior analyst" means a person who holds current certification as a Board Certified Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, and is licensed as a behavior analyst by the Division.***

Sec. 5.3. (Deleted by amendment.)

Sec. 5.8. ***"Board" means the Board of Applied Behavior Analysis created by section 13.3 of this act.***

Sec. 6. ***"Community" means the entire area customarily served by behavior analysts and assistant behavior analysts among whom a patient may reasonably choose, not merely the particular area inhabited by the patients of an individual behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician or the particular city or place where the behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician has his or her office.***

Sec. 7. ***"Division" means the Aging and Disability Services Division of the Department of Health and Human Services.***

Sec. 8. ***"Gross malpractice" means malpractice where the failure to exercise the requisite degree of care, diligence or skill consists of:***

1. Practicing applied behavior analysis with a patient while the behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician is under the influence of an alcoholic beverage as defined in NRS 202.015 or any controlled substance;

2. Gross negligence;

3. Willful disregard of established methods and procedures in the practice of applied behavior analysis; or

4. Willful and consistent use of methods and procedures considered by behavior analysts, assistant behavior analysts, state certified behavior interventionists or registered behavior technicians, as applicable, in the community to be inappropriate or unnecessary in the cases where used.

Sec. 9. ***"Malpractice" means failure on the part of a behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician to exercise the degree of care, diligence and skill ordinarily exercised by behavior analysts, assistant behavior analysts, state certified behavior interventionists or registered behavior technicians, as applicable, in good standing in the community.***

Sec. 10. ***"Practice of applied behavior analysis" means the design, implementation and evaluation of instructional and environmental modifications based on scientific research and observations of behavior and the environment to produce socially significant improvement in human behavior, including, without limitation:***

1. The empirical identification of functional relations between environment and behavior; and

2. The use of contextual factors, motivating operations, antecedent stimuli, positive reinforcement and other procedures to help a person develop new behaviors, increase or decrease existing behaviors and engage in certain behavior under specific environmental conditions.

➥ *The term includes the provision of behavioral therapy by a behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician.*

Sec. 11. *"Professional incompetence" means lack of ability to practice applied behavior analysis safely and skillfully arising from:*

1. Lack of knowledge or training;

2. Impaired physical or mental ability; or

3. Dependence upon an alcoholic beverage as defined in NRS 202.015 or any controlled substance.

Sec. 11.5. *"Registered behavior technician" means a person who is registered as such by the Division and provides behavioral therapy under the supervision of:*

1. A licensed psychologist;

2. A licensed behavior analyst; or

3. A licensed assistant behavior analyst.

Sec. 11.7. *"State certified behavior interventionist" means a person who is certified as such by the Division and provides behavioral therapy under the supervision of:*

1. A licensed psychologist;

2. A licensed behavior analyst; or

3. A licensed assistant behavior analyst.

Sec. 12. *The provisions of this chapter do not apply to:*

1. A physician who is licensed to practice in this State;

2. A person who is licensed to practice dentistry in this State;

3. A person who is licensed as a psychologist pursuant to chapter 641 of NRS;

4. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;

5. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;

6. A person who is licensed to engage in social work pursuant to chapter 641B of NRS;

7. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive;

8. A person who is licensed as a clinical alcohol and drug abuse counselor, licensed or certified as an alcohol and drug abuse counselor or certified as an alcohol and drug abuse counselor intern, a clinical alcohol and drug abuse counselor intern, a problem gambling counselor or a problem gambling counselor intern, pursuant to chapter 641C of NRS;

9. Any member of the clergy;

10. A family member of a recipient of applied behavior analysis services who performs activities as directed by a behavior analyst or assistant behavior analyst; or

11. A person who provides applied behavior analysis services to a pupil in a public school in a manner consistent with the training and experience of the person,

➥ if such a person does not commit an act described in section 50 of this act or represent himself or herself as a behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician.

Sec. 12.3. *1. A person is not required to be licensed, certified or registered by the Division if he or she:*

(a) Provides behavior modification services or training exclusively to animals and not to natural persons;

(b) Provides generalized applied behavior analysis services to an organization but does not provide such services directly to natural persons; ~~*[or]*~~

(c) Teaches applied behavior analysis or conducts research concerning applied behavior analysis but does not provide applied behavior analysis services directly to natural persons ~~*[.]*~~ *;*

(d) Provides academic services, including, without limitation, tutoring, instructional design, curriculum production, assessment research and design, or test preparation but does not provide applied behavior analysis services directly to natural persons; or

(e) Conducts academic research relating to applied behavior analysis as a primary job responsibility but does not provide applied behavior analysis services directly to natural persons.

2. A person described in subsection 1:

(a) May refer to himself or herself as a behavior analyst; and

(b) Shall not represent or imply that he or she is licensed, certified or registered by the Division.

Sec. 12.6. *1. A person who has matriculated at an accredited college or university and is not licensed, certified or registered by the Division may practice applied behavior analysis under the direct supervision of a licensed behavior analyst as part of:*

(a) A program in applied behavior analysis offered by the college or university in which he or she is enrolled; or

(b) An internship or fellowship.

2. A person described in subsection 1:

(a) Shall clearly identify himself or herself to any person to whom he or she provides applied behavior analysis services as a student, intern, trainee or fellow; and

(b) Shall not identify himself or herself as a behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered

behavior technician, or represent or imply that he or she is licensed, certified or registered by the Division.

Sec. 13. ***1. The Division shall make and keep:***

(a) A record of all violations and prosecutions under the provisions of this chapter.

(b) A register of all licenses, certificates and registrations.

(c) A register of all holders of licenses, certificates and registrations.

2. These records must be kept in an office of the Division and, except as otherwise provided in this section, are subject to public inspection during normal working hours upon reasonable notice.

3. Except as otherwise provided in NRS 239.0115, the Division may keep the personnel records of applicants confidential.

4. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Division, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Division requesting that such documents and information be made public records.

5. The charging documents filed with the Division to initiate disciplinary action pursuant to chapter 622A of NRS and all other documents and information considered by the Division when determining whether to impose discipline are public records.

6. The provisions of this section do not prohibit the Division from communicating or cooperating with or providing any documents or other information to any licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 13.3. ***1. The Board of Applied Behavior Analysis is hereby created.***

2. The Governor shall appoint to the Board:

(a) ~~[Three]~~ Four voting members who are behavior analysts licensed in this State.

(b) ~~[One voting member who is an assistant behavior analyst licensed in this State.

~~(c)]~~ One voting member who is a representative of the general public who is interested in the practice of applied behavior analysis. This member must not be a behavior analyst or assistant behavior analyst, an applicant or a former applicant for licensure as a behavior analyst or assistant behavior analyst, a member of a health profession, the spouse or the parent or child, by blood, marriage or adoption, of a behavior analyst or assistant behavior analyst, or a member of a household that includes a behavior analyst or assistant behavior analyst.

3. ~~[The Administrator of the Division or his or her designee is an ex officio, nonvoting member of the Board.~~

~~4.~~ *After the initial term, the Governor shall appoint each member of the Board to a term of 4 years. No member of the Board may serve more than two consecutive terms.*

~~[5.]~~ *4. The Board shall hold a regular meeting at least once a year. The Board shall hold a special meeting upon a call of the President or upon the request of a majority of the members. A majority of the Board constitutes a quorum.*

~~[6.]~~ *5. At the regular annual meeting, the Board shall elect from its membership a President and a Secretary-Treasurer, who shall hold office for 1 year and until the election and qualification of their successors.*

~~[7.]~~ *6. A member of the Board or an employee or agent of the Board is not liable in a civil action for any act performed in good faith and within the scope of the duties of the Board pursuant to the provisions of this chapter.*

Sec. 13.7. *1. Each member of the Board is entitled to receive:*

(a) A salary of not more than $150 per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

3. Compensation and expenses of the members and employees of the Board are payable out of the money derived from fees paid or transmitted to the Board pursuant to the provisions of this chapter and no part thereof may be paid out of the State Treasury.

Sec. 14. *The Board may make and promulgate rules and regulations not inconsistent with the provisions of this chapter governing its procedure, the examination and licensure, certification or registration of applicants, the granting, refusal, revocation or suspension of licenses, certificates or registrations and the practice of applied behavior analysis.*

Sec. 15. *The Division shall enforce the provisions of this chapter and may, under the provisions of this chapter:*

1. Examine and pass upon the qualifications of applicants for licensure, certification and registration.

2. License, certify and register qualified applicants.

3. Conduct investigations of licensees, certificate holders and registrants.

4. Revoke or suspend licenses, certificates and registrations.

5. Collect all fees and make disbursements pursuant to this chapter.

Sec. 16. *1. The Division shall prescribe, by regulation, fees for the issuance, renewal and reinstatement of a license, certificate or registration and any other services provided by the Division pursuant to this chapter.*

The Division shall ensure, to the extent practicable, that the amount of such fees is sufficient to pay the costs incurred by the Board and the Division under the provisions of this chapter, including, without limitation, the compensation of the Board prescribed by section 13.7 of this act, and does not exceed the amount necessary to pay those costs.

2. Money received from the licensure of behavior analysts and assistant behavior analysts, certification of state certified behavior interventionists and registration of registered behavior technicians, civil penalties collected pursuant to this chapter and any appropriation, gift, grant or donation received by the Board or the Division for purposes relating to the duties of the Board or the Division under the provisions of this chapter must be deposited in a separate account in the State General Fund. The account must be administered by the Division. Money in the account must be expended solely for the purposes of this chapter and does not revert to the State General Fund. The compensation provided for by this chapter and all expenses incurred under this chapter must be paid from the money in the account.

Sec. 17. *1. A licensed behavior analyst or assistant behavior analyst, state certified behavior interventionist or registered behavior technician shall limit his or her practice of applied behavior analysis to his or her areas of competence, as documented by education, training and experience.*

2. The Board shall adopt regulations to ensure that licensed behavior analysts and assistant behavior analysts, state certified behavior interventionists and registered behavior technicians limit their practice of applied behavior analysis to their areas of competence.

Sec. 18. *In a manner consistent with the provisions of chapter 622A of NRS, the Division may hold hearings and conduct investigations related to its duties under this chapter and take evidence on any matter under inquiry before it.*

Sec. 19. *An employee or agent of the Division is not liable in a civil action for any act performed in good faith and within the scope of the duties of the Division pursuant to the provisions of this chapter.*

Sec. 20. *1. Each person desiring a license as a behavior analyst or assistant behavior analyst, certification as a state certified behavior interventionist or registration as a registered behavior technician must:*

(a) Make application to the Division upon a form and in a manner prescribed by the Division. The application must be accompanied by the application fee prescribed by the Division and include all information required to complete the application.

(b) As part of the application and at his or her own expense:

(1) Arrange to have a complete set of fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Division; and

(2) Submit to the Division:

(I) A complete set of fingerprints and written permission authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background, and to such other law enforcement agencies as the Division deems necessary for a report on the applicant's background; or

(II) Written verification, on a form prescribed by the Division, stating that the set of fingerprints of the applicant was taken and directly forwarded electronically or by other means to the Central Repository for Nevada Records of Criminal History and that the applicant provided written permission authorizing the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background, and to such other law enforcement agencies as the Division deems necessary for a report on the applicant's background.

2. The Division may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to sub-subparagraph (II) of subparagraph (2) of paragraph (b) of subsection 1, submit those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Division deems necessary; and

(b) Request from each agency to which the Division submits the fingerprints any information regarding the applicant's background as the Division deems necessary.

3. An application is not considered complete and received for purposes of evaluation pursuant to subsection 5 of section 21 of this act until the Division receives a complete set of fingerprints or verification that the fingerprints have been forwarded electronically or by other means to the Central Repository for Nevada Records of Criminal History, and written authorization from the applicant pursuant to this section.

Sec. 21. ***1. Except as otherwise provided in sections 23 and 24 of this act, each application for licensure as a behavior analyst must be accompanied by evidence satisfactory to the Division that the applicant:***

(a) Is of good moral character as determined by the Division.

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(c) Holds current certification as a Board Certified Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.

2. Each application for licensure as an assistant behavior analyst must be accompanied by evidence satisfactory to the Division that the applicant:

(a) Is of good moral character as determined by the Division.

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(c) Holds current certification as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.

3. Each application for certification as a state certified behavior interventionist must contain proof that the applicant meets the qualifications prescribed by regulation of the Board, which must be no less stringent than the requirements for registration as a Registered Behavior Technician, or an equivalent credential, by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.

4. Each application for registration as a registered behavior technician must contain proof that the applicant is registered as a Registered Behavior Technician, or an equivalent credential, by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization. The Board shall not require any additional education or training for registration as a registered behavior technician.

5. Except as otherwise provided in sections 23 and 24 of this act, within 120 days after receiving an application and the accompanying evidence from an applicant, the Division shall:

(a) Evaluate the application and accompanying evidence and determine whether the applicant is qualified pursuant to this section for licensure, certification or registration; and

(b) Issue a written statement to the applicant of its determination.

6. If the Division determines that the qualifications of the applicant are insufficient for licensure, certification or registration, the written statement issued to the applicant pursuant to subsection 5 must include a detailed explanation of the reasons for that determination.

Sec. 22. *1. In addition to any other requirements set forth in this chapter:*

(a) An applicant for the issuance of a license as a behavior analyst or assistant behavior analyst, certificate as a state certified behavior interventionist or registration as a registered behavior technician shall include the social security number of the applicant in the application submitted to the Division.

(b) An applicant for the issuance or renewal of a license as a behavior analyst or assistant behavior analyst, certificate as a state certified behavior interventionist or registration as a registered behavior technician shall submit to the Aging and Disability Services Division the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Aging and Disability Services Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license, certificate or registration; or

(b) A separate form prescribed by the Division.

3. A license as a behavior analyst or assistant behavior analyst, certificate as a state certified behavior interventionist or registration as a registered behavior technician must not be issued or renewed by the Aging and Disability Services Division if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Aging and Disability Services Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 23. *1. The Division may issue a license by endorsement as a behavior analyst to an applicant who meets the requirements set forth in this section. An applicant may submit to the Division an application for such a license if the applicant holds a corresponding valid and unrestricted license as a behavior analyst in the District of Columbia or any state or territory of the United States.*

2. An applicant for a license by endorsement pursuant to this section must submit to the Division with his or her application:

(a) Proof satisfactory to the Division that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license as a behavior analyst; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Division to forward the fingerprints in the manner provided in section 20 of this act;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fee prescribed by the Division pursuant to the regulations adopted pursuant to section 16 of this act; and

(e) Any other information required by the Division.

3. Not later than 15 business days after receiving an application for a license by endorsement as a behavior analyst pursuant to this section, the Division shall provide written notice to the applicant of any additional information required by the Division to consider the application. Unless the Division denies the application for good cause, the Division shall approve the application and issue a license by endorsement as a behavior analyst to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Division receives a report on the applicant's background based on the submission of the applicant's fingerprints,

↪ whichever occurs later.

Sec. 24. *1. The Division may issue a license by endorsement as a behavior analyst to an applicant who meets the requirements set forth in this section. An applicant may submit to the Division an application for such a license if the applicant:*

(a) Holds a corresponding valid and unrestricted license as a behavior analyst in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the spouse, widow or widower of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Division with his or her application:

(a) Proof satisfactory to the Division that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a behavior analyst; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Division to forward the fingerprints in the manner provided in section 20 of this act;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fee prescribed by the Division pursuant to the regulations adopted pursuant to section 16 of this act; and

(e) Any other information required by the Division.

3. Not later than 15 business days after receiving an application for a license by endorsement as a behavior analyst pursuant to this section, the

Division shall provide written notice to the applicant of any additional information required by the Division to consider the application. Unless the Division denies the application for good cause, the Division shall approve the application and issue a license by endorsement as a behavior analyst to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Division to complete the application; or

(b) Ten days after the Division receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Division may grant a provisional license authorizing an applicant to practice as a behavior analyst in accordance with regulations adopted by the Board.

5. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 25. ***1. To renew a license as a behavior analyst or assistant behavior analyst, certificate as a state certified behavior interventionist or registration as a registered behavior technician, each person must, on or before the first day of January of each odd-numbered year:***

(a) Apply to the Division for renewal;

(b) Pay the biennial fee for the renewal of a license, certificate or registration;

(c) Submit evidence to the Division of completion of the requirements for continuing education as set forth in regulations adopted by the Division, if applicable; and

(d) Submit all information required to complete the renewal.

2. In addition to the requirements of subsection 1, to renew a certificate as a state certified behavior interventionist or registration as a registered behavior technician for the third time and every third renewal thereafter, a person must submit to an investigation of his or her criminal history in the manner prescribed in paragraph (b) of subsection 1 of section 20 of this act.

3. The Division shall, as a prerequisite for the renewal of a license as a behavior analyst or assistant behavior analyst, require each holder to comply with the requirements for continuing education adopted by the Board, which must include, without limitation, a requirement that the holder of a license receive at least 2 hours of instruction on evidence-based suicide prevention and awareness.

4. The Board may adopt regulations requiring each state certified behavior interventionist to receive continuing education as a prerequisite for the renewal of his or her certificate.

5. The Board shall not adopt regulations requiring a registered behavior technician to receive continuing education.

Sec. 26. ***1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a license as a behavior analyst or assistant behavior analyst, certificate as a state certified behavior interventionist or registration as a registered behavior technician must indicate in the application submitted to the Division whether the applicant has a state business license. If the applicant has a state business license, the applicant must include in the application the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS.***

2. A license as a behavior analyst or assistant behavior analyst, certificate as a state certified behavior interventionist or registration as a registered behavior technician may not be renewed if:

(a) The applicant fails to submit the information required by subsection 1; or

(b) The State Controller has informed the Division pursuant to subsection 5 of NRS 353C.1965 that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

(2) Entered into an agreement for the payment of the debt pursuant to NRS 353C.130; or

(3) Demonstrated that the debt is not valid.

3. As used in this section:

(a) "Agency" has the meaning ascribed to it in NRS 353C.020.

(b) "Debt" has the meaning ascribed to it in NRS 353C.040.

Sec. 27. ***1. The license of any behavior analyst or assistant behavior analyst, the certificate of a state certified behavior interventionist or the registration of a registered behavior technician who fails to pay the biennial fee for the renewal of a license, certificate or registration within 60 days after the date it is due is automatically suspended. The Division may, within 2 years after the date the license, certificate or registration is so suspended, reinstate the license, certificate or registration upon payment to the Division of the amount of the then current biennial fee for the renewal of a license, certificate or registration and the amount of the fee for the restoration of a license, certificate or registration so suspended. If the license, certificate or registration is not reinstated within 2 years, the Division may reinstate the license, certificate or registration only if it also determines that the holder of the license, certificate or registration is competent to practice as a behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician, as applicable.***

2. A notice must be sent to any person who fails to pay the biennial fee, informing the person that his or her license, certificate or registration is suspended.

Sec. 28. (Deleted by amendment.)

Sec. 29. ***1. The Division may suspend or revoke a person's license as a behavior analyst or assistant behavior analyst, certificate as a state certified behavior interventionist or registration as a registered behavior technician, place the person on probation, require remediation for the person or take any other action specified by regulation if the Division finds by a preponderance of the evidence that the person has:***

(a) Been convicted of a felony relating to the practice of applied behavior analysis.

(b) Been convicted of any crime or offense that reflects the inability of the person to practice applied behavior analysis with due regard for the health and safety of others.

(c) Been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(d) Engaged in gross malpractice or repeated malpractice or gross negligence in the practice of applied behavior analysis.

(e) Except as otherwise provided in sections 12 and 12.6 of this act, aided or abetted practice as a behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician by a person who is not licensed, certified or registered, as applicable, by the Division.

(f) Made any fraudulent or untrue statement to the Division.

(g) Violated a regulation adopted by the Board.

(h) Had a license, certificate or registration to practice applied behavior analysis suspended or revoked or has had any other disciplinary action taken against the person by another state or territory of the United States, the District of Columbia or a foreign country, if at least one of the grounds for discipline is the same or substantially equivalent to any ground contained in this chapter.

(i) Failed to report to the Division within 30 days the revocation, suspension or surrender of, or any other disciplinary action taken against, a license, certificate or registration to practice applied behavior analysis issued to the person by another state or territory of the United States, the District of Columbia or a foreign country.

(j) Violated or attempted to violate, directly or indirectly, or assisted in or abetted the violation of or conspired to violate a provision of this chapter.

(k) Performed or attempted to perform any professional service while impaired by alcohol or drugs or by a mental or physical illness, disorder or disease.

(l) Engaged in sexual activity with a patient or client.

(m) Been convicted of abuse or fraud in connection with any state or federal program which provides medical assistance.

(n) Been convicted of submitting a false claim for payment to the insurer of a patient or client.

(o) Operated a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

2. As used in this section, "preponderance of the evidence" has the meaning ascribed to it in NRS 233B.0375.

Sec. 30. *The Board shall adopt regulations that establish grounds for disciplinary action for a licensed behavior analyst, licensed assistant behavior analyst, state certified behavior interventionist or registered behavior technician in addition to those prescribed by section 29 of this act.*

Sec. 31. *1. If the Division or a hearing officer appointed by the Division finds a person guilty in a disciplinary proceeding, the Division may:*

(a) Administer a public reprimand.

(b) Limit the person's practice.

(c) Suspend the person's license, certificate or registration for a period of not more than 1 year.

(d) Revoke the person's license, certificate or registration.

(e) Impose a fine of not more than $5,000.

(f) Revoke or suspend the person's license, certificate or registration and impose a monetary penalty.

(g) Suspend the enforcement of any penalty by placing the person on probation. The Division may revoke the probation if the person does not follow any conditions imposed.

(h) Require the person to submit to the supervision of or counseling or treatment by a person designated by the Division. The person named in the complaint is responsible for any expense incurred.

(i) Impose and modify any conditions of probation for the protection of the public or the rehabilitation of the probationer.

(j) Require the person to pay for the costs of remediation or restitution.

2. The Division shall not administer a private reprimand.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 32. *1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license, certificate or registration issued pursuant to this chapter, the Division shall deem the license, certificate or registration issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Division receives a letter issued to the holder of the license, certificate or registration by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license, certificate*

or registration has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Division shall reinstate a license, certificate or registration issued pursuant to this chapter that has been suspended by a district court pursuant to NRS 425.540 if the Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license, certificate or registration was suspended stating that the person whose license, certificate or registration was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 33. ***1. Service of process made under this chapter must be either upon the person or by registered or certified mail with return receipt requested, addressed to the person upon whom process is to be served at his or her last known address, as indicated on the records of the Division, if possible. If personal service cannot be made and if notice by mail is returned undelivered, the Division shall cause notice of hearing to be published once a week for 4 consecutive weeks in a newspaper published in the county of the last known address of the person upon whom process is to be served, or, if no newspaper is published in that county, then in a newspaper widely distributed in that county.***

2. Proof of service of process or publication of notice made under this chapter must be filed with the Division.

Sec. 34. ***1. The Division or a hearing officer may issue subpoenas to compel the attendance of witnesses and the production of books, papers, documents, the records of patients and any other article related to the practice of applied behavior analysis.***

2. If any witness refuses to attend or testify or produce any article as required by the subpoena, the Division may file a petition with the district court stating that:

(a) Due notice has been given for the time and place of attendance of the witness or the production of the required articles;

(b) The witness has been subpoenaed pursuant to this section; and

(c) The witness has failed or refused to attend or produce the articles required by the subpoena or has refused to answer questions propounded to him or her,

➥ and asking for an order of the court compelling the witness to attend and testify before the Division or a hearing officer, or produce the articles as required by the subpoena.

3. Upon such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why the witness has not attended or testified or produced the articles. A certified copy of the order must be served upon the witness.

4. If it appears to the court that the subpoena was regularly issued, the court shall enter an order that the witness appear before the Division or a hearing officer at the time and place fixed in the order and testify or produce the required articles, and upon failure to obey the order the witness must be dealt with as for contempt of court.

Sec. 35. *1. The Division, any review panel of a hospital or an association of behavior analysts, assistant behavior analysts, state certified behavior interventionists or registered behavior technicians which becomes aware that any one or a combination of the grounds for initiating disciplinary action may exist as to a person practicing applied behavior analysis in this State shall, and any other person who is so aware may, file a written complaint specifying the relevant facts with the Division.*

2. The Division shall retain all complaints filed with the Division pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 36. *When a complaint is filed with the Division, it shall review the complaint. If, from the complaint or from other official records, it appears that the complaint is not frivolous, the Division may:*

1. Retain the Attorney General to investigate the complaint; and

2. If the Division retains the Attorney General, transmit the original complaint, along with further facts or information derived from the review, to the Attorney General.

Sec. 37. *1. The Division shall conduct an investigation of each complaint filed pursuant to section 35 of this act which sets forth reason to believe that a person has violated section 48 of this act.*

2. If, after an investigation, the Division determines that a person has violated section 48 of this act, the Division:

(a) May issue and serve on the person an order to cease and desist from engaging in any activity prohibited by section 48 of this act until the person obtains the proper license, certificate or registration from the Division;

(b) May issue a citation to the person; and

(c) Shall provide a written summary of the Division's determination and any information relating to the violation to the Attorney General.

3. A citation issued pursuant to subsection 2 must be in writing and describe with particularity the nature of the violation. The citation also must inform the person of the provisions of subsection 5. Each violation of section 48 of this act constitutes a separate offense for which a separate citation may be issued.

4. For any person who violates the provisions of section 48 of this act, the Division shall assess an administrative fine of:

(a) For a first violation, $500.

(b) For a second violation, $1,000.

(c) For a third or subsequent violation, $1,500.

5. To appeal a citation issued pursuant to subsection 2, a person must submit a written request for a hearing to the Division within 30 days after the date of issuance of the citation.

Sec. 38. ***1. If the Division retains the Attorney General pursuant to section 36 of this act, the Attorney General shall conduct an investigation of a complaint transmitted to the Attorney General to determine whether it warrants proceedings for the modification, suspension or revocation of the license, certificate or registration. If the Attorney General determines that further proceedings are warranted, he or she shall report the results of the investigation together with a recommendation to the Division in a manner which does not violate the right of the person charged in the complaint to due process in any later hearing on the complaint.***

2. The Division shall promptly make a determination with respect to each complaint reported to it by the Attorney General. The Division shall:

(a) Dismiss the complaint; or

(b) Proceed with appropriate disciplinary action.

Sec. 39. ***Notwithstanding the provisions of chapter 622A of NRS, if the Division has reason to believe that the conduct of any behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician has raised a reasonable question as to competence to practice applied behavior analysis with reasonable skill and safety to patients, the Division may require the behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician to take a written or oral examination to determine whether the behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician is competent to practice applied behavior analysis. If an examination is required, the reasons therefor must be documented and made available to the behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician being examined.***

Sec. 40. ***Notwithstanding the provisions of chapter 622A of NRS, if the Division or a hearing officer issues an order suspending the license of a behavior analyst or assistant behavior analyst, certificate of a state certified behavior interventionist or registration of a registered behavior technician pending proceedings for disciplinary action and requires the behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician to submit to an examination of his or her competency to practice applied behavior analysis, the examination must be conducted and the results obtained within 60 days after the Division or hearing officer issues the order.***

Sec. 41. ***Notwithstanding the provisions of chapter 622A of NRS, if the Division receives a report pursuant to subsection 5 of NRS 228.420, a disciplinary proceeding regarding the report must be commenced within 30 days after the Division receives the report.***

Sec. 42. *Notwithstanding the provisions of chapter 622A of NRS, in any disciplinary proceeding before the Division or a hearing officer conducted under the provisions of this chapter:*

1. Proof of actual injury need not be established where the complaint charges deceptive or unethical professional conduct or practice of applied behavior analysis harmful to the public.

2. A certified copy of the record of a court or a licensing agency showing a conviction or the suspension or revocation of a license as a behavior analyst or assistant behavior analyst, certificate as a state certified behavior interventionist or registration as a registered behavior technician is conclusive evidence of its occurrence.

3. The entering of a plea of nolo contendere in a court of competent jurisdiction shall be deemed a conviction of the offense charged.

Sec. 43. *1. Any person who has been placed on probation or whose license, certificate or registration has been limited, suspended or revoked pursuant to this chapter is entitled to judicial review of the order.*

2. Every order which limits the practice of applied behavior analysis or suspends or revokes a license, certificate or registration is effective from the date the Division certifies the order until the date the order is modified or reversed by a final judgment of the court.

3. The district court shall give a petition for judicial review of the order priority over other civil matters which are not expressly given priority by law.

Sec. 44. *Notwithstanding the provisions of chapter 622A of NRS:*

1. Pending disciplinary proceedings before the Division or a hearing officer, the court may, upon application by the Division or the Attorney General, issue a temporary restraining order or a preliminary injunction to enjoin any unprofessional conduct of a behavior analyst, an assistant behavior analyst, a state certified behavior interventionist or a registered behavior technician which is harmful to the public, to limit the practice of the behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician or to suspend the license to practice as a behavior analyst or assistant behavior analyst, certificate to practice as a state certified behavior interventionist or registration to practice as a registered behavior technician without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure.

2. The disciplinary proceedings before the Division or a hearing officer must be instituted and determined as promptly as the requirements for investigation of the case reasonably allow.

Sec. 45. *1. The Division or the Attorney General may maintain in any court of competent jurisdiction a suit for an injunction against any person practicing in violation of section 50 of this act or as a behavior analyst, assistant behavior analyst, state certified behavior interventionist*

or registered behavior technician without the proper license, certificate or registration from the Division.

2. Such an injunction:

(a) May be issued without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure.

(b) Does not relieve any person from criminal prosecution for practicing without a license, certificate or registration.

Sec. 46. ***In addition to any other immunity provided by the provisions of chapter 622A of NRS, the Division, a review panel of a hospital, an association of behavior analysts, assistant behavior analysts, state certified behavior interventionists or registered behavior technicians, or any other person who or organization which initiates a complaint or assists in any lawful investigation or proceeding concerning the licensure of a behavior analyst or assistant behavior analyst, certification of a state certified behavior interventionist or registration of a registered behavior technician or the discipline of a behavior analyst, an assistant behavior analyst, a state certified behavior interventionist or a registered behavior technician for gross malpractice, repeated malpractice, professional incompetence or unprofessional conduct is immune from any civil action for that initiation or assistance or any consequential damages, if the person or organization acted without malicious intent.***

Sec. 47. ***1. Any person:***

(a) Whose practice of applied behavior analysis has been limited;

(b) Whose license, certificate or registration has been revoked; or

(c) Who has been placed on probation,

➥ by an order of the Division or a hearing officer may apply to the Division after 1 year for removal of the limitation or termination of the probation or may apply to the Division pursuant to the provisions of chapter 622A of NRS for reinstatement of the revoked license, certificate or registration.

2. In hearing the application, the Division:

(a) May require the person to submit such evidence of changed conditions and of fitness as it considers proper.

(b) Shall determine whether under all the circumstances the time of the application is reasonable.

(c) May deny the application or modify or rescind its order as it considers the evidence and the public safety warrants.

Sec. 48. ***Except as otherwise provided in sections 12, 12.3 and 12.6 of this act, a person shall not represent himself or herself as a behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician within the meaning of this chapter or engage in the practice of applied behavior analysis unless he or she is licensed, certified or registered as required by the provisions of this chapter.***

Sec. 49. ***1. A licensed assistant behavior analyst shall not provide or supervise behavioral therapy except under the supervision of:***

(a) A licensed psychologist; or

(b) A licensed behavior analyst.

2. A state certified behavior interventionist or registered behavior technician shall not provide behavioral therapy except under the supervision of:

(a) A licensed psychologist;

(b) A licensed behavior analyst; or

(c) A licensed assistant behavior analyst.

Sec. 50. ***Any person who:***

1. Presents as his or her own the diploma, license, certificate, registration or credentials of another;

2. Gives either false or forged evidence of any kind to the Division in connection with an application for a license, certificate or registration;

3. Practices applied behavior analysis under a false or assumed name or falsely personates another behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician of a like or different name;

4. Except as otherwise provided in sections 12 and 12.3 of this act, represents himself or herself as a behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician, or uses any title or description which indicates or implies that he or she is a behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician, unless he or she has been issued a license, certificate or registration as required by this chapter; or

5. Except as otherwise provided in sections 12, 12.3 and 12.6 of this act, practices as an applied behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician unless he or she has been issued a license, certificate or registration, as applicable,

➥ is guilty of a gross misdemeanor.

Sec. 51. NRS 228.420 is hereby amended to read as follows:

228.420 1. The Attorney General has primary jurisdiction to investigate and prosecute any alleged criminal violations of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, 616D.350 to 616D.440, inclusive, and any fraud in the administration of chapter 616A, 616B, 616C, 616D or 617 of NRS or in the provision of compensation required by chapters 616A to 617, inclusive, of NRS.

2. For this purpose, the Attorney General shall establish within his or her office a Fraud Control Unit for Industrial Insurance. The Unit must consist of such persons as are necessary to carry out the duties set forth in this section, including, without limitation, an attorney, an auditor and an investigator.

3. The Attorney General, acting through the Unit established pursuant to subsection 2:

(a) Is the single state agency responsible for the investigation and prosecution of any alleged criminal violations of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, 616D.350 to 616D.440, inclusive, and any fraud in the administration of chapter 616A, 616B, 616C, 616D or 617 of NRS or in the provision of compensation required by chapters 616A to 617, inclusive, of NRS;

(b) Shall cooperate with the Division of Industrial Relations of the Department of Business and Industry, self-insured employers, associations of self-insured public or private employers, private carriers and other state and federal investigators and prosecutors in coordinating state and federal investigations and prosecutions involving violations of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, 616D.350 to 616D.440, inclusive, and any fraud in the administration of chapter 616A, 616B, 616C, 616D or 617 of NRS or in the provision of compensation required by chapters 616A to 617, inclusive, of NRS;

(c) Shall protect the privacy of persons who are eligible to receive compensation pursuant to the provisions of chapter 616A, 616B, 616C, 616D or 617 of NRS and establish procedures to prevent the misuse of information obtained in carrying out this section; and

(d) May, upon request, inspect the records of any self-insured employer, association of self-insured public or private employers, or private carrier, the Division of Industrial Relations of the Department of Business and Industry and the State Contractors' Board to investigate any alleged violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, 616D.350 to 616D.440, inclusive, or any fraud in the administration of chapter 616A, 616B, 616C, 616D or 617 of NRS or in the provision of compensation required by chapters 616A to 617, inclusive, of NRS.

4. When acting pursuant to this section or NRS 228.175 or 228.410, the Attorney General may commence an investigation and file a criminal action without leave of court, and has exclusive charge of the conduct of the prosecution.

5. The Attorney General shall report the name of any person who has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, 616D.350 to 616D.440, inclusive, to the occupational board ***or other entity*** that issued the person's license or certificate to provide medical care, remedial care or other services in this State.

6. The Attorney General shall establish a toll-free telephone number for persons to report information regarding alleged violations of any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, 616D.350 to 616D.440, inclusive, and any fraud in the administration of

chapter 616A, 616B, 616C, 616D or 617 of NRS or in the provision of compensation required by chapters 616A to 617, inclusive, of NRS.

7. As used in this section:

(a) "Association of self-insured private employers" has the meaning ascribed to it in NRS 616A.050.

(b) "Association of self-insured public employers" has the meaning ascribed to it in NRS 616A.055.

(c) "Private carrier" has the meaning ascribed to it in NRS 616A.290.

(d) "Self-insured employer" has the meaning ascribed to it in NRS 616A.305.

Sec. 52. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665,

445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 13 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the

confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 53. NRS 287.0276 is hereby amended to read as follows:

287.0276 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the plan of self-insurance under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. Coverage provided under this section is subject to:

(a) A maximum benefit of the actuarial equivalent of $72,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a plan of self-insurance to the same extent as other medical services or prescription drugs covered by the policy.

3. A governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the plan of self-insurance; or

(b) Refuse to issue a plan of self-insurance or cancel a plan of self-insurance solely because the person applying for or covered by the plan of self-insurance uses or may use in the future any of the services listed in subsection 1.

4. Except as otherwise provided in subsections 1 and 2, a governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➥ A governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance may request a copy of and review a treatment plan created pursuant to this subsection.

6. A plan of self-insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the plan of self-insurance or the renewal which is in conflict with subsection 1 or 2 is void.

7. Nothing in this section shall be construed as requiring a governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance to provide reimbursement to an early intervention agency or school for services delivered through early intervention or school services.

8. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) ~~[~~"Autism behavior interventionist" means a person who is registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization, and provides behavioral therapy under the supervision of:

~~(1) A licensed psychologist;~~

~~(2) A licensed behavior analyst; or~~

~~(3) A licensed assistant behavior analyst.~~

~~(c)]~~ "Autism spectrum disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Development Disorder Not Otherwise Specified.

~~[(d)]~~ ***(c)*** "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training,

early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst ~~[or autism]~~ ***, registered*** behavior ~~[interventionist.~~

~~(e)]~~ ***technician or state certified behavior interventionist.***

(d) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

~~[(f)]~~ ***(e)*** "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

~~[(g)]~~ ***(f)*** "Licensed assistant behavior analyst" means a person who holds current certification ~~[or meets the standards to be certified]~~ as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the ~~[Board of Psychological Examiners]~~ ***Aging and Disability Services Division of the Department of Health and Human Services*** and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

~~[(h)]~~ ***(g)*** "Licensed behavior analyst" means a person who holds current certification ~~[or meets the standards to be certified]~~ as a Board Certified Behavior Analyst ~~[or a Board Certified Assistant Behavior Analyst]~~ issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization and ~~[who]~~ is licensed as a behavior analyst by the ~~[Board of Psychological Examiners.~~

~~(i)]~~ ***Aging and Disability Services Division of the Department of Health and Human Services.***

(h) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

~~[(j)]~~ ***(i)*** "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

~~[(k)]~~ ***(j)*** "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(k) "Registered behavior technician" has the meaning ascribed to it in section 11.5 of this act.

(l) "Screening for autism spectrum disorders" means all medically appropriate assessments, evaluations or tests to diagnose whether a person has an autism spectrum disorder.

(m) ***"State certified behavior interventionist" has the meaning ascribed to it in section 11.7 of this act.***

(n) "Therapeutic care" means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

~~[(n)]~~ ***(o)*** "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 54. NRS 427A.040 is hereby amended to read as follows:

427A.040 1. The Division shall, consistent with the priorities established by the Commission pursuant to NRS 427A.038:

(a) Serve as a clearinghouse for information related to problems of the aged and aging.

(b) Assist the Director in all matters pertaining to problems of the aged and aging.

(c) Develop plans, conduct and arrange for research and demonstration programs in the field of aging.

(d) Provide technical assistance and consultation to political subdivisions with respect to programs for the aged and aging.

(e) Prepare, publish and disseminate educational materials dealing with the welfare of older persons.

(f) Gather statistics in the field of aging which other federal and state agencies are not collecting.

(g) Stimulate more effective use of existing resources and available services for the aged and aging.

(h) Develop and coordinate efforts to carry out a comprehensive State Plan for Providing Services to Meet the Needs of Older Persons. In developing and revising the State Plan, the Division shall consider, among other things, the amount of money available from the Federal Government for services to aging persons and the conditions attached to the acceptance of such money, and the limitations of legislative appropriations for services to aging persons.

(i) Coordinate all state and federal funding of service programs to the aging in the State.

2. The Division shall:

(a) Provide access to information about services or programs for persons with disabilities that are available in this State.

(b) Work with persons with disabilities, persons interested in matters relating to persons with disabilities and state and local governmental agencies in:

(1) Developing and improving policies of this State concerning programs or services for persons with disabilities, including, without limitation, policies concerning the manner in which complaints relating to services provided pursuant to specific programs should be addressed; and

(2) Making recommendations concerning new policies or services that may benefit persons with disabilities.

(c) Serve as a liaison between state governmental agencies that provide services or programs to persons with disabilities to facilitate communication

and the coordination of information and any other matters relating to services or programs for persons with disabilities.

(d) Serve as a liaison between local governmental agencies in this State that provide services or programs to persons with disabilities to facilitate communication and the coordination of information and any other matters relating to services or programs for persons with disabilities. To inform local governmental agencies in this State of services and programs of other local governmental agencies in this State for persons with disabilities pursuant to this subsection, the Division shall:

(1) Provide technical assistance to local governmental agencies, including, without limitation, assistance in establishing an electronic network that connects the Division to each of the local governmental agencies that provides services or programs to persons with disabilities;

(2) Work with counties and other local governmental entities in this State that do not provide services or programs to persons with disabilities to establish such services or programs; and

(3) Assist local governmental agencies in this State to locate sources of funding from the Federal Government and other private and public sources to establish or enhance services or programs for persons with disabilities.

(e) Administer the following programs in this State that provide services for persons with disabilities:

(1) The program established pursuant to NRS 427A.791, 427A.793 and 427A.795 to provide services for persons with physical disabilities;

(2) The programs established pursuant to NRS 427A.800, 427A.850 and 427A.860 to provide services to persons with traumatic brain injuries;

(3) The program established pursuant to NRS 427A.797 to provide devices for telecommunication to persons who are deaf and persons with impaired speech or hearing;

(4) Any state program for independent living established pursuant to 29 U.S.C. §§ 796 et seq., with the Rehabilitation Division of the Department of Employment, Training and Rehabilitation acting as the designated state unit, as that term is defined in 34 C.F.R. § 364.4; and

(5) Any state program established pursuant to the Assistive Technology Act of 1998, 29 U.S.C. §§ 3001 et seq.

(f) Provide information to persons with disabilities on matters relating to the availability of housing for persons with disabilities and identify sources of funding for new housing opportunities for persons with disabilities.

(g) Before establishing policies or making decisions that will affect the lives of persons with disabilities, consult with persons with disabilities and members of the public in this State through the use of surveys, focus groups, hearings or councils of persons with disabilities to receive:

(1) Meaningful input from persons with disabilities regarding the extent to which such persons are receiving services, including, without limitation, services described in their individual service plans, and their satisfaction with those services; and

(2) Public input regarding the development, implementation and review of any programs or services for persons with disabilities.

(h) Publish and make available to governmental entities and the general public a biennial report which:

(1) Provides a strategy for the expanding or restructuring of services in the community for persons with disabilities that is consistent with the need for such expansion or restructuring;

(2) Reports the progress of the Division in carrying out the strategic planning goals for persons with disabilities identified pursuant to chapter 541, Statutes of Nevada 2001;

(3) Documents significant problems affecting persons with disabilities when accessing public services, if the Division is aware of any such problems;

(4) Provides a summary and analysis of the status of the practice of interpreting and the practice of realtime captioning, including, without limitation, the number of persons engaged in the practice of interpreting in an educational setting in each professional classification established pursuant to NRS 656A.100 and the number of persons engaged in the practice of realtime captioning in an educational setting; and

(5) Recommends strategies and, if determined necessary by the Division, legislation for improving the ability of the State to provide services to persons with disabilities and advocate for the rights of persons with disabilities.

3. The Division shall confer with the Department as the sole state agency in the State responsible for administering the provisions of this chapter and chapter 435 of NRS.

4. The Division shall administer the provisions of chapters 435 and 656A of NRS ~~[.]~~ ***and sections 2 to 50, inclusive, of this act.***

5. The Division may contract with any appropriate public or private agency, organization or institution, in order to carry out the provisions of this chapter and chapter 435 of NRS.

Sec. 55. NRS 622A.090 is hereby amended to read as follows:

622A.090 1. "Regulatory body" means:

(a) Any state agency, board or commission which has the authority to regulate an occupation or profession pursuant to this title; ~~[and]~~

(b) Any officer of a state agency, board or commission which has the authority to regulate an occupation or profession pursuant to this title ~~[.]~~ ***; and***

(c) The Aging and Disability Services Division of the Department of Health and Human Services acting pursuant to sections 2 to 50, inclusive, of this act.

2. The term does not include any regulatory body which is exempted from the provisions of this chapter pursuant to NRS 622A.120, unless the regulatory body makes an election pursuant to that section to follow the provisions of this chapter.

Sec. 56. NRS 641.020 is hereby amended to read as follows:

641.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~[641.0202]~~ ***641.021*** to 641.027, inclusive, ~~[and 689A.0435]~~ have the meanings ascribed to them in those sections.

Sec. 57. NRS 641.029 is hereby amended to read as follows:

641.029 The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;

2. A person who is licensed to practice dentistry in this State;

3. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;

4. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;

5. A person who is licensed to engage in social work pursuant to chapter 641B of NRS;

6. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive;

7. A person who is licensed as a clinical alcohol and drug abuse counselor, licensed or certified as an alcohol and drug abuse counselor or certified as an alcohol and drug abuse counselor intern, a clinical alcohol and drug abuse counselor intern, a problem gambling counselor or a problem gambling counselor intern, pursuant to chapter 641C of NRS; ~~[or]~~

8. ***A person who is licensed as a behavior analyst or an assistant behavior analyst, certified as a state certified behavior interventionist or registered as a registered behavior technician pursuant to sections 2 to 50, inclusive, of this act, while engaged in the practice of applied behavior analysis as defined in section 10 of this act; or***

9. Any member of the clergy,

➥ if such a person does not commit an act described in NRS 641.440 or represent himself or herself as a psychologist.

Sec. 58. NRS 641.030 is hereby amended to read as follows:

641.030 The Board of Psychological Examiners, consisting of ~~[seven]~~ ***six*** members appointed by the Governor, is hereby created.

Sec. 59. NRS 641.040 is hereby amended to read as follows:

641.040 1. The Governor shall appoint to the Board:

(a) Four members who are licensed psychologists in the State of Nevada with at least 5 years of experience in the practice of psychology after being licensed.

(b) ~~[One member who is a licensed behavior analyst in the State of Nevada.~~

~~(c)]~~ One member who has resided in this State for at least 5 years and who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care.

~~[(d)]~~ ***(c)*** One member who is a representative of the general public.

2. A person is not eligible for appointment unless he or she is:

(a) A citizen of the United States; and

(b) A resident of the State of Nevada.

3. The member who is a representative of the general public must not be a psychologist, an applicant or a former applicant for licensure as a psychologist, a member of a health profession, the spouse or the parent or child, by blood, marriage or adoption, of a psychologist, or a member of a household that includes a psychologist.

4. Board members must not have any conflicts of interest or the appearance of such conflicts in the performance of their duties as members of the Board.

Sec. 60. NRS 641.100 is hereby amended to read as follows:

641.100 The Board may make and promulgate rules and regulations not inconsistent with the provisions of this chapter governing its procedure, the examination and licensure of applicants, the granting, refusal, revocation or suspension of licenses ~~[,]~~ ***and*** the practice of psychology **.** ~~[and the practice of applied behavior analysis.]~~

Sec. 61. NRS 641.160 is hereby amended to read as follows:

641.160 1. Each person desiring a license must:

(a) Make application to the Board upon a form, and in a manner, prescribed by the Board. The application must be accompanied by the application fee prescribed by the Board and include all information required to complete the application.

(b) As part of the application and at his or her own expense:

(1) Arrange to have a complete set of fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Board; and

(2) Submit to the Board:

(I) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background, and to such other law enforcement agencies as the Board deems necessary for a report on the applicant's background; or

(II) Written verification, on a form prescribed by the Board, stating that the set of fingerprints of the applicant was taken and directly forwarded electronically or by other means to the Central Repository for Nevada Records of Criminal History and that the applicant provided written permission authorizing the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background, and to such other law enforcement agencies as the Board deems necessary for a report on the applicant's background.

2. The Board may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to sub-subparagraph (II) of subparagraph (2) of paragraph (b) of subsection 1,

submit those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Board deems necessary; and

(b) Request from each agency to which the Board submits the fingerprints any information regarding the applicant's background as the Board deems necessary.

3. An application is not considered complete and received for purposes of evaluation pursuant to subsection ~~[4]~~ ***2*** of NRS 641.170 until the Board receives a complete set of fingerprints or verification that the fingerprints have been forwarded electronically or by other means to the Central Repository for Nevada Records of Criminal History, and written authorization from the applicant pursuant to this section.

Sec. 62. NRS 641.170 is hereby amended to read as follows:

641.170 1. Except as otherwise provided in NRS 641.195 and 641.196, each application for licensure as a psychologist must be accompanied by evidence satisfactory to the Board that the applicant:

(a) Is at least 21 years of age.

(b) Is of good moral character as determined by the Board.

(c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.

(d) Has earned a doctorate in psychology from an accredited educational institution approved by the Board, or has other doctorate-level training from an accredited educational institution deemed equivalent by the Board in both subject matter and extent of training.

(e) Has at least 2 years of experience satisfactory to the Board, 1 year of which must be postdoctoral experience in accordance with the requirements established by regulations of the Board.

2. ~~[Except as otherwise provided in NRS 641.195 and 641.196, each application for licensure as a behavior analyst must be accompanied by evidence satisfactory to the Board that the applicant:~~

~~(a) Is at least 21 years of age.~~

~~(b) Is of good moral character as determined by the Board.~~

~~(c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.~~

~~(d) Has earned a master's degree from an accredited college or university in a field of social science or special education and holds a current certification as a Board Certified Behavior Analyst by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.~~

~~(e) Has completed other education, training or experience in accordance with the requirements established by regulations of the Board.~~

~~(f) Has completed satisfactorily a written examination in Nevada law and ethical practice as administered by the Board.~~

~~3. Each application for licensure as an assistant behavior analyst must be accompanied by evidence satisfactory to the Board that the applicant:~~

~~(a) Is at least 21 years of age.~~

~~(b) Is of good moral character as determined by the Board.~~

~~(c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.~~

~~(d) Has earned a bachelor's degree from an accredited college or university in a field of social science or special education approved by the Board and holds a current certification as a Board Certified Behavior Analyst by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.~~

~~(e) Has completed other education, training or experience in accordance with the requirements established by regulations of the Board.~~

~~(f) Has completed satisfactorily a written examination in Nevada law and ethical practice as administered by the Board.~~

~~4.~~**]** Except as otherwise provided in NRS 641.195 and 641.196, within 120 days after receiving an application and the accompanying evidence from an applicant, the Board shall:

(a) Evaluate the application and accompanying evidence and determine whether the applicant is qualified pursuant to this section for licensure; and

(b) Issue a written statement to the applicant of its determination.

[~~5.~~**]** ***3.*** The written statement issued to the applicant pursuant to subsection **[**~~4~~**]** ***2*** must include:

(a) If the Board determines that the qualifications of the applicant are insufficient for licensure, a detailed explanation of the reasons for that determination.

(b) If the applicant for licensure as a psychologist has not earned a doctorate in psychology from an accredited educational institution approved by the Board and the Board determines that the doctorate-level training from an accredited educational institution is not equivalent in subject matter and extent of training, a detailed explanation of the reasons for that determination.

Sec. 63. NRS 641.195 is hereby amended to read as follows:

641.195 1. The Board may issue a license by endorsement as a psychologist **[**~~or behavior analyst~~**]** to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as a psychologist **[**~~or behavior analyst, as applicable,~~**]** in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in

which the applicant currently holds or has held a license as a psychologist ***;*** ~~[or behavior analyst, as applicable;]~~ and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641.160;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fee prescribed by the Board pursuant to NRS 641.228 for the issuance of an initial license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as a psychologist ~~[or behavior analyst]~~ pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as a psychologist ~~[or behavior analyst, as applicable,]~~ to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement as a psychologist ~~[or behavior analyst]~~ may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 64. NRS 641.196 is hereby amended to read as follows:

641.196 1. The Board may issue a license by endorsement as a psychologist ~~[or behavior analyst]~~ to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license as a psychologist ~~[or behavior analyst, as applicable,]~~ in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in

which the applicant holds a license as a psychologist ***;*** ~~[or behavior analyst, as applicable;]~~ and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641.160;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fee prescribed by the Board pursuant to NRS 641.228 for the issuance of an initial license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as a psychologist ~~[or behavior analyst]~~ pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as a psychologist ~~[or behavior analyst, as applicable,]~~ to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement as a psychologist ~~[or behavior analyst]~~ may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a psychologist ~~[or behavior analyst, as applicable,]~~ in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 65. NRS 641.228 is hereby amended to read as follows:

641.228 1. The Board shall charge and collect not more than the following fees respectively:

For the national examination, in addition to the actual cost to the Board of the examination	$100
For any other examination required pursuant to the provisions of subsection 1 of NRS 641.180, in addition to the actual costs to the Board of the examination	100
For the issuance of an initial license, including a license by endorsement	25
For the biennial renewal of a license of a psychologist	500

~~[For the biennial renewal of a license of a licensed behavior analyst ..... 400~~
~~For the biennial renewal of a license of a licensed assistant behavior analyst ..... 275]~~
For the restoration of a license suspended for the nonpayment of the biennial fee for the renewal of a license..... 100
For the registration of a firm, partnership or corporation which engages in or offers to engage in the practice of psychology 300
For the registration of a nonresident to practice as a consultant 100

2. An applicant who passes the national examination and any other examination required pursuant to the provisions of subsection 1 of NRS 641.180 and who is eligible for a license as a psychologist shall pay the biennial fee for the renewal of a license, which must be prorated for the period from the date the license is issued to the end of the biennium.

3. ~~[An applicant who passes the examination and is eligible for a license as a behavior analyst or assistant behavior analyst shall pay the biennial fee for the renewal of a license, which must be prorated for the period from the date the license is issued to the end of the biennium.~~

~~4.]~~ Except as otherwise provided in subsections ~~[5]~~ ***4*** and ~~[6]~~ ***5*** and NRS 641.195, in addition to the fees set forth in subsection 1, the Board may charge and collect a fee for the expedited processing of a request or for any other incidental service it provides. The fee must not exceed the cost to provide the service.

~~[5.]~~ ***4.*** If an applicant submits an application for a license by endorsement pursuant to NRS 641.195, the Board shall charge and collect not more than the fee specified in subsection 1 for the issuance of an initial license.

~~[6.]~~ ***5.*** If an applicant submits an application for a license by endorsement pursuant to NRS 641.196, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license.

Sec. 66. NRS 641.230 is hereby amended to read as follows:

641.230 1. The Board may suspend or revoke a person's license as a psychologist, ~~[behavior analyst or assistant behavior analyst,]~~ place the person on probation, require remediation for the person or take any other action specified by regulation if the Board finds by a preponderance of the evidence that the person has:

(a) Been convicted of a felony relating to the practice of psychology ***.*** ~~[or the practice of applied behavior analysis.]~~

(b) Been convicted of any crime or offense that reflects the inability of the person to practice psychology ~~[or applied behavior analysis]~~ with due regard for the health and safety of others.

(c) Been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(d) Engaged in gross malpractice or repeated malpractice or gross negligence in the practice of psychology **.** ~~[or the practice of applied behavior analysis.]~~

(e) Aided or abetted the practice of psychology by a person not licensed by the Board.

(f) Made any fraudulent or untrue statement to the Board.

(g) Violated a regulation adopted by the Board.

(h) Had a license to practice psychology ~~[or a license or certificate to practice applied behavior analysis]~~ suspended or revoked or has had any other disciplinary action taken against the person by another state or territory of the United States, the District of Columbia or a foreign country, if at least one of the grounds for discipline is the same or substantially equivalent to any ground contained in this chapter.

(i) Failed to report to the Board within 30 days the revocation, suspension or surrender of, or any other disciplinary action taken against, a license or certificate to practice psychology ~~[or applied behavior analysis]~~ issued to the person by another state or territory of the United States, the District of Columbia or a foreign country.

(j) Violated or attempted to violate, directly or indirectly, or assisted in or abetted the violation of or conspired to violate a provision of this chapter.

(k) Performed or attempted to perform any professional service while impaired by alcohol, drugs or by a mental or physical illness, disorder or disease.

(l) Engaged in sexual activity with a patient or client.

(m) Been convicted of abuse or fraud in connection with any state or federal program which provides medical assistance.

(n) Been convicted of submitting a false claim for payment to the insurer of a patient or client.

(o) Operated a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

2. As used in this section, "preponderance of the evidence" has the meaning ascribed to it in NRS 233B.0375.

Sec. 67. NRS 689A.0435 is hereby amended to read as follows:

689A.0435 1. A health benefit plan must provide an option of coverage for screening for and diagnosis of autism spectrum disorders and for

treatment of autism spectrum disorders for persons covered by the policy under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. Optional coverage provided pursuant to this section must be subject to:

(a) A maximum benefit of not less than the actuarial equivalent of $72,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusions or limitations of a policy of health insurance to the same extent as other medical services or prescription drugs covered by the policy.

3. A health benefit plan that offers or issues a policy of health insurance which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for optional coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the policy; or

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use in the future any of the services listed in subsection 1.

4. Except as otherwise provided in subsections 1 and 2, an insurer who offers optional coverage pursuant to subsection 1 shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➥ An insurer may request a copy of and review a treatment plan created pursuant to this subsection.

6. Nothing in this section shall be construed as requiring an insurer to provide reimbursement to an early intervention agency or school for services delivered through early intervention or school services.

7. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) ~~[~~"Autism behavior interventionist" means a person who is registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization, and provides behavioral therapy under the supervision of:

(1) A licensed psychologist;

(2) A licensed behavior analyst; or

(3) A licensed assistant behavior analyst.

(c)~~]~~ "Autism spectrum disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.

~~[~~(d)~~]~~ ***(c)*** "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst ~~[~~or autism~~]~~ ***, registered*** behavior ~~[~~interventionist.

(e)~~]~~ ***technician or state certified behavior interventionist.***

(d) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

~~[~~(f)~~]~~ ***(e)*** "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

~~[~~(g)~~]~~ ***(f)*** "Licensed assistant behavior analyst" means a person who holds current certification ~~[~~or meets the standards to be certified~~]~~ as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the ~~[~~Board of Psychological Examiners~~]~~ ***Aging and Disability Services Division of the Department of Health and Human Services*** and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

~~[~~(h)~~]~~ ***(g)*** "Licensed behavior analyst" means a person who holds current certification ~~[~~or meets the standards to be certified~~]~~ as a Board Certified Behavior Analyst ~~[~~or a Board Certified Assistant Behavior Analyst~~]~~ issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, and ~~[~~who~~]~~ is licensed as a behavior analyst by the ~~[~~Board of Psychological Examiners.

(i)~~]~~ ***Aging and Disability Services Division of the Department of Health and Human Services.***

(h) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

~~[~~(j)~~]~~ ***(i)*** "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

~~[(k)]~~ ***(j)*** "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(k) "Registered behavior technician" has the meaning ascribed to it in section 11.5 of this act.

(l) "Screening for autism spectrum disorders" means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) ***"State certified behavior interventionist" has the meaning ascribed to it in section 11.7 of this act.***

(n) "Therapeutic care" means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

~~[(n)]~~ ***(o)*** "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 68. NRS 689B.0335 is hereby amended to read as follows:

689B.0335 1. A health benefit plan must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the policy of group health insurance under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. Coverage provided under this section is subject to:

(a) A maximum benefit of the actuarial equivalent of $72,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a policy of group health insurance to the same extent as other medical services or prescription drugs covered by the policy.

3. A health benefit plan that offers or issues a policy of group health insurance which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the policy; or

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use in the future any of the services listed in subsection 1.

4. Except as otherwise provided in subsections 1 and 2, an insurer shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or

rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➥ An insurer may request a copy of and review a treatment plan created pursuant to this subsection.

6. A policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with subsection 1 or 2 is void.

7. Nothing in this section shall be construed as requiring an insurer to provide reimbursement to an early intervention agency or school for services delivered through early intervention or school services.

8. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) ~~[~~"Autism behavior interventionist" means a person who is registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization, and provides behavioral therapy under the supervision of:

~~(1) A licensed psychologist;~~

~~(2) A licensed behavior analyst; or~~

~~(3) A licensed assistant behavior analyst.~~

~~(c)]~~ "Autism spectrum disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.

~~[(d)]~~ ***(c)*** "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst ~~[or autism]~~ ***, registered*** behavior ~~[interventionist.~~

~~(e)]~~ ***technician or state certified behavior interventionist.***

(d) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

~~[(f)]~~ ***(e)*** "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

~~[(g)]~~ ***(f)*** "Licensed assistant behavior analyst" means a person who holds current certification ~~[or meets the standards to be certified]~~ as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the ~~[Board of Psychological Examiners]~~ ***Aging and Disability Services Division of the Department of Health and Human Services*** and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

~~[(h)]~~ ***(g)*** "Licensed behavior analyst" means a person who holds current certification ~~[or meets the standards to be certified]~~ as a Board Certified Behavior Analyst ~~[or a Board Certified Assistant Behavior Analyst]~~ issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization and ~~[who]~~ is licensed as a behavior analyst by the ~~[Board of Psychological Examiners.~~

~~(i)]~~ ***Aging and Disability Services Division of the Department of Health and Human Services.***

(h) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

~~[(j)]~~ ***(i)*** "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

~~[(k)]~~ ***(j)*** "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(k) "Registered behavior technician" has the meaning ascribed to it in section 11.5 of this act.

(l) "Screening for autism spectrum disorders" means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) ***"State certified behavior interventionist" has the meaning ascribed to it in section 11.7 of this act.***

(n) "Therapeutic care" means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

~~[(n)]~~ ***(o)*** "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 69. NRS 689C.1655 is hereby amended to read as follows:

689C.1655 1. A health benefit plan must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the health benefit plan

under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. Coverage provided under this section is subject to:

(a) A maximum benefit of the actuarial equivalent of $72,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a health benefit plan to the same extent as other medical services or prescription drugs covered by the plan.

3. A health benefit plan that offers or issues a policy of group health insurance which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the plan; or

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use in the future any of the services listed in subsection 1.

4. Except as otherwise provided in subsections 1 and 2, a carrier shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➥ A carrier may request a copy of and review a treatment plan created pursuant to this subsection.

6. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with subsection 1 or 2 is void.

7. Nothing in this section shall be construed as requiring a carrier to provide reimbursement to an early intervention agency or school for services delivered through early intervention or school services.

8. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation,

measurement and functional analysis of the relations between environment and behavior.

(b) ~~[~~"Autism behavior interventionist" means a person who is registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization, and provides behavioral therapy under the supervision of:

~~(1) A licensed psychologist;~~

~~(2) A licensed behavior analyst; or~~

~~(3) A licensed assistant behavior analyst.~~

~~(c)]~~ "Autism spectrum disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.

~~[(d)]~~ ***(c)*** "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst ~~[or autism]~~ ***, registered*** behavior ~~[interventionist.~~

~~(e)]~~ ***technician or state certified behavior interventionist.***

(d) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

~~[(f)]~~ ***(e)*** "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

~~[(g)]~~ ***(f)*** "Licensed assistant behavior analyst" means a person who holds current certification ~~[or meets the standards to be certified]~~ as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the ~~[Board of Psychological Examiners]~~ ***Aging and Disability Services Division of the Department of Health and Human Services*** and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

~~[(h)]~~ ***(g)*** "Licensed behavior analyst" means a person who holds current certification ~~[or meets the standards to be certified]~~ as a Board Certified Behavior Analyst ~~[or a Board Certified Assistant Behavior Analyst]~~ issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization and ~~[who]~~ is licensed as a behavior analyst by the ~~[Board of Psychological Examiners.~~

~~(i)]~~ ***Aging and Disability Services Division of the Department of Health and Human Services.***

(h) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

~~[(j)]~~ ***(i)*** "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

~~[(k)]~~ ***(j)*** "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(k) "Registered behavior technician" has the meaning ascribed to it in section 11.5 of this act.

(l) "Screening for autism spectrum disorders" means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) ***"State certified behavior interventionist" has the meaning ascribed to it in section 11.7 of this act.***

(n) "Therapeutic care" means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

~~[(n)]~~ ***(o)*** "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 70. NRS 695C.1717 is hereby amended to read as follows:

695C.1717 1. A health care plan issued by a health maintenance organization must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the health care plan under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. Coverage provided under this section is subject to:

(a) A maximum benefit of the actuarial equivalent of $72,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a health care plan to the same extent as other medical services or prescription drugs covered by the plan.

3. A health care plan issued by a health maintenance organization that provides coverage for outpatient care shall not:

(a) Require an enrollee to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the plan; or

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use in the future any of the services listed in subsection 1.

4. Except as otherwise provided in subsections 1 and 2, a health maintenance organization shall not limit the number of visits an enrollee may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or

rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➥ A health maintenance organization may request a copy of and review a treatment plan created pursuant to this subsection.

6. Evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with subsection 1 or 2 is void.

7. Nothing in this section shall be construed as requiring a health maintenance organization to provide reimbursement to an early intervention agency or school for services delivered through early intervention or school services.

8. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) ~~[~~"Autism behavior interventionist" means a person who is registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization, and provides behavioral therapy under the supervision of:

~~(1) A licensed psychologist;~~

~~(2) A licensed behavior analyst; or~~

~~(3) A licensed assistant behavior analyst.~~

~~(c)]~~ "Autism spectrum disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.

~~[(d)]~~ ***(c)*** "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst ~~[or autism]~~ ***, registered*** behavior ~~[interventionist.~~

~~(e)]~~ ***technician or state certified behavior interventionist.***

(d) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

~~[(f)]~~ ***(e)*** "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

~~[(g)]~~ ***(f)*** "Licensed assistant behavior analyst" means a person who holds current certification ~~[or meets the standards to be certified]~~ as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the ~~[Board of Psychological Examiners]~~ ***Aging and Disability Services Division of the Department of Health and Human Services*** and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

~~[(h)]~~ ***(g)*** "Licensed behavior analyst" means a person who holds current certification ~~[or meets the standards to be certified]~~ as a Board Certified Behavior Analyst ~~[or a Board Certified Assistant Behavior Analyst]~~ issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization and ~~[who]~~ is licensed as a behavior analyst by the ~~[Board of Psychological Examiners.~~

~~(i)]~~ ***Aging and Disability Services Division of the Department of Health and Human Services.***

(h) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

~~[(j)]~~ ***(i)*** "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

~~[(k)]~~ ***(j)*** "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(k) "Registered behavior technician" has the meaning ascribed to it in section 11.5 of this act.

(l) "Screening for autism spectrum disorders" means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) ***"State certified behavior interventionist" has the meaning ascribed to it in section 11.7 of this act.***

(n) "Therapeutic care" means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

~~[(n)]~~ ***(o)*** "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 71. NRS 695G.1645 is hereby amended to read as follows:

695G.1645 1. A health care plan issued by a managed care organization for group coverage must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the health care plan under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. A health care plan issued by a managed care organization for individual coverage must provide an option for coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the health care plan under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

3. Coverage provided under this section is subject to:

(a) A maximum benefit of the actuarial equivalent of $72,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a health care plan to the same extent as other medical services or prescription drugs covered by the plan.

4. A managed care organization that offers or issues a health care plan which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the plan; or

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use in the future any of the services listed in subsection 1.

5. Except as otherwise provided in subsections 1, 2 and 3, a managed care organization shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

6. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➥ A managed care organization may request a copy of and review a treatment plan created pursuant to this subsection.

7. An evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2011, has the legal effect of including the coverage required by subsection 1, and any

provision of the evidence of coverage or the renewal which is in conflict with subsection 1 or 3 is void.

8. Nothing in this section shall be construed as requiring a managed care organization to provide reimbursement to an early intervention agency or school for services delivered through early intervention or school services.

9. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) ~~[~~"Autism behavior interventionist" means a person who is registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization, and provides behavioral therapy under the supervision of:

~~(1) A licensed psychologist;~~

~~(2) A licensed behavior analyst; or~~

~~(3) A licensed assistant behavior analyst.~~

~~(c)~~~~]~~ "Autism spectrum disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.

~~[(d)]~~ ***(c)*** "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst ~~[or autism]~~ ***, registered*** behavior ~~[interventionist.~~

~~(e)]~~ ***technician or state certified behavior interventionist.***

(d) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

~~[(f)]~~ ***(e)*** "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

~~[(g)]~~ ***(f)*** "Licensed assistant behavior analyst" means a person who holds current certification ~~[or meets the standards to be certified]~~ as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the ~~[Board of Psychological Examiners]~~ ***Aging and Disability Services Division of the Department of Health and Human Services*** and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

~~[(h)]~~ ***(g)*** "Licensed behavior analyst" means a person who holds current certification ~~[or meets the standards to be certified]~~ as a Board Certified Behavior Analyst ~~[or a Board Certified Assistant Behavior Analyst]~~ issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization and ~~[who]~~ is licensed as a behavior analyst by the ~~[Board of Psychological Examiners.~~

~~(i)]~~ ***Aging and Disability Services Division of the Department of Health and Human Services.***

(h) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

~~[(j)]~~ ***(i)*** "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

~~[(k)]~~ ***(j)*** "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(k) "Registered behavior technician" has the meaning ascribed to it in section 11.5 of this act.

(l) "Screening for autism spectrum disorders" means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) ***"State certified behavior interventionist" has the meaning ascribed to it in section 11.7 of this act.***

(n) "Therapeutic care" means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

~~[(n)]~~ ***(o)*** "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 72. Section 25 of this act is hereby amended to read as follows:

Sec. 25. 1. To renew a license as a behavior analyst or assistant behavior analyst, certificate as a state certified behavior interventionist or registration as a registered behavior technician, each person must, on or before the first day of January of each odd-numbered year:

(a) Apply to the Division for renewal;

(b) Pay the biennial fee for the renewal of a license, certificate or registration;

(c) Submit evidence to the Division of completion of the requirements for continuing education as set forth in regulations adopted by the Division, if applicable; and

(d) Submit all information required to complete the renewal.

2. In addition to the requirements of subsection 1, to renew a certificate as a state certified behavior interventionist or registration as a registered behavior technician for the third time and every third renewal thereafter, a person must submit to an investigation of his or her criminal

history in the manner prescribed in paragraph (b) of subsection 1 of section 20 of this act.

3. The Division shall, as a prerequisite for the renewal of a license as a behavior analyst or assistant behavior analyst, require each holder to comply with the requirements for continuing education adopted by the Board **. [**~~, which must include, without limitation, a requirement that the holder of a license receive at least 2 hours of instruction on evidence-based suicide prevention and awareness.~~**]**

4. The Board may adopt regulations requiring each state certified behavior interventionist to receive continuing education as a prerequisite for the renewal of his or her certificate.

5. The Board shall not adopt regulations requiring a registered behavior technician to receive continuing education.

Sec. 73. Notwithstanding the amendatory provisions of this act:

1. Any disciplinary or other administrative action taken against a behavior analyst or assistant behavior analyst by the Board of Psychological Examiners remains in effect as if taken by the Aging and Disability Services Division of the Department of Health and Human Services.

2. A license that is valid on January 1, 2019, and that was issued by the Board of Psychological Examiners:

(a) Shall be deemed to be issued by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Remains valid until its date of expiration, if the holder of the license otherwise remains qualified for the issuance or renewal of the license on or after January 1, 2019.

Sec. 74. 1. The term of the member of the Board of Psychological Examiners appointed to the Board pursuant to paragraph (b) of subsection 1 of NRS 641.040 who is incumbent on December 31, 2018, expires on that date.

2. As soon as practicable on or after January 1, 2019, the Governor shall appoint to the Board of Applied Behavior Analysis created by section 13.3 of this act:

(a) **[**~~One member~~**]** **Two members** described in paragraph (a) of subsection 2 of section 13.3 of this act **[**~~and the member described in paragraph (b) of that subsection~~**]** to terms that expire on January 1, 2021; and

(b) Two members described in paragraph (a) of subsection 2 of section 13.3 of this act and the member described in paragraph **[**~~(c)~~**]** **(b)** of that subsection to terms that expire on January 1, 2023.

Sec. 75. 1. Notwithstanding the amendatory provisions of sections 14, 17, 21, 24, 25, 29, 30, 60, 62 and 64 of this act transferring authority to adopt regulations from the Board of Psychological Examiners to the Board of Applied Behavior Analysis created by section 13.3 of this act, any regulations adopted by the Board of Psychological Examiners that do not conflict with the provisions of this act remain in effect and may be enforced

by the Aging and Disability Services Division of the Department of Health and Human Services until the Board of Applied Behavior Analysis adopts regulations to repeal or replace those regulations.

2. Any regulations adopted by the Board of Psychological Examiners that conflict with the provisions of this act are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after January 1, 2019.

Sec. 76. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately the name of any agency, officer or instrumentality of the State whose name is changed by this act for the name which the agency, officer or instrumentality previously used; and

2. In preparing supplements to the Nevada Administrative Code, substitute appropriately the name of any agency, officer or instrumentality of the State whose name is changed by this act for the name which the agency, officer or instrumentality previously used.

Sec. 77. NRS 641.0202, 641.0204, 641.0206, 641.0247, 641.232 and 641.395 are hereby repealed.

Sec. 78. 1. This section and section 74 of this act become effective upon passage and approval.

2. Sections 1 to 71, inclusive, 73, 75, 76 and 77 of this act become effective on January 1, 2019.

3. Section 72 of this act becomes effective on July 1, 2026.

4. Sections 22 and 32 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

LEADLINES OF REPEALED SECTIONS

641.0202 "Assistant behavior analyst" defined.

641.0204 "Autism behavior interventionist" defined.

641.0206 "Behavior analyst" defined.

641.0247 "Practice of applied behavior analysis" defined.

641.232 Grounds for disciplinary action for licensed behavior analysts and licensed assistant behavior analysts: Regulations.

641.395 Licensed assistant behavior analysts and autism behavior interventionists: Limitations on practice.

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 490.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Senate Bill 490 makes the Foreclosure Mediation Program permanent, requires that the program be administered by Home Means Nevada, and sets forth the specific functions.

Roll call on Senate Bill No. 490:

YEAS—28.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Titus, Tolles, Wheeler, Woodbury—14.

Senate Bill No. 490 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 235.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1149.

AN ACT relating to trade practices; making certain sales of tickets a deceptive trade practice; regulating the manner in which tickets to an athletic contest or live entertainment event may be sold in certain circumstances; ~~[requiring certain disclosures to be made by resellers of tickets to an athletic contest or live entertainment event;]~~ prohibiting the use of an Internet robot for certain purposes relating to ticket sales; ~~[limiting local governments and political subdivisions from certain regulation of ticket sales;]~~ providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a number of deceptive trade practices, including, without limitation, pyramid schemes and violations of requirements relating to charitable solicitations, sales promotions, door-to-door sales and grant writing services. (NRS 598.110, 598.1305, 598.139, 598.2801, 598.595) Existing law authorizes the Attorney General, the Commissioner of Consumer Affairs and the Director of the Department of Business and Industry to investigate and prosecute deceptive trade practices, which may include, without limitation, criminal prosecution or the imposition of certain civil penalties. (NRS 598.0903-598.0999) **Section 2** of this bill makes a knowing violation of the provisions of this bill relating to ticket sales a deceptive trade practice subject to enforcement as such. ~~[Section 18 of this bill requires the Bureau of Consumer Protection in the Office of the Attorney General to establish a toll-free statewide hotline and an Internet website by~~

~~which a person may file a complaint relating to a suspected violation of this bill.]~~ **Sections 19-29** of this bill make conforming changes.

~~[Section 13 of this bill specifies which type of resellers are subject to the provisions of this bill.]~~ **Section 14** of this bill ~~[requires a reseller who sells tickets to an athletic contest or live entertainment event on an Internet website to inform a ticket purchaser that the reseller has not been sanctioned to resell tickets to the athletic contest or live entertainment event for which tickets are being offered by an authorized person associated with the contest or event. Section 14 also]~~ prohibits a reseller**, a secondary ticket exchange or any affiliate of a reseller or secondary ticket exchange** from: (1) displaying a trademarked or copyrighted Internet website address or a title, designation, image, mark or other symbol on the Internet website of the reseller without the consent of the trademark or copyright holder; or (2) creating an Internet website that is substantially similar to the Internet website of an entertainment facility, athletic contest or live entertainment event without permission.

Section 15 of this bill ~~[requires a reseller to make certain disclosures to a ticket purchaser before completing the resale, including: (1) the amount to be paid by the ticket purchaser for the ticket; (2) the location of any seat associated with the ticket; and (3) the right of the purchaser to a refund if an athletic contest or live entertainment event is cancelled and not rescheduled. Section 15 further authorizes a reseller to only resell tickets at his or her registered office, established place of business or Internet website and prohibits a reseller from reselling tickets to an athletic contest or live entertainment event before the date for such contest or event has been officially announced, except in certain circumstances. Section 15 prohibits a reseller from reselling a ticket unless the ticket is in the actual possession of the reseller and is immediately available for delivery to the ticket purchaser, except in certain circumstances. Section 15 also places various other restrictions on the sale of tickets by a reseller. Section 15.5 of this bill prohibits a local government or political subdivision from further regulating the sale of tickets, except that a local government or political subdivision may require licensure, collect fees, limit the location of sales and provide for private enforcement.]~~ **prohibits a reseller from: (1) reselling or offering for sale more than one copy of the same ticket to an athletic contest or live entertainment event; or (2) employing another person directly or indirectly to wait in line to purchase tickets for the purpose of reselling the tickets if the practice is prohibited by the sponsor, organizer or promoter of the athletic contest or live entertainment event or if the venue at which the athletic contest or live entertainment event will occur has posted a policy prohibiting the practice.**

Section 6.5 of this bill defines "Internet robot" as a software application that attempts to complete or completes an automated transaction on an Internet website. **Section 16** prohibits the use of an Internet robot for the purposes of circumventing the ticket purchasing process on an Internet

website or to disguise the identity of the ticket purchaser in order to obtain a greater quantity of tickets than authorized.

Section ~~[16 also]~~ **16.5** of this bill authorizes a person injured by ~~[the use of an Internet robot in]~~ **a** violation of ~~[these]~~ **any of the** provisions **of this bill** to bring a civil action to seek: (1) declaratory and injunctive relief; and (2) actual damages or $100, whichever is greater.

~~[Section 13 of this bill exempts a person from the requirements of this bill if such a person: (1) resells tickets which were obtained for personal use; or (2) is authorized to do so pursuant to section 5 of this bill.]~~ **Section 17** provides that a violation of any of the provisions of this bill is a misdemeanor unless a greater penalty is otherwise provided by law. **Section 17.5** of this bill provides an enhanced penalty for the sale of a ticket in willful and knowing violation of the provisions of this bill to an entertainment facility which is operated by a governmental entity or a public-private partnership.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 18, inclusive, of this act.

Sec. 2. ***A person engages in a "deceptive trade practice" when, in the course of his or her business or occupation, he or she knowingly violates a provision of sections 3 to 18, inclusive, of this act.***

Sec. 3. ***As used in sections 3 to 18, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 12, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Athletic contest" means any contest, game or other event involving the athletic or physical skills of an amateur athlete, intercollegiate athlete or professional athlete held at an entertainment facility for which a ticket is required for admission.***

Sec. 4.5. ~~***[***~~***"Athletic team" means a group of persons who compete in a contest, game or other event in this State involving the athletic or physical skills of an amateur athlete, intercollegiate athlete or professional athlete or a person employed by such a group.***~~***]***~~ **(Deleted by amendment.)**

Sec. 5. ~~***[***~~***1. "Authorized person" means a person who is responsible for directing, financing, managing, participating in, promoting, organizing, sponsoring or otherwise directly involved in the hosting, staging or presentation of an athletic contest or live entertainment event, or the affiliate or agent of any such persons.***

2. The term includes, without limitation, an athletic team or a person who controls or operates an entertainment facility. The term does not include a person whose initial purchase of a ticket was completed through the use of an Internet robot.~~***]***~~ **(Deleted by amendment.)**

Sec. 6. ***"Entertainment facility" means an indoor or outdoor area, including, without limitation, an arena, auditorium, museum, racetrack or***

stadium in which an athletic contest or live entertainment event is staged in this State and for which a ticket is required for admission.

Sec. 6.5. ***"Internet robot" means a software application that attempts to complete or completes an automated transaction on an Internet website.***

Sec. 7. (Deleted by amendment.)

Sec. 8. ***"Live entertainment event" means any activity provided for pleasure, enjoyment, recreation, relaxation, diversion or other similar purpose by a person who is physically present when providing that activity to a group of patrons at an entertainment facility, including, without limitation, any lecture, exhibition of art, performance of comedy, dance, music, theater or any other entertainment event or show. The term includes, without limitation, any game, contest or event in which persons compete against each other through electronic, digital or virtual means.***

Sec. 9. ***"Resale" or "resell" means an offer or completed transaction for the sale of a ticket to an athletic contest or a live entertainment event which occurs after the initial purchase of the ticket. The term includes, without limitation, the sale of a ticket made in person or by telephone, Internet website or any other means of communication or exchange.***

Sec. 10. ***"Reseller" means any person who resells a ticket.***

Sec. 11. ***"Ticket" means a certificate, document, token, voucher or other evidence, whether physical or electronic, which indicates that the bearer or other person who is entitled to possession of the ticket has the right or privilege of admission to an athletic contest or live entertainment event, to occupy or have access to a particular area or seat within an entertainment facility or to acquire such a right or privilege.***

Sec. 12. (Deleted by amendment.)

Sec. 13. ~~*[The provisions of sections 3 to 18, inclusive, of this act do not apply to:*~~

~~*1. A person who resells a ticket obtained for personal use or for the use of another person who was known to the person that obtained the ticket before the purchase of such ticket.*~~

~~*2. An authorized person.*~~

~~*3. A reseller who has actual possession of a ticket which is immediately available for delivery to the purchaser.*~~

~~*4. A labor organization as defined in NRS 613.230.*~~

~~*5. A nonprofit organization created for religious, charitable or educational purposes that meets the requirements set forth in NRS 372.3261.]*~~ **(Deleted by amendment.)**

Sec. 14. ***1.*** ~~*[A reseller who is not an authorized person and who resells a ticket to an athletic contest or live entertainment event on an Internet website shall disclose to a ticket purchaser in a clear and conspicuous manner before completing the transaction that the reseller has not been sanctioned by an authorized person to sell tickets for the athletic contest or live entertainment event associated with the ticket offered for resale.*~~

~~2.~~ *The Internet website of a reseller , a secondary ticket exchange or any affiliate of a reseller or secondary ticket exchange must not display a trademarked or copyrighted URL, title, designation, image or mark or other symbol without the written consent of the trademark or copyright holder.*

~~3.~~ *2. The Internet website of a reseller, ~~including, without limitation, an Internet website that offers the purchase and resale of tickets on a secondary basis,~~ a secondary ticket exchange or any affiliate of a reseller or secondary ticket exchange must not use any combination of text, images, web designs or Internet addresses, or any combination thereof, which is substantially similar to the Internet website of an entertainment facility, athletic contest or live entertainment event without permission . ~~unless the reseller is an authorized person.~~*

~~4.~~ *3. As used in this section:*

(a) "Substantially similar" means that a reasonable person would believe that the Internet website is that of the entertainment facility, athletic contest or live entertainment event.

(b) "URL" means the Uniform Resource Locator associated with an Internet website.

Sec. 15. ~~1. A reseller shall:~~

~~(a) Post in a clear and conspicuous manner, at the registered office and established place of business of the reseller and on any Internet website maintained by the reseller, including, without limitation, an Internet website that offers the purchase and resale of tickets on a secondary basis, the terms and conditions of a resale, including, without limitation, any right of a ticket purchaser to cancel a purchase.~~

~~(b) Disclose to the ticket purchaser, before completing the resale of the ticket to the purchaser:~~

~~(1) That the ticket purchaser is entitled to a refund of any amount received from the purchaser if the athletic contest or live entertainment event associated with such ticket is cancelled and not rescheduled.~~

~~(2) The amount to be paid by the ticket purchaser for the ticket and the location of the seat, if any, assigned by the ticket which is offered for resale, including, without limitation, any section, row or area within an entertainment facility which is designated on the ticket.~~

~~(c) Refund any amount received from a ticket purchaser if the athletic contest or live entertainment event associated with such ticket is cancelled and not rescheduled.~~

~~(d) Resell tickets only at the registered office or established place of business of the reseller or on an Internet website maintained by the reseller, including, without limitation, an Internet website that offers the purchase and resale of tickets on a secondary basis.~~

~~2.~~ *A reseller shall not:*

~~(a) Except as otherwise provided in subsection 5, advertise for sale tickets to an athletic contest or live entertainment event until the date for~~

~~*the athletic contest or live entertainment event has been officially announced.*~~

~~*(b) Accept any type of consideration for the sale of a ticket unless the ticket has been issued by a person authorized to issue tickets to the athletic contest or live entertainment event.*~~

~~*(c)*~~ *1. Resell or offer for sale more than one copy of the same ticket to an athletic contest or live entertainment event.*

~~*[(d) Offer for sale any counterfeit ticket to an athletic contest or live entertainment event.*~~

~~*(e)*~~ *2. Employ another person directly or indirectly to wait in line to purchase tickets for the purpose of reselling the tickets if the practice is prohibited by the sponsor, organizer or promoter of the athletic contest or live entertainment event or if the venue at which the athletic contest or live entertainment event will occur has posted a policy prohibiting the practice.*

~~*[3. Except as otherwise provided in subsection 4, a reseller shall not accept consideration for the sale of a ticket or accept a deposit for a ticket for which the reseller does not have possession unless:*~~

~~*(a) The reseller has an agreement to purchase the ticket for an established price from another person who has possession of the ticket; and*~~

~~*(b) The person to whom the reseller agrees to sell the ticket or from whom the reseller accepts a deposit will have the right to a refund if the reseller is not able to obtain or deliver the ticket.*~~

~~*4. If an athletic contest or live entertainment event is scheduled to take place within 14 days, the reseller may accept consideration for the sale of a ticket or a deposit for a ticket for which the reseller does not have possession if the reseller clearly discloses to the purchaser before entering into an agreement or accepting consideration that the reseller does not have possession of the ticket and the person is entitled to a refund if the reseller is not able to obtain and deliver the ticket.*~~

~~*5. If a professional or collegiate athletic contest is a part of a playoff or tournament and the entity conducting the playoff or tournament has released a range of dates on which the athletic contest may take place, a reseller may advertise the sale and sell tickets for the athletic contest not more than 21 days before the earliest date on which the athletic contest may take place.*~~

~~*6. As used in this section, the term "established place of business" does not include a temporary location on a sidewalk, parking lot or other public area in the vicinity of an entertainment facility which is vacated by a reseller after the conclusion of an athletic contest or a live entertainment event.]*~~

Sec. 15.5. ~~*[1. A local government or political subdivision shall not limit, prohibit or otherwise regulate the sale of tickets if the sale is carried out in compliance with the provisions of sections 14 and 15 of this act.*~~

~~*2. The provisions of this section do not prohibit a local government or political subdivision from enacting an ordinance to require a reseller to*~~

~~*obtain a license and pay applicable fees, determine where tickets may be sold and provide for the right to private enforcement.]*~~ **(Deleted by amendment.)**

Sec. 16. ~~*[1.]*~~ *A person shall not use an Internet robot to:*

~~*[(a)]*~~ *1. Circumvent any portion of the process for purchasing a ticket on an Internet website, including, without limitation, any security or identity validation measures or an access control system; or*

~~*[(b)]*~~ *2. Disguise the identity of a ticket purchaser for the purpose of purchasing a number of tickets for admission to an athletic contest or live entertainment event which exceeds the maximum number of tickets allowed for purchase by* ~~*[an authorized]*~~ *a person.*

~~*[2. A person injured by a violation of this section may bring a civil action in the appropriate district court against the person who committed the violation to seek:*~~

~~*(a) Declaratory and injunctive relief.*~~

~~*(b) Actual damages or $100, whichever is greater.]*~~

Sec. 16.5. 1. A person injured by a violation of any provision of sections 3 to 18, inclusive, of this act may bring a civil action in a court of competent jurisdiction against a reseller, a secondary ticket exchange or any affiliate of a reseller or secondary ticket exchange who committed the violation to seek:

(a) Declaratory and injunctive relief.

(b) Actual damages or $100, whichever is greater.

2. An action may not be brought pursuant to this section against a natural person employed by a reseller, a secondary ticket exchange or any affiliate of a reseller or secondary ticket exchange.

Sec. 17. *Unless a greater penalty is provided in NRS 598.0999 or section 17.5 of this act, a person who violates the provisions of sections 3 to 18, inclusive, of this act is guilty of a misdemeanor.*

Sec. 17.5. *1. A person who willfully and knowingly violates the provisions of sections 3 to 18, inclusive, of this act relating to the sale of a ticket to an entertainment facility which is operated by a governmental entity or a public-private partnership is guilty of a* ~~*[:*~~

~~*(a) Gross]*~~ *gross misdemeanor* ~~*. [, if the total value of the tickets sold in violation of sections 3 to 18, inclusive, of this act is less than $1,000; or*~~

~~*(b) Category D felony and shall be punished as provided in NRS 193.130, if the total value of the tickets sold in violation of sections 3 to 18, inclusive, of this act is $1,000 or more.]*~~

2. As used in this section:

(a) "Governmental entity" means:

(1) The government of this State;

(2) An agency of the government of this State;

(3) A political subdivision of this State; and

(4) An agency of a political subdivision of this State.

(b) "Public-private partnership" means a contract entered into by a person and a governmental entity for the support of an entertainment facility.

Sec. 18. ~~***[The Bureau of Consumer Protection in the Office of the Attorney General shall establish a toll-free statewide hotline and an Internet website by which a person may file a complaint relating to a suspected violation of sections 3 to 18, inclusive, of this act.]***~~ **(Deleted by amendment.)**

Sec. 19. NRS 598.0903 is hereby amended to read as follows:

598.0903 As used in NRS 598.0903 to 598.0999, inclusive, ***and section 2 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 598.0905 to 598.0947, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 20. NRS 598.0953 is hereby amended to read as follows:

598.0953 1. Evidence that a person has engaged in a deceptive trade practice is prima facie evidence of intent to injure competitors and to destroy or substantially lessen competition.

2. The deceptive trade practices listed in NRS 598.0915 to 598.0925, inclusive, ***and section 2 of this act*** are in addition to and do not limit the types of unfair trade practices actionable at common law or defined as such in other statutes of this State.

Sec. 21. NRS 598.0955 is hereby amended to read as follows:

598.0955 1. The provisions of NRS 598.0903 to 598.0999, inclusive, ***and section 2 of this act*** do not apply to:

(a) Conduct in compliance with the orders or rules of, or a statute administered by, a federal, state or local governmental agency.

(b) Publishers, including outdoor advertising media, advertising agencies, broadcasters or printers engaged in the dissemination of information or reproduction of printed or pictorial matter who publish, broadcast or reproduce material without knowledge of its deceptive character.

(c) Actions or appeals pending on July 1, 1973.

2. The provisions of NRS 598.0903 to 598.0999, inclusive, ***and section 2 of this act*** do not apply to the use by a person of any service mark, trademark, certification mark, collective mark, trade name or other trade identification which was used and not abandoned prior to July 1, 1973, if the use was in good faith and is otherwise lawful except for the provisions of NRS 598.0903 to 598.0999, inclusive ~~**[.]**~~ ***, and section 2 of this act.***

Sec. 22. NRS 598.0963 is hereby amended to read as follows:

598.0963 1. Whenever the Attorney General is requested in writing by the Commissioner or the Director to represent him or her in instituting a legal proceeding against a person who has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person on behalf of the Commissioner or Director.

2. The Attorney General may institute criminal proceedings to enforce the provisions of NRS 598.0903 to 598.0999, inclusive ~~[.]~~ ***, and section 2 of this act.*** The Attorney General is not required to obtain leave of the court before instituting criminal proceedings pursuant to this subsection.

3. If the Attorney General has reason to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person to obtain a temporary restraining order, a preliminary or permanent injunction, or other appropriate relief.

4. If the Attorney General has cause to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may issue a subpoena to require the testimony of any person or the production of any documents, and may administer an oath or affirmation to any person providing such testimony. The subpoena must be served upon the person in the manner required for service of process in this State or by certified mail with return receipt requested. An employee of the Attorney General may personally serve the subpoena.

Sec. 23. NRS 598.0967 is hereby amended to read as follows:

598.0967 1. The Commissioner and the Director, in addition to other powers conferred upon them by NRS 598.0903 to 598.0999, inclusive, ***and section 2 of this act,*** may issue subpoenas to require the attendance of witnesses or the production of documents, conduct hearings in aid of any investigation or inquiry and prescribe such forms and adopt such regulations as may be necessary to administer the provisions of NRS 598.0903 to 598.0999, inclusive ~~[.]~~ ***, and section 2 of this act.*** Such regulations may include, without limitation, provisions concerning the applicability of the provisions of NRS 598.0903 to 598.0999, inclusive, ***and section 2 of this act*** to particular persons or circumstances.

2. Except as otherwise provided in this subsection, service of any notice or subpoena must be made by certified mail with return receipt or as otherwise allowed by law. An employee of the Consumer Affairs Division of the Department of Business and Industry may personally serve a subpoena issued pursuant to this section.

Sec. 24. NRS 598.0971 is hereby amended to read as follows:

598.0971 1. If, after an investigation, the Commissioner has reasonable cause to believe that any person has been engaged or is engaging in any deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, ***and section 2 of this act,*** the Commissioner may issue an order directed to the person to show cause why the Director should not order the person to cease and desist from engaging in the practice and to pay an administrative fine. The order must contain a statement of the charges and a notice of a hearing to be held thereon. The order must be served upon the person directly or by certified or registered mail, return receipt requested.

2. An administrative hearing on any action brought by the Commissioner must be conducted before the Director or his or her designee.

3. If, after conducting a hearing pursuant to the provisions of subsection 2, the Director or his or her designee determines that the person has violated any of the provisions of NRS 598.0903 to 598.0999, inclusive, ***and section 2 of this act,*** or if the person fails to appear for the hearing after being properly served with the statement of charges and notice of hearing, the Director or his or her designee shall issue an order setting forth his or her findings of fact concerning the violation and cause to be served a copy thereof upon the person and any intervener at the hearing. If the Director or his or her designee determines in the report that such a violation has occurred, he or she may order the violator to:

(a) Cease and desist from engaging in the practice or other activity constituting the violation;

(b) Pay the costs of conducting the investigation, costs of conducting the hearing, costs of reporting services, fees for experts and other witnesses, charges for the rental of a hearing room if such a room is not available to the Director or his or her designee free of charge, charges for providing an independent hearing officer, if any, and charges incurred for any service of process, if the violator is adjudicated to have committed a violation of NRS 598.0903 to 598.0999, inclusive ~~[.]~~ ***, and section 2 of this act;***

(c) Provide restitution for any money or property improperly received or obtained as a result of the violation; and

(d) Impose an administrative fine of $1,000 or treble the amount of restitution ordered, whichever is greater.

➥ The order must be served upon the person directly or by certified or registered mail, return receipt requested. The order becomes effective upon service in the manner provided in this subsection.

4. Any person whose pecuniary interests are directly and immediately affected by an order issued pursuant to subsection 3 or who is aggrieved by the order may petition for judicial review in the manner provided in chapter 233B of NRS. Such a petition must be filed within 30 days after the service of the order. The order becomes final upon the filing of the petition.

5. If a person fails to comply with any provision of an order issued pursuant to subsection 3, the Commissioner or the Director may, through the Attorney General, at any time after 30 days after the service of the order, cause an action to be instituted in the district court of the county wherein the person resides or has his or her principal place of business requesting the court to enforce the provisions of the order or to provide any other appropriate injunctive relief.

6. If the court finds that:

(a) The violation complained of is a deceptive trade practice;

(b) The proceedings by the Director or his or her designee concerning the written report and any order issued pursuant to subsection 3 are in the interest of the public; and

(c) The findings of the Director or his or her designee are supported by the weight of the evidence,

➥ the court shall issue an order enforcing the provisions of the order of the Director or his or her designee.

7. An order issued pursuant to subsection 6 may include:

(a) A provision requiring the payment to the Consumer Affairs Division of the Department of Business and Industry of a penalty of not more than $5,000 for each act amounting to a failure to comply with the Director's or designee's order;

(b) An order that the person cease doing business within this State; and

(c) Such injunctive or other equitable or extraordinary relief as is determined appropriate by the court.

8. Any aggrieved party may appeal from the final judgment, order or decree of the court in a like manner as provided for appeals in civil cases.

9. Upon the violation of any judgment, order or decree issued pursuant to subsection 6 or 7, the Commissioner, after a hearing thereon, may proceed in accordance with the provisions of NRS 598.0999.

Sec. 25. NRS 598.0985 is hereby amended to read as follows:

598.0985 Notwithstanding the requirement of knowledge as an element of a deceptive trade practice, and notwithstanding the enforcement powers granted to the Commissioner or Director pursuant to NRS 598.0903 to 598.0999, inclusive, ***and section 2 of this act,*** whenever the district attorney of any county has reason to believe that any person is using, has used or is about to use any deceptive trade practice, knowingly or otherwise, he or she may bring an action in the name of the State of Nevada against that person to obtain a temporary or permanent injunction against the deceptive trade practice.

Sec. 26. NRS 598.0993 is hereby amended to read as follows:

598.0993 The court in which an action is brought pursuant to NRS 598.0979 and 598.0985 to 598.099, inclusive, may make such additional orders or judgments as may be necessary to restore to any person in interest any money or property, real or personal, which may have been acquired by means of any deceptive trade practice which violates any of the provisions of NRS 598.0903 to 598.0999, inclusive, ***and section 2 of this act,*** but such additional orders or judgments may be entered only after a final determination has been made that a deceptive trade practice has occurred.

Sec. 27. NRS 598.0999 is hereby amended to read as follows:

598.0999 1. Except as otherwise provided in NRS 598.0974, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, ***and section 2 of this act,*** upon a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than $10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the

enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive ~~[.]~~ ***, and section 2 of this act.***

2. Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, ***and section 2 of this act,*** if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed $5,000 for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.

3. A natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:

(a) For the first offense, is guilty of a misdemeanor.

(b) For the second offense, is guilty of a gross misdemeanor.

(c) For the third and all subsequent offenses, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

➥ The court may require the natural person, firm, or officer or managing agent of the corporation or association to pay to the aggrieved party damages on all profits derived from the knowing and willful engagement in a deceptive trade practice and treble damages on all damages suffered by reason of the deceptive trade practice.

4. Any offense which occurred within 10 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of subsection 3 when evidenced by a conviction, without regard to the sequence of the offenses and convictions.

5. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, ***and section 2 of this act,*** 598.100 to 598.2801, inclusive, 598.305 to 598.395, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, or 598.840 to 598.966, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

6. If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged

violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

Sec. 28. NRS 11.190 is hereby amended to read as follows:

11.190 Except as otherwise provided in NRS 40.4639, 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:

1. Within 6 years:

(a) Except as otherwise provided in NRS 62B.420 and 176.275, an action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.

(b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.

2. Within 4 years:

(a) An action on an open account for goods, wares and merchandise sold and delivered.

(b) An action for any article charged on an account in a store.

(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.

(d) An action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, ***and section 2 of this act,*** but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.

3. Within 3 years:

(a) An action upon a liability created by statute, other than a penalty or forfeiture.

(b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.

(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term "livestock," which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without the owner's fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.

(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.

(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution or other lender because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue upon the discovery by the financial institution or other lender of the facts constituting the concealment or false statement.

4. Within 2 years:

(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his or her official capacity and in virtue of his or her office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.

(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

(c) An action for libel, slander, assault, battery, false imprisonment or seduction.

(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) Except as otherwise provided in NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.

(f) An action to recover damages under NRS 41.740.

5. Within 1 year:

(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his or her official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.

(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his or her official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.

Sec. 29. NRS 41.600 is hereby amended to read as follows:

41.600 1. An action may be brought by any person who is a victim of consumer fraud.

2. As used in this section, "consumer fraud" means:

(a) An unlawful act as defined in NRS 119.330;

(b) An unlawful act as defined in NRS 205.2747;

(c) An act prohibited by NRS 482.36655 to 482.36667, inclusive;

(d) An act prohibited by NRS 482.351; or

(e) A deceptive trade practice as defined in NRS 598.0915 to 598.0925, inclusive ~~.~~ ***, and section 2 of this act.***

3. If the claimant is the prevailing party, the court shall award the claimant:

(a) Any damages that the claimant has sustained;

(b) Any equitable relief that the court deems appropriate; and

(c) The claimant's costs in the action and reasonable attorney's fees.

4. Any action brought pursuant to this section is not an action upon any contract underlying the original transaction.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 286 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 235 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 464 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Concurrent Resolution No. 6 be taken from the Chief Clerk's desk and placed on the Resolution File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 286.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 286 transfers the regulation of applied behavior analysis from the Board of Psychological Examiners to a newly created Board of Applied Behavior Analysis. The measure revises the composition of the Board of Psychological Examiners and removes references to applied behavior analysis from the provisions of statute administered by this Board.

Roll call on Senate Bill No. 286:

YEAS—37.

NAYS—Ellison, Krasner, Marchant, McArthur, Titus—5.

Senate Bill No. 286 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 72.

Bill read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Senate Bill 72 increases from $1,000 to $5,000 the maximum amount of funds that may be expended by the Merit Award Board for expenses relating to Board operations and clarifies that an employee suggestion to reduce or eliminate state expenditures or improve state government operations must not have been previously considered by the state agency affected.

Roll call on Senate Bill No. 72:

YEAS—42.

NAYS—None.

Senate Bill No. 72 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 106.

Bill read third time.

Remarks by Assemblyman Brooks.

ASSEMBLYMAN BROOKS:

Senate Bill 106 requires the Labor Commissioner, in adopting by regulation the minimum wage that may be paid per hour to an employee in private employment in this state, to ensure the minimum wage for such an employee is increased by 75 cents each year for five years, or until the minimum wage is (1) $12 or more if the employer does not offer health insurance for the employee, and (2) $11 or more if the employer offers health insurance for the employee.

The bill also codifies into *Nevada Revised Statutes* certain provisions of the *Constitution of the State of Nevada* related to noncompliance of payment of the minimum wage.

Roll call on Senate Bill No. 106:

YEAS—27.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.

Senate Bill No. 106 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 200.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Senate Bill 200, as amended, requires each public high school, charter high school, and university school for profoundly gifted students to ensure that a computer science course is made available to pupils enrolled in that school and allows up to one unit of credit for a completed computer science course to be applied toward general mathematics or science requirements for high school graduation, Millennium Scholarship eligibility, or admission to the Nevada System of Higher Education.

Roll call on Senate Bill No. 200:

YEAS—32.

NAYS—Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Titus, Wheeler—10.

Senate Bill No. 200 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 120.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 120 makes various revisions to the nine-member Advisory Committee on Problem Gambling, including adding a requirement that two members be qualified mental health professionals and that at least one of those members be a practicing problem gambling counselor. The measure also revises the duties of the Advisory Committee.

Roll call on Senate Bill No. 120:

YEAS—40.

NAYS—Krasner, Marchant—2.

Senate Bill No. 120 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 132.

Bill read third time.

Remarks by Assemblyman Pickard.

ASSEMBLYMAN PICKARD:

Senate Bill 132 requires the board of trustees of each school district, and allows the governing body of a charter school that operates as a high school and is in good standing, to adopt a policy authorizing the establishment of individual graduation plans for high school students who are not likely to graduate on time, have scored poorly on the college and career readiness assessment, or have attended or will attend school in another country as a foreign exchange student.

The Superintendent of Public Instruction must establish certain eligibility requirements for a plan that allows a student to remain enrolled in high school for up to three semesters after he or she was otherwise scheduled to graduate. An individual graduation plan may be withdrawn if the student is not making adequate progress or for other good cause. In addition, this bill sets out the manner in which a student with a plan is counted in graduation statistics.

Senate Bill 132 also revises procedures and requirements related to four-year academic plans. These plans, which are developed for all high school students, must be provided at the beginning of each student's ninth grade year. A policy regarding the plans must, to the extent practicable, ensure that students and parents are provided with certain information related to high school and postsecondary education. Additionally, a school counselor must establish and annually revise specific educational goals for each student in consultation with the student and his or her parent or legal guardian.

This bill is effective on July 1, 2018.

Roll call on Senate Bill No. 132:

YEAS—40.

NAYS—Marchant, McArthur—2.

Senate Bill No. 132 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 178.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Senate Bill 178, as amended, appropriates $36 million in each year of the 2017-2019 biennium and creates the Account for the New Nevada Education Funding Plan to support certain pupils enrolled in each public school to improve their academic performance. This bill, as amended, prescribes the specific use of the money and the assessments of proficiency used to determine whether a pupil qualifies for the distribution of this funding. The bill, as amended, further requires the Department of Education to prescribe annual measurable objectives and performance targets for public schools that receive this funding and to contract with an independent evaluator to analyze the results of the programs and services provided by each public school that receives the funding.

The bill, as amended, further appropriates $250,000 to the Department of Education to contract with an independent consultant to conduct a review and research related to certain categories of pupils and the appropriate funding adjustments for such pupils and requires the consultant to submit a preliminary report of its findings to the Department of Education for transmission to the Legislative Committee on Education.

Roll call on Senate Bill No. 178:

YEAS—34.

NAYS—Ellison, Hambrick, Hansen, Krasner, Marchant, McArthur, Titus, Wheeler—8.

Senate Bill No. 178 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 187.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Senate Bill 187, as amended, appropriates $1 million from the State General Fund to the Interim Finance Committee for allocation to a nonprofit corporation formed to establish a fine arts museum in Las Vegas, Nevada, and to expand the Nevada Museum of Art in Reno, Nevada.

Roll call on Senate Bill No. 187:

YEAS—38.

NAYS—Ellison, Krasner, Marchant, Titus—4.

Senate Bill No. 187 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 192.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 192, as amended, appropriates $1,400,528 in Fiscal Year 2018 and $1,417,080 in Fiscal Year 2019 from the State General Fund to the Division of Public and Behavioral Health

within the Department of Health and Human Services to expand operating hours for the Mobile Outreach Safety Teams, otherwise known as MOST. The bill, as amended, provides that if the Division provides mobile mental health services in a county whose population is 100,000 or more, the services must be available seven days a week, including holidays, from the hours of 8 a.m. or earlier to 12 a.m. or later.

This act becomes effective on July 1, 2017, for the purposes of adopting regulations and performing any other administrative tasks and on October 1, 2017, for all other purposes. I urge your support.

Roll call on Senate Bill No. 192:

YEAS—42.

NAYS—None.

Senate Bill No. 192 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 203.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Senate Bill 203 expresses the intent of the Nevada Legislature that Nevada statutes concerning corporate law must not be supplanted or modified by the laws of other jurisdictions. The bill also provides that in order to establish liability to stockholders or creditors on the part of a director or officer of a domestic corporation, a breach of fiduciary duty accompanied by intentional misconduct, fraud, or a knowing violation of law is necessary to rebut the presumption that the director or officer is not liable.

Roll call on Senate Bill No. 203:

YEAS—42.

NAYS—None.

Senate Bill No. 203 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 212.

Bill read third time.

Remarks by Assemblywoman Joiner.

ASSEMBLYWOMAN JOINER:

Senate Bill 212 expands the scope of reporting to the Safe-to-Tell Program to include certain activities that are conducted or threatened by a student who is enrolled at a public school, whether or not the conduct or threat occurs on school property or at a school-sponsored activity. This bill also establishes a team at each public school to receive and respond to reports submitted to the Program. It further establishes requirements concerning the operation of the Program's support center.

Roll call on Senate Bill No. 212:

YEAS—42.

NAYS—None.

Senate Bill No. 212 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 213.

Bill read third time.

Remarks by Assemblywoman Tolles.

ASSEMBLYWOMAN TOLLES:

Senate Bill 213 requires the Superintendent of Public Instruction to order an inspection of a provider of special education upon determination of good cause. If an inspection shows that the provider is not in compliance with relevant laws or regulations, the Superintendent must take certain actions to ensure the provider becomes compliant. The Superintendent must also take action if a provider does not comply in a timely manner with a plan of corrective action or with certain orders of a hearing officer.

This bill further requires Nevada's Department of Education to adopt regulations concerning certain notifications for parents of students with disabilities, as well as training standards for public school employees who help provide special education services.

In addition, S.B. 213 requires background checks every five years as a condition of continued employment for all school employees and for school volunteers who are likely to have regular, unsupervised contact with students.

Finally, this bill authorizes a juvenile court to appoint an educational surrogate parent for a child with a known or suspected disability under certain circumstances.

This bill is effective on July 1, 2017.

Roll call on Senate Bill No. 213:

YEAS—42.

NAYS—None.

Senate Bill No. 213 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 229.

Bill read third time.

Remarks by Assemblyman Pickard.

ASSEMBLYMAN PICKARD:

Senate Bill 229 revises provisions related to guardianships. Specifically, the bill creates a process and model form that a person may use to nominate another person, whether that person is a resident of Nevada or not, to be appointed as his or her guardian. The form must be signed by the person and two impartial adult witnesses and be notarized.

The Office of the Secretary of State is required to make the form available on the Office's Internet website. Such requests are to be included in the Nevada Lockbox, which is the online registry for wills and other documents authorized to be established and maintained on the Secretary of State's Internet website.

If two or more guardian designations exist, the measure establishes the process for a court to designate the valid guardianship. Finally, the measure allows a person to gift, grant, bequest, or contribute to support the maintenance and operation of a specific lockbox, including the guardianship lockbox.

This bill is effective upon passage and approval for the purpose of adopting regulations or performing necessary administrative tasks and on January 1, 2018, for all other purposes.

Roll call on Senate Bill No. 229:

YEAS—42.

NAYS—None.

Senate Bill No. 229 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 249.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Senate Bill 249, as amended, would require age appropriate instruction in financial literacy for students in grades 3 through 12. The bill would also require a public high school student to enroll in one-half unit of credit in economics and limits American government to one-half unit of credit. In addition, the bill would allow a school district to offer a combined course in American government and economics for one unit of credit.

It also would create the Account for Instruction in Financial Literacy in the State General Fund that would be administered by the Superintendent of Public Instruction to accept gifts and grants of money to provide instruction in financial literacy.

Roll call on Senate Bill No. 249:

YEAS—42.

NAYS—None.

Senate Bill No. 249 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 303.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 303, as amended, requires the Department of Education to develop and carry out a plan to audit the assessment tools and examinations used to monitor the performance of pupils and schools. The bill further requires the Department's audit plan to meet the prerequisites for receiving a grant under the federal Every Student Succeeds Act. The bill also requires the Department to execute a plan to improve and streamline the assessment system. The plan must examine the models from other states who are streamlining student assessments, make recommendations for improving and streamlining the measurement of students' assessments based on the examination of the models from other states, and use data collected since the enactment of the federal Every Student Succeeds Act.

Senate Bill 303, as amended, appropriates $100,000 from the State General Fund to the Department to complete the audit and plan. The bill requires the Department to submit a copy of the results of the audit and its plan to improve the assessment system no later than December 1, 2017, to the State Board of Education, the Legislative Committee on Education, and the Interim Finance Committee.

Senate Bill 303, as amended, is effective upon passage and approval.

Roll call on Senate Bill No. 303:

YEAS—37.

NAYS—Ellison, Krasner, Marchant, McArthur, Titus—5.

Senate Bill No. 303 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 306.

Bill read third time.

Remarks by Assemblymen Ohrenschall, Araujo, Krasner, and Elliot Anderson.

ASSEMBLYMAN OHRENSCHALL:

The Majority Leader in the Senate worked very hard with a lot of stakeholders to work on a pilot program where inmates would be allowed very limited access to a small group of inmate telecommunications devices for educational purposes. There was tremendous testimony in support in front of your Committee on Corrections, Parole, and Probation. I believe this is a very positive step forward. I urge its support.

ASSEMBLYMAN ARAUJO:

Senate Bill 306, as amended, provides for the creation of a pilot program, directed by the Board of State Prison Commissioners in consultation with the College of Southern Nevada, for 50 male and 50 female offenders who meet certain criteria to enhance educational and vocational programs for offenders who will soon be released from prison.

ASSEMBLYWOMAN KRASNER:

I rise today in opposition to S.B. 306—iPads for inmates. Convicted felons are in prison to serve time for a punishment, not to get special privileges. This legislation, while well intentioned, does nothing to ensure that these offenders are rehabilitated, but instead serves them with an opportunity that many hard-working, law-abiding citizens cannot give to their children. Giving free iPads and tablets to prisoners to keep in their cells with them is dangerous. Many of these criminals are masters at hacking and can hack a kid's Gameboy and turn it into a telecommunication device. They can then communicate amongst themselves and plan an overthrow of the guards and the prison or communicate with the outside world and put a hit on the witness that put them behind bars.

Additionally, while I am in favor of giving inmates opportunities to earn their high school diploma or GED, I am not in favor of giving inmates a free college degree paid for at taxpayer expense. For these reasons, I will be voting no on Senate Bill 306.

ASSEMBLYMAN OHRENSCHALL:

In response to the comments from my colleague from Washoe County, during the hearing we had testimony from Director Dzurenda of the Nevada Department of Corrections, and he was very specific that in this limited pilot program, these electronic devices would have no ability to access the outside. They would be used internally for educational purposes. He pointed to the Colorado model where something like this has proven beneficial to inmates.

If anyone has looked around at anyone with an employment sign in the window, any one I have seen lately point to a website that the person needs to go to in order to apply for that job. The days of being able to fill out a paper application like when we were growing up are long gone. We all benefit as a society when inmates who are released land on their feet and try to become gainfully employed, when they try to work towards improving their education and their ability to support their families. I believe this is a positive step. I believe there are many safeguards in place as was shown in your Committee on Corrections, Parole, and Probation. I urge its support.

ASSEMBLYMAN ELLIOT ANDERSON:

I think my colleague, the chairman of Corrections, Parole, and Probation, talked about a lot, but there are a couple of things he left out. The members of the pilot program are all going to be low-risk security cases specifically selected just for the program. I think that will make the risk minimal. But I think we also need to think longer term about the amount of money we are spending on corrections. We have all just seen these budget bills, and they are the single biggest item in a lot of cases, except for education. We really need to think about how we are going to reduce recidivism. Giving people the tools to get back to work ensures that we are not spending money on these folks when we can rehabilitate them.

With that, Mr. Speaker, I urge my colleagues to adopt what has been a successful program in Colorado. The risks are minimal and I feel passionately that we need to start looking at corrections a different way.

Roll call on Senate Bill No. 306:

YEAS—34.

NAYS—Ellison, Krasner, Marchant, McArthur, Oscarson, Titus, Tolles, Wheeler—8.

Senate Bill No. 306 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 5, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 399, Amendments Nos. 1156, 1135; Assembly Bill No. 413, Amendments Nos. 1137, 1148; Assembly Bill No. 422, Amendments Nos. 1115, 1151, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Assembly Bill No. 249.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Atkinson, Segerblom and Gansert as a Conference Committee concerning Senate Bill No. 69.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 464 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 464.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Senate Bill 464 authorizes the Las Vegas Convention and Visitors Authority to require a bidder, contractor, or subcontractor to enter into and adhere to a project labor agreement in regard to the project to renovate or expand the Convention Center which is authorized by Senate Bill 1 of the 30th Special Session.

Roll call on Senate Bill No. 464:

YEAS—27.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.

Senate Bill No. 464 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 422.

The following Senate amendment was read:

Amendment No. 1115.

AN ACT relating to marijuana; revising various provisions relating to the medical use of marijuana; transferring responsibility for the regulation of medical marijuana establishments from the Division of Public and Behavioral Health of the Department of Health and Human Services to the Department of Taxation; revising provisions relating to registry identification cards and letters of approval; revising provisions relating to the authorization of nonresidents to engage in the medical use of marijuana; prohibiting the Department of Taxation from requiring a medical marijuana dispensary to determine whether a person has exceeded the legal limits for possession of marijuana for medical use; revising provisions relating to medical marijuana establishment agents; prohibiting the use of a vending machine to dispense marijuana; **requiring each marijuana establishment and medical marijuana establishment to submit to the Department of Taxation a report of information concerning the production and sale of marijuana; establishing limitations on the regulation and taxation of a marijuana establishment or medical marijuana establishment by a city, town or county; revising the distribution of excise taxes on sales of marijuana for medical purposes;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law exempts a person who holds a valid registry identification card or letter of approval from state prosecution for the use, possession, delivery and production of marijuana. (NRS 453A.200, 453A.205) Existing law also exempts a person who holds a valid medical marijuana establishment registration certificate or medical marijuana establishment agent registration card from state prosecution for possession, delivery and production of marijuana and provides for the registration and regulation of such persons and establishments. (NRS 453A.200, 453A.320-453A.370) **Sections 2, 8, 9, 11, 13-15, 27-42, 44-48, 51 and 66-68** of this bill transfer the responsibility for the regulation of medical marijuana establishments from the Division of Public and Behavioral Health of the Department of Health and Human Services to the Department of Taxation. **Section 38** of this bill prohibits a medical marijuana establishment from dispensing or otherwise selling marijuana using a vending machine. **Section 56.7** of this bill establishes a similar prohibition for recreational marijuana establishments after January 1, 2020.

Existing law requires a person who wishes to engage in the medical use of marijuana to apply to the Division of Public and Behavioral Health of the Department of Health and Human Services for a registry identification card or letter of approval, as applicable, and grants the holder of such a card or letter an exemption from state prosecution for certain crimes relating to marijuana. (NRS 453A.200, 453A.205) Existing law requires such an application to be accompanied by valid, written documentation from the applicant's attending physician. (NRS 453A.210) **Section 19** of this bill

instead requires the applicant's attending ~~[physician]~~ **provider of health care** to: (1) maintain such written documentation and make such written documentation available to the Division upon request; and (2) sign the application to affirm that the requirements of such written documentation have been met. **Section 20** of this bill provides that such written documentation may be valid for either 1 year or 2 years and that a registry identification card or letter of approval based on such written documentation is valid for the same period of time. **Section 55** of this bill reduces the maximum fee that the Division may charge for issuing a registry identification card or letter of approval from $75 per year to $50 per year.

Existing law requires a medical marijuana establishment that wishes to retain as a volunteer or employ or contract with a person to provide labor to the medical marijuana establishment to submit an application to register the person as a medical marijuana establishment agent. (NRS 453A.332) **Section 31** of this bill allows such a person to submit an application for registration as a medical marijuana establishment agent on his or her own behalf. **Section 31** also provides for the temporary registration of a person as a medical marijuana establishment agent upon submission of a complete application for registration or renewal of registration. Finally, **section 31** allows an independent contractor or employee of an independent contractor who is registered as a medical marijuana establishment agent to provide labor to any medical marijuana establishment and any other person who is registered as a medical marijuana establishment agent to work or volunteer at any medical marijuana establishment for which the category of the person's medical marijuana establishment agent card is valid.

Existing law limits the exemption from state prosecution for the medical use of marijuana to the possession of not more than 2.5 ounces of usable marijuana in a 14-day period, 12 marijuana plants and a quantity of edible marijuana products and marijuana-infused products established by regulation. (NRS 453A.200) Existing law also prohibits a medical marijuana dispensary from selling marijuana in excess of these limits to a person. (NRS 453A.358) **Section 41** of this bill instead: (1) prohibits a medical marijuana dispensary from selling more than 1 ounce of marijuana in a transaction; and (2) prohibits the Department of Taxation from requiring a medical marijuana dispensary to track the purchases of a person or determine whether a person has exceeded the legal limits for possession of marijuana for medical use. **Section 41** further provides that only persons who are 21 years of age or more or hold a registry identification card or letter of approval are allowed to enter a medical marijuana dispensary.

Existing law allows a medical marijuana dispensary to recognize a nonresident card for the purpose of dispensing marijuana for medical use if the nonresident card meets certain requirements that make it the functional equivalent of a registry identification card. Existing law also requires, as of April 1, 2018, a nonresident card to be verified by the use of certain databases. (NRS 453A.364) **Section 43** of this bill instead: (1) deems a

nonresident who is authorized to engage in the medical use of marijuana under the laws of his or her state or jurisdiction of residence to be listed in the medical marijuana registry for the purpose of exemption from state prosecution, if the person abides by the legal limits on the possession, delivery and production of marijuana in this State; and (2) authorizes a medical marijuana dispensary to dispense marijuana to such a person if the person presents a document which is valid proof of exemption under the laws of the state or jurisdiction of which the person is a resident. **Section 69** of this bill eliminates the prospective requirement to verify a nonresident authorization by the use of certain databases.

Sections 65.6-65.85 of this bill limit the regulations and license taxes that a city, town or county may impose on a marijuana establishment or medical marijuana establishment.

Section 65.95 of this bill requires each marijuana establishment and medical marijuana establishment to submit a report to the Department of Taxation that includes certain information concerning the production and sale of marijuana by the establishment.

Existing law distributes 75 percent of the proceeds of the excise taxes on medical marijuana establishments to the State Distributive School Account in the State General Fund and 25 percent to pay the costs of the Division of Public and Behavioral Health of the Department of Health and Human Services in carrying out the laws of this State relating to medical marijuana establishments. (NRS 372A.290) Section 65.98 of this bill, consistent with sections 2, 8, 9, 11, 13-15, 27-42, 44-48, 51 and 66-68 of this bill which transfer the responsibility for the regulation of medical marijuana establishments from the Division to the Department of Taxation, directs 25 percent of the proceeds of such excise taxes to the Department of Taxation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 453A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***"Department" means the Department of Taxation.***

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 453A.010 is hereby amended to read as follows:

453A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 453A.020 to 453A.170, inclusive, ***and sections 2, 3 and 4 of this act*** have the meanings ascribed to them in those sections.

Sec. 7. (Deleted by amendment.)

Sec. 7.5. **NRS 453A.030 is hereby amended to read as follows:**

453A.030 "Attending ~~[physician"]~~ ***provider of health care"*** means a ~~[physician]~~ ***provider of health care, as defined in NRS 629.031,*** who:

1. Is licensed ***or certified*** to practice ~~[:~~

~~(a) Medicine pursuant to the provisions of chapter 630 of NRS; or~~

~~(b) Osteopathic medicine pursuant to the provisions of chapter 633 of NRS; and]~~ ***a profession which authorizes the person to write a prescription for a medication to treat a chronic or debilitating medical condition; and***

2. Has responsibility for the care and treatment of a person diagnosed with a chronic or debilitating medical condition.

Sec. 8. NRS 453A.056 is hereby amended to read as follows:

453A.056 "Cultivation facility" means a business that:

1. Is registered with the ~~[Division]~~ ***Department*** pursuant to NRS 453A.322; and

2. Acquires, possesses, cultivates, delivers, transfers, transports, supplies or sells marijuana and related supplies to:

(a) Medical marijuana dispensaries;

(b) Facilities for the production of edible marijuana products or marijuana-infused products; or

(c) Other cultivation facilities.

Sec. 8.5. **NRS 453A.080 is hereby amended to read as follows:**

453A.080 1. "Designated primary caregiver" means a person who:

(a) Is 18 years of age or older;

(b) Has significant responsibility for managing the well-being of a person diagnosed with a chronic or debilitating medical condition; and

(c) Is designated as such in the manner required pursuant to NRS 453A.250.

2. The term does not include the attending ~~[physician]~~ ***provider of health care*** of a person diagnosed with a chronic or debilitating medical condition.

Sec. 9. NRS 453A.102 is hereby amended to read as follows:

453A.102 "Electronic verification system" means an electronic database that:

1. Keeps track of data in real time; and

2. Is accessible by the Division ***and the Department*** and by registered medical marijuana establishments.

Sec. 10. (Deleted by amendment.)

Sec. 11. NRS 453A.105 is hereby amended to read as follows:

453A.105 "Facility for the production of edible marijuana products or marijuana-infused products" means a business that:

1. Is registered with the ~~[Division]~~ ***Department*** pursuant to NRS 453A.322; and

2. Acquires, possesses, manufactures, delivers, transfers, transports, supplies or sells edible marijuana products or marijuana-infused products to medical marijuana dispensaries.

Sec. 12. (Deleted by amendment.)

Sec. 13. NRS 453A.115 is hereby amended to read as follows:

453A.115 "Medical marijuana dispensary" means a business that:

1. Is registered with the ~~[~~Division~~]~~ Department pursuant to NRS 453A.322; and

2. Acquires, possesses, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to the holder of a valid registry identification card ~~[.]~~ ***or to another medical marijuana dispensary.***

Sec. 14. NRS 453A.118 is hereby amended to read as follows:

453A.118 "Medical marijuana establishment agent registration card" means a registration card that is issued by the ~~[~~Division~~]~~ ***Department*** pursuant to NRS 453A.332 to authorize a person to volunteer or work at a medical marijuana establishment.

Sec. 15. NRS 453A.119 is hereby amended to read as follows:

453A.119 "Medical marijuana establishment registration certificate" means a registration certificate that is issued by the ~~[~~Division~~]~~ ***Department*** pursuant to NRS 453A.322 to authorize the operation of a medical marijuana establishment.

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 17.5. **NRS 453A.170 is hereby amended to read as follows:**

453A.170 "Written documentation" means:

1. A statement signed by the attending ~~[~~physician~~]~~ ***provider of health care*** of a person diagnosed with a chronic or debilitating medical condition; or

2. Copies of the relevant medical records of a person diagnosed with a chronic or debilitating medical condition.

Sec. 18. NRS 453A.200 is hereby amended to read as follows:

453A.200 1. Except as otherwise provided in this section and NRS 453A.300, a person who holds a valid registry identification card issued to the person pursuant to NRS 453A.220 or 453A.250 is exempt from state prosecution for:

(a) Possession, delivery or production of marijuana;

(b) Possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of marijuana;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.

2. In addition to the provisions of subsections 1 and 5, no person may be subject to state prosecution for constructive possession, conspiracy or any

other criminal offense solely for being in the presence or vicinity of the medical use of marijuana in accordance with the provisions of this chapter.

3. The exemption from state prosecution set forth in subsection 1 applies only to the extent that a person who holds a registry identification card issued to the person pursuant to paragraph (a) of subsection 1 of NRS 453A.220 and the designated primary caregiver, if any, of such a person:

(a) Engage in or assist in, as applicable, the medical use of marijuana in accordance with the provisions of this chapter as justified to mitigate the symptoms or effects of a person's chronic or debilitating medical condition; and

(b) Do not, at any one time, collectively possess with another who is authorized to possess, deliver or produce more than:

(1) Two and one-half ounces of usable marijuana in any one 14-day period;

(2) Twelve marijuana plants, irrespective of whether the marijuana plants are mature or immature; and

(3) A maximum allowable quantity of edible marijuana products and marijuana-infused products as established by regulation of the Division.

➥ The persons described in this subsection must ensure that the usable marijuana and marijuana plants described in this subsection are safeguarded in an enclosed, secure location.

4. If the persons described in subsection 3 possess, deliver or produce marijuana in an amount which exceeds the amount described in paragraph (b) of that subsection, those persons:

(a) Are not exempt from state prosecution for possession, delivery or production of marijuana.

(b) May establish an affirmative defense to charges of possession, delivery or production of marijuana, or any combination of those acts, in the manner set forth in NRS 453A.310.

5. A person who holds a valid medical marijuana establishment registration certificate issued to the person pursuant to NRS 453A.322 or a valid medical marijuana establishment agent registration card issued to the person pursuant to NRS 453A.332, and who confines his or her activities to those authorized by NRS 453A.320 to 453A.370, inclusive, and the regulations adopted by the ~~[~~Division~~]~~ ***Department*** pursuant thereto, is exempt from state prosecution for:

(a) Possession, delivery or production of marijuana;

(b) Possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of marijuana;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.

6. Notwithstanding any other provision of law and except as otherwise provided in this subsection, after a medical marijuana dispensary opens in the county of residence of a person who holds a registry identification card, including, without limitation, a designated primary caregiver, such a person is not authorized to cultivate, grow or produce marijuana. The provisions of this subsection do not apply if:

(a) The person who holds the registry identification card was cultivating, growing or producing marijuana in accordance with this chapter on or before July 1, 2013;

(b) All the medical marijuana dispensaries in the county of residence of the person who holds the registry identification card close or are unable to supply the quantity or strain of marijuana necessary for the medical use of the person to treat his or her specific medical condition;

(c) Because of illness or lack of transportation, the person who holds the registry identification card is unable reasonably to travel to a medical marijuana dispensary; or

(d) No medical marijuana dispensary was operating within 25 miles of the residence of the person who holds the registry identification card at the time the person first applied for his or her registry identification card.

7. As used in this section, "marijuana" includes, without limitation, edible marijuana products and marijuana-infused products.

Sec. 19. NRS 453A.210 is hereby amended to read as follows:

453A.210 1. The Division shall establish and maintain a program for the issuance of registry identification cards and letters of approval to persons who meet the requirements of this section.

2. Except as otherwise provided in subsections 3 and 5 and NRS 453A.225, the Division or its designee shall issue a registry identification card to a person who is a resident of this State and who submits an application on a form prescribed by the Division accompanied by the following:

(a) ~~[~~Valid, written documentation~~]~~ ***A signature*** from the person's attending ~~[~~physician stating~~]~~ ***provider of health care affirming*** that:

(1) The person has been diagnosed with a chronic or debilitating medical condition;

(2) The medical use of marijuana may mitigate the symptoms or effects of that condition; ~~[~~and~~]~~

(3) The attending ~~[~~physician~~]~~ ***provider of health care*** has explained the possible risks and benefits of the medical use of marijuana; ***and***

(4) The attending ~~[physician]~~ provider of health care will keep, in the files maintained by the attending ~~[physician]~~ provider of health care for the person, valid, written documentation and make such written documentation available to the Division upon request;

(b) The name, address, telephone ~~[number, social security]~~ number and date of birth of the person;

(c) Proof satisfactory to the Division that the person is a resident of this State;

(d) The name, address and telephone number of the person's attending ~~[physician;]~~ ***provider of health care;***

(e) If the person elects to designate a primary caregiver at the time of application:

(1) The name, address ~~[,]~~ ***and*** telephone number ~~[and social security number]~~ of the designated primary caregiver; and

(2) A ~~[written, signed statement]~~ ***signature*** from the person's attending ~~[physician in which]~~ ***provider of health care affirming that*** the attending ~~[physician]~~ ***provider of health care*** approves of the designation of the primary caregiver; and

(f) If the person elects to designate a medical marijuana dispensary at the time of application, the name of the medical marijuana dispensary.

3. The Division or its designee shall issue a registry identification card to a person who is at least 10 years of age but less than 18 years of age or a letter of approval to a person who is less than 10 years of age if:

(a) The person submits the materials required pursuant to subsection 2; and

(b) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age signs a written statement setting forth that:

(1) The attending ~~[physician]~~ ***provider of health care*** of the person under 18 years of age ***is a physician licensed pursuant to chapter 630 or 633 of NRS and*** has explained to that person and to the custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age the possible risks and benefits of the medical use of marijuana;

(2) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age consents to the use of marijuana by the person under 18 years of age for medical purposes;

(3) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to serve as the designated primary caregiver for the person under 18 years of age; and

(4) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to control the acquisition of marijuana and the dosage and frequency of use by the person under 18 years of age.

4. ~~[The form prescribed by the Division to be used by a person applying for a registry identification card or letter of approval pursuant to this section must be a form that is in quintuplicate.]~~ Upon receipt of an application that is completed and submitted pursuant to this section, the Division shall:

(a) Record on the application the date on which it was received;

(b) Retain one copy of the application for the records of the Division; and

(c) Distribute ~~[the other four]~~ copies of the application in the following manner:

(1) One copy to the person who submitted the application;

(2) One copy to the applicant's designated primary caregiver, if any; ***and***

(3) ~~[~~One copy to the Central Repository for Nevada Records of Criminal History; and

~~(4)]~~ One copy to ~~[~~:

~~(I) If the attending physician of the applicant is licensed to practice medicine pursuant to the provisions of chapter 630 of NRS, the Board of Medical Examiners; or~~

~~(II) If the attending physician of the applicant is licensed to practice osteopathic medicine pursuant to the provisions of chapter 633 of NRS, the State Board of Osteopathic Medicine.]~~ ***the professional licensing board that has issued a license or certification to the attending provider of health care.***

➥ ~~[~~The Central Repository for Nevada Records of Criminal History shall report to the Division its findings as to the criminal history, if any, of an applicant within 15 days after receiving a copy of an application pursuant to subparagraph (3) of paragraph (c).~~]~~ The ~~[~~Board of Medical Examiners or the State Board of Osteopathic Medicine, as~~]~~ applicable ~~[~~,~~]~~ ***professional licensing board*** shall report to the Division its findings as to the licensure ***or certification, as applicable,*** and standing of the applicant's attending ~~[~~physician~~]~~ ***provider of health care*** within 15 days after receiving a copy of an application pursuant to subparagraph ~~[~~(4)~~]~~ ***(3)*** of paragraph (c).

5. The Division shall verify the information contained in an application submitted pursuant to this section and shall approve or deny an application within ~~[~~30 days after receiving the application.~~]~~ ***the period of time specified by the Division by regulation.*** The Division may contact an applicant, the applicant's attending ~~[~~physician~~]~~ ***provider of health care*** and designated primary caregiver, if any, by telephone to determine that the information provided on or accompanying the application is accurate. The Division may deny an application only on the following grounds:

(a) The applicant failed to provide the information required pursuant to subsections 2 and 3 ***;*** ~~[~~to:

~~(1) Establish the applicant's chronic or debilitating medical condition; or~~

~~(2) Document the applicant's consultation with an attending physician regarding the medical use of marijuana in connection with that condition;~~]

(b) The applicant failed to comply with regulations adopted by the Division, including, without limitation, the regulations adopted by the Administrator ***of the Division*** pursuant to NRS 453A.740;

(c) The Division determines that the information provided by the applicant was falsified;

(d) The Division determines that the attending ~~[~~physician~~]~~ ***provider of health care*** of the applicant is not licensed ~~[~~to practice medicine or

~~osteopathic medicine~~] ***or certified*** in this State or is not in good standing, as reported by the ~~[Board of Medical Examiners or the State Board of Osteopathic Medicine, as]~~ applicable ~~[,]~~ ***professional licensing board;***

(e) ~~[The Division determines that the applicant, or the applicant's designated primary caregiver, if applicable, has been convicted of knowingly or intentionally selling a controlled substance;~~

~~(f)]~~ The Division has prohibited the applicant from obtaining or using a registry identification card or letter of approval pursuant to subsection 2 of NRS 453A.300;

~~[(g)]~~ ***(f)*** The Division determines that the applicant, or the applicant's designated primary caregiver, if applicable, has had a registry identification card or letter of approval revoked pursuant to NRS 453A.225; or

~~[(h)]~~ ***(g)*** In the case of a person under 18 years of age, the custodial parent or legal guardian with responsibility for health care decisions for the person has not signed the written statement required pursuant to paragraph (b) of subsection 3.

6. The decision of the Division to deny an application for a registry identification card or letter of approval is a final decision for the purposes of judicial review. Only the person whose application has been denied or, in the case of a person under 18 years of age whose application has been denied, the person's parent or legal guardian, has standing to contest the determination of the Division. A judicial review authorized pursuant to this subsection must be limited to a determination of whether the denial was arbitrary, capricious or otherwise characterized by an abuse of discretion and must be conducted in accordance with the procedures set forth in chapter 233B of NRS for reviewing a final decision of an agency.

7. A person whose application has been denied may not reapply for 6 months after the date of the denial, unless the Division or a court of competent jurisdiction authorizes reapplication in a shorter time.

8. Except as otherwise provided in this subsection, if a person has applied for a registry identification card or letter of approval pursuant to this section and the Division has not yet approved or denied the application, the person, and the person's designated primary caregiver, if any, shall be deemed to hold a registry identification card or letter of approval ~~[upon the presentation to a law enforcement officer of the]~~ ***and may present a*** copy of the application provided to him or her pursuant to subsection 4 ~~[.]~~ ***as proof that the person is deemed to hold a registry identification card to any person, including, without limitation, a law enforcement officer or a medical marijuana establishment agent at a medical marijuana dispensary.***

9. ***An attending ~~[physician]~~ provider of health care who signs an application pursuant to subsection 2 for a patient shall maintain valid, written documentation in the file the attending ~~[physician]~~ provider of health care maintains for the patient and make such written documentation available to the Division upon request.***

10. As used in this section, "resident" has the meaning ascribed to it in NRS 483.141.

Sec. 20. NRS 453A.220 is hereby amended to read as follows:

453A.220 1. If the Division approves an application pursuant to subsection 5 of NRS 453A.210, the Division or its designee shall, as soon as practicable after the Division approves the application:

(a) Issue a letter of approval or serially numbered registry identification card, as applicable, to the applicant; and

(b) If the applicant has designated a primary caregiver, issue a serially numbered registry identification card to the designated primary caregiver.

2. A registry identification card issued pursuant to paragraph (a) of subsection 1 must set forth:

(a) The name, address, photograph and date of birth of the applicant;

(b) The date of issuance and date of expiration of the registry identification card;

(c) The name and address of the applicant's designated primary caregiver, if any;

(d) The name of the applicant's designated medical marijuana dispensary, if any;

(e) Whether the applicant is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.200; and

(f) Any other information prescribed by regulation of the Division.

3. A letter of approval issued pursuant to paragraph (a) of subsection 1 must set forth:

(a) The name, address and date of birth of the applicant;

(b) The date of issuance and date of expiration of the registry identification card of the designated primary caregiver;

(c) The name and address of the applicant's designated primary caregiver;

(d) The name of the applicant's designated medical marijuana dispensary, if any; and

(e) Any other information prescribed by regulation of the Division.

4. A registry identification card issued pursuant to paragraph (b) of subsection 1 must set forth:

(a) The name, address and photograph of the designated primary caregiver;

(b) The date of issuance and date of expiration of the registry identification card;

(c) The name and address of the applicant for whom the person is the designated primary caregiver;

(d) The name of the designated primary caregiver's designated medical marijuana dispensary, if any;

(e) Whether the designated primary caregiver is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.200; and

(f) Any other information prescribed by regulation of the Division.

5. Except as otherwise provided in NRS 453A.225, subsection 3 of NRS 453A.230 and subsection 2 of NRS 453A.300, a registry identification card or letter of approval issued pursuant to this section is valid for a period of ***either*** 1 year ***or 2 years, as specified by the attending ~~[physician]~~ provider of health care on the application for the issuance or renewal of the registry identification card or letter of approval,*** and may be renewed in accordance with regulations adopted by the Division.

Sec. 21. NRS 453A.225 is hereby amended to read as follows:

453A.225 1. If, at any time after the Division or its designee has issued a registry identification card or letter of approval to a person pursuant to paragraph (a) of subsection 1 of NRS 453A.220, the Division determines, on the basis of official documents or records or other credible evidence, that the person **[**~~:~~

~~(a) Provided~~**]** ***provided*** falsified information on his or her application to the Division or its designee, as described in paragraph (c) of subsection 5 of NRS 453A.210 **, [**~~; or~~

~~(b) Has been convicted of knowingly or intentionally selling a controlled substance, as described in paragraph (c) of subsection 5 of NRS 453A.210,~~

~~→~~] the Division shall immediately revoke the registry identification card or letter of approval issued to that person and shall immediately revoke the registry identification card issued to that person's designated primary caregiver, if any.

2. ~~[If, at any time after the Division or its designee has issued a registry identification card to a person pursuant to paragraph (b) of subsection 1 of NRS 453A.220 or pursuant to NRS 453A.250, the Division determines, on the basis of official documents or records or other credible evidence, that the person has been convicted of knowingly or intentionally selling a controlled substance, as described in paragraph (c) of subsection 5 of NRS 453A.210, the Division shall immediately revoke the registry identification card issued to that person.~~

~~3.~~**]** Upon the revocation of a registry identification card or letter of approval pursuant to this section:

(a) The Division shall send, by certified mail, return receipt requested, notice to the person whose registry identification card or letter of approval has been revoked, advising the person of the requirements of paragraph (b); and

(b) The person shall return his or her registry identification card or letter of approval to the Division within 7 days after receiving the notice sent pursuant to paragraph (a).

[~~4.~~**]** ***3.*** The decision of the Division to revoke a registry identification card or letter of approval pursuant to this section is a final decision for the purposes of judicial review.

[~~5.~~**]** ***4.*** A person whose registry identification card or letter of approval has been revoked pursuant to this section may not reapply for a registry identification card or letter of approval pursuant to NRS 453A.210 for 12

months after the date of the revocation, unless the Division or a court of competent jurisdiction authorizes reapplication in a shorter time.

Sec. 22. NRS 453A.230 is hereby amended to read as follows:

453A.230 1. A person to whom the Division or its designee has issued a registry identification card or letter of approval pursuant to paragraph (a) of subsection 1 of NRS 453A.220 shall, in accordance with regulations adopted by the Division:

(a) Notify the Division of any change in the person's name, address, telephone number, designated medical marijuana dispensary, attending ~~[~~physician~~]~~ ***provider of health care*** or designated primary caregiver, if any; and

(b) Submit ~~[~~annually~~]~~ to the ***Division, on a form prescribed by the*** Division:

(1) ~~[~~Updated written documentation~~]~~ ***On or before the date specified by the attending ~~[physician]~~ provider of health care on the application for the issuance or renewal of the registry identification card or letter of approval pursuant to subsection 5 of NRS 453A.220, a signature*** from the person's attending ~~[~~physician in which the attending physician sets forth~~]~~ ***provider of health care affirming*** that:

(I) The person continues to suffer from a chronic or debilitating medical condition;

(II) The medical use of marijuana may mitigate the symptoms or effects of that condition; and

(III) The attending ~~[~~physician~~]~~ ***provider of health care*** has explained to the person the possible risks and benefits of the medical use of marijuana; and

(2) If the person elects to designate a primary caregiver for the subsequent year and the primary caregiver so designated was not the person's designated primary caregiver during the previous year:

(I) The name, address ~~[,]~~ ***and*** telephone number ~~[~~and social security number~~]~~ of the designated primary caregiver; and

(II) A ~~[~~written, signed statement~~]~~ ***signature*** from the person's attending ~~[~~physician in which~~]~~ ***provider of health care affirming that*** the attending ~~[~~physician~~]~~ ***provider of health care*** approves of the designation of the primary caregiver.

2. A person to whom the Division or its designee has issued a registry identification card pursuant to paragraph (b) of subsection 1 of NRS 453A.220 or pursuant to NRS 453A.250 shall, in accordance with regulations adopted by the Division, notify the Division of any change in the person's name, address, telephone number, designated medical marijuana dispensary or the identity of the person for whom he or she acts as designated primary caregiver.

3. If a person fails to comply with the provisions of subsection 1 or 2, the registry identification card or letter of approval issued to the person shall be deemed expired. If the registry identification card or letter of approval of a

person to whom the Division or its designee issued the card or letter pursuant to paragraph (a) of subsection 1 of NRS 453A.220 is deemed expired pursuant to this subsection, a registry identification card issued to the person's designated primary caregiver, if any, shall also be deemed expired. Upon the deemed expiration of a registry identification card or letter of approval pursuant to this subsection:

(a) The Division shall send, by certified mail, return receipt requested, notice to the person whose registry identification card or letter of approval has been deemed expired, advising the person of the requirements of paragraph (b); and

(b) The person shall return his or her registry identification card or letter of approval to the Division within 7 days after receiving the notice sent pursuant to paragraph (a).

Sec. 23. (Deleted by amendment.)

Sec. 23.5. **NRS 453A.240 is hereby amended to read as follows:**

453A.240 If a person to whom the Division or its designee has issued a registry identification card or letter of approval pursuant to paragraph (a) of subsection 1 of NRS 453A.220 is diagnosed by the person's attending ~~[physician]~~ ***provider of health care*** as no longer having a chronic or debilitating medical condition, the person shall return his or her registry identification card or letter of approval and his or her designated primary caregiver, if any, shall return his or her registry identification card to the Division within 7 days after notification of the diagnosis.

Sec. 24. NRS 453A.250 is hereby amended to read as follows:

453A.250 1. If a person who applies to the Division for a registry identification card or letter of approval or to whom the Division or its designee has issued a registry identification card or letter of approval pursuant to paragraph (a) of subsection 1 of NRS 453A.220 desires or is required to designate a primary caregiver, the person must:

(a) To designate a primary caregiver at the time of application, submit to the Division ***, on a form prescribed by the Division,*** the information required pursuant to paragraph (e) of subsection 2 of NRS 453A.210; or

(b) To designate a primary caregiver after the Division or its designee has issued a registry identification card or letter of approval to the person, submit to the Division ***, on a form prescribed by the Division,*** the information required pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 453A.230.

2. A person may have only one designated primary caregiver at any one time.

3. If a person designates a primary caregiver after the time that the person initially applies for a registry identification card or letter of approval, the Division or its designee shall, except as otherwise provided in subsection 5 of NRS 453A.210, issue a registry identification card to the designated primary caregiver as soon as practicable after receiving the information submitted pursuant to paragraph (b) of subsection 1.

4. A person who is the parent or legal guardian of one or more children who are listed in the medical marijuana registry may be the designated primary caregiver for each such child regardless of whether the person is also listed in the medical marijuana registry as a patient.

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 26.5. **NRS 453A.310 is hereby amended to read as follows:**

453A.310 1. Except as otherwise provided in this section and NRS 453A.300, it is an affirmative defense to a criminal charge of possession, delivery or production of marijuana, or any other criminal offense in which possession, delivery or production of marijuana is an element, that the person charged with the offense:

(a) Is a person who:

(1) Has been diagnosed with a chronic or debilitating medical condition within the 12-month period preceding his or her arrest and has been advised by his or her attending ~~[physician]~~ ***provider of health care*** that the medical use of marijuana may mitigate the symptoms or effects of that chronic or debilitating medical condition;

(2) Is engaged in the medical use of marijuana; and

(3) Possesses, delivers or produces marijuana only in the amount described in paragraph (b) of subsection 3 of NRS 453A.200 or in excess of that amount if the person proves by a preponderance of the evidence that the greater amount is medically necessary as determined by the person's attending ~~[physician]~~ ***provider of health care*** to mitigate the symptoms or effects of the person's chronic or debilitating medical condition; or

(b) Is a person who:

(1) Is assisting a person described in paragraph (a) in the medical use of marijuana; and

(2) Possesses, delivers or produces marijuana only in the amount described in paragraph (b) of subsection 3 of NRS 453A.200 or in excess of that amount if the person proves by a preponderance of the evidence that the greater amount is medically necessary as determined by the assisted person's attending ~~[physician]~~ ***provider of health care*** to mitigate the symptoms or effects of the assisted person's chronic or debilitating medical condition.

2. A person need not hold a registry identification card or letter of approval issued to the person by the Division or its designee pursuant to NRS 453A.220 or 453A.250 to assert an affirmative defense described in this section.

3. Except as otherwise provided in this section and in addition to the affirmative defense described in subsection 1, a person engaged or assisting in the medical use of marijuana who is charged with a crime pertaining to the medical use of marijuana is not precluded from:

(a) Asserting a defense of medical necessity; or

(b) Presenting evidence supporting the necessity of marijuana for treatment of a specific disease or medical condition,

➥ if the amount of marijuana at issue is not greater than the amount described in paragraph (b) of subsection 3 of NRS 453A.200 and the person has taken steps to comply substantially with the provisions of this chapter.

4. A defendant who intends to offer an affirmative defense described in this section shall, not less than 5 days before trial or at such other time as the court directs, file and serve upon the prosecuting attorney a written notice of the defendant's intent to claim the affirmative defense. The written notice must:

(a) State specifically why the defendant believes he or she is entitled to assert the affirmative defense; and

(b) Set forth the factual basis for the affirmative defense.

➥ A defendant who fails to provide notice of his or her intent to claim an affirmative defense as required pursuant to this subsection may not assert the affirmative defense at trial unless the court, for good cause shown, orders otherwise.

Sec. 27. NRS 453A.322 is hereby amended to read as follows:

453A.322 1. Each medical marijuana establishment must register with the ~~[~~Division.~~]~~ ***Department.***

2. A person who wishes to operate a medical marijuana establishment must submit to the ~~[~~Division~~]~~ ***Department*** an application on a form prescribed by the ~~[~~Division.~~]~~ ***Department.***

3. Except as otherwise provided in NRS 453A.324, 453A.326, 453A.328 and 453A.340, not later than 90 days after receiving an application to operate a medical marijuana establishment, the ~~[~~Division~~]~~ ***Department*** shall register the medical marijuana establishment and issue a medical marijuana establishment registration certificate and a random 20-digit alphanumeric identification number if:

(a) The person who wishes to operate the proposed medical marijuana establishment has submitted to the ~~[~~Division~~]~~ ***Department*** all of the following:

(1) The application fee, as set forth in NRS 453A.344;

(2) An application, which must include:

(I) The legal name of the proposed medical marijuana establishment;

(II) The physical address where the proposed medical marijuana establishment will be located and the physical address of any co-owned additional or otherwise associated medical marijuana establishments, the locations of which may not be within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed medical marijuana establishment was submitted to the ~~[~~Division,~~]~~ ***Department,*** or within 300 feet of a community facility that existed on the date on which the application for the proposed medical marijuana establishment was submitted to the ~~[~~Division;~~]~~ ***Department;***

(III) Evidence that the applicant controls not less than $250,000 in liquid assets to cover the initial expenses of opening the proposed medical

marijuana establishment and complying with the provisions of NRS 453A.320 to 453A.370, inclusive;

(IV) Evidence that the applicant owns the property on which the proposed medical marijuana establishment will be located or has the written permission of the property owner to operate the proposed medical marijuana establishment on that property;

(V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed medical marijuana establishment, a complete set of the person's fingerprints and written permission of the person authorizing the ~~[~~Division~~]~~ ***Department*** to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed medical marijuana establishment; and

(VII) The name, address and date of birth of each person who is proposed to be employed by or otherwise provide labor at the proposed medical marijuana establishment as a medical marijuana establishment agent;

(3) Operating procedures consistent with rules of the ~~[~~Division~~]~~ ***Department*** for oversight of the proposed medical marijuana establishment, including, without limitation:

(I) Procedures to ensure the use of adequate security measures; and

(II) The use of an electronic verification system and an inventory control system, pursuant to NRS 453A.354 and 453A.356;

(4) If the proposed medical marijuana establishment will sell or deliver edible marijuana products or marijuana-infused products, proposed operating procedures for handling such products which must be preapproved by the ~~[~~Division;~~]~~ ***Department;***

(5) If the city, town or county in which the proposed medical marijuana establishment will be located has enacted zoning restrictions, proof of licensure with the applicable local governmental authority or a letter from the applicable local governmental authority certifying that the proposed medical marijuana establishment is in compliance with those restrictions and satisfies all applicable building requirements; and

(6) Such other information as the ~~[~~Division~~]~~ ***Department*** may require by regulation;

(b) None of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment have been convicted of an excluded felony offense;

(c) None of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment have:

(1) Served as an owner, officer or board member for a medical marijuana establishment that has had its medical marijuana establishment registration certificate revoked; or

(2) Previously had a medical marijuana establishment agent registration card revoked; and

(d) None of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed medical marijuana establishment, the ~~[~~Division~~]~~ ***Department*** shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in subsection 6, if an application for registration as a medical marijuana establishment satisfies the requirements of this section and the establishment is not disqualified from being registered as a medical marijuana establishment pursuant to this section or other applicable law, the ~~[~~Division~~]~~ ***Department*** shall issue to the establishment a medical marijuana establishment registration certificate. A medical marijuana establishment registration certificate expires 1 year after the date of issuance and may be renewed upon:

(a) Resubmission of the information set forth in this section ~~[~~**.**~~]~~ ***, except that the fingerprints of each person who is an owner, officer or board member of a medical marijuana establishment required to be submitted pursuant to subsection 4 must only be submitted:***

(1) If such a person holds 5 percent or less of the ownership interest in any one medical marijuana establishment or an ownership interest in more than one medical marijuana establishment of the same kind that, when added together, equals 5 percent or less, once in any 5-year period; and

(2) If such a person holds more than 5 percent of the ownership interest in any one medical marijuana establishment or an ownership interest in more than one medical marijuana establishment of the same kind that, when added together, equals more than 5 percent, or is an officer or board member of a medical marijuana establishment, once in any 3-year period; ~~[~~and~~]~~

(b) Payment of the renewal fee set forth in NRS 453A.344 ~~[~~.~~]~~ ***; and***

(c) If the medical marijuana establishment is an independent testing laboratory, submission of proof that the independent testing laboratory is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization.

6. In determining whether to issue a medical marijuana establishment registration certificate pursuant to this section, the ~~[~~Division~~]~~ ***Department*** shall consider the criteria of merit set forth in NRS 453A.328.

7. ***The Department:***

(a) Shall not require an applicant for registration as a medical marijuana establishment or for the renewal of a medical marijuana

establishment registration certificate to submit a financial statement with the application for registration or renewal; and

(b) May require a medical marijuana establishment to submit a financial statement as determined to be necessary by the Department to ensure the collection of any taxes which may be owed by the medical marijuana establishment.

8. As used in this section, "community facility" means:

(a) A facility that provides day care to children.

(b) A public park.

(c) A playground.

(d) A public swimming pool.

(e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.

(f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

Sec. 28. NRS 453A.324 is hereby amended to read as follows:

453A.324 1. Except as otherwise provided in this section and NRS 453A.326, the ~~[~~Division~~]~~ ***Department*** shall issue medical marijuana establishment registration certificates for medical marijuana dispensaries in the following quantities for applicants who qualify pursuant to NRS 453A.322:

(a) In a county whose population is 700,000 or more, 40 certificates;

(b) In a county whose population is 100,000 or more but less than 700,000, ten certificates;

(c) In a county whose population is 55,000 or more but less than 100,000, two certificates; and

(d) In each other county, one certificate.

2. Notwithstanding the provisions of subsection 1, the ~~[~~Division:~~]~~ ***Department:***

(a) Shall not issue medical marijuana establishment registration certificates for medical marijuana dispensaries in such a quantity as to cause the existence within the applicable county of more than one medical marijuana dispensary for every ten pharmacies that have been licensed in the county pursuant to chapter 639 of NRS. The ~~[~~Division~~]~~ ***Department*** may issue medical marijuana establishment registration certificates for medical marijuana dispensaries in excess of the ratio otherwise allowed pursuant to this paragraph if to do so is necessary to ensure that the ~~[~~Division~~]~~ ***Department*** issues at least one medical marijuana establishment registration certificate in each county of this State in which the ~~[~~Division~~]~~ ***Department*** has approved an application for such an establishment to operate.

(b) Shall, for any county for which no applicants qualify pursuant to NRS 453A.322, within 2 months after the end of the period during which the ~~[~~Division~~]~~ ***Department*** accepts applications pursuant to subsection 4, reallocate the certificates provided for that county pursuant to subsection 1 to

the other counties specified in subsection 1 in the same proportion as provided in subsection 1.

3. With respect to medical marijuana establishments that are not medical marijuana dispensaries, the ~~[Division]~~ ***Department*** shall determine the appropriate number of such establishments as are necessary to serve and supply the medical marijuana dispensaries to which the ~~[Division]~~ ***Department*** has granted medical marijuana establishment registration certificates.

4. The ~~[Division]~~ ***Department*** shall not, for more than a total of 10 business days in any 1 calendar year, accept applications to operate medical marijuana establishments.

Sec. 29. NRS 453A.326 is hereby amended to read as follows:

453A.326 1. Except as otherwise provided in this subsection, in a county whose population is 100,000 or more, the ~~[Division]~~ ***Department*** shall ensure that not more than 25 percent of the total number of medical marijuana dispensaries that may be certified in the county, as set forth in NRS 453A.324, are located in any one local governmental jurisdiction within the county. The board of county commissioners of the county may increase the percentage described in this subsection if it determines that to do so is necessary to ensure that the more populous areas of the county have access to sufficient distribution of marijuana for medical use.

2. To prevent monopolistic practices, the ~~[Division]~~ ***Department*** shall ensure, in a county whose population is 100,000 or more, that it does not issue, to any one person, group of persons or entity, the greater of:

(a) One medical marijuana establishment registration certificate; or

(b) More than 10 percent of the medical marijuana establishment registration certificates otherwise allocable in the county.

3. In a local governmental jurisdiction that issues business licenses, the issuance by the ~~[Division]~~ ***Department*** of a medical marijuana establishment registration certificate shall be deemed to be provisional until such time as:

(a) The establishment is in compliance with all applicable local governmental ordinances or rules; and

(b) The local government has issued a business license for the operation of the establishment.

4. As used in this section, "local governmental jurisdiction" means a city, town, township or unincorporated area within a county.

Sec. 30. NRS 453A.328 is hereby amended to read as follows:

453A.328 In determining whether to issue a medical marijuana establishment registration certificate pursuant to NRS 453A.322, the ~~[Division]~~ ***Department*** shall, in addition to the factors set forth in that section, consider the following criteria of merit:

1. The total financial resources of the applicant, both liquid and illiquid;

2. The previous experience of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment at operating other businesses or nonprofit organizations;

3. The educational achievements of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment;

4. Any demonstrated knowledge or expertise on the part of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment with respect to the compassionate use of marijuana to treat medical conditions;

5. Whether the proposed location of the proposed medical marijuana establishment would be convenient to serve the needs of persons who are authorized to engage in the medical use of marijuana;

6. The likely impact of the proposed medical marijuana establishment on the community in which it is proposed to be located;

7. The adequacy of the size of the proposed medical marijuana establishment to serve the needs of persons who are authorized to engage in the medical use of marijuana;

8. Whether the applicant has an integrated plan for the care, quality and safekeeping of medical marijuana from seed to sale;

9. The amount of taxes paid to, or other beneficial financial contributions made to, the State of Nevada or its political subdivisions by the applicant or the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment; ~~[and]~~

10. ***The diversity on the basis of race, ethnicity or gender of the applicant or the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment; and***

11. Any other criteria of merit that the ~~[~~Division~~]~~ ***Department*** determines to be relevant.

Sec. 31. NRS 453A.332 is hereby amended to read as follows:

453A.332 1. Except as otherwise provided in this section, a person shall not volunteer or work at, contract to provide labor to or be employed by an independent contractor to provide labor to a medical marijuana establishment as a medical marijuana establishment agent unless the person is registered with the ~~[~~Division~~]~~ ***Department*** pursuant to this section.

2. A ***person who wishes to volunteer or work at a medical marijuana establishment, or a*** medical marijuana establishment that wishes to retain as a volunteer or employ ~~[~~a medical marijuana establishment agent~~]~~ ***such a person,*** shall submit to the ~~[~~Division~~]~~ ***Department*** an application on a form prescribed by the ~~[~~Division.~~]~~ ***Department.*** The application must be accompanied by:

(a) The name, address and date of birth of the prospective medical marijuana establishment agent;

(b) A statement signed by the prospective medical marijuana establishment agent pledging not to dispense or otherwise divert marijuana to any person who is not authorized to possess marijuana in accordance with the provisions of this chapter;

(c) A statement signed by the prospective medical marijuana establishment agent asserting that he or she has not previously had a medical marijuana establishment agent registration card revoked;

(d) A complete set of the fingerprints and written permission of the prospective medical marijuana establishment agent authorizing the ~~[Division]~~ ***Department*** to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(e) The application fee, as set forth in NRS 453A.344; and

(f) Such other information as the ~~[Division]~~ ***Department*** may require by regulation.

3. A ***person who wishes to contract to provide labor to or be employed by an independent contractor to provide labor to a medical marijuana establishment, or a*** medical marijuana establishment that wishes to contract with ~~[an independent contractor to provide labor as a medical marijuana establishment agent]~~ ***such a person,*** shall submit to the ~~[Division]~~ ***Department*** an application on a form prescribed by the ~~[Division]~~ ***Department*** for the registration of the independent contractor and each employee of the independent contractor who will provide labor as a medical marijuana establishment agent. The application must be accompanied by:

(a) The name, address and, if the prospective medical marijuana establishment agent has a state business registration, the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;

(b) The name, address and date of birth of each employee of the prospective medical marijuana establishment agent who will provide labor as a medical marijuana establishment agent;

(c) A statement signed by the prospective medical marijuana establishment agent pledging not to dispense or otherwise divert marijuana to, or allow any of its employees to dispense or otherwise divert marijuana to, any person who is not authorized to possess marijuana in accordance with the provisions of this chapter;

(d) A statement signed by the prospective medical marijuana establishment agent asserting that it has not previously had a medical marijuana establishment agent registration card revoked and that none of its employees who will provide labor as a medical marijuana establishment agent have previously had a medical marijuana establishment agent registration card revoked;

(e) A complete set of the fingerprints of each employee of the prospective medical marijuana establishment agent who will provide labor as a medical marijuana establishment agent and written permission of the prospective medical marijuana establishment agent and each employee of the prospective medical marijuana establishment agent authorizing the ~~[Division]~~ ***Department*** to forward the fingerprints to the Central Repository for Nevada

Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(f) The application fee, as set forth in NRS 453A.344; and

(g) Such other information as the ~~[~~Division~~]~~ ***Department*** may require by regulation.

4. A medical marijuana establishment shall notify the ~~[~~Division~~]~~ ***Department*** within 10 days after a medical marijuana establishment agent ceases to be employed by, volunteer at or provide labor as a medical marijuana establishment agent to the medical marijuana establishment.

5. A person who:

(a) Has been convicted of an excluded felony offense; or

(b) Is less than 21 years of age,

➥ shall not serve as a medical marijuana establishment agent.

6. The ~~[~~Division~~]~~ ***Department*** shall submit the fingerprints of an applicant for registration as a medical marijuana establishment agent to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of the applicant.

7. The provisions of this section do not require a person who is an owner, officer or board member of a medical marijuana establishment to resubmit information already furnished to the ~~[~~Division~~]~~ ***Department*** at the time the establishment was registered with the ~~[~~Division.~~]~~ ***Department.***

8. If an applicant for registration as a medical marijuana establishment agent satisfies the requirements of this section and is not disqualified from serving as such an agent pursuant to this section or any other applicable law, the ~~[~~Division~~]~~ ***Department*** shall issue to the person and, for an independent contractor, to each person identified in the independent contractor's application for registration as an employee who will provide labor as a medical marijuana establishment agent, a medical marijuana establishment agent registration card. If the ~~[~~Division~~]~~ ***Department*** does not act upon an application for a medical marijuana establishment agent registration card within 30 days after the date on which the application is received, the application shall be deemed conditionally approved until such time as the ~~[~~Division~~]~~ ***Department*** acts upon the application. A medical marijuana establishment agent registration card expires 1 year after the date of issuance and may be renewed upon:

(a) Resubmission of the information set forth in this section; and

(b) Payment of the renewal fee set forth in NRS 453A.344.

9. A medical marijuana establishment agent registration card issued pursuant to this section to an independent contractor or an employee of an independent contractor authorizes the independent contractor or employee to provide labor to any medical marijuana establishment in this State.

10. A medical marijuana establishment agent registration card issued pursuant to this section to a person who wishes to volunteer or work at a medical marijuana establishment authorizes the person to volunteer or

work at any medical marijuana establishment in this State for which the category of the medical marijuana establishment agent registration card authorizes the person to volunteer or work.

11. Except as otherwise prescribed by regulation of the Department, an applicant for registration or renewal of registration as a medical marijuana establishment agent is deemed temporarily registered as a medical marijuana establishment agent on the date on which a complete application for registration or renewal of registration is submitted to the Department. A temporary registration as a medical marijuana establishment agent expires 30 days after the date upon which the application is received.

Sec. 32. NRS 453A.334 is hereby amended to read as follows:

453A.334 1. Except as otherwise provided in subsection 2, the following are nontransferable:

(a) A medical marijuana establishment agent registration card.

(b) A medical marijuana establishment registration certificate.

2. A medical marijuana establishment may ***, upon submission of a statement signed by a person authorized to submit such a statement by the governing documents of the medical marijuana establishment,*** transfer all or any portion of its ownership to another party, and the ~~[~~Division~~]~~ ***Department*** shall transfer the medical marijuana establishment registration certificate issued to the establishment to the party acquiring ownership, if the party who will acquire the ownership of the medical marijuana establishment submits:

(a) ~~[~~Evidence~~]~~ ***If the party will acquire the entirety of the ownership interest in the medical marijuana establishment, evidence*** satisfactory to the ~~[~~Division~~]~~ ***Department*** that the party has complied with the provisions of sub-subparagraph (III) of subparagraph (2) of paragraph (a) of subsection 3 of NRS 453A.322 for the purpose of operating the medical marijuana establishment.

(b) For the party and each person who is proposed to be an owner, officer or board member of the proposed medical marijuana establishment, the name, address and date of birth of the person, a complete set of the person's fingerprints and written permission of the person authorizing the ~~[~~Division~~]~~ ***Department*** to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(c) Proof satisfactory to the ~~[~~Division~~]~~ ***Department*** that, as a result of the transfer of ownership, no person, group of persons or entity will, in a county whose population is 100,000 or more, hold more than one medical marijuana establishment registration certificate or more than 10 percent of the medical marijuana establishment registration certificates allocated to the county, whichever is greater.

Sec. 33. NRS 453A.336 is hereby amended to read as follows:

453A.336 1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a medical marijuana establishment agent registration card or medical marijuana establishment registration certificate shall:

(a) Include the social security number of the applicant in the application submitted to the ~~[Division.]~~ ***Department.***

(b) Submit to the ~~[Division]~~ ***Department*** the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The ~~[Division]~~ ***Department*** shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the medical marijuana establishment agent registration card or medical marijuana establishment registration certificate; or

(b) A separate form prescribed by the ~~[Division.]~~ ***Department.***

3. A medical marijuana establishment agent registration card or medical marijuana establishment registration certificate may not be issued or renewed by the ~~[Division]~~ ***Department*** if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the ~~[Division]~~ ***Department*** shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 34. NRS 453A.338 is hereby amended to read as follows:

453A.338 1. If the ~~[Division]~~ ***Department*** receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a medical marijuana establishment agent registration card or medical marijuana establishment registration certificate, the ~~[Division]~~ ***Department*** shall deem the card or certificate issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the ~~[Division]~~ ***Department*** receives a letter issued to the holder of the card or certificate by the district attorney or other public agency pursuant to NRS 425.550 stating that the

holder of the card or certificate has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The ~~[~~Division~~]~~ ***Department*** shall reinstate a medical marijuana establishment agent registration card or medical marijuana establishment registration certificate that has been suspended by a district court pursuant to NRS 425.540 if the ~~[~~Division~~]~~ ***Department*** receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose card or certificate was suspended stating that the person whose card or certificate was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 35. NRS 453A.340 is hereby amended to read as follows:

453A.340 The following acts constitute grounds for immediate revocation of a medical marijuana establishment registration certificate:

1. Dispensing, delivering or otherwise transferring marijuana to a person other than a medical marijuana establishment agent, another medical marijuana establishment or a person who holds a valid registry identification card, including, without limitation, a designated primary caregiver.

2. Acquiring usable marijuana or mature marijuana plants from any person other than a medical marijuana establishment agent, another medical marijuana establishment or a person who holds a valid registry identification card, including, without limitation, a designated primary caregiver.

3. Violating a regulation of the ~~[~~Division,~~]~~ ***Department,*** the violation of which is stated to be grounds for immediate revocation of a medical marijuana establishment registration certificate.

4. Failure to pay a fee imposed pursuant to NRS 453A.330.

Sec. 36. NRS 453A.342 is hereby amended to read as follows:

453A.342 The following acts constitute grounds for the immediate revocation of the medical marijuana establishment agent registration card of a medical marijuana establishment agent:

1. Having committed or committing any excluded felony offense.

2. Dispensing, delivering or otherwise transferring marijuana to a person other than a medical marijuana establishment agent, another medical marijuana establishment or a person who holds a valid registry identification card, including, without limitation, a designated primary caregiver.

3. Violating a regulation of the ~~[~~Division,~~]~~ ***Department,*** the violation of which is stated to be grounds for immediate revocation of a medical marijuana establishment agent registration card.

Sec. 37. NRS 453A.344 is hereby amended to read as follows:

453A.344 1. Except as otherwise provided in subsection 2, the ~~[~~Division~~]~~ ***Department*** shall collect not more than the following maximum fees:

For the initial issuance of a medical marijuana establishment registration certificate for a medical marijuana dispensary $30,000

For the renewal of a medical marijuana establishment registration certificate for a medical marijuana dispensary 5,000
For the initial issuance of a medical marijuana establishment registration certificate for a cultivation facility 3,000
For the renewal of a medical marijuana establishment registration certificate for a cultivation facility 1,000
For the initial issuance of a medical marijuana establishment registration certificate for a facility for the production of edible marijuana products or marijuana-infused products 3,000
For the renewal of a medical marijuana establishment registration certificate for a facility for the production of edible marijuana products or marijuana-infused products 1,000
For each person identified in an application for the initial issuance of a medical marijuana establishment agent registration card 75
For each person identified in an application for the renewal of a medical marijuana establishment agent registration card 75
For the initial issuance of a medical marijuana establishment registration certificate for an independent testing laboratory 5,000
For the renewal of a medical marijuana establishment registration certificate for an independent testing laboratory 3,000

2. In addition to the fees described in subsection 1, each applicant for a medical marijuana establishment registration certificate must pay to the ~~[~~Division:~~]~~ ***Department:***

(a) A one-time, nonrefundable application fee of $5,000; and

(b) The actual costs incurred by the ~~[~~Division~~]~~ ***Department*** in processing the application, including, without limitation, conducting background checks.

3. Any revenue generated from the fees imposed pursuant to this section:

(a) Must be expended first to pay the costs of the ~~[~~Division~~]~~ ***Department*** in carrying out the provisions of NRS 453A.320 to 453A.370, inclusive; and

(b) If any excess revenue remains after paying the costs described in paragraph (a), such excess revenue must be paid over to the State Treasurer to be deposited to the credit of the State Distributive School Account in the State General Fund.

Sec. 37.5. **NRS 453A.350 is hereby amended to read as follows:**

453A.350 1. Each medical marijuana establishment must:

(a) Be located in a separate building or facility that is located in a commercial or industrial zone or overlay;

(b) Comply with all local ordinances and rules pertaining to zoning, land use and signage;

(c) Have an appearance, both as to the interior and exterior, that is professional, orderly, dignified and consistent with the traditional style of pharmacies and medical offices; and

(d) Have discreet and professional signage that is consistent with the traditional style of signage for pharmacies and medical offices.

2. A medical marijuana establishment may move to a new location under the jurisdiction of the same local government as its original location and regardless of the distance from its original location if the operation of the medical marijuana establishment at the new location has been approved by the local government. A local government may approve a new location pursuant to this subsection only in a public hearing for which written notice is given at least 7 working days before the hearing.

3. If a medical marijuana establishment is operated by a dual licensee, as defined in NRS 453D.030, any provision of this section which is determined by the Department to be unreasonably impracticable pursuant to subsection 9 of NRS 453A.370 does not apply to the medical marijuana establishment.

Sec. 38. NRS 453A.352 is hereby amended to read as follows:

453A.352 1. The operating documents of a medical marijuana establishment must include procedures:

(a) For the oversight of the medical marijuana establishment; and

(b) To ensure accurate recordkeeping, including, without limitation, the provisions of NRS 453A.354 and 453A.356.

2. Except as otherwise provided in this subsection, a medical marijuana establishment:

(a) That is a medical marijuana dispensary must have a single entrance for patrons, which must be secure, and shall implement strict security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.

(b) That is not a medical marijuana dispensary must have a single secure entrance and shall implement strict security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.

➥ The provisions of this subsection do not supersede any state or local requirements relating to minimum numbers of points of entry or exit, or any state or local requirements relating to fire safety.

3. A medical marijuana establishment is prohibited from acquiring, possessing, cultivating, manufacturing, delivering, transferring, transporting, supplying or dispensing marijuana for any purpose except to:

(a) Directly or indirectly assist patients who possess valid registry identification cards; ~~[and]~~

(b) Assist patients who possess valid registry identification cards or letters of approval by way of those patients' designated primary caregivers ~~[.]~~ ***; and***

(c) Return for a refund marijuana, edible marijuana products or marijuana-infused products to the medical marijuana establishment from which the marijuana, edible marijuana products or marijuana-infused products were acquired.

➥ For the purposes of this subsection, a person shall be deemed to be a patient who possesses a valid registry identification card or letter of approval if he or she qualifies for nonresident reciprocity pursuant to NRS 453A.364.

4. All cultivation or production of marijuana that a cultivation facility carries out or causes to be carried out must take place in an enclosed, locked facility at the physical address provided to the ~~[Division]~~ ***Department*** during the registration process for the cultivation facility. Such an enclosed, locked facility must be accessible only by medical marijuana establishment agents who are lawfully associated with the cultivation facility, except that limited access by persons necessary to perform construction or repairs or provide other labor is permissible if such persons are supervised by a medical marijuana establishment agent.

5. A medical marijuana dispensary and a cultivation facility may acquire usable marijuana or marijuana plants from a person who holds a valid registry identification card, including, without limitation, a designated primary caregiver. Except as otherwise provided in this subsection, the patient or caregiver, as applicable, must receive no compensation for the marijuana. A patient who holds a valid registry identification card, and the designated primary caregiver of such a patient, or the designated primary caregiver of a person who holds a letter of approval may sell usable marijuana to a medical marijuana dispensary one time and may sell marijuana plants to a cultivation facility one time.

6. A medical marijuana establishment shall not allow any person to consume marijuana on the property or premises of the establishment.

7. Medical marijuana establishments are subject to reasonable inspection by the Division at any time, and a person who holds a medical marijuana establishment registration certificate must make himself or herself, or a designee thereof, available and present for any inspection by the Division of the establishment.

8. A dual licensee, as defined in NRS 453D.030:

(a) Shall comply with the regulations adopted by the Department pursuant to paragraph (k) of subsection 1 of NRS 453D.200 with respect to the medical marijuana establishment operated by the dual licensee; and

(b) May, to the extent authorized by such regulations, combine the location or operations of the medical marijuana establishment operated by the dual licensee with the marijuana establishment, as defined in NRS 453D.030, operated by the dual licensee.

9. Each medical marijuana establishment shall install a video monitoring system which must, at a minimum:

(a) Allow for the transmission and storage, by digital or analog means, of a video feed which displays the interior and exterior of the medical marijuana establishment; and

(b) Be capable of being accessed remotely by a law enforcement agency in real-time upon request.

10. A medical marijuana establishment shall not dispense or otherwise sell marijuana, edible marijuana products or marijuana-infused products from a vending machine or allow such a vending machine to be installed at the interior or exterior of the premises of the medical marijuana establishment.

11. If a medical marijuana establishment is operated by a dual licensee, as defined in NRS 453D.030, any provision of this section which is determined by the Department to be unreasonably impracticable pursuant to subsection 9 of NRS 453A.370 does not apply to the medical marijuana establishment.

Sec. 39. NRS 453A.354 is hereby amended to read as follows:

453A.354 1. Each medical marijuana establishment, in consultation with the ~~[~~Division,~~]~~ ***Department,*** shall maintain an electronic verification system.

2. The electronic verification system required pursuant to subsection 1 must be able to monitor and report information, including, without limitation:

(a) In the case of a medical marijuana dispensary, for each person who holds a valid registry identification card and who purchased marijuana from the dispensary in the immediately preceding 60-day period:

(1) The number of the card;

(2) The date on which the card was issued; and

(3) The date on which the card will expire.

(b) For each medical marijuana establishment agent who is employed by or volunteers at the medical marijuana establishment, the number of the person's medical marijuana establishment agent registration card.

(c) In the case of a medical marijuana dispensary, such information as may be required by the ~~[~~Division~~]~~ ***Department*** by regulation regarding persons who are not residents of this State and who have purchased marijuana from the dispensary.

(d) Verification of the identity of a person to whom marijuana, edible marijuana products or marijuana-infused products are sold or otherwise distributed.

(e) Such other information as the ~~[~~Division~~]~~ ***Department*** may require.

3. Nothing in this section prohibits more than one medical marijuana establishment from co-owning an electronic verification system in cooperation with other medical marijuana establishments, or sharing the information obtained therefrom.

4. A medical marijuana establishment must exercise reasonable care to ensure that the personal identifying information of persons who hold registry identification cards which is contained in an electronic verification system is

encrypted, protected and not divulged for any purpose not specifically authorized by law.

Sec. 40. NRS 453A.356 is hereby amended to read as follows:

453A.356 1. Each medical marijuana establishment, in consultation with the ~~[~~Division,~~]~~ ***Department,*** shall maintain an inventory control system.

2. The inventory control system required pursuant to subsection 1 must be able to monitor and report information, including, without limitation:

(a) Insofar as is practicable, the chain of custody and current whereabouts, in real time, of medical marijuana from the point that it is harvested at a cultivation facility until it is sold at a medical marijuana dispensary and, if applicable, if it is processed at a facility for the production of edible marijuana products or marijuana-infused products;

(b) The name of each person or other medical marijuana establishment, or both, to which the establishment sold marijuana;

(c) In the case of a medical marijuana dispensary, the date on which it sold marijuana to a person who holds a registry identification card and, if any, the quantity of edible marijuana products or marijuana-infused products sold, measured both by weight and potency; and

(d) Such other information as the ~~[~~Division~~]~~ ***Department*** may require.

3. Nothing in this section prohibits more than one medical marijuana establishment from co-owning an inventory control system in cooperation with other medical marijuana establishments, or sharing the information obtained therefrom.

4. A medical marijuana establishment must exercise reasonable care to ensure that the personal identifying information of persons who hold registry identification cards which is contained in an inventory control system is encrypted, protected and not divulged for any purpose not specifically authorized by law.

Sec. 41. NRS 453A.358 is hereby amended to read as follows:

453A.358 ***1.*** Each medical marijuana dispensary shall ensure all of the following:

~~[~~1.~~]~~ ***(a)*** The weight, concentration and content of THC in all marijuana, edible marijuana products and marijuana-infused products that the dispensary sells is clearly and accurately stated on the product sold.

~~[~~2.~~]~~ ***(b)*** That the dispensary does not sell to a person, in any one ~~[~~14-day period, an amount~~]~~ ***transaction, more than 1 ounce*** of marijuana ***.*** ~~[~~for medical purposes that exceeds the limits set forth in NRS 453A.200.

~~3.]~~ ***(c)*** That, posted clearly and conspicuously within the dispensary, are the legal limits on the possession of marijuana for medical purposes, as set forth in NRS 453A.200.

~~[~~4.~~]~~ ***(d)*** That, posted clearly and conspicuously within the dispensary, is a sign stating unambiguously the legal limits on the possession of marijuana for medical purposes, as set forth in NRS 453A.200.

(e) That only persons who are at least 21 years of age or hold a registry identification card or letter of approval are allowed to enter the premises of the medical marijuana dispensary.

2. A medical marijuana dispensary may, but is not required to, track the purchases of marijuana for medical purposes by any person to ensure that the person does not exceed the legal limits on the possession of marijuana for medical purposes, as set forth in NRS 453A.200. The Department shall not adopt a regulation or in any other way require a medical marijuana dispensary to track the purchases of a person or determine whether the person has exceeded the legal limits on the possession of marijuana for medical purposes, as set forth in NRS 453A.200.

3. A medical marijuana dispensary which is a dual licensee, as defined in NRS 453D.030, may, to the extent authorized by the regulations adopted by the Department pursuant to paragraph (k) of subsection 1 of NRS 453D.200, allow any person who is at least 21 years of age to enter the premises of the medical marijuana dispensary, regardless of whether such a person holds a valid registry identification card or letter of approval.

Sec. 42. NRS 453A.360 is hereby amended to read as follows:

453A.360 Each medical marijuana dispensary and facility for the production of edible marijuana products or marijuana-infused products shall, in consultation with the ~~[~~Division,~~]~~ ***Department,*** cooperate to ensure that all edible marijuana products and marijuana-infused products offered for sale:

1. Are labeled clearly and unambiguously as medical marijuana.
2. Are not presented in packaging that is appealing to children.
3. Are regulated and sold on the basis of the concentration of THC in the products and not by weight.
4. Are packaged and labeled in such a manner as to allow tracking by way of an inventory control system.

Sec. 43. NRS 453A.364 is hereby amended to read as follows:

453A.364 ~~[~~1. The State of Nevada and the medical marijuana dispensaries in this State which hold valid medical marijuana establishment registration certificates will recognize a nonresident card only under the following circumstances:

(a) The state or jurisdiction from which the holder or bearer obtained the nonresident card grants an exemption from criminal prosecution for the medical use of marijuana;

(b) The state or jurisdiction from which the holder or bearer obtained the nonresident card requires, as a prerequisite to the issuance of such a card, that a physician advise the person that the medical use of marijuana may mitigate the symptoms or effects of the person's medical condition;

(c) The nonresident card has an expiration date and has not yet expired;

(d) The holder or bearer of the nonresident card signs an affidavit in a form prescribed by the Division which sets forth that the holder or bearer is

~~entitled to engage in the medical use of marijuana in his or her state or jurisdiction of residence; and~~

~~(c) The holder or bearer of the nonresident card agrees to abide by, and does abide by, the legal limits on the possession of marijuana for medical purposes in this State, as set forth in NRS 453A.200.~~

~~2. For the purposes of the reciprocity described in this section:~~

~~(a) The amount of medical marijuana that the holder or bearer of a nonresident card is entitled to possess in his or her state or jurisdiction of residence is not relevant; and~~

~~(b) Under no circumstances, while in this State, may the holder or bearer of a nonresident card possess marijuana for medical purposes in excess of the limits set forth in NRS 453A.200.~~

~~3. As used in this section, "nonresident card" means a card or other identification that:~~

~~(a) Is issued by a state or jurisdiction other than Nevada; and~~

~~(b) Is the functional equivalent of a registry identification card or letter of approval, as determined by the Division.~~**]**

1. A person who is not a resident of this State, but who is authorized to engage in the medical use of marijuana under the laws of his or her state or jurisdiction of residence, is deemed to hold a valid registry identification card for the purpose of the exemption from state prosecution described in subsection 1 of NRS 453A.200 if the person abides by the legal limits on the possession, delivery and production of marijuana for medical purposes in this State, as set forth in NRS 453A.200.

2. A medical marijuana dispensary may dispense marijuana to a person described in subsection 1 if the person presents to the medical marijuana dispensary any document which is valid to prove the authorization of the person to engage in the medical use of marijuana under the laws of his or her state or jurisdiction of residence. Such documentation may include, without limitation, written documentation from a physician or other provider of health care if, under the laws of the person's state or jurisdiction of residence, written documentation from a physician or other provider of health care is sufficient to exempt the person from prosecution for engaging in the medical use of marijuana.

Sec. 44. NRS 453A.366 is hereby amended to read as follows:

453A.366 1. A patient who holds a valid registry identification card or letter of approval and his or her designated primary caregiver, if any, may select one medical marijuana dispensary to serve as his or her designated medical marijuana dispensary at any one time.

2. A patient who designates a medical marijuana dispensary as described in subsection 1:

(a) Shall communicate the designation to the Division ***and the Department*** within the time specified by the ~~[Division.]~~ ***Department.***

(b) May change his or her designation not more than once in a 30-day period.

Sec. 45. NRS 453A.368 is hereby amended to read as follows:

453A.368 1. The ~~[Division]~~ ***Department*** shall establish standards for and certify one or more private and independent testing laboratories to test marijuana, edible marijuana products and marijuana-infused products that are to be sold in this State.

2. Such an independent testing laboratory must be able to ~~[determine]~~ ***:***

(a) Determine accurately, with respect to marijuana, edible marijuana products and marijuana-infused products that are sold or will be sold at medical marijuana dispensaries in this State:

~~[(a)]~~ ***(1)*** The concentration therein of THC and cannabidiol.

~~[(b)]~~ ***(2)*** The presence and identification of molds and fungus.

~~[(c)]~~ ***(3)*** The composition of the tested material.

~~[(d)]~~ ***(4)*** The presence of chemicals in the tested material, including, without limitation, pesticides, herbicides or growth regulators.

(b) Demonstrate the validity and accuracy of the methods used by the independent testing laboratory to test marijuana, edible marijuana products and marijuana-infused products.

3. To obtain certification by the ~~[Division]~~ ***Department*** on behalf of an independent testing laboratory, an applicant must:

(a) Apply successfully as required pursuant to NRS 453A.322.

(b) Pay the fees required pursuant to NRS 453A.344.

(c) Agree to become accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization within 1 year after certification.

Sec. 46. NRS 453A.369 is hereby amended to read as follows:

453A.369 The ~~[Division]~~ ***Department*** may enter into an interlocal agreement pursuant to NRS 277.080 to 277.180, inclusive, to carry out the provisions of NRS 453A.320 to 453A.370, inclusive.

Sec. 47. NRS 453A.370 is hereby amended to read as follows:

453A.370 The ~~[Division]~~ ***Department*** shall adopt such regulations as it determines to be necessary or advisable to carry out the provisions of NRS 453A.320 to 453A.370, inclusive. Such regulations are in addition to any requirements set forth in statute and must, without limitation:

1. Prescribe the form and any additional required content of registration and renewal applications submitted pursuant to NRS 453A.322 and 453A.332.

2. Set forth rules pertaining to the safe and healthful operation of medical marijuana establishments, including, without limitation:

(a) The manner of protecting against diversion and theft without imposing an undue burden on medical marijuana establishments or compromising the confidentiality of the holders of registry identification cards and letters of approval.

(b) Minimum requirements for the oversight of medical marijuana establishments.

(c) Minimum requirements for the keeping of records by medical marijuana establishments.

(d) Provisions for the security of medical marijuana establishments, including, without limitation, requirements for the protection by a fully operational security alarm system of each medical marijuana establishment.

(e) Procedures pursuant to which medical marijuana dispensaries must use the services of an independent testing laboratory to ensure that any marijuana, edible marijuana products and marijuana-infused products sold by the dispensaries to end users are tested for content, quality and potency in accordance with standards established by the ~~[~~Division.~~]~~ ***Department.***

(f) Procedures pursuant to which a medical marijuana dispensary will be notified by the ~~[~~Division~~]~~ ***Department*** if a patient who holds a valid registry identification card or letter of approval has chosen the dispensary as his or her designated medical marijuana dispensary, as described in NRS 453A.366.

3. Establish circumstances and procedures pursuant to which the maximum fees set forth in NRS 453A.344 may be reduced over time ~~[~~:

~~(a) To~~~~]~~ ***to*** ensure that the fees imposed pursuant to NRS 453A.344 are, insofar as may be practicable, revenue neutral **.** ~~[~~; and

~~(b) To reflect gifts and grants received by the Division pursuant to NRS 453A.720.~~~~]~~

4. Set forth the amount of usable marijuana that a medical marijuana dispensary may dispense to a person who holds a valid registry identification card, including, without limitation, a designated primary caregiver, in any one 14-day period. Such an amount must not exceed the limits set forth in NRS 453A.200.

5. As far as possible while maintaining accountability, protect the identity and personal identifying information of each person who receives, facilitates or delivers services in accordance with this chapter.

6. In cooperation with the ~~[~~Board of Medical Examiners and the State Board of Osteopathic Medicine,~~]~~ ***applicable professional licensing boards,*** establish a system to:

(a) Register and track attending ~~[~~physicians~~]~~ ***providers of health care*** who advise their patients that the medical use of marijuana may mitigate the symptoms or effects of the patient's medical condition;

(b) Insofar as is possible, track and quantify the number of times an attending ~~[~~physician~~]~~ ***provider of health care*** described in paragraph (a) makes such an advisement; and

(c) Provide for the progressive discipline of attending ~~[~~physicians~~]~~ ***providers of health care*** who advise the medical use of marijuana at a rate at which the ***Department, in consultation with the*** Division **,** and ~~[~~Board~~]~~ ***applicable board*** determine and agree to be unreasonably high.

7. Establish different categories of medical marijuana establishment agent registration cards, including, without limitation, criteria for training and certification, for each of the different types of medical marijuana

establishments at which such an agent may be employed or volunteer or provide labor as a medical marijuana establishment agent.

8. Provide for the maintenance of a log by the ***Department, in consultation with the*** Division **,** of each person who is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.200. The ~~[Division]~~ ***Department*** shall ensure that the contents of the log are available for verification by law enforcement personnel 24 hours a day.

9. ***Determine whether any provision of NRS 453A.350 or 453A.352 would make the operation of a medical marijuana establishment or marijuana establishment, as defined in NRS 453D.030, by a dual licensee, as defined in NRS 453D.030, unreasonably impracticable, as defined in NRS 453D.030.***

10. Address such other matters as may assist in implementing the program of dispensation contemplated by NRS 453A.320 to 453A.370, inclusive.

Sec. 48. NRS 453A.400 is hereby amended to read as follows:

453A.400 1. The fact that a person possesses a registry identification card or letter of approval issued to the person by the Division or its designee pursuant to NRS 453A.220 or 453A.250, a medical marijuana establishment registration certificate issued to the person by the ~~[Division]~~ ***Department*** or its designee pursuant to NRS 453A.322 or a medical marijuana establishment agent registration card issued to the person by the ~~[Division]~~ ***Department*** or its designee pursuant to NRS 453A.332 does not, alone:

(a) Constitute probable cause to search the person or the person's property; or

(b) Subject the person or the person's property to inspection by any governmental agency.

2. Except as otherwise provided in this subsection, if officers of a state or local law enforcement agency seize marijuana, paraphernalia or other related property from a person engaged in, facilitating or assisting in the medical use of marijuana:

(a) The law enforcement agency shall ensure that the marijuana, paraphernalia or other related property is not destroyed while in the possession of the law enforcement agency.

(b) Any property interest of the person from whom the marijuana, paraphernalia or other related property was seized must not be forfeited pursuant to any provision of law providing for the forfeiture of property, except as part of a sentence imposed after conviction of a criminal offense.

(c) Upon:

(1) A decision not to prosecute;

(2) The dismissal of charges; or

(3) Acquittal,

➥ the law enforcement agency shall, to the extent permitted by law, return to that person any usable marijuana, marijuana plants, paraphernalia or other

related property that was seized. The provisions of this subsection do not require a law enforcement agency to care for live marijuana plants.

Sec. 49. NRS 453A.500 is hereby amended to read as follows:

453A.500 The ~~[Board of Medical Examiners or the State Board of Osteopathic Medicine, as]~~ applicable ~~[,]~~ ***professional licensing boards*** shall not take any disciplinary action against an attending ~~[physician]~~ ***provider of health care*** on the basis that the attending ~~[physician:]~~ ***provider of health care:***

1. ~~[Advised]~~ ***Regardless of whether the person is a resident of this State, advised*** a person whom the attending ~~[physician]~~ ***provider of health care*** has diagnosed as having a chronic or debilitating medical condition, or a person whom the attending ~~[physician]~~ ***provider of health care*** knows has been so diagnosed by another ~~[physician]~~ ***provider of health care*** licensed ~~[to practice medicine]~~ ***or certified*** pursuant to the ~~[provisions of chapter 630 of NRS or licensed to practice osteopathic medicine pursuant to the provisions of chapter 633 of NRS:]~~ ***law of this State:***

(a) About the possible risks and benefits of the medical use of marijuana; or

(b) That the medical use of marijuana may mitigate the symptoms or effects of the person's chronic or debilitating medical condition,

➥ if the advice is based on the attending ~~[physician's]~~ ***provider of health care's*** personal assessment of the person's medical history and current medical condition.

2. Provided ***or maintained*** the written documentation ***or signature, as applicable,*** required pursuant to paragraph (a) of subsection 2 of NRS 453A.210 for the issuance of a registry identification card or letter of approval or pursuant to subparagraph (1) of paragraph (b) of subsection 1 of NRS 453A.230 for the renewal of a registry identification card or letter of approval ***, or any similar documentation required for the person to be authorized to engage in the medical use of marijuana pursuant to the laws of another state or jurisdiction,*** if:

(a) Such documentation is based on the attending ~~[physician's]~~ ***provider of health care's*** personal assessment of the person's medical history and current medical condition; and

(b) The ~~[physician]~~ ***attending provider of health care*** has advised the person about the possible risks and benefits of the medical use of marijuana.

Sec. 50. (Deleted by amendment.)

Sec. 51. NRS 453A.700 is hereby amended to read as follows:

453A.700 1. Except as otherwise provided in this section, NRS 239.0115 and subsection 4 of NRS 453A.210, the Division ***and the Department*** shall not disclose:

(a) The contents of any tool used by the ~~[Division]~~ ***Department*** to evaluate an applicant or its affiliate.

(b) Any information, documents or communications provided to the ~~[Division]~~ ***Department*** by an applicant or its affiliate pursuant to the

provisions of this chapter, without the prior written consent of the applicant or affiliate or pursuant to a lawful court order after timely notice of the proceedings has been given to the applicant or affiliate.

(c) The name or any other identifying information of:

(1) An attending ~~[physician;]~~ ***provider of health care;*** or

(2) A person who has applied for or to whom the Division or its designee has issued a registry identification card or letter of approval.

➥ Except as otherwise provided in NRS 239.0115, the items of information described in this subsection are confidential, not subject to subpoena or discovery and not subject to inspection by the general public.

2. Notwithstanding the provisions of subsection 1, the Division or its designee may release the name and other identifying information of a person to whom the Division or its designee has issued a registry identification card or letter of approval to:

(a) Authorized employees of the Division or its designee as necessary to perform official duties of the Division; and

(b) Authorized employees of state and local law enforcement agencies, only as necessary to verify that a person is the lawful holder of a registry identification card or letter of approval issued to him or her pursuant to NRS 453A.220 or 453A.250.

Sec. 52. (Deleted by amendment.)

Sec. 53. NRS 453A.720 is hereby amended to read as follows:

453A.720 1. The Administrator of the Division ***or his or her designee*** may apply for or accept any gifts, grants, donations or contributions from any source to carry out the provisions of this chapter ~~[.]~~ ***governing the issuance of registry identification cards and letters of approval and the regulation of the holders of such cards and letters.***

2. Any money the Administrator ***or his or her designee*** receives pursuant to subsection 1 must be deposited in the State Treasury pursuant to NRS 453A.730.

Sec. 54. NRS 453A.730 is hereby amended to read as follows:

453A.730 1. Any money the Administrator of the Division ***or his or her designee*** receives pursuant to NRS 453A.720 or that is appropriated to carry out the provisions of this chapter ~~[:]~~ ***governing the issuance of registry identification cards and letters of approval and the regulation of the holders of such cards and letters:***

(a) Must be deposited in the State Treasury and accounted for separately in the State General Fund;

(b) May only be used to carry out:

(1) The provisions of this chapter ~~[,]~~ ***governing the issuance of registry identification cards and letters of approval and the regulation of the holders of such cards and letters,*** including the dissemination of information concerning ~~[the]~~ ***those*** provisions ~~[of this chapter]~~ and such other information as determined appropriate by the Administrator; ~~[and]~~

(2) Alcohol and drug abuse programs pursuant to NRS 458.094; and

(3) Research performed by an institution of the Nevada System of Higher Education on services relating to alcohol and drug abuse; and

(c) Does not revert to the State General Fund at the end of any fiscal year.

2. The Administrator of the Division shall administer the account. Any interest or income earned on the money in the account must be credited to the account. Any claims against the account must be paid as other claims against the State are paid.

Sec. 55. NRS 453A.740 is hereby amended to read as follows:

453A.740 The Administrator of the Division shall adopt such regulations as the Administrator determines are necessary to carry out the provisions of this chapter ~~[.]~~ ***governing the issuance of registry identification cards and letters of approval and the regulation of the holders of such cards and letters.*** The regulations must set forth, without limitation:

1. Procedures pursuant to which the Division will issue a registry identification card or letter of approval or, in cooperation with the Department of Motor Vehicles, cause a registry identification card to be prepared and issued to a qualified person as a type of identification card described in NRS 483.810 to 483.890, inclusive. The procedures described in this subsection must provide that the Division will:

(a) Issue a registry identification card or letter of approval to a qualified person; or

(b) Designate the Department of Motor Vehicles to issue a registry identification card to a person if:

(1) The person presents to the Department of Motor Vehicles valid documentation issued by the Division indicating that the Division has approved the issuance of a registry identification card to the person; and

(2) The Department of Motor Vehicles, before issuing the registry identification card, confirms by telephone or other reliable means that the Division has approved the issuance of a registry identification card to the person.

2. That if the Division issues a registry identification card pursuant to subsection 1, the Division may charge and collect any fee authorized for the issuance of an identification card described in NRS 483.810 to 483.890, inclusive.

3. Fees for ~~[~~:

~~(a) Providing to an applicant an application for a registry identification card or letter of approval, which fee must not exceed $25; and~~

~~(b) Processing~~] ***processing*** and issuing a registry identification card or letter of approval, which ~~[fee]~~ must not exceed ~~[$75.]~~ ***:***

(a) For a registry identification card or letter of approval which is valid for 1 year, $50.

(b) For a registry identification card or letter of approval which is valid for 2 years, $100.

Sec. 56. (Deleted by amendment.)

Sec. 56.5. Chapter 453D of NRS is hereby amended by adding thereto the provisions set forth as sections 56.7 and 56.9 of this act.

Sec. 56.7. ***A marijuana establishment shall not dispense or otherwise sell marijuana or marijuana products from a vending machine or allow such a vending machine to be installed at the interior or exterior of the premises of the marijuana establishment.***

Sec. 56.9. ***1. When conducting a background check pursuant to subsection 6 of NRS 453D.200, the Department may require each prospective owner, officer and board member of a marijuana establishment license applicant to submit a complete set of fingerprints and written permission authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.***

2. When determining the criminal history of a person pursuant to paragraph (c) of subsection 1 of NRS 453D.300, a marijuana establishment may require the person to submit to the Department a complete set of fingerprints and written permission authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

Sec. 57. (Deleted by amendment.)

Sec. 58. (Deleted by amendment.)

Sec. 58.5. NRS 212.160 is hereby amended to read as follows:

212.160 1. A person, who is not authorized by law, who knowingly furnishes, attempts to furnish, or aids or assists in furnishing or attempting to furnish to a prisoner confined in an institution of the Department of Corrections, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, any deadly weapon, explosive, a facsimile of a firearm or an explosive, any controlled substance or intoxicating liquor, shall be punished:

(a) Where a deadly weapon, controlled substance, explosive or a facsimile of a firearm or explosive is involved, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

(b) Where an intoxicant is involved, for a gross misdemeanor.

2. Knowingly leaving or causing to be left any deadly weapon, explosive, facsimile of a firearm or explosive, controlled substance or intoxicating liquor where it may be obtained by any prisoner constitutes, within the meaning of this section, the furnishing of the article to the prisoner.

3. A prisoner confined in an institution of the Department of Corrections, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, who possesses a controlled substance without lawful authorization ***or marijuana or marijuana paraphernalia, regardless***

of whether the person holds a valid registry identification card to engage in the medical use of marijuana pursuant to chapter 453A of NRS, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 59. (Deleted by amendment.)

Sec. 60. (Deleted by amendment.)

Sec. 61. (Deleted by amendment.)

Sec. 62. (Deleted by amendment.)

Sec. 63. (Deleted by amendment.)

Sec. 64. (Deleted by amendment.)

Sec. 65. (Deleted by amendment.)

Sec. 65.5. (Deleted by amendment.)

Sec. 65.6. **Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in this section, a board of county commissioners shall not fix, impose or collect a license tax for revenue or for regulation, or for both revenue and regulation, on a marijuana establishment or medical marijuana establishment located in the county.

2. Except as otherwise provided in subsection 3, a board of county commissioners may fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on a marijuana establishment or medical marijuana establishment located in the county outside of the limits of incorporated cities and towns as a:

(a) Flat fee;

(b) Percentage of the gross revenue of the marijuana establishment or medical marijuana establishment; or

(c) Combination of a flat fee and a percentage of gross revenue of the marijuana establishment or medical marijuana establishment.

3. The total amount of a license tax imposed on a marijuana establishment or medical marijuana establishment pursuant to subsection 2, regardless of whether the license tax is imposed in the form described in paragraph (a), (b) or (c) of subsection 2, must not exceed 3 percent of the gross revenue of the marijuana establishment or medical marijuana establishment, as applicable.

4. In addition to any amount of money collected as a license tax pursuant to subsection 2, a board of county commissioners may fix, impose and collect:

(a) Any fees required pursuant to chapter 278 of NRS;

(b) A one-time flat fee for an application for the issuance of a business license for a marijuana establishment or medical marijuana establishment located in the county outside of the limits of incorporated cities and towns in an amount that does not exceed any similar fee imposed on a business pursuant to this chapter and chapter 369 of NRS; and

(c) A licensing tax for a business activity engaged in by a marijuana establishment or medical marijuana establishment located in the county outside of the limits of incorporated cities and towns for which registration

pursuant to chapter 453A of NRS or licensing pursuant to chapter 453D of NRS is not required only if:

(1) The board of county commissioners is granted the authority to require such a license by some other provision of law; and

(2) The amount of the licensing tax does not exceed the amount imposed by the board of county commissioners on other similar businesses.

5. A board of county commissioners shall not enact or enforce any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to:

(a) The packaging, labeling, testing, dosage or potency of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(b) The kinds of edible marijuana products, marijuana products and marijuana-infused products authorized to be sold pursuant to chapters 453A and 453D of NRS and any regulations adopted pursuant to chapter 453A of NRS;

(c) The use of pesticides in the cultivation of marijuana;

(d) The tracking of marijuana from seed to sale;

(e) The transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products other than the direct transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products to a consumer and a requirement to notify the county of any transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(f) The issuance or verification of a registry identification card, letter of approval or written documentation;

(g) The training or certification of medical marijuana establishment agents or employees of a marijuana establishment; or

(h) The creation or maintenance of a registry or other system to obtain and track information relating to customers of marijuana establishments or holders of a registry identification card or letter of approval.

6. A person who obtains a business license described in this section is subject to all other licensing and permitting requirements of the State and any other counties and cities in which the person does business.

7. As used in this section:

(a) "Edible marijuana products" has the meaning ascribed to it in NRS 453A.101.

(b) "Letter of approval" has the meaning ascribed to it in NRS 453A.109.

(c) "Marijuana establishment" has the meaning ascribed to it in NRS 453D.030.

(d) "Marijuana products" has the meaning ascribed to it in NRS 453D.030.

(e) "Marijuana-infused products" has the meaning ascribed to it in NRS 453A.112.

(f) "Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.

(g) "Medical marijuana establishment agent" has the meaning ascribed to it in NRS 453A.117.

(h) "Registry identification card" has the meaning ascribed to it in NRS 453A.140.

(i) "Written documentation" has the meaning ascribed to it in NRS 453A.170.

Sec. 65.65. **NRS 244.335 is hereby amended to read as follows:**

244.335 1. Except as otherwise provided in subsections 2, 3 and 4, and NRS 244.33501, ***and section 65.6 of this act,*** a board of county commissioners may:

(a) Except as otherwise provided in NRS 244.331 to 244.3345, inclusive, 598D.150 and 640C.100, regulate all character of lawful trades, callings, industries, occupations, professions and business conducted in its county outside of the limits of incorporated cities and towns.

(b) Except as otherwise provided in NRS 244.3359 and 576.128, fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on such trades, callings, industries, occupations, professions and business.

2. The county license boards have the exclusive power in their respective counties to regulate entertainers employed by an entertainment by referral service and the business of conducting a dancing hall, escort service, entertainment by referral service or gambling game or device permitted by law, outside of an incorporated city. The county license boards may fix, impose and collect license taxes for revenue or for regulation, or for both revenue and regulation, on such employment and businesses.

3. A board of county commissioners shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

4. The board of county commissioners or county license board shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

5. The county license board shall provide upon request an application for a state business registration pursuant to chapter 76 of NRS. No license to

engage in any type of business may be granted unless the applicant for the license:

(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or

(b) Provides to the county license board the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:

(a) Presents written evidence that:

(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or

(b) Provides to the county license board the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied for the purposes of NRS 244.3358 or 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months after the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against the property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

8. The board of county commissioners may delegate the authority to enforce liens from taxes levied for the purposes of NRS 244A.597 to 244A.655, inclusive, to the county fair and recreation board. If the authority is so delegated, the board of county commissioners shall revoke or suspend the license of a business upon certification by the county fair and recreation board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 244.3357, all information concerning license taxes levied by an

ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of such license taxes or as the result of any audit or examination of the books by any authorized employee of a county fair and recreation board of the county for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, officer or employee of the county fair and recreation board or the county imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or Secretary of State for the exchange of information concerning taxpayers.

Sec. 65.7. **Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in this section, the governing body of an incorporated city, whether organized under general law or special charter, shall not fix, impose or collect for revenues or for regulation, or both, a license tax on a marijuana establishment or medical marijuana establishment located within its corporate limits.

2. Except as otherwise provided in subsection 3, the governing body of an incorporated city, whether organized under general law or special charter, may fix, impose and collect for revenues or for regulation, or both, a license tax on a marijuana establishment or medical marijuana establishment located within its corporate limits as a:

(a) Flat fee;

(b) Percentage of the gross revenue of the marijuana establishment or medical marijuana establishment; or

(c) Combination of a flat fee and a percentage of gross revenue of the marijuana establishment or medical marijuana establishment.

3. The total amount of a license tax imposed on a marijuana establishment or medical marijuana establishment pursuant to subsection 2, regardless of whether the license tax is imposed in the form described in paragraph (a), (b) or (c) of subsection 2, must not exceed 3 percent of the gross revenue of the marijuana establishment or medical marijuana establishment, as applicable.

4. In addition to any amount of money collected as a license tax pursuant to subsection 2, the governing body of an incorporated city, whether organized under general law or special charter, may fix, impose and collect:

(a) Any fees required pursuant to chapter 278 of NRS;

(b) A one-time flat fee for an application for the issuance of a business license for a marijuana establishment or medical marijuana establishment located within its corporate limits in an amount that does not exceed any similar fee imposed on a business pursuant to this chapter and chapter 369 of NRS; and

(c) A licensing tax for a business activity engaged in by a marijuana establishment or medical marijuana establishment located within its corporate limits for which registration pursuant to chapter 453A of NRS or licensing pursuant to chapter 453D of NRS is not required only if:

(1) The governing body is granted the authority to require such a license by some other provision of law; and

(2) The amount of the licensing tax does not exceed the amount imposed by the governing body on other similar businesses.

5. The governing body of an incorporated city, whether organized under general law or special charter, shall not enact or enforce any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to:

(a) The packaging, labeling, testing, dosage or potency of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(b) The kinds of edible marijuana products, marijuana products and marijuana-infused products authorized to be sold pursuant to chapters 453A and 453D of NRS and any regulations adopted pursuant to chapter 453A of NRS;

(c) The use of pesticides in the cultivation of marijuana;

(d) The tracking of marijuana from seed to sale;

(e) The transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products other than the direct transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products to a consumer and a requirement to notify the city of any transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(f) The issuance or verification of a registry identification card, letter of approval or written documentation;

(g) The training or certification of medical marijuana establishment agents or employees of a marijuana establishment; or

(h) The creation or maintenance of a registry or other system to obtain and track information relating to customers of marijuana establishments or holders of a registry identification card or letter of approval.

6. A person who obtains a business license described in this section is subject to all other licensing and permitting requirements of the State and any other counties and cities in which the person does business.

7. As used in this section:

(a) "Edible marijuana products" has the meaning ascribed to it in NRS 453A.101.

(b) "Letter of approval" has the meaning ascribed to it in NRS 453A.109.

(c) "Marijuana establishment" has the meaning ascribed to it in NRS 453D.030.

(d) "Marijuana products" has the meaning ascribed to it in NRS 453D.030.

(e) "Marijuana-infused products" has the meaning ascribed to it in NRS 453A.112.

(f) "Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.

(g) "Medical marijuana establishment agent" has the meaning ascribed to it in NRS 453A.117.

(h) "Registry identification card" has the meaning ascribed to it in NRS 453A.140.

(i) "Written documentation" has the meaning ascribed to it in NRS 453A.170.

Sec. 65.75. **NRS 268.095 is hereby amended to read as follows:**

268.095 1. Except as otherwise provided in subsection 4 and NRS 268.0951, ***and section 65.7 of this act,*** the city council or other governing body of each incorporated city in this State, whether organized under general law or special charter, may:

(a) Except as otherwise provided in subsection 2 and NRS 268.0968 and 576.128, fix, impose and collect for revenues or for regulation, or both, a license tax on all character of lawful trades, callings, industries, occupations, professions and businesses conducted within its corporate limits.

(b) Assign the proceeds of any one or more of such license taxes to the county within which the city is situated for the purpose or purposes of making the proceeds available to the county:

(1) As a pledge as additional security for the payment of any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(2) For redeeming any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(3) For defraying the costs of collecting or otherwise administering any such license tax so assigned, of the county fair and recreation board and of officers, agents and employees hired thereby, and of incidentals incurred thereby;

(4) For operating and maintaining recreational facilities under the jurisdiction of the county fair and recreation board;

(5) For improving, extending and bettering recreational facilities authorized by NRS 244A.597 to 244A.655, inclusive; and

(6) For constructing, purchasing or otherwise acquiring such recreational facilities.

(c) Pledge the proceeds of any tax imposed on the revenues from the rental of transient lodging pursuant to this section for the payment of any general or special obligations issued by the city for a purpose authorized by the laws of this State.

(d) Use the proceeds of any tax imposed pursuant to this section on the revenues from the rental of transient lodging:

(1) To pay the principal, interest or any other indebtedness on any general or special obligations issued by the city pursuant to the laws of this State;

(2) For the expense of operating or maintaining, or both, any facilities of the city; and

(3) For any other purpose for which other money of the city may be used.

2. The city council or other governing body of an incorporated city shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

3. The proceeds of any tax imposed pursuant to this section that are pledged for the repayment of general obligations may be treated as "pledged revenues" for the purposes of NRS 350.020.

4. The city council or other governing body of an incorporated city shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

5. The city licensing agency shall provide upon request an application for a state business registration pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:

(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or

(b) Provides to the city licensing agency the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the city may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:

(a) Presents written evidence that:

(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or

(b) Provides to the city licensing agency the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the city may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied under the provisions of this section constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months following the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against such property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

8. The city council or other governing body of each incorporated city may delegate the power and authority to enforce such liens to the county fair and recreation board. If the authority is so delegated, the governing body shall revoke or suspend the license of a business upon certification by the board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 268.0966, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of those license taxes or as the result of any audit or examination of the books of the city by any authorized employee of a county fair and recreation board for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, official or employee of the county fair and recreation board or the city imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or the Secretary of State for the exchange of information concerning taxpayers.

9. The powers conferred by this section are in addition and supplemental to, and not in substitution for, and the limitations imposed by this section do not affect the powers conferred by, any other law. No part of this section repeals or affects any other law or any part thereof, it being intended that this

section provide a separate method of accomplishing its objectives, and not an exclusive one.

Sec. 65.8. **Chapter 269 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in this section, the town board or board of county commissioners in any unincorporated town shall not fix or collect a license tax on a marijuana establishment or medical marijuana establishment located within the town.

2. Except as otherwise provided in subsection 3, the town board or board of county commissioners in any unincorporated town may fix and collect a license tax on a marijuana establishment or medical marijuana establishment located within the town as a:

(a) Flat fee;

(b) Percentage of the gross revenue of the marijuana establishment or medical marijuana establishment; or

(c) Combination of a flat fee and a percentage of gross revenue of the marijuana establishment or medical marijuana establishment.

3. The total amount of a license tax imposed on a marijuana establishment or medical marijuana establishment pursuant to subsection 2, regardless of whether the license tax is imposed in the form described in paragraph (a), (b) or (c) of subsection 2, must not exceed 3 percent of the gross revenue of the marijuana establishment or medical marijuana establishment, as applicable.

4. In addition to any amount of money collected as a license tax pursuant to subsection 2, the town board or board of county commissioners in any unincorporated town may fix and collect:

(a) Any fees required pursuant to chapter 278 of NRS;

(b) A one-time flat fee for an application for the issuance of a business license for a marijuana establishment or medical marijuana establishment located within the town in an amount that does not exceed any similar fee imposed on a business pursuant to this chapter and chapter 369 of NRS; and

(c) A licensing tax for a business activity engaged in by a marijuana establishment or medical marijuana establishment located within the town for which registration pursuant to chapter 453A of NRS or licensing pursuant to chapter 453D of NRS is not required only if:

(1) The town board or board of county commissioners is granted the authority to require such a license by some other provision of law; and

(2) The amount of the licensing tax does not exceed the amount imposed by the town board or board of county commissioners on other similar businesses.

5. The town board or board of county commissioners in any unincorporated town shall not enact or enforce any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to:

(a) The packaging, labeling, testing, dosage or potency of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(b) The kinds of edible marijuana products, marijuana products and marijuana-infused products authorized to be sold pursuant to chapters 453A and 453D of NRS and any regulations adopted pursuant to chapter 453A of NRS;

(c) The use of pesticides in the cultivation of marijuana;

(d) The tracking of marijuana from seed to sale;

(e) The transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products other than the direct transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products to a consumer and a requirement to notify the town of any transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(f) The issuance or verification of a registry identification card, letter of approval or written documentation;

(g) The training or certification of medical marijuana establishment agents or employees of a marijuana establishment; or

(h) The creation or maintenance of a registry or other system to obtain and track information relating to customers of marijuana establishments or holders of a registry identification card or letter of approval.

6. A person who obtains a business license described in this section is subject to all other licensing and permitting requirements of the State and any other counties and cities in which the person does business.

7. As used in this section:

(a) "Edible marijuana products" has the meaning ascribed to it in NRS 453A.101.

(b) "Letter of approval" has the meaning ascribed to it in NRS 453A.109.

(c) "Marijuana establishment" has the meaning ascribed to it in NRS 453D.030.

(d) "Marijuana products" has the meaning ascribed to it in NRS 453D.030.

(e) "Marijuana-infused products" has the meaning ascribed to it in NRS 453A.112.

(f) "Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.

(g) "Medical marijuana establishment agent" has the meaning ascribed to it in NRS 453A.117.

(h) "Registry identification card" has the meaning ascribed to it in NRS 453A.140.

(i) "Written documentation" has the meaning ascribed to it in NRS 453A.170.

Sec. 65.85. **NRS 269.170 is hereby amended to read as follows:**

269.170 1. Except as otherwise provided in subsection 5 and NRS 576.128, 598D.150 and 640C.100, ***and section 65.8 of this act,*** the town board or board of county commissioners may, in any unincorporated town:

(a) Fix and collect a license tax on, and regulate, having due regard to the amount of business done by each person so licensed, and all places of business and amusement so licensed, as follows:

(1) Artisans, artists, assayers, auctioneers, bakers, banks and bankers, barbers, boilermakers, cellars and places where soft drinks are kept or sold, clothes cleaners, foundries, laundries, lumberyards, manufacturers of soap, soda, borax or glue, markets, newspaper publishers, pawnbrokers, funeral directors and wood and coal dealers.

(2) Bootmakers, cobblers, dressmakers, milliners, shoemakers and tailors.

(3) Boardinghouses, hotels, lodging houses, restaurants and refreshment saloons.

(4) Barrooms, gaming, manufacturers of liquors and other beverages, and saloons.

(5) Billiard tables, bowling alleys, caravans, circuses, concerts and other exhibitions, dance houses, melodeons, menageries, shooting galleries, skating rinks and theaters.

(6) Corrals, hay yards, livery and sale stables and wagon yards.

(7) Electric light companies, illuminating gas companies, power companies, telegraph companies, telephone companies and water companies.

(8) Carts, drays, express companies, freight companies, job wagons, omnibuses and stages.

(9) Brokers, commission merchants, factors, general agents, mercantile agents, merchants, traders and stockbrokers.

(10) Drummers, hawkers, peddlers and solicitors.

(11) Insurance agents, brokers, analysts, adjusters and managing general agents within the limitations and under the conditions prescribed in NRS 680B.020.

(b) Fix and collect a license tax upon all professions, trades or business within the town not specified in paragraph (a).

2. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license presents written evidence that:

(a) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(b) Another regulatory agency of the State has issued or will issue a license required for this activity.

3. Any license tax levied for the purposes of NRS 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien must be enforced in the same manner as liens for ad valorem taxes on real and personal property. The town board or other governing body of the

unincorporated town may delegate the power to enforce such liens to the county fair and recreation board.

4. The governing body or the county fair and recreation board may agree with the Department of Taxation for the continuing exchange of information concerning taxpayers.

5. The town board or board of county commissioners shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060, or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

Sec. 65.9. **Chapter 372A of NRS is hereby amended by adding thereto the provisions set forth as sections 65.93 and 65.95 of this act.**

Sec. 65.93. 1. "Sales price" means the total amount for which tangible property is sold, valued in money, whether paid in money or otherwise, without any deduction on account of any of the following:

(a) The cost of the property sold.

(b) The cost of materials used, labor or service cost, interest charged, losses or any other expenses.

(c) The cost of transportation of the property before its purchase.

2. The total amount for which property is sold includes all of the following:

(a) Any services that are a part of the sale.

(b) Any amount for which credit is given to the purchaser by the seller.

3. "Sales price" does not include any of the following:

(a) Cash discounts allowed and taken on sales.

(b) The amount charged for property returned by customers when the entire amount charged therefor is refunded either in cash or credit, except that this exclusion does not apply in any instance when the customer, to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned.

(c) The amount of any tax, not including any manufacturers' or importers' excise tax, imposed by the United States upon or with respect to retail sales, whether imposed upon the retailer or the consumer.

Sec. 65.95. 1. Each cultivation facility and each marijuana cultivation facility shall submit a report to the Department that includes the following information, reported separately for each calendar month included in the report:

(a) The current production of the cultivation facility or marijuana cultivation facility;

(b) Sales by product type;

(c) Prices by product type; and

(d) Such other information as the Department may require.

2. Each facility for the production of edible marijuana products or marijuana-infused products and each marijuana product manufacturing facility shall submit a report to the Department that includes the following information, reported separately for each calendar month included in the report:

(a) The amount of marijuana purchased;

(b) The amount of edible marijuana products, marijuana-infused products and marijuana products produced;

(c) Sales by product type;

(d) Prices by product type; and

(e) Such other information as the Department may require.

3. Each medical marijuana dispensary and each retail marijuana store shall submit a report to the Department that includes the following information, reported separately for each calendar month included in the report:

(a) The amount of marijuana purchased by the dispensary or store from cultivation facilities, marijuana cultivation facilities, facilities for the production of edible marijuana products or marijuana-infused products or marijuana product manufacturing facilities;

(b) Sales to consumers by product type;

(c) Prices by product type; and

(d) Such other information as the Department may require.

4. The Department shall adopt regulations prescribing the frequency of the reports required pursuant to this section which must be submitted not less frequently than quarterly and not more frequently than monthly.

5. As used in this section:

(a) "Cultivation facility" has the meaning ascribed to it in NRS 453A.056.

(b) "Edible marijuana products" has the meaning ascribed to it in NRS 453A.101.

(c) "Facility for the production of edible marijuana products or marijuana-infused products" has the meaning ascribed to it in NRS 453A.105.

(d) "Marijuana cultivation facility" has the meaning ascribed to it in NRS 453D.030.

(e) "Marijuana product manufacturing facility" has the meaning ascribed to it in NRS 453D.030.

(f) "Marijuana products" has the meaning ascribed to it in NRS 453D.030.

(g) "Marijuana-infused products" has the meaning ascribed to it in NRS 453A.112.

(h) "Medical marijuana dispensary" has the meaning ascribed to it in NRS 453A.115.

Sec. 65.97. **NRS 372A.200 is hereby amended to read as follows:**

372A.200 As used in NRS 372A.200 to 372A.380, inclusive, ***and sections 65.93 and 65.95 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 372A.210 to 372A.250, inclusive, ***and section 65.93 of this act*** have the meanings ascribed to them in those sections.

Sec. 65.98. **NRS 372A.290 is hereby amended to read as follows:**

372A.290 1. An excise tax is hereby imposed on each wholesale sale in this State of marijuana by a cultivation facility to another medical marijuana establishment at the rate of 2 percent of the sales price of the marijuana. The excise tax imposed pursuant to this subsection is the obligation of the cultivation facility.

2. An excise tax is hereby imposed on each wholesale sale in this State of edible marijuana products or marijuana-infused products by a facility for the production of edible marijuana products or marijuana-infused products to another medical marijuana establishment at the rate of 2 percent of the sales price of those products. The excise tax imposed pursuant to this subsection is the obligation of the facility for the production of edible marijuana products or marijuana-infused products which sells the edible marijuana products or marijuana-infused products to the other medical marijuana establishment.

3. An excise tax is hereby imposed on each retail sale in this State of marijuana, edible marijuana products or marijuana-infused products by a medical marijuana dispensary at the rate of 2 percent of the sales price of the marijuana, edible marijuana products or marijuana-infused products. The excise tax imposed pursuant to this subsection:

(a) Is the obligation of the medical marijuana dispensary.

(b) Is separate from and in addition to any general state and local sales and use taxes that apply to retail sales of tangible personal property.

(c) Must be considered part of the total retail price to which general state and local sales and use taxes apply.

4. The revenues collected from the excise taxes imposed pursuant to subsections 1, 2 and 3 must be distributed as follows:

(a) Seventy-five percent must be paid over as collected to the State Treasurer to be deposited to the credit of the State Distributive School Account in the State General Fund.

(b) Twenty-five percent must be expended to pay the costs of the ~~[Division of Public and Behavioral Health of the Department of Health and Human Services]~~ ***Department*** in carrying out the provisions of NRS 453A.320 to 453A.370, inclusive.

5. As used in this section:

(a) "Edible marijuana products" has the meaning ascribed to it in NRS 453A.101.

(b) "Marijuana-infused products" has the meaning ascribed to it in NRS 453A.112.

(c) "Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.

Sec. 65.99. **NRS 586.550 is hereby amended to read as follows:**

586.550 1. A ***marijuana establishment or*** medical marijuana establishment may use a pesticide in the cultivation and production of marijuana, edible marijuana products ***, marijuana products*** and marijuana-infused products if the pesticide:

(a) Is exempt from registration pursuant to 40 C.F.R. § 152.25 or allowed to be used on Crop Group 19, as defined in 40 C.F.R. § 180.41(c)26, hops or unspecified crops or plants;

(b) Has affixed a label which allows the pesticide to be used at the intended site of application; and

(c) Has affixed a label which allows the pesticide to be used on crops and plants intended for human consumption.

2. The State Department of Agriculture shall, in accordance with the provisions of this chapter, establish and publish a list of pesticides allowed to be used on ***marijuana or*** medical marijuana pursuant to this section and accept requests from pesticide manufacturers ***, marijuana establishments*** and medical marijuana establishments, or a representative thereof, to add pesticides to the list.

3. As used in this section:

(a) "Edible marijuana products" has the meaning ascribed to it in NRS 453A.101.

(b) "Marijuana" has the meaning ascribed to it in NRS 453A.110.

(c) ***"Marijuana establishment" has the meaning ascribed to it in NRS 453D.030.***

(d) "Marijuana products" has the meaning ascribed to it in NRS 453D.030.

(e) "Marijuana-infused products" has the meaning ascribed to it in NRS 453A.112.

~~[(d)]~~ ***(f)*** "Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.

Sec. 66. 1. The amendatory provisions of this act do not affect the validity of an unexpired medical marijuana establishment registration certificate or medical marijuana establishment agent registration card that was issued by the Division of Public and Behavioral Health of the Department of Health and Human Services before July 1, 2017. However, upon the expiration of such a medical marijuana establishment registration certificate or medical marijuana establishment agent registration card, a person who wishes to retain the limited exemption from state prosecution which is set forth in NRS 453A.200 must:

(a) Reapply to the Department of Taxation for a new medical marijuana establishment registration certificate or medical marijuana establishment agent registration card issued by that agency.

(b) Pay any necessary fees as set forth in NRS 453A.344, as amended by section 37 of this act, or any regulations adopted pursuant to chapter 453A of NRS.

2. As used in this section:

(a) "Medical marijuana establishment agent registration card" has the meaning ascribed to it in NRS 453A.118.

(b) "Medical marijuana establishment registration certificate" has the meaning ascribed to it in NRS 453A.119.

Sec. 66.5. **1. Notwithstanding the provisions of NRS 453A.322, as amended by section 27 of this act, a person who obtains a medical marijuana establishment registration certificate for the operation of an independent testing laboratory before July 1, 2017:**

(a) May renew his or her medical marijuana establishment registration certificate upon:

(1) Resubmission of the information set forth in NRS 453A.322; and

(2) Payment of the renewal fee set forth in NRS 453A.344; and

(b) Shall obtain accreditation pursuant to standard ISO/IEC 17025 of the International Organization for Standardization on or before January 1, 2019.

2. The Department of Taxation shall revoke the medical marijuana establishment registration certificate of an independent testing laboratory described in subsection 1 which fails to obtain the accreditation described in paragraph (b) of subsection 1 on or before January 1, 2019.

Sec. 67. 1. The administrative regulations adopted by the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to chapter 453A of NRS governing the licensing and regulation of medical marijuana establishments remain in force and are hereby transferred to become the administrative regulations of the Department of Taxation on July 1, 2017. On and after July 1, 2017, these regulations must be interpreted in a manner so that all references to the Division of Public and Behavioral Health of the Department of Health and Human Services and its constituent parts are read and interpreted as being references to the Department of Taxation and its constituent parts, regardless of whether those references have been conformed pursuant to section 68 of this act at the time of interpretation.

2. Any contracts or other agreements entered into by the Division of Public and Behavioral Health of the Department of Health and Human Services and its constituent parts pursuant to chapter 453A of NRS governing the licensing and regulation of medical marijuana establishments are binding upon the Department of Taxation on and after July 1, 2017, rather than the Division of Public and Behavioral Health of the Department of Health and Human Services and its constituent parts. Such contracts and other agreements may be enforced by the Department of Taxation on and after July 1, 2017.

3. Any action taken by the Division of Public and Behavioral Health of the Department of Health and Human Services or its constituent parts pursuant to chapter 453A of NRS governing the licensing and regulation of

medical marijuana establishments before July 1, 2017, remains in effect as if taken by the Department of Taxation or its constituent parts on and after July 1, 2017.

4. As used in this section, "medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.

Sec. 68. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 69. ~~[Section]~~ **Sections 22.3 and** 24.9 of chapter 547, Statutes of Nevada 2013, at ~~[page]~~ **pages 3718 and** 3728, ~~[is]~~ **respectively, are** hereby repealed.

Sec. 70. 1. This section and sections 56.5 and 56.9 of this act become effective upon passage and approval.

2. Sections 1 to 56, inclusive, and 57 to 69, inclusive, of this act become effective:

(a) Upon passage and approval for the purposes of adopting any regulations and performing any preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On July 1, 2017, for all other purposes.

2. Section 56.7 of this act becomes effective on January 1, 2020.

TEXT OF REPEALED ~~[SECTION]~~ SECTIONS OF STATUTES OF NEVADA

Section 22.3 of chapter 547, Statutes of Nevada 2013, at page 3718:

Sec. 22.3. NRS 453A.200 is hereby amended to read as follows:

453A.200 1. Except as otherwise provided in this section and NRS 453A.300, a person who holds a valid registry identification card issued to the person pursuant to NRS 453A.220 or 453A.250 is exempt from state prosecution for:

(a) Possession, delivery or production of marijuana;

(b) Possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of marijuana;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.

2. In addition to the provisions of subsections 1 and 5, no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the medical use of marijuana in accordance with the provisions of this chapter.

3. The exemption from state prosecution set forth in subsection 1 applies only to the extent that a person who holds a registry identification card issued to the person pursuant to paragraph (a) of subsection 1 of NRS 453A.220 and the designated primary caregiver, if any, of such a person:

(a) Engage in or assist in, as applicable, the medical use of marijuana in accordance with the provisions of this chapter as justified to mitigate the symptoms or effects of the person's chronic or debilitating medical condition; and

(b) Do not, at any one time, collectively possess, deliver or produce more than:

(1) Two and one-half ounces of usable marijuana in any one 14-day period;

(2) Twelve marijuana plants, irrespective of whether the marijuana plants are mature or immature; and

(3) A maximum allowable quantity of edible marijuana products and marijuana-infused products as established by regulation of the Division.

➥ The persons described in this subsection must ensure that the usable marijuana and marijuana plants described in this subsection are safeguarded in an enclosed, secure location.

4. If the persons described in subsection 3 possess, deliver or produce marijuana in an amount which exceeds the amount described in paragraph (b) of that subsection, those persons:

(a) Are not exempt from state prosecution for possession, delivery or production of marijuana.

(b) May establish an affirmative defense to charges of possession, delivery or production of marijuana, or any combination of those acts, in the manner set forth in NRS 453A.310.

5. A person who holds a valid medical marijuana establishment registration certificate issued to the person pursuant to section 10 of this act or a valid medical marijuana establishment agent registration card issued to the person pursuant to section 13 of this act, and who confines his or her activities to those authorized by sections 10 to 20, inclusive, of this act and the regulations adopted by the Division pursuant thereto, is exempt from state prosecution for:

(a) Possession, delivery or production of marijuana;

(b) Possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of marijuana;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.

6. Notwithstanding any other provision of law and except as otherwise provided in this subsection, after a medical marijuana dispensary opens in the county of residence of a person who holds a registry identification card or his or her designated primary caregiver, if any, such persons are not authorized to cultivate, grow or produce marijuana. The provisions of this subsection do not apply if:

(a) ~~[~~The person who holds the registry identification card or his or her designated primary caregiver, if any, was cultivating, growing or producing marijuana in accordance with this chapter on or before July ;1, 2013;

~~(b)]~~ All the medical marijuana dispensaries in the county of residence of the person who holds the registry identification card or his or her designated primary caregiver, if any, close or are unable to supply the quantity or strain of marijuana necessary for the medical use of the person to treat his or her specific medical condition;

~~[(c)]~~ ***(b)*** Because of illness or lack of transportation, the person who holds the registry identification card and his or her designated primary caregiver, if any, are unable reasonably to travel to a medical marijuana dispensary; or

~~[(d)]~~ ***(c)*** No medical marijuana dispensary was operating within 25 miles of the residence of the person who holds the registry identification card at the time the person first applied for his or her registry identification card.

7. As used in this section, "marijuana" includes, without limitation, edible marijuana products and marijuana-infused products.

Section 24.9 of chapter 547, Statutes of Nevada 2013, at page 3728:

Sec. 24.9. Section 19.5 of this act is hereby amended to read as follows:

Sec. 19.5 1. The State of Nevada and the medical marijuana dispensaries in this State which hold valid medical marijuana establishment registration certificates will recognize a nonresident card only under the following circumstances:

(a) The state or jurisdiction from which the holder or bearer obtained the nonresident card grants an exemption from criminal prosecution for the medical use of marijuana;

(b) The state or jurisdiction from which the holder or bearer obtained the nonresident card requires, as a prerequisite to the issuance of such a card, that a physician advise the person that the medical use of marijuana may mitigate the symptoms or effects of the person's medical condition;

(c) The nonresident card has an expiration date and has not yet expired;

(d) The ~~[holder or bearer of the nonresident card signs an affidavit in a form prescribed by the Division which sets forth that the holder or bearer is entitled to engage in the medical use of marijuana in his or her state or jurisdiction of residence; and~~

~~(e)~~] ***state or jurisdiction from which the holder or bearer obtained the nonresident card maintains a database which preserves such information as may be necessary to verify the authenticity or validity of the nonresident card;***

(e) The state or jurisdiction from which the holder or bearer obtained the nonresident card allows the Division and medical marijuana dispensaries in this State to access the database described in paragraph (d);

(f) The Division determines that the database described in paragraph (d) is able to provide to medical marijuana dispensaries in this State information that is sufficiently accurate, current and specific as to allow those dispensaries to verify that a person who holds or bears a nonresident card is entitled lawfully to do so; and

(g) The holder or bearer of the nonresident card agrees to abide by, and does abide by, the legal limits on the possession of marijuana for medical purposes in this State, as set forth in NRS 453A.200.

2. For the purposes of the reciprocity described in this section:

(a) The amount of medical marijuana that the holder or bearer of a nonresident card is entitled to possess in his or her state or jurisdiction of residence is not relevant; and

(b) Under no circumstances, while in this State, may the holder or bearer of a nonresident card possess marijuana for medical purposes in excess of the limits set forth in NRS 453A.200.

3. As used in this section, "nonresident card" means a card or other identification that:

(a) Is issued by a state or jurisdiction other than Nevada; and

(b) Is the functional equivalent of a registry identification card, as determined by the Division.

Assemblyman Sprinkle moved that the Assembly concur in the Senate Amendment No. 1115 to Assembly Bill No. 422.

Remarks by Assemblymen Sprinkle and Ohrenschall.

Potential conflict of interest declared by Assemblyman Ohrenschall.

ASSEMBLYMAN SPRINKLE:

This amendment changes "attending physician" to "attending provider of health care." It requires that an independent testing laboratory must be accredited pursuant to standards developed by the International Organization for Standardization. It prohibits a local government from enacting or enforcing any ordinance that is more restrictive than state law relating to the packaging, testing, dosage, types of products to be sold, use of pesticides, tracking, or transportation of products. It authorizes the use of excess program funds to be used by the Nevada System of Higher Education. It redirects funds from the Division of Public and Behavioral Health to the Department of Taxation to cover the cost of administering the program and repeals portions of NRS 453A.200 concerning the ability of a valid medical marijuana registry card holder to cultivate marijuana.

ASSEMBLYMAN OHRENSCHALL:

I have a disclosure to make. Because we are considering Assembly Bill 422 which proposes to make changes relating to medical marijuana and marijuana establishments, I would like to advise this Chamber that my wife is employed as the executive director of the Nevada Dispensary Association, a trade association consisting of medical marijuana dispensaries and medical marijuana cultivators which actively lobbies the Legislature and other governmental entities on issues affecting its members. I have sought the advice of our Legislative Counsel, and although Assembly Bill 422 does not affect the members of the trade association that my wife is employed with any differently than other medical marijuana dispensary owners and medical marijuana cultivators, I am making this disclosure and I am abstaining from voting on Assembly Bill 422 out of an abundance of caution.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 1151.

AN ACT relating to marijuana; revising various provisions relating to the medical use of marijuana; transferring responsibility for the regulation of medical marijuana establishments from the Division of Public and Behavioral Health of the Department of Health and Human Services to the Department of Taxation; revising provisions relating to registry identification cards and letters of approval; revising provisions relating to the authorization of nonresidents to engage in the medical use of marijuana; prohibiting the Department of Taxation from requiring a medical marijuana dispensary to determine whether a person has exceeded the legal limits for possession of marijuana for medical use; revising provisions relating to medical marijuana establishment agents; prohibiting the use of a vending machine to dispense marijuana; requiring each marijuana establishment and medical marijuana establishment to submit to the Department of Taxation a report of information concerning the production and sale of marijuana; establishing limitations on the regulation and taxation of a marijuana establishment or medical marijuana establishment by a city, town or county; ~~[revising the distribution of excise taxes on sales of marijuana for medical purposes;]~~ providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law exempts a person who holds a valid registry identification card or letter of approval from state prosecution for the use, possession, delivery and production of marijuana. (NRS 453A.200, 453A.205) Existing law also exempts a person who holds a valid medical marijuana

establishment registration certificate or medical marijuana establishment agent registration card from state prosecution for possession, delivery and production of marijuana and provides for the registration and regulation of such persons and establishments. (NRS 453A.200, 453A.320-453A.370) **Sections 2, 8, 9, 11, 13-15, 27-42, 44-48, 51 and 66-68** of this bill transfer the responsibility for the regulation of medical marijuana establishments from the Division of Public and Behavioral Health of the Department of Health and Human Services to the Department of Taxation. **Section 38** of this bill prohibits a medical marijuana establishment from dispensing or otherwise selling marijuana using a vending machine. **Section 56.7** of this bill establishes a similar prohibition for recreational marijuana establishments after January 1, 2020.

Existing law requires a person who wishes to engage in the medical use of marijuana to apply to the Division of Public and Behavioral Health of the Department of Health and Human Services for a registry identification card or letter of approval, as applicable, and grants the holder of such a card or letter an exemption from state prosecution for certain crimes relating to marijuana. (NRS 453A.200, 453A.205) Existing law requires such an application to be accompanied by valid, written documentation from the applicant's attending physician. (NRS 453A.210) **Section 19** of this bill instead requires the applicant's attending provider of health care to: (1) maintain such written documentation and make such written documentation available to the Division upon request; and (2) sign the application to affirm that the requirements of such written documentation have been met. **Section 20** of this bill provides that such written documentation may be valid for either 1 year or 2 years and that a registry identification card or letter of approval based on such written documentation is valid for the same period of time. **Section 55** of this bill reduces the maximum fee that the Division may charge for issuing a registry identification card or letter of approval from $75 per year to $50 per year.

Existing law requires a medical marijuana establishment that wishes to retain as a volunteer or employ or contract with a person to provide labor to the medical marijuana establishment to submit an application to register the person as a medical marijuana establishment agent. (NRS 453A.332) **Section 31** of this bill allows such a person to submit an application for registration as a medical marijuana establishment agent on his or her own behalf. **Section 31** also provides for the temporary registration of a person as a medical marijuana establishment agent upon submission of a complete application for registration or renewal of registration. Finally, **section 31** allows an independent contractor or employee of an independent contractor who is registered as a medical marijuana establishment agent to provide labor to any medical marijuana establishment and any other person who is registered as a medical marijuana establishment agent to work or volunteer at any medical marijuana establishment for which the category of the person's medical marijuana establishment agent card is valid.

Existing law limits the exemption from state prosecution for the medical use of marijuana to the possession of not more than 2.5 ounces of usable marijuana in a 14-day period, 12 marijuana plants and a quantity of edible marijuana products and marijuana-infused products established by regulation. (NRS 453A.200) Existing law also prohibits a medical marijuana dispensary from selling marijuana in excess of these limits to a person. (NRS 453A.358) **Section 41** of this bill instead: (1) prohibits a medical marijuana dispensary from selling more than 1 ounce of marijuana in a transaction; and (2) prohibits the Department of Taxation from requiring a medical marijuana dispensary to track the purchases of a person or determine whether a person has exceeded the legal limits for possession of marijuana for medical use. **Section 41** further provides that only persons who are 21 years of age or more or hold a registry identification card or letter of approval are allowed to enter a medical marijuana dispensary.

Existing law allows a medical marijuana dispensary to recognize a nonresident card for the purpose of dispensing marijuana for medical use if the nonresident card meets certain requirements that make it the functional equivalent of a registry identification card. Existing law also requires, as of April 1, 2018, a nonresident card to be verified by the use of certain databases. (NRS 453A.364) **Section 43** of this bill instead: (1) deems a nonresident who is authorized to engage in the medical use of marijuana under the laws of his or her state or jurisdiction of residence to be listed in the medical marijuana registry for the purpose of exemption from state prosecution, if the person abides by the legal limits on the possession, delivery and production of marijuana in this State; and (2) authorizes a medical marijuana dispensary to dispense marijuana to such a person if the person presents a document which is valid proof of exemption under the laws of the state or jurisdiction of which the person is a resident. **Section 69** of this bill eliminates the prospective requirement to verify a nonresident authorization by the use of certain databases.

Sections 65.6-65.85 of this bill limit the regulations and license taxes that a city, town or county may impose on a marijuana establishment or medical marijuana establishment.

Section 65.95 of this bill requires each marijuana establishment and medical marijuana establishment to submit a report to the Department of Taxation that includes certain information concerning the production and sale of marijuana by the establishment.

~~[Existing law distributes 75 percent of the proceeds of the excise taxes on medical marijuana establishments to the State Distributive School Account in the State General Fund and 25 percent to pay the costs of the Division of Public and Behavioral Health of the Department of Health and Human Services in carrying out the laws of this State relating to medical marijuana establishments. (NRS 372A.290) Section 65.98 of this bill, consistent with sections 2, 8, 9, 11, 13-15, 27-42, 44-48, 51 and 66-68 of this bill which transfer the responsibility for the regulation of medical marijuana~~

~~establishments from the Division to the Department of Taxation, directs 25 percent of the proceeds of such excise taxes to the Department of Taxation.~~]

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 453A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***"Department" means the Department of Taxation.***

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 453A.010 is hereby amended to read as follows:

453A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 453A.020 to 453A.170, inclusive, ***and sections 2, 3 and 4 of this act*** have the meanings ascribed to them in those sections.

Sec. 7. (Deleted by amendment.)

Sec. 7.5. NRS 453A.030 is hereby amended to read as follows:

453A.030 "Attending ~~[~~physician"~~]~~ ***provider of health care"*** means a ~~[~~physician~~]~~ ***provider of health care, as defined in NRS 629.031,*** who:

1. Is licensed ***or certified*** to practice ~~[~~:

~~(a) Medicine pursuant to the provisions of chapter 630 of NRS; or~~

~~(b) Osteopathic medicine pursuant to the provisions of chapter 633 of NRS; and~~] ***a profession which authorizes the person to write a prescription for a medication to treat a chronic or debilitating medical condition; and***

2. Has responsibility for the care and treatment of a person diagnosed with a chronic or debilitating medical condition.

Sec. 8. NRS 453A.056 is hereby amended to read as follows:

453A.056 "Cultivation facility" means a business that:

1. Is registered with the ~~[~~Division~~]~~ ***Department*** pursuant to NRS 453A.322; and

2. Acquires, possesses, cultivates, delivers, transfers, transports, supplies or sells marijuana and related supplies to:

(a) Medical marijuana dispensaries;

(b) Facilities for the production of edible marijuana products or marijuana-infused products; or

(c) Other cultivation facilities.

Sec. 8.5. NRS 453A.080 is hereby amended to read as follows:

453A.080 1. "Designated primary caregiver" means a person who:

(a) Is 18 years of age or older;

(b) Has significant responsibility for managing the well-being of a person diagnosed with a chronic or debilitating medical condition; and

(c) Is designated as such in the manner required pursuant to NRS 453A.250.

2. The term does not include the attending ~~[~~physician~~]~~ ***provider of health care*** of a person diagnosed with a chronic or debilitating medical condition.

Sec. 9. NRS 453A.102 is hereby amended to read as follows:

453A.102 "Electronic verification system" means an electronic database that:

1. Keeps track of data in real time; and

2. Is accessible by the Division ***and the Department*** and by registered medical marijuana establishments.

Sec. 10. (Deleted by amendment.)

Sec. 11. NRS 453A.105 is hereby amended to read as follows:

453A.105 "Facility for the production of edible marijuana products or marijuana-infused products" means a business that:

1. Is registered with the ~~[~~Division~~]~~ ***Department*** pursuant to NRS 453A.322; and

2. Acquires, possesses, manufactures, delivers, transfers, transports, supplies or sells edible marijuana products or marijuana-infused products to medical marijuana dispensaries.

Sec. 12. (Deleted by amendment.)

Sec. 13. NRS 453A.115 is hereby amended to read as follows:

453A.115 "Medical marijuana dispensary" means a business that:

1. Is registered with the ~~[~~Division~~]~~ Department pursuant to NRS 453A.322; and

2. Acquires, possesses, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to the holder of a valid registry identification card ~~[.]~~ ***or to another medical marijuana dispensary.***

Sec. 14. NRS 453A.118 is hereby amended to read as follows:

453A.118 "Medical marijuana establishment agent registration card" means a registration card that is issued by the ~~[~~Division~~]~~ ***Department*** pursuant to NRS 453A.332 to authorize a person to volunteer or work at a medical marijuana establishment.

Sec. 15. NRS 453A.119 is hereby amended to read as follows:

453A.119 "Medical marijuana establishment registration certificate" means a registration certificate that is issued by the ~~[~~Division~~]~~ ***Department*** pursuant to NRS 453A.322 to authorize the operation of a medical marijuana establishment.

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 17.5. NRS 453A.170 is hereby amended to read as follows:

453A.170 "Written documentation" means:

1. A statement signed by the attending ~~[~~physician~~]~~ ***provider of health care*** of a person diagnosed with a chronic or debilitating medical condition; or

2. Copies of the relevant medical records of a person diagnosed with a chronic or debilitating medical condition.

Sec. 18. NRS 453A.200 is hereby amended to read as follows:

453A.200 1. Except as otherwise provided in this section and NRS 453A.300, a person who holds a valid registry identification card issued to the person pursuant to NRS 453A.220 or 453A.250 is exempt from state prosecution for:

(a) Possession, delivery or production of marijuana;

(b) Possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of marijuana;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.

2. In addition to the provisions of subsections 1 and 5, no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the medical use of marijuana in accordance with the provisions of this chapter.

3. The exemption from state prosecution set forth in subsection 1 applies only to the extent that a person who holds a registry identification card issued to the person pursuant to paragraph (a) of subsection 1 of NRS 453A.220 and the designated primary caregiver, if any, of such a person:

(a) Engage in or assist in, as applicable, the medical use of marijuana in accordance with the provisions of this chapter as justified to mitigate the symptoms or effects of a person's chronic or debilitating medical condition; and

(b) Do not, at any one time, collectively possess with another who is authorized to possess, deliver or produce more than:

(1) Two and one-half ounces of usable marijuana in any one 14-day period;

(2) Twelve marijuana plants, irrespective of whether the marijuana plants are mature or immature; and

(3) A maximum allowable quantity of edible marijuana products and marijuana-infused products as established by regulation of the Division.

➥ The persons described in this subsection must ensure that the usable marijuana and marijuana plants described in this subsection are safeguarded in an enclosed, secure location.

4. If the persons described in subsection 3 possess, deliver or produce marijuana in an amount which exceeds the amount described in paragraph (b) of that subsection, those persons:

(a) Are not exempt from state prosecution for possession, delivery or production of marijuana.

(b) May establish an affirmative defense to charges of possession, delivery or production of marijuana, or any combination of those acts, in the manner set forth in NRS 453A.310.

5. A person who holds a valid medical marijuana establishment registration certificate issued to the person pursuant to NRS 453A.322 or a valid medical marijuana establishment agent registration card issued to the person pursuant to NRS 453A.332, and who confines his or her activities to those authorized by NRS 453A.320 to 453A.370, inclusive, and the regulations adopted by the ~~[~~Division~~]~~ ***Department*** pursuant thereto, is exempt from state prosecution for:

(a) Possession, delivery or production of marijuana;

(b) Possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of marijuana;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.

6. Notwithstanding any other provision of law and except as otherwise provided in this subsection, after a medical marijuana dispensary opens in the county of residence of a person who holds a registry identification card, including, without limitation, a designated primary caregiver, such a person is not authorized to cultivate, grow or produce marijuana. The provisions of this subsection do not apply if:

(a) The person who holds the registry identification card was cultivating, growing or producing marijuana in accordance with this chapter on or before July 1, 2013;

(b) All the medical marijuana dispensaries in the county of residence of the person who holds the registry identification card close or are unable to supply the quantity or strain of marijuana necessary for the medical use of the person to treat his or her specific medical condition;

(c) Because of illness or lack of transportation, the person who holds the registry identification card is unable reasonably to travel to a medical marijuana dispensary; or

(d) No medical marijuana dispensary was operating within 25 miles of the residence of the person who holds the registry identification card at the time the person first applied for his or her registry identification card.

7. As used in this section, "marijuana" includes, without limitation, edible marijuana products and marijuana-infused products.

Sec. 19. NRS 453A.210 is hereby amended to read as follows:

453A.210 1. The Division shall establish and maintain a program for the issuance of registry identification cards and letters of approval to persons who meet the requirements of this section.

2. Except as otherwise provided in subsections 3 and 5 and NRS 453A.225, the Division or its designee shall issue a registry identification card to a person who is a resident of this State and who submits an application on a form prescribed by the Division accompanied by the following:

(a) ~~[Valid, written documentation]~~ ***A signature*** from the person's attending ~~[physician stating]~~ ***provider of health care affirming*** that:

(1) The person has been diagnosed with a chronic or debilitating medical condition;

(2) The medical use of marijuana may mitigate the symptoms or effects of that condition; ~~[and]~~

(3) The attending ~~[physician]~~ ***provider of health care*** has explained the possible risks and benefits of the medical use of marijuana; ***and***

(4) The attending provider of health care will keep, in the files maintained by the attending provider of health care for the person, valid, written documentation and make such written documentation available to the Division upon request;

(b) The name, address, telephone ~~[number, social security]~~ number and date of birth of the person;

(c) Proof satisfactory to the Division that the person is a resident of this State;

(d) The name, address and telephone number of the person's attending ~~[physician;]~~ ***provider of health care;***

(e) If the person elects to designate a primary caregiver at the time of application:

(1) The name, address ~~[,]~~ ***and*** telephone number ~~[and social security number]~~ of the designated primary caregiver; and

(2) A ~~[written, signed statement]~~ ***signature*** from the person's attending ~~[physician in which]~~ ***provider of health care affirming that*** the attending ~~[physician]~~ ***provider of health care*** approves of the designation of the primary caregiver; and

(f) If the person elects to designate a medical marijuana dispensary at the time of application, the name of the medical marijuana dispensary.

3. The Division or its designee shall issue a registry identification card to a person who is at least 10 years of age but less than 18 years of age or a letter of approval to a person who is less than 10 years of age if:

(a) The person submits the materials required pursuant to subsection 2; and

(b) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age signs a written statement setting forth that:

(1) The attending ~~[~~physician~~]~~ ***provider of health care*** of the person under 18 years of age ***is a physician licensed pursuant to chapter 630 or 633 of NRS and*** has explained to that person and to the custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age the possible risks and benefits of the medical use of marijuana;

(2) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age consents to the use of marijuana by the person under 18 years of age for medical purposes;

(3) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to serve as the designated primary caregiver for the person under 18 years of age; and

(4) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to control the acquisition of marijuana and the dosage and frequency of use by the person under 18 years of age.

4. ~~[~~The form prescribed by the Division to be used by a person applying for a registry identification card or letter of approval pursuant to this section must be a form that is in quintuplicate.~~]~~ Upon receipt of an application that is completed and submitted pursuant to this section, the Division shall:

(a) Record on the application the date on which it was received;

(b) Retain one copy of the application for the records of the Division; and

(c) Distribute ~~[~~the other four~~]~~ copies of the application in the following manner:

(1) One copy to the person who submitted the application;

(2) One copy to the applicant's designated primary caregiver, if any; ***and***

(3) ~~[~~One copy to the Central Repository for Nevada Records of Criminal History; and

~~(4)]~~ One copy to ~~[~~:

~~(I) If the attending physician of the applicant is licensed to practice medicine pursuant to the provisions of chapter 630 of NRS, the Board of Medical Examiners; or~~

~~(II) If the attending physician of the applicant is licensed to practice osteopathic medicine pursuant to the provisions of chapter 633 of NRS, the State Board of Osteopathic Medicine.~~]~~ ***the professional licensing board that has issued a license or certification to the attending provider of health care.***

➥ ~~[~~The Central Repository for Nevada Records of Criminal History shall report to the Division its findings as to the criminal history, if any, of an applicant within 15 days after receiving a copy of an application pursuant to subparagraph (3) of paragraph (c).~~]~~ The ~~[~~Board of Medical Examiners or the State Board of Osteopathic Medicine, as~~]~~ applicable ~~[~~,~~]~~ ***professional licensing board*** shall report to the Division its findings as to the licensure ***or certification, as applicable,*** and standing of the applicant's attending ~~[~~physician~~]~~ ***provider of health care*** within 15 days after receiving a copy of an application pursuant to subparagraph ~~[~~(4)~~]~~ ***(3)*** of paragraph (c).

5. The Division shall verify the information contained in an application submitted pursuant to this section and shall approve or deny an application within ~~[~~30 days after receiving the application.~~]~~ ***the period of time specified by the Division by regulation.*** The Division may contact an applicant, the applicant's attending ~~[~~physician~~]~~ ***provider of health care*** and designated primary caregiver, if any, by telephone to determine that the information provided on or accompanying the application is accurate. The Division may deny an application only on the following grounds:

(a) The applicant failed to provide the information required pursuant to subsections 2 and 3 ***;*** ~~[~~to:

~~(1) Establish the applicant's chronic or debilitating medical condition; or~~

~~(2) Document the applicant's consultation with an attending physician regarding the medical use of marijuana in connection with that condition;~~]

(b) The applicant failed to comply with regulations adopted by the Division, including, without limitation, the regulations adopted by the Administrator ***of the Division*** pursuant to NRS 453A.740;

(c) The Division determines that the information provided by the applicant was falsified;

(d) The Division determines that the attending ~~[~~physician~~]~~ ***provider of health care*** of the applicant is not licensed ~~[~~to practice medicine or osteopathic medicine~~]~~ ***or certified*** in this State or is not in good standing, as reported by the ~~[~~Board of Medical Examiners or the State Board of Osteopathic Medicine, as~~]~~ applicable ~~[~~,~~]~~ ***professional licensing board;***

(e) ~~[~~The Division determines that the applicant, or the applicant's designated primary caregiver, if applicable, has been convicted of knowingly or intentionally selling a controlled substance;

~~(f)~~~~]~~ The Division has prohibited the applicant from obtaining or using a registry identification card or letter of approval pursuant to subsection 2 of NRS 453A.300;

~~[~~(g)~~]~~ ***(f)*** The Division determines that the applicant, or the applicant's designated primary caregiver, if applicable, has had a registry identification card or letter of approval revoked pursuant to NRS 453A.225; or

~~[~~(h)~~]~~ ***(g)*** In the case of a person under 18 years of age, the custodial parent or legal guardian with responsibility for health care decisions for the person has not signed the written statement required pursuant to paragraph (b) of subsection 3.

6. The decision of the Division to deny an application for a registry identification card or letter of approval is a final decision for the purposes of judicial review. Only the person whose application has been denied or, in the case of a person under 18 years of age whose application has been denied, the person's parent or legal guardian, has standing to contest the determination of the Division. A judicial review authorized pursuant to this subsection must be limited to a determination of whether the denial was arbitrary, capricious or otherwise characterized by an abuse of discretion and

must be conducted in accordance with the procedures set forth in chapter 233B of NRS for reviewing a final decision of an agency.

7. A person whose application has been denied may not reapply for 6 months after the date of the denial, unless the Division or a court of competent jurisdiction authorizes reapplication in a shorter time.

8. Except as otherwise provided in this subsection, if a person has applied for a registry identification card or letter of approval pursuant to this section and the Division has not yet approved or denied the application, the person, and the person's designated primary caregiver, if any, shall be deemed to hold a registry identification card or letter of approval ~~[upon the presentation to a law enforcement officer of the]~~ ***and may present a*** copy of the application provided to him or her pursuant to subsection 4 ~~[.]~~ ***as proof that the person is deemed to hold a registry identification card to any person, including, without limitation, a law enforcement officer or a medical marijuana establishment agent at a medical marijuana dispensary.***

9. ***An attending provider of health care who signs an application pursuant to subsection 2 for a patient shall maintain valid, written documentation in the file the attending provider of health care maintains for the patient and make such written documentation available to the Division upon request.***

10. As used in this section, "resident" has the meaning ascribed to it in NRS 483.141.

Sec. 20. NRS 453A.220 is hereby amended to read as follows:

453A.220 1. If the Division approves an application pursuant to subsection 5 of NRS 453A.210, the Division or its designee shall, as soon as practicable after the Division approves the application:

(a) Issue a letter of approval or serially numbered registry identification card, as applicable, to the applicant; and

(b) If the applicant has designated a primary caregiver, issue a serially numbered registry identification card to the designated primary caregiver.

2. A registry identification card issued pursuant to paragraph (a) of subsection 1 must set forth:

(a) The name, address, photograph and date of birth of the applicant;

(b) The date of issuance and date of expiration of the registry identification card;

(c) The name and address of the applicant's designated primary caregiver, if any;

(d) The name of the applicant's designated medical marijuana dispensary, if any;

(e) Whether the applicant is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.200; and

(f) Any other information prescribed by regulation of the Division.

3. A letter of approval issued pursuant to paragraph (a) of subsection 1 must set forth:

(a) The name, address and date of birth of the applicant;

(b) The date of issuance and date of expiration of the registry identification card of the designated primary caregiver;

(c) The name and address of the applicant's designated primary caregiver;

(d) The name of the applicant's designated medical marijuana dispensary, if any; and

(e) Any other information prescribed by regulation of the Division.

4. A registry identification card issued pursuant to paragraph (b) of subsection 1 must set forth:

(a) The name, address and photograph of the designated primary caregiver;

(b) The date of issuance and date of expiration of the registry identification card;

(c) The name and address of the applicant for whom the person is the designated primary caregiver;

(d) The name of the designated primary caregiver's designated medical marijuana dispensary, if any;

(e) Whether the designated primary caregiver is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.200; and

(f) Any other information prescribed by regulation of the Division.

5. Except as otherwise provided in NRS 453A.225, subsection 3 of NRS 453A.230 and subsection 2 of NRS 453A.300, a registry identification card or letter of approval issued pursuant to this section is valid for a period of ***either*** 1 year ***or 2 years, as specified by the attending provider of health care on the application for the issuance or renewal of the registry identification card or letter of approval,*** and may be renewed in accordance with regulations adopted by the Division.

Sec. 21. NRS 453A.225 is hereby amended to read as follows:

453A.225 1. If, at any time after the Division or its designee has issued a registry identification card or letter of approval to a person pursuant to paragraph (a) of subsection 1 of NRS 453A.220, the Division determines, on the basis of official documents or records or other credible evidence, that the person ~~[~~**[**~~:~~

~~(a) Provided~~**]** ***provided*** falsified information on his or her application to the Division or its designee, as described in paragraph (c) of subsection 5 of NRS 453A.210 **,** ~~[~~**[**~~; or~~

~~(b) Has been convicted of knowingly or intentionally selling a controlled substance, as described in paragraph (c) of subsection 5 of NRS 453A.210,~~

~~→~~**]** the Division shall immediately revoke the registry identification card or letter of approval issued to that person and shall immediately revoke the registry identification card issued to that person's designated primary caregiver, if any.

2. ~~[~~**[**~~If, at any time after the Division or its designee has issued a registry identification card to a person pursuant to paragraph (b) of subsection 1 of NRS 453A.220 or pursuant to NRS 453A.250, the Division determines, on~~

~~the basis of official documents or records or other credible evidence, that the person has been convicted of knowingly or intentionally selling a controlled substance, as described in paragraph (e) of subsection 5 of NRS 453A.210, the Division shall immediately revoke the registry identification card issued to that person.~~

~~3.~~] Upon the revocation of a registry identification card or letter of approval pursuant to this section:

(a) The Division shall send, by certified mail, return receipt requested, notice to the person whose registry identification card or letter of approval has been revoked, advising the person of the requirements of paragraph (b); and

(b) The person shall return his or her registry identification card or letter of approval to the Division within 7 days after receiving the notice sent pursuant to paragraph (a).

~~[4.]~~ ***3.*** The decision of the Division to revoke a registry identification card or letter of approval pursuant to this section is a final decision for the purposes of judicial review.

~~[5.]~~ ***4.*** A person whose registry identification card or letter of approval has been revoked pursuant to this section may not reapply for a registry identification card or letter of approval pursuant to NRS 453A.210 for 12 months after the date of the revocation, unless the Division or a court of competent jurisdiction authorizes reapplication in a shorter time.

Sec. 22. NRS 453A.230 is hereby amended to read as follows:

453A.230 1. A person to whom the Division or its designee has issued a registry identification card or letter of approval pursuant to paragraph (a) of subsection 1 of NRS 453A.220 shall, in accordance with regulations adopted by the Division:

(a) Notify the Division of any change in the person's name, address, telephone number, designated medical marijuana dispensary, attending ~~[physician]~~ ***provider of health care*** or designated primary caregiver, if any; and

(b) Submit ~~[annually]~~ to the ***Division, on a form prescribed by the*** Division:

(1) ~~[Updated written documentation]~~ ***On or before the date specified by the attending provider of health care on the application for the issuance or renewal of the registry identification card or letter of approval pursuant to subsection 5 of NRS 453A.220, a signature*** from the person's attending ~~[physician in which the attending physician sets forth]~~ ***provider of health care affirming*** that:

(I) The person continues to suffer from a chronic or debilitating medical condition;

(II) The medical use of marijuana may mitigate the symptoms or effects of that condition; and

(III) The attending ~~[~~physician~~]~~ ***provider of health care*** has explained to the person the possible risks and benefits of the medical use of marijuana; and

(2) If the person elects to designate a primary caregiver for the subsequent year and the primary caregiver so designated was not the person's designated primary caregiver during the previous year:

(I) The name, address ~~[,]~~ ***and*** telephone number ~~[~~and social security number~~]~~ of the designated primary caregiver; and

(II) A ~~[~~written, signed statement~~]~~ ***signature*** from the person's attending ~~[~~physician in which~~]~~ ***provider of health care affirming that*** the attending ~~[~~physician~~]~~ ***provider of health care*** approves of the designation of the primary caregiver.

2. A person to whom the Division or its designee has issued a registry identification card pursuant to paragraph (b) of subsection 1 of NRS 453A.220 or pursuant to NRS 453A.250 shall, in accordance with regulations adopted by the Division, notify the Division of any change in the person's name, address, telephone number, designated medical marijuana dispensary or the identity of the person for whom he or she acts as designated primary caregiver.

3. If a person fails to comply with the provisions of subsection 1 or 2, the registry identification card or letter of approval issued to the person shall be deemed expired. If the registry identification card or letter of approval of a person to whom the Division or its designee issued the card or letter pursuant to paragraph (a) of subsection 1 of NRS 453A.220 is deemed expired pursuant to this subsection, a registry identification card issued to the person's designated primary caregiver, if any, shall also be deemed expired. Upon the deemed expiration of a registry identification card or letter of approval pursuant to this subsection:

(a) The Division shall send, by certified mail, return receipt requested, notice to the person whose registry identification card or letter of approval has been deemed expired, advising the person of the requirements of paragraph (b); and

(b) The person shall return his or her registry identification card or letter of approval to the Division within 7 days after receiving the notice sent pursuant to paragraph (a).

Sec. 23. (Deleted by amendment.)

Sec. 23.5. NRS 453A.240 is hereby amended to read as follows:

453A.240 If a person to whom the Division or its designee has issued a registry identification card or letter of approval pursuant to paragraph (a) of subsection 1 of NRS 453A.220 is diagnosed by the person's attending ~~[~~physician~~]~~ ***provider of health care*** as no longer having a chronic or debilitating medical condition, the person shall return his or her registry identification card or letter of approval and his or her designated primary caregiver, if any, shall return his or her registry identification card to the Division within 7 days after notification of the diagnosis.

Sec. 24. NRS 453A.250 is hereby amended to read as follows:

453A.250 1. If a person who applies to the Division for a registry identification card or letter of approval or to whom the Division or its designee has issued a registry identification card or letter of approval pursuant to paragraph (a) of subsection 1 of NRS 453A.220 desires or is required to designate a primary caregiver, the person must:

(a) To designate a primary caregiver at the time of application, submit to the Division ***, on a form prescribed by the Division,*** the information required pursuant to paragraph (e) of subsection 2 of NRS 453A.210; or

(b) To designate a primary caregiver after the Division or its designee has issued a registry identification card or letter of approval to the person, submit to the Division ***, on a form prescribed by the Division,*** the information required pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 453A.230.

2. A person may have only one designated primary caregiver at any one time.

3. If a person designates a primary caregiver after the time that the person initially applies for a registry identification card or letter of approval, the Division or its designee shall, except as otherwise provided in subsection 5 of NRS 453A.210, issue a registry identification card to the designated primary caregiver as soon as practicable after receiving the information submitted pursuant to paragraph (b) of subsection 1.

4. A person who is the parent or legal guardian of one or more children who are listed in the medical marijuana registry may be the designated primary caregiver for each such child regardless of whether the person is also listed in the medical marijuana registry as a patient.

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 26.5. NRS 453A.310 is hereby amended to read as follows:

453A.310 1. Except as otherwise provided in this section and NRS 453A.300, it is an affirmative defense to a criminal charge of possession, delivery or production of marijuana, or any other criminal offense in which possession, delivery or production of marijuana is an element, that the person charged with the offense:

(a) Is a person who:

(1) Has been diagnosed with a chronic or debilitating medical condition within the 12-month period preceding his or her arrest and has been advised by his or her attending ~~[physician]~~ ***provider of health care*** that the medical use of marijuana may mitigate the symptoms or effects of that chronic or debilitating medical condition;

(2) Is engaged in the medical use of marijuana; and

(3) Possesses, delivers or produces marijuana only in the amount described in paragraph (b) of subsection 3 of NRS 453A.200 or in excess of that amount if the person proves by a preponderance of the evidence that the greater amount is medically necessary as determined by the person's

attending ~~[~~physician~~]~~ ***provider of health care*** to mitigate the symptoms or effects of the person's chronic or debilitating medical condition; or

(b) Is a person who:

(1) Is assisting a person described in paragraph (a) in the medical use of marijuana; and

(2) Possesses, delivers or produces marijuana only in the amount described in paragraph (b) of subsection 3 of NRS 453A.200 or in excess of that amount if the person proves by a preponderance of the evidence that the greater amount is medically necessary as determined by the assisted person's attending ~~[~~physician~~]~~ ***provider of health care*** to mitigate the symptoms or effects of the assisted person's chronic or debilitating medical condition.

2. A person need not hold a registry identification card or letter of approval issued to the person by the Division or its designee pursuant to NRS 453A.220 or 453A.250 to assert an affirmative defense described in this section.

3. Except as otherwise provided in this section and in addition to the affirmative defense described in subsection 1, a person engaged or assisting in the medical use of marijuana who is charged with a crime pertaining to the medical use of marijuana is not precluded from:

(a) Asserting a defense of medical necessity; or

(b) Presenting evidence supporting the necessity of marijuana for treatment of a specific disease or medical condition,

➥ if the amount of marijuana at issue is not greater than the amount described in paragraph (b) of subsection 3 of NRS 453A.200 and the person has taken steps to comply substantially with the provisions of this chapter.

4. A defendant who intends to offer an affirmative defense described in this section shall, not less than 5 days before trial or at such other time as the court directs, file and serve upon the prosecuting attorney a written notice of the defendant's intent to claim the affirmative defense. The written notice must:

(a) State specifically why the defendant believes he or she is entitled to assert the affirmative defense; and

(b) Set forth the factual basis for the affirmative defense.

➥ A defendant who fails to provide notice of his or her intent to claim an affirmative defense as required pursuant to this subsection may not assert the affirmative defense at trial unless the court, for good cause shown, orders otherwise.

Sec. 27. NRS 453A.322 is hereby amended to read as follows:

453A.322 1. Each medical marijuana establishment must register with the ~~[~~Division.~~]~~ ***Department.***

2. A person who wishes to operate a medical marijuana establishment must submit to the ~~[~~Division~~]~~ ***Department*** an application on a form prescribed by the ~~[~~Division.~~]~~ ***Department.***

3. Except as otherwise provided in NRS 453A.324, 453A.326, 453A.328 and 453A.340, not later than 90 days after receiving an application to operate

a medical marijuana establishment, the ~~[~~Division~~]~~ ***Department*** shall register the medical marijuana establishment and issue a medical marijuana establishment registration certificate and a random 20-digit alphanumeric identification number if:

(a) The person who wishes to operate the proposed medical marijuana establishment has submitted to the ~~[~~Division~~]~~ ***Department*** all of the following:

(1) The application fee, as set forth in NRS 453A.344;

(2) An application, which must include:

(I) The legal name of the proposed medical marijuana establishment;

(II) The physical address where the proposed medical marijuana establishment will be located and the physical address of any co-owned additional or otherwise associated medical marijuana establishments, the locations of which may not be within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed medical marijuana establishment was submitted to the ~~[~~Division,~~]~~ ***Department,*** or within 300 feet of a community facility that existed on the date on which the application for the proposed medical marijuana establishment was submitted to the ~~[~~Division;~~]~~ ***Department;***

(III) Evidence that the applicant controls not less than $250,000 in liquid assets to cover the initial expenses of opening the proposed medical marijuana establishment and complying with the provisions of NRS 453A.320 to 453A.370, inclusive;

(IV) Evidence that the applicant owns the property on which the proposed medical marijuana establishment will be located or has the written permission of the property owner to operate the proposed medical marijuana establishment on that property;

(V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed medical marijuana establishment, a complete set of the person's fingerprints and written permission of the person authorizing the ~~[~~Division~~]~~ ***Department*** to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed medical marijuana establishment; and

(VII) The name, address and date of birth of each person who is proposed to be employed by or otherwise provide labor at the proposed medical marijuana establishment as a medical marijuana establishment agent;

(3) Operating procedures consistent with rules of the ~~[~~Division~~]~~ ***Department*** for oversight of the proposed medical marijuana establishment, including, without limitation:

(I) Procedures to ensure the use of adequate security measures; and

(II) The use of an electronic verification system and an inventory control system, pursuant to NRS 453A.354 and 453A.356;

(4) If the proposed medical marijuana establishment will sell or deliver edible marijuana products or marijuana-infused products, proposed operating procedures for handling such products which must be preapproved by the ~~[~~Division;~~]~~ ***Department;***

(5) If the city, town or county in which the proposed medical marijuana establishment will be located has enacted zoning restrictions, proof of licensure with the applicable local governmental authority or a letter from the applicable local governmental authority certifying that the proposed medical marijuana establishment is in compliance with those restrictions and satisfies all applicable building requirements; and

(6) Such other information as the ~~[~~Division~~]~~ ***Department*** may require by regulation;

(b) None of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment have been convicted of an excluded felony offense;

(c) None of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment have:

(1) Served as an owner, officer or board member for a medical marijuana establishment that has had its medical marijuana establishment registration certificate revoked; or

(2) Previously had a medical marijuana establishment agent registration card revoked; and

(d) None of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed medical marijuana establishment, the ~~[~~Division~~]~~ ***Department*** shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in subsection 6, if an application for registration as a medical marijuana establishment satisfies the requirements of this section and the establishment is not disqualified from being registered as a medical marijuana establishment pursuant to this section or other applicable law, the ~~[~~Division~~]~~ ***Department*** shall issue to the establishment a medical marijuana establishment registration certificate. A medical marijuana establishment registration certificate expires 1 year after the date of issuance and may be renewed upon:

(a) Resubmission of the information set forth in this section ~~[~~.~~]~~ ***, except that the fingerprints of each person who is an owner, officer or board***

member of a medical marijuana establishment required to be submitted pursuant to subsection 4 must only be submitted:

(1) If such a person holds 5 percent or less of the ownership interest in any one medical marijuana establishment or an ownership interest in more than one medical marijuana establishment of the same kind that, when added together, equals 5 percent or less, once in any 5-year period; and

(2) If such a person holds more than 5 percent of the ownership interest in any one medical marijuana establishment or an ownership interest in more than one medical marijuana establishment of the same kind that, when added together, equals more than 5 percent, or is an officer or board member of a medical marijuana establishment, once in any 3-year period; ~~[and]~~

(b) Payment of the renewal fee set forth in NRS 453A.344 ~~[.]~~ ***; and***

(c) If the medical marijuana establishment is an independent testing laboratory, submission of proof that the independent testing laboratory is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization.

6. In determining whether to issue a medical marijuana establishment registration certificate pursuant to this section, the ~~[Division]~~ ***Department*** shall consider the criteria of merit set forth in NRS 453A.328.

7. ***The Department:***

(a) Shall not require an applicant for registration as a medical marijuana establishment or for the renewal of a medical marijuana establishment registration certificate to submit a financial statement with the application for registration or renewal; and

(b) May require a medical marijuana establishment to submit a financial statement as determined to be necessary by the Department to ensure the collection of any taxes which may be owed by the medical marijuana establishment.

8. As used in this section, "community facility" means:

(a) A facility that provides day care to children.

(b) A public park.

(c) A playground.

(d) A public swimming pool.

(e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.

(f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

Sec. 28. NRS 453A.324 is hereby amended to read as follows:

453A.324 1. Except as otherwise provided in this section and NRS 453A.326, the ~~[Division]~~ ***Department*** shall issue medical marijuana establishment registration certificates for medical marijuana dispensaries in the following quantities for applicants who qualify pursuant to NRS 453A.322:

(a) In a county whose population is 700,000 or more, 40 certificates;

(b) In a county whose population is 100,000 or more but less than 700,000, ten certificates;

(c) In a county whose population is 55,000 or more but less than 100,000, two certificates; and

(d) In each other county, one certificate.

2. Notwithstanding the provisions of subsection 1, the ~~[~~Division:~~]~~ ***Department:***

(a) Shall not issue medical marijuana establishment registration certificates for medical marijuana dispensaries in such a quantity as to cause the existence within the applicable county of more than one medical marijuana dispensary for every ten pharmacies that have been licensed in the county pursuant to chapter 639 of NRS. The ~~[~~Division~~]~~ ***Department*** may issue medical marijuana establishment registration certificates for medical marijuana dispensaries in excess of the ratio otherwise allowed pursuant to this paragraph if to do so is necessary to ensure that the ~~[~~Division~~]~~ ***Department*** issues at least one medical marijuana establishment registration certificate in each county of this State in which the ~~[~~Division~~]~~ ***Department*** has approved an application for such an establishment to operate.

(b) Shall, for any county for which no applicants qualify pursuant to NRS 453A.322, within 2 months after the end of the period during which the ~~[~~Division~~]~~ ***Department*** accepts applications pursuant to subsection 4, reallocate the certificates provided for that county pursuant to subsection 1 to the other counties specified in subsection 1 in the same proportion as provided in subsection 1.

3. With respect to medical marijuana establishments that are not medical marijuana dispensaries, the ~~[~~Division~~]~~ ***Department*** shall determine the appropriate number of such establishments as are necessary to serve and supply the medical marijuana dispensaries to which the ~~[~~Division~~]~~ ***Department*** has granted medical marijuana establishment registration certificates.

4. The ~~[~~Division~~]~~ ***Department*** shall not, for more than a total of 10 business days in any 1 calendar year, accept applications to operate medical marijuana establishments.

Sec. 29. NRS 453A.326 is hereby amended to read as follows:

453A.326 1. Except as otherwise provided in this subsection, in a county whose population is 100,000 or more, the ~~[~~Division~~]~~ ***Department*** shall ensure that not more than 25 percent of the total number of medical marijuana dispensaries that may be certified in the county, as set forth in NRS 453A.324, are located in any one local governmental jurisdiction within the county. The board of county commissioners of the county may increase the percentage described in this subsection if it determines that to do so is necessary to ensure that the more populous areas of the county have access to sufficient distribution of marijuana for medical use.

2. To prevent monopolistic practices, the ~~[~~Division~~]~~ ***Department*** shall ensure, in a county whose population is 100,000 or more, that it does not issue, to any one person, group of persons or entity, the greater of:

(a) One medical marijuana establishment registration certificate; or

(b) More than 10 percent of the medical marijuana establishment registration certificates otherwise allocable in the county.

3. In a local governmental jurisdiction that issues business licenses, the issuance by the ~~[~~Division~~]~~ ***Department*** of a medical marijuana establishment registration certificate shall be deemed to be provisional until such time as:

(a) The establishment is in compliance with all applicable local governmental ordinances or rules; and

(b) The local government has issued a business license for the operation of the establishment.

4. As used in this section, "local governmental jurisdiction" means a city, town, township or unincorporated area within a county.

Sec. 30. NRS 453A.328 is hereby amended to read as follows:

453A.328 In determining whether to issue a medical marijuana establishment registration certificate pursuant to NRS 453A.322, the ~~[~~Division~~]~~ ***Department*** shall, in addition to the factors set forth in that section, consider the following criteria of merit:

1. The total financial resources of the applicant, both liquid and illiquid;

2. The previous experience of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment at operating other businesses or nonprofit organizations;

3. The educational achievements of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment;

4. Any demonstrated knowledge or expertise on the part of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment with respect to the compassionate use of marijuana to treat medical conditions;

5. Whether the proposed location of the proposed medical marijuana establishment would be convenient to serve the needs of persons who are authorized to engage in the medical use of marijuana;

6. The likely impact of the proposed medical marijuana establishment on the community in which it is proposed to be located;

7. The adequacy of the size of the proposed medical marijuana establishment to serve the needs of persons who are authorized to engage in the medical use of marijuana;

8. Whether the applicant has an integrated plan for the care, quality and safekeeping of medical marijuana from seed to sale;

9. The amount of taxes paid to, or other beneficial financial contributions made to, the State of Nevada or its political subdivisions by the applicant or the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment; ~~[~~and~~]~~

10. ***The diversity on the basis of race, ethnicity or gender of the applicant or the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment; and***

11. Any other criteria of merit that the ~~[Division]~~ ***Department*** determines to be relevant.

Sec. 31. NRS 453A.332 is hereby amended to read as follows:

453A.332 1. Except as otherwise provided in this section, a person shall not volunteer or work at, contract to provide labor to or be employed by an independent contractor to provide labor to a medical marijuana establishment as a medical marijuana establishment agent unless the person is registered with the ~~[Division]~~ ***Department*** pursuant to this section.

2. A ***person who wishes to volunteer or work at a medical marijuana establishment, or a*** medical marijuana establishment that wishes to retain as a volunteer or employ ~~[a medical marijuana establishment agent]~~ ***such a person,*** shall submit to the ~~[Division]~~ ***Department*** an application on a form prescribed by the ~~[Division.]~~ ***Department.*** The application must be accompanied by:

(a) The name, address and date of birth of the prospective medical marijuana establishment agent;

(b) A statement signed by the prospective medical marijuana establishment agent pledging not to dispense or otherwise divert marijuana to any person who is not authorized to possess marijuana in accordance with the provisions of this chapter;

(c) A statement signed by the prospective medical marijuana establishment agent asserting that he or she has not previously had a medical marijuana establishment agent registration card revoked;

(d) A complete set of the fingerprints and written permission of the prospective medical marijuana establishment agent authorizing the ~~[Division]~~ ***Department*** to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(e) The application fee, as set forth in NRS 453A.344; and

(f) Such other information as the ~~[Division]~~ ***Department*** may require by regulation.

3. A ***person who wishes to contract to provide labor to or be employed by an independent contractor to provide labor to a medical marijuana establishment, or a*** medical marijuana establishment that wishes to contract with ~~[an independent contractor to provide labor as a medical marijuana establishment agent]~~ ***such a person,*** shall submit to the ~~[Division]~~ ***Department*** an application on a form prescribed by the ~~[Division]~~ ***Department*** for the registration of the independent contractor and each employee of the independent contractor who will provide labor as a medical marijuana establishment agent. The application must be accompanied by:

(a) The name, address and, if the prospective medical marijuana establishment agent has a state business registration, the business

identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;

(b) The name, address and date of birth of each employee of the prospective medical marijuana establishment agent who will provide labor as a medical marijuana establishment agent;

(c) A statement signed by the prospective medical marijuana establishment agent pledging not to dispense or otherwise divert marijuana to, or allow any of its employees to dispense or otherwise divert marijuana to, any person who is not authorized to possess marijuana in accordance with the provisions of this chapter;

(d) A statement signed by the prospective medical marijuana establishment agent asserting that it has not previously had a medical marijuana establishment agent registration card revoked and that none of its employees who will provide labor as a medical marijuana establishment agent have previously had a medical marijuana establishment agent registration card revoked;

(e) A complete set of the fingerprints of each employee of the prospective medical marijuana establishment agent who will provide labor as a medical marijuana establishment agent and written permission of the prospective medical marijuana establishment agent and each employee of the prospective medical marijuana establishment agent authorizing the ~~[~~Division~~]~~ ***Department*** to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(f) The application fee, as set forth in NRS 453A.344; and

(g) Such other information as the ~~[~~Division~~]~~ ***Department*** may require by regulation.

4. A medical marijuana establishment shall notify the ~~[~~Division~~]~~ ***Department*** within 10 days after a medical marijuana establishment agent ceases to be employed by, volunteer at or provide labor as a medical marijuana establishment agent to the medical marijuana establishment.

5. A person who:

(a) Has been convicted of an excluded felony offense; or

(b) Is less than 21 years of age,

➥ shall not serve as a medical marijuana establishment agent.

6. The ~~[~~Division~~]~~ ***Department*** shall submit the fingerprints of an applicant for registration as a medical marijuana establishment agent to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of the applicant.

7. The provisions of this section do not require a person who is an owner, officer or board member of a medical marijuana establishment to resubmit information already furnished to the ~~[~~Division~~]~~ ***Department*** at the time the establishment was registered with the ~~[~~Division.~~]~~ ***Department.***

8. If an applicant for registration as a medical marijuana establishment agent satisfies the requirements of this section and is not disqualified from serving as such an agent pursuant to this section or any other applicable law, the ~~[~~Division~~]~~ ***Department*** shall issue to the person and, for an independent contractor, to each person identified in the independent contractor's application for registration as an employee who will provide labor as a medical marijuana establishment agent, a medical marijuana establishment agent registration card. If the ~~[~~Division~~]~~ ***Department*** does not act upon an application for a medical marijuana establishment agent registration card within 30 days after the date on which the application is received, the application shall be deemed conditionally approved until such time as the ~~[~~Division~~]~~ ***Department*** acts upon the application. A medical marijuana establishment agent registration card expires 1 year after the date of issuance and may be renewed upon:

(a) Resubmission of the information set forth in this section; and

(b) Payment of the renewal fee set forth in NRS 453A.344.

9. A medical marijuana establishment agent registration card issued pursuant to this section to an independent contractor or an employee of an independent contractor authorizes the independent contractor or employee to provide labor to any medical marijuana establishment in this State.

10. A medical marijuana establishment agent registration card issued pursuant to this section to a person who wishes to volunteer or work at a medical marijuana establishment authorizes the person to volunteer or work at any medical marijuana establishment in this State for which the category of the medical marijuana establishment agent registration card authorizes the person to volunteer or work.

11. Except as otherwise prescribed by regulation of the Department, an applicant for registration or renewal of registration as a medical marijuana establishment agent is deemed temporarily registered as a medical marijuana establishment agent on the date on which a complete application for registration or renewal of registration is submitted to the Department. A temporary registration as a medical marijuana establishment agent expires 30 days after the date upon which the application is received.

Sec. 32. NRS 453A.334 is hereby amended to read as follows:

453A.334 1. Except as otherwise provided in subsection 2, the following are nontransferable:

(a) A medical marijuana establishment agent registration card.

(b) A medical marijuana establishment registration certificate.

2. A medical marijuana establishment may ***, upon submission of a statement signed by a person authorized to submit such a statement by the governing documents of the medical marijuana establishment,*** transfer all or any portion of its ownership to another party, and the ~~[~~Division~~]~~ ***Department*** shall transfer the medical marijuana establishment registration certificate issued to the establishment to the party acquiring ownership, if the

party who will acquire the ownership of the medical marijuana establishment submits:

(a) ~~[~~Evidence~~]~~ ***If the party will acquire the entirety of the ownership interest in the medical marijuana establishment, evidence*** satisfactory to the ~~[~~Division~~]~~ ***Department*** that the party has complied with the provisions of sub-subparagraph (III) of subparagraph (2) of paragraph (a) of subsection 3 of NRS 453A.322 for the purpose of operating the medical marijuana establishment.

(b) For the party and each person who is proposed to be an owner, officer or board member of the proposed medical marijuana establishment, the name, address and date of birth of the person, a complete set of the person's fingerprints and written permission of the person authorizing the ~~[~~Division~~]~~ ***Department*** to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(c) Proof satisfactory to the ~~[~~Division~~]~~ ***Department*** that, as a result of the transfer of ownership, no person, group of persons or entity will, in a county whose population is 100,000 or more, hold more than one medical marijuana establishment registration certificate or more than 10 percent of the medical marijuana establishment registration certificates allocated to the county, whichever is greater.

Sec. 33. NRS 453A.336 is hereby amended to read as follows:

453A.336 1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a medical marijuana establishment agent registration card or medical marijuana establishment registration certificate shall:

(a) Include the social security number of the applicant in the application submitted to the ~~[~~Division.~~]~~ ***Department.***

(b) Submit to the ~~[~~Division~~]~~ ***Department*** the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The ~~[~~Division~~]~~ ***Department*** shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the medical marijuana establishment agent registration card or medical marijuana establishment registration certificate; or

(b) A separate form prescribed by the ~~[~~Division.~~]~~ ***Department.***

3. A medical marijuana establishment agent registration card or medical marijuana establishment registration certificate may not be issued or renewed by the ~~[~~Division~~]~~ ***Department*** if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other

public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the ~~[Division]~~ ***Department*** shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 34. NRS 453A.338 is hereby amended to read as follows:

453A.338 1. If the ~~[Division]~~ ***Department*** receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a medical marijuana establishment agent registration card or medical marijuana establishment registration certificate, the ~~[Division]~~ ***Department*** shall deem the card or certificate issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the ~~[Division]~~ ***Department*** receives a letter issued to the holder of the card or certificate by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the card or certificate has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The ~~[Division]~~ ***Department*** shall reinstate a medical marijuana establishment agent registration card or medical marijuana establishment registration certificate that has been suspended by a district court pursuant to NRS 425.540 if the ~~[Division]~~ ***Department*** receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose card or certificate was suspended stating that the person whose card or certificate was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 35. NRS 453A.340 is hereby amended to read as follows:

453A.340 The following acts constitute grounds for immediate revocation of a medical marijuana establishment registration certificate:

1. Dispensing, delivering or otherwise transferring marijuana to a person other than a medical marijuana establishment agent, another medical marijuana establishment or a person who holds a valid registry identification card, including, without limitation, a designated primary caregiver.

2. Acquiring usable marijuana or mature marijuana plants from any person other than a medical marijuana establishment agent, another medical marijuana establishment or a person who holds a valid registry identification card, including, without limitation, a designated primary caregiver.

3. Violating a regulation of the ~~[Division,]~~ ***Department,*** the violation of which is stated to be grounds for immediate revocation of a medical marijuana establishment registration certificate.

4. Failure to pay a fee imposed pursuant to NRS 453A.330.

Sec. 36. NRS 453A.342 is hereby amended to read as follows:

453A.342 The following acts constitute grounds for the immediate revocation of the medical marijuana establishment agent registration card of a medical marijuana establishment agent:

1. Having committed or committing any excluded felony offense.

2. Dispensing, delivering or otherwise transferring marijuana to a person other than a medical marijuana establishment agent, another medical marijuana establishment or a person who holds a valid registry identification card, including, without limitation, a designated primary caregiver.

3. Violating a regulation of the ~~[~~Division,~~]~~ ***Department,*** the violation of which is stated to be grounds for immediate revocation of a medical marijuana establishment agent registration card.

Sec. 37. NRS 453A.344 is hereby amended to read as follows:

453A.344 1. Except as otherwise provided in subsection 2, the ~~[~~Division~~]~~ ***Department*** shall collect not more than the following maximum fees:

For the initial issuance of a medical marijuana establishment registration certificate for a medical marijuana dispensary	$30,000
For the renewal of a medical marijuana establishment registration certificate for a medical marijuana dispensary	5,000
For the initial issuance of a medical marijuana establishment registration certificate for a cultivation facility	3,000
For the renewal of a medical marijuana establishment registration certificate for a cultivation facility	1,000
For the initial issuance of a medical marijuana establishment registration certificate for a facility for the production of edible marijuana products or marijuana-infused products	3,000
For the renewal of a medical marijuana establishment registration certificate for a facility for the production of edible marijuana products or marijuana-infused products	1,000
For each person identified in an application for the initial issuance of a medical marijuana establishment agent registration card	75
For each person identified in an application for the renewal of a medical marijuana establishment agent registration card	75

For the initial issuance of a medical marijuana establishment registration certificate for an independent testing laboratory 5,000

For the renewal of a medical marijuana establishment registration certificate for an independent testing laboratory 3,000

2. In addition to the fees described in subsection 1, each applicant for a medical marijuana establishment registration certificate must pay to the ~~[~~Division:~~]~~ ***Department:***

(a) A one-time, nonrefundable application fee of $5,000; and

(b) The actual costs incurred by the ~~[~~Division~~]~~ ***Department*** in processing the application, including, without limitation, conducting background checks.

3. Any revenue generated from the fees imposed pursuant to this section:

(a) Must be expended first to pay the costs of the ~~[~~Division~~]~~ ***Department*** in carrying out the provisions of NRS 453A.320 to 453A.370, inclusive; and

(b) If any excess revenue remains after paying the costs described in paragraph (a), such excess revenue must be paid over to the State Treasurer to be deposited to the credit of the State Distributive School Account in the State General Fund.

Sec. 37.5. NRS 453A.350 is hereby amended to read as follows:

453A.350 1. Each medical marijuana establishment must:

(a) Be located in a separate building or facility that is located in a commercial or industrial zone or overlay;

(b) Comply with all local ordinances and rules pertaining to zoning, land use and signage;

(c) Have an appearance, both as to the interior and exterior, that is professional, orderly, dignified and consistent with the traditional style of pharmacies and medical offices; and

(d) Have discreet and professional signage that is consistent with the traditional style of signage for pharmacies and medical offices.

2. A medical marijuana establishment may move to a new location under the jurisdiction of the same local government as its original location and regardless of the distance from its original location if the operation of the medical marijuana establishment at the new location has been approved by the local government. A local government may approve a new location pursuant to this subsection only in a public hearing for which written notice is given at least 7 working days before the hearing.

3. If a medical marijuana establishment is operated by a dual licensee, as defined in NRS 453D.030, any provision of this section which is determined by the Department to be unreasonably impracticable pursuant to subsection 9 of NRS 453A.370 does not apply to the medical marijuana establishment.

Sec. 38. NRS 453A.352 is hereby amended to read as follows:

453A.352 1. The operating documents of a medical marijuana establishment must include procedures:

(a) For the oversight of the medical marijuana establishment; and

(b) To ensure accurate recordkeeping, including, without limitation, the provisions of NRS 453A.354 and 453A.356.

2. Except as otherwise provided in this subsection, a medical marijuana establishment:

(a) That is a medical marijuana dispensary must have a single entrance for patrons, which must be secure, and shall implement strict security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.

(b) That is not a medical marijuana dispensary must have a single secure entrance and shall implement strict security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.

➥ The provisions of this subsection do not supersede any state or local requirements relating to minimum numbers of points of entry or exit, or any state or local requirements relating to fire safety.

3. A medical marijuana establishment is prohibited from acquiring, possessing, cultivating, manufacturing, delivering, transferring, transporting, supplying or dispensing marijuana for any purpose except to:

(a) Directly or indirectly assist patients who possess valid registry identification cards; ~~[and]~~

(b) Assist patients who possess valid registry identification cards or letters of approval by way of those patients' designated primary caregivers ~~[.]~~ ***; and***

(c) Return for a refund marijuana, edible marijuana products or marijuana-infused products to the medical marijuana establishment from which the marijuana, edible marijuana products or marijuana-infused products were acquired.

➥ For the purposes of this subsection, a person shall be deemed to be a patient who possesses a valid registry identification card or letter of approval if he or she qualifies for nonresident reciprocity pursuant to NRS 453A.364.

4. All cultivation or production of marijuana that a cultivation facility carries out or causes to be carried out must take place in an enclosed, locked facility at the physical address provided to the ~~[Division]~~ ***Department*** during the registration process for the cultivation facility. Such an enclosed, locked facility must be accessible only by medical marijuana establishment agents who are lawfully associated with the cultivation facility, except that limited access by persons necessary to perform construction or repairs or provide other labor is permissible if such persons are supervised by a medical marijuana establishment agent.

5. A medical marijuana dispensary and a cultivation facility may acquire usable marijuana or marijuana plants from a person who holds a valid registry identification card, including, without limitation, a designated primary caregiver. Except as otherwise provided in this subsection, the

patient or caregiver, as applicable, must receive no compensation for the marijuana. A patient who holds a valid registry identification card, and the designated primary caregiver of such a patient, or the designated primary caregiver of a person who holds a letter of approval may sell usable marijuana to a medical marijuana dispensary one time and may sell marijuana plants to a cultivation facility one time.

6. A medical marijuana establishment shall not allow any person to consume marijuana on the property or premises of the establishment.

7. Medical marijuana establishments are subject to reasonable inspection by the Division at any time, and a person who holds a medical marijuana establishment registration certificate must make himself or herself, or a designee thereof, available and present for any inspection by the Division of the establishment.

8. A dual licensee, as defined in NRS 453D.030:

(a) Shall comply with the regulations adopted by the Department pursuant to paragraph (k) of subsection 1 of NRS 453D.200 with respect to the medical marijuana establishment operated by the dual licensee; and

(b) May, to the extent authorized by such regulations, combine the location or operations of the medical marijuana establishment operated by the dual licensee with the marijuana establishment, as defined in NRS 453D.030, operated by the dual licensee.

9. Each medical marijuana establishment shall install a video monitoring system which must, at a minimum:

(a) Allow for the transmission and storage, by digital or analog means, of a video feed which displays the interior and exterior of the medical marijuana establishment; and

(b) Be capable of being accessed remotely by a law enforcement agency in real-time upon request.

10. A medical marijuana establishment shall not dispense or otherwise sell marijuana, edible marijuana products or marijuana-infused products from a vending machine or allow such a vending machine to be installed at the interior or exterior of the premises of the medical marijuana establishment.

11. If a medical marijuana establishment is operated by a dual licensee, as defined in NRS 453D.030, any provision of this section which is determined by the Department to be unreasonably impracticable pursuant to subsection 9 of NRS 453A.370 does not apply to the medical marijuana establishment.

Sec. 39. NRS 453A.354 is hereby amended to read as follows:

453A.354 1. Each medical marijuana establishment, in consultation with the ~~[~~Division,~~]~~ ***Department,*** shall maintain an electronic verification system.

2. The electronic verification system required pursuant to subsection 1 must be able to monitor and report information, including, without limitation:

(a) In the case of a medical marijuana dispensary, for each person who holds a valid registry identification card and who purchased marijuana from the dispensary in the immediately preceding 60-day period:

(1) The number of the card;

(2) The date on which the card was issued; and

(3) The date on which the card will expire.

(b) For each medical marijuana establishment agent who is employed by or volunteers at the medical marijuana establishment, the number of the person's medical marijuana establishment agent registration card.

(c) In the case of a medical marijuana dispensary, such information as may be required by the ~~[~~Division~~]~~ ***Department*** by regulation regarding persons who are not residents of this State and who have purchased marijuana from the dispensary.

(d) Verification of the identity of a person to whom marijuana, edible marijuana products or marijuana-infused products are sold or otherwise distributed.

(e) Such other information as the ~~[~~Division~~]~~ ***Department*** may require.

3. Nothing in this section prohibits more than one medical marijuana establishment from co-owning an electronic verification system in cooperation with other medical marijuana establishments, or sharing the information obtained therefrom.

4. A medical marijuana establishment must exercise reasonable care to ensure that the personal identifying information of persons who hold registry identification cards which is contained in an electronic verification system is encrypted, protected and not divulged for any purpose not specifically authorized by law.

Sec. 40. NRS 453A.356 is hereby amended to read as follows:

453A.356 1. Each medical marijuana establishment, in consultation with the ~~[~~Division,~~]~~ ***Department,*** shall maintain an inventory control system.

2. The inventory control system required pursuant to subsection 1 must be able to monitor and report information, including, without limitation:

(a) Insofar as is practicable, the chain of custody and current whereabouts, in real time, of medical marijuana from the point that it is harvested at a cultivation facility until it is sold at a medical marijuana dispensary and, if applicable, if it is processed at a facility for the production of edible marijuana products or marijuana-infused products;

(b) The name of each person or other medical marijuana establishment, or both, to which the establishment sold marijuana;

(c) In the case of a medical marijuana dispensary, the date on which it sold marijuana to a person who holds a registry identification card and, if any, the quantity of edible marijuana products or marijuana-infused products sold, measured both by weight and potency; and

(d) Such other information as the ~~[~~Division~~]~~ ***Department*** may require.

3. Nothing in this section prohibits more than one medical marijuana establishment from co-owning an inventory control system in cooperation

with other medical marijuana establishments, or sharing the information obtained therefrom.

4. A medical marijuana establishment must exercise reasonable care to ensure that the personal identifying information of persons who hold registry identification cards which is contained in an inventory control system is encrypted, protected and not divulged for any purpose not specifically authorized by law.

Sec. 41. NRS 453A.358 is hereby amended to read as follows:

453A.358 ***1.*** Each medical marijuana dispensary shall ensure all of the following:

~~[1.]~~ ***(a)*** The weight, concentration and content of THC in all marijuana, edible marijuana products and marijuana-infused products that the dispensary sells is clearly and accurately stated on the product sold.

~~[2.]~~ ***(b)*** That the dispensary does not sell to a person, in any one ~~[14-day period, an amount]~~ ***transaction, more than 1 ounce*** of marijuana ***.*** ~~[for medical purposes that exceeds the limits set forth in NRS 453A.200.~~

~~3.]~~ ***(c)*** That, posted clearly and conspicuously within the dispensary, are the legal limits on the possession of marijuana for medical purposes, as set forth in NRS 453A.200.

~~[4.]~~ ***(d)*** That, posted clearly and conspicuously within the dispensary, is a sign stating unambiguously the legal limits on the possession of marijuana for medical purposes, as set forth in NRS 453A.200.

(e) That only persons who are at least 21 years of age or hold a registry identification card or letter of approval are allowed to enter the premises of the medical marijuana dispensary.

2. A medical marijuana dispensary may, but is not required to, track the purchases of marijuana for medical purposes by any person to ensure that the person does not exceed the legal limits on the possession of marijuana for medical purposes, as set forth in NRS 453A.200. The Department shall not adopt a regulation or in any other way require a medical marijuana dispensary to track the purchases of a person or determine whether the person has exceeded the legal limits on the possession of marijuana for medical purposes, as set forth in NRS 453A.200.

3. A medical marijuana dispensary which is a dual licensee, as defined in NRS 453D.030, may, to the extent authorized by the regulations adopted by the Department pursuant to paragraph (k) of subsection 1 of NRS 453D.200, allow any person who is at least 21 years of age to enter the premises of the medical marijuana dispensary, regardless of whether such a person holds a valid registry identification card or letter of approval.

Sec. 42. NRS 453A.360 is hereby amended to read as follows:

453A.360 Each medical marijuana dispensary and facility for the production of edible marijuana products or marijuana-infused products shall, in consultation with the ~~[Division,]~~ ***Department,*** cooperate to ensure that all edible marijuana products and marijuana-infused products offered for sale:

1. Are labeled clearly and unambiguously as medical marijuana.

2. Are not presented in packaging that is appealing to children.

3. Are regulated and sold on the basis of the concentration of THC in the products and not by weight.

4. Are packaged and labeled in such a manner as to allow tracking by way of an inventory control system.

Sec. 43. NRS 453A.364 is hereby amended to read as follows:

453A.364 ~~[1. The State of Nevada and the medical marijuana dispensaries in this State which hold valid medical marijuana establishment registration certificates will recognize a nonresident card only under the following circumstances:~~

~~(a) The state or jurisdiction from which the holder or bearer obtained the nonresident card grants an exemption from criminal prosecution for the medical use of marijuana;~~

~~(b) The state or jurisdiction from which the holder or bearer obtained the nonresident card requires, as a prerequisite to the issuance of such a card, that a physician advise the person that the medical use of marijuana may mitigate the symptoms or effects of the person's medical condition;~~

~~(c) The nonresident card has an expiration date and has not yet expired;~~

~~(d) The holder or bearer of the nonresident card signs an affidavit in a form prescribed by the Division which sets forth that the holder or bearer is entitled to engage in the medical use of marijuana in his or her state or jurisdiction of residence; and~~

~~(e) The holder or bearer of the nonresident card agrees to abide by, and does abide by, the legal limits on the possession of marijuana for medical purposes in this State, as set forth in NRS 453A.200.~~

~~2. For the purposes of the reciprocity described in this section:~~

~~(a) The amount of medical marijuana that the holder or bearer of a nonresident card is entitled to possess in his or her state or jurisdiction of residence is not relevant; and~~

~~(b) Under no circumstances, while in this State, may the holder or bearer of a nonresident card possess marijuana for medical purposes in excess of the limits set forth in NRS 453A.200.~~

~~3. As used in this section, "nonresident card" means a card or other identification that:~~

~~(a) Is issued by a state or jurisdiction other than Nevada; and~~

~~(b) Is the functional equivalent of a registry identification card or letter of approval, as determined by the Division.]~~

1. A person who is not a resident of this State, but who is authorized to engage in the medical use of marijuana under the laws of his or her state or jurisdiction of residence, is deemed to hold a valid registry identification card for the purpose of the exemption from state prosecution described in subsection 1 of NRS 453A.200 if the person abides by the legal limits on the possession, delivery and production of marijuana for medical purposes in this State, as set forth in NRS 453A.200.

2. A medical marijuana dispensary may dispense marijuana to a person described in subsection 1 if the person presents to the medical marijuana dispensary any document which is valid to prove the authorization of the person to engage in the medical use of marijuana under the laws of his or her state or jurisdiction of residence. Such documentation may include, without limitation, written documentation from a physician or other provider of health care if, under the laws of the person's state or jurisdiction of residence, written documentation from a physician or other provider of health care is sufficient to exempt the person from prosecution for engaging in the medical use of marijuana.

Sec. 44. NRS 453A.366 is hereby amended to read as follows:

453A.366 1. A patient who holds a valid registry identification card or letter of approval and his or her designated primary caregiver, if any, may select one medical marijuana dispensary to serve as his or her designated medical marijuana dispensary at any one time.

2. A patient who designates a medical marijuana dispensary as described in subsection 1:

(a) Shall communicate the designation to the Division ***and the Department*** within the time specified by the ~~[~~Division.~~]~~ ***Department.***

(b) May change his or her designation not more than once in a 30-day period.

Sec. 45. NRS 453A.368 is hereby amended to read as follows:

453A.368 1. The ~~[~~Division~~]~~ ***Department*** shall establish standards for and certify one or more private and independent testing laboratories to test marijuana, edible marijuana products and marijuana-infused products that are to be sold in this State.

2. Such an independent testing laboratory must be able to ~~[~~determine~~]~~ ***:***

(a) Determine accurately, with respect to marijuana, edible marijuana products and marijuana-infused products that are sold or will be sold at medical marijuana dispensaries in this State:

~~[~~(a)~~]~~ ***(1)*** The concentration therein of THC and cannabidiol.

~~[~~(b)~~]~~ ***(2)*** The presence and identification of molds and fungus.

~~[~~(c)~~]~~ ***(3)*** The composition of the tested material.

~~[~~(d)~~]~~ ***(4)*** The presence of chemicals in the tested material, including, without limitation, pesticides, herbicides or growth regulators.

(b) Demonstrate the validity and accuracy of the methods used by the independent testing laboratory to test marijuana, edible marijuana products and marijuana-infused products.

3. To obtain certification by the ~~[~~Division~~]~~ ***Department*** on behalf of an independent testing laboratory, an applicant must:

(a) Apply successfully as required pursuant to NRS 453A.322.

(b) Pay the fees required pursuant to NRS 453A.344.

(c) Agree to become accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization within 1 year after certification.

Sec. 46. NRS 453A.369 is hereby amended to read as follows:

453A.369 The ~~[Division]~~ ***Department*** may enter into an interlocal agreement pursuant to NRS 277.080 to 277.180, inclusive, to carry out the provisions of NRS 453A.320 to 453A.370, inclusive.

Sec. 47. NRS 453A.370 is hereby amended to read as follows:

453A.370 The ~~[Division]~~ ***Department*** shall adopt such regulations as it determines to be necessary or advisable to carry out the provisions of NRS 453A.320 to 453A.370, inclusive. Such regulations are in addition to any requirements set forth in statute and must, without limitation:

1. Prescribe the form and any additional required content of registration and renewal applications submitted pursuant to NRS 453A.322 and 453A.332.

2. Set forth rules pertaining to the safe and healthful operation of medical marijuana establishments, including, without limitation:

(a) The manner of protecting against diversion and theft without imposing an undue burden on medical marijuana establishments or compromising the confidentiality of the holders of registry identification cards and letters of approval.

(b) Minimum requirements for the oversight of medical marijuana establishments.

(c) Minimum requirements for the keeping of records by medical marijuana establishments.

(d) Provisions for the security of medical marijuana establishments, including, without limitation, requirements for the protection by a fully operational security alarm system of each medical marijuana establishment.

(e) Procedures pursuant to which medical marijuana dispensaries must use the services of an independent testing laboratory to ensure that any marijuana, edible marijuana products and marijuana-infused products sold by the dispensaries to end users are tested for content, quality and potency in accordance with standards established by the ~~[Division.]~~ ***Department.***

(f) Procedures pursuant to which a medical marijuana dispensary will be notified by the ~~[Division]~~ ***Department*** if a patient who holds a valid registry identification card or letter of approval has chosen the dispensary as his or her designated medical marijuana dispensary, as described in NRS 453A.366.

3. Establish circumstances and procedures pursuant to which the maximum fees set forth in NRS 453A.344 may be reduced over time ~~[:~~

~~(a) To]~~ ***to*** ensure that the fees imposed pursuant to NRS 453A.344 are, insofar as may be practicable, revenue neutral **.** ~~[; and~~

~~(b) To reflect gifts and grants received by the Division pursuant to NRS 453A.720.]~~

4. Set forth the amount of usable marijuana that a medical marijuana dispensary may dispense to a person who holds a valid registry identification card, including, without limitation, a designated primary caregiver, in any one 14-day period. Such an amount must not exceed the limits set forth in NRS 453A.200.

5. As far as possible while maintaining accountability, protect the identity and personal identifying information of each person who receives, facilitates or delivers services in accordance with this chapter.

6. In cooperation with the ~~[Board of Medical Examiners and the State Board of Osteopathic Medicine,]~~ ***applicable professional licensing boards,*** establish a system to:

(a) Register and track attending ~~[physicians]~~ ***providers of health care*** who advise their patients that the medical use of marijuana may mitigate the symptoms or effects of the patient's medical condition;

(b) Insofar as is possible, track and quantify the number of times an attending ~~[physician]~~ ***provider of health care*** described in paragraph (a) makes such an advisement; and

(c) Provide for the progressive discipline of attending ~~[physicians]~~ ***providers of health care*** who advise the medical use of marijuana at a rate at which the ***Department, in consultation with the*** Division ***,*** and ~~[Board]~~ ***applicable board*** determine and agree to be unreasonably high.

7. Establish different categories of medical marijuana establishment agent registration cards, including, without limitation, criteria for training and certification, for each of the different types of medical marijuana establishments at which such an agent may be employed or volunteer or provide labor as a medical marijuana establishment agent.

8. Provide for the maintenance of a log by the ***Department, in consultation with the*** Division ***,*** of each person who is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.200. The ~~[Division]~~ ***Department*** shall ensure that the contents of the log are available for verification by law enforcement personnel 24 hours a day.

9. ***Determine whether any provision of NRS 453A.350 or 453A.352 would make the operation of a medical marijuana establishment or marijuana establishment, as defined in NRS 453D.030, by a dual licensee, as defined in NRS 453D.030, unreasonably impracticable, as defined in NRS 453D.030.***

10. Address such other matters as may assist in implementing the program of dispensation contemplated by NRS 453A.320 to 453A.370, inclusive.

Sec. 48. NRS 453A.400 is hereby amended to read as follows:

453A.400 1. The fact that a person possesses a registry identification card or letter of approval issued to the person by the Division or its designee pursuant to NRS 453A.220 or 453A.250, a medical marijuana establishment registration certificate issued to the person by the ~~[Division]~~ ***Department*** or its designee pursuant to NRS 453A.322 or a medical marijuana establishment agent registration card issued to the person by the ~~[Division]~~ ***Department*** or its designee pursuant to NRS 453A.332 does not, alone:

(a) Constitute probable cause to search the person or the person's property; or

(b) Subject the person or the person's property to inspection by any governmental agency.

2. Except as otherwise provided in this subsection, if officers of a state or local law enforcement agency seize marijuana, paraphernalia or other related property from a person engaged in, facilitating or assisting in the medical use of marijuana:

(a) The law enforcement agency shall ensure that the marijuana, paraphernalia or other related property is not destroyed while in the possession of the law enforcement agency.

(b) Any property interest of the person from whom the marijuana, paraphernalia or other related property was seized must not be forfeited pursuant to any provision of law providing for the forfeiture of property, except as part of a sentence imposed after conviction of a criminal offense.

(c) Upon:

(1) A decision not to prosecute;

(2) The dismissal of charges; or

(3) Acquittal,

➥ the law enforcement agency shall, to the extent permitted by law, return to that person any usable marijuana, marijuana plants, paraphernalia or other related property that was seized. The provisions of this subsection do not require a law enforcement agency to care for live marijuana plants.

Sec. 49. NRS 453A.500 is hereby amended to read as follows:

453A.500 The ~~[~~Board of Medical Examiners or the State Board of Osteopathic Medicine, as~~]~~ applicable ~~[~~,~~]~~ ***professional licensing boards*** shall not take any disciplinary action against an attending ~~[~~physician~~]~~ ***provider of health care*** on the basis that the attending ~~[~~physician:~~]~~ ***provider of health care:***

1. ~~[~~Advised~~]~~ ***Regardless of whether the person is a resident of this State, advised*** a person whom the attending ~~[~~physician~~]~~ ***provider of health care*** has diagnosed as having a chronic or debilitating medical condition, or a person whom the attending ~~[~~physician~~]~~ ***provider of health care*** knows has been so diagnosed by another ~~[~~physician~~]~~ ***provider of health care*** licensed ~~[~~to practice medicine~~]~~ ***or certified*** pursuant to the ~~[~~provisions of chapter 630 of NRS or licensed to practice osteopathic medicine pursuant to the provisions of chapter 633 of NRS:~~]~~ ***law of this State:***

(a) About the possible risks and benefits of the medical use of marijuana; or

(b) That the medical use of marijuana may mitigate the symptoms or effects of the person's chronic or debilitating medical condition,

➥ if the advice is based on the attending ~~[~~physician's~~]~~ ***provider of health care's*** personal assessment of the person's medical history and current medical condition.

2. Provided ***or maintained*** the written documentation ***or signature, as applicable,*** required pursuant to paragraph (a) of subsection 2 of NRS 453A.210 for the issuance of a registry identification card or letter of

approval or pursuant to subparagraph (1) of paragraph (b) of subsection 1 of NRS 453A.230 for the renewal of a registry identification card or letter of approval ***, or any similar documentation required for the person to be authorized to engage in the medical use of marijuana pursuant to the laws of another state or jurisdiction,*** if:

(a) Such documentation is based on the attending ~~[~~physician's~~]~~ ***provider of health care's*** personal assessment of the person's medical history and current medical condition; and

(b) The ~~[~~physician~~]~~ ***attending provider of health care*** has advised the person about the possible risks and benefits of the medical use of marijuana.

Sec. 50. (Deleted by amendment.)

Sec. 51. NRS 453A.700 is hereby amended to read as follows:

453A.700 1. Except as otherwise provided in this section, NRS 239.0115 and subsection 4 of NRS 453A.210, the Division ***and the Department*** shall not disclose:

(a) The contents of any tool used by the ~~[~~Division~~]~~ ***Department*** to evaluate an applicant or its affiliate.

(b) Any information, documents or communications provided to the ~~[~~Division~~]~~ ***Department*** by an applicant or its affiliate pursuant to the provisions of this chapter, without the prior written consent of the applicant or affiliate or pursuant to a lawful court order after timely notice of the proceedings has been given to the applicant or affiliate.

(c) The name or any other identifying information of:

(1) An attending ~~[~~physician;~~]~~ ***provider of health care;*** or

(2) A person who has applied for or to whom the Division or its designee has issued a registry identification card or letter of approval.

➥ Except as otherwise provided in NRS 239.0115, the items of information described in this subsection are confidential, not subject to subpoena or discovery and not subject to inspection by the general public.

2. Notwithstanding the provisions of subsection 1, the Division or its designee may release the name and other identifying information of a person to whom the Division or its designee has issued a registry identification card or letter of approval to:

(a) Authorized employees of the Division or its designee as necessary to perform official duties of the Division; and

(b) Authorized employees of state and local law enforcement agencies, only as necessary to verify that a person is the lawful holder of a registry identification card or letter of approval issued to him or her pursuant to NRS 453A.220 or 453A.250.

Sec. 52. (Deleted by amendment.)

Sec. 53. NRS 453A.720 is hereby amended to read as follows:

453A.720 1. The Administrator of the Division ***or his or her designee*** may apply for or accept any gifts, grants, donations or contributions from any source to carry out the provisions of this chapter ~~[.]~~ ***governing the issuance***

of registry identification cards and letters of approval and the regulation of the holders of such cards and letters.

2. Any money the Administrator ***or his or her designee*** receives pursuant to subsection 1 must be deposited in the State Treasury pursuant to NRS 453A.730.

Sec. 54. NRS 453A.730 is hereby amended to read as follows:

453A.730 1. Any money the Administrator of the Division ***or his or her designee*** receives pursuant to NRS 453A.720 or that is appropriated to carry out the provisions of this chapter ~~[.:]~~ ***governing the issuance of registry identification cards and letters of approval and the regulation of the holders of such cards and letters:***

(a) Must be deposited in the State Treasury and accounted for separately in the State General Fund;

(b) May only be used to carry out:

(1) The provisions of this chapter ~~[,]~~ ***governing the issuance of registry identification cards and letters of approval and the regulation of the holders of such cards and letters,*** including the dissemination of information concerning ~~[the]~~ ***those*** provisions ~~[of this chapter]~~ and such other information as determined appropriate by the Administrator; ~~[and]~~

(2) Alcohol and drug abuse programs pursuant to NRS 458.094; and

(3) Research performed by an institution of the Nevada System of Higher Education on services relating to alcohol and drug abuse; and

(c) Does not revert to the State General Fund at the end of any fiscal year.

2. The Administrator of the Division shall administer the account. Any interest or income earned on the money in the account must be credited to the account. Any claims against the account must be paid as other claims against the State are paid.

Sec. 55. NRS 453A.740 is hereby amended to read as follows:

453A.740 The Administrator of the Division shall adopt such regulations as the Administrator determines are necessary to carry out the provisions of this chapter ~~[.]~~ ***governing the issuance of registry identification cards and letters of approval and the regulation of the holders of such cards and letters.*** The regulations must set forth, without limitation:

1. Procedures pursuant to which the Division will issue a registry identification card or letter of approval or, in cooperation with the Department of Motor Vehicles, cause a registry identification card to be prepared and issued to a qualified person as a type of identification card described in NRS 483.810 to 483.890, inclusive. The procedures described in this subsection must provide that the Division will:

(a) Issue a registry identification card or letter of approval to a qualified person; or

(b) Designate the Department of Motor Vehicles to issue a registry identification card to a person if:

(1) The person presents to the Department of Motor Vehicles valid documentation issued by the Division indicating that the Division has approved the issuance of a registry identification card to the person; and

(2) The Department of Motor Vehicles, before issuing the registry identification card, confirms by telephone or other reliable means that the Division has approved the issuance of a registry identification card to the person.

2. That if the Division issues a registry identification card pursuant to subsection 1, the Division may charge and collect any fee authorized for the issuance of an identification card described in NRS 483.810 to 483.890, inclusive.

3. Fees for ~~[~~:

~~(a) Providing to an applicant an application for a registry identification card or letter of approval, which fee must not exceed $25; and~~

~~(b) Processing~~] ***processing*** and issuing a registry identification card or letter of approval, which ~~[~~fee~~]~~ must not exceed ~~[~~$75.~~]~~ ***:***

(a) For a registry identification card or letter of approval which is valid for 1 year, $50.

(b) For a registry identification card or letter of approval which is valid for 2 years, $100.

Sec. 56. (Deleted by amendment.)

Sec. 56.5. Chapter 453D of NRS is hereby amended by adding thereto the provisions set forth as sections 56.7 and 56.9 of this act.

Sec. 56.7. ***A marijuana establishment shall not dispense or otherwise sell marijuana or marijuana products from a vending machine or allow such a vending machine to be installed at the interior or exterior of the premises of the marijuana establishment.***

Sec. 56.9. ***1. When conducting a background check pursuant to subsection 6 of NRS 453D.200, the Department may require each prospective owner, officer and board member of a marijuana establishment license applicant to submit a complete set of fingerprints and written permission authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.***

2. When determining the criminal history of a person pursuant to paragraph (c) of subsection 1 of NRS 453D.300, a marijuana establishment may require the person to submit to the Department a complete set of fingerprints and written permission authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

Sec. 57. (Deleted by amendment.)

Sec. 58. (Deleted by amendment.)

Sec. 58.5. NRS 212.160 is hereby amended to read as follows:

212.160 1. A person, who is not authorized by law, who knowingly furnishes, attempts to furnish, or aids or assists in furnishing or attempting to furnish to a prisoner confined in an institution of the Department of Corrections, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, any deadly weapon, explosive, a facsimile of a firearm or an explosive, any controlled substance or intoxicating liquor, shall be punished:

(a) Where a deadly weapon, controlled substance, explosive or a facsimile of a firearm or explosive is involved, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

(b) Where an intoxicant is involved, for a gross misdemeanor.

2. Knowingly leaving or causing to be left any deadly weapon, explosive, facsimile of a firearm or explosive, controlled substance or intoxicating liquor where it may be obtained by any prisoner constitutes, within the meaning of this section, the furnishing of the article to the prisoner.

3. A prisoner confined in an institution of the Department of Corrections, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, who possesses a controlled substance without lawful authorization ***or marijuana or marijuana paraphernalia, regardless of whether the person holds a valid registry identification card to engage in the medical use of marijuana pursuant to chapter 453A of NRS,*** is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 59. (Deleted by amendment.)

Sec. 60. (Deleted by amendment.)

Sec. 61. (Deleted by amendment.)

Sec. 62. (Deleted by amendment.)

Sec. 63. (Deleted by amendment.)

Sec. 64. (Deleted by amendment.)

Sec. 65. (Deleted by amendment.)

Sec. 65.5. (Deleted by amendment.)

Sec. 65.6. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, a board of county commissioners shall not fix, impose or collect a license tax for revenue or for regulation, or for both revenue and regulation, on a marijuana establishment or medical marijuana establishment located in the county.

2. Except as otherwise provided in subsection 3, a board of county commissioners may fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on a marijuana establishment or medical marijuana establishment located in the county outside of the limits of incorporated cities and towns as a:

(a) Flat fee;

(b) Percentage of the gross revenue of the marijuana establishment or medical marijuana establishment; or

(c) Combination of a flat fee and a percentage of gross revenue of the marijuana establishment or medical marijuana establishment.

3. The total amount of a license tax imposed on a marijuana establishment or medical marijuana establishment pursuant to subsection 2, regardless of whether the license tax is imposed in the form described in paragraph (a), (b) or (c) of subsection 2, must not exceed 3 percent of the gross revenue of the marijuana establishment or medical marijuana establishment, as applicable.

4. In addition to any amount of money collected as a license tax pursuant to subsection 2, a board of county commissioners may fix, impose and collect:

(a) Any fees required pursuant to chapter 278 of NRS;

(b) A one-time flat fee for an application for the issuance of a business license for a marijuana establishment or medical marijuana establishment located in the county outside of the limits of incorporated cities and towns in an amount that does not exceed any similar fee imposed on a business pursuant to this chapter and chapter 369 of NRS; and

(c) A licensing tax for a business activity engaged in by a marijuana establishment or medical marijuana establishment located in the county outside of the limits of incorporated cities and towns for which registration pursuant to chapter 453A of NRS or licensing pursuant to chapter 453D of NRS is not required only if:

(1) The board of county commissioners is granted the authority to require such a license by some other provision of law; and

(2) The amount of the licensing tax does not exceed the amount imposed by the board of county commissioners on other similar businesses.

5. A board of county commissioners shall not enact or enforce any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to:

(a) The packaging, labeling, testing, dosage or potency of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(b) The kinds of edible marijuana products, marijuana products and marijuana-infused products authorized to be sold pursuant to chapters 453A and 453D of NRS and any regulations adopted pursuant to chapter 453A of NRS;

(c) The use of pesticides in the cultivation of marijuana;

(d) The tracking of marijuana from seed to sale;

(e) The transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products other than the direct transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products to a consumer and a requirement

to notify the county of any transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(f) The issuance or verification of a registry identification card, letter of approval or written documentation;

(g) The training or certification of medical marijuana establishment agents or employees of a marijuana establishment; or

(h) The creation or maintenance of a registry or other system to obtain and track information relating to customers of marijuana establishments or holders of a registry identification card or letter of approval.

6. A person who obtains a business license described in this section is subject to all other licensing and permitting requirements of the State and any other counties and cities in which the person does business.

7. As used in this section:

(a) "Edible marijuana products" has the meaning ascribed to it in NRS 453A.101.

(b) "Letter of approval" has the meaning ascribed to it in NRS 453A.109.

(c) "Marijuana establishment" has the meaning ascribed to it in NRS 453D.030.

(d) "Marijuana products" has the meaning ascribed to it in NRS 453D.030.

(e) "Marijuana-infused products" has the meaning ascribed to it in NRS 453A.112.

(f) "Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.

(g) "Medical marijuana establishment agent" has the meaning ascribed to it in NRS 453A.117.

(h) "Registry identification card" has the meaning ascribed to it in NRS 453A.140.

(i) "Written documentation" has the meaning ascribed to it in NRS 453A.170.

Sec. 65.65. NRS 244.335 is hereby amended to read as follows:

244.335 1. Except as otherwise provided in subsections 2, 3 and 4, and NRS 244.33501, ***and section 65.6 of this act,*** a board of county commissioners may:

(a) Except as otherwise provided in NRS 244.331 to 244.3345, inclusive, 598D.150 and 640C.100, regulate all character of lawful trades, callings, industries, occupations, professions and business conducted in its county outside of the limits of incorporated cities and towns.

(b) Except as otherwise provided in NRS 244.3359 and 576.128, fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on such trades, callings, industries, occupations, professions and business.

2. The county license boards have the exclusive power in their respective counties to regulate entertainers employed by an entertainment by referral

service and the business of conducting a dancing hall, escort service, entertainment by referral service or gambling game or device permitted by law, outside of an incorporated city. The county license boards may fix, impose and collect license taxes for revenue or for regulation, or for both revenue and regulation, on such employment and businesses.

3. A board of county commissioners shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

4. The board of county commissioners or county license board shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

5. The county license board shall provide upon request an application for a state business registration pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:

(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or

(b) Provides to the county license board the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:

(a) Presents written evidence that:

(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or

(b) Provides to the county license board the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied for the purposes of NRS 244.3358 or 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property

of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months after the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against the property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

8. The board of county commissioners may delegate the authority to enforce liens from taxes levied for the purposes of NRS 244A.597 to 244A.655, inclusive, to the county fair and recreation board. If the authority is so delegated, the board of county commissioners shall revoke or suspend the license of a business upon certification by the county fair and recreation board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 244.3357, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of such license taxes or as the result of any audit or examination of the books by any authorized employee of a county fair and recreation board of the county for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, officer or employee of the county fair and recreation board or the county imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or Secretary of State for the exchange of information concerning taxpayers.

Sec. 65.7. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, the governing body of an incorporated city, whether organized under general law or special charter, shall not fix, impose or collect for revenues or for regulation, or both, a license tax on a marijuana establishment or medical marijuana establishment located within its corporate limits.

2. Except as otherwise provided in subsection 3, the governing body of an incorporated city, whether organized under general law or special charter, may fix, impose and collect for revenues or for regulation, or both,

a license tax on a marijuana establishment or medical marijuana establishment located within its corporate limits as a:

(a) Flat fee;

(b) Percentage of the gross revenue of the marijuana establishment or medical marijuana establishment; or

(c) Combination of a flat fee and a percentage of gross revenue of the marijuana establishment or medical marijuana establishment.

3. The total amount of a license tax imposed on a marijuana establishment or medical marijuana establishment pursuant to subsection 2, regardless of whether the license tax is imposed in the form described in paragraph (a), (b) or (c) of subsection 2, must not exceed 3 percent of the gross revenue of the marijuana establishment or medical marijuana establishment, as applicable.

4. In addition to any amount of money collected as a license tax pursuant to subsection 2, the governing body of an incorporated city, whether organized under general law or special charter, may fix, impose and collect:

(a) Any fees required pursuant to chapter 278 of NRS;

(b) A one-time flat fee for an application for the issuance of a business license for a marijuana establishment or medical marijuana establishment located within its corporate limits in an amount that does not exceed any similar fee imposed on a business pursuant to this chapter and chapter 369 of NRS; and

(c) A licensing tax for a business activity engaged in by a marijuana establishment or medical marijuana establishment located within its corporate limits for which registration pursuant to chapter 453A of NRS or licensing pursuant to chapter 453D of NRS is not required only if:

(1) The governing body is granted the authority to require such a license by some other provision of law; and

(2) The amount of the licensing tax does not exceed the amount imposed by the governing body on other similar businesses.

5. The governing body of an incorporated city, whether organized under general law or special charter, shall not enact or enforce any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to:

(a) The packaging, labeling, testing, dosage or potency of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(b) The kinds of edible marijuana products, marijuana products and marijuana-infused products authorized to be sold pursuant to chapters 453A and 453D of NRS and any regulations adopted pursuant to chapter 453A of NRS;

(c) The use of pesticides in the cultivation of marijuana;

(d) The tracking of marijuana from seed to sale;

(e) The transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products other than the direct transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products to a consumer and a requirement to notify the city of any transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(f) The issuance or verification of a registry identification card, letter of approval or written documentation;

(g) The training or certification of medical marijuana establishment agents or employees of a marijuana establishment; or

(h) The creation or maintenance of a registry or other system to obtain and track information relating to customers of marijuana establishments or holders of a registry identification card or letter of approval.

6. A person who obtains a business license described in this section is subject to all other licensing and permitting requirements of the State and any other counties and cities in which the person does business.

7. As used in this section:

(a) "Edible marijuana products" has the meaning ascribed to it in NRS 453A.101.

(b) "Letter of approval" has the meaning ascribed to it in NRS 453A.109.

(c) "Marijuana establishment" has the meaning ascribed to it in NRS 453D.030.

(d) "Marijuana products" has the meaning ascribed to it in NRS 453D.030.

(e) "Marijuana-infused products" has the meaning ascribed to it in NRS 453A.112.

(f) "Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.

(g) "Medical marijuana establishment agent" has the meaning ascribed to it in NRS 453A.117.

(h) "Registry identification card" has the meaning ascribed to it in NRS 453A.140.

(i) "Written documentation" has the meaning ascribed to it in NRS 453A.170.

Sec. 65.75. NRS 268.095 is hereby amended to read as follows:

268.095 1. Except as otherwise provided in subsection 4 and NRS 268.0951, ***and section 65.7 of this act,*** the city council or other governing body of each incorporated city in this State, whether organized under general law or special charter, may:

(a) Except as otherwise provided in subsection 2 and NRS 268.0968 and 576.128, fix, impose and collect for revenues or for regulation, or both, a license tax on all character of lawful trades, callings, industries, occupations, professions and businesses conducted within its corporate limits.

(b) Assign the proceeds of any one or more of such license taxes to the county within which the city is situated for the purpose or purposes of making the proceeds available to the county:

(1) As a pledge as additional security for the payment of any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(2) For redeeming any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(3) For defraying the costs of collecting or otherwise administering any such license tax so assigned, of the county fair and recreation board and of officers, agents and employees hired thereby, and of incidentals incurred thereby;

(4) For operating and maintaining recreational facilities under the jurisdiction of the county fair and recreation board;

(5) For improving, extending and bettering recreational facilities authorized by NRS 244A.597 to 244A.655, inclusive; and

(6) For constructing, purchasing or otherwise acquiring such recreational facilities.

(c) Pledge the proceeds of any tax imposed on the revenues from the rental of transient lodging pursuant to this section for the payment of any general or special obligations issued by the city for a purpose authorized by the laws of this State.

(d) Use the proceeds of any tax imposed pursuant to this section on the revenues from the rental of transient lodging:

(1) To pay the principal, interest or any other indebtedness on any general or special obligations issued by the city pursuant to the laws of this State;

(2) For the expense of operating or maintaining, or both, any facilities of the city; and

(3) For any other purpose for which other money of the city may be used.

2. The city council or other governing body of an incorporated city shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

3. The proceeds of any tax imposed pursuant to this section that are pledged for the repayment of general obligations may be treated as "pledged revenues" for the purposes of NRS 350.020.

4. The city council or other governing body of an incorporated city shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

5. The city licensing agency shall provide upon request an application for a state business registration pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:

(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or

(b) Provides to the city licensing agency the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the city may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:

(a) Presents written evidence that:

(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or

(b) Provides to the city licensing agency the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the city may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied under the provisions of this section constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months following the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against such property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

8. The city council or other governing body of each incorporated city may delegate the power and authority to enforce such liens to the county fair and recreation board. If the authority is so delegated, the governing body shall revoke or suspend the license of a business upon certification by the board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 268.0966, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of those license taxes or as the result of any audit or examination of the books of the city by any authorized employee of a county fair and recreation board for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, official or employee of the county fair and recreation board or the city imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or the Secretary of State for the exchange of information concerning taxpayers.

9. The powers conferred by this section are in addition and supplemental to, and not in substitution for, and the limitations imposed by this section do not affect the powers conferred by, any other law. No part of this section repeals or affects any other law or any part thereof, it being intended that this section provide a separate method of accomplishing its objectives, and not an exclusive one.

Sec. 65.8. Chapter 269 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, the town board or board of county commissioners in any unincorporated town shall not fix or collect a license tax on a marijuana establishment or medical marijuana establishment located within the town.

2. Except as otherwise provided in subsection 3, the town board or board of county commissioners in any unincorporated town may fix and collect a license tax on a marijuana establishment or medical marijuana establishment located within the town as a:

(a) Flat fee;

(b) Percentage of the gross revenue of the marijuana establishment or medical marijuana establishment; or

(c) Combination of a flat fee and a percentage of gross revenue of the marijuana establishment or medical marijuana establishment.

3. The total amount of a license tax imposed on a marijuana establishment or medical marijuana establishment pursuant to subsection 2, regardless of whether the license tax is imposed in the form described in paragraph (a), (b) or (c) of subsection 2, must not exceed 3 percent of the

gross revenue of the marijuana establishment or medical marijuana establishment, as applicable.

4. In addition to any amount of money collected as a license tax pursuant to subsection 2, the town board or board of county commissioners in any unincorporated town may fix and collect:

(a) Any fees required pursuant to chapter 278 of NRS;

(b) A one-time flat fee for an application for the issuance of a business license for a marijuana establishment or medical marijuana establishment located within the town in an amount that does not exceed any similar fee imposed on a business pursuant to this chapter and chapter 369 of NRS; and

(c) A licensing tax for a business activity engaged in by a marijuana establishment or medical marijuana establishment located within the town for which registration pursuant to chapter 453A of NRS or licensing pursuant to chapter 453D of NRS is not required only if:

(1) The town board or board of county commissioners is granted the authority to require such a license by some other provision of law; and

(2) The amount of the licensing tax does not exceed the amount imposed by the town board or board of county commissioners on other similar businesses.

5. The town board or board of county commissioners in any unincorporated town shall not enact or enforce any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to:

(a) The packaging, labeling, testing, dosage or potency of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(b) The kinds of edible marijuana products, marijuana products and marijuana-infused products authorized to be sold pursuant to chapters 453A and 453D of NRS and any regulations adopted pursuant to chapter 453A of NRS;

(c) The use of pesticides in the cultivation of marijuana;

(d) The tracking of marijuana from seed to sale;

(e) The transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products other than the direct transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products to a consumer and a requirement to notify the town of any transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(f) The issuance or verification of a registry identification card, letter of approval or written documentation;

(g) The training or certification of medical marijuana establishment agents or employees of a marijuana establishment; or

(h) The creation or maintenance of a registry or other system to obtain and track information relating to customers of marijuana establishments or holders of a registry identification card or letter of approval.

6. A person who obtains a business license described in this section is subject to all other licensing and permitting requirements of the State and any other counties and cities in which the person does business.

7. As used in this section:

(a) "Edible marijuana products" has the meaning ascribed to it in NRS 453A.101.

(b) "Letter of approval" has the meaning ascribed to it in NRS 453A.109.

(c) "Marijuana establishment" has the meaning ascribed to it in NRS 453D.030.

(d) "Marijuana products" has the meaning ascribed to it in NRS 453D.030.

(e) "Marijuana-infused products" has the meaning ascribed to it in NRS 453A.112.

(f) "Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.

(g) "Medical marijuana establishment agent" has the meaning ascribed to it in NRS 453A.117.

(h) "Registry identification card" has the meaning ascribed to it in NRS 453A.140.

(i) "Written documentation" has the meaning ascribed to it in NRS 453A.170.

Sec. 65.85. NRS 269.170 is hereby amended to read as follows:

269.170 1. Except as otherwise provided in subsection 5 and NRS 576.128, 598D.150 and 640C.100, ***and section 65.8 of this act,*** the town board or board of county commissioners may, in any unincorporated town:

(a) Fix and collect a license tax on, and regulate, having due regard to the amount of business done by each person so licensed, and all places of business and amusement so licensed, as follows:

(1) Artisans, artists, assayers, auctioneers, bakers, banks and bankers, barbers, boilermakers, cellars and places where soft drinks are kept or sold, clothes cleaners, foundries, laundries, lumberyards, manufacturers of soap, soda, borax or glue, markets, newspaper publishers, pawnbrokers, funeral directors and wood and coal dealers.

(2) Bootmakers, cobblers, dressmakers, milliners, shoemakers and tailors.

(3) Boardinghouses, hotels, lodging houses, restaurants and refreshment saloons.

(4) Barrooms, gaming, manufacturers of liquors and other beverages, and saloons.

(5) Billiard tables, bowling alleys, caravans, circuses, concerts and other exhibitions, dance houses, melodeons, menageries, shooting galleries, skating rinks and theaters.

(6) Corrals, hay yards, livery and sale stables and wagon yards.

(7) Electric light companies, illuminating gas companies, power companies, telegraph companies, telephone companies and water companies.

(8) Carts, drays, express companies, freight companies, job wagons, omnibuses and stages.

(9) Brokers, commission merchants, factors, general agents, mercantile agents, merchants, traders and stockbrokers.

(10) Drummers, hawkers, peddlers and solicitors.

(11) Insurance agents, brokers, analysts, adjusters and managing general agents within the limitations and under the conditions prescribed in NRS 680B.020.

(b) Fix and collect a license tax upon all professions, trades or business within the town not specified in paragraph (a).

2. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license presents written evidence that:

(a) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(b) Another regulatory agency of the State has issued or will issue a license required for this activity.

3. Any license tax levied for the purposes of NRS 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien must be enforced in the same manner as liens for ad valorem taxes on real and personal property. The town board or other governing body of the unincorporated town may delegate the power to enforce such liens to the county fair and recreation board.

4. The governing body or the county fair and recreation board may agree with the Department of Taxation for the continuing exchange of information concerning taxpayers.

5. The town board or board of county commissioners shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060, or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

Sec. 65.9. Chapter 372A of NRS is hereby amended by adding thereto the provisions set forth as sections 65.93 and 65.95 of this act.

Sec. 65.93. *1. "Sales price" means the total amount for which tangible property is sold, valued in money, whether paid in money or otherwise, without any deduction on account of any of the following:*

(a) The cost of the property sold.

(b) The cost of materials used, labor or service cost, interest charged, losses or any other expenses.

(c) The cost of transportation of the property before its purchase.

2. The total amount for which property is sold includes all of the following:

(a) Any services that are a part of the sale.

(b) Any amount for which credit is given to the purchaser by the seller.

3. "Sales price" does not include any of the following:

(a) Cash discounts allowed and taken on sales.

(b) The amount charged for property returned by customers when the entire amount charged therefor is refunded either in cash or credit, except that this exclusion does not apply in any instance when the customer, to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned.

(c) The amount of any tax, not including any manufacturers' or importers' excise tax, imposed by the United States upon or with respect to retail sales, whether imposed upon the retailer or the consumer.

Sec. 65.95. *1. Each cultivation facility and each marijuana cultivation facility shall submit a report to the Department that includes the following information, reported separately for each calendar month included in the report:*

(a) The current production of the cultivation facility or marijuana cultivation facility;

(b) Sales by product type;

(c) Prices by product type; and

(d) Such other information as the Department may require.

2. Each facility for the production of edible marijuana products or marijuana-infused products and each marijuana product manufacturing facility shall submit a report to the Department that includes the following information, reported separately for each calendar month included in the report:

(a) The amount of marijuana purchased;

(b) The amount of edible marijuana products, marijuana-infused products and marijuana products produced;

(c) Sales by product type;

(d) Prices by product type; and

(e) Such other information as the Department may require.

3. Each medical marijuana dispensary and each retail marijuana store shall submit a report to the Department that includes the following information, reported separately for each calendar month included in the report:

(a) The amount of marijuana purchased by the dispensary or store from cultivation facilities, marijuana cultivation facilities, facilities for the production of edible marijuana products or marijuana-infused products or marijuana product manufacturing facilities;

(b) Sales to consumers by product type;

(c) Prices by product type; and

(d) Such other information as the Department may require.

4. The Department shall adopt regulations prescribing the frequency of the reports required pursuant to this section which must be submitted not less frequently than quarterly and not more frequently than monthly.

5. As used in this section:

(a) "Cultivation facility" has the meaning ascribed to it in NRS 453A.056.

(b) "Edible marijuana products" has the meaning ascribed to it in NRS 453A.101.

(c) "Facility for the production of edible marijuana products or marijuana-infused products" has the meaning ascribed to it in NRS 453A.105.

(d) "Marijuana cultivation facility" has the meaning ascribed to it in NRS 453D.030.

(e) "Marijuana product manufacturing facility" has the meaning ascribed to it in NRS 453D.030.

(f) "Marijuana products" has the meaning ascribed to it in NRS 453D.030.

(g) "Marijuana-infused products" has the meaning ascribed to it in NRS 453A.112.

(h) "Medical marijuana dispensary" has the meaning ascribed to it in NRS 453A.115.

Sec. 65.97. NRS 372A.200 is hereby amended to read as follows:

372A.200 As used in NRS 372A.200 to 372A.380, inclusive, ***and sections 65.93 and 65.95 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 372A.210 to 372A.250, inclusive, ***and section 65.93 of this act*** have the meanings ascribed to them in those sections.

Sec. 65.98. ~~[NRS 372A.290 is hereby amended to read as follows:~~

~~372A.290 1. An excise tax is hereby imposed on each wholesale sale in this State of marijuana by a cultivation facility to another medical marijuana establishment at the rate of 2 percent of the sales price of the marijuana. The excise tax imposed pursuant to this subsection is the obligation of the cultivation facility.~~

~~2. An excise tax is hereby imposed on each wholesale sale in this State of edible marijuana products or marijuana-infused products by a facility for the production of edible marijuana products or marijuana-infused products to another medical marijuana establishment at the rate of 2 percent of the sales price of those products. The excise tax imposed pursuant to this subsection is~~

~~the obligation of the facility for the production of edible marijuana products or marijuana-infused products which sells the edible marijuana products or marijuana-infused products to the other medical marijuana establishment.~~

~~3. An excise tax is hereby imposed on each retail sale in this State of marijuana, edible marijuana products or marijuana-infused products by a medical marijuana dispensary at the rate of 2 percent of the sales price of the marijuana, edible marijuana products or marijuana infused products. The excise tax imposed pursuant to this subsection:~~

~~(a) Is the obligation of the medical marijuana dispensary.~~

~~(b) Is separate from and in addition to any general state and local sales and use taxes that apply to retail sales of tangible personal property.~~

~~(c) Must be considered part of the total retail price to which general state and local sales and use taxes apply.~~

~~4. The revenues collected from the excise taxes imposed pursuant to subsections 1, 2 and 3 must be distributed as follows:~~

~~(a) Seventy five percent must be paid over as collected to the State Treasurer to be deposited to the credit of the State Distributive School Account in the State General Fund.~~

~~(b) Twenty five percent must be expended to pay the costs of the [Division of Public and Behavioral Health of the Department of Health and Human Services] *Department* in carrying out the provisions of NRS 453A.320 to 453A.370, inclusive.~~

~~5. As used in this section:~~

~~(a) "Edible marijuana products" has the meaning ascribed to it in NRS 453A.101.~~

~~(b) "Marijuana infused products" has the meaning ascribed to it in NRS 453A.112.~~

~~(c) "Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.]~~ **(Deleted by amendment.)**

Sec. 65.99. NRS 586.550 is hereby amended to read as follows:

586.550 1. A ***marijuana establishment or*** medical marijuana establishment may use a pesticide in the cultivation and production of marijuana, edible marijuana products ***, marijuana products*** and marijuana-infused products if the pesticide:

(a) Is exempt from registration pursuant to 40 C.F.R. § 152.25 or allowed to be used on Crop Group 19, as defined in 40 C.F.R. § 180.41(c)26, hops or unspecified crops or plants;

(b) Has affixed a label which allows the pesticide to be used at the intended site of application; and

(c) Has affixed a label which allows the pesticide to be used on crops and plants intended for human consumption.

2. The State Department of Agriculture shall, in accordance with the provisions of this chapter, establish and publish a list of pesticides allowed to be used on ***marijuana or*** medical marijuana pursuant to this section and accept requests from pesticide manufacturers ***, marijuana establishments***

and medical marijuana establishments, or a representative thereof, to add pesticides to the list.

3. As used in this section:

(a) "Edible marijuana products" has the meaning ascribed to it in NRS 453A.101.

(b) "Marijuana" has the meaning ascribed to it in NRS 453A.110.

(c) ***"Marijuana establishment" has the meaning ascribed to it in NRS 453D.030.***

(d) "Marijuana products" has the meaning ascribed to it in NRS 453D.030.

(e) "Marijuana-infused products" has the meaning ascribed to it in NRS 453A.112.

~~[(d)]~~ ***(f)*** "Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.

Sec. 66. 1. The amendatory provisions of this act do not affect the validity of an unexpired medical marijuana establishment registration certificate or medical marijuana establishment agent registration card that was issued by the Division of Public and Behavioral Health of the Department of Health and Human Services before July 1, 2017. However, upon the expiration of such a medical marijuana establishment registration certificate or medical marijuana establishment agent registration card, a person who wishes to retain the limited exemption from state prosecution which is set forth in NRS 453A.200 must:

(a) Reapply to the Department of Taxation for a new medical marijuana establishment registration certificate or medical marijuana establishment agent registration card issued by that agency.

(b) Pay any necessary fees as set forth in NRS 453A.344, as amended by section 37 of this act, or any regulations adopted pursuant to chapter 453A of NRS.

2. As used in this section:

(a) "Medical marijuana establishment agent registration card" has the meaning ascribed to it in NRS 453A.118.

(b) "Medical marijuana establishment registration certificate" has the meaning ascribed to it in NRS 453A.119.

Sec. 66.5. 1. Notwithstanding the provisions of NRS 453A.322, as amended by section 27 of this act, a person who obtains a medical marijuana establishment registration certificate for the operation of an independent testing laboratory before July 1, 2017:

(a) May renew his or her medical marijuana establishment registration certificate upon:

(1) Resubmission of the information set forth in NRS 453A.322; and

(2) Payment of the renewal fee set forth in NRS 453A.344; and

(b) Shall obtain accreditation pursuant to standard ISO/IEC 17025 of the International Organization for Standardization on or before January 1, 2019.

2. The Department of Taxation shall revoke the medical marijuana establishment registration certificate of an independent testing laboratory described in subsection 1 which fails to obtain the accreditation described in paragraph (b) of subsection 1 on or before January 1, 2019.

Sec. 67. 1. The administrative regulations adopted by the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to chapter 453A of NRS governing the licensing and regulation of medical marijuana establishments remain in force and are hereby transferred to become the administrative regulations of the Department of Taxation on July 1, 2017. On and after July 1, 2017, these regulations must be interpreted in a manner so that all references to the Division of Public and Behavioral Health of the Department of Health and Human Services and its constituent parts are read and interpreted as being references to the Department of Taxation and its constituent parts, regardless of whether those references have been conformed pursuant to section 68 of this act at the time of interpretation.

2. Any contracts or other agreements entered into by the Division of Public and Behavioral Health of the Department of Health and Human Services and its constituent parts pursuant to chapter 453A of NRS governing the licensing and regulation of medical marijuana establishments are binding upon the Department of Taxation on and after July 1, 2017, rather than the Division of Public and Behavioral Health of the Department of Health and Human Services and its constituent parts. Such contracts and other agreements may be enforced by the Department of Taxation on and after July 1, 2017.

3. Any action taken by the Division of Public and Behavioral Health of the Department of Health and Human Services or its constituent parts pursuant to chapter 453A of NRS governing the licensing and regulation of medical marijuana establishments before July 1, 2017, remains in effect as if taken by the Department of Taxation or its constituent parts on and after July 1, 2017.

4. As used in this section, "medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.

Sec. 68. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 69. Sections 22.3 and 24.9 of chapter 547, Statutes of Nevada 2013, at pages 3718 and 3728, respectively, are hereby repealed.

Sec. 70. 1. This section and sections 56.5 and 56.9 of this act become effective upon passage and approval.

2. Sections 1 to 56, inclusive, and 57 to 69, inclusive, of this act become effective:

(a) Upon passage and approval for the purposes of adopting any regulations and performing any preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On July 1, 2017, for all other purposes.

3. Section 56.7 of this act becomes effective on January 1, 2020.

TEXT OF REPEALED SECTIONS OF STATUTES OF NEVADA

Section 22.3 of chapter 547, Statutes of Nevada 2013, at page 3718:

Sec. 22.3. NRS 453A.200 is hereby amended to read as follows:

453A.200 1. Except as otherwise provided in this section and NRS 453A.300, a person who holds a valid registry identification card issued to the person pursuant to NRS 453A.220 or 453A.250 is exempt from state prosecution for:

(a) Possession, delivery or production of marijuana;

(b) Possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of marijuana;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.

2. In addition to the provisions of subsections 1 and 5, no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the medical use of marijuana in accordance with the provisions of this chapter.

3. The exemption from state prosecution set forth in subsection 1 applies only to the extent that a person who holds a registry identification card issued to the person pursuant to paragraph (a) of subsection 1 of NRS 453A.220 and the designated primary caregiver, if any, of such a person:

(a) Engage in or assist in, as applicable, the medical use of marijuana in accordance with the provisions of this chapter as justified to mitigate the symptoms or effects of the person's chronic or debilitating medical condition; and

(b) Do not, at any one time, collectively possess, deliver or produce more than:

(1) Two and one-half ounces of usable marijuana in any one 14-day period;

(2) Twelve marijuana plants, irrespective of whether the marijuana plants are mature or immature; and

(3) A maximum allowable quantity of edible marijuana products and marijuana-infused products as established by regulation of the Division.

➥ The persons described in this subsection must ensure that the usable marijuana and marijuana plants described in this subsection are safeguarded in an enclosed, secure location.

4. If the persons described in subsection 3 possess, deliver or produce marijuana in an amount which exceeds the amount described in paragraph (b) of that subsection, those persons:

(a) Are not exempt from state prosecution for possession, delivery or production of marijuana.

(b) May establish an affirmative defense to charges of possession, delivery or production of marijuana, or any combination of those acts, in the manner set forth in NRS 453A.310.

5. A person who holds a valid medical marijuana establishment registration certificate issued to the person pursuant to section 10 of this act or a valid medical marijuana establishment agent registration card issued to the person pursuant to section 13 of this act, and who confines his or her activities to those authorized by sections 10 to 20, inclusive, of this act and the regulations adopted by the Division pursuant thereto, is exempt from state prosecution for:

(a) Possession, delivery or production of marijuana;

(b) Possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of marijuana;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.

6. Notwithstanding any other provision of law and except as otherwise provided in this subsection, after a medical marijuana dispensary opens in the county of residence of a person who holds a registry identification card or his or her designated primary caregiver, if any, such persons are not authorized to cultivate, grow or produce marijuana. The provisions of this subsection do not apply if:

(a) ~~[The person who holds the registry identification card or his or her designated primary caregiver, if any, was cultivating, growing or producing marijuana in accordance with this chapter on or before July ;1, 2013;~~

~~(b)]~~ All the medical marijuana dispensaries in the county of residence of the person who holds the registry identification card or his or her designated primary caregiver, if any, close or are unable to supply the quantity or strain of marijuana necessary for the medical use of the person to treat his or her specific medical condition;

~~[(c)]~~ ***(b)*** Because of illness or lack of transportation, the person who holds the registry identification card and his or her designated primary caregiver, if any, are unable reasonably to travel to a medical marijuana dispensary; or

~~[(d)]~~ ***(c)*** No medical marijuana dispensary was operating within 25 miles of the residence of the person who holds the registry identification card at the time the person first applied for his or her registry identification card.

7. As used in this section, "marijuana" includes, without limitation, edible marijuana products and marijuana-infused products.

Section 24.9 of chapter 547, Statutes of Nevada 2013, at page 3728:

Sec. 24.9. Section 19.5 of this act is hereby amended to read as follows:

Sec. 19.5 1. The State of Nevada and the medical marijuana dispensaries in this State which hold valid medical marijuana establishment registration certificates will recognize a nonresident card only under the following circumstances:

(a) The state or jurisdiction from which the holder or bearer obtained the nonresident card grants an exemption from criminal prosecution for the medical use of marijuana;

(b) The state or jurisdiction from which the holder or bearer obtained the nonresident card requires, as a prerequisite to the issuance of such a card, that a physician advise the person that the medical use of marijuana may mitigate the symptoms or effects of the person's medical condition;

(c) The nonresident card has an expiration date and has not yet expired;

(d) The ~~[holder or bearer of the nonresident card signs an affidavit in a form prescribed by the Division which sets forth that the holder or bearer is entitled to engage in the medical use of marijuana in his or her state or jurisdiction of residence; and~~

~~(e)]~~ ***state or jurisdiction from which the holder or bearer obtained the nonresident card maintains a database which preserves such information as may be necessary to verify the authenticity or validity of the nonresident card;***

(e) The state or jurisdiction from which the holder or bearer obtained the nonresident card allows the Division and medical marijuana dispensaries in this State to access the database described in paragraph (d);

(f) The Division determines that the database described in paragraph (d) is able to provide to medical marijuana dispensaries in this State information that is sufficiently accurate, current and specific as to allow those dispensaries to verify that a person who holds or bears a nonresident card is entitled lawfully to do so; and

(g) The holder or bearer of the nonresident card agrees to abide by, and does abide by, the legal limits on the possession of marijuana for medical purposes in this State, as set forth in NRS 453A.200.

2. For the purposes of the reciprocity described in this section:

(a) The amount of medical marijuana that the holder or bearer of a nonresident card is entitled to possess in his or her state or jurisdiction of residence is not relevant; and

(b) Under no circumstances, while in this State, may the holder or bearer of a nonresident card possess marijuana for medical purposes in excess of the limits set forth in NRS 453A.200.

3. As used in this section, "nonresident card" means a card or other identification that:

(a) Is issued by a state or jurisdiction other than Nevada; and

(b) Is the functional equivalent of a registry identification card, as determined by the Division.

Assemblyman Sprinkle moved that the Assembly concur in the Senate Amendment No. 1151 to Assembly Bill No. 422.

Remarks by Assemblymen Sprinkle and Ohrenschall.

Potential conflict of interest declared by Assemblyman Ohrenschall.

ASSEMBLYMAN SPRINKLE:

This amendment removes provisions that directed 25 percent of the proceeds of an excise tax on a medical marijuana establishment to the Department of Taxation. Although this provision was removed, the funding to support the administration of the program by the Department of Taxation was authorized in section 9 of Senate Bill 487.

ASSEMBLYMAN OHRENSCHALL:

Under Order of Business 15, I have a disclosure to make. Because we are considering Assembly Bill 422 which proposes to make changes relating to medical marijuana and marijuana establishments, I would like to advise this Chamber that my wife is employed as the executive director of the Nevada Dispensary Association, a trade association consisting of medical marijuana dispensaries and medical marijuana cultivators, which actively lobbies the Legislature and other governmental entities on issues affecting its members. I have sought the advice of our Legislative Counsel, and although Assembly Bill 422 does not affect the members of the trade association that my wife is employed with any differently than other medical marijuana dispensary owners and medical marijuana cultivators, I am making this disclosure and I am abstaining from voting on Assembly Bill 422 out of an abundance of caution.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 3:46 p.m.

ASSEMBLY IN SESSION

At 6:51 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that the Assembly reconsider the action whereby it receded from Assembly Amendment No. 756 to Senate Bill No. 209.

Motion carried.

Assemblywoman Benitez-Thompson moved that the Assembly reconsider the action whereby it receded from Assembly Amendment No. 757 to Senate Bill No. 209.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 167, 257, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 539, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 300, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 391, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 5, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 423, Amendments Nos. 1147, 1155, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 1142 to Senate Bill No. 444; Assembly Amendment No. 1101 to Senate Bill No. 478; Assembly Amendment No. 1136 to Senate Bill No. 492; Assembly Amendment No. 1141 to Senate Bill No. 548.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 47.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

Senate Bill No. 300.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1160.

AN ACT making an appropriation to the Department of Education for allocation to ~~[certain]~~ school districts to carry out a program of peer assistance and review of teachers; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Department of Education the following sums:

For the Fiscal Year 2017-2018 ..... $1,200,000

For the Fiscal Year 2018-2019 ..... ~~[$1,200,000]~~ **$1,300,000**

2. From the money appropriated by subsection 1, the Department of Education shall transfer to the school districts specified in this subsection for Fiscal Year 2017-2018 and Fiscal Year 2018-2019 the following sums:

School District	2017-2018	2018-2019
Clark County School District	$1,000,000	$1,000,000
Washoe County School District	$200,000	$200,000
TOTAL:	$1,200,000	$1,200,000

3. **From the money appropriated by subsection 1, the Department of Education shall allocate, for Fiscal Year 2018-2019, $100,000 among the school districts other than Clark and Washoe County School Districts upon application of such a school district for a grant of money for the purposes set forth in subsection 4.**

4. A school district that receives an allocation pursuant to subsection 2 **or 3** shall use the allocation to provide assistance to teachers in meeting the standards for effective teaching, including, without limitation, by:

(a) Conducting observations and peer assistance and review; and

(b) Providing information and resources to teachers about strategies for effective teaching.

~~[4.]~~ **5.** The sums allocated by ~~[subsection]~~ **subsections** 2 ~~[.]~~ **and 3:**

(a) Must be accounted for separately from any other money received by the school district and used only for the purposes specified in this section.

(b) May be used for expenses relating to conducting a program of peer assistance and review of teachers, which may include, without limitation, salaries and benefits of teachers and supervisors who provide consulting services, salaries and benefits of necessary substitute teachers, supplies, travel expenses and expenses relating to professional development.

(c) May not be used to settle or arbitrate disputes between a recognized organization representing employees of the school district and the school district, or to settle any negotiations.

(d) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of the school district.

Sec. 2. Any balance of the sums appropriated by section 1 of this act remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 21, 2018, and September 20, 2019, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 21, 2018, and September 20, 2019, respectively.

Sec. 3. This act becomes effective on July 1, 2017.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 391.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1157.

AN ACT relating to community colleges; ~~[requiring]~~ **authorizing** community colleges in the Nevada System of Higher Education to award a scholarship to certain students who are enrolled in such colleges; requiring that a plan to improve the achievement of pupils include strategies to provide certain persons with information concerning the availability of such scholarships; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Community colleges in this State are a part of the Nevada System of Higher Education and are administered under the direction of the Board of Regents of the University of Nevada. (NRS 396.020) **Section 9** of this bill requires each community college in the System to **determine whether it will** award Nevada Promise Scholarships **.** ~~[and]~~ **Section 9 also requires each participating community college to** allow a student to appeal adverse decisions relating to such scholarships. **Section 8** of this bill establishes the Nevada Promise Scholarship Account in the State General Fund to pay for the scholarships.

Sections 9 and 10 of this bill require a **participating** community college to perform certain duties, including holding introductory meetings for scholarship applicants and establishing a mentoring program, or to enter into an agreement with a nonprofit organization or governmental entity to perform those duties. **Section 11** of this bill sets forth the requirements to serve as a volunteer mentor in such a mentoring program. **Sections 12 and 13** of this bill set forth the requirements for a student to be eligible to receive or renew a Nevada Promise Scholarship. The requirements to receive or renew a scholarship include a requirement that an applicant complete community service. **Section 14** of this bill: (1) provides that an applicant who knowingly submits false information to a **participating** community college is ineligible to receive a scholarship; and (2) prescribes additional requirements governing deadlines and community service.

Section 16 of this bill prescribes: (1) the process for determining the eligibility of scholarship applicants and awarding scholarships; and (2) the amount of a scholarship for a recipient. If there is insufficient money available to award a full scholarship to all eligible students, **section 16** sets forth the manner in which money in the Account will be disbursed. **Section 16** additionally requires, under such circumstances, the State Treasurer to notify the Legislature and the board of trustees of each school district and the governing body of each charter school, who are then required to notify pupils who are on schedule to graduate from a public high school of that fact. **Section 17** of this bill requires the Board of Regents to annually review all scholarships awarded for the previous year and report certain information to the Legislature. **Section 17** also: (1) requires a **participating** community college to maintain certain records; and (2) authorizes the Board of Regents and the State Treasurer to audit a **participating** community college or a nonprofit organization or governmental entity with which a **participating** community college has entered into an agreement to carry out certain duties relating to the scholarship program. **Section 18.3** of this bill makes an appropriation for the purpose of awarding Nevada Promise Scholarships.

Existing law requires the plan to improve the achievement of pupils adopted by the State Board of Education to include strategies designed to provide to pupils enrolled in middle school, junior high school and high school and certain other persons information concerning the availability of Governor Guinn Millennium Scholarships. (NRS 385.112) **Section 1** of this bill requires that the plan also include strategies to provide such persons with information concerning the availability of Nevada Promise Scholarships.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.112 is hereby amended to read as follows:

385.112 A plan to improve the achievement of pupils enrolled in public schools in this State prepared pursuant to NRS 385.111 must include:

1. A review and analysis of the data upon which the report required pursuant to NRS 385A.400 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

2. The identification of any problems or factors common among the school districts or charter schools in this State, as revealed by the review and analysis.

3. Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as set forth in NRS 389.018.

4. Strategies to improve the academic achievement of pupils enrolled in public schools in this State, including, without limitation, strategies to:

(a) Instruct pupils who are not achieving to their fullest potential, including, without limitation:

(1) The curriculum appropriate to improve achievement;

(2) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS 390.105 and 390.600 and the college and career readiness assessment administered pursuant to NRS 390.610, including, without limitation, the manner in which remediation will be provided to pupils who require remediation based on the results of an examination administered pursuant to NRS 390.600 and 390.610; and

(3) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each group identified in the statewide system of accountability for public schools;

(b) Improve the literacy skills of pupils;

(c) Improve the development of English language skills and academic achievement of pupils who are limited English proficient;

(d) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(e) Integrate technology into the instructional and administrative programs of the school districts;

(f) Manage effectively the discipline of pupils; and

(g) Enhance the professional development offered for the teachers and administrators employed at public schools in this State to include the activities set forth in 20 U.S.C. § 7801(34) and to address the specific needs of the pupils enrolled in public schools in this State, as deemed appropriate by the State Board.

5. Strategies designed to provide to the pupils enrolled in middle school, junior high school and high school, the teachers and counselors who provide instruction to those pupils, and the parents and guardians of those pupils information concerning:

(a) The requirements for admission to an institution of higher education and the opportunities for financial aid;

(b) The availability of Governor Guinn Millennium Scholarships pursuant to NRS 396.911 to 396.945, inclusive ~~[,]~~ ***, and Nevada Promise Scholarships pursuant to sections 3 to 17, inclusive, of this act;*** and

(c) The need for a pupil to make informed decisions about his or her curriculum in middle school, junior high school and high school in preparation for success after graduation.

6. An identification, by category, of the employees of the Department who are responsible for ensuring that each provision of the plan is carried out effectively.

7. A timeline for carrying out the plan, including, without limitation:

(a) The rate of improvement and progress which must be attained annually in meeting the goals and benchmarks established by the State Board pursuant to NRS 385.113; and

(b) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

8. For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

9. Strategies to improve the allocation of resources from this State, by program and by school district, in a manner that will improve the academic achievement of pupils. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this subsection. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this subsection.

10. Based upon the reallocation of resources set forth in subsection 9, the resources available to the State Board and the Department to carry out the plan, including, without limitation, a budget for the overall cost of carrying out the plan.

11. A summary of the effectiveness of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

12. A 5-year strategic plan which identifies the recurring issues in improving the achievement and proficiency of pupils in this State and which establishes strategic goals to address those issues. The 5-year strategic plan must be:

(a) Based upon the data from previous years which is collected by the Department for the plan developed pursuant to NRS 385.111; and

(b) Designed to track the progress made in achieving the strategic goals established by the Department.

13. Any additional plans addressing the achievement and proficiency of pupils adopted by the Department.

Sec. 2. Chapter 396 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 17, inclusive, of this act.

Sec. 3. ***As used in sections 3 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 7.5, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Gift aid" means a federal Pell grant, a Federal Supplemental Educational Opportunity Grant, a Governor Guinn Millennium Scholarship awarded pursuant to NRS 396.911 to 396.945, inclusive, or a grant awarded under the Silver State Opportunity Grant Program pursuant to NRS 396.950 to 396.960, inclusive, received by a student.***

Sec. 5. ***"Local partnering organization" means a nonprofit organization or governmental entity with which a participating community college enters into an agreement pursuant to section 9 of this act.***

Sec. 6. ***"Nevada Promise Scholarship" means a scholarship awarded by a participating community college pursuant to section 16 of this act.***

Sec. 6.5. "Participating community college" means a community college that has elected pursuant to section 9 of this act to participate in the Nevada Promise Scholarship program established by sections 3 to 17, inclusive, of this act for the applicable school year.

Sec. 7. ***"Scholarship recipient" means the recipient of a Nevada Promise Scholarship.***

Sec. 7.5. ***"School year" means consecutive fall and spring semesters and does not include the summer semester.***

Sec. 8. ***1. The Nevada Promise Scholarship Account is hereby created in the State General Fund. The Account must be administered by the State Treasurer.***

2. The interest and income earned on:

(a) The money in the Account, after deducting any applicable charges; and

(b) Unexpended appropriations made to the Account from the State General Fund,

➥ must be credited to the Account.

3. Any money remaining in the Account at the end of a fiscal year, including, without limitation, any unexpended appropriations made to the Account from the State General Fund, does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

4. The State Treasurer may accept gifts and grants of money from any source for deposit in the Account.

5. The money in the Account may only be used to distribute money to participating community colleges for the purpose of awarding Nevada Promise Scholarships to students who are eligible to receive or renew such scholarships under the provisions of sections 12 and 13 of this act.

Sec. 9. ***~~[Each]~~ 1. On or before October 1 of each year, each community college shall:***

~~[1.]~~ (a) Determine whether it will participate in the Nevada Promise Scholarship program established by sections 3 to 17, inclusive, of this act for the immediately following school year; and

(b) Post on a publicly accessible Internet website maintained by the community college notice of the determination described in paragraph (a).

2. Each community college that elects to participate in the Nevada Promise Scholarship program established by sections 3 to 17, inclusive, of this act for the immediately following school year shall:

(a) Conduct the activities required by section 10 of this act or enter into an agreement with one or more nonprofit organizations or governmental entities to conduct those activities.

~~[2.]~~ (b) Allow an applicant or scholarship recipient to appeal any adverse decision concerning his or her eligibility to receive or renew a Nevada Promise Scholarship under the provisions of section 12 or 13 of this act or request a waiver, for good cause, of the requirements of paragraph (c) of subsection 2 of section 13 of this act concerning continuous enrollment. If the participating community college has established a process by which a student may appeal other decisions, the participating community college must use the same process for appealing an adverse decision described in this subsection.

3. A participating community college may accept gifts, grants and donations from any source for the purposes of administering the Nevada Promise Scholarship program established by sections 3 to 17, inclusive, of this act.

Sec. 10. *Each participating community college or local partnering organization shall:*

1. Before December 31 of each year, hold at least one training meeting for each mentor who will participate in the mentoring program established pursuant to subsection 5. The meeting must include instruction concerning Nevada Promise Scholarships awarded pursuant to sections 3 to 17, inclusive, of this act, appropriate relationships between students and mentors, opportunities for students to obtain financial aid, the Free Application for Federal Student Aid, the college application process and the requirements of section 12 of this act.

2. Before December 31 of each year, hold at least one training meeting for students who plan to apply or have applied for a Nevada Promise Scholarship for the immediately following school year. The meeting must include instruction concerning Nevada Promise Scholarships awarded pursuant to sections 3 to 17, inclusive, of this act, appropriate relationships between students and mentors, opportunities for students to obtain financial aid, the Free Application for Federal Student Aid, the college application process and the requirements of section 12 of this act.

3. Before May 1 of each year, hold at least one training meeting for students who have applied for a Nevada Promise Scholarship for the immediately following school year. The meeting must include instruction

concerning orientation at the participating community college, making the transition from high school to college, the requirements of sections 12 and 13 of this act concerning community service and the manner in which a student will be informed of important information relating to his or her scholarship, including, without limitation, whether the student qualifies for a Nevada Promise Scholarship and the amount of the scholarship awarded.

4. If a scholarship applicant is unable to attend a meeting held pursuant to subsection 2 or 3 because he or she is required to attend a school-sponsored activity or religious observance or for a documented medical reason, arrange for the applicant to receive the training provided in that meeting as soon as practicable and before the deadline prescribed by subsection 2 or 3, as applicable. If the scholarship applicant is unable to receive the training before the applicable deadline, the applicant must not receive a Nevada Promise Scholarship.

5. Establish a mentoring program for scholarship applicants and scholarship recipients that maintains a ratio of at least one mentor for every 10 applicants or recipients and, before December 31 of each year, assign a mentor who meets the requirements of section 11 of this act to each applicant and recipient. If a person serving as a mentor resigns from the mentoring program or cannot serve as a mentor for at least one semester, the participating community college or local partnering organization shall assign another mentor to each scholarship applicant or scholarship recipient for whom the person served as a mentor. The participating community college or local partnering organization shall not assign a person to serve as a mentor to a scholarship applicant or scholarship recipient:

(a) Whom the person employs; or

(b) To whom the person is related by consanguinity or affinity within the third degree.

6. Maintain a list of community service opportunities available to scholarship applicants and scholarship recipients to allow them to satisfy the requirements of sections 12 and 13 of this act concerning the completion of community service.

7. Post the list maintained pursuant to subsection 6 on a publicly available Internet website maintained by the participating community college or local partnering organization.

Sec. 11. ***1. A person who serves as a mentor in a mentoring program established pursuant to section 10 of this act may not be compensated. A mentor may be an employee of the participating community college or local partnering organization, but must not receive additional compensation for serving as a mentor.***

2. Each person who serves as a mentor in a mentoring program established pursuant to section 10 of this act and is not employed by the participating community college:

(a) Must be at least 21 years of age.

(b) Shall, before serving as a mentor, submit to the participating community college the information requested by the participating community college and written permission authorizing the community college to use the information to obtain a report on the criminal history of the prospective mentor. If the participating community college has entered into an agreement with a local partnering organization pursuant to section 9 of this act, the participating community college shall transmit the report on the criminal history of the prospective mentor to the local partnering organization.

3. A participating community college or local partnering organization shall not allow a person to serve as a mentor if the participating community college receives information pursuant to subsection 2 that the person has entered a plea of guilty, guilty but mentally ill or nolo contendere to, been found guilty or guilty but mentally ill of, or been convicted of, in this State or any other jurisdiction, a felony.

Sec. 12. *A student is eligible to receive a Nevada Promise Scholarship for the first school year in which the student is enrolled at a participating community college if the student:*

1. Is a bona fide resident of this State, as construed in NRS 396.540, is less than 20 years of age and has not previously been awarded an associate's degree or bachelor's degree.

2. Has obtained:

(a) A high school diploma awarded by a public or private high school located in this State or public high school that is located in a county that borders this State and accepts pupils who are residents of this State; or

(b) A general equivalency diploma or equivalent document.

3. Is not in default on any federal student loan and does not owe a refund to any federal program to provide aid to students.

4. Before November 1 immediately preceding the school year for which the student wishes to receive a Nevada Promise Scholarship, submits an application in the form prescribed by the participating community college.

5. On or before April 1 immediately preceding the school year for which the student wishes to receive a Nevada Promise Scholarship, completes the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090.

6. Receives an Expected Family Contribution from the United States Department of Education.

7. Attends at least one training meeting held by a participating community college or local partnering organization pursuant to subsection 2 of section 10 of this act and at least one such meeting held pursuant to subsection 3 of that section, or arranges to receive the training provided in those meetings at an alternate time pursuant to subsection 4 of that section.

8. Before May 1 immediately preceding the school year for which the student wishes to receive a Nevada Promise Scholarship:

(a) Has met at least once with the mentor assigned to the student pursuant to section 10 of this act.

(b) Completes at least 20 hours of community service that meets the requirements of section 14 of this act and submits to the participating community college verification of the completion of that community service. The verification must include:

(1) A description of the community service performed;

(2) The dates on which the service was performed and the number of hours of service performed on each date;

(3) The name of the organization for which the service was performed; and

(4) The name of a person employed by the organization whom the participating community college may contact to verify the information contained in the verification.

(c) Submits all information deemed necessary by the participating community college to determine the applicant's eligibility for gift aid.

9. Is enrolled in or plans to enroll in at least 12 semester credit hours in an associate's degree program, a bachelor's degree program or a certificate of achievement program at a participating community college for each semester of the school year immediately following the school year in which the student was awarded a high school diploma or a general equivalency diploma or equivalent document.

Sec. 13. *1. A Nevada Promise Scholarship:*

(a) Must be renewed for each school year for which the scholarship recipient wishes to receive a scholarship; and

(b) May be renewed for a total of 2 school years, not including the initial school year.

2. A scholarship recipient is eligible to renew a Nevada Promise Scholarship if the scholarship recipient:

(a) Has not been awarded an associate's degree or bachelor's degree.

(b) Except as otherwise provided in this paragraph, is enrolled in or plans to enroll in at least 12 semester credit hours in an associate's degree program, a bachelor's degree program or a certificate of achievement program at a participating community college for each semester of the school year for which the student wishes to renew the scholarship. A student who is on schedule to graduate at:

(1) The end of a semester may enroll in the number of semester credit hours required to graduate.

(2) The end of the fall semester is not required to enroll in credit hours for the spring semester.

(c) Has enrolled in and successfully completed at least 12 semester credit hours in an associate's degree program, a bachelor's degree program or a certificate of achievement program at a participating community college for each fall and spring semester beginning with the

first semester for which the student received a scholarship, unless the student has received a waiver pursuant to section 9 of this act.

(d) Maintains at least a 2.5 grade point average, on a 4.0 grading scale, or the equivalent of a 2.5 grade point average if a different grading scale is used, for all classes for which the student has been awarded credit at a participating community college, or makes adequate academic progress, as determined by the participating community college.

(e) Completes the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090 on or before April 1 immediately preceding the school year for which the student wishes to renew the scholarship and receives an Expected Family Contribution from the United States Department of Education.

(f) Is not in default on any federal student loan and does not owe a refund to any federal program to provide aid to students.

(g) On or before May 1 immediately preceding the school year for which the student wishes to renew the scholarship:

(1) Completes 20 hours of community service that meets the requirements of section 14 of this act and submits to the participating community college verification of the completion of that community service. The verification must include:

(I) A description of the community service performed;

(II) The dates on which the service was performed and the number of hours of service performed on each date;

(III) The name of the organization for which the service was performed; and

(IV) The name of a person employed by the organization whom the participating community college may contact to verify the information contained in the verification.

(2) Meets at least twice with the mentor assigned to the student pursuant to section 10 of this act.

(3) Submits to the participating community college all documentation deemed necessary by the participating community college to determine the applicant's eligibility for financial aid.

(h) Before November 1 immediately preceding the school year for which the student wishes to renew the scholarship, submits an application in the form prescribed by the participating community college and all information deemed necessary by the participating community college to determine the applicant's eligibility for gift aid.

Sec. 14. ***1. An applicant who knowingly submits false or misleading information to a participating community college or local partnering organization pursuant to section 12 or 13 of this act is ineligible to receive a Nevada Promise Scholarship.***

2. If a deadline prescribed by section 12 or 13 of this act falls on a Saturday, Sunday or legal holiday, the deadline is the next business day.

3. Community service performed to satisfy the requirements of section 12 or 13 of this act must not include religious proselytizing or service for which the student receives any type of compensation or which directly benefits a member of the family of the applicant or student, as applicable.

Sec. 15. (Deleted by amendment.)

Sec. 16. ***1. Each participating community college shall award Nevada Promise Scholarships in accordance with this section to students who are enrolled at the participating community college and are eligible to receive or renew such scholarships under the provisions of sections 12 and 13 of this act.***

2. On or before July 1 of each year, a participating community college shall:

(a) Review all timely applications received pursuant to sections 12 and 13 of this act to determine the eligibility of each applicant for a Nevada Promise Scholarship and for gift aid;

(b) Review information submitted by each eligible applicant to determine the amount of the Nevada Promise Scholarship the student would receive under the provisions of subsection 6 and notify each applicant whether the applicant is eligible to receive a Nevada Promise Scholarship for the immediately following school year; and

(c) After reviewing applications pursuant to paragraph (a), submit to the State Treasurer the number of students whose applications have been approved and the amount of money that will be required to fund a scholarship for each eligible student pursuant to subsection 6 if no student receives additional gift aid.

3. On the date prescribed by regulation of the State Treasurer, a participating community college shall submit a request for a disbursement from the Nevada Promise Scholarship Account created by section 8 of this act in the amount prescribed by subsection 6 for each eligible student.

4. A participating community college shall use the money disbursed pursuant to subsection 5 to pay the difference between the amount of the registration fee and other mandatory fees charged to the student by the participating community college for the school year, excluding any amount of those fees that is waived by the participating community college, and the total amount of any other gift aid received by the student for the school year. The community college shall not refund to a student any money disbursed to the participating community college pursuant to subsection 5.

5. Within the limits of money available in the Nevada Promise Scholarship Account, the State Treasurer shall disburse to a participating community college the amount requested pursuant to subsection 3. If there is insufficient money in the Account to disburse that amount to each participating community college:

(a) The State Treasurer shall determine whether there is sufficient money in the Account to disburse the amount requested for all students who applied to renew a Nevada Promise Scholarship and disburse the

available money in the Account to each participating community college in the following manner:

(1) If there is insufficient money in the Account to disburse the amount requested for all students who applied to renew a Nevada Promise Scholarship, the State Treasurer shall not disburse any amount requested for first-time recipients of a Nevada Promise Scholarship and shall disburse money to each participating community college to fund a scholarship for each student who applied to renew a Nevada Promise Scholarship, in the order in which applications were received by the participating community college, until the money in the Account is exhausted; and

(2) If there is sufficient money in the Account to disburse the amount requested for all students who applied to renew a Nevada Promise Scholarship, the State Treasurer shall first disburse the money requested by each participating community college for all students who applied to renew a Nevada Promise Scholarship and then disburse money to each participating community college to fund a scholarship for each student who applied for the first time to receive a Nevada Promise Scholarship, in the order in which applications were received by the participating community college, until the money in the Account is exhausted.

(b) The State Treasurer shall provide notice that insufficient money remains in the Nevada Promise Scholarship Account to:

(1) The Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Education, the Legislative Commission and next regular session of the Legislature; and

(2) The board of trustees of each school district and the governing body of each charter school in this State. Upon receiving such notice, the board of trustees or governing body, as applicable, shall notify each pupil who is enrolled in a school in the district or the charter school and is on schedule to receive a standard high school diploma at the end of the current school year.

(c) A participating community college shall award Nevada Promise Scholarships in accordance with the provisions of paragraph (a) in a manner that gives priority first to students applying for renewal of a Nevada Promise Scholarship and then to applications received by the participating community college pursuant to section 12 of this act, in the order in which they were received.

6. Within the limits of money available in the Nevada Promise Scholarship Account, the amount of money awarded to a scholarship recipient pursuant to this section must be equal to the difference between the amount of the registration fee and other mandatory fees charged to the student by the participating community college for the school year, excluding any amount of those fees that is waived by the participating community college, and the total amount of any other gift aid received by the student for the school year.

Sec. 17. ***1. On or before August 1 of each year, the Board of Regents shall:***

(a) Review all Nevada Promise Scholarships awarded for the immediately preceding school year;

(b) Compile a report for the immediately preceding school year, which must include the number of scholarship recipients, the total cost associated with the award of Nevada Promise Scholarships, the total number of hours of community service performed pursuant to sections 12 and 13 of this act, the overall graduation rate of scholarship recipients, the graduation rate of scholarship recipients enrolled at each participating community college, the overall scholarship retention rate and the scholarship retention rate for students at each participating community college; and

(c) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) In even-numbered years, the next regular session of the Legislature; and

(2) In odd-numbered years, the Legislative Committee on Education.

2. A participating community college shall maintain a record for each scholarship recipient for at least 3 years after the end of the final school year for which he or she receives a scholarship. Such a record must include:

(a) The name of the scholarship recipient;

(b) The total amount of money awarded to the scholarship recipient and the amount of money awarded to the scholarship recipient each school year;

(c) The courses in which the scholarship recipient enrolled and the courses completed by the scholarship recipient;

(d) The grades received by the scholarship recipient;

(e) Whether the scholarship recipient is currently enrolled in the participating community college and, if not, whether he or she earned an associate's degree, a bachelor's degree or a certificate of achievement; and

(f) The records of community service submitted by the scholarship recipient pursuant to sections 12 and 13 of this act.

3. Except as otherwise provided in this section, the Board of Regents and the State Treasurer may at any time audit the practices used by a participating community college or local partnering organization to carry out the provisions of sections 3 to 17, inclusive, of this act. The Board of Regents and State Treasurer shall not conduct an audit less than 6 months after the most recently conducted audit.

4. A participating community college shall provide the Board of Regents and the State Treasurer with access to the records maintained pursuant to subsection 2 for the purposes of an annual report compiled pursuant to subsection 1 or an audit conducted pursuant to subsection 3. Those records are otherwise confidential and are not public records.

5. As used in this section, "scholarship retention rate" means the percentage of scholarship recipients for the school year immediately preceding the school year to which a report compiled pursuant to subsection 1 pertains who did not graduate by the end of that school year and who also received a Nevada Promise Scholarship for the school year to which the report pertains.

Sec. 18. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363,

483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 17 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 18.3. There is hereby appropriated from the State General Fund to the Nevada Promise Scholarship Account created by section 8 of this act for the Fiscal Year 2018-2019 the sum of $3,500,000 for the purpose of awarding Nevada Promise Scholarships pursuant to sections 3 to 17, inclusive, of this act.

Sec. 18.5. **1.** Notwithstanding the provisions of section 17 of this act, the initial report compiled by the Board of Regents of the University of Nevada pursuant to subsection 1 of section 17 of this act:

~~[1.]~~ **(a)** Must be submitted on or before August 1, 2019, and must provide information concerning the 2017-2018 school year; and

~~[2.]~~ **(b)** Is not required to include the overall graduation rate of scholarship recipients, the graduation rate of scholarship recipients enrolled at each **participating** community college, the overall scholarship retention rate or the scholarship retention rate for students at each **participating** community college.

2. As used in this section, "participating community college" has the meaning ascribed to it in section 6.5 of this act.

Sec. 19. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 20. 1. This section and sections 1 to 15, inclusive, and 17, 18, 18.5 and 19 of this act become effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act and on July 1, 2017, for all other purposes.

2. Section 18.3 of this act becomes effective on July 1, 2017.

3. Section 16 of this act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act and on July 1, 2018, for all other purposes.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 539.

Bill read third time.

Remarks by Assemblymen Carlton, Titus, and Edwards.

ASSEMBLYWOMAN CARLTON:

I rise in support of Senate Bill 539. This bill was brought to us today, and it was processed through Ways and Means. The description at the front that we just heard is very comprehensive. I will just highlight a couple of the sections. A number of these sections would be familiar to this body because we did pass Senate Bill 265 earlier this session.

In section 4.9, the bill requires a nonprofit organization that advocates for patients or funds medical research in this state to post on its Internet website, or, if it does not maintain an Internet website, to submit to the Department certain information concerning payments, donations, and anything else of value that the organization receives from manufacturers of prescription drugs, certain third parties or pharmacy benefit managers, or trade or advocacy groups for such entities. It also requires that any pharmacy benefit manager has a fiduciary duty to an insurer with which the pharmacy benefit manager has entered into a contract to manage prescription drug coverage. The bill prohibits a pharmacy benefit manager from engaging in certain trade practices. I would be happy to stand for any questions on Senate Bill 539.

ASSEMBLYWOMAN TITUS:

I must speak in opposition to Senate Bill 539. I understand why it was presented. I understand that the intent of this was to help patients with diabetes and other concerns and medications. I am extremely concerned that this bill will have unintended consequences of actually increasing drug costs to all Nevadans. Nevada will be the first state that has this kind of a program, and I am very concerned that there will be drug companies that have a hard time doing business here in the state of Nevada, and I urge my colleagues from all over the state to vote no on this bill.

ASSEMBLYMAN EDWARDS:

First, I would like to compliment the sponsors of the bill and those who are supporting it for working so diligently, not just this session, but frankly, for many others before. In the committee hearings, they brought up some very good points—that there are a lot of stakeholders and interested parties in this, because it is a very complex issue. It was also brought to light that we are really just not sure if we had the balance in the first version. Looking at the second version, I am afraid I just do not think we have the correct balance to achieve the purpose of this goal. I am going to have to stand in opposition out of concern that we could very well do much more damage than anything we could possibly help with this bill.

Roll call on Senate Bill No. 539:

YEAS—27.

NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.

Senate Bill No. 539 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 325.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 325 requires the Director of the Department of Health and Human Services to include in the State Plan for Medicaid and the Children's Health Insurance Program authorization for certain lawfully residing children under 19 years of age who have resided in the United States for less than five years to enroll in these programs.

Roll call on Senate Bill No. 325:

YEAS—35.

NAYS—Edwards, Ellison, Hambrick, Krasner, Marchant, McArthur, Wheeler—7.

Senate Bill No. 325 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 377.

Bill read third time.

Remarks by Assemblyman Fumo.

ASSEMBLYMAN FUMO:

Senate Bill 377 creates the Nevada Right to Counsel Commission to study the delivery of indigent defense services in the state.

Roll call on Senate Bill No. 377:

YEAS—36.

NAYS—Ellison, Kramer, Krasner, Marchant, McArthur, Titus—6.

Senate Bill No. 377 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 392.

Bill read third time.

Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

Senate Bill 392 increases the total amount of incentives paid by utilities in this state for the installation of various solar energy systems and authorizes the Public Utilities Commission of Nevada [PUCN] to pay incentives of not more than $1 million per year for the installation of solar energy systems, community solar gardens, and distributed generation systems located throughout the service territories of utilities in this state to benefit low and moderate-income customers.

Roll call on Senate Bill No. 392:

YEAS—30.

NAYS—Paul Anderson, Daly, Ellison, Hambrick, Hansen, Krasner, Marchant, McArthur, Pickard, Titus, Wheeler, Woodbury—12.

Senate Bill No. 392 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 428.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Senate Bill 428 provides for the issuance of special license plates indicating support for Tule Springs State Park.

Roll call on Senate Bill No. 428:

YEAS—36.

NAYS—Daly, Ellison, Krasner, Marchant, McArthur, Titus—6.

Senate Bill No. 428 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 451.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Senate Bill 451 creates the Nevada Sentencing Commission. The duties of the Sentencing Commission include evaluating the effectiveness and fiscal impact of policies and practices related to sentences for felonies and misdemeanors in this state; advising the Legislature on proposed future legislation; and making recommendations with respect to matters relating to the elements of this state's system of criminal justice that affect the sentences imposed for felonies and gross misdemeanors.

Certain duties of the Advisory Commission on the Administration of Justice will be transferred to the new Sentencing Commission.

Finally, the bill appropriates $8,336 from the State General Fund to the Legislative Fund for the operating and other incidental costs of the Sentencing Commission. Any remaining balance must be reverted to the State General Fund on or before September 20, 2019.

Roll call on Senate Bill No. 451:

YEAS—39.

NAYS—Krasner, Marchant, McArthur—3.

Senate Bill No. 451 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 457.

Bill read third time.

Remarks by Assemblyman Edwards.

ASSEMBLYMAN EDWARDS:

Senate Bill 457 requires the Board of Regents of the University of Nevada or its designee to consult with certain entities to establish statewide standards for awarding credit for military education, training, or occupational experience. Such credit must be applicable toward the coursework required for an associate's or bachelor's degree or certificate at any university, state college, or community college in the Nevada System of Higher Education.

Roll call on Senate Bill No. 457:

YEAS—42.

NAYS—None.

Senate Bill No. 457 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 121, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 553, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 235 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 553 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 553.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1154.

SUMMARY—Authorizes and provides funding for the advance planning of the College of Engineering, Academic and Research Building **and to complete planning and begin construction of a new building for the Medical School** at the University of Nevada, Las Vegas. (BDR S-1244)

AN ACT relating to projects of capital improvement; authorizing and providing funding for the advance planning of the College of Engineering, Academic and Research Building **and to complete planning and begin construction of a new building for the Medical School** at the University of Nevada, Las Vegas; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the State Public Works Division of the Department of Administration the sum of $1,750,000 to support the Division in carrying out the project numbered or otherwise described as Project 17-P09, Advance Planning UNLV College of Engineering, Academic and Research Building.

2. Any remaining balance of the appropriations made by subsection 1 must not be committed for expenditure after June 30, 2021, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2021, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted

or transferred, and must be reverted to the State General Fund on or before September 17, 2021.

Sec. 1.5. **1. There is hereby appropriated from the State General Fund to the Interim Finance Committee for allocation to the State Public Works Division of the Department of Administration the sum of $25,000,000 to support the Division in carrying out the project numbered or otherwise described as Project 17-C15, Complete Planning and Begin Construction of a New Medical School Building, UNLV.**

2. Money appropriated pursuant to subsection 1 may be allocated to the State Public Works Division upon the determination of the Interim Finance Committee that the money authorized to be expended for Project 17-C15 in section 2 of this act has been received.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2021, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2021, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2021.

Sec. 2. 1. Expenditure of the following ~~[sum]~~ **sums** not appropriated from the State General Fund or the State Highway Fund is hereby authorized for the following project numbered or otherwise described as follows:

Description	Project No.	Amount
Advance Planning UNLV College of Engineering, Academic and Research Building	17-P09	$1,750,000
Complete Planning and Begin Construction of a New Medical School Building, UNLV	**17-C15**	**$25,000,000**

2. The State Public Works Division of the Department of Administration shall not execute a contract for construction of ~~[the]~~ **a** project listed in subsection 1 until the Division has determined that the funding authorized in subsection 1 for the project has been received and is available for expenditure for the project.

Sec. 3. The State Public Works Division of the Department of Administration shall carry out the provisions of this act as provided in chapter 341 of NRS. The Division shall ensure that qualified persons are employed to accomplish the authorized work. Every contract pertaining to the work must be approved by the Attorney General.

Sec. 4. All state and local governmental agencies involved in the design and construction of the ~~[project]~~ **projects** enumerated in this act shall

cooperate with the State Public Works Division of the Department of Administration to expedite completion of the ~~[project.]~~ **projects.**

Sec. 4.3. **The State Controller shall transfer from the Account to Stabilize the Operation of the State Government created by NRS 353.288 to the State General Fund the sum of $25,000,000 for the purpose of the appropriation to the Interim Finance Committee pursuant to section 1.5 of this act.**

Sec. 4.5. **It is the intent of the Legislature that the amounts authorized for the projects numbered or otherwise described in section 2 of this act must be expended before the amounts appropriated for those projects.**

Sec. 4.7. **The Nevada System of Higher Education and the State Public Works Division of the Department of Administration shall report to the Interim Finance Committee on a biannual basis within 30 days after each reporting period, with the first reporting period to cover the period between July 1, 2017, and December 31, 2017, on the status of the project numbered or otherwise described as Project 17-C15, Complete Planning and Begin Construction of a New Medical School Building, UNLV, including, without limitation:**

1. Final determination on the size and location of the new building;

2. An update on the timeline for completion of construction of the new building;

3. A detailed plan for how funding in excess of the amounts authorized in section 2 of this act will be secured to complete construction of the new building;

4. Progress made on construction of the new building; and

5. An update on fundraising efforts for the project.

Sec. 5. This act becomes effective upon passage and approval.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 235.

Bill read third time.

The following amendment was proposed by Assemblyman Yeager:

Amendment No. 1163.

AN ACT relating to trade practices; making certain sales of tickets a deceptive trade practice; regulating the manner in which tickets to an athletic contest or live entertainment event may be sold in certain circumstances; requiring certain disclosures to be made by resellers of tickets to an athletic contest or live entertainment event; prohibiting the use of an Internet robot for certain purposes relating to ticket sales; limiting local governments and political subdivisions from certain regulation of ticket sales; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a number of deceptive trade practices, including, without limitation, pyramid schemes and violations of requirements relating to charitable solicitations, sales promotions, door-to-door sales and grant writing services. (NRS 598.110, 598.1305, 598.139, 598.2801, 598.595) Existing law authorizes the Attorney General, the Commissioner of Consumer Affairs and the Director of the Department of Business and Industry to investigate and prosecute deceptive trade practices, which may include, without limitation, criminal prosecution or the imposition of certain civil penalties. (NRS 598.0903-598.0999) **Section 2** of this bill makes a knowing violation of the provisions of this bill relating to ticket sales a deceptive trade practice subject to enforcement as such. ~~[Section 18 of this bill requires the Bureau of Consumer Protection in the Office of the Attorney General to establish a toll-free statewide hotline and an Internet website by which a person may file a complaint relating to a suspected violation of this bill.]~~ **Section 17.7 of this bill requires the Bureau of Consumer Protection in the Office of the Attorney General to establish a toll-free statewide hotline and an Internet website by which a person may file a complaint relating to a suspected violation of this bill.** **Sections 19-29** of this bill make conforming changes.

Section 13 of this bill specifies which type of resellers are subject to the provisions of this bill. **Section 14** of this bill requires a reseller who sells tickets to an athletic contest or live entertainment event on an Internet website to inform a ticket purchaser that the reseller has not been sanctioned to resell tickets to the athletic contest or live entertainment event for which tickets are being offered by an authorized person associated with the contest or event. **Section 14** also prohibits a reseller from: (1) displaying a trademarked or copyrighted Internet website address or a title, designation, image, mark or other symbol on the Internet website of the reseller without the consent of the trademark or copyright holder; or (2) creating an Internet website that is substantially similar to the Internet website of an entertainment facility, athletic contest or live entertainment event without permission.

Section 15 of this bill requires a reseller to make certain disclosures to a ticket purchaser before completing the resale, including: (1) the amount to be paid by the ticket purchaser for the ticket; (2) the location of any seat associated with the ticket; and (3) the right of the purchaser to a refund if an athletic contest or live entertainment event is cancelled and not rescheduled. **Section 15** further authorizes a reseller to only resell tickets at his or her registered office, established place of business or Internet website and prohibits a reseller from reselling tickets to an athletic contest or live entertainment event before the date for such contest or event has been officially announced, except in certain circumstances. **Section 15** prohibits a reseller from reselling a ticket unless the ticket is in the actual possession of the reseller and is immediately available for delivery to the ticket purchaser,

except in certain circumstances. **Section 15** also places various other restrictions on the sale of tickets by a reseller. **Section 15.5** of this bill prohibits a local government or political subdivision from further regulating the sale of tickets, except that a local government or political subdivision may require licensure, collect fees, limit the location of sales and provide for private enforcement.

Section 6.5 of this bill defines "Internet robot" as a software application that attempts to complete or completes an automated transaction on an Internet website. **Section 16** prohibits the use of an Internet robot for the purposes of circumventing the ticket purchasing process on an Internet website or to disguise the identity of the ticket purchaser in order to obtain a greater quantity of tickets than authorized. **Section 16** also authorizes a person injured by the use of an Internet robot in violation of these provisions to bring a civil action to seek: (1) declaratory and injunctive relief; and (2) actual damages or $100, whichever is greater.

Section 13 of this bill exempts a person from the requirements of this bill if such a person: (1) resells tickets which were obtained for personal use; or (2) is authorized to do so pursuant to **section 5** of this bill. **Section 17** provides that a violation of any of the provisions of this bill is a misdemeanor unless a greater penalty is otherwise provided by law. **Section 17.5** of this bill provides an enhanced penalty for the sale of a ticket in willful and knowing violation of the provisions of this bill to an entertainment facility which is operated by a governmental entity or a public-private partnership.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 18, inclusive, of this act.

Sec. 2. ***A person engages in a "deceptive trade practice" when, in the course of his or her business or occupation, he or she knowingly violates a provision of sections 3 to 18, inclusive, of this act.***

Sec. 3. ***As used in sections 3 to 18, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 12, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Athletic contest" means any contest, game or other event involving the athletic or physical skills of an amateur athlete, intercollegiate athlete or professional athlete held at an entertainment facility for which a ticket is required for admission.***

Sec. 4.5. ***"Athletic team" means a group of persons who compete in a contest, game or other event in this State involving the athletic or physical skills of an amateur athlete, intercollegiate athlete or professional athlete or a person employed by such a group.***

Sec. 5. ***1. "Authorized person" means a person who is responsible for directing, financing, managing, participating in, promoting, organizing, sponsoring or otherwise directly involved in the hosting,***

staging or presentation of an athletic contest or live entertainment event, or the affiliate or agent of any such persons.

2. The term includes, without limitation, an athletic team or a person who controls or operates an entertainment facility. The term does not include a person whose initial purchase of a ticket was completed through the use of an Internet robot.

Sec. 6. ***"Entertainment facility" means an indoor or outdoor area, including, without limitation, an arena, auditorium, museum, racetrack or stadium in which an athletic contest or live entertainment event is staged in this State and for which a ticket is required for admission.***

Sec. 6.5. ***"Internet robot" means a software application that attempts to complete or completes an automated transaction on an Internet website.***

Sec. 7. (Deleted by amendment.)

Sec. 8. ***"Live entertainment event" means any activity provided for pleasure, enjoyment, recreation, relaxation, diversion or other similar purpose by a person who is physically present when providing that activity to a group of patrons at an entertainment facility, including, without limitation, any lecture, exhibition of art, performance of comedy, dance, music, theater or any other entertainment event or show. The term includes, without limitation, any game, contest or event in which persons compete against each other through electronic, digital or virtual means.***

Sec. 9. ***"Resale" or "resell" means an offer or completed transaction for the sale of a ticket to an athletic contest or a live entertainment event which occurs after the initial purchase of the ticket. The term includes, without limitation, the sale of a ticket made in person or by telephone, Internet website or any other means of communication or exchange.***

Sec. 10. ***"Reseller" means any person who resells a ticket.***

Sec. 11. ***"Ticket" means a certificate, document, token, voucher or other evidence, whether physical or electronic, which indicates that the bearer or other person who is entitled to possession of the ticket has the right or privilege of admission to an athletic contest or live entertainment event, to occupy or have access to a particular area or seat within an entertainment facility or to acquire such a right or privilege.***

Sec. 12. (Deleted by amendment.)

Sec. 13. ***The provisions of sections 3 to 18, inclusive, of this act do not apply to:***

1. A person who resells a ticket obtained for personal use or for the use of another person who was known to the person that obtained the ticket before the purchase of such ticket.

2. An authorized person.

3. A reseller who has actual possession of a ticket which is immediately available for delivery to the purchaser.

4. A labor organization as defined in NRS 613.230.

5. A nonprofit organization created for religious, charitable or educational purposes that meets the requirements set forth in NRS 372.3261.

Sec. 14. *1. A reseller who is not an authorized person and who resells a ticket to an athletic contest or live entertainment event on an Internet website shall disclose to a ticket purchaser in a clear and conspicuous manner before completing the transaction that the reseller has not been sanctioned by an authorized person to sell tickets for the athletic contest or live entertainment event associated with the ticket offered for resale.*

2. The Internet website of a reseller must not display a trademarked or copyrighted URL, title, designation, image or mark or other symbol without the written consent of the trademark or copyright holder.

3. The Internet website of a reseller, including, without limitation, an Internet website that offers the purchase and resale of tickets on a secondary basis, must not use any combination of text, images, web designs or Internet addresses, or any combination thereof, which is substantially similar to the Internet website of an entertainment facility, athletic contest or live entertainment event without permission unless the reseller is an authorized person.

4. This section does not prohibit the use of text containing the name of the venue, artist, athletic contest or live entertainment event if such use is necessary to describe the athletic contest, the live entertainment event or the location of the athletic contest or live entertainment event.

5. As used in this section:

(a) "Substantially similar" means that a reasonable person would believe that the Internet website is that of the entertainment facility, athletic contest or live entertainment event.

(b) "URL" means the Uniform Resource Locator associated with an Internet website.

Sec. 15. *1. A reseller shall:*

(a) Post in a clear and conspicuous manner, at the registered office and established place of business of the reseller and on any Internet website maintained by the reseller, including, without limitation, an Internet website that offers the purchase and resale of tickets on a secondary basis, the terms and conditions of a resale, including, without limitation, any right of a ticket purchaser to cancel a purchase.

(b) Disclose to the ticket purchaser, before completing the resale of the ticket to the purchaser:

(1) That the ticket purchaser is entitled to a refund of any amount received from the purchaser if the athletic contest or live entertainment event associated with such ticket is cancelled and not rescheduled.

(2) The amount to be paid by the ticket purchaser for the ticket and the location of the seat, if any, assigned by the ticket which is offered for

resale, including, without limitation, any section, row or area within an entertainment facility which is designated on the ticket.

(c) Refund any amount received from a ticket purchaser if the athletic contest or live entertainment event associated with such ticket is cancelled and not rescheduled.

(d) Resell tickets only at the registered office or established place of business of the reseller or on an Internet website maintained by the reseller, including, without limitation, an Internet website that offers the purchase and resale of tickets on a secondary basis.

2. A reseller shall not:

(a) Except as otherwise provided in subsection 5, advertise for sale tickets to an athletic contest or live entertainment event until the date for the athletic contest or live entertainment event has been officially announced.

(b) Accept any type of consideration for the sale of a ticket unless the ticket has been issued by a person authorized to issue tickets to the athletic contest or live entertainment event.

(c) Resell ~~[or offer for sale]~~ more than one copy of the same ticket to an athletic contest or live entertainment event.

(d) Offer for sale any counterfeit ticket to an athletic contest or live entertainment event.

(e) Employ another person directly or indirectly to wait in line to purchase tickets for the purpose of reselling the tickets if the practice is prohibited by the sponsor, organizer or promoter of the athletic contest or live entertainment event or if the venue at which the athletic contest or live entertainment event will occur has posted a policy prohibiting the practice.

3. Except as otherwise provided in subsection 4, a reseller shall not accept consideration for the sale of a ticket or accept a deposit for a ticket for which the reseller does not have possession unless:

(a) The reseller has an agreement to purchase the ticket for an established price from another person who has possession of the ticket; and

(b) The person to whom the reseller agrees to sell the ticket or from whom the reseller accepts a deposit will have the right to a refund if the reseller is not able to obtain or deliver the ticket.

4. If an athletic contest or live entertainment event is scheduled to take place within 14 days, the reseller may accept consideration for the sale of a ticket or a deposit for a ticket for which the reseller does not have possession if the reseller clearly discloses to the purchaser before entering into an agreement or accepting consideration that the reseller does not have possession of the ticket and the person is entitled to a refund if the reseller is not able to obtain and deliver the ticket.

5. If a professional or collegiate athletic contest is a part of a playoff or tournament and the entity conducting the playoff or tournament has released a range of dates on which the athletic contest may take place, a reseller may advertise the sale and sell tickets for the athletic contest not

more than 21 days before the earliest date on which the athletic contest may take place.

6. As used in this section, the term "established place of business" does not include a temporary location on a sidewalk, parking lot or other public area in the vicinity of an entertainment facility which is vacated by a reseller after the conclusion of an athletic contest or a live entertainment event.

Sec. 15.5. *1. A local government or political subdivision shall not limit, prohibit or otherwise regulate the sale of tickets if the sale is carried out in compliance with the provisions of sections 14 and 15 of this act.*

2. The provisions of this section do not prohibit a local government or political subdivision from enacting an ordinance to require a reseller to obtain a license and pay applicable fees, determine where tickets may be sold and provide for the right to private enforcement.

Sec. 16. *1. A person shall not use an Internet robot to:*

(a) Circumvent any portion of the process for purchasing a ticket on an Internet website, including, without limitation, any security or identity validation measures or an access control system; or

(b) Disguise the identity of a ticket purchaser for the purpose of purchasing a number of tickets for admission to an athletic contest or live entertainment event which exceeds the maximum number of tickets allowed for purchase by an authorized person.

2. A person injured by a violation of this section may bring a civil action in the appropriate district court against the person who committed the violation to seek:

(a) Declaratory and injunctive relief.

(b) Actual damages or $100, whichever is greater.

Sec. 17. *Unless a greater penalty is provided in NRS 598.0999 or section 17.5 of this act, a person who knowingly violates the provisions of sections 3 to 18, inclusive, of this act is guilty of a misdemeanor.*

Sec. 17.5. *1. A person who willfully and knowingly violates the provisions of sections 3 to 18, inclusive, of this act relating to the sale of a ticket to an entertainment facility which is operated by a governmental entity or a public-private partnership is guilty of a:*

(a) Gross misdemeanor, if the total value of the tickets sold in violation of sections 3 to 18, inclusive, of this act is less than $1,000; or

(b) Category D felony and shall be punished as provided in NRS 193.130, if the total value of the tickets sold in violation of sections 3 to 18, inclusive, of this act is $1,000 or more.

2. As used in this section:

(a) "Governmental entity" means:

(1) The government of this State;

(2) An agency of the government of this State;

(3) A political subdivision of this State; and

(4) An agency of a political subdivision of this State.

(b) "Public-private partnership" means a contract entered into by a person and a governmental entity for the support of an entertainment facility.

Sec. 17.7. ***The Bureau of Consumer Protection in the Office of the Attorney General shall establish a toll-free statewide hotline and an Internet website by which a person may file a complaint relating to a suspected violation of sections 3 to 18, inclusive, of this act.***

Sec. 18. ~~*[The Bureau of Consumer Protection in the Office of the Attorney General shall establish a toll-free statewide hotline and an Internet website by which a person may file a complaint relating to a suspected violation of sections 3 to 18, inclusive, of this act.]*~~ **(Deleted by amendment.)**

Sec. 19. NRS 598.0903 is hereby amended to read as follows:

598.0903 As used in NRS 598.0903 to 598.0999, inclusive, ***and section 2 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 598.0905 to 598.0947, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 20. NRS 598.0953 is hereby amended to read as follows:

598.0953 1. Evidence that a person has engaged in a deceptive trade practice is prima facie evidence of intent to injure competitors and to destroy or substantially lessen competition.

2. The deceptive trade practices listed in NRS 598.0915 to 598.0925, inclusive, ***and section 2 of this act*** are in addition to and do not limit the types of unfair trade practices actionable at common law or defined as such in other statutes of this State.

Sec. 21. NRS 598.0955 is hereby amended to read as follows:

598.0955 1. The provisions of NRS 598.0903 to 598.0999, inclusive, ***and section 2 of this act*** do not apply to:

(a) Conduct in compliance with the orders or rules of, or a statute administered by, a federal, state or local governmental agency.

(b) Publishers, including outdoor advertising media, advertising agencies, broadcasters or printers engaged in the dissemination of information or reproduction of printed or pictorial matter who publish, broadcast or reproduce material without knowledge of its deceptive character.

(c) Actions or appeals pending on July 1, 1973.

2. The provisions of NRS 598.0903 to 598.0999, inclusive, ***and section 2 of this act*** do not apply to the use by a person of any service mark, trademark, certification mark, collective mark, trade name or other trade identification which was used and not abandoned prior to July 1, 1973, if the use was in good faith and is otherwise lawful except for the provisions of NRS 598.0903 to 598.0999, inclusive ~~*[.]*~~ ***, and section 2 of this act.***

Sec. 22. NRS 598.0963 is hereby amended to read as follows:

598.0963 1. Whenever the Attorney General is requested in writing by the Commissioner or the Director to represent him or her in instituting a legal proceeding against a person who has engaged or is engaging in a deceptive

trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person on behalf of the Commissioner or Director.

2. The Attorney General may institute criminal proceedings to enforce the provisions of NRS 598.0903 to 598.0999, inclusive ~~[.]~~ ***, and section 2 of this act.*** The Attorney General is not required to obtain leave of the court before instituting criminal proceedings pursuant to this subsection.

3. If the Attorney General has reason to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person to obtain a temporary restraining order, a preliminary or permanent injunction, or other appropriate relief.

4. If the Attorney General has cause to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may issue a subpoena to require the testimony of any person or the production of any documents, and may administer an oath or affirmation to any person providing such testimony. The subpoena must be served upon the person in the manner required for service of process in this State or by certified mail with return receipt requested. An employee of the Attorney General may personally serve the subpoena.

Sec. 23. NRS 598.0967 is hereby amended to read as follows:

598.0967 1. The Commissioner and the Director, in addition to other powers conferred upon them by NRS 598.0903 to 598.0999, inclusive, ***and section 2 of this act,*** may issue subpoenas to require the attendance of witnesses or the production of documents, conduct hearings in aid of any investigation or inquiry and prescribe such forms and adopt such regulations as may be necessary to administer the provisions of NRS 598.0903 to 598.0999, inclusive ~~[.]~~ ***, and section 2 of this act.*** Such regulations may include, without limitation, provisions concerning the applicability of the provisions of NRS 598.0903 to 598.0999, inclusive, ***and section 2 of this act*** to particular persons or circumstances.

2. Except as otherwise provided in this subsection, service of any notice or subpoena must be made by certified mail with return receipt or as otherwise allowed by law. An employee of the Consumer Affairs Division of the Department of Business and Industry may personally serve a subpoena issued pursuant to this section.

Sec. 24. NRS 598.0971 is hereby amended to read as follows:

598.0971 1. If, after an investigation, the Commissioner has reasonable cause to believe that any person has been engaged or is engaging in any deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, ***and section 2 of this act,*** the Commissioner may issue an order directed to the person to show cause why the Director should not order the person to cease and desist from engaging in the practice and to pay an administrative fine. The order must contain a statement of the charges and a notice of a

hearing to be held thereon. The order must be served upon the person directly or by certified or registered mail, return receipt requested.

2. An administrative hearing on any action brought by the Commissioner must be conducted before the Director or his or her designee.

3. If, after conducting a hearing pursuant to the provisions of subsection 2, the Director or his or her designee determines that the person has violated any of the provisions of NRS 598.0903 to 598.0999, inclusive, ***and section 2 of this act,*** or if the person fails to appear for the hearing after being properly served with the statement of charges and notice of hearing, the Director or his or her designee shall issue an order setting forth his or her findings of fact concerning the violation and cause to be served a copy thereof upon the person and any intervener at the hearing. If the Director or his or her designee determines in the report that such a violation has occurred, he or she may order the violator to:

(a) Cease and desist from engaging in the practice or other activity constituting the violation;

(b) Pay the costs of conducting the investigation, costs of conducting the hearing, costs of reporting services, fees for experts and other witnesses, charges for the rental of a hearing room if such a room is not available to the Director or his or her designee free of charge, charges for providing an independent hearing officer, if any, and charges incurred for any service of process, if the violator is adjudicated to have committed a violation of NRS 598.0903 to 598.0999, inclusive ~~[.]~~ ***, and section 2 of this act;***

(c) Provide restitution for any money or property improperly received or obtained as a result of the violation; and

(d) Impose an administrative fine of $1,000 or treble the amount of restitution ordered, whichever is greater.

➥ The order must be served upon the person directly or by certified or registered mail, return receipt requested. The order becomes effective upon service in the manner provided in this subsection.

4. Any person whose pecuniary interests are directly and immediately affected by an order issued pursuant to subsection 3 or who is aggrieved by the order may petition for judicial review in the manner provided in chapter 233B of NRS. Such a petition must be filed within 30 days after the service of the order. The order becomes final upon the filing of the petition.

5. If a person fails to comply with any provision of an order issued pursuant to subsection 3, the Commissioner or the Director may, through the Attorney General, at any time after 30 days after the service of the order, cause an action to be instituted in the district court of the county wherein the person resides or has his or her principal place of business requesting the court to enforce the provisions of the order or to provide any other appropriate injunctive relief.

6. If the court finds that:

(a) The violation complained of is a deceptive trade practice;

(b) The proceedings by the Director or his or her designee concerning the written report and any order issued pursuant to subsection 3 are in the interest of the public; and

(c) The findings of the Director or his or her designee are supported by the weight of the evidence,

➥ the court shall issue an order enforcing the provisions of the order of the Director or his or her designee.

7. An order issued pursuant to subsection 6 may include:

(a) A provision requiring the payment to the Consumer Affairs Division of the Department of Business and Industry of a penalty of not more than $5,000 for each act amounting to a failure to comply with the Director's or designee's order;

(b) An order that the person cease doing business within this State; and

(c) Such injunctive or other equitable or extraordinary relief as is determined appropriate by the court.

8. Any aggrieved party may appeal from the final judgment, order or decree of the court in a like manner as provided for appeals in civil cases.

9. Upon the violation of any judgment, order or decree issued pursuant to subsection 6 or 7, the Commissioner, after a hearing thereon, may proceed in accordance with the provisions of NRS 598.0999.

Sec. 25. NRS 598.0985 is hereby amended to read as follows:

598.0985 Notwithstanding the requirement of knowledge as an element of a deceptive trade practice, and notwithstanding the enforcement powers granted to the Commissioner or Director pursuant to NRS 598.0903 to 598.0999, inclusive, ***and section 2 of this act,*** whenever the district attorney of any county has reason to believe that any person is using, has used or is about to use any deceptive trade practice, knowingly or otherwise, he or she may bring an action in the name of the State of Nevada against that person to obtain a temporary or permanent injunction against the deceptive trade practice.

Sec. 26. NRS 598.0993 is hereby amended to read as follows:

598.0993 The court in which an action is brought pursuant to NRS 598.0979 and 598.0985 to 598.099, inclusive, may make such additional orders or judgments as may be necessary to restore to any person in interest any money or property, real or personal, which may have been acquired by means of any deceptive trade practice which violates any of the provisions of NRS 598.0903 to 598.0999, inclusive, ***and section 2 of this act,*** but such additional orders or judgments may be entered only after a final determination has been made that a deceptive trade practice has occurred.

Sec. 27. NRS 598.0999 is hereby amended to read as follows:

598.0999 1. Except as otherwise provided in NRS 598.0974, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, ***and section 2 of this act,*** upon a complaint brought by the Commissioner, the Director, the district attorney of

any county of this State or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than $10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive ~~[.]~~ ***, and section 2 of this act.***

2. Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, ***and section 2 of this act,*** if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed $5,000 for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.

3. A natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:

(a) For the first offense, is guilty of a misdemeanor.

(b) For the second offense, is guilty of a gross misdemeanor.

(c) For the third and all subsequent offenses, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

➥ The court may require the natural person, firm, or officer or managing agent of the corporation or association to pay to the aggrieved party damages on all profits derived from the knowing and willful engagement in a deceptive trade practice and treble damages on all damages suffered by reason of the deceptive trade practice.

4. Any offense which occurred within 10 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of subsection 3 when evidenced by a conviction, without regard to the sequence of the offenses and convictions.

5. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, ***and section 2 of this act,*** 598.100 to 598.2801, inclusive, 598.305 to 598.395, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, or 598.840 to 598.966, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

6. If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

Sec. 28. NRS 11.190 is hereby amended to read as follows:

11.190 Except as otherwise provided in NRS 40.4639, 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:

1. Within 6 years:

(a) Except as otherwise provided in NRS 62B.420 and 176.275, an action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.

(b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.

2. Within 4 years:

(a) An action on an open account for goods, wares and merchandise sold and delivered.

(b) An action for any article charged on an account in a store.

(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.

(d) An action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, ***and section 2 of this act,*** but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.

3. Within 3 years:

(a) An action upon a liability created by statute, other than a penalty or forfeiture.

(b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.

(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term "livestock," which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without the owner's fault, the statute does

not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.

(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.

(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution or other lender because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue upon the discovery by the financial institution or other lender of the facts constituting the concealment or false statement.

4. Within 2 years:

(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his or her official capacity and in virtue of his or her office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.

(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

(c) An action for libel, slander, assault, battery, false imprisonment or seduction.

(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) Except as otherwise provided in NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.

(f) An action to recover damages under NRS 41.740.

5. Within 1 year:

(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his or her official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.

(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his or her official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.

Sec. 29. NRS 41.600 is hereby amended to read as follows:

41.600 1. An action may be brought by any person who is a victim of consumer fraud.

2. As used in this section, "consumer fraud" means:

(a) An unlawful act as defined in NRS 119.330;

(b) An unlawful act as defined in NRS 205.2747;

(c) An act prohibited by NRS 482.36655 to 482.36667, inclusive;

(d) An act prohibited by NRS 482.351; or

(e) A deceptive trade practice as defined in NRS 598.0915 to 598.0925, inclusive ~~[.]~~ ***, and section 2 of this act.***

3. If the claimant is the prevailing party, the court shall award the claimant:

(a) Any damages that the claimant has sustained;

(b) Any equitable relief that the court deems appropriate; and

(c) The claimant's costs in the action and reasonable attorney's fees.

4. Any action brought pursuant to this section is not an action upon any contract underlying the original transaction.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 235 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 235.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Senate Bill 235 revises existing deceptive trade laws to include resellers of tickets to an athletic contest or entertainment event. The Internet website of a secondary ticket exchange or any affiliate of a reseller or secondary ticket exchange is prohibited from doing the following: (1) displaying a trademarked or copyrighted URL, image, mark, or other symbol without the written consent of the trademark or copyright holder; and (2) using any combination of text, images, web designs, or Internet addresses that are substantially similar to the Internet website of an entertainment facility, athletic contest, or live entertainment event without permission.

In addition, the measure prohibits a reseller from reselling more than one copy of the same ticket or employing another person to wait in line to purchase tickets for the purpose of reselling the tickets if the practice is prohibited. The use of Internet robots or disguising the identity of the ticket purchaser is also prohibited.

A person injured by a violation has civil remedies, and a person who willfully and knowingly violates the provisions of the bill is guilty of a gross misdemeanor.

Roll call on Senate Bill No. 235:

YEAS—31.

NAYS—Paul Anderson, Ellison, Hambrick, Jauregui, Kramer, Marchant, McArthur, Oscarson, Titus, Wheeler, Woodbury—11.

Senate Bill No. 235 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 458.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Senate Bill 458 abolishes the P-20W Advisory Council and creates the P-20W Research Data System Advisory Committee. Among other duties, the Committee will assist in the coordination and management of the statewide longitudinal data system that links data relating to early childhood and K-12 education with data relating to postsecondary education and the state workforce.

Roll call on Senate Bill No. 458:

YEAS—35.

NAYS—Ellison, Hansen, Kramer, Krasner, Marchant, McArthur, Titus—7.

Senate Bill No. 458 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 488.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Senate Bill 488 establishes the crime of facilitating sex trafficking and provides that a person is guilty of such a crime if he or she facilitates, arranges, provides, or pays for the transportation of a person to or within Nevada with the intent of inducing that person to engage in unlawful sexual conduct or prostitution, or if that person is a child, engaging in certain acts relating to pornography involving minors. Such a crime is punishable as a category B felony, and a person found guilty of such a crime is subject to certain minimum and maximum terms of imprisonment depending on whether the victim is an adult or a child. If a person who is 18 years of age or less commits the crime of facilitating sex trafficking and is prosecuted in a criminal proceeding as an adult, there is a rebuttable presumption that the person acted under duress.

If passed, Senate Bill 488 will make Nevada the gold standard for other states to follow according to Shared Hope International, which is the leading organization on domestic minor sex trafficking policy in the country. I urge this body's support.

Roll call on Senate Bill No. 488:

YEAS—42.

NAYS—None.

Senate Bill No. 488 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 497.

Bill read third time.

Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:
Senate Bill 497 creates the 13-member Advisory Task Force on School Leader Management, which is charged with studying the statewide performance evaluation system for school administrators as adopted by the State Board of Education.

Roll call on Senate Bill No. 497:
YEAS—36.
NAYS—Ellison, Kramer, Krasner, Marchant, McArthur, Titus—6.
Senate Bill No. 497 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 498.
Bill read third time.
Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:
Senate Bill 498 eliminates the requirement for an annual standard examination of mortgage brokers and mortgage bankers. The bill eliminates certain courses of continuing education relating to the laws and regulations of the state and reduces the number of hours of continuing education required for a mortgage broker or mortgage agent.

Roll call on Senate Bill No. 498:
YEAS—42.
NAYS—None.
Senate Bill No. 498 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 538.
Bill read third time.
Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:
Senate Bill 538 requires operators of certain commercial Internet websites or online services to make available a notice containing certain information relating to the privacy of personally identifiable information about consumers collected by the operator through the website. An operator may remedy any failure relating to making such a notice available within 30 days after being informed of the failure. Finally, the Attorney General is authorized to seek an injunction or a civil penalty against an operator who engages in such an act.

Roll call on Senate Bill No. 538:
YEAS—42.
NAYS—None.
Senate Bill No. 538 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 540.
Bill read third time.
Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Senate Bill 540 directs the Legislative Commission to permit the Professional Fire Fighters of Nevada to construct or install a memorial to firefighters on the Capitol Complex. After consulting with other professional and volunteer firefighter organizations, the Professional Fire Fighters of Nevada shall submit to the Legislative Commission three alternative designs for the memorial. The Commission shall review the designs, select the one it considers most suitable for the Capitol Complex, and determine the appropriate location for the memorial. Finally, S.B. 540 specifies that no public money may be spent for the design, construction, or installation of the firefighter memorial.

Roll call on Senate Bill No. 540:

YEAS—42.

NAYS—None.

Senate Bill No. 540 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 541.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Senate Bill 541 provides that any person who willfully commits certain crimes against a first responder because of the fact that the victim is a first responder may, in addition to any penalty already prescribed by statute for the crime, be punished by imprisonment in the state prison for a term of not less than 1 year and not more than 20 years. That additional penalty would run consecutive to the underlying sentence.

Roll call on Senate Bill No. 541:

YEAS—42.

NAYS—None.

Senate Bill No. 541 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 543.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 543 appropriates $2 million from the General Fund to the Lou Ruvo Center for Brain Health for the purposes of research, clinical studies, operations, and educational programs at the Center.

Roll call on Senate Bill No. 543:

YEAS—42.

NAYS—None.

Senate Bill No. 543 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 6.
Resolution read third time.
Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:
Senate Joint Resolution 6 proposes to amend the *Nevada Constitution* to increase the minimum wage to $9.40 per hour. Beginning on January 1, 2021, the minimum wage must be increased by $1.15 each year until the minimum wage is $14 per hour. However, if at any time the federal minimum wage is greater than the amount calculated under this joint resolution, the minimum wage in this state must equal the federal minimum wage. The Legislature is authorized to increase the minimum wage to an amount higher than the minimum wage calculated under this joint resolution.

Roll call on Senate Joint Resolution No. 6:
YEAS—27.
NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.
Senate Joint Resolution No. 6 having received a constitutional majority, Mr. Speaker declared it passed.
Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 14.
Resolution read third time.
Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:
Senate Joint Resolution 14 proposes to amend the *Nevada Constitution* to provide that for the first fiscal year after real property is sold or transferred, the real property is ineligible for any adjustment to the value of improvements on the real property, which is based on the age of the improvement and is also ineligible for certain partial abatements. Senate Joint Resolution 14 also proposes to amend the *Nevada Constitution* to require the Legislature to enact by law a "Senior and Disabled Taxpayers Protection Act."

Roll call on Senate Joint Resolution No. 14:
YEAS—27.
NAYS—Paul Anderson, Edwards, Ellison, Hambrick, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—15.
Senate Joint Resolution No. 14 having received a constitutional majority, Mr. Speaker declared it passed.
Resolution ordered transmitted to the Senate.

Senate Bill No. 167.
Bill read third time.
Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:
Senate Bill 167, as amended, appropriates $615,000 over the 2017-2019 biennium from the State General Fund to the Department of Agriculture for the creation and maintenance of school garden programs at certain Title I schools.

Roll call on Senate Bill No. 167:
YEAS—37.
NAYS—Ellison, Krasner, Marchant, McArthur, Wheeler—5.

Senate Bill No. 167 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 257.

Bill read third time.

Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

Senate Bill 257, as amended, adds the right for a foster child to have reasonable access to participate in extracurricular, cultural, and personal enrichment activities. The measure also provides civil and criminal immunity for a person with whom a child has been placed when approving or allowing the child to participate in extracurricular, cultural, and personal enrichment activities if the person acted in accordance with a standard based on the "reasonable and prudent parent standard" as it is defined in federal law.

Roll call on Senate Bill No. 257:

YEAS—42.

NAYS—None.

Senate Bill No. 257 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 300.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Senate Bill 300, as amended, appropriates $1.2 million in Fiscal Year 2018 and $1.3 million in Fiscal Year 2019 from the State General Fund to the Department of Education for transfers to school districts for peer assistance and review of teacher programs. The bill, as amended, requires the school districts that receive an allocation to provide assistance to teachers in meeting the standards for effective teaching including, without limitation, by conducting observations, peer assistance and review, and providing information and resources to teachers about the strategies for effective teaching. The bill is effective on July 1, 2017.

Roll call on Senate Bill No. 300:

YEAS—42.

NAYS—None.

Senate Bill No. 300 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 391.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 391 provides for the awards of a scholarship by community colleges to the Nevada System of Higher Education. This has been known in the building as the Promise Scholarship. It allocates $3.5 million in the second year for our young folks to be able to attend community college.

Roll call on Senate Bill No. 391:

YEAS—42.

NAYS—None.

Senate Bill No. 391 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 121.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 121 establishes an interim study concerning the needs relating to the behavioral and cognitive care of older persons. The interim study, consisting of six legislators appointed by the Legislative Commission, is required to research and identify potential sources of state funding available to support evidence-based statewide community programs to aid caregivers and assist Nevada's Care Connection and Nevada 2-1-1 in the creation of a "No Wrong Door" program for caregivers. In addition, the interim study committee is tasked with evaluating the possibility of establishing a higher rate of reimbursement by Medicaid for nursing facilities that support older adults with behavioral and cognitive health needs. Finally, the committee must examine and research the provision of education and training for health care professionals in the screening, diagnosis, and treatment of behavioral and cognitive diseases prevalent in older persons. This bill becomes effective on July 1, 2017.

Roll call on Senate Bill No. 121:

YEAS—42.

NAYS—None.

Senate Bill No. 121 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 553.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Senate Bill 553, as amended, authorizes funding of $3.5 million for planning efforts for a new 50,000 square foot College of Engineering, Academic and Research Building at the University of Nevada, Las Vegas. The funding consists of an equal split of $1.75 million of General Fund appropriations and $1.75 million in University funds in the form of donor funds.

The bill also authorizes funding of $50 million for the planning and construction for a new medical school building at the University of Nevada, Las Vegas. The funding consists of $25 million in University funds in the form of donor funds and $25 million of General Funds appropriated to the Interim Finance Committee for allocation to the State Public Works Division upon confirmation that donor funds have been secured. This act becomes effective upon passage and approval.

Roll call on Senate Bill No. 553:

YEAS—33.

NAYS—Ellison, Hansen, Kramer, Krasner, Marchant, McArthur, Oscarson, Titus, Wheeler— 9.

Senate Bill No. 553 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 49, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

GENERAL FILE AND THIRD READING

Senate Bill No. 49.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1162.

AN ACT relating to education; requiring an additional apportionment of money from the State Distributive School Account in the State General Fund to certain school districts and charter schools for pupils with disabilities; revising provisions governing the reimbursement of certain hospitals and other facilities for educational services provided to certain children; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for a basic support guarantee to be provided for each pupil who attends public school in this State. The money is paid from the State Distributive School Account in the State General Fund. The amount of the basic support guarantee is established for each school district for each school year according to a formula. Existing law further provides for a statewide multiplier to be applied for pupils with disabilities so that additional funding is provided for such pupils from the Account. However, that additional funding is limited to not more than 13 percent of the total pupil enrollment in the school district or charter school, except in limited circumstances. (NRS 387.122) If a school district or charter school has reported an enrollment of pupils with disabilities exceeding 13 percent of total pupil enrollment, **section 1** of this bill generally requires that an additional apportionment be made from the Account to the school district or charter school, for each such pupil in an amount equal to one-half of the statewide multiplier then in effect for pupils with disabilities.

Under existing law, certain hospitals and other facilities that provide residential treatment to children and also operate a licensed private school are authorized to request reimbursement from the Department of Education for the cost of providing educational services to a child who is verified to be a patient of the hospital or facility and attends the private school for more than 7 school days. Upon receiving such a request, the Department is required to determine the amount of reimbursement as a percentage of the basic support

guarantee per pupil and withhold that amount from the school district or charter school where the child would attend school if the child were not in the hospital or facility. (NRS 387.1225) If such a child is a pupil with a disability, **section 1.2** of this bill provides that the hospital or facility is also entitled to a corresponding percentage of the statewide multiplier included in the basic support guarantee per pupil**.** ~~[and any other money that would otherwise be apportioned for the child to the school district or charter school.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 387.122 is hereby amended to read as follows:

387.122 1. For making the apportionments of the State Distributive School Account in the State General Fund required by the provisions of this title, the basic support guarantee per pupil for each school district is established by law for each school year. The formula for calculating the basic support guarantee may be expressed as an estimated weighted average per pupil, based on the total expenditures for public education in the immediately preceding even-numbered fiscal year, plus any legislative appropriations for the immediately succeeding biennium, minus those local funds not guaranteed by the State pursuant to NRS 387.163.

2. The estimated weighted average per pupil for the State must be calculated as a basic support guarantee for each school district through an equity allocation model that incorporates:

(a) Factors relating to wealth in the school district;

(b) Salary costs;

(c) Transportation; and

(d) Any other factor determined by the Superintendent of Public Instruction after consultation with the school districts and the State Public Charter School Authority.

3. The basic support guarantee per pupil must include a ***statewide*** multiplier for pupils with disabilities. Except as otherwise provided in this ~~[subsection,]~~ ***section,*** the funding provided to each school district and charter school through the multiplier for pupils with disabilities is limited to the actual number of pupils with disabilities enrolled in the school district or charter school, not to exceed 13 percent of total pupil enrollment for the school district or charter school. ~~[If]~~

4. Except as otherwise provided in this subsection, if a school district or charter school has reported an enrollment of pupils with disabilities equal to more than 13 percent of total pupil enrollment, the school district or charter school must receive ***, for each such additional pupil,*** an amount of money ~~[necessary to satisfy the requirements for maintenance of effort under federal law.~~

~~4.]~~ ***equal to one-half of the statewide multiplier then in effect for pupils with disabilities. An apportionment made to a school district or charter***

school pursuant to this subsection is subject to change from year to year in accordance with the number of pupils with disabilities enrolled in the school district or charter school. If the money available for apportionment pursuant to this subsection is insufficient to make the apportionment otherwise required by this subsection, the Superintendent of Public Instruction shall proportionately reduce the amount so apportioned to each school district and charter school. The Department shall account separately for any money apportioned pursuant to this subsection.

5. Not later than July 1 of each even-numbered year, the Superintendent of Public Instruction shall review and, if necessary, revise the factors used for the equity allocation model adopted for the previous biennium and present the review and any revisions at a meeting of the Legislative Committee on Education for consideration and recommendations by the Committee. After the meeting, the Superintendent of Public Instruction shall consider any recommendations of the Legislative Committee on Education, determine whether to include those recommendations in the equity allocation model and adopt the model. The Superintendent of Public Instruction shall submit the equity allocation model to the:

(a) Governor for inclusion in the proposed executive budget.

(b) Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

~~[5.]~~ ***6.*** The Department shall make available updated information regarding the equity allocation model on the Internet website maintained by the Department.

Sec. 1.2. NRS 387.1225 is hereby amended to read as follows:

387.1225 1. A hospital or other facility which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services that provides residential treatment to children and which operates a private school licensed pursuant to chapter 394 of NRS may request reimbursement from the Department for the cost of providing educational services to a child who:

(a) The Department verifies is a patient or resident of the hospital or facility; and

(b) Attends the private school for more than 7 school days.

2. Upon receiving a request for reimbursement, the Department shall determine the amount of reimbursement to which the hospital or facility is entitled as a percentage of the basic support guarantee per pupil and withhold that amount from the ~~[county]~~ school district or charter school where the child would attend school if the child were not placed in the hospital or facility. ***If the child is a pupil with a disability, the hospital or facility is also entitled to a corresponding percentage of the statewide multiplier included in the basic support guarantee per pupil pursuant to NRS 387.122 . ~~[and any other money that would otherwise be apportioned for the child to the school district or charter school.]~~*** The Department shall distribute the money

withheld from the ~~[county]~~ school district or charter school to the hospital or facility.

3. ***For the purposes of subsection 2, the amount of reimbursement to which the hospital or facility is entitled must be calculated on the basis of the number of school days the child is a patient or resident of the hospital or facility and attends the private school, ~~[including]~~ excluding the 7 school days prescribed in paragraph (b) of subsection 1, in proportion to the number of days of instruction scheduled for that school year by the board of trustees of the school district or the charter school, as applicable.***

4. The Department shall adopt any regulations necessary to carry out the provisions of this section.

~~[4.]~~ ***5.*** As used in this section:

(a) "Hospital" has the meaning ascribed to it in NRS 449.012.

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 1.5. NRS 388.429 is hereby amended to read as follows:

388.429 1. The Legislature declares that funding provided for each school year establishes financial resources sufficient to ensure a reasonably equal educational opportunity to pupils with disabilities residing in Nevada through the use of the ***statewide*** multiplier to the basic support guarantee prescribed by NRS 387.122.

2. Subject to the provisions of NRS 388.417 to 388.469, inclusive, the board of trustees of each school district shall make such special provisions as may be necessary for the education of pupils with disabilities.

3. The board of trustees of a school district in a county whose population is less than 700,000 may provide early intervening services. Such services must be provided in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the regulations adopted pursuant thereto.

4. The board of trustees of a school district shall establish uniform criteria governing eligibility for instruction under the special education programs provided for by NRS 388.417 to 388.469, inclusive. The criteria must prohibit the placement of a pupil in a program for pupils with disabilities solely because the pupil is a disciplinary problem in school. The criteria are subject to such standards as may be prescribed by the State Board.

Sec. 2. This act becomes effective on July 1, 2017.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 49.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 49, as amended, allows school districts and charter schools with enrollment of pupils with disabilities that exceed 13 percent of the total pupil enrollment to receive one-half of the additional funding that is provided by the state for students with disabilities for those students that exceed the 13 percent threshold.

Roll call on Senate Bill No. 49:

YEAS—42.

NAYS—None.

Senate Bill No. 49 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 423.

The following Senate amendment was read:

Amendment No. 1147.

[ASSEMBLYWOMAN**]** **ASSEMBLYWOMEN** MILLER **AND CARLTON**

JOINT SPONSORS: SENATORS CANNIZZARO, FARLEY, FORD, HARRIS, RATTI, SEGERBLOM AND WOODHOUSE

SUMMARY—Requires the **[**Nevada Commission for Women**]** **Secretary of State** to collect and report information related to gender equality in the workplace. (BDR **[**18-1047**)]** **7-1047)**

AN ACT relating to gender equality; requiring the **[**Nevada Commission for Women**]** **Secretary of State** to conduct a survey of certain **[**employers**]** **businesses** to collect data and information related to issues of gender equality in the workplace; requiring the **[**Commission**]** **Secretary of State** to **[**create and maintain a database that provides**]** **make certain** information **[**about employers that have best practices and policies on issues of gender equality**]** **relating to the survey available on the Internet** and **to** submit **[**a**]** **an annual** report **regarding the survey** to the Governor and the Director of the Legislative Counsel Bureau; **requiring the Nevada Commission for Women to assist the Secretary of State in developing the survey;** making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

[Existing law creates the Nevada Commission for Women which is: (1) required to study the roles of women in society; and (2) authorized to collect and disseminate information on activities, programs and essential services available to women in Nevada. (NRS 233I.020, 233I.060)**]** **Section** **[**2**]** **3.4** of this bill requires the **[**Commission, with the assistance of the Director of the Department of Administration,**]** **Secretary of State** to design and conduct a survey of **[**employers in this State with 100 or more employees**]** **certain businesses which are applying for or renewing a state business license in this State** to collect data and information related to issues of gender equality in the workplace. **[**The Commission must use the data and information to

~~create and maintain a database that provides information about employers that have best practices and policies on issues of gender equality in the workplace. The database must be made available on the Internet website of the Department of Administration and the Commission must~~] **Section 3.4 provides that a response to the survey is voluntary but requires that if responses are provided, the survey be signed under the penalty of perjury. Section 3.6 of this bill requires the Secretary of State to make available on the Internet website of the Office of the Secretary of State: (1) the responses to the survey; and (2) aggregate data relating to the survey. Section 3.6 also requires the Secretary of State to** submit ~~[a]~~ **an annual** report **on the survey** to the Governor and the Director of the Legislative Counsel Bureau**.** ~~[on issues of gender equality in the workplace.~~

~~— Section 3 of this bill provides that an employer is not required to respond to the Commission's survey. Section 3 also provides that the Commission may include an employer in the database if the Commission is otherwise able to obtain sufficient information about the employer on issues of gender equality in the workplace from the public records of state agencies.~~

~~— Sections 4, 5 and 6 of this bill make conforming changes.~~

~~— Section 5.5 of this bill makes an appropriation from the State General Fund to the Department of Administration for personnel and information technology expenses associated with the Commission's survey.~~]

Section 4.5 of this bill requires the Nevada Commission for Women to assist the Secretary of State in developing the survey.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter ~~[233I]~~ **75A** of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[2 and 3]~~ **3.2 to 3.8, inclusive,** of this act.

Sec. 2. ~~[*With the assistance of the Director of the Department of Administration, the Commission shall:*~~

~~*— 1. Design and conduct a survey of employers in this State for the purpose of collecting data and information from employers related to issues of gender equality in the workplace. The survey:*~~

~~*— (a) Must be considered and approved by the Commission at a public hearing; and*~~

~~*— (b) May be conducted using a web-based system.*~~

~~*— 2. Use the data and information collected pursuant to subsection 1:*~~

~~*— (a) To create and maintain a database that provides information about employers that have best practices and policies on issues of gender equality in the workplace. The database must be made available to the public on the Internet website of the Department of Administration.*~~

~~*— (b) To create and submit a report to the Governor and the Director of the Legislative Counsel Bureau on issues of gender equality in the workplace.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~[1. An employer:~~

~~(a) Is not required to respond to a survey conducted pursuant to section 2 of this act.~~

~~(b) Is not subject to any penalty if the employer does not respond to a survey conducted pursuant to section 2 of this act.~~

~~2. If an employer does not respond to such a survey, the Commission may include the employer in the database created pursuant to section 2 of this act if the Commission is otherwise able to obtain sufficient information about the employer on issues of gender equality in the workplace from the public records of state agencies.]~~ **(Deleted by amendment.)**

Sec. 3.2. *As used in sections 3.2 to 3.8, inclusive, of this act, "business" has the meaning ascribed to it in NRS 76.020.*

Sec. 3.4. *1. The Secretary of State shall design and conduct an annual survey of businesses in this State for the purpose of collecting data and information related to issues of gender equality in the workplace.*

2. The Secretary of State shall work in consultation with the Nevada Commission for Women created by NRS 233I.020 regarding the content of the survey.

3. The Secretary of State shall cause the survey to be offered through the state business portal to each business with operations and employees in this State at the time the business submits to the Secretary of State an online application for a state business license pursuant to NRS 76.100 or an online renewal of a state business license pursuant to NRS 76.130.

4. A business is not required to respond to the survey, and neither the Secretary of State nor the Nevada Commission for Women may penalize or otherwise take any adverse action against a business that does not respond to the survey.

5. If a business responds to the survey, the response must be signed under penalty of perjury by, as applicable:

(a) The owner of a business that is owned by a natural person;

(b) A member or partner of an association or partnership;

(c) A general partner of a limited partnership;

(d) A managing partner of a limited-liability partnership;

(e) A manager or managing member of a limited-liability company; or

(f) An officer of a corporation.

Sec. 3.6. *1. The Secretary of State shall make available on the Internet website of the Office of the Secretary of State:*

(a) The responses to the survey conducted pursuant to section 3.4 of this act in such a manner that the responses may be searched electronically by the name of the business that submitted the response; and

(b) Aggregate data relating to the survey conducted pursuant to section 3.4 of this act.

2. The Secretary of State shall annually compile the responses to the survey received during the immediately preceding year into a report and submit the report to the Governor and to the Director of the Legislative

Counsel Bureau for transmittal to the Legislature, or if the Legislature is not in session, to the Legislative Commission.

Sec. 3.8. The Secretary of State may adopt such regulations as he or she determines to be necessary or advisable to carry out the provisions of sections 3.4 and 3.6 of this act.

Sec. 4. ~~[~~NRS 233I.010 is hereby amended to read as follows:

~~233I.010 As used in this chapter, unless the context otherwise requires [,]:~~

~~*1. "Commission" means the Nevada Commission for Women.*~~

~~*2. "Employer" means any entity that performs a service or engages in a trade for profit and has 100 or more employees.]~~ **(Deleted by amendment.)**

Sec. 4.5. **NRS 233I.060 is hereby amended to read as follows:**

233I.060 1. The Commission shall study the changing and developing roles of women in society, including the recognition of socioeconomic factors that influence the status of women, and recommend proposed legislation.

2. The Commission may collect and disseminate information on activities, programs and essential services available to women in Nevada.

3. The Commission shall assist the Secretary of State in developing the survey of businesses in this State described in section 3.4 of this act.

Sec. 5. NRS 233I.080 is hereby amended to read as follows:

233I.080 1. The Director of the Department of Administration shall provide staff assistance to the Commission ***in carrying out*** ~~*[:*~~

~~*(a) The provisions of sections 2 and 3 of this act; and*~~

~~*(b) Other]*~~ ***the duties and responsibilities of the Commission,*** as the Governor deems appropriate.

2. The Commission may engage the services of volunteer workers and consultants without salary as is necessary from time to time.

Sec. 5.5. 1. There is hereby appropriated from the State General Fund to the Department of Administration for ~~[~~personnel and information technology~~]~~ expenses of the Department that are associated with assisting the Nevada Commission for Women ~~[~~to design and conduct a survey of employers in this State on issues of gender equality as required by the provisions~~]~~ **pursuant to NRS 233I.080, as amended by section 5** of this act the following sums:

For the Fiscal Year 2017-2018 ..... $107,772

For the Fiscal Year 2018-2019 ..... $81,672

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 21, 2018, and September 20, 2019, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently

granted or transferred, and must be reverted to the State General Fund on or before September 21, 2018, and September 20, 2019, respectively.

Sec. 6. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 6.5. **The Secretary of State shall design and begin conducting the initial survey required by section 3.4 of this act before January 1, 2018.**

Sec. 7. This act becomes effective on July 1, 2017 **~~.~~ , and expires by limitation on December 31, 2022.**

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 1147 to Assembly Bill No. 423.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

The amendment, amongst other things, requires the Secretary of State to conduct a survey regarding gender equality and adopt the necessary regulations to carry out the provisions of the bill.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 1155.

AN ACT relating to gender equality; requiring the Secretary of State to conduct a survey of certain businesses to collect data and information related to issues of gender equality in the workplace; requiring the Secretary of State to make certain information relating to the survey available on the Internet and to submit an annual report regarding the survey to the Governor and the Director of the Legislative Counsel Bureau; requiring the Nevada Commission for Women to assist the Secretary of State in developing the survey; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 3.4 of this bill requires the Secretary of State to design and conduct a survey of certain businesses which are applying for or renewing a state business license in this State to collect data and information related to issues of gender equality in the workplace. **Section 3.4** provides that a response to the survey is voluntary but requires that if responses are provided, the survey be signed under the penalty of perjury. **Section 3.6** of this bill requires the Secretary of State to make available on the Internet website of the Office of the Secretary of State: (1) the responses to the survey; and (2) aggregate data relating to the survey. **Section 3.6** also requires the Secretary of State to submit an annual report on the survey to the Governor and the Director of the Legislative Counsel Bureau.

Section 4.5 of this bill requires the Nevada Commission for Women to assist the Secretary of State in developing the survey.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 75A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 3.8, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 3.2. ***As used in sections 3.2 to 3.8, inclusive, of this act, "business" has the meaning ascribed to it in NRS 76.020.***

Sec. 3.4. ***1. The Secretary of State shall design and conduct an annual survey of businesses in this State for the purpose of collecting data and information related to issues of gender equality in the workplace.***

2. The Secretary of State shall work in consultation with the Nevada Commission for Women created by NRS 233I.020 regarding the content of the survey.

3. The Secretary of State shall cause the survey to be offered through the state business portal to each business with operations and employees in this State at the time the business submits to the Secretary of State an online application for a state business license pursuant to NRS 76.100 or an online renewal of a state business license pursuant to NRS 76.130.

4. A business is not required to respond to the survey, and neither the Secretary of State nor the Nevada Commission for Women may penalize or otherwise take any adverse action against a business that does not respond to the survey.

5. If a business responds to the survey, the response must be signed under penalty of perjury by, as applicable:

(a) The owner of a business that is owned by a natural person;

(b) A member or partner of an association or partnership;

(c) A general partner of a limited partnership;

(d) A managing partner of a limited-liability partnership;

(e) A manager or managing member of a limited-liability company; or

(f) An officer of a corporation.

Sec. 3.6. ***1. The Secretary of State shall make available on the Internet website of the Office of the Secretary of State:***

(a) The responses to the survey conducted pursuant to section 3.4 of this act in such a manner that the responses may be searched electronically by the name of the business that submitted the response; and

(b) Aggregate data relating to the survey conducted pursuant to section 3.4 of this act.

2. The Secretary of State shall annually compile the responses to the survey received during the immediately preceding year into a report and submit the report to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or if the Legislature is not in session, to the Legislative Commission.

Sec. 3.8. ***The Secretary of State may adopt such regulations as he or she determines to be necessary or advisable to carry out the provisions of sections 3.4 and 3.6 of this act.***

Sec. 4. (Deleted by amendment.)

Sec. 4.5. NRS 233I.060 is hereby amended to read as follows:

233I.060 1. The Commission shall study the changing and developing roles of women in society, including the recognition of socioeconomic factors that influence the status of women, and recommend proposed legislation.

2. The Commission may collect and disseminate information on activities, programs and essential services available to women in Nevada.

3. The Commission shall assist the Secretary of State in developing the survey of businesses in this State described in section 3.4 of this act.

Sec. 5. NRS 233I.080 is hereby amended to read as follows:

233I.080 1. The Director of the Department of Administration shall provide staff assistance to the Commission ***in carrying out the duties and responsibilities of the Commission,*** as the Governor deems appropriate.

2. The Commission may engage the services of volunteer workers and consultants without salary as is necessary from time to time.

Sec. 5.5. 1. There is hereby appropriated from the State General Fund to the Department of Administration for ~~[expenses of the Department that are associated with assisting]~~ **the costs of employing a Management Analyst to assist** the Nevada Commission for Women pursuant to NRS 233I.080, as amended by section 5 of this act the following sums:

For the Fiscal Year 2017-2018.....~~[$107,772]~~ **$71,306**

For the Fiscal Year 2018-2019.....~~[$81,672]~~ **$87,828**

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 21, 2018, and September 20, 2019, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 21, 2018, and September 20, 2019, respectively.

Sec. 6. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 6.5. The Secretary of State shall design and begin conducting the initial survey required by section 3.4 of this act before January 1, 2018.

Sec. 7. This act becomes effective on July 1, 2017, and expires by limitation on December 31, 2022.

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 1155 to Assembly Bill No. 423.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

The amendment revises the cost of employing a management analyst to assist the Nevada Commission for Women.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 399.

The following Senate amendment was read:

Amendment No. 1135.

ASSEMBLYWOMAN BUSTAMANTE ADAMS

JOINT SPONSORS: SENATORS HAMMOND AND MANENDO

AN ACT relating to transportation; establishing the Nevada State Infrastructure Bank; providing for the governance of the Bank by a Board of Directors; establishing the powers and duties of the Board of Directors; providing for the administration of the Bank by an Executive Director to the extent that certain money is available; establishing the powers and duties of the Executive Director; establishing the Nevada State Infrastructure Bank Fund; authorizing the Bank to perform certain acts in connection with the financing of certain transportation facilities and utility infrastructure; providing civil immunity for certain persons for certain official actions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2-36.5 of this bill establish the Nevada State Infrastructure Bank. The purpose of the Bank is to provide loans and other financial assistance to various units of state and local government for the development, construction, repair, improvement, maintenance, decommissioning, operation and ownership of certain transportation facilities and utility infrastructure. **Sections 20 and 37.1** of this bill create the Bank within the Department of Transportation and provide for its governance by a Board of Directors. **Section 21** of this bill establishes certain powers and duties of the Board of Directors. **Section 21** further authorizes the Board of Directors to issue bonds or other securities to raise money to carry out its statutory purposes and powers. **Section 21 also requires the Board of Directors to act in a commercially reasonable manner and authorizes the Board of Directors to rely on certain information if it is prepared or presented by certain people or entities.** **Section 22** of this bill requires the Governor, to the extent that money is available from public or private sources for administrative costs, to appoint an Executive Director to administer, manage and conduct the affairs of the Bank and establishes the powers and duties of the Executive Director. **Section 22 also requires that the Executive Director and any employees hired be paid from money allocated to the Bank and appropriated or authorized by the Legislature or the Interim Finance**

Committee. **Section 23** of this bill creates the Nevada State Infrastructure Bank Fund to be administered by the Board of Directors and used exclusively to capitalize and carry out the statutory powers and purpose of the Bank.

Section 24 of this bill establishes certain procedures relating to: (1) applications for a loan or other financial assistance from the Bank in connection with a project to develop, construct, repair, improve, operate, maintain, decommission or own a transportation facility or utility infrastructure; (2) the determination by the Executive Director of eligible projects; and (3) selection by the Board of Directors of projects that qualify to obtain such a loan or assistance. **Section 25** of this bill requires a borrower whose project is qualified to receive a loan or other financial assistance to enter into a financing agreement with the Bank and, in case of a loan, to issue some kind of security to the Bank that evidences the borrower's obligation to repay the loan.

Section 26 of this bill authorizes the Bank to act as an insurer or reinsurer in connection with a loan or satisfaction of a related obligation made by the Bank. **Section 27** of this bill authorizes the Bank to provide security for any revenue bonds issued by the Bank.

Section 28 of this bill provides that any debt or obligation issued by the Bank is not a debt, liability or obligation of this State or of any political subdivision thereof, or a pledge of the faith and credit of this State or a political subdivision, other than the Bank itself.

If a borrower who has received a loan from the Bank fails to make a payment of any money owed to the Bank, **section 29** of this bill authorizes the Bank, under certain circumstances, to require other state agencies that are in possession of money of the State or other money that is allotted or appropriated to the borrower to withhold that money from that borrower and remit it to the Bank to use the money to make the necessary payment to the Bank.

Section 30 of this bill provides a grant of immunity from civil liability to the Board of Directors of the Bank or the officers and employees of the Bank for certain official acts under certain circumstances. **Section 31** of this bill exempts the Bank from certain procedural prerequisites that would otherwise be applicable to its actions. **Section 32** of this bill exempts the property of the Bank and its income from taxation. **Section 33** of this bill exempts the bonds and other securities issued by the Bank from most forms of taxation.

Section 34 of this bill provides that any authority given to a governmental borrower to issue bonds by this bill is supplemental to, and not in lieu of, any existing authority to issue bonds.

Section 35 of this bill also provides that the provisions of this bill are intended to supplement, not supplant, other existing laws concerning the development, construction, repair, improvement, maintenance, decommissioning, operation and ownership of transportation facilities and utility infrastructure and the issuance of bonds and other securities by this State and political subdivisions thereof. However, **section 35** also provides

that if there is a conflict between those laws and this bill, the provisions of this bill control. **Section 35** also provides that a contract for construction on a qualified project funded in whole or in part by a loan or other financial assistance from the Bank is subject to the prevailing wage requirement.

Section 36 of this bill requires the Bank to submit an annual report concerning its activities to the Governor and the Legislature. **Section 36.5** of this bill authorizes the divisions of the Department of Transportation, to the extent that money is available for that purpose, to provide technical advice, support and assistance to the Bank.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 408 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 36.5, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 36.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 19, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Bank" means the Nevada State Infrastructure Bank.***

Sec. 4. ***"Board of Directors" means the Board of Directors of the Bank.***

Sec. 5. ***"Eligible costs" means, as applied to a qualified project to be financed from:***

1. The federal highway account established by section 23 of this act, the costs that are allowed under applicable federal laws, requirements, procedures and guidelines in regard to establishing, operating and providing assistance from the Bank.

2. The state and local highway account established by section 23 of this act, costs including, without limitation, the cost of preliminary engineering, traffic and revenue studies, environmental studies, right-of-way acquisition, legal and financial services associated with the development of the qualified project, construction, construction management, facilities, sustainability certification and other costs necessary for the qualified project.

3. The federal utility infrastructure account established by section 23 of this act, costs including, without limitation, the cost of preliminary engineering, environmental studies, property right acquisition, legal and financial services associated with the development of the qualified project, construction, construction management, equipment, facilities and other nonoperating costs necessary for the qualified project.

4. A federal or state and local nonhighway account established by section 23 of this act, costs including, without limitation, the cost of preliminary engineering, traffic and revenue studies, environmental studies, right-of-way acquisition, legal and financial services associated with the development of the qualified project, construction, construction

management, equipment, facilities and other nonoperating costs necessary for the qualified project.

5. The state and local utility infrastructure account established by section 23 of this act, costs including, without limitation, the cost of preliminary engineering, environmental studies, property right acquisition, legal and financial services associated with the development of the qualified project, construction, construction management, equipment, facilities, sustainability certification and other nonoperating costs necessary for the qualified project.

Sec. 6. ***"Eligible project" means the development, construction, repair, improvement, operation, maintenance, decommissioning or ownership of a transportation facility or utility infrastructure.***

Sec. 7. ***"Executive Director" means the Executive Director of the Bank.***

Sec. 8. ***"Federal accounts" means the federal highway account, federal nonhighway account and federal utility infrastructure account established pursuant to section 23 of this act.***

Sec. 9. ***1. "Financing agreement" means any agreement entered into between the Bank and a qualified borrower pertaining to a loan or other financial assistance for a qualified project, which may or may not include nonfinancial provisions relating to the qualified project, including, without limitation, terms and conditions relating to the regulation and supervision of the qualified project.***

2. The term includes, without limitation:

(a) A loan agreement;

(b) A trust indenture;

(c) A security agreement;

(d) A reimbursement agreement;

(e) A guarantee agreement;

(f) A bond or note; and

(g) An ordinance or a resolution or similar instrument.

Sec. 10. ***"Governmental unit" means:***

1. The State of Nevada, including, without limitation, any board, commission, agency, department, division or instrumentality thereof;

2. A political subdivision of the State of Nevada, including, without limitation, a county, city, town, school district, general or local improvement district or a combination of two or more of those entities acting jointly, including, without limitation, as a regional transportation commission as defined in NRS 482.1825; and

3. A ~~[public or private]~~ utility.

Sec. 11. ***"Loan" means any form of direct financial assistance that is provided by the Bank to a qualified borrower to defray all or part of the anticipated or actual costs of a qualified project and is required to be repaid by the borrower over a period of time.***

Sec. 12. *"Loan obligation" means a bond, note or other evidence of a qualified borrower's obligation to repay a loan given by the Bank.*

Sec. 13. *"Other financial assistance" means any use of money by the Bank for the benefit of a qualified borrower, including, without limitation, a grant, contribution, credit enhancement, capital or debt reserve for bonds or other debt instrument financing, an interest rate subsidy, letter of credit or other credit instrument, security for a bond or other debt financing instrument and other lawful forms of financing and methods of leveraging funds that are approved by the Board of Directors and, in the case of money made available to the State by the Federal Government, as allowed by applicable federal law.*

Sec. 14. *"Project revenue" means any rate, rent, fee, assessment related specifically to the project, charge or other receipt derived or to be derived by a qualified borrower from a qualified project and, if so provided in the applicable financing agreement, derived from any system of which the qualified project is a part or from any other revenue producing facility under the ownership or control of the qualified borrower, including, without limitation, the proceeds of a grant, gift, appropriation or loan, including, without limitation, the proceeds of a loan made by the Bank, investment earnings, payments to a reserve for capital or current expenses, proceeds of insurance or condemnation and proceeds from the sale or other disposition of property.*

Sec. 15. *"Qualified borrower" means a governmental unit, or an entity established by an agreement between a governmental unit and a private entity, that is authorized to develop, construct, repair, improve, maintain, decommission, operate or own a qualified project.*

Sec. 16. *"Qualified project" means an eligible project that has been selected by the Bank to receive a loan or other financial assistance.*

Sec. 17. *"State and local accounts" means the state and local highway account, state and local nonhighway account and state and local utility infrastructure account established by the Bank pursuant to section 23 of this act.*

Sec. 18. *"Transportation facility" means any existing, enhanced, upgraded or new facility that is used or useful for the safe transport of people, information or goods via one or more modes of transport, including, without limitation, any of the following:*

1. A road, railroad, bridge, tunnel, overpass, airport, mass transit, light or commuter rail, conduit, ferry, boat, vessel, parking facility, intermodal or multimodal system or any other mode of transport, including, without limitation, those utilizing autonomous technology, and any rights of way necessary for any eligible transportation facility.

2. Related or ancillary to, or used or useful to provide, operate, maintain or generate revenue for, a facility described in subsection 1, including, without limitation, administrative buildings and other buildings, structures, rest areas, maintenance yards, rail yards, ports of entry or

storage facilities, vehicles, rolling stock, energy systems, control, communications and information systems, parking facilities and similar commercial facilities used for the support of or the transportation of persons, information or goods or other related equipment, items or property, including, without limitation, any other property that is needed to operate the facility.

3. All improvements, including equipment necessary to the full utilization of a transportation facility, including, without limitation, site preparation, roads and streets, sidewalks, water supply, outdoor lighting, belt line railroad sidings and lead tracks, bridges, causeways, terminals for railroad, automotive and air transportation and transportation facilities incidental to the project.

Sec. 18.5. ***"Utility" has the meaning ascribed to it in NRS 408.407.***

Sec. 19. ***"Utility infrastructure" means any infrastructure which allows for the connection of the transmission or distribution system of a utility to a distribution facility installed by a master-planned industrial or business park in conformance with the tariffs of the utility and includes, without limitation, the engineering and construction of the infrastructure.***

Sec. 20. ***1. The Nevada State Infrastructure Bank is hereby created within the Department.***

2. The purpose of the Bank is to provide loans and other financial assistance to various governmental units for the development, construction, repair, improvement, operation, maintenance, decommissioning and ownership of transportation facilities and utility infrastructure as necessary for public purposes, including, without limitation, economic development.

3. The Bank is administered by a Board of Directors consisting of:

(a) The Director of the Department of Transportation or his or her designee;

(b) The State Treasurer or his or her designee;

(c) The Director of the Department of Business and Industry or his or her designee;

(d) The Executive Director of the Office of Economic Development or his or her designee; and

(e) Two representatives of the general public, at least one of whom must reside in a county whose population is 700,000 or more, appointed by the Governor.

4. Each member of the Board of Directors who is appointed pursuant to subsection 3 serves at the pleasure of the appointing authority.

5. A vacancy on the Board of Directors in an appointed position must be filled by the appointing authority in the same manner as the original appointment.

6. The Board of Directors shall elect annually from among its members a Chair and a Vice Chair.

7. Four members of the Board of Directors constitute a quorum for the transaction of business, and the affirmative vote of at least four members of the Board of Directors is required to take action.

8. The members of the Board of Directors are public officers and are subject to all applicable provisions of law, including, without limitation, the provisions of chapter 281A of NRS.

9. A meeting of the Board of Directors must be conducted in accordance with the provisions of chapter 241 of NRS.

10. To the extent that money is available from public or private sources for administrative costs:

(a) Each member of the Board of Directors who is not otherwise an officer or employee of this State is entitled to receive $100 for each full day of attending a meeting of the Board of Directors.

(b) Each member of the Board of Directors is entitled, while engaged in the business of the Board of Directors, to receive the per diem allowance and travel expenses provided for state officers and employees generally. The per diem allowance and travel expenses provided to a member of the Board of Directors who is an officer or employee of this State or a political subdivision of this State must be paid by the state agency or political subdivision that employs him or her.

~~[9.]~~ 11. A member of the Board of Directors who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that he or she may prepare for and attend meetings of the Board of Directors and perform any work necessary to carry out the duties of the Board of Directors in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Board of Directors to:

(a) Make up the time the member is absent from work to carry out his or her duties as a member of the Board of Directors; or

(b) Take annual leave or compensatory time for the absence.

Sec. 21. *1. The Board of Directors may:*

(a) Make, and from time to time amend and repeal, bylaws not inconsistent with sections 2 to 36.5, inclusive, of this act to carry into effect the powers and purposes of sections 2 to 36.5, inclusive, of this act.

(b) Sue and be sued in the name of the Bank.

(c) Have a seal and alter the same at the pleasure of the Board of Directors, but the failure to affix the seal does not affect the validity of an instrument executed on behalf of the Bank.

(d) Make loans to qualified borrowers to finance all or part of the eligible costs of a qualified project.

(e) Provide qualified borrowers with other financial assistance necessary to defray all or part of the eligible costs of a qualified project.

(f) Acquire, hold and sell loan obligations at such prices and in such a manner as the Board of Directors deems advisable.

(g) Enter into contracts, arrangements and agreements with qualified borrowers and other persons and execute and deliver all financing agreements and other instruments necessary or convenient to carry out the powers and duties of the Board of Directors.

(h) Enter into agreements with a department, agency or instrumentality of the United States or governmental unit of this State or another state for the purpose of providing for the financing of qualified projects.

(i) Establish:

(1) Policies and procedures to govern the selection of qualified projects and the issuance and administration of loans and other financial assistance provided by the Bank; and

(2) Fiscal controls and accounting procedures to ensure proper accounting and reporting by the Bank and qualified borrowers.

(j) Acquire, by purchase, lease, donation or other lawful means, real or personal property and any interest therein.

(k) Sell, convey, pledge, lease, exchange, transfer and dispose of all or any part of the property and assets of the Bank.

(l) Procure insurance, guarantees, letters of credit and other forms of collateral or security or credit support for the payment of bonds or other securities issued by the Bank and the payment of premiums or fees on such insurance, guarantees, letters of credit and other forms of collateral or security or credit support.

(m) Collect or authorize the trustee under any trust indenture that secures any bonds or other securities issued by the Bank to collect amounts due from a qualified borrower under any loan obligation owned by the Bank, including, without limitation, taking any lawful action required to obtain payment of any sums in default.

(n) Unless restricted by the terms of an agreement with the holders of bonds or other securities issued by the Bank, consent to any modification of the terms of any loan obligations owned by the Bank, including, without limitation, the rate of interest, period of repayment and payment of any installment of principal or interest.

(o) Borrow money through the issuance of bonds and other securities as provided in sections 2 to 36.5, inclusive, of this act.

(p) Incur expenses to obtain accounting, management, legal or financial consulting and other professional services necessary to the operations of the Bank.

(q) To the extent that money is available from public or private sources of administrative costs, pay any costs incurred for the administration of the operations of the Bank.

(r) Establish advisory committees, which may include persons from the private sector with civil engineering, banking and financial expertise.

(s) Procure insurance against losses in connection with the Bank's property, assets or activities, including, without limitation, insurance against liability for any act of the Bank or its employees or agents, or

establish cash reserves to enable the Bank to act as a self-insurer against such losses.

(t) Impose and collect fees and charges in connection with the activities of the Bank.

(u) Apply for, receive and accept from any source aid grants or contributions of money, property, labor or other things of value to be used to carry out the statutory purposes and powers of the Bank.

(v) Enter into contracts, arrangements or agreements for the servicing and processing of financial agreements.

(w) Accept and hold, with payment of interest, money deposited with the Bank.

(x) Request technical advice, support and assistance from the divisions of the Department.

(y) Do all other things necessary or convenient to exercise any power granted or reasonably implied by sections 2 to 36.5, inclusive, of this act.

2. Except as otherwise provided in sections 2 to 36.5, inclusive, of this act, the Bank may exercise any fiscal power granted to the Bank in sections 2 to 36.5, inclusive, of this act, without the review or approval of any other department, division or agency of the State or any political subdivision thereof, except for the Board of Directors.

3. In exercising the powers and performing the functions set forth in sections 2 to 36.5, inclusive, of this act, the members of the Board of Directors:

(a) Must act in a commercially reasonable manner and in the interests of this State. For the purposes of this paragraph, the interests of this State include, without limitation, the public welfare and economy of this State and the long-term and short-term interests of this State.

(b) May, unless a member of the Board of Directors has knowledge concerning a matter in question that would cause reliance thereon to be unwarranted, rely on information, opinions, reports, books of account or statements, including, without limitation, financial statements and other financial data, that are prepared or presented by:

(1) One or more members of the Board of Directors or officers or employees of the Bank reasonably believed to be reliable and competent in the matters prepared or presented;

(2) Counsel, public accountants, financial advisers, valuation advisers, investment bankers, engineers, architects or other persons as to matters reasonably believed to be within the professional or expert competence of the preparer or presenter; or

(3) A committee on which the director or officer relying thereon does not serve, as to matters within the designated authority of the committee and matters on which the committee is reasonably believed to merit confidence.

4. This section does not authorize the Bank to be or conduct business as a:

(a) Bank or trust company within the jurisdiction of title 55 of NRS or under the control of an agency of United States or this State; or

(b) Bank, banker or dealer in securities within the meaning of, or subject to the provisions of, any securities, securities exchange or securities dealers' laws of the United States or of this State.

~~[4.]~~ *5. The Bank must, before accepting a deposit from any person or governmental unit, provide a notice to the depositor stating that the deposit is not insured by the Federal Deposit Insurance Corporation.*

~~[5.]~~ *6. The provisions of titles 55, 56 and 57 of NRS do not apply to the Bank.*

Sec. 22. *1. The Governor shall, to the extent that money is available from public or private sources for administrative costs, appoint an Executive Director of the Bank. The Executive Director is in the unclassified service of the State and serves at the pleasure of the Governor.*

2. The Executive Director shall administer, manage and conduct the business and affairs of the Bank subject to the direction of the Board of Directors, any conditions that the Board of Directors may from time to time prescribe or as delegated by the Board of Directors. Except as otherwise provided in this subsection, the Executive Director may exercise any power, function or duty conferred by law on the Bank in connection with the administration, management and conduct of the business and affairs of the Bank, including, without limitation:

(a) Hiring, to the extent that money is available from public or private sources for administrative costs, such employees in either the classified or unclassified service of the State as are necessary to carry out the statutory purposes and powers of the Bank.

(b) Entering into contracts concerning investments, guarantees or credit enhancements.

(c) Establishing procedures, guidelines, criteria, terms, conditions or other requirements of any contract, bond, loan, grant or program in order to carry out the intents and purposes of the Bank in authorizing the contract, bond, loan, grant or other program.

(d) Declining to guarantee any risk or to enter into any contract.

(e) Reinsuring any risk or any part of any risk, as provided in section 26 of this act.

(f) Making rules for payments through the Bank and determining to whom and through whom the payments are to be made.

(g) Investing and reinvesting any money belonging to the Bank.

(h) Entering into any contract or agreement, executing any instrument, conducting all business and affairs and performing any act necessary or convenient to carrying out the statutory purposes and powers of the Bank.

(i) Executing any instrument or performing any act necessary or convenient to carry out his or her duties pursuant to sections 2 to 36.5, inclusive, of this act.

3. The Executive Director and any employees hired pursuant to this section must be paid by the Bank from money allocated to the Bank and appropriated or authorized by the Legislature or the Interim Finance Committee.

Sec. 23. ***1. The Nevada State Infrastructure Bank Fund is hereby created as an enterprise fund. The Fund is a continuing fund without reversion.***

2. The Fund is administered by the Board of Directors.

3. The Board of Directors may establish accounts and subaccounts within the Fund, but shall establish, without limitation:

(a) A federal highway account;

(b) A federal nonhighway account;

(c) A state and local highway account;

(d) A state and local nonhighway account;

(e) A state and local utility infrastructure account; and

(f) A federal utility infrastructure account.

4. Except as otherwise provided in subsection 7, all money received by the Bank pursuant to sections 2 to 36.5, inclusive, of this act must be deposited in the Fund.

5. The Bank may accept for deposit into the Fund:

(a) Any money appropriated by the Legislature or authorized for allocation by the Interim Finance Committee;

(b) Federal funds made available to the State;

(c) Gifts, grants, donations and contributions from a governmental unit, private entity or any other source;

(d) Any money paid or credited to the Bank, by contract or otherwise, including, without limitation:

(1) Payment of principal and interest on a loan or other financial assistance provided to a qualified borrower by the Bank; and

(2) Interest earned from the investment or reinvestment of the Bank's money pursuant to section 26 of this act;

(e) Proceeds from the issuance of bonds or other securities pursuant to section 21 of this act; and

(f) Any other lawful source of money that is made available to the Bank and is not already dedicated for another purpose.

6. The Bank shall comply with all applicable federal laws governing the use of federal funds, including, without limitation, statutes and regulations governing:

(a) Any conditions or limitations on expenditures;

(b) Reporting; and

(c) The commingling of federal funds.

7. Earnings on balances in the federal accounts must be credited and invested in accordance with federal law. Earnings on state and local accounts must be deposited in the Fund to the credit of the state and local

highway account, state and local nonhighway account or state and local utility infrastructure account that generates the earnings.

8. Money in the Fund may be used only:

(a) For the capitalization of the Bank; and

(b) To carry out the statutory purposes and powers of the Bank.

9. A local government may use money from any source that is made available to the local government for the purposes of developing, constructing, repairing, improving, operating, maintaining, decommissioning or owning a transportation facility or utility infrastructure or for any other purpose set forth in sections 2 to 36.5, inclusive, of this act, to make a gift, grant, donation or contribution to the Bank or to satisfy any obligation owed by the local government to the Bank, including, without limitation, payments of principal and interest.

Sec. 24. ***1. A governmental unit, or an entity established by agreement between a governmental unit and a private entity, that wishes to obtain a loan or other financial assistance from the Bank to develop, construct, repair, improve, operate, maintain, decommission or own an eligible project must apply to the Bank in the manner prescribed by the Bank.***

2. The Executive Director shall:

(a) Review each application and determine whether the transportation facility or utility infrastructure described in the application is an eligible project; and

(b) At the request of the Board of Directors, submit information to the Board of Directors concerning any eligible project.

3. The Board of Directors shall, from time to time, designate qualified projects from among the eligible projects. The Board of Directors may give preference to an eligible project that has demonstrated local financial support.

4. The Bank may provide a loan and other financial assistance to a qualified borrower to pay for all or part of the eligible costs of a qualified project. The term of the loan or other financial assistance may not exceed the anticipated useful life of the qualified project. A loan or other financial assistance may be provided in anticipation of reimbursement for or direct payment of all or part of the eligible costs of a qualified project.

5. The Bank shall determine the form and content of a loan application, financing agreement or loan obligation, including, without limitation:

(a) The period for repayment and the rate or rates of interest on a loan; and

(b) Any nonfinancial provisions included in a financing statement or loan obligation, including, without limitation, terms and conditions relating to the regulation and supervision of a qualified project.

➥ Such form and content must substantially conform with the documents typically used for such transactions.

6. The terms and conditions set forth in a financing agreement or loan obligation for a loan or other financial assistance provided by the Bank using money from a federal account must comply with all applicable federal requirements.

Sec. 25. *1. A qualified borrower that wishes to obtain a loan or other financial assistance from the Bank must enter into a financing agreement with the Bank and may be required to issue a loan obligation to the Bank. Except as otherwise provided by specific statute, a qualified borrower entering into a financing agreement with the Bank or issuing a loan obligation to the Bank may perform any act, take any action, adopt any proceedings and make and carry out any contract or agreement with the Bank as may be agreed to by the Bank and the qualified borrower for carrying out the purposes contemplated by sections 2 to 36.5, inclusive, of this act.*

2. A qualified borrower may, in addition to any authorization set forth in this section, use any authorization granted by any other statute that allows the qualified borrower to borrow money and issue obligations in obtaining a loan or other financial assistance from the Bank to the extent determined necessary or useful by the qualified borrower in connection with any financing agreement or the issuance, securing or sale of a loan obligation to the Bank.

3. A qualified borrower may:

(a) Receive, apply, pledge, assign and grant security interests in its project revenues to secure its loan obligations as provided in sections 2 to 36.5, inclusive, of this act; and

(b) Impose and collect fees, rates, rents, assessments and other charges of general or special application for the operation of a qualified project, the system of which the qualified project is a part and any other revenue producing facilities from which the qualified borrower derives project revenues to meet its loan obligations under a financing agreement or to otherwise provide for the development, construction, repair, improvement, operation, maintenance, decommissioning or ownership of a qualified project.

Sec. 26. *1. The Bank may provide insurance or reinsurance of loans or portions thereof, or their debt service, including, without limitation, amounts payable as premiums or penalties in the event of mandatory or optional prepayment, made to finance a qualified project, and to provide insurance or reinsurance or reserves, or portions thereof, or the yield therefrom, established to secure bonds or other securities issued to fund those loans or reserves.*

2. The Bank may:

(a) Arrange an agreement for insurance or reinsurance with a user, mortgagor, lending institution, insurer or any other entity authorized to arrange such agreements in this State; and

(b) Enter into an agreement for insurance or reinsurance with any insurer authorized to reinsure or insure such risks in this State.

3. The Bank may fix a rate or rates of premium for insurance or reinsurance. The rates are not required to be uniform and may reflect any risk and classification of risk that the Bank determines to be reasonable.

4. The Bank may exercise any other power that is necessary or incidental to insurance, reinsurance and related matters.

5. The Bank shall make reasonable provisions for the security of loans made by the Bank, and any insurance, reinsurance and other financing arrangements negotiated by the Bank.

6. Any insurance or reinsurance provided by the Bank does not constitute a debt or pledge of the faith and credit of the State or any subdivision of the State.

Sec. 27. *The Bank may provide security for any issue of revenue bonds by the Bank through any commonly accepted financial instrument, including, without limitation:*

1. A deed of trust on the resources, facilities and revenues of one or more qualified projects financed by the Bank;

2. A credit enhancement, including, without limitation, a letter of credit, bond insurance or surety bond provided by a private financial institution; and

3. Insurance, reinsurance or a guarantee provided by the Bank itself.

Sec. 28. *1. Any obligation to a third person made by the Bank, including, without limitation, a bond or other security issued by the Bank pursuant to section 21 of this act and any insurance, reinsurance or reserve provided by the Bank pursuant to section 26 of this act:*

(a) Does not constitute a debt, liability or obligation of this State or any political subdivision thereof, or a pledge of the faith and credit of this State or any political subdivision thereof, but is payable solely from the revenues or assets of the Bank; and

(b) Must contain on the face thereof a statement to the effect that the Bank is not obligated to pay the obligation or any interest thereon except from the revenues or assets, if any, pledged therefor and that neither the faith and credit nor the taxing power of this State or any political subdivision thereof is pledged to the payment of the principal of or the interest on the obligation.

2. Except as otherwise provided in subsection 3, this section does not prohibit the Bank from:

(a) Pledging the full faith and credit of the Bank for the satisfaction of any obligation to a third person made by the Bank; or

(b) Issuing a bond guarantee or credit enhancement for bonds issued by a qualified borrower.

3. Notwithstanding any provision in sections 2 to 36.5, inclusive, of this act to the contrary, the Bank shall not act as a surety or guarantor for a private utility or any other private company, association or corporation.

Sec. 29. *1. Except as otherwise provided in this section, if a qualified borrower that has obtained a loan or other financial assistance from the Bank fails to remit in full any amount due to the Bank on the date on which the amount is due under the terms of any note or other loan obligation given to the Bank by the qualified borrower, the Bank shall notify the appropriate state agencies or officers, including, without limitation, the State Controller, who shall withhold all or a portion of any state money or other money administered by the State and its agencies, boards and instrumentalities that is allotted or appropriated to the qualified borrower and apply an amount necessary to the payment of the amount due.*

2. This section does not authorize the State or an agency, board or instrumentality thereof, or the State Controller, to withhold any money allocated or appropriated to a qualified borrower if to do so would violate the terms of:

(a) An appropriation by the Legislature;

(b) Any federal law;

(c) A contract to which the State is a party;

(d) A contract to which a governmental unit or qualified borrower is a party; or

(e) A judgment of a court that is binding upon the State.

Sec. 30. *The Board of Directors and any member thereof, and any officer, employee, agent or committee member of the Bank is not liable in a civil action for any act performed on behalf of the Bank in good faith and within the scope of their duties or the exercise of their authority pursuant to sections 2 to 36.5, inclusive, of this act.*

Sec. 31. *Except as otherwise provided in sections 2 to 36.5, inclusive, of this act, and notwithstanding any other provision of law, the Bank is not required to provide any notice or publication or to conduct any hearing or other proceeding before performing any act authorized in sections 2 to 36.5, inclusive, of this act.*

Sec. 32. *The Bank is an instrumentality of this State, and its property and income are exempt from all taxation by this State and any political subdivision thereof.*

Sec. 33. *1. Except as otherwise provided in subsection 2, bonds and other securities issued by the Bank pursuant to the provisions of sections 2 to 36.5, inclusive, of this act, their transfer and the income therefrom must forever be and remain free and exempt from taxation by this State or any subdivision thereof.*

2. The provisions of subsection 1 do not apply to the tax on estates imposed pursuant to the provisions of chapter 375A of NRS or the tax on generation-skipping transfers imposed pursuant to the provisions of chapter 375B of NRS.

Sec. 34. *Notwithstanding any provision in sections 2 to 36.5, inclusive, of this act to the contrary, sections 2 to 36.5, inclusive, of this act are*

supplemental to, and not in lieu of, the right of any qualified borrower to issue general obligation bonds or other bonds that the qualified borrower is otherwise lawfully authorized to issue.

Sec. 35. ***1. To the extent possible, the provisions of sections 2 to 36.5, inclusive, of this act are intended to supplement other statutory provisions governing the development, construction, repair, improvement, maintenance, decommissioning, operation and ownership of transportation facilities and utility infrastructure and the issuance of bonds and other securities by this State or a political subdivision thereof, and such other provisions must be given effect to the extent that those provisions do not conflict with the provisions of sections 2 to 36.5, inclusive, of this act. If there is a conflict between such other provisions and the provisions of sections 2 to 36.5, inclusive, of this act, the provisions of sections 2 to 36.5, inclusive, of this act control.***

2. The provisions of NRS 338.013 to 338.090, inclusive, apply to any contract for construction work on a qualified project if all or part of the costs of the qualified project are paid for using a loan or other financial assistance from the Bank. The Bank, the qualified borrower, any contractor who is awarded a contract or enters into an agreement to perform construction work on the qualified project, and any subcontractor who performs any portion of the construction work shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if a public body had undertaken the qualified project or had awarded the contract.

Sec. 36. ***The Board of Directors shall, not later than 90 days after the end of each fiscal year:***

1. Prepare a report on the operations of the Bank during that year.

2. Submit the report prepared pursuant to subsection 1 to:

(a) The Governor; and

(b) The Director of the Legislative Counsel Bureau for transmittal to:

(1) If the report is prepared in an even-numbered year, the next regular session of the Legislature; or

(2) If the report is prepared in an odd-numbered year, the Legislative Commission.

Sec. 36.5. ***Any division of the Department may, to the extent that money is available for that purpose, provide technical advice, support and assistance to the Bank.***

Sec. 36.6. NRS 408.111 is hereby amended to read as follows:

408.111 1. The Department consists of a Director, two Deputy Directors, a Chief Engineer and the following ~~[divisions:]~~ ***:***

(a) Administrative Division.

(b) Operations Division.

(c) Engineering Division.

(d) Planning Division.

(e) Nevada State Infrastructure Bank.

2. The head of a Division is an assistant director. Assistant directors are in the unclassified service of the State.

Sec. 36.7. NRS 408.116 is hereby amended to read as follows:

408.116 ***Except as otherwise provided in sections 2 to 36.5, inclusive, of this act:***

1. All legal notices, writs, service and process issued or ordered by a court of competent jurisdiction wherein the Department is named as a defendant must be personally served upon both the Director and the Chair of the Board or, in the absence of the Director and the Chair of the Board, the process must be served personally upon both the Secretary of State and one of the Deputy Directors.

2. All legal actions brought and defended by the Department must be in the name of the State of Nevada on relation of its Department.

3. This section is not a consent on the part of the Department to be sued.

Sec. 36.8. NRS 408.131 is hereby amended to read as follows:

408.131 ~~[The]~~ ***Except as otherwise provided in sections 2 to 36.5, inclusive, of this act, the*** Board shall:

1. Consider, at its meetings, all questions relating to the general policy of the Department and transact such business as properly comes before it.

2. Receive and consider, at such time as the Board selects, an annual report by the Director.

3. Except as otherwise provided in NRS 408.203, act for the Department in all matters relating to recommendations, reports and such other matters as the Board finds advisable to submit to the Legislature.

4. Maintain a record of all proceedings of the Board.

5. Execute or approve all instruments and documents in the name of the State or the Department necessary to carry out the provisions of this chapter.

6. Except as otherwise provided in NRS 408.389, delegate to the Director such authority as it deems necessary under the provisions of this chapter.

7. Act by resolution, vote or order entered in its records.

Sec. 36.9. NRS 408.172 is hereby amended to read as follows:

408.172 1. Subject to the approval of the Board, the Attorney General shall, immediately upon request by the Board, appoint an attorney at law as the Chief Counsel of the Department, and such assistant attorneys as are necessary. Attorneys so appointed are deputy attorneys general.

2. ~~[The]~~ ***Except as otherwise provided in sections 2 to 36.5, inclusive, of this act, the*** Chief Counsel shall act as the attorney and legal adviser of the Department in all actions, proceedings, hearings and all matters relating to the Department and to the powers and duties of its officers.

3. Under the direction of or in the absence of the Chief Counsel, the assistant attorneys may perform any duty required or permitted by law to be performed by the Chief Counsel.

4. The Chief Counsel and assistant attorneys are in the unclassified service of the State.

5. ~~[All]~~ ***Except as otherwise provided in sections 2 to 36.5, inclusive, of this act, all*** contracts, instruments and documents executed by the Department must be first approved and endorsed as to legality and form by the Chief Counsel.

Sec. 37. (Deleted by amendment.)

Sec. 37.1. NRS 408.175 is hereby amended to read as follows:

408.175 1. The Director shall:

(a) Appoint one Deputy Director who in the absence, inability or failure of the Director has full authority to perform any duty required or permitted by law to be performed by the Director.

(b) Appoint one Deputy Director for southern Nevada whose principal office must be located in an urban area in southern Nevada.

(c) Appoint one Deputy Director with full authority to perform any duty required or allowed by law to be performed by the Director to implement, manage, oversee and enforce any environmental program of the Department. The Deputy Director described in this paragraph shall coordinate the implementation of NRS 408.441 to 408.451, inclusive, with the State Department of Conservation and Natural Resources.

(d) ~~[Employ]~~ ***Except as otherwise provided in section 22 of this act, employ*** such engineers, engineering and technical assistants, clerks and other personnel as in the Director's judgment may be necessary to the proper conduct of the Department and to carry out the provisions of this chapter.

2. Except as otherwise provided in NRS 284.143, the Deputy Directors shall devote their entire time and attention to the business of the office and shall not pursue any other business or occupation or hold any other office of profit.

3. The Director may delegate such authority as may be necessary for the Deputy Director appointed pursuant to paragraph (b) of subsection 1 to carry out his or her duties.

Sec. 37.2. NRS 408.205 is hereby amended to read as follows:

408.205 1. With the approval of the Board, the Director may execute all plans, specifications, contracts and instruments in the name of the State of Nevada necessary for the carrying out of the provisions of this chapter, except ***as otherwise provided in sections 2 to 36.5, inclusive, of this act and except*** those construction contracts as provided in NRS 408.327 and 408.347.

2. The Director has such other power and authority as is necessary and proper under the provisions of this chapter, or as the Board delegates to the Director.

3. The Director shall provide for the purchase of United States Savings Bonds or similar United States obligations by salary or wage deductions for officers and employees of the Department who make written requests for such deductions and purchases. To allow all Department officers and employees the opportunity of requesting salary or wage deductions for the

purchase of United States obligations, the Director shall provide forms authorizing the deductions and purchases and shall make them readily available to all Department officers and employees.

Sec. 37.3. NRS 408.215 is hereby amended to read as follows:

408.215 1. The Director has charge of all the records of the Department, keeping records of all proceedings pertaining to the Department and keeping on file information, plans, specifications, estimates, statistics and records prepared by the Department, except ***as otherwise provided in sections 2 to 36.5, inclusive, of this act and except*** those financial statements described in NRS 408.333 and the financial or proprietary information described in paragraph (c) of subsection 6 of NRS 408.3886, which must not become matters of public record.

2. The Director may photograph, film, place an image of on microfilm, save as an image in an electronic recordkeeping system or dispose of the records of the Department referred to in subsection 1 as provided in NRS 239.051, 239.080 and 239.085.

3. The Director shall maintain an index or record of deeds or other references of title or interests in and to all lands or interests in land owned or acquired by the Department.

4. The Director shall adopt such regulations as may be necessary to carry out and enforce the provisions of this chapter.

Sec. 37.4. NRS 408.225 is hereby amended to read as follows:

408.225 Except as otherwise provided in NRS 408.323 ~~[,]~~ ***and in sections 2 to 36.5, inclusive, of this act,*** the Director, with the approval of the Board, may rent, lease, purchase and contract for all equipment, materials, supplies, vehicles, road machinery, tools, implements and technical services required for the purpose of this chapter. Such equipment, supplies and services must be managed and used under the control of the Director.

Sec. 37.5. NRS 408.265 is hereby amended to read as follows:

408.265 ~~[All]~~ ***Except as otherwise provided in sections 2 to 36.5, inclusive, of this act, all*** money received from the Government of the United States and by virtue of the provisions of any Act of Congress for the engineering, planning, surveying, acquiring of property, constructing, reconstructing or improving of any highway in the State must be put into the State Treasury and become a part of the State Highway Fund and that Fund must not be used for any other purpose.

Sec. 37.6. NRS 408.389 is hereby amended to read as follows:

408.389 1. Except as otherwise provided in subsection 2 ~~[,]~~ ***and sections 2 to 36.5, inclusive, of this act,*** the Department shall not purchase any equipment which exceeds $50,000, unless the purchase is first approved by the Board.

2. Before the Board may approve the purchase of any mobile equipment which exceeds $50,000, the Department shall:

(a) Prepare and present to the Board an analysis of the costs and benefits, including, without limitation, all related personnel costs, that are associated with:

(1) Purchasing, operating and maintaining the same item of equipment;

(2) Leasing, operating and maintaining the same item of mobile equipment; or

(3) Contracting for the performance of the work which would have been performed using the mobile equipment; and

(b) Justify the need for the purchase based on that analysis.

3. The Board shall not:

(a) Delegate to the Director its authority to approve purchases of equipment pursuant to subsection 1; or

(b) Approve any purchase of mobile equipment which exceeds $50,000 and for which the Department is unable to provide justification pursuant to subsection 2.

Sec. 37.7. NRS 338.080 is hereby amended to read as follows:

338.080 ~~[None]~~ ***Except as otherwise provided in section 35 of this act, none*** of the provisions of NRS 338.020 to 338.090, inclusive, apply to:

1. Any work, construction, alteration, repair or other employment performed, undertaken or carried out, by or for any railroad company or any person operating the same, whether such work, construction, alteration or repair is incident to or in conjunction with a contract to which a public body is a party, or otherwise.

2. Apprentices recorded under the provisions of chapter 610 of NRS.

3. Any contract for a public work whose cost is less than $250,000. A unit of the project must not be separated from the total project, even if that unit is to be completed at a later time, in order to lower the cost of the project below $250,000.

4. Any contract for a public work or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property to which a charter school is a party, notwithstanding any other provision of law.

5. A public work of, or constructed by, a charter school, or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property of or constructed by a charter school, notwithstanding any other provision of law.

Sec. 38. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 39. 1. This act becomes effective upon passage and approval for the purposes of establishing the Nevada State Infrastructure Bank and appointing the Board of Directors.

2. For all other purposes, this act becomes effective on the date on which the Director of the Department of Transportation notifies the Governor and

the Director of the Legislative Counsel Bureau that sufficient money is available to capitalize and carry out the business of the Nevada State Infrastructure Bank created by section 20 of this act.

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 1135 to Assembly Bill No. 399.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

The amendment provides that members of the Board of Directors are public officers and that they must act in good faith and a commercially reasonable manner.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 1156.

SUMMARY—Establishes the Nevada State Infrastructure Bank **[.]** **and revises provisions relating to certain public works.** (BDR 35-1129)

AN ACT relating to **[**transportation;**]** **public works;** establishing the Nevada State Infrastructure Bank; providing for the governance of the Bank by a Board of Directors; establishing the powers and duties of the Board of Directors; providing for the administration of the Bank by an Executive Director to the extent that certain money is available; establishing the powers and duties of the Executive Director; establishing the Nevada State Infrastructure Bank Fund; authorizing the Bank to perform certain acts in connection with the financing of certain transportation facilities and utility infrastructure; providing civil immunity for certain persons for certain official actions; **revising provisions governing revenues pledged for the payment of bonds to finance the renovation or expansion of the Las Vegas Convention Center; revising provisions governing audits of the use of such revenues;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2-36.5 of this bill establish the Nevada State Infrastructure Bank. The purpose of the Bank is to provide loans and other financial assistance to various units of state and local government for the development, construction, repair, improvement, maintenance, decommissioning, operation and ownership of certain transportation facilities and utility infrastructure. **Sections 20 and 37.1** of this bill create the Bank within the Department of Transportation and provide for its governance by a Board of Directors. **Section 21** of this bill establishes certain powers and duties of the Board of Directors. **Section 21** further authorizes the Board of Directors to issue bonds or other securities to raise money to carry out its statutory purposes and powers. **Section 21** also requires the Board of Directors to act in a commercially reasonable manner and authorizes the Board of Directors to rely on certain information if it is prepared or presented by certain people or entities. **Section 22** of this bill requires the Governor, to the extent that money is available from public or private sources for administrative costs, to appoint an Executive Director to administer, manage and conduct the affairs

of the Bank and establishes the powers and duties of the Executive Director. **Section 22** also requires that the Executive Director and any employees hired be paid from money allocated to the Bank and appropriated or authorized by the Legislature or the Interim Finance Committee. **Section 23** of this bill creates the Nevada State Infrastructure Bank Fund to be administered by the Board of Directors and used exclusively to capitalize and carry out the statutory powers and purpose of the Bank.

Section 24 of this bill establishes certain procedures relating to: (1) applications for a loan or other financial assistance from the Bank in connection with a project to develop, construct, repair, improve, operate, maintain, decommission or own a transportation facility or utility infrastructure; (2) the determination by the Executive Director of eligible projects; and (3) selection by the Board of Directors of projects that qualify to obtain such a loan or assistance. **Section 25** of this bill requires a borrower whose project is qualified to receive a loan or other financial assistance to enter into a financing agreement with the Bank and, in case of a loan, to issue some kind of security to the Bank that evidences the borrower's obligation to repay the loan.

Section 26 of this bill authorizes the Bank to act as an insurer or reinsurer in connection with a loan or satisfaction of a related obligation made by the Bank. **Section 27** of this bill authorizes the Bank to provide security for any revenue bonds issued by the Bank.

Section 28 of this bill provides that any debt or obligation issued by the Bank is not a debt, liability or obligation of this State or of any political subdivision thereof, or a pledge of the faith and credit of this State or a political subdivision, other than the Bank itself.

If a borrower who has received a loan from the Bank fails to make a payment of any money owed to the Bank, **section 29** of this bill authorizes the Bank, under certain circumstances, to require other state agencies that are in possession of money of the State or other money that is allotted or appropriated to the borrower to withhold that money from that borrower and remit it to the Bank to use the money to make the necessary payment to the Bank.

Section 30 of this bill provides a grant of immunity from civil liability to the Board of Directors of the Bank or the officers and employees of the Bank for certain official acts under certain circumstances. **Section 31** of this bill exempts the Bank from certain procedural prerequisites that would otherwise be applicable to its actions. **Section 32** of this bill exempts the property of the Bank and its income from taxation. **Section 33** of this bill exempts the bonds and other securities issued by the Bank from most forms of taxation.

Section 34 of this bill provides that any authority given to a governmental borrower to issue bonds by this bill is supplemental to, and not in lieu of, any existing authority to issue bonds.

Section 35 of this bill also provides that the provisions of this bill are intended to supplement, not supplant, other existing laws concerning the

development, construction, repair, improvement, maintenance, decommissioning, operation and ownership of transportation facilities and utility infrastructure and the issuance of bonds and other securities by this State and political subdivisions thereof. However, **section 35** also provides that if there is a conflict between those laws and this bill, the provisions of this bill control. **Section 35** also provides that a contract for construction on a qualified project funded in whole or in part by a loan or other financial assistance from the Bank is subject to the prevailing wage requirement.

Section 36 of this bill requires the Bank to submit an annual report concerning its activities to the Governor and the Legislature. **Section 36.5** of this bill authorizes the divisions of the Department of Transportation, to the extent that money is available for that purpose, to provide technical advice, support and assistance to the Bank.

Existing law creates the Oversight Panel for Convention Facilities to perform certain functions related to the oversight of the renovation or expansion of the Las Vegas Convention Center. (Section 53 of chapter 2, Statutes of Nevada 2016, 30th Special Session, p. 54) Under existing law, the Las Vegas Convention and Visitors Authority is required to submit to the Oversight Panel an annual third-party audit of the use of certain revenues for the expansion or renovation of the Convention Center. This audit must be submitted to the Oversight Panel on or before August 31 of each year. (Section 54 of chapter 2, Statutes of Nevada 2016, 30th Special Session, p. 55) Section 37.8 of this bill revises the due date for the audit so that the audit must be submitted to the Oversight Panel not later than 5 months after the end of the fiscal year for which the audit is performed.

Existing law requires certain taxes on the rental of transient lodging and certain other revenue to be pledged for the payment of bonds issued to defray the cost of the renovation or expansion of the Las Vegas Convention Center. (Sections 56-58 of chapter 2, Statutes of Nevada 2016, 30th Special Session, pp. 56-57) Under existing law, if the proceeds of certain taxes on the rental of transient lodging which must be pledged to the payment of such bonds will generate sufficient revenue to meet or exceed a debt service coverage ratio of 1.5 times the anticipated annual debt service for the term of the bonds, the bonds must be issued in accordance with certain provisions of existing law. (Section 61 of chapter 2, Statutes of Nevada 2016, 30th Special Session, p. 58) Section 37.9 of this bill provides that the revenue pledged for the payment of such bonds include available proceeds from other taxes imposed on the rental of transient lodging that will be pledged to the payment of such bonds and certain other revenues that will be pledged for the payment of such bonds. (Section 56 of chapter 2, Statutes of Nevada 2016, 30th Special Session, p. 56)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 408 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 36.5, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 36.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 19, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Bank" means the Nevada State Infrastructure Bank.***

Sec. 4. ***"Board of Directors" means the Board of Directors of the Bank.***

Sec. 5. ***"Eligible costs" means, as applied to a qualified project to be financed from:***

1. The federal highway account established by section 23 of this act, the costs that are allowed under applicable federal laws, requirements, procedures and guidelines in regard to establishing, operating and providing assistance from the Bank.

2. The state and local highway account established by section 23 of this act, costs including, without limitation, the cost of preliminary engineering, traffic and revenue studies, environmental studies, right-of-way acquisition, legal and financial services associated with the development of the qualified project, construction, construction management, facilities, sustainability certification and other costs necessary for the qualified project.

3. The federal utility infrastructure account established by section 23 of this act, costs including, without limitation, the cost of preliminary engineering, environmental studies, property right acquisition, legal and financial services associated with the development of the qualified project, construction, construction management, equipment, facilities and other nonoperating costs necessary for the qualified project.

4. A federal or state and local nonhighway account established by section 23 of this act, costs including, without limitation, the cost of preliminary engineering, traffic and revenue studies, environmental studies, right-of-way acquisition, legal and financial services associated with the development of the qualified project, construction, construction management, equipment, facilities and other nonoperating costs necessary for the qualified project.

5. The state and local utility infrastructure account established by section 23 of this act, costs including, without limitation, the cost of preliminary engineering, environmental studies, property right acquisition, legal and financial services associated with the development of the qualified project, construction, construction management, equipment, facilities, sustainability certification and other nonoperating costs necessary for the qualified project.

Sec. 6. *"Eligible project" means the development, construction, repair, improvement, operation, maintenance, decommissioning or ownership of a transportation facility or utility infrastructure.*

Sec. 7. *"Executive Director" means the Executive Director of the Bank.*

Sec. 8. *"Federal accounts" means the federal highway account, federal nonhighway account and federal utility infrastructure account established pursuant to section 23 of this act.*

Sec. 9. *1. "Financing agreement" means any agreement entered into between the Bank and a qualified borrower pertaining to a loan or other financial assistance for a qualified project, which may or may not include nonfinancial provisions relating to the qualified project, including, without limitation, terms and conditions relating to the regulation and supervision of the qualified project.*

2. The term includes, without limitation:

(a) A loan agreement;

(b) A trust indenture;

(c) A security agreement;

(d) A reimbursement agreement;

(e) A guarantee agreement;

(f) A bond or note; and

(g) An ordinance or a resolution or similar instrument.

Sec. 10. *"Governmental unit" means:*

1. The State of Nevada, including, without limitation, any board, commission, agency, department, division or instrumentality thereof;

2. A political subdivision of the State of Nevada, including, without limitation, a county, city, town, school district, general or local improvement district or a combination of two or more of those entities acting jointly, including, without limitation, as a regional transportation commission as defined in NRS 482.1825; and

3. A utility.

Sec. 11. *"Loan" means any form of direct financial assistance that is provided by the Bank to a qualified borrower to defray all or part of the anticipated or actual costs of a qualified project and is required to be repaid by the borrower over a period of time.*

Sec. 12. *"Loan obligation" means a bond, note or other evidence of a qualified borrower's obligation to repay a loan given by the Bank.*

Sec. 13. *"Other financial assistance" means any use of money by the Bank for the benefit of a qualified borrower, including, without limitation, a grant, contribution, credit enhancement, capital or debt reserve for bonds or other debt instrument financing, an interest rate subsidy, letter of credit or other credit instrument, security for a bond or other debt financing instrument and other lawful forms of financing and methods of leveraging funds that are approved by the Board of Directors and, in the case of*

money made available to the State by the Federal Government, as allowed by applicable federal law.

Sec. 14. ***"Project revenue" means any rate, rent, fee, assessment related specifically to the project, charge or other receipt derived or to be derived by a qualified borrower from a qualified project and, if so provided in the applicable financing agreement, derived from any system of which the qualified project is a part or from any other revenue producing facility under the ownership or control of the qualified borrower, including, without limitation, the proceeds of a grant, gift, appropriation or loan, including, without limitation, the proceeds of a loan made by the Bank, investment earnings, payments to a reserve for capital or current expenses, proceeds of insurance or condemnation and proceeds from the sale or other disposition of property.***

Sec. 15. ***"Qualified borrower" means a governmental unit, or an entity established by an agreement between a governmental unit and a private entity, that is authorized to develop, construct, repair, improve, maintain, decommission, operate or own a qualified project.***

Sec. 16. ***"Qualified project" means an eligible project that has been selected by the Bank to receive a loan or other financial assistance.***

Sec. 17. ***"State and local accounts" means the state and local highway account, state and local nonhighway account and state and local utility infrastructure account established by the Bank pursuant to section 23 of this act.***

Sec. 18. ***"Transportation facility" means any existing, enhanced, upgraded or new facility that is used or useful for the safe transport of people, information or goods via one or more modes of transport, including, without limitation, any of the following:***

1. A road, railroad, bridge, tunnel, overpass, airport, mass transit, light or commuter rail, conduit, ferry, boat, vessel, parking facility, intermodal or multimodal system or any other mode of transport, including, without limitation, those utilizing autonomous technology, and any rights of way necessary for any eligible transportation facility.

2. Related or ancillary to, or used or useful to provide, operate, maintain or generate revenue for, a facility described in subsection 1, including, without limitation, administrative buildings and other buildings, structures, rest areas, maintenance yards, rail yards, ports of entry or storage facilities, vehicles, rolling stock, energy systems, control, communications and information systems, parking facilities and similar commercial facilities used for the support of or the transportation of persons, information or goods or other related equipment, items or property, including, without limitation, any other property that is needed to operate the facility.

3. All improvements, including equipment necessary to the full utilization of a transportation facility, including, without limitation, site preparation, roads and streets, sidewalks, water supply, outdoor lighting,

belt line railroad sidings and lead tracks, bridges, causeways, terminals for railroad, automotive and air transportation and transportation facilities incidental to the project.

Sec. 18.5. *"Utility" has the meaning ascribed to it in NRS 408.407.*

Sec. 19. *"Utility infrastructure" means any infrastructure which allows for the connection of the transmission or distribution system of a utility to a distribution facility installed by a master-planned industrial or business park in conformance with the tariffs of the utility and includes, without limitation, the engineering and construction of the infrastructure.*

Sec. 20. *1. The Nevada State Infrastructure Bank is hereby created within the Department.*

2. The purpose of the Bank is to provide loans and other financial assistance to various governmental units for the development, construction, repair, improvement, operation, maintenance, decommissioning and ownership of transportation facilities and utility infrastructure as necessary for public purposes, including, without limitation, economic development.

3. The Bank is administered by a Board of Directors consisting of:

(a) The Director of the Department of Transportation or his or her designee;

(b) The State Treasurer or his or her designee;

(c) The Director of the Department of Business and Industry or his or her designee;

(d) The Executive Director of the Office of Economic Development or his or her designee; and

(e) Two representatives of the general public, at least one of whom must reside in a county whose population is 700,000 or more, appointed by the Governor.

4. Each member of the Board of Directors who is appointed pursuant to subsection 3 serves at the pleasure of the appointing authority.

5. A vacancy on the Board of Directors in an appointed position must be filled by the appointing authority in the same manner as the original appointment.

6. The Board of Directors shall elect annually from among its members a Chair and a Vice Chair.

7. Four members of the Board of Directors constitute a quorum for the transaction of business, and the affirmative vote of at least four members of the Board of Directors is required to take action.

8. The members of the Board of Directors are public officers and are subject to all applicable provisions of law, including, without limitation, the provisions of chapter 281A of NRS.

9. A meeting of the Board of Directors must be conducted in accordance with the provisions of chapter 241 of NRS.

10. To the extent that money is available from public or private sources for administrative costs:

(a) Each member of the Board of Directors who is not otherwise an officer or employee of this State is entitled to receive $100 for each full day of attending a meeting of the Board of Directors.

(b) Each member of the Board of Directors is entitled, while engaged in the business of the Board of Directors, to receive the per diem allowance and travel expenses provided for state officers and employees generally. The per diem allowance and travel expenses provided to a member of the Board of Directors who is an officer or employee of this State or a political subdivision of this State must be paid by the state agency or political subdivision that employs him or her.

11. A member of the Board of Directors who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that he or she may prepare for and attend meetings of the Board of Directors and perform any work necessary to carry out the duties of the Board of Directors in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Board of Directors to:

(a) Make up the time the member is absent from work to carry out his or her duties as a member of the Board of Directors; or

(b) Take annual leave or compensatory time for the absence.

Sec. 21. *1. The Board of Directors may:*

(a) Make, and from time to time amend and repeal, bylaws not inconsistent with sections 2 to 36.5, inclusive, of this act to carry into effect the powers and purposes of sections 2 to 36.5, inclusive, of this act.

(b) Sue and be sued in the name of the Bank.

(c) Have a seal and alter the same at the pleasure of the Board of Directors, but the failure to affix the seal does not affect the validity of an instrument executed on behalf of the Bank.

(d) Make loans to qualified borrowers to finance all or part of the eligible costs of a qualified project.

(e) Provide qualified borrowers with other financial assistance necessary to defray all or part of the eligible costs of a qualified project.

(f) Acquire, hold and sell loan obligations at such prices and in such a manner as the Board of Directors deems advisable.

(g) Enter into contracts, arrangements and agreements with qualified borrowers and other persons and execute and deliver all financing agreements and other instruments necessary or convenient to carry out the powers and duties of the Board of Directors.

(h) Enter into agreements with a department, agency or instrumentality of the United States or governmental unit of this State or another state for the purpose of providing for the financing of qualified projects.

(i) Establish:

(1) Policies and procedures to govern the selection of qualified projects and the issuance and administration of loans and other financial assistance provided by the Bank; and

(2) Fiscal controls and accounting procedures to ensure proper accounting and reporting by the Bank and qualified borrowers.

(j) Acquire, by purchase, lease, donation or other lawful means, real or personal property and any interest therein.

(k) Sell, convey, pledge, lease, exchange, transfer and dispose of all or any part of the property and assets of the Bank.

(l) Procure insurance, guarantees, letters of credit and other forms of collateral or security or credit support for the payment of bonds or other securities issued by the Bank and the payment of premiums or fees on such insurance, guarantees, letters of credit and other forms of collateral or security or credit support.

(m) Collect or authorize the trustee under any trust indenture that secures any bonds or other securities issued by the Bank to collect amounts due from a qualified borrower under any loan obligation owned by the Bank, including, without limitation, taking any lawful action required to obtain payment of any sums in default.

(n) Unless restricted by the terms of an agreement with the holders of bonds or other securities issued by the Bank, consent to any modification of the terms of any loan obligations owned by the Bank, including, without limitation, the rate of interest, period of repayment and payment of any installment of principal or interest.

(o) Borrow money through the issuance of bonds and other securities as provided in sections 2 to 36.5, inclusive, of this act.

(p) Incur expenses to obtain accounting, management, legal or financial consulting and other professional services necessary to the operations of the Bank.

(q) To the extent that money is available from public or private sources of administrative costs, pay any costs incurred for the administration of the operations of the Bank.

(r) Establish advisory committees, which may include persons from the private sector with civil engineering, banking and financial expertise.

(s) Procure insurance against losses in connection with the Bank's property, assets or activities, including, without limitation, insurance against liability for any act of the Bank or its employees or agents, or establish cash reserves to enable the Bank to act as a self-insurer against such losses.

(t) Impose and collect fees and charges in connection with the activities of the Bank.

(u) Apply for, receive and accept from any source aid grants or contributions of money, property, labor or other things of value to be used to carry out the statutory purposes and powers of the Bank.

(v) Enter into contracts, arrangements or agreements for the servicing and processing of financial agreements.

(w) Accept and hold, with payment of interest, money deposited with the Bank.

(x) Request technical advice, support and assistance from the divisions of the Department.

(y) Do all other things necessary or convenient to exercise any power granted or reasonably implied by sections 2 to 36.5, inclusive, of this act.

2. Except as otherwise provided in sections 2 to 36.5, inclusive, of this act, the Bank may exercise any fiscal power granted to the Bank in sections 2 to 36.5, inclusive, of this act, without the review or approval of any other department, division or agency of the State or any political subdivision thereof, except for the Board of Directors.

3. In exercising the powers and performing the functions set forth in sections 2 to 36.5, inclusive, of this act, the members of the Board of Directors:

(a) Must act in a commercially reasonable manner and in the interests of this State. For the purposes of this paragraph, the interests of this State include, without limitation, the public welfare and economy of this State and the long-term and short-term interests of this State.

(b) May, unless a member of the Board of Directors has knowledge concerning a matter in question that would cause reliance thereon to be unwarranted, rely on information, opinions, reports, books of account or statements, including, without limitation, financial statements and other financial data, that are prepared or presented by:

(1) One or more members of the Board of Directors or officers or employees of the Bank reasonably believed to be reliable and competent in the matters prepared or presented;

(2) Counsel, public accountants, financial advisers, valuation advisers, investment bankers, engineers, architects or other persons as to matters reasonably believed to be within the professional or expert competence of the preparer or presenter; or

(3) A committee on which the director or officer relying thereon does not serve, as to matters within the designated authority of the committee and matters on which the committee is reasonably believed to merit confidence.

4. This section does not authorize the Bank to be or conduct business as a:

(a) Bank or trust company within the jurisdiction of title 55 of NRS or under the control of an agency of United States or this State; or

(b) Bank, banker or dealer in securities within the meaning of, or subject to the provisions of, any securities, securities exchange or securities dealers' laws of the United States or of this State.

5. The Bank must, before accepting a deposit from any person or governmental unit, provide a notice to the depositor stating that the deposit is not insured by the Federal Deposit Insurance Corporation.

6. The provisions of titles 55, 56 and 57 of NRS do not apply to the Bank.

Sec. 22. *1. The Governor shall, to the extent that money is available from public or private sources for administrative costs, appoint an Executive Director of the Bank. The Executive Director is in the unclassified service of the State and serves at the pleasure of the Governor.*

2. The Executive Director shall administer, manage and conduct the business and affairs of the Bank subject to the direction of the Board of Directors, any conditions that the Board of Directors may from time to time prescribe or as delegated by the Board of Directors. Except as otherwise provided in this subsection, the Executive Director may exercise any power, function or duty conferred by law on the Bank in connection with the administration, management and conduct of the business and affairs of the Bank, including, without limitation:

(a) Hiring, to the extent that money is available from public or private sources for administrative costs, such employees in either the classified or unclassified service of the State as are necessary to carry out the statutory purposes and powers of the Bank.

(b) Entering into contracts concerning investments, guarantees or credit enhancements.

(c) Establishing procedures, guidelines, criteria, terms, conditions or other requirements of any contract, bond, loan, grant or program in order to carry out the intents and purposes of the Bank in authorizing the contract, bond, loan, grant or other program.

(d) Declining to guarantee any risk or to enter into any contract.

(e) Reinsuring any risk or any part of any risk, as provided in section 26 of this act.

(f) Making rules for payments through the Bank and determining to whom and through whom the payments are to be made.

(g) Investing and reinvesting any money belonging to the Bank.

(h) Entering into any contract or agreement, executing any instrument, conducting all business and affairs and performing any act necessary or convenient to carrying out the statutory purposes and powers of the Bank.

(i) Executing any instrument or performing any act necessary or convenient to carry out his or her duties pursuant to sections 2 to 36.5, inclusive, of this act.

3. The Executive Director and any employees hired pursuant to this section must be paid by the Bank from money allocated to the Bank and appropriated or authorized by the Legislature or the Interim Finance Committee.

Sec. 23. ***1. The Nevada State Infrastructure Bank Fund is hereby created as an enterprise fund. The Fund is a continuing fund without reversion.***

2. The Fund is administered by the Board of Directors.

3. The Board of Directors may establish accounts and subaccounts within the Fund, but shall establish, without limitation:

(a) A federal highway account;

(b) A federal nonhighway account;

(c) A state and local highway account;

(d) A state and local nonhighway account;

(e) A state and local utility infrastructure account; and

(f) A federal utility infrastructure account.

4. Except as otherwise provided in subsection 7, all money received by the Bank pursuant to sections 2 to 36.5, inclusive, of this act must be deposited in the Fund.

5. The Bank may accept for deposit into the Fund:

(a) Any money appropriated by the Legislature or authorized for allocation by the Interim Finance Committee;

(b) Federal funds made available to the State;

(c) Gifts, grants, donations and contributions from a governmental unit, private entity or any other source;

(d) Any money paid or credited to the Bank, by contract or otherwise, including, without limitation:

(1) Payment of principal and interest on a loan or other financial assistance provided to a qualified borrower by the Bank; and

(2) Interest earned from the investment or reinvestment of the Bank's money pursuant to section 26 of this act;

(e) Proceeds from the issuance of bonds or other securities pursuant to section 21 of this act; and

(f) Any other lawful source of money that is made available to the Bank and is not already dedicated for another purpose.

6. The Bank shall comply with all applicable federal laws governing the use of federal funds, including, without limitation, statutes and regulations governing:

(a) Any conditions or limitations on expenditures;

(b) Reporting; and

(c) The commingling of federal funds.

7. Earnings on balances in the federal accounts must be credited and invested in accordance with federal law. Earnings on state and local accounts must be deposited in the Fund to the credit of the state and local highway account, state and local nonhighway account or state and local utility infrastructure account that generates the earnings.

8. Money in the Fund may be used only:

(a) For the capitalization of the Bank; and

(b) To carry out the statutory purposes and powers of the Bank.

9. A local government may use money from any source that is made available to the local government for the purposes of developing, constructing, repairing, improving, operating, maintaining, decommissioning or owning a transportation facility or utility infrastructure or for any other purpose set forth in sections 2 to 36.5, inclusive, of this act, to make a gift, grant, donation or contribution to the Bank or to satisfy any obligation owed by the local government to the Bank, including, without limitation, payments of principal and interest.

Sec. 24. ***1. A governmental unit, or an entity established by agreement between a governmental unit and a private entity, that wishes to obtain a loan or other financial assistance from the Bank to develop, construct, repair, improve, operate, maintain, decommission or own an eligible project must apply to the Bank in the manner prescribed by the Bank.***

2. The Executive Director shall:

(a) Review each application and determine whether the transportation facility or utility infrastructure described in the application is an eligible project; and

(b) At the request of the Board of Directors, submit information to the Board of Directors concerning any eligible project.

3. The Board of Directors shall, from time to time, designate qualified projects from among the eligible projects. The Board of Directors may give preference to an eligible project that has demonstrated local financial support.

4. The Bank may provide a loan and other financial assistance to a qualified borrower to pay for all or part of the eligible costs of a qualified project. The term of the loan or other financial assistance may not exceed the anticipated useful life of the qualified project. A loan or other financial assistance may be provided in anticipation of reimbursement for or direct payment of all or part of the eligible costs of a qualified project.

5. The Bank shall determine the form and content of a loan application, financing agreement or loan obligation, including, without limitation:

(a) The period for repayment and the rate or rates of interest on a loan; and

(b) Any nonfinancial provisions included in a financing statement or loan obligation, including, without limitation, terms and conditions relating to the regulation and supervision of a qualified project.

➥ Such form and content must substantially conform with the documents typically used for such transactions.

6. The terms and conditions set forth in a financing agreement or loan obligation for a loan or other financial assistance provided by the Bank using money from a federal account must comply with all applicable federal requirements.

Sec. 25. ***1. A qualified borrower that wishes to obtain a loan or other financial assistance from the Bank must enter into a financing agreement with the Bank and may be required to issue a loan obligation to the Bank. Except as otherwise provided by specific statute, a qualified borrower entering into a financing agreement with the Bank or issuing a loan obligation to the Bank may perform any act, take any action, adopt any proceedings and make and carry out any contract or agreement with the Bank as may be agreed to by the Bank and the qualified borrower for carrying out the purposes contemplated by sections 2 to 36.5, inclusive, of this act.***

2. A qualified borrower may, in addition to any authorization set forth in this section, use any authorization granted by any other statute that allows the qualified borrower to borrow money and issue obligations in obtaining a loan or other financial assistance from the Bank to the extent determined necessary or useful by the qualified borrower in connection with any financing agreement or the issuance, securing or sale of a loan obligation to the Bank.

3. A qualified borrower may:

(a) Receive, apply, pledge, assign and grant security interests in its project revenues to secure its loan obligations as provided in sections 2 to 36.5, inclusive, of this act; and

(b) Impose and collect fees, rates, rents, assessments and other charges of general or special application for the operation of a qualified project, the system of which the qualified project is a part and any other revenue producing facilities from which the qualified borrower derives project revenues to meet its loan obligations under a financing agreement or to otherwise provide for the development, construction, repair, improvement, operation, maintenance, decommissioning or ownership of a qualified project.

Sec. 26. ***1. The Bank may provide insurance or reinsurance of loans or portions thereof, or their debt service, including, without limitation, amounts payable as premiums or penalties in the event of mandatory or optional prepayment, made to finance a qualified project, and to provide insurance or reinsurance or reserves, or portions thereof, or the yield therefrom, established to secure bonds or other securities issued to fund those loans or reserves.***

2. The Bank may:

(a) Arrange an agreement for insurance or reinsurance with a user, mortgagor, lending institution, insurer or any other entity authorized to arrange such agreements in this State; and

(b) Enter into an agreement for insurance or reinsurance with any insurer authorized to reinsure or insure such risks in this State.

3. The Bank may fix a rate or rates of premium for insurance or reinsurance. The rates are not required to be uniform and may reflect any risk and classification of risk that the Bank determines to be reasonable.

4. The Bank may exercise any other power that is necessary or incidental to insurance, reinsurance and related matters.

5. The Bank shall make reasonable provisions for the security of loans made by the Bank, and any insurance, reinsurance and other financing arrangements negotiated by the Bank.

6. Any insurance or reinsurance provided by the Bank does not constitute a debt or pledge of the faith and credit of the State or any subdivision of the State.

Sec. 27. *The Bank may provide security for any issue of revenue bonds by the Bank through any commonly accepted financial instrument, including, without limitation:*

1. A deed of trust on the resources, facilities and revenues of one or more qualified projects financed by the Bank;

2. A credit enhancement, including, without limitation, a letter of credit, bond insurance or surety bond provided by a private financial institution; and

3. Insurance, reinsurance or a guarantee provided by the Bank itself.

Sec. 28. *1. Any obligation to a third person made by the Bank, including, without limitation, a bond or other security issued by the Bank pursuant to section 21 of this act and any insurance, reinsurance or reserve provided by the Bank pursuant to section 26 of this act:*

(a) Does not constitute a debt, liability or obligation of this State or any political subdivision thereof, or a pledge of the faith and credit of this State or any political subdivision thereof, but is payable solely from the revenues or assets of the Bank; and

(b) Must contain on the face thereof a statement to the effect that the Bank is not obligated to pay the obligation or any interest thereon except from the revenues or assets, if any, pledged therefor and that neither the faith and credit nor the taxing power of this State or any political subdivision thereof is pledged to the payment of the principal of or the interest on the obligation.

2. Except as otherwise provided in subsection 3, this section does not prohibit the Bank from:

(a) Pledging the full faith and credit of the Bank for the satisfaction of any obligation to a third person made by the Bank; or

(b) Issuing a bond guarantee or credit enhancement for bonds issued by a qualified borrower.

3. Notwithstanding any provision in sections 2 to 36.5, inclusive, of this act to the contrary, the Bank shall not act as a surety or guarantor for a private utility or any other private company, association or corporation.

Sec. 29. *1. Except as otherwise provided in this section, if a qualified borrower that has obtained a loan or other financial assistance from the Bank fails to remit in full any amount due to the Bank on the date on which the amount is due under the terms of any note or other loan obligation given to the Bank by the qualified borrower, the Bank shall*

notify the appropriate state agencies or officers, including, without limitation, the State Controller, who shall withhold all or a portion of any state money or other money administered by the State and its agencies, boards and instrumentalities that is allotted or appropriated to the qualified borrower and apply an amount necessary to the payment of the amount due.

2. This section does not authorize the State or an agency, board or instrumentality thereof, or the State Controller, to withhold any money allocated or appropriated to a qualified borrower if to do so would violate the terms of:

(a) An appropriation by the Legislature;

(b) Any federal law;

(c) A contract to which the State is a party;

(d) A contract to which a governmental unit or qualified borrower is a party; or

(e) A judgment of a court that is binding upon the State.

Sec. 30. ***The Board of Directors and any member thereof, and any officer, employee, agent or committee member of the Bank is not liable in a civil action for any act performed on behalf of the Bank in good faith and within the scope of their duties or the exercise of their authority pursuant to sections 2 to 36.5, inclusive, of this act.***

Sec. 31. ***Except as otherwise provided in sections 2 to 36.5, inclusive, of this act, and notwithstanding any other provision of law, the Bank is not required to provide any notice or publication or to conduct any hearing or other proceeding before performing any act authorized in sections 2 to 36.5, inclusive, of this act.***

Sec. 32. ***The Bank is an instrumentality of this State, and its property and income are exempt from all taxation by this State and any political subdivision thereof.***

Sec. 33. ***1. Except as otherwise provided in subsection 2, bonds and other securities issued by the Bank pursuant to the provisions of sections 2 to 36.5, inclusive, of this act, their transfer and the income therefrom must forever be and remain free and exempt from taxation by this State or any subdivision thereof.***

2. The provisions of subsection 1 do not apply to the tax on estates imposed pursuant to the provisions of chapter 375A of NRS or the tax on generation-skipping transfers imposed pursuant to the provisions of chapter 375B of NRS.

Sec. 34. ***Notwithstanding any provision in sections 2 to 36.5, inclusive, of this act to the contrary, sections 2 to 36.5, inclusive, of this act are supplemental to, and not in lieu of, the right of any qualified borrower to issue general obligation bonds or other bonds that the qualified borrower is otherwise lawfully authorized to issue.***

Sec. 35. ***1. To the extent possible, the provisions of sections 2 to 36.5, inclusive, of this act are intended to supplement other statutory provisions***

governing the development, construction, repair, improvement, maintenance, decommissioning, operation and ownership of transportation facilities and utility infrastructure and the issuance of bonds and other securities by this State or a political subdivision thereof, and such other provisions must be given effect to the extent that those provisions do not conflict with the provisions of sections 2 to 36.5, inclusive, of this act. If there is a conflict between such other provisions and the provisions of sections 2 to 36.5, inclusive, of this act, the provisions of sections 2 to 36.5, inclusive, of this act control.

2. The provisions of NRS 338.013 to 338.090, inclusive, apply to any contract for construction work on a qualified project if all or part of the costs of the qualified project are paid for using a loan or other financial assistance from the Bank. The Bank, the qualified borrower, any contractor who is awarded a contract or enters into an agreement to perform construction work on the qualified project, and any subcontractor who performs any portion of the construction work shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if a public body had undertaken the qualified project or had awarded the contract.

Sec. 36. ***The Board of Directors shall, not later than 90 days after the end of each fiscal year:***

1. Prepare a report on the operations of the Bank during that year.

2. Submit the report prepared pursuant to subsection 1 to:

(a) The Governor; and

(b) The Director of the Legislative Counsel Bureau for transmittal to:

(1) If the report is prepared in an even-numbered year, the next regular session of the Legislature; or

(2) If the report is prepared in an odd-numbered year, the Legislative Commission.

Sec. 36.5. ***Any division of the Department may, to the extent that money is available for that purpose, provide technical advice, support and assistance to the Bank.***

Sec. 36.6. NRS 408.111 is hereby amended to read as follows:

408.111 1. The Department consists of a Director, two Deputy Directors, a Chief Engineer and the following ~~[divisions:]~~ ***:***

(a) Administrative Division.

(b) Operations Division.

(c) Engineering Division.

(d) Planning Division.

(e) Nevada State Infrastructure Bank.

2. The head of a Division is an assistant director. Assistant directors are in the unclassified service of the State.

Sec. 36.7. NRS 408.116 is hereby amended to read as follows:

408.116 ***Except as otherwise provided in sections 2 to 36.5, inclusive, of this act:***

1. All legal notices, writs, service and process issued or ordered by a court of competent jurisdiction wherein the Department is named as a defendant must be personally served upon both the Director and the Chair of the Board or, in the absence of the Director and the Chair of the Board, the process must be served personally upon both the Secretary of State and one of the Deputy Directors.

2. All legal actions brought and defended by the Department must be in the name of the State of Nevada on relation of its Department.

3. This section is not a consent on the part of the Department to be sued.

Sec. 36.8. NRS 408.131 is hereby amended to read as follows:

408.131 ~~[The]~~ ***Except as otherwise provided in sections 2 to 36.5, inclusive, of this act, the*** Board shall:

1. Consider, at its meetings, all questions relating to the general policy of the Department and transact such business as properly comes before it.

2. Receive and consider, at such time as the Board selects, an annual report by the Director.

3. Except as otherwise provided in NRS 408.203, act for the Department in all matters relating to recommendations, reports and such other matters as the Board finds advisable to submit to the Legislature.

4. Maintain a record of all proceedings of the Board.

5. Execute or approve all instruments and documents in the name of the State or the Department necessary to carry out the provisions of this chapter.

6. Except as otherwise provided in NRS 408.389, delegate to the Director such authority as it deems necessary under the provisions of this chapter.

7. Act by resolution, vote or order entered in its records.

Sec. 36.9. NRS 408.172 is hereby amended to read as follows:

408.172 1. Subject to the approval of the Board, the Attorney General shall, immediately upon request by the Board, appoint an attorney at law as the Chief Counsel of the Department, and such assistant attorneys as are necessary. Attorneys so appointed are deputy attorneys general.

2. ~~[The]~~ ***Except as otherwise provided in sections 2 to 36.5, inclusive, of this act, the*** Chief Counsel shall act as the attorney and legal adviser of the Department in all actions, proceedings, hearings and all matters relating to the Department and to the powers and duties of its officers.

3. Under the direction of or in the absence of the Chief Counsel, the assistant attorneys may perform any duty required or permitted by law to be performed by the Chief Counsel.

4. The Chief Counsel and assistant attorneys are in the unclassified service of the State.

5. ~~[All]~~ ***Except as otherwise provided in sections 2 to 36.5, inclusive, of this act, all*** contracts, instruments and documents executed by the Department must be first approved and endorsed as to legality and form by the Chief Counsel.

Sec. 37. (Deleted by amendment.)

Sec. 37.1. NRS 408.175 is hereby amended to read as follows:

408.175 1. The Director shall:

(a) Appoint one Deputy Director who in the absence, inability or failure of the Director has full authority to perform any duty required or permitted by law to be performed by the Director.

(b) Appoint one Deputy Director for southern Nevada whose principal office must be located in an urban area in southern Nevada.

(c) Appoint one Deputy Director with full authority to perform any duty required or allowed by law to be performed by the Director to implement, manage, oversee and enforce any environmental program of the Department. The Deputy Director described in this paragraph shall coordinate the implementation of NRS 408.441 to 408.451, inclusive, with the State Department of Conservation and Natural Resources.

(d) ~~[Employ]~~ ***Except as otherwise provided in section 22 of this act, employ*** such engineers, engineering and technical assistants, clerks and other personnel as in the Director's judgment may be necessary to the proper conduct of the Department and to carry out the provisions of this chapter.

2. Except as otherwise provided in NRS 284.143, the Deputy Directors shall devote their entire time and attention to the business of the office and shall not pursue any other business or occupation or hold any other office of profit.

3. The Director may delegate such authority as may be necessary for the Deputy Director appointed pursuant to paragraph (b) of subsection 1 to carry out his or her duties.

Sec. 37.2. NRS 408.205 is hereby amended to read as follows:

408.205 1. With the approval of the Board, the Director may execute all plans, specifications, contracts and instruments in the name of the State of Nevada necessary for the carrying out of the provisions of this chapter, except ***as otherwise provided in sections 2 to 36.5, inclusive, of this act and except*** those construction contracts as provided in NRS 408.327 and 408.347.

2. The Director has such other power and authority as is necessary and proper under the provisions of this chapter, or as the Board delegates to the Director.

3. The Director shall provide for the purchase of United States Savings Bonds or similar United States obligations by salary or wage deductions for officers and employees of the Department who make written requests for such deductions and purchases. To allow all Department officers and employees the opportunity of requesting salary or wage deductions for the purchase of United States obligations, the Director shall provide forms authorizing the deductions and purchases and shall make them readily available to all Department officers and employees.

Sec. 37.3. NRS 408.215 is hereby amended to read as follows:

408.215 1. The Director has charge of all the records of the Department, keeping records of all proceedings pertaining to the Department and keeping on file information, plans, specifications, estimates, statistics

and records prepared by the Department, except ***as otherwise provided in sections 2 to 36.5, inclusive, of this act and except*** those financial statements described in NRS 408.333 and the financial or proprietary information described in paragraph (c) of subsection 6 of NRS 408.3886, which must not become matters of public record.

2. The Director may photograph, film, place an image of on microfilm, save as an image in an electronic recordkeeping system or dispose of the records of the Department referred to in subsection 1 as provided in NRS 239.051, 239.080 and 239.085.

3. The Director shall maintain an index or record of deeds or other references of title or interests in and to all lands or interests in land owned or acquired by the Department.

4. The Director shall adopt such regulations as may be necessary to carry out and enforce the provisions of this chapter.

Sec. 37.4. NRS 408.225 is hereby amended to read as follows:

408.225 Except as otherwise provided in NRS 408.323 ~~[,]~~ ***and in sections 2 to 36.5, inclusive, of this act,*** the Director, with the approval of the Board, may rent, lease, purchase and contract for all equipment, materials, supplies, vehicles, road machinery, tools, implements and technical services required for the purpose of this chapter. Such equipment, supplies and services must be managed and used under the control of the Director.

Sec. 37.5. NRS 408.265 is hereby amended to read as follows:

408.265 ~~[All]~~ ***Except as otherwise provided in sections 2 to 36.5, inclusive, of this act, all*** money received from the Government of the United States and by virtue of the provisions of any Act of Congress for the engineering, planning, surveying, acquiring of property, constructing, reconstructing or improving of any highway in the State must be put into the State Treasury and become a part of the State Highway Fund and that Fund must not be used for any other purpose.

Sec. 37.6. NRS 408.389 is hereby amended to read as follows:

408.389 1. Except as otherwise provided in subsection 2 ~~[,]~~ ***and sections 2 to 36.5, inclusive, of this act,*** the Department shall not purchase any equipment which exceeds $50,000, unless the purchase is first approved by the Board.

2. Before the Board may approve the purchase of any mobile equipment which exceeds $50,000, the Department shall:

(a) Prepare and present to the Board an analysis of the costs and benefits, including, without limitation, all related personnel costs, that are associated with:

(1) Purchasing, operating and maintaining the same item of equipment;

(2) Leasing, operating and maintaining the same item of mobile equipment; or

(3) Contracting for the performance of the work which would have been performed using the mobile equipment; and

(b) Justify the need for the purchase based on that analysis.

3. The Board shall not:

(a) Delegate to the Director its authority to approve purchases of equipment pursuant to subsection 1; or

(b) Approve any purchase of mobile equipment which exceeds $50,000 and for which the Department is unable to provide justification pursuant to subsection 2.

Sec. 37.7. NRS 338.080 is hereby amended to read as follows:

338.080 ~~[None]~~ ***Except as otherwise provided in section 35 of this act, none*** of the provisions of NRS 338.020 to 338.090, inclusive, apply to:

1. Any work, construction, alteration, repair or other employment performed, undertaken or carried out, by or for any railroad company or any person operating the same, whether such work, construction, alteration or repair is incident to or in conjunction with a contract to which a public body is a party, or otherwise.

2. Apprentices recorded under the provisions of chapter 610 of NRS.

3. Any contract for a public work whose cost is less than $250,000. A unit of the project must not be separated from the total project, even if that unit is to be completed at a later time, in order to lower the cost of the project below $250,000.

4. Any contract for a public work or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property to which a charter school is a party, notwithstanding any other provision of law.

5. A public work of, or constructed by, a charter school, or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property of or constructed by a charter school, notwithstanding any other provision of law.

Sec. 37.8. **Section 54 of the Southern Nevada Tourism Improvements Act, being chapter 2, Statutes of Nevada 2016, 30th Special Session, at page 55, is hereby amended to read as follows:**

Sec. 54. The Convention Authority shall:

1. Provide administrative support to the Oversight Panel to ensure its ability to fulfill the duties and responsibilities set forth in section 55 of this act.

2. Provide to the Oversight Panel all information requested by the Oversight Panel.

3. On or before June 30 of each fiscal year ending in an even-numbered year, prepare a 3-year plan for the renovation and expansion of the convention facilities of the Convention Authority and a 5-year plan for the construction of such convention facilities, which are being financed by the revenue described in section 56 of this act and the proceeds of the taxes imposed pursuant to sections 57 and 58 of this act, and submit such plans to the Oversight Panel for its review and recommendations.

4. Provide to the Oversight Panel an annual progress report on the project described in paragraph (a) of subsection 3 of section 59 of this act after such a report has been accepted by the Board of Directors of the Convention Authority.

5. Request the approval of the Oversight Panel of the plan for the project described in paragraph (a) of subsection 3 of section 59 of this act.

6. Request the approval of the Oversight Panel for the issuance of such bonds.

7. ~~[On or before August 31]~~ ***Not later than 5 months after the close*** of each fiscal year, submit to the Oversight Panel for review an annual third-party audit ***for the fiscal year*** of the use of the revenues described in section 56 of this act and the proceeds of the taxes imposed pursuant to sections 57 and 58 of this act.

Sec. 37.9. **Section 61 of the Southern Nevada Tourism Improvements Act, being chapter 2, Statutes of Nevada 2016, 30th Special Session, at page 58, is hereby amended to read as follows:**

Sec. 61. 1. In addition to the purposes set forth in subsection 1 of NRS 244A.637, to pay the cost to expand, construct, improve, maintain and renovate the Las Vegas Convention Center and other facilities of the Convention Authority, or for any combination thereof, the Convention Authority, at any time or from time to time may, in the name of and on behalf of the County, issue general obligations bonds or revenue bonds as described in paragraphs (a) and (b) of subsection 1 of NRS 244A.637.

2. If the Convention Authority, in the name of and on behalf of the County, issues general obligations after the Board of Directors of the Convention Authority has determined that the proceeds of the taxes imposed pursuant to sections 57 and 58 of this act that will be pledged to the payment of the general obligations ***, together with any available proceeds of any other taxes imposed on the rental of transient lodging that will be pledged to the general obligations and the revenues described in section 56 of this act that will be pledged to the general obligations,*** will generate sufficient revenue to meet or exceed a debt service coverage ratio of 1.5 times the anticipated annual debt service for each of the terms of the obligations, the general obligations:

(a) Must be issued pursuant to an ordinance of the Board of County Commissioners as provided in the Local Government Securities Law, and no other approval by a governmental entity or otherwise is required for the issuance of the general obligations under the laws of this State. The issuance of the general obligations is not subject to the requirements of NRS 350.011 to 350.0165, inclusive, and 350.020.

(b) Are exempt from the limitation on indebtedness set forth in NRS 244A.059, and must not be included in the calculation of the indebtedness of the County under that section, but the County shall not become indebted by the issuance of general obligation indebtedness for

the purposes set forth in sections 53 to 61.7, inclusive, of this act in an amount exceeding 5 percent of the total last assessed valuation of taxable property of the County.

(c) Must be treated as if the finding described in subparagraph (1) of paragraph (b) of subsection 3 of NRS 361.4727 has been made by the Board of County Commissioners and approved by the debt management commission of the County pursuant to subparagraph (2) of paragraph (b) of subsection 3 of NRS 361.4727.

3. Any determination or finding by the Board of Directors of the Convention Authority or the Board of County Commissioners pursuant to this section is conclusive, absent fraud.

Sec. 38. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 39. 1. This **section and sections 37.8 and 37.9 of this act become effective upon passage and approval.**

2. Sections 1 to 37.7, inclusive, and 38 of this act ~~[becomes]~~ **become** effective ~~[upon]~~ **:**

(a) Upon passage and approval for the purposes of establishing the Nevada State Infrastructure Bank and appointing the Board of Directors.

~~[2.]~~ **(b)** For all other purposes, ~~[this act becomes effective]~~ on the date on which the Director of the Department of Transportation notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient money is available to capitalize and carry out the business of the Nevada State Infrastructure Bank created by section 20 of this act.

Assemblyman Carrillo moved that the Assembly concur in the Senate Amendment No. 1156 to Assembly Bill No. 399.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Amongst other things, the amendment revises the date the third-party audit of the use of certain revenues must be submitted to the oversight panel and provides that the revenue pledged for the payment of certain bonds include available proceeds from the taxes imposed on the rental of transient lodging.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Bustamante Adams moved that the Assembly do not recede from Amendment No. 756 to Senate Bill No. 209.

Motion carried.

Assemblywoman Bustamante Adams moved that the Assembly do not recede from Amendment No. 757 to Senate Bill No. 209, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Bustamante Adams

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblywomen Jauregui, Bustamante Adams, and Benitez-Thompson as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 209.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 413.

The following Senate amendment was read:

Amendment No. 1137.

AN ACT relating to electronic documents; establishing provisions relating to electronic wills and trusts; revising provisions governing electronic notaries public; authorizing electronic notaries public to perform authorized electronic notarial acts remotely using audio-video communication; establishing provisions concerning electronic documents relating to real property located in this State; authorizing the Secretary of State to require notaries public registering as electronic notaries public to complete an online course on electronic notarization; increasing the amount of the fees authorized to be charged by an electronic notary public for the performance of certain electronic notarial acts and authorizing the collection of a fee to recover certain costs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes provisions relating to electronic wills. (NRS 132.119, 133.085, 136.185) **Sections 10-17** of this bill establish various other provisions relating to electronic wills. **Sections 8 and 19** of this bill revise the description of an electronic will and **section 10** establishes the circumstances in which an electronic will is self-proving. **Sections 11 and 12** establish the qualifications and duties of a qualified custodian of an electronic will, who is required to store electronic records of electronic wills in a system that protects electronic records from destruction, alteration or unauthorized access and detects any change to an electronic record. **Sections 13 and 14** set forth the circumstances in which a qualified custodian is authorized to cease serving in such a capacity. **Section 15** establishes provisions concerning affidavits relating to the creation of a certified paper original of an electronic will, which **section 3** of this bill generally defines as a tangible document containing the text of an electronic will. **Section 16** sets forth provisions relating to the ability of an electronic notary public or other notarial officer to perform certain notarial acts. **Section 17** establishes various provisions for purposes relating to the execution and filing of any document with a court in any proceeding relating to an electronic will and for certain other purposes.

Section 18 of this bill establishes requirements relating to a declaration or affidavit of a witness to an electronic will. **Section 20** of this bill provides the

methods by which an electronic will may be revoked. **Section 21** of this bill sets forth provisions relating to the jurisdiction in which an electronic will may be proved and the admittance of a certified paper original of an electronic will to probate.

Sections 23-28 of this bill revise provisions relating to trusts. **Section 24** provides that a video recording or other electronic record may be admissible in court as evidence of certain issues relating to a trust, and **section 28** revises the description of an electronic trust.

Existing law establishes the Electronic Notary Public Authorization Act pursuant to which an electronic notary public appointed by the Secretary of State is authorized to perform electronic notarial acts. (NRS 240.181-240.206) **Section 39** of this bill renames the act as the Electronic Notarization Enabling Act and **section 45** of this bill requires electronic notaries public to register with, instead of be appointed by, the Secretary of State. **Section 35** of this bill: (1) authorizes an electronic notary public to perform authorized electronic notarial acts remotely using audio-video communication, which **section 30** of this bill generally defines as communication by which a person is able to see, hear and communicate with another person in real time using electronic means; and (2) sets forth certain requirements relating to such electronic notarial acts. **Section 36** of this bill authorizes an electronic notary public to perform an electronic notarial act using audio-video communication for a person located: (1) in this State; (2) outside this State but within the United States; or (3) in certain circumstances, outside the United States.

Section 37 of this bill requires an electronic notary public to arrange for a recording to be made of each electronic notarial act performed using audio-video communication and to give all participating persons advance notice of the recording. **Section 37** also requires the recording to be kept for not less than 7 years. **Section 51** of this bill requires an electronic notary public to keep an electronic journal of each notarial act which he or she performs and to maintain and protect the electronic journal at all times. **Section 51** also provides that, except as otherwise provided by law, an electronic notary public is required to keep all required notarial records for a period of 7 years after the termination of the registration of the electronic notary public.

Section 38 of this bill establishes provisions relating to the confirmation of the identity of a person for whom an electronic notarial act is performed using audio-video communication. **Section 50** of this bill requires an electronic notary public to render an electronic document that is the subject of an electronic notarial act tamper-evident.

Section 38.3 of this bill establishes provisions concerning electronic documents relating to real property located in this State.

Section 46.5 of this bill authorizes the Secretary of State to require a notary public who registers with the Secretary of State as an electronic notary public to complete an online course of study on electronic notarization.

Section 38.7 of this bill establishes provisions relating to the completion of such a course of study.

Section 48 of this bill increases the amount of fees which an electronic notary public may charge for performing certain electronic notarial acts and authorizes an electronic notary public to charge a reasonable fee to recover any cost of providing a copy of an entry or a recording of an audio-video communication in the electronic journal maintained by the electronic notary public. **Section 48** also prohibits an electronic notary public who is an officer or employee of the State or a local government from charging a fee for an electronic notarial act that the electronic notary public performs within the scope of such employment.

Sections 56-60 of this bill delete certain provisions of Assembly Bill No. 476 of this session that are replaced with the provisions of **sections 45, 46, 46.5, 51 and 52** of this bill, and **section 61** of this bill provides that the provisions of this bill are intended to supersede any provisions of Assembly Bill No. 476 that conflict with the provisions of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 132 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***Except as otherwise specifically provided in this title, the provisions of this title must be construed in a manner consistent with the provisions of chapter 719 of NRS.***

Sec. 3. ***"Certified paper original" means a tangible document that contains the text of an electronic will and, if applicable, a self-proving affidavit concerning the electronic will.***

Sec. 4. ***"Electronic notary public" has the meaning ascribed to it in NRS 240.186.***

Sec. 5. ***"Qualified custodian" means a person who meets the requirements of section 11 of this act.***

Sec. 6. NRS 132.025 is hereby amended to read as follows:

132.025 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 132.030 to 132.370, inclusive, ***and sections 3, 4 and 5 of this act*** have the meanings ascribed to them in those sections.

Sec. 7. NRS 132.117 is hereby amended to read as follows:

132.117 "Electronic record" means a record created, generated ***, sent, communicated, received*** or stored by electronic means.

Sec. 8. NRS 132.119 is hereby amended to read as follows:

132.119 "Electronic will" means ~~[~~a testamentary document that complies~~]~~ ***an instrument, including, without limitation, a codicil, that is executed by a person in accordance*** with the requirements of NRS 133.085 ~~[.]~~ ***and which disposes of the property of the person upon or after his or her death.***

Sec. 9. Chapter 133 of NRS is hereby amended by adding thereto the provisions set forth as sections 10 to 17, inclusive, of this act.

Sec. 10. ***1. An electronic will is self-proving if:***

(a) The declarations or affidavits of the attesting witnesses are incorporated as part of, attached to or logically associated with the electronic will, as described in NRS 133.050;

(b) The electronic will designates a qualified custodian to maintain custody of the electronic record of the electronic will; and

(c) Before being offered for probate or being reduced to a certified paper original that is offered for probate, the electronic will was at all times under the custody of a qualified custodian.

2. A declaration or affidavit of an attesting witness made pursuant to NRS 133.050 and an affidavit of a person made pursuant to section 15 of this act must be accepted by a court as if made before the court.

Sec. 11. ***A qualified custodian of an electronic will:***

1. Must not be an heir of the testator or a beneficiary or devisee under the electronic will.

2. Shall consistently employ, and store electronic records of electronic wills in, a system that protects electronic records from destruction, alteration or unauthorized access and detects any change to an electronic record.

3. Shall store in the electronic record of an electronic will each of the following:

(a) A photograph or other visual record of the testator and the attesting witnesses that was taken contemporaneously with the execution of the electronic will;

(b) A photocopy, photograph, facsimile or other visual record of any documentation that was taken contemporaneously with the execution of the electronic will and provides satisfactory evidence of the identities of the testator and the attesting witnesses, including, without limitation, documentation of the methods of identification used pursuant to subsection 4 of NRS 240.1655; and

(c) An audio and video recording of the testator, attesting witnesses and notary public, as applicable, taken at the time the testator, each attesting witness and notary public, as applicable, placed his or her electronic signature on the electronic will, as required pursuant to paragraph (b) of subsection 1 of NRS 133.085.

4. Shall provide to any court that is hearing a matter involving an electronic will which is currently or was previously stored by the qualified custodian any information requested by the court pertaining to the qualifications of the qualified custodian and the policies and practices of the qualified custodian concerning the maintenance, storage and production of electronic wills.

Sec. 12. ***1. With regard to an electronic record of an electronic will, a qualified custodian:***

(a) Shall provide access to or information concerning the electronic will or the certified paper original of the electronic will only to:

(1) The testator or another person as directed by the written instructions of the testator; and

(2) After the death of the testator, the nominated personal representative of the testator or any interested person; and

(b) May, in the absolute discretion of the qualified custodian, destroy the electronic record at any time:

(1) Five or more years after the admission of any will of the testator to probate;

(2) Five or more years after the revocation of the electronic will;

(3) Five or more years after ceasing to serve as the qualified custodian of the electronic record of the electronic will pursuant to section 13 of this act;

(4) Ten or more years after the death of the testator; or

(5) One hundred and fifty years after the execution of the electronic will.

2. At the direction of a testator in a writing executed with the same formalities required for the execution of an electronic will, a qualified custodian shall cancel, render unreadable or obliterate the electronic record.

Sec. 13. *1. A qualified custodian may cease serving in such a capacity by:*

(a) If not designating a successor qualified custodian, providing to the testator:

(1) Thirty days' written notice that the qualified custodian has decided to cease serving in such a capacity; and

(2) The certified paper original of, and all records concerning, the electronic will.

(b) If designating a successor qualified custodian:

(1) Providing 30 days' written notice that the qualified custodian has decided to cease serving in such a capacity to:

(I) The testator; and

(II) The designated successor qualified custodian; and

(2) Providing to the successor qualified custodian the electronic record of the electronic will and an affidavit which states:

(I) That the qualified custodian ceasing to act in such a capacity is eligible to act as a qualified custodian in this State and is the qualified custodian designated by the testator in the electronic will or was designated to act in such a capacity by another qualified custodian pursuant to this paragraph;

(II) That an electronic record was created at the time the testator executed the electronic will;

(III) That the electronic record has been in the custody of one or more qualified custodians since the execution of the electronic will and has not been altered since the time it was created; and

(IV) The identity of all qualified custodians who have had custody of the electronic record since the execution of the electronic will.

2. For purposes of making the affidavit pursuant to subparagraph (2) of paragraph (b) of subsection 1, a qualified custodian is entitled to rely conclusively on any affidavits provided by a predecessor qualified custodian if all such affidavits are provided to the successor qualified custodian.

3. Subject to the provisions of section 14 of this act, if the testator designates a successor qualified custodian in a writing executed with the same formalities required for the execution of an electronic will, a qualified custodian shall cease serving in such a capacity and provide to the designated successor qualified custodian:

(a) The electronic record; and

(b) The affidavit described in subparagraph (2) of paragraph (b) of subsection 1.

4. If a qualified custodian is an entity, an affidavit of a duly authorized officer or agent of such entity constitutes the affidavit of the qualified custodian.

Sec. 14. *1. A person must execute a written statement affirmatively agreeing to serve as the qualified custodian of an electronic will before he or she may serve in such a capacity.*

2. Except as otherwise provided in paragraph (a) of subsection 1 of section 13 of this act, a qualified custodian may not cease serving in such a capacity until a successor qualified custodian executes the written statement required by subsection 1.

Sec. 15. *1. Upon the creation of a certified paper original of an electronic will:*

(a) If the electronic will has always been in the custody of a qualified custodian, the qualified custodian shall state in an affidavit:

(1) That the qualified custodian is eligible to act as a qualified custodian in this State;

(2) That the qualified custodian is the qualified custodian designated by the testator in the electronic will or was designated to act in such a capacity pursuant to paragraph (b) of subsection 1 of section 13 of this act;

(3) That an electronic record was created at the time the testator executed the electronic will;

(4) That the electronic record has been in the custody of one or more qualified custodians since the execution of the electronic will, and has not been altered since the time it was created;

(5) The identity of all qualified custodians who have had custody of the electronic record since the execution of the electronic will;

(6) That the certified paper original is a true, correct and complete tangible manifestation of the electronic will; and

(7) That the records described in subsection 3 of section 11 of this act are in the custody of the qualified custodian.

(b) If the electronic will has not always been under the custody of a qualified custodian, the person who discovered the electronic will and the person who reduced the electronic will to the certified paper original shall each state in an affidavit the following information, to the best of their knowledge:

(1) When the electronic will was created, if not indicated in the electronic will;

(2) When, how and by whom the electronic will was discovered;

(3) The identities of each person who has had access to the electronic will;

(4) The method in which the electronic will was stored and the safeguards in place to prevent alterations to the electronic will;

(5) Whether the electronic will has been altered since its execution; and

(6) That the certified paper original is a true, correct and complete tangible manifestation of the electronic will.

2. For purposes of making an affidavit pursuant to paragraph (a) of subsection 1, the qualified custodian may rely conclusively on any affidavits delivered by a predecessor qualified custodian.

Sec. 16. *1. Notwithstanding any other provision of law, an electronic notary public or other notarial officer may, for purposes of this title, including, without limitation, all purposes relating to the execution and filing of any document with the court in any proceeding relating to an electronic will:*

(a) Notarize the signature or electronic signature of a person, as applicable, who is not in the physical presence of the electronic notary public or other notarial officer if the person is in his or her presence within the meaning of section 17 of this act; and

(b) Notarize any document relating to a will, codicil or testamentary trust.

2. This section must be liberally construed and applied to promote the purposes of NRS 133.085 and sections 10 to 17, inclusive, of this act.

Sec. 17. *1. For purposes of this title, including, without limitation, any declaration or affidavit made by an attesting witness as described in NRS 133.050, for all purposes relating to the execution and filing of any document with the court in any proceeding relating to an electronic will and for purposes of executing a power of attorney pursuant to NRS 162A.220, an advance directive or any document relating to an advance directive:*

(a) A person shall be deemed to be in the presence of or appearing before another person if such persons are in:

(1) The same physical location; or

(2) Different physical locations but can communicate with each other by means of audio-video communication.

(b) An electronic notary public may electronically notarize electronic documents, including, without limitation, documents constituting or relating to an electronic will, in accordance with NRS 240.181 to 240.206, inclusive, and sections 30 to 38.7, inclusive, of this act.

(c) Any requirement that a document be signed may be satisfied by an electronic signature.

(d) If a provision of law requires a written record, an electronic record satisfies such a provision.

(e) Except as otherwise provided in subparagraph (3), regardless of the physical location of the person executing a document or of any witness, if a document is executed electronically, the document shall be deemed to be executed in this State and will be governed by the laws of this State and subject to the jurisdiction of the courts of this State if:

(1) The person executing the document states that he or she understands that he or she is executing, and that he or she intends to execute, the document in and pursuant to the laws of this State;

(2) The document states that the validity and effect of its execution are governed by the laws of this State;

(3) Any attesting witnesses or an electronic notary public whose electronic signatures are contained in the document were physically located within this State at the time the document was executed in accordance with this section; or

(4) In the case of a self-proving electronic will, the electronic will designates a qualified custodian who, at the time of execution:

(I) If a natural person, is domiciled in this State; or

(II) If an entity, is organized under the laws of this State or whose principal place of business is located in this State.

2. Notwithstanding the provisions of subsection 1, the validity of a notarial act performed by an electronic notary public must be determined by applying the laws of the jurisdiction in which the electronic notary public is commissioned or appointed.

3. As used in this section:

(a) "Advance directive" has the meaning ascribed to it in NRS 449.905.

(b) "Audio-video communication" means communication by which a person is able to see, hear and communicate with another person in real time using electronic means **.** ~~***[and that meets any rules or regulations adopted by the Secretary of State.]***~~

Sec. 18. NRS 133.050 is hereby amended to read as follows:

133.050 1. Any attesting witness to a will ***, including, without limitation, an electronic will,*** may sign a declaration under penalty of perjury or an affidavit before any person authorized to administer oaths in or out of the State, stating such facts as the witness would be required to testify to in

court to prove the will. The declaration or affidavit must be written on the will or, if that is impracticable, on some paper attached thereto. ***If the will is an electronic will, the declaration or affidavit must be in a record incorporated as part of, attached to or logically associated with the electronic will.*** The sworn statement of any witness so taken must be accepted by the court as if it had been taken before the court.

2. The affidavit described in subsection 1 may be in substantially the following form:

State of Nevada }
}ss.
County of..... }

(Date) .....

Then and there personally appeared ..... and ....., who, being duly sworn, depose and say: That they witnessed the execution of the foregoing will of the testator, ...; that the testator subscribed the will and declared it to be his or her last will and testament in their presence; that they thereafter subscribed the will as witnesses in the presence of the testator and in the presence of each other and at the request of the testator; and that the testator at the time of the execution of the will appeared to them to be of full age and of sound mind and memory.

.....
Affiant

.....
Affiant

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public

3. The declaration described in subsection 1 may be in substantially the following form:

Under penalty of perjury pursuant to the law of the State of Nevada, the undersigned, ... and ....., declare that the following is true of their own knowledge: That they witnessed the execution of the foregoing will of the testator, ...; that the testator subscribed the will and declared it to be his or her last will and testament in their presence; that they thereafter subscribed the will as witnesses in the presence of the testator and in the presence of each other and at the request of the testator; and that the testator at the time of the execution of the will appeared to them to be of full age and of sound mind and memory.

Dated this ..... day of ....., ...
.....Declarant
.....Declarant

4. If a testator or a witness signing an affidavit or declaration described in subsection 1 appears by means of audio-video communication, the form for the affidavit or declaration, as set forth in subsections 2 and 3, respectively, must be modified to indicate that fact.

5. As used in this section, "audio-video communication" has the meaning ascribed to it in section 17 of this act.

Sec. 19. NRS 133.085 is hereby amended to read as follows:

133.085 1. An electronic will is a will of a testator that:

(a) Is ~~[~~written,~~]~~ created and ~~[~~stored~~]~~ ***maintained*** in an electronic record; ***and***

(b) Contains the date and the electronic signature of the testator and which includes, without limitation, at least one ***of the following:***

(1) An authentication characteristic of the testator; ~~[~~and

~~(c) Is created and stored in such a manner that:~~

~~(1) Only one authoritative copy exists;~~]

(2) The ~~[~~authoritative copy is maintained and controlled by the testator or a custodian designated by the testator in the~~]~~ electronic ~~[~~will;~~]~~ ***signature and electronic seal of an electronic notary public, placed thereon in the presence of the testator and in whose presence the testator placed his or her electronic signature thereon; or***

(3) ~~[~~Any attempted alteration of the authoritative copy is readily identifiable; and

~~(4) Each copy of the authoritative copy is readily identifiable as a copy that is not the authoritative copy.~~] ***The electronic signatures of two or more attesting witnesses, placed thereon in the presence of the testator and in whose presence the testator placed his or her electronic signature thereon.***

2. Every person of sound mind over the age of 18 years may, by last electronic will, dispose of all of his or her estate, real and personal, but the estate is chargeable with the payment of the testator's debts.

3. ~~[~~An electronic will that meets the requirements of this section is subject to no other form, and may be made in or out of this State. An electronic will is valid and has the same force and effect as if formally executed.

~~4. An electronic will shall be deemed to be executed in this State if the authoritative copy of the electronic will is:~~

~~(a) Transmitted to and maintained by a custodian designated in the electronic will at the custodian's place of business in this State or at the custodian's residence in this State; or~~

~~(b) Maintained by the testator at the testator's place of business in this State or at the testator's residence in this State.~~

~~5.~~] ***Except as otherwise provided in this section and sections 10 to 17, inclusive, of this act, all questions relating to the force, effect, validity and interpretation of an electronic will that complies with the provisions of this section and sections 10 to 17, inclusive, of this act must be determined in the same manner as a will executed in accordance with NRS 133.040.***

4. The provisions of this section do not apply to a trust other than a trust contained in an electronic will.

~~[6.]~~ ***5.*** As used in this section:

(a) "Authentication characteristic" means a characteristic of a certain person that is unique to that person and that is capable of measurement and recognition in an electronic record as a biological aspect of or physical act performed by that person. Such a characteristic may consist of a fingerprint, a retinal scan, voice recognition, facial recognition, ***video recording,*** a digitized signature or other ***commercially reasonable*** authentication using a unique characteristic of the person.

(b) ~~[~~"Authoritative copy" means the original, unique, identifiable and unalterable electronic record of an electronic will.

~~(c)]~~ "Digitized signature" means a graphical image of a handwritten signature that is created, generated or stored by electronic means.

(c) "Electronic seal" has the meaning ascribed to it in NRS 240.187.

Sec. 20. NRS 133.120 is hereby amended to read as follows:

133.120 1. A written will ***other than an electronic will*** may only be revoked by:

(a) Burning, tearing, cancelling or obliterating the will, with the intention of revoking it, by the testator, or by some person in the presence and at the direction of the testator; ~~[or]~~

(b) Another will or codicil in writing, executed as prescribed in this chapter ~~[.]~~ ***; or***

(c) An electronic will, executed as prescribed in this chapter.

2. ***An electronic will may only be revoked by:***

(a) Another will, codicil, electronic will or other writing, executed as prescribed in this chapter; or

(b) Cancelling, rendering unreadable or obliterating the will with the intention of revoking it, by:

(1) The testator or a person in the presence and at the direction of the testator; or

(2) If the will is in the custody of a qualified custodian, the qualified custodian at the direction of a testator in an electronic will.

3. This section does not prevent the revocation implied by law from subsequent changes in the condition or circumstances of the testator.

Sec. 21. NRS 136.185 is hereby amended to read as follows:

136.185 ***1.*** An electronic will ***executed or deemed to be executed in or pursuant to the laws of this State*** may be proved ~~[by authentication satisfactory to the court.]~~ ***and letters granted in the county in which the***

decedent was a resident at the time of his or her death or the domicile or registered office of the qualified custodian exists.

2. A certified paper original of an electronic will may be offered for and admitted to probate in the same manner as if it were a will executed in accordance with NRS 133.040.

3. A certified paper original of an electronic will that is self-proving pursuant to section 10 of this act is presumed to be valid and, absent any objection, must be admitted to probate expeditiously without requiring any further proof of validity.

4. An electronic will that is executed or deemed to be executed in or pursuant to the laws of another state in accordance with the laws of the other state or of this State is a valid electronic will in this State.

Sec. 22. Chapter 163 of NRS is hereby amended by adding thereto the provisions set forth as sections 23 and 24 of this act.

Sec. 23. ***As used in this chapter, unless the context otherwise requires, when the terms "execute" or "sign" are used in reference to a will, trust or instrument to convey property, the terms include the use of an electronic signature.***

Sec. 24. ***Subject to the provisions of any applicable court rules, a video recording or other electronic record may be admissible as evidence of:***

1. The proper execution of a trust.

2. The intentions of a settlor.

3. The mental state or capacity of a settlor.

4. The authenticity of a trust.

5. Matters that are determined by a court to be relevant to the administration of a trust.

Sec. 25. NRS 163.0016 is hereby amended to read as follows:

163.0016 "Nontestamentary trust" means a trust ***, including, without limitation, an electronic trust,*** that is created and takes effect during the lifetime of the settlor.

Sec. 26. NRS 163.0018 is hereby amended to read as follows:

163.0018 "Testamentary trust" means a trust that is created by the terms of the will ***, including, without limitation, the electronic will,*** of a person.

Sec. 27. NRS 163.00185 is hereby amended to read as follows:

163.00185 "Trust instrument" means a will, trust agreement, declaration, or other instrument ***, including, without limitation, an electronic trust,*** that creates or defines the duties and powers of a trustee and shall include a court order or any instrument that modifies a trust instrument or, in effect, alters the duties and powers of a trustee or other terms of a trust instrument.

Sec. 28. NRS 163.0095 is hereby amended to read as follows:

163.0095 1. An electronic trust is a trust instrument that:

(a) Is ~~[written,]~~ created and ~~[stored]~~ ***maintained*** in an electronic record ~~[;]~~ ***in such a manner that any alteration thereto is detectable;***

(b) Contains the electronic signature of the settlor ~~[;]~~ and ***the date and time thereof;***

(c) ***Includes, without limitation, an authentication method which is attached to or logically associated with the trust instrument to identify the settlor or is electronically notarized in accordance with all applicable provisions of law;***

(d) Is subject to the provisions of chapter 719 of NRS; and

(e) Meets the requirements set forth in this chapter for a valid trust.

2. ~~[An]~~ ***Regardless of the physical location of the settlor, an*** electronic trust shall be deemed to be executed in this State ***and will be governed by the laws of this State and subject to the jurisdiction of the courts of this State*** if the electronic trust is:

(a) Transmitted to and maintained by a custodian designated in the trust instrument at the custodian's place of business in this State or at the custodian's residence in this State; or

(b) Maintained by the settlor at the settlor's place of business in this State or at the settlor's residence in this State, or by the trustee at the trustee's place of business in this State or at the trustee's residence in this State.

3. ***Notwithstanding the provisions of subsection 2, the validity of a notarial act performed by an electronic notary public must be determined by applying the laws of the jurisdiction in which the electronic notary public is commissioned or appointed.***

4. The provisions of this section do not apply to a testamentary trust.

5. As used in this section:

(a) "Authentication characteristic" has the meaning ascribed to it in NRS 133.085.

(b) "Authentication method" means a method of identification using any applicable method authorized or required by law, including, without limitation, a digital certificate using a public key or a physical device, including, without limitation, a smart card, flash drive or other type of token, an authentication characteristic or another commercially reasonable method.

(c) "Public key" has the meaning ascribed to it in NRS 720.110.

Sec. 29. Chapter 240 of NRS is hereby amended by adding thereto the provisions set forth as sections 30 to 38.7, inclusive, of this act.

Sec. 30. ***"Audio-video communication" means communication by which a person is able to see, hear and communicate with another person in real time using electronic means . ~~[and that meets any rules or regulations adopted by the Secretary of State.]~~***

Sec. 31. ***"Credential" means a tangible record evidencing the identity of a person.***

Sec. 32. ***"Dynamic knowledge-based authentication assessment" means an identity assessment that is based on a set of questions formulated from public or private data sources for which the person taking the assessment has not previously provided an answer and that meets any rules or regulations adopted by the Secretary of State.***

Sec. 33. *"Electronic" means of or relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.*

Sec. 34. *"In the presence of" or "appear before" means being:*

1. In the same physical location as another person and close enough to see, hear, communicate with and exchange credentials with that person; or

2. In a different physical location from another person but able to see, hear and communicate with the person by means of audio-video communication that meets any rules or regulations adopted by the Secretary of State.

Sec. 35. *1. An electronic notary public may perform any of the acts set forth in NRS 240.196 using audio-video communication in accordance with NRS 240.181 to 240.206, inclusive, and sections 30 to 38.7, inclusive, of this act and any rules or regulations adopted by the Secretary of State.*

2. Before an electronic notary public performs electronic notarial acts using audio-video communication, he or she must register with the Secretary of State pursuant to NRS 240.192 and identify the technology that the electronic notary public intends to use, which must conform to any rules or regulations adopted by the Secretary of State.

3. If an electronic notarial act is performed using audio-video communication:

(a) The technology used must allow the persons communicating to see and speak to each other simultaneously;

(b) The signal transmission must be in real time; and

(c) The electronic notarial act must be recorded in accordance with section 37 of this act.

Sec. 36. *1. An electronic notary public may perform an electronic notarial act using audio-video communication in accordance with NRS 240.181 to 240.206, inclusive, and sections 30 to 38.7, inclusive, of this act and any rules or regulations adopted by the Secretary of State for a person who is physically located:*

(a) In this State;

(b) Outside this State but within the United States; or

(c) Outside the United States if:

(1) The electronic notary public has no actual knowledge of the electronic notarial act being prohibited in the jurisdiction in which the person is physically located; and

(2) The person placing his or her electronic signature on the electronic document confirms to the electronic notary public that the requested electronic notarial act and the electronic document:

(I) Are part of or pertain to a matter that is to be filed with or is currently before a court, governmental entity or other entity in the United States;

(II) Relate to property located in the United States; or

(III) Relate to a transaction substantially connected to the United States.

2. An electronic notary public who is registered with the Secretary of State pursuant to NRS 240.192 may perform an electronic notarial act using audio-video communication in accordance with NRS 240.181 to 240.206, inclusive, and sections 30 to 38.7, inclusive, of this act and any rules or regulations adopted by the Secretary of State if the electronic notary public is physically present in this State at the time of performing the electronic notarial act, regardless of whether the person who placed the electronic signature on the electronic document is physically located in another jurisdiction at the time of the electronic notarial act. The validity of the notarial act will be determined by applying the laws of this State.

Sec. 37. *1. An electronic notary public shall arrange for a recording to be made of each electronic notarial act performed using audio-video communication. Before performing any electronic notarial act using audio-video communication, the electronic notary public must inform all participating persons that the electronic notarization will be electronically recorded.*

2. If the person for whom the electronic notarial act is being performed is identified by personal knowledge, the recording of the electronic notarial act must include an explanation by the electronic notary public as to how he or she knows the person and how long he or she has known the person.

3. If the person for whom the electronic notarial act is being performed is identified by a credible witness:

(a) The credible witness must appear before the electronic notary public; and

(b) The recording of the electronic notarial act must include:

(1) A statement by the electronic notary public as to whether he or she identified the credible witness by personal knowledge or satisfactory evidence; and

(2) An explanation by the credible witness as to how he or she knows the person for whom the electronic notarial act is being performed and how long he or she has known the person.

4. An electronic notary public shall keep a recording made pursuant to this section for a period of not less than 7 years, regardless of whether the electronic notarial act was actually completed.

Sec. 38. *1. For the purposes of performing an electronic notarial act for a person using audio-video communication, an electronic notary public has satisfactory or documentary evidence of the identity of the person if the electronic notary public confirms the identity of the person by:*

(a) Personal knowledge;

(b) Each of the following:

(1) Remote presentation by the person of a government-issued identification credential that contains a photograph and the signature of the person;

(2) Credential analysis of the government-issued identification credential and the data thereon; and

(3) A dynamic knowledge-based authentication assessment; ~~[and~~

~~(4)]~~ (c) Any other method that complies with any rules or regulations adopted by the Secretary of State; or

~~[(c)]~~ (d) A valid certificate that complies with any rules or regulations adopted by the Secretary of State.

2. As used in this section:

(a) "Certificate" has the meaning ascribed to it in NRS 720.030.

(b) "Credential analysis" means a process or service that complies with any rules or regulations adopted by the Secretary of State through which a third party affirms the validity of a government-issued identification credential or any data thereon through the review of data sources.

(c) "Remote presentation" means the transmission of a quality image of a government-issued identification credential to an electronic notary public through communication technology for the purpose of enabling the electronic notary public to identify the person appearing before the electronic notary public and to perform a credential analysis.

Sec. 38.3. *1. If an electronic document relating to real property located in this State contains an electronic acknowledgment, notwithstanding any omission or error in the certificate of acknowledgment or failure of the document to show an acknowledgment in compliance with applicable law, upon the document being recorded with the county recorder of the county in which the real property is located or filed with the Secretary of State:*

(a) The electronic document shall be deemed to be lawfully recorded or filed; and

(b) All persons, including, without limitation, any creditor, encumbrancer, mortgagee, subsequent purchaser for valuable consideration or any other subsequent transferee thereof or of any interest therein, are deemed to have notice of its contents.

2. For the purposes of this section, a document is deemed to comply with all applicable requirements upon the acceptance for recording by the county recorder of the county in which the real property is located or the filing of the document with the Secretary of State, as required by law.

Sec. 38.7. *1. Except as otherwise provided in this section, a notary public who registers with the Secretary of State as an electronic notary public pursuant to NRS 240.192 for the first time must successfully complete any required course of study on electronic notarization required pursuant to NRS 240.195 before filing such registration with the Secretary of State.*

2. A notary public may register with the Secretary of State as an electronic notary public pursuant to NRS 240.192 and thereafter perform the functions of an electronic notary public pursuant to this chapter without completing any course of study on electronic notarization required

pursuant to NRS 240.195 if, at the time of registration, the course of study is not yet offered by the Secretary of State or a vendor approved by the Secretary of State.

3. If a notary public registers and performs the functions of an electronic notary public without first completing any required course of study on electronic notarization pursuant to subsection 2, he or she must complete the required course of study and pass any required examination within 120 days after the course of study is first offered by the Secretary of State or a vendor approved by the Secretary of State. The registrant shall thereafter complete any required course of study in accordance with paragraph (b) or (c) of subsection 3 of NRS 240.195, as applicable.

Sec. 39. NRS 240.181 is hereby amended to read as follows:

240.181 NRS 240.181 to 240.206, inclusive, ***and sections 30 to 38.7, inclusive, of this act*** may be cited as the Electronic ~~[Notary Public Authorization]~~ ***Notarization Enabling*** Act.

Sec. 40. NRS 240.182 is hereby amended to read as follows:

240.182 As used in NRS 240.181 to 240.206, inclusive, ***and sections 30 to 38.7, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 240.183 to 240.188, inclusive, ***and sections 30 to 34, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 40.5. NRS 240.185 is hereby amended to read as follows:

240.185 "Electronic notarial act" means an act that an electronic notary public of this State is authorized to perform. The term includes:

1. Taking an acknowledgment;
2. Administering an oath or affirmation;
3. Executing a jurat; ~~[and]~~
4. ***Certifying a true and correct copy; and***
5. Performing such other duties as may be prescribed by a specific statute.

Sec. 41. NRS 240.186 is hereby amended to read as follows:

240.186 "Electronic notary public" means a person ~~[appointed by]~~ ***registered with*** the Secretary of State pursuant to NRS 240.181 to 240.206, inclusive, ***and sections 30 to 38.7, inclusive, of this act*** to perform electronic notarial acts.

Sec. 42. NRS 240.187 is hereby amended to read as follows:

240.187 "Electronic seal" means information within a notarized electronic document that includes the name, jurisdiction and expiration date of the ~~[appointment]~~ ***registration*** of an electronic notary public and generally includes the information required to be set forth in a mechanical stamp pursuant to NRS 240.040.

Sec. 43. NRS 240.189 is hereby amended to read as follows:

240.189 An electronic notary public shall comply with those provisions of NRS 240.001 to 240.169, inclusive, which are not inconsistent with NRS 240.181 to 240.206, inclusive ~~[.]~~ ***, and sections 30 to 38.7, inclusive, of this***

act. To the extent that the provisions of NRS 240.001 to 240.169, inclusive, conflict with the provisions of NRS 240.181 to 240.206, inclusive, ***and sections 30 to 38.7, inclusive, of this act,*** the provisions of NRS 240.181 to 240.206, inclusive, ***and sections 30 to 38.7, inclusive, of this act*** control.

Sec. 44. NRS 240.191 is hereby amended to read as follows:

240.191 1. ~~[The Secretary of State may appoint electronic notaries public in this State.~~

~~2. The Secretary of State shall not appoint as an electronic notary public a person who submits an application containing a substantial and material misstatement or omission of fact.~~

~~3. An electronic notary public may cancel his or her appointment by submitting a written notice to the Secretary of State.~~

~~4.]~~ It is unlawful for a person to:

(a) Represent himself or herself as an electronic notary public ~~[appointed pursuant to this section]~~ if the person has not ~~[received a certificate of appointment from]~~ ***registered with*** the Secretary of State pursuant to NRS 240.192.

(b) Submit ~~[an application for appointment]~~ ***a registration*** as an electronic notary public that contains a substantial and material misstatement or omission of fact.

~~[5.]~~ ***2.*** The Secretary of State may request that the Attorney General bring an action to enjoin any violation of paragraph (a) of subsection ~~[4.]~~ ***1.***

Sec. 45. NRS 240.192 is hereby amended to read as follows:

240.192 1. Each person ~~[applying for appointment]~~ ***registering*** as an electronic notary public must:

(a) At the time of ~~[application,]~~ ***registration,*** be a notarial officer in this State ~~[and]~~ ***who has complied with the requirements pertaining to taking an oath and filing a bond set forth in NRS 240.030 and 240.033,*** have been a notarial officer in this State for not less than 4 years ~~[;]~~ ***and have complied with all applicable notarial requirements set forth in this chapter;***

(b) ~~[Submit to]~~ ***Register with*** the Secretary of State ***by submitting*** an electronic ~~[application]~~ ***registration*** pursuant to subsection 2;

(c) Pay to the Secretary of State ~~[an application]~~ ***a registration*** fee of $50 ~~[;]~~ ***, which is in addition to the application fee required pursuant to NRS 240.030 to be a notarial officer in this State; and***

(d) ~~[Take and subscribe to the oath set forth in Section 2 of Article 15 of the Constitution of the State of Nevada as if the applicant were a public officer;~~

~~(e)]~~ Submit to the Secretary of State ***with the registration*** proof satisfactory to the Secretary of State that the ~~[applicant]~~ ***registrant*** has ~~[successfully]~~ ***:***

(1) Successfully completed ~~[a]~~ ***any required*** course of study ***on electronic notarization*** provided pursuant to NRS 240.195; and

~~[(f) Enter into a bond to the State of Nevada in the sum of $10,000, to be filed with the clerk of the county in which the applicant resides or, if the~~

~~applicant is a resident of an adjoining state, with the clerk of the county in this State in which the applicant maintains a place of business or is employed. The applicant must submit to the Secretary of State a certificate issued by the appropriate county clerk which indicates that the applicant filed the bond required pursuant to this paragraph.~~**]**

(2) Complied with the requirements pertaining to taking an oath and filing a bond set forth in NRS 240.030 and 240.033.

2. ~~**[**The application for an appointment~~**]** ***Unless the Secretary of State establishes a different process for submitting a registration as an electronic notary public, the registration*** as an electronic notary public must be submitted as an electronic document ***by electronic mail to*** ~~***[the]***~~ ***nvnotary@sos.nv.gov or, if another electronic mail address is designated by the Secretary of State, to such other designated electronic mail address,*** and must contain, without limitation, the following information:

(a) ~~**[**The applicant's full legal name, and the name to be used for appointment, if different.~~**]** ***All information required to be included in an application for appointment as a notary public pursuant to NRS 240.030.***

(b) ~~**[**The county in which the applicant resides.~~

~~(c) The electronic mail address of the applicant.~~

~~(d)~~**]** A description of the technology or device ~~**[**, approved by the Secretary of State,~~**]** that the ~~**[**applicant~~**]** ***registrant*** intends to use to create his or her electronic signature in performing electronic notarial acts.

~~**[**(e)~~**]** ***(c)*** The electronic signature of the ~~**[**applicant.~~

~~(f)~~**]** ***registrant.***

(d) Any other information ~~**[**requested~~**]** ***required pursuant to any rules or regulations adopted*** by the Secretary of State.

3. ~~**[**An applicant for appointment as an electronic notary public who resides in an adjoining state, in addition to the requirements set forth in subsections 1 and 2, must submit to the Secretary of State with the application:~~

~~(a) An affidavit setting forth the adjoining state in which the applicant resides, the applicant's mailing address and the address of the applicant's place of business or employment that is located within the State of Nevada;~~

~~(b) A copy of the applicant's state business registration issued pursuant to chapter 76 of NRS and any business license required by the local government where the applicant's business is located, if the applicant is self-employed; and~~

~~(c) Unless the applicant is self-employed, a copy of the state business registration of the applicant's employer issued pursuant to chapter 76 of NRS, a copy of any business license of the applicant's employer that is required by the local government where the business is located and an affidavit from the applicant's employer setting forth the facts which show that the employer regularly employs the applicant at an office, business or facility which is located within the State of Nevada.~~

~~4. In completing an application, bond, oath or other document necessary to apply for appointment as an electronic notary public, an applicant must not be required to disclose his or her residential address or telephone number on any such document which will become available to the public.~~

~~5. The bond, together with the oath, must be filed and recorded in the office of the county clerk of the county in which the applicant resides when the applicant applies for appointment or, if the applicant is a resident of an adjoining state, with the clerk of the county in this State in which the applicant maintains a place of business or is employed. On a form provided by the Secretary of State, the county clerk shall immediately certify to the Secretary of State that the required bond and oath have been filed and recorded. Upon receipt of the application, fee and certification that the required bond and oath have been filed and recorded, the Secretary of State shall issue a certificate of appointment as an electronic notary public to the applicant.~~

~~6. The term of an electronic notary public commences on the effective date of the bond required pursuant to paragraph (f) of subsection 1. An electronic notary public shall not perform an electronic notarial act after the effective date of the bond unless the electronic notary public has been issued a certificate of appointment pursuant to subsection 5.~~

~~7. Except as otherwise provided in this subsection, the Secretary of State shall charge a fee of $10 for each duplicate or amended certificate of appointment which is issued to an electronic notary public. If the electronic notary public does not receive an original certificate of appointment, the Secretary of State shall provide a duplicate certificate of appointment without charge if the electronic notary public requests such a duplicate within 60 days after the date on which the original certificate was issued.~~**]** ***Unless the Secretary of State establishes a different process for the payment of the registration fee required pursuant to paragraph (c) of subsection 1, the registration fee must be paid by check or draft, made payable to the Secretary of State and transmitted to the Office of the Secretary of State.***

4. Registration as an electronic notary public shall be deemed effective upon the payment of the registration fee required pursuant to paragraph (c) of subsection 1 if the registrant has satisfied all other applicable requirements.

Sec. 46. NRS 240.194 is hereby amended to read as follows:

240.194 1. The **[**~~initial term~~**]** ***period*** of **[**~~appointment~~**]** ***registration*** **[**~~as~~**]** ***of*** an electronic notary public is **[**~~2 years. Each~~**]** ***coterminous with his or her*** term of appointment ***as a notary public pursuant to NRS 240.010. Registration*** as an electronic notary public **[**~~subsequent to the initial term is 4 years.~~**]** ***must be renewed at the same time a person renews his or her appointment as a notary public.***

2. The **[**~~appointment~~**]** ***registration*** of an electronic notary public is suspended by operation of law when the electronic notary public is no longer appointed as a notary public in this State. If the **[**~~appointment~~**]** ***registration*** of

an electronic notary public has expired or been revoked or suspended, the Secretary of State shall immediately notify the electronic notary public in writing that his or her ~~[~~appointment~~]~~ ***registration*** as an electronic notary public will be suspended by operation of law until he or she is appointed as a notary public in this State.

3. If, at any time ~~[~~during his or her appointment, an~~]~~ ***, a registered*** electronic notary public changes his or her electronic mail address, county of residence, name, electronic signature or the technology or device used to create his or her electronic signature, the electronic notary public shall, within 10 days after making the change, submit to the Secretary of State:

(a) An electronic document, signed with the electronic signature submitted by the electronic notary public pursuant to subsection 2 of NRS 240.192, that includes the change of information; and

(b) A fee of $10.

Sec. 46.5. NRS 240.195 is hereby amended to read as follows:

240.195 1. ***In addition to any courses of study a notary public is required to complete pursuant to NRS 240.018, the Secretary of State may, by rule or regulation, require a notary public who registers with the Secretary of State as an electronic notary public pursuant to NRS 240.192 to complete an additional course of study on electronic notarization in accordance with this section.***

2. Except as otherwise provided in subsection ~~[~~2, an applicant for appointment~~]~~ ***3, a registrant*** as an electronic notary public must successfully:

(a) Complete ~~[~~a~~]~~ ***any*** course of study ***on electronic notarization*** that is ***required pursuant to subsection 1*** in accordance with the requirements of subsection ~~[~~5;~~]~~ ***6;*** and

(b) Pass an examination at the completion of the course.

~~[~~2.~~]~~ ***3.*** The following persons are required to enroll in and successfully complete ~~[~~a~~]~~ ***any*** course of study ~~[~~as~~]~~ ***on electronic notarization that is*** required pursuant to subsection 1:

(a) A person ~~[~~applying~~]~~ ***registering*** for ~~[~~his or her~~]~~ ***the*** first ~~[~~appointment~~]~~ ***time*** as an electronic notary public;

(b) A person renewing his or her ~~[~~appointment~~]~~ ***registration*** as an electronic notary public; and

(c) A person who has committed a violation of this chapter or whose ~~[~~appointment~~]~~ ***registration*** as an electronic notary public has been suspended, and who has been required by the Secretary of State to enroll in a course of study provided pursuant to this section.

~~[~~3.~~]~~ ***4.*** A course of study required to be completed pursuant to subsection 1 must:

(a) ~~[~~Include at least~~]~~ ***Be taken online and be of a duration of not more than*** 3 hours ~~[~~of instruction;~~]~~ ***, including instruction and completion of an examination of the course content;***

(b) Provide instruction in electronic notarization, including, without limitation, notarial law and ethics, technology and procedures;

(c) ~~[Include an examination of the course content;~~

~~— (d)]~~ Comply with ~~[the]~~ ***any*** regulations adopted pursuant to NRS 240.206 ~~[;]~~ ***relating to courses of study on electronic notarization;*** and

~~[(e)]~~ ***(d)*** Be approved by the Secretary of State.

~~[4.]~~ ***5.*** The Secretary of State may, with respect to a course of study required to be completed pursuant to subsection 1 ~~[:~~

~~— (a) Provide such a course of study; and~~

~~— (b) Charge]~~ ***, charge*** a reasonable fee to each person who enrolls in such a course of study.

~~[5.]~~ ***6.*** A course of study provided pursuant to this section:

(a) Must satisfy the criteria set forth in subsection ~~[3]~~ ***4*** and comply with ~~[the]~~ ***any*** requirements set forth in the regulations adopted pursuant to NRS 240.206 ~~[.]~~ ***relating to courses of study on electronic notarization.***

(b) May be provided ~~[in person or online]~~ by the Secretary of State or a vendor approved by the Secretary of State.

~~[6.]~~ ***7.*** The Secretary of State shall deposit the fees collected pursuant to ~~[paragraph (b) of]~~ subsection ~~[4]~~ ***5*** in the Notary Public Training Account created pursuant to NRS 240.018.

Sec. 47. NRS 240.196 is hereby amended to read as follows:

240.196 A person ~~[appointed]~~ ***registered*** as an electronic notary public pursuant to NRS 240.181 to 240.206, inclusive, ***and sections 30 to 38.7, inclusive, of this act*** may ~~[, during normal business hours,]~~ perform the following electronic notarial acts for a person who requests the electronic notarial act and tenders ~~[the appropriate]~~ ***any authorized*** fee:

1. Taking an acknowledgment;
2. Executing a jurat; ~~[and]~~
3. Administering an oath or affirmation ~~[.]~~ ***;***
4. ***Certifying a true and correct copy; and***
5. ***Performing such other duties as prescribed by law.***

Sec. 48. NRS 240.197 is hereby amended to read as follows:

240.197 1. ***Except as otherwise provided in this section:***

(a) An electronic notary public may charge the following fees ***:*** ~~[and no more:~~

~~— (a)]~~ ***(1)*** For taking an acknowledgment, for each signature .....~~[$10]~~ ***$25***

~~[(b)]~~ ***(2)*** For executing a jurat, for each signature .....~~[$10]~~ ***$25***

~~[(c)]~~ ***(3)*** For administering an oath or affirmation without a signature.....~~[$10]~~ ***$25***

~~[2.]~~ ***(b)*** An electronic notary public shall not charge a fee to perform ~~[a service]~~ ***an electronic notarial act*** unless he or she is authorized to charge a fee for such ~~[a service]~~ ***an electronic notarial act*** pursuant to this section.

~~[3.]~~ ***(c)*** All fees prescribed in this section are payable in advance, if demanded.

~~[4.]~~ ***(d)*** An electronic notary public may charge an additional fee for traveling to perform an electronic notarial act if:

~~[(a)]~~ ***(1)*** The person requesting the electronic notarial act asks the electronic notary public to travel;

~~[(b)]~~ ***(2)*** The electronic notary public explains to the person requesting the electronic notarial act that the fee for travel is in addition to the fee authorized in ~~[subsection 1]~~ ***paragraph (a)*** and is not required by law;

~~[(c)]~~ ***(3)*** The person requesting the electronic notarial act agrees in advance upon the hourly rate that the electronic notary public will charge for the additional fee for travel; and

~~[(d)]~~ ***(4)*** The additional fee for travel does not exceed:

~~[(1)]~~ ***(I)*** If the person requesting the electronic notarial act asks the electronic notary public to travel between the hours of 6 a.m. and 7 p.m., $10 per hour.

~~[(2)]~~ ***(II)*** If the person requesting the electronic notarial act asks the electronic notary public to travel between the hours of 7 p.m. and 6 a.m., $25 per hour.

➥ The electronic notary public may charge a minimum of 2 hours for such travel and shall charge on a pro rata basis after the first 2 hours.

~~[5.]~~ ***(e)*** An electronic notary public is entitled to charge the amount of the additional fee for travel agreed to in advance by the person requesting the electronic notarial act pursuant to ~~[subsection 4]~~ ***paragraph (d)*** if:

~~[(a)]~~ ***(1)*** The person requesting the electronic notarial act cancels the request after the electronic notary public begins traveling to perform the requested electronic notarial act.

~~[(b)]~~ ***(2)*** The electronic notary public is unable to perform the requested electronic notarial act as a result of the actions of the person who requested the electronic notarial act or any other person who is necessary for the performance of the electronic notarial act.

~~[6.]~~ ***(f)*** For each additional fee for travel that an electronic notary public charges pursuant to ~~[subsection 4,]~~ ***paragraph (d),*** the electronic notary public shall enter in the ***electronic*** journal that he or she keeps pursuant to NRS 240.201:

~~[(a)]~~ ***(1)*** The amount of the fee; and

~~[(b)]~~ ***(2)*** The date and time that the electronic notary public began and ended such travel.

~~[7.]~~ ***(g) An electronic notary public may charge a reasonable fee to recover any cost of providing a copy of an entry or a recording of an audio-video communication in an electronic journal maintained pursuant to NRS 240.201.***

2. A person who employs an electronic notary public may prohibit the electronic notary public from charging a fee for an electronic notarial act that the electronic notary public performs within the scope of the employment. Such a person shall not require the electronic notary public whom the person employs to surrender to the person all or part of a fee charged by the electronic notary public for an electronic notarial act performed outside the scope of the employment of the electronic notary public.

3. An electronic notary public who is an officer or employee of the State or a local government shall not charge a fee for an electronic notarial act that the electronic notary public performs within the scope of such employment.

4. This section does not apply to any compensation for services provided by an electronic notary public which do not constitute electronic notarial acts or comply with the other requirements of this chapter.

Sec. 49. NRS 240.198 is hereby amended to read as follows:

240.198 ***Except as otherwise specifically provided by law:***

1. An electronic notary public shall not willfully electronically notarize the signature or electronic signature of a person unless the person is in the presence of the electronic notary public at the time of notarization and:

(a) Is known to the electronic notary public; or

(b) If unknown to the electronic notary public, provides a credible witness or documentary evidence of identification to the electronic notary public.

2. A person who:

(a) Violates the provisions of subsection 1; or

(b) Aids and abets an electronic notary public to commit a violation of subsection 1,

➥ is guilty of a gross misdemeanor.

3. ~~[An electronic notary public shall not electronically notarize any electronic document related to the following:~~

~~(a) A will, codicil or testamentary trust; and~~

~~(b) Any transaction governed by the Uniform Commercial Code other than NRS 104.1306, 104.2101 to 104.2725, inclusive, and 104A.2101 to 104A.2532, inclusive.~~

~~4. An appointment]~~ ***Registration*** as an electronic notary public pursuant to NRS 240.181 to 240.206, inclusive, ***and sections 30 to 38.7, inclusive, of this act*** does not authorize the electronic notary public to perform notarial acts in another state.

4. A notarial act performed by an electronic notary public in this State for a person located outside this State by means of audio-video communication in accordance with the provisions of this chapter shall not be deemed to be performed outside this State.

Sec. 50. NRS 240.199 is hereby amended to read as follows:

240.199 ***1.*** An electronic notarial act must be evidenced by the following, which must be attached to or logically associated with the electronic document that is the subject of the electronic notarial act and which must be immediately perceptible and reproducible:

~~[1.]~~ ***(a)*** The electronic signature of the electronic notary public;

~~[2.]~~ ***(b)*** The electronic seal of the electronic notary public; and

~~[3.]~~ ***(c)*** The wording of a notarial certificate pursuant to NRS 240.1655, 240.166 to 240.167, inclusive, 240.1685 or 240.169 ~~[.]~~ ***, including, without limitation, language explicitly stating that the notarial act was performed using audio-video communication, if applicable.***

2. Upon the completion of an electronic notarial act in accordance with subsection 1, an electronic notary public shall use technology to render the electronic document tamper-evident.

Sec. 51. NRS 240.201 is hereby amended to read as follows:

240.201 1. An electronic notary public shall keep ~~[a]~~ ***an electronic*** journal of each electronic notarial act which includes, without limitation, the requirements of subsections 1 and 5 of NRS 240.120 ~~[.]~~ ***, but does not include the electronic signatures of the person for whom the electronic notarial act was performed and any witnesses.***

2. ***An electronic notary public who performs electronic notarial acts shall:***

(a) Describe each electronic notarial act in the electronic journal and specify whether the electronic notarial act was performed using audio-video communication;

(b) Maintain and protect the electronic journal at all times under his or her sole control; and

(c) Provide for lawful inspection and copying of the electronic journal.

3. An electronic notary public may maintain more than one electronic journal to record electronic notarial acts.

4. The fact that the employer or contractor of an electronic notary public keeps a record of electronic notarial acts does not relieve the electronic notary public of the duties required by this section.

5. An electronic journal must:

(a) Enable access by a password or other secure means of authentication; and

(b) Be capable of providing tangible or electronic copies of any entry made therein.

6. The Secretary of State may suspend the ~~[appointment]~~ ***registration*** of an electronic notary public who fails to produce any ***electronic*** journal entry within 10 days after receipt of a request from the Secretary of State.

~~[3.]~~ ***7.*** Upon ~~[resignation,]~~ ***surrender,*** revocation or expiration of ~~[an appointment]~~ ***a registration*** as an electronic notary public, all notarial records required pursuant to NRS 240.001 to 240.206, inclusive, ***and sections 30 to 38.7, inclusive, of this act*** must ***, except as otherwise provided by law,*** be ~~[delivered to the Secretary of State.]~~ ***kept by the electronic notary public for a period of 7 years after the termination of the registration of the electronic notary public.***

8. As used in this section, "sole control" means being in the direct physical custody of or safeguarded by an electronic notary public with a password or other secure means of authentication.

Sec. 52. NRS 240.202 is hereby amended to read as follows:

240.202 1. The electronic signature and electronic seal of an electronic notary public must be used only for the purposes of performing electronic notarial acts.

2. An electronic notary public shall safeguard his or her electronic signature, the electronic seal and all notarial records maintained by the electronic notary public as follows:

(a) When not in use, the electronic notary public shall keep the electronic signature, electronic seal and all notarial records secure, under the exclusive control of the electronic notary public and protected by a password where applicable.

(b) An electronic notary public shall not permit his or her electronic signature or electronic seal to be used by any other person.

(c) An electronic notary public shall not surrender or destroy his or her notarial records except as otherwise required by the order of a court or as allowed pursuant to NRS 240.001 to 240.206, inclusive, ***and sections 30 to 38.7, inclusive, of this act*** or any regulations adopted pursuant thereto.

(d) Except as otherwise provided in subsection 3, an electronic notary public, within 10 days after discovering that his or her electronic signature or electronic seal has been stolen, lost, damaged or otherwise rendered incapable of affixing a legible image, shall:

(1) Inform the appropriate law enforcement agency in the case of theft or vandalism; and

(2) Notify the Secretary of State ***and the entity from which the electronic notary public obtained the electronic signature or electronic seal*** in writing, including, without limitation, a signature using the name ~~[on the certificate of appointment issued]~~ ***under which the electronic notary public is registered*** pursuant to ~~[subsection 5 of]~~ NRS 240.192.

3. An electronic notary public shall take reasonable steps to maintain the technology or device used to create his or her electronic signature, and to ensure that the technology or device has not been recalled, revoked, terminated or otherwise rendered ineffective or unsecure by the entity that created the technology or device. Upon learning that the technology or device used to create his or her electronic signature has been rendered ineffective or unsecure, an electronic notary public shall cease performing electronic notarial acts until:

(a) A new technology or device is acquired; and

(b) The electronic notary public sends an electronic notice to the Secretary of State that includes ~~[, without limitation,]~~ the ~~[information]~~ ***electronic signature of the electronic notary public*** required pursuant to ~~[paragraphs (d) and (e)]~~ ***paragraph (c)*** of subsection 2 of NRS 240.192 relating to the new technology or device.

Sec. 53. NRS 240.203 is hereby amended to read as follows:

240.203 1. Except as otherwise provided in subsection 3, if an electronic notary public dies ~~[or resigns]~~ during his or her ~~[appointment,]~~ ***period of registration,*** or if the ~~[appointment]~~ ***registration*** of the electronic notary public is ***surrendered or*** revoked or expires, the electronic notary public, the executor of his or her estate or an authorized representative of the electronic notary public, as appropriate, shall:

(a) Notify the Secretary of State of the resignation or death; and

(b) Erase, delete, destroy or otherwise render ineffective the technology or device used to create his or her electronic signature.

2. Upon receipt of the notice required by subsection 1, the Secretary of State shall cancel the ~~[appointment]~~ ***registration*** of the electronic notary public, effective on the date on which the notice was received.

3. A former electronic notary public whose previous ~~[appointment]~~ ***registration*** as an electronic notary public was not revoked and whose previous ~~[application for appointment]~~ ***registration*** as an electronic notary public was not denied is not required to erase, delete, destroy or otherwise render ineffective the technology or device used to create his or her electronic signature if the former electronic notary public renews his or her ~~[appointment,]~~ ***registration,*** using the same electronic signature, within 3 months after the expiration of his or her previous ~~[appointment]~~ ***registration*** as an electronic notary public.

Sec. 54. NRS 240.204 is hereby amended to read as follows:

240.204 1. A person who knowingly creates, manufactures or distributes software or hardware for the purpose of allowing a person to act as an electronic notary public without being ~~[appointed]~~ ***registered*** in accordance with NRS 240.181 to 240.206, inclusive, ***and sections 30 to 38.7, inclusive, of this act*** is guilty of a gross misdemeanor.

2. A person who wrongfully obtains, conceals, damages or destroys the technology or device used to create the electronic signature of an electronic notary public is guilty of a gross misdemeanor.

Sec. 55. NRS 719.200 is hereby amended to read as follows:

719.200 1. Except as otherwise provided in subsection 2, the provisions of this chapter apply to electronic records and electronic signatures relating to a transaction.

2. The provisions of this chapter do not apply to a transaction to the extent it is governed by:

(a) ~~[A]~~ ***Except as otherwise specifically provided by law, a*** law governing the creation and execution of wills, codicils or testamentary trusts;

(b) The Uniform Commercial Code other than NRS 104.1306, 104.2101 to 104.2725, inclusive, and 104A.2101 to 104A.2532, inclusive; or

(c) The provisions of NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto.

3. The provisions of this chapter apply to an electronic record or electronic signature otherwise excluded from the application of this chapter under subsection 2 to the extent it is governed by a law other than those specified in subsection 2.

4. A transaction subject to the provisions of this chapter is also subject to other applicable substantive law.

Sec. 56. Section 4 of Assembly Bill No. 476 of this session is hereby amended to read as follows:

Sec. 4. (Deleted by amendment.)

Sec. 57. Section 5 of Assembly Bill No. 476 of this session is hereby amended to read as follows:

Sec. 5. (Deleted by amendment.)

Sec. 58. Section 6 of Assembly Bill No. 476 of this session is hereby amended to read as follows:

Sec. 6. (Deleted by amendment.)

Sec. 59. Section 8 of Assembly Bill No. 476 of this session is hereby amended to read as follows:

Sec. 8. (Deleted by amendment.)

Sec. 60. Section 9 of Assembly Bill No. 476 of this session is hereby amended to read as follows:

Sec. 9. (Deleted by amendment.)

Sec. 61. The provisions of this act are intended to supersede any provisions of Assembly Bill No. 476 of this session that conflict with the provisions of this act.

Sec. 62. NRS 240.193 is hereby repealed.

Sec. 63. 1. This section and sections 56 to 60, inclusive, of this act become effective upon passage and approval.

2. Sections 1 to 28, inclusive, and 61 of this act become effective on July 1, 2017.

3. Sections 29 to 55, inclusive, and 62 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any rules and regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On December 1, 2017, for all other purposes.

TEXT OF REPEALED SECTION

240.193 Requirements for bond; notification of exhaustion of penal sum; release of surety; suspension of appointment; reinstatement of appointment.

1. The bond required to be filed pursuant to NRS 240.192 must be executed by the person applying to become an electronic notary public as principal and by a surety company qualified and authorized to do business in this State. The bond must be made payable to the State of Nevada and be conditioned to provide indemnification to a person determined to have suffered damage as a result of an act by the electronic notary public which violates a provision of NRS 240.001 to 240.206, inclusive. The surety company shall pay a final, nonappealable judgment of a court of this State that has jurisdiction, upon receipt of written notice of final judgment. The bond may be continuous, but regardless of the duration of the bond, the aggregate liability of the surety does not exceed the penal sum of the bond.

2. If the penal sum of the bond is exhausted, the surety company shall notify the Secretary of State in writing within 30 days after its exhaustion.

3. The surety bond must cover the period of the appointment of the electronic notary public, except when a surety is released.

4. A surety on a bond filed pursuant to NRS 240.192 may be released after the surety gives 30 days' written notice to the Secretary of State and the electronic notary public, but the release does not discharge or otherwise affect a claim filed by a person for damage resulting from an act of the electronic notary public which is alleged to have occurred while the bond was in effect.

5. The appointment of an electronic notary public is suspended by operation of law when the electronic notary public is no longer covered by a surety bond as required by this section and NRS 240.192 or the penal sum of the bond is exhausted. If the Secretary of State receives notice pursuant to subsection 4 that the bond will be released or pursuant to subsection 2 that the penal sum of the bond is exhausted, the Secretary of State shall immediately notify the electronic notary public in writing that his or her appointment will be suspended by operation of law until another surety bond is filed in the same manner and amount as the bond being terminated.

6. The Secretary of State may reinstate the appointment of an electronic notary public whose appointment has been suspended pursuant to subsection 5 if the electronic notary public, before his or her current term of appointment expires:

(a) Submits to the Secretary of State:

(1) An application for an amended certificate of appointment as an electronic notary public; and

(2) A certificate issued by the clerk of the county in which the applicant resides or, if the applicant is a resident of an adjoining state, the county in this State in which the applicant maintains a place of business or is employed, which indicates that the applicant filed a new surety bond with the clerk; and

(b) Pays to the Secretary of State a fee of $10.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 1137 to Assembly Bill No. 413.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:
The amendment reconciled conflicts with another bill.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 1148.

AN ACT relating to electronic documents; establishing provisions relating to electronic wills and trusts; revising provisions governing electronic notaries public; authorizing electronic notaries public to perform authorized electronic notarial acts remotely using audio-video communication; establishing provisions concerning electronic documents relating to real property located in this State; authorizing the Secretary of State to require notaries public registering as electronic notaries public to complete an online

course on electronic notarization; increasing the amount of the fees authorized to be charged by an electronic notary public for the performance of certain electronic notarial acts and authorizing the collection of a fee to recover certain costs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes provisions relating to electronic wills. (NRS 132.119, 133.085, 136.185) **Sections 10-17** of this bill establish various other provisions relating to electronic wills. **Sections 8 and 19** of this bill revise the description of an electronic will and **section 10** establishes the circumstances in which an electronic will is self-proving. **Sections 11 and 12** establish the qualifications and duties of a qualified custodian of an electronic will, who is required to store electronic records of electronic wills in a system that protects electronic records from destruction, alteration or unauthorized access and detects any change to an electronic record. **Sections 13 and 14** set forth the circumstances in which a qualified custodian is authorized to cease serving in such a capacity. **Section 15** establishes provisions concerning affidavits relating to the creation of a certified paper original of an electronic will, which **section 3** of this bill generally defines as a tangible document containing the text of an electronic will. **Section 16** sets forth provisions relating to the ability of an electronic notary public or other notarial officer to perform certain notarial acts. **Section 17** establishes various provisions for purposes relating to the execution and filing of any document with a court in any proceeding relating to an electronic will and for certain other purposes.

Section 18 of this bill establishes requirements relating to a declaration or affidavit of a witness to an electronic will. **Section 20** of this bill provides the methods by which an electronic will may be revoked. **Section 21** of this bill sets forth provisions relating to the jurisdiction in which an electronic will may be proved and the admittance of a certified paper original of an electronic will to probate.

Sections 23-28 of this bill revise provisions relating to trusts. **Section 24** provides that a video recording or other electronic record may be admissible in court as evidence of certain issues relating to a trust, and **section 28** revises the description of an electronic trust.

Existing law establishes the Electronic Notary Public Authorization Act pursuant to which an electronic notary public appointed by the Secretary of State is authorized to perform electronic notarial acts. (NRS 240.181-240.206) **Section 39** of this bill renames the act as the Electronic Notarization Enabling Act and **section 45** of this bill requires electronic notaries public to register with, instead of be appointed by, the Secretary of State. **Section 35** of this bill: (1) authorizes an electronic notary public to perform authorized electronic notarial acts remotely using audio-video communication, which **section 30** of this bill generally defines as communication by which a person is able to see, hear and communicate with another person in real time using electronic means; and (2) sets forth certain

requirements relating to such electronic notarial acts. **Section 36** of this bill authorizes an electronic notary public to perform an electronic notarial act using audio-video communication for a person located: (1) in this State; (2) outside this State but within the United States; or (3) in certain circumstances, outside the United States.

Section 37 of this bill requires an electronic notary public to arrange for a recording to be made of each electronic notarial act performed using audio-video communication and to give all participating persons advance notice of the recording. **Section 37** also requires the recording to be kept for not less than 7 years. **Section 51** of this bill requires an electronic notary public to keep an electronic journal of each notarial act which he or she performs and to maintain and protect the electronic journal at all times. **Section 51** also provides that, except as otherwise provided by law, an electronic notary public is required to keep all required notarial records for a period of 7 years after the termination of the registration of the electronic notary public.

Section 38 of this bill establishes provisions relating to the confirmation of the identity of a person for whom an electronic notarial act is performed using audio-video communication. **Section 50** of this bill requires an electronic notary public to render an electronic document that is the subject of an electronic notarial act tamper-evident.

Section 38.3 of this bill establishes provisions concerning electronic documents relating to real property located in this State.

Section 46.5 of this bill authorizes the Secretary of State to require a notary public who registers with the Secretary of State as an electronic notary public to complete an online course of study on electronic notarization. **Section 38.7** of this bill establishes provisions relating to the completion of such a course of study.

Section 48 of this bill increases the amount of fees which an electronic notary public may charge for performing certain electronic notarial acts and authorizes an electronic notary public to charge a reasonable fee to recover any cost of providing a copy of an entry or a recording of an audio-video communication in the electronic journal maintained by the electronic notary public. **Section 48** also prohibits an electronic notary public who is an officer or employee of the State or a local government from charging a fee for an electronic notarial act that the electronic notary public performs within the scope of such employment.

Sections 56-60 of this bill delete certain provisions of Assembly Bill No. 476 of this session that are replaced with the provisions of **sections 45, 46, 46.5, 51 and 52** of this bill, and **section 61** of this bill provides that the provisions of this bill are intended to supersede any provisions of Assembly Bill No. 476 that conflict with the provisions of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 132 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***Except as otherwise specifically provided in this title, the provisions of this title must be construed in a manner consistent with the provisions of chapter 719 of NRS.***

Sec. 3. ***"Certified paper original" means a tangible document that contains the text of an electronic will and, if applicable, a self-proving affidavit concerning the electronic will.***

Sec. 4. ***"Electronic notary public" has the meaning ascribed to it in NRS 240.186.***

Sec. 5. ***"Qualified custodian" means a person who meets the requirements of section 11 of this act.***

Sec. 6. NRS 132.025 is hereby amended to read as follows:

132.025 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 132.030 to 132.370, inclusive, ***and sections 3, 4 and 5 of this act*** have the meanings ascribed to them in those sections.

Sec. 7. NRS 132.117 is hereby amended to read as follows:

132.117 "Electronic record" means a record created, generated ***, sent, communicated, received*** or stored by electronic means.

Sec. 8. NRS 132.119 is hereby amended to read as follows:

132.119 "Electronic will" means ~~[a testamentary document that complies]~~ ***an instrument, including, without limitation, a codicil, that is executed by a person in accordance*** with the requirements of NRS 133.085 ~~[.]~~ ***and which disposes of the property of the person upon or after his or her death.***

Sec. 9. Chapter 133 of NRS is hereby amended by adding thereto the provisions set forth as sections 10 to 17, inclusive, of this act.

Sec. 10. ***1. An electronic will is self-proving if:***

(a) The declarations or affidavits of the attesting witnesses are incorporated as part of, attached to or logically associated with the electronic will, as described in NRS 133.050;

(b) The electronic will designates a qualified custodian to maintain custody of the electronic record of the electronic will; and

(c) Before being offered for probate or being reduced to a certified paper original that is offered for probate, the electronic will was at all times under the custody of a qualified custodian.

2. A declaration or affidavit of an attesting witness made pursuant to NRS 133.050 and an affidavit of a person made pursuant to section 15 of this act must be accepted by a court as if made before the court.

Sec. 11. ***A qualified custodian of an electronic will:***

1. Must not be an heir of the testator or a beneficiary or devisee under the electronic will.

2. Shall consistently employ, and store electronic records of electronic wills in, a system that protects electronic records from destruction,

alteration or unauthorized access and detects any change to an electronic record.

3. Shall store in the electronic record of an electronic will each of the following:

(a) A photograph or other visual record of the testator and the attesting witnesses that was taken contemporaneously with the execution of the electronic will;

(b) A photocopy, photograph, facsimile or other visual record of any documentation that was taken contemporaneously with the execution of the electronic will and provides satisfactory evidence of the identities of the testator and the attesting witnesses, including, without limitation, documentation of the methods of identification used pursuant to subsection 4 of NRS 240.1655; and

(c) An audio and video recording of the testator, attesting witnesses and notary public, as applicable, taken at the time the testator, each attesting witness and notary public, as applicable, placed his or her electronic signature on the electronic will, as required pursuant to paragraph (b) of subsection 1 of NRS 133.085.

4. Shall provide to any court that is hearing a matter involving an electronic will which is currently or was previously stored by the qualified custodian any information requested by the court pertaining to the qualifications of the qualified custodian and the policies and practices of the qualified custodian concerning the maintenance, storage and production of electronic wills.

Sec. 12. *1. With regard to an electronic record of an electronic will, a qualified custodian:*

(a) Shall provide access to or information concerning the electronic will or the certified paper original of the electronic will only to:

(1) The testator or another person as directed by the written instructions of the testator; and

(2) After the death of the testator, the nominated personal representative of the testator or any interested person; and

(b) May, in the absolute discretion of the qualified custodian, destroy the electronic record at any time:

(1) Five or more years after the admission of any will of the testator to probate;

(2) Five or more years after the revocation of the electronic will;

(3) Five or more years after ceasing to serve as the qualified custodian of the electronic record of the electronic will pursuant to section 13 of this act;

(4) Ten or more years after the death of the testator; or

(5) One hundred and fifty years after the execution of the electronic will.

2. At the direction of a testator in a writing executed with the same formalities required for the execution of an electronic will, a qualified

custodian shall cancel, render unreadable or obliterate the electronic record.

Sec. 13. ***1. A qualified custodian may cease serving in such a capacity by:***

(a) If not designating a successor qualified custodian, providing to the testator:

(1) Thirty days' written notice that the qualified custodian has decided to cease serving in such a capacity; and

(2) The certified paper original of, and all records concerning, the electronic will.

(b) If designating a successor qualified custodian:

(1) Providing 30 days' written notice that the qualified custodian has decided to cease serving in such a capacity to:

(I) The testator; and

(II) The designated successor qualified custodian; and

(2) Providing to the successor qualified custodian the electronic record of the electronic will and an affidavit which states:

(I) That the qualified custodian ceasing to act in such a capacity is eligible to act as a qualified custodian in this State and is the qualified custodian designated by the testator in the electronic will or was designated to act in such a capacity by another qualified custodian pursuant to this paragraph;

(II) That an electronic record was created at the time the testator executed the electronic will;

(III) That the electronic record has been in the custody of one or more qualified custodians since the execution of the electronic will and has not been altered since the time it was created; and

(IV) The identity of all qualified custodians who have had custody of the electronic record since the execution of the electronic will.

2. For purposes of making the affidavit pursuant to subparagraph (2) of paragraph (b) of subsection 1, a qualified custodian is entitled to rely conclusively on any affidavits provided by a predecessor qualified custodian if all such affidavits are provided to the successor qualified custodian.

3. Subject to the provisions of section 14 of this act, if the testator designates a successor qualified custodian in a writing executed with the same formalities required for the execution of an electronic will, a qualified custodian shall cease serving in such a capacity and provide to the designated successor qualified custodian:

(a) The electronic record; and

(b) The affidavit described in subparagraph (2) of paragraph (b) of subsection 1.

4. If a qualified custodian is an entity, an affidavit of a duly authorized officer or agent of such entity constitutes the affidavit of the qualified custodian.

Sec. 14. ***1. A person must execute a written statement affirmatively agreeing to serve as the qualified custodian of an electronic will before he or she may serve in such a capacity.***

2. Except as otherwise provided in paragraph (a) of subsection 1 of section 13 of this act, a qualified custodian may not cease serving in such a capacity until a successor qualified custodian executes the written statement required by subsection 1.

Sec. 15. ***1. Upon the creation of a certified paper original of an electronic will:***

(a) If the electronic will has always been in the custody of a qualified custodian, the qualified custodian shall state in an affidavit:

(1) That the qualified custodian is eligible to act as a qualified custodian in this State;

(2) That the qualified custodian is the qualified custodian designated by the testator in the electronic will or was designated to act in such a capacity pursuant to paragraph (b) of subsection 1 of section 13 of this act;

(3) That an electronic record was created at the time the testator executed the electronic will;

(4) That the electronic record has been in the custody of one or more qualified custodians since the execution of the electronic will, and has not been altered since the time it was created;

(5) The identity of all qualified custodians who have had custody of the electronic record since the execution of the electronic will;

(6) That the certified paper original is a true, correct and complete tangible manifestation of the electronic will; and

(7) That the records described in subsection 3 of section 11 of this act are in the custody of the qualified custodian.

(b) If the electronic will has not always been under the custody of a qualified custodian, the person who discovered the electronic will and the person who reduced the electronic will to the certified paper original shall each state in an affidavit the following information, to the best of their knowledge:

(1) When the electronic will was created, if not indicated in the electronic will;

(2) When, how and by whom the electronic will was discovered;

(3) The identities of each person who has had access to the electronic will;

(4) The method in which the electronic will was stored and the safeguards in place to prevent alterations to the electronic will;

(5) Whether the electronic will has been altered since its execution; and

(6) That the certified paper original is a true, correct and complete tangible manifestation of the electronic will.

2. For purposes of making an affidavit pursuant to paragraph (a) of subsection 1, the qualified custodian may rely conclusively on any affidavits delivered by a predecessor qualified custodian.

Sec. 16. *1. Notwithstanding any other provision of law, an electronic notary public or other notarial officer may, for purposes of this title, including, without limitation, all purposes relating to the execution and filing of any document with the court in any proceeding relating to an electronic will:*

(a) Notarize the signature or electronic signature of a person, as applicable, who is not in the physical presence of the electronic notary public or other notarial officer if the person is in his or her presence within the meaning of section 17 of this act; and

(b) Notarize any document relating to a will, codicil or testamentary trust.

2. This section must be liberally construed and applied to promote the purposes of NRS 133.085 and sections 10 to 17, inclusive, of this act.

Sec. 17. *1. For purposes of this title, including, without limitation, any declaration or affidavit made by an attesting witness as described in NRS 133.050, for all purposes relating to the execution and filing of any document with the court in any proceeding relating to an electronic will and for purposes of executing a power of attorney pursuant to NRS 162A.220, an advance directive or any document relating to an advance directive:*

(a) A person shall be deemed to be in the presence of or appearing before another person if such persons are in:

(1) The same physical location; or

(2) Different physical locations but can communicate with each other by means of audio-video communication.

(b) An electronic notary public may electronically notarize electronic documents, including, without limitation, documents constituting or relating to an electronic will, in accordance with NRS 240.181 to 240.206, inclusive, and sections 30 to 38.7, inclusive, of this act.

(c) Any requirement that a document be signed may be satisfied by an electronic signature.

(d) If a provision of law requires a written record, an electronic record satisfies such a provision.

(e) Except as otherwise provided in subparagraph (3), regardless of the physical location of the person executing a document or of any witness, if a document is executed electronically, the document shall be deemed to be executed in this State and will be governed by the laws of this State and subject to the jurisdiction of the courts of this State if:

(1) The person executing the document states that he or she understands that he or she is executing, and that he or she intends to execute, the document in and pursuant to the laws of this State;

(2) The document states that the validity and effect of its execution are governed by the laws of this State;

(3) Any attesting witnesses or an electronic notary public whose electronic signatures are contained in the document were physically located within this State at the time the document was executed in accordance with this section; or

(4) In the case of a self-proving electronic will, the electronic will designates a qualified custodian who, at the time of execution:

(I) If a natural person, is domiciled in this State; or

(II) If an entity, is organized under the laws of this State or whose principal place of business is located in this State.

2. Notwithstanding the provisions of subsection 1, the validity of a notarial act performed by an electronic notary public must be determined by applying the laws of the jurisdiction in which the electronic notary public is commissioned or appointed.

3. As used in this section:

(a) "Advance directive" has the meaning ascribed to it in NRS 449.905.

(b) "Audio-video communication" means communication by which a person is able to see, hear and communicate with another person in real time using electronic means.

Sec. 18. NRS 133.050 is hereby amended to read as follows:

133.050 1. Any attesting witness to a will ***, including, without limitation, an electronic will,*** may sign a declaration under penalty of perjury or an affidavit before any person authorized to administer oaths in or out of the State, stating such facts as the witness would be required to testify to in court to prove the will. The declaration or affidavit must be written on the will or, if that is impracticable, on some paper attached thereto. ***If the will is an electronic will, the declaration or affidavit must be in a record incorporated as part of, attached to or logically associated with the electronic will.*** The sworn statement of any witness so taken must be accepted by the court as if it had been taken before the court.

2. The affidavit described in subsection 1 may be in substantially the following form:

State of Nevada }
}ss.
County of..... }

(Date).....

Then and there personally appeared ..... and ....., who, being duly sworn, depose and say: That they witnessed the execution of the foregoing will of the testator, ...; that the testator subscribed the will and declared it to be his or her last will and testament in their presence; that they thereafter subscribed the will as witnesses in the presence of the testator and in the presence of each other and at the

request of the testator; and that the testator at the time of the execution of the will appeared to them to be of full age and of sound mind and memory.

.....
Affiant

.....
Affiant

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public

3. The declaration described in subsection 1 may be in substantially the following form:

Under penalty of perjury pursuant to the law of the State of Nevada, the undersigned, ... and ....., declare that the following is true of their own knowledge: That they witnessed the execution of the foregoing will of the testator, ...; that the testator subscribed the will and declared it to be his or her last will and testament in their presence; that they thereafter subscribed the will as witnesses in the presence of the testator and in the presence of each other and at the request of the testator; and that the testator at the time of the execution of the will appeared to them to be of full age and of sound mind and memory.

Dated this ..... day of ....., ...
..... Declarant
..... Declarant

4. If a testator or a witness signing an affidavit or declaration described in subsection 1 appears by means of audio-video communication, the form for the affidavit or declaration, as set forth in subsections 2 and 3, respectively, must be modified to indicate that fact.

5. As used in this section, "audio-video communication" has the meaning ascribed to it in section 17 of this act.

Sec. 19. NRS 133.085 is hereby amended to read as follows:

133.085 1. An electronic will is a will of a testator that:

(a) Is ~~[~~written,~~]~~ created and ~~[~~stored~~]~~ ***maintained*** in an electronic record; ***and***

(b) Contains the date and the electronic signature of the testator and which includes, without limitation, at least one ***of the following:***

(1) An authentication characteristic of the testator; ~~[~~and

~~(c) Is created and stored in such a manner that:~~

~~(1) Only one authoritative copy exists;~~]

(2) The ~~[authoritative copy is maintained and controlled by the testator or a custodian designated by the testator in the]~~ electronic ~~[will;]~~ ***signature and electronic seal of an electronic notary public, placed thereon in the presence of the testator and in whose presence the testator placed his or her electronic signature thereon; or***

(3) ~~[Any attempted alteration of the authoritative copy is readily identifiable; and~~

~~(4) Each copy of the authoritative copy is readily identifiable as a copy that is not the authoritative copy.]~~ ***The electronic signatures of two or more attesting witnesses, placed thereon in the presence of the testator and in whose presence the testator placed his or her electronic signature thereon.***

2. Every person of sound mind over the age of 18 years may, by last electronic will, dispose of all of his or her estate, real and personal, but the estate is chargeable with the payment of the testator's debts.

3. ~~[An electronic will that meets the requirements of this section is subject to no other form, and may be made in or out of this State. An electronic will is valid and has the same force and effect as if formally executed.~~

~~4. An electronic will shall be deemed to be executed in this State if the authoritative copy of the electronic will is:~~

~~(a) Transmitted to and maintained by a custodian designated in the electronic will at the custodian's place of business in this State or at the custodian's residence in this State; or~~

~~(b) Maintained by the testator at the testator's place of business in this State or at the testator's residence in this State.~~

~~5.]~~ ***Except as otherwise provided in this section and sections 10 to 17, inclusive, of this act, all questions relating to the force, effect, validity and interpretation of an electronic will that complies with the provisions of this section and sections 10 to 17, inclusive, of this act must be determined in the same manner as a will executed in accordance with NRS 133.040.***

4. The provisions of this section do not apply to a trust other than a trust contained in an electronic will.

~~[6.]~~ ***5.*** As used in this section:

(a) "Authentication characteristic" means a characteristic of a certain person that is unique to that person and that is capable of measurement and recognition in an electronic record as a biological aspect of or physical act performed by that person. Such a characteristic may consist of a fingerprint, a retinal scan, voice recognition, facial recognition, ***video recording,*** a digitized signature or other ***commercially reasonable*** authentication using a unique characteristic of the person.

(b) ~~[~~"Authoritative copy" means the original, unique, identifiable and unalterable electronic record of an electronic will.

~~(c)]~~ "Digitized signature" means a graphical image of a handwritten signature that is created, generated or stored by electronic means.

(c) "Electronic seal" has the meaning ascribed to it in NRS 240.187.

Sec. 20. NRS 133.120 is hereby amended to read as follows:

133.120 1. A written will ***other than an electronic will*** may only be revoked by:

(a) Burning, tearing, cancelling or obliterating the will, with the intention of revoking it, by the testator, or by some person in the presence and at the direction of the testator; ~~[or]~~

(b) Another will or codicil in writing, executed as prescribed in this chapter ~~[.]~~ ***; or***

(c) An electronic will, executed as prescribed in this chapter.

2. ***An electronic will may only be revoked by:***

(a) Another will, codicil, electronic will or other writing, executed as prescribed in this chapter; or

(b) Cancelling, rendering unreadable or obliterating the will with the intention of revoking it, by:

(1) The testator or a person in the presence and at the direction of the testator; or

(2) If the will is in the custody of a qualified custodian, the qualified custodian at the direction of a testator in an electronic will.

3. This section does not prevent the revocation implied by law from subsequent changes in the condition or circumstances of the testator.

Sec. 21. NRS 136.185 is hereby amended to read as follows:

136.185 ***1.*** An electronic will ***executed or deemed to be executed in or pursuant to the laws of this State*** may be proved ~~[by authentication satisfactory to the court.]~~ ***and letters granted in the county in which the decedent was a resident at the time of his or her death or the domicile or registered office of the qualified custodian exists.***

2. A certified paper original of an electronic will may be offered for and admitted to probate in the same manner as if it were a will executed in accordance with NRS 133.040.

3. A certified paper original of an electronic will that is self-proving pursuant to section 10 of this act is presumed to be valid and, absent any objection, must be admitted to probate expeditiously without requiring any further proof of validity.

4. An electronic will that is executed or deemed to be executed in or pursuant to the laws of another state in accordance with the laws of the other state or of this State is a valid electronic will in this State.

Sec. 22. Chapter 163 of NRS is hereby amended by adding thereto the provisions set forth as sections 23 and 24 of this act.

Sec. 23. ***As used in this chapter, unless the context otherwise requires, when the terms "execute" or "sign" are used in reference to a will, trust or instrument to convey property, the terms include the use of an electronic signature.***

Sec. 24. ***Subject to the provisions of any applicable court rules, a video recording or other electronic record may be admissible as evidence of:***

1. The proper execution of a trust.

2. The intentions of a settlor.

3. The mental state or capacity of a settlor.

4. The authenticity of a trust.

5. Matters that are determined by a court to be relevant to the administration of a trust.

Sec. 25. NRS 163.0016 is hereby amended to read as follows:

163.0016 "Nontestamentary trust" means a trust ***, including, without limitation, an electronic trust,*** that is created and takes effect during the lifetime of the settlor.

Sec. 26. NRS 163.0018 is hereby amended to read as follows:

163.0018 "Testamentary trust" means a trust that is created by the terms of the will ***, including, without limitation, the electronic will,*** of a person.

Sec. 27. NRS 163.00185 is hereby amended to read as follows:

163.00185 "Trust instrument" means a will, trust agreement, declaration, or other instrument ***, including, without limitation, an electronic trust,*** that creates or defines the duties and powers of a trustee and shall include a court order or any instrument that modifies a trust instrument or, in effect, alters the duties and powers of a trustee or other terms of a trust instrument.

Sec. 28. NRS 163.0095 is hereby amended to read as follows:

163.0095 1. An electronic trust is a trust instrument that:

(a) Is ~~[written,]~~ created and ~~[stored]~~ ***maintained*** in an electronic record ~~[;]~~ ***in such a manner that any alteration thereto is detectable;***

(b) Contains the electronic signature of the settlor ~~[,]~~ and ***the date and time thereof;***

(c) ***Includes, without limitation, an authentication method which is attached to or logically associated with the trust instrument to identify the settlor or is electronically notarized in accordance with all applicable provisions of law;***

(d) Is subject to the provisions of chapter 719 of NRS; and

(e) Meets the requirements set forth in this chapter for a valid trust.

2. ~~[An]~~ ***Regardless of the physical location of the settlor, an*** electronic trust shall be deemed to be executed in this State ***and will be governed by the laws of this State and subject to the jurisdiction of the courts of this State*** if the electronic trust is:

(a) Transmitted to and maintained by a custodian designated in the trust instrument at the custodian's place of business in this State or at the custodian's residence in this State; or

(b) Maintained by the settlor at the settlor's place of business in this State or at the settlor's residence in this State, or by the trustee at the trustee's place of business in this State or at the trustee's residence in this State.

3. ***Notwithstanding the provisions of subsection 2, the validity of a notarial act performed by an electronic notary public must be determined by applying the laws of the jurisdiction in which the electronic notary public is commissioned or appointed.***

4. The provisions of this section do not apply to a testamentary trust.

5. As used in this section:

(a) "Authentication characteristic" has the meaning ascribed to it in NRS 133.085.

(b) "Authentication method" means a method of identification using any applicable method authorized or required by law, including, without limitation, a digital certificate using a public key or a physical device, including, without limitation, a smart card, flash drive or other type of token, an authentication characteristic or another commercially reasonable method.

(c) "Public key" has the meaning ascribed to it in NRS 720.110.

Sec. 29. Chapter 240 of NRS is hereby amended by adding thereto the provisions set forth as sections 30 to 38.7, inclusive, of this act.

Sec. 30. ***"Audio-video communication" means communication by which a person is able to see, hear and communicate with another person in real time using electronic means.***

Sec. 31. ***"Credential" means a tangible record evidencing the identity of a person.***

Sec. 32. ***"Dynamic knowledge-based authentication assessment" means an identity assessment that is based on a set of questions formulated from public or private data sources for which the person taking the assessment has not previously provided an answer and that meets any rules or regulations adopted by the Secretary of State.***

Sec. 33. ***"Electronic" means of or relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.***

Sec. 34. ***"In the presence of" or "appear before" means being:***

1. In the same physical location as another person and close enough to see, hear, communicate with and exchange credentials with that person; or

2. In a different physical location from another person but able to see, hear and communicate with the person by means of audio-video communication that meets any rules or regulations adopted by the Secretary of State.

Sec. 35. ***1. An electronic notary public may perform any of the acts set forth in NRS 240.196 using audio-video communication in accordance with NRS 240.181 to 240.206, inclusive, and sections 30 to 38.7, inclusive, of this act and any rules or regulations adopted by the Secretary of State.***

2. Before an electronic notary public performs electronic notarial acts using audio-video communication, he or she must register with the Secretary of State pursuant to NRS 240.192 and identify the technology that the electronic notary public intends to use, which must conform to any rules or regulations adopted by the Secretary of State.

3. If an electronic notarial act is performed using audio-video communication:

(a) The technology used must allow the persons communicating to see and speak to each other simultaneously;

(b) The signal transmission must be in real time; and

(c) The electronic notarial act must be recorded in accordance with section 37 of this act.

Sec. 36. *1. An electronic notary public may perform an electronic notarial act using audio-video communication in accordance with NRS 240.181 to 240.206, inclusive, and sections 30 to 38.7, inclusive, of this act and any rules or regulations adopted by the Secretary of State for a person who is physically located:*

(a) In this State;

(b) Outside this State but within the United States; or

(c) Outside the United States if:

(1) The electronic notary public has no actual knowledge of the electronic notarial act being prohibited in the jurisdiction in which the person is physically located; and

(2) The person placing his or her electronic signature on the electronic document confirms to the electronic notary public that the requested electronic notarial act and the electronic document:

(I) Are part of or pertain to a matter that is to be filed with or is currently before a court, governmental entity or other entity in the United States;

(II) Relate to property located in the United States; or

(III) Relate to a transaction substantially connected to the United States.

2. An electronic notary public who is registered with the Secretary of State pursuant to NRS 240.192 may perform an electronic notarial act using audio-video communication in accordance with NRS 240.181 to 240.206, inclusive, and sections 30 to 38.7, inclusive, of this act and any rules or regulations adopted by the Secretary of State if the electronic notary public is physically present in this State at the time of performing the electronic notarial act, regardless of whether the person who placed the electronic signature on the electronic document is physically located in another jurisdiction at the time of the electronic notarial act. The validity of the notarial act will be determined by applying the laws of this State.

Sec. 37. *1. An electronic notary public shall arrange for a recording to be made of each electronic notarial act performed using audio-video communication. Before performing any electronic notarial act using audio-video communication, the electronic notary public must inform all participating persons that the electronic notarization will be electronically recorded.*

2. If the person for whom the electronic notarial act is being performed is identified by personal knowledge, the recording of the electronic notarial act must include an explanation by the electronic notary public as to how he or she knows the person and how long he or she has known the person.

3. If the person for whom the electronic notarial act is being performed is identified by a credible witness:

(a) The credible witness must appear before the electronic notary public; and

(b) The recording of the electronic notarial act must include:

(1) A statement by the electronic notary public as to whether he or she identified the credible witness by personal knowledge or satisfactory evidence; and

(2) An explanation by the credible witness as to how he or she knows the person for whom the electronic notarial act is being performed and how long he or she has known the person.

4. An electronic notary public shall keep a recording made pursuant to this section for a period of not less than 7 years, regardless of whether the electronic notarial act was actually completed.

Sec. 38. *1. For the purposes of performing an electronic notarial act for a person using audio-video communication, an electronic notary public has satisfactory or documentary evidence of the identity of the person if the electronic notary public confirms the identity of the person by:*

(a) Personal knowledge;

(b) Each of the following:

(1) Remote presentation by the person of a government-issued identification credential that contains a photograph and the signature of the person;

(2) Credential analysis of the government-issued identification credential and the data thereon; and

(3) A dynamic knowledge-based authentication assessment;

(c) Any other method that complies with any rules or regulations adopted by the Secretary of State; or

(d) A valid certificate that complies with any rules or regulations adopted by the Secretary of State.

2. As used in this section:

(a) "Certificate" has the meaning ascribed to it in NRS 720.030.

(b) "Credential analysis" means a process or service that complies with any rules or regulations adopted by the Secretary of State through which a third party affirms the validity of a government-issued identification credential or any data thereon through the review of data sources.

(c) "Remote presentation" means the transmission of a quality image of a government-issued identification credential to an electronic notary public through communication technology for the purpose of enabling the electronic notary public to identify the person appearing before the electronic notary public and to perform a credential analysis.

Sec. 38.3. *1. If an electronic document relating to real property located in this State contains an electronic acknowledgment, notwithstanding any omission or error in the certificate of acknowledgment or failure of the document to show an acknowledgment in compliance with applicable law, upon the document being recorded with the county recorder*

of the county in which the real property is located or filed with the Secretary of State:

(a) The electronic document shall be deemed to be lawfully recorded or filed; and

(b) All persons, including, without limitation, any creditor, encumbrancer, mortgagee, subsequent purchaser for valuable consideration or any other subsequent transferee thereof or of any interest therein, are deemed to have notice of its contents.

2. For the purposes of this section, a document is deemed to comply with all applicable requirements upon the acceptance for recording by the county recorder of the county in which the real property is located or the filing of the document with the Secretary of State, as required by law.

Sec. 38.7. ***1. Except as otherwise provided in this section, a notary public who registers with the Secretary of State as an electronic notary public pursuant to NRS 240.192 for the first time must successfully complete any required course of study on electronic notarization required pursuant to NRS 240.195 before filing such registration with the Secretary of State.***

2. A notary public may register with the Secretary of State as an electronic notary public pursuant to NRS 240.192 and thereafter perform the functions of an electronic notary public pursuant to this chapter without completing any course of study on electronic notarization required pursuant to NRS 240.195 if, at the time of registration, the course of study is not yet offered by the Secretary of State or a vendor approved by the Secretary of State.

3. If a notary public registers and performs the functions of an electronic notary public without first completing any required course of study on electronic notarization pursuant to subsection 2, he or she must complete the required course of study and pass any required examination within 120 days after the course of study is first offered by the Secretary of State or a vendor approved by the Secretary of State. The registrant shall thereafter complete any required course of study in accordance with paragraph (b) or (c) of subsection 3 of NRS 240.195, as applicable.

Sec. 39. NRS 240.181 is hereby amended to read as follows:

240.181 NRS 240.181 to 240.206, inclusive, ***and sections 30 to 38.7, inclusive, of this act*** may be cited as the Electronic ~~[Notary Public Authorization]~~ ***Notarization Enabling*** Act.

Sec. 40. NRS 240.182 is hereby amended to read as follows:

240.182 As used in NRS 240.181 to 240.206, inclusive, ***and sections 30 to 38.7, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 240.183 to 240.188, inclusive, ***and sections 30 to 34, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 40.5. NRS 240.185 is hereby amended to read as follows:

240.185 "Electronic notarial act" means an act that an electronic notary public of this State is authorized to perform. The term includes:

1. Taking an acknowledgment;
2. Administering an oath or affirmation;
3. Executing a jurat; ~~[and]~~
4. ***Certifying a true and correct copy; and***
5. Performing such other duties as may be prescribed by a specific statute.

Sec. 41. NRS 240.186 is hereby amended to read as follows:

240.186 "Electronic notary public" means a person ~~[appointed by]~~ ***registered with*** the Secretary of State pursuant to NRS 240.181 to 240.206, inclusive, ***and sections 30 to 38.7, inclusive, of this act*** to perform electronic notarial acts.

Sec. 42. NRS 240.187 is hereby amended to read as follows:

240.187 "Electronic seal" means information within a notarized electronic document that includes the name, jurisdiction and expiration date of the ~~[appointment]~~ ***registration*** of an electronic notary public and generally includes the information required to be set forth in a mechanical stamp pursuant to NRS 240.040.

Sec. 43. NRS 240.189 is hereby amended to read as follows:

240.189 An electronic notary public shall comply with those provisions of NRS 240.001 to 240.169, inclusive, which are not inconsistent with NRS 240.181 to 240.206, inclusive ~~[.]~~ ***, and sections 30 to 38.7, inclusive, of this act.*** To the extent that the provisions of NRS 240.001 to 240.169, inclusive, conflict with the provisions of NRS 240.181 to 240.206, inclusive, ***and sections 30 to 38.7, inclusive, of this act,*** the provisions of NRS 240.181 to 240.206, inclusive, ***and sections 30 to 38.7, inclusive, of this act*** control.

Sec. 44. NRS 240.191 is hereby amended to read as follows:

240.191 1. ~~[The Secretary of State may appoint electronic notaries public in this State.~~

~~2. The Secretary of State shall not appoint as an electronic notary public a person who submits an application containing a substantial and material misstatement or omission of fact.~~

~~3. An electronic notary public may cancel his or her appointment by submitting a written notice to the Secretary of State.~~

~~4.]~~ It is unlawful for a person to:

(a) Represent himself or herself as an electronic notary public ~~[appointed pursuant to this section]~~ if the person has not ~~[received a certificate of appointment from]~~ ***registered with*** the Secretary of State pursuant to NRS 240.192.

(b) Submit ~~[an application for appointment]~~ ***a registration*** as an electronic notary public that contains a substantial and material misstatement or omission of fact.

~~[5.]~~ ***2.*** The Secretary of State may request that the Attorney General bring an action to enjoin any violation of paragraph (a) of subsection ~~[4.]~~ ***1.***

Sec. 45. NRS 240.192 is hereby amended to read as follows:

240.192 1. Each person ~~[applying for appointment]~~ ***registering*** as an electronic notary public must:

(a) At the time of ~~[application,]~~ ***registration,*** be a notarial officer in this State ~~[and]~~ ***who has complied with the requirements pertaining to taking an oath and filing a bond set forth in NRS 240.030 and 240.033,*** have been a notarial officer in this State for not less than 4 years ~~[;]~~ ***and have complied with all applicable notarial requirements set forth in this chapter;***

(b) ~~[Submit to]~~ ***Register with*** the Secretary of State ***by submitting*** an electronic ~~[application]~~ ***registration*** pursuant to subsection 2;

(c) Pay to the Secretary of State ~~[an application]~~ ***a registration*** fee of $50 ~~[;]~~ ***, which is in addition to the application fee required pursuant to NRS 240.030 to be a notarial officer in this State; and***

(d) ~~[Take and subscribe to the oath set forth in Section 2 of Article 15 of the Constitution of the State of Nevada as if the applicant were a public officer;~~

~~(e)]~~ Submit to the Secretary of State ***with the registration*** proof satisfactory to the Secretary of State that the ~~[applicant]~~ ***registrant*** has ~~[successfully]~~ ***:***

(1) Successfully completed ~~[a]~~ ***any required*** course of study ***on electronic notarization*** provided pursuant to NRS 240.195; and

~~[(f) Enter into a bond to the State of Nevada in the sum of $10,000, to be filed with the clerk of the county in which the applicant resides or, if the applicant is a resident of an adjoining state, with the clerk of the county in this State in which the applicant maintains a place of business or is employed. The applicant must submit to the Secretary of State a certificate issued by the appropriate county clerk which indicates that the applicant filed the bond required pursuant to this paragraph.]~~

(2) Complied with the requirements pertaining to taking an oath and filing a bond set forth in NRS 240.030 and 240.033.

2. ~~[The application for an appointment]~~ ***Unless the Secretary of State establishes a different process for submitting a registration as an electronic notary public, the registration*** as an electronic notary public must be submitted as an electronic document ***by electronic mail to nvnotary@sos.nv.gov or, if another electronic mail address is designated by the Secretary of State, to such other designated electronic mail address,*** and must contain, without limitation, the following information:

(a) ~~[The applicant's full legal name, and the name to be used for appointment, if different.]~~ ***All information required to be included in an application for appointment as a notary public pursuant to NRS 240.030.***

(b) ~~[The county in which the applicant resides.~~

~~(c) The electronic mail address of the applicant.~~

~~(d)~~] A description of the technology or device ~~[~~, approved by the Secretary of State,~~]~~ that the ~~[~~applicant~~]~~ ***registrant*** intends to use to create his or her electronic signature in performing electronic notarial acts.

~~[~~(e)~~]~~ ***(c)*** The electronic signature of the ~~[~~applicant.

~~(f)~~] ***registrant.***

(d) Any other information ~~[~~requested~~]~~ ***required pursuant to any rules or regulations adopted*** by the Secretary of State.

3. ~~[~~An applicant for appointment as an electronic notary public who resides in an adjoining state, in addition to the requirements set forth in subsections 1 and 2, must submit to the Secretary of State with the application:

(a) An affidavit setting forth the adjoining state in which the applicant resides, the applicant's mailing address and the address of the applicant's place of business or employment that is located within the State of Nevada;

(b) A copy of the applicant's state business registration issued pursuant to chapter 76 of NRS and any business license required by the local government where the applicant's business is located, if the applicant is self-employed; and

(c) Unless the applicant is self-employed, a copy of the state business registration of the applicant's employer issued pursuant to chapter 76 of NRS, a copy of any business license of the applicant's employer that is required by the local government where the business is located and an affidavit from the applicant's employer setting forth the facts which show that the employer regularly employs the applicant at an office, business or facility which is located within the State of Nevada.

4. In completing an application, bond, oath or other document necessary to apply for appointment as an electronic notary public, an applicant must not be required to disclose his or her residential address or telephone number on any such document which will become available to the public.

5. The bond, together with the oath, must be filed and recorded in the office of the county clerk of the county in which the applicant resides when the applicant applies for appointment or, if the applicant is a resident of an adjoining state, with the clerk of the county in this State in which the applicant maintains a place of business or is employed. On a form provided by the Secretary of State, the county clerk shall immediately certify to the Secretary of State that the required bond and oath have been filed and recorded. Upon receipt of the application, fee and certification that the required bond and oath have been filed and recorded, the Secretary of State shall issue a certificate of appointment as an electronic notary public to the applicant.

6. The term of an electronic notary public commences on the effective date of the bond required pursuant to paragraph (f) of subsection 1. An electronic notary public shall not perform an electronic notarial act after the effective date of the bond unless the electronic notary public has been issued a certificate of appointment pursuant to subsection 5.

~~7. Except as otherwise provided in this subsection, the Secretary of State shall charge a fee of $10 for each duplicate or amended certificate of appointment which is issued to an electronic notary public. If the electronic notary public does not receive an original certificate of appointment, the Secretary of State shall provide a duplicate certificate of appointment without charge if the electronic notary public requests such a duplicate within 60 days after the date on which the original certificate was issued.~~] ***Unless the Secretary of State establishes a different process for the payment of the registration fee required pursuant to paragraph (c) of subsection 1, the registration fee must be paid by check or draft, made payable to the Secretary of State and transmitted to the Office of the Secretary of State.***

4. Registration as an electronic notary public shall be deemed effective upon the payment of the registration fee required pursuant to paragraph (c) of subsection 1 if the registrant has satisfied all other applicable requirements.

Sec. 46. NRS 240.194 is hereby amended to read as follows:

240.194 1. The [~~initial term~~] ***period*** of [~~appointment~~] ***registration*** [~~as~~] ***of*** an electronic notary public is [~~2 years. Each~~] ***coterminous with his or her*** term of appointment ***as a notary public pursuant to NRS 240.010. Registration*** as an electronic notary public [~~subsequent to the initial term is 4 years.~~] ***must be renewed at the same time a person renews his or her appointment as a notary public.***

2. The [~~appointment~~] ***registration*** of an electronic notary public is suspended by operation of law when the electronic notary public is no longer appointed as a notary public in this State. If the [~~appointment~~] ***registration*** of an electronic notary public has expired or been revoked or suspended, the Secretary of State shall immediately notify the electronic notary public in writing that his or her [~~appointment~~] ***registration*** as an electronic notary public will be suspended by operation of law until he or she is appointed as a notary public in this State.

3. If, at any time [~~during his or her appointment, an~~] ***, a registered*** electronic notary public changes his or her electronic mail address, county of residence, name, electronic signature or the technology or device used to create his or her electronic signature, the electronic notary public shall, within 10 days after making the change, submit to the Secretary of State:

(a) An electronic document, signed with the electronic signature submitted by the electronic notary public pursuant to subsection 2 of NRS 240.192, that includes the change of information; and

(b) A fee of $10.

Sec. 46.5. NRS 240.195 is hereby amended to read as follows:

240.195 1. ***In addition to any courses of study a notary public is required to complete pursuant to NRS 240.018, the Secretary of State may, by rule or regulation, require a notary public who registers with the Secretary of State as an electronic notary public pursuant to NRS 240.192***

to complete an additional course of study on electronic notarization in accordance with this section.

2. Except as otherwise provided in subsection ~~[~~2, an applicant for appointment~~]~~ ***3, a registrant*** as an electronic notary public must successfully:

(a) Complete ~~[~~a~~]~~ ***any*** course of study ***on electronic notarization*** that is ***required pursuant to subsection 1*** in accordance with the requirements of subsection ~~[~~5,~~]~~ ***6;*** and

(b) Pass an examination at the completion of the course.

~~[~~2.~~]~~ ***3.*** The following persons are required to enroll in and successfully complete ~~[~~a~~]~~ ***any*** course of study ~~[~~as~~]~~ ***on electronic notarization that is*** required pursuant to subsection 1:

(a) A person ~~[~~applying~~]~~ ***registering*** for ~~[~~his or her~~]~~ ***the*** first ~~[~~appointment~~]~~ ***time*** as an electronic notary public;

(b) A person renewing his or her ~~[~~appointment~~]~~ ***registration*** as an electronic notary public; and

(c) A person who has committed a violation of this chapter or whose ~~[~~appointment~~]~~ ***registration*** as an electronic notary public has been suspended, and who has been required by the Secretary of State to enroll in a course of study provided pursuant to this section.

~~[~~3.~~]~~ ***4.*** A course of study required to be completed pursuant to subsection 1 must:

(a) ~~[~~Include at least~~]~~ ***Be taken online and be of a duration of not more than*** 3 hours ~~[~~of instruction;~~]~~ ***, including instruction and completion of an examination of the course content;***

(b) Provide instruction in electronic notarization, including, without limitation, notarial law and ethics, technology and procedures;

(c) ~~[~~Include an examination of the course content;

~~(d)~~~~]~~ Comply with ~~[~~the~~]~~ ***any*** regulations adopted pursuant to NRS 240.206 ~~[~~,~~]~~ ***relating to courses of study on electronic notarization;*** and

~~[~~(e)~~]~~ ***(d)*** Be approved by the Secretary of State.

~~[~~4.~~]~~ ***5.*** The Secretary of State may, with respect to a course of study required to be completed pursuant to subsection 1 ~~[~~:

~~(a) Provide such a course of study; and~~

~~(b) Charge~~~~]~~ ***, charge*** a reasonable fee to each person who enrolls in such a course of study.

~~[~~5.~~]~~ ***6.*** A course of study provided pursuant to this section:

(a) Must satisfy the criteria set forth in subsection ~~[~~3~~]~~ ***4*** and comply with ~~[~~the~~]~~ ***any*** requirements set forth in the regulations adopted pursuant to NRS 240.206 ~~[~~.~~]~~ ***relating to courses of study on electronic notarization.***

(b) May be provided ~~[~~in person or online~~]~~ by the Secretary of State or a vendor approved by the Secretary of State.

~~[~~6.~~]~~ ***7.*** The Secretary of State shall deposit the fees collected pursuant to ~~[~~paragraph (b) of~~]~~ subsection ~~[~~4~~]~~ ***5*** in the Notary Public Training Account created pursuant to NRS 240.018.

Sec. 47. NRS 240.196 is hereby amended to read as follows:

240.196 A person ~~[appointed]~~ ***registered*** as an electronic notary public pursuant to NRS 240.181 to 240.206, inclusive, ***and sections 30 to 38.7, inclusive, of this act*** may ~~[, during normal business hours,]~~ perform the following electronic notarial acts for a person who requests the electronic notarial act and tenders ~~[the appropriate]~~ ***any authorized*** fee:

1. Taking an acknowledgment;
2. Executing a jurat; ~~[and]~~
3. Administering an oath or affirmation ~~[.]~~ ***;***
4. ***Certifying a true and correct copy; and***
5. ***Performing such other duties as prescribed by law.***

Sec. 48. NRS 240.197 is hereby amended to read as follows:

240.197 1. ***Except as otherwise provided in this section:***

(a) An electronic notary public may charge the following fees ***:*** ~~[and no more:~~

~~(a)]~~ ***(1)*** For taking an acknowledgment, for each signature .....~~[$10]~~ ***$25***

~~[(b)]~~ ***(2)*** For executing a jurat, for each signature .....~~[$10]~~ ***$25***

~~[(c)]~~ ***(3)*** For administering an oath or affirmation without a signature.....~~[$10]~~ ***$25***

~~[2.]~~ ***(b)*** An electronic notary public shall not charge a fee to perform ~~[a service]~~ ***an electronic notarial act*** unless he or she is authorized to charge a fee for such ~~[a service]~~ ***an electronic notarial act*** pursuant to this section.

~~[3.]~~ ***(c)*** All fees prescribed in this section are payable in advance, if demanded.

~~[4.]~~ ***(d)*** An electronic notary public may charge an additional fee for traveling to perform an electronic notarial act if:

~~[(a)]~~ ***(1)*** The person requesting the electronic notarial act asks the electronic notary public to travel;

~~[(b)]~~ ***(2)*** The electronic notary public explains to the person requesting the electronic notarial act that the fee for travel is in addition to the fee authorized in ~~[subsection 1]~~ ***paragraph (a)*** and is not required by law;

~~[(c)]~~ ***(3)*** The person requesting the electronic notarial act agrees in advance upon the hourly rate that the electronic notary public will charge for the additional fee for travel; and

~~[(d)]~~ ***(4)*** The additional fee for travel does not exceed:

~~[(1)]~~ ***(I)*** If the person requesting the electronic notarial act asks the electronic notary public to travel between the hours of 6 a.m. and 7 p.m., $10 per hour.

~~[(2)]~~ ***(II)*** If the person requesting the electronic notarial act asks the electronic notary public to travel between the hours of 7 p.m. and 6 a.m., $25 per hour.

➥ The electronic notary public may charge a minimum of 2 hours for such travel and shall charge on a pro rata basis after the first 2 hours.

~~[5.]~~ ***(e)*** An electronic notary public is entitled to charge the amount of the additional fee for travel agreed to in advance by the person requesting the electronic notarial act pursuant to ~~[subsection 4]~~ ***paragraph (d)*** if:

~~[(a)]~~ ***(1)*** The person requesting the electronic notarial act cancels the request after the electronic notary public begins traveling to perform the requested electronic notarial act.

~~[(b)]~~ ***(2)*** The electronic notary public is unable to perform the requested electronic notarial act as a result of the actions of the person who requested the electronic notarial act or any other person who is necessary for the performance of the electronic notarial act.

~~[6.]~~ ***(f)*** For each additional fee for travel that an electronic notary public charges pursuant to ~~[subsection 4,]~~ ***paragraph (d),*** the electronic notary public shall enter in the ***electronic*** journal that he or she keeps pursuant to NRS 240.201:

~~[(a)]~~ ***(1)*** The amount of the fee; and

~~[(b)]~~ ***(2)*** The date and time that the electronic notary public began and ended such travel.

~~[7.]~~ ***(g) An electronic notary public may charge a reasonable fee to recover any cost of providing a copy of an entry or a recording of an audio-video communication in an electronic journal maintained pursuant to NRS 240.201.***

2. A person who employs an electronic notary public may prohibit the electronic notary public from charging a fee for an electronic notarial act that the electronic notary public performs within the scope of the employment. Such a person shall not require the electronic notary public whom the person employs to surrender to the person all or part of a fee charged by the electronic notary public for an electronic notarial act performed outside the scope of the employment of the electronic notary public.

3. An electronic notary public who is an officer or employee of the State or a local government shall not charge a fee for an electronic notarial act that the electronic notary public performs within the scope of such employment.

4. This section does not apply to any compensation for services provided by an electronic notary public which do not constitute electronic notarial acts or comply with the other requirements of this chapter.

Sec. 49. NRS 240.198 is hereby amended to read as follows:

240.198 ***Except as otherwise specifically provided by law:***

1. An electronic notary public shall not willfully electronically notarize the signature or electronic signature of a person unless the person is in the presence of the electronic notary public at the time of notarization and:

(a) Is known to the electronic notary public; or

(b) If unknown to the electronic notary public, provides a credible witness or documentary evidence of identification to the electronic notary public.

2. A person who:

(a) Violates the provisions of subsection 1; or

(b) Aids and abets an electronic notary public to commit a violation of subsection 1,

➥ is guilty of a gross misdemeanor.

3. ~~[An electronic notary public shall not electronically notarize any electronic document related to the following:~~

~~(a) A will, codicil or testamentary trust; and~~

~~(b) Any transaction governed by the Uniform Commercial Code other than NRS 104.1306, 104.2101 to 104.2725, inclusive, and 104A.2101 to 104A.2532, inclusive.~~

~~4. An appointment]~~ ***Registration*** as an electronic notary public pursuant to NRS 240.181 to 240.206, inclusive, ***and sections 30 to 38.7, inclusive, of this act*** does not authorize the electronic notary public to perform notarial acts in another state.

4. A notarial act performed by an electronic notary public in this State for a person located outside this State by means of audio-video communication in accordance with the provisions of this chapter shall not be deemed to be performed outside this State.

Sec. 50. NRS 240.199 is hereby amended to read as follows:

240.199 ***1.*** An electronic notarial act must be evidenced by the following, which must be attached to or logically associated with the electronic document that is the subject of the electronic notarial act and which must be immediately perceptible and reproducible:

~~[1.]~~ ***(a)*** The electronic signature of the electronic notary public;

~~[2.]~~ ***(b)*** The electronic seal of the electronic notary public; and

~~[3.]~~ ***(c)*** The wording of a notarial certificate pursuant to NRS 240.1655, 240.166 to 240.167, inclusive, 240.1685 or 240.169 ~~[.]~~ ***, including, without limitation, language explicitly stating that the notarial act was performed using audio-video communication, if applicable.***

2. Upon the completion of an electronic notarial act in accordance with subsection 1, an electronic notary public shall use technology to render the electronic document tamper-evident.

Sec. 51. NRS 240.201 is hereby amended to read as follows:

240.201 1. An electronic notary public shall keep ~~[a]~~ ***an electronic*** journal of each electronic notarial act which includes, without limitation, the requirements of subsections 1 and 5 of NRS 240.120 ~~[.]~~ ***, but does not include the electronic signatures of the person for whom the electronic notarial act was performed and any witnesses.***

2. ***An electronic notary public who performs electronic notarial acts shall:***

(a) Describe each electronic notarial act in the electronic journal and specify whether the electronic notarial act was performed using audio-video communication;

(b) Maintain and protect the electronic journal at all times under his or her sole control; and

(c) Provide for lawful inspection and copying of the electronic journal.

3. An electronic notary public may maintain more than one electronic journal to record electronic notarial acts.

4. The fact that the employer or contractor of an electronic notary public keeps a record of electronic notarial acts does not relieve the electronic notary public of the duties required by this section.

5. An electronic journal must:

(a) Enable access by a password or other secure means of authentication; and

(b) Be capable of providing tangible or electronic copies of any entry made therein.

6. The Secretary of State may suspend the ~~[appointment]~~ ***registration*** of an electronic notary public who fails to produce any ***electronic*** journal entry within 10 days after receipt of a request from the Secretary of State.

~~[3.]~~ ***7.*** Upon ~~[resignation,]~~ ***surrender,*** revocation or expiration of ~~[an appointment]~~ ***a registration*** as an electronic notary public, all notarial records required pursuant to NRS 240.001 to 240.206, inclusive, ***and sections 30 to 38.7, inclusive, of this act*** must ***, except as otherwise provided by law,*** be ~~[delivered to the Secretary of State.]~~ ***kept by the electronic notary public for a period of 7 years after the termination of the registration of the electronic notary public.***

8. As used in this section, "sole control" means being in the direct physical custody of or safeguarded by an electronic notary public with a password or other secure means of authentication.

Sec. 52. NRS 240.202 is hereby amended to read as follows:

240.202 1. The electronic signature and electronic seal of an electronic notary public must be used only for the purposes of performing electronic notarial acts.

2. An electronic notary public shall safeguard his or her electronic signature, the electronic seal and all notarial records maintained by the electronic notary public as follows:

(a) When not in use, the electronic notary public shall keep the electronic signature, electronic seal and all notarial records secure, under the exclusive control of the electronic notary public and protected by a password where applicable.

(b) An electronic notary public shall not permit his or her electronic signature or electronic seal to be used by any other person.

(c) An electronic notary public shall not surrender or destroy his or her notarial records except as otherwise required by the order of a court or as allowed pursuant to NRS 240.001 to 240.206, inclusive, ***and sections 30 to 38.7, inclusive, of this act*** or any regulations adopted pursuant thereto.

(d) Except as otherwise provided in subsection 3, an electronic notary public, within 10 days after discovering that his or her electronic signature or electronic seal has been stolen, lost, damaged or otherwise rendered incapable of affixing a legible image, shall:

(1) Inform the appropriate law enforcement agency in the case of theft or vandalism; and

(2) Notify the Secretary of State ***and the entity from which the electronic notary public obtained the electronic signature or electronic seal*** in writing, including, without limitation, a signature using the name ~~[on the certificate of appointment issued]~~ ***under which the electronic notary public is registered*** pursuant to ~~[subsection 5 of]~~ NRS 240.192.

3. An electronic notary public shall take reasonable steps to maintain the technology or device used to create his or her electronic signature, and to ensure that the technology or device has not been recalled, revoked, terminated or otherwise rendered ineffective or unsecure by the entity that created the technology or device. Upon learning that the technology or device used to create his or her electronic signature has been rendered ineffective or unsecure, an electronic notary public shall cease performing electronic notarial acts until:

(a) A new technology or device is acquired; and

(b) The electronic notary public sends an electronic notice to the Secretary of State that includes ~~[, without limitation,]~~ the ~~[information]~~ ***electronic signature of the electronic notary public*** required pursuant to ~~[paragraphs (d) and (e)]~~ ***paragraph (c)*** of subsection 2 of NRS 240.192 relating to the new technology or device.

Sec. 53. NRS 240.203 is hereby amended to read as follows:

240.203 1. Except as otherwise provided in subsection 3, if an electronic notary public dies ~~[or resigns]~~ during his or her ~~[appointment,]~~ ***period of registration,*** or if the ~~[appointment]~~ ***registration*** of the electronic notary public is ***surrendered or*** revoked or expires, the electronic notary public, the executor of his or her estate or an authorized representative of the electronic notary public, as appropriate, shall:

(a) Notify the Secretary of State of the resignation or death; and

(b) Erase, delete, destroy or otherwise render ineffective the technology or device used to create his or her electronic signature.

2. Upon receipt of the notice required by subsection 1, the Secretary of State shall cancel the ~~[appointment]~~ ***registration*** of the electronic notary public, effective on the date on which the notice was received.

3. A former electronic notary public whose previous ~~[appointment]~~ ***registration*** as an electronic notary public was not revoked and whose previous ~~[application for appointment]~~ ***registration*** as an electronic notary public was not denied is not required to erase, delete, destroy or otherwise render ineffective the technology or device used to create his or her electronic signature if the former electronic notary public renews his or her ~~[appointment,]~~ ***registration,*** using the same electronic signature, within 3 months after the expiration of his or her previous ~~[appointment]~~ ***registration*** as an electronic notary public.

Sec. 54. NRS 240.204 is hereby amended to read as follows:

240.204 1. A person who knowingly creates, manufactures or distributes software or hardware for the purpose of allowing a person to act as an electronic notary public without being ~~[appointed]~~ ***registered*** in accordance with NRS 240.181 to 240.206, inclusive, ***and sections 30 to 38.7, inclusive, of this act*** is guilty of a gross misdemeanor.

2. A person who wrongfully obtains, conceals, damages or destroys the technology or device used to create the electronic signature of an electronic notary public is guilty of a gross misdemeanor.

Sec. 55. NRS 719.200 is hereby amended to read as follows:

719.200 1. Except as otherwise provided in subsection 2, the provisions of this chapter apply to electronic records and electronic signatures relating to a transaction.

2. The provisions of this chapter do not apply to a transaction to the extent it is governed by:

(a) ~~[A]~~ ***Except as otherwise specifically provided by law, a*** law governing the creation and execution of wills, codicils or testamentary trusts;

(b) The Uniform Commercial Code other than NRS 104.1306, 104.2101 to 104.2725, inclusive, and 104A.2101 to 104A.2532, inclusive; or

(c) The provisions of NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto.

3. The provisions of this chapter apply to an electronic record or electronic signature otherwise excluded from the application of this chapter under subsection 2 to the extent it is governed by a law other than those specified in subsection 2.

4. A transaction subject to the provisions of this chapter is also subject to other applicable substantive law.

Sec. 56. Section 4 of Assembly Bill No. 476 of this session is hereby amended to read as follows:

Sec. 4. (Deleted by amendment.)

Sec. 57. Section 5 of Assembly Bill No. 476 of this session is hereby amended to read as follows:

Sec. 5. (Deleted by amendment.)

Sec. 58. Section 6 of Assembly Bill No. 476 of this session is hereby amended to read as follows:

Sec. 6. (Deleted by amendment.)

Sec. 59. Section 8 of Assembly Bill No. 476 of this session is hereby amended to read as follows:

Sec. 8. (Deleted by amendment.)

Sec. 60. Section 9 of Assembly Bill No. 476 of this session is hereby amended to read as follows:

Sec. 9. (Deleted by amendment.)

Sec. 61. The provisions of this act are intended to supersede any provisions of Assembly Bill No. 476 of this session that conflict with the provisions of this act.

Sec. 62. NRS 240.193 is hereby repealed.

Sec. 63. 1. This section and sections 56 to 60, inclusive, of this act become effective upon passage and approval.

2. Sections 1 to 28, inclusive, and 61 of this act become effective on July 1, 2017.

3. Sections 29 to 55, inclusive, and 62 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any rules and regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On ~~[December 1, 2017,]~~ **July 1, 2018,** for all other purposes.

TEXT OF REPEALED SECTION

240.193 Requirements for bond; notification of exhaustion of penal sum; release of surety; suspension of appointment; reinstatement of appointment.

1. The bond required to be filed pursuant to NRS 240.192 must be executed by the person applying to become an electronic notary public as principal and by a surety company qualified and authorized to do business in this State. The bond must be made payable to the State of Nevada and be conditioned to provide indemnification to a person determined to have suffered damage as a result of an act by the electronic notary public which violates a provision of NRS 240.001 to 240.206, inclusive. The surety company shall pay a final, nonappealable judgment of a court of this State that has jurisdiction, upon receipt of written notice of final judgment. The bond may be continuous, but regardless of the duration of the bond, the aggregate liability of the surety does not exceed the penal sum of the bond.

2. If the penal sum of the bond is exhausted, the surety company shall notify the Secretary of State in writing within 30 days after its exhaustion.

3. The surety bond must cover the period of the appointment of the electronic notary public, except when a surety is released.

4. A surety on a bond filed pursuant to NRS 240.192 may be released after the surety gives 30 days' written notice to the Secretary of State and the electronic notary public, but the release does not discharge or otherwise affect a claim filed by a person for damage resulting from an act of the electronic notary public which is alleged to have occurred while the bond was in effect.

5. The appointment of an electronic notary public is suspended by operation of law when the electronic notary public is no longer covered by a surety bond as required by this section and NRS 240.192 or the penal sum of the bond is exhausted. If the Secretary of State receives notice pursuant to subsection 4 that the bond will be released or pursuant to subsection 2 that the penal sum of the bond is exhausted, the Secretary of State shall immediately notify the electronic notary public in writing that his or her appointment will be suspended by operation of law until another surety bond is filed in the same manner and amount as the bond being terminated.

6. The Secretary of State may reinstate the appointment of an electronic notary public whose appointment has been suspended pursuant to subsection 5 if the electronic notary public, before his or her current term of appointment expires:

(a) Submits to the Secretary of State:

(1) An application for an amended certificate of appointment as an electronic notary public; and

(2) A certificate issued by the clerk of the county in which the applicant resides or, if the applicant is a resident of an adjoining state, the county in this State in which the applicant maintains a place of business or is employed, which indicates that the applicant filed a new surety bond with the clerk; and

(b) Pays to the Secretary of State a fee of $10.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 1148 to Assembly Bill No. 413.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:
The amendment changes the effective date of the bill to July 1, 2018.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 7:58 p.m.

ASSEMBLY IN SESSION

At 8:05 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The Conference Committee concerning Assembly Bill No. 454, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 697 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 7, which is attached to and hereby made a part of this report.

ASSEMBLYWOMAN TERESA BENITEZ-THOMPSON	SENATOR NICOLE J. CANNIZZARO
ASSEMBLYMAN NELSON ARAUJO	SENATOR PAT SPEARMAN
ASSEMBLYWOMAN MELISSA WOODBURY	SENATOR JOSEPH HARDY
Assembly Conference Committee	*Senate Conference Committee*

Amendment No. CA7.

SUMMARY—Makes various changes to provisions relating to ~~[accountants.]~~ **professions.** (BDR 54-109)

AN ACT relating to ~~[accountants;]~~ **professions;** revising provisions relating to the qualifications and appointment of members of the Nevada State Board of Accountancy; revising provisions relating to the adoption or amendment of rules of professional conduct by the Board; revising the qualifications for a certificate of certified public accountant; revising certain educational and work experience requirements for a certificate of certified public accountant; ~~[eliminating the requirement that an accounting firm which performs attest services but which does not have an office in this State must register with the Board; providing that such an accounting firm may perform attest services under the same conditions as it practices and performs nonattest services;]~~ authorizing the issuance of a cease and desist order to a person believed to be engaged in the unlawful practice of accounting; repealing provisions relating to the registration of public accountants and business entities formed by public accountants; **exempting certain professionals who hold a valid and unrestricted license to practice in another jurisdiction from provisions governing the practice of those professions for certain purposes relating to athletics;** increasing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally provides for the regulation of accountants in this State. (Chapter 628 of NRS) **Sections 1, 3 and 4** of this bill revise definitions relating to services to be performed by accountants to conform with the seventh edition of the Uniform Accountancy Act, published by the American Institute of Certified Public Accountants and the National Association of State Boards of Accountancy.

Section 9 of this bill requires the Nevada State Board of Accountancy to provide notice of proposed new rules of professional conduct or amendments to rules of professional conduct to permit holders by electronic mail rather than by delivery by the United States Postal Service. **Section 10** of this bill removes the requirement that to qualify for a certificate of certified public accountant, the applicant must either be a resident of this State or designate an agent in this State to receive service of process for the applicant. **Sections 11-13** of this bill revise certain educational, work experience and examination requirements for a certificate of certified public accountant.

~~[Section 14.2 of this bill eliminates the requirement that a partnership, corporation, limited-liability company or sole proprietorship must register with the Board in order to perform attest services for a client having his or her home office in this State. (NRS 628.335) Section 14.2 additionally authorizes such a partnership, corporation, limited-liability company or sole proprietorship to perform attest services for a client having his or her home office in this State without registering only if the partnership, corporation, limited-liability company or sole proprietorship meets the existing criteria for~~

~~nonattest services. Sections 13.5, 14.4-14.8 and 31.5 of this bill make conforming changes necessitated by the revisions to section 14.2.]~~

Section 28 of this bill authorizes the Board to provide another licensing board or agency with otherwise confidential and privileged records relating to a complaint if the Board is cooperating in an investigation by that board or agency. **Section 39** of this bill authorizes the Board to issue a cease and desist order to a person the Board believes to be engaging in certain unlawful acts relating to accounting. **Section 40** of this bill increases the penalty for committing certain unlawful acts relating to accounting from a misdemeanor to a gross misdemeanor.

Section 45 of this bill repeals provisions relating to the registration and regulation of registered public accountants and business entities formed by public accountants. **Sections 5, 6, 8**, **14, 15-27, 29-31, 32-38 and 41-44** of this bill make conforming changes.

Under existing law, the Nevada Society of Certified Public Accountants is required to submit to the Governor the names of at least three persons qualified for membership on the Board for each position on the Board to be filled by a certified public accountant. (NRS 628.075) **Section 7** of this bill authorizes the Nevada Society of Certified Public Accountants to recommend to the Governor the reappointment of a current Board member who is eligible for reappointment without submitting other names for consideration.

Existing law requires a person to be licensed by the Board of Medical Examiners, State Board of Osteopathic Medicine, Chiropractic Physicians' Board of Nevada, State Board of Oriental Medicine, State Board of Physical Therapy Examiners or Board of Athletic Trainers before practicing the profession regulated by the applicable board in this State. (NRS 630.160, 633.741, 634.227, 634A.230, 640.169, 640B.700) Sections 41.1, 41.25, 41.35, 41.5, 41.65 and 41.8 of this bill provide for a temporary exemption from this requirement for a professional who holds a valid and unrestricted license to practice in another jurisdiction and is practicing his or her profession for certain purposes relating to athletic competition or training. Such an exemption lasts for 10 days, but may be extended for not more than 20 additional days upon application to the applicable board. A professional who is practicing under such an exemption is prohibited from: (1) practicing at a medical facility; (2) providing services to persons outside the scope of the exemption; or (3) practicing his or her profession under such an exemption for more than 60 days in a calendar year. Sections 41.2, 41.3, 41.4, 41.6, 41.7 and 41.9 of this bill provide that a person practicing his or her profession under such an exemption is not subject to regulation under chapter 630, 633, 634, 634A, 640 or 640B of NRS while practicing within the scope of the exemption

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 628 of NRS is hereby amended by adding thereto a new section to read as follows:

"Report," when used with respect to any attest or compilation service, means an opinion, report or other form of language that states or implies assurance as to the reliability of the attested information or compiled financial statements, and that also includes or is accompanied by a statement or implication that the person or firm issuing it has special knowledge or competence in accounting or auditing. Such a statement or implication of special knowledge or competence may arise from use by the issuer of the report of names or titles indicating that the person or firm is an accountant or auditor, or from the language of the report itself. The term includes any form of language which disclaims an opinion when such form of language is conventionally understood to imply any positive assurance as to the reliability of the attested information or complied financial statements referred to, or special competence on the part of the person or firm issuing such language, including, without limitation, another form of language that is conventionally understood to imply such assurance or such special knowledge or competence.

Sec. 2. NRS 628.003 is hereby amended to read as follows:

628.003 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 628.005 to 628.033, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 628.005 is hereby amended to read as follows:

628.005 "Attest," "attesting" and "attestation" mean ***providing*** the ~~[issuance of opinions, reports or other documents which state or imply assurance of the reliability of information when the opinions, reports or other documents are accompanied by or contain any name, title or wording which indicates that the person or other entity which has issued them is an accountant or auditor, or has expert knowledge in accounting or auditing. The terms include any disclaimer of an opinion when the disclaimer is in a form which is understood to imply any positive assurance of the reliability of the information and expertise on the part of the person making the disclaimer.]~~ ***following services:***

1. An audit or other engagement to be performed in accordance with the Statements on Auditing Standards (SAS) published by the American Institute of Certified Public Accountants.

2. A review of a financial statement to be performed in accordance with the Statements on Standards for Accounting and Review Services (SSARS) published by the American Institute of Certified Public Accountants.

3. An examination of prospective financial information to be performed in accordance with the Statements on Standards for Attestation

***Engagements* (SSAE) published by the American Institute of Certified Public Accountants.**

4. An engagement to be performed in accordance with the standards of the Public Company Accounting Oversight Board.

5. An examination, review or agreed upon procedures engagement to be performed in accordance with the SSAE, other than an examination described in subsection 3.

Sec. 4. NRS 628.014 is hereby amended to read as follows:

628.014 "Compilation" means ~~[the presentation, in the form of financial statements prepared]~~ ***providing a service to be performed*** in accordance with the Statements on Standards for Accounting and Review Services (SSARS) published by the American Institute of Certified Public Accountants, ~~[of information]~~ that is ~~[a representation by]~~ ***presented in*** the ~~[owner or management]~~ ***form*** of ~~[an entity]~~ ***financial statements, of information that is the representation of the owner or management*** without undertaking to ~~[state or imply assurance of the reliability of]~~ ***express any assurance on*** the ~~[information.]~~ ***statements.***

Sec. 5. NRS 628.0345 is hereby amended to read as follows:

628.0345 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a certificate issued pursuant to NRS 628.190 to 628.310, inclusive, ~~[any registration or license granted to a registered public accountant pursuant to NRS 628.350]~~ or a permit issued pursuant to NRS 628.380 shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a certificate issued pursuant to NRS 628.190 to 628.310, inclusive, ~~[any registration or license granted to a registered public accountant pursuant to NRS 628.350]~~ or a permit issued pursuant to NRS 628.380 shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certificate ~~[, registration, license]~~ or permit; or

(b) A separate form prescribed by the Board.

3. A certificate ~~[, registration, license]~~ or permit described in subsection 1 may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 6. NRS 628.045 is hereby amended to read as follows:

628.045 1. ~~[Except as otherwise provided in subsection 2, the]~~ ***The*** Governor shall appoint to the Board ~~[six]~~ ***:***

(a) Six members who are certified public accountants ~~[in the State of Nevada and one member who is a registered public accountant]~~ in the State of Nevada ~~[. Of the six members who are certified public accountants:]~~ ***of whom:***

~~[(a)]~~ ***(1)*** One member must be employed by the government or by private industry; and

~~[(b)]~~ ***(2)*** Five members must be engaged in the practice of public accounting.

~~[2. Whenever the total number of registered public accountants who practice is 10 or fewer, the Board must consist of six members who are certified public accountants and the member who is a registered public accountant until that member's term of office expires. Thereafter, the Board must consist of:~~

~~(a) Six members who are certified public accountants, one of whom must be employed by the government or by private industry.]~~

(b) One member who represents the public. This member must not be:

(1) A certified public accountant ~~[,]~~ ***or*** a public accountant ***;*** ~~[or a registered public accountant;]~~ or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a certified public accountant ~~[,]~~ ***or*** a public accountant ***.*** ~~[or a registered public accountant.~~

~~3.]~~ ***2.*** No person may be appointed to the Board unless he or she is:

(a) Engaged in active practice as a certified public accountant ~~[or registered public accountant]~~ and holds a live permit to practice public accounting in this State, or is appointed as the member who represents the public.

(b) A resident of the State of Nevada.

Sec. 7. NRS 628.075 is hereby amended to read as follows:

628.075 1. ~~[The]~~ ***Except as otherwise provided in subsection 2, the*** Nevada Society of Certified Public Accountants shall, at least 30 days before the beginning of any term, or within 30 days after a position on the Board becomes vacant, submit to the Governor the names of at least three persons qualified for membership on the Board for each position to be filled by a certified public accountant. The Governor shall appoint new members or fill

the vacancy from the list, or request a new list. If the Nevada Society of Certified Public Accountants fails to submit timely nominations for a position on the Board, the Board may submit nominations to the Governor, who shall appoint members from among the nominees or request a new list.

2. ***If the term of a current member of the Board is expiring and that member is eligible for reappointment to the Board, the Nevada Society of Certified Public Accountants may recommend to the Governor the reappointment of that member without having to submit additional names for consideration to the Governor.***

3. The Governor may appoint any qualified person who is a resident of this State to the position which is to be occupied by a person who represents the public.

Sec. 8. NRS 628.130 is hereby amended to read as follows:

628.130 The Board shall:

1. Have a seal of which judicial notice must be taken.

2. Keep records of its proceedings. In any proceedings in court, civil or criminal, arising out of or founded upon any provision of this chapter, copies of those records certified as correct under the seal of the Board are admissible in evidence as tending to prove the contents of the records.

3. Maintain a website on the Internet or its successor and post on its website:

(a) The names arranged alphabetically by classifications of all accountants and business entities holding ~~[~~licenses,~~]~~ certificates, registrations or permits under this chapter.

(b) The names of the members of the Board.

(c) Such other matter as may be deemed proper by the Board.

Sec. 9. NRS 628.160 is hereby amended to read as follows:

628.160 1. The Board may by regulation adopt and amend rules of professional conduct appropriate to establish and maintain a high standard of quality, integrity and dignity in the profession of public accountancy.

2. In addition to the requirements of chapter 233B of NRS, the Board shall ~~[~~, at least 60 days before the adoption of any such rule or amendment, mail copies of the~~]~~ ***provide notice of any such*** proposed rule or amendment to each holder of a live permit, to the ***electronic mail*** address shown in the records of the Board, ~~[~~together~~]~~ ***along*** with ~~[~~a notice~~]~~ ***information*** advising the holder of the permit of the date, time and place of the hearing on the proposed rule or amendment and requesting that he or she submit any comments thereon at least 15 days before the hearing. The comments are advisory only. ~~[~~Failure by inadvertence or error to mail the rule, amendment or notice to each holder of a permit does not affect the validity of any rule or amendment if the Board has made an effort in good faith to mail the notice to all holders of permits.~~]~~ ***The Board shall also make available on its Internet website the proposed rule or amendment.***

3. The Board may adopt regulations concerning the professional conduct of corporations, partnerships and limited-liability companies practicing

certified public accounting or public accounting which it deems consistent with or required by the public welfare, including regulations:

(a) Governing the style, name and title of the corporations, partnerships and limited-liability companies.

(b) Governing the affiliation of the corporations, partnerships and limited-liability companies with any other organizations.

Sec. 10. NRS 628.190 is hereby amended to read as follows:

628.190 1. Except as otherwise provided in this section and NRS 628.310, a certificate of certified public accountant must be granted by the Board to any person who:

(a) Is ~~[a resident of this State or, if not a resident, has designated to the Board an agent who is a resident for notification and service of process;~~

~~(b) Is a person who is~~] without any history of acts involving dishonesty or moral turpitude;

~~[(c)]~~ ***(b)*** Complies with the requirements of education and ***work*** experience as provided in NRS 628.200;

~~[(d)]~~ ***(c)*** Has submitted to the Board a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

~~[(e)]~~ ***(d)*** Has passed the examination prescribed by the Board.

2. The Board may refuse to grant a certificate of certified public accountant to an applicant if he or she has been convicted of a felony in this State or an offense in another state or jurisdiction which would be a felony if committed in this State.

3. The Board may issue a provisional certificate to an applicant until the Board receives the report from the Federal Bureau of Investigation.

Sec. 11. NRS 628.200 is hereby amended to read as follows:

628.200 1. Except as otherwise provided in subsection 4, the requirements of education for a certificate of certified public accountant are:

(a) At least 150 semester hours or an equivalent number of quarter hours; and

(b) A baccalaureate degree or an equivalent degree from a college or university recognized by the Board:

(1) With a major in accounting, or what the Board determines to be substantially the equivalent of a major in accounting; or

(2) With a major other than accounting supplemented by what the Board determines to be substantially the equivalent of an accounting major, including related courses in other areas of business administration.

2. The requirement for ***work*** experience for a certificate of certified public accountant is:

(a) Two years of public accounting experience in a partnership, corporation, limited-liability company or sole proprietorship engaged in the practice of public accounting under the direct supervision of a person who is a certified public accountant; or

(b) ~~[Experience in internal auditing work or governmental accounting and auditing work]~~ ***Other work experience under the direct supervision of a person engaged in active practice as a certified public accountant,*** of a character and for a length of time sufficient in the opinion of the Board to be substantially equivalent to the requirements of paragraph (a).

3. The Board:

(a) Shall adopt regulations concerning:

(1) The number of semester hours or an equivalent number of quarter hours in accounting and other courses required by an applicant to satisfy the requirements of subsection 1.

(2) The public accounting experience ~~[, internal auditing work, and governmental accounting and auditing]~~ ***or other*** work ***experience*** required by an applicant to satisfy the requirements of subsection 2.

(b) May provide by regulation for the substitution of qualified programs of continuing education to satisfy partially the requirement of ***work*** experience described in paragraph (b) of subsection 2 or may add any program to the requirement of ***work*** experience.

4. Notwithstanding any provision of this section to the contrary, an applicant for a certificate of certified public accountant who has received conditional credit pursuant to NRS 628.260 for passing a section of the examination required for a certificate, and who applies that credit to subsequent passage of the examination, is subject to the educational requirements to receive a certificate that were in effect on the date on which the applicant ~~[first received the conditional credit.]~~ ***passed all sections of the examination.***

Sec. 12. NRS 628.240 is hereby amended to read as follows:

628.240 A candidate for a certificate of certified public accountant who has met the educational requirements as prescribed by the Board pursuant to NRS 628.230 is eligible to take the examination without waiting until he or she meets the requirements of ***work*** experience if the candidate also meets the requirements of ~~[paragraphs]~~ ***paragraph*** (a) ~~[and (b)]~~ of subsection 1 of NRS 628.190.

Sec. 13. NRS 628.310 is hereby amended to read as follows:

628.310 1. The Board may waive the examination, the requirements for education or the requirements for ***work*** experience, or any combination thereof, required under NRS 628.190, and may issue a certificate as a certified public accountant to any person who is the holder of a certificate as a certified public accountant then in effect issued under the laws of any state or other jurisdiction of the United States approved by the Board, constituting a recognized qualification for the practice of public accounting comparable to that of a certified public accountant of this State, if:

(a) The person has passed an examination that is substantially the same as the examination conducted pursuant to NRS 628.230 with a grade that would have been a passing grade in this State on the date on which the person received his or her original certificate;

(b) The person has experience in the practice of public accountancy, either as a certified public accountant or as a staff accountant employed by a partnership, corporation, limited-liability company or sole proprietorship engaged in the practice of public accounting and working under the direct supervision of a person who is a certified public accountant, while holding a certificate as a certified public accountant for more than 4 of the 10 years immediately preceding his or her making application pursuant to this chapter; and

(c) The requirements for education of the state or other jurisdiction from which the person received his or her original certificate are determined by the Board to satisfy the requirements for education of this State.

2. The Board may ~~[waive the examination, the requirements for education or the requirements for experience, or any combination thereof, under NRS 628.190, and may]~~ issue a certificate as a certified public accountant to any person who is the holder of an equivalent certificate then in effect issued by a foreign country if:

(a) Persons who are certified as public accountants in this State are granted similar privileges by the foreign country in which the applicant is certified;

(b) The applicant's certificate:

(1) Was issued by the appropriate authority that regulates the practice of public accountancy in the foreign country in which the certificate was issued;

(2) Has not expired or been revoked or suspended; and

(3) Authorizes the applicant to issue reports upon financial statements;

(c) The requirements for education and examination of the regulatory authority of the foreign country were substantially equivalent to the requirements for education and examination of this State on the date on which the applicant received his or her certificate;

(d) The applicant:

(1) Complied with requirements for experience in the foreign country in which the certificate was issued that are substantially equivalent to the requirements set forth in NRS 628.200; or

(2) Has completed in any state at least 4 years of public accounting experience, or equivalent experience determined to be appropriate by the Board, within the 10 years immediately preceding his or her making application for certification in this State;

(e) The applicant has passed a written examination on national standards for public accounting and ethics that is acceptable to the Board; and

(f) The applicant submits with the application a list of all jurisdictions in which he or she has applied for and received a certificate to practice public accounting.

3. A person who is granted a certificate as a certified public accountant pursuant to subsection 2 shall notify the Board, in writing, within 30 days after:

(a) The person is issued an equivalent certificate to practice public accounting by another jurisdiction or is denied the issuance of such a certificate;

(b) A certificate to practice public accounting issued to the person by another jurisdiction is revoked or suspended; or

(c) Another jurisdiction in which the person is certified to practice public accounting commences any type of disciplinary action against the person.

Sec. 13.5. ~~[NRS 628.315 is hereby amended to read as follows:~~

~~628.315 1. Except as otherwise provided in this chapter, a natural person who holds a valid license as a certified public accountant from any state other than this State shall be deemed to be a certified public accountant for all purposes under the laws of this State other than this chapter.~~

~~2. A natural person granted practice privileges pursuant to subsection 1 is not required to obtain:~~

~~(a) A certificate pursuant to NRS 628.190; or~~

~~(b) A permit pursuant to NRS 628.380.~~

~~3. A natural person granted practice privileges pursuant to subsection 1 and a partnership, corporation, limited liability company or sole proprietorship that employs such a person shall be deemed to consent, as a condition of the grant of such practice privileges:~~

~~(a) To the personal and subject matter jurisdiction, and disciplinary authority, of the Board.~~

~~(b) To comply with the provisions of this chapter and the regulations of the Board.~~

~~(c) That, in the event that the license from the state wherein the natural person's principal place of business is located becomes invalid, the natural person will cease offering or engaging in the practice of professional accounting in this State individually and on behalf of a partnership, corporation, limited liability company or sole proprietorship.~~

~~(d) To the appointment of the state board that issued the license as the agent upon whom process may be served in any investigation, action or proceeding relating to the natural person or the partnership, corporation, limited liability company or sole proprietorship by the Board.~~

~~4. A natural person granted practice privileges pursuant to subsection 1 may perform attest services for a client having his or her home office in this State only if the partnership, corporation, limited liability company or sole proprietorship that employs the person is registered pursuant to NRS 628.335~~ ~~***[.] or is exempt from registration pursuant to subsection 3 of NRS 628.335.]***~~ **(Deleted by amendment.)**

Sec. 14. NRS 628.325 is hereby amended to read as follows:

628.325 1. One or more natural persons may organize a corporation for the practice of public accounting under the Professional Entities and Associations Act, chapter 89 of NRS. The corporation is not required to have more directors than shareholders, but at least one director must be a shareholder. The other directors need not, but may, be shareholders.

2. One or more natural persons may:

(a) Organize a corporation pursuant to chapter 78 of NRS;

(b) Qualify to do business as a foreign corporation pursuant to chapter 80 of NRS;

(c) Organize a limited-liability company pursuant to chapter 86 of NRS; or

(d) Register as a foreign limited-liability company pursuant to chapter 86 of NRS,

➥ to practice public accounting.

3. The organization, qualification or registration of a corporation or company pursuant to subsection 2:

(a) Does not modify:

(1) The relationship between an accountant and a client;

(2) The liability arising out of that relationship; or

(3) The compliance of the corporation or company with this chapter or any regulations adopted pursuant thereto.

(b) Does not render:

(1) A person liable in tort for any act in which he or she has not personally participated.

(2) The manager, a member or an employee of a limited-liability company liable in contract for any contract which the person executes on behalf of a limited-liability company within the limits of his or her authority.

4. Notwithstanding any specific statute to the contrary, a simple majority of the ownership of a corporation, partnership or limited-liability company organized for the practice of public accounting in this State, in terms of the financial interests and voting rights of all shareholders, partners, officers, members and principals thereof, must belong to persons who are certified public accountants in any state **.** ~~[or registered public accountants in this State.]~~ Each shareholder, partner, officer, member or principal whose principal place of business is in this State and who performs professional services in this State must be ~~[:~~

~~(a) If the corporation, partnership or limited-liability company registered with the Board is a corporation, partnership or limited liability company of certified public accountants,]~~ a certified public accountant in this State in good standing **.** ~~[; and~~

~~(b) If the corporation, partnership or limited-liability company registered with the Board is a corporation, partnership or limited liability company of public accountants, a certified public accountant or registered public accountant in this State in good standing.]~~

5. A corporation, partnership or limited-liability company organized for the practice of public accounting in this State may have as a shareholder, partner, officer, member or principal any natural person who is not a certified public accountant in any state ~~[or a registered public accountant in this State]~~ if:

(a) The natural person is actively engaged in the business of the corporation, partnership or limited-liability company, or any affiliate thereof; and

(b) The corporation, partnership or limited-liability company complies with any other requirements that the Board by regulation may impose.

Sec. 14.2. ~~[NRS 628.335 is hereby amended to read as follows:~~

~~628.335 1. The Board shall grant or renew registration to a partnership, corporation, limited-liability company or sole proprietorship that demonstrates its qualifications therefor in accordance with this chapter.~~

~~2. A partnership, corporation or limited-liability company with an office in this State shall register with the Board if the partnership, corporation or limited-liability company:~~

~~(a) Performs attest services;~~

~~(b) Performs compilation services;~~

~~(c) Is engaged in the practice of public accounting; or~~

~~(d) Is styled and known as a certified public accountant or uses the abbreviation "C.P.A."~~

~~3. A partnership, corporation, limited-liability company or sole proprietorship that does not have an office in this State~~ **[**~~:~~

~~(a) Shall register with the Board if the partnership, corporation, limited-liability company or sole proprietorship performs attest services for a client having his or her home office in this State.~~

~~(b) May~~**]** ***may*** practice public accounting, may perform compilation services or other professional services within the practice of public accounting **[**~~other than~~**]** ***, including, without limitation,*** ~~attest services~~ **,** ~~for a client having his or her home office in this State, may be styled and known as a certified public accountant and may use the title or designation "certified public accountant" and the abbreviation "C.P.A." without registering with the Board~~ ***only*** ~~if:~~

~~**[**(1)**]** ***(a)*** Persons who are certified public accountants in any state constitute a simple majority, in terms of financial interests and voting rights of all partners, shareholders, officers, members and principals thereof, of the ownership of the partnership, corporation, limited-liability company or sole proprietorship;~~

~~**[**(2)**]** ***(b)*** The partnership, corporation, limited-liability company or sole proprietorship complies with the provisions of subsection 5 of NRS 628.325, if applicable;~~

~~**[**(3)**]** ***(c)*** A natural person granted practice privileges pursuant to NRS 628.315 practices such public accounting or performs such compilation services or such other professional services within the practice of public accounting for the client having his or her home office in this State; and~~

~~**[**(4)**]** ***(d)*** The partnership, corporation, limited-liability company or sole proprietorship can lawfully perform such services in the state where the natural person described in **[**subparagraph (3)**]** ***paragraph (c)*** has his or her principal place of business.~~

~~4. A natural person granted practice privileges pursuant to NRS 628.315 must not be required to obtain a permit from this State pursuant to NRS 628.380 if the person performs such professional services for:~~

~~(a) Which a partnership, corporation, limited liability company or sole proprietorship is required to register pursuant to ***this section or is exempt from registration pursuant to*** subsection ~~[~~2 or~~]~~ 3; or~~

~~(b) A partnership, corporation or limited liability company registered pursuant to the provisions of NRS 628.325.~~**]** **(Deleted by amendment.)**

Sec. 14.4. **[**~~NRS 628.340 is hereby amended to read as follows:~~

~~628.340 1. A partnership required to register with the Board pursuant to NRS 628.335 ***or which performs attest services and is exempt from registration pursuant to subsection 3 of NRS 628.335*** must meet the following requirements:~~

~~(a) At least one general partner must be either a certified public accountant of this State in good standing or, if the partnership~~ **[**~~is required to register~~**]** ***performs attest services and is exempt from registration*** ~~pursuant to~~ **[**~~paragraph (a) of~~**]** ~~subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.~~

~~(b) Each partner who is a resident of this State and is personally and regularly engaged within this State in the practice of public accounting as a member thereof, or whose principal place of business is in this State and who is engaged in the practice of professional accounting in this State, must be a certified public accountant of this State in good standing.~~

~~(c) Each partner who is personally and regularly engaged in the practice of public accounting in this State must be either a certified public accountant of this State in good standing or, if the partnership~~ **[**~~is required to register~~**]** ***performs attest services and is exempt from registration*** ~~pursuant to~~ **[**~~paragraph (a) of~~**]** ~~subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.~~

~~(d) Each partner who is regularly engaged in the practice of public accounting within the United States must be a certified public accountant in good standing of some state or jurisdiction of the United States.~~

~~(e) Each manager in charge of an office of the partnership in this State must be either a certified public accountant of this State in good standing or a natural person granted practice privileges pursuant to NRS 628.315.~~

~~(f) A corporation or limited liability company which is registered pursuant to NRS 628.343 or 628.345 ***or which is exempt from registration pursuant to subsection 3 of NRS 628.335*** may be a partner, and a partnership which is registered pursuant to this section ***or which is exempt from registration pursuant to subsection 3 of NRS 628.335*** may be a general partner, in a partnership engaged in the practice of public accounting.~~

~~2. Application for registration must be made upon the affidavit of~~ **[**~~either~~**]** ~~a general partner who holds a live permit to practice in this State as a certified public accountant . [or, if the partnership is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person~~

~~granted practice privileges pursuant to NRS 628.315.~~**]** ~~The Board shall determine whether the applicant is eligible for registration and may charge an initial fee and an annual renewal fee set by the Board by regulation. A partnership which is so registered may use the words "certified public accountants" or the abbreviation "C.P.A.'s" or "CPA's" in connection with its partnership name. Notice must be given to the Board within 1 month after the admission to or withdrawal of a partner from any partnership so registered.~~**] (Deleted by amendment.)**

Sec. 14.6. **[**~~NRS 628.343 is hereby amended to read as follows:~~

~~628.343 1. A corporation required to register with the Board pursuant to NRS 628.335~~ ***or which performs attest services and is exempt from registration pursuant to subsection 3 of NRS 628.335*** ~~shall comply with the following requirements:~~

~~(a) The sole purpose and business of the corporation must be to furnish to the public services not inconsistent with this chapter or the regulations of the Board, except that the corporation may invest its money in a manner not incompatible with the practice of public accounting.~~

~~(b) The principal officer of the corporation and any officer or director having authority over the practice of public accounting by the corporation must be a certified public accountant of some state in good standing.~~

~~(c) At least one shareholder of the corporation must be either a certified public accountant of this State in good standing or, if the corporation~~ **[**~~is required to register~~**]** ***performs attest services and is exempt from registration*** ~~pursuant to~~ **[**~~paragraph (a) of~~**]** ~~subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.~~

~~(d) Each manager in charge of an office of the corporation in this State and each shareholder or director who is regularly and personally engaged within this State in the practice of public accounting must be either a certified public accountant of this State in good standing or, if the corporation~~ **[**~~is required to register~~**]** ***performs attest services and is exempt from registration*** ~~pursuant to~~ **[**~~paragraph (a) of~~**]** ~~subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.~~

~~(e) In order to facilitate compliance with the provisions of this section relating to the ownership of stock, there must be a written agreement binding the shareholders or the corporation to purchase any shares offered for sale by, or not under the ownership or effective control of, a qualified shareholder. The corporation may retire any amount of stock for this purpose, notwithstanding any impairment of its capital, so long as one share remains outstanding.~~

~~(f) The corporation shall comply with other regulations pertaining to corporations practicing public accounting in this State adopted by the Board.~~

~~2. Application for registration must be made upon the affidavit of~~ **[**~~either~~**]** ~~a shareholder who holds a live permit to practice in this State as a certified public accountant~~ **.** **[**~~or, if the corporation is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted~~

~~practice privileges pursuant to NRS 628.315.~~**]** ~~The Board shall determine whether the applicant is eligible for registration and may charge an initial fee and an annual renewal fee set by the Board by regulation. A corporation which is so registered may use the words "certified public accountants" or the abbreviation "C.P.A.'s" or "CPA's" in connection with its corporate name. Notice must be given to the Board within 1 month after the admission to or withdrawal of a shareholder from any corporation so registered.~~**]** **(Deleted by amendment.)**

Sec. 14.8. **[**~~NRS 628.345 is hereby amended to read as follows:~~

~~628.345 1. A limited liability company required to register with the Board pursuant to NRS 628.335~~ ***or which performs attest services and is exempt from registration pursuant to subsection 3 of NRS 628.335*** ~~shall comply with the following requirements:~~

~~(a) The sole purpose and business of the limited liability company must be to furnish to the public services not inconsistent with this chapter or the regulations of the Board, except that the limited liability company may invest its money in a manner not incompatible with the practice of public accounting.~~

~~(b) The manager, if any, of the limited liability company must be a certified public accountant of some state in good standing.~~

~~(c) At least one member of the limited liability company must be either a certified public accountant of this State in good standing or, if the limited liability company~~ **[**~~is required to register~~**]** ***performs attest services and is exempt from registration*** ~~pursuant to~~ **[**~~paragraph (a) of~~**]** ~~subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.~~

~~(d) Each person in charge of an office of the limited liability company in this State and each member who is regularly and personally engaged within this State in the practice of public accounting must be either a certified public accountant of this State in good standing or, if the limited liability company~~ **[**~~is required to register~~**]** ***performs attest services and is exempt from registration*** ~~pursuant to~~ **[**~~paragraph (a) of~~**]** ~~subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.~~

~~(e) In order to facilitate compliance with the provisions of this section relating to the ownership of interests, there must be a written agreement binding the members or the limited liability company to purchase any interest offered for sale by, or not under the ownership or effective control of, a qualified member.~~

~~(f) The limited liability company shall comply with other regulations pertaining to limited liability companies practicing public accounting in this State adopted by the Board.~~

~~2. Application for registration must be made upon the affidavit of the manager or a member of the limited liability company. The affiant must hold a live permit to practice in this State as a certified public accountant.~~ **[**~~or, if the limited liability company is required to register pursuant to paragraph (a)~~

~~of subsection 3 of NRS 628.335, be a natural person granted practice privileges pursuant to NRS 628.315.~~] ~~The Board shall determine whether the applicant is eligible for registration and may charge an initial fee and an annual renewal fee set by the Board by regulation. A limited-liability company which is so registered may use the words "certified public accountants" or the abbreviation "C.P.A.'s" or "CPA's" in connection with its name. Notice must be given to the Board within 1 month after the admission to or withdrawal of a member from any limited-liability company so registered.~~] **(Deleted by amendment.)**

Sec. 15. NRS 628.370 is hereby amended to read as follows:

628.370 1. Each office established or maintained in this State for the practice of public accounting in this State by a certified public accountant or a partnership, corporation or limited-liability company composed of certified public accountants [~~, or by a registered public accountant or a partnership, corporation or limited liability company composed of registered public accountants,~~] must be registered annually under this chapter with the Board. The Board may charge a fee for the registration of an office in an amount set by regulation.

2. The Board shall by regulation prescribe the procedure to be followed in registering offices.

Sec. 16. NRS 628.375 is hereby amended to read as follows:

628.375 1. Before a certified public accountant [~~, a registered public accountant~~] or a partnership, corporation or limited-liability company composed of certified public accountants [~~or registered public accountants~~] with an office in this State engages in the practice of public accounting in this State under a fictitious name, the person or entity must register the fictitious name with the Board.

2. The Board shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations that prescribe:

(a) The procedure for registering a fictitious name with the Board; and

(b) The fee for registering a fictitious name with the Board.

Sec. 17. NRS 628.380 is hereby amended to read as follows:

628.380 1. Permits to engage in the practice of public accounting in this State must be issued by the Board to holders of the certificate of certified public accountant issued under NRS 628.190 to 628.310, inclusive, [~~and to registered public accountants registered or licensed pursuant to NRS 628.350,~~] if all offices of the holder of a certificate [~~or registrant~~] are maintained and registered as required under NRS 628.370, and if the holder of a certificate [~~or registrant~~] has complied with the continuing education requirements provided in this chapter and in the Board's regulations.

2. All permits expire on December 31 of each year and may be renewed annually for a period of 1 year by holders of certificates [~~and registrants~~] in good standing upon payment of an annual renewal fee set by the Board by regulation.

3. Failure of a holder of a certificate ~~[or registrant]~~ to apply for an annual permit to practice deprives him or her of the right to a permit, unless the Board, in its discretion, determines that the failure was caused by excusable neglect.

4. The Board shall adopt a regulation specifying the fee for the renewal of a permit after January 31 of each year.

5. The Board may provide by regulation for the placing of certificates ~~[and registrations]~~ on a retired or inactive status. The regulation may provide for a procedure for applying for retired or inactive status and for applying to return to active status, and must specify fees, if any, to accompany the applications.

Sec. 18. NRS 628.385 is hereby amended to read as follows:

628.385 The Legislature finds that:

1. The explosion of knowledge and the increasing complexity of practice make it essential that certified public accountants ~~[and public accountants]~~ continue to develop their competence and maintain the general quality of the practice of their profession.

2. The public interest requires that certified public accountants ~~[and registered public accountants]~~ provide competent service in all areas of their practice.

3. Formal programs of continuing education provide certified public accountants ~~[and public accountants]~~ with the opportunity to maintain the general quality of the practice of their profession.

4. It is in the public interest to require that certified public accountants ~~[and registered public accountants]~~ who have certificates ~~[and who have been registered, respectively,]~~ under the provisions of this chapter comply with requirements for continuing education adopted by the Board as a prerequisite to the issuance or renewal of permits to engage in the practice of public accounting pursuant to NRS 628.380.

Sec. 19. NRS 628.386 is hereby amended to read as follows:

628.386 1. The Board may by regulation prescribe, amend or repeal rules, including, but not limited to:

(a) A definition of basic requirements for continuing education;

(b) A delineation of qualifying programs;

(c) A system of control and reporting; and

(d) A program to ensure that licensees are maintaining the standards of the profession.

2. In exercising its power under this section, the Board shall establish standards which will assure reasonable currency of knowledge as a basis for a high standard of practice by certified public accountants **.** ~~[and registered public accountants.]~~ The standards must be established in a manner to assure that a variety of alternatives are available to certificate holders ~~[and registrants]~~ to comply with the requirements of continuing education for renewal of permits and must take cognizance of specialized areas of practice.

Sec. 20. NRS 628.387 is hereby amended to read as follows:

628.387 The Board may, in accordance with the intent of this chapter, make exceptions from continuing education requirements for certificate holders ~~[or registrants]~~ not engaged in public practice, or for reasons of health, military service or other good cause, except that if such certificate holder ~~[or registrant]~~ returns to the practice of public accounting he or she shall meet such continuing education requirements as the Board may determine.

Sec. 21. NRS 628.388 is hereby amended to read as follows:

628.388 The Board may appoint a Committee on Continuing Education consisting of certified public accountants ~~[and registered public accountants]~~ in active practice and holding live permits. Upon assignment and as directed by the Board, the Committee shall assist the Board in the administration of the provisions of this chapter for continuing education.

Sec. 22. NRS 628.390 is hereby amended to read as follows:

628.390 1. After giving notice and conducting a hearing, the Board may revoke, or may suspend for a period of not more than 5 years, any certificate issued under NRS 628.190 to 628.310, inclusive, any practice privileges granted pursuant to NRS 628.315 or 628.335 ~~[, any registration or license granted to a registered public accountant under NRS 628.350,]~~ or any registration of a partnership, corporation, limited-liability company, sole proprietorship or office, or may revoke, suspend or refuse to renew any permit issued under NRS 628.380, or may publicly censure the holder of any permit, ~~[license]~~ ***certificate*** or registration or any natural person granted practice privileges pursuant to NRS 628.315, for any one or any combination of the following causes:

(a) Fraud or deceit in obtaining a certificate as a certified public accountant ~~[, or in obtaining registration or a license as a public accountant under this chapter]~~ or in obtaining a permit to practice public accounting under this chapter.

(b) Dishonesty, fraud or gross negligence by a certified ~~[or registered]~~ public accountant or a natural person granted practice privileges pursuant to NRS 628.315.

(c) Violation of any of the provisions of this chapter.

(d) Violation of a regulation or rule of professional conduct adopted by the Board under the authority granted by this chapter.

(e) Conviction of a felony relating to the practice of public accounting under the laws of any state or jurisdiction.

(f) Conviction of any crime:

(1) An element of which is dishonesty or fraud; or

(2) Involving moral turpitude,

➥ under the laws of any state or jurisdiction.

(g) Cancellation, revocation, suspension, placing on probation or refusal to renew authority to practice as a certified public accountant ~~[or a registered public accountant]~~ by any other state, for any cause other than failure to pay

an annual registration fee or to comply with requirements for continuing education or review of his or her practice in the other state.

(h) Suspension, revocation or placing on probation of the right to practice before any state or federal agency.

(i) Unless the person has been placed on inactive or retired status, failure to obtain an annual permit under NRS 628.380, within:

(1) Sixty days after the expiration date of the permit to practice last obtained or renewed by the holder of a certificate ***;*** ~~[or registrant;]~~ or

(2) Sixty days after the date upon which the holder of a certificate ~~[or registrant]~~ was granted the certificate ***,*** ~~[or registration,]~~ if no permit was ever issued to the person, unless the failure has been excused by the Board.

(j) Conduct discreditable to the profession of public accounting or which reflects adversely upon the fitness of the person to engage in the practice of public accounting.

(k) Making a false or misleading statement in support of an application for a certificate ~~[, registration]~~ or permit of another person.

(l) Committing an act in another state or jurisdiction which would be subject to discipline in that state.

2. After giving notice and conducting a hearing, the Board may deny an application to take the examination prescribed by the Board pursuant to NRS 628.190, deny a person admission to such an examination, invalidate a grade received for such an examination or deny an application for a certificate issued pursuant to NRS 628.190 to 628.310, inclusive, to a person who has:

(a) Made any false or fraudulent statement, or any misleading statement or omission relating to a material fact in an application:

(1) To take the examination prescribed by the Board pursuant to NRS 628.190; or

(2) For a certificate issued pursuant to NRS 628.190 to 628.310, inclusive;

(b) Cheated on an examination prescribed by the Board pursuant to NRS 628.190 or any such examination taken in another state or jurisdiction of the United States;

(c) Aided, abetted or conspired with any person in a violation of the provisions of paragraph (a) or (b); or

(d) Committed any combination of the acts set forth in paragraphs (a), (b) and (c).

3. In addition to other penalties prescribed by this section, the Board may impose a civil penalty of not more than $5,000 for each violation of this section.

4. The Board shall not privately censure the holder of any permit ~~[, license,]~~ ***or*** certificate ~~[or registration]~~ or any natural person granted practice privileges pursuant to NRS 628.315.

5. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 23. NRS 628.393 is hereby amended to read as follows:

628.393 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a certificate issued pursuant to NRS 628.190 to 628.310, inclusive, ~~[a registration or license granted to a registered public accountant pursuant to NRS 628.350]~~ or a permit issued pursuant to NRS 628.380, the Board shall deem the certificate ~~[, registration, license]~~ or permit issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the certificate ~~[, registration, license]~~ or permit by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the certificate ~~[, registration, license]~~ or permit has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a certificate issued pursuant to NRS 628.190 to 628.310, inclusive, ~~[a registration or license granted to a registered public accountant pursuant to NRS 628.350]~~ or a permit issued pursuant to NRS 628.380 that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certificate ~~[, registration, license]~~ or permit was suspended stating that the person whose certificate ~~[, registration, license]~~ or permit was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 24. NRS 628.395 is hereby amended to read as follows:

628.395 In addition to any penalty which it may assess pursuant to NRS 628.390, the Board may suspend any of the provisions of an order issued pursuant to that section and place the certified ~~[or registered]~~ public accountant on probation, subject to limitations and conditions specified by the Board, which may include requirements for continuing education or for a review of the accountant's practice, either periodically or continuously.

Sec. 25. NRS 628.400 is hereby amended to read as follows:

628.400 1. After giving notice and conducting a hearing, the Board shall revoke the registration of a partnership, corporation or limited-liability company if at any time it does not have all the qualifications prescribed by the section of this chapter under which it qualified for registration.

2. After giving notice and conducting a hearing, the Board may revoke or suspend the registration of a partnership, corporation or limited-liability company, or may censure the partnership, corporation or limited-liability company, or impose a sanction authorized by NRS 628.390 ~~[,]~~ ***or 628.395,*** for any of the causes enumerated in subsection 1 of NRS 628.390, or for one or both of the following additional causes:

(a) The revocation or suspension of the certificate or registration or the revocation or suspension or refusal to renew the permit to practice of any

partner or shareholder who is personally engaged in the practice of public accounting in this State, whether or not he or she holds a live permit in this State.

(b) The cancellation, revocation, suspension or refusal to renew the authority of the partnership, corporation or limited-liability company, or any partner, shareholder or member thereof to practice public accounting in any other state for any cause other than failure to pay an annual registration fee or comply with a requirement for continuing education or practice review in the other state.

Sec. 26. NRS 628.410 is hereby amended to read as follows:

628.410 1. The Board may initiate proceedings under this chapter:

(a) On its own motion;

(b) On the complaint of any person; or

(c) On a complaint made by a board of accountancy of another state.

2. A written notice of the hearing must be served on the respondent not less than 30 days before the date of the hearing, either personally or by mailing a copy thereof by registered or certified mail to the address of the respondent last known to the Board.

3. If, after having been served with the notice of hearing, the respondent fails to appear at the hearing and defend, the Board may proceed to hear evidence against the respondent and may enter such order as is justified by the evidence. The order is final unless the respondent petitions for a review thereof. Within 30 days after the date of any order, upon a showing of good cause for failing to appear and defend, the Board may reopen the proceedings and may permit the respondent to submit evidence in his or her behalf.

4. At any hearing, a respondent may be represented before the Board by counsel or by a certified public accountant ~~[or registered public accountant]~~ of this State in good standing. The respondent is entitled, on application to the Board, to the issuance of subpoenas to compel the attendance of witnesses on his or her behalf.

5. The Board, or any member thereof, may issue subpoenas to compel the attendance of witnesses and the production of documents. In case of disobedience to a subpoena, the Board may invoke the aid of any court of this State in requiring the attendance and testimony of witnesses and the production of documentary evidence.

6. A hearing may be conducted by:

(a) The Board, less any member or members who have been disqualified, without the appointment of persons to hear the case in place of the disqualified members; or

(b) A member of the Board appointed by the Board as a hearing officer, with the remaining members of the Board, less any member or members who have been disqualified, to review the record, make a final decision and issue the order,

➥ unless the Board, after disqualifications, consists of less than three members to hear or review the case, in which circumstance the Governor

must appoint one or more qualified persons so that the panel which hears or reviews the case consists of at least three persons.

7. A stenographic record of the hearing must be kept and a transcript thereof filed with the Board.

8. At all hearings, the Attorney General or a deputy designated by the Attorney General or such other legal counsel as may be employed shall appear and represent the Board.

9. The decision of the Board must be by majority vote thereof.

Sec. 27. NRS 628.415 is hereby amended to read as follows:

628.415 1. Any disciplinary action taken by a hearing officer or panel pursuant to NRS 628.140 is subject to the same procedural requirements which apply to disciplinary actions taken by the Board, and the officer or panel has those powers and duties given to the Board in relation thereto.

2. A decision of the hearing officer or panel relating to the imposition of a civil penalty, costs and attorney's fees is a final decision in a contested case. Any party aggrieved by a decision of the officer or panel to place a certified ~~[or registered]~~ public accountant on probation or revoke or suspend a certificate ~~[,]~~ ***or*** permit ~~[, registration or license]~~ may appeal that decision to the Board.

Sec. 28. NRS 628.418 is hereby amended to read as follows:

628.418 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential ~~[.]~~ ***and privileged.***

2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The provisions of this section do not prohibit the Board or an employee of the Board from cooperating with another licensing board or any other agency that is investigating a person who holds a certificate or a permit issued pursuant to NRS 628.380 or a partnership, corporation, limited-liability company or sole proprietorship that is registered with the Board pursuant to NRS 628.335, by providing documents or other information relating to a complaint.

Sec. 29. NRS 628.420 is hereby amended to read as follows:

628.420 Upon application in writing and after a hearing, the Board may:

1. Issue a new certificate to a certified public accountant whose certificate has been revoked;

2. ~~[Permit the reregistration of a public accountant whose registration has been revoked;~~

~~3.]~~ Reissue or modify the suspension of any permit to practice public accounting which has been revoked or suspended, unless the permit was suspended pursuant to NRS 425.540; or

~~[4.]~~ ***3.*** Modify any action taken against any person or any order which it has issued pursuant to NRS 628.390.

Sec. 30. NRS 628.430 is hereby amended to read as follows:

628.430 All statements, records, schedules, working papers and memoranda made by a certified public accountant ~~[, a registered public accountant]~~ or a natural person granted practice privileges pursuant to NRS 628.315 incident to or in the course of professional service to clients by the accountant, except reports submitted by a certified public accountant ~~[, a registered public accountant]~~ or a natural person granted practice privileges pursuant to NRS 628.315 to a client, are the property of the accountant, in the absence of an express agreement between the accountant and the client to the contrary. No such statement, record, schedule, working paper or memorandum may be sold, transferred or bequeathed, without the consent of the client or the client's personal representative or assignee, to anyone other than one or more surviving partners or new partners of the accountant or to his or her corporation.

Sec. 31. NRS 628.435 is hereby amended to read as follows:

628.435 1. A practitioner shall comply with all professional standards for accounting and documentation related to an attestation applicable to particular engagements.

2. Except as otherwise provided in this section and in all professional standards for accounting and documentation related to an attestation applicable to particular engagements, a practitioner shall retain all documentation related to an attestation for not less than 5 years after the date of the report containing the attestation.

3. Documentation related to an attestation that, at the end of the retention period set forth in subsections 1 and 2, is a part of or subject to a pending investigation of, or disciplinary action against, a practitioner must be retained and must not be destroyed until the practitioner has been notified in writing that the investigation or disciplinary action has been closed or concluded.

4. As used in this section:

(a) "Documentation related to an attestation" includes, without limitation:

(1) All documentation relating to consultations and resolutions of any differences of professional opinion regarding the exercise of professional judgment relating to an attestation; and

(2) Documentation of the findings or issues related to the attestation that, based on the judgment of the practitioner after an objective analysis of the facts and circumstances, is determined to be significant, regardless of whether the documentation includes information or data that is inconsistent with the final conclusions of the practitioner.

(b) "Practitioner" means:

(1) A holder of a certificate issued pursuant to NRS 628.190 to 628.310, inclusive, ~~[any registration or license granted to a registered public accountant pursuant to NRS 628.350]~~ or a permit issued pursuant to NRS 628.380;

(2) A partnership, corporation, limited-liability company or sole proprietorship registered pursuant to NRS 628.335; or

(3) A natural person granted practice privileges pursuant to NRS 628.315.

Sec. 31.5. ~~[NRS 628.435 is hereby amended to read as follows:~~

~~628.435 1. A practitioner shall comply with all professional standards for accounting and documentation related to an attestation applicable to particular engagements.~~

~~2. Except as otherwise provided in this section and in all professional standards for accounting and documentation related to an attestation applicable to particular engagements, a practitioner shall retain all documentation related to an attestation for not less than 5 years after the date of the report containing the attestation.~~

~~3. Documentation related to an attestation that, at the end of the retention period set forth in subsections 1 and 2, is a part of or subject to a pending investigation of, or disciplinary action against, a practitioner must be retained and must not be destroyed until the practitioner has been notified in writing that the investigation or disciplinary action has been closed or concluded.~~

~~4. As used in this section:~~

~~(a) "Documentation related to an attestation" includes, without limitation:~~

~~(1) All documentation relating to consultations and resolutions of any differences of professional opinion regarding the exercise of professional judgment relating to an attestation; and~~

~~(2) Documentation of the findings or issues related to the attestation that, based on the judgment of the practitioner after an objective analysis of the facts and circumstances, is determined to be significant, regardless of whether the documentation includes information or data that is inconsistent with the final conclusions of the practitioner.~~

~~(b) "Practitioner" means:~~

~~(1) A holder of a certificate issued pursuant to NRS 628.190 to 628.310, inclusive, or a permit issued pursuant to NRS 628.380;~~

~~(2) A partnership, corporation, limited-liability company or sole proprietorship registered pursuant to NRS 628.335~~ ~~[;]~~ ~~*or which is performing attest services while exempt from registration pursuant to subsection 3 of NRS 628.335;*~~ ~~or~~

~~(3) A natural person granted practice privileges pursuant to NRS 628.315.]~~ **(Deleted by amendment.)**

Sec. 32. NRS 628.440 is hereby amended to read as follows:

628.440 This chapter does not prohibit any person from serving as an employee of, or an assistant to, a certified public accountant ~~[or registered public accountant]~~ who holds a live permit, or a partnership, corporation or limited-liability company composed of certified public accountants ~~[or registered public accountants registered pursuant to NRS 628.360, 628.363 or 628.365]~~ if the employee or assistant does not issue any accounting or financial statement over his or her name.

Sec. 33. NRS 628.470 is hereby amended to read as follows:

628.470 A natural person shall not assume or use the title or designation "public ~~[~~accountant," "registered public~~]~~ accountant" or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that he or she is a public accountant unless the person:

1. ~~[~~Is a registered public accountant, holds a live permit and all of the person's offices in this State for the practice of public accounting are maintained and registered as required under NRS 628.370;

2.~~]~~ Has received a certificate as a certified public accountant under NRS 628.190 to 628.310, inclusive, holds a live permit and all of the person's offices in this State for the practice of public accounting are maintained and registered as required under NRS 628.370; or

~~[~~3.~~]~~ ***2.*** Is a natural person granted practice privileges pursuant to NRS 628.315.

Sec. 34. NRS 628.480 is hereby amended to read as follows:

628.480 A partnership, corporation, limited-liability company or sole proprietorship shall not assume or use the title or designation "public accountant" or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that the partnership, corporation, limited-liability company or sole proprietorship is composed of public accountants unless the partnership, corporation, limited-liability company or sole proprietorship is:

1. Registered as a partnership, corporation, limited-liability company or sole proprietorship of ~~[~~registered public accountants or as a partnership, corporation, limited liability company or sole proprietorship of~~]~~ certified public accountants and all offices of the partnership, corporation, limited-liability company or sole proprietorship in this State for the practice of public accounting are maintained and registered as required under NRS 628.370; or

2. Performing services within the practice of public accounting pursuant to the provisions of subsection 3 of NRS 628.335.

Sec. 35. NRS 628.510 is hereby amended to read as follows:

628.510 1. Except as otherwise provided in subsection 2, a person shall not sign or affix his or her name or the name of a partnership, corporation, limited-liability company or sole proprietorship, or any trade or assumed name used by the person or by the partnership, corporation, limited-liability company or sole proprietorship in business, with any wording indicating that he or she is an accountant or auditor, or that the partnership, corporation, limited-liability company or sole proprietorship is authorized to practice as an accountant or auditor or with any wording indicating that the person or the partnership, corporation, limited-liability company or sole proprietorship has expert knowledge in accounting or auditing, to any accounting or financial statement, or attest to any accounting or financial statement, unless:

(a) The person holds a live permit or the partnership, corporation, limited-liability company or sole proprietorship is registered pursuant to NRS 628.335 ~~[~~, 628.360, 628.363 or 628.365~~]~~ and all of the person's offices in this

State for the practice of public accounting are maintained and registered under NRS 628.370;

(b) The person is a natural person granted practice privileges pursuant to NRS 628.315; or

(c) The partnership, corporation, limited-liability company or sole proprietorship is performing services within the practice of public accounting pursuant to the provisions of subsection 3 of NRS 628.335.

2. The provisions of subsection 1 do not prohibit:

(a) Any officer, employee, partner, principal or member of any organization from affixing his or her signature to any statement or report in reference to the financial affairs of that organization with any wording designating the position, title or office which he or she holds in the organization.

(b) Any act of a public official or public employee in the performance of his or her duties as such.

(c) Any person who does not hold a live permit from preparing a financial statement or issuing a report if the statement or report, respectively, includes a disclosure that:

(1) The person who prepared the statement or issued the report does not hold a live permit issued by the Board; and

(2) The statement or report does not purport to have been prepared in compliance with the professional standards of accounting adopted by the Board.

Sec. 36. NRS 628.520 is hereby amended to read as follows:

628.520 A person shall not sign or affix the name of a partnership, corporation, limited-liability company or sole proprietorship with any wording indicating that it is a partnership, corporation, limited-liability company or sole proprietorship composed of accountants or auditors or persons having expert knowledge or special expertise in accounting or auditing, to any accounting or financial statement, or attest to any accounting or financial statement, unless the partnership, corporation, limited-liability company or sole proprietorship is:

1. Registered pursuant to NRS 628.335 ~~[, 628.360, 628.363 or 628.365]~~ and all of its offices in this State for the practice of public accounting are maintained and registered as required under NRS 628.370; or

2. Performing services within the practice of public accounting pursuant to the provisions of subsection 3 of NRS 628.335.

Sec. 37. NRS 628.540 is hereby amended to read as follows:

628.540 1. Except as otherwise provided in subsection 2, a person, partnership, corporation, limited-liability company or sole proprietorship shall not engage in the practice of public accounting or hold himself, herself or itself out to the public as an "accountant" or "auditor" by use of either or both of those words ~~[, or by use of the word "accounting,"]~~ ***in connection with any other language which implies that such a person or firm holds a certificate, permit or registration or has special competence as an***

accountant or auditor on any sign, card, letterhead or in any advertisement or directory unless:

(a) If a natural person, he or she holds a live permit or has been granted practice privileges pursuant to NRS 628.315; or

(b) If a partnership, corporation, limited-liability company or sole proprietorship, it is registered pursuant to NRS 628.335 ~~[, 628.360, 628.363 or 628.365]~~ or is performing services within the practice of public accounting pursuant to the provisions of subsection 3 of NRS 628.335.

2. The provisions of subsection 1 do not prohibit:

(a) Any officer, employee, partner, shareholder, principal or member of any organization from describing himself or herself by the position, title or office he or she holds in that organization.

(b) Any act of a public official or public employee in the performance of his or her duties as such.

Sec. 38. NRS 628.550 is hereby amended to read as follows:

628.550 1. A person shall not assume or use the title or designation "certified public accountant" or "public accountant" in conjunction with names indicating or implying that there is a partnership, corporation or limited-liability company, or in conjunction with the designation "and Company" or "and Co." or a similar designation, if there is in fact no bona fide partnership, corporation or limited-liability company:

(a) Registered under NRS 628.335 ***;*** ~~[, 628.360, 628.363 or 628.365;]~~ or

(b) Performing services within the practice of public accounting pursuant to the provisions of subsection 3 of NRS 628.335.

~~[➥ A sole proprietor or partnership lawfully using a title or designation in conjunction with any names or designation on April 1, 1960, may continue to do so if the sole proprietor or partnership otherwise complies with the provisions of this chapter.]~~

2. A person, partnership, corporation or limited-liability company shall not engage in the practice of public accounting under any name which is misleading as to:

(a) The legal form of the firm;

(b) The persons who are partners, officers, shareholders or members; or

(c) Any other matter.

➥ The names of past partners, shareholders or members may be included in the name of a firm or its successors.

Sec. 39. NRS 628.570 is hereby amended to read as follows:

628.570 Whenever in the judgment of the Board any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, a violation of NRS 628.435 or 628.450 to 628.550, inclusive, the Board may ***issue and serve on the person an order to cease and desist or*** make application to an appropriate court for an order enjoining the acts or practices, and upon a showing by the Board that the person has engaged, or is about to engage, in any of those acts or practices, an injunction, restraining

order or such order as may be appropriate must be granted by the court without a bond.

Sec. 40. NRS 628.580 is hereby amended to read as follows:

628.580 1. Any person who violates any provision of NRS 628.435 or 628.450 to 628.550, inclusive, is guilty of a ***gross*** misdemeanor.

2. Whenever the Board has reason to believe that any person is liable to punishment under this section **,** it may certify the facts to the Attorney General or other appropriate enforcement officer, who may, in his or her discretion, cause appropriate proceedings to be brought.

Sec. 41. NRS 628A.010 is hereby amended to read as follows:

628A.010 As used in this chapter, unless the context otherwise requires:

1. "Client" means a person who receives advice from a financial planner.

2. "Compensation" means a fee for services provided by a financial planner to a client or a commission or other remuneration derived by a financial planner from a person other than the client as the result of the purchase of a good or service by the client.

3. "Financial planner" means a person who for compensation advises others upon the investment of money or upon provision for income to be needed in the future, or who holds himself or herself out as qualified to perform either of these functions, but does not include:

(a) An attorney and counselor at law admitted by the Supreme Court of this State;

(b) A certified public accountant ~~[or a public accountant licensed]~~ ***who holds a certificate issued*** pursuant to NRS 628.190 to 628.310, inclusive ***;*** ~~[, or 628.350;]~~

(c) A broker-dealer or sales representative licensed pursuant to NRS 90.310 or exempt under NRS 90.320;

(d) An investment adviser licensed pursuant to NRS 90.330 or exempt under NRS 90.340; or

(e) A producer of insurance licensed pursuant to chapter 683A of NRS or an insurance consultant licensed pursuant to chapter 683C of NRS,

➥ whose advice upon investment or provision of future income is incidental to the practice of his or her profession or business.

Sec. 41.1. **Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in subsection 5, if a physician who holds a valid and unrestricted license to practice medicine in another state or territory of the United States or another country has entered into a written or oral agreement to provide services to members of a visiting athletic team or organization, the physician is temporarily exempt from licensure and may practice medicine in this State while providing services pursuant to the agreement to members of the visiting athletic team or organization who are present in this State for the purpose of engaging in competition or training.

2. Except as otherwise provided in subsection 5, if a physician who holds a valid and unrestricted license to practice medicine in another state or territory of the United States or another country has been invited by the governing body of a national organization to provide services to persons participating in an athletic event or training sanctioned or operated by the organization, the physician is temporarily exempt from licensure and may practice medicine in this State while providing services to such persons.

3. Except as otherwise provided in this subsection and subsection 4, an exemption described in this section is valid for a period of not more than 10 days for each competition or training session. Upon the application of a physician, the Board may grant an exemption of not more than 20 additional days for each competition or training session.

4. A physician who is practicing medicine under an exemption described in this section shall not:

(a) Practice medicine at a medical facility;

(b) Provide services to persons who are not described in subsection 1 or 2, as applicable; or

(c) Practice medicine under such an exemption for more than 60 days in a calendar year.

5. The provisions of this section do not apply to any contest or exhibition of unarmed combat conducted pursuant to chapter 467 of NRS.

6. As used in this section, "visiting athletic team or organization" means an athletic team or organization which is primarily based at a location outside of this State.

Sec. 41.2. **NRS 630.047 is hereby amended to read as follows:**

630.047 1. This chapter does not apply to:

(a) A medical officer or perfusionist or practitioner of respiratory care of the Armed Forces or a medical officer or perfusionist or practitioner of respiratory care of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455;

(b) Physicians who are called into this State, other than on a regular basis, for consultation with or assistance to a physician licensed in this State, and who are legally qualified to practice in the state where they reside;

(c) Physicians who are legally qualified to practice in the state where they reside and come into this State on an irregular basis to:

(1) Obtain medical training approved by the Board from a physician who is licensed in this State; or

(2) Provide medical instruction or training approved by the Board to physicians licensed in this State;

(d) ***Physicians who are temporarily exempt from licensure pursuant to section 41.1 of this act and are practicing medicine within the scope of the exemption;***

(e) Any person permitted to practice any other healing art under this title who does so within the scope of that authority, or healing by faith or Christian Science;

~~[(e)]~~ ***(f)*** The practice of respiratory care by a student as part of a program of study in respiratory care that is approved by the Board, or is recognized by a national organization which is approved by the Board to review such programs, if the student is enrolled in the program and provides respiratory care only under the supervision of a practitioner of respiratory care;

~~[(f)]~~ ***(g)*** The practice of respiratory care by a student who:

(1) Is enrolled in a clinical program of study in respiratory care which has been approved by the Board;

(2) Is employed by a medical facility, as defined in NRS 449.0151; and

(3) Provides respiratory care to patients who are not in a critical medical condition or, in an emergency, to patients who are in a critical medical condition and a practitioner of respiratory care is not immediately available to provide that care and the student is directed by a physician to provide respiratory care under the supervision of the physician until a practitioner of respiratory care is available;

~~[(g)]~~ ***(h)*** The practice of respiratory care by a person on himself or herself or gratuitous respiratory care provided to a friend or a member of a person's family if the provider of the care does not represent himself or herself as a practitioner of respiratory care;

~~[(h)]~~ ***(i)*** A person who is employed by a physician and provides respiratory care or services as a perfusionist under the supervision of that physician;

~~[(i)]~~ ***(j)*** The maintenance of medical equipment for perfusion or respiratory care that is not attached to a patient; and

~~[(j)]~~ ***(k)*** A person who installs medical equipment for respiratory care that is used in the home and gives instructions regarding the use of that equipment if the person is trained to provide such services and is supervised by a provider of health care who is acting within the authorized scope of his or her practice.

2. This chapter does not repeal or affect any statute of Nevada regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services outside of a medical school or medical facility by a person who is not a physician, perfusionist, physician assistant or practitioner of respiratory care in cases of emergency.

(b) The domestic administration of family remedies.

Sec. 41.25. **Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in subsection 5, if an osteopathic physician who holds a valid and unrestricted license to practice osteopathic medicine in another state or territory of the United States or another country has entered into a written or oral agreement to provide services to

members of a visiting athletic team or organization, the osteopathic physician is temporarily exempt from licensure and may practice osteopathic medicine in this State while providing services pursuant to the agreement to members of the visiting athletic team or organization who are present in this State for the purpose of engaging in competition or training.

2. Except as otherwise provided in subsection 5, if an osteopathic physician who holds a valid and unrestricted license to practice osteopathic medicine in another state or territory of the United States or another country has been invited by the governing body of a national organization to provide services to persons participating in an athletic event or training sanctioned or operated by the organization, the osteopathic physician is temporarily exempt from licensure and may practice osteopathic medicine in this State while providing services to such persons.

3. Except as otherwise provided in this subsection and subsection 4, an exemption described in this section is valid for a period of not more than 10 days for each competition or training session. Upon the application of an osteopathic physician, the Board may grant an exemption of not more than 20 additional days for each competition or training session.

4. An osteopathic physician who is practicing osteopathic medicine under an exemption described in this section shall not:

(a) Practice osteopathic medicine at a medical facility;

(b) Provide services to persons who are not described in subsection 1 or 2, as applicable; or

(c) Practice osteopathic medicine under such an exemption for more than 60 days in a calendar year.

5. The provisions of this section do not apply to any contest or exhibition of unarmed combat conducted pursuant to chapter 467 of NRS.

6. As used in this section, "visiting athletic team or organization" means an athletic team or organization which is primarily based at a location outside of this State.

Sec. 41.3. **NRS 633.171 is hereby amended to read as follows:**

633.171 1. This chapter does not apply to:

(a) The practice of medicine or perfusion pursuant to chapter 630 of NRS, dentistry, chiropractic, podiatry, optometry, respiratory care, faith or Christian Science healing, nursing, veterinary medicine or fitting hearing aids.

(b) A medical officer of the Armed Forces or a medical officer of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

(c) Osteopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to a physician licensed in this State, and who are legally qualified to practice in the state where they reside.

(d) Osteopathic physicians who are temporarily exempt from licensure pursuant to section 41.25 of this act and are practicing osteopathic medicine within the scope of the exemption.

2. This chapter does not repeal or affect any law of this State regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services of a person in cases of emergency.

(b) The domestic administration of family remedies.

Sec. 41.35. **Chapter 634 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in subsection 5, if a chiropractic physician who holds a valid and unrestricted license to practice chiropractic in another state or territory of the United States or another country has entered into a written or oral agreement to provide services to members of a visiting athletic team or organization, the chiropractic physician is temporarily exempt from licensure and may practice chiropractic in this State while providing services pursuant to the agreement to members of the visiting athletic team or organization who are present in this State for the purpose of engaging in competition or training.

2. Except as otherwise provided in subsection 5, if a chiropractic physician who holds a valid and unrestricted license to practice chiropractic in another state or territory of the United States or another country has been invited by the governing body of a national organization to provide services to persons participating in an athletic event or training sanctioned or operated by the organization, the chiropractic physician is temporarily exempt from licensure and may practice chiropractic in this State while providing services to such persons.

3. Except as otherwise provided in this subsection and subsection 4, an exemption described in this section is valid for a period of not more than 10 days for each competition or training session. Upon the application of a chiropractor, the Board may grant an exemption of not more than 20 additional days for each competition or training session.

4. A chiropractic physician who is practicing chiropractic under an exemption described in this section shall not:

(a) Practice chiropractic at a medical facility;

(b) Provide services to persons who are not described in subsection 1 or 2, as applicable; or

(c) Practice chiropractic under such an exemption for more than 60 days in a calendar year.

5. The provisions of this section do not apply to any contest or exhibition of unarmed combat conducted pursuant to chapter 467 of NRS.

6. As used in this section, "visiting athletic team or organization" means an athletic team or organization which is primarily based at a location outside of this State.

Sec. 41.4. **NRS 634.227 is hereby amended to read as follows:**

634.227 1. A person who:

(a) Presents to the Board as his or her own the diploma, license or credentials of another;

(b) Gives false or forged evidence of any kind to the Board; or

(c) Practices chiropractic under a false or assumed name or falsely personates another licensee,

➥ is guilty of a misdemeanor.

2. Except as otherwise provided in NRS 634.105 and 634.1375, ***and section 41.35 of this act,*** a person who does not hold a license issued pursuant to this chapter and:

(a) Practices chiropractic in this State;

(b) Holds himself or herself out as a chiropractor;

(c) Uses any combination, variation or abbreviation of the terms "chiropractor," "chiropractic" or "chiropractic physician" as a professional or commercial representation; or

(d) Uses any means which directly or indirectly conveys to another person the impression that he or she is qualified or licensed to practice chiropractic,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130, unless a greater penalty is provided pursuant to NRS 200.830 or 200.840.

3. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 2, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or certificate or otherwise demonstrates that he or she is no longer in violation of subsection 2. An order to cease and desist must include a telephone number with which the person may contact the Board.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 41.5. **Chapter 634A of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in subsection 5, if a doctor of Oriental medicine who holds a valid and unrestricted license to practice Oriental medicine in another state or territory of the United States or another country has entered into a written or oral agreement to provide services to

members of a visiting athletic team or organization, the doctor of Oriental medicine is temporarily exempt from licensure and may practice Oriental medicine in this State while providing services pursuant to the agreement to members of the visiting athletic team or organization who are present in this State for the purpose of engaging in competition or training.

2. Except as otherwise provided in subsection 5, if a doctor of Oriental medicine who holds a valid and unrestricted license to practice Oriental medicine in another state or territory of the United States or another country has been invited by the governing body of a national organization to provide services to persons participating in an athletic event or training sanctioned or operated by the organization, the doctor of Oriental medicine is temporarily exempt from licensure and may practice Oriental medicine in this State while providing services to such persons.

3. Except as otherwise provided in this subsection and subsection 4, an exemption described in this section is valid for a period of not more than 10 days for each competition or training session. Upon the application of a doctor of Oriental medicine, the Board may grant an exemption of not more than 20 additional days for each competition or training session.

4. A doctor of Oriental medicine who is practicing Oriental medicine under an exemption described in this section shall not:

(a) Practice Oriental medicine at a medical facility;

(b) Provide services to persons who are not described in subsection 1 or 2, as applicable; or

(c) Practice Oriental medicine under such an exemption for more than 60 days in a calendar year.

5. The provisions of this section do not apply to any contest or exhibition of unarmed combat conducted pursuant to chapter 467 of NRS.

6. As used in this section, "visiting athletic team or organization" means an athletic team or organization which is primarily based at a location outside of this State.

Sec. 41.6. **NRS 634A.025 is hereby amended to read as follows:**

634A.025 1. This chapter does not apply to Oriental physicians who are ~~[called]~~ ***:***

(a) Called into this State for consultation ~~[.]~~ ***; or***

(b) Temporarily exempt from licensure pursuant to section 41.5 of this act and are practicing Oriental medicine within the scope of the exemption.

2. This chapter does not apply to a practitioner of acupuncture:

(a) Who is employed by an accredited school of Oriental medicine located in this State;

(b) Who is licensed to practice acupuncture in another state or jurisdiction; and

(c) Whose practice of acupuncture in this State:

(1) Is limited to teaching, supervising or demonstrating the methods and practices of acupuncture to students in a clinical setting; and

(2) Does not involve the acceptance of payment from any patient for services relating to his or her practice of acupuncture.

3. This chapter does not prohibit:

(a) Gratuitous services of druggists or other persons in cases of emergency.

(b) The domestic administration of family remedies.

(c) Any person from assisting any person in the practice of the healing arts licensed under this chapter, except that such person may not insert needles into the skin or prescribe herbal medicine.

4. For the purposes of this section, "accredited school of Oriental medicine" means a school that has received at least candidacy status for institutional accreditation from the Accreditation Commission for Acupuncture and Oriental Medicine, or its successor organization.

Sec. 41.65. **Chapter 640 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in subsection 5, if a physical therapist who holds a valid and unrestricted license to practice physical therapy in another state or territory of the United States or another country has entered into a written or oral agreement to provide services to members of a visiting athletic team or organization, the physical therapist is temporarily exempt from licensure and may practice physical therapy in this State while providing services pursuant to the agreement to members of the visiting athletic team or organization who are present in this State for the purpose of engaging in competition or training.

2. Except as otherwise provided in subsection 5, if a physical therapist who holds a valid and unrestricted license to practice physical therapy in another state or territory of the United States or another country has been invited by the governing body of a national organization to provide services to persons participating in an athletic event or training sanctioned or operated by the organization, the physical therapist is temporarily exempt from licensure and may practice physical therapy in this State while providing services to such persons.

3. Except as otherwise provided in this subsection and subsection 4, an exemption described in this section is valid for a period of not more than 10 days for each competition or training session. Upon the application of a physical therapist, the Board may grant an exemption of not more than 20 additional days for each competition or training session.

4. A physical therapist who is practicing physical therapy under an exemption described in this section shall not:

(a) Practice physical therapy at a medical facility;

(b) Provide services to persons who are not described in subsection 1 or 2, as applicable; or

(c) Practice physical therapy under such an exemption for more than 60 days in a calendar year.

5. The provisions of this section do not apply to any contest or exhibition of unarmed combat conducted pursuant to chapter 467 of NRS.

6. As used in this section, "visiting athletic team or organization" means an athletic team or organization which is primarily based at a location outside of this State.

Sec. 41.7. **NRS 640.029 is hereby amended to read as follows:**

640.029 This chapter does not apply to ~~[an]~~ ***:***

1. An occupational therapist, occupational therapy assistant or athletic trainer who:

~~[1.]~~ ***(a)*** Is licensed to practice in this state;

~~[2.]~~ ***(b)*** Practices within the scope of that license; and

~~[3.]~~ ***(c)*** Does not represent that he or she is a physical therapist or physical therapist's assistant, or that he or she practices physical therapy ~~[.]~~ ***; or***

2. A physical therapist who is temporarily exempt from licensure pursuant to section 41.65 of this act and is practicing physical therapy within the scope of the exemption.

Sec. 41.8. **Chapter 640B of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in subsection 5, if an athletic trainer who holds a valid and unrestricted license to practice athletic training in another state or territory of the United States or another country has entered into a written or oral agreement to provide services to members of a visiting athletic team or organization, the athletic trainer is temporarily exempt from licensure and may practice athletic training in this State while providing services pursuant to the agreement to members of the visiting athletic team or organization who are present in this State for the purpose of engaging in competition or training.

2. Except as otherwise provided in subsection 5, if an athletic trainer who holds a valid and unrestricted license to practice athletic training in another state or territory of the United States or another country has been invited by the governing body of a national organization to provide services to persons participating in an athletic event or training sanctioned or operated by the organization, the athletic trainer is temporarily exempt from licensure and may practice athletic training in this State while providing services to such persons.

3. Except as otherwise provided in this subsection and subsection 4, an exemption described in this section is valid for a period of not more than 10 days for each competition or training session. Upon the application of an athletic trainer, the Board may grant an exemption of not more than 20 additional days for each competition or training session.

4. An athletic trainer who is practicing athletic training under an exemption described in this section shall not:

(a) Practice athletic training at a medical facility;

(b) Provide services to persons who are not described in subsection 1 or 2, as applicable; or

(c) Practice athletic training under such an exemption for more than 60 days in a calendar year.

5. The provisions of this section do not apply to any contest or exhibition of unarmed combat conducted pursuant to chapter 467 of NRS.

6. As used in this section, "visiting athletic team or organization" means an athletic team or organization which is primarily based at a location outside of this State.

Sec. 41.9. **NRS 640B.145 is hereby amended to read as follows:**

640B.145 The provisions of this chapter do not apply to:

1. A person who is licensed pursuant to chapters 630 to 637, inclusive, or chapter 640 or 640A of NRS, when acting within the scope of that license.

2. A person who is employed by the Federal Government and engages in the practice of athletic training within the scope of that employment.

3. A person who is ~~[employed as an]~~ ***temporarily exempt from licensure pursuant to section 41.8 of this act and is practicing*** athletic ~~[trainer outside this State when engaging in the practice of athletic]~~ training within the scope of ~~[that employment in connection with an athletic event held in this State.]~~ ***the exemption.***

Sec. 42. NRS 172.205 is hereby amended to read as follows:

172.205 The grand jury shall have the power, with the consent of the board of county commissioners, to engage the services of an attorney other than and in addition to the district attorney, certified ~~[or registered]~~ public accountants, and such other skilled persons as may be necessary in the performance of its inquisitorial powers.

Sec. 43. NRS 361.375 is hereby amended to read as follows:

361.375 1. The State Board of Equalization, consisting of five members appointed by the Governor, is hereby created. The Governor shall designate one of the members to serve as Chair of the Board.

2. The Governor shall appoint:

(a) One member who is a certified public accountant **.** ~~[or a registered public accountant.]~~

(b) One member who is a property appraiser with a professional designation.

(c) One member who is versed in the valuation of centrally assessed properties.

(d) Two members who are versed in business generally.

3. Only three of the members may be of the same political party and no more than two may be from the same county.

4. An elected public officer or his or her deputy, employee or any person appointed by him or her to serve in another position must not be appointed to serve as a member of the State Board of Equalization.

5. After the initial terms, members serve terms of 4 years, except when appointed to fill unexpired terms. No member may serve more than two full terms consecutively.

6. Any member of the State Board of Equalization may be removed by the Governor if, in the opinion of the Governor, that member is guilty of malfeasance in office or neglect of duty.

7. Each member of the State Board of Equalization is entitled to receive a salary of not more than $80, as fixed by the Board, for each day actually employed on the work of the Board.

8. While engaged in the business of the State Board of Equalization, each member and employee of the Board is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

9. A majority of the members of the State Board of Equalization constitutes a quorum, and a majority of the Board shall determine the action of the Board. The Board may adopt regulations governing the conduct of its business.

10. The State Board of Equalization shall comply with any applicable regulation adopted by the Nevada Tax Commission.

11. The staff of the State Board of Equalization must be provided by the Department and the Executive Director is the Secretary of the Board.

Sec. 44. NRS 678.390 is hereby amended to read as follows:

678.390 1. The board may appoint an audit committee to make an annual audit of the financial records of the credit union and any interim audits as may be deemed necessary by the board or as may be directed by the Commissioner. A copy of the report must be submitted to the board and the Commissioner and a summary presented to the members at the next annual meeting.

2. The audit committee may by unanimous vote suspend any director, officer or member of the credit union following an audit, for any violation of this chapter, the charter or bylaws or for any other practice which the audit committee deems to be unsafe or unauthorized. In such cases, the audit committee shall call a special meeting of the members not less than 7 nor more than 21 days following the suspension and the suspension must be ratified or overturned by the members.

3. Any member of the audit committee may be suspended by the board for the same reasons and in the same manner as provided in subsection 2.

4. The audit committee may by a majority vote call a special meeting of the members to consider any violation of this chapter, the charter or bylaws or any practice of the credit union deemed by the audit committee to be unsafe or unauthorized.

5. The board of directors or the audit committee may employ the services of a certified public accountant ~~[or a registered public accountant]~~ to complete the necessary audit of the records of the credit union.

Sec. 45. NRS 628.029, 628.350, 628.360, 628.363 and 628.365 are hereby repealed.

Sec. 46. 1. This section and sections 1 to 13, inclusive, 14, 15 to 31, inclusive, and 32 to 45, inclusive, of this act become effective upon passage and approval.

2. **Sections 41.1 to 41.9, inclusive, of this act become effective upon passage and approval for the purpose of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act, and on January 1, 2018, for all other purposes.**

3. Sections 13.5, 14.2 to 14.8, inclusive, and 31.5 of this act become effective on January 1, 2019.

LEADLINES OF REPEALED SECTIONS

628.029 "Registered public accountant" defined.

628.350 Requirements for issuance of license as public accountant.

628.360 Requirements for registration as partnership of public accountants.

628.363 Requirements for registration as corporation of public accountants.

628.365 Requirements for registration as limited-liability company of public accountants.

Assemblywoman Benitez-Thompson moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 454.

Motion carried by a constitutional majority.

Mr. Speaker:

The Conference Committee concerning Assembly Bill No. 45, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 953 of the Senate be concurred in.

ASSEMBLYWOMAN OLIVIA DIAZ	SENATOR KELVIN ATKINSON
ASSEMBLYWOMAN TERESA BENITEZ-THOMPSON	SENATOR NICOLE J. CANNIZZARO
ASSEMBLYMAN JOHN HAMBRICK	SENATOR JAMES SETTELMEYER
Assembly Conference Committee	*Senate Conference Committee*

Assemblywoman Diaz moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 45.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

We ironed out our differences, and it is good to go.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 259.

The following Senate amendment was read:

Amendment No. 787.

AN ACT relating to criminal procedure; providing for the vacating of certain judgments of conviction and sealing of certain records relating to marijuana; authorizing a court to depart from prescribed minimum terms of imprisonment for the possession of controlled substances in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a court to grant a motion to vacate a judgment of conviction in certain circumstances. (NRS 176.515) Existing law also establishes a process for sealing certain records of criminal proceedings. (NRS 179.245-179.301) With certain limited exceptions, if the court orders a person's record of criminal history sealed, all proceedings recounted in the record are deemed never to have occurred. (NRS 179.285)

Section 1.2 of this bill provides that if a person is convicted of a misdemeanor for: (1) the possession of 1 ounce or less of marijuana; or (2) a violation of any provision of law concerning certain offenses involving marijuana and the act constituting the offense is a lawful act in this State on or after January 1, 2017, the person may petition the court to vacate the judgment and seal all documents relating to the case. **Section 1.2** establishes the circumstances in which the court is required or authorized to grant such a petition. If granting such a petition is within the discretion of the court, the petitioner is required to notify the office of the prosecuting attorney who prosecuted the petitioner for the crime and the prosecuting attorney must be allowed to testify and present evidence before the court decides whether to grant the petition. **Section 1.2** also authorizes a court to enter an ~~[interim]~~ order to vacate a judgment of conviction if the petitioner satisfies all requirements necessary for the judgment to be vacated but the petition is deficient with respect to the sealing of the petitioner's record. **Section 1.2** provides that if the court enters such an ~~[interim]~~ order, the court is also required to order sealed the records of the petitioner which relate to the judgment being vacated. **Sections 1.3-1.7** of this bill make conforming changes.

Existing law generally prohibits a person from knowingly or intentionally possessing a controlled substance and sets forth the penalties for violating such a provision. The severity of the penalty generally depends on the type of controlled substance the person possessed and the number of times the person has committed the offense. (NRS 453.336) **Section 2** of this bill provides that if a person is convicted of knowingly or intentionally possessing a controlled substance and the penalty for such possession requires that the person serve a minimum term of imprisonment, the court is authorized to depart from the prescribed minimum term of imprisonment in certain specified circumstances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 1.2. Chapter 179 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a person has been convicted of a misdemeanor for the possession of 1 ounce or less of marijuana in violation of subsection 4 of NRS 453.336 or for a violation of any other provision of law concerning an offense involving marijuana, if the act constituting such an offense is a lawful act in this State on or after January 1, 2017, the person may petition the court in which he or she was convicted or, if the person wishes to file more than one petition and would otherwise need to file a petition in more than one court, the district court, for an order:

(a) Vacating the judgment; and

(b) Sealing all documents, papers and exhibits in the person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order.

2. A petition filed pursuant to subsection 1 must satisfy the requirements of ~~[subsection 2 of]~~ NRS 179.245.

3. Except as otherwise provided in subsection 6, the court:

(a) Shall grant a petition filed pursuant to subsection 1 if the judgment is a misdemeanor conviction for the possession of 1 ounce or less of marijuana in violation of subsection 4 of NRS 453.336.

(b) Except as otherwise provided in paragraph (a), may grant a petition filed pursuant to subsection 1 if the judgment is a misdemeanor conviction for a violation of any provision of law concerning an offense involving marijuana and the act constituting the offense is a lawful act in this State on or after January 1, 2017.

4. Before the court decides whether to grant a petition pursuant to paragraph (b) of subsection 3:

(a) The petitioner must notify the office of the prosecuting attorney who prosecuted the petitioner for the crime; and

(b) The prosecuting attorney must be allowed to testify and present evidence.

5. If the court grants a petition filed pursuant to subsection 1, the court ~~[:]~~ shall:

(a) ~~[Shall vacate]~~ Vacate the judgment and dismiss the accusatory pleading; and

(b) ~~[Shall order]~~ Order sealed all documents, papers and exhibits in the petitioner's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order . ~~[; and~~

~~(c) May take any additional action that the court deems appropriate under the circumstances.]~~

6. If a petition filed pursuant to subsection 1 does not satisfy the requirements of ~~[subsection 2 of]~~ NRS 179.245 or the court determines that the petition is otherwise deficient with respect to the sealing of the

petitioner's record, the court may enter an ~~[interim]~~ order to vacate the judgment and dismiss the accusatory pleading if the petitioner satisfies all requirements necessary for the judgment to be vacated.

7. If the court enters an ~~[interim]~~ order pursuant to subsection 6, the court shall also order sealed the records of the petitioner which relate to the judgment being vacated in accordance with paragraph (b) of subsection 5, regardless of whether any records relating to other convictions are ineligible for sealing, either by operation of law or because of a deficiency in the petition.

Sec. 1.3. NRS 179.241 is hereby amended to read as follows:

179.241 As used in NRS 179.241 to 179.301, inclusive, ***and section 1.2 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 179.242, 179.243 and 179.244 have the meanings ascribed to them in those sections.

Sec. 1.4. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 5 and NRS 176A.265, 176A.295, 179.259, 453.3365 and 458.330, ***and section 1.2 of this act,*** a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

(a) A category A or B felony after 15 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(b) A category C or D felony after 12 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 7 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Except as otherwise provided in paragraph (e), any gross misdemeanor after 5 years from the date of release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 422.540 to 422.570, inclusive, other than a felony, a violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or

(f) Any other misdemeanor after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by the petitioner's current, verified records received from:

(1) The Central Repository for Nevada Records of Criminal History; and

(2) All agencies of criminal justice which maintain such records within the city or county in which the conviction was entered;

(b) If the petition references NRS 453.3365 or 458.330, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(c) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(d) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific conviction to which the records to be sealed pertain; and

(3) Date of arrest relating to the specific conviction to which the records to be sealed pertain.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and the prosecuting attorney, including, without limitation, the Attorney General, who prosecuted the petitioner for the crime. The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada, and may also order all such records of the petitioner returned to the file of the court where the proceeding was commenced from, including, without limitation, the Federal Bureau of Investigation, the California Bureau of Criminal Identification and Information and all other agencies of criminal justice which maintain such records and which are reasonably known by either the petitioner or the court to have possession of such records.

5. A person may not petition the court to seal records relating to a conviction of:

(a) A crime against a child;

(b) A sexual offense;

(c) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;

(d) A violation of NRS 484C.430;

(e) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;

(f) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or

(g) A violation of NRS 488.420 or 488.425.

6. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

7. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(12) Lewdness with a child pursuant to NRS 201.230.

(13) Sexual penetration of a dead human body pursuant to NRS 201.450.

(14) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(15) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

(16) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

(17) An attempt to commit an offense listed in this paragraph.

Sec. 1.5. NRS 179.275 is hereby amended to read as follows:

179.275 Where the court orders the sealing of a record pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330, ***or section 1.2 of this act,*** a copy of the order must be sent to:

1. The Central Repository for Nevada Records of Criminal History; and

2. Each agency of criminal justice and each public or private company, agency, official or other custodian of records named in the order, and that person shall seal the records in his or her custody which relate to the matters contained in the order, shall advise the court of compliance and shall then seal the order.

Sec. 1.6. NRS 179.285 is hereby amended to read as follows:

179.285 Except as otherwise provided in NRS 179.301:

1. If the court orders a record sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 ~~[.]~~ ***or section 1.2 of this act:***

(a) All proceedings recounted in the record are deemed never to have occurred, and the person to whom the order pertains may properly answer accordingly to any inquiry, including, without limitation, an inquiry relating to an application for employment, concerning the arrest, conviction, dismissal or acquittal and the events and proceedings relating to the arrest, conviction, dismissal or acquittal.

(b) The person is immediately restored to the following civil rights if the person's civil rights previously have not been restored:

(1) The right to vote;

(2) The right to hold office; and

(3) The right to serve on a jury.

2. Upon the sealing of the person's records, a person who is restored to his or her civil rights pursuant to subsection 1 must be given:

(a) An official document which demonstrates that the person has been restored to the civil rights set forth in paragraph (b) of subsection 1; and

(b) A written notice informing the person that he or she has not been restored to the right to bear arms, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms.

3. A person who has had his or her records sealed in this State or any other state and whose official documentation of the restoration of civil rights is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has had his or her records sealed, the court shall issue an order restoring the person to the civil rights to vote, to hold office and to serve on a jury. A person must not be required to pay a fee to receive such an order.

4. A person who has had his or her records sealed in this State or any other state may present official documentation that the person has been restored to his or her civil rights or a court order restoring civil rights as

proof that the person has been restored to the right to vote, to hold office and to serve as a juror.

Sec. 1.7. NRS 179.295 is hereby amended to read as follows:

179.295 1. The person who is the subject of the records that are sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 ***or section 1.2 of this act*** may petition the court that ordered the records sealed to permit inspection of the records by a person named in the petition, and the court may order such inspection. Except as otherwise provided in this section, subsection 8 of NRS 179.255 and NRS 179.259 and 179.301, the court may not order the inspection of the records under any other circumstances.

2. If a person has been arrested, the charges have been dismissed and the records of the arrest have been sealed, the court may order the inspection of the records by a prosecuting attorney upon a showing that as a result of newly discovered evidence, the person has been arrested for the same or a similar offense and that there is sufficient evidence reasonably to conclude that the person will stand trial for the offense.

3. The court may, upon the application of a prosecuting attorney or an attorney representing a defendant in a criminal action, order an inspection of such records for the purpose of obtaining information relating to persons who were involved in the incident recorded.

4. This section does not prohibit a court from considering a conviction for which records have been sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 ***or section 1.2 of this act*** in determining whether to grant a petition pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 for a conviction of another offense.

Sec. 2. NRS 453.336 is hereby amended to read as follows:

453.336 1. Except as otherwise provided in subsection ~~[5,]~~ ***6,*** a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.

2. Except as otherwise provided in subsections 3 ***,*** ~~[and]~~ 4 ***and 5*** and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385, 453.339 or 453.3395, a person who violates this section shall be punished:

(a) For the first or second offense, if the controlled substance is listed in schedule I, II, III or IV, for a category E felony as provided in NRS 193.130.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I, II, III or IV, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United

States or of any state, territory or district relating to a controlled substance, for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than $20,000.

(c) For the first offense, if the controlled substance is listed in schedule V, for a category E felony as provided in NRS 193.130.

(d) For a second or subsequent offense, if the controlled substance is listed in schedule V, for a category D felony as provided in NRS 193.130.

3. Unless ~~***[Except as otherwise provided in subsection 5 and unless]***~~ a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. ~~[Unless]~~ ***Except as otherwise provided in subsection 5 and unless*** a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana:

(a) For the first offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than $600; or

(2) Examined by a treatment provider approved by the court to determine whether the person is a drug addict and is likely to be rehabilitated through treatment and, if the examination reveals that the person is a drug addict and is likely to be rehabilitated through treatment, assigned to a program of treatment and rehabilitation pursuant to NRS 453.580. As used in this subparagraph, "treatment provider" has the meaning ascribed to it in NRS 458.010.

(b) For the second offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than $1,000; or

(2) Assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(c) For the third offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140.

(d) For a fourth or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. ***Notwithstanding any other provision of law*** ~~***[,]***~~ ***and except as otherwise provided in subsection 3, if a person is convicted of a violation of any provision of this section which is punishable by the imposition of a minimum term of imprisonment, the court may, upon a showing of good cause by the person, depart from the prescribed minimum term of imprisonment if:***

(a) The offense for which the person was convicted did not involve the use, attempted use or threatened use of physical force against another person or result in any physical injury to another person;

(b) During the commission of the offense for which the person was convicted, the person was not in possession of, and did not threaten the use

of, display or represent by words or conduct that he or she was in possession of, any weapon listed in subsection 1 of NRS 202.265;

(c) The provisions of this subsection have not previously been applied to the person; and

(d) At the time of sentencing, the court states the reasons for imposing a particular sentence upon the person and the specific reason for imposing a sentence that departs from the prescribed minimum term of imprisonment.

6. It is not a violation of this section if a person possesses a trace amount of a controlled substance and that trace amount is in or on a hypodermic device obtained from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994, inclusive.

~~[6.]~~ ***7.*** As used in this section:

(a) "Controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

(b) "Marijuana" does not include concentrated cannabis.

(c) "Sterile hypodermic device program" has the meaning ascribed to it in NRS 439.986.

Sec. 3. The amendatory provisions of section 2 of this act apply to an offense committed:

1. On or after July 1, 2017; and
2. Before July 1, 2017, if the person is convicted on or after July 1, 2017.

Sec. 4. This act becomes effective on July 1, 2017.

Assemblyman Ohrenschall moved that the Assembly concur in the Senate Amendment No. 787 to Assembly Bill No. 259.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

The Senate amendment makes it clear that possession of flunitrazepam or gamma-hydroxybutyrate, commonly known as the date rape drug, is a category B felony.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The Conference Committee concerning Assembly Bill No. 25, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 954 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 4, which is attached to and hereby made a part of this report.

ASSEMBLYMAN JAMES OHRENSCHALL
ASSEMBLYWOMAN LESLEY E. COHEN
ASSEMBLYWOMAN LISA KRASNER
Assembly Conference Committee

SENATOR TICK SEGERBLOM
SENATOR NICOLE J. CANNIZZARO
SENATOR MOISES DENIS
Senate Conference Committee

Amendment No. CA4.

AN ACT relating to criminal offenders; revising provisions relating to certain allowable deductions from the period of probation or sentence of a person; **authorizing the Governor to grant certain deductions from the period of the sentence of a person under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that a person who is sentenced to serve a period of probation for a felony or gross misdemeanor be allowed for the period of probation a deduction of a certain number of days from that period for each month the person serves if he or she is in compliance with the terms and conditions of the probation and is: (1) current with any fee to defray the costs of the person's supervision and any fines, fees and restitution ordered by the court; and (2) actively involved in employment or enrolled in a program of education, rehabilitation or another program approved by the Division of Parole and Probation of the Department of Public Safety. (NRS 176A.500) Existing law similarly requires that certain persons who are on parole or released on parole be allowed for the period the person is on parole a deduction of a certain number of days from the person's sentence for each month served if the person is current with any fee to defray the costs of his or her supervision and any payment of restitution required by the State Board of Parole Commissioners. (NRS 209.4475)

Section 1 of this bill revises the requirements that a probationer must satisfy to be allowed a deduction from his or her period of probation. **Section 1** removes the requirements that the probationer be in compliance with the terms and conditions of the probation and be current on the payment of fines and fees ordered by the court, thereby making the requirements for probationers to be allowed a deduction more similar to the existing requirements imposed on parolees. **Section 1** also removes the requirement that a probationer, to be allowed a deduction, must be both: (1) current with any fee to defray the costs of his or her supervision and any payment of restitution; and (2) actively involved in employment or enrolled in a program approved by the Division, and instead provides that a probationer is allowed a separate deduction for satisfying each such requirement.

Existing law provides that under certain circumstances an offender may earn credits to reduce his or her sentence of imprisonment for each month the offender serves. (NRS 209.4465) Section 1.5 of this bill authorizes the Governor, by executive order, if the Governor determines it is necessary, to grant additional credits to reduce an offender's sentence by not more than 5 days for each month an offender serves.

Sections 1 and 2 of this bill, respectively, provide that for the purpose of determining whether a probationer is allowed a deduction from his or her period of probation for being current with any fee to defray the costs of his or her supervision and any payment of restitution or whether a parolee is allowed a deduction from his or her sentence, the probationer or parolee shall

be deemed to be current with any fee to defray the costs of his or her supervision and any payment of restitution for any given month if, during that month, the probationer or parolee makes at least the minimum monthly payment established by the court, the Division or the Board, as applicable.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 176A.500 is hereby amended to read as follows:

176A.500 1. The period of probation or suspension of sentence may be indeterminate or may be fixed by the court and may at any time be extended or terminated by the court, but the period, including any extensions thereof, must not be more than:

(a) Three years for a:

(1) Gross misdemeanor; or

(2) Suspension of sentence pursuant to NRS 176A.260, 176A.290 or 453.3363; or

(b) Five years for a felony.

2. At any time during probation or suspension of sentence, the court may issue a warrant for violating any of the conditions of probation or suspension of sentence and cause the defendant to be arrested. Except for the purpose of giving a dishonorable discharge from probation, and except as otherwise provided in this subsection, the time during which a warrant for violating any of the conditions of probation is in effect is not part of the period of probation. If the warrant is cancelled or probation is reinstated, the court may include any amount of that time as part of the period of probation.

3. Any parole and probation officer or any peace officer with power to arrest may arrest a probationer without a warrant, or may deputize any other officer with power to arrest to do so by giving the probationer a written statement setting forth that the probationer has, in the judgment of the parole and probation officer, violated the conditions of probation. Except as otherwise provided in subsection 4, the parole and probation officer or the peace officer, after making an arrest, shall present to the detaining authorities, if any, a statement of the charges against the probationer. The parole and probation officer shall at once notify the court which granted probation of the arrest and detention or residential confinement of the probationer and shall submit a report in writing showing in what manner the probationer has violated the conditions of probation.

4. A parole and probation officer or a peace officer may immediately release from custody without any further proceedings any person the officer arrests without a warrant for violating a condition of probation if the parole and probation officer or peace officer determines that there is no probable cause to believe that the person violated the condition of probation.

5. A person who is sentenced to serve a period of probation for a felony or a gross misdemeanor **[**~~must be allowed for the period of the probation a~~

~~deduction as set forth in subsection 6 if the offender is in compliance with the terms and conditions of the probation as determined by the Division and is:~~

~~(a) Current with any fee to defray the cost of the supervision charged pursuant to NRS 213.1076 and with any fines, fees and restitution ordered by the court, including, without limitation, any payment of restitution required pursuant to NRS 176A.430; and~~

~~(b) Actively involved in employment or enrolled in a program of education, rehabilitation or any other program approved by the Division.~~

~~6. A person described in subsection 5~~] must be allowed for the period of the probation a deduction of:

(a) Ten days from that period for each month the person serves and is current ~~[on]~~ ***with*** any ~~[fees]~~ ***fee*** to defray the ~~[cost]~~ ***costs*** of ~~[the]~~ ***his or her*** supervision ~~[owed]~~ ***charged by the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 213.1076*** and ~~[on]~~ ***with*** any ~~[fines, fees and]~~ ***payment of*** restitution ordered by the court ~~[; and]~~ ***, including, without limitation, any payment of restitution required pursuant to NRS 176A.430. A person shall be deemed to be current with any such fee and payment of restitution for any given month if, during that month, the person makes at least the minimum monthly payment established by the court or, if the court does not establish a minimum monthly payment, by the Division.***

(b) Except as otherwise provided in subsection 7, ~~[an additional]~~ 10 days from that period for each month the person serves and is actively involved in employment or enrolled in a program of education, rehabilitation or any other program approved by the Division.

6. A person must be allowed a deduction pursuant to paragraph (a) or (b) of subsection 5 regardless of whether the person has satisfied the requirements of the other paragraph and must be allowed a deduction pursuant to paragraphs (a) and (b) of subsection 5 if the person has satisfied the requirements of both paragraphs of that subsection.

7. A person who is sentenced to serve a period of probation for a felony or a gross misdemeanor and who is a participant in a specialty court program must be allowed a deduction from the period of probation for being actively involved in employment or enrolled in a program of education, rehabilitation or any other program approved by the Division only if the person successfully completes the specialty court program. Such a deduction must not exceed the length of time remaining on the person's period of probation.

8. As used in this section, "specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from mental illnesses or abuse alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250 or 453.580.

Sec. 1.5. **NRS 209.4465 is hereby amended to read as follows:**

209.4465 1. An offender who is sentenced to prison for a crime committed on or after July 17, 1997, who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement or the laws of the State recorded against the offender, and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed:

(a) For the period the offender is actually incarcerated pursuant to his or her sentence;

(b) For the period the offender is in residential confinement; and

(c) For the period the offender is in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888,

➥ a deduction of 20 days from his or her sentence for each month the offender serves.

2. In addition to the credits allowed pursuant to subsection 1, the Director may allow not more than 10 days of credit each month for an offender whose diligence in labor and study merits such credits. In addition to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement:

(a) For earning a general educational development certificate or an equivalent document, 60 days.

(b) For earning a high school diploma, 90 days.

(c) For earning his or her first associate degree, 120 days.

3. The Director may, in his or her discretion, authorize an offender to receive a maximum of 90 days of credit for each additional degree of higher education earned by the offender.

4. The Director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, program for reentry of offenders and parolees into the community, conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit pursuant to this subsection is eligible to earn the entire 30 days of credit each month that is allowed pursuant to subsections 1 and 2.

5. The Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service.

6. The Board shall adopt regulations governing the award, forfeiture and restoration of credits pursuant to this section.

7. Except as otherwise provided in subsections 8 and 9, credits earned pursuant to this section:

(a) Must be deducted from the maximum term or the maximum aggregate term imposed by the sentence, as applicable; and

(b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence that must be served before a person becomes eligible for parole.

8. Credits earned pursuant to this section by an offender who has not been convicted of:

(a) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim;

(b) A sexual offense that is punishable as a felony;

(c) A violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430 that is punishable as a felony; or

(d) A category A or B felony,

➥ apply to eligibility for parole and, except as otherwise provided in subsection 9, must be deducted from the minimum term or the minimum aggregate term imposed by the sentence, as applicable, until the offender becomes eligible for parole and must be deducted from the maximum term or the maximum aggregate term imposed by the sentence, as applicable.

9. Credits deducted pursuant to subsection 8 may reduce the minimum term or the minimum aggregate term imposed by the sentence, as applicable, by not more than 58 percent for an offender who:

(a) Is serving a sentence for an offense committed on or after July 1, 2014; or

(b) On or after July 1, 2014, makes an irrevocable election to have his or her consecutive sentences aggregated pursuant to NRS 213.1212.

10. In addition to the credits allowed pursuant to this section, if the Governor determines, by executive order, that it is necessary, the Governor may authorize the deduction of not more than 5 days from a sentence for each month an offender serves. This subsection must be uniformly applied to all offenders under a sentence at the time the Governor makes such a determination.

Sec. 2. NRS 209.4475 is hereby amended to read as follows:

209.4475 1. In addition to any credits earned pursuant to NRS 209.447, an offender who is on parole as of January 1, 2004, or who is released on parole on or after January 1, 2004, for a term less than life must be allowed for the period the offender is actually on parole a deduction of 20 days from the offender's sentence for each month the offender serves if:

(a) The offender is current with any fee to defray the costs of his or her supervision ***charged by the Division of Parole and Probation of the Department of Public Safety*** pursuant to NRS 213.1076; and

(b) The offender is current with any payment of restitution required ***by the State Board of Parole Commissioners*** pursuant to NRS 213.126.

2. ***An offender shall be deemed to be current with any fee and payment of restitution described in subsection 1 for any given month if, during that month, the offender makes at least the minimum monthly payment established by:***

(a) The Division of Parole and Probation of the Department of Public Safety, if any; and

(b) The State Board of Parole Commissioners, if any.

3. In addition to any credits earned pursuant to subsection 1 and NRS 209.447, the Director may allow not more than 10 days of credit each month for an offender:

(a) Who is on parole as of January 1, 2004, or who is released on parole on or after January 1, 2004, for a term less than life; and

(b) Whose diligence in labor or study merits such credits.

~~[3.]~~ ***4.*** An offender is entitled to the deductions authorized by this section only if the offender satisfies the conditions of subsection 1 or ~~[2,]~~ ***3,*** as determined by the Director. The Chief Parole and Probation Officer or other person responsible for the supervision of an offender shall report to the Director the failure of an offender to satisfy those conditions.

~~[4.]~~ ***5.*** Credits earned pursuant to this section must, in addition to any credits earned pursuant to NRS 209.443, 209.446, 209.4465, 209.447, 209.448 and 209.449, be deducted from the maximum term or the maximum aggregate term imposed by the sentence, as applicable.

~~[5.]~~ ***6.*** The Director shall maintain records of the credits to which each offender is entitled pursuant to this section.

Sec. 3. 1. The amendatory provisions of this act apply to offenses committed before, on or after July 1, 2017.

2. For the purpose of calculating credits earned by a person pursuant to **:**

(a) NRS 176A.500 or 209.4475, the amendatory provisions of this act must be applied only to credits earned by the person on or after July 1, 2017.

(b) NRS 209.4465, the amendatory provisions of this act may be applied retroactively for not more than 5 years after the date of any executive order issued pursuant to subsection 10 of NRS 209.4465, if the Governor determines that it is necessary.

Sec. 4. This act becomes effective on July 1, 2017.

Assemblyman Ohrenschall moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 25.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

The Conference Report does add a small section to the bill which authorizes the Governor, under certain circumstances, by executive order to provide additional good time credit to certain offenders.

Motion carried by a constitutional majority.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 8:13 p.m.

ASSEMBLY IN SESSION

At 11 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that the Assembly rescind the action whereby Senate Bill No. 246 was referred to the Committee on Government Affairs.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 246 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 246.

Bill read third time.

Roll call on Senate Bill No. 246:

YEAS—16.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bilbray-Axelrod, Brooks, Bustamante Adams, Carrillo, Cohen, Daly, Diaz, Flores, Frierson, Fumo, Jauregui, Joiner, McCurdy, Miller, Monroe-Moreno, Ohrenschall, Oscarson, Spiegel, Sprinkle, Swank, Thompson, Watkins, Yeager—26.

Senate Bill No. 246 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that the Assembly reconsider the action whereby Senate Bill No. 246 was refused passage.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 246 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 5, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day appointed Senators Atkinson, Cannizzaro and Settelmeyer as a Conference Committee concerning Senate Bill No. 209.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 69.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 144.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 209.

SHERRY RODRIGUEZ

Assistant Secretary of the Senate

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 69, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 1014 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 8, which is attached to and hereby made a part of this report.

ASSEMBLYMAN STEVE YEAGER	SENATOR KELVIN ATKINSON
ASSEMBLYWOMAN TERESA BENITEZ-THOMPSON	SENATOR TICK SEGERBLOM
Assembly Conference Committee	*Senate Conference Committee*

Amendment No. CA8.

SUMMARY—Revises provisions ~~[governing state agencies, boards and commissions that regulate occupations and professions.]~~ **relating to state government.** (BDR 54-229)

AN ACT relating to ~~[regulatory bodies;]~~ **state government;** requiring certain regulatory bodies to adopt regulations governing the issuance of a license by endorsement to a natural person who holds a comparable license issued by the District of Columbia or any state or territory of the United States and meets certain other requirements; prohibiting the appointment as a member of a regulatory body of a person who has served as a member for 12 years or more under certain circumstances; ~~[prohibiting regulatory bodies from entering into an agreement for]~~ **revising provisions relating to** the payment of fees for legal services on a contingent basis; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the regulation of certain occupations and professions in this State. (Title 54 of NRS) The various state agencies, boards and commissions that are authorized to license and regulate particular occupations or professions are generally referred to as "regulatory bodies." (NRS 622.060)

Section 3 of this bill requires a regulatory body that is not otherwise authorized or required by specific statute to issue a license to engage in an occupation or profession in this State to a natural person who has been issued a comparable license by another jurisdiction to adopt regulations providing for the issuance of a license by endorsement to engage in an occupation or profession in this State to a natural person who: (1) holds a corresponding valid and unrestricted license to engage in that occupation or profession in the District of Columbia or any state or territory of the United States; (2) possesses qualifications that are substantially similar to the qualifications required for issuance of a license to engage in that occupation or profession in this State; and (3) satisfies certain other requirements.

Section 4 of this bill establishes term limits for members of regulatory bodies. Specifically, **section 4** provides that a person may not be appointed as

a member of a regulatory body if the person has served as a member of that regulatory body, or at the expiration of his or her current term if he or she is so serving will have served, 12 years or more at the time of his or her appointment, unless the person is serving as a member of a regulatory body with less than 250 licensees.

Existing law establishes specific requirements that must be satisfied before certain state agencies or officials may enter into a contingent fee contract with an attorney or law firm ~~.~~ **and sets certain limitations on the amount of the fee that may be paid to an attorney or law firm retained in any matter that is the subject of a contingent fee contract.** (NRS 228.111-228.1118) **Section 5** of this bill prohibits any regulatory body from entering into such a contract. **Section 8** of this bill makes a conforming change. **Section 8.5 of this bill revises the limitations on the amount of the fee that attorneys or law firms retained in any matter that is the subject of a contingent fee contract may be paid.**

Existing law requires each regulatory body to submit a quarterly report to the Director of the Legislative Counsel Bureau that includes certain information concerning the disciplinary actions taken and the number of licenses issued by the regulatory body during the immediately preceding calendar quarter. (NRS 622.100) **Section 7** of this bill requires the regulatory body also to include in the report: (1) the total number of applications for licensure received by the regulatory body; (2) the number of applications rejected by the regulatory body as incomplete; (3) the average number of days between the date of rejection of an application as incomplete and the resubmission by the applicant of a complete application; (4) a list of each reason given by the regulatory body for the denial of an application and the number of applications denied by the regulatory body for each such reason; and (5) the number of applications reviewed on an individual basis by the regulatory body or the executive head of the regulatory body.

Section 18 of Senate Bill No. 516 of this session creates the Office of Workforce Innovation in the Office of the Governor. Section 19 of Senate Bill No. 516 of this session requires the Governor to appoint the Executive Director of the Office of Workforce Innovation. **Section 9.5** of this bill requires the Executive Director of the Office of Workforce Innovation, on or before January 1 of each year, to submit to the Director of the Legislative Counsel Bureau a written report that includes: (1) the number of persons in this State who are engaged in an occupation or profession that is regulated by a regulatory body; and (2) the demand for the services of such persons engaged in such a regulated occupation or profession.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 622 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. ***1. Except as otherwise provided by specific statute relating to the issuance of a license by endorsement, a regulatory body shall adopt regulations providing for the issuance of a license by endorsement to engage in an occupation or profession in this State to any natural person who:***

(a) Holds a corresponding valid and unrestricted license to engage in that occupation or profession in the District of Columbia or any state or territory of the United States;

(b) Possesses qualifications that are substantially similar to the qualifications required for issuance of a license to engage in that occupation or profession in this State; and

(c) Satisfies the requirements of this section and the regulations adopted pursuant thereto.

2. The regulations adopted pursuant to subsection 1 must not allow the issuance of a license by endorsement to engage in an occupation or profession in this State to a natural person unless such a person:

(a) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(b) Has not been disciplined by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to engage in an occupation or profession;

(c) Has not been held civilly or criminally liable in the District of Columbia or any state or territory of the United States for misconduct relating to his or her occupation or profession;

(d) Has not had a license to engage in an occupation or profession suspended or revoked in the District of Columbia or any state or territory of the United States;

(e) Has not been refused a license to engage in an occupation or profession in the District of Columbia or any state or territory of the United States for any reason;

(f) Does not have pending any disciplinary action concerning his or her license to engage in an occupation or profession in the District of Columbia or any state or territory of the United States;

(g) Pays any applicable fees for the issuance of a license that are otherwise required for a natural person to obtain a license in this State;

(h) Submits to the regulatory body a complete set of his or her fingerprints and written permission authorizing the regulatory body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report or proof that the applicant has previously passed a comparable criminal background check; and

(i) Submits to the regulatory body the statement required by NRS 425.520.

3. A regulatory body may, by regulation, require an applicant for issuance of a license by endorsement to engage in an occupation or profession in this State to submit with his or her application:

(a) Proof satisfactory to the regulatory body that the applicant:

(1) Has achieved a passing score on a nationally recognized, nationally accredited or nationally certified examination or other examination approved by the regulatory body;

(2) Has completed the requirements of an appropriate vocational, academic or professional program of study in the occupation or profession for which the applicant is seeking a license by endorsement in this State;

(3) Has engaged in the occupation or profession for which the applicant is seeking a license by endorsement in this State pursuant to the applicant's existing licensure for the period determined by the regulatory body preceding the date of the application; and

(4) Possesses a sufficient degree of competency in the occupation or profession for which he or she is seeking licensure by endorsement in this State;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and complete; and

(c) Any other information required by the regulatory body.

4. Not later than 21 business days after receiving an application for a license by endorsement to engage in an occupation or profession pursuant to this section, the regulatory body shall provide written notice to the applicant of any additional information required by the regulatory body to consider the application. Unless the regulatory body denies the application for good cause, the regulatory body shall approve the application and issue a license by endorsement to engage in the occupation or profession to the applicant not later than:

(a) Sixty days after receiving the application;

(b) If the regulatory body requires an applicant to submit fingerprints and authorize the preparation of a report on the applicant's background based on the submission of the applicant's fingerprints, 15 days after the regulatory body receives the report; or

(c) If the regulatory body requires the filing and maintenance of a bond as a requirement for the issuance of a license, 15 days after the filing of the bond with the regulatory body,

➥ whichever occurs later.

5. A license by endorsement to engage in an occupation or profession in this State issued pursuant to this section may be issued at a meeting of the regulatory body or between its meetings by the presiding member of the regulatory body and the executive head of the regulatory body. Such an action shall be deemed to be an action of the regulatory body.

6. A regulatory body may deny an application for licensure by endorsement if:

(a) An applicant willfully fails to comply with the provisions of paragraph (h) of subsection 2; or

(b) The report from the Federal Bureau of Investigation indicates that the applicant has been convicted of a crime that would be grounds for taking disciplinary action against the applicant as a licensee and the regulatory body has not previously taken disciplinary action against the licensee based on that conviction.

7. The provisions of this section are intended to supplement other provisions of statute governing licensure by endorsement. If any provision of statute conflicts with this section, the other provision of statute prevails over this section to the extent that the other provisions provide more specific requirements relating to licensure by endorsement.

Sec. 4. ***1. Except as otherwise provided in subsection 2, notwithstanding any other provision of law, a person may not be appointed as a member of a regulatory body if the person has served as a member of that regulatory body, or at the expiration of his or her current term if he or she is so serving will have served, 12 years or more at the time of his or her appointment.***

2. The provisions of subsection 1 do not apply to a person who has served as a member of a regulatory body which has less than 250 licensees.

Sec. 5. ***1. Notwithstanding the provisions of NRS 228.111 to 228.1118, inclusive, and any other provision of law, a regulatory body shall not employ, retain or otherwise contract with an attorney or law firm pursuant to a contingent fee contract.***

2. As used in this section, "contingent fee contract" means a contract for legal services between a regulatory body and an attorney or law firm, pursuant to which the fee of the attorney or law firm is payable, in whole or in part, from any money recovered in a matter governed by the contract.

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 622.100 is hereby amended to read as follows:

622.100 1. Each regulatory body shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director:

(a) A summary of each disciplinary action taken by the regulatory body during the immediately preceding calendar quarter against any licensee of the regulatory body; and

(b) A report that includes:

(1) ***For the immediately preceding calendar quarter:***

(I) The number of licenses issued by the regulatory body ~~[during the immediately preceding calendar quarter;]~~ ***;***

(II) The total number of applications for licensure received by the regulatory body;

(III) The number of applications rejected by the regulatory body as incomplete;

(IV) The average number of days between the date of rejection of an application as incomplete and the resubmission by the applicant of a complete application;

(V) A list of each reason given by the regulatory body for the denial of an application and the number of applications denied by the regulatory body for each such reason; and

(VI) The number of applications reviewed on an individual basis by the regulatory body or the executive head of the regulatory body; and

(2) Any other information that is requested by the Director or which the regulatory body determines would be helpful to the Legislature in evaluating whether the continued existence of the regulatory body is necessary.

2. The Director shall:

(a) Provide any information received pursuant to subsection 1 to a member of the public upon request;

(b) Cause a notice of the availability of such information to be posted on the public website of the Nevada Legislature on the Internet; and

(c) Transmit a compilation of the information received pursuant to subsection 1 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

3. The Director, on or before the first day of each regular session of the Legislature and at such other times as directed, shall compile the reports received pursuant to paragraph (b) of subsection 1 and distribute copies of the compilation to the Senate Standing Committee on Commerce and Labor and the Assembly Standing Committee on Commerce and Labor, each of which shall review the compilation to determine whether the continued existence of each regulatory body is necessary.

Sec. 7.3. (Deleted by amendment.)

Sec. 7.6. (Deleted by amendment.)

Sec. 8. NRS 228.1111 is hereby amended to read as follows:

228.1111 1. ~~[The]~~ ***Subject to the limitations of section 5 of this act, the*** Attorney General or any other officer, agency or employee in the Executive Department of the State Government shall not enter into a contingent fee contract unless:

(a) The Governor, in consultation with the Attorney General, has determined in writing:

(1) That the Attorney General lacks the resources, skill or expertise to provide representation in the matter that is the subject of the proposed contract; and

(2) That representation pursuant to a contingent fee contract is cost-effective and in the public interest; and

(b) The proposed contract complies with the requirements of NRS 228.111 to 228.1118, inclusive.

2. Before entering into a contingent fee contract, the Attorney General or other officer, agency or employee, as applicable, must obtain approval from the Interim Finance Committee to commit money for that purpose.

Sec. 8.5. **NRS 228.1116 is hereby amended to read as follows:**

228.1116 1. ~~[Except as otherwise provided in subsection 2, a retained attorney or law firm is not entitled to a fee, exclusive of any costs and expenses described in that subsection, of more than:~~

~~(a) Fifteen percent of that portion of any amount recovered of less than $10,000,000;~~

~~(b) Ten percent of that portion of any amount recovered of $10,000,000 or more but less than $15,000,000;~~

~~(c) Five percent of that portion of any amount recovered of $15,000,000 or more but less than $20,000,000; and~~

~~(d) Two percent of that portion of any amount recovered of $20,000,000 or more.~~

~~2.]~~ The total fee payable to all retained attorneys or law firms in any matter that is the subject of a contingent fee contract must not exceed ~~[$10,000,000,]~~ ***25 percent of the amount recovered,*** exclusive of any costs and expenses provided for by the contract and actually incurred by the retained attorneys or law firms, regardless of the number of actions or proceedings or the number of retained attorneys or law firms involved in the matter.

~~[3.]~~ ***2.*** A contingent fee:

(a) Is payable only from money that is actually received pursuant to a judgment or settlement agreement.

(b) Must not be based on any amount attributable to a fine or civil penalty, but may be based on an amount attributable to punitive damages.

~~[4.]~~ ***3.*** As used in this section, "amount recovered" does not include any money paid as costs.

Sec. 9. Section 3 of this act is hereby amended to read as follows:

Sec. 3. 1. Except as otherwise provided by specific statute relating to the issuance of a license by endorsement, a regulatory body shall adopt regulations providing for the issuance of a license by endorsement to engage in an occupation or profession in this State to any natural person who:

(a) Holds a corresponding valid and unrestricted license to engage in that occupation or profession in the District of Columbia or any state or territory of the United States;

(b) Possesses qualifications that are substantially similar to the qualifications required for issuance of a license to engage in that occupation or profession in this State; and

(c) Satisfies the requirements of this section and the regulations adopted pursuant thereto.

2. The regulations adopted pursuant to subsection 1 must not allow the issuance of a license by endorsement to engage in an occupation or profession in this State to a natural person unless such a person:

(a) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(b) Has not been disciplined by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to engage in an occupation or profession;

(c) Has not been held civilly or criminally liable in the District of Columbia or any state or territory of the United States for misconduct relating to his or her occupation or profession;

(d) Has not had a license to engage in an occupation or profession suspended or revoked in the District of Columbia or any state or territory of the United States;

(e) Has not been refused a license to engage in an occupation or profession in the District of Columbia or any state or territory of the United States for any reason;

(f) Does not have pending any disciplinary action concerning his or her license to engage in an occupation or profession in the District of Columbia or any state or territory of the United States;

(g) Pays any applicable fees for the issuance of a license that are otherwise required for a natural person to obtain a license in this State; ***and***

(h) Submits to the regulatory body a complete set of his or her fingerprints and written permission authorizing the regulatory body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report or proof that the applicant has previously passed a comparable criminal background check. ~~[~~**[**~~; and~~

~~(i) Submits to the regulatory body the statement required by NRS 425.520.~~**]**

3. A regulatory body may, by regulation, require an applicant for issuance of a license by endorsement to engage in an occupation or profession in this State to submit with his or her application:

(a) Proof satisfactory to the regulatory body that the applicant:

(1) Has achieved a passing score on a nationally recognized, nationally accredited or nationally certified examination or other examination approved by the regulatory body;

(2) Has completed the requirements of an appropriate vocational, academic or professional program of study in the occupation or profession for which the applicant is seeking a license by endorsement in this State;

(3) Has engaged in the occupation or profession for which the applicant is seeking a license by endorsement in this State pursuant to the applicant's existing licensure for the period determined by the regulatory body preceding the date of the application; and

(4) Possesses a sufficient degree of competency in the occupation or profession for which he or she is seeking licensure by endorsement in this State;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and complete; and

(c) Any other information required by the regulatory body.

4. Not later than 21 business days after receiving an application for a license by endorsement to engage in an occupation or profession pursuant to this section, the regulatory body shall provide written notice to the applicant of any additional information required by the regulatory body to consider the application. Unless the regulatory body denies the application for good cause, the regulatory body shall approve the application and issue a license by endorsement to engage in the occupation or profession to the applicant not later than:

(a) Sixty days after receiving the application;

(b) If the regulatory body requires an applicant to submit fingerprints and authorize the preparation of a report on the applicant's background based on the submission of the applicant's fingerprints, 15 days after the regulatory body receives the report; or

(c) If the regulatory body requires the filing and maintenance of a bond as a requirement for the issuance of a license, 15 days after the filing of the bond with the regulatory body,

➥ whichever occurs later.

5. A license by endorsement to engage in an occupation or profession in this State issued pursuant to this section may be issued at a meeting of the regulatory body or between its meetings by the presiding member of the regulatory body and the executive head of the regulatory body. Such an action shall be deemed to be an action of the regulatory body.

6. A regulatory body may deny an application for licensure by endorsement if:

(a) An applicant willfully fails to comply with the provisions of paragraph (h) of subsection 2; or

(b) The report from the Federal Bureau of Investigation indicates that the applicant has been convicted of a crime that would be grounds for taking disciplinary action against the applicant as a licensee and the regulatory body has not previously taken disciplinary action against the licensee based on that conviction.

7. The provisions of this section are intended to supplement other provisions of statute governing licensure by endorsement. If any provision of statute conflicts with this section, the other provision of statute prevails over this section to the extent that the other provisions provide more specific requirements relating to licensure by endorsement.

Sec. 9.5. Section 20 of Senate Bill No. 516 of this session is hereby amended to read as follows:

Sec. 20. The Executive Director of the Office of Workforce Innovation shall:

1. Provide support to the Office of the Governor, the Governor's Workforce Development Board created by NRS 232.935 and the industry sector councils established by the Governor's Workforce Development Board on matters relating to workforce development.

2. Work in coordination with the Office of Economic Development to establish criteria and goals for workforce development and diversification in this State.

3. Collect and systematize and present in biennial reports to the Governor and the Legislature such statistical details relating to workforce development in the State as the Executive Director of the Office may deem essential to further the objectives of the Office of Workforce Innovation.

4. At the direction of the Governor:

(a) Identify, recommend and implement policies related to workforce development.

(b) Define career pathways and identify priority career pathways for secondary and postsecondary education.

(c) Discontinue career pathways offered by the State which fail to meet minimum standards of quality, rigor and cross-education alignment, or that do not demonstrate a connection to priority industry needs.

(d) In consultation with the Governor's Workforce Development Board, identify industry-recognized credentials, workforce development programs and education.

(e) Maintain and oversee the statewide longitudinal data system that links data relating to early childhood education programs and K-12 public education with data relating to postsecondary education and the workforce in this State.

(f) Collect accurate educational data in the statewide longitudinal data system for the purpose of analyzing student performance through employment to assist in improving the educational system and workforce training program in this State.

(g) Apply for and administer grants, including, without limitation, those that may be available from funding reserved for statewide workforce investment activities.

(h) Review the status and structure of local workforce investment areas in the State, in coordination with the Governor and the Governor's Workforce Development Board.

(i) Report periodically to the Governor's Workforce Development Board concerning the administration of the policies and programs of the Office of Workforce Innovation.

(j) On or before March 31 of each year, submit to the Governor a complete report of the activities, discussions, findings and recommendations of the Office of Workforce Innovation.

(k) Oversee the State Apprenticeship Council and the State Apprenticeship Director pursuant to NRS 610.110 to 610.185, inclusive, and perform such other functions as may be necessary for the fulfillment of the intent and purposes of chapter 610 of NRS.

(l) Suggest improvements regarding the allocation of federal and state money to align workforce training and related education programs in the State, including, but not limited to, career and technical education.

(m) On or before January 1 of each year, collect and analyze data as needed to create a written report for the purposes of this paragraph, and submit such a report to the Director of the Legislative Counsel Bureau. The report must include, without limitation:

(1) Statistical data based on an analysis of the number of persons within this State who are engaged in an occupation or profession that is regulated by a regulatory body in relation to the total population of this State or any geographic area within this State;

(2) The demand within this State or any geographic area within this State for the types of services provided by persons within this State who are engaged in an occupation or profession that is regulated by a regulatory body; and

(3) Any other factors relating to the types of services provided by persons within this State who are engaged in an occupation or profession that is regulated by a regulatory body that adversely affect public health or safety.

➥ As used in this paragraph, "regulatory body" has the meaning ascribed to it in NRS 622.060.

Sec. 10. The provisions of section 4 of this act apply only to time served as a member of a regulatory body pursuant to an appointment made after the effective date of this act.

Sec. 11. **1.** The provisions of section 5 of this act do not apply to an agreement between a regulatory body and an attorney or law firm entered into before the effective date of this act, but do apply to any renewal or extension of such an agreement.

2. The provisions of section 8.5 of this act do not apply to a contingent fee contract entered into before the effective date of this act, but do apply to any renewal or extension of such a contingent fee contract. As used in this subsection, "contingent fee contract" has the meaning ascribed to it in NRS 228.111.

Sec. 12. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 13. A regulatory body that is required to adopt regulations pursuant to section 3 of this act shall adopt such regulations not later than February 1, 2018.

Sec. 14. 1. This section and sections 1 to ~~[8,]~~ **8.5,** inclusive, and 10 to 13, inclusive, of this act become effective upon passage and approval.

2. Section 9.5 of this act becomes effective on July 1, 2017, if and only if Senate Bill No. 516 of this session is enacted by the Legislature and approved by the Governor.

3. Section 9 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblyman Yeager moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 69.

Motion carried by a constitutional majority.

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 209, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment Nos. 756 and 757 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 10, which is attached to and hereby made a part of this report.

ASSEMBLYWOMAN SANDRA JAUREGUI	SENATOR KELVIN ATKINSON
ASSEMBLYWOMAN IRENE BUSTAMANTE ADAMS	SENATOR NICOLE J. CANNIZZARO
ASSEMBLYWOMAN TERESA BENITEZ-THOMPSON	SENATOR JAMES A. SETTELMEYER
Assembly Conference Committee	*Senate Conference Committee*

Amendment No. CA10.

AN ACT relating to insurance; authorizing the Commissioner of Insurance to accept an independent audit in lieu of an examination of a nonprofit organization of surplus lines brokers; limiting when a surplus lines broker may charge a fee; authorizing the Commissioner to adopt regulations for the charging and collection of certain fees for the purchase of individual or group life or health insurance or an individual or group annuity; authorizing an employee or authorized representative of a vendor to receive certain compensation relating to offering portable electronics insurance; **revising provisions relating to the termination of the membership of a member of an association of self-insured public or private employers;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commissioner of Insurance to make an examination of the affairs, transactions, accounts, records and assets of a nonprofit organization of surplus lines brokers. (NRS 685A.075) **Section 7** of this bill authorizes the Commissioner to accept the report of an independent audit in lieu of an examination if the Commissioner deems an independent audit to be in the best interest of the residents of this State.

Existing law authorizes a surplus lines broker to charge a fee for procuring surplus lines coverage. (NRS 685A.155) **Section 8** of this bill limits existing law by only authorizing a broker who places any insurance coverage with an authorized insurer to charge a fee for procuring surplus lines coverage.

Existing law authorizes the Commissioner to adopt regulations to allow for the charging and collection of a fee by an insurance broker, consultant or financial planner for consultation or related advice on the purchase of life or health insurance or an annuity. (NRS 686A.230) **Section 11** of this bill clarifies existing law by authorizing the Commissioner to adopt regulations to allow for the charging and collection of a fee by an insurance broker, consultant or financial planner for consultation or related advice on the purchase of individual or group life or health insurance or an individual or group annuity.

Section 12 of this bill authorizes an employee or authorized representative of a vendor to receive from the vendor certain incidental compensation relating to offering coverage and enrolling a customer under a policy of portable electronics insurance. **Section 6** of this bill makes conforming changes.

Existing law authorizes the Commissioner, with the approval of the State Board of Examiners, to enter into a multi-state agreement to preserve the ability of this State to collect premium tax on multi-state risks. (NRS 685A.185) **Section 13** of this bill repeals this provision. **Sections 9 and 10** of this bill make conforming changes.

Existing law sets forth that an employer who is a member of an association of self-insured public or private employers may terminate his or her membership at any time, as long as the member submits to the association a notice of intent to withdraw from the association at least 120 days before the effective date of withdrawal. Existing law further requires this notice of intent to withdraw to include a statement indicating that the member has replaced his or her membership in the association with a certain other type of insurance. (NRS 616B.386) Section 12.5 of this bill amends existing law by requiring that the notice of intent to withdraw be deemed rescinded if the member does not provide to the association before the expiration of the 120-day period proof that the member has replaced his or her membership in the association with a certain other type of insurance.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 683A.325 is hereby amended to read as follows:

683A.325 1. Except as otherwise provided in NRS 683A.3687 ~~[,]~~ ***or 691D.220,*** a producer of insurance who is appointed as an agent may pay a commission or compensation for or on account of the selling, soliciting, procuring or negotiating of insurance in this State only to a licensed and appointed producer of insurance of the insurer with whom insurance was placed or to a licensed producer acting as a broker.

2. A licensee shall not accept any commission or compensation to which the licensee is not entitled pursuant to the provisions of this title.

Sec. 7. NRS 685A.075 is hereby amended to read as follows:

685A.075 1. A nonprofit organization of surplus lines brokers may be formed to:

(a) Facilitate and encourage compliance by its members with the laws of this State and the rules and regulations of the Commissioner concerning surplus lines insurance;

(b) Provide a means for the review of all surplus lines coverage written in this State;

(c) Communicate with organizations of admitted insurers with respect to the proper use of the surplus lines market;

(d) Receive and disseminate to brokers information relative to surplus lines coverages; and

(e) Charge members a filing fee, approved by the Commissioner, for the review of surplus lines coverages.

2. Every such organization shall exercise its powers through a board of directors and shall file with the Commissioner:

(a) A copy of its constitution, articles of agreement or association or certificate of incorporation;

(b) A copy of its bylaws, rules and regulations governing its activities;

(c) A copy of its plan of operations established and approved by the Commissioner;

(d) A current list of its members;

(e) The name and address of a resident of this State upon whom notices or orders of the Commissioner or processes issued at the direction of the Commissioner may be served; and

(f) An agreement that the Commissioner may examine the organization in accordance with the provisions of this section.

3. The Commissioner shall make an examination of the affairs, transactions, accounts, records and assets of such an organization and any of its members as often as the Commissioner deems necessary for the protection of the interests of the people of this State, but no less frequently than once every 3 years. The officers, managers, agents and employees of such an organization may be examined at any time, under oath, and shall provide to the Commissioner all books, records, accounts, documents or agreements governing its method of operation. The Commissioner shall furnish two copies of the examination report to the organization examined and shall

notify the organization that it may, within 20 days thereof, request a hearing on the report or on any facts or recommendations set forth therein. If the Commissioner finds such an organization or any member thereof to be in violation of this chapter, the Commissioner may, in addition to any administrative fine or penalty imposed pursuant to this Code, issue an order requiring the discontinuance of such violations. ***In lieu of an examination conducted pursuant to this subsection, the Commissioner may accept the report of an independent audit of such an organization if the Commissioner deems that an independent audit is in the best interest of the residents of this State.***

4. The board of directors of such an organization must consist of not fewer than five persons. The members of the board must be appointed by the Commissioner and serve at the pleasure of the Commissioner.

5. A broker must be a member of such an organization as a condition of continued licensure under this chapter.

Sec. 8. NRS 685A.155 is hereby amended to read as follows:

685A.155 A broker ***who places any insurance coverage with an authorized insurer pursuant to subsection 3 of NRS 685A.060*** may charge a fee for procuring surplus lines coverage. Except as otherwise provided by agreement between the insurer and broker, the fee must not exceed 20 percent of the premium charged, after deduction of any other commissions, fees and charges payable to the broker.

Sec. 9. NRS 685A.175 is hereby amended to read as follows:

685A.175 1. A broker who has written coverage for which this State is the insured's home state shall pay, by the date described in subsection 2, the tax for each calendar quarter as directed by the Commissioner and shall file as directed by the Commissioner a copy of a quarterly report which includes an accounting of:

(a) The aggregate gross premiums for the quarter;

(b) The aggregate of the return premiums received; ***and***

(c) The amount of tax remitted to the Commissioner **.** ~~[~~**;** ~~and~~

~~(d) The distribution of the exposures of insureds by state in accordance with the requirements of any multi-state agreement entered into by the Commissioner pursuant to NRS 685A.185.]~~

➥ The report must be on a form approved by the Commissioner.

2. The tax filings and payments required by subsection 1 must be submitted by:

(a) February 15 for the calendar quarter ending the preceding December 31.

(b) May 15 for the calendar quarter ending the preceding March 31.

(c) August 15 for the calendar quarter ending the preceding June 30.

(d) November 15 for the calendar quarter ending the preceding September 30.

Sec. 10. NRS 685A.180 is hereby amended to read as follows:

685A.180 1. ~~[Except as otherwise provided in subsection 6, on]~~ ***On*** or before the date described in subsection 2 of NRS 685A.175 for each quarter, each broker shall pay as directed by the Commissioner a tax on surplus lines coverages for which this State is the insured's home state written by the broker in unauthorized insurers during the preceding calendar quarter at the same rate of tax as imposed by law on the premiums of similar coverages written by authorized insurers, in addition to any fees imposed pursuant to NRS 685A.075.

2. ~~[Except as otherwise provided in subsection 6, on]~~ ***On*** or before the date described in subsection 2 of NRS 685A.175 for each quarter, each insured for which this State is the home state shall pay as directed by the Commissioner a tax on independently procured insurance written for the insured by an unauthorized insurer during the preceding calendar quarter at the same rate of tax as imposed by law on the premiums of similar coverages written by authorized insurers, in addition to any fees imposed pursuant to NRS 685A.075.

3. For the purposes of this section, the "premium" on surplus lines coverages includes:

(a) The gross amount charged by the insurer for the insurance, less any return premium;

(b) Any fee allowed by NRS 685A.155;

(c) Any policy fee;

(d) Any membership fee;

(e) Any inspection fee; and

(f) Any other fees or assessments charged by the insurer as consideration for the insurance.

➥ Premium does not include any additional amount charged for state or federal tax, or for executing or completing affidavits or reports of coverage.

4. All taxes collected as directed by the Commissioner pursuant to this section ~~[and not intended for disbursement to other states by a clearinghouse established through any multi-state agreement entered into by the Commissioner pursuant to NRS 685A.185]~~ must be promptly deposited with the State Treasurer ~~[,]~~ to the credit of the State General Fund.

5. A broker who receives a credit for tax paid shall refund to each insured the amount of the credit attributable to the insured when the insurer pays a return premium or within 30 days, whichever is earlier.

~~[6. If the Commissioner has entered into a multi-state agreement pursuant to NRS 685A.185, the Commissioner may require that each broker who has written surplus line coverages for multi-state risks for which this State is the insured's home state and each insured for which this State is the home state who has obtained independently procured insurance for multi-state risks pay a premium tax:~~

~~(a) For the portion of the premium allocated to Nevada, at the tax rate applicable to nonadmitted insurance pursuant to this chapter;~~

~~— (b) For the portion of the premium allocated to any other state that also participates in the multi-state agreement, at the tax rate applicable to nonadmitted insurance as established by that state; and~~

~~— (c) For the portion of the premium allocated to any other state that does not participate in the multi-state agreement, at the tax rate applicable to nonadmitted insurance pursuant to this chapter. The tax for this portion of the premium must be deposited with the State Treasurer, to the credit of the State General Fund, after it is processed by the clearinghouse established through the multi-state agreement.~~**]**

Sec. 11. NRS 686A.230 is hereby amended to read as follows:

686A.230 1. A person shall not willfully collect any sum as a premium or charge for insurance which is not then provided or is not in due course to be provided, subject to acceptance of the risk by the insurer, by an insurance policy issued by an insurer as authorized by this Code.

2. Except as otherwise provided in subsection 3, a person shall not willfully collect as a premium or charge for insurance any sum in excess of the premium or charge applicable to the insurance and as specified in the policy, in accordance with the applicable classifications and rates as filed with and approved by the Commissioner. In cases where classifications, premiums or rates are not required by this Code to be so filed and approved, the premiums and charges must not be in excess of those specified in the policy and as fixed by the insurer. This subsection does not prohibit:

(a) The charging and collection by surplus lines brokers licensed under chapter 685A of NRS of the amount permitted by chapter 685A of NRS and regulations adopted by the Commissioner.

(b) The charging and collection by a life insurer of amounts actually to be expended for the medical examination of any applicant for life insurance or for reinstatement of a life insurance policy.

3. The Commissioner may adopt regulations to allow the charging and collection of a fee by an insurance broker, consultant or financial planner:

(a) In lieu of any other charge or commission for solicitation, negotiation or procurement of a policy of insurance which covers commercial or business risks;

(b) For consultation or any related advice on the insuring of commercial or business risks which does not result in the procurement of a policy of insurance; and

(c) For consultation or related advice on the purchase of ***individual or group*** life or health insurance or an ***individual or group*** annuity, whether or not it results in the purchase of a policy of insurance or annuity. In such a case, the fee must be set forth in a written contract signed by the client before the consultation begins.

4. An agent or broker who provides consultation or related advice pursuant to this section shall do so pursuant to a written contract specifying the compensation the agent or broker will receive. The compensation may be

in addition to or in lieu of a commission and is not a premium as defined in NRS 679A.115.

Sec. 12. NRS 691D.220 is hereby amended to read as follows:

691D.220 1. Notwithstanding any other provision of law, an employee or authorized representative of a vendor that holds a license as a producer of insurance in portable electronics insurance issued by the Commissioner pursuant to NRS 683A.261 or 683A.271 may, without a license issued by the Commissioner, sell or offer coverage under a policy of portable electronics insurance at any location at which the vendor does business if:

(a) The employee or authorized representative of the vendor sells or offers coverage under a policy of portable electronics insurance only on behalf of, and under the supervision of, the vendor; and

(b) Before the employee or authorized representative of the vendor sells or offers coverage under a policy of portable electronics insurance, he or she completes a program of training provided by the vendor pursuant to NRS 691D.300.

2. An employee or authorized representative of a vendor who sells or offers coverage under a policy of portable electronics insurance pursuant to this section shall not advertise, represent or otherwise hold himself or herself out as a licensed producer of insurance unless the person is licensed as a producer of insurance.

3. An employee or authorized representative of a vendor who offers to a customer coverage under a policy of portable electronics insurance pursuant to this section and enrolls the customer under the policy may receive from the vendor compensation that is:

(a) Incidental to the overall compensation received by the employee or authorized representative of the vendor; and

(b) Relating to the offering of the coverage and the enrolling of the customer under the policy of portable electronics insurance.

Sec. 12.5. **NRS 616B.386 is hereby amended to read as follows:**

616B.386 1. If an employer wishes to become a member of an association of self-insured public or private employers, the employer must:

(a) Submit an application for membership to the board of trustees or third-party administrator of the association; and

(b) Enter into an indemnity agreement as required by NRS 616B.353.

2. The membership of the applicant becomes effective when each member of the association approves the application or on a later date specified by the association. The application for membership and the action taken on the application must be maintained as permanent records of the board of trustees.

3. Each member who is a member of an association during the 12 months immediately following the formation of the association must:

(a) Have a tangible net worth of at least $500,000; or

(b) Have had a reported payroll for the previous 12 months which would have resulted in a manual premium of at least $15,000, calculated in

accordance with a manual prepared pursuant to subsection 4 of NRS 686B.1765.

4. An employer who seeks to become a member of the association after the 12 months immediately following the formation of the association must meet the requirement set forth in paragraph (a) or (b) of subsection 3 unless the Commissioner adjusts the requirement for membership in the association after conducting an annual review of the actuarial solvency of the association pursuant to subsection 1 of NRS 616B.353.

5. An association of self-insured private employers may apply to the Commissioner for authority to determine the amount of tangible net worth and manual premium that an employer must have to become a member of the association. The Commissioner shall approve the application if the association:

(a) Has been certified to act as an association for at least the 3 consecutive years immediately preceding the date on which the association filed the application with the Commissioner;

(b) Has, as determined by the Commissioner, either:

(1) A combined tangible net worth of all members in the association of at least $5,000,000; or

(2) Combined net cash flows from operating activities plus net cash flows from financing activities of all members in the association of five times the average of claims paid for each of the last 3 years or $7,500,000, whichever is less;

(c) Has at least 15 members; and

(d) Has not been required to meet informally with the Commissioner pursuant to subsection 1 of NRS 616B.431 during the 18-month period immediately preceding the date on which the association filed the application with the Commissioner or, if the association has been required to attend such a meeting during that period, has not had its certificate withdrawn before the date on which the association filed the application.

6. An association of self-insured private employers may apply to the Commissioner for authority to determine the documentation demonstrating solvency that an employer must provide to become a member of the association. The Commissioner shall approve the application if the association:

(a) Has been certified to act as an association for at least the 3 consecutive years immediately preceding the date on which the association filed the application with the Commissioner;

(b) Has, as determined by the Commissioner, either:

(1) A combined tangible net worth of all members in the association of at least $5,000,000; or

(2) Combined net cash flows from operating activities plus net cash flows from financing activities of all members in the association of five times the average of claims paid for each of the last 3 years or $7,500,000, whichever is less; and

(c) Has at least 15 members.

7. The Commissioner may withdraw approval of an application submitted pursuant to subsection 5 or 6 if the Commissioner determines the association has ceased to comply with any of the requirements set forth in subsection 5 or 6, as applicable.

8. A member of an association ***of self-insured public or private employers*** may terminate his or her membership at any time. To terminate his or her membership, a member must submit to the association's administrator a notice of intent to withdraw from the association at least 120 days before the effective date of withdrawal. The notice of intent to withdraw ~~[must include a statement indicating]~~ ***shall be deemed rescinded if the member does not provide to the association before the expiration of the 120-day period proof*** that the member has:

(a) Been certified as a self-insured employer pursuant to NRS 616B.312;

(b) Become a member of another association of self-insured public or private employers; or

(c) Become insured by a private carrier.

9. The members of an association may cancel the membership of any member of the association in accordance with the bylaws of the association.

10. The association shall:

(a) Within 30 days after the addition of an employer to the membership of the association, notify the Commissioner of the addition and:

(1) If the association has not received authority from the Commissioner pursuant to subsection 5 or 6, as applicable, provide to the Commissioner all information and assurances for the new member that were required from each of the original members of the association upon its organization; or

(2) If the association has received authority from the Commissioner pursuant to subsection 5 or 6, as applicable, provide to the Commissioner evidence that is satisfactory to the Commissioner that the new member is a member or associate member of the bona fide trade association as required pursuant to paragraph (a) of subsection 2 of NRS 616B.350, a copy of the indemnity agreement that jointly and severally binds the new member, the other members of the association and the association that is required to be executed pursuant to paragraph (a) of subsection 1 of NRS 616B.353 and any other information the Commissioner may reasonably require to determine whether the amount of security deposited with the Commissioner pursuant to paragraph (d) or (e) of subsection 1 of NRS 616B.353 is sufficient, but such information must not exceed the information required to be provided to the Commissioner pursuant to subparagraph (1);

(b) Notify the Commissioner and the Administrator of the termination or cancellation of the membership of any member of the association within 10 days after the termination or cancellation; and

(c) At the expense of the member whose membership is terminated or cancelled, maintain coverage for that member for 60 days after notice is

given pursuant to paragraph (b), unless the association first receives notice from the Administrator that the member has:

(1) Been certified as a self-insured employer pursuant to NRS 616B.312;

(2) Become a member of another association of self-insured public or private employers; or

(3) Become insured by a private carrier.

11. If a member of an association changes his or her name or form of organization, the member remains liable for any obligations incurred or any responsibilities imposed pursuant to chapters 616A to 617, inclusive, of NRS under the member's former name or form of organization.

12. An association is liable for the payment of any compensation required to be paid by a member of the association pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS during the member's period of membership. The insolvency or bankruptcy of a member does not relieve the association of liability for the payment of the compensation.

Sec. 13. NRS 685A.185 is hereby repealed.

Sec. 14. This act becomes effective on July 1, 2017.

TEXT OF REPEALED SECTION

685A.185 Multi-state agreement to collect premium tax on multi-state risks.

1. The Commissioner may, with the approval of the State Board of Examiners, on behalf of the State enter into a multi-state agreement to preserve the ability of this State to collect premium tax on multi-state risks.

2. If, within 18 months after the Commissioner enters into a multi-state agreement pursuant to subsection 1, the Commissioner conducts a hearing pursuant to the provisions of chapter 233B of NRS concerning participation in the multi-state agreement, the Commissioner shall submit to the State Board of Examiners and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report concerning the findings of the Commissioner pursuant to the hearing.

3. The State Board of Examiners shall review and may accept the findings of the Commissioner. If the Commissioner finds and the State Board of Examiners accepts that because of the effect of the multi-state agreement on the gross receipt of premiums collected in this State:

(a) It is in the best interest of the State to continue to participate in the multi-state agreement, the State Board of Examiners may approve the State's continued participation in the multi-state agreement.

(b) It is not in the best interest of the State to continue to participate in the multi-state agreement, the State Board of Examiners may approve the State's withdrawal from the multi-state agreement.

Assemblywoman Bustamante Adams moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 209.

Motion carried by a constitutional majority.

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 47, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 832 of the Assembly be concurred in.

ASSEMBLYWOMAN HEIDI SWANK	SENATOR YVANNA D. CANCELA
ASSEMBLYWOMAN MAGGIE CARLTON	SENATOR JULIA RATTI
ASSEMBLYMAN AL KRAMER	SENATOR PETE GOICOECHEA
Assembly Conference Committee	*Senate Conference Committee*

Assemblywoman Swank moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 47.

Motion carried by a constitutional majority.

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 144, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 892 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 6, which is attached to and hereby made a part of this report.

ASSEMBLYWOMAN OLIVIA DIAZ	SENATOR NICOLE J. CANNIZZARO
ASSEMBLYMAN JAMES OHRENSCHALL	SENATOR TICK SEGERBLOM
	SENATOR HEIDI S. GANSERT
Assembly Conference Committee	*Senate Conference Committee*

Amendment No. CA6.

AN ACT relating to elections; ~~[authorizing a county or city clerk to establish polling places where any registered voter of the county or city, respectively, may vote in person on the day of certain elections;]~~ requiring the Secretary of State to ensure that a person may use a mobile device to access certain information and submit certain information electronically to the Secretary of State; providing for voter preregistration by certain persons who are at least 17 years of age but less than 18 years of age; extending the deadline for a covered voter to use a federal postcard application to register to vote and request a military-overseas ballot; authorizing, under certain circumstances, a covered voter to request a local elections official to resend to the covered voter a military-overseas ballot; making various other changes relating to elections; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires a county clerk to establish the boundaries of election precincts and authorizes election precincts to be combined into election districts. (NRS 293.205-293.207) Existing law prohibits a person from applying for or receiving a ballot at any election precinct or district other than the one at which the person is entitled to vote. (NRS 293.730)~~

~~Section 2 of this bill authorizes a county clerk to establish one or more polling places in the county where any person entitled to vote in the county~~

~~by personal appearance may do so on the day of a primary or general election. If any such polling place is established: (1) section 4 of this bill requires, with limited exception, the county clerk to publicize the location of any such polling place; and (2) section 5 of this bill requires the county clerk to prepare a roster of eligible voters for any such polling place. Section 6 of this bill sets forth the procedure for a person to vote in person at any such polling place. Sections 19, 21-23, 25, 26, 27, 29, 62.5, 63, 66 and 67 of this bill make conforming changes. Sections 72, 74, 75 and 76 of this bill set forth corresponding provisions authorizing city clerks to establish polling places where any person who is entitled to vote in the city by personal appearance may do so on the day of a primary city or general city election. Sections 62.5, 78-82, 86, 87 and 89 of this bill make conforming changes.~~**]**

Existing law requires the Secretary of State to maintain an Internet website for public information maintained, collected or compiled by the Secretary of State that relates to elections. (NRS 293.4687) **Section 7** of this bill requires the Secretary of State to ensure that: (1) all public information that is included on the Internet website is accessible on a mobile device; and (2) a person may use a mobile device to submit any information or form relating to elections to the Secretary of State.

Section 14 of this bill authorizes certain persons who are at least 17 years of age but less than 18 years of age to preregister to vote in this State. **Sections 15, 17, 18, 20, 23-25, 27, 28, 32-36, 38-45, 47-53, 55-61, 64, 65, 68-70, 80, 81, 83, 84, 85, 90-92, 97, 99 and 100** of this bill make conforming changes.

Existing law generally requires a voter to sign his or her name in a roster when the voter applies to vote in person. (NRS 293.277, 293.285, 293.3585, 293C.270, 293C.275, 293C.3585) **Sections ~~[6,]~~ 23-25, 27, 27.5, 79-81, 83 and 83.5** of this bill allow a person to sign a signature card rather than a roster.

Existing law authorizes a covered voter to register to vote or request a military-overseas ballot by using a federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301(b)(2). (NRS 293D.230, 293D.300) **Sections 93 and 94** of this bill provide that a covered voter may use the federal postcard application to register to vote or request a military-overseas ballot if the application is received by the appropriate elections official by the seventh day before the election.

Section 96 of this bill authorizes a covered voter who does not receive his or her military-overseas ballot and balloting materials for any reason, including, without limitation, as a result of a change in the covered voter's duty station, the covered voter may request that the local elections official resend the military-overseas ballot and balloting materials. The covered voter may cast the military-overseas ballot by facsimile transmission, electronic mail or the system of approved electronic transmission established by the Secretary of State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this act.

Sec. 2. ~~[1. A county clerk may establish one or more polling places in the county where any person entitled to vote in the county by personal appearance may do so on the day of the primary election or general election.~~

~~2. Any person entitled to vote in the county by personal appearance may do so at any polling place established pursuant to subsection 1.]~~ **(Deleted by amendment.)**

Sec. 3. (Deleted by amendment.)

Sec. 4. ~~[1. Except as otherwise provided in subsection 2, if a county clerk establishes one or more polling places pursuant to section 2 of this act, the county clerk must:~~

~~(a) Publish during the week before the election in a newspaper of general circulation a notice of the location of each such polling place.~~

~~(b) Post a list of the location of each such polling place on any bulletin board used for posting notice of meetings of the board of county commissioners. The list must be posted continuously for a period beginning not later than the fifth business day before the election and ending at 7 p.m. on the day of the election. The county clerk shall make copies of the list available to the public during the period of posting in reasonable quantities without charge.~~

~~2. The provisions of subsection 1 do not apply if every polling place in the county is designated as a polling place where any person entitled to vote in the county by personal appearance may do so on the day of the primary election or general election.~~

~~3. No additional polling place may be established pursuant to section 2 of this act after the publication pursuant to this section, except in the case of an emergency and if approved by the Secretary of State.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[1. For each polling place established pursuant to section 2 of this act, if any, the county clerk shall prepare a roster that contains, for every registered voter in the county, the voter's name, the address where he or she is registered to vote, his or her voter identification number, the voter's precinct or district number and the voter's signature.~~

~~2. The roster must be delivered or caused to be delivered by the county clerk to an election board officer of the proper polling place before the opening of the polls.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[1. Except as otherwise provided in NRS 293.283, upon the appearance of a person to cast a ballot at a polling place established pursuant to section 2 of this act, the election board officer shall:~~

~~*(a) Determine that the person is a registered voter in the county and has not already voted in that county in the election;*~~

~~*(b) Instruct the voter to sign the roster or a signature card; and*~~

~~*(c) Verify the signature of the voter in the manner set forth in NRS 293.277.*~~

~~*2. If the signature of the voter does not match, the voter must be identified by:*~~

~~*(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;*~~

~~*(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or*~~

~~*(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote.*~~

~~*3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.*~~

~~*4. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that county in the current election.*~~

~~*5. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place where he or she applies to vote.*~~

~~*6. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:*~~

~~*(a) Prepare the mechanical recording device for the voter;*~~

~~*(b) Ensure that the voter's precinct or voting district and the form of the ballot are indicated on the voting receipt, if the county clerk uses voting receipts; and*~~

~~*(c) Allow the voter to cast a vote.*~~

~~*7. A voter applying to vote at a polling place established pursuant to section 2 of this act may be challenged pursuant to NRS 293.303.]*~~ **(Deleted by amendment.)**

Sec. 6.5. (Deleted by amendment.)

Sec. 7. ***1. The Secretary of State shall ensure that:***

(a) All public information that is included on the Internet website required pursuant to NRS 293.4687 is accessible on a mobile device; and

(b) A person may use a mobile device to submit any information or form related to elections that a person may otherwise submit electronically to the Secretary of State, including, without limitation, an application to preregister or register to vote, a request for an absent ballot and a request for a military-overseas ballot.

2. As used in this section:

(a) "Military-overseas ballot" has the meaning ascribed to it in NRS 293D.050.

(b) "Mobile device" includes, without limitation, a smartphone or a tablet computer.

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. ***1. Every citizen of the United States who is 17 years of age or older but less than 18 years of age and has continuously resided in this State for 30 days or longer may preregister to vote by any of the means available for a person to register to vote pursuant to this title. A person eligible to preregister to vote is deemed to be preregistered to vote upon the submission of a completed application to preregister to vote.***

2. If a person preregisters to vote, he or she shall be deemed to be a registered voter on his or her 18th birthday unless:

(a) The person's preregistration has been cancelled as described in subsection 7; or

(b) Except as otherwise provided in NRS 293D.210, on the person's 18th birthday, he or she does not satisfy the voter eligibility requirements set forth in NRS 293.485.

3. The county clerk shall issue to a person who is deemed to be registered to vote pursuant to subsection 2 a voter registration card as described in subsection 6 of NRS 293.517 as soon as practicable after the person is deemed to be registered to vote.

4. On the date that a person who preregisters to vote is deemed to be registered to vote, his or her application to preregister to vote is deemed to be his or her application to register to vote.

5. If a person preregistered to vote:

(a) By mail or computer, he or she shall be deemed to have registered to vote by mail or computer, as applicable.

(b) In person, he or she shall be deemed to have registered to vote in person.

6. The preregistration information of a person may be updated by any of the means for updating the voter registration information of a person pursuant to this chapter.

7. The preregistration to vote of a person may be cancelled by any of the means and for any of the reasons for cancelling voter registration pursuant to this chapter.

8. Except as otherwise provided in this subsection, all preregistration information relating to a person is confidential and is not a public record. Once a person's application to preregister to vote is deemed to be an application to register to vote, any voter registration information related to

the person must be disclosed pursuant to any law that requires voter registration information to be disclosed.

9. The Secretary of State shall adopt regulations providing for preregistration to vote. The regulations:

(a) Must include, without limitation, provisions to ensure that once a person is deemed to be a registered voter pursuant to subsection 2 the person is immediately issued a voter registration card and added to the statewide voter registration list and the registrar of voters' register; and

(b) Must not require a county clerk to provide to a person who preregisters to vote sample ballots or any other voter information provided to registered voters unless the person will be eligible to vote at the election for which the sample ballots or other information is provided.

Sec. 14.5. (Deleted by amendment.)

Sec. 15. NRS 293.12757 is hereby amended to read as follows:

293.12757 A person may sign a petition required under the election laws of this State on or after the date the person is deemed to be registered to vote pursuant to NRS 293.517 or subsection 7 of NRS 293.5235 ~~[.]~~ ***or section 14 of this act.***

Sec. 16. (Deleted by amendment.)

Sec. 17. NRS 293.247 is hereby amended to read as follows:

293.247 1. The Secretary of State shall adopt regulations, not inconsistent with the election laws of this State, for the conduct of primary, general, special and district elections in all cities and counties. Permanent regulations of the Secretary of State that regulate the conduct of a primary, general, special or district election and are effective on or before the last business day of February immediately preceding a primary, general, special or district election govern the conduct of that election.

2. The Secretary of State shall prescribe the forms for a declaration of candidacy, certificate of candidacy, acceptance of candidacy and any petition which is filed pursuant to the general election laws of this State.

3. The regulations must prescribe:

(a) The manner of printing ballots and the number of ballots to be distributed to precincts and districts;

(b) The form and placement of instructions to voters;

(c) The disposition of election returns;

(d) The procedures to be used for canvasses, ties, recounts and contests, including, without limitation, the appropriate use of a paper record created when a voter casts a ballot on a mechanical voting system that directly records the votes electronically;

(e) The procedures to be used to ensure the security of the ballots from the time they are transferred from the polling place until they are stored pursuant to the provisions of NRS 293.391 or 293C.390;

(f) The procedures to be used to ensure the security and accuracy of computer programs and tapes used for elections;

(g) The procedures to be used for the testing, use and auditing of a mechanical voting system which directly records the votes electronically and which creates a paper record when a voter casts a ballot on the system;

(h) The acceptable standards for the sending and receiving of applications, forms and ballots, by approved electronic transmission, by the county clerks and the electors **,** ~~[or]~~ registered voters ***or other persons*** who are authorized to use approved electronic transmission pursuant to the provisions of this title;

(i) The forms for applications to ***preregister and*** register to vote and any other forms necessary for the administration of this title; and

(j) Such other matters as determined necessary by the Secretary of State.

4. The Secretary of State may provide interpretations and take other actions necessary for the effective administration of the statutes and regulations governing the conduct of primary, general, special and district elections in this State.

5. The Secretary of State shall prepare and distribute to each county and city clerk copies of:

(a) Laws and regulations concerning elections in this State;

(b) Interpretations issued by the Secretary of State's Office; and

(c) Any Attorney General's opinions or any state or federal court decisions which affect state election laws or regulations whenever any of those opinions or decisions become known to the Secretary of State.

Sec. 18. NRS 293.250 is hereby amended to read as follows:

293.250 1. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall, in a manner consistent with the election laws of this State, prescribe:

(a) The form of all ballots, absent ballots, diagrams, sample ballots, certificates, notices, declarations, applications to ***preregister and*** register to vote, lists, applications, registers, rosters, statements and abstracts required by the election laws of this State.

(b) The procedures to be followed and the requirements of a system established pursuant to NRS 293.506 for using a computer to register voters and to keep records of registration.

2. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall prescribe with respect to the matter to be printed on every kind of ballot:

(a) The placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State.

(b) The listing of all other candidates required to file with the Secretary of State, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his or her county.

3. The Secretary of State shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter's choice.

4. The fiscal note for, explanation of, arguments for and against, and rebuttals to such arguments of each proposed constitutional amendment or statewide measure must be included on all sample ballots.

5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Attorney General. The arguments and rebuttals for or against constitutional amendments and statewide measures proposed by initiative or referendum must be prepared in the manner set forth in NRS 293.252. The fiscal notes for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau. The condensations, explanations, arguments, rebuttals and fiscal notes must be in easily understood language and of reasonable length, and whenever feasible must be completed by August 1 of the year in which the general election is to be held. The explanations must include a digest. The digest must include a concise and clear summary of any existing laws directly related to the constitutional amendment or statewide measure and a summary of how the constitutional amendment or statewide measure adds to, changes or repeals such existing laws. For a constitutional amendment or statewide measure that creates, generates, increases or decreases any public revenue in any form, the first paragraph of the digest must include a statement that the constitutional amendment or statewide measure creates, generates, increases or decreases, as applicable, public revenue.

6. The names of candidates for township and legislative or special district offices must be printed only on the ballots furnished to voters of that township or district.

7. A county clerk:

(a) May divide paper ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.

(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.

Sec. 19. **[**~~NRS 293.2546 is hereby amended to read as follows:~~

~~293.2546 The Legislature hereby declares that each voter has the right:~~

~~1. To receive and cast a ballot that:~~

~~(a) Is written in a format that allows the clear identification of candidates; and~~

~~(b) Accurately records the voter's preference in the selection of candidates.~~

~~2. To have questions concerning voting procedures answered and to have an explanation of the procedures for voting posted in a conspicuous place at the polling place.~~

~~3. To vote without being intimidated, threatened or coerced.~~

~~4. To vote on election day if the voter is waiting in line at [his or her] *a* polling place *at which he or she is entitled* to vote before 7 p.m. and the voter has not already cast a vote in that election.~~

~~5. To return a spoiled ballot and is entitled to receive another ballot in its place.~~

~~6. To request assistance in voting, if necessary.~~

~~7. To a sample ballot which is accurate, informative and delivered in a timely manner.~~

~~8. To receive instruction in the use of the equipment for voting during early voting or on election day.~~

~~9. To have nondiscriminatory equal access to the elections system, including, without limitation, a voter who is elderly, disabled, a member of a minority group, employed by the military or a citizen who is overseas.~~

~~10. To have a uniform, statewide standard for counting and recounting all votes accurately.~~

~~11. To have complaints about elections and election contests resolved fairly, accurately and efficiently.]~~ **(Deleted by amendment.)**

Sec. 20. NRS 293.2725 is hereby amended to read as follows:

293.2725 1. Except as otherwise provided in subsection 2, in NRS 293.3081 and 293.3083 and in federal law, a person who registers ***to vote*** by mail or computer **[**~~to vote in this State~~**]** ***or a person who preregisters to vote by mail or computer and is subsequently deemed to be registered to vote,*** and who has not previously voted in an election for federal office in this State:

(a) May vote at a polling place only if the person presents to the election board officer at the polling place:

(1) A current and valid photo identification of the person, which shows his or her physical address; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517; and

(b) May vote by mail only if the person provides to the county or city clerk:

(1) A copy of a current and valid photo identification of the person, which shows his or her physical address; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517.

➥ If there is a question as to the physical address of the person, the election board officer or clerk may request additional information.

2. The provisions of subsection 1 do not apply to a person who:

(a) Registers to vote by mail ***or computer, or preregisters to vote by mail or computer and is subsequently deemed to be registered to vote,*** and submits with an application to ***preregister or*** register to vote:

(1) A copy of a current and valid photo identification; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517;

(b) Except as otherwise provided in subsection 3, registers to vote by mail or computer and submits with an application to register to vote a driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(c) Is entitled to vote an absent ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq.;

(d) Is provided the right to vote otherwise than in person under the Voting Accessibility for the Elderly and Handicapped Act, 52 U.S.C. §§ 20101 et seq.; or

(e) Is entitled to vote otherwise than in person under any other federal law.

3. The provisions of subsection 1 apply to a person described in paragraph (b) of subsection 2 if the voter registration card issued to the person pursuant to subsection 6 of NRS 293.517 is mailed by the county clerk to the person and returned to the county clerk by the United States Postal Service.

Sec. 21. ~~**[**NRS 293.273 is hereby amended to read as follows:~~

~~"293.273 1. Except as otherwise provided in subsection 2 and NRS 293.305, at all elections held under the provisions of this title, the polls must open at 7 a.m. and close at 7 p.m.~~

~~2. **[**Whenever**]** ***Except as otherwise provided in this subsection, whenever*** at any election all the votes of the polling place, as shown on the roster, have been cast, the election board officers shall close the polls, and the counting of votes must begin and continue without unnecessary delay until the count is completed. ***This subsection does not apply to a polling place established pursuant to section 2 of this act.***~~

~~3. Upon opening the polls, one of the election board officers shall cause a proclamation to be made that all present may be aware of the fact that applications of registered voters to vote will be received.~~

~~4. No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this title.**]**~~ **(Deleted by amendment.)**

Sec. 22. ~~**[**NRS 293.275 is hereby amended to read as follows:~~

~~"293.275 **[**No**]**~~

~~*1. Except as otherwise provided in subsection 2, an* election board may *not* perform its duty in serving registered voters at any polling place in any election provided for in this title, unless it has before it the roster for the polling place.~~

~~*2. For a polling place established pursuant to section 2 or 72 of this act, an election board may perform its duty in serving registered voters at the polling place in an election if the election board has before it the roster for the county or city, as applicable.]*~~ **(Deleted by amendment.)**

Sec. 23. NRS 293.277 is hereby amended to read as follows:

293.277 1. Except as otherwise provided in NRS 293.283 and 293.541, if a person's name appears in the roster or if the person provides an affirmation pursuant to NRS 293.525, the person is entitled to vote and must sign his or her name in the roster ***or on a signature card*** when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's application to register to vote or one of the forms of identification listed in subsection 2.

2. Except as otherwise provided in NRS 293.2725, the forms of identification which may be used individually to identify a voter at the polling place are:

(a) The card issued to the voter at the time he or she registered to vote ~~[,]~~ ***or was deemed to be registered to vote;***

(b) A driver's license;

(c) An identification card issued by the Department of Motor Vehicles;

(d) A military identification card; or

(e) Any other form of identification issued by a governmental agency which contains the voter's signature and physical description or picture.

~~*[3. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that county in the current election.]*~~

Sec. 24. NRS 293.283 is hereby amended to read as follows:

293.283 1. If, because of physical limitations, a registered voter is unable to sign his or her name in the roster ***or on a signature card*** as required by NRS 293.277, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote ~~[.]~~ ***or was deemed to be registered to vote.***

2. If the identity of the voter is verified, the election board officer shall indicate in the roster "Identified" by the voter's name.

Sec. 25. NRS 293.285 is hereby amended to read as follows:

293.285 1. Except as otherwise provided in NRS 293.283, a registered voter applying to vote shall state his or her name to the election board officer

in charge of the roster, and the officer shall immediately announce the name, instruct the voter to sign the roster ~~[and]~~ ***or signature card,*** verify the signature of the voter in the manner set forth in NRS 293.277 ***~~[and verify that the registered voter has not already voted in that county in the current election.]~~***.

2. If the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote ~~[.]~~ ***or was deemed to be registered to vote.***

3. If the signature of the voter has changed in comparison to the signature on the application to ***preregister or*** register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

Sec. 26. ~~[NRS 293.296 is hereby amended to read as follows:~~

~~293.296 1. Any registered voter who by reason of a physical disability or an inability to read or write English is unable to mark a ballot or use any voting device without assistance is entitled to assistance from a consenting person of his or her own choice, except:~~

~~(a) The voter's employer or an agent of the voter's employer; or~~

~~(b) An officer or agent of the voter's labor organization.~~

~~2. A person providing assistance pursuant to this section to a voter in casting a vote shall not disclose any information with respect to the casting of that ballot.~~

~~3. The right to assistance in casting a ballot may not be denied or impaired when the need for assistance is apparent or is known to the election board or any member thereof or when the registered voter requests such assistance in any manner.~~

~~4. In addition to complying with the requirements of this section, the county clerk and election board officer shall, upon the request of a registered voter with a physical disability, make reasonable accommodations to allow the voter to vote at~~ [his or her] ***a*** polling place ~~[.]~~ ***~~at which he or she is entitled to vote.]~~*** **(Deleted by amendment.)**

Sec. 26.2. (Deleted by amendment.)

Sec. 26.4. (Deleted by amendment.)

Sec. 26.6. (Deleted by amendment.)

Sec. 26.8. (Deleted by amendment.)

Sec. 27. NRS 293.3585 is hereby amended to read as follows:

293.3585 1. Except as otherwise provided in NRS 293.283, upon the appearance of a person to cast a ballot for early voting, an election board officer shall:

(a) Determine that the person is a registered voter in the county.

(b) Instruct the voter to sign the roster for early voting ~~[.]~~ ***or a signature card.***

(c) Verify the signature of the voter in the manner set forth in NRS 293.277.

(d) Verify that the voter has not already voted ~~***[in that county]***~~ in the current election pursuant to this section.

2. If the signature of the voter does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote ~~[.]~~ ***or was deemed to be registered to vote.***

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted ~~***[in that county]***~~ in the current election pursuant to this section.

5. The roster for early voting ***or a signature card, as applicable,*** must contain:

(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number, if that information is available; and

(c) The date of voting early in person.

6. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

7. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district, if that information is available, and the form of ballot are indicated on the voting receipt, if the county clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

8. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293.303.

Sec. 27.5. NRS 293.3604 is hereby amended to read as follows:

293.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for

early voting by personal appearance in an election other than a presidential preference primary election:

1. At the close of each voting day, the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

(1) The title of the election;

(2) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;

(3) The number of ballots voted on the mechanical recording device for that day; ~~[~~and~~]~~

(4) The number of signatures in the roster for early voting for that day ~~[.]~~ ***; and***

(5) The number of signatures on signature cards for the day.

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293.3594; and

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293.3594.

2. At the close of the last voting day, the county clerk shall deliver to the ballot board for early voting:

(a) The statements for all polling places for early voting;

(b) The voting rosters used for early voting;

(c) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting;

(d) The signature cards used for early voting; and

~~[~~(d)~~]~~ ***(e)*** Any other items as determined by the county clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

(a) Indicate the number of ballots on an official statement of ballots; and

(b) Place the storage devices in the container provided to transport those items to the central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the storage devices to the central counting place.

Sec. 28. NRS 293.389 is hereby amended to read as follows:

293.389 The Secretary of State, a board of county commissioners, a county clerk and any other person who prepares an abstract of votes or other report of votes pursuant to this chapter shall not include in that abstract or report a person designated as an inactive voter pursuant to ~~[~~subsection 7~~]~~ ***paragraph (g) of subsection 1*** of NRS 293.530 when determining the percentage of voters who have voted or the total number of voters.

Sec. 29. ~~[~~NRS 293.4689 is hereby amended to read as follows:

~~293.4689 1. If a county clerk maintains a website on the Internet for information related to elections, the website must contain public information maintained, collected or compiled by the county clerk that relates to elections, which must include, without limitation:~~

~~(a) The locations of polling places for casting a ballot on election day in such a format that a registered voter may search the list to determine the location of the polling place *or places* at which the registered voter is [required] *entitled* to cast a ballot; and~~

~~(b) The abstract of votes required pursuant to the provisions of NRS 293.388.~~

~~2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.~~

~~3. If the information required to be maintained by a county clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, another county clerk or a city clerk, the county clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.]~~ **(Deleted by amendment.)**

Sec. 30. (Deleted by amendment.)

Sec. 31. (Deleted by amendment.)

Sec. 32. NRS 293.486 is hereby amended to read as follows:

293.486 1. Except as otherwise provided in subsection 2, for the purposes of ***preregistering or*** registering to vote, the address at which the ~~[voter]~~ ***person*** actually resides is the street address assigned to the location at which the ~~[voter]~~ ***person*** actually resides.

2. For the purposes of ***preregistering or*** registering to vote, if the ~~[voter]~~ ***person*** does not reside at a location that has been assigned a street address, the address at which the ~~[voter]~~ ***person*** actually resides is a description of the location at which the ~~[voter]~~ ***person*** actually resides. The description must identify the location with sufficient specificity to allow the county clerk to assign the location to a precinct.

3. The provisions of this section do not authorize a person to ***preregister or*** register to vote if the person is not otherwise eligible to ***preregister or*** register to vote ~~[.]~~***, as applicable.***

Sec. 33. NRS 293.5002 is hereby amended to read as follows:

293.5002 1. The Secretary of State shall establish procedures to allow a person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive, to:

(a) ~~[Register]~~ ***Preregister or register*** to vote; and

(b) Vote by absent ballot,

➥ without revealing the confidential address of the person.

2. In addition to establishing appropriate procedures or developing forms pursuant to subsection 1, the Secretary of State shall develop a form to allow a person for whom a fictitious address has been issued to ***preregister or*** register to vote or to change the address of the person's current ***preregistration or*** registration ~~[.]~~ ***, as applicable.*** The form must include:

(a) A section that contains the confidential address of the person; and

(b) A section that contains the fictitious address of the person.

3. Upon receiving a completed form from a person for whom a fictitious address has been issued, the Secretary of State shall:

(a) On the portion of the form that contains the fictitious address of the person, indicate the county and precinct in which the person will vote and forward this portion of the form to the appropriate county clerk; and

(b) File the portion of the form that contains the confidential address.

4. Notwithstanding any other provision of law, any request received by the Secretary of State pursuant to subsection 3 shall be deemed a request for a permanent absent ballot.

5. Notwithstanding any other provision of law:

(a) The Secretary of State and each county clerk shall keep the portion of the form developed pursuant to subsection 2 that he or she retains separate from other applications for ***preregistration or*** registration.

(b) The county clerk shall not make the name, confidential address or fictitious address of the person who has been issued a fictitious address available for:

(1) Inspection or copying; or

(2) Inclusion in any list that is made available for public inspection,

➥ unless directed to do so by lawful order of a court of competent jurisdiction.

Sec. 34. NRS 293.503 is hereby amended to read as follows:

293.503 1. The county clerk of each county where a registrar of voters has not been appointed pursuant to NRS 244.164:

(a) Is ex officio county registrar and registrar for all precincts within the county.

(b) Shall have the custody of all books, documents and papers pertaining to ***preregistration or*** registration provided for in this chapter.

2. All books, documents and papers pertaining to ***preregistration or*** registration are official records of the office of the county clerk.

3. The county clerk shall maintain records of any program or activity that is conducted within the county to ensure the accuracy and currency of the registrar of voters' register for not less than 2 years after creation. The records must include the names and addresses of any person to whom a notice is mailed pursuant to NRS 293.5235, 293.530, or 293.535 and whether the person responded to the notice.

4. Any program or activity that is conducted within the county for the purpose of removing the name of each person who is ineligible to vote in the county from the registrar of voters' register must be complete not later than 90 days before the next primary or general election.

5. Except as otherwise provided by subsection 6, all records maintained by the county clerk pursuant to subsection 3 must be available for public inspection.

6. Except as otherwise provided in NRS 239.0115, any information relating to where a person ***preregisters or*** registers to vote must remain confidential and is not available for public inspection. Such information may only be used by an election officer for purposes related to ~~[voter]~~ ***preregistration and*** registration.

Sec. 35. NRS 293.5035 is hereby amended to read as follows:

293.5035 1. The county clerk may designate any building owned or leased by the county, or any portion of such a building, as a county facility at which ***persons may preregister to vote and*** electors may register to vote.

2. A county facility designated pursuant to subsection 1 must be operated as an auxiliary county facility at which ~~[voter]~~ ***preregistration and*** registration ~~[is]~~ ***are*** carried out in addition to being carried out at the office of the county clerk.

3. If the county clerk designates a county facility pursuant to subsection 1, the county clerk shall determine the hours of operation for the facility and shall, in cooperation with the Secretary of State, ensure that the facility is operated, staffed and equipped in compliance with all applicable provisions of this title and all other applicable provisions of state and federal law relating to the ***preregistration of persons and the*** registration of electors in this State.

Sec. 36. NRS 293.504 is hereby amended to read as follows:

293.504 1. The following offices shall serve as voter registration agencies:

(a) Such offices that provide public assistance as are designated by the Secretary of State;

(b) Each office that receives money from the State of Nevada to provide services to persons with disabilities in this State;

(c) The offices of the Department of Motor Vehicles;

(d) The offices of the city and county clerks;

(e) Such other county and municipal facilities as a county clerk or city clerk may designate pursuant to NRS 293.5035 or 293C.520, as applicable;

(f) Recruitment offices of the United States Armed Forces; and

(g) Such other offices as the Secretary of State deems appropriate.

2. Each voter registration agency shall:

(a) Post in a conspicuous place, in at least 12-point type, instructions for ***preregistering and*** registering to vote;

(b) Except as otherwise provided in subsection 3, distribute applications to ***preregister or*** register to vote which may be returned by mail with any application for services or assistance from the agency or submitted for any other purpose and with each application for recertification, renewal or change of address submitted to the agency that relates to such services, assistance or other purpose;

(c) Provide the same amount of assistance to an applicant in completing an application to ***preregister or*** register to vote as the agency provides to a person completing any other forms for the agency; and

(d) Accept completed applications to ***preregister or*** register to vote.

3. A voter registration agency is not required to provide an application to ***preregister or*** register to vote pursuant to paragraph (b) of subsection 2 to a person who applies for or receives services or assistance from the agency or submits an application for any other purpose if the person ***affirmatively*** declines to ***preregister or*** register to vote and submits to the agency a written form that meets the requirements of ~~[~~42~~]~~ ***52*** U.S.C. § ~~[1973gg-5(a)(6). No information]~~ ***20506(a)(6). Information*** related to the declination to ***preregister or*** register to vote may ***not*** be used for any purpose other than voter registration.

4. Except as otherwise provided in this subsection and NRS 293.524, any application to ***preregister or*** register to vote accepted by a voter registration agency must be transmitted to the county clerk not later than 10 days after the application is accepted. The applications must be forwarded daily during the 2 weeks immediately preceding the fifth Sunday preceding an election. The county clerk shall accept any application ~~[to register to vote]~~ which is obtained from a voter registration agency pursuant to this section and completed by the fifth Sunday preceding an election if the county clerk receives the application not later than 5 days after that date.

5. The Secretary of State shall cooperate with the Secretary of Defense to develop and carry out procedures to enable persons in this State to apply to ***preregister or*** register to vote at recruitment offices of the United States Armed Forces.

Sec. 37. (Deleted by amendment.)

Sec. 38. NRS 293.505 is hereby amended to read as follows:

293.505 1. All justices of the peace, except those located in county seats, are ex officio field registrars to carry out the provisions of this chapter.

2. The county clerk shall appoint at least one registered voter to serve as a field registrar of voters who, except as otherwise provided in NRS 293.5055, shall ***preregister and*** register voters within the county for which the field registrar is appointed. Except as otherwise provided in subsection 1, a candidate for any office may not be appointed or serve as a field registrar. A field registrar serves at the pleasure of the county clerk and shall perform such duties as the county clerk may direct. The county clerk shall not knowingly appoint any person as a field registrar who has been convicted of a felony involving theft or fraud. The Secretary of State may bring an action against a county clerk to collect a civil penalty of not more than $5,000 for each person who is appointed as a field registrar in violation of this subsection. Any civil penalty collected pursuant to this subsection must be deposited with the State Treasurer for credit to the State General Fund.

3. A field registrar shall demand of any person who applies for ***preregistration or*** registration all information required by the application to ***preregister or*** register to vote ***, as applicable,*** and shall administer all oaths required by this chapter.

4. When a field registrar has in his or her possession five or more completed applications to ***preregister or*** register to vote, the field registrar shall forward them to the county clerk, but in no case may the field registrar hold any number of them for more than 10 days.

5. Each field registrar shall forward to the county clerk all completed applications in his or her possession immediately after the fifth Sunday preceding an election. Within 5 days after the fifth Sunday preceding any general election or general city election, a field registrar shall return all unused applications in his or her possession to the county clerk. If all of the unused applications are not returned to the county clerk, the field registrar shall account for the unreturned applications.

6. Each field registrar shall submit to the county clerk a list of the serial numbers of the completed applications to ***preregister or*** register to vote and the names of the electors on those applications. The serial numbers must be listed in numerical order.

7. Each field registrar shall post notices sent to him or her by the county clerk for posting in accordance with the election laws of this State.

8. A field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 shall not:

(a) Delegate any of his or her duties to another person; or

(b) Refuse to ***preregister or*** register a person on account of that person's political party affiliation.

9. A person shall not hold himself or herself out to be or attempt to exercise the duties of a field registrar unless the person has been so appointed.

10. A county clerk, field registrar, employee of a voter registration agency or person assisting ~~[a voter]~~ ***another person*** pursuant to subsection 13 of NRS 293.5235 shall not:

(a) Solicit a vote for or against a particular question or candidate;

(b) Speak to a ~~[voter]~~ ***person*** on the subject of marking his or her ballot for or against a particular question or candidate; or

(c) Distribute any petition or other material concerning a candidate or question which will be on the ballot for the ensuing election,

➥ while ***preregistering or*** registering ~~[an elector.]~~ ***the person.***

11. When the county clerk receives applications to ***preregister or*** register to vote from a field registrar, the county clerk shall issue a receipt to the field registrar. The receipt must include:

(a) The number of persons ***preregistered or*** registered; and

(b) The political party of the persons ***preregistered or*** registered.

12. A county clerk, field registrar, employee of a voter registration agency or person assisting ~~[a voter]~~ ***another person*** pursuant to subsection 13 of NRS 293.5235 shall not:

(a) Knowingly ~~[register]~~ ***:***

(1) Register a person who is not a qualified elector or a person who has filed a false or misleading application to register to vote; or

(2) Preregister a person who does not meet the qualifications set forth in section 14 of this act; or

(b) ~~[~~Register~~]~~ ***Preregister or register*** a person who fails to provide satisfactory proof of identification and the address at which the person actually resides.

13. A county clerk, field registrar, employee of a voter registration agency, person assisting ~~[~~a voter~~]~~ ***another person*** pursuant to subsection 13 of NRS 293.5235 or any other person providing a form for the application to ***preregister or*** register to vote to an elector for the purpose of ***preregistering or*** registering to vote:

(a) If the person who assists ~~[~~an elector~~]~~ ***another person*** with completing the form for the application to ***preregister or*** register to vote retains the form, shall enter his or her name on the duplicate copy or receipt retained by the ~~[~~voter~~]~~ ***person*** upon completion of the form; and

(b) Shall not alter, deface or destroy an application to ***preregister or*** register to vote that has been signed by ~~[~~an elector~~]~~ ***a person*** except to correct information contained in the application after receiving notice from the ~~[~~elector~~]~~ ***person*** that a change in or addition to the information is required.

14. If a field registrar violates any of the provisions of this section, the county clerk shall immediately suspend the field registrar and notify the district attorney of the county in which the violation occurred.

15. A person who violates any of the provisions of subsection 8, 9, 10, 12 or 13 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 39. NRS 293.5055 is hereby amended to read as follows:

293.5055 A county clerk or field registrar may ***preregister or*** register, outside the boundaries of the county, any ~~[~~voter~~]~~ ***person*** who is a resident of that county ~~[~~.~~]~~ ***and meets the qualifications to preregister or register to vote, as applicable.***

Sec. 40. NRS 293.5057 is hereby amended to read as follows:

293.5057 A person who does not maintain a residence in this State may ***preregister or*** register to vote for the office of President and Vice President of the United States if the person files a sworn statement with the county clerk or field registrar of voters that the person is not ***preregistered or*** registered to vote in any other state and provides evidence:

1. Of his or her domicile in this State in accordance with the provisions of NRS 41.191;

2. That he or she maintains an account at a financial institution located in this State; or

3. That his or her motor vehicle is registered in this State.

Sec. 41. NRS 293.506 is hereby amended to read as follows:

293.506 1. A county clerk may, with approval of the board of county commissioners, establish a system for using a computer to register voters and to keep records of registration.

2. A system established pursuant to subsection 1 must ~~[~~comply~~]~~ ***:***

(a) Comply with any procedures and requirements prescribed by the Secretary of State pursuant to NRS 293.250 ~~[.]~~ ***; and***

(b) Allow a person to preregister to vote and the county clerk to keep records of preregistration by computer.

Sec. 42. NRS 293.507 is hereby amended to read as follows:

293.507 1. The Secretary of State shall prescribe:

(a) ~~[A standard form]~~ ***Standard forms*** for applications to ***preregister or*** register to vote;

(b) ~~[A special form]~~ ***Special forms*** for ***preregistration and*** registration to be used in a county where registrations are performed and records of registration are kept by computer; and

(c) A standard form for the affidavit described in subsection 5.

2. The county clerks shall provide forms for applications to ***preregister or*** register to vote to field registrars in the form and number prescribed by the Secretary of State.

3. Each form for an application to ***preregister or*** register to vote must include a:

(a) Unique control number assigned by the Secretary of State; and

(b) Receipt which:

(1) Includes a space for a person assisting an applicant in completing the form to enter the person's name; and

(2) May be retained by the applicant upon completion of the form.

4. The form for an application to ***preregister or*** register to vote must include:

(a) A line for use by the applicant to enter:

(1) The number indicated on the applicant's current and valid driver's license issued by the Department of Motor Vehicles, if the applicant has such a driver's license;

(2) The last four digits of the applicant's social security number, if the applicant does not have a driver's license issued by the Department of Motor Vehicles and does have a social security number; or

(3) The number issued to the applicant pursuant to subsection 5, if the applicant does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number.

(b) A line on which to enter the address at which the applicant actually resides, as set forth in NRS 293.486.

(c) A notice that the applicant may not list a business as the address required pursuant to paragraph (b) unless the applicant actually resides there.

(d) A line on which to enter an address at which the applicant may receive mail, including, without limitation, a post office box or general delivery.

5. If an applicant does not have the identification set forth in subparagraph (1) or (2) of paragraph (a) of subsection 4, the applicant shall sign an affidavit stating that he or she does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number. Upon receipt of the affidavit, the county clerk shall issue an

identification number to the applicant which must be the same number as the unique identifier assigned to the applicant for purposes of the statewide voter registration list.

6. The Secretary of State shall adopt regulations to carry out the provisions of subsections 3, 4 and 5.

Sec. 43. NRS 293.508 is hereby amended to read as follows:

293.508 The Secretary of State shall include on all forms for an application to ***preregister or*** register to vote prescribed by the Secretary of State the following option, printed in a separate box created by bold lines, in at least 14-point bold type:

[ ] CHECK THIS BOX TO RECEIVE A SAMPLE BALLOT IN LARGER TYPE

Sec. 44. NRS 293.509 is hereby amended to read as follows:

293.509 1. A county clerk may provide the ~~[form for the application]~~ ***forms for applications*** to ***preregister or*** register to vote prescribed by the Secretary of State pursuant to NRS 293.507 to a candidate, major political party, minor political party or any other person submitting a request pursuant to subsection 2.

2. A candidate, major political party, minor political party or other person shall:

(a) Submit a request for forms for ~~[the application]~~ ***applications*** to ***preregister or*** register to vote to the county clerk in person, by telephone, in writing or by facsimile machine; and

(b) State the number of forms for ~~[the application]~~ ***applications*** to ***preregister or*** register to vote that the candidate, major political party, minor political party or other person is requesting.

3. The county clerk may record the control numbers assigned to the forms by the Secretary of State pursuant to NRS 293.507 of the forms he or she provided in response to the request. The county clerk shall maintain a request for multiple applications with the county clerk's records.

Sec. 45. NRS 293.510 is hereby amended to read as follows:

293.510 1. In counties where computers are not used to register voters, the county clerk shall:

(a) Segregate original applications to register to vote according to the precinct in which the registered voters reside and arrange the applications in each precinct or district in alphabetical order. The applications for each precinct or district must be kept separately for each precinct or district. These applications must be used to prepare the rosters.

(b) Arrange the duplicate applications of registration in alphabetical order for the entire county and keep them in binders or a suitable file which constitutes the registrar of voters' register.

2. In any county where a computer is used to register voters, the county clerk shall:

(a) Arrange the original applications to register to vote for the entire county in a manner in which an original application may be quickly located. These original applications constitute the registrar of voters' register.

(b) Segregate the applications to register to vote in a computer file according to the precinct or district in which the registered voters reside, and for each precinct or district have printed a computer listing which contains the applications to register to vote in alphabetical order. These listings of applications to register to vote must be used to prepare the rosters.

3. Each county clerk shall keep the applications to preregister to vote separate from the applications to register to vote until such applications are deemed to be applications to register to vote pursuant to section 14 of this act.

Sec. 46. (Deleted by amendment.)

Sec. 47. NRS 293.517 is hereby amended to read as follows:

293.517 1. Any ***person who meets the qualifications set forth in section 14 of this act residing within the county may preregister to vote and any*** elector residing within the county may register to vote:

(a) Except as otherwise provided in NRS 293.560 and 293C.527, by appearing before the county clerk, a field registrar or a voter registration agency, completing the application to ***preregister or*** register to vote, giving true and satisfactory answers to all questions relevant to his or her identity and right to ***preregister or register to*** vote, and providing proof of residence and identity;

(b) By completing and mailing or personally delivering to the county clerk an application to ***preregister or*** register to vote pursuant to the provisions of NRS 293.5235;

(c) Pursuant to the provisions of NRS 293.524 or chapter 293D of NRS;

(d) At his or her residence with the assistance of a field registrar pursuant to NRS 293.5237; or

(e) By submitting an application to ***preregister or*** register to vote by computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.

➥ The county clerk shall require a person to submit official identification as proof of residence and identity, such as a driver's license or other official document, before ***preregistering or*** registering the person. If the applicant ***preregisters or*** registers to vote pursuant to this subsection and fails to provide proof of residence and identity, the applicant must provide proof of residence and identity before casting a ballot in person or by mail or after casting a provisional ballot pursuant to NRS 293.3081 or 293.3083. For the purposes of this subsection, a voter registration card issued pursuant to subsection 6 does not provide proof of the residence or identity of a person.

2. The application to ***preregister or*** register to vote must be signed and verified under penalty of perjury by the ***person preregistering or the*** elector registering.

3. Each ***person or*** elector who is or has been married must be ***preregistered or*** registered under his or her own given or first name, and not under the given or first name or initials of his or her spouse.

4. ~~[An]~~ ***A person or an*** elector who is ***preregistered or*** registered and changes his or her name must complete a new application to ***preregister or*** register to vote ~~[.]~~ ***, as applicable.*** The ***person or*** elector may obtain a new application:

(a) At the office of the county clerk or field registrar;

(b) By submitting an application to ***preregister or*** register to vote pursuant to the provisions of NRS 293.5235;

(c) By submitting a written statement to the county clerk requesting the county clerk to mail an application to ***preregister or*** register to vote;

(d) At any voter registration agency; or

(e) By submitting an application to ***preregister or*** register to vote by computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.

➥ If the elector fails to register under his or her new name, the elector may be challenged pursuant to the provisions of NRS 293.303 or 293C.292 and may be required to furnish proof of identity and subsequent change of name.

5. Except as otherwise provided in subsection 7, an elector who registers to vote pursuant to paragraph (a) of subsection 1 shall be deemed to be registered upon the completion of an application to register to vote.

6. After the county clerk determines that the application to register to vote of a person is complete and that, except as otherwise provided in NRS 293D.210, the person is eligible to vote pursuant to NRS 293.485, the county clerk shall issue a voter registration card to the voter which contains:

(a) The name, address, political affiliation and precinct number of the voter;

(b) The date of issuance; and

(c) The signature of the county clerk.

7. If ***a person or*** an elector submits an application to ***preregister or*** register to vote or an affidavit described in paragraph (c) of subsection 1 of NRS 293.507 that contains any handwritten additions, erasures or interlineations, the county clerk may object to the application ~~[to register to vote]~~ if the county clerk believes that because of such handwritten additions, erasures or interlineations, the application ~~[to register to vote of the elector]~~ is incomplete or that, except as otherwise provided in NRS 293D.210, the ***person is not eligible to preregister pursuant to section 14 of this act or the*** elector is not eligible to vote pursuant to NRS 293.485 ~~[.]~~ ***, as applicable.*** If the county clerk objects pursuant to this subsection, he or she shall immediately notify the ***person or*** elector ***, as applicable,*** and the district attorney of the county. Not later than 5 business days after the district attorney receives such notification, the district attorney shall advise the county clerk as to whether:

(a) The application ~~[to register to vote of the elector]~~ is complete and, except as otherwise provided in NRS 293D.210, the ***person is eligible to preregister pursuant to section 14 of this act or the*** elector is eligible to vote pursuant to NRS 293.485; and

(b) The county clerk should proceed to process the application ***.*** ~~[to register to vote.]~~

➥ If the District Attorney advises the county clerk to process the application ***,*** ~~[to register to vote,]~~ the county clerk shall immediately issue a voter registration card to the applicant pursuant to subsection 6 ~~[.]~~ ***, if applicable.***

Sec. 48. NRS 293.518 is hereby amended to read as follows:

293.518 1. At the time ***a person preregisters or*** an elector registers to vote ***,*** the ***person or*** elector must indicate:

(a) A political party affiliation; or

(b) That he or she is not affiliated with a political party.

➥ ~~[An]~~ ***A person or an*** elector who indicates that he or she is "independent" shall be deemed not affiliated with a political party.

2. If ***a person or*** an elector indicates that he or she is not affiliated with a political party, or is independent, the county clerk or field registrar of voters shall list the ***person's or*** elector's political party as nonpartisan.

3. If ***a person or*** an elector indicates an affiliation with a major political party or a minor political party that has filed a certificate of existence with the Secretary of State, the county clerk or field registrar of voters shall list the ***person's or*** elector's political party as indicated by the ***person or*** elector.

4. If ***a person or*** an elector indicates an affiliation with a minor political party that has not filed a certificate of existence with the Secretary of State, the county clerk or field registrar of voters shall:

(a) List the ***person's or*** elector's political party as the party indicated in the application to ***preregister or*** register to vote ~~[.]~~ ***, as applicable.***

(b) When compiling data related to ***preregistration and*** voter registration for the county, report the ***person's or*** elector's political party as "other party."

5. If ***a person or*** an elector does not make any of the indications described in subsection 1, the county clerk or field registrar of voters shall:

(a) List the ***person's or*** elector's political party as nonpartisan; and

(b) Mail to the ***person or*** elector a notice setting forth that the ***person has been preregistered or the*** elector has been registered to vote ***, as applicable,*** as a nonpartisan because ~~[the elector]~~ ***he or she*** did not make any of the indications described in subsection 1.

Sec. 49. NRS 293.520 is hereby amended to read as follows:

293.520 Except as otherwise provided in this section, the ***preregistration of persons or the*** registration or reregistration of electors who are unable to sign their names must be made upon personal application of those ***persons or*** electors at the office of the county clerk where they may be identified or in the presence of a field registrar. If such ***a person or*** an elector is unable to appear in person at the office of the county clerk, the county clerk shall send

a field registrar or an employee of the office of the county clerk to the elector to identify the ***person or*** elector and ***preregister the person or*** register or reregister the elector, as appropriate. The ***persons or*** electors described in this section may use a mark or cross in place of a signature.

Sec. 50. NRS 293.523 is hereby amended to read as follows:

293.523 A naturalized citizen need not produce his or her certificate of naturalization in order to qualify to be ***preregistered or*** registered.

Sec. 51. NRS 293.5235 is hereby amended to read as follows:

293.5235 1. Except as otherwise provided in NRS 293.502 and chapter 293D of NRS, a person may ***preregister or*** register to vote by mailing an application to ***preregister or*** register to vote to the county clerk of the county in which the person resides or may ***preregister or*** register to vote by computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register to vote. The county clerk shall, upon request, mail an application to ***preregister or*** register to vote to an applicant. The county clerk shall make the applications available at various public places in the county. ***An application to preregister to vote may be used to correct information in a previous application.*** An application to register to vote may be used to correct information in the registrar of voters' register.

2. An application to ***preregister or*** register to vote which is mailed to an applicant by the county clerk or made available to the public at various locations or voter registration agencies in the county may be returned to the county clerk by mail or in person. For the purposes of this section, an application which is personally delivered to the county clerk shall be deemed to have been returned by mail.

3. The applicant must complete the application, including, without limitation, checking the boxes described in paragraphs (b) and (c) of subsection 10 and signing the application.

4. The county clerk shall, upon receipt of an application, determine whether the application is complete.

5. If the county clerk determines that the application is complete, he or she shall, within 10 days after receiving the application, mail to the applicant:

(a) A notice that the applicant is ***preregistered or*** registered to vote ~~[and]~~ ***, as applicable. If the applicant is registered to vote, the county clerk must also mail to the applicant*** a voter registration card as required by subsection 6 of NRS 293.517; or

(b) A notice that the ***person's application to preregister to vote or the*** registrar of voters' register has been corrected to reflect any changes indicated on the application.

6. Except as otherwise provided in subsection 5 of NRS 293.518, if the county clerk determines that the application is not complete, the county clerk shall, as soon as possible, mail a notice to the applicant that additional information is required to complete the application. If the applicant provides the information requested by the county clerk within 15 days after the county

clerk mails the notice, the county clerk shall, within 10 days after receiving the information, mail to the applicant:

(a) A notice that the applicant is ~~[registered]~~ ***:***

(1) Preregistered to vote; or

(2) Registered to vote and a voter registration card as required by subsection 6 of NRS 293.517; or

(b) A notice that ***the person's application to preregister to vote or*** the registrar of voters' register has been corrected to reflect any changes indicated on the application.

➥ If the applicant does not provide the additional information within the prescribed period, the application is void.

7. The applicant shall be deemed to be ***preregistered or*** registered or to have corrected the information in the ***application to preregister to vote or the registrar of voters'*** register on the date the application is postmarked or received by the county clerk, whichever is earlier.

8. If the applicant fails to check the box described in paragraph (b) of subsection 10, the application shall not be considered invalid and the county clerk shall provide a means for the applicant to correct the omission at the time the applicant appears to vote in person at the assigned polling place.

9. The Secretary of State shall prescribe the form for ~~[an application]~~ ***applications*** to ***preregister or*** register to vote by:

(a) Mail, which must be used to ***preregister or*** register to vote by mail in this State.

(b) Computer, which must be used to ***preregister or*** register to vote in a county if the county clerk has established a system pursuant to NRS 293.506 for using a computer to ***preregister or*** register to vote.

10. The application to ***preregister or*** register to vote by mail must include:

(a) A notice in at least 10-point type which states:

> NOTICE: You are urged to return your application ~~[to register to vote]~~ to the County Clerk in person or by mail. If you choose to give your completed application to another person to return to the County Clerk on your behalf, and the person fails to deliver the application to the County Clerk, you will not be ***preregistered or*** registered to vote ~~[.]~~ ***, as applicable.*** Please retain the duplicate copy or receipt from your application to ***preregister or*** register to vote.

(b) The question, "Are you a citizen of the United States?" and boxes for the applicant to check to indicate whether or not the applicant is a citizen of the United States.

(c) ~~[The]~~ ***If the application is to:***

(1) Preregister to vote, the question, "Are you at least 17 years of age and not more than 18 years of age?" and boxes to indicate whether or not the applicant is at least 17 years of age and not more than 18 years of age.

(2) Register to vote, the question, "Will you be at least 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be at least 18 years of age or older on election day.

(d) A statement instructing the applicant not to complete the application if the applicant checked "no" in response to the question set forth in ***:***

(1) If the application is to preregister to vote, paragraph (b) or ***subparagraph (1) of paragraph*** (c).

(2) If the application is to register to vote, paragraph (b) or subparagraph (2) of paragraph (c).

(e) A statement informing the applicant that if the application is submitted by mail and the applicant is ***preregistering or*** registering to vote for the first time, the applicant must submit the information set forth in paragraph (a) of subsection 2 of NRS 293.2725 to avoid the requirements of subsection 1 of NRS 293.2725 upon voting for the first time.

11. Except as otherwise provided in subsection 5 of NRS 293.518, the county clerk shall not ***preregister or*** register a person to vote pursuant to this section unless that person has provided all of the information required by the application.

12. The county clerk shall mail, by postcard, the notices required pursuant to subsections 5 and 6. If the postcard is returned to the county clerk by the United States Postal Service because the address is fictitious or the person does not live at that address, the county clerk shall attempt to determine whether the person's current residence is other than that indicated on the application to ***preregister or*** register to vote in the manner set forth in NRS 293.530.

13. A person who, by mail, ***preregisters or*** registers to vote pursuant to this section may be assisted in completing the application to ***preregister or*** register to vote by any other person. The application must include the mailing address and signature of the person who assisted the applicant. The failure to provide the information required by this subsection will not result in the application being deemed incomplete.

14. An application to ***preregister or*** register to vote must be made available to all persons, regardless of political party affiliation.

15. An application must not be altered or otherwise defaced after the applicant has completed and signed it. An application must be mailed or delivered in person to the office of the county clerk within 10 days after it is completed.

16. A person who willfully violates any of the provisions of subsection 13, 14 or 15 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

17. The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 52. NRS 293.5237 is hereby amended to read as follows:

293.5237 Any time ~~[before]~~ ***:***

1. A person who, because of illness, disability or for other good cause shown, requires assistance to complete an application to preregister to vote may request the county clerk in writing or by telephone to preregister the person at the person's residence. Upon request, the county clerk shall direct the appropriate field registrar to go to the home of such a person to preregister the person to vote.

2. Before the fifth Sunday preceding an election, a person who because of illness, disability or for other good cause shown requires assistance to complete an application to register to vote may request the county clerk in writing or by telephone to register the person at the person's residence. Upon request, the county clerk shall direct the appropriate field registrar to go to the home of such a person to register the person to vote.

Sec. 53. NRS 293.524 is hereby amended to read as follows:

293.524 1. The Department of Motor Vehicles shall provide an application to ***preregister or*** register to vote to each person who applies for the issuance or renewal of any type of driver's license or identification card issued by the Department.

2. The county clerk shall use the applications to ***preregister or*** register to vote which are signed and completed pursuant to subsection 1 to ***preregister or*** register applicants to vote or to correct information in ***a person's previous application to preregister or*** the registrar of voters' register. An application that is not signed must not be used to ***preregister or*** register or correct the ***preregistration or*** registration of the applicant.

3. For the purposes of this section, each employee specifically authorized to do so by the Director of the Department may oversee the completion of an application. The authorized employee shall check the application for completeness and verify the information required by the application. Each application must include a duplicate copy or receipt to be retained by the applicant upon completion of the form. The Department shall, except as otherwise provided in this subsection, forward each application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. The applications must be forwarded daily during the 2 weeks immediately preceding the fifth Sunday preceding an election.

4. The county clerk shall accept any application to ~~[register]~~ ***:***

(a) Preregister to vote at any time.

(b) Register to vote which is obtained from the Department of Motor Vehicles pursuant to this section and completed by the fifth Sunday preceding an election if the county clerk receives the application not later than 5 days after that date.

5. Upon receipt of an application, the county clerk or field registrar of voters shall determine whether the application is complete. If the county clerk or field registrar of voters determines that the application is complete, he or she shall notify the applicant and the applicant shall be deemed to be ***preregistered or*** registered as of the date of the submission of the application.

If the county clerk or field registrar of voters determines that the application is not complete, he or she shall notify the applicant of the additional information required. The applicant shall be deemed to be ***preregistered or*** registered as of the date of the initial submission of the application if the additional information is provided within 15 days after the notice for the additional information is mailed. If the applicant has not provided the additional information within 15 days after the notice for the additional information is mailed, the incomplete application is void. Any notification required by this subsection must be given by mail at the mailing address on the application not more than 7 working days after the determination is made concerning whether the application is complete.

~~[5.]~~ ***6.*** The county clerk shall use any form submitted to the Department to correct information on a driver's license or identification card to correct information ***on a previous application to preregister or*** in the registrar of voters' register, unless the person indicates on the form that the correction is not to be used for the purposes of ***preregistration or*** voter registration. The Department shall forward each such form to the county clerk or, if applicable, to the registrar of voters of the county in which the person resides in the same manner provided by subsection 3 for applications to ***preregister or*** register to vote.

~~[6.]~~ ***7.*** Upon receipt of a form to correct information, the county clerk shall compare the information to that contained in the ***application to preregister to vote or the*** registrar of voters' register ~~[. If the person is a registered voter, the]~~ ***, as applicable. The*** county clerk shall correct the information to reflect any changes indicated on the form. After making any changes, the county clerk shall notify the person by mail that the records have been corrected.

~~[7.]~~ ***8.*** The Secretary of State shall, with the approval of the Director, adopt regulations to:

(a) Establish any procedure necessary to provide ***a person who applies to preregister to vote or*** an elector who applies to register to vote pursuant to this section the opportunity to do so;

(b) Prescribe the contents of any forms or applications which the Department is required to distribute pursuant to this section; and

(c) Provide for the transfer of the completed applications of ***preregistration or*** registration from the Department to the appropriate county clerk ***.*** ~~[for inclusion in the rosters and registrar of voters' register.]~~

Sec. 54. (Deleted by amendment.)

Sec. 55. NRS 293.527 is hereby amended to read as follows:

293.527 When ***a person moves to another county and preregisters to vote therein, or*** an elector moves to another county and registers to vote therein, the county clerk of the county where the ***person or*** elector has moved shall send a cancellation notice to the clerk of the county in which the ***person or*** elector previously resided. The county clerk receiving such a notice shall

cancel the ***preregistration or*** registration of the ***person or*** elector and place it in a cancelled file.

Sec. 56. NRS 293.530 is hereby amended to read as follows:

293.530 ***1.*** Except as otherwise provided in NRS 293.541:

~~[1.]~~ ***(a)*** County clerks may use any reliable and reasonable means available to correct the portions of the statewide voter registration list which are relevant to the county clerks and to determine whether a registered voter's current residence is other than that indicated on the voter's application to register to vote.

~~[2.]~~ ***(b)*** A county clerk may, with the consent of the board of county commissioners, make investigations of registration in the county by census, by house-to-house canvass or by any other method.

~~[3.]~~ ***(c)*** A county clerk shall cancel the registration of a voter pursuant to this ~~[section]~~ ***subsection*** if:

~~[(a)]~~ ***(1)*** The county clerk mails a written notice to the voter which the United States Postal Service is required to forward;

~~[(b)]~~ ***(2)*** The county clerk mails a return postcard with the notice which has a place for the voter to write his or her new address, is addressed to the county clerk and has postage guaranteed;

~~[(c)]~~ ***(3)*** The voter does not respond; and

~~[(d)]~~ ***(4)*** The voter does not appear to vote in an election before the polls have closed in the second general election following the date of the notice.

~~[4.]~~ ***(d)*** For the purposes of this ~~[section,]~~ ***subsection,*** the date of the notice is deemed to be 3 days after it is mailed.

~~[5.]~~ ***(e)*** The county clerk shall maintain records of:

~~[(a)]~~ ***(1)*** Any notice mailed pursuant to ~~[subsection 3;~~
~~(b)]~~ ***paragraph (c);***

(2) Any response to such notice; and

~~[(c)]~~ ***(3)*** Whether a person to whom a notice is mailed appears to vote in an election,

➥ for not less than 2 years after creation.

~~[6.]~~ ***(f)*** The county clerk shall use any postcards which are returned to correct the portions of the statewide voter registration list which are relevant to the county clerk.

~~[7.]~~ ***(g)*** If a voter fails to return the postcard mailed pursuant to ~~[subsection 3]~~ ***paragraph (c)*** within 30 days, the county clerk shall designate the voter as inactive on the voter's application to register to vote.

~~[8.]~~ ***(h)*** The Secretary of State shall adopt regulations to prescribe the method for maintaining a list of voters who have been designated as inactive pursuant to ~~[subsection 7.]~~ ***paragraph (g).***

2. A county clerk is not required to take any action pursuant to this section in relation to a person who preregisters to vote until the person is deemed to be registered to vote pursuant to section 14 of this act.

Sec. 57. NRS 293.535 is hereby amended to read as follows:

293.535 1. The county clerk shall notify a registrant if any elector or other reliable person files an affidavit with the county clerk stating that:

(a) The registrant is not a citizen of the United States; or

(b) The registrant has:

(1) Moved outside the boundaries of the county where he or she is registered to another county, state, territory or foreign country, with the intention of remaining there for an indefinite time and with the intention of abandoning his or her residence in the county where registered; and

(2) Established residence in some other state, territory or foreign country, or in some other county of this state, naming the place.

➥ The affiant must state that he or she has personal knowledge of the facts set forth in the affidavit.

2. Upon the filing of an affidavit pursuant to paragraph (b) of subsection 1, the county clerk shall notify the registrant in the manner set forth in NRS 293.530 and shall enclose a copy of the affidavit. If the registrant fails to respond or appear to vote within the required time, the county clerk shall cancel the registration.

3. An affidavit filed pursuant to paragraph (a) of subsection 1 must be filed not later than 30 days before an election. Upon the filing of such an affidavit, the county clerk shall notify the registrant by registered or certified mail, return receipt requested, of the filing of the affidavit, and shall enclose a copy of the affidavit. Unless the registrant, within 15 days after the return receipt has been filed in the office of the county clerk, presents satisfactory proof of citizenship, the county clerk shall cancel the registration.

4. The provisions of this section do not prevent the challenge provided for in NRS 293.303 or 293C.292.

5. A county clerk is not required to take any action pursuant to this section in relation to a person who is preregistered to vote until the person is deemed to be registered to vote pursuant to section 14 of this act.

Sec. 58. NRS 293.537 is hereby amended to read as follows:

293.537 1. The county clerk of each county shall maintain ~~[a]~~ ***:***

(a) A file of the applications to preregister to vote of persons who have cancelled their preregistration; and

(b) A file of the applications to register to vote of electors who have cancelled their registration.

➥ The ~~[file]~~ ***files*** must be kept in alphabetical order. The county clerk shall mark the applications "Cancelled," and indicate thereon the reason for cancellation.

2. If the county clerk finds that the preregistration of a person was cancelled erroneously, the county clerk shall reinstate the person's application to preregister to vote.

3. If the county clerk finds that the registration of an elector was cancelled erroneously, the county clerk shall reregister the elector or on

election day allow the elector whose registration was erroneously cancelled to vote pursuant to NRS 293.304, 293.525, 293C.295 or 293C.525.

~~[2.]~~ ***4.*** The county clerk may:

(a) Microfilm the applications to ***preregister or*** register to vote of ***a person or*** an elector who cancels his or her ***preregistration or*** registration ***, as applicable,*** and destroy the originals at any time.

(b) Record cancelled applications to ***preregister or*** register to vote by computer and destroy the originals at any time.

(c) Destroy any application to ***preregister or*** register to vote of ***a person or*** an elector who cancels his or her ***preregistration or*** registration***, as applicable,*** after the expiration of 3 years after the date of cancellation.

Sec. 59. NRS 293.540 is hereby amended to read as follows:

293.540 ***1. The county clerk shall cancel the preregistration of a person:***

(a) If the county clerk has personal knowledge of the death of the person or if an authenticated certificate of the death of the person is filed in the county clerk's office.

(b) At the request of the person.

(c) If the county clerk has discovered an incorrect preregistration pursuant to the provisions of NRS 293.5235 and the person has failed to respond within the required time.

(d) As required by NRS 293.541.

(e) Upon verification that the application to preregister to vote is a duplicate if the county clerk has the original or another duplicate of the application on file in the county clerk's office.

2. The county clerk shall cancel the registration ~~[:]~~ ***of a person:***

~~[1.]~~ ***(a)*** If the county clerk has personal knowledge of the death of the person ~~[registered,]~~ or if an authenticated certificate of the death of ~~[any elector]~~ ***the person*** is filed in the county clerk's office.

~~[2.]~~ ***(b)*** If the county clerk is provided a certified copy of a court order stating that the court specifically finds by clear and convincing evidence that the person ~~[registered]~~ lacks the mental capacity to vote because he or she cannot communicate, with or without accommodations, a specific desire to participate in the voting process.

~~[3.]~~ ***(c)*** Upon the determination that the person ~~[registered]~~ has been convicted of a felony unless:

~~[(a)]~~ ***(1)*** If the person ~~[registered]~~ was convicted of a felony in this State, the right to vote of the person has been restored pursuant to the provisions of NRS 213.090, 213.155 or 213.157.

~~[(b)]~~ ***(2)*** If the person ~~[registered]~~ was convicted of a felony in another state, the right to vote of the person has been restored pursuant to the laws of the state in which the person was convicted.

~~[4.]~~ ***(d)*** Upon the production of a certified copy of the judgment of any court directing the cancellation to be made.

~~[5.]~~ ***(e)*** Upon the request of any registered voter to affiliate with any political party or to change affiliation, if that change is made before the end of the last day to register to vote in the election.

~~[6.]~~ ***(f)*** At the request of the person **.** ~~[registered.~~

~~7.]~~ ***(g)*** If the county clerk has discovered an incorrect registration pursuant to the provisions of NRS 293.5235, 293.530 or 293.535 and the elector has failed to respond or appear to vote within the required time.

~~[8.]~~ ***(h)*** As required by NRS 293.541.

~~[9.]~~ ***(i)*** Upon verification that the application to register to vote is a duplicate if the county clerk has the original or another duplicate of the application on file in the county clerk's office.

Sec. 60. NRS 293.541 is hereby amended to read as follows:

293.541 1. The county clerk shall cancel the ***preregistration of a person or the*** registration of a voter if:

(a) After consultation with the district attorney, the district attorney determines that there is probable cause to believe that information in the ~~[registration]~~ ***application to preregister or register to vote*** concerning the identity or residence of the ***person or*** voter is fraudulent;

(b) The county clerk provides a notice as required pursuant to subsection 2 or executes an affidavit of cancellation pursuant to subsection 3; and

(c) The ***person or*** voter fails to present satisfactory proof of identity and residence pursuant to subsection 2, 4 or 5.

2. Except as otherwise provided in subsection 3, the county clerk shall notify the ***person or*** voter by registered or certified mail, return receipt requested, of a determination made pursuant to subsection 1. The notice must set forth the grounds for cancellation. Unless the ***person or*** voter, within 15 days after the return receipt has been filed in the office of the county clerk, presents satisfactory proof of identity and residence to the county clerk, the county clerk shall cancel the ***person's preregistration or the*** voter's registration ~~[.]~~ ***, as applicable.***

3. If insufficient time exists before a pending election to provide the notice required by subsection 2 ~~[,]~~ ***to a registered voter,*** the county clerk shall execute an affidavit of cancellation and file the affidavit of cancellation with the registrar of voters' register and:

(a) In counties where records of registration are not kept by computer, the county clerk shall attach a copy of the affidavit of cancellation in the roster.

(b) In counties where records of registration are kept by computer, the county clerk shall have the affidavit of cancellation printed on the computer entry for the registration and add a copy of it to the roster.

4. If a voter appears to vote at the election next following the date that an affidavit of cancellation was executed for the voter pursuant to this section, the voter must be allowed to vote only if the voter furnishes:

(a) Official identification which contains a photograph of the voter, including, without limitation, a driver's license or other official document; and

(b) Satisfactory identification that contains proof of the address at which the voter actually resides and that address is consistent with the address listed on the roster.

5. If a determination is made pursuant to subsection 1 concerning information in the registration to vote of a voter and an absent ballot or a ballot voted by a voter who resides in a mailing precinct is received from the voter, the ballot must be kept separate from other ballots and must not be counted unless the voter presents satisfactory proof to the county clerk of identity and residence before such ballots are counted on election day.

6. For the purposes of this section, a voter registration card issued pursuant to NRS 293.517 does not provide proof of the:

(a) Address at which a person actually resides; or

(b) Residence or identity of a person.

Sec. 61. NRS 293.543 is hereby amended to read as follows:

293.543 1. If the registration of an elector is cancelled pursuant to ***paragraph (b) of*** subsection 2 of NRS 293.540, the county clerk shall reregister the elector upon notice from the clerk of the district court that the elector has been found by the district court to have the mental capacity to vote. The court must include the finding in a court order and, not later than 30 days after issuing the order, provide a certified copy of the order to the county clerk of the county in which the person is a resident and to the Office of the Secretary of State.

2. If the registration of an elector is cancelled pursuant to ***paragraph (c) of*** subsection ~~[3]~~ ***2*** of NRS 293.540, the elector may reregister after presenting satisfactory evidence which demonstrates that the elector's:

(a) Conviction has been overturned; or

(b) Civil rights have been restored:

(1) If the elector was convicted in this State, pursuant to the provisions of NRS 213.090, 213.155 or 213.157.

(2) If the elector was convicted in another state, pursuant to the laws of the state in which he or she was convicted.

3. If the registration of an elector is cancelled pursuant to the provisions of ***paragraph (e) of*** subsection ~~[5]~~ ***2*** of NRS 293.540, the elector may reregister immediately.

4. If the registration of an elector is cancelled pursuant to the provisions of ***paragraph (f) of*** subsection ~~[6]~~ ***2*** of NRS 293.540, after the close of registration for a primary election, the elector may not reregister until after the primary election.

Sec. 61.3. (Deleted by amendment.)

Sec. 61.6. (Deleted by amendment.)

Sec. 62. (Deleted by amendment.)

Sec. 62.5. ~~[NRS 293.563 is hereby amended to read as follows:~~

~~293.563 1. During the interval between the closing of registration and the election, the county clerk shall prepare for [each].~~

~~*(a) Each* polling place a roster containing the registered voters eligible to vote at the polling place.~~

~~*(b) Each polling place established pursuant to section 2 or 72 of this act, if any, a roster containing the registered voters eligible to vote in the county or city, respectively.*~~

~~2. The [roster]~~ ***rosters*** ~~must be delivered or caused to be delivered by the county or city clerk to an election board officer of the proper polling place before the opening of the polls.]~~ **(Deleted by amendment.)**

Sec. 63. ~~[NRS 293.565 is hereby amended to read as follows:~~

~~293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:~~

~~(a) If applicable, the statement required by NRS 293.267;~~

~~(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;~~

~~(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;~~

~~(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and~~

~~(e) The full text of each proposed constitutional amendment.~~

~~2. If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.~~

~~3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:~~

~~(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;~~

~~(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and~~

~~(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.~~

~~4. A county clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a county clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the county clerk shall distribute the~~

~~sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.~~

~~5. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 4, the county clerk shall distribute the sample ballot to the registered voter by mail.~~

~~6. Before the period for early voting for any election begins, the county clerk shall distribute to each registered voter in the county by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place **[.] or** ***places.*** If the location of the polling place ***or places*** has changed since the last election:~~

~~(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before distributing the sample ballots; or~~

~~(b) The sample ballot must also include a notice in bold type immediately above the location which states:~~

~~NOTICE: THE LOCATION OF YOUR POLLING PLACE ***OR PLACES*** HAS CHANGED SINCE THE LAST ELECTION~~

~~7. Except as otherwise provided in subsection 8, a sample ballot required to be distributed pursuant to this section must:~~

~~(a) Be prepared in at least 12-point type; and~~

~~(b) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:~~

~~NOTICE: TO RECEIVE A SAMPLE BALLOT IN LARGE TYPE, CALL (Insert appropriate telephone number)~~

~~8. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.~~

~~9. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.~~

~~10. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots distributed to that person from the county are in large type.~~

~~11. The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place ***or places*** and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided~~

~~pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:~~

~~(a) The addresses of such centralized voting locations;~~

~~(b) The types of specially equipped voting devices available at such centralized voting locations; and~~

~~(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place **[.] *or places.***~~

~~12. The cost of distributing sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.~~**] (Deleted by amendment.)**

Sec. 63.5. (Deleted by amendment.)

Sec. 64. NRS 293.675 is hereby amended to read as follows:

293.675 1. The Secretary of State shall establish and maintain an official statewide voter registration list, which may be maintained on the Internet, in consultation with each county and city clerk.

2. The statewide voter registration list must:

(a) Be a uniform, centralized and interactive computerized list;

(b) Serve as the single method for storing and managing the official list of registered voters in this State;

(c) Serve as the official list of registered voters for the conduct of all elections in this State;

(d) Contain the name and registration information of every legally registered voter in this State;

(e) Include a unique identifier assigned by the Secretary of State to each legally registered voter in this State;

(f) Except as otherwise provided in subsection 6, be coordinated with the appropriate databases of other agencies in this State;

(g) Be electronically accessible to each state and local election official in this State at all times;

(h) Except as otherwise provided in subsection 7, allow for data to be shared with other states under certain circumstances; and

(i) Be regularly maintained to ensure the integrity of the registration process and the election process.

3. Each county and city clerk shall:

(a) ~~[Electronically]~~ ***Except for information related to the preregistration of persons to vote, electronically*** enter into the statewide voter registration list all information related to voter registration obtained by the county or city clerk at the time the information is provided to the county or city clerk; and

(b) Provide the Secretary of State with information concerning the voter registration of the county or city and other reasonable information requested by the Secretary of State in the form required by the Secretary of State to establish or maintain the statewide voter registration list.

4. In establishing and maintaining the statewide voter registration list, the Secretary of State shall enter into a cooperative agreement with the Department of Motor Vehicles to match information in the database of the statewide voter registration list with information in the appropriate database of the Department of Motor Vehicles to verify the accuracy of the information in an application to register to vote.

5. The Department of Motor Vehicles shall enter into an agreement with the Social Security Administration pursuant to 42 U.S.C. § ~~[15483,]~~ ***21083,*** to verify the accuracy of information in an application to register to vote.

6. Except as otherwise provided in NRS 481.063 or any provision of law providing for the confidentiality of information, the Secretary of State may enter into an agreement with an agency of this State pursuant to which the agency provides to the Secretary of State any information in the possession of the agency that the Secretary of State deems necessary to maintain the statewide voter registration list.

7. The Secretary of State may:

(a) Request from the chief officer of elections of another state any information which the Secretary of State deems necessary to maintain the statewide voter registration list; and

(b) Provide to the chief officer of elections of another state any information which is requested and which the Secretary of State deems necessary for the chief officer of elections of that state to maintain a voter registration list, if the Secretary of State is satisfied that the information provided pursuant to this paragraph will be used only for the maintenance of that voter registration list.

Sec. 65. NRS 293.710 is hereby amended to read as follows:

293.710 1. It is unlawful for any person, in connection with any election, petition or ***preregistration or*** registration of voters, whether acting himself or herself or through another person in his or her behalf, to:

(a) Use or threaten to use any force, intimidation, coercion, violence, restraint or undue influence;

(b) Inflict or threaten to inflict any physical or mental injury, damage, harm or loss upon the person or property of another;

(c) Expose or publish or threaten to expose or publish any fact concerning another in order to induce or compel such other to vote or refrain from voting for any candidate or any question;

(d) Impede or prevent, by abduction, duress or fraudulent contrivance, the free exercise of the franchise by any voter, or thereby to compel, induce or prevail upon any elector to give or refrain from giving his or her vote; or

(e) Discharge or change the place of employment of any employee with the intent to impede or prevent the free exercise of the franchise by such employee.

2. A person who violates a provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 66. ~~[NRS 293.730 is hereby amended to read as follows:~~

~~293.730 1. A person shall not:~~

~~(a) Remain in or outside of any polling place so as to interfere with the conduct of the election.~~

~~(b) Except an election board officer, receive from any voter a ballot prepared by the voter.~~

~~(c) Remove a ballot from any polling place before the closing of the polls.~~

~~(d) Apply for or receive a ballot at any election precinct or district other than [the] one at which the person is entitled to vote.~~

~~(e) Show his or her ballot to any person, after voting, so as to reveal any of the names voted for.~~

~~(f) Inside a polling place, ask another person for whom he or she intends to vote.~~

~~(g) Except an election board officer, deliver a ballot to a voter.~~

~~(h) Except an election board officer in the course of the election board officer's official duties, inside a polling place, ask another person his or her name, address or political affiliation.~~

~~2. A voter shall not:~~

~~(a) Receive a ballot from any person other than an election board officer.~~

~~(b) Deliver to an election board or to any member thereof any ballot other than the one received.~~

~~(c) Place any mark upon his or her ballot by which it may afterward be identified as the one voted by the person.~~

~~3. Any person who violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.]~~ **(Deleted by amendment.)**

Sec. 67. ~~[NRS 293.790 is hereby amended to read as follows:~~

~~293.790 If any person whose vote has been rejected offers to vote at the same election, at any polling place other than [the] one in which the person is [registered] *entitled* to vote, such person is guilty of a gross misdemeanor.]~~ **(Deleted by amendment.)**

Sec. 68. NRS 293.800 is hereby amended to read as follows:

293.800 1. A person who, for himself, herself or another person, willfully gives a false answer or answers to questions propounded to the person by the registrar or field registrar of voters relating to the information called for by the application to register to vote, or who willfully falsifies the application in any particular, or who violates any of the provisions of the election laws of this State or knowingly encourages another person to violate those laws is guilty of a category E felony and shall be punished as provided in NRS 193.130.

2. A public officer or other person, upon whom any duty is imposed by this title, who willfully neglects his or her duty or willfully performs it in such a way as to hinder the objects and purposes of the election laws of this State, except where another penalty is provided, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

3. If the person is a public officer, his or her office is forfeited upon conviction of any offense provided for in subsection 2.

4. ~~[A]~~ ***Except as otherwise provided in this subsection, a*** person who causes or endeavors to cause his or her name to be registered, knowing that he or she is not an elector or will not be an elector on or before the day of the next ensuing election in the precinct or district in which he or she causes or endeavors to cause the registration to be made, and any other person who induces, aids or abets the person in the commission of either of the acts is guilty of a category E felony and shall be punished as provided in NRS 193.130. ***The provisions of this subsection do not apply to a person who preregisters to vote.***

5. A field registrar or other person who provides to an elector an application to register to vote and who:

(a) Knowingly falsifies the application or knowingly causes an application to be falsified;

(b) Knowingly provides money or other compensation to another for a falsified application; or

(c) Intentionally fails to submit to the county clerk a completed application,

➥ is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 69. NRS 293.805 is hereby amended to read as follows:

293.805 1. It is unlawful for a person to provide compensation for ***preregistering or*** registering voters that is based upon:

(a) The total number of ***persons or*** voters a person ***preregisters or*** registers; or

(b) The total number of ***persons or*** voters a person ***preregisters or*** registers in a particular political party.

2. A person who violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 70. NRS 293.810 is hereby amended to read as follows:

293.810 It is unlawful for any person to be ***preregistered to vote or*** registered as a voter in more than one county at one time.

Sec. 71. ~~[Chapter 293C of NRS is hereby amended by adding thereto the provisions set forth as sections 72 to 76.5, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 72. ~~*[1. A city clerk may establish one or more polling places in the city where any person entitled to vote in the city by personal appearance may do so on the day of the primary city election or general city election.*~~

~~*2. Any person entitled to vote in the city by personal appearance may do so at any polling place established pursuant to subsection 1.]*~~ **(Deleted by amendment.)**

Sec. 73. (Deleted by amendment.)

Sec. 74. ~~[1. Except as otherwise provided in subsection 2, if a city clerk establishes one or more polling places pursuant to section 72 of this act, the city clerk must:~~

~~(a) Publish during the week before the election in a newspaper of general circulation a notice of the location of each such polling place.~~

~~(b) Post a list of the location of each such polling place on any bulletin board used for posting notice of meetings of the governing body of the city. The list must be posted continuously for a period beginning not later than the fifth business day before the election and ending at 7 p.m. on the day of the election. The city clerk shall make copies of the list available to the public during the period of posting in reasonable quantities without charge.~~

~~2. The provisions of subsection 1 do not apply if every polling place in the city is designated as a polling place where any person entitled to vote in the city by personal appearance may do so on the day of the primary city election or general city election.~~

~~3. No additional polling place may be established pursuant to section 72 of this act after the publication pursuant to this section, except in the case of an emergency and if approved by the Secretary of State.]~~ **(Deleted by amendment.)**

Sec. 75. ~~[1. For each polling place established pursuant to section 72 of this act, if any, the city clerk shall prepare a roster that contains, for every registered voter in the city, the voter's name, the address where he or she is registered to vote, his or her voter identification number, the voter's precinct or district number and the voter's signature.~~

~~2. The roster must be delivered or caused to be delivered by the city clerk to an election board officer of the proper polling place before the opening of the polls.]~~ **(Deleted by amendment.)**

Sec. 76. ~~[1. Except as otherwise provided in NRS 293C.272, upon the appearance of a person to cast a ballot at a polling place established pursuant to section 72 of this act, the election board officer shall:~~

~~(a) Determine that the person is a registered voter in the city and has not already voted in that city in the election;~~

~~(b) Instruct the voter to sign the roster or a signature card; and~~

~~(c) Verify the signature of the voter in the manner set forth in NRS 293C.270.~~

~~2. If the signature of the voter does not match, the voter must be identified by:~~

~~(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;~~

~~(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or~~

~~(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the card issued to the voter at the time he or she registered to vote.~~

~~*3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.*~~

~~*4. The city clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that city in the current election.*~~

~~*5. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place where he or she applies to vote.*~~

~~*6. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:*~~

~~*(a) Prepare the mechanical recording device for the voter;*~~

~~*(b) Ensure that the voter's precinct or voting district and the form of the ballot are indicated on the voting receipt, if the city clerk uses voting receipts; and*~~

~~*(c) Allow the voter to cast a vote.*~~

~~*7. A voter applying to vote at a polling place established pursuant to section 72 of this act may be challenged pursuant to NRS 293C.292.]*~~ **(Deleted by amendment.)**

Sec. 76.5. (Deleted by amendment.)

Sec. 77. ~~**[**NRS 293C.112 is hereby amended to read as follows:~~

~~293C.112 1. The governing body of a city may conduct a city election in which all ballots must be cast by mail if:~~

~~(a) The election is a special election; or~~

~~(b) The election is a primary city election or general city election in which the ballot includes only:~~

~~(1) Offices and ballot questions that may be voted on by the registered voters of only one ward; or~~

~~(2) One office or ballot question.~~

~~2. The provisions of NRS 293C.265 to 293C.302, inclusive,~~ ***and sections 72 to 76.5, inclusive, of this act,*** ~~293C.305 to 293C.340, inclusive, and 293C.355 to 293C.361, inclusive, do not apply to an election conducted pursuant to this section.~~

~~3. For the purposes of an election conducted pursuant to this section, each precinct in the city shall be deemed to have been designated a mailing precinct pursuant to NRS 293C.342.~~**]** **(Deleted by amendment.)**

Sec. 78. ~~**[**NRS 293C.267 is hereby amended to read as follows:~~

~~293C.267 1. Except as otherwise provided in subsection 2 and NRS 293C.297, at all elections held pursuant to the provisions of this chapter, the polls must open at 7 a.m. and close at 7 p.m.~~

~~2. Whenever at any election all the votes of the polling place, as shown on the roster, have been cast, the election board officers shall close the polls and the counting of votes must begin and continue without unnecessary delay~~

~~until the count is completed.~~ ***~~This subsection does not apply to any polling place established pursuant to section 72 of this act.~~***

~~3. Upon opening the polls, one of the election board officers shall cause a proclamation to be made so that all present may be aware of the fact that applications of registered voters to vote will be received.~~

~~4. No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this chapter.~~**]** **(Deleted by amendment.)**

Sec. 79. NRS 293C.270 is hereby amended to read as follows:

293C.270 1. Except as otherwise provided in NRS 293C.272, if a person's name appears in the roster or if the person provides an affirmation pursuant to NRS 293C.525, the person is entitled to vote and must sign his or her name in the roster ***or on a signature card*** when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's application to register to vote or one of the forms of identification listed in subsection 2.

2. The forms of identification that may be used to identify a voter at the polling place are:

(a) The card issued to the voter at the time he or she registered to vote ~~[~~**,**~~]~~ ***or was deemed to be registered to vote;***

(b) A driver's license;

(c) An identification card issued by the Department of Motor Vehicles;

(d) A military identification card; or

(e) Any other form of identification issued by a governmental agency that contains the voter's signature and physical description or picture.

~~***[3. The city clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that city in the current election.]***~~

Sec. 80. NRS 293C.272 is hereby amended to read as follows:

293C.272 1. If, because of physical limitations, a registered voter is unable to sign his or her name in the roster ***or on a signature card*** as required by NRS 293C.270, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the card issued to the voter at the time he or she registered to vote ~~[~~**.**~~]~~ ***or was deemed to be registered to vote.***

2. If the identity of the voter is verified, the election board officer shall indicate in the roster "Identified" by the voter's name.

Sec. 81. NRS 293C.275 is hereby amended to read as follows:

293C.275 1. Except as otherwise provided in NRS 293C.272, a registered voter who applies to vote must state his or her name to the election board officer in charge of the roster, and the officer shall immediately announce the name, instruct the voter to sign the roster ~~[and]~~ ***or signature card,*** verify the signature of the voter in the manner set forth in NRS 293C.270. ~~***[and verify that the registered voter has not already voted in that city in the current election.]***~~

2. If the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the card issued to the voter at the time he or she registered to vote ~~[.]~~ ***or was deemed to be registered to vote.***

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

Sec. 82. ~~[NRS 293C.282 is hereby amended to read as follows:~~

~~293C.282 1. Any registered voter who, because of a physical disability or an inability to read or write English, is unable to mark a ballot or use any voting device without assistance is entitled to assistance from a consenting person of his or her own choice, except:~~

~~(a) The voter's employer or an agent of the voter's employer; or~~

~~(b) An officer or agent of the voter's labor organization.~~

~~2. A person providing assistance pursuant to this section to a voter in casting a vote shall not disclose any information with respect to the casting of that ballot.~~

~~3. The right to assistance in casting a ballot may not be denied or impaired when the need for assistance is apparent or is known to the election board or any member thereof or when the registered voter requests such assistance in any manner.~~

~~4. In addition to complying with the requirements of this section, the city clerk and election board officer shall, upon the request of a registered voter with a physical disability, make reasonable accommodations to allow the voter to vote at [his or her] a polling place [.] at which he or she is entitled to vote.]~~ **(Deleted by amendment.)**

Sec. 82.2. (Deleted by amendment.)

Sec. 82.4. (Deleted by amendment.)

Sec. 82.6. (Deleted by amendment.)

Sec. 82.8. (Deleted by amendment.)

Sec. 83. NRS 293C.3585 is hereby amended to read as follows:

293C.3585 1. Except as otherwise provided in NRS 293C.272, upon the appearance of a person to cast a ballot for early voting, an election board officer shall:

(a) Determine that the person is a registered voter in the county.

(b) Instruct the voter to sign the roster for early voting ~~[.]~~ ***or a signature card.***

(c) Verify the signature of the voter in the manner set forth in NRS 293C.270.

(d) Verify that the voter has not already voted ~~***[in that city]***~~ in the current election ~~***[.]***~~ pursuant to this section.

2. If the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the card issued to the voter at the time he or she registered to vote ~~[.]~~ ***or was deemed to be registered to vote.***

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The city clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted ***in that city*** in the current election pursuant to this section.

5. The roster for early voting ***or signature card, as applicable,*** must contain:

(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number, if that information is available; and

(c) The date of voting early in person.

6. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

7. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district, if that information is available, and the form of ballot are indicated on the voting receipt, if the city clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

8. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293C.292.

Sec. 83.5. NRS 293C.3604 is hereby amended to read as follows:

293C.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election other than a presidential preference primary election:

1. At the close of each voting day, the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

(1) The title of the election;

(2) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;

(3) The number of ballots voted on the mechanical recording device for that day; ~~[and]~~

(4) The number of signatures in the roster for early voting for that day ~~[.]~~ ***; and***

(5) The number of signatures on signature cards for that day.

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293C.3594; and

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293C.3594.

2. At the close of the last voting day, the city clerk shall deliver to the ballot board for early voting:

(a) The statements for all polling places for early voting;

(b) The voting rosters used for early voting;

(c) ***The signature cards used for early voting;***

(d) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and

~~[(d)]~~ ***(e)*** Any other items as determined by the city clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

(a) Indicate the number of ballots on an official statement of ballots; and

(b) Place the storage devices in the container provided to transport those items to the central counting place and seal the container with a number seal. The official statement of ballots must accompany the storage devices to the central counting place.

Sec. 84. NRS 293C.389 is hereby amended to read as follows:

293C.389 The governing body of a city, a city clerk and any other person who prepares an abstract of votes or other report of votes pursuant to this chapter shall not include in that abstract or report a person designated as an inactive voter pursuant to ***paragraph (g) of*** subsection ~~[7]~~ ***1*** of NRS 293.530 when determining the percentage of voters who have voted or the total number of voters.

Sec. 85. NRS 293C.520 is hereby amended to read as follows:

293C.520 1. The city clerk may designate any building owned or leased by the city, or any portion of such a building, as a municipal facility at which ***persons may preregister to vote or*** electors may register to vote.

2. A municipal facility designated pursuant to subsection 1 must be operated as an auxiliary municipal facility at which ~~[voter]~~ ***preregistration and*** registration ~~[is]~~ ***are*** carried out in addition to being carried out at the office of the city clerk.

3. If the city clerk designates a municipal facility pursuant to subsection 1, the city clerk shall determine the hours of operation for the facility and shall, in cooperation with the Secretary of State, ensure that the facility is operated, staffed and equipped in compliance with all applicable provisions of this title and all other applicable provisions of state and federal law relating to the ***preregistration of persons and*** registration of electors in this State.

Sec. 85.5. (Deleted by amendment.)

Sec. 86. ~~[NRS 293C.530 is hereby amended to read as follows:~~

~~293C.530 1. A city clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a city clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the city clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.~~

~~2. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 1, the city clerk shall distribute the sample ballot to the registered voter by mail.~~

~~3. Before the period for early voting for any election begins, the city clerk shall distribute to each registered voter in the city by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place~~ ***[.] or places.*** ~~If the location of the polling place~~ ***or places*** ~~has changed since the last election:~~

~~(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before distributing the sample ballots; or~~

~~(b) The sample ballot must also include a notice in bold type immediately above the location which states:~~

~~NOTICE: THE LOCATION OF YOUR POLLING PLACE *OR PLACES* HAS CHANGED SINCE THE LAST ELECTION~~

~~4. Except as otherwise provided in subsection 6, a sample ballot required to be distributed pursuant to this section must:~~

~~(a) Be prepared in at least 12-point type;~~

~~(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 295.205 or 295.217; and~~

~~(c) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:~~

~~NOTICE: TO RECEIVE A SAMPLE BALLOT IN LARGE TYPE, CALL (Insert appropriate telephone number)~~

~~5. The word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.~~

~~6. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.~~

~~7. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.~~

~~8. If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots distributed to that person from the city are in large type.~~

~~9. The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place *or places* and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:~~

~~(a) The addresses of such centralized voting locations;~~

~~(b) The types of specially equipped voting devices available at such centralized voting locations; and~~

~~(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place ~~[.]~~ *or places.*~~

~~10. The cost of distributing sample ballots for a city election must be borne by the city holding the election.~~~~]~~ **(Deleted by amendment.)**

Sec. 87. ~~[~~NRS 293C.535 is hereby amended to read as follows:

~~293C.535 1. Except as otherwise provided by special charter, registration of electors in incorporated cities must be accomplished in the manner provided in this chapter.~~

~~2. The county clerk shall use the statewide voter registration list to prepare for the city clerk of each incorporated city within the county the roster of all electors eligible to vote at a regular or special city election.~~

~~3. [The]~~ ***Except as otherwise provided in section 75 of this act, the*** ~~rosters must be prepared, one for each ward or other voting district within each incorporated city. The entries in the roster must be arranged alphabetically with the surnames first.~~

~~4. The county clerk shall keep duplicate originals or copies of the applications to register to vote in the county clerk's office.]~~ **(Deleted by amendment.)**

Sec. 88. (Deleted by amendment.)

Sec. 89. ~~[NRS 293C.715 is hereby amended to read as follows:~~

~~293C.715 1. If a city clerk maintains a website on the Internet for information relating to elections, the website must contain public information maintained, collected or compiled by the city clerk that relates to elections, which must include, without limitation:~~

~~(a) The locations of polling places for casting a ballot on election day in such a form that a registered voter may search the list to determine the location of the polling place~~ ***or places*** ~~at which the registered voter is [required]~~ ***entitled*** ~~to cast a ballot; and~~

~~(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293C.387.~~

~~2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.~~

~~3. If the information required to be maintained by a city clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, a county clerk or another city clerk, the city clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.]~~ **(Deleted by amendment.)**

Sec. 90. NRS 293C.720 is hereby amended to read as follows:

293C.720 Each city clerk is encouraged to:

1. Not later than the earlier date of the first notice provided pursuant to subsection 4 of NRS 293.560 or NRS 293C.187, notify the public, through means designed to reach members of the public who are elderly or disabled, of the provisions of NRS 293C.281, 293C.282, 293C.310, subsection 1 of NRS 293C.312, NRS 293C.317 and 293C.318.

2. Provide in alternative audio and visual formats information concerning elections, information concerning how to ***preregister or*** register to vote and information concerning the manner of voting for use by a person who is elderly or disabled, including, without limitation, providing such information through a telecommunications device that is accessible to a person who is deaf.

3. Not later than 5 working days after receiving the request of a person who is elderly or disabled, provide to the person, in a format that can be used by the person, any requested material that is:

(a) Related to elections; and

(b) Made available by the city clerk to the public in printed form.

Sec. 91. NRS 293D.200 is hereby amended to read as follows:

293D.200 1. The Secretary of State shall make available to covered voters information regarding voter registration procedures for covered voters and procedures for casting military-overseas ballots.

2. The Secretary of State shall establish a system of approved electronic transmission through which covered voters may apply for, receive and send documents and other information pursuant to this chapter. The system of approved electronic transmission must include, without limitation, a method by which a covered voter may provide his or her digital signature or electronic signature on any document or other material that is necessary for the covered voter to register to vote, apply for a military-overseas ballot or cast a military-overseas ballot pursuant to this chapter.

3. The Secretary of State shall develop standardized absentee-voting materials, including, without limitation, privacy and transmission envelopes and their electronic equivalents, authentication materials and voting instructions, to be used with the military-overseas ballot of a covered voter authorized to vote in any jurisdiction in this State and, to the extent reasonably possible, shall do so in coordination with other states.

4. The Secretary of State shall prescribe the form and content of a declaration for use by a covered voter to swear or affirm specific representations pertaining to the covered voter's identity, eligibility to vote, status as a covered voter and timely and proper completion of a military-overseas ballot. The declaration must be based on the declaration prescribed to accompany a federal write-in absentee ballot under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, **[**~~42~~**]** ***52*** U.S.C. § **[**~~1973ff-2,~~**]** ***20303,*** as modified to be consistent with this chapter. The Secretary of State shall ensure that a form for the execution of the declaration, including an indication of the date of execution of the declaration, is a prominent part of all balloting materials for which the declaration is required.

5. The Secretary of State shall prescribe by regulation the duties of a local elections official upon receipt of a military-overseas ballot, including, without limitation, the procedures to be used by a local elections official in accepting, handling and counting a military-overseas ballot.

6. The Secretary of State shall prescribe the form and content of an application for a United States citizen who is outside the United States to preregister to vote if:

(a) The person would have been able to preregister to vote pursuant to section 14 of this act except for the residency requirement; and

(b) The last place where a parent or legal guardian of the person was, or under this chapter would have been, eligible to vote before leaving the United States is within this State.

Sec. 92. NRS 293D.210 is hereby amended to read as follows:

293D.210 An overseas voter is eligible to be a covered voter if:

1. Before leaving the United States, the overseas voter was eligible to vote in this State and, except for the residency requirement, otherwise satisfies this State's voter eligibility requirements;

2. Before leaving the United States, the overseas voter would have been eligible to vote in this State had the overseas voter then been of voting age and, except for the residency requirement, otherwise satisfies this State's voter eligibility requirements; ~~[or]~~

3. ~~[Was]~~ ***Before leaving the United States, the overseas voter was preregistered to vote as described in section 14 of this act and, except for the residency requirement, otherwise satisfies this State's voter eligibility requirements; or***

4. The overseas voter was born outside the United States and, except for the residency requirement, otherwise satisfies the voter eligibility requirements set forth in NRS 293.485, so long as:

(a) The last place where a parent or legal guardian of the overseas voter was, or under this chapter would have been, eligible to vote before leaving the United States is within this State; and

(b) The overseas voter is not registered to vote in any other state.

Sec. 93. NRS 293D.230 is hereby amended to read as follows:

293D.230 1. In addition to any other method of registering to vote set forth in chapter 293 of NRS, a covered voter may use a federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, ~~[42]~~ ***52*** U.S.C. § ~~[1973ff(b)(2),]~~ ***20301(b)(2),*** or the application's electronic equivalent, to apply to register to vote ~~[.]~~ ***, if the federal postcard application is received by the appropriate local elections official by the seventh day before the election. If the federal postcard application is received after the seventh day before the election, it must be treated as an application to register to vote for subsequent elections.***

2. A covered voter may use the declaration accompanying the federal write-in absentee ballot, as prescribed under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, ~~[42]~~ ***52*** U.S.C. § ~~[1973ff-2,]~~ ***20303,*** to apply to register to vote simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the seventh day before the election. If the declaration is received after the seventh day before the election, it must be treated as an application to register to vote for subsequent elections.

3. The Secretary of State shall ensure that the system of approved electronic transmission described in subsection 2 of NRS 293D.200 is capable of accepting:

(a) Both a federal postcard application and any other approved electronic registration application sent to the appropriate local elections official; and

(b) A digital signature or an electronic signature of a covered voter on the documents described in paragraph (a).

4. The covered voter may use the system of approved electronic transmission or any other method set forth in chapter 293 of NRS to register to vote.

Sec. 94. NRS 293D.300 is hereby amended to read as follows:

293D.300 1. A covered voter who is registered to vote in this State may apply for a military-overseas ballot by submitting a federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, ~~[42]~~ ***52*** U.S.C. § ~~[1973ff(b)(2),]~~ ***20301(b)(2),*** or the application's electronic equivalent, ~~[pursuant to this section.]~~ ***if the federal postcard application is received by the appropriate local elections official by the seventh day before the election.***

2. A covered voter who is not registered to vote in this State may use the federal postcard application or the application's electronic equivalent simultaneously to apply to register to vote pursuant to NRS 293D.230 and to apply for a military-overseas ballot ~~[.]~~ ***, if the federal postcard application is received by the appropriate local elections official by the seventh day before the election. If the federal postcard application is received after the seventh day before the election, it must be treated as an application to register to vote for subsequent elections.***

3. The Secretary of State shall ensure that the system of approved electronic transmission described in subsection 2 of NRS 293D.200 is capable of accepting the submission of:

(a) Both a federal postcard application and any other approved electronic military-overseas ballot application sent to the appropriate local elections official; and

(b) A digital signature or an electronic signature of a covered voter on the documents described in paragraph (a).

4. A covered voter may use approved electronic transmission or any other method approved by the Secretary of State to apply for a military-overseas ballot.

5. A covered voter may use the declaration accompanying the federal write-in absentee ballot, as prescribed under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, ~~[42]~~ ***52*** U.S.C. § ~~[1973ff-2,]~~ ***20303,*** as an application for a military-overseas ballot simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the appropriate local elections official by the seventh day before the election.

6. To receive the benefits of this chapter, a covered voter must inform the appropriate local elections official that he or she is a covered voter. Methods of informing the appropriate local elections official that a person is a covered voter include, without limitation:

(a) The use of a federal postcard application or federal write-in absentee ballot;

(b) The use of an overseas address on an approved voting registration application or ballot application; and

(c) The inclusion on an application to register to vote or an application for a military-overseas ballot of other information sufficient to identify that the person is a covered voter.

7. This chapter does not prohibit a covered voter from applying for an absent ballot pursuant to the provisions of NRS 293.315 or voting in person.

Sec. 95. (Deleted by amendment.)

Sec. 96. NRS 293D.320 is hereby amended to read as follows:

293D.320 1. For all covered elections for which this State has not received a waiver pursuant to section 579 of the Military and Overseas Voter Empowerment Act, ~~[42 U.S.C. § 1973ff-1(g)(2),]~~ ***52 U.S.C. § 20302,*** not later than 45 days before the election or, if the 45th day before the election is a weekend or holiday, not later than the business day preceding the 45th day, the local elections official in each jurisdiction charged with distributing military-overseas ballots and balloting materials shall transmit military-overseas ballots and balloting materials to all covered voters who by that date submit a valid application for military-overseas ballots.

2. A covered voter who requests that a military-overseas ballot and balloting materials be sent to the covered voter by approved electronic transmission may choose to receive the military-overseas ballot and balloting materials by:

(a) Facsimile transmission;

(b) Electronic mail delivery; or

(c) The system of approved electronic transmission that is established by the Secretary of State pursuant to subsection 2 of NRS 293D.200.

➥ The local elections official in each jurisdiction shall transmit the military-overseas ballot and balloting materials to the covered voter using the means of approved electronic transmission chosen by the covered voter.

3. If an application for a military-overseas ballot from a covered voter arrives after the jurisdiction begins transmitting ballots and balloting materials to other voters, the local elections official shall transmit the military-overseas ballot and balloting materials to the covered voter not later than 2 business days after the application arrives.

4. If a covered voter does not receive his or her military-overseas ballot and balloting materials for any reason, including, without limitation, as a result of a change in the duty station of the covered voter, the covered voter may, not later than the close of polls on election day:

(a) Request that the local elections official resend to the covered voter his or her military-overseas ballot and balloting materials by:

(1) Facsimile transmission;

(2) Electronic mail delivery; or

(3) The system of approved electronic transmission that is established by the Secretary of State pursuant to subsection 2 of NRS 293D.200.

(b) Cast his or her military-overseas ballot by:

(1) Facsimile transmission;

(2) Electronic mail delivery; or

(3) The system of approved electronic transmission that is established by the Secretary of State pursuant to subsection 2 of NRS 293D.200.

Sec. 97. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, ***293.504,*** ~~***[293.524,]***~~ 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240,

463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 14 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 98. (Deleted by amendment.)

Sec. 99. NRS 483.290 is hereby amended to read as follows:

483.290 1. An application for an instruction permit or for a driver's license must:

(a) Be made upon a form furnished by the Department.

(b) Be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.

(c) Be accompanied by the required fee.

(d) State the full legal name, date of birth, sex, address of principal residence and mailing address, if different from the address of principal residence, of the applicant and briefly describe the applicant.

(e) State whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal.

(f) Include such other information as the Department may require to determine the competency and eligibility of the applicant.

2. Every applicant must furnish proof of his or her full legal name and age by displaying:

(a) An original or certified copy of the required documents as prescribed by regulation; or

(b) A photo identification card issued by the Department of Corrections pursuant to NRS 209.511.

3. The Department shall adopt regulations prescribing the documents an applicant may use to furnish proof of his or her full legal name and age to the Department pursuant to paragraph (a) of subsection 2.

4. At the time of applying for a driver's license, an applicant may, if eligible, ***preregister or*** register to vote pursuant to NRS 293.524.

5. Every applicant who has been assigned a social security number must furnish proof of his or her social security number by displaying:

(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or

(b) Other proof acceptable to the Department, including, without limitation, records of employment or federal income tax returns.

6. The Department may refuse to accept a driver's license issued by another state, the District of Columbia or any territory of the United States if the Department determines that the other state, the District of Columbia or the territory of the United States has less stringent standards than the State of Nevada for the issuance of a driver's license.

7. With respect to any document presented by a person who was born outside of the United States to prove his or her full legal name and age, the Department:

(a) May, if the document has expired, refuse to accept the document or refuse to issue a driver's license to the person presenting the document, or both; and

(b) Shall issue to the person presenting the document a driver's license that is valid only during the time the applicant is authorized to stay in the United States, or if there is no definite end to the time the applicant is authorized to stay, the driver's license is valid for 1 year beginning on the date of issuance.

8. The Administrator shall adopt regulations setting forth criteria pursuant to which the Department will issue or refuse to issue a driver's license in accordance with this section to a person who is a citizen of any state, the District of Columbia, any territory of the United States or a foreign country. The criteria pursuant to which the Department shall issue or refuse to issue a driver's license to a citizen of a foreign country must be based upon the purpose for which that person is present within the United States.

9. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an instruction permit or for a driver's license. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.

Sec. 100. NRS 483.850 is hereby amended to read as follows:

483.850 1. Every application for an identification card must be made upon a form provided by the Department and include, without limitation:

(a) The applicant's:

(1) Full legal name.

(2) Date of birth.

(3) State of legal residence.

(4) Current address of principal residence and mailing address, if different from his or her address of principal residence, in this State, unless the applicant is on active duty in the military service of the United States.

(b) A statement from:

(1) A resident stating that he or she does not hold a valid driver's license or identification card from any state or jurisdiction; or

(2) A seasonal resident stating that he or she does not hold a valid Nevada driver's license.

2. When the form is completed, the applicant must sign the form and verify the contents before a person authorized to administer oaths.

3. An applicant who has been issued a social security number must provide to the Department for inspection:

(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or

(b) Other proof acceptable to the Department bearing the social security number of the applicant, including, without limitation, records of employment or federal income tax returns.

4. At the time of applying for an identification card, an applicant may, if eligible, ***preregister or*** register to vote pursuant to NRS 293.524.

5. A person who possesses a driver's license or identification card issued by another state or jurisdiction who wishes to apply for an identification card pursuant to this section shall surrender to the Department the driver's license or identification card issued by the other state or jurisdiction at the time the person applies for an identification card pursuant to this section.

Sec. 101. (Deleted by amendment.)

Sec. 102. (Deleted by amendment.)

Sec. 103. (Deleted by amendment.)

Sec. 104. (Deleted by amendment.)

Sec. 105. (Deleted by amendment.)

Sec. 106. (Deleted by amendment.)

Sec. 107. (Deleted by amendment.)

Sec. 108. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2018, for all other purposes.

Assemblywoman Diaz moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 144.

Motion carried by a constitutional majority.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 405, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 550, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 405 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Senate Bill No. 550.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1153.

SUMMARY—Makes an appropriation to a disbursement account for costs relating to a human resource management information system for the Clark County School District **[.]** **and an appropriation to the Washoe County School District for certain other expenses and an appropriation to the Nevada Alliance of Boys and Girls Clubs, Inc. for certain grants.** (BDR S-1231)

AN ACT relating to financial administration; creating a disbursement account for administration by the Legislative Counsel Bureau; making an appropriation to the disbursement account for costs relating to a human resource management information system for the Clark County School District; **making an appropriation to the Washoe County School District for certain expenses; making an appropriation to the Nevada Alliance of Boys and Girls Clubs, Inc. for certain grants;** and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby created in the State General Fund a disbursement account to be administered by the Legislative Counsel Bureau.

2. Money appropriated to the disbursement account must be allocated to the Clark County School District pursuant to section 2 of this act from time to time upon submittal by the School District to the Legislative Counsel Bureau of an appropriate request for an allocation that is based on costs incurred for a human resource management information system for the School District.

Sec. 2. 1. There is hereby appropriated from the State General Fund to the disbursement account created by section 1 of this act the sum of $17,000,000 for costs relating to a human resource management information system for the Clark County School District.

2. Upon acceptance of the first allocation of money appropriated by subsection 1, the Superintendent of the Clark County School District agrees to:

(a) Prepare and transmit progress reports to the Interim Finance Committee at 6-month intervals that describe each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the School District through December 31, 2020;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 17, 2021, that describes each expenditure made from

the money appropriated by subsection 1 from the date on which the money was received by the School District through June 30, 2021; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the School District, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated by subsection 1.

Sec. 3. Any remaining balance of the appropriation made by section 2 of this act must not be committed for expenditure after June 30, 2021, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2021, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2021.

Sec. 3.1. **The State Controller shall transfer from the Account to Stabilize the Operation of the State Government created by NRS 353.288 to the State General Fund the sum of $5,000,000 for unrestricted State General Fund use.**

Sec. 3.3. **There is hereby appropriated from the State General Fund to the Washoe County School District the sum of $5,000,000 in Fiscal Year 2017-2018 for expenses related to information technology, buses and school police vehicles.**

Sec. 3.5. **Any remaining balance of the appropriation made by section 3.3 of this act must not be committed for expenditure after June 30, 2018, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 21, 2018, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 21, 2018.**

Sec. 3.7. **1. There is hereby appropriated from the State General Fund to the Nevada Alliance of Boys and Girls Clubs, Inc. the following sums:**

For the Fiscal Year 2017-2018..... $1,000,000

For the Fiscal Year 2018-2019..... $1,000,000

2. A Boys and Girls Club operating in this State may apply to the Nevada Alliance of Boys and Girls Clubs, Inc. for a grant of money from the appropriation made by subsection 1 to provide educational and life skills training.

3. Upon acceptance of the money appropriated by subsection 1, the Nevada Alliance of Boys and Girls Clubs, Inc. agrees to:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 21, 2018, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Nevada Alliance of Boys and Girls Clubs, Inc. through December 1, 2018.

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 20, 2019, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Nevada Alliance of Boys and Girls Clubs, Inc. through June 30, 2019; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the Nevada Alliance of Boys and Girls Clubs, Inc., regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated by subsection 1.

Sec. 3.9. **The sums appropriated by section 3.7 of this act are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2019.**

Sec. 4. ~~[This]~~

1. This section and sections 1, 2 and 3 of this act ~~[becomes]~~ **become** effective upon passage and approval.

2. Sections 3.1 to 3.9, inclusive, of this act become effective on July 1, 2017.

Assemblywoman Carlton moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 554, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

GENERAL FILE AND THIRD READING

Senate Bill No. 550.

Bill read third time.

Roll call on Senate Bill No. 550:

YEAS—37.

NAYS—Ellison, Krasner, Marchant, McArthur, Titus—5.

Senate Bill No. 550 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 368 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 368.

Bill read third time.

The following amendment was proposed by the Assemblymen Frierson, Elliot Anderson, Araujo, Benitez-Thompson, Bilbray-Axelrod, Brooks, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Flores, Fumo, Jauregui, Joiner, McCurdy II, Miller, Monroe-Moreno, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson, Watkins and Yeager

Senators Ford, Atkinson, Cancela, Cannizzaro, Denis, Farley, Manendo, Parks, Ratti, Segerblom, Spearman and Woodhouse:

Amendment No. 1164.

SUMMARY—~~[Revises provisions relating to criminal procedure.]~~ **Provides for compensation of state employees.** (BDR ~~[14-113)]~~ **S-113)**

AN ACT relating to ~~[criminal procedure; establishing requirements concerning certain motions to suppress evidence; providing for the return and inadmissibility as evidence of property which is seized as a result of certain unlawful stops or seizures and subsequent arrests and searches;]~~ **public employees; making appropriations from the State General Fund and State Highway Fund for increases in the salaries of certain employees of the State;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Generally, the exclusionary rule requires courts to exclude evidence that law enforcement obtains in violation of the Fourth Amendment of the United States Constitution, which bars unreasonable searches and seizures. The United States Supreme Court and the Nevada Supreme Court recognized an exception to the exclusionary rule under the "attenuation doctrine," holding that "when a constitutional violation is far enough removed from the acquisition of the evidence, the violation is sufficiently 'attenuated so as to dissipate the taint' of the illegality and the evidence may be admitted." (Torres v. State, 131 Nev. Adv. Op. 2, 341 P.3d 652 (2015), citing Wong Sun~~

~~v. United States, 171 U.S. 471, 491 (1993)) However, the Nevada Supreme Court in Torres held that the discovery of a warrant of arrest does not purge the taint from an illegal seizure and that the attenuation doctrine does not apply under such circumstances. See Torres, 131 Nev. Adv. Op. 2, at 11, 341 P.3d at 658.~~

~~In 2016, the United States Supreme Court extended the attenuation doctrine to admit evidence seized in situations in which a law enforcement officer makes an unconstitutional investigatory stop, discovers during the stop that the person stopped is the subject of an outstanding arrest warrant, arrests the person and seizes evidence in a search conducted incident to the arrest. (Utah v. Strieff, 579 U.S. ___, 136 S.Ct. 2056 (2016)) Pursuant to the decision of the United States Supreme Court in Strieff, the judgment of the Nevada Supreme Court in Torres was vacated and the attenuation doctrine was extended to allow the admissibility of evidence seized under such circumstances. (State v. Torres, 136 S.Ct. 2505 (2016)) Section 1.5 of this bill provides that the attenuation doctrine is not extended to permit the admissibility of evidence seized under such circumstances.~~

~~Section 1 of this bill requires that a motion to suppress evidence: (1) generally be in writing; and (2) if submitted in writing, comply with all applicable provisions of law and court rules governing the procedure for filing such a motion. However, section 1 authorizes a motion to suppress evidence which is made in justice court to be made orally unless a party requests that the motion be submitted in writing.~~**]**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 3 of this bill and replace with the following new sections 1 through 6:

Section 1. **The approximate maximum salaries as set forth in section 1 of Assembly Bill No. 517 of this session must be increased by an additional 1 percent effective on July 1, 2017, and an additional 1 percent effective on July 1, 2018.**

Sec. 2. **1. There is hereby appropriated from the State General Fund to the State Board of Examiners for reimbursement to any department, commission or agency of the State of Nevada, including the Judicial Department of the State Government, which receives part or all of its funding from the State General Fund, for the difference between the maximum amount allowed in sections 1, 2 and 3 of Assembly Bill No. 517 of this session and the amount budgeted for that purpose and to provide salary increases as provided in section 1 of this act:**

For the Fiscal Year 2017-2018	**$442,788**
For the Fiscal Year 2018-2019	**$888,644**

2. There is hereby appropriated from the State Highway Fund to the State Board of Examiners for reimbursement to a state agency, which

receives part or all of its funding from the State Highway Fund, for the difference between the maximum amount allowed in sections 1, 2 and 3 of Assembly Bill No. 517 of this session and the amount budgeted for that purpose and to provide salary increases as provided in section 1 of this act:

For the Fiscal Year 2017-2018..... $15,502

For the Fiscal Year 2018-2019..... $31,612

3. The State Board of Examiners, upon the recommendation of the Director of the Office of Finance in the Office of the Governor, may allocate and disburse from the appropriate fund to various departments, commissions and agencies of the State of Nevada, out of the money appropriated by this section such sums of money as may from time to time be required, which, when added to the money otherwise appropriated or available, equal the amount of money required to pay the salaries of the unclassified employees of the respective departments, commissions and agencies under the adjusted pay plan.

Sec. 3. **1. Except as otherwise provided in this act, to effect increases in salaries of approximately an additional 1 percent, effective on July 1, 2017, and an additional 1 percent effective on July 1, 2018, there is hereby appropriated from the State General Fund to the State Board of Examiners for the fiscal year beginning on July 1, 2017, and ending on June 30, 2018, the sum of $3,877,096 and for the fiscal year beginning on July 1, 2018, and ending on June 30, 2019, the sum of $8,078,503, for the purpose of meeting any deficiencies which may be created between the appropriated money of the respective departments, commissions and agencies of the State of Nevada, as fixed by the 79th Session of the Nevada Legislature and the requirements for salaries of the classified and nonclassified personnel of those departments, commissions and agencies, including the Judicial Department of the State Government, necessary under an adjusted pay plan, except those employees whose salaries have been retained, to become effective on July 1, 2017.**

2. The State Board of Examiners, upon the recommendation of the Director of the Office of Finance in the Office of the Governor, may allocate and disburse to various departments, commissions and agencies of the State of Nevada, out of the money appropriated by this section such sums of money as may from time to time be required, which when added to the money otherwise appropriated or available equal the amount of money required to pay the salaries of the classified and nonclassified employees of the respective departments, commissions and agencies under the adjusted pay plan. The sums appropriated by this section may not be allocated and disbursed to address a deficiency between the appropriated money as fixed by the 79th Session of the Nevada Legislature and the requirements for salaries resulting from any

circumstance other than the increases in salaries described in this section.

Sec. 4. **1. To effect increases in salaries of approximately an additional 1 percent effective on July 1, 2017, and an additional 1 percent effective on July 1, 2018, there is hereby appropriated from the State Highway Fund to the State Board of Examiners for the fiscal year beginning on July 1, 2017, and ending on June 30, 2018, the sum of $664,419 and for the fiscal year beginning on July 1, 2018, and ending on June 30, 2019, the sum of $1,379,660, for the purpose of meeting any deficiencies which may exist between the appropriated money of the Department of Motor Vehicles, Department of Public Safety and Nevada Transportation Authority as fixed by the 79th Session of the Nevada Legislature and the requirements for salaries of classified personnel of the Department of Motor Vehicles, Department of Public Safety and Nevada Transportation Authority necessary under an adjusted pay plan, except those employees whose salaries have been retained, to become effective on July 1, 2017.**

2. The State Board of Examiners, upon the recommendation of the Director of the Office of Finance in the Office of the Governor, may allocate and disburse to the Department of Motor Vehicles, the Department of Public Safety and the Nevada Transportation Authority out of the money appropriated by this section such sums of money as may from time to time be required, which when added to the money otherwise appropriated or available equal the amount of money required to meet and pay the salaries of the classified employees of the Department of Motor Vehicles, Department of Public Safety and Nevada Transportation Authority under the adjusted pay plan. The sums appropriated by this section may not be allocated and disbursed to address a deficiency between the appropriated money as fixed by the 79th Session of the Nevada Legislature and the requirements for salaries resulting from any circumstance other than the increases in salaries described in this section.

Sec. 5. **1. To effect increases in salaries of approximately an additional 1 percent effective on July 1, 2017, and an additional 1 percent effective on July 1, 2018, there is hereby appropriated from the State General Fund to the State Board of Examiners for the fiscal year beginning on July 1, 2017, and ending on June 30, 2018, the sum of $876,508 and for the fiscal year beginning on July 1, 2018, and ending on June 30, 2019, the sum of $1,811,494, for the purpose of meeting any deficiencies which may be created between the appropriated money of the Nevada System of Higher Education as fixed by the 79th Session of the Nevada Legislature and the requirements for salaries of the classified personnel of the Nevada System of Higher Education necessary under the adjusted pay plan, except those employees whose salaries have been retained, to become effective on July 1, 2017.**

2. To effect increases in salaries of approximately an additional 1 percent effective on July 1, 2017, and an additional 1 percent effective on July 1, 2018, there is hereby appropriated from the State General Fund to the State Board of Examiners for the fiscal year beginning on July 1, 2017, and ending on June 30, 2018, the sum of $3,835,901 and for the fiscal year beginning on July 1, 2018, and ending on June 30, 2019, the sum of $7,849,807, for the purpose of meeting any deficiencies which may be created between the appropriated money of the Nevada System of Higher Education as fixed by the 79th Session of the Nevada Legislature and the requirements for increasing the salaries of those professional employees of the Nevada System of Higher Education whose positions are included in the Executive Budget as approved by the 79th Session of the Nevada Legislature, to become effective on July 1, 2017.

3. The State Board of Examiners, upon the recommendation of the Director of the Office of Finance in the Office of the Governor, may allocate and disburse to the Nevada System of Higher Education out of the money appropriated by this section such sums of money as may from time to time be required, which when added to the money otherwise appropriated are limits and equal the amount of money available to pay the salaries of the classified and professional employees of the Nevada System of Higher Education under the adjusted pay plan. The sums appropriated by this section may not be allocated and disbursed to address a deficiency between the appropriated money as fixed by the 79th Session of the Nevada Legislature and the requirements for salaries resulting from any circumstance other than the increases in salaries described in this section.

Sec. 6. **1. In addition to the increases required pursuant to section 8 of Assembly Bill No. 517 of this session, the salaries of the employees of the Legislative Counsel Bureau and of interim legislative operations shall be increased by approximately an additional 1 percent effective on July 1, 2017, and an additional 1 percent effective on July 1, 2018.**

2. To effect the increases in salaries required pursuant to subsection 1, there is hereby appropriated from the State General Fund to the Legislative Fund for the fiscal year beginning on July 1, 2017, and ending on June 30, 2018, the sum of $257,339 and for the fiscal year beginning on July 1, 2018, and ending on June 30, 2019, the sum of $531,094, for the purpose of meeting any deficiencies which may be created between the money appropriated to the Legislative Fund as fixed by the 79th Session of the Nevada Legislature and the requirements for salaries of the personnel of the Legislative Counsel Bureau necessary under an adjusted pay plan to become effective on July 1, 2017.

Sec. 7. **Any remaining balance of an appropriation made by sections 2 to 6, inclusive, of this act must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise**

transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the fund from which it was appropriated on or before September 20, 2019.

Sec. 8. **1. Money in subsection 1 of section 2 of this act and section 3 of this act may be transferred between those sections to finance the additional 1 percent salary increase authorized on July 1, 2017, and the additional 1 percent salary increase authorized on July 1, 2018.**

2. Money in subsection 2 of section 2 of this act and section 4 of this act may be transferred between those sections to finance the additional 1 percent salary increase authorized on July 1, 2017, and the additional 1 percent salary increase authorized on July 1, 2018.

3. When determining the allocations of the money appropriated in sections 2 to 5, inclusive, of this act, the State Board of Examiners shall not distribute money to an account beyond the maximum salary need amount determined for the account. Appropriations established for an account within a department, agency or commission must not be distributed to another account within the department, agency or commission if that action results in the distribution of money beyond the maximum salary need amount determined for the account.

Sec. 9. **1. To effect the State of Nevada's share of the increases of salary of approximately an additional 1 percent effective July 1, 2017, and an additional 1 percent effective on July 1, 2018, for employees of the Tahoe Regional Planning Agency, there is hereby appropriated from the State General Fund to the State Board of Examiners the sum of not more than $6,072 for the fiscal year beginning on July 1, 2017, and ending on June 30, 2018, and the sum of not more than $12,265 for the fiscal year beginning on July 1, 2018, and ending on June 30, 2019. The amounts transferred must not be used to increase an employee's base salary unless the State of California provides the required 2 for 1 matching funds. If such matching funds are not provided by the State of California, any amounts provided to the Tahoe Regional Planning Agency by the State of Nevada must be used as a one-time salary bonus.**

2. The State Board of Examiners, upon the recommendation of the Director of the Office of Finance in the Office of the Governor, may allocate and disburse to the Tahoe Regional Planning Agency out of the money appropriated by this section such sums of money as may from time to time be required, which when added to the money otherwise appropriated or available equal the amount of money required to meet and pay the State of Nevada's share of the salaries of the employees of the Tahoe Regional Planning Agency under the adjusted pay plan. The sums appropriated by this section may not be allocated and disbursed to address a deficiency between the appropriated money as fixed by the

79th Session of the Nevada Legislature and the requirements for salaries resulting from any circumstance other than an increase in salaries described in this section.

Sec. 10. **1. Except as otherwise provided in this act, to effect salary increases effective January 7, 2019, in accordance with the provisions of NRS 223.050 for the Governor, NRS 224.050 for the Lieutenant Governor, NRS 225.050 for the Secretary of State, NRS 226.090 for the State Treasurer, NRS 227.060 for the State Controller and NRS 228.070 for the Attorney General, there is hereby appropriated from the State General Fund to the State Board of Examiners the sum of $10,118 for the fiscal year beginning July 1, 2018, and ending on June 30, 2019.**

2. The State Board of Examiners, upon the recommendation of the Director of the Office of Finance in the Office of the Governor, may allocate and disburse to the various agencies of the State of Nevada out of the money appropriated by this section such sums of money required to pay the salaries of the elected officials set forth in subsection 1.

Sec. 11. **This act becomes effective on July 1, 2017.**

Assemblywoman Carlton moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 368 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 368.

Bill read third time.

Roll call on Senate Bill No. 368:

YEAS—32.

NAYS—Ellison, Krasner, Marchant, McArthur, Oscarson, Pickard, Titus, Tolles, Wheeler, Woodbury—10.

Senate Bill No. 368 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 5, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 1162 to Senate Bill No. 49; Assembly Amendments Nos. 1163, 1149 to Senate Bill No. 235; Assembly Amendment No. 1160 to Senate Bill No. 300; Assembly Amendment No. 1157 to Senate Bill No. 391; Assembly Amendment No. 1138 to Senate Bill No. 392; Assembly Amendment No. 1056 to Senate Bill No. 428; Assembly Amendment No. 1130 to Senate Bill No. 451; Assembly Amendment No. 1078 to Senate Bill No. 488;

Assembly Amendment No. 1044 to Senate Bill No. 541; Assembly Amendment No. 1154 to Senate Bill No. 553.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 1008 to Senate Bill No. 106; Assembly Amendment No. 1018 to Senate Bill No. 212; Assembly Amendment No. 1152 to Senate Bill No. 286; Assembly Amendment No. 1103 to Senate Bill No. 490.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

GENERAL FILE AND THIRD READING

Senate Bill No. 554.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 554 relating to transportation networks sets up a process whereby the drivers get their business license within six months, it is relayed through the TNC [transportation network company] and then to the Secretary of State's office.

Roll call on Senate Bill No. 554:

YEAS—32.

NAYS—Carlton, Daly, Flores, Jauregui, Joiner, McCurdy, Miller, Monroe-Moreno, Ohrenschall, Watkins—10.

Senate Bill No. 554 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 5, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 376.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Joint Resolution No. 17 of the 78th Session.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 376, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 682 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 9, which is attached to and hereby made a part of this report.

ASSEMBLYMAN STEVE YEAGER	SENATOR TICK SEGERBLOM
ASSEMBLYMAN JAMES OHRENSCHALL	SENATOR NICOLE J. CANNIZZARO
Assembly Conference Committee	*Senate Conference Committee*

Amendment No. CA9.

SUMMARY—Revises provisions relating to ~~[certain agreements between heir finders and apparent heirs.]~~ **gaming.** (BDR ~~[12-480)]~~ **41-480)**

AN ACT relating to ~~[estates;]~~ **gaming;** revising provisions relating to ~~[certain agreements between heir finders and apparent heirs;]~~ **the confidentiality of certain information and data provided by gaming applicants and licensees to state agencies that regulate gaming; clarifying the privileged nature of such information and data;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that ~~[an agreement between an heir finder and an apparent heir, the primary purpose of which is to locate, recover or assist in the recovery of an estate for which the public administrator has petitioned for letters of administration, is void and unenforceable if it is entered into during the period beginning with the death of the person whose estate is in probate until 90 days thereafter. (NRS 139.135) This bill authorizes a court, upon a showing of good cause, to extend the period of unenforceability until 180 days after the death of such a person.]~~ **certain information and data provided by gaming applicants and licensees to state agencies that regulate gaming are confidential and privileged. (NRS 463.120) Sections 1.4, 1.7 and 2 of this bill clarify the privileged nature of such information and data when it is provided by gaming applicants and licensees to those state agencies in connection with their regulatory, investigative or enforcement authority. However, section 2.5 of this bill also clarifies that the provisions of this bill do not affect any occupation, profession, business or industry other than the gaming industry regulated pursuant to the Nevada Gaming Control Act. (Chapter 463 of NRS)**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 139.135 is hereby amended to read as follows:~~

~~139.135 1. An agreement between an heir finder and an apparent heir, the primary purpose of which is to locate, recover or assist in the recovery of an estate for which the public administrator has petitioned for letters of administration, is void and unenforceable if the agreement is entered into during the period beginning with the death of the person whose estate is in probate until 90 days thereafter.~~

~~***Upon a showing of good cause, the court may extend such a period until 180 days after the death of the person.***~~

~~2. As used in this section, "heir finder" means a person who, for payment of a fee, assignment of a portion of any interest in a decedent's estate or other consideration, provides information, assistance, forensic genealogy research or other efforts related to another person's right to or interest in a decedent's estate. The term does not include:~~

~~— (a) A person acting in the capacity of a personal representative or guardian ad litem;~~

~~— (b) A person appointed to perform services by a probate court in which a proceeding in connection with a decedent's estate is pending; or~~

~~— (c) An attorney providing legal services to a decedent's family member if the attorney has not agreed to pay to any other person a portion of the fees received from the family member or the family member's interest in the decedent's estate.~~] **(Deleted by amendment.)**

Sec. 1.4. **NRS 463.120 is hereby amended to read as follows:**

463.120 1. The Board and the Commission shall cause to be made and kept a record of all proceedings at regular and special meetings of the Board and the Commission. These records are open to public inspection.

2. The Board shall maintain a file of all applications for licenses under this chapter and chapter 466 of NRS, together with a record of all action taken with respect to those applications. The file and record are open to public inspection.

3. The Board and the Commission may maintain such other files and records as they may deem desirable.

4. Except as otherwise provided in this section, all information and data:

(a) Required by the Board or Commission to be furnished to it under chapters 462 to 466, inclusive, of NRS or any regulations adopted pursuant thereto or which may be otherwise obtained relative to the finances, earnings or revenue of any applicant or licensee;

(b) Pertaining to an applicant's or natural person's criminal record, antecedents and background which have been furnished to or obtained by the Board or Commission from any source;

(c) Provided to the members, agents or employees of the Board or Commission by a governmental agency or an informer or on the assurance that the information will be held in confidence and treated as confidential;

(d) Obtained by the Board from a manufacturer, distributor or operator, or from an operator of an inter-casino linked system, relating to the manufacturing of gaming devices or the operation of an inter-casino linked system; or

(e) Prepared or obtained by an agent or employee of the Board or Commission pursuant to an audit, investigation, determination or hearing,

➥ are confidential and may be revealed in whole or in part only in the course of the necessary administration of this chapter or upon the lawful order of a court of competent jurisdiction. The Board and Commission may reveal such information and data to an authorized agent of any agency of the United States Government, any state or any political subdivision of a state or the government of any foreign country. Notwithstanding any other provision of state law, such information may not be otherwise revealed without specific authorization by the Board or Commission.

5. Notwithstanding any other provision of state law, any and all information and data prepared or obtained by an agent or employee of the

Board or Commission relating to an application for a license, a finding of suitability or any approval that is required pursuant to the provisions of chapters 462 to 466, inclusive, of NRS or any regulations adopted pursuant thereto, are confidential and absolutely privileged and may be revealed in whole or in part only in the course of the necessary administration of such provisions and with specific authorization and waiver of the privilege by the Board or Commission. The Board and Commission may reveal such information and data to an authorized agent of any agency of the United States Government, any state or any political subdivision of a state or the government of any foreign country.

6. ***Notwithstanding any other provision of state law, if any applicant or licensee provides or communicates any information and data to an agent or employee of the Board or Commission in connection with its regulatory, investigative or enforcement authority:***

(a) All such information and data are confidential and privileged and the confidentiality and privilege are not waived if the information and data are shared or have been shared with an authorized agent of any agency of the United States Government, any state or any political subdivision of a state or the government of any foreign country in connection with its regulatory, investigative or enforcement authority, regardless of whether such information and data are shared or have been shared either before or after being provided or communicated to an agent or employee of the Board or Commission; and

(b) The applicant or licensee has a privilege to refuse to disclose, and to prevent any other person or governmental agent, employee or agency from disclosing, the privileged information and data.

7. Before the beginning of each legislative session, the Board shall submit to the Legislative Commission for its review and for the use of the Legislature a report on the gross revenue, net revenue and average depreciation of all licensees, categorized by class of licensee and geographical area and the assessed valuation of the property of all licensees, by category, as listed on the assessment rolls.

~~[7.]~~ ***8.*** Notice of the content of any information or data furnished or released pursuant to subsection 4 may be given to any applicant or licensee in a manner prescribed by regulations adopted by the Commission.

~~[8.]~~ ***9.*** The files, records and reports of the Board are open at all times to inspection by the Commission and its authorized agents.

~~[9.]~~ ***10.*** All files, records, reports and other information pertaining to gaming matters in the possession of the Nevada Tax Commission must be made available to the Board and the Nevada Gaming Commission as is necessary to the administration of this chapter.

11. For the purposes of this section, "information and data" means all information and data in any form, including, without limitation, any oral, written, audio, visual, digital or electronic form, and the term includes, without limitation, any account, book, correspondence, file, message,

paper, record, report or other type of document, including, without limitation, any document containing self-evaluative assessments, self-critical analysis or self-appraisals of an applicant's or licensee's compliance with statutory or regulatory requirements.

Sec. 1.7. **NRS 49.015 is hereby amended to read as follows:**

49.015 1. Except as otherwise required by the Constitution of the United States or of the State of Nevada, and except as otherwise provided in this title or title 14 of NRS, or NRS 41.071 ~~[,]~~ ***or 463.120 or any other specific statute,*** no person has a privilege to:

(a) Refuse to be a witness;

(b) Refuse to disclose any matter;

(c) Refuse to produce any object or writing; or

(d) Prevent another from being a witness or disclosing any matter or producing any object or writing.

2. This section does not:

(a) Impair any privilege created by title 14 of NRS or by the Nevada Rules of Civil Procedure which is limited to a particular stage of the proceeding; or

(b) Extend any such privilege to any other stage of a proceeding.

Sec. 2. The **confidentiality and privilege set forth in the** amendatory provisions of this act apply to ~~[agreements described]~~ **any request made on or after the effective date of this act to obtain any information or data, as defined** in **section 1.4 of** this act ~~[that are entered into on or after October 1, 2017.]~~ **, that is or has been provided or communicated by an applicant or licensee to an agent or employee of the Nevada Gaming Control Board or the Nevada Gaming Commission in connection with its regulatory, investigative or enforcement authority.**

Sec. 2.5. **The confidentiality and privilege set forth in the amendatory provisions of this act must not be construed as:**

1. A legislative declaration or pronouncement of the public policy of this State with regard to any occupation, profession, business or industry other than the gaming industry regulated pursuant to the Nevada Gaming Control Act in chapter 463 of NRS; or

2. A legislative bar or barrier that limits or precludes a court or agency from recognizing, interpreting or applying any confidentiality and privilege pursuant to any other statute or the common law, including, without limitation, any confidentiality and privilege for self-evaluative assessments, self-critical analysis or self-appraisals of a person's compliance with statutory or regulatory requirements.

Sec. 3. **This act becomes effective upon passage and approval.**

Assemblyman Yeager moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 376.

Motion carried by a constitutional majority.

Mr. Speaker:

The Conference Committee concerning Senate Joint Resolution No. 17 of the 78th Session, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 894 of the Assembly be receded from and a 2nd reprint be created in accordance with this action.

ASSEMBLYWOMAN AMBER JOINER	SENATOR TICK SEGERBLOM
ASSEMBLYWOMAN DANIELE MONROE-MORENO	SENATOR MICHAEL ROBERSON
ASSEMBLYMAN JOHN HAMBRICK	SENATOR AARON D. FORD
Assembly Conference Committee	*Senate Conference Committee*

Assemblywoman Joiner moved that the Assembly adopt the report of the Conference Committee concerning Senate Joint Resolution No. 17 of the 78th Session.

Motion carried by a constitutional majority.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:33 p.m.

ASSEMBLY IN SESSION

At 11:38 p.m.
Mr. Speaker presiding.
Quorum present.

VETOED BILLS AND SPECIAL ORDERS OF THE DAY

Vetoed Assembly Bill No. 290 of the 79th Session.
Governor's message stating his objections read.
Bill read.

OFFICE OF THE GOVERNOR

June 5, 2017

THE HONORABLE JASON FRIERSON, SPEAKER OF THE NEVADA ASSEMBLY, 401 South Carson Street, Carson City, NV 89701

RE: Assembly Bill 290 of the 79th Legislative Session

DEAR SPEAKER FRIERSON:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 290 ("AB 290"), which is entitled:

> AN ACT relating to collective bargaining by local governments; revising certain provisions relating to employee leave; and providing other matters properly relating thereto.

AB 290 is a rollback of important, comprise legislation from the 2015 Legislative Session, and it is comparable in intent and effect to two other bills that have recently been vetoed. Assembly Bill 271 was vetoed on May 25th, 2017, and Senate Bill 356 was vetoed on June 1, 2017. Like AB 290, both of those vetoed bills also contained similar rollbacks of reasonable 2015 reforms. There is no justification for treating the proposals in AB 290 any differently than those that have already been considered and rejected, and I incorporate by reference the two prior veto statements in AB 271 and SB 356.

For these reasons, I veto Assembly Bill 290 and return it without my signature or approval.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 290 of the 79th Session be placed on the Chief Clerk's desk.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 246 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblywoman Benitez-Thompson.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 246.

Bill read third time.

Roll call on Senate Bill No. 246:

YEAS—35.

NAYS—Bilbray-Axelrod, Flores, Joiner, Ohrenschall, Spiegel—5.

NOT VOTING—Carrillo, Daly—2.

Senate Bill No. 246 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:45 p.m.

ASSEMBLY IN SESSION

At 11:47 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 6.

Assemblywoman Benitez-Thompson moved the adoption of the resolution.

Resolution adopted and ordered transmitted to the Senate.

By Assemblyman Frierson and Senator Ford (Emergency Request of Speaker of the Assembly):

Assembly Concurrent Resolution No. 12—Amending the Joint Standing Rules of the Senate and Assembly for the 79th Session of the Legislature.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That Rule No. 20 of the Joint Standing Rules of the Senate and Assembly as adopted by the 79th Session of the Legislature is hereby amended to read as follows:

Rule No. 20. Maintenance of Working Environment; Procedure for Filing, Investigating and Taking Remedial Action on Complaints.

1. The Legislature hereby declares that it is the policy of the Legislature to prohibit any conduct, whether intentional or unintentional, which results in sexual harassment or other unlawful harassment based upon any other protected category. The Legislature intends to maintain a working environment which is free from sexual harassment and other unlawful harassment. Each Legislator is responsible to conduct himself or herself in a manner which will ensure that others are able to work in such an environment.

2. In accordance with Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., for the purposes of this Rule, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment;

(b) Submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person; or

(c) Such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.

3. Each Legislator must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment. The following noninclusive list provides illustrations of conduct that the Legislature deems to be inappropriate:

(a) Verbal conduct such as epithets, derogatory comments, slurs or unwanted sexual advances, invitations or comments;

(b) Visual conduct such as derogatory posters, photography, cartoons, drawings or gestures;

(c) Physical conduct such as unwanted touching, blocking normal movement or interfering with the work directed at a person because of his or her sex; and

(d) Threats and demands to submit to sexual requests to keep a person's job or avoid some other loss, and offers of employment benefits in return for sexual favors.

4. ***In addition to other prohibited conduct, a complaint may be brought pursuant to this Rule for engaging in conduct prohibited by Rule No. 37 when the prohibited conduct is based on or because of the gender or other protected category of the person.***

5. Retaliation against a person for engaging in protected activity is prohibited. Retaliation occurs when an adverse action is taken against a person which is reasonably likely to deter the person from engaging in the protected activity. Protected activity includes, without limitation:

(a) Opposing conduct that the person reasonably believes constitutes sexual harassment or other unlawful harassment;

(b) Filing a complaint about the conduct; or

(c) Testifying, assisting or participating in any manner in an investigation or other proceeding related to a complaint of sexual harassment or other unlawful harassment.

~~[5.]~~ ***6.*** A Legislator who encounters conduct that the Legislator believes is sexual harassment, other unlawful harassment, retaliation or otherwise inconsistent with this policy may file a written complaint with:

(a) The Speaker of the Assembly;

(b) The Majority Leader of the Senate; ~~[or]~~

(c) The Director of the Legislative Counsel Bureau, if the complaint involves the conduct of the Speaker of the Assembly or the Majority Leader of the Senate ~~[.]~~ ***; or***

(d) The reporting system established pursuant to subsection 11.

➥ The complaint must include the details of the incident or incidents, the names of the persons involved and the names of any witnesses.

~~[6.]~~ ***7.*** The Speaker of the Assembly, the Majority Leader of the Senate or the Director of the Legislative Counsel Bureau, as appropriate, shall cause a discreet and impartial investigation to be conducted and may, when deemed necessary and appropriate, assign the complaint to a committee consisting of Legislators of the appropriate House.

~~[7.]~~ ***8.*** If the investigation reveals that sexual harassment, other unlawful harassment, retaliation or other conduct in violation of this policy has occurred, appropriate disciplinary or remedial action, or both, will be taken. The appropriate persons will be informed when any such

action is taken. The Legislature will also take any action necessary to deter any future harassment.

~~[8.]~~ ***9.*** The Legislature encourages a Legislator to report any incident of sexual harassment, other unlawful harassment, retaliation or other conduct inconsistent with this policy immediately so that the complaint can be quickly and fairly resolved.

~~[9.]~~ ***10.*** All Legislators are responsible for adhering to the provisions of this policy. The prohibitions against engaging in sexual harassment and other unlawful harassment which are set forth in this Rule also apply to employees, Legislators, lobbyists, vendors, contractors, customers and any other visitors to the Legislature.

~~[10.]~~ ***11. The Legislative Counsel Bureau shall establish a reporting system which allows a person to submit a complaint of a violation of this Rule with or without identifying himself or herself. Such a complaint must provide enough details of the incident or incidents alleged, the names of the persons involved and the names of any witnesses to allow an appropriate inquiry to occur.***

12. This policy does not create any enforceable legal rights in any person.

And be it further

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Joint Standing Rules of the Senate and the Assembly as adopted by the 79th Session of the Legislature are hereby amended by adding thereto a new rule, designated Rule No. 20.5, following Rule No. 20, to read as follows:

Rule No. 20.5. Lobbyists to Maintain Appropriate Working Environment; Procedure for Filing, Investigating and Taking Remedial Action on Complaints.

1. A lobbyist shall not engage in any conduct with a Legislator or any other person working in the Legislature which is prohibited by a Legislator under Rule No. 20. Each lobbyist is responsible to conduct himself or herself in a manner which will ensure that others who work in the Legislature are able to work in an environment free from sexual harassment and other unlawful harassment.

2. Each lobbyist must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment as described in Rule No. 20.

3. A lobbyist who encounters conduct that he or she believes is sexual harassment, other unlawful harassment, retaliation or otherwise inconsistent with this policy may file a written complaint with:

(a) The Speaker of the Assembly;

(b) The Majority Leader of the Senate;

(c) The Director of the Legislative Counsel Bureau; or

(d) The reporting system established pursuant to subsection 11 of Rule No. 20.

➥ Such a complaint must include the details of the incident or incidents alleged, the names of the persons involved and the names of any witnesses.

4. If a person encounters conduct by a lobbyist which he or she believes is sexual harassment, or other unlawful harassment, retaliation or otherwise inconsistent with this policy, the person may file a complaint in the manner listed in subsection 3, or may submit a complaint in accordance with the reporting system established pursuant to subsection 11 of Rule No. 20.

5. If a complaint made against a lobbyist pursuant to this Rule is substantiated, appropriate disciplinary action may be brought against the lobbyist which may include, without limitation, having his or her registration as a lobbyist suspended.

6. This policy does not create any enforceable legal rights in any person.

And be it further

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Joint Standing Rules of the Senate and Assembly as adopted by the 79th Session of the Legislature are hereby amended by adding thereto new rules, designated Rules Nos. 23 to 39, inclusive, following Rule No. 22, to read as follows:

Rule No. 23. Reserved.

Rule No. 24. Reserved.

Rule No. 25. Reserved.

Rule No. 26. Reserved.

Rule No. 27. Reserved.

Rule No. 28. Reserved.

Rule No. 29. Reserved.

LEGISLATIVE CODE OF ETHICAL STANDARDS

Rule No. 30. Short Title; Applicability; Relation to Other Ethical Standards.

1. Rules Nos. 30 to 39, inclusive, may be cited as the Legislative Code of Ethical Standards.

2. The Legislative Code of Ethical Standards applies to:

(a) All Legislators at all times.

(b) All members of legislative staff when performing or exercising their legislative assignments, tasks, duties, responsibilities or powers.

(c) All lobbyists when they:

(1) Appear in person in the Legislative Building or any other building in which the Legislature or any of its legislative committees hold meetings during a regular or special session or the interim between sessions, including, without limitation, any building in which a meeting is held by teleconference or videoconference; or

(2) Represent the interests of any lobbying client to a Legislator or a member of legislative staff, regardless of whether such representation occurs during a regular or special session or the interim between sessions and regardless of the location where such representation occurs or the means of communication used to provide such representation.

3. The Legislative Code of Ethical Standards remains in full force and effect throughout the interim between regular sessions of the Legislature and until new Joint Standing Rules of the Senate and Assembly are adopted as part of the organization of a newly-constituted Legislature at the commencement of a session, unless a conflict exists with a joint rule adopted by the Senate and Assembly for a special session occurring between regular sessions.

4. The Legislative Code of Ethical Standards is intended to supplement all other ethical standards recognized by rules and laws governing ethics and does not limit the application of such other ethical standards but is cumulative thereto, so that the application or attempted application of any one of the ethical standards does not bar the application or attempted application of any other, except in circumstances where Section 6 of Article 4 of the Nevada Constitution invests each House with plenary and exclusive constitutional powers.

Rule No. 31. Purpose and Construction.

1. The purpose of the Legislative Code of Ethical Standards is to:

(a) Establish the highest standards of ethical behavior founded upon principles of dignity, decorum, civility and respect;

(b) Prohibit any conduct that creates the appearance of impropriety; and

(c) Prohibit any improper, inappropriate or dishonorable conduct that is unbecoming to the legislative process or is inconsistent with or undermines the people's faith, trust and confidence in the integrity of the legislative process.

2. The Legislative Code of Ethical Standards must be construed:

(a) Liberally to carry out and achieve its purposes; and

(b) Strictly against any person alleging that his or her conduct is not subject to its provisions, so that any doubt or uncertainty as to the application of its provisions must be resolved against such a person and in favor of removing unethical behavior from the legislative process.

Rule No. 32. Definitions.

As used in the Legislative Code of Ethical Standards, unless the context otherwise requires, the words and terms defined in Rules Nos. 33 to 36, inclusive, have the meanings ascribed to them in those sections.

Rule No. 33. "Legislative Committee" Defined.

1. "Legislative committee" means any legislative committee or commission appointed to conduct or perform legislative business during a regular or special session or the interim between sessions.

2. The term includes, without limitation:

(a) Any joint, standing, temporary, special or select committee;

(b) Any committee of the whole;

(c) Any interim committee; or

(d) Any subcommittee.

Rule No. 34. "Lobbying Client" Defined.

1. "Lobbying client" means a person who employs, retains, contracts for or otherwise engages the services of a lobbyist to represent the interests of the person to Legislators or members of legislative staff, whether or not any compensation is paid for the services.

2. The term includes, without limitation, a client that is a government, governmental agency or political subdivision of a government.

Rule No. 35. "Lobbyist" Defined.

1. "Lobbyist" means a person who:

(a) Is required to register as a lobbyist during a regular or special session pursuant to chapter 218H of NRS, regardless of whether the person properly registers or fails to register as a lobbyist as required by that chapter; or

(b) Represents the interests of any lobbying client to a Legislator or a member of legislative staff, regardless of whether such representation occurs during a regular or special session or the interim between sessions and regardless of the location where such representation occurs or the means of communication used to provide such representation.

2. The term does not include a person who is excluded from the term "lobbyist" as defined in NRS 218H.080.

Rule No. 36. "Member of Legislative Staff" Defined.

1. "Member of legislative staff" means any member of a Legislator's staff or any officer, employee, assistant or other person employed with reference to the legislative duties of a Legislator or the Legislative Branch, regardless of whether they are paid or otherwise compensated to serve in their positions.

2. The term includes, without limitation, any officers, employees, attaches, interns or other staff of:

(a) The Legislature or either House;

(b) Any legislative committee;

(c) Any legislative office or caucus;

(d) Any division of the Legislative Counsel Bureau; or

(e) Any other agency, body, office, organization or unit of the Legislative Branch.

Rule No. 37. Ethical Standards; Prohibited Conduct.

1. The people of the State of Nevada have the right to expect and demand that each Legislator, member of legislative staff or lobbyist adheres to the highest standards of ethical behavior founded upon principles of dignity, decorum, civility and respect because such ethical standards are essential to ensure and enhance the people's faith, trust and confidence in the integrity of the legislative process.

2. Each Legislator, member of legislative staff or lobbyist has a solemn and unerring responsibility and duty to do everything in his or her power to:

(a) Behave properly, appropriately and honorably with each other and with members of the public who participate in the legislative process; and

(b) Encourage, promote and secure an atmosphere in which ethical behavior is the highest priority and is practiced unceasingly and without fail.

3. Each Legislator, member of legislative staff or lobbyist shall not engage in or attempt, offer, agree, assist or induce another person to engage in:

(a) Any conduct that creates the appearance of impropriety; or

(b) Any improper, inappropriate or dishonorable conduct that is unbecoming to the legislative process or is inconsistent with or undermines the people's faith, trust and confidence in the integrity of the legislative process.

4. The conduct prohibited by this Rule includes, without limitation, any conduct that:

(a) Is intended to threaten, harass, intimidate or improperly influence another person who is participating in the legislative process.

(b) Creates a hostile work environment for another person who is participating in the legislative process.

(c) Causes harm or serious emotional distress, or the reasonable apprehension thereof, to another person who is participating in the legislative process.

(d) Involves impolite, disrespectful or disorderly behavior that results in unreasonable or harmful interference with another person who is participating in the legislative process.

(e) Involves false or misleading accusations or allegations against another person who is participating in the legislative process.

(f) Involves dishonesty, fraud, deceit or misrepresentation.

(g) Is intended to assist or induce another person to violate or attempt to violate the Legislative Code of Ethical Standards.

Rule No. 38. Complaints.

1. A person may file a complaint alleging a breach of the Legislative Code of Ethical Standards in accordance with the Standing Rules of each House, except that a person may not file a complaint alleging the same or substantially similar conduct with more than one House.

2. If the complaint alleges an ethical breach by or against a Legislator or the ethical breach otherwise involves a particular Legislator, the complaint must be filed with the Legislator's House, even if the complaint also alleges an ethical breach against a member of legislative staff or a lobbyist.

Rule No. 39. Authority of Senate and Assembly to Adopt Ethical Standards and Prohibit and Sanction Ethical Breaches.

1. The Senate and Assembly hereby find and declare that:

(a) Section 6 of Article 4 of the Nevada Constitution invests each House with plenary and exclusive constitutional powers to govern, control and regulate its membership and its internal organization, affairs and management, expressly providing that: "Each House shall judge of the qualifications, elections and returns of its own members, choose its own officers (except the President of the Senate), determine the rules of its proceedings and may punish its members for disorderly conduct, and with the concurrence of two thirds of all the members elected, expel a member." (Heller v. Legislature, 120 Nev. 456 (2004); Commission on Ethics v. Hardy, 125 Nev. 285 (2009); Mason's Manual of Legislative Procedure §§ 2-3 and 560-564 (2010) (Mason's Manual))

(b) Section 7 of Article 4 of the Nevada Constitution invests each House with plenary and exclusive constitutional powers to govern, control and regulate any person who is not a member but who is guilty of disrespect to the House by disorderly or contemptuous behavior in its presence, and each House also has inherent powers, according to the common parliamentary law, to prohibit and sanction all offensive behavior committed against it by any person who is not a member. (Mason's Manual §§ 805-806; Luther S. Cushing, Elements of the Law & Practice of Legislative Assemblies §§ 690-695 (1856) (Cushing's Legislative Assemblies))

(c) In addition to its other powers, each House possesses certain inherent powers of institutional self-protection and self-preservation to govern, control and regulate its membership and its internal organization, affairs and management. (In re Chapman, 166 U.S. 661, 668 (1897); Mason's Manual § 2; Cushing's Legislative Assemblies § 533 (1856))

(d) The inherent powers of each House are considered "so essential to the authority of a legislative assembly, that it cannot well exist without them; and they are consequently entitled to be regarded as belonging to every such assembly as a necessary incident." (Cushing's Legislative Assemblies § 533)

(e) The inherent powers of each House authorize it to take all necessary and proper institutional actions that are "recognized by the common parliamentary law." (Cushing's Legislative Assemblies § 684)

(f) Thus, it is well established that each House is "vested with all the powers and privileges which are necessary and incidental to a free and unobstructed exercise of its appropriate functions. These powers and privileges are derived not from the Constitution; on the contrary, they arise from the very creation of a legislative body, and are founded upon the principle of self-preservation." (Ex parte McCarthy, 29 Cal. 395, 403 (1866))

2. The Senate and Assembly hereby exercise their constitutional and inherent powers and privileges and adopt the Legislative Code of Ethical Standards in the Joint Standing Rules to:

(a) Establish ethical standards to regulate the behavior and conduct of persons who participate in the legislative process; and

(b) Prohibit and sanction ethical breaches.

Assemblywoman Benitez-Thompson moved the adoption of the resolution.

Resolution adopted and ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 5, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 52, 434, 486, 499.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Assembly Bill No. 25.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Assembly Bill No. 45.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Assembly Bill No. 454.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 948 to Senate Bill No. 259.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendments Nos. 1060, 1164 to Senate Bill No. 368.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 1153 to Senate Bill No. 550.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

REMARKS FROM THE FLOOR

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I am going to take a moment of personal liberty to thank everyone for your hard work these last 120 days. When I say everyone, I mean not only legislators but also our wonderful staff who stay here, not only with us, but hours after us to get their work done so that we can come back the next day to continue our work.

I also want to acknowledge our spouses that tolerate our absence, both physically and mentally, while we are here to do the work of the state of Nevada. I thank you all for your patience and understanding. I believe that we have had a historic session in a lot of ways. I think we have been able to get past barriers that have halted work in other states. We were able to work together to get to a point where we could go home with a good pile of work that all of us can be proud of and all of us can have something to go home and talk about.

I thank you all for your patience, for your support, and for your work and advocacy, because at the end of the day, we are trying to pass measures that make Nevada better. So for all of us that are working for hard-working Nevada families, we know that this is what we are charged to do. I am proud of you all. Thank you.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Benitez-Thompson, Bustamante Adams, and Paul Anderson as a committee to wait upon His Excellency, Governor Brian Sandoval, Governor of the State of Nevada, and to inform him that the Assembly was ready to adjourn *sine die*.

Mr. Speaker appointed Assemblymen Sprinkle, Araujo, and Oscarson as a committee to wait upon the Senate and to inform that honorable body that the Assembly was ready to adjourn *sine die*.

A committee from the Senate, consisting of Senators Cannizzaro, Gansert, and Ratti appeared before the bar of the Assembly and announced that the Senate was ready to adjourn *sine die*.

Assemblyman Araujo reported that his committee had informed the Senate that the Assembly was ready to adjourn *sine die*.

Assemblywoman Benitez-Thompson reported that her committee had informed the Governor that the Assembly was ready to adjourn *sine die*.

Assemblywoman Benitez-Thompson moved that the 79th Session of the Assembly of the Legislature of the State of Nevada adjourn *sine die*.

Motion carried.

Assembly adjourned at 12:12 a.m.

Approved:

JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

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YEAGER, STEVE, Assemblyman from Clark (Part) County, No. 9 District—
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Moves—
Adopt report of conference committee re S.B. 69, 8904; S.B. 258, 8171; S.B. 376, 8987; S.B. 432, 8179.
Concur in Senate amendment to A.B. 97, 8360; A.B. 123, 7561; A.B. 130, 8115; A.B. 142, 4649; A.B. 145, 4238; A.B. 146, 4267; A.B. 148, 5725; A.B. 183, 8122; A.B. 207, 8366; A.B. 219, 5728; A.B. 243, 5736; A.B. 253, 5743; A.B. 254, 4654; A.B. 268, 7569; A.B. 288, 7577; A.B. 288, 7584; A.B. 314, 4701, 5791; A.B. 341, 4269; A.B. 356, 5794; A.B. 362, 8142; A.B. 362, 8167; A.B. 365, 4448; A.B. 376, 7586; A.B. 377, 7593; A.B. 380, 7597; A.B. 413, 8808; A.B. 413, 8837; A.B. 470, 7607; A.B. 472, 7709.
Do not recede from action on S.B. 258, 6723; S.B. 259, 7709; S.B. 376, 6723; S.B. 432, 6723.
Remarks from the floor re A.B. 26, 3878; A.B. 75, 472; A.B. 97, 8360; A.B. 123, 7561; A.B. 130, 8115; A.B. 135, 1652; A.B. 142, 4649; A.B. 145, 4238; A.B. 146, 4268; A.B. 148, 5725; A.B. 183, 8123; A.B. 207, 8366; A.B. 219, 5728; A.B. 239, 316; A.B. 243, 5736; A.B. 247, 879; A.B. 253, 3879, 5743; A.B. 254, 879, 4654; A.B. 268, 7569; A.B. 277, 3821; A.B. 288, 7577, 7585; A.B. 314, 4701, 5791; A.B. 341, 4269; A.B. 356, 5794; A.B. 362, 8142, 8167; A.B. 365, 4448; A.B. 376, 7586; A.B. 377, 7593; A.B. 380, 7597; A.B. 385, 791; A.B. 412, 3867; A.B. 413, 8808, 8837; A.B. 414, 6338; A.B. 453, 3874; A.B. 470, 3876, 7607; A.B. 472, 7709; A.C.R. 9, 3753; S.B. 46, 4234; S.B. 163, 4419; S.B. 169, 5622; S.B. 203, 8554; S.B. 235, 8719; S.B. 258, 8172; S.B. 295, 4423; S.B. 362, 4047; S.B. 432, 5633, 8179; S.B. 433, 5634; S.B. 538, 8721; S.B. 541, 8722; Touro University, 211.
Withdraws motion re A.B. 314, Amend. No. 707, 4702.

ASSEMBLY STANDING RULES

AND THE

JOINT STANDING RULES OF THE SENATE AND ASSEMBLY

OF THE

SEVENTY-NINTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2017

ASSEMBLY STANDING RULES

I. OFFICERS AND EMPLOYEES

DUTIES OF OFFICERS

Rule No. 1. Speaker of the Assembly.

1. All officers of the Assembly are subordinate to the Speaker in all that relates to the prompt, efficient and correct discharge of their official duties under the Speaker's supervision.

2. Possessing the powers and performing the duties described in this Rule, the Speaker shall:

(a) Take the chair at the hour to which the Assembly stands adjourned, call the members to order, and upon the appearance of a quorum, proceed to business.

(b) In the event an emergency occurs during a regular or special session of the Legislature which requires a meeting of the Assembly, call the members back to order before the hour to which the Assembly had adjourned.

(c) Preserve order and decorum and have general direction of the Chamber of the Assembly and the approaches thereto. In the event of any disturbance or disorderly conduct therein, order the same to be cleared.

(d) Decide all questions of order, subject to a member's right to appeal to the Assembly. On appeal from such decisions, the Speaker has the right, in the Speaker's place, to assign the reason for the decision.

(e) Have the right to name any member to perform the duties of the Chair, but such substitution must not extend beyond one legislative day.

(f) Have the power to accredit the persons who act as representatives of the news media and assign them seats.

(g) Sign all bills and resolutions passed by the Legislature as provided by law.

(h) Sign all subpoenas issued by the Assembly.

(i) Receive all messages and communications from other departments of the government and announce them to the Assembly.

(j) Represent the Assembly, declare its will and in all things obey its commands.

(k) Vote on final passage of a bill or resolution, but the Speaker shall not be required to vote in ordinary legislative proceedings except where the Speaker's vote would be decisive. In all yea and nay votes, the Speaker's name must be called last.

(l) Appoint committees during the interim between regular sessions of the Legislature for any proper purpose, including, without limitation, taking

testimony, compelling the attendance of witnesses, punishing persons or entities for contempt and reporting findings to the next session of the Legislature.

3. If a vacancy occurs in the office of Speaker, through death, resignation or disability of the Speaker, the Speaker Pro Tempore shall temporarily and for the period of vacancy or disability conduct the necessary business of the Assembly.

4. If a permanent vacancy occurs in the office of Speaker, the Assembly shall select a new Speaker.

5. This Rule shall remain in full force and effect throughout the interim between regular sessions of the Legislature and until new Standing Rules of the Assembly are adopted as part of the organization of a newly-constituted Assembly at the commencement of a session.

[Statutes of Nevada 1975, 1912; A 1995, 2845; 1997, 3538; 1999, 3834; 2001, 3295; 2009, 3141; 2013, 3897]

Rule No. 2. Continuation of Leadership and Standing Rules of the Assembly During the Interim Between Regular Sessions.

1. Except as otherwise provided in subsections 2, 3 and 4, the tenure of the Speaker, Speaker Pro Tempore, Majority Leader and Minority Leader of the Assembly extends during the interim between regular sessions of the Legislature.

2. The Assemblymen or Assemblywomen designated to be the Speaker, Speaker Pro Tempore, Majority Leader and Minority Leader for the next succeeding regular session shall perform any duty required of that officer by the Standing Rules of the Assembly and the Nevada Revised Statutes in the period between the time of their designation after the general election and the organization of the next succeeding regular session.

3. The Assemblyman or Assemblywoman designated to be the Speaker and the Assemblyman or Assemblywoman designated to be the Minority Leader for the next succeeding regular session shall appoint the regular and alternate members to the Select Committee on Ethics as set forth in Assembly Standing Rule No. 23.

4. The Assemblyman or Assemblywoman designated to be the Speaker for the next succeeding regular session shall:

(a) Determine the start time of the Assembly's organizational session.

(b) Have the right to name any person to call the Assembly to order and preside over the Assembly's organizational session until a presiding officer is elected.

(c) Refer prefiled bills and resolutions to committee, subject to ratification by a majority vote of the members of the Assembly once the Assembly is organized and ready for business.

5. The Assembly Standing Rules set forth herein shall remain in full force and effect throughout the interim between regular sessions of the Legislature and until new Standing Rules of the Assembly are adopted as part of the organization of a newly-constituted Assembly at the commencement of a session, unless a conflict exists with a rule adopted by the Assembly for a special session occurring between regular sessions.

[Statutes of Nevada 2013, 3898; A 2014, 28th Special Session, 36]

Rule No. 3. Chief Clerk.

1. The Chief Clerk is elected by the Assembly and is responsible to the Speaker.

2. The Chief Clerk shall recruit, select, train and supervise all attaches employed to assist with the work of the Assembly.

3. The Chief Clerk shall administer the daily business of the Assembly.

4. The Chief Clerk shall adopt such administrative policies as the Chief Clerk deems necessary to carry out the business of the Assembly.

5. The Speaker and the Chief Clerk are authorized to make any necessary corrections and additions to the final journal, history and committee minutes of the Assembly.

6. At the direction of the Speaker or Speaker Designate, the Chief Clerk shall attest and affix the seal of the Assembly to all writs, warrants, subpoenas and formal documents issued by the Assembly.

[Statutes of Nevada 2009, 3142; A 2013, 3899; 2014, 28th Special Session, 37]

Rule No. 4. Reserved.

Rule No. 5. Reserved.

Rule No. 6. Reserved.

The next rule is 10.

II. SESSIONS AND MEETINGS

Rule No. 10. Time of Meeting.

The Assembly shall meet each day at 11:30 a.m., unless the Assembly adjourns to some other hour.

[Statutes of Nevada 1975, 1857; A 2013, 3899]

Rule No. 11. Open Meetings.

All meetings of the Assembly and its committees must be open to the public.

[Statutes of Nevada 1975, 1907; A 1999, 3835; 2001, 3296]

Rule No. 12. Convening of the Assembly between Legislative Sessions.

1. The Assembly may be convened at any time between sessions of the Legislature upon a petition signed by a majority of the members elected to the Assembly to consider and take action on any matter that is solely and exclusively within the constitutional or inherent powers of the Assembly, including, without limitation, any matter that may be considered and acted on by the Assembly pursuant to its plenary and exclusive constitutional powers under Article 4, Section 6 of the Nevada Constitution or pursuant to its inherent powers of institutional self-protection and self-preservation to govern, control and regulate its membership and its internal organization, affairs and management.

2. A petition convening the Assembly pursuant to this Rule must specify the matter that will be considered or acted on by the Assembly, indicate a date for the Assembly to convene and be transmitted to the Chief Clerk of the Assembly. Upon receipt of one or more substantially similar petitions signed, in the aggregate, by a majority of the members elected to the Assembly, the Chief Clerk shall notify all members of the Assembly that the Assembly will be convened pursuant to this Rule and the date on which the Assembly will be convened.

3. The Assembly hereby finds and declares that:

(a) The Nevada Constitution invests each House of the Legislature with certain plenary and exclusive constitutional powers which may be exercised only by that House and which cannot be usurped, infringed or impaired by the other House or by any other branch of Nevada's State Government. (*Heller v. Legislature*, 120 Nev. 456 (2004); *Commission on Ethics v. Hardy*, 125 Nev. 285 (2009); *Mason's Manual of Legislative Procedure* §§ 2-3 & 560-564 (2010) (*Mason's Manual*))

(b) Article 4, Section 6 of the Nevada Constitution invests each House with plenary and exclusive constitutional powers to govern, control and regulate its membership and its internal organization, affairs and management, expressly providing that: "Each House shall judge of the qualifications, elections and returns of its own members, choose its own officers (except the President of the Senate), determine the rules of its proceedings and may punish its members for disorderly conduct, and with the concurrence of two thirds of all the members elected, expel a member."

(c) In addition to its plenary and exclusive constitutional powers, each House possesses certain inherent powers of institutional self-protection and self-preservation to govern, control and regulate its membership and its

internal organization, affairs and management. (*In re Chapman*, 166 U.S. 661, 668 (1897); *Mason's Manual* § 2; Luther S. Cushing, *Elements of the Law & Practice of Legislative Assemblies* § 533 (1856) (*Cushing's Legislative Assemblies*))

(d) The inherent powers of each House are considered "so essential to the authority of a legislative assembly, that it cannot well exist without them; and they are consequently entitled to be regarded as belonging to every such assembly as a necessary incident." (*Cushing's Legislative Assemblies* § 533)

(e) The inherent powers of each House authorize it to take all necessary and proper institutional actions that are "recognized by the common parliamentary law." (*Cushing's Legislative Assemblies* § 684)

(f) Thus, it is well established that each House is "vested with all the powers and privileges which are necessary and incidental to a free and unobstructed exercise of its appropriate functions. These powers and privileges are derived not from the Constitution; on the contrary, they arise from the very creation of a legislative body, and are founded upon the principle of self-preservation." (*Ex parte McCarthy*, 29 Cal. 395, 403 (1866))

[Statutes of Nevada 2017, 4522]

The next rule is 20.

III. DECORUM AND DEBATE

Rule No. 20. Points of Order.

If any member, in speaking or otherwise, transgresses the rules of the Assembly, the Speaker shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the presiding officer, the member shall not be allowed to proceed; but if it be not sustained, then the member shall be permitted to go on. Every such decision from the presiding officer shall be subject to an appeal to the House; but no discussion of the question of order shall be allowed unless an appeal be taken from the decision of the presiding officer.

[Statutes of Nevada 1973, 1886; A 1993, 2913; 1995, 2847; 1997, 3540]

Rule No. 21. Portable Electronic Communication Devices.

1. A person who is within the Assembly Chambers shall not engage in a telephone conversation via the use of a portable telephone.

2. Before entering the Assembly Chambers, any person who possesses a portable electronic communication device, such as a pager or telephone, that emits an audible alert, such as a ringing or beeping sound, to signal an incoming message or call, shall turn the audible alert off. A device that

contains a nonaudible alert, such as a silent vibration, may be operated in a nonaudible manner within the Assembly Chambers.

[Statutes of Nevada 2001, 3296; A 2003, 3602; 2011, 3793]

Rule No. 22. Reserved.

Rule No. 23. Select Committee on Ethics; Legislative Ethics.

1. The Select Committee on Ethics consists of:

(a) Two members of the Assembly appointed by the Speaker from the majority political party;

(b) One member of the Assembly appointed by the Minority Leader from the minority political party; and

(c) Three qualified electors of the State, two of whom are appointed by the Speaker and one who is appointed by the Minority Leader, and none of whom is a present member of the Legislature or employed by the State of Nevada.

2. The Speaker shall appoint the Chair and Vice Chair of the Committee. The Vice Chair shall serve as the acting Chair if the Chair is unable to serve for any reason during the consideration of a specific question.

3. The Speaker shall appoint an alternate member with the qualifications set forth in paragraph (a) of subsection 1 and an alternate member with the qualifications set forth in paragraph (c) of subsection 1. The Minority Leader shall appoint an alternate member with the qualifications set forth in paragraph (b) of subsection 1 and an alternate member with the qualifications set forth in paragraph (c) of subsection 1. If a member of the Committee is unable to serve for any reason during the consideration of a specific question, the alternate appointed with the qualifications from the same paragraph in subsection 1 shall serve as a member of the Committee during the consideration of the specific question.

4. A member of the Committee is disqualified to serve during the consideration of a specific question if:

(a) The member is the requester of advice concerning the question of ethics or conflict of interest, or the member is the subject of the complaint concerning the specific question; or

(b) A reasonable person in the member's situation could not exercise independent judgment on the matter in question.

5. The members of the Committee shall perform any duty required in the period between the time of their appointment after the general election and the organization of the next succeeding regular session, or until the Speaker or the Speaker Designate or the Minority Leader or Minority Leader Designate appoint new members to the Committee, whichever occurs first.

6. The tenure of the members of the Committee shall extend during the interim between regular sessions of the Legislature.

7. The Committee:

(a) May hear requests brought by members of the Assembly for advice on specific questions of potential breaches of ethics and conflicts of interest; and

(b) Shall hear complaints brought by members of the Assembly and others on specific questions of alleged breaches of ethics and conflicts of interest.

8. All proceedings held to consider the character, alleged misconduct, professional competence or physical or mental health of any person by the Committee on matters of ethics or conflicts of interest are confidential unless a Legislator:

(a) Against whom a complaint is brought requests a public hearing;

(b) Discloses the content of an opinion of the Committee at any time after his or her hearing; or

(c) Discloses the content of an advisory opinion issued to him or her by the Committee.

9. A complaint which alleges a breach of ethics or a conflict of interest must be:

(a) Made in writing on a form provided by the Chief Clerk of the Assembly;

(b) Signed and verified under penalty of perjury by the person making the allegation; and

(c) Filed with the Chair of the Committee or, if the Chair is the subject of the complaint, with the Vice Chair. The Chair or Vice Chair, as appropriate, shall send a copy of the complaint, within 24 hours after receiving it, to the Legislator against whom the complaint is brought.

10. In determining whether a Legislator has a conflict of interest, the Legislator should consider whether the independence of judgment of a reasonable person in his or her situation upon the matter in question would be materially affected by the Legislator's:

(a) Acceptance of a gift or loan;

(b) Private economic interest; or

(c) Commitment to a member of his or her household or immediate family.

➥ In interpreting and applying the provisions of this subsection, it must be presumed that the independence of judgment of a reasonable person in the Legislator's situation would not be materially affected by the Legislator's private economic interest or the Legislator's commitment to a member of his or her household or immediate family where the resulting benefit or detriment accruing to the Legislator, or if the Legislator has a commitment to a member of his or her household or immediate family, accruing to those other persons, is not greater than that accruing to any other member of the

general business, profession, occupation or group that is affected by the matter.

11. Except as otherwise provided in subsection 12, if a Legislator knows he or she has a conflict of interest pursuant to subsection 10, the Legislator shall make a general disclosure of the conflict of interest on the record in a meeting of a committee or on the floor of the Assembly, as applicable. Such a disclosure must be entered:

(a) If the Legislator makes the disclosure in a meeting of a committee, in the minutes for that meeting.

(b) If the Legislator makes the disclosure on the floor of the Assembly, in the Journal.

12. If, on one or more prior occasions during the current session of the Legislature, a Legislator has made a general disclosure of a conflict of interest on the record in a meeting of a committee or on the floor of the Assembly, the Legislator is not required to make that general disclosure at length again regarding the same conflict of interest if, when the matter in question arises on subsequent occasions, the Legislator makes a reference on the record to the previous disclosure.

13. In determining whether to abstain from voting upon, advocating or opposing a matter concerning which a Legislator has a conflict of interest pursuant to subsection 10, the Legislator should consider whether:

(a) The conflict impedes his or her independence of judgment; and

(b) His or her interest is greater than the interests of an entire class of persons similarly situated.

14. The provisions of this Rule do not under any circumstances and regardless of any conflict of interest:

(a) Prohibit a Legislator from requesting or introducing a legislative measure; or

(b) Require a Legislator to take any particular action before or while requesting or introducing a legislative measure.

15. If a Legislator who is a member of a committee declares on the record when a vote is to be taken by the committee that he or she will abstain from voting because of the requirements of this Rule, the necessary quorum to act upon and the number of votes necessary to act upon the matter is reduced as though the Legislator abstaining were not a member of the committee.

16. The standards and procedures set forth in this Rule which govern whether and to what extent a member of the Assembly has a conflict of interest, should disclose a conflict of interest or should abstain from voting upon, advocating or opposing a matter concerning which the member has a conflict of interest pursuant to subsection 10:

(a) Are exclusive and are the only standards and procedures that apply to members of the Assembly with regard to such matters; and

(b) Supersede and preempt all other standards and procedures with regard to such matters.

17. For purposes of this Rule, "immediate family" means a person who is related to the Legislator by blood, adoption or marriage within the first degree of consanguinity or affinity.

[Statutes of Nevada 1977, 1706; A 1987, 2325, 2336; 1995, 2847; 1997, 3540; 2009, 3143; 2011, 3794; 2013, 3900; 2014, 28th Special Session, 38]

The next rule is 30.

IV. QUORUM, VOTING, ELECTIONS

Rule No. 30. Manner of Voting.

1. The presiding officer shall declare all votes, but the yeas and nays must be taken when called for by three members present, and the names of those calling for the yeas and nays must be entered in the Journal by the Chief Clerk.

2. The presiding officer shall call for yeas and nays by a division or by a roll call, either electronic or oral.

3. When taking the yeas and nays on any question, the electronic roll call system may be used, and when so used shall have the force and effect of any roll call under these rules.

4. When taking the yeas and nays by oral roll call, the Chief Clerk shall take the names of members alphabetically, except that the Speaker's name must be called last.

5. The electronic roll call system may be used to determine the presence of a quorum.

6. The yeas and nays must not be taken with the electronic roll call system until all members present are at their desks. The presiding officer may vote at the rostrum.

7. Only a member who:

(a) Has been certified by the Committee on Legislative Operations and Elections or a special committee of the Assembly; and

(b) Is physically present within the Assembly Chambers,

➥ may cast a vote in the Assembly.

8. A member shall not vote for another member on any roll call, either electronic or oral. Any member who votes for another member may be punished in any manner deemed appropriate by the Assembly.

[Statutes of Nevada 1975, 1879; A 1995, 2848; 1997, 3542; 1999, 3837; 2001, 3298; 2005, 2927; 2011, 3796]

Rule No. 31. Requirement of Voting.

1. A member shall vote on all questions that come before the body unless the member:

(a) Is excused; or

(b) Makes a full and complete disclosure of a conflict pursuant to Assembly Standing Rule No. 23.

2. A member found guilty by the House of a breach of this Rule shall not vote or speak on the floor, except to explain and apologize for the breach, until the member has made satisfaction to the House for the breach.

[Statutes of Nevada 2011, 3797]

Rule No. 32. Announcement of the Vote.

1. A member may change his or her vote at any time before the announcement of the vote if the voting is by voice, or at any time before the votes are electronically recorded if the voting is conducted electronically.

2. The announcement of the result of any vote shall not be postponed.

[Statutes of Nevada 1975, 1876]

Rule No. 33. Voting by Division.

Upon a division and count of the Assembly on any question, no person without the bar shall be counted.

[Statutes of Nevada 1973, 1887]

The next rule is 40.

V. LEGISLATIVE BODIES

A. COMMITTEES

Rule No. 40. Standing Committees.

The standing committees of the Assembly for the regular session, and for Legislative Operations and Elections for both the regular session pursuant to this Rule and for a special session pursuant to Assembly Standing Rule No. 142, are as follows:

1. Ways and Means.
2. Judiciary.
3. Corrections, Parole, and Probation.
4. Taxation.
5. Education.
6. Legislative Operations and Elections.
7. Natural Resources, Agriculture, and Mining.
8. Transportation.
9. Commerce and Labor.
10. Health and Human Services.

11. Government Affairs.

[Statutes of Nevada 1975, 1857; A 1977, 1728; 1981, 2059, 2064; 1983, 2103; 1985, 2315; 1987, 2326, 2399; 1989, 2204; 1991, 2479; 1993, 2915, 2967; 1995, 2849, 2878; 1997, 3543, 3682, 3712; 1999, 3838; 2001, 3298; 2003, 3604; 2005, 2928; 2007, 3457; 2009, 3146; 2011, 3797; 2013, 3904, 3925, 3957; 2014, 28th Special Session, 42; 2015, 3960; 2017, 4527]

Rule No. 41. Appointment of Committees.

1. Except as otherwise provided in Assembly Standing Rule No. 23, all committees must be appointed by the Speaker, unless otherwise directed by the Assembly. The Speaker shall designate the chair and vice chair of each committee.

2. To facilitate the full participation of the members during an adjournment called pursuant to Joint Standing Rule No. 9 of the Senate and Assembly, the Speaker may temporarily appoint a member to a committee that is scheduled to meet during the adjournment if none of the committees to which the member is regularly assigned will be meeting during the adjournment.

3. Except as otherwise provided in Assembly Standing Rule No. 45, all committees will operate under the rules set forth herein and other uniform committee rules as determined by the Speaker and published on the Nevada Legislature's Internet website. Each committee may adopt and file with the Chief Clerk's Office policies consistent with these rules.

[Statutes of Nevada 1973, 1903; A 1977, 1707; 1985, 2314; 1993, 2916; 1995, 2850; 1997, 3543; 2007, 3457; 2011, 3798; 2014, 28th Special Session, 42; 2015, 3960]

Rule No. 41.5. Appointment of Alternates.

If the chair or any member of a committee is temporarily unable to perform his or her duties, the Speaker shall appoint an alternate of the same political party to serve in the chair's or the member's place for such time as is determined by the Speaker.

[Statutes of Nevada 2013, 3925]

Rule No. 42. Subcommittees.

1. Subcommittees made up of committee members may be appointed by the chair to consider and report back on specific subjects or bills.

2. Subcommittee meetings will be scheduled by the subcommittee chair after consulting with the committee chair.

3. Members of a subcommittee are required to attend meetings of the subcommittee.

4. Subcommittees of standing committees shall follow the same rules as standing committees.

[Statutes of Nevada 1973, 1903; A 1995, 2850; 1997, 3544; Moved from Rule 43 by 2011, 3798]

Rule No. 43. Concurrent Referrals.

When a bill or resolution is referred to two committees, the bill or resolution must go to the first committee named. If the first committee votes to amend the bill or resolution, it must be reprinted with amendments and then returned to the first committee or sent immediately to the next committee. If there is no amendment proposed by the first committee, or if the first committee acts upon the bill or resolution after amendment, the bill or resolution must be sent with the committee recommendation to the Chief Clerk for transmittal to the second committee.

[Statutes of Nevada 2011, 3798]

Rule No. 44. Committee on Legislative Operations and Elections.

The Committee on Legislative Operations and Elections has jurisdiction over matters relating to personnel. It shall recommend by resolution the appointment of all attaches and employees of the Assembly not otherwise provided for by law.

[Statutes of Nevada 1973, 1885; A 1977, 1707; 1981, 2059, 2171; 1985, 2316; 1991, 2480; 1993, 2916; 1997, 3544; 2005, 2929; 2009, 3147; 2011, 3798; 2013, 3905]

Rule No. 45. Committee of the Whole.

If a Committee of the Whole is convened:

1. The Speaker shall preside as Chair of the Committee or name a Chair to preside.

2. A member of the Committee may speak not more than twice during the consideration of any one question, on the same day, and at the same stage of proceedings, without leave. Members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

3. The Chair may require any vote of the Committee to be recorded in the manner designated by the Chair.

4. All amendments proposed by the Committee:

(a) Must first be approved by the Committee.

(b) Must be reported by the Chair to the Assembly.

5. Insofar as they are applicable and not in conflict with this Rule, a Committee of the Whole will observe the committee rules set forth in Section V(A) of the Assembly Standing Rules and such other uniform committee rules as determined by the Speaker and published on the Nevada Legislature's Internet website.

6. A quorum of the Committee of the Whole is the same as a quorum of the House, and in case a quorum is not present or other defect is observed, the Committee can take no other action than to rise.

7. It is permissible on motion to limit debate to a certain length of time, to close at a time certain, to limit the length of speeches, or to otherwise limit debate.

8. When a fixed duration is established for a Committee of the Whole, the time may be extended with consent of a majority of the members.

9. A motion for the previous question is not in order.

10. A Committee of the Whole cannot:

(a) Entertain any question of priority.

(b) Entertain any matter of privilege.

(c) Lay a question on the desk.

(d) Postpone consideration of any question.

(e) Reconsider a vote on a proposal no longer in possession of the Committee.

(f) Appoint a subcommittee.

(g) Punish members for disorderly conduct, but must report any misconduct to the body for its action.

11. Seconds to motions are required.

12. The minutes of the meetings of the Committee of the Whole must be entered in the Assembly's final journal.

[Statutes of Nevada 2009, 3148; Moved from Rule 44.5 by 2011, 3798; A 2014, 28th Special Session, 43]

B. ELECTION CONTESTS

Rule No. 46. Procedure for Election Contests.

1. Upon receipt of a statement of contest from the Secretary of State pursuant to NRS 293.427, the Speaker shall, as soon as practicable, appoint a special committee to hear the contest or refer the contest to the Committee on Legislative Operations and Elections. The committee shall conduct a hearing to consider the contest. The committee shall keep written minutes of the hearing. The contestant has the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby.

2. The contest must be submitted so far as may be possible upon depositions or by written or oral arguments as the Assembly may order. Any party to a contest may take the deposition of any witness at any time after the statement of contest is filed with the Secretary of State and before the contest is finally decided. At least 3 days' notice must be given to the prospective deponent and to the other party. If oral statements are made at any hearing before the Assembly or a committee thereof which purport to establish

matters of fact, they must be made under oath. Strict rules of evidence do not apply.

3. The committee shall, not later than 5 calendar days after the contest was referred to the committee, report to the Assembly its findings on whether the contestant has met the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby. The committee shall then report to the Assembly its recommendation on which person should be declared elected or report that it has no recommendation. The Assembly shall, as soon as practicable thereafter but not later than 7 calendar days after the Speaker received the statement of contest, vote whether to accept or reject the committee's recommendation without amendment, if a recommendation is made. If the recommendation is accepted, the Speaker shall declare the recommended person elected. If the recommendation is rejected or the committee did not make a recommendation, the Assembly shall consider immediately which person should be declared elected. The Speaker shall not adjourn the Assembly until it has declared a person to be elected.

4. If a person other than the person initially seated as a member of the Assembly pursuant to subsection 2 of NRS 293.427 is declared to be elected by the Assembly as a result of the contest, the Speaker shall inform the Governor of the identity of the person declared to be elected by the Assembly.

[Statutes of Nevada 1973, 1885; R 1987, 2326; Readopted 1989, 2204; A 1991, 2480; 1993, 2917; 1995, 2851; 1997, 3544; 2003, 3605; 2005, 2929; Moved from Rule 45 by 2011, 3799; 2013, 3905]

C. DUTIES OF COMMITTEE OFFICERS, COMMITTEE MEMBERS AND COMMITTEE STAFF

Rule No. 47. Committee Chairs.

1. The chair has all authority necessary to ensure an efficient operation of the committee or subcommittee.

2. The chair shall have general direction of the committee room or other meeting place of the committee, and in case of any disturbance or disorderly conduct therein, or if the peace, good order, and proper conduct of the legislative business is hindered by any person or persons, the chair shall have power to exclude from the session any individual or individuals so hindering the legislative business.

3. Possessing the powers and performing the duties described in this Rule, each committee chair shall:

(a) Preside over committee meetings and put all questions before the committee;

(b) Preserve order and decorum and decide all questions of order;

(c) Determine the order of bills for hearing;

(d) Prepare and distribute the committee's agenda;

(e) Prepare and distribute a work session document that contains a list of all measures on which the committee is ready to consider final action;

(f) Call recesses of the committee as deemed necessary;

(g) Request amendments to resolve conflicts;

(h) Determine when final action is to be taken on measures, committee reports and other business of the committee;

(i) Sign and submit bill draft requests on behalf of the committee;

(j) Appoint subcommittees, as necessary;

(k) Provide direction to committee support staff;

(l) Prepare and submit committee reports;

(m) Review and approve minutes of the committee;

(n) Handle unfinished business for measures heard in the committee;

(o) Inform the Speaker of committee activity; and

(p) Maintain custody of all papers referred to the committee until they are turned over to the Chief Clerk.

4. In the absence of the chair, or upon the request of the chair, the vice chair of the committee shall assume the duties of the chair.

5. The chair may name any member of the committee to perform the duties of the chair if such substitution shall not extend beyond such meeting.

[Statutes of Nevada 2011, 3800; A 2013, 3906]

Rule No. 48. Attendance.

1. Members shall notify the chair of any absence. Excused absences will be so recorded at the direction of the chair.

2. A member shall advise the chair if he or she must leave a meeting for an extended period of time.

3. Members not in attendance when a final action is taken on a measure will be marked absent for the vote.

[Statutes of Nevada 2011, 3800]

Rule No. 49. Committee Staff.

Duties of committee attaches shall be prescribed by the Chief Clerk and include, but are not limited to, the following:

1. The committee secretary shall call roll of the members at each meeting, with the chair being called last. The committee secretary shall record in the minutes the members present and the members not present.

2. The committee secretary shall record the meeting and draft committee minutes for the chair's approval.

3. On behalf of the chair, the committee secretary shall maintain all minutes and exhibits of the committee's meetings until released to the custody of the Chief Clerk.

4. The committee manager assigned to each committee shall be responsible to the chair of the committee for the proper and accurate preparation of all reports of the committee.

[Statutes of Nevada 2011, 3800]

Rule No. 50. Committee Operations.

1. Each committee of the House shall be provided a committee manager who shall maintain a current record of all bills, resolutions, petitions, memorials or other matters filed in committee. A record of committee actions shall be filed with the Chief Clerk. The committee manager shall post, on a bulletin board and electronically, all meeting agendas.

2. The standing committees of the Assembly may coordinate with the standing committees of the Senate to meet jointly whenever agreed to by said committees for the purpose of holding public hearings or considering any proposed or pending legislation. Upon conclusion of the joint meeting of said committees, each standing committee of the Assembly may take such action as it determines appropriate. Whenever the committees of the Assembly and Senate hold joint hearings or meetings, the chair of the Assembly committee shall coordinate with the chair of the Senate committee to determine which of them shall preside at the joint meeting.

3. When a joint meeting is chaired by a Senator, the practices of the Senate that are inconsistent with those of the Assembly do not create a precedent for the same practice in the Assembly.

[Statutes of Nevada 2011, 3801; A 2013, 3907]

Rule No. 51. Committee Records.

1. The chair of each committee shall have custody of all bills, papers and other documents referred to the committee and shall make reports authorized by the committee and submit the same to the Chief Clerk.

2. The chair of each committee shall keep, or cause to be kept, a complete record of the committee proceedings in which there must be entered:

(a) The time and place of each meeting;

(b) The attendance and absence of members;

(c) The names of all persons appearing before the committee, with the names of persons, firms, corporations or associations in whose behalf such appearance is made; and

(d) The subjects or measures considered and action taken.

3. A person may obtain a recording of a meeting by paying a fee determined by the Director of the Legislative Counsel Bureau to cover the cost of the recording but, except as otherwise provided in this subsection, the official record of the committee is the minutes of the committee meeting approved by the chair pursuant to paragraph (m) of subsection 3 of Assembly

Standing Rule No. 47. Minutes of joint meetings prepared by non-Assembly staff are not official records of the Assembly.

4. The Speaker and the Chief Clerk are authorized to make any necessary corrections and additions to the minutes of committee meetings.

[Statutes of Nevada 1973, 1903; A 1995, 2852; 1997, 3545; 1999, 3840; Moved from Rule 47 by 2011, 3801; 2013, 3908; 2014, 28th Special Session, 46]

Rule No. 52. Final Disposition of Committee Minutes and Exhibits.

Upon their completion, the Chief Clerk shall turn over all original minutes and exhibits to the Research Library of the Legislative Counsel Bureau.

[Statutes of Nevada 1973, 1904; A 1999, 3840; 2009, 3149; Moved from Rule 48 by 2011, 3801]

Rule No. 52.5. Notices of Bills, Topics and Public Hearings.

1. Except as otherwise provided in subsection 3, all committees shall provide adequate notice of public hearings on bills, resolutions or other topics which are to come before the committees. The notice must include the date, time, place and agenda to be covered. The notice must be posted conspicuously in the Legislative Building and be posted on the Nevada Legislature's Internet website.

2. The noticing requirements of this Rule may be suspended for emergency situations but only after approval by a majority vote of a committee.

3. Subsection 1 does not apply to:

(a) Committee meetings held behind the bar on the floor of the Assembly during a recess;

(b) Conference committee meetings; or

(c) Meetings of the Committee of the Whole.

[Statutes of Nevada 2013, 3908; A 2014, 28th Special Session, 47]

D. COMMITTEE HEARINGS

Rule No. 53. Communications.

1. Out of respect for the privacy of committee members and staff, members are requested to hold conversations with lobbyists and members of the public at a location other than at the dais.

2. At the direction of the Chair, lobbyists, the press, and members of the public are not allowed at the dais.

3. All directions, assignments, or requests on behalf of the committee must be communicated to its staff and to the personnel of the Legislative Counsel Bureau by the chair of the committee. A member of the committee

must submit such requests to the chair for transmittal to the staff of the committee or to the personnel of the Legislative Counsel Bureau.

4. The chair may report instances of misconduct or indecorum by any committee member or other person to the Assembly for its consideration and action.

[Statutes of Nevada 2011, 3802; A 2013, 3909]

Rule No. 54. Testimony, Witnesses and Exhibits.

1. All persons wishing to offer testimony to a committee shall be given a reasonable opportunity to do so as determined by the chair.

2. In addressing the committee, a person must state for the record whether he or she supports, opposes or is neutral to the bill or resolution before the committee. For purposes of legislative intent:

(a) "Support" of a bill or resolution shall be construed as:

(1) Approval of the measure as written; or

(2) Approval of the measure as written along with proposed amendments that have been approved by the sponsor of the measure.

(b) "Opposition" to a bill or resolution shall be construed as:

(1) Not supporting the measure as written; or

(2) Opposing the measure as revised by an amendment that has not been approved by the sponsor of the measure.

(c) A "neutral" position on a bill or resolution is one in which the person offers particular insight on the measure but expresses no position on the measure.

3. Persons addressing the committee shall keep their remarks to the point and avoid repetition and are subject to call to order by the chair for failure to do so.

4. A person shall not be excluded from a meeting or public hearing of a committee or subcommittee except in case of any disturbance or disorderly conduct, or if the peace, good order, and proper conduct of the legislative business is hindered by the person or persons.

5. Questions from the committee will be restricted to relevant subject areas.

6. When the chair deems necessary, witnesses will be sworn in pursuant to NRS 218E.040 before providing testimony.

7. Unless waived or revised by the chair, handouts for hearings, including proposed amendments:

(a) Must be submitted to the committee's manager not later than 5 p.m. on the business day before the meeting unless an earlier submission date or time is set by the chair, and included on the agenda;

(b) Must include the name and contact information of the person providing the handouts;

(c) For proposed amendments, must include a brief statement of intent; and

(d) Must be submitted by electronic mail or other electronic means.

[Statutes of Nevada 2011, 3802; A 2013, 3909]

Rule No. 55. Hearings.

1. The presence of a quorum of the committee is desirable but not required to conduct a public hearing. At the discretion of the chair, members of the committee may attend, participate in and, if applicable, vote during the hearing via simultaneous telephone or video conference.

2. Public hearings are opened by the chair who announces the subject under consideration and provides an opportunity for persons wishing to address the committee to be heard. These persons shall rise in an order determined by the chair, address the chair and furnish their names, addresses and firms or other organizations represented.

3. Committee members may address the chair for permission to question the witness.

4. A committee meeting shall adjourn not later than 10 minutes preceding the hour of its next regularly scheduled meeting.

5. At the discretion of the chair, a meeting may be held outside the regularly scheduled day(s) and time.

6. Meetings of the committee may be scheduled outside the Legislative Building in Carson City with prior written approval of the Speaker. Subcommittees must have the prior written approval of the chair of the committee and the Speaker in to order to conduct a meeting outside Carson City.

[Statutes of Nevada 1975, 1914; A 1995, 2852; 1997, 3546; 1999, 3840; 2001, 3301; Moved from Rule 49 by 2011, 3802]

E. VOTING AND COMMITTEE ACTION

Rule No. 56. Manner of Voting.

1. The chair shall declare all votes and shall cause same to be entered on the records of the committee.

2. A member shall not vote for another member on any roll call. Any member who votes for another member may be punished in any manner deemed appropriate by the Assembly.

[Statutes of Nevada 2011, 3803]

Rule No. 57. Committee Action.

1. The committee shall have regular meetings scheduled by the Assembly leadership. A quorum of the committee is a majority of its members and may transact business except as limited by this Rule.

2. Except as limited by this Rule, a simple majority of those present may move, second and pass a motion by voice vote.

3. All motions require a second. If no second is received, that motion shall be declared invalid.

4. Absent approval by the Speaker or unanimous consent to waive the waiting period, a committee may not take final action on a bill or resolution until at least 24 hours after the close of the hearing on the bill or resolution.

5. Definite action on a bill or resolution will require a majority of the entire committee. A member shall vote on all questions that come before the committee unless the member:

(a) Is excused; or

(b) Makes a full and complete disclosure of a conflict pursuant to Assembly Standing Rule No. 23.

6. A majority of the entire committee is required to reconsider action on a bill or resolution.

7. Committee introduction of legislative measures which are not prefiled requires concurrence of a majority of the entire committee and does not imply commitment to support final passage.

8. Absent the consent of the chair and the approval of the Speaker, the chair must be present when the committee votes to take any final action regarding bills or resolutions.

9. No member of the committee may vote by proxy under any circumstances.

10. A committee shall not take a vote on the question of whether to exercise its statutory authority to issue a legislative subpoena unless the chair or other person approved by the Speaker has informed the Speaker of the intention of the committee to consider such a question.

11. Every committee vote on a matter pertaining to a bill or resolution must be recorded. The vote may be taken by roll call at the discretion of the chair.

12. A member may change his or her vote at any time before the announcement of the vote if the voting is by voice. The announcement of the result of any vote shall not be postponed.

13. Unless a committee member advises the chair otherwise, it will be presumed that the member will vote on an amendment or on a measure, during a floor session, consistent with his or her vote in the committee.

14. A bill, resolution, or amendment in a committee having been rejected twice may not be brought up again during the same legislative session.

15. The minority of a committee may not make a report or present to the House an alternative report.

[Statutes of Nevada 2011, 3803; A 2013, 3910; 2015, 3967; 2017, 4534]

F. PARLIAMENTARY AUTHORITY

Rule No. 58. Precedence of Parliamentary Authority for Committees.

The precedence of parliamentary authority for the purpose of actions in a committee is set forth in Assembly Standing Rule No. 100.

[Statutes of Nevada 2011, 3804]

G. DECORUM AND DEBATE IN COMMITTEES

Rule No. 59. Portable Electronic Communication Devices.

1. A person who is within an Assembly committee room shall not engage in a telephone conversation via the use of a portable telephone.

2. No person shall engage in any conduct during a committee meeting which undermines the decorum of the meeting. Before entering an Assembly committee room, any person who possesses a portable electronic communication device, such as a pager or telephone, that emits an audible alert, such as a ringing or beeping sound, to signal an incoming message or call, shall turn the audible alert off. A device that contains a nonaudible alert, such as a silent vibration, may be operated in a nonaudible manner within an Assembly committee room. Failure to follow a warning issued by the chair may result in the device(s) being confiscated upon direction of the chair for the remainder of the meeting.

[Statutes of Nevada 2011, 3804]

Rule No. 60. Reserved.

Rule No. 61. Privilege of Closing Debate.

The author of a bill, a resolution or a main question shall have the privilege of closing the debate, unless the previous question has been sustained.

[Statutes of Nevada 2011, 3804]

Rule No. 62. Points of Order.

If any member, in speaking or otherwise, transgresses the rules of the Assembly, the chair shall, or any member may, call to order, in which case the member so called to order shall immediately yield to the floor, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the presiding officer, the member shall not be allowed to proceed; but if it be not sustained, then the member shall be permitted to go on. Every such decision from the presiding officer shall be subject to an appeal to the committee; but no discussion of the question of order shall be allowed unless an appeal be taken from the decision of the presiding officer.

[Statutes of Nevada 2011, 3804]

Rule No. 63. Reserved.

VI. RULES GOVERNING MOTIONS

Rule No. 64. Entertaining.

No motion may be debated until it is distinctly announced by the presiding officer. The presiding officer, upon his or her own motion or at the request of a member, may direct that the motion be reduced to writing and be read by the Chief Clerk before the motion is debated. A motion may be withdrawn by the maker at any time before amendment or before the motion is put to vote.

[Statutes of Nevada 1973, 1889; A 1995, 2853; 1997, 3547; 1999, 3841; 2003, 3607; Moved from Rule 60 by 2011, 3805]

PARTICULAR MOTIONS

Rule No. 65. Indefinite Postponement.

When a question is postponed indefinitely, the same question must not be considered again during the session and the question is not subject to a motion for reconsideration.

[Statutes of Nevada 1973, 1889; A 1999, 3841]

Rule No. 66. To Strike Enacting Clause.

A motion to strike out the enacting clause of a bill or resolution does not take precedence over any other subsidiary motion. If the motion is carried, it shall be considered equivalent to the rejection of such bill or resolution.

[Statutes of Nevada 1973, 1889; A 1999, 3841]

Rule No. 67. Division of Question.

Any member may call for a division of the question, which shall be divided, if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Assembly. A motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert. A motion to strike out and insert shall be deemed indivisible.

[Statutes of Nevada 1973, 1889]

Rule No. 68. Reserved.

The next rule is 80.

VII. DEBATE

Rule No. 80. Speaking on Question.

1. No member shall speak more than twice during the consideration of any one question, on the same day, and at the same stage of proceedings, without leave. Members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

2. When a member speaks under Order of Business 11, 12, 13 or 14 of Assembly Standing Rule No. 120, the member must limit his or her remarks to an explanation of the issue or an explanation of the bill, resolution or amendment. If the member desires to speak on the importance of such issue, bill, resolution or amendment, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

[Statutes of Nevada 1973, 1890; A 2011, 3806]

Rule No. 81. Previous Question.

The previous question shall be put only when demanded by three members. The previous question shall not be moved by the member last speaking on the question.

[Statutes of Nevada 1973, 1890]

Rule No. 82. Privilege of Closing Debate.

The author of a bill, a resolution or a main question shall have the privilege of closing the debate, unless the previous question has been sustained.

[Statutes of Nevada 2001, 3302]

The next rule is 91.

VIII. CONDUCT OF BUSINESS

A. RULES AND PROCEDURE

Rule No. 91. Rescission, Change or Suspension of Rule.

No standing rule or order of the Assembly shall be rescinded or changed without a vote of a majority of the members elected; but a rule or order may be suspended temporarily by a vote of a majority of the members present.

[Statutes of Nevada 1973, 1890; A 2001, 3303; 2011, 3806]

Rule No. 92. Reserved.

Rule No. 93. Reserved.

Rule No. 94. Privilege of the Floor and Lobbying.

1. Except as otherwise provided in subsection 2, no person, except former Assemblymen and Assemblywomen not currently serving in the Senate, and state officers, may be admitted at the bar of the Assembly, except by special invitation on the part of some member; but a majority may authorize the Speaker to have the Assembly cleared of all such persons. No person may do any lobbying upon the floor of the Assembly at any time, and it is the duty of the Sergeant at Arms to remove any person violating any of the provisions of this Rule.

2. A former Senator or former Assemblyman or Assemblywoman who is expelled from service in the Senate or the Assembly shall have the privilege of the floor only with permission of the Speaker.

[Statutes of Nevada 1973, 1891; A 1983, 2152; 1995, 2856; 1997, 3549; 2013, 3914; 2014, 28th Special Session, 52; 2017, 4537]

Rule No. 95. Material Placed on Legislators' Desks.

All papers, letters, notes, pamphlets and other written material placed upon the desk of a member of the Assembly shall contain the signature of the Legislator requesting the placement of such material on the desk or shall contain a designation of the origin of such material. This Rule does not apply to Legislative Counsel Bureau material.

[Statutes of Nevada 1973, 1891; A 2011, 3807]

Rule No. 96. Peddling, Begging and Soliciting.

1. Peddling, begging and soliciting are strictly forbidden in the Assembly Chambers, and in the lobby, gallery and halls adjacent thereto.

2. No part of the Assembly Chambers may be used for, or occupied by, signs or other devices for any kind of advertising.

3. No part of the hallways adjacent to the Assembly Chambers may be used for, or occupied by, signs or other devices for any kind of advertising for commercial or personal gain. Notices for nonprofit, nonpartisan, civic or special legislative events may be posted in a designated area of the hallways adjacent to the Assembly Chambers with the approval of the Chief Clerk.

[Statutes of Nevada 1973, 1891; A 1999, 3843; 2001, 3303]

Rule No. 97. Petitions and Other Papers.

Petitions and other papers addressed to the Assembly shall be presented by the Speaker, or by a member in the Speaker's place. A brief statement of the contents thereof shall be read for information. They shall not be debated on the day of their being presented, but shall be on the table, or be referred, as the Assembly shall determine.

[Statutes of Nevada 1973, 1891; A 1995, 2856; 1997, 3550; 2011, 3807]

Rule No. 98. Request of Purpose.

A member may request the purpose of a bill or joint resolution upon its introduction.

[Statutes of Nevada 1973, 1891]

Rule No. 99. Remarks.

The remarks of all members on final passage of bills or joint resolutions and on adoption of Assembly or concurrent resolutions shall be included in the day's journal. In addition, it shall be in order for members to make remarks under other orders of business and, subject to the approval of the majority of the members present, request that such remarks be entered in the Journal.

[Statutes of Nevada 1973, 1891; A 2011, 3807; 2013, 3914]

Rule No. 100. Precedence of Parliamentary Authority.

The precedence of parliamentary authority in the Assembly is:

1. The Constitution of the State of Nevada and judicial decisions thereon.
2. The Standing Rules of the Assembly and the Joint Standing Rules of the Senate and Assembly.
3. Custom, usage and precedence.
4. The Statutes of the State of Nevada.
5. Mason's Manual of Legislative Procedure.

[Statutes of Nevada 1973, 1891; A 1999, 3843; 2009, 3152; 2013, 3915; 2014, 28th Special Session, 53]

Rule No. 101. Reserved.

Rule No. 102. Privileged Questions.

Privileged questions have precedence over all others in the following order:

1. Motions to fix the time to which the Assembly shall adjourn.
2. Motions to adjourn.
3. Questions relating to the rights and privileges of the Assembly or any of its members.
4. A call of the House.
5. Motions for special orders.

[Statutes of Nevada 2001, 3304; A 2005, 2934]

Rule No. 103. Reserved.

B. BILLS

Rule No. 104. Reserved.

Rule No. 105. Reserved.

Rule No. 106. Skeleton Bills.

The introduction of skeleton bills is authorized when, in the opinion of the sponsor and the Legislative Counsel, the full drafting of the bill would entail extensive research or be of considerable length. A skeleton bill will be provided for purposes of introduction and committee referral. Such a bill will be a presentation of ideas or statements of purpose, sufficient in style and expression to enable the Legislature and the committee to which the bill may be referred to consider the substantive merits of the legislation proposed.

[Statutes of Nevada 1973, 1893; A 1999, 3844]

Rule No. 107. Reserved.

Rule No. 108. Reserved.

Rule No. 109. Reading of Bills.

The first reading of a bill or joint resolution shall be for information. If there is objection, the question shall be, "Shall the bill be rejected?" If the question to reject fails to receive a majority vote by the members present, or if there is no objection, the bill shall take the proper course. If the question to reject receives a majority vote of the members present, the bill or joint resolution shall be rejected. The same question must not be considered again during the session, and the question is not subject to a motion for reconsideration. No bill shall be referred to a committee until after the first reading, nor amended until after the second reading.

[Statutes of Nevada 1973, 1894; A 1995, 2858; 2011, 3808]

Rule No. 110. Second Reading and Amendment of Bills.

1. All bills must be read the second time on the first legislative day after which they are reported by committee, unless a different day is designated by motion. Upon second reading, Assembly bills reported without amendments shall be placed on the General File and Senate bills reported without amendments shall be placed on the General File. Committee amendments reported with bills shall be considered upon their second reading or third reading, as appropriate, and such amendments may be adopted by a majority vote of the members present. Any amendment which is numbered and made available to all members must be moved and voted upon by number. Assembly bills so amended must be reprinted, then engrossed or reengrossed, as applicable, and placed on the General File. Senate bills so amended must

be reprinted, then engrossed or reengrossed, as applicable, and placed on the General File.

2. Any member may move to amend a bill during its second or third reading, and such a motion to amend may be adopted by a majority vote of the members present. Bills so amended on second reading must be treated the same as bills with committee amendments. Any bill so amended upon the General File must be reprinted and then engrossed or reengrossed, as applicable. A member who moves to amend a bill during its second reading must limit his or her remarks to an explanation of the amendment. If the member desires to speak on the importance of the amendment, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

3. The reprinting of amended bills may be dispensed with upon a majority vote of the members present.

4. It shall not be in order to consider an amendment that removes all sponsors of a bill or resolution.

[Statutes of Nevada 1975, 1915; A 1997, 3552; 1999, 3844; 2009, 3153; 2011, 3809; 2013, 3916]

Rule No. 111. Consent Calendar.

1. A standing committee may by unanimous vote of the members present report a bill with the recommendation that it be placed on the Consent Calendar. The question of recommending a bill for the Consent Calendar may be voted upon in committee only after the bill has been recommended for passage and only if no amendment is recommended.

2. The Chief Clerk shall maintain a list of bills recommended for the Consent Calendar. The list must be printed in the Daily History and must include the summary of each bill, and the date the bill is scheduled for consideration on final passage.

3. At any time before the presiding officer calls for a vote on the passage of the Consent Calendar, a member may give written notice to the Chief Clerk or state orally from the floor of the Assembly in session that he or she requests the removal of a particular bill from the Consent Calendar. If a member so requests, the Chief Clerk shall remove the bill from the Consent Calendar and transfer it to the Second Reading File. A bill removed from the Consent Calendar may not be restored to that Calendar.

4. During floor consideration of the Consent Calendar, members may ask questions and offer explanations relating to the respective bills.

5. When the Consent Calendar is brought to a vote, the bills remaining on the Consent Calendar must be read by number and summary and the vote must be taken on their final passage as a group.

[Statutes of Nevada 1977, 1660; A 1987, 2328; 1997, 3552; 1999, 3845; 2001, 3305]

Rule No. 112. Reserved.

Rule No. 113. General File.

1. All bills and joint resolutions reported to the Assembly, by the Committee of the Whole, a standing committee, a conference committee or a special committee, after receiving their second readings must be placed upon the General File, to be kept by the Chief Clerk. The Chief Clerk shall post a daily statement of the bills on the General File. The Chief Clerk shall likewise post notices of special orders as made.

2. A member who moves to amend a bill or joint resolution during its third reading must limit his or her remarks to an explanation of the amendment. If the member desires to speak on the importance of the amendment, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

3. A member who speaks on third reading regarding the final passage of a bill, joint resolution or initiative petition must limit his or her remarks to an explanation of the bill, joint resolution or initiative petition. If the member desires to speak on the importance of the bill, joint resolution or initiative petition, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

[Statutes of Nevada 1973, 1895; A 1997, 3553; 1999, 3845; 2001, 3305; 2009, 3154; 2011, 3810]

Rule No. 114. Reserved.

Rule No. 115. Reconsideration of Vote on Bill.

1. A motion to reconsider a final vote on a bill or resolution shall be in order only on the day on which the final vote is taken, and the vote on such a motion to reconsider must be taken on the same day. The motion to reconsider can be made only by a member who voted with the prevailing side.

2. A motion to reconsider a vote on an amendment to a pending question must be made at once and can be made only by a member who voted with the prevailing side.

3. A motion to reconsider shall have precedence over every other motion, including a motion to adjourn, if the motion is to reconsider a final vote on a bill or resolution. If the motion to reconsider is for any other action, the motion has precedence over every other motion, except a motion to adjourn or to fix the time to adjourn; and when the Assembly adjourns while a motion to reconsider is pending, the right to move a reconsideration shall continue to the next day of sitting.

[Statutes of Nevada 1973, 1895; A 1999, 3845; 2009, 3155, 3279; 2011, 3810; 2013, 3917]

Rule No. 116. Vetoed Bills.

1. Bills that have passed both Houses of the Legislature and are transmitted to the Assembly accompanied by a message or statement of the Governor's disapproval or veto of the same must:

(a) Be taken up and considered immediately upon the coming in of the message transmitting the same; or

(b) Become the subject of a special order.

2. When the message is received, or if made a special order, when the special order is called, the said message or statement must be read together with the bill or bills so disapproved or vetoed. The message and bill must be read by the Chief Clerk without interruption, consecutively, one following the other, and not upon separate occasions. No such bill or message may be referred to any committee, or otherwise acted upon save as provided by law and custom. It shall not be in order, at any time, to vote upon such a vetoed bill unless the same shall first have been read, from the first word of its title to and including the last word of its final section. The message or statement containing the objections of the Governor to the bill must be entered in the Journal of the Assembly.

[Statutes of Nevada 2001, 3306; A 2009, 3155; 2011, 3810; 2015, 3974]

Rule No. 117. Reserved.

C. RESOLUTIONS

Rule No. 118. Treated as Bills—Joint Resolutions.

The procedure of enacting joint resolutions must be identical to that of enacting bills, except that:

1. Joint resolutions, upon enrollment, must be delivered to the Secretary of State; and

2. Joint resolutions proposing amendments to the Constitution must be entered in the Journal in their entirety.

[Statutes of Nevada 1973, 1895; A 1999, 3846; 2003, 3612]

Rule No. 119. Return from the Secretary of State.

An Assembly resolution may be used to request the return from the Secretary of State of an enrolled Assembly resolution for further consideration.

[Statutes of Nevada 2009, 3156]

D. ORDER OF BUSINESS

Rule No. 120. Order of Business.

The Order of Business must be as follows:

1. Call to Order.
2. Reading and Approval of Journal.
3. Presentation of Petitions.
4. Reports of Standing Committees.
5. Reports of Select Committees.
6. Communications.
7. Messages from the Senate.
8. Motions, Resolutions and Notices.
9. Introduction, First Reading and Reference.
10. Consent Calendar.
11. Second Reading and Amendment.
12. General File and Third Reading.
13. Unfinished Business of Preceding Day.
14. Vetoed Bills and Special Orders of the Day.
15. Remarks from the Floor, limited to 10 minutes.

[Statutes of Nevada 1973, 1895; A 1977, 1660; 1985, 2316; 1987, 2328; 1989, 2206; 1999, 3846; 2001, 3307; 2011, 3811]

Rule No. 121. Reserved.

Rule No. 122. Reserved.

Rule No. 123. Reserved.

Rule No. 124. Reserved.

Rule No. 125. Reserved.

Rule No. 126. Reserved.

Rule No. 127. Reserved.

Rule No. 128. Reserved.

The next rule is 140.

IX. LEGISLATIVE INVESTIGATIONS AND MISCELLANEOUS

Rule No. 140. Compensation of Witnesses.

Witnesses summoned to appear before the Assembly or any of its committees must be compensated as provided by law for witnesses required to attend in the courts of the State of Nevada.

[Statutes of Nevada 1973, 1897; A 1999, 3847]

Rule No. 141. Use of the Assembly Chamber.

The Assembly Chamber shall not be used for any public or private business other than legislative, except by permission of the Assembly.

[Statutes of Nevada 1973, 1897; A 2013, 3919; 2014, 28th Special Session, 57]

X. SPECIAL SESSIONS

Rule No. 142. Request for Drafting of Bills, Resolutions or Amendments.

1. Except as otherwise provided in subsections 2 and 3, the Legislative Counsel shall not honor a request for the drafting of a bill or resolution to be introduced in the Assembly during a special session, or an amendment to a bill or resolution, unless it is submitted by the Speaker, the Committee of the Whole, such other committees as the Speaker may appoint for a special session, or a conference committee.

2. The standing Committee on Legislative Operations and Elections may request the drafting of three Assembly resolutions and one Assembly concurrent resolution necessary to establish the rules, staffing, operation and organization of the Assembly and the Legislature for a special session.

3. The Speaker may request the drafting of five bills for a special session without seeking the approval of the Assembly.

[Statutes of Nevada 2014, 28th Special Session, 58]

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JOINT STANDING RULES

CONFERENCE COMMITTEES

Rule No. 1. Procedure Concerning.

1. In every case of an amendment of a bill, or joint or concurrent resolution, agreed to in one House, dissented from in the other, and not receded from by the one making the amendment, each House may appoint a committee to confer with a like committee to be appointed by the other; and, if appointed, the committee shall meet publicly at a convenient hour to be agreed upon by their respective chairs and announced publicly, and shall confer upon the differences between the two Houses as indicated by the amendments made in one and rejected in the other and report as early as convenient the result of their conference to their respective Houses.

2. The report shall be made available to all members of both Houses. The whole subject matter embraced in the bill or resolution shall be considered by the committee, and it may recommend recession by either House, new amendments, a new bill or resolution, or other changes as it sees fit. A new bill or resolution so reported shall be treated as amendments unless the bill or resolution is composed entirely of original matter, in which case it shall receive the treatment required in the respective Houses for original bills, or resolutions, as the case may be. A conference committee shall not recommend any action which would cause the creation of more than one reprint or more than one bill or resolution.

3. The report of a conference committee may be adopted by acclamation. The report is not subject to amendment.

4. There shall be but one conference committee on any bill or resolution. A majority of the members of a conference committee from each House must be members who voted for the passage of the bill or resolution.

[Statutes of Nevada 1947, 872; A 1977, 1697; 1979, 1964; 1999, 3848; 2009, 3126; 2011, 3753; 2015, 4000; 2017, 4504]

MESSAGES

Rule No. 2. Biennial Message of the Governor.

Upon motion, the biennial message of the Governor must be received and read and entered in full in the Journal of proceedings.

[Statutes of Nevada 1931, 466; A 1999, 3848; 2001, 3310; 2007, 3438; 2009, 3127]

Rule No. 2.2. Other Messages From the Governor.

Whenever a message from the Governor is received, it shall be read and entered in full in the Journal of proceedings.

[Statutes of Nevada 2009, 3127]

Rule No. 2.4. Proclamation by the Governor Convening Special Session.

Proclamations by the Governor convening the Legislature in special session must, by direction of the presiding officer of each House, be read immediately after the convening of the special session, and must be filed and entered in the Journal of proceedings.

[Statutes of Nevada 2009, 3127]

Rule No. 2.6. Messages Between Houses.

Messages from the Senate to the Assembly shall be delivered by the Secretary or a person designated by the Secretary and messages from the Assembly to the Senate shall be delivered by the Chief Clerk or a person designated by the Chief Clerk.

[Statutes of Nevada 1931, 466; A 1999, 3848; 2001, 3310; 2007, 3438; 2009, 3127; 2011, 3754]

NOTICE OF FINAL ACTION

Rule No. 3. Communications.

Each House shall communicate its final action on any bill or resolution, or matter in which the other may be interested, by written notice. Each such notice sent by the Senate must be signed by the Secretary of the Senate, or a person designated by the Secretary. Each such notice sent by the Assembly must be signed by the Chief Clerk of the Assembly, or a person designated by the Chief Clerk.

[Statutes of Nevada 1931, 410; A 1999, 3849]

BILLS AND JOINT RESOLUTIONS

Rule No. 4. Signature.

Each enrolled bill or joint resolution shall be presented to the presiding officers of both Houses for signature. They shall, after an announcement of their intention to do so is made in open session, sign the bill or joint resolution and their signatures shall be followed by those of the Secretary of the Senate and Chief Clerk of the Assembly.

[Statutes of Nevada 1931, 467; A 1977, 1656; 1999, 3849]

Rule No. 5. Joint Sponsorship.

1. A bill or resolution introduced by a standing committee of the Senate or Assembly may, at the direction of the chair of the committee, set forth the name of a standing committee of the other House as a joint sponsor, if a majority of all members appointed to the committee of the other House votes in favor of becoming a joint sponsor of the bill or resolution. The name of the committee joint sponsor must be set forth on the face of the bill or resolution immediately below the date on which the bill or resolution is introduced.

2. A bill or resolution introduced by one or more Legislators elected to one House may, at the direction of the Legislator who brings the bill or resolution forward for introduction, set forth the names of one or more Legislators who are members elected to the other House and who wish to be primary joint sponsors or non-primary joint sponsors of the bill or resolution. Not more than five Legislators from each House may be set forth on the face of a bill or resolution as primary joint sponsors. The names of each primary joint sponsor and non-primary joint sponsor must be set forth on the face of the bill or resolution in the following order immediately below the date on which the bill or resolution is introduced:

(a) The name of each primary joint sponsor, in the order indicated on the colored back of the introductory copy of the bill or resolution; and

(b) The name of each non-primary joint sponsor, in alphabetical order.

3. The Legislative Counsel shall not cause to be printed the name of a standing committee as a joint sponsor on the face of a bill or resolution unless the chair of the committee has signed his or her name next to the name of the committee on the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5. The Legislative Counsel shall not cause to be printed the name of a Legislator as a primary joint sponsor or non-primary joint sponsor on the face of a bill or resolution unless the Legislator has signed the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5.

4. Upon introduction, any bill or resolution that sets forth the names of primary joint sponsors or non-primary joint sponsors, or both, must be numbered in the same numerical sequence as other bills and resolutions of the same House of origin are numbered.

5. Once a bill or resolution has been introduced, a primary joint sponsor or non-primary joint sponsor may only be added or removed by amendment of the bill or resolution. An amendment which proposes to add or remove a primary joint sponsor or non-primary joint sponsor must not be considered by the House of origin of the amendment unless a statement requesting the addition or removal is attached to the copy of the amendment submitted to the front desk of the House of origin of the amendment. If the amendment

proposes to add or remove a Legislator as a primary joint sponsor or non-primary joint sponsor, the statement must be signed by that Legislator. If the amendment proposes to add or remove a standing committee as a joint sponsor, the statement must be signed by the chair of the committee. A copy of the statement must be transmitted to the Legislative Counsel if the amendment is adopted.

6. An amendment that proposes to add or remove a primary joint sponsor or non-primary joint sponsor may include additional proposals to change the substantive provisions of the bill or resolution or may be limited only to the proposal to add or remove a primary joint sponsor or non-primary joint sponsor.

[Statutes of Nevada R 1979, 1964; A 1999, 3849; 2005, 2956]

PUBLICATIONS

Rule No. 6. Ordering and Distribution.

1. The bills, resolutions, journals and histories will be provided electronically to the officers and members of the Senate and Assembly, staff of the Legislative Counsel Bureau, the press and the general public on the Nevada Legislature's Internet website.

2. Each House may order the printing of bills introduced, reports of its own committees, and other matter pertaining to that House only; but no other printing may be ordered except by a concurrent resolution passed by both Houses. Each Senator is entitled to the free distribution of four copies of each bill introduced in each House, and each Assemblyman and Assemblywoman to such a distribution of two copies. Additional copies of such bills may be distributed at a charge to the person to whom they are addressed. The amount charged for distribution of the additional copies must be determined by the Director of the Legislative Counsel Bureau to approximate the cost of handling and postage for the entire session.

[Statutes of Nevada 1920-21, 410; A 1977, 1657; 1979, 1964; 1983, 2108; 1991, 2476; 2011, 3756]

RESOLUTIONS

Rule No. 7. Types, Usage and Approval.

1. A joint resolution must be used to:

(a) Propose an amendment to the Nevada Constitution.

(b) Ratify a proposed amendment to the United States Constitution.

(c) Address the President of the United States, Congress, either House or any committee or member of Congress, any department or agency of the Federal Government, or any other state of the Union.

2. A concurrent resolution must be used to:

(a) Amend these Joint Standing Rules, which requires a majority vote of each House for adoption.

(b) Request the return from the Governor of an enrolled bill for further consideration.

(c) Request the return from the Secretary of State of an enrolled joint or concurrent resolution for further consideration.

(d) Resolve that the return of a bill from one House to the other House is necessary and appropriate.

(e) Express facts, principles, opinion and purposes of the Senate and Assembly.

(f) Establish a joint committee of the two Houses.

(g) Direct the Legislative Commission to conduct an interim study.

3. A concurrent resolution or a resolution of one House may be used to memorialize a former member of the Legislature or other notable or distinguished person upon his or her death.

4. A resolution of one House may be used to request the return from the Secretary of State of an enrolled resolution of the same House for further consideration.

5. A resolution of one House may be used for any additional purpose determined appropriate by the Majority Leader of the Senate or the Speaker of the Assembly, respectively.

6. A concurrent resolution used for the purposes expressed in paragraph (e) of subsection 2 may only be requested by a statutory, interim or standing committee.

[Statutes of Nevada 1963, 1452; A 1977, 1657; 1979, 2036; 1989, 2201; 1993, 2903; 1999, 3851; 2005, 2958; 2009, 3129; 2011, 3756; 2013, 3885]

Rule No. 8. Reserved.

ADJOURNMENT

Rule No. 9. Limitations and Calculation of Duration.

1. In calculating the permissible duration of an adjournment for 3 days or less, Sunday must not be counted.

2. The Legislature may adjourn for more than 3 days by motion based on mutual consent of the Houses or by concurrent resolution. One or more such adjournments, for a total of not more than 20 days during any regular session, may be taken to permit standing committees, select committees or the Legislative Counsel Bureau to prepare the matters respectively entrusted to them for the consideration of the Legislature as a whole.

[Statutes of Nevada 1920-21, 410; A 1977, 1698; 1991, 2477; 1993, 2904; 1995, 2897; 2001, 3313; 2013, 3886]

Rule No. 9.5. Adjournment Sine Die.

1. The Legislature shall not take any action on a bill or resolution after midnight Pacific time at the end of the 120th consecutive calendar day of session, inclusive of the day on which the session commences. Any legislative action taken after midnight Pacific time at the end of the 120th consecutive calendar day of session is void, unless the legislative action is conducted during a special session.

2. A Legislator shall not take any action to impede the progress of the Legislature in completing its business by the time specified in subsection 1.

3. The Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores the measure of time specified in subsection 1 for the purpose of extending the duration of the session.

4. Any action taken in violation of subsection 2 or 3 shall be deemed out of order.

5. As used in this Rule, "midnight Pacific time" must be determined based on the actual measure of time that, on the final calendar day of the session, is being used and observed by the general population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the seat of government of this State as designated by Section 1 of Article 15 of the Nevada Constitution.

[Statutes of Nevada 2003, 3747; A 2011, 3757; 2013, 3887]

EXPENDITURES FROM THE LEGISLATIVE FUND

Rule No. 10. Manner of Authorization.

Except for routine salary, travel, equipment and operating expenses, no expenditures shall be made from the Legislative Fund without the authority of a concurrent resolution regularly adopted by the Senate and Assembly.

[Statutes of Nevada 1955, 956; A 2001, 3314]

LEGISLATIVE COMMISSION

Rule No. 11. Membership and Organization.

1. When members of the minority party in the Senate or in the Assembly comprise one-third or less of the total number elected to that House, minority party membership for that House on the Legislative Commission must be:

(a) One, if such membership is less than one-fifth of the total number elected to that House.

(b) Two, if such membership is at least one-fifth but not more than one-third of the total number elected to that House.

➥ If the members of the minority party in the Senate or in the Assembly comprise more than one-third of the total number elected to that House, minority party membership for that House on the Commission must be three, being equal to the membership of the majority party.

2. Each House shall select one or more alternate members for each member from that House, designating them according to party or according to the individual member whom the alternate would replace.

3. A vacancy in the regular Senate or Assembly membership created by death or by resignation or by the Legislator's ceasing to be a member of the Legislature shall be filled by the proper alternate member as designated by that House. If there is no proper alternate member, the Legislative Commission shall fill the vacancy by appointing a Senator or Assemblyman or Assemblywoman of the same party.

4. If for any reason a member is or will be absent from a meeting and there are no alternates available, the Chair of the Commission may appoint a member of the same House and political party to attend the meeting as an alternate.

5. The members shall serve until their successors are appointed by resolution as provided in NRS 218E.150, except that the membership of any member who does not become a candidate for reelection or who is defeated for reelection shall terminate on the day next after the election and the vacancy shall be filled as provided in this Rule.

6. The Chair shall be selected at the first meeting of the newly formed Legislative Commission and shall serve until his or her successor is appointed following the formation of the next Legislative Commission.

[Statutes of Nevada 1975, 1959; A 1977, 1719; 1981, 2147; 2009, 3131]

RECORDS OF COMMITTEE PROCEEDINGS

Rule No. 12. Duties of Secretary of Committee and Director.

1. Each standing committee of the Legislature shall cause a record to be made of the proceedings of its meetings.

2. The secretary of a standing committee shall:

(a) Label each record with the date, time and place of the meeting and also indicate on the label the numerical sequence in which the record was made;

(b) Keep the records in chronological order; and

(c) Deposit the records upon completion with the Director of the Legislative Counsel Bureau.

3. The Director of the Legislative Counsel Bureau shall:

(a) Make the records available for accessing by any person during office hours under such reasonable conditions as the Director may deem necessary; and

(b) Retain the records for two bienniums and at the end of that period keep some form or copy of the record in any manner the Director deems reasonable to ensure access to the record in the foreseeable future.

[Statutes of Nevada 1979, 2012; A 1999, 3853; 2009, 3132]

REAPPORTIONMENT AND REDISTRICTING

Rule No. 13. Responsibility for Measures.

The Majority Leader of the Senate and the Speaker of the Assembly may appoint a Select Committee on Redistricting for their respective Houses, which are respectively responsible for measures which primarily affect the designation of the districts from which members are elected to the Legislature. These committees are hereby designated as the "redistricting committees" for the purposes of this Rule and Joint Standing Rules Nos. 13.3, 13.4, 13.6 and 14.6.

[Statutes of Nevada 2015, 4005; 2017, 4509]

Rule No. 13.1. Reserved.

Rule No. 13.2. Reserved.

Rule No. 13.3. Bill Draft Requests; Exemptions.

1. Except for emergency requests submitted pursuant to Joint Standing Rule No. 14.4, bill draft requests, including bills in skeletal form, setting forth specific boundaries of districts and amendments thereto may only be requested by the chairs of the redistricting committees.

2. All bill drafts and measures requested by a redistricting committee pursuant to subsection 1 are exempt pursuant to subsection 4 of Joint Standing Rule No. 14.6.

[Statutes of Nevada 2015, 4006]

Rule No. 13.4. Compliance with the Voting Rights Act.

1. A redistricting committee will not consider a plan that the redistricting committee determines is a violation of section 2 of the Voting Rights Act, 52 U.S.C. § 10301, which prohibits any state from imposing any voting qualification, standard, practice or procedure that results in the denial or abridgment of any United States citizen's right to vote on account of race, color or status as a member of a language minority group.

2. A redistricting committee will not consider a plan that the redistricting committee determines is racially packing or cracking.

3. Racial packing exists when:

(a) Race is the dominant and controlling rationale in drawing district lines; and

(b) The district lines are drawn to concentrate members of a group into a single district, thereby diminishing their impact as individual voters.

4. Racial cracking exists when:

(a) Race is the dominant and controlling rationale in drawing district lines; and

(b) District lines are drawn to split members of a group among multiple districts, so as to dilute their impact and to prevent them from constituting a majority.

5. For the purpose of analyzing the 2010 census data, the redistricting committees shall adopt the method set forth in the Office of Management and Budget (OMB) Bulletin No. 00-02 for aggregating and allocating the 63 categories of race data that was reported to Nevada in 2011 by the United States Census Bureau as part of the federal decennial census.

[Statutes of Nevada 2015, 4006; 2017, 4510]

Rule No. 13.6. Public Participation.

1. The redistricting committees shall seek and encourage:

(a) Public participation in all aspects of the reapportionment and redistricting activities; and

(b) The widest range of public input into the deliberations relating to those activities.

2. Notices of all meetings of the redistricting committees must be transmitted to any member of the public who so requests, without charge.

3. All interested persons are encouraged to appear before the redistricting committees and to provide their input regarding the reapportionment and redistricting activities. The redistricting committees shall afford a reasonable opportunity to any interested persons to present plans for redistricting, or amendments to plans for redistricting, unless such plans demonstrably fail to meet the minimally acceptable criteria set forth in this Rule and Joint Standing Rules Nos. 13, 13.3 and 13.4.

4. Each of the redistricting committees shall fully utilize available videoconferencing capabilities and shall, either jointly or separately, hold at least one hearing in the southern portion of the State and at least one hearing in a rural portion of the State to allow residents throughout the State an opportunity to participate in the deliberations relating to the reapportionment and redistricting activities.

5. The Legislative Counsel Bureau shall make available to the public copies of the validated 2010 census database for the cost of reproducing the database.

6. The redistricting committees shall make available for review by the public, copies of all maps prepared at the direction of the committees.

[Statutes of Nevada 2017, 4510]

LIMITATIONS ON INTRODUCTION AND REQUESTS FOR DRAFTING OF LEGISLATIVE MEASURES

Rule No. 14. Limitations on Drafting and Requirements for Introduction; Indication of Requester on Committee Introductions.

1. Except as otherwise provided in subsection 3 and Joint Standing Rules Nos. 14.4, 14.5 and 14.6, after a regular legislative session has convened, the Legislative Counsel shall honor, if submitted before 5 p.m. on the 15th calendar day of the legislative session, not more than 60 requests, in total, from each House for the drafting of a bill or joint resolution. The Majority Leader of the Senate and the Speaker of the Assembly shall, not later than the 8th calendar day of the legislative session, allocate all, some or none of the 60 requests and provide the Legislative Counsel with a written list of the number of requests for the drafting of a bill that may be submitted by each member and standing committee of their respective Houses, and as Majority Leader or Speaker, as applicable, within the limit provided by this subsection. The lists may be revised any time before the 15th calendar day of the legislative session to reallocate any unused requests or requests which were withdrawn before drafting began on the request.

2. A request for the drafting of a bill or resolution that is submitted by a standing committee pursuant to this section must be approved by a majority of all of the members appointed to the committee before the request is submitted to the Legislative Counsel.

3. A standing committee may only request the drafting of a bill or resolution or introduce a bill or resolution that is within the jurisdiction of the standing committee.

4. A measure introduced by a standing committee at the request of a Legislator or organization must indicate the Legislator or organization at whose request the measure was drafted.

5. The following measures must be introduced by a standing committee:

(a) Measures drafted at the request of agencies and officers of the Executive Branch of State Government, local governments, the courts and other authorized nonlegislative requesters.

(b) Measures requested by statutory committees and interim legislative studies.

(c) Bills requested by a standing committee, or by persons designated to request measures on behalf of a standing committee during the interim. Bills requested by or on behalf of a standing committee must be introduced by that committee.

6. Resolutions requested by or on behalf of a standing committee may be introduced by an individual member.

7. A Legislator may not change the subject matter of a request for a legislative measure after it has been submitted for drafting.

[Statutes of Nevada 1983, 2101; A 1989, 2202, 2361; 1991, 2577; 1993, 3124; 1995, 2868; 1997, 3563; 1999, 3854, 3911; 2001, 3317; 2005, 2961; 2007, 3442; 2009, 3132; 2011, 3761; 2013, 3888; 2015, 4006; 2017, 4511]

Rule No. 14.1. Secondary Deadline for Submission of Details to the Legislative Counsel.

1. If a request for the drafting of a bill or resolution is submitted to the Legislative Counsel by a Senator or member of the Assembly, a standing committee of the Assembly or Senate or the Majority Leader of the Senate or the Speaker of the Assembly on or before the 15th calendar day of the legislative session pursuant to subsection 1 of Joint Standing Rule No. 14, the member, chair of the standing committee or his or her designee, and the Majority Leader and Speaker, as applicable, shall, by the 22nd calendar day of the legislative session, provide the Legislative Counsel with information to draft the request which is sufficient in detail to allow for complete drafting of the request.

2. The Legislative Counsel shall give priority to the drafting of bills and resolutions for which sufficient detail to allow complete drafting of the request was submitted within the period required by this Rule.

3. The provisions of this Rule apply to a request submitted by a Legislator who is not returning to the Legislature for the legislative session if the request was claimed by another Legislator who is or will be serving during the legislative session.

4. The provisions of this Rule do not apply to:

(a) Emergency requests submitted pursuant to Joint Standing Rule No. 14.4.

(b) Requests for which a waiver is granted pursuant to Joint Standing Rule No. 14.5.

[Statutes of Nevada 2011, 3762; A 2013, 3890; 2015, 4007; 2017, 4512]

Rule No. 14.2. Limitations on Time for Introduction of Legislation.

1. Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

(a) Unless the provisions of paragraph (b) or (c) are applicable, a bill or joint resolution may only be introduced on or before:

(1) The 10th calendar day following delivery of the introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (e),

➥ whichever is earlier.

(b) If a bill or joint resolution requires revision after the introductory copy has been delivered, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 10th calendar day

following delivery of the introductory copy of the bill or joint resolution. The revised bill or joint resolution may only be introduced on or before:

(1) The 15th calendar day following delivery of the original introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (e),

➥ whichever is earlier.

(c) If the bill or joint resolution requires a second or subsequent revision, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 15th calendar day following delivery of the original introductory copy of the bill or joint resolution. A bill or joint resolution revised pursuant to this paragraph may only be introduced on or before:

(1) The 20th calendar day following delivery of the original introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (e),

➥ whichever is earlier.

(d) A request that was designated for prefiling pursuant to NRS 218D.150 must be introduced on or before the 8th calendar day of the legislative session.

(e) Except as otherwise provided in subsection 3, the last day for introduction of a bill or joint resolution that was requested by:

(1) Except as otherwise provided in subparagraph (2), a Legislator is the 43rd calendar day of the legislative session.

(2) A Legislator, pursuant to subsection 1 of Joint Standing Rule No. 14, a standing or interim committee or other requester is the 50th calendar day of the legislative session.

2. The Legislative Counsel shall indicate on the face of the introductory copy of each bill or joint resolution the final date on which the bill or joint resolution may be introduced.

3. If the final date on which the bill or joint resolution may be introduced falls upon a day on which the House in which the bill or joint resolution is to be introduced is not in session, the bill or joint resolution may be introduced on the next day that the House is in session.

[Statutes of Nevada 1999, 3856, 3912; A 2005, 2962; 2007, 3444; 2017, 4512]

SCHEDULE FOR ENACTMENT OF BILLS

Rule No. 14.3. Final Dates for Action by Standing Committees and Houses.

Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

1. The final standing committee to which a bill or joint resolution is referred in its House of origin may only take action on the bill or joint resolution on or before the 68th calendar day of the legislative session. A bill may be re-referred after that date only to the Senate Committee on Finance or the Assembly Committee on Ways and Means and only if the bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6.

2. Final action on a bill or joint resolution may only be taken by the House of origin on or before the 79th calendar day of the legislative session.

3. The final standing committee to which a bill or joint resolution is referred in the second House may only take action on the bill or joint resolution on or before the 103rd calendar day of the legislative session. A bill may be re-referred after that date only to the Senate Committee on Finance or the Assembly Committee on Ways and Means and only if the bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6.

4. Final action on a bill or joint resolution may only be taken by the second House on or before the 110th calendar day of the legislative session.

[Statutes of Nevada 1999, 3857, 3913, 4007; A 2001, 3319; 2003, 3592; 2005, 2963; 2011, 3764, 3858; 2013, 3891]

Rule No. 14.4. Emergency Requests.

1. After a legislative session has convened:

(a) The Majority Leader of the Senate and the Speaker of the Assembly may each submit to the Legislative Counsel, on his or her own behalf or on the behalf of another Legislator or a standing committee of the Senate or Assembly, not more than ten requests for the drafting of a bill or resolution.

(b) The Minority Leader of the Senate and the Minority Leader of the Assembly may each submit to the Legislative Counsel, on his or her own behalf or on the behalf of another Legislator or a standing committee of the Senate or Assembly, not more than three requests for the drafting of a bill or resolution.

2. A request submitted pursuant to subsection 1:

(a) May be submitted at any time during the legislative session and is not subject to any of the provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3.

(b) Is in addition to, and not in lieu of, any other requests for the drafting of a bill or resolution that are authorized to be submitted to the Legislative Counsel by the Majority Leader of the Senate, Speaker of the Assembly, Minority Leader of the Senate or Minority Leader of the Assembly.

3. The list of requests for the preparation of legislative measures prepared pursuant to NRS 218D.130 must include the phrase

"EMERGENCY REQUEST OF" and state the title of the person who requested each bill or resolution pursuant to this Rule. If the request was made on behalf of another Legislator or a standing committee, the list must also include the name of the Legislator or standing committee on whose behalf the bill or resolution was requested.

4. The Legislative Counsel shall cause to be printed on the face of the introductory copy and all reprints of each bill or resolution requested pursuant to this Rule the phrase "EMERGENCY REQUEST OF" and state the title of the person who requested the bill or resolution.

[Statutes of Nevada 1999, 3857, 3914; A 2001, 3320; 2011, 3764; 2015, 4009; 2017, 4514]

Rule No. 14.5. Waivers.

1. At the request of a Legislator or a standing or select committee of the Senate or Assembly, subsection 1 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 or any of the provisions of Joint Standing Rules Nos. 14.1 and 14.3, or any combination thereof, may be waived by the Majority Leader of the Senate and the Speaker of the Assembly, acting jointly, at any time during a legislative session. A request for a waiver submitted by a committee must be approved by a majority of all members appointed to the committee before the request is submitted to the Majority Leader and the Speaker.

2. A waiver granted pursuant to subsection 1:

(a) Must be in writing, executed on a form provided by the Legislative Counsel, and signed by the Majority Leader and the Speaker.

(b) Must indicate the date on which the waiver is granted.

(c) Must indicate the Legislator or committee on whose behalf the waiver is being granted.

(d) Must include the bill number for which the waiver is granted or indicate that the Legislative Counsel is authorized to accept and honor a request for a new bill or resolution.

(e) Must indicate the provisions to which the waiver applies.

(f) May include the conditions under which the bill for which the waiver is being granted must be introduced and processed.

3. The Legislative Counsel shall not honor a request for the drafting of a new bill or resolution for which a waiver is granted pursuant to this Rule unless information which is sufficient in detail to allow for complete drafting of the bill or resolution is submitted to the Legislative Counsel within 2 calendar days after the date on which the waiver is granted.

4. Upon the receipt of a written waiver granted pursuant to this Rule, the Legislative Counsel shall transmit a copy of the waiver to the Secretary of the Senate and the Chief Clerk of the Assembly. The notice that a waiver has been granted for an existing bill must be read on the floor and entered in

the Journal, and a notation that the waiver was granted must be included as a part of the history of the bill on the next practicable legislative day. A notation that a waiver was granted authorizing a new bill or resolution must be included as a part of the history of the bill or resolution after introduction.

5. The Legislative Counsel shall secure the original copy of the waiver to the official cover of the bill or resolution.

[Statutes of Nevada 1999, 3858, 3914, 4007; A 2001, 3320; 2003, 3593; 2011, 3765; 2015, 4009]

Rule No. 14.6. Exemptions.

1. Upon request of the draft by or referral to the Senate Committee on Finance or the Assembly Committee on Ways and Means, a bill which:

(a) Contains an appropriation; or

(b) Has been determined by the Fiscal Analysis Division to:

(1) Authorize the expenditure by a state agency of sums not appropriated from the State General Fund or the State Highway Fund;

(2) Create or increase any significant fiscal liability of the State;

(3) Implement a budget decision; or

(4) Significantly decrease any revenue of the State,

➥ is exempt from the provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3. The Fiscal Analysis Division shall give notice to the Legislative Counsel to cause to be printed on the face of the bill the term "exempt" for any bills requested by the Senate Committee on Finance or Assembly Committee on Ways and Means that have been determined to be exempt and shall give written notice to the Legislative Counsel, Secretary of the Senate and Chief Clerk of the Assembly of any bill which is determined to be exempt or eligible for exemption after it is printed. When a bill is determined to be exempt or eligible for an exemption after the bill was printed, a notation must be included as a part of the history of the bill on the next practicable legislative day. The term "exempt" must be printed on the face of all reprints of the bill after the bill becomes exempt.

2. Unless exempt pursuant to paragraph (a) of subsection 1, all of the provisions of Joint Standing Rules Nos. 14, 14.1, 14.2 and 14.3 apply to a bill until the bill becomes exempt pursuant to subsection 1. A bill that has become exempt does not lose the exemption regardless of subsequent actions taken by the Legislature.

3. A cumulative list of all bills determined by the Fiscal Analysis Division pursuant to subsection 1 to be exempt or eligible for exemption after being printed must be maintained and printed in the back of the list of requests for the preparation of legislative measures prepared pursuant to NRS 218D.130.

4. The provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3 do not apply to:

(a) A measure that primarily relates to carrying out the business of the Legislature.

(b) A bill returned from enrollment for a technical correction.

(c) A bill that was previously enrolled but, upon request of the Legislature, has been returned from the Governor for further consideration.

(d) A bill draft or measure requested pursuant to subsection 1 of Joint Standing Rule No. 13.3.

[Statutes of Nevada 1999, 3859, 3915, 4008; A 2001, 3321; 2003, 3594; 2005, 2964; 2011, 3766; 2013, 3893; 2015, 4010]

Rule No. 14.7. Amendments.

1. The Legislative Counsel shall not honor a request for the drafting of an amendment to a bill or resolution if the subject matter of the amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of the bill or resolution.

2. For the purposes of this Rule, an amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of a bill or resolution if the amendment relates only to the general, single subject that is expressed in that title and not to the specific whole subject matter embraced in the bill or resolution.

3. This Rule must be narrowly construed to carry out the purposes for which it was adopted, which is to ensure the effectiveness of the limitations set forth in Joint Standing Rules Nos. 14, 14.1, 14.2 and 14.3.

[Statutes of Nevada 1999, 3860; A 2011, 3767]

Rule No. 15. Reserved.

Rule No. 16. Reserved.

DATE OF FIRST JOINT BUDGET HEARING

Rule No. 17. Requirement.

The first joint meeting of the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means to consider the budgets of the agencies of the State must be held on or before the 92nd calendar day of the regular session.

[Statutes of Nevada 1991, 2478, 2597; A 2001, 3323; 2009, 3138; 2011, 3767; 2013, 3894]

CRITERIA FOR REVIEWING BILLS THAT REQUIRE POLICIES OF HEALTH INSURANCE TO PROVIDE COVERAGE FOR CERTAIN TREATMENT OR SERVICES

Rule No. 18. Topics of Consideration.

Any standing committee of the Senate or Assembly to which a bill is referred requiring a policy of health insurance delivered or issued for delivery in this State to provide coverage for any treatment or service shall review the bill giving consideration to:

1. The level of public demand for the treatment or service for which coverage is required and the extent to which such coverage is needed in this State;

2. The extent to which coverage for the treatment or service is currently available;

3. The extent to which the required coverage may increase or decrease the cost of the treatment or service;

4. The effect the required coverage will have on the cost of obtaining policies of health insurance in this State;

5. The effect the required coverage will have on the cost of health care provided in this State; and

6. Such other considerations as are necessary to determine the fiscal and social impact of requiring coverage for the treatment or service.

[Statutes of Nevada 1991, 2510; A 1993, 2909]

INTERIM LEGISLATIVE COMMITTEES

Rule No. 19. Approval for Meeting During Session and Date for Reporting.

1. A legislative committee that meets during the interim shall not schedule or otherwise hold a meeting during a regular session of the Legislature or during an adjournment pursuant to Joint Standing Rule No. 9 without the prior approval of the Majority Leader of the Senate and the Speaker of the Assembly.

2. Each legislative committee that adopted any findings or recommendations during the interim since the last regular session of the Legislature shall, not later than the 14th calendar day of the regular session, inform interested members of the Senate and Assembly of those findings and recommendations.

[Statutes of Nevada 1991, 2628; A 1993, 2909; 2017, 4517]

ANTI-HARASSMENT POLICY

Rule No. 20. Maintenance of Working Environment; Procedure for Filing, Investigating and Taking Remedial Action on Complaints.

1. The Legislature hereby declares that it is the policy of the Legislature to prohibit any conduct, whether intentional or unintentional, which results in sexual harassment or other unlawful harassment based upon any other protected category. The Legislature intends to maintain a working environment which is free from sexual harassment and other unlawful harassment. Each Legislator is responsible to conduct himself or herself in a manner which will ensure that others are able to work in such an environment.

2. In accordance with Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., for the purposes of this Rule, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment;

(b) Submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person; or

(c) Such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.

3. Each Legislator must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment. The following noninclusive list provides illustrations of conduct that the Legislature deems to be inappropriate:

(a) Verbal conduct such as epithets, derogatory comments, slurs or unwanted sexual advances, invitations or comments;

(b) Visual conduct such as derogatory posters, photography, cartoons, drawings or gestures;

(c) Physical conduct such as unwanted touching, blocking normal movement or interfering with the work directed at a person because of his or her sex; and

(d) Threats and demands to submit to sexual requests to keep a person's job or avoid some other loss, and offers of employment benefits in return for sexual favors.

4. In addition to other prohibited conduct, a complaint may be brought pursuant to this Rule for engaging in conduct prohibited by Rule No. 37 when the prohibited conduct is based on or because of the gender or other protected category of the person.

5. Retaliation against a person for engaging in protected activity is prohibited. Retaliation occurs when an adverse action is taken against a

person which is reasonably likely to deter the person from engaging in the protected activity. Protected activity includes, without limitation:

(a) Opposing conduct that the person reasonably believes constitutes sexual harassment or other unlawful harassment;

(b) Filing a complaint about the conduct; or

(c) Testifying, assisting or participating in any manner in an investigation or other proceeding related to a complaint of sexual harassment or other unlawful harassment.

6. A Legislator who encounters conduct that the Legislator believes is sexual harassment, other unlawful harassment, retaliation or otherwise inconsistent with this policy may file a written complaint with:

(a) The Speaker of the Assembly;

(b) The Majority Leader of the Senate;

(c) The Director of the Legislative Counsel Bureau, if the complaint involves the conduct of the Speaker of the Assembly or the Majority Leader of the Senate; or

(d) The reporting system established pursuant to subsection 11.

➥ The complaint must include the details of the incident or incidents, the names of the persons involved and the names of any witnesses.

7. The Speaker of the Assembly, the Majority Leader of the Senate or the Director of the Legislative Counsel Bureau, as appropriate, shall cause a discreet and impartial investigation to be conducted and may, when deemed necessary and appropriate, assign the complaint to a committee consisting of Legislators of the appropriate House.

8. If the investigation reveals that sexual harassment, other unlawful harassment, retaliation or other conduct in violation of this policy has occurred, appropriate disciplinary or remedial action, or both, will be taken. The appropriate persons will be informed when any such action is taken. The Legislature will also take any action necessary to deter any future harassment.

9. The Legislature encourages a Legislator to report any incident of sexual harassment, other unlawful harassment, retaliation or other conduct inconsistent with this policy immediately so that the complaint can be quickly and fairly resolved.

10. All Legislators are responsible for adhering to the provisions of this policy. The prohibitions against engaging in sexual harassment and other unlawful harassment which are set forth in this Rule also apply to employees, Legislators, lobbyists, vendors, contractors, customers and any other visitors to the Legislature.

11. The Legislative Counsel Bureau shall establish a reporting system which allows a person to submit a complaint of a violation of this Rule with or without identifying himself or herself. Such a complaint must provide enough details of the incident or incidents alleged, the names of the persons

involved and the names of any witnesses to allow an appropriate inquiry to occur.

12. This policy does not create any enforceable legal rights in any person.

[Statutes of Nevada 1995, 3015; A 1999, 3862; 2011, 3768; 2015, 4012; 2017, 4598]

Rule No. 20.5. Lobbyists to Maintain Appropriate Working Environment; Procedure for Filing, Investigating and Taking Remedial Action on Complaints.

1. A lobbyist shall not engage in any conduct with a Legislator or any other person working in the Legislature which is prohibited by a Legislator under Rule No. 20. Each lobbyist is responsible to conduct himself or herself in a manner which will ensure that others who work in the Legislature are able to work in an environment free from sexual harassment and other unlawful harassment.

2. Each lobbyist must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment as described in Rule No. 20.

3. A lobbyist who encounters conduct that he or she believes is sexual harassment, other unlawful harassment, retaliation or otherwise inconsistent with this policy may file a written complaint with:

(a) The Speaker of the Assembly;

(b) The Majority Leader of the Senate;

(c) The Director of the Legislative Counsel Bureau; or

(d) The reporting system established pursuant to subsection 11 of Rule No. 20.

➥ Such a complaint must include the details of the incident or incidents alleged, the names of the persons involved and the names of any witnesses.

4. If a person encounters conduct by a lobbyist which he or she believes is sexual harassment, or other unlawful harassment, retaliation or otherwise inconsistent with this policy, the person may file a complaint in the manner listed in subsection 3, or may submit a complaint in accordance with the reporting system established pursuant to subsection 11 of Rule No. 20.

5. If a complaint made against a lobbyist pursuant to this Rule is substantiated, appropriate disciplinary action may be brought against the lobbyist which may include, without limitation, having his or her registration as a lobbyist suspended.

6. This policy does not create any enforceable legal rights in any person.

[Statutes of Nevada 2017, 4600]

VOTE ON GENERAL APPROPRIATION BILL

Rule No. 21. Waiting Period Between Introduction and Final Passage.

A period of at least 24 hours must elapse between the introduction of the general appropriation bill and a vote on its final passage by its House of origin.

[Statutes of Nevada 1995, 3022]

USE OF LOCK BOXES BY STATE AGENCIES

Rule No. 22. Duties of Senate Standing Committee on Finance and Assembly Standing Committee on Ways and Means.

To expedite the deposit of state revenue, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means shall, when reviewing the proposed budget of a state agency which collects state revenue, require, if practicable, the agency to deposit revenue that it has received within 24 hours after receipt. The Committees shall allow such agencies to deposit the revenue directly or contract with a service to deposit the revenue within the specified period.

[Statutes of Nevada 1995, 3030]

Rule No. 23. Reserved.

Rule No. 24. Reserved.

Rule No. 25. Reserved.

Rule No. 26. Reserved.

Rule No. 27. Reserved.

Rule No. 28. Reserved.

Rule No. 29. Reserved.

LEGISLATIVE CODE OF ETHICAL STANDARDS

Rule No. 30. Short Title; Applicability; Relation to Other Ethical Standards.

1. Rules Nos. 30 to 39, inclusive, may be cited as the Legislative Code of Ethical Standards.

2. The Legislative Code of Ethical Standards applies to:

(a) All Legislators at all times.

(b) All members of legislative staff when performing or exercising their legislative assignments, tasks, duties, responsibilities or powers.

(c) All lobbyists when they:

(1) Appear in person in the Legislative Building or any other building in which the Legislature or any of its legislative committees hold meetings during a regular or special session or the interim between sessions, including, without limitation, any building in which a meeting is held by teleconference or videoconference; or

(2) Represent the interests of any lobbying client to a Legislator or a member of legislative staff, regardless of whether such representation occurs during a regular or special session or the interim between sessions and regardless of the location where such representation occurs or the means of communication used to provide such representation.

3. The Legislative Code of Ethical Standards remains in full force and effect throughout the interim between regular sessions of the Legislature and until new Joint Standing Rules of the Senate and Assembly are adopted as part of the organization of a newly-constituted Legislature at the commencement of a session, unless a conflict exists with a joint rule adopted by the Senate and Assembly for a special session occurring between regular sessions.

4. The Legislative Code of Ethical Standards is intended to supplement all other ethical standards recognized by rules and laws governing ethics and does not limit the application of such other ethical standards but is cumulative thereto, so that the application or attempted application of any one of the ethical standards does not bar the application or attempted application of any other, except in circumstances where Section 6 of Article 4 of the Nevada Constitution invests each House with plenary and exclusive constitutional powers.

[Statutes of Nevada 2017, 4601]

Rule No. 31. Purpose and Construction.

1. The purpose of the Legislative Code of Ethical Standards is to:

(a) Establish the highest standards of ethical behavior founded upon principles of dignity, decorum, civility and respect;

(b) Prohibit any conduct that creates the appearance of impropriety; and

(c) Prohibit any improper, inappropriate or dishonorable conduct that is unbecoming to the legislative process or is inconsistent with or undermines the people's faith, trust and confidence in the integrity of the legislative process.

2. The Legislative Code of Ethical Standards must be construed:

(a) Liberally to carry out and achieve its purposes; and

(b) Strictly against any person alleging that his or her conduct is not subject to its provisions, so that any doubt or uncertainty as to the application of its provisions must be resolved against such a person and in favor of removing unethical behavior from the legislative process.

[Statutes of Nevada 2017, 4602]

Rule No. 32. Definitions. As used in the Legislative Code of Ethical Standards, unless the context otherwise requires, the words and terms defined in Rules Nos. 33 to 36, inclusive, have the meanings ascribed to them in those sections.

[Statutes of Nevada 2017, 4603]

Rule No. 33. "Legislative Committee" Defined.

1. "Legislative committee" means any legislative committee or commission appointed to conduct or perform legislative business during a regular or special session or the interim between sessions.

2. The term includes, without limitation:

(a) Any joint, standing, temporary, special or select committee;

(b) Any committee of the whole;

(c) Any interim committee; or

(d) Any subcommittee.

[Statutes of Nevada 2017, 4603]

Rule No. 34. "Lobbying Client" Defined.

1. "Lobbying client" means a person who employs, retains, contracts for or otherwise engages the services of a lobbyist to represent the interests of the person to Legislators or members of legislative staff, whether or not any compensation is paid for the services.

2. The term includes, without limitation, a client that is a government, governmental agency or political subdivision of a government.

[Statutes of Nevada 2017, 4603]

Rule No. 35. "Lobbyist" Defined.

1. "Lobbyist" means a person who:

(a) Is required to register as a lobbyist during a regular or special session pursuant to chapter 218H of NRS, regardless of whether the person properly registers or fails to register as a lobbyist as required by that chapter; or

(b) Represents the interests of any lobbying client to a Legislator or a member of legislative staff, regardless of whether such representation occurs during a regular or special session or the interim between sessions and regardless of the location where such representation occurs or the means of communication used to provide such representation.

2. The term does not include a person who is excluded from the term "lobbyist" as defined in NRS 218H.080.

[Statutes of Nevada 2017, 4603]

Rule No. 36. "Member of Legislative Staff" Defined.

1. "Member of legislative staff" means any member of a Legislator's staff or any officer, employee, assistant or other person employed with reference to the legislative duties of a Legislator or the Legislative Branch, regardless of whether they are paid or otherwise compensated to serve in their positions.

2. The term includes, without limitation, any officers, employees, attaches, interns or other staff of:

(a) The Legislature or either House;

(b) Any legislative committee;

(c) Any legislative office or caucus;

(d) Any division of the Legislative Counsel Bureau; or

(e) Any other agency, body, office, organization or unit of the Legislative Branch.

[Statutes of Nevada 2017, 4603]

Rule No. 37. Ethical Standards; Prohibited Conduct.

1. The people of the State of Nevada have the right to expect and demand that each Legislator, member of legislative staff or lobbyist adheres to the highest standards of ethical behavior founded upon principles of dignity, decorum, civility and respect because such ethical standards are essential to ensure and enhance the people's faith, trust and confidence in the integrity of the legislative process.

2. Each Legislator, member of legislative staff or lobbyist has a solemn and unerring responsibility and duty to do everything in his or her power to:

(a) Behave properly, appropriately and honorably with each other and with members of the public who participate in the legislative process; and

(b) Encourage, promote and secure an atmosphere in which ethical behavior is the highest priority and is practiced unceasingly and without fail.

3. Each Legislator, member of legislative staff or lobbyist shall not engage in or attempt, offer, agree, assist or induce another person to engage in:

(a) Any conduct that creates the appearance of impropriety; or

(b) Any improper, inappropriate or dishonorable conduct that is unbecoming to the legislative process or is inconsistent with or undermines the people's faith, trust and confidence in the integrity of the legislative process.

4. The conduct prohibited by this Rule includes, without limitation, any conduct that:

(a) Is intended to threaten, harass, intimidate or improperly influence another person who is participating in the legislative process.

(b) Creates a hostile work environment for another person who is participating in the legislative process.

(c) Causes harm or serious emotional distress, or the reasonable apprehension thereof, to another person who is participating in the legislative process.

(d) Involves impolite, disrespectful or disorderly behavior that results in unreasonable or harmful interference with another person who is participating in the legislative process.

(e) Involves false or misleading accusations or allegations against another person who is participating in the legislative process.

(f) Involves dishonesty, fraud, deceit or misrepresentation.

(g) Is intended to assist or induce another person to violate or attempt to violate the Legislative Code of Ethical Standards.

[Statutes of Nevada 2017, 4604]

Rule No. 38. Complaints.

1. A person may file a complaint alleging a breach of the Legislative Code of Ethical Standards in accordance with the Standing Rules of each House, except that a person may not file a complaint alleging the same or substantially similar conduct with more than one House.

2. If the complaint alleges an ethical breach by or against a Legislator or the ethical breach otherwise involves a particular Legislator, the complaint must be filed with the Legislator's House, even if the complaint also alleges an ethical breach against a member of legislative staff or a lobbyist.

[Statutes of Nevada 2017, 4605]

Rule No. 39. Authority of Senate and Assembly to Adopt Ethical Standards and Prohibit and Sanction Ethical Breaches.

1. The Senate and Assembly hereby find and declare that:

(a) Section 6 of Article 4 of the Nevada Constitution invests each House with plenary and exclusive constitutional powers to govern, control and regulate its membership and its internal organization, affairs and management, expressly providing that: "Each House shall judge of the qualifications, elections and returns of its own members, choose its own officers (except the President of the Senate), determine the rules of its proceedings and may punish its members for disorderly conduct, and with the concurrence of two thirds of all the members elected, expel a member." (*Heller v. Legislature*, 120 Nev. 456 (2004); *Commission on Ethics v. Hardy*, 125 Nev. 285 (2009); *Mason's Manual of Legislative Procedure* §§ 2-3 and 560-564 (2010) (*Mason's Manual*))

(b) Section 7 of Article 4 of the Nevada Constitution invests each House with plenary and exclusive constitutional powers to govern, control and regulate any person who is not a member but who is guilty of disrespect to the House by disorderly or contemptuous behavior in its presence, and each House also has inherent powers, according to the common parliamentary law, to prohibit and sanction all offensive behavior committed against it by any person who is not a member. (*Mason's Manual* §§ 805-806; Luther S. Cushing, *Elements of the Law & Practice of Legislative Assemblies* §§ 690-695 (1856) (*Cushing's Legislative Assemblies*))

(c) In addition to its other powers, each House possesses certain inherent powers of institutional self-protection and self-preservation to govern, control and regulate its membership and its internal organization, affairs and management. (*In re Chapman*, 166 U.S. 661, 668 (1897); *Mason's Manual* § 2; *Cushing's Legislative Assemblies* § 533 (1856))

(d) The inherent powers of each House are considered "so essential to the authority of a legislative assembly, that it cannot well exist without them; and they are consequently entitled to be regarded as belonging to every such assembly as a necessary incident." (*Cushing's Legislative Assemblies* § 533)

(e) The inherent powers of each House authorize it to take all necessary and proper institutional actions that are "recognized by the common parliamentary law." (*Cushing's Legislative Assemblies* § 684)

(f) Thus, it is well established that each House is "vested with all the powers and privileges which are necessary and incidental to a free and unobstructed exercise of its appropriate functions. These powers and privileges are derived not from the Constitution; on the contrary, they arise from the very creation of a legislative body, and are founded upon the principle of self-preservation." (*Ex parte McCarthy*, 29 Cal. 395, 403 (1866))

2. The Senate and Assembly hereby exercise their constitutional and inherent powers and privileges and adopt the Legislative Code of Ethical Standards in the Joint Standing Rules to:

(a) Establish ethical standards to regulate the behavior and conduct of persons who participate in the legislative process; and

(b) Prohibit and sanction ethical breaches.

[Statutes of Nevada 2017, 4605]

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CERTIFICATE

STATE OF NEVADA }
ASSEMBLY CHAMBER } ss.

This is to certify that the foregoing Journal of the Assembly, published in this volume, is a true, full, and correct copy of the original Journal of the Assembly of the Seventy-Ninth Session of the Legislature of the State of Nevada, held in 2017.

Speaker of the Assembly

Chief Clerk of the Assembly